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STATEMENT OF ENVIRONMENTAL EFFECTS

SEE00687

**CONCLUSIONS AND SIGN-OFF FOR CONSTRUCTION OF THE
CROWN STREET MALL UPGRADE**

This report documents the outcomes of the **Statement of Environmental Effects (SEE)** undertaken for construction of the Crown Street Mall upgrade.

The SEE takes into consideration the matters listed under Section 79C (1) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

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1.0 Introduction

The Crown Street mall upgrade is proposed to be carried out pursuant to Parts 4 and 5 of the *Environmental Planning and Assessment Act 1979* (the Act). This Statement of Environmental Effects provides an assessment of the proposal in terms of the matters for consideration under s.79C(1) of the Act. This application seeks approval for those elements of the proposal that require development consent in accordance with Part 4 of the Act.

The Crown Street mall portion of Crown Street is a designated public road but is unclassified in the road hierarchy.

1.1 Proposal

The proposal seeks approval for the following elements (development that requires consent under Part 4 of the Act):

1. Construction of a new stage and seating area at the Church Street & Crown Street intersection (northern portion); Temporary cover may be provided for events and performances as required. The temporary nature of the cover provides a flexible solution without compromising views or solar access.
2. Creation of spaces for temporary markets for up to 79 stalls (with power and structure supports); The proposed design retains the location of the existing market area and provides the opportunity to extend the market up and down the mall as required. The configuration includes:
 - Consolidated larger market stalls at 'Church Square' (Church Street and Crown Street intersection)
 - Power outlets to be provided within custom benches in cavity.
 - Additional 3x3m stalls extend up the length of the mall to Keira Street and Kembla Street
 - There is provision for powered and non-powered stalls
3. Extensive landscaping including:
 - 3.1 Extensive tree planting with a clear trunk height of 6m; The proposed planting of local species includes primarily Spotted Gum supplemented with Illawarra Flame trees. The proposed trees will provide shade to the southern side of the mall and will be planted within a continuous strip of soil along the entire length of the mall. Pavement will be reinstated over the tree roots to provide for pedestrian amenity.
 - 3.2 Installation of a shallow water feature in the eastern section of the mall (in front of the Wesley Uniting Church – Lot 201 DP 731858); The water play area will be operated on a timer system that can activate at key time periods throughout the day. Overspray areas are incorporated to ensure that passers-by remain dry. The water feature will be switched off during ceremonial events and market days. The functional requirements include a 10 000 litre watertank, waterwise controller, control centre wall mount, treated chlorinated water, filter pump and non slip paving.

Those elements of the proposal that are up to be constructed in accordance with *Division 17 Roads and traffic of State Environmental Planning Policy (Infrastructure) 2007* are outlined below. Under s.76 of the Act, exempt development can be carried out without the need for development consent under Part 4 of the Act:

- § Removal and/or demolition of all obstructions, including existing:
 - Shade structure glass and steel structure and dispose/reuse off-site;
 - Trees, pavements and subgrade as required;
 - Seats, (to be salvaged);
 - Brick features, (to be salvaged);
 - Stage, (electrical equipment and fittings to be salvaged);
 - Play equipment, (items in good condition to be salvaged); and
- § Light posts, CCTV cameras and other electrical equipment.
- § Sub-surface drainage works, including the installation of a single continuous element to collect storm-water along the southern side of the Mall.
- § Upgrade utilities (Telstra, Sydney Water, Integral Energy, Gas etc)
- § Installation of new lighting including:
 - Under awning lighting along the northern edge of the mall.
 - Column lights located within grid of tree planting.
 - Columns along the northern tree planting zone.
- § Installation of CCTV cameras, supported by light columns.
- § Extensive landscaping including:
- § Installation of street furniture, including the provision of seats with backrests and benches. The location of seats is amongst the trees and allows for clear pedestrian zones along the footpath adjacent to shops.



Figure 1: Photomontage of the proposed new stage and seating area at the Church Street & Crown Street intersection (northern portion)



Figure 2: Photomontage



Figure 3: Photomontage of the proposed temporary markets



Figure 4: Photomontage



Figure 5: Photomontage of the proposed water feature installation

The objectives for the proposal are:

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- § Respond to and reflect the natural, social and cultural dynamics of Wollongong. Incorporate the topographical qualities, the slope and fall to the ocean and the fine grain of the local lanes.
- § Improve amenity and provide shade and shelter. Create areas of respite and resting places amongst the activity of the street. Address safety issues and create a night time environment that is safe and beautiful.
- § Create a unified framework that informs materials and elements including furniture and lighting.
- § Remove excess clutter to allow for movement across the space and clear passage.
- § Create visual and improve physical connections
- § Create a structure that facilitates temporary events as well as everyday events. These include children's play, concerts, markets, festivals, temporary art installations and busking.
- § Restore the view from within the Mall to the Pacific Ocean.
- § Create visual and improve physical connections
 - escarpment to sea
 - ridge to valley
 - church to park
 - along the lanes
- § Provide clear sight lines
- § Ensure tree planting is carefully selected to ensure clear views through the mall.
- § Locate a variety of uses along the length of the mall.
- § Create a clear hierarchy of safe night time paths.
- § Ensure lighting is designed to ensure appropriate surveillance and avoid shadows and glare.
- § Create a structure that facilitates simple asset management.
- § Utilise materials and elements that are robust and easy to maintain.

1.2 Background

The mall was opened in 1986 and has remained virtually unchanged. Wollongong City Council (Council) wanted to ensure that the Mall is a vibrant and attractive place to shop, do business, share community events and access services. In 2008, the community were asked to make submissions on three options for the future of Crown Street mall. Council at its April 2009 meeting voted to keep the Mall closed to traffic and to refurbish the Mall. This decision followed extensive community consultation in November 2008. The public were given three options to choose from with the majority of submissions received selecting Option A to keep the mall closed to traffic.

Following the community consultation process, the Government Architect's Office (GAO) were engaged to undertake a City Centre Public Domain Master Plan incorporating the Crown Street mall.

2.0 Statutory Requirements and Planning Controls

The following Acts, Regulations, EPIs and Planning Controls apply to the proposal:

§ Acts:

- *Environmental Planning and Assessment Act 1979*; and
- *Roads Act 1993 (s.138)*

§ Regulations

- *Environmental Planning and Assessment Regulation 2000*

§ State Environmental Planning Policies:

- *SEPP (Infrastructure) 2007*

§ Regional Environmental Plans:

- None applicable in accordance with *cl.1.9(2) of Wollongong Local Environmental Plan 2009*.

§ Local Environmental Plans:

- *Wollongong Local Environmental Plan (WLEP) 2009* – The site is zoned B3 Commercial Core and the proposal is permissible within the zone with development consent.

§ Development Control Plans:

- *Wollongong Development Control Plan 2009*

3.0 Site Analysis

3.1 Site Description and Existing Development

The site is located at the following locations:

- § Crown Street, Wollongong bounded by Keira Street to the west and Kembla Street to the east (refer to Figure 1); and
- § Church Street, Wollongong bounded by Court Lane to the north and Globe Lane to the south (refer to Figure 1).

The site is zoned B3 Commercial Core pursuant to *WLEP 2009*. Existing development on the site comprises a covered amphitheatre, raised planter beds with tree plantings, large shade structure supported by steel columns, water fountain and ponds, pedestrian overpaths, children's playground and a range of street furniture types.

Topographically, Crown Street is very flat between Keira and Church Streets, but displays a significant west-east fall (1:36) between Church and Kembla Streets. Church Street observes a steep north-south gradient. A number of services traverse the site including electrical high and low voltage, telstra, sewer, gas, stormwater lines, CCTV and potable water.

The majority of tree planting on Crown Street is incorporated in raised planters. Planting in the western section of the Mall is limited and located under the existing shade structure. Native and non-native species are on the site including Plane trees, Chinese Elm and Palms.

The majority of older buildings dating between 1880 and 1920 are located in the lower sections of the mall. The Wesley Church, Kawarra Chambers and Lang's buildings are

located at the lower section of the mall and make a positive contribution to the streetscape. Significant changes to the building fabric in the upper reaches of the mall have occurred since 1960.

In the upper section of the mall, the David Jones Department Store (No. 163-171), constructed in 1965 is a highly intact, significant building. The adjacent buildings (Nos. 179-185) and currently occupied by Payless Shoes, Angus & Robertson and Total Expressions also make a positive contribution to the streetscape.

Significant changes to the building fabric to the upper reaches of the Mall have occurred since 1960.

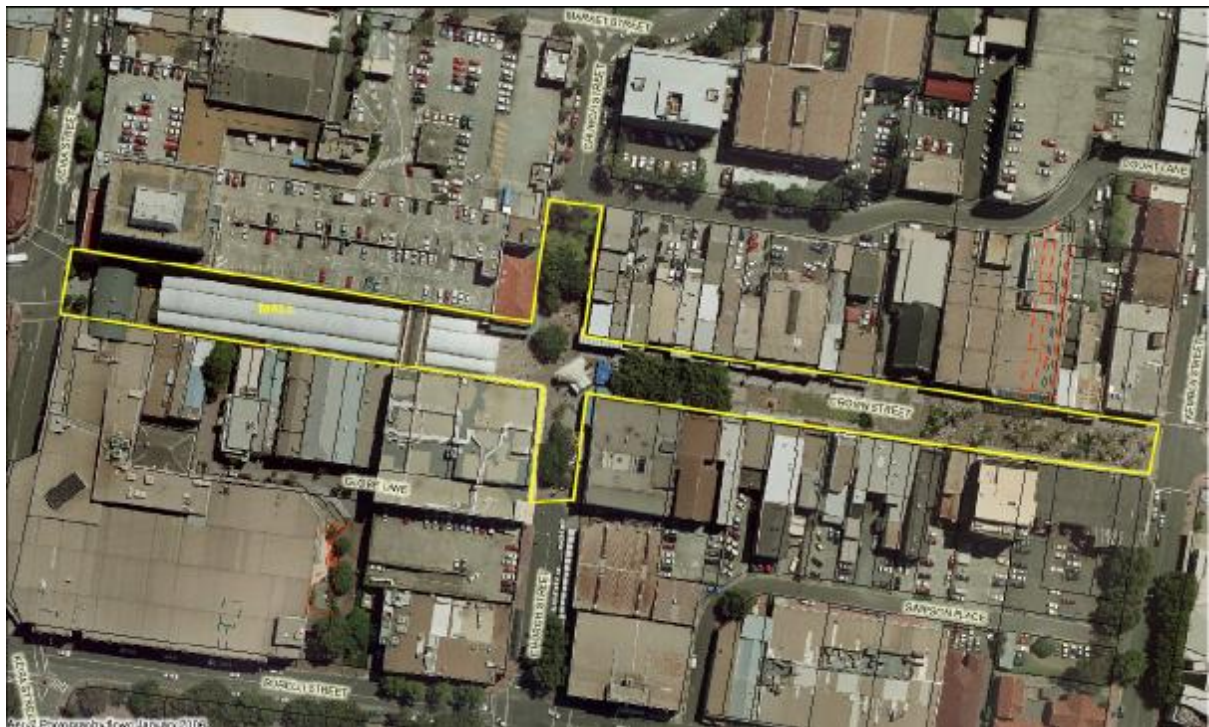


Figure 6: Aerial photograph

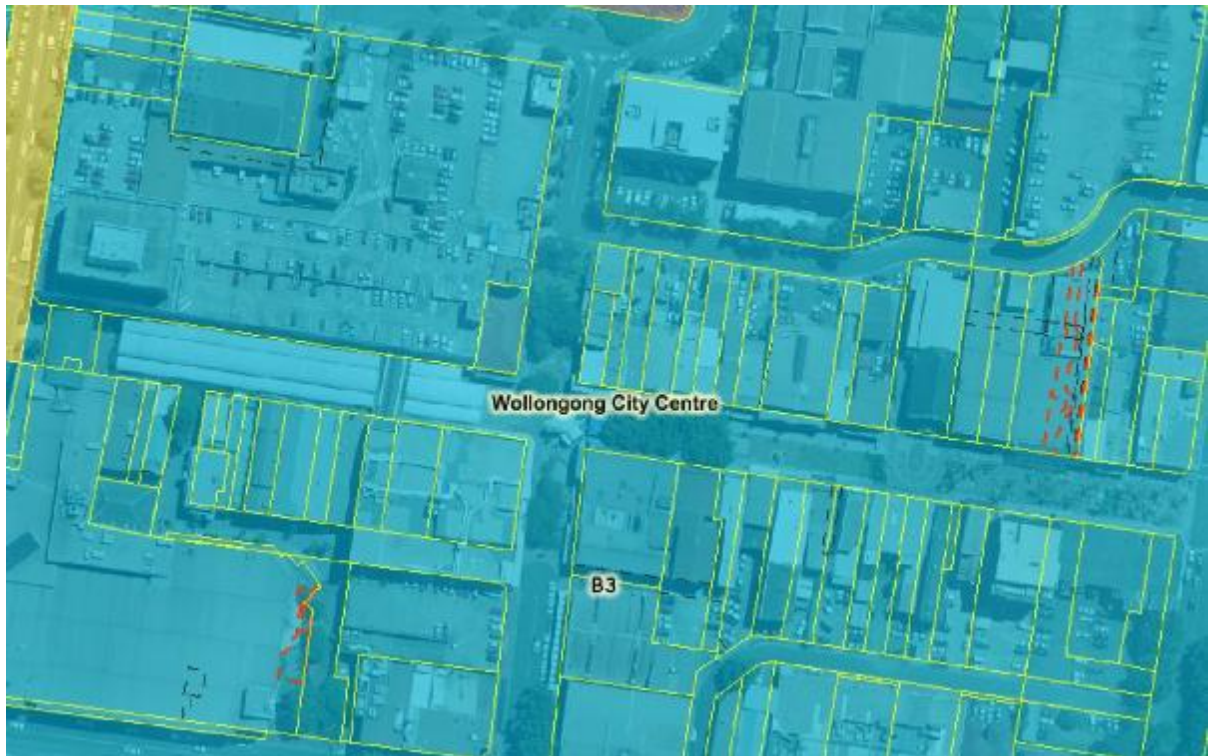


Figure 7: WLEP 2009 zoning map



Figure 8: WLEP 2009 heritage map

3.2 Site Constraints

The site is flagged as being affected by the following constraints:

- § Potential Acid Sulfate Soils (Class 5)
- § Adjacent heritage items (6239 – Royal Bank, 6232 – Shop and 6371 – Wesley Uniting Church)
- § Water, electricity, sewage and telecommunication services all traverse the site

3.3 Surrounding Development

Commercial development including retail and business surround the site to north, south, east and west.

4.0 Environmental Planning and Assessment Act 1979 Section 79C Assessment

79C Evaluation

(1) Matters for consideration—general

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), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), 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.

4.1 Section 79C 1(a)(i) any environmental planning instrument – State Environmental Planning Policies

The following State Environmental Planning Policies apply to the proposal:

§ State Environmental Planning Policy (Infrastructure) 2007

4.1.1 State Environmental Planning Policy (Infrastructure) 2007 under the Environmental Planning and Assessment Act 1979.

Clause	Provision	Comment	Compliance
Division 4 Exempt development			
20 General requirements for exempt development	<p>(1) This clause applies to any development that this Policy provides is exempt development.</p> <p>Note. Clause 20A and other provisions of this Policy identify kinds of development that are exempt development if they meet the requirements of this clause.</p> <p>(2) To be exempt development, the development:</p> <p>(a) must meet the relevant deemed-to-satisfy provisions of the Building Code of Australia, or if there are no such relevant provisions, must be structurally adequate, and</p> <p>(b) must not, if it relates to an existing building:</p> <p>(i) cause the building to contravene the Building Code of Australia, or</p> <p>(ii) compromise the fire safety of the building or affect access to any fire exit, and</p> <p>(c) must be carried out in accordance with all relevant requirements of the Blue Book, and</p> <p>(d) must not be designated development, and</p> <p>Note. Designated development is defined in section 77A of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.</p> <p>(e) if it is likely to affect a State or local heritage item or a heritage conservation area, must involve no more than minimal impact on the heritage significance of the item or area, and</p> <p>(f) must be installed in accordance with the manufacturer's specifications, if applicable, and</p> <p>(g) must not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in</p>	Those elements of the proposal that are to be constructed in accordance with this clause were outlined in Section 1.1 above. The proposal will comply with clauses 94 and 97 as well as Schedule 1 of this SEPP.	Yes.

Clause	Provision	Comment	Compliance
	<p>accordance with a permit or development consent.</p> <p>Note. A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the Native Vegetation Act 2003.</p>		

4.2 Section 79C 1(a)(i) any environmental planning instrument – Regional Environmental Plans – None applicable in accordance with cl. 1.9(2) of WLEP 2009.

4.3 Section 79C 1(a)(i) any environmental planning instrument – Local Environmental Plans

4.3.1 Wollongong Local Environmental Plan (WLEP) 2009 under the *Environmental Planning and Assessment Act 1979*

Clause	Provision	Comment	Compliance
Part 1 Preliminary			
1.2 Aims of Plan	<p>...(2) The particular aims of this Plan are as follows:</p> <p>(a) to provide a framework for land use management,</p> <p>(b) to encourage economic and business development to increase employment opportunities,</p> <p>(c) to encourage a range of housing choices consistent with the capacity of the land,</p> <p>(d) to improve the quality of life and the social well-being and amenity of residents, business operators, workers and visitors,</p> <p>(e) to conserve and enhance remnant terrestrial, aquatic and riparian habitats, native vegetation and fauna species,</p> <p>(f) to conserve and enhance heritage,</p> <p>(g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,</p> <p>(h) to ensure that significant landscapes are conserved, including the Illawarra Escarpment, Lake Illawarra, the drinking water catchment and the coastline.</p>	The proposal is consistent with the aims of WLEP 2009 by improving the amenity for users of the Crown Street mall. It is envisaged that the proposal will encourage economic and business development by significantly enhancing the quality of the public domain.	Yes.
Part 2 Permitted or prohibited development			
2.6A Demolition requires consent	The demolition of a building or work may be carried out only with consent.	Demolition will be undertaken in accordance with the SEPP (Infrastructure) 2007, Australian	Yes.

Clause	Provision	Comment	Compliance
	<i>Note. If the demolition of a building or work is identified in this Plan or a State Environmental Planning Policy such as State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as exempt development, the Act enables it to be carried out without consent.</i>	Standard AS 2601 -2001 – Demolition of Structures and relevant NSW WorkCover guidelines.	
Land Use Table – Zone B3 Commercial Core			
1 Objectives of zone	<ul style="list-style-type: none"> To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. To encourage appropriate employment opportunities in accessible locations. To maximise public transport patronage and encourage walking and cycling. To strengthen the role of the Wollongong city centre as the regional business, retail and cultural centre of the Illawarra region. To provide for high density residential development within a mixed use development if it: <ul style="list-style-type: none"> (a) is in a location that is accessible to public transport, employment, retail, commercial and service facilities, and (b) contributes to the vitality of the Wollongong city centre. 	The proposal strengthens the role of the Wollongong City Centre as the regional business, retail and cultural centre of the Illawarra region.	Yes.
2 Permitted without consent	Building identification signs; Business identification signs	No building or business identification signs are proposed.	Not applicable.
3 Permitted with consent	Advertisements; Advertising structures; Amusement centres; Boarding houses; Bulky goods premises; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Funeral chapels; Funeral homes; Helipads; Hostels; Hotel or motel accommodation; Information and education facilities; Landscape and garden supplies; Office premises; Passenger transport facilities; Places of public worship; Pubs; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restricted premises; Retail premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Timber and building supplies; Tourist and visitor accommodation; Vehicle sales or hire premises; Veterinary hospitals; Wholesale supplies	The proposal is defined as a Community Facility, Market under the hierarchical definition of Retail Premises and Landscaped Area . All are permitted with consent.	Yes.
4 Prohibited	Any development not specified in item 2 or 3	Noted.	Not

Clause	Provision	Comment	Compliance
			applicable.
Part 3 Exempt and complying development			
3.1 Exempt development	<i>Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act. The section states that exempt development:</i> <i>(a) must be of minimal environmental impact, and</i> <i>(b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994), and</i> <i>(c) cannot be carried out in a wilderness area (identified under the Wilderness Act 1987)...</i>	All works that are to be carried out pursuant to SEPP (Infrastructure) 2007 will comply with this clause.	Yes.
3.3 Environmentally sensitive areas excluded	<i>(1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</i> <i>(2) For the purposes of this clause: environmentally sensitive area for exempt or complying development means any of the following:</i> <i>... (j2) land to which clause 7.3 (Flood planning area) applies,</i> <i>(j3) land to which clause 7.8 (Illawarra Escarpment area conservation) applies.</i>	The site is not flagged as being located in an environmentally sensitive area.	Yes.
Part 4 Principal development standards			
4.3 Height of buildings	<i>(1) The objectives of this clause are as follows:</i> <i>(a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,</i> <i>(b) to permit building heights that encourage high quality urban form,</i> <i>(c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.</i> <i>(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</i>	The proposal will not affect existing building heights.	Not applicable.
4.4 Floor space ratio	<i>(1) The objectives of this clause are as follows:</i> <i>(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,</i>	The proposal will not affect floor space ratio.	Not applicable.

Clause	Provision	Comment	Compliance
	<p>(b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,</p> <p>(c) to ensure buildings are compatible with the bulk and scale of the locality.</p> <p>(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p>		
Part 5 Miscellaneous provisions			
5.5 Development within the coastal zone	<p>(1) The objectives of this clause are as follows:</p> <p>(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</p> <p>(b) to implement the principles in the NSW Coastal Policy, and in particular to...</p>	The development is not located on the coastal foreshore and does not involve substantial construction works. The land does not form part of the coastal foreshore or provide public access to recreation areas. No flora or fauna are proposed to be disturbed by the use of the premises or related construction. No overshadowing or loss of views is anticipated.	Yes.
5.9 Preservation of trees or vegetation	<p>(1) The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.</p> <p>(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.</p> <p>Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner...</p>	Removal of insignificant trees and vegetation will be carried pursuant to SEPP (Infrastructure) 2007. A Landscape Concept Plan has been prepared in accordance with Chapter E6 Landscaping of WDCP 2009.	Yes.
5.10 Heritage conservation	<p>(1) Objectives</p> <p>The objectives of this clause are:</p> <p>(a) to conserve the environmental heritage of Wollongong, and</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and</p> <p>(c) to conserve archaeological sites, and</p> <p>(d) to conserve places of Aboriginal heritage significance.</p>	Some of the proposed works are located adjacent to <i>Local Significance Heritage Items</i> , as listed in WLEP 2009: § 6239 – Royal Bank § 6232 – Shop § 6371 – Wesley Uniting Church A Heritage Impact Statement has not been sourced as the proposed works do not adversely impact these items.	Yes.
5.12 Infrastructure	(1) This Plan does not restrict or prohibit, or enable the restriction or	Noted.	Yes.

Clause	Provision	Comment	Compliance
<i>development and use of existing buildings of the Crown</i>	<i>prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without consent, or that is exempt development, under the State Environmental Planning Policy (Infrastructure) 2007.</i>		
Part 7 Local provisions—general			
<i>7.1 Public utility infrastructure</i>	<i>(1) The objective of this clause is to ensure that sufficient infrastructure is available to service development. (2) Development consent must not be granted for development on land 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. (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure...</i>	Water, electricity, sewage and telecommunication infrastructure are all available to the site.	Yes.
<i>7.5 Acid Sulfate Soils</i>	<i>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works...</i>	The eastern portion of the site is flagged as being potentially affected by Class 5 acid sulfate soils. The proposal is not expected to disturb, expose or drain acid sulfate soils and cause environmental damage.	Yes.
<i>7.6 Earthworks</i>	<i>(1) The objectives of this clause are as follows: (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land, (b) to allow earth works of a minor nature without separate development consent...</i>	The extent of excavation is up to 1m deep – for tree planting along the southern side of the Mall.	Yes.
Part 8 Local provisions—Wollongong city centre			
<i>8.1 Objectives for development in Wollongong city centre</i>	<i>The objectives of this Part are as follows: (a) to promote the economic revitalisation of the Wollongong city centre, (b) to strengthen the regional position of the Wollongong city centre as a multifunctional and innovative centre that encourages employment and economic growth, (c) to protect and enhance the vitality, identity and diversity of the</i>	The proposal is consistent with the objectives for the city centre and will be a major contributor to its revitalisation.	Yes.

Clause	Provision	Comment	Compliance
	<p><i>Wollongong city centre,</i> <i>(d) to promote employment, residential, recreational and tourism opportunities within the Wollongong city centre,</i> <i>(e) to facilitate the development of building design excellence appropriate to a regional city,</i> <i>(f) to promote housing choice and housing affordability,</i> <i>(g) to encourage responsible management, development and conservation of natural and manmade resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,</i> <i>(h) to protect and enhance the environmentally sensitive areas and natural and cultural heritage of the Wollongong city centre for the benefit of present and future generations.</i></p>		
8.5 Design excellence	<p><i>(1) The objective of this clause is to deliver the highest standard of architectural and urban design.</i> <i>(2) This clause applies to development involving the construction of a new building or external alterations to an existing building.</i> <i>(3) Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.</i> <i>(4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:</i> <i>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> <i>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</i> <i>(c) whether the proposed development detrimentally impacts on view corridors,</i> <i>... (e) how the proposed development addresses the following matters:</i> <i>(i) the suitability of the land for development,</i> <i>(ii) existing and proposed uses and use mix,</i> <i>(iii) heritage issues and streetscape constraints,</i> <i>(vii) environmental impacts such as sustainable design,</i></p>	<p>The proposal observes the following design excellence features:</p> <ul style="list-style-type: none"> - Enhancement of the quality and amenity of the public domain; - Significant improvements to the interface between heritage buildings and the public domain; - Achievement of a high quality streetscape; - Improved view corridors and vistas; and - Maintenance of circulation and service access. 	Yes.

Clause	Provision	Comment	Compliance
	overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access, circulation and requirements, (x) impact on, and any proposed improvements to, the public domain.		

4.4 Section 79C 1(a)(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) – None applicable.

4.5 Section 79C 1(a)(iii) any development control plan

4.5.1 WDCP 2009 Part B – Land Use Based Planning Controls

Clause	Provision	Comment	Compliance
Chapter B4 Development in Business Zones			
5.1 Wollongong City Centre	1. The specific planning requirements for development upon any land within the Wollongong City Centre are contained in Part D (Locality Based/ Precinct Plan) of this DCP.	Noted.	Yes.

Clause	Provision	Comment	Compliance
13 WORKS IN THE PUBLIC DOMAIN	<p>13.1.1 Objective (a) To ensure new footpath paving and / or other public domain works are carried out in accordance with Council's public domain design and construction specifications.</p> <p>13.1.2 Development Controls 1. Any development requiring works to be carried out within the public domain in the Wollongong City Centre will be subject to compliance with the requirements of the Wollongong City Centre Public Domain Technical Manual at Appendix 2 to this DCP and any other Council requirements...</p>	The proposal is consistent with Appendix 2 of WDCP 2009.	Yes.

4.5.2 WDCP 2009 Part C – Specific Landuse Controls

Clause	Provision	Comment	Compliance
Chapter C12 Outdoor Restaurants and Footpath Trading (Street Vending) Activities			
4.1 General	<p>1. Outdoor trading (street vending) activities will only be permitted in certain parts of Wollongong Mall road reserve (ie between Keira Street and Church Street) where in the opinion of Council there is sufficient footway width, to ensure satisfactory pedestrian access for all users along the mall, including people with a disability. ...3. Any market event (organised and run by a charitable organisation) will also be subject to the requirements of the Retail Markets chapter in Part C of the DCP.</p>	The proposal demonstrates sufficient pedestrian access for all users of the mall. Refer to the Access Report prepared by Accessibility Solutions (NSW) in August 2010 and assessment of Chapter C15 Retail Markets below.	Yes.
4.2.1 Local Government Act 1993	...2. Any proposed outdoor trading or street vending activity within the section of Wollongong Mall between Keira Street and Church Street will require the lodgement of an Activity Application under Section 68 of the Local Government Act 1993...	This can be conditioned to any consent granted.	Yes.
4.2.2 Roads Act 1993	<p>1. The applicant will also need to obtain separate approval from Council under the Roads Act 1993 for any outdoor trading / street vending activity.</p> <p>2. Under Section 138 of the Roads Act 1993, certain works and structures cannot be erected and / or undertaken without the consent</p>	This can be conditioned to any consent granted.	Yes.

Clause	Provision	Comment	Compliance
	<i>of the appropriate roads authority. Council is the roads authority for all roads except freeways and the Northern Distributor. In the case of a classified road, consent is required from both Council and the NSW Roads and Traffic Authority. The general terms of the consent are determined by Section 139 of the Roads Act. Section 139A of the Roads Act allows the roads authority to issue a consent which imposes conditions permitting the use of a structure within the road reserve and located within a built up area for the purpose of selling any article or service and requiring the payment of rent (thereby permitting street vending). Under the Roads Act 1993, Council can only grant a licence for a street vending activity upon a part of a public road reserve for a maximum term of up to 7 years...</i>		
4.3 Location & Access Requirements for Footpath Trading Areas within Wollongong Mall	<i>1. Any application for an outdoor trading activity within the section of Wollongong Mall (between Keira Street and Church Street) will be determined on the basis as to whether there is sufficient width along the public road reserve (footpath) area for all pedestrian users. This determination will take into account existing or proposed street furniture or landscape features in the mall...</i>	Provision has been made for a minimum 6 metre allowance throughout the entire length of the mall (not including landscaping such as the tree planting area and furniture). This provides sufficient space for all pedestrian users.	Yes.

Clause	Provision	Comment	Compliance
Chapter C15 Retail Markets			
3 RETAIL IMPACT ASSESSMENT	<i>1. Any Development Application for a proposed major retail market (ie involving more than 20 stalls) will require the submission of documentary evidence as to the reasons why the retail market is proposed in a specific location and evidence as to the proposal's relationship with Council's retail hierarchy strategy contained in Chapter B4: Development in the Business Zones of this DCP. 2. Council will consider whether any large (non-charitable) retail market will pose a significant adverse economic impact upon any existing or planned retail centre and as part of this assessment whether the retail market will provide a net benefit to the wider community.</i>	The existing markets operating in the Crown Street mall are held weekly. While it is unknown whether this use has formal approval, this application seeks to formalise and gain approval for the creation of spaces for temporary markets for up to 79 stalls. The proposal is consistent with Council's retail hierarchy strategy by reinforcing the city centre as the retail hub of the Illawarra. The proposal is expected to generate a positive economic impact by attracting a greater number of buyers to the commercial core area.	Yes.

Clause	Provision	Comment	Compliance
4 HOURS OF OPERATION	<i>1. The operation of retail markets will generally be limited to either Fridays, Saturdays and Sundays and / or Public Holidays between the hours of 8.00 am to 6.00 pm. The setting up of any market stall may take place from 7.00 am on the day of the market, except where the land to which the proposed market, either directly adjoins or is opposite any residential zoned land, in which case stall holders will only be allowed to set up from 8.00 am onwards.</i>	The proposed markets seek approval to operate once per week (Fridays) hours between 9am to 5pm.	Yes.
5 CAR PARKING REQUIREMENTS	<i>1. The car parking requirement for a retail market is one (1) car parking space per 20m2 of each stall area. However, major retail markets involving 20 or more stalls may require additional parking, taking into account the number of stalls proposed and the location of the markets and the availability of on-street parking or existing public car parking within the immediate locality. 2. Any proponent intending to operate a retail market involving 20 or more stalls, should organise a formal pre-lodgement meeting with staff from Council's City Planning Division, in order to discuss the exact car parking requirements for the specific retail market.</i>	Existing car parking in the area is adequate to support any temporary increase in demand. Retail markets have operated weekly in the Crown Street mall for some time with no apparent adverse impacts on existing car parking availability in the locality.	Yes.
6 MARKETS HELD ON PUBLIC LAND	<i>3. Any approval for a market upon land owned or under the care and control of Council will also be subject to a limited 12 month trial period initially. Council at this time will re-assess the performance of the market throughout the initial 12 month period, in order to determine as to whether a further lease will be granted. In the event that the Development Application is ultimately approved for the proposed market, the market organiser will be required to organise a lease agreement with Council's Property and Leisure Division. 4. The rental fee for the use of Council land for the purposes of a retail market shall be at the market value and will be determined through independent valuation. 5. A Park Booking through Council's Property and Leisure Division is required if the market is proposed to be held on a public reserve. 6. The market organiser will be required to provide appropriate insurance coverage to indemnify Council against any public liability claim that may arise from the use of the public reserve. The public liability risk insurance policy will be required to be maintained throughout the life of the market operation and shall have a minimum \$10 Million public liability insurance coverage, at all times. A Certificate of Currency must be submitted to Council annually.</i>	Noted. Public Liability Insurance can be conditioned to any consent granted.	Yes.

Clause	Provision	Comment	Compliance
	<i>Requirements for insurance coverage may also change on an annual basis depending on advice from Council's Insurance Broker.</i>		
7 SALE OF GOODS	<i>1. In the event that the retail market application is ultimately approved, the market organiser will be responsible for the checking that all stall holders are appropriately licensed. For example, a second hand dealer's license may be required to be obtained from the Office of Fair Trading (NSW Department of Commerce) for stall holders involved in the purchasing and subsequent sale of certain second hand items or goods.</i>	Noted. This can be conditioned to any consent granted.	Yes.
8 FOOD STALLS /MOBILE FOOD VANS	<i>1. Under the Food Act 2003, all food handling businesses including food stall holders at temporary, periodic markets in NSW are required to notify the NSW Food Authority of their business details. However, food handling businesses which are directly licensed by the NSW Food Authority are exempt from the notification process.</i>	Noted. This can be conditioned to any consent granted.	Yes.
10 ACCESSIBILITY TO THE EVENT BY PEOPLE WITH A DISABILITY	<i>1. All retail markets should be designed to ensure accessibility to the market by people with a disability. Accordingly, the provision of special parking areas for disabled people and accessible facilities such as toilets and food and drink counters are required.</i>	Refer to the Access Report prepared by Accessibility Solutions (NSW) in August 2010.	Yes.
11 COPYRIGHT ISSUES – LIVE OR PRE-RECORDED MUSIC	<i>1. Music is generally protected by copyright. Accordingly, if a market proposes to use live music or pre-recorded music, then appropriate licensing may be required to be obtained. 2. Should the retail market propose to have live music, a licence will be required from the Australian Performing Rights Association (APRA). Recorded music (either a recording or music video) is generally protected by two types of copyright so if any recorded music is proposed at your event, appropriate licensing will need to be obtained from both APRA and the Phonographic Performance Company of Australia (PPCA).</i>	Noted. This can be conditioned to any consent granted.	Yes.
13 PUBLIC LIABILITY INSURANCE	<i>1. In the event that formal development consent is granted by Council for the operation of the market, a condition of consent will be imposed requiring the provision of suitable public liability insurance coverage for the event...</i>	Noted.	Yes.
14 INCIDENT REPORTING	<i>1. A systematic method reporting incidents that have occurred at an event is required. This should include a written incident reporting manual whereby all management staff and / or stall holders are required provide written details on the exact nature of the incident</i>	This can be conditioned to any consent granted.	Yes.

Clause	Provision	Comment	Compliance
	<i>and what procedures were implemented to deal with the incident.</i>		
15 EMERGENCY RESPONSE PLAN	<p>1. A written Emergency Response Plan is to be provided at the Development Application stage for all large retail markets involving 40 or more stalls.</p> <p>2. The Emergency Response Plan for all large retail markets is to be provided to all key stakeholders including all staff and stall holders of the markets, NSW Police Service, NSW Fire Brigades, NSW Ambulance Service, Council and the NSW WorkCover Authority. Security and other staff must be familiar with all emergency procedures contained in the Emergency Response Plan.</p>	This can be conditioned to any consent granted. The proposed configuration maintains emergency and service access.	Yes.

4.5.3 WDCP 2009 Part D – Locality Based DCPs / Precinct Plans

Clause	Provision	Comment	Compliance
Chapter D1 Character Statements			
3.32 Wollongong City Centre	<p><i>Desired Future Character</i></p> <p><i>...there is great potential to increase the appeal of the centre as a destination for shopping, business, entertainment and cultural activities, high quality health and medical services, and as a place to live...</i></p> <p><i>...Development principles for this regional city centre include:</i></p> <ul style="list-style-type: none"> • <i>Encourage diverse precincts around the city centre;</i> • <i>Develop a distinct role and character for the centre;</i> • <i>Ensure high quality design of buildings and public areas;</i> • <i>Improve the natural environment...</i> <p><i>...Special attention will be given to...Crown Street Mall to enliven these areas and improve safety...</i></p> <p><i>...An emphasis will be to enhance public spaces and ensure good amenity and solar access...</i></p>	The proposal will increase the appeal of the centre as a destination for shopping, business, entertainment and cultural activities, high quality health and medical services, and as a place to live.	Yes.

Clause	Provision	Comment	Compliance
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Clause	Provision	Comment	Compliance
Chapter D13 Wollongong City Centre			
1.1 City Centre Character Areas	4. The commercial core is the 'heart of the city', where the focus is on high quality buildings, streetscapes, public art, outdoor eating and a collection of attractive public spaces such as a rejuvenated...Crown Street Mall, new civic square on Crown Street and an attractive collection of laneways and arcades.	The proposal will significantly improve the quality of the streetscape within the commercial core.	Yes.
3 PEDESTRIAN AMENITY	<p>3.1 General ...The pedestrian amenity provisions are intended to achieve a high quality of urban design and pedestrian comfort in the public spaces of the city centre. This environment needs to be safe, functional and accessible to all. It should provide a wide variety of opportunities for social and cultural activities. The pedestrian environment is to be characterised by:</p> <ul style="list-style-type: none"> - Excellence of design, high quality materials and a standard of finish appropriate to a regional city centre. - The city's lanes, arcades and through site links should form an integrated pedestrian network providing choice of routes at ground level for pedestrians. - The controls in this section aim to increase the vitality, safety, security and amenity of streets, laneways, arcades and through site links by: <ul style="list-style-type: none"> - Encouraging future through site links, - Ensuring provision of awnings along the Commercial Core street frontages and Crown Street in Mixed Use (city edge), - Protecting significant views and vistas along streets... 	The proposal will achieve high quality urban design and pedestrian amenity in the Crown Street public domain. The proposal complies with Chapter E1 Access for People with a Disability and Chapter E2 Crime Prevention through Environmental Design.	Yes.
4 ACCESS, PARKING AND SERVICING	<p>4.1 General This section contains detailed objectives and controls on pedestrian access, vehicular access, on-site parking and site facilities, including refuse collection and removal. To satisfy the aims and zoning objectives of the Wollongong LEP 2009, controls in this section aim to...</p> <ul style="list-style-type: none"> c) Provide for safe and secure access; d) Minimise impacts on city amenity, the public domain and streetscape, and e) Ensure that access is provided for the disabled and mobility 	The proposal satisfies the relevant objectives of zone B3 Commercial Core.	Yes.

Clause	Provision	Comment	Compliance
	<i>impaired.</i>		

4.5.4 WDCP 2009 Part E – General (City Wide) Controls

Clause	Provision	Comment	Compliance
Chapter E1 Access for People with a Disability			
2.1 Commonwealth Disability Discrimination Act 1992	...6. The DDA provides in section 23(1)(c) and (d) that:- “It is unlawful to discriminate against another person on the ground of the other persons disability or a disability of any of that other person’s associates: (c) In relation to the provision of means of access to such premises; (d) By refusing to allow the other person’s access to, or the use of, any premises that the public or a section of the public is entitled or allowed to enter or use (whether for payment or not).” ...	Refer to the Access Report prepared by Accessibility Solutions (NSW) in August 2010.	Yes.
2.2 Environmental Planning and Assessment Act 1979	1. Section 79C of the Environmental Planning and Assessment Act 1979 requires that a consent authority in determining a Development Application to take into consideration a number of factors, including “the public interest”. The “public interest” may include the provision of suitable access and mobility within a building or facility for people with a disability.	The proposal is in the public interest. Refer to the Access Report prepared by Accessibility Solutions (NSW) in August 2010.	Yes.
2.3 Building Code of Australia and Australian Standard AS1428.1	1. The Building Code of Australia (BCA) and Australian Standard AS 1428 – Design for Access and Mobility provide the main framework for regulating access and mobility requirements for people with a disability. The BCA regulates where access is required and Part 1 of AS 1428 – General Requirements for Access – New Building Work provides the requirements on how that access is to be provided. The BCA also calls up AS 1428.4 TGS1 for the orientation of people with vision impairment.	Refer to the Access Report prepared by Accessibility Solutions (NSW) in August 2010.	Yes.

Clause	Provision	Comment	Compliance
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Clause	Provision	Comment	Compliance
Chapter E2 Crime Prevention through Environmental Design			
5.1 Lighting	<p>1. General Requirements</p> <p>(a) Lighting should be treated in a comprehensive manner.</p> <p>(b) For areas intended to be used at night, ensure that lighting supports visibility. Where lighting is located at a lower height to support visibility for pedestrians, ensure that the lighting is vandal resistant.</p> <p>(c) Light heavily used spaces such as car parks, major pedestrian routes, entries to buildings and entries to public toilets at a higher level than other areas to cater for the increased potential safety risks.</p> <p>(d) Ensure security lighting is consistent with AS4282 (1997) The Control of the Obtrusive Effect of Outdoor Lighting.</p> <p>(e) Consideration should be given to light pollution effects and energy use of any lighting strategy.</p>	Refer to the Lighting Measurement Report prepared by Haron Robson in April 2010.	Yes.
5.2 Natural surveillance and sightlines	<p>1. General Requirements</p> <p>(a) Avoid blind, sharp corners especially on pathways, stairs or corridors</p> <p>(b) Avoid or ameliorate sudden changes of grade on pathways which may reduce sightlines.</p> <p>(c) Take particular care for visibility in areas where risk to personal safety is perceived to be high or where crime reports indicate that there are problems, such as stairwells, entrances, corridors toilets etc.</p> <p>(d) Ensure that pedestrians can easily see what is at the end of tunnels/overpasses</p> <p>(e) Seating should be located in areas of active use</p> <p>(f) Avoid medium height vegetation with concentrated top to bottom foliage. Plants such as low hedges and shrubs (1 - 1.2m high), creepers, ground covers or high canopied vegetation are good for natural surveillance.</p>	Sightlines and visibility will be significantly improved by the proposed development.	Yes.
5.3 Signage	<p>1. General Requirements</p> <p>(a) Prepare a signage plan focusing on the safe routes and indicating destinations, facilities and amenities en route.</p> <p>(b) Ensure that signage is easily legible. Use strong colors, clear contrasts, standard symbols and simple graphics on signage so that</p>	Signage will be constructed in accordance with the SEPP (Infrastructure) 2007. Any signage used will be legible and will comply with this clause.	Yes.

Clause	Provision	Comment	Compliance
	<p><i>it can be easily understood.</i></p> <p><i>(d) Provide signage which indicates where to proceed to for assistance, the location of telephones, taxis, bus shelters and the nearest safe place...</i></p>		
5.6 Landscaping	<p>5.6.1 General</p> <p><i>1. Landscaping plays an integral role in making an area environmentally friendly, pleasant and safe. It can provide an appropriate balance between aesthetics and safety. An attractive area is more likely to be used. Studies have shown that the landscaping design and maintenance of a whole site correlates with user satisfaction and safety. It has also been demonstrated however, that poorly maintained and vandalised landscaping can increase crime opportunities.</i></p> <p><i>2. Landscaping should not detract from pedestrian's visibility or create secluded areas. Care should be undertaken in the selection of plants, bearing in mind their shape and size as they mature. Landscaping can be used to direct pedestrian movement.</i></p> <p><i>3. It is important to balance the advantages of thorny as access deterrents against the disadvantages of litter trapped in shrubbery...</i></p>	A landscape plan has been prepared in accordance with <i>Chapter E6: Landscaping of WDCP 2009.</i>	Yes.
5.7 Spaces safe from entrapment	<p>5.7.1 General</p> <p><i>1. Entrapment spots are small, confined areas that are adjacent to or near a well-travelled route and are shielded from view by some barrier or barriers. Entrapment spots may include lifts; storerooms; fire stairs, dark recessed entrances that may be locked at night; gaps in tall shrubbery; or loading docks off a pedestrian route...</i></p>	No entrapment spots are created by the proposal.	Yes.
5.9 Public open space and parks	<p>5.9.1 General</p> <p><i>1. The safety of public space is directly related to the design of the space and its ability to provide natural surveillance, sightlines, legibility and protection from entrapment. In designing new areas, it may be beneficial to undertake a risk assessment to ascertain where potential risks may occur. It is also important when designing public open space and parks, that these areas be interesting and inviting to attract legitimate users and incorporate adjoining land uses...</i></p>	The proposal will improve existing sightlines.	Yes.
5.10 Community facilities	<p>5.10.1 General</p> <p><i>1. A safe and pleasant environment within and around community facilities is very important to encourage the most effective use of the facility, particularly at night...</i></p>	The proposed development will increase visibility and create a pleasant environment.	Yes.

Clause	Provision	Comment	Compliance
Chapter E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management			
<i>Schedule 1 – Car Parking, Bicycle, Motorcycle and Delivery Vehicle Parking Requirements</i>	<i>Markets City wide:</i> - 1 car parking space per 20m ² of each stall area Note: Major retail markets may require additional car parking as well as provision for an emergency vehicle - 1 bicycle space per 10 stalls - 1 motor cycle space per 25 car parking spaces - Small Rigid Vehicle	No control relates to <i>Markets</i> in the Wollongong City Centre. The proposal will not adversely impact on existing car parking availability in the City Centre.	Not applicable.

Clause	Provision	Comment	Compliance
Chapter E6 Landscaping			
<i>4.2 Landscape Concept Plan</i>	<ol style="list-style-type: none"> <i>1. The lodgement of a Landscape Concept Plan is required for certain development types as outlined in Table 1.</i> <i>2. The Landscape Concept Plan should outline the overall landscape objectives and the context of the surrounding urban and landscape setting.</i> <i>3. The minimum information requirements for a Landscape Concept Plan shall take into account a range of landscape design issues / aspects as listed in the Landscape Plan Checklist:</i> 	A Landscape Concept Plan has been prepared in accordance with this Chapter by the GAO dated. The proposed planting of local species includes primarily Spotted Gum supplemented with Illawarra Flame trees. The proposed trees will provide shade to the southern side of the mall and will be planted within a continuous strip of soil along the entire mall. Pavement will be reinstated over the tree roots to provide for pedestrian amenity.	Yes.

Clause	Provision	Comment	Compliance
Chapter E7 Waste Management			
4.2 Site Waste Minimisation and Management Plan	1. A Site Waste Minimisation and Management Plan (SWMMP) outlines measures to minimise and manage waste generated during: <ul style="list-style-type: none"> • Demolition • Construction • Ongoing use of the site/premises... 	A SWMMP is to be prepared by Council's Environmental Management System division.	Yes.

Clause	Provision	Comment	Compliance
Chapter E9 Hoardings and Cranes			
Objectives	<ul style="list-style-type: none"> a) To ensure that hoarding structures are designed and constructed in accordance with relevant Codes of Practice and Australian Standards; b) To achieve high standards for the construction and maintenance of all hoardings; c) To minimise the impact that hoardings have on pedestrian amenity and pedestrian spaces within the city; and d) To improve standards of external finishes and colours of hoardings. 	<p>Cranes may be required to remove existing bird cage and amphitheatre.</p> <p>Hoardings may also be required to address public safety in certain sections within the work site.</p> <p>Appropriate safety procedures for the erection and use of cranes and hoardings will be developed and implemented.</p>	Yes

Clause	Provision	Comment	Compliance
Chapter E11 Heritage Conservation			
14.2 Development Controls	<ul style="list-style-type: none"> 1. Development on land adjacent to or within the vicinity of a heritage item or a heritage conservation area should not detract from the identified significance or setting of the heritage building or the heritage conservation area. 2. Where development is proposed adjacent to or within the vicinity of 	The proposal is located adjacent to local heritage items 6239 (Royal Bank), 6232 (Shop) and 6371 (Wesley Uniting Church). The proposed development will significantly improve the interface between the public domain and	Yes.

Clause	Provision	Comment	Compliance
	<p>a heritage site or heritage conservation area, the following matters must be taken into consideration:-</p> <p>(a) The character, siting, bulk, scale, height and external appearance of the development;</p> <p>(b) The visual relationship between the proposed development and the heritage item or heritage conservation area;</p> <p>(c) The potential for overshadowing of the adjoining heritage item or any building within a heritage conservation area;</p> <p>(d) The colours and textures of materials proposed to be used in the development;</p> <p>(e) The landscaping and fencing of the proposed development;</p> <p>(f) The location of car parking spaces and access ways into the development;</p> <p>(g) The impact of any proposed advertising signs or structures;</p> <p>(h) the maintenance of the existing streetscape, where the particular streetscape has significance to the heritage site;</p> <p>(i) The impact the proposed use would have on the amenity of the heritage site; and</p> <p>(j) The effect the construction phase will have on the well being of a heritage building.</p> <p>3. Development in the vicinity of a heritage item should give strong regard to any significant views to and from the heritage item or heritage conservation area and any public domain area...</p>	heritage items.	

Clause	Provision	Comment	Compliance
Chapter E14 Stormwater Management			
2 OBJECTIVES	<p>1. The main objectives of this chapter are to:</p> <p>(a) Achieve a uniform standard of stormwater drainage design for all developments;</p> <p>(b) Reduce peak flows from sites into Council's stormwater drainage system;</p> <p>(c) Reduce the probability of downstream flooding;</p> <p>(d) Minimise the potential impacts of new development and redevelopment in areas affected by local</p>	Refer to the Water Sensitive Urban Design and Stormwater Harvesting report prepared by Equatica in August 2010.	Yes.

Clause	Provision	Comment	Compliance
	<p>overland stormwater run-off or flooding, such that no increase in stormwater peak flows occurs downstream;</p> <p>(e) Minimise stormwater run-off volumes;</p> <p>(f) Reduce peak run-off flows from urban developments by local detention basins and minimising impervious areas, wherever practicable;</p> <p>(g) Minimise the drainage infrastructure cost of development; and</p> <p>(h) Increase public convenience and public safety as well as protection of property.</p>		

Clause	Provision	Comment	Compliance
Chapter E15 Water Sensitive Urban Design			
2 OBJECTIVES	<p>1. The main objectives of water sensitive urban design are:</p> <p>(a) To sustainably integrate natural systems with urban development.</p> <p>(b) To integrate stormwater drainage treatments into the landscape.</p> <p>(c) To ensure water sensitive urban design treatment measures are incorporated in new developments taking into account stormwater management and floodplain management issues.</p> <p>(d) To improve the potential for urban run-off reuse...</p>	Refer to the Water Sensitive Urban Design and Stormwater Harvesting report prepared by Equatica in August 2010.	Yes.

Clause	Provision	Comment	Compliance
Chapter E17 Preservation and Management of Trees and Vegetation			
2 OBJECTIVES	<p>1. The objectives of this part of the DCP are to:</p> <p>(a) Protect trees and other vegetation within the City of Wollongong Local Government Area.</p> <p>(b) Protect and enhance native vegetation, habitat for native fauna and biodiversity.</p> <p>(c) Protect and enhance native vegetation for its scenic values and to retain the unique visual identity of the landscape.</p>	Removal of insignificant vegetation will be undertaken in accordance with the SEPP (Infrastructure) 2007.	Yes.

Clause	Provision	Comment	Compliance
	<i>(d) Conserve trees and other vegetation of ecological, heritage, aesthetic and cultural significance...</i>		

Clause	Provision	Comment	Compliance
Chapter E19 Earthworks (Land Reshaping Works)			

Objectives	<i>a) Provide guidelines for land filling, excavation and land reshaping works; b) Prevent land filling, excavation or land reshaping works which create or contribute to environmental problems both on and off site; c) Ensure the future use of land is not adversely affected by land reshaping works; d) Ensure that no adverse impact occurs to local drainage systems, overland flow characteristics and flood storage; e) Ensure that appropriate environmental management measures are applied to conserve the landscape and protect water quality; f) Promote appropriate rehabilitation and revegetation of the site;.....</i>	The most significant earthworks associated with the proposal relate to the tree trench, service relocations and installation of WSUD tanks in front of Wesley Church.	Yes
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Clause	Provision	Comment	Compliance
Chapter E21 Demolition and Asbestos Management			

2 OBJECTIVES	<i>1. The objectives of this Chapter of the DCP are to: a) Ensure that demolition is undertaken in a manner that minimises waste generation and adverse amenity impacts. b) Protect the health and safety of persons involved in or situated in close proximity to demolition works particularly those involving asbestos; and c) Ensure asbestos material is removed in accordance with relevant</i>	Demolition will be undertaken in accordance with the SEPP (Infrastructure) 2007, Australian Standard AS 2601 -2001 – Demolition of Structures and relevant NSW WorkCover guidelines.	Yes.
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Clause	Provision	Comment	Compliance
	NSW WorkCover Authority requirements and relevant Australian Standards...		

Clause	Provision	Comment	Compliance
Chapter E22 Soil Erosion and Sediment Control			
2 OBJECTIVES	<p>1. The main objectives of this part of the DCP are to:</p> <p>a) Minimise the amount of sediment and contaminated water which leaves construction sites;</p> <p>b) Minimise the disturbance of sites during land use development activities and preserve, wherever possible, existing vegetation on development sites from either damage or removal as a result of the construction works; and</p> <p>c) Encourage prompt rehabilitation of construction sites by appropriate revegetation strategies.</p>	Refer to REF00687 (Section 4 Environmental Safeguards).	Yes.

4.5.5 WDCP 2009 – Appendices

Clause	Provision	Comment	Compliance
Appendix 2 Wollongong City Centre Public Domain Technical Manual			
1.2 Purpose	<p>1. The Public Domain Technical Manual will assist in fulfilling the objectives set out in the RWCCP by specifying and coordinating the design and construction of the public domain in the Wollongong City Centre. The details and elements contained in the PDTM will provide continuity in design language, and a standardisation of materials and construction practices throughout Wollongong City Centre. The choice of materials and furniture reflect the modern urban lifestyle that is becoming associated with the city.</p>	The proposal has been prepared in accordance with this chapter.	Yes.

4.5.7 Section 79C 1(a)(iii) any development control plan – Wollongong Section 94A Development Contributions Plan (2010)

A contribution is not applicable to this proposal pursuant to clause 12(h) as the application has been made by Council for community infrastructure.

4.6 Section 79C 1(a)(iia) 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

No planning agreement has been entered into which affects the development.

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

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

(1) For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

(a) in the case of a development application for the carrying out of development:

(i) in a local government area referred to in the Table to this clause, and

(ii) on land to which the Government Coastal Policy applies,
the provisions of that Policy,

(b) in the case of a development application for the demolition of a building, the provisions of AS 2601.

The proposal involves demolition and as such the provisions of AS 2601-2001 The Demolition of Structures apply. This can be conditioned to any consent granted.

The site is located on land to which the Government Coastal Policy applies however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA (refer to Figure 6 of this policy).

4.7.2 (93) Fire safety and other considerations

(1) This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.

(2) In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use.

(3) Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building's proposed use.

Note. The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.

(4) Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).

(5) The matters prescribed by this clause are prescribed for the purposes of section 79C (1) (a) (iv) of the Act.

The proposal does not involve a change of building use.

4.8 Section 79C 1(a) (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)

No Coastal Zone Management Plan affects this proposal.

4.9 Section 79C 1(b) the likely impacts of development

Context and Setting:

The proposal is sympathetic to the character of the area and will improve the amenity of the locality.

Access, Transport and Traffic:

The proposal allows for the following emergency and service access:

- 5m width allowance for aerial appliance along the mall between Church and Kembla Street. This includes the turning circle for access up Church Street from Burelli Street. 6m width is available along the majority of the length to allow set down of aerial appliance supports.
- 4m width allowance for general appliance along Church Street.
- The overhead pedestrian bridges restrict general appliance access (4.5m height) along the mall between Keira and Church Street, however the width of 6m is maintained.

Existing car parking in the area is considered adequate to support any increase in demand as a result of the proposal.

Public Domain:

The proposal will significantly improve the public domain by upgrading pedestrian linkages and access between development and public areas.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

Some of the proposed works are located adjacent to *Local Significance Heritage Items*, as listed in *WLEP 2009*:

§ 6239 – Royal Bank

§ 6232 – Shop

§ 6371 – Wesley Uniting Church

A Heritage Impact Statement has not been sourced as the proposed works do not to adversely impact these items.

Other land resources:

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

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption.

Soils:

The *WLEP 2009 Acid Sulfate Soils Map* has identified that this property may be affected by Class 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. Refer to REF00687 (Section 4 Environmental Safeguards).

Air and Microclimate:

The proposal will not have any negative impact on air or microclimate.

Flora and Fauna:

Insignificant vegetation removal is proposed. The proposed planting of local species includes primarily Spotted Gum supplemented with Illawarra Flame trees. The proposed trees will provide shade to the southern side of the mall and will be planted within a continuous strip of soil along the entire mall. Pavement will be reinstated over the tree roots to provide for pedestrian amenity.

Waste:

Waste receptacles will be in place for waste generated during demolition and construction. A SWMMP is to be prepared by Council's Environmental Management System division.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

Minimising noise nuisance during construction and demolition works can be conditioned to any consent granted.

Natural hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

This proposal will improve existing opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal will create a positive social impact.

Economic Impact:

The proposal will have a direct positive economic impact through the construction phase.

Construction:

All works will comply with the Building Code of Australia. WorkCover will be contacted for demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

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

Visual Amenity:

The visual amenity of the area will be temporarily impacted during demolition and construction activities. The proposal will have a positive impact on the visual amenity of the locality once completed.

Erosion and Sedimentation:

An erosion and sediment control plan will be prepared in accordance with *Chapter E22 Soil Erosion and Sediment Control of WDCP 2009*.

4.10 Section 79C 1(c) the suitability of the site for development

Does the proposal fit in the locality?

The proposal is appropriate with regards to the zoning of the site and is expected to have positive impacts on the amenity and locality of the surrounding area.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

4.11 Section 79C 1(e) the public interest

The proposal 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.

5.0 Conclusion

Based on the assessment of the development in this SEE, the proposal responds to all relevant statutory requirements, planning controls and is in the public interest. The project is of great significance to the Illawarra region and is a worthy addition to the Wollongong City Centre.

6.0 Appendices