

<b>JRPP No:</b>	2010STH023
<b>DA No:</b>	DA-2010/977
<b>PROPOSED DEVELOPMENT:</b>	New workshop stores and operations buildings and associated demolition, drainage, civil and landscaping works
<b>PROPERTY:</b>	Lot 1 DP 845805, No. 191-195 Five Islands Road, Unanderra
<b>APPLICANT:</b>	Integral Energy Australia
<b>REPORT BY:</b>	Theresa Whittaker, Senior Development Project Officer, Wollongong City Council

## EXECUTIVE SUMMARY

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The application was submitted on 30 July 2010.

### Reason for consideration by Joint Regional Planning Panel

The Joint Regional Planning Panel is the determining authority pursuant to Clause 13B(1)(c) of State Environmental Planning Policy (Major Development) 2005 as the proposed development is a Crown development with a capital investment value of more than \$5 million. The CIV is \$21,842,000.

The applicant is Integral Energy.

### Proposal

The proposal seeks consent for the following:

- Demolition of all existing buildings
- Construction of new workshop building with an area of approximately 2630sqm
- Construction of new operations building with an area of approximately 5790sqm
- Construction of a new 1850sqm stores building
- New hardstand and truck parking areas, new car parks and driveway access
- Installation of new gates and fences to part of the site perimeter
- Associated drainage, civil and landscaping works.

A major new substation has recently been constructed and commissioned on the site under SEPP (Infrastructure) 2007. The existing redundant switchyard is in the process of being decommissioned and remediated. The site will remain fully operational during the course of construction of this development and for this reason construction will be staged.

### Permissibility

The site is zoned IN3 Heavy Industrial pursuant to Wollongong Local Environmental Plan 2009. The proposed workshop and stores are permissible with consent in the zone however the operations building is not. This part of the proposal is however permitted under the provisions of SEPP (Infrastructure) 2007.

## Consultation

The proposal was notified in accordance with Council's Public Notification and Advertising Procedures – from 18 August to 1 September 2010. There were no submissions received at the conclusion of the notification period.

## Main Issues

The main issues are:

- Permissibility of the operations building;
- Traffic and access to/from a classified road – the RTA has been consulted in relation to this issue

## Conclusion

The application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C(1) of the Environmental Planning & Assessment Act 1979 and is considered to have merit.

## Recommendation

It is recommended that consent be granted to DA-2010/977 subject to the conditions contained in Attachment 5.

# 1. Application Overview

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## 1.1 Proposal

The applicant is Integral Energy and as such the proposed development is a Crown development for the purposes of the Environmental Planning & Assessment Act 1979 and Regulation 2000.

The proposal involves the redevelopment of a portion of the existing Integral Energy Field Services Centre at 191-195 Five Islands Road, Unanderra.

The proposed development consists of a number of elements:

1. Construction of temporary fences to separate the existing operational areas from the construction sites; relocation of equipment and spares from the existing poyard to the newly constructed poyard.
2. Site preparation and construction of 2 separate eastern car parks for approximately 160 cars, including associated access driveways.
3. Demolition of all existing buildings, excluding the basement under the main building footprint,
4. Construction of new 3 storey operations building with an area of approximately 5,790sqm;
5. Construction and fitout of new multi-purpose workshop building with an area of approximately 2,630sqm;
6. Construction and fitout of a new stores building with an area of approximately 1,850sqm;
7. Construction of new hardstand and truck parking areas between the workshops, store and administration buildings with a total area of approximately 6,240sqm;
8. Construction of new carparks and driveways on top of the basement structure,
9. Installation of new gates and fences to part of the perimeter, and
10. Landscaping and other associated exterior works and site works.

The works will be done in stages to enable the site to remain fully operational throughout the course of construction works.

It is noted that most of the functions to be undertaken within the new development are already occurring within the existing site. The applicant has indicated that a small number of additional staff will be relocated to the site from some leased office accommodation located at Bridge Street, Coniston. The site will accommodate approximately 310 on-site operational staff and 120 additional field staff who will use the site as a base.

Access to the site is principally from Glastonbury Avenue and egress is via Five Islands Road via the existing entry and exit roads.

## 1.2 Background

A new major substation has recently been constructed and commissioned south of the existing switchyard under the provisions of SEPP (Infrastructure) 2007. The existing redundant switchyard is presently being decommissioned and remediated. Council has recently approved DA-2010/910 for an oil storage building and associated hardstand and bunded areas located in the north-western corner of the allotment.

A separate application for alterations and upgrade of an existing pole storage area, DA-2009/1373, was approved in May 2010. Construction was expected to be completed by August 2010.

The property does not have any outstanding customer service actions (complaints) of relevance to this application.

## 1.3 Site description

The property is legally described as Lot 1 DP845805 and is located at 191-195 Five Islands Road, Unanderra, as illustrated in Attachment 1. The property is owned and operated by Integral Energy as a Field Support Centre (FSC) and is the principal FSC servicing the Southern Region of Integral Energy's franchise area. The site is occupied by a poleyard which is in the process of being dismantled, a large recently constructed substation, field support offices, large parking and storage areas and associated buildings.

The site is irregularly shaped and has a total area of 12.418 hectares.

The site is zoned IN3 Heavy Industrial and fronts Five Islands Road and Glastonbury Avenue.

### Site constraints

Council records list the site as being affected by the following constraints:

- Acid Sulfate Soils – the site is classified as acid sulphate soils.
- Flooding - Council's records indicate that part of the property is located in a medium to low flood risk precinct. The property is located within the Allan's Creek catchment area. In this regard, the proposed development is classified as a 'Critical Utility' and as such building floor levels for the control room are required to be equal to or greater than the Probable Maximum Flood (PMF) flood level plus 0.5m (freeboard). This issue has been considered by Council's Stormwater Engineer.
- Heritage - there is a listed heritage item within the site which is the site of the former Berkeley House. This is an archaeological site listed within Schedule 5 of Wollongong Local Environmental Plan 2009.

## 2. Consultation

### 2.1 Internal consultation

#### Geotechnical Engineer

Council's Geotechnical Engineer considers that the geotechnical report provides a good description of site conditions and the recommendations are appropriate for the proposed development. The proposal is satisfactory subject to conditions.

#### Stormwater

The proposal is satisfactory subject to conditions.

### Landscaping

The proposal is considered to be satisfactory subject to conditions.

### Traffic

The proposal is considered to be satisfactory subject to conditions.

### Building

The proposal is satisfactory subject to conditions.

### Heritage

Council's Heritage Officer considers that the site of the proposed development does not comprise any heritage items and is not considered to have any potential significance in its own right, however, it is in proximity of a site of potential archaeological significance, being the Site of former "Berkeley House" (heritage database No 6519). The proposal is considered to be satisfactory subject to the following specific condition:-

- Should any previously unidentified historic archaeological relics be identified during excavation and construction, all works must cease in the vicinity of the find and Wollongong City Council be contacted for advice.

### Environment

The proposal has been reviewed in relation to numerous environmental issues including acid sulfate soils, potential soil contamination, demolition and hazardous building materials, building works, stormwater quality and treatment, and threatened species and was found to be satisfactory subject to the imposition of numerous conditions.

## **2.2 External consultation**

### **2.2.1 RTA**

The proposed development was considered by the Southern Regional Development Committee who did not object to the development in principle subject to some matters being resolved:-

#### *Traffic Impacts*

- The submission of network modelling regarding the capacity of the roundabout at the intersection of Five Islands Road and Glastonbury Avenue was not considered necessary. Any queuing had no impact on the operation of the signalised intersections of Five Islands Road and the freeway offload ramps.

#### *Site Access*

- Landscaping, signage and fencing should not restrict vehicular sight lines at the site's access locations and Safe Intersection Sight Distance shall be available in both directions to the RTA's standards at the accesses.
- The median gap at the Five Islands Road access should be closed to the satisfaction of the RTA and access limited to left in, left out. The applicant must enter into a Works Authorisation Deed with the RTA.
- The site's access points should be designed to permit simultaneous entry and exit of vehicles and cater for the turning path of the largest vehicles expected to access the site. This will require widening of the access points as proposed. Subject to the above requirements the accesses shall be designed to Council's standards.
- Parking opposite the Glastonbury Avenue site access is restricted on both sides of the road within the vicinity of both site accesses. This was supported by the Committee.

*Parking*

- Parking provision for vehicles is appropriate although provision for alternative modes of transport to private cars should be provided in accordance with Council's DCP requirements to encourage the use of these modes of transport.
- The layout of the internal intersection adjacent to the Glastonbury Avenue access should be realigned so that the intersection meets at 90 degrees and the distance from the site access should be maximised.
- The design of parking aisles and spaces shall be in accordance with AS2890.1, AS2890.2 and AS2890.6.
- Consideration should be given to a one way circulation for heavy vehicles to minimise conflicts with light vehicles and pedestrians internally.
- Aisles extending over 100m shall have appropriate traffic calming measures to control the speed of vehicles within parking areas.

*Pedestrians and Cyclists*

- Consideration should be given to providing a pedestrian/cyclist connection from the existing shared use path on the northern side of Five Islands Road through the median island on the eastern side of Five Islands Road into the site. This should include the provision of a shared path at along the frontage of the site to an appropriate location within the site.
- Bicycle parking facilities shall be provided in accordance with AS2890.3.

Amended plans have been provided by the applicant responding to the above concerns. These have been reviewed by Council's Traffic Section who is satisfied that all of the concerns raised have been resolved.

**2.2.2 Integral Energy**

In accordance with Section 89(1)(b) of the Environmental Planning & Assessment Act 1979, Council's draft conditions were forwarded to the applicant, Integral Energy for approval. The applicant has agreed to the imposition of the draft conditions outlined in Attachment 5.

### **3. Section 79C(1) Environmental Planning and Assessment Act 1979 Assessment**

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In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *the provisions of:*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*

(e) *the public interest.*

These matters are addressed below.

### 3.1 Section 79C 1(a)(i) any environmental planning instrument

#### 3.1.1 State Environmental Planning Policy (Major Development) 2005

Part 3 of the Major Development SEPP applies to regional development and provides that certain types of development must be determined by a regional panel.

The proposed development is a Crown development with a capital investment value of more than \$5 million. In accordance with Clause 13B(1)(c) of the SEPP, the proposal must be determined by the Joint Regional Planning Panel.

#### 3.1.2 State Environmental Planning Policy (Infrastructure) 2007

The following provisions are relevant to the proposed development:-

Division 5 of the SEPP applies to electricity transmission or distribution. Development for the purposes of the electricity transmission or distribution network may be carried out by Integral Energy without consent pursuant to the SEPP.

Division 14 of the SEPP relates to public administration buildings and buildings of the Crown. This clause may apply to the proposed administration building if it is consistent with the definition provided within the SEPP and is ancillary to and located on the same land as the infrastructure facility (refer to Clause 76).

**public administration building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

Clause 76 of the SEPP permits development for the purpose of public administration buildings, with consent:-

- (1) Development for the purpose of public administration buildings may be carried out by or on behalf of a public authority with consent on land in a prescribed zone.
- (2) Development for the purpose of public administration buildings that are ancillary to and located on the same land as another infrastructure facility may be carried out by or on behalf of a public authority with consent if:
  - (a) the development application for the public administration building is determined at the same time as the development application for the infrastructure facility, and development for the public administration building is to be carried out at the same time as development for the infrastructure facility, or
  - (b) development for the purposes of the public administration building is to be carried out on land on which an existing infrastructure facility is located.

Clause 76(1) does not apply because the land is not within a prescribed zone. Clause 76(2) does however apply to the development as the operations building is to be located on the same land as an existing infrastructure facility. This applies as there is an existing substation located within the site and the proposed operations building is ancillary to the substation and other components of the electricity distribution network. The applicant is a public authority and the operations building is considered to be a public administration building for the purposes of the SEPP.

The field service centre includes a significant proportion of office space which is required to administer the storage, maintenance, use and despatch of vehicles, equipment and goods on the land and to administer the logistics, manner of timing of how vehicles, equipment and goods are despatched and returned to the land. The vehicles referred to are those involved in the ongoing maintenance and repair of the electricity network across the region.

The applicant states that the overarching purpose of the field support centre is to facilitate the operation and administration of the regional electricity distribution network. The applicant contends that much of the administration components of the building would be ancillary to the depot, truck depot or motor

vehicle aspects of the development as much of the building is required to service the staff using the depot as a base and to operate and plan for the use of the vehicles, equipment and materials stored on the land which service the electricity network. The network control room and network data centre within the operations building are considered to be ancillary to the electricity network and are as such permissible.

Those parts of the building occupied by the procurement, engineering and asset management staff are necessary for the operation of the regional network despite these staff not specifically working on the substation, depots or network control centre located on the site. The applicant contends that these activities are ancillary to the network components located within the site. The call centre to be located within the operations building will receive calls relating to network function as well as retail customer calls.

Clause 101 applies to development with frontage to a classified road. The site has frontage to Five Islands Road which is a classified road. Clause 101(2) states that the consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
  - (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

As outlined above, the proposed development was referred to the RTA for comment. The RTA has considered this issue and initially raised some concerns, however these have been resolved through plan amendments and conditions where considered necessary. In relation to (a), access to the land is available from Glastonbury Avenue and from Five Islands Road. The RTA has requested that the median on Five Islands Road be closed to ensure that vehicles exiting the site do not turn right onto Five Islands Road. This has been included on the plans. In relation to (b), the safety, efficiency and ongoing operation of the classified road will not be adversely affected. In relation to (c), the development is not of a type that will be sensitive to traffic noise or vehicle emissions.

#### Clause 104 – Traffic Generating Development

The proposed development is traffic generating development for the purposes of this SEPP. As mentioned elsewhere within this report, the application was referred to the RTA for comment in accordance with Clause 104 of the SEPP.

As per clause 104(3)(b), Council must take into consideration:-

- (i) any submission that the RTA provides, and
- (ii) the accessibility of the site concerned, including:
  - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
  - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- (iii) any potential traffic safety, road congestion or parking implications of the development.

The RTA's comments on the proposed development are provided in Section 2.3.2. Council's Traffic Section has considered the above matters in the assessment of the proposal and is satisfied that all of the RTA's comments have been appropriately addressed through amended plans. Appropriate conditions have been recommended for imposition if consent is granted; these are included in the conditions outlined in Attachment 5.

### 3.1.3 State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 requires that, when assessing a development application, the consent authority must give consideration to whether the land to which the development application relates is contaminated. If so, consideration must be given to whether the land is suitable (in either its contaminated state or after remediation), for the purpose for which the development is proposed to be carried out.

The SEPP requires the consent authority to consider a preliminary investigation of the land as there may have been previous land uses which may have resulted in contamination.

The applicant has provided a detailed environmental site assessment which identifies a number of potential sources of contamination within the site. It is likely that the site is contaminated by a range of contaminants. The applicant notes within the Statement of Environmental Effects submitted with the development application that the site of the old substation is in the process of being cleared, tested and remediated and that on completion of the remediation process, a validation report will be provided to Council. Council's Environment Division has reviewed the information provided and considers the site to be suitable for the proposed development.

### 3.1.4 State Environmental Planning Policy No. 64 – Advertising & Signage

Two identical signs are proposed, one adjacent to each of the site entrances (ie, one on the Five Islands Road frontage, the other on the Glastonbury Avenue frontage). The signs will comprise a single non-illuminated panel sign erected on two posts. The signs have an overall height of 3.505m and a width of 2.0m.

The proposed signage must be assessed having regard to the relevant provisions of SEPP 64. The signs have been assessed in relation to the aims and objectives of the SEPP as outlined in Clause 3, and in relation to the assessment criteria contained in Schedule 1. The signs are considered to be satisfactory.

### 3.1.5 Wollongong Local Environmental Plan 2009

#### Zoning

The site is zoned IN3 Heavy Industrial pursuant to this plan.

#### Clause 1.4 – Definitions

**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use.

**office premises** means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

**truck depot** means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

**vehicle repair station** means a building or place used for the purpose of carrying out repairs or the selling of, and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop.

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- To provide suitable areas for those industries that need to be separated from other land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of heavy industry on other land uses.
- To facilitate the ongoing sustainability of steel making and steel product manufacturing that will contribute to the economic and employment growth of Wollongong.



The proposed development is considered to be generally consistent with the zone objectives.

## **Part 2 Permitted or prohibited development**

### Clause 2.6AA Demolition requires consent

Pursuant to Clause 2.6AA, demolition works require development consent.

### Clause 2.3

The administration/office component of the development is defined as an *office premises* for the purposes of the Wollongong Local Environmental Plan 2009. This component is prohibited within the zone. Other components of the facility may be defined as a *depot* or *truck depot* or a *vehicle repair station* for the purposes of Wollongong Local Environmental Plan 2009 and are permitted within the zone. The applicant contends that the office component of the development could be considered to be ancillary to the above permitted activities given that the office space is required to administer the storage, maintenance, use and despatch of vehicles, equipment and goods and to administer the logistics, manner and timing of how the vehicles, equipment and goods are despatched and returned to the site. It is considered that SEPP (Infrastructure) 2007 permits the operations building – refer to discussion in Section 3.1.2 above.

## **Part 5 Miscellaneous Provisions**

### Clause 5.10 Heritage conservation

The site contains a listed heritage item, however none of the proposed works occur within proximity of this item. Council's Heritage Officer has reviewed the proposed development and considers it to be satisfactory.

## **Part 7 - Local provisions – general**

### Clause 7.1 Public utility infrastructure

Consent must not be granted for development unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. It is noted that public utility infrastructure includes infrastructure for the supply of water, electricity, and the disposal and management of sewage.

The subject site is serviced by reticulated power, water, gas and telecommunications facilities.

### Clause 7.3 Flood planning area

The site is located within the Allan's Creek catchment and is known to be flood prone. Flooding levels (probable maximum flood and 1 in 100 year flood event) have been identified for the site by Council.

This clause requires that consent must not be granted for development on flood prone land unless the consent authority is satisfied in relation to all the following matters:

- (a) all habitable floor levels of the development will be above the flood planning level,
- (b) the development will not adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- (c) the development will not significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,
- (d) the development will not affect evacuation from the land,
- (e) the development will not significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
- (f) the development will not result in unsustainable social and economic costs to the community as a consequence of flooding,
- (g) if located in a floodway area—the development will not be incompatible with the flow conveyance function of, or increase a flood hazard in, the floodway area.

Council's Stormwater Division has assessed the proposed development with regard to the above matters and considers that they are satisfied.

Clause 7.5 Acid Sulfate Soils

The site is classified on Council's mapping system as containing Class 5 acid sulphate soils. The proposal does not involve work that requires the preparation and submission of an acid sulphate soils management plan.

### **3.2 Section 79C 1(a)(ii) any proposed instrument that is or has been placed on public consultation that has been notified to the consent authority**

None applicable.

### **3.3 Section 79C 1(a)(iii) any development control plan**

#### **3.3.1 Wollongong Development Control Plan 2009 (WDCP 2009)**

##### **CHAPTER B5: INDUSTRIAL DEVELOPMENT**

The proposed development has been assessed with regard to Chapter B5 of WDCP 2009 and generally complies with the controls contained within this chapter. The table of compliance can be found at Attachment 4 to this report.

##### **CHAPTER C1: ADVERTISING AND SIGNAGE**

The two proposed advertising signs have been assessed in light of the controls contained within Chapter C1 of WDCP 2009. A table outlining the signs' compliance with these controls can be found at Attachment 4 to this report.

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

The applicant has advised that site accessibility complies with the BCA. Compliance with the BCA will be required as a condition of consent if this application is approved.

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

The applicant has indicated that the site is a secure facility 24 hours a day, 7 days per week. Gates and internal driveways are monitored by a CCTV system. It is intended that general public access will only be available to part of the operations building.

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

A car parking and traffic impact study was submitted with the development application in accordance with the requirements of Clause 6.1 of Chapter E3.

A total of 328 car spaces have been provided within the site in conjunction with the proposed development. Additional spaces have been provided for other vehicles such as trucks which will be used in conjunction with the development. The development requires 210 car parking spaces, 53 bicycle parking spaces, 8 motorcycle spaces and 8 disabled persons' parking spaces. A total of 328 car spaces have been provided of which 8 are for disabled persons; 53 bicycle spaces and 8 motorcycle spaces.

All vehicles will enter and leave in a forward direction. Driveway widths and manoeuvring areas are in excess of AS 2890 minimum requirements. All car parking, vehicle access and manoeuvring areas will be constructed of a hard-wearing all-weather material.

The majority of parking on the site is located away from operational areas to improve pedestrian safety.

The applicant has indicated that the site does not receive many visitors other than maintenance and waste removal contractors and electricians collecting information from the 'dial-before-you-dig' counter available at the site. On this basis, it is considered that separate pedestrian pathways throughout the car parking area are not necessary in this instance.

Loading docks and service areas are in compliance with relevant controls.

## **CHAPTER E4: DEVELOPMENT NEAR RAILWAY CORRIDORS AND MAJOR (BUSY) ROADS**

The configuration of the site and position of the proposed buildings and circulation areas enables the provision of two separate entrances from the adjoining public roads. The entry/egress points are positioned well away from the roundabout located at the intersection of Five Islands Road and Glastonbury Avenue.

## **CHAPTER E6: LANDSCAPING**

A landscape plan has been provided with the development application as required by the DCP. The landscape plan makes provision for landscaping throughout the site including within and around the car parking area, alongside the proposed operations building, adjacent to the street frontages of the site and around part of the perimeter of the site including to the rear of the existing new substation. The landscape plan has been reviewed by Council's Landscape Section and is satisfactory.

## **CHAPTER E7: WASTE MANAGEMENT**

A site waste minimisation and management plan was submitted with the development application as required by the DCP. The submitted plan has been reviewed and is satisfactory.

Integral Energy currently engages private waste contractors for the collection of all waste, including putrescibles garbage, recyclables and scrap metals including copper, aluminium and steel. The existing procedures will be modified to accommodate the proposed new buildings. A covered bin storage area is proposed to be provided adjacent to the operations building from which waste will be collected. Sufficient access and manoeuvring areas are available for waste collection vehicles. The applicant indicates that the operations building will generate approximately 4000L per week of general waste in addition to 2000L per week of recyclables. The volume of scrap metal generated by operations will vary from week to week and will also be collected by private contractor.

The waste management arrangements proposed are acceptable.

## **CHAPTER E11: HERITAGE CONSERVATION**

The site of the former Berkeley House (a listed archaeological item) is located on the southern boundary of the site, though is some distance from the area of the proposed works. A heritage impact statement was not considered to be necessary in this instance and Council's Heritage Officer is of the view that there will be no impact on the significance of the heritage item as a result of this proposed development.

## **CHAPTER E12: GEOTECHNICAL ASSESSMENT**

A geotechnical report was lodged with this application. The report provides a number of recommendations which should be implemented. Conditions should be imposed in this regard.

## **CHAPTER E13: FLOODPLAIN MANAGEMENT**

The site is located within the Allan's Creek catchment and is known to be flood prone in part. This issue has been considered by Council's Stormwater Engineer who has made reference to the Allan's Creek Flood Study. The ground level of the operations building is located a minimum of 500mm above the probable maximum flood (PMF) level which is compliant with the DCP. The proposal has been reviewed by Council's Stormwater Engineer and is satisfactory with regard to floodplain management.

## **CHAPTER E14: STORMWATER MANAGEMENT**

The applicant has indicated that the development has been designed to Council's current storm water management criteria and a water management plan for the site has been prepared by a suitably qualified professional. This issue has been considered by Council's Stormwater Engineer who has raised no concerns in relation to this issue subject to the imposition of conditions.

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

Runoff from pavements will be filtered on site in three separate swales before discharge. Rainwater will be harvested and collected in a 120,000 litre underground tank for toilet flushing, truck wash down and for landscape irrigation. The proposed water quality treatment system will achieve better than the stormwater quality performance targets provided by the DCP.

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

The applicant has provided an arborist report in relation to all trees likely to be impacted by the proposed development. A number of trees with poor form or conflicting location are proposed to be removed. These have been considered by Council's Landscape Section who has raised no concerns in relation to vegetation removal.

The arborist report also provides recommendations in relation to tree protection measures and zones to be implemented to protect the trees to be retained. If approved, a condition should be imposed on the consent requiring compliance with the recommendations of the arborist's report.

## CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The applicant has provided a detailed environmental site assessment which identifies a number of potential sources of contamination within the site and indicates that it is likely that the site is contaminated by a range of contaminants. The site of the old substation is in the process of being cleared, tested and remediated in accordance with a remediation action plan. At the completion of the remediation process, a validation report will be provided to Council. There are no other areas within the site known or expected to be contaminated.

It is considered that the site is suitable for the proposed development. Council's Environment Division has reviewed the proposal and has no concerns in this regard.

## CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

Demolition of existing structures is proposed as part of this development application. The applicant has indicated that the existing buildings have been extensively renovated and that any asbestos has been removed. Additionally, it has been stated that there are no known hazardous substances in the existing buildings.

Council's Environment Section has reviewed the proposal and has stated that, prior to demolishing the existing structures, a competent occupational hygienist must inspect the site for the presence of any asbestos that was not previously detected and removed. If asbestos is detected, asbestos containing materials must be removed by a licensed asbestos removalist in accordance with WorkCover guidelines and disposed of only at a DECCW licensed waste facility that can lawfully receive asbestos waste. These requirements could be made conditions of consent, if consent is granted.

A site waste minimisation and management plan has been submitted with the development application in accordance with the requirements of the DCP.

## CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

A soil erosion and sediment control plan has been prepared and submitted with this development application. Conditions of consent are recommended for imposition in relation to this matter.

### 3.3.2 Wollongong Section 94A Development Contributions Plan (2009)

The estimated cost of works is \$21,842,000 and a Section 94A levy of 1% would normally apply. The applicant has requested an exemption from the payment of the Section 94A levy under the provisions of Clause 12(i) of Council's Section 94A Development Contributions Plan which permits a full or partial exemption for developments for the following purpose:

*An application for or on behalf of the NSW government for public infrastructure, such as hospitals, police stations, fire stations; education facilities and public transport facilities.*

The applicant's exemption request has been considered by Council's Development Contributions Officer who considers that a full exemption is warranted in this case:

"Whilst the applicant has lodged the exemption request with reference to Clause 9(j) of the 2009 Section 94A Plan the equivalent exemption provision exists in the 2010 Plan under Clause 12(i).

The applicant clearly addresses that the proposed development of the new workshops stores and operations buildings and associated demolition, drainage, civil and landscape works forms Stage 3 of the overall redevelopment and upgrade of the Springhill Field Service Centre (Springhill FSC), which forms a major component of the electricity distribution network servicing the Illawarra community, currently an

element of public infrastructure. The redevelopment and upgrade is aimed at ensuring the ongoing operation and security of the electricity distribution network.

On the basis of the comments above I am satisfied that a full exemption is warranted in accordance with clause 12(i) of Council's Section 94A Plan."

### **3.4 Section 79C 1(a)(iiia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F**

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

### **3.5 Section 79C 1(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

Pursuant to Clause 92 of the Environmental Planning & Assessment Regulation 2000, the consent authority is obliged to consider the provisions of AS 2601:1991: The Demolition of Structures which applies as the proposal involves demolition. If this application is supported, it is recommended that a condition of consent be imposed requiring compliance with AS 2601:1991.

### **3.6 Section 79C 1(b) the likely impacts of development**

#### Context and Setting:

The uses proposed and the position, design and finish of the proposed buildings are considered to be appropriate having regard to the nature of the proposed use and surrounding development. The configuration of the site and the design and treatment of the proposed buildings is consistent with the requirements of WDCP 2009.

#### Access, Car Parking, Transport and Traffic:

The proposed access arrangements are appropriate and the development will not have an adverse impact on the local road network. Car parking provision is sufficient.

The proposal has been reviewed by the RTA and Council's Traffic Section and initial concerns raised have been resolved.

#### Public Domain:

The proposed development will have minimal impact on the public domain. Additional landscaping will be used to supplement existing vegetation to achieve appropriate screening of the buildings and hardstand areas.

#### Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Utilities including electricity, water supply, sewerage and telecommunications are available to the site, though it is expected that augmentation of these facilities will be required in order to service the proposal. If approved, conditions of consent should be imposed requiring the developer to liaise with Sydney Water and Telstra in relation to this issue.

#### Heritage:

There is a listed heritage item located within the site, however this item will not be impacted by the proposal.

#### Other land resources:

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

Water:

*Water supply* - the site is presently serviced by Sydney Water. Existing infrastructure can be extended to meet the requirements of the proposed development.

*Water consumption* - the proposal is not envisaged to involve unreasonable water consumption. It is noted that a large rainwater tank has been incorporated into the development to enable rainwater collection and reuse for irrigation, toilet flushing and truck washing.

*Impact on water resources* – subject to the implementation of appropriate sedimentation and erosion control measures during construction, the development should not have an adverse impact on water resources. Stormwater quality treatment measures are proposed to be implemented.

Soils:

The site is classified as acid sulphate soils on Council's mapping system, however Council's Environment Section is of the opinion that, due to the elevation of the site, that this will not be an issue for this site.

Contaminated soils within the area of the former substation are being remediated.

Subject to the implementation of appropriate sedimentation and erosion control measures during construction, the development should not have an adverse impact on soil resources.

Air and Microclimate:

The proposal is not expected to have any negative impact on air or microclimate.

Flora and Fauna:

There are no threatened species known to inhabit the subject site. The nearest population of Green and Golden Bell frogs was identified more than 3km from the site and is not part of a possible movement corridor.

A number of trees are proposed to be removed. No objection has been raised in relation to tree removal by Council's Landscape Section.

Waste:

A site waste minimisation and management plan has been submitted with the development application. A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Waste generated by the development, once operational, will be appropriately managed. A bin storage area is to be provided to the rear of the operations building and waste will be collected by private contractor.

Energy:

The proposal is not envisaged to involve unreasonable energy consumption.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

The site is flood prone however this constraint will not hinder the proposed development. The floor levels of the operations building will be a minimum of 500mm higher than the probable maximum flood level.

Technological hazards:

The applicant's environmental investigation indicates that there are a number of potential sources of contamination within the site and a number of contaminants are present. A remediation action plan has been submitted and the contaminated areas are currently being remediated.

Council records list the site as acid sulphate soil affected however due to the elevated nature of the site, this issue is not likely to pose an impediment to the proposed development.

Safety, Security and Crime Prevention:

This application does not result in any opportunities for criminal or antisocial behaviour. Sufficient lighting will be required throughout the car parking and pedestrian areas. The applicant indicates that access to the site is restricted 24/7 and that CCTV is used to monitor gateways and internal driveways.

Social Impact:

The proposal is not expected to create any negative social impact.

Economic Impact:

The proposal is not expected to create any negative economic impact.

Site Design and Internal Design:

The application does not result in any departures from development standards or Council's development control plans as outlined above.

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

Construction:

While construction will extend over a number of months, construction impacts are unlikely to be unreasonably adverse having regard to the industrial nature of surrounding land uses. If approved, conditions of consent should be imposed in relation to the implementation of soil erosion and sedimentation controls, protection of excavations, construction traffic management and the like.

If approved, a condition should also be imposed requiring that WorkCover be contacted for any demolition or use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

### **3.7 Section 79C 1(c) the suitability of the site for development**

Does the proposal fit in the locality?

The proposal is considered appropriate with regards to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

### **3.8 Section 79C 1(d) any submissions made in accordance with this Act or the regulations**

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising Procedures. There were no submissions received at the conclusion of the notification period.

The RTA provided comments in relation to the proposed development which are outlined in Section 2.2.1 of this report.

In accordance with Section 89 (1)(b) of the Environmental Planning & Assessment Act 1979, Council's draft conditions were forwarded to the applicant, NSW Communities for approval. The applicant has agreed to the imposition of the draft conditions outlined in Attachment 5.

### **3.9 Section 79C 1(e) the public interest**

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

## **4. CONCLUSION & RECOMMENDATION**

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This application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to have merit. The proposal is permitted with consent under the provisions of SEPP (Infrastructure) 2007 and Wollongong Local Environmental Plan 2009 and is consistent with all applicable environmental planning instruments and development control plans.

The social, economic and environmental impacts of the proposed development have been considered in this report and the application has merit.

It is recommended that DA-2010/977 be approved pursuant to Section 80 of the Environmental planning & Assessment Act 1979, subject to the conditions contained in Attachment 5.

## **5. ATTACHMENTS**

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1. Aerial Photograph
2. Zoning Map
3. Plans
4. Compliance Tables WDCP 2009
5. Draft Conditions