

# Wollongong Local Planning Panel Assessment Report | 4 December 2019

<b>WLPP No.</b>	Item 4
<b>DA No.</b>	DA-2019/453
<b>Proposal</b>	Residential - Construction of multi-unit housing and subdivision - strata title – eighteen (18) lots
<b>Property</b>	Lot 15 DP 24874, Lot 25 DP 237812 2-4 Highway Avenue, West Wollongong
<b>Applicant</b>	Kollaras Developments Pty Ltd
<b>Responsible Team</b>	Development Assessment & Certification – City Centre Team (VD)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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

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

#### Proposal

The proposal seeks approval for the construction of multi-dwelling housing comprising of 16 two storey townhouses and 2 single storey villas and strata subdivision.

#### Permissibility

The proposal is permissible in the R2 Low Density Residential zone of the Wollongong Local Environmental Plan (WLEP) 2009.

#### Consultation

The proposal was exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan 2009 and seventeen (17) submissions were received. Upon receipt of additional information and amended plans, the proposal was re-exhibited and seven (7) further submissions were received. The submissions received are discussed at section 1.5 of the assessment report

Council's Traffic and Stormwater Officers have reviewed the application and provided satisfactory referral comments. Concerns have been raised by Council's Landscape Department which is discussed in this report.

#### Main Issues

The main issues identified during the assessment process include:

- Unauthorised tree removal;
- Traffic and parking;
- Extent of cut and fill.

## RECOMMENDATION

Development Application DA-2019/453 be **refused** for the reasons outlined in **Attachment 5**.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the proposal:

State Environmental Planning Policies:

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises the construction of a multi-dwelling development including 16 two storey townhouses and 2 single storey villas and strata subdivision.

The development is provided in row form with three rows of four units for rows X, Y, and Z and five units at the rear of the site along the western boundary (row W).

Access to the site will be via a driveway 5.5m wide from Highway Avenue cul-de-sac.

Communal open space is provided along the proposed driveway midway through the site.

Visitor parking is provided along the southern boundary and Unit X4. On site waste servicing is proposed with a bin pick up bay located along the internal driveway.

An additional unit (Z5) is located to the south of the proposed driveway near the entrance to the site.

The proposed building finishes includes a mix of cladding and brickwork incorporating neutral colours to external walls and the roof. The roof will be finished in colorbond.

Earthworks are proposed to facilitate the development. The Bulk Earthworks Plan shows the extent of cut and fill required. Along the northern boundary, 1-2m of cut is required along with some cut near the entrance of the site. Towards the middle of the site, more than 2m of fill is required some of which is retained and some of which is battered. Along the southern boundary, 1-2 metres of fill is required.

### **1.3 BACKGROUND**

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

Pre-lodgement meeting

PL-2016/135 for residential - multi dwelling housing, 9 dwellings, was held for the proposal on 28 September 2016. The plans presented at the pre-lodgement meeting were only over one lot (Lot 25 DP 237812).

PL-2015/3 - Residential - 10 units and strata subdivision, was held for the proposal on 11 February 2015. The plans presented at the pre-lodgement meeting were only over one lot (Lot 25 DP 237812).

#### Customer service actions:

A recent customer service action has been made in relation to unauthorised tree removal which has been carried out on the subject property. Some of the trees removed were proposed for removed under the subject application. This appears to have occurred during the same time demolition works were carried for the 2 dwellings previously situated on this property. This matter is currently under investigation by Council's Regulation and Enforcement Division.

#### **1.4 SITE DESCRIPTION**

The site is located at 2-4 Highway Avenue & 6-8 Highway Avenue, West Wollongong and the title references are Lot 15 DP 24874 and Lot 25 DP 237812. The site comprises two lots with a total area of 5432m<sup>2</sup>. All structures on site have recently been demolished, trees removed and some earthworks carried out. The sites is currently vacant.

The site is irregular in shape with a fall of seven metres from the rear of the site to the street, and a cross fall of 7m from the north-east to the south west. To the rear (west) of the site is the M1 Princes Motorway.

To the east of the site is an existing pedestrian access which links onto Mt Keira Road. A dwelling house is located immediately to east of the pathway. To the south of the site is an existing multi-unit development built in 1973. To the north are residential dwelling houses.

The site is characterised by low to medium density residential dwellings with Princes Motorway adjacent to the west of the site and the Princes Highway located to the east of the site. An existing child care centre is located at 32 Highway Avenue. Two schools are located within close proximity to Highway Avenue, along the Princes Highway. The site is located approximately 3km from Wollongong CBD.

#### Property constraints

- Flooding- uncategorised flood risk precinct.
- Fill land affected.
- A Sydney Water sewer easement traverses through the site in a north-south direction.
- A drainage easement traverses the site which is proposed to be re-aligned to accommodate the proposed development.

#### **1.5 SUBMISSIONS**

The proposal was exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan 2009 between the 24 May to 12 June 2019. Seventeen (17) submissions were received. Following re-notification of amended plans between the 11 October to 30 October 2019, seven additional submissions were received. The issues raised in the submissions are summarised below:

**Table 1: Submissions**

<b>Issues raised</b>	<b>Comment</b>
<b>Traffic Concerns</b>	
<ul style="list-style-type: none"> <li>Increasing traffic flow with no alternate exit/entrance.</li> <li>Poor pedestrian and traffic safety to drivers, residence and children when the traffic flow and parking demand increase.</li> <li>High car ownership rate and number of cars owned by the local resident in Highway Avenue will increase future traffic flow.</li> <li>Concern for car manoeuvrability in and out to the site/unit garage.</li> <li>The proposal will obscure and increase the traffic flow to the highly used turning circle where the proposed entrance is connected.</li> <li>Concerns regarding the findings of the Traffic Impact Assessment.</li> </ul>	<p>In response to the number of submissions received raising traffic concerns, Council requested a Traffic Impact Assessment be undertaken.</p> <p>The Report outlines that the development is estimated to generate 24 trips during morning and evening peak hours. This results in one additional movement every 6 minutes during peak hours.</p> <p>The report found that this increase is not significant considering the surrounding road network.</p> <p>Turning circles have been shown on the plan and all vehicles are able to enter and exit the garages, parking spaces and turning bays.</p> <p>Council's Traffic Engineer has reviewed the report and raises no concerns with the proposed development.</p>
<b>Parking Concerns</b>	
<ul style="list-style-type: none"> <li>Not enough street parking for the current residents. The proposal will exacerbate this matter.</li> <li>Insufficient number of the proposed residential and visitor car parking spaces with anticipated overflow.</li> <li>Proposed car spaces allocated to the units may not be large enough to park two large size cars.</li> <li>The parking provision of the proposal may compete with preschool parking demand.</li> <li>Current on-street parking creates a narrow lane access to the local residence, limiting traffic, parking and emergency provisions. The proposal will exacerbate this matter.</li> </ul>	<p>Parking has been provided on site. A total of 36 car parking spaces have been provided for residents and 4 visitor parking spaces for visitors.</p> <p>This complies with the current parking requirements outlined in Council's Development Control Plan 2009.</p> <p>Car parking spaces and manoeuvring has been verified by Council's Traffic Engineer.</p>
<b>Stormwater runoff</b>	
<ul style="list-style-type: none"> <li>Existing stormwater problems.</li> <li>Connection to existing drain is cracked and blocked.</li> </ul>	<p>The proposed development incorporates on-site detention (OSD) to cater for the proposed increase in impervious area. The OSD will limit flows to Highway Avenue to match pre-existing conditions.</p> <p>The submitted Stormwater Plan proposes a</p>

	<p>new (re-aligned) inter-allotment drainage system proposed as part of this development, extending downstream to the point of connection within Highway Avenue. This will continue to cater for the upslope catchment.</p> <p>The application has been assessed by Council's Stormwater Division and found to be acceptable subject to the existing pit on Highway being restored by the developer.</p>
<b>Privacy, loss of sunlight</b>	
<ul style="list-style-type: none"> <li>Concern over the projected roof heights</li> <li>Impact on solar access</li> <li>Privacy concerns with windows parallel to backyard.</li> </ul>	<p>Due to the level of fill, the units particularly along the western boundary, proposed units have excessive roof heights. However, they are under the 9m height limit.</p> <p>Shadow diagrams have been submitted demonstrating compliance with controls in Council's DCP requiring the retention of sunlight to neighbouring properties.</p> <p>This control requires that windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June. At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21.</p> <p>Privacy concerns are mainly in relation to the elevated nature of Unit W5 and Z5 and the potential to overlook onto the adjoining property to the south. This is due to the large amounts of fill required to elevate these units. However, these units are setback from the southern boundary by a driveway, landscaping and communal open space which reduces the potential for impacts.</p>
<b>Waste Servicing</b>	
<ul style="list-style-type: none"> <li>Currently Highway Avenue already have difficulties for waste collection as there are no spaces to place bin without blocking driveways.</li> <li>Rubbish collection requires a garbage truck to complete a three point turn on a common driveway which is dangerous.</li> <li>Proposed arrangement is dangerous and unnecessary.</li> </ul>	<p>Due to the location of the site along a cul-de-sac, on-site waste servicing is proposed. A bin pick-up bay is provided along the proposed driveway.</p> <p>An assessment of the proposed waste servicing arrangements has been undertaken by Council's Traffic Engineer and found to be satisfactory.</p> <p>The garbage truck will need to reverse into the turning bay in order to exit the site in a forward direction.</p>

Character of the locality	
<ul style="list-style-type: none"> <li>• The proposed number of multi-dwellings does not satisfy the objective of R2 zone for a low-density living feature.</li> <li>• Inconsistency to WLEP2009 1.2 Aims of Plan under (2)(b), (c), (d), (e), and (g) of this clause.</li> <li>• 8 dwellings would be more appropriate</li> </ul>	<p>The site is located in a low-density zone. Multi-unit developments are permissible in this zone where there is little minimal impact to neighbouring properties.</p> <p>The aims of the LEP the objector is referring to are:</p> <p><i>b) to encourage economic and business development to increase employment opportunities</i></p> <p>The land is zoned residential and employment opportunities are limited.</p> <p><i>c) to encourage a range of housing choices consistent with the capacity of the land</i></p> <p>The proposal incorporates 16 two storey townhouses and 2 single storey villas and strata subdivision. A broader mix of housing choices could be provided given the scale of the development.</p> <p><i>d) to improve the quality of life and the social well-being and amenity of residents, business operators, workers and visitors,</i></p> <p>Limited information is available on how this development will improve the quality of life and the amenity of residents. A number of concerns have been raised in the submissions received.</p> <p><i>e) to conserve and enhance remnant terrestrial, aquatic and riparian habitats, native vegetation and fauna species,</i></p> <p>Unauthorised vegetation removal has been carried out and is currently subject of enforcement action.</p> <p><i>g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,</i></p> <p>The site will be able to be serviced by infrastructure. However, in relation to tree removal, gradients and excessive cut and fill, the proposal has no regard to this objective.</p> <p>Further discussion of compliance with the planning controls for multi- unit developments in this zone is provided within this report.</p>

<b>Excavation and levelling</b>	
Concern over the level of extensive reshaping of the land to allow for stormwater runoff to Highway Avenue.	<p>A Bulk Earthworks Plan has been submitted detailing the level of cut and fill proposed as part of this development.</p> <p>This plan outlines areas of 1-2m cut towards the northern section of the site and 1-2m of fill for the remainder of the site. Towards the central of the site, near the communal open space and Unit X5, more than 2m of fill is proposed.</p> <p>It is considered that the design should respond to the topography of the site and minimise the extent of cut and fill. The design should incorporate a stepped design rather than cut and fill to level the site.</p>
<b>Construction</b>	
<ul style="list-style-type: none"> <li>Concern is raised over the amount of noise during construction.</li> <li>Difficulties for construction trucks accessing the street during construction stage.</li> </ul>	<p>Council could impose conditions relating to noise during construction and restricted hours of construction work.</p> <p>A traffic management plan would also be required prior to works commencing which would outline measures to address traffic impacts during construction.</p>
<b>Tree Removal</b>	
<ul style="list-style-type: none"> <li>Removal of 33 A SULE rated trees</li> <li>Contribute to climate change</li> <li>Tree removal has already carried been carried out.</li> </ul>	<p>The application proposes trees to be removed to accommodate the proposed development. Council has recently become aware that a number of these trees have already been removed during demolition works. This matter is currently under investigation by Council's Regulation and Enforcement Division.</p> <p>Outstanding issues relate to tree removal and impacts upon existing trees. Specifically, issues relate to impacts of the stormwater design through the trees located to the front of the site. Also, insufficient details on the impact of cut and fill on the trees which were nominated to be retained.</p> <p>An updated Arborist report following the submission of amended plans has not been received. A full assessment on tree removal has therefore not been undertaken.</p>
<b>Services</b>	
The existing electrical infrastructure may be inadequate to service the proposed 20 multi-dwellings.	The developer would be required to obtain approval from relevant authorities for the upgrade of existing services.

## **1.6 CONSULTATION**

### **1.6.1 INTERNAL CONSULTATION**

Council's Traffic and Stormwater and reviewed the application submission and provided satisfactory referral comments. Council's Landscape Division have raised concerns which are discussed in this report.

### **1.6.1 EXTERNAL CONSULTATION**

*Roads and Maritime Services (RMS)*: The application was referred to the RMS to seek comment on clause 102 of SEPP Infrastructure 2007. A referral was received by Council and dated 12 June 2019 with conditions attached.

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION**

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

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

A Preliminary site investigation report has been submitted (Douglas Partners, August 2019) in response to Council's request for further investigations. The report found that asbestos has been encountered and required further investigations. The report recommended that targeted asbestos investigation be undertaken in areas of uncontrolled historic fill containing building and demolition rubble.

The Report was referred to Council's Environment Department and conditions are recommended regarding a Validation Report (Stage IV). It is considered that the requirements of SEPP 55 have been met.

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

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

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

#### **2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

Located to the west of the site is the M1 Princes Motorway which is a Classified Road and carries high traffic volumes. The Applicant has submitted a Road Traffic Noise Intrusion Assessment (Day Design Pty Ltd, 4 April 2019) which outlines recommendations for acoustical treatment for noise reduction of the proposed dwellings.

Comments were also sought from the NSW RMS and conditions were provided. Recommendations from the Noise Intrusion Assessment would need to be applied.

#### **2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

### **Part 2 Permitted or prohibited development**

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

The zoning map identifies the land as being zoned R2 Low Density Residential, as shown in **Attachment 3**.

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

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

The proposal is categorised as a **Multi dwelling housing** as defined below and is permissible in the zone with development consent.

#### Clause 1.4 Definitions

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

#### Clause 2.6 Subdivision – consent requirements

Strata subdivision is proposed.

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

#### Clause 4.1 Minimum Subdivision Lot Size

The application proposes strata subdivision and as such, there is no minimum lot size.

#### Clause 4.3 Height of buildings

The proposed building height of 8.884m and does not exceed the 9 metres maximum permitted for the site. However, as some earthworks have been carried out during demolition stage and the levels of the site have changed, it is difficult to ascertain natural ground levels.

#### Clause 4.4 Floor space ratio

<b>Maximum FSR permitted for the zone:</b>	<b>0.5:1</b>	
Site area:	5432m <sup>2</sup>	
	GFA	2362m <sup>2</sup>
FSR:	0.43:1	

The proposal is compliant.

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

#### Clause 7.1 Public utility infrastructure

The existing site is serviced by electricity, water and sewage services.

#### Clause 7.3 Flood planning

The application is listed as flood affected. Following a review by Council's Stormwater Engineer, no concerns are raised in this regard.

## Clause 7.6 Earthworks

Concerns are raised in relation to the extent of cut and fill proposed as part of this development. Concerns are also raised over the associated retaining walls required to accommodate the earthworks along with the impact of the works on trees. Insufficient information has been provided for Council to assess the impacts of the works.

Detailed sections in relation to the proposed earthworks and impacts upon adjoining development have not been undertaken. Long sections of proposed retaining walls have not been provided. The details of the structural adequacy of the existing retaining wall has also not been provided. It appears that tree removal and some earthworks have been carried out during demolition stage and the levels of the site have changed. It is therefore difficult to ascertain natural ground levels because of these recent works.

## Clause 7.14 Minimum site width

The site has a dimension of greater than 18 metres.

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

None applicable.

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

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

Refer to **Attachment 4** for outline of compliance table in relation to Wollongong DCP 2009.

### **2.4 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018**

The estimated cost of works is >\$100,000 (\$5,511 000.00) and a levy is applicable under this plan.

### **2.5 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.

### **2.6 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?

No demolition is proposed.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable

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

#### Context and Setting:

While multi dwelling housing is permitted on the site, concerns are raised with regard to the impact of the proposal on the surrounding area as outlined in this report.

Access, Transport and Traffic:

A number of concerns have been raised by the objectors in relation to traffic and parking issues due to the narrowness of the street and the location of the site in relation to the cul-de-sac.

The development provides for the required number of car parking spaces and manoeuvring. Council's Traffic officer has considered the development with regard to impacts on the wider traffic network and raised no objections to this proposal.

Public Domain:

There are limited impacts upon the public domain as the site is situated at the end of a cul-de-sac.

Utilities:

The proposal would not be envisaged to place an unreasonable demand on utilities supply.

Heritage:

The site is not located in the vicinity of any nearby heritage items.

Other land resources:

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

Water:

The site is presently serviced by Sydney Water, which could be readily extended to meet the requirements of the proposed development.

The proposal would not be envisaged to have unreasonable water consumption.

Soils:

Traces of asbestos have been found in preliminary investigations. Further information is required on the proposed earthworks and the impacts on existing soils. Geotechnical investigations are yet to be carried out.

Air and Microclimate:

The proposal would not be expected to result in negative impact on air or microclimate.

Flora and Fauna:

The majority of trees are located on the southern lot, No. 6-8 Princes Hwy with established trees located to the west near the boundary of the site. There are also a number of trees towards the front of the site and middle of the site. A number of trees were required for removal to accommodate the development with some of them having already been removed.

Outstanding issues relate to tree removal and impacts upon existing trees. Specifically, issues relate to impacts of the stormwater design through the trees located to the front of the site. Also, insufficient details on the impact of cut and fill on the trees to be retained.

Waste:

This could be subject to condition that an appropriate receptacle be in place for any waste generated during construction.

Energy:

The proposal would not be expected to have unreasonable energy consumption. A BASIX Certificate has been provided.

Noise and vibration:

This could be subject to condition that nuisance be minimised during any construction, demolition,

or works.
<u>Natural hazards:</u> There are no natural hazards identified on site that would preclude the proposed development.
<u>Technological hazards:</u> There are no technological hazards identified on site that would preclude the proposed development.
<u>Safety, Security and Crime Prevention:</u> There are no concerns with regard to safety and security.
<u>Social Impact:</u> The proposal would not be envisaged to result in negative social impacts.
<u>Economic Impact:</u> The proposal is not expected to create negative economic impact.
<u>Site Design and Internal Design:</u> Improvements can be made to the location of the communal open space as suggested by Council's Landscape Department to ensure that it integrates into the existing and proposed landscaped areas. There appears to be poor amenity for Unit Z5 as it is located between the driveway and pedestrian access.
<u>Construction:</u> This could be subject to condition 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 and BCA.
<u>Cumulative Impacts:</u> Cumulative impacts on the environment in terms of vegetation retention.

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

### Does the proposal fit in the locality?

The design of the proposal is not considered an appropriate response with regard to the locality. The development is considered to result in adverse impacts on the character and amenity of adjoining developments, and the surrounding area.

### Are the site attributes conducive to development?

The proposed development has not considered the existing site attributes and responded accordingly. There are outstanding issues in relation to impacts on trees and excessive cut and fill.

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

See section 1.5 of this report.

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

The application in its current form results in unacceptable impacts and has not appropriately considered the site constraints. Approval would not be considered to be in the public interest.

### 3 CONCLUSION

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

The site has several known constraints, including slope, contamination, and vegetation. The proposed development fails to demonstrate that the site can suitably accommodate the proposed development and fails to respond to the site's topography with an excessive amount of cut and fill proposed. There are also outstanding landscaping issues particularly in relation to tree removal and impacts of the design upon existing trees

The submissions have raised matters which have been addressed above.

### 4 RECOMMENDATION

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It is recommended that the development application DA-2019/453 be **refused** for the reasons found in **Attachment 5**.

### 5 ATTACHMENTS

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1. Plans
2. Aerial Photograph
3. Zoning Map
4. WDCP 2009 Compliance Tables
5. Draft Reasons for refusal



NOTES
- SURVEYS OBTAINED FROM C. ROBSON 16469/0 B 8.11.19 C. ROBSON 14199/0 A 21.5.14
- LOTS TO BE CONSOLIDATED
- ALL EXISTING STRUCTURES TO BE DEMOLISHED (NOT PART OF THIS APPLICATION. TO BE CDC)

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874



REV	DESCRIPTION	DATE	DRAWING TITLE
A	Preliminary Issue	6/11/18	
B	For Consultant coordination	15/03/19	
C	FOR DA SUBMISSION	16/04/19	
D	Revised DA submission	01/05/19	
E	DA Resubmission	23/08/19	
F	A3 SET	20/11/19	

PROJECT #: 18-0029 SCALE: 1 : 500 @ A1 1 : 1000 @ A3 DRAWN: AH CHECKED: ZM	
DRAWING NO. <b>DA00</b>	REVISION <b>F</b>

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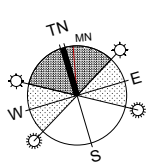


SCHEDULE OF REQUIREMENTS	
<b>General</b>	
MAX HEIGHT 9m	
SITE AREA	5432.0 sqm
MAXIMUM FSR	0.5:1
MAXIMUM GFA	2716 sqm
REQUIRED LANDSCAPE (30% OF SITE AREA)	1630 sqm
REQUIRED DEEP SOIL ZONE (15% OF SITE AREA OR REAR 6M)	
<b>Proposed Gross Floor Areas EXCL. GARAGES</b>	
A TYPE 2 STOREY 3BR (X1 X2 X3 Y1 Y2 Y3 Z2 Z3 Z4 Z5) 130 X 10	1300 sqm
B TYPE 2 STOREY 3BR (ROW W) 149 X 5	745 sqm
C TYPE 1 STOREY ACCESSIBLE VILLA (X4 + Y4) 89 X 2	178 sqm
D TYPE 2 STOREY (Z1) 139 X 1	139 sqm
TOTAL GROSS FLOOR AREA	2362 sqm
<b>Proposed Landscape</b>	
LANDSCAPE (includes DSZ Western and Northern Boundaries)	1722 sqm
COMMUNAL OPEN SPACE (90sqm required)	166 sqm
<b>Parking Required</b>	
1.5 DWELLING 70-110m2	2 x 1.5 = 3
2/DWELLING >110m2	16 X 2 = 32
Actual	36
Visitor 0.2 per dwelling (0.2 x 18)	= 4
Bicycle	
6 Inside garages of row W and Unit Z1	=8
2 visitor in COS	
Motorcycle	= 2

LEGEND	
v	visitor parking
pos	private open-space
cos	communal open-space
dsz	deep soil zone
VB	visitor bicycle parking
-----	Relocated sewer
---	Setbacks
---	Fence New
---	Continuous Path Of Travel
---	Deep Soil Zone
---	Landscape
---	Communal Open Space
---	Private Open Space
---	Dwelling Living Spaces
---	Garage
---	Trees Retained
---	Trees Removed

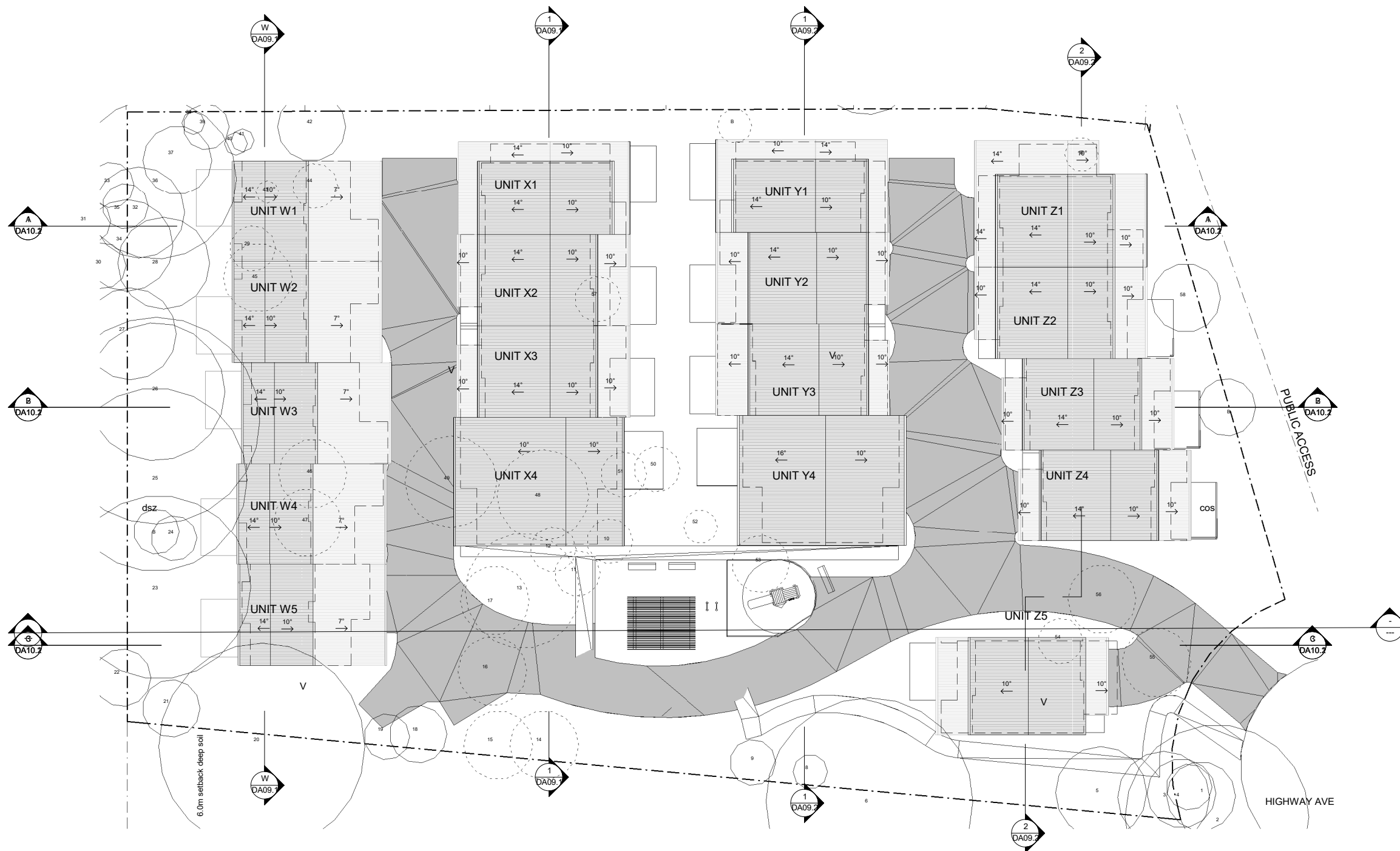
NOTES
- CONTOURS SHOWN ARE EXISTING

# Proposed Residential Development For Kollaras Developments At 2-8 Highway Avenue West Wollongong Lot 25 DP 237812 and Lot 15 DP24874

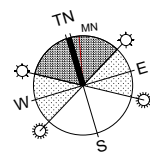


REV	DESCRIPTION	DATE
G	For Consultant coordination	15/03/19
H	FOR DA SUBMISSION	16/04/19
I	For Consultant Coordination	26/04/19
J	Revised DA submission	01/05/19
K	Trees surveyed	20/08/19
L	Site Layout Revised	26/08/19
M	Site Layout Revised	05/09/19
N	Site Revised for Coordination	17/09/19
O	DA Resubmission	23/09/19
P	Survey Area	14/11/19
Q	A3 SET	20/11/19

DRAWING TITLE	
SITE PLAN	
PROJECT #:	18-0029
SCALE:	1 : 200 @ A1 1 : 400 @ A3
DRAWN: AH	CHECKED: ZM
DRAWING NO.	REVISION
DA01	Q
21/11/2019 3:58:24 PM	



Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874

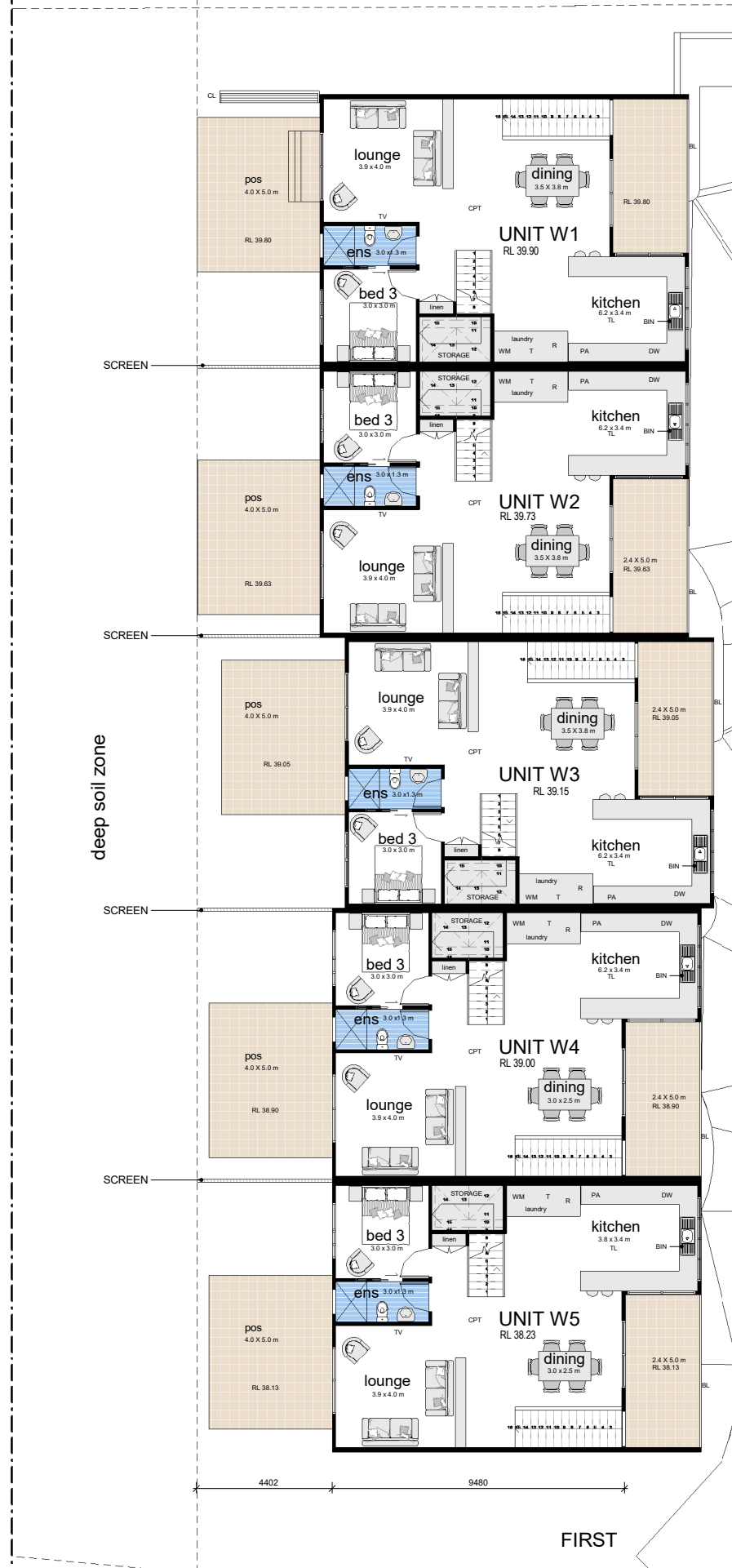
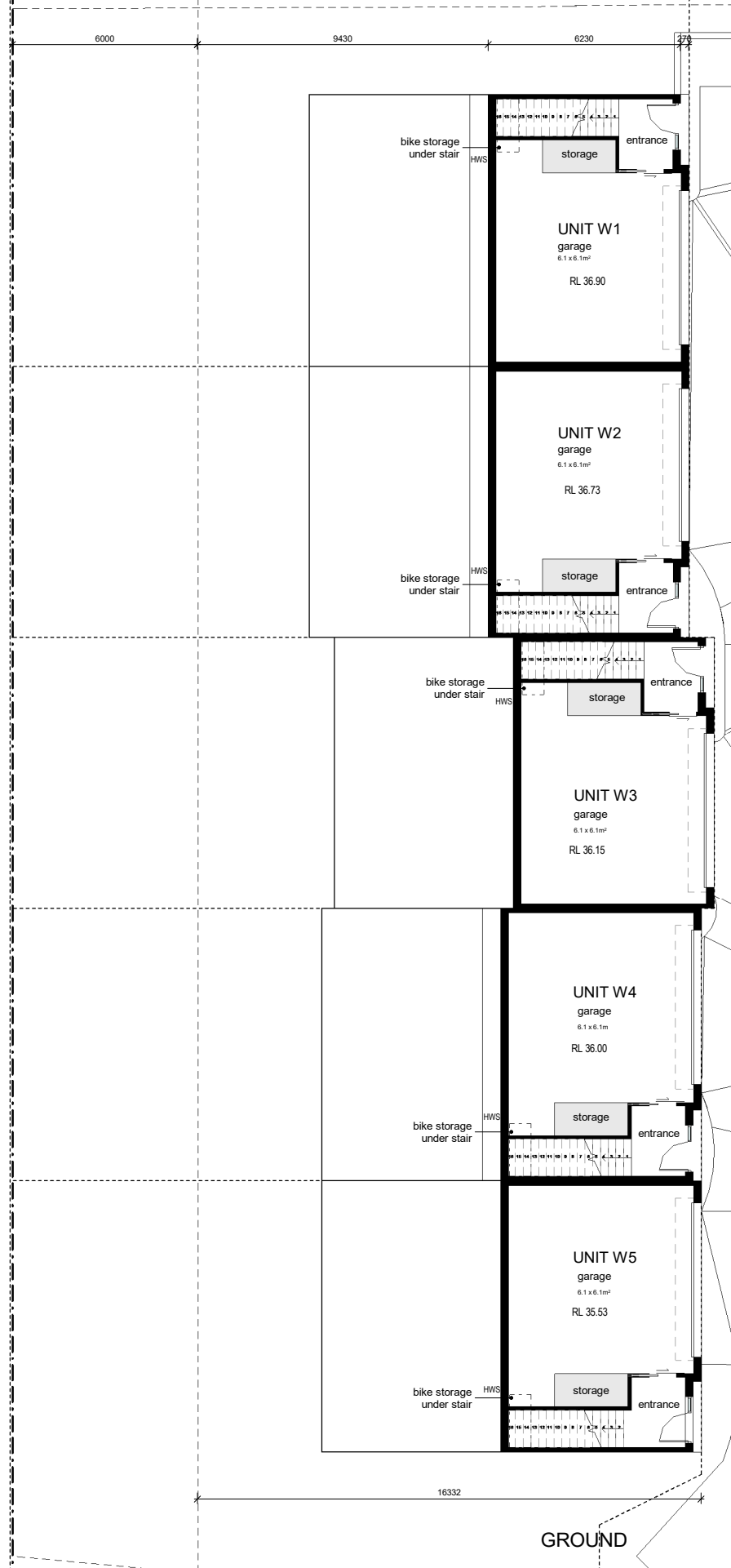


REV	DESCRIPTION	DATE	DRAWING TITLE
A	Preliminary Issue	6/11/18	ROOF PLAN
B	For consultant coordination	31/01/19	
C	For Consultant coordination	06/02/19	
D	For Consultant coordination	07/02/19	
E	For BASIX details	12/02/19	
F	For Civil	14/03/19	
G	For Consultant coordination	15/03/19	
H	FOR DA SUBMISSION	16/04/19	
I	Revised DA submission	01/05/19	
J	DA Resubmission	23/09/19	
K	A3 SET	20/11/19	

PROJECT #:	18-0029
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CHECKED:	ZM
DRAWING NO.	DA04
REVISION	K

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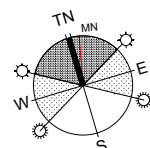




LEGEND	
T	TUB
WM	WASHINE MACHINE
R	REFRIDGERATOR
PA	PANTRY
TL	TILES
CL	CLOTHES LINE
LI	LINEN
CPT	CARPET
CONC	CONCRETE
POS	PRIVATE OPEN SPACE
CPD	CUPBOARD
HWS	HOT WATER SERVICE
WT	WATER TANK

# Proposed Residential Development For Kollaras Developments At 2-8 Highway Avenue West Wollongong Lot 25 DP 237812 and Lot 15 DP24874

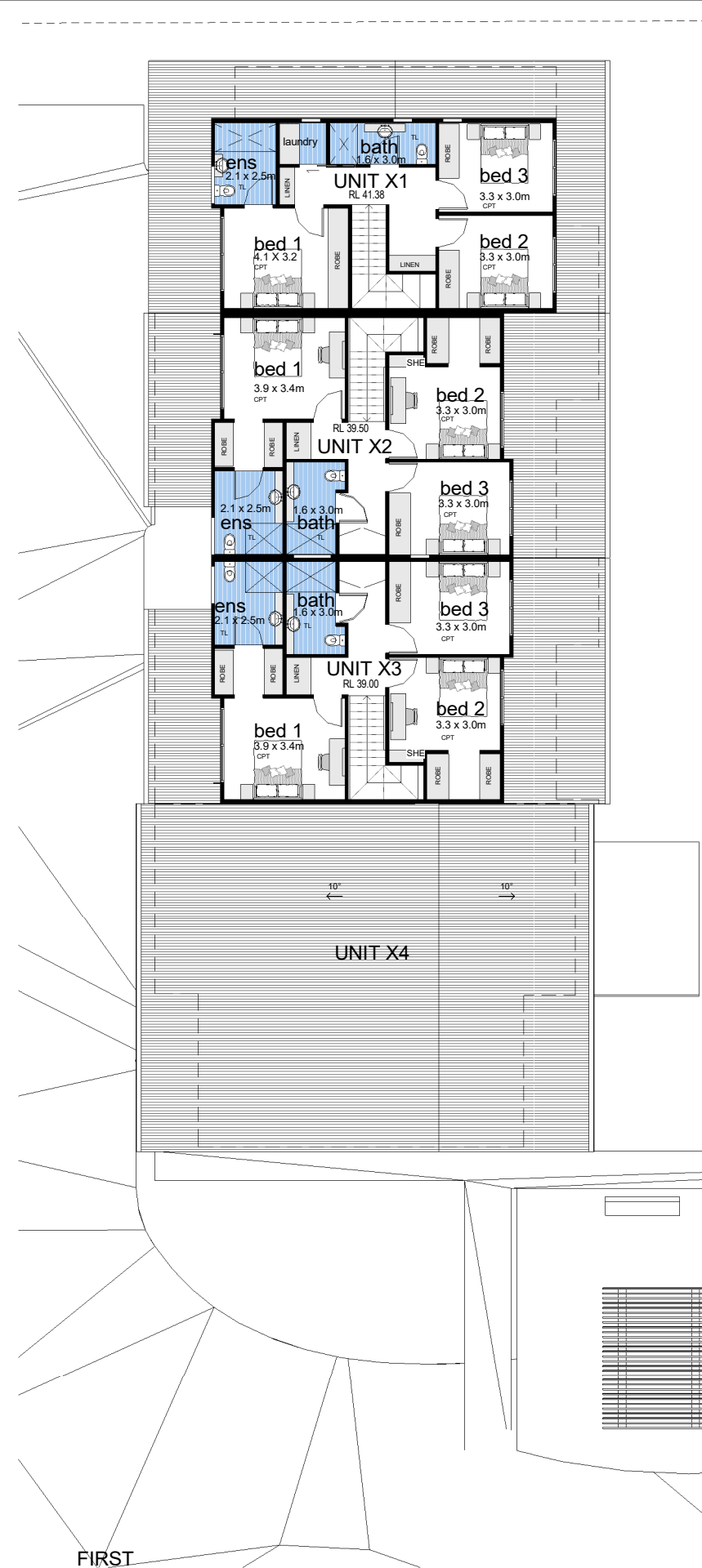
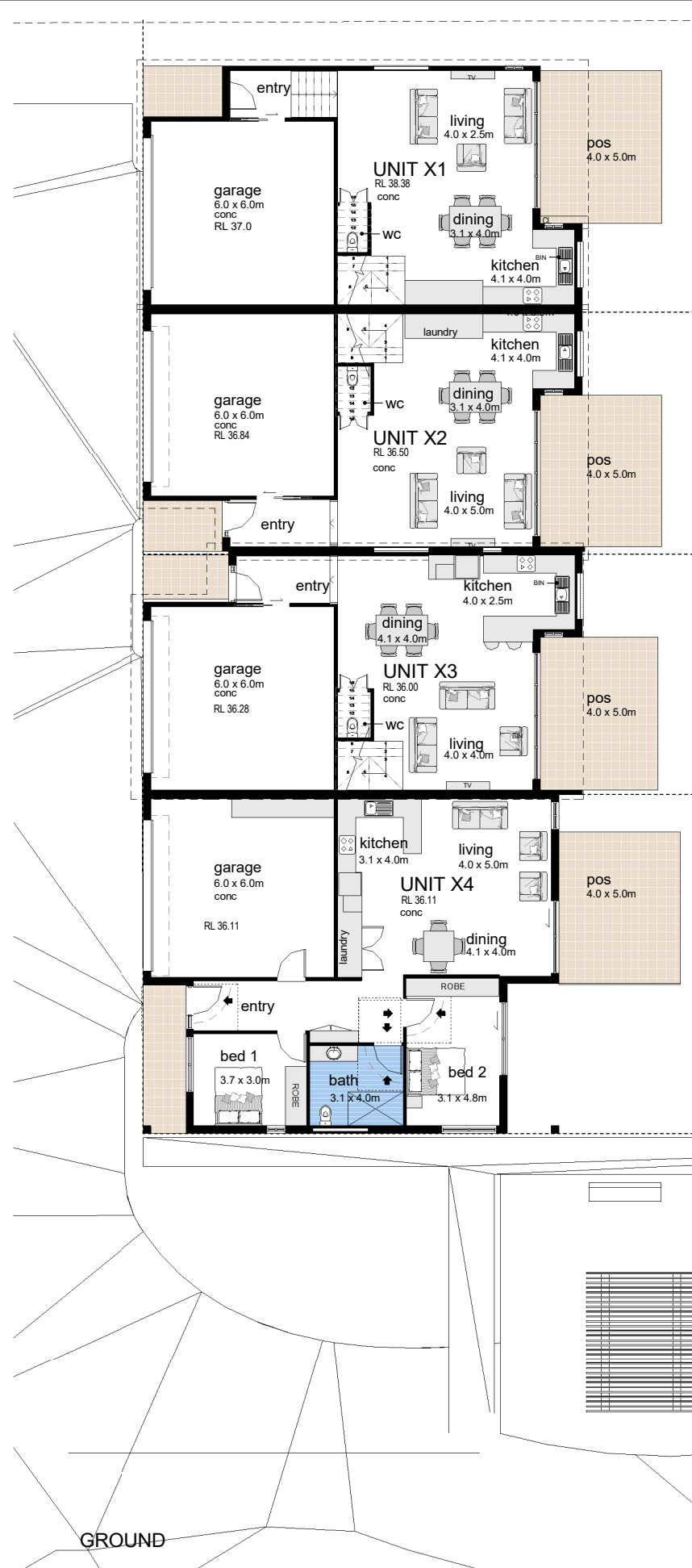
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REV	DESCRIPTION	DATE
A	For Consultant coordination	06/02/19
B	For Consultant coordination	07/02/19
C	For Consultant coordination	15/03/19
D	FOR DA SUBMISSION	16/04/19
E	Revised DA submission	01/05/19
F	DA Resubmission	23/08/19
G	A3 SET	20/11/19

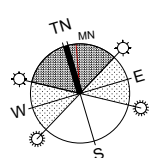
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FLOOR PLANS ROW W	
DRAWING NO.	REVISION
DA05	G


PROJECT #:	18-0029
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DRAWN: AH	CHECKED: ZM
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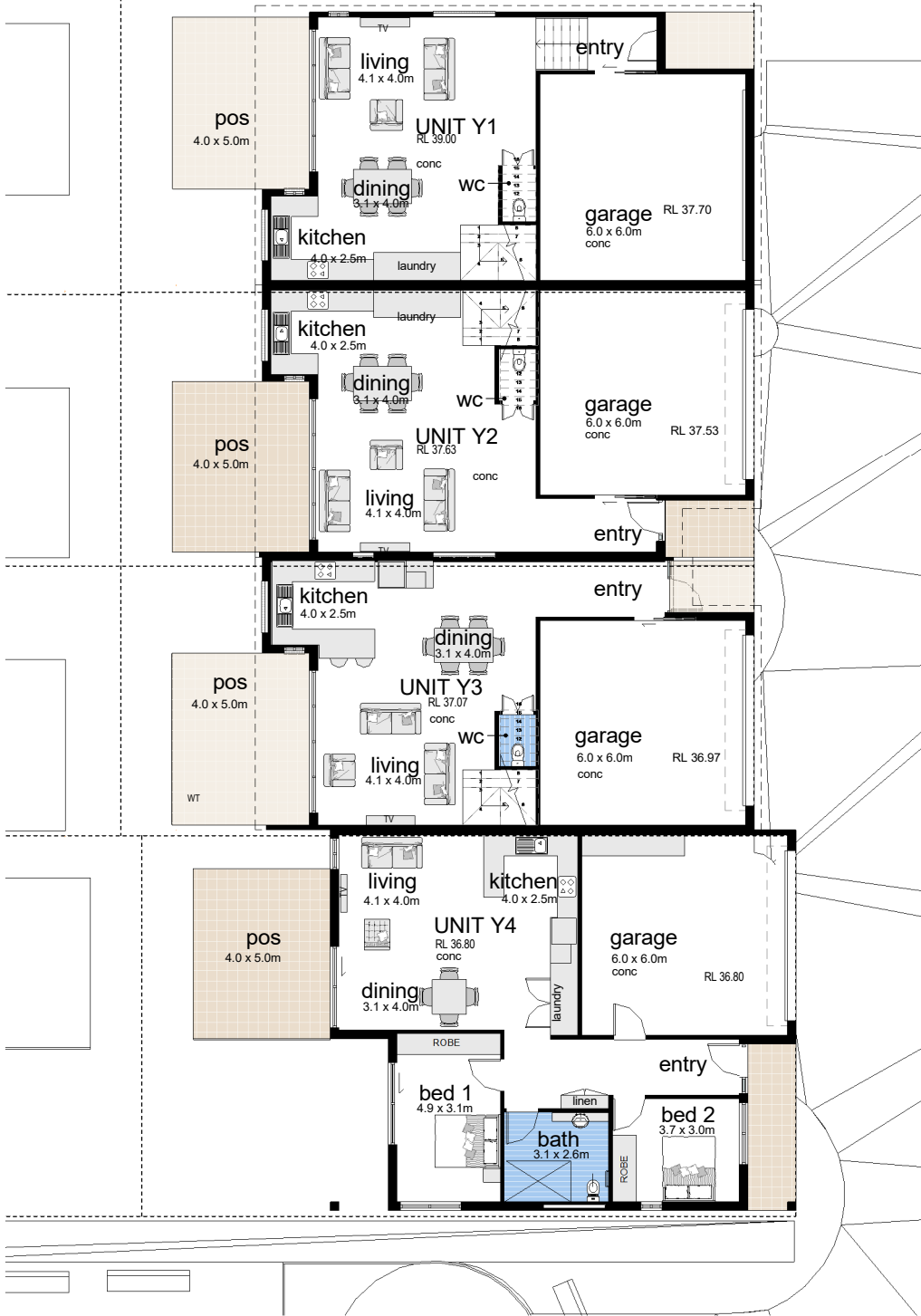


LEGEND	
T	TUB
WM	WASHINE MACHINE
R	REFRIDGERATOR
PA	PANTRY
TL	TILES
CL	CLOTHES LINE
LI	LINEN
CPT	CARPET
CONC	CONCRETE
POS	PRIVATE OPEN SPACE
CPD	CUPBOARD
HWS	HOT WATER SERVICE
WT	WATER TANK

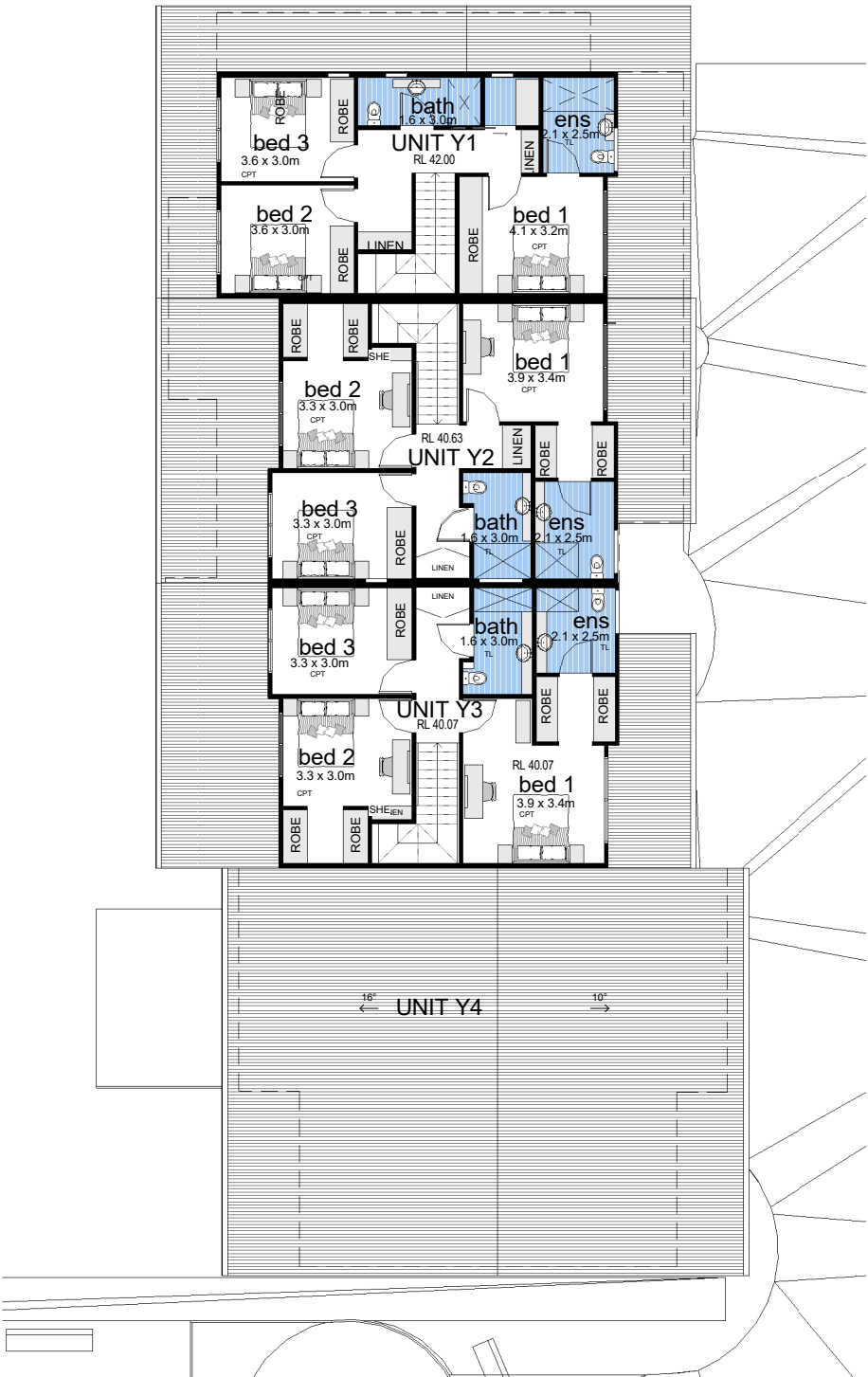
# Proposed Residential Development For Kollaras Developments At 2-8 Highway Avenue West Wollongong Lot 25 DP 237812 and Lot 15 DP24874



 www.aej.com.au aej@aej.com.au	REV	DESCRIPTION	DATE	DRAWING TITLE	PROJECT #	SCALE	DRAWN	CHECKED	REVISION	
	A	For Consultant coordination	06/02/19	FLOOR PLANS ROW X	18-0029	SCALE: 1 : 100 @ A1 1 : 200 @ A3	DRAWN: AH	CHECKED: ZM	DA06	
	B	For Consultant coordination	07/02/19							
	C	For BASIX details	12/02/19							
	D	For Consultant coordination	15/03/19							
	E	FOR DA SUBMISSION	16/04/19							
	F	Revised DA submission	01/05/19							
	G	DA Resubmission	23/09/19							
	H	A3 SET	20/11/19							
					21/11/2019 3:58:46 PM					



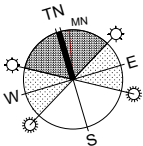
GROUND



FIRST

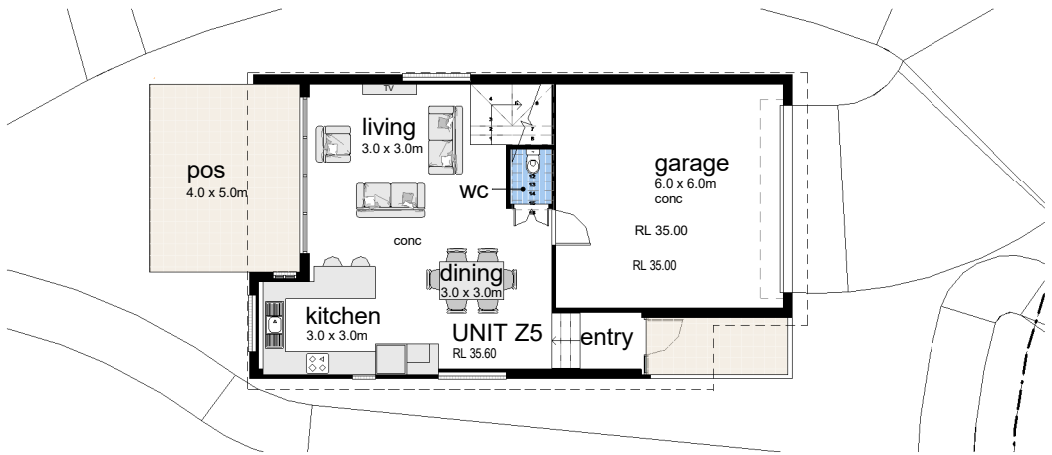
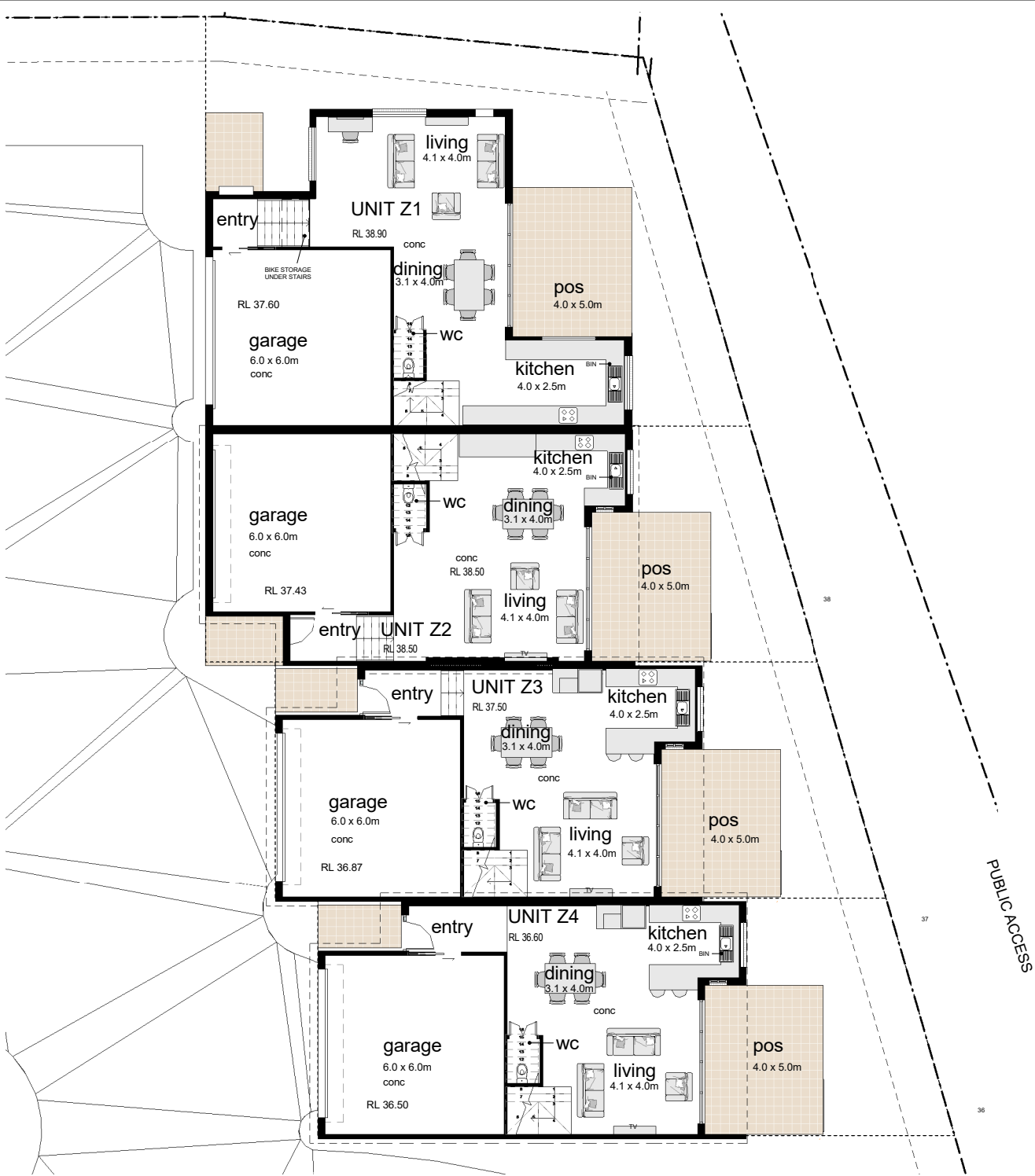
LEGEND	
T	TUB
WM	WASHINE MACHINE
R	REFRIDGERATOR
PA	PANTRY
TL	TILES
CL	CLOTHES LINE
LI	LINEN
CPT	CARPET
CONC	CONCRETE
POS	PRIVATE OPEN SPACE
CPD	CUPBOARD
HWS	HOT WATER SERVICE
WT	WATER TANK

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874

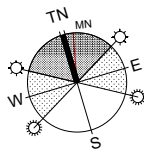


REV	DESCRIPTION	DATE	DRAWING TITLE
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B	For Consultant coordination	07/02/19	
C	For Consultant coordination	15/03/19	
D	FOR DA SUBMISSION	16/04/19	
E	Revised DA submission	01/05/19	
F	DA Resubmission	23/09/19	
G	A3 SET	20/11/19	

PROJECT #: 18-0029	
SCALE: 1 : 100 @ A1	
1 : 200 @ A3	
DRAWN: AH CHECKED: ZM	
DRAWING NO.	REVISION
DA07	G
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# Proposed Residential Development For Kollaras Developments At 2-8 Highway Avenue West Wollongong Lot 25 DP 237812 and Lot 15 DP24874

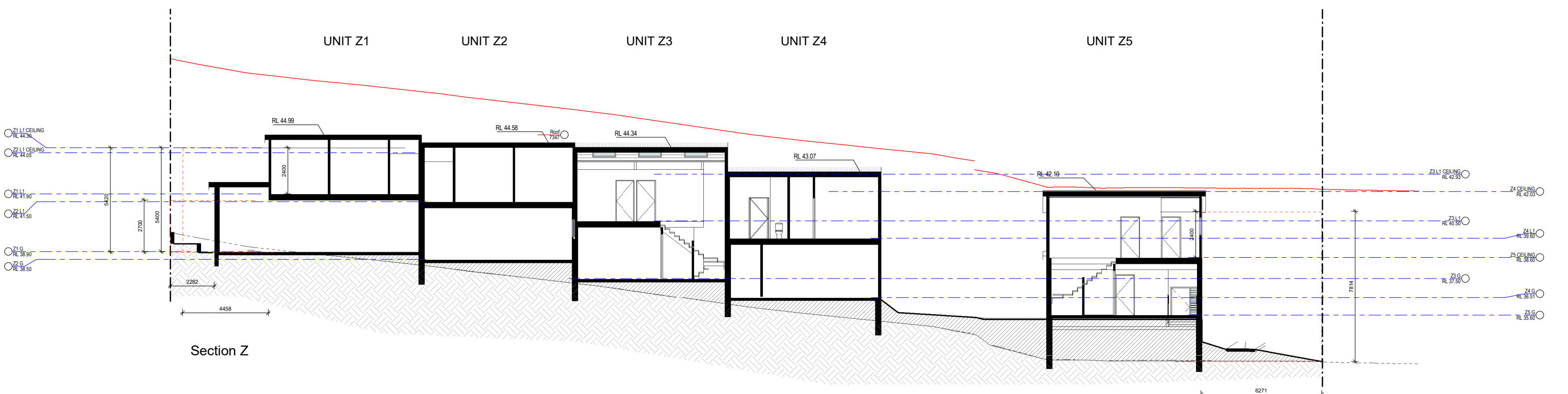
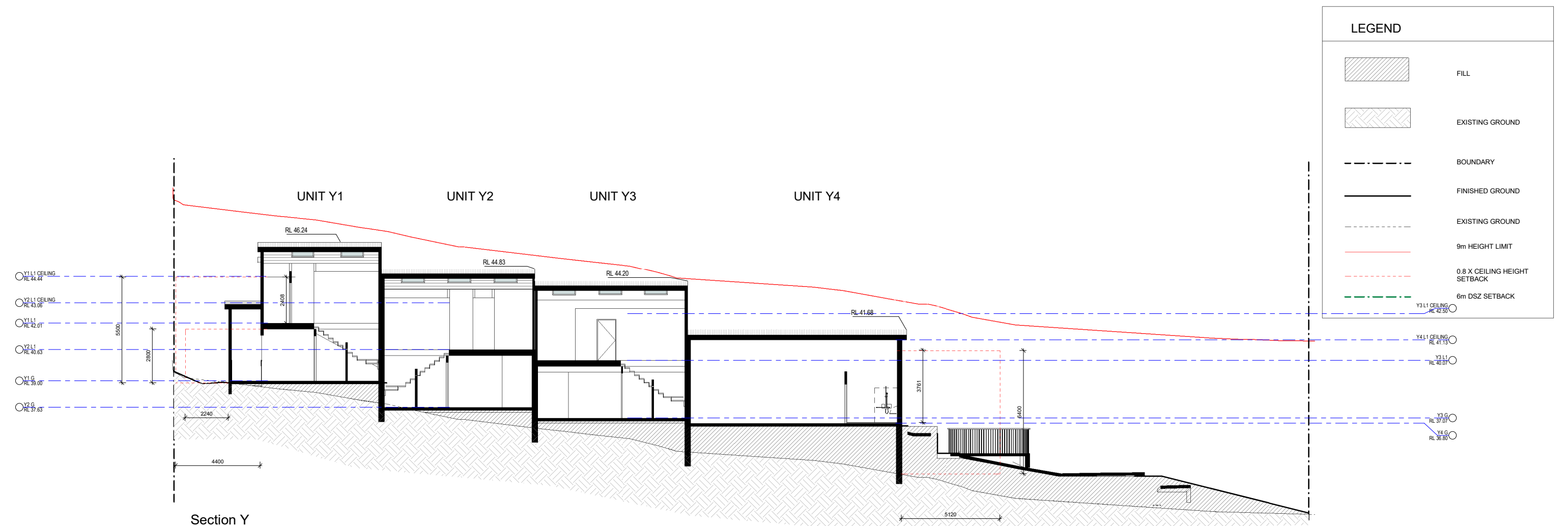


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B	For Consultant coordination	07/02/19		SCALE: 1 : 100 @ A1
C	For Consultant coordination	15/03/19		1 : 200 @ A3
D	FOR DA SUBMISSION	16/04/19		DRAWN: AH CHECKED: ZM
E	Revised DA submission	01/05/19		DRAWING NO. DA08
F	DA Resubmission	23/09/19		REVISION G
G	A3 SET	20/11/19		21/11/2019 3:58:56 PM

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Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874

REV	DESCRIPTION	DATE	DRAWING TITLE
1A	A3 SET	20/11/19	SITE SECTIONS

PROJECT #: 18-0029  
SCALE: 1 : 100 @ A1  
1 : 200 @ A3  
DRAWN: AH      CHECKED: ZM

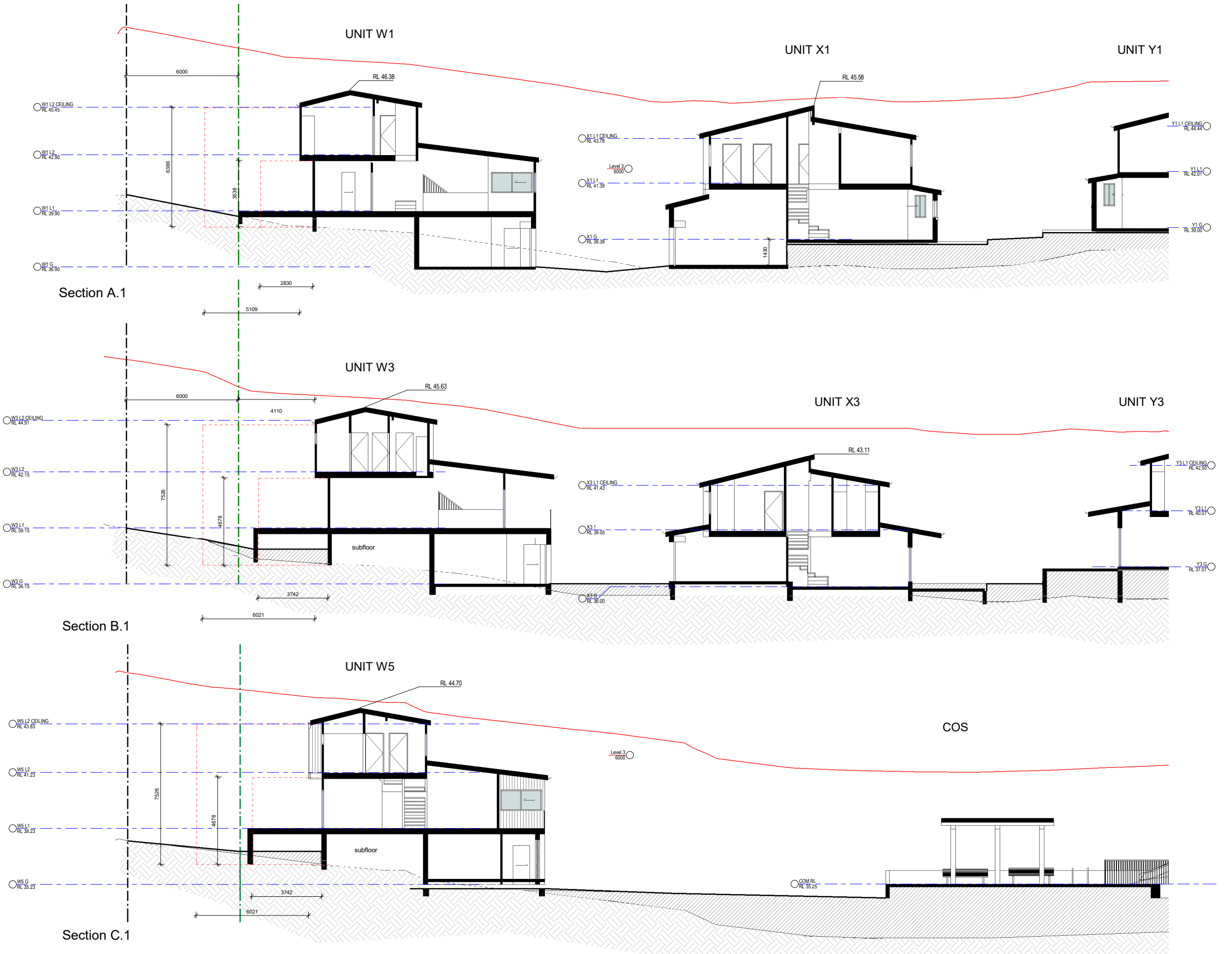
DRAWING NO.  
**DA09.2**

REVISION  
**A**

21/11/2019 4:01:00 PM

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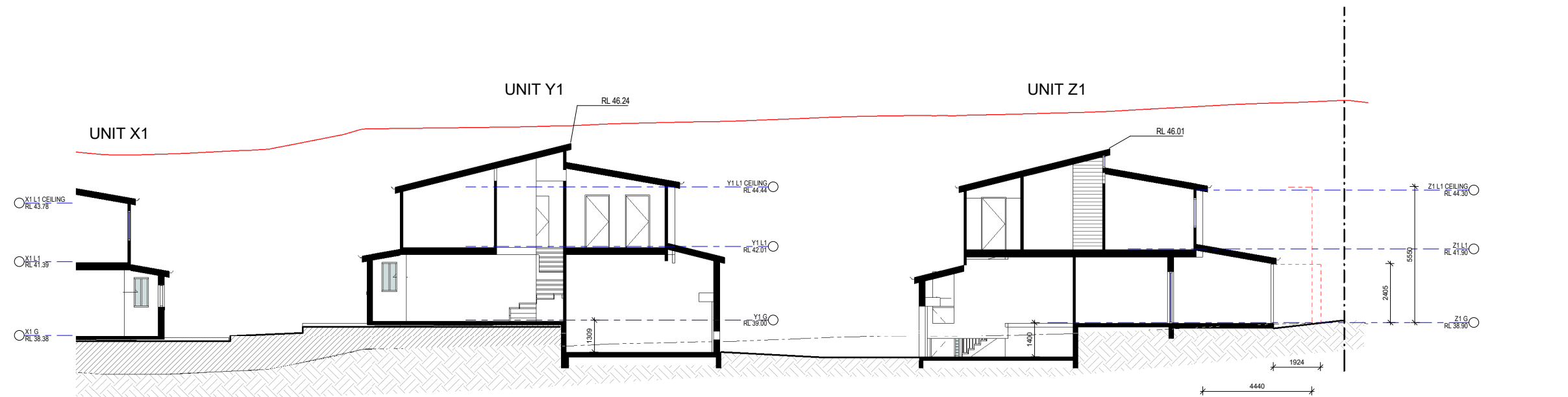
LEGEND	
	FILL
	EXISTING GROUND
	BOUNDARY
	FINISHED GROUND
	EXISTING GROUND
	9m HEIGHT LIMIT
	0.8 X CEILING HEIGHT SETBACK
	6m DSZ SETBACK

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874



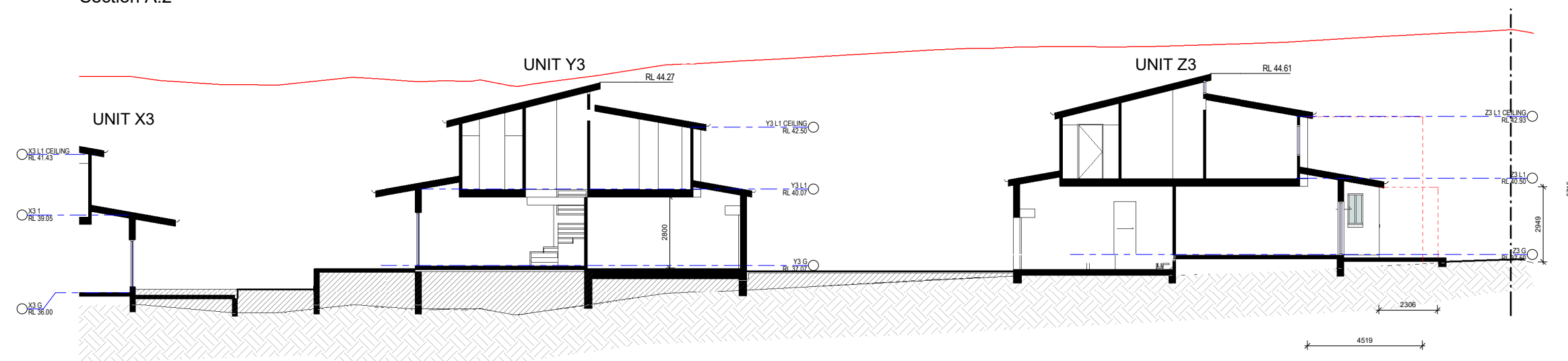
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A	FOR DA SUBMISSION	16/04/19	SECTIONS A-C PART 1
B	A3 SET	20/11/19	

PROJECT #: 18-0029	
SCALE: 1 : 100 @ A1	
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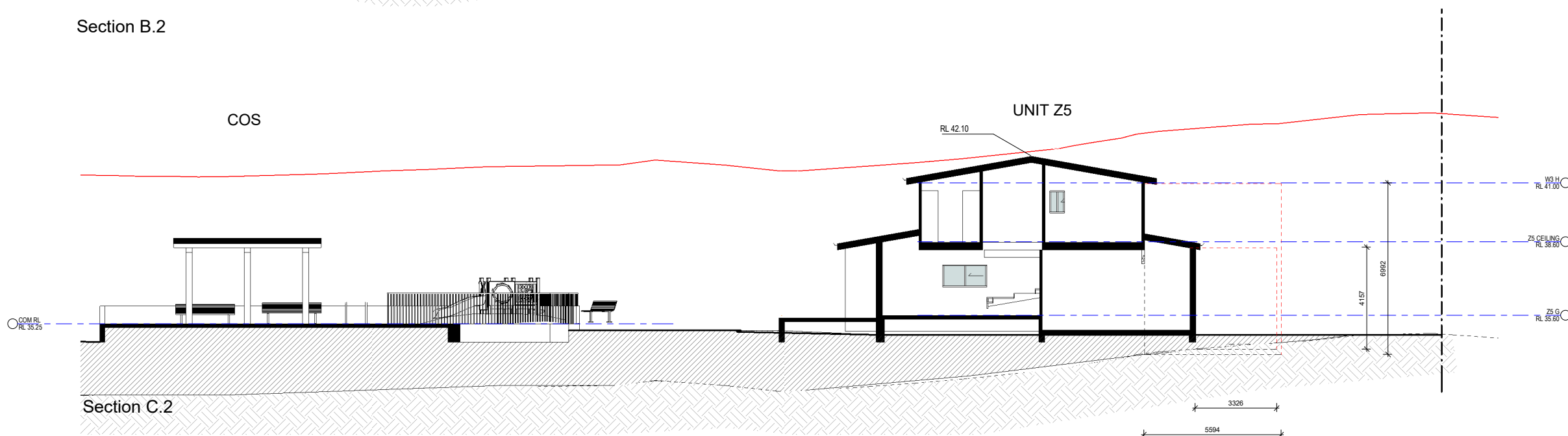


Section A.2

LEGEND	
	FILL
	EXISTING GROUND
	BOUNDARY
	FINISHED GROUND
	EXISTING GROUND
	9m HEIGHT LIMIT
	0.8 X CEILING HEIGHT SETBACK
	6m DSZ SETBACK



Section B.2



Section C.2

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874



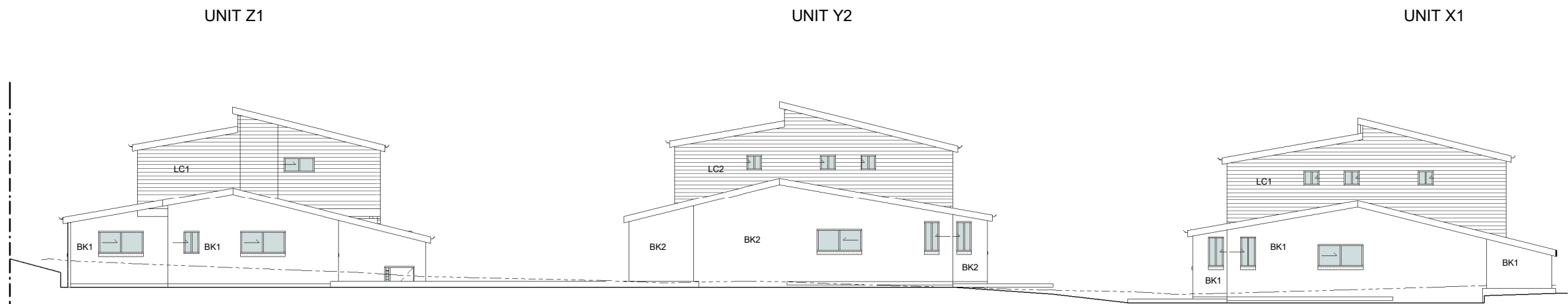
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1	A3 SET	20/11/19

DRAWING TITLE	
SECTIONS A-C PART 2	

PROJECT #: 18-0029	
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DRAWN: AH CHECKED: ZM	
DRAWING NO.	REVISION
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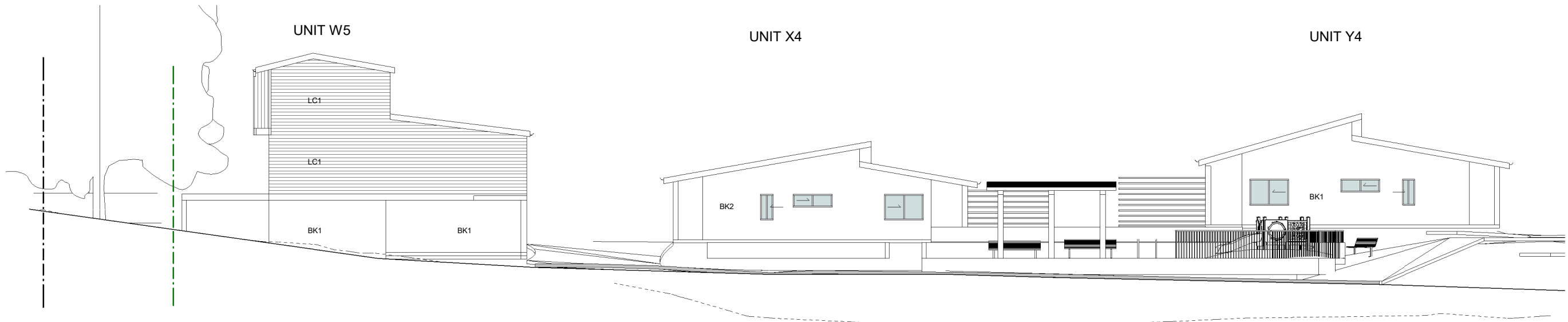
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Elevation North Part 1

LEGEND	
BK1	BRICK RED- BROWN MEDIUM
BK2	BRICK RED- BROWN LIGHT
LC1	LINEAR FC CLADDING - GREY
LC2	LINEAR FC CLADDING - WHITE
VCB	VERTICAL FC CLADDING - DARK
ALL ROOFS METAL MEDIUM COLOUR	



Elevation South Part 1

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874



REV	DESCRIPTION	DATE
1A	A3 SET	20/11/19

DRAWING TITLE	
ELEVATIONS NORTH AND SOUTH PART 1	

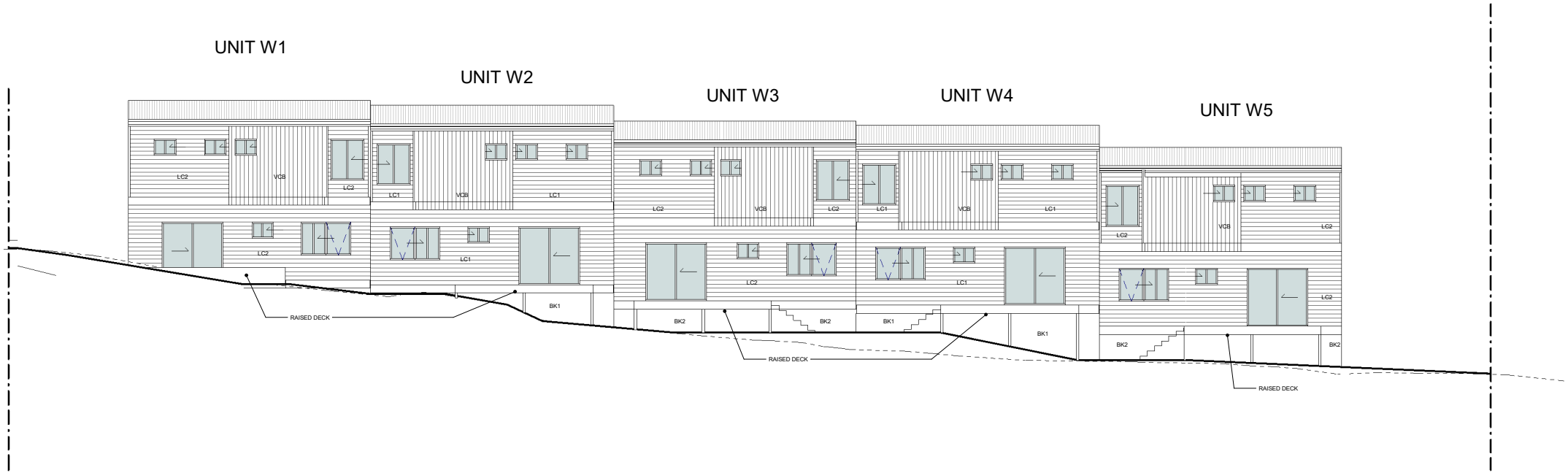
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DRAWN:	Author
CHECKED:	Checker
DRAWING NO.	DA10.3
REVISION	A

21/11/2019 4:01:18 PM





Elevation Row w East



Elevation Row w West

LEGEND	
BK1	BRICK RED-BROWN MEDIUM
BK2	BRICK RED-BROWN LIGHT
LC1	LINEAR FC CLADDING - GREY
LC2	LINEAR FC CLADDING - WHITE
VCB	VERTICAL FC CLADDING - DARK
ALL ROOFS METAL MEDIUM COLOUR	

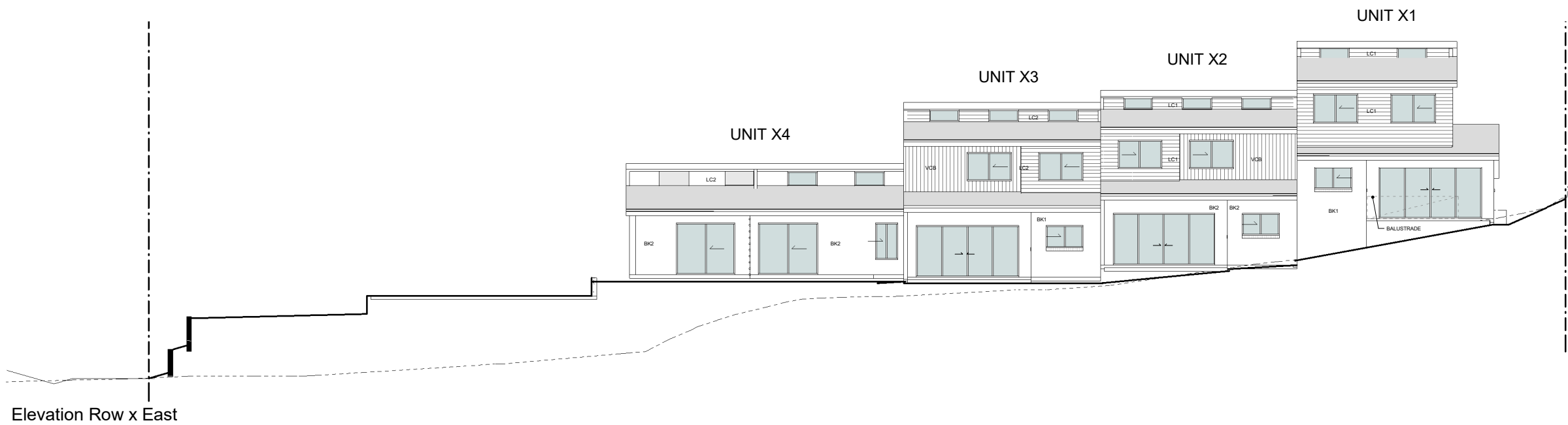
Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874



REV	DESCRIPTION	DATE
A	FOR DA SUBMISSION	16/04/19
B	Revised DA submission	01/05/19
C	A3 SET	20/11/19

DRAWING TITLE	
ELEVATIONS ROW W	

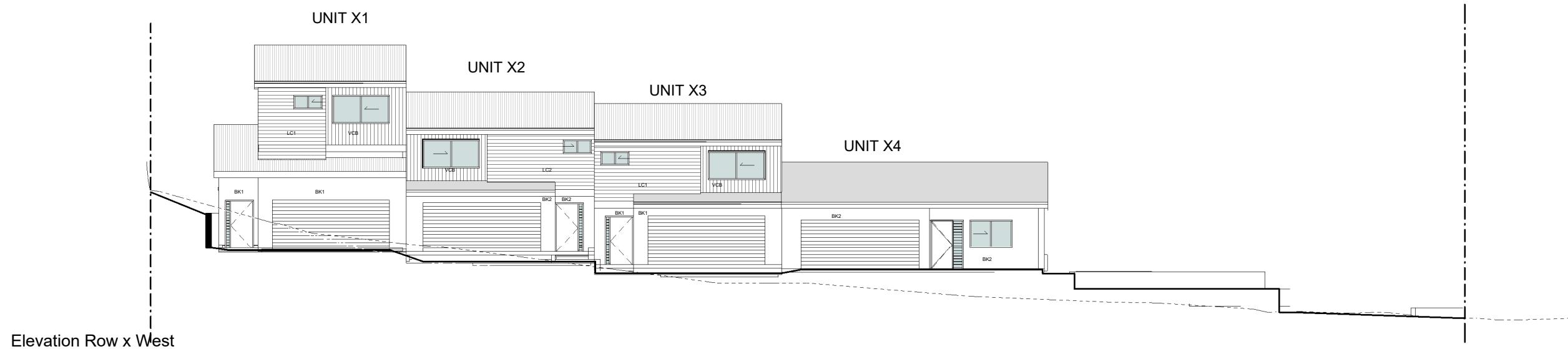
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DRAWN: AH	CHECKED: ZM
DRAWING NO. DA11.1	REVISION C
21/11/2019 4:01:33 PM	



#### LEGEND

BK1	BRICK RED- BROWN MEDIUM
BK2	BRICK RED- BROWN LIGHT
LC1	LINEAR FC CLADDING - GREY
LC2	LINEAR FC CLADDING - WHITE
VCB	VERTICAL FC CLADDING - DARK

ALL ROOFS METAL MEDIUM COLOUR



Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874

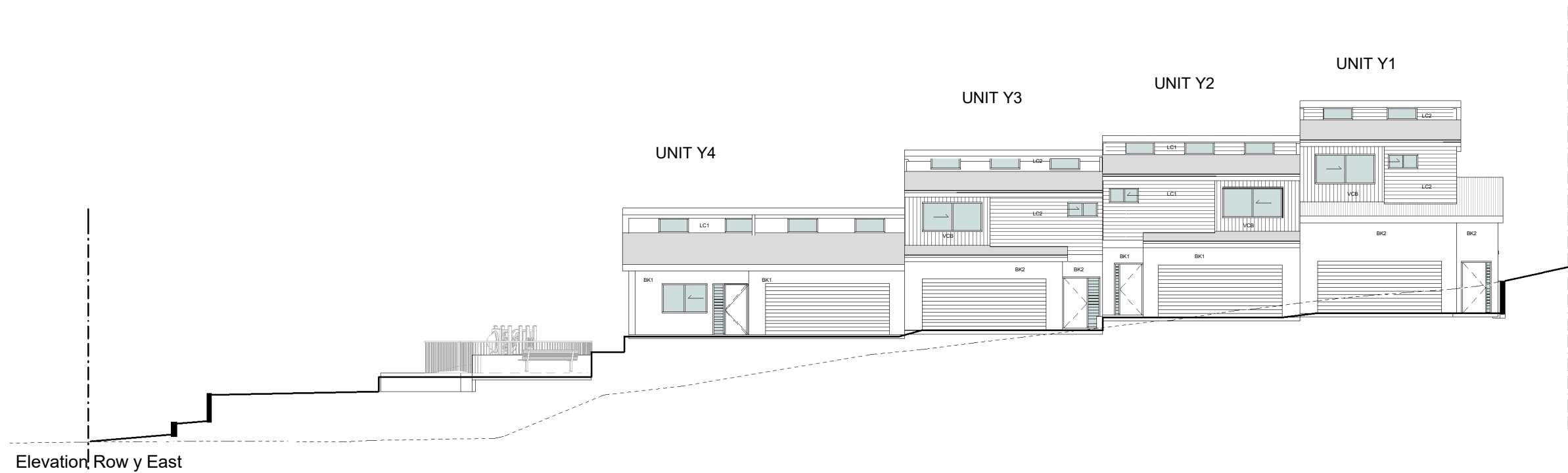


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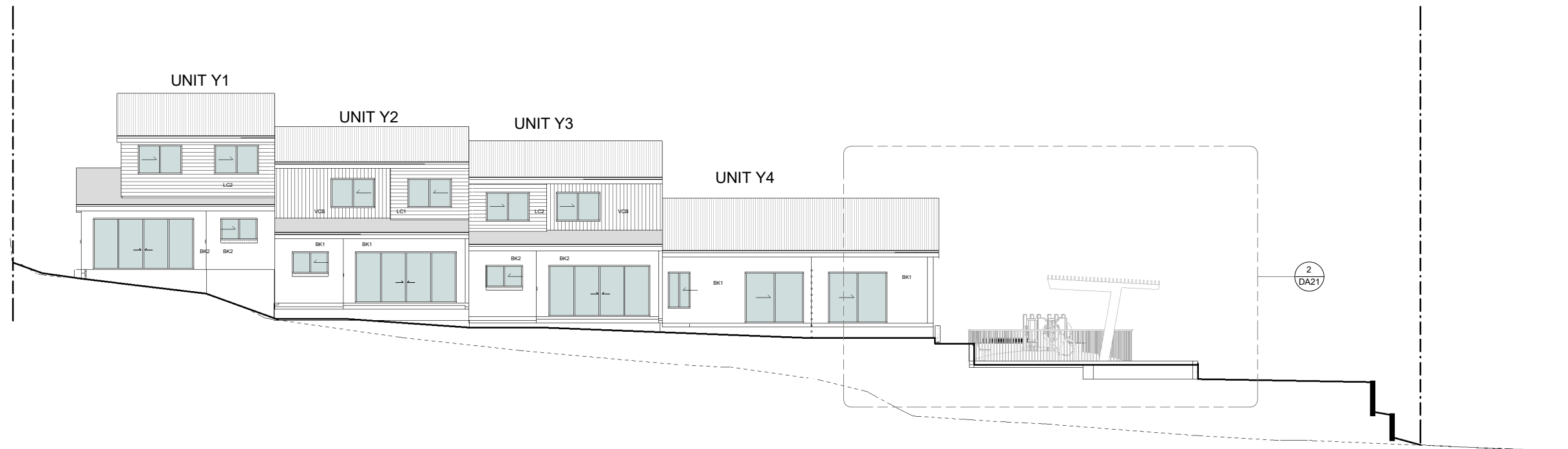
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ELEVATIONS ROW X

PROJECT #:	18-0029
SCALE:	1 : 100 @ A1 1 : 200 @ A3
DRAWN:	Author
CHECKED:	Checker
DRAWING NO.	DA11.2
REVISION	A

21/11/2019 4:01:38 PM



Elevation Row y East



Elevation Row y West

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874

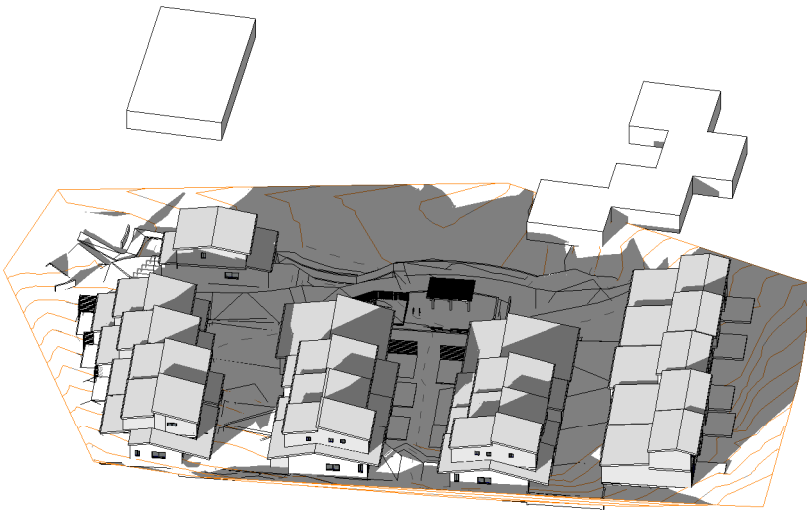


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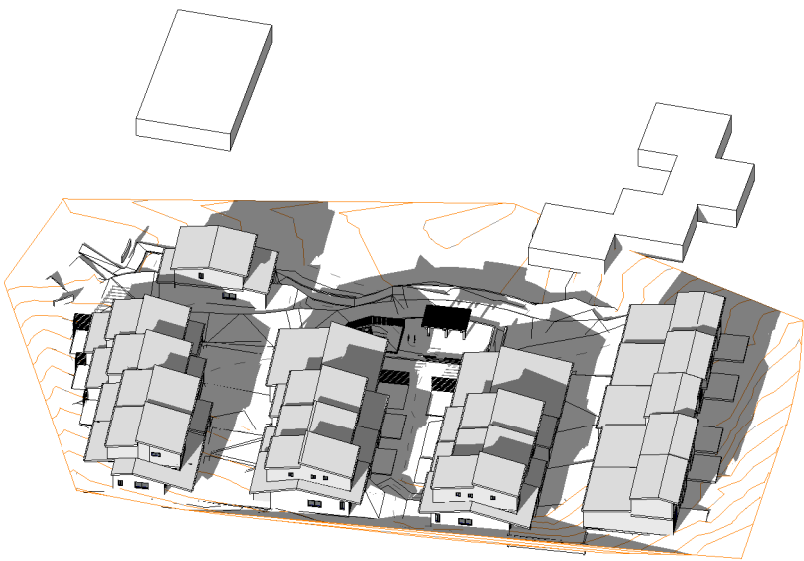
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ELEVATIONS ROW Y

PROJECT # : 18-0029 SCALE: 1 : 100 @ A1 1 : 200 @ A3 DRAWN: Author CHECKED: Checker	DRAWING NO. DA11.3	REVISION A
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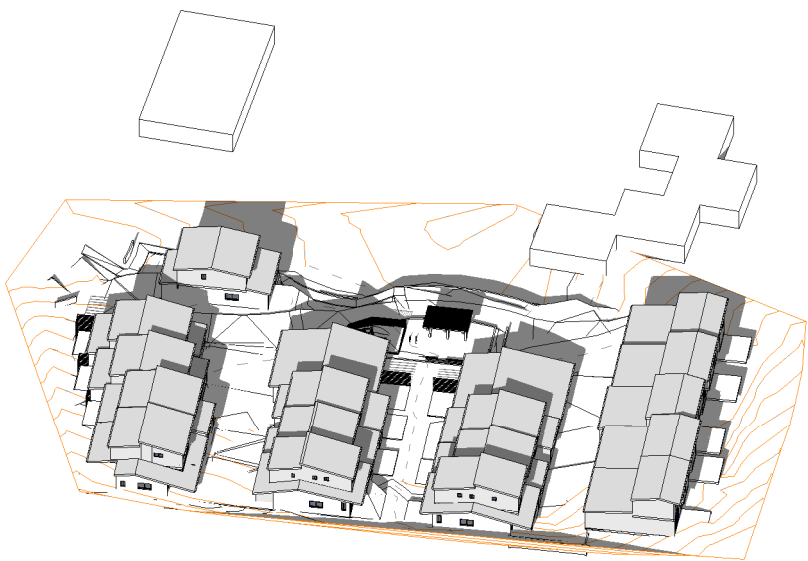




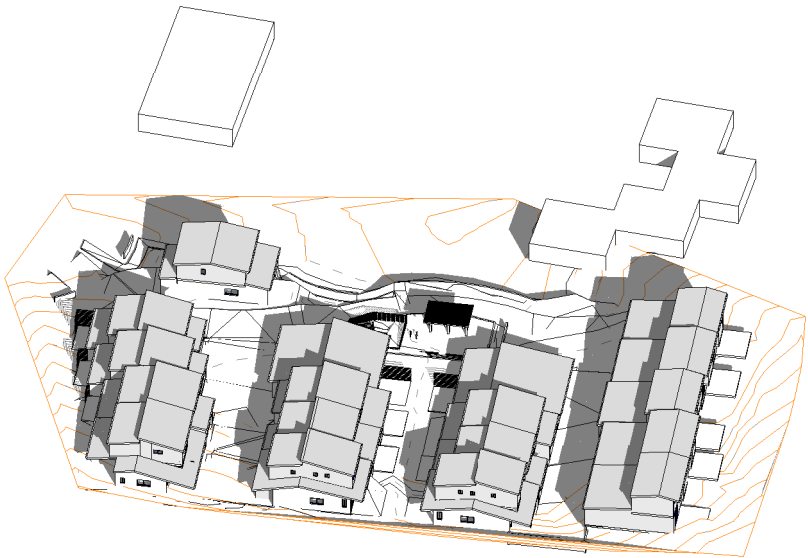
Neighbours 10am



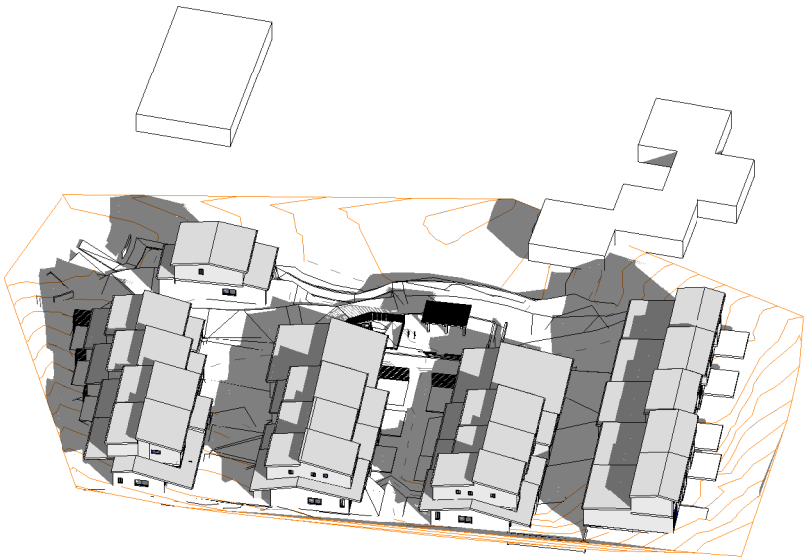
Neighbours 11am



Neighbours 12pm



Neighbours 2pm



Neighbours 3pm



Neighbours 1pm

SHADOW DIAGRAM SHOWING SHADOWS ON SOUTHERN NEIGHBOURS FOR JUNE 21 BETWEEN 10AM AND 3PM. THIS SHOWS SOME SHADING OF A NEIGHBOURING DWELLING AT 2PM AND 3PM BUT OTHERWISE HAS MINIMAL EFFECT ON NEIGHBOURING SOLAR ACCESS.

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874

MASSING AND CONTOUR INFORMATION FOR ADJACENT PROPERTIES OBTAINED FROM WCC MAPPING



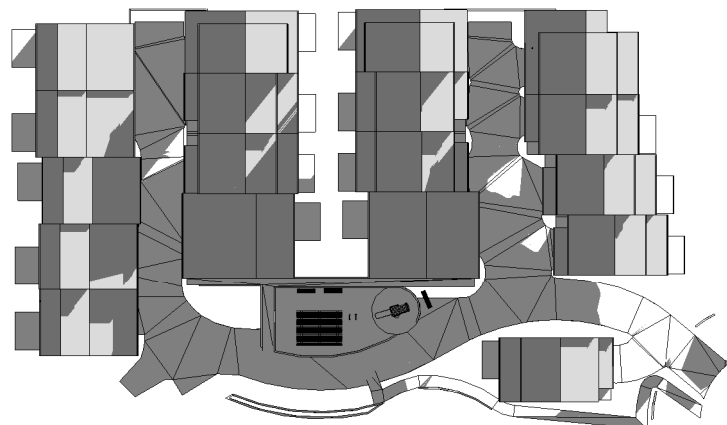
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aej@aej.com.au

REV	DESCRIPTION	DATE
A	FOR DA SUBMISSION	16/04/19
B	A3 SET	20/11/19

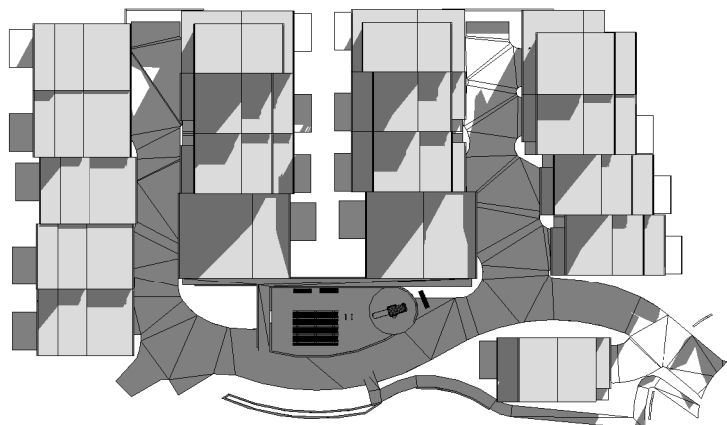
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SHADOW DIAGRAMS SOUTHERN NEIGHBOURS	

PROJECT # 18-0029 SCALENTS @ A1	
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DRAWING NO. DA12.1	REVISION B

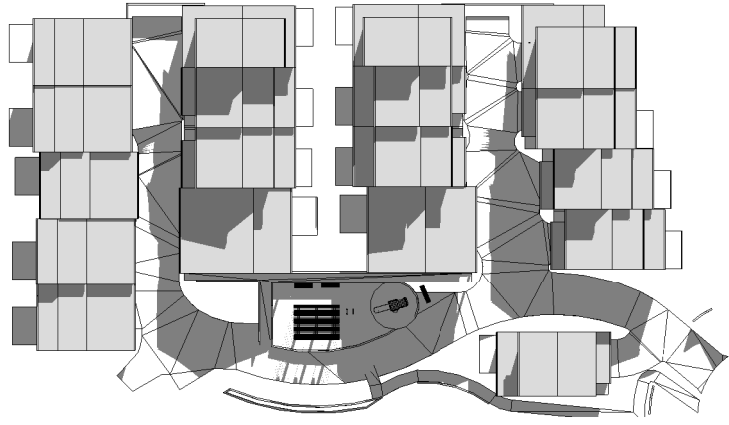
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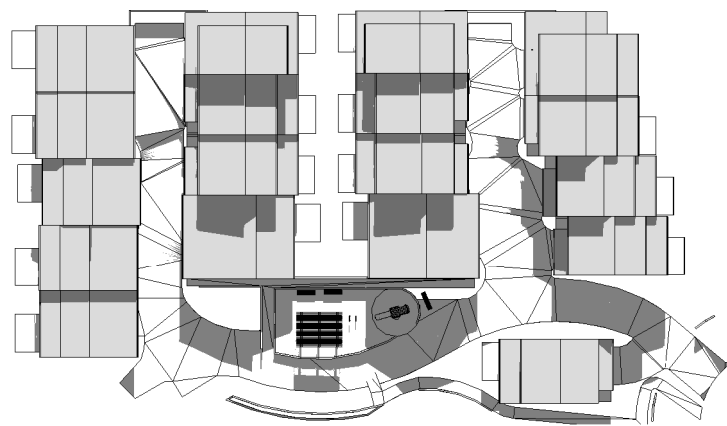
POS 9am



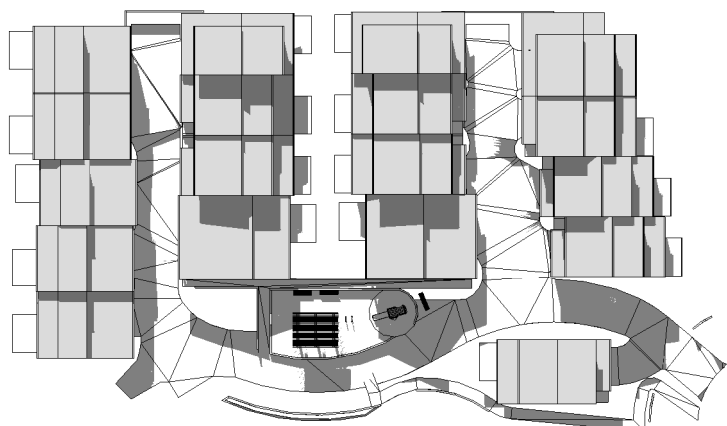
POS 10am



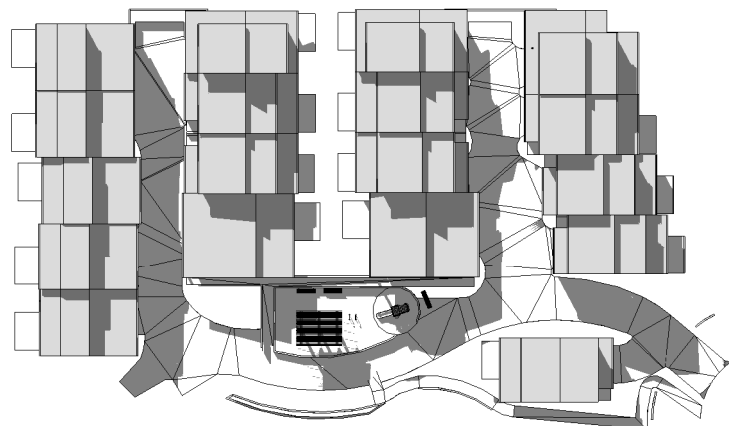
POS 11am



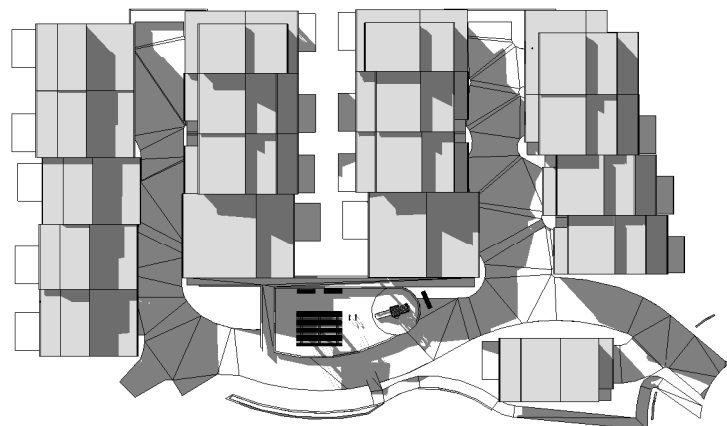
POS 12pm



POS 1pm



POS 2pm



POS 3pm

SHADOW DIAGRAM SHOWING COMPLYING SOLAR ACCESS TO PRIVATE AND COMMUNAL OPEN SPACES SHOWN IN WHITE.

MORE THAN 70% OF PRIVATE OPEN SPACES (4 X 5M2 OR 20M2) HAVE 50% (10M2) OF SOLAR ACCESS ON JUNE 21 BETWEEN 9AM AND 3PM

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874



REV	DESCRIPTION	DATE
1A	A3 SET	20/11/19

DRAWING TITLE		PROJECT # 18-0029	
SHADOW DIAGRAMS POS		SCALE: NTS@ A1	
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		DRAWING NO.	REVISION
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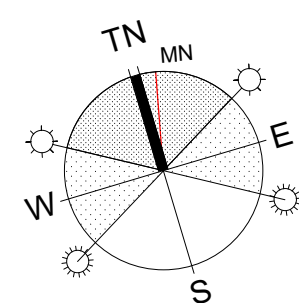








Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874



REV	DESCRIPTION	DATE
A	FOR DA SUBMISSION	16/04/19
B	Revised DA submission	01/05/19
C	DA Resubmission	23/09/19

DRAWING TITLE		PROJECT #: 18-0029	
CONCEPT STRATA PLAN		SCALE: 1 : 200 @ A1	
		DRAWN: AH	CHECKED: ZM
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DA24		C	
23/09/2019 7:02:08 PM			



Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874

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SCHEDULE OF REQUIREMENTS		
<b>General</b>		
SITE AREA		5432.0 sqm
REQUIRED LANDSCAPE (30% OF SITE AREA)		1630 sqm
REQUIRED DEEP SOIL ZONE (15% OF SITE AREA OR REAR 6M)		
<b>Proposed Landscape</b>		
LANDSCAPE (includes DSZ as rear 6m & North of site)		1722 sqm
COMMUNAL OPEN SPACE (100sqm required)		166 sqm

LANDSCAPE SYMBOLS LEGEND	
	EX. TREES TO BE REMOVED
	EX. TREES TO BE RETAINED
	10M DIAM. FEATURE TREES < 15M HIGH
	6M DIAM. TREES < 8M HIGH
	2M DIAM SHRUBS < 3M HIGH
	1M DIAM SHRUBS & PERENNIALS < 1.2M HIGH
	GROUNDCOVERS < 0.3M HIGH
	LAWN AREAS
	PAVING
	PRIVATE OPEN SPACE
	STORMWATER PIT

LANDSCAPE ELEMENTS LEGEND	
A	COMMUNAL OPEN SPACE ZONE
DS	DEEP SOIL ZONES
Z	VISITOR PARKING
V	MOTOR BIKE PARKING
MB	BICYCLE RACKS X 2
E	SHARED PEDESTRIAN/VEHICLE ZONE
F	

Proposed Residential Development  
For Kollaras Developments  
At 2-8 Highway Avenue West Wollongong  
Lot 25 DP 237812 and Lot 15 DP24874

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REV	DESCRIPTION	DATE
A	For Consultant coordination	06/02/19
B	For Consultant coordination	07/02/19
C	FOR DA SUBMISSION	16/04/19
D	Revised DA submission	01/05/19
E	DA Resubmission	23/09/19
F	Survey Area	14/11/19

DRAWING TITLE	
LANDSCAPE MASTERPLAN	
PROJECT #: 18-0029	
SCALE: 1 : 200 @ A1	
DRAWN: JP	CHECKED: SS
DRAWING NO.	REVISION
DA15	F
14/11/2019 11:24:39 AM	

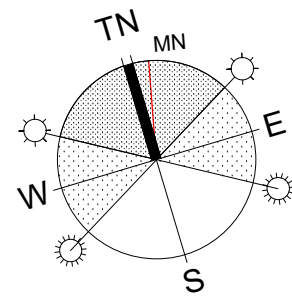
USE WRITTEN DIMENSIONS ONLY - DO NOT SCALE OFF DRAWINGS





SURVEY INFORMATION OBTAINED FROM  
C ROBSON AND ASSOC SURVEYORS  
REFERENCE 141990 + 164690

# Proposed Residential Development For Kollaras Developments At 2-8 Highway Avenue West Wollongong Lot 25 DP 237812 and Lot 15 DP24874



REV	DESCRIPTION	DATE
A	Preliminary Issue	6/11/18
B	For Consultant coordination	06/02/19
C	Revised DA submission	01/05/19
D	Trees surveyed	20/08/19
E	DA Resubmission	23/09/19

DRAWING TITLE	
EXISTING MERGED SURVEYS	

PROJECT # 18-0029	
SCALE: 1 : 200 @ A1	
DRAWN: AH	CHECKED: ZM
DRAWING NO.	REVISION
DA99	E
23/09/2019 7:02:20 PM	

USE WRITTEN DIMENSIONS ONLY - DO NOT SCALE OFF DRAWINGS



## ATTACHMENT 2 AERIAL PHOTOGRAPH

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## ATTACHMENT 3 ZONING MAP

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## ATTACHMENT 4 WDCP 2009 COMPLIANCE TABLES

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development as a BASIX certificate has been submitted detailing the energy and water saving targets that will be implemented in the development.

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

#### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.11 Storage Facilities</u>	Storage facilities provided.	Yes
<u>4.12 Site Facilities</u>	The necessary site facilities have been provided and are acceptable in this circumstance.	Yes
<u>4.13 Fire Brigade Servicing</u>	Should the application be approved, a condition is recommended in this regard requiring the provision of a fire hydrant in accordance with AS2419(1994) and to be shown on the Construction Certificate Plans.	Yes
<u>4.14 Services</u>	Water, electricity, sewage and telephone services are available to the site.	Yes
<u>4.16 View Sharing</u>	This proposal is not expected to have adverse impact on other properties in terms of view sharing.	Yes
<u>4. 17 Retaining Walls</u>	Insufficient details on the existing and proposed retaining walls.	No



## 5.0 Attached dwellings and multi -dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width Requirement</u>		
A minimum side width of 18m is required for multi-dwelling development.	The proposal involves multi dwelling housing. The subject site consists of two (2) lots, with a combined width in excess of 18m.	Yes
<u>5.2 Number of Storeys</u>		
The maximum number of storeys for a multi-dwelling house in a R2 – Low Density Residential Zone is two (2) stories high.	All units are one to two storeys in height.	Yes
<u>5.3 Front Setbacks</u>		
A 6m setback requirement applies from the front property boundary to the front façade of the building.  On corner allotments a minimum setback of 3m to the secondary street frontage from the dwelling façade must be provided.	6m (minimum provided).	Yes
<u>5.4 Side and Rear Setbacks</u>		
Zone R2 – Low Density Residential, the minimum side and rear setback is 0.8 x the ceiling height.  In the case where balconies or windows of living areas face the rear boundary at first floor level or above, the minimum is 1.0 x ceiling height.	<u>North</u> Z1- 2.282m lower, 4.458m upper Y1- 2.240m lower, 4.4m upper W1- 4.32m X1 -2.28m lower, 4.4m upper <u>East</u> Z1- 1.924m lower, 4.4m upper Z4 -5m <u>South-</u> Z5- 6.271m W5- 5.97m <u>West-</u> W1- 8m (approx) W5-6-10m (approx)	Yes
<u>5.5 Building Character and Form</u>		
(a) <i>Articulate and fragment building walls that address the street and add visual interest. The appearance of blank walls or walls</i>	The development has been redesigned to accommodate a dwelling (Unit Z5) to front the Highway Avenue. Whilst this is a good attempt to provide a more pleasing streetscape for the site,	improvements on internal amenity for Unit Z5 required.

<p><i>with only utility windows on the front elevation is not permitted.</i></p> <p>(b) <i>Avoid expanses of any single material.</i></p> <p>(c) <i>Utilise high quality and durable materials and finishes.</i></p> <p>(d) <i>Entrances must be visible at eye level from the street and well lit.</i></p> <p>(e) <i>For those dwellings adjacent to the street frontage, the habitable rooms must face the street.</i></p> <p>(f) <i>Ensure entrances can accommodate the movement of furniture.</i></p> <p>(g) <i>Air conditioning units must not be visible from the street. Space shall be allocated and shown on plans for air conditioning units in order to demonstrate that this can be achieved.</i></p> <p>(h) <i>All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. Dwellings adjacent to the street boundary must have individual entries from the street.</i></p>	<p>there has been little consideration of the impact of the proposed driveway on this dwelling.</p> <p>Unit Z5 is situated between a pedestrian footpath to the bin collection area and the driveway. There is little amenity for this dwelling as it is situated between a pedestrian footpath</p>	
<b>5.6 Access / Driveway Requirements</b>		
<p>Paving should be visually sympathetic to the precinct character in terms of colour texture and material.</p> <p>When practical, the number of access points should be kept to a minimum accessed through lanes or secondary streets rather than primary.</p> <p>Curved driveways are more desirable than straight driveways as they less dominate the streetscape.</p> <p>Take into account services within the road reserve such as power poles, drainage inlet pits, and existing street trees.</p> <p>Driveways must be located at least 6m from the perpendicular of two intersecting roads, and be setback at</p>	<p>Only one access point is to be provided. This is accessed through Highway Avenue cul-de-sac.</p> <p>The access driveway design meets the required Australian Standard. Council's Development Engineer has assessed the application in this regard and raised no objections to the proposed design.</p> <p>Sufficient manoeuvring space is provided for all dwellings. A turning circle plan was provided.</p> <p>The driveway and crossover width and both 5.5m and are within the requirements.</p> <p>The driveway is adequately setback from any side property boundaries.</p>	<p>Assessed by Council's Traffic Engineer as being Satisfactory.</p>

<p>least 1.5m from any side property boundary.</p> <p>The design of driveway and crossovers must be in accordance with council's standard vehicle entrance designs whilst driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, being AS 2890.1.</p> <p>Ensure that there is enough adequate vehicular manoeuvring space to all dwellings so that vehicles do not require more than one single point turn to forwardly leave the site.</p> <p>In the case of this driveway width, a minimum of 3m and maximum of 6m must be applied. The crossover width needs to be 4 – 6m combined and within 6m internally of the front property boundary.</p>	<p>Waste vehicles are required to leave the site with a 3 point turn into the turning bay. Whilst this is not ideal, Council's traffic engineer has found this acceptable given that this will occur once a week and not a regular day to day basis.</p>	
<b>5.7 Car Parking Requirements</b>		
<p>On site car parking should minimise streetscape impacts by locating it behind building setback screened from view with well-designed structures and vegetation.</p> <p>Car parking areas must be located close to entrances and access ways, be secure and easily accessible, and have clearly defined visitor and disabled parking.</p> <p>All parking should be in accordance with Traffic, Access, Parking and Servicing Chapter as contained in Part E of this DCP.</p>	<p>A total of 32 car parking spaces are proposed for the 16 townhouses.</p> <p>A double garage is proposed for each of the adaptable villas which can be converted into a single adaptable space if required.</p> <p>4 visitor parking spaces are proposed.</p> <p>On-site car parking spaces meet Council's minimum requirements. It is secure and easily accessible by residents with minimal impacts to the streetscape.</p>	Yes
<b>5.8 Landscaping Requirements</b>		
<p>A minimum of 30% of the total site area must be provided as landscaped area.</p> <p>At least two semi mature medium-large trees with a 45L minimum pot size must be provided within the landscaped area or deep soil zone. This must be at least 3m away from any dwelling, building or structure.</p> <p>The required landscaped area must include a minimum 1.5 metre wide</p>	<p>The site has an area of 5432m<sup>2</sup>. As such the required amount of landscaped area is 1629m<sup>2</sup>, which is 30% of the area.</p> <p>The total provided landscaped area is 1722m<sup>2</sup>, which equates to 32% of the site area.</p>	Yes

landscaping bed provided along the side and rear boundaries of the site.		
<u>5.9 Deep Soil Planting</u>		
<p>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.</p> <p>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.</p> <p>Alternatively, the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m. The area of deep soil planting must be continuous to ensure that the deep soil planting area is a singular uniform area and is not fragmented.</p>	<p>DSZ has a minimum width of 6m and extends along the full length of the rear (western) boundary and wraps along the pat of the southern boundary.</p> <p>As requested from Council's landscape department, an additional deep soil strip of 3m along the northern boundary.</p>	Yes
<u>5.10 Communal Open Space</u>		
<ul style="list-style-type: none"> <li>Required for greater than ten (10) dwellings</li> <li>5m<sup>2</sup> per dwelling</li> <li>minimum dimension of 5 metres</li> </ul> <p>Easily accessible and within a reasonable distance from each dwelling be integrated with site landscaping, allow for casual social interaction, and be capable of accommodating recreational activities.</p>	<p>Communal open space has been relocated to the middle section of the site adjacent to Units X4 and Y4 and the proposed driveway.</p> <p>The COS will consist of playground equipment, sheltering and seating.</p> <p>The COS is elevated above natural ground level and does not appear to be integrated with the site's landscaping.</p>	Integration with landscaped areas required.
<u>5.11 Private Open Space</u>		
<p>Private open space must be provided for each dwelling within an attached dwelling development in the form of a balcony, courtyard, terrace and/or roof garden.</p> <p>A minimum dimension of 4m x 5m is required for the courtyards. These must be separated by at least 1.5m from boundaries. These must not encroach upon deep soil zone landscaping areas.</p> <p>The primary private open area of at least 70% of the dwellings must receive at least three hours direct sunlight</p>	<p>Each dwelling is provided with private open space provided at ground level.</p> <p>All court yards have 4m x 5m dimensions.</p> <p>All private open areas receive at least three hours of sunlight from 9am to 3pm during June 21.</p>	Yes

between 9.00am and 3.00pm on June 21		
<u>5.12 Solar Access Requirements</u>		
<p>Windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21.</p> <p>The primary balcony of at least 70% of the dwellings within a multi-dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.</p> <p>Windows to north facing living rooms for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>At least 50% of the private open space area for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>Shadow diagrams submitted which demonstrate that the windows and living rooms and 50% of the private open space areas in adjoining development will receive the minimum required 3 hours direct sunlight on June 21.</p> <p>The design of the proposed development allows for solar access to the living rooms and private open space for each dwelling.</p>	Yes
<u>5.13 Dwelling mix and Layout</u>		
<ul style="list-style-type: none"> <li>Required for greater than ten (10) dwellings.</li> </ul> <p>Provide a mix of dwelling sizes and layouts within larger multi-dwelling developments having ten (10) or more dwellings. This could include both variation in the number of bedrooms and gross floor areas of apartments, variety in the internal design or incorporating one, two and three bedroom dwellings to accommodate various resident requirements.</p>	<p>The proposed development incorporates a mix of unit types including:</p> <p>9 x Type A- 2 storey 3b/r 130sqm</p> <p>5x Type B- 2 storey 3b/r 149sqm</p> <p>2 x Type C- 2b/r Adaptable villa 89sqm</p> <p>1 x Type D- 2 storey 3b/r 139sqm</p>	Can be improved.
<u>5.14 Additional Control for Multi Dwelling Housing – Adaptable Housing</u>		
10% of all dwellings (or at least 1 dwelling) must be designed capable of adaptation for disabled or elderly residents as designed in accordance	2 units are proposed to be made adaptable- Unit X4 and Unit Y4.	Yes

<p>with the Australian Adaptable Housing Standard (AS 4299-1995), which includes “pre-adaptation” design details to ensure visitability is achieved.</p> <p>The Development Application must be accompanied by certification from a suitably qualified and experienced Access Consultant which confirms that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).</p>		
<u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u>		
Compliance with the requirements of Chapter E2 Crime Prevention through Environmental Design (CPTED) in this DCP.	Chapter E2 surmises this below	Yes

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Indicative lighting details have not been proposed.	Not known
<u>3.2 Natural surveillance and sightlines</u>	The dwellings have been designed to provide natural surveillance within the site. The design of the development provides for passive surveillance and sightlines to the entries of each unit.	Yes
<u>3.3 Signage</u>	None proposed as part of this application.	Yes
<u>3.4 Building design</u>	The building design is acceptable to allow for casual surveillance.	Yes
<u>3.5 Landscaping</u>	Landscaping proposed around the site generally comprises of lawn area, low shrubs and existing large trees located to the rear of the site.	Yes

<u>3.6 Public open space and parks.</u>	The proposal does not adjoin public open space/park.	N/A
<u>3.7 Community facilities and public amenities</u>	The proposal is for a multi-dwelling development.	N/A
<u>3.8 Bus stops and taxi ranks</u>	The proposal does not relate to a bus stop/taxi rank.	N/A

## CHAPTER D1: CHARACTER STATEMENTS

### Clause 3.33 West Wollongong

#### *Desired Future Character*

*West Wollongong is likely to experience some change given its close proximity to Wollongong City Centre. West Wollongong will remain a low to medium density residential area with potential for some additional medium density housing in the form of townhouses in short walking distance to existing bus stops, situated on Crown Street and Mount Keira Road. Any new development should preferably be of a face brick work and pitched roof tile construction. Any new development must also be sympathetic with the prevailing streetscape character of the surrounding locality. West Wollongong will continue to be a base for educational excellence through the existing private and public schools. The suburb is likely to experience the establishment of some new health consulting rooms (eg specialist and general medical health care practices etc), in close proximity to the Wollongong Hospital medical precinct. Any such new health consulting room will only be permitted where, in the opinion of Council, it is compatible with the surrounding residential neighbourhood.*

The proposed development site is within close proximity to Wollongong City Centre and associated facilities such as commercial and hospital services. The site is also close to schools and public transport. This makes the site suitable for a medium density development. However, consideration must be given to the immediate local context in terms of impacts upon trees, impacts on neighbouring properties and land reshaping works to facilitate the development.

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

A Traffic Impact Assessment (Cardno, 20 September 2019) was submitted in response to residents submissions concerning an increase in traffic and on street parking demand. Some key points outlined in this report are:

- *The proposed development is estimated to generate a total of twenty-four (24) trips during the morning and evening peak hour. When considering the existing dwellings, the net additional traffic generation is eleven (11) vehicles in the morning and eleven (11) vehicles in the evening peak hour.*
- *The increase of up to eleven vehicles in each peak hour trips is equivalent to one additional movement every 6 minutes approximately during peak hours. This level of traffic generation is considered to be negligible and will be adequately absorbed by the surrounding road network.*
- *The provision of car parking is adequate to service the development and the removal of one driveway is likely to result in an increase in on-street car parking spaces by one.*
- *The geometric design of the proposed parking facilities is to be ultimately constructed in accordance with the Wollongong Council's Development Control Plan 2009, Australian*

*Standard 2890.1:2004 –Off street car parking and Australian Standard 2890.6:2004 Off-street parking for people with disabilities.*

- *In summary, all the assessed intersections would continue to operate at same level of service with the proposed development in the future year scenario. Therefore, the proposed development is unlikely to generate any significant traffic that could impact the surrounding road network.*

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

	Rate	Calculation	Required	Provided	Compliance
Car parking	1.5 car parking spaces per dwelling (70-110m <sup>2</sup> ) or 2 car parking spaces per dwelling (>110m <sup>2</sup> ), plus 0.2 car parking spaces per dwelling for visitors	70-110m <sup>2</sup> : 1.5*2= 3 >110m <sup>2</sup> : 2*16= 32 Visitor: 0.2*20= 4	39	40	Y
Bicycle parking	1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors)	6 spaces	6	6	Y
Motorbike	1 motorcycle space per 15 car parking spaces	1 space/15	1	2	Y

On site waste servicing is proposed and turning templates provided to show the manoeuvrability of the waste vehicle into the out of the site. The vehicle is to enter the site in a forward direction and utilises the proposed turning bay to exit the site. The proposed waste servicing along with the Traffic Assessment has been reviewed by Council's Traffic Engineer and found to be acceptable.

#### **CHAPTER E6: LANDSCAPING**

Council's landscape officer has reviewed the application and has raised the following concerns:

- *The cut and fill are not compatible with the required tree retention; it is noted that there is substantial fill proposed over the root zones of the trees at the rear of the site along the western boundary (up to 2m), also, cut proposed where trees in the north west corner of the site are shown to be retained. This implicates major encroachments to these trees that do not comply with the requirements of the Australian Standard 4970:2009.*
- *The stormwater design is not compatible with the retention of Trees 1 – 4 at the front of the site as the stormwater line runs right through the Tree Protection Zones of these trees.*
- *The bin area is located directly opposite the common open space – this is not aesthetically compatible with the amenity and outlook of the COS. It is requested that the bin storage be treated more discreetly within the site landscape and isolated from the COS and dwellings.*

#### **CHAPTER E7: WASTE MANAGEMENT**

Should the development be approved, standard conditions relating to waste management are to be imposed.

#### **CHAPTER E14 STORMWATER MANAGEMENT**

Council's Development Engineering officer has assessed the application and is satisfied the proposal meets the requirements of this Chapter. Conditions have been provided for stormwater management.



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

A number of concerns were raised by Council's Landscape Department in relation to the original design. It was initially requested that any amendments to the plans be assessed by an Arborist and a revised report and updated tree survey be submitted with any necessary amendments to the plans.

An updated Arborist report has not been received. The initial Arborist Report (Allied Tree Consultancy) has not included a review of the Cut and Fill Plan, the concept stormwater design within the Concept Civil Design and Overall Layout Plan by LandTeam. Therefore, a full assessment of the impacts of the trees cannot be carried out.

It is noted that a number of trees identified for removal (to accommodate the proposed development) in the Arborist report submitted with the application have been removed during the demolition of the dwellings. This matter is currently under investigation by Council's Regulation and Enforcement Division.

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

The proposal involves earthworks to facilitate the development. This includes areas of cut and fill. The proposal does not satisfy the requirements of this Chapter as the following is not known:

- Potential impacts on existing vegetation and neighbouring properties;
- Geotechnical investigations;
- Lack of detail regarding retaining walls required to accommodate the earthworks and the structural adequacy of the existing walls.

## **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

Refer to comments under SEPP 55.

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

Should the development be approved, conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

#### **Attachment 5- Draft Reasons for Refusal**

It is recommended that DA-2018/453 be refused for the following reasons:

1. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009: -
  - a) Chapter B1 Residential Development
  - b) Chapter E6 Landscaping
  - c) Chapter E17 Preservation and Management of Trees and Vegetation
  - d) Chapter E19 Earthworks
2. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate that the likely impacts of the development will not be adverse.
3. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate that the site is suitable for the development.
4. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979, it is considered that approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.