

Wollongong Local Planning Panel Assessment Report | 5 May 2022

WLPP No.	Addendum Report to WLPP Item 2 – 8 February 2022
DA No.	DA-2021/1310
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
Property	14-16 Acacia Avenue, Gwynneville
Applicant	10 Star Pty Ltd
Responsible Team	Development Assessment & Certification – City Centre Team (BH)

ADDENDUM REPORT

This report should be read in conjunction with the Council Assessing Officer's report as presented to the Wollongong Local Planning Panel on the 8 February 2022.

1 BACKGROUND AND EXECUTIVE SUMMARY

Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal was referred to Local Planning Panel at its meeting held on 8 February 2022 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 was captured by Clause 2(b) as over 10 unique submissions were received in response to notifying the proposal

The WLPP deferred determination of the application subject to amendments to the plans to address a number of issues including:

- Confirmation that solar access to private open space meets WDCP 2009 requirements
- Increased landscaping to driveway
- Improvement of streetscape elevation
- Increased articulation to northern elevation.

The WLPP recommendation is contained at **Attachment 1**.

MATTERS OF CONCERN IDENTIFIED BY WLPP

Amended plans have been provided by the applicant to address the matters of concern raised by the Panel.

The amended plans have been assessed by Council staff and it is considered that the changes appropriately address the concerns of the Panel.

The following is the full list of the matters raised by the Panel, the applicant's written response to each matter and comments by Council.

- ***Demonstrate that private open space and living areas achieve three hours of solar access. Sun eye diagrams will be required.***

Applicant's response:

Shadow Diagrams have been provided showing that 100% of the Units receive the minimum 3hours of sunlight required during 9am – 3pm (see Sheets 27 – 31)

Council comment:

The shadow diagrams are not in the form of sun eye diagrams as requested as the applicant does not have the required software to generate such diagrams. The shadowing is demonstrated on perspective drawings and coloured to clarify the extent of solar access to courtyards and living areas. Council's architect has reviewed the submitted diagrams and confirms that the solar access provisions of WDCP 2009 are satisfied.

- ***Introduce landscaping along the central driveway to provide relief to the extent of hard surface.***

Applicant's response:

Landscape beds have been added to the driveway as requested. The minimum 5m driveway width is maintained and turning circles provided to demonstrate that access to and from garages is not impeded. (see Sheet 22 and Landscape Plan).

Council comment:

The amended landscape plan is considered to provide an appropriate degree of softening to the central driveway.

- ***The opening of the living rooms to the garden to provide additional amenity. Replace the highlight windows with full size windows and relocate the clothesline.***

Applicant's response:

Windows along the living area have been increased from 600mm in height to double the size at 1200mm, to allow for more sunlight to penetrate through to the living space. Clothes lines have been relocated as requested.

Council comment:

The applicant's response is considered satisfactory.

- ***To provide direct access to the laundry from within the dwelling, taking care to avoid toilet opening into the kitchen.***

Applicant's response:

This was a layout that the client had requested. We had initially explored the option of having the WC under the stairs with the laundry accessible from the kitchen and doubling as a Pantry on one side as well, although the client had requested that the WC be located far away from the living spaces for privacy reasons and had not initially wanted a toilet on the Ground Floor.

Council comment:

Whilst not an ideal internal layout it is acknowledged that the design addresses the client brief and is considered acceptable in this instance.

- ***To improve streetscape to include windows to the southern elevation.***

Applicant's response:

Additional windows have been added to Unit 5 facing the street which will match Unit 1 as well as the rest of the sliding windows along the first floor.

Council comment:

The revised plans provide an appropriate streetscape appearance and are considered acceptable.

- ***Revised landscape plan that provides for canopy trees in the front setback and more usability for residents.***

Applicant's response:

An amended landscape plan has been provided to address this requirement. Provision is made for two trees at the street frontage to complement the existing trees on the Council footpath.

Council comment:

The amended landscape plan is considered appropriate.

- ***Unit 5 layout should be reconfigured to improve outlook and opportunity of living spaces to orientate toward a garden setting.***

Applicant's response:

Front porch has been extended in front of Unit 5 Ground Floor living area and this has enabled a stacking door to be placed off of the dining room which will provide connection between the indoor/outdoor area and allow for the living areas to extend out towards the garden setting.

Council comment:

The amendments are considered satisfactory.

- ***Review the northern elevation to provide a better design articulation possibly through introduction of windows or other treatment.***

Applicant's response:

Windows have not been placed along the North elevation on the advice of the acoustic engineer and to help achieve compliance in this area.

Council comment:

The northern elevation, whilst potentially benefitting from additional articulation, is not visible from the public domain and is considered acceptable. The mix of face brick and timber cladding will assist in providing some visual relief to this elevation.

- ***In respect of Unit 1, demonstrate compliance with adaptability requirements without need for a lift, this will require a re-design of the layout to likely require location of a bathroom on the ground floor and a room capable of adaptation to a bedroom.***

Applicant's response:

The incorporation of a lift has been used in many other Development Applications in WCC and there has not been an issue raised previously. Lifts are becoming increasingly accessible with the cheapest alternatives at less than \$30k.

Council comment:

The small nature of the unit makes conversion to incorporate a bedroom and bathroom on the ground floor impractical and the provision for a future lift is accepted in this instance. The proposal for a future lift is shown on the Post Adaptation Plan (DA-006/Sheet 25).

2 CONCLUSION

The WLPP's concerns are considered to be adequately resolved by the amended plans and the application is referred to the Panel for electronic determination in accordance with its decision made on 8 February 2022.

3 RECOMMENDATION

It is recommended that Development Application DA-2021/1310 be granted consent pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, subject to the conditions contained in Attachment 3.

4 ATTACHMENTS

- 1 WLPP Recommendation from 8 February 2022
- 2 Amended Architectural
- 3 Conditions
- 4 Original Council Assessing Officer's WLPP Report and Conditions as presented to WLPP meeting on 8 February 2022

[Click on the red line above for link to WLPP Report 8 February 2022](#)

ATTACHMENT 1 - PANEL COMMENTARY

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	8 February 2022
PANEL MEMBERS	Stephen Davies (Chair), Alison McCabe, Mark Carlon, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 8 February 2022 opened at 5:00pm and closed at 5:58pm.

MATTER DETERMINED

DA-2021/1310 - Lot 32 DP 22656, Lot 31 DP 22656, 14-16 Acacia Avenue, Gwynneville (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two (2) submitters.

The Panel heard from the applicant.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The Panel noted the principal issues raised by submitters. The Panel is not satisfied that the proposal, in its current form, is suitable for the site, and appropriately responds to the streetscape and constraints of the site. The siting and layout of the building fails to provide an appropriate amenity for future residents. It is recognised that the site could reasonably be developed, subject to addressing the issues below with further information and amended plans.

The decision was unanimous

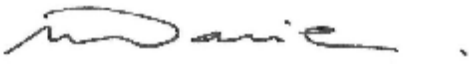



REASONS FOR THE DECISION

The Panel determined to defer the application for amended plans to address the following:

- Demonstrate that private open space and living areas achieve three hours of solar access. Sun eye diagrams will be required.
- Introduce landscaping along central driveway to provide relief to the extent of hard surface.
- The opening of the living rooms to the garden to provide additional amenity. Replace the highlight windows with full size windows and relocate the clothesline.
- To provide direct access to the laundry from within the dwelling, taking care to avoid toilet opening into the kitchen.
- To improve streetscape to include windows to the southern elevation
- Revised landscape plan that provides for canopy trees in the front setback and more usability for residents.
- Unit 5 layout should be reconfigured to improve outlook and opportunity of living spaces to orientate towards a garden setting.
- Review the northern elevation to provide better design articulation possibly through introduction of windows or other treatment.
- In respect to Unit 1, demonstrate compliance with adaptability requirements without the need for a lift, this will require a re-design of the layout likely to require location of a bathroom on the ground floor and a room capable of adaptation to a bedroom.

These changes might result in a reduction in yield.

The Panel requires the above information to be provided to Council within twenty-one (21) days. On receipt of the amended plans, Council to provide a supplementary report to the Panel for determination.

PANEL MEMBERS	
 Stephen Davies (Chair)	 Alison McCabe
 Mark Carlon	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1310
2	PROPOSED DEVELOPMENT	Residential - multi dwelling housing and Subdivision - Strata title - eight (8) lots
3	STREET ADDRESS	14-16 Acacia Avenue, Gwynneville
4	APPLICANT	10Star Living
5	REASON FOR REFERRAL	Pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction as the application is the subject of 10 or more unique submissions by way of objection.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy – Affordable Rental Housing 2009 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 · Wollongong Section 94A Development Contributions Plan · Draft environmental planning instruments: <ul style="list-style-type: none"> ○ Draft Remediation of Land SEPP ○ Draft Environment SEPP ○ Draft Design and Place SEPP ○ Draft Housing SEPP · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: N/A · The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality · The suitability of the site for the development · Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations · The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> · Council assessment report dated 8 February 2022 · Written submissions during public exhibition: 12 · Verbal submissions at the public meeting: two(2)
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 8 February 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen Davies (Chair), Alison McCabe, Mark Carlon, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Brad Harris
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report

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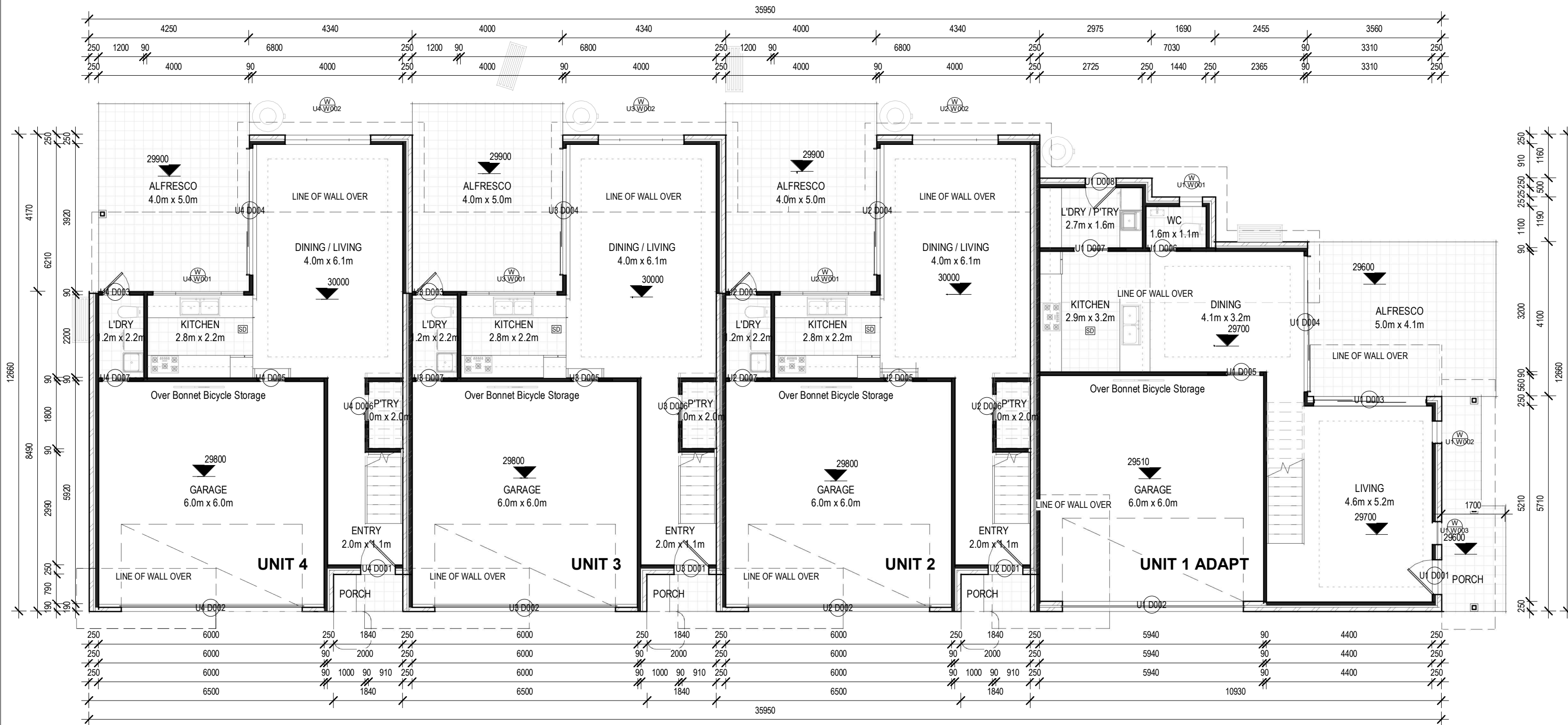
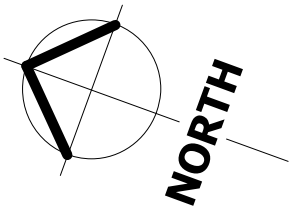
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PROPOSED SITE PLAN

SCALE @ A3: 1 : 200	DATE: 11/03/2022
PROJECT NO: 10STAR-066	SHEET NO: 3



1

Ground Floor Plan Unit 1 - 4

1 : 100

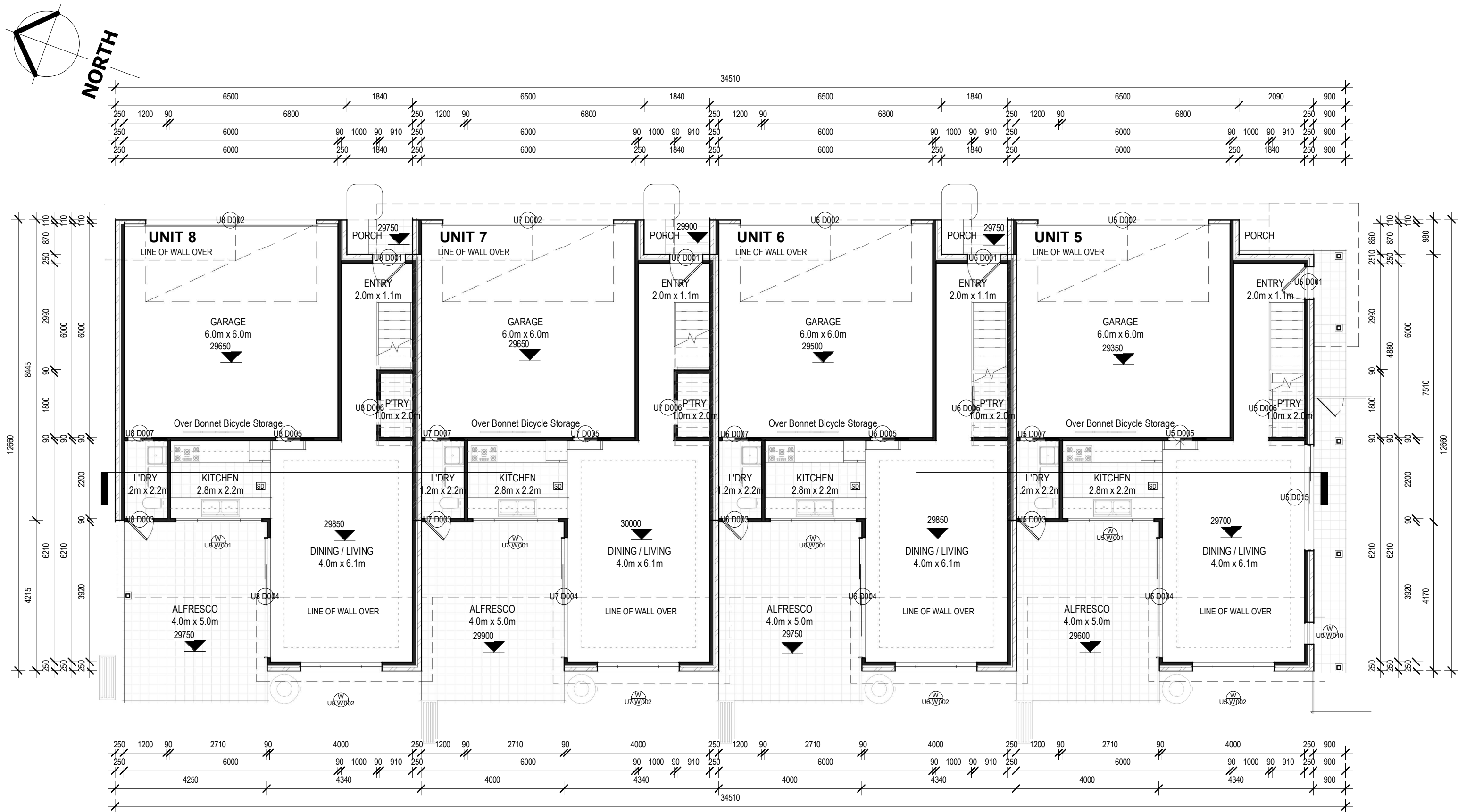


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PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision	DATE:	11/03/2022	DA-006
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1 Ground Floor Plan Unit 5 - 8
1 : 100

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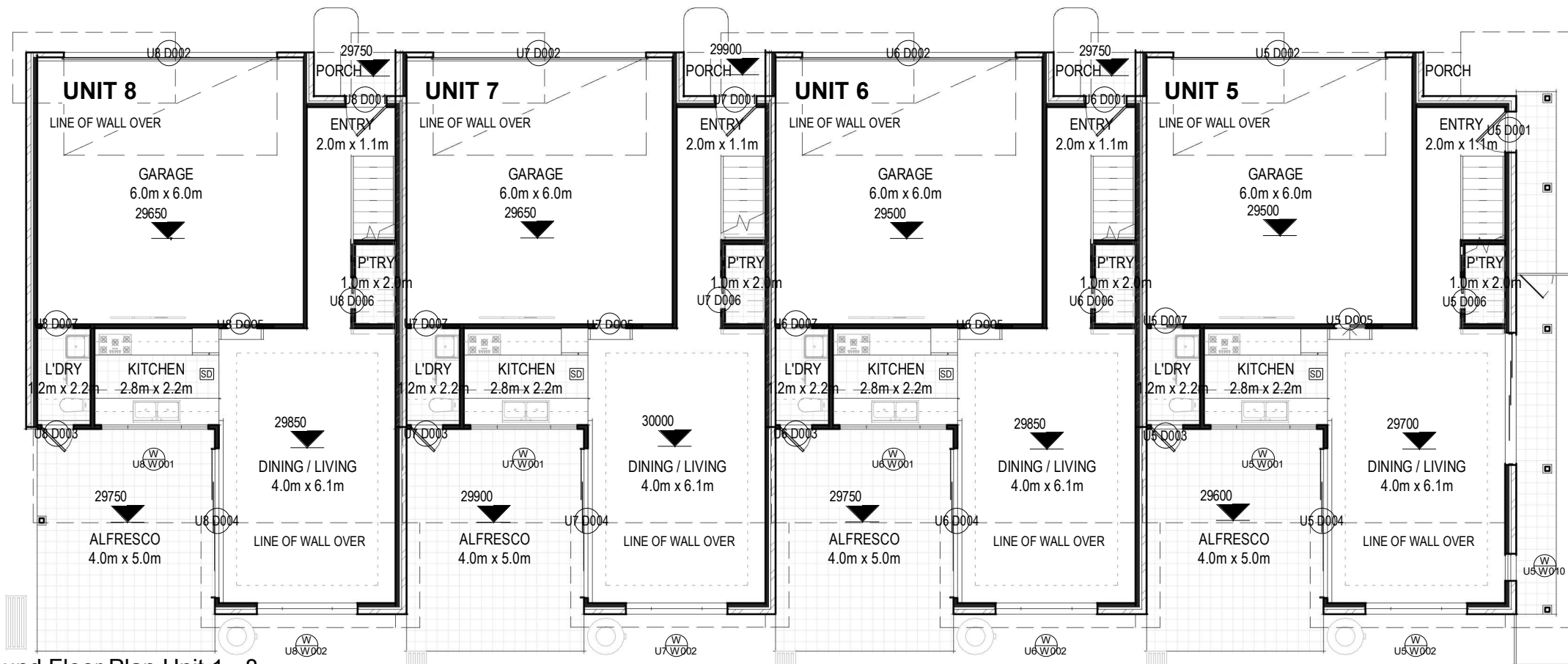
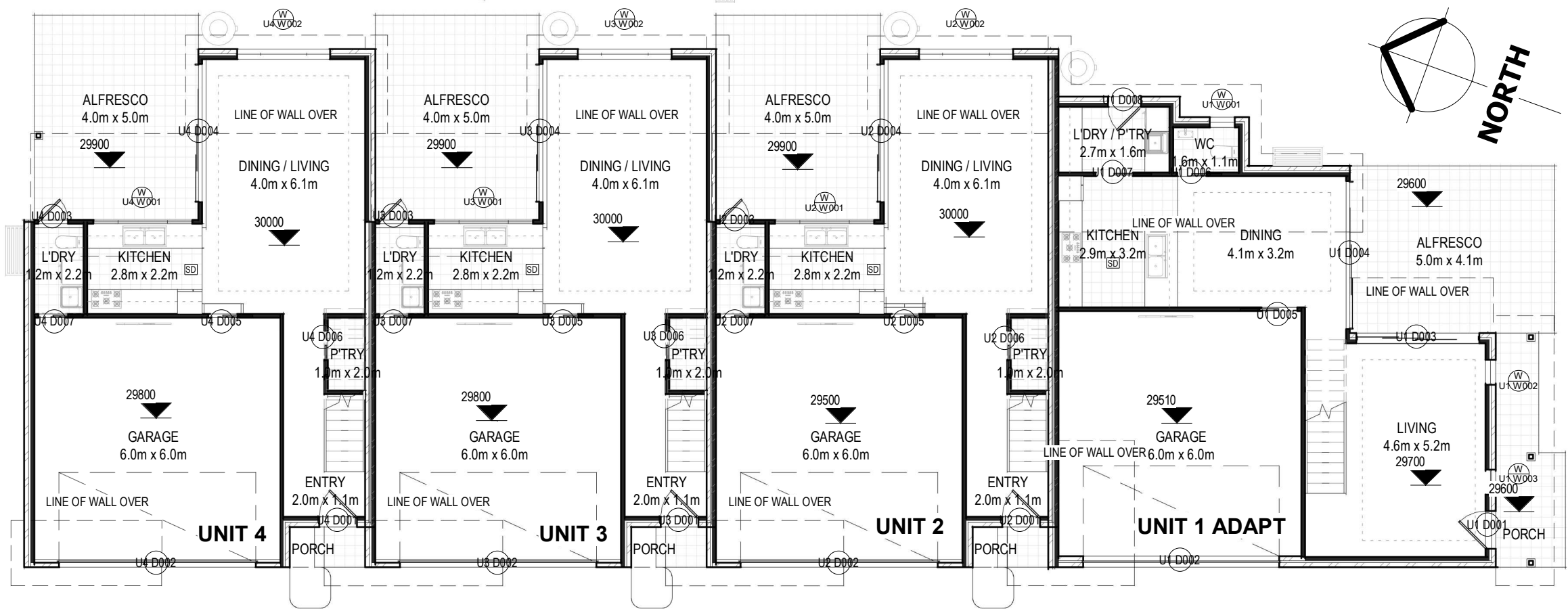
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1 Ground Floor Plan Unit 1 - 8
1 : 125

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DA SUBMISSION

TITLE:

GROUND FLOOR PLAN 1 - 8

SCALE @ A3:

1 : 125

DATE:

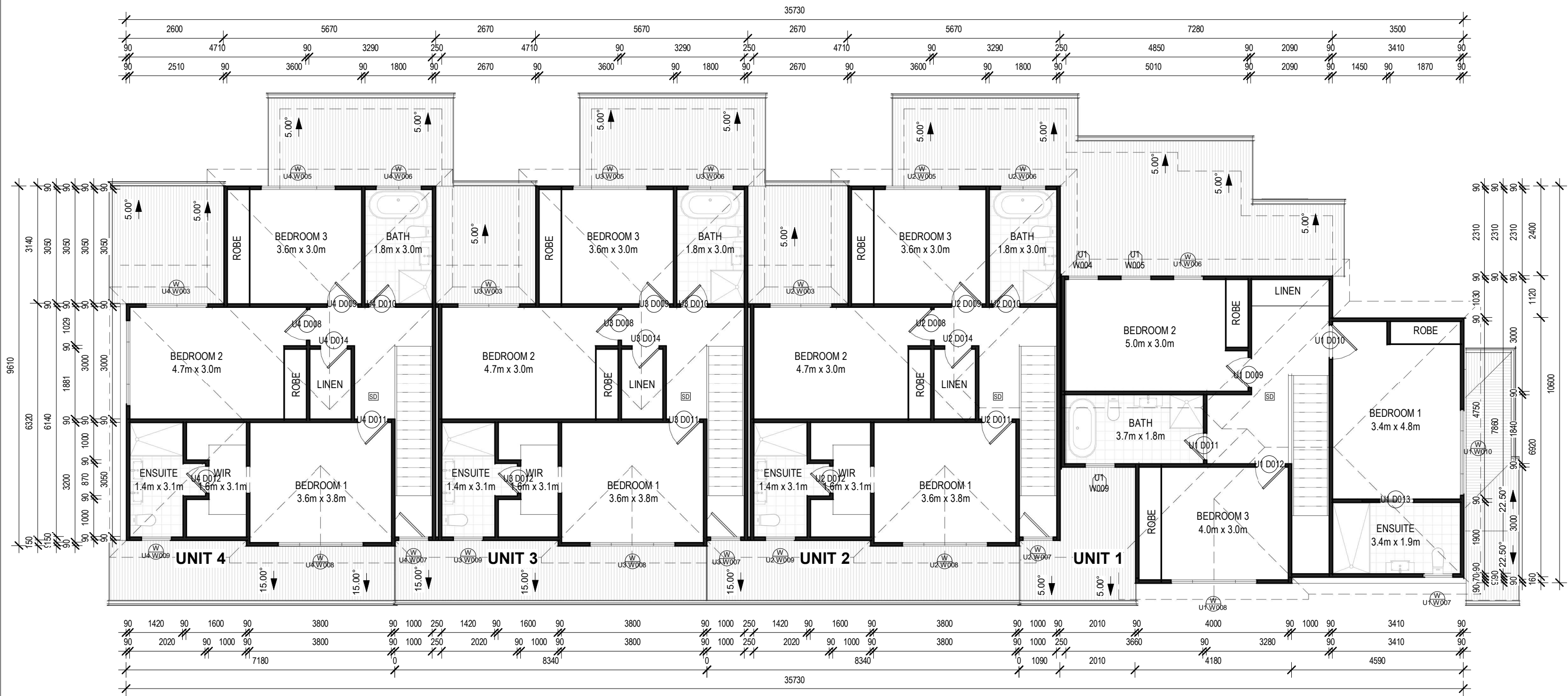
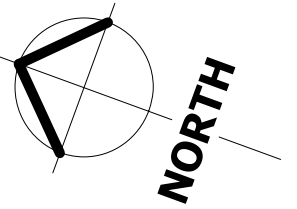
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1 First Floor Plan Unit 1 - 4
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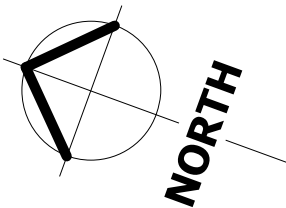


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1 First Floor Plan Unit 5 - 8
1 : 100

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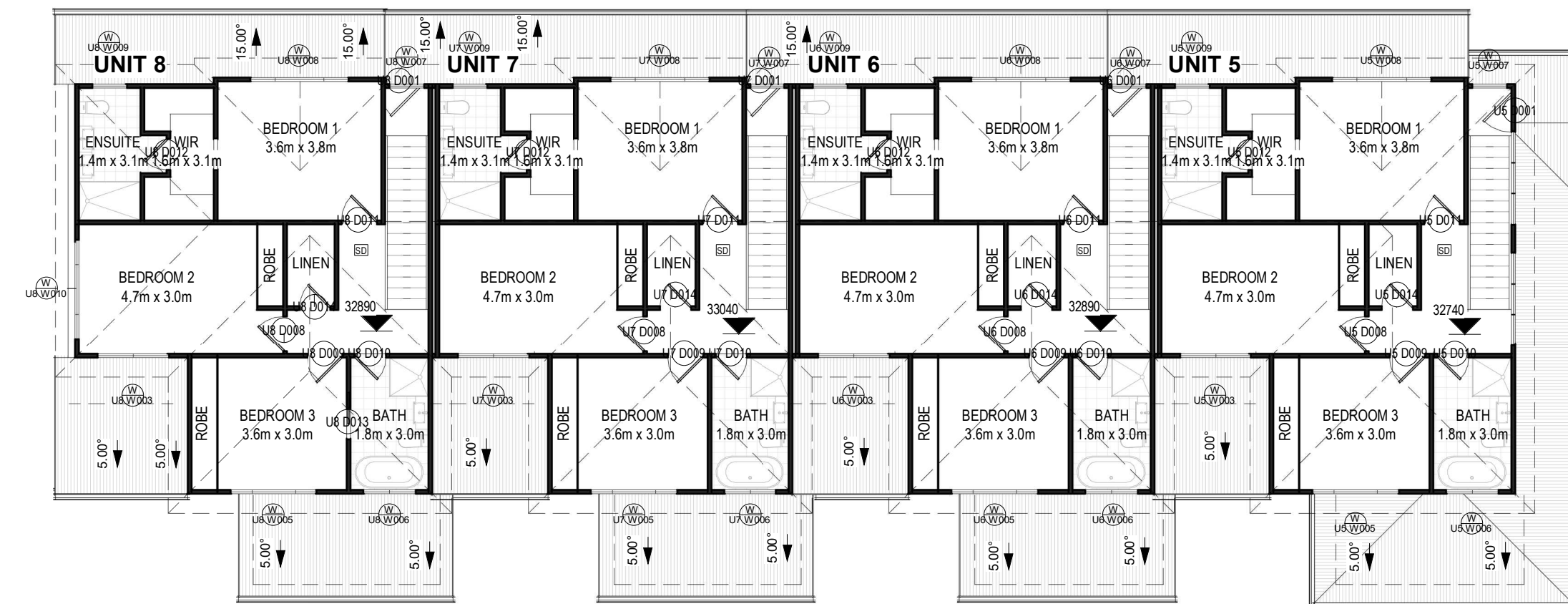
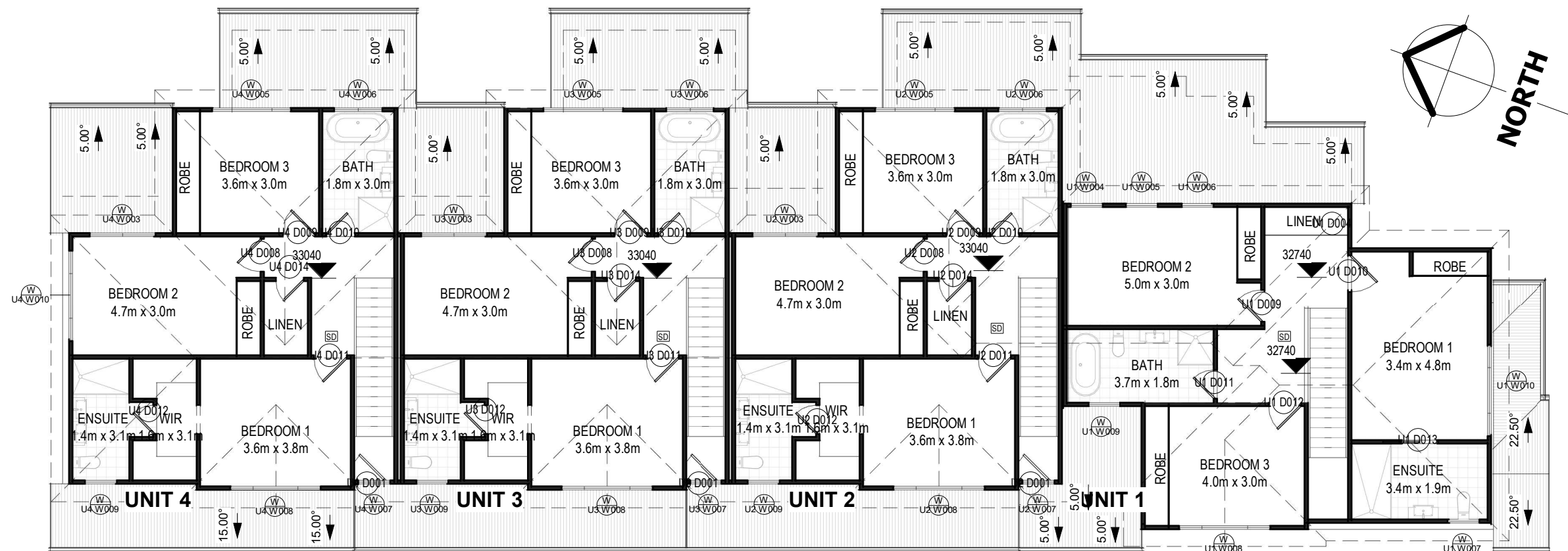
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1 First Floor Plan Unit 1 - 8
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FIRST FLOOR PLAN UNIT 1 - 8

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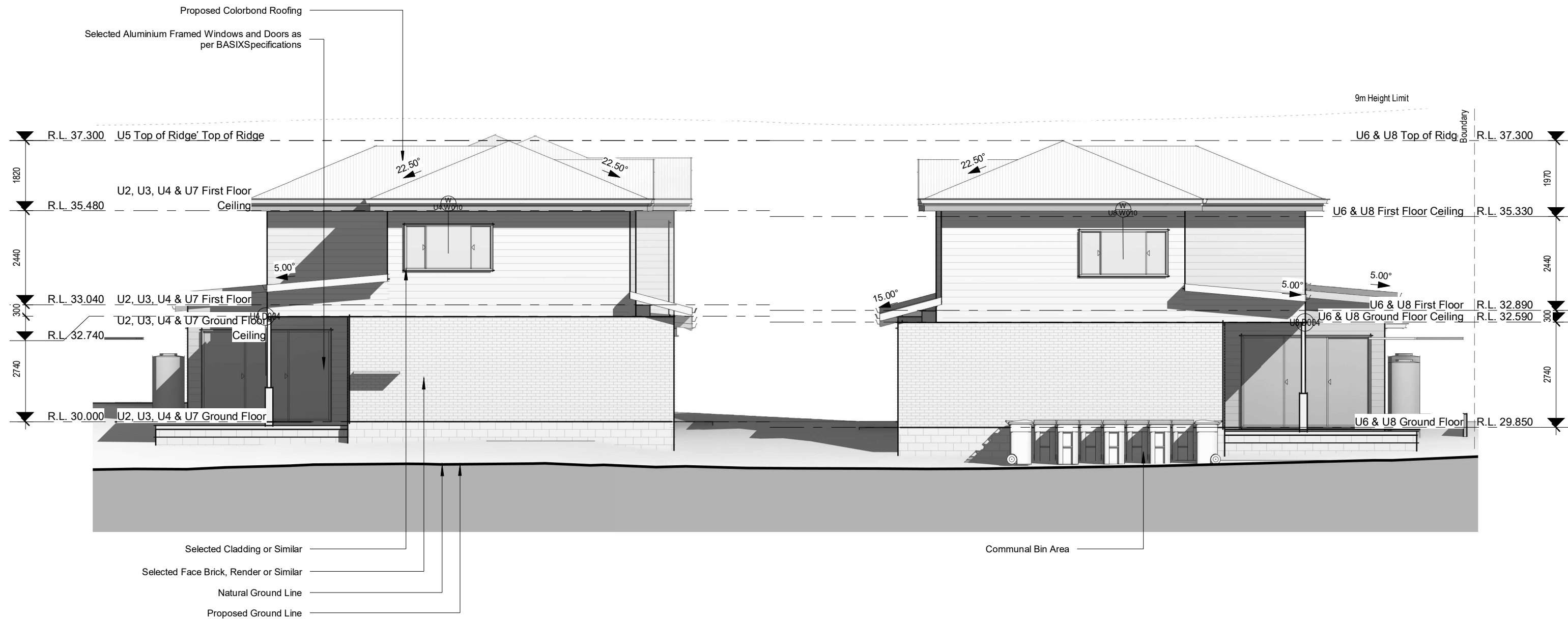
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1 North Elevation
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1 South Elevation
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SHEET:	SOUTH ELEVATION				ISSUE:	
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2

East Elevation Unit 1 - 4

1 : 100

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1 West Elevation Unit 1 - 4
1 : 100

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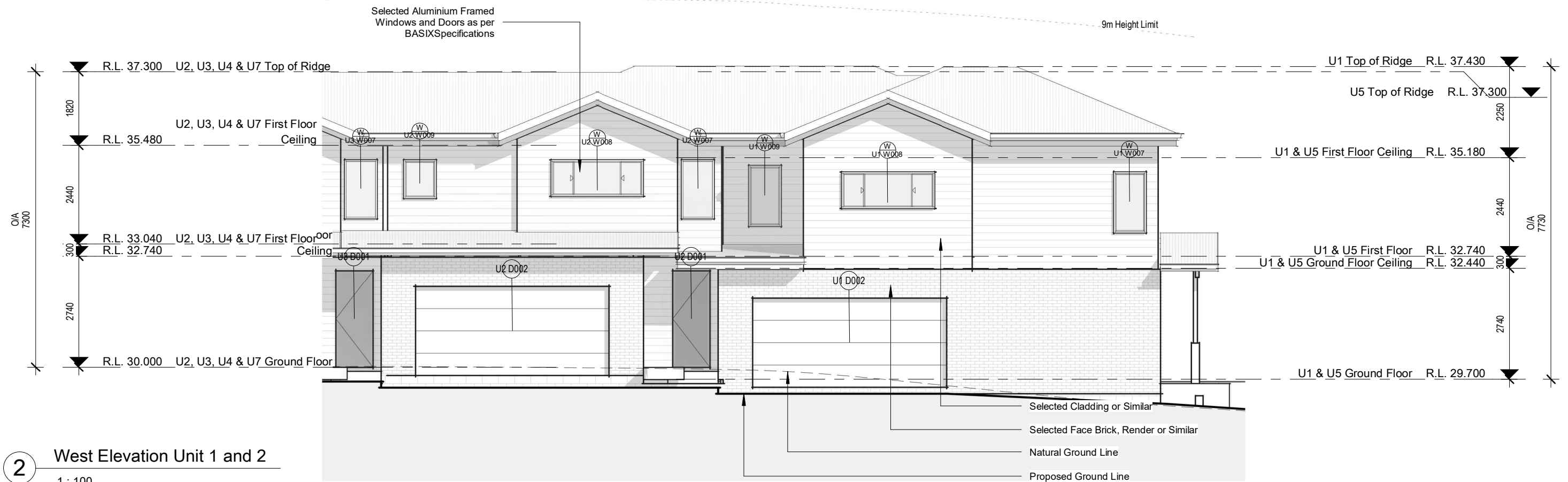
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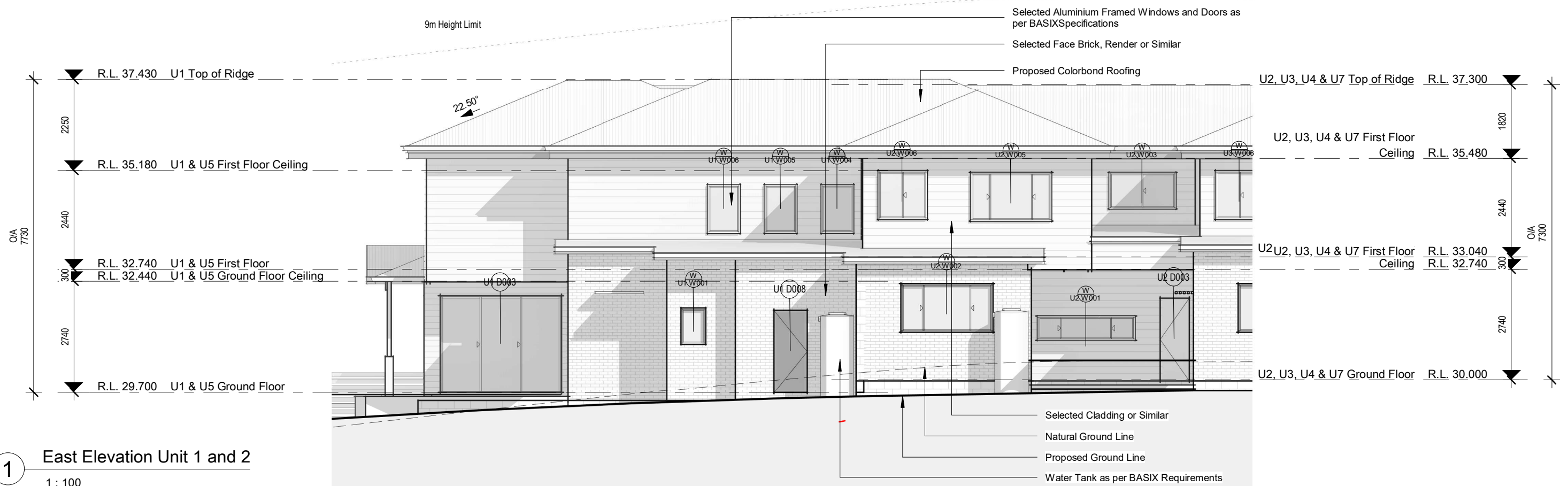
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2 West Elevation Unit 1 and 2
1 : 100



1 East Elevation Unit 1 and 2
1 : 100



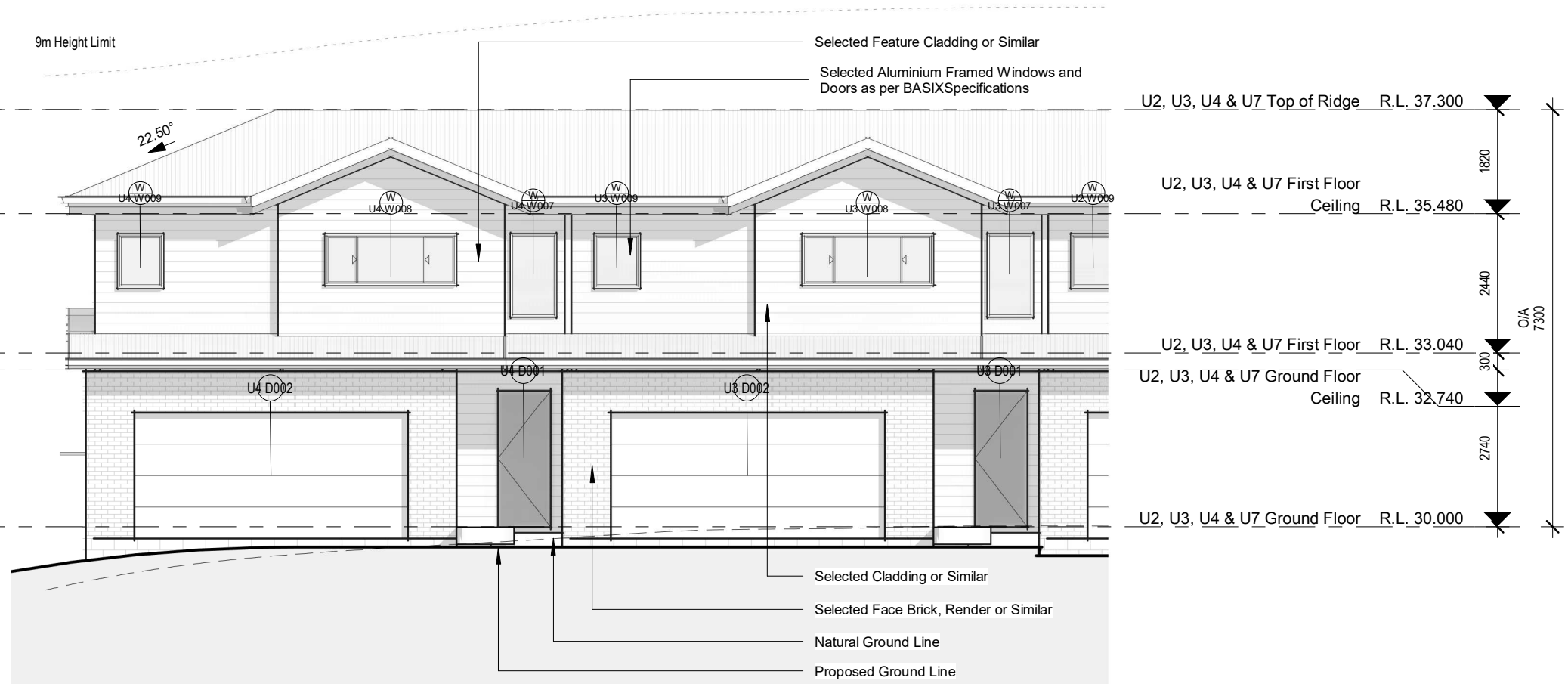
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No.	Description	Date

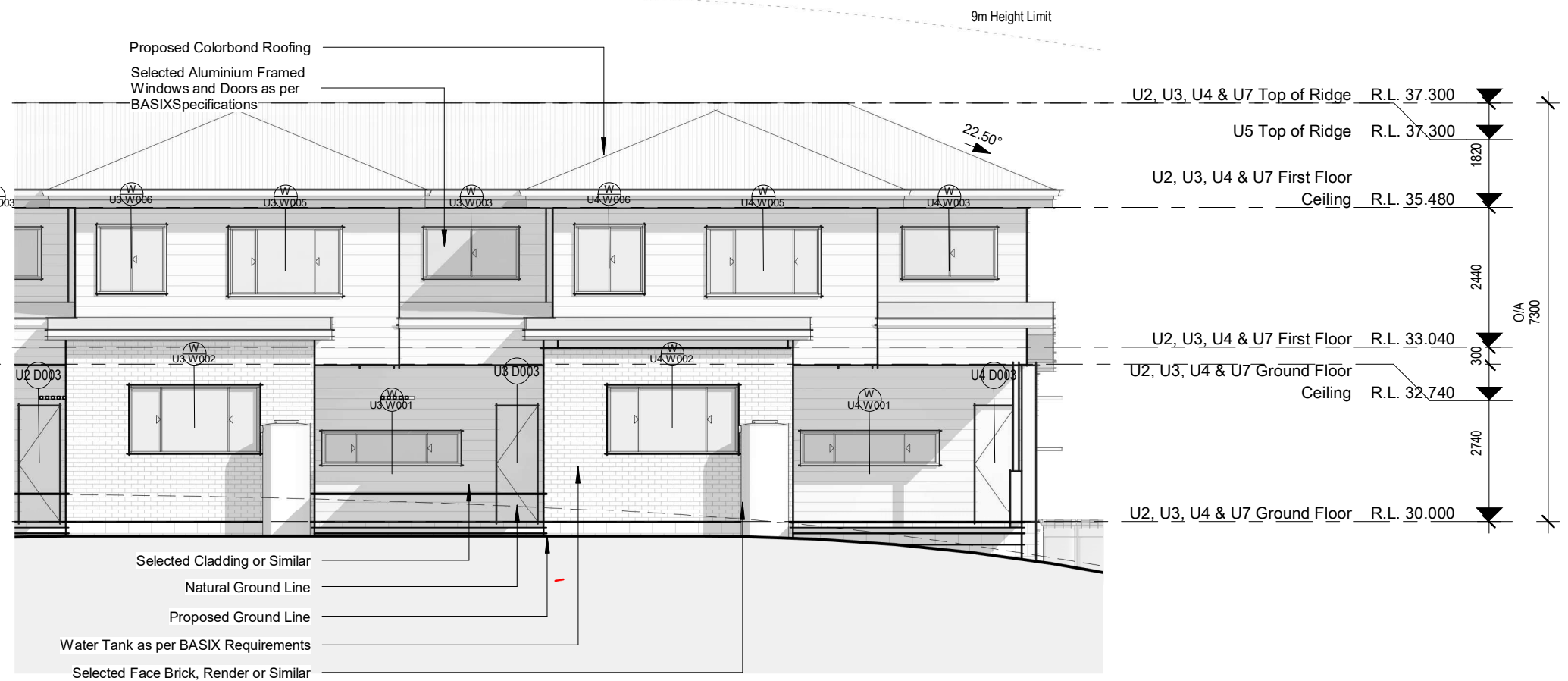
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SHEET:	EAST AND WEST ELEVATION UNIT 1 AND 2				ISSUE:
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision				DATE: 11/03/2022
CLIENT:	R.Heckenberg				SCALE @ A3: 1 : 100
ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500				PROJECT NO: 10STAR-066
LGA:	DA ISSUE				SHEET:
				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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PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision			DATE:	11/03/2022	DA-006
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ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500			PROJECT NO:	10STAR-066	SHEET:
LGA:	DA ISSUE			DRAWN BY:	M.LISICA	16



1 East Elevation Unit 5 - 8
1 : 100

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SHEET:	EAST ELEVATION UNIT 5 - 8				ISSUE:
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision		DATE:	11/03/2022	DA-006
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ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500		PROJECT NO:	10STAR-066	SHEET:
LGA:	DA ISSUE		DRAWN BY:	M.LISICA	17



1 West Elevation Unit 5 - 8
1 : 100

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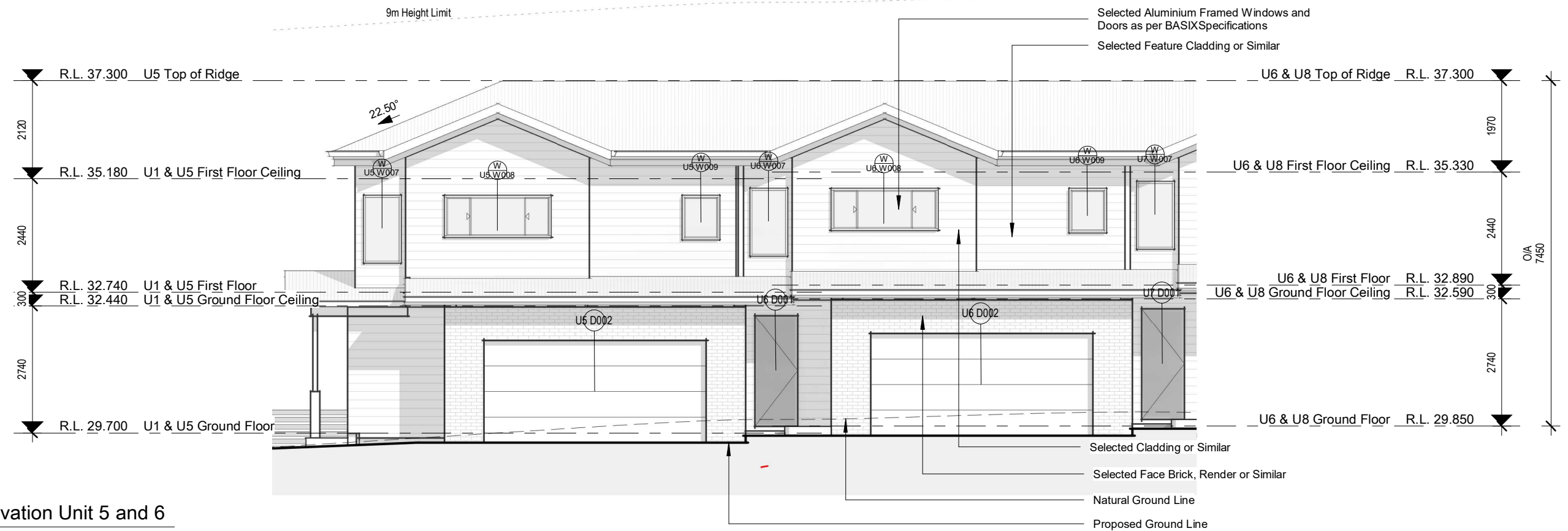
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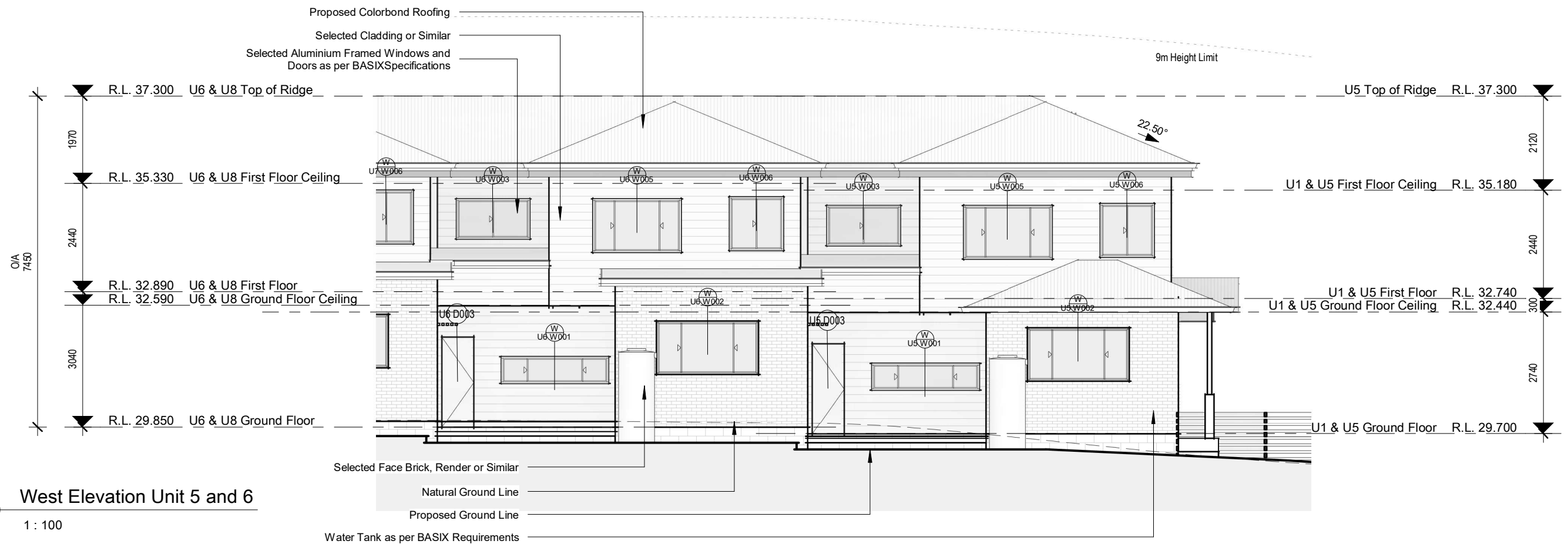
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SHEET:	WEST ELEVATION UNIT 5 - 8				ISSUE:	
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision			DATE:	11/03/2022	DA-006
CLIENT:	R.Heckenberg			SCALE @ A3:	1 : 100	
ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500			PROJECT NO:	10STAR-066	SHEET:
LGA:	DA ISSUE			DRAWN BY:	M.LISICA	18



1 East Elevation Unit 5 and 6
1 : 100



2 West Elevation Unit 5 and 6
1 : 100



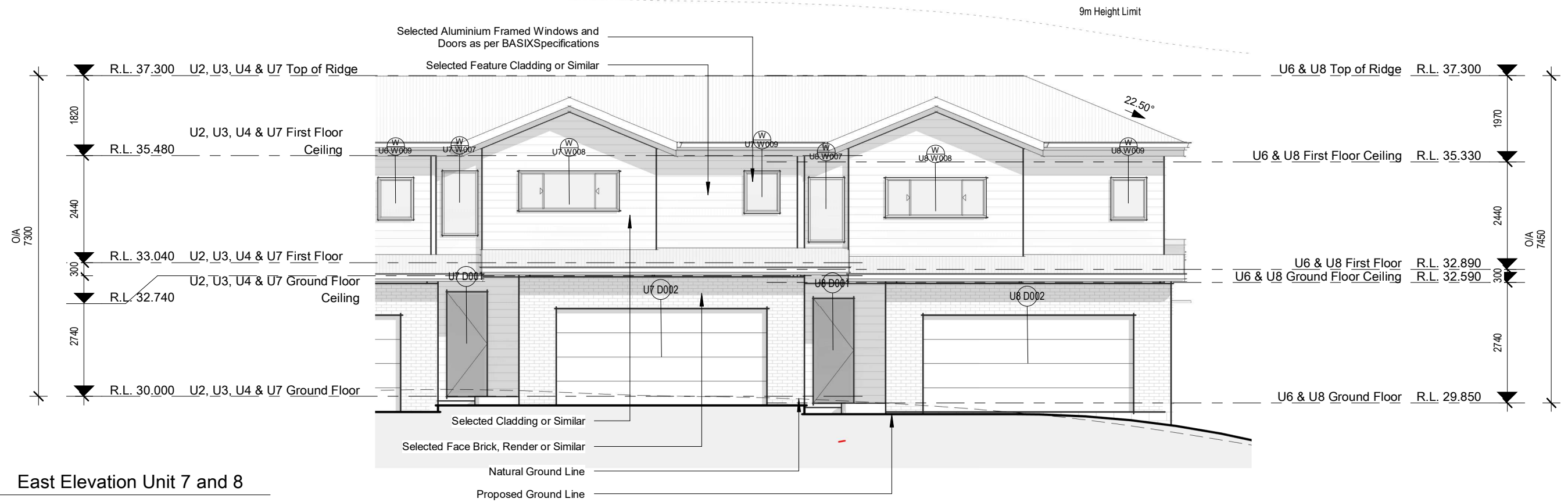
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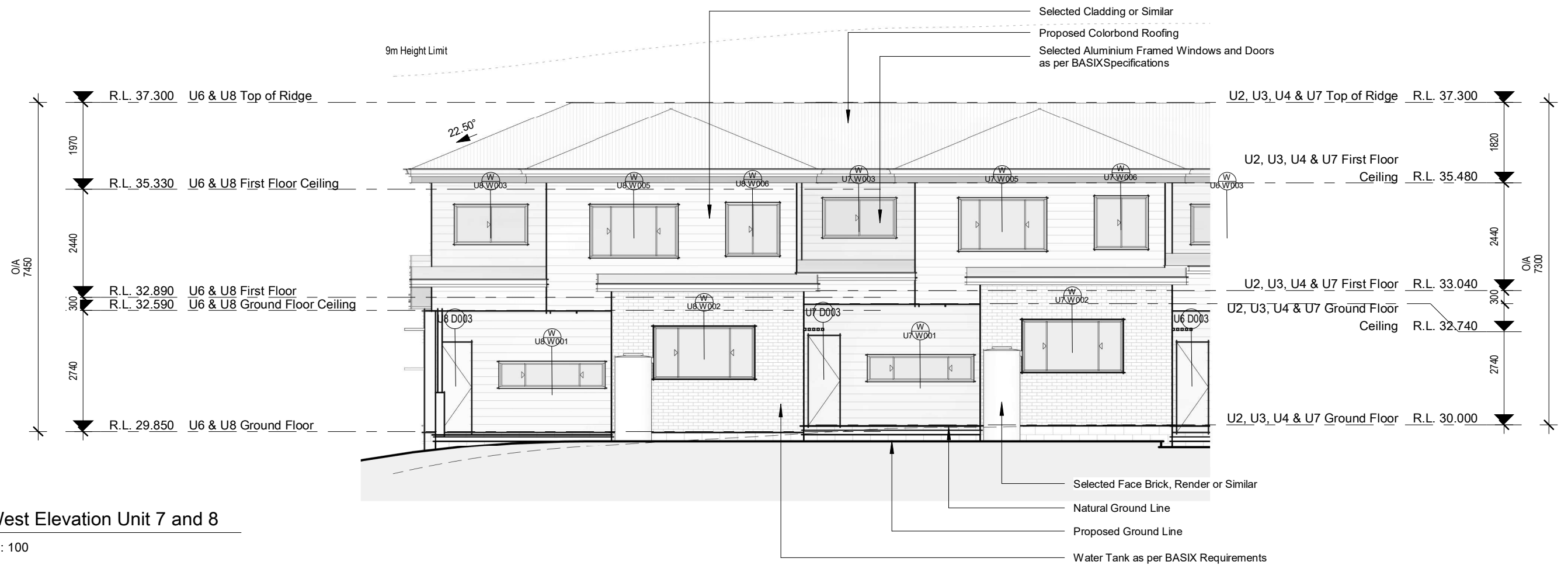
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LGA:	DA ISSUE	DRAWN BY:	M.LISICA	19

2 East Elevation Unit 7 and 8
1 : 100



1 West Elevation Unit 7 and 8
1 : 100

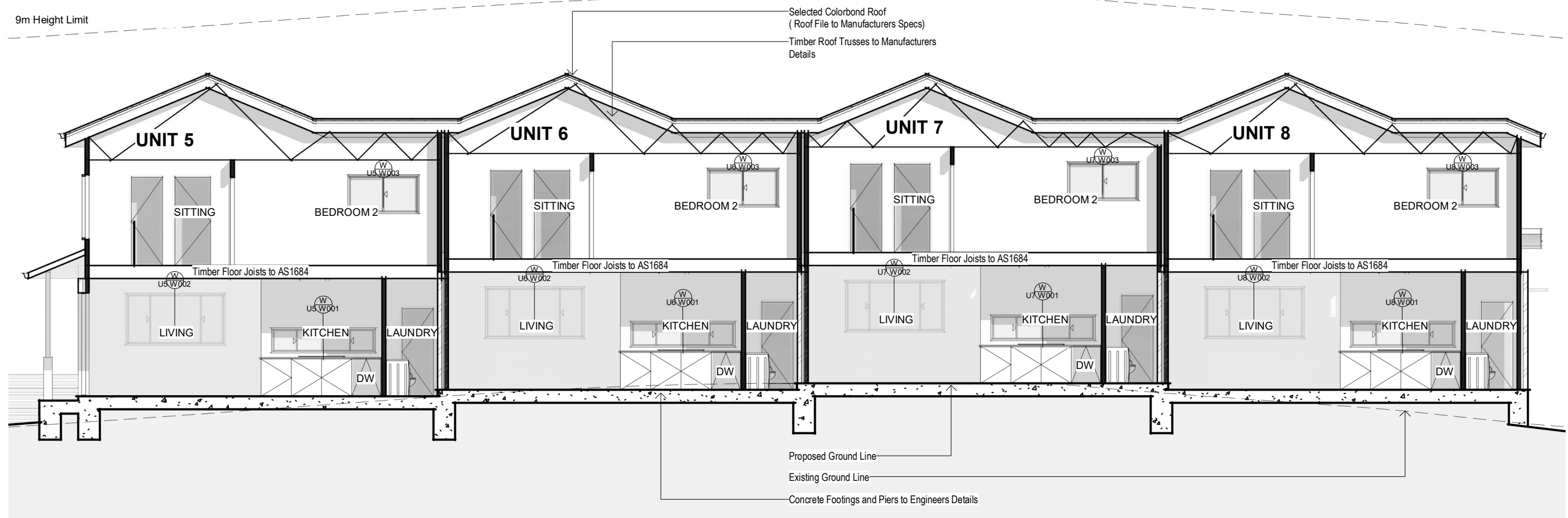


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1 Section AA
1 : 100



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SHEET:	SECTION AA				ISSUE:
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision	DATE:	11/03/2022	DA-006	
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ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	PROJECT NO:	10STAR-066	SHEET:	
LGA:	DA ISSUE	DRAWN BY:	M.LISICA	21	

1

Proposed Landscape and Site Coverage Plan

1 : 200



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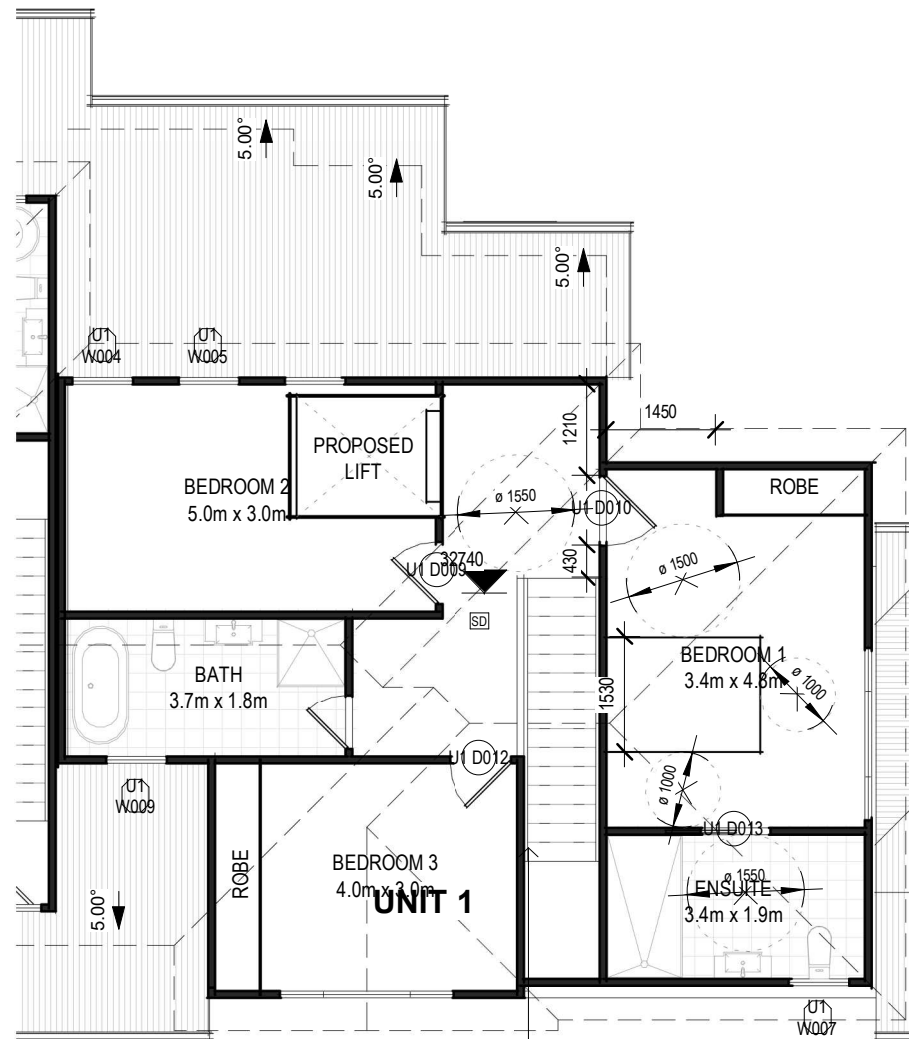
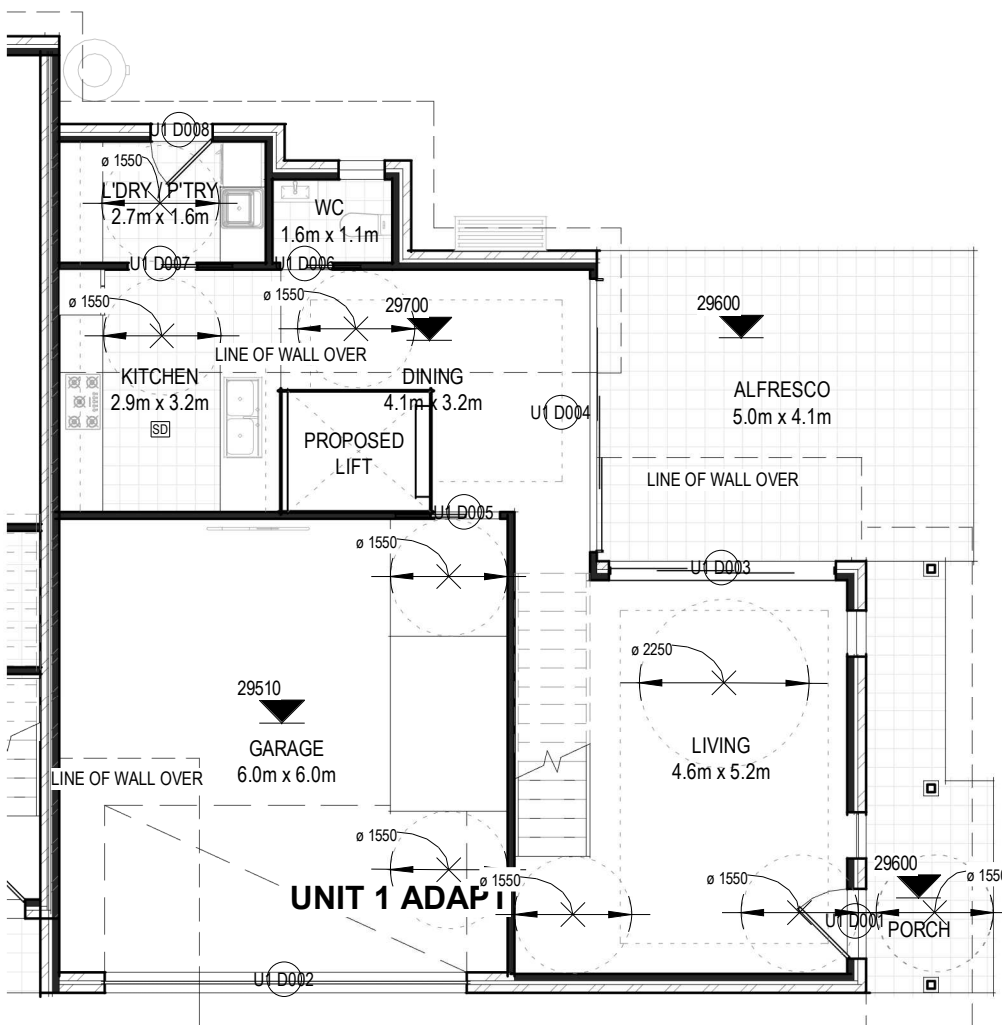
PROPOSED EXTENSION
14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500

R.Heckenberg
DA SUBMISSION

TITLE:
LANDSCAPE AND SITE COVERAGE PLAN

SCALE @ A3: 1 : 200	DATE: 11/03/2022
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PROJECT NO: 10STAR-066	SHEET NO: 22
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SHEET:	POST ADAPTATION FLOOR PLAN				ISSUE:
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision	DATE:	11/03/2022	DA-006	
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ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	PROJECT NO:	10STAR-066	SHEET:	
LGA:	DA ISSUE	DRAWN BY:	M.LISICA	25	

NOTE:

At least 50% of the private open areas of adjoining residential properties have recieved at least 3 hours of sunlight on the 21st June during the following hours of 9am-3pm

Areas achieving at least 50% of sunlight to private open areas:

9am: Yes Unit 1, 2, 3, 4 POS

10am: Yes Unit 1, 2, 3, 4 POS

11am: Yes Unit 1, 2, 3, 4, 8 POS

12pm: Yes Unit 4, 8 POS

1pm: Yes Unit 5, 6, 7, 8 POS

2pm: Yes Unit 5, 6, 7, 8 POS

3pm: Yes Unit 5, 6, 7, 8 POS

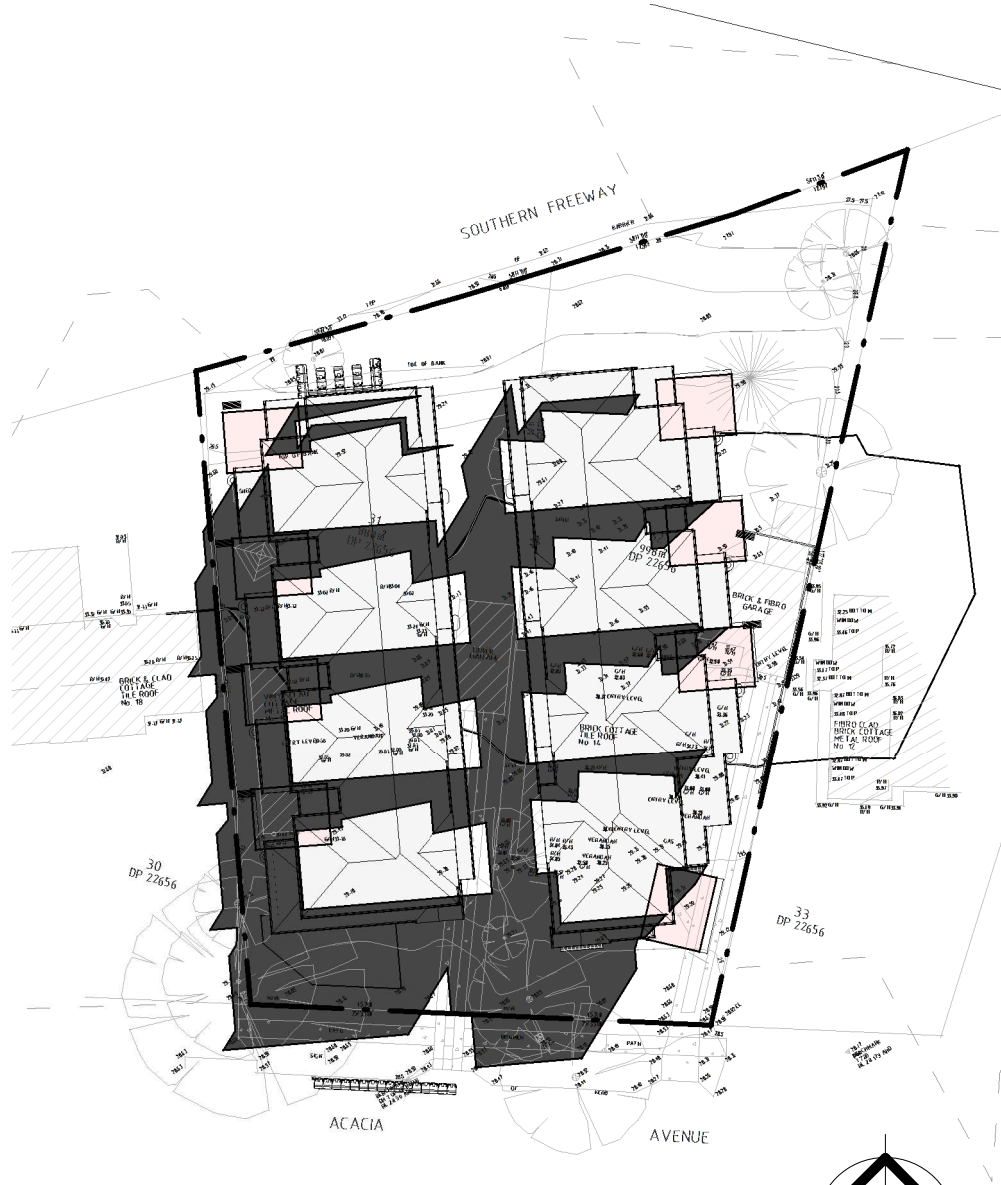
Therefore both Units recieve a minimum of 3 hours of direct sunlight to their private open space area.



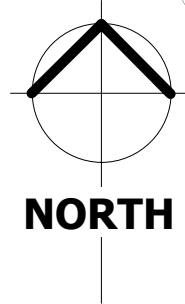
1 01 - Shadow Diagram 9am
1 : 500



2 02 - Shadow Diagram 10am
1 : 500



3 03 - Shadow Diagram 11am
1 : 500



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SHEET:	SHADOW DIAGRAMS 9AM - 11AM				ISSUE:
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LGA:	DA ISSUE	DRAWN BY:	M.LISICA	27	

NOTE:

At least 50% of the private open areas of adjoining residential properties have recieved at least 3 hours of sunlight on the 21st June during the following hours of 9am-3pm

Areas achieving at least 50% of sunlight to private open areas:

9am: Yes Unit 1, 2, 3, 4 POS

10am: Yes Unit 1, 2, 3, 4 POS

11am: Yes Unit 1, 2, 3, 4, 8 POS

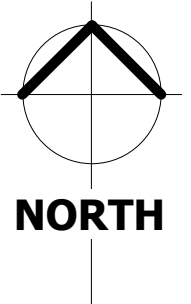
12pm: Yes Unit 4, 8 POS

1pm: Yes Unit 5, 6, 7, 8 POS

2pm: Yes Unit 5, 6, 7, 8 POS

3pm: Yes Unit 5, 6, 7, 8 POS

Therefore both Units recieve a minimum of 3 hours of direct sunlight to their private open space area.



1 04 - Shadow Diagram 12pm
1 : 500

2 05 - Shadow Diagram 1pm
1 : 500

3 06 - Shadow Diagram 2pm
1 : 500

No.	Description	Date

SHEET:	SHADOW DIAGRAMS 12PM - 2PM			ISSUE:
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision	DATE:	11/03/2022	DA-006
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LGA:	DA ISSUE	DRAWN BY:	M.LISICA	28

NOTE:

At least 50% of the private open areas of adjoining residential properties have recieved at least 3 hours of sunlight on the 21st June during the following hours of 9am-3pm

Areas achieving at least 50% of sunlight to private open areas:

9am: Yes Unit 1, 2, 3, 4 POS

10am: Yes Unit 1, 2, 3, 4 POS

11am: Yes Unit 1, 2, 3, 4, 8 POS

12pm: Yes Unit 4, 8 POS

1pm: Yes Unit 5, 6, 7, 8 POS

2pm: Yes Unit 5, 6, 7, 8 POS

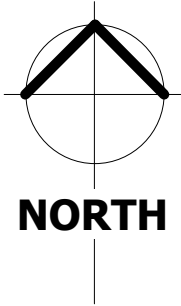
3pm: Yes Unit 5, 6, 7, 8 POS

Therefore both Units recieve a minimum of 3 hours of direct sunlight to their private open space area.



1 07 - Shadow Diagram 3pm

1 : 500



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LGA:	DA ISSUE			DRAWN BY:	M.LISICA	29



1 U1-4 POS 9am



2 U1-4 POS 10am



3 U1-4 POS 11am

NOTE:

At least 50% of the private open areas of adjoining residential properties have recieved at least 3 hours of sunlight on the 21st June during the following hours of 9am-3pm

Areas achieving at least 50% of sunlight to private open areas:

9am: Yes Unit 1, 2, 3, 4 POS

10am: Yes Unit 1, 2, 3, 4 POS

11am: Yes Unit 1, 2, 3, 4, 8 POS

12pm: Yes Unit 4, 8 POS

1pm: Yes Unit 5, 6, 7, 8 POS

2pm: Yes Unit 5, 6, 7, 8 POS

3pm: Yes Unit 5, 6, 7, 8 POS

Therefore both Units recieve a minimum of 3 hours of direct sunlight to their private open space area.

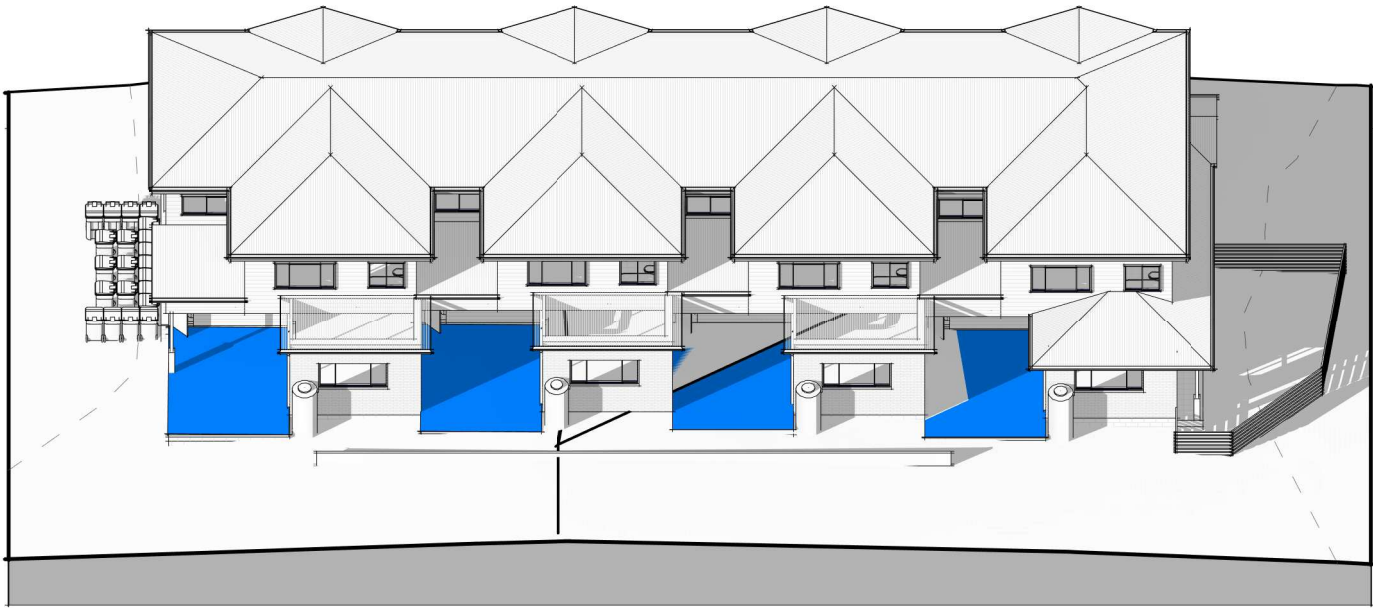


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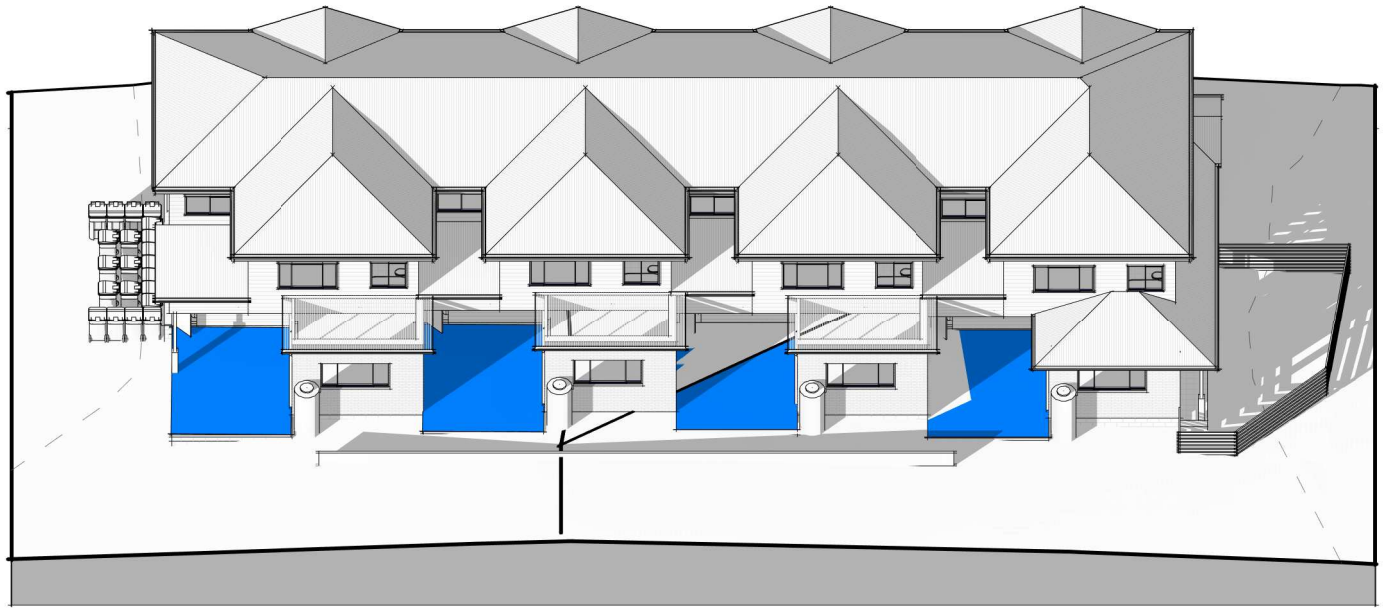
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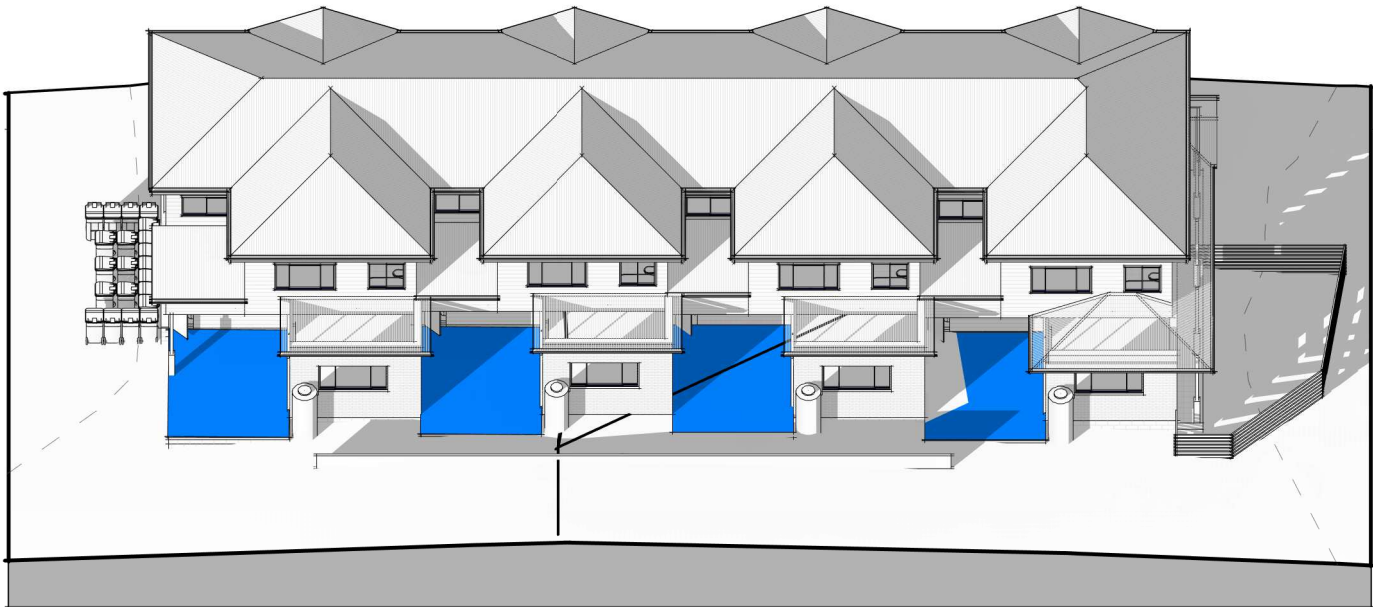
SHEET:	U1-4 POS SHADOWS			ISSUE:
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LGA:	DA ISSUE	DRAWN BY:	M.LISICA	30



1 U5-8 POS 1pm



2 U5-8 POS 2pm



3 U5-8 POS 3pm

NOTE:

At least 50% of the private open areas of adjoining residential properties have received at least 3 hours of sunlight on the 21st June during the following hours of 9am-3pm

Areas achieving at least 50% of sunlight to private open areas:

9am: Yes Unit 1, 2, 3, 4 POS

10am: Yes Unit 1, 2, 3, 4 POS

11am: Yes Unit 1, 2, 3, 4, 8 POS

12pm: Yes Unit 4, 8 POS

1pm: Yes Unit 5, 6, 7, 8 POS

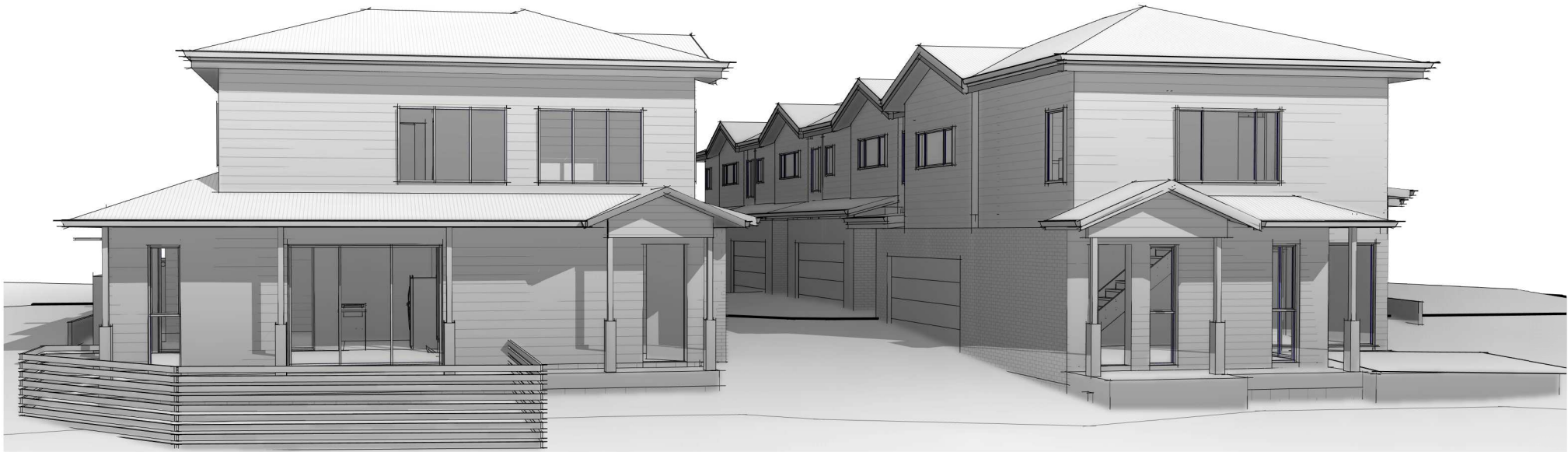
2pm: Yes Unit 5, 6, 7, 8 POS

3pm: Yes Unit 5, 6, 7, 8 POS

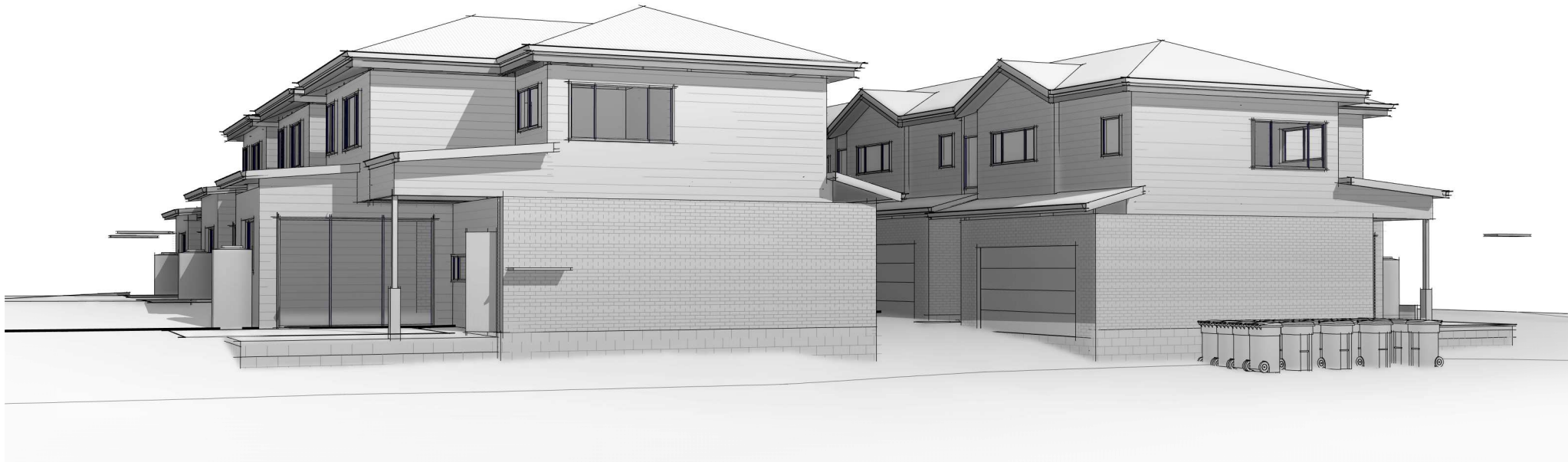
Therefore both Units receive a minimum of 3 hours of direct sunlight to their private open space area.

No.	Description	Date

SHEET:	U5-8 POS SHADOWS				ISSUE:
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision		DATE:	11/03/2022	Checker
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LGA:	DA ISSUE		DRAWN BY:	Author	31



1 South Perspective



2 North Perspective

No.	Description	Date

SHEET:	ELEVATION PERSPECTIVE				ISSUE:	
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CLIENT:	R.Heckenberg			SCALE @ A3:		
ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500			PROJECT NO:	10STAR-066	SHEET:
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1 East Perspective



2 West Perspective

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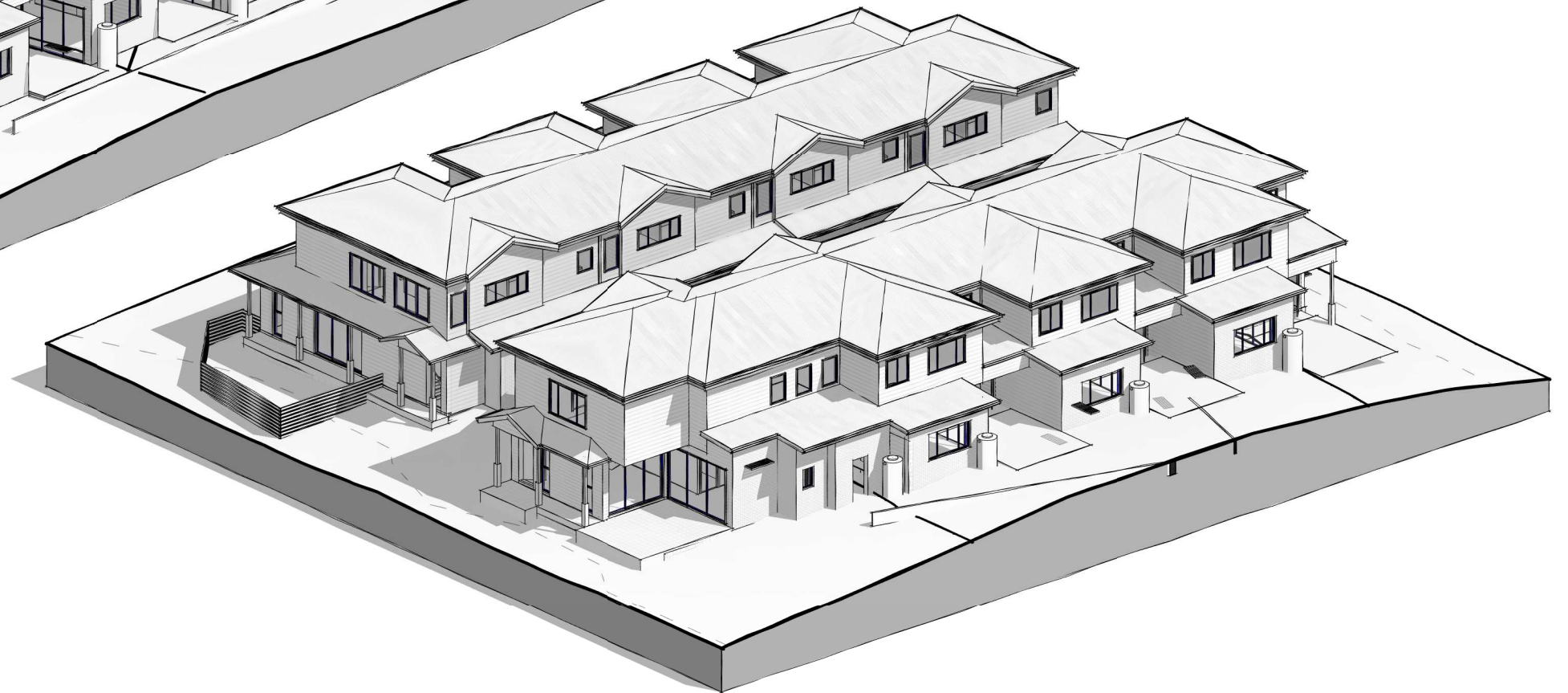
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ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500			PROJECT NO:	10STAR-066	SHEET:
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1 North West 3D Perspective



2 South East 3D Perspective

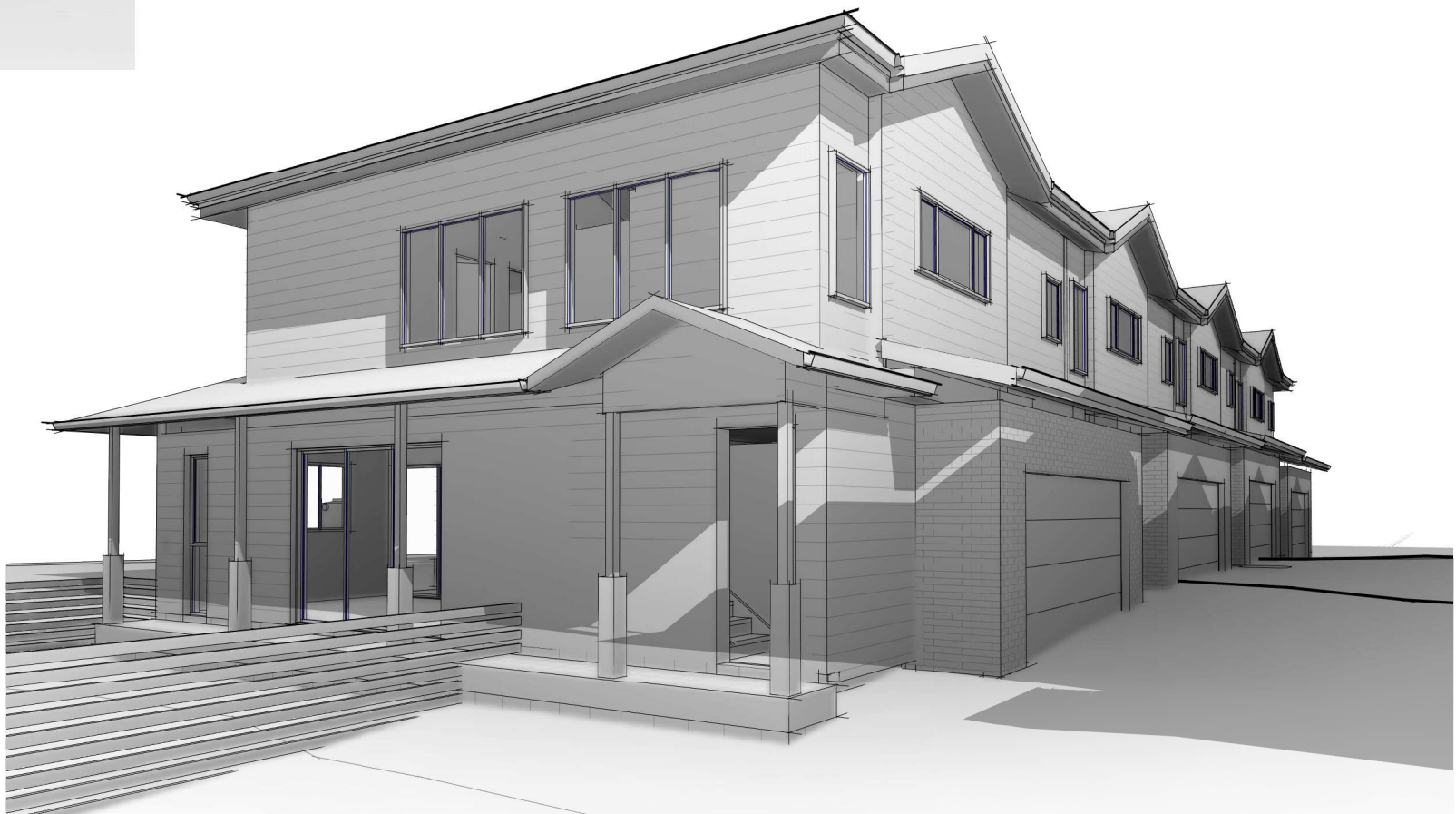
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ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	PROJECT NO:	10STAR-066	SHEET:
LGA:	DA ISSUE	DRAWN BY:	M.LISICA	34



1

U1-4 Street Perspective



2

U5-8 Street Perspective

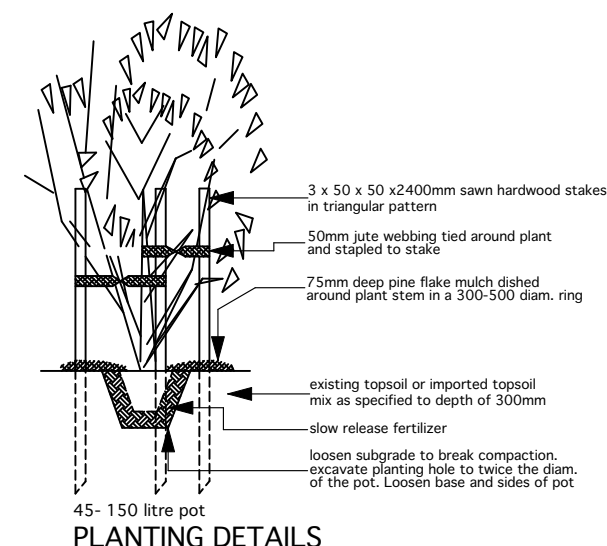
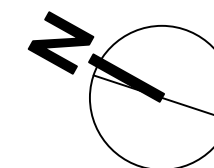


Discover 10 Star Living
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E: info@10starliving.com.au
W: www.10starliving.com.au

No.	Description	Date

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2. These drawings are not to be scaled. Figured dimensions should be used in all cases. All dimensions are in millimetres.
3. All dimensions are to be checked on site.
4. All work are to comply with the National Construction Code (NCC) & Australian Standards.

SHEET:	FACADE PERSPECTIVE			ISSUE:
PROPOSAL:	Proposed Multi Dwelling Development and Strata Title Subdivision	DATE:	11/03/2022	DA-006
CLIENT:	R.Heckenberg	SCALE @ A3:		
ADDRESS:	14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	PROJECT NO:	10STAR-066	SHEET:
LGA:	DA ISSUE	DRAWN BY:	M.LISICA	35



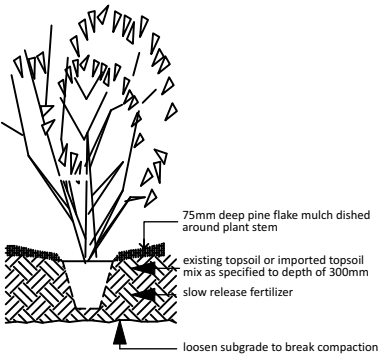
ABN: 54 132 590 517

NO.	DATE	REVISION DETAILS	BY	PROJECT LANDSCAPE DESIGN
A	25/03/22	REVISED LAYOUT	MS	
				ADDRESS 14-16 ACACIA AVENUE, GWYNNEVILLE

PROJECT #	MS2020080
DWG DATE	25 / 03 / 2022
SCALE @ A3	1 : 250
DRAWN BY	MARK SPENCE
FILE NAME	MS2020080
PAGE #	PAGE 1 OF 2



LANDSCAPE PLANTING SCHEDULE					
BOTANIC NAME	COMMON NAME	(H) x (W)	SIZE	QTY	STAKING
1 Lophostemon confertus	Brush Box	15 m x 8 m	45 litre	2	YES
2 Brachychiton acerifolius	Illawarra Flame Tree	12 m x 6 m	45 litre	11	YES
3 Syzygium smithii 'Firescreen'	Firescreen Lilly Pilly	3 m x 1.5 m	200 mm	14	NO
4 Viburnum 'Dense Fence'	Dense Fence Viburnum	2.5 m x 1.5 m	200 mm	29	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	29	NO
7 Michelia figo	Port Wine Magnolia	3 m x 1.5 m	200 mm	25	NO
8 Murraya paniculata	Mock Orange	1.5 m x 1.5 m	200 mm	17	NO
9 Correa alba	White Correa	1.2 m x 1.2 m	200 mm	24	NO
N Nandina 'Gulf Stream'	Gulf Stream Nandina	0.8 m x 0.6 m	200 mm	28	NO
L Lomandra cylindrica 'Lime Wave'	Lime Wave Lomandra	0.8 m x 0.8 m	100 mm	600	NO



PLANTING DETAILS - GARDEN AREAS

PLANTING AND LANDSCAPE MAINTENANCE REQUIREMENTS

PLANT MATERIAL - Plants shall be pest and disese 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.

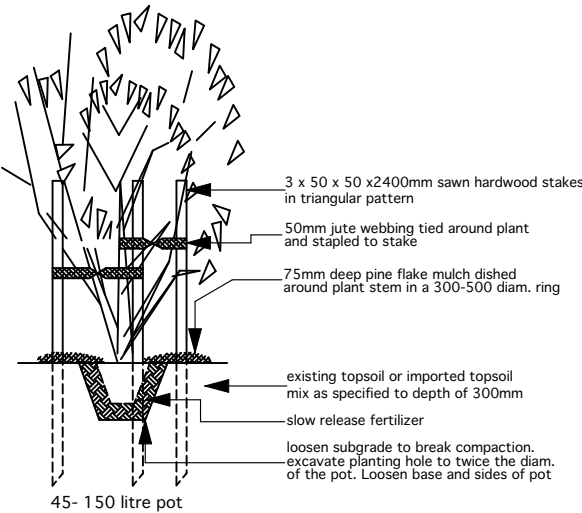
MULCHING - Mulch is to be placed in all areas of planting to a uniform depth of 75mm. Mulch should be hardwood woodchop, river gravel 5 - 10mm or similar. A consistent depth of mulch is to be maintained for a period of 12 months following the initial landscape installation.

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



PLANTING DETAILS

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NO.	DATE	REVISION DETAILS	BY	PROJECT	CLIENT	PROJECT #	MS2020080
A	25/03/22	REVISED LAYOUT	MS	LANDSCAPE DESIGN	10STAR LIVING	DWG DATE	25 / 03 / 2022
				ADDRESS	HECKENBERG	SCALE @ A3	1 : 250
				14-16 ACACIA AVENUE, GWYNNEVILLE		DRAWN BY	MARK SPENCE
						FILE NAME	MS2020080
						PAGE #	PAGE 2 OF 2



MARK SPENCE

ENVIRONMENTAL & LANDSCAPE SERVICES
B.Env.Sc. (Hons.) Dip.Hort. (Landscape Design)
Cert. 5 Hort. (Arboriculture). MPLA

PO Box 739. Wollongong NSW 2520
Phone: (02) 42273650 / 0421642763
Email: markspence@optusnet.com.au

ABN: 54 132 590 517

ATTACHMENT 3 DRAFT CONDITIONS OF CONSENT

Consent has been granted subject to the following conditions:

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 Project No. 10STAR-066 Drawing Nos. Sheet 3 dated 11 March 2022 and DA-006-4 to DA-006-22 dated 11 March 2022 and DA-006-25 dated 11 March 2022 prepared by 10 Star Pty Ltd and Project No MS 2020080 Sheets 1A and 2A dated 25 March 2022 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 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 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), 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:

- 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.
- include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system
- 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.
- 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	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1394636	<ul style="list-style-type: none">• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none">• Cash• Credit Card• Bank Cheque
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

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:

- a stating that unauthorised entry to the work site is not permitted;

- b showing the name, address and telephone number of the PC for the work; and
- c 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

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- 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