

Wollongong Local Planning Panel Assessment Report | December 2020

WLPP No.	Item 4
DA No.	DA-2020/307
Proposal	Residential - consolidation of Lots 2 and 3, construction of multi dwelling housing 4 units and Subdivision - Strata title - four (4) lots
Property	5 -7 Truscott Place, FIGTREE NSW 2525 Lot 2 and Lot 3 DP 1249810
Applicant	Cardno Pty Ltd
Responsible Team	Development Assessment and Certification – City Wide Planning Team (MB)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the WLPP for **determination** pursuant to Part 3 of Schedule 2 of the Local Planning Panels Direction, as the application involves an exception to a development standard at Clause 7.14 of WLEP 2009, contravening the 18 metre minimum site width requirement by more than 10% (19.3%).

Proposal

The proposal seeks consent for the construction of multi dwelling housing comprising 4 (four) dwelling houses each with double garages, associated landscaping and infrastructure and strata subdivision.

Permissibility

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

Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan 2019. A total of 9 submissions were received during this period. One submission by way of support.

Upon submission of additional information, the proposal was re-exhibited. A total of 9 additional submissions were received during this period. One submission by way of support. The submissions received are discussed at section 1.5 of the assessment report

The proposal has been referred to Council's Geotechnical, Stormwater, Development Engineer's and Landscape and Community Service Officer's, with conditionally satisfactory referral advice provided. The proposal was also referred to New South Wales Rural Fire Service as Integrated Development as the site is bushfire affected.

Main Issues

The main issues arising from the development assessment process are:

- Exception to Development Standard - Clause 7.14 Minimum Site Width
- Variations to WDCP 2009 controls for POS, retaining walls, minimum site width
- Impact on adjoining residential development, and
- Consistency of the development with the character of the subdivision/streetscape

RECOMMENDATION

Development Application DA-2020/307 be **approved** subject to the conditions contained in **Attachment 5**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2019 (Section 7.12 of EP&A Act 1979)
- Wollongong Community Participation Plan 2019
- Planning for Bush Fire Protection 2019 (PBP 2019) – Integrated Development under section 100B.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- The construction of four residential dwellings. Units 1 and 4 are detached standalone units and Units 2 and 3 are attached with lower (basement) level carparking.
- Provision of a shared driveway that bisects the site;
- Provision of utility services and stormwater drainage infrastructure; and
- Associated landscaping including deep soil zone.
- Lot consolidation
- A subsequent strata title subdivision of the four (4) units is proposed following construction.

1.3 BACKGROUND

This is the first development application for the newly created site. The development history of the site is as follows:

Application No	Description	Date	Decision
PL-2019/165	Consolidation of existing two lots, five residential homes units with strata subdivision	17/12/2019	Completed
<u>Parent Subdivision</u>			
DA-2017/110	Subdivision – Torrens title – 7 residential lots	15/12/2017	Approved

Additional information was sought on 22 May 2020 regarding a number of matters put succinctly,

The physical form of the proposed development is considered to be inconsistent with the prevailing character of the street and the surrounding development in general. As indicated within pre-

lodgement advice, smaller dwellings may address the impacts created/overdevelopment. The built form must be in character with the adjoining properties and contribute to the character of the street.

The proposal was amended from 5 units to 4 units. Amended plans and information was received 27 August 2020 and further refinements were made to the design and received 24 November 2020 and 1 December 2020. A letter in response is provided at Attachment 1.

Customer service actions:

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

1.4 SITE DESCRIPTION

The site is located at 5-7 Truscott Place, FIGTREE NSW 2525 and the Title reference is Lot 2 and Lot 3 DP 1249810 The multi dwelling housing will be situated on two adjacent allotments, the combined total subject site area is 1,205.6m². The site is narrowest at the street frontage and progressively widens throughout the subject area. The site is irregular in shape, measuring a width of approximately 34 metres along the rear boundary and a maximum diagonal depth of 54 metres.

Truscott Place is approximately 110 metres in length and has a cul-de-sac at the northern extent. The subject site has a street frontage to Truscott Place and will provide residents with access to the existing peripheral road network.

The subject site is in close proximity to Branch Creek and dense vegetation consisting primarily of mature trees and shrubs. Due to the subject site's proximity to this vegetation, the land is located in a mapped bushfire prone area. The subject site has been cleared in accordance with the previous subdivision application (DA-2017/110). The land has been cleared during the subdivision and no trees exist on the subject site; however, there are trees on neighbouring sites.

Surrounding development consists of low-density residential development primarily single dwelling houses within the newly created subdivision (DA-2017/110).

Property constraints

- Flood (uncategorised) – referred to Council's Development Engineer
- Bushfire - referred to NSW Rural Fire Service
- Filled land – referred to Council's Geotechnical Engineer
- An easement for open drainage is located on the northern side of the site.

There are no restrictions on the title that would preclude the proposed development.



Figure 1: Aerial photograph

1.5 SUBMISSIONS

The proposal was exhibited in accordance with the Community Participation Plan 2019. One in support. A total of 9 submissions were received during this period.

Upon submission of additional information, the proposal was re exhibited. A total of 9 additional submissions were received during this period. One in support. The issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1. Traffic and Car Parking <ul style="list-style-type: none"> Insufficient for a development of this scale and will result in additional cars being parked on the street. Existing street parking is limited to 3 vehicles Site width non-compliance at site entry Safety concern with traffic increase 	<p>Resident and visitor car parking provided meets the requirements of Chapter E3 of the WDCP 2009.</p> <p>Council's Development Engineer has provided satisfactory referral advice.</p> <p>Although the proposal will result in a minor increase in traffic flow from the site, the surrounding road network is considered to be capable of absorbing this increase without</p>

	<p>resulting in unacceptable impacts on the local road network.</p> <p>Sight distance and manoeuvring within the site have been considered by Council's Development Engineer and are considered satisfactory.</p>
<p>2. The proposal is out of character with the surrounding area</p> <ul style="list-style-type: none"> • The proposal is an overdevelopment of the site. • The development does not respect the context of the existing street. • Property values will be affected • The surrounding area is primarily comprised of owner-occupier, single family dwelling houses where a good degree of community exists. The proposal is contrary to that. • The proposal will result in a significant change in the character of the suburb to the detriment of the current residents. • Non-compliance with the DCP. 	<p>The proposal is permissible development in the R2 Low Density Residential zone and complies with all WLEP 2009 development standards including floor space ratio and height.</p> <p>The proposal generally complies with WDCP 2009 controls. WDCP 2009 variation requests to the POS in the front setback and minimum site width due to the narrow street frontage have been sought and are considered capable of support in this instance.</p> <p>Attachment 2 provides a breakdown of the development with regard to all applicable WDCP 2009 controls.</p> <p>The proposal is permissible in the zone. Property values are noted.</p>
<p>3. Landscaping, tree protection and deep soil zone</p> <ul style="list-style-type: none"> • The deep soil zone location • Landscaping and tree protection on neighbouring site 	<p>Council's Landscape Officer has reviewed the proposal and provided a conditionally satisfactory referral response.</p> <p>The impact of the development on trees on adjoining properties has been considered within the submission of an Arborist report. Tree protection measures would be required to protect trees on adjoining sites.</p> <p>The deep soil zone has been located at the rear of the site and meets requirements under WDCP 2009.</p>
<p>4. Waste Collection</p> <ul style="list-style-type: none"> • Waste collection and placement of bins within the narrow frontage 	<p>The proposed on-street waste collection arrangement complies with Chapter E7 of the WDCP 2009. Waste is able to be collected via Council side loader vehicle. Council's Development Engineer has reviewed the application and provided satisfactory comment.</p> <p>Garbage collection is proposed to be managed via bin storage within an exterior area of each unit, with on street collection.</p>

<p>5. Amenity Impacts</p> <ul style="list-style-type: none"> • The increase in the density of residents on the land will result in an increase in noise, overshadowing, privacy and views • Concern raised with noise 	<p>The proposal relates to a multi dwelling housing development, which is a permissible land use in the R2 Low Density Residential Zone.</p> <p>The side boundary building setbacks comply with the WDCP 2009 controls, as demonstrated at Attachment 2.</p> <p>Overshadowing, privacy and view impacts have been addressed with revised plans that reduce the number of units to 4 and lower the height, upper balconies have been removed and POS located as close to ground level as possible. Landscaping has been increased along boundaries to provide better amenity for neighbouring sites.</p> <p>The additional dwellings are unlikely to generate additional noise other than general normal residential use noises.</p>
<p>6. Flooding, Stormwater, sewer and Bushfire</p> <ul style="list-style-type: none"> • The flood affection and stormwater disposal. Resultant impacts on the site and the adjoining sites • Bushfire constraint 	<p>Councils Stormwater Officer reviewed the application submission and provided satisfactory comment with conditions. See Attachment 5.</p> <p>The application was referred to the New South Wales Rural Fire Service and satisfactory advice with conditions has been provided. See Attachment 5.</p>
<p>7. Inconsistent with requirements of EP&A Act, Council's DCP and WLEP 2009 including submitted plans and documentation</p> <ul style="list-style-type: none"> • Overdevelopment • Inconsistent with WLEP requirements – site width, bulk earthworks • Inconsistent with DCP controls • Three storeys 	<p>The proposal was redesigned to address issues raised and to achieve compliancy with WDCP.</p> <p>Height and FSR are compliant.</p> <p>Justification has been provided for an exception to clause 7.14 as it relates to minimum site width of WLEP 2009. See clause 4.6 of this report.</p> <p>The application is also compliant with regard to the number of storeys as defined under WDCP 2009, which is the relevant legislation. The buildings are all two storey. Storey as defined WDCP 2009 as " ..a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include: a) A space that contains only a lift shaft, stairway or meter</p>

	<p>room, or b) A mezzanine, or c) An attic. The perceived third storey element contains a stairway and as such is not defined as a third storey.</p> <p>Inconsistency concerns with plans and documentation have been noted.</p> <p>The proposal has been assessed under the DCP and apart from a variation to site width and POS for Unit 1 being forward of the building line, the proposal is compliant. See Section 2.3.1. Council referral groups have provided satisfactory referral advice.</p> <p>SEPP BASIX has been provided by the applicant with the appropriate certificate of compliance.</p> <p>Excavation has been assessed by Council's Geotechnical Engineer as conditionally satisfactory. See Attachment 5.</p> <p>Although the proposal may appear to lack environmental initiatives, the development has been assessed against ESD principles and requirements of Chapter A2 as compliant and what could reasonably be expected in this regard for comparable development.</p>
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Matter	1	2	3	4	5	6	7
Round 1 submissions	6	7	3	2	7	3	8
Round 2 submissions	5	6	4	3	6	3	8

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Development, Stormwater, Geotechnical, Landscape, and Community Safety Officers' have reviewed the application submission and provided satisfactory referral comments/conditions. Conditions at **Attachment 5**.

1.6.2 EXTERNAL CONSULTATION

New South Wales Rural Fire Service

The application was referred to the NSW Rural Fire Service for General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority,

under section 100B of the Rural Fires Act 1997, and was issued 22 June 2020 subject to conditions that will form consent conditions at **Attachment 5**.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

7 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Site contamination was addressed at subdivision stage under DA-2017/110 for the residential lots. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

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

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

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019

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

Council does not have an approved Koala Plan of Management for the land at the time of preparing this report, and as such, no further consideration of this SEPP is required.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

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

Part 2 Permitted or prohibited development

Clause 2.2 – Zoning of land to which Plan applies

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



Figure 2: WLEP 2009 zoning map

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

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

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

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

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

Clause 2.6 Subdivision – consent requirements

Strata subdivision is sought as part of this application

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed maximum building height of 7.9m above natural ground level does not exceed the maximum of 9 metres permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.48:1	
Combined Site area:	1205.6m ²	
Combined gross floor areas:		
Unit 1	Ground floor	57.1m ²
	First floor	95.27m ²
Units 2	Ground floor	64.58m ²
	First floor	47.35m ²
Units 3	Ground floor	71.74m ²
	First floor	68.43m ²
Units 4	Ground floor	91.6m ²
	First floor	84.51m ²
Exclusions	36m2 x 2 (garages) = 72m ² Basement Garages/storage and stairway – Units 2 & 3	
GFA	580.58m ²	
FSR	580.58m ² / 1205.65m ² 0.48:1	

The proposal is compliant.

Clause 4.6 Exceptions to development standards

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 7.14 of WLEP 2009, the minimum site width permissible for a multi dwelling housing development is measured at minimum 18 metres. The minimum site width of the subject site is 14.52 metres, this is a shortfall of 3.48 metres.
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is	Justification as provided by applicant at Attachment 3 .

unreasonable or unnecessary in the circumstances of the case, and	
that there are sufficient environmental planning grounds to justify contravening the development standard.	Justification as provided by applicant at Attachment 3 .
4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The statement submitted by the applicant is considered to have adequately addressed the matters required to be demonstrated, in that compliance to the development standard is unnecessary or unreasonable in the circumstances of the case.</p> <ul style="list-style-type: none"> • The irregular shape of the site is a fixed feature of the site and the proposal has been designed to specifically accommodate for these unique circumstances • The majority of the buildable area of the site is compliant with (and exceeds) the development standard and contributes to the achievement of a high-quality built form and landscaping outcome; • There is no consistent pattern to development in the streetscape; • The noncompliance has no detrimental impacts on site and off site. <p>The written request has adequately addressed the matters required to be addressed under this subclause.</p>
the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<p>The statement demonstrates that the proposed development will be in the public interest as follows:</p> <ul style="list-style-type: none"> • Increase in housing stock in the Wollongong LGA, this will assist in increasing housing diversity and encouraging housing affordability in the local market; • Provides additional residential accommodation in a desirable area well serviced by public transport and existing utilities and services; • The natural aesthetics of the area make it particularly desirable, set against the Illawarra Escarpment and Branch Creek; • The proposal ensures the development of two (2) cleared residential lots designed to integrate with the streetscape and existing built form; and • The proposal can potentially encourage further services, infrastructure and amenities due to the resident population growth of the area. <p>The public interest can be further justified in representing the proposals alignment with the zoning objectives outlined in the WLEP 2009.</p>
the concurrence of the Secretary has been obtained.	Referral to the Department of Planning is not required (Planning Circular PS 18-003 issued 21 February 2018) as the LPP assumes the Secretary's concurrence.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

Clause 7.6 Earthworks

The proposal would require earthworks consisting of excavation for the lower level, footings and foundations. The amended design has reduced the amount of excavation required. The earthworks themselves are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features of surrounding land.

Clause 7.14 Minimum site width

The proposal involves multi-dwelling housing. Lots 2 and 3, once amalgamated, do not comply with the minimum site width requirement. The development site has a curved frontage that does not meet the required 18 metres for multi dwelling housing. The minimum site width at the street frontage is 14.52 metres. The site progressively widens throughout the subject area. The site is irregular in shape as displayed at Figure 2. The site measures approximately 34 metres in width at the rear and has a diagonal length of approximately 45 metres. Therefore, a clause 4.6 variation has been prepared to justify this noncompliance and provided at **Attachment 3**.

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

None relevant.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. See **Attachment 2** for Compliance Table.

The proposal seeks variations to WDCP 2009 Chapter B1 clause 5.5.2 Private open space forward of the building line and retaining walls under clause 4.17. There is also a variation to 5.1 minimum site width, which has also been addressed under WLEP 2009 clause 4.6. The variation requests are discussed below:

Chapter B1: Residential Development

5.1 Minimum Site Width

Objectives

- a) To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements.*
- b) To encourage amalgamation of allotments to provide for improved design outcomes.*

Development Controls

- 1. The Wollongong LEP requires a minimum site width of 18 metres for multi dwelling development. Site width is measured for the full width of the site, perpendicular to the property side boundaries.*
- 2. A minimum site width of 18m is required for attached dwelling development. Site width is measured for the full width of the site, perpendicular to the property side boundaries. This control may be varied for irregular shaped lots or where the development meets the requirements of setbacks, private open space, visual amenity, solar access, built form and landscaping.*

Statement of Variation

Control being varied and extent

- The controls being varied are 5.1(1 & 2) – these controls state that a multi dwelling development must have a minimum site width of 18 metres, and an attached dwelling development must have a minimum site width of 18 metres.
- The minimum site width of 5-7 Truscott Place is 14.52 metres, this represents a shortfall of 3.48 metres and a shortfall percentage of 19.3%.

Demonstrate how the objectives are met with the proposed variations

- *To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements.*

The size of the subject area is 1,205.5m², this allows for sufficient land for a three (3) building envelopes, carparking and landscape requirements. The site is irregular in shape, with the width opening up to 35.3 metres. The width at the building envelopes is much larger than that at the front of the lot, thus accommodating the development. The building envelope complies with all front, rear, and side setbacks in accordance with WDCP 2009. All dwellings are two storeys in height, also complying with the objectives of the DCP and LEP height requirements.

Car parking has been proposed for Units 1-4 in the form of a double garage. A visitor car space, motorbike and bicycle spaces have been provided. This complies with the requirements set out in the DCP. The total landscaped area and deep soil zones comply with the numerical controls set out in the DCP. The development is proposed to be bordered by vegetation which will lessen the visual impact of the built form and improve privacy. Native species have been chosen throughout the landscape design, as well as various water gums which once matured will effectively screen the property. Communal open space objectives are further achieved in landscaped areas. As evident, despite the shortfall in site width, the subject site remains suitable for the proposed development.

- *To encourage amalgamation of allotments to provide for improved design outcomes.*

The proposal is proposing the amalgamation of two (2) lots as part of the proposal. These are 5 Truscott Place and 7 Truscott Place, Figtree. The two (2) sites minimum lot widths are as follows:

1. 5 Truscott Place – approximately 6 metres
2. 7 Truscott Place – approximately 9 metres

Both sites have relatively narrow street frontages, this is largely due to the configuration of the 2 Branch Avenue subdivision in 2017. All seven (7) allotments are located around the Truscott Place cul-de-sac, this makes it extremely difficult to achieve wide lots at the street frontage. To compensate for this, lots are generous in depth and widen towards rear boundaries. It is believed that a good design outcome is able to be achieved in the consolidation of 5 and 7 Truscott Place.

The proposal will still achieve appropriate privacy measures. The development contains generous setbacks at the front of the allotment, this creates greater distance between residential units and Truscott Place cul-de-sac. Private open space has been provided where possible towards the rear and side boundaries in close proximity to perimeter fencing.

A landscape plan has been provided that illustrates the intent of the proposal to create a perimeter of vegetation around the development. This will further enhance privacy by means of natural screening.

The small width of the site at the street frontage makes it increasingly difficult for onlookers to see into the site. Moreover, the configuration of the units in a north to south direction means not all units are visible from the street, further enhancing resident privacy. Shadow diagrams have been provided as part of the architectural set, these outlines sufficient solar access is achieved to each dwelling during the winter solstice. Solar access in private open space is also achieved between the hours of 9am and 3pm. Minimum private open space dimensions are achieved in all 4 units. This satisfies the 4m x 5m dimension requirement and 20m² area requirement.

The shortfall in site width of 5-7 Truscott Place does not affect subsequent elements of the proposals design and function. The proposal aligns with the objectives of WDCP Chapter B1 Section 5(1), in consolidating two lots and producing a multi dwelling residential development that achieves a high standard of design. Good privacy and solar access outcomes are still achieved due to innovative landscaping and security measures. Access to the site is not affected by the narrow entryway to the subject site, minimum driveway and crossover dimensions comply with DCP guidelines.

The subject site is part of a seven (7) lot residential subdivision in 2017, all lots have frontages along Truscott Place a cul-de-sac. As a result of this, most allotments have narrow site frontages that widen progressively towards the rear.

A Clause 4.6 variation to WLEP 2009 (Site Width) has been provided

Comment:

The development is not considered to be inconsistent with the above objectives and is considered capable of support in this instance. Also see WLEP 2009 Clause 4.6 justification.

5.11 Private Open Space

Objectives

a. To ensure that private open spaces are of sufficient size to accommodate a range of uses and are accessible and connected to indoor spaces where appropriate

b. To ensure functionality of private open space by reducing overlooking and overshadowing of such spaces

Development Controls

2. Private open space for each dwelling within an attached dwelling housing development must comply with the following:

a. Private open space must be provided at the ground level or podium level. The courtyard or terrace must have a minimum dimension of 4 metres x 5 metres. This area must be separated from boundaries by at least 1.5 metres with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas. Where a level courtyard is not possible, a deck or split-level courtyard must have a minimum depth of 3 metres.

Statement of Variation

Control being varied and extent

The control being varied is clause 5.11(2a):

– this control states that private open space in an attached dwelling housing development must be provided at ground or podium level.

Unit 1 includes an area of POS on the ground floor plan.

Within 5.11.2 (1) of the Development Standards, however, it is stated:

“Private open space must be provided for each dwelling within an attached dwelling development in the form of a balcony, courtyard, terrace and/or roof garden.”

This standard provides flexibility in providing the open space as a balcony, courtyard, terrace and/or roof garden. In the current proposal the private open space is provided in the form of a balcony, in line with this standard.

Demonstrate how the objectives are met with the proposed variations

- *To ensure that private open spaces are of sufficient size to accommodate a range of uses and are accessible and connected to indoor spaces where appropriate*

The Private Open Space (POS) terrace that has been provided in Unit 1 complies with the numeric size requirements of the development control. The open terrace is located adjacent to a living area. The POS has also been located to the north of the dwelling, to ensure maximum sunlight and no overshadowing. This location will provide maximum amenity to the future residents.

- *To ensure functionality of private open space by reducing overlooking and overshadowing of such spaces*

The terrace will function in a similar manner to the spaces provided at ground level. Unit 1 is located at the front of Truscott Place; the terrace is to an extent visible from the streetscape. There are a number of mitigation measures that have been introduced to ensure adequate privacy for residents is achieved. A large, semi mature tree will obstruct onlookers' views of the terrace, in addition the terrace balcony is not visually permeable and restricts views from the streetscape. The proposed terrace will largely provide views of Truscott place and the Branch Creek Riparian Corridor. The terrace will not overlook Unit 4's private open space as a pergola structure with screening has been proposed over Unit 4 POS to ensure privacy is achieved and there is limited potential for overlooking. Landscaping has been proposed in the side setback to further limit any overlooking and maintain privacy. As the shadow diagrams indicate, the POS is able to achieve 3 hours of sunlight to 50% of the POS during the winter solstice.

- *Demonstrate that the development will not have additional adverse impacts as a result of the variation*

Privacy will be maintained throughout the site. Landscaping treatment has been proposed to soften the impact of the development from public view on Truscott Place. Moreover, the aspect and location of the open terrace has limited the overlooking potential on adjoining units. Unit 4 has proposed a pergola structure for the POS which will limit views to this area. The POS for Unit 1 has been setback to limit privacy and overshadowing impacts. Truscott Place is a cul-de-sac with seven allotments adjoining the street. The bulk of this POS has been further reduced by not having a roof structure.

Comment:

The development is not considered to be inconsistent with the above objectives and is considered capable of support in this instance. Refer to Applicant's Variation Statement at **Attachment 4**.

Clause 4.17 Retaining walls within Chapter B1

Objectives

(a) To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties.

(b) To guide the design and construction of low height aesthetically pleasing retaining walls.

(c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall.

(d) To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.

Controls

A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than:

- (a) 600mm at any distance up to 900mm setback from any side or rear boundary; or
- (b) 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary.

Note: Council may consider a variation to the abovementioned maximum height / depth of a retaining wall, in cases where the subject site is steeply sloping and the proposed retaining wall is setback more than 1 metre from any side or rear common property boundary. Additionally, appropriate structural design details will be required and in some cases appropriate landscape buffer screen planting may be required, where necessary.

Variation

The proposed retaining wall will extend to a maximum height of 2.9m, requiring a 1.9m variation to Council's control. The proposed design is considered to result in an appropriate outcome for the site for the following reasons:

- the retaining wall will provide the required retaining for the excavations of the driveway
- the wall varies in height up to 2.9 metres at the southern end of the site at the end of the driveway to retain excavation.
- the wall will be designed by an engineer to ensure structural stability and the wall will incorporate appropriate drainage to mitigate impacts from runoff;
- the wall will not present an excessive bulk as viewed from the neighbouring dwellings or the streetscape.

The retaining wall will be of benefit to proposed development with no apparent impact on the surrounding properties.

Demonstrate how the objectives are met with the proposed variation

The objectives of the retaining wall controls have been directly achieved through the proposed design and siting of the retaining wall. The wall will be engineer designed, provide appropriate drainage lines, will not result in overlooking of adjoining properties and will have minimal visibility from the adjoining sites.

The proposed wall is considered an appropriate inclusion to address the specific constraints of the site.

The proposed retaining wall will lower the level of driveway, which will reduce any potential loss of privacy to the adjoining properties. The wall will be terraced, reducing visual bulk and loss of privacy.

Comment: As the proposed retaining walls can meet the objectives of the clause and appropriate justification has been provided the variation is considered capable of support in this instance.

2.3.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is >\$100,000 (\$1,900,000) and a levy of 1% is applicable under this plan as the value of the development is greater than \$200,000.

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?

Demolition is not required or proposed, and the site is not mapped within the coastal zone.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

Context and Setting:

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

Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk, scale and setbacks are relevant. The proposal is within the allowable Floor Space Ratio and Building Height for the site and proposes side and rear setbacks compliant with the minimum requirements. The development will not result in unreasonable overshadowing of any adjoining property, or the development potential of any nearby site.

With regard to the visual impact, the development is not considered to be inconsistent with the locality. The immediate area is currently made up of single dwelling houses on larger lots. The proposed four dwellings across two lots would not be considered to result in an unreasonable visual impact as in this location the townhouses will be to the rear of existing dwellings except for Unit 1, which presents to the street.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is not considered to be incompatible with the context and setting or existing and future desired character of the local area.

Access, Transport and Traffic:

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

Public Domain:

The development is considered to be acceptable in relation to bulk and scale and the public domain. Unit 1 presents to Truscott Place and incorporates appropriate levels of landscaping while achieving passive surveillance of the street.

Utilities:

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

Heritage:

The site is not impacted by heritage items.

Other land resources:

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

Water:

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

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

Soils:

The proposal would not be expected to result in negative impact on soils.

Air and Microclimate:

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

Flora and Fauna:

The site is not identified within Council's land information system as being known to contain any threatened fauna species or habitat. An arborist report was provided. The proposal is considered satisfactory with regard to the requirements of the BC Act 2016.

Waste:

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

Energy:

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

Noise and vibration:

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

Natural hazards:

Council records list the site as affected by bushfire and flood impacts. NSW Rural Fire Service have provided satisfactory comment with General Terms of Approval provided in **Attachment 5**. Council's Stormwater Engineer has reviewed the application and made satisfactory comment on flooding/stormwater matters. Conditions of consent regarding site drainage are provided in **Attachment 5**.

Technological hazards:

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

Safety, Security and Crime Prevention:

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

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

The application has an exception to the minimum site width requirement of WLEP 2009 development standards. It is considered that the exception is appropriate in this instance, as discussed in the body of this report. Considering the nature of the request and the mitigation of impacts, the exception is considered capable of support.

The proposal does seek variations to development controls relating to requirements for site width, private open space forward of the front building line and retaining walls. These requests have been considered and are considered capable of support in this instance, as discussed at section 2.3.1 above.

Private open space, vehicular manoeuvring and pedestrian access have been accounted for in the site layout. Internal design has been enhanced as a result of amended plans. A materials and colour palette have been provided that demonstrate finishes and materials are reasonable. Overall, the site and building design is considered unexceptional but otherwise compliant.

Construction:

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

A condition will be attached to any consent granted that all works are to be in compliance with the National Construction Code.

Cumulative Impacts:

The proposal is not expected to result in negative cumulative impacts

Ecologically Sustainable Development Considerations

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

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See section 1.5 above.

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

The development is not expected to result in unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the expected future character of the locality and is therefore considered to be in the public interest.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is considered that the applicant has provided adequate justification for the exception to the WLEP 2009 development standard at clause 7.14 Minimum Site Width, which is considered capable of support.

It is also considered that the applicant has provided adequate justification for the variations sought to WDCP 2009 as relates to the location of private open space for Unit 1, retaining walls and minimum site width non-compliance. The variations are considered capable of support.

All relevant internal and external referrals are conditionally satisfactory.

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

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

4 RECOMMENDATION

Development Application DA-2020/307 be **approved**, subject to the conditions contained in Attachment 5.

5 ATTACHMENTS

- 1 Architectural Plans and documents
- 2 WDCP 2009 Compliance Table
- 3 WLEP Clause 4.6 Justification - Applicant
- 4 DCP Variation Statement - Applicant
- 5 Conditions

Note:

The setbacks/site measurements/floor levels/finished ground levels shown on these plans are approximate only and should be verified/checked by a Qualified Land Surveyor prior to commencement or setout of the construction/building works proposed.

All roof water to be piped to the existing stormwater system incorporating water tanks as outlined in the BASIX. All roof plumbing and stormwater systems must be installed to the requirements of the relevant Australian/New Zealand Standards and the BCA. See page 2d for rainwater tank location and stormwater drainage plans Rienco Consulting ref no 1001, dated August 2020 issue C for stormwater details.

The depth and location of all services (i.e. gas, water, sewer, electricity, telephone, etc) must be ascertained and on the Construction Certificate plans and supporting documentation. Builder is to verify with Authorities prior to carrying out or any excavation on site.



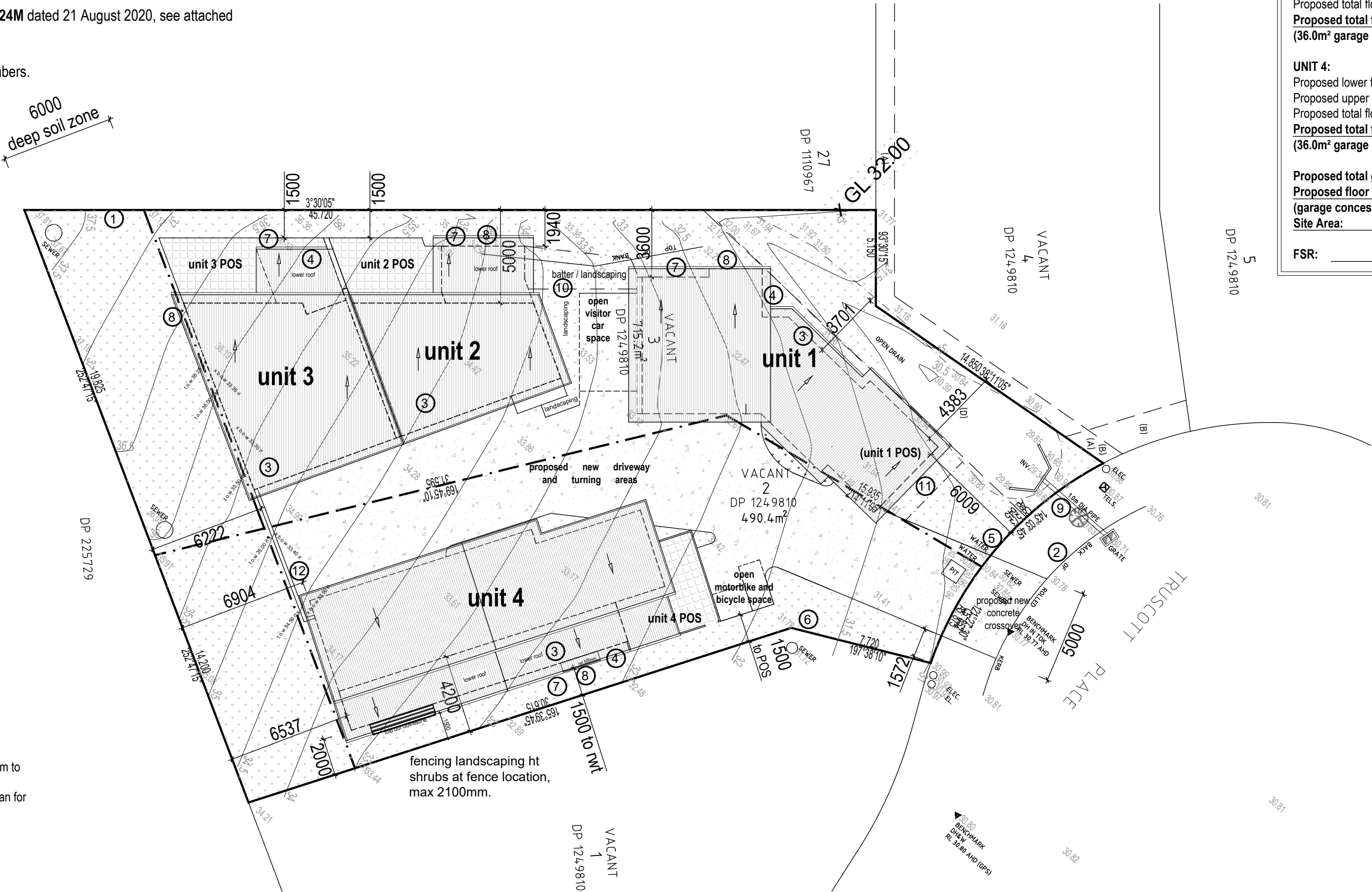
All Basix requirements are to be in accordance with a Basix certificate **1126424M** dated 21 August 2020, see attached specifications.

All NathERS requirements are to be in accordance with below certificate numbers.

- dwelling 1 - OM3ZIFAJU3
- dwelling 2 - 5P1QT1T9GV
- dwelling 3 - 6YWFFIP3KL
- dwelling 4 - 5PJC7XOACB

- 1 Recycling composting location
- 2 bin collection on street kerb location in accordance with councils waste management policy, storage of bins are shown on floor plans. See page 2e/13 for details.
- 3 Kitchen recycling (note by owner see floor plan)
- 4 Bins location (in garage)
- 5 Letterbox location.
- 6 complex main electrical metre box location.
- 7 Clothes line location. (see floor plans for details) unit 3 distance to clothesline 1500mm to allow landscape and fence screening max ht 2100mm. unit 2 distance to clothesline 1940mm to allow landscape and fence screen max ht 2100mm (refer to landscape plan for planting details)
- 8 Rainwater tank location. (see floor plans for details)
- 9 existing street tree. see landscape plan for details.
- 10 batter / landscape behind visitor car space to AS / NCC 2019 requirements. no retaining wall at this point.
- 11 1500mm landscape bed in front of unit 1 POS for screening
- 12 stepped retaining wall to follow natural ground levels. min ht 1000mm, max ht 2900mm concrete block construction to structural engineers design. agg line to be connected to proposed drainage design system by civil engineer.

Site Analysis Plan



all stormwater drainage is to be in compliance with the civil engineers design by Rienco Consulting, ref no 1001, dated Aug 2020 issue C

all landscaping is to be in compliance with the landscape plan design by ZED Designs, ref no 2028, dated 14/08/2020

FSR Calculations WCC LEP 2009

UNIT 1:	
Proposed lower floor area:	= 61.50 m ²
Proposed upper floor area:	= 95.20 m ²
Proposed roof space area:	= 12.00 m ²
Proposed total floor area:	= 168.70 m ²
Proposed total floor area for FSR:	= 132.70 m²
(36.0m² garage concession)	
UNIT 2:	
Proposed lower garage floor area:	= 58.10 m ²
Proposed middle floor area:	= 61.80 m ²
Proposed upper floor area:	= 51.55 m ²
Proposed total floor area:	= 171.45 m ²
Proposed total floor area for FSR:	= 135.45 m²
(36.0m² garage concession)	
UNIT 3:	
Proposed lower garage floor area:	= 47.65 m ²
Proposed middle floor area:	= 70.10 m ²
Proposed upper floor area:	= 72.30 m ²
Proposed total floor area:	= 190.05 m ²
Proposed total floor area for FSR:	= 154.05 m²
(36.0m² garage concession)	
UNIT 4:	
Proposed lower floor area:	= 96.10 m ²
Proposed upper floor area:	= 85.10 m ²
Proposed total floor area:	= 181.20 m ²
Proposed total floor area for FSR:	= 145.20 m²
(36.0m² garage concession)	
Proposed total gross floor area:	= 711.40 m²
Proposed floor area for FSR :	= 567.40 m²
(garage concessions - 162m²)	
Site Area:	= 1205.60 m²
FSR:	= 0.47:1

Development Application Plans (Not for Construction)

Issue:

Amendment:

November 2020

Sf

PLAN

Design

Ph:0409 668 295

A Division of "SF Business Group"

Plan No:

P0410-19

Date:

April 2020

Drawn:

SF Plan & Design ML

Design:

SF Plan & Design

Scale:

1:200 @ A2

For:

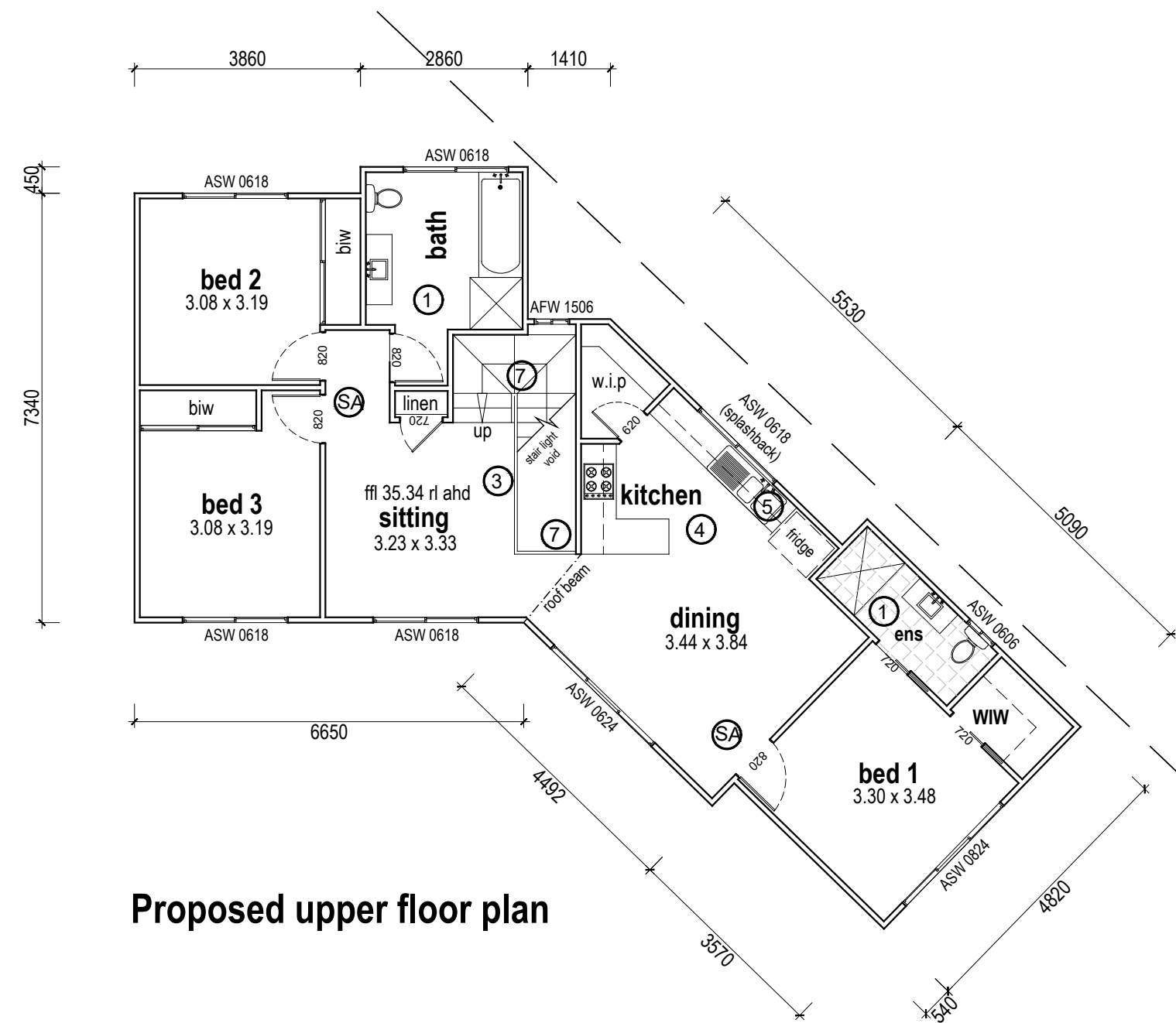
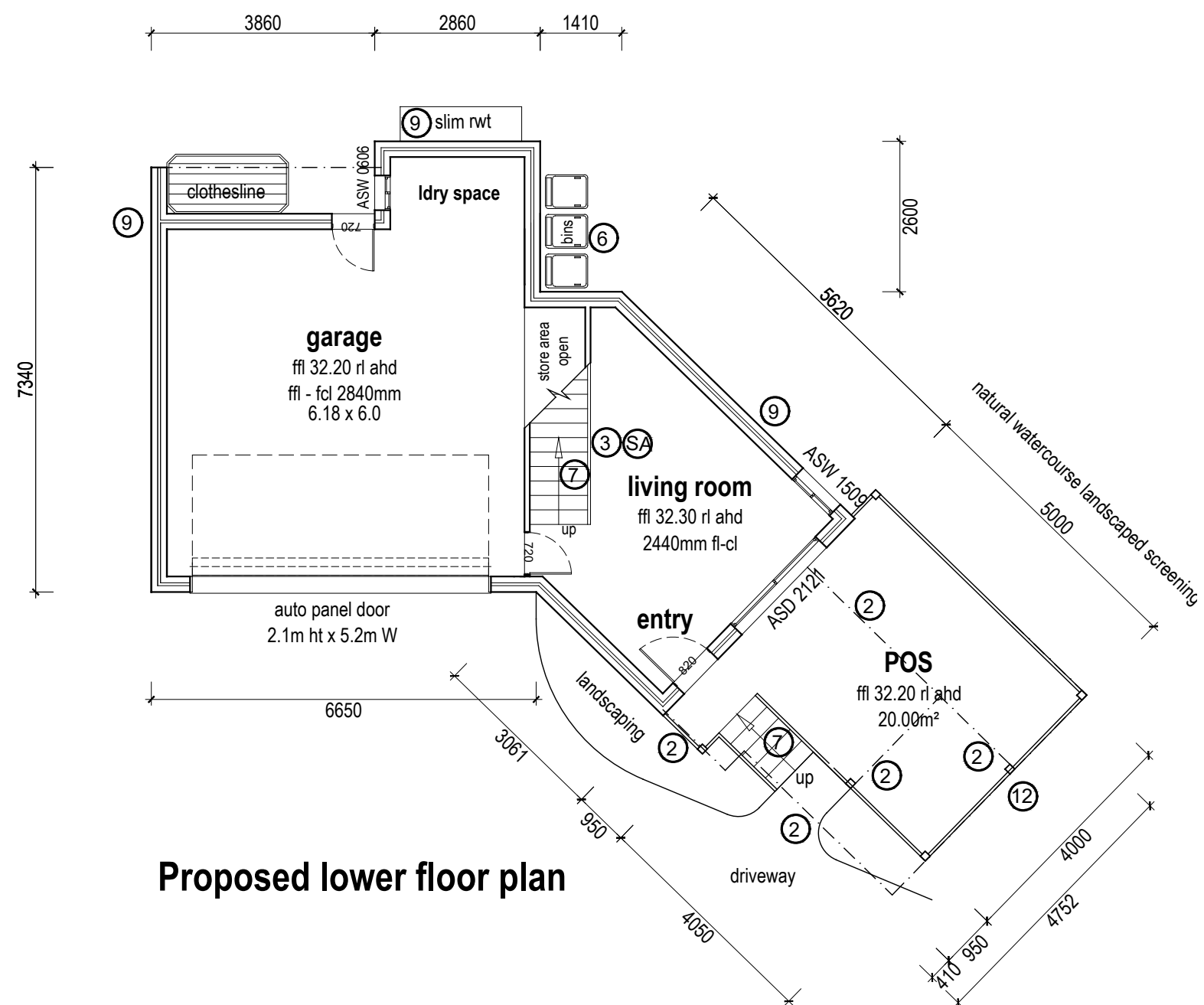
Branch Creek Developments Pty Ltd / Aesthetic Urban Design

Address:

Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810

Sheet No:

02/13



Note:

- | | | | |
|-----|---|----|--|
| ① | Waterproof / seal and provide floor wastes to all wet areas to current Australian Standards / BCA requirements. | AC | Airconditioning unit location. To comply with BASIX requirements. |
| ② | Support beam over to support upper terrace / floor to Structural Engineers design / timber frame code. | | NOTE: All windows are to be installed to comply with Part 3.9.2 of the NCC BCA and comply with clauses 3.9.2.5 as applicable. |
| ③ | All handrails to comply with the NCC BCA Part 3.9.2 and comply with clauses 3.9.2.3 and 3.9.2.4 | ⑧ | drain to be connected to stormwater disposal system to civil engineers design |
| ④ | Kitchen layout / design to owners choice. | ⑨ | external walls / retaining to structural engineers design. waterproofing to be provided to comply with AS / NCC 2019 requirements. |
| ⑤ | Kitchen recycle bin located in Kitchen cupboard. | ⑩ | provide mechanical ventilation / artificial lighting to Idry cupboard to comply with AS / NCC 2019 requirements. |
| ⑥ | Bins location. | ⑪ | loft open to lower sitting room. |
| ⑦ | Stairs to be installed in accordance with Part 3.9.1 of the NCC BCA and slip resistance to be in accordance with clause 3.9.1.4 | SA | smoke alarm installed to AS / manufacturers specifications. |
| MB | Meter box location. Installed to local authorities requirements. | ⑫ | 1500mm width landscape bed in front of unit 1 POS for screening to street view. |
| RWT | Rainwater tank location. Size to comply with BASIX commitments. | | |
| GM | Gas meter location. Installed to local authorities requirements. | | |
| SA | Smoke alarm installed to manufacturers specifications / Australian Standards. | | |

AC Airconditioning unit location. To comply with BASIX requirements.

NOTE: All windows are to be installed to comply with Part 3.9.2 of the NCC BCA and comply with clauses 3.9.2.5 as applicable.

⑧ drain to be connected to stormwater disposal system to civil engineers design

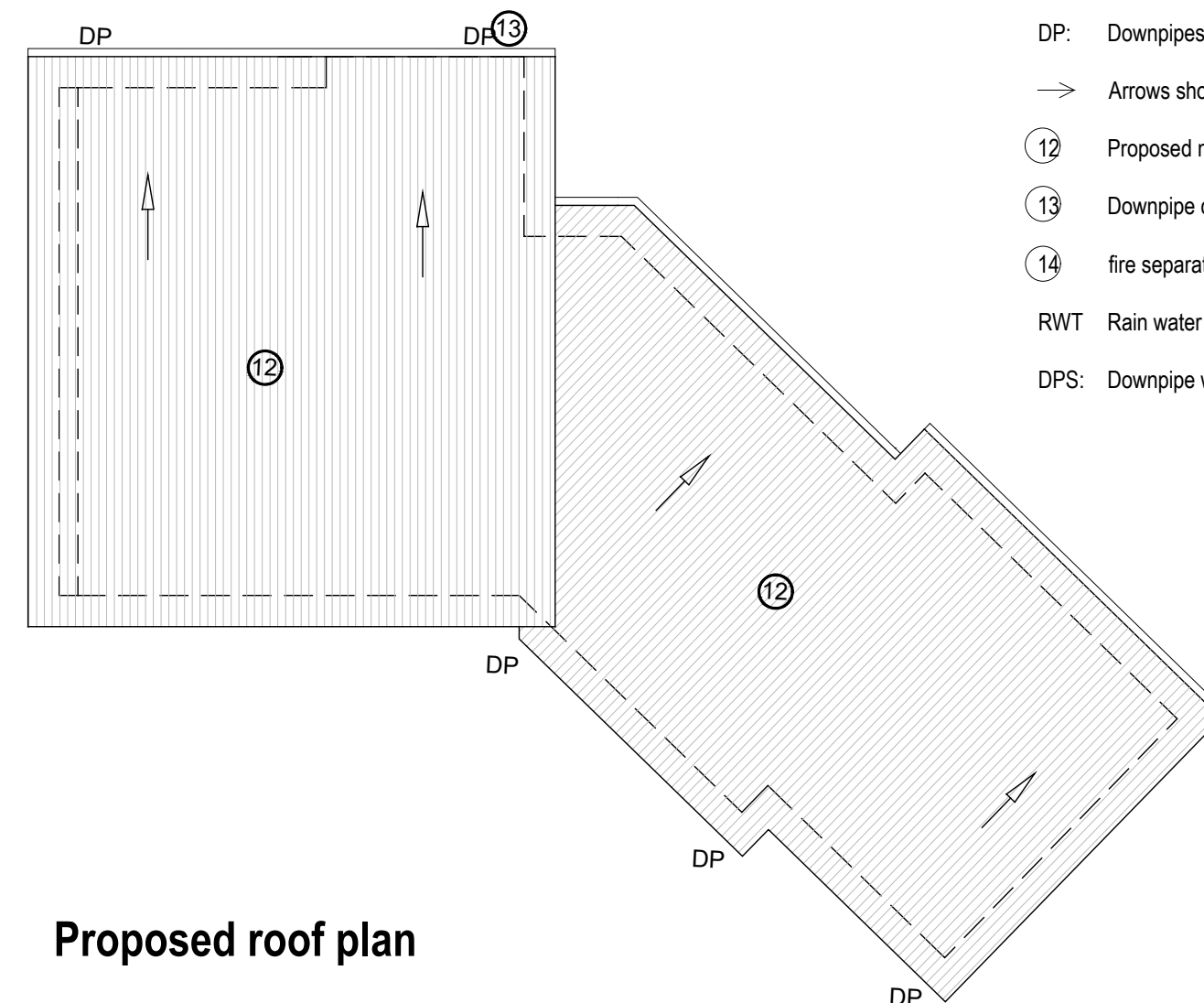
⑨ external walls / retaining to structural engineers design. waterproofing to be provided to comply with AS / NCC 2019 requirements.

⑩ provide mechanical ventilation / artificial lighting to Idry cupboard to comply with AS / NCC 2019 requirements.

⑪ loft open to lower sitting room.

SA smoke alarm installed to AS / manufacturers specifications.

⑫ 1500mm width landscape bed in front of unit 1 POS for screening to street view.



Note:

All roof water to be piped to the existing stormwater street gutter system incorporating water tanks as outlined in the BASIX. to be in accordance with the civil engineers design.
All roof plumbing and stormwater systems must be installed to the requirements of the relevant Australian/New Zealand Standards and the BCA.

DP: Downpipes to Australian Standards. Proposed

→ Arrows show direction of fall.

12 Proposed new 3° pitch colorbond roof, colour to owners choice.

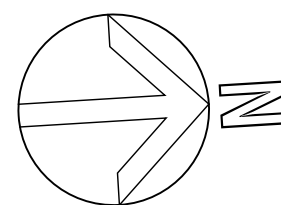
13 Downpipe connected to rainwater tank.

14 fire separation wall to comply with AS / NCC 2019 requirements.

RWT Rain water tank location. Size to comply with BASIX Commitments. located in basement garage

DPS: Downpipe with spreader to lower roof to Australian Standards.

Proposed unit 1 floor plans



Issue:
Amendment: November 2020

Consolidate 2 vacant lots and Proposed Multi Dwelling Development

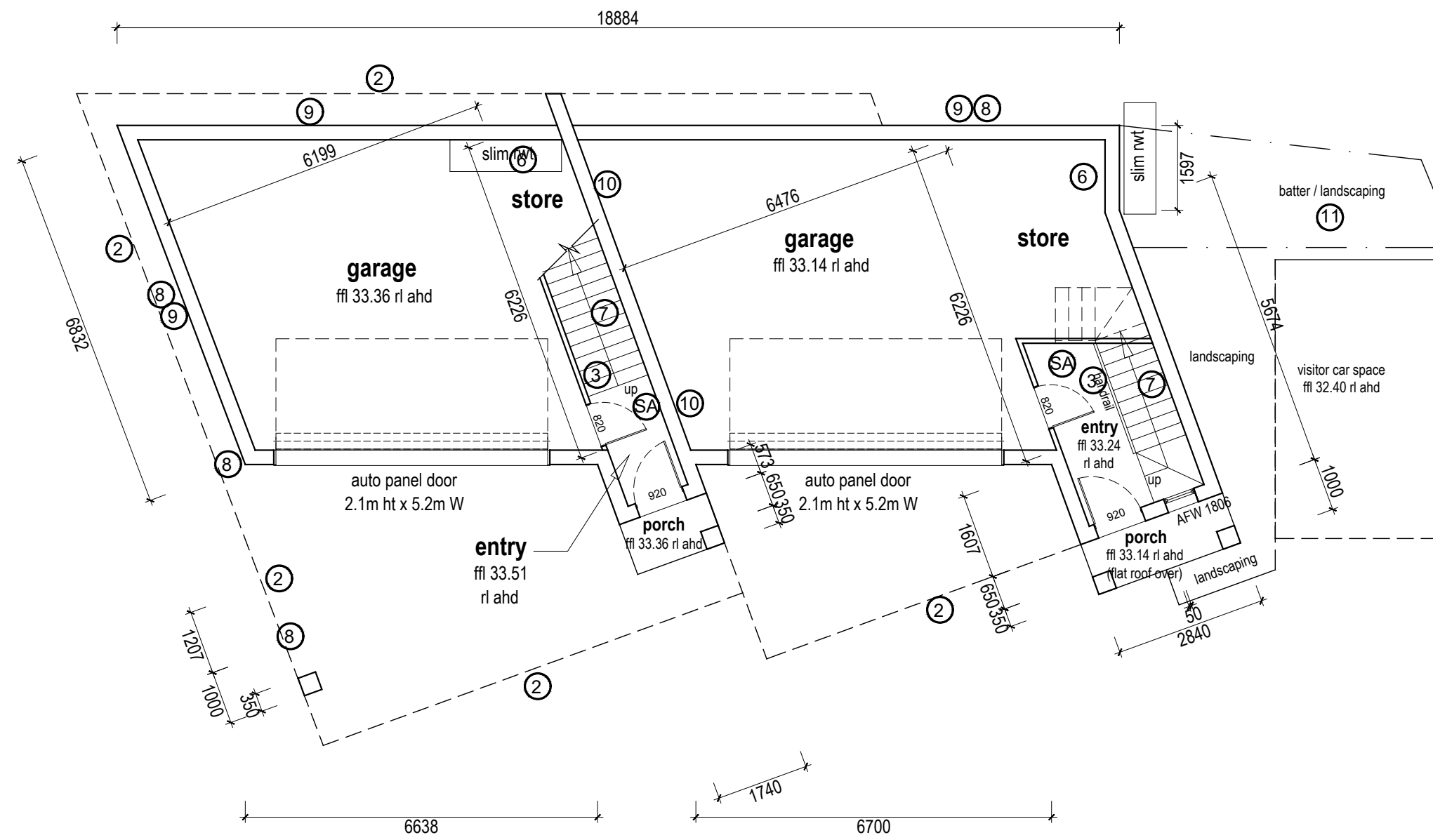


Plan No:	P0410-19	Scale:	1:100 @ A2
Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design
Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810
Design:	SF Plan & Design		

Sheet No:

03/13

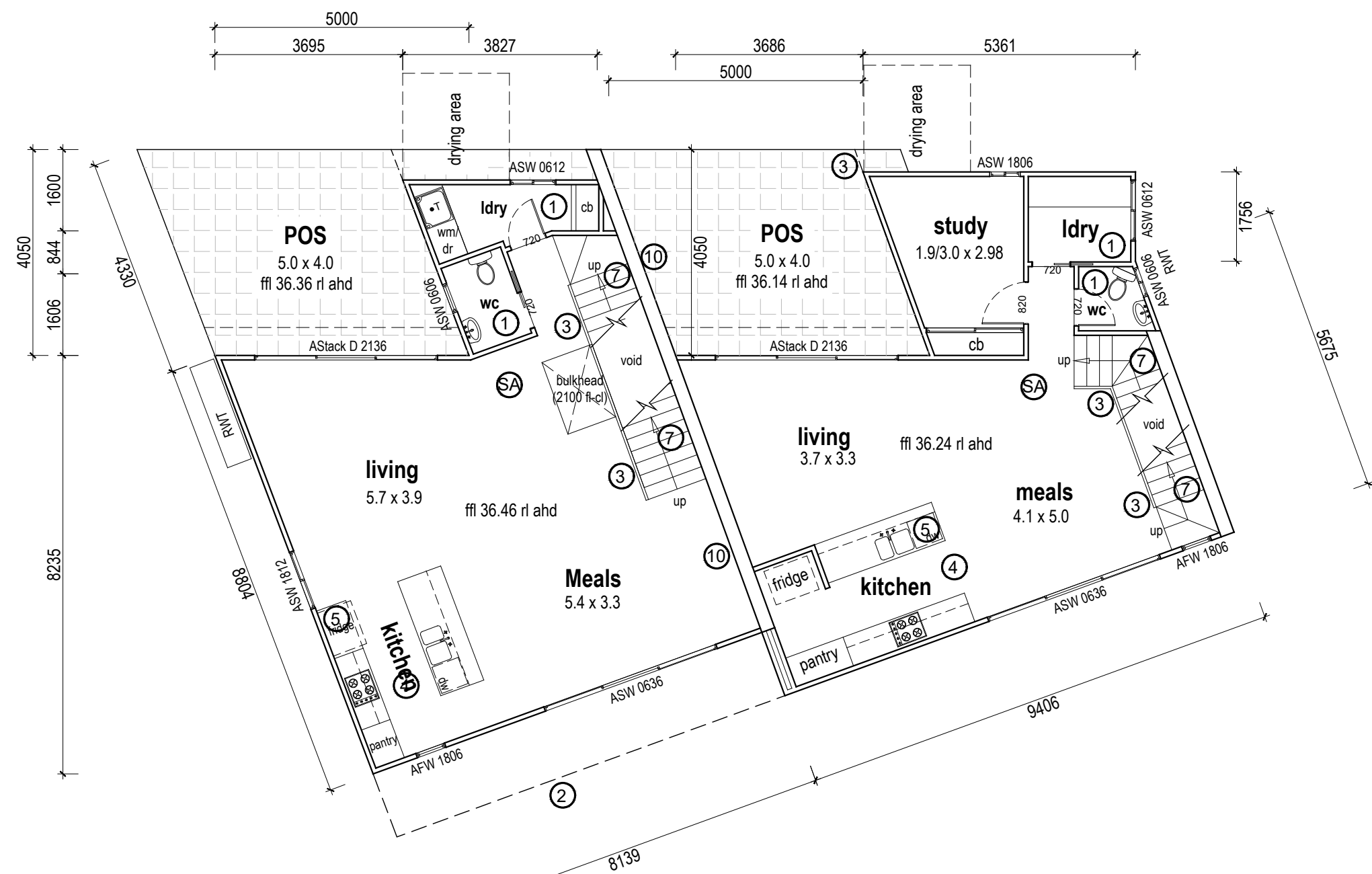
Development Application Plans (Not for Construction)



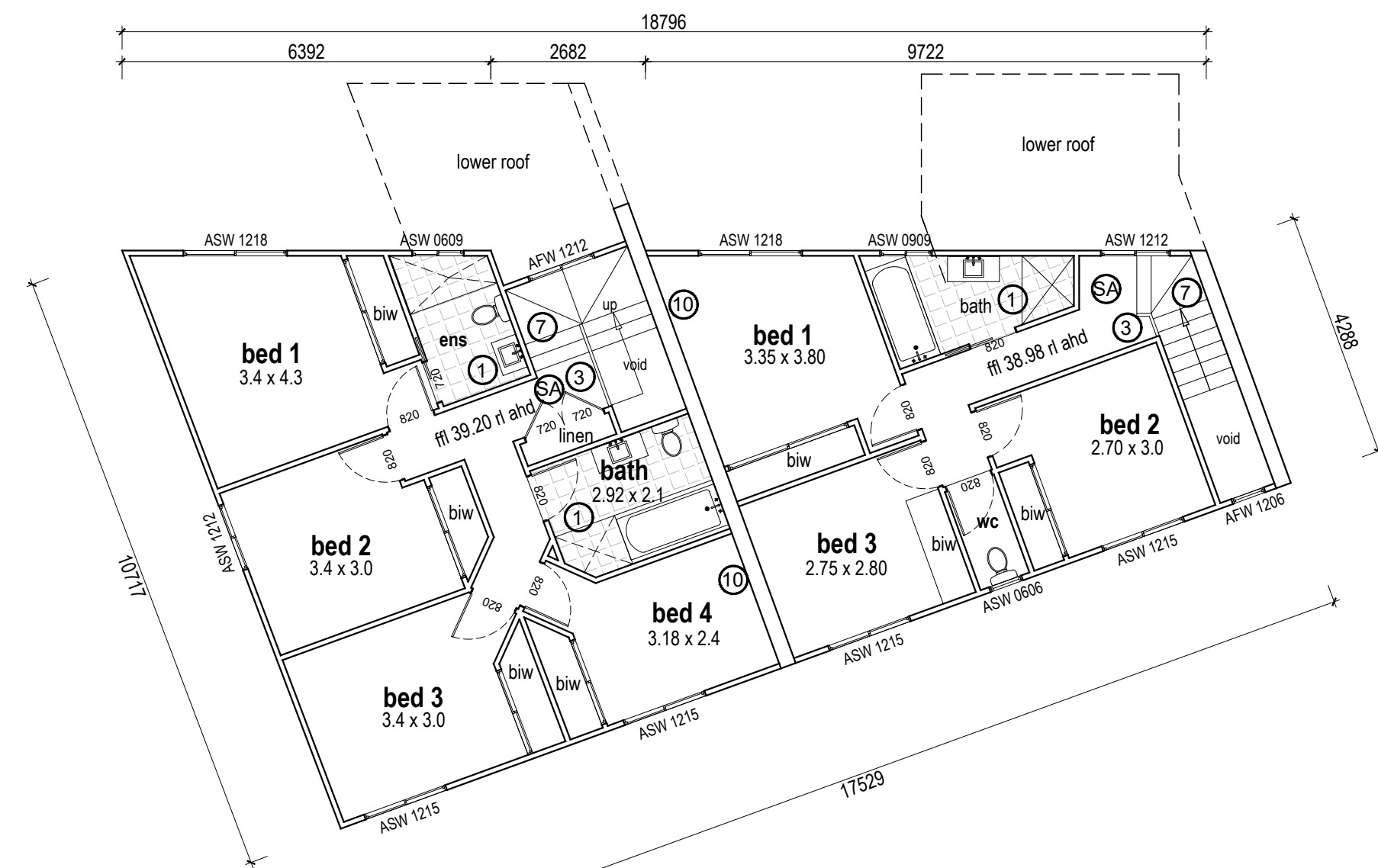
unit 3
unit 2
Proposed unit 2 and 3 lower basement floor plan

Note:

- | | |
|--|--|
| <p>① Waterproof / seal and provide floor wastes to all wet areas to current Australian Standards / BCA requirements.</p> <p>② Support beam over to support upper terrace / floor to Structural Engineers design / timber frame code.</p> <p>③ All handrails to comply with the NCC BCA Part 3.9.2 and comply with clauses 3.9.2.3 and 3.9.2.4</p> <p>④ Kitchen layout / design to owners choice.</p> <p>⑤ Kitchen recycle bin located in Kitchen cupboard.</p> <p>⑥ Bins location.</p> <p>⑦ Stairs to be installed in accordance with Part 3.9.1 of the NCC BCA and slip resistance to be in accordance with clause 3.9.1.4</p> <p>MB Meter box location. Installed to local authorities requirements.</p> <p>RWT Rainwater tank location. Size to comply with BASIX commitments.</p> <p>GM Gas meter location. Installed to local authorities requirements.</p> <p>SA Smoke alarm installed to manufacturers specifications / Australian Standards.</p> | <p>AC Airconditioning unit location. To comply with BASIX requirements.</p> <p>NOTE: All windows are to be installed to comply with Part 3.9.2 of the NCC BCA and comply with clauses 3.9.2.5 as applicable.</p> <p>⑧ stepped retaining wall to follow natural ground levels. min ht 1000mm, max ht 2900mm concrete block construction to structural engineers design. agg line to be connected to proposed drainage design system by civil engineer.</p> <p>⑨ external walls / retaining to structural engineers design. waterproofing to be provided to comply with AS / NCC 2019 requirements.</p> <p>⑩ fire separation wall to comply with AS / NCC 2019 requirements.</p> <p>⑪ batter / landscape behind visitor car space to AS requirements. no retaining wall at this point.</p> |
|--|--|

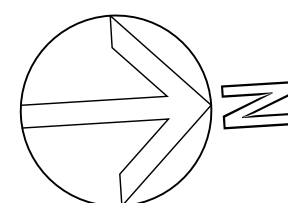



unit 3
unit 2
Proposed unit 2 and 3 middle floor plan



unit 3
unit 2
Proposed unit 2 and 3 upper floor plan

Proposed unit 2 and 3 floor plans



Issue: Amendment: November 2020	Consolidate 2 vacant lots and Proposed Multi Dwelling Development			
 Sf Plan & Design Ph: 0409 668 295 A Division of "SF Business Group"	Plan No: P0410-19 Date: April 2020 Drawn: SF Plan & Design ML Design: SF Plan & Design	Scale: 1:100 @ A2 For: Branch Creek Developments Pty Ltd / Aesthetic Urban Design Address: Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810		Sheet No: 04/13

Note:

All roof water to be piped to the existing stormwater street gutter system incorporating water tanks as outlined in the BASIX. to be in accordance with the civil engineers design.
All roof plumbing and stormwater systems must be installed to the requirements of the relevant Australian/New Zealand Standards and the BCA.

DP: Downpipes to Australian Standards. Proposed

→ Arrows show direction of fall.

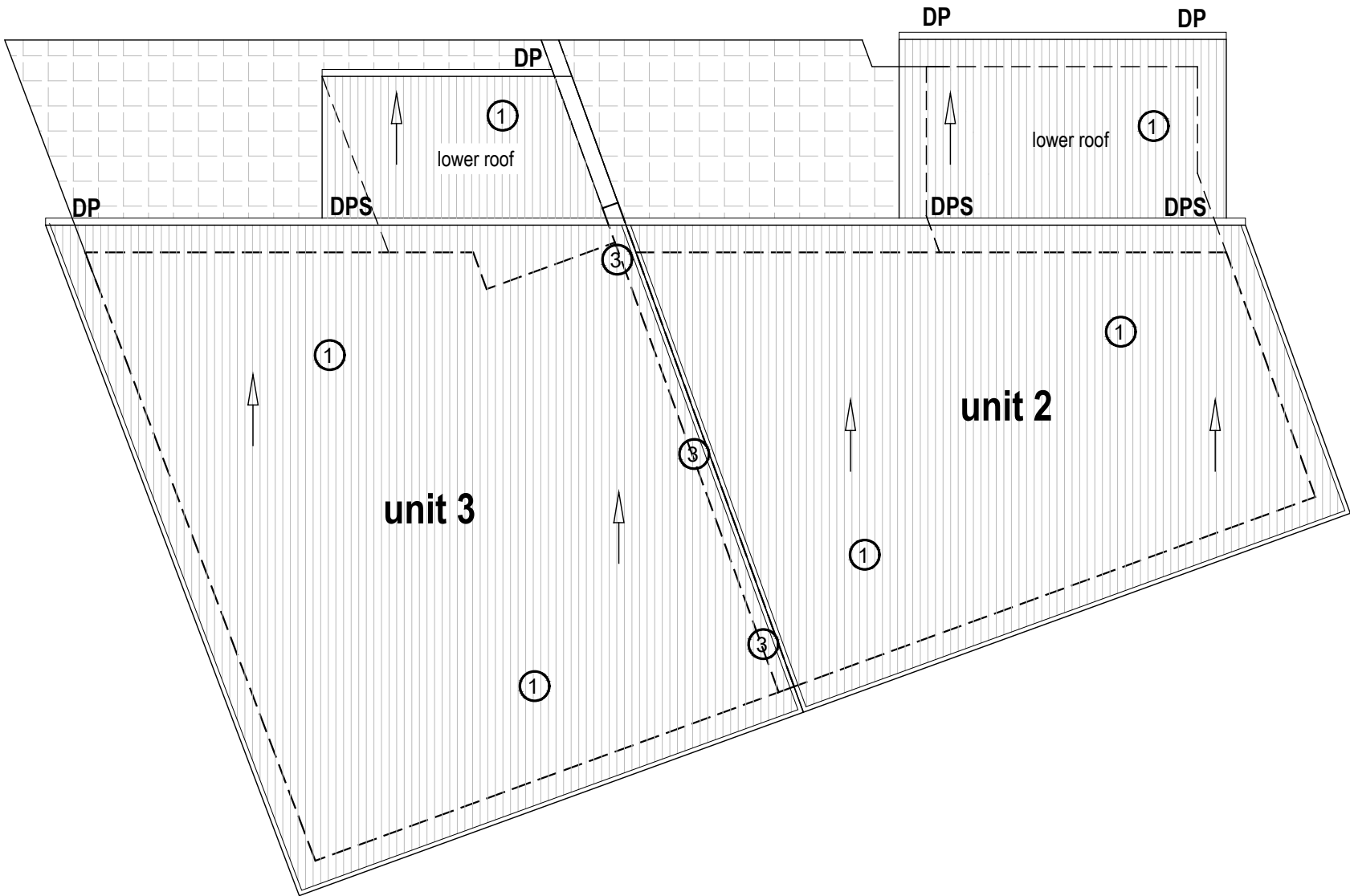
① Proposed new 3° pitch colorbond roof, colour to owners choice.

② Downpipe connected to rainwater tank.

③ firewall concealed under roof to AS / NCC 2019 requirements.

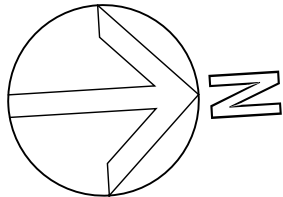
RWT Rain water tank location. Size to comply with BASIX Commitments. located in basement garage


DPS: Downpipe with spreader to lower roof to Australian Standards.



Proposed unit 2 & 3 roof plan

Proposed unit 3 floor plan and Roof Plan



Issue:	Consolidate 2 vacant lots and Proposed Multi Dwelling Development					
Amendment:						
November 2020	 <div>SfPLANand Design Ph:0409 668 295 A Division of "SF Business Group"</div>	Plan No:	P0410-19	Scale:	1:100 @ A2	Sheet No: 05/13
		Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design	
		Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810	
		Design:	SF Plan & Design			

Note:

- 1

Waterproof / seal and provide floor wastes to all wet areas to current Australian Standards / BCA requirements.
- 2

Support beam over to support upper terrace / floor to Structural Engineers design / timber frame code.
- 3

cantilevered beam over to structural engineers design.
- 4

Kitchen layout / design to owners choice.
- 5

Kitchen recycle bin located in Kitchen cupboard.
- 6

Bins location.
- 7

Stairs to be installed in accordance with Part 3.9.1 of the NCC BCA and slip resistance to be in accordance with clause 3.9.1.4
- MB

Meter box location. Installed to local authorities requirements.
- RWT

Rainwater tank location. Size to comply with BASIX commitments.
- GM

Gas meter location. Installed to local authorities requirements.
- SA

Smoke alarm installed to manufacturers specifications / Australian Standards.
- AC

Airconditioning unit location. To comply with BASIX requirements.
- NOTE:

All windows are to be installed to comply with Part 3.9.2 of the NCC BCA and comply with clauses 3.9.2.5 as applicable.
- 8

external walls / retaining to structural engineers design. waterproofing to be provided to comply with AS / NCC 2019 requirements.
- 9

roof beam over to timber frame code.
- 10

raked ceiling over stairs to lower roof only.
- 11

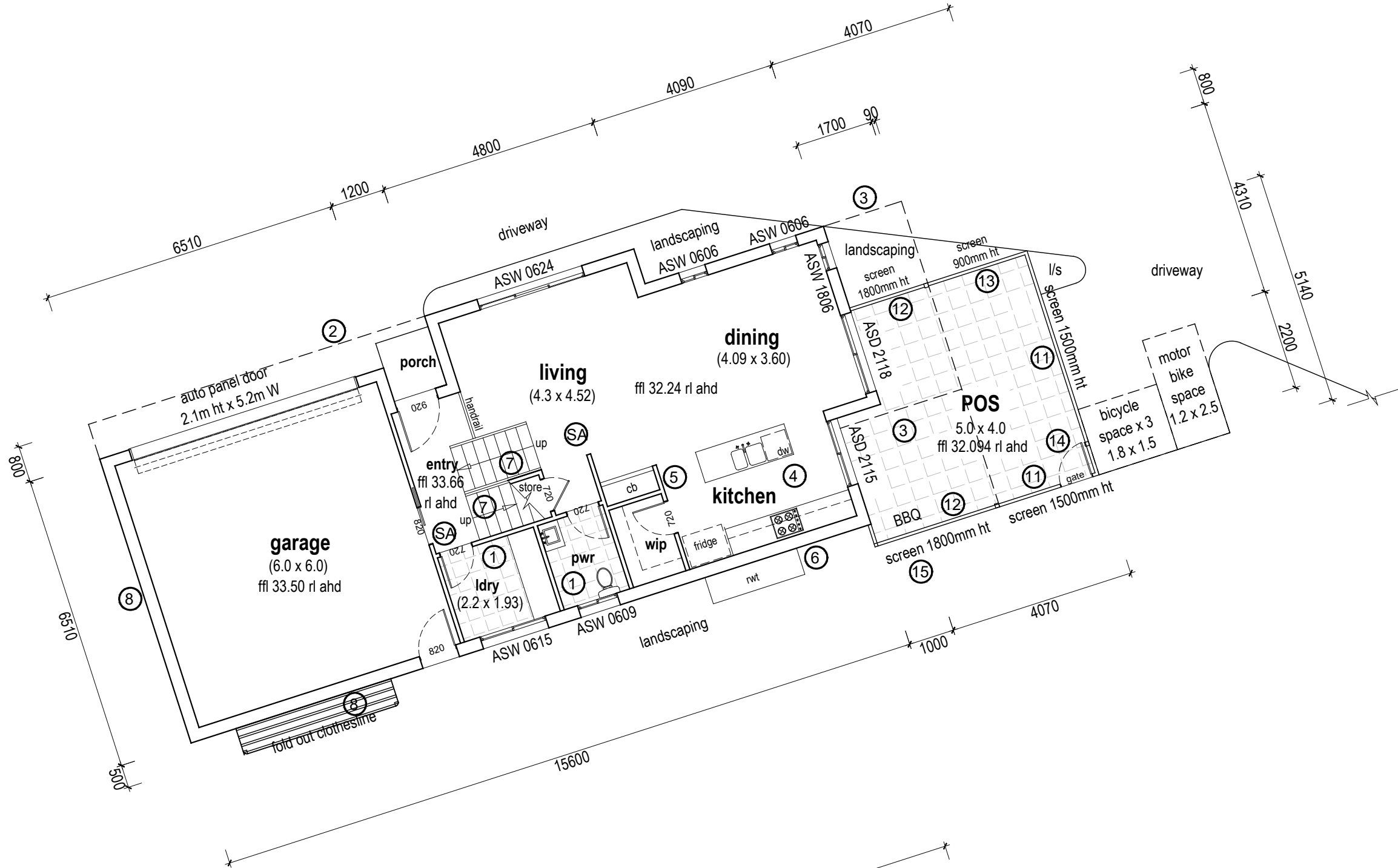
solid screen, max ht 1500mm
- 12

solid screen, max ht 1800mm
- 13

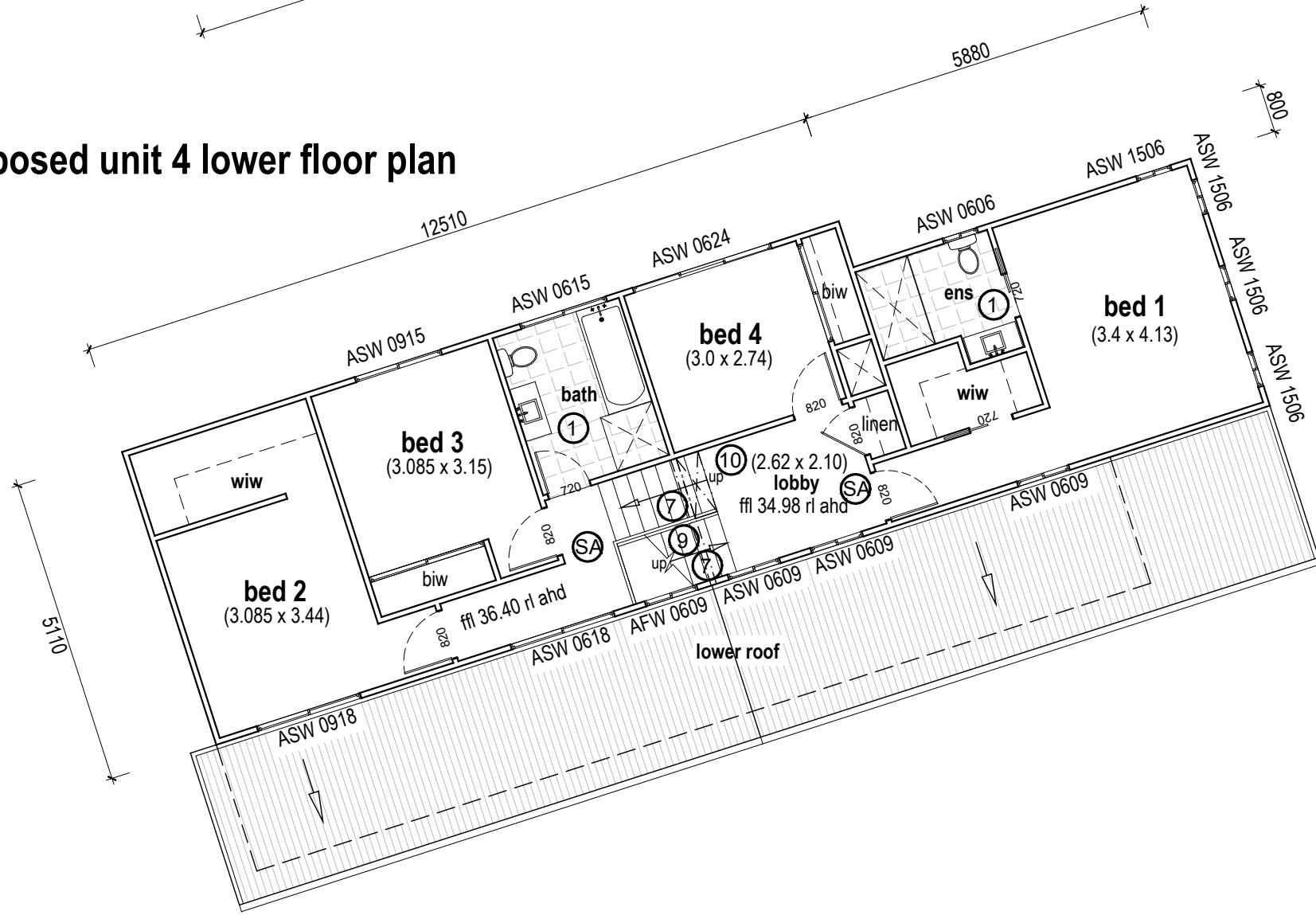
selected feature railing screen - 900mm ht
- 14

access gate to owners choice.
- 15

batter / landscape to AS requirements. no retaining wall at this point.

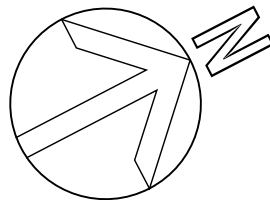



Proposed unit 4 lower floor plan



Proposed unit 4 upper floor plan

Proposed unit 4 floor plans



Issue:	Consolidate 2 vacant lots and Proposed Multi Dwelling Development			
Amendment:				
November 2020				
	Plan No:	P0410-19	Scale:	1:100 @ A2
	Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design
	Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810
	Design:	SF Plan & Design		
				Sheet No:
				06/13

Note:

All roof water to be piped to the existing stormwater street gutter system incorporating water tanks as outlined in the BASIX. to be in accordance with the civil engineers design.
All roof plumbing and stormwater systems must be installed to the requirements of the relevant Australian/New Zealand Standards and the BCA.

DP: Downpipes to Australian Standards. Proposed

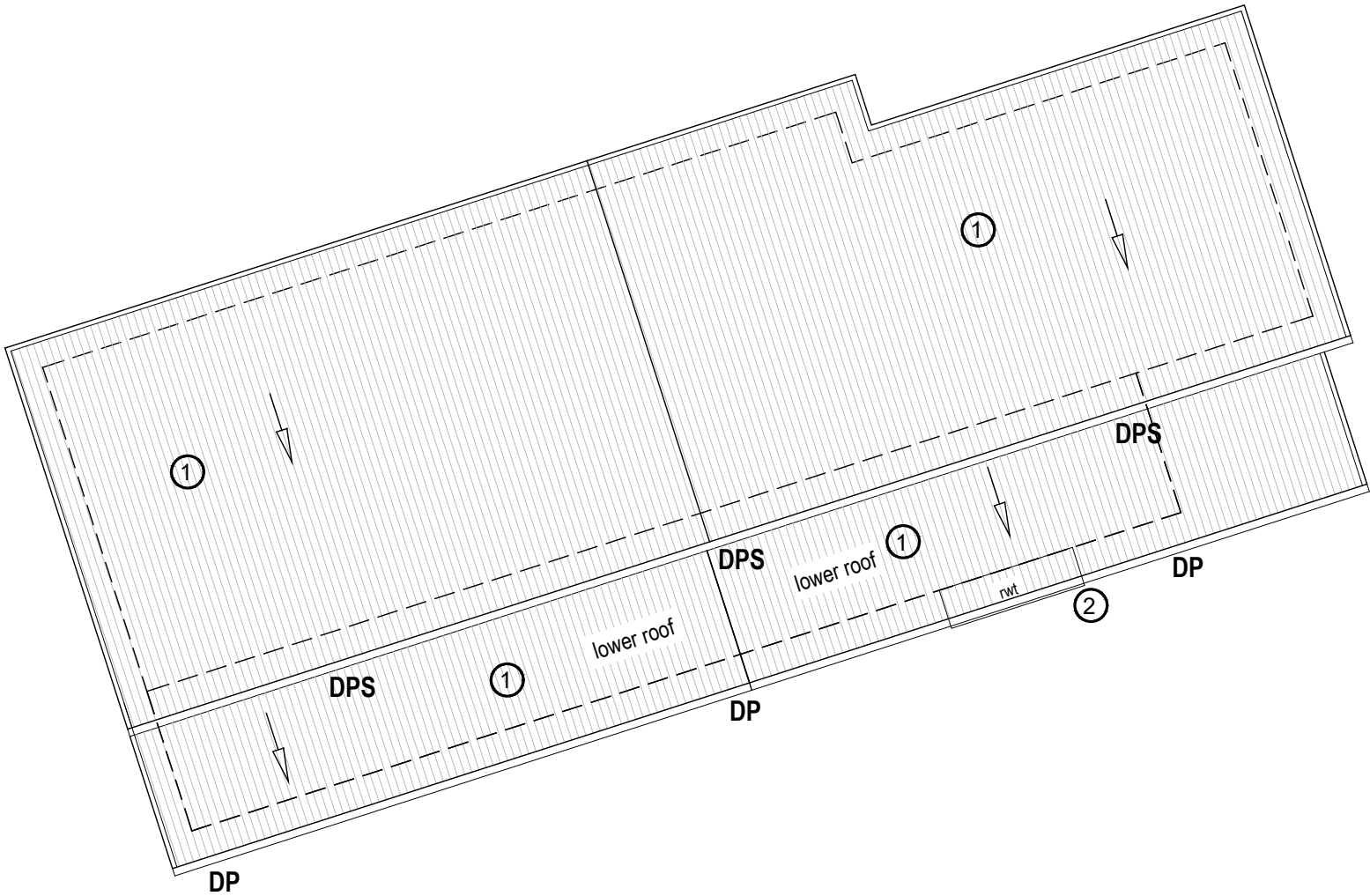
→ Arrows show direction of fall.

① Proposed new 3° pitch metal roof, colour to owners choice. (non reflective)

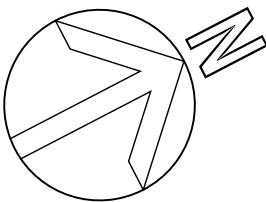
② Downpipe connected to rainwater tank.


RWT Rain water tank location. Size to comply with BASIX Commitments.

DPS: Downpipe with spreader to lower roof to Australian Standards.



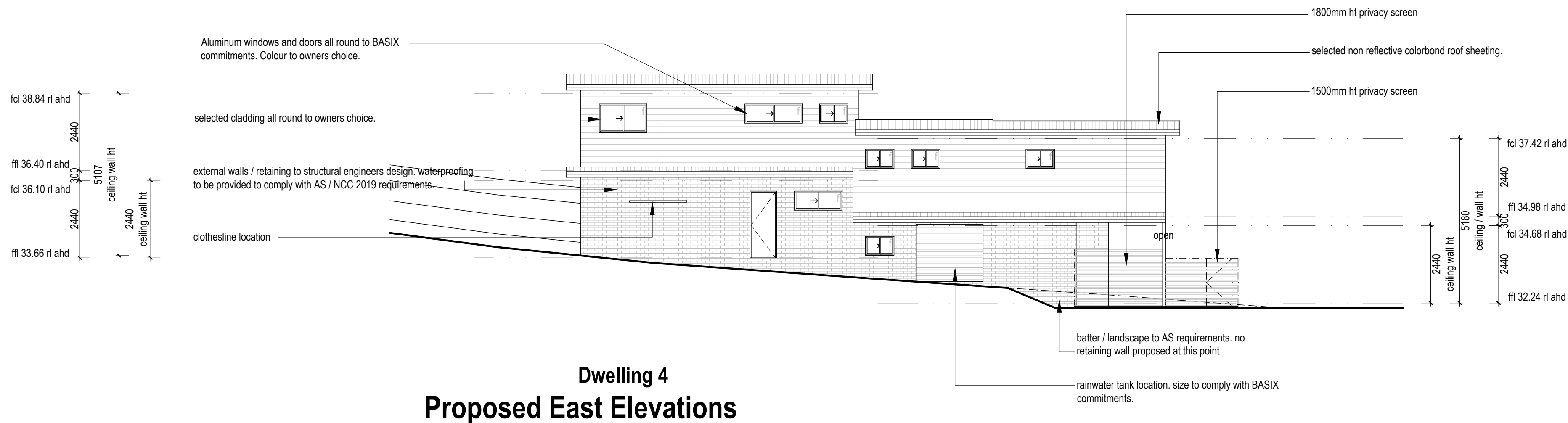
Proposed Unit 4 roof plan




Issue:		Consolidate 2 vacant lots and Proposed Multi Dwelling Development				
Amendment:						
November 2020						
<div><div>SfPLAN^{AND}Design Ph:0409 668 295 A Division of "SF Business Group"</div></div>		Plan No:	P0410-19	Scale:	1:100 @ A2	Sheet No: 07/13
		Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design	
		Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810	
		Design:	SF Plan & Design			

NOTE: All windows are to be installed to comply with Part 3.9.2 of the NCC BCA and comply with clauses 3.9.2.5 as applicable.

NOTE: All retaining is within the BUILDING FOOTPRINT, No external retaining is proposed, all existing outer ground levels remain unchanged and will be landscaped.

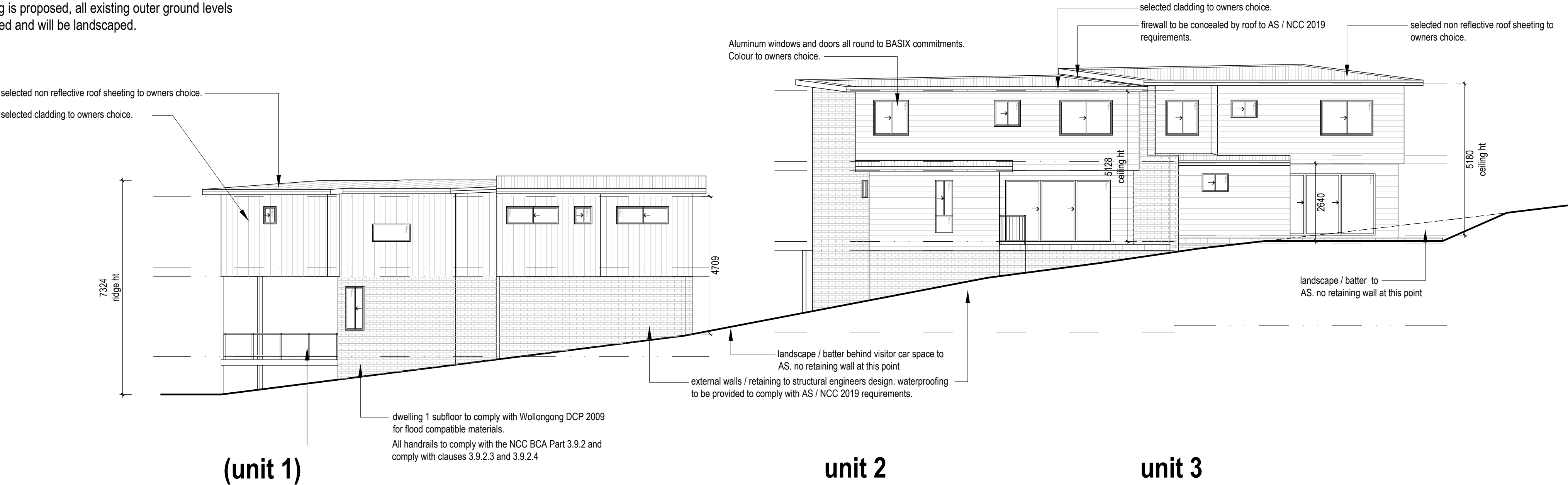


Proposed Elevations (front street view)

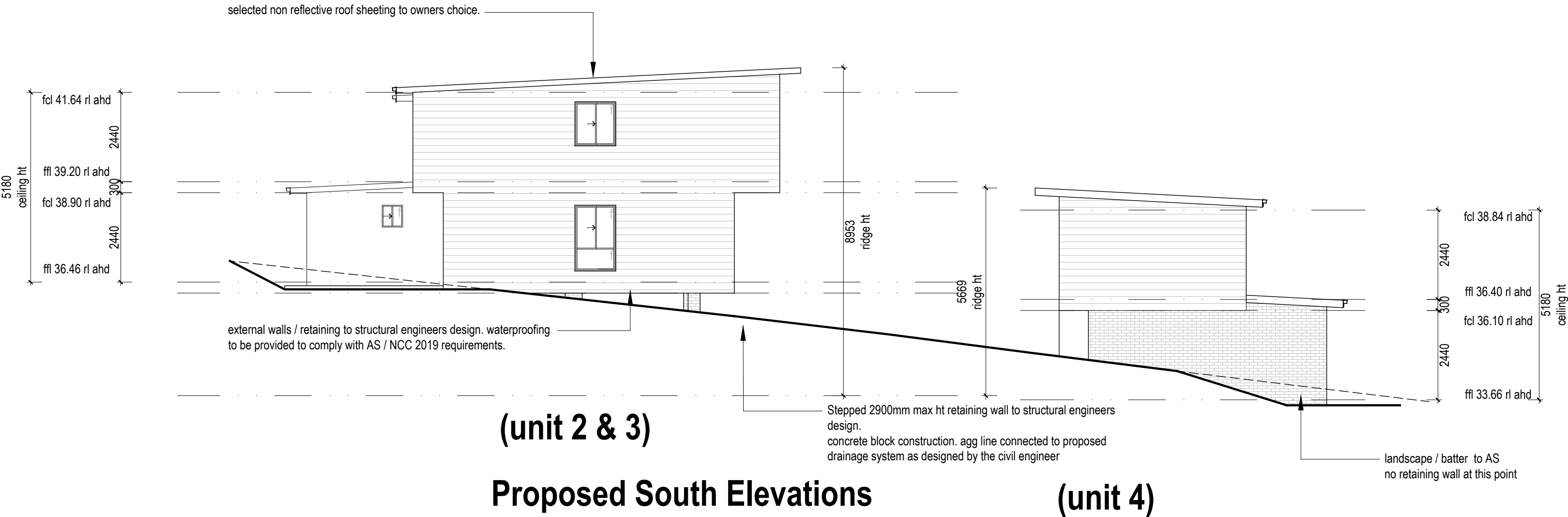
Issue:		Consolidate 2 vacant lots and Proposed Multi Dwelling Development					
Amendment:		 SfPLAN <i>Design</i> Ph: 0409 668 295 A Division of "SF Business Group"	Plan No:	P0410-19	Scale:	1:100 @ A2	Sheet No: 08/13
November 2020			Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design	
			Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810	
			Design:	SF Plan & Design			

NOTE: All windows are to be installed to comply with Part 3.9.2 of the NCC BCA and comply with clauses 3.9.2.5 as applicable.

NOTE: All retaining is within the BUILDING FOOTPRINT, No external retaining is proposed, all existing outer ground levels remain unchanged and will be landscaped.




Proposed West Elevations



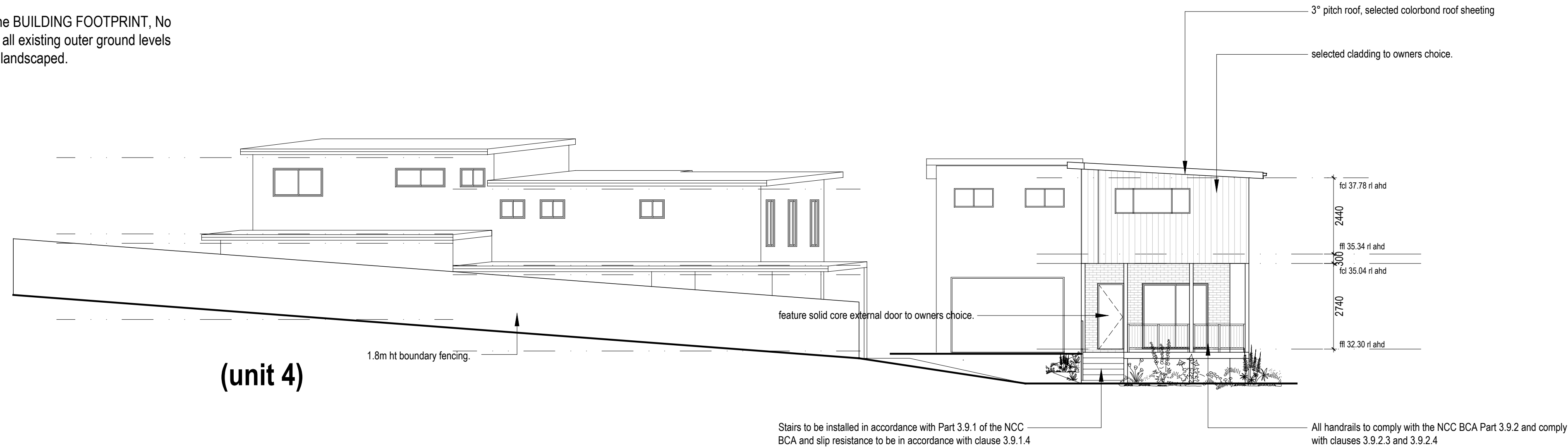
Proposed South Elevations

Proposed Elevations (front street view)

Issue:		Consolidate 2 vacant lots and Proposed Multi Dwelling Development					
Amendment:		 <div>SfPLAN^{AND} Design Ph:0409 668 295 A Division of "SF Business Group"</div>	Plan No:	P0410-19	Scale:	1:100 @ A2	Sheet No: 09/13
November 2020			Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design	
			Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810	
			Design:	SF Plan & Design			

NOTE: All windows are to be installed to comply with Part 3.9.2 of the NCC BCA and comply with clauses 3.9.2.5 as applicable.

NOTE: All retaining is within the BUILDING FOOTPRINT, No external retaining is proposed, all existing outer ground levels remain unchanged and will be landscaped.



Proposed North Elevation (front street view)

(unit 1)




(unit 3)

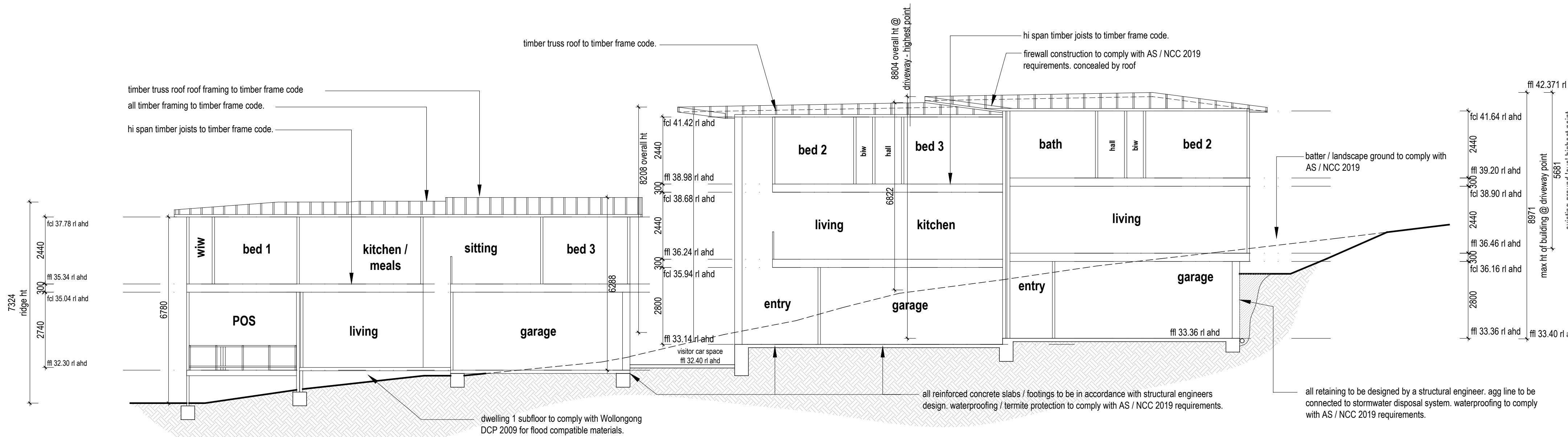
(unit 2)

Proposed internal elevation units 2 & 3 from East

Proposed Elevations (front street view)

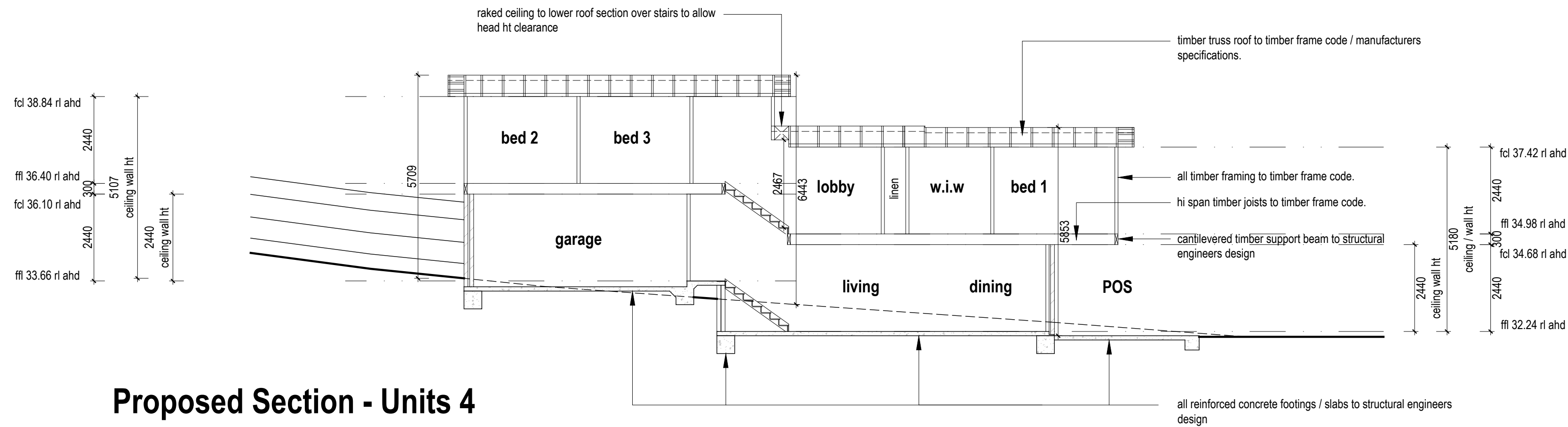
Issue:		Consolidate 2 vacant lots and Proposed Multi Dwelling Development			
Amendment: November 2020		 SfPLAN AND Design Ph: 0409 668 295 A Division of "SF Business Group"	Plan No: P0410-19	Scale: 1:100 @ A2	Sheet No: 9a/13
			Date: April 2020	For: Branch Creek Developments Pty Ltd / Aesthetic Urban Design	
			Drawn: SF Plan & Design ML	Address: Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810	
			Design: SF Plan & Design		

NOTE: All windows are to be installed to comply with Part 3.9.2 of the NCC BCA and comply with clauses 3.9.2.5 as applicable.



unit 1
Proposed Section - Units 1 , 2 & 3

unit 2 & 3



Proposed Section - Units 4

Note:

Generally:
The site has front yard open space with direct access to the street. This area will be used for the waste skip and storage of some materials. Activities in the street will be minimal and will be restricted to entering and exiting the site and unloading.

Safe access to and from the site, protection of road and footpath:
When vehicles are entering or leaving the site the supervisor will warn other road users and pedestrians on the footpath. The front yard open space will be used for equipment and materials delivery.

Loading/unloading to and from trucks:
This will occur at the vehicle entrance. Materials and equipment delivered will be immediately moved onto the site. Excavating machines and cranes are not required.

Storage areas:
Storage areas will be the front yard open space.

Rubbish disposal:
Trade waster will be contained on site until removal.

Silt barrier:
Sediment will be prevented from washing into Council's stormwater system or onto adjoining property by one of the following methods as appropriate:

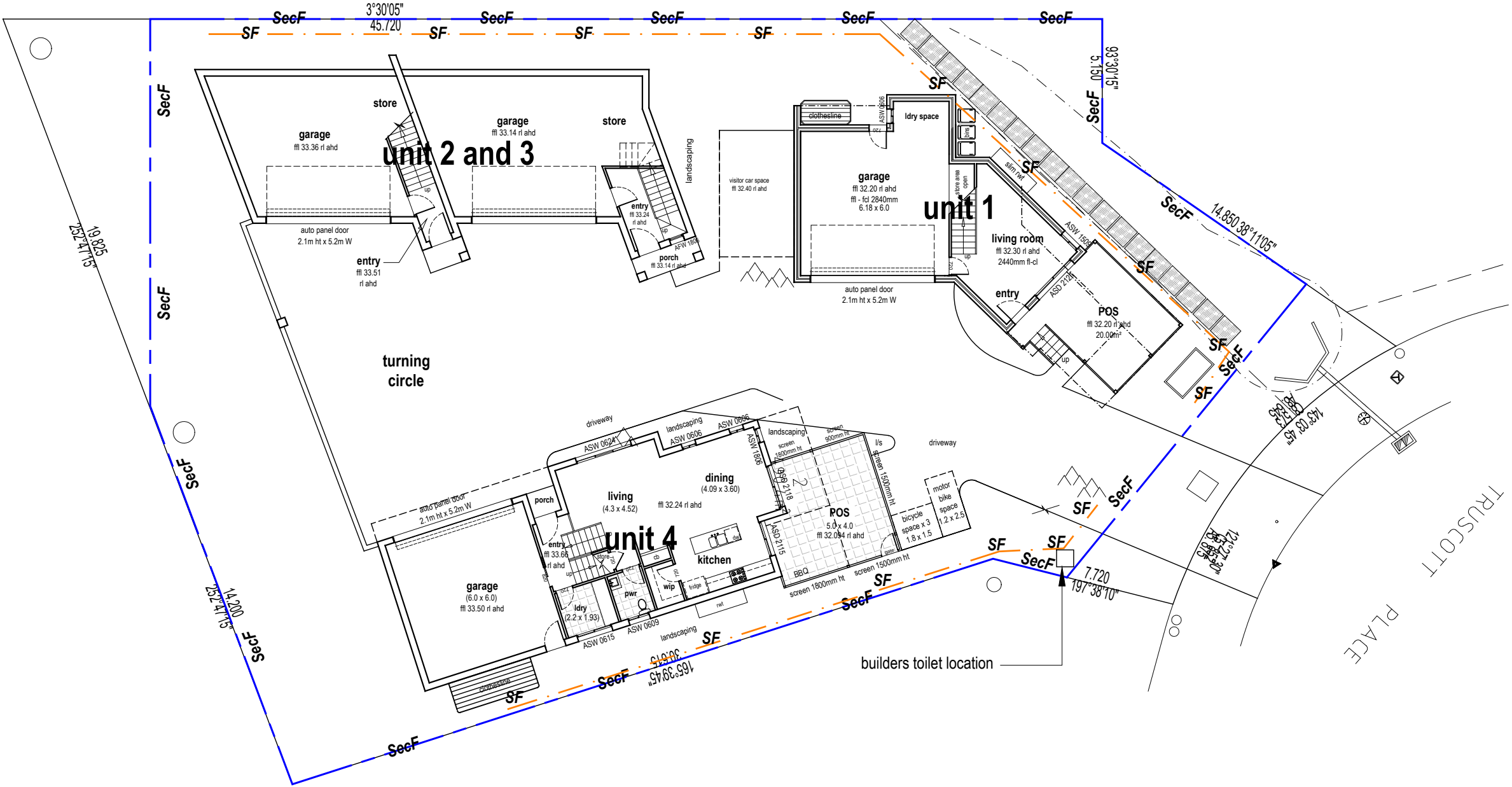
- geotextile fabric on the inside of the site fencing or steel mesh support
- a continuous straw bale barrier, bales placed in a 100mm deep trench and fixed with stakes

Exit/entrance - access point:
The exit/entrance to the site will be constructed of a bed of 50-75mm aggregate, 200mm deep for the vehicular exit/entrance width and to a length of 5m from the street curb to ensure soil and excavated materials is not transported by vehicle or plant onto surrounding roadways.

Existing paving and vegetation:
Existing paving and vegetation will be retained as much as possible to minimise the amount of exposed soil.

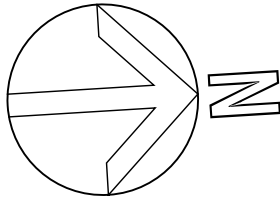
Materials stockpiles:
Stockpiles of loose material (sand, gravel, etc) will be contained under cover (below front verandah roof where possible), away from drainage lines and watercourses and within a suitable barrier.
Accidental spills will be cleaned from the roadway each day and before rain. Footpaths and road surfaces will not be used for material stockpiles.

Cleaning of tools:
Tools and equipment will be cleaned away from drainage lines, road and pavement. Any ancillary work or activity will not be carried out on public property with respect to this development.

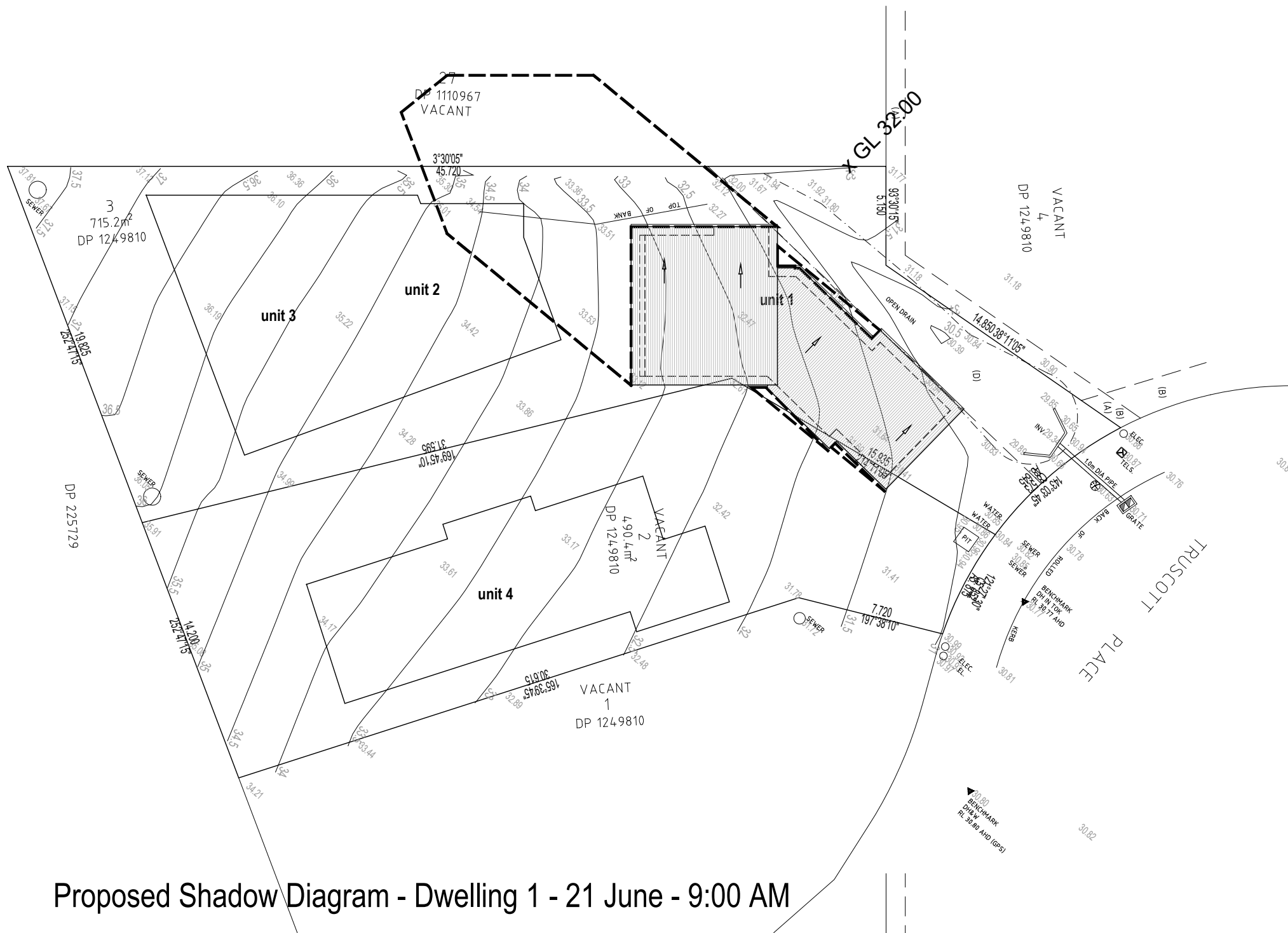


LEGEND	
	SECURITY FENCING
	SEDIMENT CONTROL FENCING (Geotech fabric or equivalent)
	MATERIAL STOCKPILES
	WASTE MATERIALS BIN 7 CUBIC MTR
	HAY BALES OR SAND BAGS (if required)

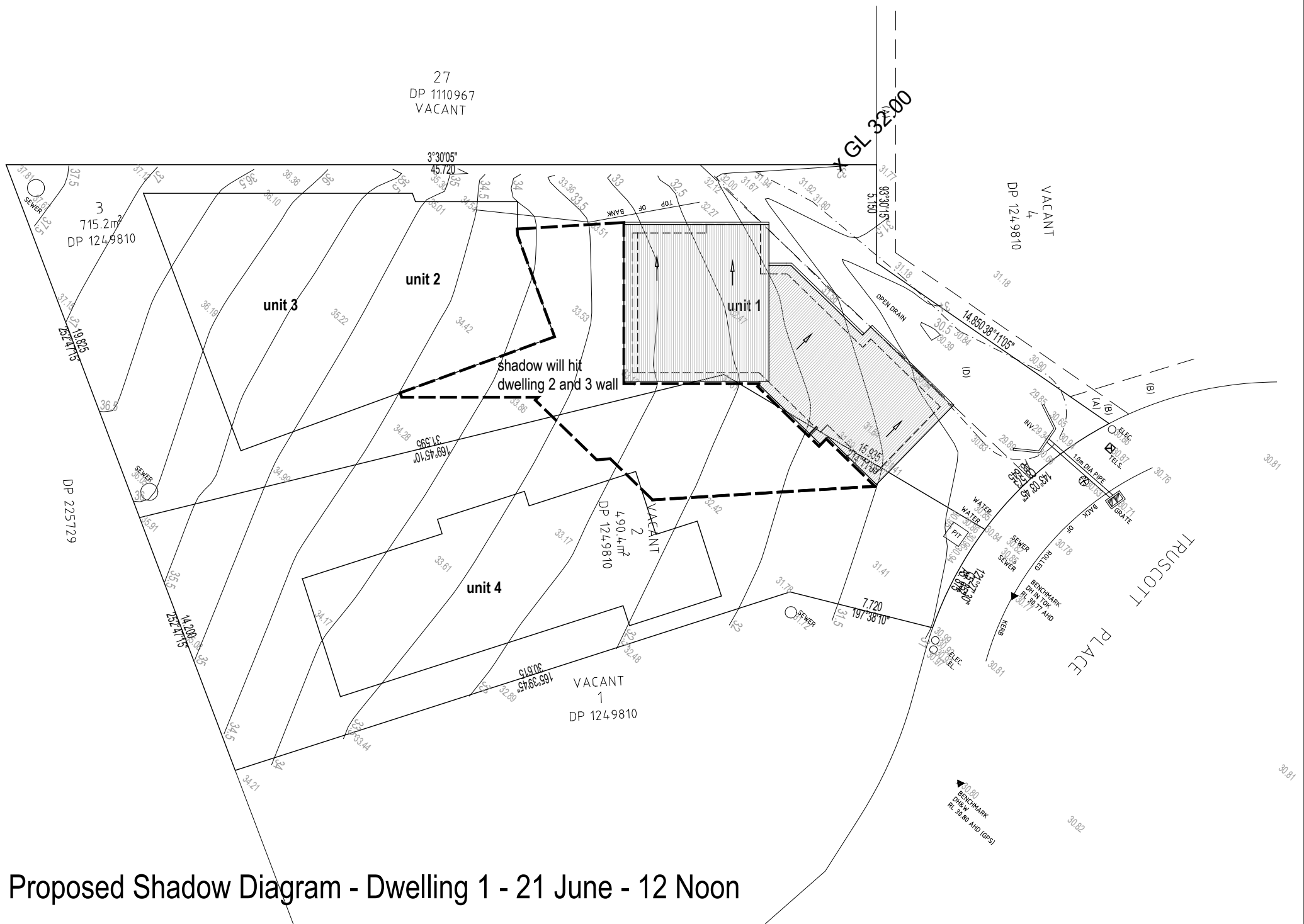
Site Management Plan



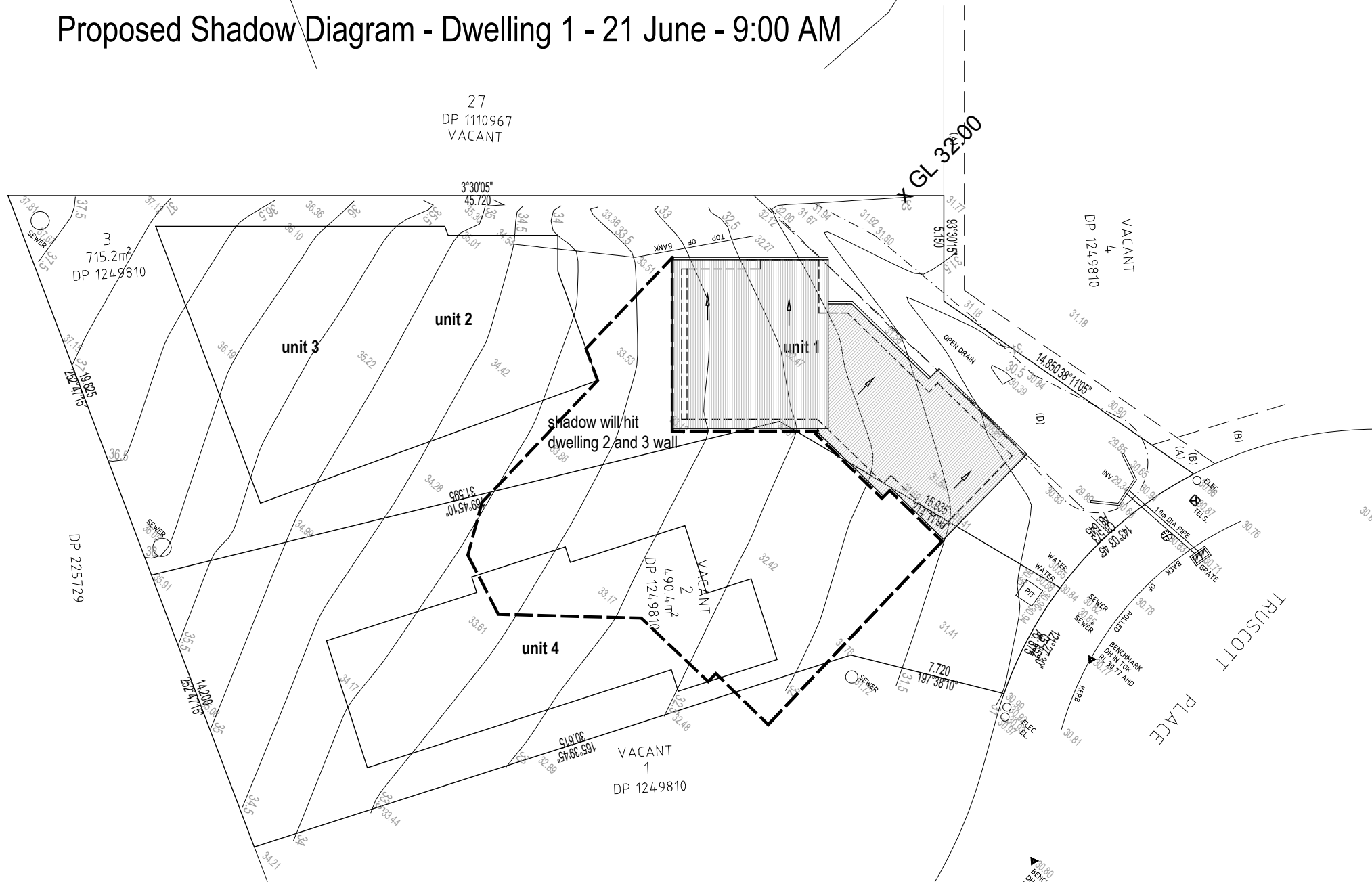
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		Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design
		Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810
		Design:	SF Plan & Design	Sheet No: 13/13	



Proposed Shadow Diagram - Dwelling 1 - 21 June - 9:00 AM

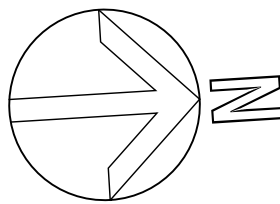



Proposed Shadow Diagram - Dwelling 1 - 21 June - 12 Noon

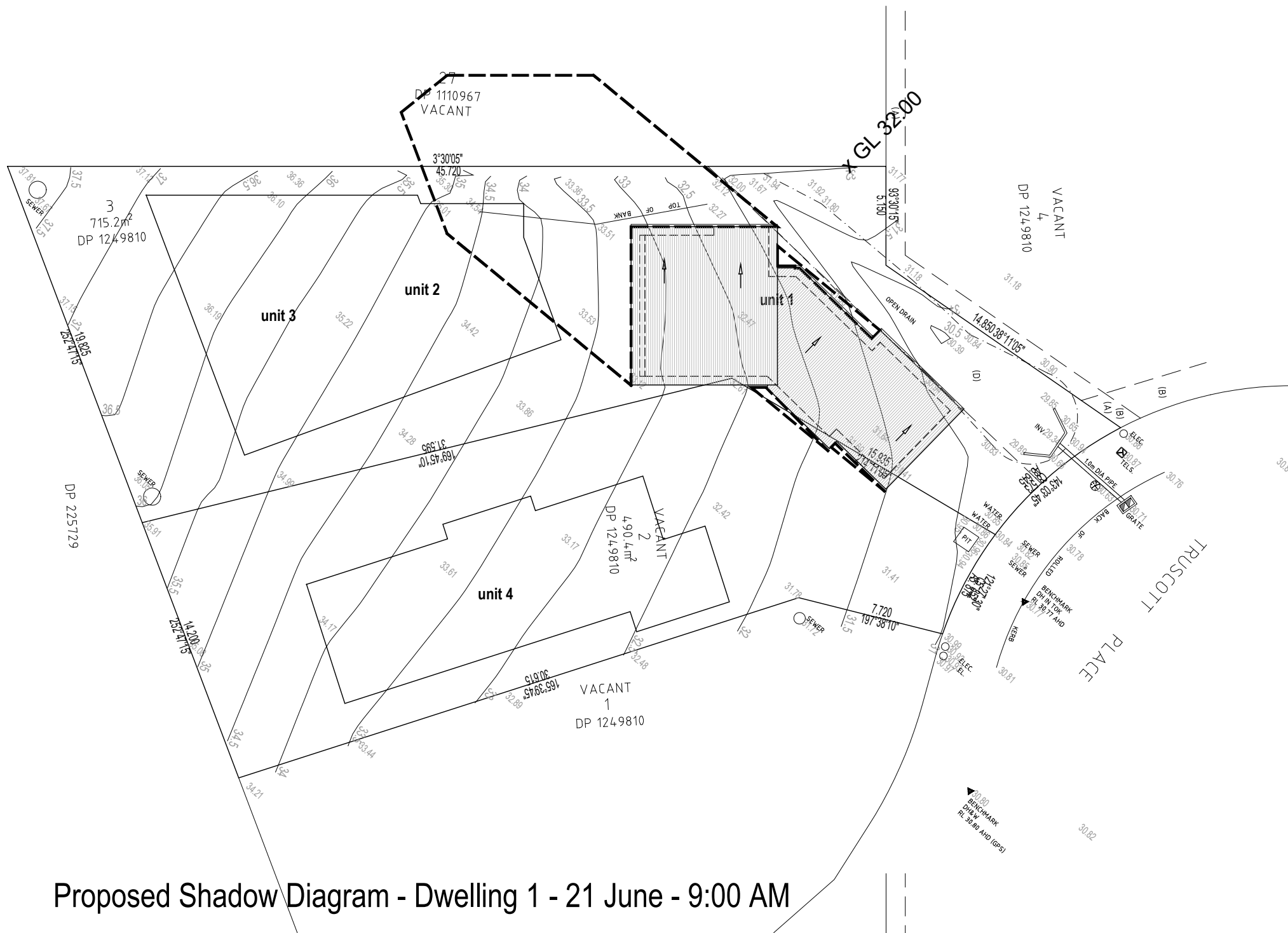


Proposed Shadow Diagram - Dwelling 1 - 21 June - 3:00 PM

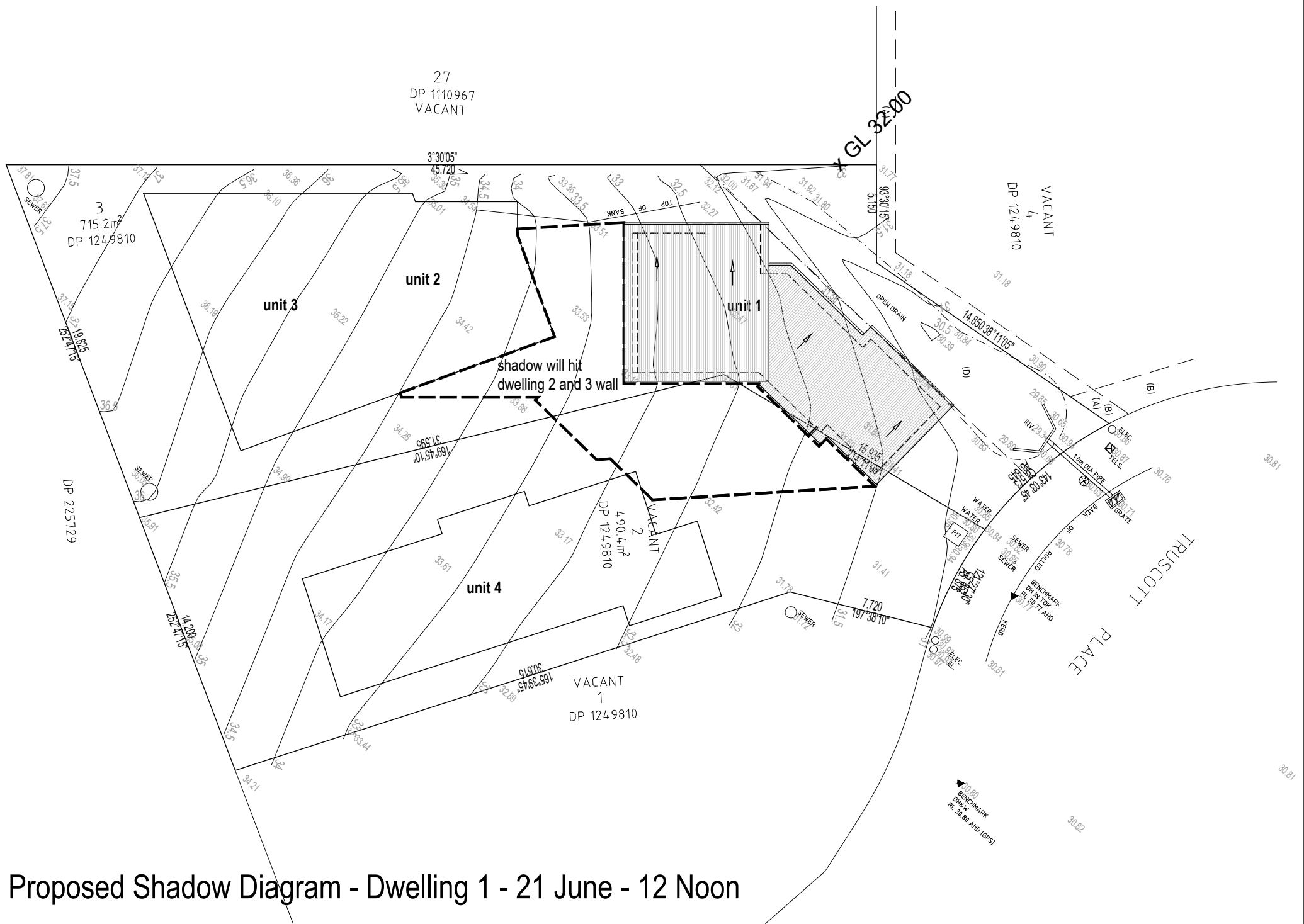
Proposed Shadow Diagram - Dwelling 1 - 21 June



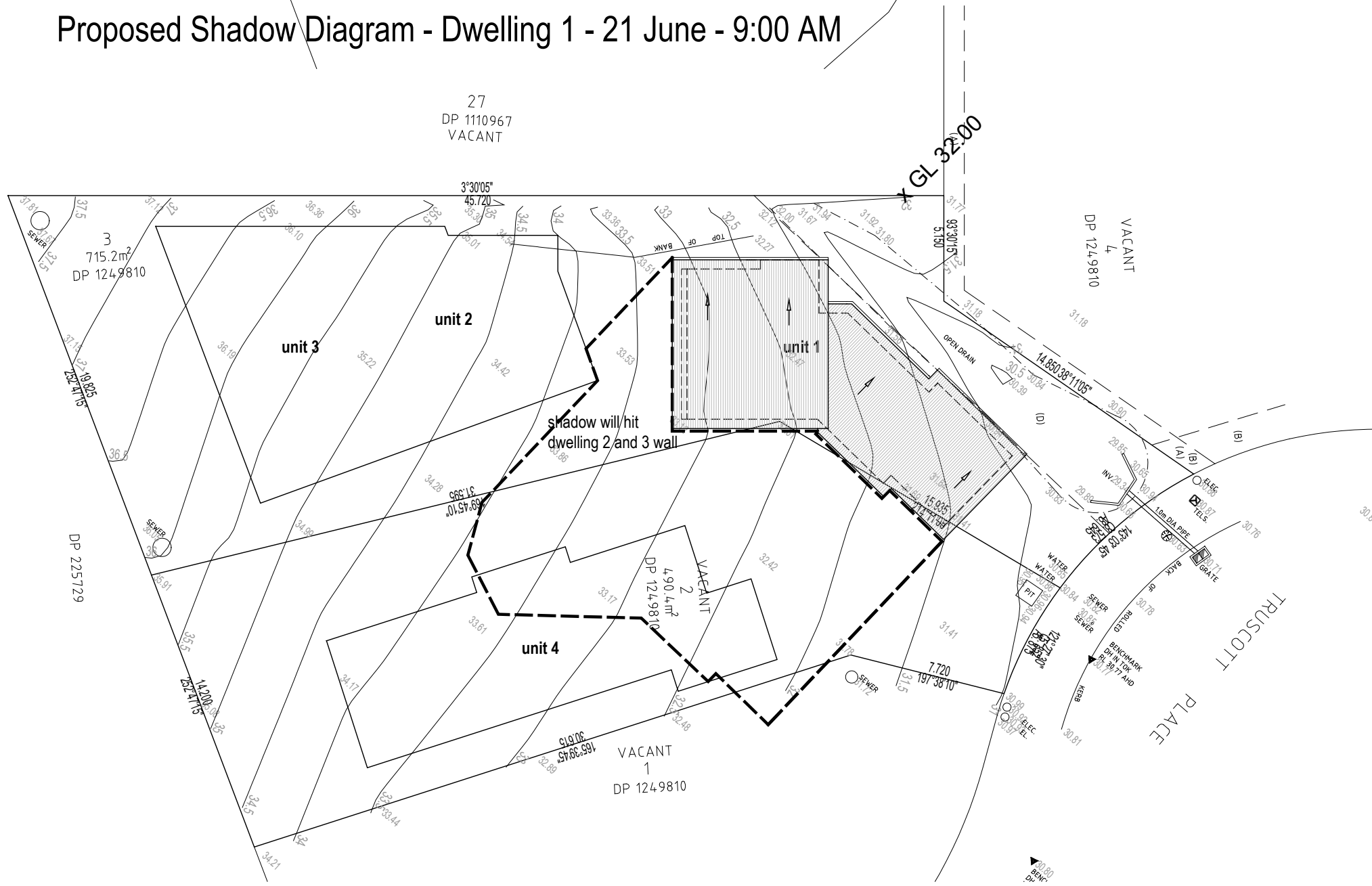
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Amendment:				
November 2020				
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	Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design
	Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810
	Design:	SF Plan & Design		
				Sheet No:
				13a/13



Proposed Shadow Diagram - Dwelling 1 - 21 June - 9:00 AM

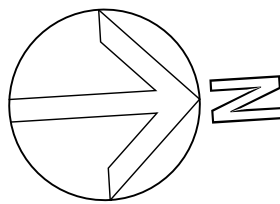



Proposed Shadow Diagram - Dwelling 1 - 21 June - 12 Noon

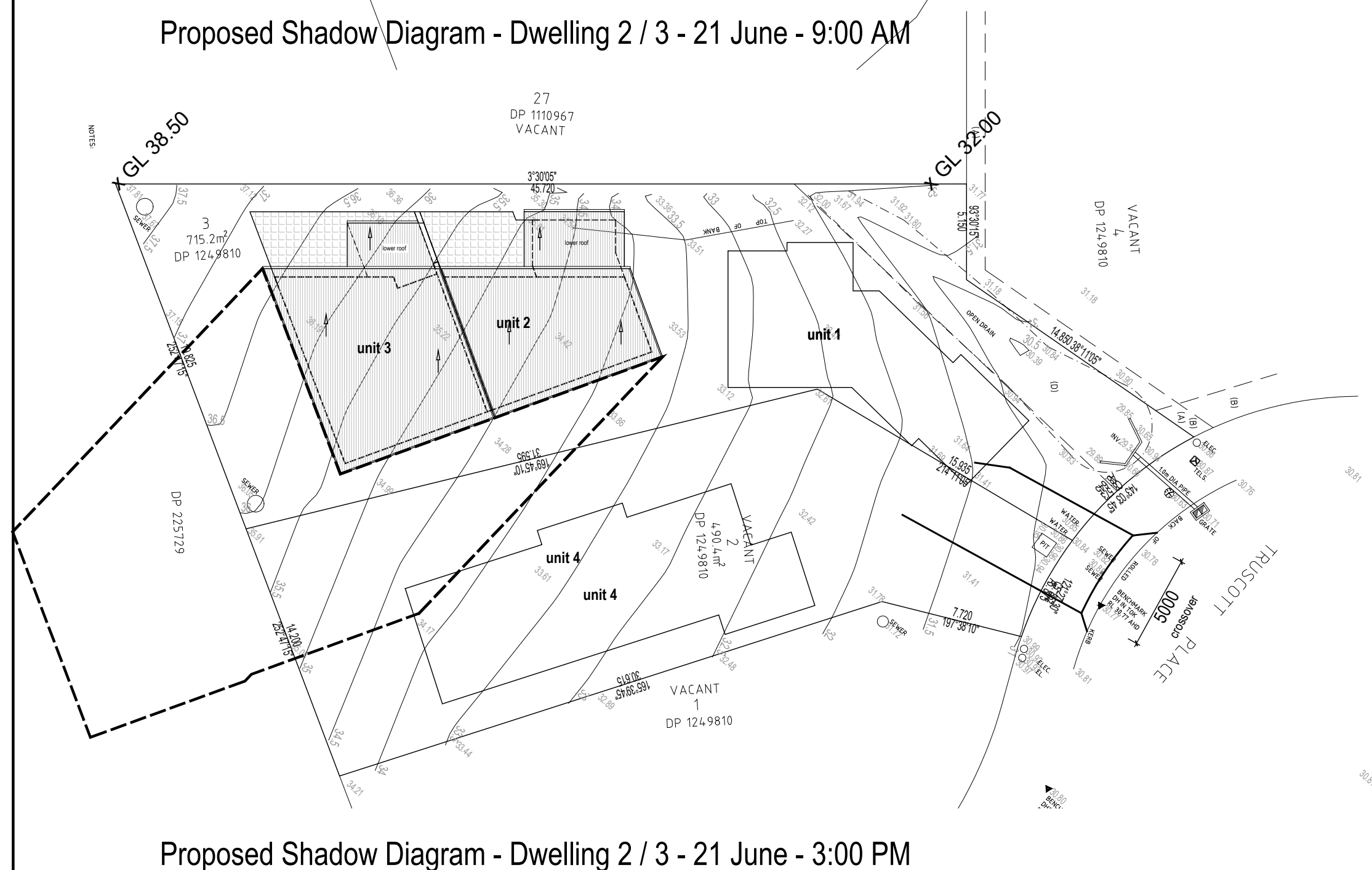
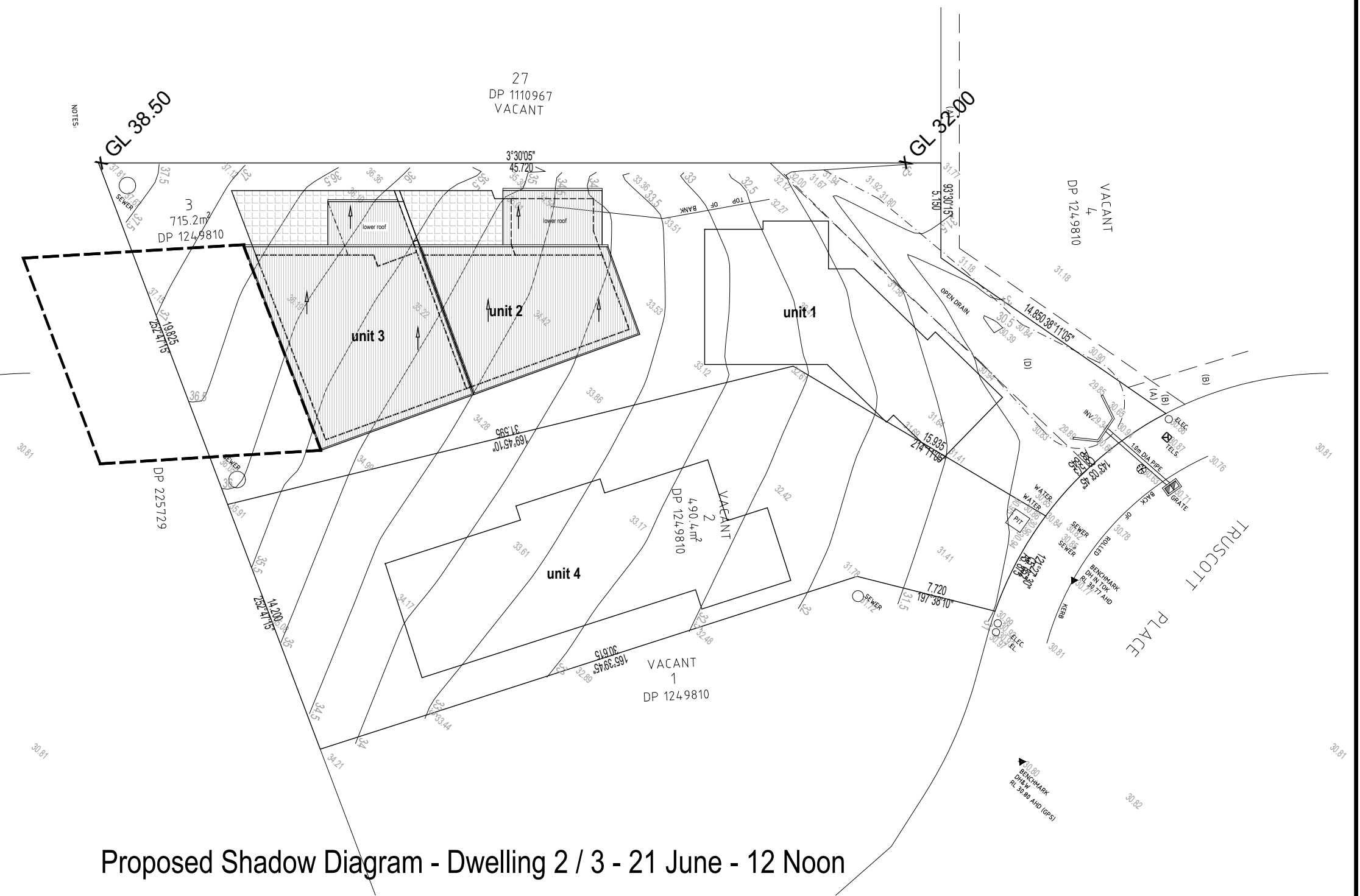
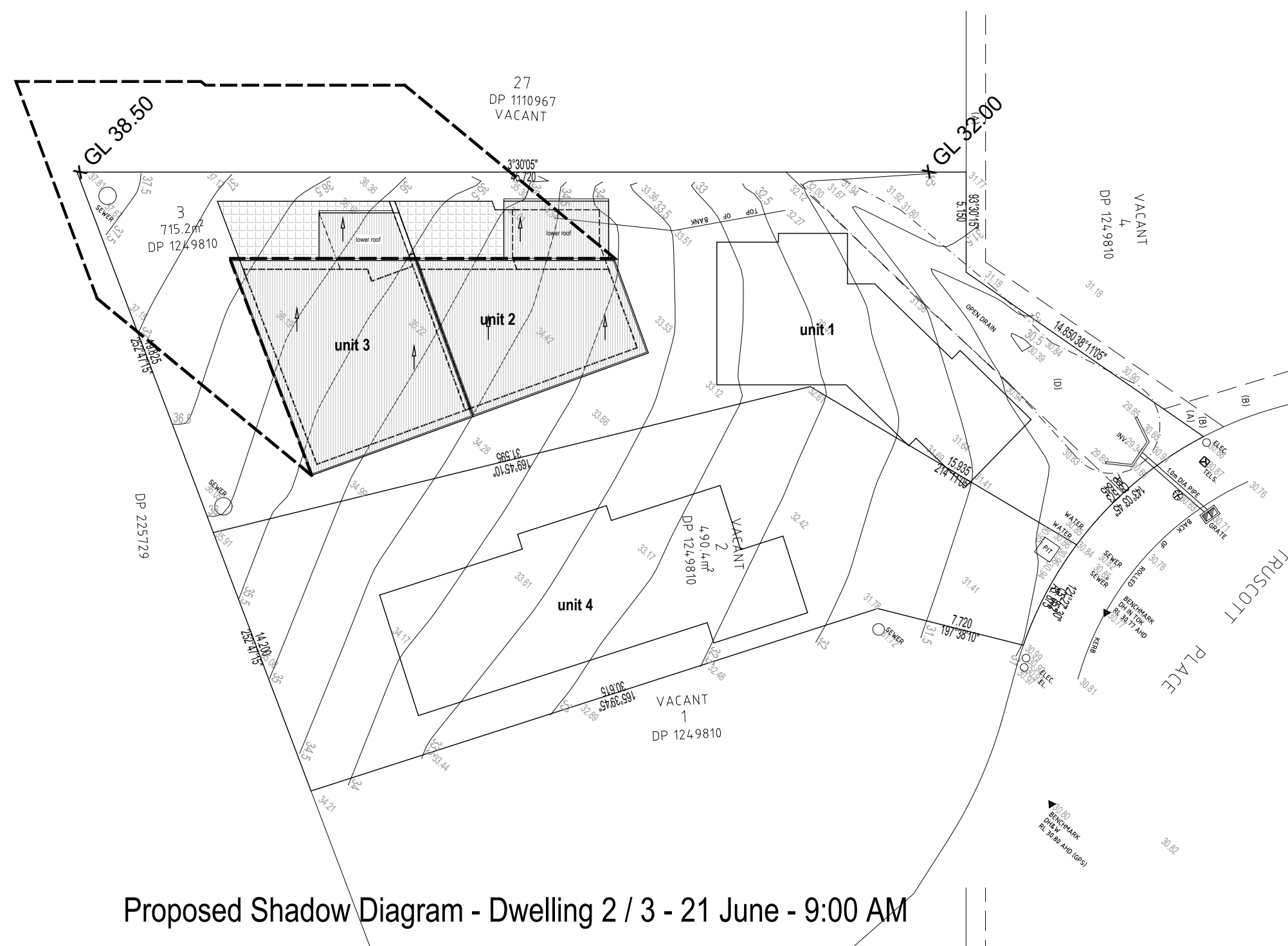


Proposed Shadow Diagram - Dwelling 1 - 21 June - 3:00 PM

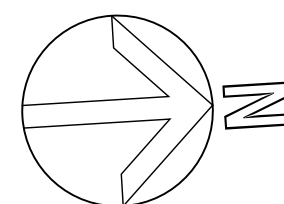
Proposed Shadow Diagram - Dwelling 1 - 21 June




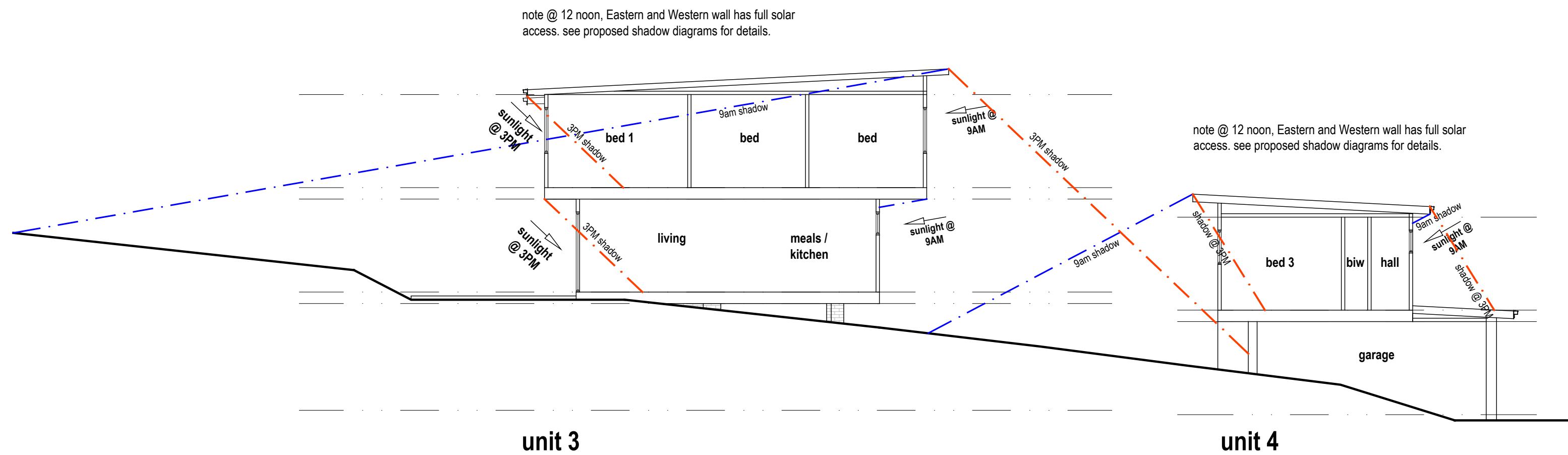
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Amendment:				
November 2020				
	Plan No:	P0410-19	Scale:	1:250 @ A2
	Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design
	Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810
	Design:	SF Plan & Design		
				Sheet No: 13a/13



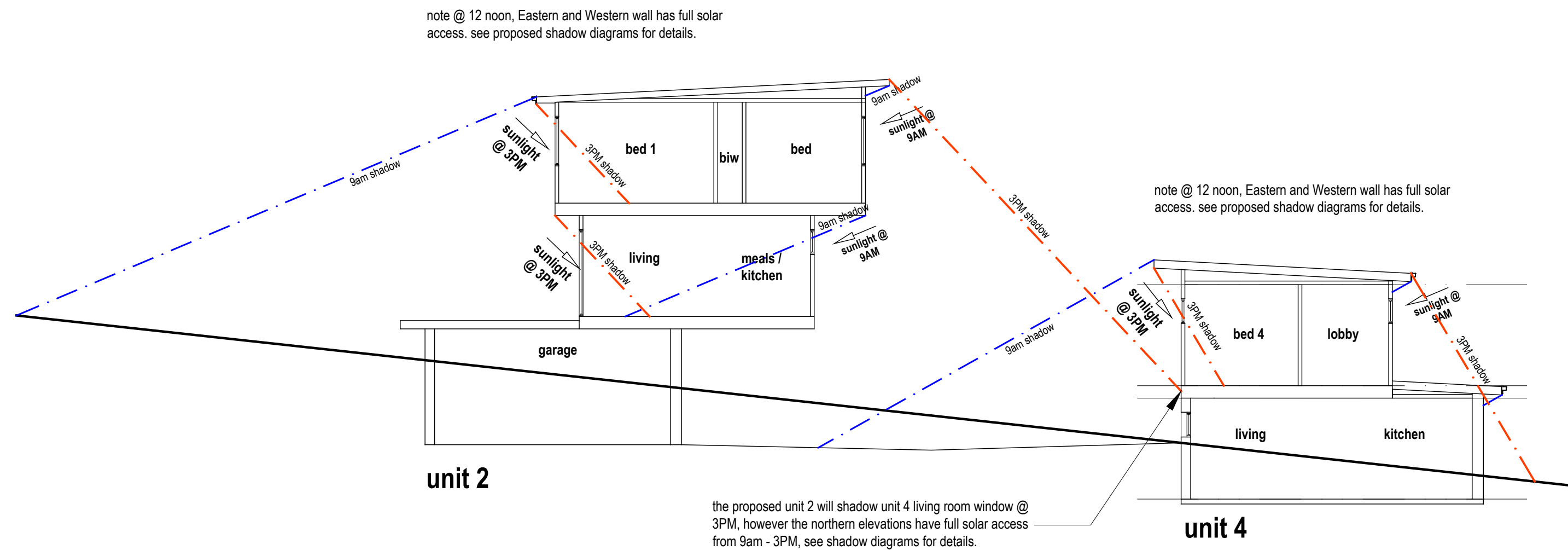
Proposed Shadow Diagram - Dwelling 2 / 3 - 21 June



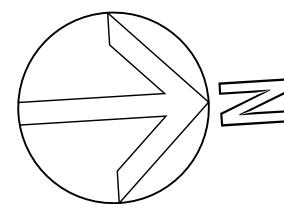
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Amendment:	 SfPLANand Design Ph:0409 668 295 A Division of 'SF Business Group'	Plan No:	P0410-19	Scale:	1:250 @ A2	Sheet No: 13b/13
November 2020		Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design	
		Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810	
		Design:	SF Plan & Design			

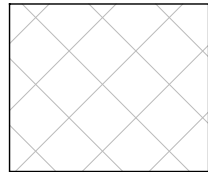


Proposed Internal Shadow Elevation Diagram - Unit 3 & 4

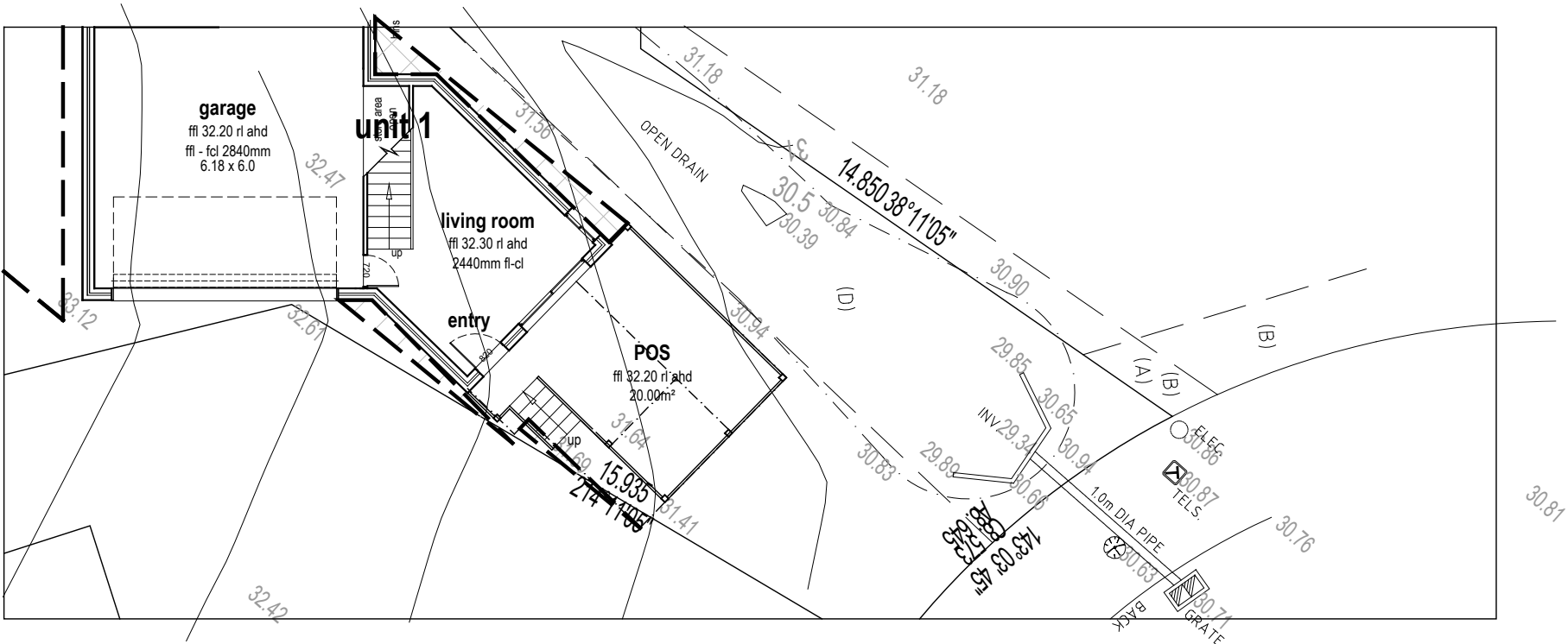


Proposed Internal Shadow Elevation Diagram - Unit 2 & 3

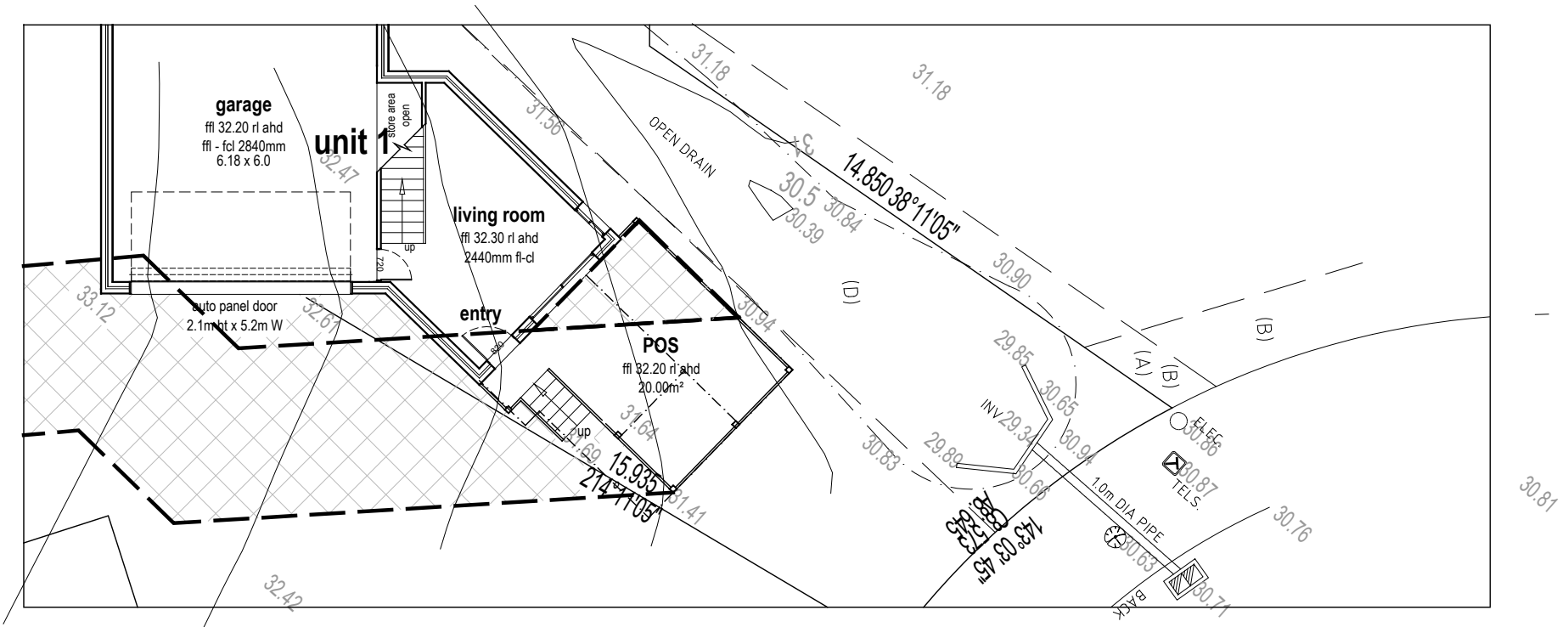




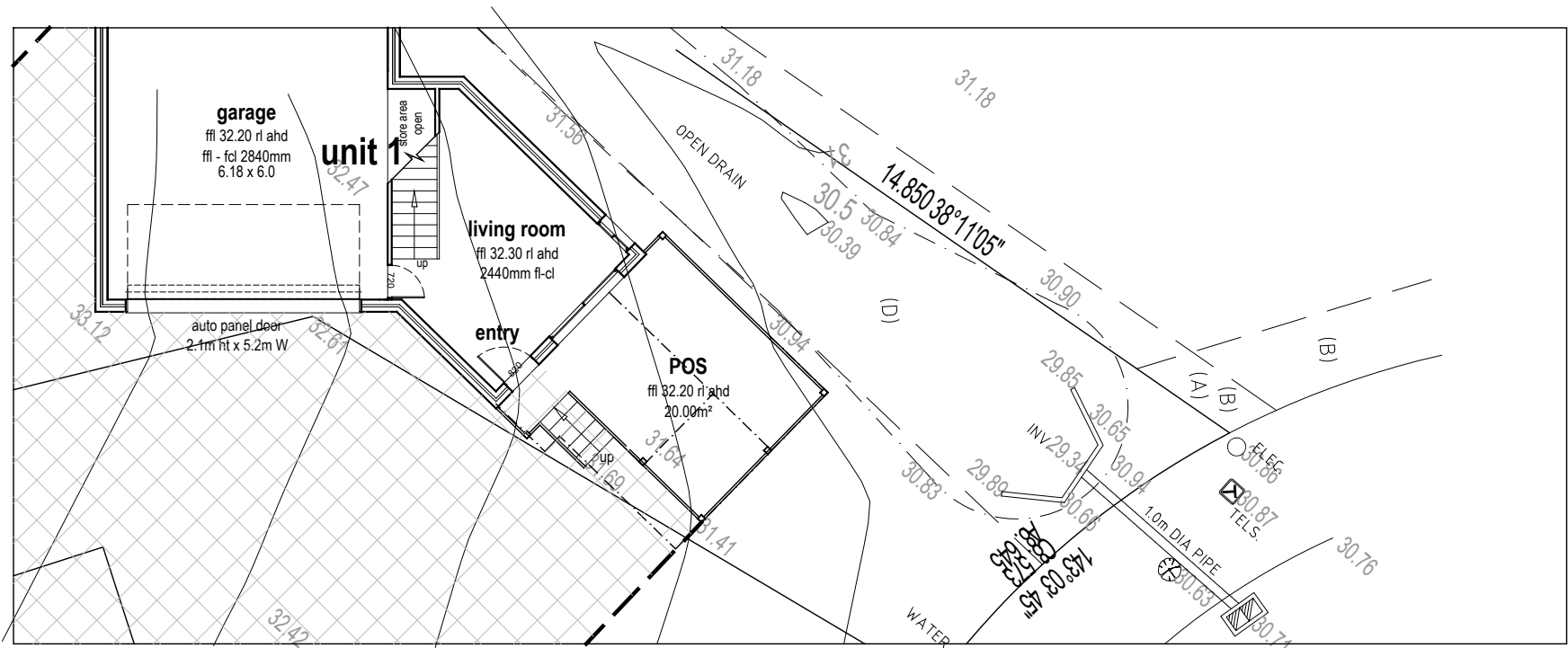
hatched areas show proposed shadow



Proposed Unit 1 POS Overshadowing 9AM

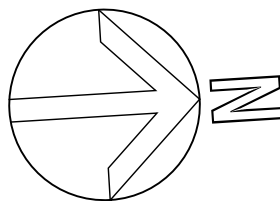



Proposed Unit 1 POS Overshadowing 12 Noon

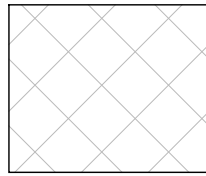


Proposed Unit 1 POS Overshadowing 3 PM

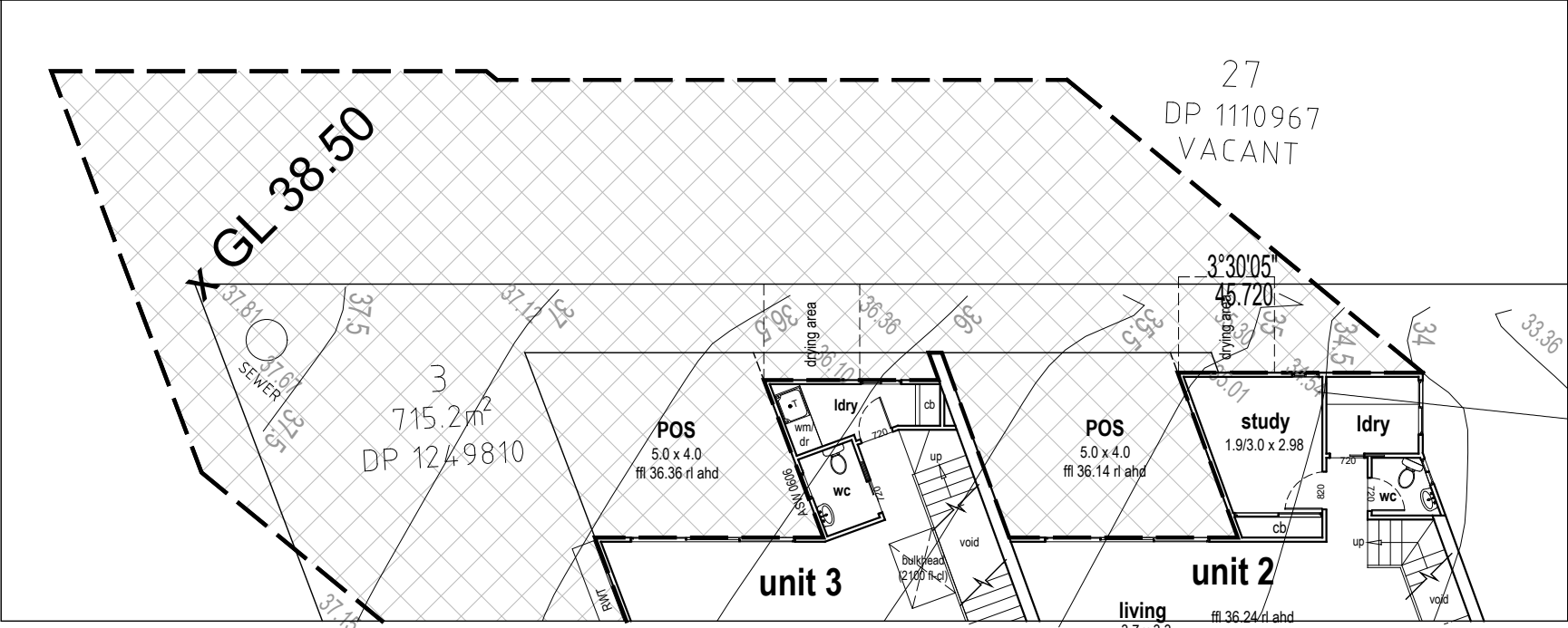
Proposed Shadow Diagram - unit 1



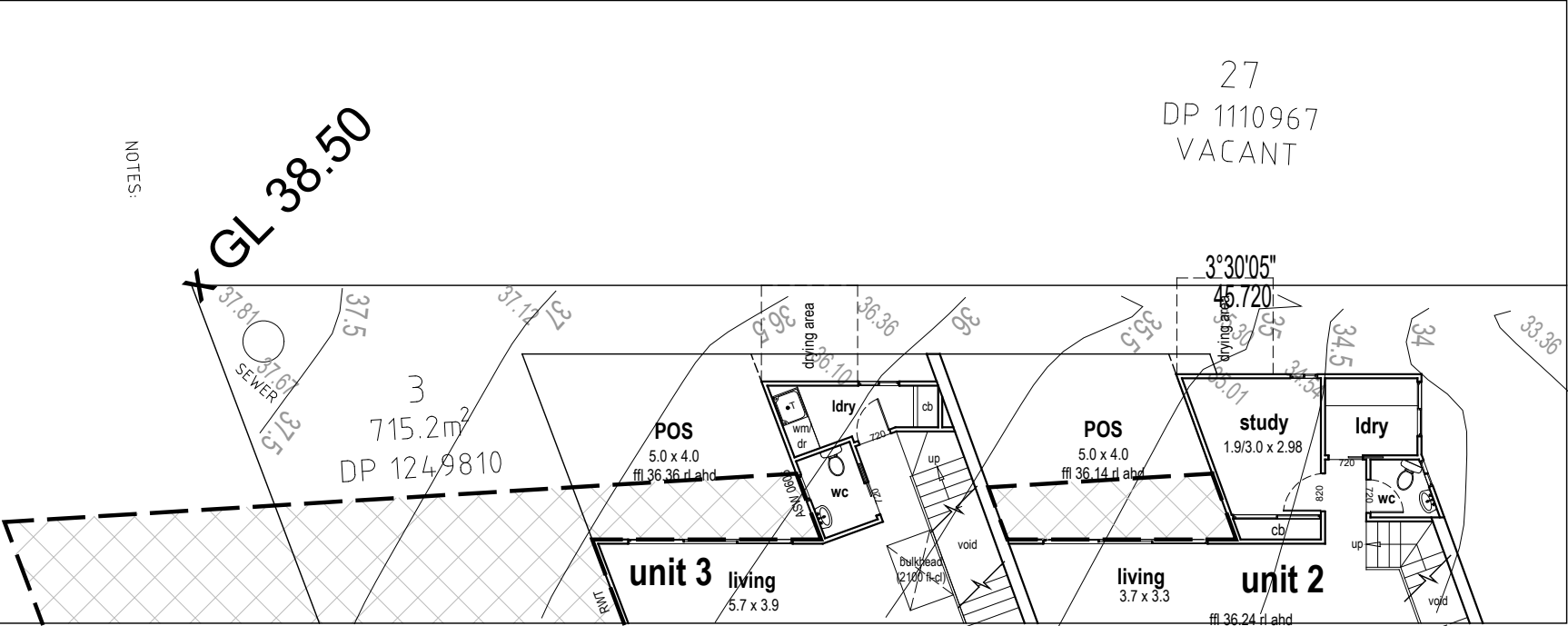
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		Design:	SF Plan & Design		
					Sheet No: 13e/13



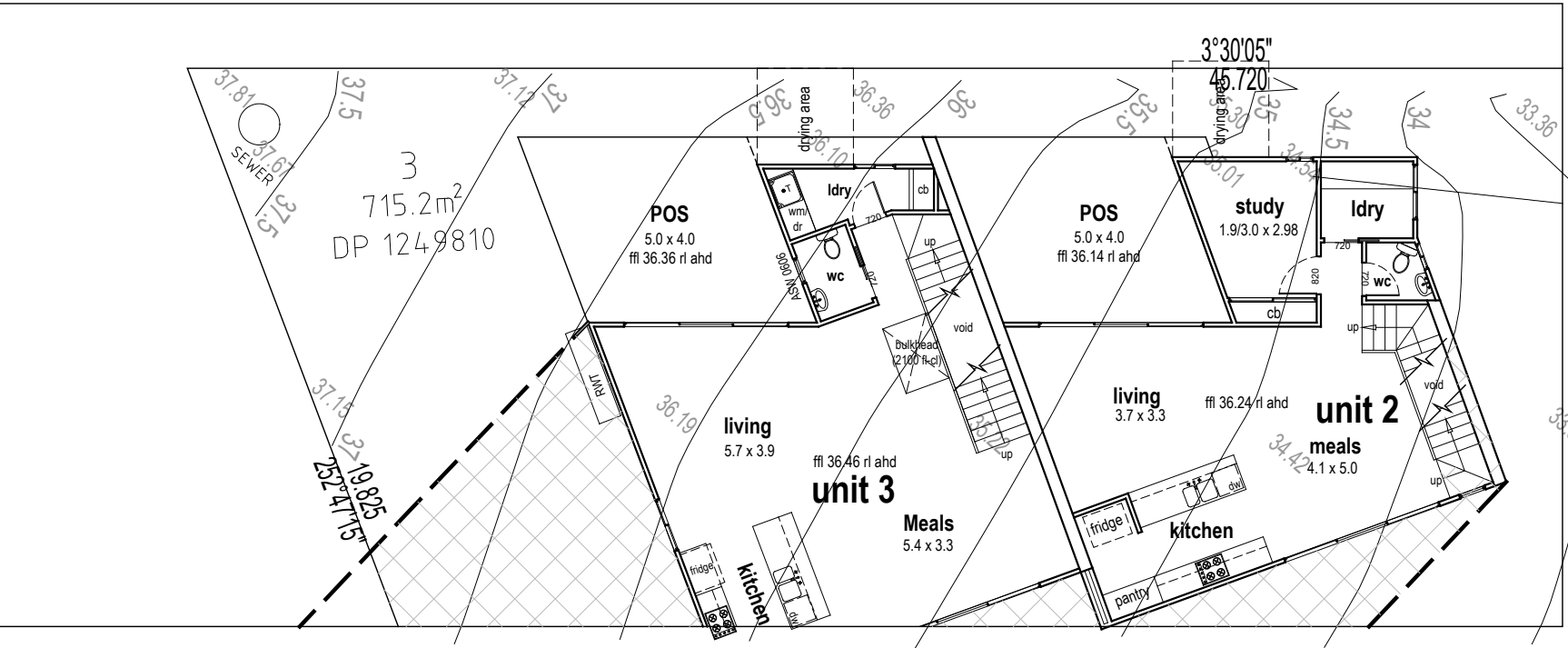
hatched areas show proposed shadow



Proposed Unit 2 and 3 POS Overshadowing 9AM

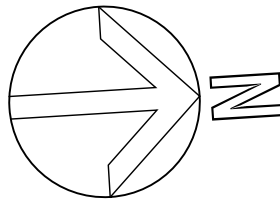



Proposed Unit 2 and 3 POS Overshadowing 12 Noon

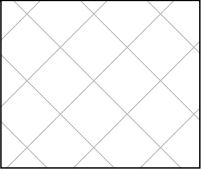


Proposed Unit 2 and 3 POS Overshadowing 3 PM

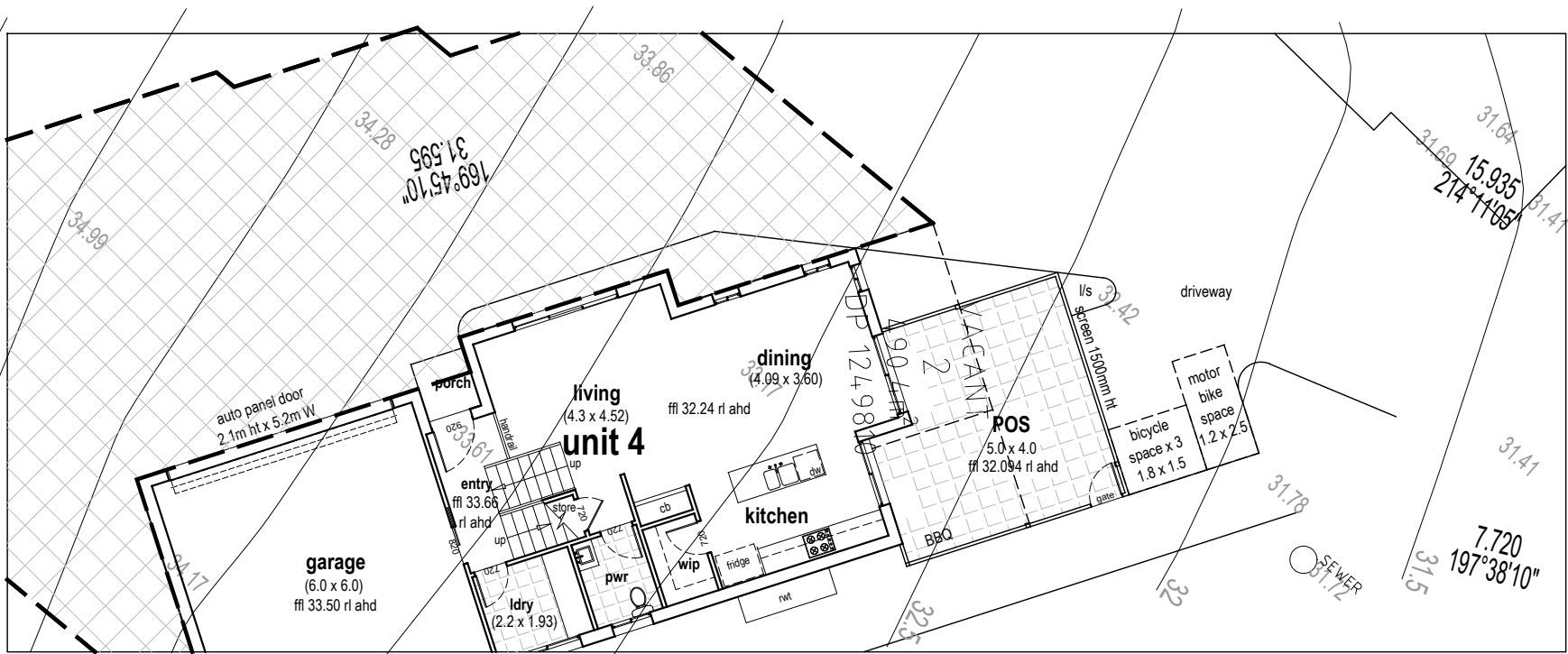
Proposed Shadow Diagram - unit 2 and 3



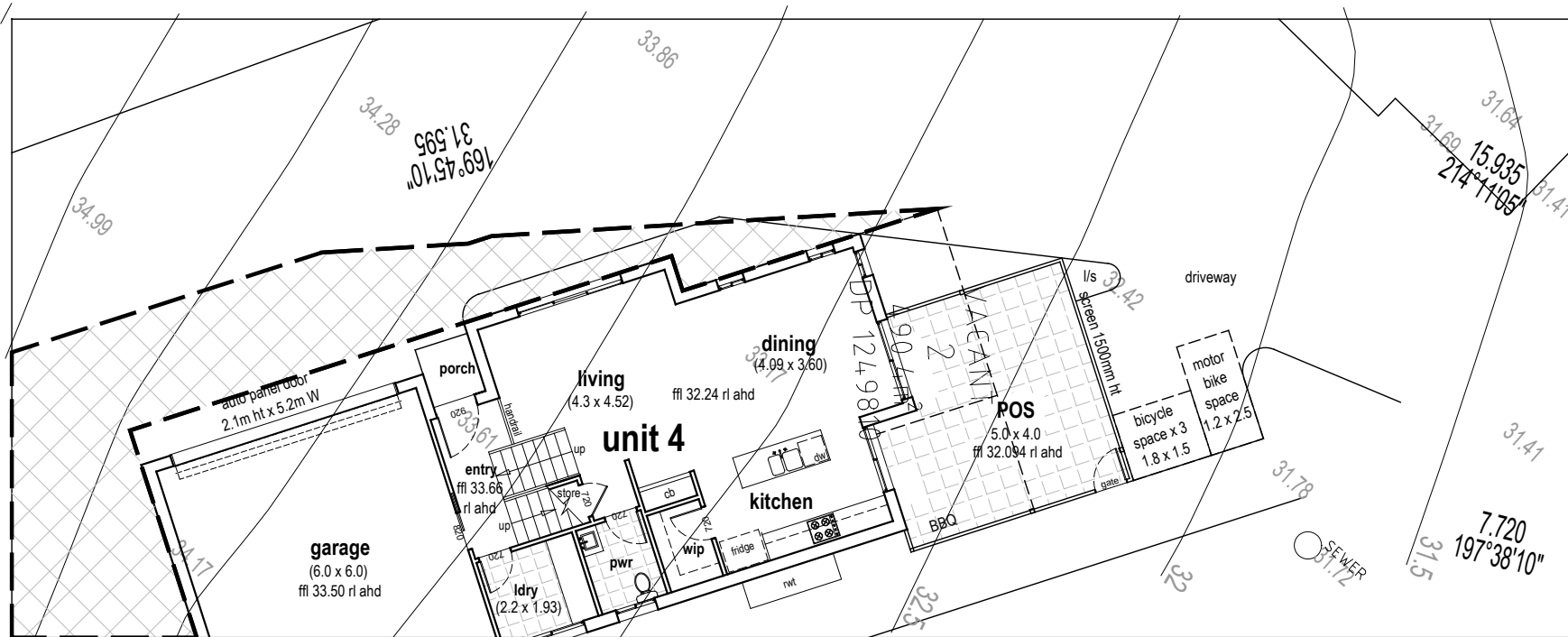
Issue:		Consolidate 2 vacant lots and Proposed Multi Dwelling Development			
Amendment:					
November 2020					
 <div>SfPLAN^{AND}Design Ph: 0409 668 295 A Division of "SF Business Group"</div>	Plan No:	P0410-19	Scale:	1:150 @ A2	Sheet No: 13f/13
	Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design	
	Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810	
	Design:	SF Plan & Design			



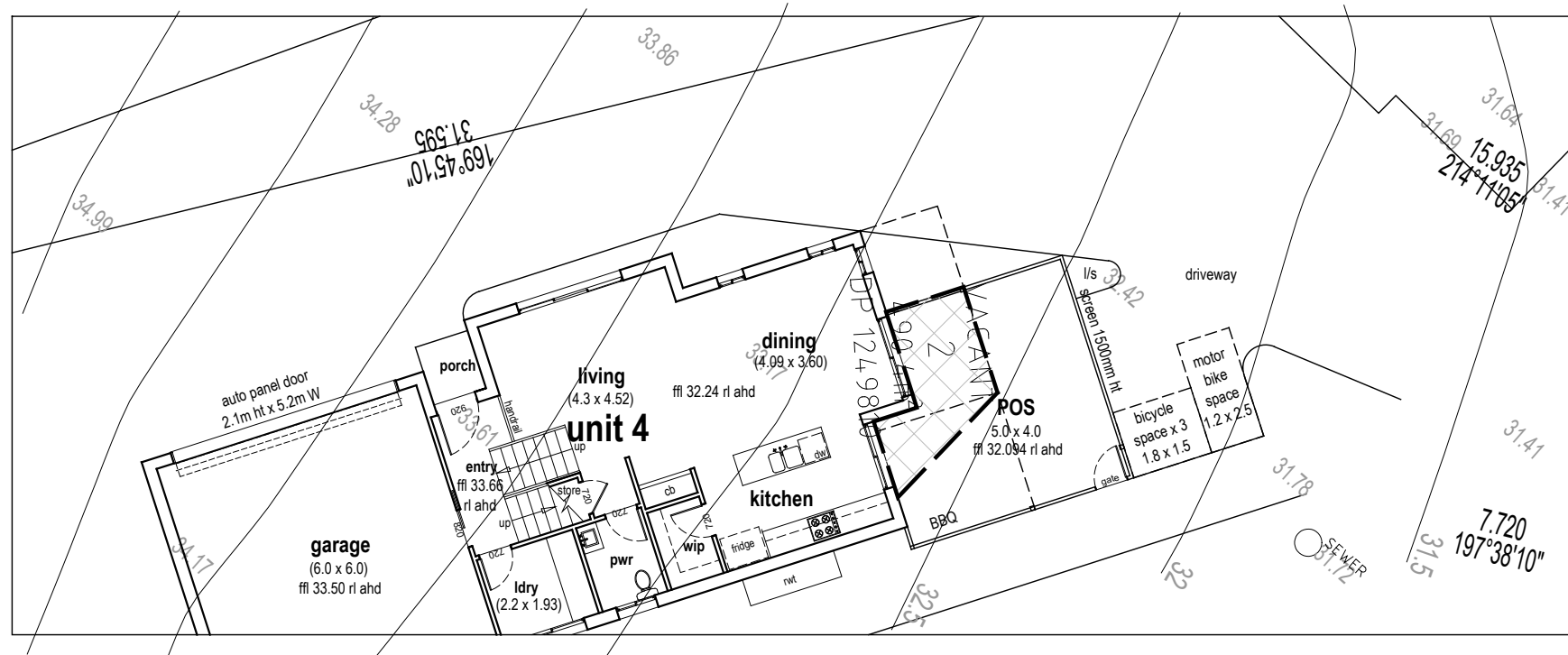
hatched areas show proposed shadow



Proposed Unit 4 POS Overshadowing 9AM

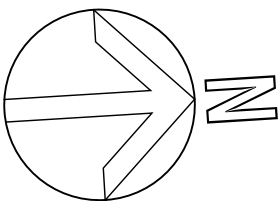



Proposed Unit 4 POS Overshadowing 12 Noon

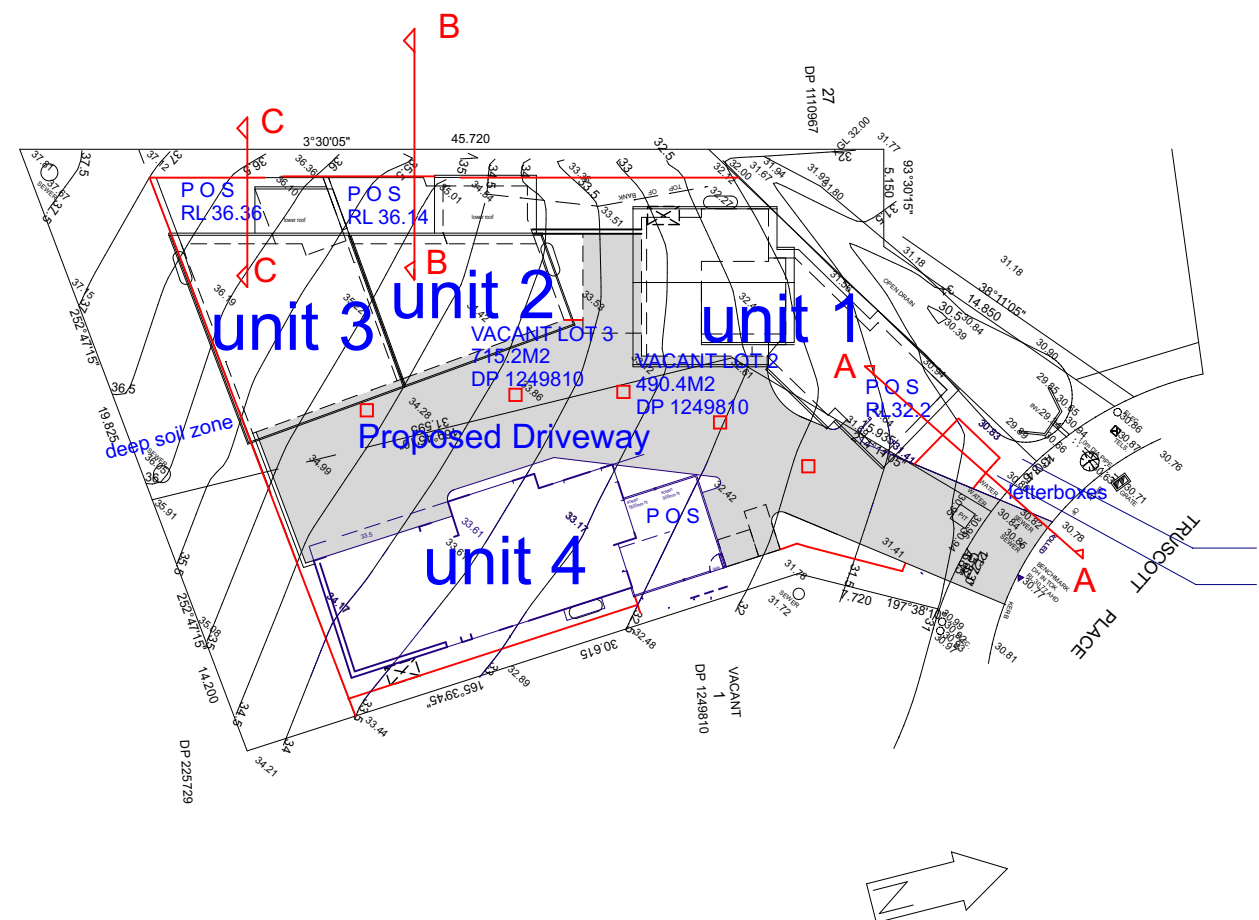
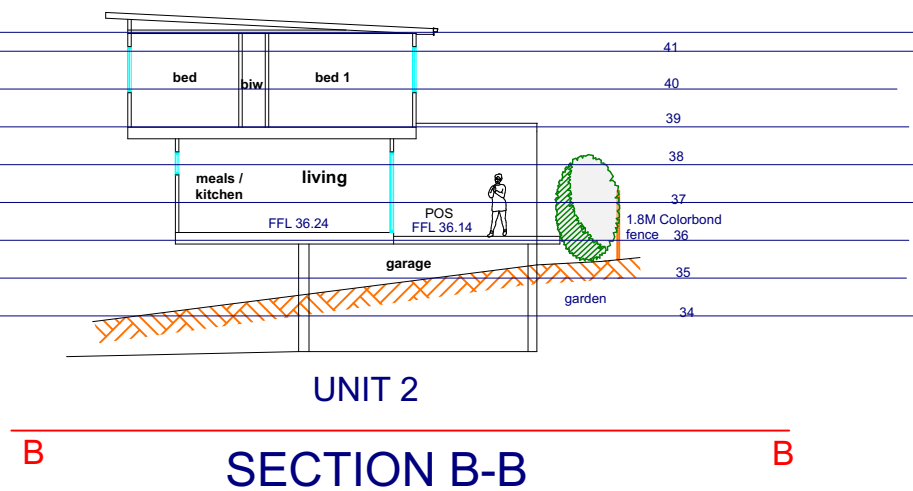
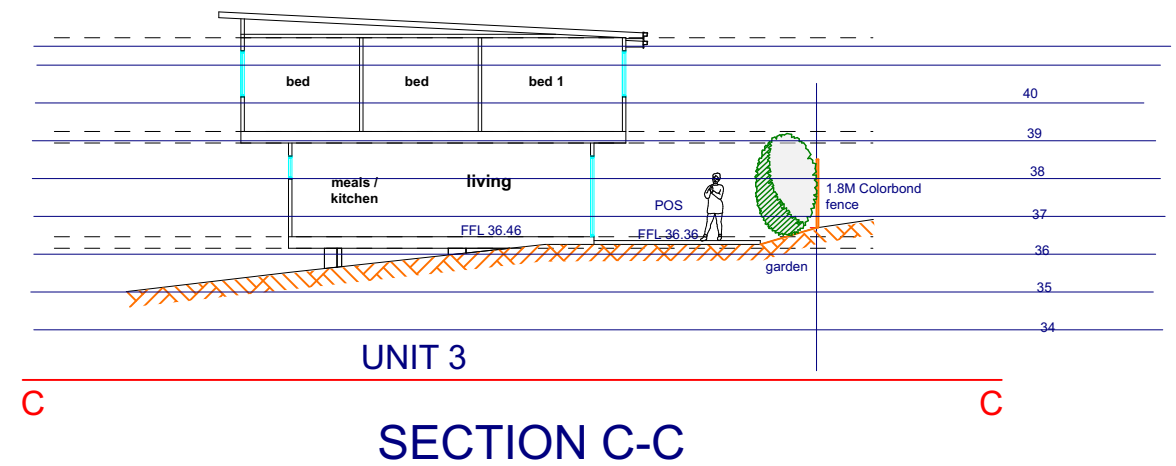
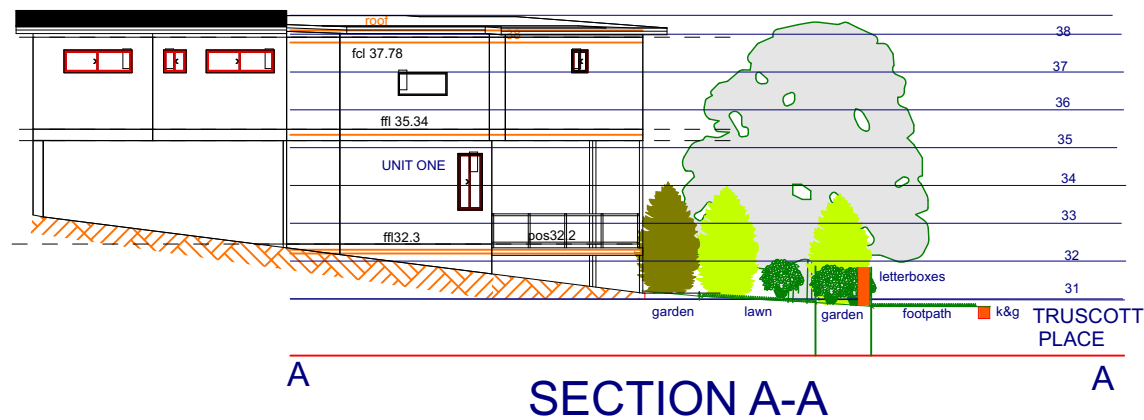


Proposed Unit 4 POS Overshadowing 3 PM

Proposed Shadow Diagram - unit 4



Issue:		Consolidate 2 vacant lots and Proposed Multi Dwelling Development				
Amendment:						
November 2020						
 <div>Sf PLAN AND Design Ph: 0409 668 295 A Division of "SF Business Group"</div>		Plan No:	P0410-19	Scale:	1:150 @ A2	Sheet No: 13g/13
		Date:	April 2020	For:	Branch Creek Developments Pty Ltd / Aesthetic Urban Design	
		Drawn:	SF Plan & Design ML	Address:	Lots 2 & 3, No 5 - 7 Truscott Place Figtree, NSW. DP 1249810	
		Design:	SF Plan & Design			



Zed Designs

16 Falcon St Blackbutt NSW 2529
Ass Dip Hort Landscape Design Dip Hort Arboriculture
ABN 73 884584 764 0478 735 835

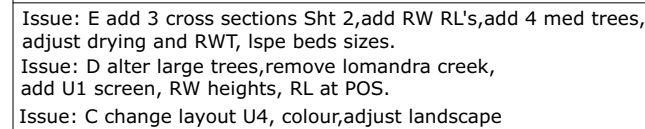
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DATE **12/11/20**
SCALE **1:200@A3**

Consolidate 2 vacant lots and Proposed Multi Dwelling Development
5-7 Truscott Place Figtree NSW - Lots2 & 3 DP 1249810
CLIENT: Branch Creek Developments Pty Ltd-
Aesthetic Urban Design

LANDSCAPE PLAN SECTIONS

2028

Issue E
SHEET 2
REF P0410-19



Ass Dip Hort Landscape Design Dip Hort Aboriculture
ABN 73 884584 764

0478 735 835

DRAWN	PZ
DATE	12/11/20
SCALE	1:200@A3

**Consolidate 2 vacant lots and
Proposed Multi Dwelling Development**
5-7 Truscott Place Figtree NSW - Lots2 & 3 DP 1249810
CLIENT: Branch Creek Developments Pty Ltd-
Aesthetic Urban Design

LANDSCAPE PLAN

2028

Issue E

REF P0410-19

Our Ref: 8201914401:SP
Contact: Sophie Perry

7 December 2020

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Attention: Senior Development Project Officer - Maria Byrne

Delivered by email to MByrne@wollongong.nsw.gov.au

Dear Maria ,

SUMMARY OF REVISION TO DA PACKAGE DA 2020/0307 NO.3-5 TRUSCOTT PLACE, FIGTREE

This letter has been prepared on behalf of Branch Creek Development / Aesthetic Urban Design for the proposed multi dwelling development at 5-7 Truscott Place Figtree.

1. Revised plans and supporting information

This letter summarises the design changes to the previously lodged information package and should be read in conjunction with:

- Plan for lot consolidation and building plan set by SF Plan and Design Plan No.P0410-19 Sheets as follows:
 - > 01 Existing site survey plan
 - > 02 Site Analysis Plan
 - > 2a proposed site setback plan – dwelling 1
 - > 2b proposed site setback plan – dwelling 2 and 3
 - > 2c proposed site setback plan – dwelling 4
 - > 2d proposed internal separation distances of dwellings
 - > 2d proposed driveway – drainage details
 - > 2e street footpath plan at driveway location
 - > 2f to 2i proposed vehicle turning paths
 - > 03 proposed unit 1 floor plans
 - > 04 proposed unit 2 and 3 floor plans
 - > 05 proposed unit 3 floor plan and roof plan
 - > 06 proposed unit 4 floor plans
 - > 07 proposed unit 4 roof plan
 - > 08 proposed elevation (front street view)
 - > 09 proposed elevations (front street view)
 - > 9a proposed elevations (front street view)
 - > 10 proposed sections
 - > 11 BASIX commitments
 - > 12a, 12b, 12c, 12d NatHERS commitments
 - > 13 Site Management Plan
 - > 13a, 13b, 13c and 13d Proposed shadow diagrams

Cardno (NSW/ACT) Pty Ltd
ABN 95 001 145 035

16 Burelli Street
Wollongong NSW 2500
Australia

Phone +612 4228 4133
Fax +612 4228 6811

Other plans anticipated to be forwarded to Council imminently are:

- Shadow diagrams for private open space areas and living room windows
- Internal (eastern) elevations for Units 2 and 3.
- Landscape Plan by ZED Designs Plan reference 2028 Issue E sheets 1 and 2 dated 12/11/2020
- Additional verification from Reinco Consulting Pty Ltd confirming the stormwater design is compatible with the abovementioned Landscape Plan (issued by email separately to Council)
- Section details extending into neighbouring properties (attached)

The following is a summary of the primary development data and design adjustments relevant to consideration of the abovementioned DA package to be considered by the Local Planning Panel and Council.

- Reduction in the number of dwellings from five (5) to four (4)
- Reduction in maximum height of buildings to achieve compliance with Clause 4.3 to WLEP 2009 and maximum height of buildings development standard of 9m
- Reduction in the floor space ratio (FSR) to 0.47:1 compliant with the maximum FSR development standard of 0.5:1
- No change to the variation requested pursuant to Clause 4.6 for minimum site width requirement of Clause 7.14
- Wider and continuous landscape screening to the side boundaries to maximise privacy (clothes drying areas and rainwater tanks relocated accordingly)
- No retaining walls external to the building footprint (see below) in order to retain finished levels within side setbacks as close as practicable to existing ground levels and achieve mass screen planting to protect neighbour amenity
- Incorporation of all retaining walls within the external walls of the dwellings with the exception of the retaining wall that separates the driveway area from the deep soil planting zone at the rear of the site. Maximum retaining wall height adjacent to the south east corner of the garage to Unit 3 is 2.9m). Engineering details for retaining walls to be provided with a Construction Certificate.
- Dimensions added to the Landscape Plan to show minimum width of landscaped beds adjacent to driveway of 1.5m
- Adjustment to window arrangements to prevent overlooking to neighbouring properties for unit 4
- Additional and larger windows to Unit 1 to address the street
- Storage areas added within Units including built-in wardrobes with sliding doors to optimise functional space in bedrooms and additional storage cupboards in floor plans of units
- Additional potential kitchen layout details
- Increased width and dimensions of entry areas and the provision of balustrades instead of walls to improve clear space for movement of bulky objects
- Visitor car space dimensions increased and adjacent to landscaped areas and batters so as not to be limited by retaining walls
- Species selection updated on Landscape Plan as instructed from preliminary feedback from Council's Landscape Assessment officer
- Section A-A in Landscape Plan set indicates landscape treatment north of the elevated private open space area of Unit 1 to achieve privacy between private open space (POS) and the street through a combination of planting and changes in finished levels. Fencing is compliant with the DCP provisions for landscaping, open form design and height
- Section B-B and Section C-C show screening planting adjacent to POS areas of Units 2 and 3

- Clarification that area required for overland flow path north west of Unit 1 will not be planted out in order to optimise the function of the space for stormwater management purposes
- Unit 1 has two living areas – ground floor continuous with the private open space area and first floor level with open plan layout

2. Issues raised in submissions

We have reviewed some submissions from and on behalf of neighbours and nearby land owners. Some of the issues raised that are relevant to the assessment and determination of the development application have been summarised in the table below along with preliminary comments as to how the issues relate to the revised development.

Table 1-1 Community Exhibition Objections

Issue Raised in Community Submission	Response
<ul style="list-style-type: none"> • Obstruction of neighbour's views and outlooks. 	<p>The revised development proposal does not exceed the maximum height/storey limit in the LEP or DCP.</p> <p>Separation has been achieved between the buildings and deep soil planting to the rear of the site will not be detrimental to the outlook from adjoining properties.</p> <p>No iconic or exceptional views will be obstructed.</p>
<ul style="list-style-type: none"> • Concerns regarding the introduction of five (5) units/dwellings on a site that was originally promised to only contain two dwellings. 	<p>The development has been reduced to four (4) units.</p> <p>Multi dwelling housing is permissible in Zone R2 Low Density Residential.</p>
<ul style="list-style-type: none"> • On street parking concerns and additional traffic generation. 	<p>Each dwelling has a double garage and there is one visitor car parking space. On-site parking complies with Council's requirements.</p> <p>The reduced number of dwellings within the proposed development will reduce traffic generation and demand for parking.</p>
<ul style="list-style-type: none"> • It would not be feasible to place 10 bins along the curb for waste collection. 	<p>The plan set indicates sufficient space at the kerb for bin collection and servicing in a manner that will not obstruct vehicles or pedestrians.</p>
<ul style="list-style-type: none"> • Built form is awkward and far too large. Represents somewhat of an overdevelopment. 	<p>The redesign has reduced bulk and scale of the overall built form, reduced the height of Unit 1 and reduced overall floor space ratio.</p>
<ul style="list-style-type: none"> • Privacy concerns for neighbours immediately adjacent to the site. 	<p>Revised Landscape Plan and Building Plan sets show continuous screen planting to side boundaries to protect privacy and amenity.</p> <p>Deep soil planting at the rear of the site will achieve effective privacy and spatial separation.</p> <p>Adjustments to windows to Unit 4 prevent potential for overlooking.</p> <p>Privacy screens 1.8m and 1.5m high have been added to the eastern edge of the private open space area of Unit 4 to protect the privacy of the eastern neighbour.</p> <p>Private open space and living room windows of Units 2 and 3 are recessed in the building footprint to enhance privacy.</p> <p>The proposal complies with all setback requirements.</p>
<ul style="list-style-type: none"> • Non-compliance with minimum site width requirement. 	<p>The narrow at the front building line has been accounted for in the design and set out of the development. The majority of the site dimensions greatly exceed the</p>

	<p>minimum 18m requirement and has not compromised compliance with all other LEP and DCP provisions.</p> <p>The non-compliance does not result in negative externalities and the design responds to the site dimensions and topography.</p>
<ul style="list-style-type: none"> Proposed development lies in stark contrast to the neighbouring context with two rectangular structures running almost the full length of the side boundaries. 	<p>The proposed development will add interest and variety to the built form whilst being compatible with the character and scale of development in the neighbourhood (which is characterised by mostly two storey dwellings stepped with the sloping topography) and a variety of setbacks and building footprints.</p>
<ul style="list-style-type: none"> The site has significant flood affectation that has not been considered. 	<p>Flooding and stormwater management assessments by RIENCO Consulting have determined the proposal is compatible with the site flooding and stormwater management conditions at the site.</p>
<ul style="list-style-type: none"> Increased vehicle movement due to the three additional dwellings could present a safety concern. 	<p>Trip generation will not exceed the safe operating capacity of the public road network. All vehicles can enter and leave the site in a forward direction.</p>
<ul style="list-style-type: none"> Proposed development would require significant earthworks. 	<p>Earthworks have been mostly confined to the building footprint and the internal driveway area. This will allow the existing ground levels to be maintained in the majority of the setbacks to neighbouring properties.</p>
<ul style="list-style-type: none"> Deep Soil Zone does not meet the 6m requirement. 	<p>The deep soil zone at the rear of the site meets the 6m requirement.</p>
<ul style="list-style-type: none"> Acoustically, the addition of three extra dwellings would affect the intended peaceful nature of the cull de sac. 	<p>The proposal is a residential development which will be acoustically compatible with the residential neighbourhood.</p>
<ul style="list-style-type: none"> The development exceeds the two-storey height limit in certain areas. 	<p>Units 1 and 4 are two storey dwellings. Units 2 and 3 have basement and entry areas excavated beneath the two storey dwelling. Excavated basements reduce the total building footprint and optimise landscaped areas. The excavation will not be apparent from neighbouring properties and will have no impact on the bulk and scale of the external appearance of the development.</p>

In summary, the redesign of 5-7 Truscott Place Figtree associated with DA 2022/307 is compliant with the relevant provisions of WLEP 2009 and WDCP 2009 with the single exception of the site width at the front building line. The revised plans have improved amenity, design, privacy, landscaped areas, functionality, height, bulk and scale.

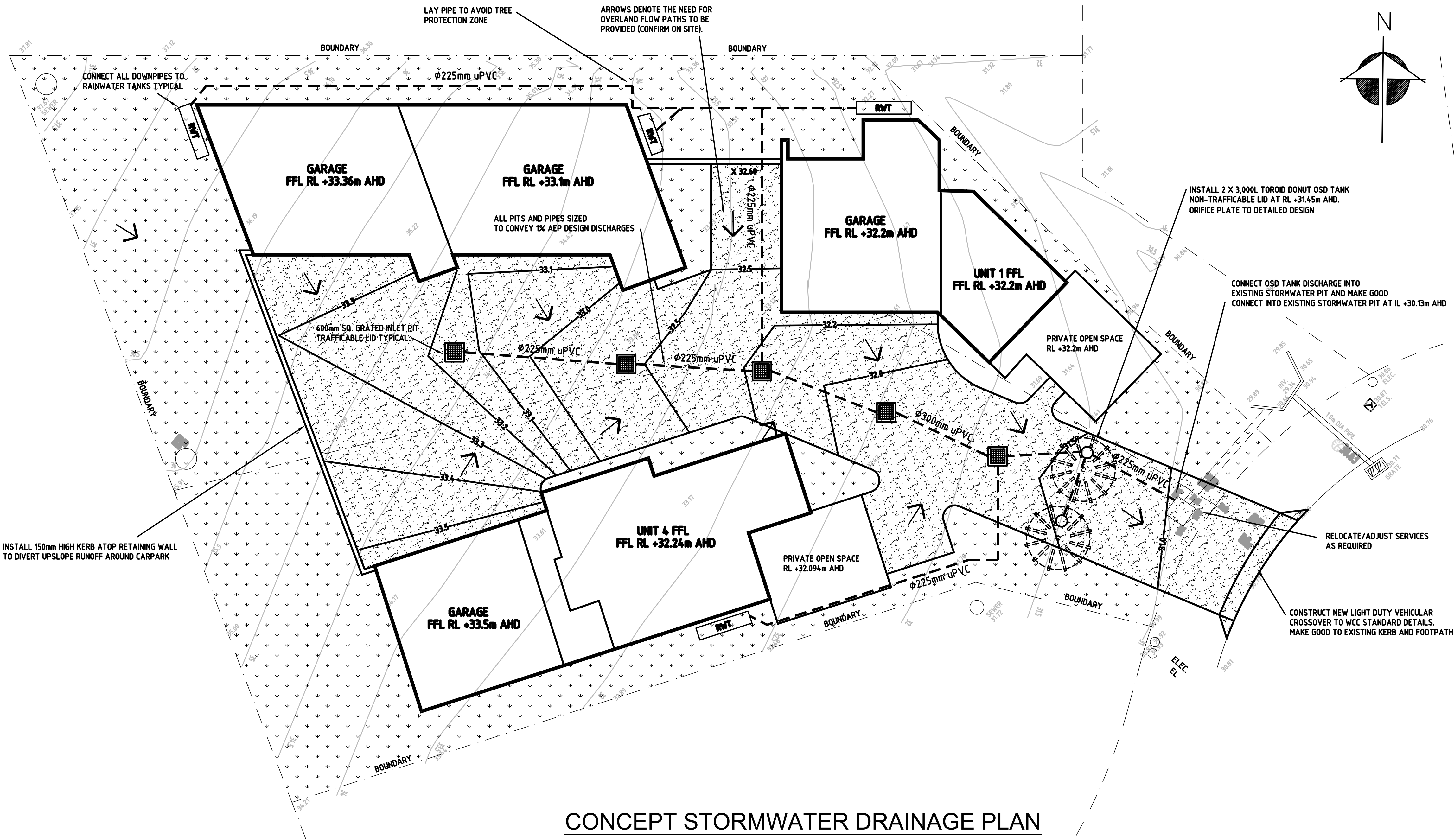
We look forward to discussing the proposal further at the Wollongong Local Planning Panel.

Should you have any questions please contact Sophie Perry – sophie.perry@cardno.com.au or 4254 8753.

Yours sincerely,



Sophie Perry
Manager Planning
for Cardno
Direct Line: 02 4254 8753
Email: sophie.perry@cardno.com.au



- GENERAL**
- G1. THESE NOTES APPLY TO ALL CIVIL/STRUCTURAL WORK INCLUDED IN THIS PROJECT.
 - G2. CIVIL/STRUCTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL RELATED PROJECT DOCUMENTATION. ANY DISCREPANCY IN THE PROJECT DOCUMENTATION AFFECTING WORK SHOWN ON THESE DRAWINGS SHALL BE REFERRED TO THE SUPERINTENDENT AND AN INSTRUCTION OBTAINED BEFORE PROCEEDING WITH WORK SO AFFECTED.
 - G3. VERIFY SETTING OUT DIMENSIONS SHOWN ON THESE DRAWINGS BEFORE COMMENCING WORK.
 - G4. ALL WORK TO BE UNDERTAKEN IN ACCORD WITH AUS-SPEC EXCEPT WHERE IN CONFLICT WITH NOTES ON THESE DRAWINGS WHICH SHALL TAKE PRECEDENCE.
 - G5. ENSURE THAT ALL STRUCTURES ARE MAINTAINED IN A SAFE AND STABLE STATE THROUGHOUT THE CONSTRUCTION PERIOD.
 - G6. SERVICE LOCATIONS TO BE CONFIRMED PRIOR TO COMMENCING WORKS.
 - G7. ALL EXISTING DRAINAGE STRUCTURES THAT ARE TO BE INCORPORATED IN THE DESIGN SHALL BE CLEAN AND FREE OF DEBRIS.
 - G8. FENCES REMOVED OR DAMAGED DURING CONSTRUCTION TO BE REINSTATED IMMEDIATELY UPON COMPLETION.
 - G9. NO WORK TO BE UNDERTAKEN ON ADJOINING LAND WITHOUT THE WRITTEN PERMISSION OF THE AFFECTED OWNERS.
 - G10. COUNCIL'S TREE PRESERVATION ORDER TO BE OBSERVED AT ALL TIMES.
 - G11. ALL RUBBISH AND STRUCTURES TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND DISPOSED AS ADVISED BY THE SUPERINTENDENT
 - G12. ALL NEW WORKS TO MAKE SMOOTH JUNCTION WITH EXISTING.
 - G13. SITE SHALL BE CLEANED OF ALL DEBRIS AND RUBBLE FROM DEMOLISHED STRUCTURES.
 - G14. RESERVE ALL ROCKS DEEMED SUITABLE BY SUPERINTENDENT FOR GROUTED ROCK FILLING.
 - G15. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH WOLLONGONG CITY COUNCIL'S SPECIFICATIONS AND AS3500.3.
 - G16. THE CONTRACTOR SHALL CHECK ALL EXISTING LEVELS PRIOR TO THE COMMENCEMENT OF WORKS. ALL NEW WORK SHALL MAKE SMOOTH CONNECTION TO EXISTING.
 - G17. ALL PIPES SHALL BE LAID ON 1% MINIMUM GRADE U.N.O.
 - G18. MINIMUM COVER TO PIPES 100mm ADJACENT TO DWELLING, 300mm IN LANDSCAPED AREAS AND 600mm IN AREAS SUBJECT TO VEHICLE LOADINGS U.N.O.
 - G19. ALL DOWNPIPES ARE TO BE CONNECTED TO STORMWATER PIPES. ALL DOWNPIPES ARE SHOWN DIAGRAMMATICALLY ONLY AND THE POSITION OF DOWNPIPES SHALL BE CONFIRMED ON SITE.

- LEGEND**
- PAVED AREAS TO LANDSCAPE PLAN
 - LANDSCAPED AREAS TO LANDSCAPE PLAN

CONCEPT STORMWATER DRAINAGE PLAN

NOTE:
LOCATION OF DOWNPIPES ARE DIAMGRAMMATIC AND SHALL BE CONFIRMED DURING DETAILED DESIGN (CC) STAGE.

NOTE:
ALL INVERT LEVELS AND STORMWATER DEVICES SHALL BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION BY RIENCO

WCC OSD CALCULATOR					
				V1.0 -2004	
INPUT DATA					
tributary Area (m2)	IMP Pre Dev(m2)	IMP Post Dev(m2)	I 50yr,1hr		
765	0	765	100		
Intermediate values					
	Natural	Pre Dev	Post Dev		
F1(5yr-PSD_Impfactor)	1.00	1.00	1.00		
F1(100yr-PSD Impfactor)	1.00	1.00	1.00		
F2(PSD area factor)	1.12	1.12	1.00		
F3(SSR Impfactor)	0.00	0.00	0.14		
F4 (SSR area factor)	0.00	0.53	0.55		
				OUTPUT DATA	
				OSD HYDRAULIC PARAMETERS	
PSD5yr (l/s/ha)	299	299		Q5yr (l/s)	22.8
PSD100yr (l/s/ha)	522	522		Q100yr (l/s)	39.9
SSR5yr (m3/ha)	0	0	46	V5yr (m3)	3.54
SSR100yr (m3/ha)	0	0	81	V100yr (m3)	6.19

ISSUE:	DESCRIPTION:	DATE:	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	Feb 2020	AB
B	ISSUED FOR DEVELOPMENT APPLICATION	Apr 2020	AB
C	ISSUED FOR DEVELOPMENT APPLICATION	Aug 2020	AB
D	ISSUED FOR DEVELOPMENT APPLICATION	Dec 2020	AB



RIENCO CONSULTING
Providing Specialist Services in Hydrology and Hydraulics
PO BOX 3094, AUSTINMER NSW 2515
www.rienco.com.au

TITLE: STORMWATER DRAINAGE PLAN			
CLIENT: Mr. B. Garvey		LOCATION: Truscott Place, Figtree	
DRG No: 1001	SCALE: 1:100	DRAWN BY: AB	REVISION: D

Wollongong Local Planning Panel Assessment Report | December 2020

ATTACHMENT 2

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP. Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development as a BASIX certificate has been submitted detailing the energy and water saving targets that will be implemented in the development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.12 Site Facilities</u>	The proposal has adequate area for the provision of the site facilities for the development.	Yes
<u>4.13 Fire Brigade Servicing</u>	Fire brigade servicing was addressed under the original subdivision DA-2017/110.	Yes
<u>4.14 Services</u>	The site is already serviced.	Yes
<u>4.15 Development near the coastline</u>	The site is not located near the coastline.	Yes
<u>4.16 View sharing</u>	It is considered the proposal will not adversely impact significant views from public places and/or adjoining/nearby properties.	Yes
<u>4.17. Retaining walls</u>	Retaining walls are required as part of the basement level. A retaining wall is also required on the southern side of the site. Details not confirmed – to be conditioned.	Yes
<u>4.18 Swimming pools and spas</u>	No swimming pool/spa is proposed.	N/A
<u>4.19 Development near railway corridors and major roads</u>	The site is not located near a railway corridor or major road.	N/A

5.0 Attached dwellings and multi -dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width Requirement</u>	The minimum site width of the subject site is 14.52 metres, this is a shortfall of 3.48 metres; however, a clause 4.6 pursuant to WLEP 2009 has been sought and is considered capable of support.	No – See A1 and Clause 4.6.
<u>5.2 Number of Storeys</u>	<p>The site is located in a R2 zone and allows a maximum of 2 storeys. The proposal does not exceed 2 storeys.</p> <p>Unit 1 is two storeys.</p> <p>Unit 2 and Unit 3 have basement parking, storage and stairways with two storeys above. Although it appears based on plans provided a portion of the building for Unit 2 in the location of the stairwell and storage area may be non-compliant, the Designer has confirmed the basement level and number of storeys meet the DCP definitions.</p> <p>Unit 4 is split level and responds to the fall of the land, it has a maximum of two storeys.</p>	Yes
<u>5.3 Front Setbacks</u>	A minimum building setback to Truscott Place of 6 metres of Unit One POS balcony.	Yes

5.4 Side and Rear Setbacks

5.4.1 Objectives

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

A 1.5 metre landscape strip is provided. Yes.

Ceiling heights have been specified on provided on plans. There are points along the building where the natural ground level is lower than the majority of the building for the ground floor calculations for Units 2 ,3, 4; however, there are no resultant adverse amenity impacts on neighbouring properties due to the topography of the area and compliant landscaping. The first floor levels are all adequately set back from the neighbouring boundaries.

For an attached and multi-dwelling housing, the rear boundary setbacks are measured from the wall of the building or the outer edge of a balcony/deck, to the adjacent property boundary. The minimum rear boundary setbacks are as follows:

Side and Rear Boundary Setbacks Attached and Multi-Dwelling Development		
Zone	Minimum side and rear setback	Minimum side and rear setbacks where balconies or windows of living areas face the rear boundary at first floor level or above
All zones	1.5m	1.5m
R2 Low Density Residential Zone	0.8 x ceiling height	1.0 x ceiling height

Unit 1	required	provided
North GF	1.95m	3.7m
North FF	1.95m	3.7m
West GF	1.95m	3.7m
West FF	1.95m	3.15m

Yes

Unit 2	required	provided
West GF	2.176m	2.1m
West FF	1.95m	5m

Unit 3	required	provided
West GF	2.2m	2.1m
West FF	1.95m	5m
South GF	1.95m	6m
South FF	1.95m	6m

Unit 4	required	provided
East GF	2.23m	2m
East FF	1.95m	4.2m
South GF	1.95m	6m
South FF	1.95m	6m

5.5 Building Character and Form

Unit 1 presents as a single dwelling to Truscott Place. A living area at ground floor level opens up onto an area of POS, which overlooks the street.

Yes

The dwellings incorporate unique design elements. The angled design of Units 2 and 3 although unique in shape do comply with the requirements of Council's DCP for parking and setbacks. These units present to the driveway with an east – northeast aspect with minimal glazing to kitchen dining areas. The rear of the units have a westerly aspect and access is provided to POS with large doors.

The combination of landscaping together with conditioned materials and finishes provide a building form that lacks flair but is not dissimilar to other residential development in the locality.

Sections have been provided to show levels at sensitive boundaries although the sections provided do not extend into neighbouring sites as requested.

5.6 Access / Driveway Requirements

The subject site has one street frontage and will be accessed from a driveway and crossover to Truscott Place. The driveway will wind into the site to access unit parking.

Yes

Landscaping is provided forward of the building line and adjacent to the entry of the driveway, which will soften the presentation and provide separation between the driveway and adjoining dwellings.

5.7 Car Parking Requirements

Unit 1 < 110m² 1.5

Units 2- 5 < 110m² 2.0 each

Visitors Carparking Required 0.2 = 1

Car parking must be located behind the building setback and be screened from view with well-designed structures and vegetation.

All resident car parking spaces are located behind the building. Yes

Each unit is provided with a double garage. All double garages meet the 6 metre by 6 metre requirements.

The garages for units 3 and 4 are at basement level and are parallelogram in shape, however, Council's Development Engineer has confirmed that parking for two vehicles, manoeuvring and access can be achieved as required under this clause of the DCP. A single visitor car space and motorcycle space is provided adjacent to the screened area of POS for Unit 4.

Total Carparking Required and provided: 9 spaces, which includes 2 spaces for each unit and a visitor space.

5.8 Landscaping Requirements

1. A minimum of 30% of the total site area must be provided as landscaped area. Any landscaped area on the site which is less than 1.5 metres in width is not included within the landscaped area calculations.

Any landscaped or grassed areas within the front setback area will be included in the landscaped area calculations.

The required landscaped area must include a minimum 1.5 metre wide landscaping bed, which is provided along the side and rear boundaries of the site.

Landscaped area required: 361.68m² and 473.87m² provided. Yes

Deep Soil Zone extends across the rear of the site with a total area of 198.23m², which exceeds the 180.84m² required. Yes

A 1.5 metre wide landscaping bed is provided along both side boundaries of the site. Screen planting will provide privacy to residents and neighbouring properties.

Council's Landscape officer has reviewed the proposal and has provided conditionally satisfactory landscape advice.

Three trees are located on neighbouring sites and two street trees that are to be retained and protected during construction works. Conditions recommended.

5.9 Deep Soil Planting

... the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m. The area of deep soil planting must be continuous.

The deep soil zone shall be densely planted with trees and shrubs.

A compliant area of deep soil zone is located across the rear of the site and has a depth of 6 metres. Yes

Council's Landscape officer has reviewed the proposal and has provided conditionally satisfactory landscape advice.

<u>5.10 Communal Open Space</u>	Communal open space is required for developments with more than 10 dwellings. The proposal is for 4 dwellings.	N/A
<u>5.11 Private Open Space</u>	An area of private open space is provided for each unit directly accessible from a living area.	Yes
1. Private open space must be provided for each dwelling within an attached dwelling development in the form of a balcony, courtyard, terrace and/or roof garden.	Each POS area meet the minimum dimension (5x4) and are separated from side and rear boundaries by a minimum 1.5m landscape bed or deep soil zone).	Yes
2. Private open space for each dwelling within an attached dwelling housing development must comply with the following:	The POS for unit 1 is accessed from a single living area, which technically meets the requirements for POS. It is in the form of a balcony forward of the building line and has a northerly aspect and elevated at 32.20 AHD, which is approximately 1.1 metres from ground level at the point of the steps. A variation has been sought as outlined at Chapter A1 and is capable of support in this instance.	No – See A1
a) Private open space must be provided at the ground level or podium level. The courtyard or terrace must have a minimum dimension of 4 metres x 5 metres. This area must be separated from boundaries by at least 1.5 metres with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas. Where a level courtyard is not possible, a deck or split level courtyard must have a minimum depth of 3 metres.	The POS for Units 2 and 3 have a west, south west aspect quadrilateral in shape and are located with access to the living areas on the ground floor.	Yes
b) The primary private open area of at least 70% of the dwellings within a multi dwelling housing development must receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.	The POS for Unit 4 has a northerly aspect and is located at ground level (32.094 AHD). It is screened to provide privacy and amenity and is accessed from living areas.	Yes
c) Private open space areas (courtyards) must not extend forward of the front building setback by greater than 900mm.	All POS areas receive 3 hours of solar access midwinter.	Yes
d) Private open space should be sited in a location, which provides privacy, solar access, and pleasing outlook and has a limited impact upon adjoining neighbours.		
e) Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve.		
f) Clearly define private open space through use of planting, fencing or landscaping features.		
g) Screen private open space where appropriate to ensure privacy.		

5.12 Solar Access Requirements

Yes

1. Windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June.
2. At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21.
3. The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.
4. Windows to north facing living rooms for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.
5. At least 50% of the private open space area for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.
6. Shadow diagrams will be required for hourly intervals between 9.00 am and 3.00 pm for the 21 June winter solstice period which show the extent of overshadowing upon dwellings and rear private open space areas of adjoining dwellings.

The applicant has provided shadow diagrams for the proposal between 9am to 3pm on June 21 demonstrating compliance with this clause.

An assessment of the solar access received for the POS of the proposed dwellings on June 21 has demonstrated that all units will receive 3 hours of required solar access.

The development does not have north facing living rooms; however, living areas of 50% of the dwellings have north facing rooms, which will receive required solar access.

Noting the north easterly facing kitchen for Unit 2 relies on borrowed light from the adjacent dining and living areas.

5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout

This control is applicable for development with 10 or more dwellings therefore, not applicable for this proposal.

N/A

5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing

Adaptable housing is required where there are 6 or more dwellings in the development. The proposal comprises of 4 dwellings and as such, adaptable housing is not required.

N/A

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

Refer to discussion of CPTED in Chapter E2

Yes

CHAPTER B2 – RESIDENTIAL SUBDIVISION

Given that the proposal is for the Strata title subdivision of the multi dwelling development a number of controls within this chapter would not strictly apply. The table below provides a merit assessment:

<u>Controls/objectives</u>	<u>Comment</u>	<u>Compliance</u>
5 Topography & natural landform	The proposed subdivision in itself has not considered the topography and landform of the site and view sharing opportunities. However, the built form of the development has addressed topography and natural land form.	Satisfactory
6 Subdivision layout – aspect & solar access orientation	The subdivision in itself has not considered the aspect and solar access. However, solar access meets the requirements of Chapter B1.	Satisfactory
7 Minimum allotment size requirements	This clause does not specifically apply to Strata subdivision.	N/A
8 Lot width & depth requirements	The length and depth of the resultant lots are considered satisfactory in relation to Strata subdivision.	Satisfactory
17 Street tree planting	Landscaping was assessed under the parent subdivision and condition relating to damage to street trees will form consent conditions.	Satisfactory
22 Requirements for new road, drainage works and infrastructure construction	No new roads are proposed or required. The application submission included a stormwater concept plan which has been assessed by Councils Development Engineer. Conditionally satisfactory referral response has been received.	Satisfactory
33 NSW fire brigade access - fire hydrants	Hydrant servicing was considered under the parent subdivision.	Satisfactory
34 Bush fire protection	The subject site is mapped as Bushfire affected. See Chapter E16.	Satisfactory
35 Stormwater drainage (including water sensitive urban design infrastructure)	A Stormwater Concept plan has been provided as part of the application submission and has been assessed by Council Development Engineer. Sensitive urban design is not relevant to this type of subdivision.	Satisfactory

37 Servicing Arrangements	Conditions are recommended with regard to ensuring that the required services are available at the site and capable of augmentation to meet the needs of the subject development.	Satisfactory
38 Monetary Contributions towards the provision of public services and amenities	The payment of Development Contributions will be required via a condition of consent.	Satisfactory
40 Street Numbering	Conditions will be recommended with regard to Property Addressing Policy Compliance.	Satisfactory

CHAPTER D1 – CHARACTER STATEMENTS

Figtree

Existing Character *Figtree is set in its own natural amphitheatre with low density residential development stepping down the slopes of the escarpment to a well-established retail and business centre, concentrated on the Princes Highway and The Avenue, Figtree. The Figtree retail and business centre ... The Figtree residential area is characterised as a relatively low density, leafy suburb with a mix of single storey and two storey detached brick and weatherboard dwelling-houses with predominantly pitched roof forms as well as some medium density housing in the form of villas and townhouses and senior living self-care / retirement villages...*

Desired Future Character *Figtree will remain a relatively low density leafy residential suburb with only some limited potential for medium density housing in the form of villas or townhouses upon larger amalgamated sites, particularly near the Princes Highway. Any new residential building should be designed with a face brick or rendered brickwork wall construction with pitched roof line forms (including hipped or gable roof forms) recommended. The Figtree retail and business centre ...*

The proposed multi dwelling development is split across three buildings and has landscaping that is considered to integrate into the streetscape. The building provides articulation. The proposal provides adequate parking on site via a driveway from Truscott Place. On balance, the proposal is not considered an undesirable or unreasonable development proposal in relation to the requirements of this Chapter.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Indicative lighting details have been proposed.	Yes
<u>3.2 Natural surveillance and sightlines</u>	The dwellings have been designed to provide natural surveillance within the site. The design of the development provides for passive surveillance and good sightlines to the entries of each unit.	Yes
<u>3.3 Signage</u>	Not applicable	N/A
<u>3.4 Building design</u>	The design of the dwellings has the entries clearly defined and easily identifiable. No blank walls are proposed. Overall, it is	Yes

	considered the proposal provides for casual surveillance internally within the site.	
<u>3.5 Landscaping</u>	Landscaping proposed within the front building line generally comprises of lawn area, low shrubs such that entry points and windows will not be obscured.	Yes
<u>3.6 Public open space and parks.</u>	The proposal does not adjoin public open space/park.	N/A
<u>3.7 Community facilities and public amenities</u>	The proposal is for a multi dwelling development.	N/A
<u>3.8 Bus stops and taxi ranks</u>	The proposal does not relate to a bus stop/taxi rank.	N/A

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

Access and parking is provided in accordance with this Chapter. Council's Development Engineer has no objections subject to recommended conditions.

The proposal provides a total of eight (8) garaged car parking spaces and one (1) visitor space. The number of spaces provided for the proposal complies with the requirements in this chapter. There is adequate manoeuvring within the site for vehicles to enter and exit the site in a forward direction.

Council's Development Engineer is satisfied that traffic and car parking demand generated by the proposed development is unlikely to impact adversely on local traffic. The access design and car parking provision meets AS2890.1 and Council requirements.

CHAPTER E6: LANDSCAPING

Proposed landscaping is compliant with the requirements of this Chapter. Council's Landscape Officer has reviewed the application and provided satisfactory referral advice with the imposition of conditions including tree protection for neighbouring trees.

CHAPTER E7: WASTE MANAGEMENT

A Demolition Plan and Site Waste Minimisation and Management Plan provided as required by this Chapter outlining ways to manage waste during demolition/construction and operational waste.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site fill under the original subdivision, and the suitability of the site for the development. Appropriate conditions have been recommended.

CHAPTER E14 STORMWATER MANAGEMENT

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

CHAPTER E15 FLOODPLAIN MANAGEMENT

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

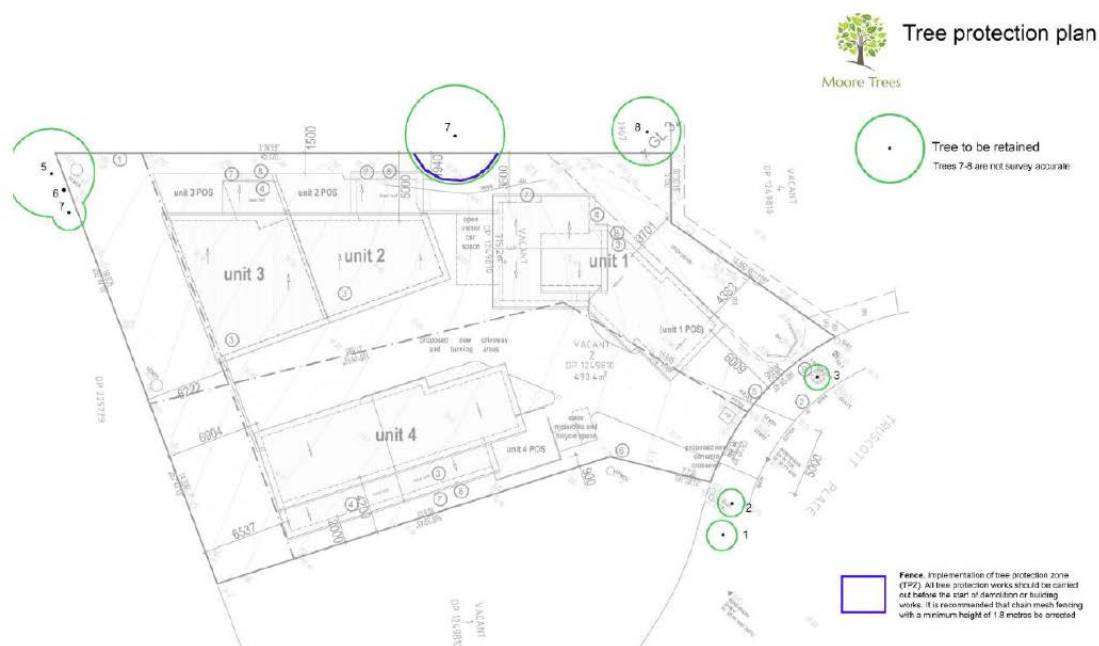
CHAPTER E16: BUSHFIRE MANAGEMENT

Council records indicate that the subject site is located within a bushfire prone area; therefore, the proposal has been assessed having regard to the provisions of Planning for Bushfire Protection (PBP) 2019.

The applicant submitted a bushfire assessment report prepared by an FPAA accredited consultant. The application was referred to the NSW Rural Fire Service for General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, and was issued subject to conditions that will form consent conditions.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

There are trees on neighbouring sites that may be affected by the proposed development. An arborist report has been provided, which was referred to Council's Landscape Division for advice. Council's Landscape Officer has reviewed the application submission. Conditionally satisfactory referral advice was received, and conditions specify tree protection and management.



CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves earthworks to prepare the site for the development and excavation of a single level of basement carparking. Conditions will be imposed.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

No concerns are raised in regard to contamination. See Section 2.1.1.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

Clause 4.6 Variation

5-7 Truscott Place, Figtree

8202014401



Prepared for
Branch Creek Developments Pty Ltd

9 December 2020

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Prepared for Branch Creek Developments
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Project Name 5-7 Truscott Place, Figtree

File Reference Cl. 4.6 Variation

Job Reference 8202014401

Date 9 December 2020

Version Number 3

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Effective Date 9/12/2020

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Date Approved 9/12/2020

Document History

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
1	09/04/2020		CS	GM
2	25/08/2020		CS	GM
3	--/12/2020		SP	ET

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Our report is based on information made available by the client. The validity and comprehensiveness of supplied information has not been independently verified and, for the purposes of this report, it is assumed that the information provided to Cardno is both complete and accurate. Whilst, to the best of our knowledge, the information contained in this report is accurate at the date of issue, changes may occur to the site conditions, the site context or the applicable planning framework. This report should not be used after any such changes without consulting the provider of the report or a suitably qualified person.

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1 Background

1.1 Overview

This Clause 4.6 variation has been prepared in support of a multi dwelling residential development proposal at 5-7 Truscott Place, Figtree (Lot 2 and 3 DP 1249810). This variation request relates to the plans for the proposed development prepared by SF Plan and Design Plan Reference P0410-19.

The development proposes the following:

- The consolidation of Lot 2 and Lot 3 DP 1249810;
- The development of a four (4) unit multi dwelling residential development; and
- Strata subdivision

Clause 4.6 of WLEP 2009 provides for an appropriate degree of flexibility in the application of numeric development standards where better environmental planning outcomes specific to the circumstances result from allowing flexibility and the development is demonstrated to achieve the objects of the Environmental Planning and Assessment Act, 1979, the objectives for development in the zone and the objectives of the development standard sought to be varied. This request also justifies variation to the development standard by demonstrating that strict numeric compliance is unreasonable and unnecessary.

The proposal seeks a variation to the development standard in Clause 7.14 of Wollongong Local Environmental Plan 2009(WLEP 2009) which requires a minimum site dimension of 18m for multi-dwelling housing.

The development standard for minimum site dimension is not excluded by Clause 4.6(8). Consequently, a written request is required to vary the development standard subject to Clause 4.6(3). This report constitutes the applicant's written request to justify and seek an appropriate degree of flexibility in the application of the minimum site dimension development standard for this case.

This request includes:

- > General overview of Clause 4.6
- > Detailed consideration of the minimum site dimension development standard and objectives as they apply to the proposal and site
- > Addressing Clause 4.6(3)(a) – that compliance with the numeric standards is unreasonable or unnecessary in the circumstances of this case
- > Addressing Clause 4.6(3)(b) – that there are sufficient environmental planning grounds in this case to justify contravention of the development standard
- > Ways in which the development will be in the public interest
- > Addressing Clause 4.6(5) to WLEP 2009 and the concurrence of the Secretary of the Department of Planning and Environment in accordance with clause 4.6(4)(b) to WLEP 2009, Clause 64 to the Environmental Planning and Assessment Regulation 2000 and Planning Circular PS 18 - 003
- > Summary and conclusion.

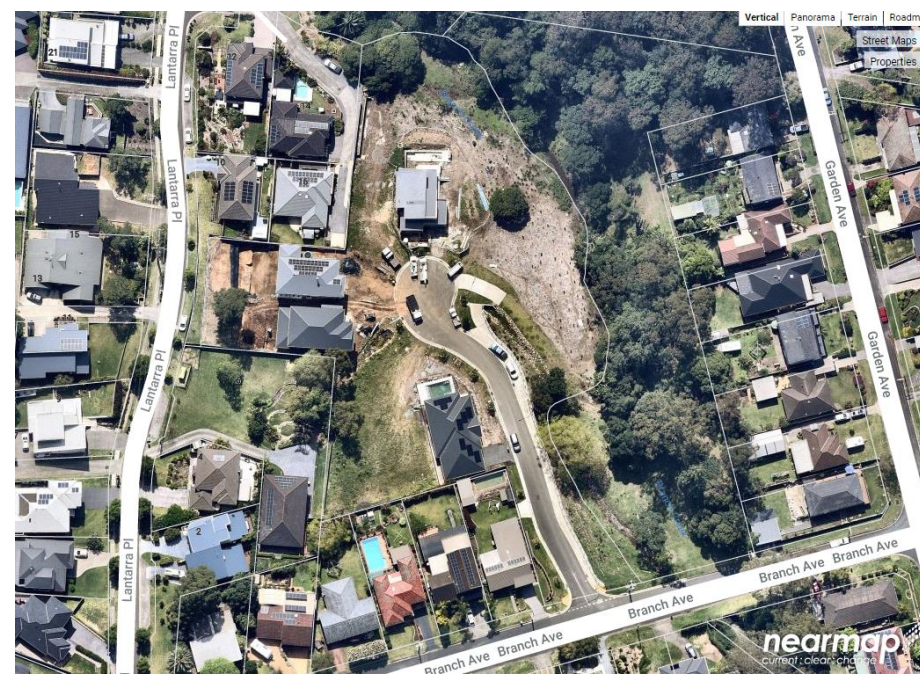
1.2 Description of the Site and Surrounds

The site comprises the consolidation of two existing lots legally identified as Lots 2 and 3 DP 1249810. The total site area is 1,205.6m². The front boundary of the site is an arc 14.52 metres in length. At the 6m front building line this arc length is approximately 17m. The site progressively widens from front to rear and the rear boundary is 34.025m.

The site is irregular in shape as evident in **Figure 1-1**. The proportions of the site are similar to other allotments in the cul de sac as shown in **Figure 1-2**.

The dimensions of the site have been taken into account with the layout of the proposed multi-dwelling development and ancillary features to ensure that the non-compliance with the minimum site dimensions does not trigger any other non-compliances and the built-form, landscaping, amenity and functional operation of the site will not compromise the amenity of future residents and neighbours. As will be demonstrated in this request, the proposal will also be compatible with the streetscape character.

[illegible]



1.3 Design Response

The majority of the built form is located on that part of the site which has a dimension of 18m or greater.

Only the front third of the building footprint of Unit 1 is positioned within that part of the site that is less than 18m wide. This portion of Unit 1 occupies approximately 40% of the site width at this point. By comparison the built form on neighbouring properties occupies approximately 80 to 90% of the respective lot widths.

The development is compliant with all other applicable development standards to WLEP 2009 and is consistent with the relevant objectives to those standards.

1.4 Consequences of Non-compliance

The site is an amalgamation of two allotments with the clear intention of creating a site of suitable dimensions and area to accommodate a multi-dwelling housing development.

There is no consistent pattern in lot dimensions, frontage width, site cover, setbacks and layout of built form within the small cul de sac of Truscott Place as the street alignment is curved and the lot sizes and dimensions are highly variable as well as building footprints accounting for overland flow paths and watercourses.

Therefore there are no streetscape compatibility issues that arise from the non-compliance.

Trees on adjoining properties can be protected and retained as demonstrated by the Arborists Report by Moore Trees dated August 2020. Deep soil planting across the rear of the site, continuous screen planting along site boundaries and a variety of trees, shrubs and ground covers within the front setback comply with Council's requirements. The quality and variety of effective landscaping throughout the site will not be compromised by the narrow site width at the front of the site.

The driveway width and manoeuvring area are compliant with the relevant standards for dimensions and grades. On-site parking is compliant. The site width does not compromise the capacity for on-site parking, safe vehicle entry and exit and manoeuvrability.

Attention has been given to window dimensions, placement and orientation to avoid overlooking and achieve privacy within the site and for adjoining neighbours. Additional privacy screening has been included to private open space areas to enhance the amenity and privacy of these spaces for future residents and to establish clear separation and visual screening upon occupation of the development (without the need to wait for landscaping to be established).

There are no detrimental consequences resulting from the non-compliance with Clause 7.14.

2 Clause 7.14 Minimum Site Width

A variation is sought pursuant to Clause 4.6 to WLEP 2009 which relates to the minimum site width. The proposed development is otherwise permissible with consent in terms of all other development standards and LEP provisions.

2.1 Clause 7.14

Clause 7.14 to WLEP 2009 states:

"7.14 Minimum site width

- (1) *Development consent must not be granted for development for the purposes of multi dwelling housing unless the site area on which the development is to be carried out has a dimension of at least 18 metres."*

There are no objectives for Clause 7.14.

2.2 The development standard

The two-step approach established in *Strathfield Municipal Council v Poynting (2001)* (Poynting) has been applied as the means to decide whether Clause 7.14 to WLEP 2009 is a prohibition or a development standard.

In accordance with Step 1 to *Poynting*, WLEP 2009 when considered as a whole instrument, allows for multi-dwelling housing to be permitted only with development consent in Zone R2 Low Density Residential zone.

In accordance with Step 2 to *Poynting*, Clause 7.14 to WLEP 2009 does not act to prohibit multi-dwelling housing. Clause 7.14 fixes a standard in relation to the minimum site dimensions for a multi-dwelling housing development with the intention that the site be of suitable size to accommodate multiple dwellings.

As explained in this request, the portion of the site which has a width less than the 18m standard, is a small portion of the overall developable area of the site. The majority of the development footprint is contained on a part of the site that is compliant with the standard. In the specific circumstances a variation to the standard is justified for the reasons contained in this request and the developable area of the site is largely compliant with Clause 7.14.

2.3 The Variation Requested

The development standard in Clause 7.14 to WLEP 2009 requires the site dimensions for a multi dwelling housing development to be a minimum of 18m.

The minimum site dimension at the front boundary is an arc of 14.52m and a straight line tangential to the convex midpoint of this arc and perpendicular to the western side boundary is 14m. The arc at the 6m front building line is 17m and a straight line tangential to the convex midpoint of this arc perpendicular to the western side boundary is 16.5m.

WLEP 2009 does not include a definition of site dimension. The deficiency and variation is therefore quantified based on the above straight line dimensions.

At the front boundary the deficiency is 4m and the variation is 22%. At the 6m building line the deficiency is 1.5m and the variation is 8.3%. Given that the development standard relates to the developable area of the site, this request nominates that the relevant variation is 8.3% which is the minimum site dimension at the 6m building line.

Clause 4.6 enables exemptions to development standards if a high level of amenity and sound developable outcome can still be achieved.

Clause 4.6(3) states the following:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) states that the consent authority needs to be satisfied that:

"the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out."

The departure from this development standard is within the delegated authority of the Wollongong Local Planning Panel as determined by Directions issued by the Minister for Planning in accordance with Section 9.1 of the EP&A Act 1979 on 23 February 2018 and effective from 1 March 2018.

This document captures a formal written request to vary the development control within Clause 7.14(1) – Minimum site width in relation to multi dwelling developments.

Justifications for the variation are provided below, these demonstrate that the non-compliance has been accounted for in designing for a quality development outcome, high level of amenity, and functional development which is compatible with the site and surrounds. This justification also identified environmental planning grounds specific to this case that demonstrate the proposal is consistent with Clause 4.6(3)(b).

It is important to take into consideration, due to the intrinsic natural attributes and unique site dimensions and context, this will not create a precedent.

This submission demonstrates that the variation request is well founded by addressing the requirements of Clause 4.6 (3) and (4). It is also noted that the extent of variation afforded by Clause 4.6(2) is not numerically limited.

The following section of the report detail the following controls and extent of the departure and specifically address the following requirements of Clause 4.6:

- **Clause 4.6(3)(a) – Section 3.4** of this variation outlines that the numeric control is both unreasonable and unnecessary in this circumstance.
- **Clause 4.6(3)(b)** – sufficient environmental planning grounds have been demonstrated in **section 3.2** of this variation request.
- **Clause 4.6(4)(a)(i)** – all matters contained in Subclause 3 have been addressed in **Section 3.4** and **3.2**.
- **Clause 4.6(4)(a)(ii)** – the proposal is in the public interest by complying with all other development standards and objectives, achieving the objects of the EP&A Act and increasing diversity of housing stock. The proposal is consistent with the objectives of the zone. This is further demonstrated in **Section 3.3**.
- **Clause 4.6(4)(b)** – Subject to Wollongong City Council's (Council) decision.
- **Clause 4.6(5)(a)** – Contravention of the development standard is not likely to raise any matters of state or regional significance.
- **Clause 4.6(5)(b)** – The public benefit of maintaining the development standard has been extensively addressed in **Section 3.3**.
- **Clause 4.6(5)(c)** – Other matters to be taken into consideration are discussed in **Section 4**.

3 Clause 7.14 – Minimum Site Width

3.1 Environmental Planning Grounds

The noncompliance of the proposal can be justified in understanding the environmental planning grounds that demonstrate the proposal endeavours to respond to the site dimensions and site context.

The proposal is an urban development that adhered to the objectives of the *R2 Low Density Residential* zone and is largely consistent with the relevant requirements of the WDCP 2009.

The built form is visually conservative when viewed from Truscott Place, this ensures the bulk and scale of the multi dwelling residence does not present as an overdevelopment of the site. As stated above, the proportion of built form to site width as viewed from the street will be significantly less at 40% compared to that for adjoining and surrounding single dwellings (at 80 to 90%).

The retention of existing tree species on site and neighbouring properties has been integrated into the landscape plan.

The proposal is in close proximity to existing public transport services, as well as established recreational areas and community facilities.

The multi dwelling development is still able to achieve a high standard of amenity despite the shortfall in width at the frontage.

Despite the sloping nature of the southern portion of the site, the proposal has maintained a structurally sound outcome through the implementation of retaining walls and the provision of a consolidated area of deep soil planting at the rear.

In planning terms, the proposal has endeavoured to accomplish a good design outcome that is appropriate for the subject site.

3.2 Public Interest

The proposal has considered the public interest throughout numerous aspects of the design phase. It is anticipated that both residents and the public will benefit from this development.

The proposal will generate the following public benefits:

- Increase in housing stock in the Wollongong LGA, this will assist in increasing housing diversity and encouraging housing affordability in the local market;
- Provides additional residential accommodation in a desirable area well serviced by public transport and existing utilities and services;
- The natural aesthetics of the area make it particularly desirable, set against the Illawarra Escarpment and Branch Creek;
- The proposal ensures the development of two (2) cleared residential lots designed to integrate with the streetscape and existing built form; and
- The proposal can potentially encourage further services, infrastructure and amenities due to the resident population growth of the area.

The public interest can be further justified in representing the proposals alignment with the zoning objectives outlined in the WLEP 2009.

Zoning objectives for the *R2 – Low Density Residential* 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.*

As stated previously, the proposal is providing for the housing needs of the community by means of infill residential development.

Note: Clause 7.14 does not contain objectives.

3.3 Unreasonable and Unnecessary

In accordance with 4.6(3)(a) the unreasonable and unnecessary characteristics of the numeric standard are justified below:

- The irregular shape of the site is a fixed feature of the site and the proposal has been designed to specifically accommodate for these unique circumstances
- The majority of the buildable area of the site is compliant with (and exceeds) the development standard and contributes to the achievement of a high-quality built form and landscaping outcome;
- There is no consistent pattern to development in the streetscape;
- The noncompliance has no detrimental impacts on site and off site.

3.4 Objects of the EP&A Act

The objects of the EP&A Act, where applicable, can advance the statutory merit of the variation.

Relevant objects and an assessment of these in relation to the proposal are included in **Table 4-1**.

Table 3-1 Relevant Objects of the EP&A Act

Object of the Act	Commentary
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the States natural and other resources</i>	<p>The social and economic welfare of the community is promoted in the proposal's capacity create greater housing diversity and affordability through an increase in housing stock and diversity of built form.</p> <p>Landscaping works include a diversity of planting forms compatible with the built form, set out and adjoining development.</p>

	Development footprints accommodate for an overland flow path compatible with the natural catchment function.
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision making about environmental planning and assessment</i>	The proposal achieves a balance of built form and landscaped areas. The site has been subject to prior clearing for residential development.
<i>(c) to promote the orderly and economic use and development of land</i>	The economic use of the land will be realized in the development of the proposed multi dwelling residential premises. The variation to the site width planning control for part of the site is considered reasonable to achieving optimal economic use of the land and efficient use of infrastructure.
<i>(g) to promote good design and amenity of the built environment</i>	There are numerous positive outcomes despite the site width limitations including: <ul style="list-style-type: none"> o Generous front setbacks with a diversity of landscaping; o Deep soil zones and continuous screen planting to the site boundaries; o The bulk of the built form is not conspicuous as viewed from the street due to the position and orientation of units; and o Privacy, solar access and amenity have been accounted for future residents and neighbours

4 Conclusion

The proposal for a multi dwelling residential development at 5-7 Truscott Place, Figtree requests a variation to the numeric development control in Clause 7.14 to WLEP 2009. Clause 4.6 of WLEP 2009 provides the opportunity to request a variation to this standard provided the request can satisfy the clause.

The minimum site width development standard in Clause 7.14 is 18m.

The minimum site width of the developable area of the site is 16.5m which is a deficiency of 1.5m and a variation to the standard of 8.3%.

This report provides a detailed assessment of the impacts and outcomes associated with the non-compliance. Pursuant to Clause 4.6 of WLEP 2009, all relevant objectives have been identified and the proposal has been assessed against these. It has been demonstrated that there will be no detrimental impacts associated with the proposal and the development achieves compliance with all other relevant objectives and development standards.

The proposal aligns with Council's strategic vision for growth in creating opportunities for low to medium density housing and diversity of built form as well as creation of high quality landscaping and protection and management of the natural drainage catchment.

It can be concluded that the departure from Clause 7.14 of WLEP 2009 should be considered acceptable for the following reasons:

- A high level of amenity is still achieved;
- The multi dwelling residential development aligns with Council strategic vision for the area; and
- Compliance with the minimum site dimension is unnecessary as the development has been designed to accommodate for the unique site dimensions
- The variation does not raise any matters of State or Regional significance
- The variation will not be contrary to the public interest
- The variation is an appropriate degree of flexibility in the specific circumstances

- The request has been well founded on environmental planning grounds.

We trust that the information provided in this variation request is appropriate to facilitate Council's concurrence and subsequent approval of the development application.

Our Ref: 8201914401:SP
Contact: Sophie Perry

10 December 2020

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Attention: Senior Development Project Officer - Maria Byrne

Delivered by email to MByrne@wollongong.nsw.gov.au

Dear Maria ,

**LETTER ADDRESSING PROPOSED RETAINING WALL HEIGHT DA 2020/0307
TRUSCOTT PLACE, FIGTREE**

This letter has been prepared on behalf of Branch Creek Development / Aesthetic Urban Design for the proposed multi dwelling development at 5-7 Truscott Place Figtree and is to be read in conjunction with previous letters addressing a revised DA lodgement package dated 7 December, 2020. Specifically this letter addresses the proposed height of the retaining wall that will separate the deep soil planting zone from the driveway area at the rear of the site.

The following table lists the relevant provisions of Control 4.17 to Wollongong Development Control Plan (DCP) Chapter B1 – Residential Development with regard to retaining walls. The table also includes comments specific to the proposal to demonstrate compliance and, where necessary, justify variation specific to this case.

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Provision of Control 4.17 to DCP Ch.B1	Issues specific to the proposed retaining wall separating the deep soil planting area from the shared driveway	Compliance
Objectives		
<p><i>(a) To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties.</i></p>	<p>The retaining walls will be designed to engineers' specifications with the details to be verified with a Construction Certificate. Council may impose conditions of consent specific to this requirement.</p> <p>Stormwater drainage has been incorporated on the upslope side of the retaining wall to adequately control runoff to the constructed pipe and pit system as indicated in the Stormwater Drainage Concept Plan prepared by Reinco Consulting P/L.</p> <p>The majority of the retaining wall which edges the deep soil planting area has been incorporated into the external western wall of the garages to Units 3 and 4 such that it will only be visible from the internal driveway area.</p> <p>The retaining wall will not result in overlooking to neighbouring properties. It largely retains an excavation to maintain existing ground levels within the rear setback area for deep soil planting and supports excavation needed to achieve appropriate grades for vehicle access, driveway and parking areas. Excavating the driveway and garages is beneficial on this sloping site to minimise the building footprint and reduce the overall bulk and scale of building mass above natural ground level.</p>	<p>✓</p>
<p><i>(b) To guide the design and construction of low height aesthetically pleasing retaining walls.</i></p>	<p>The retaining wall height is essential to achieving intact soil profiles for deep soil planting at the rear of the site as well as facilitating excavation of driveway and garages (see above)</p>	<p>✓</p>
<p><i>(c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall</i></p>	<p>As above, the retaining wall will be subject to detailed engineering design to be specified with the Construction Certificate. The retaining wall will also be finished in aesthetically appealing colours, textures and materials. Council may impose conditions of consent for this to be demonstrated with the Construction Certificate.</p>	<p>✓</p>
<p><i>(d) To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.</i></p>	<p>The retaining wall is required to maintain existing soil structure and existing ground levels within the rear setback area. Slope stabilisation treatment will be part of the overall installation of the wall to engineers' details.</p>	<p>✓</p>
Controls		

<p>A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than:</p> <p>(a) 600mm at any distance up to 900mm setback from any side or rear boundary; or</p> <p>(b) 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary.</p> <p><i>Note: Council may consider a variation to the abovementioned maximum height / depth of a retaining wall, in cases where the subject site is steeply sloping and the proposed retaining wall is setback more than 1 metre from any side or rear common property boundary. Additionally, appropriate structural design details will be required and in some cases appropriate landscape buffer screen planting may be required, where necessary.</i></p>	<p>The maximum height of the retaining wall is proposed adjacent to the south east corner of the garage to Unit 3 where the difference between the top and base of the wall is 2.9m.</p> <p>This section of the wall is a minimum 6m from the nearest site boundary.</p> <p>The variation is consistent with the DCP Control. The slope is moderate and the retaining wall is well separated from the site boundaries. The retaining wall will support the maintenance of the existing ground level and natural soil profile at the rear of the site creating ideal conditions for deep soil planting which will benefit the privacy and amenity of adjoining neighbours and new residents of proposed Units 3 and 4.</p> <p>As stated above, the retaining wall also allows for excavation of the shared driveway and garage spaces which allows parking to be beneath the dwellings, minimising bulk and scale of the built form, optimising design options that work with the slope of the site and providing a safe common driveway area with clear lines of sight and grades suitable for pedestrian entries to Units 2, 3 and 4.</p>	
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We look forward to discussing the proposal further at the Wollongong Local Planning Panel.

Should you have any questions please contact Sophie Perry – sophie.perry@cardno.com.au or 4254 8753.

Yours sincerely,



Sophie Perry
Manager Planning
for Cardno
Direct Line: 02 4254 8753
Email: sophie.perry@cardno.com.au



Our Ref: 8201914401:SP
Contact: Sophie Perry

9 December 2020

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Attention: Senior Development Project Officer - Maria Byrne

Delivered by email to MByrne@wollongong.nsw.gov.au

Dear Maria ,

**LETTER ADDRESSING ADDITIONAL SPECIFIC MATTERS DA 2020/0307 NO.3-5
TRUSCOTT PLACE, FIGTREE**

This letter has been prepared on behalf of Branch Creek Development / Aesthetic Urban Design for the proposed multi dwelling development at 5-7 Truscott Place Figtree and is to be read in conjunction with the letter addressing a revised DA lodgement package dated 7 December, 2020. Specifically this letter addresses:

- Private Open Spaces and compliance with Control 5.11 to Chapter B1 Residential Development to Wollongong Development Control Plan (DCP)
- Request for Variation pursuant to Clause 4.6 to Wollongong Local Environmental Plan 2009.

Private Open Spaces

The following table summarises the requirements for private open space (POS) areas in multi dwelling developments as listed in Control 5.11 to Ch.B1 to the DCP. The table also includes explanations as to how the POS for each unit will achieve compliance.

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DCP Ch.B1 Control 5.11	POS as proposed	Compliance
Objectives		
(a) To ensure that private open spaces are of sufficient size to accommodate a range of uses and are accessible and connected to indoor spaces where appropriate	<p>Unit 1 – 20m² multi-functional POS deck area suitable for passive outdoor dining and seating connected to ground floor living room via a sliding glass door. Also connected to the main pedestrian access from the common driveway area for clear line of sight to front entry.</p> <p>Units 2 and 3 – 20m²⁺ multifunctional POS deck area suitable for passive outdoor uses connected to ground floor open plan living/dining/kitchen areas by stacked sliding doors.</p> <p>Unit 4 – 20m²⁺ multi functional POS deck area suited to passive outdoor use connected to open plan living/dining/kitchen areas by two sliding glass doors. Also connected to the landscaped front setback area via a gate.</p>	✓
(b) To ensure functionality of private open space by reducing overlooking and overshadowing of such spaces	<p>Unit 1 – Direct solar access as well as shade provided by partial overhang of upper storey. Suitable for all weather use. No overlooking. Separated from side boundary by 4.3m setback. Separated from front boundary by 6m setback as well as screen planting and screening balustrade as well as vertical separation with difference in finished levels. See cross section A-A in Landscape Plan Sheet 2 Issue E.</p> <p>Units 2 and 3 – Direct solar access. Shade provided to Unit 2 POS by being recessed within the building footprint. Shade to Unit 3 POS by being recessed into the building footprint and downslope of the deep soil planting area. Privacy achieved through continuous 1.5m wide screening landscaping to the western site boundary.</p> <p>Unit 4 – Direct solar access. Shade also achieved through partial overhang of upper level. Suitable for all weather use. Privacy achieved with fixed screens to the western and eastern edges of the POS as well as solid balustrades to the northern edge.</p>	✓
Development Standards		
1. Private open space must be provided for each dwelling within an attached dwelling development in the form of a balcony, courtyard, terrace and/or roof garden	<p>Unit 1 – POS as an elevated deck.</p> <p>Unit 2 and Unit 3 – POS is mostly a paved area over the excavated garage below.</p> <p>Unit 4 – POS is a courtyard space at ground level</p>	✓
2(a) Private open space must be provided at the ground level or podium level. The courtyard or terrace must have a minimum dimension of 4 metres x 5	<p>POS areas are at ground level or podium level for Units 2, 3 and 4.</p> <p>Natural slope of the site requires Unit 1 POS to be provided as a deck to optimise free flow of surface</p>	✓

metres. This area must be separated from boundaries by at least 1.5 metres with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas. Where a level courtyard is not possible, a deck or split level courtyard must have a minimum depth of 3 metres.	<p>water in the vicinity of the overland flow area and provide POS at the same ffl as the adjoining living area.</p> <p>All POS achieves the minimum dimensions.</p> <p>All POS is a minimum 1.5m from site boundaries and the setback is to be densely planted with screening plants as indicated in the Landscape Plan Issue E Sheets 1 and 2.</p> <p>No POS encroaches into the deep soil zone.</p>	
2(b) (b) The primary private open area of at least 70% of the dwellings within a multi dwelling housing development must receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21	See solar access diagrams that demonstrate compliance.	✓
2(c) Private open space areas (courtyards) must not extend forward of the front building setback by greater than 900mm	All POS is behind the front building line.	✓
2(d) Private open space should be sited in a location, which provides privacy, solar access, and pleasing outlook and has a limited impact upon adjoining neighbours	<p>All POS areas achieve compliance.</p> <p>Unit 1 POS exceeds the minimum separation requirements.</p> <p>Units 2 and 3 POS are recessed into the building footprint for additional visual and acoustic privacy.</p> <p>Unit 1 and 4 POS outlook is towards the street which contributes to passive surveillance and positive street interface.</p>	✓
2(e) Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve	Each POS is directly connected to the living rooms of each dwelling with expansive glass sliding doors and stacking doors.	✓
2(f) Clearly define private open space through use of planting, fencing or landscaping features.	All POS areas are edges by combinations of fixed screens, fencing, balustrades and screen planting.	✓
2(g) Screen private open space where appropriate to ensure privacy	Each POS area has appropriate screening for its context and setting.	✓

In summary – the POS areas achieve compliance with the design requirements of Control 5.11 to the DCP.

Request for Variation Pursuant to Clause 4.6 to WLEP 2009 regarding minimum site dimension

Attached is a revised request for variation to the development standard in Clause 7.14 Minimum Site Width in WLEP 2009.

In summary, the redesign of 5-7 Truscott Place Figtree associated with DA 2022/307 is compliant with the relevant provisions of WLEP 2009 and WDCP 2009 with the single exception of the site width measured at the front building line. The revised plans have improved amenity, design, privacy, landscaped areas, functionality, height, bulk and scale.

We look forward to discussing the proposal further at the Wollongong Local Planning Panel.

Should you have any questions please contact Sophie Perry – sophie.perry@cardno.com.au or 4254 8753.

Yours sincerely,

A handwritten signature in grey ink, appearing to read "Sophie Perry".

Sophie Perry
Manager Planning
for Cardno
Direct Line: 02 4254 8753
Email: sophie.perry@cardno.com.au

Encl. Revised Request for Variation pursuant to Clause 4.6 WLEP 2009

Attachment 5

The development proposed is integrated development and approval is required from the approval bodies listed below:

NSW Rural Fire Service (RFS)

Pursuant to Section 100B – authorisation under the Rural Fires Act 1997 – General Terms of Approval issued by the NSW RFS dated 22 June 2020 shall form part of this Notice of Determination – Attachment 1.

Conditions imposed by Council as part of this Integrated Development Consent are:

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing 2/13, 3/13, 6/13 to 9/13, 9/13, 10/13 dated November 2020 prepared by SF Plan and Design and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2 Lot Consolidation

Prior to the issue of a Construction Certificate for the development, Lot 2 and 3 of DP 1249810 must be consolidated to create a single lot. Documentary evidence that the lot consolidation has been complete must be provided to the certifier prior to the release of the Construction Certificate.

3 Building Work - Compliance with the Building Code of Australia

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

4 Construction Certificate

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

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

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

5 Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

6 Geotechnical

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 7 August 2020 by Terra Insight.
- b All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- c Hard bedrock where encountered will be difficult to excavate. Alternative excavation methods should be considered to minimise noise and vibration.
- d All earthworks including drainage, retaining wall and footing construction is to be subject to geotechnical supervision. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- e Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.

- f Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
- g All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

7 **Mailboxes**

The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. The developer must install minimum two (2 No.) reflective paint house number on face of kerb along street frontage of the property to assist emergency services/deliveries/visitors.

8 **Maintenance of Access to Adjoining Properties**

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

9 **Tree Management**

The developer shall retain/protect existing trees indicated on Arborist Report – Appendix 1 – Plan 1 by Moore Trees dated August 2020 consisting of tree numbered 1, 2, 3, 4, 5, 6, 7, 8. Total number: eight (8 No.).

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS 4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report dated August 2020 by Moore Trees Author Paul Vezgoff to be implemented including and not restricted to: establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re-routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

Prior to the Issue of the Construction Certificate

10 **Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on Construction Certificate plans prior to the release of the Construction Certificate.

11 **External Finishes**

External finishes and colours shall be of muted bushland tones and low reflective good quality finishes. These requirements must be clearly shown on Construction Certificate plans prior to the release of the Construction Certificate.

12 **Endeavour Energy Requirements** Principal Certifier is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

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

13 **Telecommunications**

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

- 14 **Fencing**
The development is to be provided with fencing and screen walls at full cost to the applicant/developer in accordance with approved plans. This requirement is to be reflected on the Construction Certificate plans.
- 15 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 16 **Works within Easement**
No works (including planting of vegetation) can be undertaken within the existing drainage easement. These requirements must be clearly shown on the Construction Certificate plans prior to the release of the Construction Certificate.
- 17 **Present Plans to Sydney Water**
Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.
The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.
Visit www.sydneywater.com.au or telephone 13 20 92 for further information.
- 18 **Car parking and Access**
The development shall make provision for a total of 9 car parking spaces (including 1 visitor), 3 bicycle spaces and 1 motorcycle space. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.
- 19 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- 20 **Gradients of Ramps and Driveways as per AS 2890.1**
All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.
Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS 2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.
- 21 **Structures Adjacent to Driveway**
Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.
- 22 **Water/Wastewater Entering Road Reserve**
Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.
- 23 **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**
The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil

and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f The assumed loading used by the engineer for the wall design.
- g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

24 **Pier and Beam Footings Adjacent to any Drainage Easement**

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

25 **Bicycle Parking Facilities**

Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS 2890.3 - Bicycle Parking Facilities and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). In the absence of internal bicycle storage areas in private residential garages, the proposed external bicycle spaces are to have adequate weather protection, passive surveillance, and be secured within a lockable enclosure with access via a combination lock or communal key. This requirement shall be reflected on the Construction Certificate plans.

26 **Property Addressing Policy Compliance**

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

27 **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans

28 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for

development approval, being The Stormwater Drainage Plan, drawing no. 1001, revision C, by Rienco Consulting, dated August 2020.

- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the inter-allotment drainage system/easement.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

29 **Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a Habitable floor levels must be constructed at a minimum of RL being 31.5m AHD for Unit 4 on Lot 2 and 33m AHD for Units 1, 2 and 3 on Lot 3.
- b Any portion of the building or structure below 31.5m AHD for Unit 4 on Lot 2 and 33m AHD for Units 1,2 and 3 on Lot 3 should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- c The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard being 31.5m AHD for Lot 2 and 33m AHD on Lot 3.

30 **On-Site Stormwater Detention (OSD) Design**

The developer must provide on-site stormwater detention (OSD) storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the Principal Certifier prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2020/307;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

31 **Council Footpath Reserve Works – Driveways and Crossings**

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

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

32 **No Adverse Run-off Impacts on Adjoining Properties**

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off.

33 **Landscaping**

The submission of a final Landscape Plan to the Principal Certifier prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species for the Woonona area may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
- d any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Paving for Unit 10's Private Open Space to be permeable. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
- e the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **iii)** any weed or potential weed species;
- f landscaping to utilise some feature fired brickwork to complement adjacent park;
- g where turf is proposed adjacent to built structures and garden beds the applicant shall install a 110mm wide brick mowing edge with concrete footing to minimise maintenance;
- h structural support for awning on adjacent property utilising boundary brickwork to not be compromised; and;
- i any fill material should not cover topsoil. Topsoil shall be removed, stockpiled, ameliorated and replaced over any fill material to a minimum depth of 100mm.

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

- 34 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible and drainage lines do not

impact the trees identified for retention in the Arborist Report – Appendix 1 – Plan 1 by Moore Trees dated August 2020.

- 35 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.

36 **Tree Protection Measures**

The existing street trees and trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.
- b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

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

37 **Bushfire Attack Level (BAL)**

New construction shall comply with the requirements for Section 3 and 5 (BAL 12.5) Australian Standard AS 3959-2018 'Construction of buildings in bush fire-prone areas' and section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bushfire Areas' as appropriate.

The construction requirements for BAL 12.5 Australian Standard AS 3959-2018 'Construction of buildings in bush fire-prone areas' and section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bushfire Areas' as appropriate shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifier prior to the issue of the Construction Certificate.

38 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$19,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1216954	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

Prior to the Commencement of Works

39 Appointment of Principal Certifier

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

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

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

40 Sign – Supervisor Contact Details

Before commencement of any work, a sign must be erected in a prominent, visible position:

- stating that unauthorised entry to the work site is not permitted;
- showing the name, address and telephone number of the Principal Certifier for the work; and
- showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

41 Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

42 Structural Engineer's Details

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

43 **Enclosure of the Site**

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

44 **Waste Management**

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

45 **Temporary Sediment Fences**

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

46 **Tree Protection Implementation**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
- c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

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

47 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

48 **Notification to Council of any Damage to Council's Infrastructure**

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

49 **Dilapidation Report**

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

50 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to

commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

51 **Tree Protection**

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

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

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

52 **Bushfire – Inner Protection Area**

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

During Demolition, Excavation or Construction

53 **Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

54 **Piping of Stormwater to Existing Stormwater Drainage System**

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

55 **Supervision of Engineering Works**

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

56 **Survey Report for Floor Levels**

A Survey Report must be submitted to the Principal Certifier verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

57 **No Adverse Run-off Impacts on Adjoining Properties**

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

58 **Prohibition of any Encroachment into Drainage Easement**

No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.

59 **Fences**

Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

60 **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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

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

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

61 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

62 Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.

63 Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.

64 **Dust Suppression Measures**

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

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

66 **Provision of Waste Receptacle**

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

67 **BASIX**

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

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and

- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

68 **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

Prior to the Issue of the Occupation Certificate

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

70 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council’s M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

71 **Restriction on Use – On-site Detention System**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”

The instrument, showing the restriction, must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

72 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

73 **BASIX**

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

74 **Positive Covenant – On-Site Detention Maintenance Schedule**

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be referenced).

The instrument, showing the positive covenant must be submitted to the Principal Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

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

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

76 **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard being 31.5m AHD for Lot 2 and 33m AHD on Lot 3.

77 **Bushfire – Compliance Certificate**

A Compliance Certificate shall accompany any Occupation Certificate for Bushfire construction works as have been completed, verifying that the development has been constructed in accordance with the relevant Bushfire Attack Level (BAL) requirements of the Development Consent and Construction Certificate.

Prior to the Issue of the Subdivision Certificate

78 **Occupation Certificate Prior to Subdivision Certificate**

An Occupation Certificate for the dwelling/s must be issued prior to the release of the Subdivision Certificate for the Strata Title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the Subdivision Certificate application.

79 **Existing Easements**

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

80 **Existing Restriction as to Use**

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

81 **Encroaching Pipes**

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

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

82 **Encroaching Services**

A minimum one (1) metre wide easement for services must be created over any encroaching utility service.

83 **Section 88B Instrument**

The submission of a Final Section 88B Instrument to Council/ Principal Certifier, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

- a Easement for services;
- b easement for drainage;
- c drainage easement over overflow paths;
- d restriction-as-to-user over the 'on-site stormwater detention system' which prohibits its alteration and/or removal;
- e positive covenant that requires maintenance to be in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule – (Application number to be referenced).
- f restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. This shall be accompanied by the 1% flood profile of the natural watercourse with superimposed lot boundary location;
- g restriction as to user over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer;

- h restriction as to user over sub-surface drainage pipes contained within the building area of allotments;
- i minimum floor levels.

84 **88B Instrument Easements/Restrictions**

Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

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

The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Certificate of Practical completion from Wollongong City Council or a Principal Certifier (if applicable);
- c Administration sheet prepared by a registered surveyor;
- d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
- f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
- i Payment of section 94 fees (Pro rata) (if applicable).

86 **Access Restriction on Title – 88B Instrument**

The applicant must establish a restriction on title for onsite manoeuvrability on the lots. The following terms must be included on an 88B instrument for approval of Council:

All car parking spaces are to manoeuvre on site to enter and leave the site via the accessway in the forward direction, without the need to make more than a three-point turn.

Operational Phases of the Development/Use of the Site

87 **Loading/Unloading Operations/Activities**

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

88 **Maintenance of Inner Protection Area**

The Inner Protection Area must be maintained, at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bushfire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas;
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.

- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2m above the ground;
 - the canopy is discontinuous such that tree canopies should be separated by 2 to 5m;
 - they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
 - create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - no part of a tree shall be closer to a power line than the distances set out in the current edition of “Planning for Bush Fire Protection”.
 - the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

DRAFT



NSW RURAL FIRE SERVICE

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Your reference: (CNR-6923) DA-2020/307
Our reference: DA20200428001477-Original-1

ATTENTION: Maria Byrne

Date: Monday 22 June 2020

Dear Sir/Madam,

Integrated Development Application
s100B - Subdivision - Strata Title Subdivision
5 Truscott Place Figtree NSW AUS, 2//DP1249810, 3//DP1249810

I refer to your correspondence dated 27/04/2020 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

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

1. At the commencement of building works or the issue of a subdivision certificate (whichever comes first), and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and

1

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NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- leaves and vegetation debris should be removed

Construction Standards

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

2. Construction must comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas - 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

3. The provision of water, electricity and gas must comply with Table 5.3c of Planning for Bush Fire Protection 2019.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
Team Leader, Dev. Assessment & Planning
Planning and Environment Services



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Strata Title Subdivision

5 Truscott Place Figtree NSW AUS, 2//DP1249810, 3//DP1249810

RFS Reference: DA20200428001477-Original-1

Your Reference: (CNR-6923) DA-2020/307

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Martha Dotter

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

Monday 22 June 2020