

# Wollongong Local Planning Panel Assessment Report | 8 February 2022

WLPP	Item No. 2
DA No.	DA-2021/1310
Property	14-16 Acacia Avenue, GWNNEVILLE
Proposal	Residential – demolition of existing buildings, remove eight (8) trees, construction of multi dwelling housing – eight (8) units and Subdivision – Strata title – eight (8) lots
Applicant	10 Star Pty Ltd
Responsible Team	Development Assessment and Certification - City Centre Major Development Team (BH)
Prior WLPP meeting	20 October 2021

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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

The proposal has been referred to Local Planning Panel for **determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 (2) of the Local Planning Panels Direction of 30 June 2020, the proposal is captured by Clause 2(b) as over 10 unique submissions were received in response to notifying the proposal.

#### Proposal

The proposal is for the removal of eight trees, the construction of multi dwelling housing containing eight (8) new two storey dwellings and an eight (8) lot strata title subdivision.

As the property entails the subdivision of bushfire prone land, the development is Integrated in accordance with the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979.

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to the Wollongong Local Environmental Plan 2009. The proposal is categorised as multi dwelling housing and is permissible in the zone with development consent.

#### Consultation

The proposal was notified in accordance with Council's Notification Policy and received twelve (12) unique submissions which are discussed at section 2.8 of the assessment report.

#### Main Issues

The main issues identified during the assessment process include:

- Objectors' concerns - traffic congestion, insufficient parking, unsatisfactory building character/ form
- Bushfire impacts
- Noise impacts for residential development located adjacent to a classified road
- Design of the development and compatibility with existing neighbourhood character
- Heritage – (Issue now resolved see Section 1.3)

## RECOMMENDATION

It is recommended that DA-2021/1310 be approved, subject to conditions provided at **Attachment 5**.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

#### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Koala Habitat Protection) 2019
- SEPP (Infrastructure) 2007
- SEPP (Building Sustainability Index: BASIX) 2004

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

- Wollongong City Wide Development Contributions Plan 2019
- Wollongong Community Participation Plan 2019

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

#### Tree Removal

- Removal of eight (8) trees including one (1) street tree

#### Construction

- Construction of multi dwelling housing containing eight (8) units in two separate buildings and two retaining walls (maximum height 600mm)
- Units 1 to 4 and Units 5 to 8 are attached
- Each dwelling has 3 bedrooms and a double garage
- Construction materials consist of brick and clad wall construction with a Colorbond® roof
- Construction of single new concrete driveway
- Earthworks and landscaping

#### Subdivision

- 8 lot Strata title subdivision.

### 1.3 BACKGROUND

There are numerous approvals pertaining to both properties. A pre-lodgement application (PL-2019/172) was held with Council staff to discuss the proposal prior to submission of the original development application (DA-2020/632). The main issues identified from the pre-lodgement meeting were:

- The development is integrated as the proposal entails the subdivision of bushfire prone land
- The need to consider the effects of traffic noise and vibration posed by the Princess Motorway, Stormwater disposal for a site that falls partly away from street
- Front units to address the street
- Side and rear setback requirements
- Parking to be located behind the front building line
- Private open space location.

The plans submitted with DA-2020/632 were considered to have addressed the matters raised in the pre-lodgement application and the application was referred to WLPP with a recommendation for approval. However, in considering the application at its meeting held on 20 October 2020 the Panel resolved to refuse the application.

Following refusal of the application by the WLPP the applicant submitted a review of determination under s8.2 of the EP&A Act, 1979 (the Act). The review application contained modifications to the design as provided for under s. 8.3 (3) of the Act.

The Review Application was not determined as the statutory timeframe for determination had expired under s 8.3 (2). A fresh development application was submitted for determination and is now referred to the Panel for determination. The application addresses the previous Panel reasons for refusal as follows:

- 1 *Insufficient information has been submitted under Section 4.12 of Environmental Planning & Assessment Act, 1979. In this regard, insufficient information is provided in respect to the existing dwelling on site (No 14 Acacia Avenue) which has been identified by Council for listing as a heritage item. The application does not provide sufficient information to justify demolition of the building.***

Comment:

The previous s.8.2 application was referred to Council's heritage officer who provided comments which remain relevant in respect of the current development application as outlined at 1.6.

**Note:** Subsequent to provision of the above comments the subject dwelling was demolished under a Complying Development Certificate issued by a Private Certifier on 20 November 2020. As a result the heritage matters are no longer pertinent.

- 2 *Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009, including:***

- ***Clause 1.2 – Aims of the Plan.***
- ***Clause 2.3 – Zone objectives and Land use table.***

Comment:

The aims of WLEP as contained in Clause 1.2 are:

**1.2 Aims of Plan**

The relevant subclauses are considered to be (c), (d), (e) and (g) (noting that heritage is no longer an issue). The aims are considered to be met by the new DA in relation to each of these subclauses as follows:

***(c) to encourage a range of housing choices consistent with the capacity of the land,***

The proposed multi dwelling housing provides for a range of housing choice and in particular dwelling types that are different to the predominant single dwelling housing in the locality. Multi dwelling housing is not uncommon in the locality and is considered to be compatible with single dwelling housing as demonstrated by its permissibility within the R2 Low Density zone and its substantial compliance with Council's adopted planning controls for this type of housing.

***(d) to improve the quality of life and the social well-being and amenity of residents, business operators, workers and visitors,***

The proposed multi dwelling housing provides for a reasonable quality of life and housing choice particularly for residents who do not seek a free standing dwelling on a larger allotment.

***(e) to conserve and enhance remnant terrestrial, aquatic and riparian habitats, native vegetation and fauna species,***

Although some tree removal is proposed the landscape scheme proposed for the new development is considered satisfactory by Council's landscape officer and will afford an acceptable landscape setting for the residents of the proposed development.

***(g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,***

The proposed development is considered to be appropriately designed having regard to the site constraints and existing services and infrastructure are available to service the development.

**3 Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009, including:**

- **Chapter D1: Character Statements.**
- **Chapter E3: Car parking, access, servicing/loading facilities and traffic management.**
- **Chapter B1: Residential Development.**

Comment:

Chapter D1 of WDCP 2009 describes Gwynneville as a low to medium density residential suburb with a mix of detached dwelling-houses, villas, townhouses and residential flat buildings. In terms of Desired Future Character Gwynneville is planned to *“remain a low to medium density residential suburb with some new medium density housing likely to occur around North Wollongong railway station, the University of Wollongong and the Wollongong TAFE campuses. Any new residential building should be designed to be relatively sympathetic with the surrounding residential development in terms of housing style and external finishes. In this respect, face brickwork or a combination of face brick on the ground floor and rendered brickwork on the upper storey is considered most appropriate. New residential buildings should also feature hipped or gabled end roof forms.”*

The proposed development is considered to be consistent with this neighbourhood character. Although the site is not considered to be close to the railway station of the TAFE or University campuses, it is nonetheless considered appropriate as a multi dwelling housing site.

An assessment of the proposal by Council’s Traffic Engineer having regard to the parking and traffic provisions contained in Chapter E3 has found the proposal to be satisfactory.

The proposal is considered to be satisfactory in relation to the relevant controls for multi dwelling housing as demonstrated by the WDCP2009 Assessment Table which forms **Attachment 4**.

**4 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate that the likely impacts of the development will not be adverse in relation to environment, traffic and social impacts in the surrounding locality.**

Comment:

As discussed above, the traffic assessment is considered satisfactory. Whilst it is noted that the site is near the Gwynneville Public School and this is a concern of objectors to the proposal, the level of traffic generation is considered relatively minor and well within the capacity of the local road system. Although visitor parking remains located at the rear of the site, it is noted that at the pre-lodgement meeting the applicant had proposed visitor parking within the front setback and Council specifically advised that this was not supported. The provision of visitor parking at the rear of the site is not uncommon in this type of development and although there is always a potential that it could be used by residents, this will be largely self-policed by residents who will want to ensure that spaces are available for their visitors. The Strata Secretary will also have powers to enforce any breaches of the use of visitor parking by residents.

Further, the environmental impacts are considered negligible and there are not anticipated to be any adverse social impacts arising from the proposal.

**5 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal is out of scale and character with existing development within the streetscape and the locality.**

Comment:

The proposal is considered to be of an acceptable scale within the streetscape context and in relation to the overall character of the neighbourhood. The proposal provides for 8 townhouses on two amalgamated residential lots having a total site area of 1,878m<sup>2</sup>. The development meets Council requirements in terms of density (FSR), landscaped area, private open space and setbacks.

**6 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the external design of the proposal creates unnecessary bulk and scale both in terms of amenity for future residents and from a streetscape perspective.**

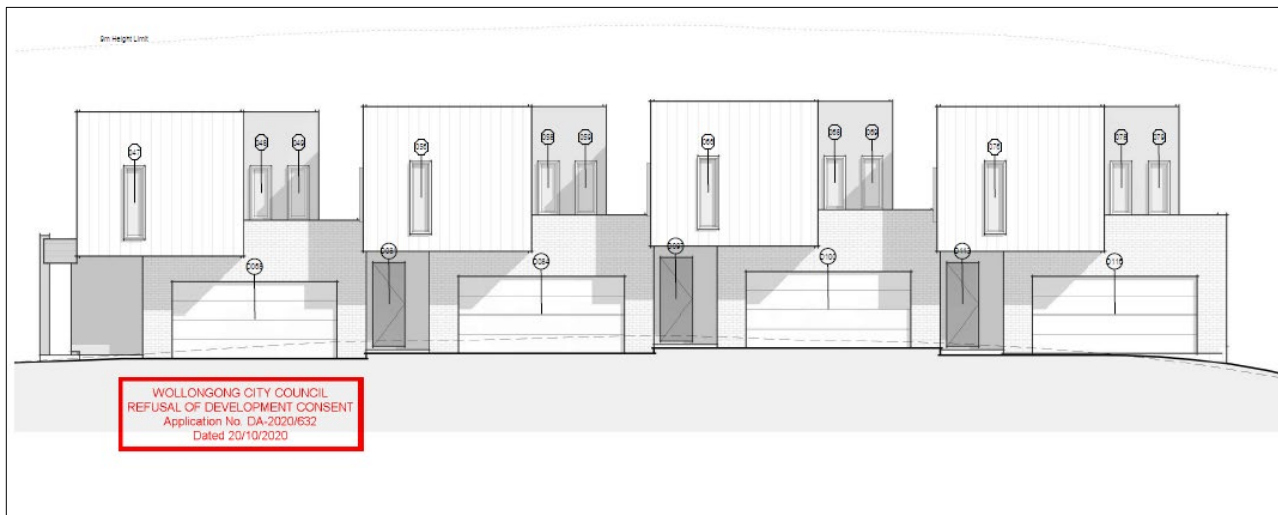
Comment:

The proposal has been redesigned such that the previous 'modernist' built form with skillion roof forms and large sections of the first floor canter-levered over the driveway have been replaced with a more traditional hip and valley roof form. The upper floors in each 'block of units (ie 1-4 and 5-8) no longer provide a separation however this part of the original design provided no advantages to the units themselves in that they contained no windows. The redesigned upper floors remove the cantilevers over the driveway and now also provide a more appropriate internal layout with only the main bedrooms being provided with an ensuite.

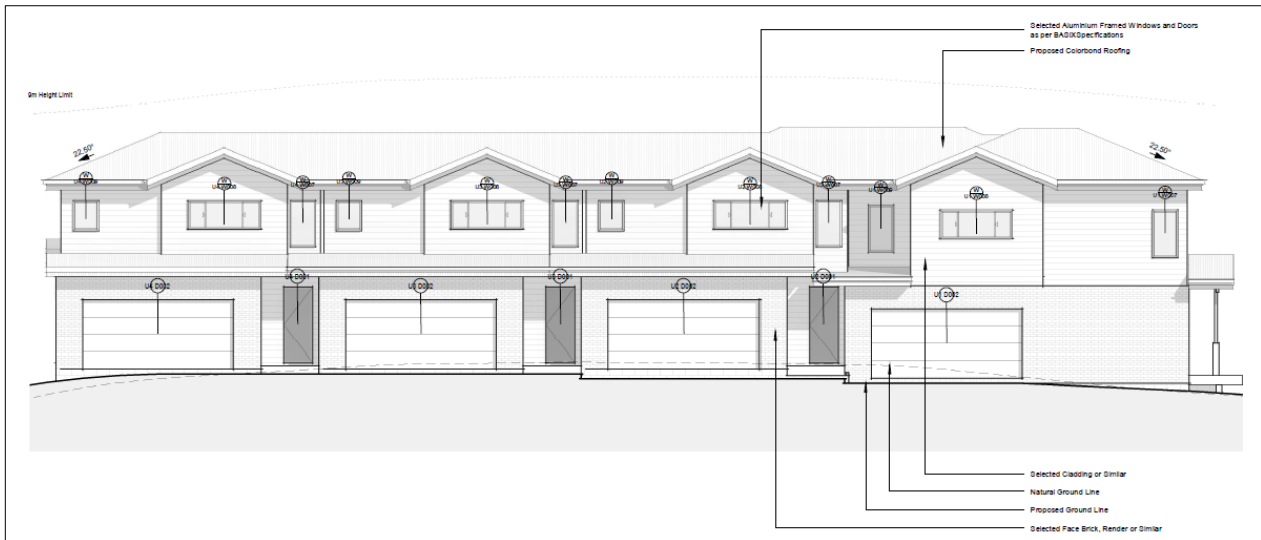
Articulation of the external elevations has been increased to provide more depth and reduce the impacts from blank walls.

The front elevations of Units 1 and 5 which face the street now provide a more traditional appearance with clearly legible pedestrian entrances. This, together with a centrally located centrally located driveway accessing all units within the development is not inconsistent with a typical multi dwelling housing development and in its amended form the proposal presents a more appropriate built form appearance more in keeping with the existing character of Gwynneville.

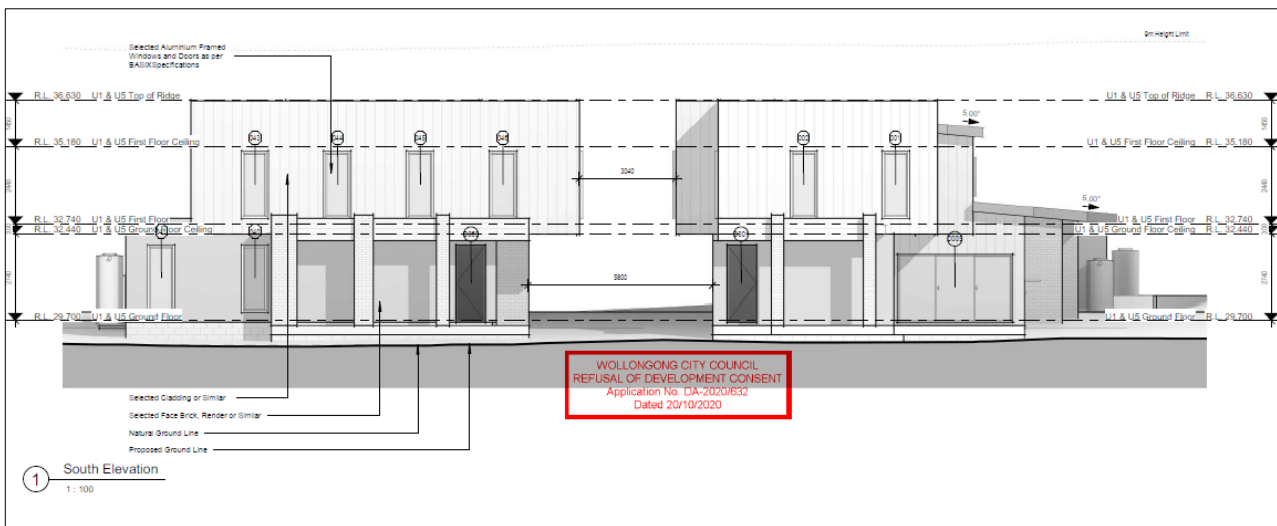
The below extracts from the original DA plans and the plans submitted with current DA demonstrate the changes discussed above.



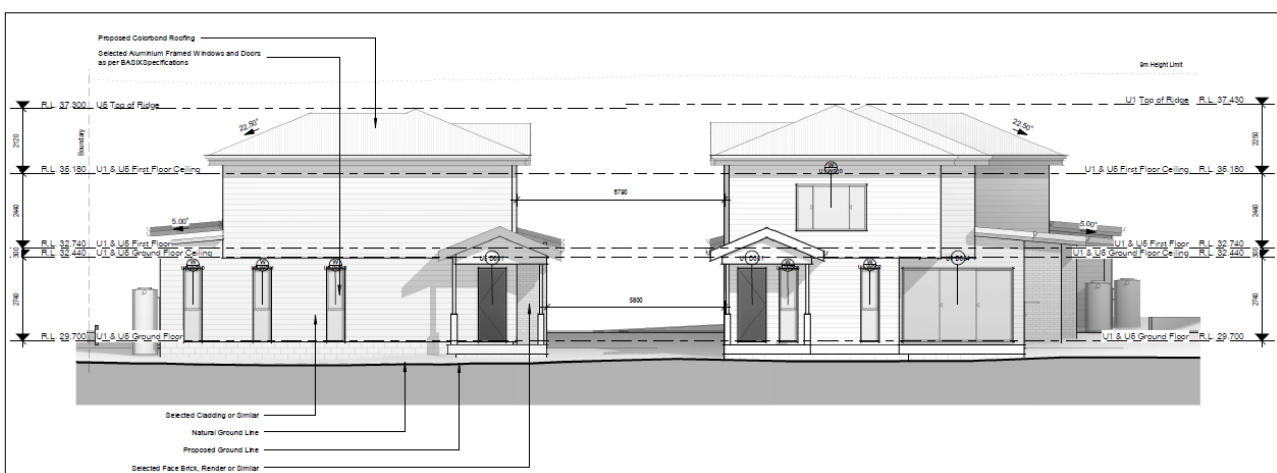
**Figure 1: Original DA Elevation (Internal)**



**Figure 2: Revised Elevation (Internal)**



**Figure 3: Original DA - Streetscape Elevation**



**Figure 4: Revised Streetscape Elevation**

7 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proximity of the proposed dwellings to the Princes Motorway will require that living room

***windows will need to be closed during daytime hours and bedroom windows will need to be closed during night time. This will create unacceptable impacts on the amenity of occupants.***

Comment:

The site is located adjacent to the Princes Motorway which is a classified road. As the proposed development is residential with a direct line of sight to a classified road with an annual average daily traffic (AADT) greater than 20,000 vehicles, the provisions of Clauses 101 & 102 of SEPP (Infrastructure) 2007 apply.

The proposal was accompanied with an acoustic assessment that included several recommendations to mitigate the impacts of road noise in compliance with the provisions of Clause 102(3) of the Infrastructure SEPP. The proposal was reviewed by Council's Environment Officer who provided a satisfactory referral, subject to recommended conditions of consent.

**8 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposed development represents an overdevelopment of the site.**

Comment:

Compliance with the majority of applicable planning controls demonstrates that the proposal sits comfortably within its setting and surrounds and is within the permitted planning controls for the site and locality.

**9 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, the site is not suitable for the development as proposed.**

Comment:

The design has been amended and architecturally it is considered to be more acceptable in terms of its compatibility with the existing character of the immediate locality. The design is considered to appropriately respond to the site constraints and it is considered to be an appropriate form of development for the site.

**10 Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, the submissions received have been considered, and in the circumstances of the case, approval of the development would set an undesirable precedent.**

Comment:

As demonstrated in Section 1.5 of this report, the submissions received are either not considered to be of sufficient weight to warrant a refusal of the application or have been sufficiently addressed by the fresh development application which includes a revised design.

**11 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, approval of the proposed development would not be in the public interest.**

Comment:

As discussed in relation to Reason 10 the submissions received have been satisfactorily addressed and the remaining reasons for refusal have been addressed such that the proposal would now be in the public interest.

Customer service actions

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

## **1.4 SITE DESCRIPTION**

The site is located at 14 and 16 Acacia Avenue, Gwynneville. The title reference for No. 14 Acacia Avenue is Lot 32 DP 22656 and the title reference for No. 16 Acacia Avenue is Lot 31 DP 22656. Both properties are irregular in shape with an area of 998m<sup>2</sup> for No. 14 and 880m<sup>2</sup> for No. 16. Vehicular access is via Acacia Avenue. A high concrete acoustic barrier prevents access to the Princes Motorway which adjoins the rear of the site.

The site is vacant with both dwellings and ancillary structures having been demolished under a Complying Development Certificate (Council Ref: PC-2020/1491).

The site varies in height from RL 30.65m AHD to RL 27.42m with the highest point forming a ridge in the centre of No. 14 Acacia Avenue. The lowest point is in the north eastern corner of No. 14 where the land falls steeply away towards the Princess Motorway. Land in the vicinity of the existing dwellings falls down towards Acacia Avenue with a crossfall of between one to two metres.

Adjoining development predominantly consists of single and double storey older style detached dwellings. The Princes Motorway is directly adjacent to the north and Gwynneville Public School is located about 15 metres to the east of the subject site. Nearby medium density housing includes dual occupancy developments at No. 13 & 26 Acacia Avenue and multi dwelling housing/ residential flat buildings along Gilmore Street.

#### Property constraints

Council records identify both properties as being impacted by the following constraints:

Bushfire Prone – Affected

There are no restrictions on the title that would preclude the proposed development.

## **1.5 SUBMISSIONS**

The Review application was notified in accordance with Council's Community Participation Plan 2019 between 6 and 21 September 2021. Twelve (12) unique submissions were received and the issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
1. <u>Excessive Density</u>  Concerns are raised at the number of units proposed which is considered by local residents to be out of character with the locality.	The proposed multi dwelling housing is a permissible form of housing in the R2 zone and the proposal complies with floor space ratio controls.
2. <u>Parking</u>  Concerns are raised in relation to lack of parking and the related problems associated with a lack of on street parking. This is an issue because of the proximity of the site to Gwynneville Public School where pick up and drop off times create parking issues.  The principal of the school has advised that the school community is not supportive of the proposal due to parking and traffic issues.  The visitor parking remains at the rear of the site where it will most likely be used by residents not visitors.	In accordance with the provisions of Chapter E3 of the WDCP, the development requires the provision of 16 parking spaces for residents, 2 visitor parking spaces, 1 motorcycle parking space and 4 bicycle parking spaces. The proposed development meets these requirements and vehicles are capable of safely entering and leaving the property in a forward facing direction. The proposal is supported by Council's Traffic Officer, subject to recommended conditions of consent. The level of traffic generation is considered relatively minor and well within the capacity of the local road system.
3. <u>Traffic</u>  Concerns were previously raised that traffic counts were conducted during 2020 Covid-19 lockdown and did not	The proposal has been reviewed by Council's Traffic Engineer who has calculated that the development is expected to generate 5.2 vehicle trips in the AM and PM peak hours which is not considered to have any

Concern	Comment
<p>provide an accurate portrayal of traffic in the location.</p> <p>These concerns have not been addressed in RD-2020/632/A. The additional traffic associated with on-street parking of visitors and the coming and going of potentially 16 extra cars of residents of the proposed development would greatly increase the traffic congestion in this location.</p>	<p>perceptible impacts on traffic in Acacia Avenue or the local road system.</p>
<p>3. <u>Overshadowing</u></p> <p>Concern is raised regarding the extent of overshadowing of No. 12 Acacia Road in the afternoon</p>	<p>The subject site is oriented in a general north/ south axis and the proposal was accompanied with a satisfactory set of shadow diagrams for the winter solstice which demonstrate solar access for all neighbouring properties is maintained in accordance with DCP requirements.</p>
<p>4. <u>Tree Removal</u></p> <p>The arborist report recommend retention of some trees which are proposed to be removed or have already been removed.</p>	<p>The application requires the removal of eight (8) trees as identified on the Arboricultural Impact Assessment. These trees are either located within the building footprint or are exempt species. Council Landscape officer has provided a satisfactory referral including requirements for tree protection measures and compensatory planting.</p>
<p>6. <u>Use of Development</u></p> <p>Previously concerns were raised concerning the potential for the units to be used as a boarding house development as all of the 8 units had 4 bedrooms, each with an ensuite, with minimal space for kitchens and living rooms. It was believed that the internal design was conducive to student accommodation and that each of the bedrooms would likely be rented individually. It is not possible to determine whether this concern has been addressed by RD-2020/632/A as 10 Star Pty Ltd has requested that floorplans not be exhibited.</p>	<p>Although the floor plans were marked 'not for publication', the floor plans have been revised and are now considered to be of an appropriate design for occupation by families. Each Unit has 3 bedrooms (previously 4) and only the main bedroom is provided with an ensuite. The application and assessment is for multi-unit housing not student accommodation.</p>
<p>7. <u>Privacy</u></p> <p>Potential privacy issues.</p>	<p>The design of the dwellings is not considered to result in adverse privacy impacts on neighbouring properties.</p>

Concern	Comment
	Side boundary setbacks are compliant and only bedrooms are located at the first floor level.
8. <u>Garbage collection</u> Some residents are concerned that there will be insufficient room at the kerbside for the placement of garbage and recycling/green waste bins	Garbage bins will be stored at the rear of the property as shown on the site plan and this area is not visible from the street.  As illustrated on the site plan, the street bin collection area is less than half of the site width to minimise visual dominance. This is compliant with DCP requirements.
8. <u>Noise</u> Noise from M1 Motorway has not been adequately addressed.	The proposal was accompanied with an acoustic assessment that included a number of recommendations to mitigate the impacts of road noise in compliance with the provisions of Clause 102(3) of the Infrastructure SEPP. The proposal was reviewed by Council's Environment Officer who provided a satisfactory referral, subject to recommended conditions of consent. Standard condition recommended for construction work times and noise levels.
9. <u>Errors in SEE</u> A number of submissions have pointed out errors in the SEE.	It is acknowledged that some errors are contained in the SEE. Notwithstanding these errors, it is considered that adequate information is provided to enable a full and proper assessment of the application.
10. <u>Notification issue:</u> Delays in delivery of letters by Australia Post makes it difficult for residents to meet deadlines for submissions imposed by Council.	Australia Post delivery timeframes have increased. Notwithstanding this issue, where residents sought additional time to lodge a submission this was granted.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Stormwater, Traffic, Environment and Landscape Officers have reviewed the application and given satisfactory referrals. Conditions of consent were recommended and are included in the consent.

#### Heritage

The original development application has a complex history in terms of heritage consideration. In June 2020 a DA lodged for demolition of 14 and 16 Acacia Avenue and multi dwelling development (DA-2020/632), the following heritage considerations were raised:

- August 2020: Following number of submissions raising heritage significance of the dwelling, referred to Heritage Staff for comment. Heritage Staff acknowledged that the building was not heritage listed and recommended that a Heritage Assessment be prepared.

- 20 October 2020: The proposal was reported to the Wollongong Local Planning Panel for determination. The Officer Report recommended approval of the application, subject to various conditions but noted the Heritage Staff advice.
- The Panel refused the Development Application for a variety of reasons, including on heritage grounds and requested that any future amended application should be accompanied by a Heritage Assessment. The WLPP also noted within their decision the following Advice as a separate notation within their report:

*“The Panel is of the view that given the potential Heritage Status and significance of No.14 Acacia Avenue, consideration should be given to imposing an Interim Heritage Order on the property at the earliest opportunity. This would facilitate a detailed and comprehensive assessment of the property prior to consideration of any future development on the land.”*

Following determination of the DA, the following events occurred:

- **30 November 2020:** CDC for demolition issued by a private certifier under the State Environmental Planning policy (Exempt and Complying) lodged with Council (PC-2020/1491)
- **17 December 2020:** Council recommended Interim Heritage Order (IHO) is issued under delegation due to WLPP advice and imminent threat to dwelling
- **23 December 2020:** IHO Gazetted
- **February 2021:** Owner engaged Corona Projects to prepare Heritage Significance Assessment
- **February 2021:** John Oultram Heritage is engaged to prepare independent Heritage Significance Assessment of 14 Acacia Avenue
- **March 2021:** A second report to WLPP is prepared to request Strategic Merit of Planning Proposal (PP) for listing of 14 Acacia Avenue due to time constraints and lapsing of IHO in June 2021
- **19 March 2021:** WLPP deferred consideration until Independent Heritage Assessment is undertaken by Council
- **23 April 2021:** John Oultram Report finalised and recommends listing as item meets criteria for local heritage item
- **29 April 2021:** Third Report prepared to WLPP requesting comment on Strategic Merit of PP with all Heritage Report considered, WLPP recommends the following:

*“The Panel notes the conflicting heritage advice provided by the applicant and Council. The Panel has reservations about progressing a heritage listing on this site, given the history of this matter and decisions on other similar buildings of this era.*

*The Panel, in its previous deferral, indicated that it would be reluctant to recommend heritage listing the property except if it was an exceptional example of the style. To-date neither Heritage report indicates that it is an exceptional example. However, the Oultram report identifies the building as a good and well detailed example of an interwar English cottage revival style house, which meets several of the Heritage Manual criteria for identification and is worthy of heritage listing as local significance.*

*In the circumstances, the Panel would recommend that if Council resolves to prepare a draft Planning Proposal, then prior to the exhibition of this matter, Council obtain a peer review of both reports to establish the reasonableness and appropriateness of any listing, and the peer review form part of the exhibition material”*

- **31<sup>st</sup> May 2021:** Report to Council prepared recommending listing and Council resolves to not progress listing. The Council resolution is as per below:

1. Council resolve not to progress a draft Planning Proposal to heritage list the property and allow the Interim Heritage Order to lapse. The restriction on the previously issued CDC for demolition be removed and the CDC be acted on.
2. A briefing be provided to Councillors in relation to the history of the matter.

Although the dwelling likely meets the criteria for a local heritage listing, which has been documented by John Oultram Heritage, Council resolved not to progress a listing for the site and allow for its redevelopment. This decision was also in line with the most recent WLPP advice on the strategic merit of the proposal to list the property, due to the history of the matter.

Therefore, the heritage matters relating to the potential significance of the dwelling are considered to be resolved. Councils' heritage planner proposed a condition of consent requiring a photographic recording of the dwelling prior to demolition. However, this occurred under the CDC for demolition and is no longer relevant to the subject application.

#### 1.6.2 EXTERNAL CONSULTATION

##### Rural Fire Service

As integrated development, the application was referred to the NSW Rural Fire Service for concurrence. The NSW Rural Fire Service issued General terms of Approval that is contained within **Attachment 5**, which is required to form part of any consent.

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

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### **2.1 Application of Part 7 of Biodiversity Conservation Act 2016 & Part 7A of Fisheries Management Act 1994**

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

The Act does not relate to the proposed works.

### **2.2 SECTION 4.14 CONSULTATION AND DEVELOPMENT CONSENT—CERTAIN BUSH FIRE PRONE LAND**

The site is identified as being bushfire prone land and the development entails an intensification of use. In accordance with the provisions of Clause 4.14, the application was referred to the NSW Rural Fire Service who issued General Terms of Approval (GTA). A copy of the GTA is contained within **Attachment 5**, which is required to form part of any consent.

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

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. Minor earthworks are proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

#### **2.3.2 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019**

The City of Wollongong is identified within Schedule 1 as land to which this Policy applies. Wollongong is located within the South Coast Koala Management Area.

##### *When in Blue mapped area – Site Investigation Area for Koala Plans of Management*

Part of the subject site is mapped as being within the Site Investigation Area for Koala Plans of Management pursuant to the SEPP Maps. This mapping is provided as a tool for Council in developing Koala Plans of Management and does not apply to the development application process. Council does not have an approved Koala Plan of Management for the land at the time of preparing this report, and as such, no further consideration of this SEPP is required.

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

The site is located adjacent to the Princes Motorway which is listed as a classified road. It is noted that vehicular and pedestrian access for the development is achieved from Acacia Avenue. As the proposed development is residential, with a direct line of site to a classified road with an annual average daily traffic (AADT) greater than 20,000 vehicles, the provisions of Clauses 101 & 102 of SEPP (Infrastructure) 2007 apply.

The application is accompanied with an acoustic assessment that included several recommendations to mitigate the impacts of road noise in compliance with the provisions of Clause 102(3) of the Infrastructure SEPP. The proposal was reviewed by Council's Environment Officer who provided a satisfactory referral, subject to recommended conditions of consent.

### 2.3.4 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, BASIX Certificates have been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

### 2.3.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

**Demolition:** In relation to a building means wholly or partly destroy, dismantle or deface the building.

**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.

**Subdivision of land** for the purposes of the Environmental Planning & Assessment Act 1979, means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be affected:

- (a) by conveyance, transfer or partition, or
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

#### **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.

##### 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 is satisfactory with regard to the above objectives.

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

#### **Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; 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; Semidetached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals*

The proposal is categorised as a **multi dwelling housing** as described above and is permissible in the zone with development consent. Demolition and tree removal are ancillary works to facilitate the proposal and consequently are also permissible.

#### Clause 2.7 Demolition requires development consent

Demolition of a building or work may only be carried out with development consent. Demolition of existing structures on the land is proposed.

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

#### Clause 4.1 Minimum subdivision lot size

Minimum lot size provisions do not apply to strata subdivisions as per Clause 4.1(4)(a) of the WLEP 2009. It is noted Numbers 14 & 16 Acacia Avenue will need to be consolidated prior to the issue of an occupation Certificate. Conditions are recommended in this regard. The strata subdivision and associated common access and drainage works are designed for a consolidated lot.

#### Clause 4.3 Height of buildings

The proposed maximum building height of 7.98m does not exceed the maximum of 9m permitted for the site.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area: 1878 m<sup>2</sup>

Total FSR: 927.71m<sup>2</sup>

GFA: 927.71m<sup>2</sup> / 1878 m<sup>2</sup> = 0.49:1

#### Clause 5.10 Heritage conservation

The provisions of Clause 5.10 of the WLEP 2009 do not apply to the proposed development as the land does not contain a heritage item or is located within a heritage conservation area (HCA); nor is the land within the vicinity of a heritage item or HCA. See section 1.3 for further comments in relation to heritage matters.

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

#### Clause 7.1 Public utility infrastructure

The proposal has been assessed against Clause 7.1 of WLEP 2009 and it is considered that the subject site is already serviced by public utilities which can be augmented to service the new proposal.

#### Clause 7.6 Earthworks

Earthworks associated with the proposal are considered minor, reflective of normal residential construction and thus acceptable in this circumstance. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

#### Clause 7.14 Minimum Site Width

The proposal involves multi-dwelling housing. The combined sites have a width of 30.48 metres across the street frontage. No part of the proposed development will be located on a part of the site with a minimum width less than 18m. Therefore, the proposed development is considered to satisfy Part 7.14 of WLEP2009 in this circumstance.

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

### **Draft Environment SEPP**

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Local Planning Directions where appropriate.

Engagement is now closed and feedback is being considered by the Department.

It is considered the draft SEPP is of limited relevance at this point in time.

### **Draft Remediation of Land SEPP**

The Explanation of Intended Effect for the Remediation of Land SEPP and the Managing Land Contamination guidelines were exhibited between 25 January 2018 and 13 April 2018.

The proposed SEPP provides a state-wide planning framework for the remediation of land requires consent authorities to consider the potential for land to be contaminated when determining development applications clearly lists the remediation works that require development consent introduces certification and operational requirements for remediation works that can be undertaken without development consent.

Engagement is now closed and feedback is being considered by the Department.

It is considered the draft SEPP is of limited relevance at this point in time.

### **Draft Design and Place SEPP**

Public exhibition of the Design and Place SEPP Explanation of Intended Effect closed in April 2021.

The Design and Place SEPP will establish principles for the design and assessment of places in urban and regional NSW: PRINCIPLE 1. Design places with beauty and character that people feel proud to belong to PRINCIPLE 2. Design inviting public spaces to support engaged communities PRINCIPLE 3. Design productive and connected places to enable thriving communities PRINCIPLE 4. Design sustainable and greener places for the wellbeing of people and the environment PRINCIPLE 5. Design resilient and diverse places for enduring communities

The draft Design and Place SEPP will undergo further public exhibition to allow additional opportunity for feedback. Supporting guidance and tools, drafts of which will also go on exhibition with the draft SEPP. These guides include revisions to the Apartment Design Guide and improvements to the Building Sustainability Index (BASIX), as well as the proposed Urban Design Guide, and Design Review Guide. The Department is currently conducting workshops with Council's around the State.

It is considered the draft SEPP is of limited relevance at this point in time.

### **Draft Housing SEPP**

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The NSW Housing Strategy: Housing 2041 is the NSW Government's plan to meet the State's housing needs over the next 20 years. The Housing SEPP will support delivery on this strategy by driving the development of affordable and diverse housing

The new Housing SEPP will:

- consolidate five existing housing-related SEPPs:
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);

- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);
- State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70);
- State Environmental Planning Policy No 21—Caravan Parks; and
- State Environmental Planning Policy No 36—Manufactured Home Estates.
- include the recently made provisions for short term rental accommodation and build-to-rent housing;
- include the recently updated social housing provisions;
- introduce provisions for co-living housing, a form of housing that provides small private rooms (which may or may not include private kitchen and bathroom facilities), offset by access to managed communal spaces;
- incorporate amendments to boarding house and seniors housing provisions
- amend some local environmental plans in relation to secondary dwellings in rural zones, and the permissibility of boarding houses in R2 zones.

The draft Housing SEPP is yet to be finalised and it is considered of limited relevance at this point in time.

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

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

A full assessment against relevant WDCP 2009 Chapters can be found in the compliance tables at attachment 4. No variations are proposed.

### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019**

The estimated cost of works is \$1,185,800 and a levy of 1% is applicable under this plan as the threshold value is \$100,000. A search of the 1977/78 aerial mapping confirms that there were houses on the subject properties at this time. Therefore the 2016 Ministerial Direction regarding Section 94 development contributions does not apply.

### **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?

Conditions of consent are recommended with regard to demolition.

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

#### Context and Setting:

In regard to the matter of context, the planning principle in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development will result in some overshadowing primarily within the subject site, including the central driveway entrance which is acceptable in terms of reducing impacts upon neighbouring properties.

The development is within the allowable height and FSR for the site. Neighbouring dwellings will receive the 3 hours of sunlight required by the DCP.

In regard to the visual impact, the proposed development in its amended form is considered to be largely in harmony with the surrounding buildings and character of the street. The immediate area is characterised predominantly by low density residential development of varying architectural styles. It is likely that more medium density developments will occur in line with the permissible height and FSR controls for the area.

The scale of the development as viewed from the street is comparable to other developments in the locality.

In summary, the proposal has been assessed with regard to the objectives of the zone, permissible height and FSR controls, potential amenity impacts and the existing and future character of the area, and is considered to be acceptable form of development within its setting.

#### Access, Transport and Traffic:

Access to the site will be via an approved driveway to Council's local road being Acacia Avenue. The development is considered not to result in an adverse impact on the traffic movement and access to the site. Council's Traffic Officer has no objections to the proposed access arrangements subject to conditions included at Attachment 5.

#### Public Domain:

The development is considered to be consistent with the amenity of the locality. The development is not considered to result in significant impact upon the public domain.

#### Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities can be augmented to service the proposal.

#### Heritage:

No heritage items will be impacted by the proposal.

#### Other land resources:

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

#### Water:

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

#### Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse. The soil profile is considered to be acceptable for the construction of the proposed development. Council's Development Engineer has assessed the proposal and considered it is satisfactory, subject to conditions.

#### Air and Microclimate:

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

#### Flora and Fauna:

Eight (8) trees require removal for this development. The proposal was accompanied by a landscape plan and arborists report that includes the planting of six (6) additional medium sized trees. The application was reviewed by Council's Landscape Architect who provided a satisfactory referral, subject to recommended conditions of consent.

#### Waste:

A condition is proposed that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

The applicant has submitted an acoustic report which has been reviewed by Council's Environment Officer who finds its recommendations to satisfy the provision of the Infrastructure SEPP in terms of noise intrusion. Appropriate recommendations have been made in terms of glazing and these can be reinforced through conditions of consent. It should be noted that no living room windows are located on the northern elevation facing the M1 motorway and with appropriate glazing measures in place traffic noise is not considered to be a significant impact on the residents of the development.

A condition is proposed that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

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

Council records list the site as bushfire affected. The application was accompanied with a bushfire assessment report that calculated that the development is subject to a Bushfire Attack Level of BAL-19. The development was reviewed by the NSW Rural Fire Service who issued General Terms of Approval that is contained within Attachment 5, which is required to form part of any consent.

Technological hazards:

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

Safety, Security and Crime Prevention:

This application does not result in any opportunities for criminal or antisocial behaviour.

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

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

A condition is proposed that all works are to be in compliance with the Building Code of Australia. The application identified a variation to Clause 5.4.2(1) in Chapter B1 of WDCP 2009. This variation has been considered in Attachment 4 - WDCP 2009 Assessment as being adequately justified and thus is capable of support.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding. A condition is proposed that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The development is considered consistent with the amenity of the neighbourhood and to be consistent with surrounding development.

## **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 and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

## **3 CONCLUSION**

---

This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The reasons for refusal of DA-2020/632 are considered to have been satisfactorily addressed by the subject development application and the proposed development is considered satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposal is considered supportable in its current form.

The site is zoned R2 Low Density Residential where multi dwelling housing is a permitted form of development with consent pursuant to the WLEP 2009.

The proposed development aligns with the objectives of the zone and the design of the development is appropriate regarding the controls relating to multi dwelling housing contained in WDCP 2009. Significantly both dwellings, including No.14 Acacia Avenue, which was previously the subject of heritage considerations, have been demolished under a separate approval (CDC).

NSW Rural Fire Service has granted General Terms of Approval and Council's Stormwater, Traffic, Landscape, Heritage and Environment Officers have provided satisfactory referrals.

Overall, it is considered that the proposed development is appropriately designed given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to the Draft conditions of consent which form **Attachment 5**.

## **5 ATTACHMENTS**

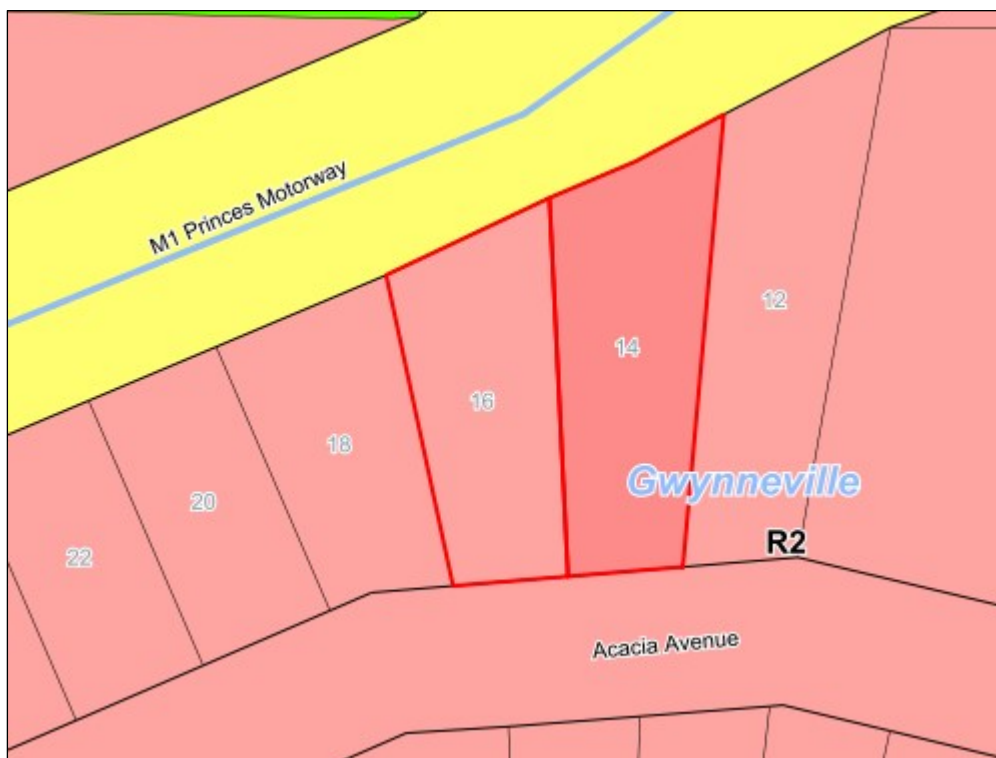
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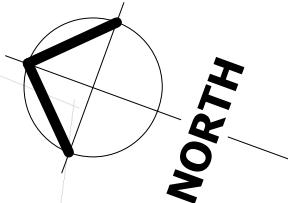
- 1 Aerial photograph map
- 2 Zoning map
- 3 Plans
- 4 WDCP 2009 Assessment
- 5 Draft conditions of consent

## Attachment 1 – Aerial Photograph Map



## Attachment 2 – Zoning Map





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PROPOSED EXTENSION
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14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500

R.Heckenberg

DA SUBMISSION

TITLE: **Issue DA-02-01**

## PROPOSED SITE PLAN

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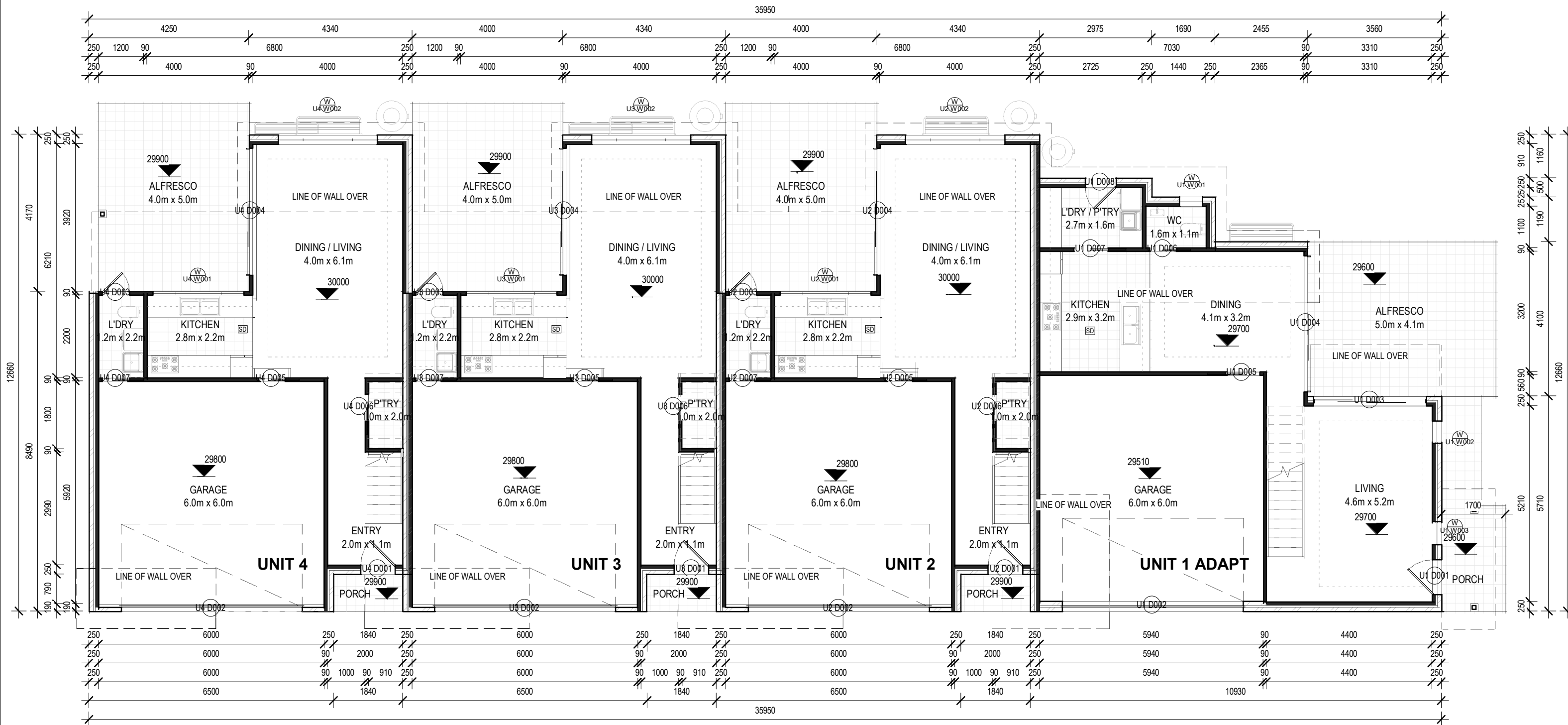
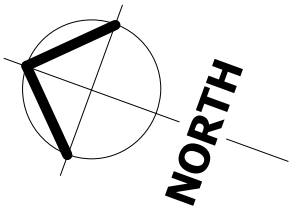
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## Ground Floor Plan Unit 1 - 4

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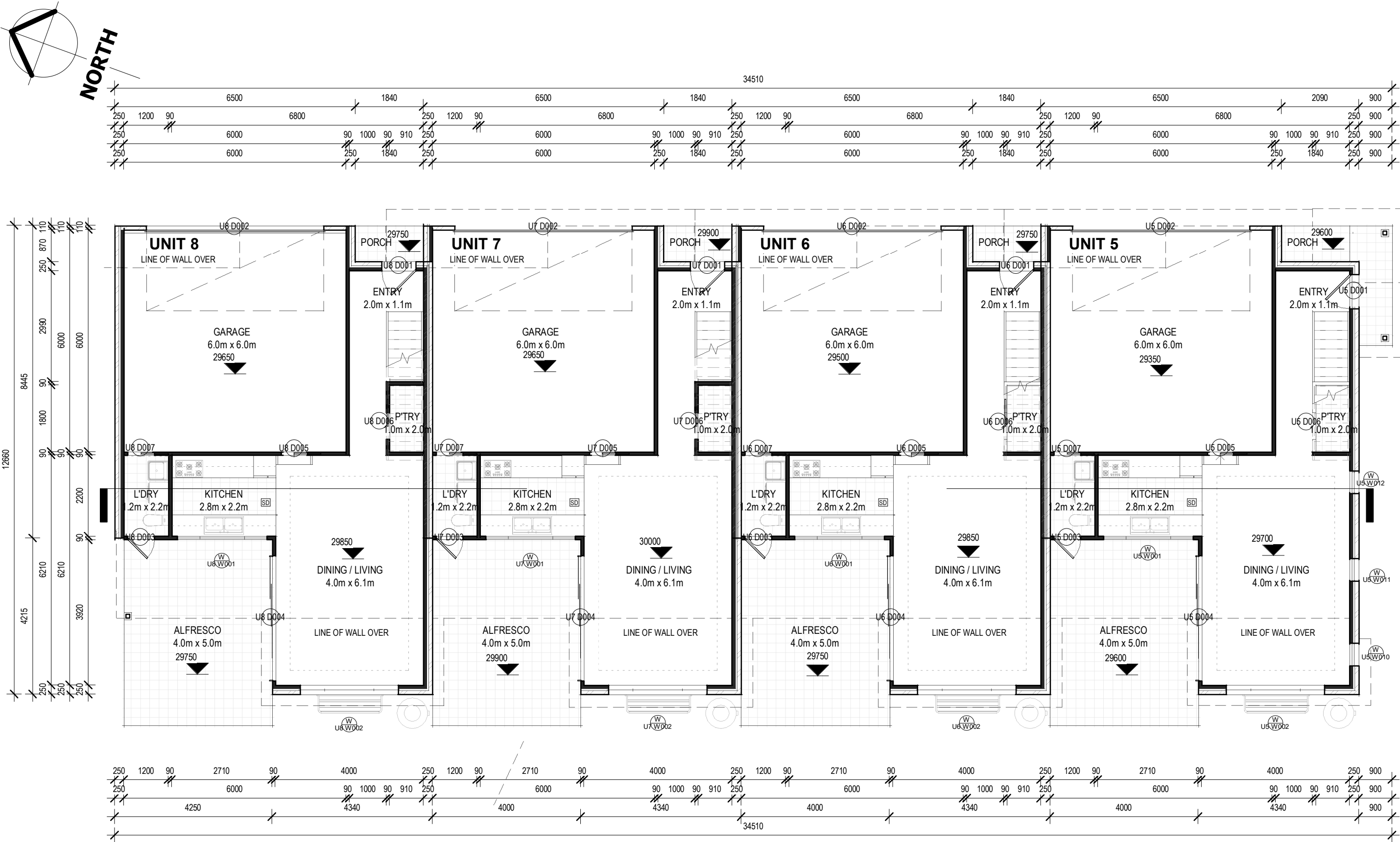


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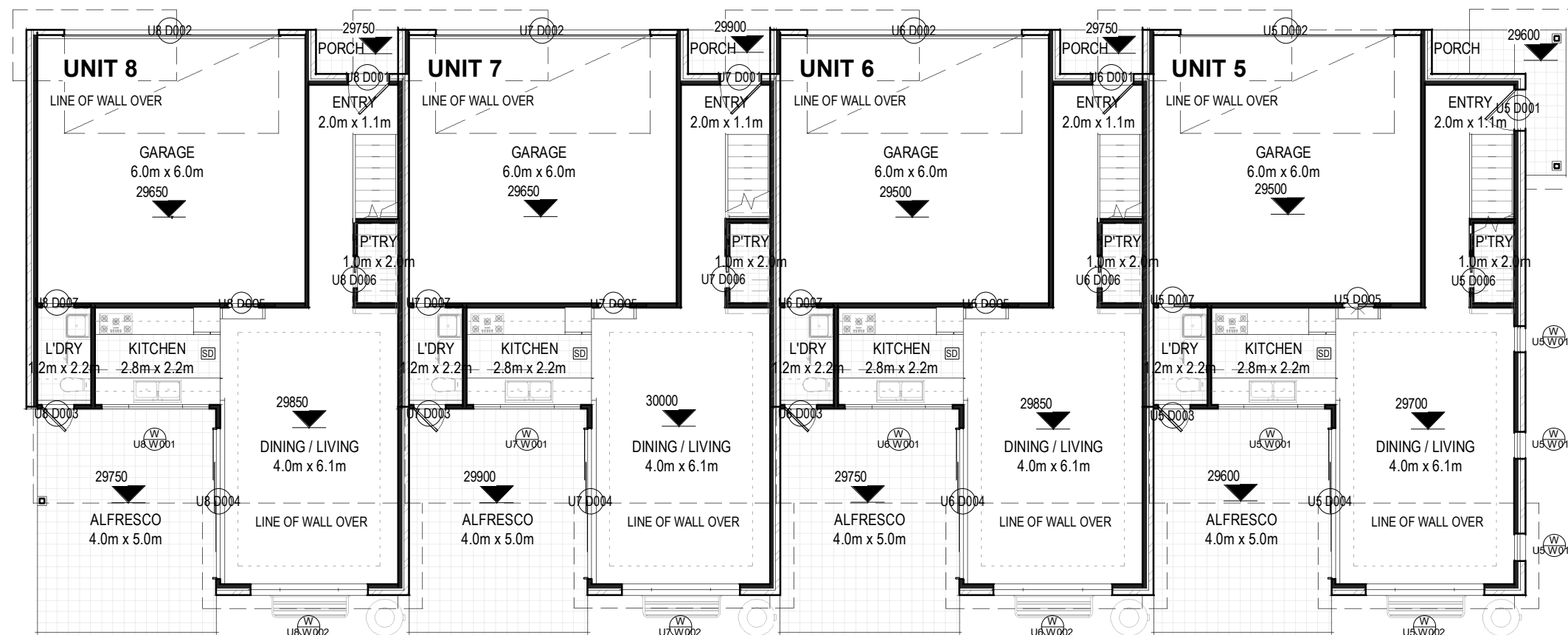
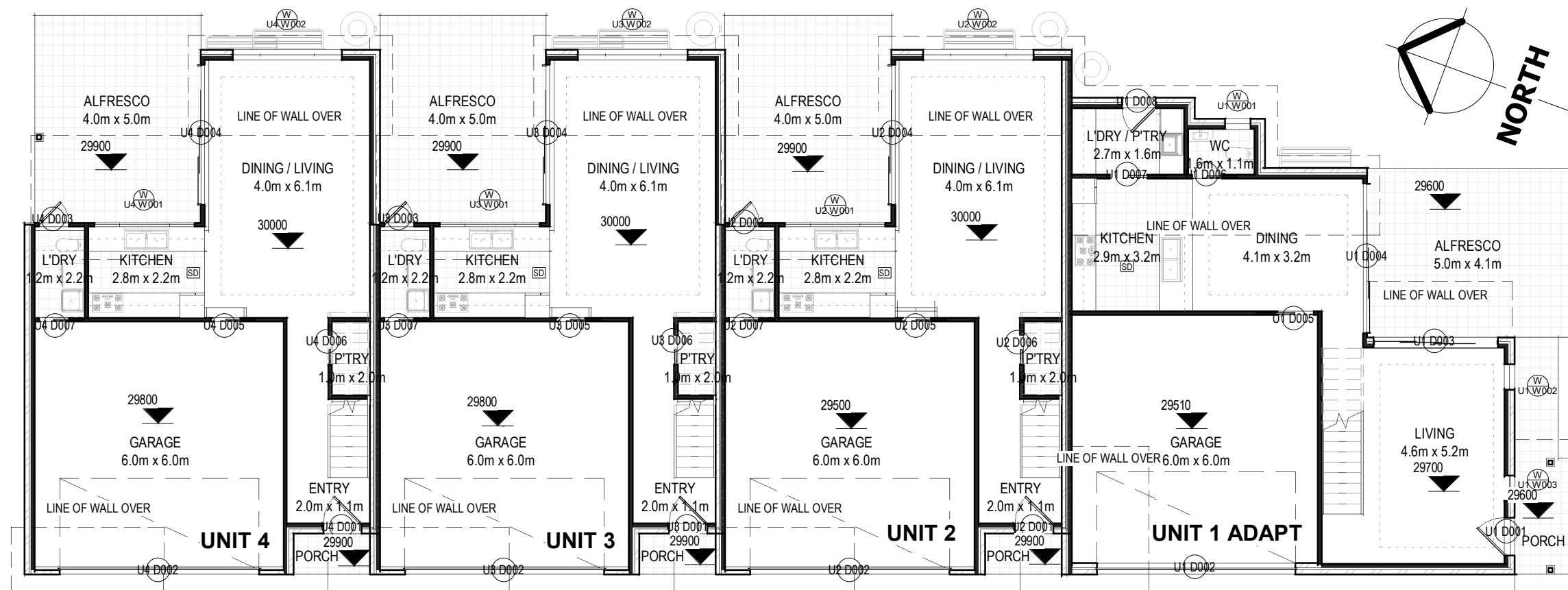
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1 Ground Floor Plan Unit 5 - 8  
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GROUND FLOOR PLAN 1 - 8

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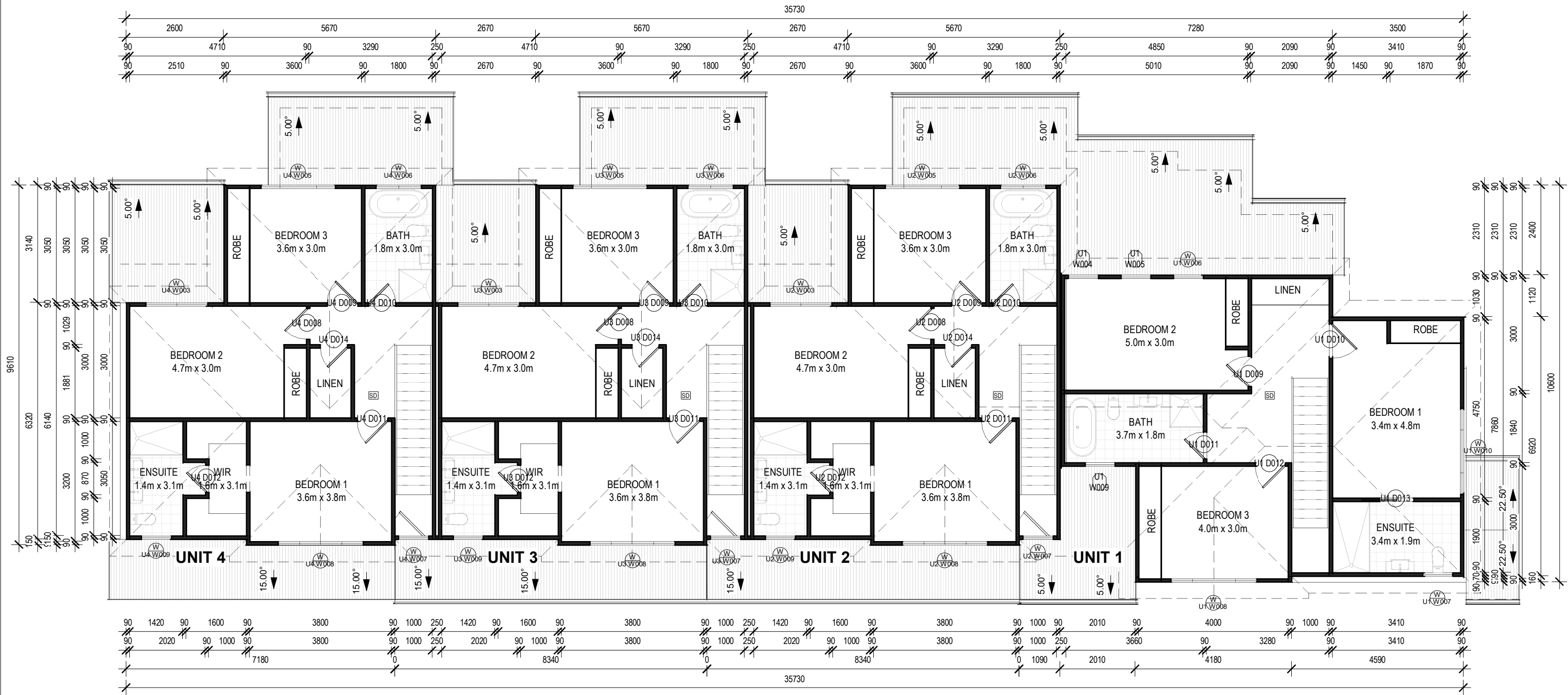
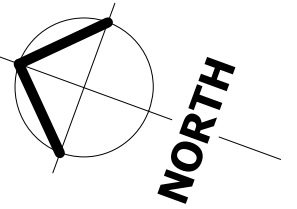
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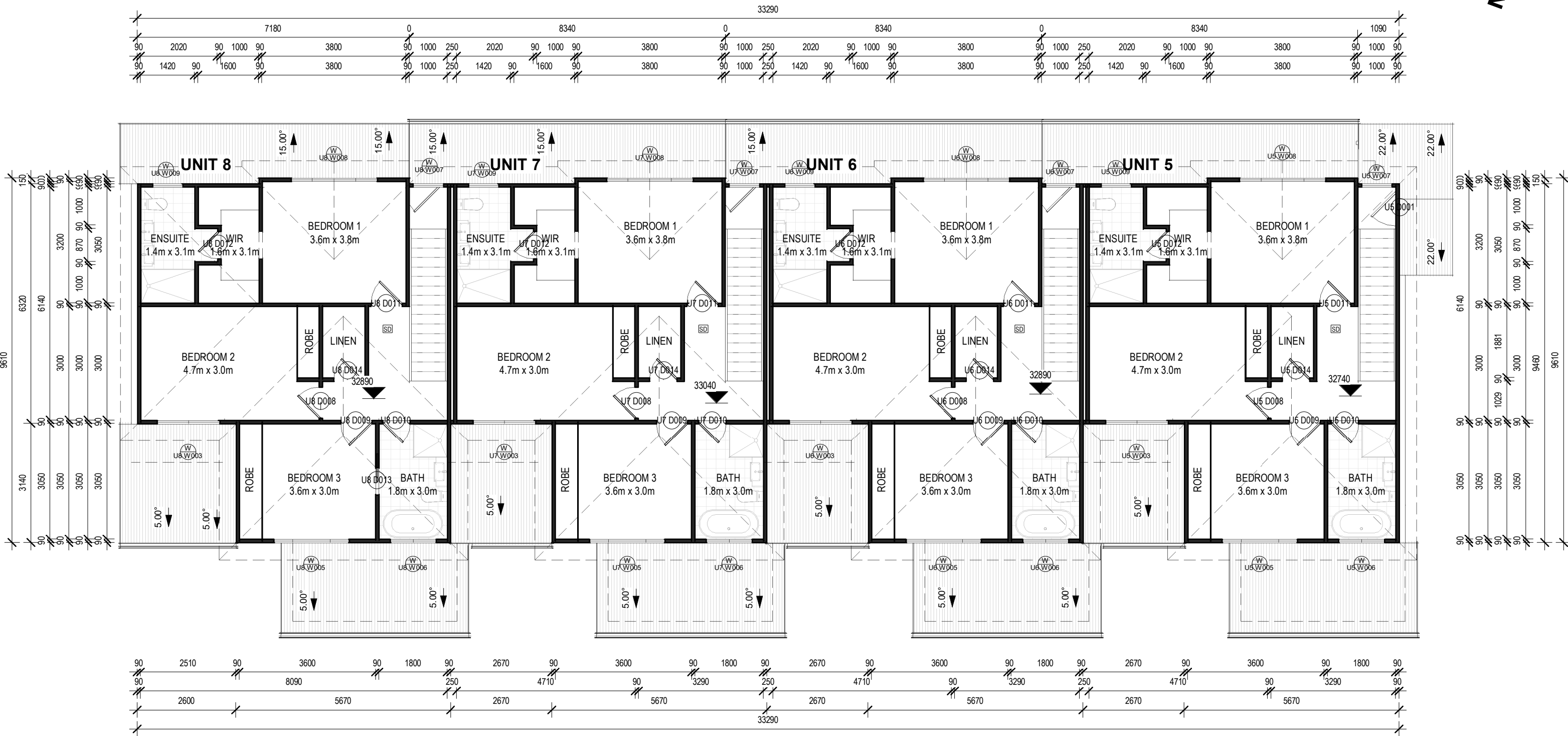
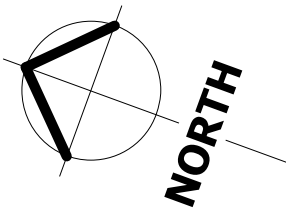


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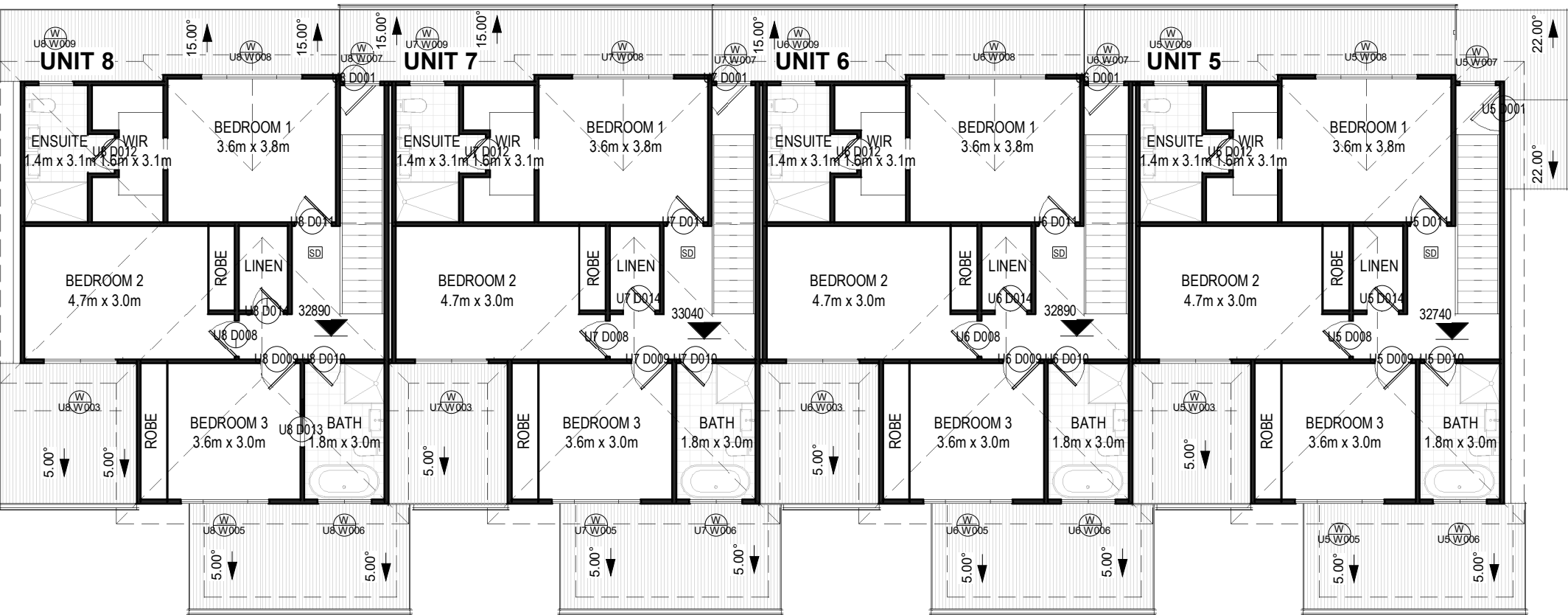
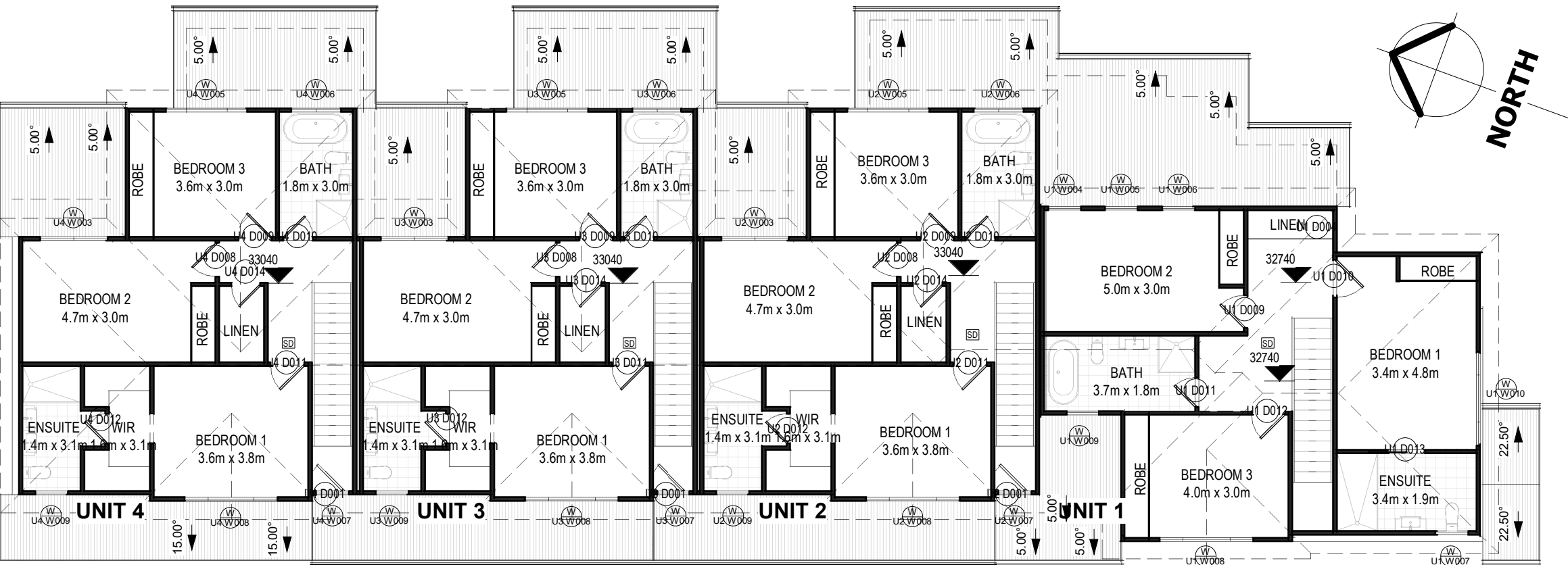
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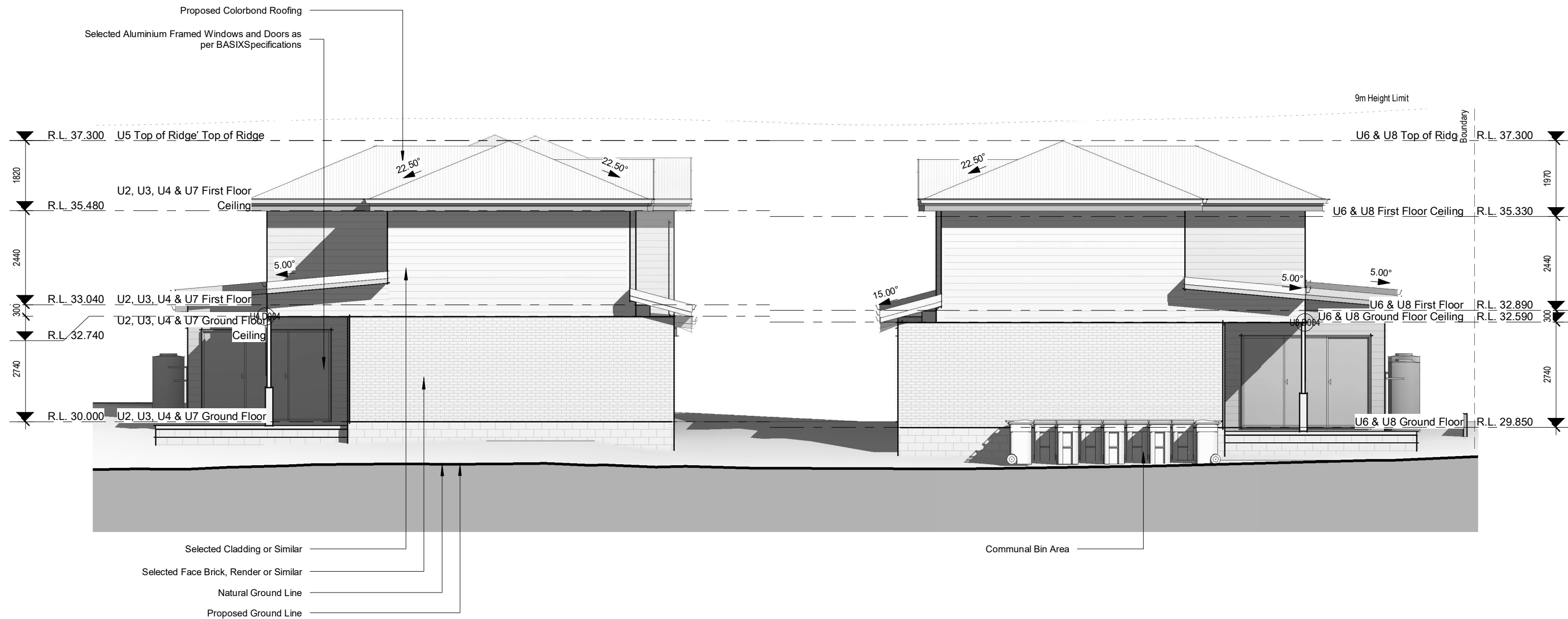
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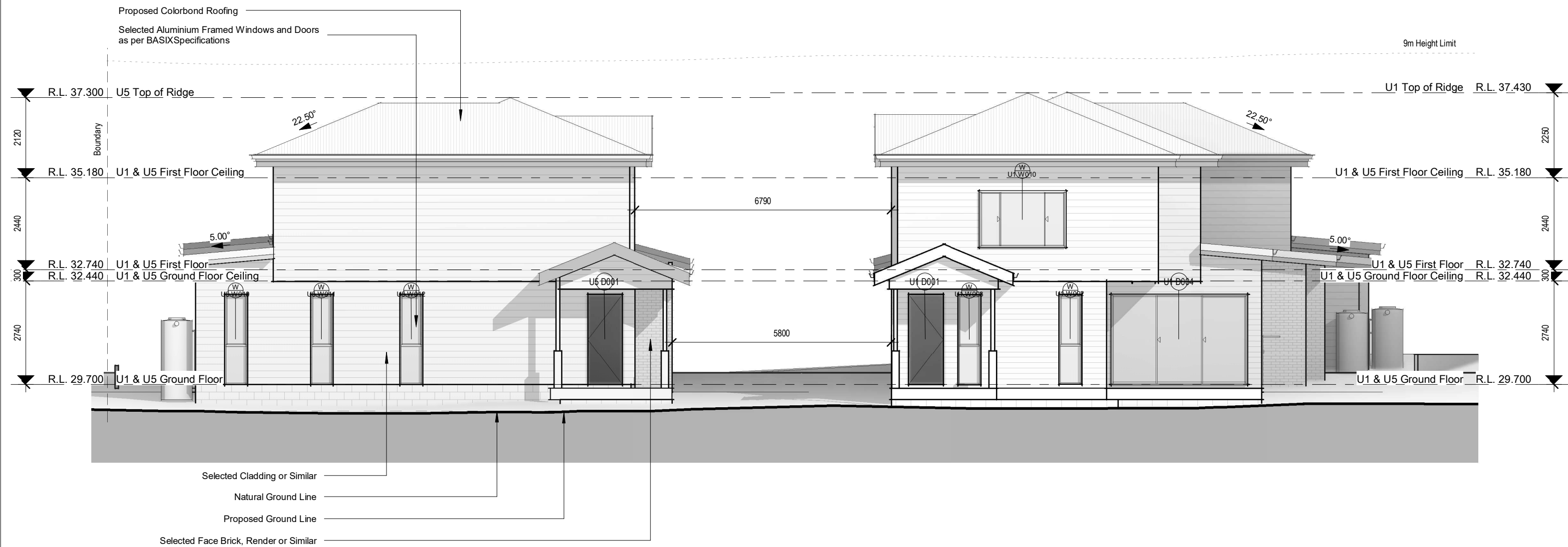
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CLIENT:	R.Heckenberg	SCALE @ A3:	1 : 100	
ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	PROJECT NO:	-	SHEET:
LGA:	DA ISSUE	DRAWN BY:	M.LISICA	11



1 South Elevation  
1 : 100

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LGA:	DA ISSUE	DRAWN BY:	M.LISICA	12



2

## East Elevation Unit 1 - 4

1 : 100

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<b>PROPOSAL:</b>	Proposed Multi Dwelling Development and Strata Title Subdivision	<b>DATE:</b>	28/03/2021	<b>DA-02-01</b>
<b>CLIENT:</b>	R.Heckenberg	<b>SCALE @ A3:</b>	1 : 100	
<b>ADDRESS:</b>	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	<b>PROJECT NO:</b>	-	<b>SHEET:</b>
<b>LGA:</b>	DA ISSUE	<b>DRAWN BY:</b>	M.LISICA	<b>13</b>



1 West Elevation Unit 1 - 4  
1 : 100

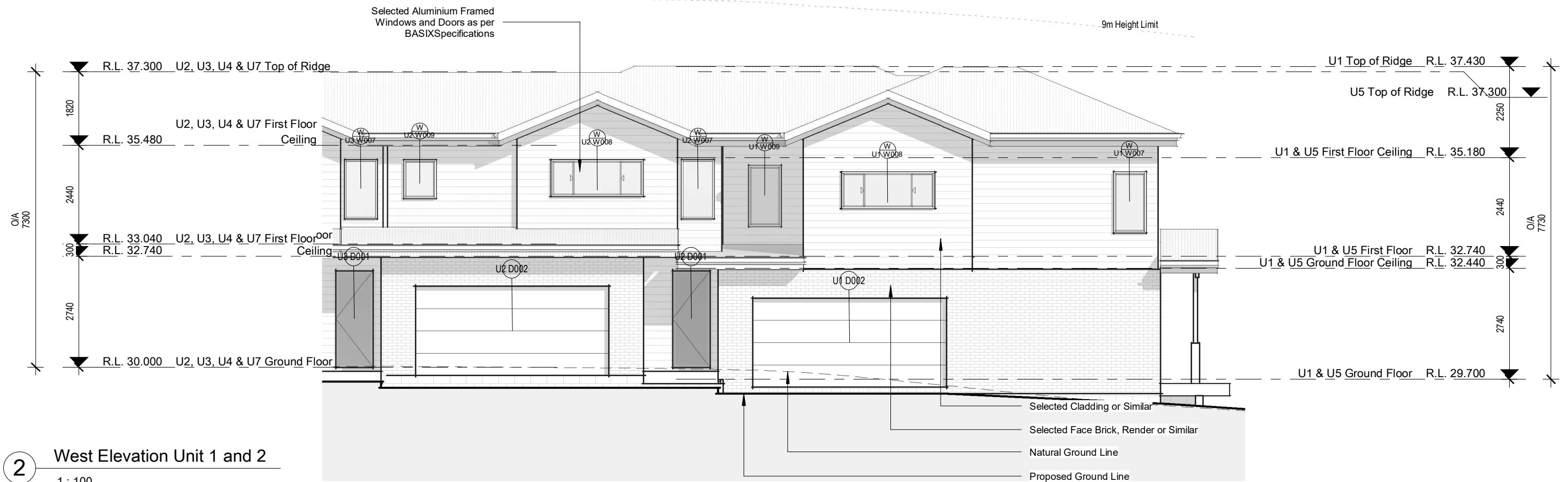


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PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision	DATE:	28/03/2021	DA-02-01	
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LGA:	DA ISSUE	DRAWN BY:	M.LISICA	14	



2 West Elevation Unit 1 and 2  
1 : 100



1 East Elevation Unit 1 and 2  
1 : 100



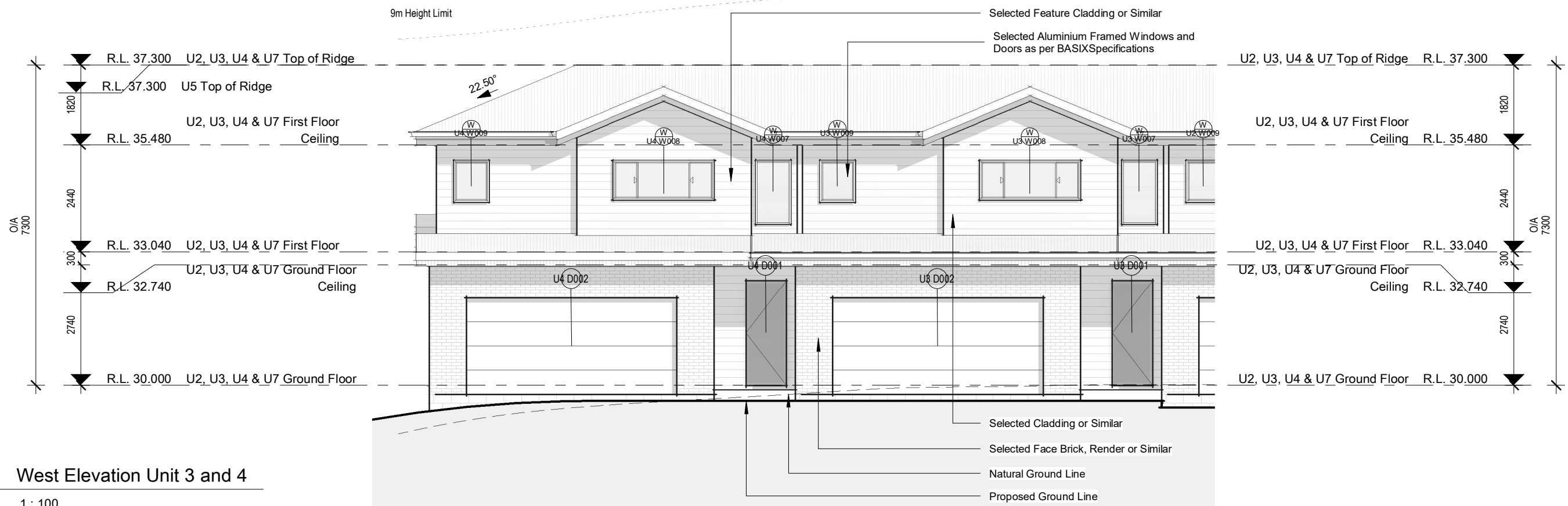
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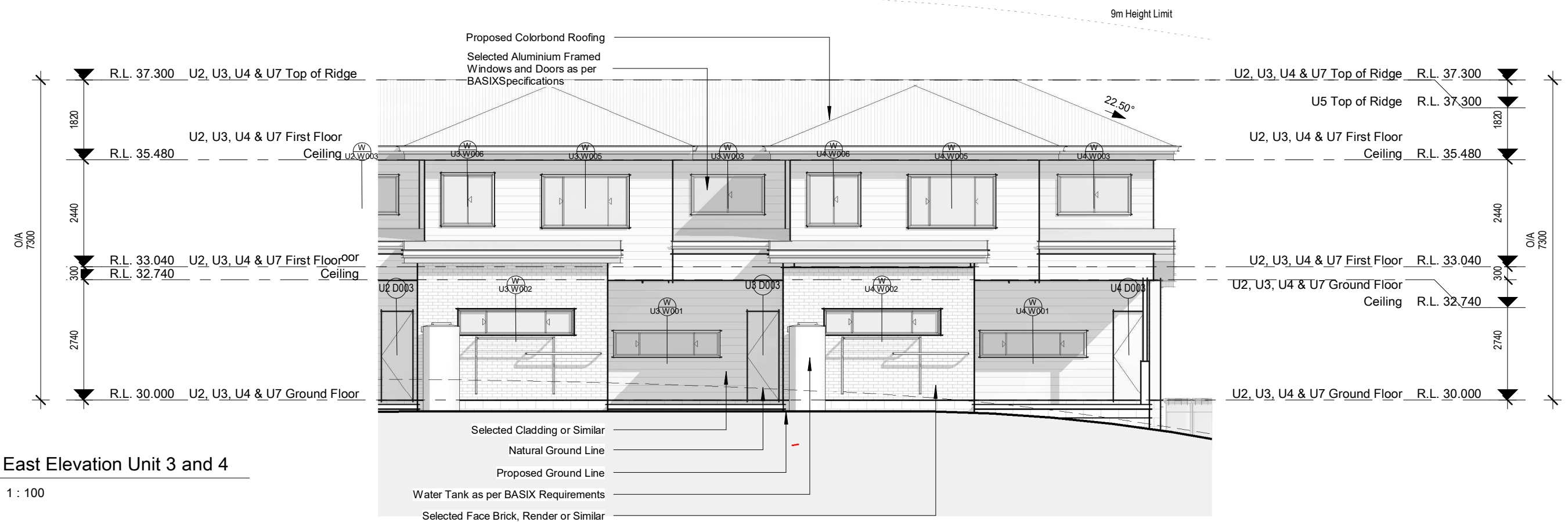
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ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	PROJECT NO:	-	SHEET:
LGA:	DA ISSUE	DRAWN BY:	M.LISICA	15

1 West Elevation Unit 3 and 4  
1 : 100



2 East Elevation Unit 3 and 4  
1 : 100



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CLIENT:	R.Heckenberg		SCALE @ A3:	1 : 100	
ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500		PROJECT NO:	-	SHEET:
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1

## East Elevation Unit 5 - 8

1 : 100



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<b>SHEET:</b>	<b>EAST ELEVATION UNIT 5 - 8</b>			<b>ISSUE:</b>
<b>PROPOSAL:</b>	Proposed Multi Dwelling Development and Strata Title Subdivision	<b>DATE:</b>	28/03/2021	<b>DA-02-01</b>
<b>CLIENT:</b>	R.Heckenberg	<b>SCALE @ A3:</b>	1 : 100	
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<b>LGA:</b>	DA ISSUE	<b>DRAWN BY:</b>	M.LISICA	<b>17</b>



1 West Elevation Unit 5 - 8  
1 : 100

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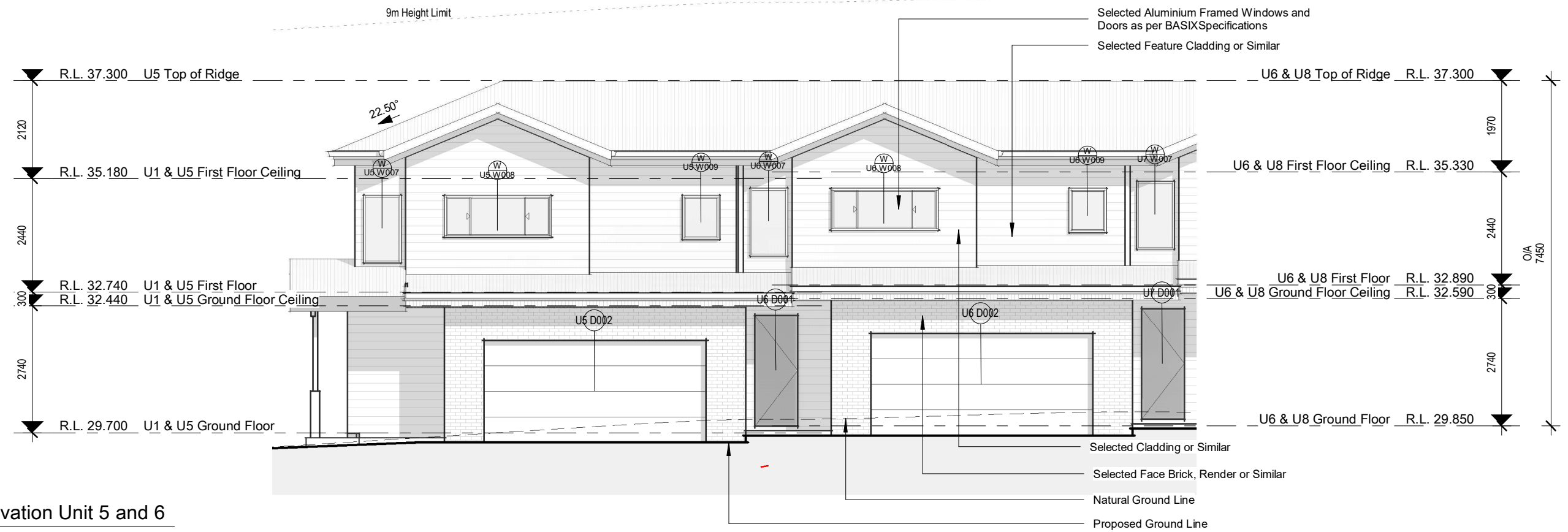
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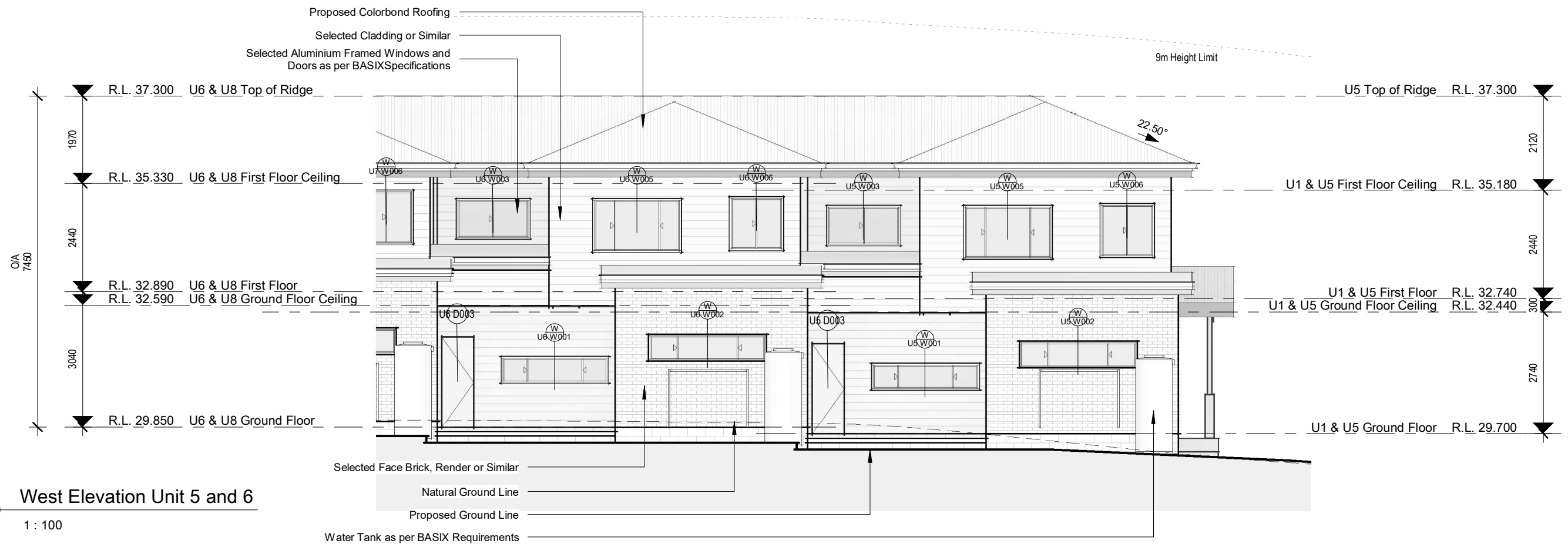
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1 East Elevation Unit 5 and 6  
1 : 100



2 West Elevation Unit 5 and 6  
1 : 100

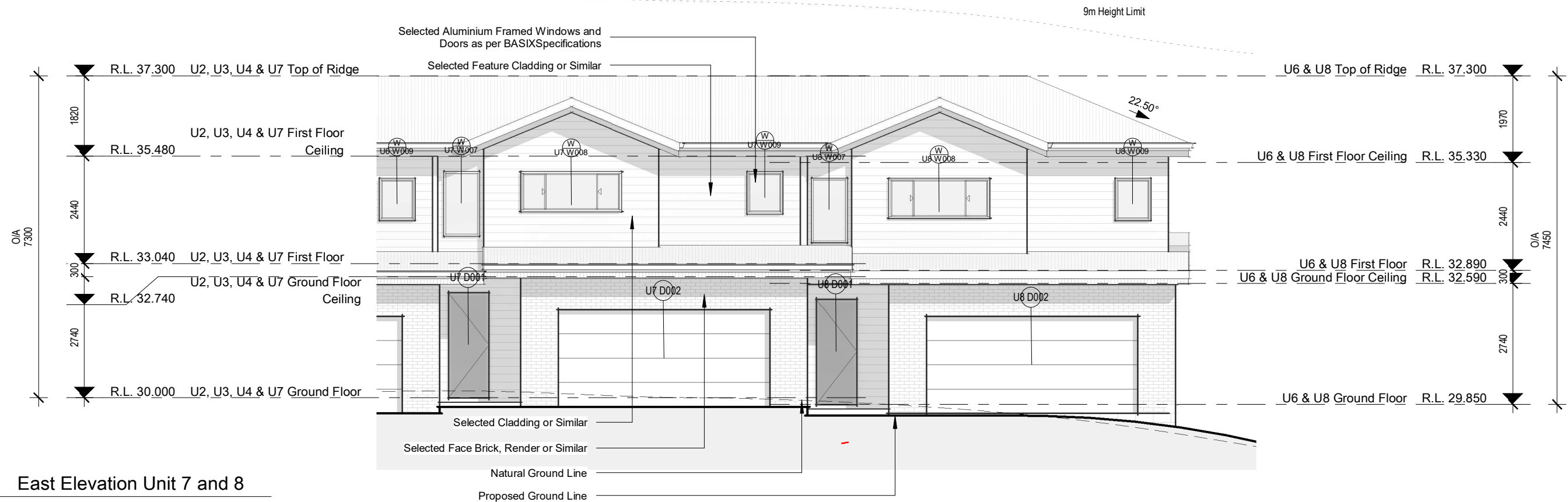


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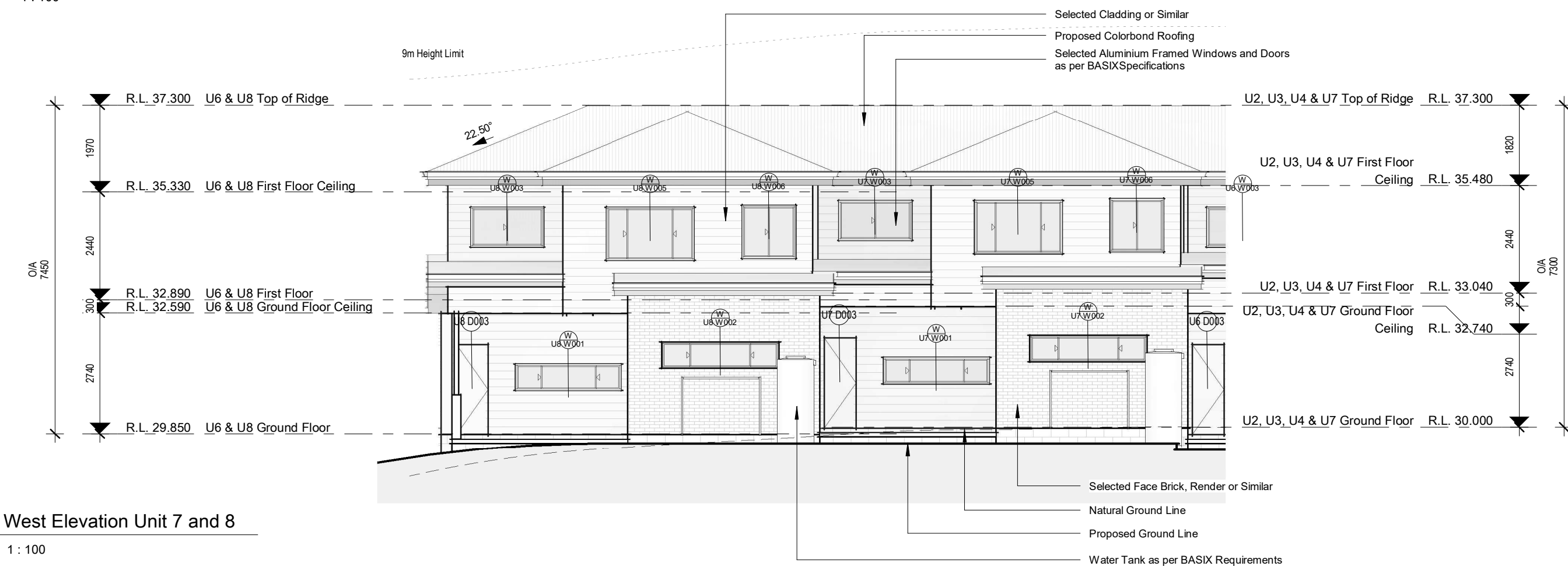
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LGA:	DA ISSUE		DRAWN BY:	M.LISICA	19



2 East Elevation Unit 7 and 8  
1 : 100



1 West Elevation Unit 7 and 8  
1 : 100

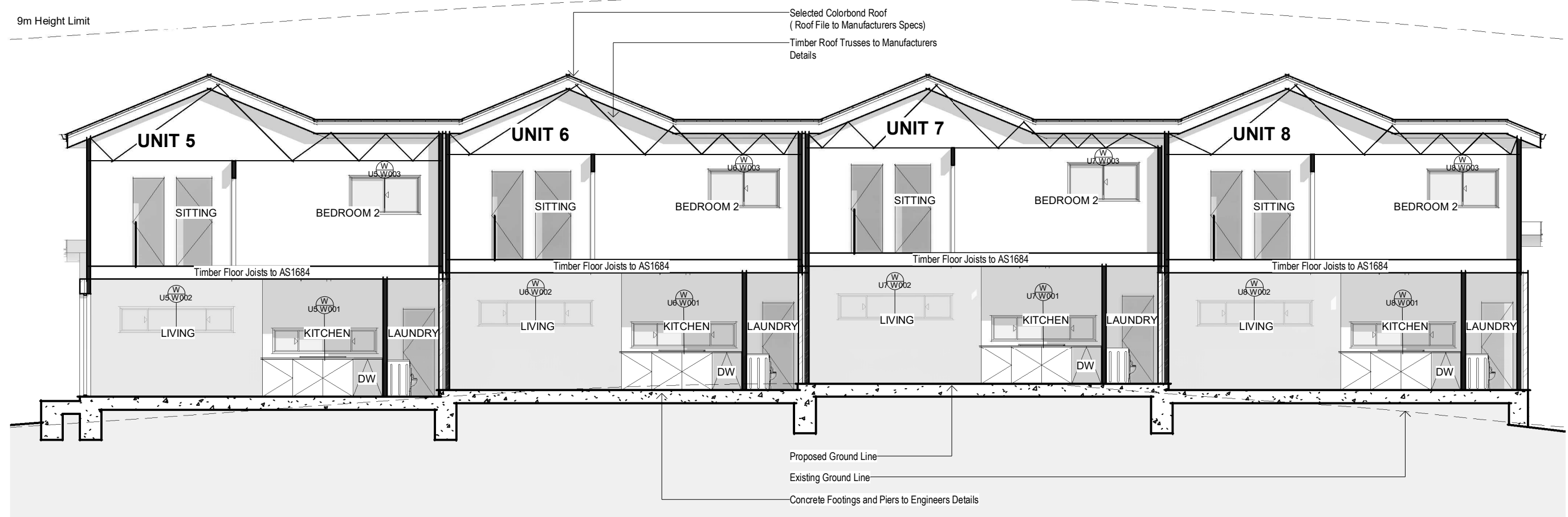


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1 Section AA  
1 : 100

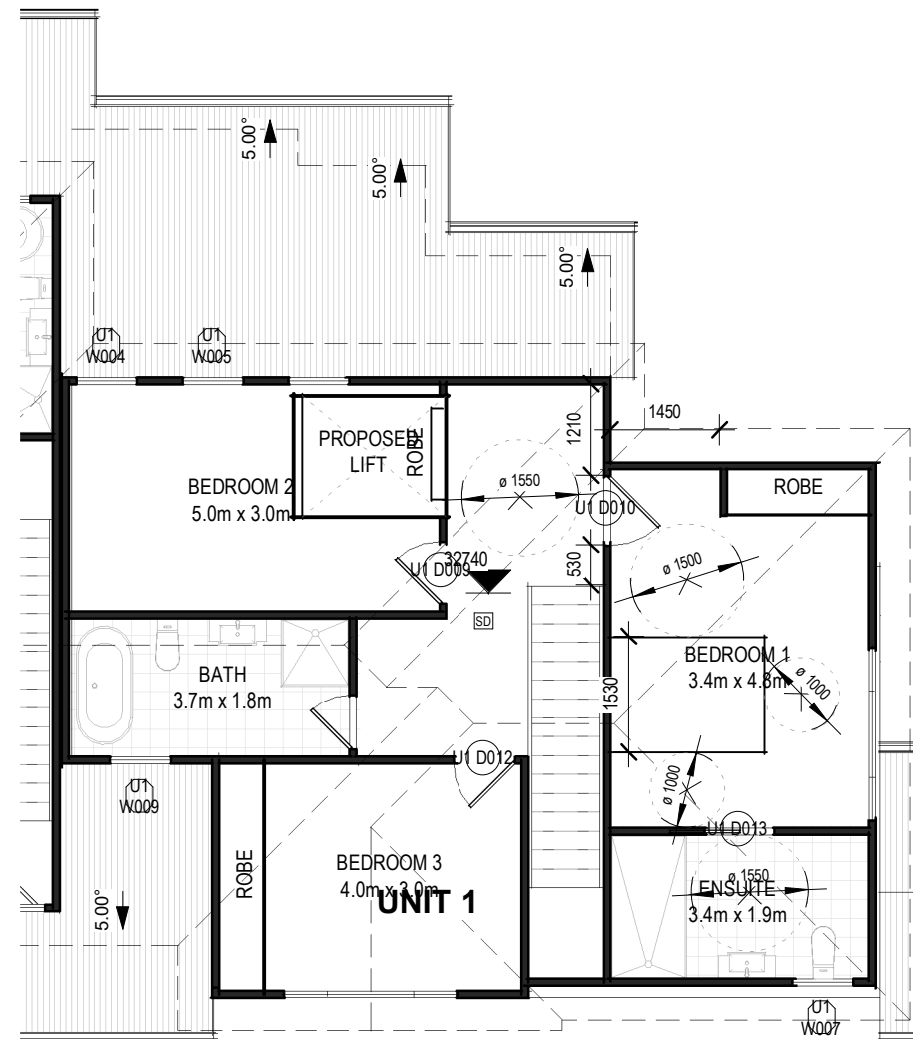
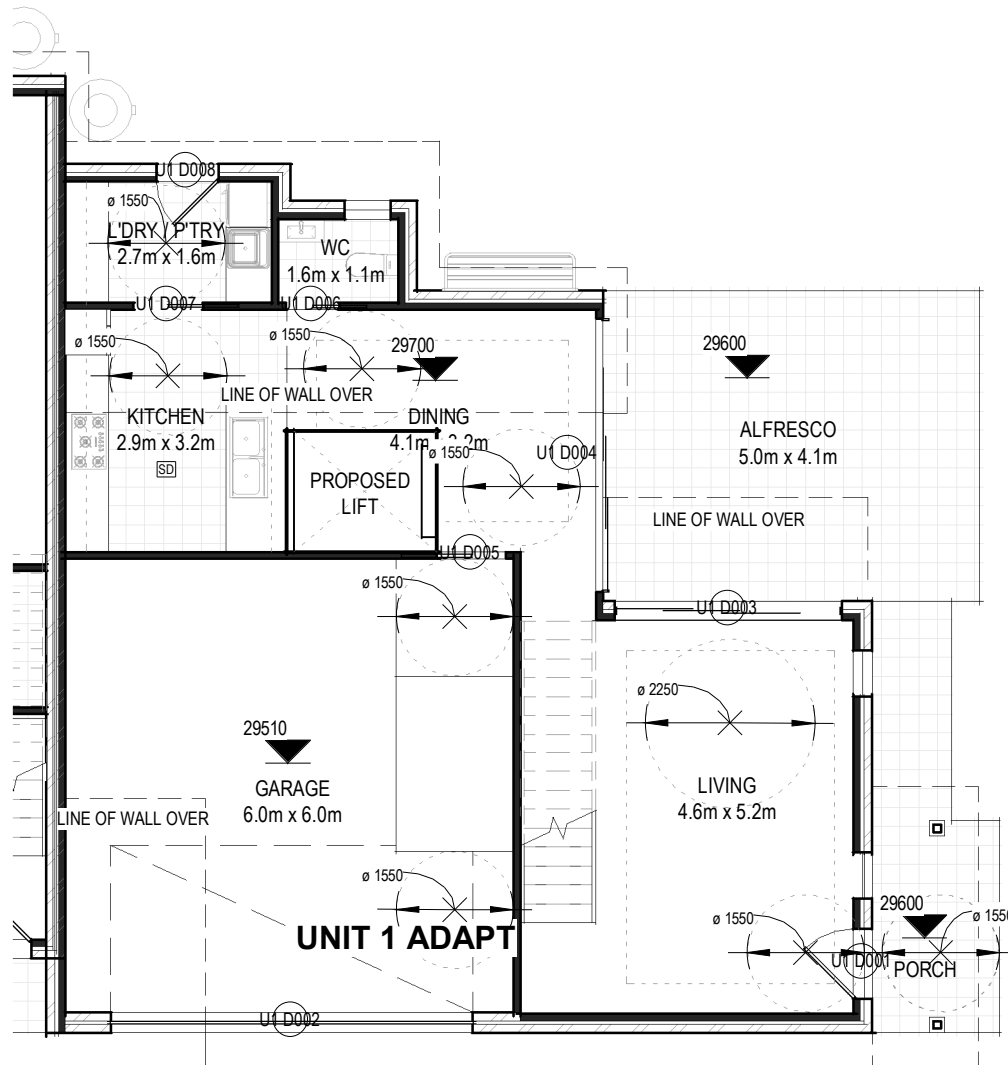



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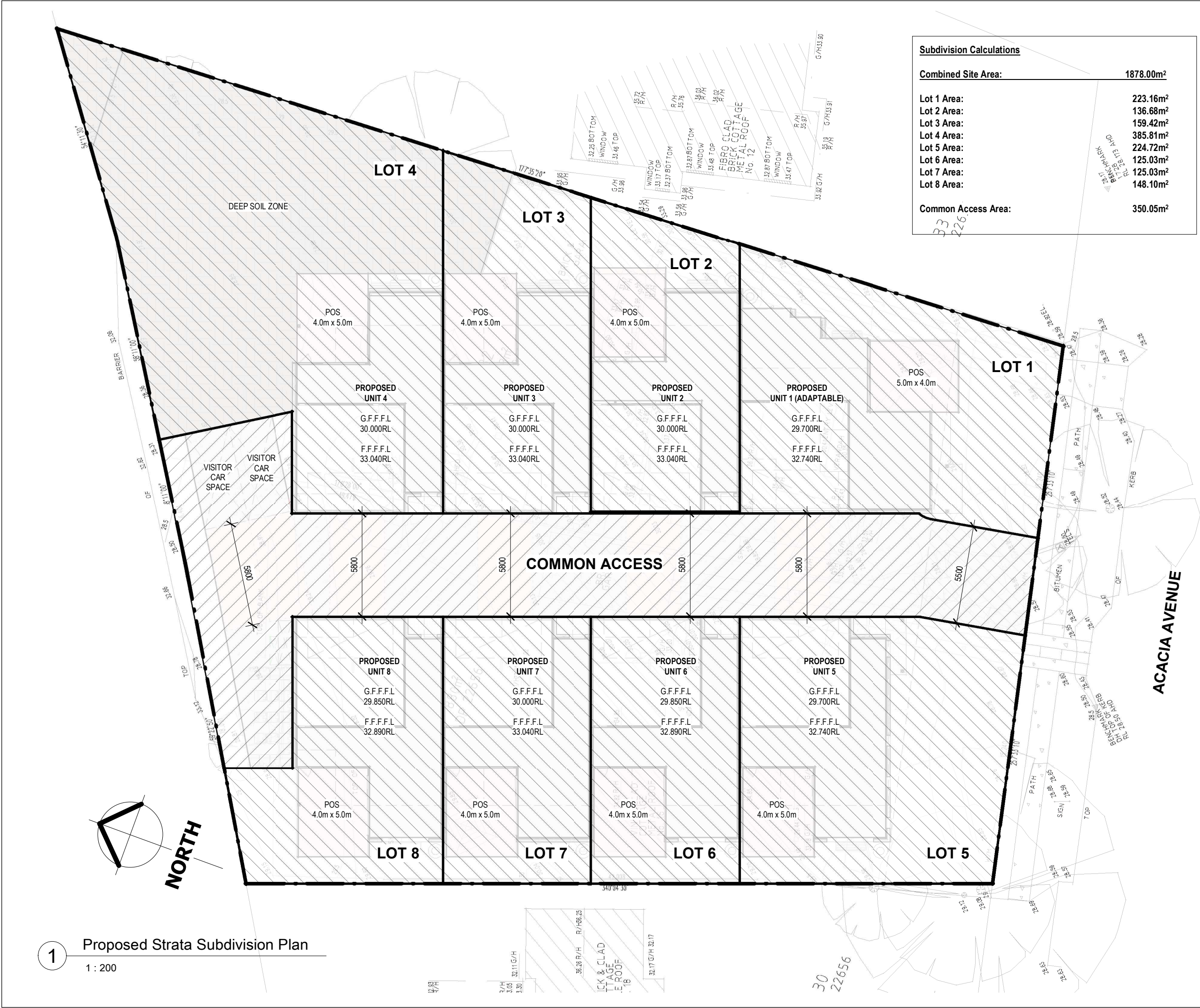
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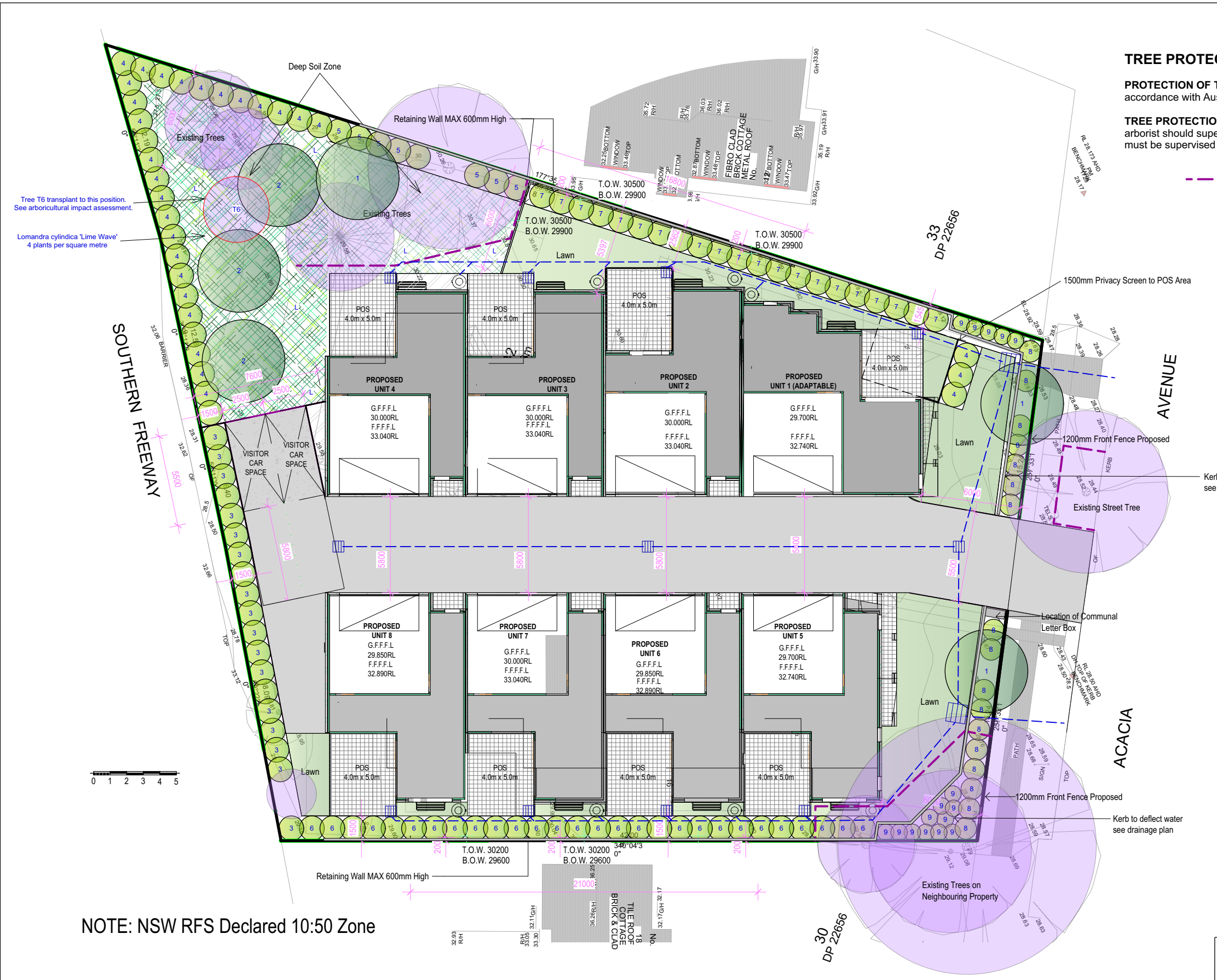
SHEET:	SECTION AA				ISSUE:	
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision			DATE:	28/03/2021	DA-02-01
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					<b>PROPOSAL:</b>	Proposed Multi Dwelling Development and Strata Title Subdivision		<b>DATE:</b>	28/03/2021	<b>DA-02-01</b>
					<b>CLIENT:</b>	R.Heckenberg		<b>SCALE @ A3:</b>	1 : 100	
					<b>ADDRESS:</b>	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500		<b>PROJECT NO:</b>	-	<b>SHEET:</b>
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PROPOSED EXTENSION		
14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500		
R.Heckenberg		
DA SUBMISSION		
TITLE: <b>Issue DA-02-01</b>		
STRATA TITLE SUBDIVISION PLAN		
SCALE @ A3:		DATE:
1 : 200		28/03/2021
PROJECT NO:		SHEET NO:
-		26

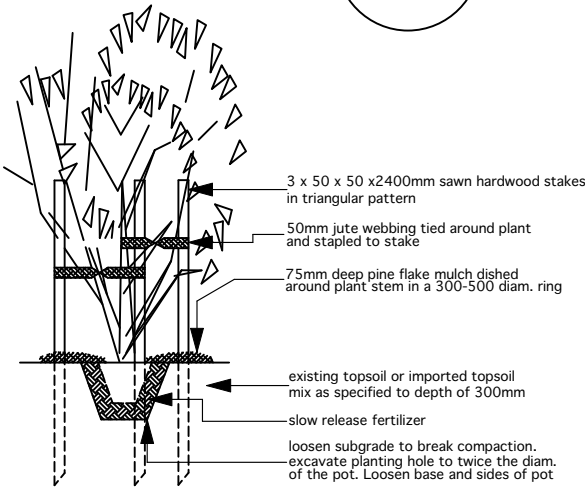
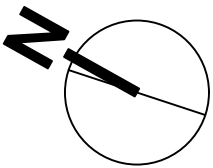


TREE PROTECTION ZONE (TPZ) REQUIREMENTS

PROTECTION OF TREES TO BE RETAINED - Tree protection zones (TPZ) must be established in accordance with Australian Standard AS 4970-2009 Managing Trees on Development Sites.

TREE PROTECTION FENCING - TPZ fencing to be installed as shown on the landscape plan. The project arborist should supervise TPZ fencing placement and erection. All works that occur withing the nominated TPZ must be supervised by the project arborist.

TPZ fencing locations



PLANTING DETAILS



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NOTE: NSW RFS Declared 10:50 Zone

NO.	DATE	REVISION DETAILS	BY	PROJECT	CLIENT	PROJECT #
A	25/06/20	REVISED PLANTING	MS	LANDSCAPE DESIGN	10STAR LIVING HECKENBERG	MS2020080
B	14/09/20	REVISED DRAINAGE DETAIL & PLANTING. TPZ LOCATION INFORMATION.	MS			14 / 09 / 2020
				ADDRESS		SCALE @ A3 1 : 250
				14-16 ACACIA AVENUE, GWYNNEVILLE		DRAWN BY MARK SPENCE
						FILE NAME MS2020080
						PAGE # PAGE 1 OF 2



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ABN: 54 132 590 517



LANDSCAPE PLANTING SCHEDULE					
BOTANIC NAME	COMMON NAME	(H) x (W)	SIZE	QTY	STAKING
1 Elaeocarpus reticulatus	Blueberry Ash	8 m x 5 m	45 litre	3	YES
2 Brachychiton acerifolius	Illawarra Flame Tree	12 m x 6 m	45 litre	3	YES
3 Syzygium smithii 'Firescreen'	Firescreen Lilly Pilly	3 m x 1.5 m	200 mm	21	NO
4 Viburnum 'Dense Fence'	Dense Fence Viburnum	2.5 m x 1.5 m	200 mm	32	NO
5 Dodonea viscosa 'Purpurea'	Purple Hop Bush	2.5 m x 1.5 m	200 mm	8	NO
6 Syzygium australe 'Resilience'	Resilience Lilly Pilly	3 m x 1.5 m	200 mm	28	NO
7 Michelia figo	Port Wine Magnolia	3 m x 1.5 m	200 mm	21	NO
8 Westringia 'Blue Gem'	Blue Gem Westringia	1.5 m x 1.5 m	200 mm	17	NO
9 Grevillea 'Crimson Villea'	Crimson Villea Grevillea	0.9 m x 0.9 m	200 mm	16	NO
L Lomandra cylindrica 'Lime Wave'	Lime Wave Lomandra	0.8 m x 0.8 m	100 mm	850	NO

PLANTING AND LANDSCAPE MAINTENANCE REQUIREMENTS

**PLANT MATERIAL** - Plants shall be pest and disease free and have correct shape and form. Plants shall be well advanced in the growing container but not be potbound.

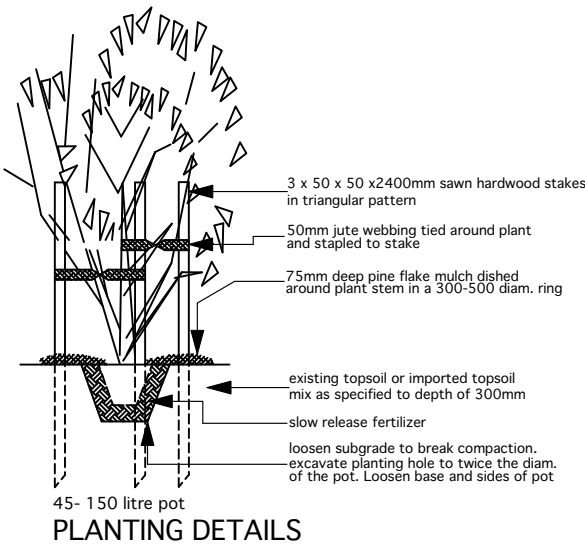
**STAKING** - Stakes shall be hardwood timber measuring 50 x 50 x 2400mm. Jute webbing or similar should be used to secure the tree species to the timber stakes.

**MULCHING** - Mulch is to be placed in all areas of planting to a uniform depth of 75mm. Mulch should be hardwood woodchop, river gravel 5 - 10mm or similar. A consistent depth of mulch is to be maintained for a period of 12 months following the initial landscape installation.

**TURF** - Turf shall be quality kikuyu or buffalo grass that is weed, pest and disease free. Turf shall be maintained at regular intervals with fortnightly cutting during the growing season and monthly cutting during the cooler months. Cutting height shall ensure that the turf is not scalped or damaged by mowing.

**WATERING** - Planted trees, lawn and garden areas shall be watered regularly to ensure continuous and healthy growth. Water shall be frequently applied after planting to ensure that plant establishment is rapid and healthy growth continues. Water shall be made available to all new plantings on an as need basis, this is a climate dependent variable.

**MAINTENANCE PERIOD** - Shall be for a period of 12 months commencing from the completion of the initial landscape works.



NOTE: NSW RFS has declared this site as a 10:50 bushfire protection zone

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NO.	DATE	REVISION DETAILS	BY	PROJECT	CLIENT	PROJECT #	MS2020080
A	25/06/20	REVISION PLANTING	MS	LANDSCAPE DESIGN	10STAR LIVING	DWG DATE	14 / 09 / 2020
B	14/09/20	REVISED DRAINAGE DETAIL & PLANTING. TPZ LOCATION INFORMATION.	MS			SCALE @ A3	1 : 250
				ADDRESS 14-16 ACACIA AVENUE, GWYNNEVILLE	HECKENBERG	DRAWN BY	MARK SPENCE
						FILE NAME	MS2020080
						PAGE #	PAGE 2 OF 2



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Email: [markspence@optusnet.com.au](mailto:markspence@optusnet.com.au)

ABN: 54 132 590 517

## Attachment 4 – WDCP 2009 Assessment

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

The proposal is considered to be consistent with the principles of Ecologically Sustainable Development. Satisfactory BASIX Certificates were submitted as part of this application.

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

The proposal is for demolition of the existing dwellings and ancillary structures, removal of eight (8) trees and construction of multi dwelling housing. Therefore an assessment of the proposal has been undertaken against the provisions of Chapter B1 of WDCP 2009 as detailed below.

Chapter B1 contains residential development controls for multi dwelling housing. Clause 5 applies to multi dwelling housing and provides additional controls to those in Section 4 (excluding 4.1 to 4.10 and 4.19 to 4.23) that must be taken into consideration.

#### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.11 Storage Facilities</u> <ul style="list-style-type: none"><li>4 bedroom- 10m<sup>3</sup> storage volume to 5m<sup>2</sup> storage area</li></ul>	The proposed development will provide adequate storage facilities.	Yes
<u>4.12 Site Facilities</u> <ul style="list-style-type: none"><li>letterboxes in an accessible location</li><li>air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback</li></ul>	The necessary site facilities have been provided and are acceptable in this circumstance.	Yes
<u>4.13 Fire Brigade Servicing</u> <ul style="list-style-type: none"><li>All dwellings located within 60m of a fire hydrant</li></ul>	The closest fire hydrant is located at No. 41 Acacia Avenue. The subject site can be adequately serviced by fire fighting vehicles in this circumstance.	Yes
<u>4.14 Services</u> <ul style="list-style-type: none"><li>Encourage early consideration of servicing requirements</li></ul>	Water, electricity, sewerage and telephone services are available to the site.	Yes
<u>4.16 View sharing</u> <ul style="list-style-type: none"><li>To protect and enhance view sharing, significant view corridors</li><li>A range of view sharing measures to be considered for building design</li></ul>	The proposal will not result in any unreasonable loss of views.	Yes

<p><b>4.17 Retaining Walls</b></p> <ul style="list-style-type: none"> <li>Maximum retaining wall of 600mm at any distance up to 900mm setback from any side or rear boundary</li> <li>Retaining wall over 1m to be designed by an engineer</li> </ul>	<p>The proposal requires two boundary retaining walls (along east and west side boundary) with a maximum height of 600mm. The eastern boundary retaining wall is 16.8 m long and the western boundary retaining wall is 21m long. The proposal complies with the provisions of Clause 4.17.</p> <p>Condition recommended to ensure satisfactory retaining wall construction.</p>	<p>Yes</p>
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## 5.0 Attached dwellings and multi-dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><b>5.1 Minimum Site Width Requirement</b></p> <p>18m for multi-dwelling</p>	<p>The proposal involves multi-dwelling housing and consolidation of the two adjoining lots is required to facilitate this development in compliance with the provisions of Cl 5.1.2.3. Combined, the minimum site width is approximately 30.48m at the narrowest point along the front property boundary.</p>	<p>Yes</p>
<p><b>5.2 Number of Storeys</b></p> <p>Maximum 2 Storeys for Zone R2 Low Density Residential</p>	<p>All proposed units are two (2) storeys. Maximum overall building height is 7.58m.</p>	<p>Yes</p>
<p><b>5.3 Front Setbacks</b></p> <ul style="list-style-type: none"> <li>Infill 6m minimum</li> <li>Balconies, courtyard fences and the like may be setback 900mm closer than minimum required front setback</li> </ul>	<p>Unit 1: Front Setback: 6.088m</p> <p>Unit 5: Front Setback: 6.005m</p> <p>Building projections do not extend forward by more than 900mm into the front setback.</p>	<p>Yes</p>
<p><b>5.4 Side and Rear Setbacks</b></p> <ul style="list-style-type: none"> <li>0.8 x ceiling height min</li> </ul>	<p><u>Proposed Side &amp; Rear Setbacks</u></p>	<p>Yes</p>

- 1.0 x ceiling height where windows of living areas face the rear or side boundary at first floor level.

Required Side/Rear Setbacks

Units 1-8 Ground Floor: 2.192m

Units 1-8 First Floor: 4.384m

**Unit 1**

Side Setback

Ground Floor: 2.564m

First Floor: 4.464m

**Unit 2**

Side Setback

Ground Floor: 2.353m

First Floor: 4.464m

**Unit 3**

Side Setback

Ground Floor: 4.836m

First Floor: 6.856m

**Unit 4**

Side Setback

Ground Floor: 7.73m

First Floor: 9.336m

Rear Setback

Ground Floor: 6.469m

First Floor: 6.887m

**Unit 5**

Side Setback

Ground Floor: 2.331m

First Floor: 4.391m

**Unit 6**

Side Setback

Ground Floor: 2.331m

First Floor: 4.391m

**Unit 7**

Side Setback

Ground Floor: 2.331m

First Floor: 4.391m

**Unit 8**

Side Setback

Ground Floor: 2.331m

First Floor: 4.391m

	<p>Rear Setback</p> <p>Ground Floor: 3.814m</p> <p>First Floor: 4.154m</p>	
<p><u>5.5 Building Character and Form</u></p> <ul style="list-style-type: none"> <li>To design residential development to respond to the streetscape character. The Site and Context Analysis must inform the development proposal.</li> <li>To complement and enhance the visual character of the street and neighbourhood through appropriate building scale, form and detail.</li> <li>Entrances to be visible from the street to clearly address the street frontage</li> </ul>	<p>It is considered that the design, height and siting of the proposed dwellings adequately responds to the site context.</p> <p>The proposal defines the street edge and allows for surveillance of the street, with Units 1 &amp; 5 addressing the street frontage. Both units have individual entries facing the street. Significant articulation is provided on all elevations and the proposal is appropriate in scale and form when considered in relation to the existing residential development in the surrounding area.</p>	Yes
<p><u>5.6 Access / Driveway Requirements</u></p> <p>Provide adequate and safe vehicular access for all dwellings</p>	<p>All units achieve vehicular access from a central driveway. The proposed development satisfies the objectives of Council's Access/Driveway Requirements controls and policies.</p> <p>Council's Development Engineer has no objections to the proposed access arrangements, subject to recommended conditions of consent.</p>	Yes
<p><u>5.7 Car Parking Requirements</u></p> <ul style="list-style-type: none"> <li>2 car parking spaces per dwelling greater than 110m<sup>2</sup></li> <li>Plus 0.2 visitor car parking spaces per dwelling</li> <li>Car parking to be located behind the building setback</li> </ul>	<p><u>Required Parking:</u></p> <p>2 spaces per dwelling = 16 spaces</p> <p>0.2 x 8 dwellings = 2 visitor space (rounded up from 1.6)</p> <p>Therefore, a total of eighteen (18) car parking spaces are required for the proposed development, plus 1 motorcycle parking space and 4 bicycle parking spaces.</p> <p><u>Proposed Parking:</u></p> <p>The proposal provides a total of 18 car parking spaces for the development in the form of a double garage for each dwelling, and two hard stand visitor parking spaces at the rear of the property. Adequate motorcycle and</p>	Yes

	<p>bicycle parking is provided. All parking spaces are located behind the front building setback of Units 1 &amp; 5.</p> <p>Council's Traffic Officer has raised no objections to the proposed parking, subject to recommended conditions of consent.</p> <p>The proposed development satisfies the objectives of Council's Car Parking Requirements controls and policies.</p>	
<p><u>5.8 Landscaping Requirements</u></p> <ul style="list-style-type: none"> <li>• A minimum of 30% of the total site area must be provided as landscaped area.</li> <li>• Minimum landscaped area: 563.4m<sup>2</sup></li> <li>• Side and rear boundaries to be provided with minimum 1.5m wide landscaped area</li> <li>• A minimum of two (2) new trees to be provided on-site</li> </ul> <p><u>5.9 Deep Soil Planting</u></p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• No structures, basement car parks, driveways, hard paving, decks, balconies or drying areas are permitted within the deep soil zone.</li> <li>• The deep soil zone shall be densely planted with trees and shrubs.</li> </ul>	<p>Landscaped Area Proposed: 645.86m<sup>2</sup> or 34.4%</p> <p>The proposed development satisfies the objectives of Council's landscaped area controls and policies.</p> <p>Council's Landscape Officer has reviewed the application submission. Conditionally satisfactory referral advice was received and conditions specify trees to be removed, trees that shall be retained, tree protection and management and compensatory plantings.</p> <p>Deep Soil Area Proposed: 295.921m<sup>2</sup> or 15.76%</p> <p>The deep soil zone (DSZ) is continuous, with a minimum width of 6m and is located in the rear north eastern corner of the site. The DSZ is free from structures, densely planted with trees and shrubs and retains three (3) existing trees that are identified as Trees 13, 15 &amp; 16 in the Arboricultural Impact Assessment.</p> <p>Council's Landscape Officer has reviewed the application submission. Conditionally satisfactory referral advice was received and conditions specify trees to be removed, trees to be retained, tree protection and management and compensatory plantings.</p>	<p>Yes</p> <p>Yes</p>

<p><u>5.10 Communal Open Space</u></p> <p>Required for greater than ten (10) dwellings</p>	<p>Not Applicable. The proposal is for eight (8) dwellings.</p>	<p>N/A</p>
<p><u>5.11 Private Open Space</u></p> <ul style="list-style-type: none"> <li>• Private open space must be provided in the form of a balcony or courtyard with a minimum area of 20m<sup>2</sup></li> <li>• Minimum courtyard POS dimensions of 4 x 5 metres and be clearly defined</li> <li>• 70% of POS areas must receive a minimum of 3 hours of direct sunlight on June 21</li> <li>• POS courtyards must not extend forward of the front building line by more than 900mm</li> </ul>	<p>All units include a private open space (POS) with a ground floor courtyard 20m<sup>2</sup> in area. The internal POS dimensions are shown as 4m x 5m, on level ground and are directly accessible from living areas as per Clause 5.1.</p> <p>The private open space for each unit is separated from the boundary by an appropriate vegetated landscape bed. Privacy for each POS is achieved with a combination of landscaping and privacy fencing. Reasonable solar access is afforded with a east/ west orientation for all units. Unit 1 POS extends forward of the front building line by 830mm.</p>	<p>Yes</p>
<p><u>5.12 Solar Access Requirements</u></p> <ul style="list-style-type: none"> <li>• Living room windows and POS areas in adjoining development must receive a minimum 3 hours of direct sunlight between the hours of 9am and 3pm on June 21</li> <li>• Min. 50% POS for each dwelling to receive 3 hours continuous sunlight between the hours of 9am to 3pm on June 21</li> </ul>	<p>The subject site is oriented in a north/ south axis and the proposal was accompanied with a set of shadow diagrams which demonstrate adequate solar access.</p> <p>The proposed development will have an acceptable impact on adjoining properties in terms of solar access as reasonable setbacks and building heights have been maintained.</p> <p>The units have been oriented on the lot so as to maximise the amount of sunlight received by the private open space.</p> <p>It is considered that the proposed development achieves satisfactory solar access for all private open space areas.</p>	<p>Yes</p>
<p><u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u></p> <p>Required for greater than ten (10) dwellings.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p><u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u></p> <p>For multi dwelling housing with more than 6 dwellings, 10% must be</p>	<p>The proposal includes eight (8) dwellings, including one (1) adaptable unit.</p>	<p>Yes</p>

designed to be capable of adaption for disabled residents.	The application was accompanied with an Access Review Report which demonstrates that Unit 1 is capable of being adaptable for disabled residents.	
Minimum adaptable unit: one (1)		
<u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u>		
	See chapter E2 comments below.	Yes

## CHAPTER R2 – RESIDENTIAL SUBDIVISION

The proposal includes an eight (8) lot strata title subdivision and was accompanied with a subdivision plan. It is noted that the two existing Torrens title lots require consolidation to facilitate that new development and a condition is recommended in this regard.

The controls in this Chapter predominantly relate to large scale Torrens title subdivision. As this application is limited to a small Strata subdivision, no concerns are raised.

The proposal is not inconsistent with any controls contained in this Chapter. Standard conditions are recommended.

## CHAPTER D1 – CHARACTER STATEMENTS

### Gwynneville

Chapter D1 explains that medium density villa or townhouse developments are supportable in areas within the suburb. Any medium density housing should be designed to reflect the character of the surrounding residential area. The low building height and mixed face brick construction ensure that this housing design is generally consistent with requirements for new medium density housing in Gwynneville. The proposal development is considered to be consistent with the existing and desired future character for the locality.

## CHAPTER E1 ACCESS FOR PEOPLE WITH A DISABILITY

Unit 1 is capable of being adapted for disabled use. The application was accompanied with an Access Review Report demonstrating that Unit 1's design complies with relevant policy and legislation for disabled access.

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	It is considered that the proposed development will improve existing lighting conditions on the subject site.  Lighting to public areas is to be provided according to AS1158.	Yes
<u>3.2 Natural surveillance and sightlines</u>	The proposed development provides for natural surveillance of adjoining properties and the street.	Yes

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.3 Signage</u>	No signage is proposed within this application. The proposed development will have minimal impact on the existing signage in the street.	Yes
<u>3.4 Building design</u>	It is considered that the proposed development satisfies CPTED principles by minimising areas of entrapment and concealment, natural surveillance and access controls.	Yes
<u>3.5 Landscaping</u>	Details of the application submission were reviewed by Council's Landscape Officer and no issues were raised with regards to landscaping.	Yes

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

It is considered that the proposed development satisfies the objectives of Council's requirements for car parking and access for multi-dwelling housing in this circumstance.

#### **6 Traffic Impact Assessment**

Under Austroads Guide to Traffic Management Part 12: Figure 4.1, developments which generate less than 10 peak hour vehicle movements are not required to undertake a detailed traffic analysis.

In this case (as per the RTA Guide to Traffic Generating Development), the development is expected to generate a maximum of 5.2 vehicle trips in the AM and PM peak hours (0.65 x 8 units). This equates to roughly 1 vehicle entering or leaving the development every 11.5 minutes in the peak hours which is considered insignificant.

The proposal will result in six (6) additional dwellings which will not generate significant additional traffic. The cumulative impact of other similar development occurring along the street is also not considered to be of concern. The width of the road allows 3000 vehicle movements per day and is operating well within its designed capacity. The proposed development was reviewed by Council's Traffic Officer who raised no concerns with regards to traffic impact.

#### **7 Parking demand and servicing requirements**

	<i>Rate</i>	<i>Calculation</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Car parking	2 car parking spaces per dwelling with a GFA greater than 110m <sup>2</sup>	8 Units (>110m <sup>2</sup> ): 8 x 2 = 16 spaces	16	16	Yes
	0.2 car parking spaces per dwelling for visitors	0.2 x 8 = 1.6 (rounded up to 2) space	2	2	Yes

Motorcycle parking	1 motorcycle space per 15 dwellings	1	1	Yes
Bicycle parking	1 space per 3 dwellings and one space per 12 dwellings (visitors)	3	3	Yes

Manoeuvring complies with AS2890.1 allowing all vehicles to enter and leave in a forward direction with no more than a 3-point turn.

## 8 Vehicular access

Driveway grades and sight distances comply. Condition recommended.

### CHAPTER E6: LANDSCAPING

It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E6 Landscaping. A Landscape Concept Plan was submitted in support of this application and was reviewed by Council's Landscape Architect who provided a satisfactory referral. Conditions of consent are recommended including tree management and compensatory tree planting.

### CHAPTER E7: WASTE MANAGEMENT

It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E7 Waste Management. Conditions will be imposed on the consent to ensure that Waste Management is carried out to Council's Waste Management specification during construction.

### CHAPTER E9 HOARDINGS AND CRANES

The subject site will require hoarding for the proposed development. Condition to be imposed on the consent to ensure that hoarding is erected Council's specification.

### CHAPTER E11 HERITAGE CONSERVATION

The provisions of Chapter E11 are not applicable to this development as the site does not contain a heritage item, is not located within a heritage conservation area; nor is the land located in the vicinity of a heritage item or heritage conservations area.

### CHAPTER E14 STORMWATER MANAGEMENT

The property is not located within an OSD Concession zone and the impervious area of the site will increase by more than 100m<sup>2</sup>. Therefore, an OSD facility is required. The submitted stormwater concept plan shows stormwater disposal to the street.

The application has been reviewed by Council's Development Engineer in relation to stormwater management. The proposed development satisfies the objectives of WDCP2009 Chapter E14 Stormwater Management. Appropriate conditions have been recommended and shall be imposed on the consent.

### CHAPTER E16 BUSHFIRE MANAGEMENT

The subject site is identified as being affected by bushfire and the development entails the subdivision of land. Accordingly, the development is integrated in accordance with the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979.

The application was referred to the NSW Rural Fire Service who issued General terms of Approval that is contained within Attachment 5 and forms part of the consent.

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

The application requires the removal of eight (8) trees as identified on the Arboricultural Impact Assessment and are further described as follows:

Tree 5 *Triadica sebifera* (exempt species near motorway sound barrier)

Tree 7 *Camellia japonica* (located within building footprint)

Tree 8 *Liquidambar styraciflua* (street tree exempt species heavily pruned under power lines)

Tree 9 *Acer palmatum* (located in driveway footprint)

Tree 10 *Syzygium australe* (located in driveway footprint)

Tree 11 *Syzygium* hybrid (located in driveway footprint)

Tree 12 *Acer palmatum*/ *Acacia cognata* (growing together and located within building footprint)

Tree 14 *Syagrus romanzoffiana* (exempt species)

Eight (8) other trees are also identified in the report to be retained. Council's Landscape Officer has assessed the application submission, which included an amended Landscape Concept Plan and Arboricultural Impact Assessment. A satisfactory referral was provided with conditions provided to confirm the trees to be removed, trees to be retained, and tree protection and management measured required.

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

The proposal entails the construction of eight (8) two storey units on concrete slabs on ground and 2 low retaining walls. It is considered that the proposed development will have minimal impact on the surface water drainage of the site and satisfies the objectives of Chapter E19 Earthworks (Land Reshaping Works).

## **CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT**

The application submission proposes demolition of the existing dwellings and structures on the site that include asbestos. A Site Waste Minimisation Plan, including waste removal was included in the application submission. Appropriate conditions will be imposed on the consent to minimise impacts and ensure that demolition is carried out to Council's and SafeWork NSW requirements.

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

Conditions shall be imposed on the consent to minimise the impacts of the proposed works on the environment.

## **Attachment 5**

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

### **NSW Rural Fire Service (RFS)**

Pursuant to s100B – authorisation under the Rural Fires Act 1997 – NSW Rural Fire Service - General Terms of Approval issued by the NSW Rural Fire Service dated 20 January 2022 as attached shall form part of this Notice of Determination.

Conditions imposed by Council as part of this Integrated Development Consent are:

### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing sheet 3-DA-02-01 to 9-DA-02-01, 11-DA-02-01 to 21-DA-02-01, 25-DA-02-01 and 26-DA-02-01 dated 28 March 2021 prepared by 10 Star Pty Ltd and Project No MS 2020080 Drawing page 1-B and 2-B dated 14 September 2020 prepared by Mark Spence and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder. The plans and specifications approved by this Modification supersede plans and specifications previously approved where there are any inconsistencies.

### **General Matters**

#### **2 Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier (PC) prior to occupation or use of the development. In issuing an Occupation Certificate, the PC must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

#### **3 Tree Retention/Removal**

The developer shall retain the existing tree(s) indicated on the Arboricultural Impact Assessment by Mark Spence dated June 2020 and the Landscape Plan by Mark Spence, Issue B dated 14 September 2020 consisting of tree(s) numbered 1, 2, 3, 4, 6, 8, 13, 14, 15 and 16.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development Sites.

All recommendations in the Arboricultural Impact Assessment by Mark Spence dated June 2020 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

The developer shall transplant tree numbered T6 to an appropriate location on site by an experienced and qualified contractor.

This consent permits the removal of trees numbered 5, 7, 9, 10, 11 and 12 No other trees shall be removed without prior written approval of Council.

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

#### **4 Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on Construction Certificate plans prior to the release of the Construction Certificate.

5 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The PC must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

6 **Schedule of External Building Materials/Finishes**

To ensure the development is compatible with the surrounding environment, colours and finishes shall not include white, light or bright colours. The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) shall be submitted for the separate approval of the PC, prior to the release of the Construction Certificate.

7 **Landscaping**

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the PC, prior to the release of the Construction Certificate.

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

- a a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- b the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- c any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

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

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

10 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the PC prior to release of the Construction Certificate.

11 **Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the PC prior to release of the Construction Certificate.
- b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.

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

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the PC for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f The assumed loading used by the engineer for the wall design.
- g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

**13 Stormwater Connection to Kerb**

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

**14 Property Addressing Policy Compliance**

Prior to the issue of any Construction Certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** ([propertyaddressing@wollongong.nsw.gov.au](mailto:propertyaddressing@wollongong.nsw.gov.au)), for the site addressing prior to the issue of the Construction Certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

**15 Footpath Paving**

The developer is responsible for the construction of footpath paving for the entire frontage of the development. The type of paving for this development is a 1500mm wide, 100mm thick, reinforced, broom finished concrete. A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to be broom finished concrete to match the footpath and be designed to withstand predicted traffic loadings.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

The footpath and driveway entry on the Council property must be installed to the satisfaction of WCC Manager of Works.

A Landscape Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.

16 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development one (1) *Tristanopsis laurina* 'Luscious' 200 litre container size, in accordance with AS 2303:2018 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Open Space. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation

17 **Sizing of Drainage**

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

18 **Stormwater Drainage Design**

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by Gary Marsh & Associates, Reference No. 1911-05-01, issue E, dated November 2019.
- b include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

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

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.

- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 600mm x 600mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
  - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - Identification number DA-2021/1310.
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.
- i Modify Orifice calculations section to ensure review of OSD calculations provided.

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

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

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

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

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

22 **Car parking and Access**

The development shall make provision for a total of 18 car parking spaces (including 2 visitor car parking spaces), 1 motorcycle parking space, a minimum of 3 secure (Class B) bicycle spaces and 1 visitor bicycle space (Class C). This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

- 23 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

24 **Bicycle Parking Facilities**

Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS 2890.3 - Bicycle Parking Facilities. This requirement shall be reflected on the Construction Certificate plans.

25 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

## 26 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$11,860.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1394636	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

## **Prior to the Commencement of Works**

### 27 **Sign – Supervisor Contact Details**

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

- stating that unauthorised entry to the work site is not permitted;
- showing the name, address and telephone number of the PC for the work; and
- showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

### 28 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

29 **Certification from Arborist - Adequate Protection of Trees to be Retained**

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the PC is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

30 **Works in Road Reserve - Minor Works**

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

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

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

31 **Tree Protection**

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

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

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

**During Demolition, Excavation or Construction**

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

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

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

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

34 **Provision of Taps/Irrigation System**

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

35 **Screen Planting**

To mitigate impact to adjoining dwelling a continuous hedge is to be established along northern and southern boundary for the length of property boundary.

Recommended species:

- i *Murraya paniculata*, *Photinia* "Red Robin",
- ii *Viburnum tinus*, *Syzygium australe* "Aussie Southern",
- iii *Syzygium australe* "Aussie Compact",
- iv *Syzygium luehmannii* × *S.wilsonii* "Cascade",

Minimum spacing 900mm.

Minimum pot size 5 lt.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

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

36 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the PC prior to the issue of the final Occupation Certificate.

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

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

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

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

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

38 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the PC is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the PC.

39 **The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, six (6) 200 litre container mature plant stock shall be placed in an appropriate location within the property boundary of the site. The suggested species are *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Backhousia myrtifolia* Grey myrtle, *Waterboscia floribunda*. Details are to be shown on the plans submitted with the Construction Certificate.**

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

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-

Site Stormwater Detention System and Maintenance Schedule (application number to be referenced).

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

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

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

42 **Completion of Landscape Works**

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

**Prior to the Issue of the Subdivision Certificate**

43 **Existing Easements**

All existing easements must be acknowledged on the final subdivision plan.

44 **Existing Restriction as to Use**

All existing restriction on the use of land must be acknowledged on the final subdivision plan.

45 **88B Instrument Easements/Restrictions**

Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

46 **Final Documentation Required Prior to Issue of Subdivision Certificate**

The submission of the following information/documentation to the PC, prior to the issue of a Subdivision Certificate:

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Certificate of Practical completion from Wollongong City Council or a PC (if applicable);
- c Administration sheet prepared by a registered surveyor;
- d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
- f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
- i Payment of section 94 fees (Pro rata) (if applicable).



## NSW RURAL FIRE SERVICE

Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Your reference: (CNR-33424) DA-2021/1310  
Our reference: DA20220116000379-Original-1

ATTENTION: Brad Harris

Date: Thursday 20 January 2022

Dear Sir/Madam,

**Integrated Development Application**  
s100B – Subdivision – Strata Title Subdivision  
14 ACACIA AV GWYNNEVILLE NSW 2500, 32//DP22656

I refer to your correspondence dated 18/01/2022 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

### Asset Protection Zones

*The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.*

1. At the commencement of building works or the issue of a subdivision certificate, whichever comes first, the entire site must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

#### **Construction Standards**

*The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

2. Construction of the northern, western and eastern elevations must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

3. Construction of the southern elevations must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

#### **Water and Utility Services**

*Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

4. The provision of water, electricity and gas must comply with Table 5.3c and Table 7.4a of *Planning for Bush Fire Protection 2019*.

#### **General Advice – Consent Authority to Note**

- The NSW RFS was not able to verify the assessment set out in the bush fire report submitted with the application in particular with reference to the effective slope beneath the northern hazard. The NSW RFS has therefore undertaken an independent assessment of the proposal to determine compliance with *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Michael Gray  
Manager Planning & Environment Services  
Built & Natural Environment



NSW RURAL FIRE SERVICE

## BUSH FIRE SAFETY AUTHORITY

Subdivision – Strata Title Subdivision  
14 ACACIA AV GWYNNEVILLE NSW 2500, 32//DP22656  
RFS Reference: DA20220116000379-Original-1  
Your Reference: (CNR-33424) DA-2021/1310

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

**Michael Gray**

Manager Planning & Environment Services  
Built & Natural Environment

Thursday 20 January 2022