

# Wollongong Local Planning Panel Assessment Report | 11 December 2019

<b>WLPP No.</b>	Item No. 2
<b>DA No.</b>	DA-2019/575
<b>Proposal</b>	Residential - Subdivision - Torrens title - two (2) lots, construction of multi dwelling housing (32 dwellings) and Subdivision - Strata title - 32 lots
<b>Property</b>	7 Dawson Street, FAIRY MEADOW NSW 2519 Lot X DP 408389
<b>Applicant</b>	E Planning Pty Ltd
<b>Responsible Team</b>	Development Assessment & Certification – City Centre (NM)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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

The proposal has been referred to WLPP for **determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Clause 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, having received over 10 unique submissions by way of objection.

#### Proposal

The proposal seeks consent for 2 lot Torrens title subdivision of the existing lot, construction of multi dwelling housing comprising 32 x 2 storey dwellings.

#### Permissibility

Multi dwelling housing is permissible in the R2 Low Density Residential zone. Subdivision is permissible on land which the WLEP 2009 applies to.

#### Consultation

The proposal was exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan 2009, notified and advertised between 21 June and 26 July 2019. 10 submissions were received which are discussed at Section 1.5 of this report. Amended plans were received from the applicant on 20 September 2019 were not considered to be sufficiently different to warrant renotification and advertising.

#### Main Issues

The main issues arising from the development assessment are:

- Amenity Impacts
- Environmental concerns including contamination and sedimentation/erosion
- Parking
- Flood planning levels
- Built form including retaining walls, setbacks, streetscape design, driveway design
- Private open space and solar access
- Dwelling mix

#### RECOMMENDATION

It is recommended DA-2019/575 be refused for the reasons contained in Attachment 7.

# 1 APPLICATION OVERVIEW

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## 1.1 PLANNING CONTROLS

The following planning controls apply to the development

### State Environmental Planning Policies

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004

### Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

### Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

### Other policies

- Wollongong City-Wide Development Contributions Plan 2018

## 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

### Torrens title subdivision

- 2 Lot Torrens title subdivision consisting of:
  - Proposed Lot 1 – 12,068m<sup>2</sup> (vacant lot)
  - Proposed Lot 2 – 2,474m<sup>2</sup> (containing existing dwelling)

### Construction of 32-unit multi dwelling housing

- Construction of multi dwelling housing on proposed Lot 1
  - 32 x 2 storey dwellings within 11 separate buildings
  - 3 bedrooms in each dwelling
  - 17 units provided with 2 internal parking spaces, and 15 provided with 1
- Additional site works consisting of
  - Vehicle access off Dawson Street
  - Landscaping and provisions of deep soil zones
  - Communal open space areas
  - Construction of retaining walls
  - Tree removal
  - Site drainage works

### Strata title subdivision

- 32 lot Strata title subdivision

## **1.3 BACKGROUND**

### **Previous applications relevant to the proposal**

#### Pre-lodgement meeting

PL-2019/8 – Subdivision – Torrens title – two (2) lots, multi dwelling housing (32 units) and subdivision – strata title – 32 lots. A pre-lodgement meeting was held for the proposal on 13 February 2019. The plans presented at the pre-lodgement meeting were relatively similar to the plans lodged as part of this application. The pre-lodgement meeting notes are contained at Attachment 3.

#### Additional Information

Following a preliminary assessment of the proposal, an additional information letter was sent to the applicant on 21 August 2019. A copy of the letter sent is contained at Attachment 3. The letter detailed substantial concerns with the proposal and indicated that the application be withdrawn to allow a significant redesign to take place. The applicant declined to withdraw the application and lodged additional information on 20 September 2019. While some of the matters raised were addressed, a number of issues remain outstanding as discussed within this report.

#### Previous Applications

There have been 2 applications on the site previously for multi-dwelling housing in 2004 and 2007, each of which were refused by Council. The previous applications were refused for several reasons including concerns from the Integrated Authority, issues with the riparian corridor and issues with vegetation and landscaping.

#### Customer service actions

There are no outstanding customer service requests of relevance to the development.

## **1.4 SITE DESCRIPTION**

The site is located at 7 Dawson Street, Fairy Meadow and the title reference is Lot X DP 408389. The site is located at the north-east corner of the intersection between Cabbage Tree Lane and Dawson Street.

The site is irregular in shape with an area of approximately 14,990m<sup>2</sup>. The site is gradually sloping in a south-eastern direction towards the riparian corridor located on the site, with areas surrounding the corridor being more steeply sloping and containing dense vegetation. There is some native vegetation located elsewhere on the site, but most of the remainder of the site is free of significant vegetation. There is a single storey dwelling house located on the south-western corner of the site.

The site directly adjoins 21 other residential lots, each of which contain low density residential development, consisting of a mixture of dwelling houses and small-scale (3 or 4 dwellings) multi-dwelling housing.

Site photos and aerial photo are contained in Attachment 2.

#### Property constraints

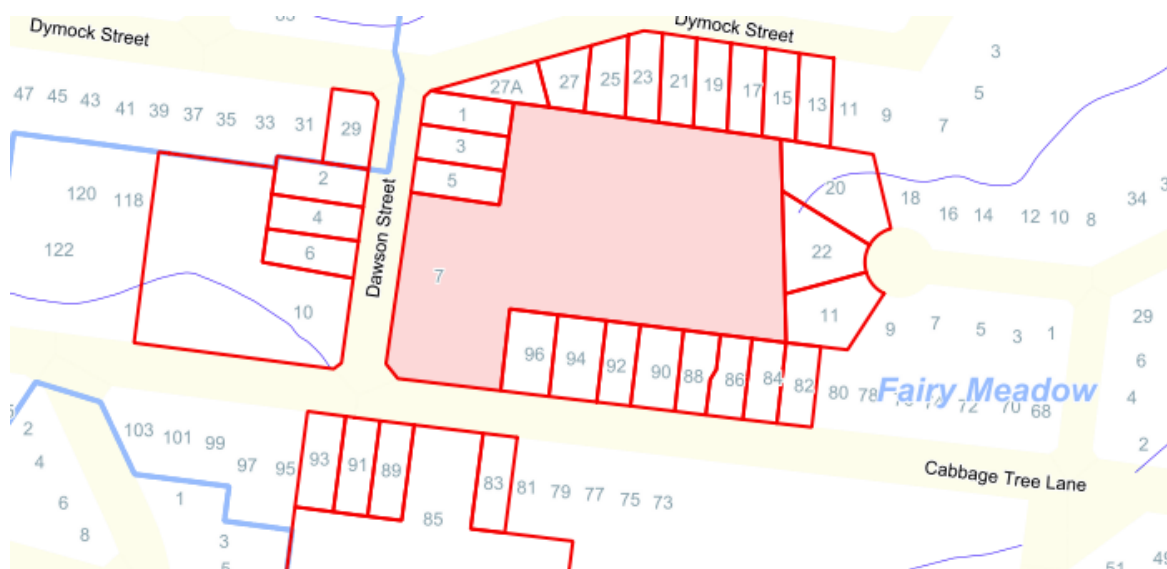
- Contamination: Site filling has previously taken place, and there is evidence on the site of uncontrolled material. The submitted Detailed Site investigation confirmed the presence of contaminants including Asbestos Containing Material (ACM) and Coal Washery Rejects (CWR)
- Flooding: The site is identified as being located within a low, medium and high flood risk precinct.
- Riparian Land: The site contains a riparian corridor running through the southern portion of the site

There are no restrictions on the title.

## 1.5 SUBMISSIONS

The proposal was exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan 2009, notified to neighbours and advertised in *The Advertiser* between 21 June and 26 July 2019. 10 submissions were received during this period.

The additional information/amendments were not considered to be substantially different and were therefore not required to be renotified.



**Figure 2:** Map showing properties directly notified

The issues identified are discussed below

**Table 1: Submissions**

Concern	Comment
<p>1. <b>Flooding</b></p> <ul style="list-style-type: none"> <li>The area has always been prone to flooding</li> <li>Site held considerable water during 1998 floods</li> <li>Increased development will impact velocity of flood waters downstream</li> <li>Flood study does not consider impact on downstream properties</li> <li>Council should purchase the site for preserving flood water retention</li> <li>Excavation and buildings will impact flow of flood water</li> <li>There should be a safety fence around the creek</li> <li>Habitable areas are not at a suitable level for the expected flooding</li> <li>Proposal does not consider rising sea levels in determining floor levels</li> <li>The creek has not been maintained in the past</li> </ul>	<p>The site is identified as being flood prone. Council's Stormwater Engineer has considered the proposal, and concerns are raised regarding the proposed floor levels and potential impacts on the surrounding area.</p> <p>The purchasing of Council assets is a broader strategic issue that falls outside the scope of this development application.</p> <p>The creek will be adequately separated from the proposed dwellings and COS with landscaping, and fencing is not considered appropriate.</p> <p>Council's Stormwater Engineer has raised concern in relation to sea level rise and climate change. In particular, the proposed floor levels are not at a level which considers the impacts of climate change.</p>



<p>2. <b>Traffic and Parking</b></p> <ul style="list-style-type: none"> <li>• Development will cause congestion on the surrounding road network</li> <li>• Increased traffic will impact noise on the street</li> <li>• Dawson Street already experiences congestion at the Cabbage Tree Lane intersection</li> <li>• The development has limited visitor parking and Dawson street lacks on-street parking</li> <li>• Impact on parking at Balgownie Village</li> <li>• Proposal will impact already heavy traffic on Cabbage Tree Lane</li> <li>• Entry should be wider to allow for entry/exit</li> </ul>	<p>The number of vehicle movements entering and exiting the site is not expected to have a significant impact on the surrounding road network. The application has been assessed by Council's Traffic Engineer, and while concern has been raised with regard to parking numbers and bike parking, no concern is raised relating to vehicle movements and traffic generation. It is noted in accordance with RMS guidelines, the expected traffic generation of 19 two-way peak hour trips equates to 1 vehicle arriving or leaving every 3 minutes, which is unlikely to result in any significant traffic capacity issues.</p> <p>The number of visitor parking proposed is acceptable and consistent with Council's controls. However, it is noted the number of resident parking spaces is less than the required number. The applicant has not confirmed that the required number of parking spaces have been provided.</p> <p>Parking in Balgownie Village is an issue outside the scope of this development application.</p> <p>The vehicle crossover proposed is 6m wide, which will allow 2 vehicles to pass.</p>
<p>3. <b>Flora and Fauna Impacts</b></p> <ul style="list-style-type: none"> <li>• Numerous species of native birds occupy the area</li> <li>• Tree 26 is frequently full of birds and should be maintained</li> <li>• Proposal is inconsistent with Council's Urban Greening Policy</li> </ul>	<p>The proposal has been considered by Council's Landscape and Environment Officers. While concerns have been raised by both, impacts on flora and fauna are generally considered acceptable. Changes to the Vegetation Management Plan is required by Council's Environment Officer to ensure remediation work takes place in the area adjacent to the riparian zone, however it is acknowledged majority of the significant vegetation on the site will be unaffected by the proposal.</p> <p>The proposed development will encroach into the 5m no development zone of T25, which is not supported.</p>
<p>4. <b>Contamination and Fill</b></p> <ul style="list-style-type: none"> <li>• There is substantial uncontrolled fill on the site</li> <li>• Believe asbestos contaminated soil has been dumped on the site</li> </ul>	<p>The site investigation reports lodged by the applicant confirmed the presence of asbestos and coal washery rejects in the soil.</p> <p>Council's Environment Officer has raised concern with the proposal and the submitted information. An Asbestos</p>

		Management Plan is considered necessary to demonstrate that site remediation is achievable.
5.	<b>Overdevelopment of site</b> <ul style="list-style-type: none"> <li>Proposal is not consistent with the low-density zoning of the site</li> <li>The type of housing proposed is inappropriate for the site</li> </ul>	<p>Multi dwelling housing is a permissible land use in the zone. The proposed Floor Space Ratio is substantially less than the maximum permissible.</p> <p>There are a range of planning controls which deal with land density, including dwelling classifications, floor space ratios and building height. The proposed development is consistent with Council's controls relating to density. The site is considered appropriate for multi dwelling housing, however as detailed in this report, there are some substantial issues with the design which are unable to be supported.</p>
6.	<b>Design</b> <ul style="list-style-type: none"> <li>Proposal lacks aesthetic appeal as buildings are too close together to allow landscaping to soften appearance near road entrance</li> <li>Proposal is not in character with the surrounding development</li> </ul>	The surrounding area consists of a range of housing styles including both 1 and 2 storey dwelling houses and multi dwelling housing. The proposed development type is therefore not inconsistent with the surrounding area.
7.	<b>Impact on Pigeon Loft on neighbouring site</b> <ul style="list-style-type: none"> <li>Proposed buildings will be too close to approved pigeon loft on neighbouring site, potentially causing issues</li> </ul>	The development is setback approximately 6.5m from the neighbouring site which contains the pigeon loft. The proposed setback in this area meets the relevant control. Furthermore, the development is proposed to be separated from the neighbouring site with landscaping.
8.	<b>Impact on Indigenous heritage</b> <ul style="list-style-type: none"> <li>As development is proposed within 40m of the top of the creek bank, a Heritage Impact Assessment should be undertaken</li> </ul>	<p>The site is not mapped as containing any Aboriginal heritage. Council's DCP states a heritage assessment should be undertaken if development is within 40m of a bank of a watercourse excluding any portion of land subject to past development disturbance.</p> <p>The site is within an established urban area, and has evidence of past disturbance, including the clearing of vegetation, filling of land and numerous agricultural land uses.</p> <p>A heritage assessment was not considered necessary.</p>
9.	<b>Garbage bins on the street</b> <ul style="list-style-type: none"> <li>There will be 64 additional bins placed on the street</li> </ul>	Provisions have been made for garbage collection to occur on site. Vehicle turning circles are compliant to allow this.

Matter	1	2	3	4	5	6	7	8	9
No. of Submissions	10	9	4	4	4	2	1	1	1

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Subdivision and Geotechnical Officers have reviewed the application and provided satisfactory referral comments subject to conditions.

Unsatisfactory referrals were received from Council's Stormwater, Landscaping, Traffic and Environment Officers. Amendments and additional information was requested from the applicant and the additional details were referred again. Unsatisfactory referrals were received again from each of the groups as detailed below:

#### Landscape Architect

An amended arborist report was required due to inaccuracies relating to species identification and assessment. An amended report has not been received. Separation between POS areas with a 1.5m landscaped area has not been provided. Slopes greater than 1:3 are required to be stabilised. The extent of the stabilised slopes, retaining walls and sections have not been clearly shown on the landscape plan. A 5m no development zone has not been established around T25.

#### Stormwater Engineer

The flood study was required to be amended to include flood impacts mapping for the Probable Maximum Flood (PMF) event. The PMF mapping provided shows there is a significant impact on upstream properties.

Finished Floor Levels are also required to be increased by an additional 0.3m to account for climate change. This is consistent with advice provided in the additional information letter sent to the application. The submitted plans do not demonstrate this.

#### Environment Officer

##### *Vegetation*

The Vegetation Management Plan (VMP) was requested to be amended to provide additional work within the area identified as MZ3 in the plan, as weed removal alone is not unlikely to lead to the desired outcome. Revegetation and related activities are considered necessary to ensure the objectives of the DCP are met. The VMP was not amended as requested to provide for additional work within this zone.

The VMP was also required to be amended to ensure tree guards are of a biodegradable nature to ensure they do not become a pollution risk and specify the implementation of the VMP is to be conducted by a qualified Bush Regenerator.

##### *Contamination*

A Remediation Action Plan was requested to be provided in the additional information request letter sent. A Supplementary Site Investigation Report was submitted. Council's Environment Officer has reviewed the document which highlights there is Asbestos Containing Material present in low scattered levels, with the potential for higher concentrations, and Coal Washery Rejects is present in levels below what would require sampling but could also be present in larger amounts elsewhere on the site.

While a RAP was requested, an Asbestos Management Plan is considered sufficient for this site. An Asbestos Hazard Management Strategy has not been submitted.

### *Geotechnical*

Advice is also required to be provided relating to existing CWR on sites, with management actions to be detailed in accordance with the relevant guidelines. These details have not been provided.

### *Sediment and Erosion*

A Soil and Water Management Plan is required to be submitted in accordance with the NSW Landcom publication titled Managing Urban Stormwater: Soils and Construction Vol 1 (Blue Book) to satisfy Council's controls relating to Sedimentation and Erosion as the proposed area of disturbance is greater than 2500m<sup>2</sup>. This requirement was detailed in the additional information letter but has not been submitted.

### Traffic Engineer

It is unclear as to the number of resident parking spaces required. A plan or table showing the total GFA of all dwellings was requested with the additional information letter but was not submitted. Calculations using Council's Trapeze software based on the submitted plans indicate there are 17 dwellings with a floor area greater than 110m<sup>2</sup> (requiring 2 parking spaces) and 15 dwellings with a floor area between 70m<sup>2</sup> and 110m<sup>2</sup> (requiring 1.5 parking spaces). Based on these calculations, 56.5 (57) resident parking spaces are required, and 49 have been provided, a shortfall of 8 parking spaces. See Attachment 5 for calculated GFA of each dwelling and parking requirements.

Bike parking has not been adequately shown on the plans. 11 resident bike parking spaces (Class B facility) and 3 visitor spaces (Class C facility) are required, but Council's Traffic Engineer does not consider the area shown on the plans to be large enough to accommodate the required bike parking.

## **1.6.2 EXTERNAL CONSULTATION**

### Natural Resource Access Regulator

The proposal is Integrated Development requiring a Controlled Activity Approval from the Natural Resource Access Regulator in accordance with the Water Management Act 2000, as work is proposed within 40m of a watercourse. The application was sent to NRAR on 17 June 2019. Copies of the submissions were provided to NRAR on the 29 July 2019 following the notification/advertising period. General Terms of Approval were received on 8 August 2019. Confirmation that the GTAs remain applicable following the submission of additional information was received from NRAR on 25 October 2019. The General Terms of Approval are provided at Attachment 6.

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

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

A review of Council's records and historical satellite imagery of the site indicates the potential for contamination on the site. There are also piles of fill on the site, the origin of which is unable to be determined and Council has granted approval in 1974 for filling to take place.

A Detailed Site Investigation (DSI) was submitted by the applicant, which confirmed the presence of Asbestos Containing Material (ACM) and CWR on the site. The DSI states subject to the several recommendations including a detailed asbestos investigation, and further categorisation of the CWR, the site could be made compatible for the development.

Following a review from Council's Environment Officer, a Remediation Action Plan (RAP) was requested from the applicant, but a Supplementary Site Investigation was instead submitted which states both CWR and ACM is on the site, likely in small quantities, but more concentrated areas may exist elsewhere on the site. It further states the site could be made suitable for the proposed development through the selective removal of fill material across the site, or encapsulation.

Following the submission of the Supplementary Site Investigation, Council's Environment Officer stated while a RAP was likely not necessary, an Asbestos Management Plan along with further geotechnical advice confirming compliance with Section 4.4.1 – Pre-existing CWR fill (onsite) in Chapter E19: Earthworks would be required to ensure the site could be made suitable for the development. As this documentation has not been submitted, the site is not suitable for the proposed development.

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

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

The BASIX certificate was issued no earlier than 3 months before the date on which the development application was lodged.

### 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Part 1 Preliminary

The development is classified as multi dwelling housing as defined below:

##### Clause 1.4 Definitions

***Multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*

#### Part 2 Permitted or prohibited development

##### Clause 2.2 – zoning of land to which Plan applies

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



**Figure 3:** WLEP 2009 Zoning Map

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

The objectives of the zone are as follows:

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

The proposal would be considered generally satisfactory regarding the above objectives as it is for multi dwelling housing, which is permissible in the zone with development consent.

The land use table permits the following uses in the zone with consent:

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

The proposed **multi dwelling housing** is permissible in the zone with development consent.

#### Clause 2.6 Subdivision—consent requirements

Subdivision is sought as part of this application, which is permissible.

#### Clause 2.7 Demolition requires development consent

No demolition is proposed as part of this application.

### **Part 4 Principal development standards**

#### Clause 4.1 Minimum subdivision lot size

The minimum lot size applying to the site is 449m<sup>2</sup>. The site currently has an area of 14,990m<sup>2</sup>.

#### **Torrens title Subdivision**

Torrens title subdivision is proposed to create 2 lots with area of 12,068m<sup>2</sup> and 2,474m<sup>2</sup>. Each of the proposed lots is larger than the minimum lot size.

#### **Strata title Subdivision**

32 lot Strata subdivision is proposed. In accordance with subclause (4)(a) of this Clause, the minimum lot size provisions do not apply to Strata subdivision.

#### Clause 4.3 Height of buildings

The proposed maximum building height of 8.385m does not exceed the maximum of 9m permitted for the site. However, it is acknowledged the maximum building height is likely to be required to be increased to meet the Flood Level requirements, which are currently unsatisfactory.

#### Clause 4.4 Floor space ratio

The maximum FSR permitted for the site is 0.5:1. Gross Floor Area of each proposed dwelling is contained within Attachment 5. A list of the total GFA of all dwellings was not submitted as requested, and the figures below have been obtained using Trapeze.

	Lot 1	Lot 2
Site area:	12,068m <sup>2</sup>	2,474m <sup>2</sup>
Gross Floor Area (not including required parking)	3,496.6m <sup>2</sup>	133.3m <sup>2</sup>
FSR: (GFA/Site Area : 1)	0.29:1	0.05:1

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

### Clause 7.1 Public Utility Infrastructure

The applicant was requested to provide details confirming compliance with this Clause. The amended site plan submitted shows the location of an electricity substation on the site. Connections to water and sewerage is expected to be able to be upgraded to support the development if approved.

### Clause 7.2 Natural Resource Sensitivity – biodiversity

As per Subclause (2), this clause applies to land that is identified as 'Natural Resource Sensitivity – Biodiversity' on the Natural Resource Sensitivity – Biodiversity Map.

The site is not identified on this map. This site is however mapped as containing significant vegetation. Refer to DCP Section of this report for more detailed discussion.

### Clause 7.3 Flood Planning

The site is identified as being flood prone. The application was been referred to Council's Stormwater Engineer who has raised concern with the proposed habitable floor levels. Habitable floor levels are required to be constructed at a minimum of 100-year flood level plus 0.5m freeboard and 0.3m to allow for climate change. The proposed flood levels are 0.3m lower than the required level.

It has not been demonstrated that the proposal will not have a significant impact on surrounding areas as the submitted flood study as the Probable Maximum Flood (PMF) mapping provided in the flood study does not include a scale, and the mapping provided shows there may be a significant impact to upstream properties.

The application in its current form does not have adequate regard to the clause.

### Clause 7.4 Riparian Lands

A riparian corridor runs through the southern side of the site. Development consent must not be granted unless the consent authority has considered the impact of the proposed development on the land and any opportunities for rehabilitation of aquatic and riparian vegetation and habitat on the land.

The submitted VMP shows weed clearing works and revegetation works within the riparian corridor. However, Council's Environment Officer has raised concern regarding the area identified as Management Zone 3 in the VMP, to the south of the riparian corridor. Weed removal only, with no revegetation is proposed within this area. Planting and related work is considered necessary within this area to achieve a suitable outcome, consistent with the objectives of Council's DCP.

### Clause 7.6 Earthworks

Earthworks associated with the construction of the dwellings is proposed. Concern is raised with regard to the proposed earthworks as appropriate remediation of land which has not been demonstrated in this application, as discussed in SEPP 55 above. In addition, the extent of the earthworks has not been adequately shown, due to the proposal as submitted being unsatisfactory with regard to flooding, as discussed in Clause 7.3 above, and requested details regarding retaining walls have not been submitted.

### 7.14 Minimum Site Width

Consent must not be granted for multi-dwelling housing unless the site has dimensions of at least 18m. Lot 2 is proposed to contain 32 multi dwelling housing units. The proposed lot has a street frontage of 34m at the front building line.

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

No proposed instruments apply to this development.

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

### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

A detailed discussion in accordance with the WDCP 2009 is contained in Attachment 4. The proposal was found to be unsatisfactory regarding retaining walls, side setbacks, building character and form, car parking, landscaping, private open space, solar access requirements, dwelling mix, floodplain management, contamination and soil erosion and sediment control.

Much of the information requested to address the matters raised above has not been submitted. In addition, variation request statements to address non-compliances have not been provided.

### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018**

The estimated cost of works is \$5,500,000 and a levy of 1% would be applicable under this plan.

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

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

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

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

NA – Demolition is not proposed. The site is not within the Coastal Zone.

93 Fire safety and other considerations

NA

94 Consent authority may require buildings to be upgraded

NA

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

### Context and Setting:

While multi dwelling housing is permitted on the site, concerns are raised with regard to the impact of the proposal on the surrounding area with regard to flooding. Referral staff have raised significant concerns which remain unaddressed.

### Access, Transport and Traffic:

The proposal has been assessed by Council's Traffic Engineer, and no concern has been raised regarding impacts on traffic in the surrounding area.

Concerns have however been raised regarding parking requirements. It has not been demonstrated that the required number of parking spaces have been required. Neither plans or a list showing the total GFA of all dwellings has been provided, and in accordance with calculations based on the submitted plans, there appears to be a shortfall in resident parking.

### Public Domain:

The appearance of units 1 and 2 from the street is unacceptable. The dwellings address the street



with the appearance of a side setback, rather than a front setback as required. Furthermore, retaining walls within the front setback will obscure part of the front door and windows visible from the street, which is considered to result in a poor streetscape outcome.

Utilities:

The proposed development is unlikely to place an unreasonable demand on utilities supply.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal would not be envisaged to impact upon any valuable land resources.

Water:

The site is serviced by Sydney Water.

Soils:

Soil contamination concerns have not been adequately considered as part of this application. Concerns are raised with regard to management of ACM and CWR.

Air and Microclimate:

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

Flora and Fauna:

Concerns are raised with regard to the development encroaching within 5m of a substantial tree numbered T25. No concerns are raised with regard to impact on fauna on the site.

Waste:

Compliant waste collection from within the site has been demonstrated on the submitted plans. Turning circles for garbage trucks are compliant.

Energy:

The proposal is not expected to have unreasonable energy consumption. The submitted site plan shows an electricity substation in a suitable location.

Noise and vibration:

Noise and vibration during construction could be effectively controlled through the implementation of suitable conditions if the development was recommended for approval.

Natural hazards:

Council's Stormwater Engineer has raised concern with regard to the proposed Flood Levels being below the minimum level required, and the potential impact on surrounding properties.

Technological hazards:

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

Safety, Security and Crime Prevention:

This application is unlikely to result in any opportunities for criminal or antisocial behaviour.

Social Impact:

The proposed plans do not demonstrate a suitable level of amenity for future residents. Appropriate levels of solar access have not been shown into the POS areas or north facing living rooms windows of several dwellings.

Economic Impact:

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

Site Design and Internal Design:

The design of the proposal is considered to result in poor amenity for future residents, where the proposal appears to be capable of being redesigned to achieve a substantially better amenity outcome.

Construction:

No concerns relating to construction work is raised. Suitable conditions could be included if the development was recommended for approval.

Cumulative Impacts:

Considering the matters outlined throughout this report, the proposal is considered likely to result in adverse cumulative impacts.

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site, however the proposal fails to demonstrate issues relating raised in this report will not have adverse impacts on the surrounding area.

Are the site attributes conducive to development?

The site is heavily constrained, and the submitted information fails to demonstrate the constraints are able to be effectively mitigated to ensure the development does not have substantial impacts on the surrounding area and future residents of the development.

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

See Section 1.5 of this report.

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

The proposal in its current form is not considered to be in the public interest, as the proposal fails to adequately account for issues relating to flooding and contamination, includes inadequate information relating to landscaping, parking and erosion and sedimentation, and fails to establish a suitable level of amenity for surrounding residents and future residents of the development.

## **3 CONCLUSION**

---

The application has been assessed as unsatisfactory having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 including the provisions of Wollongong LEP 2009 and all relevant SEPPs, DCPs, Codes and Policies.

The site has a number of known constraints, including flooding, contamination, vegetation and riparian land. The proposed development has not been designed having regard to the existing site constraints, in that it fails to propose a suitable finished floor level, address land contamination requirements, landscaping requirements, and result in a suitable level of amenity for surrounding sites and future occupants of the proposed dwellings.

The application involves several variations to the provisions of Wollongong DCP. These variations have not been acknowledged in the supporting documentation and compromise the relevant

objectives being met for the development. The development is not considered to be consistent with the objectives of the Development Control Plan.

The submissions and internal referral have raised matters which have been addressed above.

#### **4 RECOMMENDATION**

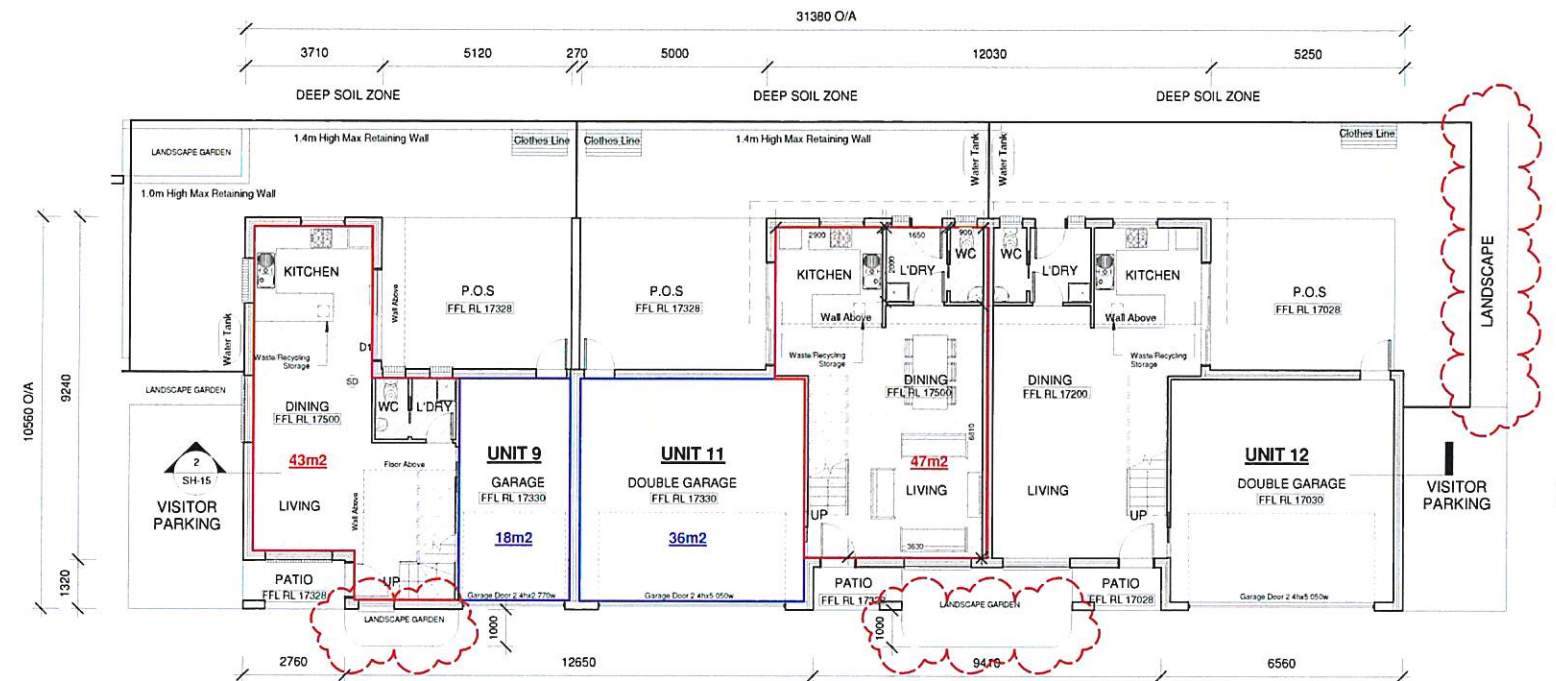
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It is recommended that development application DA-2019/575 be refused for the reasons outlined at Attachment 7.

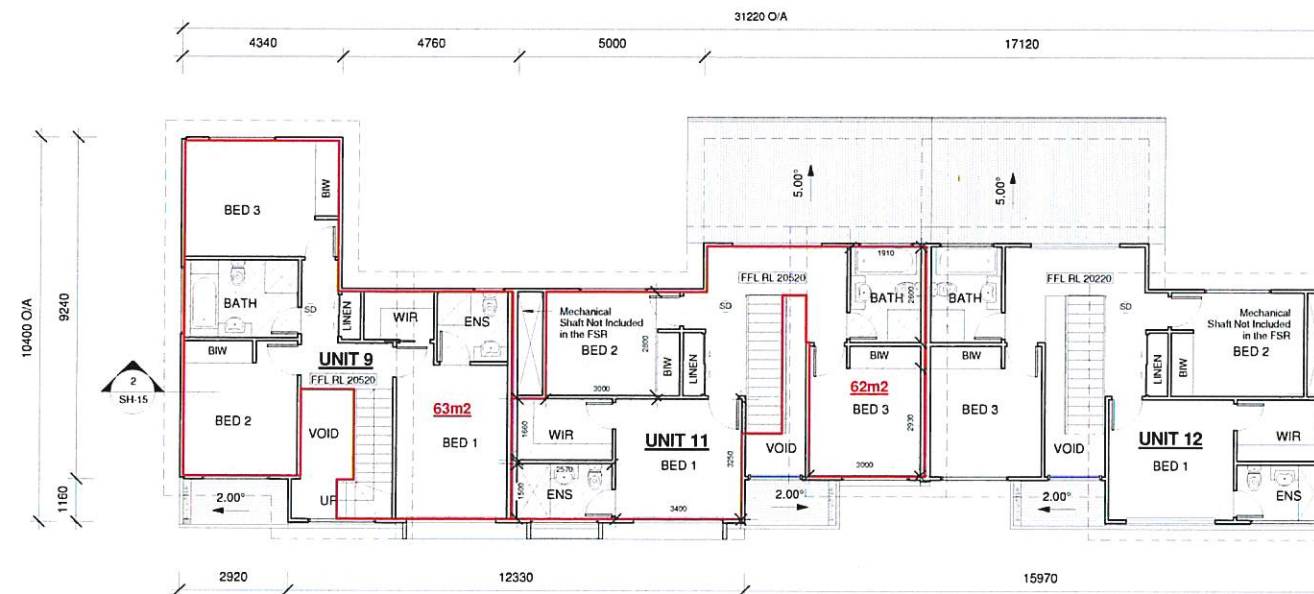
#### **5 ATTACHMENTS**

---

- 1 Plans
- 2 Site photos/aerial photo
- 3 Prelodgement meeting notes and additional information letter
- 4 DCP Compliance Assessment
- 5 GFA and Parking Requirements
- 6 NRAR General Terms of Approval
- 7 Recommended Reasons for Refusal



1 U9, U11 & U12 Ground Floor Plan  
1 : 100



2 U9, U11 & U12 First Floor Plan  
1 : 100

Legend  
Revision

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A: Development Application	31/05/19		



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Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Drawn By: O.CAYLAK

Client Name: SORACE CONST.

Sheet Name:  
U9, U11 & U12 Ground & First  
Floor Plan

Date: 26/08/19  
Scale: 1 : 100

Sheet: SH-06 of 36

DEVELOPMENT APPLICATION



# Onsite Carparking Calculations

Proposed Dwellings: 32 dwellings  
 Resident Carparking Required: 48 spaces  
 Visitor Carparking Required: 6 spaces  
 Total Carparking Required: 54 spaces  
 Total Carparking Provided: 58 spaces  
 Therefore onsite carparking complies

# FSR Calculations

Site Area: 14990m<sup>2</sup>  
 Single Garage Floor Areas:  
 Ground Floor: 43m<sup>2</sup>  
 First Floor: 62m<sup>2</sup>  
 Garage Area: 18m<sup>2</sup>  
 Total Area: 123m<sup>2</sup>  
 Total Floor Area: 1968m<sup>2</sup>  
 Double Garage Floor Areas:  
 Ground Floor: 47m<sup>2</sup>  
 First Floor: 63m<sup>2</sup>  
 Garage Area: 36m<sup>2</sup>  
 Total Area: 146m<sup>2</sup>  
 Total Floor Area: 2336m<sup>2</sup>  
 Total Combined Floor Area: 4304m<sup>2</sup>  
 Less Garage Allowance: -864m<sup>2</sup>  
 Total Gross Floor Area: 3440m<sup>2</sup>  
 FSR%: 23%

# Deep Soil Zone Calculations

Proposed Deep Soil Zone Total Area: 2670m<sup>2</sup> = 18% of the Site Area.

# Legend

Trees to be Removed

# Legend

Symbol for Outdoor Lighting

# Proposed Bin Enclosure

# Proposed Substation

1.4m High Max Retaining Walls to Engineers Details



Bike Locker

Location of Letter Boxes

1.4m High Max Retaining Walls to Engineers Details

1.0m High Max Retaining Walls to Engineers Details

# Site Analysis Plan

1 : 400

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 SUBDIVISION

Project number: 20180024

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 7 DAWSON STREET, FAIRY  
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Issue: A

Drawn By: O.CAYLAK

Client Name: SORACE CONST.

Sheet Name:  
 Site Analysis Plan

Date: 26/08/19

Scale: 1 : 400

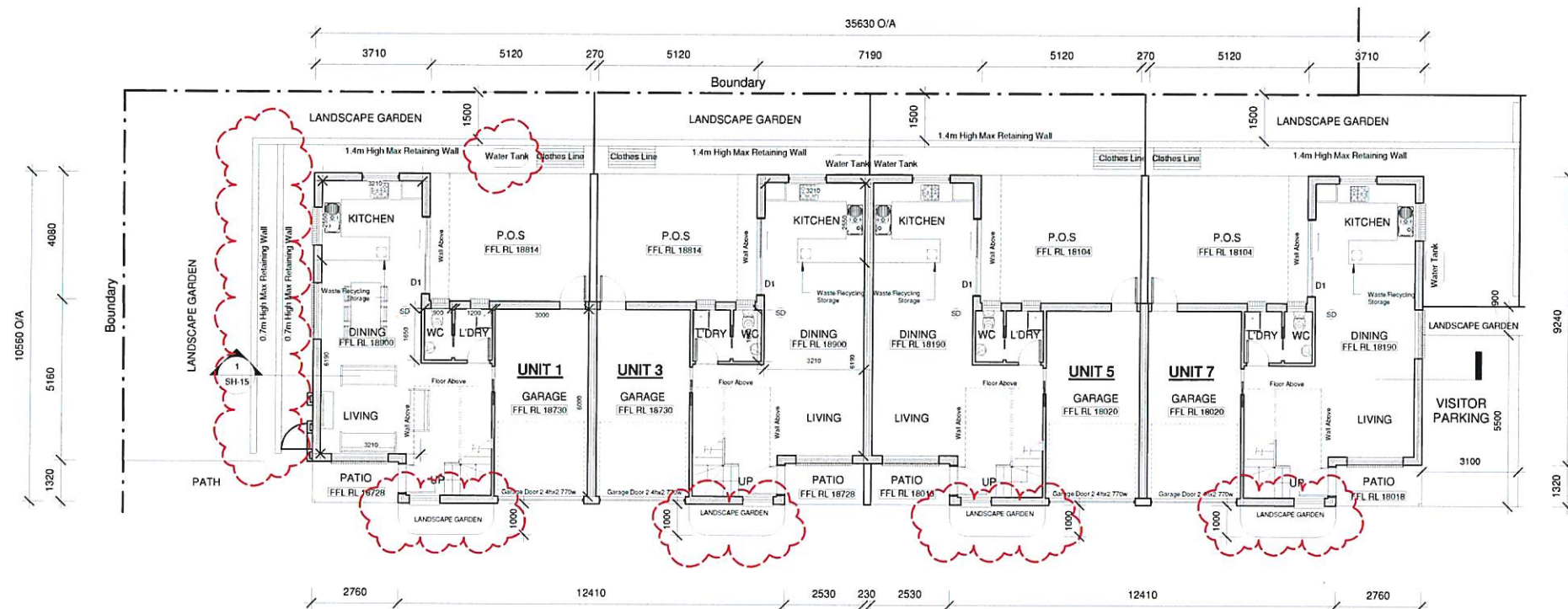
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# DEVELOPMENT APPLICATION

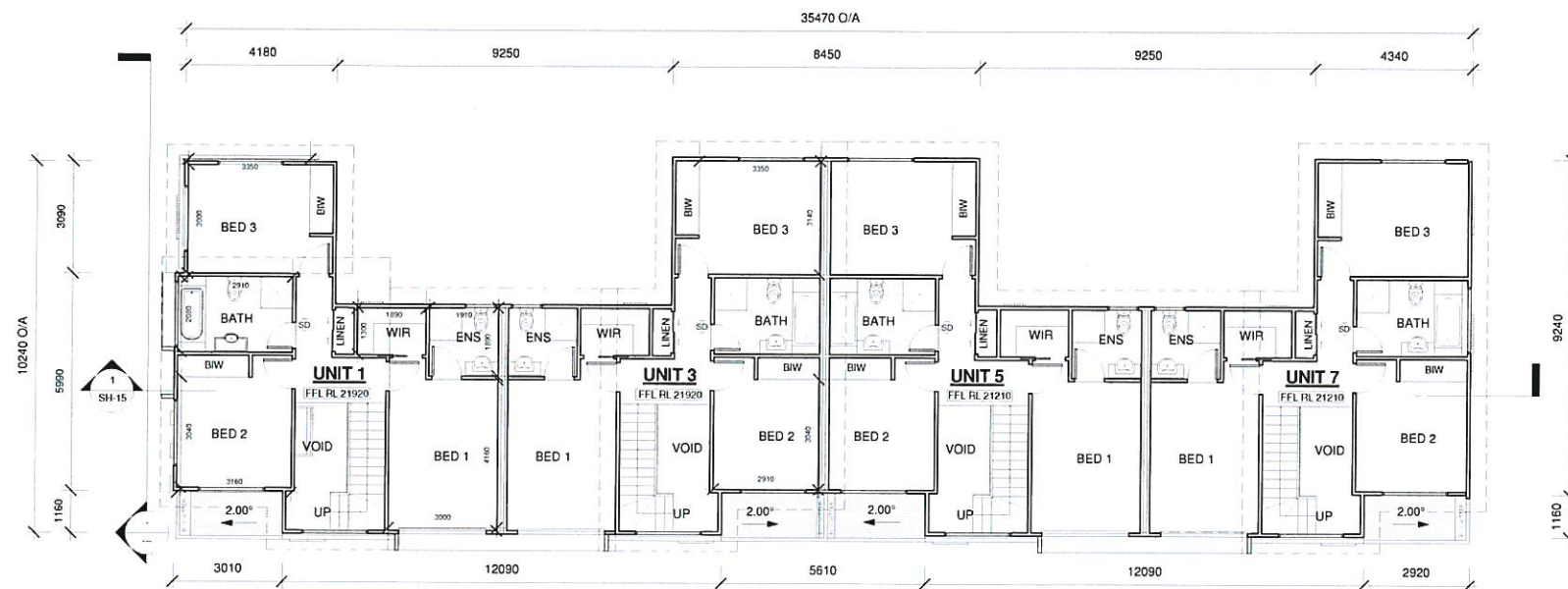
# Legend

Revision





1 U1, U3, U5 & U7 Ground Floor Plan  
1 : 100



2 U1, U3, U5 & U7 First Floor Plan  
1 : 100

**Legend**  
Revision

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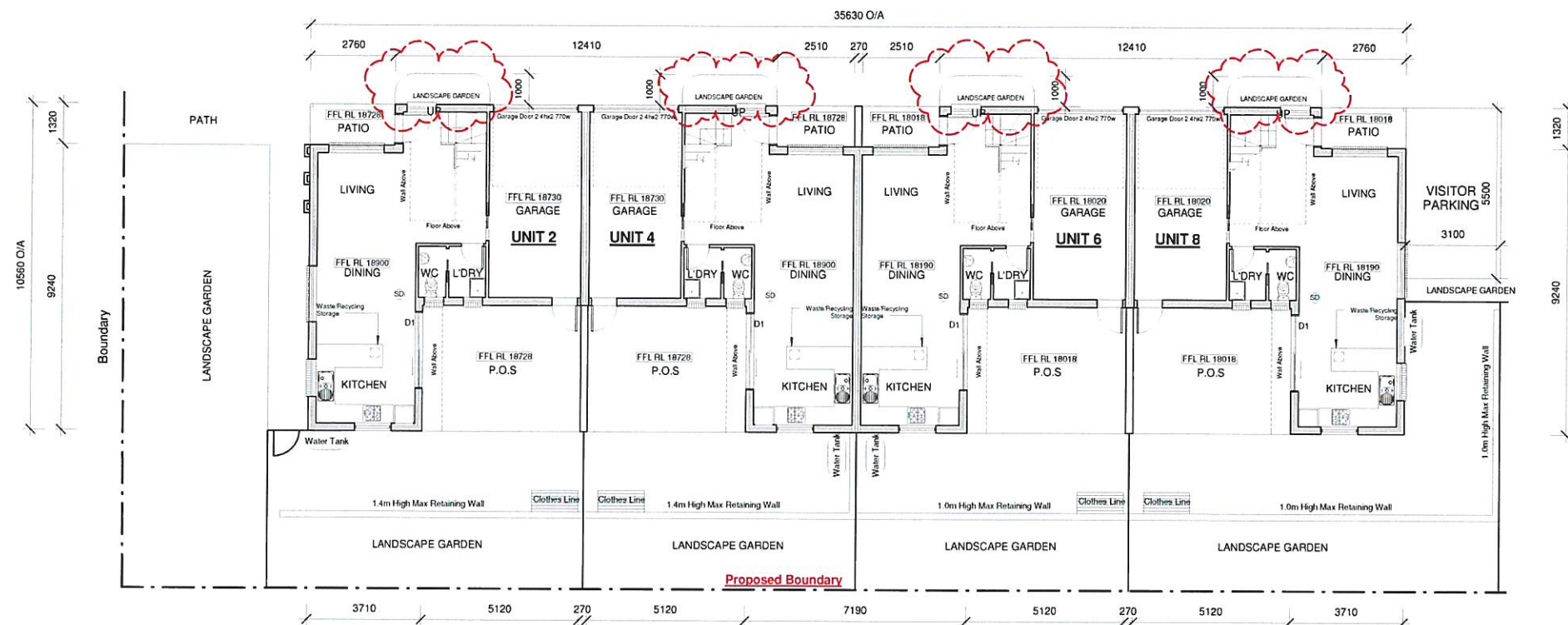
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U1, U3, U5 & U7 Ground & First  
Floor Plans

Date: 26/08/19  
Scale: 1 : 100

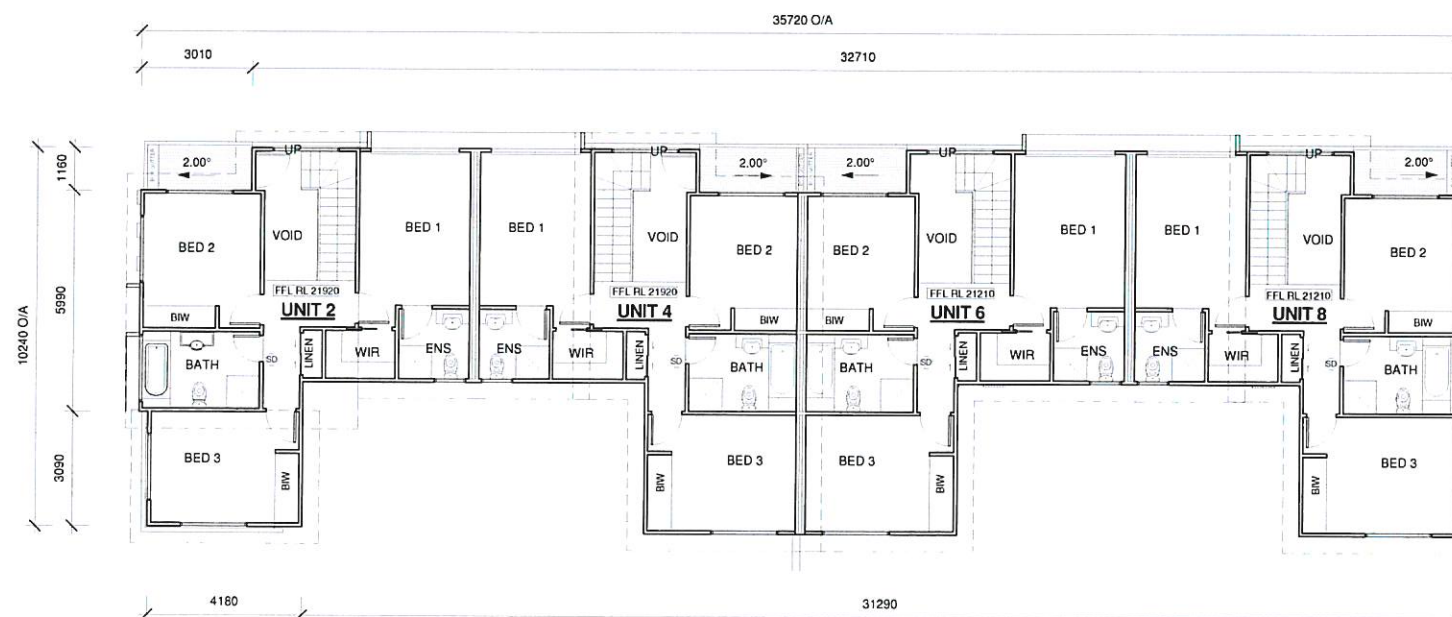
Sheet: SH-04 of 36

**DEVELOPMENT APPLICATION**





1 U2, U4, U6 & U8 Ground Floor Plan  
1 : 100



2 U2, U4, U6 & U8 First Floor Plan  
1 : 100

**Legend**  
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SUBDIVISION

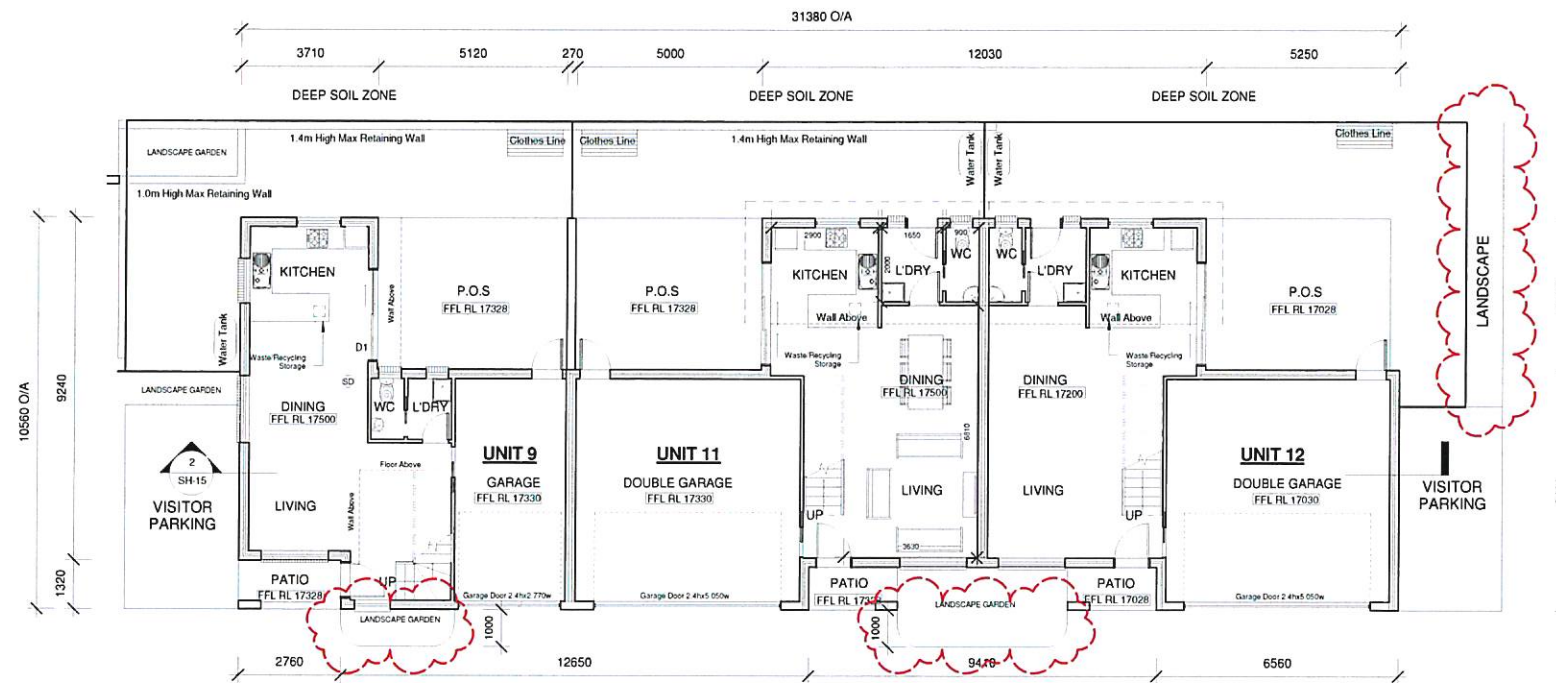
Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

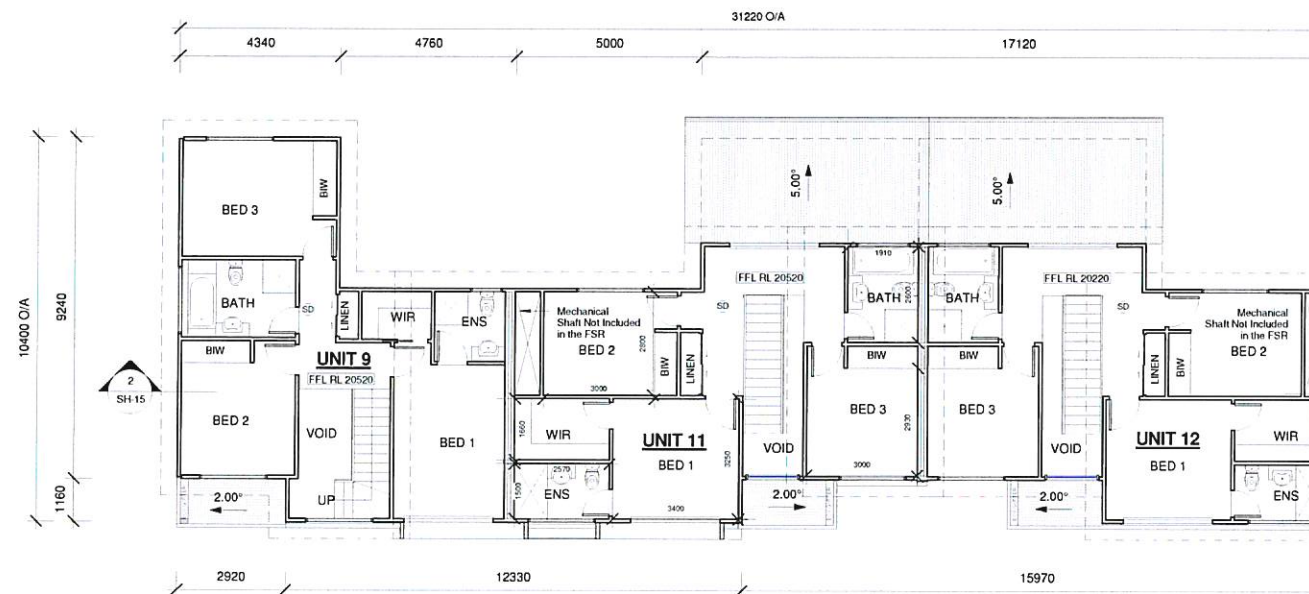
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Drawn By: O.CAYLAK Scale: 1 : 100  
Client Name: SORACE CONST. Sheet: SH-05 of 36

**DEVELOPMENT APPLICATION**





1 U9, U11 & U12 Ground Floor Plan  
1 : 100



2 U9, U11 & U12 First Floor Plan  
1 : 100

Legend  
Revision

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DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Drawn By: O.CAYLAK

Client Name: SORACE CONST.

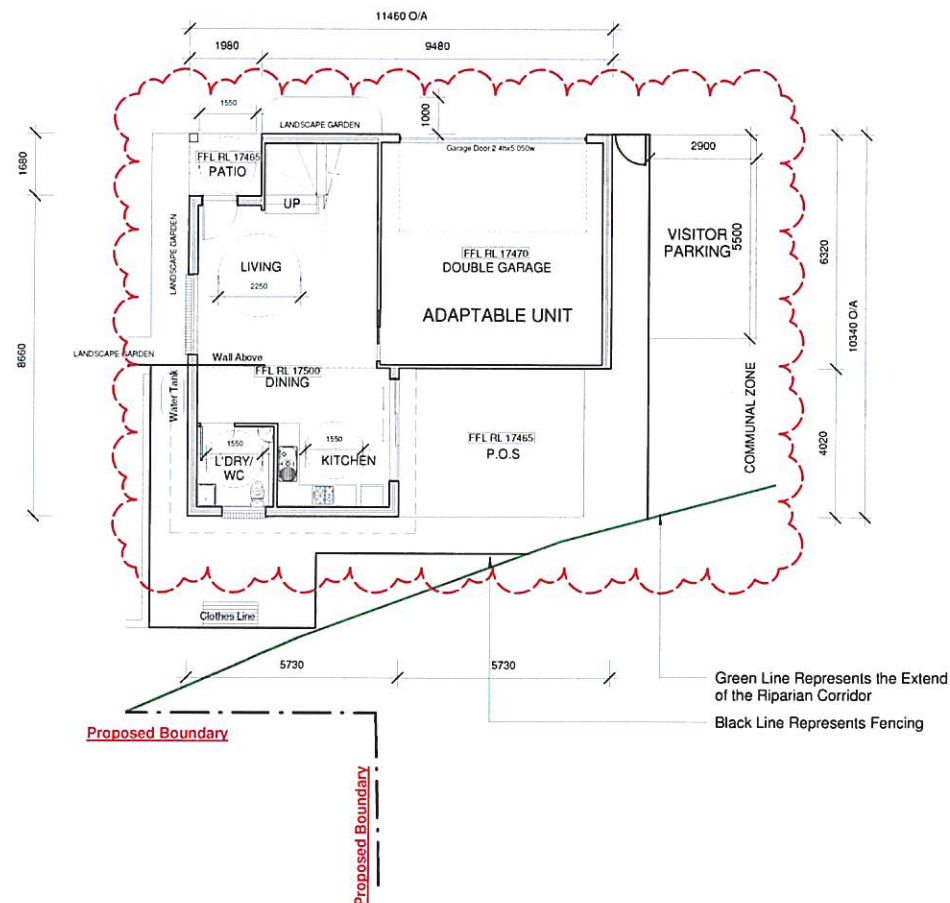
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U9, U11 & U12 Ground & First  
Floor Plan

Date: 26/08/19  
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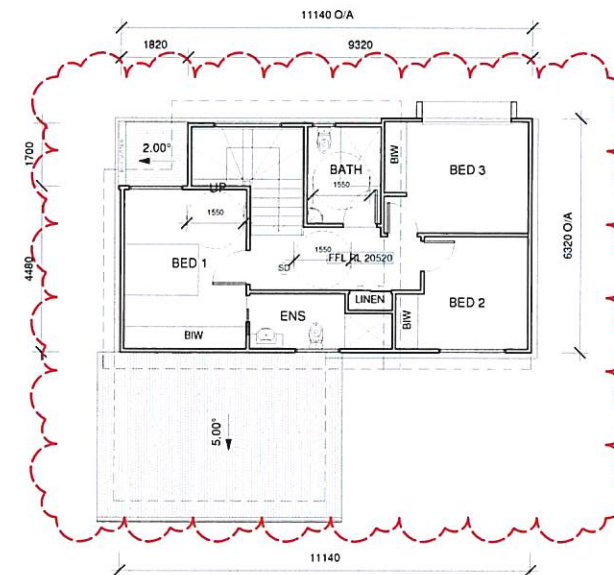
Sheet: SH-06 of 36

DEVELOPMENT APPLICATION





1 U10 Ground Floor Plan  
1 : 100



2 U10 First Floor Plan  
1 : 100



## U10 Ground & First Floor Plan

Note: Use figured dimensions only. DO NOT SCALE. The builder shall verify all dimensions prior to actual commencement of any earthworks of building construction. These drawings shall be read in conjunction with any relevant Engineer's details and drawings. Illawarra Drafting accepts no responsibility for errors in construction or misinterpretation of drawings. All timber framing sizes shall comply with AS 1684 "Nation Timber Framing Code". All construction works shall comply with provisions of the Building Code of Australia. The roof style is diagrammatic only and need to be designed by roof manufacturer prior to construction, all roof framing and any required beams are to be specified by roof manufacturer.

TELEPHONE: 4227 4781  
FAX: 4227 4781  
MOBILE: 0403 716 339  
EMAIL:  
issasousou\_@hotmail.com  
ABN: 75 828 056 040

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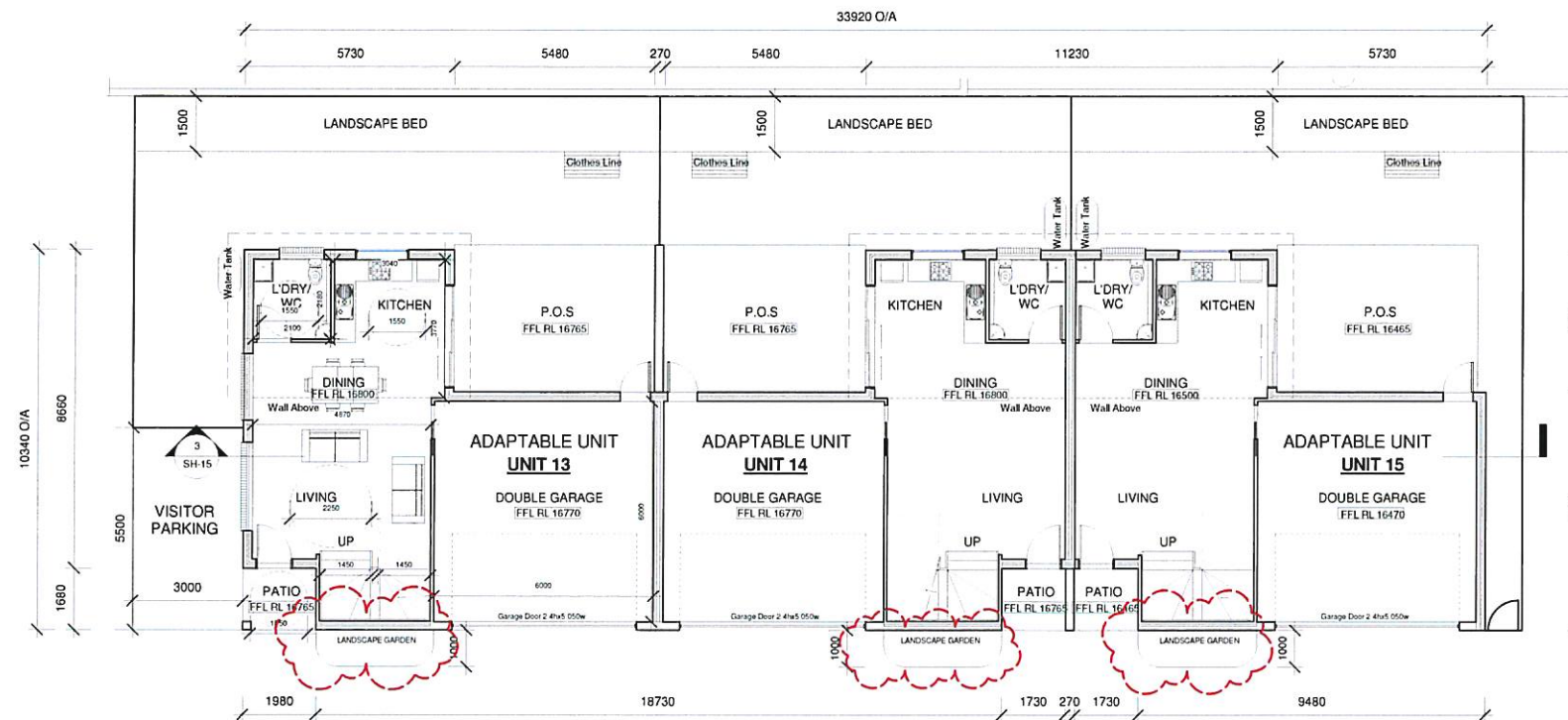
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Project number:	20180024	Scale:	1 : 100
Date:	26/08/19	For:	SORACE CONST.
Drawn by:	O.CAYLAK	Address:	7 DAWSON STREET, FAIRY MEADOW LOT X in DP 408389
Designed by:	A		

Sheet Number:

SH-07

Legend  
Revision



1 U13, U14 & U15 Ground Floor Plan  
1 : 100



2 U13, U14 & U15 First Floor Plan  
1 : 100



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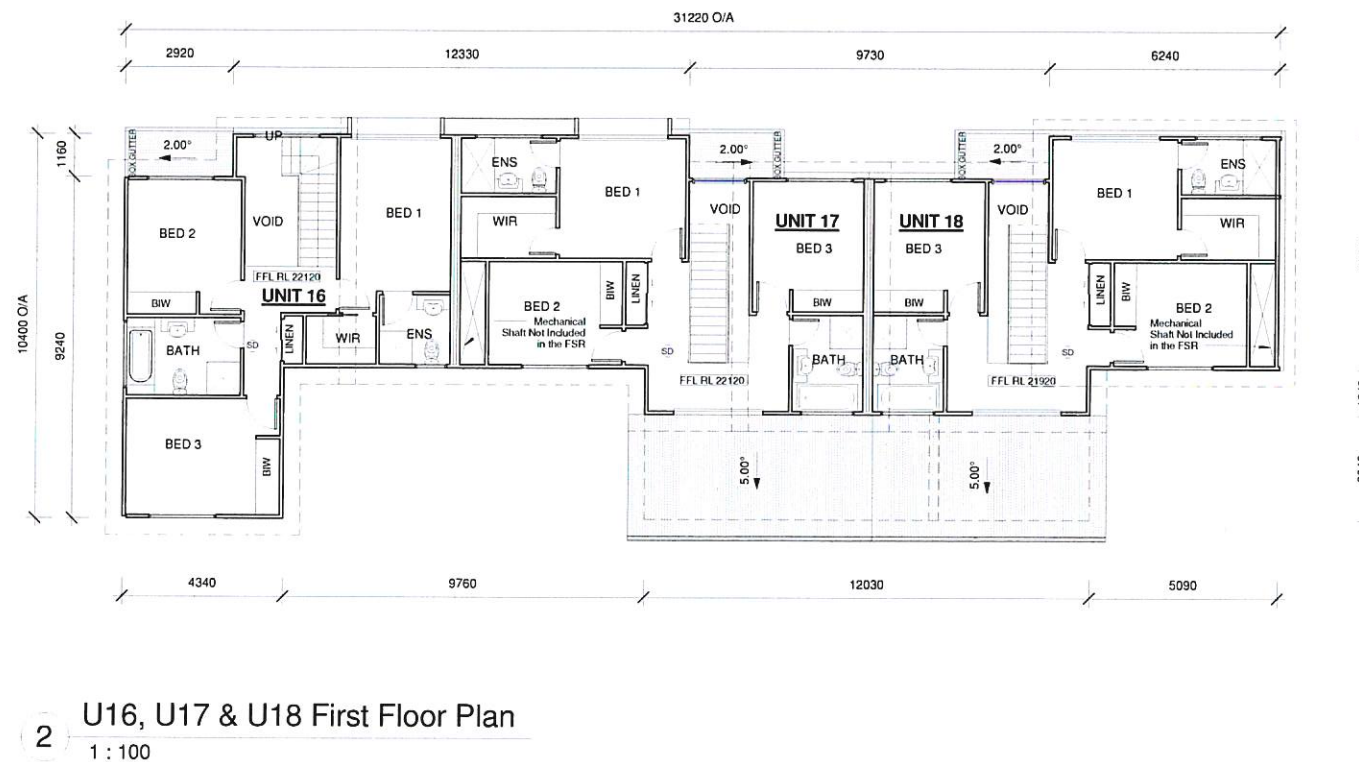
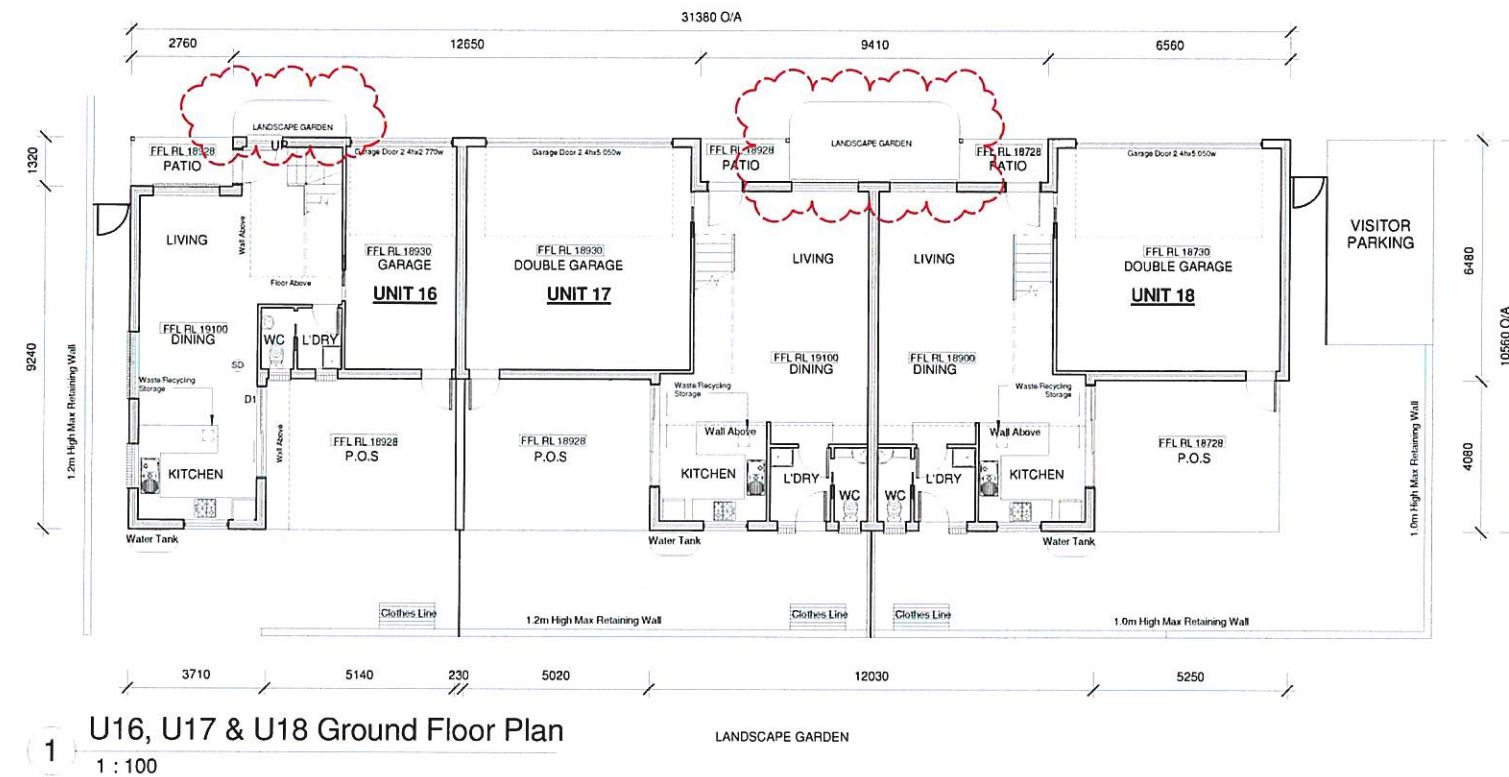


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Project: PROPOSED 2 LOT TORRENS TITLE SUBDIVISION, 32 UNIT DEVELOPMENT & STRATA TITLE SUBDIVISION	Project Address: 7 DAWSON STREET, FAIRY MEADOW LOT X in DP 408389	Sheet Name: U13, U14 & U15 Ground & First Floor Plan
Issue:	A	Date: 26/08/19
Drawn By:	Author	Scale: 1 : 100
Project number:	20180024	Client Name: SORACE CONST. Sheet: SH-08 of 36

DEVELOPMENT APPLICATION





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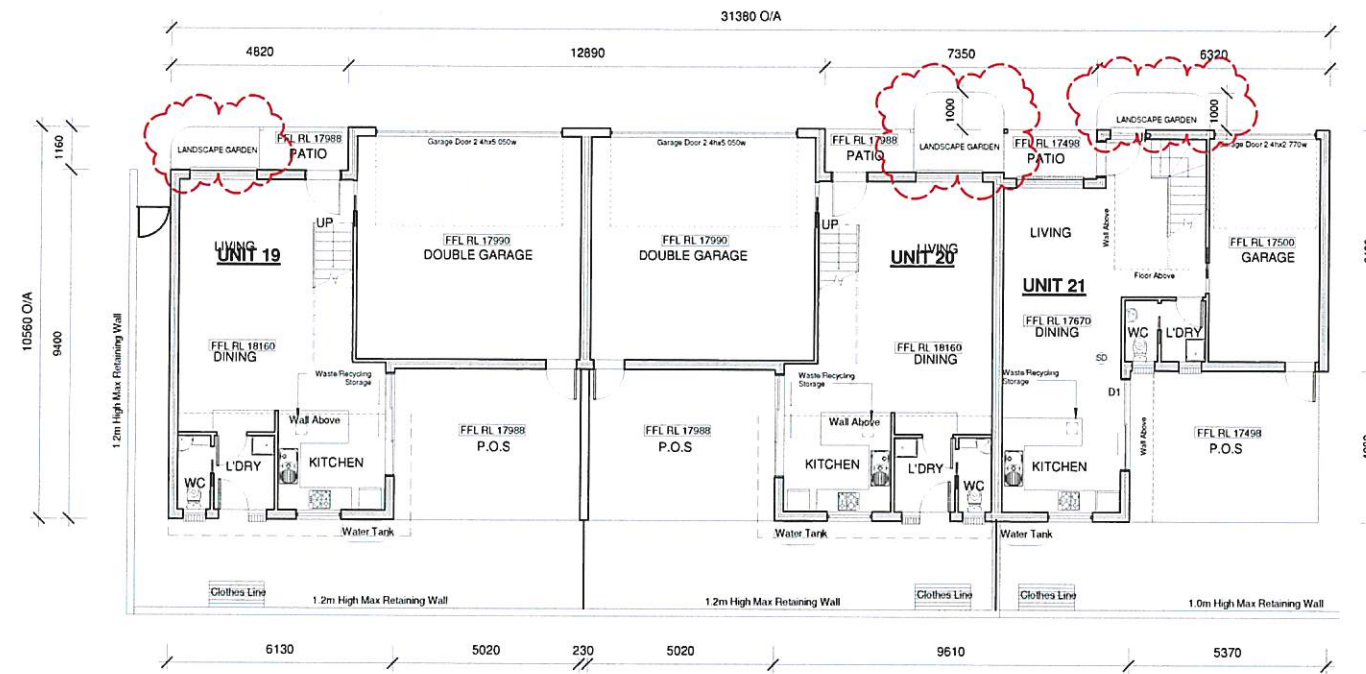
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U16, U17 & U18 Ground & First  
Floor Plan

Date: 26/08/19

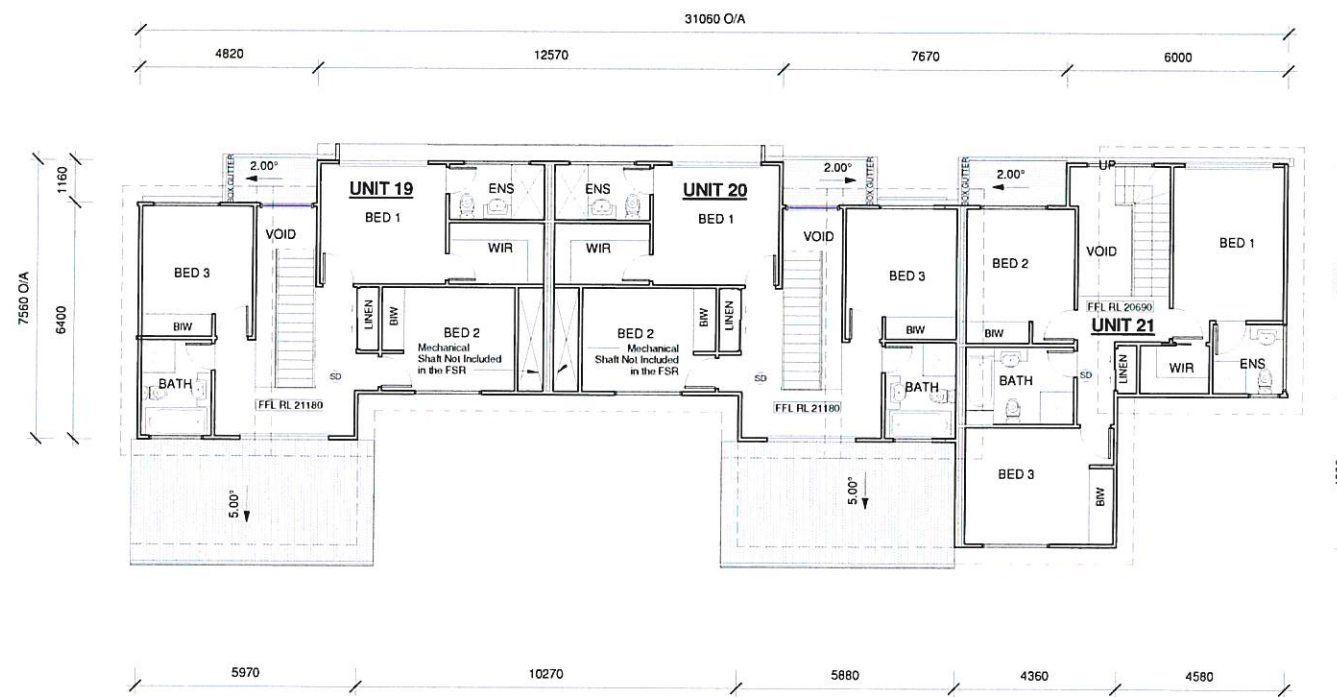
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Sheet: SH-09 of 36

DEVELOPMENT APPLICATION



1 U19, U20 & U21 Ground Floor Plan  
1 : 100



2 U19, U20 & U21 First Floor Plan  
1 : 100

Legend  
Revision



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SUBDIVISION

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Date: 26/08/19  
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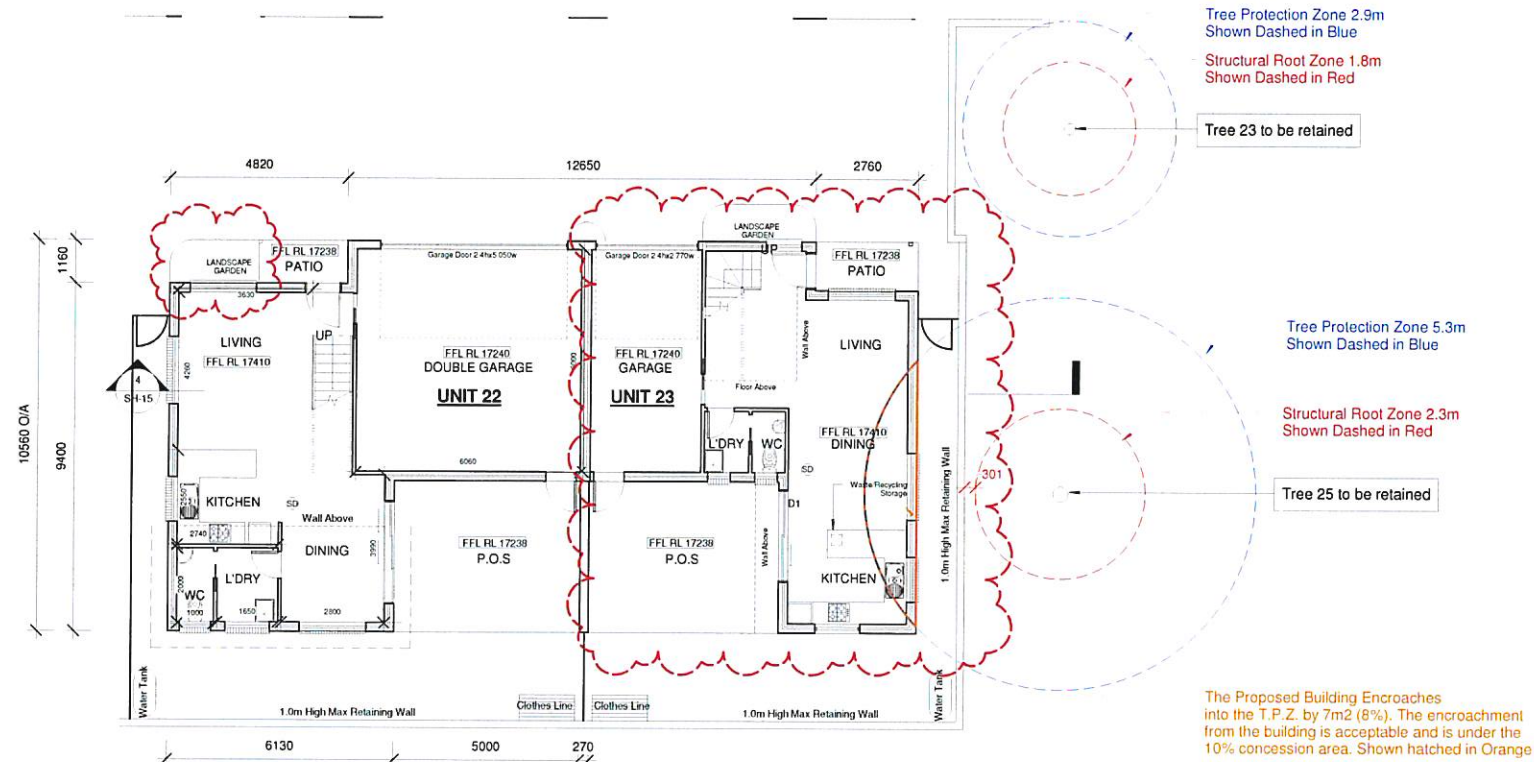
Client Name: SORACE CONST.

Sheet Name:  
U19, U20 & U21 Ground & First  
Floor Plan

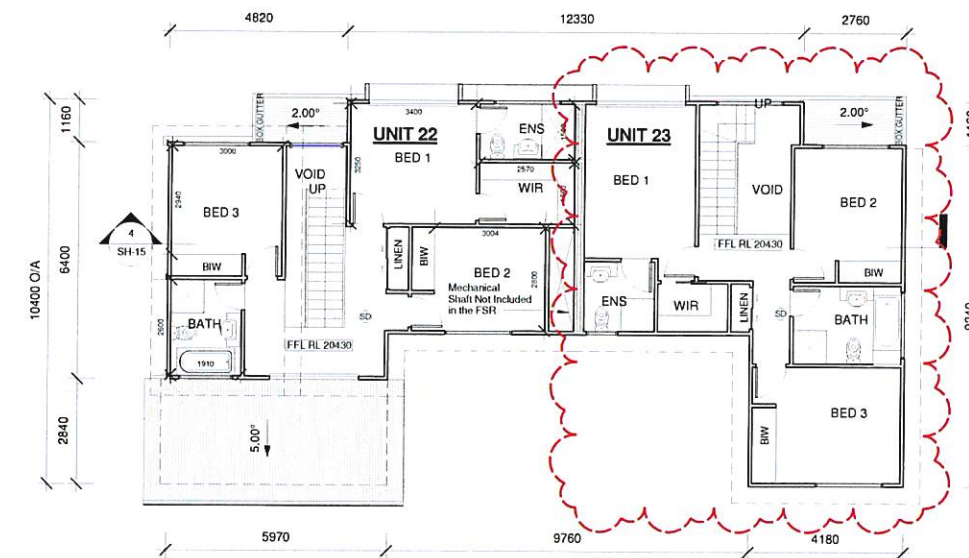
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Scale: 1 : 100  
Sheet: SH-10 of 36

DEVELOPMENT APPLICATION





1 U22 & 23 Ground Floor Plan  
1 : 100



2 U22 & 23 First Floor Plan  
1 : 100



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7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A

Drawn By: Author

Client Name: SORACE CONST.

Sheet Name:  
U22 & 23 Ground & First Floor  
Plan

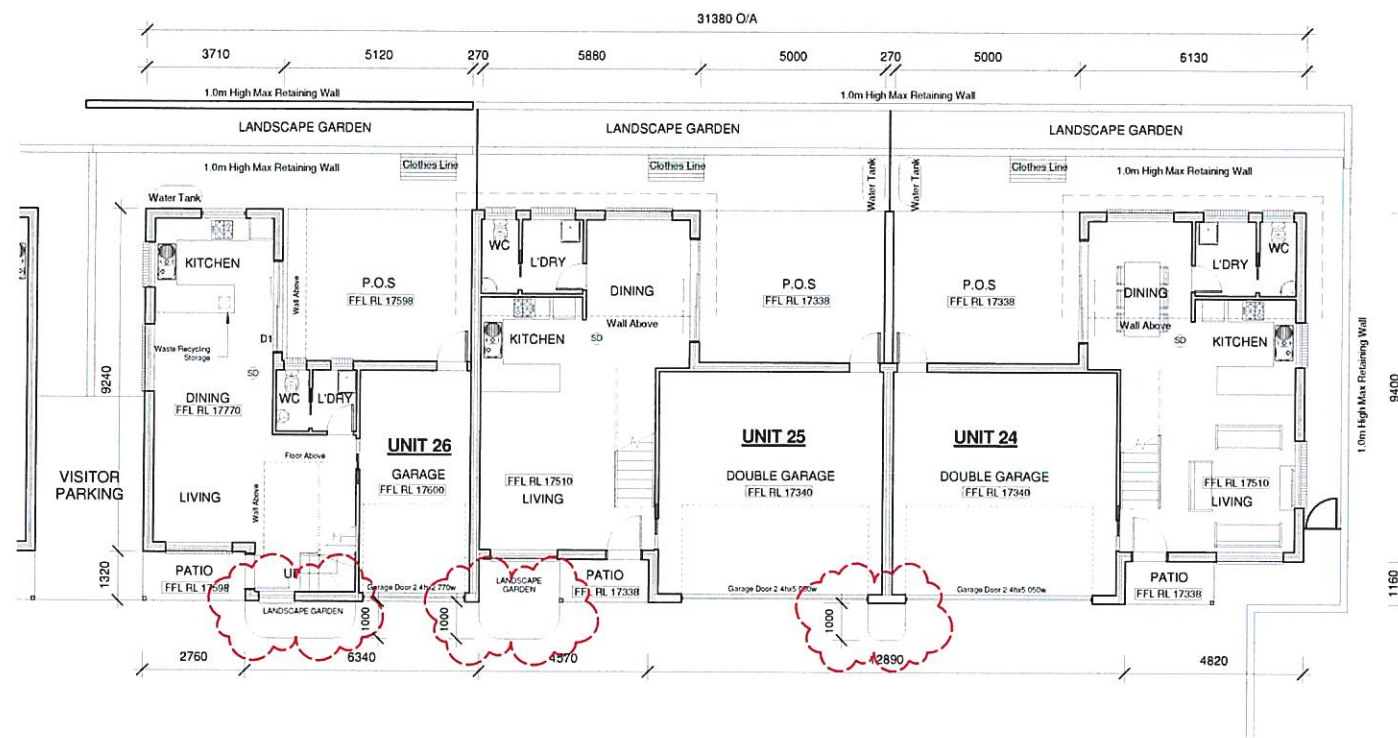
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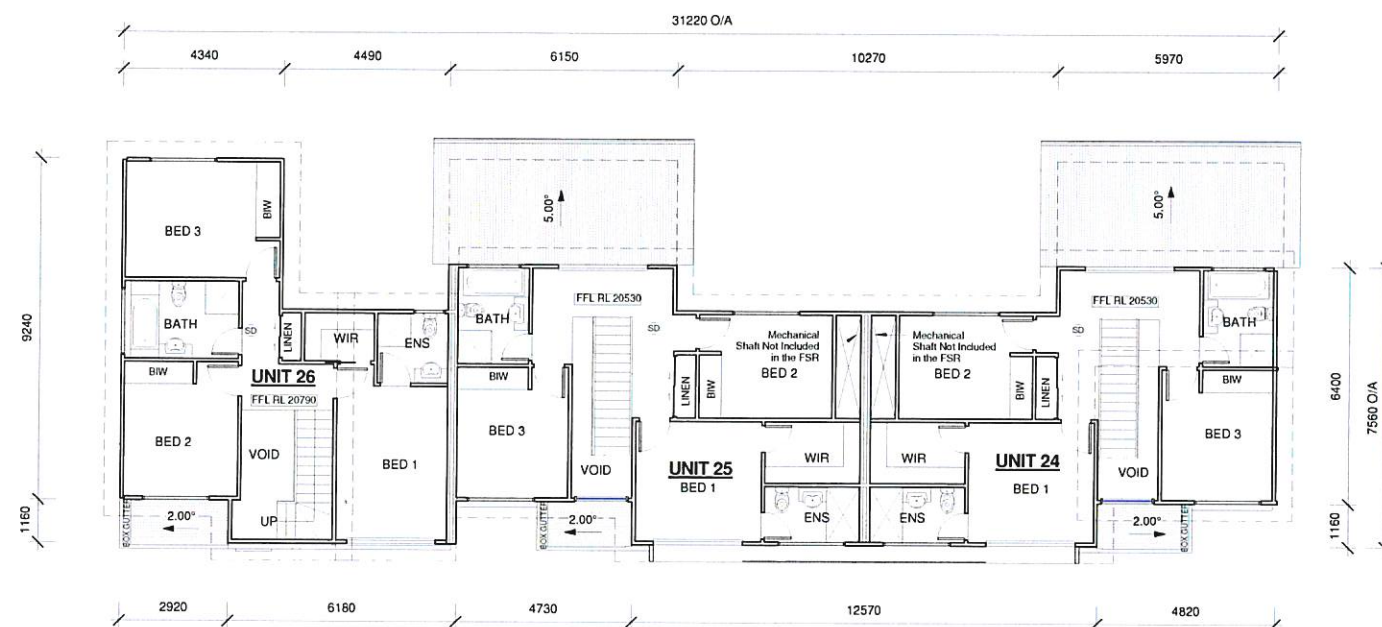
Sheet: SH-11 of 36

DEVELOPMENT APPLICATION



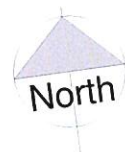


1 U24, U25 & U26 Ground Floor Level  
1 : 100



2 U24, U25 & U26 First Floor Level  
1 : 100

Legend  
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Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Date: 26/08/19  
Drawn By: O.CAYLAK

Client Name: SORACE CONST.

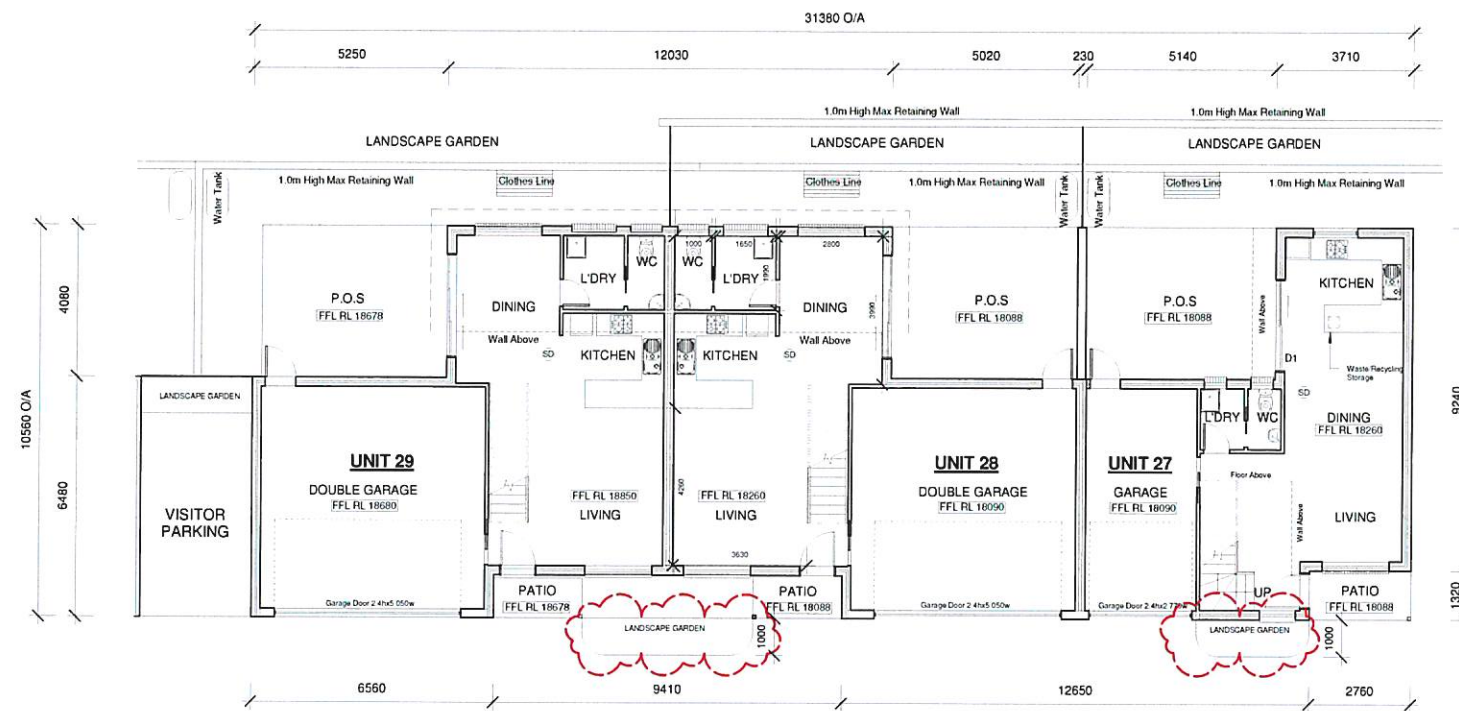
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U24, U25 & U26 Ground & First  
Floor Plan

Date: 26/08/19  
Scale: 1 : 100

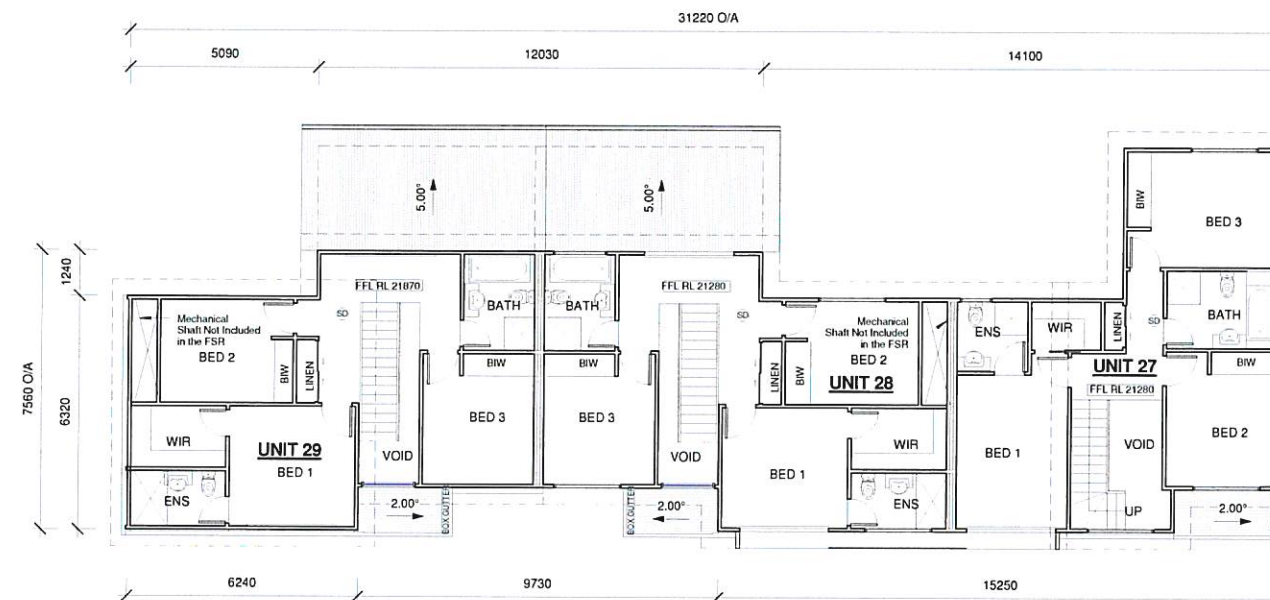
Sheet: SH-12 of 36

DEVELOPMENT APPLICATION





1 U27, U28 & U29 Ground Floor Plan  
1 : 100



2 U27, U28 & U29 First Floor Plan  
1 : 100

**Legend**  
Revision



1. THIS PLAN IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND STATUTORY PLANS.  
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Issue:	Date:	amendments to issue:	A
A: Development Application	31/05/19		



72 BALGOWNIE ROAD,  
BALGOWNIE NSW 2519  
MOB:0422206243  
Email:ozzy@ocinnovativedesigns.com.au

Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Date: 26/08/19  
Drawn By: O.CAYLAK

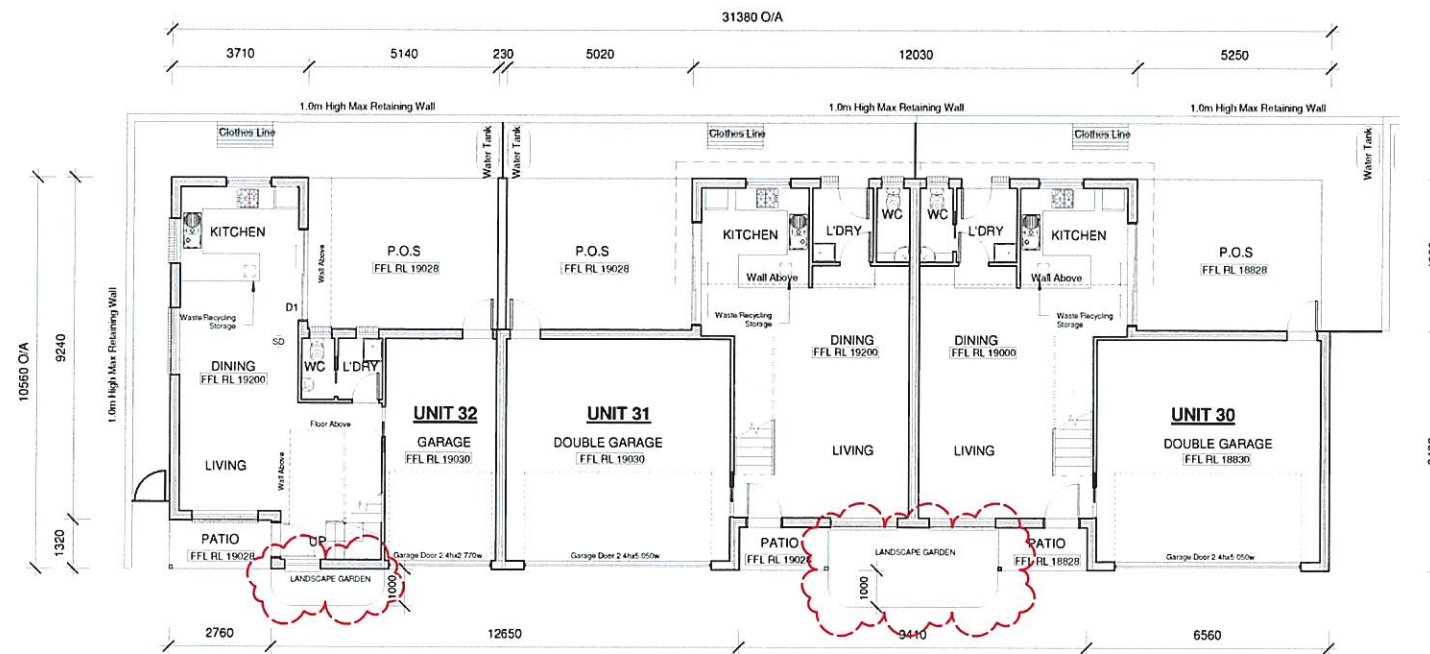
Client Name: SORACE CONST.

Sheet Name:  
U27, U28 & U29 Ground & First  
Floor Plan

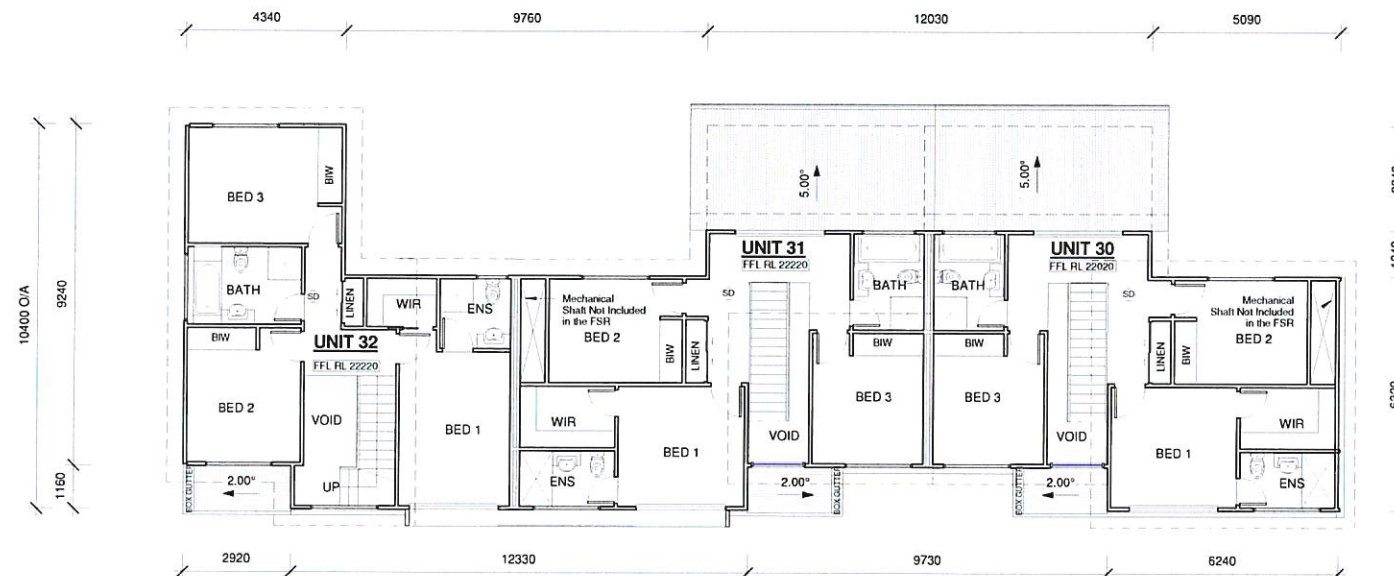
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Sheet: SH-13 of 36

**DEVELOPMENT APPLICATION**

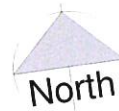


1 U30,U31 & U32 Ground Floor Plan  
1 : 100



2 U30,U31 & U32 First Floor Plan  
1 : 100

**Legend**  
Revision



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A: Development Application	31/05/19		



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DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Date: 26/08/19  
Drawn By: O.CAYLAK  
Scale: 1 : 100

Client Name: SORACE CONST.

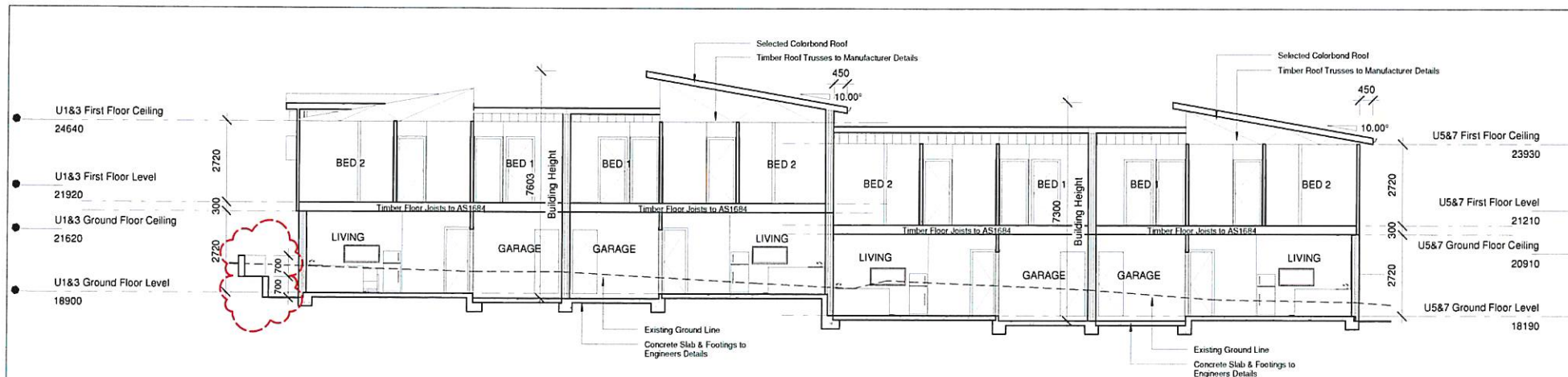
Sheet Name:  
U30,U31 & U32 Ground & First  
Floor Plan

Date: 26/08/19  
Scale: 1 : 100

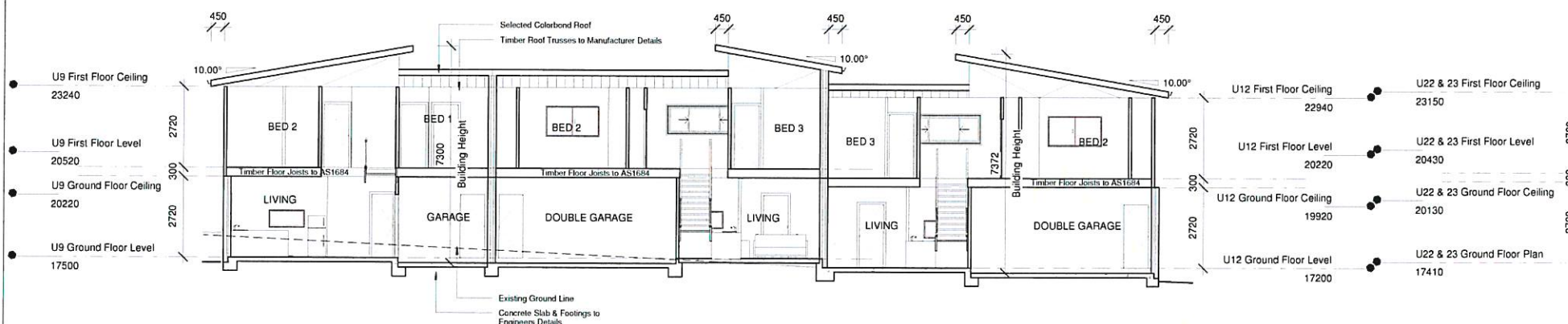
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**DEVELOPMENT APPLICATION**

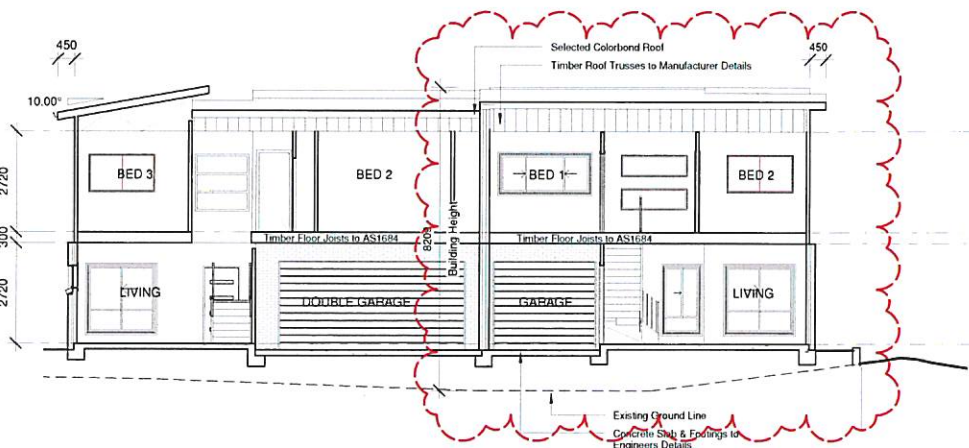




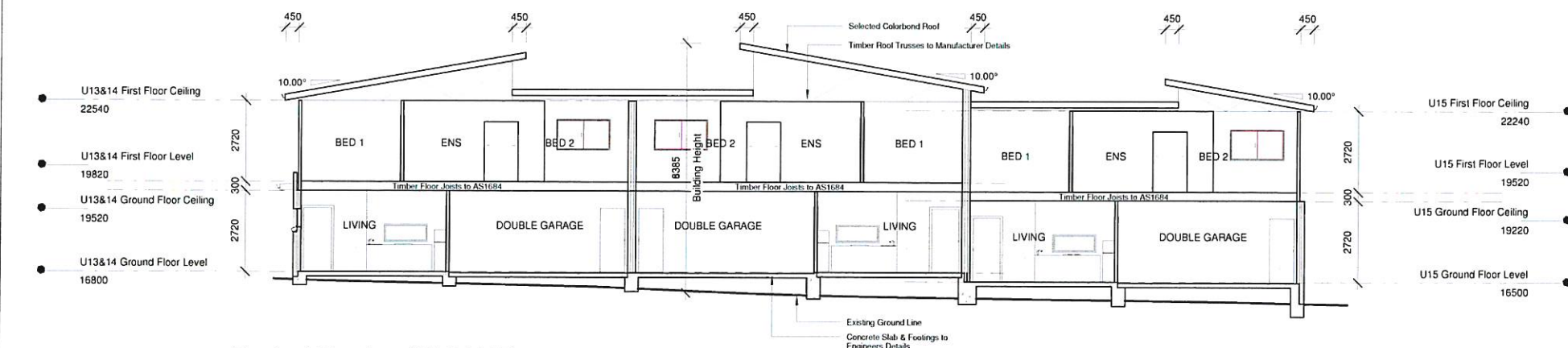
1 Typical Section (U1-U8)  
1 : 100



2 Typical Section (U9-U32)  
1 : 100



4 Typical Section (U22 -U25)  
1 : 100



3 Typical Section (U13-U15)  
1 : 100

**Legend**  
Revision

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Issue:	Date:	amendments to issue:	Checker
A: Development Application	31/05/19		



72 BALGOWNIE ROAD,  
BALGOWNIE NSW 2519  
MOB:0422206243  
Email:ozzy@ocinnovativedesigns.com.au

Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: Checker

Drawn By: Author

Client Name: SORACE CONST.

Sheet Name:  
Sections

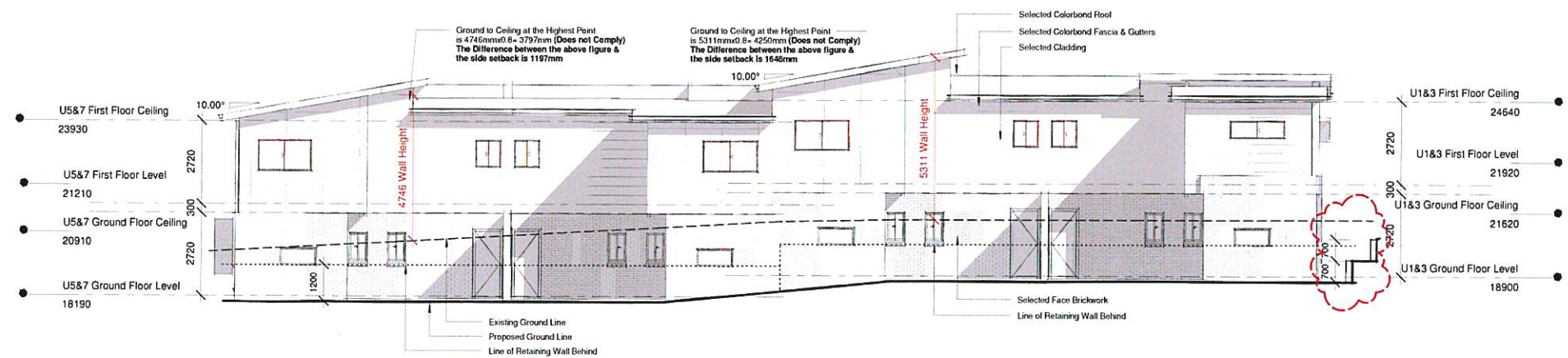
Date: 26/08/19

Scale: 1 : 100

Sheet: SH-15 of 36

DEVELOPMENT APPLICATION

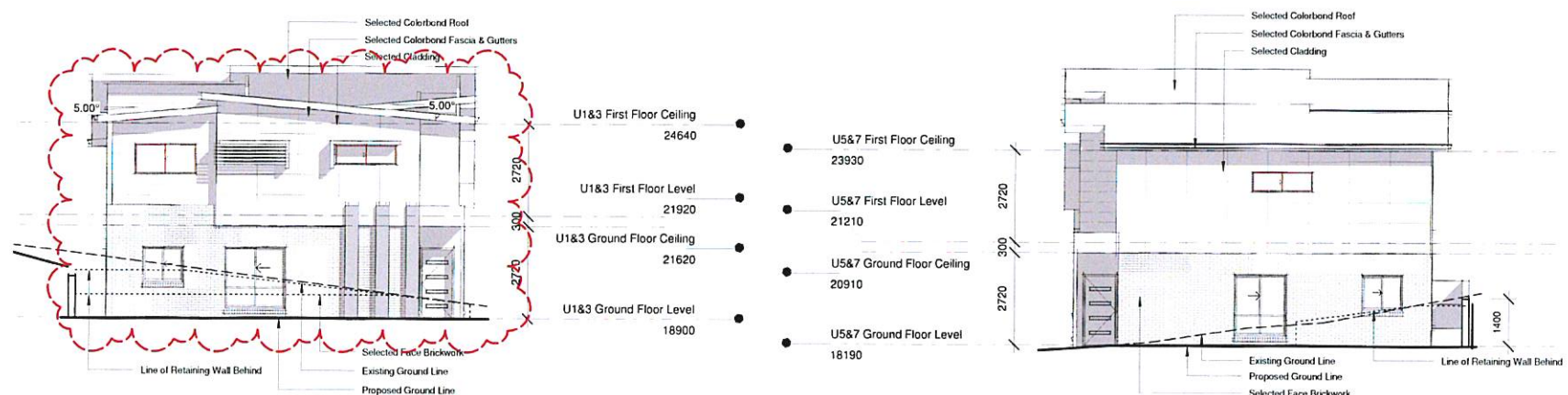




1 U1, U3, U5 & U7 North Elevation  
1 : 100



2 U1, U3, U5 & U7 South Elevation  
1 : 100



3 U1 West Elevation  
1 : 100

4 U7 East Elevation  
1 : 100

Legend  
Revision

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A: Development Application	31/05/19		



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Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Drawn By: O.CAYLAK

Client Name: SORACE CONST.

Sheet Name:  
U1 to U7 Elevations

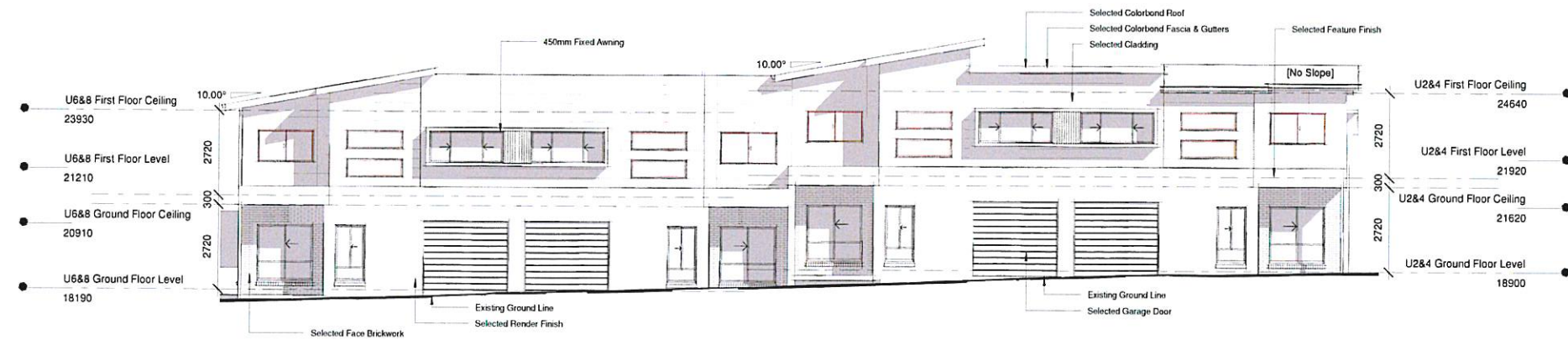
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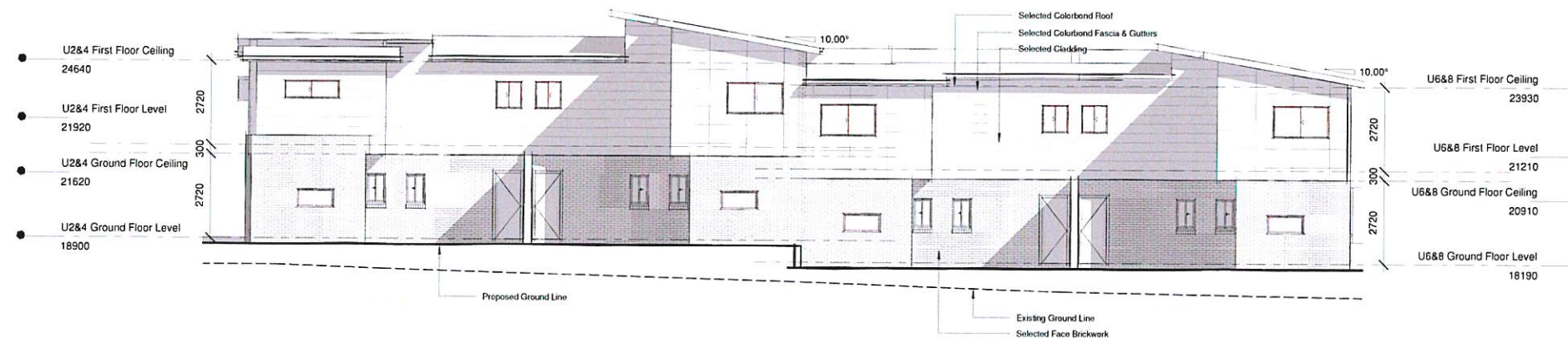
Sheet: SH-16 of 36

DEVELOPMENT APPLICATION

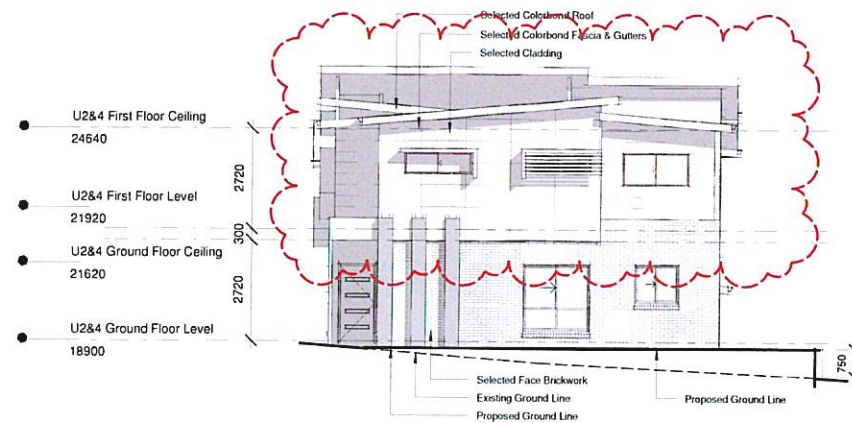




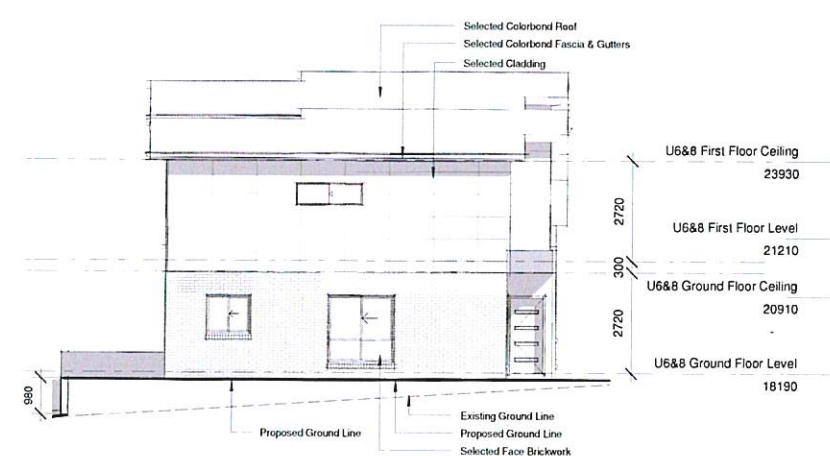
1 U2, U4, U6 & U8 North Elevation  
1 : 100



2 U2, U4, U6 & U8 South Elevation  
1 : 100



3 U2 West Elevation  
1 : 100



4 U8 East Elevation  
1 : 100

Legend  
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A: Development Application	31/05/19		



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Email:ozzy@ocinnovativedesigns.com.au

Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Drawn By: O.CAYLAK

Client Name: SORACE CONST.

Sheet Name:  
U2 to U8 Elevations

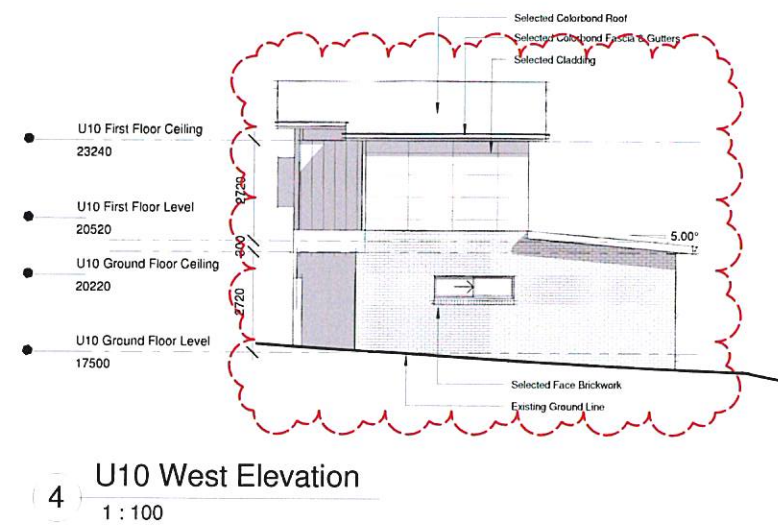
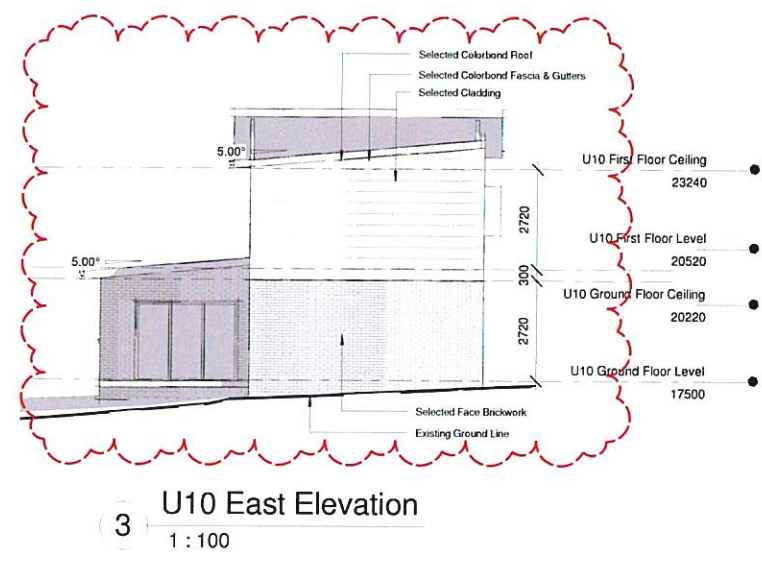
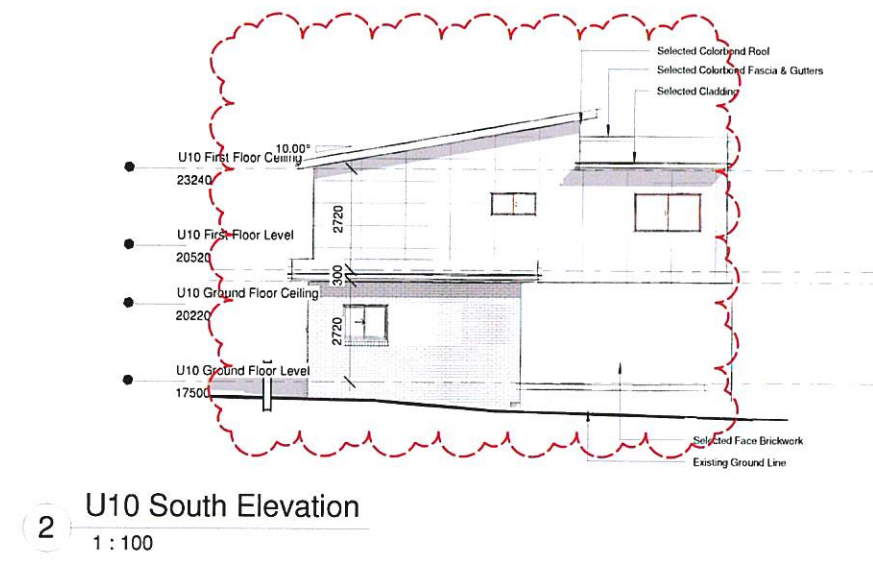
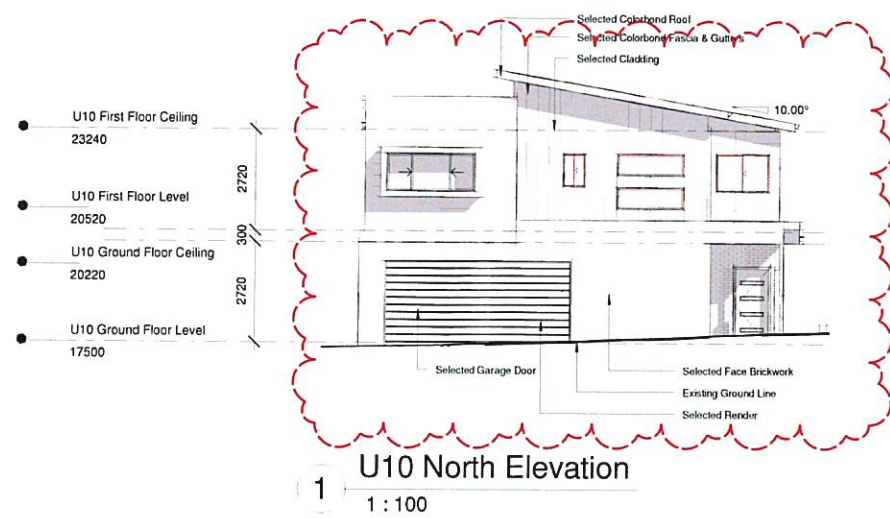
Date: 26/08/19

Scale: 1 : 100

Sheet: SH-17 of 36

DEVELOPMENT APPLICATION





**Legend**

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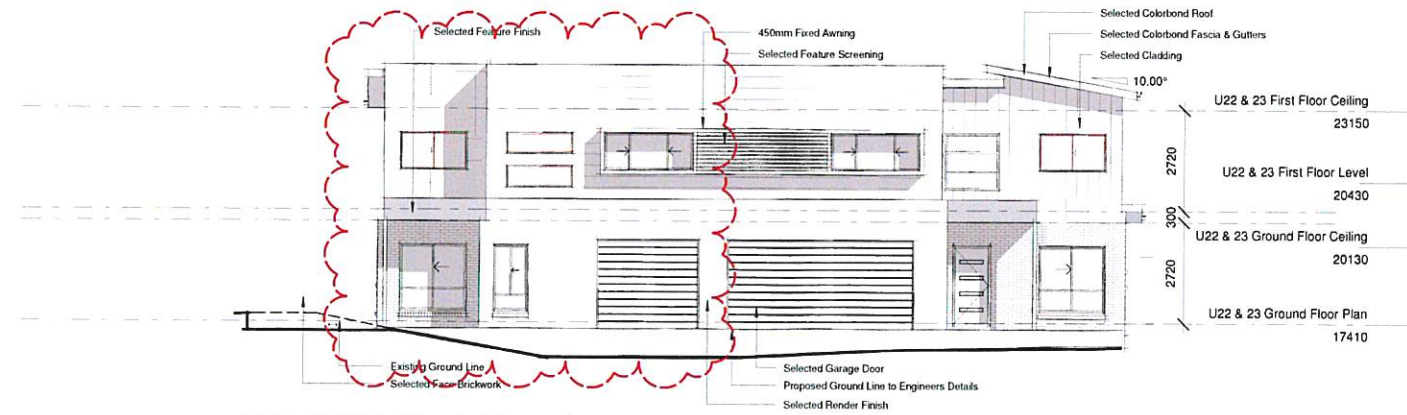
Issue:	Date:	amendments to issue:	A
A: Development Application	31/05/19		

**O.C INNOVATIVE DESIGNS**

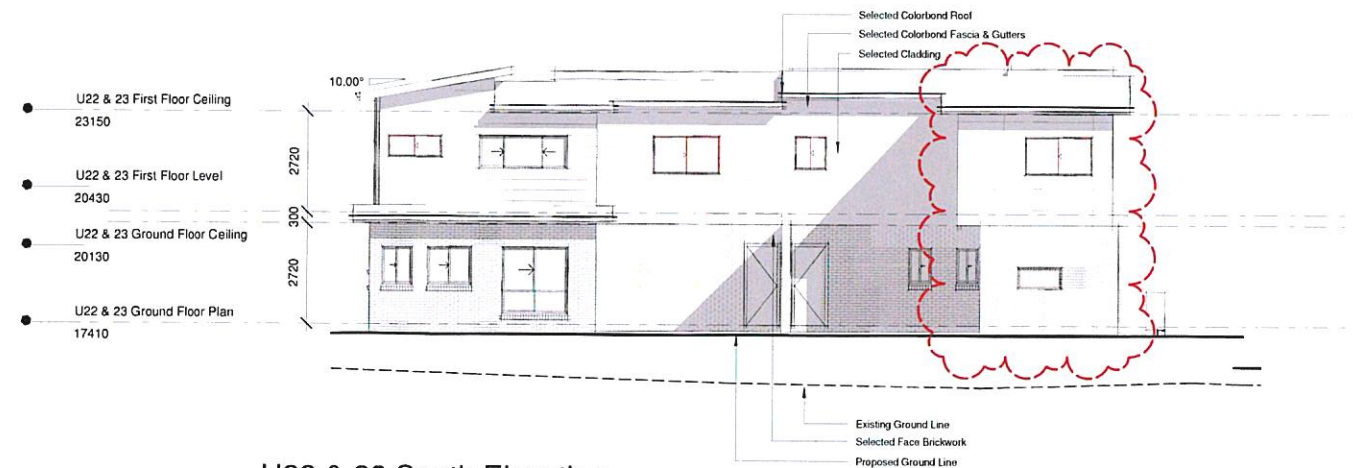
72 BALGOWNIE ROAD,  
BALGOWNIE NSW 2519  
MOB:0422206243  
Email:ozzy@ocinnovativedesigns.com.au

Project: PROPOSED 2 LOT TORRENS TITLE SUBDIVISION, 32 UNIT DEVELOPMENT & STRATA TITLE SUBDIVISION	Project Address: 7 DAWSON STREET, FAIRY MEADOW LOT X in DP 408389	Sheet Name: U10 Elevations
Issue:	A	Date: 26/08/19
Drawn By: O.CAYLAK	Client Name: SORACE CONST.	Scale: 1 : 100
Project number: 20180024		Sheet: SH-19 of 36
<b>DEVELOPMENT APPLICATION</b>		

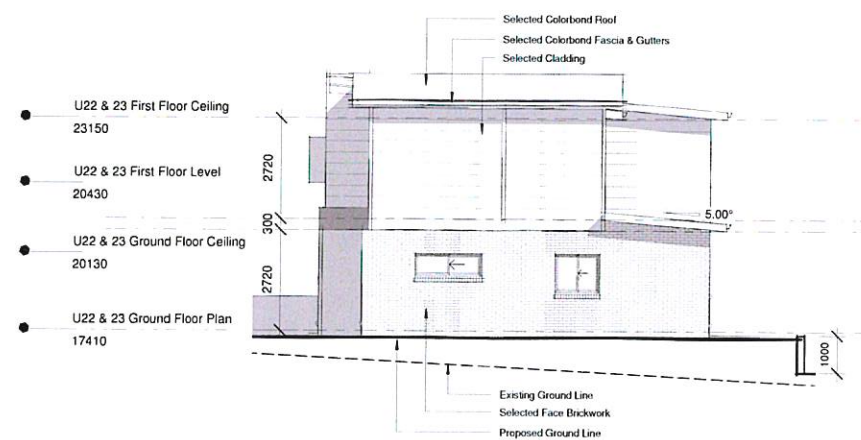




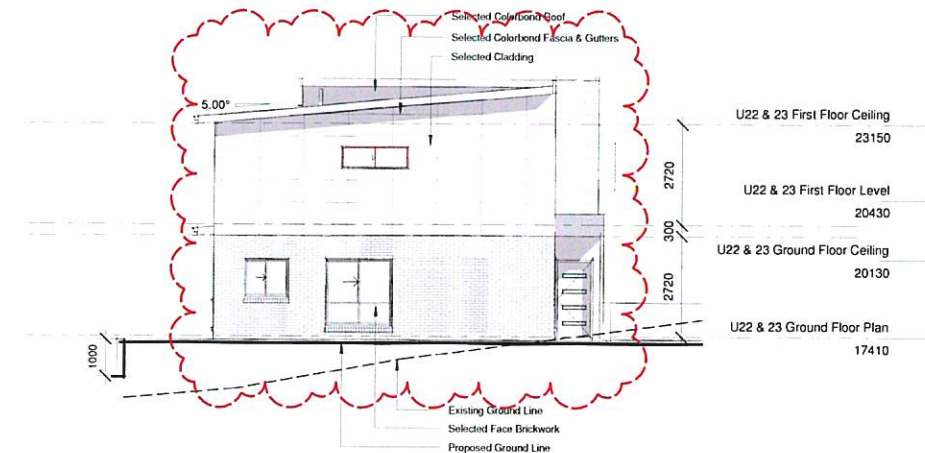
1 U22 & U23 North Elevation  
1 : 100



2 U22 & 23 South Elevation  
1 : 100



3 U22 West Elevation  
1 : 100



4 U23 East Elevation  
1 : 100



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A: Development Application	31/05/19		



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Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A

Drawn By: O.CAYLAK

Client Name: SORACE CONST.

Sheet Name:  
U22 & U23 Elevations

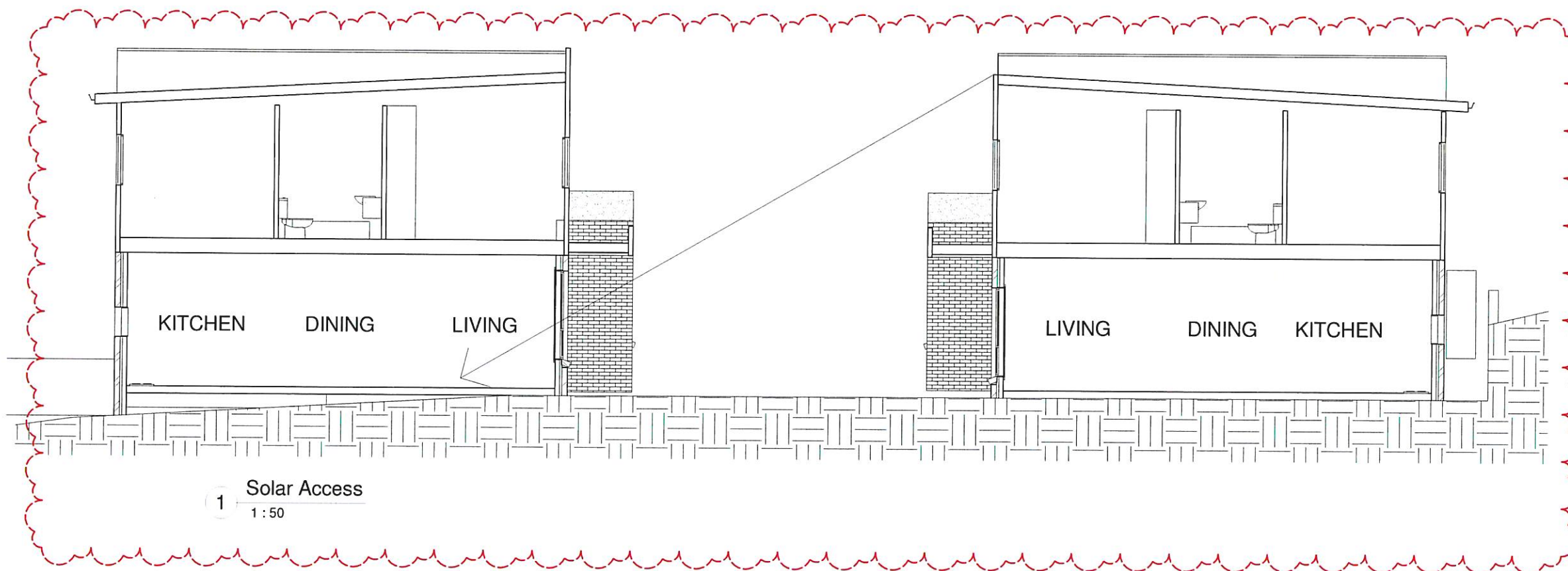
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Scale: 1 : 100

Sheet: SH-23 of 36

DEVELOPMENT APPLICATION





Legend	
	Revision

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BALGOWNIE NSW 2519  
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Email:ozzy@ocinnovativedesigns.com.au

Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Sheet Name:  
Solar Access into Living Rooms

Issue:	Checker	Date:	26/08/19
Drawn By:	Author	Scale:	1 : 50
Project number:	20180024	Client Name:	SORACE CONST.
		Sheet:	SH-38 of 36

DEVELOPMENT APPLICATION

7 DAWSON STREET  
FAIRY MEADOW, NSW 2519  
(LOT X DP 408389)

LANDSCAPE DOCUMENTATION FOR DA

prepared by:  
Alleys to Valleys Landscape Architecture

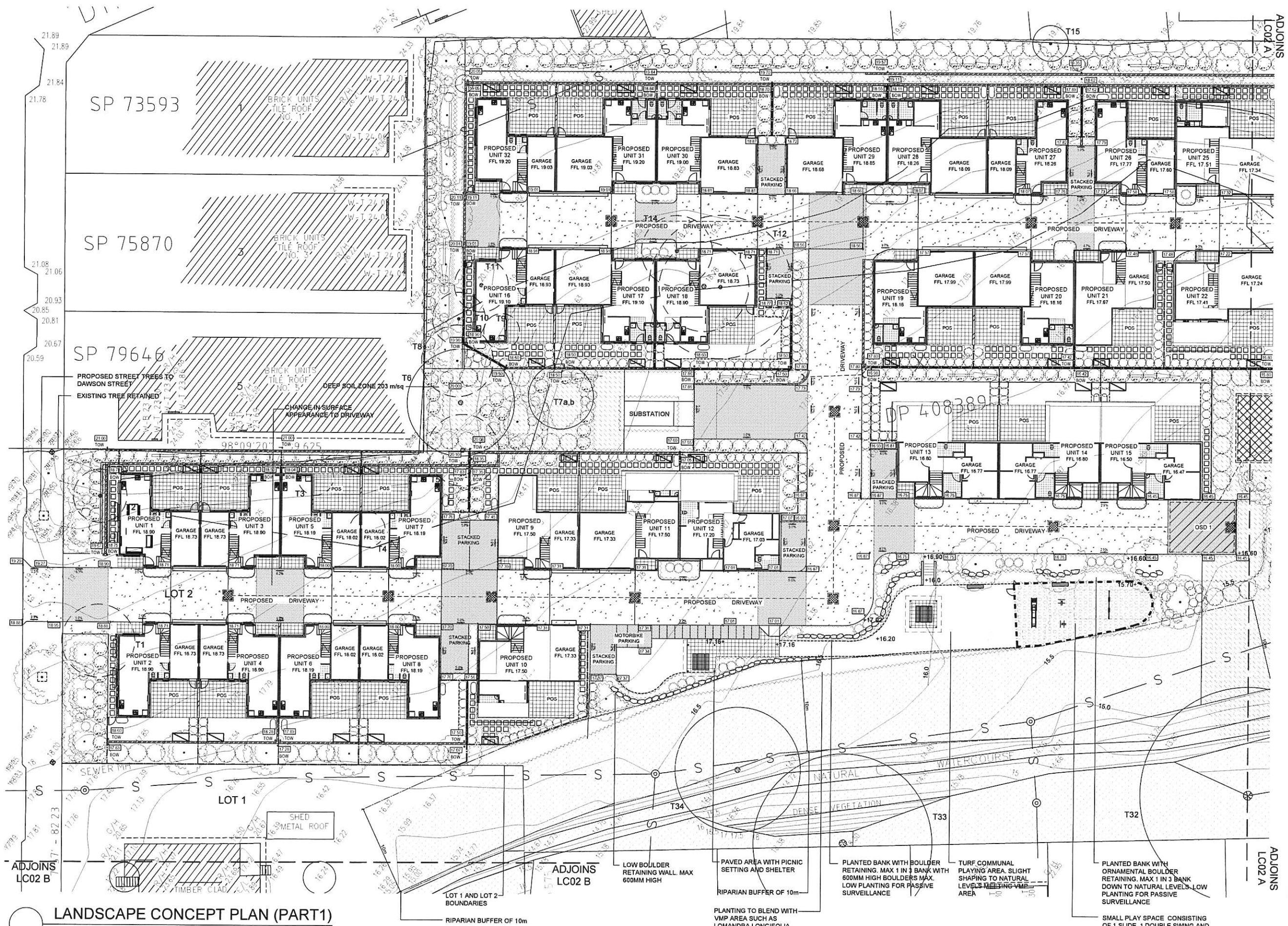
prepared for :  
Sorace Constructions

DRAWING LIST		
DWG NO.	DRAWING TITLE	SCALE
LC00	LANDSCAPE: COVER SHEET	1:500
LC01	LANDSCAPE CONCEPT PLAN (PART 1)	1:200
LC02	LANDSCAPE CONCEPT PLAN (PART 2 AND 3)	1:200
LC03	LANDSCAPE SECTION ELEVATIONS	1:100



○ SITE CONTEXT PLAN  
1:500





## LEGEND

- 5.0  
EXISTING CONTOURS
- T1  
EXISTING TREE TO BE RETAINED.  
REFER TO ARBORIST REPORT
- T1  
EXISTING TREE TO BE REMOVED.  
REFER TO ARBORIST REPORT
- PROPOSED TREE
- MULCHED PLANTING BED
- GARDEN EDGE
- TURF
- PROPOSED STEPPING STONES WITH  
GROUNDCOVERS IN BETWEEN
- PROPOSED 400X400  
CONCRETE PAVERS
- PROPOSED CHARCOAL  
COLOURED CONCRETE DRIVEWAY
- PROPOSED STENCILED  
CONCRETE DRIVEWAY
- PLAYGROUND SOFTFALL MULCH
- CLOTHESLINE
- PARK BENCH SEAT
- PROPOSED PICNIC TABLE  
SETTING WITH SHELTER
- BOULDER RETAINING
- 1.5M HIGH POOL STYLE  
PLAYGROUND FENCING
- 1.8M FENCING TO  
ARCHITECTS DRAWINGS
- PROPOSED RETAINING WALL TO  
ENGINEERS DRAWINGS
- STORM WATER PITS AND PIPES -  
REFER TO ENGINEERS PLANS
- VMP - REFER TO ENVIRONMENTAL  
CONSULTANT DOCUMENTS
- DEEP SOIL ZONE - REFER TO LC03  
FOR SPECIES AND PLANTING

## EXISTING TREE SCHEDULE

No	Botanical Name	Action
T1	Phoenix canariensis	Remove
T2	Acacia maidenii	Remove
T3	Pittosporum undulatum	Remove
T4	Pinus radiata	Remove
T5	Harperphyllum cafrum	Remove
T6	Harperphyllum cafrum	Retain
T7a	Phoenix canariensis	Retain
T7b	Leviston australis	Retain
T8	Harperphyllum cafrum	Remove
T9	Diospyros kaki	Remove
T10	Harperphyllum cafrum	Remove
T11	Grevillea robusta	Remove
T12	Grevillea robusta	Remove
T13	Grevillea robusta	Remove
T14	Dead tree	Remove
T15	Prunus spp.	Retain
T16	Jacaranda mimisifolia	Retain
T17	Melia azadirach	Retain
T18	Cinnamomum camphora	Remove
T19	Syncarpia glomulifera	Retain
T20	Jacaranda mimisifolia	Retain
T21	Liquidambar styraciflua	Retain
T22a	Syncarpia glomulifera	Retain
T22b	Eucalyptus spp.	Retain
T23	Eucalyptus spp.	Retain
T24a	Acacia maidenii	Retain
T24b	Acacia maidenii	Retain
T25	Syncarpia glomulifera	Retain
T26	Eucalyptus pilularis	Retain
T27	Cinnamomum camphora	Retain
T28	Salix spp.	Retain
T29	Melaleuca decora	Retain
T30	Jacaranda mimisifolia	Retain
T31	Grevillea robusta	Retain
T32	Syzygium smithii	Retain
T33	Eucalyptus spp.	Retain
T34	Grevillea robusta	Retain

NOTE: The adjacent tree schedule has been extracted from the arborist's report prepared by Mark Spence dated April 2019. Refer to the arborist's report for further details on the existing trees.

## LANDSCAPE CONCEPT PLAN (PART 1)

1:200

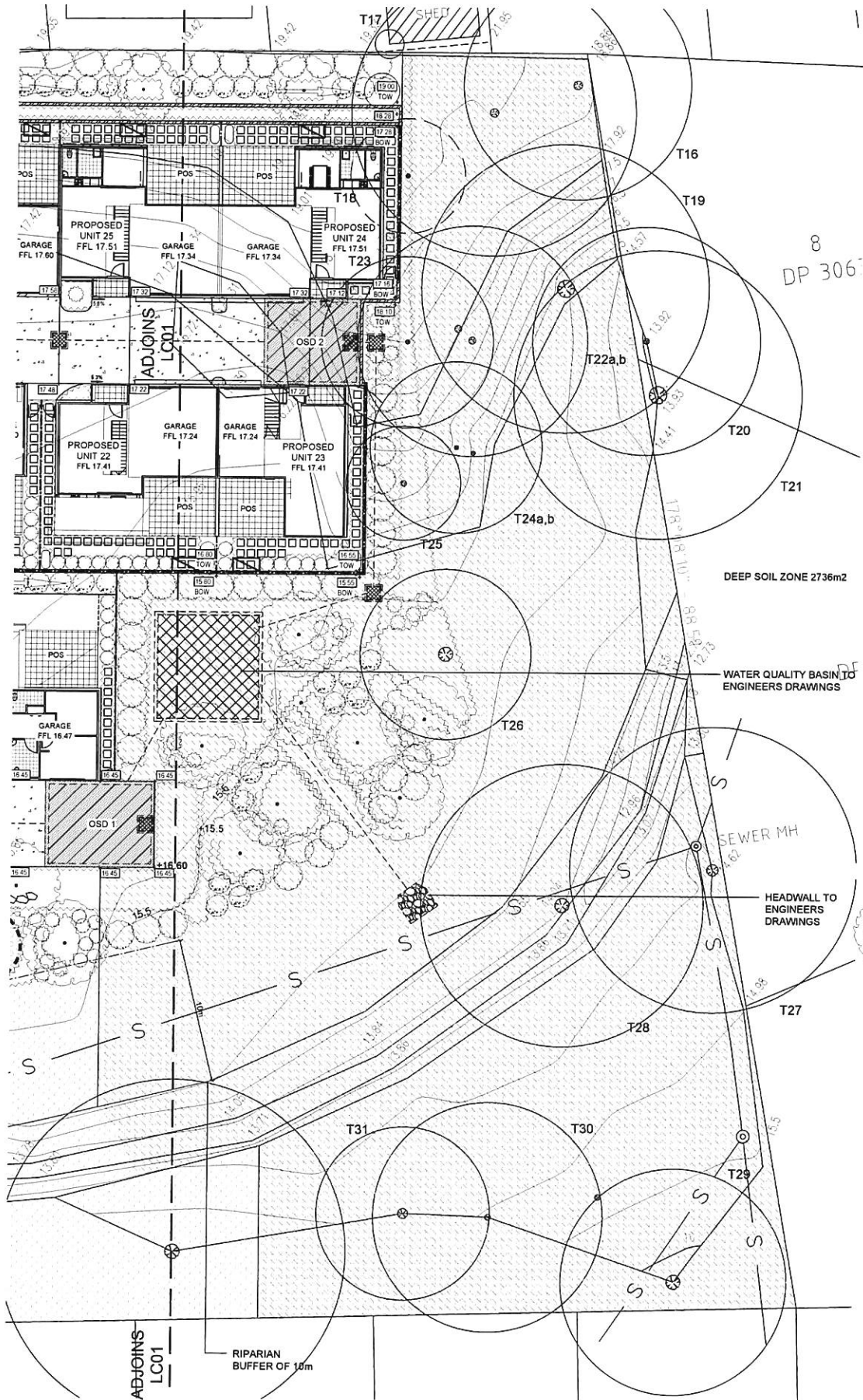
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ALLEYS TO VALLEYS

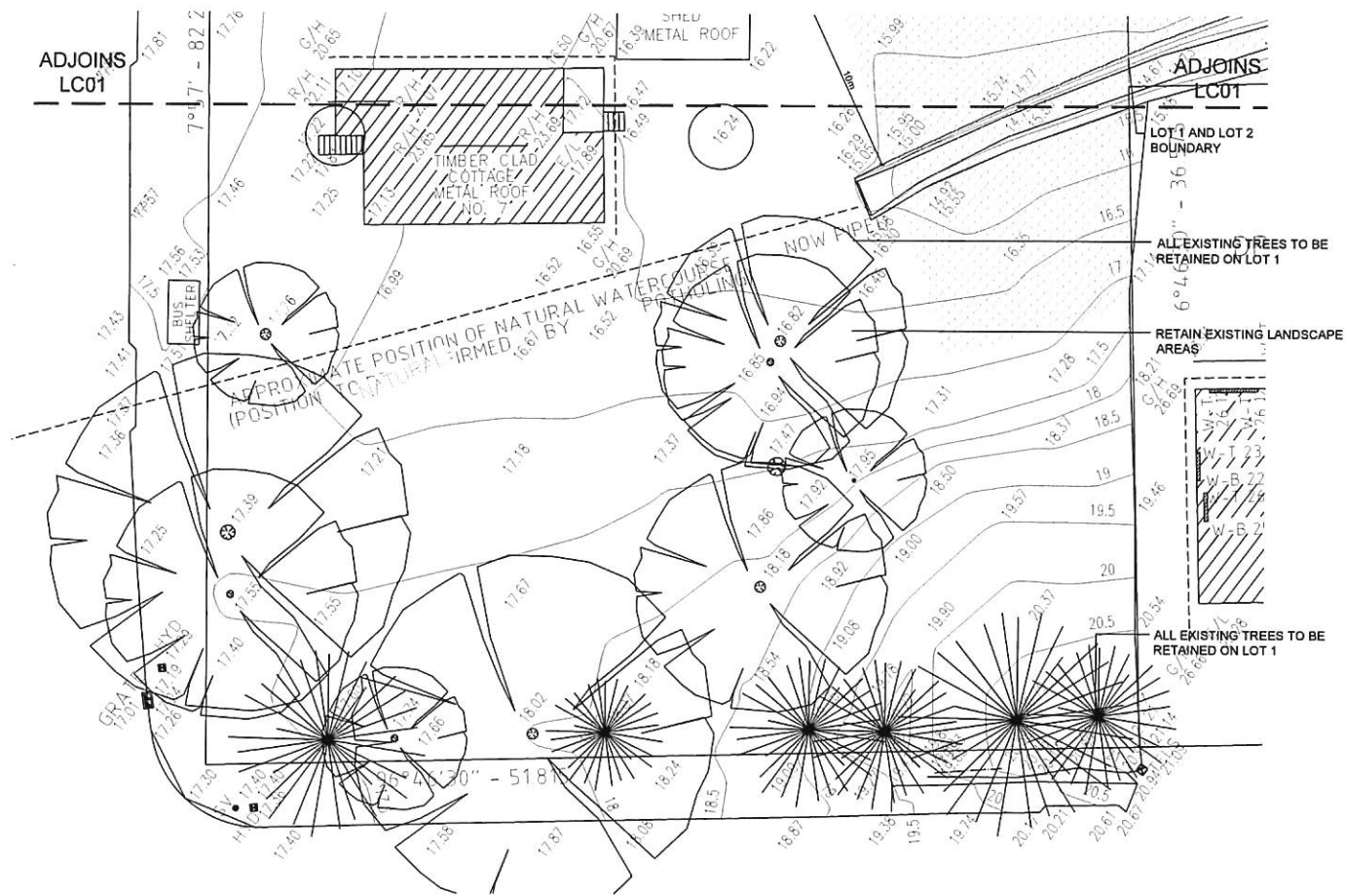
LANDSCAPE CONCEPT PLAN  
(PART 1)  
7 Dawson Street,  
FAIRY MEADOW  
1:200 @ A1

ISSUED FOR DA  
DRAWN DF DATE 12/09/19  
DWG NO LC01 ISSUE D  
PROJECT: 1912 SHEET 2 OF 4





A LANDSCAPE CONCEPT PLAN (PART 2)  
1:200



**B** LANDSCAPE CONCEPT PLAN (PART 3)  
1:200

### INDICATIVE PLANT LIST/ RECOMMENDED SPECIES

Botanical Name	Common Name	Botanical Name	Common Name
<b>TREES</b>		<b>SHRUBS</b>	
<i>Elaeocarpus reticulatus</i> 'PrimaDonna'	Blueberry Ash	<i>Acmena 'Allyn Magic'</i>	Dwarf Lily Pilly
<i>Tristanlopius laurina</i> 'Luscious'	Water Gum	<i>Hebe 'Wiri Gem'</i>	Hebe
<i>Acmena smithii</i>	Lilly Pilly	<i>Correa alba</i>	Correa alba
<i>Syzygium leuhmannii</i>	Weeping brush cherry	<i>Westigia fruticosa</i>	Westigia fruticosa
<i>Magnolia 'Little Gem'</i>	Dwarf Magnolia	<i>Doryanthes excelsa</i>	Gymea Lily
<i>Glochidion ferdinandi</i>	Crepe Tree	<i>Phormium 'Purpurea'</i>	NZ Flax
<i>Lagerstroemia indica</i> 'Natchez'	Chinese Myrtle		
<b>SCREENING SHRUBS</b>		<b>GROUNDCOVERS/GRASSES</b>	
<i>Callistemon 'Kings Park Special'</i>	Callistemon 'Kings Park Special'	<i>Dianella 'Cassa Blue'</i>	Flax Lilly
<i>Grevillea 'Honey Gem'</i>	Grevillea 'Honey Gem'	<i>Dianella 'Tas Red'</i>	Flax Lilly
<i>Leptospermum dilldora</i>	lemon myrtle	<i>Lomandra longifolia</i>	Mat Rush
<i>Metaleuca laurifolia</i> 'Snowstorm'	Snow in summer	<i>Lomandra 'Tanika'</i>	Fine Mat Rush
<i>Syzygium 'Cascade'</i>	Lilly Pilly	<i>Dianella tasmanica</i>	Tasman Flax Lilly
<i>Syzygium 'Pinnacle'</i>	Lilly Pilly	<i>Dichondra repens</i>	Kidney Weed
		<i>Gazania tomentosa</i>	Silver Gazania
		<i>Myoporum parvifolium</i>	Creeping Bobbials

**LANDSCAPE AREA CALCULATION:**  
 LOT 2 = 12588 m<sup>2</sup>  
 30% OF 12588 = 3776.4  
 MINIMUM LANDSCAPE AREA REQUIREMENT = 3776.4 m<sup>2</sup>  
TOTAL LANDSCAPE AREA = 6713m<sup>2</sup>  
 DEEP SOIL ZONE AREA = 2939m<sup>2</sup>

**DEEP SOIL ZONE PLANTING  
(OUTSIDE OF VMP)**  
RECOMMENDED SPECIES AS PER 'ILLAWARRA  
ESCARPMENT BLACKBUTT FOREST'

Botanical Name	Common Name
<b>TREES</b>	
<i>Eucalyptus pilularis</i>	Blackbutt
<i>Syncarpia glomulifera</i>	Turpentine
<i>Acacia floribunda</i>	White Sally wattle
<i>Acacia maidenii</i>	Maiden's Wattle
<b>SHRUBS</b>	
<i>Indigofera australis</i>	Australian Indigo
<i>Netotelaea longifolia</i>	Mok Olive
<i>Persoonia linearis</i>	Narrow-leaved Geebung
<b>FORBS, HERBS AND GROUNDCOVERS - 2/msq</b>	
<i>Dichondra repens</i>	Kidney weed
<i>Geranium solanderi</i>	Native Geranium
<i>Goodenia ovata</i>	Hop Goodenia
<i>Hibbertia scandens</i>	Guinea Flower
<i>Vicia hederacea</i>	Forest Nightshade
<b>CLIMBERS AND SCRAMBLERS - 1/msq</b>	
<i>Clematis aristata</i>	Old man's beard
<i>Sarcopetalum harveyanum</i>	Pauli Vine
<i>Stephania japonica</i>	Snake Vine
<b>SEDGES, RUSHES AND GRASSES - 2/msq</b>	
<i>Carex longebrachiata</i>	-
<i>Dianella caerulea</i>	Blue Flax-lily
<i>Entolasia marginata</i>	Bordered Panic
<i>Entolasia stricta</i>	Wiry Panic
<i>Gahnia melanocarpa</i>	Black-fruit Saw-sedge
<i>Imperata cylindrica</i>	Blady Grass
<i>Lotopola longifolia</i>	Spiny-headed Mat Rush
<i>Microlaena stipoides</i> var. <i>stipoides</i>	Weeping grass
<i>Opismenus imbecillis</i>	Basket Grass
<p><b>MULCHING AND STABILISING</b> - 75mm depth hardwood mulch for slopes 1 in 3 and flatter. Jute matt similar to VMP suggestions for slopes 1 in 2 and steeper.</p> <p><b>PLANTING DENSITIES</b> - AS SHOWN <u>OR</u> ARE TO MATCH MZ2 DENSITIES "Illawarra Escarpment Blackbutt Forest" AT PER VMP (Please see below the densities taken from the VMP):</p> <p>Trees are to be installed at a rate of one plant per square metre</p>	


Trees are to be installed at a rate of one plants per twenty square metres, shrubs are to be installed at a rate of one plant per five square metres, climbers installed at a rate of one plants per ten square metres and grasses/groundcovers of one plants per two square metre.


REFER TO THE VMP FOR DEEP SOIL ZONE PLANTING WITHIN THE ZONES COVERED BY THE VMP (M21, M21b, M22 and M23)


### LEGEND


- 5.0


EXISTING CONTOURS


T1  

 EXISTING TREE TO BE RETAINED.  
 REFER TO ARBORIST REPORT


T1  

 EXISTING TREE TO BE REMOVED.  
 REFER TO ARBORIST REPORT



 PROPOSED TREE



 MULCHED PLANTING BED



 GARDEN EDGE



 TURF



 PROPOSED STEPPING STONES WITH  
 GROUNDCOVERS IN BETWEEN



 PROPOSED 400X400  
 CONCRETE PAVERS



 PROPOSED CHARCOAL  
 COLOURED CONCRETE DRIVEWAY



 PROPOSED STENCILED  
 CONCRETE DRIVEWAY



 PLAYGROUND SOFTFALL MULCH



 CLOTHESLINE



 PARK BENCH SEAT



 PROPOSED PICNIC TABLE  
 SETTING WITH SHELTER



 BOULDER RETAINING



 1.5M HIGH POOL STYLE  
 PLAYGROUND FENCING


 1.8M FENCING TO  
 ARCHITECTS DRAWINGS


 PROPOSED RETAINING WALL TO  
 ENGINEERS DRAWINGS


 STORM WATER PITS AND PIPES -  
 REFER TO ENGINEERS PLANS


 VMP - REFER TO ENVIRONMENTAL  
 CONSULTANT DOCUMENTS

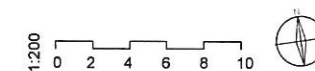

 DEEP SOIL ZONE - REFER TO LC03  
 FOR SPECIES AND PLANTING

### EXISTING TREE SCHEDULE

No	Botanical Name	Action
T1	Phoenix canariensis	Remove
T2	Acacia maidenii	Remove
T3	Pittosporum undulatum	Remove
T4	Pinus radiata	Remove
T5	Harperphyllum cafrum	Retain
T6	Harperphyllum cafrum	Retain
T7a	Phoenix canariensis	Retain
T7b	Livistona australis	Retain
T8	Harperphyllum cafrum	Remove
T9	Diospyros kaki	Remove
T10	Harperphyllum cafrum	Remove
T11	Grevillea robusta	Remove
T12	Grevillea robusta	Remove
T13	Grevillea robusta	Remove
T14	Dead tree	Remove
T15	Prunus spp.	Retain
T16	Jacaranda mimosifolia	Retain
T17	Melia azedarach	Retain
T18	Cinnamomum camphora	Remove
T19	Syncarpia glomulifera	Retain
T20	Jacaranda mimosifolia	Retain
T21	Liquidambar styraciflua	Retain
T22a	Syncarpia glomulifera	Retain
T22b	Eucalyptus spp.	Retain
T23	Eucalyptus spp.	Retain
T24a	Acacia maidenii	Retain
T24b	Acacia maidenii	Retain
T25	Syncarpia glomulifera	Retain
T26	Eucalyptus pilularis	Retain
T27	Cinnamomum camphora	Retain
T28	Salix spp.	Retain
T29	Melaleuca decora	Retain
T30	Jacaranda mimosifolia	Retain
T31	Grevillea robusta	Retain
T32	Syzygium smithii	Retain
T33	Eucalyptus spp.	Retain
T34	Grevillea robusta	Retain

**NOTE:** The adjacent tree schedule has been extracted from the arborist's report prepared by Mark Spence dated April 2019. Refer to the arborist's report for further details on the existing trees.

D - ISSUED FOR DA (12/09/19)  
C - ISSUED FOR INFO (09/09/19)  
B - ISSUED FOR DA (21/05/19)  
A - ISSUED FOR INFO (14/05/19)



ALLEYS TO VALLEYS

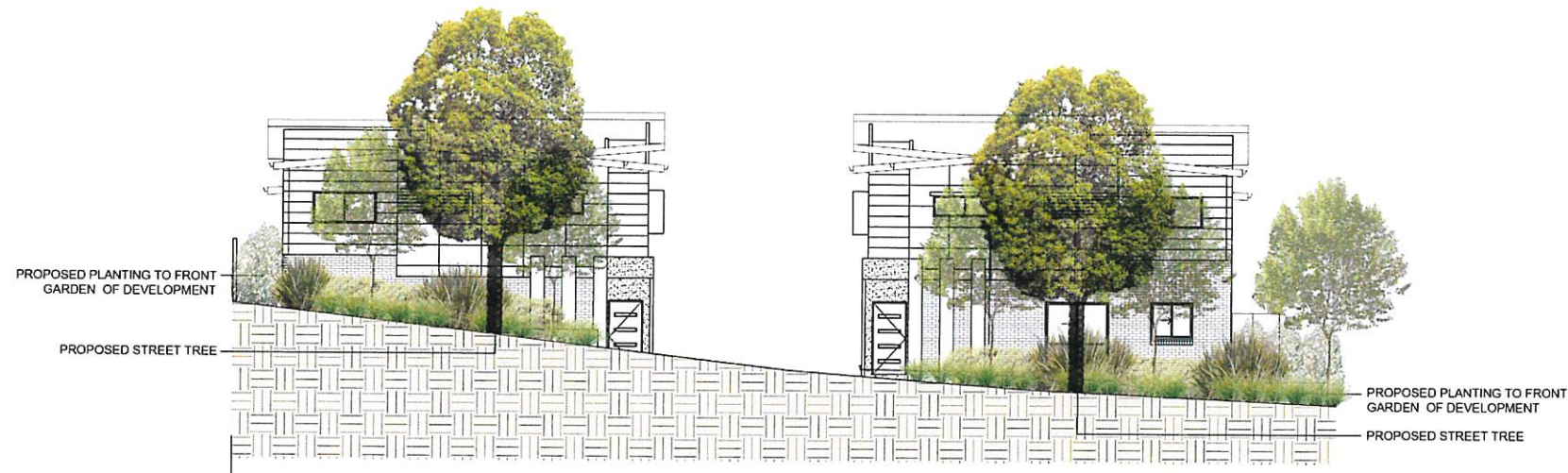
**LANDSCAPE CONCEPT PLAN**  
**(PART 2 AND 3)**  
7 Dawson Street,  
FAIRY MEADOW  
1:200 @ A1

ISSUED FOR DA

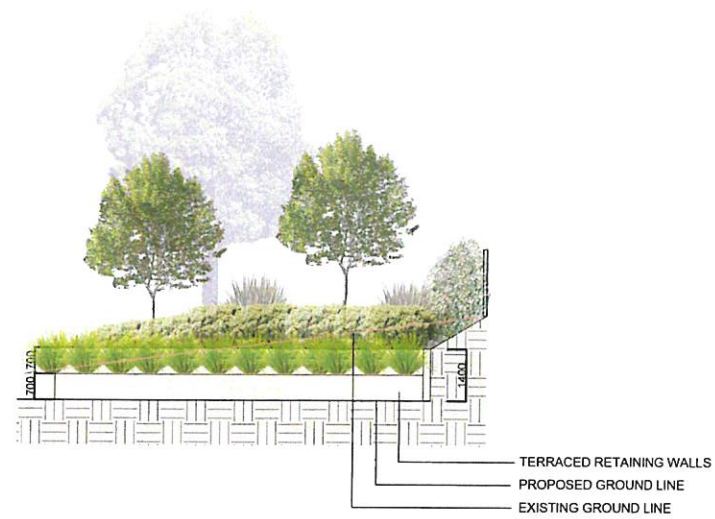
DRAWN: DF      DATE: 12/09/19

DWG NO: LC02      ISSUE: D

PROJECT: 1912 SHEET 3 OF 4



**A** STREET VIEW - SECTION ELEVATION  
1:100



**B** VIEW TO STREET FROM UNIT 1 - SECTION ELEVATION  
1:100

1:100  
0 1 2 3 4 5

<b>ALLEYS TO VALLEYS</b> 7 Dawson Street, FAIRY MEADOW 1:100 @ A1		A - ISSUED FOR DA (12/09/19)	
		LANDSCAPE SECTION ELEVATIONS ISSUED FOR DA	DRAWN: DF DATE: 12/09/19 DWG NO: LC02 ISSUE: A PROJECT: 1912 SHEET 4 OF 4





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A: Development Application	31/05/19		



72 BALGOWNIE ROAD,  
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Project:	PROPOSED 2 LOT TORRENS TITLE SUBDIVISION, 32 UNIT DEVELOPMENT & STRATA TITLE SUBDIVISION
Project number:	20180024

Project Address:	7 DAWSON STREET, FAIRY MEADOW LOT X in DP 408389
Issue:	A
Drawn By:	O.CAYLAK
Client Name:	SORACE CONST.

Sheet Name:	Stage 1 2 Lot Torrens Title Subdivision
Date:	31/05/19
Scale:	1 : 400
Sheet:	SH-32 of 36

**DEVELOPMENT APPLICATION**





**Stage 2**

**Construction of 32 Townhouse Development  
& Strata Title Subdivision**

**1** Strata Title Subdivision  
1 : 400

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Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A

Drawn By: O.CAYLAK

Client Name: SORACE CONST.

Sheet Name:  
Stage 2 Construction of 32  
Townhouses and Strata Title  
Subdivision

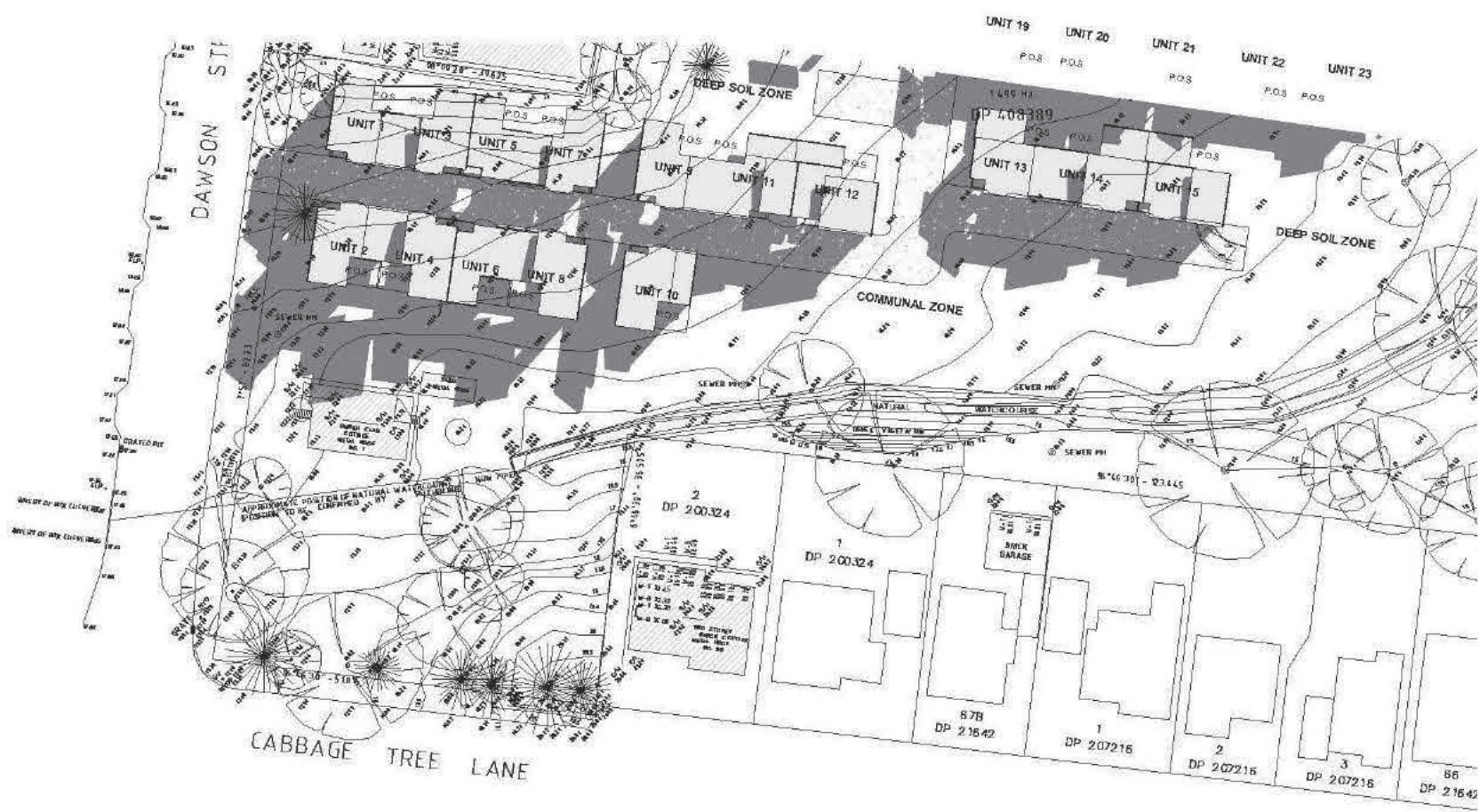
Date: 31/05/19

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Sheet: SH-33 of 36

**DEVELOPMENT APPLICATION**





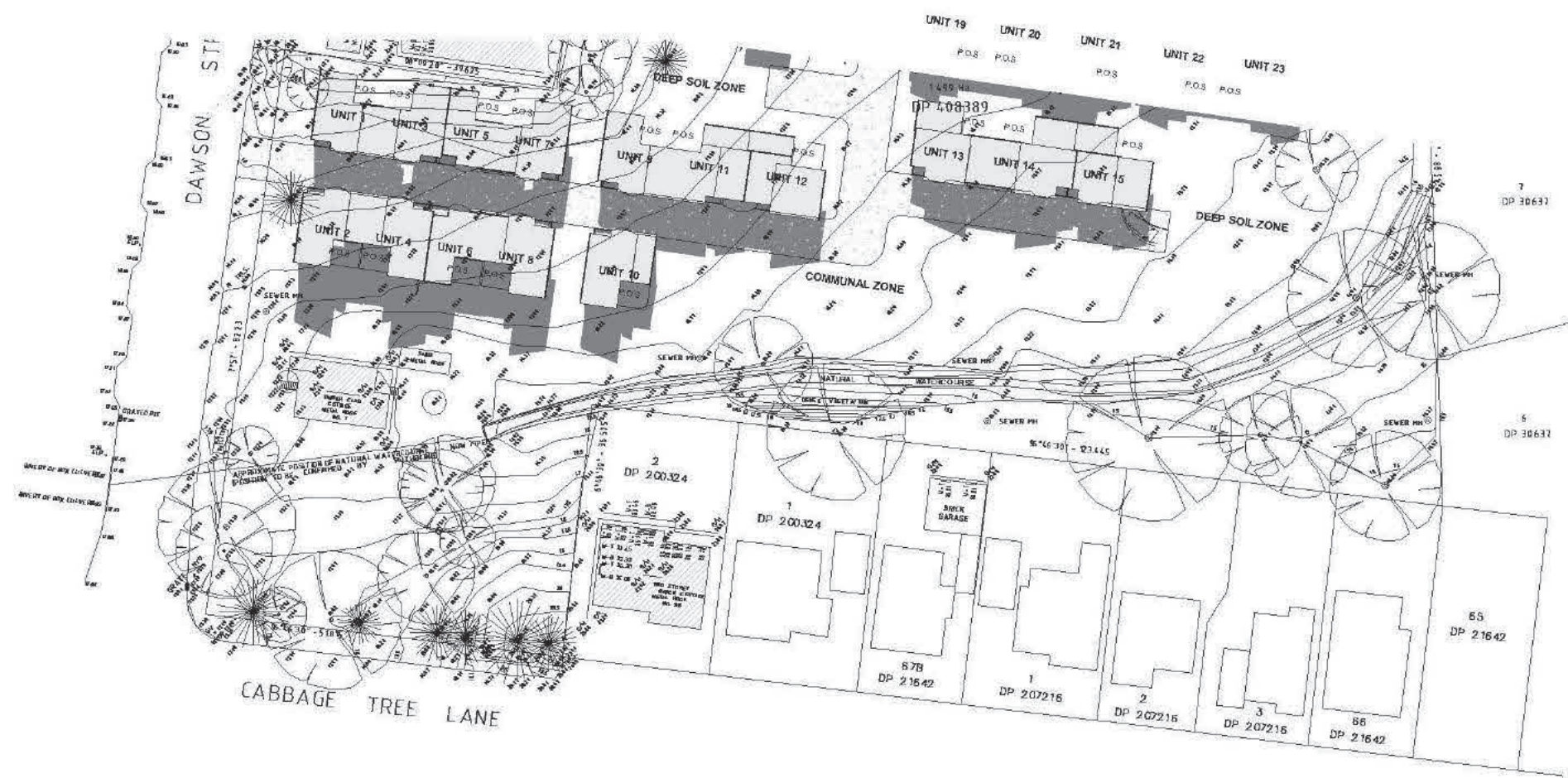
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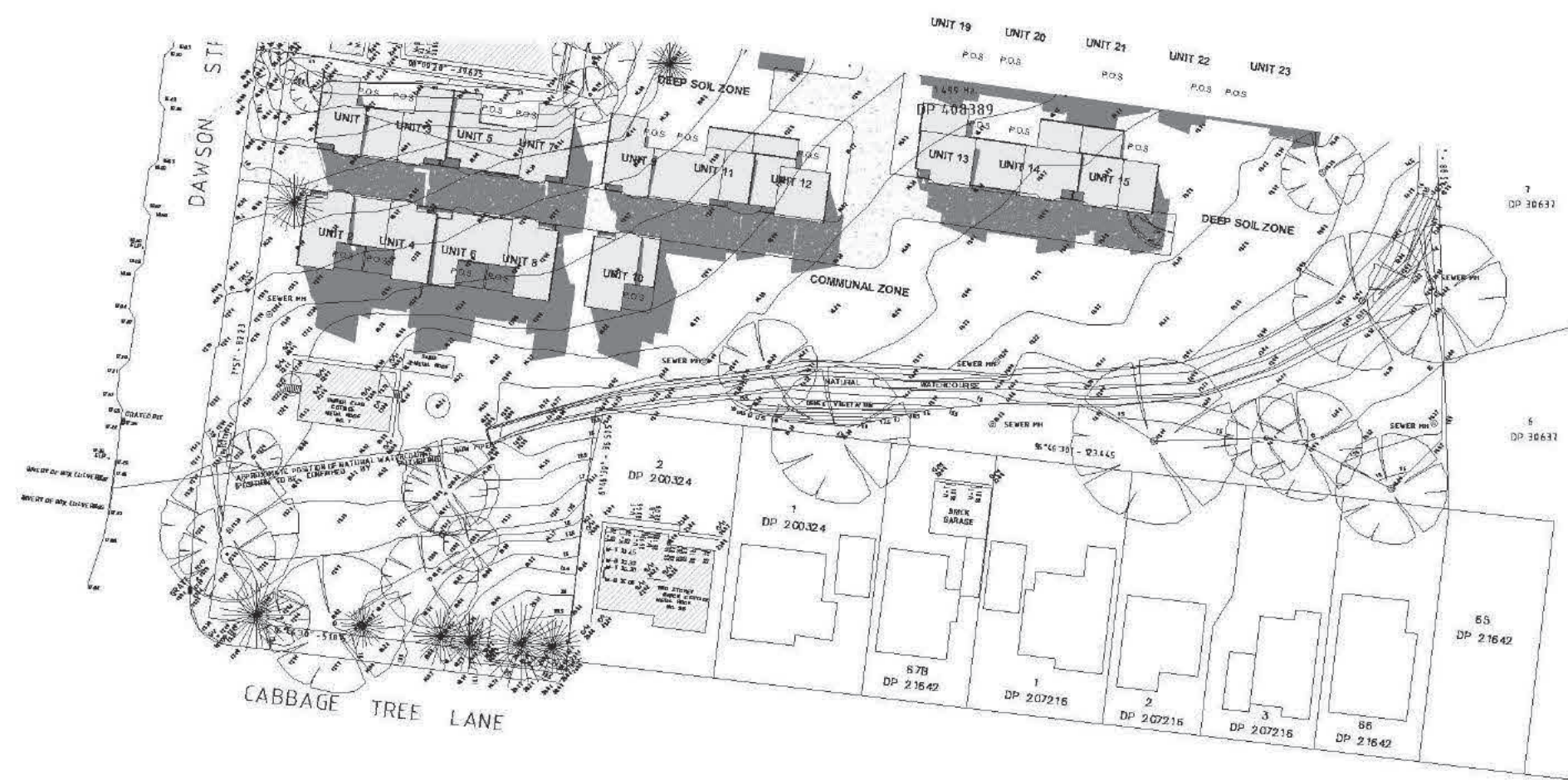
10am 21 June



11am 21 June



12pm 21 June



1pm 21 June



2pm 21 June



3pm 21 June

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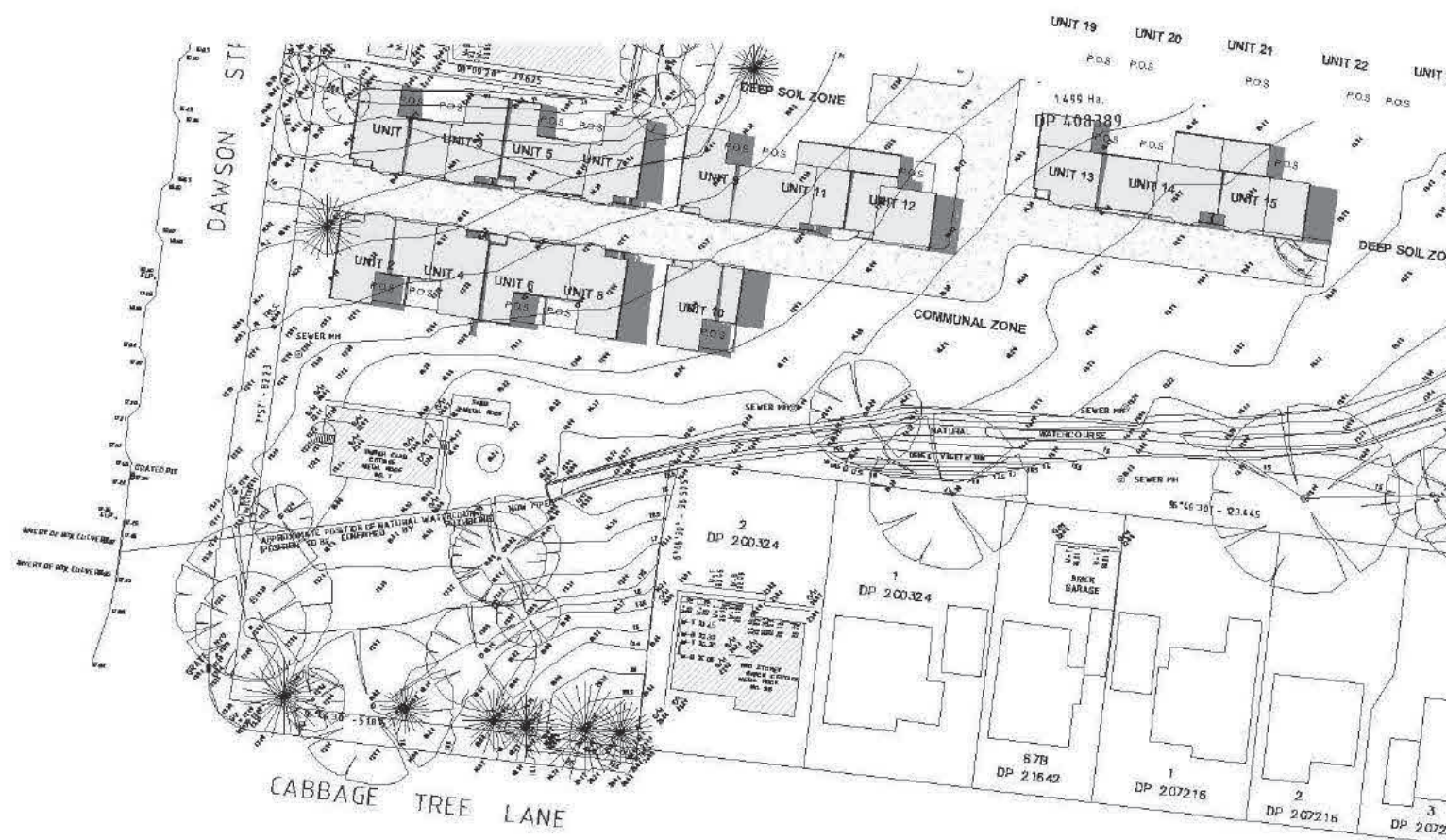
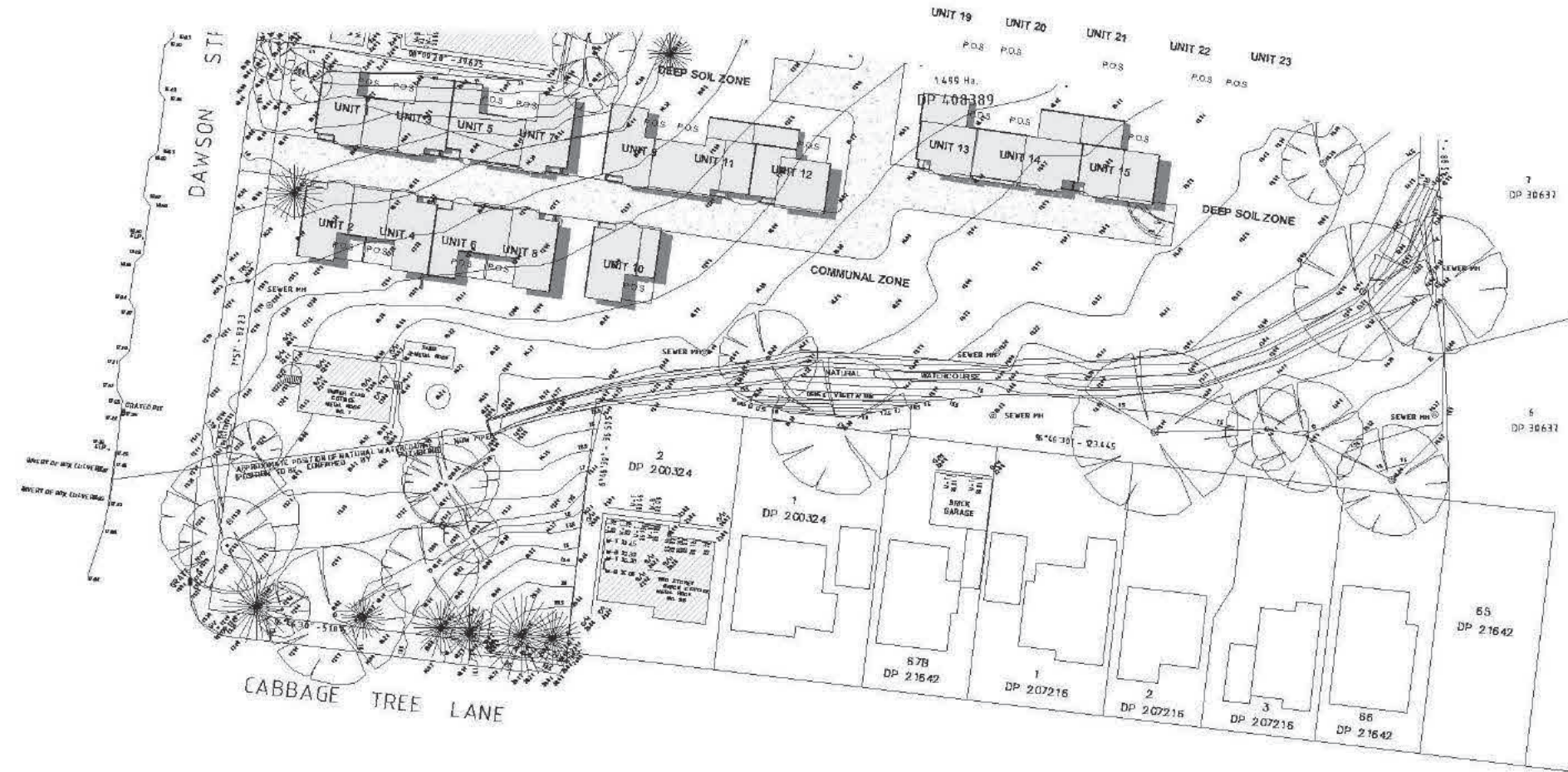
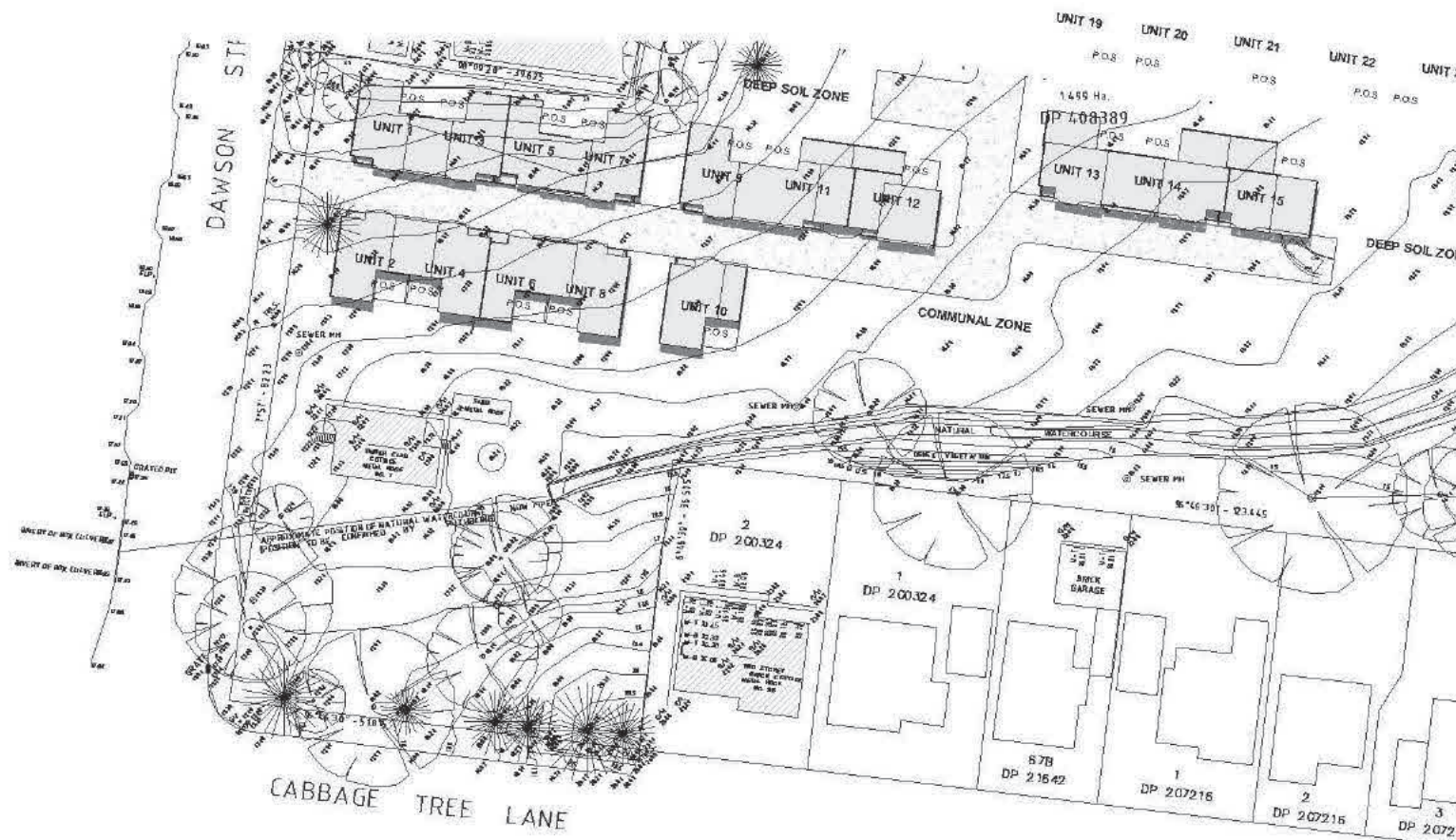
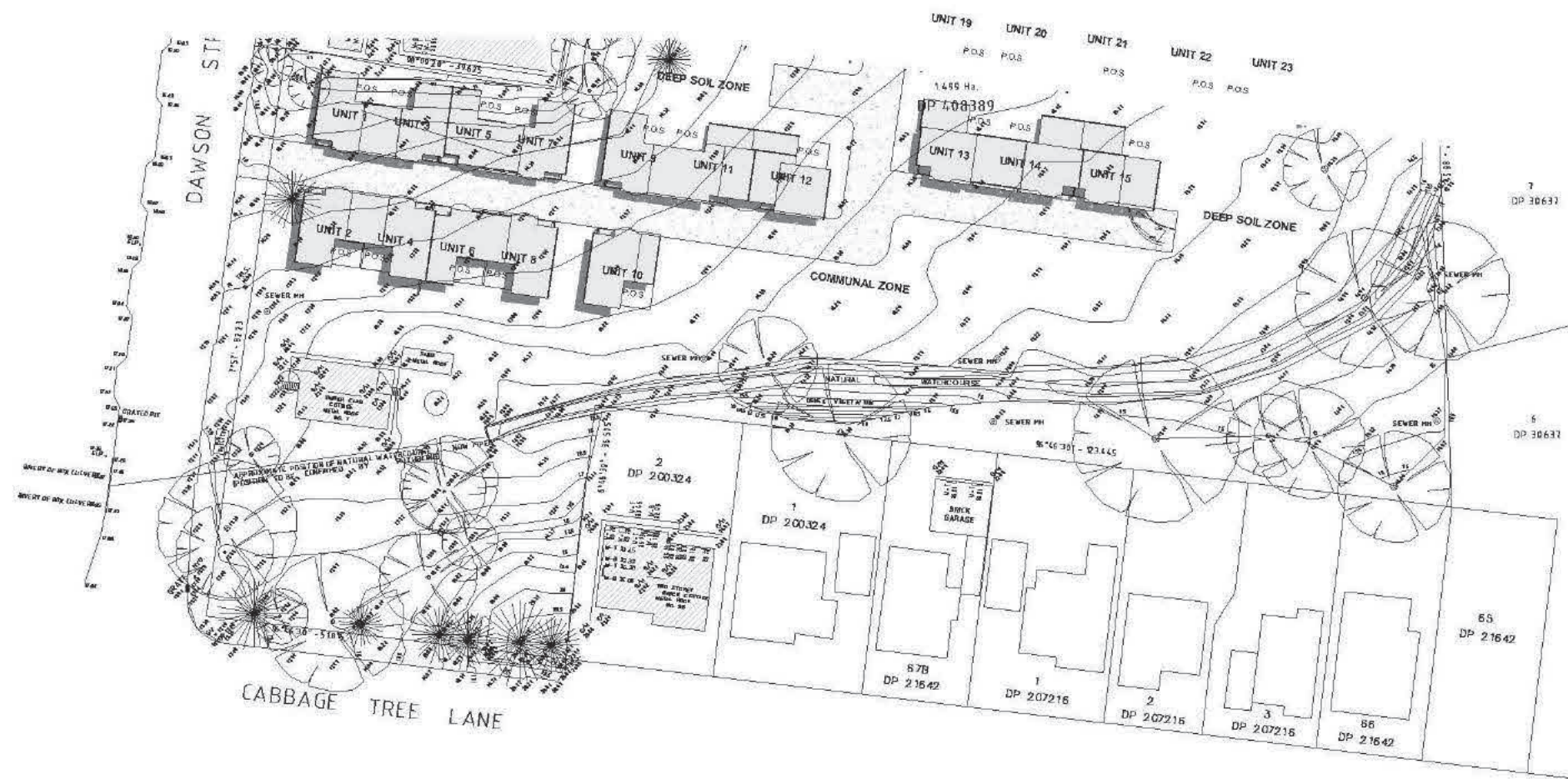
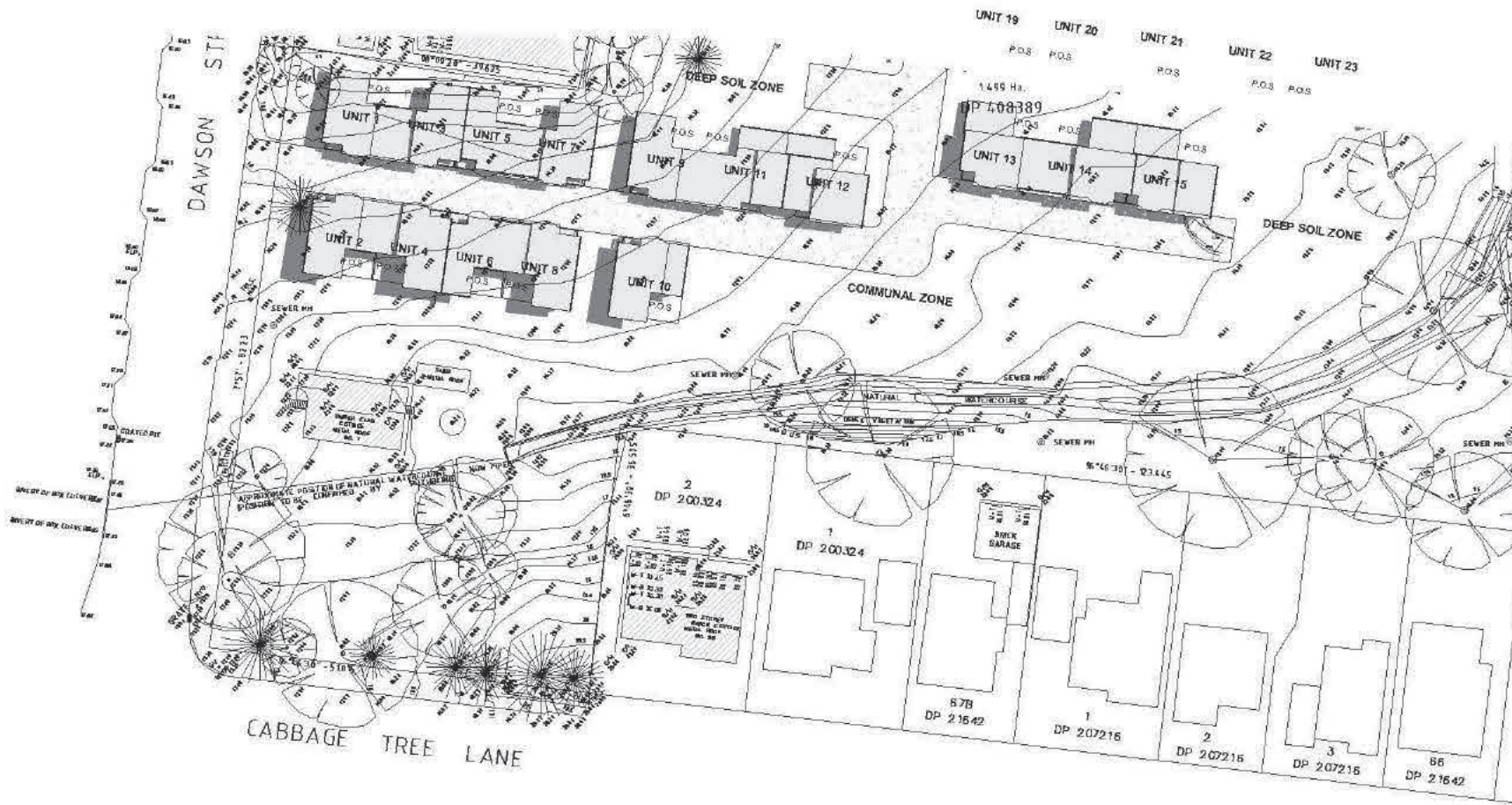
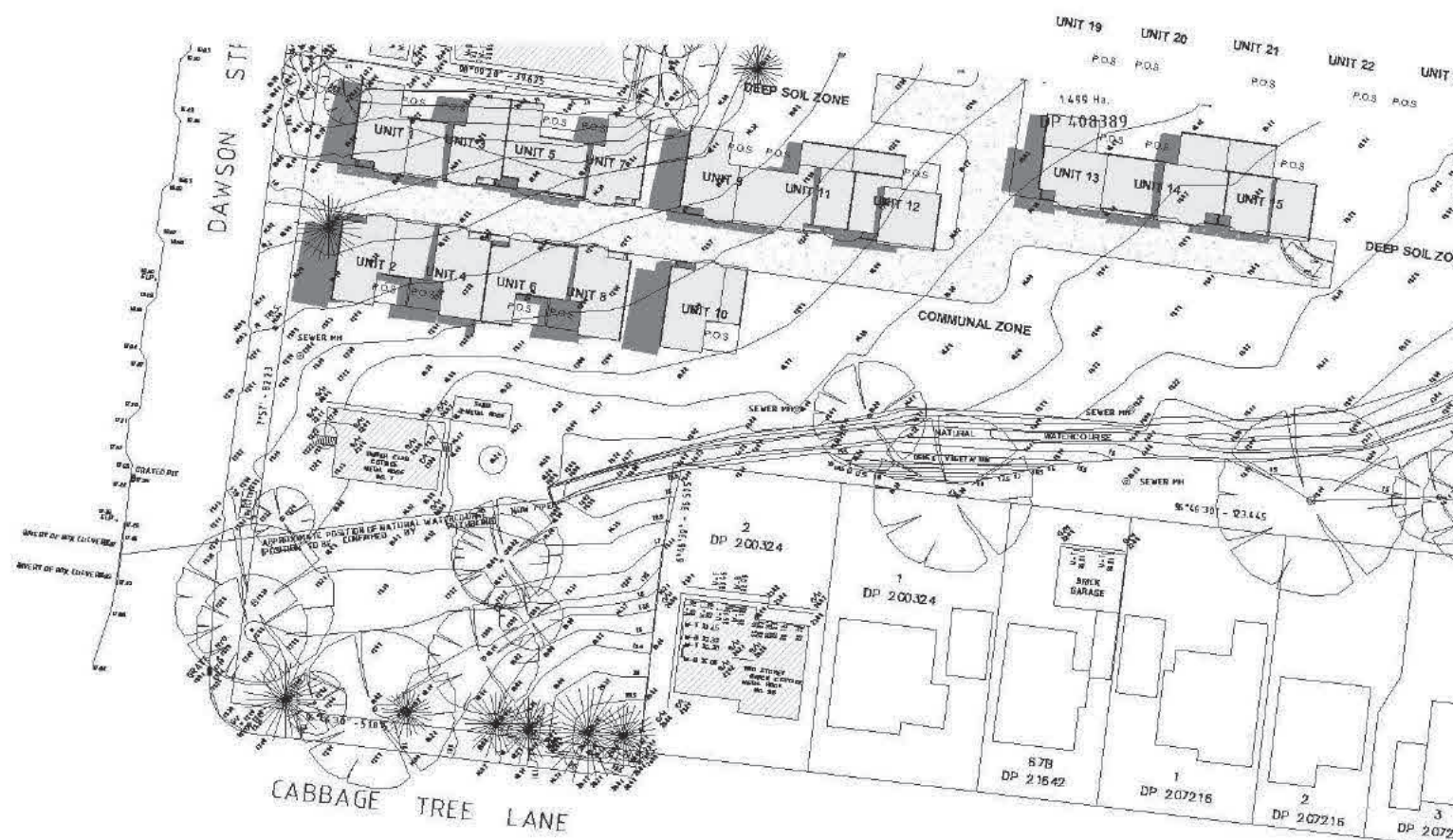
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Project: PROPOSED 2 LOT TORRENS TITLE SUBDIVISION, 32 UNIT DEVELOPMENT & STRATA TITLE SUBDIVISION	Project Address: 7 DAWSON STREET, FAIRY MEADOW LOT X in DP 408389		Sheet Name: June Shadow Diagrams		
	Issue:	A	Date:	31/05/19	
	Drawn By:	O.CAYLAK	Scale:		
Project number:	20180024	Client Name:	SORACE CONST.	Sheet:	SH-28 of 36
DEVELOPMENT APPLICATION					





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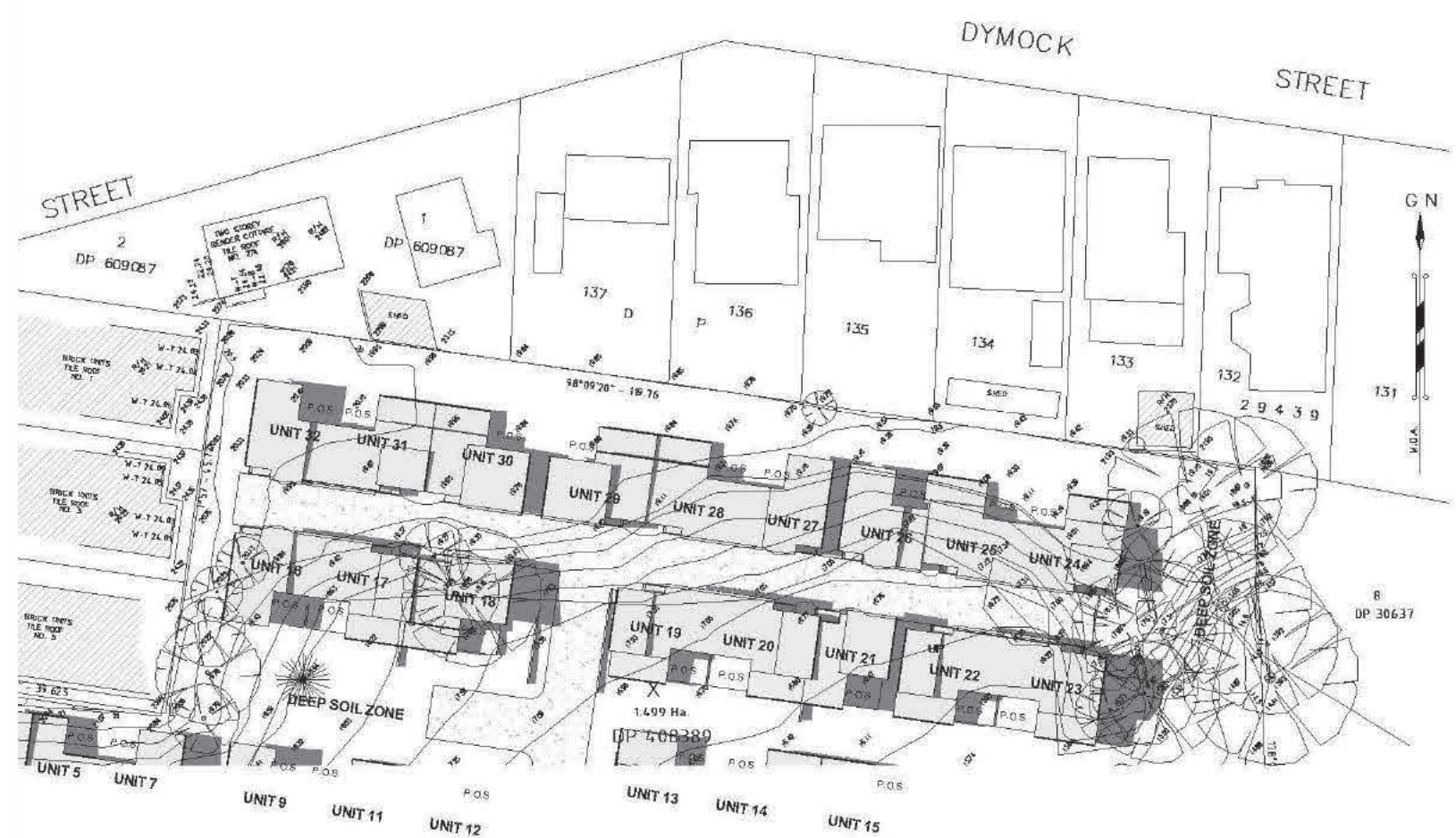
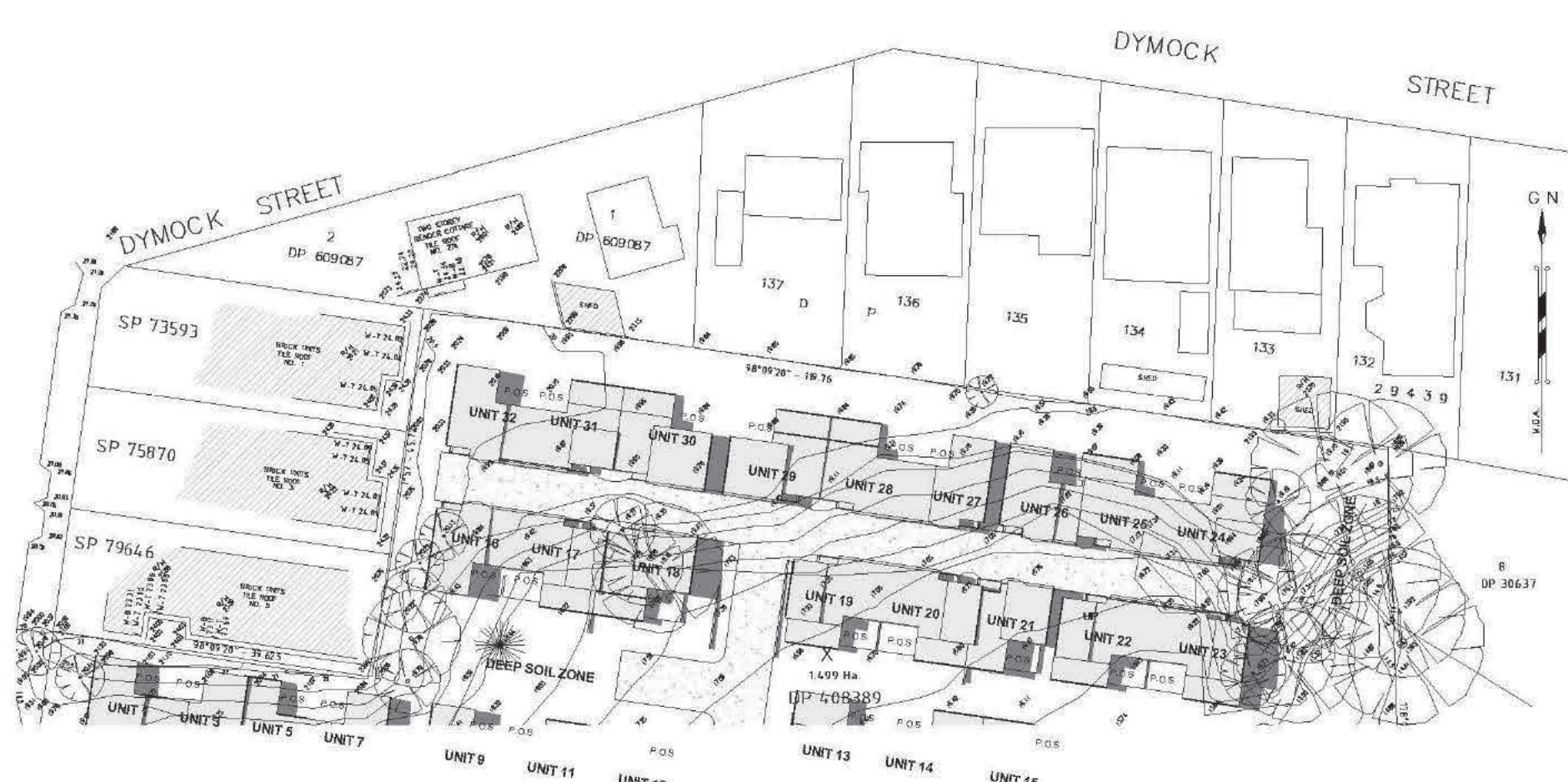
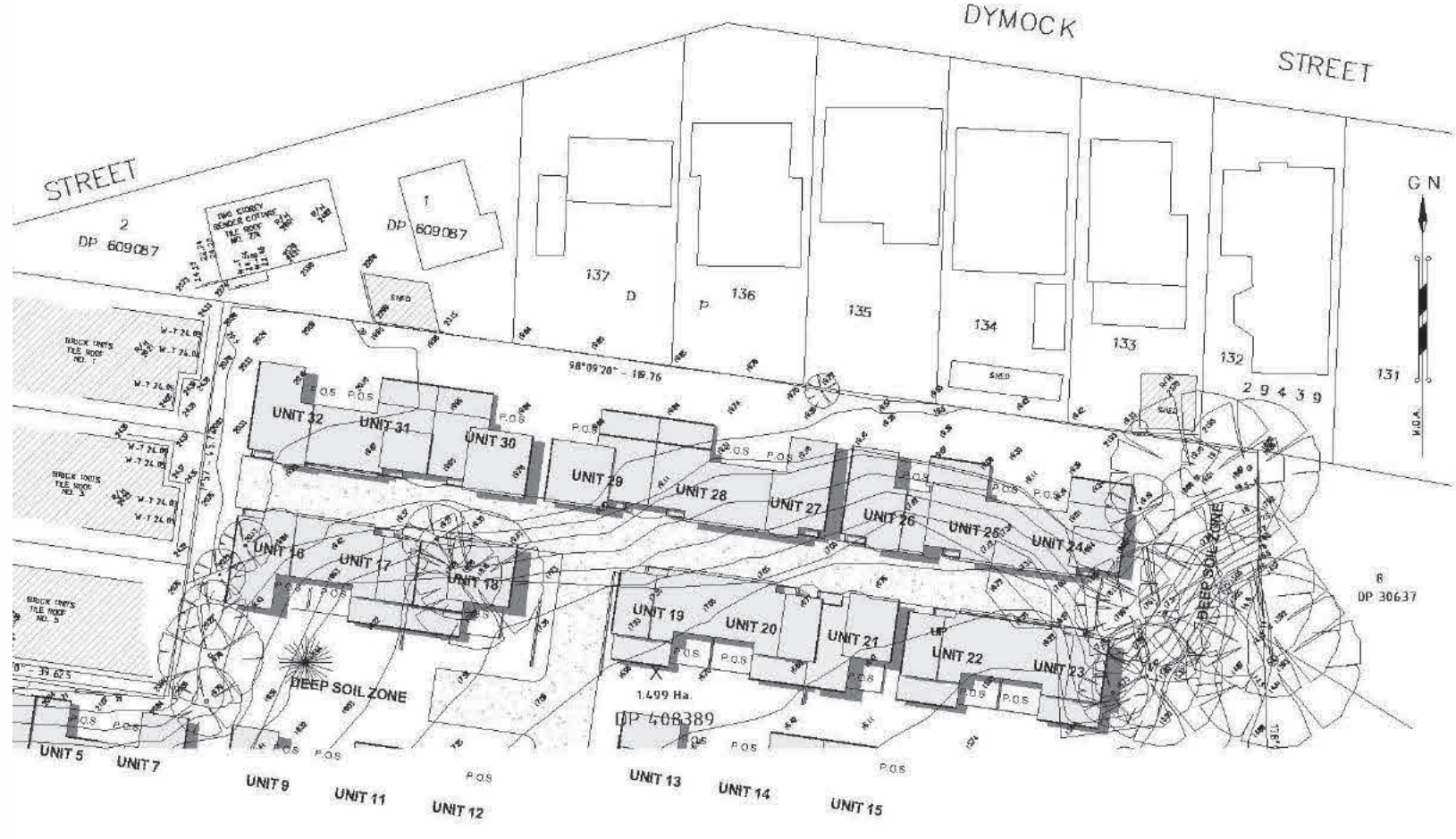
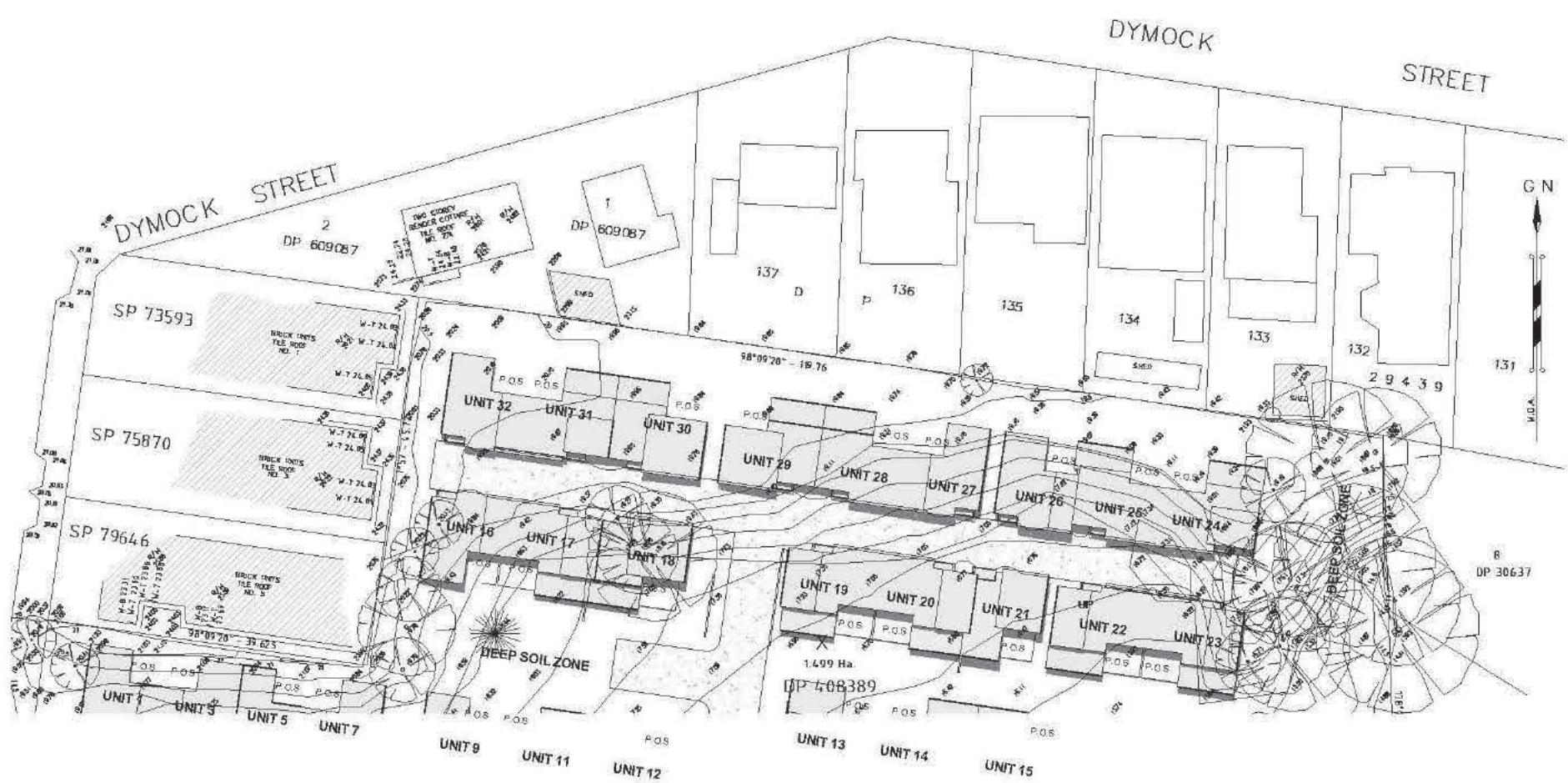
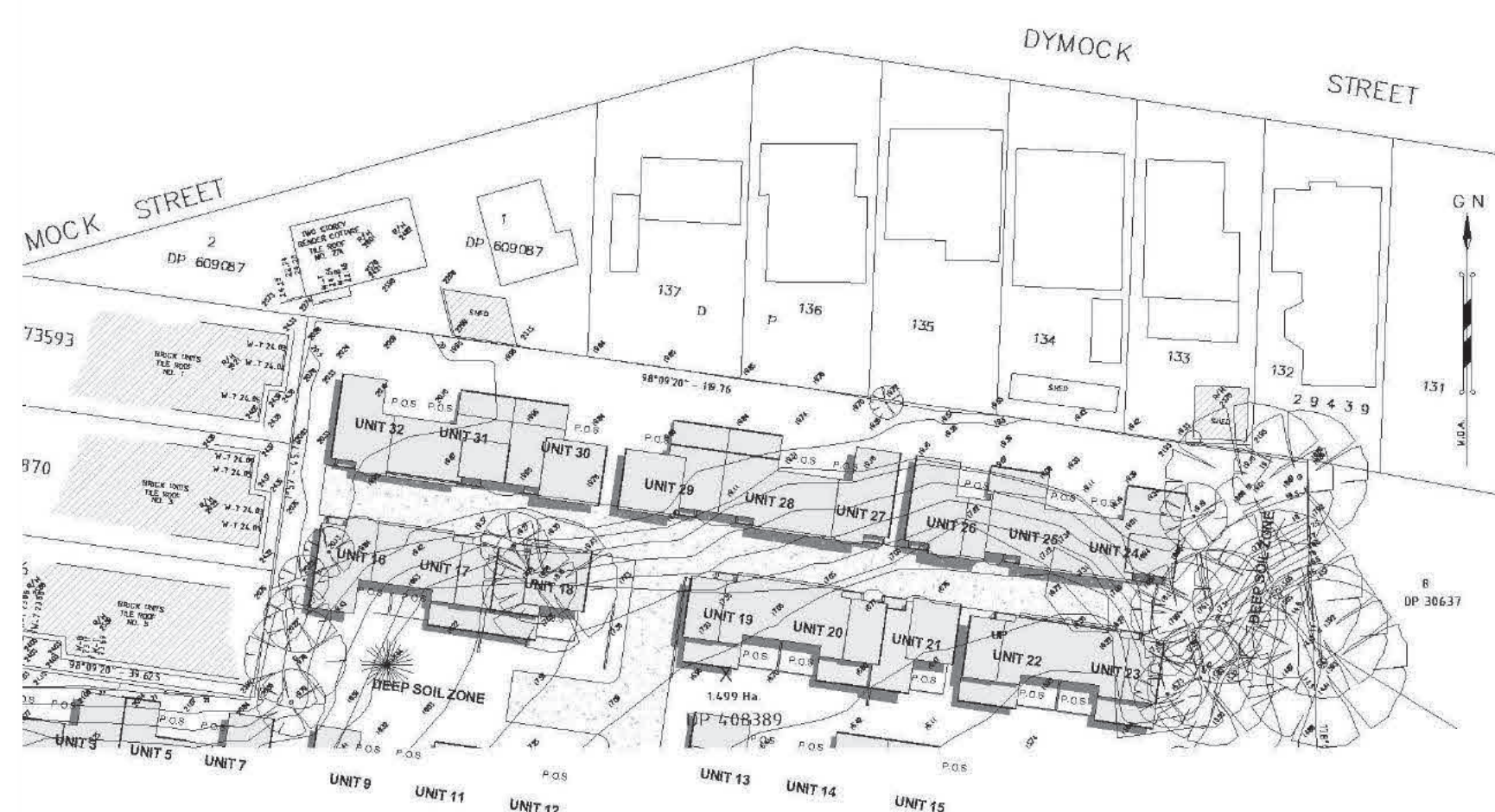
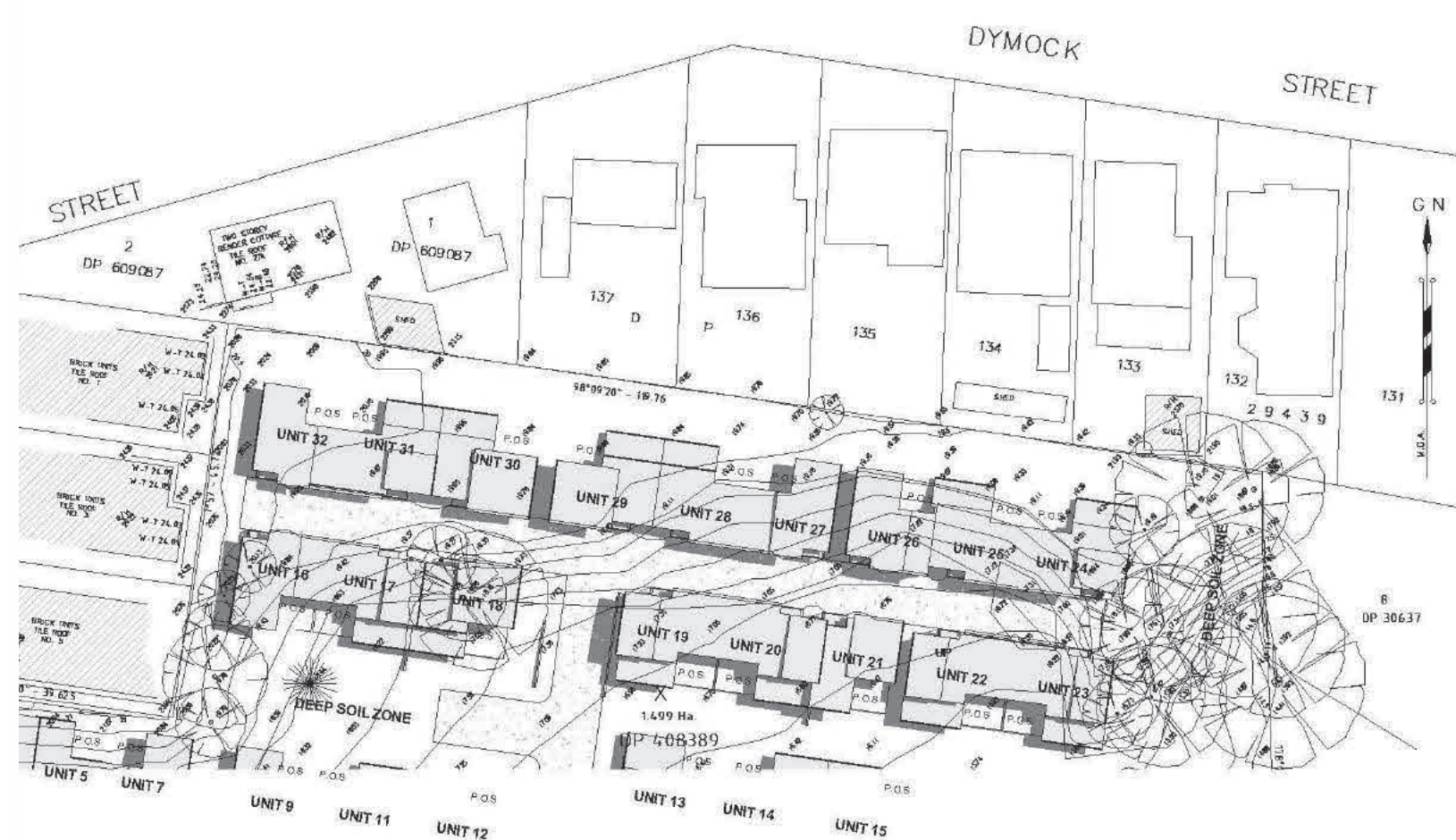
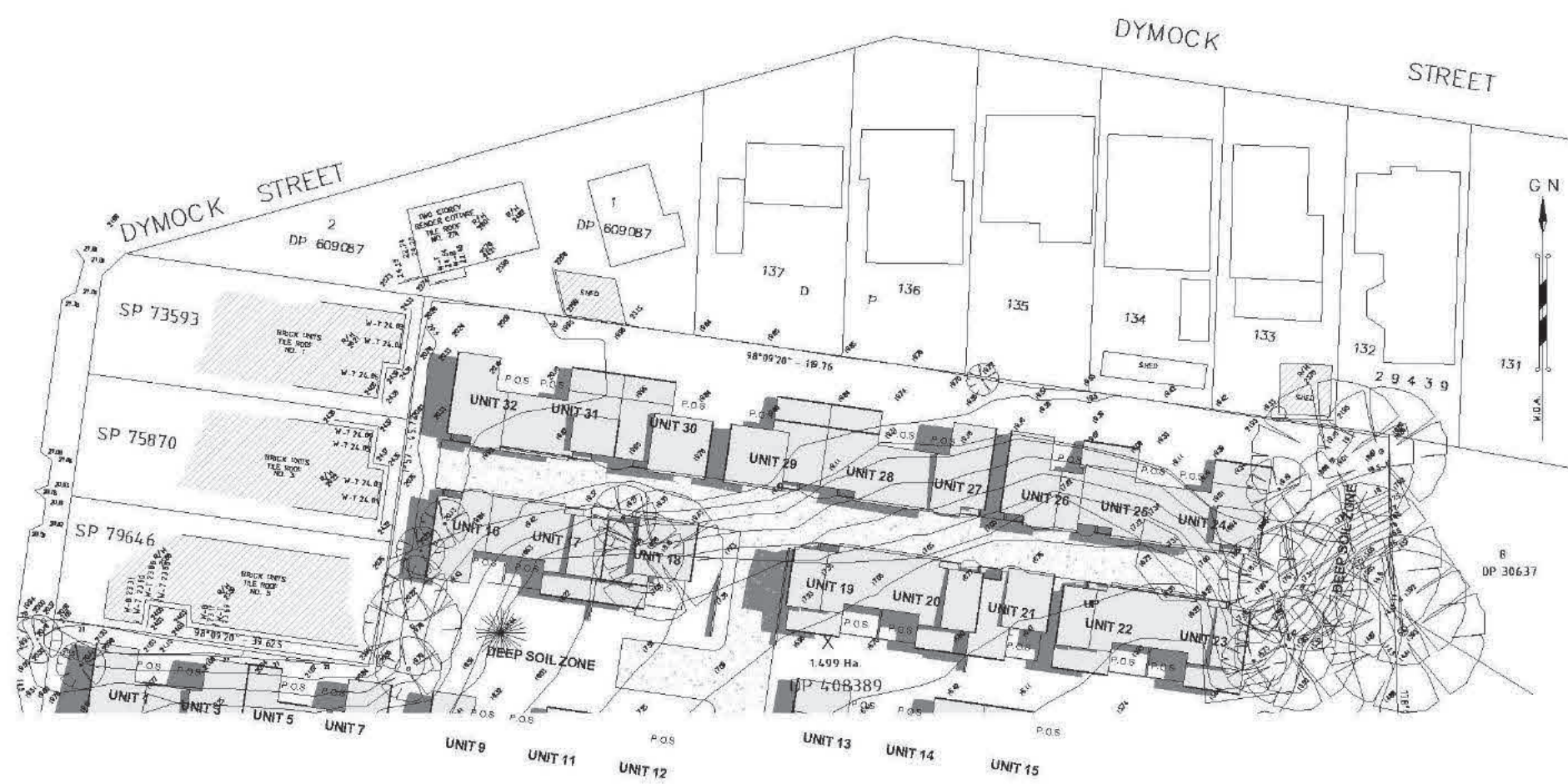
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A: Development Application	31/05/19		



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Project: PROPOSED 2 LOT TORRENS TITLE SUBDIVISION, 32 UNIT DEVELOPMENT & STRATA TITLE SUBDIVISION	Project Address: 7 DAWSON STREET, FAIRY MEADOW LOT X in DP 408389		Sheet Name: December Shadow Diagrams		
	Issue:	A	Date:	31/05/19	
	Drawn By:	O.CAYLAK	Scale:		
Project number:	20180024	Client Name:	SORACE CONST.	Sheet:	SH-30 of 36
DEVELOPMENT APPLICATION					





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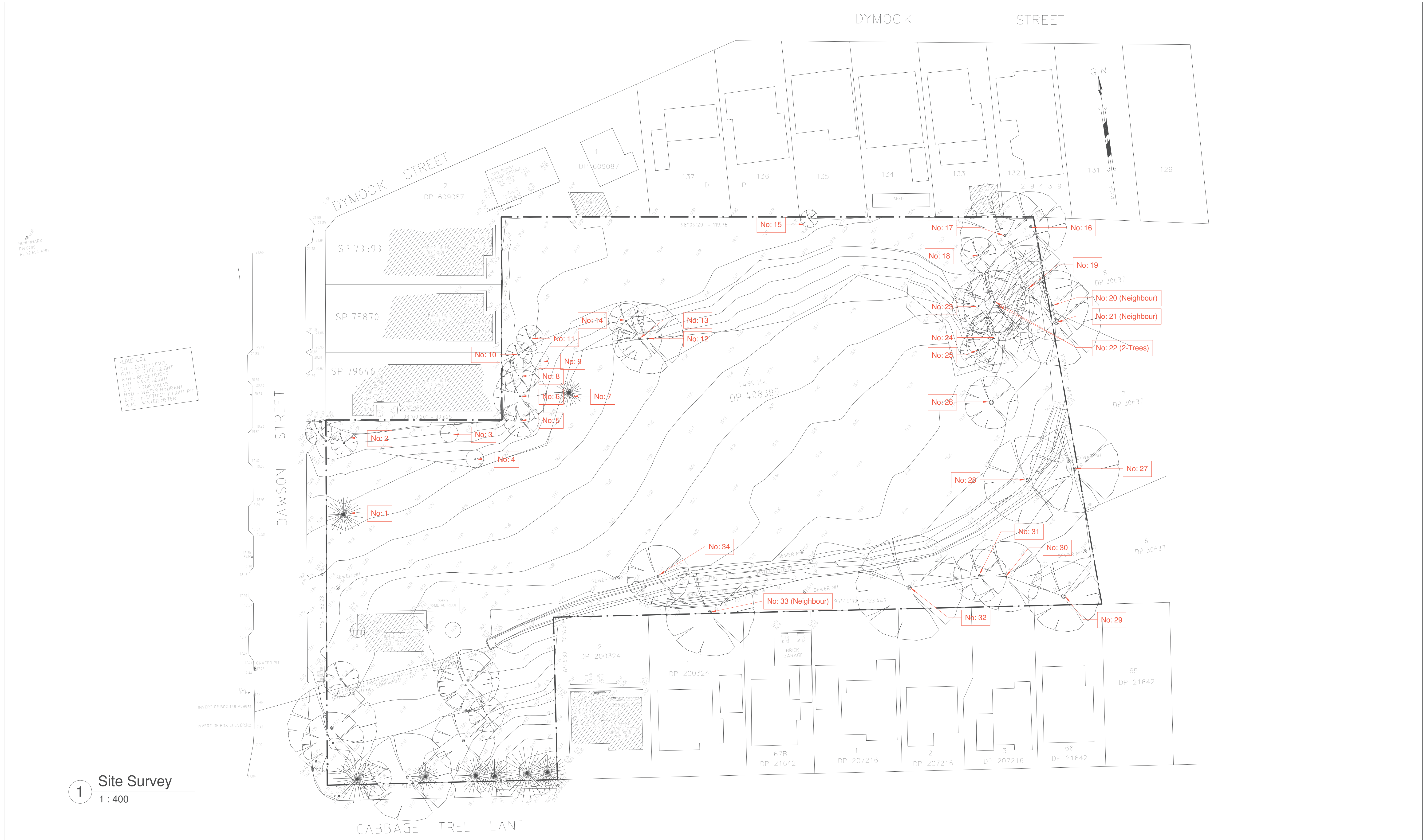


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	Issue:	A	Date:	31/05/19	
	Drawn By:	O.CAYLAK	Scale:		
Project number:	20180024	Client Name:	SORACE CONST.	Sheet:	SH-31 of 36

## DEVELOPMENT APPLICATION





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PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Drawn By: O.CAYLAK

Client Name: SORACE CONST.

Sheet Name:  
Site/Tree Plan & Numbering

Date: 31/05/19  
Scale: 1 : 400

Sheet: SH-27 of 36

DEVELOPMENT APPLICATION





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Project:  
PROPOSED 2 LOT TORRENS TITLE  
SUBDIVISION, 32 UNIT  
DEVELOPMENT & STRATA TITLE  
SUBDIVISION

Project number: 20180024

Project Address:  
7 DAWSON STREET, FAIRY  
MEADOW LOT X in DP 408389

Issue: A  
Drawn By: O.CAYLAK

Client Name: SORACE CONST.

Sheet Name:  
3D Perspectives

Date: 31/05/19

Scale:

Sheet: SH-34 of 36

DEVELOPMENT APPLICATION



**Attachment 2: Site Photos**



**Images 1 and 2:** Looking toward Riparian Corridor





**Image 3:** Culvert located on Dawson Street



**Image 4:** Vegetation located on north-western side of site





**Image 5:** Northern side of site, looking east



**Image 6:** Riparian corridor on southern side of site





**Image 7:** Site looking east



**Image 8:** Rear of multi dwelling units on Dawson Street





**Image 9:** Evidence of filling on site and existing dwelling house in distance



**Image 10:** Aerial photo





**Attachment 3: Prelodgement meeting notes and Additional Information Letter**

## PRE-LODGEEMENT NOTES – PL-2019/8

13 February 2019

Property:	7 Dawson Street, FAIRY MEADOW NSW 2519 Lot X DP 408389	
Proposal:	Residential - Subdivision - Torrens Title - 2 lots, multi dwelling housing (32 units) and Subdivision - Strata Title - 32 lots	
Attendees:	<i>Council:</i>	Suri Mora (Senior Environmental Project Officer) Mathew Carden (Stormwater Development Engineer) Nyrie Davis-Raiss (Landscape Architect) Rebecca Welsh (Senior Development Project Officer) Nadir Mian (Development Project Officer) <i>Apologies – Charlie Bevan (Traffic Engineer)</i>
	<i>Proponent:</i>	Alex Gollan (Land Team) Barry Cotton (EPlanning) Ozzy Caylak (O.C Innovative Designs)

Proposal/Project Overview:	<p>Torrens title subdivision of site into 2 lots consisting of lot1 – 12,068m2 and lot 2 – 2,474m2. Retention of the existing dwelling on lot 2 is proposed.</p> <p>Construction of 32 2 storey townhouses on proposed lot 1.</p> <p>32 lot Strata subdivision on lot 1.</p> <p>6m wide driveway proposed to provide vehicle access to all dwellings. Communal open space, landscaped areas and deep soil zone provided adjacent to riparian zone, with additional landscaped areas provided adjacent to site boundaries.</p>
Meeting Outcomes Summary:	<p>The site is heavily constrained as a result of the riparian land located on the south and east of the site. The site is also within a low, medium, and high flood risk precinct, and is heavily vegetated particularly adjacent to the riparian land.</p> <p>Any development on the site must respond appropriately to the site constraints, and achieve an appropriate built form.</p> <p>The site layout, setbacks, dwelling mix, building character and form must respond more appropriately to the requirements for multi dwelling housing in the Wollongong DCP 2009.</p> <p>Further work is required to inform the driveway design, the location of landscaping and communal open space .</p> <p>Further details regarding on-site waste management and communal waste storage are required.</p> <p>The development will be Integrated Development requiring approval under the Water Management Act 2000.</p>



### Main Issues:

- The site is flood affected. Any development requires a flood report to determine the flooding constraints on the site and to inform the design of the development
- The site is heavily constrained due to the Riparian Corridor on the site and associated vegetation.
- The development is Integrated Development under Section 4.46 of the Act, as the development requires a controlled activity approval under the Water Management Act 2000
- Vegetation Management Plan, Flora and Fauna Report, Detail Site Contamination Report required to be submitted
- 2 lot Torrens title subdivision is not to result in an undevelopable lot
- The application proposes development which conflicts with the location of native vegetation on site, particularly on the north-east of the site. Furthermore, the location of the deep soil zones has not been positioned to retain all significant trees
- Arborist report is to be provided
- Appropriate levels of solar access to living areas, POS and neighbouring properties are to be achieved. Living areas and POS should predominantly face north. Hourly shadow diagrams during the winter solstice are to be provided.
- Built form, driveway design, landscaping is to be revised to be more consistent with the requirements of the Wollongong DCP.
- Details of waste management, on-site communal waste storage, and waste pick up is to be considered, and details provided with any application.
- The site is sloping, and the design of the proposal must effectively incorporate the slope of the site. Retaining walls which result in an unacceptable built form outcome, or have a negative impact on the amenity of future residents or neighbouring sites will not be supported.

### Planning:

#### *Site information/constraints:*

- The site is affected by the following constraints:
  - Medium/high flood risk
  - Biodiversity
  - Habitat models
  - Native vegetation/conservation
  - Riparian land/terrestrial and aquatic habitat riparian corridor
- A Section 10.7 Certificate should be obtained to clarify details on any constraints affecting the proposed development site. All relevant site constraint reports should be included within the Statement of Environmental Effects.
  - *10.7 (2) Certificate* - Provides information about the zoning of the property, the relevant state, regional and local planning controls and other planning affectations such as heritage, land contamination and road widening; and
  - *10.7 (2) and (5) Certificate* - Provides additional advice regarding demolition, foreshore building lines, other heritage considerations and general advice.

#### *Integrated Development*

The development will be Integrated Development under Section 4.46 of the Act, requiring approval under Section 91 of the Water Management Act 2000. Consultation with the Department of Industry prior to lodging is recommended to discuss the likely requirements relating to the riparian land on the site, and on adjoining sites. Any correspondence should be submitted with the development application.

### *General Planning*

The provisions of all relevant matters for consideration under Section 4.15 of the EP&A Act 1979 including Environmental Planning Instruments and Development Control Plan(s) must be addressed within a comprehensive Statement of Environmental Effects (SEE).

#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The applicant must address any required of the SEPP with the SEE. A BASIX Certificate will be required. All BASIX commitments required at the DA stage are to be shown on the submitted plans.

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

A separate submission is to be included within the SEE addressing the requirements of SEPP 55. SEPP 55 applies to the State, and Clause 7 of the SEPP is relevant to all development applications.

#### Wollongong Local Environmental Plan 2009 (WLEP 2009)

A comprehensive Statement of Environmental Effects (SEE) addressing all relevant clauses of WLEP 2009 is to be submitted. Height, FSR, minimum lot size etc. are to be consistent with the LEP requirements.

The Clauses of particular concern to this application are listed below:

- **7.2 Natural Resource Sensitivity – biodiversity**
- **7.3 Flood Planning**
- **7.4 Riparian Lands**
- **7.6 Earthworks**

#### Wollongong Development Control Plan 2009 (WDLP 2009)

A comprehensive Statement of Environmental Effects (SEE) including all relevant site constraint reports is to be submitted. The SEE must address all relevant chapters as relates to the development proposal and provide full justification for any variation requests in accordance with Cl. 8 of Chapter A1.

All relevant sections of Part 4 and Part 5 of Chapter B1 must be considered. The sections of the DCP that are of particular concern to this application include, but are not limited to, the following:

#### *Chapter B1 Residential Development*

- **Part 4 General Residential Controls**
  - **4.13 Fire Brigade Servicing**  
Appropriate design, and any relevant reports, plans or turning circle diagrams are required to confirm all dwellings within the proposal are capable of being appropriately serviced.
  - **4.17 Retaining Walls**  
All retaining walls are to be shown on the site plans and elevations. Retaining walls within 900mm from any boundary must be less than 600mm in height, or if more than 900mm from boundary are restricted to 1m in height.  
  
The dwellings must be appropriately designed taking into consideration the slope of the site. Retaining walls that impact the amenity of dwellings on the site or on adjoining sites will not be supported.
- **Part 5 Attached dwellings and multi dwelling housing**
  - **5.4 Side setbacks**  
Side setbacks in accordance with the requirements of this chapter must be achieved.  
  
Units 1-8 and 10 do not comply with the minimum side setback requirement. The site does not present any specific circumstances as to why a variation would be justified in this case, and a variation is not supported.
  - **5.5 Building Character and Form**  
Front facades (Unit 1 and 2) are required to address the street. Front elevations are to consist of high quality designs with frontages that clearly address the street. Dwellings addressing the street must have individual pedestrian entries from the street.



It is recommended elevation plans and/or 3D context plans be submitted which show how the proposed development may be seen from neighbouring properties, particularly on the sloping parts of the site.

- 5.6 Access/Driveway Requirements

Long straight driveways should be avoided. The existing driveway design is not supported. Increased variety in the design of the driveway is to be considered incorporating elements such as curves, landscaping, and changes in material/texture. Turning circles are to be provided to ensure vehicles using all parking spaces on site are able to enter and exit the site in a forward direction.

- 5.7 Car parking requirements

Each dwelling appears to be 110m<sup>2</sup> or more, requiring 2 spaces per dwelling. As such, there appears to be a shortfall in resident parking.

Parking for vehicles, motorcycles and bikes must be provided in accordance with the requirements of Chapter E3 of the DCP.

Parking must be designed to minimise impacts on the streetscape

- 5.8 Landscaping Requirements

Landscaping is to be provided along all site boundaries, is required to be integrated into the stormwater plans, retain existing trees, provided between dwellings and driveways and incorporate street trees in accordance with the requirements of Part E of this DCP.

- 5.9 Deep Soil Planting

Deep soil zones are to be provided on 15% of the site. DSZs are to be centrally located, provide a continuous corridor of vegetation, and allow for separation of neighbouring dwellings.

DSZs are to be located to allow the retention of significant trees and attain maximum access to sunlight. No structures are permitted within the DSZ. The DSZ is to be densely planted with appropriate species, details of which are to be provided in the landscape concept plan.

- 5.10 Communal Open Space

Communal open space is required to be provided at a minimum rate of 5m<sup>2</sup> per dwelling. COS is to be appropriately located, within a reasonable distance to all dwellings, be integrated with the landscape plan, allow for casual social interaction and be capable of accommodating recreational activities. COS areas are to be appropriately designed, and include facilities such as paving, playground equipment, barbecues, shade structures etc.

- 5.11 Private Open Space

POS must be provided for all dwellings, with a minimum area of 20m<sup>2</sup>, with dimensions 5m x 4m. The POS area is to be separated from any landscaped area, and is to be appropriately separated from any site boundaries. POS areas are to be predominantly north facing, to achieve an appropriate level of solar access. Solar access is to be shown on submitted shadow diagrams.

POS areas must be accessed directly from living areas, defined through the use of planting, or landscaping features, sufficiently private and receive an appropriate level of amenity.

- 5.12 Solar Access Requirements

Appropriate levels of solar access are to be provided to all POS areas, living areas, landscaped areas, deep soil zones, and neighbouring sites. POS areas and windows to living areas are to be predominantly north facing and receive direct sunlight. Overshadowing must not compromise the amenity of neighbouring dwellings within the development or on neighbouring sites.

Hourly shadow diagrams are to be provided between 9am and 3pm on Winter Solstice. It is recommended hourly shadow diagrams are also provided for the Summer Solstice.

- **5.13 Dwelling Mix and Layout**  
The submitted plans show all dwellings to be of a similar size, and with 3 bedrooms. A mixture of dwelling sizes and layouts is to be provided. Variations in the number of bedrooms, gross floor areas and internal design are to be provided in accordance with the site context, geographic location and demographic characteristics. Appropriate parking is to be provided for each dwelling, as required by Chapter E3.
- **5.14 Adaptable Housing**  
10% of all dwellings are to be adaptable. With the current proposal of 32 units, 4 adaptable units are required. Dwellings and parking is to be consistent with the relevant Australian Standards, and the requirements of Chapter E3 of the DCP. Certification from an Access Consultant confirming the requirements for adaptable housing have been met is required to be submitted with any Development Application.
- ***Chapter B2 Residential Subdivisions***  
All relevant aspects of this Chapter are to be complied with. In particular, documentation and plans must show the subdivision plan is compatible with the stormwater drainage design. Furthermore, subdivision must not result in an undevelopable lot. The proposed lot containing the existing residential dwelling is heavily constrained by Riparian Land and of high flood risk. Council will not support the subdivision of this lot if it is considered to be undevelopable in the future.
- ***Chapter D1 – Character Statements: Fairy Meadow***  
The proposed development must be sympathetic in design with the surrounding dwellings in terms of housing style and finishes.
- ***Chapter E2: Crime Prevention through Environmental Design***  
All requirements of this Chapter are to be incorporated into the design of the proposal, and outlined in the submitted SEE.
- ***Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management***  
See further details in Traffic section of these notes.  
  
Appropriate levels of parking are to be provided, consistent with the number and size of dwellings. Visitor parking, motorcycle parking, and bicycle parking is to be provided.
- ***Chapter E6: Landscaping***  
Landscape concept plan is to be provided. Landscape plan must be designed by an accredited landscape architect. Refer to Landscaping section of these notes for further information.
- ***Chapter E7: Waste Management***  
Proposal must be consistent with the provisions of this Chapter. It is Council's preference to have onsite waste collection for a development of this size. A communal waste facility must be provided. Refer to Waste section of these notes for further information.
- ***Chapter E12: Geotechnical Assessment of Slope Instability***  
While the site is not identified as being unstable, it is recommended advice be sought from a geotechnical engineer with relation to development on the site, particularly on the sloping portions, and the areas in proximity to the riparian land. It is recommended confirmation from a geotechnical engineer is submitted at lodgement, confirming the development is not impacted by any instability, particularly in proximity to watercourse.
- ***Chapter E13: Floodplain Management***  
The site is within a medium and high flood risk precinct. The requirements of this Chapter are to be incorporated into the design, with appropriate documentation submitted confirming. Refer to Flooding and Stormwater Section of these notes for further information provided by Council's Stormwater Engineer.
- ***Chapter E14: Stormwater Management***  
Appropriate documentation and engineering plans are to be submitted with any development application. Refer to Flooding and Stormwater section of these notes for further information provided by Council's Stormwater Engineer.



- **Chapter E15: Water Sensitive Urban Design**

The proposal is subject to the provisions of this chapter as it proposes more than 20 individual dwellings. Appropriate analysis of the requirements of this chapter is to be considered and inform the design of this proposal.

Refer to Environment section of these notes for further information provided by Council's Senior Environmental Officer.

- **Chapter E17: Preservation and Management of Trees and Vegetation**

Preservation of native vegetation on site is required. Arborist report is required to be submitted. Refer to comments provided by Council's Landscape Architect and Senior Environmental Officer.

- **Chapter E19 Earthworks (Land Reshaping Works)**

Assessment of geotechnical instability is to be submitted as part of any development application. All aspects of this Chapter are to be included in the submitted documentation and are to inform the development proposal.

Developments should generally follow the slope of the land, to avoid excessive fill and retaining walls.

- **Chapter E20 Contaminated Land**

The site may have previously been filled. Refer to comments provided by Council's Environmental Officer relating to land contamination and site investigation report requirements.

- **Chapter E21 Demolition and Hazardous Building Materials Management**

Details of any demolition works are to be included in the documentation. Conditions regarding demolition, waste management, and asbestos management can be included on any consent.

- **Chapter E22: Soil Erosion and Sediment Control**

The requirements of this chapter are to be incorporated into any proposal.

- **Chapter E23: Riparian Land Management**

The application will be integrated development, requiring approval under the Water Management Act.

The requirements of this chapter are to be complied with. Refer to notes provided by Council's Senior Environmental Officer below.

#### Wollongong City-Wide Development Contributions Plan 2018:

A development contributions levy will apply to the proposed development if approved. A detailed cost estimate is required to be provided. (Please note: Council uses the Cordell's Ecocosting Guide to confirm the accuracy of construction cost estimates).

#### Subdivision:

- All proposed lots must comply with minimum lot size required by Wollongong LEP 2009.
- Applicant is required to submit subdivision plan indicating lot layout, lot areas, existing and proposed easements.
- Applicant is required to submit subdivision staging plan.
- The design must comply with requirements outlined in Chapter B2 of Wollongong Development Control Plan (WDCP) 2009.

**Contact Details:** The applicant's Consulting Engineer may contact Council's Subdivision Engineer through Council's Customer Service Centre on the telephone number (02) 4227 7111 if any issues arise through the design phase prior to the lodgement of the development application.

### **Stormwater/Flooding:**

- The development is subject to the controls in Chapters E13 (Floodplain Management) and E14 (Stormwater Management) of the Wollongong Development Control Plan (WDCP) 2009.
- Council's records indicate the property is Flood Affected - Low, Medium and High Flood Risk Precinct.
- Flood level information from Council's adopted Fairy and Cabbage Tree Creeks Flood Study dated 2009 can be obtained via Council's Flood Level Information Request Form found on Council's website [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au) or via Council's online services.
- A plan will need to be provided with the development application delineating the High, Medium, and Low Flood Risk Precincts for the development site.
- The development will need to be designed to satisfy the controls, objectives, and performance criteria in Chapter E13 of the Wollongong DCP2009.
- Any proposal for changes to the floodplain (incl. changes to surface levels, vegetation densities, and/or new structures) that may potentially affect flood behaviour will trigger the need for a flood study to be prepared by a suitably qualified civil engineer demonstrating compliance with Chapters E13 and E14 of the Wollongong DCP2009.
- The design of the development will need to ensure no reduction in flood storage and/or conveyance on the site.
- An independent detailed survey plan of the site and surrounding area prepared by a registered surveyor to Australian Height Datum (AHD), including lot boundaries, contours/spot levels, easements, services, site area, roads, watercourse, etc. will need to be submitted with the development application.
- A Stormwater Concept Plan including On-site Stormwater Detention (OSD) will need to be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of the WDCP 2009 and submitted with the development application.
- The proposed development will need to be designed such that it accepts and caters for any surface runoff from the adjoining land in accordance with Section 11.3.17 of Chapter E14 in a 'failsafe' manner without affecting any other property.
- Stormwater disposal will need to comply with Section 11.3 of Chapter E14 of the WDCP 2009.
- The landscape and stormwater plans for the development will need to be compatible. There should be no conflict between proposed stormwater measures and landscaping including proposed trees and existing trees to be retained.
- With respect to the proposed subdivision, the application will need to demonstrate that potential development as a consequence of the subdivision can be undertaken on each proposed lot in compliance with Chapter E13.

**Contact Details:** The applicant's Consulting Engineer may contact Council's Stormwater Engineer through Council's Customer Service Centre on the telephone number (02) 4227 7111 if any issues arise through the design phase prior to the lodgement of the development application.

### **Traffic:**

#### ***General***

- The applicant should refer to Chapter E3 – Car Parking, Access, Servicing/Loading Facilities and Traffic Management of the Wollongong DCP 2009.



- The applicant must provide all internal access dimensions on the site plan, including grades, access widths, parking aisle widths which comply with AS 2890.1
- A Traffic Assessment will need to be prepared by a suitably qualified consultant. The assessment must quantify trip generation, impacts on the local road network and certify the suitability of the proposed access, internal road design and car parking arrangement.

#### ***Access and Manoeuvring***

- The first 6 metres of the access driveway from the property boundary needs to be a minimum of 5.5m wide and with a maximum gradient which complies with Clause 3.3 of AS2890.1.
- The access design should ensure that adequate pedestrian and vehicle sight distance is provided as per AS2890.1.
- The driveway for the full extent of the site needs to demonstrate two-way travel. Where the internal driveway turns a corner, widening may need to be provided to ensure that vehicles can pass safely. Accordingly swept paths need to be provided showing a B99 vehicle passing a B85 on all circulation ramps and parking aisles as required by AS2890.1.
- Convex mirrors should also be considered on driveway corners with the site to ensure that drivers meeting in these areas have increased awareness of oncoming vehicles.

#### ***Parking***

- 1 car space per dwelling (<70m<sup>2</sup>) or 1.5 car spaces per dwelling (70m<sup>2</sup>-110m<sup>2</sup>) or 2 car spaces per dwelling (>110m<sup>2</sup>), plus 0.2 car parking spaces per dwelling for visitors
- 1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors).
- 1 motorcycle space per 15 dwellings

#### ***Garages***

- Double garages are to have minimum internal dimensions of 6m x 6m
- Single garages are to have minimum internal dimensions of 3m x 6m
- Internal doors into garages for pedestrian access should be shown opening outwards or as a sliding door.

#### ***Adaptable dwellings***

- Within a multi dwelling development incorporating more than 6 dwellings, 10% of all dwellings must be adaptable units. Parking space sizes for adaptable units should comply with the relevant standard.
- The applicant should identify which units are adaptable on the development application plans
- Adaptable garage dimensions must comply with AS4299. At-grade spaces must comply with AS2890.6.

#### ***Residential Bicycle Security***

- The applicant should show the location of residential bicycle parking which provides the appropriate level of security (User Class B) as required by AS2890.3 and Austroads. This should either be provided individually within the dwellings (indicated on the plans and not encroaching on garage space) or in a secure communal compound protected from the weather.

#### ***Visitor Bicycle Security***

- The applicant should provide any required visitor bicycle spaces in an accessible area within the site. These spaces have lower security requirements (Class C) and can be racks which are protected from weather.

#### ***Waste Servicing and Deliveries***

- Waste collection details are to be provided, such as the location of the bins for storage and collection, method of collection, and size of collection vehicle.



- A development with more than 6 dwellings proposed required a communal waste facility to be provided within the site. It needs to be accessible by all, well-lit and with adequate manoeuvrability of bins within. More information on the bin requirements and controls relating to communal waste facilities can be found in Chapter E7 of the DCP.
- For a development of this size, waste must be collected from within the site. Turning for waste collection vehicles (no more than 3 turning movements) should be demonstrated using swept paths from an appropriately located collection point.
- AS2890.2 provides a maximum grade of 15.4% for service vehicles which should also be taken into consideration.

**Contact Details:** The applicant's Traffic Engineer may contact Council's Traffic Engineer through Council's Customer Service Centre on the telephone number (02) 4227 7111 if any issues arise through the design phase prior to the lodgement of the development application.

### **Landscape:**

- The developer is required to submit a Landscape Concept Plan (scale 1:100 or 1:200) as part of the Development Application in accordance with the requirement of Chapter B1, E6 and E17 of the Wollongong Development Control Plan 2009.
- The Landscape Plan is to be prepared by a Landscape Architect in accordance with the requirement of Chapter E6 – Landscape of WDCP 2009.
- The main issues identified by landscape:
  - The existing trees along the eastern boundary are to be retained as part of the deep soil zone area. Existing trees are a site constraint.
  - Separation between the driveway and the dwellings is not provided. Landscaping to separate driveways from dwellings is required to minimise the expanse of hardstand surfaces, define dwellings from common driveway areas and to promote variation in the alignment of the driveway areas.
  - Separation between the proposed private open spaces.
  - The submitted design does not appear to allow room for clothes lines. The developer is to note that private open space area is not to be compromised by items such as clothes lines, bin storage, water tanks etc
  - Sun access to private open space areas.
- A minimum of 30% of the total site area must be provided as landscaped area. Any landscaped area that is less than 1.5m in width is not included within the landscape area calculations.
- An Arborist Report is required in relation to any tree on the subject site (other than an exempt tree) and trees on neighboring properties that will be affected by the development, if it is 3 metres or more in height, or has a trunk diameter of 200mm or more at a height of 1 metre from the ground, or has a branch spread of 3 metres or more.
- The Arborist Report is to be prepared by a qualified Arborist, which is a person who is eligible for membership as a 'Consulting Arborist' with the National Arborist Association of Australia or the Institute of Australian Consulting Arboriculturists, and who has attained a Level 5 Certificate of Horticulture / Arboriculture or equivalent. The report must identify trees on the site survey plan by number and provide details of the following:
  - a. Species and accurate location (by registered surveyor) of each tree;
  - b. Health, amenity value and S.U.L.E. (Safe Useful Life Expectancy) rating of each tree;
  - c. Impact of the development on each tree;
  - d. Impact of retaining trees on the proposed development;
  - e. The Tree Protection Zone (TPZ) required for each tree proposed to be retained;
  - f. Any root barriers necessary, type and their location; and
  - g. Any branch or root pruning which may be required for the trees.



- The landscape concept plan must show all existing trees on site accurately plotted, species identified and numbered to correspond with the arborist report. Clearly show which trees are to be retained or removed. Compensatory planting will be required for the trees removed.
- The site plan, storm water plan and civil plans must show all existing trees on site accurately plotted, species identified and numbered to correspond with the arborist report.
- A minimum 1.5m wide landscape strip is required along all boundaries.
- A Deep Soil Zone shall be provided in accordance with the requirements of the DCP. A minimum of half of the landscaped area (i.e. 15% of the site) must be provided as a deep soil zone, where the deep soil zone is not located at the rear of the site. The deep soil zone may be located in any position on the site, other than forward of the building line, subject to this area having a minimum dimension of 6m. Alternatively, the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m. The area of deep soil planting must be continuous.
- No structures, basement car parks, driveways, hard paving, decks, balconies or drying areas are permitted within the deep soil zone.
- Private open space design and dimensions should comply with the controls in WDCP 2009 Chapter B1, be clearly defined and provide satisfactory privacy and amenity to occupants. Private open space to be directly accessible from the living areas of the dwelling. Dimensions to minimum 4x5m and be separated from boundaries by a minimum 1.5m wide mulched planted landscape area. Private open space located adjacent to internal driveways is to have a minimum 1.5m wide landscaped area to provide amenity and separation.
- The private open space area is not to be compromised by items such as clothes lines, bin storage, water tanks etc.
- Developments with more than 10 dwellings must incorporate communal open space. The minimum size of this open space is to be calculated at 5m<sup>2</sup> per dwelling. Any area to be included in the communal open space calculations must have a minimum dimension of 5 metres. The communal open space must be easily accessible and within a reasonable distance from each dwelling be integrated with site landscaping, allow for casual social interaction, and be capable of accommodating recreational activities.
- Areas of the communal open space should contain paving, children's playground equipment, barbeques, shade structures, swimming pools or the like, however these cannot be located within the deep soil zone. At least 50% of the communal open space area must receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21.
- Retaining walls are to be constructed in accordance with the policy. Refer to Chapter B1. Retaining walls over 600mm high are to be designed and certified by a qualified and experienced engineer. A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than:
  - 600mm at any distance up to 900mm setback from any side or rear boundary; or
  - 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary
- Note: Council may consider a variation to the above mentioned maximum height/depth of a retaining wall in cases where the subject site is steeply sloping and the proposed retaining wall is setback more than 1 metre from any side or rear common property boundary. Additionally, appropriate structural design details will be required and in some cases landscape buffer screen planting may be required, where necessary
- Safer By Design (CPTED) principles to be adhered to with passive surveillance, elimination of places of concealment and appropriate planting to be selected.
- Site landscaping must be integrated with the stormwater management (drainage) controls. In particular, the location and nature of on-site stormwater detention should not conflict with landscaping areas and objectives.
- Plants are to be selected to achieve: vigorous healthy growth, amenity, shade, ecology, diminish soil erosion and water pollution, conserve energy, provide oxygen, increase property values, build communities, provide habitat for wildlife, screening, noise reduction and marking the



seasons. Species that have a tendency to self-sow should not be selected due to the potential to become weeds.

**Contact Details:** The applicant's Landscape Architect may contact Council's Landscape Architect/Design Officer, through Council's Customer Service Centre on the telephone number (02) 4227 7111 if any issues arise through the design phase prior to the lodgement of the development application.

## **Environment:**

### ***Ecological and Riparian corridor***

- Although the subject Lot is not mapped as supporting WLEP 2009 Clause 7.2 Natural Resource Sensitivity-Biodiversity, it is however mapped as supporting areas of the native plant community MU16 Escarpment Blackbutt Forest (equating to PCT 694 Blackbutt - Turpentine - Bangalay moist open forest on sheltered slopes and gullies, southern Sydney Basin Bioregion). Located on a tributary of Cabbage Tree Creek, the subject site provides some level of structural and functional ecological connectivity between the Illawarra Escapement and Puckeys Estate and is considered to support habitat for native fauna.
- The proposed development is expected to impact on native vegetation in the north east corner directly and indirectly, including a possibility of establishing an asset protection. The development application will need to be accompanied by a Flora and Fauna Impact Assessment Report specific to the proposed development meeting the requirements of the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 prepared by a suitably qualified and experienced ecologist. A Biodiversity Values Map and Threshold Tool Report is also required to be submitted with the Flora and Fauna Impact Assessment Report. If the NSW Biodiversity Conservation Regulation 2017 thresholds are exceeded or the proposed development is likely to significantly affect threatened species, then a Biodiversity Development Assessment Report will be required.
- Based on the preliminary site layout plans, native trees in native vegetation are expected to be impacted by the proposed development, including from providing building envelopes and possibly establishing and maintaining asset protection zones, an Arborist Report is required.
- The preliminary site layout plans indicate a proposed development will impact 'Waterfront land' as defined in the Water Management Act 2000 and would be subject a 'Controlled Activity Approval'.
- Council's mapping identifies the tributary of Cabbage Tree Creek traversing the property as clause 7.4 Riparian Lands and corresponding to a Category 2 Terrestrial and Aquatic Habitat – watercourse. A statement addressing clause 7.4 Riparian Lands of WLEP 2009 and Chapter E23 – Riparian Land Management of WDCP 2009 is to be included in the SEE. According to Chapter E23 of WDCP 2009, the minimum riparian corridor width for each side of a category 2 watercourse shall be 30 metres from the top of bank (consisting of a 20 metre wide core riparian zone and 10 metre wide vegetated buffer) unless negotiations have occurred directly with the Natural Resources Access Regulator (phone 1800 633 362, email: [nrar.enquiries@nrar.nsw.gov.au](mailto:nrar.enquiries@nrar.nsw.gov.au)) to vary the minimum riparian corridor width and appropriate documentary evidence of the result of the negotiations is provided with the development application.
- A Vegetation Management Plan for the riparian corridor area on the property that would also meet the requirements of the Natural Resources Access Regulator shall be submitted with the development application.
- A Basic Erosion Sediment Control Plan prepared in accordance with Chapter E22 – Soil Erosion and Sediment Control of WDCP 2009 shall be submitted with the development application.

### ***Site Contamination***

- The proposed development site has the history of fill material brought on to site for land reshaping. A Detailed Site Contamination Investigation Report and Remedial Action Plan if necessary prepared by a certified contaminated land consultant and in accordance with Chapter E20 – Contaminated Land Management of WDCP 2009 is required.



- WDCP Chapter E-20 Contaminated Land has been reviewed and recognises contaminated land consultant certification schemes to ensure those consultants dealing with contaminated sites have the necessary competencies to carry out the work (Stage I to IV site assessment report as per the Contaminated Land Management Act 1997). These certification schemes include:
  - the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or
  - the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

#### ***Water Sensitive Urban Design***

- A Water Sensitive Urban Design Strategy Report is to be submitted with the development application. Refer to Chapter E15: Stormwater from the site requires treatment before discharge to the stormwater system.
- A Soil and Water Management Plan prepared in accordance with Chapter E22 – Soil Erosion and Sediment Control of WDCP 2009 is required.

#### **WHAT INFORMATION IS NEEDED WITH A DEVELOPMENT APPLICATION?**

In order for Council to conduct a proper and informed assessment of your application, the following information must be submitted:

- |   |   |
|---|---|
| • Owners Consent  | • Survey Plan   |
| • Site Context Analysis Plan  | • Demolition Plan   |
| • BASIX assessment/certificate                                      | • Statement of Environmental Effects  |
| • Site Plans  | • Floor Plans   |
| • Building Elevation Plans  | • Building Section Plans  |
| • Shadow profiles and plans   | • Schedule of External Finishes   |
| • Photo montages/perspectives                                       | • Geotechnical report (if appropriate)  |
| • Flood Impact Report/Study   | • Detail Site Contamination Investigation Report and Remedial Action Plan   |
| • Traffic Generation Impact Assessment                              | • Plans of onsite traffic movements/parking/waste collection  |
| • Stormwater Concept Plan (prepared by suitably qualified engineer) | • Landscape Concept Plan (prepared by qualified Registered Landscape Architect)                                   |
| • Arborist Report   | • Site Management Plan  |
| • Waste Management Plan   | • Integrated Development requirements   |
| • Consultation with State Agencies                                  | • Flora and Fauna Impact Assessment Report  |
| • Biodiversity Values Map and Threshold Tool Report                 | • Biodiversity Development Assessment Report (if thresholds exceeded or significant impact on threatened species) |
| • Vegetation Management Plan  | • Basic Erosion Sediment Control Plan   |
| • Adaptable Housing documentation prepared by access consultant     |   |

Please note: If construction cost estimate is known you may obtain a lodgement fee quote by contacting Council's Customer Service Centre on the telephone number (02) 4227 7111



**OUR AGREEMENT:**

**This pre-lodgement information does not constitute an approval.**

This meeting note represents an agreement for the submission of information considered necessary for the timely determination of an application.

The notes are provided in good faith to assist applicants in the preparation of a development application. Relevant legislation and Council's requirements can vary from the time of this meeting to lodgement of the application. Public exhibition of the application can also raise unexpected relevant issues requiring lodgement of new or amended information.

Accordingly Council's final position on the proposal can only be made once a development application has been lodged and assessed.

**Development Project Officer: Nadir Mian**



E Planning Pty Ltd  
SUITE 1 65-67 Burelli St  
WOLLONGONG NSW 2500

APPLICATION	DA-2019/575
Date	21 August 2019

Dear Sir/Madam

### Additional Information Required

We are currently assessing your development application for the following:

Development	Residential - Subdivision - Torrens title - two (2) lots, multi dwelling housing and Subdivision - Strata title - 32 lots
Location	Lot X DP 408389 7 Dawson Street, FAIRY MEADOW NSW 2519

A number of issues raised at the prelodgement meeting have not been addressed. Furthermore, some significant issues have been identified in the submitted documentation as outlined below.

As part of the assessment, the application was referred to Council's Stormwater, Landscaping, Geotechnical, Traffic, Environment and Subdivision Officers, and externally to the Natural Resource Access Regulator. Council's Stormwater, Landscaping, Traffic and Environment Officers have raised concerns in addition to more general planning and built form issues identified below. There have also been a number of submissions raised by neighbours and it is recommended you gain copies of these submissions through an Access to Information Request from Council.

As there is a significant amount of additional information and amendments required, it is considered unlikely an appropriate response will be able to be received within a suitable time. As such, it is recommended the application be withdrawn and re-lodged once the issues below are addressed. In this regard, it is recommended the contents of this letter, and the prelodgement notes are consulted prior to any new application being re-lodged.

Please provide correspondence within the next 7 days (28 August 2019) informing us of your intention to either submit additional information or withdraw the application. If you withdraw the application, Council can offer a 50% refund of eligible application fees.

**Note: Section 1 – Environment has been amended in this letter. No further changes have been made.**

The following issues are outlined for your reference.

## 1 Environment

### 1.1 Riparian

Whilst the Flora and Fauna report states that "Works are not proposed within the riparian buffer of 10 metres for the unnamed waterway", the Landscape Plan (Alleys to Valleys, 21 May 2019) and Site Analysis Plan (OC Innovative Designs, 31 May 2019) both show development occurring within the 10m riparian corridor:

- o Retaining walls (within 10m)



- o Fencing (within 10m)
- o Landscaping (within 10m)
- o Softplay/play equipment (within 10m)

Whilst encroachment is permitted under the Water Management Act 2000, this does not meet the objectives of Chapters B6 and E23 of the Wollongong DCP 2009 and the proposal to include these activities within the riparian zone is not supported. Accordingly, the proposal is to be redesigned to ensure that there is no encroachment within the 10 riparian corridor.

## 1.2 Vegetation

- Removal of trees 23 and 25 are not supported and the proposal is to be redesigned to allow for their retention
- A Vegetation Management Plan (Biosis, 24 April 2019) (VMP) has been submitted, however there are a number of concerns that are to be addressed in an amended VMP:
  - o It is noted that MZ3 does not include revegetation or any activity other than weed removal. This should be re-visited as weed control alone is unlikely to lead to the desired outcome for this site. It is expected that planting and related activities will be required here to ensure the objectives of the Wollongong DCP 2009 are met.
  - o The VMP proposes the use of tree guards – these are to be of a biodegradable nature to ensure that if they are washed or blown away they do not form a pollution risk.
  - o The VMP is to be amended to specify that it is to be implemented by a qualified bush regenerator with a minimum of a Certificate III in Bush Regeneration (or equivalent).

## 1.3 Contamination

- As recommended in the Detailed Site Investigation (Douglas Partners, May 2019), a detailed asbestos investigation is to be undertaken on the fill material on site to explore the extent and concentration of asbestos contamination in order to assess the suitability of the fill to be retained on site or if appropriate management is required.
- Additional sampling shall be undertaken to fully characterise the material within the observed stockpiles in order to assess the suitability of the stockpile material to be retained on the site or if appropriate management is required.
- The DSI identifies that carbonaceous fill, likely to be Coal Washery Reject (CWR), was encountered in Pit 21, while carbonaceous shale gravel was also observed as a minor constituent of the fill encountered in Pit 25. Chapter E19: Earthworks of Wollongong DCP 2009 requires that pre-existing CWR should be assessed against the NSW EPA's Coal Washery Rejects Order 2014 under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*. This was not undertaken as part of this DSI, however the DSI states that "samples of CWR filling were analysed for the common Contaminants of Potential Concern, which were reported with concentrations less than the appropriate Site Assessment Criteria". However, while the DSI considers that the CWR on site does not represent a potential contaminated land issue, further geotechnical assessment of the CWR is required. Accordingly, the applicant is to submit a statement detailing compliance (or otherwise) with both Councils DCP (section 4.4 of Chapter E19: Earthworks) and with the NSW EPA's Coal Washery Rejects Order 2014. Any proposed management actions are to also be detailed in accordance with relevant guidelines.
- A Stage 3 – Site Remedial Action Plan (RAP) is to be prepared and submitted to Council for consideration. The applicant is also required to submit a NSW EPA accredited site auditor's Interim Advice Letter stating that site auditor will be overseeing the site assessment, remediation and validation so that the land is



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

#### **1.4 Sediment and Erosion**

As the proposed area of disturbance is greater than 2,500m<sup>2</sup>, a Soil and Water Management Plan is to be submitted in accordance with the requirements outlined in chapter E22 of Wollongong DCP 2009 and in accordance with the NSW Landcom publication titled Managing Urban Stormwater: Soils and Construction Vol. 1 4<sup>th</sup> ed. March 2004 (Blue Book) or the latest version of this publication.

The application will be assessed by Council's Environment Officer following submission of the requested information. Any additional information will also be forwarded to NRAR for consideration.

## **2 Landscaping**

The application has been assessed against Chapter B1, E6 and E17 of the Wollongong DCP 2009 with respect to Landscaping and has been found to be unacceptable. However, this application will be received further considered subject to the application addressing the following items.

- 2.1 The Arborist Report by Mark Spence dated April 2019 contains multiple inaccuracies, including species identification and tree assessment data.
- 2.2 An independent assessment of the existing trees has been carried out due to the inaccuracies in the Arborist Report. The result of the assessment is that trees numbered T23 and T25 are suitable for retention and are to be retained. The design is to be amended to retain the trees, observing a minimum no development zone of 5m. Please note the retention of these trees is consistent with the prelodgement advice.
- 2.3 Provide separation between Private Open Space (POS) areas, which is to be minimum 1.5m width landscaped area planted with hedge type species.
- 2.4 Provide separation between the driveways and the dwellings, with a minimum width of 1m.
- 2.5 Courtyards for units 2, 4, 6, 8, 16, 17, 18, 19, 21, 22 and 23 will not receive adequate solar access.
- 2.6 Additional details are required in regards to the Deep Soil Zone and the area labelled VMP on the Landscape Plan by Alleys to Valleys dated 21 May 2019 and is to include but is not limited to slope/soil stabilisation, mulching, species list, planting densities. Selected plants are to include species from the Illawarra Escarpment Blackbutt Forest and be consistent with the Vegetation management Plan.
- 2.7 Provide a retaining wall plan that clearly shows existing contours, proposed retaining walls, levels on the top and bottom of the walls, and sections through the walls at critical locations. All retaining walls are to be masonry construction and details are to be shown on the retaining wall plan. Justification Statements are to be submitted in instances that the retaining walls do not comply with DCP 2009 Chapter B1 Section 4.17.

## **3 Traffic**

- 3.1 There are concerns over the car parking assessment and provision.
  - Incorrect car parking rates are referred to under Section 5 of the Traffic Report. The correct rates are as follows
    - 1 car space per dwelling (<70m<sup>2</sup>) or 1.5 car spaces per dwelling (70m<sup>2</sup> – 110m<sup>2</sup>) or 2 car spaces per dwelling (>110m<sup>2</sup>), plus 0.2 car spaces per dwelling for visitors.
    - 1 bike space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors)
    - 1 motorcycle space per 15 dwellings



- To enable a proper car parking assessment, the applicant needs to provide a breakdown of the GFA for each of the dwellings *in list form* showing the total GFA for each dwelling – excluding the required internal parking area (3m x 6m for a single garage and 6m x 6m for a double garage).

There appears to be a shortfall in resident parking spaces as follows:

Unit Size	Parking Rate	Number of units	Required spaces
70m <sup>2</sup> to 110m <sup>2</sup>	1.5 spaces/dwelling	15	22.5
More than 110m <sup>2</sup>	2 spaces/dwelling	17	34

58.5 (57) resident parking spaces appear to be required, 49 spaces have been provided.

- 3.2 The applicant needs to provide a secure bicycle enclosure for residential bicycle parking spaces. These facilities need to be provided as a 'Class B' bicycle facility with a self-closing door and combination lock. this facility needs to provide adequate manoeuvring space for users to move their bicycles in and out of the enclosure and lock their bicycles to the bicycle racks provided. Weather protection needs to be provided if the facility is located outdoors.

#### **4 Stormwater**

- 4.1 It is requested a copy of the WBNM Model input files be provided (i.e. the '.wnb' file)
- 4.2 A plan showing the Manning's Surface Roughness Values used in the hydraulic modelling of the post developed site to be provided. The post-developed roughness values must include any changes to surface roughness resulting from the proposed Vegetation Management Plan (VMP).
- 4.3 A plan shall be provided showing the 2D hydraulic model domain extent and boundary conditions, the location of inflow and downstream boundary conditions to be clearly identified on the plan.
- 4.4 The flood study shall be amended to include flood impact mapping for the Probable Maximum Flood (PMF) event, demonstrating compliance with Section 11.2.1(1) of Chapter E14 and Performance Criteria 6.4.2(d) of Chapter E13, of the Wollongong DCP 2009.
- 4.5 It is noted that filling within the floodplain is proposed, however the requirements of Section 7 and Performance Criteria 6.4.2(d) of Chapter E13 of the DCP have not been addressed in relation to filling of flood prone areas (i.e. the area of land which is subject to inundation by the Probable Maximum Flood [PMF]) and potential cumulative impacts. Given that it may be difficult to comply with these DCP requirements in this instance, Council is willing to be flexible in the DCP controls and suggests the following alternative solution (to undertaking a cumulative impact analysis) in this instance:

##### **Alternative Solution**

*Re-design the development proposal such that there will be no net loss of flood storage on the site in any flood event up to and including the PMF.*

In order to demonstrate the above, detailed calculations shall be provided showing the floodplain storage volume on the site in the pre and post development condition, during the 1% AEP and PMF events.

- 4.6 Climate change must be considered in setting the flood planning levels for the development, in accordance with measure No 2.4(6) and Section 6.2.4.6 of the adopted Fairy and Cabbage Tree Creeks Flood Risk Management Plan (dated 2010).

#### **5 Services and facilities**

- 5.1 In accordance with clause 7.1 of the Wollongong Local Environment Plan 2009 (WLEP), Council cannot grant consent unless satisfied the requirements of Clause 7.1 are met. Please submit appropriate documentation confirming the lot and the proposed development is currently, or is able to be appropriately serviced for the supply of water, electricity and disposal and management of sewage. If a substation

or other infrastructure is required, this must be shown in a suitable location on the plans.

- 5.2 In accordance with Section 4.12 of Chapter B1 of the Wollongong Development Control Plan 2009 (DCP), Letter boxes have not been shown on the plans. AC units, outdoor clothes drying area and any other necessary site facilities must also be shown on the plans in suitable locations, outside the POS area.
- 5.3 Additional details in accordance with Chapter E2 of the DCP is required to be provided including details of any external illumination around the driveway, open areas and bins.

## **6 Built Form**

- 6.1 The location, height and scope of the proposed retaining walls is unclear. In accordance with Section 4.17 of Chapter B1 of the DCP, retaining walls are to be limited to 600mm within 900mm of the boundary and 1m elsewhere
- 6.2 Units 1, 3, 5 and 7 do not achieve the required side setback in accordance with Section 5.4 of Chapter B1 of the DCP. There does not appear to be any reasonable justification as to why the required setback cannot be achieved or why compliance with the setback is unnecessary.
- 6.3 The proposed building character and form as viewed from the street is considered to be inconsistent with the requirements of Section 5.5 of Chapter B1 of the DCP.
- Dwellings with direct frontages to the street must have their front elevations addressing the street. Units 1 and 2 are required to be redesigned to show a more appropriate front façade, including the removal of any utility windows and provision of suitable landscaping.
  - There appears to be retaining walls with a height of 1.4m and a water tank located in the front setback. The development must appropriately address the street. Any retaining walls must appropriately integrate into the front setback. Any site facilities must be appropriately located elsewhere on the site.
- 6.4 Further details of the driveway design are to be provided including details of paving and landscaping. Further consideration of landscaping around driveways are to be provided, in accordance with requirements in landscaping section above. Avoidance of long straight driveways is required to reduce the impact of the driveway on the streetscape, and to provide a buffer between dwellings and vehicle access.

## **7 Private Open Space/Solar Access/Amenity**

- 7.1 Private Open Space areas for 70% of dwelling is required to receive at least 3 hours of direct sunlight between 9am and 3pm on 21 June in accordance with Section 5.11 of Chapter B1 of the DCP. It appears units 2, 4, 6, 8, 16, 17, 18, 19, 20, 21, 22 and 23 all have south facing POS which will not receive adequate solar access. In addition, the design of the POS, for most dwellings, being fully enclosed on 3 sides is not considered to enable adequate levels of solar access and amenity for residents.
- 7.2 It has not been demonstrated that north facing windows to living areas receive 3 hours of continuous sunlight between 9am and 3pm on 21 June in accordance with Section 5.12 of Chapter B1 of the DCP. 70% of units are required to have living areas which receive the required solar access.

## **8 Dwelling Mix and Adaptable Units**

- 8.1 No dwelling mix has been provided on the site, despite more than 10 units being proposed. All dwellings are 2 stories, with 3 bedrooms and 2 bathrooms. A more appropriate dwelling mix is required to be provided in accordance with Section 5.13 of Chapter B1 of the DCP, taking into account the context, location and demographic characteristics of the location.
- 8.2 In accordance with Section 5.14 of Chapter B1 of the DCP, 10% of units are required to be adaptable. 3 adaptable units have been provided, which is less than the minimum of 10%, and an additional adaptable unit is required.

If you choose to pursue the current application please address the matters above through the submission of additional information and amendments. Please submit a complete set of plans and



associated documents by email to [CS\\_Planning\\_Applications@wollongong.nsw.gov.au](mailto:CS_Planning_Applications@wollongong.nsw.gov.au) within the next 14 days. Please include the application number in the subject of the email.

As amended plans and documentation are required, the application will be re-notified/advertised in accordance with Council's Public Notification and Advertising Procedure, for which a fee may apply. In addition, all amended plans and documents will be provided to NRAR as part of their assessment.

Please also note, as 10 submissions have been received, the application is required to be sent to the Local Planning Panel for determination.

You must accurately complete all sections of the attached Lodgement of Additional Information form and return it with the required information.

We will defer further assessment of your application until we receive this information. The period between this letter and either (a) the provision of the additional information to Council or (b) written advice that the information will not be provided, will not form part of the assessment period for the purpose of any appeal, pursuant to Clauses 109 and 112 of the Environmental Planning and Assessment Regulation 2000. Please note that if the information is not received within 14 days, we may refuse your application.

If you have any questions please contact me on the telephone number below.

This letter is authorised by

**Nadir Mian**  
Development Project Officer  
Wollongong City Council  
Telephone (02) 4227 7111

Attach

## Attachment 4: Wollongong Development Control Plan 2009 Assessment

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls related to Ecologically Sustainable Development are contained within individual chapters of the DCP and are discussed in the individual DCP Chapters.

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

#### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.12 Site Facilities</u> <ul style="list-style-type: none"><li>• Provide letterboxes in accessible locations. Letterboxes should be grouped in one location, and be secured and appropriately sized.</li><li>• Satellite dishes, antennae, A/C units etc are to be located away from streets, not on top of buildings and setback from buildings</li><li>• Open air clothes drying facilities to be provided for all dwellings, screened from any communal and public spaces</li></ul>	Letter boxes have not been shown on the submitted plans.  Required site facilities such as clothes lines, water tanks etc will not be visible from the front of the site and are located outside the minimum POS area.	Yes
<u>4.13 Fire Brigade Servicing</u> <ul style="list-style-type: none"><li>• All dwellings within 60m of a hydrant</li><li>• Vehicular access for fire brigade vehicles in accordance with relevant requirements</li></ul>	The site is accessible for fire brigade vehicles.  Appropriate conditions can be included relating to hydrants if the development were to be approved.	Yes
<u>4.14 Services</u> <ul style="list-style-type: none"><li>• Dwellings are required to be appropriately serviced with water, sewage, gas, electricity</li></ul>	The site is in an established residential area. Connection to required services is achievable. A suitable condition relating to Sydney Water requirements can be included on the consent if the development were to be approved.	Yes
<u>4.17. Retaining walls</u> <ul style="list-style-type: none"><li>• Restricted to 600mm when within 900mm of boundary and 1m elsewhere</li><li>• Retaining walls are required to terrace with setbacks of 1m</li></ul>	Retaining walls are proposed throughout the site.  The plans submitted do not provide adequate details of the location or dimensions of the proposed retaining walls. Details regarding retaining walls have previously been requested from the applicant.	No



	<p>Retaining walls in a number of places on the site appear to be higher than 1m, particularly adjacent to proposed units 1, 3, 5, 7 and 9, with the floor plans indicating 1.4m high retaining walls.</p> <p>No variation justification statement has been submitted with this application. Furthermore, there does not appear to be any specific reasons why compliance with the DCP controls cannot be achieved.</p> <p>Insufficient detail has been submitted to assess the impacts of the proposed retaining walls and can therefore not be supported.</p>	
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## 5.0 Attached dwellings and multi -dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width Requirement</u>		
<ul style="list-style-type: none"> <li>18m site width required</li> </ul>	The site is 35m wide at front building line.	Yes
<u>5.2 Number of Storeys</u>		
<ul style="list-style-type: none"> <li>Limited to 2 storeys</li> </ul>	All dwellings are limited to 2 storeys	Yes
<u>5.3 Front Setbacks</u>		
<ul style="list-style-type: none"> <li>6m setback to front façade</li> <li>Balconies/other building extrusions may be setback 900mm closure</li> </ul>	The proposed dwellings are setback 6m from the front boundary.	Yes
<u>5.4 Side and Rear Setbacks</u>		
<ul style="list-style-type: none"> <li>1.5m or 0.8m x ceiling height unless window or balcony to living area, which requires 1m x ceiling height</li> <li>Variations may be supported when noncomplying walls include windows only for light/ventilation with minimum sills above 1.7m and amenity of adjoining property is not unreasonably affected, and will result in significant improvement to residents occupying the dwelling</li> </ul>	<p>Units 1 is setback 2.76m from the side boundary and units 3, 5 and 7 setback 2.6m from side boundary.</p> <p>All other dwellings are setback a minimum 5.1m from the side boundaries.</p> <p>Setbacks of 0.8m x ceiling height are required. All dwellings have a ceiling height of 5.74m from the ground floor level to the first-floor ceiling, windows on the upper floor are not for living areas. Therefore, setbacks of 4.59m are required.</p> <p>Units 1, 3, 5 and 7 are inconsistent with the required setback.</p> <p>No justification has been submitted by the applicant as to why compliance with</p>	No

	<p>the control is unnecessary, and no suitable alternative solution has been proposed. The non-compliant walls contain large windows which are likely to result in unacceptable overlooking and privacy impacts onto neighbouring sites. There are not considered to be any site constraints which limit the development in a way which makes compliance unachievable.</p> <p>In this circumstance, the noncompliance is not considered to be sufficiently justified and it is recommended it not be supported.</p>	
<p><u>5.5 Building Character and Form</u></p> <ul style="list-style-type: none"> <li>• Articulate and fragment building walls that address the street. Blank walls/utility windows on front setback no supported</li> <li>• Avoid expanse of single material</li> <li>• High quality material/finishes</li> <li>• Entrances to be visible at eye level</li> <li>• Habitable rooms to face street</li> <li>• Buildings designed with frontages clearly addressing the street.</li> </ul>	<p>Units 1 and 2 are visible from the street. Each of the dwellings have the appearance of the side of a building addressing the street. Front facing windows on units 1 and 2 include small/utility windows on the upper floor.</p> <p>Due to the location of retaining walls within the front setback, the front door of unit 1 and larger windows on the lower floor will be obscured and not fully visible from the street, further leading to a poor streetscape outcome.</p> <p>The proposed building character and form is not considered acceptable. There do not appear to be any site constraints which make compliance with the requirements of this section unachievable.</p> <p>It is recommended the proposal not be supported without a redesign of the front elevation.</p>	No
<p><u>5.6 Access / Driveway Requirements</u></p> <ul style="list-style-type: none"> <li>• Paving colour and texture/material to be sympathetic with the surrounding area</li> <li>• Minimise access points to development</li> <li>• Long straight driveways are to be avoided. Driveways should incorporate landscaping.</li> </ul>	<p>The proposed driveway includes a variety of materials which is considered acceptable.</p> <p>1 access point is provided to the entire development, which is consistent with Council's requirements.</p> <p>The crossover and driveway width has been assessed by Council's Traffic Engineer as acceptable.</p>	No



<ul style="list-style-type: none"> <li>• Maximum 6m wide</li> <li>• Crossovers designed in accordance with Council requirements</li> <li>• Single point turn required for all vehicles to exit in a forward direction</li> </ul>	<p>The portion of the driveway visible from the street is long and straight. While there is some landscaping proposed adjacent to front doors to dwellings, it is considered a landscaped separation of 1m between the driveway and dwellings should be achieved in accordance with the recommendation of Council's Landscape Architect.</p> <p>Furthermore, there appears to be inconsistencies in the design of the driveway and adjacent landscaping on the landscape plan and site plan. The driveway as shown on the site plan is considered long and straight, and therefore inconsistent with the requirements of this Section.</p>	
<p><u>5.7 Car Parking Requirements</u></p> <ul style="list-style-type: none"> <li>• Car parking to minimise impact on streetscape</li> <li>• Suitable location for parking</li> <li>• Clearly defined visitor parking</li> <li>• Parking for cars and bikes to be provided in accordance with Chapter E3 of the DCP.</li> </ul>	<p>Car parking is located away from the street, and is accessible for all dwellings.</p> <p>Visitor parking is clearly defined and suitably located.</p> <p>Refer to chapter E3 for detailed discussion of parking numbers.</p>	<p>Not consistent with Chapter E3</p>
<p><u>5.8 Landscaping Requirements</u></p> <ul style="list-style-type: none"> <li>• 30% of site required to be landscaped</li> <li>• Minimum 2 semi mature trees required on site</li> <li>• Landscaping in the front setback to be in accordance with the context, scale and size of multi dwelling housing</li> <li>• 1.5m minimum width for landscaping</li> <li>• Landscaping to be integrated with stormwater design</li> <li>• Retain existing trees where possible</li> <li>• Landscaping required to separate driveways from dwellings</li> </ul>	<p>More than 30% of the site is landscaped.</p> <p>More than 2 semi-mature trees are proposed to be provided on the site.</p> <p>Proposed landscaping in the front setback appears acceptable. Retaining walls in the front setback will result in a large portion of Unit 1 not being visible from the street, which is inconsistent with the building character and form controls.</p> <p>Most landscaping beds are more than 1.5m wide. Council's Landscape Architect has raised concerns with regard to the proposed landscaping beds adjacent to the driveway, recommending landscaping around the driveway is increased and widened to at least 1m. This requirement could be</p>	<p>No</p>

	conditioned if the application was to be approved.	
<p><u>5.9 Deep Soil Planting</u></p> <ul style="list-style-type: none"> <li>• Located centrally within the site</li> <li>• Located to provide buffer between dwellings and neighbouring sites</li> <li>• Located to allow the retention of existing trees and vegetation</li> <li>• Half landscaped area to be provided as deep soil zone (15%)</li> <li>• Densely planted</li> </ul>	<p>Deep soil zones are located throughout the site, generally in locations where there is existing dense vegetation. Retention of most trees is proposed, however several trees are proposed to be removed, and the development appears to encroach within 5m of tree T25, which is required to be protected.</p> <p>More than 15% of the site is provided as deep soil zone.</p>	Yes
<p><u>5.10 Communal Open Space</u></p> <ul style="list-style-type: none"> <li>• Developments with more than 10 units required to provide communal open space at the rate of 5m<sup>2</sup> per dwelling.</li> <li>• COS must have minimum dimensions of 5m</li> <li>• Cos must be appropriately located and within a reasonable distance to all dwellings</li> <li>• COS is to contain paving, playground equipment, barbecues etc</li> <li>• Cos must receive at least 3 hours direct and continuous sunlight between 9am and 3pm on 21 June</li> </ul>	<p>Suitably sized and designed communal open space has been shown on the plans. COS is reasonably centrally located on the site.</p> <p>COS dimensions are acceptable and the area will receive suitable solar access.</p>	Yes
<p><u>5.11 Private Open Space</u></p> <ul style="list-style-type: none"> <li>• POS required for all dwellings</li> <li>• 4m x 5m dimensions required for POS</li> <li>• Separated from boundaries by at least 1.5m with dense vegetation</li> <li>• 70% of dwellings to have POS receive at least 3 hours direct and continuous sunlight between 9am and 3pm on 21 June</li> <li>• Must not extend forward of the front building line</li> <li>• Provide appropriate levels of privacy, solar access, pleasant</li> </ul>	<p>Each dwelling has a POS area of suitable size.</p> <p>All POS areas are setback from side boundaries by at least 1.5m.</p> <p>Suitable levels of solar access will not be provided to at least 70% of units POS.</p> <p>13 units have south facing POS areas, which will not receive any solar access on 21 June (being 40%).</p> <p>In addition, POS areas for almost all sites are enclosed on 3 sides, which reduces the amenity and pleasant outlook for residents significantly, while also reducing solar access.</p>	No



<p>outlook and limited impact on adjoining neighbours</p> <ul style="list-style-type: none"> <li>Screened where necessary to ensure privacy.</li> </ul>	<p>No variation request has been submitted, and there is not considered to be any site constraints which limit the potential for all units POS to receive appropriate levels of solar access.</p>	
<p><u>5.12 Solar Access Requirements</u></p>		
<ul style="list-style-type: none"> <li>Windows to living rooms of adjoining dwellings must receive 3 hours sunlight between 9am and 3pm on 21 June</li> <li>Private open areas of adjoining residential properties must receive 3 hours sunlight between 9am and 3pm on 21 June</li> <li>Windows of north facing living rooms of each of the subject dwellings must receive 3 hours sunlight between 9am and 3pm on 21 June</li> <li>Shadow diagrams required at hourly intervals between 9am and 3pm on 21 June</li> </ul>	<p>No overshadowing of neighbouring dwellings living areas or private open areas is expected as a result of this development.</p> <p>It has not been demonstrated that north facing living rooms windows in 70% of dwellings will receive at least 3 hours of sunlight between 9am and 3pm on 21 June.</p> <p>The shadow diagrams submitted indicate north facing living room windows of units 2, 4, 6, 8, 10, 16, 17, 18, 19, 20, 21, 22 and 23 will be overshadowed, not receiving 3 hours sunlight between 9am and 3pm on 21 June.</p> <p>The proposal is not considered to provide a suitable level of solar access into living areas, and it is recommended the proposal not be supported in its current state.</p>	<p>No</p>
<p><u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u></p>		
<ul style="list-style-type: none"> <li>Mix of dwelling sizes and layouts are required for multi-dwelling developments with more than 10 dwellings. Variation in number of bedrooms and GFA etc</li> <li>Selection should be determined having regard for context, location and demographic characteristics</li> </ul>	<p>No dwelling mix has been proposed. All dwellings are proposed to have 3 bedrooms, 2 bathrooms and be 2 stories.</p> <p>Limited variety in floor plans have also been proposed.</p> <p>Concerns relating to dwelling mix and layout have previously been communicated, in the prelodgement meeting and additional information letter submitted.</p> <p>It is recommended the application not be supported in its current form.</p>	<p>No</p>

<p><u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u></p> <ul style="list-style-type: none"> <li>10% of all dwellings required to be provided as adaptable in accordance with the relevant Australian Standard (AS4299-1995)</li> <li>Certification must accompany the proposal demonstrating compliance</li> </ul>	<p>Unit 10, 13, 14, 15 are proposed as adaptable units, being 12.5% of the units.</p> <p>A Statement of Compliance prepared by Accessible Building Solutions has been submitted confirming the proposal is consistent with the required Australian Standards and Council provisions.</p>	Yes
<p><u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u></p> <ul style="list-style-type: none"> <li>Compliance with the requirements of Chapter E2 of the DCP is required.</li> </ul>	<p>Refer to detailed discussion under Chapter E2 below.</p>	Yes

## CHAPTER B2 – RESIDENTIAL SUBDIVISION

The controls and objectives of this Chapter generally only relate to the creation of new development lots, and are therefore only applicable to the proposed 2 lot Torrens title subdivision. An assessment of the relevant provisions has been carried out below.

The proposed 32 lot Strata subdivision is not considered to be inconsistent with any of the controls or objectives contained within this chapter.

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>5 Subdivision design - topography, natural landform &amp; significant vegetation</u></p> <ul style="list-style-type: none"> <li>Topography and landform of the site must be taken into account</li> </ul>	<p>The gradient of the site varies substantially. The proposal has been referred to Council's Subdivision Engineer and Geotechnical Engineer who have raised no concerns.</p>	Yes
<p><u>6 Subdivision lot layout – aspect &amp; solar access orientation</u></p> <ul style="list-style-type: none"> <li>Lots should be rectangular shaped where possible</li> </ul>	<p>The proposed Torrens title subdivision results in 1 rectangular lot at the corner of Cabbage Tree Lane and Dawson Street, and an irregular large allotment. The proposed subdivision design is considered acceptable.</p>	Yes
<p><u>7 Minimum allotment size requirements</u></p> <ul style="list-style-type: none"> <li>Minimum subdivision size in accordance with LEP</li> <li>Larger allotments are required for heavily constrained sites</li> </ul>	<p>Each proposed lot is heavily constrained, but each lot is substantially larger than the minimum lot size specified in the LEP. The</p>	Yes



<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p>subdivision does not result in an undevelopable lot.</p> <p><u>8 Lot width &amp; depth requirements</u></p> <ul style="list-style-type: none"> <li>Minimum 12m site width for residential lots</li> <li>Minimum depth of 25m</li> </ul>	Both proposed lots meet the minimum specified dimensions.	Yes
<p><u>13 Cut and fill land re-shaping works</u></p> <ul style="list-style-type: none"> <li>All finished lots shall have a minimum 2% fall towards the proposed stormwater drainage system</li> </ul>	<p>Both lots are able to drain toward the watercourse.</p> <p>Although an unsatisfactory referral has been received from Council's Stormwater Engineer, for the purpose of this control, the application is considered acceptable.</p>	Yes
<p><u>17 Street tree planting</u></p> <ul style="list-style-type: none"> <li>Planting of street trees in accordance with Chapter E6.</li> </ul>	Conditions relating to street tree planting can be included in accordance with Council's Landscape Architects recommendation if the development were to be approved.	Able to comply
<p><u>22 Requirements for new road, drainage works and infrastructure construction</u></p> <ul style="list-style-type: none"> <li>All allotments must have direct access to a public road</li> </ul>	Both lots have direct road access.	Yes
<p><u>33 NSW fire brigade access - fire hydrants</u></p> <ul style="list-style-type: none"> <li>All allotments must be within 60m of a hydrant</li> </ul>	An existing hydrant is located on the Dawson Street road reserve. The driveway is also of adequate width to allow access for a fire/rescue vehicle.	Yes
<p><u>35 Stormwater drainage (including water sensitive urban design infrastructure)</u></p> <ul style="list-style-type: none"> <li>Detailed stormwater drainage plan is to be submitted</li> <li>Designed in accordance with requirements in Chapter E of the DCP</li> <li>Water sensitive urban design to be considered for subdivisions involving 20 or more allotments</li> <li>Discharge is required to a lawful point</li> </ul>	<p>Concerns have been raised by Council's Stormwater Engineer.</p> <p>Refer to Chapter E13 and E14 for more detailed discussion.</p>	No

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>36 Riparian land management</u> <ul style="list-style-type: none"> <li>Consistent with Chapter E23</li> </ul>	A detailed assessment in accordance with the requirements of Chapter E23 has been conducted below.	Yes
<u>37 Servicing arrangements</u> <ul style="list-style-type: none"> <li>All allotments are required to be appropriately serviced with water, electricity and sewage</li> </ul>	The site is within an established residential area, and it is expected the site can be appropriately serviced.	Yes

## **CHAPTER D1 – CHARACTER STATEMENTS**

### 3.27 Fairy Meadow

*Desired Future Character Fairy Meadow has been identified as an emerging major town centre in the Illawarra Regional Strategy and is likely to experience some increased residential densities, particularly in residential precincts within close proximity to Fairy Meadow and Towradgi railway stations and the Fairy Meadow retail and business centre.....The lower density residential areas in Fairy Meadow are likely to be subject to some replacement of older dwelling stock with larger dwelling-houses. Any new residential building should be sympathetic in design with the surrounding dwellings in terms of housing style and external finishes.*

The development comprises double storey multi dwelling development which is consistent with the increased densities in Fairy Meadow. Multi dwelling housing is considered suitable for the site. Concerns are raised with regard to the impact the current proposal will have on the surrounding area with regard to streetscape outcomes, flooding and contamination.

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

The proposal is a Class 1A building in accordance with the BCA, as such there are no accessibility provisions contained within the BCA. However, Council's DCP requires 4 units within the development to be adaptable, requiring full compliance with the Australian Standards relating to adaptable housing.

A statement of compliance report relating to access for people with a disability prepared by an Accredited Access Consultant was provided with the application. The report confirms the 4 adaptable units within the development can achieve full compliance with the essential requirements of the Australian Standard.

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

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u> <ul style="list-style-type: none"> <li>Appropriate lighting to areas at night</li> <li>Lighting must be provided to heavily used spaces</li> <li>Security lighting is to be consistent with AS4282 – Control of obtrusive effect of outdoor lighting</li> </ul>	<p>External illumination has been shown on the site plan.</p> <p>If the development were to be approved, appropriate conditions relating to illumination could be included.</p>	Yes



<ul style="list-style-type: none"> <li>• Illumination of pedestrian routes and possible entrapment areas</li> </ul>		
<p><u>3.2 Natural surveillance and sightlines</u></p> <ul style="list-style-type: none"> <li>• Avoid blind corners on pathways</li> <li>• avoid sudden changes in grade</li> <li>• Avoid vegetation which does not allow natural surveillance</li> <li>• Windows to living areas should overlook pedestrian areas, not blank walls</li> <li>• Co-locate pedestrian, cycle and vehicular movement systems to encourage maximum surveillance</li> <li>• Ensure backyards do not orientate towards open spaces</li> </ul>	<p>Blind corners are generally avoided. Smaller landscaping near intersections to enable sightlines.</p> <p>There are no blank walls addressing pedestrian areas, with ground floor windows generally being living rooms windows.</p> <p>Shared zone for vehicles, pedestrians and cyclists, which is considered acceptable for the development.</p>	<p>Yes</p>
<p><u>3.3 Signage</u></p> <ul style="list-style-type: none"> <li>• Signage plans may be required for large developments</li> <li>• Illuminate signs that are essential for night use</li> <li>• locate signs so they are not likely to be obscured by vegetation growth</li> </ul>	<p>No signage is proposed or required.</p>	<p>Yes</p>
<p><u>3.4 Building design</u></p> <ul style="list-style-type: none"> <li>• Ensure buildings are clearly defined, well lit and face the street</li> <li>• Blank walls avoided facing common areas</li> <li>• Design entrances so they do not create entrapment spots</li> <li>• Areas are to be illuminated so occupants can see out some distance from the entry before leaving the building</li> </ul>	<p>Building design is considered to be acceptable as far as it relates to the requirements and objectives of this Chapter.</p>	<p>Yes</p>

### 3.5 Landscaping

<ul style="list-style-type: none"><li>• Vegetation to a maximum height of 1m used around pedestrian areas</li><li>• Avoid taller vegetation around doorways, entrances and windows</li><li>• Avoid gravels to reduce mobility issues</li><li>• Landscaping should not obscure entry points and windows</li></ul>	<p>No concerns have been raised by Council's Landscape Architect regarding landscaping within the front setback.</p> <p>The landscaping proposed is not expected to result in significant issues relating to crime.</p>	Yes
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## CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

### 6 Traffic impact assessment and public transport studies

#### 6.1 Car Parking and Traffic Impact Assessment Study

A parking and traffic assessment report was lodged as part of this development application.

The submitted report confirmed the proposed development would be unlikely to have an adverse impact on the local road network, and the development would not result in a considerable increase in traffic accessing the local roads during the peak periods.

Council's Traffic Engineer raised no concern regarding the impact of the proposal on the local road network.

### 7 Parking demand and servicing requirements

The car parking rates under Chapter E3 for multi dwelling housing are as follows:

#### City wide:

*1 car parking space per dwelling (<70m<sup>2</sup>) or 1.5 car parking spaces per dwelling (70-110m<sup>2</sup>) or 2 car parking spaces per dwelling (>110m<sup>2</sup>), plus 0.2 car parking spaces per dwelling for visitors*

No plan showing the total GFA of all proposed dwellings have been submitted, as has been requested, however according calculations based on the submitted floor plans, the 15 dwellings with 1 car parking space have a total GFA of between 70m<sup>2</sup> and 110m<sup>2</sup> (approx. 106m<sup>2</sup>) and the 17 dwellings with 2 parking spaces have a GFA over 110m<sup>2</sup> (approx. 112m<sup>2</sup>). Refer to **Attachment 5** for GFA and parking calculations.

Parking	Requirement	Provided
Resident Car Parking	1 space/dwelling <70m <sup>2</sup> = 0 1.5 space/dwelling 70m <sup>2</sup> -110m <sup>2</sup> = 15 x 1.5 = 22.5 2 space/dwelling >110m <sup>2</sup> = 17 x 2 = 34 Total required: 56.5 (57)	49 resident parking spaces provided
Visitor Parking	0.2 space/dwelling 0.2 x 32 = 6.4 (7)	9
Motorbike Parking	1 space/15 dwellings = 32 / 15 = 2.13 (3)	3
Bicycle Parking	1 resident space/3 dwellings = 32 / 3 = 10.67 (11) 1 visitor space/12 dwellings = 32 / 12 = 2.67 (3)	14 bike parking spaces total

8 additional resident parking spaces are required.



Council's Traffic Engineer has reviewed the proposal and raised concern regarding the number of resident parking spaces proposed. No plan or table showing the total GFA of all dwellings has not been provided to calculate accurately the number of parking spaces required.

In addition, concern is raised regarding the 11 secure bike parking spaces. There does not appear to be adequate space shown on the plans for a compliant Class B enclosure to be located.

The 3 visitor bike parking spaces (Class 3) have not been indicated on the plans.

The proposal has a shortfall in resident parking, and presents issues with relation to bike parking, as such refusal is recommended in this instance.

**Note:** *The submitted floor plans indicate an area of approximately 2m<sup>2</sup> on the first floor of all dwellings with 2 internal parking spaces labelled 'Mechanical Shaft not included in the FSR'. There does not appear to be any requirement for mechanical shafts of this size for this type of dwelling, and only 17 of the 32 dwellings include them, as such these have been included in the GFA calculations.*

## **CHAPTER E6: LANDSCAPING**

The submitted landscape documentation has been assessed by Council's Landscape Architect. The following concerns were raised:

- There are multiple inaccuracies within the submitted Arborist report regarding species identification, and an amended report was required to be submitted. An amended report was not submitted.
- The trees numbered T23 and T25 are suitable for retention, and while the proposal was amended to retain the trees, the proposed unit 23 appears to be located within 5m of the tree T25, encroaching into the minimum 5m no development zone.
- Separation between POS areas with suitably densely planted 1.5m wide landscape bed is considered necessary to achieve appropriate levels of amenity.
- Driveways and dwellings should be separated by 1m wide landscape strip. The submitted landscape plans and site plan are inconsistent with regard to landscaping adjacent to the driveway.
- Amendments were made to the landscape plans to address concerns relating to slope stabilisation, however slopes 1:3 or steeper are required to be established. The extent of stabilised slopes is to be clearly shown graphically on the landscape plan to allow assessment.
- A plan showing the location of all retaining walls on the site, including levels at the top and bottom of the walls, and sections at critical locations was required. While retaining walls were shown on the landscape plan, adequate detail of all proposed retaining walls was not submitted, and a complete assessment of the impact of retaining walls was unable to be conducted. Justification statements have not been submitted for retaining walls which do not comply with Section 4.17 of Chapter B1.

There are a number of concerns relating to landscaping on the site, and the proposal is therefore unable to be supported in its current form.

## **CHAPTER E7: WASTE MANAGEMENT**

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

Suitable waste storage and servicing arrangements have been provided as follows:

- A communal waste facility has been provided on site. The waste facility is capable of receiving a heavy rigid vehicle in accordance with Chapter E3 of the DCP.
- 5.4 Multi-dwelling housing

- The proposed waste area will be well lit, and centrally located in the development
- On-site waste collection is proposed, which is considered appropriate with regard to the number of proposed dwellings
- Appropriate conditions relating to waste collection and the communal waste storage area could be included on the consent, if the development were to be approved.

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site from a geotechnical perspective. No concerns were raised, and appropriate conditions were recommended, which can be included on the consent if the development were to be approved.

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being within a high, medium and low flood risk precinct. The application was referred to Council's Stormwater Development Engineer for review.

Several concerns were initially raised following a review of the material submitted at lodgement. Additional information and amendments were then provided by the applicant, which were reviewed by Council's Stormwater Development Engineer.

Concerns were raised regarding the impact the proposal may have on surrounding sites. The PMF mapping does not include a scale, and Fig D5.2 Mapping contained within the flood study indicates the proposal may lead to substantial and significant impacts on upstream properties.

The proposed Finished Floor Level is also unacceptable, as the levels are required to be increased by 0.3m to account for climate change. In accordance with this Chapter, and the relevant Fairy/Cabbage Tree Creek Flood Risk Management Study and Plan (2010), Habitable floor levels must be constructed at a minimum of the 100-year flood level plus 0.5m freeboard plus 0.3m to account for climate change.

Compliance with the requirements of Chapter E13 has not been demonstrated and Council's Stormwater Development Engineer is unable to support the application in its current form.

## **CHAPTER E14 STORMWATER MANAGEMENT**

The application was referred to Council's Stormwater Engineer. As discussed above, proposed finished floor level is inconsistent with the requirements of this Chapter, as the proposed flood level is 0.3m less than the required height.

The proposed development is able to legally discharge to the watercourse.

As compliance with the requirements of Chapter E13 and E14 have not been demonstrated, Council's Stormwater Development Engineer is unable to support the application in its current form.

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

The application was referred to Council's Environment Officer and Landscape Architect.

According to the Flora and Fauna Assessment Report, the site contains 0.078ha of native vegetation. Most of the native vegetation is not proposed for removal but has the potential for indirect and ongoing impacts associated with the development.

Concerns were raised regarding the submitted Arborist Report, with Council's Landscape Architect noting substantial errors, misdescriptions and species misidentification. An amended Arborist Report was requested from the applicant; however, this was not submitted.

Two locally native trees (T2 and T3) proposed to be removed are likely part of the native vegetation community. These trees are separated from the remaining vegetation on the site, and the removal is considered acceptable. T23 and T25 were both initially proposed for removal, however the proposal



has been modified to allow for their retention. Council's Landscape Architect however notes the development remains within 5m of T25 and is therefore likely to have an impact on the health of the tree, noting a minimum no development zone of 5m around the tree is required, as detailed in the additional information letter sent to the applicant.

Two hollow-bearing trees containing two small hollows are found on the site. Neither are proposed to be removed or are unlikely to be impacted.

The proposal is unable to be supported in its current form due to the potential impact of the proposal on a significant tree, being T25.

#### **CHAPTER E18 THREATENED SPECIES**

Council's Environment Officer has reviewed the application regarding the requirements of this Chapter. The submitted Flor and Fauna assessment report identifies a number of threatened fauna on the site. This is consistent with Council's mapping software. No concern was raised regarding the impact of the proposal on threatened species.

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

Adequate details regarding the height, location and extent of the proposed retaining walls has not been provided. Furthermore, details regarding slope stabilisation requires further amendments, beyond what has been submitted. Slopes 1:3 or steeper are required to be stabilised, and the extent of stabilised slopes is required to be clearly shown graphically on the landscape plan. This has not been demonstrated.

As previously discussed under SEPP 55, and in Chapter E20 below, appropriate land remediation has not been demonstrated regarding contaminated land.

Section 4.4.1 pre-existing CWR fill (onsite) requires the submission of geotechnical advice due to the existence of Coal Washery Rejects on the site, as further discussed in Chapter E20 below.

As such, the proposed earthworks are unable to be supported.

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

Council's Environment Officer has reviewed the application as it relates to contaminated land management.

A Detailed Site Investigation prepared by Douglas Partners was submitted by the applicant, which identified the site contains Asbestos Containing Material (ACM) and Coal Washery Rejects (CWR). In accordance with the recommendations in this report, a Remediation Action Plan (RAP) was requested to be provided.

A Supplementary Site Investigation Report was provided by the applicant to address Council's concerns. The report found that ACM is present in scattered low levels in fill across the site, but higher levels may be encountered. The volume of CWR on the site is low and below a level that would require sampling, but larger amounts may be found in the fill areas across the site, which could be treated if encountered. The site could be made suitable through selective removal of fill material across the site, or encapsulation.

While a RAP was initially requested, an Asbestos Management Plan is considered sufficient for this site, along with the geotechnical advice required to be submitted to satisfy Section 4.4.1 of Chapter E19.

As an Asbestos Management Plan has not been submitted, it has not been demonstrated that appropriate land remediation will be achieved, and the proposal is unable to be supported in its current state.

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

The application was referred to Council's Environment Officer.

As advised in the additional information letter sent to the applicant, the proposed area of disturbance is greater than 2500m<sup>2</sup> and a Soil and Water Management Plan is to be submitted in accordance with the requirements outlined in this Chapter and the NSW Landcom publication titled *Managing Urban Stormwater: Soils and Construction Vol 1* 4th ed March 2004 (Blue Book) or the latest version of this publication.

This information has not been submitted, and compliance with the requirements of this chapter has therefore not been demonstrated.

## **CHAPTER E23: RIPARIAN LAND MANAGEMENT**

The site contains riparian land. The application is Integrated Development, requiring the approval of NRAR under the Water Management Act 2000. General Terms of Approval have been provided.

In accordance with this Chapter, the riparian land on the site is considered a Category 2 stream and would therefore require a 30m buffer either side of the top of the bank. However, the Flora and Fauna Assessment Report identifies the site as a 1<sup>st</sup> order stream under the Water Management Act 2000, which is supported by Correspondence from NRAR. 10m buffer either side of a 1<sup>st</sup> order stream is required. While this narrow corridor would impact upon the ability of the site to provide connectivity in the landscape, considering the urban location of the site and the correspondence received from NRAR, Council's Environment Officer accepts the 10m buffer zone.

The proposal was redesigned to remove any development from within 10m of the top of the bank. No concerns with relation to Riparian Land Management have therefore been raised.



## Attachment 5: Dwelling Gross Floor Area and Parking Requirements

Unit	GFA Ground m2	GFA First m2	Parking Provided m2	Total GFA (including parking reduction)
1	61.2	62.1	18	105.3
2	61.1	62.2	18	105.3
3	62.6	62.6	18	107.2
4	62.3	62.6	18	106.9
5	62.3	62.6	18	106.9
6	62.3	62.7	18	107
7	61.3	62.7	18	106
8	61	62.7	18	105.7
9	61.3	62.3	18	105.6
10	86.3	63.1	36	113.4
11	84	65.8	36	113.8
12	83.1	64.7	36	111.8
13	83	63.3	36	110.3
14	84.1	63.8	36	111.9
15	83.2	63.1	36	110.3
16	61.1	62.9	18	106
17	84.1	65.9	36	114
18	83.1	65	36	112.1
19	82.8	65	36	111.8
20	84	65.8	36	113.8
21	61.4	61.2	18	104.6
22	82.6	65	36	111.6
23	62	62.6	18	106.6
24	82.8	64.9	36	111.7
25	83.5	65.5	36	113
26	61.1	62.6	18	105.7
27	61	62.7	18	105.7
28	84	65.7	36	113.7
29	83.2	64.8	36	112
30	83.1	64.8	36	111.9
31	83.9	65.8	36	113.7
32	61	62.3	18	105.3
		visitor provided	9	
		Total resident	49	
		Total Parking	58	

Required			
unit size	requirement	units	Required Parking
units > 110	2	17	34
units 70 - 110	1.5	15	22.5
Visitor (all)	0.2	32	6.4
Total Resident Parking required			56.5
Total Parking required (inc. visitor)			62.9
5 parking spaces short			

**Note:** 13 units contain 1.8m<sup>2</sup> mechanical shafts without any explanation regarding their use (units 11, 12, 17, 18, 19, 20, 22, 24, 25, 28, 29, 30, 31). These do not appear necessary as remaining units do not have them, and it is not clear what purpose they serve. They have therefore been included in GFA.

## Attachment 6: NRAR General Terms of Approval



Natural Resources  
Access Regulator

Contact: Christopher Jones  
Phone:  
Email: [christopher.jones@nrar.nsw.gov.au](mailto:christopher.jones@nrar.nsw.gov.au)

Our ref: IDAS1117141  
Our file: CM9-V19/871-3#60  
Your ref: DA2019/575

General Manager  
Wollongong City Council  
C/- Port Kembla Soccer Club  
Locked Bag 8821  
WOLLONGONG NSW 2500

Attention: Rebecca Welsh

06 August 2019

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: DA2019/575**  
**Description: Residential-Subdivision - Torrens Title - two (2) lots, multi dwelling housing and subdivision - Strata Title - 32 lots**  
**Location: 7 Dawson Street, Fairy Meadow NSW 2519**

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

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

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

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



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

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

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

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

Application forms are available from the NRAR website at:

[www.industry.nsw.gov.au](http://www.industry.nsw.gov.au) > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

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

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

Yours Sincerely

**Mohammed Ismail**  
Water Regulation Officer  
Water Regulatory Operations  
Natural Resources Access Regulator



## General Terms of Approval

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

**Reference Number:** IDAS1117141  
**Issue date of GTA:** 06 August 2019  
**Type of Approval:** Controlled Activity  
**Description:** Residential-Subdivision - Torrens Title - two (2) lots, multi dwelling housing and subdivision - Strata Title - 32 lots  
**Location of work/activity:** 7 Dawson Street, Fairy Meadow NSW 2519  
**DA Number:** DA2019/575  
**LGA:** Wollongong City Council  
**Water Sharing Plan Area:** Greater Metropolitan Region Unregulated River Water Sources

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

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
<b>Erosion and sediment controls</b>	
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00012	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carry out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
<b>Plans, standards and guidelines</b>	
GT0002-00733	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA2019/575 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00093	The application for a controlled activity approval must include the following document(s): - site plan, map and/or surveys; watercourse crossings; outlet structures; Soil and Water Management Plan; Vegetation Management Plan.





## General Terms of Approval

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

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<b>Reference Number:</b>	IDAS1117141
<b>Issue date of GTA:</b>	08 August 2019
<b>Type of Approval:</b>	Controlled Activity
<b>Description:</b>	Residential-Subdivision - Torrens Title - two (2) lots, multi dwelling housing and subdivision - Strata Title - 32 lots
<b>Location of work/activity:</b>	7 Dawson Street, Fairy Meadow NSW 2519
<b>DA Number:</b>	DA2019/575
<b>LGA:</b>	Wollongong City Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Unregulated River Water Sources

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### Rehabilitation and maintenance

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

## SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA2019/575 as provided by Council:

- Landscape Plan, Statement of Environmental Effects



## **Attachment 7: Recommended Reasons for Refusal**

- 1 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate adequate regard to the following Environmental Planning Instruments:
  - State Environmental Planning Policy No 55 – Remediation of Land, as it has not been demonstrated that the land will be suitably remediated prior to the development occurring or can be made suitable for the proposed development.
  - Wollongong Local Environmental Plan 2008, as the development fails to satisfy the requirements and objectives of:
    - Clause 7.3 relating to flood planning, as the proposed floor levels are lower than the minimum required levels. Furthermore, the extent of earthworks are unknown and the impacts on flood behaviour cannot be determined.
    - Clause 7.4 relating to riparian lands, as the submitted VMP shows weed clearing works and revegetation works within the riparian corridor which is inconsistent with WDCP2009.
    - Clause 7.6 relating to earthworks, and appropriateness in relation to remediation of land. Furthermore, the extent of the earthworks has not been adequately shown, to determine impacts on flood behaviour.
    - It has not been demonstrated that the proposal will not have a significant impact on surrounding properties, surrounding land or environmental functions.
- 2 Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered the proposal fails to demonstrate consistency with the following Chapters of the Wollongong Development Control Plan 2009:
  - Chapter B1: Residential Development.
  - Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management.
  - Chapter E6: Landscaping.
  - Chapter E13 Floodplain Management.
  - Chapter E17: Preservation and Management of Trees and Vegetation.
  - Chapter E19: Earthworks (Land Reshaping Works).
  - Chapter E20: Contaminated Land Management.
  - Chapter E22: Soil Erosion and Sediment Control.
- 3 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate the likely impacts of the development will not be adverse.
- 4 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate that the site is suitable for the development.
- 5 Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, it is considered that having regard for public submissions, the development is unsuitable with respect to:
  - Floodplain Management.
  - Contamination.
  - Parking.
  - Built form.

- 6 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to adequately consider the impact of the development on the surrounding area and future residents and is therefore not in the public interest.