

JRPP	2013STH004
DA No.	DA-2013/342
Proposal	Alterations and additions to Wollongong Court House
Property	Wollongong Court House, 43 Market Street, WOLLONGONG
Applicant	Trevor Williams – Jackson Teece Chesterman Willis P.C.
Responsible Team	City Centre Team (NL)

Executive Summary

Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to the Joint Regional Planning Panel pursuant to clause 5 of Schedule 4A of the Environmental Planning and Assessment Act 1979. The proponent is the Crown and has a capital investment value in excess of \$5 million.

Proposal

This proposal seeks to upgrade and re-develop the existing courthouse facilities at Wollongong to accommodate an increasing demand for court and associated facilities; improved building security measures; the need to segregate travel paths of the judiciary, jury, persons in custody, persons in protective care and the general public; and the desire to bring the existing facilities into compliance with current BCA and Accessibility standards.

Permissibility

The site is zoned B3 Commercial Core pursuant to Wollongong Local Environmental Plan 2009. The proposal does not alter the use of the building. The current use as a courthouse is categorised as a *public administration building* which is permissible within the zone.

Consultation

The proposal was notified in accordance with Council's Notification Policy and did not receive any submissions.

Main Issues

The main issue is a reduction of three on-site car parking spaces. This is not considered to result in any adverse impacts as discussed in this report and the variation is supported in this instance.

Recommendation

It is recommended that the application be approved subject to the conditions at Attachment 4.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- State Environmental Planning Policy 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2012

1.2 PROPOSAL

This proposal seeks to address the issues identified in a 2011 Master Plan to upgrade and re-develop the existing courthouse facilities at Wollongong to accommodate an increasing demand for court and associated facilities; improved building security measures; the need to segregate travel paths of the judiciary, jury, persons in custody, persons in protective care and the general public; and the desire to bring the existing facilities into compliance with current BCA and Accessibility standards.

The alterations and additions to the courthouse can be summarised as follows:

- To improve the courthouses functional operations and upgrade facilities through the rationalisation of internal planning and circulation passages to comply with the current functional requirements of the NSW Department of Attorney General and Justice.
- Add 5 new lifts to the building to improve internal accessibility and court functions.
- Relocate the courthouses main entrance back to the courthouses 1970's addition located on Market Street. The current entrance on Church Street will be closed to the general public and only used for Jury access.
- Upgrade the Market Street forecourt to complement the relocated courthouse entry.
- Extend and reclad the courthouses northern and southern facades of the 1970's east wing addition. The new northern facade with relocated entrance also features an entrance canopy, a new entrance stair and accessible lift. The relocated entrance position is better suited to interior functions and security requirements of the NSW Department of Attorney General and Justice.
- Repair the facade and rectify for compliance with the BCA
- Convert the existing unused internal courtyard into the major internal circulation lobby with the addition of a new roof with glazed skylights.
- Upgrade all public and office areas to comply with the Premises Code and the BCA.
- Refurbish, upgrade and provide new finishes and fittings to internal areas to the NSW Department of Attorney General and Justice's brief and corporate image standards.

The majority of alterations are internal with relatively minor extensions/ alterations to the façades on Market Street & Court Lane. The relocated entry re-establishes Market St as the primary entry and allows for reinvigoration of the current courtyard and draws attention to the Heritage significance of the original 1890's courthouse building.

1.3 BACKGROUND

Pre-lodgement meeting PL-2013/3 was held on 21 January 2013 as a precursor to the subject application. No significant concerns were raised at this meeting.

Customer service requests

The property does not have any outstanding customer service requests.

1.4 SITE DESCRIPTION

Wollongong Court House is located on the corner of Market and Church Streets within the Wollongong city centre, title reference Lot 1 DP 516749, Lot 5 DP 1129967. The courthouse occupies the eastern half of a block of land it shares with the four storey Wollongong Police Station. The two buildings are linked by an existing undercover walkway at the Church Street entry.

The north-western corner of the site faces St. Michael's Anglican Cathedral on the crest of the hill. To the north on Market Street, opposite the heritage 1890's courthouse and former entrance, is a 3 storey commercial building. Wollongong Public Schools playground is directly north of the of the proposed courthouse entry forecourt.

Court Lane forms the boundary to the south of the Courthouse and Police Station complex. This lane provides rear service and access to parking areas of the retail precinct of the city centre as well as the Courthouse and Police Station.

To the eastern side of the site are a number of commercial office and retail buildings of varying height including a 4 storey parking station.

The sites western boundary on Church Street is relatively level with a slight fall towards the south. Market street falls 5m from west to east and the site overall falls from the northwest corner to the southeast with a difference in levels of 10m. More detail is available on the survey drawing DA.SV accompanying this application.

Property conditions

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

- Acid sulphate soils. No significant earthworks are proposed and no specific requirements are necessary in this regard.
- Heritage item of local significance. Further the site is located in the St Michael's Square/Law Courts/Market St West Conservation Area. Council's Heritage Officer has raised no concerns subject to appropriate conditions of consent in this regard.

There are no restrictions on the title of relevance to the proposal.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Stormwater Engineer

Council's Stormwater Engineer has reviewed the application and given a satisfactory referral subject to conditions of consent.

Traffic Engineer

Council's Traffic Engineer has reviewed the application regarding the loss of three on-site car parking spaces and noted the deficiency. From an assessment view, the reduction in spaces is not considered to be a major concern in this instance in given the broader improvements to the building being proposed. This includes greater bicycle parking spaces and improved amenities for staff. Further the site is located within the CBD with multiple public car parking stations and public transport within easy access of the building. The three spaces would not impact on visitor parking. This is further discussed at section 2 of this report.

Building Inspector

Council's Building Inspector has reviewed the application and given a satisfactory referral subject to conditions of consent.

Heritage Officer

Council's Heritage Officer recommended approval subject to conditions of consent:

It is noted that it was also requested that the proposed new external door to the western verandah of 1886/91 building be removed from the proposal. This was conveyed to the applicant and they have objected to this requirement. The door provides essential safety egress escape route for the sitting magistrate should a security incident occur. All courtrooms must have an alternative egress route for the Judge or Magistrate if Judicial safety and security is threatened. In this case there is no other alternative route available. As noted in the HIS, the proposed door replaces a window that was installed in a blank wall as part of the 1970s work. Also noted in the HIS this is a reversible intervention with minor heritage impact. It is considered acceptable for the door to remain.

S94 Planner

Council's S94 Planner has reviewed the application and supports a full exemption of Section 94A Contributions for this application under Clause 12(m) of Wollongong Section 94A Development Contributions Plan 2012.

1.5.2 EXTERNAL CONSULTATION

In accordance with Section 89 (1)(b) of the Environmental Planning & Assessment Act, approval has been obtained from the crown for the draft conditions.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SECTION 79C ASSESSMENT

(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:

<i>(a) the provisions of:</i>	
<i>(i) any environmental planning instrument, and</i>	See section 2.1
<i>(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</i>	See section 2.2
<i>(iii) any development control plan, and</i>	See section 2.3
<i>(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</i>	See section 2.4
<i>(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,</i>	See section 2.5
<i>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i>	See section 2.6
<i>that apply to the land to which the development application relates,</i>	
<i>(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,</i>	See section 2.7
<i>(c) the suitability of the site for the development,</i>	See section 2.8

(d) <i>any submissions made in accordance with this Act or the regulations,</i>	See section 2.9
(e) <i>the public interest.</i>	See section 2.10

2.1 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The courthouse is a permitted use within the B3 Commercial Core zone pursuant to clause 76 of this policy as follows:

76 Development permitted 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.*

The proposal is within one of the prescribed zones being **B3 Commercial Core**,

The Standard Instrument defines public administration building as follows:

*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.*

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

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. The proposal does not comprise significant earthworks and there is no change of use. The proposal is considered satisfactory with regard to this policy.

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned B3 Commercial Core

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *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:*
 - (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 proposed alterations and additions to the existing courthouse are considered to enhance the function and appearance of an important public building and the streetscape. The proposal is considered to be satisfactory with regards to the above objectives.

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

Advertising structures; Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Exhibition homes; Function centres; Helipads; Hostels; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger

transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Self-storage units; Seniors housing; Service stations; Sex services premises; Shop top housing; Tourist and visitor accommodation; Veterinary hospitals; Wholesale supplies

The proposal is categorised as a *public administration building* as described above and is permissible in the zone with development consent pursuant to the provisions of SEPP Infrastructure 2007.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposal does not increase the existing building height. The maximum height of the current building is 15.14m and does not exceed the maximum of 16m permitted for the site.

Clause 4.4A Floor space ratio – Wollongong city centre

The proposal comprises a minor increase in gross floor area resulting in an overall GFA of 7,871m². The site area is 7507m² and the FSR will be $7,871/7,507 = 1.05:1$.

As the site area is equal to or greater than 2000 square metres and the street frontage is equal to or greater than 20 metres a 6:1 maximum FSR is applicable.

Part 5 Miscellaneous provisions

Clause 5.5 Development within the coastal zone

The site is located in the coastal zone. The land is not identified as being impacted by coastal hazards and there are not expected to be any adverse impacts on the coastal environment as a result of the application.

Clause 5.10 Heritage conservation

The courthouse is identified as a heritage item of local significance and the site is additionally located in the Heritage Conservation Area. The proposal comprises works to improve the visual amenity, accessibility and compliance of the building with the requirements of the BCA and is not expected to detract from the heritage significance of the site. The application has been reviewed by Council's Heritage Officer who has not raised significant concerns in relation to heritage matters subject to appropriate conditions of consent.

Part 7 Local provisions – general

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the proposal does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

Clause 7.13 Ground floor development on land within business zones

The objective of this clause is to ensure active uses are provided at the street level to encourage the presence and movement of people. The proposal improves the interface between the building and the public domain and is considered satisfactory with regards to this clause.

Part 8 Local provisions—Wollongong city centre

Clause 8.1 Objectives for development in Wollongong city centre

The proposal is satisfactory with regards to the objectives of this control, specifically the following:

- (c) to protect and enhance the vitality, identity and diversity of the Wollongong city centre,*
- (e) to facilitate the development of building design excellence appropriate to a regional city,*
- (g) to encourage responsible management, development and conservation of natural and man-made resources and to ensure that the Wollongong city centre achieves sustainable social, economic and environmental outcomes,*

- (b) 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.*

Clause 8.5 Design excellence

The proposal is considered to satisfy the requirements of this clause as outlined below.

- (1) The objective of this clause is to deliver the highest standard of architectural and urban design.*
- (2) This clause applies to development involving the construction of a new building or external alterations to an existing building.*
- (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.*
- (4) In considering whether development to which this clause applies exhibits design excellence, the consent authority must have regard to the following matters:*

- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

The design is considered to be of architectural merit, the design provides an appropriate response to the heritage importance of the site and the locality.

- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,*

The proposal is considered to improve the interface between the building and the public domain and to contribute significant aesthetic improvements to the building.

- (c) whether the proposed development detrimentally impacts on view corridors,*

No significant view corridors are impacted by the proposal.

- (d) whether the proposed development detrimentally overshadows an area shown distinctively coloured and numbered on the Sun Plane Protection Map,*

Not applicable.

- (e) how the proposed development addresses the following matters:*

- (i) the suitability of the land for development,*

The proposal comprises improvements to the existing courthouse and the land is considered suitable for the development.

- (ii) existing and proposed uses and use mix,*

The proposal is consistent with the existing uses on the site and surrounding land and has regard to the zone objectives.

- (iii) heritage issues and streetscape constraints,*

The proposal suitably addresses the heritage importance of the site and any site constraints.

- (iv) the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*

Not applicable.

- (v) bulk, massing and modulation of buildings,*

The overall bulk and scale of the building does not notably change from the current form.

- (vi) street frontage heights,*

Not applicable.

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

The Court House upgrade and additions will be designed to meet the requirements of Section J of the BCA, including glazing and insulation and performance requirements for all new lighting and mechanical services as required.

New and upgraded services equipment mechanical equipment is proposed to increase energy efficiency. The mechanical central plant system is being replaced by more energy efficient units at the point of need to reduce running cost and environmental impacts.

The following measures are proposed to be incorporated in design of renewed services in Wollongong Courthouse:

- Economy cycle in ducted air handling systems serving court rooms.
- Replace existing constant volume systems with energy efficient variable refrigerant flow systems to achieve better zoning and temperature control.
- CO2 based control of outside air supply in assembly area to minimize energy used to condition ambient air.
- New systems to use refrigerants with zero ozone depletion potential (ODP).
- Replace T8 lights in refurbished areas with more energy efficient T5/LED lights
- Provide occupancy sensors in office areas to restrict lighting energy consumption.
- All new hydraulic fittings and fixtures will be of an energy efficient type to improve water conservation.

(viii) the achievement of the principles of ecologically sustainable development,

As above

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

The on-site parking, as described earlier in this SEE, has been reduced by 3 cars as a result of changes to comply with the BCA and access requirements due to the space constraints of the existing building and site. The proposed upgrade of the courthouse does include new motorcycle and bicycle parking facilities in accordance with the DCP requirements. This is not expected to have any significant adverse impact on the functioning of the building or parking in the local area. Further, the proposal provides the following improvements to the building:

- Improved internal and external access and circulation in accordance with Australian Standards and the Access to Premises Code.
- Bicycle Parking has been provided both for the public in the forecourt and for staff on level 1 and level 2 of the existing building where there was previously none.
- Staff change rooms including showers have also been increased to facilitate the use of bicycles for staff.

(x) impact on, and any proposed improvements to, the public domain.

The proposed works will upgrade the façade and entry to the courthouse. The appearance of the building from the public domain will be improved significantly.

(5) Development consent must not be granted to the following development to which this clause applies unless a design review panel has reviewed the design of the proposed development:

- (a) development in respect of a building that is, or will be, greater than 35 metres in height,*
- (b) development having a capital value of more than \$1,000,000 on a key site, being a site shown edged heavy black and distinctively coloured on the Key Sites Map,*
- (c) development for which the applicant has chosen to have such a review.*

Not applicable.

Not applicable.

2.2 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT

Merge of Wollongong Local Environmental Plan (West Dapto) 2010 with Wollongong Local Environmental Plan 2009

This planning proposal seeks to transfer all land currently under the Wollongong (West Dapto) LEP 2010 (to be repealed) to the Wollongong LEP 2009 so that there will be a single principal Local Environmental Plan covering the Wollongong Local Government Area.. The planning proposal was publicly exhibited from 29 September 2012 until 29 November 2012. This matter has been considered and has no bearing on the proposal.

2.3 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The proposal is satisfactory with regard to the provisions of the DCP as outlined in the compliance table at Appendix 1 of this report.

A reduction in the number of parking spaces on site has been requested and is discussed below.

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

The on-site parking has been reduced by 3 cars as a result of changes to comply with the BCA and access requirements and the space constraints of the existing building and site. The proposed upgrade of the courthouse does however include new motorcycle and bicycle parking facilities in accordance with the DCP requirements as well as change facilities in the building where there previously were none. These improvements improve access and promote alternative modes of transport. The site further benefits from close proximity to a number of public parking stations and public transport routes.

The variation is considered satisfactory in this instance.

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2012)

An exemption to s94A contributions applies pursuant to clause 12(m) of this plan as follows:

Council may allow for the following exemptions (partial or full):

- m. An application by the NSW Government for public infrastructure, such as but not limited to hospitals, police stations, fire stations; education facilities and public transport infrastructure.*

Council's S94 Planner has reviewed the application and supports a full exemption of Section 94A Contributions for this application under Clause 12(m) of Wollongong Section 94A Development Contributions Plan 2012.

2.4 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.

2.5 SECTION 79C 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

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

- (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 application involves demolition and as such the provisions of AS 2601-2001: The Demolition of Structures apply. A condition will be attached to the consent in this regard.

The site is located within the Coastal Zone however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA.

94 Consent authority may require buildings to be upgraded

(cf clause 66B of EPA Regulation 1994)

(1) *This clause applies to a development application for development involving the rebuilding, alteration, enlargement or extension of an existing building where:*

(a) *the proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or*

(b) *the measures contained in the building are inadequate:*

(i) *to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or*

(ii) *to restrict the spread of fire from the building to other buildings nearby.*

(c) *(Repealed)*

(2) *In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*

(2A), (2B) (Repealed)

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

Council's BCA Officer has not raised any concerns with regard to BCA matters.

2.6 SECTION 79C 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

There is no Coastal Zone Management Plan currently applicable to the land. Whilst being in the coastal zone, the land is not identified as being impacted by coastal hazards and there are not expected to be any adverse impacts on the coastal environment arising from the development.

2.7 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

The proposal has been considered with regard to the likely impacts and is considered to be satisfactory. The works will improve the internal amenity, accessibility of the building whilst improving the external appearance and access into the building.

2.8 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.

2.9 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 and did not receive any submissions.

Submissions from public authorities

None required.

2.10 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.

3. RECOMMENDATION

This application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development has regard to the objectives of the B3 Commercial Core zone and is permissible with consent.

The proposal complies with the objectives of Wollongong DCP 2009. Variations have been sought with regard to the number of car parking spaces. The variations sought have been assessed within this report and are considered to be reasonable as these variations improve the accessibility and transport options and do not lead to significant adverse impacts. No submissions were received.

It is recommended that the application be approved subject to conditions which have been endorsed by the Crown Authority.

Attachments

1. Aerial photograph
2. Wollongong Local Environmental Plan 2009 Zoning map
3. Plans
4. Draft conditions
5. Concurrence from Crown to conditions of consent

Appendix 1: Wollongong Development Control Plan compliance table

CHAPTER D13 – WOLLONGONG CITY CENTRE

The site is located within the Wollongong City Centre, as defined in WLEP 2009 and WDCP 2009. Chapter D13 applies to the development and prevails over other parts of the DCP where there is any inconsistency.

2 Building form

2.2 Building to street alignment and street setbacks

No change.

2.3 Street frontage heights in commercial core

Not applicable.

2.4 Building depth and bulk

No change

2.5 Side and rear building setbacks and building separation

Side setbacks and building separation do not change.

2.6 Mixed used buildings

Not applicable.

2.7 Deep soil zone

Not applicable.

2.8 Landscape design

The proposal comprises alterations to the landscaping within the forecourt area and the front setback of the building. The existing landscaping is not of high quality and significantly hides the building and entry from public view. The changes create an improved interface between the building and the public domain. Council's Landscape Architect has reviewed these changes and raised no objections subject to appropriate conditions of consent.

2.9 Planting on structures

Not applicable.

2.10 Sun access planes

Not applicable.

2.11 Development on classified roads

Not applicable.

3 Pedestrian amenity

3.2 Permeability

Not applicable.

3.3 Active street frontages

The proposal provides an improved frontage to the development by relocating the entry to the more prominent Market Street frontage.

3.4 Safety and security

The proposal relocates and improves the visibility of the entry to the building.

3.5 Awnings

Not applicable.

3.6 Vehicular footpath crossings

Not applicable.

3.7 Pedestrian overpasses, underpasses and encroachments

Not applicable.

3.8 Building exteriors

The façade of the building is to be upgraded resulting in an improved visual appearance.

3.9 Advertising and signage

Not applicable.

3.10 Views and view corridors

No significant views or view corridors will be impacted by the proposal.

4 Access, parking and servicing

4.2 Pedestrian access and mobility

The proposal will result in improved access into and within the building in compliance with the BCA and the access to premises code.

4.3 Vehicular driveways and manoeuvring areas

No significant changes are proposed to driveways or manoeuvring areas. Conditions of consent are recommended with regard to compliance with the relevant standards.

4.4 On-site parking

The proposal results in a loss of 3 parking spaces. This is not considered to be significant in this instance as discussed at Chapter E3 above.

4.5 Site facilities and services

The proposed changes are not expected to place any significant additional demand on the existing services.

5 Environmental management

5.2 Energy efficiency and conservation

The Court House upgrade and additions will be designed to meet the requirements of Section J of the BCA, including glazing and insulation and performance requirements for all new lighting and mechanical services as required.

New and upgraded services equipment mechanical equipment is proposed to increase energy efficiency. The mechanical central plant system is being replaced by more energy efficient units at the point of need to reduce running cost and environmental impacts.

The following measures are proposed to be incorporated in design of renewed services in Wollongong Courthouse:

- Economy cycle in ducted air handling systems serving court rooms.
- Replace existing constant volume systems with energy efficient variable refrigerant flow systems to achieve better zoning and temperature control.
- CO2 based control of outside air supply in assembly area to minimize energy used to condition ambient air.

- New systems to use refrigerants with zero ozone depletion potential (ODP).
- Replace T8 lights in refurbished areas with more energy efficient T5/LED lights
- Provide occupancy sensors in office areas to restrict lighting energy consumption.

5.3 Water conservation

All new hydraulic fittings and fixtures will be of an energy efficient type to improve water conservation.

5.4 Reflectivity

No detrimental impacts are expected with regard to reflectivity.

5.5 Wind mitigation

No detrimental impacts are expected with regard to wind.

5.6 Waste and recycling

The proposal will not result in an increase in waste generated by the site and existing waste servicing arrangements are expected to remain suitable.

6 Residential development standards

Not applicable.

7 Planning controls for special areas

7.1 Special areas with heritage items

The proposal is consistent with the Conservation Criteria outlined in this section. The scale and siting of the building do not change. The architectural form, detailing and materials and finishing are improved. The use remains the same. Council's Heritage Officer has reviewed the proposal in this regard and recommended suitable conditions of consent.

7.2 Special areas and Development Standards

The site is located in the St Michael's Square/Law Courts/Market St West special area. The proposal is satisfactory with regard to the controls in this section.

7.3 Non-residential development in the enterprise corridor zone

Not applicable.

7.4 Special area design guidelines

Not applicable.

7.5 Design excellence

Not applicable.

8 Works in the public domain

The proposal includes upgrading the forecourt and frontage to Market Street. The works are consistent with Wollongong City Centre Public Domain Technical Manual. Council's Landscape Architect has reviewed the proposal in this regard and not raised any objections subject to appropriate conditions of consent.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The proposal includes upgrading the internal and external accessibility of the building to comply with the BCA.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal results in improved visibility and accessibility of the building and is considered satisfactory with regard to the principles of CPTED.

CHAPTER E6: LANDSCAPING

The proposal includes upgrading the landscaping to the forecourt area and Market Street frontage. Council's Landscape Architect has reviewed the application in this regard and has provided a satisfactory referral subject to appropriate conditions of consent.

CHAPTER E7: WASTE MANAGEMENT

The proposal is not expected to result in any change to the waste generated by the use of the building. Conditions of consent are recommended with regard to waste management during works.

CHAPTER E9 HOARDINGS AND CRANES

Conditions of consent are recommended with regard to the use of any hoardings or cranes during works.

CHAPTER E11 HERITAGE CONSERVATION

As described previously in this report, the proposal is considered satisfactory with regard to heritage matters.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Stormwater Engineer has reviewed the application and provided a satisfactory referral subject to appropriate conditions of consent.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal does not comprise any major earthworks and there are no specific requirements in this regard.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

Any asbestos to be removed in the proposed upgrade works will be removed will be and disposed of by authorised practitioners in accordance with the following:

- NSW Occupational Health and Safety Regulation (2001)
- Code of Practice for the Management and Control of Asbestos in Workplaces (NOHSC: 2018(2005)). Canberra April 2005.
- Code of Practice for the Safe Removal of Asbestos 2nd edition (NOHSC :2002(2005)). Canberra April 2005.
- Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition (NOHSC : 3003(2005)). Canberra April 2005.
- Your Guide to Working with Asbestos [Workcover (March 2003)]

All of which shall be verified upon completion of the remediation works to the satisfaction of the Site Auditor.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent are recommended in relation to management of erosion and sedimentation during works.



