# **Wollongong Local Planning Panel Assessment Report** | 3 November 2020

WLPP No.	Item 1
DA No.	DA-2020/572
Proposal	Residential - multi dwelling housing - demolition of existing warehouse storage facility and construction of 12 x two storey dwellings.
Property	481-485 Princes Highway, WOONONA NSW 2517 Lot 1 DP 86796
Applicant	MMJ Wollongong
Responsible Team	Development Assessment and Certification – City Wide Planning Team (SG)

#### ASSESSMENT REPORT AND RECOMMENDATION

# **Executive Summary**

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

The proposal has been referred to the WLPP for **determination** pursuant to part 2 of Schedule 2 of the Local Planning Panels Direction, as the Development Application is considered contentious development, having received more than 10 unique submissions by way of objection.

#### **Proposal**

The proposal seeks consent for the demolition of the existing warehouse storage facility and the construction of multi dwelling housing comprising 12 x two (2) storey dwelling houses each with double garages and associated landscaping and infrastructure.

#### Permissibility

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

#### Consultation

The proposal was exhibited in accordance with the Community Participation Plan 2019. A total of 16 submissions were received during this period.

Upon submission of additional information, the proposal was re exhibited. A total of 6 additional submissions were received during this period. The submissions received are discussed at section 1.5 of the assessment report

The proposal has been referred to Council's Stormwater, Traffic, Environment, Landscape, Heritage, Recreation and Statutory Property Officers, with conditionally satisfactory referral advice provided in each instance. The proposal was also referred to Transport for NSW as the site fronts the Princes Highway.

# **Main Issues**

The main issues arising from the development assessment process are:

- Traffic Access via Gordon Street and amenity impacts, and
- Consistency of the development with the character of the area, and
- WDCP 2009 Variation requests to front setback to Gordon Street and deep soil zone.

#### **RECOMMENDATION**

Development Application DA-2020/572 be **approved** subject to the conditions contained in Attachment 5.

#### 1 APPLICATION OVERVIEW

# 1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

#### State Environmental Planning Policies:

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

# **Local Environmental Planning Policies:**

• Wollongong Local Environmental Plan (WLEP) 2009

# **Development Control Plans:**

• Wollongong Development Control Plan (WDCP) 2009

#### Other policies

- Wollongong City-Wide Development Contributions Plan 2019 (section 7.12 of EP&A Act 1979)
- Wollongong Community Participation Plan 2019

#### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Demolition of the existing storage warehouse structures, and
- Construction of multi-dwelling housing containing 12 x two (2) storey dwellings, comprising of 11 x 3 bedrooms and 1 x 2-bedroom dwellings all with double garages.
- Construction of a new common driveway area, 3 visitor car parking spaces and communal open space areas.
- OSD within the driveway area with drainage to the street.
- Associated landscaping including deep soil zone.

## 1.3 BACKGROUND

The development history of the site is as follows:

Application No	Description	Date	Decision
PL-2019/189	Multi dwelling housing proposal	4/3/2020	Completed
PL-2004/48,	Construction of 26 residential units with basement carparking	13/8/2004	Completed
PL-2004/37	Construction of 24 residential units	28/4/2004	Completed
DA-2005/414	Demolition of existing structures and the construction 23 units and associated parking	26/4/2006	Refused

DA-1992/777	Change of Use to Manufacturing Outdoor Settings & Restoring Second Hand & Antique Furniture.	24/11/1992	Refused
BA-1981/1812	Fence		
DA-1981/766	Galvanised Iron Fence as Sound Barrier	26/10/1981	Approved
BA-1970/2914	Carport	25/2/1971	Approved
BA -1965/1673	Additions to Factory	21/10/1966	Approved
BA-1965/1672	Toilet Building	9/8/1965	Approved
BA-1964/1450	Additions to Factory & Storage Building	27/7/1964	Approved
BA-1963/244	Garage	25/3/1963	Approved
BA-1960/445	Storeroom Additions & Resubmission	30/3/1960	Approved
BA-1960/1764	Laboratory	25/5/1960	Refused
BA-1958/1745	Additions	24/9/1958	Approved

Additional information was sought on 29 July 2020 regarding;

- Traffic and Parking Assessment clarification, and
- Arborist report clarification regarding fencing, and
- Acoustic and Contamination, and
- Fencing/ Screening details, and street activation of the Princes Highway, and
- Plan detail clarification on visitor parking, access and setbacks
- Gross Floor Area calculations, and
- Variation clarification.

The additional information response was received on the 12 August and the 4 September 2020. The response is included in Attachment 3.

# Customer service actions:

There are no outstanding customer service requests of relevance to the development, at the time of preparing this report.

# 1.4 SITE DESCRIPTION

The site is located at 481-485 Princes Highway, Woonona and the Title reference is Lot 1 DP 86796. The site currently contains a warehouse storage facility. The site is currently accessed via an existing driveway from the secondary frontage on Gordon Street (eastern boundary) and has a primary frontage to the Princes Highway (western boundary). The site is situated between two heritage items, the Woonona/ Bulli School of Arts located to the North of the site, and Pendlebury Park situated to the South. Woonona Public School is located approximately 100m to the East of the site.

The site has a slightly irregular shape with a total area of 2939.9m<sup>2</sup> by survey and has a 32.3m wide frontage to the Princes Highway, 41m wide frontage to Gordon Street and a site depth of 81m.

The site is situated in an area of mixed uses with commercial premises and residential uses located adjacent to the site and community uses adjoining the site. The residential uses include a mix of single and multi-dwelling housing comprising of primarily townhouse style developments.

# **Property constraints**

- Acid Sulphate Soils; condition applied to any consent issued regarding acid sulphate soil management plan where required.
- Adjoining Heritage Items Pendlebury Park and Woonona/ Bulli School of Arts; referred to Councils Heritage Officer additionally conditions will be applied to any consent issued.

There are no restrictions on the title.



Figure 1: Aerial photograph

# 1.5 SUBMISSIONS

The proposal was exhibited in accordance with the Community Participation Plan 2019. A total of 16 submissions were received during this period.

Upon submission of additional information, the proposal was re exhibited. A total of 6 additional submissions were received during this period. The issues identified are discussed below.

**Table 1: Submissions** 

Concern	Comment		
1. Traffic and Car Parking			
<ul> <li>Insufficient for a development of this scale and will result in additional cars being parked on the street.</li> </ul>	Resident and visitor car parking provided meets the requirements of Chapter E3 of the WDCP 2009.		
Existing traffic congestion from school and local traffic, proposed development will add to this.	Council Traffic Officer provided the following comments;		
The surrounding streets are already at capacity due to the nearby school, that is one of the largest primary schools in the Illawarra.	Under Austroads Guide to Traffic Management Part 12: Figure 4.1, developments which generate less than 10 peak hour vehicle movements are not		

 The Traffic Report provided is inaccurate. Does not consider the nearby school of 600+ students. Was completed during May 2020 when schools were closed due to COVID 19 restrictions.

 Traffic addendum report is inaccurate in counts, queuing and existing congestion. Proposed movement figures unrealistic.

 Driveway entrance should be from the Princes Highway not Gordon St.

- Dwelling driveway access should be split between both Gordon St and Princes Highway.
- Addition car movements will impact pedestrian safety at peak times.
- Safety concern existing traffic issues compounded.

required to undertake a detailed traffic analysis. However, the applicant has commissioned a transport consultant which has outlined the traffic and parking aspects of the proposal and found no issues. Council's Traffic section concurs with these findings, especially given the existing permitted warehouse/ storage use of the site which has the potential to generate a number of vehicle movements.

As a result of concerns raised in submission and noted inconsistencies in the report an addendum or revision to the submitted report was requested and received. As noted above the movements were considered in line with applicable guidelines.

As a result of concerns raised and anomalies noted in the TIA submitted additional information was sought regarding the report. This additional information response is provided at Attachment 3.

This TIA has been reviewed by Councils Traffic Officer who indicated no objection to the findings of the report. The report considers traffic generation and movements per hour as a result of the development and anticipates minor additional vehicle movements per day. Vehicle movements are below road capacity figures from RMS.

Access from Gordon Street is considered the most appropriate and is the existing driveway entrance to the site.

Although the proposal will result in a minor increase in traffic flow from the site, the surrounding road network is considered to be capable of absorbing this increase without resulting in unacceptable impacts on the local road network.

Sight distance and manoeuvring within the site have been considered by Councils Traffic Officer and are considered satisfactory.

Traffic issues associated with the nearby school is a wider traffic management issue. The school is one of the largest in the Illawarra and like many other local schools does not have a dedicated drop off or pick up zone and has limited on-site parking. Notably

COVID19 has also generated further issues at school start and finish times.

# 2. The proposal is out of character with the surrounding area

- The proposal is an overdevelopment of the site.
- The development does not respect the context of the existing street.
- The surrounding area is primarily comprised of owner-occupier, single family dwelling houses where a good degree of community exists. The proposal is contrary to that.
- The proposal will result in a significant change in the character of the suburb to the detriment of the current residents.
- The area does not need more townhouse style development, numerous properties are vacant.
- Non-compliance with the DCP.

# 3. Impact on Vegetation and Park

- Concern regarding impact on vegetation in park.
- Vegetation (Fig Tree) is being removed and park is being removed as community park.
- Removal of Fig Tree in Pendlebury Park.

The proposal is permissible development in the R2 Low Density Residential zone and complies with all WLEP 2009 development standards including floor space ratio and height.

The proposal generally complies with WDCP 2009 controls. WDCP 2009 variation requests to the front setback to Gordon Street and deep soil zone have been sought.

Attachment 4 provides a breakdown of the development with regard to all applicable WDCP 2009 controls.

The proposal is permissible in the zone. The site is in close proximity to nearby Woonona town centre services and transport.

Councils Landscape and Recreation Officers have reviewed the proposal and provided a conditionally satisfactory referral response.

There is one tree on the subject site proposed for removal and tree protection measures would be required for any trees adjoining the development site.

The impact of the development on trees on adjoining properties has been considered within the submitted Arborists report. As a result of concerns an addendum to the arborist report was requested regarding the fencing. Councils Landscape Officer has advised that the proposal would not result in adverse impacts on trees located outside of the property boundaries.

The park will remain Council land/ recreation area. A gate to the park is proposed from the development which is considered satisfactory in this instance. Passive surveillance to the park is supported. The park has a history of vandalism.

#### 4. Waste Collection

 Existing waste collection in the area is problematic additional dwellings will further add to this issue. The proposed on-street waste collection arrangement complies with Chapter E7 of the WDCP 2009. When the bins are brought to the street for collection, they would comprise less than 50% of the frontage of the

- Garbage trucks have issues with access and collection due to on street parking and number of bins out on the street.
- The waste collection arrangement proposed will result in a further reduction in on street parking and it would be dangerous for the truck to be stationary emptying these bins for long periods.

development. The proposed waste collection is split between both the Princes Highway and Gordon Street.

Waste is able to be collected via Council side loader vehicle. Council's Traffic Officer has reviewed the application and provided satisfactory comment.

Issues relating to waste collection congestion appear to be part of wider traffic issue.

Garbage collection is proposed to be managed via bin storage within either the garage or courtyard area of each unit, with on street collection. See Chapter E7 at Attachment 4.

#### 5. Amenity Impacts

- The increase in the density of residents on the land will result in an increase in noise and traffic.
- Concern raised with construction noise and potential damage during construction to adjoining structures.
- The proposed location of the POS areas of units 1 to 8 will be impacted by noise from Bulli School of Arts. Acoustic treatment should be added to these areas.

The proposal relates to a multi dwelling housing development, which is a permissible land use in the R2 Low Density Residential Zone.

The side boundary building setbacks proposed generally comply with the WDCP 2009 controls, as demonstrated at Attachment 4.

The additional dwellings are unlikely to generate additional noise other than general normal residential use noises. The proposal requires acoustic treatment, as per the acoustic report, due to proximity to the Princes Highway. Additional acoustic controls are not considered reasonable as the premise generating noise is responsible for noise regulation not the potential receivers.

#### 6. Flooding

 The end of Gordon Street floods concern with emergency vehicle access the area if the road is further congested with traffic and on-street parking. The site is not identified within Councils land information record management system as being affected. It is noted a portion of the street, to the north of the site, adjoining the creek is mapped as uncategorised flood risk.

Councils Stormwater Officer reviewed the application submission and provided satisfactory comment.

# 7. Heritage

 The development would result in impacts on heritage items. The site is situated between two heritage items. Pendlebury Park to the south and the Woonona/ Bulli School of Arts to the north. A heritage report was submitted with the application and Council's Heritage Officer has reviewed the application and provided

- The new dwellings should include acoustic treatment adjoining School of Arts is utilised for a range of uses.
- This proposed development will result in loss of on street parking which the School of Arts relies upon.

satisfactory comment. Conditions of consent are provided at Attachment 5.

The proposal provides parking within the site that is compliant with Council controls. Providing additional parking, above requirements of Council controls, to accommodate for parking deficiencies of other buildings and uses on the Princes Highway is not reasonable or a valid requirement that Council could impose.

Matter	1	2	3	4	5	6	7
Round 1 submissions	21	21	9	10	4	7	1
Round 2 submissions	6	6	0	2	6	0	1

#### 1.6 CONSULTATION

# 1.6.1 INTERNAL CONSULTATION

#### **Stormwater Officer**

Council's Stormwater Officer has assessed the application submission with regards to stormwater matters and provided conditionally satisfactory advice.

#### **Environment Officer**

Council's Environment Officer has assessed the application submission and provided conditionally satisfactory advice.

#### **Heritage Officer**

Council's Heritage Officer has assessed the application submission and requested additional information. The submitted information was reviewed a conditionally satisfactory advice given noting further heritage review relating to interpretive signage is required as a condition of consent. Conditions are included at Attachment 5.

#### **Property Management Officer**

Council's Property Management Officer has assessed the application submission and provided conditionally satisfactory advice specifically regarding the proposed gate to the park.

#### **Recreation Officer**

Council's Recreation Officer has assessed the application submission and provided conditionally satisfactory advice specifically regarding the proposed gate to the park.

#### **Landscape Officer**

Council's Landscape Officer has reviewed the application and provided a conditionally satisfactory advice.

### **Traffic Officer**

Council's Traffic Office has assessed the application submission provided conditionally satisfactory advice. Traffic issues associated with the nearby school is a wider traffic management issue.

#### 1.6.2 EXTERNAL CONSULTATION

#### **Transport for NSW Roads (formerly RMS)**

The proposal was notified to Transport for NSW – Roads as the site adjoins the Princes Highway which feeds into a key state significant road Memorial Drive. Transport NSW Roads provided a response on 24 June 2020 advising that that no issues were raised regarding the proposed development.

# 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - 4.15 EVALUATION

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

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

#### 7 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is—
  - (a) land that is within an investigation area,
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
  - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital—land—
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and
    - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

<u>Comment</u> – Demolition of the existing building and moderate earthworks are proposed. The application proposes a change of use from warehouse storage to residential and therefore a stage 2 investigation and a site auditors' statement is required. Councils Environment Officer has reviewed the proposal and requested additional information regarding contamination. Site auditors' interim advice was submitted as additional information and conditions of

consent recommended regarding a Site Auditor's Report and a Site Auditor's Statement prior to the issue of the Construction Certificate. As such it is considered Clause 7 matters are considered satisfied by way of conditions.

# 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets. Conditions are recommended in this regard, as provided at Attachment 5.

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

# 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (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.

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.



Figure 2: State Environmental Planning Policy (Koala Habitat Protection) 2019 mapping

# 2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRCUTURE) 2007

#### Clause 101 Development with frontage to classified road

- (1) The objectives of this clause are—
  - (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
  - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

<u>Comment</u> - The proposal does not incorporate vehicular access to the Princes Highway. The proposal was accompanied by an acoustic report which has been reviewed by Council's Environment Officer who recommended acoustic conditions.

- (2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that
  - (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
  - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
    - (i) the design of the vehicular access to the land, or
    - (ii) the emission of smoke or dust from the development, or
    - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
  - (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

<u>Comment</u> - The operation of the Princes Highway, considered a sub arterial local road, will not be impacted by the proposed development access is from an alternative road.

#### Clause 102 Impact of road noise or vibration on non-road development

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of RMS) and that the consent authority considers is likely to be adversely affected by road noise or vibration—
  - (a) residential accommodation,
  - (b) a place of public worship,
  - (c) a hospital,
  - (d) an educational establishment or centre-based childcare facility.

Comment - Addressed at Clause 3 below.

- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.
  - <u>Comment</u> Councils Environment Officer has considered the application and recommended conditions of consent.
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—
  - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,
  - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

<u>Comment</u> – A traffic noise acoustic assessment report has been submitted with the application and reviewed by Council's Environment Officer. As a result, conditions of consent have been included regarding dwelling requirements to meet required levels in ISEPP 2007.

# 2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### **Part 1 Preliminary**

#### Clause 1.4 Definitions

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

## Part 2 Permitted or prohibited development

# Clause 2.2 – Zoning of land to which Plan applies

The zoning map identifies the land as being zoned R2 Low Density Residential, as demonstrated by Figure 2 below.



Figure 2: WLEP 2009 zoning map

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

The objectives of the zone are as follows:

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

The proposal would be considered satisfactory with regard to the above objectives as it would provide for additional housing opportunities in a low-density environment.

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

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

The proposal is categorised as *Multi dwelling housing* as defined above and is permissible in the R2 zone with development consent.

## Clause 2.7 Demolition requires development consent

Consent for the demolition of the existing warehouse storage structures are sought as part of the subject application. Conditions are recommended in this regard to manage such works, including asbestos management.

#### Part 4 Principal development standards

#### Clause 4.3 Height of buildings

The proposed maximum building height of 7.6m 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	
Combined Site area:	2939.9m <sup>2</sup>	
Combined gross floor areas:		
Units 1, 2, 3 and 4	Ground floor	197m²
	First floor	280m²
Units 5, 6, 7 and 8	Ground floor	198m²
	First floor	282m²
Units 9 and 10	Ground floor	129m²
	First floor	144m²
Units 11 and 12	Ground floor	128m²
	First floor	115m <sup>2</sup>
Exclusions	36m2 x 12 (garages) = 432	lm <sup>2</sup>

GFA	1470m <sup>2</sup>
FSR	1470m² / 2939.95m²
	0.50:1

#### **Part 5 Miscellaneous provisions**

#### 5.11 Heritage Conservation

The site is situated between two heritage items to the north is the Woonona Bulli School of Arts and to the south is Pendlebury Park.

A heritage report was submitted with the proposal and Council's Heritage Officer has provided satisfactory comment.

#### Part 6 Urban release areas

Not applicable.

#### Part 7 Local provisions - general

### Clause 7.1 Public utility infrastructure

The existing site improvements are already serviced by electricity, water and sewage services. It is expected that these services will be capable of augmentation to meet the needs of the development. Conditions are recommended in this regard requiring evidence from the relevant authorities prior to the issue of the Construction Certificate.

#### Clause 7.5 Acid Sulfate Soils

The site is mapped as containing Acid Sulfate Soils – Class 5. Conditions regarding acid sulfate soils are recommended in the event any Acid Sulfate soils are encountered.

#### Clause 7.6 Earthworks

The proposal would require minor earthworks consisting of site scraping to provide the required building platforms. The earthworks themselves are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features of surrounding land.

#### Clause 7.14 Minimum site width

The proposal involves multi-dwelling housing. The subject site has a 32m frontage to Princes Highway and a 40m at the eastern boundary on Gordon Street. The site has a depth of 81m. The submitted plans indicate that no part of the proposed development is located on a part of the site with a minimum site width of less than 18m.

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

None relevant.

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

#### 2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009 and compliance tables can be found at Attachment 4 to this report.

The proposal seeks variations to WDCP 2009 Chapter B1 part 5.3 Front setbacks part 5.9 Deep Soil Planting. The variation requests are discussed below:

# **Chapter B1: Residential Development**

# Part 5.3 Front Setbacks

Part 5.3 of Chapter B1 of WDCP 2009 requires multi dwelling housing to be set back at 6m from the nominated front boundary. The subject proposal seeks consent for reduced front setback for Unit 1 and Unit 12. As such the development is non-compliant with the controls of this clause. does not provide any variation in the number of bedrooms proposed.

ontrol	Comment
<ul><li>The variation statement must address the following points:</li><li>a) The control being varied; and</li></ul>	The applicant's variation request statement at
a) The control being variety, and	Attachment 2 identifies the control being varied as 5.3 of Chapter B1 of WDCP 2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	The variation is sought to the front setbacks of Unit 1 and 12 from the boundary on Gordon Street. The site has two frontages which include the Princes Highway and Gordon Street. The proposed setback of Unit 1 is 3.8m with a 900m porch encroachment in which the closest section of the porch structure will be 2.9m from the boundary. Unit 12 is proposed to be setback at 7.2m though includes encroachments of POS and a visitor space.
c) Demonstrate how the objectives	The objectives of the control are as follows:
are met with the proposed variations; and	a. To reinforce the existing character of the street by acknowledging building setbacks.
	b. To promote compatibility in front setbacks to provide for unity in the building line.
	The applicant has provided a site analysis which includes nearby properties and the streetscape and has stated the development is consistent with the above objectives.
	Council comment: The development is not considered to be inconsistent with the above objectives. The site has two frontages and the existing building line setbacks to Gordon Street are variable. The proposal is generally consistent with the existing streets setback pattern.
d) Demonstrate that the development	Council comment:
will not have additional adverse	The proposed development is not considered to result

Part 5.9 Deep Soil Planting

The requested variation is considered capable of support.

Part 5.9 of Chapter B1 of WDCP 2009 requires continuous deep soil planting of 6m. The proposal seeks to include a pathway for residential access to the site through the dep soil area. As such, the

development is non-compliant with the requirements of this clause. A variation is sought to this control.

Control	Comment
2. The variation statement must address the following points:	
a) The control being varied; and	The applicant's variation request statement at Attachment 2 identifies the control being varied as 5.9 of Chapter B1 of WDCP 2009.
b) The extent of the proposed variation and the unique	The applicant provided the following explanation with regard to the variation:
circumstances as to why the variation is requested; and	To allow for the storage and collection of ongoing waste, each unit will be provided with a 120L waste, 240L recycling and 120L compost bin. Bins will be stored either within the garage or to the side or rear of the unit and will be wheeled kerbside by each individual owner on collection day. 10 x 120L and 10 x 240L bins will occupy 10.65m of the site on collection day (i.e. 580mm x 10 + 485mm x 11), which is less than 50% of the site width (26.095m).
	Variation is sought to the requirement for a communal waste facility as the layout of the development can adequately cater for individual waste bins and the site frontage is of sufficient width to accommodate bin storage on collection day.
c) Demonstrate how the objectives	The objectives of the control are as follows:
are met with the proposed variations; and	a) To protect existing mature trees on a site and encourage the planting of additional significant vegetation.
	b) To encourage the linkage of adjacent deep soil zones on development sites, to provide habitat for native indigenous plants and birdlife.
	c) To allow for increased water infiltration.
	d) To contribute to biodiversity.
	The applicant has indicated that they consider the development consistent with the above objectives.
	Council comment:
	The development is not considered to be inconsistent with the above objectives. The inclusion of a pathway adds function and accessibility to the deep spoil are on the site. This deep soil area is additional to the communal open space area between units 10 and 11.
d) Demonstrate that the development will not have additional adverse	Council comment: There development is not considered to result in adverse impacts as a result of the variation.

impacts variation.		а	result	of	the
Comment: The red	ques	stec	l variatio	n is	consid

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

The estimated cost of works is >\$100,000 (\$2,730,000) and a levy of 1% is applicable under this plan as the threshold value is \$200,000. A condition is recommended in this regard, as provided at Attachment 5 to this report.

# 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 including asbestos management.

#### 93 Fire safety and other considerations

Conditions of consent are recommended requiring compliance with the BCA/National Construction Code with regard to fire safety.

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 proposal is within the allowable Floor Space Ratio and Building Height for the site and proposes side and rear setbacks compliant with the minimum requirements. The development will not result in unreasonable overshadowing of any adjoining property, or the development potential of any nearby site.

With regard to the visual impact, the development is not considered to be inconsistent with the desired future character of the area, as discussed at Attachment 4. The area is currently made up of single dwelling houses and medium density style housing, however is likely to be subject to additional higher density development in time given the height and FSR maximums for the area, age of some surrounding housing stock and proximity to the Woonona town centre. The development would not be considered to result in an unreasonable visual impact.

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 not considered to be incompatible with the context and setting or existing and future desired character of the local area.

# Access, Transport and Traffic:

The development provides for the required number of car parking spaces and adequate manoeuvring areas. Councils Traffic Officer has considered the development with regard to impacts on the wider traffic network and raised no objections to the proposal.

#### **Public Domain:**

The development is considered to provide for a positive contribution to the public domain, with Units 1 and 12 presenting to Gordon Street and unit 8 and 9 partially presenting to the Princes Highway.

#### **Utilities:**

The proposal would not be envisaged to place an unreasonable demand on utilities supply. Conditions are recommended in this regard as provided at Attachment 5.

#### Heritage:

The site is located between two heritage items Woonona/ Bulli School of Arts and Pendlebury park both sites areas are listed in the WLEP2009. A heritage report was submitted, and the proposal was referred to Councils Heritage Officer for review. The proposal is not considered to have significant impact on the above listed heritage sites. Conditions of consent are recommended regarding heritage protection and finishes as provided at Attachment 5.

#### Other land resources:

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

#### Water:

The site is presently serviced by Sydney Water, which is expected to be capable of extension to meet the requirements of the proposed development.

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

#### Soils:

Contamination, excavation and filling of the site have been addressed as discussed throughout the report. Preliminary investigation and site remediation works are required. The site is listed as being affected by Class 5 - Acid Sulfate Soils. Conditions are recommended as provided at Attachment 5.

#### Air and Microclimate:

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

#### Flora and Fauna:

Conditions are recommended with regard to vegetation management provided at Attachment 5. An arborists report was provided. The site is not identified within Councils land information system as being known to contain any threatened fauna species or habitat. The proposal is considered satisfactory with regard to the requirements of the BC Act 2016.

#### Waste:

A condition is recommended requiring that an appropriate receptacle be in place for any waste generated during the construction. On street collection is proposed to be relied upon for the occupation of the development and is considered appropriate.

#### Energy:

The proposal would not be envisaged to have unreasonable energy consumption. See BASIX considerations at section 2.1.2 above.

#### Noise and vibration:

An acoustic report was submitted due to proximity to the Princes Highway. Councils Environment Officer has reviewed the report and provided satisfactory comment pending conditions. Conditions are also recommended requiring that nuisance be minimised during any construction, demolition, or works.

#### Natural hazards:

Council records do not list the site as affected by any natural hazards. Councils Stormwater Officer has reviewed the application and made satisfactory comment on stormwater matters. Conditions of consent regarding site drainage are provided in Attachment 5.

# Technological hazards:

The site is not affected by any technological hazard which would result in adverse impacts on the development.

#### Safety, Security and Crime Prevention:

This application would not be expected to result in greater opportunities for criminal or antisocial behaviour.

#### Social Impact:

The proposal would not be envisaged to result in negative social impacts.

#### **Economic Impact:**

The proposal would not be envisaged to result in negative economic impacts.

#### Site Design and Internal Design:

The application does not result in any departures from WLEP 2009 development standards as discussed throughout the report. The proposal does seek variations to development controls relating to requirements for a dwelling setback to Gordon Street and the Deep Soil area. The requests have been considered and are considered capable of support in this instance, as discussed at section 2.3.1 above.

Private open space, residential amenity, vehicular manoeuvring and pedestrian access have been accounted for in the design and site layout.

#### **Construction:**

Conditions are recommended in relation to construction impacts for 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 will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

#### **Cumulative Impacts:**

The proposal is not expected to result in negative cumulative impacts

#### **Ecologically Sustainable Development Considerations**

The proposed development is not considered to be inconsistent with ESD principles as evidenced by the assessment commentary provided throughout the report.

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

#### Does the proposal fit in the locality?

The design of the proposal is considered an appropriate response to the site constraints and is not expected to result in increased adverse impacts on the character of the locality or amenity of 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 above.

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

The development is not expected to result in unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the expected future character of the locality and is therefore 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 4.15 of the Environmental Planning and Assessment Act 1979.

It is considered that the applicant has provided adequate justification for the variations sought to WDCP 2009 as relates to requirements for the dwelling setbacks to Unit 1 and 12 and the Deep Soil Zone. The variations are considered capable of support.

All relevant internal and external referrals are conditionally satisfactory.

Some of the issues raised in submissions though technically unresolved, are considered to be adequately addressed either through design or by way of conditions. Any remaining issues are not considered to be sufficient to refuse the application.

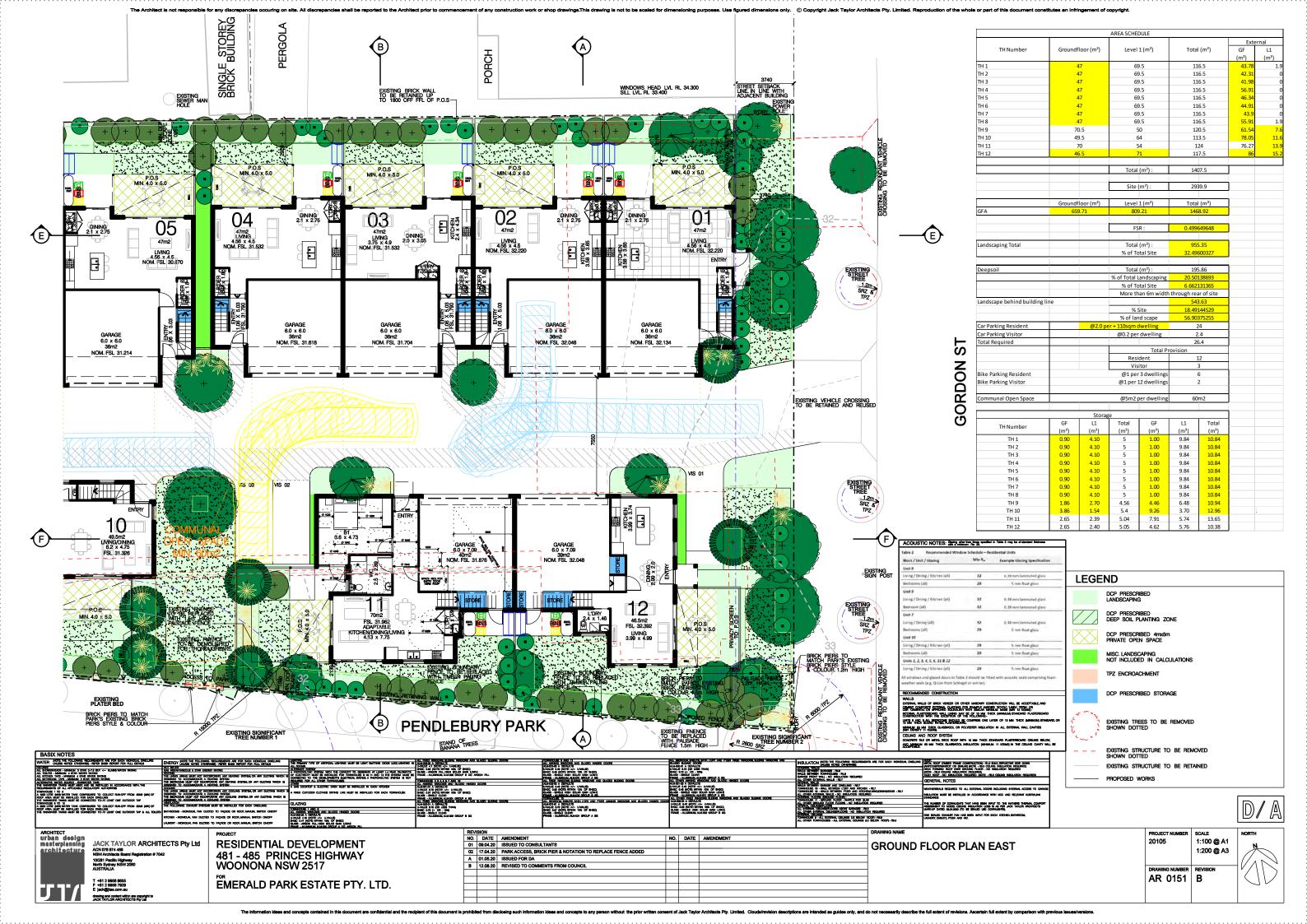
It is considered that the proposed development has been designed appropriately given the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area

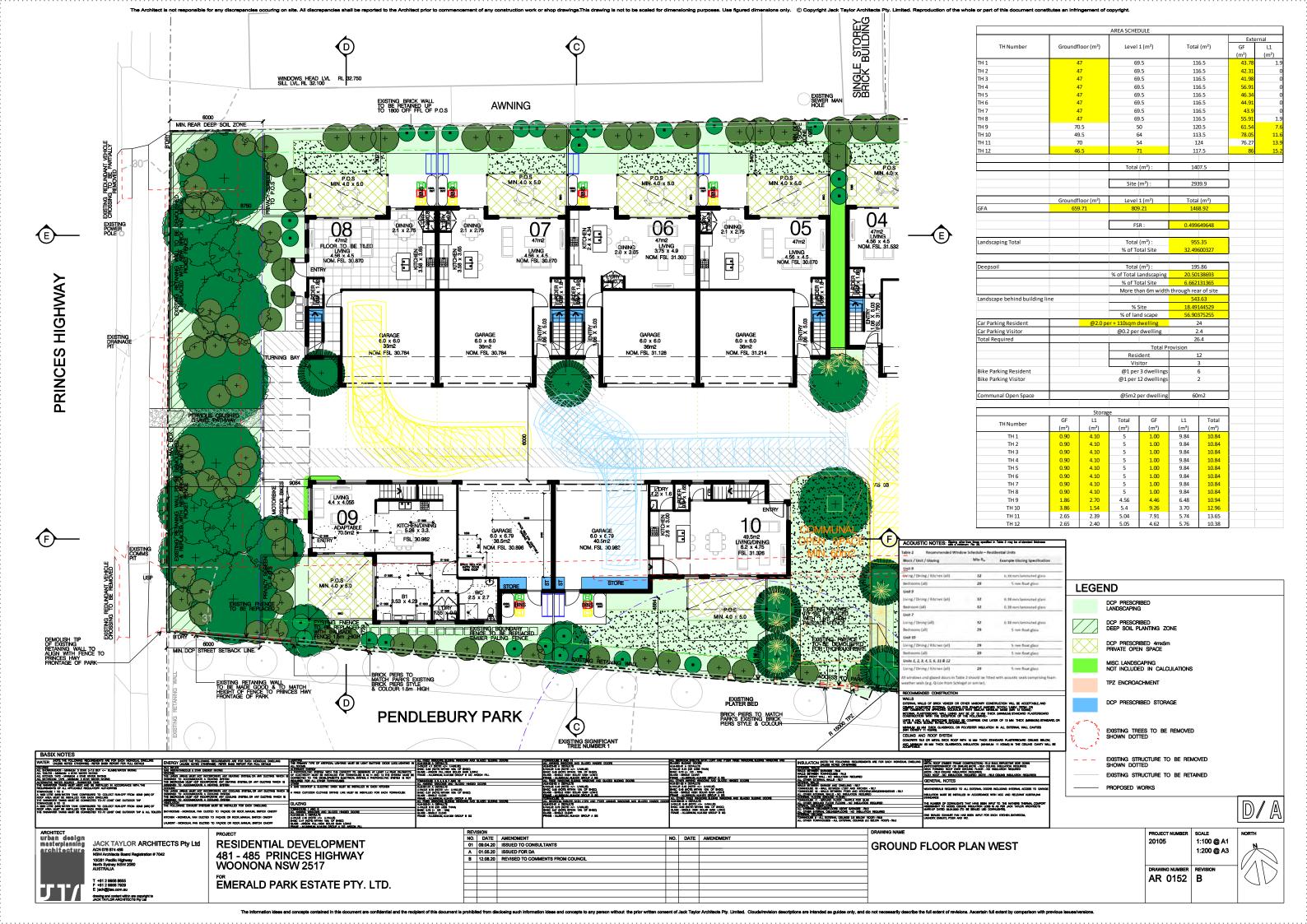
#### **4 RECOMMENDATION**

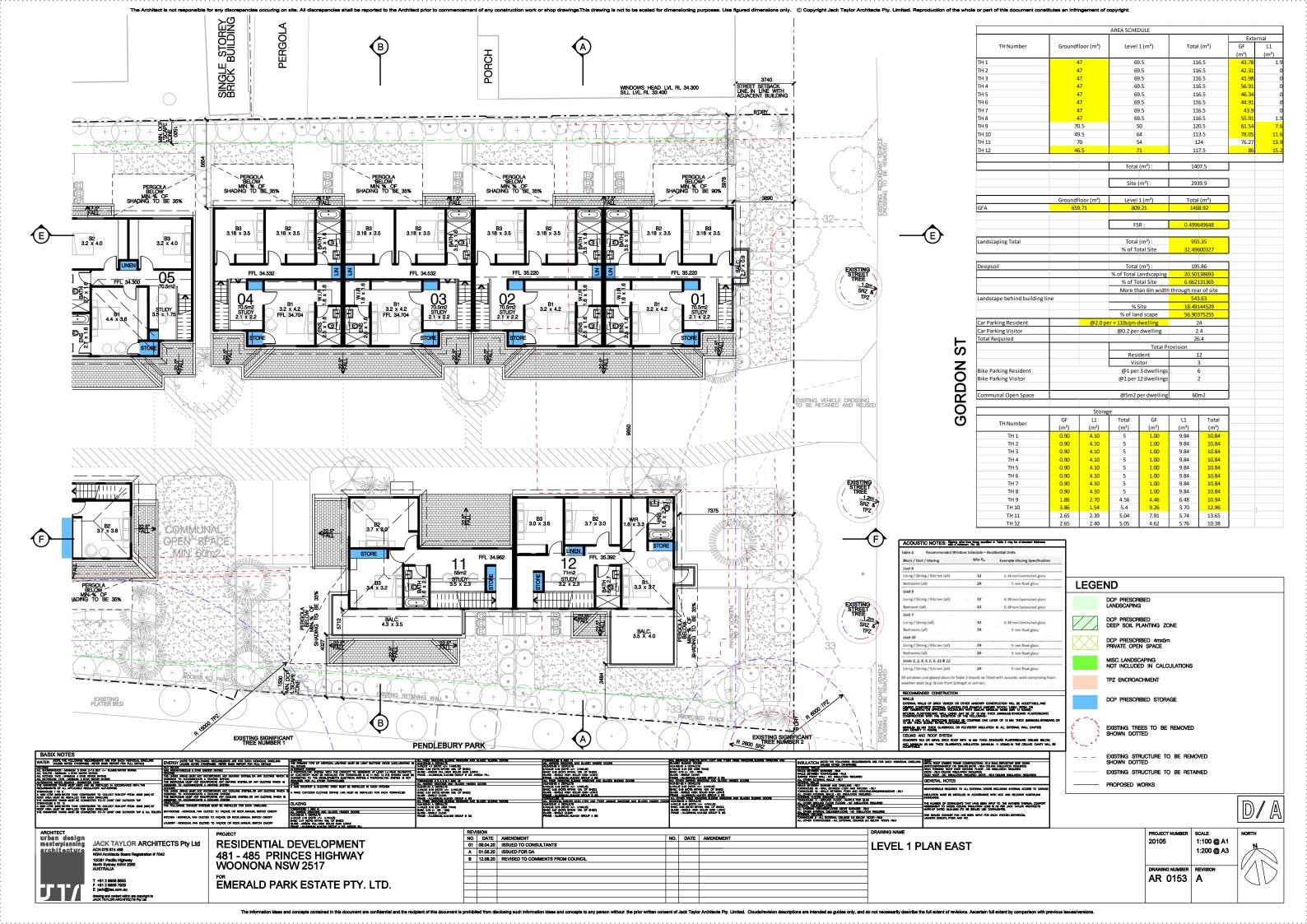
Development Application DA-2020/572 be **approved**, subject to the conditions contained in Attachment 5.

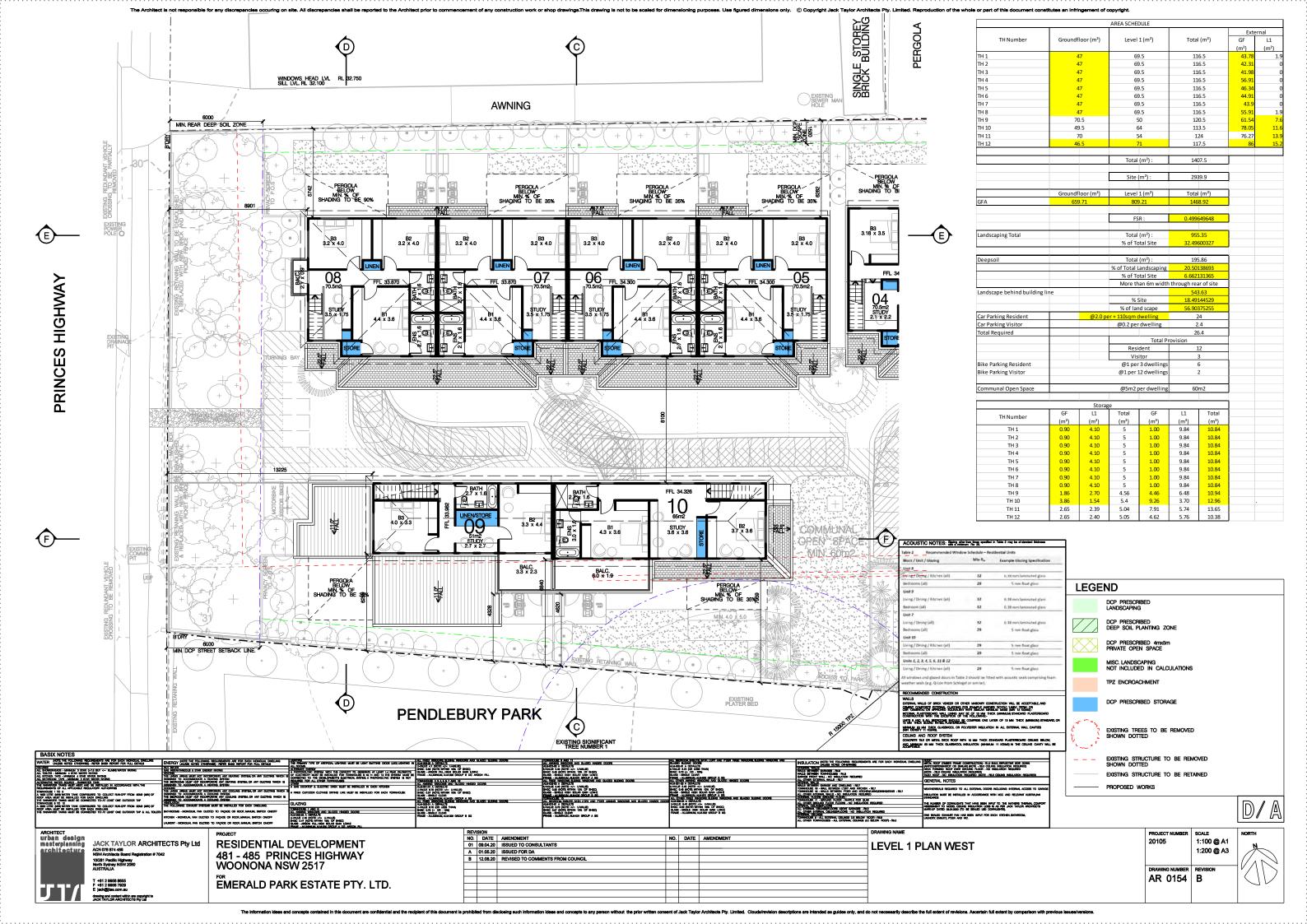
# **5 ATTACHMENTS**

- 1 Architectural Plans, demolition, fence details, photomontage, landscape plan and drainage plan
- 2 WDCP 2009 Variation Request (SEE)
- 3 Additional Information Response
- 4 WDCP 2009 Compliance Table
- 5 Draft Conditions of Consent



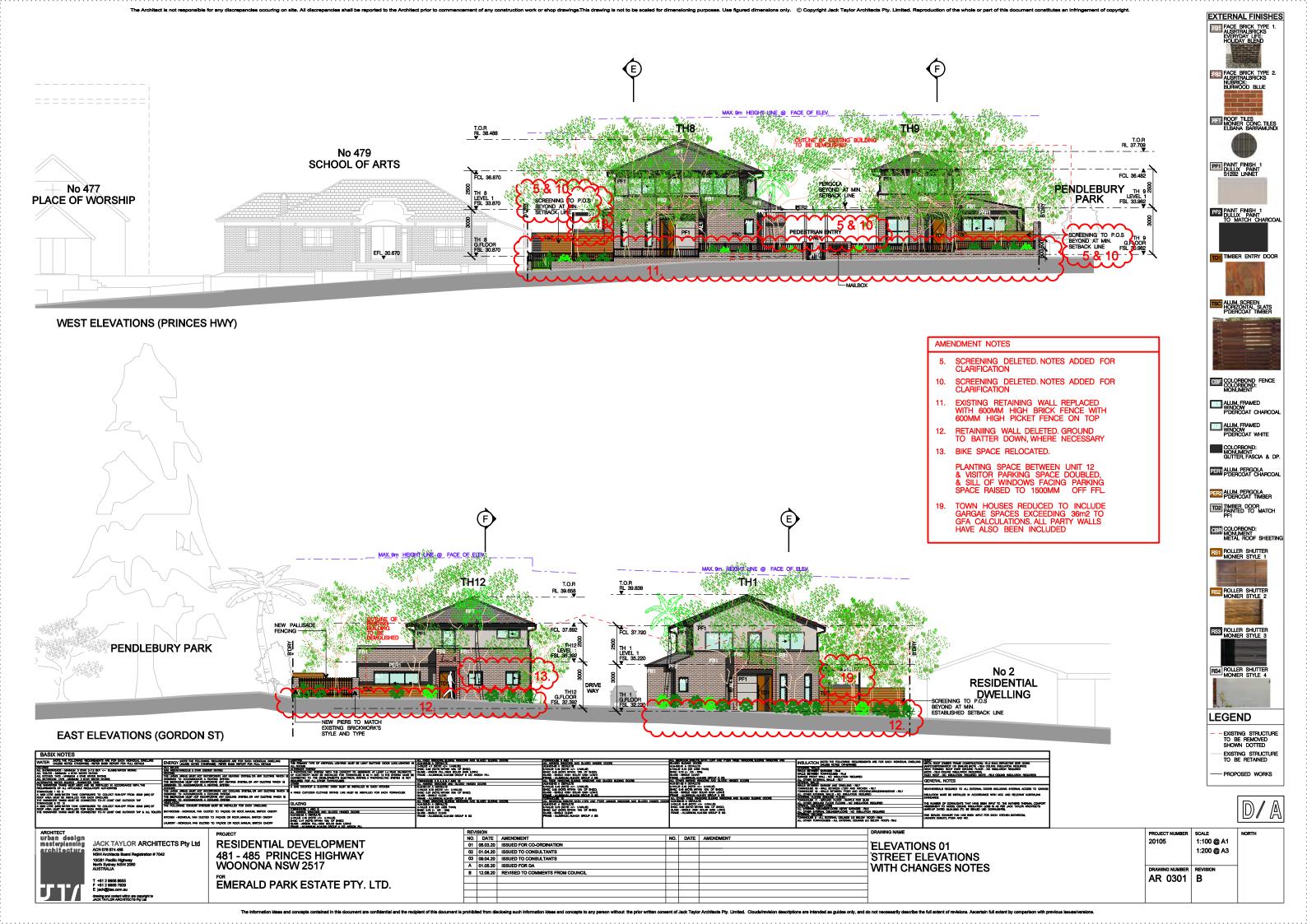




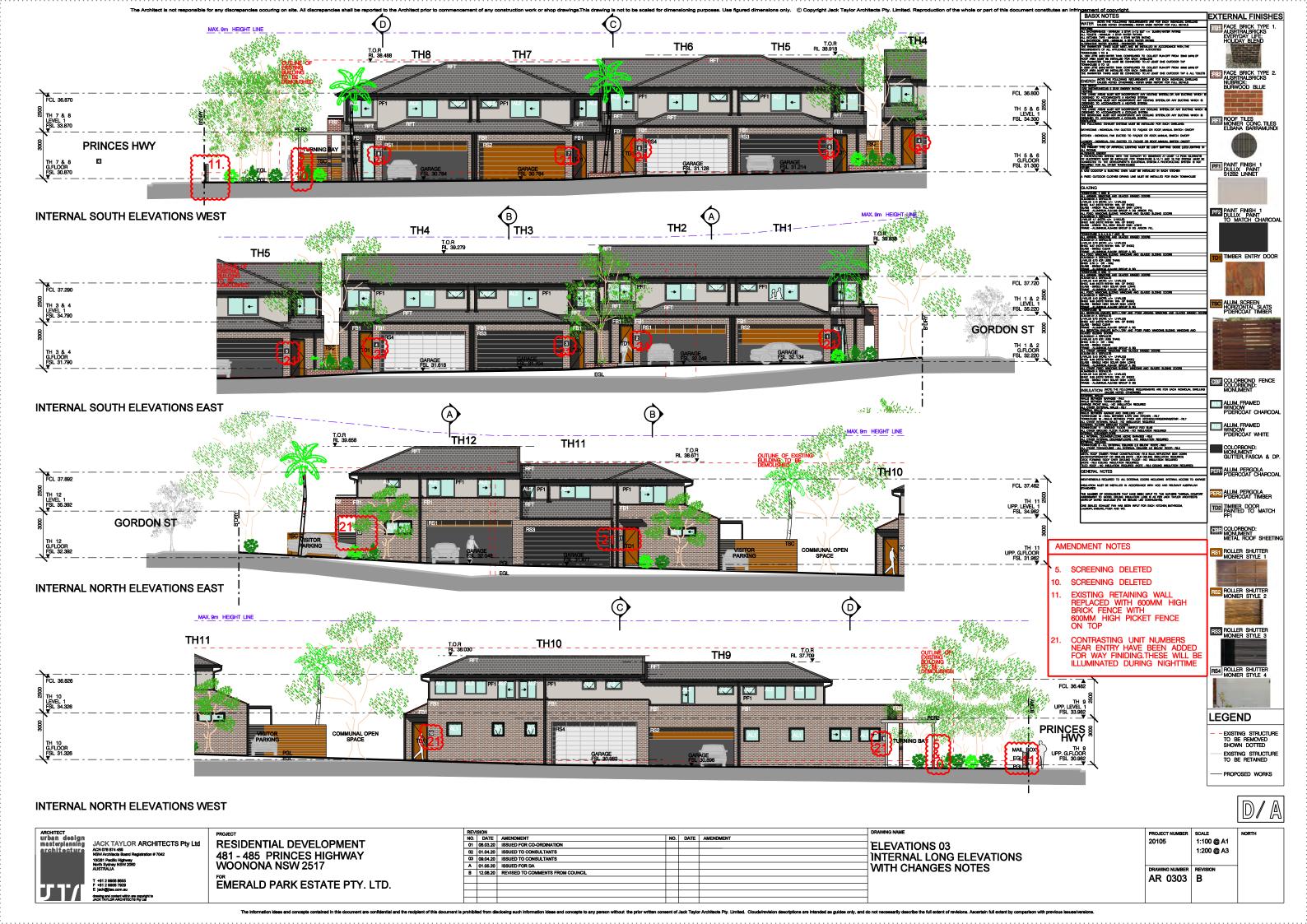


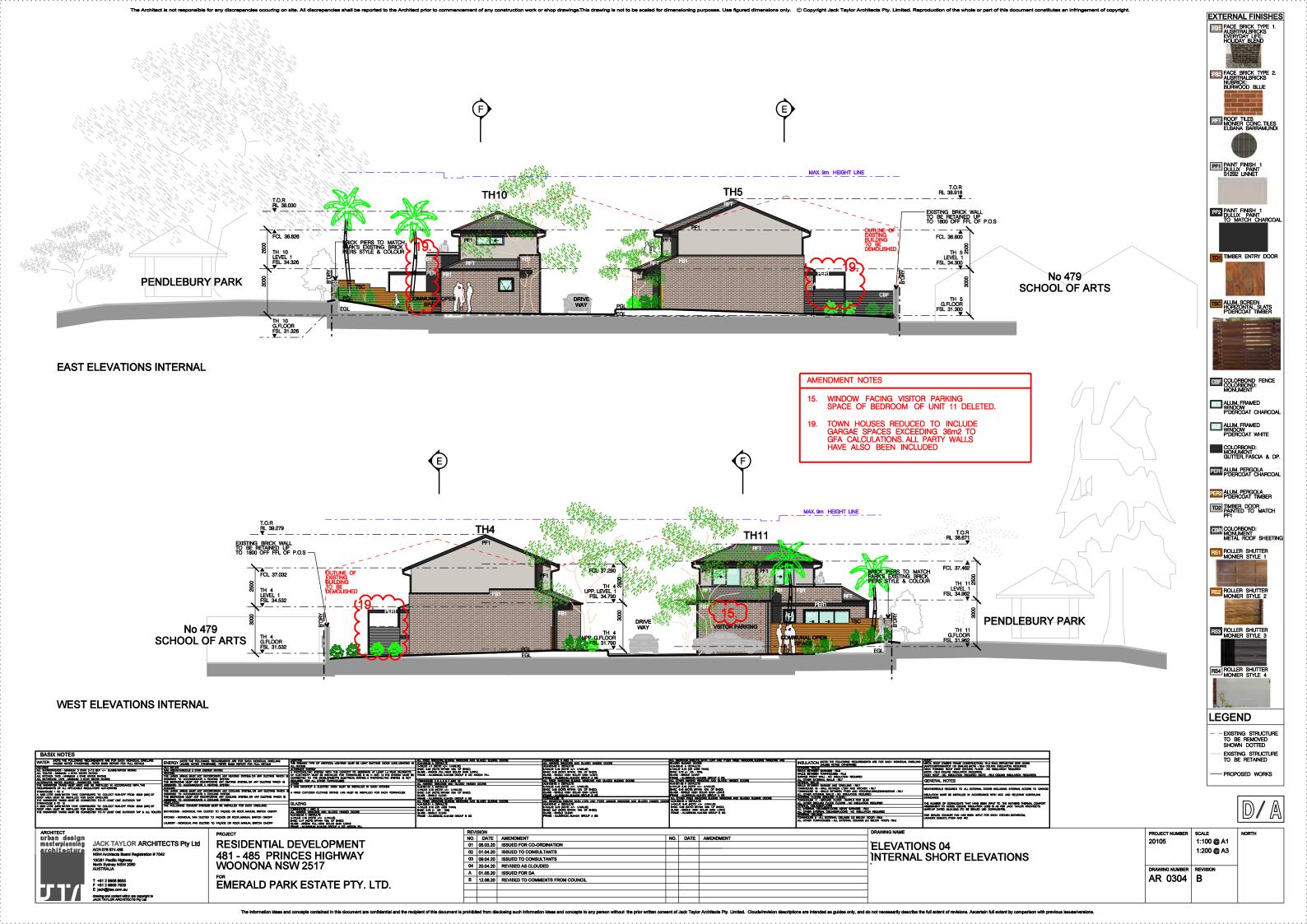
**BASIX NOTES** 

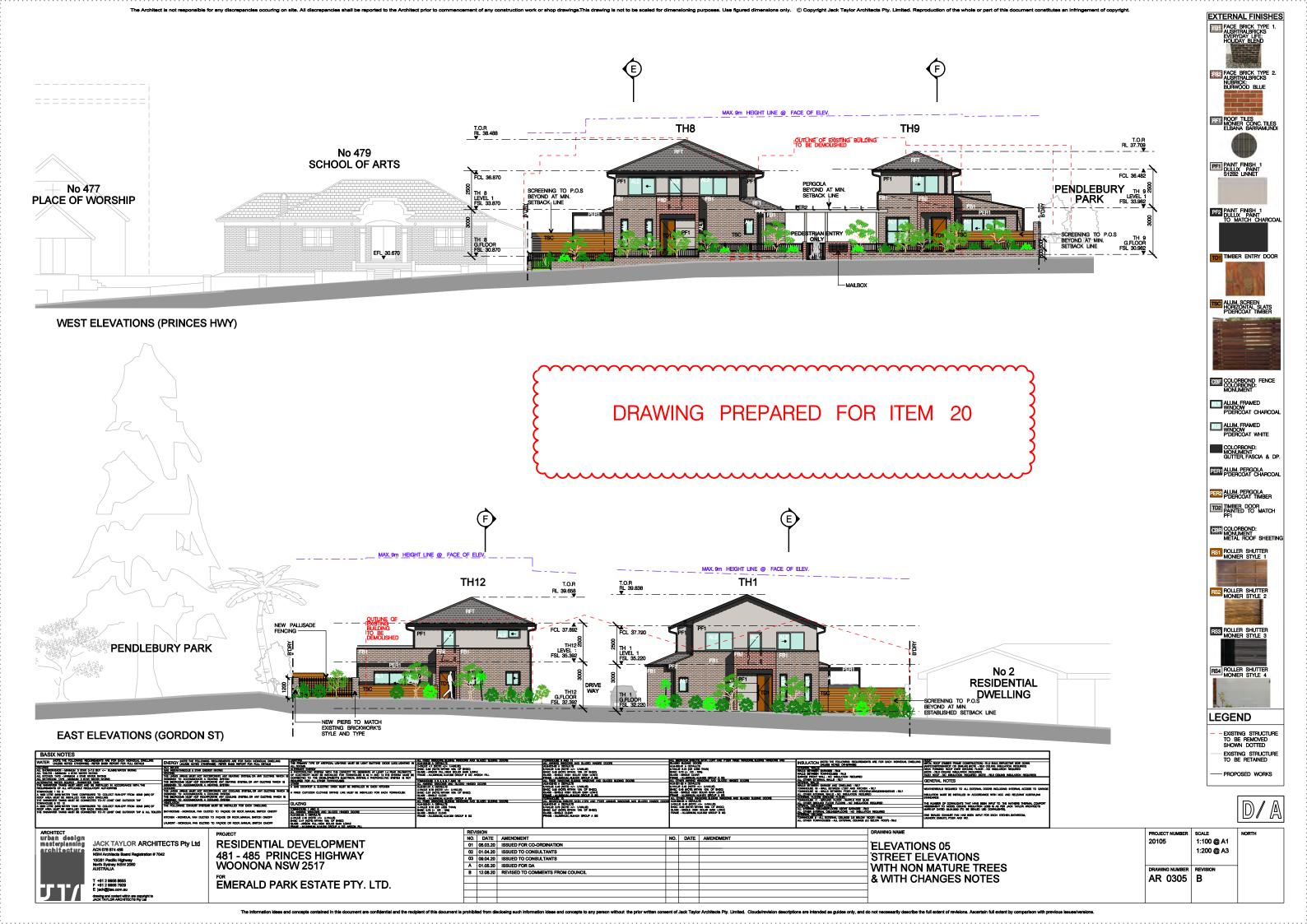
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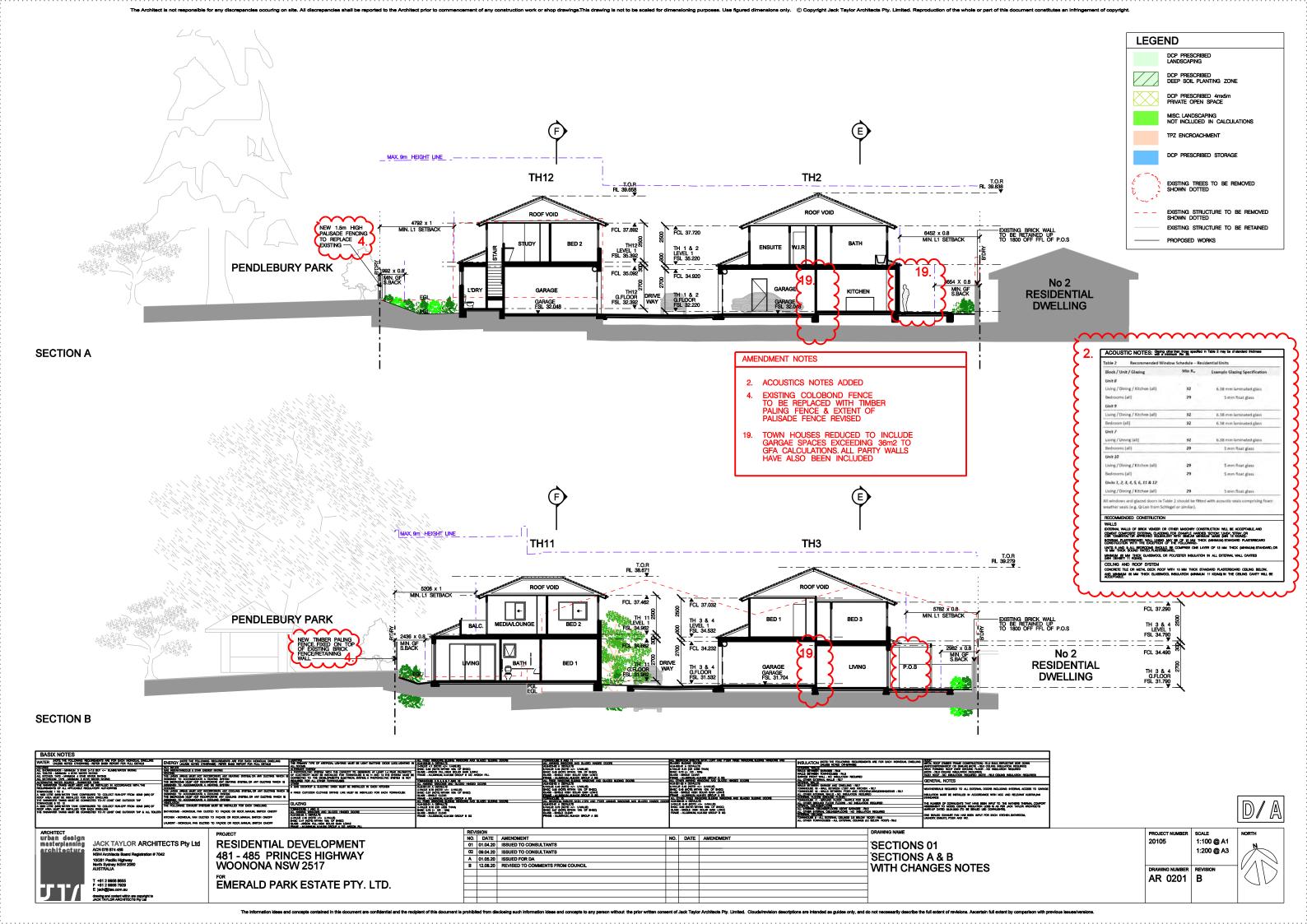


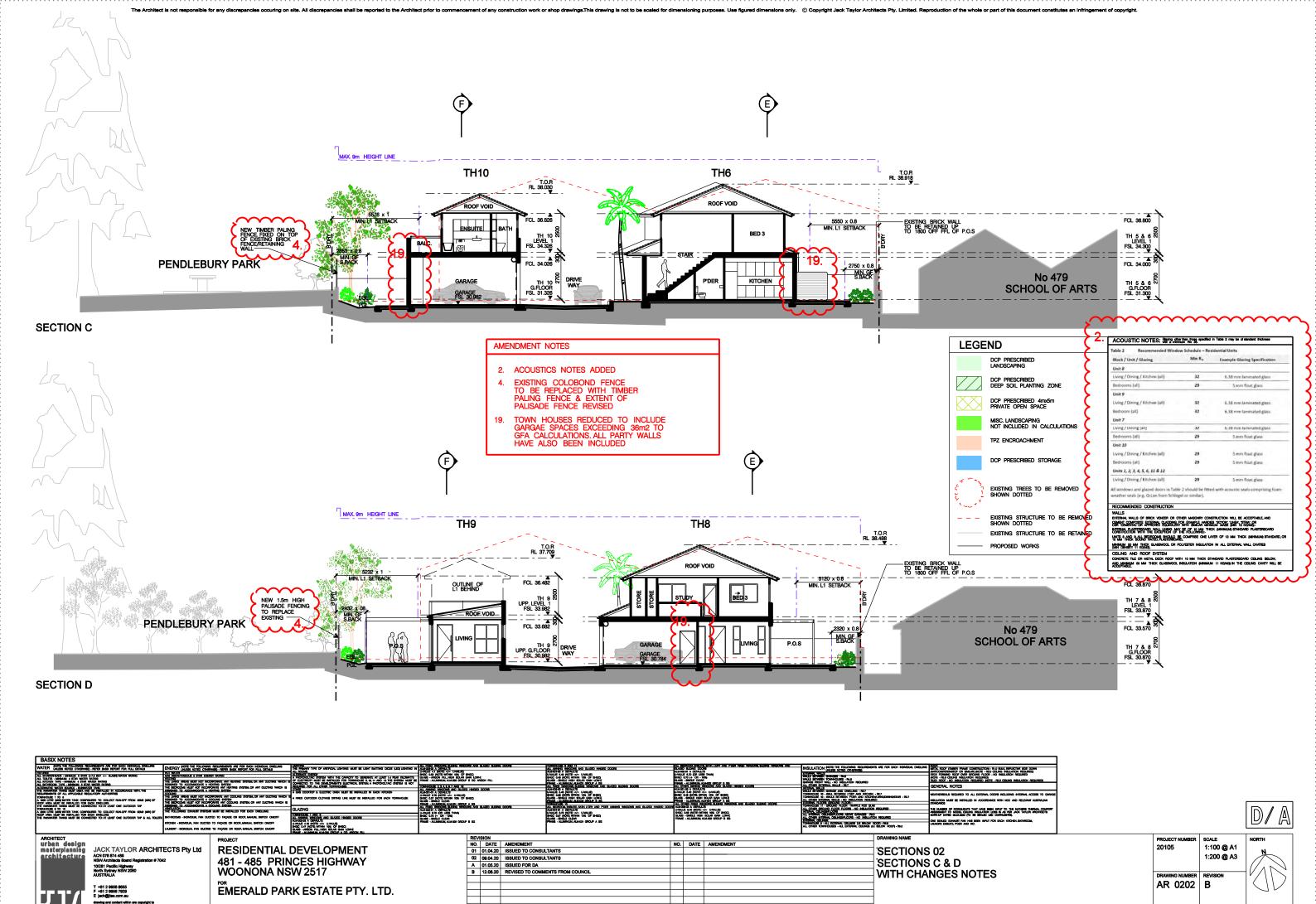


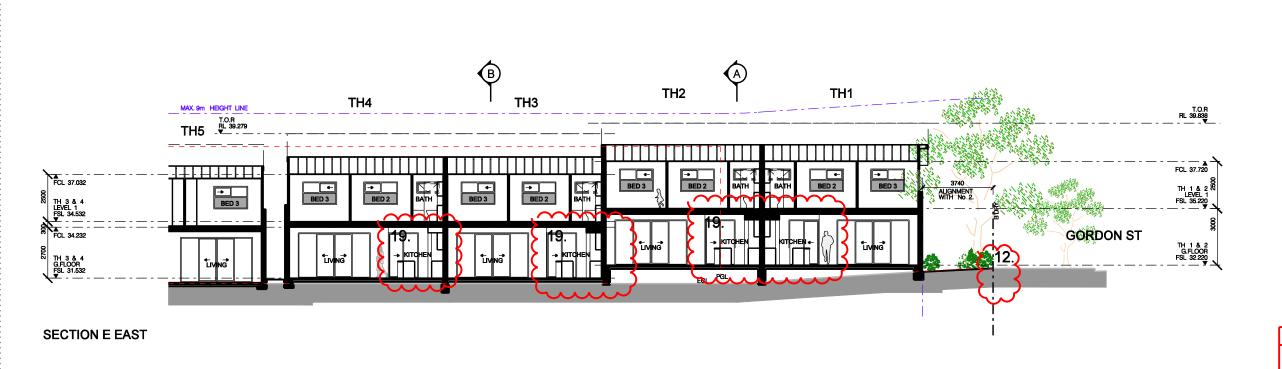


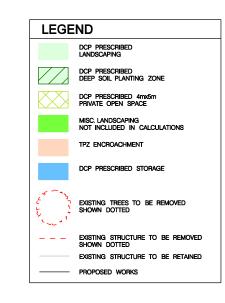






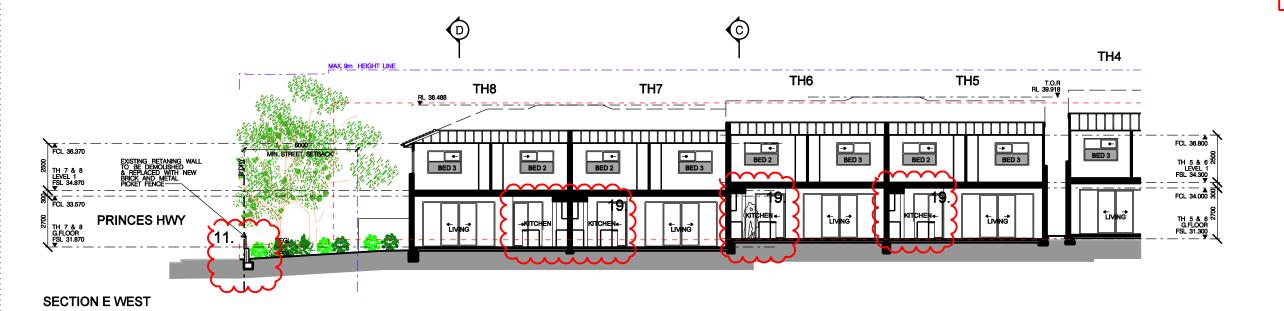






#### AMENDMENT NOTES

- 2. ACOUSTICS NOTES ADDED
- 11. EXISTING RETAINING WALL REPLACED WITH 600MM HIGH BRICK FENCE WITH 600MM HIGH PICKET FENCE ON TOP
- 12. RETAINIING WALL DELETED. GROUND TO BATTER DOWN, WHERE NECESSARY
- TOWN HOUSES REDUCED TO INCLUDE GARGAE SPACES EXCEEDING 36m2 TO GFA CALCULATIONS. ALL PARTY WALLS HAVE ALSO BEEN INCLUDED



Block / Unit / Glazing Unit 8 Living / Dining / Kitchen (ali) Bedrooms (all) Unit 9 Living / Dining / Kitchen (ali) Bedroom (ali) Unit 7	Min R <sub>w</sub> 32 29	Example Glazing Specification 6.38 mm laminated glass 5 mm float glass
Living / Dining / Kitchen (all) Bedrooms (all) Unit 9 Living / Dining / Kitchen (all) Bedroom (all)	29	-
Bedrooms (all) Unit 9 Living / Dining / Kitchen (all) Bedroom (all)	29	-
Unit 9 Living / Dining / Kitchen (all) Bedroom (all)		5 mm float glass
Living / Dining / Kitchen (all) Bedroom (all)	32	
Bedroom (all)	32	
		6.38 mm laminated glass
Unit 7	32	6.38 mm laminated glass
Living / Dining (all)	32	6.38 mm laminated glass
Bedrooms (all)	29	5 mm float glass
Unit 10		
Living / Dining / Kitchen (all)	29	5 mm float glass
Bedrooms (all)	29	5 mm float glass
Units 1, 2, 3, 4, 5, 6, 11 & 12		
Living / Dining / Kitchen (all)	29	5 mm float glass
All windows and glazed doors in T weather seals [e.g. Q-Lon from Sci RECOMMENDED CONSTRUCTION WALLS	hlegel or similar).	ed with acoustic seals comprising foar



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urban design
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JACK TAYLOR ARCHITECTS Pty Ltd ACN 078 874 489

RESIDENTIAL DEVELOPMENT 481 - 485 PRINCES HIGHWAY WOONONA NSW 2517 **EMERALD PARK ESTATE PTY. LTD.** 

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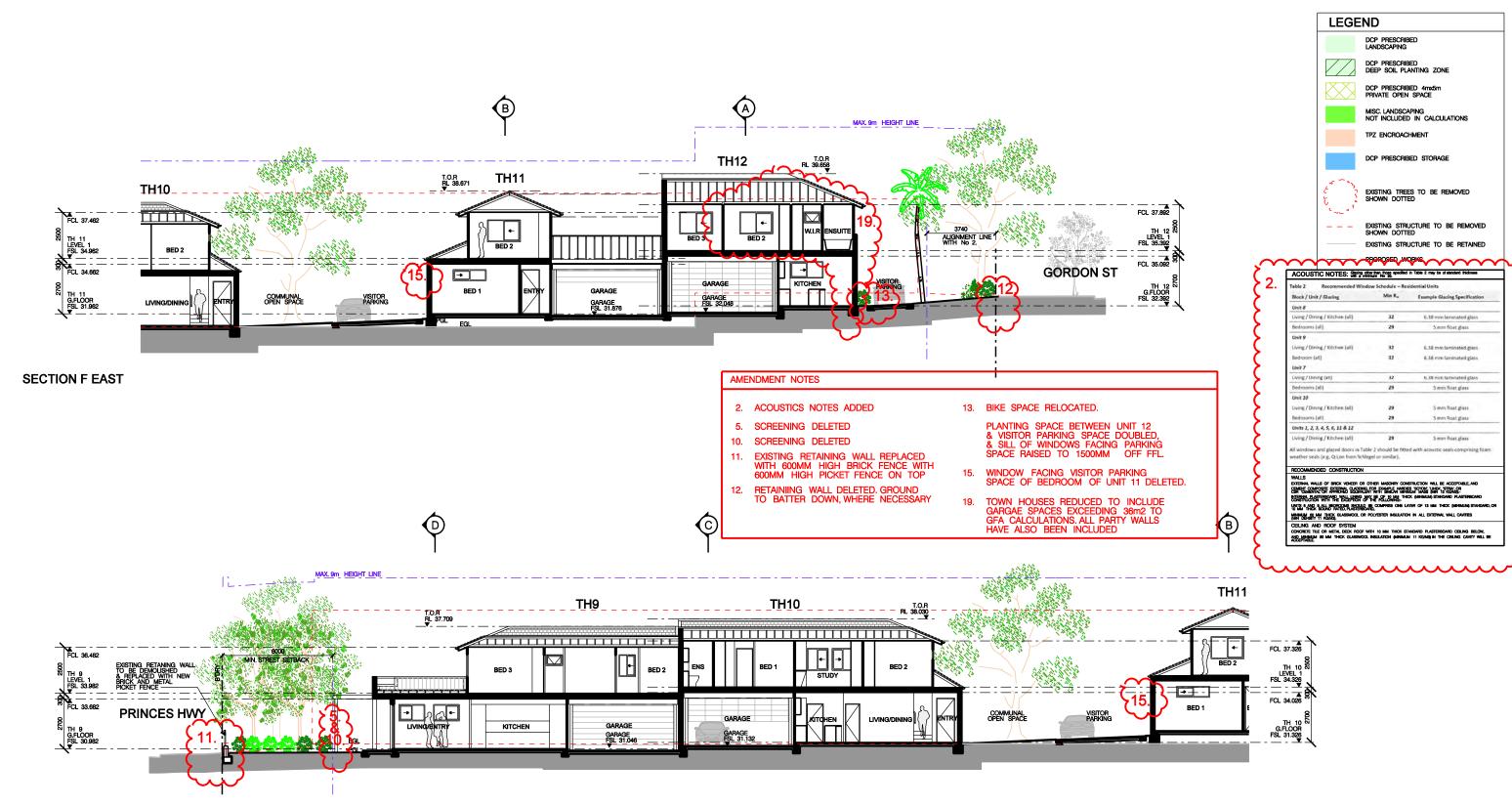
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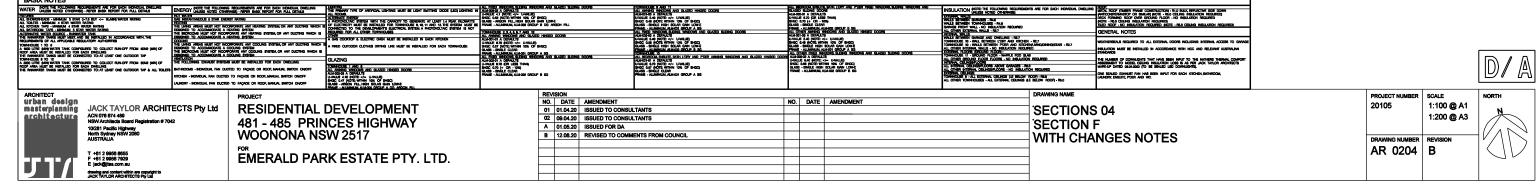
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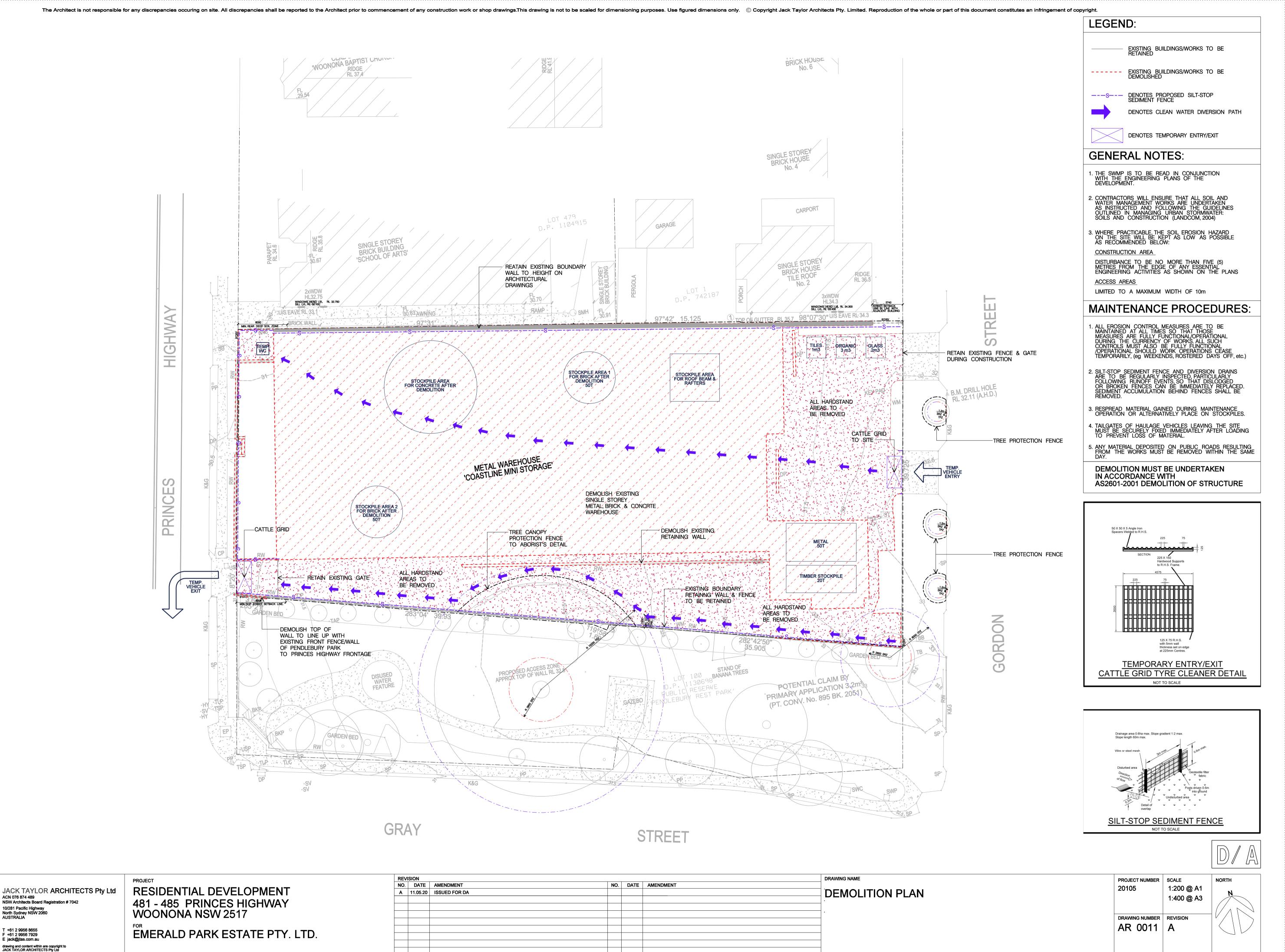
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# SECTIONFE WEST





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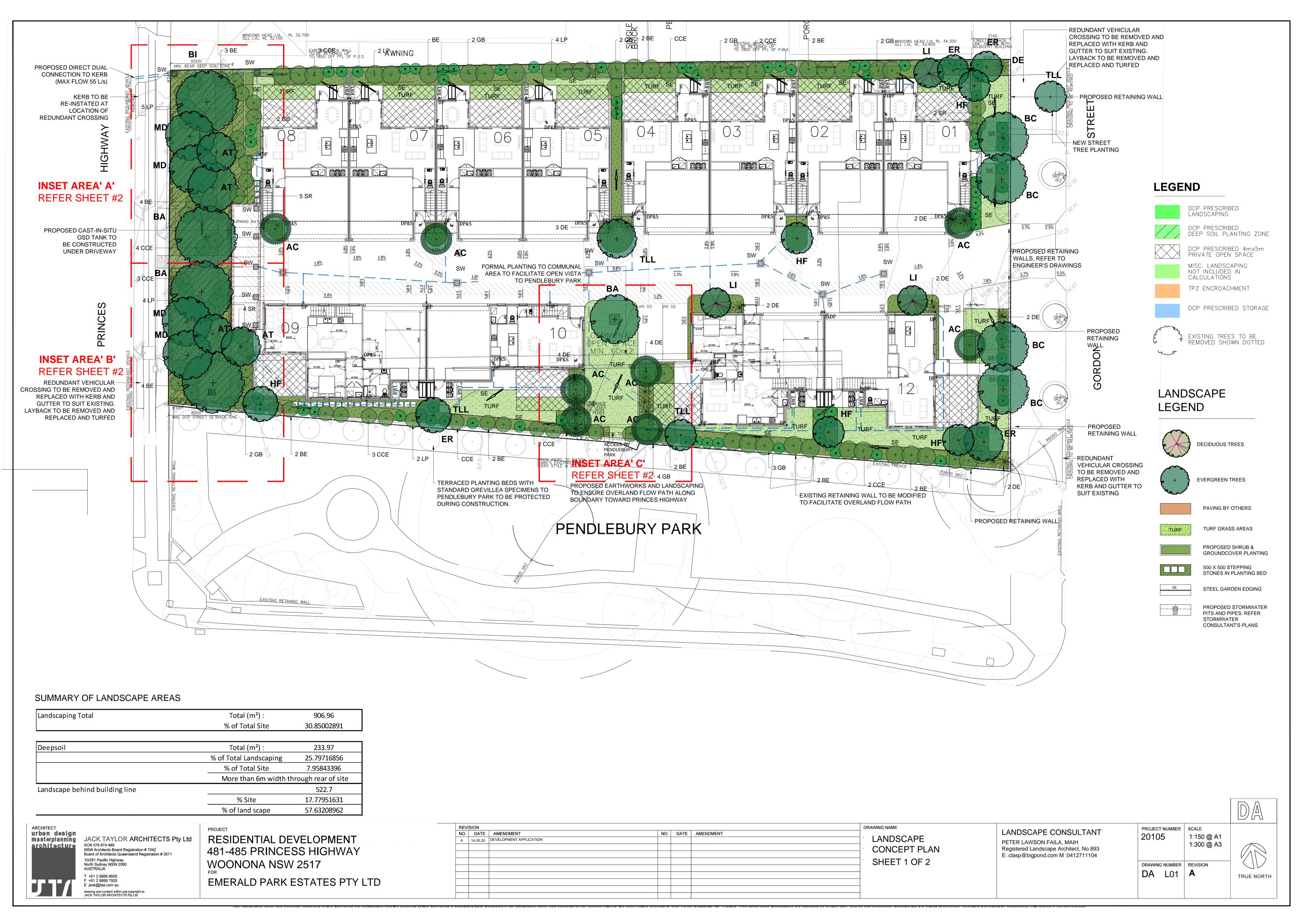
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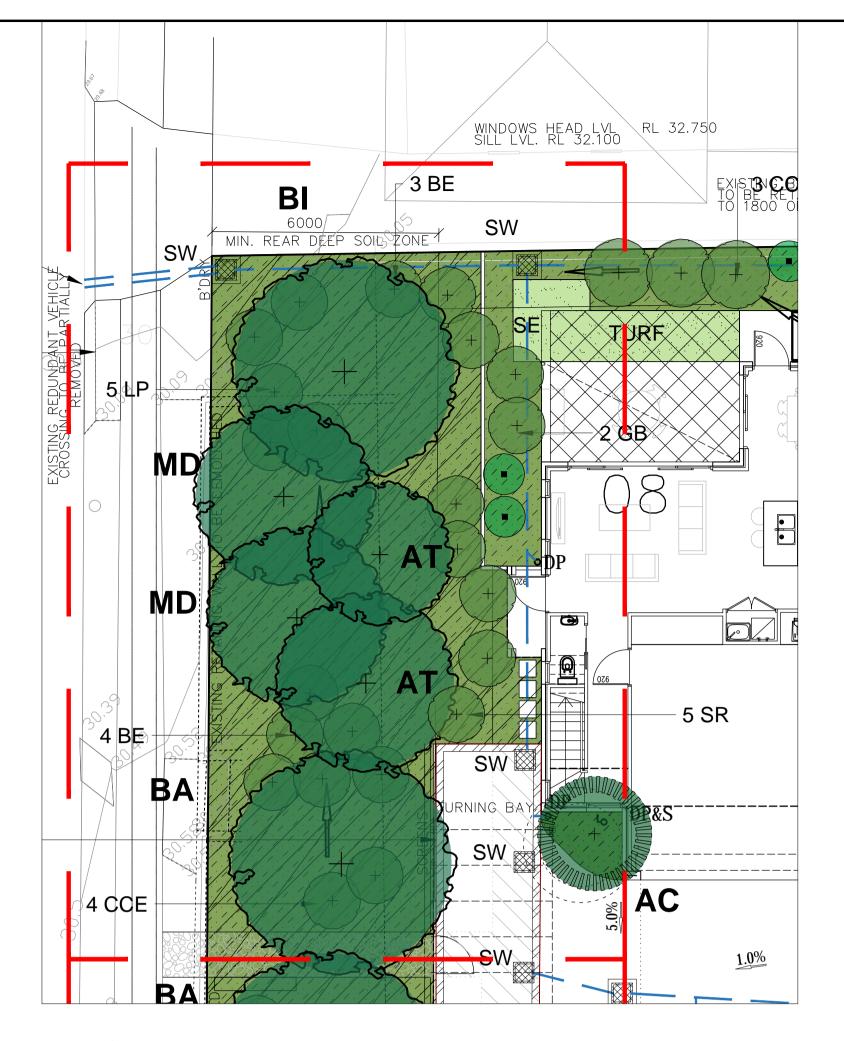
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ACN 078 874 489  NSW Architects Board Registration # 7042	481 - 485 PRINCES HIGHWAY				1:100 @ A3
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PLANT SCHEDULE

Allocasuarina torulosa

Banksia integrifolia

Backhousia citriodora

Lagerstroemia indica

Melaleuca decora

Banksia ericifolia

Banksia spinulosa

Dorvanthes excelsa

Grevillea banksii

Gardenia 'Florida'

Westringia 'Mundi'

Gardenia radicans

Hibbertia scandens

Pennisetum 'Nafray'

Casuarina 'Cousin It'

SHRUBS AND ACCENT PLANTS

Elaeocarpus reticulatus

Hymenosporum flavum

Tristaniopsis Laurina 'Luscious'

Callistemon citrinus 'Endeavour'

Leptospermum polygalifolium

Syzygium Paniculatum 'Resilience' Lilly Pilly

Syzygium 'Bush Christmas'

Dianella caerulea 'Breeze'

Lomandra longifolia 'Tanika'

Dianella caerulea 'Cassa Blue'

Brachychiton acerifolius

SYMBOL BOTANICAL NAME

TREES

ΑT

BA

BC

ER

MD

HF

TLL

BS

DE

GB

GFL

LP

WFM

SBC SR

DCB

GR

LLT

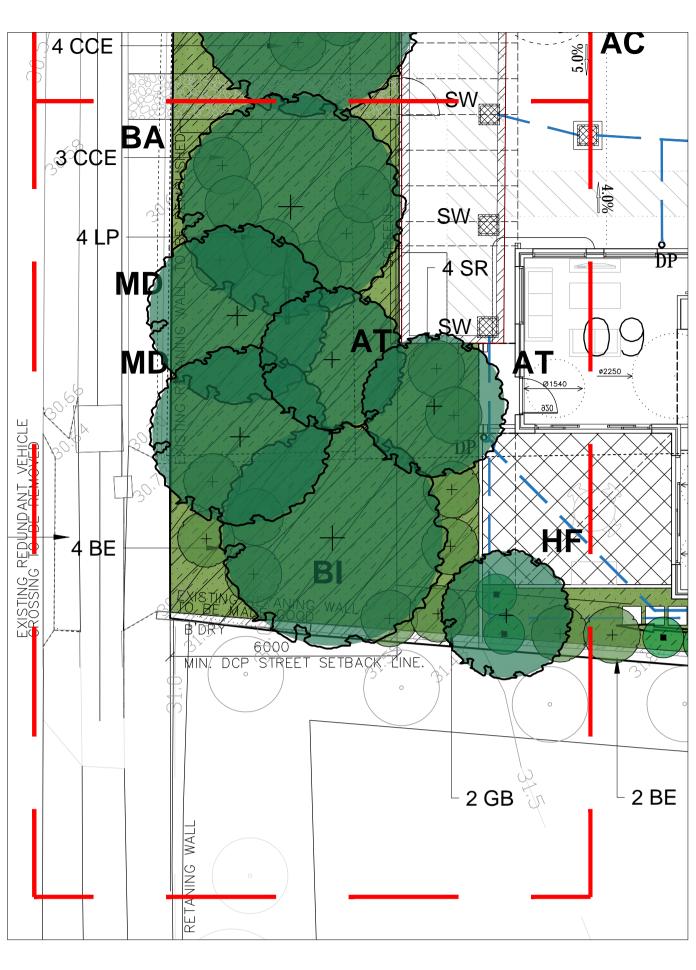
HS

PN

CCI

GROUNDCOVERS

CCE



**INSET AREA 'B' SCALE 1:100** 

STAKING

1X38X38X1800 STAKE

3X2400X50X50 STAKE

NIL

N/A

N/A

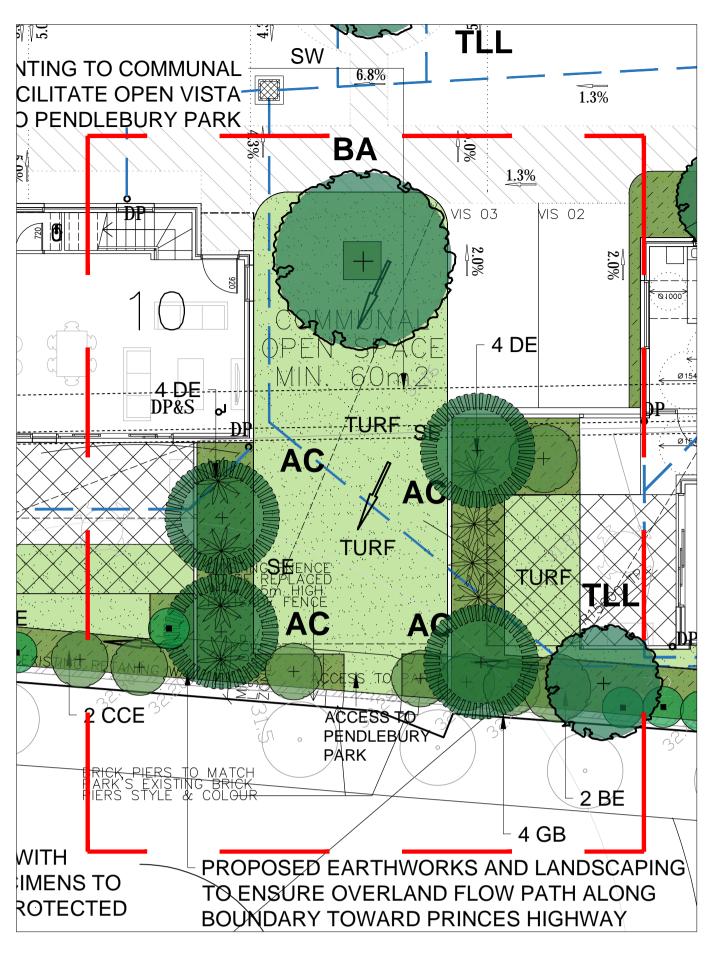
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INSET AREA 'C' **SCALE 1:100** 

# **LEGEND**

DCP PRESCRIBED LANDSCAPING

DCP PRESCRIBED DEEP SOIL PLANTING ZONE

DCP PRESCRIBED 4mx5m PRIVATE OPEN SPACE MISC. LANDSCAPING NOT INCLUDED IN CALCULATIONS

TPZ ENCROACHMENT

DCP PRESCRIBED STORAGE



# LANDSCAPE **LEGEND**



**DECIDUOUS TREES** 



**EVERGREEN TREES** 





**TURF GRASS AREAS** 

**PAVING BY OTHERS** 



PROPOSED SHRUB &



500 X 500 STEPPING STONES IN PLANTING BED

GROUNDCOVER PLANTING



STEEL GARDEN EDGING



PROPOSED STORMWATER PITS AND PIPES. REFER STORMWATER CONSULTANT'S PLANS

# PLANTING NOTES

- 1. EXISTING TREES TO BE RETAINED SHALL BE PROTECTED DURING THE CONSTRUCTION PHASE. 2. THE BUILDER SHALL BE RESPONSIBLE FOR SUBGRADE EXCAVATION AND PREPARATION TO ALLOW FOR TOPSOIL AND MULCH DEPTHS.
- 3. IMPORTED TOPSOIL AS SPECIFIED SHALL BE SPREAD TO THE SITE AS FOLLOWS: - ON GRADE PLANTING BEDS 300MM DEPTH OF TOPSOIL/COMPOST PLANTING MIX AS SPECIFIED. - ON GRADE TURF GRASSED AREA 200MM DEPTH SANDY TOPSOIL UNDERLAY AS SPECIFIED. 4. ALL PLANTING BEDS SHALL BE MULCHED TO A DEPTH OF 75MM WITH 15MM HORTICULTURAL GRADE PINEBARK.
- 5. TREES AND LARGE SHRUBS SHALL BE STAKED AS DETAILED ON THE PLANTING SCHEDULE. 6. REFER TO ARCHITECT'S AND ENGINEER'S SITE PLANS FOR PRECISE INFORMATION REGARDING PAVING, FINISHED LEVELS, ROADWORKS, FENCES, LIGHTING, STRUCTURES AND DRAINAGE DETAILS. 7. A FULLY AUTOMATIC DRIP IRRIGATION SYSTEM SHALL BE INSTALLED TO ALL PLANTING BEDS. IRRIGATION SHALL CONFORM TO AS3500 AND SYDNEY WATER REGULATIONS. 8. PROPOSED TREE PLANTINGS SHALL BE ORDERED UPON TENDER APPROVAL AND SHALL BE CERTIFIED TO HAVE BEEN GROWN ON IN ACCORDANCE WITH NATSPEC 'SPECIFICATION FOR THE SUPPLY OF TREES'.

MAINTENANCE: CONTRACTOR SHALL MAINTAIN SITE FOR A TWELVE MONTH MINIMUM PLANTING ESTABLISHMENT AND MAINTENANCE PERIOD FOLLOWING PRACTICAL COMPLETION. CONTRACTOR SHALL STATE EXACT NUMBER OF DAYS, AND INTERVALS BETWEEN, THAT HAVE BEEN ALLOWED TO MAINTAIN THIS SITE, AND SHALL KEEP A LOG BOOK OF MAINTENANCE WORKS. TIMING OF MAINTENANCE WORKS SHALL BE SPREAD REGULARLY OVER MAINTENANCE PERIOD. DUTIES SHALL INCLUDE, BUT NOT BE LIMITED TO WATERING, REINSTATING MULCH AS NECESSARY TO MAINTAIN SPECIFIED DEPTHS, MOWING, REMOVAL OF ANY WEED GROWTH OR RUBBISH, REPLACING FAILED PLANTS (AT NO ADDITIONAL COST TO CLIENT UNLESS DUE TO VANDALISM OR SOME OTHER REASON BEYOND THE CONTRACTORS CONTROL, AT DISCRETION OF LANDSCAPE ARCHITECT), SPRAYING OF PLANTS AS NECESSARY TO COMBAT INSECTS OR DISEASE AND ADJUSTING STAKING TO PLANTS.

# ARCHITECT urban design masterplanning architecture drawing and content within are copyright to JACK TAYLOR ARCHITECTS Pty Ltd

JACK TAYLOR ARCHITECTS Pty Ltd ACN 076 874 489 NSW Architects Board Registration # 7042 Board of Architects Queensland Registration # 3571 10/281 Pacific Highway North Sydney NSW 2060 T +61 2 9956 8655 F +61 2 9956 7929 E jack@jtas.com.au

RESIDENTIAL DEVELOPMENT 481-485 PRINCESS HIGHWAY **WOONONA NSW 2517 EMERALD PARK ESTATES PTY LTD** 

**COMMON NAME** 

Illawarra Flame Tree

White Feathered Honeymyrtle

Forest Oak

Coast Banksia

Lemon Myrtle

Blueberry Ash

Native Frangipani

Heath Banksia

Hairpin Banksia

Red Bottlebrush

Banks Grevillea

White Gardenia

Compact Lilly Pilly

Prostrate Gardenia

**Dwarf Mat Rush** 

Snake Vine

Foxtail Grass

Prostrate Sheoak

Blue Flax Lily

Flax Lily

Lemon Scented Tea Tree

Dwarf Coastal Rosmary

Gymea Lily

Water Gum(street tree)

Crepe Myrtle

Archontophoenix cunninghamiana Bangalow Palm

POT SIZE

(litres)

45.0

45.0

75.0

45.0

45.0

45.0

45.0

45.0

45.0

100.0

5.0

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5.0

5.0

150mm

150mm

200mm

150mm

150mm

150mm

200mm

QTY

26

30

22

20

20

30

25

35

20

370

280

210

340

140

380

90

**EST. MATURE** 

**HEIGHT** (metres)

6.0

8.0

6.0

4.0

6.0

6.0

7.0

2.0

1.5

1.5

2.5

1.5

2.5

0.5

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8.0

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А	14.05.20	DEVELOPMENT APPLICATION				

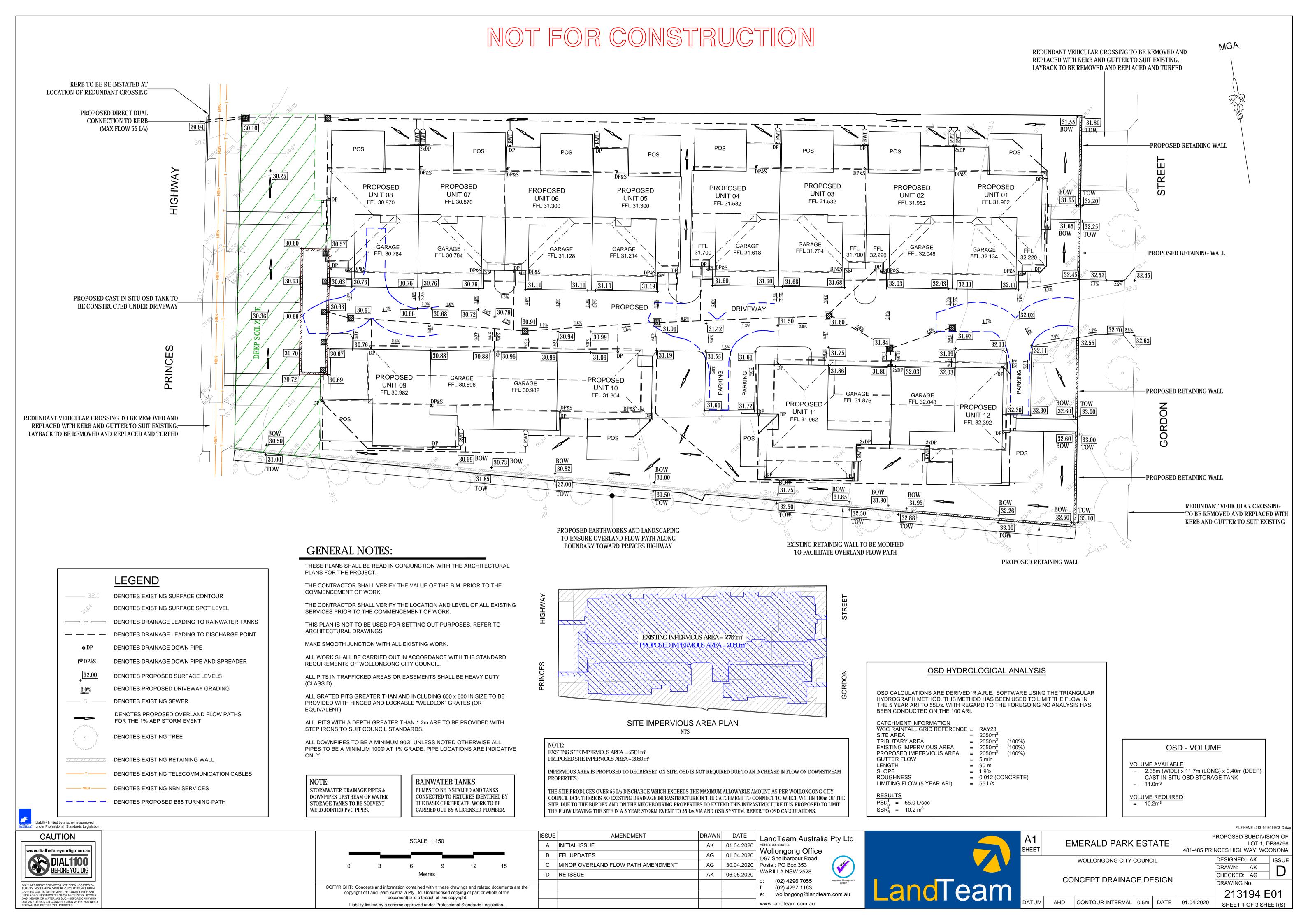
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LANDSCAPE CONSULTANT PETER LAWSON FAILA, MAIH Registered Landscape Architect, No 893 E: clasp@bigpond.com M:0412711104

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#### 4.6.8 Earthworks (Clause 7.6)

This Clause seeks to ensure that any proposed earthworks do not have a detrimental impact on environmental functions and/or features surrounding the land. In this regard, typical site earthworks are proposed by this application as mentioned above (e.g. general site levels, building excavations, provision of public utility infrastructure, retaining, etc.), of which are all standard engineering practices for this type of development.

The natural topography of the site has been taken into account with regards to the design of the proposed dwellings, being split level at the ground plane. In general, the immediate area is an already built up an established suburb and residential area (in place for many decades) and, as such, it is expected that the subject site can appropriately accommodate the proposed development from a land stability perspective.

## 4.6.9 Minimum Site Width (7.14)

A minimum site width of 18m is required for development for the proposed MDH development, in accordance with the provisions of *Clause 7.14*. The subject site is fairly regular in shape and incorporates a minimum site width of 32.28m frontage to Princes Highway, which satisfies the above requirement.

# 4.7 Wollongong Development Control Plan 2009

The WDCP 2009 contains detailed controls for development within the Wollongong Local Government Area (LGA). Chapter B1 – Residential Development applies to all residential zoned land and Section 5 contains applicable provisions for MDH development.

## 4.7.1 Multi Dwelling Housing Controls (Chapter B1)

The proposed development has been designed to address both the objectives and numerical requirements of the DCP. Compliance with key controls is outlined in *Table 4* below.

COMPLIANCE TABLE				
Chapter B1 Residential Development (or as referenced)				
Part/Section	Controls	Proposal	Compliance	
5.1 Site Width	-18m min	32.28m	Yes	
(measured for full width of				
site)				
5.2 No. of Storeys	-Max. 2 storeys in R2 Zone	Max 2 storeys	Yes	
5.3 Front Setbacks	-6m min to front façade	>8.91 to Princes Highway	Yes / No –	
(balconies and other		Between 3.89m and 7.37m to	Justification	
building extrusions may		Gordon Street	provided below	
encroach)				
5.4 Side and Rear	-1.5m min all zones (ground)	-between 1.79m and 4.8m min	Yes	
Setbacks	- upper level 0.8m/1.0m x ceiling	proposed (ground)		
	height	-between 5.7m and 6.8m		
		proposed (upper levels)		



5.5 Building Character and Form	Relevant building design elements must be incorporated, including: -articulate building walls that face the street; -habitable rooms facing the street; -visible and well defined entrances etc)	Relevant building design elements have been incorporated -articulated building walls that face the street; -habitable rooms facing the street; -visible and well defined entrances etc)	Yes
5.6 Access/Driveway Requirements	-4 to 6m min crossover width (6-20 dwellings); -3m min driveway width (6-20 dwellings); -1.5m min side setback to driveway; -located at least 6m from the intersection of any two roads; -vehicles to enter and exit in a forward direction;	-5.3m min crossover width (6-20 dwellings); -5.8m min driveway width (6-20 dwellings); ->1.5m min side setback to driveway; -located at least 6m from the intersection of any two roads; -vehicles to enter and exit in a forward direction	Yes
5.7 Parking Requirements (refer to parking rates in Chapter E3)	-1 car space p/dw <70m2; -1.5 car spaces p/dw 70-110m2; -2 car spaces p/dw >110m2; -0.2 car spaces p/dw for visitors; (City Wide)	-N/A; -N/A; - 2 x 12 = 24 spaces - 0.2 x 12 (i.e. 3) Total 27 spaces	Yes
5.7 Bicycle Parking (refer to parking rates in Chapter E3)	-1 bike space per 3 dwellings (resident); -1 bike space per 12 dwellings (visitors)	- 3 resident bike spaces; -1 visitor bike spaces;	Yes
5.7 Motorcycle Parking (refer to parking rates in Chapter E3)	-1 per 15 dwellings	-1 space provided.	Yes
5.8 Landscaping	-Min 30% LSA -Min 1.5m landscape zone along side and rear boundaries;	-30% LSA -Min 1.5m landscape zone along side and rear boundaries;	Yes
5.9 Deep Soil Planting (must be continuous not fragmented)	-Min deep soil zone must be 50% of LSA (or 15% of site area); -Min width of 6m continuous; OR; - extend along the full length of the rear of the site, with a minimum width of 6m - must be continuous	-Min width of 6m deep soil provided to the rear of the site, fragmented by a pathway, however provides critical connectivity to Princes Hwy for future residents.	No – Justification provided below
5.10 Communal Open Space	-Required for 10 or more dwellings	-60sqm COS provided.	Yes
5.11 Private Open Space (must not extend forward of the front building setback by >900mm)	-Min dimension of 4m x 5m at ground level, accessible from living area; -Must sit clear of 1.5m side landscape bed; -PPOS area of at least 70% of the dwellings must receive a min of 3 hrs direct sun between 9am & 3pm on June 21;	-Min dimension of 4m x 5m at ground level, accessible from living area; -Located clear of 1.5m side landscape bed; -PPOS area of at least 70% of the dwellings receives a min of 3 hrs direct sun between 9am & 3pm on June 21;	Yes



5.12 Solar Access	-Windows of living rooms in the	-Windows of living rooms in the	Yes
Requirements	development & in the adjoining	development & in the adjoining	
'	dwellings to receive min 3 hrs sun	dwellings to receive min 3 hrs sun	
	between 9am and 3pm on 21	between 9am and 3pm on 21	
	June;	June;	
	-At least 50% of POS areas within	-At least 50% of POS areas within	
	the development & the adjoining	the development & the adjoining	
	residential properties to receive	residential properties to receive	
	min 3 hrs sun between 9am and	min 3 hrs sun between 9am and	
	3pm on 21 June;	3pm on 21 June;	
5.13 Layout Controls	-Provide a mix of unit sizes and	-predominantly 3 bedroom	Yes
	layouts for development with 10 or	dwellings with one two bedroom	
	more dwellings	dwelling	
5.14 Adaptable Housing	-At least 1 adaptable dwelling (or	-2 dwellings proposed	Yes
(applies to MDH with >6	10% of all dwellings);		
dwellings)	-Must comply with AS 4299-1995		
5.15 CPTED	-Lighting, natural surveillance &	-Lighting, natural surveillance &	Yes
(refer to Chapter E2)	sightlines, building design and	sightlines, building design and	
	landscaping must meet detailed	landscaping meets detailed	
	objectives and controls;	objectives and controls;	
Street 5.4 Waste	-Communal waste facility must be	-12 dwellings only proposed	Yes
(Chapter E7)	provided for:	-Individual waste storage areas	
(120 L waste p/wk;	*>6 dwellings; or	provided in the garage of each unit	
120 L recycling p/wk; &	*MDH dev where the number of	to avoid the need for a designated	
120 L green waste p/fn for	bins can't be accommodated	communal waste facility.	
each dwelling.)	within 50% of the frontage; or	-Transfer to the roadway is	
	*Dev where site constraints make	available	
	access to the street difficult for		
	individual occupants; or		
	*Dev with frontage to a major road,		
	where on-site garbage collection		
	is required.		

Table 4: Compliance Table - Summary of Key Controls (WDCP 2009)

The main non-compliances detailed in *Table 4* are addressed in further detail below.

The proposed development generally complies with all relevant performance standard criteria for multi dwelling housing within *Wollongong DCP 2009 (Chapter B1 Part 5)*, apart from the building line setbacks and deep soil zone. In relation to these matters and given the site-specific characteristics in place, it is considered unreasonable and unnecessary to have to strictly accord with the stated numerical guidelines within the DCP in this instance. Particularly as sound urban design reasoning has been implemented by the project architects JTA in developing the overall concept scheme, deliberately conscious of the intent and objectives of these controls.

Therefore, this Variations Justification Statement is prepared for Council's consideration to identify the development control variations sought, and to provide appropriate justification as required under *Section* 8 – *Chapter A1* of the DCP.



In considering the advice provide herein, it is critical to acknowledge that Section 79C(3A)(b) of the EP&A Act 1979 requires flexibility in the application of provisions within a DCP, and the consent authority is to "allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development" (Tonne Legge v Council of the City of Sydney [2016] NSW LEC 1424).

### WDCP Clause 5.3 Front Setbacks

• Clause 5.3.2.1 - A 6m setback requirements applies from the front property boundary to the front façade of the building.

The setback to Princes Highway is in excess of 6m to respect adjacent heritage items. The setback to Gordon Street is less than 6m but is consistent with the existing residential setback.

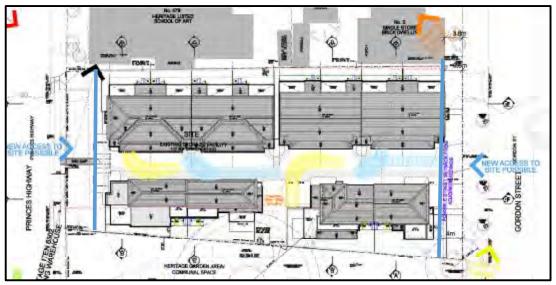


Figure 12: Proposed setbacks of the development relative to the neighbouring sites (\*Source: TJA)

The objectives of this development control are:

- "(a) To reinforce the existing character of the street by acknowledging building setbacks."
- (b) To promote compatibility in front setbacks to provide for unity in the building line"

In this regard, the following is noted:

- The design is considerate of the heritage item north of the site to Princes Highway in its increased setback, which compromises the overall potential built area on the site.
- There is no neighbour to the south being the heritage item Pendlebury Park which does not contain structures, with the exception of a covered seating hut structure.



- The encroachments are for a small amount of building line to the front setback, which will still maintain an appropriate setback to the adjoining neighbour. The articulation on this elevation means that the encroachment to these edges will not be overpowered by built form, and it is clear that the proposed variation will not compromise the intent "to reinforce the existing character of the street by acknowledging building setbacks and promotes compatibility in front setbacks to provide for unity in the building line".
- The front setbacks of the proposed development are still all of an appropriate distance that will
  maintain good lines of sight throughout the site's boundaries and, the tiered nature of built form
  across the site means that the edges of the development will still enable good surveillance from
  the streetscape.

Thus, the proposed DCP variations are deemed acceptable and justified.

#### WDCP Clause 5.9 Deep Soil Planting

• Clause 5.9.2.2 - A minimum of half of the landscaped area (i.e. 15% of the site) must be provided as a deep soil zone, where the deep soil zone is not located at the rear of the site. The deep soil zone may be located in any position on the site, other than forward of the building line, subject to this area having a minimum dimension of 6m. Alternatively, the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m. The area of deep soil planting must be continuous to ensure that the deep soil planting area is a singular uniform area and is not fragmented.

The development will provide a 6m width deep soil area to the rear of the site (Princes Highway) fragmented by a pathway to be used for (foot) access to Princes Highway.

The objectives of this development control are:

- "(a) To protect existing mature trees on a site and encourage the planting of additional significant vegetation.
- (b) To encourage the linkage of adjacent deep soil zones on development sites, to provide habitat for native indigenous plants and birdlife.
- (c) To allow for increased water infiltration.
- (d) To contribute to biodiversity."

In this regard, the following is noted:

The siting of the deep soil zone have been determined following a Site and Context Analysis to investigate whether this area should be located. The deep soil zone is located to the rear of the site (Princes Highway) where the deep soil will be planted with evergreen trees and ground cover planting consistent with the intent to "To ...encourage the planting of additional significant vegetation" and "... to provide habitat for native indigenous plants and birdlife".

Job No. 20.10



- The deep soil zone is fragmented by a formalised pathway to be used for (foot) access to Princes Highway. No other structures, basement carparks, driveways, hardpaving, decks, balconies or drying areas are proposed within the deep soil zone. The pervious pathway will allow for the filtration of water to the deep soil below thereby complying with the intent "To allow for increased water infiltration"
- The site is not identified as have biodiversity attributes. Therefore, the proposed variation will not compromise the intent or "*To contribute to biodiversity*".
- The development complies with the overall landscape area required for the site. Therefore, the proposed variation will not compromise the intent to "To allow for increased water infiltration".
- The deep soil zone in this location will contribute to the softening of the development, in consideration of the adjoining Heritage items to the north and south of the site.

Thus, the proposed DCP variations are deemed acceptable and justified.

#### 4.7.2 General Provisions

There are additional provisions contained within the following chapters of the *DCP* that are relevant to the application. These chapters provide objectives and controls to encourage quality urban design, a high level of residential amenity, and environmental sustainability in development occurring throughout the Wollongong LGA.

- A1 Introduction: A comprehensive site and context analysis has been undertaken as required, to enable an appropriate assessment of the development proposal relative to the site's context.
- A2 Ecologically Sustainable Development: This Chapter identifies the need to enhance the sustainability of development occurring throughout the LGA. The proposed dwellings have been designed to achieve the appropriate BASIX classification as required and relevant certification is attached for Council's consideration. Therefore, the proposal complies with the aims of this Chapter and the varying ESD principles adopted.
- B2 Residential Subdivision: The proposed development does not include subdivision. A separate application will be submitted in future for strata title subdivision, as appropriate for the proposed housing product. The development is generally consistent with all relevant controls and therefore satisfies the requirements of this Chapter.
- D1 Character Statements: As detailed above, a comprehensive site analysis has been undertaken in order to evaluate the characteristics of the locality which is characterized. The development is in keeping with the desired future character of the area.

In general, the property is located within an established suburban area in the heart of Woonona,



Additional Info - 481 - 485 Princes Highway, Woonona (BM Version).docx Page **1** of **13** 

31st August 2020

General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

**Attention: Sharyn Grant** 

Via email:

Dear Sharyn,

RE: ADDITIONAL INFORMATION DA-2020-572
PROPOSED DEMOLITION OF AN EXISTING WAREHOUSE STORAGE FACILITY &
CONSTRUCTION OF A NEW MULTI DWELLING HOUSING DEVLOPMENT
481-485 PRINCES HIGHWAY, WOONONA

I refer to Council's correspondence dated 29<sup>th</sup> July 2020 requesting additional information to be provided in relation to the proposed demolition of an existing warehouse storage facility and construction of a new multi dwelling housing development, comprising twelve (12) x double storey dwellings at the above-mentioned address. Our clients and the project team have reviewed the matters in detail and provide the following amended plans and supplementary information to support this development application:

- Arborist Report by Moore Trees
- Architectural Plans by Jack Taylor Architects (JTA) (pages 1-35)
- Interim Audit Advice by GHD Pty Ltd
- Heritage Response Statement by Cracknell & Longergan Architects Pty Ltd
- Perspective Image by Ben Eves Visualisation
- Supplementary Traffic Statement by Transport and Traffic Planning Associates

Our responses (noted in 'blue') to the specific matters raised by Council (noted in 'black') are



outlined below:

#### 1) Environment

Prior to a DA approval council request applicant to engage NSW EPA accredited site auditor's services for above stated purpose and submit "Interim Advice" letter to council issued under CLM Act.

**Comment:** As requested, the services of Andrew Kohlrusch (site auditor) of GHD Pty Ltd have been engaged to peer review the Environmental Site Assessment prepared by Environmental Consulting Services (ECS) in support of the proposed development. In this regard, their accompanying Interim Auditor Advice confirms that the ECS report has been carried out in accordance with *Contaminated Land Management Act 1997*. The following Auditor Commentary advice is provided with respect to their audit:-

"The auditor considers that the investigation of the site has generally been conducted in a manner consistent with NSW EPA made or endorsed guidelines and that the data has shown that the likelihood of contamination from former site activities to be low. Given the presence of a building across much of the site, the ESA recommendation of an inspection following demolition of the site buildings, complemented with additional characterisation if warranted, is a prudent step to verify the findings of the ESA. The results of this inspection and additional sampling should be presented in an investigation report prepared as per the NSW EPA Consultants reporting on contaminated sites (2020).

The preparation and implementation of a CEMP is an appropriate measure to manage unexpected finds such as fill or underground services that may be revealed following removal of the flooring of the building and other hard surfaces."

In light of this auditor's review, it is clear that the matter of contamination is not a prohibitive constraint for the proposed development.

Please amend one the submitted plan with acoustic report recommended building construction and glazing attenuation specifications.

**Comment:** The Architectural Plans by JTA have been amended accordingly to reflect requirements to meet acoustic attenuation. In addition, this was also accounted for in the BASIX



assessment of the development and individual units.

#### Heritage

Fencing to be considered in arborists report. An addendum to the report addressing fencing is requested.

**Comment:** As requested by the heritage officer, the relevant fencing has been considered in the amended arborist report by Moore Trees and not considered to have any impact on existing vegetation. Particularly as the existing retaining wall along this edge is to be retained. In summary, the report outlines 'Although the TPZ for Tree 1 does encroach onto the client's site, due to the variation in the existing levels, it is unlikely roots will extend beyond the boundary fence'. Therefore, the adjoining heritage listed tree within Pendlebury Rest Park is not considered to be adversely impacted by proposed boundary fencing works.

Additionally, refer to the Heritage Response Statement by Cracknell & Longergan Architects Pty Ltd for specific heritage consideration in this matter.

Further details of site fencing and retaining to be provided including heights and materials. Retention of the existing boundary fencing along Pendlebury Park is not supported.

**Comment:** Revised documentation reflects the replacement of the entire southern boundary fence. Details are reflected on page *AR0112 – Fence Details* and show a combination of materials and finished including timber lapped and capped and palisade type fencing with brick piers. The use of palisade fencing is to provide opportunity for passive surveillance from associated POS areas. Fencing is to have a maximum height of 1.8m to ensure where necessary a reasonable degree of privacy and security for the individual unit dwellings can still be maintained.

The fencing presented on the elevation, to the Princes Highway, is unclear and presents as solid screening for the length of the development. When scaled is measured at 1.8m in height which is not considered acceptable in this location.

**Comment:** As aforementioned, perimeter boundary fencing has been considered throughout the subject site with revised documentation providing addition details and revised design including to Princes Highway secondary frontage and southern side boundary that presents to Pendlebury Rest Park. In particular, the treatment to Princes Highway frontage is to include a



combination of brick and vertical metal picket type fence to an average height of 1.2 following the natural land contours of the footpath. Provision for mailboxes and a pedestrian access gate are provided centrally which provides clear lines of site through the subject development to Gordan Street. Associated screening fronting Princes Highway to Units 8 & 9 and Units 1 & 12 to Gordan Street are to be a horizontally slatted screen at maximum height of 1.5m high which allows for privacy to the dwellings POS areas, yet still provides reasonable opportunity for security and passive surveillance. These screens are setback from both street frontages so as to no negatively affect the streetscape and allow the provision of landscaping to buffer the street edge.

Additionally, refer to the Heritage Response Statement by Cracknell & Longergan Architects Pty Ltd for specific heritage consideration in this matter.

The current proposal is not considered to activate the frontage to the Princes Highway. The appearance of screens and fencing appears to close the development off the street. The height of these is not considered sympathetic to the adjoining heritage items.

**Comment:** As outlined above, the revised design scheme in relation to the POS screening is considered to provide a balanced privacy, security and passive surveillance outcome to both the Princes Highway and Gordan Street frontages. Specifically in relation to the Princes Highway frontage, activation is more than adequately provided with the future residents having the ability to access the site from one frontage to another, yet the transition between private and public is clearly defined through the use of the pedestrian access gate and retaining wall edge to the street (similar to the rest of the streetscape).

It is believed that the combination of fencing and landscape treatments provide an aesthetically pleasing and inviting development outcome that is more than sympathetic to the Princes Highway and adjoining heritage items. The fence treatment being a 1.2m combination of brick and infill vertical metal picket type fence provides continuity with adjoining properties that is again respectful to the heritage item, and aims to replicate what has been successfully provided in the multi-dwelling housing development established directly opposite at 488 Princes Highway (refer street view image below).

Additionally, refer to the Heritage Response Statement by Cracknell & Longergan Architects Pty



Ltd for specific heritage consideration in this matter.



Plate 1: Streetscape fencing treatment to 488 Princes Hwy opposite

#### 2) Planning

Concern is raised regarding the Traffic and Parking Assessment report submitted with the application the context does not mention the nearby school. The traffic conditions and traffic impact comments listed on page 4 and 5 have been raised as a concern in numerous submissions.

**Comment:** In reviewing files notes provided by Council's internal referrals and Transport for NSW, it appears that the Traffic Impact Assessment documentation prepared by TTPA already is acceptable from a traffic perspective, with conditions of consent recommended to be applied. Notwithstanding, we understand community submissions have triggered this request for further traffic advice in the context of the local school, to which a supplementary assessment by TTPA has been carried and attached for Council's consideration. In summary, the results and advice conclude that the development is entirely compliant with Council's and Transport for NSW requirements, and the community concerns raised in relation to the nearby school are unfounded.

Concern has also been raised that the traffic report data was collated during a school closure period due to COVID-19. An addendum or further comment is requested.



**Comment:** As aforementioned, supplementary traffic assessment data has been provided by TTPA, which involved further survey work (by an independent survey company) at the Grey Street and Gordan Street intersection during school peak times. Again, the results are consistent with the findings of the original TIA report, and it is concluded that the development will not negatively impact on the localised road network.

A photo montage of the front elevation, to the Princes highway frontage, is requested.

**Comment:** As requested, an additional photo montage has been provided to supplement those already submitted. It is noted that a number of photo angles were provided to Council, to which the selected montage image was confirmed as the preferred view angle to use. Whilst efforts are always made to accurately depict a development through the generation of the photo montage, we'd suggest that the details provided in the architectural and specialist plans always take precedent in terms of specifically what is sought to be approved. For example, visual depiction of items such as landscaping etc is an indicative representative of established landscaping that the development and surround will benefit from.



Plate 2: Photo Montage from Princes Highway looking east

The height of the screens, associated with the turning bay, that face the Princes Highway and are to be provided. The applicant is to demonstrate how this deep soil area is a functioning part of the development the screening appears to isolate the deep soil from the lot. It is unclear how this area engages with the Princes Highway. See heritage comments above regarding street activation, screen heights and presentation.

**Comment:** The extent of privacy screening has been revised with screening associated with



Units 8 & 9 that front Princes Highway to extend to the 6m deep soil area being provided to this frontage. The benefits of the screening at this location is that it provides functional green space for future residents, while the screening being horizontal timber slats at 1.5m high will provide residents with a degree of privacy that would be expected yet ability for passive surveillance both within the site and externally. Screening has been modified to ensure that it will not obstruct view lines of vehicles or limit opportunity for concealment, but at the same time ensure that it will not dominate the streetscape.

Retaining or replacing the existing low front fencing to delineate the lot from the street at the boundary of the Princes Highway is encouraged. The streetscape is reflective of low height boundary fencing, this should be considered for inclusion in any revision to the deep soil area and screening/fencing forward of the building lines of Unit 8 and 9.

**Comment:** As suggested, the provision of a low height retained brick wall along the Princes Highway is now included, which is similar to that provided across the road also at 488 Princes Highway. The fence treatments have been modified to delineate the extent of private ownership of the subject site. This is proposed to be a 1.2m high (on average) fence using a combination of face brick piers and 600m hob with additional 600mm of metal picket as illustrated below and on AR0112– Fence Details by JTA Architects.

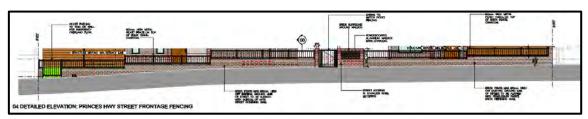


Plate 3: Prince Highway fence detail (A0112 - Fence Detail: JTA Architects)

Retaining wall details (heights), on the boundary of Gordon Street, in proximity to Unit 1 and 12 shall be indicated and shown on the eastern elevation plan.

**Comment:** In reviewing further the associated pre and post development levels in the Gordan Street frontage area of Unit 1 & 12 are such that there is no requirement for retaining walls at all and, therefore, such details have been removed from plan.

Visitor parking in front of Unit 12 is within the building setback. Concern is raised with the function of this including visibility with bike racks and retaining walls adjacent to the area. Concern with amenity of Unit 12 is also raised the





parking area is in close proximity to the kitchen window. The landscape area of 30cm does little to separate the car space from the building. It is unclear how this space would function further separation from the building should be considered.

**Comment:** To clarify firstly, whilst the proposed Visitor Space 1 is in front of the building line to Unit 12, it is still behind the front building line setback (relative to Unit 1 – being the primary front setback). Notwithstanding this, amendments to the design of Unit 12 and the landscape treatment in this area have been made to minimise potential conflict with the location of the visitor parking. In this regard, the use if a hi-lite window will provide opportunity for natural light and ventilation (but at the same time not impact on privacy), while an increased landscape width has been given to enable planting that can achieve a more substantial buffer when established. Additionally, bike racks have been removed and retaining walls deleted. Further, at this location the visitor space is clearly visible on approach to the site and avoids further intensification of vehicular movements further within the site.

Setbacks to porch and upper balcony of Unit 1 and 12 shall be indicated on plans and noted, where required, in the variation statement.

**Comment:** Architectural plans by JTA Architects have been amended to provide further setback details throughout the development to associated boundaries. It is considered that all setbacks are provided as compliant with the exception of the front setback to which appropriate justification was provided in the original SEE which is sought to be considered accordingly.

Visitor parking No2. And the proximity to the bedroom window of Unit 11 (adaptable) is raised as an amenity concern further separation from the building should be considered. The 30cm landscape bed is not considered a suitable buffer.

**Comment:** Amendments have been made to ensure the location of the visitor space is considered to be appropriate in this instance. The construction treatment with a solid wall with no openings abutting the visitor space will provide adequate visual and acoustic outcome that future residents that will not be unreasonably impacted. The inclusion of the small landscape bed is as much to provide a visual break of the hardstand areas more than an allowance for landscape treatment for screening/buffering. All windows adjacent the driveway area are provided as highlight to maintain privacy and reasonably minimise impacts of the use of the common driveway. This is further balanced where possible with the inclusion of landscape



planted areas within the driveway corridor that suitable balance between hardstand and softscape.

Justification to the variation request to Clause 5.3 Front Setbacks to Chapter B1 needs to address the setback from the Princes Highway. The proposal states the setback to the building facade is 8.9 Im however there are numerous other elements including screening and fencing and the turning bay within this area. These elements are not considered part of the built form façade.

**Comment:** Associated setbacks to Princes Highway is fully compliant. Associated pergola structure and privacy screening maintains a minimum 6.0m setback consistently to that boundary. The entire 6.0m setback with the exception of the pedestrian path is landscaped and therefore considered to comply.

Revision of the variation shall also include the setbacks to Gordon Street. The dimensions listed in the statement do not include the porch and upper balcony of Unit 1 and 12 and the setback of Unit 12 to the POS and associated fencing. Unit 12 also has a visitor car parking space within this setback.

**Comment:** The porch and upper balcony of Unit 1 are no greater than 900mm forward of the 3.74 metres front building line proposed, and similarly, the POS fence of Unit 12 is not more than 900mm forward of this building line. With respect to the location of the visitor space being forward of the building line, our review of the control suggests that Unit 1 in this instance is considered to establish the building line to which the visitor space is located behind. This is also bearing in mind that the space is visual buffered from being in anyway dominate by selected vegetation for some 4.5m through to the Gordan Street frontage.

Notwithstanding, please refer to the below revision relating to the Front setback variation being sought:-

#### **WDCP Clause 5.3 Front Setbacks**

• Clause 5.3.2.1 - A 6m setback requirements applies from the front property boundary to the front façade of the building.

The setback to Princes Highway is in excess of 6m to respect adjacent heritage items. The setback to Gordon Street is less than 6m (at 3.74 metres) but is consistent with the existing





residential setback to the immediate north.

.

The objectives of this development control are:

"(a) To reinforce the existing character of the street by acknowledging building setbacks.
(b) To promote compatibility in front setbacks to provide for unity in the building line"

In this regard, the following is noted:

- The design is considerate of the heritage item north of the site to the Princes Highway with its increased setback (greater than 6 metres), which compromises in part the overall potential built area on the site.
- There is no neighbour to the south being the heritage item Pendlebury Rest Park which
  does not contain structures, with the exception of a covered seating hut structure.
  Hence, a more generous front building line setback (greater than 6 metres) was
  adopted to Unit 12 at this SE edge of the development.
- The front setbacks of the proposed development are still all of an appropriate distance that will maintain good lines of sight throughout the site's boundaries and, the tiered nature of built form across the site means that the edges of the development will still enable good surveillance from the streetscape. The proposed setbacks include the Unit 1 porch a minimum setback of 2.84m and Unit 1 façade line of 3.74m again, being consistent with the adjoining dwelling at 2 Gordan Street. The upper level of Unit 1 provides a setback of 3.89m to the primary building line and 2.84m to the Juliet balcony that is provided to accentuate a visual break and articulation to that front façade. Unit 12 provides a primary ground floor building setback of 7.525m with the porch at 6.21m and POS at 3.425m. The upper level of Unit 12 provides a setback of 7.375m to the primary building line and 6.2m to the juliet balcony and therefore Unit 12 front setback is largely compliant with the exception of the ground level POS that is justified accordingly.
- The encroachments are for a small amount of building line to the front setback for Unit 1, which will still maintains an appropriate setback to the established building line to the



adjoining northern neighbour (at 3.74 metres). The articulation on this elevation means that the encroachment to these edges will not be overpowered by built form, and it is clear that the proposed variation will not compromise the intent of the objectives "to reinforce the existing character of the street by acknowledging building setbacks" and "to promote compatibility in front setbacks to provide for unity in the building line".

Thus, the proposed DCP setback variations are deemed acceptable and justified.

Variation required to the location of the POS of Unit 12 as per clause 5.11.2 (c). It is located forward of the building line.

**Comment**: With respect to the suggested non-compliance with Clause 5.11.2(c), our interpretation is that technically the development is compliant in that the development is located less than 900mm forward of the established development building line specifically being that of Unit 1.

Notwithstanding, with respect to the objectives of the clause, the associated POS provides sufficient and compliant area to accommodate a range of uses and directly accessible from the internal living areas. This POS area is only part of the attributable outdoor space for Unit 12, so flexibility of use is available to future residents. Furthermore, there is no associated environmental impacts due to the location. If anything, the location of Unit 12 POS at this location will provide an improved amenity that the development and surrounds will benefit from through passive surveillance and activation at this location. There is no dwelling located to the south of Unit 12, and therefore no conflicts with adjoining privacy become compromised. The POS is also positioned to maximise solar access throughout the morning period.

Therefore, irrespective of technical compliance or non-compliance, it is clear that the provision of the Unit 12 POS at this location will provide an improved residential amenity outcome, streetscape outcome, as well as improved CPTED outcomes.

The FSR calculated by DPO appears to exceed the 0.5:1 maximum for the site. FSR is calculated at FSR 1513/2939.9m = 0.5146:1. All stairs have been included and party walls between dwellings in the gross floor area calculations. Units 1 to 4, Units 5 to 8, Units 9 & 10 and Units 11 & 12 all have party walls between dwellings.

**Comment:** A detailed tabled breakdown of associated FSR areas have been reflected on the



revised architectural drawings submitted by JTA and reflects compliance with a maximum 0.5:1 permitted FSR at 0.49:1. Nominal adjustments have been made to the development proposal to ensure areas accord with strict interpretation of the statutory requirements including the above mentioned inclusions.

The vegetation shown on the elevations is substantial and appears to be fully mature vegetation at 9m which will take some time to be established. An additional elevation plans of the Princes Highway and Gordon Street is requested showing the plant sizes, proposed on the landscape plan (most are 45 litre plants), or with the vegetation removed.

**Comment:** The vegetation reflected originally was merely to provide an illustration that the development will be softened by the inclusion of the associated landscaping and not a depiction of the plants sizes proposed. Notwithstanding, this has been moderated reflect a more realistic representation of landscaping in the future. We don't believe the reflection of 45L pot size plants is essentially the best representation of future landscape outcome and therefore illustrated a balance representation.

Clarify how entrances to Units 8, 9, 1 and 12 are delineated from within the site. If a visitor parked in the visitor space how would they identify the entrances to these Units?

**Comment:** The identification of individual Units 8, 9, 1 and 12 will be clearly identifiable on approach from common areas. This will include wall mounted unit numbers adjoining entryways (ie garage walls, porch columns etc.) and has been reflected on the development drawings by JTA Architects. Wayfinding will be clear and easy throughout the development.

As previously advised the application will be referred to the Wollongong Local Planning Panel for advice due to the number of unique submissions received.

**Comment:** We note that the application will be referred to the WLPP and note that the community will have the ability to review any proposed changes (and supplementary documentation) provided at that time. We note the extent of changes made do not warrant renotification and look forward to Council finalising a favourable assessment report referral to the WLPP accordingly.

We trust this information satisfactorily addresses Council's correspondence to date. Please feel





free to contact the undersign should further information and/or discussion be required.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD

**LUKE ROLLINSON** 

BUrbRegPlan DipArchTech MPIA

DIRECTOR OF TOWN PLANNING & ADVISORY

## Attachment 4: WDCP 2009 compliance table

#### **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 could be considered to be consistent with the principles of Ecologically Sustainable Development.

#### **CHAPTER B1: RESIDENTIAL DEVELOPMENT**

This Chapter applies to all land zoned in the LGA as residential. Section 4 provides general residential controls which apply to all dwelling houses, dual occupancies, secondary dwellings, ancillary structures and semi-detached dwellings. Section 5 provides controls that must also be taken into consideration for development for the purposes of Multi-Dwelling Housing.

#### 4. General Residential controls

Controls/objectives	Comment	Compliance
<ul> <li>4.11 Storage Facilities</li> <li>2 bedroom - 8m³ storage volume to 4m² storage area</li> <li>3 bedroom- 10m³ storage volume to 5m² storage area</li> </ul>	The proposed development will provide adequate storage with each proposed dwelling. Consisting of 1 x 2 bedroom dwelling and 11 x 3 bedroom dwellings.	Yes
<ul> <li>4.12 Site Facilities</li> <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, indicated on plans, and are considered satisfactory.	Yes
<ul> <li>4.13 Fire Brigade Servicing</li> <li>All dwellings located within 60m of a fire hydrant</li> </ul>	A hydrant is noted on the Princes Highway, it is unclear if this is sufficient to service all dwellings due to the size of the lot. A condition is also recommended in this regard, as provided at Attachment 5.	Conditioned
<ul><li>4.14 Services</li><li>Encourage early consideration of servicing requirements</li></ul>	The site currently has access to utility services. Draft conditions are recommended with regard to services.	Yes
4.15 View sharing	The proposal would not be envisaged to result in any significant impact on existing view corridors, given the context of the site and surrounding area.	Yes
4.16 Retaining walls	The existing retaining walls situated on the boundary between the site and Pendlebury Park are proposed to be retained with minor alteration of parts included.	Yes

	First floor	4.16m	First floor	5.8m
Unit 4	Ground floor	2.16m	Ground floor	2.93m
	First floor	4.16m	First floor	5.65m
Unit 5	Ground floor	2.16m	Ground floor	3.4m
	First floor	4.16m	First floor	6.3m
Unit 6	Ground floor	2.16m	Ground floor	3.2m
	First floor	4.16m	First floor	6.1m
Unit 7	Ground floor	2.16m	Ground floor	3.1m
	First floor	4.16m	First floor	6m
Unit 8	Ground floor	2.16m	Ground floor	3.02m
	First floor	4.16m	First floor	5.74m
Unit 9	Ground floor	2.16m	Ground floor	1.7m
	First floor	4.16m	First floor	4.23m to balcony 6.25m to ext. wall
Unit 10	Ground floor	2.16m	Ground floor	4.88m
	First floor	4.16m	First floor	4.6m to balcony 6.84m to ext. wall
Unit 11	Ground floor	2.16m	Ground floor	2.14m
	First floor	4.16m	First floor	4.03m to balcony 5.71m to ext. wall
Unit 12	Ground floor	2.16m	Ground floor	3.23m
	First floor	4.16m	First floor	3.48m to balcony 6.9m to ext. wall

# 5.5 Building Character and Form

- To design residential development to respond to the streetscape character. The Site and Context Analysis must inform the development proposal.
- To complement and enhance the visual character of the street and neighbourhood through appropriate building scale, form and detail.

It is considered the design, height and siting of the proposed dwellings respond to the site context.

The proposal defines the street edge and allows for surveillance of the street, with Unit 1 and 12 addressing the Gordon street frontage. The frontage facing the Princes Highway is addressed though planting and screening of POS associated with units 8 and 9. Articulation is provided on all elevations and

the proposal does not present as inappropriate in scale or form when considered in relation to the zoning of the site and desired future character.

#### 5.6 Access / Driveway Requirements

- A multi dwelling development must provide vehicular manoeuvring areas to all parking spaces so vehicles do not need to make more than a single point turn to leave the site in a forward direction.
- Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, being AS 2890.1.
- Crossover width: 4 6m combined to within 6m internally of the front property boundary
- Minimum driveway width 3m

#### 5.7 Car Parking Requirements

- 2 car parking spaces per dwelling with a GFA of greater than 110m<sup>2</sup>.
- Plus 0.2 car parking spaces per dwelling
- On site car parking must be positioned to minimise impacts on the streetscape. Car parking must be located behind the building setback and be screened from view with well-designed structures and vegetation.

Diagrams have been provided which demonstrate that manoeuvring to and from car parking spaces. A turning bay is located to the west of Unit 8 and Unit 9 to permit turning within the site. Enabling vehicles to leave the site in a forward direction.

The proposed development satisfies the objectives of Council's Access/Driveway Requirements controls and policies. Conditions are recommended requiring compliance with AS2890.1.

A 5.5m crossover is proposed. The driveway has a variable width of 3.5m to 5.8m within the site.

Council's Traffic Officer has reviewed the application submission and identified no objections to the proposed access arrangements.

All proposed units have a GFA of more than 125sqm. A double garage within minimum dimensions of 6m x 6m is proposed for each unit.

3 visitor car parking spaces are proposed within the site accessed off the central driveway. Of these 2 spaces are considered central to the site, 1 is located to the front of the site, in proximity to Unit 12.

Council's Traffic Officer has raised no objections to the proposed car parking.

1 visitor space is forward of the building line of Unit 12 setback at 7.2m. The applicant has sought a variation statin the car parking aligns with the boundary setback of Unit 1, setback at 3.8m.

The proposed development satisfies the objectives of Council's Car Parking Requirements controls and policies.

Yes

#### 5.8 Landscaping Requirements

- A minimum of 30% of the total site area must be provided as landscaped area.
- The required landscaped area must include a minimum 1.5 metre wide landscaping bed, which is provided along the side and rear boundaries of the site

Landscaped Area Proposed: 30%

A minimum 1.5m landscaped strip is proposed along all side and rear boundaries of the site.

The proposed development satisfies the objectives of Council's landscaped area controls and policies.

Council's Landscape Officer has raised no objections to the proposed landscaping.

Three street trees are to be retained along Gordon St. The trees in Pendlebury Park have been considered in an arborists report and tree protection measures will be conditioned in any consent issued.

See further discussion at Chapter E6 below.

#### 5.9 Deep Soil Planting

- The deep soil may extend along the full length of the rear of the site, with a minimum width of 6m.
- No structures, basement carparks, driveways, hard paving, decks, balconies or drying areas are permitted within the deep soil zone.
- The deep soil zone shall be densely planted with trees and shrubs.

# 5.10 Communal Open Space

- Required for greater than ten (10) dwellings
- 5m<sup>2</sup> per dwelling
- minimum dimension of 5 metres
- Easily accessible and within a reasonable distance from each dwelling be integrated with site landscaping, allow for casual social interaction, and be capable of accommodating recreational activities.

The proposal provides for 223m<sup>2</sup> of deep soil zone comprising planting along the full length of the rear boundary there are however paths and fencing within this area. A variation is sought regarding this. The encroachments into the proposed deep soil area is considered supportable the area has dual purpose as the site has two frontages. This area is also used for pedestrian access to the site.

Dense planting is indicated.

The proposed development satisfies the objectives of Council's Deep Soil Planting controls and policies.

The proposal is for a 12 dwelling multi dwelling housing development and as such communal open space with minimum area of 60sqm is required.

An 67sqm area is proposed between Units 11 and 10 and has a minimum dimension of 5m. The area is comprised of approximately 40sqm of lawn space, a seating area and gardens. The area is centrally located on the site.

The space is considered appropriate and capable of accommodating both recreational and passive activities.

Yes

Variation sought.

- Minimum dimension of 4 metres x 5 metres
- Separated from boundaries by at least 1.5 metres with a vegetated landscaping bed
- The primary private open area of at least 70% of the dwellings within a multi dwelling housing development must receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.
- Private open space areas (courtyards) must not extend forward of the front building setback by greater than 900mm
- Private open space should be sited in a location, which provides privacy, solar access, and pleasing outlook and has a limited impact upon adjoining neighbours.
- Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve

**5.12 Solar Access Requirements** 

- Windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June
- At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21.
- The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.
- At least 50% of the private open space area for each of the subject dwellings in the development

All units have private open space with a minimum area of 4m x 5m separated from the boundary by a minimum 1.5m vegetated landscape bed. These are primarily a combination of paved and turfed area.

Shadow diagrams have been submitted which demonstrate that 7 of the 10 POS areas proposed with receive in excess of 3 hours of direct sunlight between 9am and 3pm on June 21, equating to 70% of the dwellings proposed.

The POS area of Unit 12 is proposed to extend forward of the front building line of Gordon Street. The fencing is scaled at 2.8m from the front boundary and indicated on plans as 1.2m in height with landscaped screening forward of this

The location of the POS areas proposed are considered generally satisfactory, being at ground level and accessed directly from living areas and separated from property boundaries with landscaped areas.

The application submission included shadow diagrams which demonstrate that the proposal would not result in unreasonable overshadowing impacts on any adjoining properties.

The proposed development will have minimal overshadowing impacts to the adjoining Pendlebury Park to the south. The existing building is much closer to the boundary and higher than the proposed townhouses.

Windows to living rooms and private open space areas of adjoining properties would retain in excess of 3 hours of solar access on June 21 as a result of the development.

The proposed development will have minimal impact on adjoining properties in terms of Solar Access as reasonable setbacks and building heights have been maintained.

Yes

must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.

At least 50% of the area of the proposed POS area for 9 of the 12 units will receive in excess of 3 hours of direct sunlight on June 21, as demonstrated by the submitted shadow diagrams.

# 5.13 Additional Control for Multi <u>Dwelling Housing - Dwelling Mix and</u> Layout

Provide a mix of dwelling sizes

and layouts within larger multi-

dwelling developments having ten (10) or more dwellings. This could include both variation in the number of bedrooms and gross floor areas of apartments, variety in the internal design or incorporating one, two and three

dwellings

accommodate various resident

(10) dwellings.

bedroom

requirements.

Required for greater than ten

The proposal is for a 12 dwelling multi dwelling 11 x 3-bedroom units and 1 x 2-bedroom unit. layouts and variety in internal design.

housing development. The proposal includes The overall development consists of a mix of

5.14 Additional Control for Multi **Dwelling Housing - Adaptable** Housing

Required for greater than six (6) dwellings.

The proposal is for a 12 dwelling multi dwelling housing development and requires 2 adaptable units. Unit 9 and 11 have been designed to be capable of adaptation. A post adaptation plan and a statement of compliance report were demonstrating that Unit 9 and 11 satisfy the requirements of this control and AS 1428.1-2009. Conditions are recommended in this regard at Attachment 5.

5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design

The proposed development satisfies the objectives of Council's Crime Prevention Through Environmental Design controls and policies in this circumstance, minimising areas for entrapment and concealment. See chapter E2 comments below.

Yes

#### **CHAPTER D1: CHARACTER STATEMENTS**

#### Existing Character

Woonona is located approximately 10 kilometres north of Wollongong City Centre and stretches from the coastal foreshore to the east and the escarpment, to the west. Woonona is a residential suburb

Yes

which over the last two decades has experienced considerable growth with the release of several new residential housing estates.

Woonona contains a variety of housing forms, including detached dwellings and medium density housing in the form of townhouses and villas. The older residential suburbs of Woonona predominantly contain single storey weatherboard and brick dwellings on mid to larger sized allotments of land. The newer residential estates in Woonona contain a mix of single and two storey dwellings, predominantly of a face brick or rendered brick wall and pitched roof tile construction on smaller lots together with some new medium density housing in the form of townhouses and residential flat buildings.

The Woonona retail and business centre is located approximately 2 kilometres south of the Princes Highway and Lawrence Hargrave Drive intersection and is a traditional strip centre. The centre is situated on both sides of the Princes Highway and includes a free-standing Franklins supermarket, a McDonalds fast food restaurant and a range of specialty retail shops and service orientated businesses. Woonona also contains small remnant pockets of light industrial land uses. Woonona is provided with a range of active and passive open space areas including Woonona Beach, Ocean Park, Nicholson Park, Collins Park, Hollymount Park, Woonona Heights Park and Carole Avenue Reserve.

#### **Desired Future Character**

Woonona is likely to experience continued growth as a result of the developing residential release areas as well as the replacement of older dwelling stock with larger dwelling-houses.

Woonona should remain a relative low-density residential suburb, except for along the Princes Highway and in close proximity to Woonona railway station where medium density housing in the form of townhouses and residential flat buildings will be encouraged. Individually designed dwellings with a distinctive coastal character are encouraged for the eastern coastal part of Woonona. Balconies should be lightly framed in stainless steel and / or timber finishes, rather than of brick or masonry construction. For the central and western parts of Woonona, dwelling-houses and medium density housing should be of a face brickwork wall construction with pitched tile or Colourbond roof forms preferred.

The residential area between Hollymount Estate and south of Gray Street is recognised for its special "heritage" character and tree lined streets and hence, any alterations and additions to dwellings or new dwellings must be sympathetic with the character of this locality.

The subject proposal is not considered to be inconsistent with the desired future character statement for the area. The development would assist in providing an additional mix of housing types, within reasonable walking distance to Woonona Town Centre. Adequate landscaped area and deep soil zone areas are proposed as part of the development, as discussed above. Councils Landscape and Heritage Officers have considered impacts on the adjoining park, subject to conditions.

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

It is considered that disabled access to the proposed development is acceptable in this circumstance. The submitted Access Consultant's Report has been reviewed and conditions are recommended as provided at Attachment 5.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN				
Control/objective	Comment	Compliance		
3.1 Lighting	Conditions are recommended with regard to the lighting of entries.	Yes		
3.2 Natural surveillance and sightlines	Unit 1 and 12 have been designed to front Gordon Street units 8 and 9 provide passive surveillance to the Princes Highway. Units 9, 10, 11 and 12 also provide passive surveillance of the adjoining Pendlebury park.	Yes		
3.3 Signage	The proposal does not include any signage	N/A		
3.4 Building design	The building design minimises areas of concealment or entrapment.	Yes		
3.5 Landscaping	Landscaping proposed is considered appropriate and minimises areas of concealment or entrapment.	Yes		
3.6 Public open space and parks.	There is no public open space proposed or required. Access to the park is provided via a resident entry gate. This will assist with passive surveillance to the park.	Yes		
3.7 Community facilities	There are no community facilities located within the development as proposed. Communal open space provided is satisfactory.	N/A		
3.8 Bus stops and taxi ranks	There are a number of bus stops located in the vicinity of the development.	Yes		

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

Car parking	Rate	Calculation	Required	Provided	Compliance
Resident:	1 space per dwelling <70sqm	0			
	1.5 spaces per dwelling 70-	0			
	110sqm	2 x 12	24	24	Yes
	2 spaces per dwelling >110sqm				
Visitor:	0.2 per dwelling	0.2 x 12	3 (rounded)	3	Yes
Bicycle	1 bicycle space per 3 dwellings	12/3	4(rounded)	5	Yes
Parking:	(residents) and 1 bicycle space per 12 dwellings (visitor)	12/12	1		
Motorcycle Parking:	1 motorcycle space per 15 dwellings	12/15	1 (rounded)	1	Yes

Councils Traffic Officer has assessed the proposal and provided conditionally satisfactory referral advice. Each dwelling is provided with a double garage, and 3 visitors car parking spaces are proposed off the central driveway area, satisfying the provisions of this Chapter.

Manoeuvring diagrams have also been provided demonstrating compliance from all car parking spaces and allowing all vehicles to enter and exit the site in a forward direction. One motorcycle space and a

bicycle parking area are proposed to the rear of the site in proximity to Unit 9 and the turning area. Resident bicycle parking spaces are proposed within the garage storage areas of the dwellings.

A Traffic Impact Assessment (TIA) was provided though not required a development of 12 units would generate a maximum of 7 movements in the AM and PM peak hours (RTA GTTGD rates). Councils Traffic Officer concurs with these findings. The existing road network is considered capable of absorbing this minor increase. Concerns were raised regarding peak time calculations. The traffic officer noted the times considered are in accordance with that is considered peak AM and PM times.

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. Concerns were raised with the validity of the report in the submissions received. As a result, an addendum to the report was requested and submitted.

The application and TIA have been reviewed by Councils Traffic Officer indicated no objection to the findings of the report or addendum. The car parking provision complies with the rates as required via Schedule 1 of this Chapter. The site is within close proximity to Woonona Public School which is one of the largest primary schools in the Illawarra as a result the area is subject to traffic congestion around school times. The proposed development is considered compliant with Council parking and access controls. The wider impact of the school traffic on local roads is considered a separate traffic matter.

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

Council's Landscape Officer has assessed the proposal and provided conditionally satisfactory referral advice. The proposal does not seek consent for the removal of any trees however the site adjoins Pendlebury Park which has several significant trees. An Arborists Report was provided with the application submission, and a subsequent addendum addressing the existing and proposed boundary fencing. Overall, there is no proposed impact on the trees identified within the report.

Councils Landscape Officer considers the proposal satisfactory, subject to conditions as provided at Attachment 5. The proposed landscaped area, deep soil zone and communal open space areas proposed comply with the WDCP 2009, as discussed within Chapter B1. The proposal is not considered to be inconsistent with the provisions of this Chapter. The landscape plan is provided within Attachment 1.

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

Council's Traffic Officer has assessed the proposal against the requirements of this Chapter. A Site Waste Minimisation and Management Plan was submitted with the application and waste servicing arrangements are satisfactory.

A site waste minimisation and management plan formed part of the application submission. No communal waste storage areas are proposed, and garbage storage is proposed within the storage area within the garage or courtyards of each unit. On street collection is proposed, and the width of the bins on the street would not exceed 50% of the site frontage and is split between both streets. This arrangement is considered appropriate for the subject site.

#### **CHAPTER E11: HERITAGE CONSERVATION**

Council's Heritage Officer has assessed the proposal against the requirements of this Chapter. A heritage report was submitted with the application and considered to be satisfactory. The site adjoins two heritage items the Woonona/ Bulli School of Arts and Pendlebury Park. Conditions of consent are recommended regarding protection of both sites during demolition and construction works as provided at Attachment 5.

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

Council's Stormwater Officer has assessed the proposal against the requirements of this Chapter. A stormwater concept plan and land survey information were submitted with the application and are considered to be satisfactory. The drainage from the site is proposed to be directed to an OSD tank

beneath the south western corner of the driveway area. This OSD has been designed to limit the flows from the site to the predeveloped state. Conditions are recommended in this regard as provided at Attachment 5.

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

The proposal would require minor site preparation works, which would not otherwise require development consent. The works are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features surrounding land. Conditions are recommended to manage impacts as provided at Attachment 5.

#### **CHAPTER E20: CONTAMINATION LAND MANAGEMENT**

The proposal includes moderate earthworks and a change of use from warehouse storage to residential. As such a stage 2 investigation and a site auditors' statement is required. Councils Environment Officer has reviewed the proposal and recommended conditions as provided at Attachment 5.

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

The submitted demolition plan indicates the removal of the all structures on the site. Conditions are recommended in this regard as provided at Attachment 5.

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

Conditions are recommended in this regard as provided at Attachment 5.

# ATTACHMENT 5 – Draft Conditions for DA-2020/572

# Approved Plans and Specifications

The development shall be implemented substantially in accordance with the details and specifications set out on Project No 20105 Drawing AR 0101-B, AR 0151-B to AR 0154-B, AR 0301-B to AR 0305-B, AR 0201-B to AR 0204-B and AR 0112-01 dated 12 August 2020, AR 0111-C dated 13 October 2020, AR 0102-A dated 1 May 2020 and AR 0011-A dated 11 May 2020 prepared by JACK TAYLOR ARCHITECTS Pty Ltd. 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 Adjoining Structures

Prior to demolition or site preparation works any structures attached to the existing warehouse building require consultation with property owners prior to being removed. Vegetation and other structures in close proximity to the boundary shall be protected.

## 3 Building Work - Compliance with the Building Code of Australia

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

#### 4 Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note**: The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

#### 5 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. The developer must install minimum two (2 No.) reflective paint house number on face of kerb along street frontage of the property to assist emergency services/deliveries/visitors.

# 6 Maintenance of Access to Adjoining Properties

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifier indicating agreement by the affected property owners.

## 7 Tree Management

The developer shall retain existing trees indicated on Landscape Concept Plan by JTA Dwg. No. Da L01 Issue a dated 14 May 2020 consisting of tree numbered 1, 2, 3, 4, 5 and large Strelitzia Nicolai along southern boundary. Total number: six (6 No.).

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

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report dated February 2020 by Moore Trees Author Paul Vezgoff to be implemented including and not restricted to: ensuring brick retaining wall along southern

boundary is supported by piered not strip footing, establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re-routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

## 8 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.

## Prior to the Issue of the Construction Certificate

# 9 Site Auditor's Report and Site Auditor's Statement

Prior to issue of construction certificate, the submission of SAS and SAR is required from a NSW EPA accredited site auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site is suitable for the proposed development prior to the issue of the Occupation/Subdivision Certificate.

The site auditor's report shall verify that:

- a the site is not affected by soil and/or groundwater contamination, above the NSW EPA threshold limit criteria; and
- b the site is suitable for the proposed development.

These two documents (SAS and SAR) are to be issued by the Auditor direct to Council. No third-party submissions will be accepted.

## 10 **ISEPP Noise Guidelines**

Implement all acoustic attenuation recommendations stated in the acoustic report prepared by Harwood Acoustics dated 12 May 2020 to ensure the dwelling/s comply with ISEPP Noise Guidelines for internal living. These recommendations shall be indicated on plans prior to the release of the Construction Certificate.

## 11 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.

## 12 Heritage – Interpretation Signage

The applicant is to prepare interpretative material to be included on a small sign located on development entrance gateway on the boundary fence to Pendlebury Park. The sign should provide a brief history of Pendlebury Park and its significance. Details of the proposed sign should be provided to Council's Heritage Staff for approval prior to release of Construction Certificate.

#### 13 External Finishes

External finishes and colours shall be in accordance with approved plans. These requirements must be clearly shown on construction certificate plans prior to the release of the Construction Certificate.

## 14 Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap, available through <a href="https://www.sydneywater.com.au">www.sydneywater.com.au</a> 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 or telephone 13 20 92 for further information.

## 15 Endeavour Energy Requirements

The submission of documentary evidence from Endeavour Energy to the Principal Certifier is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

**Note**: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

## 16 Telecommunications

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifier confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

# 17 Fencing

The development is to be provided with fencing and screen walls at full cost to the applicant/developer in accordance with approved plans. This requirement is to be reflected on the Construction Certificate plans.

#### 18 Car Parking and Access

The development shall make provision for a total of 27 car parking spaces (including 3 visitor car parking spaces and 1 space capable of adaption for people with disabilities), a minimum of 4 secure (Class B) residential 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.

- The car parking areas shall incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding properties. The final design details of the proposed floodlighting system shall be reflected on the Construction Certificate plans. The erection of the floodlighting system shall be in accordance with the approved final design.
- A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

## 21 Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

#### 23 Landscaping

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:

planting of indigenous plant species typical of the Illawarra Region such as: Syzygium smithii (formerly 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, Brachychiton acerifolius Illawarra Flame Tree. A further list of suitable suggested species for the Woonona area 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;
- d any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Paving for Unit 10's Private Open Space to be permeable. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
- the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species;
- f landscaping to utilise some feature fired brickwork to complement adjacent park;
- g where turf is proposed adjacent to built structures and garden beds the applicant shall install a 110mm wide brick mowing edge with concrete footing to minimise maintenance;
- h structural support for awning on adjacent property utilising boundary brickwork to not be compromised; and;
- i any fill material should not cover topsoil. Topsoil shall be removed, stockpiled, ameliorated and replaced over any fill material to a minimum depth of 100mm.

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

- 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.
- 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 Additional Planting

The developer shall plant, one (1 No.) 75 litre container advanced mature plant stock, placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Livistona australis* Cabbage palm tree, or Brachychiton acerifolius Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

#### **Tree Protection Measures**

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.
- Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the Principal Certifier indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

## 28 Provision of a Fire Hydrant

The provision of a fire hydrant in accordance with AS2419.1 (2005) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of

the location of the fire hydrant shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.

# 29 Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m 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;
- 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.

## 30 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.

#### 31 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.

## 32 Property Addressing Policy Compliance

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

#### 33 Footpath Paving

The developer is responsible for the construction of footpath paving for the entire frontage of Gordon Street. The type of paving for this development is a 1500mm wide, 100mm thick, reinforced, broom finished concrete. A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of

kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained with the property boundary.

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

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

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

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

#### 35 Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development is one (1 No.) *Melaleuca viminalis* Weeping Bottlebrush 100 litre container size, in accordance with AS 2303:2018 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed, and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

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

# 36 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.

## 37 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 The Stormwater Concept Plan, prepared by Land Team, Reference No. 213194-E01, revision D, dated 1 April 2020.
- 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.

## 38 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 in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP2009.
- 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.
- 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-2020/572];
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

# 39 Council Footpath Reserve Works – Driveways and Crossings

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

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

#### 40 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$27,300.00 (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:

#### Contribution at time of payment = $C \times (CP2/CP1)$

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1234901	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul><li>Cash</li><li>Credit Card</li><li>Bank</li><li>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 (2018) 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 <a href="https://www.wollongong.nsw.gov.au">www.wollongong.nsw.gov.au</a>

#### Prior to the Commencement of Works

# 41 Appointment of Principal Certifier

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a Appoint a Principal Certifier (PC) and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b Notify Council in writing of their intention to commence work (at least two days' notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

## 42 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.

#### 43 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.

#### 44 Structural Engineer's Details

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.

## 45 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.

#### 46 **Demolition Works**

The demolition of the existing warehouse 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.

# 47 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.

## 48 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.

## 49 Waste Management

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 reusable materials.

## 50 **Temporary Sediment Fences**

Temporary sediment fences (e.g. haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

# 51 Tree Protection Implementation

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 m cyclone chainmesh fence, with posts and portable concrete footings;
- 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;
- c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

## 52 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.

## Notification to Council of any Damage to Council's Infrastructure

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

## 54 **Dilapidation Report**

The developer shall submit a Dilapidation Report recording the condition of the existing streetscape, street trees and adjoining reserve prior to work commencing and include a detailed description of elements and photographic record.

#### 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.

## 56 Protection of Public Places

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient:

- a A hoarding or fence must be erected between the work site and the public place;
- b An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- d Safe pedestrian access must be maintained at all times;
- e Any such hoarding, fence or awning is to be removed when the work has been completed.

# 57 **Protection of Public Infrastructure**

Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

#### 58 Tree Protection

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

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

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

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

# 59 Acoustic Glazing to Comply with the SEPP Infrastructure 2007

Implement all the recommendations stated section 5 of acoustic assessment report prepared by Harwood Acoustic dated 12 May 2020 for building noise compliance. 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.
- All mechanical plans must be satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and (if necessary) standard acoustic treatments such as noise screens, enclosures, in-duct treatments (silencers/lined ducting) or similar.

# 60 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.

## 61 Heritage - Unexpected Finds

Relics are protected in NSW under the Heritage Act 1977. Relics cannot be disturbed except with a permit or exception/exemption notification. Should unanticipated relics not skeletal in nature be discovered during the course of the project, work in the vicinity must cease and an archaeologist contacted to make a preliminary assessment of the find. The Heritage Council will require notification if the find is assessed as a relic.

## 62 Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) be the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

## 63 Supervision of Engineering Works

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

## 64 Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's street kerb and gutter.

# 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.

## 66 Front Fence Height and Style

All fencing on the land fronting the street must be in accordance with approved plans.

# 67 Copy of Consent to be in Possession of Person carrying out Tree Removal

The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has been given approval to be removed in accordance with this consent.

## 68 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.

- Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.
- Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.

## 72 **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.

Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

# 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 (<a href="http://www.safework.nsw.gov.au">http://www.safework.nsw.gov.au</a>).

## 75 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 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.

# 76 **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.

## 77 BASIX

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."

## 78 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.

## 79 Screen Planting

To mitigate impact to adjoining dwelling a continuous hedge is to be established along southern boundary for the length of property boundary. Recommended species: Callistemon viminalis 'Slim', Photinia glabra Rubens, Viburnum tinus, Syzygium australe Aussie Southern, Syzygium, Resiliance', Viburnum odoratissimum Dense Fence or Waterhousea floribunda Sweeper. Minimum spacing 1000mm. 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

## 80 Acoustic to Comply with the SEPP Infrastructure 2007

Prior to Occupation Certificate submit an acoustic compliance report to Principal Certifier 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.

## 81 Heritage Interpretation Sign

Prior to the release of the occupation certificate, the developer is to install the small interpretative sign in the approved location.

A Section 73 Certificate must be submitted to the Principal Certifier prior to occupation of the development/release of the plan of subdivision.

## 83 **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.

# 84 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, kerb, 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.

#### 85 Access Certification

Prior to the occupation of the building, the Principal Certifier must ensure that a certificate from an "accredited access consultant" has been issued certifying that the building complies with the requirements of AS 1428.1.

# 86 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.

#### 87 BASIX

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifier must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

## 88 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.

#### 89 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.

# 90 Completion of Landscape Works on Council Owned or Controlled Land

The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.

## 91 Arborist Verification – Street Tree Installation

Prior to the issue of Occupation Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the Principal Certifier and Wollongong City Council to verify:

- The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use.
- The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and Arboricultural best practice.

# Operational Phases of the Development/Use of the Site

# 92 Gate to Pendlebury Park

The gate to Pendlebury Park shall be maintained in good condition. There shall be no impediment of fencing or the gate onto the park.

# 93 Fire Safety Measures

All new and existing fire safety measures shall be maintained in working condition, at all times.

# 94 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.

#### 95 Street Tree Establishment Period

The Developer must comply with the terms of an approved landscape maintenance program for a minimum period of 12 months to ensure that all landscape works within Council's road reserve or Council owned or controlled land becomes well established by regular maintenance. The Street Tree Establishment Period shall commence from the issue of the Occupation Certificate.