

# Wollongong Local Planning Panel Assessment Report | 20 October 2020

<b>WLPP No.</b>	Item No. 3
<b>DA No.</b>	DA-2020/632
<b>Proposal</b>	Residential – demolition of existing buildings, remove eight (8) trees, construction of multi dwelling housing – eight (8) units and Subdivision – Strata title – eight (8) lots
<b>Property</b>	14 & 16 Acacia Avenue, Gwynneville
<b>Applicant</b>	10 Star Pty Ltd
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Team (CB)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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

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

#### Proposal

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

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

#### Permissibility

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

#### Consultation

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

#### Main Issues

The main issues identified during the assessment process include:

- Objectors concerns focus on traffic congestion, insufficient parking, unsatisfactory building character/ form and the heritage value of the dwelling at No. 14 Acacia Avenue.
- Bushfire impacts
- Noise impacts for residential development located adjacent to a classified road
- Minor non-compliant first floor side setback for Unit 2

## RECOMMENDATION

It is recommended that DA-2020/632 be approved, subject to conditions provided at Attachment 5.

## 1 APPLICATION OVERVIEW

---

### 1.1 PLANNING CONTROLS

#### State Environmental Planning Policies:

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

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

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

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

#### Demolition

- Demolition of two dwellings, two(2) single garages, three (3) sheds, and two (2) strip concrete driveways
- Removal of eight (8) trees including one (1) street tree

#### Construction

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

#### Subdivision

- 8 lot Strata title subdivision (total site area of 1878m<sup>2</sup>) consisting of:
  - Lot 1 223.16m<sup>2</sup> in area
  - Lot 2 136.68m<sup>2</sup> in area
  - Lot 3 159.42m<sup>2</sup> in area
  - Lot 4 385.81m<sup>2</sup> in area
  - Lot 5 224.72m<sup>2</sup> in area
  - Lot 6 125.03m<sup>2</sup> in area
  - Lot 7 125.03m<sup>2</sup> in area
  - Lot 8 148.10m<sup>2</sup> in area
  - Common access area 350.05m<sup>2</sup> in area
- Common party walls between lots 1 to 4 and between lots 5 to 8
- Single common accessway from street

### 1.3 BACKGROUND

There are numerous approvals pertaining to both properties. The most relevant to the subject applications is PL-2019/172 which was similar to this current application. The main issues identified from the pre-lodgement meeting were:

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

The plans submitted for DA-2020/632 have addressed the matters raised in the pre lodgement application.

#### Customer service actions

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

### 1.4 SITE DESCRIPTION

The site is located at 14 and 16 Acacia Avenue, Gwynneville. The title reference for No. 14 Acacia Avenue is Lot 32 DP 22656 and the title reference for No. 16 Acacia Avenue is Lot 31 DP 22656. Both properties are irregular in shape with an area of 998m<sup>2</sup> for No. 14 and 880m<sup>2</sup> for No. 16. Vehicular access is via Acacia Avenue and although both properties back onto the Princes Motorway, there is no possibility of achieving vehicular access from the motorway.

No. 14 Acacia Avenue contains a single storey brick and tile dwelling, a detached garage, a shed and a strip concrete driveway. No. 16 Acacia Avenue contains a weatherboard and tile dwelling, a detached garage, two sheds and a strip concrete driveway. Both properties are separated from the motorway by a high concrete acoustic barrier.

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

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

#### Property constraints

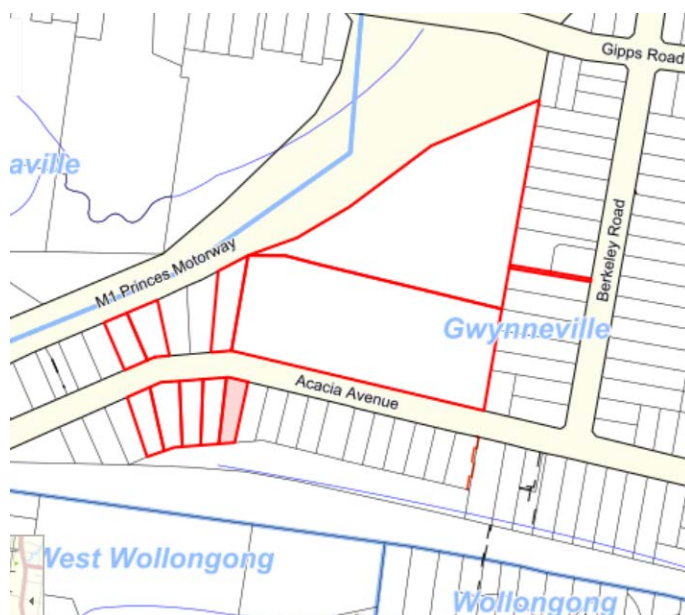
Council records identify both properties as being impacted by the following constraints:

Bushfire Prone – Affected

There are no restrictions on the title that would preclude the proposed development. However, No's 14 & 16 Acacia Avenue will need to be consolidated prior to the issue of the construction certificate. The strata subdivision and associated common access and drainage works are designed for a consolidated lot.

## 1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019 between 8 and 22 July 2020. Twelve (12) unique submissions were received and the issues identified are discussed below.



**Figure 1: Notification map**

**Table 1: Submissions**

	Concern	Frequency	Comment
1	Heritage Value of dwelling at No. 14 Acacia Avenue	3	The property does not contain a heritage item, it is not located within a heritage conservation area and the property is not located in the vicinity of a heritage item. The property is not listed as part of Council's Heritage Schedule Review Project. Accordingly, the heritage value is not considered to be sufficient to preclude the development.
2	Traffic <ul style="list-style-type: none"> <li>Unsatisfactory increase in traffic volume</li> <li>Extra resident traffic to generate excessive noise</li> </ul>	6	<p>The proposal was reviewed by Council's Traffic Engineer who has calculated that the development is expected to generate 5.2 vehicle trips in the AM and PM peak hours which is not considered to generate significant additional traffic.</p> <p>No concerns were raised with regards to traffic impact.</p>
3	Parking	7	In accordance with the provisions of Chapter E3 of the WDCP, the development requires the



	Concern	Frequency	Comment
	<ul style="list-style-type: none"> <li>Insufficient parking provision for residents and visitors</li> <li>Inadequate turning space for vehicles using accessway</li> <li>exacerbating street parking problems generated by Gwynneville Public School and University of Wollongong</li> <li>Unsafe location to enter/exit street</li> </ul>		provision of 16 parking spaces for residents, 2 visitor parking spaces, 1 motorcycle parking space and 4 bicycle parking spaces. The proposed development meets these requirements and vehicles are capable of safely entering and leaving the property in a forward facing direction. The proposal is supported by Council's Traffic Officer, subject to recommended conditions of consent.
4	Building character and form <ul style="list-style-type: none"> <li>design does not respond to site context</li> <li>inappropriate scale</li> <li>insufficient living space for each dwelling</li> <li>medium density development unnecessary</li> </ul>	6	<p>Multi dwelling housing is a permitted use in the R2 Low Density Residential zone with development consent.</p> <p>The proposal complies with WLEP and WDCP requirements, with the exception of a minor side setback variation for Unit 2. Floor space ratio and building height complies. It is considered that the design, height and siting of the proposed development adequately responds to the site context.</p> <p>The scale of the development as viewed from the street will be comparable to other developments in the locality, notably the nearby medium density housing in Gilmore Street.</p> <p>Condition imposed to ensure that the development complies with Building Code of Australia requirements.</p>
5	Visual amenity	1	<p>In regard to the visual impact, the development is considered to be largely in harmony with surrounding buildings and street character. The proposal defines the street edge and allows for surveillance of the street, with Units 1 &amp; 5 addressing the street frontage. Significant articulation is provided on all elevations.</p> <p>The immediate area is characterised predominantly by</p>

Concern	Frequency	Comment
		<p>low density residential development of varying architectural styles. There are nearby two storey dual occupancy developments at No 13 &amp; 26 Acacia Avenue. About 200m to the west, Gilmore Street which joins directly from Acacia Avenue, is characterised by two storey residential flat buildings and multi dwelling housing.</p>
6	Excessive site coverage	<p>2</p> <p>Site coverage is not a DCP requirement for multi dwelling housing under Part 5 of Chapter B1 of the WDCP.</p>
7	Non-compliant floor space ratio	<p>2</p> <p>The proposed floor space ratio of the development is 0.5:1 which complies with the provision of Clause 4.4 of the WLEP for the site.</p>
8	<p>Noise impacts</p> <ul style="list-style-type: none"> <li>collective impact of noise generated during and post construction</li> <li>noise impact on units from Princes Motorway</li> </ul>	<p>2</p> <p>As the subject property is located adjacent to the Princes Motorway, the proposal was accompanied with an acoustic assessment that included a number of recommendations to mitigate the impacts of road noise in compliance with the provisions of Clause 102(3) of the Infrastructure SEPP. The proposal was reviewed by Council's Environment Officer who provided a satisfactory referral, subject to recommended conditions of consent.</p> <p>Standard condition recommended for construction work times and noise levels.</p> <p>With regard to post construction noise, the proposal is for eight (8) residential units. Given the nature of the development, it is anticipated that the noise generated will be comparable to surrounding residential development and is therefore acceptable.</p>

	Concern	Frequency	Comment
9	Stormwater <ul style="list-style-type: none"> <li>development to generate excessive stormwater flows</li> </ul>	1	<p>The proposal was accompanied with a stormwater concept plan and engineering calculations that were reviewed by Council's Stormwater Officer, who supported the application subject to recommended conditions of consent.</p>
10	Garbage disposal <ul style="list-style-type: none"> <li>too many bins along road reserve</li> </ul>	1	<p>Garbage bins will be stored at the rear of the property as shown on the site plan and this area is not visible from the street.</p> <p>As illustrated on the site plan, the street bin collection area is less than half of the site width to minimise visual dominance.</p>
11	Mount Keira View Loss <ul style="list-style-type: none"> <li>excessive building height resulting in view loss for No. 39 Acacia Avenue</li> </ul>	1	<p>This objector's property is located about 35 metres from the proposed development to the south east. The view is considered to be of lower order value as Mount Keira forms part of the escarpment and is largely concealed by existing single storey housing and vegetation. In the distance, there are partial views of Mount Keira.</p> <p>Potential view loss for the south eastern neighbour occurs at an oblique angle from the front yard of the property. Within this neighbouring property, the mountain view is considerably reduced by existing vegetation and a slope that falls away from the street limiting views to the north.</p> <p>The proposed two storey flat roof dwellings are comparable in height to the existing single storey dwellings with their pitched roofs. The development is reasonable in that it complies with WLEP and WDCP requirements, with the exception of a minor side setback variation. It is considered that the</p>

	Concern	Frequency	Comment
			view loss experienced by the south eastern neighbour is minor.
12	Solar Access <ul style="list-style-type: none"> <li>• solar access loss for No. 39 Acacia Avenue</li> <li>• shadow diagrams are inadequate</li> </ul>	2	The subject site is oriented in a general north/ south axis and the proposal was accompanied with a satisfactory set of shadow diagrams for the winter solstice which demonstrate adequate solar access for all neighbouring properties including No. 39 Acacia Avenue.
13	Garages to be illegally converted to rooms for student use	2	The potential illegal conversion of an approved development is not an assessment consideration.
14	Tree Management <ul style="list-style-type: none"> <li>• Inappropriate tree removal</li> <li>• T1 location conflicting with front fence design</li> <li>• Conflict with proposed boundary retaining walls and excavation</li> </ul>	2	<p>The application requires the removal of eight (8) trees as identified on the Arboricultural Impact Assessment. These trees are either located within the building footprint or are exempt species.</p> <p>Amended plans showing a revised the timber post and panel fence design minimises the impact on nearby trees including Tree 1 <i>Corymbia maculata</i>.</p> <p>Proposed retaining walls and earthworks are considered relatively minor in nature and considered acceptable, subject to recommended conditions of consent.</p>
15	Insufficient Private Open Space for unit size	1	The proposed development complies with private open space requirements as described in Clause 5.11, Chapter B1 of the WDCP.
16	Construction Safety <ul style="list-style-type: none"> <li>• earthworks to cause structural damage to surrounding properties</li> <li>• construction dangerous for children attending nearby school</li> </ul>	1	Conditions are recommended for the adequate support of neighbouring buildings and satisfactory hoarding installation for safety.
17	Inadequate Front Setback	1	The proposal complies with front setback provisions as described in

	Concern	Frequency	Comment
			Clause 5.3 of Chapter B1 of the WDCP.
18	Boundary Retaining Walls <ul style="list-style-type: none"> <li>Insufficient information provided</li> </ul>	1	Two boundary retaining walls (along east and west side boundary) with a maximum height of 600mm are shown on the landscape and site coverage plan. The eastern boundary retaining wall is 16.8 m long and the western boundary retaining wall is 21m long. The proposal complies with the provisions of Clause 4.17.  Condition recommended for satisfactory construction of retaining walls.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

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

#### Heritage

Council's Heritage Planner has indicated that the application in its present form is unlikely to be supported on heritage grounds and has requested Heritage Significance and Impact Assessments.

Several years ago, Council carried out a Heritage Assessment of the existing dwelling. This assessment found that No. 14 Acacia Avenue Gwynneville met the criteria for listing as a local heritage item. The assessment recommended that the site be listed as a heritage item which did not occur. It is noted that no heritage listing is in place for the dwelling nor has an interim heritage order (IHO) been considered. In addition, the heritage significance of the site has not been formally notified or discussed with the present owner.

Council's Heritage Staff intend to progress a report on Stage 2 of the Heritage Schedule Review (New Items) under WLEP2009 in the coming months. The property is listed as part of Council's current Heritage Schedule Review Project.

Given that Council has previously prepared heritage assessment, requiring the applicant to prepare Heritage Significance and Impact Assessments is considered unreasonable and unnecessary.

Under the current circumstances, it is considered difficult to require the retention of the dwelling at No. 14 Acacia Avenue. It is considered that refusal of the application based solely on heritage grounds would be difficult to defend and there are insufficient reasons to refuse the application on this basis.

### 1.6.2 EXTERNAL CONSULTATION

#### **Rural Fire Service**

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

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

---

### **1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

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

The Act does not relate to the proposed works.

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

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

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

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

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

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

<https://webmap.environment.nsw.gov.au/Html5Viewer291/index.html?viewer=KoalaSEPP.htm5>

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

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

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

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

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

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

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

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

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

## 2.2.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Clause 1.4 Definitions

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

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

**Note.** Multi dwelling housing is a type of **residential accommodation**

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

(a) by conveyance, transfer or partition, or

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

**Strata title subdivision** is essentially the subdivision of space in three dimensions defined by or with Part B – Land Use Based Planning Controls Chapter B2: Residential Subdivision Wollongong Development Control Plan 2009 reference to walls, floors and ceilings as well as courtyards. It allows for the horizontal subdivision of land and / or airspace into separate titles for separate “strata” lots or units. Each lot or unit represents a separate apartment. An owner of a strata title unit has title to the air bounded by the inner skin of the boundary walls of the unit and by the ceiling height above and the floor level below horizontally.

The legal title to the land and building structure is owned by the “Owners Corporation” being a corporate body comprising and representing the owners of all the units in the building. The common property in the strata title includes the building itself, common open space, waste and recycling storage bin areas, visitor car parking and driveways on the land. Generally, car parking spaces (except visitor car parking spaces) are marked on the strata plan and form part of the unit title for the unit owner’s exclusive rights.

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

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

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

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

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

### **Permitted with consent**

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; **Multi dwelling housing**;

Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals

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

#### Clause 2.7 Demolition requires development consent

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

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

#### Clause 4.1 Minimum subdivision lot size

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

#### Clause 4.3 Height of buildings

The proposed building height of 7.58m (west elevation Unit 8) does not exceed the maximum of 9m permitted for the site.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

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

GFA:

#### **Unit 1**

Ground Floor: 54.604m<sup>2</sup>

First Floor: 81.538m<sup>2</sup>

Total GFA : 54.604 + 81.538 = 136.142m<sup>2</sup>

#### **Unit 2**

Ground Floor: 47.026m<sup>2</sup>

First Floor: 68.839m<sup>2</sup>

Total GFA: 47.026 + 68.939 = 115.865m<sup>2</sup>

#### **Units 3 & 4**

Ground Floor: 45.113m<sup>2</sup>

First Floor: 69.046m<sup>2</sup>

Total GFA: 45.113 + 69.046 = 114.159m<sup>2</sup>

#### **Units 5 to 8**

Ground Floor: 45.557m<sup>2</sup>

First Floor: 68.89m<sup>2</sup>

Total FSR: 45.557 + 68.89 = 114.447m<sup>2</sup>

**Total FSR:** 136.142 + 115.865 + (2 x 114.159) + (4 x 114.447) = **938.113m<sup>2</sup>**



FSR:

938.113/1878 m<sup>2</sup> = **0.5:1**

#### Clause 5.10 Heritage conservation

The provisions of Clause 5.10 of the WLEP 2009 do not apply to the proposed development as the land does not contain a heritage item or is located within a heritage conservation area (HCA); nor is the land within the vicinity of a heritage item or HCA. See section 1.6.

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

#### Clause 7.1 Public utility infrastructure

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

#### Clause 7.6 Earthworks

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

#### Clause 7.14 Minimum Site Width

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

## **CHAPTER A1 – INTRODUCTION**

A full assessment against relevant WDCP 2009 Chapters can be found in the compliance tables at attachment 4. Variations are discussed below.

### **8 Variations to development controls in the DCP**

A variation to Chapter B1 is proposed against Clauses 5.4.2(1) for Unit 2. The variation request is considered justified and supportable as follows.

#### Side and Rear Setbacks

The minimum eastern side setback for Unit 2 is 4.376 metres which is non-compliant with the minimum calculated requirement of 4.384 metres [cl 5.4.2 (1)]. The length of the non-compliant section is about 10cm and the extent of the non-compliance is 8mm which is considered very minor. The variation is not considered to have a considerable impact upon the surrounding area, and is generally consistent with the relevant objectives of the control as outlined below:

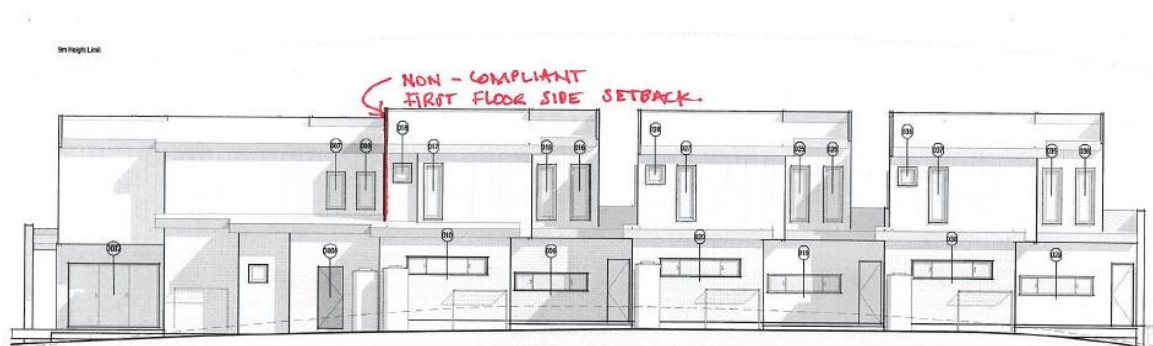


Figure 1: Unit 2 non-compliant side setback area highlighted on east elevation

## Chapter B1: 5.4 Side and Rear Setbacks

- a To provide adequate setbacks from boundaries and adjoining dwellings to retain privacy levels, views sunlight and daylight access to minimise overlooking*

The non-compliant section is setback 4.376 metres from the eastern side boundary facing into the neighbouring dwelling at No. 12 Acacia Avenue. This area is shown highlighted in Figure 1. The adjoining neighbour is located to the east of the subject property. Shadow diagrams show that the eastern neighbour will receive adequate solar access to living rooms and POS during the winter solstice. Privacy is maintained as the non-compliant section consists of a small section of a first floor wall. View loss is considered minimal, given the marginal extent of the non-compliant setback.

- b To provide adequate separations between buildings to achieve the desired urban form*

There is a 7.6 metre separation between the first floor of Unit 2 and the dwelling in the adjoining property which is considered adequate to produce a desirable urban form. The first floor projection improves articulation in the unit's design and when combined with overall building height and scale is considered comparable in relation to the existing residential development in the immediate vicinity.

- c To optimise the use of the land at the rear of the property and surveillance of the street at the front of the property*

All other setbacks comply with the provisions of Clause 5.4. The layout allows for deep soil planting at the rear of an irregular shaped lot. The front façade of Units 1 & 5 clearly addresses the street and satisfies the provisions for crime prevention through environmental design.

- d To minimise overshadowing of adjacent properties and private or shared open space.*

The proposal was accompanied with shadow diagrams demonstrating adequate solar access for neighbouring properties and private open space during the winter solstice.

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

None applicable to the proposed development.

#### 2.3.1 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is \$1,186,000 and a levy of 1% is applicable under this plan as the threshold value is \$100,000. A search of the 1977/78 aerial Intramaps database confirms that there were houses on the subject properties at this time. Therefore the 2016 Ministerial Direction regarding Section 94 development contributions does not apply.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

### 93 Fire safety and other considerations

Not applicable.

### 94 Consent authority may require buildings to be upgraded

Not applicable.

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

### Context and Setting:

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

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

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development will result in some overshadowing primarily within the subject site, including the central driveway entrance which is acceptable in terms of reducing impacts upon neighbouring properties. The development is within the allowable height and FSR for the site. Neighbouring dwellings will additionally still receive the 3 hours of sunlight required by the DCP.

In regard to the visual impact, the development is considered to be largely in harmony with the surrounding buildings and character of the street. The immediate area is characterised predominantly by low density residential development of varying architectural styles. There are two storey dual occupancy developments nearby at No 13 & 26 Acacia Avenue. About 200m to the west, Gilmore Street joins directly from Acacia Avenue, and is characterised by two storey residential flat buildings or multi dwelling housing including 1,2,5,7, 8, 11 13, 15 Gilmore Street. It is likely that more high density developments will occur in future given the height and FSR maximums for the area.

The scale of the development as viewed from the street is comparable to other developments in the locality, notably the nearby medium density housing.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

### Access, Transport and Traffic:

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

### Public Domain:

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

### Utilities:

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

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

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

Water:

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

Soils:

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

Air and Microclimate:

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

Flora and Fauna:

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

Waste:

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

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

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

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

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

Natural hazards:

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

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

Technological hazards:

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

Safety, Security and Crime Prevention:

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

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

The application does not result in any departures from development standards or Council's development control plans, with the exception of the minor side setback variations.

A condition is proposed that all works are to be in compliance with the Building Code of Australia.

The application identified a variation to Clause 5.4.2(1) in Chapter B1 of WDCP 2009. This variation has been considered in Attachment 4 - WDCP 2009 Assessment as being adequately justified and thus is capable of support.

Construction:

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

Cumulative Impacts:

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

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See Section 1.5 of this report.

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

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

## **3 CONCLUSION**

---

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

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

The proposed development aligns with the objectives of the zone and the design of the development is appropriate regarding the controls outlined in these instruments. The building at No. 14 Acacia Avenue Gwynneville is not heritage listed or subject to IHO. A minor WDCP variation to the side setback is supported in this instance.

Completed referrals from the NSW Rural Fire Service and Council's Stormwater Officer, Traffic Officer, Landscape Officer and Environment Officer and are all satisfactory. However, Councils heritage officer has indicated that support is unlikely.

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

## **4 RECOMMENDATION**

---

It is recommended that the development application be approved subject to appropriate conditions of consent.

## **5 ATTACHMENTS**

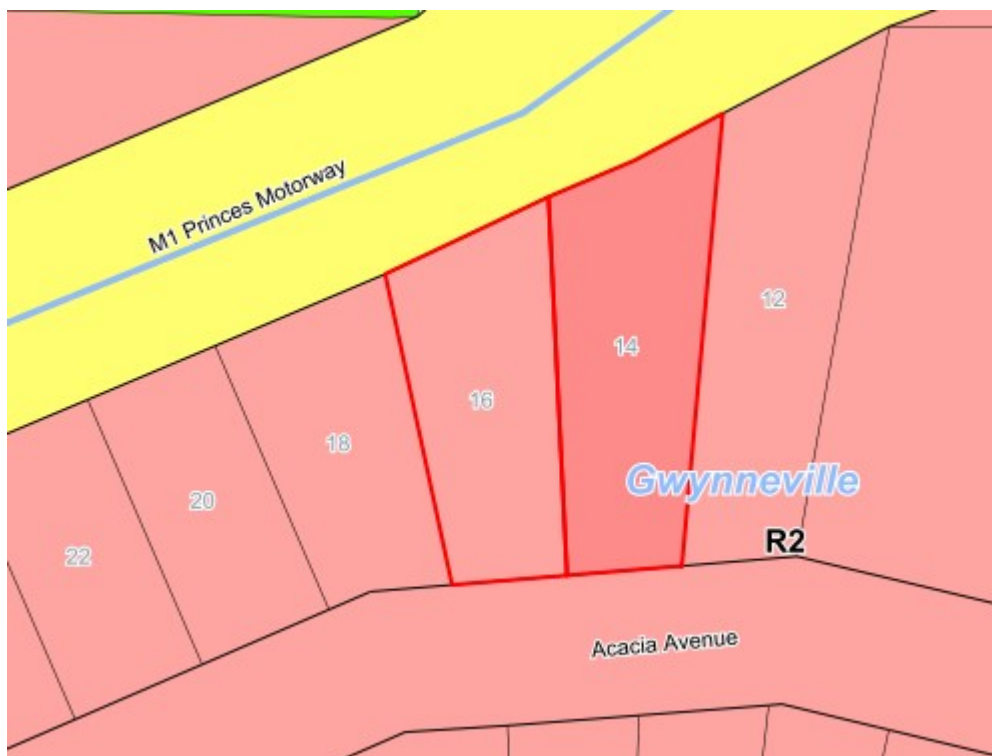
---

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

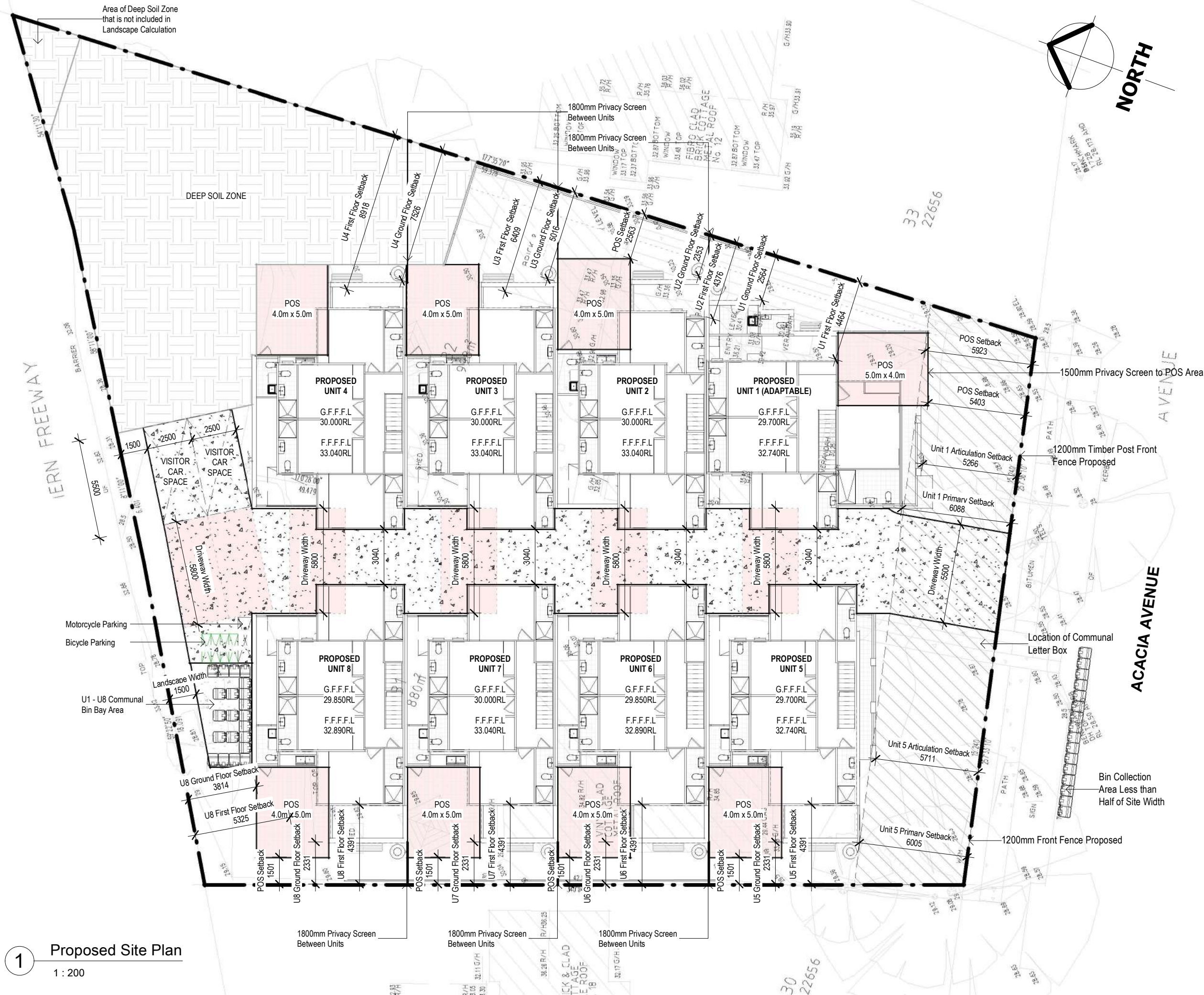
## Attachment 1 – Aerial Photograph Map



## Attachment 2 – Zoning Map







NOTES:

Copyright to 10 Star Living. Reproduction in whole or part is forbidden.

Do not scale drawings.

REV.	DESCRIPTION	DATE

ISSUE:

DA ISSUE



PHONE: 1300 10 STAR (7827)

EMAIL: info@10starliving.com.au

WEBSITE: www.10starliving.com.au

PROPOSED EXTENSION

14 - 16 ACACIA AVENUE,  
GWYNNEVILLE, 2500

R.Heckenberg

DA SUBMISSION

TITLE:

PROPOSED SITE PLAN

SCALE @ A3:

1 : 200

DATE:

05/08/2020

PROJECT NO:

SHEET NO:

3





PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

#### GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b>		C	
<b>Drawn By:</b>		M.LISICA	
<b>Sheet Name:</b>		GROUND FLOOR PLAN UNIT 1 - 4	
<b>DA SUBMISSION</b>		<b>Date:</b>	<b>Project number:</b>
		05/08/2020	-
		<b>Scale:</b>	<b>Sheet:</b>
		1 : 100	4



1 Ground Floor Plan Unit 5 - 8  
1 : 100

PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

GENERAL NOTES:

- ALL DIMENSIONS ARE IN MILLIMETERS
- ALL DIMENSIONS ARE TO BE CHECKED ON SITE
- ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
- ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

Project:  
Proposed Multi Dwelling Development and Strata Title Subdivision

Issue:  
C

Drawn By:  
M.LISICA

Sheet Name:  
GROUND FLOOR PLAN UNIT 5 - 8

DA SUBMISSION

Client & Address:  
R.Heckenberg  
14 - 16 ACACIA AVENUE,  
GWYNNEVILLE, 2500

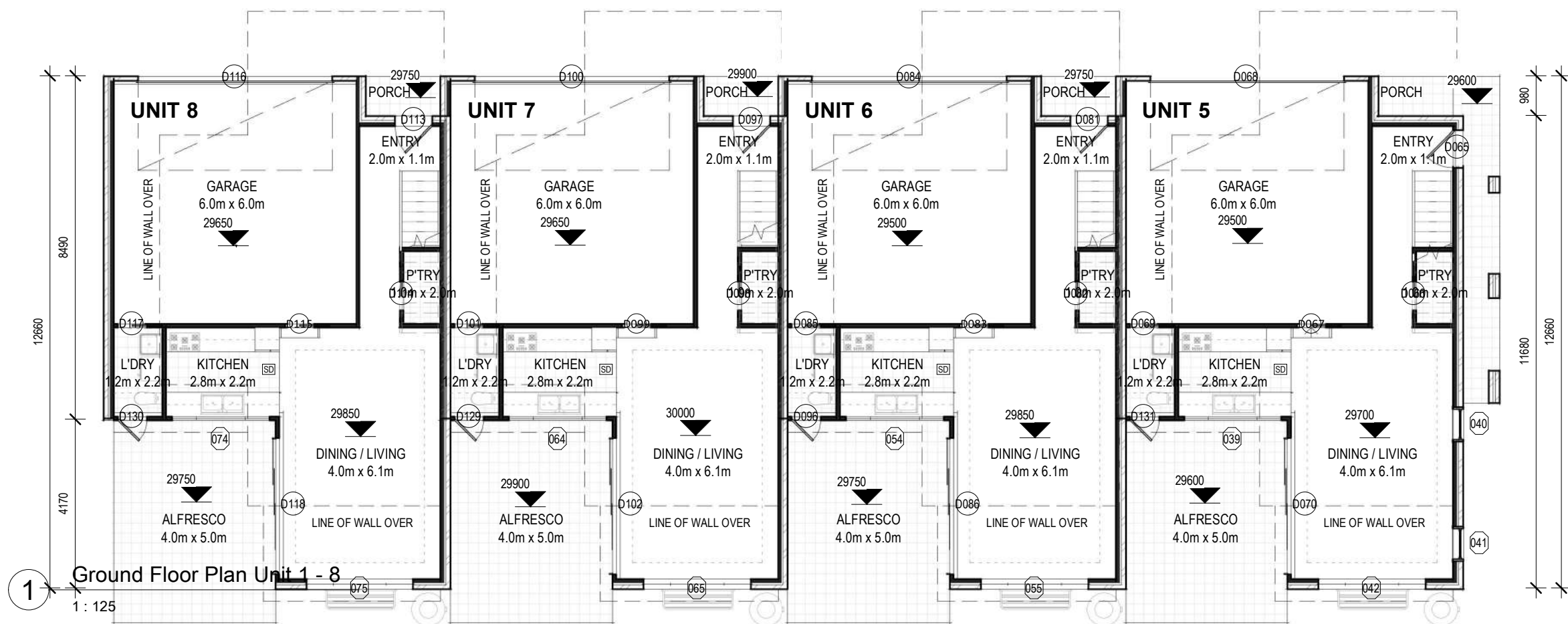
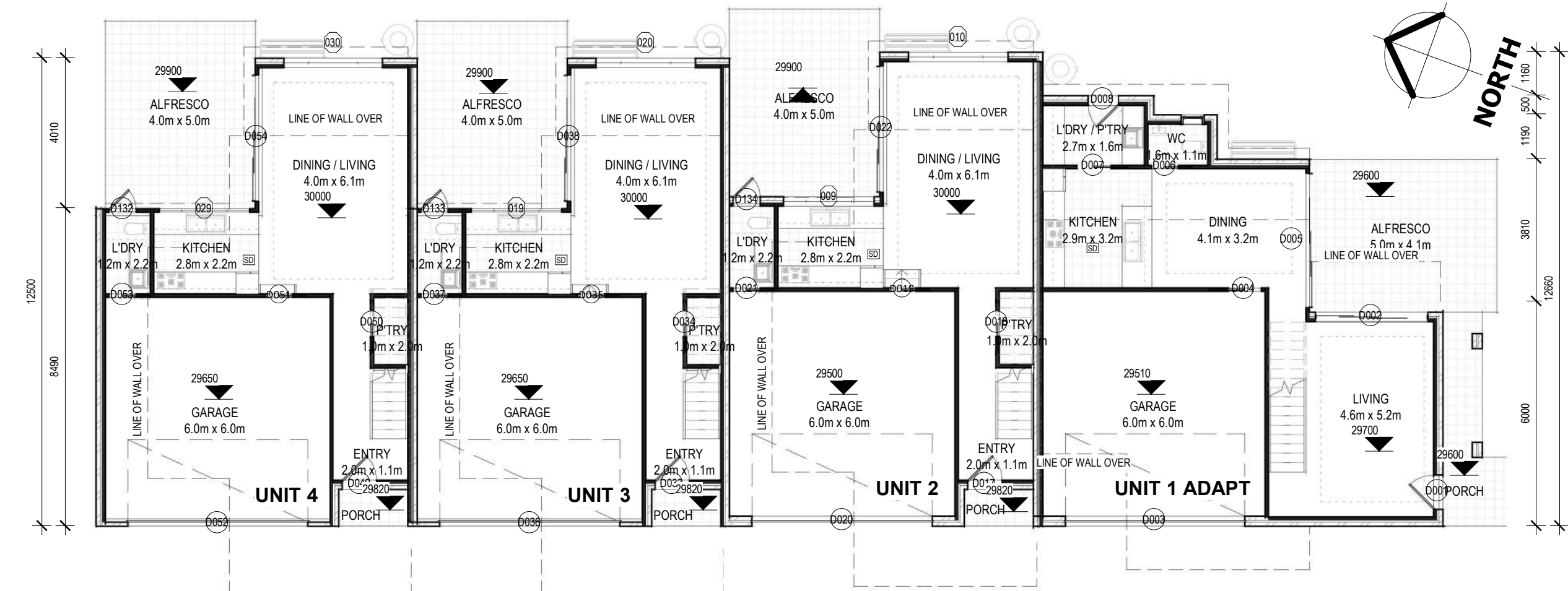
Project number:  
-

Date:  
05/08/2020

Scale:  
1 : 100

Sheet:  
5





Ground Floor Plan Unit 1 - 8

# NOTES:

Copyright to 10 Star Living. Reproduction in whole or part is forbidden.

Do not scale drawings.

REV.	DESCRIPTION	DATE

ISSUE:

DA ISSUE



PHONE: 1300 10 STAR (7827)

EMAIL: info@10starliving.com.au

WEBSITE: www.10starliving.com.au

PROPOSED EXTENSION

14 - 16 ACACIA AVENUE,  
GWYNNEVILLE, 2500

R.Heckenberg

DA SUBMISSION

TITLE:

GROUND FLOOR PLAN 1 - 8

SCALE @ A3:

1 : 125

DATE:

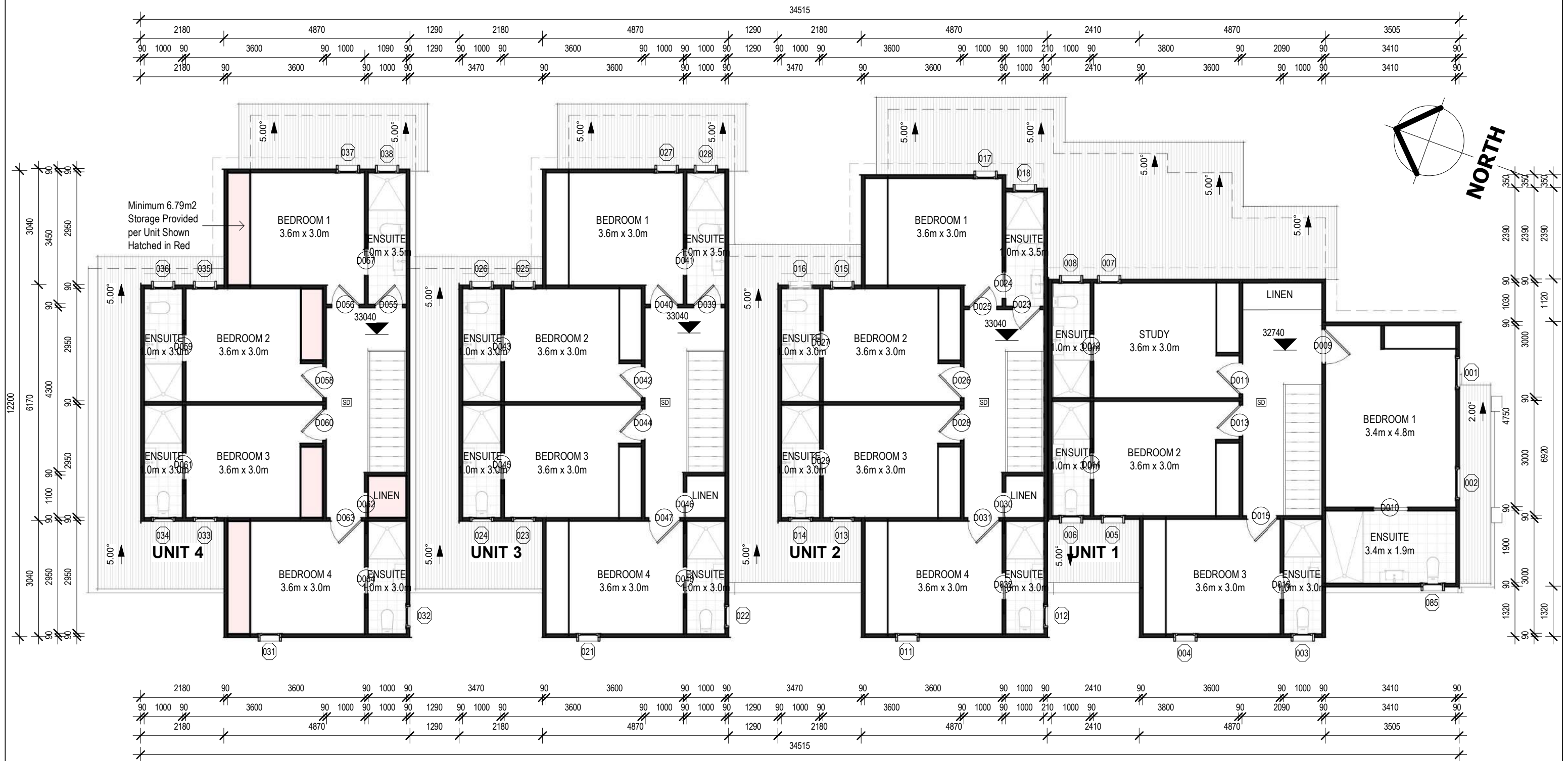
05/08/2020

PROJECT NO:

-

SHEET NO:

6



1 First Floor Plan Unit 1 - 4  
1 : 100



PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

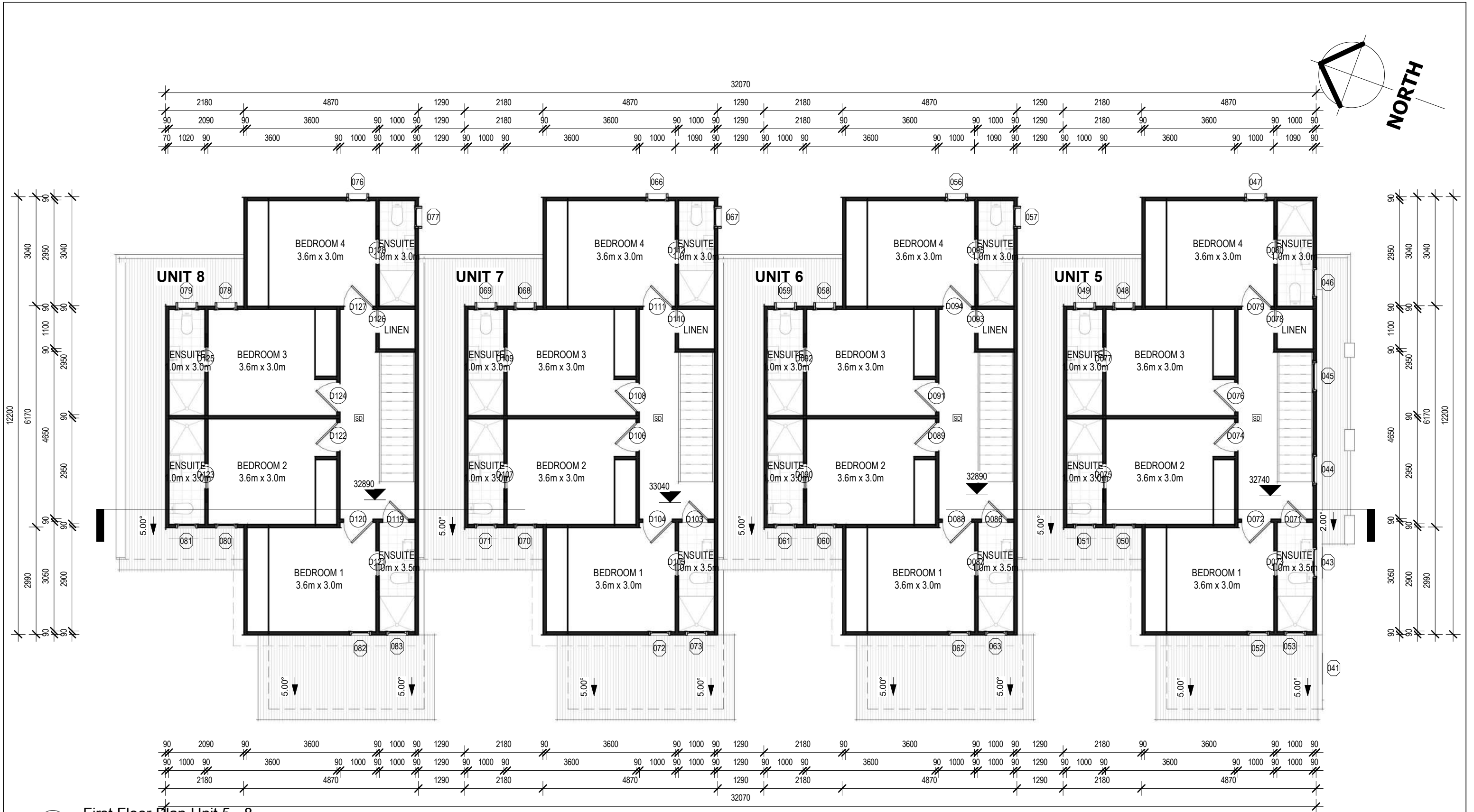
GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b>		C	
<b>Drawn By:</b>		M.LISICA	
<b>Sheet Name:</b>		FIRST FLOOR PLAN UNIT 1 - 4	
<b>DA SUBMISSION</b>		<b>Date:</b> 05/08/2020	<b>Sheet:</b> 7
		<b>Scale:</b> 1 : 100	





1 First Floor Plan Unit 5 - 8

1 : 100



PHONE  
1300 10 STAR (7827)

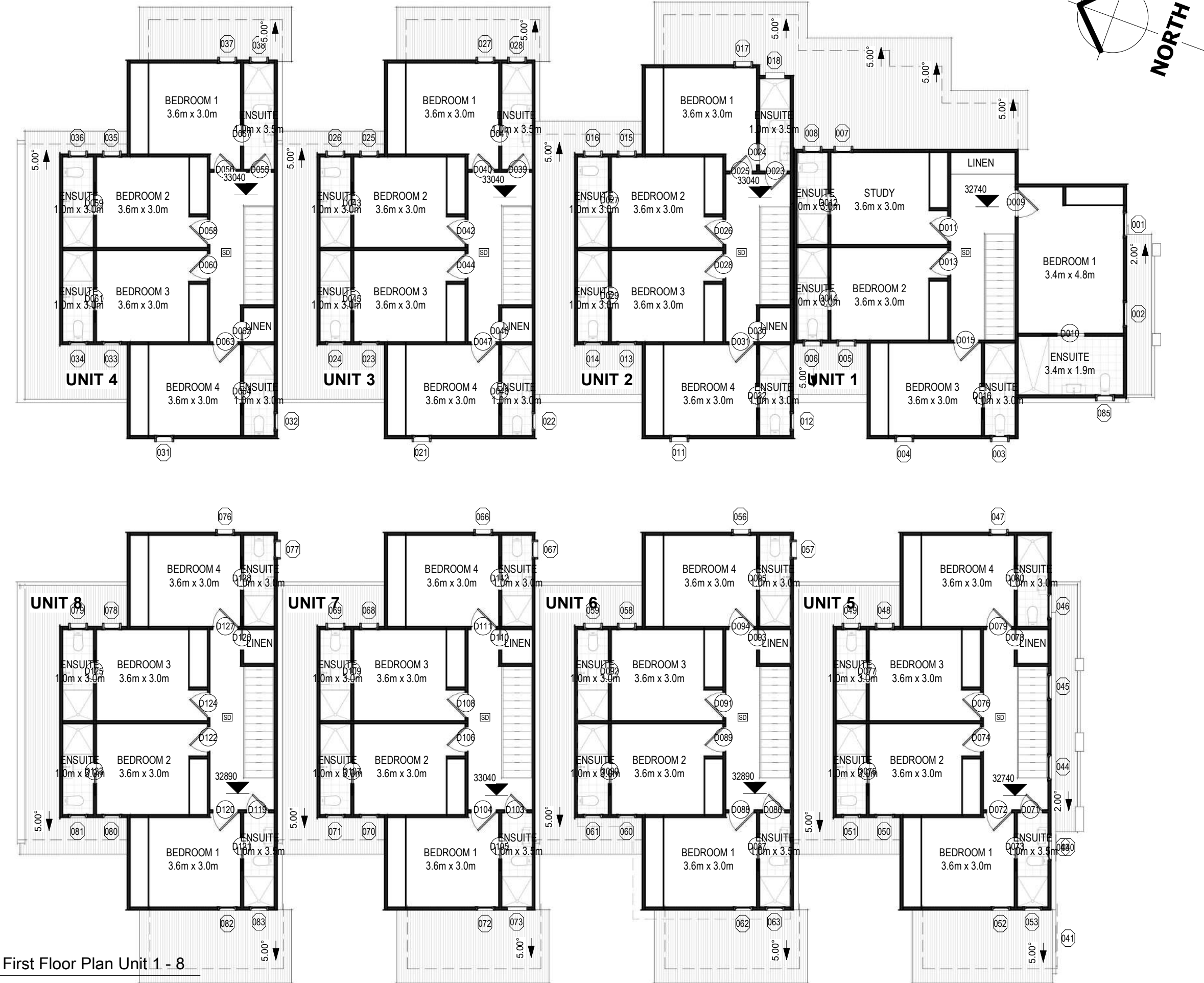
EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

- GENERAL NOTES:
1. ALL DIMENSIONS ARE IN MILLIMETERS
  2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
  3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
  4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b> C		<b>Project number:</b> -	
<b>Drawn By:</b> M.LISICA		<b>Date:</b> 05/08/2020	
<b>Sheet Name:</b> FIRST FLOOR PLAN UNIT 5 - 8		<b>Scale:</b> 1 : 100	
<b>DA SUBMISSION</b>		<b>8</b>	



# NOTES:

Copyright to 10 Star Living. Reproduction in whole or part is forbidden.

Do not scale drawings.

REV.	DESCRIPTION	DATE

ISSUE:

DA ISSUE



PHONE: 1300 10 STAR (7827)

EMAIL: info@10starliving.com.au

WEBSITE: www.10starliving.com.au

PROPOSED EXTENSION

14 - 16 ACACIA AVENUE,  
GWYNNEVILLE, 2500

R.Heckenberg

DA SUBMISSION

TITLE:

FIRST FLOOR PLAN UNIT 1 - 8

SCALE @ A3:

1 : 125

DATE:

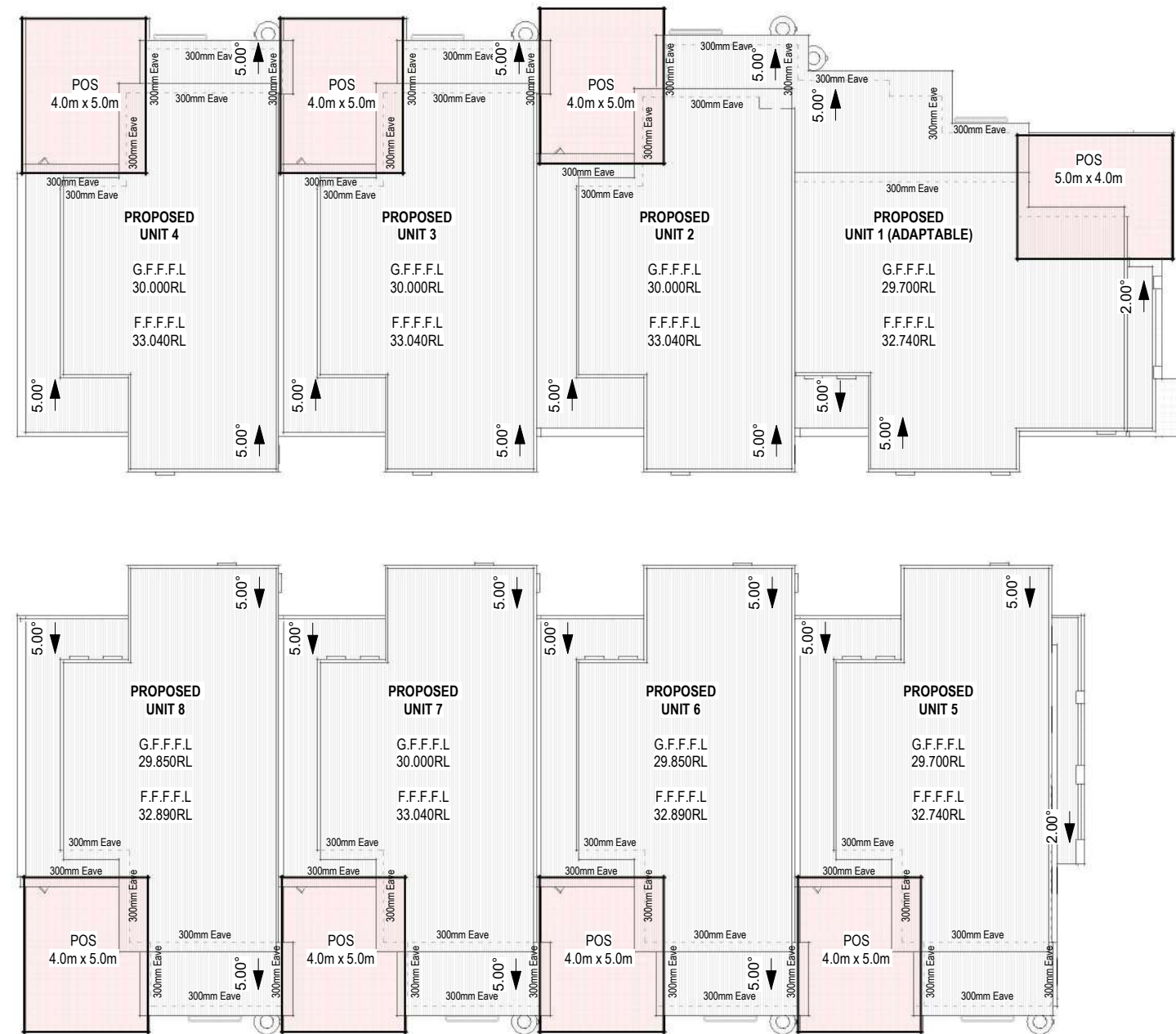
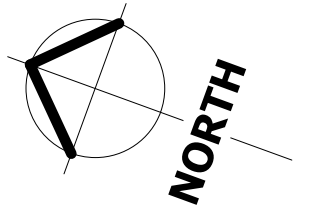
05/08/2020

PROJECT NO:

-

SHEET NO:

9



1 Roof Plan  
1 : 200



PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

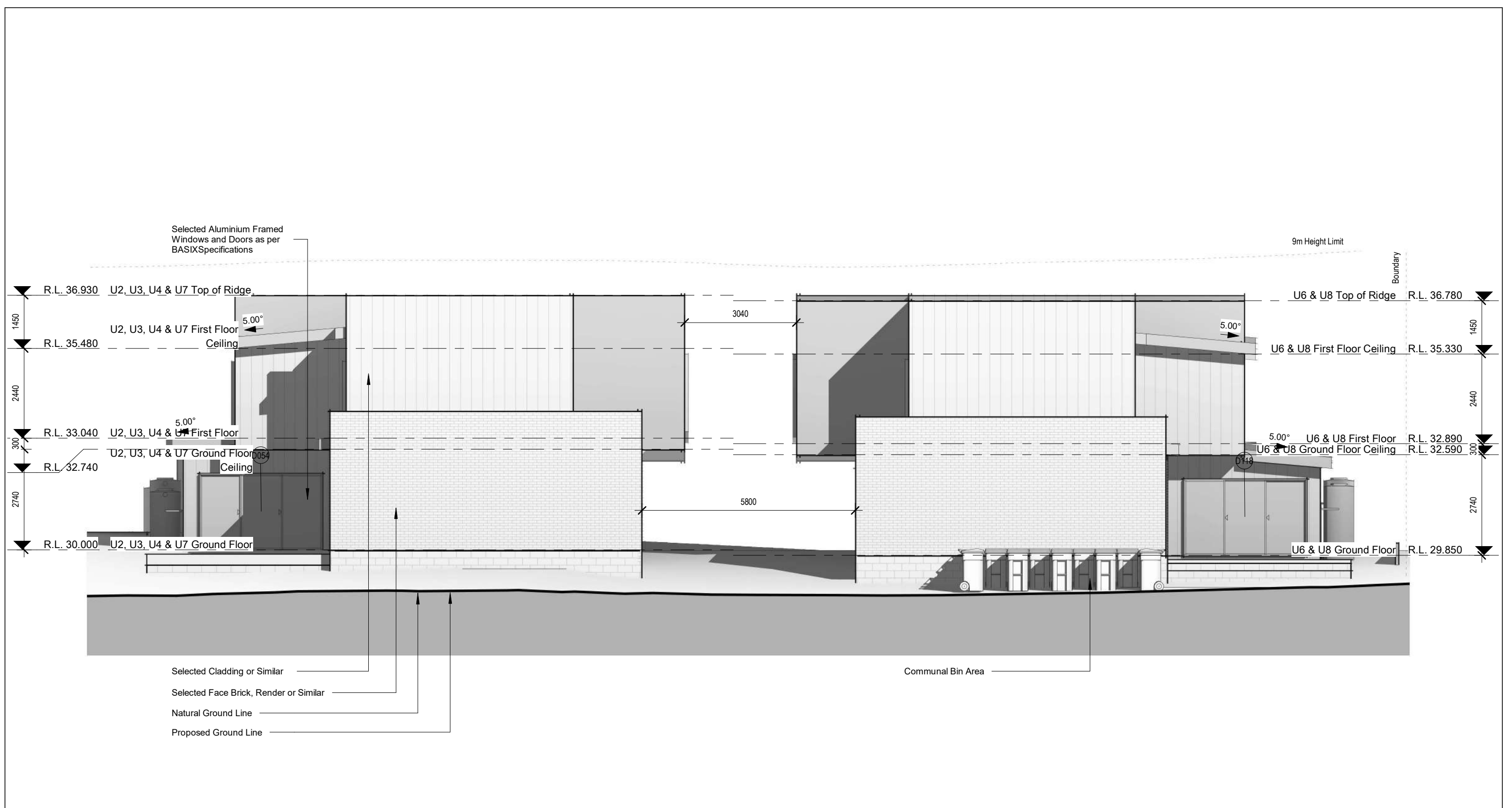
**GENERAL NOTES:**

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT


Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b>		C	
<b>Drawn By:</b>		M.LISICA	
<b>Sheet Name:</b>		ROOF PLAN	
<b>DA SUBMISSION</b>		<b>Date:</b> 05/08/2020	<b>Sheet:</b> 10
		<b>Scale:</b> 1 : 200	





1 North Elevation  
1 : 100



**PHONE**  
1300 10 STAR (7827)

**EMAIL**  
info@10starliving.com.au

**WEBSITE**  
www.10starliving.com.au

**GENERAL NOTES:**

1. ALL DIMENSIONS ARE IN MILLIMETERS  
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS  
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

**Project:**  
Proposed Multi Dwelling Development and Strata Title Subdivision

**Issue:** C

**Drawn By:** M.LISICA

**Sheet Name:** NORTH ELEVATION

**DA SUBMISSION**

**Client & Address:**  
R.Heckenberg  
14 - 16 ACACIA AVENUE,  
GWYNNEVILLE, 2500

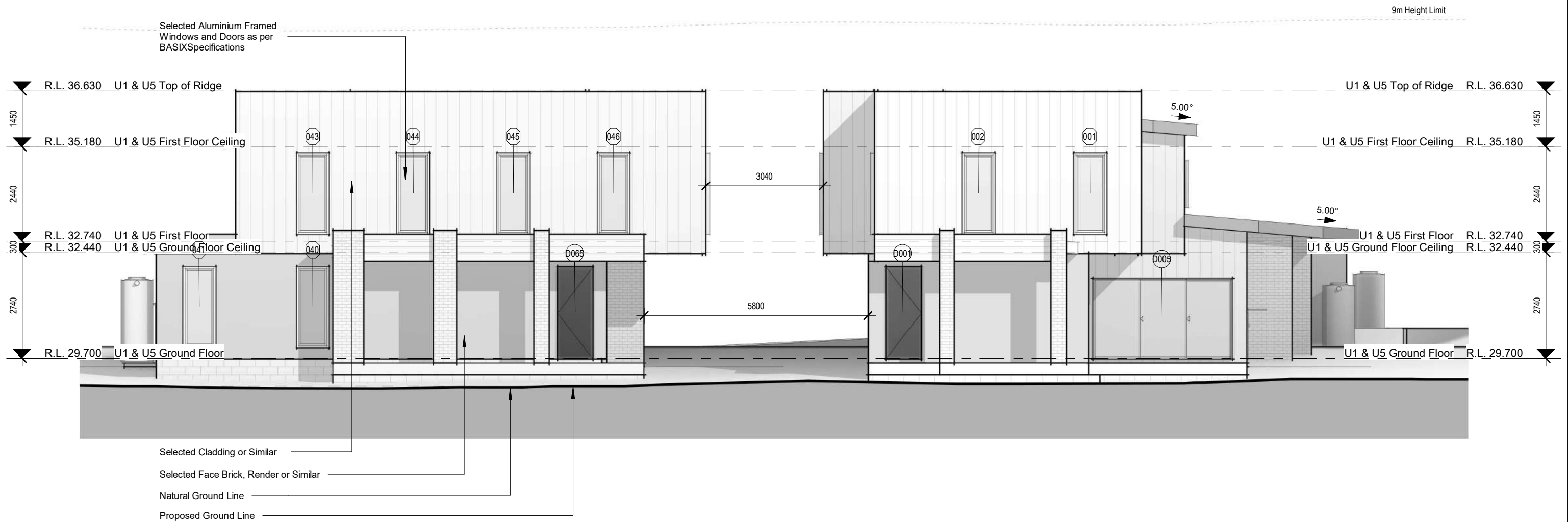
**Project number:** -

**Date:** 05/08/2020

**Scale:** 1 : 100

**Sheet:** 11





1 South Elevation  
1 : 100



PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b> C		<b>Project number:</b> -	
<b>Drawn By:</b> M.LISICA		<b>Date:</b> 05/08/2020	
<b>Sheet Name:</b> SOUTH ELEVATION		<b>Scale:</b> 1 : 100	
<b>DA SUBMISSION</b>		<b>12</b>	



2 East Elevation Unit 1 - 4  
1 : 100

★ 10STAR ★

PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

- GENERAL NOTES:
1. ALL DIMENSIONS ARE IN MILLIMETERS
  2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
  3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
  4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg  14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b> C		<b>Project number:</b> -	
<b>Drawn By:</b> M.LISICA		<b>Date:</b> 05/08/2020	
<b>Sheet Name:</b> EAST ELEVATION UNIT 1 - 4		<b>Sheet:</b> 13	
<b>DA SUBMISSION</b>		<b>Scale:</b> 1 : 100	

9m Height Limit



1

West Elevation Unit 1 - 4

1 : 100

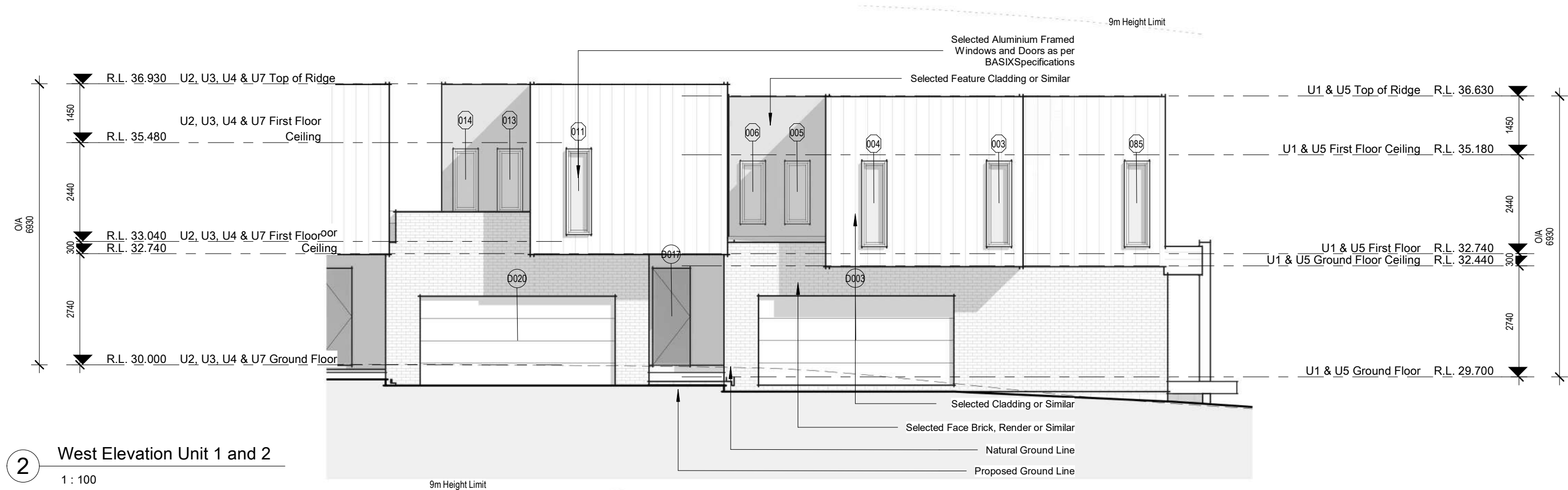


**PHONE**  
1300 10 STAR (7827)  
**EMAIL**  
info@10starliving.com.au  
**WEBSITE**  
www.10starliving.com.au

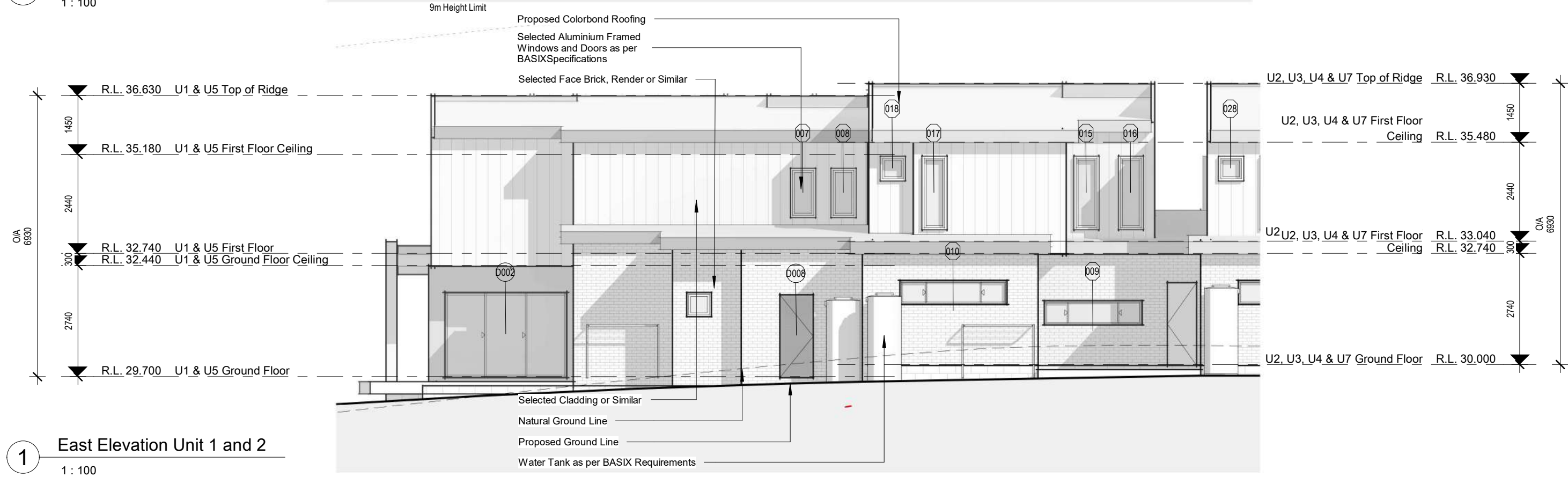
**GENERAL NOTES:**  
1. ALL DIMENSIONS ARE IN MILLIMETERS  
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS  
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg  14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b>		C	
<b>Drawn By:</b>		M.LISICA	
<b>Sheet Name:</b>		WEST ELEVATION UNIT 1 - 4	
<b>DA SUBMISSION</b>		<b>Date:</b>	<b>Sheet:</b>  14
		<b>Scale:</b>	
		05/08/2020	
		1 : 100	



2 West Elevation Unit 1 and 2  
1 : 100



1 East Elevation Unit 1 and 2  
1 : 100



PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

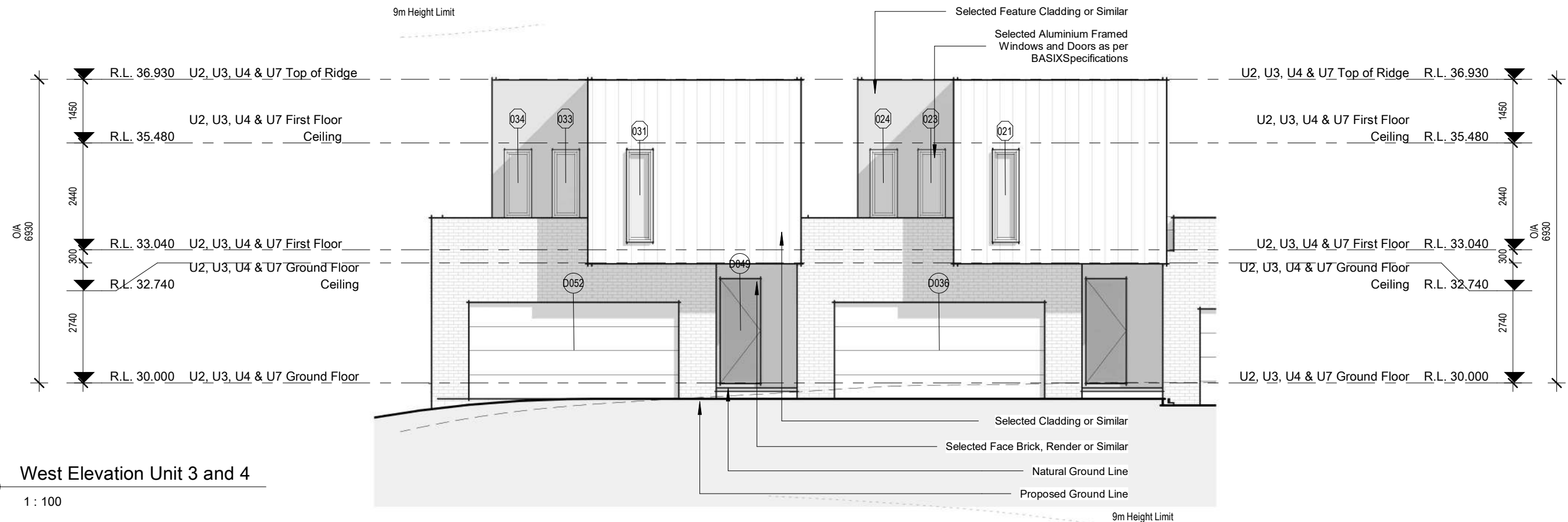
<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b> C		<b>Project number:</b> -	
<b>Drawn By:</b> M.LISICA		<b>Date:</b> 05/08/2020	
<b>Sheet Name:</b> EAST AND WEST ELEVATION UNIT 1 AND 2		<b>Scale:</b> 1 : 100	
<b>DA SUBMISSION</b>		<b>15</b>	



1

## West Elevation Unit 3 and 4

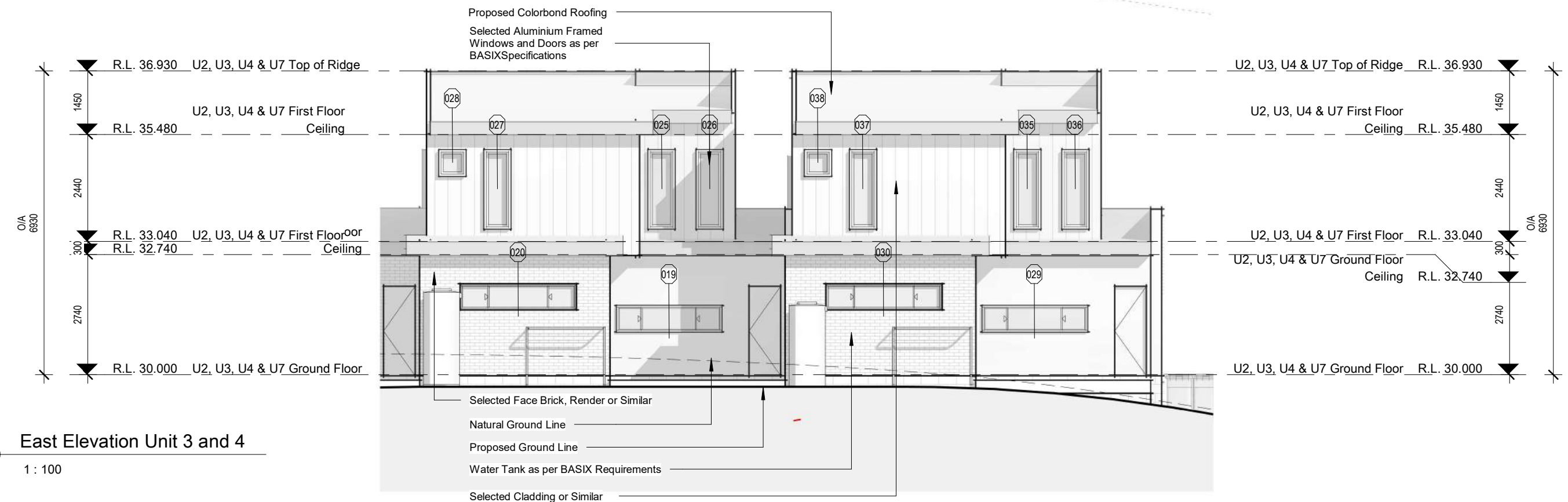
1 : 100



2

## East Elevation Unit 3 and 4

1 : 100



## GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

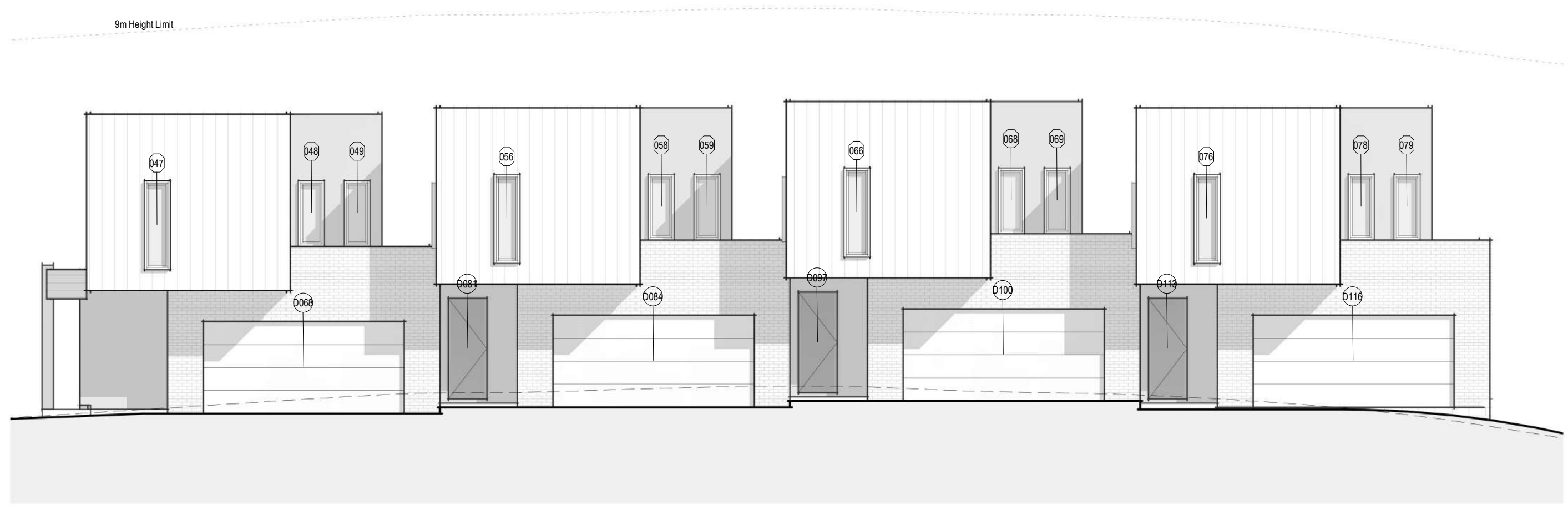
PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b> C		<b>Project number:</b> -	
<b>Drawn By:</b> M.LISICA		<b>Date:</b> 05/08/2020	
<b>Sheet Name:</b> EAST AND WEST ELEVATION UNIT 3 AND 4		<b>Scale:</b> 1 : 100	
<b>DA SUBMISSION</b>		<b>Sheet:</b> 16	



1 East Elevation Unit 5 - 8  
1 : 100

★ 10STAR ★

PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS  
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE  
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS  
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

Project:  
Proposed Multi Dwelling Development and Strata Title Subdivision

Issue:  
C

Drawn By:  
M.LISICA

Sheet Name:  
EAST ELEVATION UNIT 5 - 8

DA SUBMISSION

Client & Address:  
R.Heckenberg  
14 - 16 ACACIA AVENUE,  
GWYNNEVILLE, 2500

Project number:  
-

Date:  
05/08/2020

Scale:  
1 : 100

Sheet:  
17

9m Height Limit



1 West Elevation Unit 5 - 8  
1 : 100

★ 10STAR ★

**PHONE**  
1300 10 STAR (7827)

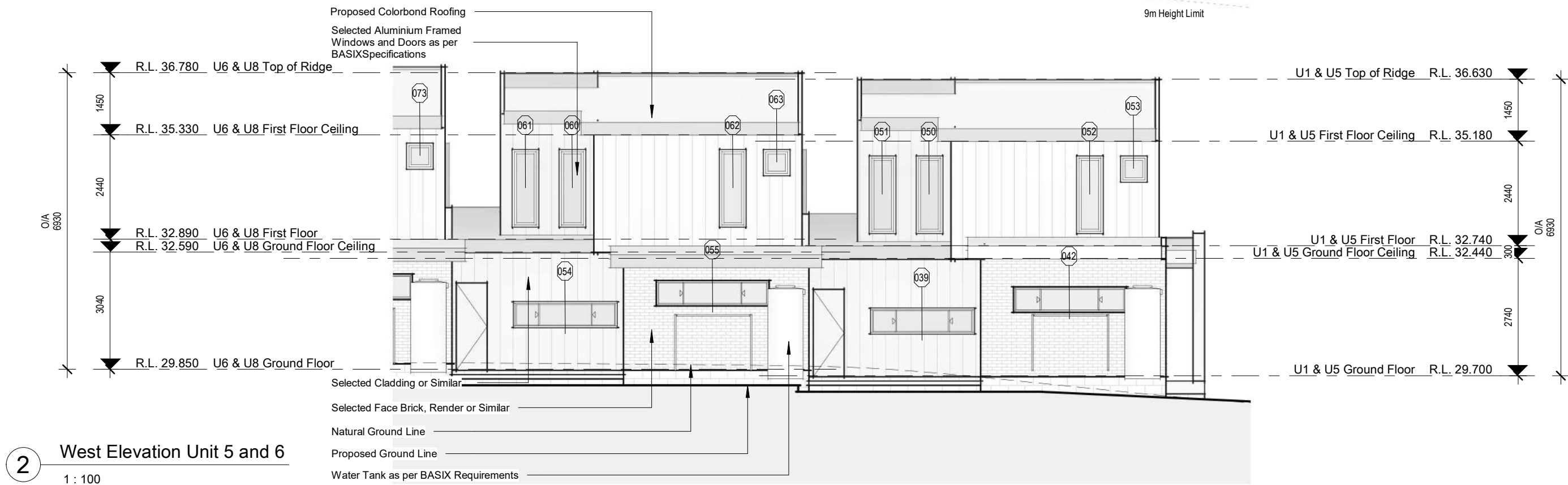
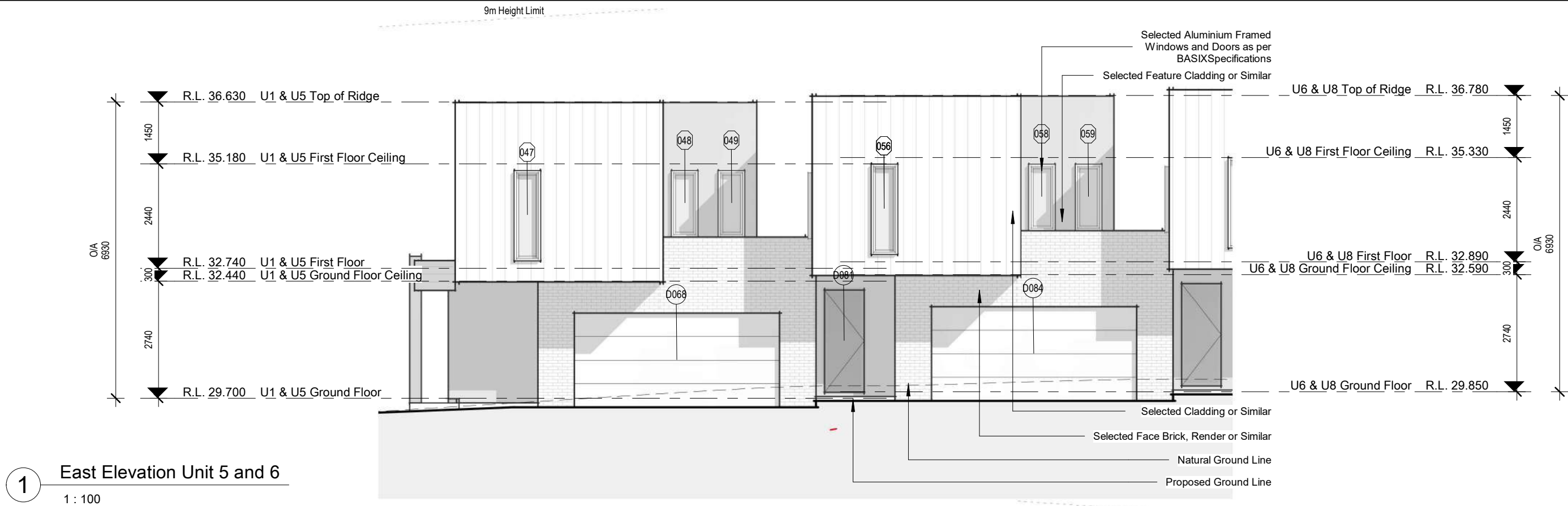
**EMAIL**  
info@10starliving.com.au

**WEBSITE**  
www.10starliving.com.au

- GENERAL NOTES:
- 1. ALL DIMENSIONS ARE IN MILLIMETERS
  - 2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
  - 3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
  - 4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b>		C	
<b>Drawn By:</b>		M.LISICA	
<b>Sheet Name:</b>		WEST ELEVATION UNIT 5 - 8	
<b>DA SUBMISSION</b>		<b>Date:</b> 05/08/2020	<b>Sheet:</b> 18
		<b>Scale:</b> 1 : 100	



PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

Project:  
Proposed Multi Dwelling Development and Strata Title  
Subdivision

Issue: C

Drawn By: M.LISICA

Sheet Name: EAST AND WEST ELEVATION UNIT 5 AND 6

DA SUBMISSION

Client & Address:  
R.Heckenberg  
14 - 16 ACACIA AVENUE,  
GWYNNEVILLE, 2500

Project number: -

Date: 05/08/2020

Scale: 1 : 100

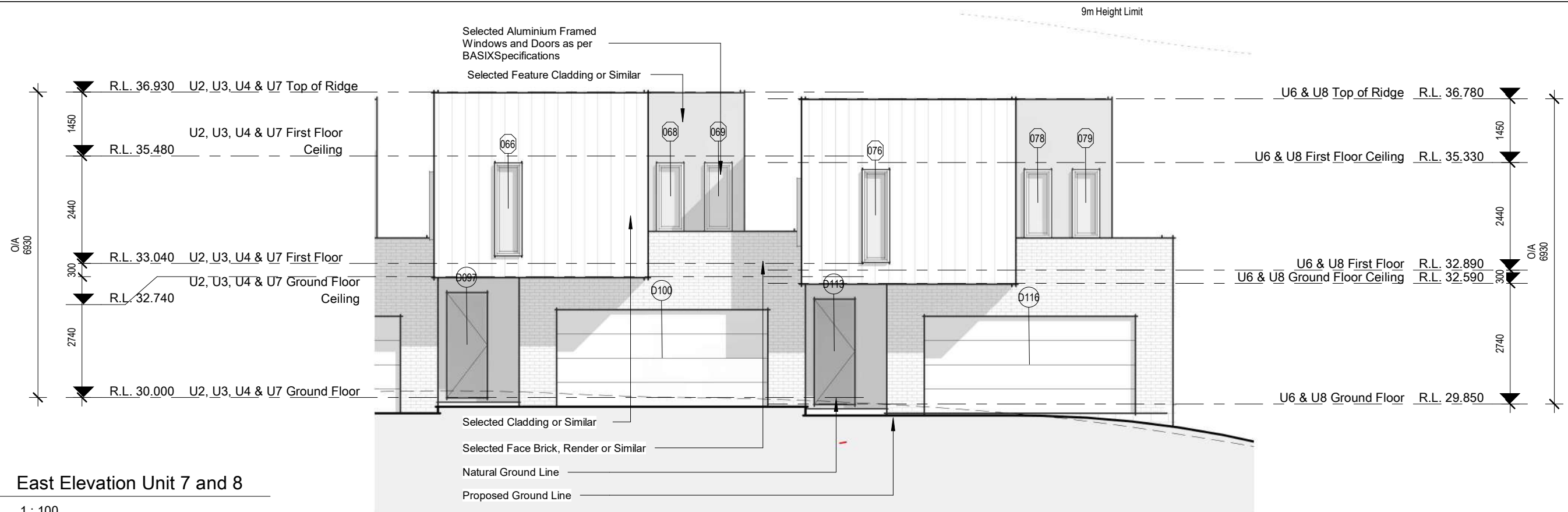
Sheet:  
19



2

## East Elevation Unit 7 and 8

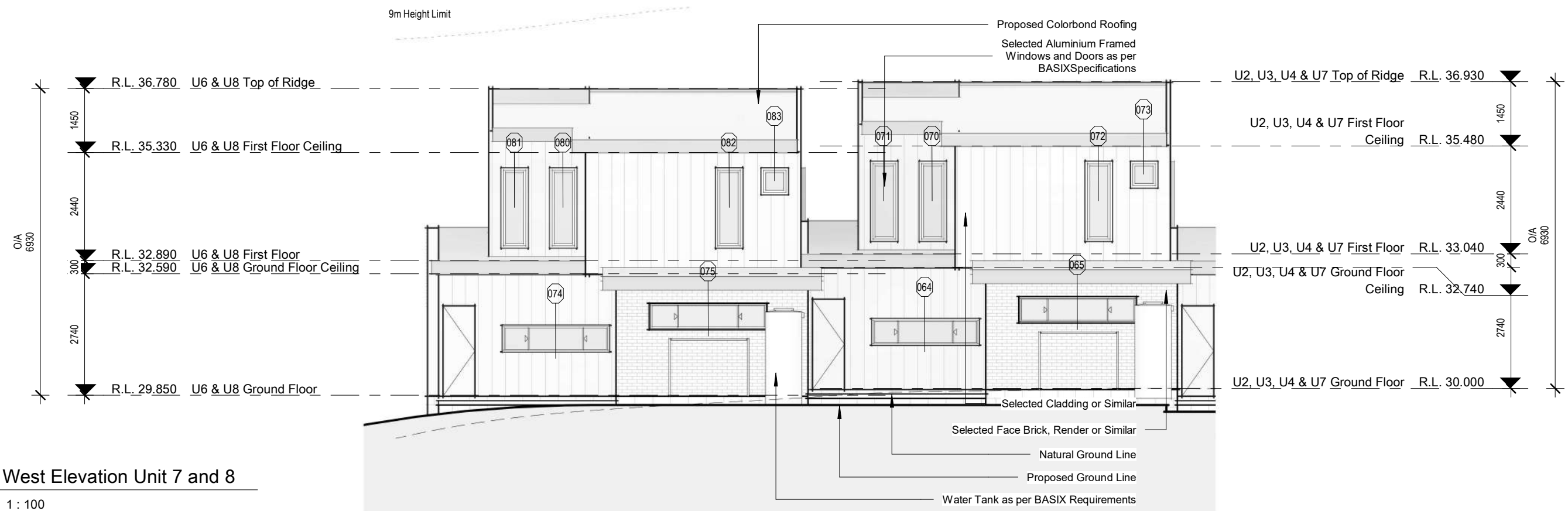
1 : 100



1

## West Elevation Unit 7 and 8

1 : 100



★ 10STAR ★

PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

WEBSITE  
www.10starliving.com.au

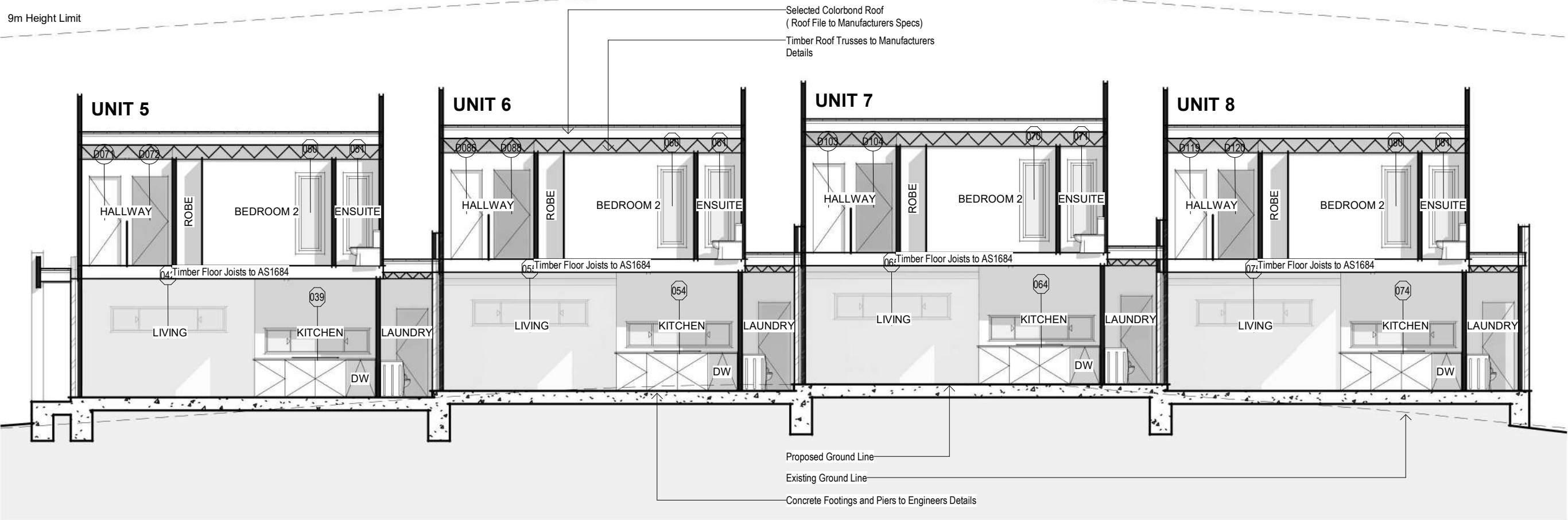
## GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b> C		<b>Project number:</b> -	
<b>Drawn By:</b> M.LISICA		<b>Date:</b> 05/08/2020	
<b>Sheet Name:</b> EAST AND WEST ELEVATION UNIT 7 AND 8		<b>Scale:</b> 1 : 100	
<b>DA SUBMISSION</b>		<b>Sheet:</b> 20	

9m Height Limit



1 Section AA  
1 : 100



PHONE  
1300 10 STAR (7827)

EMAIL  
info@10starliving.com.au

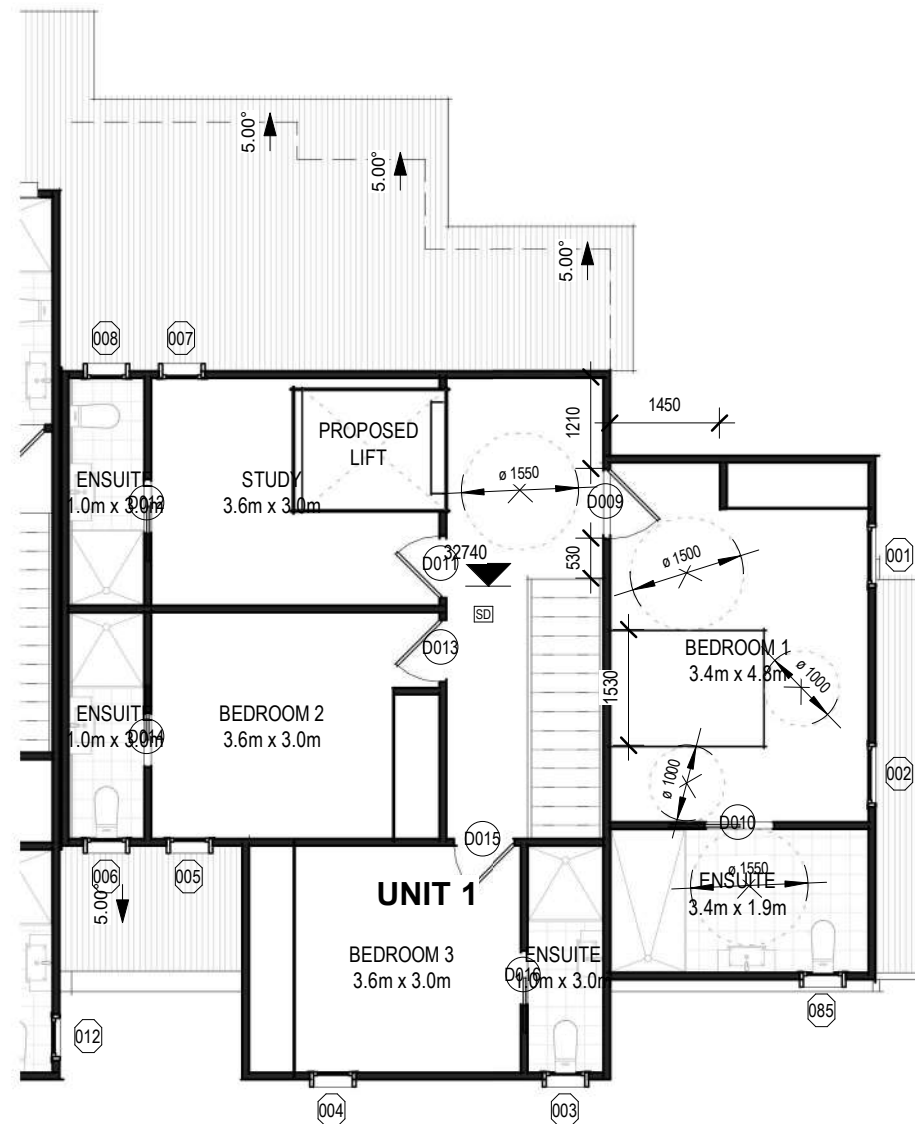
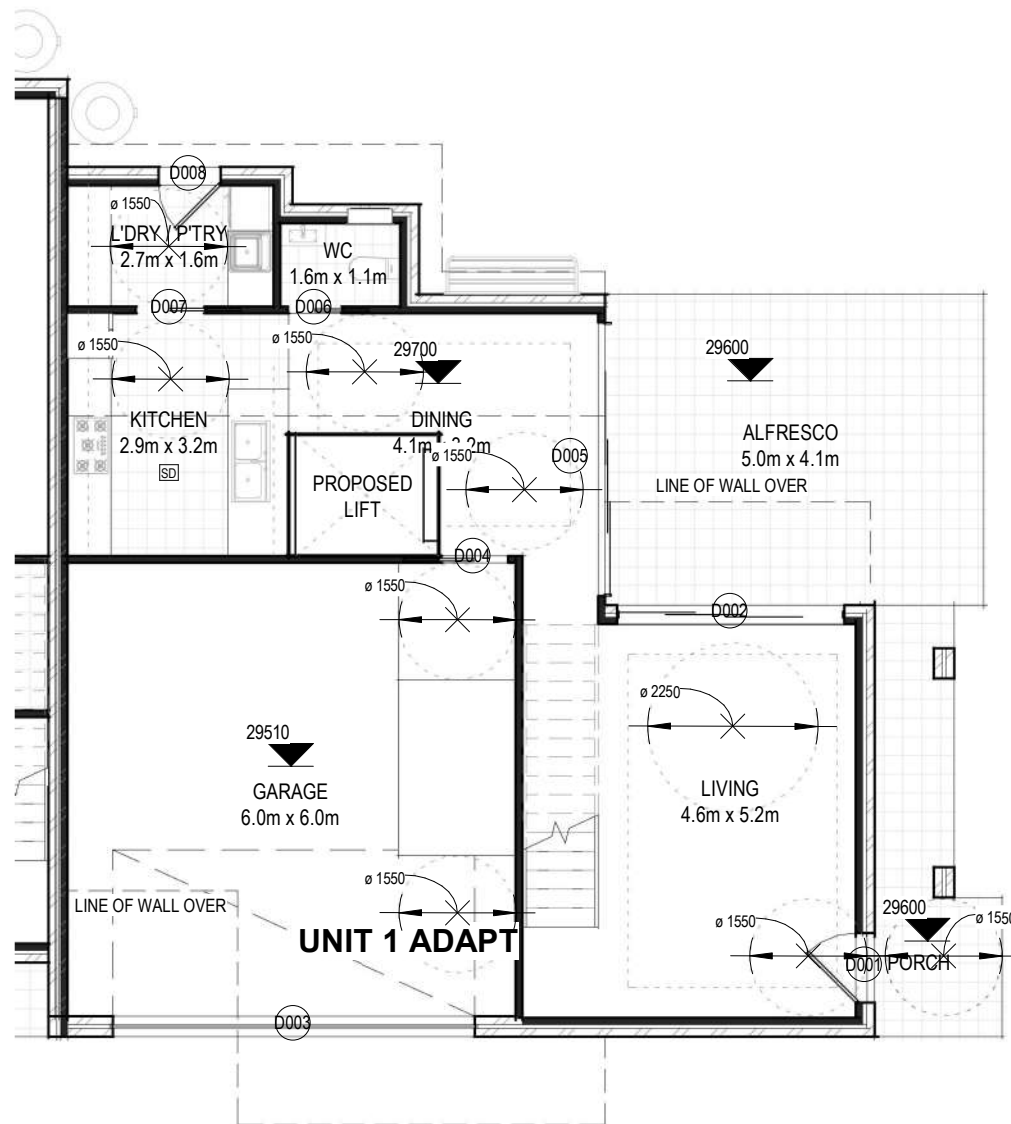
WEBSITE  
www.10starliving.com.au

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS
2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE
3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) & AUSTRALIAN STANDARDS
4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT

Issue:	Issue details:	Date:
1		
2		
3		
4		
5		
6		

<b>Project:</b> Proposed Multi Dwelling Development and Strata Title Subdivision		<b>Client &amp; Address:</b> R.Heckenberg 14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500	
<b>Issue:</b>		C	
<b>Drawn By:</b>		M.LISICA	
<b>Sheet Name:</b>		SECTION AA	
<b>DA SUBMISSION</b>		<b>Date:</b> 05/08/2020	<b>Sheet:</b> 21
		<b>Scale:</b> 1 : 100	



<div><div><div>★</div><div>10STAR</div><div>★</div></div><div>PHONE 1300 10 STAR (7827)</div><div>EMAIL info@10starliving.com.au</div><div>WEBSITE www.10starliving.com.au</div></div>	<div>GENERAL NOTES:</div> <div>1. ALL DIMENSIONS ARE IN MILLIMETERS</div> <div>2. ALL DIMENSIONS ARE TO BE CHECKED ON SITE</div> <div>3. ALL WORK TO COMPLY WITH THE NATIONAL CONSTRUCTION (NCC) &amp; AUSTRALIAN STANDARDS</div> <div>4. ITEMS SPECIFIED TO MATCH EXISTING AS CLOSE AS POSSIBLE, NOT EXACT</div>																								
<table><tr><th>Issue:</th><th>Issue details:</th><th>Date:</th></tr><tr><td>1</td><td></td><td></td></tr><tr><td>2</td><td></td><td></td></tr><tr><td>3</td><td></td><td></td></tr><tr><td>4</td><td></td><td></td></tr><tr><td>5</td><td></td><td></td></tr><tr><td>6</td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></table>	Issue:	Issue details:	Date:	1			2			3			4			5			6						
Issue:	Issue details:	Date:																							
1																									
2																									
3																									
4																									
5																									
6																									

<div>Project:</div> <div>Proposed Multi Dwelling Development and Strata Title Subdivision</div>	<div>Client &amp; Address:</div> <div>R.Heckenberg</div> <div>14 - 16 ACACIA AVENUE, GWYNNEVILLE, 2500</div>
<div>Issue:</div> <div>C</div>	<div>Project number:</div> <div>-</div>
<div>Drawn By:</div> <div>M.LISICA</div>	<div>Date:</div> <div>05/08/2020</div>
<div>Sheet Name:</div> <div>POST ADAPTATION FLOOR PLAN</div>	<div>Scale:</div> <div>1 : 100</div>
<div>DA SUBMISSION</div>	<div>Sheet:</div> <div>25</div>







## Attachment 4 – WDCP 2009 Assessment

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

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

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

#### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.11 Storage Facilities</u> <ul style="list-style-type: none"><li>4 bedroom- 10m<sup>3</sup> storage volume to 5m<sup>2</sup> storage area</li></ul>	The proposed development will provide adequate storage facilities.	Yes
<u>4.12 Site Facilities</u> <ul style="list-style-type: none"><li>letterboxes in an accessible location</li><li>air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback</li></ul>	The necessary site facilities have been provided and are acceptable in this circumstance.	Yes
<u>4.13 Fire Brigade Servicing</u> <ul style="list-style-type: none"><li>All dwellings located within 60m of a fire hydrant</li></ul>	The closest fire hydrant is located at No. 41 Acacia Avenue. The subject site can be adequately serviced by fire fighting vehicles in this circumstance.	Yes
<u>4.14 Services</u> <ul style="list-style-type: none"><li>Encourage early consideration of servicing requirements</li></ul>	Water, electricity, sewerage and telephone services are available to the site.	Yes
<u>4.16 View sharing</u> <ul style="list-style-type: none"><li>To protect and enhance view sharing, significant view corridors</li><li>A range of view sharing measures to be considered for building design</li></ul>	<p>The neighbour at No. 39 Acacia Avenue is concerned that the development will block views to Mount Keira from their property.</p> <p>This property is located about 35 metres from the proposed development to the south east. The view is considered to be of lower value</p>	Yes

as Mount Keira forms part of the escarpment and the view is largely concealed by existing single storey housing and vegetation. See Figure 2.

Potential view loss for the south eastern neighbour occurs at an oblique angle from the front yard of the property. Within this neighbouring property, the mountain view is considerably reduced by existing vegetation and a slope that falls away from the street limiting views to the north.

The assessor visited this site and took a photograph of the Mount Keira view in as seen in Figure 2. In the distance, there are partial views of Mount Keira located about 1.4km away.

The proposed two storey flat roof dwellings are comparable in height to the existing single storey dwellings with their pitched roofs. The development is reasonable in that it complies with WLEP and WDCP requirements, with the exception of a minor side setback variation. It is considered that the view loss experienced by the south eastern neighbour is minor.

The proposal has been assessed against the relevant objectives and considered satisfactory.

---



**Figure 2:** View of Mount Keira from Acacia Avenue, Gwynneville in vicinity of 39 Acacia Avenue.  
8 October 2020

#### 4.17 Retaining Walls

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

### 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> 18m for multi-dwelling	<p>The proposal involves multi-dwelling housing and consolidation of the two adjoining lots is required to facilitate this development in compliance with the provisions of CI 5.1.2.3. Combined, the minimum site width is approximately 30.48m at the narrowest point along the front property boundary.</p>	Yes

### 5.2 Number of Storeys

Maximum 2 Storeys for Zone R2 Low Density Residential

All proposed units are two (2) storeys.  
Maximum overall building height is 7.58m.

Yes

### 5.3 Front Setbacks

- Infill 6m minimum
- Balconies, courtyard fences and the like may be setback 900mm closer than minimum required front setback

Unit 1:  
Front Setback: 6.088m  
Unit 5:  
Front Setback: 6.005m  
Building projections do not extend forward by more than 900mm into the front setback.

Yes

### 5.4 Side and Rear Setbacks

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

#### Required Side/Rear Setbacks

Units 1-8 Ground Floor: 2.192m

Units 1-8 First Floor: 4.384m

#### Proposed Side & Rear Setbacks

##### **Unit 1**

Side Setback

Ground Floor: 2.564m

First Floor: 4.464m

##### **Unit 2**

Side Setback

Ground Floor: 2.353m

First Floor: 4.376m

##### **Unit 3**

Side Setback

Ground Floor: 5.016m

First Floor: 6.049m

##### **Unit 4**

Side Setback

Ground Floor: 7.526m

First Floor: 8.918m

Rear Setback

Ground Floor: 6.564m

First Floor: 8.314m

##### **Unit 5**

Side Setback

Ground Floor: 2.331m

First Floor: 4.391m

##### **Unit 6**

Side Setback

Ground Floor: 2.331m

First Floor: 4.391m

No, variation supported



	<p><b>Unit 7</b></p> <p>Side Setback</p> <p>Ground Floor: 2.331m</p> <p>First Floor: 4.391m</p> <p><b>Unit 8</b></p> <p>Side Setback</p> <p>Ground Floor: 2.331m</p> <p>First Floor: 4.391m</p> <p>Rear Setback</p> <p>Ground Floor: 3.814m</p> <p>First Floor: 5.325m</p>	
<p><u>5.5 Building Character and Form</u></p> <ul style="list-style-type: none"> <li>To design residential development to respond to the streetscape character. The Site and Context Analysis must inform the development proposal.</li> <li>To complement and enhance the visual character of the street and neighbourhood through appropriate building scale, form and detail.</li> <li>Entrances to be visible from the street to clearly address the street frontage</li> </ul>	<p>It is considered that the design, height and siting of the proposed dwellings adequately responds to the site context.</p> <p>The proposal defines the street edge and allows for surveillance of the street, with Units 1 &amp; 5 addressing the street frontage. Both units have individual entries facing the street. Significant articulation is provided on all elevations and the proposal does not present as inappropriate in scale or form when considered in relation to the existing residential development in the surrounding area.</p>	Yes
<p><u>5.6 Access / Driveway Requirements</u></p> <p>Provide adequate and safe vehicular access for all dwellings</p>	<p>All units achieve vehicular access from a central driveway. The proposed development satisfies the objectives of Council's Access/Driveway Requirements controls and policies.</p> <p>Council's Development Engineer has no objections to the proposed access arrangements, subject to recommended conditions of consent.</p>	Yes
<p><u>5.7 Car Parking Requirements</u></p> <ul style="list-style-type: none"> <li>2 car parking spaces per dwelling greater than 110m<sup>2</sup></li> <li>Plus 0.2 visitor car parking spaces per dwelling</li> <li>Car parking to be located behind the building setback</li> </ul>	<p><u>Required Parking:</u></p> <p>2 spaces per dwelling = 16 spaces</p> <p>0.2 x 8 dwellings = 2 visitor space (rounded up from 1.6)</p> <p>Therefore, a total of eighteen (18) car parking spaces are required for the proposed development, plus 1 motorcycle parking space and 4 bicycle parking spaces.</p> <p><u>Proposed Parking:</u></p> <p>The proposal provides a total of 18 car parking spaces for the development in the</p>	Yes

	<p>form of a double garage for each dwelling, and two hard stand visitor parking spaces at the rear of the property. Adequate motorcycle and bicycle parking is provided. All parking spaces are located behind the front building setback of Units 1 &amp; 5.</p> <p>Council's Traffic Officer has raised no objections to the proposed parking, subject to recommended conditions of consent.</p> <p>The proposed development satisfies the objectives of Council's Car Parking Requirements controls and policies.</p>	
<p><u>5.8 Landscaping Requirements</u></p> <ul style="list-style-type: none"> <li>A minimum of 30% of the total site area must be provided as landscaped area.</li> <li>Minimum landscaped area: 563.4m<sup>2</sup></li> <li>Side and rear boundaries to be provided with minimum 1.5m wide landscaped area</li> <li>A minimum of two (2) new trees to be provided on-site</li> </ul>	<p>Landscaped Area Proposed: 645.86m<sup>2</sup> or 34.4%</p> <p>The proposed development satisfies the objectives of Council's landscaped area controls and policies.</p> <p>Council's Landscape Officer has reviewed the application submission. Conditionally satisfactory referral advice was received and conditions specify trees to be removed, trees that shall be retained, tree protection and management and compensatory plantings.</p>	Yes
<p><u>5.9 Deep Soil Planting</u></p> <ul style="list-style-type: none"> <li>A minimum of half of the landscaped area (i.e. 15% of the site) must be provided as a deep soil zone, where the deep soil zone is not located at the rear of the site.</li> <li>The deep soil zone may be located in any position on the site, other than forward of the building line, subject to this area having a minimum dimension of 6m.</li> <li>No structures, basement car parks, driveways, hard paving, decks, balconies or drying areas are permitted within the deep soil zone.</li> <li>The deep soil zone shall be densely planted with trees and shrubs.</li> </ul>	<p>Deep Soil Area Proposed: 295.921m<sup>2</sup> or 15.76%</p> <p>The deep soil zone (DSZ) is continuous, with a minimum width of 6m and is located in the rear north eastern corner of the site. The DSZ is free from structures, densely planted with trees and shrubs and retains three (3) existing trees that are identified as Trees 13, 15 &amp; 16 in the Arboricultural Impact Assessment.</p> <p>Council's Landscape Officer has reviewed the application submission. Conditionally satisfactory referral advice was received and conditions specify trees to be removed, trees to be retained, tree protection and management and compensatory plantings.</p>	Yes
<p><u>5.10 Communal Open Space</u></p> <p>Required for greater than ten (10) dwellings</p>	<p>Not Applicable. The proposal is for eight (8) dwellings.</p>	N/A

<p><u>5.11 Private Open Space</u></p> <ul style="list-style-type: none"> <li>Private open space must be provided in the form of a balcony or courtyard with a minimum area of 20m<sup>2</sup></li> <li>Minimum courtyard POS dimensions of 4 x 5 metres and be clearly defined</li> <li>70% of POS areas must receive a minimum of 3 hours of direct sunlight on June 21</li> <li>POS courtyards must not extend forward of the front building line by more than 900mm</li> </ul>	<p>All units include a private open space (POS) with a ground floor courtyard 20m<sup>2</sup> in area. The internal POS dimensions are shown as 4m x 5m, on level ground and are directly accessible from living areas as per Clause 5.1.</p> <p>The private open space for each unit is separated from the boundary by an appropriate vegetated landscape bed. Privacy for each POS is achieved with a combination of landscaping and privacy fencing. Reasonable solar access is afforded with a east/ west orientation for all units. Unit 1 POS extends forward of the front building line by 830mm.</p>	<p>Yes</p>
<p><u>5.12 Solar Access Requirements</u></p> <ul style="list-style-type: none"> <li>Living room windows and POS areas in adjoining development must receive a minimum 3 hours of direct sunlight between the hours of 9am and 3pm on June 21</li> <li>Min. 50% POS for each dwelling to receive 3 hours continuous sunlight between the hours of 9am to 3pm on June 21</li> </ul>	<p>The subject site is oriented in a north/ south axis and the proposal was accompanied with a set of shadow diagrams which demonstrate adequate solar access.</p> <p>The proposed development will have an acceptable impact on adjoining properties in terms of solar access as reasonable setbacks and building heights have been maintained.</p> <p>The units have been oriented on the lot so as to maximise the amount of sunlight received by the private open space.</p> <p>It is considered that the proposed development achieves satisfactory solar access for all private open space areas.</p>	<p>Yes</p>
<p><u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u></p> <p>Required for greater than ten (10) dwellings.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p><u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u></p> <p>For multi dwelling housing with more than 6 dwellings, 10% must be designed to be capable of adaption for disabled residents.</p> <p>Minimum adaptable unit: one (1)</p>	<p>The proposal includes eight (8) dwellings, including one (1) adaptable unit.</p> <p>The application was accompanied with an Access Review Report which demonstrates that Unit 1 is capable of being adaptable for disabled residents.</p>	<p>Yes</p>
<p><u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u></p>	<p>See chapter E2 comments below.</p>	<p>Yes</p>

## CHAPTER R2 – RESIDENTIAL SUBDIVISION

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

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

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

## CHAPTER D1 – CHARACTER STATEMENTS

### Gwynneville

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

## CHAPTER E1 ACCESS FOR PEOPLE WITH A DISABILITY

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

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	It is considered that the proposed development will improve existing lighting conditions on the subject site.  Lighting to public areas is to be provided according to AS1158.	Yes
<u>3.2 Natural surveillance and sightlines</u>	The proposed development does account for and will improve natural surveillance of adjoining properties and the street.	Yes
<u>3.3 Signage</u>	No signage is proposed within this application. The proposed development will have minimal impact on the existing signage in the street.	Yes
<u>3.4 Building design</u>	It is considered that the proposed development satisfies CPTED principles in minimising areas of entrapment and concealment, natural surveillance and access controls.	Yes
<u>3.5 Landscaping</u>	It is considered that the proposed development satisfies CPTED principles in minimising areas of entrapment and	Yes

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
	<p>concealment, natural surveillance and access controls.</p> <p>Details of the application submission were reviewed by Council's Landscape Officer and no issues were raised with regards to landscaping.</p>	

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

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

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

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

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

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

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

	<i>Rate</i>	<i>Calculation</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Car parking	2 car parking spaces				
	per dwelling with a GFA greater than 110m <sup>2</sup>	8 Units (>110m <sup>2</sup> ): 8 x 2 = 16 spaces	16	16	Yes
	0.2 car parking spaces per dwelling for visitors	0.2 x 8 = 1.6 (rounded up to 2) space	2	2	Yes
Motorcycle parking	1 motorcycle space per 15 dwellings		1	1	Yes
Bicycle parking	1 space per 3 dwellings and one space per 12 dwellings (visitors)		3	3	Yes

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

#### **8 Vehicular access**

Driveway grades and sight distances comply. Condition recommended.



## **CHAPTER E6: LANDSCAPING**

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

## **CHAPTER E7: WASTE MANAGEMENT**

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

## **CHAPTER E9 HOARDINGS AND CRANES**

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

## **CHAPTER E11 HERITAGE CONSERVATION**

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

## **CHAPTER E14 STORMWATER MANAGEMENT**

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

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

## **CHAPTER E16 BUSHFIRE MANAGEMENT**

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

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

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

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

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

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

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

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

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

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

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

Tree 14 *Syagrus romanzoffiana* (exempt species)

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

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

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

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

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

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

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

## Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing sheet 3 to 21, 25 and 26 dated 5 August 2020 prepared by 10 Star and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

## General Matters

### 2 **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier 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 Removal**

This consent permits the removal of trees numbered T5, T6, T7, T9, T10, T11, T12, and T14 as indicated on the Landscape Plan prepared by Mark Spence, issue B, dated 14 September 2020 and Arboricultural Impact Assessment June 2020 and report date. No other trees shall be removed without prior written approval of Council.

### 4 **Mailboxes**

The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

## Prior to the Issue of the Construction Certificate

### 5 **Consolidation of Lots**

The lots known as Lot 32 DP 22656 (14 Acacia Avenue, Gwynneville) and Lot 31 DP 22656 (16 Acacia Avenue, Gwynneville) shall be consolidated prior to the issue of a Construction Certificate. In this regard, evidence from NSW Land Registry Services must be submitted to Wollongong City Council and the Principal Certifier, certifying that the above lots have been consolidated and registered with NSW Land Registry Services.

*Reason: Consolidation of the two (2) lots is required to facilitate the development.*

### 6 **Present Plans to Sydney Water**

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

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

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

### 7 **Property Addressing Policy Compliance**

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

### 8 **Amend Plan Implementing Acoustic Recommendations**

Incorporate all the recommended in Section 5.0 acoustic report prepared by Harwood Acoustic dated 18 June 2020 Reference No. 2004009T-R into civil drawing (walls, roof, ground floor and 1 floor plans) to comply with the SEPP Infrastructure guidelines for internal noise.

### 9 **Obscure Glazing for all Bathroom and WC Windows**

The bathroom and WC windows for each dwelling in the development shall be frosted or opaque glass. This requirement shall be reflected on the Construction Certificate plans.

- 10 **Crime Prevention Through Environmental Design (CPTED) – Lighting**  
The development shall incorporate ‘low impact’ lighting to ameliorate any light spillage and/or glare impacts upon surrounding properties in accordance with Council’s CPTED principles. The final design details of the proposed lighting system shall be reflected on the Construction Certificate plans. The erection of the lighting system shall be in accordance with the final approved design.
- 11 **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.
- 12 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 AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- 13 **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 AS2890.3 - Bicycle Parking Facilities and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). In the absence of internal bicycle storage areas in private residential garages, the proposed external bicycle spaces are to have adequate weather protection, passive surveillance, and be secured within a lockable enclosure with access via a combination lock or communal key. This requirement shall be reflected on the Construction Certificate plans.
- 14 **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.
- 15 **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.
- 16 **Stormwater Drainage Design**  
A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:
- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council’s Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval,
  - b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council’s existing stormwater drainage system.
  - c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all

stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

#### 17 **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 Principal Certifier 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 to ensure that post development flows to Acacia Avenue are equal to or less than the pre development flows in the 5 and 100 year storm events.
- 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 DCP2009. The orifice calculations must be updated from the DA plans to reflect the appropriate 5 year orifice size to achieve the 5 year flow rate.
- 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-2020/632;
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

#### 18 **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. Details and locations are to be shown on the Construction Certificate Plans.



- 19     **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.
- 20     **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.
- 21     **Engineering Plans and Specifications - Retaining Wall Structures**  
The submission of engineering plans and supporting documentation of all proposed retaining walls to the Principal Certifier 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, being 14-16 Acacia Avenue, Gwynneville;
  - 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.
- 22     **Fencing**  
The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:
- a     boundary fencing forward of the front building line shall be a maximum height of 1.2 metres and be constructed with a timber post frame and open style metal infill panels; and
  - b     any replacement fencing required for side property boundaries (behind the front building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped or Colorbond fences.
- This requirement is to be reflected on the Construction Certificate plans.
- 23     **Final Landscape Plan**  
The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- a     planting of indigenous plant species native to the Illawarra Region such as: *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.  
A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
  - b     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;

- c 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
- d 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.

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

25 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 Principal Certifier prior to release of the Construction Certificate.

## 26 **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 Principal Certifier 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.

## 27 **Footpath Paving**

The developer is responsible for the construction of footpath paving for the entire frontage of the development. In keeping with the surrounding precinct the type of paving for this development is 1500mm wide broom finished concrete path.

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 match the footpath material 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 and location of all services.

## 28 **Development Contributions**

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

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1238517	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

## Prior to the Commencement of Works

### 29 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 Principal Certifier 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.

### 30 Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a a standard flushing toilet; and
- b connected to either:
  - i the Sydney Water Corporation Ltd sewerage system or
  - ii an accredited sewage management facility or
  - iii an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

### 31 Enclosure of the Site

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifier. No building work is to commence until the fence is erected.

32     **Demolition Works**

All demolition work shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

33     **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

34     **Consultation with SafeWork NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

35     **Contaminated Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

36     **Hazardous Material Survey**

At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. **Hazardous materials** include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a       The location of hazardous materials throughout the site;
- b       a description of the hazardous material;
- c       the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d       an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e       a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f       identification of the disposal sites to which the hazardous materials will be taken.

37     **Asbestos Hazard Management Strategy**

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (< <http://www.safework.nsw.gov.au> >). The strategy shall be submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier prior to the commencement of any works).

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifier and Council (in the event that Council is not the Principal Certifier), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

- 38      **Consultation with SafeWork NSW – Prior to Asbestos Removal**  
A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.
- 39      **Disposal of Demolition and Construction Waste**  
All demolition and construction waste must be lawfully reused, recycled or disposed of.
- 40      **Support for Neighbouring Buildings**  
This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.  
  
The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.
- 41      **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.
- 42      **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.
- 43      **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.

#### **During Demolition, Excavation or Construction**

- 44      **Restricted Hours of Construction Work**  
The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to



Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

The construction works noise shall comply with the Australian Standard AS 2436-2010 “Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites” and any other requirements as specified by Council or the NSW Environment Protection Authority.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

45 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).

46 **Asbestos Waste Collection, Transportation and Disposal**

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

47 **Lead Based Paint**

To prevent contamination of the soil and human health risks associated with lead dust, safeguards must be used when removing flaking paint or sanding paint surfaces that are suspected to contain lead.

48 **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

49 **Acoustic Glazing to Comply with the SEPP Infrastructure 2007**

Implement façade glazing and structural construction material as recommended in acoustic report to comply with the SEPP Infrastructure guidelines as stated below:

**For Clause 107 (Road):**

If the development is for the purpose of a building for residential use, the consent authority must be satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- in any bedroom in the building : 35dB(A) at any time between 10pm and 7am.
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time between 10pm and 7am.

50 **Dust Suppression Measures**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

- 51 **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.
- 52 **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.
- 53 **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.
- 54 **Screen Planting**  
A continuous hedge is to be established along front property 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",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**

- 55 **Acoustic to Comply with the SEPP Infrastructure 2007**  
Prior to Occupation Certificate submit an acoustic compliance report to PCA prepared by a consultant who is a member of the Australian Acoustic Society (AAS) or the Associated of Australian Acoustic Consultants (AAAC). The report shall state that the dwelling internal noise levels are complying with the SEPP Inf 2007 noise guidelines for development adjacent to busy road (Clause 102).
- 56 **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 DCP2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.
- 57 **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 Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

58 **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 Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

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

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier 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.

60 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier 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 Principal Certifier.

61 The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, five (5) 200 litre container mature plant stock shall be placed in an appropriate location within the property boundary of the site. The suggested species are *Waterhousia floribunda*.

62 **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**

63 **Existing Easements**

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

64 **Existing Restriction as to Use**

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

65 **Encroaching Pipes**

A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a works as executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.

66 **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.

67 **Party Wall**

The extent of the party walls shall be reflected on the final plan of subdivision, under Section 181B of the Conveyancing Act.

68

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

The submission of the following information/documentation to the Principal Certifier, 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 Principal Certifier (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).

**Operational Phases of the Development/Use of the Site**

69

**Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.



## NSW RURAL FIRE SERVICE

Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Your reference: (CNR-9729) DA-2020/632  
Our reference: DA20200709002488-Original-1

**ATTENTION:** Cathryn Bell

Date: Tuesday 28 July 2020

Dear Sir/Madam,

**Integrated Development Application**  
**s100B – Subdivision – Strata Title Subdivision**  
**14 Acacia Av Gwynneville NSW 2500 AUS, 32//DP22656, 31//DP22656**

I refer to your correspondence dated 08/07/2020 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**

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

1. At the commencement of building works or the issue of a subdivision certificate (whichever comes first), and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA 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 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation 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;
- 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

#### **Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### **Street address**

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

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



- leaves and vegetation debris should be removed

### **Construction Standards**

***Intent of measures: 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 bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

3. Construction of the southern elevation of units 1 and 5 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and 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 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,

Martha Dotter

**Team Leader, Dev. Assessment & Planning  
Planning and Environment Services**



**NSW RURAL FIRE SERVICE**

# **BUSH FIRE SAFETY AUTHORITY**

Subdivision – Strata Title Subdivision

14 Acacia Av Gwynneville NSW 2500 AUS, 32//DP22656, 31//DP22656

RFS Reference: DA20200709002488-Original-1

Your Reference: (CNR-9729) DA-2020/632

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*.

**Martha Dotter**

**Team Leader, Dev. Assessment & Planning  
Planning and Environment Services**

Tuesday 28 July 2020