

Wollongong Local Planning Panel Assessment Report | 13 March 2019

WLPP No.	Item No. 2
DA No.	DA-2018/1047
Proposal	Construction of a new 75 place childcare facility, conversion of existing heritage dairy shed into a cafe and associated landscape and car parking works
Property	57 Smiths Lane, WONGAWILLI Lot 318 DP 1203219
Applicant	Borst and Co. Architecture Pty Ltd
Responsible Team	Development Assessment and Certification – City Wide Planning Team (JS)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP) - Advice

The proposal has been referred to the WLPP for advice pursuant to part 1 of Wollongong City Councils Submissions Policy, as the application includes Class 6 and 9 buildings with a construction cost of more than \$1 Million and is the subject of more than five submissions by way of objection.

Proposal

The proposal seeks consent for development in two phases comprising remediation and minor demolition works and the construction of a 75 place child care centre, the conversion and extension of an existing dairy shed into a café and associated car parking, footpath and landscaping works.

Permissibility

The subject site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan (WLEP) 2009. Centre-based child care facilities are permissible in the R2 zone with consent. Consent for the use of the dairy shed as a café is sought pursuant to Clause 5.10(10) Conservation Initiatives of the WLEP 2009.

Consultation

Details of the proposal were publicly exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan (WDCP) 2009. This included direct notification to the National Trust and Illawarra Historical Society. 10 submissions were received, 9 raising concerns with regard to the proposed development and one indicating support.

Internal

The proposal has been referred to Council's Stormwater, Landscaping, Geotechnical, SCAT, BCA, Heritage and Environment Officers with satisfactory referral advice provided in each instance.

External

The proposal was referred to the NSW Office of Environment and Heritage. Correspondence was received on 2 October 2018 advising no objections to the subject proposal.

Main Issues

The main issues arising from the assessment process are:-

- Heritage considerations
- Capacity of child care centre

- Traffic and car parking
- Noise
- Drainage discharge

RECOMMENDATION

Development Application DA-2018/1047 be approved subject to the conditions contained in Attachment 5.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP No. 64 – Advertising and Signage Structures

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- West Dapto Section 94 Development Contributions Plan 2017

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises development in two phases, as per the below:

Phase 1	Minor demolition works to the existing dairy shed and outbuildings; Remediation works and site validation; and Driveway widening
Phase 2	Construction of child care centre and cafe

Phase 1:

In further detail, the first Phase of works includes minor demolition of part walls and gates and the zinc roof within and surrounding the dairy shed and holding yard, remediation works and the widening the existing driveway access from Smiths Lane, providing an access to the site with a width commensurate with the width of a road intersection.

No works are proposed to the existing Coral Vale homestead or immediate surrounds, silo or car parking area and no trees are proposed to be removed.

Phase 2:

In relation to the second Phase of work minor site scraping is proposed to prepare the site for construction. Some minor cut is proposed to bench the area of the site for the child care centre footprint.

Child care centre:

The proposal seeks consent for the construction of a 75 place; 625sqm centre based child care facility. The child care centre relates to a completely new building, proposed to the south of the existing driveway and located on a gently sloping area of the site. The building has been designed to step down the site to reflect the existing slope and provide play rooms and outdoor playing areas at different levels.

The proposal includes 4 separate play rooms and associated bathrooms, reception, staff rooms, kitchen, storage areas and offices. Four separate outdoor play areas, one for each age group are also proposed.

The capacity of the centre is proposed with the following breakup:

Age Group	0-2 years	2-3 years	3-4 years	4-5 years
Children No#s	16	15	16	28
Staff	4	3	2	3

A total of 12 staff are proposed to be employed at the Child care Centre.

The hours of operation of the Child care Centre are proposed from 7am – 6pm Monday to Friday, with no operation on Saturdays or Sundays.

Café:

The proposal seeks consent for the conversion of the existing dairy shed and holding yards to a café.

The existing dairy is proposed to be converted to the kitchen area, the dairy shed to the main bar and indoor seating area and feed shed to the toilets. The holding yard is proposed to be converted to an outdoor deck area with timber slatted roof, outdoor seating and planters, with the existing metal fence to remain. The café area is proposed with 171sqm of outdoor seating area.

A number of acoustic walls and fences are proposed to be installed around both the outdoor seating area of the café and the outdoor play areas of the child care centre. Two additional signs are proposed, one relating to each proposed use. The child care sign is proposed to be constructed within the site with frontage to Smiths Lane and on a rock wall, similar in design to the existing estate signage. The café sign is proposed to be erected on the wall of the dairy shed, within the site.

Internal of the site, two new gravel car parking areas are proposed providing 15 additional car parking spaces adjacent to the proposed child care centre, and 16 car parking spaces for the café.

A perspective of the proposed child care centre is provided at Figure 1, and of the Café at Figure 2. The proposed developments with regard to the existing homestead and silo is demonstrated by Figure 3.



Figure 1: Child care perspective from car park



Figure 2: Café perspective from car park



Figure 3: Aerial Perspective

1.3 BACKGROUND

The development history of the site is as follows:

Application No	Description	Date	Decision
DA-2017/715	Subdivision - Torrens title - 196 residential lots, one (1) superlot, two (2) riparian lots, three (3) drainage lots and one (1) residue lot with associated drainage, road and utility infrastructure works	11/4/2018	Approved
DA-2013/731/B	Use of Coral Vale Homestead as Sales Office and	20/5/2016	Approved

	associated carparking and access Modification B - to increase fence height to 1.5 m		
DA-2013/713/A	Use of Coral Vale Homestead as Sales Office and associated carparking and access Modification A - inclusion of entry feature, fencing and banner poles	2/6/2015	Approved
DA-2013/731	Use of Coral Vale Homestead as Sales Office and associated carparking and access	8/8/2013	Approved
DA-2012/562	Demolition of barn and surrounding sheds	26/6/2012	Approved
DA-2010/1253	Changes to stage 1 of the conservation management plan "Coral Vale" NBRS & Partners Pty Ltd , November 2005 endorsed under DA-2004/1424	8/2/2011	Approved

Two prelodgement meetings have been held in relation to the development of the site for the purposes of a child care centre and café. It is considered that the matters raised throughout these meetings have been appropriately addressed as part of the subject application.

Coral Vale Homestead is located at the crest of the site, to the east of the proposed works. The Homestead was constructed on the original land grant and dates to the 1890's. The surviving out buildings including the dairy shed, holding yard and feed sheds date to the 1950's. The homestead is significant in that it is reflective of the farming and rural activities which were evident of the surrounding locality prior to the recent housing subdivisions. The curtilage of the homestead has been reduced in response to the progression of residential subdivision in the area surrounding the site.

The subject land has been associated with a number of residential subdivision applications relating to the development of the surrounding land known as 'The Ridge', 'The Grove' and 'The Vale'. 'The Ridge' and 'The Grove' relate to the residential subdivisions on the western side of Smiths Lane and are largely completed. 'The Vale' development is currently underway with a Construction Certificate relating to bulk earthworks and AHIP application currently under assessment.

To the south of 'The Vale' is a subdivision area known as 'Sanctuary Ponds' which is also currently under construction.

The context of the subject site in relation to surrounding development is demonstrated by Figure 4 below.

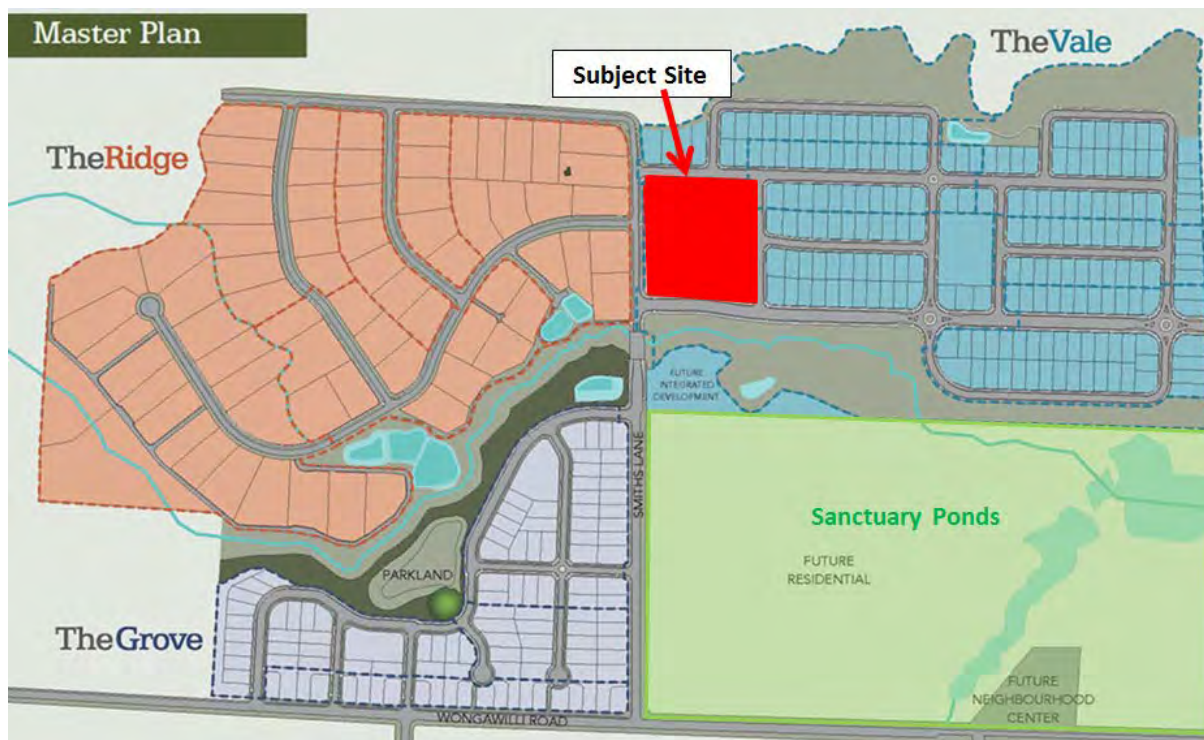


Figure 4: Subject Site in the context of the surrounding residential subdivision developments

Throughout the assessment of the subject application, the child care centre proposal has been reduced in scale from originally seeking consent for a 90 place child care centre to a maximum of 75 places. This has also resulted in a reduced building footprint, outdoor play area and car parking requirements, lessening the impacts of the development on the nearby Coral Vale Homestead and the surrounding area.

Customer service actions

There are no outstanding customer service requests of relevance to the development at the time of preparing this report.

1.4 SITE DESCRIPTION

The site is located at 57 Smiths Lane, Wongawilli and is known as Lot 318 DP 1203219. The site is situated within the West Dapto Urban Release Area, more specifically within the North Wongawilli Precinct.

The site has an area of 1.256ha and contains a central crest, with general fall from this crest to the north and south. Local Heritage Item Coral Vale Homestead and Outbuildings remain on the site, with the main homestead currently used as a Sales Centre associated with the surrounding Sheargold Residential Subdivision Developments. The homestead sits on the crest of the site, with the dairy sheds and holding yard situated to the north west of the site and the silo in the central area of the property. Driveway access to the property is via Smiths Lane and consists of a concrete crossover, cattle grid and gravel driveway leading to Coral Vale and an information gravel parking area. 15 established trees of varying species remain on the site and reflect the historic use of the property.

To the west of the site is 'The Ridge' subdivision area, a rural residential large lot subdivision area. To the north is a narrow strip of land forming part of 'The Vale' subdivision area, and a tributary of Forest Creek. To the north of the creek is rural land. To the east is 'The Vale' subdivision area and to the south is 'Sanctuary Ponds' residential estates, both of which are under construction.

Property constraints

- Local Heritage item 5978 “Coral Vale” homestead, hayshed and outbuildings
- Airport Height Limitation – Departure Envelope
- Contaminated Land

The site is affected by a restriction of the use of the land, designated as area (K) on the DP. This restriction aligns generally with the driveway crossover area, 3m wide x 15m in length. The restriction relates to the erection of an estate identification sign by the developer, and has no effect on the subject application. The location of the existing sign also will not be affected by the proposed driveway upgrade works.



Figure 5: Aerial photograph

1.5 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. 10 submissions were received, 9 objecting to the development and one indicating support. The issues identified are discussed below.

Table 1: Submissions

Concern	Comment
<u>1. Traffic and Car Parking</u> The proposal will create significant traffic problems on Smiths Lane, with people entering and exiting the site on the crest of a hill. The proposal will result in an additional 150 cars	 The development has been reduced in scale from a 90 place child care centre to 75 place centre. The application submission included a Traffic Impact Assessment Report which provides an analysis of the existing and expected traffic

travelling up and down Smiths Lane which is the only road in and out of the estate, and has not been designed for such numbers.

The proposal does not provide for enough car parking and does not meet the minimum rates as specified in WDCP 2009.

The proposal will result in cars parking on Smiths Lane or in adjacent streets. Currently, when there is just one or two cars parked on the side of the road, it becomes necessary to cross onto the wrong side of the road to pass. The location of the driveway on the crest of a hill and likely additional cars being parked on the side of the road and additional risk of accidents.

The additional traffic generated from the proposal has been underestimated.

The car park is unfenced and a safety risk for children to run onto the adjoining road.

The current area of 'No Stopping' is inadequate and needs to be extended for the whole length of Smiths Lane.

The driveway access for the site should be moved off the crest of the hill to a safer location.

Traffic controls should be put on Smiths Lane to slow traffic, such as speed humps.

volumes on Smiths Lane and the expected impact of the development on these flows.

Overall, there is considered to be sufficient area on the site for the parking of vehicles to service the proposed developments. There are significant overflow car parking areas available on the grassed areas of the site in the event that the formalised areas are full. Notwithstanding, 34 formal car parking spaces are proposed, where 37 would be required pursuant to Councils car parking rates.

A variation request has been provided addressing the non-compliance, as provided at Attachment 2. Council's consideration of the variation is provided at Chapter A1 of WDCP 2009 at section 2.3.1 below. In this regard, the variation is considered capable of support.

The proposal involves the upgrading and widening of the existing site access to a standard consistent with that of a road intersection (as opposed to a driveway entrance). As part of the upgrade, the signage in the vicinity of the entrance is proposed to be upgraded with the existing give way signage being replaced with stop signs and changes to the line marking.

There is an existing change in pavement material at the crest of the hill and coupled with the driveway/intersection upgrade, access to the site is considered to be appropriate.

A range of conditions are recommended to address the driveway/intersection upgrade, car parking and access as provided at Attachment 5.

2. Noise

The proposal for 90 places is excessive and non-compliant with WDCP 2009 controls which allow for a maximum of 49 children.

The proposed operating hours of the café from 6am – 8pm, and 6am – 7pm for the child care centre is not acceptable in a residential zone. The hours sought for the café exceed those approved in the Dapto town centre.

Concerns have been raised that the noise attenuation measures will not meet the predicted targets.

The submitted Environmental Noise Impact Assessment recommends that no live or amplified music be played at the café or child care centre in order to ensure that the operation

The development has been reduced in scale from a 90 place child care centre to 75 place centre. This reduction was also supported by an amended Acoustic Assessment Report which provides an assessment of the existing background noise levels and considers the potential impacts from both the operation of the café and child care centre. The report provides recommendations including the installation of sound barriers around the outdoor play areas and café outdoor area, construction standards, ongoing use and the preparation of a noise management plan. The construction recommendations have been reflected on the submitted plans and compliance with the recommendations of the report included as part of the conditions, as provided for at Attachment

<p>stays within the noise limits. This is in contrast to the café floor plan which indicates a performance space.</p>	<p>5.</p> <p>The area for live music has been removed from the plans for the outdoor area, and conditions are recommended which prohibit the use of the deck area for live performances.</p> <p>Councils Environment Officer has considered the proposal and the submitted Acoustic Assessment Report and has indicated no objections to the development, subject to conditions. This includes the requirement for an Acoustic Compliance Report to be prepared and provided to Council within 6 months of the operation of the child care centre demonstrating compliance with the LAeq levels conditioned for.</p>
<p><u>4. Child Care Centre Operation</u></p> <p>The proposal does not provide enough staff for the operation of the child care centre to meet legislation requirements.</p> <p>Children who live in the estate should be given preference for places at the child care centre as this will encourage more people to walk to the centre.</p>	<p>The submitted information indicates that the staffing numbers would comply with the child-staff ratios as specified by the Education and Care Services National Regulations.</p> <p>The selection preference for the child care centre is not a relevant planning consideration.</p>
<p><u>5. Design</u></p> <p>The dwellings within the Ridge have had to adhere to strict design guidelines to keep a low density rural feel to the area, which this development is contrary to.</p>	<p>The design of the childcare centre has been developed in conjunction with a Heritage Consultant to reflect the nature and character of the site, and to reference the roof form of a shed which was previously located on the site. The scale of the development has been reduced in height and bulk and scale throughout the development assessment process.</p>
<p><u>6. Heritage</u></p> <p>Concerns are raised with regard to the scale of the development proposed, which will dominate the site, being significantly larger than Coral Vale.</p> <p>The current Conservation Management Plan (CMP) should be updated following completion of the work.</p>	<p>Councils Heritage Officer has considered the proposed development, and originally raised concern with regard to the overall height and bulk and scale of the development. Amended plans have been provided which have resulted in a reduced height to that which is lower than the ridge height of the Coral Vale homestead and a reduced bulk and scale reflecting the reduction in capacity. The proposal as amended is considered to have been designed with respect to the heritage nature of the site and is now considered appropriate.</p> <p>Conditions are recommended as provided at Attachment 5 to this report which includes the requirement for the CMP to be updated and a schedule of ongoing maintenance to be provided to Council prior to the issue of the Occupation Certificate.</p>

Matter	1	2	3	4	5	6
Submissions	8	6	4	1	1	1

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Geotechnical, Stormwater, Traffic, BCA, Strategic, SCAT, Environment, Health and Heritage Officers have reviewed the application submission and provided satisfactory referral comments. Conditions have been recommended and are included at Attachment 5.

1.6.2 EXTERNAL CONSULTATION

NSW Office of Environment and Heritage

The Office of Environment and Heritage (OEH) were notified of the development given the proximity of the development to an identified Aboriginal Site, considered as part of DA-2017/715. DA-2017/715 was assessed and determined as Integrated Development pursuant to the National Parks and Wildlife Act 1974, and General Terms of Approval from OEH formed part of the consent issued.

OEH provided correspondence on 2 October 2018 with regard to the subject application, advising that GTAs have been issued and an AHIP is currently under assessment for the site. As such, the proposed development would have no material impact on the GTAs or the assessment of the AHIP, and no objections are raised. The identified areas of significance do not correspond with the areas of work the subject of this development application.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

7 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A desktop audit of previous land uses indicates historic uses of the site for agricultural purposes that could contribute to the contamination of the site. A Preliminary Site Investigation, Detailed Site Investigation and Remediation Action Plan (RAP) have been provided in relation to the proposed

development, with 2 identified areas of potential contamination on the site. The areas of concern are as per the below:

- AEC1 - corresponding to the historic location of Black house and sheds which have been demolished and the proposed child care centre (blue rectangle Figure 6).
- Zinc Concentrations corresponding to the dairy shed and proposed café area.

The submitted RAP recommends that the remediation works associated with AEC1 can be undertaken via several methods, with offsite disposal being the preferred approach. The report has been reviewed by Councils Environment Officer who has provided recommended conditions including the requirement that a Site Auditors Statement (SAS) and Site Auditors Report (SAR) be submitted to Council prior to the issue of the Construction Certificate for the second Phase of work.

With regard to the Zinc concentration area, four test pits in the vicinity of the dairy sheds were found to have concentrations of zinc which exceeded Ecological Investigation Levels, as highlighted in red at Figure 6. It was concluded that these concentrations were a result of runoff and/or the degradation of the roof of the dairy shed and given that the source of this contamination would be removed and the area decked and use of this land as a café, that no remediation was required.

Conditions are recommended requiring the preparation of a hazardous building materials survey prior to any works being undertaken.

Subject to the submission of the SAS and SAR addressing the contamination of AEC1 and the preparation of a hazardous building materials survey, it is considered that the site will be appropriately remediated before the land is used for the purposes of a child care centre and café.

As such, the provisions of clause 7 of SEPP 55 are considered satisfied.

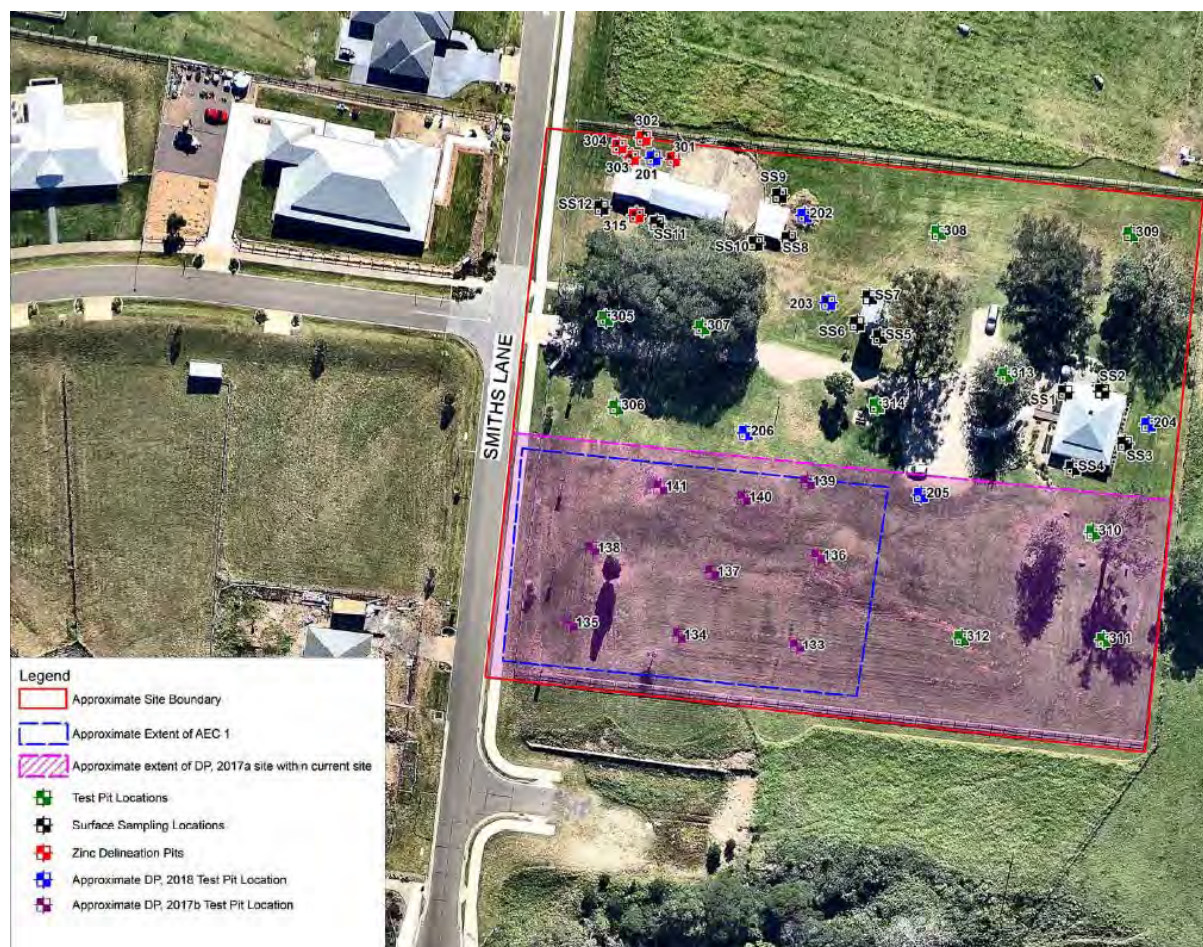


Figure 6: Test Pit Locations and Areas of AECs

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

Under Clause 7 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 a person must not clear any vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.

Clause 9 of Part 3 indicates that this Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.

The subject site is zoned R2 Low Density Residential, a non-rural area. No vegetation is proposed to be removed as part of the subject proposal. Council's Landscape Officer has reviewed the application submission and provided conditionally satisfactory referral advice with regard to trees to be retained, tree protection and management.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

Control	Comment	Compliance
Part 3 Early education and care facilities—specific development controls		
<u>22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</u>		
<p>(1) This clause applies to development for the purpose of a centre-based child care facility if:</p> <p>(a) The floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) The outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p>	<p>Clause 107 of the Regulation requires that each child being educated and cared for by a provider of an education and care service must have at least 3.25 square metres of unencumbered indoor space. Each proposed room meets the minimum area requirement.</p> <p>Clause 108 of the Regulation requires that each child being educated and cared for by a provider of an education and care service must have at least 7 square metres of unencumbered outdoor space. Each proposed outdoor area meets the minimum area requirement.</p> <p>As the proposal provides for in excess of the minimum indoor and outdoor space requirements, this clause does not apply to the proposed development.</p>	N/A
23 Centre-based child care facility—matters for consideration by consent authorities		
Before determining a development application for development for the purpose of a centre-based child care facility,	See Attachment 3 to this report.	Yes

the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development																													
<u>24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent authorities</u>																													
The site is not zoned IN1 or IN2, as such, this clause does not apply.																													
<u>25 Centre-based child care facility—non-discretionary development standards</u>																													
(1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters.																													
(2) The following are non-discretionary development standards for the purposes of section S4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility:																													
(a) location —the development may be located at any distance from an existing or proposed early education and care facility,	The proposed location is considered appropriate, and is not in the immediate vicinity of an existing or proposed early education and car facility.	Yes																											
(b) indoor or outdoor space (i) for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies—the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, or (ii) for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable	The Education and Care Services National Regulations would apply to the subject development. The Regulations require a minimum of 3.25m ² of unencumbered indoor area and 7 m ² of unencumbered outdoor area be provided per child. In excess of the minimum indoor and outdoor unencumbered space area requirements are provided for each room, as per the below. <table border="1" data-bbox="625 1391 1174 1865"> <thead> <tr> <th>Age/children</th><th>Indoor</th><th>Outdoor</th></tr> </thead> <tbody> <tr> <td>0-2</td><td>54m²</td><td>165m²</td></tr> <tr> <td>16 children</td><td>3.4m²/child</td><td>10.3m²/child</td></tr> <tr> <td>2-3</td><td>49m²</td><td>116m²</td></tr> <tr> <td>15 children</td><td>3.27m²/child</td><td>7.7m²/child</td></tr> <tr> <td>3-4</td><td>52m²</td><td>224</td></tr> <tr> <td>16 children</td><td>3.25m²/child</td><td>14m²/child</td></tr> <tr> <td>4-5</td><td>91m²</td><td>221</td></tr> <tr> <td>28 children</td><td>3.25m²/child</td><td>7.9m²/child</td></tr> </tbody> </table>	Age/children	Indoor	Outdoor	0-2	54m ²	165m ²	16 children	3.4m ² /child	10.3m ² /child	2-3	49m ²	116m ²	15 children	3.27m ² /child	7.7m ² /child	3-4	52m ²	224	16 children	3.25m ² /child	14m ² /child	4-5	91m ²	221	28 children	3.25m ² /child	7.9m ² /child	Yes
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<p>outdoor play space requirements in that clause,</p>		
<p>(c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth,</p>	<p>The site is considered to be of an appropriate size for the proposed development.</p>	<p>Yes</p>
<p>(d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.</p>	<p>The proposed colour scheme has been considered by Councils Heritage Officer. The colours and materials proposed are considered largely satisfactory, subject to conditions provided at Attachment 5.</p>	<p>Yes</p>
<p>(3) To remove doubt, this clause does not prevent a consent authority from:</p> <p>(a) refusing a development application in relation to a matter not specified in subclause (2), or</p> <p>(b) granting development consent even though any standard specified in subclause (2) is not complied with.</p>	<p>Noted.</p>	<p>Noted.</p>

26 Centre-based child care facility—development control plans

(1) A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility:

(a) operational or management plans or arrangements (including hours of operation),

(b) demonstrated need or demand for child care services,

(c) proximity of facility to other early childhood education and care facilities,

(d) any matter relating to development for the purpose of a centre-based child care facility contained in:

(i) the design principles set out in Part 2 of the Child Care Planning Guideline, or

(ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).

(2) This clause applies regardless of when the development control plan was made.

Noted – refer to comments in response to Chapter C5 of WDCP 2009 at Attachment 4.

Noted.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE

The proposal seeks consent for the installation of two new signs at the site, as per the below:

- 1 x steel naming panel 'Old Dairy Shed Café' to be hung on the southern elevation of the dairy shed, with dimensions 1m x 2.8m. See Figure 7.
- 1x brick naming wall with steel lettering reading 'Coral Vale Child Care Centre' along Smiths Lane at the proposed pedestrian entry, with dimensions 1.4m x 3m. See Figure 8.

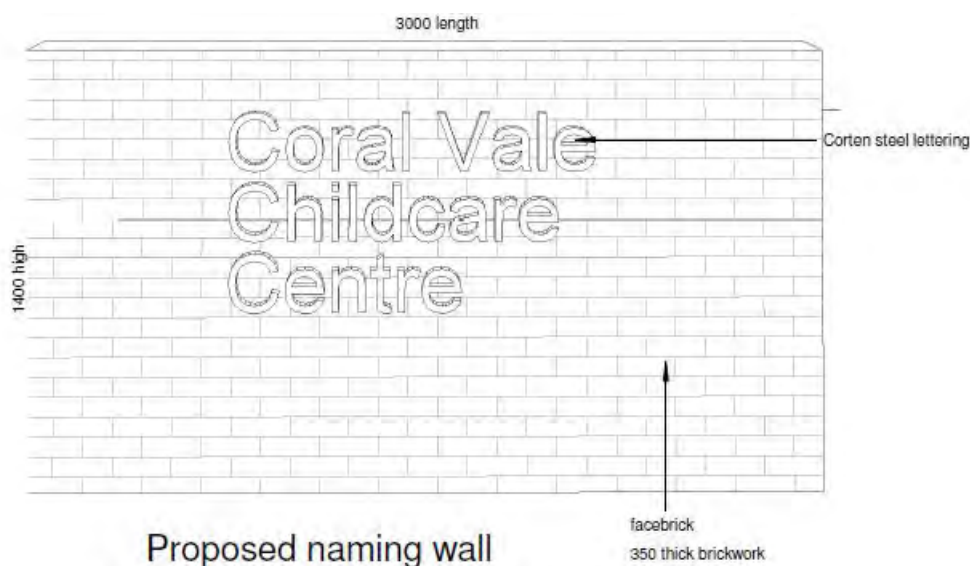


Figure 7: Proposed Child care centre naming wall

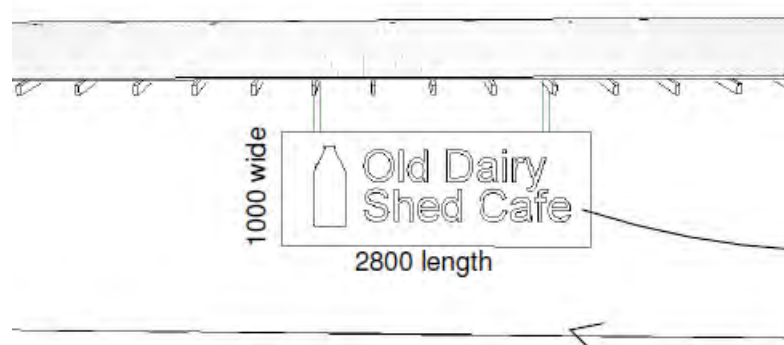


Figure 8: Proposed steel wall sign – Dairy Shed northern elevation

Clause 8 requires that a consent authority not grant consent to advertising signage unless the signage is considered satisfactory with the objectives of the SEPP, and the application satisfied the assessment criteria specified in Schedule 1.

3 Aims, objectives etc

(1) This Policy aims:

- (a) to ensure that signage (including advertising):*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements, and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

(2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

The proposed signage is not considered to be inconsistent with the above aims.

Schedule 1 Assessment criteria

Assessment Criteria	Comment:
1 Character of the area <ul style="list-style-type: none"> <i>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</i> <i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i> 	<p>The proposed signage is not considered to be out of character with the surrounding area and is consistent with the historic nature of the site and existing wall sign erected at the main gate.</p>
2 Special areas <ul style="list-style-type: none"> <i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?</i> 	<p>The signage proposed would not detract from the amenity or visual quality of any surrounding areas of importance.</p>
3 Views and vistas <ul style="list-style-type: none"> <i>Does the proposal obscure or compromise important views?</i> <i>Does the proposal dominate the skyline and reduce the quality of vistas?</i> <i>Does the proposal respect the viewing rights of other advertisers?</i> 	<p>The proposed signage would not obstruct any view corridors. The signage respects the rights of other advertisers in the area.</p>
4 Streetscape, setting or landscape <ul style="list-style-type: none"> <i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i> <i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i> <i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i> <i>Does the proposal screen unsightliness?</i> <i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i> <i>Does the proposal require ongoing vegetation management?</i> 	<p>The signage is considered appropriate for the setting and contributes to the visual interest of the site.</p> <p>The extent of signage proposed is not considered inappropriate in this case.</p> <p>The height of the signage does not protrude above the overall height of the building.</p>
5 Site and building <ul style="list-style-type: none"> <i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i> <i>Does the proposal respect important features of the site or building, or both?</i> <i>Does the proposal show innovation and</i> 	<p>The signage proposed is considered to be compatible with the scale of the building on which it is proposed to be located, and in the context of the site.</p>

<i>imagination in its relationship to the site or building, or both?</i>	
6 Associated devices and logos with advertisements and advertising structures <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	The signage proposed relates to painted wall signs only. No associated devices are proposed with the advertising signage.
7 Illumination <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	Illumination is not proposed.
8 Safety <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed signage is not expected to result in impacts on safety.

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Centre-based child care facility means:

- (a) a building or place used for the education and care of children that provides any one or more of the following:
 - (i) long day care,
 - (ii) occasional child care,
 - (iii) out-of-school-hours care (including vacation care),
 - (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the *Children (Education and Care Services) National Law (NSW)*),

but does not include:

- (c) a building or place used for home-based child care or school-based child care, or
- (d) an office of a family day care service (within the meanings of the *Children (Education and Care Services) National Law (NSW)*), or

- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

Commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

Retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) (Repealed)
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,
- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (la) specialised retail premises,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

Restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned R2 Low Density Residential.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

The proposal is satisfactory with regard to the above objectives as the café and child care centre will provide facilities that meet the day to day needs of residents, in a low density environment.

The land use table permits the following uses in the zone.

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; **Centre-based child care facilities**; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals*

The proposal is categorised as a *Centre-based child care facility* and a *Restaurant or cafe* as defined above. Centre-based child care facilities are permissible in the R2 zone with development consent. A restaurant or café is not strictly permissible in the R2 zone, however consent for the use of the dairy shed as a café is sought pursuant to Clause 5.10(10) Conservation Initiatives, as discussed below.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 5.71m does not exceed the maximum of 9m permitted for the site.

The proposal does not alter the existing height of the dairy shed.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.5:1	
Site area:	1.256ha (12560sqm)	
GFA:	Child care centre	713sqm
	Café	53.5sqm
	Coral Vale	100sqm
	Total GFA	866.5
FSR:	866.5 / 12560 =0.07:1	

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Wollongong,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposal is considered to be consistent with the objectives of the clause in that the proposed adaptive reuse will contribute to the conservation of the Coral Vale Homestead and outbuildings, and the development proposed would not unreasonably impact on the heritage significance of the site, or the setting and views of the site. The site is not expected to contain any archaeological sites or Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

The WLEP 2009 heritage mapping extends across the entire site and part of the adjoining Smiths Lane road reserve, as demonstrated by Figure 9 below. The subject proposal includes works to the dairy shed and conversion to a café and associated kitchen, servery, seating area and amenities and the construction of a new free standing centre based child care centre on the same land.

Development consent is required and sought as part of the subject application.



Figure 9: WLEP 2009 Local Heritage Item mapping

(3) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

The effect of the proposed development on the heritage items and significance of the surrounding area is considered to be reasonable in this case. The proposal has been supported by a Heritage Impact Assessment Report.

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
 - (b) on land that is within a heritage conservation area, or*
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),*
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

A Conservation Management Plan (CMP) was prepared for the site in 2005 associated with the demolition of the dilapidated outbuildings and the adaptive re-use of Coral Vale as a sales office. A Heritage Impact Assessment and addendum to the CMP was provided as part of the subject application and reflects upon the approved 2005 CMP, addresses the proposed development and considers the impact of these works on the heritage significance of the site.

These reports have been reviewed by Councils Heritage Officer and are considered generally satisfactory, subject to conditions requiring that the CMP and associated schedule of works be updated following the completion of the development works proposed, prior to the issue of any Occupation Certificate.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The conversion of the dairy shed to a café is sought pursuant to this clause, which provides that the consent authority may grant consent to development for any purpose of a building that is a heritage item, even though development for that purpose would otherwise not be allowed by this Plan, subject to criteria a-e being satisfied.

The subject proposal seeks consent for the use of the dairy shed and holding yard for the purposes of a café, a Commercial premises → Retail Premises → Food and drink premise, which is not permissible in the R2 zone.

In this regard, the ongoing conservation of the dairy shed and maintenance of the surrounding area will be facilitated by the granting of the subject consent. The proposed development is generally consistent with the CMP for the site which was approved by Council in 2005. The proposed works include all necessary works as identified in the CMP, and conditions will be imposed to ensure that ongoing maintenance is carried out in perpetuity. The proposal is not considered to adversely affect the heritage significance of the item or the setting of the surrounding area.

Further, to ensure that part (a) of the clause is satisfied, the applicant has provided details of a proposal to require the ongoing maintenance of Coral Vale homestead and grounds by the owner of the site via a positive covenant. The covenant is required to be created over the site, prior to the issue of any Occupation Certificate. Conditions are recommended in this regard, as provided at Attachment 5.

Part 6 Urban release areas

Clause 6.1 Arrangements for designated State public infrastructure

The proposal does not involve subdivision and therefore this clause does not apply to the subject application.

Clause 6.2 Development control plan

The subject site is located within the Wongawilli North Neighbourhood Plan area.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The site is currently serviced by electricity, water and sewage services which are expected to be capable of augmentation to meet the needs of the proposed development.

Clause 7.6 Earthworks

The proposal will involve some minor earthworks to bench the child care centre into the site. The works are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features surrounding land. Conditions are recommended in this regard, as reflected at Attachment 5.

Clause 7.9 Airspace operations

The proposal is identified as being located on land within the flight path of the Illawarra Regional Airport. The proposal does not penetrate the Limitation or Operations Surface and is therefore, considered acceptable.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. A full compliance table is provided at Attachment 4 to this report and variation requests are discussed below:

8 Variations to development controls in the DCP

Chapter C5: Child Care Centres

Part 7.1 Maximum capacity of centre and staffing levels

Part 7.1 of Chapter C5 of WDCP 2009 provides controls for the maximum capacity of child care centres proposed in different zones and staffing levels. The control requires that in residential zones, the maximum capacity of a child care centre shall be restricted to a maximum of 49 children. The subject site is zoned R2 Low Density Residential and proposes a maximum capacity of 75 children, thereby exceeding the control.

Control	Comment
1. The variation statement must address the following points:	A copy of the variation request statement is provided at Attachment 2.
a) The control being varied; and	The variation request statement identifies the control being varied as clause 7.1 of Chapter C5 of WDCP 2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	The extent of the variation sought is 26 children above the control. The variation is requested on the basis that the site itself has an area of more than 1.2 hectares and hence is not a conventional residentially zoned lot for which the control was presumably drafted for. Due to the increased size of

	<p>the site, the proposal provides for an otherwise complaint development with regard to indoor and outdoor space, landscaping and built form.</p> <p>There is also a significant amount of open space which will be retained between the proposed child care centre, café and homestead as a result of the development.</p> <p>The proposed design is considered to appropriately respond to the surrounding context, providing a high level of respect to the local heritage and surrounding village of Wongawilli.</p> <p>The proposed development will result in the provision of an essential service to the local community and provision of local employment both during the operation and construction in an area undergoing rapid transformation from rural to urban.</p> <p>The proposed development is in the public interest and will make a positive contribution to the public through the provision of a child care centre and Café that will support the growth in residential and employment populations in the surrounding area.</p> <p>The proposal is also compliant with regard to the SEPP (Educational Establishments and Child Care Facilities) 2017 as discussed at section 2.3.3 above and the Child Care Planning Guideline as evidenced by Attachment 3.</p>
<p>c) Demonstrate how the objectives are met with the proposed variations; and</p>	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> <i>a) To minimise the impact of child care centres on residential amenity in terms of traffic generation/movement, traffic noise and noise from children and to achieve a building that is compatible with the character of existing surrounding residential development;</i> <i>b) To ensure that child care centres are consistent with the Children's Services Regulation 2004 in respect of maximum numbers of child care places and child/staff ratios; and</i> <i>c) To ensure that the area per person using the child care centre is consistent with the provisions of the Building Code of Australia (BCA).</i> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u></p> <p>The development is not considered to be inconsistent with the above objectives as the proposal has been designed to minimise impacts on the amenity of surrounding development with regard to traffic movement and noise as discussed throughout this report. The proposed built form is also considered to be compatible with the character of the area and appropriate with regard to the heritage nature</p>

	of the site. The proposal would comply with the Education and Care Services National Regulations and the BCA.
d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	<u>Council comment:</u> There development is not considered to result in adverse impacts as a result of the variation.
<p>Comment:</p> <p>The requested variation is considered capable of support.</p>	

Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management

Part 7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

Part 7.1 of Chapter E3 of WDCP 2009 provides controls relating to the car parking, bicycle and motorcycle parking requirements and requires that all parking be provided in accordance with the rated specified at Schedule 1 to the Chapter. Further break down of the controls is provided at Attachment 4. Ultimately, in accordance with the car parking rates provided at Schedule 1 of Chapter E3, the site would be required to provide a total of 37 car parking spaces to account for the different uses. 34 formal spaces are proposed, resulting in a technical shortfall of 3 car parking spaces.

Control	Comment
2. The variation statement must address the following points:	A copy of the variation request statement is provided at Attachment 2.
a) The control being varied; and	The variation request statement identifies the control being varied as clause 7.1/Schedule 1 of Chapter E3 of WDCP 2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation sought is 3 car parking spaces short of the control rates.</p> <p>The variation is requested on the basis that the site itself has an area of more than 1.2 hectares and hence is not a conventional lot for which the controls were presumably drafted for. There are vast areas of open space proposed between the different uses which are considered able to be used as overflow car parking if the need arises.</p> <p>A Traffic Impact Assessment (TIA) Report has also been provided as part of the application submission which suggests that the site will benefit from the cross utilisation of car parking spaces as a result of people linking their childcare drop-off journey with visits to the café. The report also refers to the RMS Guide to Traffic Generating Development car parking rates which recommends a rate of 1 car parking space per 4 children, which is inclusive of staff and visitor parking. Based off this rate, the development would only be required to provide 19 car parking spaces for the childcare centre and a total of 28 spaces across the site.</p>

	<p>It is also acknowledged that there will be a proportion of people that will travel to the site on foot or by bicycle via the shared path network. Councils Traffic Engineer has considered the submitted TIA and raised no objections to the proposed development, subject to conditions as provided for at Attachment 5 to this report.</p> <p>The proposed development is in the public interest and will make a positive contribution to the public through the provision of a child care centre and Café that will support the growth in residential and employment populations in the surrounding area.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>There are no objectives provided for clause 7.1 specifically. The objectives of Chapter E3 generally are:</p> <ul style="list-style-type: none"> <i>a) Ensure that transport networks are able to support the proposed development in a manner that maintains safe levels of service.</i> <i>b) Provide adequate and safe vehicular access to sites without compromising streetscape qualities.</i> <i>c) Incorporate provisions that manage the demand for parking rather than seeking to accommodate peak demand.</i> <i>d) Recognise variable accessibility to public transport in parking rates for different parts of the city.</i> <i>e) Support an increase in bicycle and motorcycle usage by requiring provision of bicycle and motorcycle parking, storage and end-of-trip facilities for certain developments.</i> <i>f) Ensure that the design of access and parking areas meets relevant Australian Standards.</i> <i>g) Ensure that developments are designed to be accessible for pedestrians, cyclists and motorists.</i> <i>h) Provide adequate access, loading facilities and on-site manoeuvring for service and waste collection vehicles.</i> <i>i) Ensure that parking facilities are integrated into the design of developments and minimise visual impacts.</i> <i>j) Ensure safe access for pedestrians and people with a disability.</i> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u></p> <p>The development is not considered to be inconsistent with the above objectives. The information submitted as part of the application has demonstrated that the surrounding</p>

	<p>traffic network is capable of absorbing the expected increase in traffic flow resulting from the development and proposes the upgrading of the site entry to ensure the safety of people travelling to and from the site. The development also provides for footpath connections throughout the site and to the surrounding pedestrian footpath networks to support an increase in bicycle usage. The car parking areas are proposed to meet Australian Standard requirements and appropriate provision for waste servicing is proposed. The car parking areas proposed are considered to be integrated with the design of the development and with particular regard for the heritage nature of the site. The proposal has also been designed to ensure safe access for pedestrians and people with a disability, as further discussed at Attachment 4.</p>
<p>d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.</p>	<p><u>Council comment:</u></p> <p>There development is not considered to result in adverse impacts as a result of the variation.</p>
<p>Comment:</p> <p>The requested variation is considered capable of support.</p>	

2.3.2 WEST DAPTO SECTION 94 DEVELOPMENT CONTRIBUTIONS PLAN 2017

The estimated cost of works is >\$100,000 (\$2.5 Million) however a levy is not applicable under this plan.

Councils Contributions Officer has reviewed the proposal and advised that the provisions of the current S94 Plan only allow for commercial development to be levied where the land is zoned commercial, and only allows for residential zoned land to be levied based on additional lots or dwellings.

As this development is proposed on residentially zoned land, and does not propose an increase in lots or dwelling, a contribution under the West Dapto Section 94 Contributions Plan (2017) does not apply.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

Conditions are recommended with regard to minor demolition works. The site is not located in the coastal zone.

93 Fire safety and other considerations

This clause applies to development where there is a change of building use and where there is no rebuilding, alteration, enlargement or extension of an existing building. As works are proposed to the dairy sheds, clause 94 will apply as provided below.

94 Consent authority may require buildings to be upgraded

Conditions have been recommended by Councils BCA Officer with regard to fire safety upgrade requirements for the existing dairy shed area, as provided for at Attachment 5.

2.6 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

Context and Setting:

In regard to the matter of context, the planning principle in Project Venture Developments v Pittwater Council [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development will not result in any overshadowing of adjoining developments, given the isolation of the site and setbacks proposed.

In regard to the visual impact, the development is considered to be largely in harmony with the heritage character of the site. The design of the development has been refined to ensure that the child care centre will sit lower than the ridge height of the Coral Vale Homestead and the café is proposed to largely retain the existing form of the existing sheds.

The scale of the development as viewed from the street is considered appropriate in the locality.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

Councils Traffic Officer has considered the development with regard to impacts on the wider traffic network, and raised no objections to the proposal. Despite a technical variation to the car parking numbers being sought as discussed at section 2.3.1 above, it is considered that the development will provide for the required car parking areas and maneuvering, including informal overflow areas.

Public Domain:

The development is considered to provide for a positive contribution to the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are expected to be capable of augmentation to service the proposal.

Heritage:

The subject site is identified as a Local Heritage Item via the Wollongong Local Environmental Plan 2009 as discussed at section 2.1.5 of this report. The proposal is considered to have been designed to respect the context of the site, with the child care centre siting lower than the ridge height of the homestead, and the café largely retaining the existing built form of the sheds. The application submission was accompanied by a Heritage Impact Assessment and addendum to the CMP. These reports reflect upon the approved 2005 CMP, address the proposed development and consider the impact of these works on the heritage significance of the site.

These reports have been reviewed by Councils Heritage Officer and are considered generally satisfactory, subject to conditions requiring that the CMP and associated schedule of works be updated following the completion of the development works proposed, prior to the issue of any Occupation Certificate. This condition and others recommended by Councils Heritage Officer are provided for within Attachment 5 to this report.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

Soils:

The site is known to contain areas of contamination. The impact of the proposed development has been addressed as discussed throughout the report. Conditions are recommended as provided at Attachment 5 to this report.

Air and Microclimate:

The proposal is not expected to result in negative impacts on air or microclimate.

Flora and Fauna:

There is no vegetation removal proposed or required. Conditions are recommended with regard to the proposed landscaping works.

Waste:

A condition is recommended requiring that an appropriate receptacle be in place for any waste generated during the construction

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

The potential acoustic impacts of both the child care centre and café have been considered and addressed via the submission of an Acoustic Assessment Report. The Report contains a number of recommendations to minimise the impact of the development on surrounding land uses, which are reflected on plan. Conditions have also been recommended by Councils Environment Officer with regard to compliance with the recommendations of the submitted report and ongoing monitoring. Further discussion in this regard is provided within Attachment 4 to this report.

A condition has also been recommended requiring that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

This application does not result in greater opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal would not be envisaged to result in negative social impacts.

Economic Impact:

The proposal is not expected to result in negative economic impacts.

Site Design and Internal Design:

The application does not result in any departures from WLEP 2009 development standards as outlined above. The proposal does seek a variation to WDCP 2009 controls relating to the maximum capacity of child care centres in residential zones and car parking numbers. The requests have been considered and are considered capable of support in this instance, as discussed at section 2.3.1 above.

Open space, adjoining residential amenity, heritage impacts, vehicular manoeuvring and pedestrian access have been accounted for in the design and site layout.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia

Cumulative Impacts:

The proposal is not expected to result in negative cumulative impacts

Ecologically Sustainable Development Considerations

The proposed development is not considered to be inconsistent with ESD principles as evidenced by the assessment commentary provided throughout the report.

2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to result in negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

See section 1.5 above.

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

The application is not expected to result in unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, in particular the State Environmental Planning Policy (Educational Establishments and Child Care Facilities), State Environmental Planning Policy No. 55, the provisions of WLEP 2009 and WDCP 2009.

The Centre Based Child Care Centre is permitted with consent in the R2 Low Density Zone. The Café is proposed pursuant to clause 5.10(10) Conservation Initiatives of WLEP 2009.

It is considered that the applicant has provided adequate justification for the variation sought to WDCP 2009 as relates to the maximum capacity of a child care centre in a residential zone and technical car parking short fall. The variations have been considered and are capable of support.

All relevant internal and external referrals are conditionally satisfactory.

Some of the issues raised in submissions though technically unresolved are considered to be adequately addressed either through design or by way of conditions. Any remaining issues are not considered to warrant refusal of the application.

It is considered that the proposed development has been designed appropriately given the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area, or the heritage significance of the site. The proposed development is to be tied to the ongoing conservation of the Coral Vale Homestead and ancillary structures by way of a positive covenant.

4 RECOMMENDATION

Development Application DA-2018/1047 be approved subject to appropriate conditions contained in Attachment 5.

5 ATTACHMENTS

- 1 Architectural Plans
- 2 WDCP 2009 Variation request statements
- 3 Child Care Planning Guideline 2017 Assessment
- 4 WDCP 2009 compliance table
- 5 Conditions

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REVISION	No.	Date	Description



2014 Aerial Map (accessed from Wollongong Council map database)

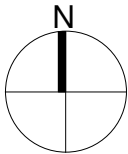
Smiths Lane



Existing Site Plan

Scale 1 : 500

Refer to survey plan KF110654 by KFW
Infrastructure Professionals for more site information



date of plot: 7/02/2019 11:52:48 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD

job no: 17/23

stage: Development Application

sheet: Existing Site Plan

drawn by: MA

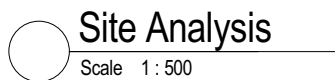
approved: GB

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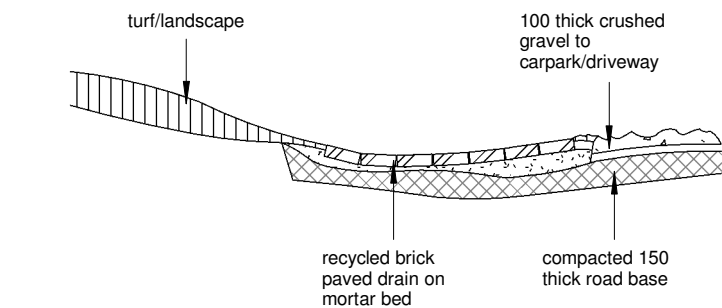
scale:
1 : 500

dwg:
MP01

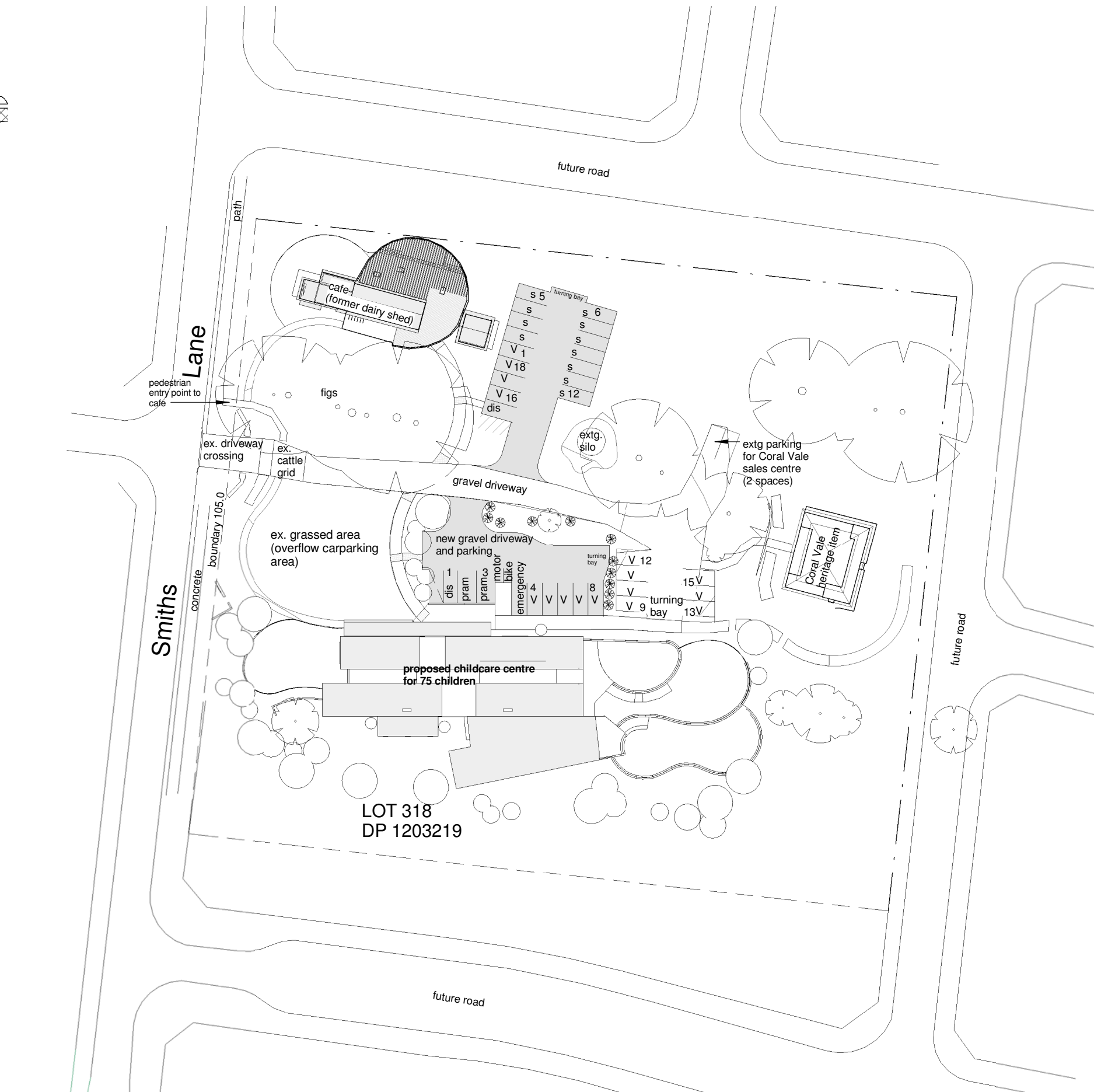
REVISION		
No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size



scale: 1 : 500	dwg: MP02A
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○ Typical kerb & drain detail
Scale 1:50



○ Traffic plan
Scale 1:750

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REVISION No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size

date of plot: 7/02/2019 11:53:07 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Traffic plan

drawn by: MA, JS

approved: GB

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scale:
As
indicated

dwg:
MP03A

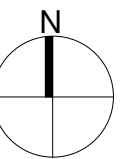
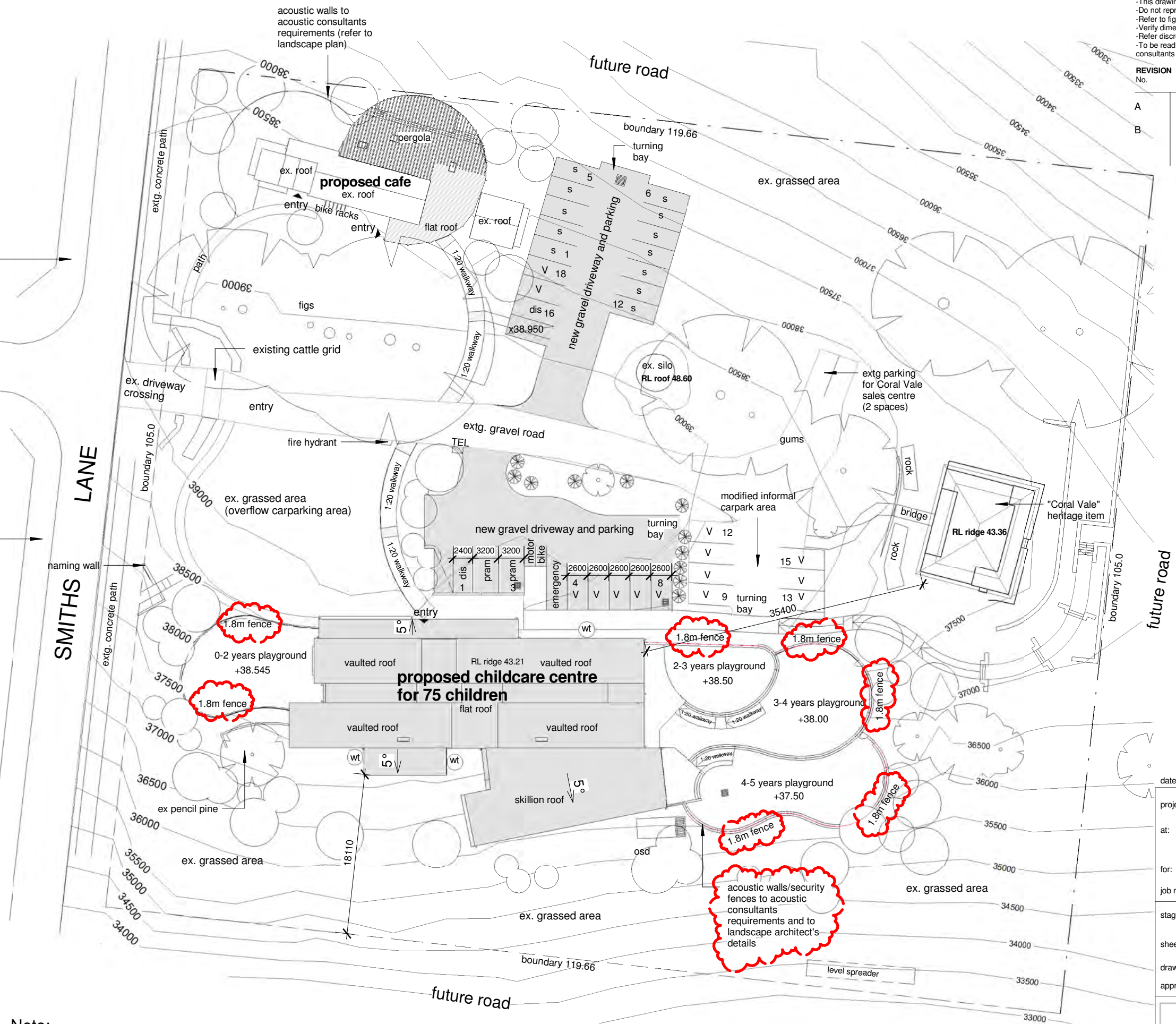
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REVISION No.	Date	Description
A	18.12.18	Building envelope reduced in size
B	07.02.19	Fences

57 Smiths Lane
LOT 318
DP 1203219

location of bins for
kerbside collection
(cafe)

location of bins for
kerbside collection
(childcare)



Note:
1. Refer to landscape architects (Taylor Brammer Landscape Architects) details for full site beautification
2. Refer to survey plan KF110654 by KFW Infrastructure Professionals for more site information

Master Site plan
Scale 1 : 500

date of plot: 7/02/2019 11:53:24 AM
project: Smiths Lane Pre-School
at: 57 Smiths Lane, Wongawilli
for: Sheargold Property Development PTY LTD
job no: 17/23
stage: Development Application
sheet: Master Site Plan
drawn by: JS, MA
approved: GB

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scale: 1 : 500
dwg: MP04B

Legend

- 1. Dairy, bails and holding yard. Area - 100m²
- 2. Feed Shed. Area - 22m²
- 3. Hay barn, Silo andcalf sheds. Area 341m²
- 4. Garage. Area - 48m²
- 5. Laundry. Area - 19m²
- 6. Shed. Area - 16m²
- 7. Old Dairy. Area - 15m²
- 8. Machinery Shed. Area - 68m²
- 9. Coral Vale Homestead. Area - 151m²
- 10. Shed. Area - 53m²
- 11. Black House. Area - 124m²

Total Area of pre-existing structures -
Approximatly 844m² (excluding verandahs
and dairy milking area)

Total Area of Proposed (excluding
covered areas and verandah) -
approximately 731m²

Total Area of Proposed (including covered
areas and verandah) - approximately
1020m²

Total Area of current existing buildings
(1, 2, 9 and silo) - approximately - 237m²

Total Area of current existing and
proposed - 968m² (excluding verandahs
and covered areas)



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REVISION No.	Date	Description
Rev A	18.12.18	Added allowable building area

date of plot:	7/02/2019 11:53:26 AM
project:	Smiths Lane Pre-School
at:	57 Smiths Lane, Wongawilli
for:	Sheargold Property Development PTY LTD
job no:	17/23
stage:	Development Application
sheet:	Historical Area Study
drawn by:	JS
approved:	GB

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scale: 1 : 500	dwg: MP05A
-------------------	---------------

-Refer to survey plan KF110654 by KFW Insfrastructure
Professionals for more site information
-This drawing has referred to the Conservation
Management Plan by Noel Bell Ridley Smith & Partners
Pty Ltd, November 2005

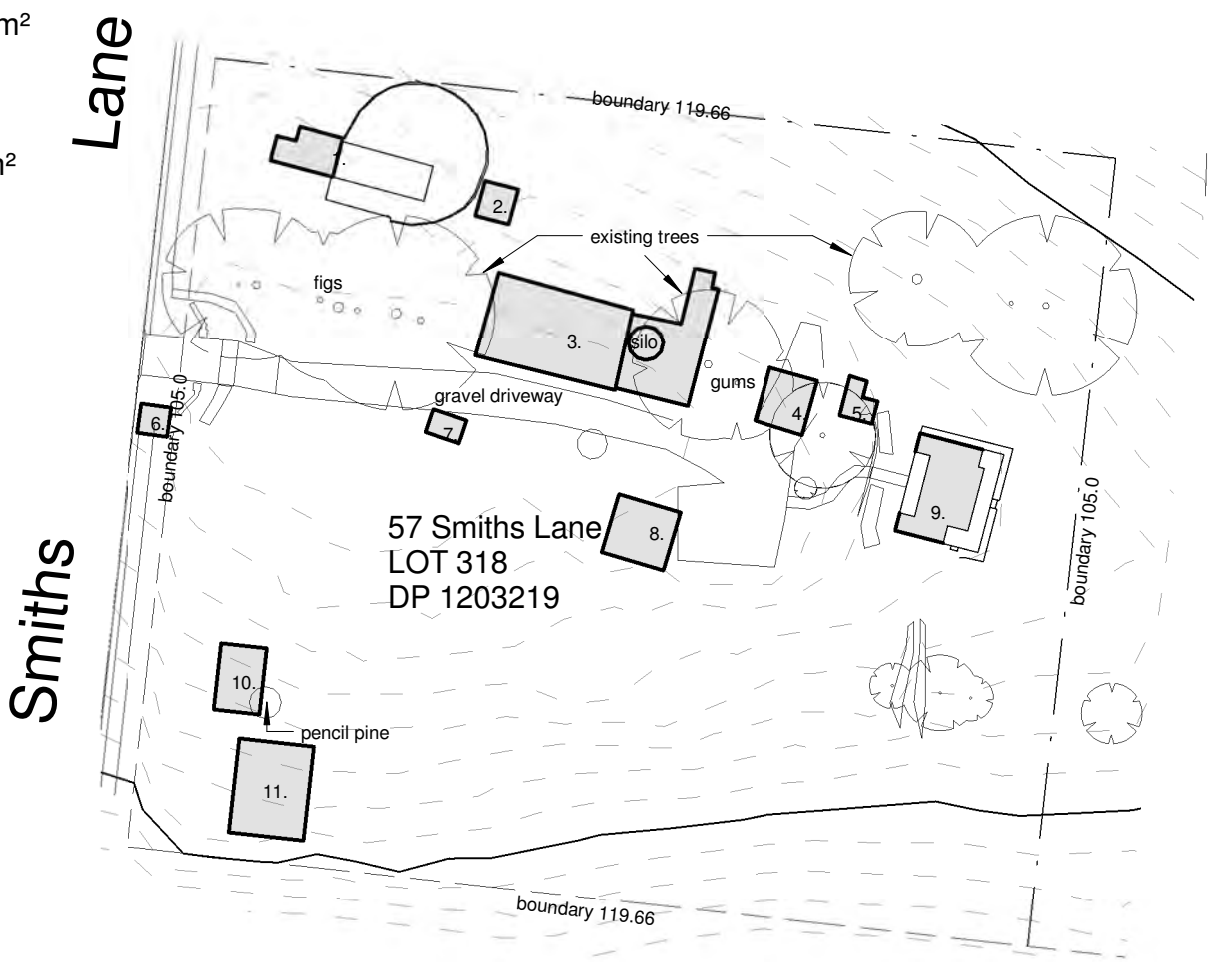
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REVISION		
No.	Date	Description

Legend

- 1. Dairy, bails and holding yard. Area - 100m²
- 2. Feed Shed. Area - 22m²
- 3. Hay barn, Silo andcalf sheds. Area 341m²
- 4. Garage. Area - 48m²
- 5. Laundry. Area - 19m²
- 6. Shed. Area - 16m²
- 7. Old Dairy. Area - 15m²
- 8. Machinery Shed. Area - 68m²
- 9. Coral Vale Homestead. Area - 151m²
- 10. Shed. Area - 53m²
- 11. Black House. Area - 124m²

-Refer to survey plan KF110654 by KFW Insfrastructure Professionals for more site information
-Refer to Conservation Management Plan by Noel Bell Ridley Smith & Partners PTY LTD for more information



Historical Site Plan
Scale 1 : 1000



1961 Aerial Image*



1977/1978 Aerial Image*



2006 Aerial Image*

*Images accessed from Wollongong Council map database

date of plot:	7/02/2019 11:53:28 AM
project:	Smiths Lane Pre-School
at:	57 Smiths Lane, Wongawilli
for:	Sheargold Property Development PTY LTD
job no:	17/23
stage:	Development Application
sheet:	Historical Site Plan
drawn by:	JS
approved:	GB

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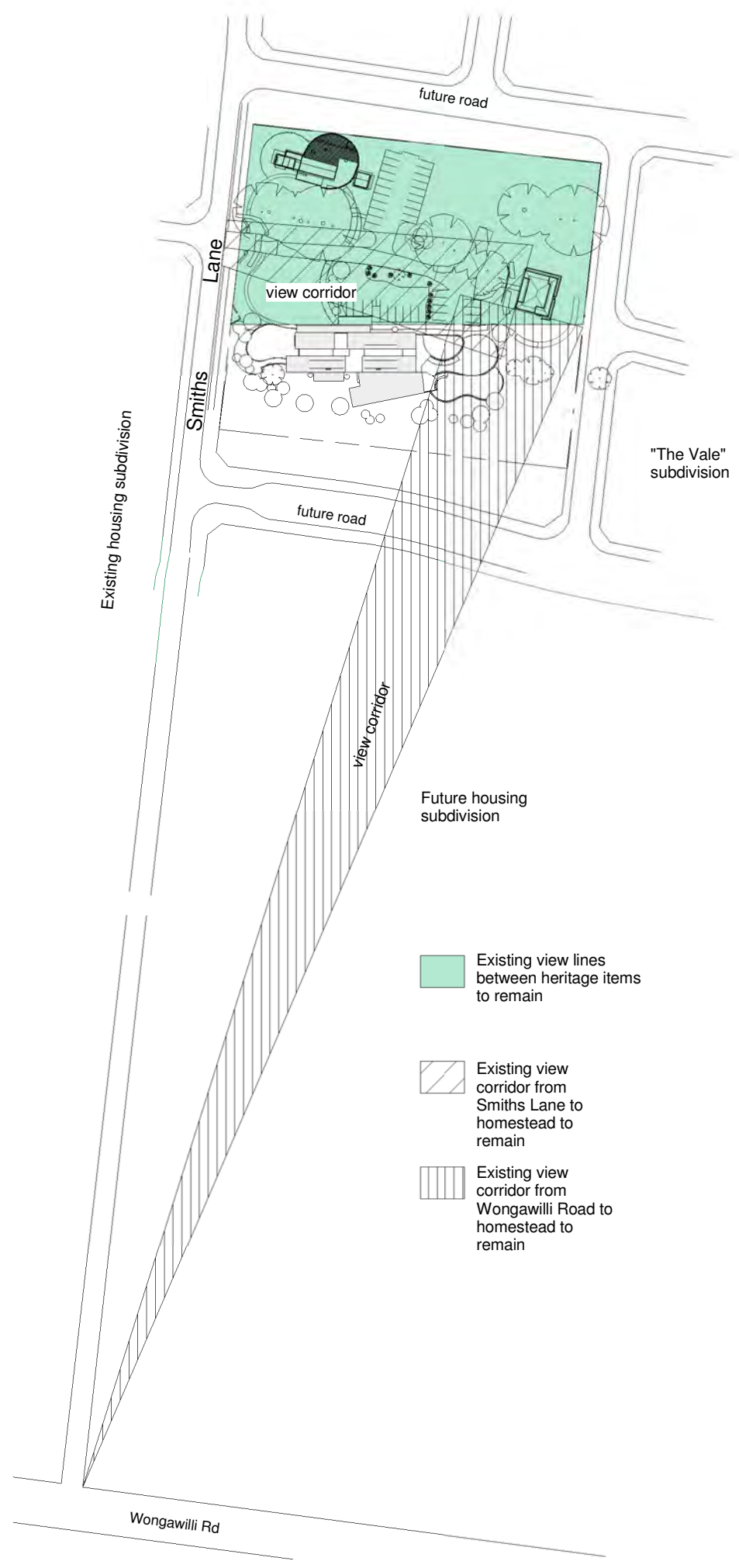
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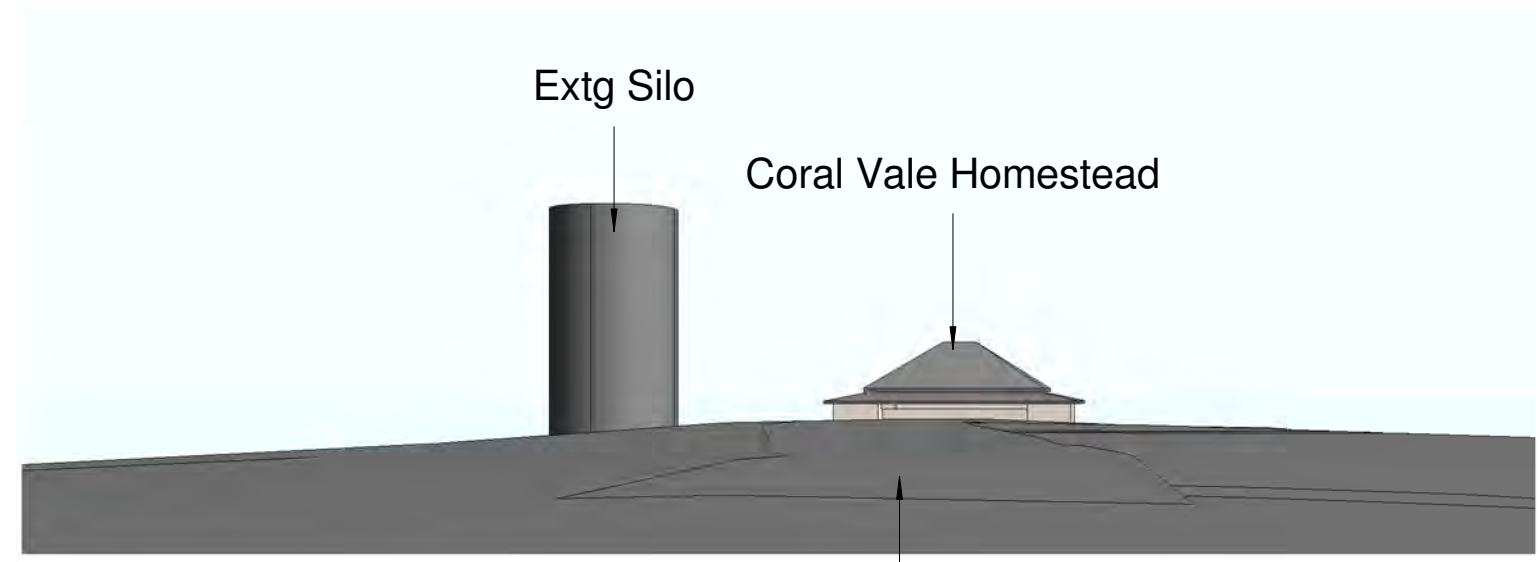
scale:	dwg:
1 : 1000	MP06

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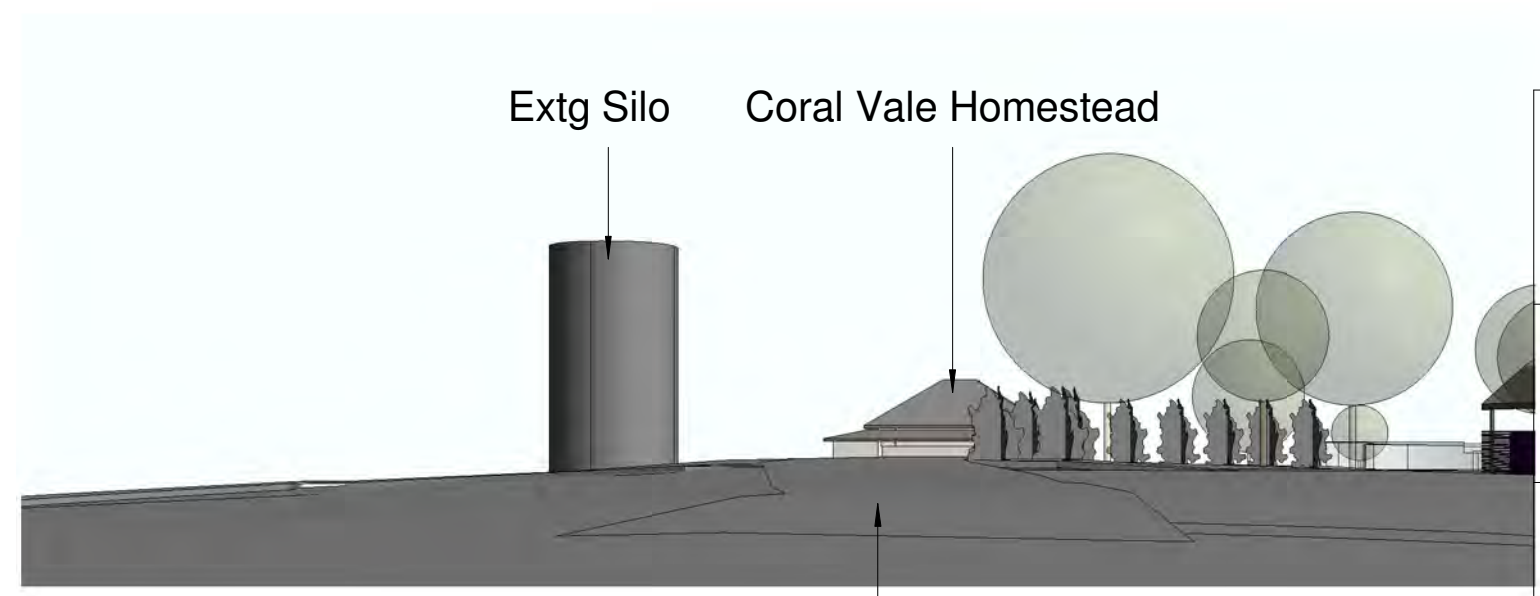
REVISION		
No.	Date	Description



- Existing view lines between heritage items to remain
- Existing view corridor from Smiths Lane to homestead to remain
- Existing view corridor from Wongawilli Road to homestead to remain



Existing Entry Perspective
Scale



Proposed Entry Perspective
Scale

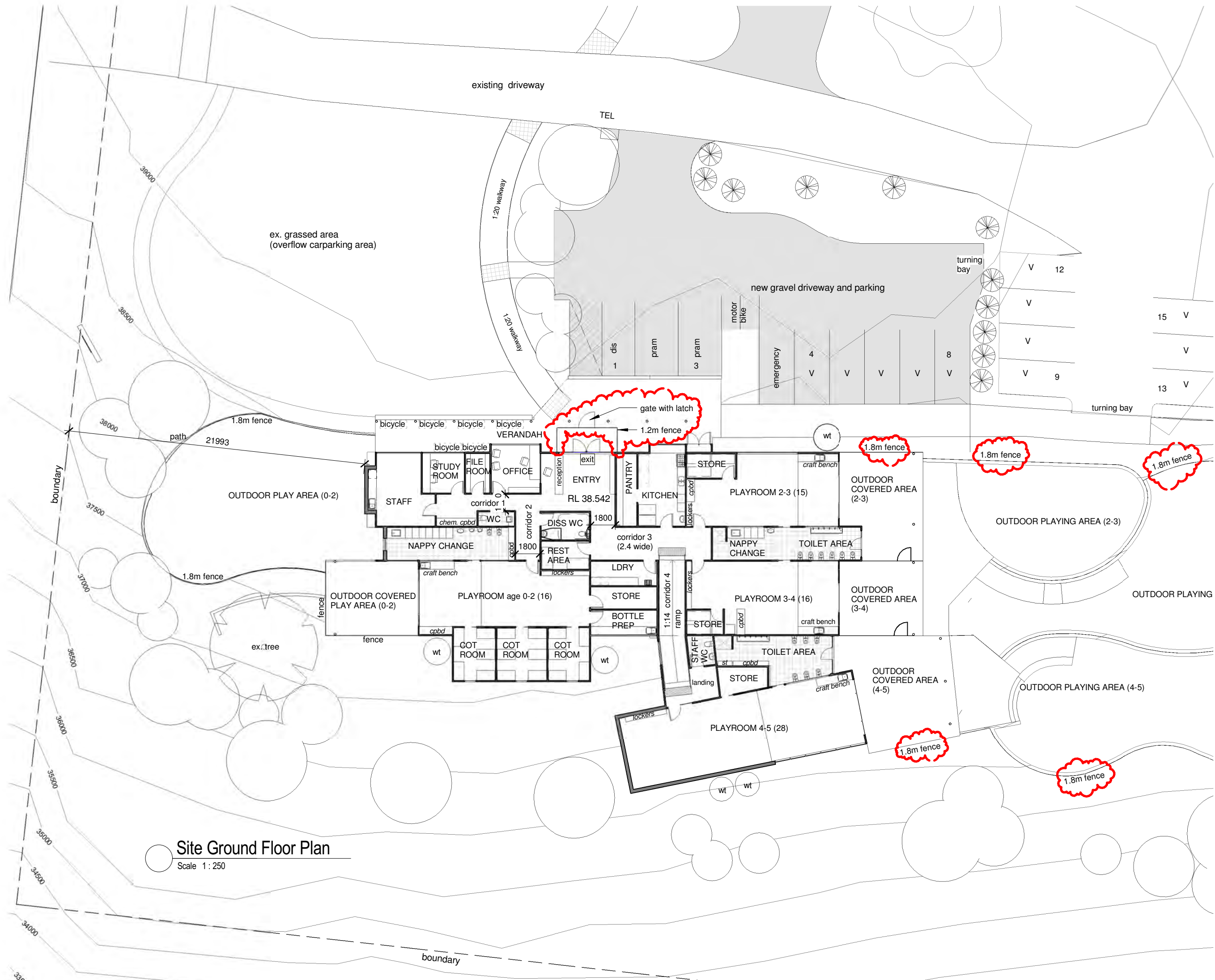
date of plot: 7/02/2019 11:53:32 AM
project: Smiths Lane Pre-School
at: 57 Smiths Lane, Wongawilli
for: Sheargold Property Development PTY LTD
job no: 17/23
stage: Development Application
sheet: View Corridor towards Homestead
drawn by: JS
approved: GB

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scale: 1 : 2000
dwg: MP07

Fig 6 View Corridors, Borst and Co Architecture, August 2018

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REVISION		
No.	Date	Description
A	18.12.18	Building envelope reduced in size
B	07.02.19	Fences

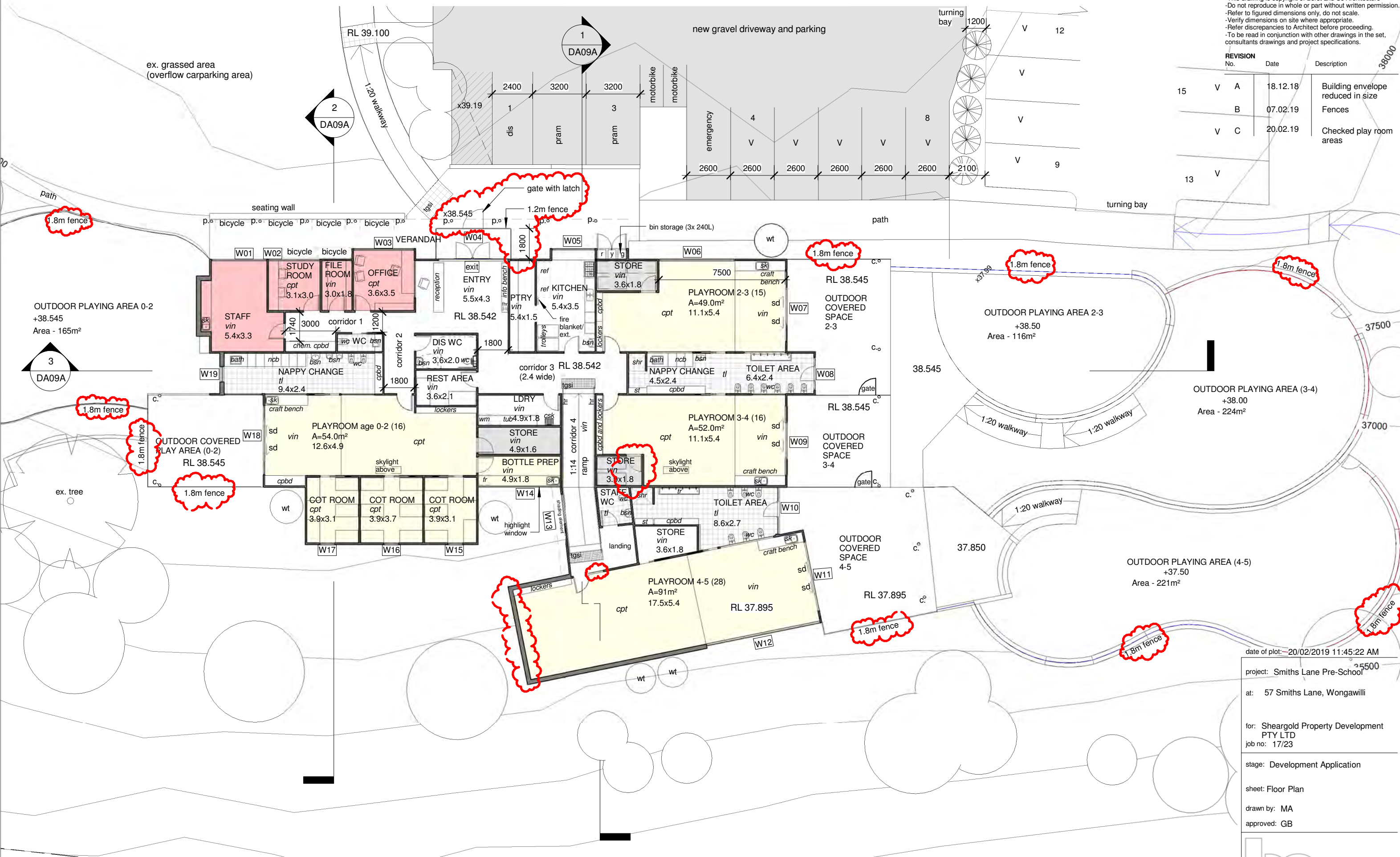


Site Ground Floor Plan
Scale 1 : 250

date of plot: 7/02/2019 11:47:18 AM
project: Smiths Lane Pre-School
at: 57 Smiths Lane, Wongawilli
for: Sheargold Property Development PTY LTD
job no: 17/23
stage: Development Application
sheet: Site Floor Plan
drawn by: JS, MA
approved: GB

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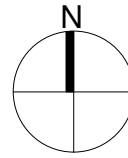
REVISION		No.	Date	Description
V	A		18.12.18	Building envelope reduced in size
	B		07.02.19	Fences
V	C		20.02.19	Checked play room areas
V				



Ground Floor Plan
Scale 1:200

- 1.2m high glass acoustic walls
- 1.8m high glass acoustic walls

Notes:
1. Refer to landscape architects details for outdoor areas
2. Refer to survey plan KF110654 by KFW Infrastructure Professionals for more site information
3. Refer to Acoustic report for acoustic wall requirements.



date of plot: 20/02/2019 11:45:22 AM
project: Smiths Lane Pre-School
at: 57 Smiths Lane, Wongawilli
for: Sheargold Property Development PTY LTD
job no: 17/23
stage: Development Application
sheet: Floor Plan
drawn by: MA
approved: GB

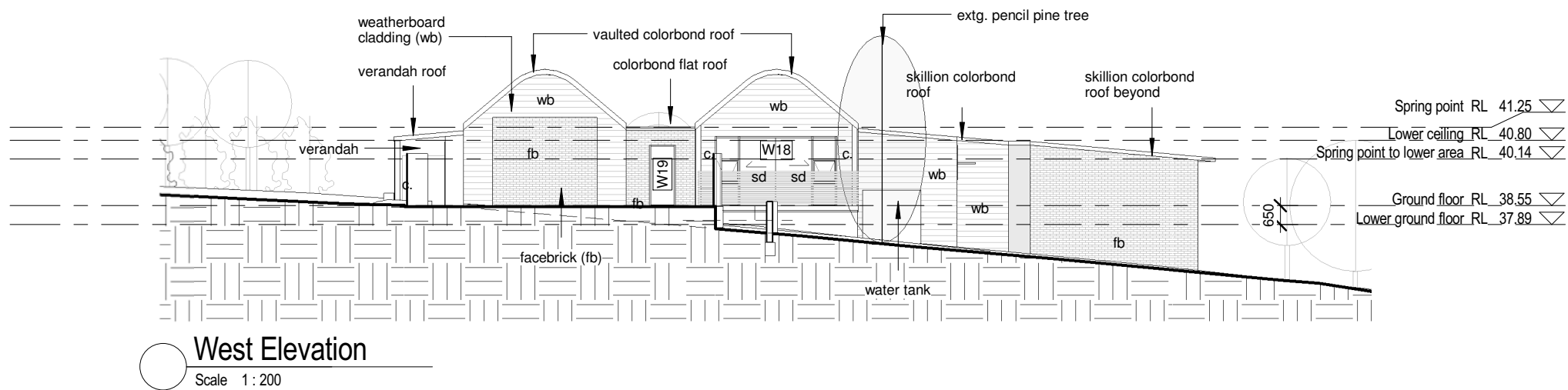
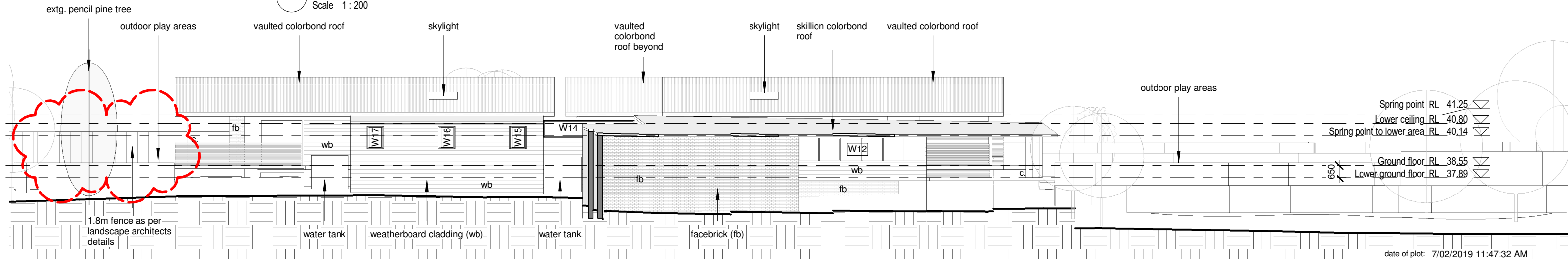
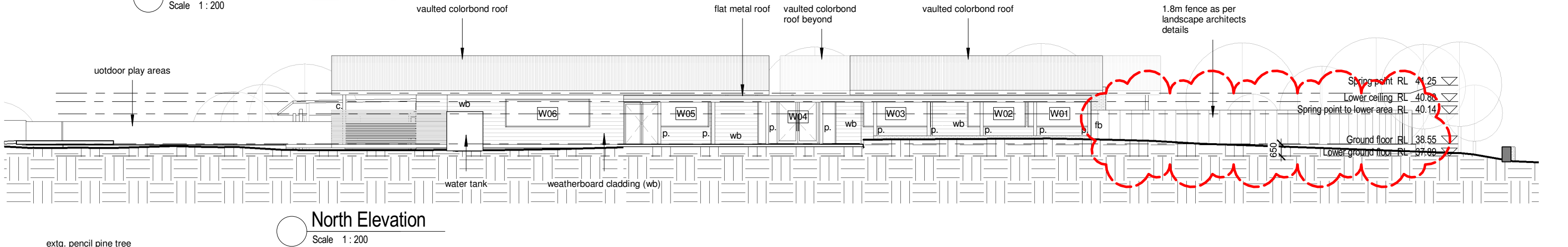
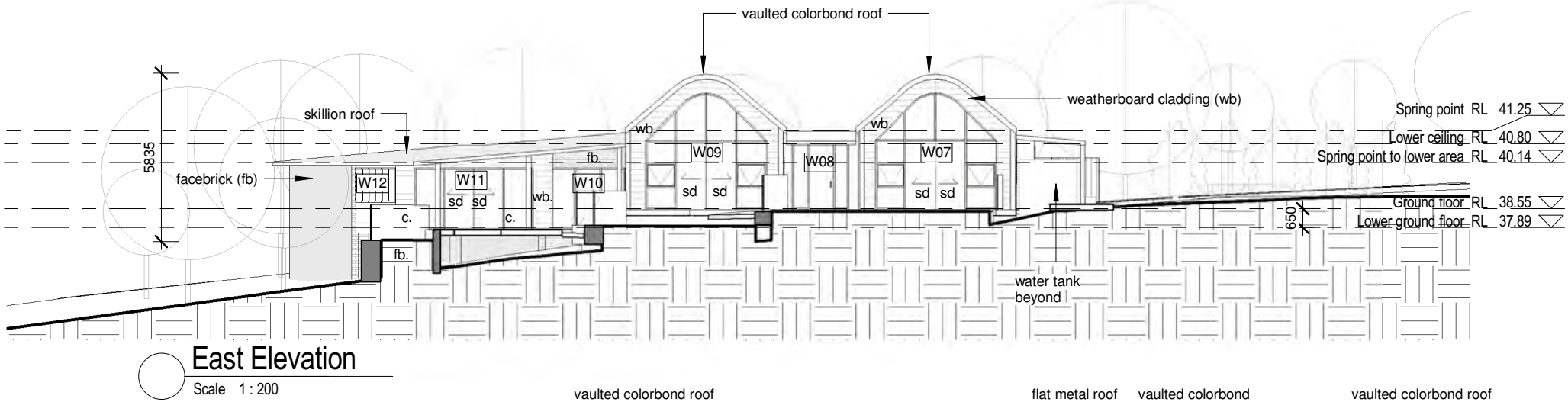
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scale: 1:200 dwg: DA02C

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REVISION		
No.	Date	Description
A	18.12.18	Building envelope reduced in size
B	07.02.19	Fences



date of plot: 7/02/2019 11:47:32 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Elevations

drawn by: JS

approved: GB

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scale:
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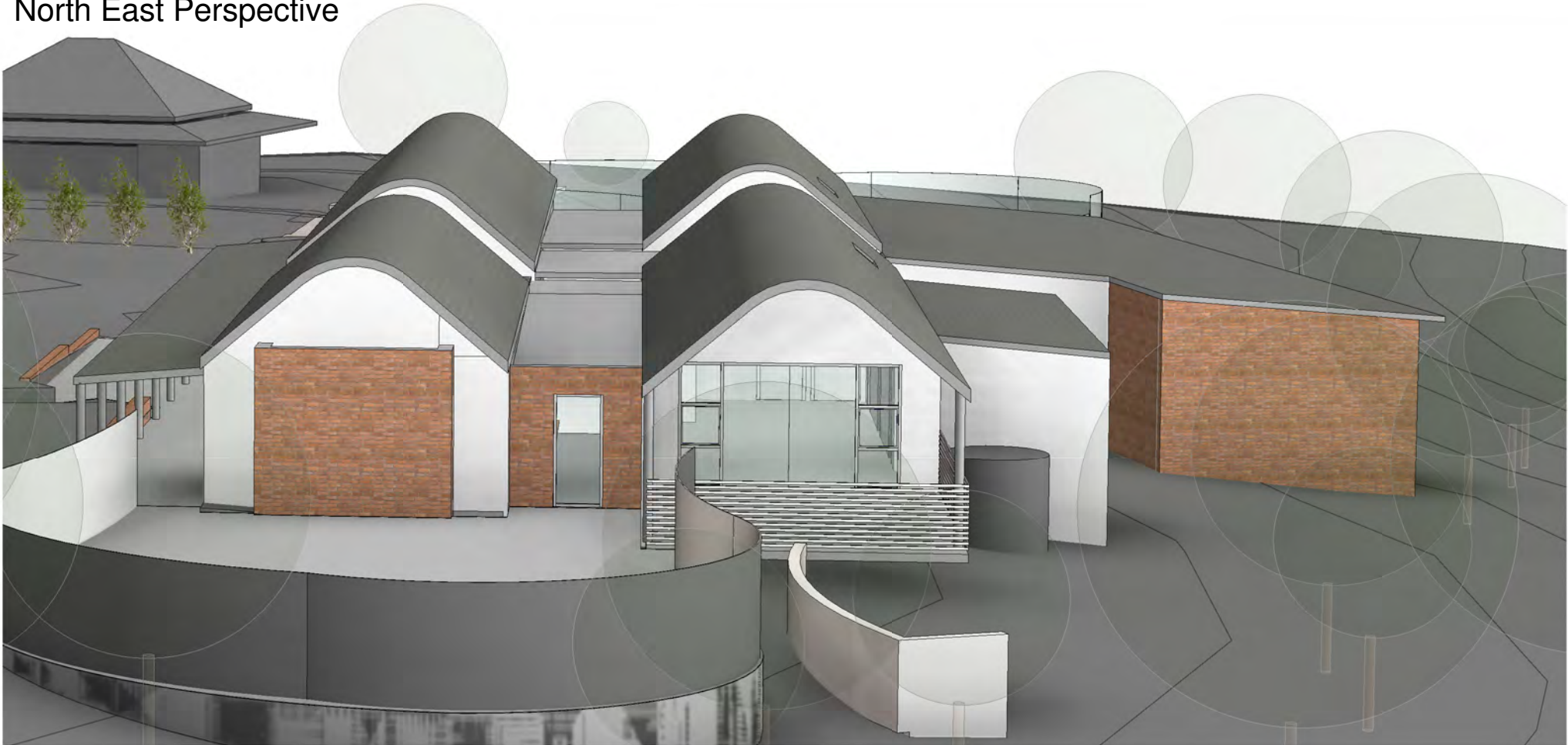
dwg:
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REVISION		
No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size



North East Perspective



Eastern Perspective

date of plot: 7/02/2019 11:47:56 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Perspective

drawn by: JS

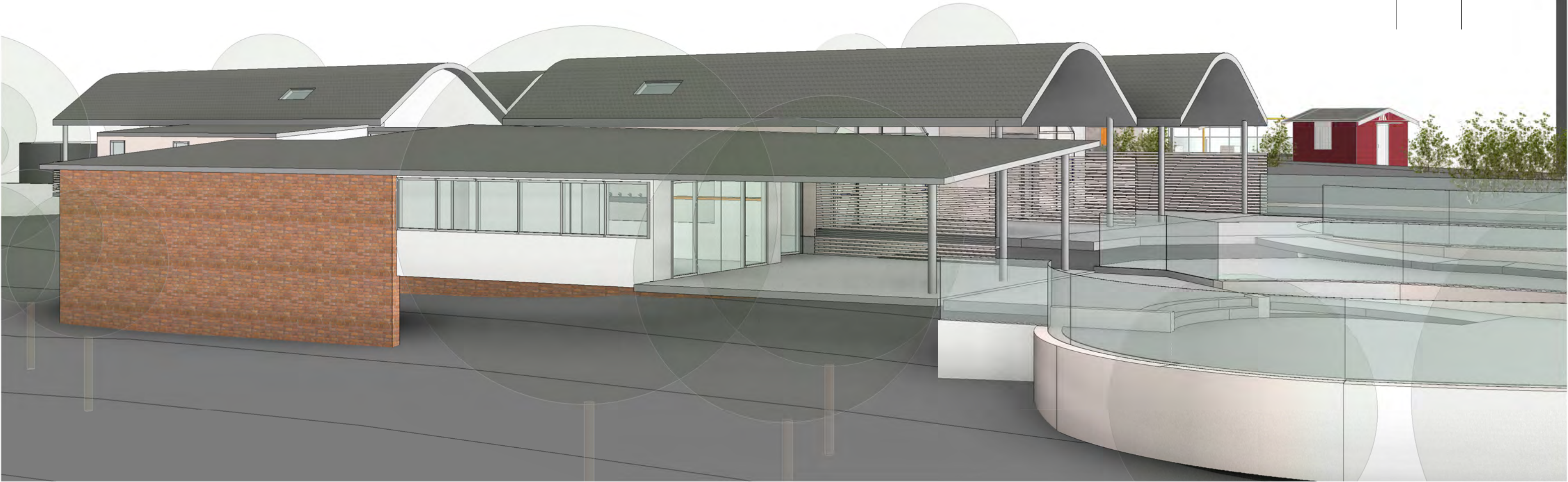
approved: GB

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scale: dwg: DA04A

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REVISION No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size



South East Perspective



Northern Perspective

date of plot: 7/02/2019 11:48:23 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Werrisville

for: Sheargold Property Development
PTY LTD

job no: 17/23

stage: Development Application

sheet: Perspective

drawn by: JS

approved: GB



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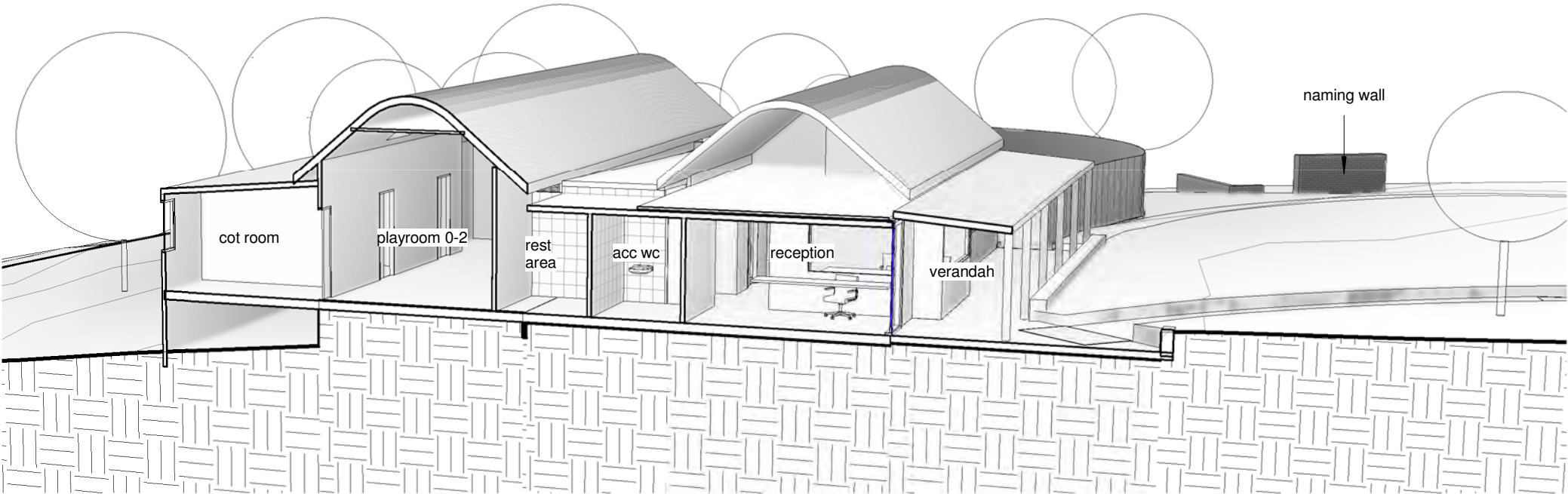
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REVISION No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size



date of plot: 7/02/2019 11:48:37 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Werrisville

for: Sheargold Property Development
PTY LTD

job no: 17/23

stage: Development Application

sheet: Perspective and Perspective
Section

drawn by: JS

approved: GB

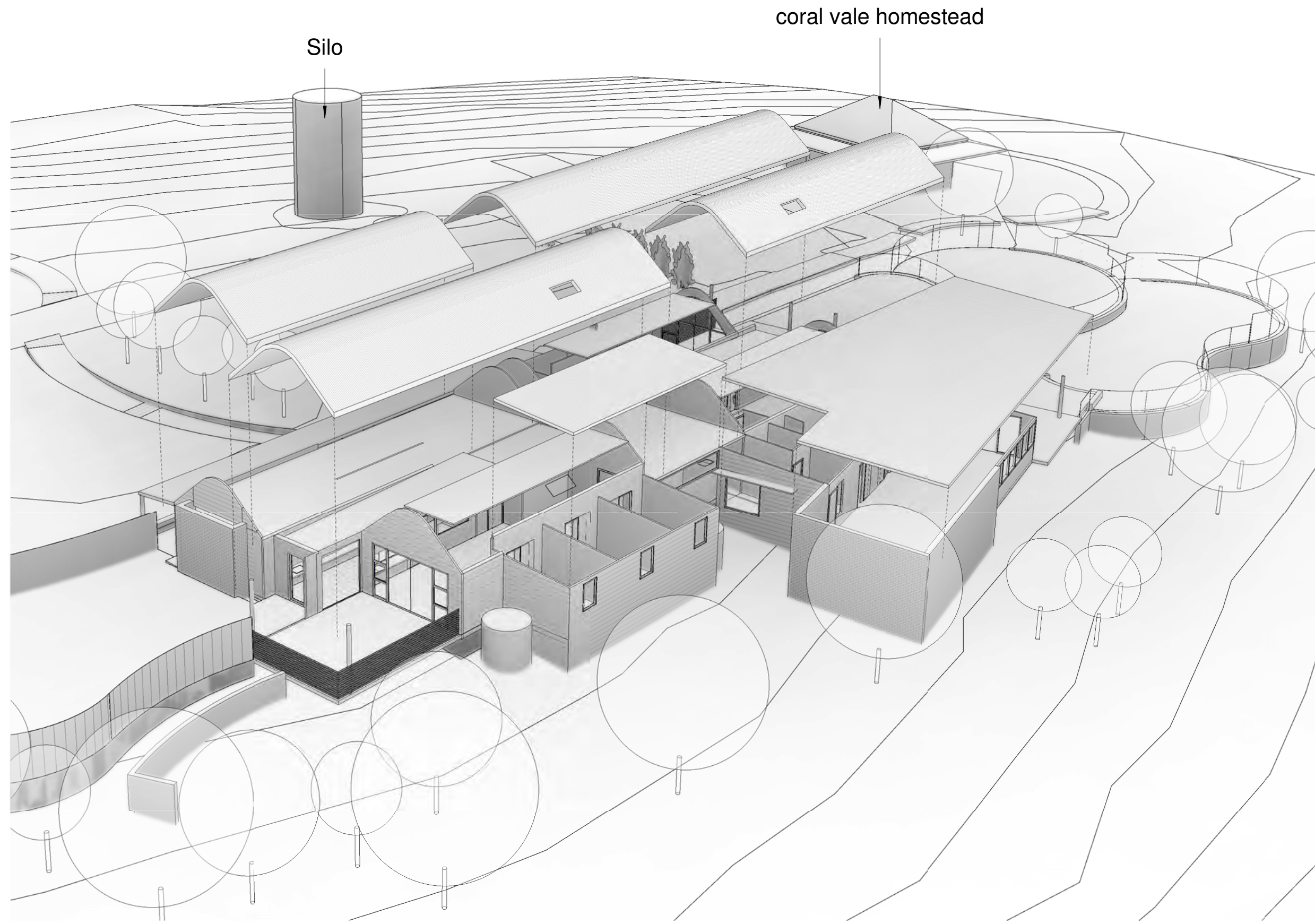


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scale: dwg: DA06A



coral vale homestead

Silo

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REVISION		
No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size

Extruded Perspective
Scale

date of plot: 7/02/2019 11:48:44 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD

job no: 17/23

stage: Development Application

sheet: Extruded Perspective

drawn by: JS

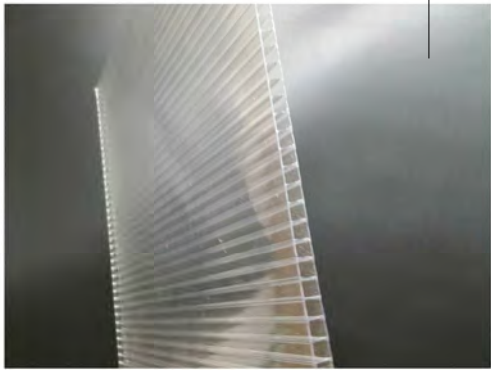
approved: GB

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scale: dwg: DA07A

Example of vernacular style of architecture for rural sites



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REVISION No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size



Shading elements



Skylights with flat ceilings



Roofing - Colorbond Custom Orb - "Wallaby"

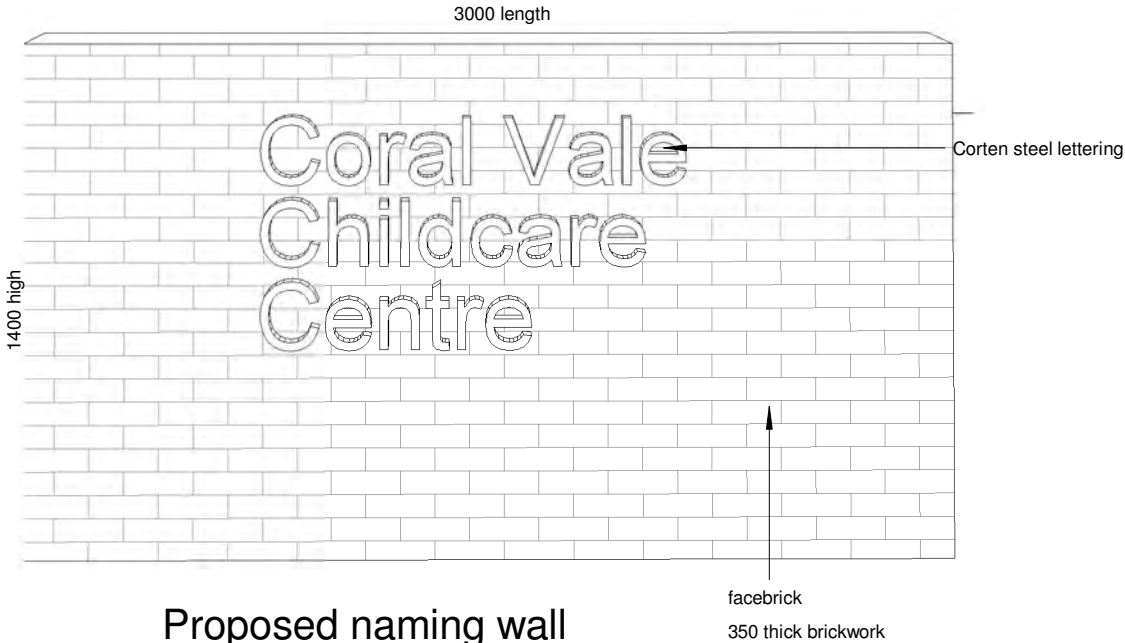
Transparent acoustic walls



Austral Bowral Brick - "Renovation Gertrudis Brown"



Weatherboard cladding - light to medium grey tones



Proposed naming wall

date of plot: 7/02/2019 11:48:45 AM
project: Smiths Lane Pre-School
at: 57 Smiths Lane, Wongawilli
for: Sheargold Property Development PTY LTD
job no: 17/23
stage: Development Application
sheet: Material, Signage and Idea inspiration sheet
drawn by: JS
approved: GB

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Nominated Architect: G.Borst
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Registration No. 4898
ABN: 39 130 701 076 © Copyright Borst and Co Architecture Pty Ltd

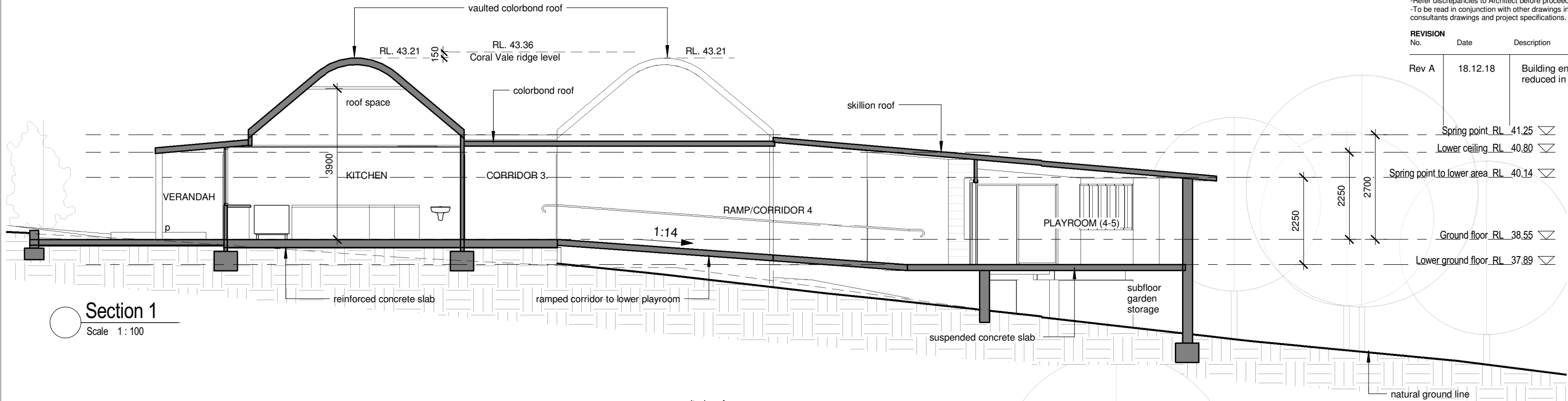
scale: dwg: DA08A

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REVISION No.	Date	Description
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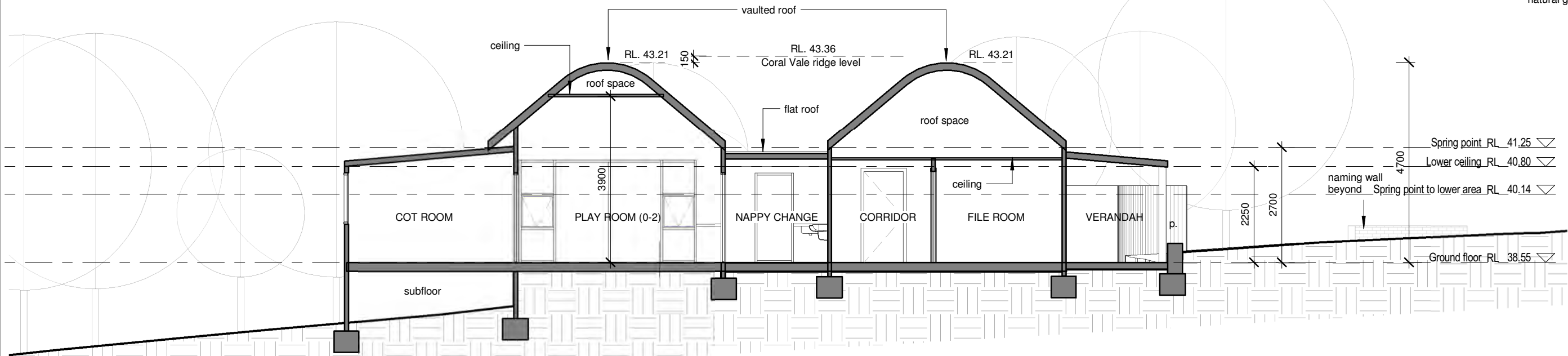
Rev A	18.12.18	Building envelope reduced in size
-------	----------	-----------------------------------

Spring point RL	41.25	▽
Lower ceiling RL	40.80	▽
Spring point to lower area RL	40.14	▽
Ground floor RL	38.55	▽
Lower ground floor RL	37.89	▽



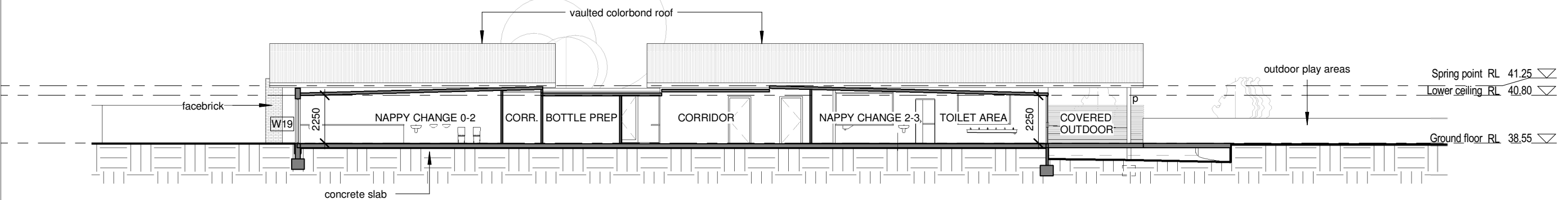
Section 1

Scale 1:100



Section 2

Scale 1:100



Section 3

Scale 1:200

date of plot: 7/02/2019 11:48:48 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Sections

drawn by: JS

approved: GB

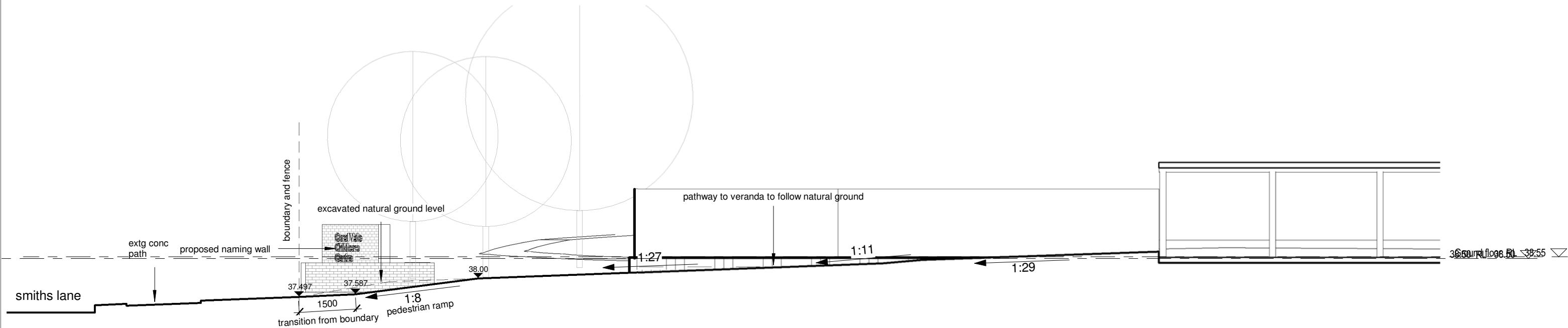
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scale:
As
indicated

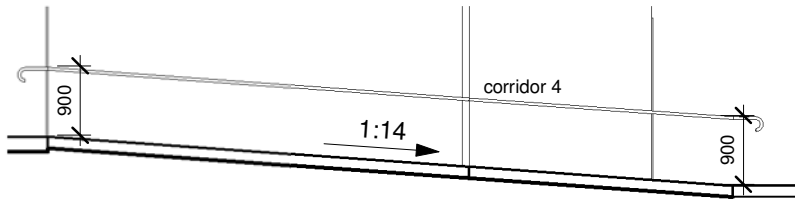
dwg:
DA09A

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REVISION No.	Date	Description
Rev A	18.12.18	Changed details to match proposed



Section through veranda towards front boundary
Scale 1 : 100



Corridor 4 Ramp Detail
Scale 1 : 100

date of plot: 7/02/2019 11:48:49 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD

job no: 17/23

stage: Development Application

sheet: Ramp and path details

drawn by: JS

approved: GB

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REVISION		
No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size



date of plot: 7/02/2019 11:48:50 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD

job no: 17/23

stage: Development Application

sheet: Proposed Building Perspective

1

drawn by: JS

approved: GB

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scale:

dwg:

DA11A



Before



After

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REVISION No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size

date of plot: 7/02/2019 11:48:52 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD

job no: 17/23

stage: Development Application

sheet: Proposed Building Perspective

2

drawn by: JS

approved: GB

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scale:

dwg: DA12A



Before



After

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REVISION		
No.	Date	Description
Rev A	18.12.18	Building envelope reduced in size

date of plot: 7/02/2019 11:48:54 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Proposed Building Perspective
3
drawn by: JS
approved: GB

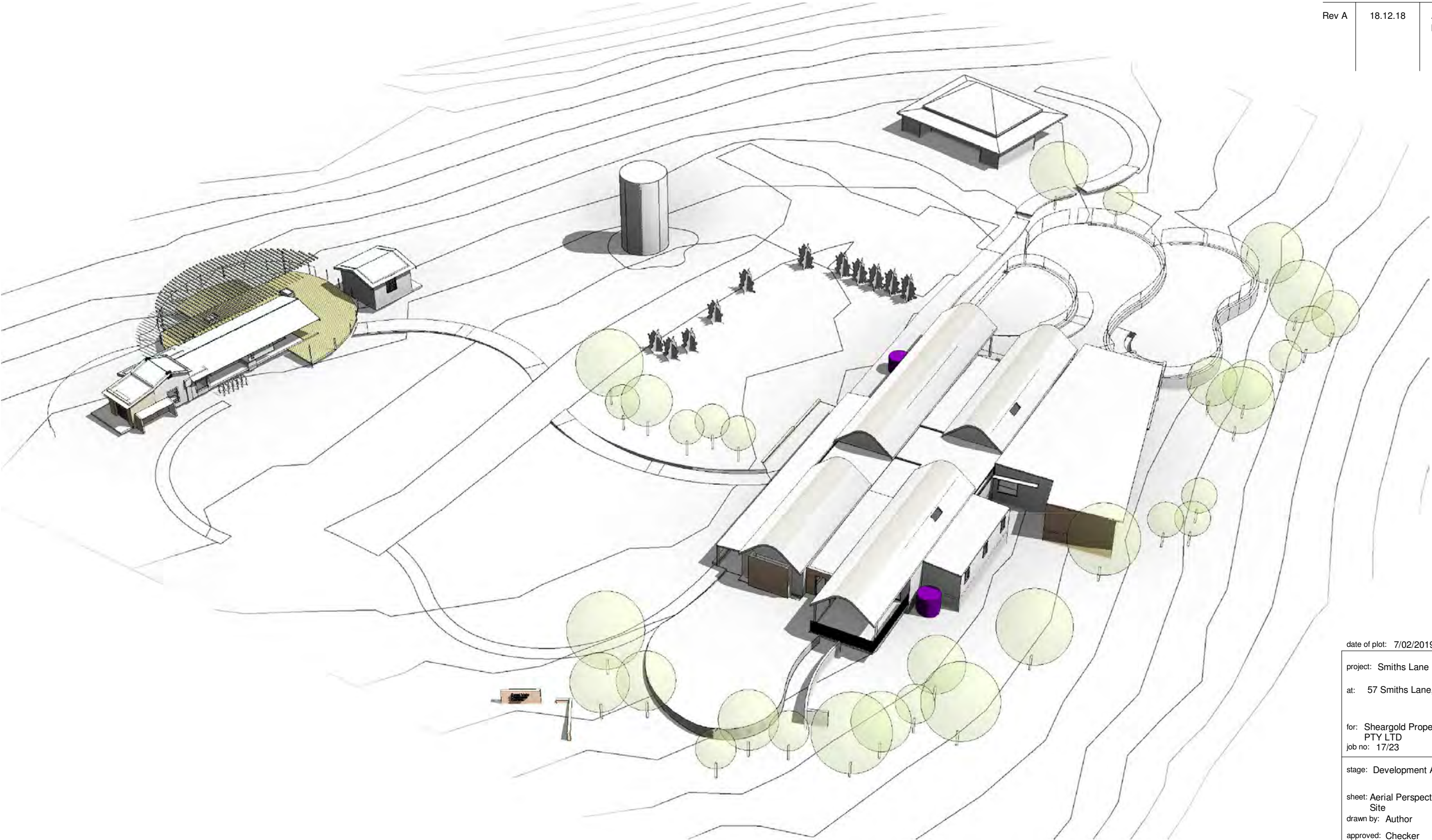
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scale: dwg: DA13A

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REVISION No.	Date	Description
Rev A	18.12.18	Added new perspective



Aerial Perspective - Coral Vale Site

date of plot: 7/02/2019 11:49:12 AM

project: Smiths Lane Pre-School

at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD

job no: 17/23

stage: Development Application

sheet: Aerial Perspective - Coral Vale
Site

drawn by: Author

approved: Checker



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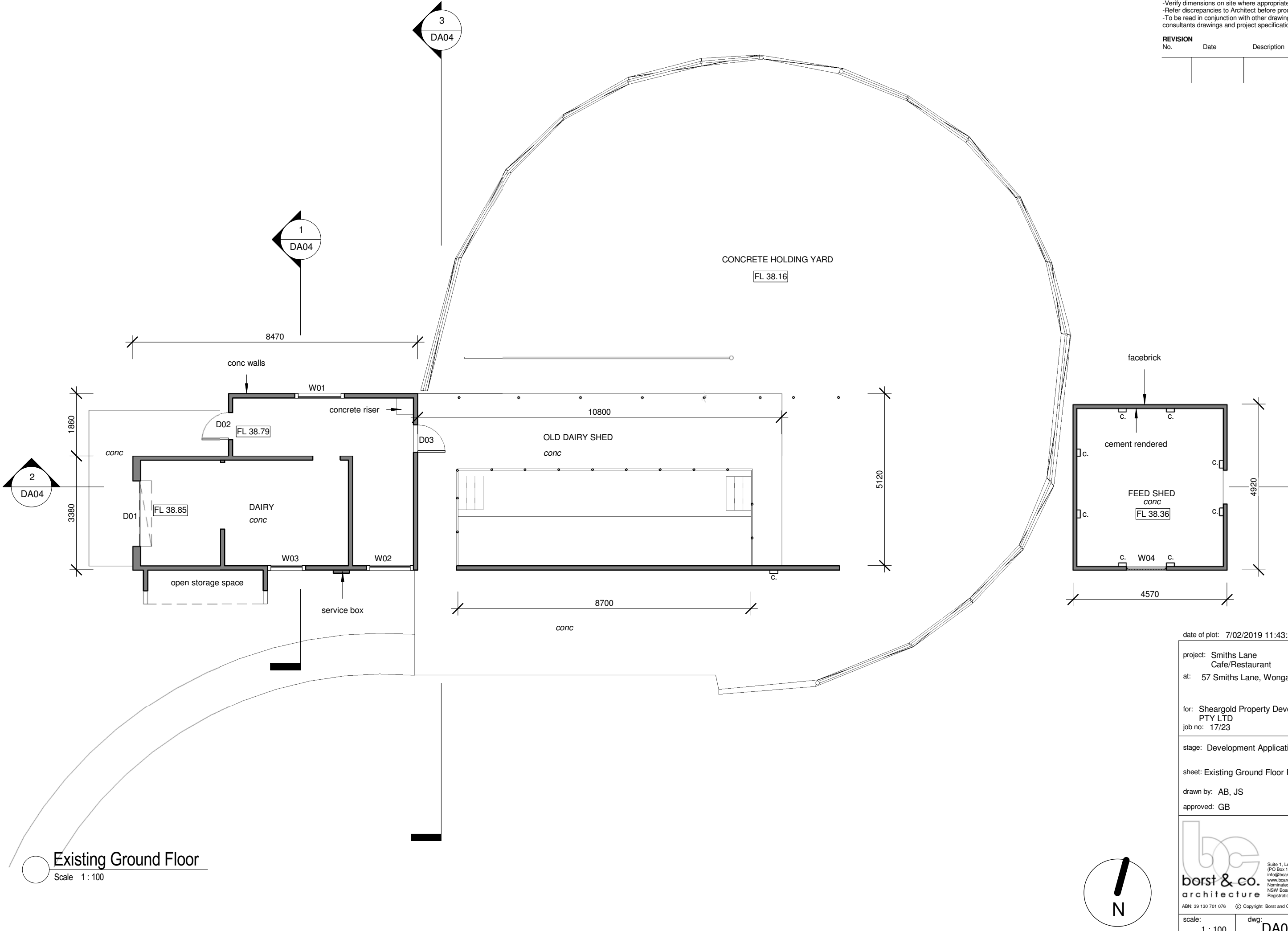
scale:

dwg:

DA17A

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REVISION		
No.	Date	Description



Existing Ground Floor

Scale 1 : 100

date of plot: 7/02/2019 11:43:38 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Existing Ground Floor Plan

drawn by: AB, JS

approved: GB



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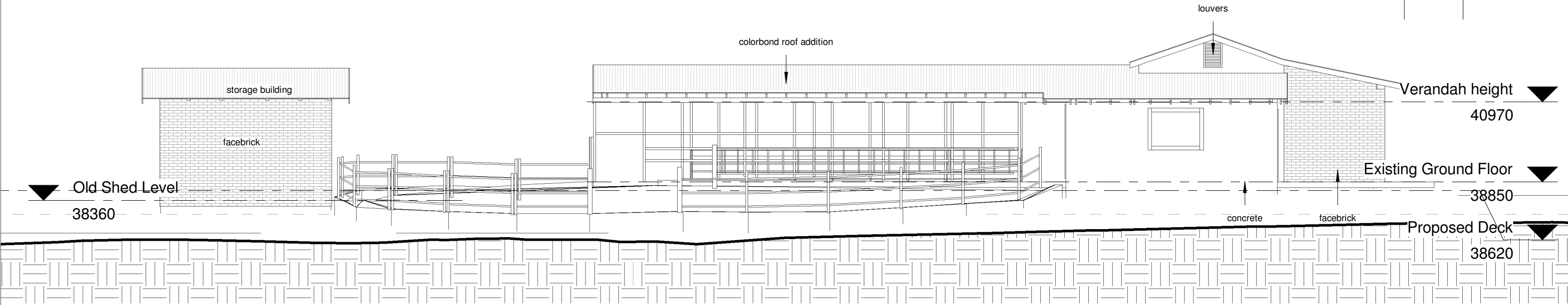
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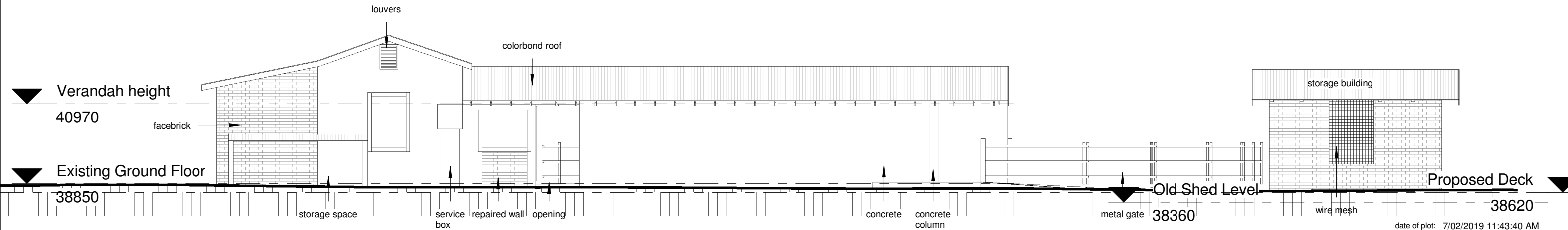
scale: 1 : 100	dwg: DA01
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REVISION	No.	Date	Description



Existing North Elevation
Scale 1 : 100



Existing South Elevation
Scale 1 : 100

date of plot: 7/02/2019 11:43:40 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Existing North/South
Elevations
drawn by: AB, JS
approved: GB

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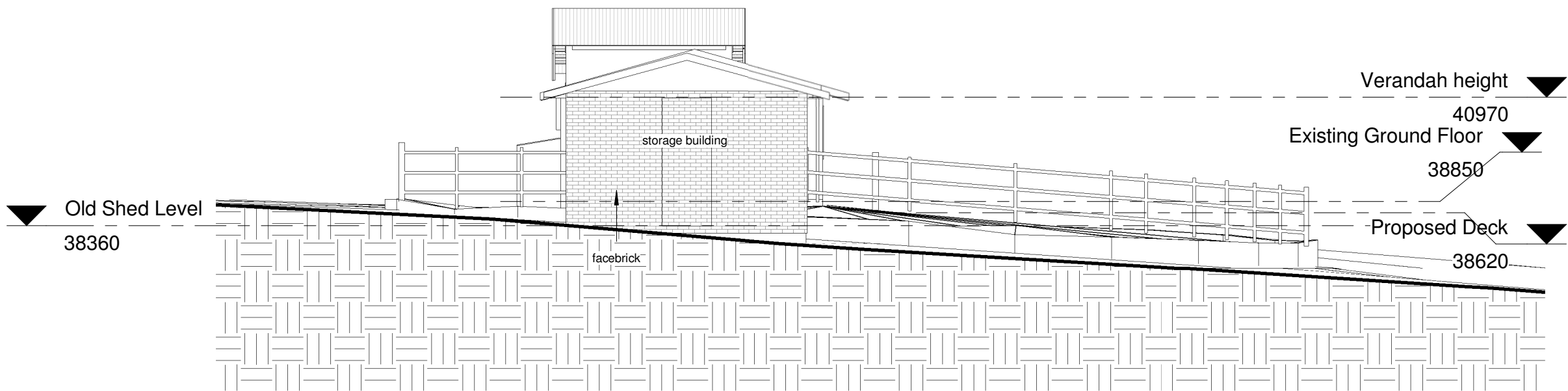
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scale:
1 : 100

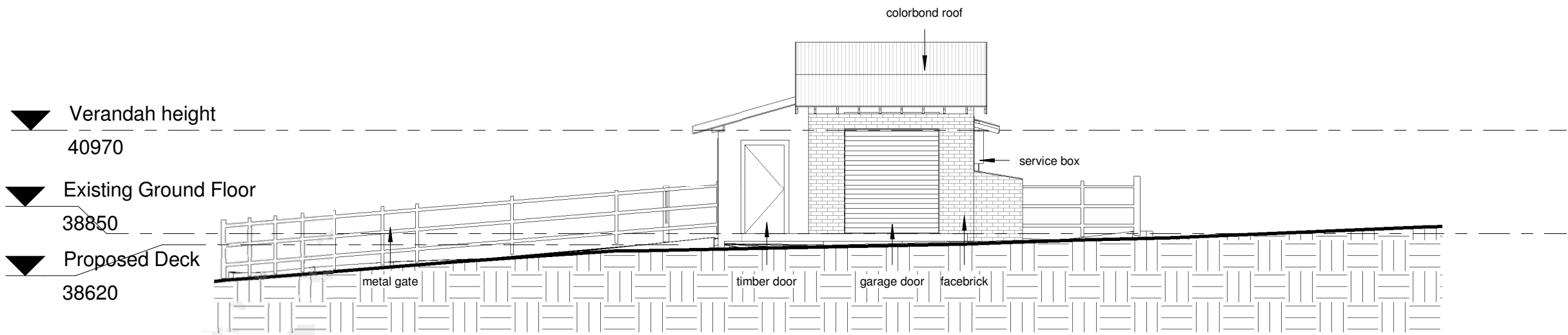
dwg:
DA02

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REVISION		
No.	Date	Description



Existing East Elevation
Scale 1 : 100



Existing West Elevation
Scale 1 : 100

date of plot: 7/02/2019 11:43:41 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Existing East/West Elevations

drawn by: AB, JS

approved: GB

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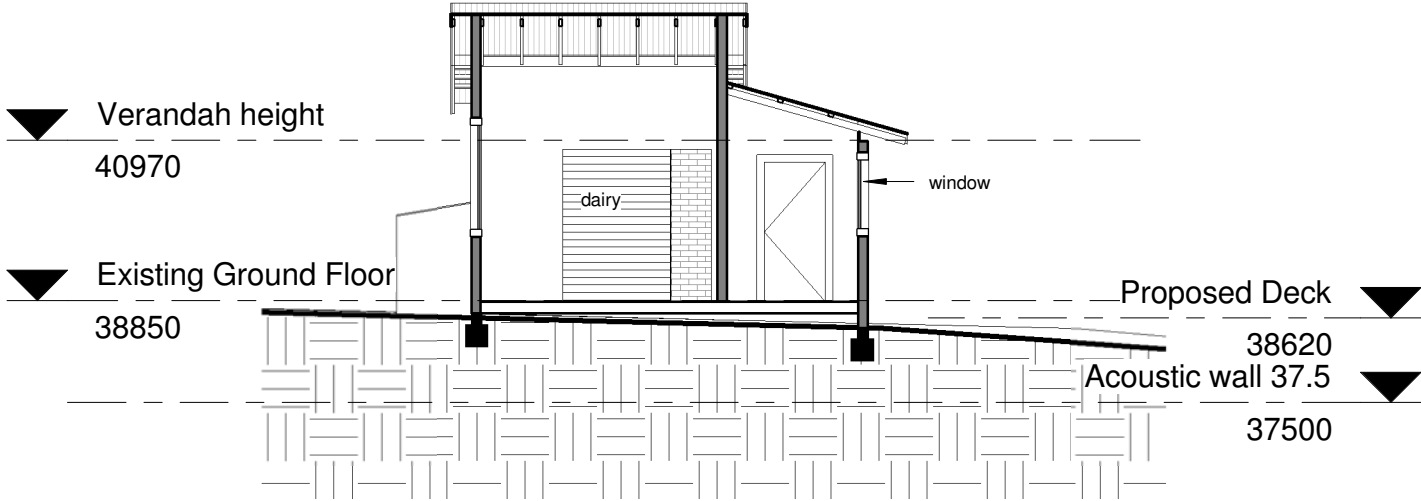
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scale:
1 : 100

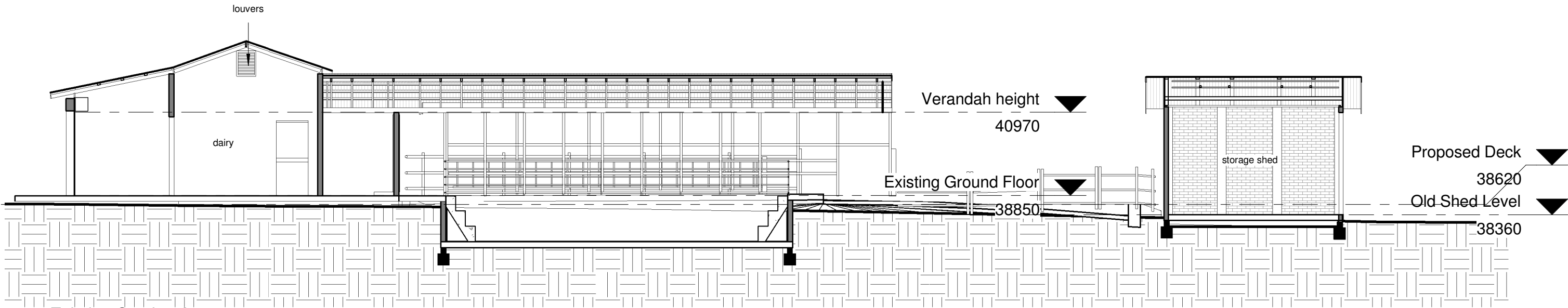
dwg:
DA03

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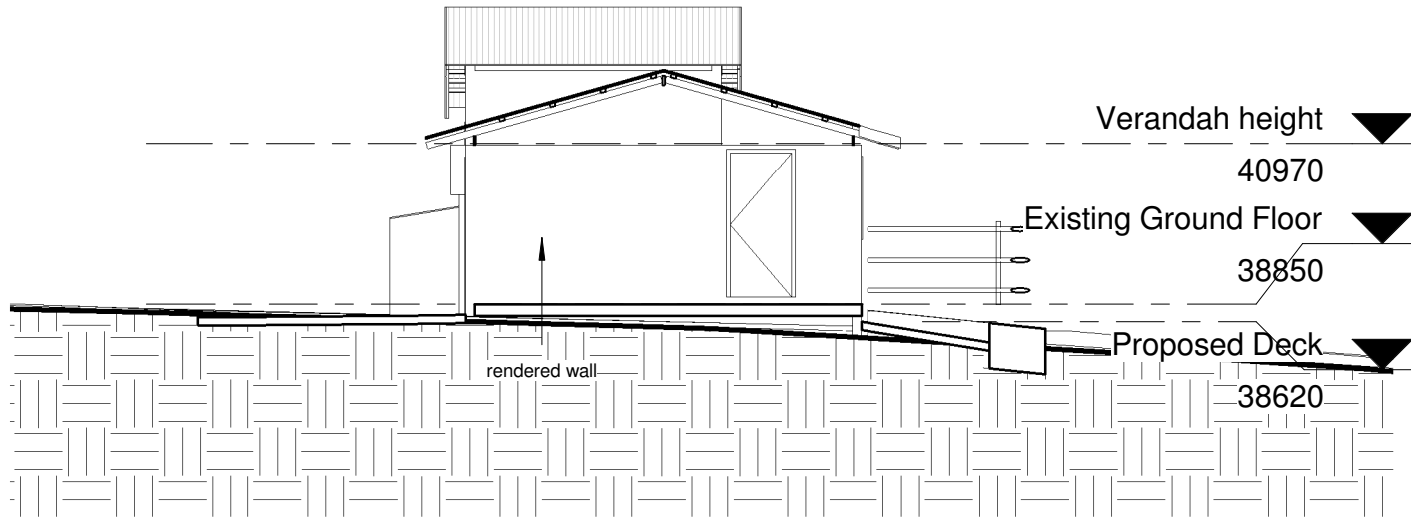
REVISION		
No.	Date	Description



Existing Section 1
Scale 1 : 100



Existing Section 2
Scale 1 : 100



Existing Section 3
Scale 1 : 100

date of plot: 7/02/2019 11:43:42 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Existing Sections

drawn by: AB, JS

approved: GB

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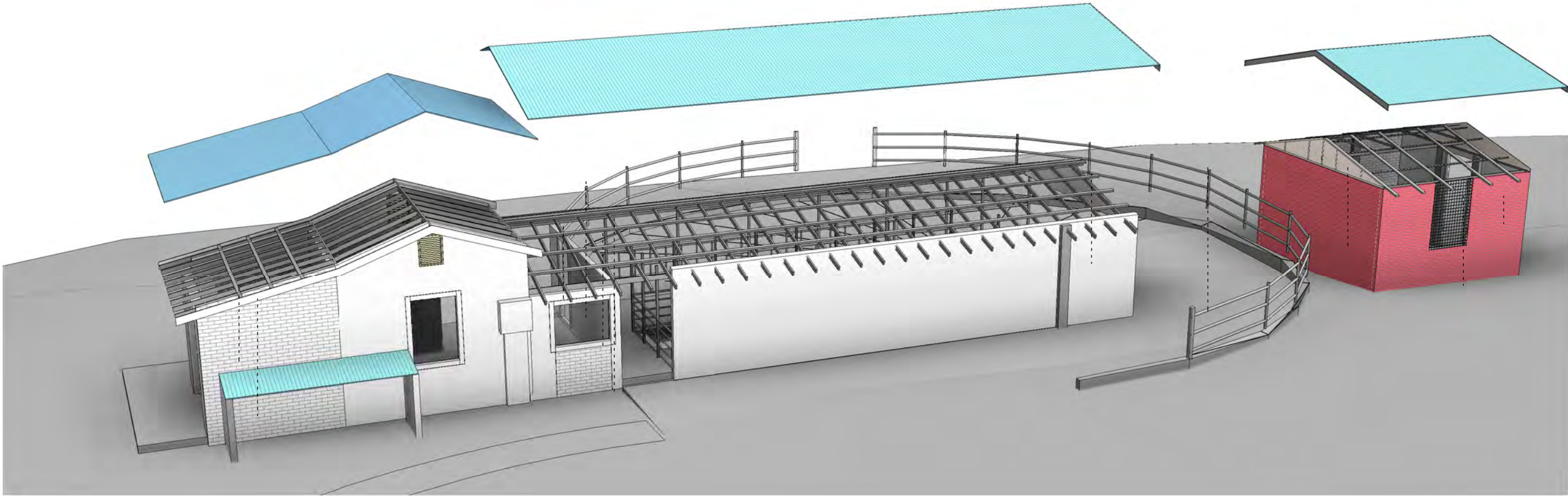
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scale:
1 : 100

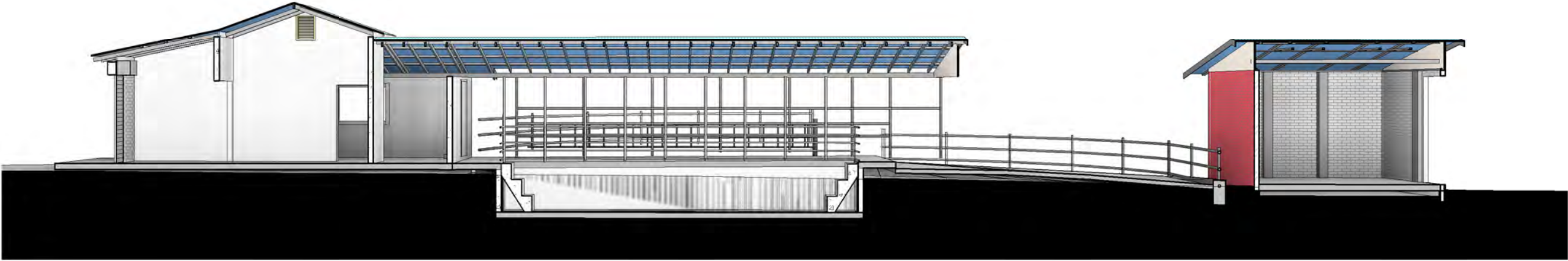
dwg:
DA04

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REVISION		
No.	Date	Description



Existing Exploded View
Scale



Perspective Section Existing
Scale



date of plot: 7/02/2019 11:43:46 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Existing Exploded Views

drawn by: AB, JS

approved: GB



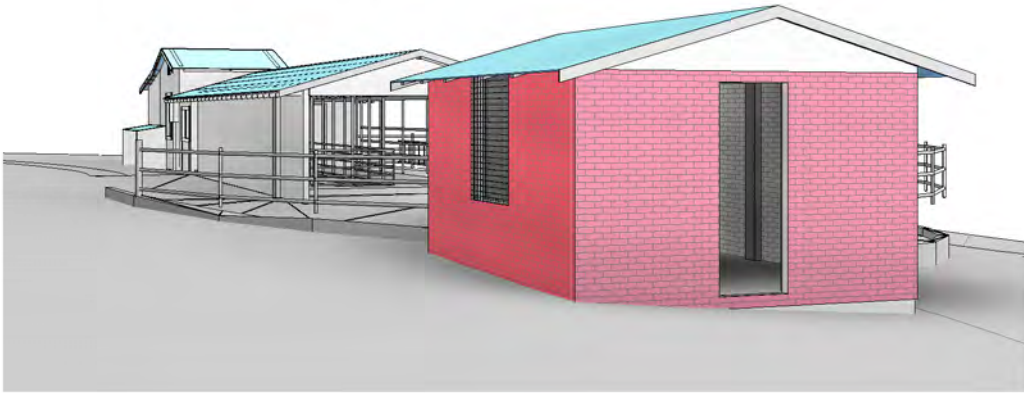
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scale: dwg: DA05



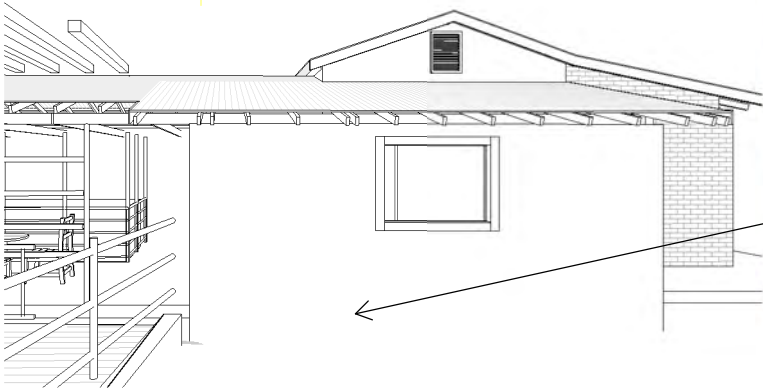
Extg south west perspective



Extg south east perspective

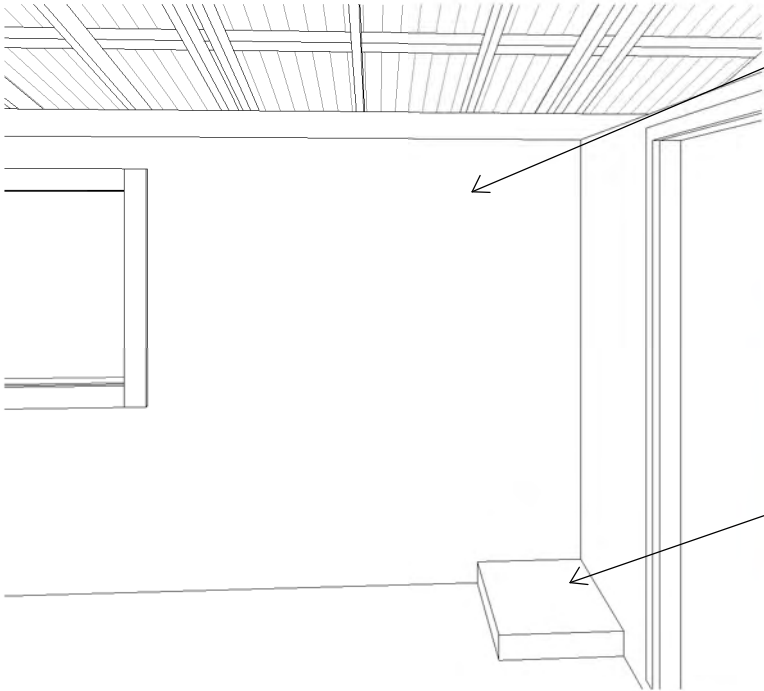


Extg north east perspective



Extg broken concrete slab

cracked wall held by braces



raised concrete block

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REVISION		
No.	Date	Description

date of plot: 7/02/2019 11:43:51 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Existing Perspectives and
additional information
drawn by: AB, JS
approved: GB

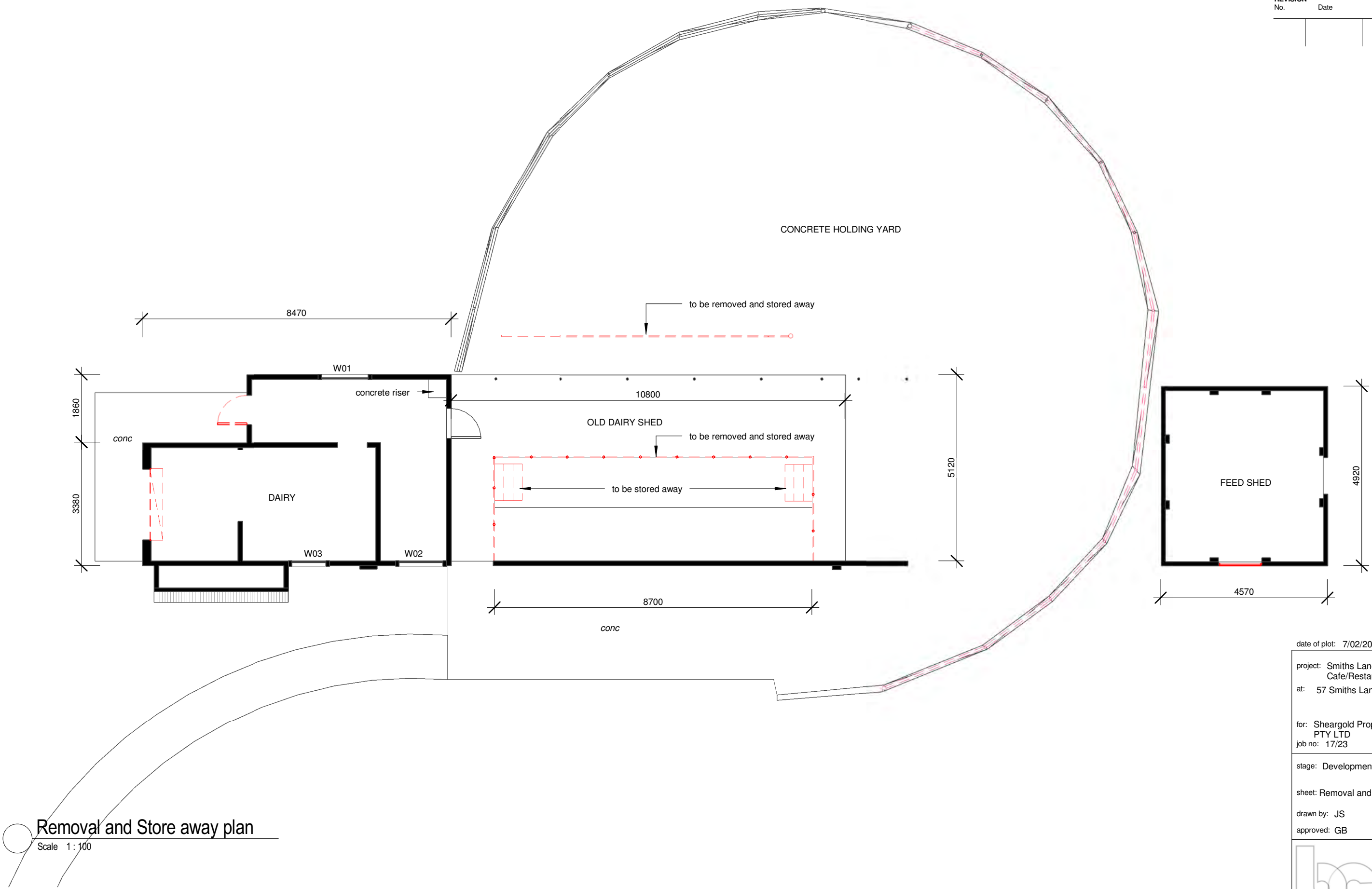
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scale: dwg: DA06

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REVISION		
No.	Date	Description



Removal and Store away plan
Scale 1 : 100

date of plot: 7/02/2019 11:43:52 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Removal and Store away plan

drawn by: JS
approved: GB



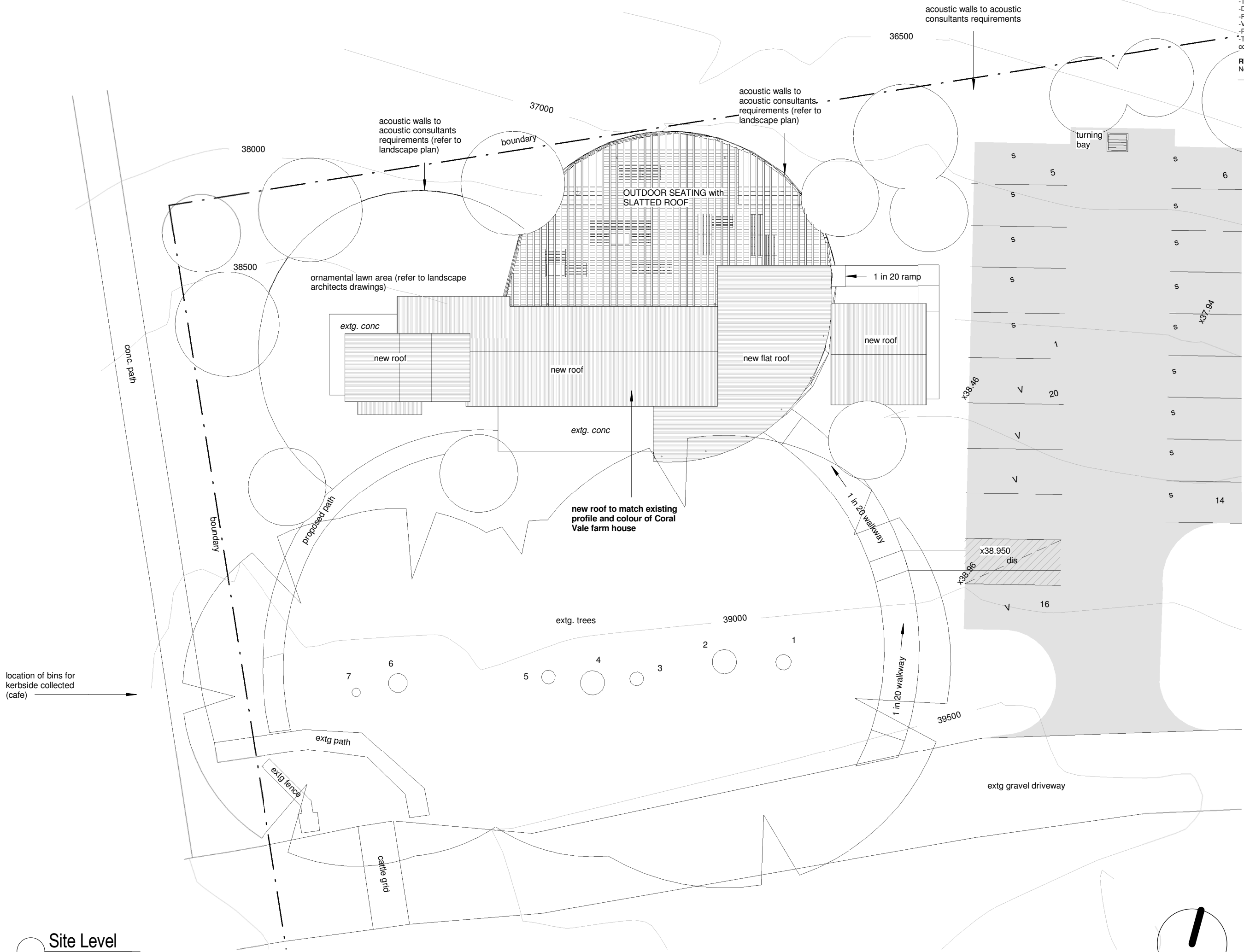
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scale: 1 : 100	dwg: DA07
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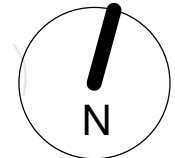
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REVISION No.	Date	Description
B		roof notation updated



location of bins for
kerbside collected
(cafe)

Site Level
Scale 1:200



date of plot: 19/02/2019 12:06:14 PM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Site Plan - Cafe

drawn by: JS
approved: GB

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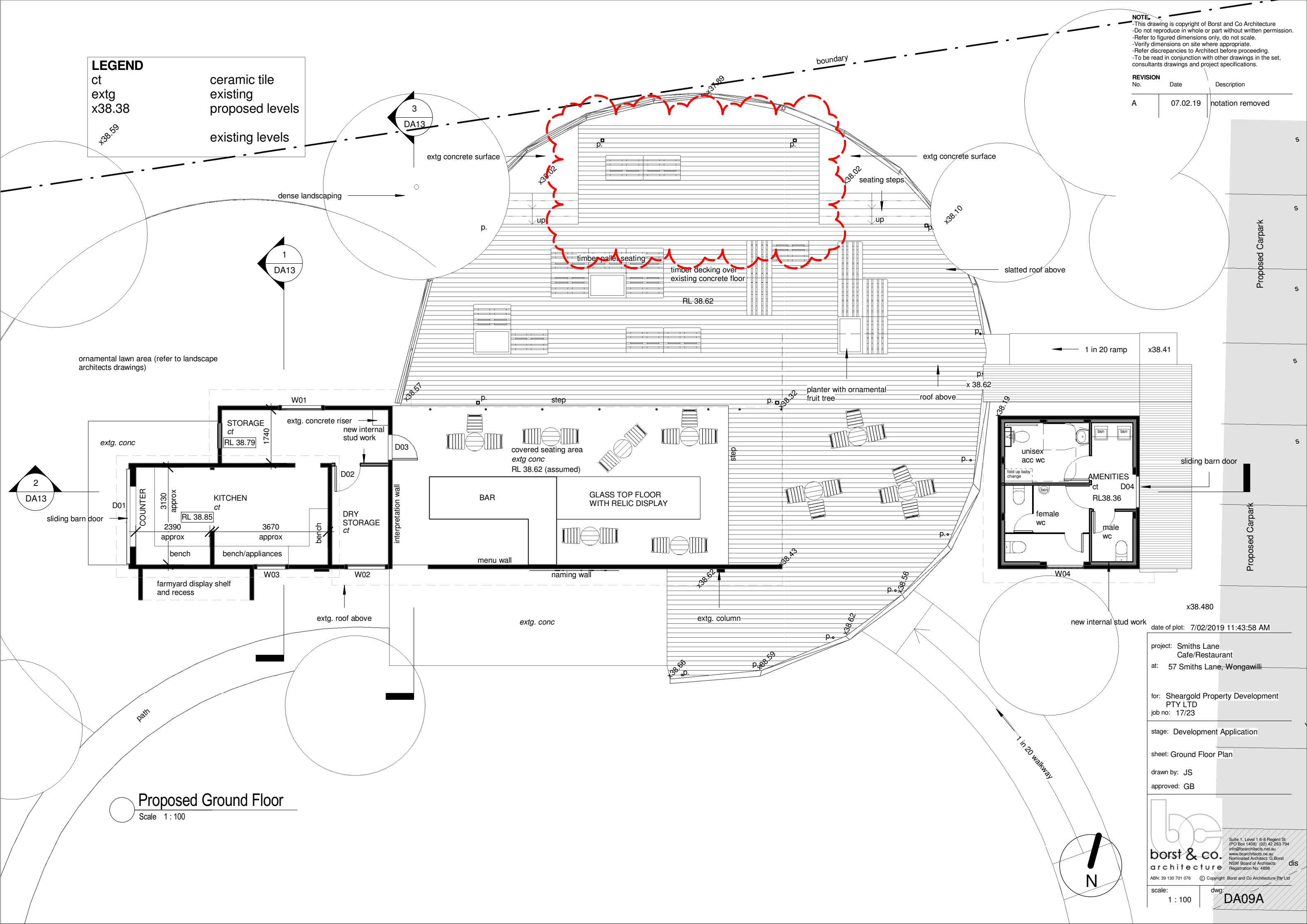
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REVISION		
No.	Date	Description
A	07.02.19	notation removed

LEGEND

ct ceramic tile
extg existing
x38.38 proposed levels
existing levels



Proposed Ground Floor

Scale 1:100

date of plot: 7/02/2019 11:43:58 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Ground Floor Plan

drawn by: JS

approved: GB

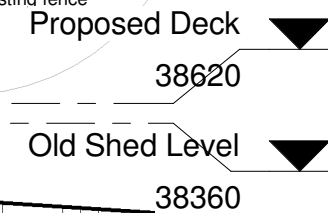
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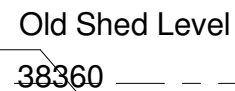
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dwg:
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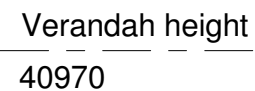
REVISION		
No.	Date	Description



Scale 1 : 100



Scale 1 : 100



Existing Ground Floor
38850

Proposed Deck
38620

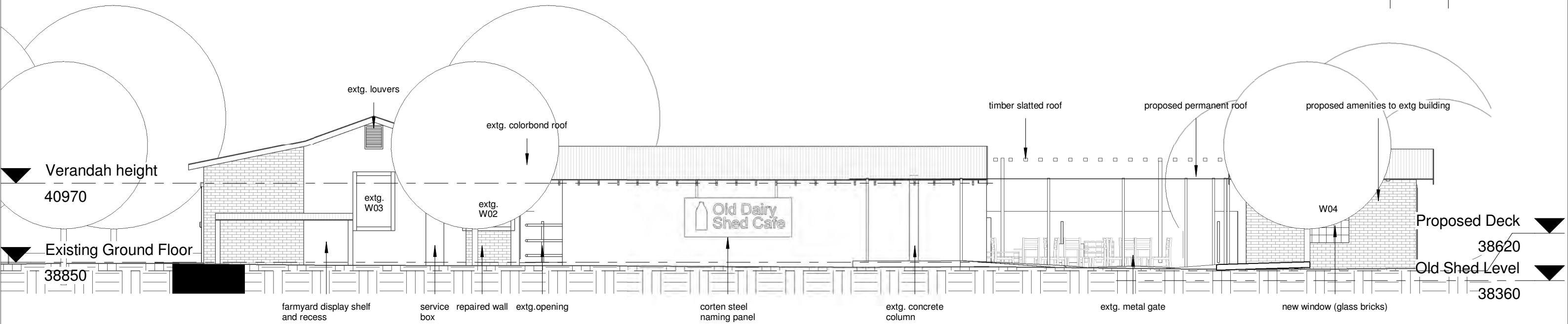
Scale 1 : 100

scale: 1 : 100	dwg: DA11
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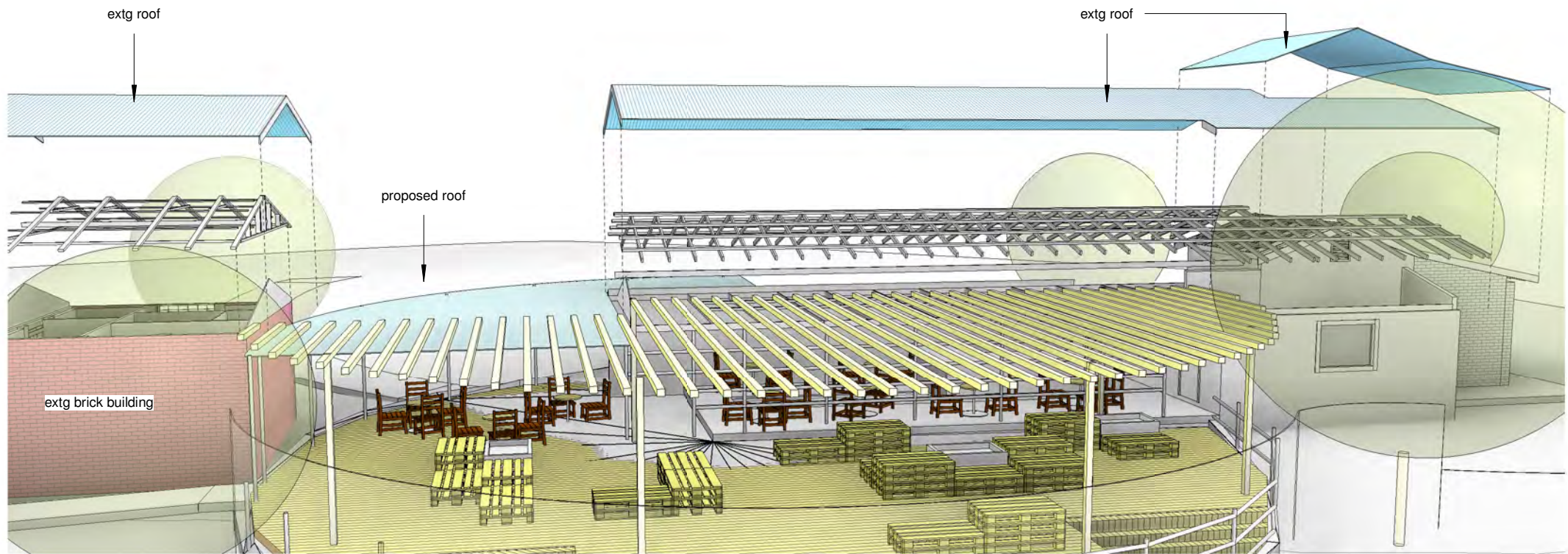
DA11

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REVISION	No.	Date	Description



Proposed South Elevation
Scale 1 : 100



Exploded View
Scale

date of plot: 7/02/2019 11:44:04 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: South Elevation & Exploded
View
drawn by: JS
approved: GB

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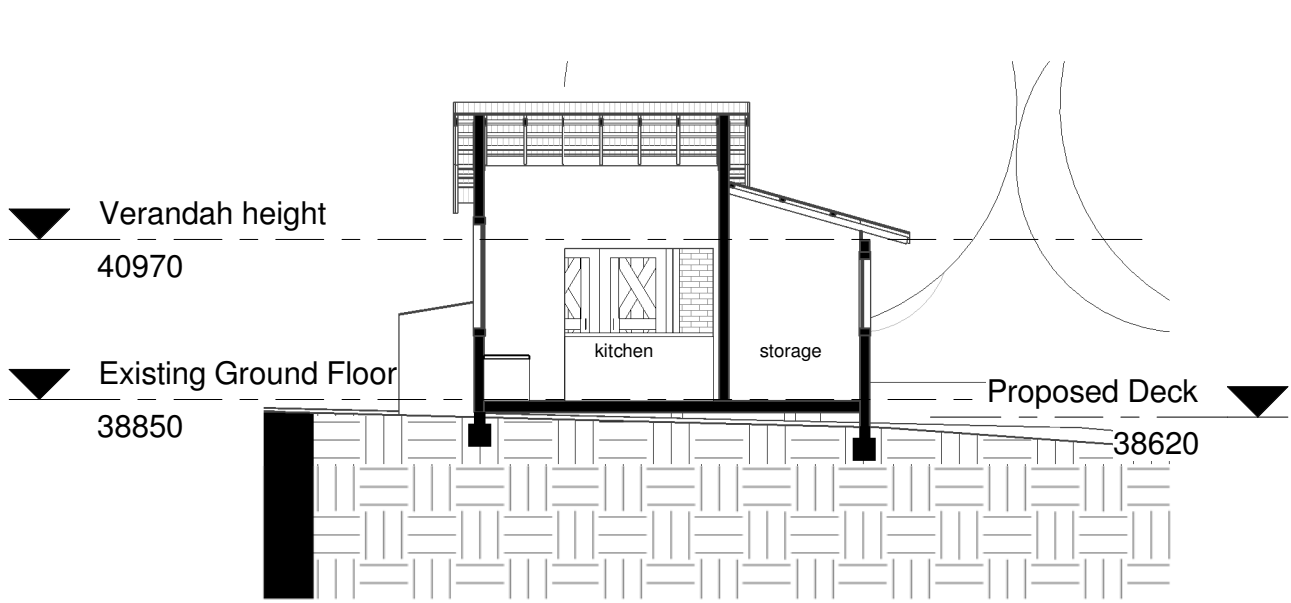
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scale:
1 : 100

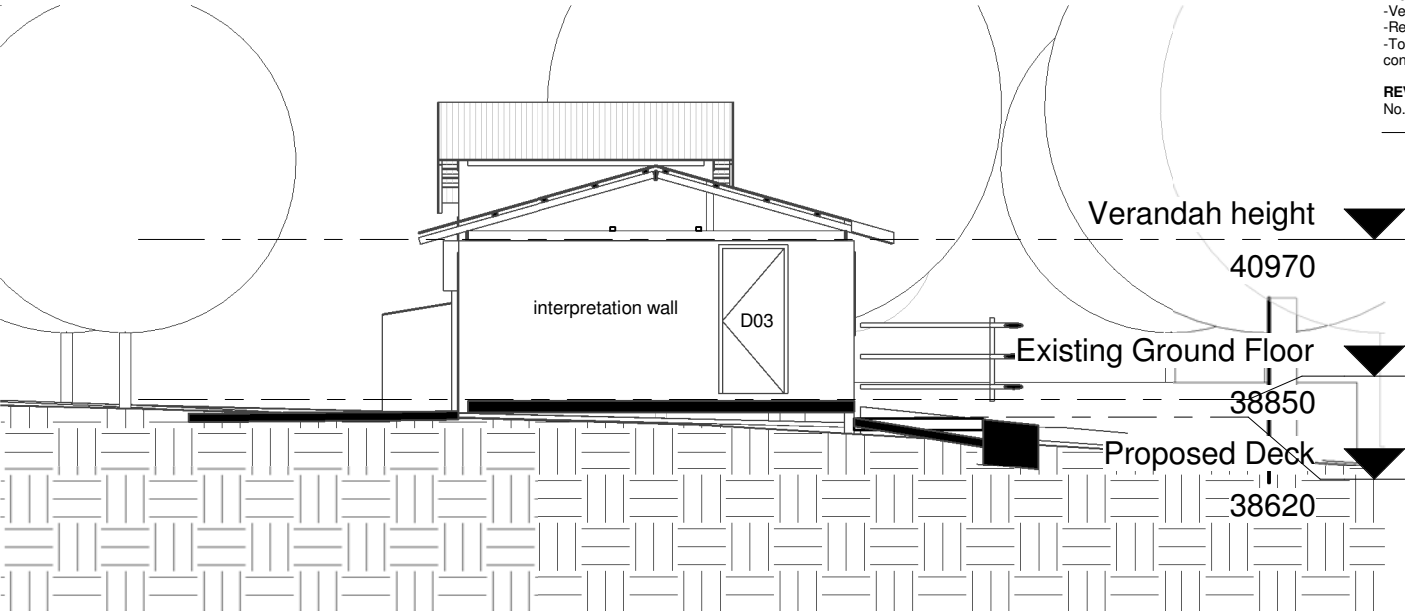
dwg:
DA12

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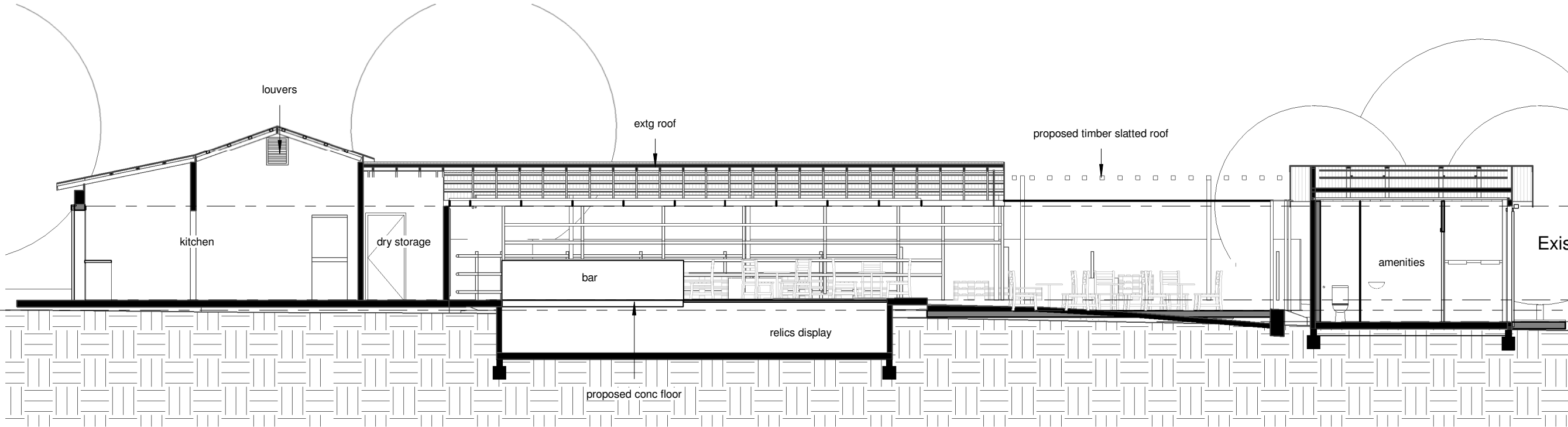
REVISION		
No.	Date	Description



Proposed Section 1
Scale 1 : 100



Proposed Section 2
Scale 1 : 100



Proposed Section 3
Scale 1 : 100

Verandah height	▼
40970	
Existing Ground Floor	▼
38850	
Proposed Deck	▼
38620	
Old Shed Level	▼
38360	

date of plot: 7/02/2019 11:44:05 AM

project: Smiths Lane
at: Cafe/Restaurant

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Sections

drawn by: JS

approved: GB

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info@bcarchitects.net.au
www.bcarchitects.net.au
Nominated Architect: G.Borst
NSW Board of Architects
Registration No. 4898

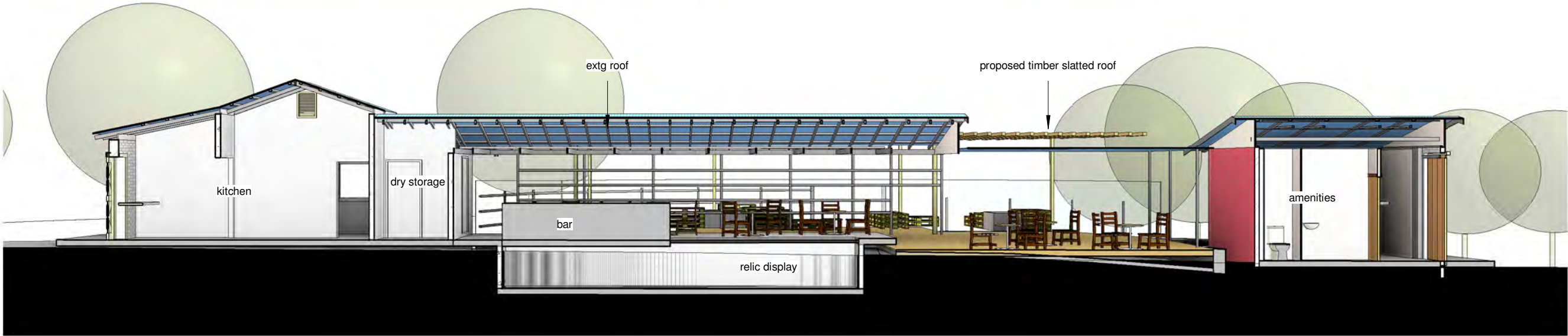
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scale: 1 : 100	dwg: DA13
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REVISION		
No.	Date	Description



date of plot: 7/02/2019 11:44:13 AM

project: Smiths Lane
Cafe/Restaurant
at:

for: Sheargold Property Development
PTY LTD
job no: 17/23

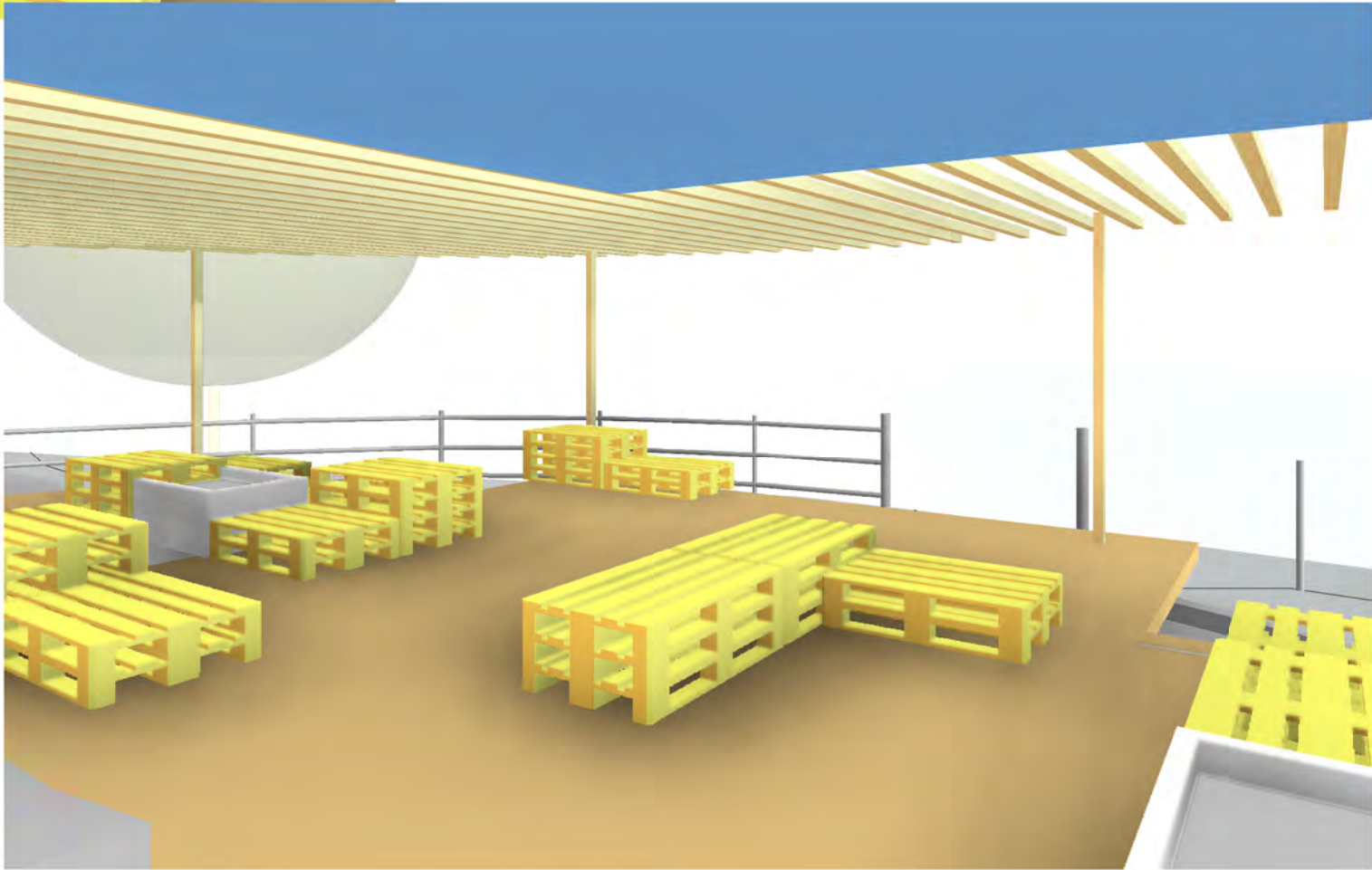
stage: Development Application

sheet: Perspective and Perspective
section
drawn by: Author
approved: Checker

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scale: dwg: DA14

Perspective Section Proposed
Scale



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REVISION		
No.	Date	Description

date of plot: 7/02/2019 11:44:16 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Perspectives

drawn by: Author

approved: Checker

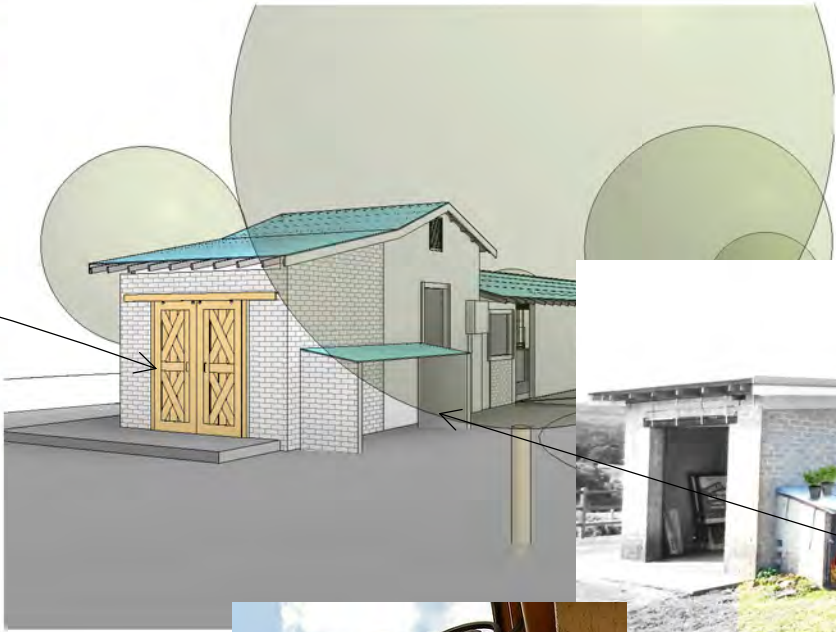
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scale: dwg: DA15



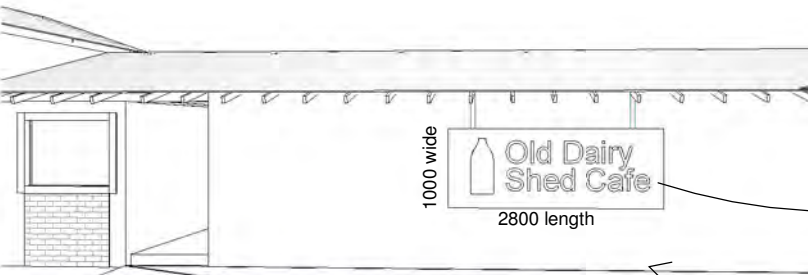
Barnyard style front door



Farmyard display shelf



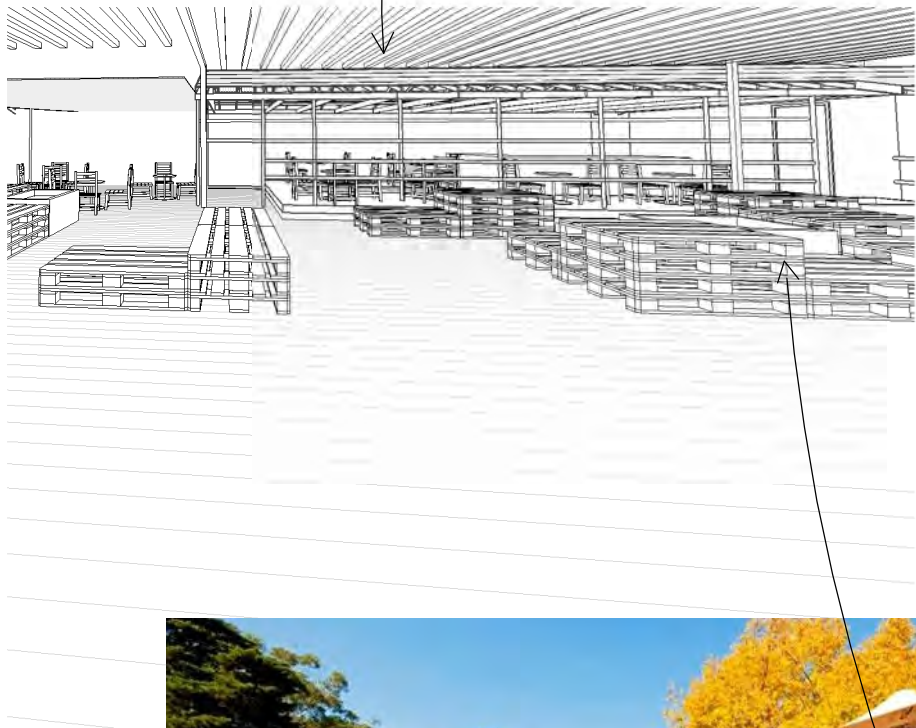
Potential Milk jug table



Corten steel hanging panel



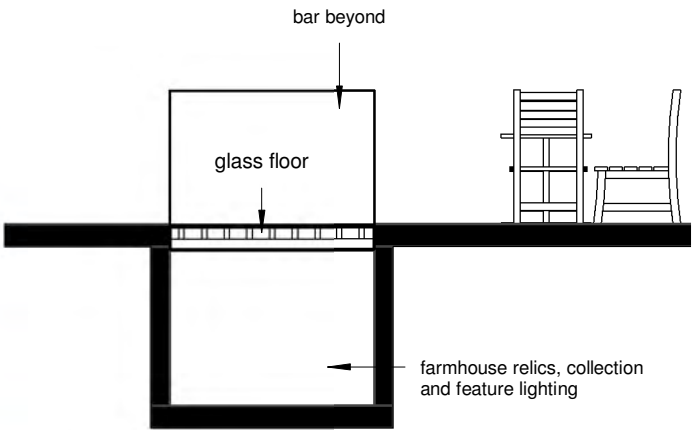
Potential rustic timber finish to deck



Potential Lighting fixtures



Timber pallet seating



Detail of Glass Top floor with relic display



Seating stairs

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REVISION No.	Date	Description
Rev A	18.12.18	Added dimensions to signage

date of plot: 7/02/2019 11:44:20 AM

project: Smiths Lane
 Cafe/Restaurant
 at: 57 Smiths Lane, Wongawilli
 for: Sheargold Property Development PTY LTD
 job no: 17/23

stage: Development Application
 sheet: Inspiration board, signage and Ideas
 drawn by: Author
 approved: Checker

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scale: 1 : 50 dwg: DA16A

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REVISION		
No.	Date	Description
B	07.02.19	perspective of the proposed cafe



○ Proposed Cafe - from existing drivveway
Scale

date of plot: 7/02/2019 11:56:30 AM

project: Smiths Lane
Cafe/Restaurant
at: 57 Smiths Lane, Wongawilli

for: Sheargold Property Development
PTY LTD
job no: 17/23

stage: Development Application

sheet: Perspective

drawn by: JS

approved: GB

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scale: dwg: DA18B



- LEGEND**
- | | | | |
|-----------|---|----|--|
| --- | SITE BOUNDARY | RW | RETAINING WALL |
| 20.0 | EXISTING CONTOUR | CE | CONCRETE EDGE |
| 39.0 | PROPOSED CONTOUR | F3 | 1.8M HIGH FENCE |
| +20.0 | EXISTING SPOT LEVEL | F4 | 1.8M ACOUSTIC FENCE TO ACOUSTIC ENGINEERS DETAIL |
| +TOW 21.0 | PROPOSED SPOT LEVEL | F5 | 1.8M ACOUSTIC FENCE TO ACOUSTIC ENGINEERS DETAIL |
| | TOP OF WALL LEVEL | HR | HANDRAIL |
| | EXISTING TREE RETAINED | | STEPS |
| | PROPOSED TREE PLANTING | | CONCRETE PATH |
| | EXISTING VEGETATION | TD | TIMBER DECK |
| | EXISTING DRY CREEK RIVER BED | | PAVED ENTRANCE |
| | EXISTING CATTLE GRID | | ACCESSIBLE RAMP AT 1:14 |
| | EXISTING FOOT PATH | | ACCESSIBLE RAMP AT 1:20 |
| | EXISTING ENTRANCE WALL | | PROPOSED MASS PLANTING AREAS |
| | GRAVEL DRIVEWAY | | GRASSED AREAS |
| | PLANTED EMBANKMENT | | MULCH BED BENEATH EXISTING TREES |
| F1 | SCREEN FENCE 0.9 M | | INFORMAL SANDSTONE PAVING |
| F2 | 1.2 FENCE TO CHILDCARE CENTRE ENTRANCE TO ARCHITECTS DETAIL | | |
- DIALOGUE**
- Existing main gated entrance.
 - Existing gravel driveway to be retained.
 - A pedestrian footpath providing a link into the new Café or Childcare Centre. The proposed footpath is part of a site wide circulation link for pedestrian movement.
 - pedestrian link into the Childcare Centre.
 - A 'Vista Park' to the east. This footpath consists of step and ramp design to compliant regulation.
 - Childcare Centre paved entrance boarded by ornamental shrub plantings, creating a sense of place and arrival.
 - A 1:14 compliant ramp, providing a direct pedestrian link towards the Childcare Centre and Café. The ramp also provides access into the new carpark in front of the Childcare Centre.
 - Gravel carpark enclosed by new tree and ornamental shrub planting.
 - Existing carpark to be retained and enhanced with new tree and shrub planting.
 - Gravel carpark to the Café incorporating compliant access into the café area.
 - Existing vegetation including trees and grass to be retained.
 - Existing Silo to be retained and enhanced with additional shrub planting to the base.
 -
 - Ornamental lawn area providing outdoor seating area / seclusion for Café users.
 - Cafe paved entrance treated with ornamental shrub planting, creating sense of place and arrival.
 - Café spill out area (1.6 acoustic fences along the northern perimeter). The enclosed space will be treated enclosed with new steel railing to the perimeter The space will be
 - Pedestrian compliant link into the Amenity building.
 - 0-2 year old playground area enclosed by 1.8 m close board fence (security) with hedge planting for screening. Space will consist of play elements to suit child group age range with suitable surface treatments.
 - 2-3, 3-4, 4-5 year old playground areas. The spaces are located on stepped terraces that are linked into the classrooms via ramps and compliant steps. The spaces will consist of play elements to suit age ranges with suitable surface treatments. A 1.8m high acoustic fencing will enclose the play areas and will be screened with shrub and hedge vegetation. The play areas will be segregated with a 900mm high fence that will also act as a balustrade. walls 500mm high maximum.
 - Shrub & screening vegetation incorporating mature trees will be planted in the 1:3 -1:4 batter slopes from the base of the play areas. The batter gradient ties back into the existing contours of the site.
 - Ornamental shrub and screen planting along the western boundary providing soft landscape treatment.
 - Access into Vista Park - 'The Vale'

LIST OF CHANGES

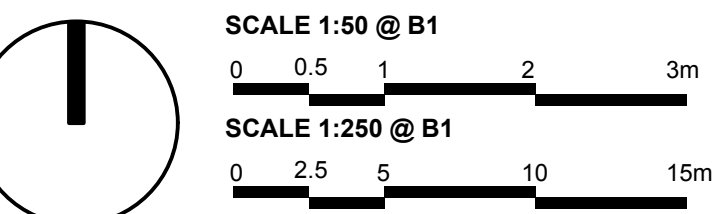
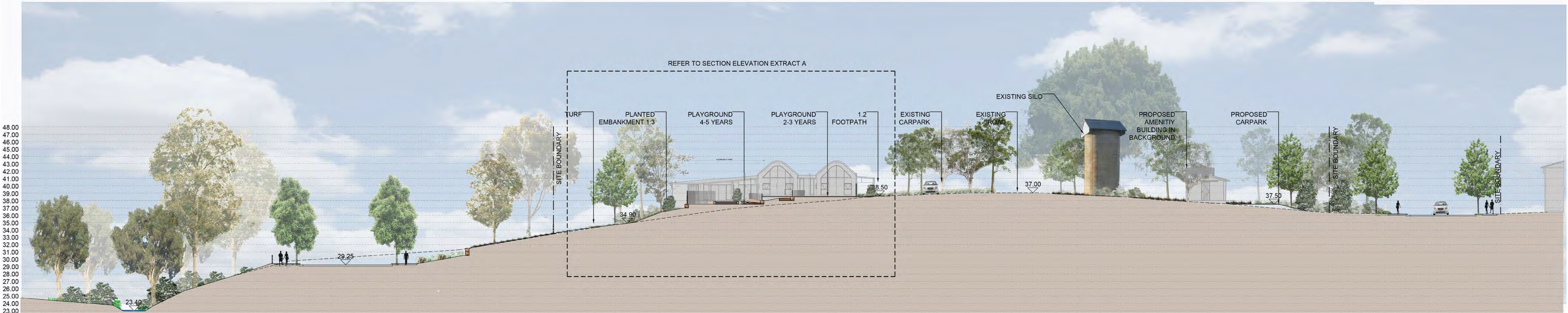
- Drawing updated to show 1.8 acoustic/ secure fence to perimeter of 2-3-4 & 4-5-year-old play areas.
- Drawing update to show Internal 1.2 fences to 3-4 & 4-5-year-old play area removed.
- Drawing updated to show 1.8 secure fence to perimeter of 0-2-year old play area
- Drawing updated to show 1.2 secure fence to Child Care Centre main entrance.
- Drawing updated to show m2 area of 2-3-4 & 4-5-year-old play areas.

Landscape Concept Plan

Project: 18-032W Coral Vale Proposed Childcare Centre and Cafe
Client: Sheargold Group
Date: 08.02.2018
Revision: D
Drawn: MA
Checked: JH

TaylorBrammer
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SOUTH COAST OFFICE
26 Moore Street, NSW, 2515 E southcoast@taylorbrammer.com.au
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ABN 51 005 724 988

LC01

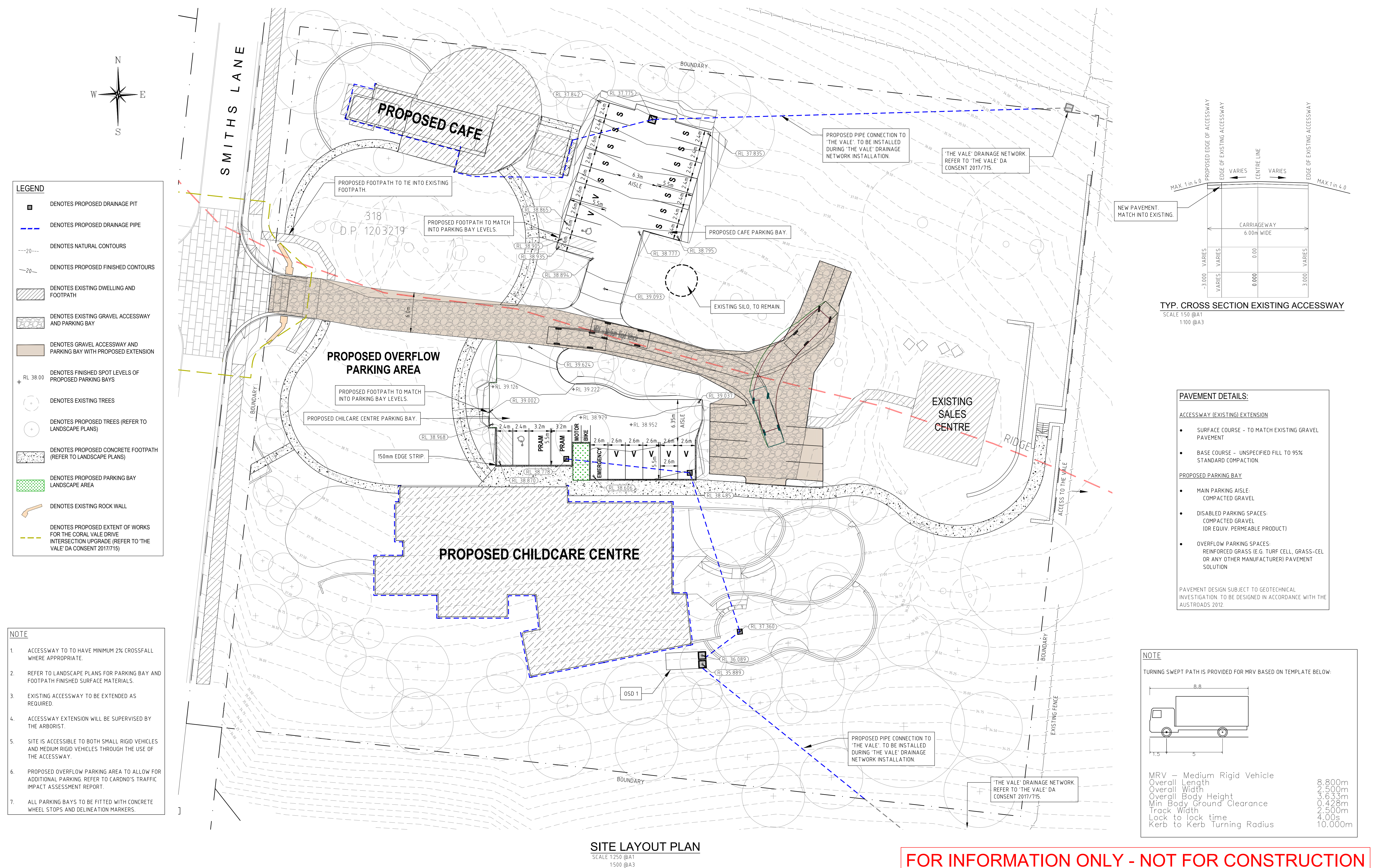


LIST OF CHANGES

- Drawing updated to show 1.8 acoustic/ secure fence to perimeter of 2-3-3-4& 4-5-year-old play areas.
- Drawing update to show Internal 1.2 fences to 3-4& 4-5-year-old play area removed.
- Drawing updated to show 1.8 secure fence to perimeter of 0-2-year old play area

Landscape Section Elevations

Project: 18-032W Coral Vale Proposed Childcare Centre and Cafe
Client: Sheargold Group
Date: 08.02.2018
Revision: D
Drawn: MA
Checked: JH



SITE LAYOUT PLAN

SCALE 1:250 @A1
1:500 @A3

FOR INFORMATION ONLY - NOT FOR CONSTRUCTION

A	AMENDED AS PER COUNCIL COMMENTS	14.12.2018	M.J.	W.M.
Revision	Amendment or reason for issue	Issue date	Drawn by	Authorised



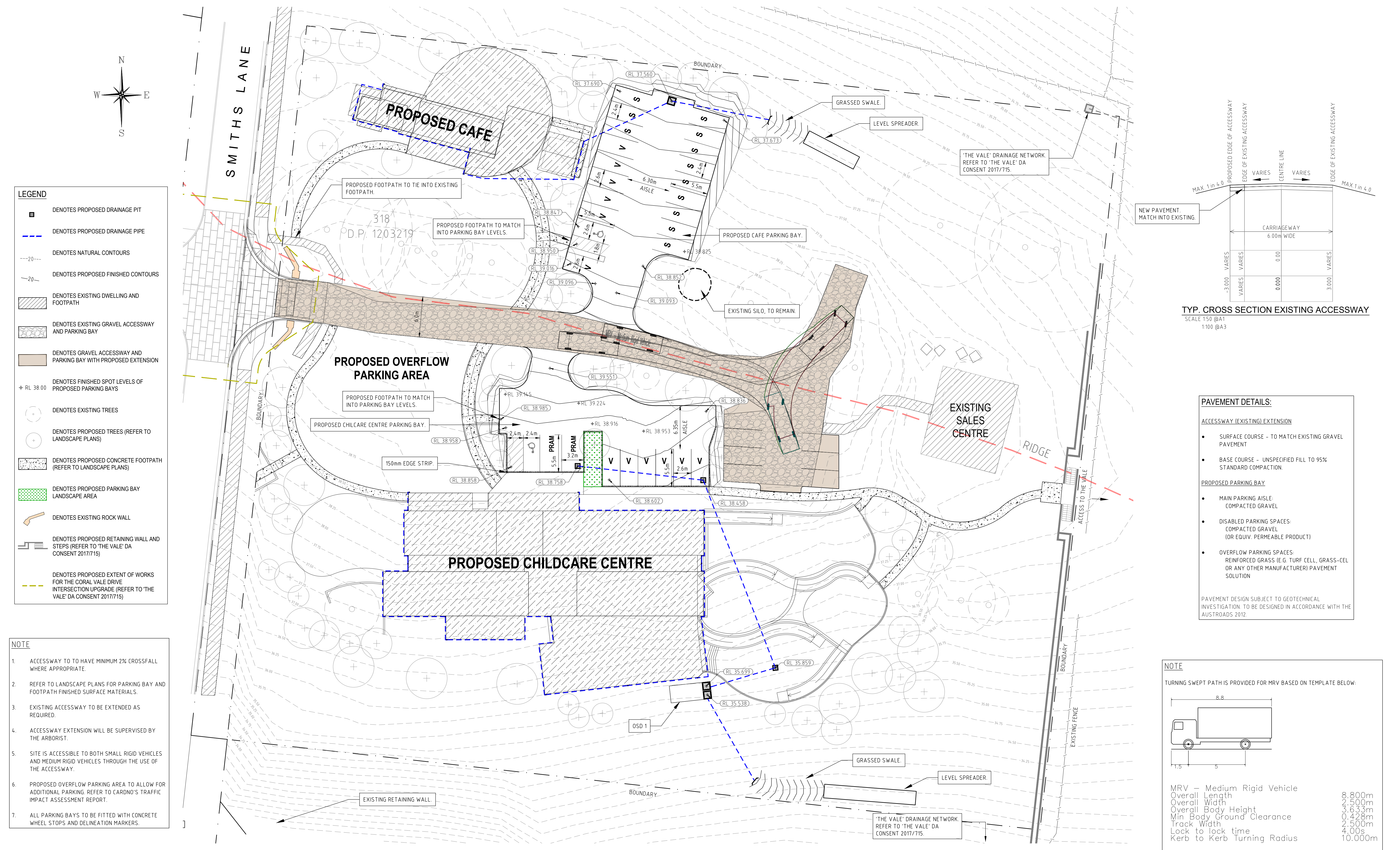
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Surveyor	-	Date	August 2018
Date of Survey	-	Drawn	M. Jacimovic
Height Datum	AHD	Designed	M. Jacimovic
Origin	Checked	C. Roberts	
Horiz. Datum	-	Approved	W. Mullany

Drawing Title	CHILD CARE CENTRE AND CAFE LOT 318 DP 1203219 57 SMITHS LANE, WONGAWILLI 2530 SITE LAYOUT PLAN
Scale	1:250 @ A1 1:500 @ A3
Drawing Status	ISSUED FOR DA

Project No.	KF112858
Drawing No.	C01
Sheet	1 Of 3
Revision	A



SITE LAYOUT PLAN

SCALE 1:250 @A1
1:500 @A3

FOR INFORMATION ONLY - NOT FOR CONSTRUCTION

Revision	Amendment or reason for issue	Issue date	Drawn by	Authorised



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Surveyor	-	Date	August 2018	Drawing Title	CHILDCARE CENTRE AND CAFE LOT 318 DP 1203219 57 SMITHS LANE, WONGAWILLI 2530 SITE LAYOUT PLAN	Project No.	KF112858
Date of Survey	-	Drawn	M. Jacimovic			Drawing No.	C01
Height Datum	AHD	Designed	M. Jacimovic			Sheet	1 Of 3
Origin	-	Checked	C. Roberts			Revision	-
Horiz. Datum	-	Approved	W. Mullany	Scale	1:250 @ A1 1:500 @ A3	Drawing Status	PRELIMINARY

Jessica Saunders
Wollongong City Council
41 Burelli St,
Wollongong NSW 2500



Dear Jessica,

RE: Sheargold Variation to DCP Chapter C5 – Child Care Centres & Chapter E3 - Car parking request for DA 2018/1047

The following provides the justification where a variation from the Development Control Plan is sought.

Clause 7.1.2 Controls

A variation to clause 7.1.2 Maximum Number of Children in a residential zone is sought for the proposal. DCP C5 – Child Care Centres limits to the number of children to 49. A variation to this control is sought to allow the proposed 75 place childcare. The variation is outlined below.

The subject site being part Lot 318 DP 1203219 is zoned R2 (low Density Residential) with Lot 318 having a total site area of 12564.5m². A standard R2 Lot that this control applies to is usually between 450m² & 600m² to ensure the childcare centre does not affect residential amenity in terms of traffic generation/movement, traffic noise and noise from children. The site is located in a growing and rapidly developing residential community having evolved from a formerly mostly semi-rural locality, much of this character is being retained by the style of new homes and nearby remnant rural parcels. There are larger semi-rural recently subdivided lots with commensurate sized homes to the West, and further standard homes to the North and East. The Site location will remain rural once development is complete; which we have achieved being sensitive to the existing Heritage nature of the Coral Vale Homestead and surrounding curtilage. The site is not a standard lot located within an established suburban setting surrounded by housing.

The proposed Childcare centre is located at Wongawilli within the Vista Park master planned community developed by Sheargold. Not only will Vista park deliver up to 500 new homes, other development in the area will contribute a further 200 homes. This will result in more than sufficient need for a childcare centre of greater than 49 places given expected demand as the communities develop.

It should also noted for the proposed 75 place Childcare the built form is influenced by former farming sheds that where on the site originally to ensure

the new design is not out of context with buildings that were previously on the site.

The impact of the Child care Centre building in overall context is minimal, contextually It represents a far lower Floor Space Ratio in terms of/proportion of the subject site area than a Childcare Centre situated within an already built up higher density residential area – the impact to the surrounding area at Wongawilli is therefore minimal; the existing rural character of the “Coral Vale” site will be retained by virtue also of the fact the proposed Building is being positioned on the Building Envelope already approved by Development Consent DA 2044/1424 Dated 6th April 2016.

Due to the lot size, location, context and future need, we strongly consider this variation does not adversely impact on the amenity of the adjoining property's and is consistent with the 7.1.2 objectives of C5 – Child Care Centres.

Chapter E3 Car Parking, Access, Servicing / Loading Facilities and Traffic Management

A variation to Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management is requested on the following merits:

- The need for 1 space per staff member is considered excessive, as the peak parking demand for staff is typically during the middle of the day at a time where parent parking demand is reduced. During the peak parent period (e.g. 7:00-9:00am and 4:00-6:00pm), the level of staff parking demand is reduced.
- RMS Guide to traffic Generation requires 9 less spaces for the childcare centre, which would result in an overall requirement of 26 car spaces. The proposed 31 spaces satisfy the RMS Guide's requirement.
- The proposed on-site café will also service future parents such that an element of dual use parking is likely, resulting in a reduction in cumulative car parking.
- The centre is proposed to service the needs of the surrounding new residential houses. It is likely that a large proportion of future parents will be within accessible walking distance to the centre reducing the reliance on private cars.

All calculations can be found in the Traffic Impact Assessment prepared by Cardno Dated 18th December 2018 Version 2.

The proposed variation remains consistent with Chapter E3 Car Parking, Access, Servicing / Loading Facilities and Traffic Management objectives.

Yours faithfully,

NJHolloway

Nathan Holloway
Development Manager

Attachment 3: Child Care Planning Guideline 2017 Assessment

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
2. Design quality principles		
Principle 1 – Context	Generally, the proposal is considered appropriate with regard to the 7 design quality principles.	Yes
Principle 2 - Built form		
Principle 3 - Adaptive learning spaces		
Principle 4- Sustainability		
Principle 5 – Landscape		
Principle 6 – Amenity		
Principle 7 - Safety		

3. Matters for consideration

<u>3.1 Site selection and location</u>	<p>Despite being within an R2 zone, the site is located on a large lot comprising the heritage curtilage of the 'Coral Vale' homestead and hence has been designed with regard to the heritage values of the subject site and its rural character. The adjoining development to the west consists of large lot rural residential developments, and land to the north, east and south is subject to an approved residential subdivision which will change the nature of the surrounding area as it is developed. The acoustic impacts of the proposal on adjoining properties have been considered with the submission of an acoustic report and the recommendations of this report being reflected on the submitted plans.</p> <p>The childcare centre is proposed with setbacks of more than 21m to Smiths Lane and 12m to the south.</p> <p>Traffic and parking impacts of the proposal on the amenity of the surrounding land has been considered as discussed throughout this report.</p> <p>Contamination matters have been addressed as discussed at section 2.1.1 of the report.</p> <p>The location and surrounds are considered compatible with the proposed use, and is not affected by any bushfire or flood hazard constraints or in close proximity to any hazardous industry or service stations.</p>	Yes
<u>3.2 Local character, streetscape and the public domain interface</u>	<p>The design of the childcare centre is largely reflective of the heritage character of the subject site, which is considered appropriate. The proposal is considered to integrate with the surrounding land and streetscape, and respects the heritage value of the site.</p> <p>The childcare centre is sufficiently separated from the public domain to create a clear transition between the proposed use and surrounding land.</p> <p>The proposal has been designed with a view to retaining the existing site vegetation.</p> <p>The main entrance to the childcare centre is proposed off the main entrance driveway to the site, and the proposed car parking area. This is considered to blend with the context of the surrounding area, whilst ensuring that the front entrance door to the facility is clearly identifiable.</p> <p>A number of fences, retaining walls and acoustic fences are proposed to provide for the outdoor play areas in the context of the sloping site. The main view of the site will be from Smiths Lane travelling north, for which a perspective has been provided. A combination of landscaping and the</p>	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
	use of natural materials and transparent acoustic walls assist in minimising the impact of the development on the heritage value of the site, whilst providing privacy for the children and acoustic protection to surrounding properties.	

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.3 Building orientation, envelope and design</u>	<p>The building envelope of the proposed childcare centre has been largely determined via the conservation management plan which identifies a general development opportunity envelope which the building itself is generally located within. This plan is provided as part of Attachment 1.</p> <p>The site is proposed to be surrounded by roads to the immediate north, east and south as a result of the development of the surrounding residential subdivision. The building and play area orientations are not expected to result in adverse impacts on surrounding residential land.</p> <p>The building height is considered to respond to the site character, remaining well below the 9m height limit for the zone and below the RL height of the Coral Vale homestead.</p> <p>The proposal has been designed to step down the site in line with the existing slope of the land.</p> <p>The entry to the site itself is clearly identifiable, with the entry to the childcare centre clearly identifiable from the main driveway area. Parking areas are proposed immediately in front of the proposed childcare centre and main entrance.</p> <p>The facility and outdoor play areas have been designed to be accessible throughout.</p>	Yes
<u>3.4 Landscaping</u>	<p>Councils Landscape Architect has considered the proposal with regard to landscaping and provided a conditionally satisfactory referral response. Appropriate landscaping is proposed throughout the site.</p> <p>The development has been designed with regard to ensuring the retention of the existing trees on the site, which have been integrated into the design, and are proposed to be complemented by additional plantings. Several trees are proposed to be planted around the proposed car parking area.</p>	Yes
<u>3.5 Visual and acoustic privacy</u>	<p>Due to the slope of the land, the children's play areas are proposed to be stepped down the site with a series of transparent acoustic walls, retaining walls and screen walls along with landscaping to provide separation between the different play areas and minimise the visual impact of the terracing on the site.</p> <p>An acoustic report prepared by a qualified acoustic professional formed part of the application submission and has been reviewed by Councils Environment Officer. The recommendations of the report have been reflected on the submitted plans, and conditions are recommended with regard to ongoing monitoring requirements.</p>	Yes
<u>3.6 Noise and air</u>	The subject site is not located in the vicinity of any major	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>pollution</u>	road, rail line or industrial development. The site is identified as being within the flight path of the Illawarra Airport, however is at the far end of the departure envelope, and no adverse impacts are expected.	
<u>3.7 Hours of operation</u>	The proposed hours of operation do not exceed the core hours (7am – 7pm) as specified via this clause, with the operations proposed from 7am – 6pm Monday to Friday.	Yes
<u>3.8 Traffic, parking and pedestrian circulation</u>	<p>Given the unique nature of the subject site, the car parking area is proposed internal of the site with significant setbacks. The proposed car parking and drop off area is not located adjacent to any high flow traffic areas, and is screened from the main view corridor of the site by the building itself. Pedestrian connections are proposed through the site, both from Smiths Lane and the future subdivision area to the east.</p> <p>Pursuant to car parking rates specified within Chapter E3 of the WDCP 2009, 28 car parking spaces would be required for the proposed childcare centre, based on the projected staff and maximum capacity proposed. 15 spaces are proposed directly adjacent to the centre, with an additional 16 across the driveway adjoining the café. Additional overflow areas are also proposed on the grassed area adjoining the main driveway.</p> <p>Pursuant to this clause, 1 space is required for every 4 children, requiring a total of 19 spaces. The control also states that a reduction can be considered where the proposal relates to the adaptive reuse of a heritage item.</p> <p>A Traffic Impact Assessment report was prepared and reviewed by Councils Traffic Officer, as discussed throughout this report. As part of the development the existing driveway is proposed to be widened to the specifications of a public intersection.</p> <p>The proposed car parking and pedestrian network design is considered appropriate, subject to conditions.</p>	Yes

4. Applying the National Regulations to development proposals

<u>4.1 Indoor space requirements</u>	The applicant has provided additional information confirming that the minimum requirements for unencumbered indoor space as per the Education and Care Services National Regulations is provided for each room.	Yes
<u>4.2 Laundry and hygiene facilities</u>	An on-site laundry facility is proposed. The laundry is indicated to contain a washing machine, dryer and tub area and cleaners sink and cupboards.	Yes
<u>4.3 Toilet and hygiene facilities</u>	A number of different toilet areas are proposed throughout the facility to account for the different age groups and also staff and visitors to the site. All nappy change and toilet	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
	areas for children are proposed with junior pans and low level troughs for hand washing. The areas are directly accessible off the play rooms and outdoor areas for those age groups and are provided with appropriately located windows to allow for supervision by staff.	

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.4 Ventilation and natural light</u>	The proposed child care centre building has been designed to address different orientations and 3.9m ceiling heights for most of the play rooms. Skylights and a range of sliding doors and operable windows are proposed.	Yes
<u>4.5 Administrative space</u>	An appropriate administrative area is proposed at the main entrance to the facility and comprises a main reception desk, office and file storage area and staff rooms.	Yes
<u>4.6 Nappy change facilities</u>	Nappy change facilities are proposed for all rooms catering for children up to 4 years. The rooms are all indicated with nappy benches, hand cleaning facilities and storage areas, and are proposed with windows to allow for supervision.	Yes
<u>4.7 Premises designed to facilitate supervision</u>	The proposal has been designed with regard to ensuring that supervision is provided to all toilet and nappy change areas and outdoor spaces. All toilet areas are proposed within separate rooms, however are not proposed in cubicles. The design of the proposal steps down the site and as such will allow for surveillance of multiple areas at once. There are multiple opportunities to close off different areas of the site if required.	Yes
<u>4.8 Emergency and evacuation procedures</u>	The facility is proposed to be single storey in design. An emergency evacuation plan was provided as part of the DA submission which addresses the requirements of this clause.	Yes
<u>4.9 Outdoor space requirements</u>	<p>The applicant has provided additional information confirming that the minimum requirements for unencumbered outdoor space as per the Education and Care Services National Regulations is provided for each age group. The unencumbered areas have been calculated in accordance with the guidance provided by this clause.</p> <p>There is no swimming pool on the site.</p> <p>All open space areas are proposed with a section of covered area comprising a verandah space.</p>	Yes
<u>4.10 Natural environment</u>	Conditions have been recommended by Councils Landscape Architect with regard to appropriate species selections. The outdoor areas are proposed with a variety of surfaces and areas, as suggested by this clause. Outdoor furniture and the composition of the outdoor areas is considered appropriate.	Yes
<u>4.11 Shade</u>	At least 30% of the outdoor areas of each age groups space are proposed to be shaded. This is through a combination of the verandah areas and dense plantings. No temporary shade structures are proposed.	Yes
<u>4.12 Fencing</u>	Fencing surrounding the perimeter of the outdoor play areas is proposed at 1.8m. Between the play areas 1.2m poll fence style fencing is proposed. Fencing is nominated	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
	on the submitted plans and also reflects the acoustic consultant recommendations.	
<u>4.13 Soil assessment</u>	See assessment at section 2.1.1 of the report. Conditions are recommended requiring the submission of an SAR and SAS for the site demonstrating that the site is suitable for the proposed development, prior to the issue of any Construction Certificate.	Yes

Attachment 4: Wollongong Development Control Plan 2009 Assessment

CHAPTER A2: ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER C1: ADVERTISING AND SIGNAGE

Two additional signs are proposed as part of this application, one to be located on the southern elevation of the dairy shed and one new wall sign advertising the Child care centre on Smiths Lane, as demonstrated by Figures 6 and 7 above.

8 General requirements for advertising signs and structures

8.1 Advertising Signage must relate directly to lawful use of the land

The proposed painted wall signs relate directly with the use of the site for the purposes of a café and child care centre.

8.2 Design and Location

The design of the proposed signage is considered to be compatible with the built form and the locality.

8.3 Proportion

The scale of the proposed signage is consistent with the bulk and scale of the built form. It is also noted that Council's Heritage Officer has reviewed the application with regards to the signage and is satisfied subject to conditions.

8.4 Colour

The colour of the proposed signage is considered appropriate

8.5 Illumination

None proposed.

8.6 Rationalisation of Advertising Signage

Given the size of the subject site and the three distinct uses being present, i.e. the use of Coral Vale Homestead as a sales centre and the proposed café and child care centre, the signage proposed is considered appropriate.

8.7 Advertising Signs and Structures maintained in good repair and in a clean and tidy condition

Satisfactory.

8.8 Advertising Signs must be displayed in English Language

Satisfactory.

8.9 Advertising Signs or Structures – Public Safety

The signage does not pose any public safety risk.

9 Specific controls for advertising signs and structures

13 Advertising signs on heritage buildings

The two proposed signs have been previously approved and have been considered against the controls of this section and are considered satisfactory. The signs are considered to be designed and

located in an appropriate manner and are consistent with the heritage significance of the dairy building on which the wall sign is proposed, and the nature of the wall signage proposed to identify the proposed child care centre. The signs are traditional in nature and similar to those which exist on the site and surrounding estates currently. The signage is considered to enhance the heritage significance of the property and allow greater interpretation of the buildings from a heritage perspective, clearly identifying each use and relating the proposed café to the historic use of the structure as a dairy shed.

The proposed signs will not be illuminated, are reversible and based on the information provided will be of a high quality standard.

A heritage impact assessment has been provided for the proposed modifications which address the proposed signage. Council's Heritage Officer has also reviewed the application and is satisfied subject to conditions.

CHAPTER C5: CHILD CARE CENTRES

As per Clause 26 of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, the applicable development controls within Chapter C5 are reduced. The applicable controls are setbacks, car parking, signage and waste management only.

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.1 Maximum Capacity of Centre and Staffing Levels</u>	<p>See Section 2.1.4 of report - National Education and Care Services Regulations.</p> <p>A variation has been sought to this control which requires a maximum capacity of 49 children for a child care centre in a residential zone, as discussed at section 2.3.1 of the report. The requested variation is considered capable of supported in this case.</p>	<p>N/A</p> <p>No – variation to WDCP 2009 requested and supported</p>
<u>7.2 Location and Site Selection</u>	<p>See Section 2.1.4 of report - National Education and Care Services Regulations</p>	N/A
<u>7.3 Building Design, Appearance and Neighbourhood Character</u>	<p>The proposed child care centre remains well below the permissible FSR and height for the subject site. The subject site has a total area of more than 12000sqm and frontage in excess of 20m in width.</p> <p>The building is single storey throughout, but has been designed to step down the slope in line with the topography of the land.</p>	Yes
<u>7.4 Indoor Areas</u>	<p>See Section 2.1.3 of report - Child care Planning Guideline</p>	N/A

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.5 Outdoor Areas</u>	See Section 2.1.3 of report - Child care Planning Guideline	N/A
<u>7.6 Car Parking, Access and Pedestrian Safety</u>	See Chapter E3 below	
<u>7.7 Signage and Outdoor Lighting</u>	One wall sign is proposed to identify the proposed child care centre and is to be located wholly within the site boundaries. The scale of the proposed sign is considered appropriate with regard to the context of the surrounding area. Conditions will be recommended with regard to the low level bollard lighting of the car parking area.	Yes
<u>7.8 Swimming Pools</u>	There are no swimming pools located on the subject site.	N/A
<u>7.9 Fencing and Gates</u>	The submitted plans indicate that double gates are proposed at the centre entrance and the outdoor play areas are to be enclosed with a minimum 1.8m acoustic fence. This meets the minimum requirements as provided within the Child care Planning Guideline	Yes
<u>7.10 Landscaping and Vegetation</u>	A landscape concept plan formed part of the application submission and has been reviewed by Councils Landscape Architect. The proposal does not require the removal of any existing vegetation. The landscaping proposed is considered satisfactory, subject to conditions. Non-toxic planting species appropriate to the proposed use have been selected.	Yes
<u>7.11 Stormwater Drainage</u>	See chapter E14 below.	See below.
<u>7.12 Soil Erosion and Sediment Control Measures</u>	A soil erosion and sediment control plan was provided with the application submission and is considered appropriate. Conditions are recommended in this regard.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.13 Visual and Acoustic Privacy</u>	<p>The site is not envisaged to be adversely impacted by external noise sources, being surrounded by farmland currently and to be surrounded by residential properties in the future.</p> <p>An acoustic report was provided as part of the application submission and provides a range of recommendations with regard to minimising the impact of the operation of the childcare centre on the future use of surrounding properties. All recommendations have been shown on plan and conditions are recommended in this regard. The setback of all proposed play areas greatly exceed the minimum 3m specified in this clause and dense landscaping is proposed to assist in further screening of the proposed centre. Due to the siting of the site, the proposed centre will not result in overlooking impacts of adjoining properties, and there is considered to be minimal potential for overlooking into the proposed play areas.</p> <p>Councils Environment Officer has reviewed the submitted report and provided a conditionally satisfactory referral.</p>	Yes
<u>7.14 Accessibility & Mobility for People With A Disability</u>	<p>The facility has been designed with regard to ensuring accessibility throughout. Conditions are recommended in this regard.</p>	Yes
<u>7.15 Safety and Security</u>	<p>The main entry to the proposed centre is highly visible from the main driveway and car parking areas, conditions are recommended with regard to lighting.</p>	Yes
<u>7.16 Emergency Evacuation</u>	<p>An emergency evacuation plan was provided as part of the application submission. Conditions are recommended in this regard.</p>	Yes
<u>7.17 Hours of Operation</u>	<p>See Section 2.1.3 of report - Childcare Planning Guideline.</p>	N/A

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>7.18 Waste Management</u>	A bin storage cupboard is proposed on the site adjacent to car parking areas to accommodate the storage of waste bins. Conditions are recommended for collection by private waste contractors.	Yes
<u>7.19 Bushfire Prone Land – Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979</u>	The site is not identified as bushfire prone land.	N/A
<u>7.20 Combined Child Facility and Dwelling (Dual Use)</u>	N/A	N/A
<u>7.21 Out-Of-School Hours (OOSH) Care</u>	N/A	N/A

CHAPTER C12: OUTDOOR RESTAURANT AND FOOTPATH TRADING (STREET VENDING) ACTIVITIES

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>3. Outdoor restaurants</u>		
3.1 Approval process	The proposal seeks consent for outdoor seating areas associated with a café within a property. No outdoor seating or use of the road reserve is proposed.	N/A
3.2 Location and access requirements for outdoor dining areas	No outdoor seating or use of the road reserve is proposed. The location of the outdoor area is considered appropriate in this case.	N/A
3.3 Outdoor furniture	The placement of outdoor seating as indicated on the submitted floor plan for the café considers accessibility requirements. No umbrellas or heating devices are indicated. A permanent slatted roof is proposed over the outdoor seating area which will assist in providing shade to patrons.	Yes
3.4 Tactile ground surface indicators (TGSIS) delineating the boundaries of the outdoor restaurant area	A condition is recommended that requires that TGSIS are installed around the perimeter of the outdoor seating area. An access consultant has also been engaged as discussed at Chapter A1 below.	Yes
3.5 Lighting of outdoor areas	Conditions are recommended with regard to the lighting of the site.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
3.6 Car Parking	See Chapter E3 below. The locations of the proposed car parking areas are considered appropriate.	Yes
3.7 Hours of operation	The café is proposed with the following operational hours: Monday to Friday – 07.00am to 06.00 pm; and Saturday, Sundays and Public Holidays – 08.00am to 06.00 pm Conditions are recommended in this regard and with respect to noise as per Attachment 5.	Yes
3.8 Advertising	No footpath advertising is proposed. See section 2.1.4 of the report and Chapter C1 above for consideration of the proposed signage.	Yes
3.9 Operation Management	The application submission included an acoustic report, as discussed throughout the report. The recommendations of the report have been reflected on the submitted plans and conditioned for. Conditions imposed include ongoing monitoring. The report considered that no amplified music was proposed and a condition is recommended to reflect this.	Yes
<u>4 Outdoor trading activities/street vending</u>	No use of the footpath area or road reserve, or street vending is proposed.	N/A

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The application submission was accompanied by an Access Consultants Report which confirms that the development has been designed with an appropriate degree of accessibility. Conditions are recommended which require certification from an accredited access consultant confirming that the development complies with AS 1428.1 prior to the issue of the Occupation Certificate.

Accessible paths of travel, ramps, pathways and toilets have been provided as part of the design of both the Child care centre and cafe in accordance with AS1428.1. Conditions are recommended in this regard.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposed development is considered acceptable with regard to natural surveillance and sightlines, the building design and presentation to the street and landscaping treatments in accordance with Chapter E2.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

Car parking for a centre-based childcare facility is to be provided in accordance with the following:

<i>Controls/objectives</i>	<i>Comment</i>	<i>Calculations</i>
<i>Child care centre</i>		
<u>Staff parking</u>		

1 space per staff member	12 staff = 12 parking spaces required	12
<u>Visitor parking</u> 1 space for each 6 children or part thereof.	Total children (75) = 12.5 parking spaces required	13
<u>Disabled parking</u> 1 disabled car parking space as per off street parking for people with disabilities	1 disabled car parking space provided/	1
<u>Large parking spaces</u> 2 large spaces (3.2m x 5.5m) for parents requiring the use of strollers,	2 large spaces provided	2
Total Car Parking Required for the child care centre		28
<i>Café</i>		
1 car parking space per 25m ² GFA	53.5sqm GFA for the café *note that pursuant to E3, calculation is based off GFA, however all seating areas are proposed within areas of the site which would not meet the definition of GFA and therefore do not contribute to the overall calculation. Combined, the proposed café has a footprint of approximately 170sqm, and as such, utilising the rate over the entire area is considered more appropriate.	2.14 *7
<i>Coral Vale homestead</i>		
<u>No specified rates</u>	No specific numbers of spaces are identified as being required within the consent issued for the use of the homestead for the purpose of a sales centre. 2 spaces are proposed to remain designated for the homestead which is considered reasonable.	2
Total car parking spaces required		37
Total car parking spaces proposed		34

Despite there being a technical shortfall of 3 car parking spaces at the site, there are vast areas of open space proposed between the different uses which are considered able to be used as overflow car parking if the need arises. Consideration of the variation request is provided at section 2.3.1 of the report.

A Traffic Impact Assessment (TIA) Report was provided as part of the application submission which suggests that the site will benefit from the cross utilisation of car parking spaces as a result of people linking their childcare drop-off journey with visits to the café. The report also refers to the RMS Guide to Traffic Generating Development car parking rates which recommends a rate of 1 car parking space per 4 children, which is inclusive of staff and visitor parking. Based off this rate, the development would only be required to provide 19 car parking spaces for the childcare centre and a total of 28 spaces.

It is also acknowledged that there will be a proportion of people that will travel to the site on foot or by bicycle via the shared path network. Councils Traffic Engineer has considered the submitted TIA

and raised no objections to the proposed development, subject to Conditions as provided for at Attachment 5 to this report.

The submitted TIA also provides an indication of the expected traffic generation from the development, forecasting that the proposal would generate, as a worst case assessment, some 81 trips in the AM and 72 trips in the PM. Smiths Lane has been designed and upgraded to meet the requirements for a major local road, and is considered capable of absorbing the additional traffic generated by the development.

The site entry is currently compliant for the existing use, but concerns have been raised with regard to safe entry and exit as a result of the operation of the development. As such, the TIA includes recommendations for the driveway to be upgraded to the same standard as a public intersection. This will include the removal of the current 'Give Way' signage and replacement with 'Stop' signs, changes to line marking and the provision of additional hardstand area within the site prior to the transition to gravel. Conditions are recommended in this regard, as provided at Attachment 5.

Bicycle parking requirements:

<i>Child care centre</i>		
<u>Bicycle parking</u> 1 bicycle space per 200m ² GFA (with adequate security and weather protection),	713sqm / 200 = 4 bicycle spaces The spaces are proposed under the front verandah of the proposed centre	4
<i>Café</i>		
<u>Bicycle parking</u> 1 bicycle space per 200m ² GFA	5 bicycle racks are indicated under the awning at the front of the proposed café	5
Total bicycle spaces required		9
Total bicycle spaces proposed		10

Motorcycle parking requirements:

<i>Child care centre</i>		
<u>Motorcycle parking</u> 1 motorcycle space per 25 car parking spaces.	2 motorcycle spaces are proposed within the car parking area	2
<i>Café</i>		
<u>Motorcycle parking</u> 1 motor cycle space per 25 car parking spaces	There is sufficient room the site for the parking of a motorcycle.	1
Total motorcycle spaces required		3
Total motorcycle spaces proposed		2

Despite there being a technical shortfall of 1 motorcycle space at the site, there are vast areas of open space proposed between the different uses which are considered able to be used as overflow if the need arises.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided which outlines that kerbside collection is proposed. Conditions are recommended in this regard.

CHAPTER E10: ABORIGINAL HERITAGE

This Chapter requires consideration of whether a proposed development would result in impacts on any Aboriginal site containing Aboriginal objects or a place of Aboriginal cultural heritage significance.

A letter addressing Aboriginal Heritage potential was provided as part of the subject application and provided an outline of the previous assessments that have been undertaken at the site. The site has been previously assessed for Aboriginal heritage values as part of the overall Wongawilli residential subdivision development through an Aboriginal Cultural Heritage Assessment and Archaeological Report. The previous assessment considered the archaeological value of the land on which the works are proposed and Aboriginal community notification.

In this regard, as part of previous assessments undertaken as part of 'the Vale' development, one Aboriginal site has been located within the boundaries of the subject site. The area does not correspond with any areas of works proposed as part of the subject development. Notwithstanding, the Office of Environment and Heritage have advised that an AHIP for 'The Vale' subdivision area, encompassing the subject site, has recently been granted and is valid for 5 years.

The proposal has been reviewed by Councils Heritage Officer who has raised no objections to the proposed development with regard to potential impacts on Aboriginal objects or places, and has provided recommended conditions. These conditions are provided for at Attachment 5.

CHAPTER E11: HERITAGE CONSERVATION

This Chapter applies to land that contains or adjoins a Heritage Item or Conservation area. The WLEP 2009 heritage mapping extends across the entire site and part of the adjoining Smiths Lane road reserve, as demonstrated by Figure 9 of the report. The subject proposal includes works to the dairy shed and conversion to a café and associated kitchen, servery, seating area and amenities and the construction of a new free standing centre based child care centre on the same land.

Development consent is required and sought as part of the subject application.

The development application was accompanied by a Heritage Impact Assessment (HIA) and addendum to the Conservation Management Plan (CMP) was provided as part of the subject application. The addendum reflects upon the approved 2005 CMP which was prepared for the site in 2005 associated with the demolition of the dilapidated outbuildings and the adaptive re-use of Coral Vale as a sales office. The submitted documentation addresses the proposed development and considers the impact of these works on the heritage significance of the site.

These reports have been reviewed by Councils Heritage Officer and are considered generally satisfactory, subject to conditions requiring that the CMP and associated schedule of works be updated following the completion of the development works proposed, prior to the issue of any Occupation Certificate.

The proposal does not alter the form or function of Coral Vale Homestead or the remaining silo on the site. Works and a change of use is proposed for the dairy and surrounding structures, however the works proposed are considered appropriate with regard to minimising the impact of the works and retaining the built form of the structures. The proposal does not result in any impacts to the remaining landscaping on the site and does not propose any change to the location of the main site access. No subdivision is proposed.

The proposal provides detailed consideration of the impact of the child care centre on the views to the site, as provided at Attachment 1 to this report. There is currently limited visibility of the remaining structures on the site from Smiths Lane, and the development has been positioned to not obscure these views. The views of the homestead and silo are primarily available from within the site from the main access driveway which will be retained as part of the development. The reduced scale, massing and material selection of the development is considered appropriate with respect to the heritage values of the site.

The adaptive re-use of the dairy sheds for the purpose of a café is considered an appropriate response to ensure the long term retention of these structures. The proposed use and works has been considered as part of the submitted HIA and CMP. The proposal also includes the requirement to

maintain the Coral Vale homestead and grounds by the owner of the site via a positive covenant. The covenant is required to be created over the site, prior to the issue of any Occupation Certificate. Conditions are recommended in this regard, as provided at Attachment 5.

Two signs are proposed as discussed at section 2.1.4 of the report and Chapter C1 above. The signs are not proposed to be illuminated and are of a similar style to the existing estate signage erected at the site and on surrounding land. The signage proposed is not considered to detract from the heritage value of the site.

CHAPTER E14: STORMWATER MANAGEMENT

Councils Stormwater Engineer has assessed the application with regard to Chapter E14. In this regard, the site has a central crest which generally aligns with the location of the homestead and separates the site into two catchment areas. The application as lodged sought consent for the creation of two level spreaders, one for each catchment area, to account for stormwater runoff until such time as 'The Vale' subdivision works were completed and the development could connect to the network drainage to be constructed as part of the subdivision works. Council's preference is not to rely on level spreaders for this scale of development, and as the development is currently under construction and in the same ownership of the subject land, it is considered that the imposition of a condition requiring the connection to the trunk drainage currently under construction is not unreasonable in this case. The level spreaders however allow for an interim solution during the construction period.

The recommended conditions are provided at Attachment 5 to this report.

CHAPTER E15: WATER SENSITIVE URBAN DESIGN

The proposed development including childcare centre, café and carpark area is greater than 10,000 square metres and therefore this chapter will apply to the subject development. Councils Environment Officer has considered the proposal and provided recommended conditions regarding WSUD as provided at Attachment 5.

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

The proposal comprises of earthworks for the construction of the hard stand area and cantilevered car parking area. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The contamination of the subject site has been considered as discussed at Section 2.1.1 of the report. Subject to the conditions as recommended it is considered that the site will be appropriately remediated before the land is used for the purposes of a child care centre and café.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

The proposal involves minor internal demolition within the shed areas. Conditions are recommended in this regard as provided at Attachment 5.

Attachment 5: Conditions

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No 17/23 Drawing MP01, MP03A-A, MP04B-B and DA01B-B dated 7 February 2019, DA02C-C dated 20 February 2019, DA03B-B, DA06A-A, DA08A-A to DA10A-A, DA01 to DA04 and DA07 dated 7 February 2019, DA08B-B dated 19 February 2019 and DA09A-A, DA11 to DA13, DA16A-A and DA17 dated 7 February 2019 prepared by Borst & Co. Architecture and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2 Development Phasing

The development is to be undertaken in two (2) phases comprising the following:

Phase 1: Minor demolition works to the existing dairy shed and outbuildings, remediation works and driveway widening.

Phase 2: Construction of child care centre and café.

Conditions as relevant to each phase are to be met.

3 Interim Advice

Prior to the commencement of the Phase 1 remediation work, the applicant shall submit an *Interim Advice* letter from a NSW EPA accredited site auditor to Council, along with the RAP review report.

Further upon completion of remediation and validation, auditor will issue a "Site Auditor's Statement (SAS) and Site Auditor's Report (SAR) prepared under CLM Act 1997 stating that site is suitable for proposed development.

4 Building Work - Compliance with the Building Code of Australia

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

5 Construction Certificate

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

6 Heritage - Discovery of Aboriginal Ancestral Remains

Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:

- 6.1 Immediately cease all work at that location and not further move or disturb the remains;
- 6.2 Notify the NSW Police and OEHP's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location;
- 6.3 Not recommence work at that location unless authorised in writing by OEHP.

7 Approval to Operate a Child Care Centre – NSW Department of Community Services

This consent does not authorise the use or operation of the premises as a Child Care Centre, except where the operator and all employees are in possession of a current valid license from the NSW Department of Education & Communities.

8 **Disability Discrimination Act 1992**

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

9 **Advertising Signage**

This consent authorises the erection of the following advertising signs only:

9.1 1x Child care centre naming wall; and

9.2 1x Dairy Shed steel wall sign

As shown on the approved plan. Any additional advertising signage will require separate Council approval.

10 **Maintenance of Access to Adjoining Properties**

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

11 **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

12 **Tree Retention**

The developer shall retain the existing tree(s) indicated on the Landscape Plan prepared by Taylor Brammers, issue B date 22 August 2018 and/or Arborist report prepared by Moore Trees dated August 2018 consisting of tree(s) numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007.

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

All recommendations in Arborist's Report by [Moore Trees dated August 2018 page no. 11 - 13 to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering.

13 **Liquor Licencing**

This consent does not grant approval for the sale or supply of liquor. The applicant will be required to lodge the appropriate application/s with the Office of Liquor & Gaming and comply with any requirements of the Office of Liquor and Gaming to enable on site sale and consumption.

Prior to the Issue of the Construction Certificate

14 **Site Auditor's Report and Site Auditor's Statement**

Prior to the issue of any Construction Certificate associated with Phase 2 works, a Site Auditors Statement (SAS) and Site Auditors Report (SAR) are required to be prepared by a NSW EPA accredited site auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site is suitable for the proposed development.

The site auditor's report shall verify that:

14.1 The site is not affected by soil and/or groundwater contamination, above the NSW

EPA threshold limit criteria; and
14.2 The site is suitable for the proposed development.

These two documents (SAS and SAR) are to be issued by the Auditor direct to Council. No third party submissions will be accepted.

15 **Water Sensitive Urban Design (WSUD)**

A WSUD report prepared in accordance with Chapter E15 of the Wollongong Development Control Plan is to be provided to Council for approval prior to the issue of the Construction Certificate associated with Phase 2 works.

16 **Access Driveway Upgrade**

The property access driveway and surrounding area is to be upgraded as per the recommendations provided within section 5.4 of the submitted Traffic Impact Assessment version 4 prepared by Cardno dated 18 December 2018. Details in this regard are to be provided to the satisfaction of the Principal Certifying Authority as part of the Construction Certificate package.

17 A signs and line marking diagram must be endorsed by the Local Traffic Committee and approved by Council prior to the issue of the Construction Certificate.

18 **Building Code of Australia – Fire Safety Upgrade**

The following information will be required to be detailed on the plans or supporting documentation to the accredited certifier, prior to the issue of the Construction Certificate. This condition relates to fire safety upgrade considerations under Clause 94 of the Environmental Planning & Assessment Regulation 2000 and relate to the café. The upgrade work shall be carried out in accordance with the National Construction Code Series (BCA) Volume 1.

18.1 Portable fire extinguisher in accordance with Part E1.6 of the National Construction Code Series Volume 1 (BCA) and Australian Standard AS2444.

18.2 Exit Signage within the café in accordance with Part E4 of the National Construction Code Series Volume 1 (BCA) and Australian Standard AS2293.1.

The above fire safety measures must be installed within the café to a standard of performance not less than that specified in this condition and included on the fire safety schedule.

19 **Fire Safety Schedule**

When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

20 **Implement Acoustic Report Recommendations**

The recommendations of the Acoustic Report prepared by Harwood Acoustic dated 18 December 2018 must be implemented as part of the design of the development. The recommendations of the Acoustic Report provided within section 7 are to be shown on plan and details demonstrating that the recommendations have been met are to be provided to the certifier, prior to the issue of the Construction Certificate.

21 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Certifying Authority must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

22 **Endeavour Energy Requirements**

The submission of documentary evidence from Endeavour Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Endeavour

Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

23 **Telecommunications**

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

24 **Schedule of External Building Materials/Finishes**

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) together with a sample board and an A4 or A3 sized photograph of the sample board shall be submitted for the separate approval of the Principal Certifying Authority, prior to the release of the Construction Certificate.

25 **Car Parking and Access**

The development shall make provision for a total of 34 car parking spaces (including 2 disabled car parking spaces), 2 motorcycle spaces, 6 secure (Class B) bicycle spaces and 6 visitor bicycle spaces (Class C). This requirement shall be reflected on the Construction Certificate plans. Any change in the above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.

26 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

27 Each disabled person's parking space must comply with the current relevant Australian Standard AS2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

28 The main entry point to the building shall be in accordance with the current relevant Australian Standard 1428.1 - 2001 Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.

29 The car parking areas shall incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding properties. The final design details of the proposed lighting system shall be reflected on the Construction Certificate plans. The erection of the lighting system shall be in accordance with the approved final design.

30 A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

31 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

32 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

33 **Temporary Level Spreader System**

In the event that the adjoining subdivision development approved under DA-2017/715 has not been constructed and there is no available stormwater network connection for the site at the time of the issue of the Construction Certificate, a level spreader system is to be constructed. The system is to be generally in accordance with KF112858 Drawing No. C01 dated August 2018.

Prior to the issue of any Occupation Certificate, the drainage for the site is to be constructed generally in accordance with KF112858 Drawing No. C01 Rev A dated 14 December 2018.

34 **Details of Proposed Pit and Pipeline**

Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

35 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- 35.1 Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent.
- 35.2 Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- 35.3 Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- 35.4 Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

36 The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- 36.1 A schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- 36.2 The location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- 36.3 Any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

37 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

- 38 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.
- 39 **Tree Protection and Management**
The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:
- 39.1 Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- 39.2 Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- 39.3 **Individual trunk protection:** Tree 8 will require trunk protection. This is achieved by attaching lengths of timber (75mm x 50mm x 2000mm) fastened around the trunk. Geotextile fabric or carpet underlay shall be wrapped around the trunk prior to the timbers being attached. These timbers are to be fastened with hoop iron strapping and not attached directly into the bark of the tree. These timbers are only to be removed when all construction is complete.
- 40 **Provision of a Fire Hydrant**
The provision of a fire hydrant in accordance with AS2419 (1994) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.
- 41 **Café and Child Care Construction**
The Construction Certificate plans for both the café and childcare centre are to demonstrate that the construction and fit out of the premises comply with *AS-4674/2004: Design, Construction and Fit-Out of Food Premises*.
- 42 **Engineering Plans and Specifications - Retaining Wall Structures**
Engineering plans and supporting documentation for all proposed retaining walls is required to be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:
- 42.1 A plan of the wall showing location and proximity to property boundaries;
- 42.2 An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- 42.3 Details of fencing or handrails to be erected on top of the wall;
- 42.4 Sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;
- 42.5 The proposed method of subsurface and surface drainage, including water disposal;
- 42.6 Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- 42.7 The assumed loading used by the engineer for the wall design.

- 42.8 Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 43 Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.
- 44 **Planting to Child Care Centres**
The developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below:
- 44.1 Plants known to produce toxins;
 - 44.2 Plant with high allergen properties;
 - 44.3 Plants with profuse scented flowers or known to attract high numbers of bees, spiders, and insects;
 - 44.4 Species which produce small nuts or fruits;
 - 44.5 Plants with thorns or spiky foliage and branches; and
 - 44.6 Any weed or potential weed species.
 - 44.7 Avoid planting plants such as Asthma weed (*Parietaria judaica*), Rhus (*Toxicodendron succedaneum*), Yellow oleander (*Thevetia peruviana*), Cactus, chillies, Dumb cane (*Dieffenbachia*), Mushrooms, Angels Trumpet (*Brumansia*), Cycads, Grevilleas, Oleander (*Nerium oleander*), Poinsettia, Rhubarb, White cedar (*Melia azederach*), Yesterday Today Tomorrow (*Brunsfelsia*), Agapanthus, Amaryllis, Arum Liliy, Azaleas and Rhododendrons, Daffodils, Foxgloves, Lily of the Valley and any other species that have the characteristics listed above which could place children at risk. The developer shall consult and undertake further research to ensure the most up to date information is available to determine plant suitability.
- 45 **Heritage Interpretation Plan**
Prior to the release of the Construction Certificate the developer is to prepare a Heritage Interpretation Plan for the proposed development site. This plan should provide detailed recommendations for the delivery of onsite heritage interpretation material and interpretive devices, to reference the history of the site, its past ownership and its significance in the history of West Dapto. This report should include culturally appropriate Aboriginal heritage interpretation.
- 46 **Heritage - Schedule of Conservation Works for existing Dairy and Feed Shed**
The applicant is to provide a Schedule of Conservation Works detailing works to the existing Dairy and Feed Shed and any associated structures as well as any works intended to be undertaken on the Coral Vale Building to Council's Heritage Staff prior to the release of the Construction Certificate.
- 47 **Gravel Car Parking Areas**
The proposed car parking area is to be cleared, levelled and the surface is to be compacted to ensure adequate traction for vehicles. Details of such compliance are to be reflected on the Construction Certificate plans.
- The first 6 metres of the access driveway into the site is to be constructed of a hard-standing all-weather material (i.e. concrete or asphalt bitumen). Loose material is to be prevented from being tracked out of the site onto the public road by means of a grate between the compacted gravel surface and the hardstand driveway. Details of such compliance are to be reflected on the Construction Certificate plans.
- Prior to the Commencement of Works**
- 48 **Heritage - Photographic Recording**
Prior to the commencement of works the existing condition of the Dairy Shed, Feed Shed, Silo and Coral Vale Homestead to be documented through a photographic recording prepared in accordance with the NSW Heritage Branch Guidelines. A copy of the compiled recording is to be provided to Council's Heritage Staff for written approval prior to the commencement of

works. A copy of the final recording is to be provided to Wollongong City Council for inclusion in the local studies collection of the Wollongong City Library.

49 **Heritage – Excavation Permit**

The applicant must obtain an excavation permit from the Heritage Branch of the Office of Environment and heritage under Section 140 of the NSW Heritage Act 1977 before any works commence.

50 **Heritage – OEHL AHIP and GTA's**

The applicant is required to undertake works in strict accordance with the General Terms of Approval issued by the NSW Office of Environment and Heritage for the broader subdivision of the site (DA-2017/715) as well as all conditions and restriction imposed in the Aboriginal Heritage Impact Permit obtained under Section 87-90 of the NSW National Parks and Wildlife Act 1974.

51 **Appointment of Principal Certifying Authority**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- 51.1 Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- 51.2 Notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

52 **Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

- 52.1 Stating that unauthorised entry to the work site is not permitted;
- 52.2 Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 52.3 Showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

53 **Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- 53.1 A standard flushing toilet; and
- 53.2 Connected to either:
 - i the Sydney Water Corporation Ltd sewerage system or
 - ii an accredited sewage management facility or
 - iii an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

54 **Structural Engineer's Details**

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifying Authority, prior to the commencement of any works on the site.

55 **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be

approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

56 **Demolition Works**

The demolition of the structures indicated on Drawing No. DA07 prepared by Borst & Co. Architecture shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

57 **Asbestos Hazard Management Strategy**

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>). The strategy shall be submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

58 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

59 **Waste Management**

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

60 **Erosion Controls – Vehicular Entry/Exit Points**

The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

61 **Sediment Control Measures**

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

62 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

- 63 **Certification from Arborist - Adequate Protection of Trees to be Retained**
A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.
- 64 **Notification to Council of any Damage to Council's Infrastructure**
Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.
- 65 **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**
Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:
- 65.1 Digging or disruption to footpath/road reserve surface;
 - 65.2 Loading or unloading machinery/equipment/deliveries;
 - 65.3 Installation of a fence or hoarding;
 - 65.4 Stand mobile crane/plant/concrete pump/materials/waste storage containers;
 - 65.5 Pumping stormwater from the site to Council's stormwater drains;
 - 65.6 Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
 - 65.7 Construction of new vehicular crossings or footpaths;
 - 65.8 Removal of street trees;
 - 65.9 Carrying out demolition works.
- 66 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.
- 67 **Waste Management**
The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

During Demolition, Excavation or Construction

- 68 **Implement Acoustic Report Recommendations for Childcare**
The recommendations of the Acoustic Report prepared by Harwood Acoustic dated 18 December 2018 must be implemented as part of the construction of the development.
- In particular, the following matters are to be addressed:
- 68.1 Installation of an acoustic barrier wall around childcare centre with different heights;
 - 68.2 Prepare a childcare operation management plan considering the acoustic report;
 - 68.3 Installation of acoustic attenuation for internal structures of café; and
 - 68.4 Building contractor consultation with acoustic consultant prior to internal structural modification.

69 **Site Remediation**

The site remediation works are to be undertaken in accordance with the Remediation Action Plan (RAP) prepared by Douglas Partners dated February 2019 and any advice from the appointed Site Auditor.

70 **Installation of WSUD Infrastructure**

The applicant shall install the WSUD infrastructure as per the WSUD report to achieve the treatment goals for the removal of pollutants and nutrients which shall be: Gross Pollutants (GP) – 90%, Total Suspended Solids (TSS) – 85%, Total Phosphorus (TP) – 60% and Total Nitrogen (TN) – 45%.

It is the developer's/owner's responsibility to maintain the water cycle management infrastructure and undertake regular servicing of gross pollutant traps or other pollutant removal devices.

71 **No Adverse Run-off Impacts on Adjoining Properties**

The design of the development shall ensure there are no adverse effects to adjoining properties as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

72 **Pipe Connections**

All pipe connections to existing stormwater drainage systems within the road reserve shall be constructed flush with the pit wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

73 **Dust Suppression Measures**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

All sealed surfaces intended to carry vehicular traffic must be managed with the aim of preventing windblown dust emissions.

74 **Heritage – Unexpected Archaeological Finds**

Should an unexpected find be identified during ground disturbing works, work should cease and an archaeologist engaged to assess the condition and significance of the find. Should the find be determined to be of heritage significance (local or State), the Heritage Council should be notified under s.146 of the NSW *Heritage Act 1977*. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

75 **Heritage – Archaeological Research Design**

Should impacts to significant archaeological remains be deemed unavoidable, an Archaeological Research Design (ARD) should be prepared to support a s.140 application to be submitted to the Heritage Council. An Excavation Director must be nominated for that application and archaeological management (Test excavation and potential salvage excavations) would likely be required.

76 **Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

77 **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifying Authority and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- 77.1 The variation in hours required (length of duration);
- 77.2 The reason for that variation (scope of works);
- 77.3 The type of work and machinery to be used;
- 77.4 Method of neighbour notification;
- 77.5 Supervisor contact number;
- 77.6 Any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

- 78 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- 79 Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.
- 80 Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.
- 81 **Dust Suppression Measures**
Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.
- 82 Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.
- 83 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".
- 84 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).
- 85 **Asbestos Waste Collection, Transportation and Disposal**
Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.
- 86 **Provision of Waste Receptacle**
The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

Prior to the Issue of the Occupation Certificate

- 87 **Egress**
Prior to the issue of an Occupation Certificate for the café, exit doors must be installed which comply with Part D2.19, D2.20 and D2.21 of the National Construction Code Series Volume 1 (BCA).

- 88 **Exit Signage**
Prior to the issue of an Occupation Certificate Exit Signage must be installed within the café in accordance with Part E4 of the National Construction Code Series Volume 1 (BCA) and Australian Standard AS2293.1.
- 89 **Portable Fire Extinguisher**
Prior to the issue of an Occupation Certificate, portable fire extinguishers must be installed within the cafe in accordance with Part E1.6 of the National Construction Code Series Volume 1 (BCA) and Australian Standard AS2444.
- 90 **Heritage – Updated Conservation Management Plan and Schedule of Ongoing Maintenance Works**
Prior to the release of the Occupation Certificate, the 2005 Conservation Management Plan for the Coral Vale Site is to be revised and updated to reflect the new situation of the heritage item, including the new condition of the fabric following the completion of the approved demolition works, conservation works, subdivision and construction of Café and childcare centre. The schedule of ongoing maintenance works for the diary and feed shed buildings, silo and Coral Vale Homestead prepared by Borst & Co Architecture should be included in the updated CMP.

A digital copy and a single hard copy of the new Conservation Management Plan and a schedule of ongoing maintenance works document are to be provided to Council for inclusion in the Wollongong City Library collection.
- 91 **Positive Covenant (Section 88F of the Conveyancing Act 1919)**
Prior to the issue of any Occupation Certificate, an 88F Instrument creating a positive covenant under the Conveyancing Act 1919 is to be created requiring the property owner(s) to undertake the ongoing maintenance of and management of the heritage assets at the site, in accordance with:
- 91.1 The approved Conservation Management Plan prepared by Noel Bell Ridley Smith & Partners Pty Ltd dated November 2005 for the “Coral Vale” Site;
 - 91.2 The Management and Conservation of Heritage Assets (addendum to Conservation Management Plan – 2005) prepared by Borst & Co Architecture Pty Ltd dated December 2018; and
 - 91.3 The updated/revised Conservation Management Plan for the “Coral Vale” site required by Condition 88 of this consent.
- The covenant is to require the ongoing maintenance of the items as outlined in the above reports and any other relevant Heritage document approved by Wollongong City Council, in perpetuity.
- The instrument, showing the positive covenant must be submitted to the Principal Certifying Authority for endorsement prior to the issue of any Occupation Certificate and the use of the development.
- 92 A Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.
- 93 **Drainage**
The developer must obtain a certificate of Hydraulic Compliance (using Council’s M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.
- 94 **Fire Safety Certificate**
A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- 94.1 Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- 94.2 Must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.
- 95 **Access Certification**
Prior to the occupation of the building, the Principal Certifying Authority must ensure that a certificate from an “accredited access consultant” has been issued certifying that the building complies with the requirements of AS 1428.1.
- 96 **Retaining Wall Certification**
The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifying Authority.
- 97 **Occupation Certificate**
A Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 98 **Condensation Collection/Overflow**
Condensation from refrigeration units, overflow from coffee machines and the like must be directed to the sewer via a tundish installed in accordance with Sydney Water requirements.
- 99 **Mechanical Exhaust**
Mechanical exhaust ventilation must be provided to the cooking appliances and be installed in accordance with *AS-1668.2/2012: The Use of Ventilation and Air-conditioning in Buildings, Part 2: Ventilation Design for Indoor Air Contaminant Control* (AS-4674/2004-Section 2.5, AS-1668.2-2012).
- 100 **Registration**
The food businesses (café, childcare centre) are required to be registered with Council. A Food Business Notification Form must be submitted prior to business operations commencing. The appropriate form can be completed on Councils’ web page by visiting:
<http://www.wollongong.nsw.gov.au/customerserviceonline/applyforit/Pages/foodpremises.aspx>
Alternatively, contact Council’s Regulation and Enforcement Division on (02) 4227 7737 to obtain a registration form.
- 101 Tactile Ground Surface Indicators (TGSIs) are to be installed around the perimeter of the approved outdoor restaurant seating area in accordance with AS 1428.4.
- 102 **Completion of Landscape Works**
The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate.
- 103 **Heritage – Completion of Conservation Works**
The applicant must complete works detailed in the Schedule of Conservation Works as per condition 46 prior to the release of the Occupation Certificate.
- 104 **Heritage Interpretation Works**
Prior to the release of the Occupation Certificate, the developer is to complete any works that are recommended for the Coral Site, as detailed in the endorsed Heritage Interpretation Plan.

Operational Phases of the Development/Use of the Site

- 105 **Restricted Hours of Operation of Childcare Centre**
The hours of operation for the childcare centre shall be restricted to 07.00am to 06.00pm Monday to Friday only.

- 106 **Childcare Centre Noise Restriction**
- 106.1 **Residential Receptors**
- i Outdoor Play Area
Up to two (2) hours (total) per day - The LAeq 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 10 dB at the assessment location.
- More than two (2) hours per day** - The LAeq 15 minute noise level emitted from the outdoor play area shall not exceed the background noise level by more than 5 dB at the assessment location.
- The assessment location is defined as the most affected point on or within any residential receiver property boundary. Examples of this location may be:
- 1.5 m above ground level;
 - On a balcony at 1.5 m above floor level;
 - Outside a window on the ground or higher floors.
- ii Indoor Play Area, Mechanical Plant, Pick up and Drop off
The LAeq 15 minute noise level emitted from the cumulative noise impact of children playing indoors, mechanical plant and traffic on the site shall not exceed the background noise level by more than 5 dB at the assessment location.
- 106.2 **Commercial Receptors**
The LAeq 15 minute noise level emitted from the Child Care Centre shall not exceed 65 dB(A) when assessed at the most affected point at or within any commercial property boundary.
- 106.3 **Traffic Noise**
Traffic noise on local roads generated by vehicles associated with the child care centre arriving and leaving the site (for example vehicles travelling on public roads) shall comply with LAeq 1 hour 50 dB(A) at the assessment location.
- 107 **Restricted Hours of Operation of Cafe**
The hours of operation for the development shall be restricted to
- Monday to Friday – 07.00am to 06.00 pm;
Saturday, Sundays and Public Holidays – 08.00am to 06.00 pm.
- Any alteration to the approved hours of operation will require separate Council approval.
- 108 **Noise Restrictions on Cafe Operations**
The noise ($L_{Aeq (15min)}$) emanating from café operations must not exceed 5 dB(A) above the background noise level ($L_{A90 (15min)}$) of the area at any boundary of the land.
- 109 **Acoustic Compliance Report**
Within six months of the operation of the childcare centre at its maximum capacity and the cafe, an operational noise compliance report prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC) in relation to noise requirements as stated in Conditions 20, 66, 102 and 104 .A copy of the acoustic compliance report must be submitted to council Environment Section.
- 110 There must be no live or amplified music, other than low level background music, played at the café or the child care centre at any time.
- 111 All waste collection is to be undertaken outside of the opening hours of the childcare centre and cafe in order to minimise any potential traffic safety conflicts.
- 112 All advertising signs and structures are to be maintained in a good working order and in a clean and tidy condition at all times.
- Any advertising sign or structure which becomes dilapidated or unsightly will be required to be repaired, upgraded or removed in a reasonable period, except in emergency situations in which

there is a risk to either property or life in which case Council may require the immediate removal of the sign or structure.

113 Restricted Delivery Hours

Deliveries to the site shall be limited to 6.30 am to 6.00 pm daily, Mondays to Fridays and 8.00 am to 5.00 pm Saturdays only. Any alteration to the approved delivery hours will require the separate approval of Council.

114 Storage of Goods and Materials

All goods, materials and equipment shall be stored within the building and no part of the land shall be used for purposes of storage.

115 No Display of Goods and Materials Outside Premises

The placement of any cabinet, display stand, racks or any other means of displaying goods, whether or not for sale shall not be located on any property boundary, road reserve or outside the premises.

116 Restriction on Placement of Storage Racks, Cabinets, Pallets etc

The placement of storage racks, cabinets, floor stock, pallets or the like shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, portable fire extinguisher or other essential fire safety measures.

117 Fire Safety Measures

All new and existing fire safety measures shall be maintained in working condition, at all times.

118 The applicant must not cause or permit the emission of offensive odours from the premises.

119 Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

120 Waste Management

An adequate number of waste receptacles for both general rubbish and recyclable materials shall be placed strategically around the site, and collected on the regular basis. Waste shall not be allowed to accumulate on the site and the site.