

# Wollongong Local Planning Panel Assessment Report | 24 March 2020

<b>WLPP No.</b>	Item No.1
<b>DA No.</b>	DA-2019/998
<b>Proposal</b>	Residential – demolition of structures on Lots 1 and A, site remediation works, realignment of stormwater pipe, subdivision of three existing lots to create four torrens title lots, construction of dual occupancies on three of the new lots and Subdivision - Torrens title of each dual occupancy - six (6) lots
<b>Property</b>	34-36 Hewitts Avenue Thirroul
<b>Applicant</b>	Hewitts Land Pty Ltd
<b>Responsible Team</b>	Development Assessment and Compliance - City Wide Team (NA)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Local Planning Panel

The proposal has been referred to Local Planning Panel **for determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is contentious development, having received 25 unique submissions.

#### Proposal

The proposal is for the following works:

- demolition of structures on Lots 1 and A
- site remediation works
- realignment of stormwater pipe
- boundary adjustment and further subdivision of three existing lots to create four torrens title lots, including creation of easement over realigned stormwater pipe
- construction of dual occupancies on three of the new vacant lots
- torrens title subdivision of those three lots

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as dual occupancy development and is permissible in the zone with development consent. Wollongong Local Environmental Plan 2009 permits demolition and subdivision of the land with consent.

#### Consultation

The proposal was notified in accordance with Council's Notification Policy and received 25 unique submissions which are discussed at section 2.8 of the assessment report. The issues raised include:

- Traffic matters
- Flooding matters
- Character of the proposal
- Overlooking impacts

- Conflict of interest/public interest
- Sustainability matters
- Setting of precedent

Details of the proposal were referred to Council's Traffic, Landscape, Environment, Subdivision and Stormwater Officers. Amended plans were requested by Council's Flooding Officers. The additional information submitted has been reviewed, however is not considered to have adequately addressed the concerns raised.

#### **Main Issues**

The main issues arising from the development assessment process relate to flooding matters and impacts on the riparian corridor.

#### **RECOMMENDATION**

It is recommended that the application **be refused** for reasons detailed at Section 4 of this report.

## 1 APPLICATION OVERVIEW

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### 1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

#### Phase 1:

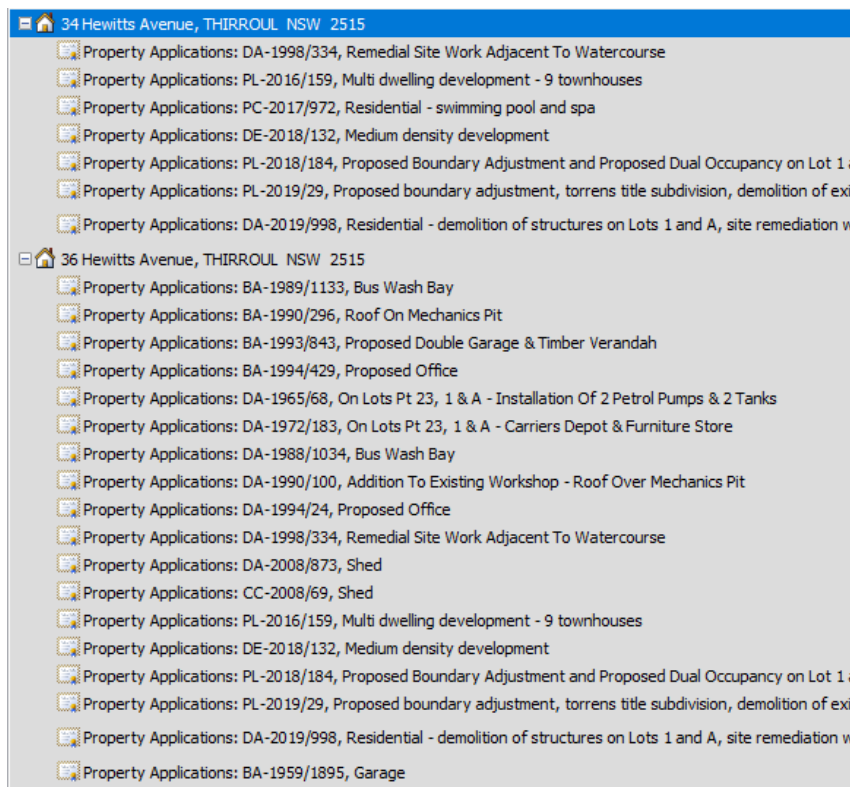
- Demolition of the existing structures located on Lot 1 and Lot A
- Remediation of site in accordance with Remediation Action Plan dated 15 August 2019 and prepared by Environment & Natural Resource Solutions
- Realignment of existing stormwater pipe
- Torrens title subdivision of the three lots into four, involving a boundary adjustment to existing Lot B, and further torrens title subdivision of the two remaining lots into three; subdivision works to include creation of three metre wide easement over realigned stormwater pipe
- Lot B to retain existing dwelling

#### Phase 2

- Construction of three dual occupancy developments on each of the newly created and vacant lots, as follows:
  - Lot 1/36: two four bedroom dwellings with study; double carport at front of dwelling
  - Lot 2/36: two four bedroom dwellings with study; double carport at front of dwelling
  - Lot 38: two two bedroom dwellings with study, single garage at front of dwelling
- Torrens title subdivision of completed dual occupancies

### 1.1 BACKGROUND

The site has the following development history:



A prelodgement meeting was held for the proposal, being PL-2019/29.

#### Customer service actions

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

### **1.2 SITE DESCRIPTION**

The site is located at 34-36 Hewitts Avenue Thirroul and the title references are Lots A & B DP 382619 and Lot 1 DP 327144. The site has an area of 3548m<sup>2</sup> (deposited plan), and a combined frontage of approximately 62 metres to Hewitts Avenue.

The site is irregular in shape and relatively flat with a fall of 2m from RL13m in the south western corner to RL11m the north eastern corner. The fall represents a grade of 3% due to the large size of the site.

The subject site is generally surrounded by low density residential development, with some replacement of older housing stock occurring in the vicinity of the site. There are also some consents in place for multi dwelling housing in the vicinity of the site.

The large lot immediately to the east of the site is owned by Wollongong City Council and zoned R2 Low Density Residential. This land is identified as being both operational and community land.

#### Property constraints

Council records identify the land as being impacted by the following constraints:

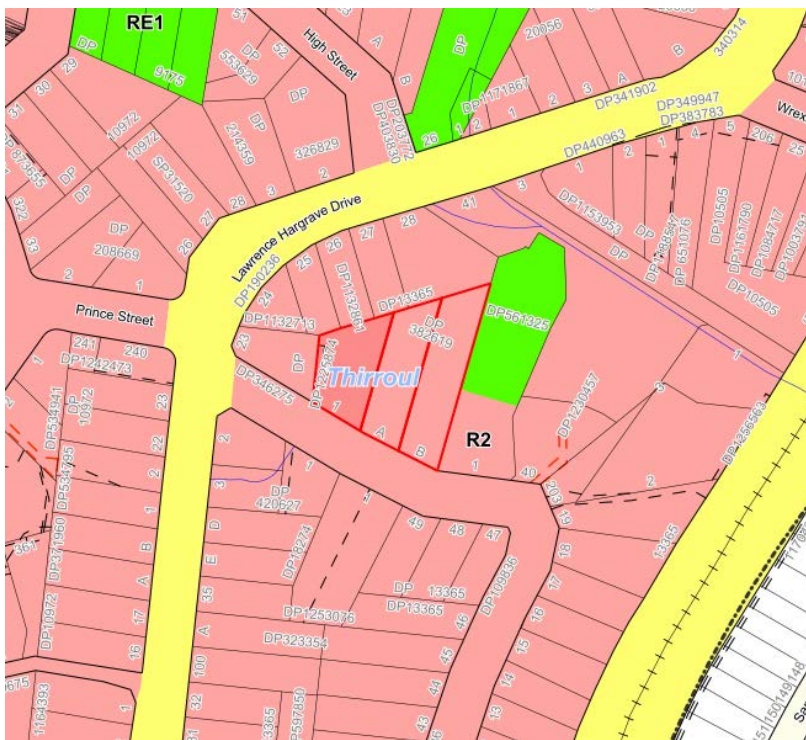
- Fill: Council's Geotechnical Officer considers that the matter is satisfactorily addressed in the application submission.
- Contamination: remediation of the site will be undertaken as part of the works undertaken on site.
- Flooding: The site is identified as being located within a flood risk precinct currently under review. Council's Stormwater Officer has reviewed the application in this regard and found the proposal to be unsatisfactory. This is discussed further under Section 1.4 of this report.
- Easement: easement to permit encroaching structures from adjoining Lot 23 No 429 Lawrence Hargrave Drive Thirroul to remain – located on western boundary

There are no further restrictions on the title.





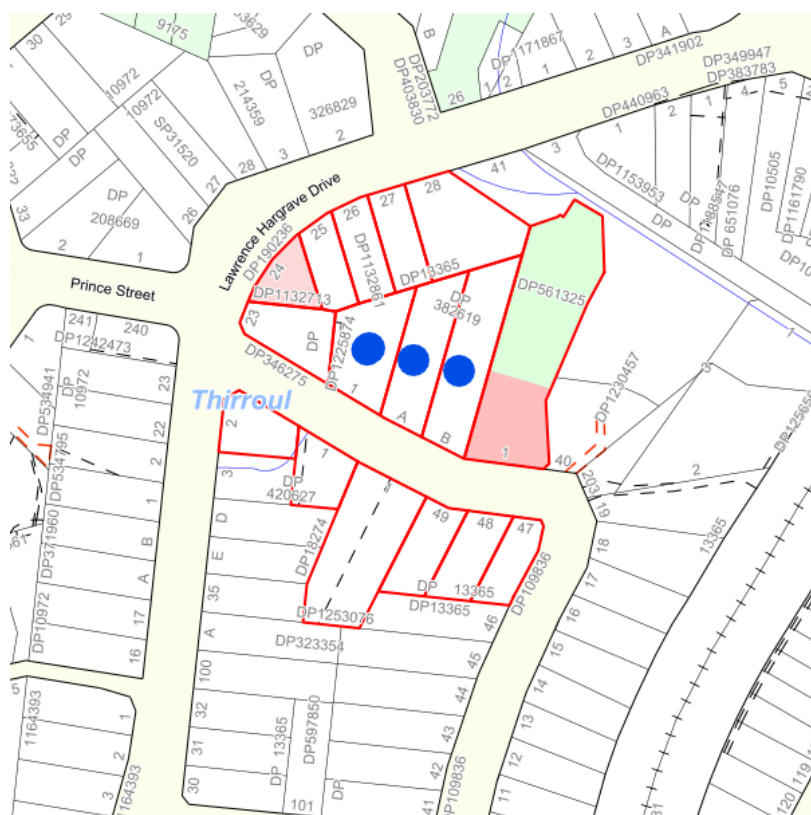
**Figure 1: Aerial photograph**



**Figure 2: WLEP 2009 zoning map**

### 1.3 SUBMISSIONS

The application was notified in accordance with Wollongong Development Control Plan 2009. This included a notice in The Advertiser. Twenty five unique submissions were received and the issues identified are discussed below.



**Figure 3: Notification map (subject property identified by blue dots)**

**Table 1: Submissions**

Concern	Comment
<p>1 Traffic matters</p> <ul style="list-style-type: none"> <li>• additional vehicles adding to existing traffic issues in the area</li> <li>• will create issues in street- would like children to be able to play on street</li> <li>• Hewitts Avenue is curved in this location, impacting on sight lines</li> <li>• Loss of on street parking</li> </ul>	<p>Council's Traffic Engineer has considered the proposal to be acceptable with respect to traffic matters including volumes, manoeuvring and sight lines.</p> <p>The proposed development is likely to result in a very minor increase in traffic within the area, given existing traffic volumes, and the local road network is considered to be capable of meeting the traffic demands from the development. It is not considered reasonable to restrict development on the basis that roads could otherwise become play areas.</p> <p>There is no requirement for the provision of visitor parking on the site for dual occupancy development. It is noted however that should visitor parking be required there is some opportunity for stacked parking on the site to cater for visitors.</p> <p>The driveways to the dwellings have been combined, in effect ensuring the ongoing availability of a reasonable amount of on street parking. There are large driveways currently accessing the site, and it is considered that</p>

Concern	Comment
	the proposal could provide for improved on street parking outcomes in this regard.
<p>2 Sustainability</p> <ul style="list-style-type: none"> <li>• Would like to see rainwater tanks, grey water treatment/recycling plants, solar panels and individual battery storage</li> <li>• lack of “green space”/environmental impacts including reflected heat</li> <li>• should provide large trees in landscaping</li> </ul>	<p>The development application is supported by BASIX certificates for each of the dwellings, which include measures aimed at reducing energy and water consumption.</p> <p>WDCP 2009 would require the provision of street trees and two trees per dual occupancy should the application be supported.</p> <p>It is noted that the proposal exceeds the minimum landscaping requirements.</p>
<p>3 Inappropriate design/character</p> <ul style="list-style-type: none"> <li>• too many variations</li> <li>• too close to front boundary</li> <li>• buildings too high, not consistent with existing dwellings in area</li> <li>• impact of vehicles in carports on street</li> <li>• overdevelopment of the site</li> <li>• applicant is destroying Thirroul with overcrowded ugly modern boxlike developments</li> </ul>	<p>The existing building designs in the vicinity of the subject site are generally single storey bungalow type development. Whilst not replicating this design, the proposed dual occupancies are not inconsistent with the general character of the area. The existing character is low density development situated in a landscaped setting. It is considered that the proposed development reflects this character via low density dual occupancy developments on well landscaped lots. Sufficient setbacks to the front, rear and side further reinforce the low density character of the area.</p> <p>The proposal achieves controls relating to building height and floor space ratio, and the buildings themselves are well articulated to reduce overall bulk. It is considered that the variations to development controls that have been proposed are not detrimental and could be supported in this instance.</p> <p>It is also considered that the two storey dwellings will ensure that car parking will not be the predominant feature of the streetscape.</p> <p>Overall, the proposal represents a modern aesthetic that is not at odds with development in the vicinity of the site.</p>
<p>4 flooding impacts</p> <ul style="list-style-type: none"> <li>• existing single pipe does not cope</li> <li>• vertical evacuation unsatisfactory due to amount of flooding</li> <li>• concerns increasing risk to adjoining properties</li> <li>• should investigate alternative designs including opening watercourse</li> </ul>	<p>Concerns relating to flooding impacts both on and off the site are noted. Information provided with the original application in relation to flooding and stormwater impacts was unsatisfactory when considered against WLEP 2009 and WDCP 2009 and as a result, additional information and amendments were required to be provided to Council. The detail provided in response to Council’s request remains unsatisfactory for those reasons detailed in Section 1.4 of this report. As such, the application is not supported in this regard.</p>

Concern		Comment
5	Land constraints <ul style="list-style-type: none"> <li>contaminated land from bus depot</li> <li>illegal fill</li> </ul>	<p>The site is proposed to be remediated under phase 1 of the development.</p> <p>The fill on the subject site is noted as being in place for a significant period of time, and likely prior to 2007. As such, Council is unable to take regulatory action on the basis of those timeframes.</p>
6	will set a precedent for multi dwelling housing in the vicinity	Multi dwelling housing is a land use that is permissible with consent in the R2 Low Density Residential Zoning. Any proposal for multi dwelling housing would require a development application and would be assessed against the development standards and controls applicable at the time.
7	privacy impacts for adjoining pool area	The applicant has given consideration to the swimming pool located to the west of the site by limiting the number of windows along the western elevation. Upper storey windows are associated with bedrooms and bathrooms which are considered to be low usage rooms. There would also be a requirement for the bathroom windows to be opaque should the application be supported.
8	Public Interest and conflict of interest <ul style="list-style-type: none"> <li>locals have lost confidence in Council's ability to manage development in Thirroul</li> <li>Council owns nearby site and therefore has a conflict of interest</li> </ul>	<p>Development standards and controls that generally determine development outcomes in Thirroul are contained within WLEP 2009 and WDCP 2009, strategic documents that were both publicly exhibited prior to being respectively gazetted and adopted. Development applications are considered against those development standards and controls relevant at the time of the development application.</p> <p>Council's regulatory responsibilities in relation to development assessment are highly segregated from its interests as a land owner. Regardless, this application is being determined by the Local Planning Panel and as the LPP is an independent body it is considered that there is no conflict of interest.</p>

**Table 2: number of submissions made in relation to each matter**

Concern	1	2	3	4	5	6	7	8
No. of submissions	18	5	11	17	4	1	1	1

## 1.4 CONSULTATION

### 1.4.1 INTERNAL CONSULTATION

#### Geotechnical Engineer

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral. Conditions of consent were recommended for inclusion on a consent should the application be supported.

## Subdivision Engineer

Council's Subdivision Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended for inclusion on a consent should the application be supported.

## Stormwater Engineer

Council's Stormwater Officer has reviewed the application and given an unsatisfactory referral for the following reasons:

- The submitted flood study was required to be amended to include mapping of existing and proposed floodway areas, to enable assessment of the proposal against the objectives of the DCP and Clause 7.3 of the Wollongong LEP2009. Mapping of floodway areas was required to be consistent with the methodology used in Council's adopted Hewitts Creek Flood Study (dated 2015). Amendments to the flood study provided in response to this request could not be assessed as a result of outstanding matters relating to the flood modelling.
- The proposed dwellings encroach into areas of the site that were mapped as floodway areas in the adopted Hewitts Creek Flood Study dated 2015. It was noted that the natural flood flow path through the site had been significantly modified because of previous development on the site. The further diversion, fragmentation, and concentration of the floodway across multiple flow paths and between buildings is considered inconsistent the objectives in Chapter E13 of the Wollongong DCP2009 (in particular objective 6.4.1d) and Clause 7.3 of the Wollongong LEP2009, and is not supported. The design was required to be amended to include an appropriately aligned dedicated overflow path within the site to ensure continuity of the floodway and address the recommendations of the adopted Floodplain Risk Management Study and Plan. The amendments submitted in response to Council's request were unable to be fully assessed due to outstanding matters relating to the flood modelling.
- The proposal was required to be amended to include a suitable overflow path designed to cater for a blockage/overflow of the piped watercourse, in accordance with the recommendations of the adopted Hewitts Creek Floodplain Risk Management Study and Plan:

*Where the watercourse has been piped for a considerable distance, it is recommended that an overflow path that is sized to accommodate hydraulic and environmental needs be incorporated into the design, centred at the low point of the surface flow path. For small urban catchments such as Thomas Gibson Creek a minimum width of 10m is suggested although the adequacy of this should be confirmed at DA stage accounting for specific site conditions. Where an overflow path follows a common boundary, the developer should be encouraged to integrate the design (in consultation with adjoining owners) to create a flow path spanning the property boundary. Where possible, velocity and depth in these areas should be within safe limits.*

This matter has not been satisfactorily addressed.

- The flood model, flood study, and impact mapping was required to be amended to include all fences on the site within the overtopping flow path in the pre and post development scenario (including existing metal fences adjoining the façade of the mechanics workshop, colorbond fence along the property boundary and frontage adjoining Lot B DP 382619 and Lot 1 DP 561325, and post development boundary fences within proposed lots and between proposed buildings) in accordance with Tables 1 and 2 of Council's adopted blockage requirements (2016):

### **Debris Blockage of Overtopping Flows**

*Must include appropriate representation of obstructions to flow, such as bridge decks, fences, handrails, buildings, crash/noise barriers, etc.*

*(Design Blockage)*

*Modelling of pervious structures such as fences and railings above the structure should assume a 50% debris blockage of the unblocked flow area through the obstruction, plus associated hydraulic energy losses.*

*(Risk Management Blockage)*

*Additional 25% blockage (75% debris blockage of unblocked flow area).*

In this regard, metal/colorbond fences were required to be included as full obstructions and open fencing included with blockage factors of 50% and 75% of the unblocked waterway, for 'design' and 'risk management' blockage respectively.

This matter has not been satisfactorily addressed.

- A plan was required showing the surface roughness values used in the hydraulic model for the post development scenario and was to include appropriate representation of the development including landscaping and planting.

This matter has not been satisfactorily addressed.

- The submitted flood modelling indicated significant flood level and velocity increases within Lot B DP 382619 adjacent to the existing dwelling. This is likely to increase flood risk to the existing dwelling and is therefore not supported. The design was required to be amended to ensure no increase in flood levels and flood risk on the site and adjoining properties.

The amendments were unable to be assessed as there are matters relating to the flood modelling that have not been addressed and the potential impacts on the existing dwelling resulting from the proposed velocity and flood level increases have also not been addressed by a suitably qualified structural engineer.

- The proposed lot/dwelling layout was required to be amended to maintain a more stream-line alignment that minimises bends in the pipeline and more closely reflects the likely alignment of the watercourse that existed prior to the installation of the pipeline.

The amendments are considered to be unsatisfactory. The amended design diverts water away from the existing watercourse channel and discharges these flows to a local drainage channel where these flows currently don't drain, with the outlet oriented towards the opposite embankment of the receiving channel. This proposal will result in diversion of flows away from the watercourse, likely scour/erosion of the existing drainage channel, and potential environmental impacts extending downstream to the point where the diverted flows re-converge with their current flow location (being within Lot 1 DP 561325, owned by Council).

- In relation to proposed modifications to the existing drainage pipe and overflow path, a detailed pre and post development minor and major system hydraulic analysis was required to be submitted with the application, including surveyed details of existing and proposed system, catchment plan, hydrologic analysis, hydraulic analysis, longitudinal section, and hydraulic grade line analysis, and detailed design contours and hydraulic calculations for the proposed major system flow path. All model files, input parameters, assumptions, and results were also required to be provided to Council for assessment.

This matter remains outstanding.

As such, it is considered that the application submission fails to demonstrate that the development satisfies the provisions of Clause 7.3 of WLEP 2009 and Chapters E13 and E14 of WDCP 2009.

### **Landscape Architect**

Council's Landscape Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended for inclusion on a consent should the application be supported

### **Traffic Engineer**

Council's Traffic Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended for inclusion on a consent should the application be supported

### **Environment Officer**

Council's Environment Officer has reviewed the application and given an unsatisfactory referral with regard to riparian matters. This is discussed further under Section 2.1.3.

#### **1.4.2 EXTERNAL CONSULTATION**

### **Department of Planning and Infrastructure**

#### **(NSW Department of Planning, Industry and Environment)**

The proposal was referred to the then Department of Planning and Infrastructure. The Natural Resources Access Regulator advised that the proposed development did not require a Controlled Activity Approval.

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

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

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

#### **NSW BIODIVERSITY CONSERVATION ACT 2016**

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

The subject site is not located on the Biodiversity Values Map, the vegetation clearance does not exceed the applicable threshold being 0.25 hectares and the impacts of vegetation removal are not considered to be significant as per the Test of Significance.

The development is therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

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

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

Council's records indicate that the site was previously used as a bus depot, and included mechanical repairs and underground fuel storage. As such this use may potentially have caused land and/or groundwater contamination. The Environmental Site Assessment submitted with the development application identified a number of areas of environmental concern and recommended a Remediation Action Plan.

A Remediation Action Plan was submitted with the development application, and Interim Audit Advice has since been sent directly to Council that identifies that the site is suitable for the proposed residential development subject to the successful implementation of the RAP and further site validation.

Council's Environmental Officer has reviewed the information provided with the application and has advised that appropriate conditions relating to the submission of a Site Auditor's Statement and Site Audit Report prior to the release of the first Subdivision Certificate could be applied to a consent



should the application be supported. This would ensure that the land is made suitable for the residential use prior to construction of the dual occupancies. In this regard, contamination matters as related to the intended use of the land and the requirements of clause 7 are considered to have been satisfactorily addressed by the application.

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

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

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

#### 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

##### Clause 1.4 Definitions

The proposal is defined as follows:

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

##### Clause 1.8A Savings provision relating to pending development approvals

Noted.

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

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

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

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

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives, providing housing in a low density context.

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; Oyster aquaculture; Places of public worship; Pond-based aquaculture; 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; Tank-based aquaculture; Veterinary hospitals*

The proposal is categorised as a dual occupancy as defined above and is permissible in the zone with development consent.



#### Clause 2.6 Subdivision—consent requirements

The clause identifies that the land may be subdivided, with consent. Consent is sought for the subdivision of the three lots in the following manner:

- Boundary adjustment and subdivision of two lots into three
- Subdivision of each of the three lots into six lots as lots containing existing dual occupancies

#### Clause 2.7 Demolition requires development consent

Demolition works require consent under Clause 2.7. The application seeks consent for the demolition of the existing structures upon existing Lots 1 and A.

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

#### Clause 4.1 Minimum subdivision lot size

Clause 4.1 identified that the minimum lot size applicable to the subject site is 449m<sup>2</sup>.

The initial boundary adjustment and subdivision of two lots into three results in the creation of lots with the following areas:

Proposed Lot	Area
34	1156.m <sup>2</sup>
1/36	970.3m <sup>2</sup>
2/36	786.7m <sup>2</sup>
38	640.8m <sup>2</sup>

The above lots created through the first phase of subdivision meet the minimum lot size requirements of Clause 4.1

The second phase of the development that includes the further subdivision of the land following construction of the dual occupancies will create lots that are less than 449m<sup>2</sup>. Clause 4.1 does not require minimum lot size in this circumstance as per (4C), which states that the Clause does not apply in relation to the subdivision of land on which there is an existing dual occupancy.

#### Clause 4.3 Height of buildings

The proposed maximum building height of 8.5m does not exceed the maximum of 9m permitted for the site.

#### Clause 4.4 Floor space ratio

The maximum floor space ratio applicable to the land is 0.5:1. The proposal does not exceed this maximum ratio at any during any phase of the development. This is demonstrated in the table at Attachment 4.

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

#### Clause 7.1 Public utility infrastructure

The site is already serviced by electricity, water and sewage services, and it is considered likely that these services could be readily augmented to meet the needs of the development.

#### Clause 7.3 Flood planning area

The site is below the flood planning level and Clause 7.3 applies to the site. Council's Stormwater Engineer has assessed the application and identifies that the application submission fails to demonstrate that the development will not:

- adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- significantly alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,
- significantly detrimentally affect the floodplain environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
- result in unsustainable social and economic costs to the community as a consequence of flooding, and
- be incompatible with the flow conveyance function of, or increase a flood hazard in, the floodway area.

The proposal is considered unsatisfactory in this regard.

#### Clause 7.4 Riparian lands

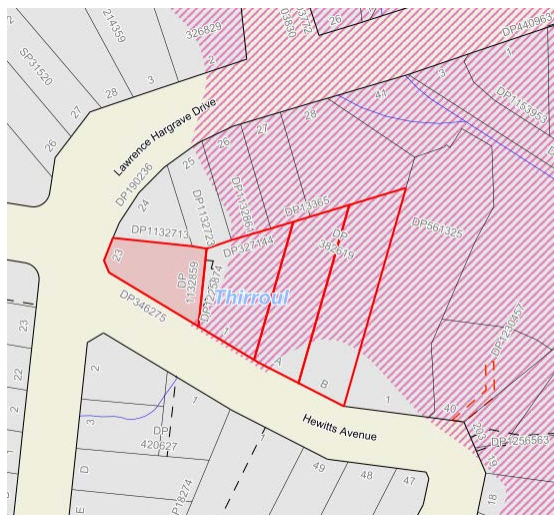
Riparian Land corresponding in part to a piped watercourse (on Lot 1 DP 327144, Lot A DP 382619 and a small part of Lot B DP 382619) and in part to a Category 3 watercourse (on lot B DP 382619) is mapped on the site.

The proposal diverts water away from the existing watercourse channel and discharges these flows to a local drainage channel located approximately 23 metres to the north of the watercourse, with the outlet oriented towards the opposite embankment of the receiving channel. This will result in likely scour/erosion of the existing drainage channel and potential environmental impacts extending downstream to the point where the diverted flows re-converge with their current flow location (being within Lot 1 DP 561325, owned by Council).

The loss of water to the existing watercourse channel and the downstream impacts of scour and erosion of the drainage line have the potential to cause adverse impacts on aquatic and riparian vegetation. The application submission fails to address these potential impacts in accordance with the requirements of the Clause. Additionally, rehabilitation of aquatic and riparian vegetation in and beside the watercourse channel on Lot B DP 382619 has not been proposed.

#### Clause 7.7 Foreshore building line

The foreshore building line is located across the site, as illustrated below:



**Figure 4: Wollongong Local Environmental Plan 2009 Foreshore Building Line**

As the Foreshore Building Line affects the majority of the site, the proposed development is located within that area. Council must be satisfied as to the following matters prior to issuing a consent for the development:

<b>Clause 7.7(3) requirement</b>	<b>Comment</b>
(a) the development will contribute to achieving the objectives for the zone in which the land is located	The development proposes dual occupancy development which provides for housing needs in a low density residential environment, thus achieving the objectives of the R2 Low Density Residential zone.
(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area	The surrounding area is comprised generally of low density residential development. The proposal is a low density development that is compliant with the floor space ratio and height controls for the land, and as such will be compatible with the surrounding area.
(c) the development will not cause environmental harm such as— (i) pollution or siltation of the waterway, or (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or (iii) an adverse effect on drainage patterns	The effects of the development on the watercourse have not been fully demonstrated in the application submission.  Further, the application has not demonstrated that the proposal will not result in increased flooding.
(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway	There are not expected to be any impacts arising on open space areas or the creek as a result of the development in this regard.
(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised	The development will not impact on opportunities to access the foreshore and waterway on public land.
(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained	A landscape heritage item (fig tree) is located two lots to the east. The proposal is not expected to impact on this item.
(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore	Not applicable – the development proposes new buildings

As Council has not been satisfied that the proposal will not cause environmental harm, consent for development within the foreshore building line cannot be granted.

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

None applicable.

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

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

The development has been assessed against the relevant chapters of WDCP 2009 and compliance tables can be found at Attachment 3 to this report.

## CHAPTER A1 – INTRODUCTION

### 8 Variations to development controls in the DCP

#### Side boundary setback

##### *(a) The control being varied;*

Chapter B1 Residential Development

Clause 4.3. Side and Rear Setbacks

4.3.2 (2) Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.

##### *(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

The height of the eastern wall of dwelling U36A and western wall of U36B exceeds 7 metres by a maximum of approximately 450mm, and the side setback of these walls is therefore required to be three metres from the side boundary. The proposed side boundary setbacks are 1925mm and 1625mm respectively.

The variation is requested as the floor level of the dwellings is required to be raised due to flooding impacts on the site.

##### *(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of the Clause are:

- (a) To create a consistent pattern of building separation along streets.*
- (b) To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.*
- (c) To ensure that buildings are appropriately sited having regard to site constraints.*
- (d) To control overshadowing of adjacent properties and private or shared open space.*
- (e) To ensure improved visual amenity outcomes for adjoining residences.*

The applicant contends that the building height is compliant with the overall 9 metre maximum building height restriction, and the proposed minor variation does not result in adverse impacts in relation to the solar access and privacy received by the adjoining property on the subject site being No 34 Hewitts Avenue.

##### *(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

Proposed Lot 34 contains an existing dwelling and it is this lot that is most likely to be affected by the proposed variation. A change to roof design would have negligible impact on matters pertaining to solar access to the adjoining property due to the orientation of the lots, and possible privacy/overlooking impacts.

The proposal is consistent with the overall development of the site, and the variation will not result in the dwelling being visually obtrusive nor result in any crowding effects on the site.

**Comment:** The proposed development is likely to establish the pattern of building separation along the northern side of Hewitts Avenue and will therefore not disrupt an established pattern. There are not expected to be any adverse impacts arising from the minor increased height and as such, the requested variation to side boundary setback is capable of support.

## Side boundary setback

### *(a) The control being varied;*

#### Chapter B1 Residential Development

#### Clause 4.10 Car Parking

4.10.2(2) Carports must be setback behind the front building line of the dwelling, Council may consider a variation to this control for carports that are compatible with the design of the dwelling in instances where an existing streetscape includes carports within the front setback or a site is too steep for driveway access to the front building line.

### *(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

The carports sit at the front of the dwellings, however achieve the front setback requirements of 5.5m to a carport.

The carports are integrated into the design of the building such that the carport areas for dwellings 36A and B are largely underneath the first floor of the dwelling, and the carports for dwellings 36C and D are located largely underneath the roof terrace.

### *(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of the Clause are:

*(a) To provide car parking for residents.*

*(b) To ensure that there is adequate provision for vehicular access and manoeuvring.*

*(c) To minimise the impact of garages upon the streetscape.*

The proposal provides for car parking for the development in an integrated manner to ensure that the carport areas do not present as ancillary structures. The visual relationship between the parking area and the remainder of the development ensures that the dwellings are predominant.

### *(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

There are unlikely to be an adverse impacts arising on the streetscape as a result of the carports. The garage for the adjoining property is located on the boundary with Hewitts Avenue, and is likely to be of greater impact.

**Comment:** The carports do not present as ancillary structures and do not dominate the streetscape. The carports assist in minimising an appearance of bulk that would otherwise occur if the parking was provided in the form of garages. In this regard, the requested variation to the carport location is capable of support.

#### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$1 672 000 and a levy of 1% would be applicable under this plan as the threshold value is \$ 100 000. However the application is recommended for refusal.

#### **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 could be recommended with regard to demolition.

### 93 Fire safety and other considerations

Not applicable as the proposed development is not a change of use.

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

The proposal is a new building and therefore upgrading works would not be required.

## **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 proposal's 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 proposed development does not result in any adverse shadowing to adjoining properties. The development proposes significant landscaping to the rear boundary and appropriate building setbacks to minimise any overlooking impacts to adjoining properties. The buildings are well articulated to minimise bulk.

In regard to the visual impact, the area is characterised by low density residential developments. The proposal is a low density development, compliant in both floor space ratio and building height. Whilst the majority of the dwellings in the area are single storey bungalows, the proposal is of a contemporary, two storey design. Regardless, the proposed development reflects the existing patterns of development in terms of building line and general setbacks and provides for well landscaped front setbacks. Street tree plantings will over time also provide additional scale to the two storey buildings.

The scale of the development is not inconsistent with other similar new development in the vicinity of the site.

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

### Access, Transport and Traffic:

Vehicle access to each dual occupancy is via a shared driveway, which assists in maintaining on street parking opportunities. Given existing traffic volumes in the street and within the vicinity of the development, it is considered that the proposed development would not have an adverse impact on the local road network.

### Public Domain:

There are not expected to be any adverse impacts on the public domain.

#### Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. It is considered that existing utilities could be augmented where required to service the proposal.

#### Heritage:

No heritage items will be impacted by the proposal. A fig tree located near the site is listed as an item of environmental heritage by WLEP 2009, however the proposed development is not expected to impact upon the tree.

#### Other land resources:

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

#### Water:

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

The proposal is not envisaged to have unreasonable water consumption, and relevant BASIX certificates have been issued with respect to the proposal.

#### Soils:

The proposed development is not expected to have negative impacts on soils.

#### Air and Microclimate:

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

#### Flora and Fauna:

There is minor vegetation removal proposed, and the proposed landscaping could be supported. It is noted that potential impacts on vegetation in the riparian corridor as a result of stormwater works has not been satisfactorily addressed in the application submission.

#### Waste:

A condition could be included in any consent granted ensuring an appropriate receptacle be in place for any waste generated during the construction.

#### Energy:

The proposal is not envisaged to have unreasonable energy consumption. Relevant BASIX certificates have been issued in this regard.

#### Noise and vibration:

A condition could be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

#### Natural hazards:

Council records list the site as flood affected. The impacts arising from and on the development in relation to flooding have not been clearly demonstrated by the application submission.

#### Technological hazards:

Council records list the site as being affected by fill and contaminated land. Remediation of the site is proposed as part of the phase 1 works and conditions could be included in any consent granted to ensure that the remediation occurs and is appropriately certified in accordance with legislative requirements.

Safety, Security and Crime Prevention:

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

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

The application does not result in any departures from development standards. The development does propose variations to controls relating to carport location and side boundary setback. These variations have been supported by a variation justification statement and are capable of support.

Construction:

Conditions of consent could be recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The development is expected to have negative cumulative impacts arising from flooding and stormwater matters, including adverse impacts on the riparian corridor.

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site. However, it is considered that the proposal may adversely impact on the locality and adjoining developments as a result of flooding and riparian matters.

Are the site attributes conducive to development?

The application fails to appropriately respond to both the flooding impacts and potential impacts on watercourse/riparian corridor on the site. In this regard, the site attributes are not conducive to the proposed development.

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

See section 1.3.

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

The proposal is considered likely to have an unreasonable impact on the environment by way of flooding impacts and impacts on the riparian corridor are also expected to be adverse. The proposal is therefore not considered to be in the public interest until such issues are resolved to Council's satisfaction.

## **3 CONCLUSION**

---

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



It is considered that the proposed development satisfies the objectives of the zone and the majority of the applicable development standards and controls. Variations to carport location and side boundary setback have been sought and are considered to be capable of support.

A significant number of submissions were received in relation to matters such as traffic, character and sustainability, and it is considered that these matters are satisfactory and would not preclude the development.

However, the application fails to demonstrate that flooding/stormwater matters satisfy the requirements of both the WLEP 2009 and WDCP 2009. On and off-site flooding were also of significant concern to the public as detailed in the submissions. The application also fails to demonstrate impacts on the riparian corridor arising from the proposed relocation of the piped watercourse through the site.

#### **4 RECOMMENDATION**

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It is recommended that DA-2019/998 be refused for the following reasons:

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with Wollongong Local Environmental Plan 2009 with respect to:
  - Clause 7.3 Flood planning.
  - Clause 7.4 Riparian lands.
  - Clause 7.7 Foreshore building line.
2. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong City Council's Development Control Plan 2009 with respect to:
  - Chapter E13 – Floodplain Management.
  - Chapter E14 – Stormwater Management.
  - Chapter E23 – Riparian Land Management.
3. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate the likely impacts will not be adverse.
4. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development fails to demonstrate the site is suitable for the proposal.
5. Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, it is considered that having regard for public submissions, the development is unsuitable with respect to flooding and environmental impacts.
6. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

#### **5 ATTACHMENTS**

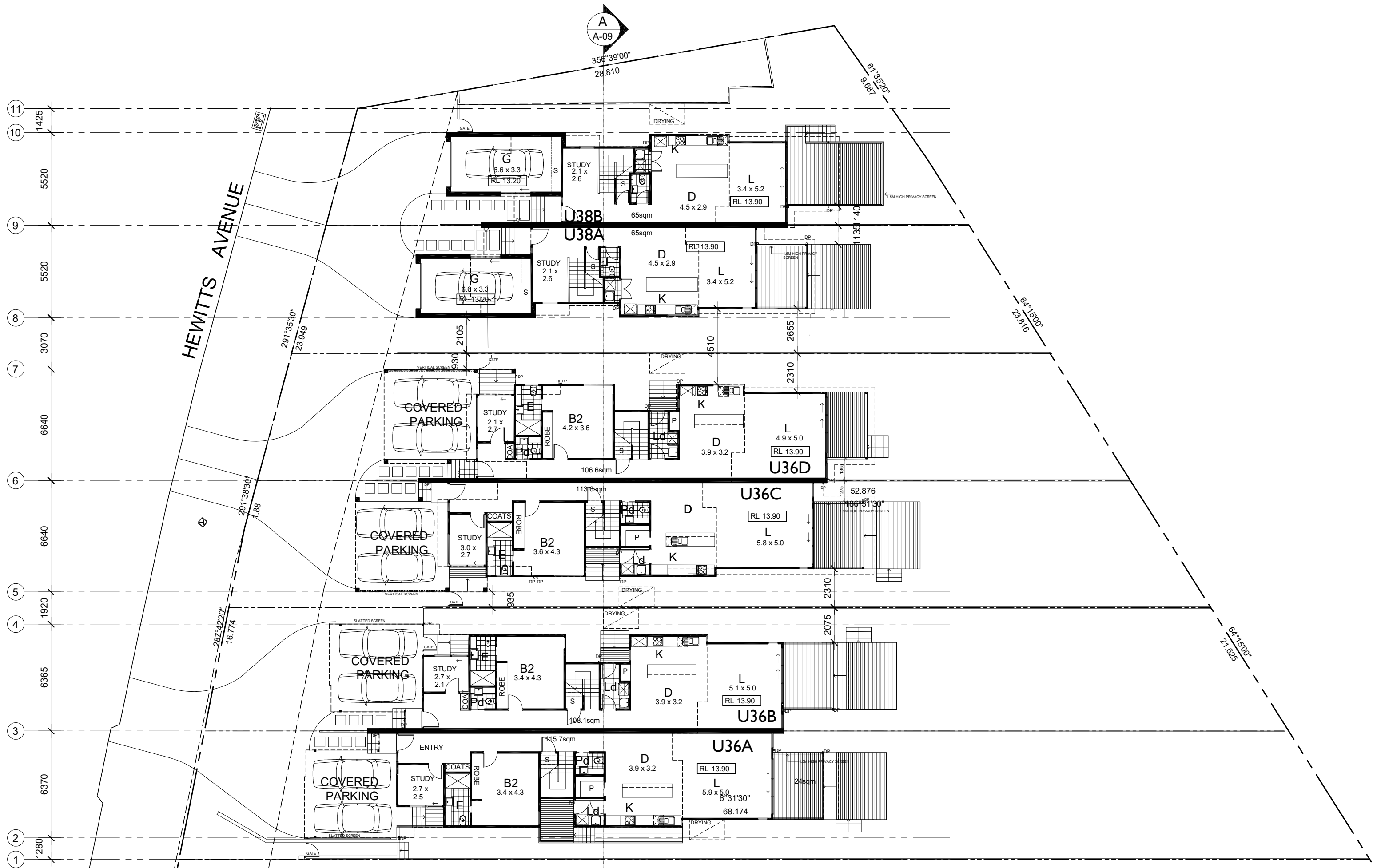
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- 1 Architectural Plans, landscape plan, drainage plan and site survey
- 2 Variation Justification Statement
- 3 WDCP 2009 compliance table
- 4 Numerical compliance table



DEVELOPMENT DATA	
PROPOSED LOT AREA 1 / 36	964.8sqm
PROPOSED LOT AREA 2 / 36	786.7sqm
PROPOSED LOT AREA 38	640.8sqm
PROPOSED BUILDING AREA 1/36	458.1 sqm
PROPOSED BUILDING AREA 2/36	372.9 sqm
PROPOSED BUILDING AREA 38	250 sqm
PROPOSED SITE COVERAGE 1/36	302 sqm (31%)
PROPOSED SITE COVERAGE 2/36	299 sqm (38%)
PROPOSED SITE COVERAGE 38	197.5 sqm (30%)
PROPOSED LANDSCAPE AREA 1/36	508.8sqm (52.7%)
PROPOSED LANDSCAPE AREA 2/36	349.5 sqm (44%)
PROPOSED LANDSCAPE AREA 38	324.7sqm (50%)
PROPOSED ON SITE CARPARKING	10 spaces

POST SUBDIVISION DATA	
PROPOSED GFA (FSR) LOT 101 / 36 HEWITTS AVE	234.3sqm (0.45:1)
PROPOSED GFA (FSR) LOT 102 / 36 HEWITTS AVE	223.4sqm (0.494:1)
PROPOSED GFA (FSR) LOT 201 / 36 HEWITTS AVE	191.4sqm (0.458:1)
PROPOSED GFA (FSR) LOT 202 / 36 HEWITTS AVE	181.5sqm (0.491:1)
PROPOSED GFA (FSR) LOT 101 / 38 HEWITTS AVE	125sqm (0.392:1)
PROPOSED GFA (FSR) LOT 102 / 38 HEWITTS AVE	125sqm (0.387:1)



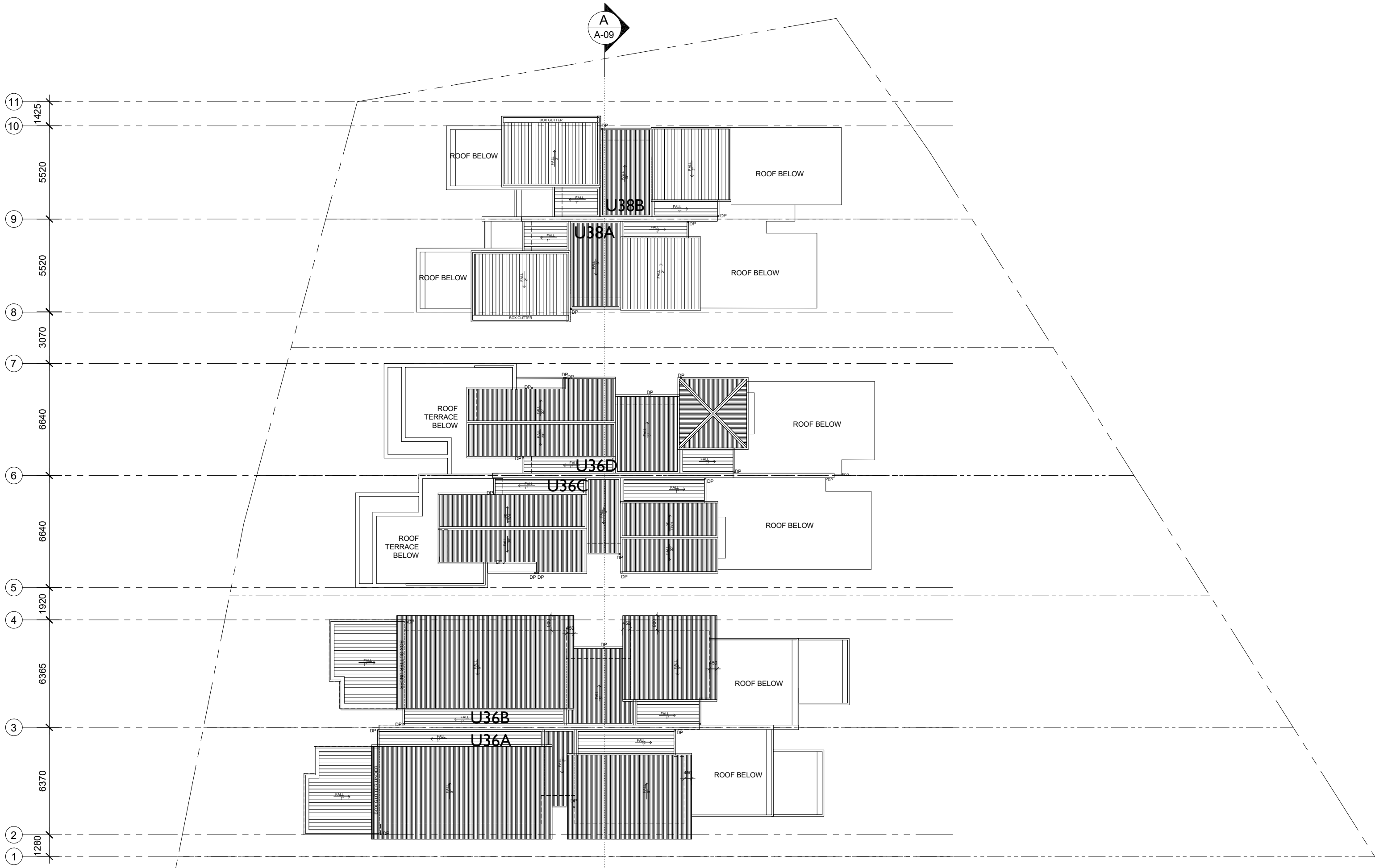


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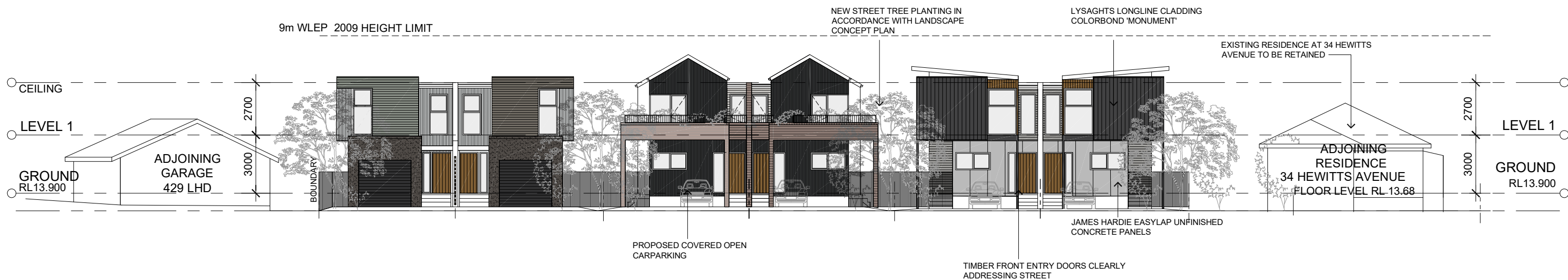
Date	Issue	Description
05.08.19	A	Issued for development approval
21.01.20	B	Revised DA Issue

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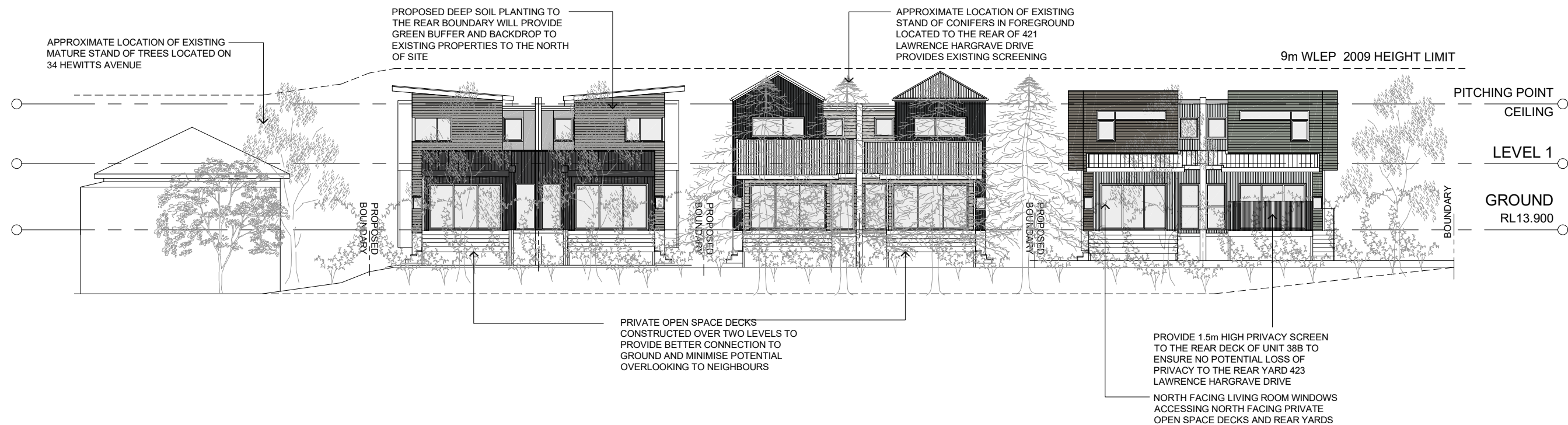
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**SOUTH ELEVATION**  
VIEW FROM HEWITTS AVENUE



**NORTH ELEVATION**

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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:  
**SOUTH & NORTH ELEVATIONS**

CLIENT:  
HEWITTS AVENUE PTY LTD

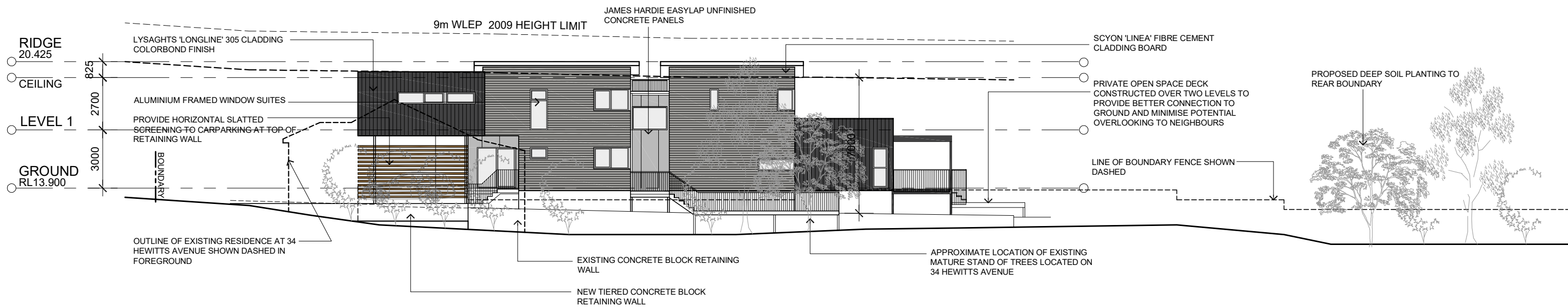
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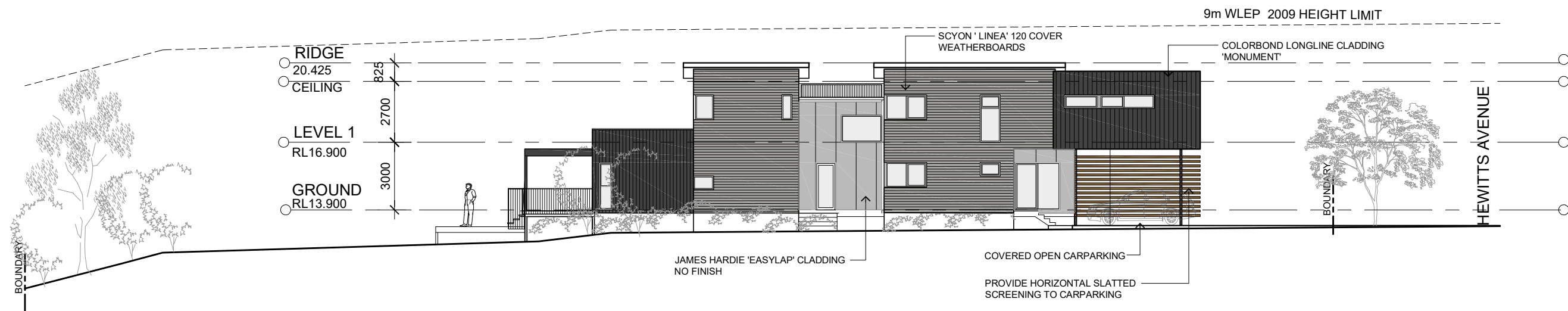
Dwg.No  
**A05**

Rev.  
**B**



## EAST ELEVATION

UNIT 36A



## INTERNAL WEST ELEVATION

UNIT 36B

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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:  
**EAST & WEST ELEVATIONS**

Job No.  
DML 16/021

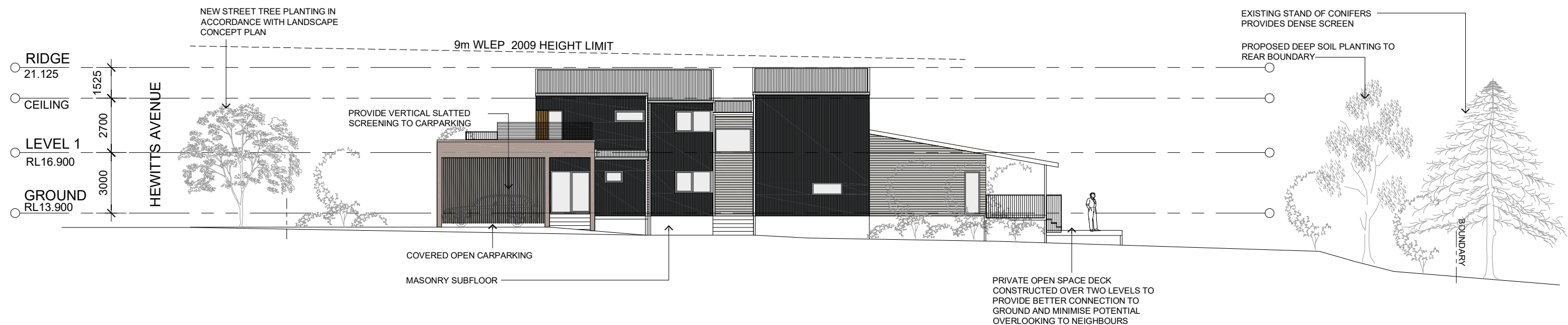
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## INTERNAL EAST ELEVATION

UNIT 36C



## INTERNAL WEST ELEVATION

UNIT 36D

**PRELIMINARY**  
NOT FOR CONSTRUCTION

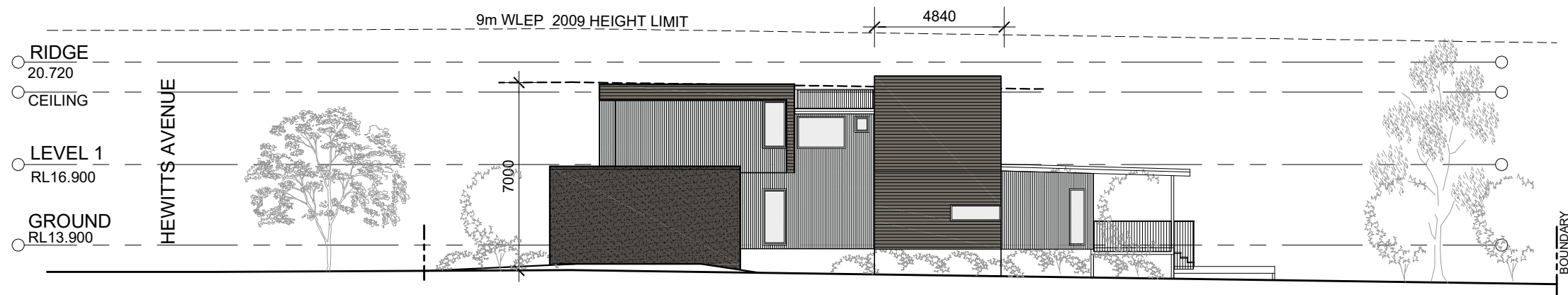
Date	Issue	Description
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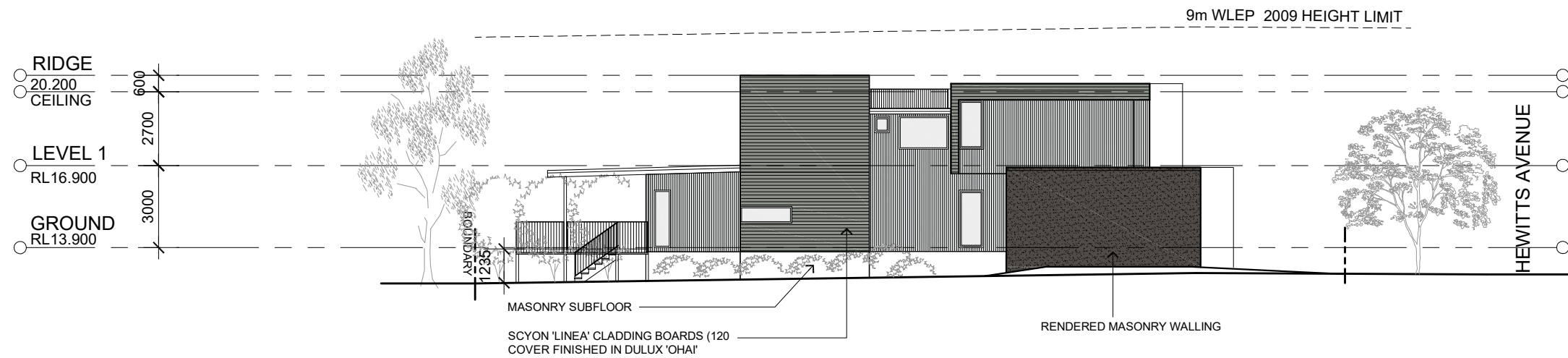
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INTERNAL EAST ELEVATION  
UNIT 38A



WEST ELEVATION  
UNIT 38B

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Drawing Name:  
INTERNAL ELEVATIONS

Job No.  
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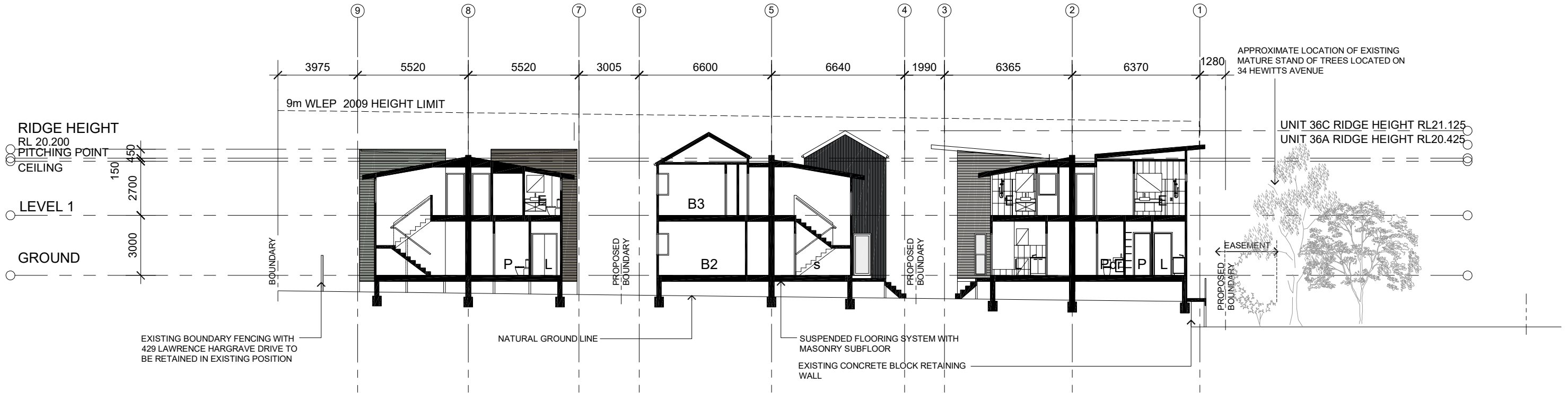
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SECTION

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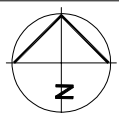
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9AM  
JUNE 22



12PM  
JUNE 22



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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:  
**MID WINTER SHADOW DIAGRAMS**

CLIENT: HEWITTS AVENUE PTY LTD

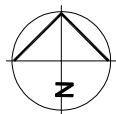
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Job No. DML 16/021	Dwg.No <b>A10</b>
Date 05.08.19	Rev. <b>A</b>





3PM  
JUNE 22



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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:  
MID WINTER SHADOW DIAGRAMS

Job No.  
DML 16/021

Dwg.No  
A11

CLIENT:  
HEWITTS AVENUE PTY LTD

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Date  
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## STREETSCAPE IMAGE 2

36 & 38 HEWITTS AVENUE THIRROUL

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# STREETSCAPE IMAGE 1

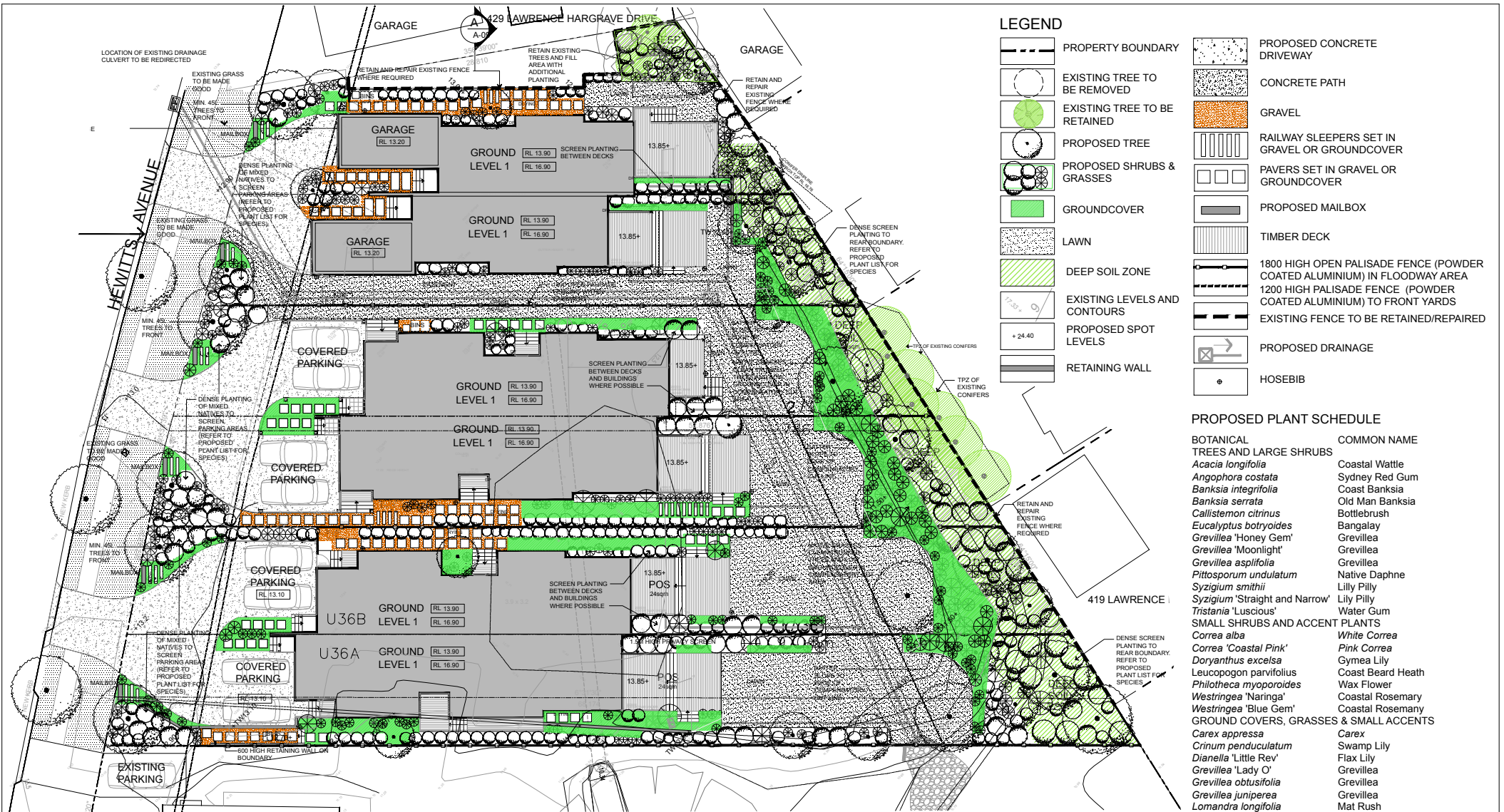
36 & 38 HEWITTS AVENUE THIRROUL

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#### PROPOSED PLANT SCHEDULE

BOTANICAL TREES AND LARGE SHRUBS	COMMON NAME
<i>Acacia longifolia</i>	Coastal Wattle
<i>Angophora costata</i>	Sydney Red Gum
<i>Banksia integrifolia</i>	Coast Banksia
<i>Banksia serrata</i>	Old Man Banksia
<i>Callistemon citrinus</i>	Bottlebrush
<i>Eucalyptus botryoides</i>	Bangalay
<i>Grevillea 'Honey Gem'</i>	Grevillea
<i>Grevillea 'Moonlight'</i>	Grevillea
<i>Grevillea asplifolia</i>	Grevillea
<i>Pittosporum undulatum</i>	Native Daphne
<i>Syzygium smithii</i>	Lilly Pilly
<i>Syzygium 'Straight and Narrow'</i>	Lilly Pilly
<i>Tristania 'Luscious'</i>	Water Gum
SMALL SHRUBS AND ACCENT PLANTS	
<i>Correa alba</i>	White Correa
<i>Correa 'Coastal Pink'</i>	Pink Correa
<i>Doryanthus excelsa</i>	Gymea Lily
<i>Leucopogon parvifolius</i>	Coast Beard Heath
<i>Philotheca myoporoides</i>	Wax Flower
<i>Westringea 'Naringa'</i>	Coastal Rosemary
<i>Westringea 'Blue Gem'</i>	Coastal Rosemary
GROUND COVERS, GRASSES & SMALL ACCENTS	
<i>Carex appressa</i>	Carex
<i>Crinum penduculatum</i>	Swamp Lily
<i>Dianella 'Little Rev'</i>	Flax Lily
<i>Grevillea 'Lady O'</i>	Grevillea
<i>Grevillea obtusifolia</i>	Grevillea
<i>Grevillea juniperea</i>	Grevillea
<i>Lomandra longifolia</i>	Mat Rush
<i>Lomandra 'Evergreen Baby'</i>	Dwarf Mat Rush
<i>Lomandra 'Tanika'</i>	Dwarf Mat Rush
<i>Myoporum parvifolium</i>	Creeping Boobialla
SHADE TOLERANT NATIVES	
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm
<i>Asplenium australasicum</i>	Birds Nest Fern
<i>Cyathea australis</i>	Tree Fern
<i>Dianella 'Emerald Arch'</i>	Flax Lily
<i>Dianella 'Tas Red'</i>	Flax Lily
<i>Dichondra repens</i>	Kidney Weed
<i>Lomandra 'Katie Belles'</i>	Mat-rush
<i>Lomandra 'Monty'</i>	Mat-rush
<i>Viola hederaceae</i>	Native Violet

#### DEVELOPMENT DATA

PROPOSED LOT AREA 1 / 36	964.8sqm
PROPOSED LOT AREA 2 / 36	786.7sqm
PROPOSED LOT AREA 38	640.8sqm
PROPOSED LANDSCAPE AREA 1/36	508.8sqm (52.7%)
PROPOSED LANDSCAPE AREA 2/36	349.5 sqm (44%)
PROPOSED LANDSCAPE AREA 38	324.7sqm (50%)
PROPOSED DEEP SOIL 1/36	97.6 sqm
PROPOSED DEEP SOIL 2/36	84 sqm
PROPOSED DEEP SOIL 38	42.5 sqm

#### NOTES:

REFER ALSO TO ENGINEERS PLANS  
LANDSCAPE PLANS COMPATIBLE WITH ENGINEERS  
DRAINAGE PLANS. FENCING TO BE FLOOD COMPATIBLE  
IN ACCORDANCE WITH ENGINEER'S  
RECOMMENDATIONS  
**STREET TREE PLANTING:**  
PROPOSED STREET TREES ARE TO BE PLANTED IN  
ACCORDANCE WITH WCC DCP CHAPTER E6  
LANDSCAPING. TREES TO BE A MINIMUM OF 200L AND  
PROPOSED TREES MIN. 200L. ROOT BARRIERS  
ADJACENT TO KERB (MIN. 600MM DEEP)

#### DESIGN STATEMENT:

THE DESIGN AIMS TO CREATE AN INFORMAL COASTAL  
FEEL WITH LOOSE PLANTING OF NATIVES. A MIXED  
PLANTING PALETTE WILL BE USED THROUGHOUT.  
TREE AND LARGE SHRUBS IN THE FRONT YARDS WILL  
SCREEN CARPORTS FROM HEWITTS AVE.



**PRELIMINARY**  
NOT FOR CONSTRUCTION

Date	Issue	Revision
05.08.19	A	Issued for Development approval
15.01.20	B	Revised DA Issue

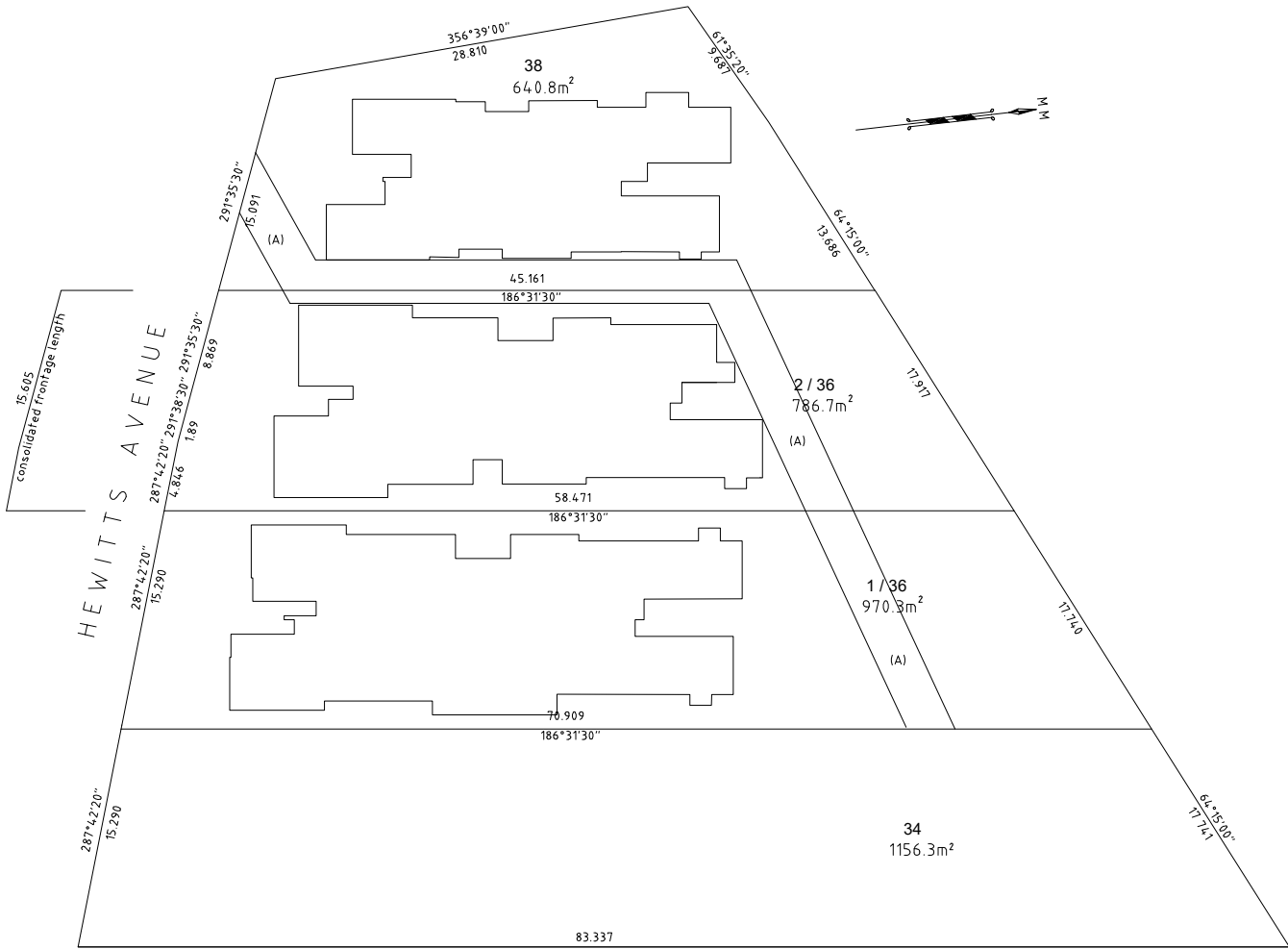
**Develop MyLand**

PROJECT: 34-38 Hewitts Avenue THIRFOUL	Job No. CML 16/021	Dwg No. L-01
Drawing Name: LANDSCAPE PLAN	Date 05.08.19	Rev. B
CLIENT: HEWITTS AVENUE PTY LTD	Scale 1:250@A3	



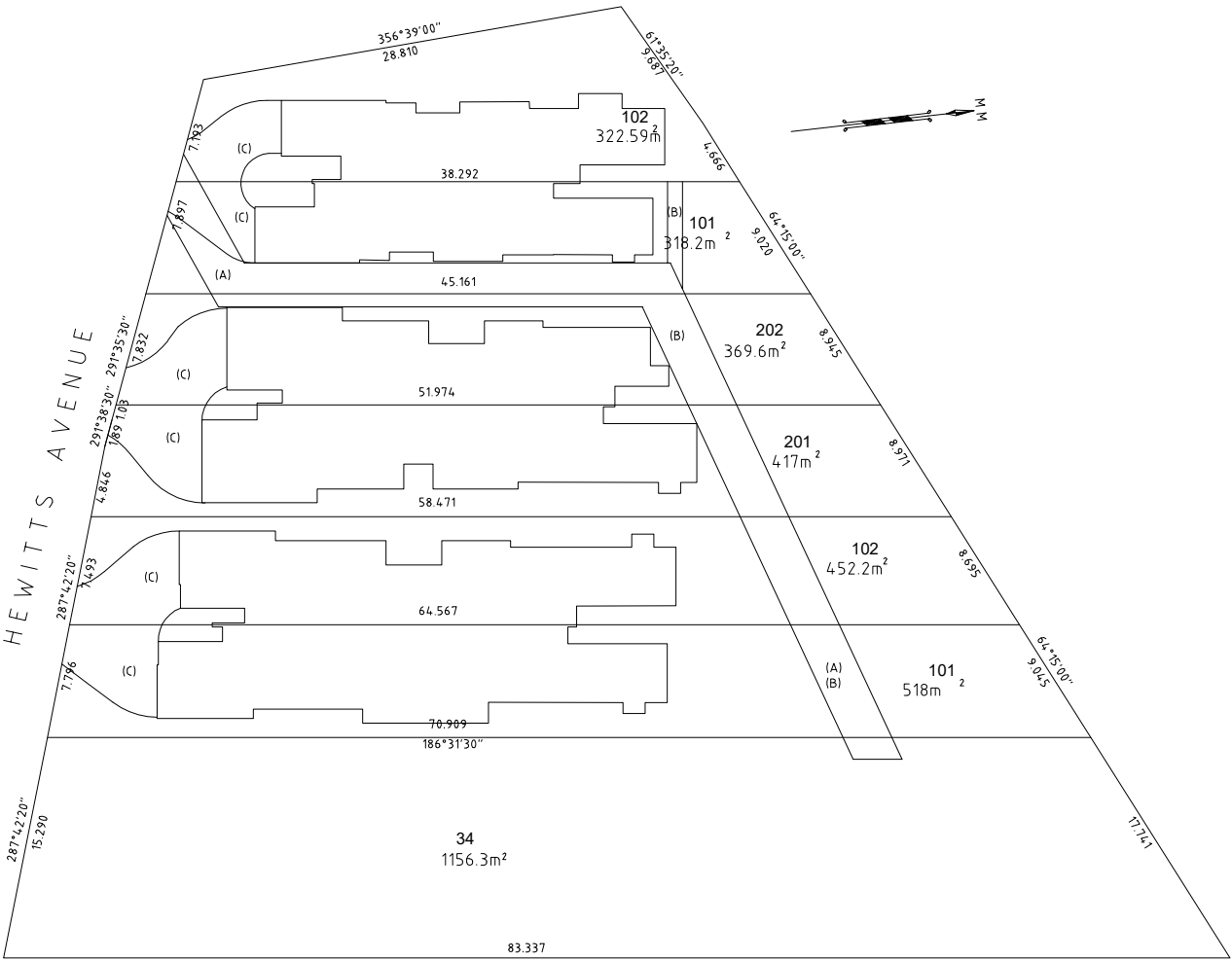






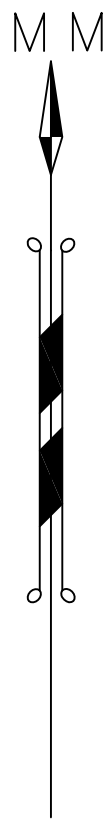
STAGE 1

(A) PROPOSED 3m WIDE EASEMENT OVER EXISTING & PROPOSED DRAINAGE CULVERT  
(B) PROPOSED EASEMENT TO DRAIN WATER 1M WIDE



STAGE 2

(A) PROPOSED 3m WIDE EASEMENT OVER EXISTING & PROPOSED DRAINAGE CULVERT  
(B) PROPOSED EASEMENT TO DRAIN WATER MIN 1M WIDE  
(C) PROPOSED RIGHT OF CARRIAGEWAY VARIABLE WIDTH MEASUREMENTS SUBJECT TO SURVEY



NOTES : SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY.PRIOR TO ANY DEMOLITION, DESIGN, EXCAVATION OR CONSTRUCTION ON SITE THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ESTABLISH DETAILED LOCATION AND DEPTH.

RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES IS DIAGRAMMATIC ONLY.WHERE OFFSETS ARE CRITICAL THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.

BEARINGS AND DISTANCES ARE BY TITLEAND/OR DEED ONLY. NO BOUNDARY INVESTIGATION HAS BEEN CARRIED OUT.



AN UNDERGROUND SERVICES SEARCH SHOULD BE UNDERTAKEN PRIOR TO ANY EXCAVATION TAKING PLACE UPON THE SITE

A	8.12.16	ISSUE FOR INFORMATION	AH.
B	9.10.17	ADDITIONAL INFORMATION ADDED TO DRAWING	CR
C	11.10.17	ADDITIONAL INFORMATION ADDED TO DRAWING	RE
D	02.12.19	ADJOINING TREE INFORMATION UPDATED (DRIPLINES)	RE
No	DATE	REVISION DETAILS	BY

CONSULTING REGISTERED SURVEYORS

**C. ROBSON & ASSOCIATES PTY. LTD.**  
**LAND & ENGINEERING SURVEYORS**  
UNIT 1 LEVEL 6 85-87 SMITH STREET, WOLLONGONG 2500  
P.O. BOX 93, CORRIMAL 2518  
Phone: 02 4243 1645 Fax: 02 4243 1658 Mobile 0402 641 693  
Email: crobsonsur@optusnet.com.au  
A.B.N. 63 105 569 837

0 2 4 6 8 10m			
1: 125 A1 1: 250 A3			
SURVEYOR	WW	FIELDBOOK	WW NOV 2016
DRAWN	AH		

CLIENT:

DEVELOP MY LAND

SCALES:	AS SHOWN
DATUM:	AHD
HYDRANT GRID:	LOCAL
JOB REF:	16413
APPROVED:	CR

PROJECT:

34-38 HEWITTS AVENUE - THIRROUL  
LOT 1 DP 327144, LOT A & B DP 382619

DRAWING

DETAIL SURVEY PLAN

DRAWING No

16413/1

SHEET 1 OF 1 SHEETS

ISSUED FOR:

INFORMATION

REVISION

D

A1



## ATTACHMENT 2 – VARIATION JUSTIFICATION STATEMENT



### APPENDIX 2

#### VARIATION TO DEVELOPMENT CONTROLS

**DEVELOPMENT APPLICATION FOR TWO LOT TORRENS TITLE SUBDIVISION PROPOSED TWO LOT TORRENS TITLE SUBDIVISION, CONSTRUCTION OF A THREE DUAL OCCUPANCY RESIDENCES OVER THREE LOTS AND TORRENS TITLE SUBDIVISION OF EACH DUAL OCCUPANCY DEVELOPMENT.**

#### **36 & 38 HEWITTS AVENUE THIRROUL**

##### **VARIATION TO DEVELOPMENT CONTROLS**

##### **1.0 Development Controls Being Varied**

Three (3) Development controls are sought to be varied as part of this development proposal.

The Wollongong Development Control Plan 2009, Chapter B1 – Residential Development development controls being varied in this instance are control **4.3.2.2** which requires-

*'Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.'*

Due to the required elevated nature of the dwellings to account for Councils flood related controls a variation is sought to this development control. This statement seeks to demonstrate that the proposed development achieves the objectives of 4.3.1 Side & Rear Setbacks.

Also sought to be varied is control **4.10.2.2** which requires-

*'Carports must be setback behind the front building line of the dwelling. Council may consider a variation to this control for carports that are compatible with the design of the dwelling in instances where an existing streetscape includes carports within the front setback or a site is too steep for driveway access to the front building line.'*

Carparking for the dwellings on lots 1 & 2 of 36 Hewitt's Avenue is provided under carports. The statement seeks to demonstrate that the proposal meets the objectives of 4.10 Car Parking and Access.

Also sought to be varied is control **4.21.2.1** which requires dual occupancy developments be constructed on a site with –

*'A minimum site width of 15 metres is required for a dual occupancy development. Site width shall be measured for the full width of the site, perpendicular to the side property boundaries. Variations may be granted for irregular shaped blocks or where development can demonstrate compliance with privacy, solar access, private open space, visual amenity, built form, car parking and landscaping requirements.'*

The site generally exceeds the minimum required 15m lot width, however due to the tapering side boundary there is a minor encroachment that does not impact the building area of the site where the minimum 15m is easily achieved. This statement seeks to demonstrate that the proposed development achieves the objectives of 4.21.2 Dual occupancy – Minimum Site Width

Beadnell Pty Ltd T/A Develop My Land PO Box 119 New South Wales 2515 ABN 85 112 373 850

**Figure 1 – Proposed building façade exceeding 7m in height –unit 36A**



**Figure 2 – Proposed building façade exceeding 7m in height –unit 36B**

Development Control 4.2.2.1(c) requires 'Garages and carports must be setback a minimum of 5.5 metres to enable a vehicle to park or stand in front of the garage or carport' and condition 4.10.2.3 requires 'Garages must be setback a minimum of 5.5m from the front property boundary'.

Condition 4.10.2.2 of these DCP requires carports to be set behind the front building setback. The front building setback sought for this proposal is a minimum of 6m in accordance with development control 4.2.2.1(a). Units 36A & 36B provide covered parking underneath the upper level of the dwelling, no carport structure is proposed for these dwellings. Units 36C & 36D are provided with carparking located under a roof terrace accessed via the hallway and bed 3 on level 1 of the dwellings. The level 1 terrace for U36C is located a minimum of 5.9m from the front boundary at its closest point and 7.16m at its farthest point. The level 1 terrace for unit 36D is located a minimum of 5.56m from the front boundary at its closest point and 7m at its farthest point.

The control states that 'Council may consider a variation to this control for carports that are compatible with the design of the dwelling in instances where an existing streetscape includes carports within the front setback'

In the vicinity of the subject site there are instances where the existing front setbacks to carparking are not consistent with the current development controls. The garage located on 429 Lawrence Hargrave Drive, the property adjoining the subject site to the west has a double garage accessed off Hewitt's Avenue located a minimum of 1.4m from the property boundary. Both 17 & 25 Hewitts Avenue have carports located forward of the attached dwelling houses (only 17 Hewitts Avenue appears to be within the 6m front property setback) . The covered carparking for the proposed dwellings units are incorporated into the building design and meets the objectives of the control. The location of the carparking allows for cars to stand within the property boundary in front of the allocated carparking spaces for visitors.

Figure 3 details the minor variation sought to the minimum 15m lot width for dual occupancy

## ATTACHMENT 3 - 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.

### CHAPTER A1 – INTRODUCTION

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

There are two variations proposed to development controls, being:

- Wall greater than 7m located within three metres of side boundary
- Carports not setback behind the front building line of the dwelling

These are discussed in greater detail in Section 2.3.1 of the Assessment Report.

### 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 as follows:

- (a) Potable water and energy use will be reduced.
- (b) Development can adapt to climate change.
- (c) Waste will be reduced.
- (d) Recycling of waste and use of products from recycled sources will be increased.
- (e) The environmental impacts from building materials will be reduced through reduction, reuse and recycling of materials, resources and building components.

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

#### 4.0 General Residential controls

***\*\*Numerical compliances detailed in Attachment 4.***

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b>4.1 Maximum Number of Storeys</b>		
<ul style="list-style-type: none"><li>• Battle axe allotments - 1 storey</li><li>• R2 where development occurs within the 8m rear setback the development is limited to single storey</li><li>• Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties</li></ul>	<p>The subject site is located within an R2 zone and the proposal does not exceed two storeys.</p> <p>There is no two storey development within eight metres of the rear boundary.</p> <p>The built form does not adversely impact upon the visual amenity of the area, and reasonable setbacks are provided to minimise impacts to adjoining properties.</p> <p>In addition, landscaping is provided along the rear boundary to reduce overlooking impacts on the adjoining rear properties.</p>	Yes
<b>4.2 Front Setbacks</b>		
<ul style="list-style-type: none"><li>• Infill 6m min or dependent on street character</li><li>• Less than 6 metres where the prevailing street character permits and the future</li></ul>	<p>The dwellings are setback a minimum of 6 metres from Hewitts Avenue</p>	Yes

<p>desired character of the area is not prejudiced.</p> <ul style="list-style-type: none"> <li>Garages and carports 5.5m min</li> </ul>	<p>The carports and garages are setback 5.5 metres from Hewitts Avenue</p>	
<p><u>4.3 Side and Rear Setbacks</u></p> <ul style="list-style-type: none"> <li>Wall Setback: 0.9m min</li> <li>3m where the wall height exceeds 7m</li> <li>Eave Setback: 0.45m</li> <li>Rear Setback 8m</li> </ul>	<p>The development is generally in compliance with rear and side boundary setbacks, with the exception of Unit 36A, which proposes a wall in excess of 7m high at less than three metres from the side boundary.</p> <p>A variation justification has been provided in this regard and is discussed further in the body of the report under section 2.3.1.</p> <p>It is considered that the variation request could be supported.</p>	<p>No, variation justification provided and supportable</p>
<p><u>4.4 Site coverage</u></p> <p>The maximum site coverage for a dwelling, dual occupancy, and combined maximum coverage for a principle dwelling and secondary dwelling, is as follows:</p> <ul style="list-style-type: none"> <li>55% of the area of the lot, if the lot has an area less than 450m<sup>2</sup>.</li> <li>50% of the area of the lot, if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup>.</li> </ul>	<p>The proposed site coverage is compliant at each phase of the development.</p>	<p>Yes</p>
<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> <li>Minimum landscaped area required: <ul style="list-style-type: none"> <li>- Lot area 600sqm-900sqm – 120sqm +30% of the site area &gt;600sqm.</li> <li>- Lot area less than 600sqm – 20% landscaped area</li> </ul> </li> <li>50% behind the building line to the primary road</li> <li>Integrated with drainage design</li> <li>Dual occupancy development requires 1.5m wide landscape strip within front setback for the majority of the site.</li> </ul>	<p>The proposed landscape areas are compliant at each phase of the development, with greater than 50% of each landscaped area provided behind the building line</p> <p>Drainage design and landscaping are generally integrated. Certification confirming compatibility could be conditioned.</p> <p>A landscaping strip is proposed along the front the development, excluding driveway areas.</p>	<p>Yes</p>
<p><u>4.6 Private Open Space</u></p> <ul style="list-style-type: none"> <li>24m<sup>2</sup> of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.</li> <li>Not to be located on side boundaries or front yards without variation.</li> </ul>	<p>The application demonstrates that all dwellings are provided with an area of private open space having a minimum area of 24m<sup>2</sup>.</p>	<p>Yes</p>
<p><u>4.7 Solar Access</u></p> <ul style="list-style-type: none"> <li>Windows to living rooms of adjoining dwellings must receive at least 3hrs</li> </ul>	<p>The proposed dual occupancies will have minimal impact on adjoining properties (both within</p>	<p>Yes</p>

<p>continuous sunlight between 9.00am - 3.00pm on 21 June.</p> <ul style="list-style-type: none"> <li>At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.</li> <li>Dwellings should be designed to maximise natural sunlight to main living areas and private open space</li> </ul>	<p>and external to the development) in terms of solar access as reasonable setbacks and building heights have been maintained, as well as the favourable lot orientations in this regard.</p> <p>The living rooms and private open space areas within the development are oriented to the north, receiving compliant solar access</p> <p>Submitted shadow diagrams are considered satisfactory.</p>	
<p><u>4.8 Building Character and Form</u></p> <ul style="list-style-type: none"> <li>Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context</li> <li>Large bulky forms should be avoided through the use of extended terraces, balconies, sun shading and awnings</li> <li>New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</li> <li>All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.</li> <li>Where garages are proposed on the front elevation they must be articulated from the front façade.</li> <li>Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling.</li> </ul>	<p>The design of the dwellings is not considered to be inconsistent with the site context.</p> <p>Whilst the dwellings have a square, contemporary design, the bulk is reduced through the first floor setbacks, the use of terraces and decks and the open form of the carports.</p> <p>All dwelling entries address the street frontage, with windows on the front façade that will provide for natural surveillance of the street.</p> <p>Garages are articulated from the façade and proposed garage doors do not exceed 50% of the width of the dwellings.</p>	<p>Yes</p>
<p><u>4.9 Fences</u></p> <ul style="list-style-type: none"> <li>Fences must be constructed to allow natural flow of stormwater or runoff.</li> <li>Fences within front and secondary building lines should be mainly constructed of transparent fence materials.</li> <li>Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height</li> </ul>	<p>Palisade fencing is proposed with regard to flooding matters on the site</p>	<p>Yes</p>
<p><u>4.10 Car parking and Access</u></p> <ul style="list-style-type: none"> <li>2 spaces per dwelling with a GFA of greater than 125m<sup>2</sup></li> <li>Carports must be setback behind the front building line of the dwelling.</li> <li>Garage door facing roads—not greater than 50% of the width of the dwelling.</li> </ul>	<p>Dwellings 36A, B, C &amp; D exceed 125m<sup>2</sup> in GFA, and have each been provided with a double carport.</p> <p>Dwelling 38A &amp; B are required to be provided with one parking space each, and this is achieved in the form of a garage for each dwelling.</p>	<p>No, variation justification provided and supportable</p>



<ul style="list-style-type: none"> <li>Garages must be setback min of 5.5m from front boundary.</li> <li>Driveways shall be separated from side boundaries by a minimum of 1m.</li> <li>Driveways shall have a max crossover width of 3m.</li> </ul>	<p>Proposed garage doors do not exceed 50% of the width of the dwellings.</p> <p>Driveways are separated from side boundaries by one metre, and the combined driveway crossovers do not exceed 3 metres in width.</p>	
<p><u>4.11 Storage Facilities</u></p> <ul style="list-style-type: none"> <li>2 bedroom – 8m<sup>3</sup> storage volume / 4m<sup>2</sup> storage area</li> <li>3 bedroom- 10m<sup>3</sup> storage volume/5m<sup>2</sup> storage area</li> </ul>	<p>The proposed development provides adequate storage facilities.</p>	<p>Yes</p>
<p><u>4.12 Site Facilities</u></p> <ul style="list-style-type: none"> <li>letterboxes in an accessible location</li> <li>air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback</li> </ul>	<p>The required site facilities are indicated on plan and considered to be satisfactory.</p> <p>General conditioning restricting the visual impact of site facilities could be provided.</p>	<p>Yes</p>
<p><u>4.13 Fire Brigade Servicing</u></p> <ul style="list-style-type: none"> <li>All dwellings located within 60m of a fire hydrant</li> </ul>	<p>All dwellings are located within 60 metres of a street hydrant</p>	<p>Yes</p>
<p><u>4.14 Services</u></p> <ul style="list-style-type: none"> <li>Encourage early consideration of servicing requirements</li> </ul>	<p>Water, electricity, sewage and telephone services are available to the site</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p> <ul style="list-style-type: none"> <li></li> </ul>	<p>The site is not located in proximity to the coastline</p>	<p>Not applicable</p>
<p><u>4.16 View sharing</u></p> <ul style="list-style-type: none"> <li>To protect and enhance view sharing, significant view corridors</li> <li>A range of view sharing measures to be considered for building design</li> </ul>	<p>The proposed development will have minimal impact on the view corridors of existing, surrounding development.</p>	<p>Yes</p>
<p><u>4.17. Retaining walls</u></p> <ul style="list-style-type: none"> <li>To ensure well designed retaining walls that are structurally sound</li> </ul>	<p>There are no new retaining walls proposed</p>	<p>Yes</p>
<p><u>4.18 Swimming pools and spas</u></p> <ul style="list-style-type: none"> <li></li> </ul>	<p>None proposed.</p>	<p>Not applicable</p>
<p><u>4.19 Development near railway corridors and major roads</u></p> <ul style="list-style-type: none"> <li></li> </ul>	<p>The proposal does not adjoin a classified road or the South Coast Rail Line.</p>	<p>Not applicable</p>

4.21 Additional controls for Dual Occupancies minimum site width

- Provide sites adequate for buildings
- Sites must not be significantly constrained by flood, geotechnical or other environmental hazards

Each site meets the minimum site width requirements at each phase of development

Yes

4.22 Additional controls for Dual Occupancies –building character and form

- Controls for corner allotments
- Controls for garages proposed on the front elevation
- Design compatibility between each dual occupancy in relation to alterations and additions
- Existing garages and outbuildings cannot be used as a dual occupancy

The site is not located on a corner.

The garages proposed are articulated from the front elevation of the dwellings.

The proposal does not relate to alterations and additions or seek to convert an existing outbuilding to a dual occupancy.

4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones

- A minimum of half of the landscaped area must be provided as a deep soil zone. The deep soil zone may be located in any position on the site, subject to this area having a minimum dimension of 3m. The deep soil zone must be located outside the minimum private open space required.

The proposal satisfies the requirement for the provision of a deep soil zone at 50% of the required landscaped area

Yes

## CHAPTER B2 – RESIDENTIAL SUBDIVISION

The application seeks consent for subdivision of the land in two phases. The first phase seeks consent for subdivision that would reduce the size of existing Lot B, which would continue to contain the existing dwelling on the site, and subdivide existing Lots and A into three lots. The numerical compliance of these lots is shown below:

Phase 1 Lot	Area (minimum 449m <sup>2</sup> )	Lot width (minimum required 12m)	Lot depth (minimum required 25m)
Lot 34	1156.3	15.290	70.909/83.337
Lot 1/36	970.3	15.290	58.471/70.909
Lot 2/36	786.7	15.605	45.161/58.471
Lot 38	640.8	15.091	28.810/45.161

The phase two subdivision will occur following the construction of the dual occupancies and as such, the minimum lot size requirements are not applicable to the phase 2 created lots. As the built form outcome is known and ensured via a consent, it is considered that the further phase 2 subdivision of the dual occupancy development could be supported.

## CHAPTER D1 – CHARACTER STATEMENTS

### Thirroul

#### **Existing Character:**

*Thirroul residential area is characterised by a mix of single storey to two storey dwelling-houses including a number of circa 1920's and 1930's weatherboard and corrugated iron roofed bungalows. The coastal strip of Thirroul including along Lawrence Hargrave Drive contains a mix of single storey weatherboard and fibro dwellings and new contemporary dwellings and some medium density townhouses and walk up residential flat buildings.*

*New hinterland subdivisions on the foothill slopes of the escarpment contain new contemporary split – level and two storey dwelling styles with weatherboard or rendered brick wall construction and pitched, sloping flat or curved roofline forms.*

#### **Desired Future Character:**

*Residential development will remain primarily low density in nature. Some restricted medium density within close vicinity to the Thirroul village centre and the railway station is envisaged. Any new housing must be sympathetic with the existing Thirroul village built form and streetscape, particularly in older areas with weatherboard houses, pitched roofs and wide eaves. Environmental zones will be retained close to the escarpment to further maintain the strong village character of Thirroul.*

*Any dwellings should be designed to minimise the scale and bulk of the development through well articulated building forms.*

*The siting, height and design of new dwellings is critical to maximise view sharing opportunities for neighbouring properties. The roof forms for dwellings especially within the eastern part of Thirroul should be designed to maximise view sharing opportunities for rear neighbouring dwellings and hence, should be either sloping flat or gently pitched only. There should also be generous eaves to decrease the need for air conditioning. The impact of upper storeys of a dwelling should also be minimised through a combination of additional front and side setbacks from the ground floor of the dwelling and the selective use of balconies and verandahs. New dwellings should provide small to medium trees, wherever possible, taking into account view sharing opportunities.....*

*Where front or rear facades of new dwellings are likely to be higher than neighbouring dwellings, the screening of balconies and additional setbacks may be necessary, to minimise any potential privacy or amenity impacts.*

*Balconies should be lightly framed in steel and / or timber finishes, rather than of brick or masonry construction.*

The proposal is considered to be consistent with the existing and desired future character for the locality. Dual occupancies are considered to be low density developments, and the proposal achieves the objectives of the R2 zone.

Whilst the majority of development in Hewitts Avenue consists of single storey dwellings favouring the bungalow style, there are other more recently approved developments in the area consisting of larger dwellings with contemporary design.

The dwellings as proposed are well articulated, providing generous first floor setbacks to minimise upper storey bulk. The development attempts to minimise impacts on adjoining properties through a well planted deep soil zone along the rear boundary. Street tree planting and the provision of semi mature trees within the development will also complement the surrounding area and landscaped lots.

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

The proposal was referred to Council's Traffic Officer. The development is considered to be consistent with the requirements of Chapter E3 with respect to parking and manoeuvring and conditions could be recommended in this regard.

## CHAPTER E6: LANDSCAPING

The proposal was referred to Council's Landscaping Officer and proposed landscaping was found to be conditionally satisfactory and consistent with the requirements of Chapter E6. Conditions include those in relation to the provision of a footpath and street tree planting.

## **CHAPTER E7: WASTE MANAGEMENT**

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

Ongoing waste management via on street collection is considered to be suitable and achievable.

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

The application has been reviewed by Council's Geotechnical Engineer in relation to existing on site filling, site stability and the suitability of the site for the development. Council's Geotechnical Engineer does not object to the proposal and appropriate conditions could be recommended in this regard.

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being located within a flood risk precinct under review. A flood study and concept stormwater plan have been provided. Council's Stormwater Engineer has reviewed the proposal and considers that the proposal does not satisfy the requirements of the Chapter as discussed within the report:

## **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater is proposed to be disposed of to the watercourse via an easement. Council's Stormwater Engineer has reviewed the proposal with respect to the provisions of this chapter and considers that the proposal does not satisfy the requirements of the Chapter as discussed within the report.

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

The proposal involves minor earthworks to facilitate the proposed development.

The application submission was referred to Council's Subdivision and Geotechnical Engineering Officers for comment and no objections were raised. It is considered that the earthworks would have minimal detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land. Conditions could be recommended in this regard.

## **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

Lots 1 and A were previously used as a bus depot and the site included fuels storage facilities and a mechanical workshop. A Stage 2 Environmental Site Assessment identified a number of areas of environmental concern, and a Remediation Action Plan (RAP) submitted with the development application.

Interim Audit Advice received confirms that the site is suitable for the proposed residential development subject to the successful implementation of the RAP. In consideration of the above, conditions in relation to the provision of a site audit report and statement following completion of the remediation works could be applied where the application was to be supported.

## **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

The application submission proposes demolition of the existing structures on the site. A Site Waste Minimisation Plan, including waste removal was included in the application submission. Conditions could be imposed to minimise impacts and ensure that demolition is carried out to Council's and Work Safe NSW requirements.

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

Conditions of consent could be recommended in regard to appropriate sediment and erosion control measures required during works.

## **CHAPTER E23: RIPARIAN LAND MANAGEMENT**

Riparian Land corresponding in part to a piped watercourse (on Lot 1 DP 327144, Lot A DP 382619 and a small part of Lot B DP 382619) and in part to a Category 3 watercourse (on lot B DP 382619) is mapped on the site. The proposal was referred to Council's Environmental Officer for consideration.

It was noted that the proposal diverts water away from the existing watercourse channel and discharges these flows to a local drainage channel located approximately 23 metres to the north of the watercourse, with the outlet oriented towards the opposite embankment of the receiving channel. This will result in likely scour/erosion of the existing drainage channel and potential environmental

impacts extending downstream to the point where the diverted flows re-converge with their current flow location (being within Lot 1 DP 561325, owned by Council).

The loss of water to the existing watercourse channel and the downstream impacts of scour and erosion of the drainage line have the potential to cause adverse impacts on aquatic and riparian vegetation, however these matters have not been addressed in the application submission.

The application also does not propose any rehabilitation of aquatic and riparian vegetation in and beside the watercourse channel on Lot B DP 382619.

As such, it is considered that the application fails to demonstrate consistency with the objectives of Chapter E23.

## ATTACHMENT 4 - NUMERICAL COMPLIANCE

### Phase 1:

Proposed Lot	Site Area following phase 1 subdivision m <sup>2</sup> (minimum 449m <sup>2</sup> )	FSR (maximum 0.5:1)	Site coverage (permitted/ provided)	Landscaped Area m <sup>2</sup> (required/ provided)	Deep Soil Zone m <sup>2</sup> (required/ provided)
34	1156.3	0.12:1	40%/13%	Existing (exceeds requirements)	Existing (exceeds requirements)
1/36	970.3	0.47:1	40%/23%	238.12/ 515.16	119/ 151.5
2/36	786.7	0.49:1	50%/28%	176/ 324.38	88/ 118.82
38	640.8	0.4:1	50%/27%	132.24/ 261.88	66.12/ 91.75

Phase 2:

Proposed Lot	Site Area following phase 2 subdivision m <sup>2</sup> (no minimum lot size for dual occupancy)	FSR (maximum 50%)	Site coverage (permitted/ provided)	Landscaped Area m <sup>2</sup> (required/ provided)	Deep Soil Zone m <sup>2</sup> (required/ provided)
No 34	Lot 34 (containing existing dwelling) - No further development				
36A (Lot 101):	518	231.86/518= 0.45:1	50%/22%	103.6/ 291.94	52/ 87.3
36B(Lot 102):	452.2	220.57/452.2= 0.49:1	50%/24%	90.44/ 223.22	45/ 64.2
36C(Lot201):	417	190.23/417= 0.46:1	55%/27%	83.4/ 173.69	42/ 65.82
36D(Lot202):	369.6	180.23/369.6= 0.49:1	55%/29%	73.92/ 150.69	37/ 53
38A(Lot 101):	318.2	127.57/318.2= 0.4:1	55%/27%	63.64/ 174.34	32/ 47.63
38B(Lot102):	322.96	127.57/322.96= 0.4:1	55%/27%	64.5/ 87.54	33/ 44.12

Side and rear setbacks

Proposed Lot	Eastern boundary setback mm	Western Boundary setback mm	Rear setback (approx.) m
No 34	existing	4m	Existing (approx. 50m)
36A (Lot 101):	1925mm (required to be 3000mm)	0	30m
36B(Lot 102):	0	1625mm (required to be 3000mm)	26m
36C(Lot201):	1815mm	0	18m
36D(Lot202):	0	1895mm	14.5m
38A(Lot 101):	2105mm	0	12m
38B(Lot102):	0	Approx. 1800mm to easement for encroachment; 5m to boundary	86m