

# Wollongong Local Planning Panel Assessment Report | 17 December 2020

<b>WLPP No.</b>	Item No. 2
<b>DA No.</b>	DA-2019/1462
<b>Proposal</b>	Demolition of existing structures, retention of heritage hotel and construction of a mixed use (Commercial / Residential) development
<b>Property</b>	98-110 Princes Highway DAPTO Lot 1 DP 745653 and Lot 1 DP 564523
<b>Applicant</b>	ADM Architects
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (KR)

## ADDENDUM REPORT

This report should be read in conjunction with the Council Assessing Officer's report as presented to Wollongong Local Planning Panel on the 24 September 2020 at Attachment 6.

### 1 BACKGROUND AND EXECUTIVE SUMMARY

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#### Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the Local Planning Panel **for determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal classified as sensitive development in accordance with Part 4 (b) as it is development to which SEPP 65 Design Quality of Residential Flat Buildings applies and is 4 or more storeys in height.

#### Background

This matter was reported to the WLPP meeting on 24 September 2020. A copy of the Panel's recommendation is included at Attachment 1. The Panel determined to defer the development application to allow the applicant an opportunity to address the issues raised by the Panel as follows:

- *The Panel acknowledges that the development of this land in accordance with the statutory controls can coexist with the heritage-listed Dapto Hotel building. An appropriate development would respect the curtilage of the heritage item and would include detailed works to ensure ongoing conservation of the item.*
- *It is considered that the proposed development application and supporting documentation requires design changes and additional detailed information to demonstrate that an appropriate relationship is achieved between the new development and the heritage item. In particular, the following matters should be addressed:*
  - *A detailed conservation management plan for the heritage item should be provided, which includes a detailed schedule of works (internal and external), staging and timing, to ensure the ongoing conservation and continued viable use as a hotel;*
  - *Consider the relationship of the "public walkway" to both the new development and the heritage item. In this regard, it is expected that the development would achieve activation of this area both from the existing and proposed building, with consideration given to direct*



*access to the hotel from the public walkway and appropriate commercial/retail activities fronting the walkway, thereby also achieving a high level of safety and security for users;*

- *Consideration should be given to providing a second basement level for parking, which would further assist in activating the walkway, reducing the perceived bulk and height of the building and thereby improving the compatibility of the proposed development with the existing character of the area.*

## **Proposal**

The proposal is for demolition of existing structures, retention of heritage hotel and construction of a mixed use (Commercial / Residential) development.

The applicant has amended the proposal in response to the issues raised by the Panel, as well as other matters raised by Council, as detailed in Section 2 of this report.

## **Permissibility**

The site is zoned B3 Commercial Core and SP2 Road pursuant to the Wollongong Local Environmental Plan (WLEP) 2009. Demolition is permitted pursuant to Clause 2.7 of the WLEP 2009. The proposal is defined as shop top housing and is only permitted in the B3 Zone zoned portion of the site.

## **Planning Controls**

The following planning controls apply to the proposal:

### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP 65 Design Quality of Residential Apartment Development
- SEPP (Infrastructure) 2007
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Koala Habitat Protection) 2019

### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

### Development Control Plans:

- Wollongong Development Control Plan 2009

### Other policies

- Wollongong City Wide Development Contributions Plan 2019
- Wollongong Community Participation Plan 2019
- Apartment Design Guide
- Dapto Town Centre Plan

An assessment of the amended proposal against the relevant planning controls is provided at Attachment 4.

For original assessment refer to Council Assessing Officer's report as presented to Wollongong Local Planning Panel on the 24 September 2020 at Attachment 6.



**Consultation**

The amended proposal was not publicly exhibited however details of the proposal were referred to Council's Heritage, Strategic Planning and Traffic Officers.

Council's Heritage and Strategic Planning Officers are generally supportive of the amended proposal however they have both raised some outstanding issues, some of which are proposed to be resolved by way of conditions of consent. Consideration of the outstanding issues is provided in Section 2 of this report.

Council's Traffic Officer is satisfied with the amended proposal.

The amended proposal was referred to WaterNSW in regards to dewatering of the basement and a satisfactory response was received 8 December 2020.

Consultation of the proposal as presented to Wollongong Local Planning Panel on the 24 September 2020 is outlined in the Council Assessing Officer's Report including consideration by the Design Review Panel.

**Conclusion**

It is the Council's Assessing Officer's view that the applicant has addressed the Panel's recommendations. The outstanding issues raised by Council referral groups are not considered to warrant refusal of the application and/or would be addressed by conditions of consent.

**Recommendation**

DA-2019/1462 be approved subject to the conditions contained in Attachment 5 of this report.



## **2 APPLICANT'S RESPONSE TO THE WLPP RECOMMENDATIONS**

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The applicant has provided amended plans and additional information in response to the concerns raised by the Panel including:

- Letter from MMJ dated 2 November 2020 detailing the applicants response to WLPP Panel recommendations – see Attachment 2
- Architectural plans – Site, Floor, Elevations and Sections
- Shadow Diagrams and Shadow Analysis
- Landscape Plan
- Site Management /Demolition Plan
- Photomontage and Contextual Streetscape
- Colour and Materials Schedule
- Conservation Management Strategy
- Conservation Management Plan
- Waste Collection / Vehicle Manoeuvring Plan

The amended proposal may be summarised as follows:

- Car parking on Level 1 moved to additional basement level (total two levels of basement parking).
- Additional commercial space provided at ground level to further activate the laneway (total four commercial spaces).
- Podium wall height reduced from two storey to single storey.
- Four additional units added to Building B. Total of 54 units (previously 50 units). Building A is now seven levels of residential apartments and Building B eight levels of apartments above ground floor commercial. Building A – eight storeys and Building B - nine storeys in total.
- Car parking increased from 60 to 66 spaces (59 residential and 7 commercial).
- Additional information on heritage matters.
- Waste collection has been amended to include a compactus, reduced number of bins and on street collection.
- B85 and B99 vehicle manoeuvring plans submitted.
- Floor space ratio has increased from 2.24:1 to 2.29:1 (Maximum 2.5:1).
- Height remains the same 29.98m (Maximum 30m).

## **3 COUNCIL'S ASSESSING OFFICER'S COMMENTS**

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### **Matters Raised by the Panel:**

Council's Assessing Officer has reviewed the Panel's recommendations from the 24 September WLPP meeting and the Applicant's response to the issues raised and provides the following comments.

- *The Panel acknowledges that the development of this land in accordance with the statutory controls can coexist with the heritage-listed Dapto Hotel building. An appropriate development would respect the curtilage of the heritage item and would include detailed works to ensure ongoing conservation of the item.*

### **Comment:**

Noted.



- *It is considered that the proposed development application and supporting documentation requires design changes and additional detailed information to demonstrate that an appropriate relationship is achieved between the new development and the heritage item. In particular, the following matters should be addressed:*
- *A detailed conservation management plan for the heritage item should be provided, which includes a detailed schedule of works (internal and external), staging and timing, to ensure the ongoing conservation and continued viable use as a hotel;*

Comment:

A Conservation Management Strategy prepared by Austral Archaeology dated 3 November 2020 and Conservation Management Plan prepared by ADM dated 22 October 2020 were submitted and assessed by Council's Heritage Officer. Council's Heritage Officer is not satisfied with the level of detail provided and has imposed a number of conditions should consent be issued as detailed in the Consultation section of this report.

- *Consider the relationship of the "public walkway" to both the new development and the heritage item. In this regard, it is expected that the development would achieve activation of this area both from the existing and proposed building, with consideration given to direct access to the hotel from the public walkway and appropriate commercial/retail activities fronting the walkway, thereby also achieving a high level of safety and security for users;*

Comment:

Council is generally supportive of the changes which has resulted in the provision of new commercial space to further activate the laneway and address the recommendations of the Panel in regards to improving the relationship and access between the public laneway and the heritage item and improving safety and security for users of the laneway.

- *Consideration should be given to providing a second basement level for parking, which would further assist in activating the walkway, reducing the perceived bulk and height of the building and thereby improving the compatibility of the proposed development with the existing character of the area.*

Comment:

The amended proposal involves removal of the first floor car parking, provision of a second basement level and reduction of the podium level to single storey which is considered to address the Panel's recommendations. Council is satisfied that the amended proposal is more in keeping with the character of the area.

It is the Council's Assessing Officer's view that the applicant has addressed the Panel's recommendations. The outstanding issues raised by Council referral groups are not considered to warrant refusal of the application and/or would be addressed by conditions of consent.

## **Consultation**

### **Public Notification**

The amended proposal was not publicly exhibited.



## Internal Referrals

Details of the amended proposal were referred to Council's Heritage, Strategic Planning and Traffic Officers.

### **Heritage Officer**

Council's Heritage Officer has assessed the updated Conservation Management Strategy dated November 2020 (including brief Archaeological Design and preliminary interpretation plan) and "Heritage elevations" - Existing Hotel concept with proposed changes. Council's Heritage Officer is generally supportive of the reduced streetwall height to one storey and removal of first floor car parking as relates to the streetscape. However considers the overshadowing of the Hotel site to be a key issue that was not specifically raised by the Panel.

Council's Heritage Officer also remains concerned regarding the level of detail provided on the outcomes for the Hotel site as provided below:

### Proposed Changes to Hotel Building

*The elevation notes:*

*The wall beneath the verandah roof has been altered from its original form through the creation of additional openings and the inclusion of tiles and render. This part of the building is to be restored, using physical and documentary evidence, to ensure an improved and more appropriate street level presentation of the building. Opportunities for reconstruction would include removal of the render and wall tiling and re-establishment of the original brick surface. As the openings on the façade have changes this may include some conjecture and should be guided by an appropriately qualified heritage specialist.*

*It is noted that the elevation plans still do not provide the architectural details for the proposed conservation/restoration works to the façade and investigation into the documentary evidence does not appear to have been undertaken. In our previous advice we have requested detailed elevations of the Hotel including a demolition plan to ensure the works can be properly understood from a heritage perspective, importantly what any 'conjecture' is based upon.*

*In his email dated 6/11 Alex Beben noted that additional elevation plans are to be prepared by a qualified architect. Whilst a visual render indicating some details of the conservation works has been provided, new Elevation Plans showing the details of the proposed changes to the Hotel are yet to be received.*

*Further the methodology provided in the CMS document (Part A.1) does not match with the visual render of the Hotel which has been provided. This notes that a brick veneer will be installed, rather than removal of the render. Council is not satisfied with this approach without investigations being undertaken into the condition of the bricks following patch removal of render being undertaken to 'test' the ability for the render to be removed.*

### Schedule of Conservation Works

*The proposed schedule of conservation works as per Appendix A in the CMS is not considered adequate. A full schedule of external and internal works is required to be prepared to ensure that the Hotel benefits from the construction of the Tower, and mitigates the impacts of the development. A Schedule similar to that prepared for the Keira and Thomas Street Development (DA-2017/730) is requested.*



*This document can be provided to the applicant for reference on the level of detail required. However this additional work can likely be conditioned if the elevation detail above is considered satisfactory.*

## APPENDIX A - CONSERVATION SCHEDULE

The following **schedule** of conservation works has been formulated to inform Strategies 13, 14 and 15.

Task	Methodology	Responsibility
Reconstruction of The Below Verandah Form	See detailed methodology in Section A.1	Architect / Heritage Consultant / Builder
Removal of North Wing Pergola	See detailed methodology in Section A.2	Architect / Heritage Consultant / Builder
Repositioning of Signage from Front Elevation	Remove existing signs and patch and fix any holes or remnant fittings with materials consistent with the original form.  Site new signs below the pergola. Attach in a suitable manner that does not irreversibly damage original fabric. Heritage consultant to advise on new signage and provide sign off. Signs will need to be repositioned in consultation with commercial tenants.	Builder  Builder / Heritage Consultant

Elevations displaying the proposed works and their relationship to the Dapto Hotel are included in figure A-701, included on the next page.

### BCA Report

*It is noted that the Building Code of Australia Report/Memo is based on the current application, which does not include the required conservation works to the Hotel to ensure the long-term viability of the site.*

*The Report notes:*

*It is our understanding that **no** redevelopment works are currently proposed for hotel building as part of the DA. Rather, the only works comprise the demolition of a recently constructed pergola on the first-floor roof terrace facing the Princes Hwy.*

*Clarity should be sought that the proposed changes and amendments to the Hotel Building as a result of the Conservation Schedule, will not trigger additional requirements under the Building Code of Australia. If additional upgrades are required, then an updated Heritage Impact Statement may also be required to outline the potential impacts of the BCA upgrades based on the changes proposed.*

### Comment

In this regard Council's Heritage Officer has imposed a number of conditions, should consent be issued, for further details to be provided to Council's Heritage Staff prior to the issue of the Construction Certificate including:

- A full set of architectural plans showing required works to the Dapto Hotel site and facade to implement the works identified in the Conservation Management Plan.
- Demolition plan showing required works to the Dapto Hotel site and facade to implement the approved elevations.



- Additional investigation into the methodology proposed in the Conservation Management Plan, which includes the use of false brick facing. The existing render is to be removed and the condition of the brickwork investigated. This should be clearly shown on the elevations. A final methodology for the treatment of the Hotel Façade is to be provided following these investigations.
- A full schedule of external colours and materials for the Dapto Hotel site.
- 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.
- An interpretation plan is to be provided to acknowledge the history of the Dapto Hotel.
- A Schedule of Conservation Works detailing works to significant elements of the Hotel building, including internal works to both the ground floor and level 1, as well as any works intended to be undertaken on the exterior of the building.
- Updated BCA Report, including a clear understanding of the likely impacts arising from the works proposed in the updated Architectural Elevations and Schedule of Conservation Works on the significant historic building fabric.

Council's Heritage Officer also required the following conditions to be met prior to the issue of the Occupation Certificate:

- Implementation of Conservation Works as detailed in the endorsed Schedule of Conservation Works.
- No application for subdivision that impacts the existing ownership of the Dapto Hotel, including the creation of a strata body will be considered prior to the completion of all Conservation Works detailed in the approved Schedule of Conservation Works.
- Completion of any interpretative material as detailed in the endorsed Heritage Interpretation Plan.
- Ongoing Schedule of Maintenance Works
- 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 the approved Schedule of Ongoing Maintenance Works.

### **Strategic Officer**

Council's Strategic Planning Officer is generally satisfied with the removal of the first floor car parking, provision of new commercial space to activate the laneway and additional level of residential apartments. However the Strategic Planning Officer raised a number of outstanding issues that have not been addressed:



### Active Frontages

*'Artwork and historical boards' to a portion of the Osborne Street façade and Laneway:*

*The content and placement of these boards should be determined through the development of the Heritage Impact Statement.*

#### Comment:

Conditions will be imposed on any consent to be granted in relation to these matters.

### Solar Access

*Initial concept massing of the development should have highlighted the negative overshadowing impacts to the Dapto Hotel and led to a solution which retained the amenity of the Hotel site, rather than removing it. While the reduction in podium height is a significant improvement to contextual response, the COS Shadow Analysis shows it results in little improvement to the overshadowing of the Hotel's outdoor spaces.*

#### Comment:

It is agreed that the amended proposal had negligible change to the overshadowing impact to the hotel building. However the overshadowing impact was considered by the Panel in the 24 September meeting and not raised as a concern.

### Request for detailed drawings of the complete southern elevation of the podium

*Complete Southern Elevation Plans have still not been provided – only elevations including the Hotel are included. Request the Southern Elevation Plan be provided, incorporating the additions of the artwork etc.*

#### Comment:

Conditions will be imposed on any consent to be granted in relation to these matters.

### Communal Open Space

*On drawing A-601 (previous package) the pedestrian lane is noted as C.O.S (communal open space). This area is for public use and cannot be considered as part of the C.O.S of the Apartment Building.*

#### Comment:

Noted. A condition will be imposed to require this area to be used for public use only, not COS.

### Use of FSR from hotel site without benefit to the heritage item

*"The use of development rights has merit where a high quality design is achieved, and public amenity outcomes can be demonstrated, and the long term preservation of the heritage item is secured."*

*It is understood that Heritage officers have prepared a list of requirements and draft conditions to ensure that the long-term preservation of the heritage item is secured. It is recommended that the application not progress until all information required through the Heritage referral is provided. Once this is provided and assessed, the draft conditions can be refined and agreed upon.*



Comment:

The conditions imposed by Council's Heritage Officer requires further details to be provided to Council's Heritage Staff prior to the issue of the Construction Certificate which is considered appropriate.

**Traffic Officer**

Council's Traffic Officer has reviewed the amended plans and additional information in relation to the waste collection / vehicle manoeuvring matter and is satisfied.

Council's Traffic Officer had raised concerns in regards to waste collection / vehicle manoeuvring. The applicant originally proposed on-site waste collection using a smaller (non-standard) waste collection vehicles. Council's Traffic Officer did not support the proposal as the size of the waste collection vehicle did not comply with Chapter E7 of the Wollongong Development Control Plan 2009.

Council has an obligation as the Residential Waste Collection Authority to service the residential waste from the development if it can do so with its standard sized waste collection vehicle fleet. Councils waste contractor does have a smaller vehicle. However, collecting waste using the smaller vehicle costs rate payers up to 3 times more due to limited capacity, additional trips to the tip, staffing requirements etc. The smaller vehicle has been procured to enable servicing of existing constrained sites within the city centre. However, it is not fair, equitable or sustainable to provide this service for new developments.

In this regard Council's Traffic Officer requested the applicant redesign the proposal to accommodate a standard (larger) waste servicing vehicle and undertake a swept path assessment to demonstrate that the larger vehicle could enter, access the waste collection area on the Ground Floor and exit in a forward direction. Alternatively Council's Traffic Officer advised that kerbside collection is acceptable if it can be demonstrated that the bins can fit within 50% of the site frontages (x2) on collection day.

The applicant amended the proposal to comply with the latter. The applicant provided a compactus on the Ground Floor which reduced the number of bins required and provided details to demonstrate that the bins could fit within less than 50% of the site frontages on collection day (noting the site has dual frontage to the Princes Highway and Osborne Street and Council currently services both frontages).

As shown on the amended Ground Floor Plan the compactus significantly reduced the waste servicing requirements for residential as follows:

	<b>Original Proposal</b>	<b>Amended Proposal</b>
<b>Commercial</b>	6 general + 6 recycling	6 general + 6 recycling
<b>Residential</b>	18 general + 9 recycling + 3 green waste	4 general + 2 recycling + 3 green waste
<b>TOTAL</b>	12 commercial and 30 residential	12 commercial and 9 residential

Council's Traffic Officer reviewed the amended proposal and advised that the proposed waste collection arrangements are acceptable given that collection is only once per week, requires a minimal number of bins and confirmed that Council can collect the bins from the two frontages with the side-



loader. This is an existing waste collection route with no further waste staffing or vehicle cost implications.

#### External Referrals

The amended proposal was referred to WaterNSW in regards to dewatering of the basement and a satisfactory response was received 8 December 2020.

#### **CONCLUSION**

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At the WLPP meeting of 24 September 2020, the Panel determined to defer the development application to allow the applicant an opportunity to address a number of concerns as described in Section 1 of this report.

The applicant has submitted amended plans and additional information in response to the recommendations of the WLPP. Council's Assessing Officer is of the view that the amended proposal has satisfactorily addressed the concerns previously raised.

It is therefore considered that the proposed development is appropriate given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character and amenity of the surrounding area, providing for the orderly development of land in the locality.

#### **RECOMMENDATION**

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DA-2019/1462 be approved subject to the conditions contained in Attachment 5 of this report.

#### **ATTACHMENTS**

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- 1 WLPP recommendations from 24 September 2020 meeting
- 2 Letter prepared by MMJ dated 2 November 2020 detailing the applicants response to WLPP Panel recommendations
- 3 Amended Plans, Landscape Plan, Shadow Diagrams, Photomontage, Heritage Conservation Management Strategy and Conservation Management Plan
- 4 ADG, SEPP, WLEP and WDCP assessment – amended proposal
- 5 Conditions of Consent
- 6 Original Council Assessing Officer's WLLP Report as presented to WLLP meeting on 24 September 2020.

[Click on Original Council Assessing Officer's report for link to previous report](#)



## DETERMINATION AND STATEMENT OF REASONS

### WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	24 September 2020
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Steven Layman, Helena Miller, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 24 September 2020 opened at 5:00pm and closed at 7:30pm.

#### MATTER DETERMINED

DA-2019/1462 – Lot 1 DP 745653 and Lot 1 DP 564523, 98-100 and 102-110 Princes Highway, Dapto (as described in detail in Schedule 1).

#### PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant's representatives.

#### PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, the material presented at the meeting and the matters observed at the site inspection listed at item 8 in Schedule 1.

The Panel determined to defer the development application as described in Schedule 1.

The decision was unanimous.

#### REASONS FOR THE DECISION





The reasons for the decision of the Panel were:

- The Panel acknowledges that the development of this land in accordance with the statutory controls can coexist with the heritage-listed Dapto Hotel building. An appropriate development would respect the curtilage of the heritage item and would include detailed works to ensure ongoing conservation of the item.
- It is considered that the proposed development application and supporting documentation requires design changes and additional detailed information to demonstrate that an appropriate relationship is achieved between the new development and the heritage item. In particular, the following matters should be addressed:
  - A detailed conservation management plan for the heritage item should be provided, which includes a detailed schedule of works (internal and external), staging and timing, to ensure the ongoing conservation and continued viable use as a hotel;
  - Consider the relationship of the "public walkway" to both the new development and the heritage item. In this regard, it is expected that the development would achieve activation of this area both from the existing and proposed building, with consideration given to direct access to the hotel from the public walkway and appropriate commercial/retail activities fronting the walkway, thereby also achieving a high level of safety and security for users;
  - Consideration should be given to providing a second basement level for parking, which would further assist in activating the walkway, reducing the perceived bulk and height of the building and thereby improving the compatibility of the proposed development with the existing character of the area.



**DEFERRAL**

The development application is deferred for a period of 28 days to provide the applicant with an opportunity to address the matters detailed above in consultation with Council staff. The amended application should be submitted to a future Panel for determination.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Steven Layman
 Helena Miller	 Tina Christy (Community Representative)



SCHEDULE 1		
1	DA NO.	DA-2019/1462
2	PROPOSED DEVELOPMENT	Demolition of existing structures, retention of heritage hotel and construction of a mixed use (Commercial / Residential) development
3	STREET ADDRESS	Lot 1 DP 745653 and Lot 1 DP 564523, 98-100 and 102-110 Princes Highway, Dapto
4	APPLICANT/OWNER	ADM Architects
5	REASON FOR REFERRAL	Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is classified as sensitive development in accordance with Part 4 (b) as it is development to which SEPP 65 Design Quality of Residential Flat Buildings applies and is 4 or more storeys in height.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State</li> <li>Wollongong Local Environment Plan 2009</li> <li>Wollongong Development Control Plan 2009</li> </ul> </li> <li>Other policies: <ul style="list-style-type: none"> <li>Wollongong City Wide Development Contributions Plan 2019</li> <li>Wollongong Community Participation Plan 2019</li> <li>Apartment Design Guide</li> <li>Dapto Town Centre Plan</li> </ul> </li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the Environmental Planning and Assessment Act 1979 or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report dated 24 September 2020.</li> <li>Written submissions during public exhibition: 4</li> <li>Verbal submissions at the public meeting: Nil</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 24 September 2020. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Robert Montgomery (Chair), Steven Layman, Helena Miller, Tina Christy (Community Representative)</li> <li><u>Council assessment staff</u>: John Wood, Kristy Robinson</li> </ul>
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Reasons for refusal included in the council assessment report





2<sup>nd</sup> November 2020

General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500  
**ATTENTION: KRISTY ROBINSON**

Dear Kristy,

**RE: ADDITIONAL INFORMATION DA-2019/1462  
PROPOSED DEMOLITION OF EXISTING STRUCTURES, RETENTION OF HERITAGE  
HOTEL AND CONSTRUCTION OF A MIXED USE BUILDING  
98-110 PRINCES HIGHWAY, DAPTO**

I refer to the Wollongong Local Planning Panel (WLPP) meeting of 24<sup>th</sup> September 2020 and the Panel's subsequent determination and statements of reasons for deferring the above-mentioned Development Application (DA).

Our direct responses to the matters and recommendations raised by WLPP are outlined further below, however, in summary we provide the following description of key changes made to the architectural plans prepared by ADM Architects:

- *Removal of the residential parking at Level 1 and relocated to a new basement 2 level. There are 51 residential cars in the basement plus 5 tandems and 3 on ground floor, resulting in at least one car space per apartment. A surplus of 10 cars has been accounted for in the GFA (129.6sqm);*
- *Removal of the associated access driveway to Level 1 carpark has provided the opportunity for an additional commercial shop (Commercial Space 3), which also activates the pedestrian lane directly opposite the existing hotel "Op Shop" tenancy;*





- *The above changes result in a reduction in the podium wall height of one (1) storey only now. Building A (eastern tower) is also one (1) storey lower in height than originally proposed, whilst Building B (western tower) remains the same height as originally proposed with the introduction of an additional level of residential apartments. There are four additional apartments in Block B now, resulting in a total proposed number of 54 overall.*
- *The above changes have been reflected through all architectural drawings, including plans, elevations, sections, 3d imagery, context drawings and montages.*

To reflect the above-mentioned changes to the architectural plans, Conservation Management Strategy (CMS) by Austral Archaeology and Landscape Concept Plan by Ochre Landscape Architects have also been updated.

In relation to WLPP's specific comments (shown in 'blue'), we advise as follows:

**WLPP:**

- *The Panel acknowledges that the development of this land in accordance with the statutory controls can coexist with the heritage-listed Dapto Hotel building. An appropriate development would respect the curtilage of the heritage item and would include detailed works to ensure ongoing conservation of the item.*

**COMMENT:**

The built form of the proposed mixed use development has been updated to reflect a single storey podium level now instead of a two-storey podium and laneway interface. In addition, a commercial space has been added to the ground-level directly opposite the rear of the hotel building improve activation of the proposed pedestrian laneway and curtilage of the heritage item.

Further to this, improved opportunities have been provided throughout for public art and/or historical board panels (heritage interpretive media).

The CMS has been updated to incorporate more detailed works and conservation measures for the ongoing conservation of the hotel. In particular:

- Revised *Strategy 13* to outline the treatment of the façade and justifications for using





brick veneer. This addresses the additional comments from Council's heritage officer (post-WLPP deferral) over how voids and caps in the original brickwork will be managed.

- Revised *Appendix A* to include a detailed methodology for implementing *Strategies 13* and *14*. This includes Elevations showing the location of these strategies in relation to the heritage item.

It is proposed the CMS and associated works form part of the obligations of any forthcoming development consent. This can be appropriately managed as conditions of consent.

**WLPP:**

- *A detailed conservation management plan for the heritage item should be provided, which includes a detailed schedule of works (internal and external), staging and timing, to ensure the ongoing conservation and continued viable use as a hotel;*

**COMMENT:**

As above, the CMS has been updated to incorporate more detailed works and conservation measures for the ongoing conservation of the hotel.

**WLPP:**

- *Consider the relationship of the "public walkway" to both the new development and the heritage item. In this regard, it is expected that the development would achieve activation of this area both from the existing and proposed building, with consideration given to direct access to the hotel from the public walkway and appropriate commercial/retail activities fronting the walkway, thereby also achieving a high level of safety and security for users;*

**COMMENT:**

As above, a commercial space has been added to the ground-level directly opposite the rear of the hotel building improve activation of the proposed pedestrian laneway and curtilage of the heritage item.

Public seating is also provided in this area to encourage a sense of place and gathering, rather than a pedestrian thoroughfare.





The rear entry to the hotel is available through the beer garden, and opportunities for further activation exist with the existing Op Shop tenancy building. We understand this tenancy has been occupied by the Dapto Uniting Church for many decades now and is seen as an important community asset and offering in the local area. Notwithstanding, subject to commercial terms, there is opportunity for this space to be occupied by other commercial/retail oriented activities in the future.

**WLPP:**

- *Consideration should be given to providing a second basement level for parking, which would further assist in activating the walkway, reducing the perceived bulk and height of the building and thereby improving the compatibility of the proposed development with the existing character of the area.*

**COMMENT:**

As requested, a 2<sup>nd</sup> basement level has been provided for parking purposes, which has enabled an additional commercial space to be provided at ground level to further assist with activating the walkway (Commercial Space 3). This in turn has resulted in a notable reduction of the podium from 2 storeys down to single storey, thereby improving the compatibility of the proposed development with the existing character of the area.

We trust this information satisfactorily addresses Council's correspondence to date, and that approval can now be forthcoming for the proposed DA. Please feel free to contact the undersign should further information and/or discussion be required.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD

A handwritten signature in blue ink, appearing to read 'L. Rollinson'.

LUKE ROLLINSON

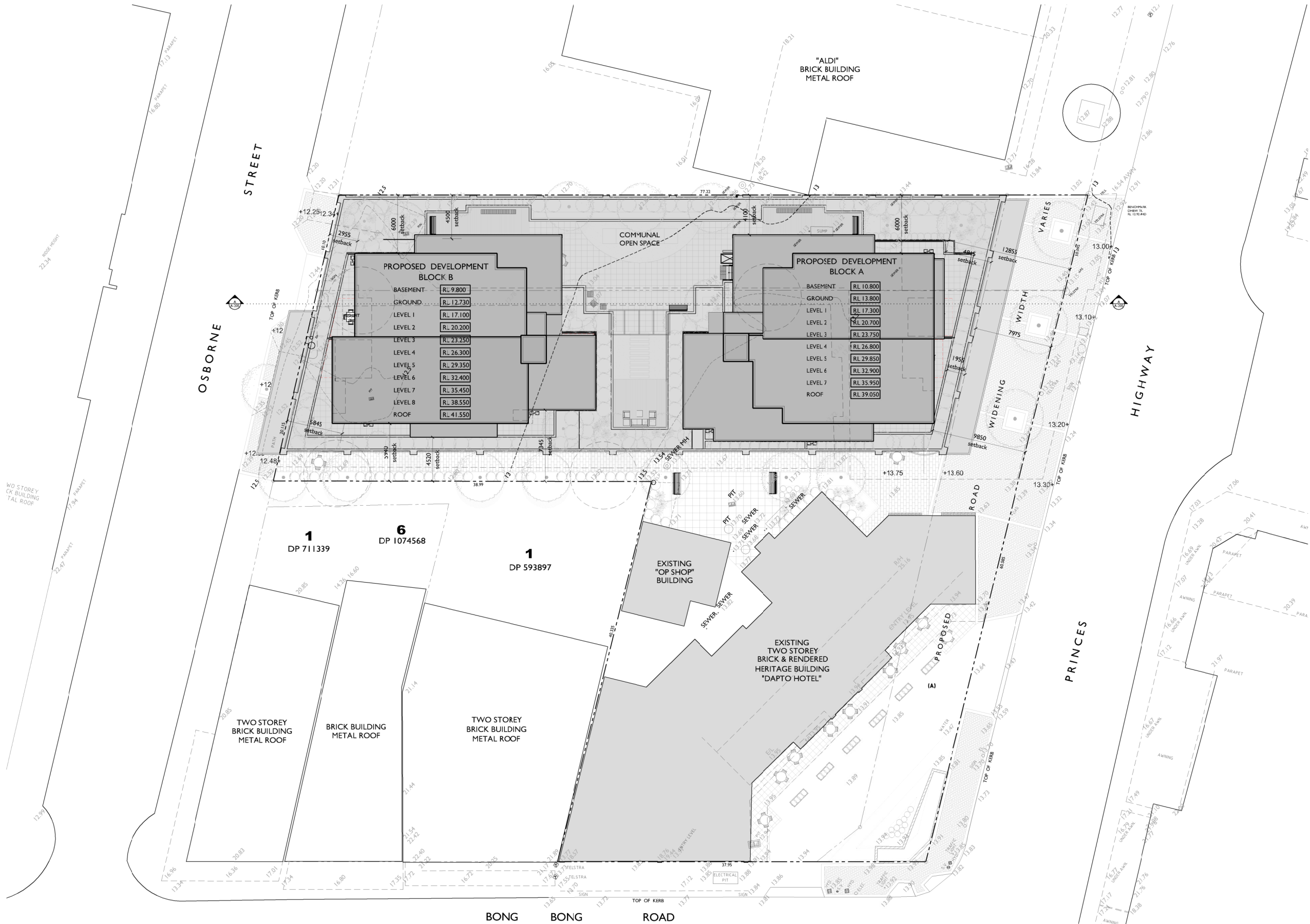
BUrbRegPlan DipArchTech MPIA

**DIRECTOR OF TOWN PLANNING & ADVISORY**





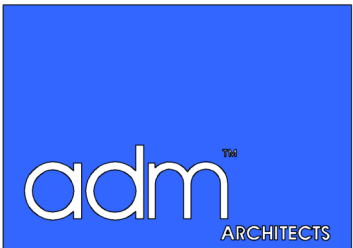




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Project  
RETENTION OF HERITAGE HOTEL &  
PROPOSED MIXED USE BUILDING  
COMPRISING OF RESIDENTIAL APARTMENTS  
ABOVE SHOPS & CARPARKING

At  
98-110 PRINCES HIGHWAY,  
DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIP PTY LTD

Title  
DEVELOPMENT APPLICATION  
SITE / ROOF PLAN

Scale	Date
1:500 @ A3	OCTOBER 2020

Drawn	Checked
SJ	ADM

Project No.	Drawing No.	Issue
2017 - 48	A-100	C

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## SITE AND ROOF PLAN

NOTE: REFER TO CIVIL ENGINEER'S DOCUMENTATION FOR  
STORMWATER COLLECTION & AIL EXTERNAL SURFACE LEVELS.  
REFER TO LANDSCAPE ARCHITECT'S DOCUMENTATION FOR  
ALL PAVING & PLANTING DETAILS.





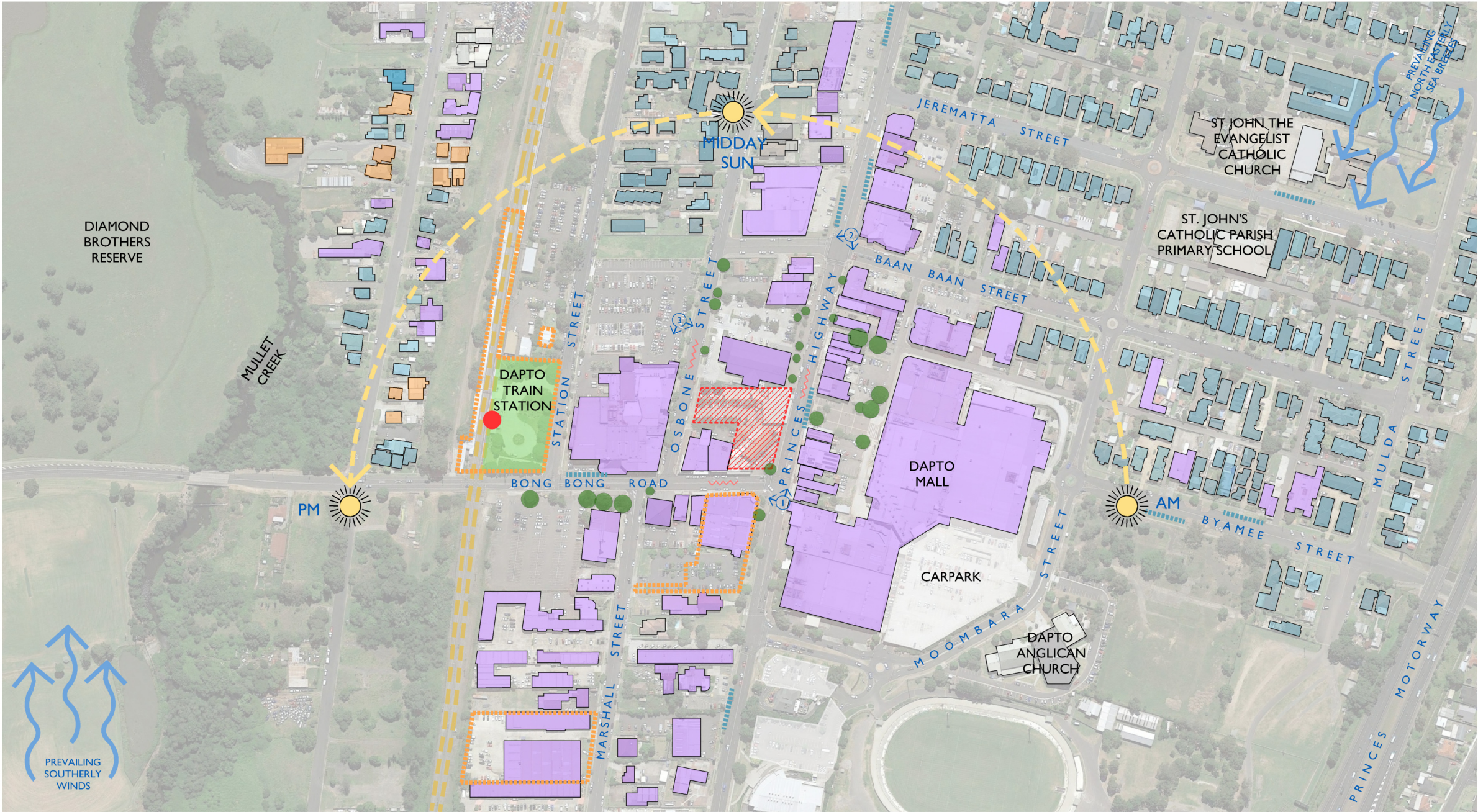
VIEW 1 - LOOKING NW ALONG THE PRINCES HIGHWAY TOWARDS SUBJECT SITE



VIEW 2 - LOOKING SOUTH ALONG THE PRINCES HIGHWAY TOWARDS SUBJECT SITE



VIEW 3 - LOOKING SE FROM OSBOURNE STREET TOWARDS SUBJECT SITE



# SITE ANALYSIS

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## LEGEND

- PROPOSED DEVELOPMENT
- DA APPROVED DEVELOPMENT
- HERITAGE LISTED ITEM
- TRAIN STATION
- TRAIN LINE
- BUS STOP
- WIND DIRECTION
- SOURCE OF NOISE
- LOCATION OF PHOTO
- SIGNIFICANT TREES IN PUBLIC DOMAIN
- RESIDENTIAL USE
- BUSINESS / COMMERCIAL PREMISES
- MIXED USE

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For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIP PTY LTD

Title  
DEVELOPMENT APPLICATION  
SITE ANALYSIS

Scale NTS		Date MAY 2020	
Drawn SJ		Checked ADM	
Project No. 2017 - 48	Drawing No. A-002	Issue B	

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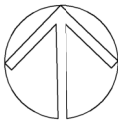
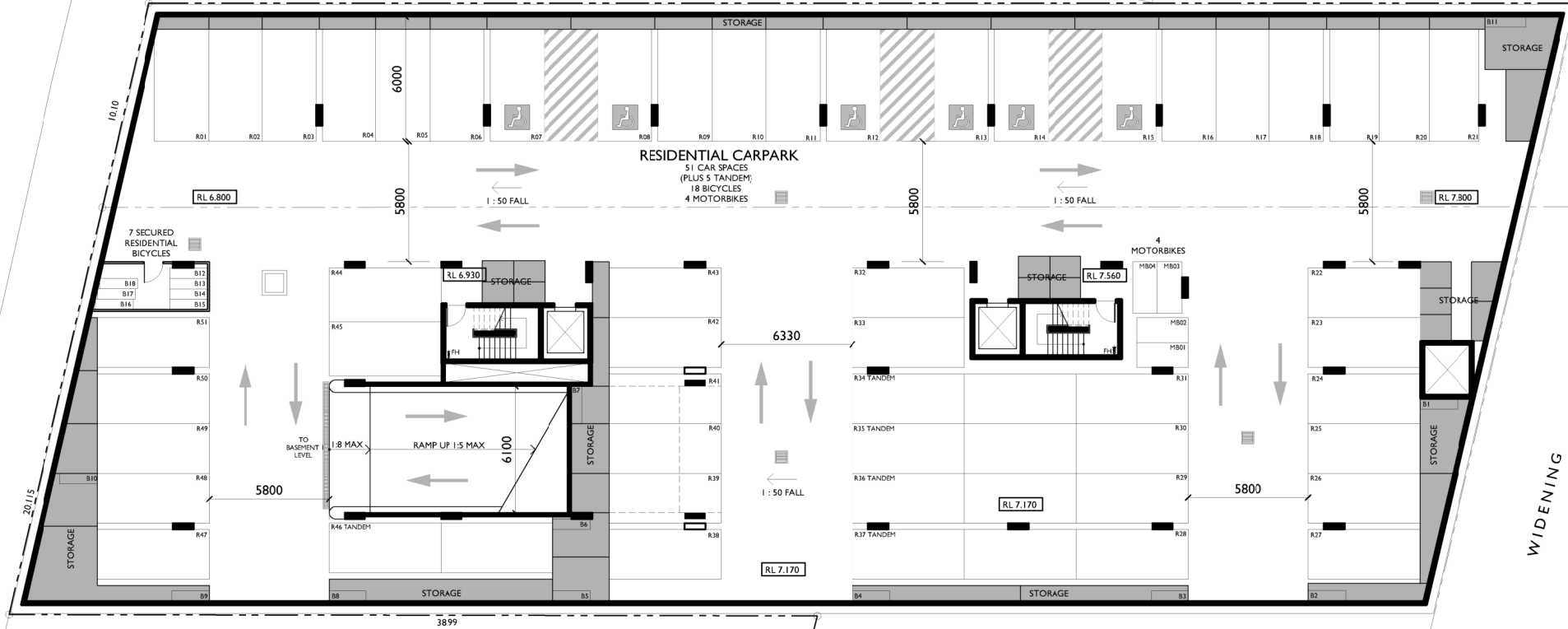
Title  
DEVELOPMENT APPLICATION  
BASEMENT 2 PLAN

Scale	Date
1:300 @ A3	OCTOBER 2020

Drawn	Checked
LGD	ADM

Project No.	Drawing No.	Issue
2017 - 48	A-101	C

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# BASEMENT 2 FLOOR PLAN

RL varies

BONG BONG ROAD

OSBORNE STREET

STREET

EXISTING BRICK BUILDING OVER  
"ALDI SUPERMARKET"

EXISTING  
"OP SHOP"  
BUILDING

EXISTING  
TWO STOREY  
HERITAGE BUILDING  
"DAPTO HOTEL"

ROAD

WIDENING

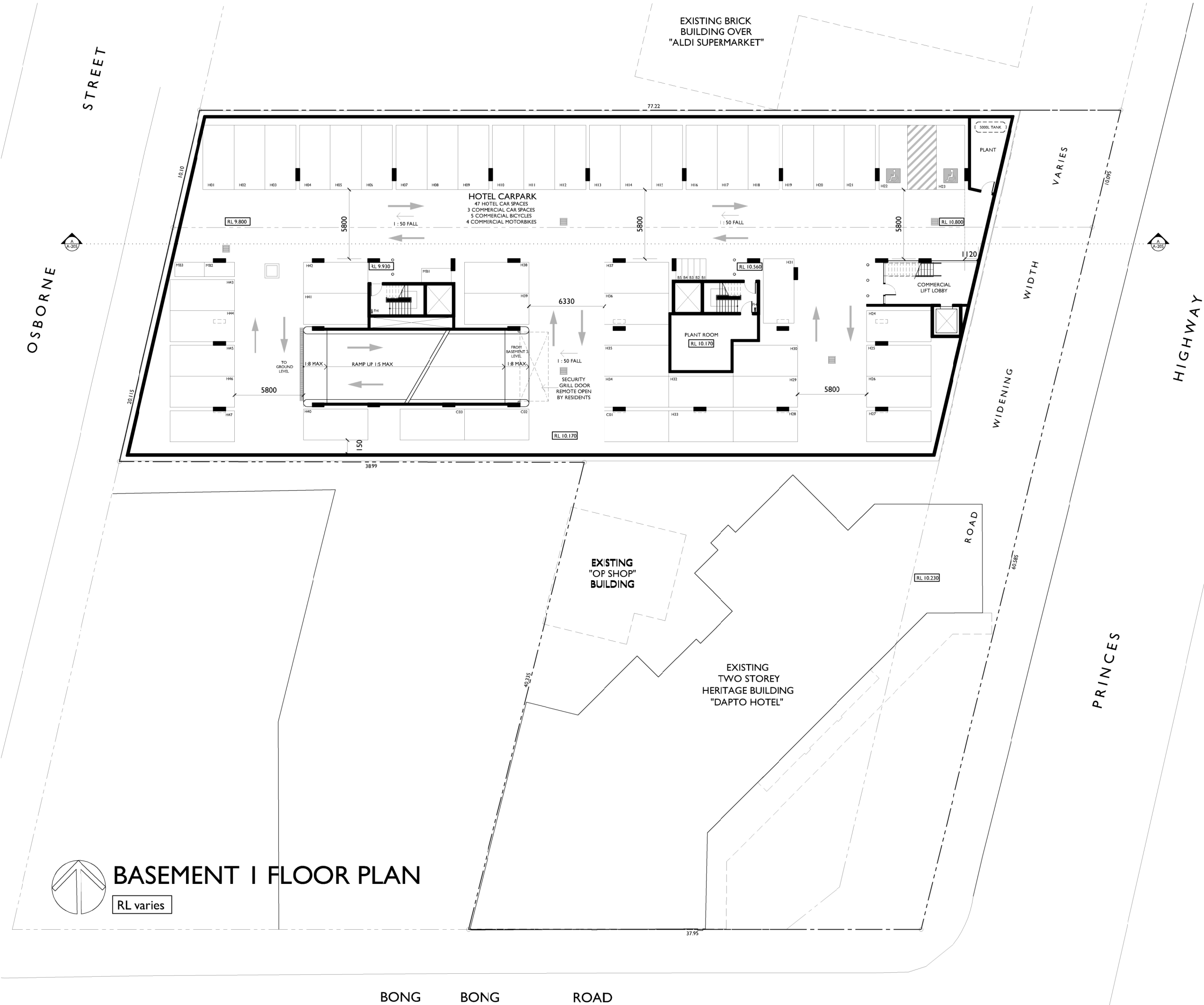
WIDTH

VARIES

HIGHWAY

PRINCES

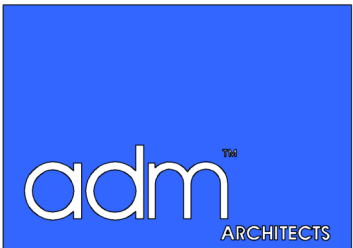




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Project  
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ABOVE SHOPS & CARPARKING

At  
98-110 PRINCES HIGHWAY,  
DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
BASEMENT I PLAN

Scale	Date
1:300 @ A3	OCTOBER 2020

Drawn	Checked
LGD	ADM

Project No.	Drawing No.	Issue
2017 - 48	A-102	C

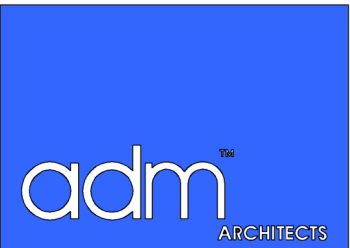
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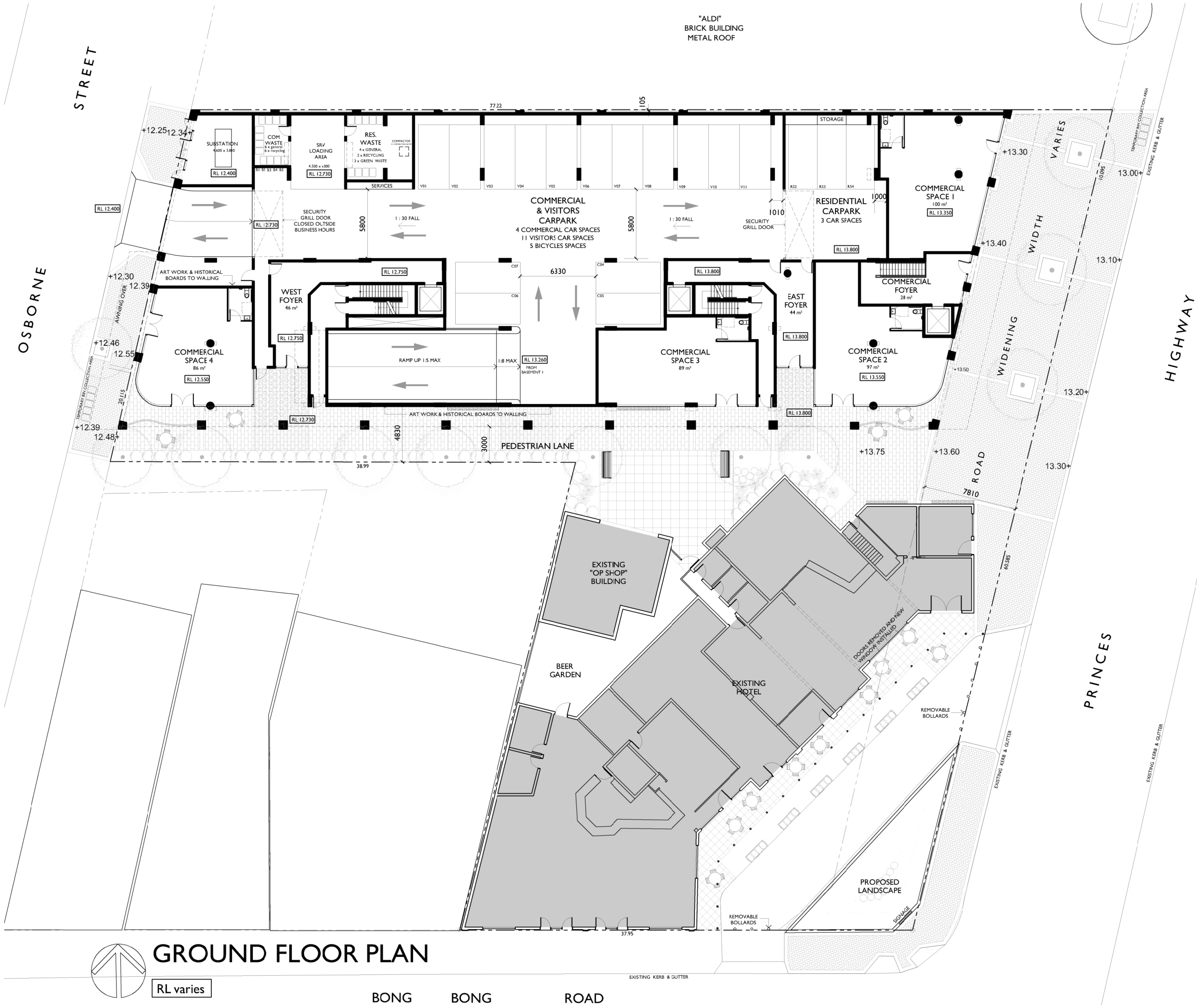
At  
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DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
GROUND FLOOR PLAN

Scale	Date	
1:300 @ A3	OCTOBER 2020	
Drawn	Checked	
LGD, RAC, SJ	ADM	
Project No.	Drawing No.	Issue
2017 - 48	A-103	C

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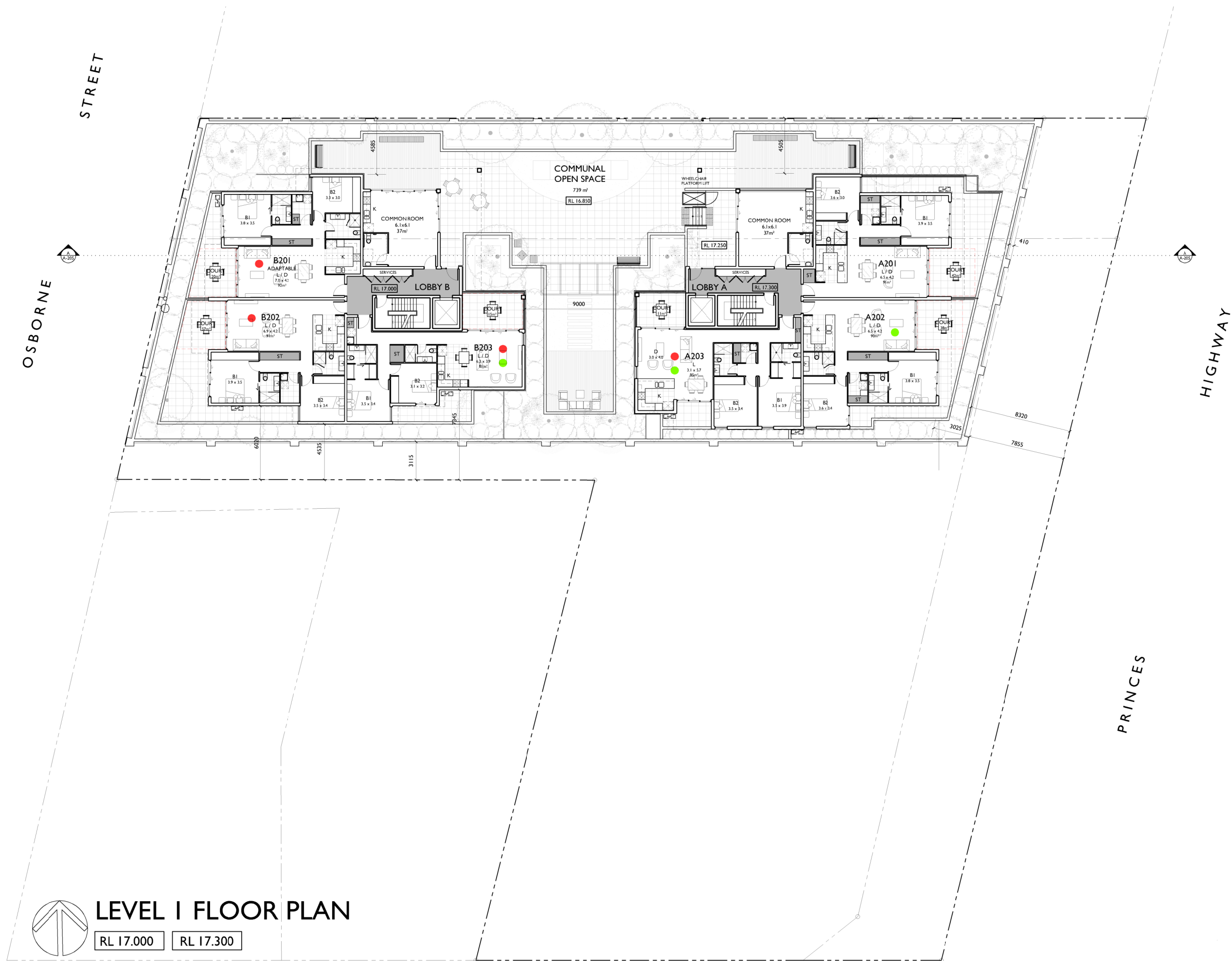


# GROUND FLOOR PLAN

RL varies

BONG BONG ROAD





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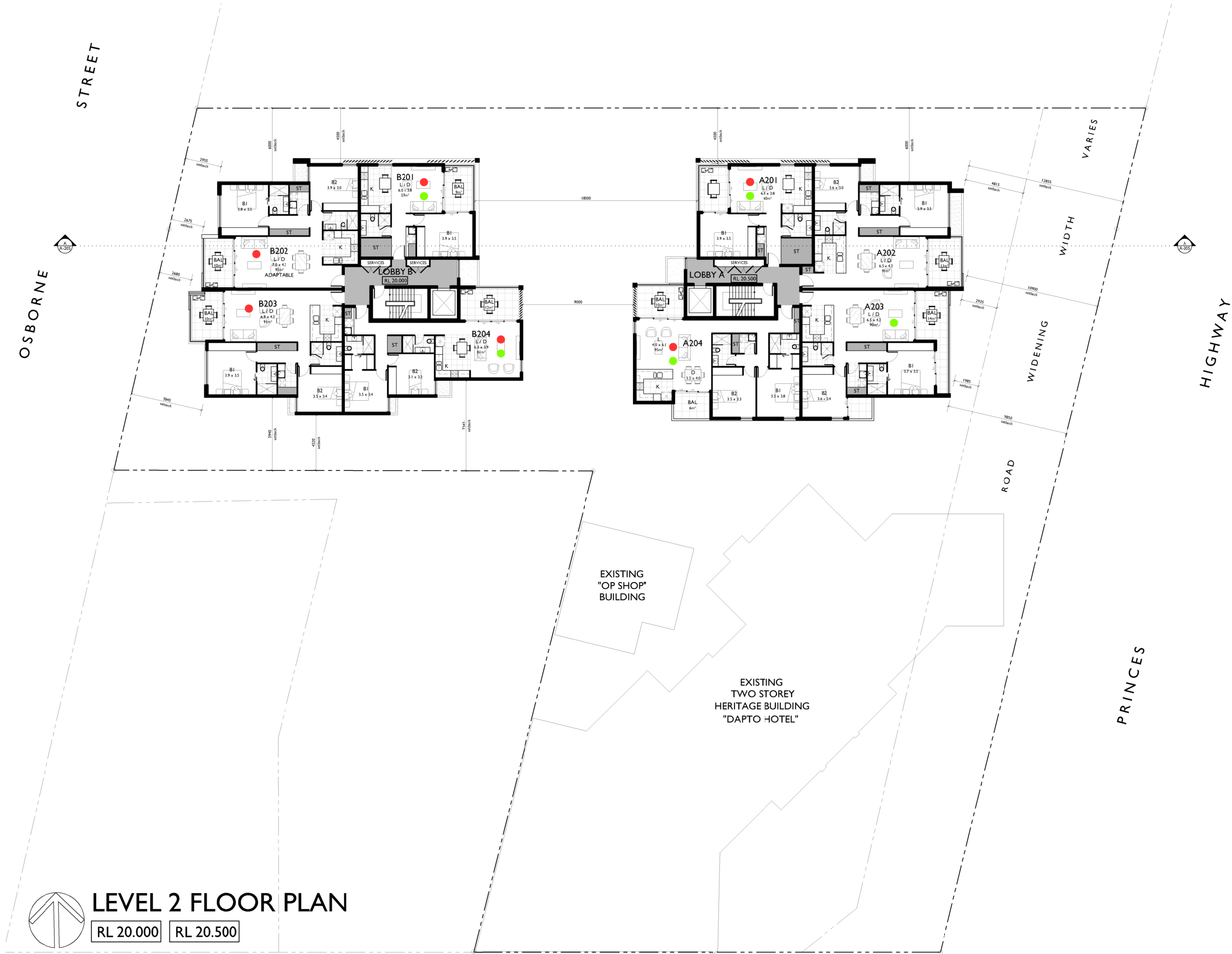
For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
LEVEL I FLOOR PLAN

Scale		Date	
1:300 @ A3		OCTOBER 2020	
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LGD, RAC, SJ		ADM	
Project No.	Drawing No.	Issue	
2017 - 48	A-104	C	

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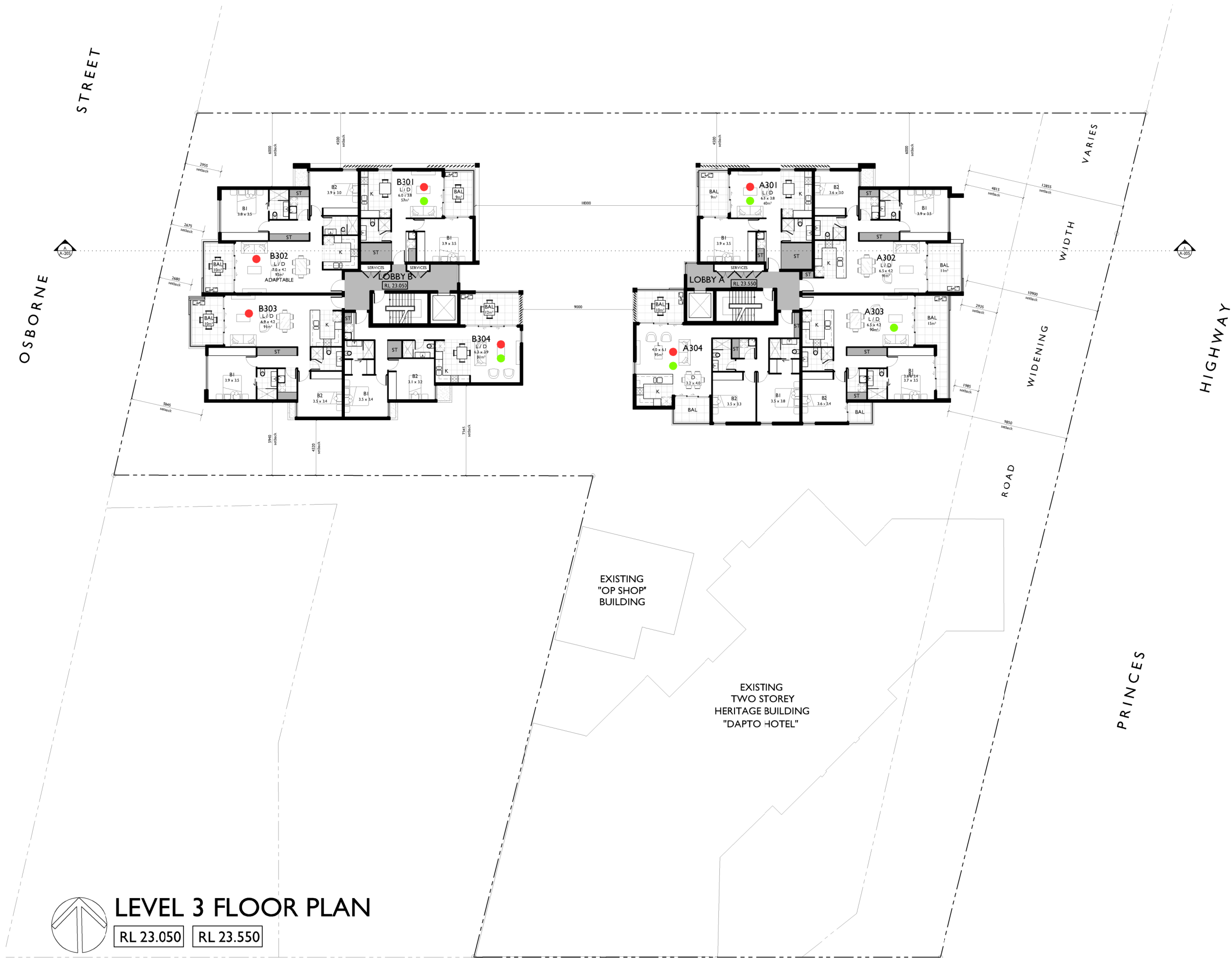
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PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
LEVEL 2 FLOOR PLAN

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RAC SJ	ADM	
ProjectNo.	Drawing No.	Issue
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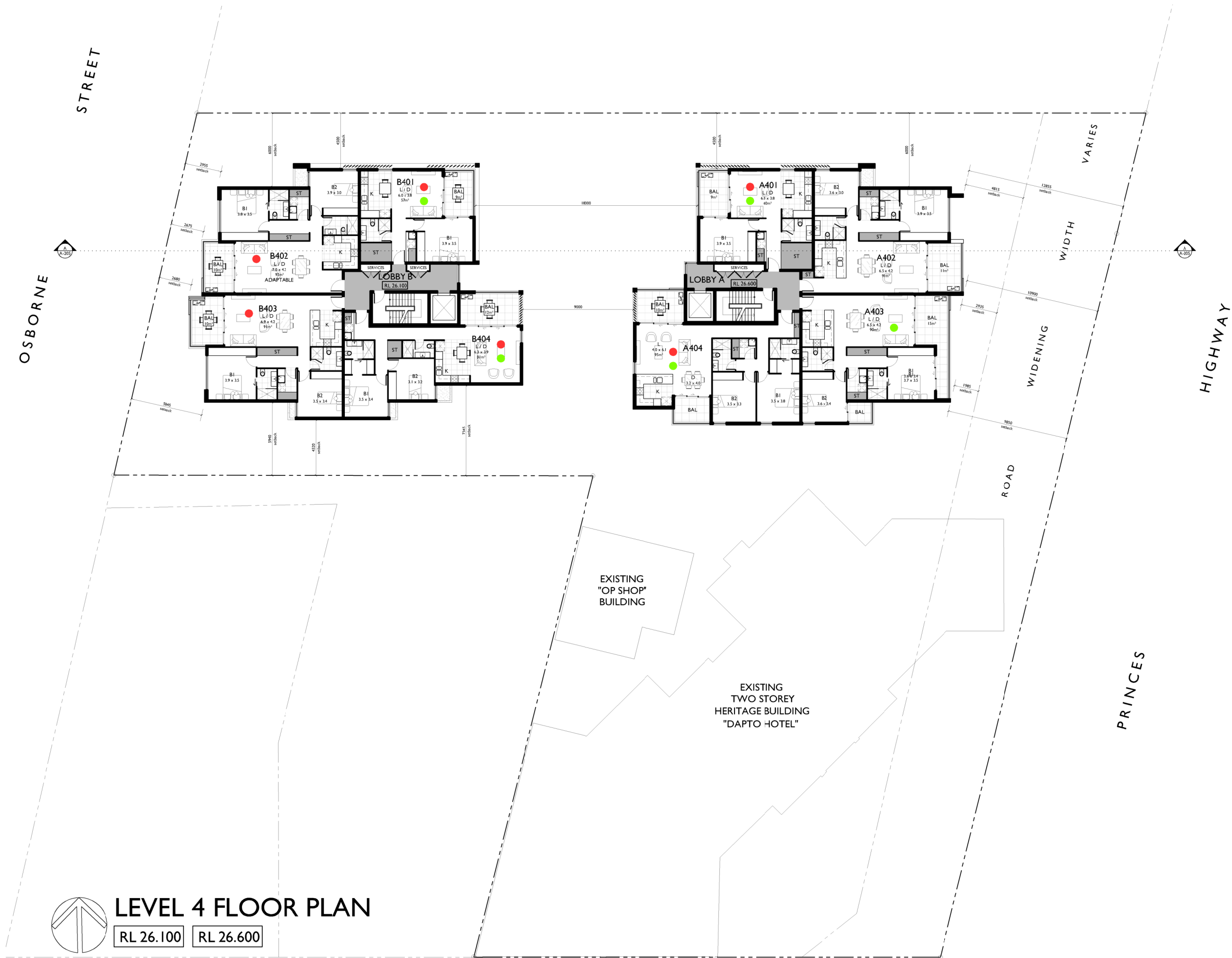
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For  
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Title  
DEVELOPMENT APPLICATION  
LEVEL 3 FLOOR PLAN

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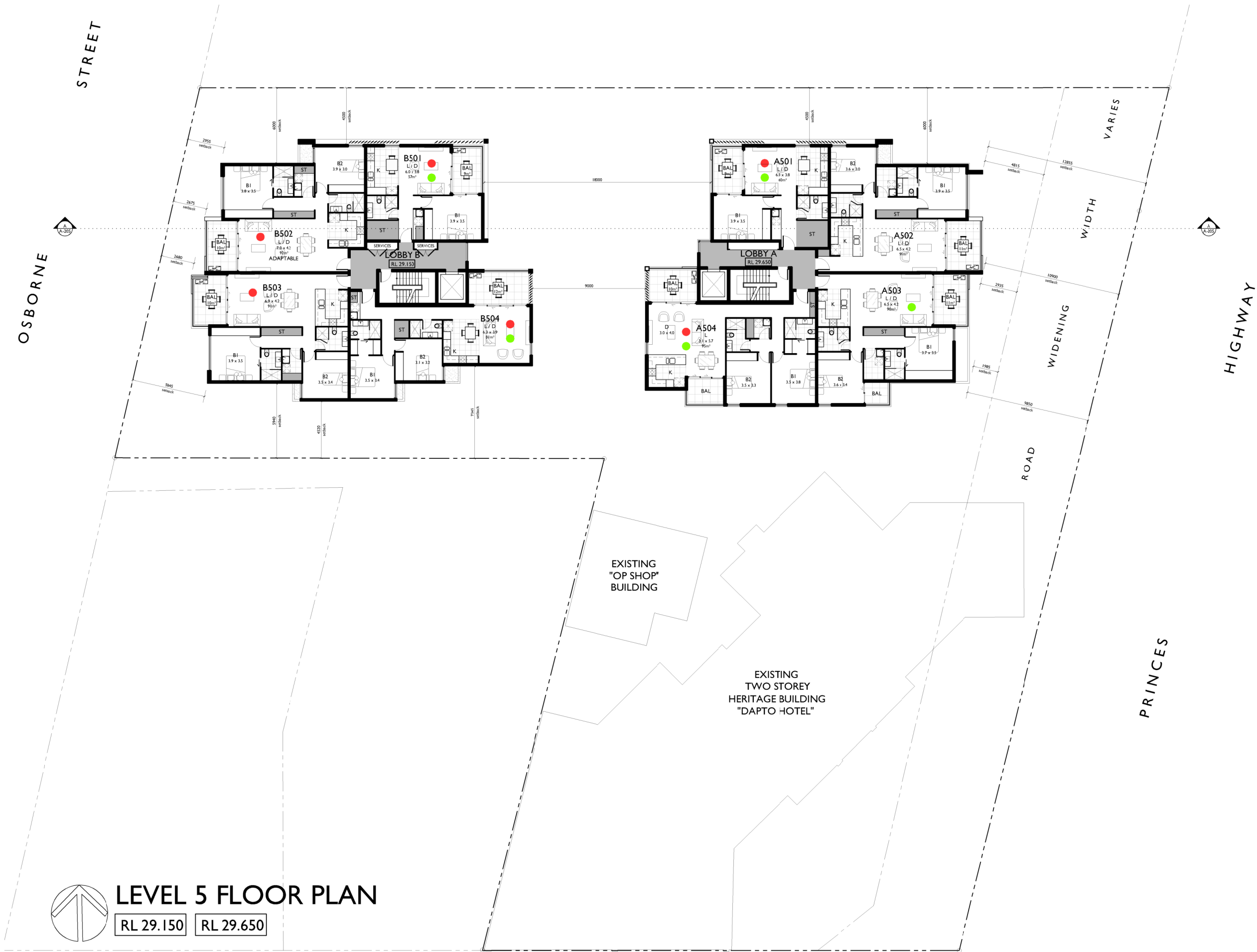
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PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
LEVEL 4 FLOOR PLAN

Scale		Date	
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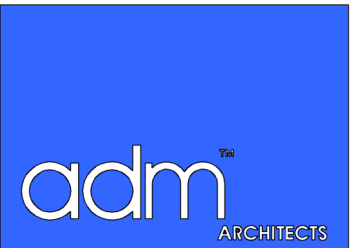
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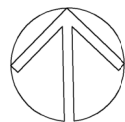
For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
LEVEL 5 FLOOR PLAN

Scale	Date	
1:300 @ A3	OCTOBER 2020	
Drawn	Checked	
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Project No.	Drawing No.	Issue
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# LEVEL 6 FLOOR PLAN

RL 32.200

RL 32.700

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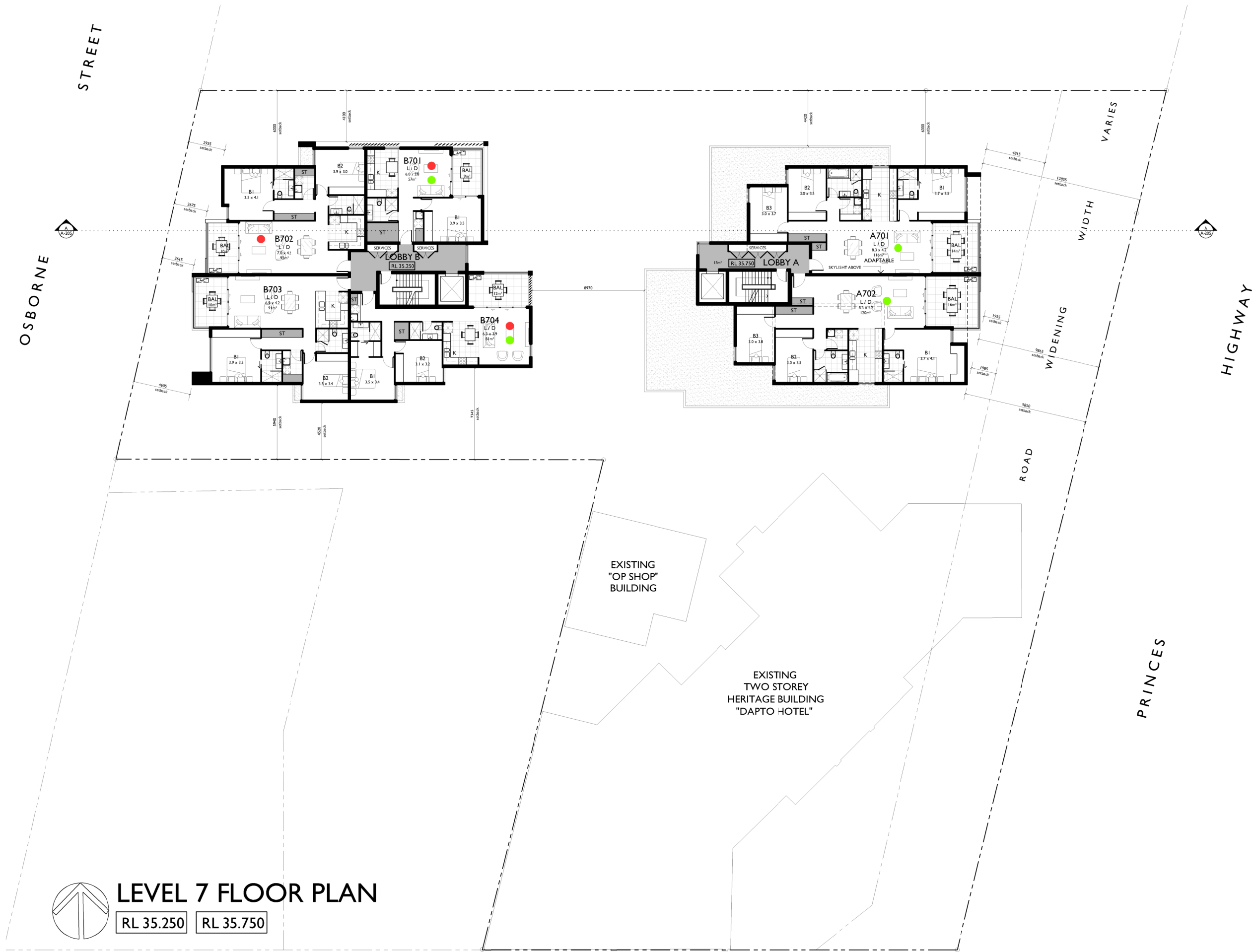
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For  
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Title  
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LEVEL 6 FLOOR PLAN

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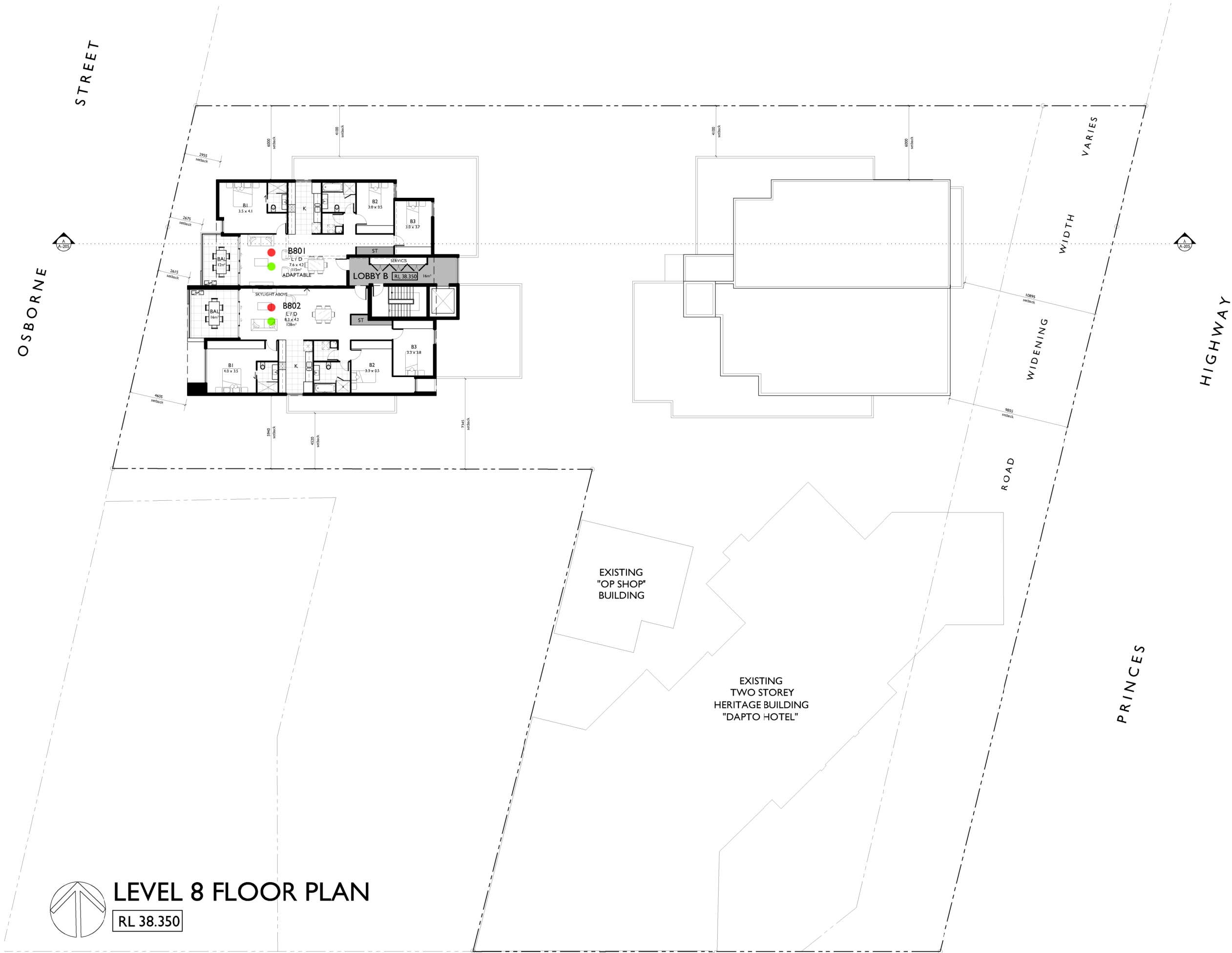
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For  
P. HADLEY HOLDINGS PTY LTD &  
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Title  
DEVELOPMENT APPLICATION  
LEVEL 7 FLOOR PLAN

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Project No.	Drawing No.	Issue
2017 - 48	A-110	C





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- LEGEND
- SUNLIGHT ACCESS
  - CROSS VENTILATION



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Project  
RETENTION OF HERITAGE HOTEL &  
PROPOSED MIXED USE BUILDING  
COMPRISING OF RESIDENTIAL APARTMENTS  
ABOVE SHOPS & CARPARKING

At  
98-110 PRINCES HIGHWAY,  
DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
LEVEL 8 FLOOR PLAN

Scale	Date	
1:300 @ A3	OCTOBER 2020	
Drawn	Checked	
SJ	ADM	
Project No.	Drawing No.	Issue
2017 - 48	A-111	A



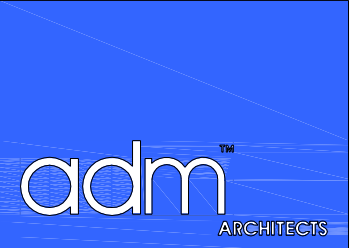
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EAST ELEVATION  
PRINCES HIGHWAY ASPECT



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DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
EAST ELEVATION

Scale 1:150 @ A1 1:300 @ A3	Date OCTOBER 2020
Drawn SJ	Checked ADM

Project No. 2017 - 48	Drawing No. A-201	Issue C
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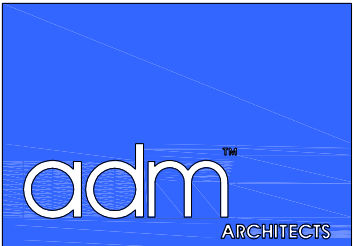
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SOUTH ELEVATION



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At  
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DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
SOUTH ELEVATION

Scale 1:150 @ A1 1:300 @ A3		Date OCTOBER 2020
Drawn SJ		Checked ADM
Project No. 2017 - 48	Drawing No. A-202	Issue C

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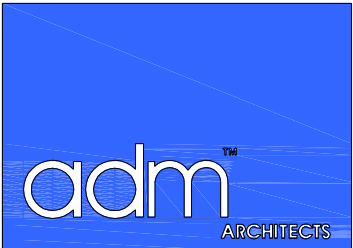
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WEST ELEVATION  
OSBORNE STREET ASPECT



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At  
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DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
WEST ELEVATION

Scale 1:150 @ A1 1:300 @ A3	Date OCTOBER 2020
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Drawn SJ	Checked ADM
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Project No. 2017 - 48	Drawing No. A-203	Issue C
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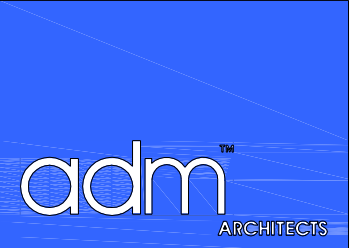
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NORTH ELEVATION



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For  
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PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
NORTH ELEVATION

Scale 1:150 @ A1 1:300 @ A3	Date OCTOBER 2020
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Drawn SJ	Checked ADM
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Project No. 2017 - 48	Drawing No. A-204	Issue C
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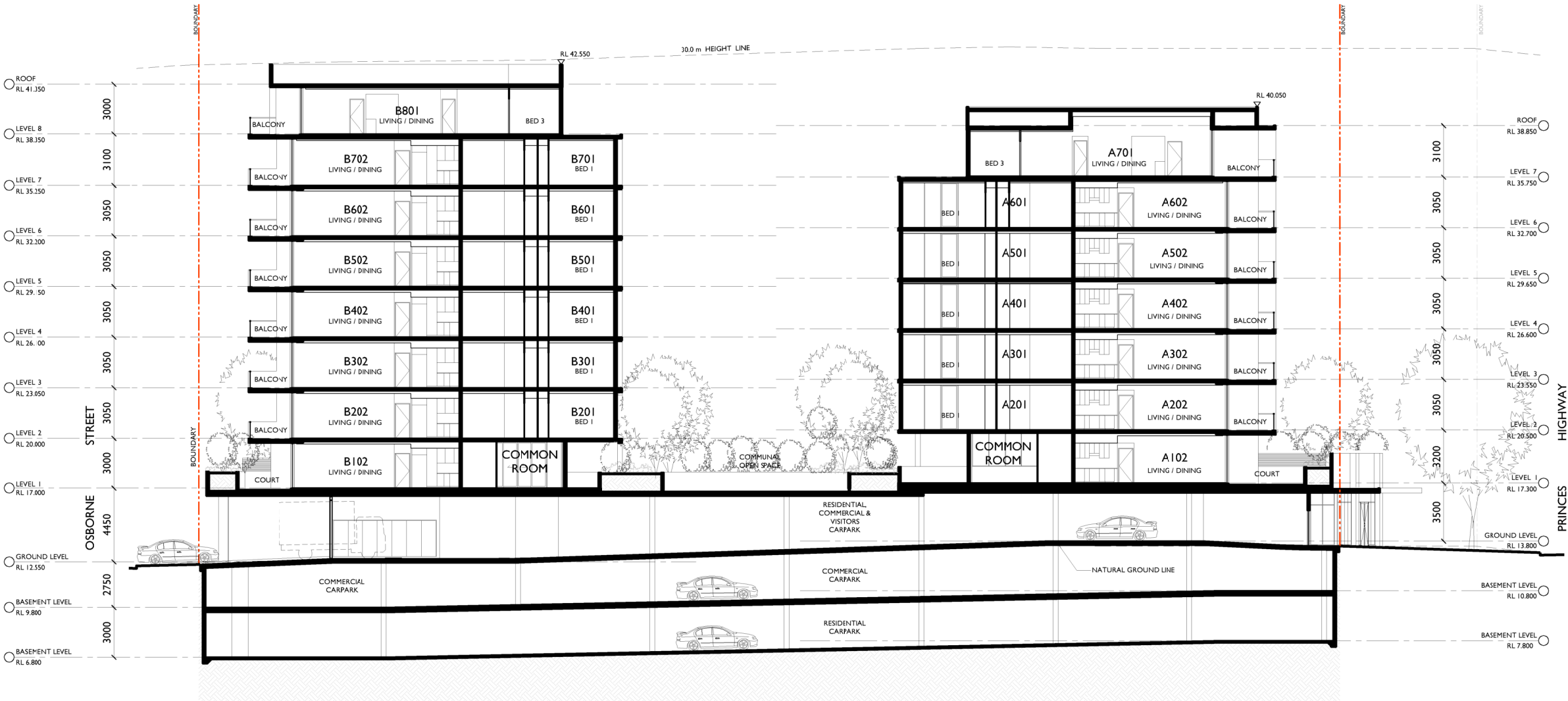
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SECTION A-A



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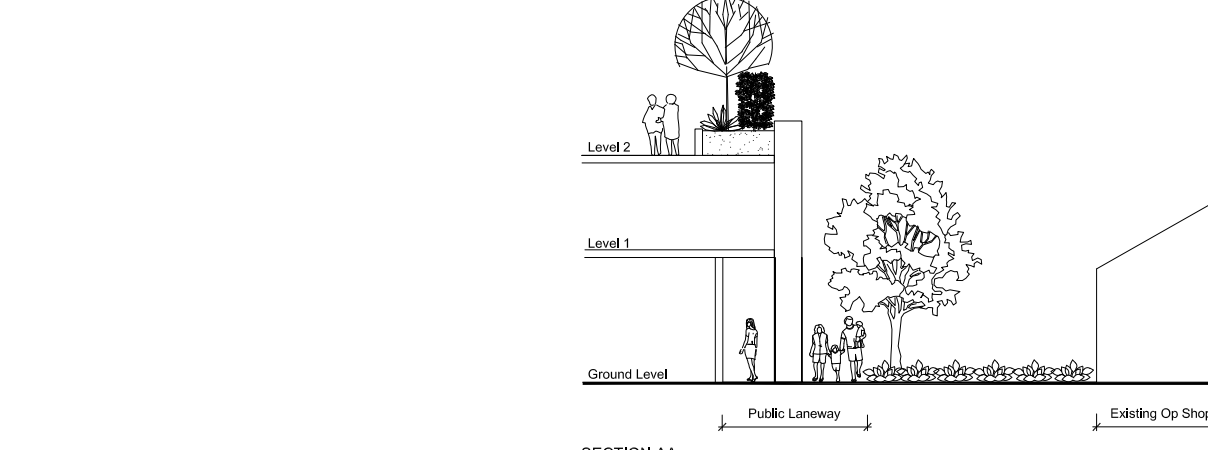
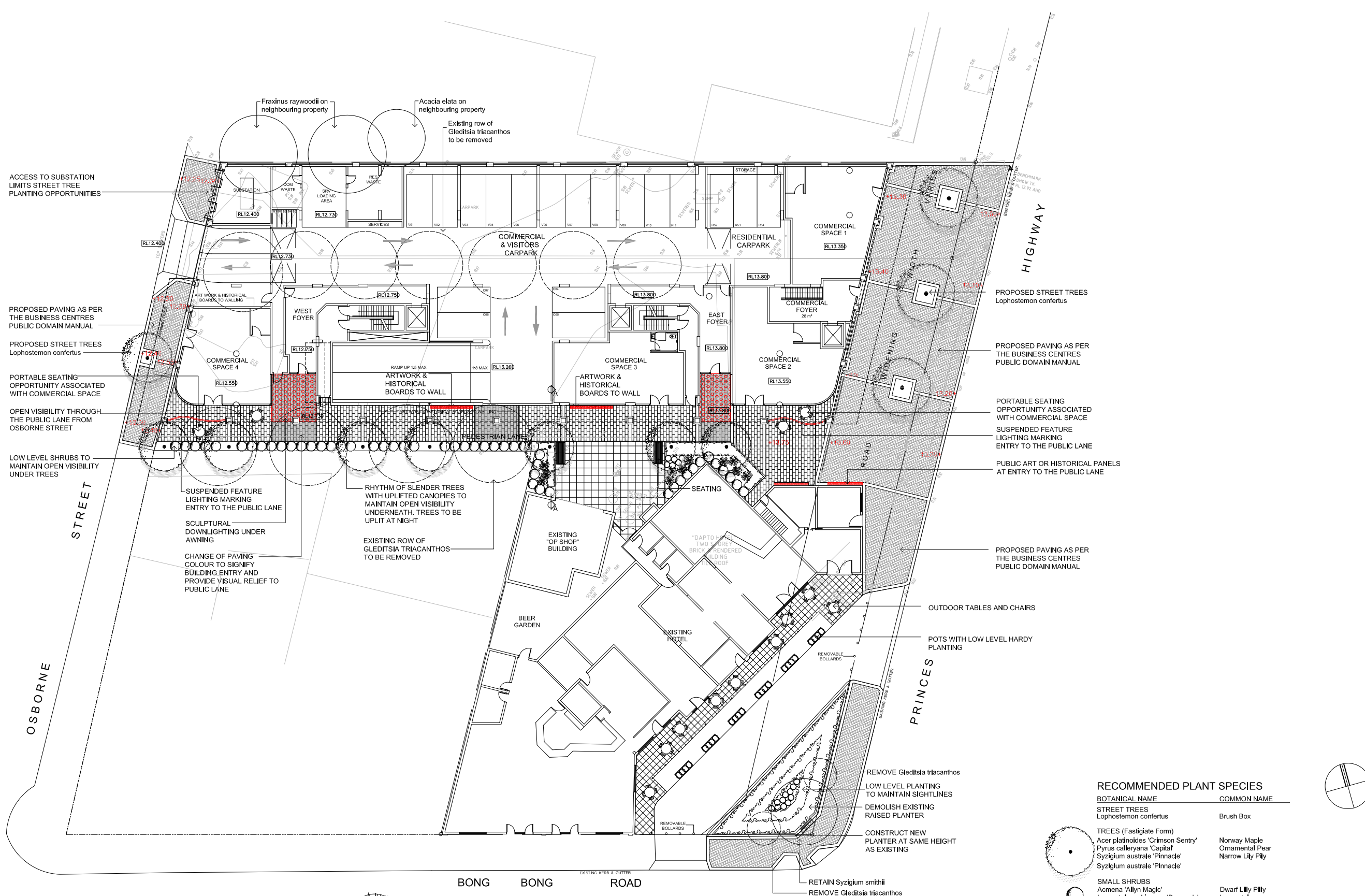
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DAPTO, NSW

For  
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Title  
DEVELOPMENT APPLICATION  
SECTION AA

Scale	Date	
1:300 @ A3	OCTOBER 2020	
Drawn	Checked	
RAC	ADM	
Project No.	Drawing No.	Issue
2017 - 48	A-205	C





**LEGEND**

- Existing levels and contours
- Proposed spot levels
- Existing trees to be retained Indicative locations
- Existing trees to be removed Indicative locations
- Proposed tree planting
- Proposed low level shrub planting
- Proposed herringbone paving with 300mm header course as per WCC Business Centres Public Domain Manual
- Proposed select unit paving with feature banding
- Proposed select unit paving with different colour to provide visual variation to the Public Lane
- Proposed select unit paving
- Proposed feature lighting
- Proposed public art and historical panels
- Outdoor furniture
- Pots with low level hardy planting

**RECOMMENDED PLANT SPECIES**

BOTANICAL NAME	COMMON NAME
<b>STREET TREES</b>	
Lophostemon confertus	Brush Box
<b>TREES (Fastigate Form)</b>	
Acer platanoides 'Crimson Sentry'	Norway Maple
Pyrus calleryana 'Capital'	Ornamental Pear
Syzygium australe 'Pinnade'	Narrow Lilly Pilly
Syzygium australe 'Pinnade'	
<b>SMALL SHRUBS</b>	
Acmena 'Ailyn Magic'	Dwarf Lilly Pilly
Loropetalum chinense 'Burgundy'	Loropetalum
Raphiolepis 'Snow Maiden'	Dwarf Hawthorn
Escallonia macrantha 'Apple Blossum'	Escallonia
Gardenia augusta 'Florida'	Gardenia
Carissa 'Emerald Star'	Carissa
Westringia 'Grey Box'	Dwarf Coastal Rosemary
<b>GROUND COVERS &amp; ACCENT PLANTS</b>	
Lomandra 'Tanika'	Fine Leaved Mat Rush
Dianella 'King Alfred'	Paroo Lilly
Dianella 'Cassa Blue'	Paroo Lilly
Gardenia radicans	Dwarf Gardenia
Myoporum parvifolium	Creeping Boobialla
Liriope muscari	Turf Lilly

ISSUE: Amended Development Application 28.10.20  
ISSUE: Amended Development Application 25.08.20  
ISSUE: For Co-ordination 22.08.20, 25.08.20  
ISSUE: Amended Development Application 21.05.20  
ISSUE: For Co-ordination 16.04.20, 22.04.20  
ISSUE: Development Application 10.12.19  
ISSUE: For Co-ordination 22.11.19  
REV C: Amended site plan 27.10.20  
REV B: Amended site plan 22.08.20, 25.08.20  
REV A: Amended plan, landscape, paving 14.04.20, 22.04.20

**ochre**  
landscape architects

ochre landscape architects  
PO Box 395 Wollongong NSW 2520  
Tel. 0452 576427  
Email: design@ochre.net.au

PROJECT

**Proposed Mixed Use Development**  
98-110 Princes Highway  
DAPTO

DRAWING TITLE

**Ground Level**  
Landscape Concept Plan

CLIENT

**P.Hadley Holdings Pty Ltd & Pillil Pty Ltd**

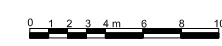
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**1900-LD01C**

SCALE: 1:200 @ A1, 1:200 @ A3

CHECKED: TW

DATE: 20.11.19





POTENTIAL FUTURE DEVELOPMENT



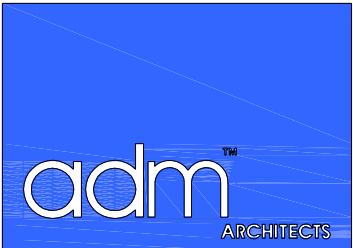
PHOTOMONTAGE I  
LOOKING NORTH WEST ALONG THE PRINCES HIGHWAY

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At  
98-110 PRINCES HIGHWAY,  
DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
PHOTOMONTAGE I

Scale	Date
NTS	OCTOBER 2020

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2017 - 48	A-004	C

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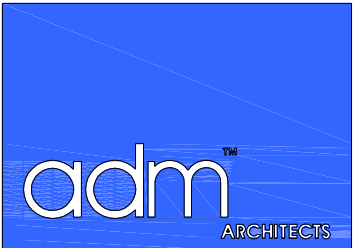


PHOTOMONTAGE 2  
LOOKING NORTH EAST ALONG BONG BONG ROAD

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PHOTOMONTAGE 2

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2017 - 48	A-005	B

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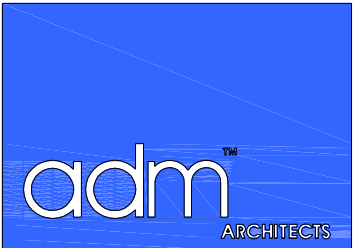


PHOTOMONTAGE 3  
LOOKING SOUTH WEST ALONG THE PRINCES HIGHWAY

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Title  
DEVELOPMENT APPLICATION  
PHOTOMONTAGE 3

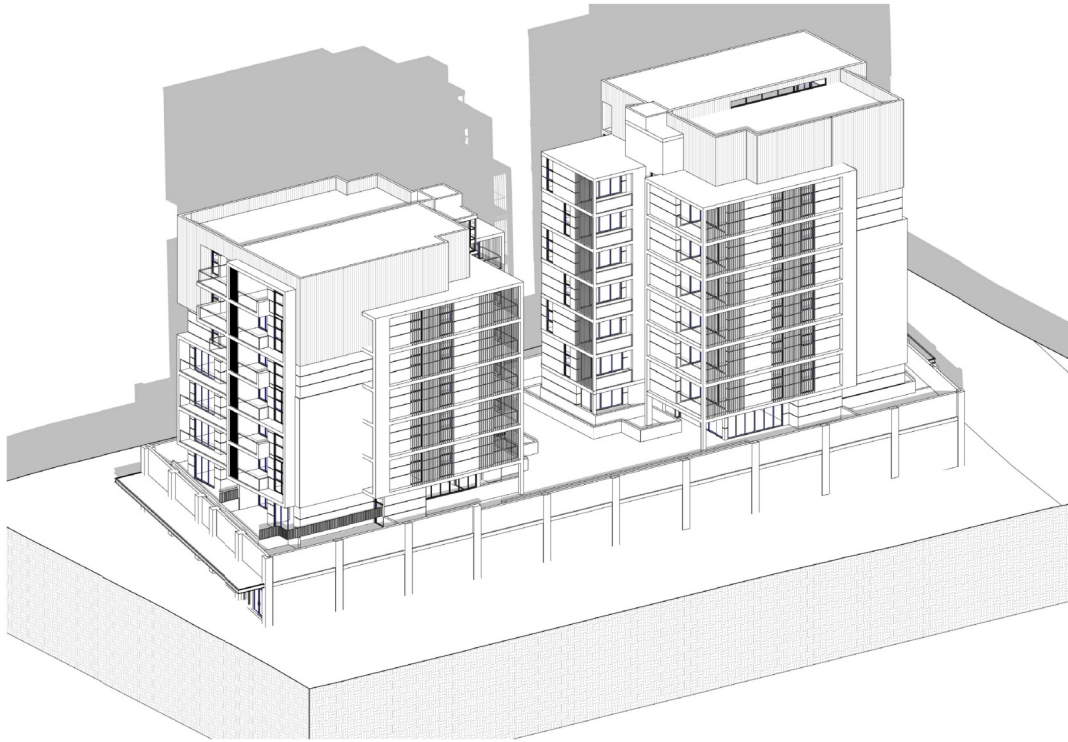
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SJ	ADM

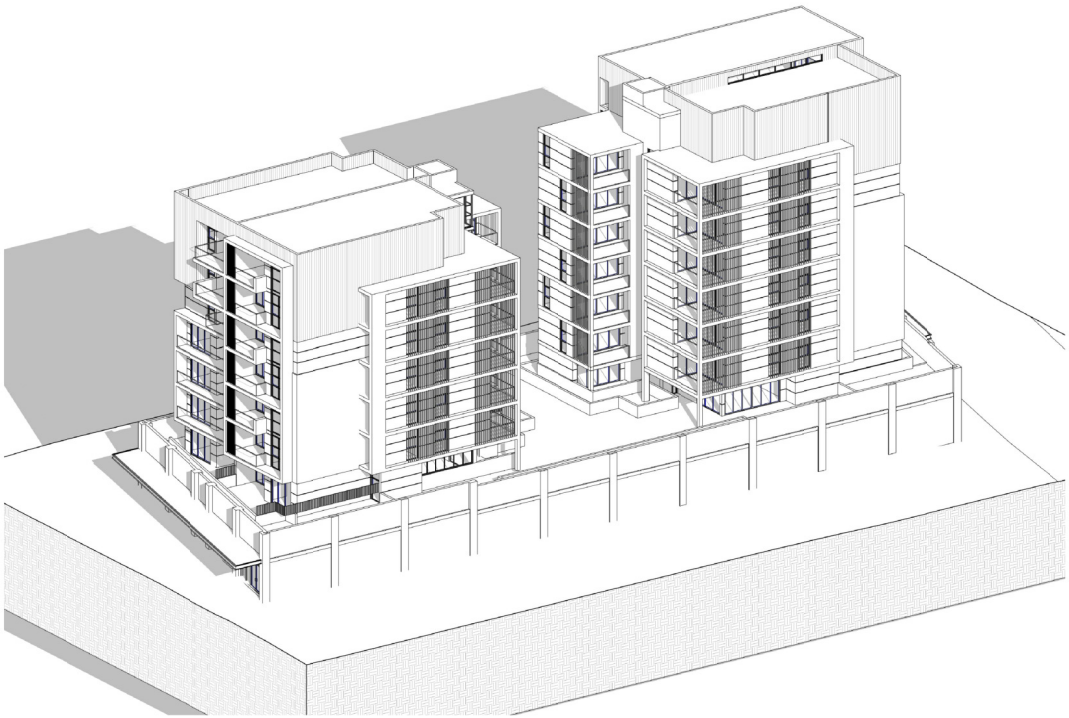
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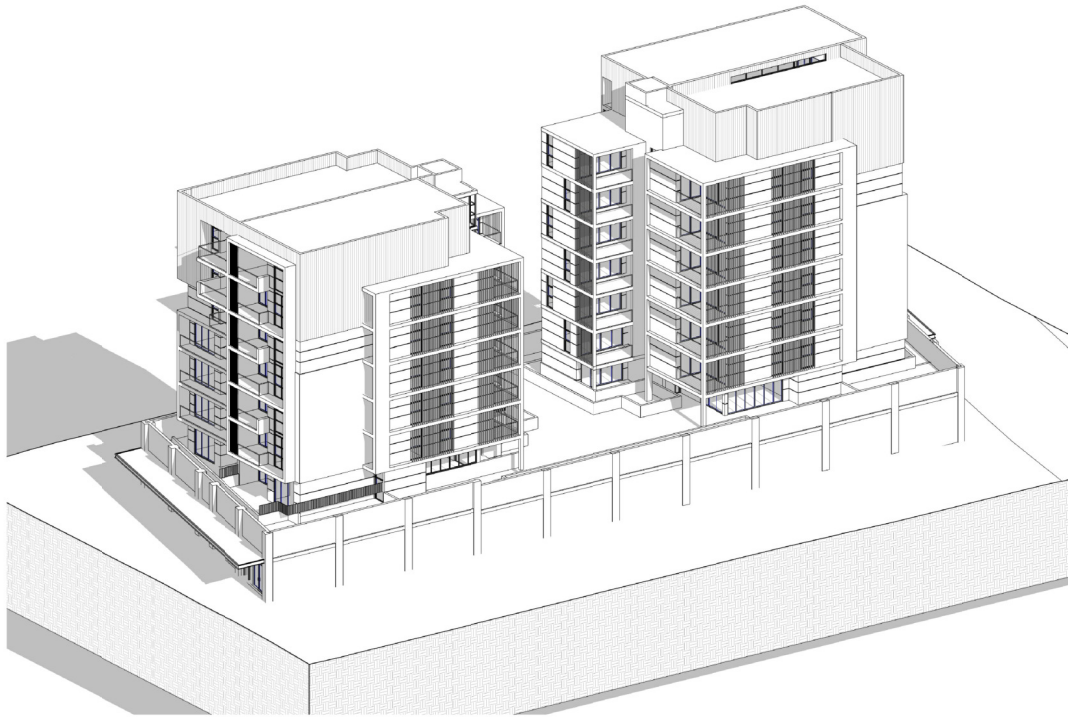




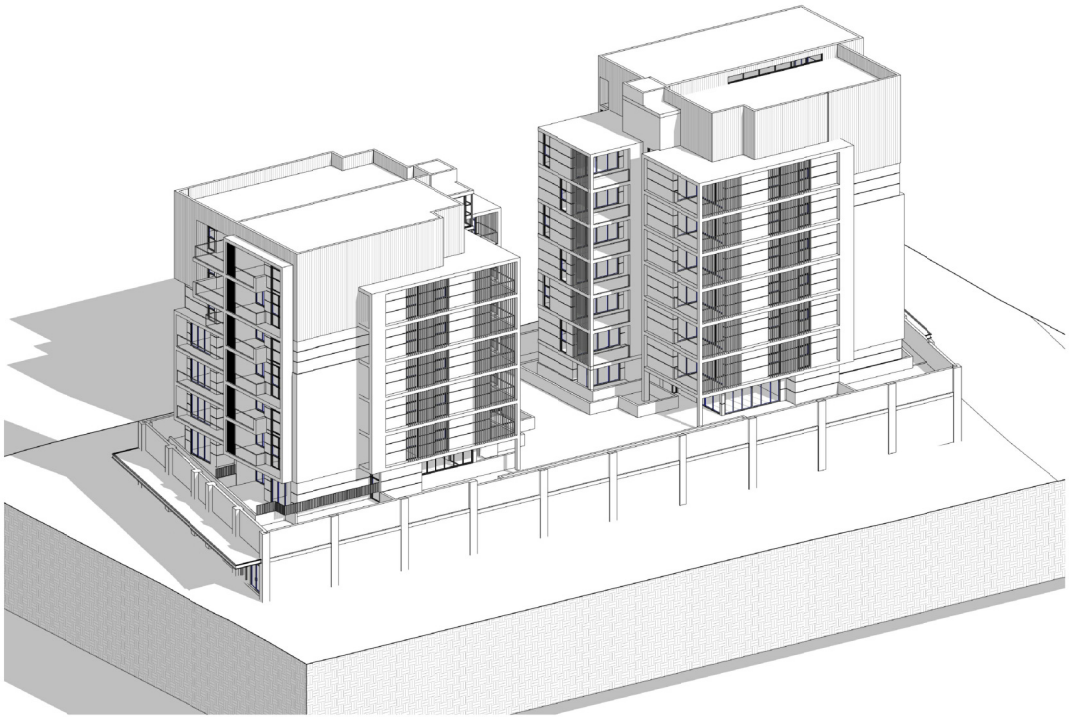
9am



10am



11am



12pm

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21ST OF JUNE

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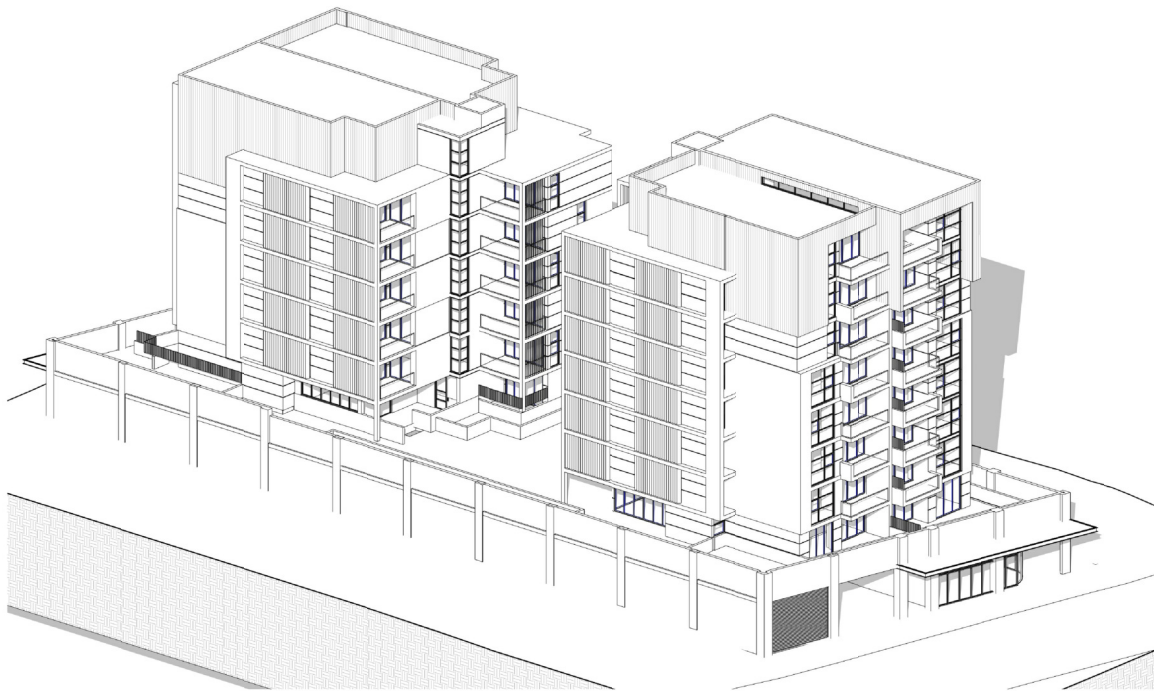
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Title DEVELOPMENT APPLICATION SOLAR ACCESS STUDY 01		
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Project No. 2017 - 48	Drawing No. A-402	Issue C

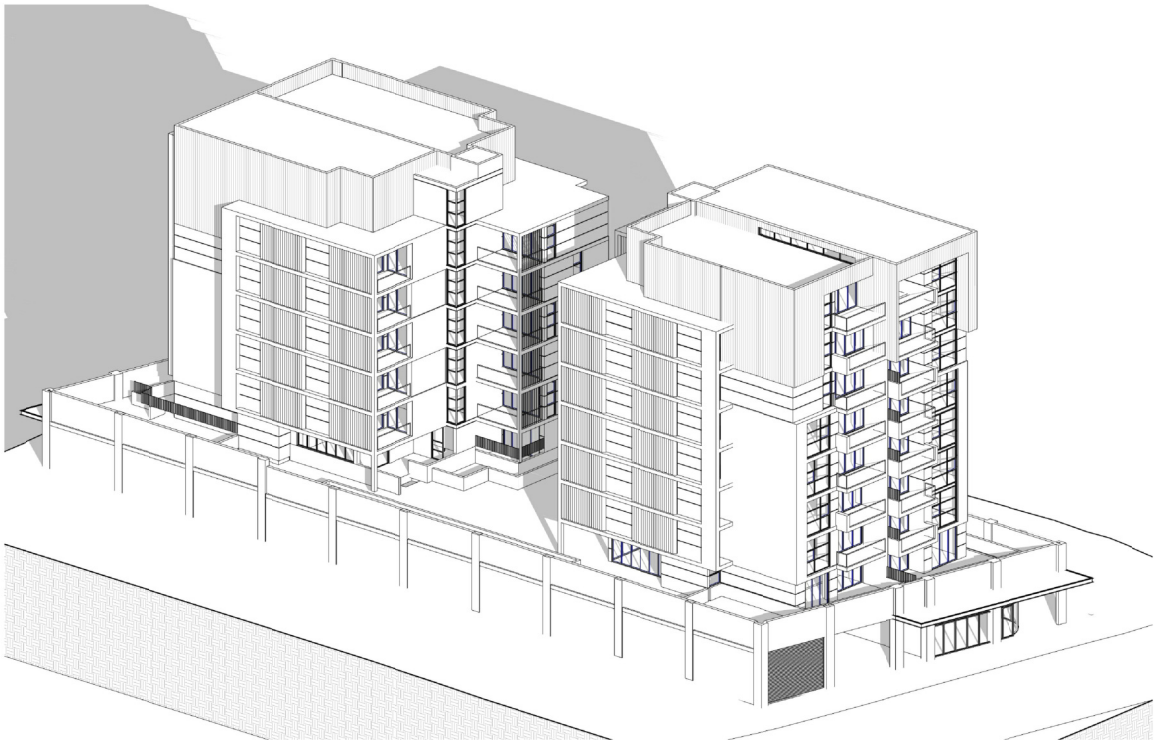




1pm



2pm



3pm

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21ST OF JUNE

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For  
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Title  
DEVELOPMENT APPLICATION  
SOLAR ACCESS STUDY 02

Scale	Date
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SJ	ADM

ProjectNo.	Drawing No.	Issue
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9AM



12PM



3PM

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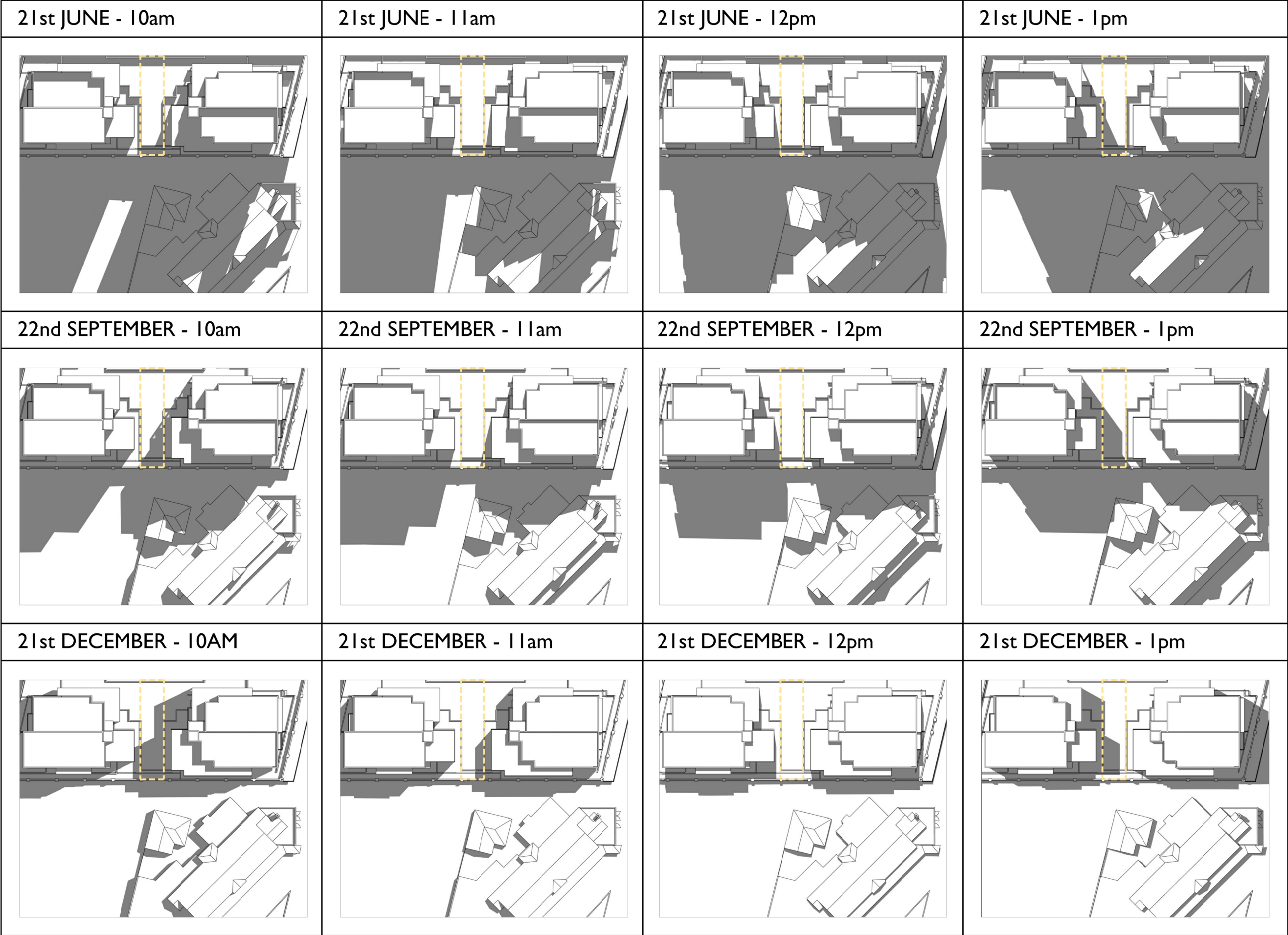
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For  
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PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
SHADOW ANALYSIS CI

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Project No.	Drawing No.	Issue
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PROPOSED MIXED USE BUILDING  
COMPRISING OF RESIDENTIAL APARTMENTS  
ABOVE SHOPS & CARPARKING

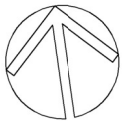
At  
98-110 PRINCES HIGHWAY,  
DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
C.O.S SHADOW ANALYSIS

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C.O.S SHADOW ANALYSIS





## EAST ELEVATION

### RESTORATION OF FAÇADE BENEATH VERANDAH

The exterior wall beneath the verandah roof has been altered from its original form through the creation of additional openings and the inclusion of tiles and render. This part of the building is to be restored, using physical and documentary evidence, to ensure an improved and more appropriate street level presentation of the building. Opportunities for reconstruction would include removal of the render and wall tiling and re-establishment of the original brick surface. As the openings on the façade have changed, this may include some conjecture and should be guided by an appropriately qualified heritage specialist.

### REPOSITIONING OF SIGNAGE

The repositioning of signage on the front elevation of the hotel to below the front verandah will reduce intrusive elements associated with the façade and will result in an improved appreciation of the building. New signage is to be designed and installed in accordance with Chapter C1 of the Wollongong DCP 2009.

### REMOVAL OF PERGOLA

The removal of the north wing pergola would result in an improved and more appropriate appreciation of the façade of the hotel from the Princes Highway when approaching the building. The removal of the pergola and restoration of this part of the building is to be based on documentary evidence for the hotel and is to be guided by an appropriately qualified heritage specialist.



## SOUTH ELEVATION

## EXISTING HOTEL

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For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
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# DAPTO HOTEL 98-110 PRINCES HWY, DAPTO, NSW

## CONSERVATION MANAGEMENT STRATEGY

### FINAL REPORT

PHadley Pty Ltd c/o ADM Architects

3 November 2020



**DOCUMENT INFORMATION**

Project:	Dapto Hotel, 98-110 Princes Highway, Dapto NSW
Services required:	Conservation Management Strategy
Client:	PHadley Pty Ltd c/o ADM Architects
Prepared by:	Alexander Beben and Miles Robson
Project number:	2019

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# EXECUTIVE SUMMARY

---

Austral Archaeology Pty Ltd (Austral) has been commissioned by ADM Architects on behalf of PHadley Pty Ltd (the proponent) to prepare a Conservation Management Strategy (CMS) for the Dapto Hotel, 98-110 Princes Highway, Dapto, New South Wales (NSW). A Maintenance Schedule is included in Appendix A.

The study area consists of the entirety of SP55607 and is located within the Dapto Central Business District (CBD) and is bound by Bong Bong Road and Lot 1, DP593897 to the south, the Princes Highway to the east, Lot 1, DP1033197 to the north and Osborne Street to the west. The study area is within the Wollongong City Council Local Government Area (LGA).

The study area is listed at the local level under Schedule 5 of the *Wollongong Local Environmental Plan 2009* (Wollongong LEP) as the 'Dapto Hotel' (Item No. 61022). The purpose of the CMS is to develop conservation strategies to preserve the significance of the item (Kerr 2013).

## HISTORICAL BACKGROUND

This assessment has identified that while the study area is associated with the heritage listing for the Dapto Hotel. There are three recorded phases of occupation associated with the overall site; a hotel operating from the 1900s, a boarding house following the hotel being de-licensed in 1914, and from 1939 onwards, the current Dapto Hotel.

The earliest development was the construction of a hotel on the corner of the Main South Coast Road (now the Princes Highway) and Bong Bong Road, which was licensed by John Reed. The hotel was named the Dapto Hotel and consisted of a two-storey, brick-constructed building with eight rooms on the upper floor, a bar located on the ground floor and a verandah also present which fronted the Main South Coast Road. The hotel quickly became a very popular place to stay for travellers arriving in town from the railway station located 150 metres to the west.

Suffering from a decline in the local economy as a result of the removal of the smelting works from Dapto, the hotel was de-licensed in 1914. The building was subsequently converted into a boarding house that was managed by GA Howard.

At the end of 1938, the boarding house ceased operations and at the beginning of the following year, works began on the demolition of the buildings associated with the old hotel.

In 1939, the current hotel was constructed on the location of the original building at the corner of Bong Bong Road and the Princes Highway. The present Dapto Hotel was constructed by the Tooth & Co brewery and cost approximately £12,500 to construct. The application for the removal of the license of the Dapto Hotel from its former location, approximately 200 metres to the west further along Bong Road, to the present site was submitted on 10 March 1939. Two weeks following the submission, the application for the license of the Dapto Hotel to be moved was approved by the Licensing Bench (*South Coast Times and Wollongong Argus*, 24 March 1939, pg. 14). The licensee of the Dapto Hotel following its move to the current location in 1939 was Mr AJ Whiteman.

The plans for the Dapto Hotel show that it was to consist of two storeys, with a flat roof over two wings fronting the Princes Highway and Bong Bong Street. The original layout of the Dapto Hotel also consisted of accommodation, with 12 bedrooms available. The Licensing Magistrate, Mr Laidlaw, was reported to comment favourably on the unusual layout of the new building (*South Coast Times and Wollongong Argus*, 24 March 1939, pg. 14).

In February 1941, the licence for the Dapto Hotel was transferred to Mr Patrick Maroney. In August 1943, Maroney was charged with allowing men onto the premises during prohibited hours after a police Sergeant found eight men in the yard of the hotel at 8.25am on a Sunday (*Illawarra Mercury*, 20 August 1943).



Jack Duggan took over the hotel in 1956 and not long after, his son Phillip took over operation of the business. The hotel was severely damaged by fire in 1957, and while the Duggan family managed to escape, the hotel bar manager, Keith Reseck, was killed. Following the fire, the hotel was substantially remodelled. This included the replacement of a balcony that contained an iron handrail with a tiled half-roof. Modifications following the fire also included the removal of the substantial projecting balcony in the central entry of the hotel as well as the removal of a 2 foot fence around the front corner of the hotel that enclosed a garden.

The Dapto Hotel continues to operate as a popular hotel in the centre of Dapto. As indicated in the comparisons of the historical aerials in the vicinity of the study area, there have been very little major external renovations or additions to the Dapto Hotel since its re-construction following the fire in the late 1950s.

### SIGNIFICANCE

A revised statement of significance has been formulated as part of the preparation of this CMS, this is quoted below.

The Dapto Hotel has significance for the local area for historical, aesthetic, social, research and reasons of representativeness. It has aesthetic significance as an early post-war style building. It is a significant landmark building occupying a prominent corner site. It has social significance as a place of community celebration. The hotel site has historic and research value, as it has been the place of a hotel for 120 years and is likely to contain archaeological remains associated with the earlier hotel.

The Dapto Hotel is significant at a local level.

### RECOMMENDATIONS

The following recommendations have been guided by the principles of the *Australia ICOMOS Burra Charter* (Burra Charter) and correspond to the significance of the study area (Australia ICOMOS 2013a):

1. **Adoption of this CMS.** The CMS should be adopted as the document guiding appropriate change to the significance of the site (see Strategy 1).
2. **Review of the CMS.** The CMS should be reviewed at least once every 10 years, or when new material which has the potential to supplant a present policy is discovered (see Strategy 2).
3. **Managing change.** Changes to the study area that have the potential to impact on the heritage significance of the item must be managed according to strategies 3 – 19. Any change to the item must be guided by a Statement of Heritage Impact (SoHI) that uses this CMS as a guiding document. A SoHI should only be as detailed as required by the proposed work and should adhere to the conservation strategies outlined in this document.



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# 1. INTRODUCTION

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Austral has been commissioned by ADM Architects on behalf of the proponent, PHAdley Pty Ltd to prepare a Conservation Management Strategy (CMS) for the Dapto Hotel, 98-110 Princes Highway, Dapto, New South Wales (NSW). A Maintenance Schedule is included in Appendix A.

The study area consists of SP55607 and is located within the Dapto Central Business District (CBD) and is bound by Bong Bong Road and Lot 1, DP593897 to the south, the Princes Highway to the east, Lot 1, DP1033197 to the north and Osborne Street to the west. The study area is within the Wollongong City Council Local Government Area (LGA).

The purpose of the CMS is to develop conservation strategies to preserve the significance of the item (Kerr 2013). The location of the study area is shown in Figure 1.1 and Figure 1.2.

## 1.1 HERITAGE LISTINGS AND CONTROLS

The study area is listed at the local level under Schedule 5 of the *Wollongong Local Environmental Plan 2009* (Wollongong LEP) as the 'Dapto Hotel' (Item No. 61022). The item has a lot and Deposited Plan (DP) curtilage associated with SP55607. The item is not listed on any other statutory or non-statutory heritage registers.

Other relevant legislation, planning instruments and guidelines that have been used to inform these CMS include:

- *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- *Environmental Protection and Assessment Act 1979* (EPA Act)
- *Heritage Act 1977* (Heritage Act)
- *National Parks & Wildlife Act 1974* (NPW Act) (as amended 2010)
- *The Burra Charter 2013*
- *Wollongong Development Control Plan 2009* (Wollongong DCP)

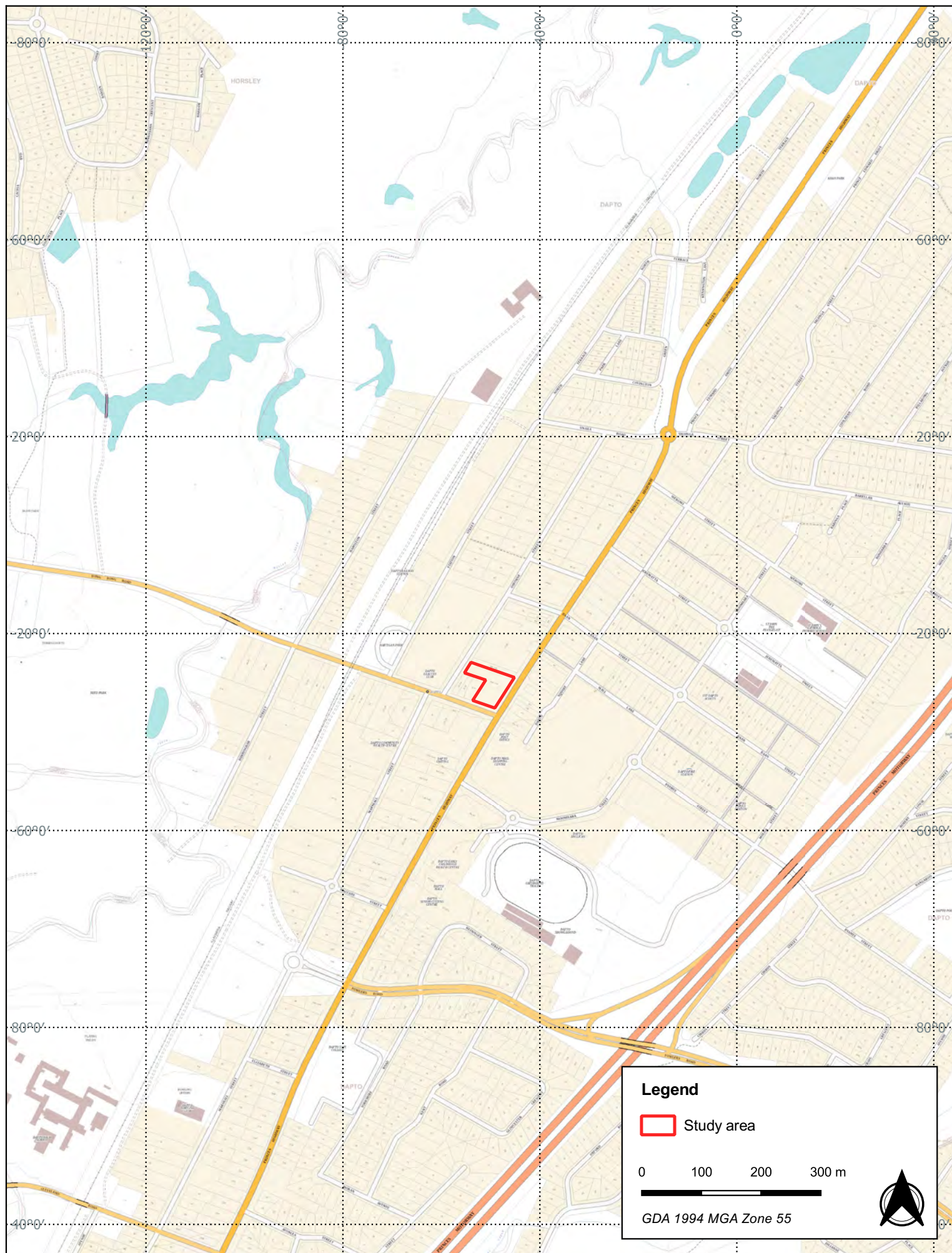
## 1.2 METHODOLOGY

This CMS has been prepared in accordance with the *Burra Charter 2013*, The Conservation Plan and guidelines provided by the NSW Heritage Office. The ICOMOS Burra Charter provides a framework for which heritage management in Australia is considered. The overarching guidelines are:

- Places of cultural significance should be conserved.
- The aim of conservation is to retain the cultural significance of a place.
- Conservation is an integral part of good management of places of cultural significance.
- Places of cultural significance should be safeguarded and not put at risk or left in a vulnerable state.

Good management of sites with heritage significance requires an understanding of how to best apply the Burra Charter principles to a site.





**Figure 1.1 Study area and surrounding suburbs**

Dapto Hotel CMS

Source: NSW LPI

Drawn by: AJB Date: 18/05/2020



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**Figure 1.2 Detailed aerial of the study area**  
Dapto Hotel CMS

Source: NSW LPI

Drawn by: AJB Date: 18/05/2020



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### 1.3 PROJECT TEAM AND ACKNOWLEDGEMENTS

The project was managed by Alexander Beben (Director, Austral). The assessment was authored by Alexander Beben and Miles Robson (Senior Archaeologist, Austral). Alexander Beben prepared all GIS mapping in this report. David Marcus (Director, Austral) reviewed the draft report and provided input into the management recommendations.

#### **ALEXANDER BEBEN (B.A. (HONS.) ARCHAEOLOGY, MA. ARCHAEOLOGY)**

Alexander Beben is a Director of Austral with 14 years' archaeological experience and has conducted over 500 heritage projects in Australia, the UK and Italy. He has significant experience and his skills include undertaking Aboriginal and historical assessments, archaeological surveys, excavations and conservation management plans for archaeological and built heritage items. He has made numerous successful permit applications under both the NPW Act and the Heritage Act.

With experience working throughout Australia across different industry sectors, Alex has a detailed understanding of assessing heritage values, especially within the Illawarra region. This ensures that he provides advice which meets the requirements of all involved parties.

#### **DAVID MARCUS (B.A. (HONS.) ARCHAEOLOGY, MA. ARCHAEOLOGY)**

David is a Director of Austral with significant experience in both Aboriginal and historical cultural heritage projects. David started his career in archaeology in 2000 and has worked in all roles from field assistant through to project manager. He commenced work for Austral Archaeology in 2010 and has been responsible for all aspects of the day-to-day running of Austral Archaeology. David also has high level skills in both physical and digital mapping and integration of digital data into GIS.

#### **MILES ROBSON (B.A. (HONS.) ARCHAEOLOGY)**

Miles is a Senior Archaeologist who has worked with Austral on various projects since 2013, before being taken on as a full-time employee. He specialises in undertaking fieldwork and has a wide range of experience and skills in both Aboriginal and historical archaeology, working on projects in New South Wales, Tasmania and South Australia. Miles is also skilled in GIS mapping, report preparation and undertaking historical research.

### 1.4 LIMITATIONS OF THE REPORT

This assessment includes an assessment of built and archaeological values to assist in the formulation of heritage management strategies. It does not include an assessment of Aboriginal cultural heritage that may be present within the study area.

The results, assessments and judgements contained in this report are constrained by the standard limitations of historical research and by the unpredictability inherent in archaeological zoning from the desktop. Whilst every effort has been made to gain insight to the historical values of the study area, Austral cannot be held accountable for errors or omissions arising from such constraining factors.



## 1.1.ABBREVIATIONS

The following are common abbreviations that are used within this report:

<i>Burra Charter</i>	<i>Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance 2013</i>
BCA	Building Code of Australia
CBD	Central Business District
CHL	Commonwealth Heritage List
CMS	Conservation Management Strategy
DCP	Development Control Plan
DPIE	Department of Planning, Industry and Environment
EPA Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environmental Protection and Biodiversity Act 1999</i>
EPI	Environmental Planning Instrument
Heritage Act	<i>NSW Heritage Act 1977</i>
ICOMOS	International Council on Monuments and Sites
IHO	Interim Heritage Order
IM	<i>Illawarra Mercury</i>
LEP	Local Environmental Plan
LGA	Local Government Area
NHL	National Heritage List
NPW Act	<i>National Parks and Wildlife Act 1974</i>
The proponent	ADM Architects on behalf of PHadley Pty Ltd
RAIA	Royal Australian Institute of Architects
RNE	Register of the National Estate
SHR	State Heritage Register
SoHI	Statement of Heritage Impact
Wollongong DCP	<i>Wollongong Development Control Plan 2009</i>
Wollongong LEP	<i>Wollongong Local Environmental Plan 2009</i>

Refer also to the document Heritage Terms and Abbreviations, published by the Heritage Office and available on the website: <http://www.environment.nsw.gov.au/heritage/index.htm>.



## 2. STATUTORY CONTEXT

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The following section summarises the relevant statutory context, including heritage listings, acts, and environmental planning instruments which are relevant to the study area and its cultural heritage.

### 2.1 EPBC ACT

The EPBC Act established the Australian Heritage Council (formerly the Australian Heritage Commission) and provides for the protection of cultural heritage at a national level and for items owned or managed by the Commonwealth. The EPBC Act has established two heritage registers:

- Commonwealth Heritage List (CHL): for significant items owned or managed by Commonwealth Government agencies;
- National Heritage List (NHL): for items assessed as being of national cultural significance.

A referral under the EPBC Act that is approved by the Australian Heritage Council is required for works to an item registered on either of these lists to ensure that the item's significance is not impacted upon.

**No part of the study area appears on either the CHL or the NHL.**

The Australian Heritage Council is also responsible for keeping the Register of the National Estate (RNE). In 2007 the RNE was frozen and no further sites were added to it. For Commonwealth properties, the RNE was superseded by the CHL and NHL lists. The RNE is now retained as an archive of information about more than 13,000 places throughout Australia.

**No part of the study area appears on the RNE.**

### 2.2 HERITAGE ACT

The Heritage Council is the approval authority under the Heritage Act for works to an item on the State Heritage Register (SHR). Section 57(1) of the Heritage Act identifies the need for Heritage Council approval if the work involves the following tasks:

- Demolishing the building or work.
- Damaging or despoiling the place, precinct or land, or any part of the place, precinct or land.
- Moving, damaging or destroying the relic or moveable object.
- Excavating any land for the purpose of exposing or moving the relic.
- Carrying out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct.
- Altering the building, work, relic or moveable object.
- Displaying any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct.
- Damaging or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.

Demolition of an SHR item (in whole) is prohibited under the Heritage Act, unless the item constitutes a danger to its occupants or the public. A component of an SHR item may only be demolished if it does not contribute to the significance of the item.

Section 57(1) of the Heritage Act also applies to archaeological remains (such as relics) within an SHR site, and excavation can only proceed subject to approval of a Section 60 application by Heritage NSW of the Department of Premier and Cabinet.

**No part of the study area appears on the SHR.**



## HERITAGE AND CONSERVATION REGISTER (SECTION 170 REGISTER)

Under Section 170 of the Heritage Act, government instrumentalities must keep a Heritage and Conservation Register (a Section 170 Register) which contains items under the control or ownership of the agency and which are, or could, be listed as heritage items (of State or local significance). Road reserves within the study area are owned by the Department of Roads and Maritime Services.

**The study area is not listed on any Section 170 Heritage and Conservation registers.**

## 2.3 ENVIRONMENTAL PLANNING INSTRUMENTS

An Environmental Planning Instrument (EPI) is made under the EPA Act. An EPI can be a Development Control Plan (DCP), Local Environmental Plan (LEP) or a State Environmental Planning Policy.

### WOLLONGONG LEP 2009

The current LEP for the study area is the Wollongong LEP 2009. Part 5.10 of the Wollongong LEP 2009 deals with heritage conservation, and subsections (2) and (3) determine whether development consent needs to be granted by the Wollongong City Council prior to any activities occurring which may impact cultural heritage. Heritage items are listed under Schedule 5, Part 1 of the Wollongong LEP.

**The study area is listed under the Wollongong LEP 2009 as ‘Dapto Hotel’ (Item No. 61022). The study area is also located in close proximity to ‘Fairley’s building (former)’ located at 1-11 Bong Bong Road (Item No. 61021).**

### WOLLONGONG DCP 2009

The applicable DCP for the study area is the Wollongong DCP 2009. Chapter E11 of the Wollongong DCP 2009 outlines design controls to be implemented when dealing with heritage items in general. Section 14 details requirements for developments in the vicinity of a heritage site and section 19 the requirements for managing post-European archaeological sites. The study area is not located within a heritage conservation area or streetscape and therefore the infill heritage guidelines are not applicable in this instance.

## 2.4 NON-STATUTORY HERITAGE LISTINGS

A number of organisations maintain registers of buildings or sites which they have assessed and believe to be of cultural heritage significance. These registers have no statutory authority. However, the inclusion of a place on a non-statutory register suggests a certain degree of community esteem and appreciation. Non-statutory registers include the National Trust Register, the Royal Australian Institute of Architects (RAIA) 20th Century Register of Significant Buildings, and the Art Deco Society of NSW Art Deco Building Register.

**The study area is not listed on the National Trust Register, the RAIA 20<sup>th</sup> Century Register of Significant Buildings, or the Art Deco Building Register.**



## 2.5 SECTION SUMMARY

Table 2.1 lists the relevant statutory and non-statutory registers, listings and orders, and identifies those in which any part of the site is listed. The location of heritage items in the vicinity of the study area is outlined in Figure 2.1.

**Table 2.1 Summary of heritage register listings for the subject study area**

Register/Listing	Inclusion	Statutory implications
NHL	No	No
CHL	No	No
RNE	No	No
SHR	No	No
Wollongong LEP 2009	Yes	Condition 5.10 of LEP
Wollongong DCP 2009	Yes	Chapter E11, sections 14 and 19
Register of the National Trust (NSW)	No	No
The RAIA 20 <sup>th</sup> Century Register	No	No
The Art Deco Society's Art Deco Building Register	No	No





**Figure 2.1 Study area in relation to listed heritage items**  
Dapto Hotel CMS

Source: NSW LPI

Drawn by: AJB Date: 18/05/2020



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## 3. HISTORICAL BACKGROUND

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The following historical background is designed to contextualise a site-specific history which will aid in the understanding of the heritage values of the study area. This work will provide a useful and concise summary of the history of the study area.

### 3.1 PRE-EUROPEAN OCCUPATION

Archaeological evidence of Aboriginal occupation of the Illawarra extends back to 18,000 years ago at Bass Point (Bowdler 1977, p.53) and it is likely that Aboriginal groups have been present in the Illawarra region for at least 20,000 years (Organ & Speechley 1997, p.1). The Department of Environment and Conservation's (now the Aboriginal heritage team of the Department of Planning, Infrastructure and Environment) Illawarra Region Aboriginal Heritage Study identified the Dharawal-speaking Wodi group as the Aboriginal custodians of the Illawarra region (DEC 2005). Dharawal people are distinguished as fresh water, bitter water or salt water people depending on whether they occupied the coastal regions, the swamps or the plateaus and inland river valleys (DEC 2005, p.5).

The population density of the Illawarra region prior to 1788 is unknown, though the area was probably one of the most densely populated parts of Australia with 2 to 4 people present per kilometre<sup>2</sup> (Organ & Speechley 1997, p.1). It has been estimated that in 1820 there were 3,000 Aboriginal people in the Illawarra. This number declined rapidly and the population in Wollongong in 1846 had been reduced to 98 individuals (Organ & Speechley 1997, p.10).

After land grants were issued to settlers in the Illawarra from 1816, Aboriginal people were displaced from traditional lands and food resources were reduced through land clearance and the introduction of European livestock, plants and crops (Organ & Speechley 1997, p.11). All land grants fronted on to fresh water which would have had a huge impact on traditional land use (DEC 2005, p.15). From the 1850s onwards, reports indicate that in the Illawarra, Aboriginal camping and hunting became concentrated along the coast as a result of being pushed to the fringes of their country by European settlement and farming practises (DEC 2005, p.25). Other camps were known to be further inland during the post-contact period. Henry Osborne and his family, who settled along Marshall Mount Creek in 1831, are said to have had good relations with a local Aboriginal family that lived nearby "as it was their custom to camp opposite where the school now stands" (Organ 1990, p.171).

There are no records of large-scale armed resistance from the Aboriginal people of the Illawarra against Europeans, but small-scale resistance including homicide, theft, intimidation and the sabotage of European farming took place in an attempt to drive off the Europeans and also to obtain food once traditional hunting and plant collecting practices had been disrupted by farming (DEC 2005, p.18).

The linguistic and social links between pre-contact populations and present Aboriginal groups were severely impacted by the processes of colonisation, which in turn are obscured by gaps in written and oral histories. The biases of European chroniclers must also be taken into account, alongside the devastating effects of newly introduced European diseases such as influenza and smallpox, social dislocation and the disruption of traditional land use and travel practices by European settlement.

### 3.2 OVERVIEW OF HISTORICAL SETTLEMENT IN THE ILLAWARRA

The charting and exploration of the Illawarra by Europeans began in 1770, when Lieutenant James Cook sailed the Endeavour along the coast. The land from Port Kembla to Corrimall was drawn by the ship's artist Sidney Parkinson and landmarks named included the Port Kembla headland ('Red Point') and Mount Kembla ('Hat Hill'). In 1796, George Bass and Matthew Flinders landed near Tom Thumb Lagoon, named after their small boat, and explored Lake Illawarra and areas to the west, documenting the first recorded contact with Aboriginal people in the Illawarra. Flinders' journal refers to whites living with Aboriginal people encountered there and it has been suggested these were escaped convicts (McDonald 1976, Organ 1990).



In 1797, the ship 'Sydney Cove' was wrecked in the Bass Strait and survivors made their way along the coast, largely on foot, passing through the Illawarra and making camp at Coalcliff, where a coal seam was discovered and utilised for a camp fire. Upon reaching Sydney, the survivors reported the presence of coal as well as a supposed attack by 'savage natives' near Red Point (McDonald 1976). The discovery of coal led to its investigation by George Bass on a further expedition along the coast in a whaleboat. Bass landed at Kiama and also explored the Shoalhaven River area, making observations on the richness of the land.

Dr Charles Throsby established the first settlement in the Illawarra in 1815, and, with the assistance of Joe Wild and Aboriginal guides, Throsby also cut a cattle track from Appin via Bulli in the same year. The track was in use until 1844 when Captain Westmacott found another route up Bulli Mountain in approximately the same vicinity as the modern-day pass. Throsby established a small cattle station behind South Beach in Wollongong, where an area was cleared for a cattle yard and a stockman's hut was built for Joe Wild, who remained as Throsby's overseer and who was also made constable of the district of Five Islands in 1815 (Osbourne 2000, p.1). The following year, Surveyor-General John Oxley was sent to the Illawarra region to prepare plans for the Crown in preparation for the granting of the rich lands discovered there; Oxley himself became the second person to establish cattle in the area.

The first reference to the name 'Wollongong' was in 1826 in a report on the cedar industry written by Oxley. In 1834, the township of Wollongong was laid out by Oxley on the property owned by Charles Throsby Smith. Early employment in the district was primarily timber getting and land clearing for farming. According to the 1828 census, 42% of those in work were employed in agriculture. By the 1830's a few farms had been established in the Illawarra. Surplus produce was taken to the bay at Wollongong and shipped to Sydney in small vessels.

In 1849, James Shoobert opened the first coal mine in the Illawarra at Mt Keira. From this point on, coal mining began to develop as the major primary industry of the northern Illawarra. The developing coal industry had a major impact on trade at Wollongong Harbour. The increase that the coal industry brought to the harbour was a major incentive for improvements that commenced in 1861. Work began on the construction of Wollongong Harbour in 1837 and the first stage was completed in 1844. A rail connection to Sydney was completed in 1888 and the double rail line came in 1892.

### 3.3 DEVELOPMENT OF DAPTO

The earliest grant within the Dapto district occurred in 1817 when Richard Brooks, one of the five land grantees in the Illawarra, was given a grant of 1,300 acres on 17 January 1817 by Governor Macquarie. Brooks' property was named 'Exmouth', while the local aboriginal people also knew the area as 'Koonawarra' (Cousins 1948, p.24).

By the 1830s, Dapto was quick to emerge as a rural centre catering for surrounding farms. In 1833, George Brown received a grant of 300 acres south of Mullet Creek, to the west of the present town centre. Brown transferred an existing license for the Ship Inn in 1834 to his land and a small settlement developed near his hotel. This was the earliest hotel established in Dapto. After being burnt down in 1843, a new hotel, the Illawarra Hotel, replaced it. The hotel was located at what is now known as Brownsville, close to Mullet Creek where the original core of settlement developed. A Roman Catholic cemetery was dedicated in 1838, and in the following year, a Roman Catholic school was established. It was reported in 1840 that Dapto was growing rapidly (McDonald 1976, p.45).

George Brown's steam engine was in full operation and a flourmill erected by Mr Bourne was expected to start operations at Dapto in 1841. The Church of England also constructed a house of worship that was licensed for service in February 1845. A Wesleyan chapel opened in November 1848, although this was later shifted to a new site where it re-opened in October 1861 (McDonald 1976, p.46).



By 1850, when Brown died, the private town of Dapto (later Brownsville) was well-established with a semblance of an ordered layout. A Presbyterian school was completed and established in 1851. By 1856, there were about half a dozen houses, a post office, a school at some distance plus the hotel and store at Dapto. By 1871, the town of Dapto included the hotel, operated at that time by George Osborne, the mill, the school and the Central Illawarra Municipal Council chambers plus a large store owned by K McKenzie, which included the post office. A public school operated briefly in 1852 but was not permanently established until August 1875 (Cousins 1948, p.26).

Dapto was quick to become an important agricultural region in the Illawarra by the mid-19<sup>th</sup> century. After an unsuccessful attempt at wheat growing in the 1850s, farmers at Dapto embraced the dairy industry. Henry Osborne had a good herd of cattle in the 1840s and was one of the developers of early dairying in the Illawarra (Secomb 1999, p.64).

The arrival of the railway in the 1887 forced the town to shift from its original site near Mullet Creek to a new location adjacent to the platform, with the original settlement taking the name of Brownsville while the name of Dapto migrated to the new location (Reynolds 2002, p.87) (Figure 3.1).



**Figure 3.1** c.1904 photograph of Dapto Railway Station (Source: Wollongong City Council).

The subdivision of the Marshall Mount Estate in 1890, which covered land extending from Cleveland Street to Unarra Street, west of the station, and Byamee Street to Werowi Street, east of the station, provided houses for the population who chose to move to nearer the railway station and enabled a viable community to emerge. The late 1890s was a boom period in Dapto. The smelting works were in full operation by 1899 and were prosperous over the next few years. They treated lead, silver, zinc, copper and gold from Broken Hill, Zeehan, Mount Morgan and Western Australia. At one stage, the smelting works in Dapto employed 500 men and was the largest industry for employment in the district. In 1905, the smelting works closed due to a lack of ore from Western Australia and subsequently the company was re-structured and began to shift its works to Port Kembla (O'Malley 1950).





**Figure 3.2 Smelting works in Dapto in 1890 (Source: Lost Wollongong).**

The closure of the smelting works in 1905 transformed Dapto back into a quiet rural village. However, Dapto boomed again from the 1950s onwards as many new subdivisions were opened up in the vicinity and the population steadily grew. As the population of Dapto increased during the mid- to late 20<sup>th</sup> century, numerous public buildings were erected, including large shopping centres, hotels, schools and libraries (Secomb 1999, p.64).

### 3.4 SITE SPECIFIC HISTORY

The earliest known development in the study area was the construction and establishment of the Dapto Hotel in 1900 by John Reed, which was located on the corner of the Main South Coast Road (now the Princes Highway) and Bong Bong Road, within the study area.

An application for a conditional publican's license for a Dapto Hotel was originally made by John Carbery in October of 1892 (*Illawarra Mercury* [IM], 13 October 1892, pg. 2). However, while Carbery had attained a conditional license for premises, it lapsed owing to him not being able to make satisfactory arrangements to acquire an allotment of land in the vicinity (IM, 19 October 1895, pg. 2). Carbery considered the proposed site to be a very good one, as it was located close to the railway station, which had only been constructed eight years earlier.

Three years later, in October 1895, Francis H Jones applied for a license for a hotel located at the junction of the Main South Coast Road and Bong Bong Road. Carbery's positive view of the location for a hotel was agreed in an article outlining Jones' attainment of a license in the IM. The article stated that hotel accommodation was much needed in the locality for the convenience of the travelling public and for residents who utilised the railway (IM, 19 October 1895, pg. 2). As such, it was stated in the same article that Jones' hotel would make very good business due to its close vicinity to the railway station and the fair distance between this locality and other hotels in Dapto (IM, 19 October 189, pg. 2).

Numerous local representatives also provided support for the granting of a license for a hotel close to the newly established railway:



*William J. O'Brien and Cornelius Clifford also considered a hotel required near the railway station for the convenience of the travelling public.*

*Mr. Cox handed in a petition signed by 120 residents and also one from the Tourists Bureau, in support of the application.*

*Senior-Sergeant Grieve deposed that the site of the proposed premises was near the railway station, almost midway between the two existing hotels, which he considered quite sufficient for all requirements of the locality for some time to come; he had no objection to the applicant nor the class of building proposed to be erected." (Illawarra Mercury, 19 October 1895, pg. 2).*

The Licensing Inspector, however, objected to the granting of the license as the proposed plans for the hotel building were not considered satisfactory and he believed the land could be utilised for more useful purposes (IM, 19 October 1895, pg. 2).

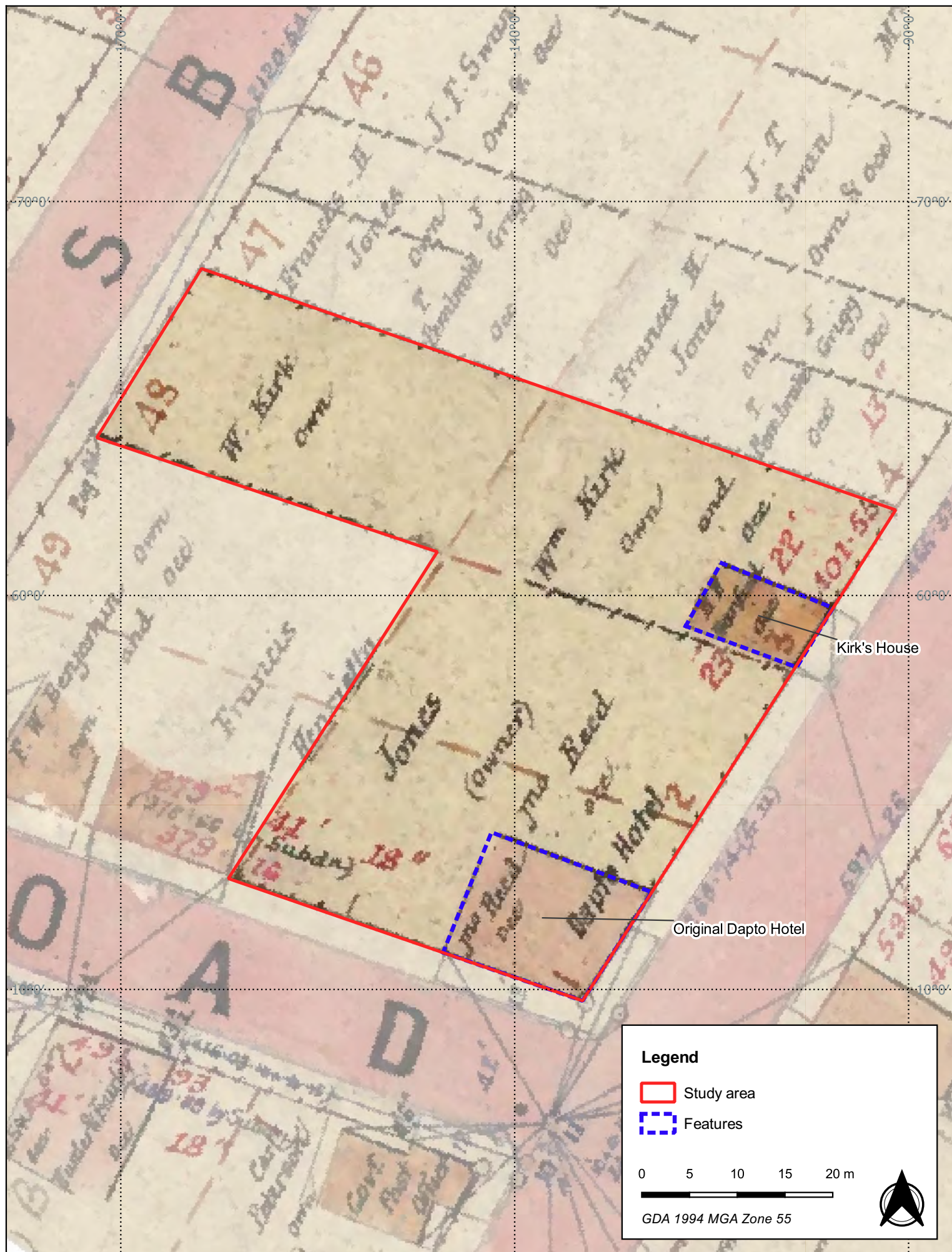
In January of 1900, John Reed applied for a publican license at the corner of the Main South Coast Road and Bong Bong Road, and this time it was granted by the Licensing Inspector (IM, 27 January 1900, pg. 2). The lot on the corner of the Main South Coast Road and Bong Bong Road at the time was still owned by Francis Jones following his unsuccessful attempt to gain a license (Figure 3.4). The hotel was named the Dapto Hotel and consisted of a two-storey, brick-constructed building with eight rooms on the upper floor, a bar located on the ground floor with a verandah present which fronted the Main South Coast Road. The front verandah was supported by wooden posts and contained decorative iron-laces (IM, 2 February 1900, pg. 5) (Figure 3.3). The hotel quickly became a very popular place to stay for travellers arriving in town from the railway station located 150 metres to the west. The hotel also proved popular with employees of the smelting works in Dapto which had opened in 1899, as it became a place for accommodation for out-of-town workers.



**Figure 3.3** Original Dapto Hotel, unknown date (Source: Lost Wollongong).

During this part of the late 19<sup>th</sup> century, the northern portion of the study area was a separate lot that was owned by William Kirk, who had purchased the lot in the late 1880s (IM, 4 April 1888, pg. 4). The remaining land within the study area remained vacant for many years following the purchase of the land before a brick house was constructed, as evident in the Crown Plan (Figure 3.4). Kirk resided in the cottage with his family throughout the 19<sup>th</sup> century, until he tragically drowned in 1901. The ownership of the property was transferred to his wife.

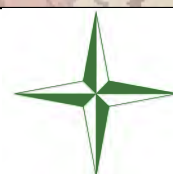




**Figure 3.4 Study area overlaid on Crown Plan of Dapto**  
Dapto Hotel CMS

Source: Crown Plan I1.2569

Drawn by: AJB Date: 18/05/2020



**A U S T R A L**  
**A R C H A E O L O G Y**



The closure of the smelting works in Dapto and their move to Port Kembla in 1905 had a major impact on the local economy as the population dramatically declined. Consequently, many small businesses in the Dapto town centre were forced to close. One account states that the removal of the smelting works meant Dapto 'suffered an almost complete eclipse' (IM, 12 April 1905, pg. 2). As well as businesses, many houses, complete or partially erected, were carted away in their entirety, most being moved to Port Kembla to follow the smelting works. Consequently, it was this dramatic decline in the local economy which led to a similar decline in business for the Dapto Hotel during early 20<sup>th</sup> century (McDonald 1976, p.72).

An article from the IM demonstrates the major impact of the closure of the smelting works in Dapto and the subsequent decline in population on local small businesses, including the Dapto Hotel:

*The number of hotels in the Allowrie electorate in 1906 was 37...since the closure of the smelting works; about 50 houses were removed from Dapto. No industries have been established at Dapto. The Hotel is purely a working man's place and unfortunately the removal of the smelting works has cost the license of the old Dapto Hotel* (IM, 21 August 1910, pg. 5).

In 1914, the old Dapto Hotel was delicensed, which like many hotels in the Illawarra during this period of time, was as a consequence of the creation of the 'Local Option' at the start of the 20<sup>th</sup> century. During this period, liquor licensing had been reformed through pressure from social activists such as the temperance movement and had resulted in the introduction of the controversial *Liquor (Amendment) Act 1905*. This was referred to as the 'Local Option', whereby voters at a general election could vote on whether liquor licences were to continue, reduce or be revoked within their individual electorates. The electorates within the Wollongong district voted for reduction, which resulted in the formation of the Wollongong Local Option Court, which aimed to reduce the number of liquor licences within the district (IM, 10 December 1907, pg. 2; 10 March 1908, pg. 2; 13 March 1908, pg. 2). New liquor licenses during this time were consequently very difficult to attain and resulted in a protracted licensing hearing and often failure. An article in the IM confirms that the ultimate cause of the closure of the old Dapto Hotel was as a result of the Local Option Vote:

*The Dapto Hotel – As a result of the Local Option vote over three years ago, the Dapto Hotel closes next month. There is to be an appeal to the court with a view of having the license retained* (IM, 10 April 1914, pg. 2).

Immediately prior to the closure of the Dapto Hotel, the layout of the premises consisted of three sitting rooms, including a dining room, eight bedrooms, and stabling that could hold at least four horses (IM, 1 August 1914, pg. 5)

Following the hotel being de-licensed in 1914, the building was converted into a boarding house that was managed by GA Howard. As briefly noted in an article from the IM, major renovations took place in the building following its change of use:

*The Old Hotel – The building known as the old Dapto Hotel on the corner of Bong Bong street and the Main South Coast Road, which has been closed up for some years, has been thoroughly renovated inside and out. Mr. Howard is opening it as a boarding house, and tourists will now be able to procure accommodation at this place* (IM, 28 September, 1917, pg. 6).

In the 1920s, two additional houses were constructed within the study area, adjacent to the house formerly owned by William Kirk. These structures were modest, single storey brick dwellings with four rooms and a balcony at the front. These two houses were eventually demolished and converted into shop fronts in the 1950s, as the Princes Highway in Dapto began creating a commercial district in the town.

At the end of 1938, the boarding house ceased operations and in the beginning of the following year works began on the demolition of the buildings located within the site:

*The old building at the corner of Princes Highway and Bong Bong-st, which has been used as a boarding house for many years, and which previously was one of the town's hotels, is about to be demolished. The contractors commenced work this week* (IM, 10 February 1939, pg. 11).



In 1939, the current Dapto Hotel building was constructed at the corner of Bong Bong Road and the Princes Highway by the Tooth & Co brewery for a cost of approximately £12,500 (Figure 3.5). The purchase of the premises by Tooth & Co in December 1938, was significant as they were the dominant company in the hotel, beer and liquor supply industry in NSW during the inter-war period. Tooth & Co Limited embarked on a program of hotel construction in addition to remodelling and renovating many of its existing assets, and this is reflected in the Dapto Hotel. The application for the transfer of the license of the Dapto Hotel from its former location, approximately 200 metres to the west further along Bong Bong Road, to the present site was submitted on 10 March 1939. Two weeks after its submission, the request for the license to be granted was approved by the Licensing Bench (*South Coast Times and Wollongong Argus*, 24 March 1939, pg. 14). The licensee of the Dapto Hotel in 1939 was Mr AJ Whiteman.



**Figure 3.5 C. 1942 photograph of the Dapto Hotel from the Princes Highway (Source: Wollongong City Council)**

As noted in an article in the Illawarra Mercury, the plans for the Dapto Hotel included:

*...the building to be cut across the corner with a drive in across the front, and an area for parking and ornamental trees and shrubs. The building will be two storeys, with twelve rooms all equipped with wash basins and hot and cold water. The bars, fully tiled, will be amongst the most modern in the district, the saloon bar having a bar counter 22 feet in length and the public bar having a 60 foot bar encounter. Modern bath blocks will be a feature. The building will take six months to complete (IM, 24 March 1939, pg. 8).*

In approval of the licence, the Licencing Magistrate, Mr Laidlaw was reported to comment favourably on the unusual layout of the new building (IM, 24 March 1939, pg. 8).

In February 1941, the licence for the Dapto Hotel was transferred to Mr Patrick Maroney. In August 1943, Maroney was charged with allowing men onto the premises during prohibited hours after a police Sergeant found eight men in the yard of the hotel at 8.25am on Sunday (IM, 20 August 1943).

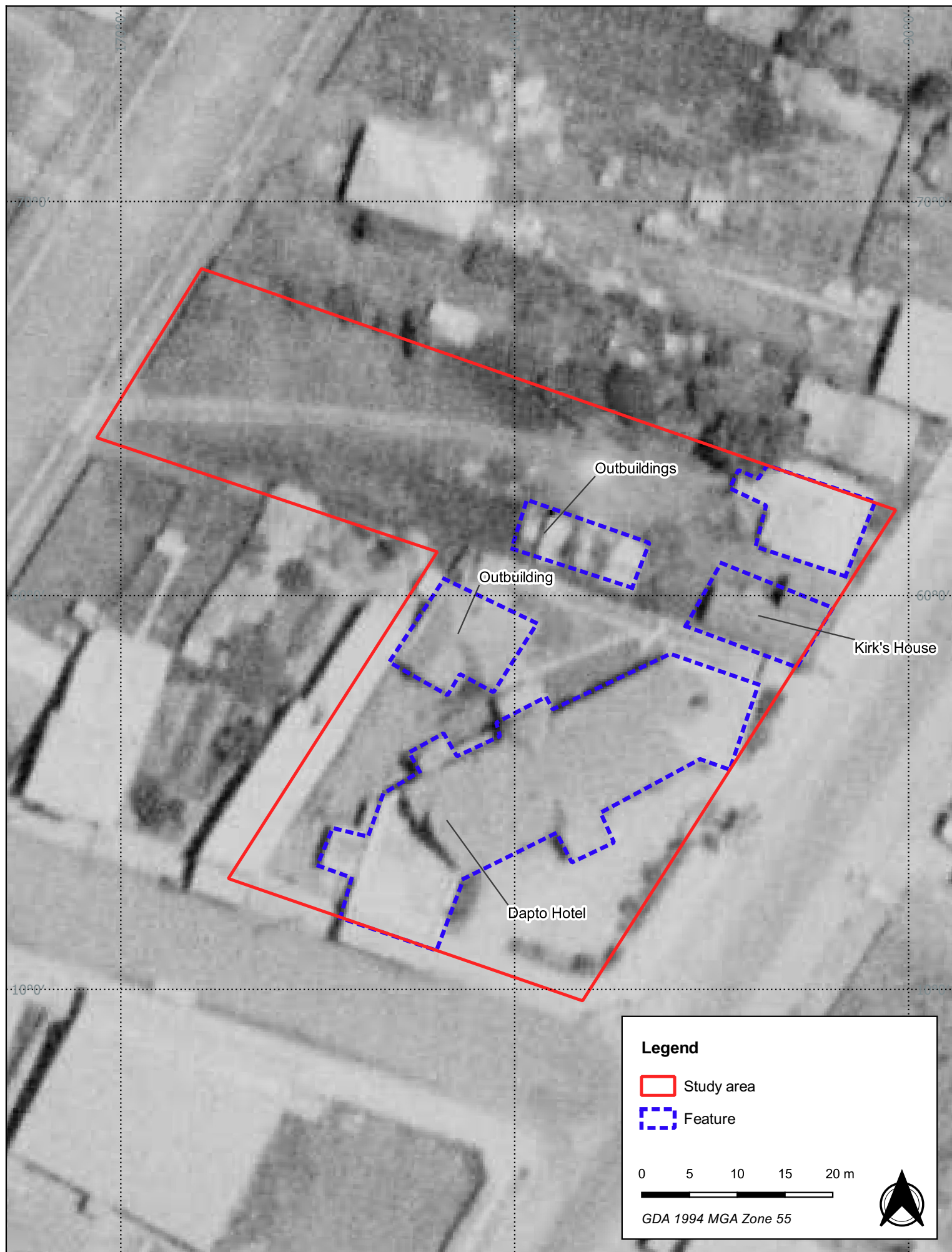


Jack Duggan took over the hotel in 1956 and not long after, his son Phillip took over the operations of the business. The hotel was severely damaged by fire in 1957, and while the Duggan family managed to escape, the hotel bar manager, Keith Reseck, was killed. Following the fire in 1957, the hotel was substantially remodelled. This included the replacement of a balcony that contained an iron hand rail with a tiled half-roof (Figure 3.6). Modifications following the fire also included the removal of the substantial projecting balcony in the central entry of the hotel as well as the removal of a 2 foot fence around the front corner of the hotel that enclosed a garden (Figure 3.7) (Secomb 1999, p.45). Between 1977 and 1993 extensive renovations to the rear of the hotel in the form of extensions have been completed to increase the capacity of the ground floor of the hotel, and specifically to expand the kitchen.

The Dapto Hotel continues to operate as a popular hotel in the centre of Dapto today. As indicated in the comparison of the historical aerial images of the study area, there have been very little major external renovations or additions to the Dapto Hotel since its construction and the renovations following the fire in the late 1950s (Figure 3.6 to Figure 3.9).

As evident in Figure 3.6 and Figure 3.7, the late 19<sup>th</sup> century house located in the north-eastern corner of the study area that was originally owned by the Kirk family was demolished at some point between 1961 and 1977, when the adjacent shop fronts utilised the space as a driveway and rear carparking. In the early 2000s, major developments occurred within the study area, which involved the demolition of the shops along the Princes Highway and the construction of a larger commercial/retail building that was single storey and extended further south than the previous build, overlying the former house owned by Kirk.

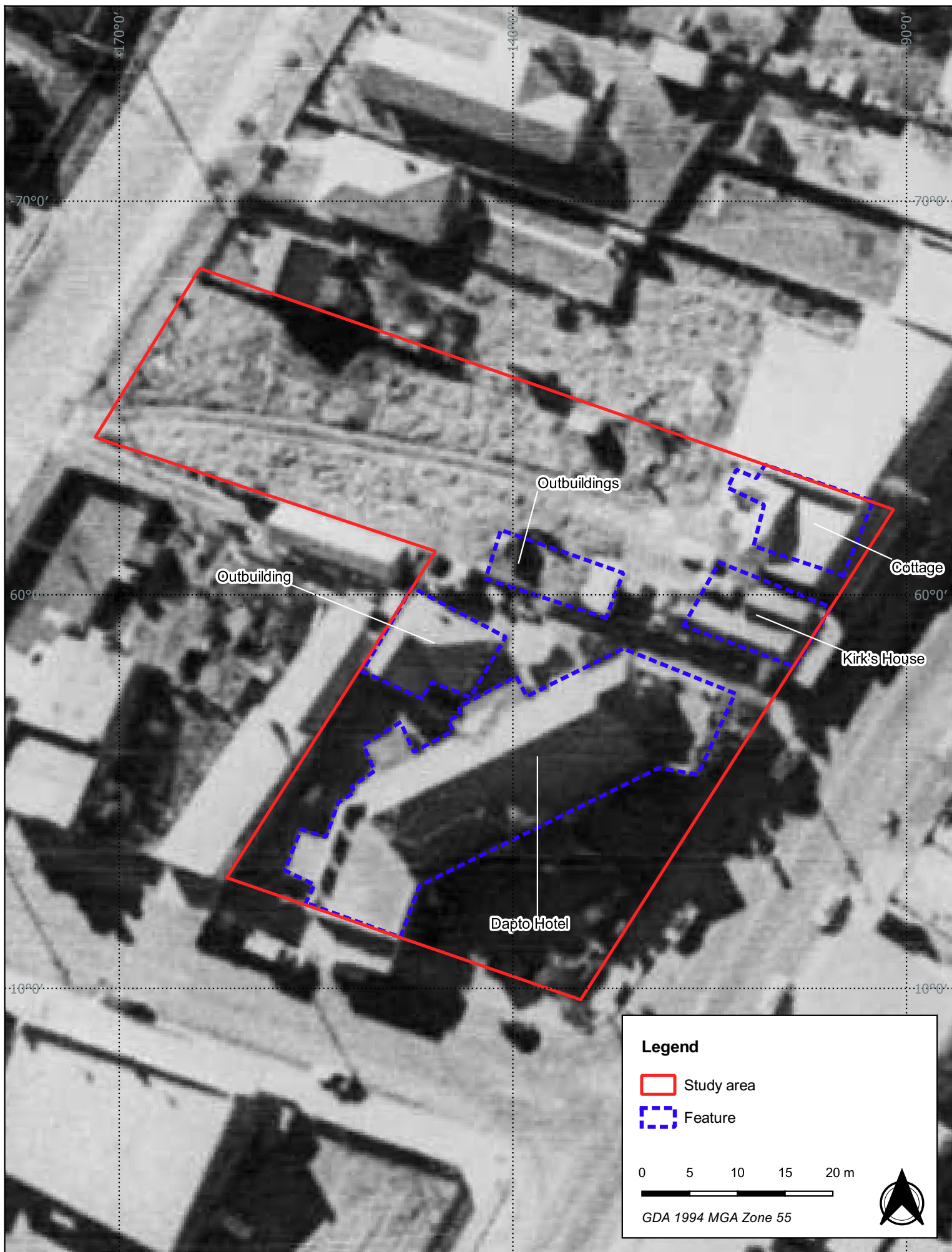




**Figure 3.6 Aerial photograph of the study area from 1948**  
Dapto Hotel CMS







**Figure 3.7 Aerial photograph of the study area from 1961**  
Dapto Hotel CMS



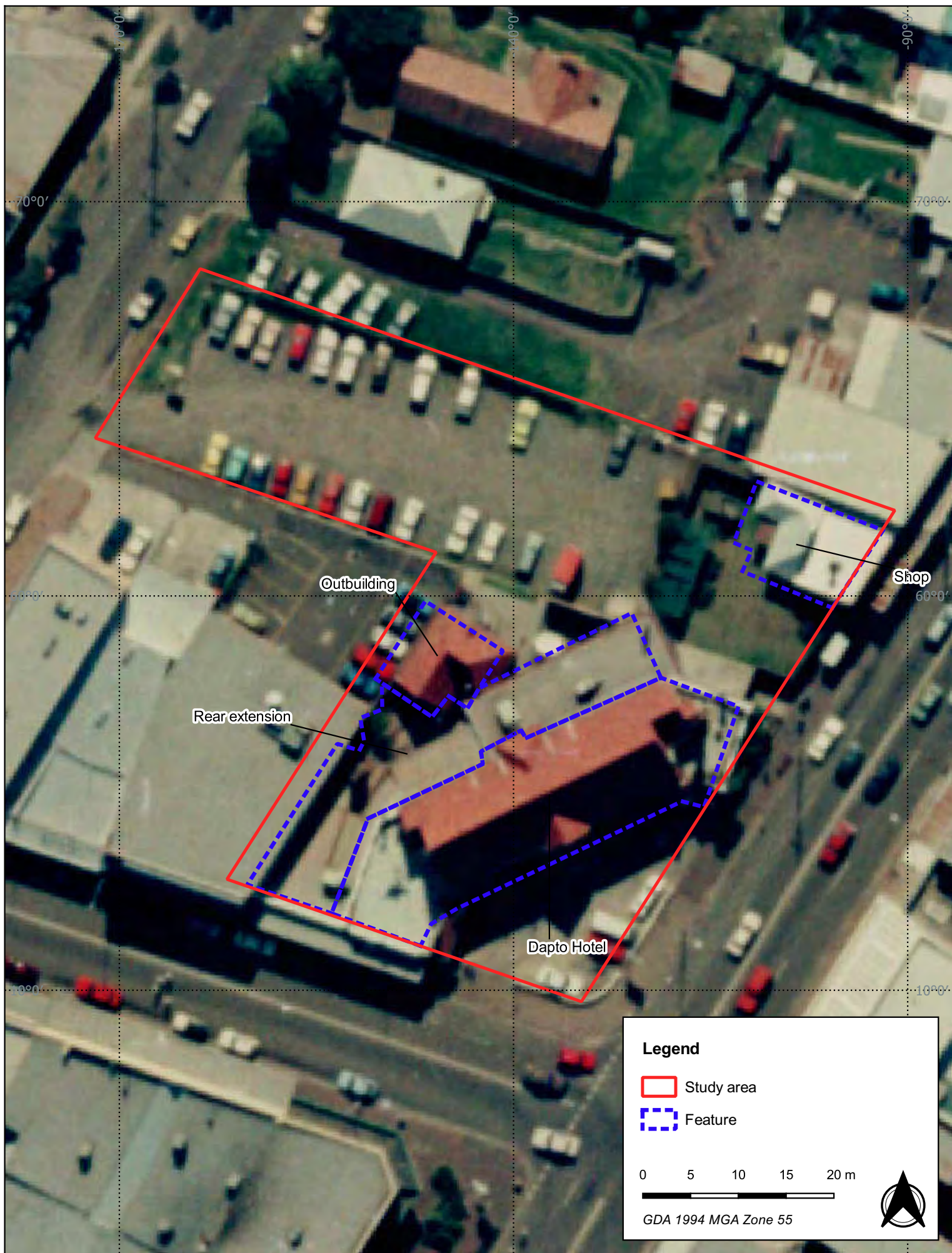




**Figure 3.8 Aerial photograph of the study area from 1977**  
Dapto Hotel CMS







**Figure 3.9 Aerial photograph of the study area from 1993**  
Dapto Hotel CMS





## 4. SITE INSPECTION

An external inspection of the study area was undertaken on 18 December 2019 by Alexander Beben (Director, Austral), with a later internal inspection of the Dapto Hotel occurring on 6 May 2020 by Alexander Beben and Pauline Ramsey (Graduate Archaeologist, Austral). The aims of the inspection were to identify heritage values associated with the study area. This included any known or previously identified heritage items. For the purposes of this assessment, a heritage item is a “place, building, work, relic, moveable object or precinct” (as per the definition in Part 1 (4) of the Heritage Act).

The Dapto Hotel consists of an inter-war, brick-built two-storey hotel building with a steeply pitched gabled tile roof. The hotel has been re-modeled on the ground floor to include small shops and has been modified through extensions to the north and south-east of the building (Figure 4.1). A bar and gaming room opens onto Bong Bong Road. A circular driveway and car park at the front of the hotel occupies the corner of Bong Bong Road and the Princes Highway. A rear building is also present which has been converted into a small charity shop.



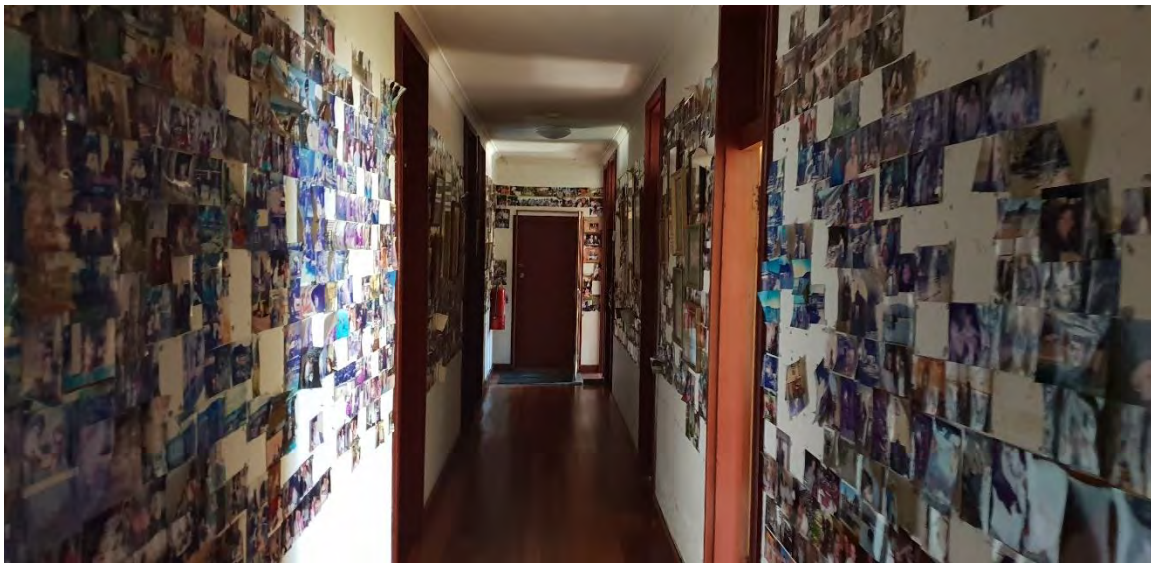
**Figure 4.1** North-west facing view of study area showing Dapto Hotel with recent pergola on the south-eastern wing of the hotel.

The ground floor of the hotel has been heavily modified through the re-modelling of the bar and restaurant areas (Figure 4.2). The first floor of the hotel still retains its mid-20<sup>th</sup> century configuration as guest accommodation for hotel guests. This includes a large amount of original fabric including window and door frames which probably date to renovation of the hotel following the 1957 fire (Figure 4.3).





**Figure 4.2** Heavily modified internal fabric on ground floor of hotel.



**Figure 4.3** Example of mid-20<sup>th</sup> century fabric on first floor of hotel.

To the north of the main hotel are a row of shops constructed post-1977 and are separated from the Dapto Hotel by a laneway. Based upon the external inspection of the buildings within the study area, they represent a common architectural form in the area and possess limited heritage significance (Figure 4.4). These buildings are separated from and do not contribute to the significance of the Dapto Hotel; however, they do contribute, to a limited degree, to the commercial character of the streetscape.





**Figure 4.4 North facing view showing recently constructed shops**

It must be noted that several signs and advertisements are visible on the exterior of the building which dominate the Princess Highway façade of the hotel. The façade of the hotel has been modified from its original brick form below the verandah (Figure 3.5) through the inclusion of three courses of tiles, render and reconfigured door and window openings (Figure 4.6). It is noted that view lines are significantly affected from the north (within the Princess Highway corridor) due to the adjoining shops.



**Figure 4.5 Front of Dapto Hotel with intrusive signs located on or above the verandah.**

The Dapto Hotel occupies a prominent place at the corner of Bong Bong Street and the Princes Highway, with significant views of the item from the southern side of this intersection (Figure 4.6). The extensions to the rear of the hotel, including rear building obstruct the rear elevation of the building, whilst these do not dominate the building, they do diminish the appreciation of this aspect of the hotel (Figure 4.7).





**Figure 4.6** North facing view of Dapto Hotel from intersection of Bong Bong Road and the Princes Highway.



**Figure 4.7** Additions to rear of Dapto Hotel.

The location of the components that comprise the study area are outlined in Figure 4.8. An assessment of the interior fabric of the hotel is included in Figure 4.9 and Figure 4.10.

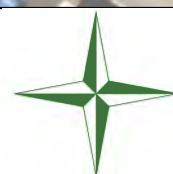




**Figure 4.8 Components that comprise the study area**  
Dapto Hotel CMS

Source: Nearmap

Drawn by: AJB Date: 18/05/2020

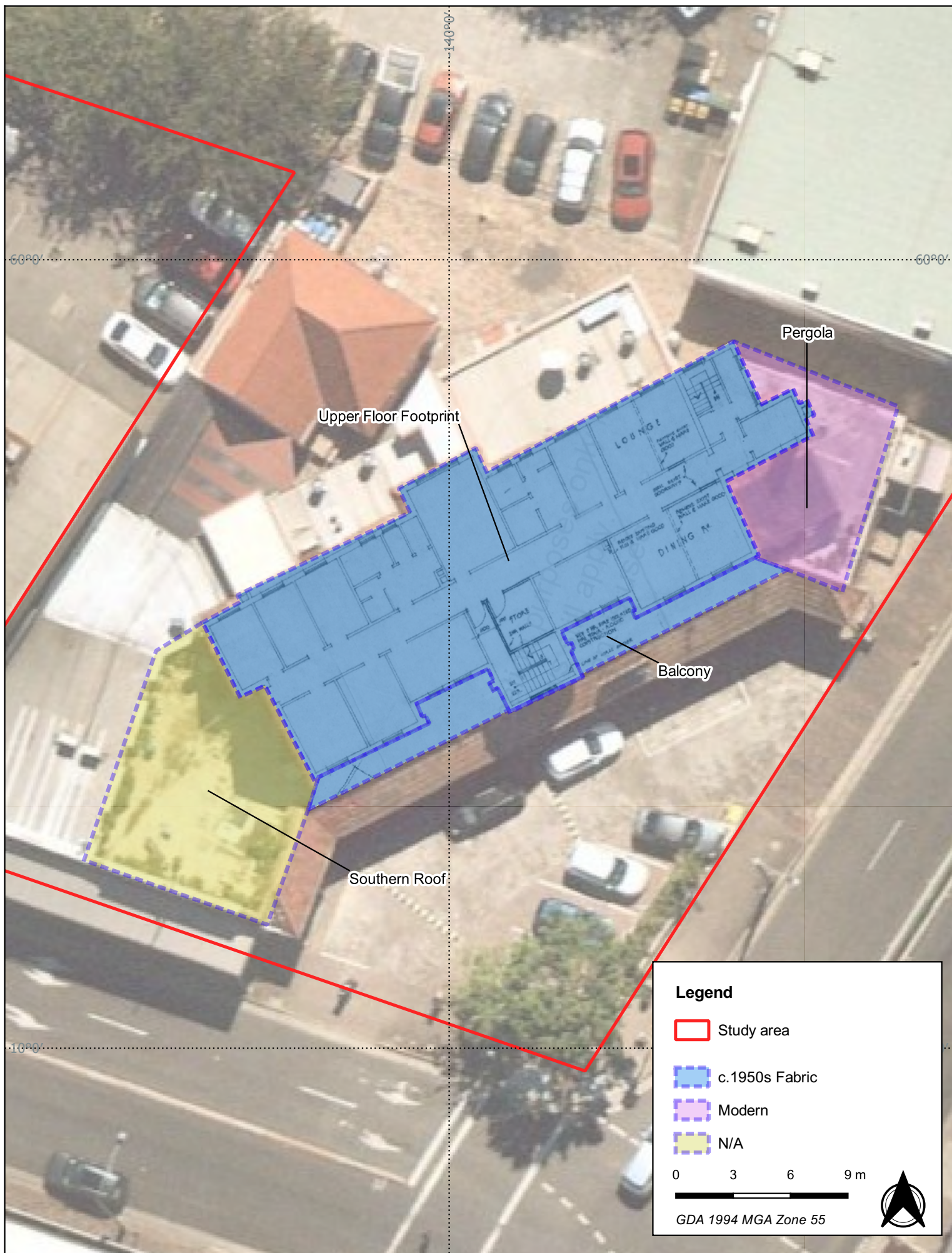


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**Figure 4.10 Assessment of first floor fabric**

Dapto Hotel CMS

Source: Nearmap

Drawn by: AJB Date: 18/05/2020



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## 5. ARCHAEOLOGICAL ASSESSMENT

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An assessment of archaeological potential usually considers the historic sequence of occupation in comparison to the structures that are currently extant, as well as the impact that the more recent constructions and works would have had on the earlier occupation phases and, as such, the likely intactness of the archaeological resource. This, in turn, is tied in with the extent to which a site may contribute knowledge not available from other sources to current themes in historical archaeology and related disciplines.

In regard to the assessment of the study area, the archaeological potential depends upon the anticipated likelihood for the survival of buried structural fabric and cultural deposits as well as an estimation of archaeological integrity. Structural fabric refers to what is generally regarded as building or civil engineering remnants. Cultural deposits refer to archaeological deposits, i.e. deposited sediments containing artefacts *etc.*

Having analysed the historical evidence in the previous chapters, the following section presents a summary of the potential for a physical archaeological resource to be present in the study area, that is, its archaeological sensitivity/potential.

### 5.1 PREDICTIVE STATEMENT

The following predictive statement draws on the areas of known archaeological sensitivity. As a general rule of archaeology, sites first redeveloped in either the late 19th or early 20th century can also retain evidence of occupation from earlier periods. It is also very common that such evidence can be recovered even when sites have been redeveloped or disturbed by modern developments.

#### ORIGINAL DAPTO HOTEL (1900 – 1914)

There is the potential for archaeological remains associated with the operations of the original Dapto Hotel (1900 – 1914) to be present within the study area. As indicated in the Crown Plan (Figure 3.4), the original Dapto Hotel building was located at the junction of the Princes Highway and Bong Bong Road.

There is also a degree of potential that unmarked outbuildings associated with the Dapto Hotel, including stables and outhouses, as well as occupation deposits such as yard surfaces and rubbish pits, may have extended into other parts of the study area. It is likely that outbuildings associated with the Dapto Hotel would have been located to the rear of the hotel building towards Osborne Street. However, the moderate to high levels of sub-surface disturbance have occurred in these areas which have most likely removed any trace of outbuildings, stables and yards associated with the old Dapto Hotel. It is therefore considered that there is low potential for archaeological remains associated with associated buildings to remain within in the study area.

However, as indicated in a photograph of the Dapto Hotel (Figure 3.3), the building was situated closer to the street frontage along the Princes Highway compared to the extant Dapto Hotel, which is set back further away from the Princes Highway. This part of the study area consisted of a paved area that is used as customer parking. Given the low levels of disturbance present, this portion of the study area may warrant further archaeological investigations to identify structural remains associated with the original Dapto Hotel.

Additional occupation within the study area is association with the construction and occupation of a house owned and occupied by William Kirk in the 1890s. However, while it is considered that there is moderate potential for archaeological remains associated with the house to be present within the study area, any evidence for occupation of the house would be of minimal research potential as there already exists a large representation of similar style late Victorian-style houses in the Dapto district. This type of occupation is well represented in the historical records both in NSW and in Dapto, and it is unlikely that any evidence of occupation of the house would add to the data set of this specific subject.



### BOARDING HOUSE (1917 – 1938)

In 1914, the original Dapto Hotel was de-licensed following a dramatic decline in business and it was subsequently converted into a boarding house that was managed by GA Howard. The historical research has indicated that the change in use of the building from a hotel to a boarding house required minor renovations, both internally and externally. These changes to the physical fabric of the building are unlikely to be reflected in the archaeological record.

While additional outbuildings may have been constructed following the conversion of the building into a boarding house, the logical location for the construction of outbuildings is to the rear (or west) of the main building. As such, there is the potential for archaeological remains associated with the boarding house within the study area, particularly in close association with the original Dapto Hotel.

### DAPTO HOTEL (1939 – PRESENT)

At the end of 1938, the boarding house ceased operations and was demolished the following year. In 1939, the current Dapto Hotel was constructed at in close proximity to the earlier building at the corner of Bong Bong Road and the Princes Highway. The front forecourt of the Dapto Hotel occupies the position of the earlier building.

With the exception of minor modifications to the Dapto Hotel following a fire that broke out in the building in 1956, there have been no major changes to the physical fabric of the building since its construction in 1939.

As indicated in the historic aerials of the study area, there are clear property boundary divisions between the study area and the Dapto Hotel from the 1940 onwards. Development within the study area was taking place during this period with the construction and establishment of commercial shop fronts located along the Princes Highway adjacent to the Dapto Hotel. As such, the historical records provide a clear indication that usage associated with the extant Dapto Hotel did not extend into the northern portions of the study area.

As such, there is moderate potential for archaeological remains associated with Kirk's house and the original Dapto Hotel (1900 – 1914) to be present within the study area (Figure 5.1).

## 5.2 HISTORICAL THEMES

The relevant themes which may be applied solely to the heritage values associated with the study area are listed below in Table 5.1.

**Table 5.1 Historical Themes**

Australian Theme	NSW Theme	Local Themes
3. Developing local, regional and national economies	Commerce	Activities relating to buying, selling and exchanging goods and services
4. Building settlements, towns and cities.	Accommodation	Activities associated with the provision of accommodation, and particular types of accommodation, specifically housing.
8. Developing cultural institutions and ways of life	Leisure	Activities associated with recreation and relaxation

## 5.3 RESEARCH POTENTIAL

Predictive statements about archaeological remains need to be qualified with an assessment of the archaeological research potential of the anticipated resource. An assessment of research potential provides an assessment of the resource's ability to yield information that cannot be derived from any other source. The presence of archaeological material within a site does not necessarily mean it can provide any additional information that increases our understanding of the past. Therefore, the research potential of the potential resource is an important determining factor in assessing its significance.



A site's research potential relates to the level of documentary evidence available relating to the key historical themes associated with it. Research potential can also be affected by the integrity of the archaeological resource. Where a site has been disturbed, the site's ability to provide material evidence as part of a stratigraphic sequence can be drastically affected; this in turn can make it difficult to relate the available evidence to specific activities that took place on the site. This reduces the site's ability to answer research questions.

An assessment of the study area's research potential is outlined below against the identified historical themes for the study area.

### **DEVELOPING LOCAL, REGIONAL AND NATIONAL ECONOMIES AND BUILDING SETTLEMENTS, TOWNS AND CITIES**

The study area forms part of the curtilage of the heritage item 'Dapto Hotel' (Item No. 61022) listed in the Wollongong LEP 2009. The original Dapto Hotel, constructed on the corner of the Princes Highway and Bong Bong Road in 1900 by John Reed, was an important establishment in Dapto during a period where the town was significantly growing. The establishment of the smelting works in Dapto in 1899 caused a boom in the local economy, with numerous houses being erected in the town and many small businesses were thriving with the increased population of workers. The Dapto Hotel, in particular, was doing very well due to its prime location in the centre of town and close vicinity to the railway station. The hotel became a very popular place for accommodation for travelling workers in the smelting works, as well as other travellers arriving in Dapto from the railway station. The archaeological remains associated with the original Dapto Hotel have research potential as an important local landmark that was important in the establishment of Dapto following the construction of the railway.

### **DEVELOPING CULTURAL INSTITUTIONS AND WAYS OF LIFE**

The extant Dapto Hotel building, constructed in 1939, is also considered a major establishment in the town of Dapto that has helped develop the local economy since it was first opened. Both the existing Dapto Hotel and the original Dapto Hotel were developed as establishments that were utilised for social gatherings and as a meeting place for the local working-class population.

### **AREAS OF LIMITED ARCHAEOLOGICAL INTEREST**

There is limited archaeological potential and corresponding research value within large portions of the study area that have been subject to extensive post-20<sup>th</sup> century development or that were outside of the areas associated with the Dapto Hotel.

## **5.4 SUMMARY**

The study area is located within the curtilage of the heritage item 'Dapto Hotel' (Item No. 61022). The historical research has indicated that the original Dapto Hotel was located closer to the Princes Highway, while the extant Dapto Hotel is set back further from the Princes Highway. As such, any archaeological remains associated with the original Dapto Hotel may still be present and any proposed development located on the street frontage between the Princes Highway, Bong Bong Road and the existing Dapto Hotel may warrant further archaeological investigations as there lies potential for structural remains associated with the old Dapto Hotel to be present in this vicinity.

It is considered that, while there is moderate potential for archaeological remains associated with Kirk's house to be present within the study area, any evidence of occupation of this house would be of limiting archaeological and historical research potential. Late 19<sup>th</sup> century, Victorian-style houses are well represented in the Illawarra and Dapto district and as such, it is unlikely that any evidence of the occupation of the house would add to the data set of this subject.

The historical research has indicated that there is low potential for archaeological remains outside of areas associated with the original Dapto Hotel within the study area.

Areas of archaeological potential within the study area are identified in Figure 5.1.





**Figure 5.1 Archaeological potential within study area**

Dapto Hotel CMS

Source: Nearmap

Drawn by: AJB Date: 18/05/2020



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## 6. ASSESSMENT OF SIGNIFICANCE

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An assessment of cultural significance seeks to establish the importance that a place has to the community. The concept of cultural significance is intrinsically tied to the fabric of the place, its history, setting and its relationship to other items in its surrounds and the response it evokes from the community.

### 6.1 BASIS FOR ASSESSMENT

The Burra Charter of Australia ICOMOS was formulated in 1979 (revised 1999 and 2013) [Australia ICOMOS 2013], based largely on the Venice Charter (for International Heritage) of 1966. The Burra Charter is the standard adopted by most heritage practitioners in Australia. The Charter divides significance into four categories for the purpose of assessment. They are: Aesthetic, Historical, Scientific/Technical, and Social significance.

The Heritage Council of NSW has established a set of seven criteria to be used in assessing cultural heritage significance in NSW, and specific guidelines have been produced to assist archaeologists in assessing significance for subsurface deposits (Heritage Council of New South Wales 2009; NSW Heritage Office 2001). The Heritage Council's criteria incorporate those of the Burra Charter, but are expanded to include rarity, representative value, and associative value.

In order to determine the significance of a historical site, the Heritage Council have determined that the following seven criteria are to be considered (NSW Heritage Office 2001):

- **Criterion (a):** an item is important in the course, or pattern, of NSW's cultural or natural history (or the local area);
- **Criterion (b):** an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the local area);
- **Criterion (c):** an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
- **Criterion (d):** an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (or the local area);
- **Criterion (e):** an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the local area);
- **Criterion (f):** an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the local area); and
- **Criterion (g):** an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (or the local area).

These criteria were designed for use on known or built heritage items, where above ground heritage is both tangible and easily identified. Due to the nature of archaeology being that it is invisible until disturbed, the presence and attributes of archaeological material must be assumed based on the recorded levels of disturbance, known site history and the creation of predictive statements. Ultimately, the actual presence of archaeological material can only ever be framed in terms of the potential for it to be present. The following assessment therefore deals with the built and archaeological potential within the study area in a consolidated manner.

### 6.2 LEVELS OF SIGNIFICANCE

The Heritage Act allows for the protection of heritage items of State or local significance. The levels of significance can be defined as:

- Items of State significance are of special interest in a State context. They form an irreplaceable part of the environmental heritage of NSW and must have some connection of association to the State.



- Items of local significance are of special interest to the LGA. They important to the local community and often form an important part of the local identity. Collectively, such items reflect the cultural or natural history of the given area.

### 6.3 SIGNIFICANCE ASSESSMENT

The assessment has not identified any additional information that alters the significance of items in the vicinity and as a result the heritage values of these items do not require reassessment. The existing statements of significance for those items are summarised in Section 6.4. Table 6.1 presents an assessment of the study area against the seven heritage criteria.

**Table 6.1 Assessment of significance**

Criteria	Assessment	Level of Significance
A	<p>The study area consists of the curtilage of the Dapto Hotel heritage item (Item No. 61022) listed in the Wollongong LEP 2009. The original hotel located at the corner of the Princes Highway and the Main South Coast Road was known as the 'Dapto Hotel', which was established in 1900 by John Reed. The hotel was an important and much needed establishment in the Dapto district during the start of the 20th century due to the boom in the local economy that was provided by the smelting works. The location of the hotel, being within 200 metres of the railway station, provided accommodation for those travelling in and out of town, including workers at the smelting works.</p> <p>The subsequent hotel, established in 1939, which is the current Dapto Hotel, is also regarded as an important establishment for the local community in the Dapto District as a place of meeting during the onset of the WWII.</p> <p>The northern portion of the study area was first developed in the late 19th century with the construction of a modest, brick house that was owned and occupied by William Kirk and his family. Kirk's house was constructed and occupied during a boom period in the local economy of Dapto with the establishment of the smelting works. From the mid-20th century, the study area has been occupied as shop fronts. Kirk's 19th century house, is well represented in the historical record and as such the study area is not considered important in the course, or pattern, of NSW's or Dapto's cultural or natural history.</p>	Local
B	<p>The former Dapto Hotel, constructed in 1900 on the corner of the Princes Highway and Bong Bong Road, is directly associated with John Reed, a renowned publican in the Dapto district during the late 19th century and early 20th century. Reed was an important figure in Dapto, owning numerous hotels, and was also an important influence in the local politics. Reed Park located approximately 500 metres west of the study area was named in honour of John Reed.</p>	Local
C	<p>The extant building of the Dapto Hotel holds aesthetic values as it represents an early post-war style building in NSW. The building occupies a prominent location at the intersection of the Princes Highway and Bong Bong Road. The remainder of the study area contains limited significance and diminish the aesthetic value of the Dapto Hotel.</p>	Local
D	<p>Within the heritage community, including the Illawarra Historical Society, the Dapto Hotel is recognised as holding local significance for the historical value and representativeness of the extant built elements of the hotel. Within the local community of Dapto, the site has been recognised for its history as a social establishment located in the centre of the town.</p>	Local



Criteria	Assessment	Level of Significance
E	<p>In regards to the archaeological potential, the historical research has indicated that much of the study area contains a low potential to contain archaeological deposits. There is moderate potential for archaeological remains of the original Dapto Hotel to be present within the study area. These archaeological remains would have the potential to answer research questions relating to the establishment and expansion of Dapto during the early 20<sup>th</sup> century. It is likely that later ground disturbance associated with the current Dapto Hotel and other development within the study area has removed evidence of yard surfaces and rubbish pits, as well as outbuildings such as stables associated with the former Dapto hotel to extend into the study area.</p> <p>It is considered that there is moderate archaeological potential for remnants associated with the occupation of Kirk's house to be present within the study area. However, any archaeological evidence related to this occupation would be of limited to no research potential given the heavy representation of late 19th century Victorian houses in the Dapto District within the historical record. Any archaeological remains associated with the occupation of Kirk's house would unlikely add to the data set for the subject of late 19th century, Victorian-style houses in the Illawarra.</p>	Local
F	The study area is not considered to possess uncommon, rare or endangered aspects of NSW's or Wollongong's cultural or natural history.	N/A
G	The Dapto Hotel was a significant building that occupies a prominent corner site in the centre of Dapto that was an important social place for the working class from the onset of WWII until the present day.	Local

## 6.4 EVALUATION OF ELEMENTS THAT COMPRISE THE STUDY AREA

A five-tier system has been adopted to clarify the significance of elements within the site and is based upon the grading listed the Department of Premier and Cabinet guidelines (NSW Heritage Office 2001). In this situation, an element is a specific component that contributes to the overall heritage significance of an item. The five-tier system is summarised in Table 6.2.

**Table 6.2 Grading of significance**

Grading	Justification	Status
Exceptional	Rare or outstanding element directly contributing to an item's local or State listing.	Fulfills criteria for local and State significance.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfills criteria for local or State listing.
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfills criteria for local or State listing.
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfill criteria for local or State listing.
Intrusive	Damaging to the item's heritage significance.	Does not fulfill criteria for local or State listing.



This five-tier system has been used to evaluate the elements which comprise the study area, a significance grading for each element of the study area is presented in Table 6.3 and Figure 6.1.

**Table 6.3 Assessment of elements that comprise the study area**

Element	NSW Heritage Criteria							Significance Grading
	A	B	C	D	E	F	G	
Dapto Hotel	X	X	X	X	-	-	X	Exceptional
Pergola on 1 <sup>st</sup> floor northern wing	-	-	-	-	-	-	-	Intrusive
Rear extensions	-	-	-	-	-	-	-	Little
Outbuilding (Shop)	X	X	X	X			X	High
Front verandah signage	-	-	-	-	-	-	-	Intrusive
Commercial properties (shops)	-	-	-	-	-	-	-	Little
Original Dapto Hotel (archaeological)	X	X	-	X	X	X	X	High

## 6.5 STATEMENT OF SIGNIFICANCE

The assessment of significance has identified additional heritage values that require the revision of the existing statement of significance for the Dapto Hotel (*Dapto Hotel | NSW Environment, Energy and Science* n.d.). A revised statement of significance has been formulated below:

The Dapto Hotel has significance for the local area for historical, aesthetic, social, research and reasons of representativeness. It has aesthetic significance as an early post war style building. It is a significant landmark building occupying a prominent corner site. It has social significance as a place of community celebration. The hotel site has historic and research value, as it has been the place of a hotel for 120 years and is likely to contain archaeological remains associated with the earlier hotel.

The Dapto Hotel is significant at a local level.



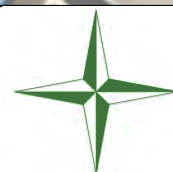


**Figure 6.1 Location and significance of elements**

Dapto Hotel CMS

Source: Nearmap

Drawn by: AJB Date: 18/05/2020



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## 7. CONSERVATION STRATEGY

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The following strategies have been formulated to respond to the significance of the study area and to ensure its ongoing conservation as part of its future management.

### 7.1 APPROACH

The management of heritage properties needs to incorporate conservation strategies as part of the ongoing maintenance and use of the item. The strategies should embrace the principles of the Burra Charter, which is to do as much as necessary and as little as possible. The approach to the development of the conservation strategies has been to retain and conserve the site elements of exceptional and high significance and develop policies to inform and guide management of the study area.

### 7.2 CONSERVATION STRATEGIES

The following section outlines the conservation strategies that should be employed in the management of the study area. The various strategies are outlined below.

#### 7.2.1 GENERAL CONSERVATION STRATEGIES

The following strategies have been formulated to assist with the overall approach to the conservation of the Dapto Hotel.

#### STRATEGY 1 – ADOPTION OF THIS CMS

This CMS should be adopted as the principal document for guiding appropriate change to the Dapto Hotel. This CMS sets out a strategy for managing the place to preserve its cultural significance whilst guaranteeing high operational standards.

#### STRATEGY 2 – CONSERVATION PROCESS

As previously stated, the Burra Charter and the conservation processes that it outlines should be used to guide the management of the Dapto Hotel and its heritage significance. Conservation is the process of safeguarding a place in order to retain its cultural significance. Conservation includes maintenance, preservation, reconstruction and restoration and should be applied to all areas of high or exceptional heritage significance.

#### STRATEGY 3 – SPECIALIST ADVICE

When planning, designing or implementing changes or maintenance to the Dapto Hotel, ensure that suitably experienced specialist advice is sought early in the process. This may include using archaeologists, architects, heritage specialists, engineers, material conservators, tradespeople and building code compliance advisors. Obtaining the necessary advice early in the process is important in ensuring that advice on potential impacts is considered and that the required works are developed in an appropriate fashion.

#### STRATEGY 4 – HERITAGE INDUCTION

When undertaking works to the item, all contractors involved in the works should be made aware of the heritage significance of the site to ensure that they demonstrate care for the fabric of the item.

#### STRATEGY 5 – REVIEW PROPOSED ACTIONS AGAINST THIS CMS

Where any works that may alter the heritage significance of the Dapto Hotel are proposed, they should be reviewed against the strategies within this CMS. Where the alterations are considered to have the potential to reduce or otherwise affect the heritage significance of the item, an appropriately experienced and qualified heritage specialist must be engaged to review the scope of works and recommend appropriate measures. This review should occur early in the project timeframe, ideally at the concept or design phase, and should continue through to the approval phase; this may include the preparation of a SoHI to meet statutory requirements.



## STRATEGY 6 – REVIEW OF THIS CMS

The CMS should be reviewed every 10 years, or when new materials or processes are identified that may supplant the strategies outlined within this document. In addition, this CMS would need to be revised in the event that the use of the site changes. The review of the CMS will ensure that new information, processes or a change to the use of the item are properly assessed and that the Dapto Hotel continued to be maintained in an appropriate manner.

## STRATEGY 7 – MANAGEMENT OF ARCHAEOLOGICAL POTENTIAL

The study area has been identified as having the potential to contain archaeological remains.

Archaeological remains on sites not listed on the SHR are addressed under Section 139 of the Heritage Act, which states that “a person must not disturb or excavate any land 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 unless the disturbance or excavation is carried out in accordance with an excavation permit”.

Relics are defined by the Heritage Act to be:

*any deposit, artefact, object or material evidence that:*

- (a) relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and*
- (b) is of State or local heritage significance.*

An excavation permit is also required if a relic has been discovered in the course of excavation without a permit (Section 139(2) of the Heritage Act). Section 139 of the Heritage Act applies to all relics which are not listed on the SHR or protected by an Interim Heritage Order (IHO). Relics protected by an SHR listing or an IHO are subject to approval required by Section 57(1) of the Heritage Act and require a Section 60 Application.

If an excavation permit is required by Section 139 of the Heritage Act, an application is made under Section 140 of the Act. To obtain an excavation permit, the Section 140 application must include an archaeological assessment and Research Design. The archaeological assessment establishes the archaeological sensitivity of the site, its significance and the likely impact of the proposed development. The Research Design outlines the method proposed to mitigate the impact of the development (such as monitoring, test excavation, sampling, or open area excavation). The Research Design also provides research questions which the archaeological resource has the potential to answer. An archaeological assessment and Research Design need to be prepared in accordance with the Heritage Council's relevant guidelines, including Historical Archaeological Sites and the Historical Archaeology Code of Practice. For further details of these guidelines, refer to the website:

<http://www.environment.nsw.gov.au/heritage/publications/index.htm>

The Heritage Act also contains provisions for the unintentional disturbance of archaeological relics. Under Section 146 of the Act, the Heritage Council must be immediately notified in the event of relics being unintentionally located or disturbed. Works may be required to cease, pending consultation and further research.

### 7.2.2 MANAGING CHANGE

The following strategies relate to the management of change and use associated with the Dapto Hotel.

## STRATEGY 8 – USE

The Dapto Hotel has been used as a hotel for over 120 years and the building typology is consistent with this use. Parts of the hotel and surrounding structures are currently used for accommodation and commercial use. Retaining the original use of a heritage place is preferable as it is unlikely to require change that compromises the heritage significance of the place and the use may form part of the significance. The following uses for the study area should be considered:

- Dapto Hotel was constructed for use as a hotel and should remain in commercial use as a hotel, restaurant or commercial space.



- The first floor of the Dapto Hotel should remain as accommodation. The continued use of this portion of the study area should not result in change that compromises the heritage significance of these elements.
- Commercial properties within the study area have minimal heritage significance and a change of use in these areas and alterations to these elements would be unlikely to result in changes that compromise the heritage significance of the item.
- Certain changes in use may benefit the Hotel, through the activation of the streetscape and side passageway, this would lead to increased foot-traffic. The development of other parts of the study area (away from the item) as residential space and/or commercial spaces would have the potential to enhance the potential customer base and ensure the long term viability of the Dapto Hotel.

Changes of use should be guided by the principles in the CMS and the areas outlined as part of Strategy 9.

### STRATEGY 9 - MANAGE ACCORDING TO SIGNIFICANCE

The individual assessments of significance should guide the implementation of the CMS. In particular, significant fabric, elements and visual relationships must be retained in accordance with the Burra Charter's conservation principles and procedures. Management of the Dapto Hotel should be based on a respect for the heritage significance of the item. The management of the item must involve as much maintenance as is necessary to retain its heritage significance, but as little physical intervention as possible. This approach will ensure that evidence provided by the fabric will continue to be understandable.

The following guidance should be applied to the care of fabric and its corresponding graded significance:

- **Exceptional / High** – Elements should not be obstructed by new works, structures or services and must be distinct from the original fabric. Where elements of high significance need to be replaced for maintenance reasons, this should be undertaken with sympathetic materials.
- **Moderate** – Minor changes are acceptable where this does not adversely alter the values or fabric of high significance.
- **Little** – Changes are acceptable where they do not adversely affect the values and fabric of exceptional, high or moderate significance.
- **Intrusive** – Elements identified are intrusive and should be removed, where applicable.

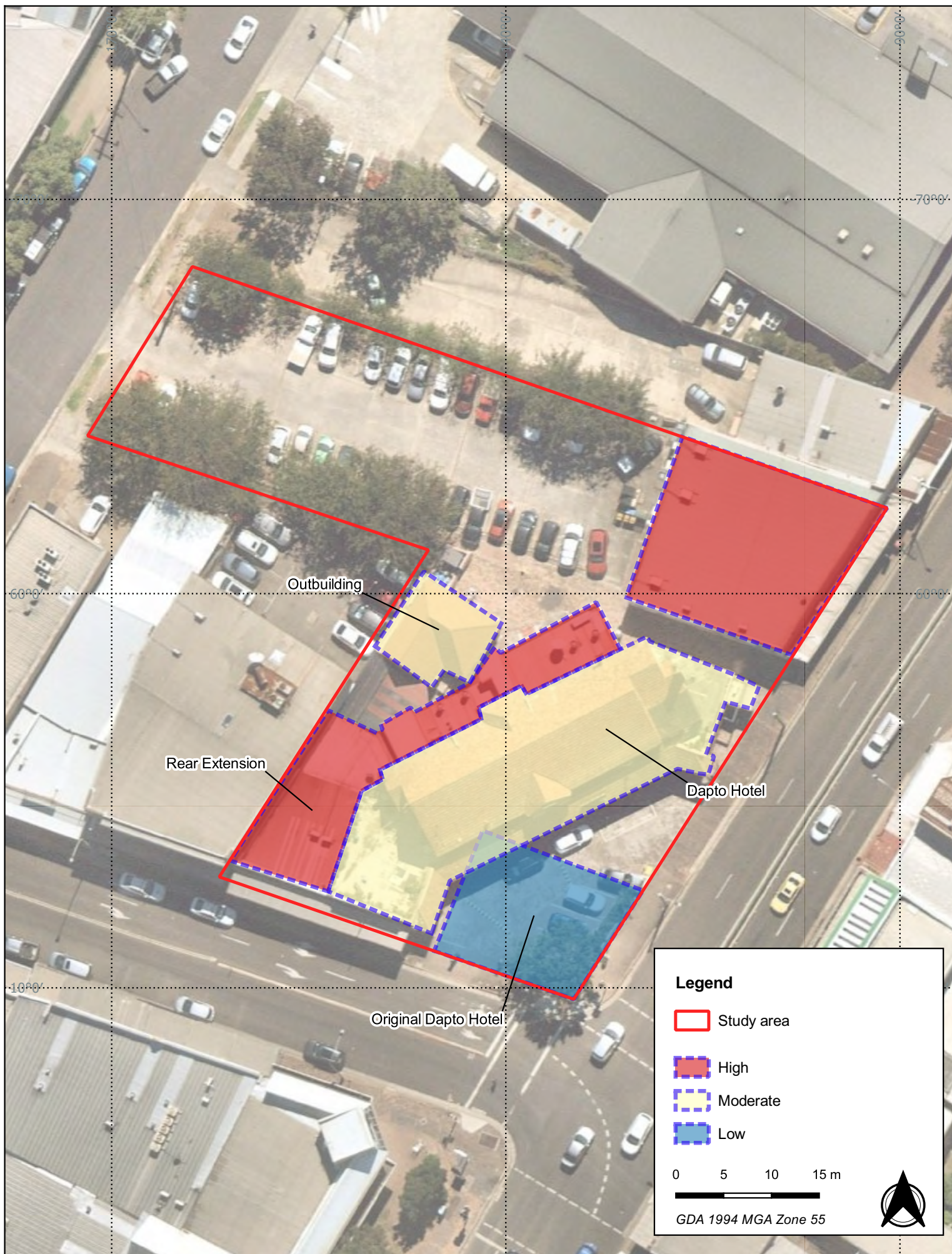
### STRATEGY 10 – MINIMISING HERITAGE IMPACT

Change (including the alteration or demolition) of exterior elements or interior spaces should be limited to areas of lesser heritage significance and should be guided by the graded level of significance within this CMS. Changes should explore alternative uses that minimise adverse impacts on and that retain the heritage significance of the item. Tolerance for change within the study area is outlined in Figure 7.1 and Figure 7.2.

### STRATEGY 11 – NEW ADDITIONS

New additions to the item should be visually distinct but must respect and have a minimal impact on the heritage significance of the Dapto Hotel. Ideally, new additions should be reversible. New additions may include replacement bathrooms, kitchens, partitions or the replacement of buildings of little or intrusive significance, as required. These additions should not mimic the historical design or features of the Dapto Hotel.

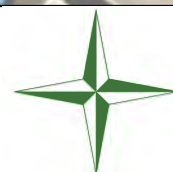




**Figure 7.1 Tolerance for change including ground floor**  
Dapto Hotel CMS

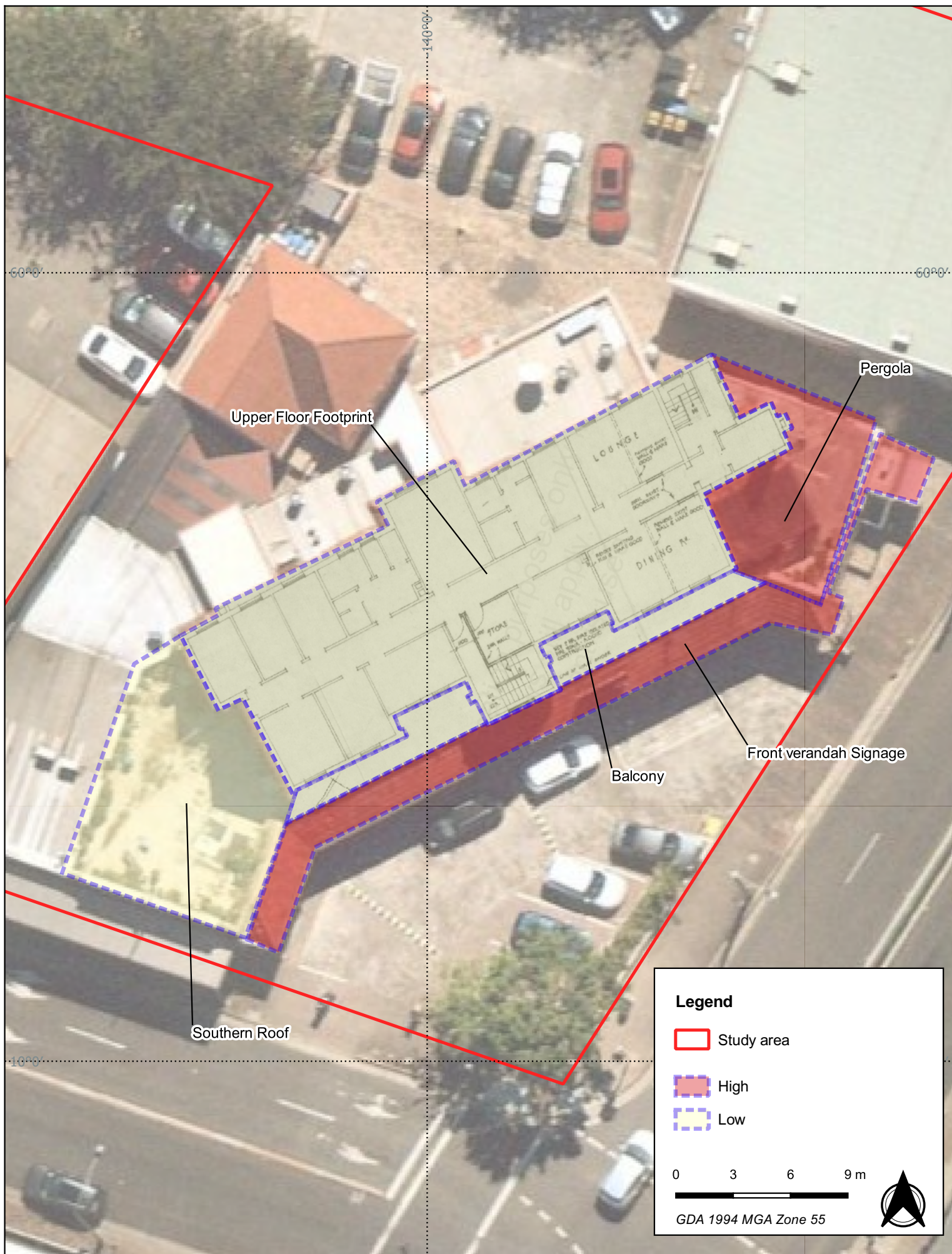
Source: Nearmap

Drawn by: AJB Date: 18/05/2020



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**Figure 7.2 Tolerance for change first floor**

Dapto Hotel CMS

Source: Nearmap

Drawn by: AJB Date: 18/05/2020



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## **STRATEGY 12 - DEMOLITION OF REAR STRUCTURES AND COMMERCIAL PREMISES**

The demolition of the rear structures and commercial premises is acceptable, where, as part of a proposed new development, the role and function of these structures can be allowed in the reconfigured hotel footprint. With the exception of the rear outbuilding, which is of high significance, the other elements to the rear are of little or intrusive significance and their removal, if managed appropriately, will have a negligible or beneficial significance of the item.

It should be noted that at present, the rear structures are critical to the function of the hotel as they provide increased customer capacity, dining space and kitchens. Removal of these elements, would benefit the item in terms of removing intrusive elements, however it would have a determinantal effect on the continuing use of the item as a hotel as it would harm its commercial viability.

## **STRATEGY 13 – RECONSTRUCTION OF THE BELOW VERANDAH FORM**

The below verandah form of the Dapto Hotel has been altered from its original form through the inclusion of tiles and render. The restoration of this area, using physical and documentary evidence, would ensure an improved and more appropriate street level presentation of the building. Opportunities for reconstruction would include removal of the render and tiling and re-establishment of the original brick surface or the use of stencil brick sheeting to recreate the brickwork from the above verandah façade.

Removal of the render through sandblasting could be achieved, however, however this may impact on the original fabric of the hotel and will only reveal the original brickwork where it is present. Any openings or voids (i.e. former windows and doors) in the façade would then need to be subject to a separate treatment. Given the limitations associated with removal of the render, the use of recreated stencil brick that matches the original brickwork has been proposed. This will present a uniform façade that is in keeping with the historical appearance of the item. This would also represent a solution that could be easily removed or modified in the event of further modifications or changes to the façade are required in the future.

A detailed methodology for the reconstruction of the below verandah form is included in Appendix A.

## **STRATEGY 14 – REMOVAL OF NORTH WING PERGOLA**

The removal of the north wing pergola of the Dapto Hotel would result in an improved and more appropriate appreciation of the façade of the hotel from the Princess Highway when approaching the item.

A detailed methodology for the removal of the north wing pergola is included in Appendix A.

## **STRATEGY 15 – REPOSITIONING OF SIGNAGE FROM FRONT ELEVATION**

The repositioning of signage on the front elevation of the Dapto Hotel to below the front verandah will reduce intrusive elements associated with the façade and resulting in an improved appreciation of the item. New signage on the heritage item should be in accordance with the signage clause of the Wollongong DCP 2009.

## **STRATEGY 16 – IMPLEMENTATION OF A CONSERVATION SCHEDULE**

A conservation and maintenance schedule has been formulated for the item, this is included in Appendix A and includes the implementation of Strategy 13 to 15 and regular inspection and maintenance activities for the item to ensure that it is appropriately maintained. This strategy would need to be updated in the event that any conservation works were completed for the hotel.

## **STRATEGY 17 – PUBLIC SAFETY AND BUILDING CODES**

The Building Code of Australia (BCA) sets out legislative requirements in terms of structural, fire resistance and safety equipment, entry and egress, ventilation and other health and amenity factors. Compliance with building requirements should be achieved through adhering to their objectives and performance criteria rather than the “deemed-to-satisfy” provisions of the BCA. Heritage items frequently are not compatible with the requirements of the BCA due to the original construction method, materials or their configuration. The BCA permits alternatives to the “deemed-to-satisfy” requirements provided these can be demonstrated to achieve the same objectives and



performance requirements. These options should be explored carefully prior to works commencing to ensure that the heritage significance of the item is not compromised.

A BCA assessment has been completed as part of the preparation of this CMS and is included as Appendix B of this report. This assessment has concluded that the Dapto Hotel does not require any BCA upgrades to continue operating as a hotel. However, in the event that the Dapto Hotel changes use, then BCA upgrades may be required, these may have a detrimental effect on the significance of the item.

## STRATEGY 18 - INTERPRETATION AND ACCESS TO INFORMATION

Where new additions or development is proposed, opportunities to implement an Interpretation Strategy should be explored. Where an Interpretation Strategy can be implemented, this should explore the communication of historical themes associated with the item. The Interpretation Strategy should be guided by the following documents:

- *Heritage Information Series: Interpreting Heritage Places and Items Guidelines* (NSW Heritage Office 2005).
- Practice Note: Interpretation (Australia ICOMOS 2013b).

These documents outlined relevant processes and steps that should be employed in the formulation of an Interpretation Strategy.

## STRATEGY 19 – ARCHIVAL RECORDING

Where alterations to the item are likely to result in significant change to the item, a record of the physical condition should be prepared before works commence. This record should include an inventory of components, description of the alterations taking place, measured drawings and photographs and any other media required. Archival recordings should be undertaken in accordance with the following guidelines:

- *How to prepare archival recordings of heritage items* (Heritage Office 1998)
- *Photographic recording of heritage items using film or digital capture* (Heritage Office 2006)

## STRATEGY 20 – PROPOSED DEVELOPMENT

The northern portion of the study area is proposed to be developed as part of a multi-storey mixed use development. Impacts and management measures as part of the development are outlined in more detail in a separate SoHI (Austral Archaeology Pty Ltd 2020).

The following measures should be implemented should this development proceed:

- The ownership of the Dapto Hotel and associated car parking in the new development will form part of one lot and strata, whilst the new commercial spaces and apartments will fall under a separate lots and strata. The implementation of this CMS will be the responsibility of the owners and operators of the Dapto Hotel.
- A Heritage Interpretation Strategy should be prepared that informs the proposed interpretive media to be installed in the communal open spaces associated with the item. This should be prepared in accordance with Strategy 18.
- A photographic archival recording be prepared that documents the items setting before construction commences. This photographic archival recording should be prepared in accordance with Strategy 19.
- Landscaping works at the corner of Bong Bong Road and the Princess Highway have the potential to disturb archaeological remains associated with the original Dapto Hotel. An archaeological research design and mitigation strategy should be prepared to accompany an approval or exception under Section 139 or 140 of the NSW Heritage Act 1977 (Heritage Act).

### 7.2.3 STATEMENT OF CONSERVATION STRATEGY

The strategies within the section document recommended approaches for managing the ongoing use and changes to the Dapto Hotel. The implications of each strategy for the site elements that comprise the study area are outlined in Table 7.1.



**Table 7.1 Summary of conservation strategies by site element**

Element	Significance	Conservation Strategies																				Alteration of fabric	Demolition or removal
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20		
Dapto Hotel	Exceptional	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	Acceptable with SoHI	Unacceptable
Outbuilding	High	X	X	X	X	X	X		X	X	X	X					X	X	X	X	X	Acceptable with SoHI	Unacceptable
Pergola on 1 <sup>st</sup> floor northern wing	Intrusive	X	X	X	X	X	X		X	X	X				X			X	X	X		Acceptable	Acceptable with SoHI
Rear additions and shop	Little	X	X	X	X	X	X		X	X	X		X					X	X	X	X	Acceptable	Acceptable with SoHI
Front verandah signage	Intrusive	X	X	X	X	X	X		X	X	X			X		X		X	X	X		Acceptable	Acceptable with SoHI
Commercial properties	Little	X	X	X	X	X	X		X	X	X		X					X	X	X	X	Acceptable	Acceptable with SoHI
Original Dapto Hotel (archaeological)	High	X	X	X	X	X	X	X		X	X							X	X	X	X	Acceptable but only with approval.	Acceptable but only with approval.

*Note: Applicable strategies are marked with an X.*



## 8. RECOMMENDATIONS

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The following recommendations have been guided by the principles of the Burra Charter and correspond to the significance of the study area (Australia ICOMOS 2013a):

1. **Adoption of this CMS.** The CMS should be adopted as the document guiding appropriate change to the significance of the site (see Strategy 1).
2. **Review of the CMS.** The CMS should be reviewed at least once every 10 years, or when new material which has the potential to supplant a present policy is discovered (see Strategy 2).
3. **Managing change.** Changes to the study area that have the potential to impact on the heritage significance of the item must be managed according to strategies 3 – 19. Any change to the item must be led by a SoHI that uses this CMS as a guiding document. A SoHI should only be as detailed as required by the proposed work and should adhere to the conservation strategies outlined in this document.



## 9. REFERENCES

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## APPENDIX A - CONSERVATION SCHEDULE

The following schedule of conservation works has been formulated to inform Strategies 13, 14 and 15.

Task	Methodology	Responsibility
Reconstruction of The Below Verandah Form	See detailed methodology in Section A.1	Architect / Heritage Consultant / Builder
Removal of North Wing Pergola	See detailed methodology in Section A.2	Architect / Heritage Consultant / Builder
Repositioning of Signage from Front Elevation	Remove existing signs and patch and fix any holes or remnant fittings with materials consistent with the original form.	Builder
	Site new signs below the pergola. Attach in a suitable manner that does not irreversibly damage original fabric. Heritage consultant to advise on new signage and provide sign off. Signs will need to be repositioned in consultation with commercial tenants.	Builder / Heritage Consultant.

Elevations displaying the proposed works and their relationship to the Dapto Hotel are included in figure A-701, included on the next page.





## EAST ELEVATION

### RESTORATION OF FAÇADE BENEATH VERANDAH

The exterior wall beneath the verandah roof has been altered from its original form through the creation of additional openings and the inclusion of tiles and render. This part of the building is to be restored, using physical and documentary evidence, to ensure an improved and more appropriate street level presentation of the building. Opportunities for reconstruction would include removal of the render and wall tiling and re-establishment of the original brick surface. As the openings on the façade have changed, this may include some conjecture and should be guided by an appropriately qualified heritage specialist.

### REPOSITIONING OF SIGNAGE

The repositioning of signage on the front elevation of the hotel to below the front verandah will reduce intrusive elements associated with the façade and will result in an improved appreciation of the building. New signage is to be designed and installed in accordance with Chapter C1 of the Wollongong DCP 2009.

### REMOVAL OF PERGOLA

The removal of the north wing pergola would result in an improved and more appropriate appreciation of the façade of the hotel from the Princes Highway when approaching the building. The removal of the pergola and restoration of this part of the building is to be based on documentary evidence for the hotel and is to be guided by an appropriately qualified heritage specialist.



## SOUTH ELEVATION

## EXISTING HOTEL

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© FIGURED DIMENSIONS- These drawings are not to be scaled. Figured dimensions shall be used in all cases.  
© NOMINATED ARCHITECT- The nominated Architect for ADM Projects (Australia) Pty Ltd T/AS ADM Architects is Angelo Di Martino ARB No.7608

ISSUE	DATE	DESCRIPTION
A	18.12.19	ISSUED FOR DA
B	22.05.20	AMENDED FOR DA
C	22.10.20	AMENDED FOR DA

NOT FOR CONSTRUCTION



94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong  
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Project  
RETENTION OF HERITAGE HOTEL &  
PROPOSED MIXED USE BUILDING  
COMPRISING OF RESIDENTIAL APARTMENTS  
ABOVE SHOPS & CARPARKING

At  
98-110 PRINCES HIGHWAY,  
DAPTO, NSW

For  
P. HADLEY HOLDINGS PTY LTD &  
PHILLIL PTY LTD

Title  
DEVELOPMENT APPLICATION  
CONSERVATION MANAGEMENT PLAN

Scale		Date
NTS		OCTOBER 2020
Drawn		Checked
SJ, AD		ADM
Project No.	Drawing No.	Issue
2017 - 48	A-701	C

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## A.1 RECONSTRUCTION OF THE BELOW VERANDAH FORM

The installation of a thin brick veneer provides a number of advantages, including quick installation and it will present a low risk to the original fabric of the building. The brick veneer is proposed to cover the pink colour render that totals 320 metres<sup>2</sup> of the existing building.

The picture below shows the front of the building and how the pink colored render covers majority of the building.



The installation of thin brick veneer follows a standard methodology. Brick veneer consists of fired clay units, commonly known as thin brick that provide the aesthetic of traditional brick. by four basic installation methods: thick set, thin set, modular panel systems and prefabricated panels. The first two involve field installation of each brick unit on a substrate with either a thick mortar bed for thick set or a thin layer of modified mortar or adhesive for thick set. An analysis of the installation methods indicates that thick set installation, provides a solution that will allow the existing façade to be replicated through installing each individual brick in the same bond and mortar color.

Thick set installation consists of provides a greater thickness to absorb some of the irregularity in substrates that are uneven, given the nature of the existing veneer, this would be the most applicable option. It also incorporates lath or mesh reinforcement that is fastened to the substrate to provide a mechanical connection to the veneer and to accommodate some differential movement between the veneer and the substrate. An illustration of the installation method for thick set veneer is identified in image a.

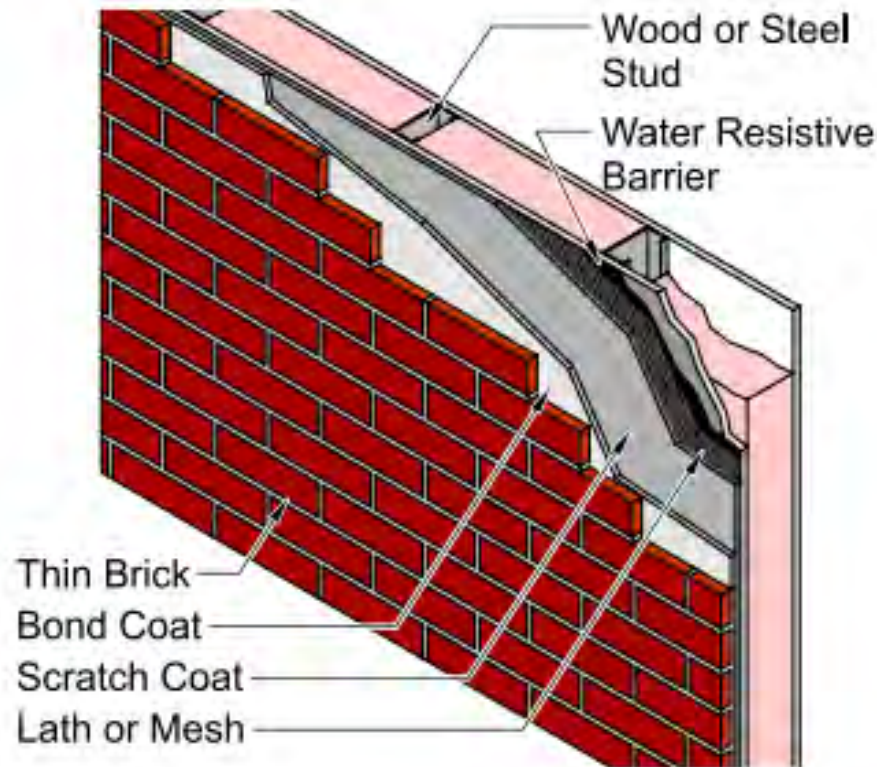
The following standard methodology will be utilised in the installation of the brick veneer:

- Prepare the surface, this includes cleaning and patching any gaps and removing any elements that are not level with the render layer (i.e. tiles).
- Apply metal lath or wire mesh over a water-resistive barrier and attach with 11-gauge nails 38 millimetres in length with a 11 millimetre head or 16-gauge 22 millimetre staples in length, spaced at a minimum of 152 millimetres apart. The lath or mesh will need to be overlapped a minimum of 51 millimetres at sides and ends where sheets are joined. Hardened concrete nails or powder-actuated fasteners that penetrate a minimum 25 millimetres will need to be used to fasten the mesh.
- A scratch Coat of mortar with a nominal thickness of 12 to 19 millimetres will be applied to the lath or mesh until it is fully embedded in the mortar. The scratch coat can be applied in one layer or as two nominal 6 to 10 millimetre layers, where the first layer fully embeds the lath or mesh. The surface of each layer should be scratched (scored) horizontally when thumbprint hard and allowed to cure before applying the next layer or coat. Installation in a single layer may be preferable during periods of hot or cold weather to avoid potential delamination between layers.
- A bond coat of mortar or modified mortar will be applied over a damp scratch coat to a nominal thickness of 3.2 millimetres and groove with a square-notched trowel. For maximum adhesion, covering the entire back of the thin brick with bond coat mortar is recommended. While the coat remains wet and workable, embed the thin brick into the bond coat and fill mortar joints.



- The mortar joints must be matched to the mortar that is present on the façade. The bricks must use the same bond used on the façade. Where a brick veneer cannot be sourced that matches the original façade, the veneer bricks will need to be painted to match the façade and sealed in line with the manufacturer's instructions.

a) *Example of thick set application (note: shows application on stud not masonry) (source: [www.gobrick.com](http://www.gobrick.com))*



b) *Example of mortar placement using grout bag (source: [www.gobrick.com](http://www.gobrick.com))*





## A.2 RECONSTRUCTION OF THE NORTH WING PERGOLA

Duration	Approx. 1-week x 2 men to deconstruct.
	Approx. 2-days x 1 man to patch and repair any damage from deconstruction.
	Approx. half a day to remove wires by licensed electricians.

The following methodology is to be utilized in the deconstruction of the north wing pergola:

- The sunroom is attached to the original building with minimal fixings. (Photo a.).
- Small electrical to be disconnected inside of the sunroom.
- Verandah roof is pitched from the exiting fascia across to 90x90mm post fixed to the concrete and brick handrail. (photo b.).
- Approximately 20 to 30 concrete fixings into the existing building which will need repair. (photo c.).
- Each handrail across the verandah has now become a hazard and will need to be replaced with a replica (photo d.).
- The flashings which marry the sunroof onto the old pub building is silicone and will be easily cleaned off and restored (photo e.).
- After the deconstruction of the sunroom and verandah roof, a new water management system will need to be installed as there are no gutters in this this area of the building.
- Rubbish removal by skip bin.

### PHOTOS

a) Sunroof attached to building





*b) Verandah posts*



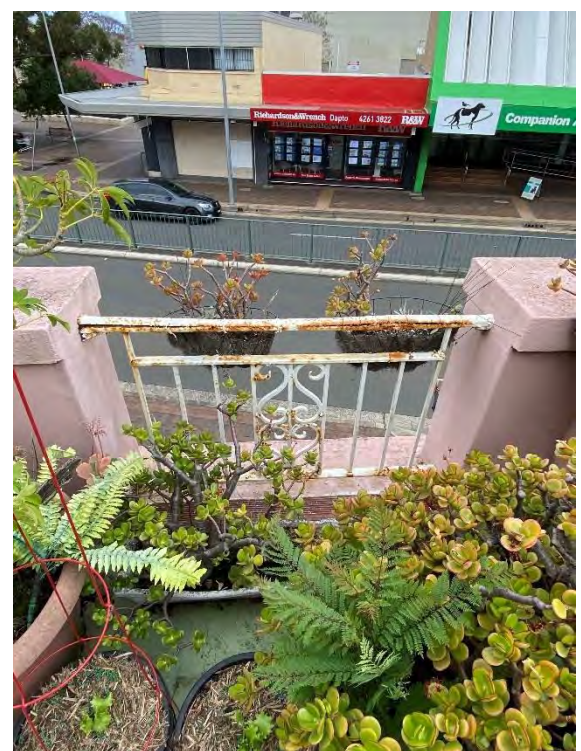
*c) 20-30 concrete fixings which will need repair*







d) Handrails

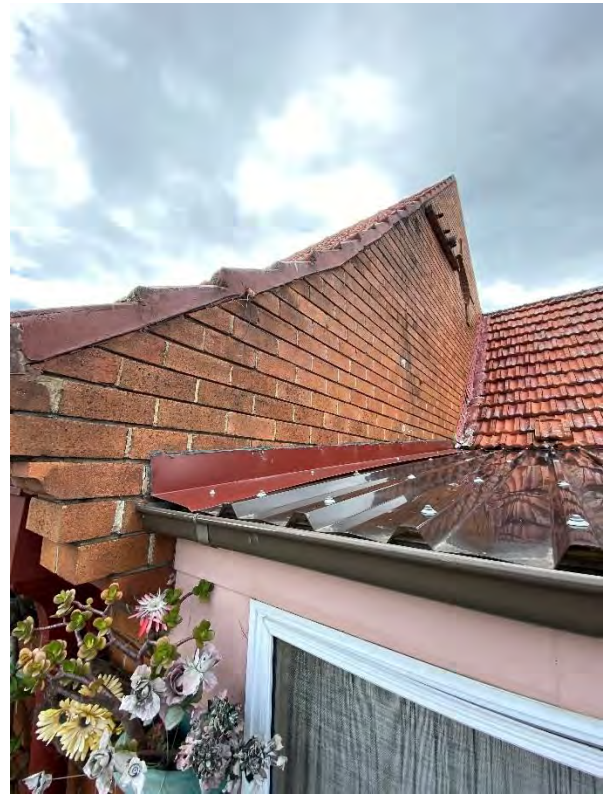








*e) Flashings which marry the sunroom onto the building*





### A.3. MAINTENANCE SCHEDULE

The following maintenance schedule should be utilised for the Dapto Hotel.

Element	Task	Method of assessment	Frequency (Months)
Footings	Structural movements	Visual Inspection	6 - 12
	Condition of footings		
Wall Framing	Structural weakness	Visual Inspection	6 – 12
	Check fixings		
External wall linings & finishes	Check paint finishes	Visual Inspection	6 – 12
	Check condition of walling	Non damaging mechanical	
	Clean of surface		
Internal wall linings	Check paint finishes	Visual Inspection	6 – 12
	Check condition of walling	Non damaging mechanical	
	Clean of surface		
Ceilings / Cornices	Check paint finishes	Visual Inspection	6 – 12
	Check condition of walling	Non damaging mechanical	
	Clean of surface		
Floor Framings	Check bearers and joists	Visual Inspection	6 – 12
	Check ant caps / termite protection	Non damaging mechanical	
Flooring	Check overall condition	Visual Inspection	6 – 12
	Check fixing	Non damaging mechanical	
Window frames / Sashes / Architraves	Check overall condition	Visual Inspection	6 – 12
	Check paint finishes & glazing	Non damaging mechanical	
Roof framing	Check structural members and connections	Visual Inspection	12 – 18
		Non damaging mechanical	
Roofing	Check fixings & condition of roof sheeting	Visual Inspection	6 – 12
		Non damaging mechanical	
Roof gutters and downpipes	Clean out guttering and downpipes	Visual Inspection	3 - 6
	Check overall condition including paint finishes	Clear blockages	



Element	Task	Method of assessment	Frequency (Months)
Drainage	Check condition of drainage line	Clear blockages	6 – 12
	Clear blockages		
Fascia's / Barges / Columns / Exposed	Check overall condition	Visual Inspection	6 – 12
Beams / Balustrades and Handrails	Check paint finishes & fixings		



## APPENDIX B – BCA ASSESSMENT

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18<sup>th</sup> August 2020

Mr Paul Hadley  
PHadley Pty Ltd  
C/O MMJ Wollongong  
6-8 Regent Street,  
Wollongong, NSW 2500  
[paul@illeng.com.au](mailto:paul@illeng.com.au)

Dear Paul,

**Re: Dapto Pub Site Redevelopment – Consolidation of lots and erection of a nine (9) storey mixed use commercial & residential development, & retention of the existing two (2) storey Hotel building.**

Reference is made to our fee engagement with BCA Logic to provide initial high-level BCA consultation advice on the required upgrading of the Dapto Pub site located on the corner of Princes Highway & Bong Bong Road, Dapto, currently subject to a Development Application (DA) with Wollongong City Council.

The development proposal is for the consolidation of several lots and construction of a nine (9) storey mixed use comprising three (3) commercial tenancies and 52 residential sole occupancy units. The development also proposes three storeys of shared parking between the commercial tenancies, residential units, and the existing freestanding hotel building with short stay accommodation.

It is our understanding that **no** redevelopment works are currently proposed for hotel building as part of the DA. Rather, the only works comprise the demolition of a recently constructed pergola on the first-floor roof terrace facing the Princes Hwy. The memorandum advice notes that the pergola has not been identified as an item of local heritage value, as identified within Strategy 14 of the Conservation Management Plan dated 18/05/2020 by Austral Archaeology. Furthermore, the CMS report recommends the adoption of a Maintenance Schedule identified within Appendix A of the document. It is understood that the maintenance schedule recommends visual inspections of key building elements over time and is not considered to be building activity that would require a statutory approval under the *Environmental Planning and Assessment Act 1979*.

Given that there is no proposed building works, nor is there any proposal for a Change in Use to the hotel building, there currently exist no requirements for upgrading of the existing building under Clause 93 and 94 provisions of the *Environmental Planning and Assessment Regulations 2000*. Furthermore, no upgrades are required of the site's accessibility provisions under the *Disability (Access to Premises – Buildings) Standards 2010* where no new works requiring statutory approval are being carried out. However, should a scenario arise that may require upgrading of the Pub & Accommodation facilities, the relevant upgrade requirements can be found overleaf.

The hotel building can be described by the Building Code of Australia (BCA) as having:

**1.1 Rise in Storeys - RIS (Clause C1.2)**

The building has a RIS of Two (2).



## 1.2 Classification (Clause A6.0)

Class	Level	Description
9b & 6	Ground	Pub & Restaurants
3	First Floor	Short Stay Accommodation

## 1.3 Type of Construction

Type B, being the second most fire resistant construction, is required throughout.

The owner should consider that where the current DA submission is modified to include any new works and/or a Change of Use to the hotel building, or, where upgrade works are conditioned as part of the Development Consent by Wollongong Council, the following Deemed-to-Satisfy Provisions within the building were found as being inadequate to satisfy the relevant Performance Requirements of the BCA (Amdt 1) 2019:

- > Fire Resistance and Stability (Clauses C1.1 & Specification C1.1).
- > Separation of Classification in Different Storeys (Clause C2.9).
- > Bounding Construction: Class 2 and 3 Buildings and Class 4 Parts (Clause C3.11).
- > Exit Travel Distances (Clause D1.4).
- > Dimensions of Exits and Path of Travel to Exits (Clause D1.6).
- > Access for People with a Disability (Part D3).
- > Fire Hose Reels (Clause E1.4).
- > Smoke Hazard Management (Clauses E2.2 & Spec E2.2a).
- > Lift Installations (Part E3).
- > Emergency Lighting & Exit Signs (Clauses E4.2, E4.4, E4.5, E4.6, & E4.7).
- > Sanitary Facilities (Cause F2.3 & F2.4).

Where the building owner or Council require a full comprehensive review of the required BCA upgrades listed above, a separate BCA & Access Report may be provided upon request and acceptance of a separate fee agreement.

If you require any further information or explanation of the above, please do not hesitate to contact the undersigned.

Yours faithfully,

Reviewed by,



Hayden David  
**Building Regulations Consultant**  
**BCA Logic Pty Ltd.**  
**A3 Accredited Certifier BDC2890**



Matthew McNamara  
**Manager of Building Regulations**  
**BCA Logic Pty Ltd.**  
**A1 Accredited Certifier BDC0263**



## **ANNEXURE A – CONSERVATION MANAGEMENT STRATEGY – MAINTENANCE SCHEDULE**



## APPENDIX A - MAINTENANCE SCHEDULE

The following maintenance schedule should be utilised for the Dapto Hotel.

Element	Task	Method of assessment	Frequency (Months)
Footings	Structural movements	Visual Inspection	6 - 12
	Condition of footings		
Wall Framing	Structural weakness	Visual Inspection	6 – 12
	Check fixings		
External wall linings & finishes	Check paint finishes	Visual Inspection	6 – 12
	Check condition of walling	Non damaging mechanical	
	Clean of surface		
Internal wall linings	Check paint finishes	Visual Inspection	6 – 12
	Check condition of walling	Non damaging mechanical	
	Clean of surface		
Ceilings / Cornices	Check paint finishes	Visual Inspection	6 – 12
	Check condition of walling	Non damaging mechanical	
	Clean of surface		
Floor Framings	Check bearers and joists	Visual Inspection	6 – 12
	Check ant caps / termite protection	Non damaging mechanical	
Flooring	Check overall condition	Visual Inspection	6 – 12
	Check fixing	Non damaging mechanical	
Window frames / Sashes / Architraves	Check overall condition	Visual Inspection	6 – 12
	Check paint finishes & glazing	Non damaging mechanical	
Roof framing	Check structural members and connections	Visual Inspection	12 – 18
		Non damaging mechanical	
Roofing	Check fixings & condition of roof sheeting	Visual Inspection	6 – 12
		Non damaging mechanical	



Element	Task	Method of assessment	Frequency (Months)
Roof gutters and downpipes	Clean out guttering and downpipes	Visual Inspection	3 - 6
	Check overall condition including paint finishes	Clear blockages	
Drainage	Check condition of drainage line	Clear blockages	6 - 12
	Clear blockages		
Fascia's / Barges / Columns / Exposed	Check overall condition	Visual Inspection	6 - 12
Beams / Balustrades and Handrails	Check paint finishes & fixings		



## **Attachment 4 - ASSESSMENT - AMENDED PROPOSAL**

### **1. APARTMENT DESIGN GUIDE**

<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<b><i>Part 3 Siting the development</i></b>		
<p><b><u>3A Site analysis</u></b></p> <p>Site analysis uses the following key elements to demonstrate that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context:</p> <ul style="list-style-type: none"> <li>- Site location plan</li> <li>- Aerial photograph</li> <li>- Local context plan</li> <li>- Site context and survey plan</li> <li>- Streetscape elevations and sections</li> <li>- Analysis</li> </ul> <p>A written statement explaining how the design of the proposed development has responded to the site analysis must accompany the development application.</p>	<p>A site analysis plan and aerial photograph has been provided as required.</p> <p>A written statement explaining how the design of the proposed development has responded to the site analysis has been provided to Council's satisfaction.</p>	Yes
<p><b><u>3B Orientation</u></b></p> <p><b>3B-1 Design Guidance</b></p> <ul style="list-style-type: none"> <li>- Buildings should define the street by facing it and providing direct access.</li> <li>- Where the street frontage is east or west, rear buildings should be oriented to the north.</li> <li>- Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west</li> </ul> <p><b>3B-2 Design Guidance</b></p> <ul style="list-style-type: none"> <li>- Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access</li> <li>- Solar access to living rooms, balconies and private open spaces of neighbours should be considered</li> </ul>	<p>The building is designed to address both frontages (Princes Highway and to Osborne Street).</p> <p>The site is oriented east and west. The proposal is considered to have been designed to be oriented north. COS is oriented north.</p> <p>The proposal appears to provide sufficient solar access to living areas, POS and COS.</p> <p>The submitted shadow diagrams demonstrates overshadowing to the surrounding properties to the south particularly the heritage listed Dapto Hotel to the south. A substantial portion of the hotel site is in shadow at all times</p>	<p>Yes</p> <p>No</p>



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> <li>- Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%</li> <li>- If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy</li> <li>- Overshadowing should be minimised to the south or down hill by increased upper level setbacks</li> <li>- It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development</li> <li>- A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings</li> </ul>	<p>of the day, particularly the rear of the hotel site.</p>	
<p><b><u>3C Public domain interface 3C-</u></b></p> <p><b>1 Design Guidance</b></p> <ul style="list-style-type: none"> <li>- Terraces, balconies and courtyards should have direct street entry, where appropriate</li> <li>- Upper level balconies should overlook the public domain.</li> <li>- Length of solid walls should be limited along street frontages.</li> <li>- Opportunities should be provided casual interaction between residents and the public domain eg seating at building entries, near letterboxes etc</li> <li>- Development with multiple entries should be differentiated to improve legibility.</li> </ul> <p><b>3C-2 Design Guidance</b></p> <ul style="list-style-type: none"> <li>- Planting softens the edges of any raised terraces to the street (eg basement podium)</li> <li>- Mailboxes should be located in lobbies perpendicular to street</li> </ul>	<p>No ground floor residential units proposed.</p> <p>Upper level balconies overlook the public domain.</p> <p>The proposal minimises solid walls on the street frontage.</p> <p>No concerns regarding legibility of entries to commercial versus residential units.</p> <p>Landscaping proposed will soften the built form.</p>	<p>Satisfactory</p> <p>Yes</p>



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>alignment or integrated into front fences.</p> <ul style="list-style-type: none"> <li>- Garbage storage areas, substations, pump rooms and other service requirements should be located in basement car parks.</li> <li>- Durable, graffiti resistant materials should be used</li> </ul>	<p>Waste storage in basement.</p>	
<b><u>3D Communal and public open space</u></b>		
<p><u>Design Criteria</u></p> <ul style="list-style-type: none"> <li>- Communal open space has a minimum area of 25% of the site area</li> <li>- 50% direct sunlight provided to principal usable part of communal open space for a minimum of 2 hours between 9am and 3pm on 21 June</li> <li>- Communal open space should be consolidated into a well designed, usable area.</li> <li>- Minimum dimension of 3m</li> <li>- Should be co-located with deep soil areas</li> <li>- Direct &amp; equitable access required</li> <li>- Where not possible at ground floor it should be located at podium or roof level.</li> <li>- Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: <ul style="list-style-type: none"> <li>• provide communal spaces elsewhere such as a landscaped roof top terrace or a common room</li> <li>• provide larger balconies or increased private open space for apartments</li> </ul> </li> </ul>	<p>COS is proposed with a total area of 618sqm which is &lt;25% of site area. However if the portion of the site occupied by the hotel is removed from the calculation the proposal complies i.e 25% of 2,029sqm is 507.25sqm. On merit the amount of COS provided is satisfactory. It is also noted that additional outdoor area is proposed to be provided at the rear of the hotel for hotel patrons.</p> <p>The COS is north facing and would receive adequate solar access.</p> <p>Minimum 3m dimension is achieved throughout the COS.</p> <p>Adequate landscaping is provided in the COS. Council's Landscape Officer is satisfied with the proposal.</p> <p>Direct and equitable access provided.</p>	<p>Yes</p>



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>												
<ul style="list-style-type: none"> <li>demonstrate good proximity to public open space and facilities and/or provide contributions to public open space</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>Facilities to be provided in communal open spaces for a range of age groups, and may incorporate seating, barbeque areas, play equipment, swimming pools</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>Communal open space should be visible from habitable rooms and POS areas and should be well lit.</li> </ul>	<p>Facilities provided within the COS as shown on the plan.</p> <p>The COS area will be visible from some units.</p>	<p>Yes</p> <p>Yes</p>												
<p><b><u>3E Deep soil zones</u></b></p> <p><u>Design Criteria:</u></p> <p>1. Deep soil zones are to meet the following minimum requirements:</p> <table border="1"> <thead> <tr> <th>Site area</th><th>Minimum dimensions</th><th>Deep soil zone (% of site area)</th></tr> </thead> <tbody> <tr> <td>less than 650m<sup>2</sup></td><td>-</td><td rowspan="4">7%</td></tr> <tr> <td>650m<sup>2</sup> - 1,500m<sup>2</sup></td><td>3m</td></tr> <tr> <td>greater than 1,500m<sup>2</sup></td><td>6m</td></tr> <tr> <td>greater than 1,500m<sup>2</sup> with significant existing tree cover</td><td>6m</td></tr> </tbody> </table> <p><u>Design guidance:</u></p> <ul style="list-style-type: none"> <li>Deep soil zones should be located to retain existing significant trees.</li> </ul>	Site area	Minimum dimensions	Deep soil zone (% of site area)	less than 650m <sup>2</sup>	-	7%	650m <sup>2</sup> - 1,500m <sup>2</sup>	3m	greater than 1,500m <sup>2</sup>	6m	greater than 1,500m <sup>2</sup> with significant existing tree cover	6m	<p>Council's Landscape Officer is satisfied with the proposal.</p> <p>No significant trees retained as all existing trees are to be removed as part of the demolition of the car park to prepare the site for development.</p>	<p>Yes</p> <p>Satisfactory</p>
Site area	Minimum dimensions	Deep soil zone (% of site area)												
less than 650m <sup>2</sup>	-	7%												
650m <sup>2</sup> - 1,500m <sup>2</sup>	3m													
greater than 1,500m <sup>2</sup>	6m													
greater than 1,500m <sup>2</sup> with significant existing tree cover	6m													
<p><b><u>3F Visual privacy</u></b></p> <p><u>Design Criteria:</u></p> <p>1. Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p>	<p>The building is 9 storeys.</p> <p>Setbacks to the proposed development are:</p> <p><u>Ground:</u></p> <p>Northern – Nil does not comply.</p>	<p>No</p>												



Standards/controls	Comment	Compliance									
<table border="1" data-bbox="215 273 692 436"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>9m</td><td>4.5m</td></tr> </tbody> </table> <p><b>Design Guidance</b></p> <ul style="list-style-type: none"> <li>- Direct lines of sight should be avoided</li> <li>- No separation is required between blank walls</li> </ul> <p><b>Design Guidance</b></p> <ul style="list-style-type: none"> <li>- Communal open space, common areas and access paths should be separated from private open space and windows to apartments. Design solutions include: <ul style="list-style-type: none"> <li>• Setbacks,</li> <li>• Solid or partly solid balustrades to balconies</li> <li>• Fencing or vegetation to separate spaces</li> <li>• Screening devices</li> <li>• Raising apartments/private open space above the public domain</li> <li>• Planter boxes incorporated into walls and balustrades to increase visual separation</li> <li>• Pergolas or shading devices to limit overlooking</li> <li>• Only on constrained sites where it's demonstrated that building layout opportunities are limited – fixed louvres or screen panels</li> </ul> </li> <li>- Windows should be offset from the windows of adjoining buildings</li> </ul>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	<p>Southern – Minimum 4.83m side setback to southern boundary creating a pedestrian lane between the Princes Highway and Osborne Street increasing as the site widens out in the vicinity of the Dapto hotel. Complies, however the proposal would result in adverse overshadowing the surrounding properties to the south particularly the heritage listed Dapto Hotel. It is noted the proposal has been amended whereby the podium level has been reduced from two storeys to single storey.</p> <p><u>Level 1:</u></p> <p>Northern – nil does not comply.</p> <p>Southern – 3m. Complies, however the proposal would result in adverse overshadowing the surrounding properties to the south particularly the heritage listed Dapto Hotel.</p> <p><u>Level 2:</u></p> <p>Northern - Approximately 4.5m to wall with no windows. Complies.</p> <p>Southern – Approximately 4.5m to wall with windows to bedrooms only. Complies.</p> <p><u>Level 3-8:</u></p> <p>Northern and Southern - 4.5m.</p> <p>Level 8 setback increases to approximately 6m.</p>	
Building height	Habitable rooms and balconies	Non-habitable rooms									
up to 12m (4 storeys)	6m	3m									
up to 25m (5-8 storeys)	9m	4.5m									
<p><b><u>3G Pedestrian access and entries</u></b></p> <p><b>Design Guidance</b></p> <ul style="list-style-type: none"> <li>- Multiple entries should be provided to activate the street edge.</li> <li>- Buildings entries should be clearly identifiable and communal entries</li> </ul>	<p>Multiple entries provided to each street frontage. No concerns regarding legibility of entries.</p>	<p>Yes</p>									



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>should be clearly distinguishable from private entries.</p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Building access areas should be clearly visible from the public domain and communal spaces</li> <li>- Steps and ramps should be integrated into the overall building and landscape design.</li> </ul>	<p>Building entries clearly visible from street.</p> <p>Ground level is close to natural ground – no steps or ramps required.</p>	Yes
<p><b><u>3H Vehicle access</u></b></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Car park entries should be located behind the building line</li> <li>- Access point locations should avoid headlight glare to habitable rooms</li> <li>- Garbage collection, loading and service areas should be screened</li> <li>- Vehicle and pedestrian access should be clearly separated to improve safety.</li> <li>- Where possible, vehicle access points should not dominate the streetscape and be limited to the minimum width possible.</li> </ul>	<p>Parking in basement for hotel patrons. Separate parking for commercial parking residential uses.</p> <p>Driveway acceptable.</p> <p>Enclosed garbage store for commercial and residential (separate) on groundfloor.</p> <p>Separate pedestrian access to vehicular access.</p> <p>Vehicle access point is not considered to dominate the streetscape.</p> <p>The amended proposal provides for waste collection on street instead of onsite. Council's Traffic Officer is satisfied.</p>	Yes
<p><b><u>3J Bicycle and car parking</u></b></p> <p><u>Design Criteria</u></p> <p>1. On land zoned B3 or B4 and located within 400m of land zoned B3 and B4, the minimum car parking requirement for residents and visitors is set out in the Guide for Traffic Generating Development, or Council's car parking requirement, <u>whichever is less</u>.</p> <p>The car parking needs for a development must be provided off street.</p>	<p>B3 zone within 400m of Dapto railway station.</p> <p>Parking complies with RMS guidelines. A Traffic Report has been submitted. Council's Traffic Officer has assessed the proposal is satisfied.</p>	Yes



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>Design Guidance</u> <ul style="list-style-type: none"> <li>- Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters</li> <li>- Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.</li> </ul>	<p>Bicycle parking and motorcycle parking is provided.</p> <p>Bicycle storage is secure.</p>	Yes
<u>Design Guidance</u> <ul style="list-style-type: none"> <li>- Supporting facilities within car parks (garbage rooms, storage areas, car wash bays) can be accessed without crossing parking spaces</li> <li>- A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.</li> <li>- On grade car parking should be avoided</li> <li>- Positive street address and active street frontages should be provided at ground level.</li> </ul>	<p>Access to service areas does not conflict with parking spaces.</p> <p>Lobby areas are well defined.</p> <p>No on grade parking is provided. All parking is provided in basement and on ground level and level 1.</p> <p>Active street frontage provided.</p>	Yes
<b>(1) Part 4 – Designing the building - Amenity</b>		
<b><u>4A Solar and daylight access</u></b> <p><u>Design Criteria</u></p> <ol style="list-style-type: none"> <li>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two (2) hours direct sunlight between 9am and 3pm in mid-winter in Wollongong LGA.</li> <li>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid winter</li> </ol> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- The design maximises north aspect and the number of single aspect south facing apartments is minimised</li> <li>- To optimise the direct sunlight to habitable rooms and balconies, the following design features are used:</li> </ul>	<p>Shadow diagrams have been provided which appear to demonstrate compliance for solar access into living areas and POS and COS.</p> <p>The design is considered to maximise the northern aspect.</p> <p>There are no single aspect units.</p>	<p>Yes</p> <p>Yes</p>



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>Dual aspect,</p> <p>Shallow apartment layouts</p> <p>Bay windows</p> <ul style="list-style-type: none"> <li>- To maximise the benefit to residents, a minimum of 1m<sup>2</sup> of direct sunlight measured at 1m above floor level, is achieved for at least 15 minutes.</li> </ul> <p><u>Objective 4A-2</u></p> <p><i>Daylight access is maximised where sunlight is limited</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Courtyards, skylights and high level windows (sill heights of 1500mm or greater) are used only as secondary light sources in habitable rooms</li> </ul> <p><u>Objective 4A-3</u></p> <p><i>Design incorporates shading and glare control, particularly for warmer months</i></p> <p><u>Design Guidance</u></p> <p>Design features can include:</p> <ul style="list-style-type: none"> <li>- Balconies</li> <li>- Shading devices or planting</li> <li>- Operable shading</li> <li>- High performance glass that minimises external glare</li> </ul>	<p>Majority of units are dual aspect units.</p>	
<p><b><u>4B natural ventilation</u></b></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- A building's orientation should maximise the prevailing winds for natural ventilation in habitable rooms</li> <li>- The area of unobstructed window openings should be equal to at least 5% of the floor area served.</li> <li>- Doors and openable windows should have large openable areas to maximise ventilation.</li> </ul> <p><u>Design Guidance</u></p>	<p>The building design maximises the predominate northern aspect.</p> <p>The percentage of the window opening appear to exceed 5% of the floor area it would serve.</p> <p>Large openings are provided to maximise ventilation.</p>	<p>No – however variation supported for building depth in original proposal and has not been amended</p>



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>- Single aspect apartments should use design solutions to maximise natural ventilation.</p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> <li>1. 60% of apartments are naturally cross ventilated in the first nine storeys</li> <li>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</li> </ol>	<p>Single aspect apartments generally have reduced unit depth.</p> <p>Minimal cross ventilation achieved for units on lower levels.</p> <p>Majority dual aspects and would be naturally ventilated.</p> <p>The two tower buildings A and B exceed the maximum 18m building depth. A variation has been requested as discussed in Chapter A1.</p>	
<p><b><u>4C Ceiling heights</u></b></p> <ol style="list-style-type: none"> <li>1. Minimum 2.7m for habitable rooms and 2.4m for non-habitable rooms</li> </ol> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses.</li> </ul>	<p>It appears that all habitable rooms within the proposed units would have a minimum ceiling height of 2.7m, with bathroom areas having a ceiling height of 2.4m.</p> <p>The ground floor retail ceiling levels is slightly higher than other levels at approx. 3.3m in height.</p>	Satisfactory
<p><b><u>4D Apartment size and layout</u></b></p> <p><u>Objective 4D-1</u></p> <p><i>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</i></p> <p><u>Design Criteria:</u></p> <ol style="list-style-type: none"> <li>1. Minimum internal areas:  Studio – 35m<sup>2</sup>  1 bed – 50m<sup>2</sup>  2 bed – 70m<sup>2</sup></li> </ol>	<p>All units internal areas appear to comply with the Apartment Design Guide minimum area requirements.</p> <p>All units have external windows/doors.</p>	Satisfactory.



Standards/controls	Comment	Compliance
<p>3 bed – 90m<sup>2</sup></p> <p>The minimum internal areas include only 1 bathroom. Additional bathrooms increase the minimum internal areas by 5m<sup>2</sup> each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of at least 10% of the floor area of the room</p> <p><u>Design Criteria:</u></p> <p>1. Habitable room depths are limited to a maximum of 2.5 x ceiling height</p> <p>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.</p> <p><u>Design Criteria:</u></p> <p>1. Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excl wardrobe space)</p> <p>2. Bedrooms have minimum dimension of 3m (excl wardrobe)</p> <p>3. Living rooms have minimum width of:</p> <p>- 3.6m for studio and 1 bed apartments and</p> <p>- 4m for 2+ beds.</p> <p>4. The width of the crossover or cross through apartments are at least 4m internally to avoid deep narrow apartment layouts.</p> <p><u>Design Guidance:</u></p> <ul style="list-style-type: none"> <li>- Access to bedrooms, bathrooms and laundries is separated from living areas</li> <li>- Minimum 1.5m length for bedroom wardrobes</li> <li>- Main bedroom apartment: minimum 1.8m long x 0.6m deep x 2.1m high wardrobe</li> <li>- Apartment layouts allow for flexibility over time, including furniture removal, spaces for a range of</li> </ul>	<p>The depth of the habitable rooms are considered appropriate.</p> <p>The proposed bedrooms have a minimum area of 10sqm and dimension of 3m.</p> <p>The size of the main living areas are considered satisfactory.</p> <p>It appears that all proposed dwellings would be provided with adequate wardrobe space.</p> <p>It is considered that the minimum bedroom wardrobe length depth and height have been achieved for all proposed bedrooms.</p>	



Standards/controls	Comment	Compliance									
activities and privacy levels within the apartments.											
<p><b><u>4E Private open space and balconies</u></b></p> <p><u>Objective 4E-1</u></p> <p><i>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</i></p> <p>1. Minimum balcony depths are:</p> <table border="1"> <thead> <tr> <th>Dwelling type</th><th>Minimum area</th><th>Minimum depth</th></tr> </thead> <tbody> <tr> <td>Studio apartments</td><td>4m<sup>2</sup></td><td>-</td></tr> <tr> <td>1 bedroom apartments</td><td>8m<sup>2</sup></td><td>2m</td></tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>2. Ground level apartment POS must have minimum area of 15m<sup>2</sup> and min. depth of 3m</p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Primary private open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.</li> <li>- POS &amp; Balconies should be oriented with the longer side facing outwards to optimise daylight access into adjacent rooms.</li> </ul> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- A combination of solid and transparent materials balances the need for privacy with surveillance of the public domain</li> <li>- Full width glass balustrades alone are not desirable</li> <li>- Operable screens etc are used to control sunlight and wind, and provide increased privacy for occupancy while allowing for storage and external clothes drying.</li> </ul> <p><u>Objective 4E-4</u></p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	<p>Some units have two balconies that comply if combined.</p> <p>All proposed POS areas are located directly off the living areas.</p> <p>The location and orientation of the private open space balconies comply with location and orientation requirements.</p> <p>A combination of materials is proposed. Clear glazing provided to activate the street frontage.</p>	<p>Yes</p> <p>Yes</p>
Dwelling type	Minimum area	Minimum depth									
Studio apartments	4m <sup>2</sup>	-									
1 bedroom apartments	8m <sup>2</sup>	2m									



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><i>Private open space and balcony design maximises safety</i></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Changes in ground levels or landscaping are minimised.</li> </ul>	<p>There would not be expected to be any significant change in levels within each proposed POS area.</p>	<p>Yes</p>
<p><b><u>4F Common circulation and spaces</u></b></p> <p><u>Objective 4F-1</u></p> <p><i>Common circulation spaces achieve good amenity and properly service the number of apartments.</i></p> <p><u>Design Criteria</u></p> <p>1. The maximum number of apartments off a circulation core on a single level is eight</p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Long corridors greater than 12m in length should be articulated through the use of windows or seating.</li> <li>- Primary living rooms or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces should be controlled.</li> </ul> <p><u>Design Guidance:</u></p> <ul style="list-style-type: none"> <li>- Incidental spaces can be used to provide seating opportunities for residents, and promotes opportunities for social interaction.</li> </ul>	<p>Good amenity is achieved as the maximum number of dwellings proposed on each floor is eight.</p> <p>Adequate corridors and circulation areas appear to be provided.</p> <p>The lobby/hallway areas and the communal open space areas are considered to provide for reasonable opportunities for social interaction.</p>	<p>Satisfactory</p> <p>Yes</p> <p>Yes</p>



Standards/controls	Comment	Compliance										
<p><b><u>4G Storage</u></b></p> <p><u>Objective 4G-1</u></p> <p><i>Adequate, well designed storage is provided in each apartment</i></p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio apartments</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom apartments</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom apartments</td><td>8m<sup>3</sup></td></tr><tr><td>3+ bedroom apartments</td><td>10m<sup>3</sup></td></tr></table>	Dwelling type	Storage size volume	Studio apartments	4m <sup>3</sup>	1 bedroom apartments	6m <sup>3</sup>	2 bedroom apartments	8m <sup>3</sup>	3+ bedroom apartments	10m <sup>3</sup>	<p>Storage proposed would be expected to exceed the minimum requirements.</p>	<p>Satisfactory</p>
Dwelling type	Storage size volume											
Studio apartments	4m <sup>3</sup>											
1 bedroom apartments	6m <sup>3</sup>											
2 bedroom apartments	8m <sup>3</sup>											
3+ bedroom apartments	10m <sup>3</sup>											
<p><b><u>4H Acoustic privacy</u></b></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"><li>- Adequate building separation is required (see section 2F above).</li><li>- Noisy areas within buildings should be located next to or above each other and quieter areas next to or above quieter areas.</li><li>- Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.</li><li>- Noise sources such as garage doors, plant rooms, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.</li></ul> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"><li>- In addition to mindful siting and orientation of the building, acoustic seals and double or triple glazing are effective methods to further reduce noise transmission.</li></ul>	<p>Noise sources are not located adjacent to bedrooms.</p>	<p>Satisfactory</p>										
<p><b><u>4J Noise and pollution</u></b></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"><li>- Minimise impacts through design solutions such as physical</li></ul>	<p>The subject property is located within frontage to the Princes Highway. POS and</p>	<p>Satisfactory</p>										



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p>separation from the noise or pollution source,</p> <p><u>Objective 4J-2</u></p> <p><i>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</i></p> <p><u>Design guidance:</u></p> <ul style="list-style-type: none"> <li>- Design solutions include limiting openings to noise sources &amp; providing seals to prevent noise transfer.</li> </ul>	<p>living room areas are orientated towards the Princes Highway and will be subject to road noise.</p> <p>An acoustic report submitted and Council's Environment Officer is satisfied.</p>	
<p><b>(2) Part 4 – Designing the building - Configuration</b></p>		
<p><b><u>4K Apartment mix</u></b></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- A variety of apartment types is provided</li> <li>- The apartment mix is appropriate, taking into consideration the location of public transport, market demands, demand for affordable housing, different cultural/social groups</li> <li>- Flexible apartment configurations are provided to support diverse household types and stages of life</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available</li> </ul>	<p>54 units in total: 11 x 1 bed 39 x 2 bed 4 x 3 bed</p> <p>The apartment mix is considered satisfactory.</p> <p>Larger apartments are located on the top floors of each building.</p>	Yes
<p><b><u>4L Ground floor apartments</u></b></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Direct street access should be provided to ground floor apartments</li> <li>- Activity is achieved through front gardens, terraces and the facade of the building.</li> </ul>	<p>No units are proposed on the ground floor with frontage to the street. The design of the ground floor apartments is not considered inappropriate for a business zone.</p>	Satisfactory.



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> <li>- Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion</li> </ul>		
<p><b><u>4M Facades</u></b></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- To ensure that building elements are integrated into the overall building form and façade design</li> <li>- The front building facades should include a composition of varied building elements, textures, materials, detail and colour and a defined base, middle and top of building.</li> <li>- Building services should be integrated within the overall facade</li> <li>- Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</li> <li>- To ensure that new developments have facades which define and enhance the public domain and desired street character.</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Building entries should be clearly defined</li> </ul>	<p>No details provided however the photomontage appears to provide a mix of materials appears to be proposed.</p> <p>The building entries are considered to be clearly defined.</p>	<p>Satisfactory</p> <p>No</p>
<p><b><u>4N Roof design</u></b></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Roof design should use materials and a pitched form complementary to the building and adjacent buildings.</li> </ul> <p><u>Design guidance</u></p>	<p>A flat roof is proposed. The area surrounding the development includes a mix of roof forms. The proposed flat roof could not be considered out of character with the surrounding area.</p> <p>N/A COS is provided on Level 2.</p>	<p>Yes</p> <p>Satisfactory</p>



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> <li>- Habitable roof space should be provided with good levels of amenity.</li> <li>- Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Roof design maximises solar access to apartments during winter and provides shade during summer</li> </ul>	Solar access to apartments is satisfactory.	Yes
<p><b><u>4O Landscape design</u></b></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Landscape design should be environmentally sustainable and can enhance environmental performance</li> <li>- Ongoing maintenance plans should be prepared</li> </ul>	A landscape plan has been submitted to the satisfaction of Council's Landscape Officer.	Yes
<p><b><u>4P Planting on Structures</u></b></p> <p><u>Objective 4P-1</u></p> <p><i>Appropriate soil profiles are provided</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Structures are reinforced for additional saturated soil weight</li> <li>- Minimum soil standards for plant sizes should be provided in accordance with Table 5</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Plants are suited to site conditions</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Building design incorporates opportunities for planting on structures. Design solutions may include: <ul style="list-style-type: none"> <li>• green walls with specialised lighting for indoor green walls</li> <li>• wall design that incorporates planting</li> </ul> </li> </ul>	A landscape plan has been submitted to the satisfaction of Council's Landscape Officer.	Yes



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> <li>• green roofs, particularly where roofs are visible from the public domain</li> <li>• planter boxes</li> </ul>		
<p><b><u>4Q Universal design</u></b></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Minimum 20%</li> <li>- A universally designed apartment provides design features such as wider circulation spaces, reinforced bathroom walls and easy to reach and operate fixtures</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Adaptable housing should be provided in accordance with the relevant council policy</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Apartment design incorporates flexible design solutions</li> </ul>	<p>In the amended proposal adaptable units have increased from 7 to 8 which is 15% which does not comply with minimum 20%.</p>	No
<p><b><u>4R Adaptive reuse</u></b></p> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Contemporary infill can create an interesting dialogue between old and new, adding to the character of a place</li> </ul>	N/A	N/A
<p><b><u>4S Mixed use</u></b></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Mixed use development should be concentrated around public transport and centres</li> <li>- Mixed use developments positively contribute to the public domain.</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Residential circulation areas should be clearly defined.</li> <li>- Landscaped communal open space should be provided at podium or roof levels</li> </ul>	<p>The mixed use development is located in Dapto Regional Centre and close to public transport.</p> <p>The proposal involves public domain improvements including street tree planting.</p> <p>The breakup of residential v commercial floor space is considered appropriate.</p> <p>Council's Landscape Officer is satisfied with the proposed landscaping.</p>	Yes



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<p><b><u>4T Awnings and signage</u></b></p> <p><u>Objective 4T-1</u></p> <p><i>Awnings are well located and complement and integrate with the building design</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Awnings should be located along streets with high pedestrian activity and active frontages</li> </ul> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development</li> </ul>	<p>Awnings are proposed on both frontages.</p>	<p>Satisfactory</p>
<p><b>(3) Part 4 – Designing the building - Configuration</b></p>		
<p><b><u>4U Energy efficiency</u></b></p> <p><u>Objective 4U-1</u></p> <p><i>Development incorporates passive environmental design</i></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access)</li> </ul> <p><u>Design Guidance</u></p> <ul style="list-style-type: none"> <li>- Provision of consolidated heating and cooling infrastructure should be located in a centralised location</li> </ul>	<p>The amended proposal has demonstrated that 72% or at least 70% of all apartments in a building would receive a minimum of 2 hours direct sunlight in mid winter.</p> <p>BASIX certificate has been provided.</p>	<p>Yes</p>
<p><b><u>4V Water management and conservation</u></b></p> <p><u>Objective 4V-1</u></p> <p><u>Design guidance</u></p> <ul style="list-style-type: none"> <li>- Water sensitive urban design systems are designed by a suitably qualified professional</li> </ul>	<p>Council's Environment Officer has assessed the proposed WSUD and is satisfied.</p>	<p>Yes</p>



<i>Standards/controls</i>	<i>Comment</i>	<i>Compliance</i>
<u>Design guidance</u> <ul style="list-style-type: none"> <li>- Detention tanks should be located under paved areas, driveways or in basement car parks</li> </ul>		
<b><u>4W Waste management</u></b>  <u>Design guidance</u> <ul style="list-style-type: none"> <li>- Common waste and recycling areas should be screened from view and well ventilated</li> </ul> <u>Design guidance</u> <ul style="list-style-type: none"> <li>- Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core</li> <li>- For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses</li> <li>- Alternative waste disposal, such as composting, can be incorporated into the design of communal open space areas</li> </ul>	<p>Garbage storage is proposed to be located within the ground floor. Separate facilities are provided for commercial and residential in enclosed spaces.</p> <p>Council's Traffic Officer is satisfied with the amended waste collection on street.</p>	Yes
<b><u>4X Building maintenance</u></b>  <u>Design guidance</u> <ul style="list-style-type: none"> <li>- Design solutions such as roof overhangs to protect walls and hoods over windows and doors to protect openings can be used.</li> </ul> <u>Design guidance</u> <ul style="list-style-type: none"> <li>- Window design enables cleaning from the inside of the Building</li> </ul>	<p>The applicant proposes to use durable and cleanable materials.</p> <p>It does not appear that any unreasonable roof overhangs, or hoods over windows are proposed.</p>	Satisfactory

## 2. STATE ENVIRONMENTAL PLANNING POLICY NO 65—DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

### Schedule 1 Design quality principles

#### Principle 1: Context and neighbourhood character

The proposal is located in the Dapto Town Centre in a B3 Commercial Core with a maximum height limit of 30m and maximum floor space ratio of 2.5:1. The existing character in the surrounding area



is characterised by one and two storey buildings. The site contains a single storey Heritage Item on the south east portion of the site occupied by the Dapto Hotel. The types of uses and height and FSR maximums are consistent with the desired future character of the Dapto Town Centre.

The WLPP Panel raised concerns regarding the relationship between the new development and the heritage item. The amended has resulted in removal of first floor car parking to an additional basement level which has reduced the podium height from two storeys to single storey. This is considered to improve relationship to the heritage item and the character of the area.

#### **Principle 2: Built form and scale**

The proposal is the first significant mixed use development in the Dapto Town Centre. It is likely the area will undergo transition into the future. The proposal complies with floor space ratio and building height controls in WLEP 2009.

Although the amended proposal has resulted in lowering the podium from two storeys to single storey the overall building height remained as per the original proposal and overshadowing to the heritage listed hotel to the south of the development is still a concern.

#### **Principle 3: Density**

The density of the development complies with the maximum floor space ratio (FSR) permitted for the land.

#### **Principle 4: Sustainability**

The proposal is considered acceptable regarding sustainable design as follows:

- BASIX Certificates provided indicating minimum requirements are met. Amended BASIX certificate have not been submitted for the amended proposal.
- A Site Waste Management and Minimisation Plan has been provided indicating recycling of materials from the demolished buildings.
- The proposal incorporates water capture and use
- The proposal complies with the minimum amenity requirements of the ADG and DCP with respect to outlook, solar access and natural ventilation.

#### **Principle 5: Landscape**

The proposal provides suitable landscaped areas and communal open space that will improve the amenity of the occupants and soften the appearance of the development from adjoining properties and the public domain. The footpath for the frontage of the development will be upgraded including provision of street trees. Landscaping has now been provided to the hotel site with deep soil planting proposed on front of the hotel.

#### **Principle 6: Amenity**

The proposal meets the minimum requirements for solar access, private and communal open space, storage, visual and acoustic privacy as required by ADG.

#### **Principle 7: Safety**

The proposal is satisfactory regarding the principles of Crime Prevention Through Environmental Design. The proposal was amended to address concerns raised by the DRP regarding safety of the pedestrian lane at night including improving sightlines.



### **Principle 8: Housing diversity and social interaction**

The proposal provides a suitable mix of unit sizes and layouts appropriate to the locality including adaptable units and liveable units.

### **Principle 9: Aesthetics**

The proposal is considered to be of high quality materials and finishes however there are significant concerns regarding the impacts associated with the proposed bulk and scale as detailed in this report. The proposal has addressed the DRP recommendations to change the pattern of the podium from chequerboard to brick.

### **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

See original Council Assessing Officer Report at Attachment 6.

### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

See original Council Assessing Officer Report at Attachment 6.

### **STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004**

Amended BASIX certificate have not been submitted for the amended proposal as required.

## **3. WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

### Clause 4.3 Height of buildings

The proposed building height remains as per the original proposal at 29.98m and does not exceed the maximum of 30m permitted for the site.

### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 2.5:1

Site area: 3,198m<sup>2</sup> (excludes road widening)

GFA: 7,342m<sup>2</sup> (includes existing hotel GFA of 1,618sqm)

FSR:  $7,342/3198\text{m}^2 = 2.29:1$  complies

### Clause 4.5 Calculation of floor space ratio and site area

The portion of the land identified for future road widening has been excluded from FSR calculation as required as the proposal is prohibited in the SP2 Zone.

## **Part 5 Miscellaneous provisions**

### Clause 5.10 Heritage conservation

Council's Heritage Officer has assessed the updated Conservation Management Strategy dated November 2020 (including brief Archaeological Design and preliminary interpretation plan) and "Heritage elevations" - Existing Hotel concept with proposed changes. Council's Heritage Officer is generally supportive of the reduced streetwall height to one storey and removal of first floor car parking as relates to the streetscape. However considers the overshadowing of the Hotel site to be a key issue that was not specifically raised by the Panel.

Council's Heritage Officer also remains concerned regarding the level of detail provided on the outcomes for the Hotel site. A number of conditions have been imposed on any consent to be granted for details to be provided prior to the issue of the Construction Certificate.



## Part 7 Local provisions – general

### Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the works are not within 500m of adjacent Class 1, 2, 3 or 4 land and is unlikely to lower the water table. Council's Environment Officer has assessed the proposal and is satisfied.

### Clause 7.6 Earthworks

The amended proposal comprises excavation for an additional level of basement car parking. Subject to appropriate protection of adjoining property during construction, suitable removal and disposal of any hazardous fill material, the earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

### Clause 7.13 Certain land within business zones

This Clause applies to development in the B3 Commercial Core Zone and the objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people. The amended proposal provides for an additional commercial spaces (four in total) at ground level which is considered to provide an active use at ground floor level as required.

## 1.1 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None.

## 1.2 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

4.1 Yes

## 4. WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

### CHAPTER B3: MIXED USE DEVELOPMENT

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Minimum Site Width</u> The minimum site width required for mixed use development is 24m. The proposal complies.		Yes
<u>4.2 Maximum Floor Space Ratio / Density</u> A maximum FSR of 2.5:1 applies to the site. The amended proposal has resulted in the first floor parking being moved to an additional basement level which has lowered the podium level from two storey to one storey. This has reduced the bulk and scale of the development as recommended by the Panel. Council's Strategic Planning and Heritage Officers have assessed the proposal and although they are generally supportive of the changes, concerns are still raised in regards to overshadowing to the hotel site as discussed in the report.		Unsatisfactory



<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.3 Building Height</u>		
The proposal complies with the maximum 30m building height permitted on the site.		Unsatisfactory
Council's Strategic Planning and Heritage Officers have assessed the proposal and although they are generally supportive of the changes, concerns are still raised in regards to overshadowing to the hotel site as discussed in the report.		
<u>4.4 Front Setbacks</u>		
The front setback to the Princes Highway is setback in line with the proposed road widening 9m wide.		Satisfactory
<u>4.5 Side and Rear Setbacks / Building Separation</u>		
The setbacks are in line with ADG requirements.		Yes
<u>4.6 Built Form</u>		
The proposal has been designed by a qualified designer as required by SEPP 65 – Design Quality of Residential Development. An Architects Statement has been submitted with the application.		Yes
The amended proposal has lowered the podium height from two storey to one storey which has addressed the Panel recommendations.		
<u>4.7 Active Street Frontages</u>	The proposal is considered to achieve active street frontages to both the Princes Highway and Osborne Street.	Yes
<u>4.8 Awnings</u>	Awnings are proposed to each frontage as required.	Yes
<u>4.9 Car Parking</u>	Council's Traffic Officer is satisfied with the parking provision.	Yes
<u>4.10 Basement Car Parking</u>	Two levels of basement parking is proposed. The basement podium does not extend above ground level.	Yes
<u>4.11 Driveways</u>	A driveway is proposed from the secondary street rather than the primary frontage. Council's Traffic Officer and RMS are satisfied with the proposed access.	Yes



<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.12 Landscaping</u>	Council's Landscape Officer is satisfied with the proposed landscaping.	Yes
<u>4.13 Communal Open Space</u>	Minimum 5sqm per dwelling. A communal open space 618sqm is proposed which complies (minimum 54 x 5 = 270sqm). Minimum width of 5m is achieved.	Yes
<u>4.14 Private Open Space</u>	A POS is provided per unit in the form of a courtyard on Level 2 or balcony on all other levels that meet minimum size requirements. POS areas are screened where necessary and at least 70% of units would receive minimum solar access requirements.	Yes
<u>4.15 Solar Access</u>	<p>The submitted shadow diagrams demonstrates overshadowing to the surrounding properties to the south particularly the heritage listed Dapto Hotel to the south. A substantial portion of the hotel site is in shadow at all times of the day, particularly the rear of the hotel site.</p> <p>The proposal appears to maximise solar access to the units in the development.</p>	No
<u>4.16 Visual privacy</u>	The proposal is considered to maintain visual privacy to neighbouring properties.	Yes
<u>4.17 Acoustic privacy</u>	An Acoustic Report was submitted detailing proposed acoustic measures to comply with ISEPP guidelines. Council's Environment Officer is satisfied.	Yes



<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.18 Adaptable Housing</u>	Minimum 10% of all dwellings must adaptable. The amended proposal has added one adaptable unit to total 8 or 15% which complies.	Yes
<u>4.19 Residential Component - Apartment Mix and Layout</u>	Apartment mix is considered satisfactory.	Yes
<u>4.20 Natural Ventilation</u>	Minimum 60%. The amended proposal results in increase from 61% to 63% of units are cross-ventilated.	Yes
<u>4.21 Adaptive Re-use</u>	N/A	N/A
<u>4.22 Crime Prevention Through Environmental Design (Safety and Security)</u>	The proposed pedestrian lane is designed with clear sightlines. There are no concerns regards compliance with CPTED measures.	Yes
<u>5 GENERAL REQUIREMENTS FOR ALL MIXED USE DEVELOPMENT</u>		
<u>5.1 Floodplain Management</u>	N/A	N/A
<u>5.2 Land Re-Shaping Works (Cut and Fill Earthworks)</u>	Earthworks are proposed for basement carparking.	Satisfactory
<u>5.3 Retaining Walls</u>	N/A	N/A
<u>5.4 Soil Erosion and Sediment Control</u>	Soil erosion and sediment control conditions would be imposed on any consent to be granted.	Capable of compliance
<u>5.5 Fences</u>	N/A	N/A
<u>5.6 Access for People with a Disability</u>	An Accessibility Report has been submitted as required.	Capable of compliance



<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.7 Services</u>	The site is serviced and can be extended to service the development.	Yes
<u>5.8 Swimming Pools</u>	N/A	N/A
<u>5.9 Fire Brigade Servicing</u>	The proposal can be adequately serviced by fire fighting vehicles.	Yes
<u>5.10 Site Facilities</u>	No details provided.	N/A
<u>5.11 Storage Facilities</u>	Minimum storage areas provided.	Yes
<u>5.12 Waste Management</u>	Council's Traffic Officer is satisfied with the amended waste collection on street.	Yes

## **CHAPTER B4 – DEVELOPMENT IN BUSINESS ZONES**

The development is located in a business zone and as such this chapter is applicable to the development. An assessment against the relevant sections is outlined below.

### **2 Objectives**

The development is considered consistent with the objectives of development in business zones.

### **3. Retail and business centre hierarchy strategy**

Dapto is identified as a major regional centre.

### **4 Economic impact assessment – retail hierarchy**

Noted.

### **5 Planning requirements for development in the regional city and major regional centres**

See Chapter D16.

### **6 Planning requirements for development in the major town centres**

N/A

### **7 Planning requirements for development in the town centres**

N/A

### **8 Planning requirements for development in the village (local convenience) centres**

N/A



## **9 General design requirements for retail and business premises developments**

### **9.2 Development Controls**

#### ***9.2.1 Floor Configuration***

Maximum building depth does exceed 20m – see Variation in Chapter A1.

#### ***9.2.2 Building Appearance***

New retail or business development shall continue the predominant built form character of the locality, including parapets, floor to ceiling heights and roof pitches. The proposed built form adjacent to a heritage listed hotel is not considered to be appropriate given the context of the site.

#### ***9.2.3 Building Alignment***

The proposal is aligned to the proposed road widening along the Princes Highway and nil setback to Osborne Street which is considered acceptable in this instance.

#### ***9.2.4 Active Street Frontages***

Active uses are provided for both frontages at ground level with clear glazing addressing the street. The amended proposal has increased activation on the street as an additional commercial unit is provided with frontage to the laneway (total 4 commercial units).

#### ***9.2.5 Urban Design / Streetscape Appearance***

The proposal is not considered to be compatible with the single storey heritage listed Dapto Hotel to the south of the proposed mixed use development or the one and two storey buildings in the area.

#### ***9.2.6 Pedestrian Access***

The proposal involves a pedestrian thoroughfare to provide access from the Princes Highway to Osborne Street.

Parking for the hotel patrons is provided within one of the two basement levels with pedestrian access via lifts and stairs to provide access to the hotel at ground level.

#### ***9.2.7 Awnings***

Awnings over the public footpath is proposed on each frontage as well as the pedestrian thoroughfare.

#### ***9.2.8 Public Domain – Footpath Paving***

New paving and street tree planting is proposed to the site frontages as well as the pedestrian thoroughfare.

#### ***9.2.9 Solar access and overshadowing***

The submitted shadow diagrams demonstrate significant overshadowing to the Dapto Hotel to the south.

#### ***9.2.10 Shower and Change Facilities & Parenting Facilities in Large Business Premises / Commercial Office Buildings***

N/A

#### ***9.2.11 Advertising Signage***

SEE SEPP 64 and Chapter C1.

#### ***9.2.12 Wind Impact Assessment***

N/A



### *9.2.13 Access, Car parking and Servicing*

See Chapter E3

### *9.2.14 Access for People with a Disability*

See Chapter E1

### *9.2.15 Land Consolidation*

The proposal involves consolidation of the two lots into one prior to the construction of the development.

## **10 General design requirements for retail shopping centres**

N/A

## **11 General building design requirements for fast food restaurants**

N/A

## **12 Peripheral sales (bulky goods) precincts**

N/A

## **13 Works in the public domain**

Satisfactory - the proposal involves new paving, street trees, pedestrian thoroughfare as well as public art.

## **CHAPTER D1 – CHARACTER STATEMENTS**

### Dapto

The proposal is considered to be consistent with the existing and desired future character for the locality as follows:

- The Dapto Town Centre will expand into a sub-regional retail and business centre and will act as a key employment hub for existing residential suburbs surrounding Dapto as well as the West Dapto Release Area.
- Increased residential densities near the train station.
- Mixed use buildings containing upper level shop top housing will be encouraged, within close proximity to the Dapto railway station, the Princes Highway and Bong Bong Street.

## **CHAPTER D16: WEST DAPTO RELEASE AREA**

There are no specific controls in this Chapter in regards to the Dapto Town Centre.

## **CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY**

An Accessibility Report has been provided indicating the development can achieve the requirements for equitable and dignified access to the building, adaptable units, liveable units in relation to the relevant standards, national Construction Code and ADG requirements.

## **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The proposal is considered to be consistent with this Chapter. The pedestrian lane provides clear sightlines as recommended by the DRP.

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

The development proposes parking which meets the DCP requirements for mixed-use development, while also incorporating the existing hotel parking within the design.



The additional network traffic expected to be generated by the development would be approximately 29 AM peak hour trips and 24 PM peak hour trips (roughly one vehicle entering or leaving every 2 minutes) which is not thought to result in any significant traffic capacity or safety concerns.

## 6 Traffic impact assessment and public transport studies

### 6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was submitted with the proposal and reviewed by Council's Traffic Officer who has not raised any concerns subject to conditions of consent.

The application was referred to Transport NSW and a satisfactory response was received.

## 7 Parking demand and servicing requirements

Use	Required	Proposed	Compliance
<b>Car parking</b>			
Residential	As per RTA Guide to Traffic Generating Developments Required: 1 bed $0.6 \times 11 = 6.6$ 2 bed $0.9 \times 39 = 35.1$ 3 bed $1.4 \times 4 = 5.6$ Total: 47.3	Proposed: 59 Amended proposal increased from 54 to 59.	Yes
Visitors	0.2 per dwelling $0.2 \times 54 = 10.8$ visitors	11 Amended proposal increased from 10 to 11.	Yes
Commercial	409.4sqm commercial floor area proposed. 1 space per 40sqm = 10 required However under 7.4 Ch E3 WDCP commercial car parking can be reduced by 30% due to proximity to railway station and public transport. Therefore only 7 commercial spaces are required.	7 Amended proposal reduced from 10 to 7.	Yes
<b>Motorcycle</b>			
	1 motorcycle space per 15 dwellings $54/15 = 3.6$	4	Yes
<b>Bicycle</b>			



Residential	1 bicycle space per 3 dwellings $54/3 = 18$	17	No however a condition has been imposed for 18 spaces to be provided.
Commercial	1 per 200sqm = 3	10	Yes
Visitors	1 bicycle space per 12 dwellings (visitors) $54/12 = 4.5$ Total commercial and visitors = 8		
<b>Servicing</b>			
	Large Rigid Vehicle (Waste Contractor) >10 dwellings – side loading waste collection vehicle (refer to Chapter E7: Waste Management)	The amended proposal proposes waste to be collected on street instead of internally within the building as the building was not designed for access by a large rigid vehicle. Council's Traffic Officer is satisfied.	Yes

## 8 Vehicular access

Proposed driveway access off Osborne Street to carpark in basement, ground and level 1.

## 9 Loading / unloading facilities and service vehicle Manoeuvring

Loading zone provided on ground floor. Council's Traffic Officer has raised concerns with the proposed waste servicing as detailed in this report.

## 10 Pedestrian access

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

## 11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas

The proposal is satisfactory with regard to the principles of CPTED. Changes were made to the proposal to improve sightlines of the pedestrian lane to address DRP concerns.

## CHAPTER E6: LANDSCAPING

A Landscape Plan has been submitted as required by this Chapter which details the proposed landscaping of the communal open space areas as well as proposed street trees and landscaping to the proposed pedestrian thoroughfare. Council's Landscape Officer has assessed the proposal and is satisfied.



## **CHAPTER E7: WASTE MANAGEMENT**

A Site Waste Minimisation and Management Plan has been provided in accordance with this Chapter.

The proposal involves demolition of the existing single storey shops on the Princes Highway frontage and a demolition plan has accordingly been provided.

The amended proposal proposes waste to be collected on street instead of internally within the building as the building was not designed for access by a large rigid vehicle. Council's Traffic Officer is satisfied.

## **CHAPTER E11 HERITAGE CONSERVATION**

Council's Heritage Officer has assessed the updated Conservation Management Strategy dated November 2020 (including brief Archaeological Design and preliminary interpretation plan) and "Heritage elevations" - Existing Hotel concept with proposed changes. Council's Heritage Officer is generally supportive of the reduced streetwall height to one storey and removal of first floor car parking as relates to the streetscape. However considers the overshadowing of the Hotel site to be a key issue that was not specifically raised by the Panel.

Council's Heritage Officer also remains concerned regarding the level of detail provided on the outcomes for the Hotel site and has imposed a number of conditions for the detail to be provided prior to the issue of the Construction Certificate.

## **CHAPTER E12: GEOTECHNICAL ASSESSMENT OF SLOPE INSTABILITY**

A Geotechnical Report prepared by Douglas Partners dated 22 March 2019 was submitted as required by this Chapter. Council's Geotechnical Engineer has reviewed the report noting that basement excavations are proposed up to site boundaries and within the zone of influence of adjoining structures. Council's Geotechnical Engineer is satisfied and appropriate conditions will be imposed on any consent to be granted.

## **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater is proposed to be disposed of to the existing drainage system in Osborne Street. Council's Stormwater Engineer has reviewed the proposal and is satisfied and has recommended conditions to be imposed on any consent to be granted.

## **CHAPTER E15: WATER SENSITIVE URBAN DESIGN**

This Chapter applies as the proposal involves mixed use developments involving 20 or more residential apartments or a gross floor area of 3,000 square metres or more (whichever the lesser).

A Water Sensitive Urban Design Report prepared by JN Engineering dated 25 November 2019 was submitted as required by this Chapter. Council's Environment Officer has assessed the report and is satisfied and appropriate conditions will be included in any consent to be issued.

## **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

The proposal involves removal of a number of trees within the carpark area and replacement with street trees. The proposal is considered acceptable in this instance. Council's Landscape Officer is satisfied with the proposal.

## **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

The proposal involves significant earthworks for a basement car park. The proposal earthworks are considered to be consistent with this Chapter.



#### **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

A Detailed Site Assessment Investigation prepared by Douglass Partners dated April 2019 was submitted as required by this Chapter. Council's Environment Officer has assessed the report and is satisfied and appropriate conditions will be included in any consent to be issued.

#### **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

The proposal involves the demolition of the existing single storey shops fronting the Princes Highway. A Demolition Plan has been submitted as required by this Chapter. Appropriate conditions will be imposed on any consent to be granted in regards to demolition and asbestos management.

#### **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.



## ATTACHMENT 5 - CONDITIONS

Consent has been granted subject to the following conditions:

The development proposed in integrated development and approval is required from the approval bodies listed below:

### **WaterNSW**

Requirements issued by WaterNSW dated 8 December 2020 as attached shall form part of this Notice of Determination.

### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 2017-48 Drawing A100-C to A110-C, A111-A and A201-C to A205-C dated 22 October 2020 prepared by ADM Architects 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 Transport for NSW (TfNSW)**

Requirements issued by TfNSW dated 13 January 2020 as attached shall form a part of this Notice of Determination.

#### **3 Geotechnical**

- a An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- b All recommendations of the geotechnical consultant, Douglas Partners, in their geotechnical report dated 22 March 2019 are to be accommodated in the earthworks plan.
- c A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by the geotechnical consultant.
- d All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- e Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- f No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- g All earthworks including drainage, retaining wall and footing construction is to be subject to geotechnical supervision. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- h Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock or as recommended by the geotechnical consultant.
- i All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

#### **4 Stormwater Quality Management**

- a The stormwater treatment system must achieve pollutants and nutrients removal minimum: GP – 90%, TSS – 80%, TP – 55% and TN – 40%
- b It is strata management's responsibility to maintain the stormwater filtration system.

#### **5 Separate Approval for Use of Commercial Units**

Separate approval is required for first use of commercial units.

#### **6 Construction Certificate**

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.



A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

7 **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 AS 1428.1 (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.

8 **Separate Consent Required for Advertising Signage**

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not exempt development, under Schedule 2 of Wollongong Local Environmental Plan 2009.

Any new application for advertising signage must be submitted to Council in accordance with Chapter C1 – Advertising and Signage Structure of Wollongong Development Control Plan 2009.

9 **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 Certifier (PC) indicating agreement by the affected property owners.

10 **Occupation Certificate**

An Occupation Certificate must be issued by the PC prior to occupation or use of the development. In issuing an Occupation Certificate, the PC 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.

11 **Tree Removal**

This consent permits the removal of trees as indicated on the Landscape Plan, Ochre Landscape Architects, 10 December 2019. No other trees shall be removed without prior written approval of Council.

**Prior to the Issue of the Construction Certificate**

12 **Construction Management Plan**

Prior to the release of a Construction Certificate or the commencement of any works at the site, a detailed Construction Management Plan (CMP) prepared by a suitably qualified person shall be submitted to the Principal Certifying Authority. The CMP shall include (but not be limited to) the following details:

- a plan of proposed construction storage area;
- b parking for construction workers during the demolition, excavation and construction phases;
- c the type of materials/plant/equipment to be transported to and stored at the site and how it is to be transported and stored;
- d timing of delivery of materials;
- e the proposed access points to the site during construction;
- f treatment of barricading/hoarding for construction/and restricting access;
- g address all environmental aspects of the development's demolition, excavation and construction phases including erosion and sediment control plan, unexpected finds protocol



related to site contamination, accumulated excavation water dewatering plan, noise and vibration management plan, dust suppression/dust management plan, waste management plan and litter control;

- h construction noise mitigation measures; and
- i timing of waste collection during construction.

13 **Flows from Adjoining Properties**

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. The above requirements must be clearly shown on construction certificate plans prior to the release of the Construction Certificate.

14 **Pump System**

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

15 **Basement Waterproofing**

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

16 **Heritage - Architectural Elevations**

A full set of architectural plans showing required works to the Dapto Hotel site and facade to implement the works identified in the Conservation Management Plan prepared by Austral Archaeology dated 3 November 2020 are required to be submitted to Council's Heritage Staff for written approval prior to the release of Construction Certificate.

17 **Heritage - Demolition Plan**

A demolition plan showing required works to the Dapto Hotel site and facade to implement the approved elevations is required to be submitted to Council's Heritage Staff for written approval prior to the release of Construction Certificate.

18 **Heritage - Render Removal**

The methodology proposed in the Conservation Management Plan prepared by Austral Archaeology dated 3 November 2020, which includes the use of false brick facing requires additional investigation. The existing render is to be removed and the condition of the brickwork investigated. This should be clearly shown on the elevations. A final methodology for the treatment of the Hotel Façade is to be provided following these investigations to Council's Heritage Staff for separate approval prior to the release of Construction Certificate.

19 **Heritage - Schedule of External Colours and Materials**

A full schedule of external colours and materials for the Dapto Hotel site is to be provided to Council's Heritage Staff for separate written approval prior to the release of the Construction Certificate.

20 **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.

21 **Heritage – Interpretation Plan**

An interpretation plan is to be provided to Council for written approval to guide the development of an appropriate Interpretative Installation, with at least one external sign to acknowledge the history of the Dapto Hotel. The details of the proposed plan are to be provided to Council's Heritage Officers for written approval prior to its implementation.



- 22     **Heritage – Schedule of Conservation Works**  
The applicant is to provide a Schedule of Conservation Works detailing works to significant elements of the Hotel building, including internal works to both the ground floor and level 1, as well as any works intended to be undertaken on the exterior of the building to Council’s Heritage Staff for separate written approval prior to the release of the Construction Certificate.
- 23     **Heritage – BCA Requirements**  
Further information relating to the anticipated physical building impacts resulting from the implementation of the conditions proposed by Council’s Heritage Staff should be provided in the form of an updated BCA Report, including a clear understanding of the likely impacts arising from the works proposed in the updated Architectural Elevations and Schedule of Conservation Works on the significant historic building fabric. The Report should be provided to Council’s Heritage Staff prior to the release of Construction Certificate for separate written approval.
- 24     **Heritage – Artworks and Historical Boards**  
Details, including but not limited to a complete Southern Elevation Plan, are to be provided of proposed artworks and historical boards to the Osborne Street façade and laneway. Details should be provided to Council’s Heritage Staff prior to the release of Construction Certificate for separate written approval.
- 25     **Present Plans to Sydney Water**  
Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://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 PC must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.  
  
Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.
- 26     **Section 73 Compliance Certificate**  
A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Builders and Developers” section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then search to “Find a Water Servicing Coordinator”. Alternatively, telephone 13 20 92 for assistance.  
  
Following application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.  
  
The Notice of Requirements must be submitted to the PC prior to issue of the Construction Certificate.
- 27     **Endeavour Energy Requirements**  
The submission of documentary evidence from Endeavour Energy to the PC 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.
- 28     **Telecommunications**  
The submission of documentary evidence from an approved telecommunications carrier to the PC confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.
- 29     **Car parking and Access**  
The development shall make provision for the following:



### **Residential**

- 66 car parking spaces (including 11 visitor car parking spaces and 6 spaces capable of adaption for people with disabilities)
- 4 residential motorcycle parking spaces
- A minimum of 18 secure (Class B) residential bicycle spaces
- A minimum of 5 visitor bicycle spaces (Class C)

### **Commercial**

- 7 commercial car parking spaces
- 4 commercial motorcycle parking spaces
- A minimum of 5 secure (Class B) staff bicycle spaces

### **Hotel**

- 47 hotel car parking spaces (including 2 car parking spaces for people with disabilities)

This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

30 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 AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

31 Each disabled person's parking space must comply with the current relevant Australian Standard AS 2890.6 – Off-street parking for people with disabilities. This requirement shall be reflected on the Construction Certificate plans.

32 **Designated Loading/Unloading Facility**

The designated loading/unloading facility must be clearly delineated with appropriate signage and or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

33 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.

34 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.

35 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (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.

36 **Water/Wastewater Entering Road Reserve**

Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

37 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.



38 **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.

39 The submission of a final Landscape Plan to the PC, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a 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;
- b 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 proposed trees.

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

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

41 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 PC prior to release of the Construction Certificate.

42 **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:

- a 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 PC prior to release of the Construction Certificate.

43 **Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the PC 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:

- a A plan of the wall showing location and proximity to property boundaries;
- b 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;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage 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, subsoil drainage and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f The assumed loading used by the engineer for the wall design.



- g 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.
- 44 **Pier and Beam Footings Adjacent to any Drainage Easement**  
Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural Engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.
- 45 **Bicycle Parking Facilities**  
Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS 2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.
- 46 **Property Addressing Policy Compliance**  
Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** ([propertyaddressing@wollongong.nsw.gov.au](mailto:propertyaddressing@wollongong.nsw.gov.au)), for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.
- 47 **Footpath Paving Commercial Centre**  
The developer is responsible for the construction of footpath paving for the entire frontage of the development for the full width of the verge. The type of paving for this development shall be in accordance with the Business Centres Public Domain Technical Manual. The type of paving for this development is Main body Austral bricks range: bowral colour: chestnut or approved equiv 230x115x65. Pattern: 90° herringbone. Header paver 600x400x60mm at eight (8) metre intervals supplier: Urbanstone colour: spinifex finish: milled.  
  
A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.  
  
The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.  
  
The driveway threshold finish within property boundary line is to contrast with driveway entry.  
  
The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Manager of Works.  
  
A Landscape Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.
- 48 **Street Trees**  
The developer must address the street frontage by installing street tree planting. The number and species for this development is three (3) *Lophostemon confertus* 200 litre container size in accordance with AS 2303:2018 Tree stock for landscape use. Dial Before You Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.  
  
Tree pits must be adequately mulched, plants installed and tree guard/staking/tree grille/edging installed to the satisfaction of WCC Manager of Works.  
  
These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.



49

### **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

50

### **Stormwater Drainage Design**

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

- a 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, and generally in accordance with the concept plan/s lodged for development approval the Stormwater Concept Plans, prepared by JN Responsive Engineering, Reference No. 19020072-C001 to C007, revision P5, dated 27 May 2020.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c 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.
- d 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.

51

### **On-Site Stormwater Detention (OSD) Design**

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the PC prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.



- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:
- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - Identification number DA-2019/1462.
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

52 **Council Footpath Reserve Works – Driveways and Crossings**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

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

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off.

54 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$233,420.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

$$\text{Contribution at time of payment} = \$C \times (\text{CP2}/\text{CP1})$$

Where:

**\$C** is the original contribution as set out in the Consent

**CP1** is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

**CP2** is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia.

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1189207	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> </ul>



		• Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

55 **Fire Safety Schedule**

When issuing a Construction Certificate, a Principal Certifier 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.

**Prior to the Commencement of Works**

56 **Dilapidation Report**

The developer shall submit a Dilapidation Report recording the condition of the existing streetscape, street trees and adjoining properties prior to work commencing and include a detailed description of elements and photographic record.

57 **Appointment of PC**

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

- a Appoint a PC and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

The PC must determine when inspections and compliance certificates are required.

58 **Sign – Supervisor Contact Details**

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

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the PC for the work; and
- c 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.

59 **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:

- a a standard flushing toilet; and
- b 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.

60 **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the PC. No building work is to commence until the fence is erected.



61 **Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601 (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 PC. 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.

62 **Notification to SafeWork NSW**

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

63 **Notification to Surrounding Property Owners/Occupants Prior to Commencement of Demolition Works**

At least five (5) days notice must be given in writing to any residence or business within 100 metres of the premises to which this consent pertains of the impending demolition works. The written notice must include at least the following information:

- a a summary of the work plan and method for the demolition and a timetable for completion of works, including hours of operation, transport routes etc;
- b details of the primary contractor and/or company conducting the demolition works;
- c the name and telephone number for a person supervising the works to which residents can direct questions, comments and/or concerns about the works for the duration of the works.

64 **Hazardous Material Survey**

At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. Hazardous materials includes, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a The location of hazardous materials throughout the site;
- b a description of the hazardous material;
- c the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f identification of the disposal sites to which the hazardous materials will be taken.

65 **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 PC and Council (in the event that Council is not the PC 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 PC and Council (in the event that Council is not the PC), 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.

66 **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.

67 **Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

68 **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.

69 **All-weather Access**

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

70 **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.

71 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

72 **Tree Protection**

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970-2009).

Tree protection zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.



## **During Demolition, Excavation or Construction**

### **73 Installation of WSUD Treatment Train**

The proponent shall install the WSUD infrastructure (water quality improvement devices) as stated in the stormwater quality management plan prepared by JN Engineering dated 25 November 2019.

### **74 Implementation of all the Recommendation (Façades Glazing) of Acoustic Report**

Implement building acoustic treatment as recommended in Section 5.0 of acoustic report prepared by Harwood Acoustic dated 19 December 2019. comply with the with the NSW SEPP Infrastructure 2007 – Development Near Rail Corridors & Busy Roads –Interim Guidelines.

LAeq levels are not exceeded:

- in any bedroom in the building 35dB(A) at any time between 10pm and 7am.
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time between 10pm and 7am.

### **75 Mechanical Plants and Exhaust Ventilation System**

#### Mechanical Exhaust:

Centralised mechanical exhaust ventilation must be provided to the building and all commercial kitchens such as cafes and restaurants cooking appliances installation as per AS 4674-2004, AS 1668.2-1991 and the grease filters to comply with AS 1530.1.

#### Outdoor Air Conditioning or Refrigeration Units:

The outdoor units for refrigeration system including air conditioners shall have suitable acoustic enclosure to comply with the noise guidelines.

#### Duct System:

The ducting within the building must be mounted on vibration reducing pads to minimise vibration effect for residential and commercial spaces to comply with the vibration guidelines.

### **76 Survey Reports**

Survey Report must be submitted to the PC verifying the site setout and each floor level accords with the floor levels as per the approved plans under this consent. The surveys shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

### **77 Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council's existing stormwater drainage system.

### **78 No Adverse Run-off Impacts on Adjoining Properties**

The design and construction 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.

### **79 Copy of Consent to be in Possession of Person carrying out Tree Removal**

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

### **80 Waste Inventory Report**

A Waste Inventory report must be maintained on-site during demolition work. The waste inventory is a register of all materials and waste removed from the site during the demolition work. The register must record each load or movement of material and waste from the site and must include at a minimum the following information:

- a The description of material (including identified hazardous material);
- b an estimate of the quantity by volume and weight;
- c the transporter and registration details of the relevant vehicle;



- d the intended destination of the material;
- e a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.

## 81 **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 PC and Council. No work is permitted on public holidays or Sundays.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f 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.

## 82 **Site Management**

During excavation, stockpiles and waste classification of clean and contaminated soil must be separate and ensure that the material:

- a Does not spill onto the road pavement and
- b is not placed in drainage lines or watercourses and cannot be washed into these areas.

83 Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

84 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.

## 85 **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.

## 86 **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> >).

## 87 **Asbestos Clearance Certificate**

The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within fourteen (14) days of the completion of renovations (or prior to the Occupation Certificate being issued).



88 **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 PC, and a copy submitted to Council (in the event that Council is not the PC), prior to commencement of the construction works.

89 **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.

90 **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

91 **Excess Excavated Material – Disposal**

Excess excavated material shall be classified according to the NSW Environment Protection Authority’s Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

92 **Discharge of Accumulated Water**

Any water accumulating in excavations on-site or in the settlement ponds shall not be discharged to Council’s stormwater system, unless all the following criteria are met:

- a The concentration of suspended solids in the water to be discharged does not exceed 50 mg/L; and
- b The pH of the water to be discharged is between 6.5 and 8.5; and
- c The water to be discharged contains no visible oil or grease; and
- d If alum has been used to reduce suspended solids, the concentration of aluminium in the water to be discharged does not exceed 0.055 mg/L; and
- e The water to be discharged does not contain any substances known to be toxic to aquatic life; and
- f The flow rate of discharged water does not exceed 55 litres per second in dry weather conditions, or is less than the capacity of the receiving stormwater drain; and
- g A copy from a NATA accredited laboratory of sample test results for suspended solids and pH (and aluminium if applicable) confirming the water to be discharged meets criteria 1 and 2 (and criteria 4 if applicable) as stated above is submitted to Council’s Environment Planning Team (telephone 4227 7111; fax 4227 7277; email [records@wollongong.nsw.gov.au](mailto:records@wollongong.nsw.gov.au), attention Environment Planning Team Manager); and
- h Written permission is obtained from Council’s Environment Planning Team prior to any discharge.

Alternatively, such waters are to be removed by tanker for disposal at a NSW Environment Protection Authority licensed waste facility.



93     **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

94     **Fences**

Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

**Prior to the Issue of the Occupation Certificate**

95     **Acoustic Compliance Report**

The developer shall submit a 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 the building compliance with the NSW SEPP Infrastructure 2007 – Development Near Rail Corridors & Busy Roads –Interim Guidelines. A copy of the acoustic compliance report must be submitted to the PC and forward a copy to council.

96     **Heritage - Implementation of Conservation Works**

Prior to the release of the occupation certificate, the developer is to complete all recommended Conservation Works both internally and externally to the Hotel site as detailed in the endorsed Schedule of Conservation Works. Council's Heritage Staff are to provide written sign off on this condition following a site visit with the applicant's Heritage Consultant.

97     **Heritage – Strata Subdivision**

No application for subdivision that impacts the existing ownership of the Dapto Hotel, including the creation of a strata body will be considered prior to the completion of all Conservation Works detailed in the approved Schedule of Conservation Works and written approval by Council's Heritage Staff.

98     **Heritage Interpretation Works**

Prior to the release of the occupation certificate, the developer is to complete and install any interpretative material as detailed in the endorsed Heritage Interpretation Plan.

99     **Heritage - Ongoing Schedule of Maintenance Works**

Prior to the release of the occupation certificate, the developer is to prepare a Schedule of Ongoing Maintenance Works for the Dapto Hotel Site. The Schedule will be tied to a positive covenant as per condition X, requiring funding to be allocated to the ongoing maintenance of the Hotel.

100    **Heritage – 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:

- The approved Schedule of Ongoing Maintenance Works.

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 PC for endorsement prior to the issue of any Occupation Certificate and the use of the development.

101    **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 and on-site detention 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 DCP 2009. This information must be submitted to the PC prior to the issue of the final Occupation Certificate.



102 **Restriction on Use – On-site Detention System**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”

The instrument, showing the restriction, must be submitted to the PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

103 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the PC 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 PC.

104 **Waste Inventory**

A copy of the Waste Inventory which was maintained on-site during the demolition work and copies of relevant receipts of waste material being deposited at a waste disposal facility shall be forwarded to the PC and Council’s Regulation and Enforcement Division (in the event that Council is not the PC), prior to the issue of the Occupation Certificate or commencement of the use.

105 The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, eight (8) 200 litre container mature plant stock shall be placed within the subject property boundary of the site. The suggested species are *Lagerstroemia sp.*, *Acmena smithii* ‘minor’, *Tristanopsis laurina* ‘Luscious’.

106 **BASIX**

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The PC must not issue the final Occupation Certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

107 **Positive Covenant – On-Site Detention Maintenance Schedule**

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be referenced).

The instrument, showing the positive covenant must be submitted to the PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

108 **On-Site Detention – Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the PC is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

109 **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.



110 **Completion of Landscape Works on Council Owned or Controlled Land**

The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.

111 **Lot Consolidation**

Prior to the issue of an occupation certificate, the applicant shall submit evidence to the Principal Certifying Authority that Lot 1 DP 745653 and Lot 1 DP 564523 have been consolidated into one parcel and registered with the Land and Property Information Office.

112 **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:

- a) 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
- b) 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.

**Operational Phases of the Development/Use of the Site**

113 **Use of Courtyard**

The courtyard between the hotel and commercial spaces 2 and 3 is to be used for purposes associated with the hotel or commercial spaces. It is not to be used for communal open space related to the residential uses.

114 **Waste**

A waste compactor is to be provided in the residential waste facility as shown on the approved Ground Floor Plan. Bins are to be stored in the waste facility and wheeled to the street for collection.

115 All vehicles must enter and exit in a forward direction.

116 **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.





Contact Richard Meares  
Phone 02 9865 2324  
Email [richard.meares@waterNSW.com.au](mailto:richard.meares@waterNSW.com.au)

Our ref IDAS1128860  
Our file A-13499  
Your ref DA-2019/1462

General Manager  
Wollongong City Council  
Locked Bag 8821  
Wollongong NSW 2500

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Attn: Kirsty Robinson

08 December 2020

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: DA-2019/1462**  
**Description: 80mm submersible pump**  
**Location: 98-100 Princes Highway Dapto**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find the WaterNSW General Terms of Approval (GTA) for part of the proposed development requiring a Water Supply Work approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body. If the proposed development is approved by Council, WaterNSW requests these GTA be included (in their entirety) in Council's development consent. Please also note WaterNSW requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

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Level 14, 169 Macquarie Street, Parramatta, NSW 2150 | PO Box 398, Sydney, NSW 2124  
[customer.helpdesk@waterNSW.com.au](mailto:customer.helpdesk@waterNSW.com.au) | [www.waterNSW.com.au](http://www.waterNSW.com.au)

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WaterNSW will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in thiginal documentation.

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, WaterNSW recommends the following condition be included in the development consent:

**The attached GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to WaterNSW for a Water Supply Work approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to WaterNSW together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the WaterNSW website at:  
[www.waternsw.com.au](http://www.waternsw.com.au) > [Customer Services](#) > [Applications & Fees](#).

WaterNSW requests that Council provide a copy of this letter to the development consent holder.

WaterNSW also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Lastly, the following recommendations apply:

- An extraction limit will be determined by the Department of Planning, Industry and Environment following a further hydrogeological assessment and included on the conditions applied to the authorisation for the dewatering activity.
- Detailed information required to permit the hydrogeological assessment to be carried out is to be provided by the applicant otherwise the issue of the authorisation will be subject to delay.
- The authorisation will be issued for the purpose of temporary construction dewatering only and it does not constitute any form of approval for ongoing pumping of groundwater from basement levels after the building is issued an occupation certificate.

Yours sincerely

*Richard Meares*

for

**Wayne Conners**  
**Senior Water Regulation Officer**  
**Water Regulatory Operations**  
**WaterNSW**





## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1128860  
**Issue date of GTA:** 08 December 2020  
**Type of Approval:** Water Supply Work  
**Description:** 80mm submersible pump  
**Location of work/activity:** 98-100 Princes Highway Dapto  
**DA Number:** DA-2019/1462  
**LGA:** Wollongong City Council  
**Water Sharing Plan Area:** Greater Metropolitan Region Groundwater Sources

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
<b>Dewatering</b>	
GT0062-00001	Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
GT0063-00001	An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.
GT0064-00001	An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
GT0065-00001	The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence of the construction or use of the proposed water management work.
GT0066-00001	The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
GT0067-00001	Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

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## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1128860  
**Issue date of GTA:** 08 December 2020  
**Type of Approval:** Water Supply Work  
**Description:** 80mm submersible pump  
**Location of work/activity:** 98-100 Princes Highway Dapto  
**DA Number:** DA-2019/1462  
**LGA:** Wollongong City Council  
**Water Sharing Plan Area:** Greater Metropolitan Region Groundwater Sources

- GT0068-00001 Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
- GT0069-00001 The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
- GT0070-00001 Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
- GT0071-00001 Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
- GT0084-00001 All required monitoring and reporting arrangements are to be designed to demonstrate the activity meets due diligence with respect to the Water Management Act 2000, the relevant water sharing plan(s) and the NSW Aquifer Interference Policy during construction and occupation phases of the building.
- GT0085-00001 At the time of application for a Construction Certificate, the developer must be able to demonstrate to the consent authority that an authorisation for the pumping of groundwater for temporary construction dewatering has been obtained for the relevant groundwater source from which water is being taken.
- GT0086-00001 At the time of application for an Occupation Certificate, the developer must be able to demonstrate to the consent authority that any unexpected groundwater pumping (resulting from poor construction methods, materials or inadequate waterproofing) has been authorised by a water access licence purchased for the relevant groundwater source from which water is being taken and must be able to demonstrate no impact on neighbouring sites or the integrity of the aquifer.
- GT0107-00001 The Department of Planning, Industry and Environment-Water has determined that an authorisation to account for the temporary and transient impacts on groundwater systems associated with the proposed development for up to twelve months is required (to be issued by WaterNSW).
- GT0108-00001 All monitoring data collected for the development and all monitoring and

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management reports are to be provided in electronic format (including summarised, tabulated and raw corrected data) to the Department of Planning, Industry and Environment-Water.

### Reporting requirements

GT0109-00001 A specialist Site Hydrogeology Report prepared and certified by a qualified, experienced and practising hydrogeologist must be provided with the authorisation application that includes, but is not limited to, the following:

- a. pre-development (existing) conditions in the form of a baseline monitoring record and comprehensive groundwater system description:
  - i. site and neighbouring area stratigraphy, formation description, site groundwater levels, groundwater flow paths, site aquifer and aquitard (if relevant) hydraulic characterisation
  - ii. groundwater quality and specific consideration of groundwater potentially affected by contamination from surrounding land uses or acid sulfate soils where they are found to exist
  - iii. neighbouring users, groundwater dependent ecosystems, water bodies and other relevant features within a one kilometre radius of the subject site
  - iv. the above site information must not date more than six months prior to the date of lodgement of the development application to account for climate trends and maintain the currency of groundwater data
- b. excavation phase (during dewatering), in the form of a comprehensive impact prediction description as well as a monitoring and management strategy:
  - i. predicted impacts (extent, magnitude and duration) that are developed through numerical groundwater modelling
  - ii. corresponding trigger levels (levels, quality, flow, volume and ground surface settlement) to manage any potential impacts
  - iii. construction techniques and approaches that will be used to prevent any ongoing groundwater pumping at the same time as not causing any obstruction to natural groundwater behaviour
  - iv. details of monitoring (groundwater levels, quality as required, rate of inflows, metered pumping)
  - v. where a risk of ground settlement is identified due to the proposed dewatering, the proponent is to provide a program of monitoring, trigger and responses to Council (Note while it is the Proponent's responsibility to identify the risk, the Department recommends that Council enforce this requirement for all applications in all high risk areas which includes sand formations or other unconsolidated ground).
- c. post-excavation phase (during aboveground construction) in the form of a comprehensive post-dewatering impact review:
  - i. collation of monitoring records,
  - ii. analysis of actual impacts compared to predicted impacts, noting that some impacts may be delayed,
  - iii. magnitude and extent of potential long-term effects from the completed structure
  - iv. arrangements for reporting (measurements, technical analysis and future predictions) to the relevant authority
- d. occupational phase (after building completion) in the form of an annual groundwater monitoring plan:
  - i. monthly monitoring to demonstrate the magnitude of groundwater pumping after construction, either through satisfactory photographic and documented evidence of no visible seepage into the building or, if inflows cannot be prevented, measured flow rates into all pump-out sumps
  - ii. recording arrangements to document ongoing compliance, event-based notification of unexpected groundwater take to the relevant authority and annual reporting arrangements

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## **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA-2019/1462 as provided by Council:

- Report on Preliminary Geotechnical Investigation
- Proposed Mixed Use Development
- 98 - 110 Princes Highway, Dapto
- Prepared for P. Hadley Holdings Pty Ltd
- Project 89507.00
- March 2019





Our ref: STH10/00013/02  
Contact: Andrew Lissenden 4221 2769  
Your ref: DA-2019/1462 (CNR-3490)

13 January 2020

Kristy Robinson  
Wollongong City Council  
BY EMAIL: records@wollongong.nsw.gov.au

**DEVELOPMENT APPLICATION 2019/1462 – LOT 1 DP 745653 AND SP55607 (NO.98-110) PRINCES HIGHWAY, DAPTO – DEMOLITION OF EXISTING STRUCTURES, RETENTION OF HERITAGE HOTEL AND CONSTRUCTION OF A MIXED USE BUILDING**

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Dear Kristy

Transport for NSW (TfNSW, formerly Roads and Maritime Services) refers to the notification received via the Department of Planning, Industry and Environment Online Concurrence and Referral Portal on 2 January 2020 regarding the above development application (DA).

TfNSW has completed an assessment of the submitted DA and notes:

- Council is seeking advice from it to assist in its assessment under Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007*;
- The key classified road is the Princes Highway which adjoins the sites eastern boundary. At this location the Princes Highway it is a regional classified road managed by Wollongong City Council; and
- The DA is proposing no direct vehicular access to/from the Princes Highway. All vehicular access to be gained via Osborne Street which is a local road managed by Council.

Having regard for the above, TfNSW will not object to the currently submitted DA.

In addition to the above TfNSW provides the following comments for Council's consideration in the assessment and determination of the DA:

- TfNSW has determined, noting that the Princes Highway at this location it is a regional classified road, that it more appropriate for Council to consider and determine if the proposed access arrangements for the development are acceptable from a network perspective (i.e. acceptable in terms of safety and efficiency);
- TfNSW recognises that any proposed or conditioned works on the Princes Highway would require Section 138 consent from Council and concurrence from TfNSW under Section 138 of the *Roads Act 1993*. Provided Council is satisfied the design for the works is acceptable (taking relevant standards and guidelines into consideration), TfNSW would issue its concurrence under Section 138 of the *Road Act 1993*; and
- TfNSW records indicate that the site is subject to a Road Widening Order (published in Government Gazette No. 72 of 14 July 1972 Folio 2831) to the extent shown by the pink colour in **Attachment 1**. The road widening strip is zoned SP2 (Local Road) under the *Wollongong Local Environmental Plan (WLEP) 2009* and as such Council is the acquiring authority.



TfNSW highlights that in determining the application under Part 4 of the *Environmental Planning and Assessment Act 1979*, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

If you have any questions please contact Andrew Lissenden on (02) 4221 2769.

Yours faithfully



Chris Millet  
Manager, Land Use Southern  
Regional and Outer Metro

Cc: [krobinson@wollongong.nsw.gov.au](mailto:krobinson@wollongong.nsw.gov.au)



