



**BUSINESS
PAPER**

ORDINARY MEETING OF COUNCIL

To be held at 6.00 pm on

Monday 9 March 2015

Council Chambers, Level 10,
Council Administration Building, 41 Burelli Street, Wollongong

Order of Business

- 1 Acknowledgement of Traditional Owners
- 2 Civic Prayer
- 3 Apologies
- 4 Disclosures of Pecuniary Interest
- 5 Petitions and Presentations
- 6 Confirmation of Minutes – Ordinary Council Meeting 23 February 2015
- 7 Public Access Forum
- 8 Call of the Agenda
- 9 Lord Mayoral Minute
- 10 Urgent Items
- 11 Notice of Motion
- 12 Agenda Items

Members

Lord Mayor –
Councillor Gordon Bradbery OAM (Chair)
Deputy Lord Mayor –
Councillor Chris Connor
Councillor Michelle Blicavs
Councillor David Brown
Councillor Leigh Colacino
Councillor Bede Crasnich
Councillor Vicki Curran
Councillor John Dorahy
Councillor Janice Kershaw
Councillor Ann Martin
Councillor Jill Merrin
Councillor Greg Petty
Councillor George Takacs

QUORUM – 7 MEMBERS TO BE PRESENT

INDEX

| | PAGE NO. |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ITEM A | Notice of Motion – Councillor Petty – Skydiving Activities – Stuart and Dalton Parks1 |
| ITEM 1 | West Dapto Urban Release Area – Yallah-Marshall Mount Precinct – Exhibition of Draft Structure Plan and Draft Planning Proposal2 |
| ITEM 2 | Independent Hearing and Assessment Panel (IHAP) Review.....15 |
| ITEM 3 | Civil Works Notification Policy.....19 |
| ITEM 4 | Tender T14/34 – Blue Mile Heritage Walk Stage 2B Promenade21 |
| ITEM 5 | Tender T14/35 – Nicholson Park, Woonona Amenities Upgrade.....25 |
| ITEM 6 | Proposed Acquisition of Part of Lot 96 DP 9943 No 27 Murray Road, East Corrimal for Road Widening.....29 |
| ITEM 7 | January 2015 Financials32 |
| ITEM 8 | Statement of Investments – January 2015.....37 |
| ITEM 9 | Minutes of City of Wollongong Traffic Committee Meeting – 11 February 2015 and Electronic Meeting held 26 February 201540 |
| ITEM 10 | LATE BUSINESS – Subdivision and Dwelling House Phase 1 Minor Demolition, Geotechnical Remediation Works and a Two (2) Lot Torrens Title Subdivision. Phase 2 Construction of a New Dwelling House – 2 Broadridge Street, Wombarra – IHAP Report.....45 |

ITEM A

NOTICE OF MOTION – COUNCILLOR PETTY – SKYDIVING
ACTIVITIES – STUART AND DALTON PARKS

Councillor Petty has submitted the following Notice of Motion –

“I formally move that -

- 1 Council obtain a valuation from the Government Valuer on the use of land at Stuart and Dalton Parks for skydiving activities.
- 2 Council call for competitive tenders for the use of Stuart and Dalton Parks for skydiving activities.
- 3 Authority to execute leases over Stuart and/or Dalton Parks shall be by resolution of Council.
- 4 A report be submitted to Council which –
 - a Provides a full history from the original to current licences, development approvals, including variations and amendments, rent and market reviews, market valuations and processes undertaken to award licences, together with all documentation relating in any way to current commercial operators or any related entities.
 - b Provides alternative models for equity or joint venture participation in skydiving or other commercial activity at Stuart and/or Dalton Parks.”

ITEM 1

WEST DAPTO URBAN RELEASE AREA – YALLAH-MARSHALL MOUNT
PRECINCT – EXHIBITION OF DRAFT STRUCTURE PLAN AND DRAFT
PLANNING PROPOSAL

The Yallah-Marshall Mount draft Structure Plan and draft Planning Proposal were exhibited between 17 March 2014 and 2 May 2014. As a result of the exhibition 25 submissions were received. This report considers the issues raised in submissions and recommends that Council adopt the updated Structure Plan but defer the Planning Proposal until the infrastructure costs are reviewed.

RECOMMENDATION

- 1 The Structure Plan for Stage 5 (Yallah-Marshall Mount) of the West Dapto Urban Release Area be adopted (Attachments 2 and 4).
- 2 The draft Planning Proposal, Maps and documentation (Attachments 5 and 7) be updated based on the recommendations of this report, but not be progressed to NSW Department of Planning and Environment at this time.
- 3 The local infrastructure costs be reviewed and a further report be presented to Council on the costs and implications, and whether to finalise the Planning Proposal.
- 4 Submitters be advised of Council's decision.

ATTACHMENTS

- 1 Locality Plan
- 2 Yallah-Marshall Mount Vision Document
- 3 Summary of Submissions
- 4 Structure Plan
- 5 Planning Proposal
- 6 Neighbourhood Precinct Map
- 7 LEP Maps:
 - a Land Application Map
 - b Land Zoning Map
 - c Minimum Lot Size Map
 - d Maximum Height of Buildings Map
 - e Floor Space Ratio Map
 - f Heritage Map
 - g Acid Sulfate Soils, Riparian and Flood Planning Map
 - h Land Reservation Acquisition Map
 - i Active Street Frontages Map
 - j Natural Resource Sensitivity – Biodiversity Map

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environmental Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

BACKGROUND

The Yallah-Marshall Mount Precinct covers an area of approximately 1,000 hectares in the southern portion of the West Dapto Urban Release Area (Attachment 1). It is also known as Stage 5 of the West Dapto Urban Release Area. The area is predominately rural, with lot sizes ranging between 1,450m² and 72 hectares. The Calderwood major project area is to the south, which has been rezoned by the (then) NSW Department of Planning and Infrastructure for urban development.

The area within the precinct is predominately zoned 1 Non-urban with some sections zoned 7(a) Special Environmental Protection and 7(b) Environmental Protection Conservation and 5 Special Uses under Wollongong Local Environmental Plan 1990. A small area is zoned 1(a) Rural A and 4(d) Offensive or Hazardous Industrial under Wollongong Local Environmental Plan 38 (1984).

The Yallah-Marshall Mount precinct was included in the draft West Dapto Local Environmental Plan exhibited by Council in 2007-2008. The exhibited plan contained approximately 1,300 proposed dwellings. The exhibited plan drew criticism from landholders, particularly for having too much conservation area and insufficient development area. In May 2008, Council engaged the Growth Centres Commission to review the draft zonings for the precinct. The Growth Centres Commission recommended that Yallah-Marshall Mount be considered in conjunction with the Calderwood release area, and that the Yallah-Marshall Mount environmental corridor be reviewed in order to achieve an environmentally sustainable outcome in addition to boosting dwelling yields for the precinct. The Commission recommended that the three village centres (Wongawilli, Avondale and Yallah) share 7,500m² floor area. The Commission also recommended that a cut and fill strategy proposed for the floodplain be abandoned except for areas requiring less than 0.5m of fill, areas for medium/high density and where cut and fill can be undertaken within one ownership with supporting evidence of no off-site impacts on flood behaviour. On 16 December 2008 Council considered the Growth Centres Commission recommendations and the representations from landholders, and subsequently resolved to only proceed with the rezoning of stages 1 and 2 of the West Dapto Urban Release Area.

On 26 May 2009, following representations from landholders Council resolved to abandon the draft planning controls for Yallah-Marshall Mount, and prepare a new set of planning controls for the precinct in conjunction with preparation of a flood study for the Duck Creek catchment and a review of the vegetation and conservation issues.

In 2010, Council established a consultation group of landholder representatives, with five landholder representatives attending monthly meetings. The five landholder representatives have in turn kept the local community informed. The landholder meetings were discontinued in April 2013 when the draft Structure Plan was exhibited for public comment.

Following completion of the Duck Creek Flood Study, Council held an Enquiry by Design workshop on 10 and 11 March 2011. The workshop involved Council staff, landowners, representatives from government agencies (such as the Department of Environment, Climate Change and Water, Department of Planning and Infrastructure, Roads and Traffic Authority, Transgrid, Sydney Water and Southern Rivers Catchment Management Authority) and specialist consultants (environment, urban design, flood and economic) and Shellharbour City Council staff. The workshop resulted in a draft Structure Plan, developed collectively by the workshop participants.

The draft Structure Plan, Duck Creek Flood Study and Enquiry by Design Outcomes Report were reported to Council on 27 April 2011. Council resolved that:

- 1 *The Duck Creek Flood Study be received;*
- 2 *The report on the Yallah-Marshall Mount Enquiry By Design Workshop be received;*
- 3 *A Draft Planning Proposal for the Yallah-Marshall Mount Precinct be prepared and submitted to the NSW Department of Planning for a “Gateway” determination;*
- 4 *Council note the funding options available for the further studies required to progress planning for the precinct; and landholders be advised of Council’s decision.*

The draft Planning Proposal was considered by the (then) NSW Department of Planning and Infrastructure for a “Gateway” determination. The NSW Department of Planning and Infrastructure supported the progression of the Planning Proposal subject to preparation of the following studies and assessments:

- A Master Plan that justifies the proposed zoning arrangements and development standards;
- A study which further refines the extent of endangered species habitat and significant vegetation boundaries and provides details of potential stewardship arrangements for the management of environmentally sensitive areas post-development;
- Post-development flood study and water cycle management plan;
- A traffic study;
- Bushfire risk management plan;
- An Aboriginal Heritage Assessment for the precinct; and

- An infrastructure servicing assessment to demonstrate that the new urban precinct can be adequately serviced.

These additional studies were undertaken by consultants on behalf of Council.

The studies were used to inform revision of the draft Structure Plan that was collectively developed during the Enquiry by Design Workshop. The draft Structure Plan was exhibited for landholder and public feedback from 8 April to 22 April 2013. Following this feedback a revised Planning Proposal and draft Structure Plan was reported to Council on 26 August 2013. Council resolved to defer the Planning Proposal pending further discussions with Office of Environment and Heritage, NSW Department of Planning and Infrastructure (now the Office of Planning and Environment), Councillors and landholders.

A workshop was held on 11 October 2013, resulting in minor changes to the Structure Plan and a revision of the village centre concept plan (carried out in conjunction with urban design and retail economics experts from AECOM and Urbacity).

The amended revised draft Planning Proposal, draft Structure Plan and supporting documents were reported to Council on 9 December 2013, when Council endorsed the planning package for public exhibition. The planning package was sent to the (then) NSW Department of Planning and Infrastructure, for endorsement for public exhibition.

The draft Planning Proposal, revised draft Structure Plan and supporting documents were exhibited from 17 March to 2 May 2014. Council received 25 submissions in response to the exhibition.

PROPOSAL

The vision for Yallah-Marshall Mount is to create a diverse community, based on a walkable, sustainable village centre. The proposal seeks to encourage a diverse range of housing types, concentrated around a proposed village centre and public transport links. The fringe areas will contain rural/rural-residential development (Attachment 2).

The precinct also provides habitat for a number of threatened flora and fauna, and endangered ecological communities. The proposal includes provision for the conservation of significant vegetation. Duck Creek and the biodiversity areas are intended to be attractive features for the new community. Duck Creek and its associated tributaries provide opportunities for passive open space, but also contain significant flood hazards.

It is anticipated that the Structure Plan enables a community of up to 4,000 dwellings, with a village centre, potential school site and open space in an attractive setting amongst ecological and riparian lands.

CONSULTATION AND COMMUNICATION

The draft Planning Proposal, revised draft Structure Plan and supporting documents were exhibited from 17 March to 2 May 2014. Council received 25 submissions in response to the Planning Proposal.

Of the submissions, 12 were from landholders (or their representatives), four from landowners outside Yallah-Marshall Mount (including one on behalf of Lend Lease), one from a community group (Save Marshall Mount Association) and eight from Government agencies. The following table summarises the submissions:

| | Support | Support but request change | Oppose | Comment | Totals |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------------------------|----------|----------|-----------|
| Y-MM landholders (or representatives) | | 9 | 3 | | 12 |
| Landowners outside the area | | | 2 | 1 | 3 |
| <ul style="list-style-type: none"> JBA (on behalf of Lend Lease) (Calderwood) | | | | 1 | 1 |
| Community Groups: | | | | | |
| <ul style="list-style-type: none"> Save Marshall Mount Association | | | 1 | | 1 |
| Government agencies: | | 1 | 2 | 5 | 8 |
| <ul style="list-style-type: none"> RFS Department of Primary Industries Sydney Water Trade and Investment – Crown Lands Office of Environment and Heritage Department of Planning and Environment Roads and Maritime Service Transgrid (as a landholder) | | | | | |
| Totals | 0 | 11 | 7 | 7 | 25 |

As a result of the previous consultation with landholders, including the Landowner Reference Group, and exhibition of the draft Structure Plan, many of the landowners are generally supportive, although have requested minor changes to provide more development opportunities. Some landowners have always been opposed to the development of Yallah-Marshall Mount and have again expressed this view.

The main issues raised in submissions were:

A number of submissions are from landholders requesting amendments to the Planning Proposal that would enable additional development potential, such as zoning and minimum lot size amendments. In particular, there has been a number of submissions regarding the zoning and minimum lot size of proposed rural residential areas in the proposal. Some submissions from landholders request either a residential zoning and/or a reduction in the minimum lot size, whilst other submissions call for a larger lot size for the rural residential areas. The rural residential areas are an important component of the Structure Plan, as they provide for housing diversity, enable stewardship options for management of environmentally sensitive lands and lessen edge effects of the development on ecological areas. The Structure Plan deliberately seeks to concentrate the greatest population density around the village centre and public transport routes. The Structure Plan seeks to achieve 50% of the projected dwellings within the immediate surrounds of the village centre. Other residential and rural residential areas are proposed to have a much lower density. The larger 5,000sqm, 1 ha and 2 ha lots have potential for self-contained water and waste water management, allowing limited development to proceed ahead of servicing.

Roads and Maritime Services (RMS) raised concerns over the ability of the road network to manage short term and long term traffic. In addition, the RMS has also exhibited draft plans for the Albion Park bypass, which has potential impacts on Yallah Road. There have been subsequent meetings between the RMS, NSW Department of Planning and Environment and Council officers to discuss traffic and access issues. The outcome of these discussions has been agreement that an infrastructure solution is possible to support the growth in traffic from the Yallah-Marshall Mount (and Calderwood) development to allow connection with the existing Princes Highway and future Albion Park bypass (the M1), however further discussions need to take place to determine the costs and funding arrangements. The RMS provided an additional letter to Council on 13 February 2015 revising their original position and instead indicated that they will work collaboratively with Council on the connection issues.

NSW Office of Environment and Heritage (OEH) have raised concern regarding flood modelling, minimum lot sizes for land including proposed E2 Environmental Conservation zones and buffer areas for the E2 Environmental Conservation land. OEH also raised concerns regarding the Aboriginal Heritage Study. Council officers have meet with OEH to discuss these concerns.

With regard to flood impacts, OEH have raised concerns that the proposal would substantially increase the requirement for government spending on flood management measures for future development. Council's Floodplain Strategy Unit are satisfied that

the flood study reflects the potential flood conditions within the catchment. The precinct is identified as part of an urban release area in the Illawarra Regional Strategy and Draft Regional Growth and Infrastructure Plan. The area would require spending on flood mitigation and access strategies whatever format of urban development is chosen for the precinct. The Structure Plan has avoided development within flood affected areas, with the exception of minor low hazard flooding to accommodate the village centre and surrounding medium density development, with the up-front costs of flood engineering in these areas to be borne by the developer (not by government). Council is reviewing the West Dapto Access Strategy to enable the most cost-efficient flood access route to the precinct. The Planning Proposal minimises the flood risk and future flood spending for Government agencies within the precinct.

The precinct contains a number of areas with significant vegetation. Some patches are large and some are small. In selecting appropriate lot sizes, the Planning Proposal has considered the size of the vegetation stand, and its ability to be managed over time. Some large portions are in good condition and suitable for BioBanking mechanisms. Other areas are smaller and can be incorporated into other developable lots. It is noted that some patches are already divided by easements, access roads and property boundaries, which the Planning Proposal has taken into consideration when selecting appropriate lot sizes. The Structure Plan provides for perimeter roads, asset protection zones and similar buffer areas to be located within development zones. The use of a lot averaging clause will also facilitate the concentration of high conservation land into larger parcels.

The Aboriginal Heritage Study was undertaken in conjunction with Aboriginal stakeholder groups and the Structure Plan has incorporated areas of archaeological sensitivity into conservation areas. The Archaeologist invited the Aboriginal stakeholder groups to comment on the draft Study and no submissions were received. The Yallah-Marshall Mount Planning Proposal provides for a long-term vision for this precinct within the West Dapto Urban Release Area. Full development of this precinct could take place over many years. More detailed analysis of neighbourhoods would be appropriate closer to when the neighbourhood plans are submitted for future proposed development. In this way, further analysis can be carried out with the benefit of future knowledge and best practice.

As a result of the submissions, it is proposed to make some minor changes to the Planning Proposal:

- Some additional IN2 Light Industrial zoned land on part of Lot 1 DP 234771, No 164 Yallah Road, Yallah replacing the proposed RU2 Rural Landscape zone. This change would also include E3 Environmental Management zone along the creek line, and associated changes to the Structure Plan and Lot Size Map. This site is north of the small existing Yallah IN2 Light Industrial zone and adjacent to the Transgrid site. Additional IN2 Light Industrial land can be considered on the flood free area on the western side of the creek line. This would provide for additional

employment opportunities within proximity to the proposed village centre, whilst keeping development out of the creek line (Attachment 4);

- E4 Environmental Living zone in place of RU2 Rural Landscape zone on part of Lot 2 DP 234771, No 54 Yallah Road, Yallah. This would also include associated changes to the minimum lot size, height limits and Structure Plan. This flood free area can support larger lots which would provide stewardship of the constrained land (flood and vegetation) on the remainder of the site (Attachment 4);
- Consolidation of some small E2 Environmental Conservation patches in a creek line on part of Lot 1 DP 540838, No 139 Yallah Road, Yallah into a large portion of E2 Environmental Conservation land on the property. The NSW Office of Environment and Heritage have requested that smaller parcels of E2 Environmental Conservation land be incorporated into larger areas, to provide better protection and buffering. This creek buffer includes areas subject to flooding, significant vegetation and potential Aboriginal Heritage. This creek area also provides an offset for an area of scattered trees that is proposed to be zoned R2 Low Density Residential (Attachment 4);
- Alter 6m and 8m height limits in the rural-residential areas to 9m in response to submissions and suggested height limit by NSW Department of Planning and Environment;
- Apply the lot averaging clause to E4 Environmental Living zones; and
- Add Lot 5 DP 241143, No 297 Marshall Mount Road, Marshall Mount to Schedule 1 to enable the lot averaging clause to be used to subdivide the existing two dwellings into separate lots. This addition would enable greater flexibility in locating dwellings within the most appropriate areas of a site, while not increasing the development potential. The use of this clause would enable the concentration of environmentally sensitive land into larger portions, which assists in addressing the Office of Environment and Heritage concerns regarding fragmentation of environmentally sensitive lands (Attachment 4).

The proposed changes are minor and remain in keeping with the vision and concepts behind the Yallah-Marshall Mount precinct. The proposed Local Environmental Plan maps are at Attachment 7.

The Yallah-Marshall Mount precinct has long been identified as an urban release area. The Planning Proposal seeks to enable this prime objective of the area, whilst protecting the significant vegetation areas and heritage items within the precinct.

PLANNING AND POLICY IMPACT

Following the studies and exhibition of the draft Structure Plan and draft Planning Proposal, minor alterations have been made to the draft Structure Plan, zoning maps, height limit maps, minimum lot size maps and lot averaging clause.

The Yallah-Marshall Mount project has proposed a long term vision for Stage 5 of the West Dapto Urban Release precinct. This vision seeks to promote a different urban form to what conventional urban subdivision has delivered. The Structure Plan seeks to make a smaller urban footprint, with the bulk of density focussed around the village centre, and along transport routes. This compact urban form enables better walking/cycling and public transport opportunities for the future residents, whilst maximising the efficient use of public infrastructure such as roads, water and sewer services. Whilst promoting a vision that challenges current trends poses risks, the long term benefit of providing a sustainable walkable style of urban development would benefit future generations.

The rezoning of this site would result in amendments to Wollongong Local Environmental Plan 2009, to enable the zoning and associated maps and provisions to proceed. The rezoning would also result in the repeal of Wollongong LEP No 38 and Wollongong LEP 1990. Should Council resolve to proceed with the rezoning, this would also require amendment to the Wollongong Development Control Plan 2009, West Dapto Section 94 Plan and a review of the servicing and access requirements for the West Dapto Urban Release Area. The rezoning would also create environment zones to assist in the bio-certification process for West Dapto.

All development areas need to be accessible in the 1 in 100 flood (to current policy) such that all development areas are connected to a flood accessible route for emergency access. Options are Marshall Mount Road (both to the north to Huntley Road or south), Yallah Road, Road 8 (linking Yallah Road/Marshall Mount Road to Avondale Road) or the use of local roads. Each option has limitations. Marshall Mount Road has the longest bridge (360m) and the highest cost. Yallah Road is the shortest option but would lead to the potentially flooded M1/Princes Highway. Road 8 is a new road, but would need to be designed, acquired and built before the development proceeds. With any option, parts of the other roads would still need to be upgraded to provide access to the various development areas.

The current bridge designs and costs are based on a low risk deliverable connection. Concept designs and costings have been prepared for each option. The length of the bridges (especially the 360 m bridge on Marshall Mount Road) may be able to be reduced though a more detailed concept design process and flood analysis; which will reduce the costs.

The current estimated costs are over \$200 million, the cost varies depending on which access route will provide flood access. From a traffic volume perspective both Marshall Mount Road and Yallah Road are proposed to be ultimately widened to four lanes.

This is a significant increase to the cost of delivering the West Dapto Release Area.

As a result of the submissions received, some changes are proposed to the Structure Plan (Attachment 4), zoning maps, height limit maps, minimum lot size maps and lot averaging clause (Attachments 5 and 7). Should Council proceed with the rezoning, a further report would be prepared on the proposed amendments to Wollongong

Development Control Plan 2009 (including the Neighbourhood Plan (Attachment 6)) and the West Dapto Section 94 Development Contributions Plan.

This report relates to the commitments of Council as contained within the Strategic Management Plans:

This report contributes to the delivery of Wollongong 2022 under the objective *The sustainability of our urban environment is to improve under the Community Goal We value and protect our environment.*

It specifically addresses the Annual Plan 2014-15 Key Deliverables *to complete the Yallah-Marshall Mount Planning Proposal* which forms part of the Five Year Action *to implement the West Dapto Release Area Master Plan* contained within the Revised Delivery Program 2012-17.

FINANCIAL IMPLICATIONS

Since 2010, Council has funded some \$425,000 towards the studies to support the Yallah-Marshall Mount Planning Proposal. Should the rezoning proceed, this would potentially open up a new development front within West Dapto. Should this occur, Council would need to establish funding mechanisms to provide the Council infrastructure, such as roads, community infrastructure, open space and other services. This Planning Proposal increases the estimated lot yield from 1,300 proposed in 2007-2008 to an estimated 4,000 dwellings. This is in accordance with the Growth Centres Commission recommendation to increase lot yields. The increased lot yield has the potential to increase income from Section 94 funds in the long term however; the mix of dwelling types and densities is aimed at a long term vision, with Section 94 income for the precinct likely to be spread out over 25 – 30 years. The cost of infrastructure to service the precinct would increase, as this infrastructure needs to cater for a larger population than planned. The West Dapto Section 94 Development Contributions Plan will need to be updated in order to reflect the changed costs, lot yield and potential income. A separate report on this plan is being prepared for Council consideration.

The following items need to be included in the West Dapto Section 94 Development Contribution Plan:

- Extend the boundary of the Plan to include Yallah-Marshall Mount which will make it subject to the \$30,000 per lot contribution;
- Increase the development potential from 1,300 lots/dwellings to 4,000 lots/dwellings;
- Update the costs of local facilities as follows:

| Current West Dapto Section 94 | Revised Facilities and Cost |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Roads and Bridges</p> <ul style="list-style-type: none"> • Yallah Road \$11.03 million • Marshall Mount Road \$33.6 million • Road 8 (links Yallah Road/Marshall Mount Road intersection with Avondale Road) \$20.2 million • Yallah Local Access Road (not included) | <p>Combined cost of over \$200 million</p> |
| <p>Open Space and Recreation</p> <ul style="list-style-type: none"> • 4 hectare Neighbourhood Park and playground \$3.5 million • 2 hectare local park (\$1.8 million) • 7km of off-road cycleways (\$2.1 million) | <p>7.71 hectare open space area – acquisition and embellishment \$5 million and playground \$0.345 million</p> <p>1.45 hectare ridge park – acquisition and embellishment \$1.5 million</p> <p>No change \$2.1 million</p> |
| <p>Community facilities</p> <ul style="list-style-type: none"> • Multi-purpose children’s centre (\$2.3 million) | <p>No change \$2.3 million</p> |
| <p>Drainage management - acquisition</p> <ul style="list-style-type: none"> • Duck Creek and tributaries (not included) • Macquarie Rivulet (not included) | <p>Acquire 41.9 hectares (20kmm long width of 20m) at \$40,000/hectare = \$1.679 million</p> <p>Acquire 4.3 hectares (2168.8m long width of 20m – north side of creek only) at \$40,000/hectare = \$173,504</p> |
| <p>Total: \$74.53 million</p> | <p>Total: over \$231.6 million</p> |

This equates to an increased local infrastructure cost of \$157 million. Based on the proposed development yield of 4,000 dwellings, the \$231.6 million cost equates to \$57,900 per dwelling. However, as only \$30,000 per lot/dwelling can be collected (maximum \$120 million), there is a shortfall of \$27,900 per lot. To match the possible Section 94 income of \$1.2 million (4,000 dwellings at \$30,000), the local infrastructure cost would have to be reduced by \$111.6 million.

The connection of Yallah Road to the Princes Highway and Freeway interchange has yet to be costed.

The Yallah-Marshall Mount development cannot be subsidised by Stages 1-4 in West Dapto, as there is an existing shortfall of income to expenditure. Council will be receiving a Section 94 contribution from Stage 1 of Calderwood of \$304,920 for 231 lots. The contribution from the other stages has not been resolved and will be subject to a separate report. Lend Lease are currently offering a total contribution of \$16.5 million.

The inclusion of the additional local infrastructure costs associated with Yallah-Marshall Mount has serious financial implications for Council.

Once built, there would be an on-going maintenance costs for roads, drainage, open space and community facilities. Development of the precinct will not begin until Neighbourhood Plans are proposed and adopted. Due to the fragmented ownership patterns within the precinct, once the area is rezoned it could potentially result in scattered development with Council being required to provide infrastructure well ahead of significant receipts in Section 94 income.

OPTIONS

Council has the following options:

- 1 Adopt the Structure Plan and Planning Proposal and forward these to the NSW Department of Planning and Environment. This would mean that development could start soon, but Council would need to fund a significant infrastructure cost beyond Section 94 receipts. This is not feasible at present estimates.

If Council supports this option, a suitable recommendation would be:

- 1 *The Structure Plan for Stage 5 (Yallah-Marshall Mount) of the West Dapto Urban Release Area be adopted (Attachments 2 and 4).*
 - 2 *The draft Planning Proposal, Maps and documents (Attachments 5 and 7), be progressed to the NSW Department of Planning and Environment at this time.*
 - 3 *The local infrastructure costs be reviewed and a further report be presented to Council on the costs and implications.*
 - 4 *Submitters be advised of Council's decision.*
- 2 Adopt the Structure Plan but defer the draft Planning Proposal and zoning, until the infrastructure costs are reviewed and a funding strategy is developed. This would be in keeping with Growth Centres Commission recommendations and allows for detailed infrastructure planning and funding strategies in accordance with the Structure Plan. **RECOMMENDED.**
- 3 Do not adopt the Structure Plan or zoning. As the precinct is part of an urban release area, Council would then need to reconsider how development would occur within this urban release precinct.

CONCLUSION

The Yallah-Marshall Mount Planning Proposal seeks to create a new urban area with a compact, environmentally sustainable form, centred on a vibrant, multiuse walkable village centre. The Structure Plan and zoning controls have evolved in response to studies and submissions, whilst keeping with the overall concept and form of the draft Structure Plan collectively developed at the Enquiry By Design workshop. Should Council proceed with this rezoning, it will be the start of a long term vision and process to implement this precinct of the West Dapto Urban Release Area.

It is recommended that Council adopt the revised Structure Plan (Attachment 4).

It is recommended that the draft Planning Proposal be updated based on the recommendations of this report, but not be progressed to finalisation until the local infrastructure costs are reviewed and refined.

ITEM 2 INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP) REVIEW

The Independent Hearing and Assessment Panel (IHAP) Charter has been reviewed in line with policy requirements.

This review has identified necessary amendments to the IHAP Charter to simplify the IHAP triggers and determination process (Sections 1 and 9), along with other housekeeping changes. Electronic meetings are also proposed for minor matters.

RECOMMENDATION

The revised Independent Hearing and Assessment Panel (IHAP) Charter be adopted.

ATTACHMENTS

Amended IHAP Charter

REPORT AUTHORISATIONS

Report of: Mark Riordan, Manager Development Assessment and Certification
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhoods

BACKGROUND

IHAP was introduced by Council in 2008 in line with ICAC recommendations, and has been periodically reviewed on four occasions from 2009-12. IHAP has been operating for over six years providing independent assessment of development applications (DA) and recommendations to Council before final determination.

The IHAP has proven itself to be a robust process for the consideration of controversial and complex development proposals. It offers a range of benefits including:

- An independent forum for consultation and decision making
- Expert independent peer review of staff DA recommendations
- Removes pressure for political involvement in DA decisions
- Provides for expert feedback on council planning controls and processes
- Delivers a cost effective and timely resolution of controversial development applications

Since the first meeting on 6 October 2008 the IHAP has considered 185 DAs. The vast majority of IHAP matters are subsequently determined by senior delegated officers, in accordance with the Charter.

Importantly the IHAP process enables Councillors to delegate decision making on DAs and to avoid the need to be actively involved, depoliticising development decisions. Without the IHAP it is likely that 3-4% of development applications would be referred to Council for determination adding delay, cost and uncertainty to the assessment process.

The introduction of IHAP has contributed to the significant performance improvements on DA turnaround times since 2008 (down from 111 to 60 days – mean gross assessment time).

PROPOSAL

A periodic review of the existing IHAP Charter has now been undertaken and proposed changes are identified below. The draft amended IHAP Charter is as per the marked up version at attachment 1. The changes address:

- Refinement of IHAP triggers and determination process
- Allowing for electronic meetings on minor matters
- Recent changes to ‘assumed concurrence’
- Minor housekeeping changes throughout document
- Clarification of Panel recruitment process

IHAP Triggers

Section 1 has been refined and simplified without significantly altering the types/numbers of applications that are referred to IHAP. Clause 1.9 continues to provide a safety net for applications which can be referred to IHAP if they are deemed to be of significant community interest and not captured by any other clauses.

Determination

Section 9 ‘Determinations’, has been simplified. The first two bullet points in CI 9.2 are removed as they over complicate the process, and may be better managed through clear IHAP recommendations.

The third bullet point under CI 9.2 has also been removed, to reflect the Department of Planning and Environment (P&E) returning ‘assumed concurrence’ to Council on 14 July 2014. Council is no longer required to refer development applications with departure/s from development standard/s of more than 10% to P&E. In returning assumed concurrence the Acting Secretary noted Council’s measures to improve transparency and reduce the risk of corruption in its development assessment processes since Council’s assumed concurrence was revoked in 2005, including:

- The use of Council’s IHAP to consider all applications involving departures from development standards
- The publication of a register of development applications involving departures from development standards
- Disclosing any departures from development standards as part of the exhibition process for development applications

All development applications involving departures from development standards will continue to be reported to IHAP under the amended Charter.

Importantly the final bullet point in CI 9.2 is retained and ensures that all delegated decisions are consistent with IHAP recommendations.

Electronic Meetings

The amended Charter includes provisions (CI 6.7) for electronic meetings, without a public hearing, for minor non-controversial matters. This would only occur where no submissions by way of objection have been received. Suitable matters for electronic meetings will be determined by the Manager DAC in consultation with relevant IHAP Chair.

When an electronic meeting is proposed, the officer's report and recommendation will be available to the IHAP and exhibited on Councils' website in accordance with the current procedures. Following the electronic meeting the IHAP recommendation will be publically available in-line with current procedures.

IHAP Membership

All Panel appointments to date have been made by the General Manager, without the need for Council endorsement, and in accordance with the current Charter. It is proposed to continue this practice, as clarified in proposed amendment to CI 5 of the Charter.

CONSULTATION AND COMMUNICATION

The amended IHAP Charter has been prepared following staff feedback and operational experiences to date. Feedback from the existing IHAP members was sought with no significant issues being identified.

PLANNING AND POLICY IMPACT

This report relates to the commitments of Council as contained within the Strategic Management Plans:

Wollongong 2022 Community Goal and Objective – This report contributes to the Wollongong 2022 objective 1.6.3: *Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources. Administer the Independent Hearing and Assessment Panel.*

It specifically addresses the Annual Plan 2013-14 objective 1.6.3. *Development is functional, attractive and sympathetic with the environment, and avoids unnecessary use of energy, water or other resources. Administer the Independent Hearing and Assessment Panel.*

FINANCIAL IMPLICATIONS

Current IHAP budget is \$54,773.00 with no changes proposed.

CONCLUSION

The IHAP continues to provide a transparent process for stakeholders to discuss and review relevant applications. The IHAP has been in operation for six years and the Charter is up for periodic review. Comments and feedback from the existing IHAP members, Council staff and others exposed to the IHAP, have been considered.

The amendments proposed in this report will improve the operation of the IHAP by simplifying and clarifying the IHAP triggers and determination process along with other housekeeping changes, and enable electronic meetings where appropriate.

ITEM 3 CIVIL WORKS NOTIFICATION POLICY

In September 2005 Council adopted a policy called the Civil Works Notification Policy. This policy was the basis of Council's Design and Works Divisions' community engagement. It was developed to provide clear and concise guidelines to notify the community of construction and maintenance projects undertaken by the Infrastructure and Works Directorate.

The policy was reviewed and referred to the Executive Management Committee (EMC) for endorsement at its meeting of 9 December 2014. EMC resolved that "i) a report be prepared to repeal the existing Council Policy; and ii) to endorse the Civil Works Notification Policy as a Management Policy".

RECOMMENDATION

The Civil Works Notification Policy adopted by Council on 25 September 2005 be repealed as a Council policy.

ATTACHMENTS

- 1 Civil Works Notification Council Policy
- 2 Civil Works Notification Management Policy

REPORT AUTHORISATIONS

Report of: Kalyan Mondal, Manager City Works and Services
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity Assets and Liveable City

BACKGROUND

In 2005 the Civil Works Notification Policy was developed as the basis of Council's engagement with the community regarding civil projects. At a similar time Council endorsed the Wollongong City Council Community Engagement Framework and Policy. This framework and policy was reviewed in 2008 and again in April 2013. As a result, duplication existed with regard to the methodology of community engagement regarding civil projects within the two policy documents.

At a similar time there have been two internal restructures that affected the manner in which civil projects are delivered to the community.

The original Civil Works Notification Policy has remained in place until this time and had become a duplication of the Community Engagement Policy. In a recent review this duplication has been recognised and it is intended that the policy will now be replaced with a Management Policy. This policy will provide the means in which Council "notifies"

the community a project will be undertaken whilst the Engagement Policy will be utilised for the development of projects.

PROPOSAL

Repeal the Civil Works Notification Policy as a Council Policy.

CONSULTATION AND COMMUNICATION

Executive Management Committee, Project Delivery Division and Community Engagement section were consulted during the review of this policy.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective 4.3 Residents have easy and equitable access to information resources and services Community Goal 4: We are a connected and engaged community.

It specifically addresses the Annual Plan 2014-15 Key Deliverables 4.1.3.1 which forms part of the Five Year Action that a coordinated approach to communication is developed and implemented as contained within the Revised Delivery Program 2012-17.

CONCLUSION

This report requests Council to repeal the current Civil Works Notification Council Policy.

ITEM 4

TENDER T14/34 – BLUE MILE HERITAGE WALK STAGE 2B
PROMENADE

This report recommends acceptance of a tender for the construction of the Blue Mile Heritage Walk Stage 2B Promenade in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The upgrade of this facility forms part of the Capital Funding Program 2014/2015 and 2015/2016.

Nine tenders were received and the report recommends Council accept the tender submitted by Select Civil Pty Ltd.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Select Civil Pty Ltd for the construction of the Blue Mile Heritage Walk Stage 2B Promenade, in the sum of \$1,126,449.63, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

ATTACHMENT

Site Plan

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

The section of footpath heading east from the Musumeci building access bridge to the Wollongong Harbour entrance road offers spectacular views over the Wollongong Harbour Precinct. This section of footpath is unformed but is well used as evidenced by the well-worn track.

Council, as part of the Blue Mile Master Plan has been progressively renewing footpaths in this precinct and the current proposal will complete the works which commenced last year with the relocation of electricity assets to the southern side of the road including the construction of a minor footpath and retaining wall. The current works include

construction of a wide promenade on piers (to protect the heritage listed wall below), safer fencing and the installation of improved lighting and street furniture.

As this is a prime recreation and tourist area, works have been programmed to commence in late April and be completed prior to the next summer period.

Tenders were invited by the open tender method with a close of tenders of 10.00 am on 29 January 2015.

Nine tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Project Delivery, Governance and Information, Finance, Human Resources and Property and Recreation Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria as set out in the formal tender documents:

- 1 Cost to Council – 25%
- 2 Appreciation of scope of works and construction methodology – 25%
- 3 Experience in projects of a similar size, nature and risk profile – 20%
- 4 Staff qualifications and experience – 5%
- 5 Proposed sub-contractors – 5%
- 6 Demonstrated strengthening of local economic capacity – 5%
- 7 Project Schedule – 5%
- 8 Demonstrated WH & S Management System – 5%
- 9 Environmental management policies and procedures – 5%

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

| Tenderer | Ranking |
|-------------------------------------------|-----------|
| Select Civil Pty Ltd | 1 |
| GC Civil Pty Ltd | 2 |
| Abergeldie Complex Infrastructure Pty Ltd | 3 |
| Hargraves Landscapes | 4 |
| Affective Services Pty Ltd | 5 |
| GT Civil Pty Ltd | 6 |
| Cadifern Pty Ltd | 7 |
| Advanced Constructions Pty Ltd | 8 |
| Benz Rite Pty Ltd | Withdrawn |

PROPOSAL

Council should authorise the engagement of Select Civil Pty Ltd to carry out the construction of the Blue Mile Heritage Walk Stage 2B Promenade in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

CONSULTATION AND COMMUNICATION

Council has previously consulted with the commercial operators in the area regarding these works and the proposed time frames for construction. Following a successful determination of this matter Council will again make contact with these operators and also place announcements in the media to advise the public about the upcoming construction.

In terms of this tender report, the following consultations have occurred:

- 1 Members of the Tender Assessment Panel
- 2 Nominated Referees

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective 'Participation in recreational and lifestyle activities is increased (Community Goal 'We are a connected and engaged community.)

It specifically addresses the Annual Plan 2014-15 Key Deliverables; finalise and implement the Asset Management Improvement Program which forms part of the Five Year Action 'Deliver the Asset Management Strategy and Improvement Plan 2012-17' contained within the Revised Delivery Program 2012-17.

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The risk of the project works or services is considered moderate based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented throughout the project to manage these risks.

FINANCIAL IMPLICATIONS

It is proposed that the total project be funded from the following source/s as identified in the Management Plan –

2014/2015 and 2015/2016 Capital Budgets

CONCLUSION

Council should endorse the recommendations of this report.

ITEM 5

TENDER T14/35 – NICHOLSON PARK, WOONONA AMENITIES UPGRADE

This report recommends acceptance of a tender for the refurbishment of existing amenities at Nicholson Park, Woonona in accordance with the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The upgrade of this facility forms part of the Capital Funding Program 2014/2015.

Five tenders were received and the report recommends Council accept the tender submitted by Malsave Pty Ltd.

RECOMMENDATION

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Malsave Pty Ltd for redevelopment of existing amenities at Nicholson Park Woonona, in the sum of \$327,614.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

ATTACHMENT

Site Plan

REPORT AUTHORISATIONS

Report of: Glenn Whittaker, Manager Project Delivery
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

Council has a requirement to provide workplace amenities for its lifeguard services in accordance with the Work Health and Safety (WHS) requirements. At Woonona Surf Life Saving Club (SLSC) agreement has been reached with the SLSC to relocate some of the surf craft storage into the adjacent Nicholson Park amenities building to free up sufficient space to enable Council to satisfy the WHS requirements.

The existing Nicholson Park amenities building, constructed in the early 1980's, is located in close proximity to and was previously built to service the adjoining playing field which was home to the Shamrocks Rugby Club prior to their relocation to Ocean Park, Woonona.

This project incorporates the required SLSC storage but also includes the following works:

- Renewal of the existing public amenities servicing the nearby district level playground;
- Provision of compliant disabled facilities;
- Provision of an accessible concrete pathway around the amenities building linking the playground and carpark;
- Due to the age of the building, some components of the building such as roof sheeting, will be renewed in conjunction with the works;
- Council will provide temporary amenities whilst construction activities occur.

Tenders were invited by the open tender method with a close of tenders of 10.00 am on 22 January 2015.

Five tenders were received by the close of tenders and all tenders have been scrutinised and assessed by a Tender Assessment Panel constituted in accordance with Council's Procurement Policies and Procedures and comprising representatives of the Project Delivery, Governance and Information, Finance, Human Resources and Property and Recreation Divisions.

The Tender Assessment Panel assessed all tenders in accordance with the following assessment criteria as set out in the formal tender documents:

- 1 Cost to Council – 40%
- 2 Appreciation of scope of works and construction methodology – 30%
- 3 Staff qualifications and experience – 10%
- 4 Demonstrated strengthening of local economic capacity – 5%
- 5 Project Schedule – 5%
- 6 Demonstrated WH & S Management System – 5%
- 7 Environmental management policies and procedures – 5%

The Tender Assessment Panel utilised a weighted scoring method for the assessment of tenders which allocates a numerical score out of 5 in relation to the level of compliance offered by the tenders to each of the assessment criteria as specified in the tender documentation. The method then takes into account pre-determined weightings for each of the assessment criteria which provides for a total score out of 5 to be calculated for each tender. The tender with the highest total score is considered to be the tender that best meets the requirements of the tender documentation in providing best value to Council. Table 1 below summarises the results of the tender assessment and the ranking of tenders.

TABLE 1 – SUMMARY OF TENDER ASSESSMENT

| Tenderer | Ranking |
|----------------------------------------|----------------|
| Malsave Pty Ltd | 1 |
| Batmac Constructions Pty Ltd | 2 |
| T & C Constructions Pty Ltd | 3 |
| Acubuild Pty Ltd | 4 |
| Project Coordination Australia Pty Ltd | 5 |

PROPOSAL

Council should authorise the engagement of Malsave Pty Ltd to carry out the redevelopment of existing amenities at Nicholson Park, Woonona in accordance with the scope of works and technical specifications developed for the project.

The recommended tenderer has satisfied the Tender Assessment Panel that it is capable of undertaking the works to Council's standards and in accordance with the technical specification.

Referees nominated by the recommended tenderer have been contacted by the Tender Assessment Panel and expressed satisfaction with the standard of work and methods of operation undertaken on their behalf.

CONSULTATION AND COMMUNICATION

Council lodged development application DA-2014/562, which was advertised and notified to the community in accordance with Council's current procedures.

Council has also consulted with the Woonona SLSC regarding the proposed works.

In terms of the procurement process, consultation has occurred with:

- 1 Members of the Tender Assessment Panel, and
- 2 Nominated Referees.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective 'Participation in recreational and lifestyle activities is increased' (Community Goal 'We are a connected and engaged community').

It specifically addresses the Annual Plan 2014-15 Key Deliverables; finalise and implement the Asset Management Improvement Program which forms part of the Five Year Action 'Deliver the Asset Management Strategy and Improvement Plan 2012-17' contained within the Revised Delivery Program 2012-17.

RISK ASSESSMENT

The risk in accepting the recommendation of this report is considered low on the basis that the tender process has fully complied with Council's Procurement Policies and Procedures and the Local Government Act 1993.

The risk of the project works is considered medium based upon Council's risk assessment matrix and appropriate risk management strategies will be implemented throughout the construction period.

FINANCIAL IMPLICATIONS

It is proposed that the total project be funded from the following source/s as identified in the Management Plan –

Capital Budget 2014/2015

CONCLUSION

Council should endorse the recommendations of this report.

ITEM 6

PROPOSED ACQUISITION OF PART OF LOT 96 DP 9943
NO 27 MURRAY ROAD, EAST CORRIMAL FOR ROAD WIDENING

In the 1960s and 70s, Council reconstructed Murray Road, East Corrimal and following completion of this work, the footpath area on the southern side of the road was reduced to about one metre wide. Council subsequently resolved to widen the footpath to approximately 2.5 metres wide which made it necessary to acquire portions of privately owned land for road widening purposes. Since that time, Council has acquired various portions from the landowners between Pioneer Road and Cawley Street, East Corrimal.

Agreement has now been reached with the landowner of No 27 Murray Road, East Corrimal to acquire the 1.6m wide strip of his land fronting Murray Road, being Lot 111 DP 240922. This report seeks approval to the acquisition.

RECOMMENDATION

- 1 Council acquire Lot 111 DP 240922 for road widening, being the portion of Lot 96 DP 9943 No 27 Murray Road, East Corrimal, shown on Attachment 1, on the following conditions:
 - a Compensation in the amount of \$18,000 (GST exc).
 - b Council be responsible for all costs in the matter.
- 2 Upon acquisition, the land be dedicated as public road under the provisions of Section 10 of the Roads Act 1993.
- 3 Authority be granted to affix the Common Seal of Council to the transfer documents and any other documentation required to give effect to this resolution.

ATTACHMENTS

- 1 Plan of portion of Lot 96 DP 9943 No 27 Murray Road, East Corrimal proposed to be acquired for road widening
- 2 Plan of portions of road widening in Murray Road still to be acquired

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Following reconstruction of Murray Road, East Corrimal between Pioneer Road and Cawley Street in the 1960s and 70s, a narrow footpath reserve was created on the southern side of the road. Council subsequently resolved to widen the footpath to approximately 2.5m which necessitated the acquisition of portions of privately owned land as road widening.

In 1971, DP 240922 was prepared and registered at the NSW Land Titles Office defining all the land to be acquired. One property affected by the road widening is Lot 96 DP 9943 No 27 Murray Road, East Corrimal. The land to be acquired from this property is Lot 111 DP 240922 which has an area of 25.3 sq m and is shown on Attachment 1. Attachment 2 shows the portions of land from the ten properties still to be acquired in this road widening scheme.

The owner of Lot 96 has recently approached Council with a request for Council to acquire the portion of road widening.

A valuation was undertaken by Walsh and Monaghan Valuers and based on this report, agreement has been reached with the landowner for compensation in the amount of \$18,000 (GST exc) to be paid for the land. Council will be responsible for all costs in the matter including the relocation of the water meter (\$630.00 + GST) and front fence (\$6,710.00 GST inc), legal and transfer costs.

Funds are available for this matter from the adopted capital budget.

PROPOSAL

Council acquire for road widening Lot 111 DP 240922 being part of Lot 96 DP 9943 No 27 Murray Road, East Corrimal, as shown on Attachment 1, on the following terms and conditions:

- 1 Compensation in the amount of \$18,000 (GST exc) be paid for the land.
- 2 Council be responsible for the cost of the relocation of the water meter and front fence from within the portion of land proposed to be acquired.
- 3 Council be responsible for all other costs in the matter, including legal costs.

CONSULTATION AND COMMUNICATION

Owner of Lot 96 DP 9943 No 27 Murray Road, East Corrimal

Infrastructure Strategy Manager

Walsh and Monaghan, Valuers

PLANNING AND POLICY IMPACT

This item is in accordance with Council's policy "Land and Easement Acquisition and Disposal".

Wollongong 2022 Community Goal and Objective – This report contributes to the Wollongong 2022 Objective "The long term needs of the community, including our people and our places, are effectively planned for" under the Community Goal "We are a healthy community in a liveable city".

It specifically delivers on core business activities as detailed in the Property Services Service Plan 2014-15.

FINANCIAL IMPLICATIONS

The amount of \$18,000 (GST exc) is considered to be fair and reasonable and is consistent with the advice provided by Council's consultant valuer from Walsh and Monaghan Valuers.

Council's Infrastructure Strategy Manager has advised that funds for the acquisition and associated works are available from the adopted capital budget.

CONCLUSION

As this acquisition is part of an adopted road widening scheme, it is recommended Council approve the acquisition of the subject land as outlined in this report.

ITEM 7 JANUARY 2015 FINANCIALS

The January 2014 financial results are favourable compared to phased budget over a range of indicators. The Operating Result (pre capital) and Funds Result show favourable variances compared to the phased budget of \$5.8M and \$3.3M respectively.

The favourable variance is largely due to a combination of increased income and lower expenditure of a range of items compared to the phased budget.

The financial statements and associated variations include the adjustments proposed at the December Quarterly Review.

The Cash Flow Statement at the end of the period indicates that there is sufficient cash to support external restrictions.

Council has expended \$44.6M on its capital works program representing 52% of the annual budget. The year to date budget for the same period was \$43.6M.

RECOMMENDATION

- 1 The report be received and noted.
- 2 Proposed changes in the Capital Works Program be approved.

ATTACHMENTS

- 1 Income and Funding Statements – January 2015
- 2 Capital Budget Report – January 2015
- 3 Balance Sheet – January 2015
- 4 Cash Flow Statement – January 2015

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Manager Finance
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

This report presents the Income and Expense Statement, Balance Sheet and Cash Flow Statement for January 2015. Council's current budget has a Net Funding (cash) deficit of \$3.0M, an Operating Deficit (Pre Capital) of \$3.9M and a capital expenditure of \$86.2M. At the end of January, Council remains on target to achieving this result.

The following table provides a summary view of the organisation's overall financial results for the year to date.

| FORECAST POSITION | | Original Budget | Revised Budget | YTD Forecast | YTD Actual | Variation |
|------------------------------------------------|-----|-----------------|----------------|--------------|-------------|--------------|
| KEY MOVEMENTS | | 1-Jul | 26-Dec | 30-Jan | 30-Jan | |
| Operating Revenue | \$M | 241.8 | 247.1 | 143.8 | 144.9 | 1.1 |
| Operating Costs | \$M | (251.1) | (251.0) | (142.7) | (138.0) | 4.7 |
| Operating Result [Pre Capital] | \$M | (9.3) | (3.9) | 1.1 | 6.9 | 5.8 |
| Capital Grants & Contributions | \$M | 32.6 | 28.2 | 9.9 | 8.4 | (1.5) |
| Operating Result | \$M | 23.3 | 24.3 | 11.0 | 15.3 | 4.3 |
| Operational Funds Available for Capital | \$M | 41.8 | 33.6 | 27.1 | 31.8 | 4.7 |
| Capital Works | | 83.7 | 86.2 | 43.6 | 44.6 | (1.0) |
| Transfer to Restricted Cash | | 1.0 | 17.8 | 1.6 | 1.5 | 0.1 |
| Contributed Assets | | - | - | - | - | - |
| Funded from: | | | | | | |
| - Operational Funds | \$M | 41.8 | 33.6 | 27.1 | 31.8 | 4.8 |
| - Other Funding | \$M | 40.3 | 67.4 | 27.1 | 26.5 | (0.6) |
| Total Funds Surplus/(Deficit) | \$M | (2.7) | (3.0) | 8.9 | 12.2 | 3.3 |

Financial Performance

The January 2015 Operating Result [pre capital] shows a positive variance compared to budget of \$5.8M. This is mainly due to increased fees and charges and other revenues (\$0.8M), lower than budgeted EPA levy payments (\$0.6M), a limited call on the centrally controlled contingency at this point in time (\$0.7M), and a general underspend and/or progression of projects and programs compared to the phased budget. The Operating result (including capital grants and contributions) shows a lower positive variance of \$4.3M that is impacted by delay in capital grant payments compared to budget.

The Total Funds result as at 30 January 2015 shows a favourable variance of \$3.3M that is a result of the cash component of the operating result and is also impacted by increased payment of leave entitlements associated with terminations during the period and increased expenditure of the capital program and allocation of funding.

Capital Budget

As at 30 January 2015, Council had expended \$44.6M or 52% of the approved annual capital budget of \$86.2M. The year to date budget for the period was \$43.6M.

Further detail regarding the capital spend is outlined in the capital report in Attachment 2.

Liquidity

Council's cash and investments decreased during January 2015 to holdings of \$115.9M compared to \$122.8M at the end of December 2014. This is consistent with the timing of the rates instalments due in February.

Council’s cash, investments and available funds positions for the reporting period are as follows:

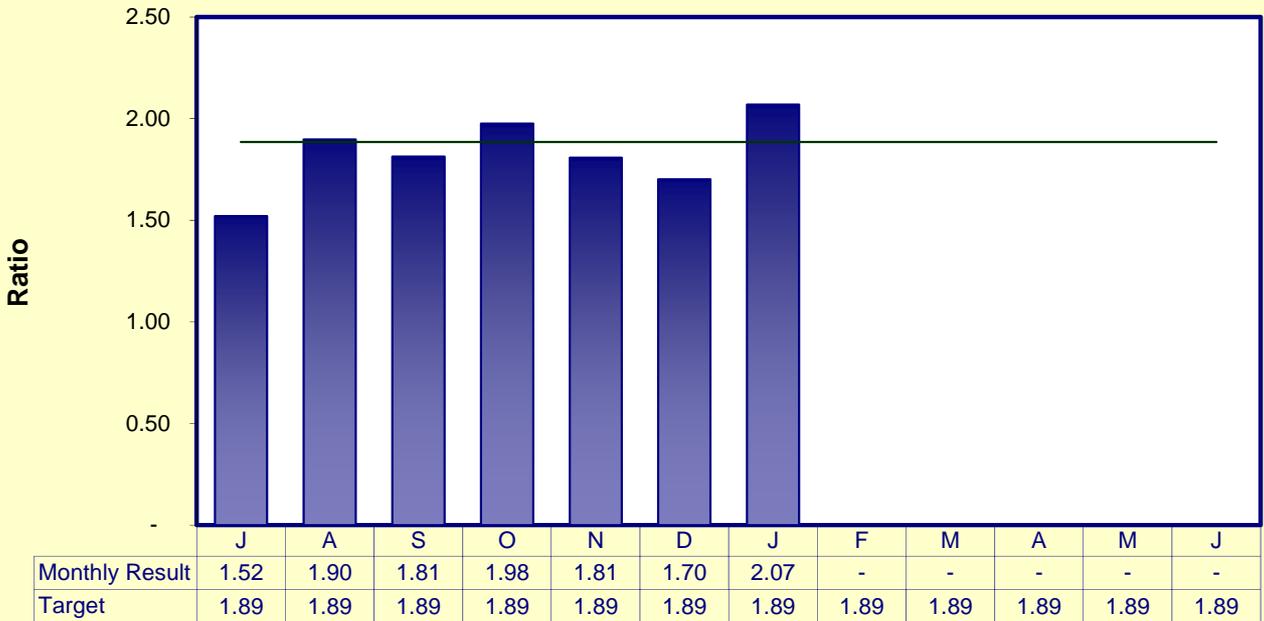
| CASH, INVESTMENTS & AVAILABLE FUNDS | | | | | |
|-------------------------------------------------------------------------------------------------|--------------------------|--------------------------------------|-----------------------------------|---------------------------|-----------------------------------------|
| | Actual 2013/14 \$M | Original Budget 2014/15 \$M | September QR 2014/15 \$M | December QR 2014/15 | Actual Ytd 30 January 2015 \$M |
| Total Cash and Investments | 117.9 | 109.5 | 112.9 | 129.8 | 115.9 |
| Less Restrictions: | | | | | |
| External | 63.0 | 64.6 | 68.6 | 79.1 | 57.7 |
| Internal | 27.0 | 33.5 | 29.2 | 35.1 | 25.6 |
| Total Restrictions | 89.9 | 98.1 | 97.7 | 114.2 | 83.3 |
| Available Cash | 28.0 | 11.3 | 15.2 | 15.6 | 32.6 |
| Adjusted for : | | | | | |
| Current payables | (29.1) | (22.6) | (22.6) | (22.6) | (23.9) |
| Receivables | 25.5 | 27.1 | 28.5 | 28.6 | 28.0 |
| Net Payables & Receivables | (3.6) | 4.5 | 5.9 | 5.9 | 4.1 |
| Available Funds | 24.4 | 15.9 | 21.0 | 21.5 | 36.7 |
| *Original budget adjusted for pre audit 2013/14 result & reintroduction of projects in progress | | | | | |

The available funds position excludes restricted cash. External restrictions are funds that must be spent for a specific purpose and cannot be used by Council for general operations. Internal restrictions are funds that Council has determined will be used for a specific future purpose.

The available funds remain above Council’s Financial Strategy target of 3.5% to 5.5% of operational revenue [pre capital]. Based on the Adopted 2014-15 Annual Plan, the target Available Funds is between \$8.4M and \$13.3M for year ending 30 June 2015. Actual Available Funds at 30 January 2015 are above that level due to the favourable 2013-14 financial result, general timing of income and expenditure and the progressive nature of the delivery of the capital program. The Available Funds position, together with additional funds held as restricted cash, offer opportunity to review delivery programs or projects in the short to medium term. It was proposed in the September Quarterly review that the use of the additional funds be considered as part of the annual and long term planning process.

The Unrestricted Current Ratio measures the cash/liquidity position of an organisation. This ratio is intended to disclose the ability of an organisation to satisfy payment obligations in the short term from the unrestricted activities of Council. While Council’s ratio is currently below the Local Government Benchmark of >2:1, the strategy is to maximise the use of available funds for asset renewal by targeting a lean unrestricted current ratio.

Unrestricted Current Ratio



Receivables

Receivables are the amount of money owed to Council or funds that Council has paid in advance. Non-current rates debtors are included in this amount to measure Available Funds. At January 2015, receivables totalled \$16.0M, compared to receivables of \$19.3M at January 2014. Fluctuations relate to the timing of rates payments which are accrued before the actual payments are due, and a high level of prepayments (shown as 'Other' on the Balance Sheet) reflecting payments made in advance.

Payables

Payables (the amount of money owed to suppliers) of \$23.9M were owed at January 2015 compared to payables of \$14.5M in January 2014. The majority of payables relate to goods and services and capital projects delivered but not yet paid for and rating income received in advance. Variations that occur between reporting periods generally relate to payables for capital projects that are underway.

Debt

Council continues to have financial strength in its low level of borrowing. The industry measure of debt commitment is the Debt Service Ratio that measures the proportion of revenues that is required to meet annual loan repayments.

Council's Financial Strategy includes provision for additional borrowing in the future and Council will consider borrowing opportunities from time to time to bring forward the completion of capital projects where immediate funding is not available. In 2009-10,

Council borrowed \$26M interest free to assist in the delivery of the West Dapto Access Plan. Council has also been successful in securing loan funds under the Local Government Infrastructure Renewal Scheme of \$20M in 2012-13 and \$4.3M in 2013-14 that will be used over a five year period to accelerate the Citywide Footpaths and Shared Path Renewal and Missing Links Construction Program and building refurbishment works for Berkeley Community Centre, Corrimal Library and Community Centre and Thirroul Pavilion and Kiosk respectively. A further \$15M has been approved in recent months under Round Three of this program that provides a subsidy of 3%. The additional loan funds will be used to support the West Dapto Access – Fowlers Road to Fairwater Drive project. It is expected that these funds will be drawn down towards the end of the first quarter of 2015 and will be repaid over 9.5 years. This will increase Council's Debt Service Ratio forecast for 2014-15 to approximately 3.2% which is still below Council's target of 4% and remains low in comparison to the Local Government's benchmark ratio of <10%.

It is noted that non-cash interest expense relating to the amortisation of the income recognised on the West Dapto Access Plan Loan is not included when calculating the Debt Service Ratio.

Assets

The Balance Sheet shows that \$2.4B of assets are controlled and managed by Council for the community as at 30 January 2015. The 2014-15 capital works program includes projects such as the West Dapto Access Strategy, the Crown Street Mall upgrade, Whytes Gully new landfill cell, other civil asset renewals including roads, car parks and buildings and purchase of library books. At the end of January, capital expenditure amounted to \$44.6M.

The results for January 2015 are generally within projections over a range of financial indicators and it is expected that Council will achieve the forecast annual results.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective *our local council has the trust of the community* under the Community Goal *we are a connected and engaged community*.

It specifically addresses the Annual Plan 2014-15 Key Deliverables as detailed in the Financial Services Plan which forms part of the Five Year Action contained within the Revised Delivery Program 2012-17.

CONCLUSION

The results for January 2015 are generally within projections over a range of financial indicators and it is expected that Council will achieve the forecast annual results.

ITEM 8 STATEMENT OF INVESTMENTS – JANUARY 2015

This report provides an overview of Council's investment portfolio performance for the month of January 2015.

Council's average weighted return for January 2015 was 4.21% which was above the benchmark return of 2.96%. The result was primarily due to high yielding term deposits, and the positive marked to market valuation of the CBA Zero coupon bond, Emerald MBS and the NSW TCorp. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

RECOMMENDATION

Council receive the Statement of Investments for January 2015.

ATTACHMENTS

- 1 Statement of Investments – January 2015
- 2 Investment Income Compared to Budget 2014-15

REPORT AUTHORISATIONS

Report of: Brian Jenkins, Manager Finance
Authorised by: Greg Doyle, Director Corporate and Community Services – Creative, Engaged and Innovative City

BACKGROUND

Council is required to invest its surplus funds in accordance with the Ministerial Investment Order and Division of Local Government guidelines. The Order reflects a conservative approach and restricts the investment types available to Council. In compliance with the Order and Division of Local Government guidelines, Council adopted an Investment Policy on 13 August 2012. The Investment Policy provides a framework for the credit quality, institutional diversification and maturity constraints that Council's portfolio can be exposed to. Council's investment portfolio was controlled by Council's Finance Division during the period to ensure compliance with the Investment Policy. Council's Governance Committee's role of overseer provides for the review of the Investment Policy prior to submission to Council and review of the Investment Strategy and monthly Statement of Investments.

Council's Responsible Accounting Officer is required to sign the complying Statements of Investments contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005.

Council's investment holdings as at 30 January 2015 were \$114,491,018 (Statement of Investments attached) [31 January 2014 \$113,265,036].

During January, Council posted a weighted average return of 4.21% (annualised) compared to the benchmark return of 2.96% (annualised UBS Warburg Bank Bill Index). The result was primarily due to high yielding term deposits, and the positive marked to market valuation of the CBA Zero coupon bond, Emerald MBS and the NSW TCorp. The remainder of Council's portfolio continues to provide a high level of consistency in income and a high degree of credit quality and liquidity.

At 30 January, year to date interest and investment revenue of \$2,821,947 was recognised compared to the year to date budget of \$2,651,669.

Council's CBA Zero Coupon Bond recorded an increase in value for January of \$52,000. The valuation methodology used by Laminar (Council's investment consultants), discounts the bond using a margin for a straight four year CBA obligation but also considers the illiquidity premium, this being a restructured deal and there being limited bids on the security. As this bond gradually nears maturity, movements in interest rates and liquidity will have less of an impact on the securities valuation. While there will be short term fluctuations along the way, the investments valuation will gradually increase to its \$4M maturity value. Council's Westpac floating rate note had an increase in value of \$3,230 for January.

Council holds two Mortgaged Backed Securities (MBS) that recorded an increase in value of \$23,642 for January. These investments continue to pay higher than normal variable rates. While the maturity dates are outside Council's control, the investment advisors had previously indicated that capital is not at risk at that stage and recommended a hold strategy due to the illiquid nature of the investment.

The NSW T-Corp Long-Term Growth Facility recorded an increase in value of \$36,031 in January. The fluctuation is a reflection of the current share market volatility both domestically and internationally.

During the February 2015 RBA board meeting, the official cash rate was lowered by 25 basis points to 2.25%. The RBA has advised that it would continue to assess the outlook and adjust policy as needed to foster sustainable growth in demand and inflation outcomes consistent with the inflation target over time. The current inflation rate is consistent with the 2 to 3% target.

This report complies with Council's Investment Policy which was endorsed by Council on 13 August 2012. Council's Responsible Accounting Officer has signed the complying Statements of Investments contained within the report, certifying that all investments were made in accordance with the Local Government Act 1993 and the Local Government Regulation 2005

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective *our local council has the trust of the community* under the Community Goal *we are a connected and engaged community*.

It specifically addresses the Annual Plan 2014-15 Key Deliverables as detailed in the Financial Services Plan which forms part of the Five Year Action contained within the Revised Delivery Program 2012-17.

ITEM 9

MINUTES OF CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING – 11 FEBRUARY 2015 AND ELECTRONIC MEETING HELD 26 FEBRUARY 2015

A meeting of the City of Wollongong Traffic Committee was held on 11 February 2015.

Items 1–8 of the meeting have been adopted by Council through delegated authority.

Items 9–13 of the meeting must be determined by Council and are recommended to Council for approval for the temporary regulation of traffic on public roads for works or events by independent parties.

Subsequent to the meeting on 11 February 2015, the Committee held an electronic meeting on 26 February 2015 to consider the temporary Regulation of Traffic for the City Slider event.

Item 1 recommends Council approve the temporary regulation of traffic on public roads for works or events by independent parties.

RECOMMENDATION

In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meetings held on 11 and 26 February 2015 in relation to Regulation of Traffic be adopted.

ATTACHMENTS

- 1 Traffic Management Plan – Bravo Sports Event – Days 1 and 2
- 2 Traffic Management Plan – Bravo Sports Event – Day 3
- 3 Traffic Management Plan – Splash and Dash Sports Event
- 4 Traffic Management Plan – WIN Stadium Events
- 5 Traffic Management Plan – Work above roadway

REPORT AUTHORISATIONS

Report of: Mike Dowd, Manager Infrastructure Strategy and Planning
Authorised by: Mike Hyde, Director Infrastructure and Works – Connectivity, Assets and Liveable City

BACKGROUND

REGULATION OF TRAFFIC

9 MOUNT KEIRA

Mount Keira Road and Queen Elizabeth Drive – Bravo Team Challenge Event – Days 1 and 2 to be held on Friday 17 and Saturday 18 April from 9am to 2pm

Background:

The organisers of the Bravo Team Challenge Event have proposed to hold a two day team obstacle course event starting and finishing at the Botanic Gardens. The organisers propose to have traffic controls on Northfields Avenue and Robsons Road at the start and finish of the event to allow competitors to cross from the Botanic Gardens to the bush trail at the start of the event.

The event has multiple crossings of Mount Keira Road between the Girl Guide Camp and Queen Elizabeth Drive and a full closure between 9am and 2pm is proposed for this section of Mount Keira Road.

PROPOSAL SUPPORTED UNANIMOUSLY

The road closure and traffic controls proposed be approved in accordance with:

- the submitted Traffic Management Plan;
- Council's standard conditions for road closures; and
- the requirement that should Mount Keira Road be needed as a light vehicle thoroughfare – in the event of an emergency on Picton or Mount Ousley Roads – that the event be postponed.

(Attachment 1)

10 WOLLONGONG

Cliff Road and Marine Drive – Bravo Team Challenge Event – Day 3 to be held on Sunday 19 April 2015 from 9am to 2pm

Background:

The organisers of the Bravo Team Challenge Event have proposed to hold the third day of the series at Lang Park Wollongong. This will necessitate the use of traffic controllers on Marine Drive and Cliff Road to allow competitors to cross to and from Lang Park.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed traffic controls be approved on Cliff Road and Marine Drive in accordance with the submitted traffic management plan and Council's standard conditions for road closures.

(Attachment 2)

11 WOLLONGONG

Marine Drive, Cliff Road and Endeavour Drive – Splash and Dash Sports Festival – Sunday 29 March 2015 from 7.30am – 12.30pm

Background:

The Splash and Dash Sports Festival is to be held again in 2015 on Sunday 29 March 2015. The festival involves Aquathon events and the City Beach Fun Runs. Most of the running events involve the use of the shared paths and the swimming events are held in Belmore Basin.

As in previous years the road closure only involves the section of Endeavour Drive between the City Beach SLSC Car Park and the first chicane in Endeavour Drive. Access to the lower section of Endeavour Drive including all car parks will be maintained.

Access to the Wollongong Harbour area will be restricted until late morning with controlled two way traffic between the Fisherman's Co-op and Wollongong Harbour. During the morning events access to Endeavour Drive from Wollongong Harbour will be closed.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed traffic controls and road closures be approved subject to:

- the submitted traffic management plan and Council's standard conditions for road closures; and
- the provision of Traffic Controllers between the car park and Harbour area to allow two way traffic.

(Attachment 3)

12 WOLLONGONG

Harbour Street – WIN Stadium Events – Nitro Circus and NRL Matches x 4

Background:

The proposal for road closures at these five (5) events is to accommodate 5,000 to 10,000 attendees as set out in the first drawing in above PDF Draft Traffic Management plan. The proposal is the same as for previous years.

- Saturday 14 March 2015 – Nitro Circus
Closure of Harbour Street from 3pm – 10pm
- Saturday 28 March 2015 – NRL Match Dragons vs Sea Eagles
Closure of Harbour Street from 5pm – 11pm
- Saturday 17 May 2015 – NRL Match Dragons vs Broncos
Closure of Harbour Street from Midday to 6pm
- Saturday 4 July 2015 – NRL Match Dragons vs Cowboys
Closure of Harbour Street from 5pm to 11pm

- 20 – 24 August 2015 – NRL Match Dragons vs Panthers
Closure of Harbour Street: Dates/Times to be advised

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed traffic controls and road closures be approved in accordance with the submitted traffic management plan and Council's standard conditions for road closures.

(Attachment 4)

13 WOLLONGONG

Keira Street – Crown and Burelli Street intersection – South Bound Carriageway Road Closure – Monday 16 March 2015 from 10pm to 6am

Background:

Council has received an application for road closure of Keira Street, between Crown and Burelli Streets to take place on the night of Monday 16 March 2015 for the purpose of replacing a sign on the bridge over the south bound carriageway. The proposed closure takes place after regular bus services finish and it affects only the south bound carriageway.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed traffic controls and road closures be approved in accordance with the submitted traffic management plan and Council's standard conditions for road closures.

(Attachment 5)

Electronic Traffic Committee Meeting held on 26 February 2015

1 PORT KEMBLA

Military Road between Church and Allan Streets – Water Slide Event from 12am on Saturday 21 March 2015 to 2am Monday 23 March 2015

Background:

At its meeting on Monday, 23 February 2015, Council approved the road closures of Military Road, Fitzwilliam, Electrolytic and Allan Streets, Port Kembla to allow the above event on Saturday, 21 March 2015, the road closures being 12 am Saturday, 21 March to 2 am Sunday, 22 March 2015. Council staff has been advised that tickets sold out quickly for the Saturday and the applicant has requested the road closures be extended until 2 am on Monday, 23 March 2015 to allow the City Slider (water slide) event to operate on the Sunday as well.

As reported previously, the bus routes are not affected and members of the public will be diverted along Church and Wentworth Streets and Darcy Road. A condition of the original approval was that access to the Port Kembla Court House and Police Station on Military Road is to be maintained during the road closures.

PROPOSAL SUPPORTED UNANIMOUSLY

The proposed extension to the road closures for Military Road, Fitzwilliam, Electrolytic and Allan Streets Port Kembla to be approved from 12 am Saturday 21 March to 2 am Sunday 22 March 2015, subject to the previously approved traffic management plan and that access be maintained to the Port Kembla Court House and Police Station on Military Road during the closures.

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objective Community Goal 5 – *We are a healthy community in a liveable city.*

It specifically delivers on core business activities as detailed in the Transport Services Plan 2014-15.

REF: CM40/15 File: CP-914.05.001

ITEM 10

LATE BUSINESS – SUBDIVISION AND DWELLING HOUSE PHASE 1
MINOR DEMOLITION, GEOTECHNICAL REMEDIATION WORKS AND A
TWO (2) LOT TORRENS TITLE SUBDIVISION. PHASE 2
CONSTRUCTION OF A NEW DWELLING HOUSE – 2 BROADRIDGE
STREET, WOMBARRA – IHAP REPORT

This application was considered by the Independent Hearing and Assessment Panel (IHAP) on 15 October and 18 December 2014. The Panel recommended that the application be refused for reasons outlined in IHAP report (Attachment 2).

The application is required to be reported to Council in accordance with clause 9.2 of the IHAP Charter adopted by Council on 13 February 2012 as the recommendation of the Council Assessment Officer and IHAP are inconsistent.

This report recommends refusal of the application for reasons outlined in Attachment 1, which are consistent with IHAP recommendation.

RECOMMENDATION

Development Application DA-2014/245 be refused, subject to the reasons contained in Attachment 1.

ATTACHMENTS

- 1 Reasons for refusal
- 2 Assessment Report and Recommendations from IHAP - 18 December 2014
- 3 Assessment Report and Recommendations from IHAP - 15 October 2014

REPORT AUTHORISATIONS

Report of: Mark Riordan, Manager Development Assessment and Certification
Authorised by: Andrew Carfield, Director Planning and Environment, Future City and Neighbourhoods

BACKGROUND

The application was referred to IHAP on 15 October 2014 pursuant to clause 1.10 of the IHAP Charter as the proposed development was deemed to be of significant community interest by written notification having been received from four (4) Councillors.

At the IHAP meeting on 15 October 2014 a number of key concerns were raised by the Panel and the matter was deferred, pending the submission of further information by the applicant to address the issues raised with regards to the design of the dwelling, its response to the environmental constraints and impacts on the amenity of the neighbours.

The Panel also identified the need for the applicant to explore an alternate resolution to a proposed land acquisition (Possessory Title Claim) to achieve the Asset Protection Zone required by the NSW Rural Fire Service, via their conditional Section 100B Authorisation – *Rural Fires Act 1997* referral response.

Additional information was subsequently provided by the applicant, re-exhibited and assessed by Council staff, with the application reported back to the IHAP meeting of 18 December 2014. Council's officer recommended conditional approval via a deferred commencement consent that first required the land acquisition (Possessory Title Claim) to be achieved by the applicant to enable an operable consent.

At this December meeting the IHAP identified that the majority of the issues raised within the previous panel recommendations on 15 October 2014 had not been adequately addressed and recommended refusal of the application.

The application must now be reported to Council for determination, in line with the IHAP Charter, as the staff recommendation is inconsistent with the IHAP recommendation. It is noted that neither applicant or objectors have not sought to escalate this matter to Council for determination, however under the current Charter it cannot be refused under delegated authority.

PROPOSAL

The application proposes a two (2) lot Torrens title subdivision and construction of a new dwelling on the newly created lot. The development is to be achieved in two distinct phases.

Phase 1 – minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision.

Phase 2 – construction of a new dwelling house.

The site is zoned R2 Low Density Residential pursuant to WLEP 2009. The proposal is categorised as a subdivision and dwelling house; both are permissible with development consent. Notwithstanding permissibility there are substantive physical site constraints that remain unresolved by the proposal.

CONSULTATION

Exhibition

The application was initially exhibited on 11 March 2014 in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising, Council's Notification Policy and five (5) submissions were received.

Following the submission of amended plans and additional information, the proposal was re-exhibited, with a total of five (5) submissions received.

Further additional information was also submitted in response to the IHAP recommendations of 15 October 2014 and re-exhibited. Fifteen (15) submissions were received. Five (5) were objections to the proposal and ten (10) were submissions of support.

ASSESSMENT

NSW Rural Fire Service (RFS)

Details of the proposal were referred to the RFS on 10 March 2014. Unsatisfactory referral advice was received by Council on 19 June 2014 due to an insufficient Asset Protection Zone.

Following a meeting between the applicant and the RFS additional information was provided to Council and re-referred to the RFS on 30 July 2014.

On 21 August 2014 the RFS provided to Council a conditional Section 100B Bushfire Safety Authority which was not to operate until the land at the rear of the subject site (Part Certificate of Title Volume 2279 Folio 202) was acquired and consolidated with proposed Lot 42. This matter formed the basis of consideration by Council's Assessing Officer for conditional approval via deferred commencement consent.

NSW Office of Water

Enquiries were undertaken with the NSW Office of Water in relation to the modified and uncategorised natural drainage channel traversing the site which identified that no referral was required as relates to the *Water Management Act 2000*.

Internal Consultation

Details of the proposal were referred to Council's Geotechnical, Stormwater, Subdivision, Landscape, Traffic and Environment Officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance.

IHAP Concerns

The applicant was unable to resolve, to the satisfaction of the IHAP, particular issues raised in relation to providing a building design that better responds to the physical and environmental constraints of the site and minimises the impacts on the adjoining properties.

It is noted that Council's assessment staff considered the proposal to be acceptable in terms of relevant planning controls, as outlined in the earlier reports. However, it is clear that this position is reliant upon the following:

- A Possessory Title Claim for the portion of land known as *Part Certificate of Title Volume 2279 Folio 202* and its consolidation with proposed Lot 42 to achieve the Asset Protection Zones required by the NSW Rural Fire Service; and

- A number of merit based variations to Wollongong Development Control Plan 2009 standards, particularly regarding the maximum number of storeys on a battle-axe allotment, lot width and depth and building envelope.

The assessment of an application requires consideration of all of the relevant planning objectives and standards, and evaluating that the overall proposal is acceptable or not in relation to these controls. Some applications are more marginal than others in this regard.

The proposal falls short of the IHAP expectations, particularly in terms of following:

- The bulk and scale of the proposed dwelling which it is considered results in unacceptable amenity impacts on the adjoining properties;
- The proposed building form and envelope does not respond to the physical and environmental constraints of the site;
- The proposed development lacks finality in relation to a solution for bushfire management in respect to the location of the Asset Protection Zone recommended by the NSW Rural Fire Service. The proposal is reliant upon a Possessory Title Claim for the portion of land known as *Part Certificate of Title Volume 2279 Folio 202* and its consolidation with proposed Lot 42 to achieve the Asset Protection Zones required by the NSW Rural Fire Service; and
- The proposed subdivision is inappropriate having regard to the physical and environment constraints of the site.

Given that key issues are not fully resolved the application cannot be supported in its current form. Attachment 1 includes reasons for refusal which relate to the relevant planning controls. These reasons for refusal are also consistent with the IHAP recommendation (Attachment 2).

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 under the objectives 1.1 *The natural environment is protected and enhanced* and 1.6 *The sustainability of our urban environment is improved* Community Goal 1 *We value and protect our environment*.

CONCLUSION

The planning assessment reports to the IHAP have considered the key assessment issues of the proposed development. These were not fully resolved and deferred commencement consent was recommended by the officer.

The proposal attempts to deliver a development consisting of a two (2) lot Torrens title subdivision and construction of a new dwelling on the newly created lot.

Notwithstanding the design changes and information provided, it is considered that key issues remain unresolved. The proposal fails to adequately address physical and environmental constraints of the site, and unacceptable amenity impacts on the adjoining properties remain.

At the meeting of 18 December 2014 the IHAP identified concerns with the proposal and recommended the application be refused. The assessing officer's recommendation and that of the IHAP do not accord.

In accordance with Clause 9.2 of the IHAP Charter adopted by Council on 13 February 2012, the application is reported to Council for determination. Based on unresolved issues relating to site constraints and dwelling design, the proposal cannot be supported in its current form. This position is consistent with IHAP's recommendations.



MINUTES

ORDINARY MEETING OF COUNCIL

at 6.00 pm

Monday 23 February 2015

Present

Lord Mayor – Councillor Bradbery OAM (in the Chair), Councillors Connor, Brown, Takacs, Martin, Blicavs, Dorahy, Crasnich, Curran and Petty

In Attendance

General Manager – D Farmer, Director Corporate and Community Services – Creative, Engaged and Innovative City – G Doyle, Director Infrastructure and Works – Connectivity, Assets and Liveable City – M Hyde, Director Planning and Environment – Future, City and Neighbourhoods – A Carfield, Manager Governance and Information – L Kofod, Manager Finance – B Jenkins, Manager Property and Recreation – P Coyte and Manager Environmental Strategy and Planning – R Campbell

Apologies

Min No

12

COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Crasnich seconded Councillor Connor that the apologies tendered on behalf of Councillors Colacino, Kershaw and Merrin be accepted.

INDEX

PAGE NO.

| | | |
|---------|--------------------------------------------------------------------------------------------------------------------|----|
| | Disclosure of Interest..... | 1 |
| | Acknowledgment of the Passing of Mr Vic Thomas | 1 |
| | Presentation – 5 Star Green Star Rating – Wollongong City Council Administration Building..... | 1 |
| | Confirmation of Minutes of Ordinary Meeting of Council held on Tuesday, 27 January 2015..... | 2 |
| | Public Access Forum – Sandon Point Plan of Management | 2 |
| | Call of the Agenda..... | 3 |
| ITEM A | Item Laid on Table – Council Meeting 27 January 2015 – Lake Illawarra Estuary Management Committee Update | 4 |
| ITEM 1 | Plan of Management for Sandon Point and McCauley's Beach – Post Exhibition..... | 6 |
| ITEM 2 | Pre-Gateway Appeal – Lady Carrington Estate South, Helensburgh | 7 |
| ITEM 3 | Wollongong Development Control Plan 2009 – D18 Brickyard Point – Post Exhibition..... | 8 |
| ITEM 4 | Draft Shone Avenue and West Dapto Road, Horsley Neighbourhood Plan..... | 9 |
| ITEM 5 | Proposed Transfer of Port Kembla Copper Property Titles and Environment Protection Licences | 10 |
| ITEM 6 | Wollongong City Council – Community Wellbeing and Satisfaction | 11 |
| ITEM 7 | Wollongong City Council – Measuring Our Performance..... | 11 |
| ITEM 8 | Draft Quarterly Review – December 2014..... | 11 |
| ITEM 9 | Tender T14/31 – North Beach Diggies Kiosk Refurbishment | 12 |
| ITEM 10 | Tender T14/21 – Project Management Services to Council | 12 |

| | | |
|---------|-------------------------------------------------------------------------------------------------------------|----|
| ITEM 11 | Tender T14/32 – Provision of Traffic Signals at intersection of Kenny and Burelli Streets, Wollongong | 13 |
| ITEM 12 | Proposed Dedication of Lane at Austinmer as Public Road | 13 |
| ITEM 13 | Minutes of City of Wollongong Traffic Committee Meeting held 21 January 2015..... | 14 |

DISCLOSURE OF INTERESTS

Councillor Martin declared a non-significant, non-pecuniary conflict of interest in Items 2 and 4 insofar as they relate to matters which will, at some point in time, involve the Department of Planning and Environment, where she is employed.

Councillor Martin also declared a non-significant, non-pecuniary conflict of interest in Item 5 as she has worked with Port Kembla Copper as a local resident over a number of years and has developed a reasonable relationship with the organisation, as a local community member and volunteer.

Councillor Petty declared a non-significant, non-pecuniary interest in Item 2 as he is a resident of Helensburgh. Councillor Petty advised that he would depart the meeting during consideration and voting on the matter.

Councillor Petty declared a significant, pecuniary interest in Item 11 as he is employed by a company that has business dealings with a tenderer and he would depart the meeting during consideration and voting on the matter.

ACKNOWLEDGMENT OF THE PASSING OF MR VIC THOMAS

Councillor Martin advised that Mr Vic Thomas, a long-time active member of the Berkeley community, passed away suddenly on 6 February 2015. Mr Thomas was 82 and had lived in Berkeley for 59 years. He was a Founding Member of the Berkeley Sports and Social Club (now known as Berkeley Sports) and was also a Founding Member of the Berkeley Neighbourhood Centre. Mr Thomas also worked with the local community to raise funds for the Berkeley Swimming Pool.

Councillor Martin asked that Council acknowledge the passing of Mr Vic Thomas.

PRESENTATION – 5 STAR GREEN STAR RATING – WOLLONGONG CITY COUNCIL ADMINISTRATION BUILDING

The Lord Mayor tabled an Award from the Green Building Council of Australia. Council's Administration Building was given a 5 Star Green Star Rating representing Australian Excellence in building operations.

The Lord Mayor congratulated staff who had been instrumental in Council achieving this wonderful outcome.

CONFIRMATION OF MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 27 JANUARY 2015

- 13 COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Dorahy that the Minutes of the Ordinary Meeting of Council held on Tuesday, 27 January 2015 (a copy having been circulated to Councillors) be taken as read and confirmed.

PUBLIC ACCESS FORUM – SANDON POINT PLAN OF MANAGEMENT

On behalf of the Sandon Point and McCauleys Beach Residents Group, Ms M Lewis, felt that Council officers who had prepared the report had disregarded submission provided by the majority of residents and groups, despite those residents being the most significantly impacted by the plan. It was felt that this Plan was just an extension of the current arrangements and was a lost opportunity.

Ms Lewis asked Councillors to consider the following before voting on the Plan –

- Did they genuinely believe that the proposals set out in this Plan are the best possible outcome for this area?
- Did they believe that the plans for the Aboriginal Place as outlined in this Plan improve education and understanding about Aboriginal Cultural and History in the Illawarra?
- As representatives of this City, would Councillors take visitors from outside the region to this area to proudly show them what is being achieved on such an important site?
- Were Councillors happy to sign off on a Plan that still has vehicles sharing a pathway with bikes and pedestrians, and accept the consequences of such?

In conclusion, Ms Lewis said that if Councillors answered 'no' to any of the above, then they should reject this Plan of Management.

On behalf of the Northern Illawarra Residents' Action Group (NIRAG), Mr Alex Peterson said that the plantings at Tramway Creek predate any development adjoining the Plan of Management. They have enhanced the habitat and natural biodiversity and are appropriate for the area. NIRAG supports the Plan of Management and congratulates Council on its initiative in facilitating the resolution of a Keeping Place.

Minute No.

Also on behalf of NIRAG, Mr R Dearden said that for too long Aboriginal culture and rights had been ignored and the establishment of a Keeping Place was a Land and Environment Court condition of consent in 2001. Sandon Point is a diverse environment, rich in Aboriginal, pioneering, coal mining, surfing and natural history. The wetlands, boatsheds and rock platforms combine with this to form a unique ecosystem, which is largely unrecognised or appreciated by visitors and many residents. Over the years NIRAG has urged Council to recognise and celebrate the history of the site with signage and information for visitors. Simple low cost improvements to signage, tracks and boardwalks could easily connect the shore to the escarpment. The acquisition or lease incorporating the Ray Hannah land would also be an obvious next step.

Mr Dearden said that new and older residents should be encouraged to embrace the historical and cultural mix that is Sandon Point. It has a cultural richness and environmental diversity that few locations close to large regional centres offer. The Plan acknowledges and protects many of the features and values that are under threat, and for this reason it is fully supported.

- 14** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Crasnich that all speakers be thanked for their presentation and invited to table their notes.

CALL OF THE AGENDA

- 15** **COUNCIL'S RESOLUTION** – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Blicavs that the staff recommendations for Items 3 and 4, and 8 to 10, 12 and 13 inclusive, be adopted as a block.

ITEM A – ITEM LAID ON TABLE – COUNCIL MEETING 27 JANUARY 2015 – LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE UPDATE

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Crasnich that this matter be taken off the table and the speakers list be recommenced.

On 27 January 2015 the following motion was MOVED by Councillor Crasnich seconded Councillor Colacino that Council –

- 1 Endorse the updated Terms of Reference for the Lake Illawarra Estuary Management Committee.
- 2 Nominate the three Councillor representatives to the Lake Illawarra Estuary Management Committee, one of whom shall be a member of the Wollongong Estuary and Coastal Zone Management Committee.
- 3 Note that a further report will be provided to Council addressing Council's resolution for a report on a Lake Illawarra Manager.

A PROCEDURAL MOTION was MOVED by Councillor Martin seconded Councillor Crasnich that Councillor Connor be granted an additional three (3) minutes to address the meeting in relation to the Amendment for Item A.

16 COUNCIL'S RESOLUTION – An AMENDMENT was MOVED by Councillor Bradbery seconded Councillor Connor that –

- 1 Council endorse the updated Terms of Reference for the Lake Illawarra Estuary Management Committee, subject to –
 - a The clear understanding that the Lake Illawarra Estuary Management Committee has an advisory role only;
 - b Expenditure recommended by the Lake Illawarra Estuary Management Committee will require the approval of Wollongong and Shellharbour City Councils; and,
 - c Wollongong and Shellharbour City Councils being responsible for the Foreshore infrastructure in their respective Local Government Areas (which reflects proportional autonomy over expenditure).
- 2 Wollongong City Council work with Shellharbour City Council to review the Memorandum of Understanding (resolved by Wollongong City Council on 13 October 2014) in the next term of Council, considering the following inclusions –

Minute No.

- a The Lake Illawarra Estuary Management Committee be governed through a Committee pursuant to Section 355(d) of the Local Government Act 1993;
 - b Proportional representation from the two Councils; and
 - c Determination of further expenditure.
- 3 Council nominate the three Councillor representatives to the Lake Illawarra Estuary Management Committee, one of whom shall be a member of the Wollongong Estuary and Coastal Zone Management Committee.
 - 4 A further report be provided to Council addressing Council's resolution for a report on a Lake Illawarra Manager.

Councillor Bradbery's AMENDMENT on being PUT to the VOTE was CARRIED.

In favour Councillors Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Crasnich and Bradbery

Against Councillors Curran and Petty

Councillor Bradbery's AMENDMENT then BECAME the MOTION.

The MOTION on being PUT to the VOTE was CARRIED.

In favour Councillors Connor, Brown, Martin, Takacs, Blicavs, Dorahy, Crasnich and Bradbery

Against Councillors Curran and Petty

Nominations were received for Councillors Brown and Curran, as members of the Wollongong Estuary and Coastal Zone Management Committee, to be elected to the Committee and, on a show of hands, Councillor Brown was elected to the Lake Illawarra Estuary Management Committee.

Nominations were then received for Councillors Crasnich, Martin and Merrin to be elected to the Lake Illawarra Estuary Management Committee and on a show of hands, the following votes were recorded –

- Councillor Crasnich: Councillors Blicavs, Dorahy, Crasnich, Bradbery
- Councillor Martin: Councillors Connor, Brown, Martin
- Councillor Merrin: Councillors Curran, Petty, Takacs

Councillor Crasnich with four (4) votes was declared elected.

As votes for Councillors Martin and Merrin were tied, following a draw by lot, Councillor Martin was elected.

ITEM 1 – PLAN OF MANAGEMENT FOR SANDON POINT AND MCCAULEY'S BEACH – POST EXHIBITION

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Martin that Councillor Dorahy be granted an additional five (5) minutes to address the meeting in relation to Item 1.

17 COUNCIL'S RESOLUTION – MOVED by Councillor Takacs seconded Councillor Brown that –

- 1 The amended Sandon Point and McCauley's Beach Plan of Management (Attachment 3 of the report) be adopted in accordance with section 39 of the Local Government Act 1993.
- 2 The support of the Elders from the five Aboriginal community groups to participate in a Joint Management Agreement be noted and Council confirm its willingness to pursue and facilitate this process. A further report on the Joint Management Agreement be presented to Council for endorsement, when the protocols have been developed by the Elders.

An AMENDMENT was MOVED by Councillor Petty seconded Councillor Blicavs that -

- 1 The amended Sandon Point and McCauley's Beach Plan of Management (Attachment 3 of the report) be noted.
- 2 The support of the Elders from the five Aboriginal community groups to participate in a Joint Management Agreement be noted and Council confirm its willingness to pursue and facilitate this process. A further report on the Joint Management Agreement be presented to Council for endorsement, when the protocols have been developed by the Elders.

Councillor Petty's AMENDMENT on being PUT to the VOTE was LOST.

In favour Councillors Blicavs, Dorahy, Crasnich and Petty
Against Councillors Connor, Brown, Martin, Takacs, Curran and Bradbery

Councillor Takacs' MOTION on being PUT to the VOTE was CARRIED.

In favour Councillors Connor, Brown, Martin, Takacs, Curran and Bradbery
Against Councillors Blicavs, Dorahy, Crasnich and Petty

DEPARTURE OF COUNCILLORS

Due to a prior Disclosure of Interest, Councillor Petty departed the meeting and was not present during debate and voting on Item 2.

During debate and prior to voting on Item 2, Councillors Blicavs and Crasnich departed and returned to the meeting, the times being from 7.42 pm to 7.44 pm, and 7.42 pm to 7.43 pm respectively.

NOTE: Councillor Takacs advised that he was a member of the Joint Regional Planning Panel that made recommendations on the Lady Carrington Estate South precinct. He supported Council's previous resolution and the report records his dissenting view.

ITEM 2 – PRE-GATEWAY APPEAL – LADY CARRINGTON ESTATE SOUTH, HELENSBURGH

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Dorahy that Councillor Curran be granted an additional five (5) minutes to address the meeting in relation to Item 2.

MOVED by Councillor Curran seconded Councillor Connor that –

- 1 This matter be deferred until urgent legal advice is obtained from a Barrister with expertise in Planning and Administrative Law detailing options available to Council to appeal the Decision of Marcus Ray, Acting Deputy Secretary Planning Services NSW, Department of Planning and Environment dated 18 December 2014.
- 2 Council urgently write to the NSW Ministers for Planning and Environment expressing concerns regarding the above decision, and the letters –
 - a Provide a chronology of this site including Land and Environment Court action regarding clearing of land;
 - b Outline reasons why this land needs to be protected and conserved by an E2 zoning; and
 - c Express disappointment and concern that the NSW Department of Planning and Environment would make such a threat to take our planning powers away for this environmentally-sensitive and constrained site if Council did not allow the current Gateway Proposal to proceed.

At this point, Councillor Blicavs FORESHADOWED a MOTION should Councillor Curran's Motion be defeated.

Minute No.

Councillor Curran's MOTION on being PUT to the VOTE was LOST.

In favour Councillors Connor, Brown, Takacs and Curran

Against Councillors Martin, Blicavs, Dorahy, Crasnich and Bradbery

Following the defeat of Councillor Curran's MOTION, Councillor Blicavs' FORESHADOWED MOTION then became the MOTION.

18 COUNCIL'S RESOLUTION – MOVED by Councillor Blicavs seconded Councillor Dorahy that –

- 1 The decision of the NSW Department of Planning and Environment to support the preparation of a draft Planning Proposal for the Lady Carrington Estate South precinct be noted.
- 2 The NSW Department of Planning and Environment be advised that Council is willing to be the Relevant Planning Authority.
- 3 Council officers be authorised to be involved in the preparation of the additional studies by the proponent, review the submitted reports and work on the Planning Proposal and reports to Council.
- 4 Based on the 2012-13 Fees and Charges (applicable at the time of lodgement of the Planning Proposal request) an invoice of \$11,040 be sent to the proponent for the second stage of the rezoning fee.
- 5 Options for Council to initiate an appeal on the matter be provided by way of an Information Folder report.

Variation The variation moved by Councillor Brown (the addition of point 5) was accepted by the mover and seconder.

Councillor Blicavs' MOTION on being PUT to the VOTE was CARRIED UNANIMOUSLY.

ITEM 3 – WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 – D18 BRICKYARD POINT – POST EXHIBITION

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

COUNCIL'S RESOLUTION – The Wollongong Development Control Plan 2009 Chapter D18 – Brickyard Point Austinmer be adopted as an amendment to the Wollongong Development Control Plan 2009, and its adoption be notified in the local paper.

ITEM 4 – DRAFT SHONE AVENUE AND WEST DAPTO ROAD, HORSLEY NEIGHBOURHOOD PLAN

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

COUNCIL'S RESOLUTION –

- 1 The draft Neighbourhood Plan prepared for land fronting Shone Avenue and West Dapto Road, Horsley be placed on exhibition for a minimum period of 28 days (Attachment 1 of the report) as an amendment to the Wollongong Development Control Plan 2009 Chapter D16 West Dapto Release Area, subject to the following changes being made and submitted to Council prior to exhibition:
 - a The acoustic building exclusion zone of 25m along the railway line, be incorporated into the design of the Neighbourhood Plan based on the Noise Report recommendations and be noted clearly for the purpose of identification in the Wollongong Development Control Plan 2009. Re-design Lots 371 to 393 in the Neighbourhood Plan to ensure that there is suitable space for a building envelope outside of the 25m exclusion zone.
 - b A local park be included into the design of the Neighbourhood Plan comprising 2ha of land, 1ha being developable land outside of the 1 in 100 year event and 1ha of non-developable land, that is able to accommodate one playing field.
 - c Clearly identify on the Neighbourhood Plan that the lot layout and roads can accommodate a 32m wide Asset Protection Zone to the eastern part of the site near Robins Creek and the 15m wide Asset Protection Zone in the north western corner and the south eastern corner on private land or on public roads.
 - d Detention basins need to be located outside of the 1 in 100 year event.
 - e The electricity easements be re-designed into the Neighbourhood Plan as part of larger lots, and not be transferred to Council.
- 2 Consultation with NSW State Agencies occur as part of the exhibition period.
- 3 A draft Planning Proposal for the following lots in part be prepared for rezoning from E3 Environmental Management to R2 Low Density Residential with a corresponding Floor Space Ratio of 0.5:1 and Minimum Lot Size of 450m²:
 - a Lot C DP 397366;
 - b Lot 5 DP 26069;

Minute No.

- c Lot 19 DP 879647;
 - d Lot 102 DP 1137454;
 - e Lot 1012 DP 862178;
 - f Lot 2 DP 26069;
 - g Lot 1 DP 607456; and
 - h Lot 1 DP 26069.
- 4 Further work be required as part of the Gateway determination to be undertaken to demonstrate how the cut and fill of flood affected land could be managed within the Neighbourhood Plan area and a flora and fauna report be prepared for the areas proposed to be rezoned and exhibited as part of the draft Planning Proposal.
 - 5 The draft Planning Proposal be referred to the NSW Department of Planning and Environment for a Gateway determination and if endorsed exhibited for a minimum period of 28 days.
 - 6 Council requests authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012 for the Planning Proposal.

ITEM 5 – PROPOSED TRANSFER OF PORT KEMBLA COPPER PROPERTY TITLES AND ENVIRONMENT PROTECTION LICENCES

19 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Curran seconded Councillor Blicavs that –

- 1 Council note the proposal from Port Kembla Copper Pty Ltd to transfer the property titles and environment protection licences (EPLs) for the former copper smelter site at Port Kembla and the former slag emplacement area at Primbee to a new entity, PKC Properties Pty Ltd.
- 2 Council endorse the letter attached to the report to the Environment Protection Authority detailing our support for the public positive covenant and supporting management plan for the Port Kembla site and the additional information required to be provided by Port Kembla Copper for the Environment Protection Authority to determine this proposal, subject to the following amendment to the last paragraph of the letter "... the future environmental issues at the two sites and any additional offsite migration of contamination in groundwater into Lake Illawarra".

DEPARTURE OF COUNCILLOR

During debate and prior to voting on Items 6 and 7, Councillor Connor departed and returned to the meeting, the time being from 8.32 pm to 8.34 pm.

A PROCEDURAL MOTION was MOVED by Councillor Brown seconded Councillor Connor that Items 6 and 7 be considered concurrently.

ITEM 6 – WOLLONGONG CITY COUNCIL – COMMUNITY WELLBEING AND SATISFACTION AND ITEM 7 – WOLLONGONG CITY COUNCIL – MEASURING OUR PERFORMANCE

A PROCEDURAL MOTION was MOVED by Councillor Crasnich seconded Councillor Martin that Councillor Brown be granted an additional three (3) minutes to address the meeting in relation to Items 6 and 7.

20 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Brown seconded Councillor Connor that –

- 1 The reports for Item 6 Community Wellbeing and Satisfaction and Item 7 Measuring Our Performance, be received and the results of the surveys be considered as part of the 2015-16 Annual Plan.
- 2 A comprehensive response be prepared by staff identifying issues of concern.

Variation The variation moved by Councillor Takacs (the addition of part 2) was accepted by the mover and seconder.

ITEM 8 – DRAFT QUARTERLY REVIEW – DECEMBER 2014

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

COUNCIL'S RESOLUTION –

- 1 The draft Quarterly Review December 2014 be adopted.
- 2 The Budget Review Statement as at 26 December 2014 be adopted and revised totals of income and expenditure be approved and voted.
- 3 The creation of a Property Investment Fund internally restricted asset be approved.

ITEM 9 – TENDER T14/31 – NORTH BEACH DIGGIES KIOSK REFURBISHMENT

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Edwards Constructions (NSW) Pty Ltd for North Beach Diggies Kiosk Refurbishment, in the sum of \$443,952.00, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

ITEM 10 – TENDER T14/21 – PROJECT MANAGEMENT SERVICES TO COUNCIL

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

COUNCIL'S RESOLUTION –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tenders of Troutman Asset Integrity Pty Ltd, Jerez Enterprises Pty Ltd, NSW Public Works and Civil Contracting and Hire NSW for Project Management Services to Council.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

DEPARTURE OF COUNCILLOR

Due to a prior Disclosure of Interest, Councillor Petty departed the meeting and was not present during debate and voting on Item 11.

ITEM 11 – TENDER T14/32 – PROVISION OF TRAFFIC SIGNALS AT INTERSECTION OF KENNY AND BURELLI STREETS, WOLLONGONG

21 COUNCIL'S RESOLUTION – RESOLVED UNANIMOUSLY on the motion of Councillor Blicavs seconded Councillor Crasnich that –

- 1 In accordance with the Local Government (General) Regulation 2005, Clause 178 (1) (a), Council accept the tender of Corrigan Electrics Pty Ltd for Provision of Traffic Signals at the intersection of Kenny and Burelli Streets, Wollongong in the sum of \$146,050, excluding GST.
- 2 Council delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
- 3 Council grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required to give effect to this resolution.

ITEM 12 – PROPOSED DEDICATION OF LANE AT AUSTINMER AS PUBLIC ROAD

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

COUNCIL'S RESOLUTION – In accordance with Section 16 of the Roads Act 1993, Council approve the dedication as public road of the lane in Austinmer, as shown on the attachment to this report, by the placement of a notice in the NSW Government Gazette.

ITEM 13 – MINUTES OF CITY OF WOLLONGONG TRAFFIC COMMITTEE MEETING HELD 21 JANUARY 2015

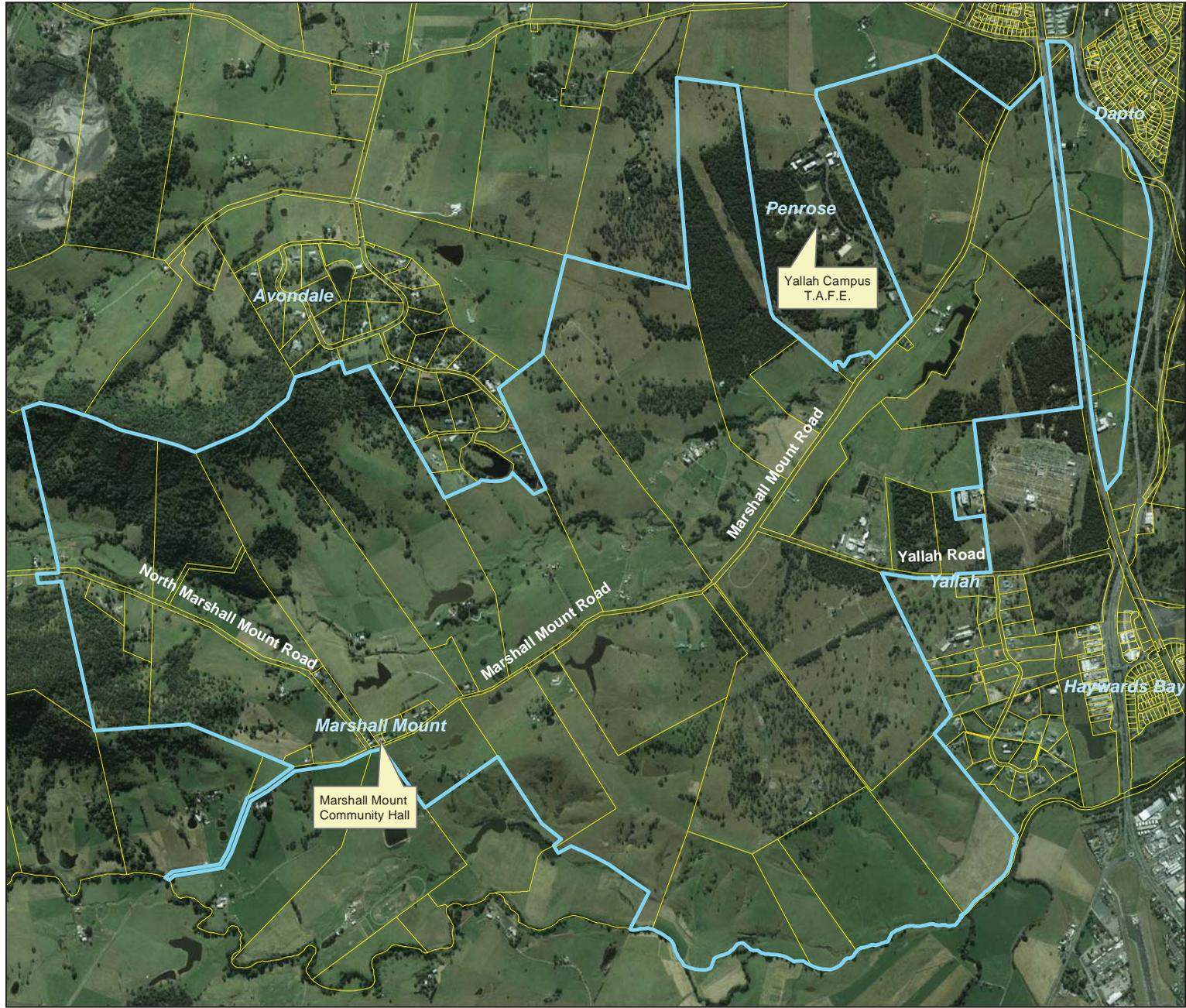
The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute Number 15).

COUNCIL'S RESOLUTION – In accordance with the powers delegated to Council, the minutes and recommendations of the City of Wollongong Traffic Committee Meeting held on 21 January 2015 in relation to Regulation of Traffic be adopted.

THE MEETING CONCLUDED AT 8.39 PM

Confirmed as a correct record of proceedings at the Ordinary Meeting of the Council of the City of Wollongong held on 9 March 2015.

Chairperson



Locality Plan

Legend

 Study Area



Scale 1:16000 @A3

| |
|--------------------------------------------|
| Drawn By: H. Jones |
| Date: 04 April 2013 |
| Gis ref: Draft Strategy AirPhoto061212.mxd |



Summary

Council has prepared a draft Structure Plan for the Yallah-Marshall Mount urban release area.

This structure plan seeks to provide a vision and long-term plan for a vibrant new community, focused on a walkable, sustainable village centre with a variety of housing types, ecological and riparian corridors, and aspiring to achieve a lower environmental footprint. Council is seeking comments on the draft structure plan.

Delivery of the West Dapto Urban Release Area is a major strategic project for Wollongong City Council and planning for Yallah -Marshall Mount is aligned to the Community Strategic Plan, Wollongong 2022.

Guiding Principles

*Promote **Activity***

*Protect **Scenery***

*Conserve **Ecology***

*Provide **Housing Choice***

*Grow **Community***

Background

The Illawarra Regional Strategy designated West Dapto as a major urban release area. Yallah-Marshall Mount is part of the West Dapto Urban Release Area.

In May 2008, Council engaged the Growth Centres Commission to review the draft zonings and planning controls for the West Dapto Urban Release Area. The previous zoning proposed for the precinct consisted of significant bushland area and proposed future development of approximately 1300 dwellings.

One of the recommendations of the Growth Centres Commission was that planning for Stage 5-Yallah-Marshall Mount be deferred. In addition, some landholders in the precinct made representations to Council asking for the draft planning controls for the area to be reviewed due to concerns about the balance of development and conservation. Subsequently, Council abandoned its previous draft zonings for the Yallah-Marshall Mount area, and commenced planning from a fresh perspective.

Study Area

The Yallah-Marshall Mount study area covers an area of approximately 1005 hectares and is currently a predominantly rural area.

The primary planning instrument covering the area is Wollongong Local Environmental Plan 1990 (the area was deferred under the Wollongong Local Environmental Plan 2010 (West Dapto)).

The study area is adjoining the Calderwood major project area, which has been rezoned by the Minister for Planning. The traffic, access, economic and servicing/infrastructure implications of this neighbouring release area have been considered during the planning for Yallah-Marshall Mount.

The Yallah-Marshall Mount precinct sits mostly within the Duck Creek catchment area and a flood study has been carried out on behalf of Council. Planning for the area considers the limitations imposed by the natural constraints of the precinct and the potential flood and water quality impacts from proposed future development.

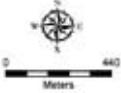
Yallah-Marshall Mount provides habitat for a number of threatened flora and fauna species, and the endangered ecological communities Illawarra Lowland Grassy Woodlands and Illawarra Subtropical Rainforest are found within the study area. Planning for the area acknowledges the importance of the area's natural environment and proposes for significant vegetation to be conserved. A variety of stewardship options for conserved lands (such as biodiversity certification and bio-banking) are being investigated as part of the planning process.

There are approximately 40 different landholders within the study area, with different aspirations as to how and when they want to see potential development of the precinct. Some landholders may wish to see development soon, while others may intend to continue their current rural lifestyle and land uses. Some landholders have engaged professional consultants to promote a desired urban outcome for the area based on compact, environmentally sustainable, low carbon footprint principles, envisaging a walkable village centre and sustainable village atmosphere.



Locality Plan

Legend
 Study Area



Scale 1:17000 @A3

| |
|-----------------------------------------------|
| Drawn By: M. Jones |
| Date: 24 April 2012 |
| Doc ref.: Draft Strategy and Forward L12/2012 |

Structure Plan

Development of the Structure Plan

Council held an Enquiry By Design Workshop for the Yallah-Marshall Mount Precinct (Stage 5 of the West Dapto Urban Release Area) over two days – Thursday 10 and Friday 11 March 2011. The workshop resulted in a draft structure plan, developed collectively by participants. The draft Structure Plan shows future land uses, main transport links and conservation areas and will form the basis of planning controls for this distinctive urban release area.

The draft Structure Plan was refined further, considering the outcomes of the EBD Workshop and various environmental studies including:

- a Post-development Flood Study
- Bushfire Hazard Assessment Study
- Aboriginal Archaeological and Cultural Heritage Assessment
- Traffic Study
- Ecological Sensitivity Analysis (biodiversity study).

These studies were prepared by independent consultants commissioned by Council. These studies will be made publicly available as part of future formal consultation of planning controls (such as zoning) for the Yallah-Marshall Mount Urban Release Area.

The Structure Plan for Yallah-Marshall Mount area is shown on the following page.



Photographs from Enquiry by Design Workshop held at Dapto Ribbonwood Centre 10 & 11 March 2011.



Vision for Yallah-Marshall Mount

The vision for the Yallah-Marshall Mount Precinct is to create a vibrant, compact, environmentally sustainable village atmosphere. The precinct will be centred around a compact, walkable village centre reflecting low carbon footprint principles. The bulk of higher density development will be focussed around the proposed village centre, with opportunities for small lot housing along the main transport links through the precinct. The fringe areas will contain rural and rural-residential development. The aim is to have the new community focussed on transport links, rather than a 'blanket' of suburbia. The desire is to have a variety of housing types and styles to provide for a wide diversity in population, allow for increased "ageing in place" opportunities and make an interesting urban environment. The biodiversity corridors and Duck Creek will be significant attributes of the new community, with the escarpment as a visual backdrop.



The new village centre will be focussed around the intersection of Yallah Road and Marshall Mount Road on lower lying land adjacent to Duck Creek. The vision proposes that the focal point of the new community be in this neighbourhood. The south-eastern corner, adjoining the intersection will be set aside for the main retail/commercial corner – taking advantage of the site being on the left hand side of both Yallah Road and Marshall Mount Road for future residents on their way home. The main street frontage for the proposed village centre will be a section of Marshall Mount Road, south of Yallah Road (approx 200m in length). Yallah Road is likely to be busy and is expected to have less pedestrian amenity. The area of Yallah Road and Marshall Mount Road immediately adjacent to the north of the intersection will be intended for mixed use development, with ground floor commercial/retail development with the opportunity for residential or commercial development on upper floors. This mixed use precinct will need to allow residential development on the ground floor, subject to this being adaptable to retail/commercial uses.

Other developable land near this central intersection will be available for development for a mixture of housing types, with densities ranging from 50-75 dwellings per hectare near the village centre, with 20-30 dwellings per hectare further away. Building forms should be varied, with 3+ attic storeys in the main street, with 2 and 3 storey developments in the surrounding residential areas. The vision needs to achieve these higher densities in order to create a critical mass of population within a walkable catchment of the proposed village centre to assist in economic viability of the centre and reduced car dependence.

There are opportunities for smaller lot housing and terraces to take advantage of future public transport routes along Marshall Mount Road. Duck Creek provides opportunities for passive open space and walking/cycling tracks, but also presents a significant flood hazard which requires development to be kept clear. The corner of Marshall Mount Road and North Marshall Mount Road contains a number of heritage items, including a community hall, which gives opportunities for a community focus around this point. There is flat land, which may have potential for a school and playing fields adjacent to the proposed Village Centre.

It is envisaged that Yallah Road will be extended from the Marshall Mount Road intersection, through to join with Avondale Road to the north (known as New Road 8).

The steeper slopes and more timbered areas provide a scenic green backdrop to the Duck Creek valley and provide a bushland link from the escarpment to Lake Illawarra. There are potential rural-residential opportunities further to the west along North Marshall Mount Road. Marshall Mount and its upper slopes is in the western section of the precinct with significant bushland and steeper slopes.

The area located to the east of the railway line between the railway line and the Freeway, contains the historic "Penrose" farm buildings. The area has limited access and also contains areas of significant potential flood affectation.

It is estimated that the structure plan can deliver a community of approximately 9,300 people, in 4,000 dwellings, a village centre, ecological and riparian lands in an attractive setting that promotes activity, protects scenery, conserves ecology and provides housing choice – to grow a new community.

Neighbourhoods:

Village Core Neighbourhood

This neighbourhood is centred on the intersection of Yallah Road and Marshall Mount Road this Neighbourhood contains lower lying land adjacent to Duck Creek. The vision proposes that the focal point of the new community be in this Neighbourhood. The south-eastern corner, adjoining the intersection will be set aside for the main retail/commercial corner – taking advantage of the site being on the left hand side of both Yallah Road and Marshall Mount Road for future residents on their way home. The site is also large, flat and less restricted than adjoining corner sites.

The main street for the proposed village centre will be a section of Marshall Mount Road, south of Yallah Road (approx 200m in length). Yallah Road is likely to be busy (approx. 12,000 vehicles/day) and is likely to have less pedestrian amenity. The area of Yallah Road and Marshall Mount Road immediately adjacent to the north of the intersection will be intended for mixed use development, with ground floor commercial/retail development with the opportunity for residential or commercial development on upper floors. Development must provide an active street frontage. The vision for the village centre includes a 3,200sqm supermarket, which may include rear parking, but with access for customers being provided from the street. Marshall Mount Road will have two travel lanes through the village centre, with two kerb lanes for parallel parking. Yallah Road and proposed Road no. 8 will have four travel lanes, with no on-street parking.

The proposed centre for Yallah-Marshall Mount is listed as a village centre in the West Dapto centres hierarchy, and will serve an estimated population of 7,200. There is likely to be significant competition from nearby town centres at Dapto, Albion Park, Shellharbour Square and proposed centres at Calderwood and within West Dapto urban release area. It is likely that the Yallah-Marshall Mount village centre will not be able to rely on significant additional patronage from outside the study area. The Structure Plan seeks to maximise the potential population living or working within a walkable catchment area to support the village centre. The Structure plan provides 5.5hectares of commercially zoned land for the village centre to create a strong, compact, legible and walkable centre.

Other developable land near this central intersection will be available for development for a mixture of housing types, with densities ranging from 50-75 dwellings per hectare near the village centre, with 20-30 dwellings per hectare further away. Building forms should be varied, with 3+ attic storeys in the main street, with 2 and 3 storey developments in the immediate surrounding residential areas.

There is land with good potential for playing fields and a potential school in the adjacent Marshall Vale Neighbourhood.

Marshall Vale Neighbourhood

Marshall Vale neighbourhood is located on the southern side of Duck Creek, between North Marshall Mount Road, Marshall Mount Road and the Village Core. The area has views to Duck creek and the hills to the northwest. The southern edge of the Neighbourhood runs along Marshall Mount Road, with opportunities for smaller lot housing and terraces to take advantage of future public transport routes along Marshall Mount Road. Duck Creek provides opportunities for passive open space and walking/cycling tracks, but also presents a significant flood hazard which requires development to be kept clear. The corner of Marshall Mount Road and North Marshall Mount Road contains a number of heritage items, including a hall, which gives opportunities for a community focus around this point. There is flat land, which may have potential for a school at the eastern end of the Neighbourhood, adjacent to the Village Core Neighbourhood.

Woodville Neighbourhood

Located to the northwest of the Village core, this Neighbourhood is located on the low ridgeline between Duck Creek, the “Cedars” estate and TAFE site. This Neighbourhood contains land on gentle slopes with larger areas suitable for residential development. The Neighbourhood also contains stands of significant vegetation, with a very large area of significant bushland adjoining the TAFE site to the northeast. It is envisaged that Yallah Road will be extended (proposed Road No.8) from the Marshall Mount Road intersection, through this Neighbourhood to join with Avondale Road to the north. Opportunities exist for smaller lots and terrace housing along proposed Road No.8 to take advantage of future public transport links.

Duck Creek Neighbourhood

This neighbourhood is located on the northern banks of Duck Creek, to the north of North Marshall Mount Road and the Marshall Vale Neighbourhood. This Neighbourhood has some areas suitable for residential development, which would complement the residential areas in the Marshall Vale Neighbourhood on the other side of Duck Creek. Further up the slopes of the scenic hills which rise in the northern section, there are potential opportunities for rural residential development. The steeper slopes and more timbered areas provide a scenic green backdrop to the Duck Creek valley and provide a bushland link from the escarpment to Lake Illawarra. Rural residential lots provide for development within these steeper slopes and stewardship options for the conservation areas.

Marshall Mount Neighbourhood

Located on the slopes of Marshall Mount, between Marshall Mount Road and North Marshall Mount Road, this Neighbourhood has large area with potential for residential development on the lower slopes of Marshall Mount, with potential rural-residential opportunities further to the west along North Marshall Mount Road. The western section of the Neighbourhood contains significant bushland and steeper slopes.

Iowna Hill Neighbourhood

Between Marshall Mount Road and the Transgrid easement, this Neighbourhood contains higher sloping land with good views over the Duck Creek valley. There are large areas potentially suitable for low density residential development. Patches of significant bushland are located in the eastern corner of the Neighbourhood, adjacent to the Village Core Neighbourhood. The Structure Plan also provides for smaller residential lots and terrace housing along Marshall Mount Road to enable higher densities along potential public transport links.

Timber Glades Neighbourhood

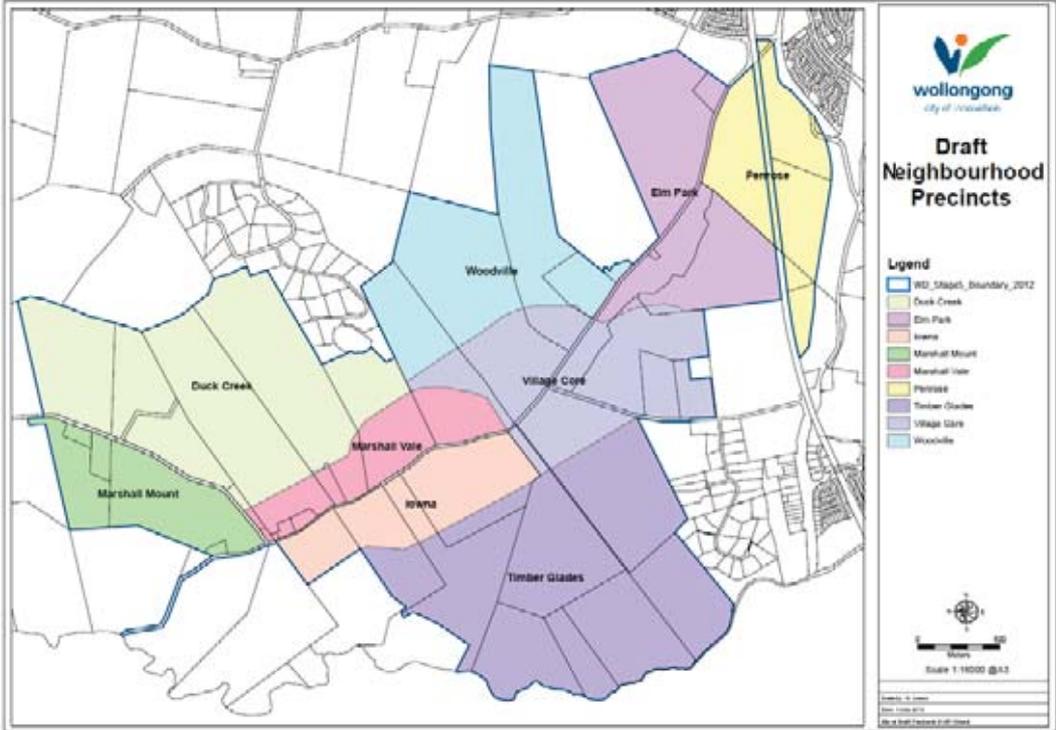
This area is located to the south of the Transgrid easement and between the easement and Marshall Mount Creek/Macquarie Rivulet. This Neighbourhood contains large areas of significant bushland, with potential opportunities for limited rural-residential development. There is an area with potential for low density residential development adjacent to the Transgrid easement, close to the Village Core Neighbourhood.

Mountain View Neighbourhood

This neighbourhood is located toward the eastern end of Marshall Mount Road, between the TAFE site and the Transgrid substation. Much of this Neighbourhood is potentially flood affected and also contains large areas of significant bushland. There are smaller pockets of land suitable for residential and rural residential development.

Penrose Heritage Neighbourhood

Located to the east of the railway line between the railway line and the Freeway, this Neighbourhood contains the historic "Penrose" farm buildings. The Neighbourhood has limited access and also contains areas of significant [potential flood affectation. There are limited rural residential opportunities which enable development to occur on developable sites whilst providing future stewardship of non-developable areas.



SUMMARY OF SUBMISSIONS

YALLAH-MARSHALL MOUNT PRECINCT, EXHIBITION OF DRAFT STRUCTURE PLAN AND DRAFT PLANNING PROPOSAL

Landowner Submissions

| | SUBMISSION | RESPONSE |
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| 1 | <p>SET Consultant for Y-MM Landowner</p> <ul style="list-style-type: none"> • The rural residential areas are not sustainable and sterilize land for low density housing. • The proposed E2 zone for the small creek draining from the Cedars Estate is too wide and sterilises developable land. • The proposed 40 Ha minimum for this corridor leaves too much land for an owner to maintain. • The proposed E4 area to the south of Cedars should be R2 Low Density Residential, as it capable of being serviced and would add to population density. • The proposed E4 zone on “Cavan” property sterilises potential residential land and should be R2 Low Density Residential. | <ul style="list-style-type: none"> • The Structure Plan provides for higher residential densities close to the village centre and main transport routes. It is intentional that those areas further away are of lower density. The Structure Plan also utilises large lots to enable stewardship of environmentally sensitive land, constrained land and to minimize edge effects on environmental land. The planning proposal includes the use of a lot averaging clause to allow for flexibility in larger lot sizes whilst not increasing development yields. Council has already reduced minimum lot sizes for rural-residential development within the precinct as a result of landholder submissions during the evolution of the Structure Plan. The minimum lot sizes also take into account servicing issues and on-site wastewater management. This enables some development within areas away from water and sewer services. The creek corridor takes into account potential flood impacts and a desire for the creek to assist in future ecological links. • The proposed E4 area has been reduced to 1000m² for the “Majella” site, which is effectively large lot residential. • The E4 area on the “Cavan” property is isolated, away from the main transport routes and the planning proposal has considered the potential edge effects on the E2 area to the north. <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 2 | <p>Y-MM landowner</p> <ul style="list-style-type: none"> • Moved from Wongawilli recently to get away from West Dapto. Beautiful areas should not be turned into housing. • This will destroy the last flora and fauna corridor. • It will destroy the heritage and farming history of Marshall Mount. | <ul style="list-style-type: none"> • This precinct has been identified as part of the West Dapto Urban Release Area for many years and is identified in the Illawarra Regional Strategy as a future urban area. • The planning proposal seeks to preserve the ecologically sensitive areas. • Local heritage items have been identified in the planning proposal. <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 3 | <p>Y-MM landowner</p> <ul style="list-style-type: none"> • Want to extend IN2 Light Industrial zoning further to the west on Lot 1 DP 234771 as employment lands are needed near the village centre. This would assist in reducing vehicle demands on regional | <ul style="list-style-type: none"> • The Structure Plan at an earlier stage of development proposed IN2 Light Industrial on this site closer to Yallah Road, but altered to R3 Medium Density in order to provide needed residential density close to the village centre. In conjunction with the Transgrid site, additional |

| | SUBMISSION | RESPONSE |
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| | roads. | <p>light industrial land can be considered on the western side of the creek line.</p> <p>Recommendation: The draft Planning Proposal be amended to rezone the land on the western side of the creek to IN2.</p> |
| 4 | <p>Y-MM landowner</p> <ul style="list-style-type: none"> Support the planning proposal. Want 6m height limits changed to 9 or 11m height limits. | <ul style="list-style-type: none"> Wollongong Local Environmental Plan 2009 has 9m height limits within rural areas. It is recommended that the 6m and 8m height limit areas be changed to 9m. This change would also be consistent with NSW Planning and Environment's suggested height limit. <p>Recommendation: Change 6m height limits to 9m.</p> |
| 5 | <p>Y-MM landowner</p> <ul style="list-style-type: none"> Active street frontage requirements should also apply to B4 land within the village centre. The B4 land should be built to the front boundary to maintain a traditional village centre image. B4 land should have a 200m² minimum lot size to encourage a fine-grained and interesting village centre. | <ul style="list-style-type: none"> The B4 area is likely to have ground floor residential uses, with potential to be converted to commercial if demand exists. The active street frontage clause would contradict this aim. Building setbacks will be contained within a Development Control Plan. The minimum lot size will be kept at 300m² in order to encourage medium density development. <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 6 | <p>Y-MM landowner</p> <ul style="list-style-type: none"> Want 5,000m² minimum lot size for the proposed E4 land reduced to 3,000m². This lot size will still enable envirocycle sewerage systems to service the development. | <ul style="list-style-type: none"> Council should maintain the minimum lot size proposed. Council has already reviewed and amended the rural-residential minimum lot sizes. Council will also extend the lot averaging clause to this area enable greater flexibility in locating dwellings, with some lots being below the minimum lot size. (Other submissions have requested 1 hectare minimum lot sizes in this area.) <p>Recommendation: The draft Planning Proposal be amended to allow lot averaging in E4 zones.</p> |
| 7 | <p>Miltonbrook for Y-MM landowner</p> <ul style="list-style-type: none"> Want additional development of land in an area north of the village centre on Marshall Mount Road (the area where Duck Creek and a smaller creek east of Marshall Mount Road join) and want 1,000m² minimum lot sizes within this area subject to culverts being put under Marshall Mount Road. | <ul style="list-style-type: none"> At this stage it is unclear whether Marshall Mount Road will be upgraded to be trafficable in a 1:100 flood event. The access to this section of the property may not be available if the road is upgraded to a 1:100 flood event. Additionally, there may be a bridge in this location which may restrict access. At this time no additional dwellings are recommended in this area due to the personal risk to occupants during flood events and lack of access. The request for additional development opportunities is not supported. <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 8 | <p>Y-MM landowner</p> <ul style="list-style-type: none"> Oppose development as they bought in the area for the lifestyle. | <ul style="list-style-type: none"> The precinct has been identified for a number of years as an urban release area. Adjoining minimum lot sizes along North Marshall Mount |

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| | <ul style="list-style-type: none"> Adjoining lots should be greater than 1 hectare minimum as no services are available (North Marshall Mount Road). | <p>Road are proposed to have 5,000m² (½ hectare) minimum lot sizes. This is sufficient to enable on site wastewater disposal. (Other submissions have requested 3000m² minimum lot sizes in this area).</p> <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 9 | <p>Y-MM landowner</p> <ul style="list-style-type: none"> Intend to continue to use property for cattle production – oppose development The five principles are not met in all areas. Small lot sizes and 11-15m height limits will not preserve scenery and views. Rural residential lots proposed to be 5,000m² along North Marshall Mount Road should not be smaller than 1 hectare in size. Water quality to Duck Creek and Lake Illawarra will suffer. No development should occur before the area is fully serviced. Much of the planning appears to follow the Tullimbar model of development, which has failed to take off. Rural lands need to be conserved. High density living will not foster community pride. We need to see larger lot sizes. An idea before its time is useless. Future generations should be able to enjoy the scenery, ecology and heritage of Yallah-Marshall Mount. | <ul style="list-style-type: none"> Existing rural uses can continue. The structure plan utilises higher densities around transport links and proposed village centre and larger lots on the fringe areas to avoid a “blanket” of suburbia and to preserve significant vegetation on the ridgelines. The proposed 5,000m² rural residential lots are large enough for on-site waste water management and to provide sufficient asset protection zones from adjacent bush land areas. (Other submissions have requested 3000m² minimum lot sizes in this area). A water cycle management study has been undertaken as part of the project, to protect water quality in the catchment and downstream. The vision for Yallah-Marshall Mount is not the current conventional suburban development. Whilst this does present challenges, it sets a long term vision for a more sustainable urban outcome, in which the community can feel proud. While the area has current rural uses, it has long been identified as an urban release area. The main development areas within the precinct will not be able to be developed until the area is serviced. Large rural-residential lots are able to contain their own water and wastewater systems on-site. <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 10 | <p>Y-MM landowner</p> <ul style="list-style-type: none"> Support the overarching objectives of the plan. Active street frontage clause should apply to whole of village centre. There should be zero front setback for buildings in the village centre. Need a specialist input into a development control plan in keeping with Gehl Architects. Need design criteria for vertical proportions and good architectural qualities. Need a village square in the village centre. Need service sector land for “non-high street services”. Duck Creek would be suitable for a significant playground (e.g. Blaxland Riverside Park, Homebush). It should be a public linear regional park. Subdivision of | <ul style="list-style-type: none"> Active street frontage clause would not be suitable for the ground floor residential proposed within B4 area. The developer will need to have an approved neighbourhood plan in place prior to development. The concept plan for the village centre includes a village square. The B4 land provides for supporting businesses that do not fit into the main street frontage. It is likely that much of the creek line would end up in public ownership. Playing fields and recreational playground areas are proposed near the village centre and near the intersection of Marshall Mount Road and North Marshall Mount Road. The proposed E4 lots in the North Marshall Mount Road area are proposed to remain at 5,000m² |

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| | <p>this corridor should not be permitted.</p> <ul style="list-style-type: none"> • Support protection of conservation areas and bio-certification. • Proposed E4 lots should be smaller – 3,000m² to enable management. • A lot averaging clause could work well. • Smaller housing lots should be permitted along Marshall Mount Road (between North Marshall Mount Road and the Calderwood development area). • Smaller lots along public transport corridors are supported. | <ul style="list-style-type: none"> • The planning proposal includes a lot averaging clause which will include E4 land. • A number of small lot opportunities have been provided along Marshall Mount Road. These are in the best location to take advantage of future through and loop public transport routes. <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 11 | <p>Miltonbrook for Y-MM landowner</p> <ul style="list-style-type: none"> • The creek buffers for the creek (up-stream of the Yallah Road crossing) are too wide, suggest a 50m wide buffer is sufficient for offsetting. Flood impact is minimal. • 300m² minimum lot size is too big for centre – suggest 200m². • Active street frontages should apply to the whole village centre. • Building height limits of 6m in the “E” zones are too low. • Minimum lot sizes of 1 hectare are too large and should be 5,000m². • The E2 zone should be reduced on the site and the minimum lot size reduced. • The area covered by the Natural Resources Sensitivity – Biodiversity map over the proposed R2 zone should be removed. | <ul style="list-style-type: none"> • The creek buffer includes areas subject to flood, areas of significant vegetation and potential Aboriginal heritage. This creek line could also link significant vegetation to the south. The site also has a wide area of scattered trees which is proposed to be zoned R2 Low Density Residential, while the creek area could offset this loss. • 300m² is sufficient for a general subdivision standard. Smaller commercial units could be developed as part of a designed building. • The active street frontages clause will apply to the main retail/commercial frontage. The B4 area is proposed to be a mix of development, including ground flood residential. • Building heights will be changed to 9m in the “E” zones to be consistent with Wollongong Local Environmental Plan 2009. • The minimum lot size for the E4 area is proposed to be 1 hectare. These are in keeping with adjoining development in Larkins Lane and provides for appropriate buffers from the significant vegetation on site. • The E2 zone is recommended to remain. The NSW Office of Environment and Heritage has requested that the smaller patches of E2 land be consolidated into larger areas to provide better protection and buffering. • The area covered by the Natural Resources Sensitivity – Biodiversity mapping is recommended to remain, as the bio-certification for the West Dapto Urban Release Area is not yet finalised. <p>Recommendation: Change building heights in rural areas to 9m in keeping with Wollongong LEP 2009. Change E2 zoning in the upper reaches of the creek line in accordance with OEH request.</p> |
| 12 | <p>SET Consultant for Y-MM Landowner</p> <ul style="list-style-type: none"> • Are concerned over the extent of the E2 Conservation areas compared to neighbouring properties. • Want to consider lot averaging clause for the E2 portion (which has two existing dwellings). • The E4 Environmental Living zone should | <ul style="list-style-type: none"> • The extent of the E2 zone in the proposal is due to the extent of significant vegetation over the site. • Council can consider applying the lot averaging clause to the existing dwellings on site, to assist in the best management outcome for the significant vegetation. • The E4 Environmental Living zone is |

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| | be changed to R2 Low Density Residential, as this will generate greater lot yields which would help the proposed village centre and Section 94 funding. | recommended to be retained, as the site is away from the main development area, away from potential public transport routes and is not proposed to be serviced. Rural-residential development would have less edge effects on the significant vegetation on site. Recommendation: The draft Planning Proposal be amended to allow lot averaging on Lot 5 DP 241143 |
| 13 | Transgrid (as a landowner) <ul style="list-style-type: none"> Want to have residential development on the flood free, cleared land to the north-northwest of the sub-station. Want smaller minimum lot size for RU2 area to the east of the rail line. Want to have the E2 zone changed to E3 or RU2. | <ul style="list-style-type: none"> The flood free area in question could support larger lots which could provide stewardship for some of the constrained (flood vegetation) areas of the site. E4 Environmental Living zone would be appropriate. The smaller minimum lot size could be incorporated with the adjoining property, however the site has easements, electricity infrastructure and flood affectation. The proposed E2 zones should remain to protect significant vegetation. Recommendation: The draft Planning Proposal be amended to add an E4 zone, with associated changes to minimum lot size (5000sqm lots) and 12m height limits on part of Lot 2 DP 234771. |

Community Submissions

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| 1 | Save Marshall Mount Association <ul style="list-style-type: none"> This Plan is just as flawed as Calderwood. The valley was intended as a riparian corridor from Lake Illawarra to Calderwood. The proposal would reduce available farmland. This is a speculative development similar to the failed "New Urban" attempt at Albion Park and is out of character with an existing rural environment. The plan should provide opportunities for eco-tourism and market gardens. The area is needed for food security. A Duck Creek Flood Study needs to be done, as the proposal would increase flooding. The proposal will impact on food and agriculture, landscape, flooding, riparian corridors, flora and fauna. | <ul style="list-style-type: none"> The study area is identified as part of the West Dapto Urban Release Area. It is intended that the character of the area will change to an urban environment. The proposal provides for rural and rural-residential areas which would allow opportunities for market gardens. The NSW Illawarra Regional Strategy identifies the area for future urban development, not as a rural resource area. A Duck Creek Flood Study was completed (February 2012) and exhibited with the planning proposal. The planning proposal seeks to implement the proposed urban development of the precinct whilst conserving the ecological and scenic areas. Recommendation: No change be made to the Planning Proposal. |
| 2 | Resident – outside Y-MM (email) <ul style="list-style-type: none"> Natural watercourses are a threat and will impact on future maintenance requirements, which would likely fail. The natural corridor between the ocean and the escarpment would be lost. | <ul style="list-style-type: none"> The Structure Plan avoids placing development within high hazard areas. The Structure Plan seeks to preserve the ecologically sensitive areas. The Structure Plan aims to focus development on transport links, rather than a "blanket" of |

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| | <ul style="list-style-type: none"> • Wall to Wall “legoland” covered in concrete would not be good for people or the environment. | <p>suburbia. The proposal encourages a diverse range of housing types.</p> <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 3 | <p>Resident – North Marshall Mount</p> <ul style="list-style-type: none"> • Active street frontage should cover the B2 and B4 zones. • Through traffic should be diverted around the village centre, with parking at the rear of buildings to encourage a village atmosphere. • The village should be provided with a village square – either at the village centre or heritage precinct. • Walking and cycle paths should be provided within the Duck Creek corridor to Lake Illawarra. • The Duck Creek corridor should be re-vegetated and in public ownership. • The range of lot sizes and styles should be retained. • A community centre, school and playing fields should be provided. • The protection of significant vegetation is supported. • The bio-certification of West Dapto is supported. • The E3 zone on the drainage/flood corridor along Marshall Mount Road should be minimized to allow extra dwellings on the road route. • Council should consider the remaining zonings within the Duck Creek valley (the area along North Marshall Mount Road outside the study area). | <ul style="list-style-type: none"> • The B2 zone is proposed to be subject to the active street front clause, so there will be shops adjacent to the footpath. The B4 area is not suitable for the active street frontage clause due to proposed ground level residential uses. • Through traffic is intended to be diverted around the village centre. It is anticipated that rear parking and on-street parking would be provided. • A village square is part of the village centre concept plan. • The Duck Creek corridor has opportunities for cycle and pedestrian uses. • The re-vegetation of much of the Duck Creek corridor would need to conform to flood impact requirements, which limits the potential for full vegetation. • It is anticipated that the main Duck Creek channel would end up in public ownership as the area is developed. • The planning proposal seeks to achieve a wide range of lot sizes and housing styles. • The structure plan provides opportunity for a school to co-locate with playing fields near the village centre. There are opportunities for a community centre to locate within the village centre. • The structure plan supports the retention of significant vegetation. • Council is continuing with the bio-certification process for West Dapto, which includes the Yallah-Marshall Mount precinct. • The creek lines run very close to Marshall Mount Road in some sections. The structure plan has sought to maximize the dwelling yields along Marshall Mount Road. • Council was in discussion with some landowners within the western section of North Marshall Mount Road regarding landowners grouping together to consider development potential. The proposal did not generate much support from the landowners. Council could consider the future potential of the western area of North Marshall Mount Road as part of a future project. <p>Recommendation: No change be made to the Planning Proposal.</p> |
| 4 | <p>Resident - Avondale</p> <ul style="list-style-type: none"> • Adjoins development area (Cedars Estate). • Bought in this area to have small acreage block surrounded by large acreage farms and thought urban development would be | <ul style="list-style-type: none"> • The area has been identified as part of the West Dapto Urban Release Area for a long time and is identified in the Illawarra Regional Strategy. • This precinct was identified as a “floating” stage that could proceed when servicing is available. |

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| | years away – how can it happen before the other stages? | It is likely that development of this precinct will take place over a long period. Recommendation: No change be made to the Planning Proposal. |
| 5 | <p>JBA for Lead Lease (Calderwood)</p> <ul style="list-style-type: none"> The proposal may not be commercially viable and should be subject to the urban feasibility model assessment. There is insufficient justification and documentation to support rezoning. The documentation does not meet with the Department of Planning and Infrastructure requirements. The proposal does not provide a detailed master plan for development and does not justify densities. The implications for the Calderwood Urban Development Project (social, economic, Section 94) need to be addressed. The proposal does not implicitly state that Calderwood has been considered. The Yallah-Marshall Mount project will not facilitate immediate housing supply. The fragmented ownership patterns have implications for servicing delivery and consequent Section 94 funding of infrastructure. There are implementation barriers to Yallah-Marshall Mount proceeding and no infrastructure servicing strategy for the precinct. Details of government agency consultation should be included. | <ul style="list-style-type: none"> The development industry will determine if and when the vision for Yallah-Marshall Mount becomes viable. The proposal sets a long-term vision for the future of the precinct, which may take time to come to fruition. Council has undertaken a number of workshops and studies as part of the Yallah-Marshall Mount planning. And has worked with the Department of Planning and Infrastructure (now Planning and Environment) on the studies and plan. The planning proposal considers the proximity of the Calderwood Urban Development Project and the structure plan provides options for road upgrades that would serve traffic for both Yallah-Marshall Mount and Calderwood. The traffic study considers the traffic generation from future Calderwood traffic as well as the West Dapto urban release area. The Yallah-Marshall Mount precinct provides a long-term vision for future housing. Due to the wide range of housing types, some development (such as rural-residential) could proceed quickly. Sydney Water has also advised that they are planning to bring forward their servicing strategy for the precinct. Neighbourhood precincts will not be able to be developed until the land has appropriate services available. <p>Recommendation: No change be made to the Planning Proposal.</p> |

Agency Submissions

| | SUBMISSION | RESPONSE |
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| 1 | <p>NSW Rural Fire Service:</p> <ul style="list-style-type: none"> Concurs with the bush fire study. Advise that future development should comply with “Planning for Bush Fire Protection” requirements. | <ul style="list-style-type: none"> Advice noted. |
| 2 | <p>Department of Primary Industries:</p> <ul style="list-style-type: none"> Seek no net loss of fish habitat. Seek riparian buffer zones to Duck Creek. | <ul style="list-style-type: none"> Advice noted. Duck Creek does have buffer areas. There is not anticipated loss of fish habitat. |
| 3 | <p>Sydney Water:</p> <ul style="list-style-type: none"> Will continue work on servicing the precinct. Recommends the “Village Cove”, “Elm Park” and “Penrose” neighbourhoods. Planning would be undertaken in the 2014/2015 financial year with initial | <ul style="list-style-type: none"> Advice noted. |

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| | infrastructure works expected to be delivered in 2017. | |
| 4 | Trade Investment and Crown Lands: <ul style="list-style-type: none"> No objection to the proposed rezonings. The Crown road (Marshall Mount Road) should be transferred to Wollongong City Council. | <ul style="list-style-type: none"> Advice noted. |
| 5 | NSW Office of Environment and Heritage: <ul style="list-style-type: none"> Flood modelling is not consistent with the surrounding areas and studies. OEH are concerned that the modelled flood behaviour is not reliable and may result in a substantial increase in government spending on flood management measures. Seek a minimum lot size of 40 ha for E2 zoned areas as smaller lot sizes and lot averaging clause will likely lead to degraded conservation areas. High Conservation areas should be buffered. Aboriginal Heritage Study outcomes are not justified. OEH does not support the findings that no further work is required to characterize sub-surface deposits. OEH note a considerable surplus of urban land in the "The Illawarra over the next 20 years" discussion paper and seek deferral of the Yallah-Marshall Mount precinct until biodiversity certification of the West Dapto Urban Release Area is approved. Deferral of the rezoning would also allow time to address the concerns. | <ul style="list-style-type: none"> Council's flood consultant has reviewed and addressed the comments provided by OEH. Council's Floodplain Strategy Unit are satisfied that the flood study reflects the potential flooding conditions within the Duck Creek catchment. Some E2 areas are proposed for 40 hectare minimum lot sizes. Some smaller stands of vegetation are not able to be practically incorporated into a 40 hectare lot but could be protected as part of smaller, split zone rural-residential lots. The structure plan provides for roads, asset protection zones and buffer areas to be within the development areas. The Aboriginal Heritage Study was undertaken in conjunction with Aboriginal representatives. The Aboriginal Heritage Study is considered sufficient to inform the zoning of the precinct. More detailed assessment of particular areas can be carried out if/when those areas are considered for development according to the best-practice methods available at that time. It is more appropriate to undertake these further studies during the neighbourhood planning stage. The Yallah-Marshall Mount precinct provides a long term development precinct for the West Dapto Urban Release Area. Whilst this is a long term vision, the former Department of Planning and Infrastructure (now NSW Planning and Environment) has indicated that it seeks the rezoning of the precinct. |
| 6 | Department of Planning and Infrastructure (now NSW Planning and Environment): <ul style="list-style-type: none"> Height limits of 6m and 8m could be revised in line with LEP 2009 rural and escarpment area limit of 9m, noting that the Rural Housing Code permits development up to 10m in height. Acknowledge Council's reasons for not supporting development on isolated spots within a flood precinct along Marshall Mount Road, but consider that should safe access issues be resolved in the future, this area could be considered for future development. | <ul style="list-style-type: none"> Height limits have been revised in these areas to 9m for consistency with Wollongong Local Environment Plan 2009. The structure plan has avoided intensifying development in this area. Should circumstances change through provision of appropriate flood engineering within the area leading to this property, Council could consider a future rezoning. It is not considered appropriate to rezone at this time. <p>Recommendation: The draft Planning Proposal be amended to revise the building height limits to 9m.</p> |
| 7 | Roads and Maritime Services: Original submission: | <ul style="list-style-type: none"> Council has a concept plan for the long-term connection from Yallah Road, under the proposed Albion Park Bypass. |

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| | <ul style="list-style-type: none"> • Not satisfied that short term or long term plans to manage traffic are in place. • Need to work through the integration with the Albion Park Bypass. • Need to plan and consider funding for short and long term road upgrades. <p>Second submission:</p> <ul style="list-style-type: none"> • Has no objection to the planning proposal, subject to continuing collaborative work with Council to identify the long term solutions for the precinct. | <ul style="list-style-type: none"> • Council has undertaken short term (2021) modelling for the precinct which suggests that the minor increases in traffic (including additional development from Yallah-Marshall Mount and Calderwood) could be accommodated with minor signage and revised speed limits. • Council is continuing to work on the timing and funding for the West Dapto Access Strategy. <p>Recommendation: Continue to work with the RMS on access arrangements.</p> |

Changes to Structure Plan (October 2014)

Legend

-  800m Radius
-  Proposed Road Layout
-  WD Stage5 Boundary
-  Employment
-  School
-  Mixed Use
-  Conservation
-  Low Density Residential
-  Medium Density Residential
-  Recreation
-  Rural
-  Rural Residential
-  Semi Rural
-  Town Centre
-  Riparian Conservation

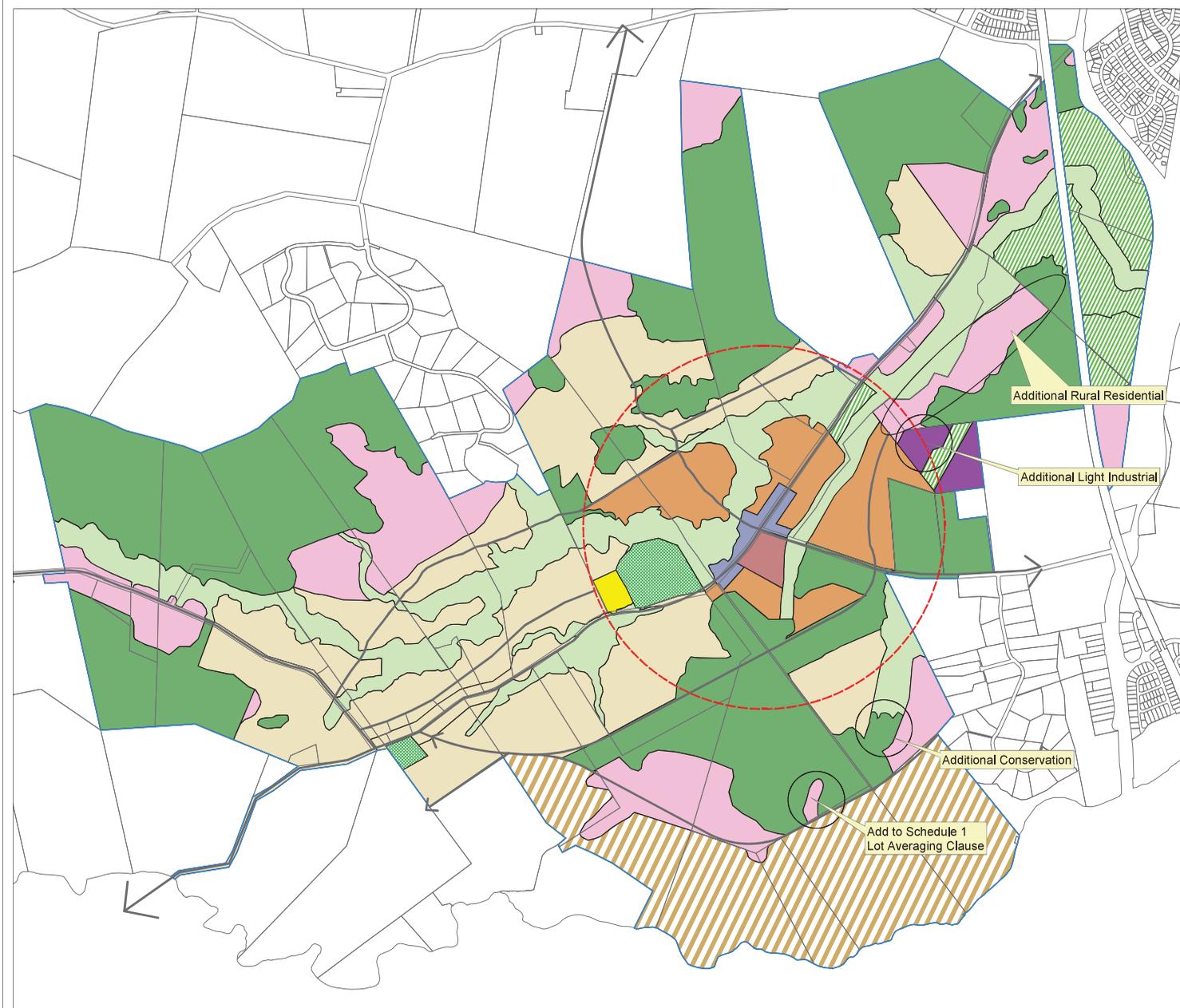


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Drawn By: H. Jones

Date: 03 October 2014

Gis ref: Draft DSP 2014 v 2 03,11,14.mxd



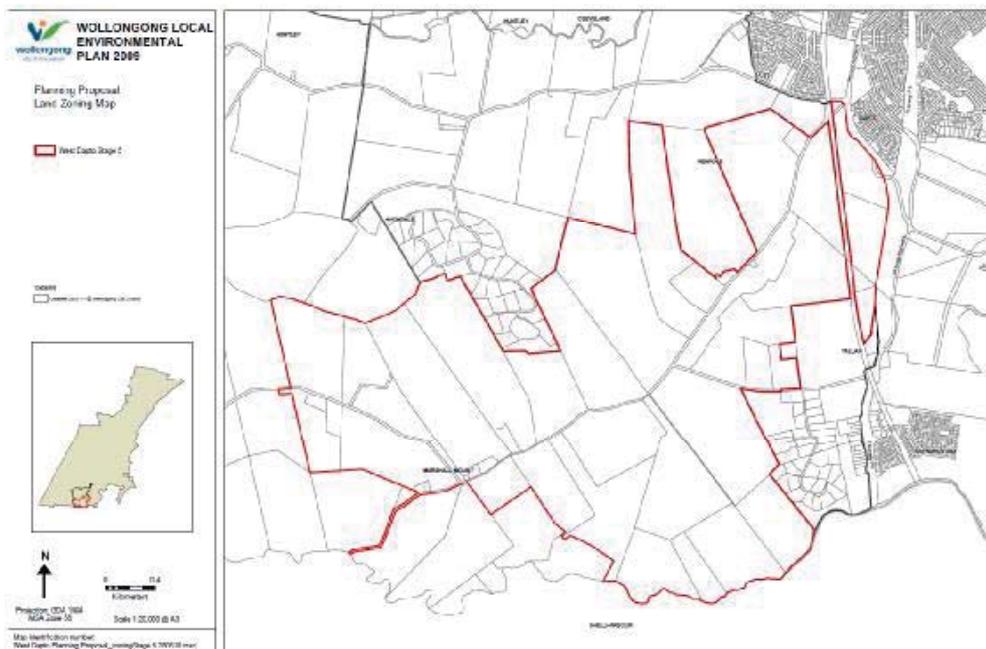
Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong

ADDRESS OF LAND: various sites within the Yallah-Marshall Mount precinct

MAPS:

Location map:



DESCRIPTION OF LAND: The site is situated on the lower slopes of the Illawarra Escarpment and has a total area of 1005 hectares. There the site has been used for grazing and cattle farming. The site is made up of cleared grasslands and remnant trees with a mostly cleared understory. Portions of the site are vegetated and Endangered Ecological Communities are located on the site according to Council's records. The Duck Creek and a number of smaller riparian corridors run across the site.

Surrounding development consists of rural properties, with Shellharbour Local Government Area and the proposed Calderwood release area to the south, rural lands to the west and proposed stages 3 & 4 of the West Dapto Urban Release area to the south. Access to the area is currently off Calderwood Road to the southwest, Yallah Road to the east and Marshall Mount Road to the north.

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF PROPOSED LEP:

Concise statement setting out objectives or intended outcomes of the planning proposal.

To allow development of the precinct as an urban release area (residential, commercial, open space, environmental and employment lands uses).

Part 2: EXPLANATION OF THE PROVISIONS OF PROPOSED LEP:

Statement of how the objectives or intended outcomes are to be achieved by means of new controls on development imposed via a LEP.

1. The repeal of Wollongong LEP No. 38 and Wollongong LEP 1990 from applying to the area.
2. The transfer of the following items of heritage significance within the area from the Wollongong LEP 1990 to Schedule 5 the Wollongong LEP 2009:

| Suburb | Item name | Address | Property description | Significance | Item No |
|----------------|-----------------------------------------------------|-------------------------|----------------------|--------------|---------|
| Dapto | House "Penrose", formerly Penrose Villa | 480 Princes Highway | Lot 2, DP 608205 | Local | 5917 |
| Marshall Mount | Former Marshall Mount School and Master's residence | 456 Marshall Mount Road | Lot 100, DP 712786 | Local | 5983 |
| Marshall Mount | Marshall Mount Progress Association hall | 450 Marshall Mount Road | Lot 1, DP 396100 | Local | 61027 |

3. The amendment of the following maps in the Wollongong LEP 2009.
 - a. Land Application Map;
 - b. Land Zoning Map;
 - c. Lot Size Map;
 - d. Height of Buildings Map;
 - e. Floor Space Ratio Map;
 - f. Heritage Map;
 - g. Acid Sulfate Soils, Riparian Land and Flood Planning Map;
 - h. Land Reservation Acquisition Map; and
 - i. Active Street Frontage Map.
4. The insertion of the following clauses into the Wollongong LEP 2009 in Part 7:
 - Active street frontages – copy from Rockdale LEP 2011 clause 6.11 but amend subclause (1) to refer to B1, B2, B3 and B4 zones. Amend subclause (6) to refer to Wollongong LEP 2009. Also include an additional subclause that allows ground floor unit to be adaptable/convertible for temporary residential use, pending sufficient retail demand.
 - Lot averaging clause – copy from Eurobodalla LEP 2012 clause 4.1E. In the heading and subclause (1) include reference to RU2 and E3 and E4 zones within the Yallah-Marshall Mount precinct.
 - Add low impact camping on Lot 4 DP 608205, 54 Marshall Mount Road, Penrose to Schedule 1 of the LEP.
 - Add use lot averaging clause for subdivision of two existing dwellings on Lot 5 DP 24143, No 297 Marshall Mount Road, Marshall Mount to Schedule 1 of the LEP.

Part 3: JUSTIFICATION OF OBJECTIVES, OUTCOMES AND PROVISIONS AND PROCESSES FOR THEIR IMPLEMENTATION:

Section A – Need for the planning proposal

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| <p>1. Is the planning proposal a result of any strategic study or report?</p> | <p>The proposal The Yallah-Marshall Mount precinct was considered as Stage 5 of the West Dapto Release Area. The Draft West Dapto Local Environmental Plan and supporting documents were exhibited in 2007-2008.</p> <p>In May 2008 Council engaged the Growth Centres Commission to review the draft zonings for the release area. Following consideration of the Growth Centres Commission recommendations and representations from land owners, Council abandoned its previous draft zonings for the Yallah Marshall Mount area, and has commenced planning the Yallah - Marshall Mount precinct from a fresh perspective.</p> <p>Council has completed the Duck Creek Flood Study and held a two day enquiry by design workshop. The enquiry by design workshop has resulted in the creation of a draft structure plan, which has been used as the basis for further precinct planning work.</p> <p>Council has completed a number of studies to inform the draft structure plan, and has also incorporated changes to the structure plan as a result of submissions made by landholders following the exhibition of the Planning Proposal and draft structure plan. The structure plan is still substantially the same as the one originating from the Enquiry by Design workshop.</p> |
| <p>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</p> | <p>The planning proposal is evolved from an Enquiry by Design workshop held in March 2011. The planning proposal is considered the best way of achieving the stated objective of preparing a plan for Stage 5 of the West Dapto Urban Release Area.</p> |
| <p>3. Is there a net community benefit?</p> | <p>The precinct is required for the long term future urban needs of the Wollongong community, and is identified as such in the Illawarra Regional Strategy and in the draft Illawarra Regional Growth and Infrastructure Plan 2014.</p> |

Section B – Relationship to strategic planning framework

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| <p>4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?</p> | <p>Yes, the proposal is consistent with the Illawarra Regional Strategy 2007 and draft Illawarra Regional Growth and Infrastructure Plan 2014, which identifies the precinct within the West Dapto Urban Release Area. The West Dapto Urban Release Area is the final remaining large Greenfield release area within the Wollongong Local Government Area.</p> |
| <p>5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?</p> | <p>Council currently has Community Strategic Plan 2022. The planning proposal is consistent with this overall vision. The planning proposal intends to provide for increased variety of housing choice, which is consistent with the Community Strategic Plan 2022.</p> <p>An action in the 2012-13 Annual Plan was to complete the Yallah-Marshall Mount studies.</p> |

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| <p>6. Is the planning proposal consistent with applicable state environmental planning policies?</p> | <p>SEPP 55 – Remediation of Land applies to sites which are suspected of contamination. Further study will be required for any sites which may be contaminated. This is best carried out as individual neighbourhood areas within the precinct are developed, as many landholders intend to continue their present land uses for an indefinite period.</p> <p>SEPP (Infrastructure) 2008 – Complies.</p> <p>SEPP (Rural Lands) 2008 - Although not applying to the planning proposal, the principles of this SEPP have been considered during the development of the plan. The area is identified as an urban release area under the Illawarra Regional Strategy, which will result in an inevitable change for the current rural land uses if the strategy is to be achieved. Refinement of the structure plan has considered the interaction of the proposed development with existing agricultural activities, particularly as some landholders intend to continue their existing agricultural operations.</p> |
| <p>7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?</p> | <p>The proposal has been considered in accordance with the following Ministerial directions:</p> <p>1.1 Business and Industrial Zones – The planning proposal affects some Industrial land. The affected land is largely undeveloped land, with a small portion previously used as an abattoir. The planning proposal identifies new land for business and employment uses in accordance with the structure plan developed in conjunction with background studies.</p> <p>1.2 Rural Zones – The planning proposal applies to areas covered by rural zones; however the planning proposal is consistent with the Illawarra Regional Strategy, which identifies the area as being part of an urban release area. The study into the precinct and its status as an urban release area justifies the inconsistency.</p> <p>1.3 Mining, Petroleum Production & Extractive Industries – NA.</p> <p>1.4 Oyster Aquaculture – NA.</p> <p>1.5 Rural Lands - NA.</p> <p>2.1 Environment Protection Zones - The planning proposal applies to areas covered by environmental zones; however the planning proposal is consistent with the Illawarra Regional Strategy, which identifies the precinct as being part of an urban release area. Further work has been undertaken to refine habitat boundaries, vegetation boundaries and identify potential options to resolve stewardship issues. The planning proposal adopts a “stepping stone” approach, preserving the various stands of significant vegetation, representing the gradation of vegetation types from the Marshall Mount hills to the lower areas of Duck Creek, leading to Lake Illawarra. While potential revegetation of Duck</p> |

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| | <p>Creek is limited due to potential impacts on flood flows, a number of smaller tributaries have potential for revegetation to occur that would assist in linking the significant vegetation patches. The planning proposal seeks to maximise development around the village centre and along transport routes, with lower densities in the fringe areas allowing for environmental outcomes. The work undertaken on the planning proposal has considered the objective of this direction and devised an appropriate conservation outcome, in accordance with the Illawarra Regional Strategy.</p> <p>2.2 Coastal Protection – NA.</p> <p>2.3 Heritage Conservation – The subject area includes items of built and environmental heritage, and potential for Aboriginal heritage. Further study has been undertaken to refine the areas of potential Aboriginal heritage. The development areas within the structure plan have avoided the sensitive areas. Aboriginal heritage items have not been mapped in the planning proposal due to sensitivity of mapping Aboriginal heritage items. Further detailed assessment of individual areas is best carried out as individual neighbourhood plans within the precinct are developed, as many landholders intend to continue their present land uses for an indefinite period. Council has revised the European and landscape heritage items listed under Wollongong Local Environmental Plan 1990 and made revision to curtilages of items. Landscape items have been removed, as the significant landscape areas are zoned for conservation purposes.</p> <p>2.4 Recreation Vehicle Areas – NA.</p> <p>3.1 Residential Zones – The planning proposal would involve the creation of new residential zones. The draft structure plan provides for a variety of housing types. The planning proposal would amend Wollongong Local Environmental Plan 2009, which already contains clauses requiring infrastructure provision prior to development occurring. The precinct will involve significant decisions by government agencies and Council regarding infrastructure provision prior to the physical development of the precinct. Interagency groups are progressing ongoing discussions regarding servicing and access for the West Dapto urban release area, of which this planning proposal covers Stage 5.</p> <p>3.2 Caravan Parks and Manufactured Homes – The planning proposal has not identified land within the precinct suitable for this form of development. The planning proposal is based on the work and studies undertaken in accordance with the objectives of this direction.</p> <p>3.3 Home Occupations – The planning proposal will</p> |
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| | <p>comply.</p> <p>3.4 Integrating Land Use and Transport – The Enquiry by design workshop and resulting structure plan considers the integration of land use and transport. The planning proposal seeks to maximise densities around the proposed village centre and to create a more sustainable urban form. Smaller lot sizes are proposed along main road links in order to maximise the potential access to public transport routes. Larger lots and rural-residential development are proposed away from the village centre and transport routes to reduce the potential population in areas with unlikely access to future public transport. Ongoing discussions with government agencies are being undertaken as part of the West Dapto Access Strategy. Road upgrades will be necessary for development of the precinct to proceed. It is anticipated that short term development of the precinct would be limited. In the long term, Marshall Mount Road will need to be widened and intersections connecting to the Princes Highway upgraded. In the long term, significant upgrades to the Southern Freeway and Yallah Road intersection would be required. Concept plans for interaction between the Albion Park Bypass and upgraded Yallah Road have been discussed with NSW Roads and Maritime Services. Yallah Road is expected to be realigned and upgraded to be the emergency flood access route to the precinct.</p> <p>3.5 Development Near Licensed Aerodromes – The area covered by the planning proposal is outside the 20 ANEF contour.</p> <p>3.6 Shooting Ranges – NA.</p> <p>4.1 Acid Sulphate Soils – There are some minor acid sulphate soils on the fringes of the study area around Macquarie Rivulet. These are of minor significance. The area's most significantly affected are proposed for conservation uses. Clause 7.5 of the Wollongong Local Environmental Plan 2009 provides appropriate controls for development of land subject to Acid Sulfate Soils. Where development opportunities exist on land within this area, larger lots of 5000sqm to 1ha are proposed to minimise impacts.</p> <p>4.2 Mine Subsidence and Unstable Land – NA.</p> <p>4.3 Flood Prone Land – Council has completed the Duck Creek Flood Study. Further modelling and a Post Development Flood Risk Management Plan have been developed, particularly for those sites where the landholders seek to modify flood behaviour. The studies have concluded that development should be kept clear of floodway areas in accordance with the Floodplain Development Manual. Additional development in the area immediately north of the village centre</p> |
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| | <p>has been avoided due to this area having potential for flood isolation. Some land subject to low hazard flood conditions has been considered for development around the village centre, subject to appropriate flood engineering, demonstrating no additional flood impacts to other properties. The structure plan and draft zonings have considered the flood risk. Clause 7.3 of the Wollongong Local Environmental Plan 2009 provides suitable controls on flood liable land. The proposal has considered the most efficient emergency flood access route and minimises the government spending to on flood mitigation to service this urban release precinct.</p> <p>4.4 Planning For Bushfire Protection – development structure plan has been tested. Bushfire affectation in the area is minor and a bushfire management strategy has been completed as part of the development of the structure plan. Rural and rural-residential lots are proposed to be large to enable flexibility in selecting building sites, whilst maintaining suitable asset protection zones.</p> <p>5.1 Implementation of Regional Strategies – The planning proposal will implement Stage 5 of an urban release area identified within the Illawarra Regional Strategy.</p> <p>5.2 Sydney Drinking Water Catchments – NA.</p> <p>5.3 Farmland of State and Regional Significance on the NSW Far North Coast – NA.</p> <p>5.4 Commercial and Retail Development along the Pacific Highway, North Coast – NA.</p> <p>5.5 – Revoked.</p> <p>5.6 – Revoked.</p> <p>5.7 – Revoked.</p> <p>5.8 Second Sydney Airport: Badgerys Creek – NA.</p> <p>6.1 Approval and Referral Requirements – The planning proposal complies with the direction and does not envisage additional approval or referral requirements.</p> <p>6.2 Reserving Land for Public Purposes – The planning proposal complies with the Direction.</p> <p>6.3 Site Specific Provisions - The planning proposal does not contain unnecessary site specific provisions. The planning proposal aims to enable low-impact camping on Lot 4 DP 608205, 54 Marshall Mount Road, Penrose. The planning proposal also seeks to enable development of ground floor residential units within the B4 zone within the village centre, subject to their adaptability for retail/commercial uses at a later date. This provision would allow for the desired mix of uses within the secondary streets of the centre and would avoid potential sterilisation of the land in the short term. The planning proposal aims</p> |
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| | <p>to allow the use of the lot averaging clause for Lot 5 DP 24143, No. 297 Marshall Mount Road to subdivide two existing dwellings into separate lots.</p> <p>7.1 Implementation of The Metropolitan Plan for Sydney 2036 – NA.</p> |
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Section C – Environmental, social and economic impact

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| <p>8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</p> | <p>The planning proposal and draft structure plan have the potential to impact on ecological communities. There are a variety of design and control measures which could be implemented. Perimeter roads and asset protection zones will be located within the development zones to avoid clearing of significant vegetation. Further refining has been undertaken to refine habitat preservation boundaries and to resolve stewardship issues. The Planning Proposal seeks to allow low impact uses, such as camping for some sites as a practical use of the land.</p> |
| <p>9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p> | <p>The draft structure plan seeks to maximise the urban outcome, while minimising environmental impacts. Further work on the structure plan has been undertaken to balance the need for a vibrant urban community and the environmental attributes of the study area. The plan maximises development near the village centre and along transport routes, while providing larger lot sizes and densities away from the core urban areas and in the vicinity of conservation areas.</p> |
| <p>10 How has the planning proposal adequately addressed any social and economic effects?</p> | <p>The planning proposal seeks to create a sustainable community. The draft structure plan seeks to maximise the concentration of dwellings around the proposed village centre and transport routes, to provide for the social and economic needs of the community within the area where possible.</p> |

Section D – State and Commonwealth interests

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| <p>11. Is there adequate public infrastructure for the planning proposal?</p> | <p>Public infrastructure can be provided. Satisfactory arrangements with relevant agencies will need to be made prior to development of the precinct. Sydney Water is considering bringing forward its servicing of the precinct, and estimate the first stage infrastructure works will start in 2017.</p> <p>Access issues from the precinct to the Princes Highway exist. The full development potential of the precinct will require substantial road upgrades, including significant work to connect to the Princes highway between Yallah and Tallawarra. Council is working with NSW Planning and Environment and Department of Roads and Maritime Services on an access strategy for the West Dapto release area (including the area covered by this planning proposal). The Albion Park bypass is likely to be constructed by the time significant development within the precinct is completed. Yallah Road is able to</p> |
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| | <p>cater for interim traffic generation likely to occur between rezoning and 2021, with minor signage upgrades and speed limit reductions on the Princes Highway in the vicinity of the Yallah Road on-ramp. Clause 6.1 of Wollongong Local Environmental Plan 2009 provides that subdivision of land within an urban release area is to be undertaken in conjunction with satisfactory arrangements for provision of essential state infrastructure.</p> <p>At present, the precinct is unlikely to be developed in the near future (due to land ownership patterns and varying owner aspirations) however the rezoning of the precinct will enable a reserve of land for urban development, which can be developed as servicing infrastructure reaches the area.</p> |
| <p>12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</p> | <p>State government agencies have provided comments on the planning proposal. Continuing discussions have been held with agencies regarding their areas of interest during the development of the structure plan and planning proposal</p> <p>A number of meetings have been held with the Office of Environment and Heritage regarding the potential for bio-banking and bio-certification of the precinct. Council is currently working on a bio-certification strategy for the whole of West Dapto, including the land covered by this planning proposal.</p> <p>The NSW Office of Environment and Heritage have indicated that they consider the flood modelling is not consistent with surrounding areas and studies. Council's flood consultant has reviewed the comments provided by OEH and Council is satisfied that the flood study reflects the characteristics and potential flooding conditions within the Duck Creek catchment and does not increase the likely flood risk.</p> <p>OEH have also sought 40ha minimum lot sizes for E2 zoned areas and want a buffer area to be applied to high conservation areas. The planning proposal includes much of the high conservation areas and riparian areas within 40ha minimum lot size areas. Perimeter roads, asset protection zones and buffer areas will be within the development area. These buffer areas will be further refined during the neighbourhood planning stages.</p> <p>OEH note that there is a considerable surplus of urban land and seek deferral of the rezoning until bio-certification of the West Dapto urban release area is completed. Council intends to proceed with the planning proposal as a long term development precinct for the West Dapto urban release area. There is likely to be a long period before intensive development of the precinct takes place, which allows time for bio-certification to be completed.</p> <p>NSW Planning and Environment have indicated that height limits of 6m and 8m in the rural and rural-residential zones could be made 9m in keeping with similar areas in Wollongong LEP 2009. The planning</p> |

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| | <p>proposal has amended the proposed height limits to 9m in these areas.</p> <p>NSW Roads and Maritime Services have indicated that they are not satisfied that short or long term plans to manage traffic are in place and integration with the Albion Park bypass. Council is working with the Department of Planning and Infrastructure and Department of Roads and Maritime Services on developing the access strategy for the West Dapto release area, including the area covered by this planning proposal. Roads and Maritime Services have been made aware of the need for Yallah Road to be upgraded and pass under the proposed new freeway infrastructure. A concept plan for this road link has been developed. RMS have noted that provisions will need to be made to cater for traffic generated by the proposal in the interim, as the capacity of crucial intersections to handle increased traffic movements is low. Council's short term traffic modelling has indicated that the likely additional traffic generation in the short term is low and could be handled by upgrades to Yallah Road and speed limit reduction on the Princes Highway near the Yallah Road on-ramp.</p> |
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Part 4: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

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| <p>The planning proposal draft zoning maps and associated provisions was publicly exhibited from 17 March 2014 to 7 May 2014.</p> <p>To date, Council has held a two day Enquiry By Design workshop in 2011, to which landholders were invited, plus a drop-in information session at the same time for members of the public.</p> <p>Council held regular meetings with a group of landholder representatives during the development of the structure plan. The draft structure plan was also exhibited for public comment in April 2013. Council has also held two sessions with landholders to discuss bio-certification and bio-banking options. Council held a workshop on 11 October 2013 with landowners, councillors, representatives from the Department of Planning and Infrastructure and Office of Environment and Heritage to work through the draft structure plan.</p> <p>Council seeks to finalise this planning proposal.</p> |
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Neighbourhood Precincts

Legend

-  Stage 5 Boundary
-  Duck Creek
-  Elm Park
-  Iowna
-  Marshall Mount
-  Marshall Vale
-  Penrose
-  Timber Glades
-  Village Core
-  Woodville



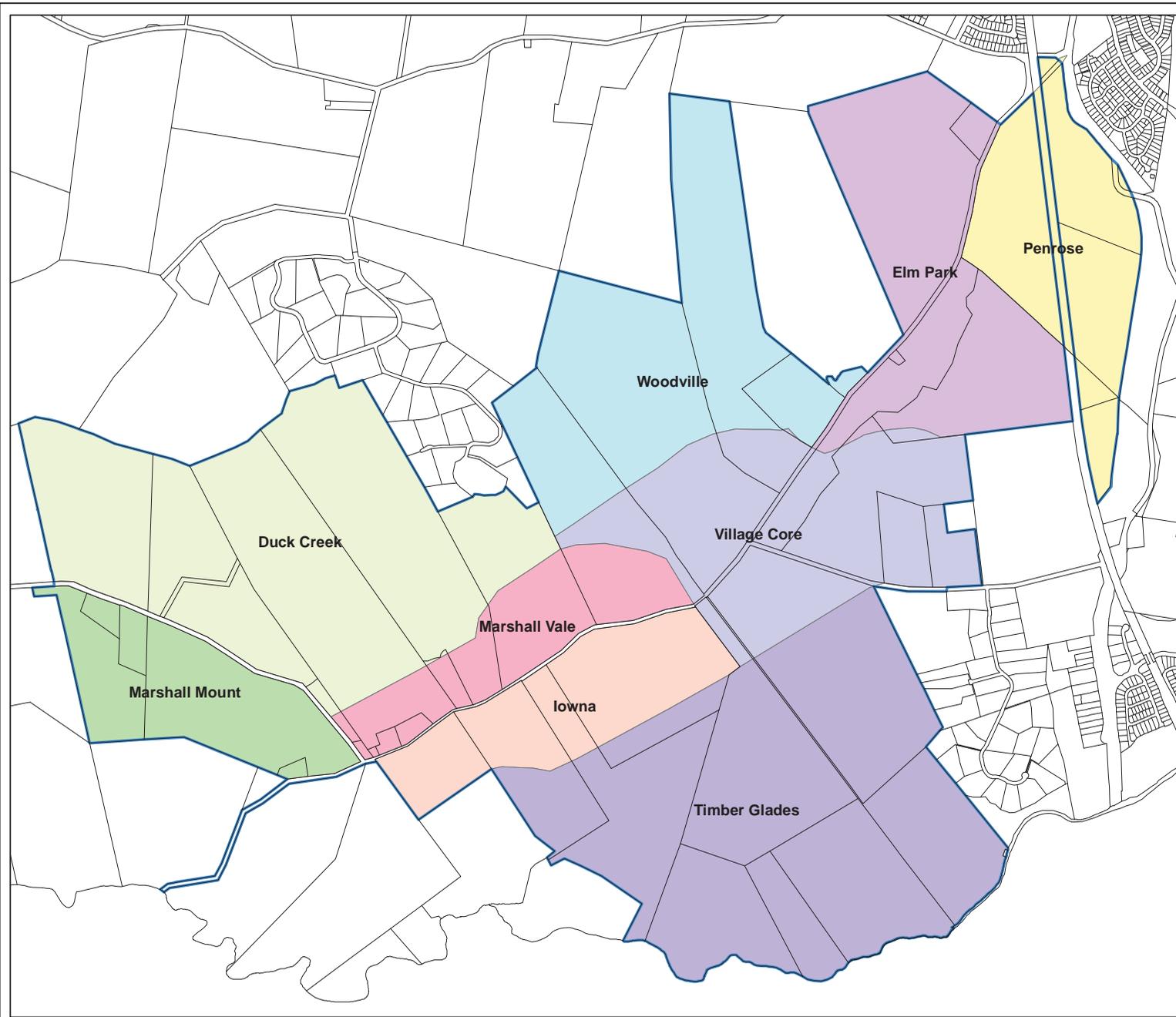
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Meters

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Drawn By: H. Jones

Date: 31 July 2013

Gis ref: Draft Neighbourhood Precincts 31-07-13.mxd





wollongong
city of innovation

Land Application Map

Legend
Study Area



0 500
Meters

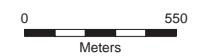
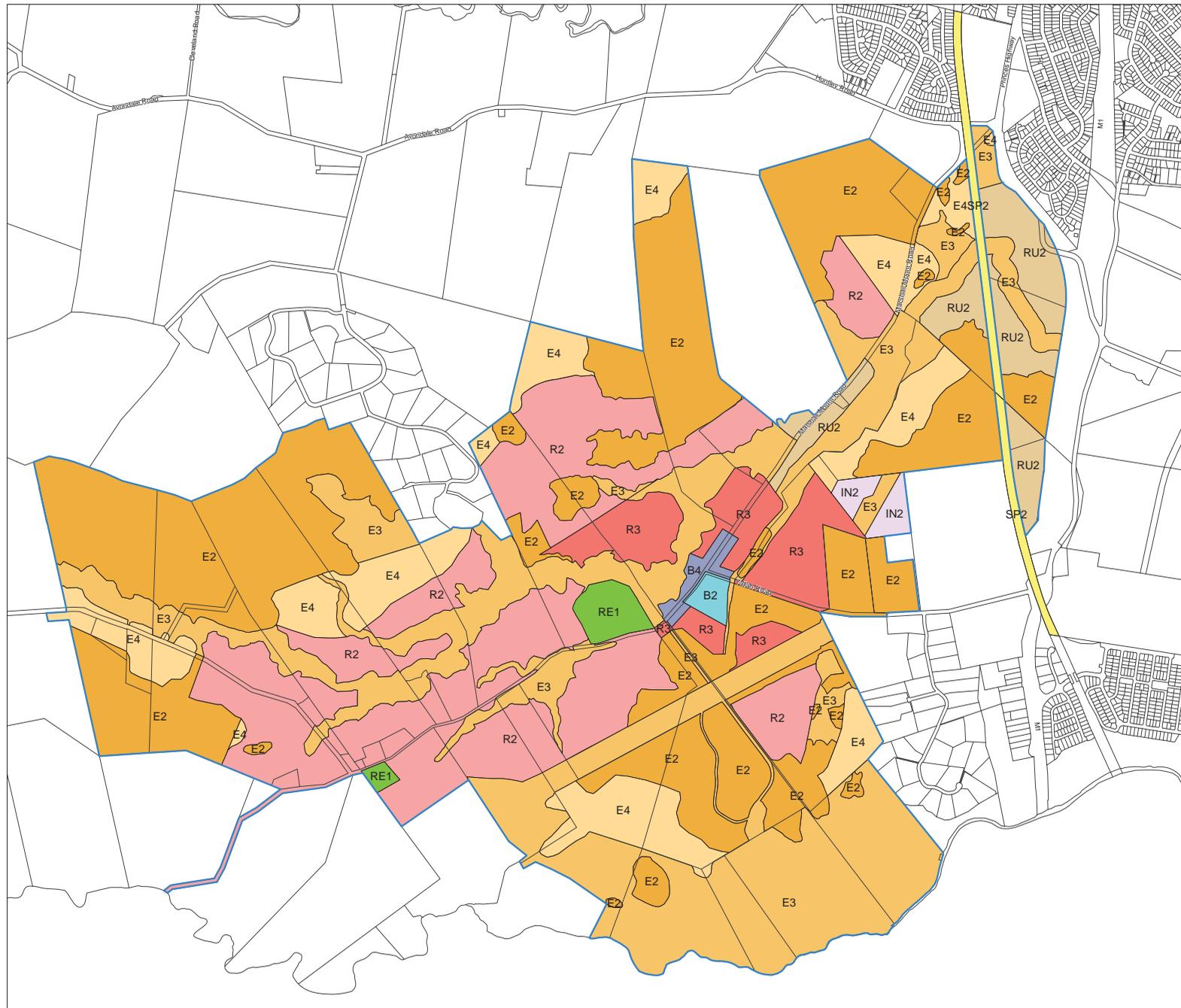
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Drawn By: H. Jones
Date: 04 April 2013
Gis ref: Draft Land Application31-07-13.mxd

Zoning

Legend

-  Stage 5 Boundary
-  B2 Local Centre
-  B4 Mixed Use
-  E2 Environmental Conservation
-  E3 Environmental Management
-  E4 Environmental Living
-  IN2 Light Industrial
-  R2 Low Density Residential
-  R3 Medium Density Residential
-  RE1 Public Recreation
-  RU2 Rural Landscape
-  SP2 Infrastructure



Minimum Lot Size Map

Minimum Lot Size (sq m)

 Stage 5 Boundary

| | | |
|-------------------------------------------------------------------------------------|-----|---------|
|  | C | 300 |
|  | D | 349 |
|  | F | 449 |
|  | T | 999 |
|  | W1 | 4999 |
|  | X | 0.99ha |
|  | Y | 1.99 |
|  | AA1 | 6.99ha |
|  | AA2 | 8.99ha |
|  | AB1 | 14.99ha |
|  | AB | 39.99ha |



0  475
Meters

Scale 1:16000 @A3

Drawn By: J Lewis

Date: 03 October 2014

Gis ref: Draft MinLotSize 03.10.14.mxd

Height of Buildings Map

Legend

 Stage 5 Boundary

Maximum Height of Buildings (m)

 J 9

 L 11

 M 12

 O 15



0 540
Meters

Scale 1:16000 @ A3

Drawn By: J Lewis

Date: 03.10.13 Amended 02.10.14

Gis ref: Draft Strategy_Height 310713.mxd

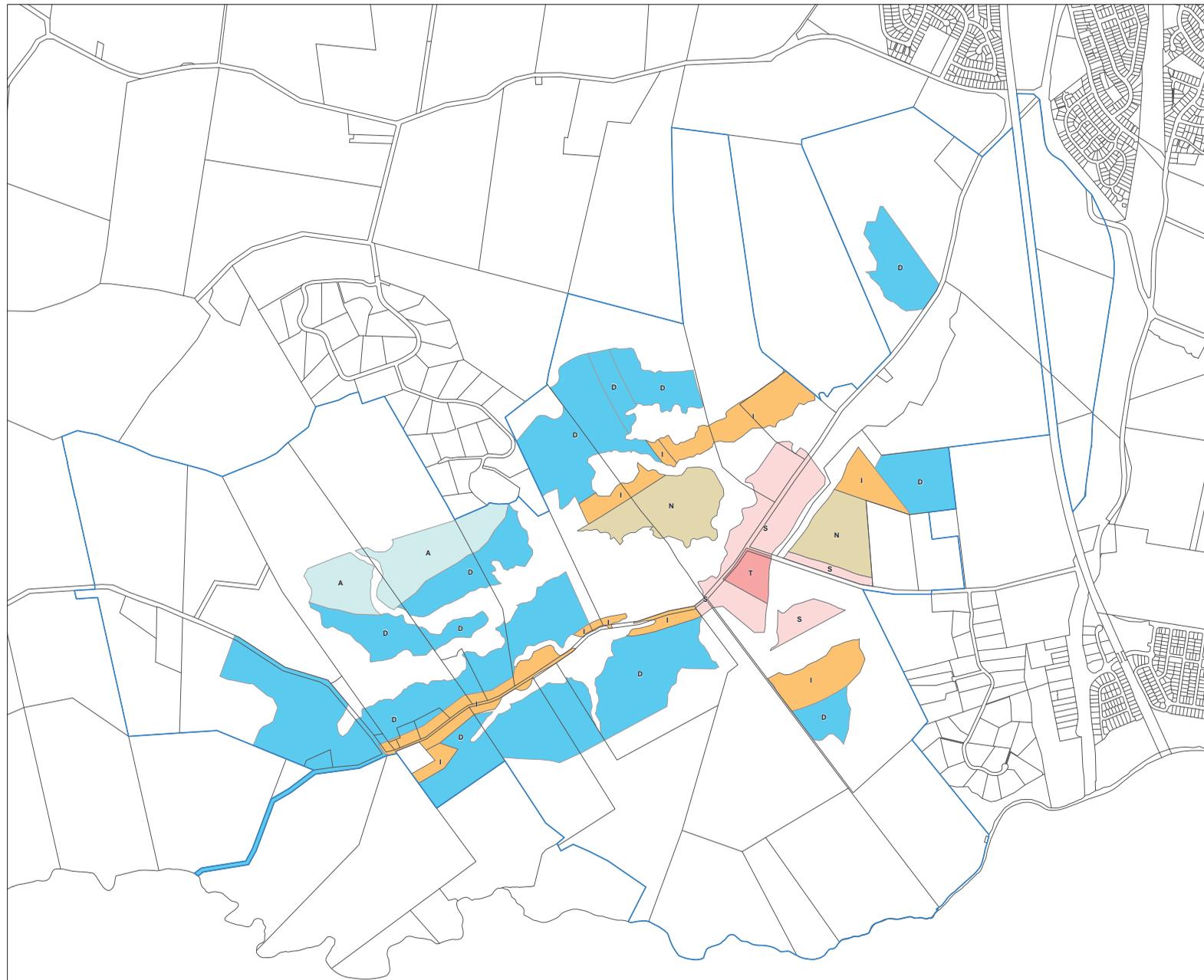
Floor Space Ratio Map

Legend

 Stage 5 Boundary

Max Floor Space (n:1)

-  A 0.3
-  D 0.5
-  I 0.75
-  N 1
-  S 1.5
-  T 2



0 550
Meters

Scale 1:16000 @A3

Drawn By: J Lewis

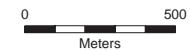
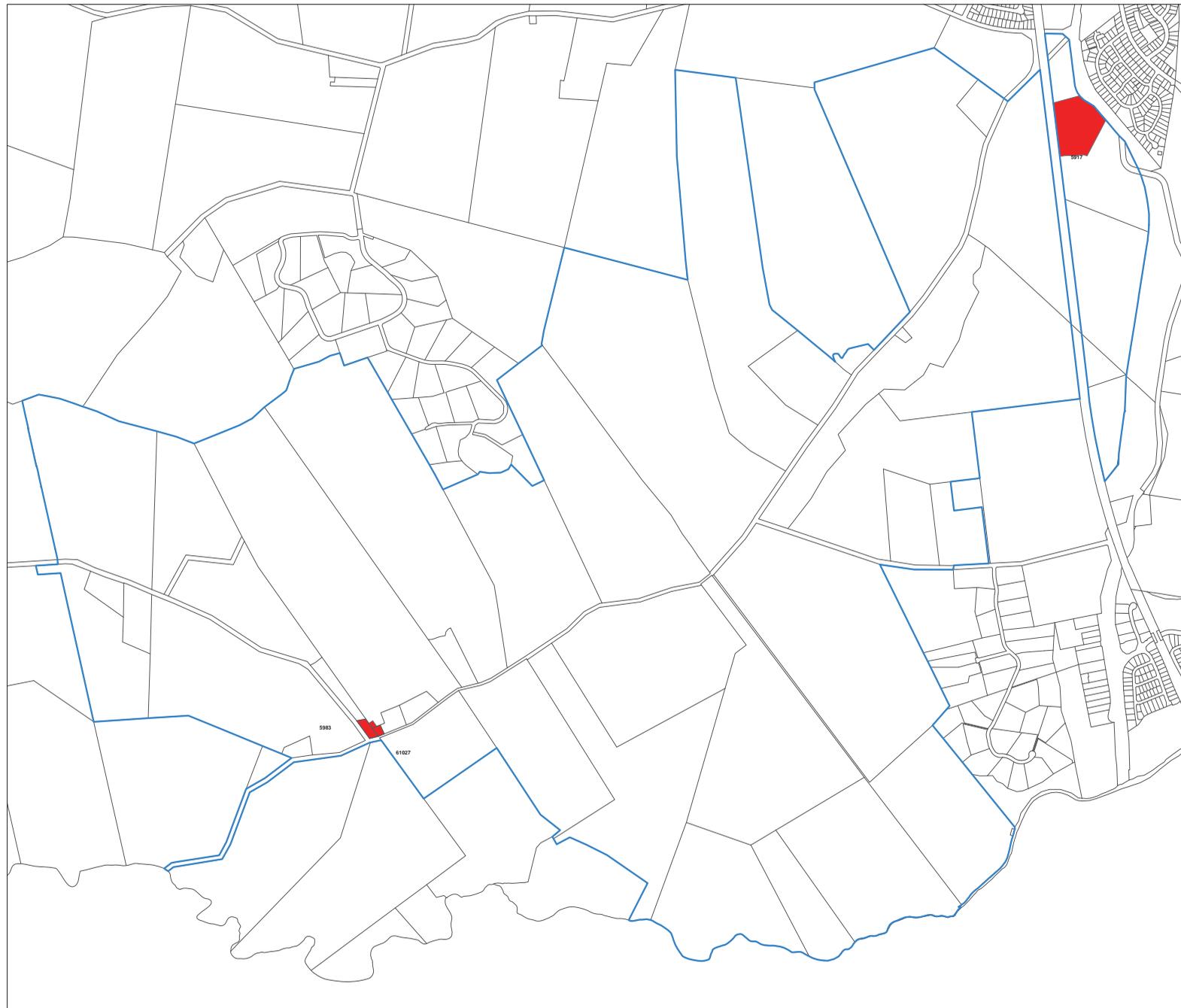
Date: 03 October 2013

Gis ref: Draft FSR 310713.mxd

Heritage

Legend

-  Stage 5 Boundary
-  Heritage Items



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Drawn By: H. Jones

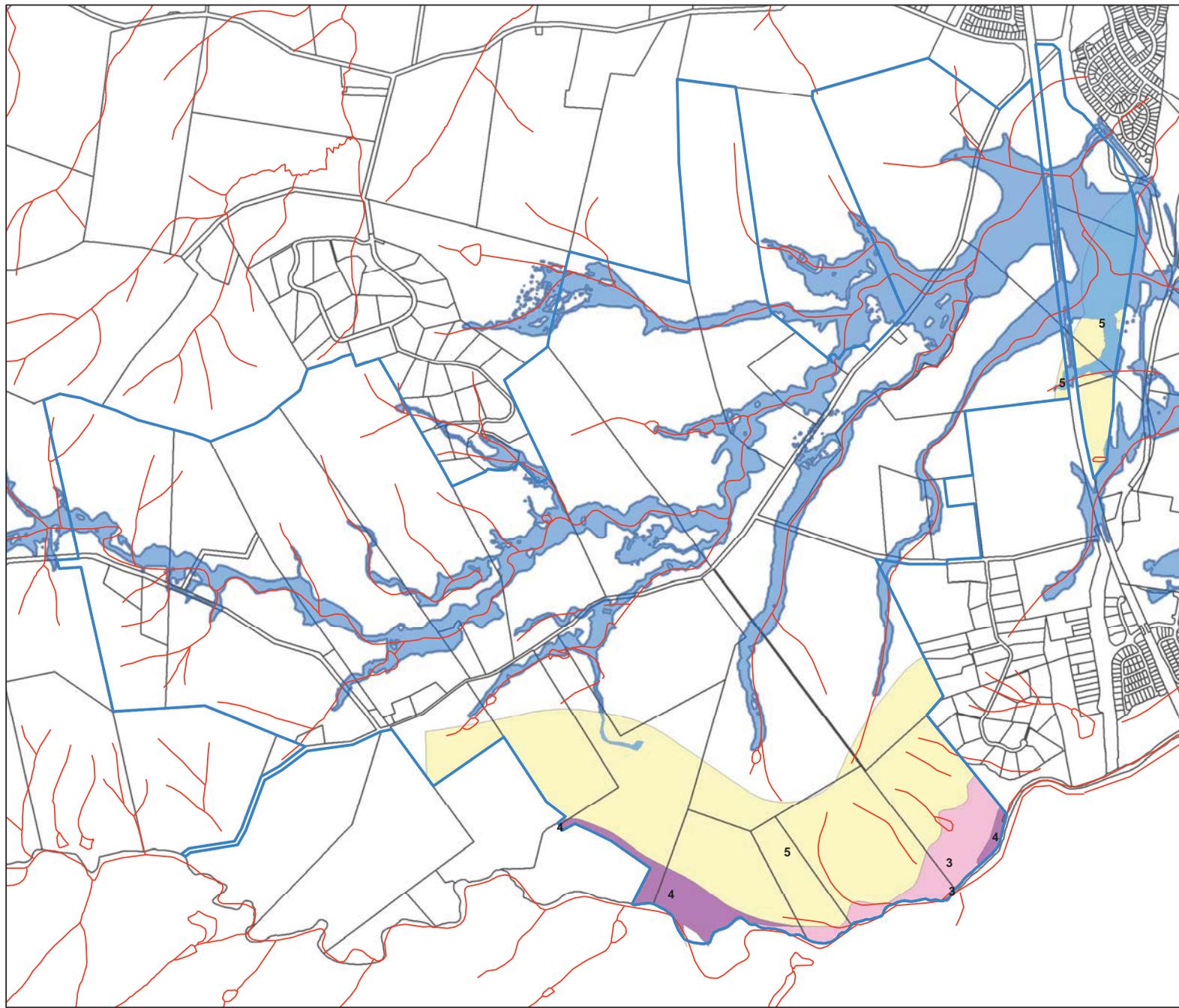
Date: 31 July 2013

Gis ref: Draft Heritage 31-07-13mxd

Acid Sulfate Soils, Riparian Lands and Flood Planning map

Legend

-  Stage 5 Boundary
- Riparian Corridors**
-  Riparian Corridors
-  Class 1
-  Class 2
-  Class 3
-  Class 4
-  Class 5
-  dc_des_100y_max_extents



0 520
Meters

Scale 1:16000 @A3

Drawn By: H. Jones

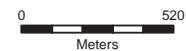
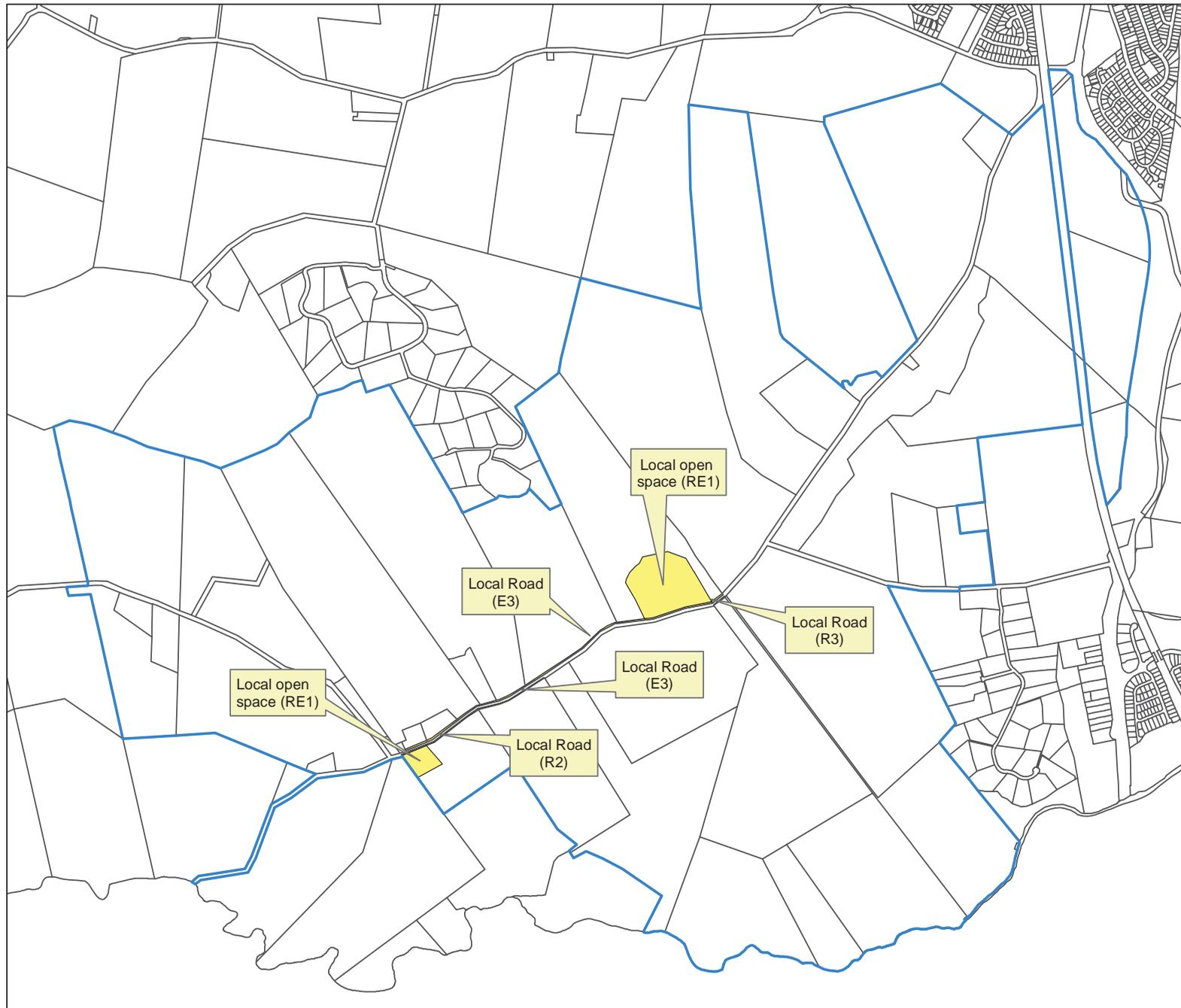
Date: 31 July 2013

Gis ref: Draft Strategy Plan AcidSulfate 27-11-13.mxd

Acquisition

Legend

-  Stage 5 Boundary
-  Land Acquisition



Scale 1:16000 @A3

Drawn By: H. Jones

Date: 31 July 2013

Gis ref: Draft Acquisition 31-07-13mxd

Natural Resource Sensitivity - Biodiversity Map

Legend

-  Stage 5 Boundary
-  Natural Resource Sensitivity - Biodiversity Map



0 520
Meters

Scale 1:16000 @A3

Drawn By: H. Jones

Date: 31 July 2013

Gis ref: Draft Strategy Vegetation Types 31-07-13mxd

COMMITTEE CHARTER

BACKGROUND

Council resolved to adopt an IHAP on 27 May 2008 to provide transparency and probity in the development application assessment process and also provide an independent forum for stakeholders (applicants and objectors) to present and discuss issues relating to controversial development proposals. The IHAP is used in situations where additional rigor in the assessment process would add value and improve decision making without unnecessarily delaying the processing of routine applications which comply with adopted policies.

OBJECTIVE

To provide for the independent, transparent review and assessment of development applications which are consistent with Wollongong's Local Environmental Plans and Development Control Plans and to provide a forum for interested parties to be heard openly.

CHARTER STATEMENT

Wollongong City Council is committed to assisting the community with concerns that may arise from development applications where there is potential for the parties to benefit from participating in an open forum. This policy applies to the development application process and establishes the ground rules for IHAP. A formal IHAP process will ensure that all parties can be confident of an impartial, fair and transparent assessment process.

STATEMENT OF PROCEDURES

1.0 Purpose

An independent forum for stakeholders (applicants, the community and objectors) to submit and discuss issues relevant to the following types of Development Applications (except where the JRPP is the determining authority – see notes):

- 1.1 Class 2 to 9 buildings under the Building Code of Australia (BCA) including residential flat buildings, mixed use developments, **multi dwelling housing**, retail and commercial, industrial, motels, hospitals, clubs etc., with a construction cost greater than \$1 million and where Council has received five or more unresolved objections¹, ~~with the exception of:~~
 - ~~i. Subdivision of existing or approved development;~~
 - ~~ii. Change of use or fit out of a property/tenancy;~~
 - ~~iii. Signage applications;~~
 - ~~iv. Modifications of consent and alterations and additions (other than Cl 1.9);~~
- 1.2 Subdivisions of land creating five or more lots and where Council has received five or more unresolved objections¹.
- 1.3 ~~Multi dwelling housing including townhouses and villas involving 5 or more dwelling units and where Council has received 5 or more unresolved objections¹.~~
- 1.34 Applications involving variations to LEP development standards.
- 1.45 Applications involving a use only permitted after satisfying the provisions of clause 11 of Wollongong LEP 1990 and where Council has received 2 or more unresolved objections ~~(This clause will cease to have effect upon notification of WLEP2009 on the NSW Legislation Website).~~
- 1.56 All development applications where Council is the owner of the land or where the Council holds a commercial interest and:
 - i. The application has a construction cost value greater than \$1 million; or
 - ii. Council has received five or more unresolved objections¹
- 1.67 Applications lodged by a Councillor, Administrator, State or Federal Member of Parliament, or Designated Council Officer directly involved in any aspect of development assessment, and also including senior management, and where Council has received two or more unresolved objections¹.
- 1.78 Applications which are the subject of a Section 82A Review of Determination where **there are five or more unresolved objections**. ~~original application had been~~
 - ~~i. considered by IHAP or determined by full Council; or~~
 - ~~ii. refused by staff under delegated authority and the S82A Review recommendation is also for refusal.~~
- 1.8 Applications made under S96 where **there are** ~~application had been considered by IHAP or determined by full Council and where~~ five or more unresolved objections ~~were received~~.
- 1.9 Applications not captured by any of the above clauses which are deemed to be of significant community interest by either:

Four (4) Councillors notifying in writing or by email, or by

Written notification by both the General Manager and the Director Planning and Environment

Notes:

- Development applications will not be referred to the IHAP where the proposal is non-compliant with the LEP and DCP(s), or where fundamental information has been requested and not received and the application is determined by refusing consent.

¹ Note: Pro-forma letters, petitions, or multiple letters from a single address for the purposes of referral to the IHAP would be counted as one (1) objection.

The Joint Regional Planning Panel (JRPP) is the determining authority for development described by State Environmental Planning Policy (Major Development) 2005 (SEPP (Major Development)). If there is an inconsistency between this Charter and the SEPP then the SEPP will prevail to the extent of any inconsistency. For clarification referrals are required by SEPP (Major Development) under Cl 13B(1)(b), (c) (d), (e) and 13(C).

The Panel assesses the proposal then submits a report and recommendation to the Council for determination. Applications considered by IHAP will be ~~deferred~~ **determined** by full Council or under staff delegation (see section 9.0).

2.0 Objectives

- 2.1 To provide a forum for interested parties to be heard openly.
- 2.2 To independently review the assessment of development applications.
- 2.3 To provide increased transparency and an independent assessment of applications listed in Section 1.0 above.
- 2.4 To provide stakeholders with an increased sense of involvement in the outcomes of the assessment process in relation to the types of Development Applications listed in Section 1.0 above.
- 2.5 To achieve development outcomes consistent with Wollongong's Local Environmental Plan(s) (LEPs) and Development Control Plans (DCPs).

3.0 Outcomes

- 3.1 The process of review is undertaken in accordance with the requirements of Council's LEPs(s) and DCPs and relevant State planning controls and regulations.
- 3.2 The Panel of technical experts and community representatives independently reviews the assessment of the development.

4.0 Functions

- 4.1 To consider and make recommendations with supporting reasons for final determination by the Council on Development Applications listed in Section 1.0 above following Council assessment.
- 4.2 To openly discuss proposals and hear representations from applicants and objectors during the hearing.
- 4.3 To avoid any lobbying or external communication from applicants or objectors outside the forum of Panel hearings.
- 4.4 To take into account any relevant statutory planning instruments and/or Council policies and relevant Land & Environment Court Planning Principles.
- 4.5 To comply with statutory provisions, particularly the Local Government Act, 1993 and the Environmental Planning and Assessment Act, 1979.
- 4.6 To provide advice to Council and suggested policy changes in relation to planning controls and operational arrangements to be addressed following determination.
- 4.7 To vary meeting procedures in consultation with the Manager **Development Assessment & Certification (DAC)** ~~City Planning~~.
- 4.8 To assess and recommend approval, refusal or deferral of applications referred to the Panel. The Panel may request additional information in circumstances where the information is fundamental to the determination of the proposal and such information has not previously been requested by Council staff.

5.0 Panel Appointment and Termination

- 5.1 The Panel shall consist of four (4) members. Three independent experts shall be drawn from the professional disciplines of law, urban design, town planning, architecture or the environment. One member is to be a representative from the Wollongong Community. The Chairperson of the Panel shall be an independent expert from one of the respective professional disciplines.

- 5.2 A pool of independent professional experts will be appointed by the General Manager, and selected for each meeting where possible on a rotational basis. Panel Members will be appointed on the basis of their qualifications and experience, and absence of any real or potential pecuniary or conflict of interest. **Panel appointments do not require Council endorsement.**
- 5.3 A pool of three (3) representatives from the community will be appointed by the General Manager, and the community panel representative for each meeting will be selected on a rotational basis.
- 5.4 If a nominated panel member is not available for a meeting an alternative will be selected by the Manager ~~City Planning~~DAC. A reference to a member of the Panel includes a reference to the member's appointed alternate.
- 5.5 If a vacancy occurs in the membership of the Panel, the General Manager may appoint a person to fill the vacant position.
- 5.6 The Panel ~~shall members shall provide feedback meet annually with~~to the Manager ~~City Planning~~DAC to ~~assist in any~~ review of its meeting procedures, past recommendations and Council decisions to identify any improvements to procedures or decision making. **This feedback will inform the annual periodic review of the Code Charter and be reported to the Executive Management Committee and Council. At that time the Manager City Planning shall prepare a report to the Executive Management Committee providing an assessment of the operation of the Panel and any suggestions for improvement. All panel members are to be involved in this report.**
- 6.0 Meeting Notification and Reporting**
- 6.1 Agendas for meetings of the Panel shall include information on meeting date, venue, business proposed to be conducted at the hearing and contain reports prepared by Council Assessment Officers or independent consultants.
- 6.2 Agendas shall be made available to Panel Members five days prior to the meeting in hard copy or electronic format.
- 6.3 Agendas will be made available to Councillors/Administrators and members of the public five days prior to the meeting.
- 6.4 The Manager ~~City Planning~~DAC shall hold Panel Hearings as required.
- 6.5 The Panel shall provide reports in accordance with the template provided.
- 6.6 The Manager ~~City Planning~~DAC will provide a report summarising the Panel's report and Council Officer's report.
- 6.7 **Electronic meeting may be held as determined by the Manager DAC. Electronic means may include telephone, email, or videoconference. A circumstance where an electronic meeting may be appropriate includes; where the IHAP referral triggers are met and where the assessment report recommends approval and there are no submissions by way of objection. Normal procedures will still apply to electronic meetings as relevant.**
- 7.0 Site Inspections and Public Hearing Procedures**
- 7.1 The Panel shall attend site inspections of applications to be considered at the public hearing, on the day of the scheduled hearing. ~~and shall arrive at the Council Administration Building at 3.00pm, or at a later time determined by Manager City Planning DAC, for commencement of those inspections.~~
- 7.2 Site inspections, including transportation, shall be organised by the Senior Council Assessment Officer and/or Manager who will also accompany Panel members on inspections.
- 7.3 Prior to the public hearing, and as part of the site inspection arrangements, the assessment officer and/or Manager will attend to answer and clarify any issues within the assessment report or raised by Panel members from the site inspection.
- 7.4 Following site inspection the Panel shall convene the public hearing. The meeting shall proceed without adherence to formal rules of debate. Questions arising shall be determined by a majority of votes of members present and voting. If votes are tied the Chairperson has a casting vote. The Panel shall regulate its own proceedings subject to the charter provisions.
- 7.5 A minimum of three (3) Panel members shall form a quorum and any duly convened hearing at which a quorum is present shall be competent to perform the Panel's functions. The first item of business at Panel Inspections and Public Hearings will be Panel members declaring any pecuniary or

conflicts of interest that may prevent them from participating in or considering any particular item on the agenda. A Panel member having declared a pecuniary interest, or a conflict of interest that prevents them from participating in the item, shall not attend the site inspection or public hearing associated with the item or participate in discussion or voting on the item.

- 7.7 Submissions by the applicant and objectors will be considered at the hearing. An objector is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a hearing that they wish to make a submission to be considered by the Panel.
- 7.8 Where there are a large number of persons making submissions with common interests, the Panel shall have the discretion to hear a representative of those persons. The applicant is the person nominated on the development application form as applicant. Consultants and legal representatives of the applicant will be permitted to address the Panel at the discretion of the Chairperson. Where an issue of legal interpretation arises the chair may refer the matter to the Manager ~~City Planning~~DAC for advice.
- 7.9 Presentations to the Panel by the applicant and objectors shall be restricted to 3 minutes each. The Panel Chairperson has the discretion to extend the period if considered appropriate.
- 7.10 A senior council assessment officer and/or Manager nominated by the Manager ~~City Planning~~DAC will be available at the hearing to provide professional assistance and advice to the Panel members on Council planning provisions and policies.
- 7.11 The Panel shall not receive substantive additional information that amends the application.

8.0 Assessment Procedures

- 8.1 On conclusion of the public hearing, the Panel will convene in private, agree on its findings and recommendations and record the findings and recommendations in a standard format for presentation to Council.
- 8.2 The Panel's recommendation can be for approval, refusal, or deferral pending the submission of additional information if such information has not been previously requested by Council's staff.
- 8.3 If the Panel recommends approval of the application, the Panel shall either endorse the conditions provided by the Officer or add or delete conditions.
- 8.4 If the Panel recommends refusal of the application, the Panel findings shall clearly indicate the changes in the application necessary to achieve compliance with statutory planning instruments. The Panel shall also provide and justify reasons for refusal - such must be capable of being defended in the Land & Environment Court if an appeal is lodged against a Council refusal.
- 8.5 If the Panel recommends deferral to the Manager ~~City Planning~~DAC, the Panel findings and recommendation must explicitly state the issues to be addressed by the applicant or the Council
- 8.6 Panel members will be notified of Council decisions on applications considered by the Panel.

9.0 Determination

- 9.1 Following receipt of Panel recommendations the application ~~will~~may be determined by full Council or by Council's General Manager, ~~or~~ under delegated authority.
- 9.2 An application that has been considered by IHAP may be determined under delegated authority, but only where:
- ~~The IHAP concurs with the staff report recommendation and may include additional or amended conditions of consent or reasons for refusal; or~~
 - ~~The IHAP recommends deferral of the application for amendments without requiring the application to be returned to a future IHAP; and~~
 - ~~The application proposes variation/s to any development standard of not more than 10% or in case where this is more than 10% only when the written concurrence of the NSW Department of Planning has been obtained; and~~
 - The determination by Council Officers under delegation is consistent with the IHAP recommendations

All other applications will be referred to full Council for determination.

10 Panel Members Remuneration

- 10.1 Remuneration payable to Panelists to attend each hearing and assessment meeting, including site inspections prior to meetings, shall be determined by the General Manager on an annual basis as part of the Council Budgetary process. A fixed fee, inclusive of GST, shall be set for each hearing and assessment meeting, including travel, reading time, site inspections and the panel meeting.

CODE OF CONDUCT

Council seeks the highest ethical standards in delivering services to its community. This Code of Conduct ("the IHAP Code") applies to all Panel Members when exercising or purporting, at all times, to exercise their duties, responsibilities and functions under the Charter.

It is designed to assist in maintaining the reputation and integrity of the Panel and to provide a basis for fair dealings and reaching findings and making recommendations on matters before it.

This Code is to be read in conjunction with the IHAP Charter and Council's general Code of Conduct.

Panel Members Responsibilities

Panel Members must:

- act in accordance with the requirements of the law, the IHAP Charter and this Code;
- act in an appropriate way toward the public, staff of the Council and other Members of the Panel; and
- act in the best interests of the Wollongong community.

Panel Members Interaction with Councillors, Council Staff and Applicants / Representors

Panel Members may approach and liaise with Council staff nominated by the General Manager to assist the Panel to obtain information and clarify matters relating to their duties, responsibilities and functions and matters before them. Panel Members shall not issue directions to or order Council staff to carry out any direction on any matter whatsoever.

Panel Members must not approach an applicant or representor, or if approached by an applicant or representor must not discuss any application which is either before the Panel or will come before the Panel at some future time, except during the course of a panel meeting where the application forms part of the agenda and the applicant or representor has a right to be heard by the Panel.

Panel Members must not approach a Councillor, or if approached by a Councillor must not discuss any application which is either before the Panel or will come before the Panel at some future time, except during the course of a panel meeting where the application forms part of the agenda and the Councillor has a right to be heard by the Panel at the hearing in their private capacity.

Conflicts of Interest and Disclosure at Meetings

Panel Members must:

- consider and comply with all disclosure requirements under this Code including but not limited to disclosing interests arising out of a personal and/or pecuniary nature and of a direct and/or indirect nature and if a conflict exists or arises, shall disclose the nature and extent of such interest and conflict in accordance with the provisions below;
- ensure no conflict exists for Members, or those people closely associated with them, which could lead to a conflict with the impartial performance of the duties; and
- consider both perceived and actual conflicts for the purposes of this clause.

Pecuniary interest and non pecuniary conflict of interest are defined as follows

| | |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Pecuniary Interest | an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. |
| Non-pecuniary interest | a private or personal interest the person has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity). |

Pecuniary Interest

Panel members shall adhere to the Memorandum of Understanding signed with the Council acknowledging and accepting that if the Panel member has a pecuniary interest in any matter (as defined in sections 442 and 443 of the Local Government Act, 1993, or otherwise defined in the Council's Code of Conduct) to be considered by a meeting of the Panel, then:

- (i) upon being notified of a draft list of agenda items, if a Panel member identifies a possible or actual pecuniary interest the Panel member shall withdraw as nominated Panel member for that meeting and an alternative shall be invited to attend.
- (ii) at the Panel meeting, if a Panel member identifies a possible or actual pecuniary interest the Panel member will immediately disclose the nature of that interest prior to any consideration of the matter, and
- (iii) will not be present at or in the sight of the meeting of the Panel at any time during which the matter is being considered or discussed by the Panel.

A Panel member having declared a pecuniary interest shall not attend the site inspection or public hearing associated with the item or participate in discussion or voting on the item. The first item of business at Panel Inspections and Public Hearings will be Panel members declaring any pecuniary interest that may prevent them from participating in or considering any item on the agenda. If at any time during a Panel meeting, either at the pre-hearing inspection, or at the public hearing, or during consideration of the item in closed session, a Panel member identifies a possible or actual pecuniary interest the Panel member shall immediately notify the Chair and withdraw from the meeting during the consideration of that item.

Non Pecuniary Conflict of Interest

If at any time, upon notification of the draft list of agenda items, at pre hearing inspections, public hearing or consideration of an item in closed session, a Panel member identifies a possible or actual non pecuniary conflict of interest the Panel member shall consider whether it is significant enough to withdraw from consideration of the item and if so shall notify and withdraw as nominated Panel member for that meeting or item.

If having declared a non-pecuniary conflict of interest a Panel member has a broad range of options for managing the conflict. The option chosen will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. Non-pecuniary conflict of interests must be dealt with in at least one of these ways:

- It may be appropriate that no action is taken where the potential for conflict is minimal or can be eliminated by disclosure. However, you should provide an explanation of why you consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Take care when exercising this option.
- Remove the source of the conflict, for example, relinquishing or divesting the personal interest that creates the conflict.
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue or restrict your access to all relevant information.

Information to Guide decisions about conflict of interests

There are a number of questions that you can ask yourself to help in deciding whether or not you have a conflict of interest or whether your behaviour could create the impression that there is a conflict and so undermine the confidence in the Panel. These questions are:

- Do I, a relative, friend or associate stand to gain or lose financially from council's decision or action on this matter?
- Do I, a relative, friend or associate stand to gain or lose my/our reputation because of Council's decision or action?
- Have I contributed in a private capacity in any way to the matter before council?
- Have I made any promises or commitments in relation to the matter?
- Have I received a benefit or hospitality from someone who stands to gain or lose from Council's decision or action?
- Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council's consideration of the matter?
- Could there be benefits for me in the future that could cast doubt on my objectivity?
- If I do participate in assessment, would I be happy if my colleagues and the public became aware of my association or connection?
- Would a fair and reasonable person perceive that I was influenced by personal interest in performing my duty?
- Do I need to seek advice or discuss the matter with an objective party?
- Am I confident of my ability to act impartially and in the public interest?
- Do I understand the possible penalties/sanctions if I go on with the action?

Other Business or Employment

Public perception of bias/conflict of interest requires that Panel members not engage in any of the following while they are members of IHAP:

- Appearing for or against Council in development matters, for example, as consultants acting on behalf of applicants or Council, giving evidence in Court for or against Council;
- Making representations to IHAP on behalf of others, for example, making a submission in support of a development, or on behalf of an objector;
- Making representations to Council in relation to planning and development matters, for example, supporting an application for a rezoning; or
- Deriving income (other than remuneration for being an IHAP panel member) through contracts with Council.

Any other work conducted within the Wollongong LGA shall be the subject of a declaration of interest in accordance with this Code.

Gifts & Benefits

Panel Members must never receive, accept, demand, solicit, request or accept a gift or benefit in connection with their duties on the Panel. Facilities, transportation, equipment, meals, etc., provided by Council as part of panel meetings shall not be considered as gifts or benefits under this part.

Resources

Panel Members must use resources provided by the Council in an effective and efficient manner; and not use such resources for private purposes.

Use of Information /Confidentiality

Panel Members must:

- not use information obtained in the course of carrying out their duties for anything other than for exercising their functions, powers and duties for the Panel.
- keep information obtained or provided confidentially, confidential.
- determine what information and material is to be retained by Members (and the Panel) and how it is to be treated for the purposes of retention.

Public Comment

The Chair of the Panel is not authorised to speak publicly to the media and address the public on behalf of the Panel, except with the permission of the General Manager. No Panel Member may make any comment to the media or the public in relation to any matter before the Panel or any recommendation of the Panel.

Treatment and Respect of Other Members and Public

Panel Members must:

- act fairly and honestly towards other Members of the Panel and the public;
- show respect for the opinions of other Members of the Panel; and
- show respect and consideration to applicants and members of the public.

Findings and Recommendations

Panel Members shall at all times when assessing matters;

- act in accordance with the law;
- act in accordance with the Charter;
- act reasonably, justly and in a non-discriminatory manner;
- deal with all matters before the Panel in a consistent manner; • only take relevant information into account; and
- act reasonably and in good faith and not for an improper purpose, ulterior purpose or on irrelevant grounds.

Breach of Code

Misconduct

Where any complaint alleging misconduct by a Panel Member is made, the complaint is to be made in writing to the General Manager or Council's Public Officer and must identify the part of this Code or the Charter alleged to have been breached, including the reasons in support of the alleged breach, and be signed by the complainant. Anonymous complaints need not be investigated, but the General Manager has the discretion to determine what action if any will be taken. Upon receipt of a written complaint alleging misconduct, the General Manager shall take such action as appropriate.

Corrupt and Unlawful Conduct

Panel Members must not engage in corrupt conduct (as defined in the ICAC Act) or unlawful conduct and must report any actual or potential corrupt or unlawful conduct to the General Manager or Public Officer of the Council in accordance with the procedures set out in this Code. All deliberations relating to an investigation shall be conducted in strict confidence.

Sanctions for Breach of Code of Conduct

Having regard to the nature of the findings after the investigation, action including but not limited to the following may be taken by the General Manager:

- counselling of the member;
- suspension from the Panel;
- suspension from hearing a particular matter;
- removal from the Panel;
- report to another authority.

Review of Code

This Code shall be **periodically** reviewed ~~annually~~ by the Manager ~~City Planning~~ DAC, with the assistance of the Panel and reported to the Executive Management Committee ~~and Council~~.

DRAFT

COUNCIL POLICY

BACKGROUND

The Civil Works Notification Policy is a policy of Wollongong City Council that provides clear and straightforward guidance on the notification requirements of construction and maintenance projects undertaken by the City Works Division of Council.

OBJECTIVE

This Policy aims to:

- Establish a standardised notification process for civil infrastructure construction and maintenance projects in the Wollongong LGA; and
- Provide minimum levels of notification recommended for projects of varying types and significance.

POLICY STATEMENT

The Policy sets out how notification will be carried out, who will be notified, how they will be notified, and what information will be included in the notification. It also provides the processes of notification for the various types of work. In cases of emergency, extreme or urgent safety, the notification process will not need to be undertaken.

STATEMENT OF PROCEDURES

1.0 CIVIL WORKS NOTIFICATION POLICY

1.1 The purpose of the Policy

This Policy outlines the minimum requirements for notification with respect to various types of civil infrastructure construction and maintenance. The purpose of this Policy is to ensure that public notification is undertaken in a consistent, timely and meaningful manner within the Wollongong Local Government Area.

1.2 Title

Civil Works Notifications.

1.3 Where this Policy applies

This Policy applies to Council civil works within the Wollongong Local Government Area whether undertaken by Council staff or contractors on behalf of Council.

1.4 When was this Policy adopted by Council?

This Policy was adopted by the Council of Wollongong City on 25 September 2005.

1.5 When will this Policy commence?

The Policy was publicly exhibited between 7 June and 21 July 2006 at the following venues:

- All libraries across the Wollongong LGA
- Level 5 of Council's Administration Building
- On Council's website

This Policy commenced operation on 1 February 2007.

1.6 Relationship to Regulations

Wollongong LEP 1990.

1.8 Relevant Policies

This Policy has been prepared in accordance with the Wollongong City Council Community Engagement Framework.

Other relevant Policies include:

- Council Policy 1.2 – Community Engagement Policy
- Council Policy 1.2 - Advertising of Significant Engineering Works;
- Council Policy 1.7 - Road Closure and Purchase Applications;
- Council Policy 6.6 - Kerb and Guttering Construction;
- Executive Management Policy 3.2 - Tree Management Order;
- Development Assessment and Compliance Notification and Consultation Policy;
- Draft Policy - Cycleways (Shared Routes).

1.9 Evaluation

This Policy shall be evaluated within 12 months of the date of adoption.

The Policy shall be reviewed every two years following the initial 12-month evaluation.

1.10 Objectives

The Policy aims to:

- Establish a standardised notification process for civil infrastructure construction and maintenance projects in the Wollongong LGA;
- Provide minimum levels of notification recommended for projects of varying types and significance.

2.0 BACKGROUND

The Construction and Maintenance function of Council's City Works Division is responsible for carrying out the following key activities:

- Construction and maintenance of Council's civil infrastructure assets, including: roads, car parks, footpaths, cycleways, shared pathways, bridges, drainage pipes, drainage structures, culverts, causeways and roadside furniture;
- Construction and maintenance of other Council assets for and on behalf of other Council divisions;
- Construction and maintenance of infrastructure for state government agencies (eg Roads & Traffic Authority, Department of Public Works and Services, Department of Infrastructure, Planning and Natural Resources, Lake Illawarra Authority, CityRail and Department of Housing).

Consequently the Works and Services Division is responsible for a significant number of notifications and are a large part of Wollongong City Council's engagement with the community. Civil Works Notification Policy will ensure these notifications and engagements are in line with the newly adopted Community Engagement Policy and Framework.

Current methods of notification used by the Works and Services Division include the following:

- Letter box drop
- Site meeting
- Door knock
- Project signage
- Media usage

While all of these methods are valid and play a key role in any successful notification process, the varied application and delivery of each method may potentially lead to disharmony in the community despite the intended goodwill. This policy and its associated processes develop these methods, further standardising the contents and the delivery. In addition to this it also proposes using new and existing underutilised methodologies that are available to Council.

3.0 THE DEVELOPMENT OF THE CIVIL WORKS NOTIFICATION POLICY

Over the past 12-15 months, the Social Planning Team have been engaged by the Manager, City Works Division, to undertake a number of community notification and feedback projects for the Construction and Maintenance function of Council's City Works Division. This has informed the development of this Policy and

the associated processes. As a result the following processes for the development, delivery and evaluation of good practice community notification have been designed.

The processes contained within the policy have been developed in conjunction with the Construction and Maintenance management team and are designed to fit within the Works Project Information System that is also currently being developed by the Divisional Engineers.

The flowchart below maps the overall process of a Works Construction and Maintenance project from inception through to completion.

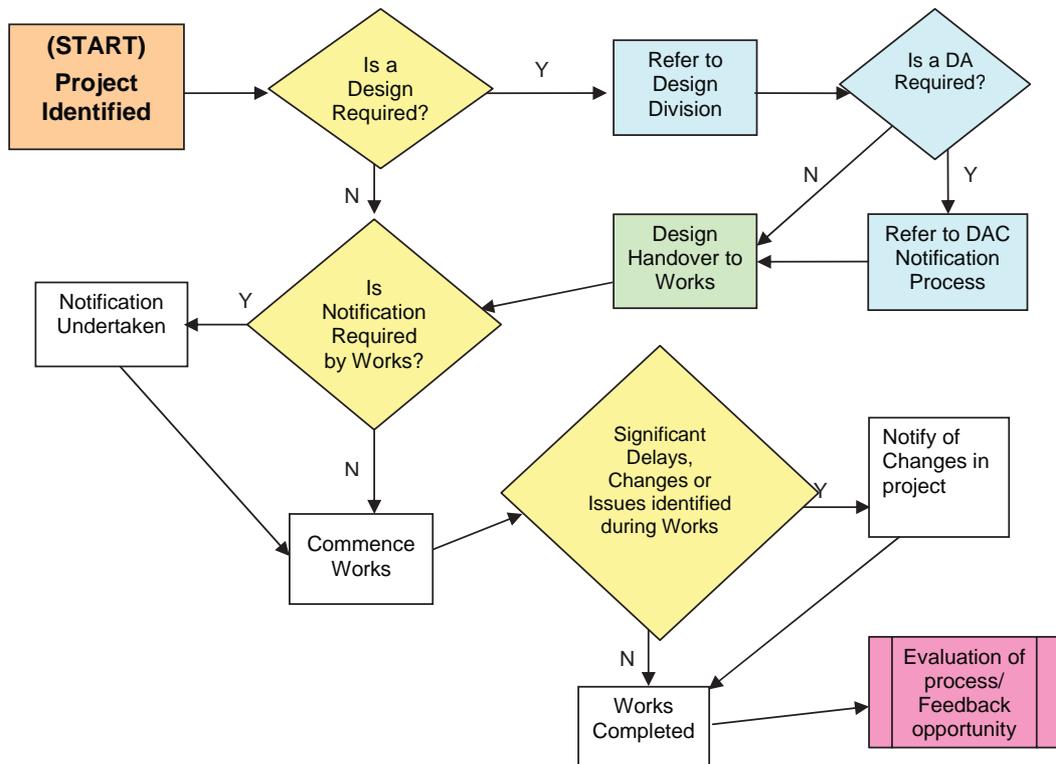


Diagram 1 - Overall Works Process

This process is broken down into a series of steps to provide greater detail in the document. These steps are:

- Step 1 – Assessment Phase
- Step 2 – Development Phase
- Step 3 – Notification Delivery

3.1 Project Identification

The Civil Works Notification Policy should be used at the identification of all projects and reviewed as circumstances within a project change to ensure that the appropriate notification is developed and undertaken.

Once a project has been identified the Divisional Engineers are required to answer a series of questions that will provide context to the project. These questions are imbedded within the Works Process Information System which is completed at the identification of any project. This determines whether or not a design is required for the project before undertaking the work and whether notification is required after determining the overall project significance through the completion of an impact assessment.

If a design is required, the relevant project information is sent to the Infrastructure Division. As part of that process a certain level of consultation is undertaken by the Infrastructure Division (not included in this report).

Step 1 – Assessment Phase

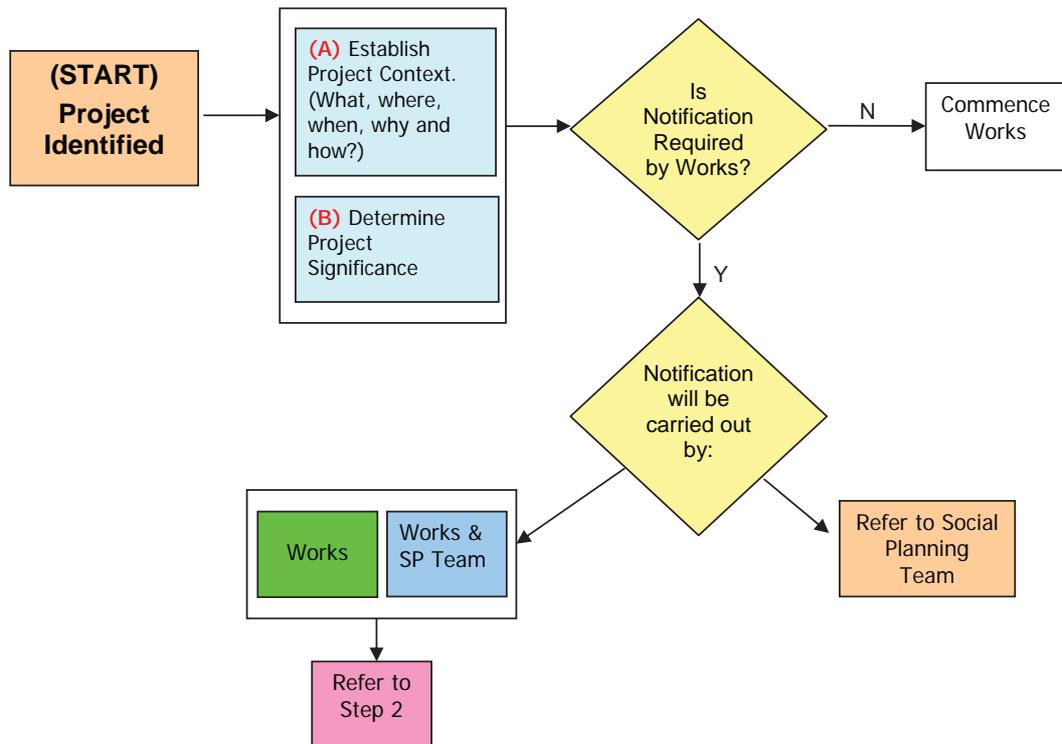


Diagram 2 – The Assessment Phase of the Notification Process

(A) Project Context

The project context information relates to documenting the fundamentals of the work to be carried out. It requires the identification of basic information such as the:

- Name of the project;
- Nature of the works that are to be carried out;
- Location of the project;
- Proposed timeframes;
- Reasons for undertaking the works:
 - The benefits of doing so;
 - The implications of not doing it;
 - Whether a design is required or not.

It also seeks to define additional information such as:

- Are there any other projects or plans that may relate to this project;
- Have all relevant certificates and permits been obtained;
- Has any consultation taken place prior to this.

(B) Project Significance

The significance of a project is determined by undertaking an assessment of the scale of the project and its impact on the community. This assessment will assist in determining the need for notification. If notification is required this information will play a critical role in the development of the most appropriate notification and engagement methods to use. This will assist in determining the scope of the stakeholder analysis process that follows.

The significance of the project is determined by assessing the following factors:

(i) Scale of Works:

The first stage in assessing the significance of the "Scale of the Works" is a simple assessment based on the physical size of the works to be carried out. This allows the assessor to identify the potential impact of the works on the environment and the community. Generally, the larger the scale of the works, the greater the impact will be on the community. The scale of the works will be assessed as being small, medium, or large.

The Assessment Template is contained in Attachment 1 of this document titled "Scale of Works".

(ii) Impact of the Work:

In order to determine the significance of the project the assessor also needs to ascertain the impact of the work. Impact in this case refers to the positive or negative influence and/or change that the project will have on the community and environment. Issues that influence impact include:

- Duration of project;
- Access to property and/or services;
- Access to a thoroughfare;
- Disruption to services;
- Costs incurred by the ratepayer.

The impact of the project is assessed against six variables representing differing facets of the community and its environment and the types of impact that may occur. They are:

Physical Impact - The potential overall geographic impact (ie how widespread the impact will be felt);

Social Impact - The impact of the works on the community (eg impact on day-to-day living including access to property and services);

Environmental Impact - The impact on the works on the environment (eg Impact on threatened species, riparian corridors, etc.);

Economic Impact - The impact of the works in terms of cost to business (eg lost trade, restricted deliveries etc.);

Cultural Significance - The impact of the work on cultural, religious and spiritual groups, beliefs or sites;

Political Environment - Bigger picture or other projects being undertaken that are relevant to the project.

Once the impact of the works has been assessed against each of the six categories, an overall impact assessment rating can be applied. This overall impact assessment is then used in conjunction with the assessment for the scale of the works to determine the overall significance of the project as defined in the Project Significance Matrix.

A copy of the Impact Assessment Template and Project Significance Matrix is provided in the appendices as 'Attachment 1'.

Once this has been calculated the decision as to whether or not notification is required can be made.

If notification is not deemed necessary then the City Works Division can commence the work.

It is at this point in time that the necessity to undertake notification has been determined. As is demonstrated in the process flowchart (Step 1) in diagram 2, if notification is not required then the City Works Division can commence works. There is no need to continue any further through the process unless circumstances within the process change, problems are encountered and/or extended time away from the site will occur. If this is the case then there is a need revisit Step 1 as represented in the flowchart titled "Overall Process" contained in diagram 1.

If it has been determined that there is the need for Notification then there are 3 options available to the City Works Division. They are to:

1. Undertake the development of the notification plan themselves,
2. Seek assistance from the Social Planning Team for the development of the most appropriate notification plan for the project,
3. Refer all information to the Social Planning Team for them to undertake the entire process on behalf of the Works and Services Division.

From here the process to develop a notification strategy needs to be undertaken.

3.2 The Development Process

The following flowchart outlines the process for developing a notification strategy.

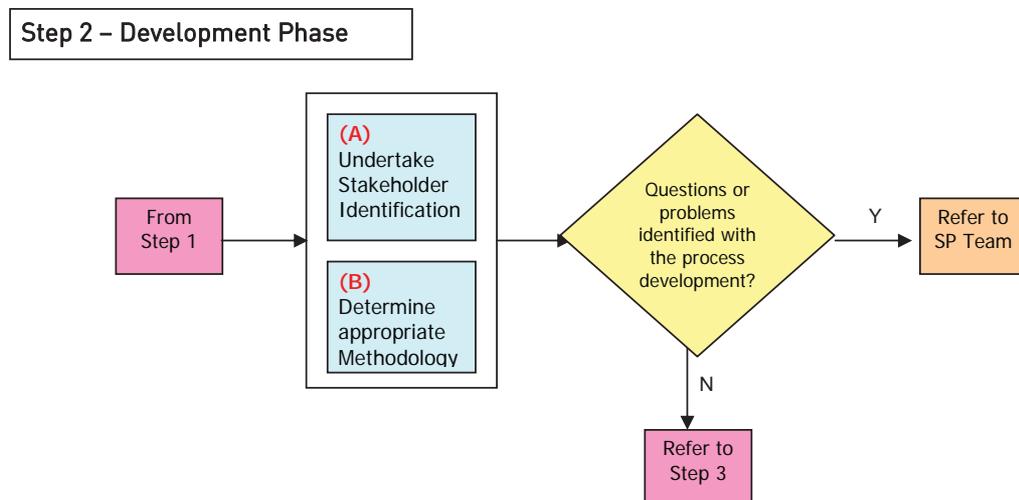


Diagram 2 - The Notification Development Process

(A) Stakeholder Identification

This section of the process identifies who the stakeholders are that may be impacted upon, either directly or indirectly by the works. When selecting potential methods for the engagement processes, it is important to have information about the community, generally defined by geographic area. Knowing the community is a prerequisite to applying 'representative' and 'inclusive' principles, such as how many residents there are as well as if there are any predominant Culturally or Linguistically Diverse (CALD) groups in the study area. To gain information like this requires a comprehensive analysis of who has a stake in the outcomes of a project

and as a result find ways to involve them in the engagement process. This includes individuals or groups, locals or those outside the area who use or have an interest in the project area.

There are a number of reasons why individuals/groups may have a stake in the works. These factors influence decisions about who should be consulted. These can be summarised as:

- The geographic scope of the proposed project;
- The nature of the project;
- Who is likely to be directly affected by the matter?
- The resources available to the community notification process;
- Who is likely to be interested in the matter?
- Whose involvement is likely to be important to this matter?
- Level of complexity of the overall process or the issues concerned.

To assist in the determination of who should be consulted and to what degree, a risk matrix has been designed to identify the level of involvement and therefore consultation each stakeholder requires as part of the Notification Process. Templates for both the Stakeholder Identification and Risk Matrix have been attached in the appendices as Attachment 2.

(B) Methodology Determination

To assist in the development of notification methodologies and standards, the various types of work undertaken by the Construction and Maintenance Function have been broken into various categories with similarity in respect to the potential impact on the community. These categories of works have been developed in conjunction with the management team of the Construction and Maintenance Function and is outlined below.

Categories:

The following categories are not exhaustive and are examples only. Where the type of work is not listed it will be at the discretion of the Divisional Engineer in conjunction with the social Planning Team as to the most appropriate category for the works in relation to required notification.

i. Street and Roadside Furniture, Pot Holes and Minor Repairs, etc.

The installation and/or repair of assets that fall under this category will often require little or no notification as a result of the length of time spent at the location and thus the inconvenience or impact to the public. It is still worth noting though that some works under these categories will still require notification.

ii. Kerb and Guttering (required to notify directly affected residents at start of year if financial contributions are required)

Upon determination of the projects to be undertaken each year as part of the Kerb and Guttering priority listing, advance notification must be provided to each resident in the affected street to advise of the works priority for the year and the consequential financial contribution required of the resident as per current Council Policy 6.6. - Kerb and Guttering Construction. Further notification needs to be carried out as per the matrix based on the significance of the project as it nears the commencement of works.

iii. Cycleways, Footpaths Shared Ways and Carparks, Re-Sheeting, Traffic Calming Devices, etc.

The works categories listed above generally take place on smaller suburban streets or areas and are likely to only affect the community within the proximity to the works being undertaken.

Notification for this category is more targeted to the project site and surrounding area.

iv. Major Construction and Reconstruction Projects

Projects that fall into this category of works are significant in nature in that the impact on the community and the environment will be widespread and often are carried out in larger retail precincts or on major arterial roads. These projects are often carried out in association with other works as part of a larger overall project.

As such the level of notification that is required for this category is far greater than any other and will require longer more intense notification to be undertaken.

v. Tree Removal, Road Closure (Full/Partial) and the like

Tree removal, road closure and the like, while not necessarily a direct result of civil works often falls under the responsibility of the Works and Services Division and therefore needs to be covered in this Policy.

Due to the varying extent of the impact (i.e. number of trees or heritage significance, size of road and length of time) of this category the notification required varies significantly.

A matrix for determining the minimum levels of notification based on the above categories has been developed. This includes the most appropriate methodologies for works of varying significance as determined in section 3.1. This is provided with explanations of the various notification methodologies along with suggested timeframes for usage in Attachment 2.

3.3 Notification Delivery

Once the Notification development process is complete the planned notification needs to be undertaken. The following flowchart outlines the steps involved in carrying out the planned notification strategy.

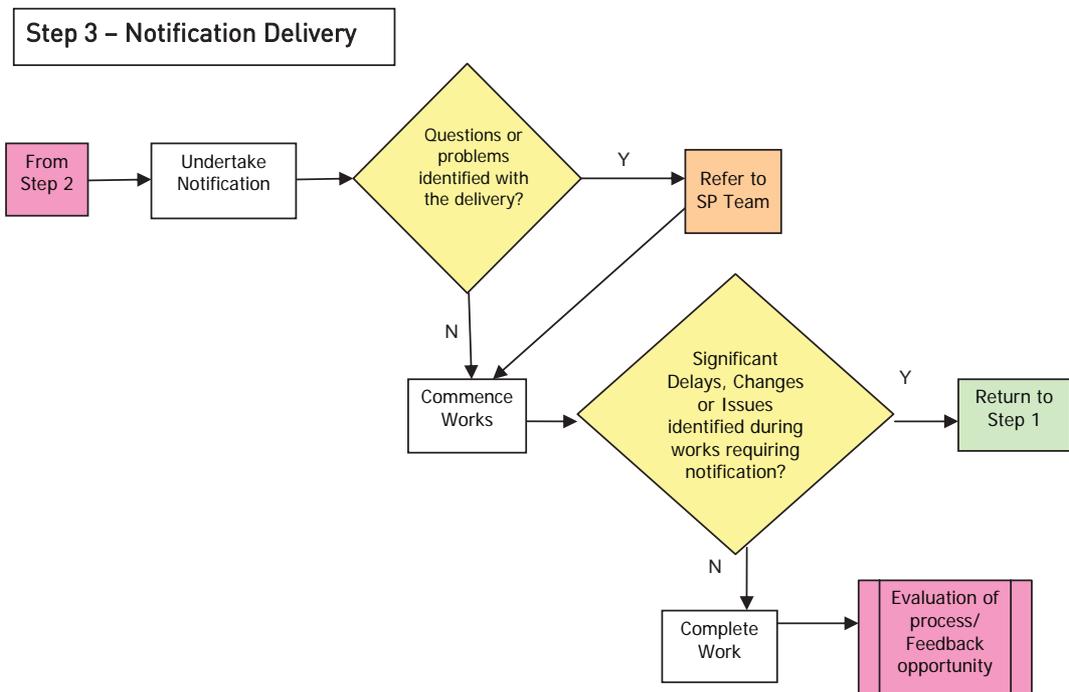


Diagram 3 – Notification Delivery

At this point the City Works Division has the option of undertaking the notification themselves or seeking assistance from the Social Planning Team. Once the notification has successfully been undertaken the physical works can commence.

Should project circumstances change, i.e. unexpected time delays, extended time away from site (Christmas/Easter break, employee holidays), changes in details of works undertaken, then an additional notification process should be undertaken. This would require returning to Step 1 to reassess the new notification requirements.

If there are no significant changes or delays to the project then the work can be completed and an evaluation/feedback process may be undertaken. It is recommended that a number of evaluations take place on an annual basis to provide critical feedback on the process undertaken and the outcomes derived. This is to ensure that the Civil Works Notification Policy is subject to continual improvement.

(i) Scale of Works

What is the actual size or scale of works to be carried out?
(Please tick the most appropriate box)

- Small** (ie minor, short term works on a individual street such as pothole repairs, kerbside ramps, suburban road works)
- Medium** (ie work across multiple streets or minor/ short-term repairs to commercial areas)
- Large** (ie work on arterial roads and significant projects within commercial precincts)

(ii) Impact of the Work

Impact refers to the positive or negative influence and/or change that the project will have on the community and environment. Please tick the most appropriate box with respect to size of impact for each category.

| IMPACT | HIGH | MEDIUM | LOW | N/A |
|-------------------------------------------------------------------------------------------------------------------------------------------|------|--------|-----|-----|
| Physical Impact The potential overall geographic impact (ie how widespread the impact will be felt) | | | | |
| Social Impact The impact of the works on the community (eg Impact on day to day living including access to property & services) | | | | |
| Environmental Impact The impact on the works on the environment (e.g. Impact on threatened species, riparian corridors, etc.) | | | | |
| Economic Impact The impact of the works in terms of cost to business (eg lost trade, restricted deliveries etc.) | | | | |
| Cultural Significance The impact of the work on cultural, religious or spiritual groups, beliefs or sites. | | | | |
| Political Environment Bigger picture or other projects being undertaken that you need to be aware of. | | | | |

Based on the answers to the above prompts what is the overall impact of works to be carried out?
(Please tick the appropriate box)

- N/A**
- Low**
- Medium**
- High**

The works are deemed to have a HIGH impact if:

- the answer to **ANY** of the above prompts is '**HIGH**' then the overall impact is HIGH
- the answer to **ALL** of the above prompts is '**MEDIUM**' then the overall impact is HIGH

The works is deemed to have a MEDIUM impact if:

- the greatest impact on **ANY** of the above prompts is '**MEDIUM**' then the over all impact is MEDIUM
- the answer to **ALL** of the above prompts is '**LOW**' then the over all impact is MEDIUM

The works is deemed to have a LOW impact if:

- the greatest impact on **ANY** of the above prompts is '**LOW**' then the over all impact is LOW

If the answer to **ALL** of the above prompts is '**N/A**' then notification is not required.

(iii) Overall Impact/Significance of the Work

The table below cross tabulates the outcomes of the "Scale" (on the vertical axis) and "Impact" (on the horizontal axis) assessment to produce an overall rating for the project.

| Scale | Impact | | |
|--------|--------|--------|-----|
| | High | Medium | Low |
| Large | H | H | M |
| Medium | H | M | M |
| Small | M | M | L |

The rating as determined above is explained below. This rating is then used with the category of work to determine the most appropriate methodology to use.

HIGH The project will potentially have a significant impact on the community. A thorough, carefully planned engagement strategy is required to be undertaken as early as possible and as frequently as deemed necessary.

MEDIUM The project will potentially have a noticeable impact on the community. Engagement needs to be detailed to ensure the management of information.

LOW The project will potentially have minimal if any negative impact on the community. Engagement may still be required dependent upon the type of work.

(i) Stakeholder Identification

The table below is designed to list those identified stakeholders that fit within any of the following categories.

| STAKEHOLDERS | NAME | METHOD OF NOTIFICATION |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----------------------------------------------------------------|
| Directly Affected Residents, Businesses and Property Owners | | - Personalised Letter - In Person |
| Indirectly Affected Residents, Businesses and Property Owners (ie those in the surrounding project area that may have an interest in or be inconvenienced by the project works) | | - Media Release - Notice in Local Paper - Letter Box Drop |
| Community Groups and Educational Institutions (eg Friends of Andrew Lysaght Park, TAFE, etc) | | - Personalised Letter, Email or Fax |
| Indigenous Groups | | - Refer Social Planning |
| Environmental Groups | | - Personalised Letter, Email or Fax |
| Business Chambers etc. | | - Personalised Letter, Email or Fax |
| Multicultural Groups | | - Refer Social Planning |
| Other Government Departments and Other Authorities (eg Dept of Planning, RTA, Emergency Services, etc) | | - Personalised Letter, Email or Fax |
| Industry Experts | | - Personalised Letter, Email or Fax |
| Other Council Divisions | | - Personalised Letter, Email or Fax |
| Project Partners | | - Personalised Letter, Email or Fax |
| Contractors | | - Personalised Letter, Email or Fax |
| Consultants | | - Personalised Letter, Email or Fax |
| Hard to Reach Groups (eg marginalised groups that are generally excluded in public meetings unless targeted eg people who speak a language other than English, hearing impaired, visually impaired, those without transport, etc) | | - Refer Social Planning |
| Political (eg elected representatives State, local and federal) | | - Personalised Letter, Email or Fax - In Person |
| The Media | | - Personalised Letter, Email or Fax |
| Other | | |

(ii) Risk Assessment:

The table below is an example of major stakeholder groups, the possible consequences of not engaging with them and risk level that this would pose. This information can then be used in conjunction with the methodology matrix (following) to determine the type and level of engagement required for that particular situation.

Risk Assessment

| STAKEHOLDER | WORST CASE SCENARIO | RISK LEVEL | NOTIFICATION STRATEGY |
|----------------------------|------------------------------------------------------------------------------|------------|-----------------------|
| Major Land Owners | No/ Limited Access to property | Medium | Direct/ Indirect |
| Most Affected Residents | No/Limited Access to personal homes | High | Direct |
| Closely affected residents | No/ Limited thoroughfare causing inconvenience | Medium | Direct/ Indirect |
| Emergency Services | No/ Limited Access to emergency situation potential loss of property or life | High | Direct |
| Business and other groups | No/ Limited Access for customers members affecting trade/ business. | High | Direct |
| Other Residents | Inconvenience | Low | Indirect |

(iii) Methodology Matrix:

At this point all the data collected during the Notification Development Process comes together to produce the Methodology Matrix. The Matrix is a guide to identify the minimum standards of notification required for the specific project type as determined. It is not intended to be all encompassing but to provide enough information to guide the user as to the most appropriate tools for engaging.

| TYPE OF WORKS | SIGNIFICANCE OF PROJECT OR AREA | MINIMUM NOTIFICATION STANDARDS |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Street and Roadside Furniture, Pot Holes and Minor Repairs, etc. | High | - Letter to those Directly Affected - Letter Box Drop |
| | Medium | - Nil |
| | Low | - Nil |
| Kerb and Guttering (required to notify directly affected residents at start of year if financial contributions are required) | High | - Media Release - Notice in Local Paper - Site Signage - Website - Letter to those Directly Affected - In Person - Letter Box Drop |
| | Medium | - Website - Letter to those Directly Affected - In Person - Letter Box Drop |
| | Low | - Letter to those Directly Affected - Letter Box Drop |

| TYPE OF WORKS | SIGNIFICANCE OF PROJECT OR AREA | MINIMUM NOTIFICATION STANDARDS |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cycleways and Shared Ways, Footpaths, Carparks, Re Sheeting, Traffic Calming Devices, Road Closure (full/partial) etc | High | <ul style="list-style-type: none"> - Media Release - Notice in Local Paper - Site Signage - Website - Letter to those Directly Affected - In Person - Letter Box Drop |
| | Medium | <ul style="list-style-type: none"> - Notice in Local Paper - Site Signage - Letter to those Directly Affected - In Person - Letter Box Drop |
| | Low | <ul style="list-style-type: none"> - Letter to those Directly Affected - Letter Box Drop |
| Major construction and reconstruction projects | High (ie Sea Cliff Bridge, proposed Fowlers Rd extension) | <ul style="list-style-type: none"> - Information Kiosk/Shop Front - Media Release - Notice in local paper - Site signage - Website - Information hotline - Letter to those directly affected - In person - Letter box drop |
| | Medium | <ul style="list-style-type: none"> - Media Release - Notice in local paper - Site signage - Website - Letter to those directly affected - In person - Letter box drop |
| | Low | <ul style="list-style-type: none"> - Notice in local paper - Site signage - Website - Letter to those directly affected - In person - Letter box drop |
| Tree Removal as a result of Civil Works construction | High (significant trees identified in LEP or as determined by WCC Arborists) | <ul style="list-style-type: none"> - Media Release - Elected members - Website - Letter to those directly affected - In person |
| | Low (all other trees) | <ul style="list-style-type: none"> - Letter to those directly affected - Letter box drop |

NB: If the need to carry out works as the result of an emergency or to address urgent safety concerns arises, the requirements as outlined in the policy shall be deemed to be unnecessary due to the time constraints, the potential risk of delayed action and hazards presented.

(iv) Explanation of Methodologies:

| METHODOLOGY | EXPLANATION | REASONING | SUGGESTED TIME FRAMES |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Media Release | News story on TV, in the local Paper and radio | Greater coverage of project details through local media. | In the week prior to commencement of work |
| Notice in Local Paper | Notice in community billboard/ public notices section of local papers | Notification of project details to the general public | In the week prior to commencement of work |
| Site Signage | Large signage permanently on site provided details of proposed works | Notification for regular users of the space/ passing traffic. | Minimum of 2 weeks prior to the commencement of work |
| Website | 24/7 access to detailed information and maps of the work displayed on our website | Provide detailed information of works to be undertaken along with contact details for further information. | Minimum of 2 weeks prior to and for the duration of the project |
| Information Kiosk/ Shopfront | On site, in person notification for a set duration at a predetermined location. Allows for two way communication and the viewing of maps plans etc. | Provides community members with a designated time and place to discuss the project directly with Council staff. | At least 6-8 weeks prior to the commencement of works |
| Static Displays | Detailed information and maps of the work displayed in prominent locations prior to and for the duration of the project | Provide detailed information of works to be undertaken along with contact details for further information. | 2-4 weeks prior to the commencement of the work and for the duration of the project |
| Letter to those who are Directly Affected | Personalised letter to stakeholders directly affected by the project providing detailed information of works to be undertaken | Provide a standardised, personal letter to develop direct contact and build the relationship. | 2 weeks prior to commencement of work |
| Letter Box Drop | Generic flyer to properties surrounding the project area informing them of the project details along with contact details for further information. | Provide standardised, detailed information of works to be undertaken along with contact details for further information. | At least 1 week prior to the commencement of work |
| In Person | Door Knock, One on One meeting, Phone call, email etc. | To provide further information specific to an individual's circumstances | Where possible at least 1 week prior to the commencement of work |
| Information Hotline | Phone line that people can call to gain information specifically about that project. | Information available to the community at time that suits them | 1 week prior to the commencement of the work and for the duration of the project |

The provisions within this Policy that relate to notification areas and timeframes of notification are minimum only and may be increased [not reduced] at the discretion of the City Works Manager, Assistant Managers or Coordinators upon considering the nature of the likely impact of the proposal. Templates and worked examples of each will be provided during the training and development of the City Works staff.

Impact Assessment

Impact refers to the positive or negative influence and/or change that the project will have on the community and environment.

- | | |
|----------|------------------------------------------------------------------------------------------------------------|
| DIRECT | The works being undertaken will have a definite impact (positive or negative) on members of the community. |
| INDIRECT | The works being undertaken may have an impact (positive or negative) on members of the community. |

Risk Levels

An assessment is made on the potential level of risk involved in not consulting with any stakeholder or group. The ratings below define the type and severity of the potential risk.

- | | |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HIGH | Stakeholders have the potential to halt or end a project or create serious controversy surrounding the project proving detrimental to the project and Council as a whole. (ie Image, financial, reputation, etc) |
| MEDIUM | Stakeholders have the ability to invoke controversy surrounding a project or exert influence over the outcomes. |
| LOW | Stakeholders have minimal ability to create disruptions or controversy surrounding a project. |

Notification Strategy

In this instance the method for delivering of the notification is determined based on the level of risk of not engaging with individual stakeholders or groups.

- | | |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| DIRECT | Carefully planned, engagement strategy required to be undertaken in person as early as possible and as frequently as deemed necessary. |
| INDIRECT | Engagement is generic and needs to be managed to ensure the consistency of information. |

SUMMARY SHEET

| | |
|------------------------------------------|-------------------|
| RESPONSIBLE DIVISION | City Works |
| DATE ADOPTED ON BEHALF OF COUNCIL | 25 September 2006 |
| DATE OF PREVIOUS ADOPTION(S) | Not Applicable |
| DATE FOR REVIEW | June 2012 |

BACKGROUND

This policy has been developed in order to provide a clear and concise guideline to notify the community of construction and maintenance projects undertaken by the Infrastructure and Works Directorate.

OBJECTIVE

The main objectives of this policy are to:

- 1 Provide a standardised notification process for civil infrastructure construction and maintenance projects prior to the commencement of work within the Wollongong Local Government Area; and
- 2 Provide minimum levels of notification recommended for projects of varying types and significance.

POLICY STATEMENT

This policy aims to provide clear and straightforward guidance on the notification requirements of construction and maintenance projects undertaken by the Infrastructure and Works Directorate of Council.

STATEMENT OF PROCEDURES

1 CIVIL WORKS NOTIFICATION POLICY

1.1 The purpose of the Policy

This policy outlines the minimum requirements for notification with respect to various types of civil infrastructure construction and maintenance. The purpose of this Policy is to ensure that public notification is undertaken in a consistent, timely and meaningful manner within the Wollongong Local Government Area.

1.2 Title

Civil Works Notification Policy

1.3 Where this Policy applies

This Policy applies to Council civil works within the Wollongong Local Government Area, whether undertaken by Council staff or contractors on behalf of Council.

1.4 When was this Policy adopted by Council?

This Policy was adopted by EMC on 9 December 2014.

1.5 When will this Policy commence?

The Management Policy will commence on 1 January 2015.

1.6 Relationship to Regulations

Wollongong LEP 1990

1.7 Relevant Policies

This Policy has been prepared in accordance with the Wollongong City Council Community Engagement Policy.

Other relevant Policies include Council Policy 1.2 – Community Engagement Policy.

1.8 Evaluation

The Policy shall be reviewed every three years.

1.9 Objectives

The Policy aims to:

- Establish a standardised notification process for civil infrastructure construction and maintenance projects after Design handover has been completed, but prior to work commencing in the Wollongong LGA; and
- Provide minimum levels of notification recommended for projects of varying types and significance.

2 BACKGROUND

The Construction and Maintenance function of Council's Infrastructure and Works Directorate is responsible for carrying out the following key activities:

- Construction and maintenance of Council's civil infrastructure assets, including: roads, car parks, footpaths, cycleways, shared pathways, bridges, drainage pipes, drainage structures, culverts, causeways and roadside furniture;
- Construction and maintenance of other Council assets for and on behalf of other Council divisions;
- Construction and maintenance of infrastructure for state government agencies.

Consequently the Infrastructure and Works Directorate is responsible for a significant number of notifications and is a large part of Wollongong City Council's engagement with the community. The Civil Works Notification Policy ensures these notifications prior to the commencement of work are aligned with Council's Community Engagement Policy.

Current methods of notification used by the Infrastructure and Works Directorate include the following:

- Letter box drop;

- Site meeting;
- Door knock;
- On-site project signage;
- Media usage;
- Council's Web Page;
- Facebook;
- Twitter.

While all of these methods are valid and play a key role in any successful notification process, the varied application and delivery of each method may potentially lead to disharmony in the community despite the intended goodwill. This policy standardises the contents and the method of notification delivery.

3 PROJECT IDENTIFICATION

Once a project has been identified as a Capital Project, and funding has been provided for construction, projects must be designed and handed over for construction. A project is only handed over for construction once all community engagement, design and regulatory approvals have been completed. The project is then programmed for construction within the financial year of funding.

Methodology Determination

The methods of notification are determined as part of a project risk assessment and are directly related to the amount of inconvenience the work may cause to the public, rather than the category or type of work.

Risk Ratings

- **HIGH** – The project will potentially have a significant impact on the community for a prolonged period (over six weeks).
- **MEDIUM** – The project will potentially have a noticeable impact on the community with a duration of greater than one but less than six weeks.
- **LOW** – The project will potentially have minimal, if any, negative impact on the community.

Categories:

The following categories are not exhaustive and are examples only.

i **Street and Roadside Furniture, Pot Holes and Minor Repairs, etc**

The installation and/or repair of assets that fall under this category will often require little or no notification as a result of the length of time spent at the location and thus the inconvenience or impact to the public. It is still worth noting though that some works under these categories will still require notification.

ii **Kerb and Guttering**

iii **Cycleways, Footpaths, Shared Ways and Car Parks, Re-Sheeting, Traffic Calming Devices, etc**

The works categories listed above generally take place on smaller suburban streets or areas and are likely to only affect the community within the proximity to the works being undertaken.

iv **Major Construction and Reconstruction Projects**

Projects that fall into this category of works are significant in nature in that the impact on the community and the environment will be widespread and often are carried out in larger retail precincts or on major arterial roads.

4 NOTIFICATION DELIVERY

Should project circumstances change, ie unexpected time delays; extended time away from site (Christmas/Easter break, employee holidays); changes in details of works undertaken; then an additional notification process will be undertaken.

If there are no significant changes or delays to the project then the work can be completed and an evaluation/feedback process may be undertaken. It is recommended that a number of evaluations take place on an annual basis to provide critical feedback on the process undertaken and the outcomes derived. This is to ensure that the Civil Works Notification Policy is subject to continual improvement.

This following table is a guide to identify the minimum standards of notification required for the specific project type as determined.

| TYPE OF WORKS | SIGNIFICANCE OF PROJECT OR AREA | MINIMUM NOTIFICATION STANDARDS |
|---------------------------------------------------------------------------------------|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Street and Roadside Furniture, Pot Holes and Minor Repairs, etc | High | In person |
| | Medium | In person |
| | Low | Nil |
| Kerb and Guttering | High | Media Release and/or Social Media Site Signage Website Letter Box Drop |
| | Medium | Website Letter Box Drop |
| | Low | Letter Box Drop |
| Cycleways and Shared Ways, Footpaths, Car Parks, Re-Sheeting, Traffic Calming Devices | High | Media Release and/or Social Media Site Signage Website Letter Box Drop |
| | Medium | Site Signage Letter Box Drop Website |
| | Low | Letter Box Drop |
| Road Closures | High | E-mail to Emergency Services and Council's Customer Service Media Release or Social Media Site Signage Website Letter Box Drop |
| | Medium | E-mail to Emergency Services and Council's Customer Service Site Signage Letter Box Drop Website |
| | Low | Letter Box Drop |
| Major construction and reconstruction projects | High | Media Release and/or Social Media Site signage Website Customer Service Letter box drop |

| TYPE OF WORKS | SIGNIFICANCE OF PROJECT OR AREA | MINIMUM NOTIFICATION STANDARDS |
|--------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------------------------------|
| | Medium | Media Release and/or Social Media Site signage Website Letter box drop Customer Service |
| | Low | Site signage Website Letter box drop |
| Tree Removal as part of Civil Works construction | | Councillors via Divisional Manager |

Variable Message Signs (VMS) are to be utilised on sites prior and during works if traffic disruptions are anticipated.

NB: If the need to carry out works as the result of an emergency, or to address urgent safety concerns, arises, the requirements, as outlined in the policy, may not be followed due to the time constraints.

Explanation of Methodologies:

| METHODOLOGY | EXPLANATION | REASONING | SUGGESTED TIME FRAMES |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Media Release/ Social Media | News story on TV, in the local Paper and radio, Twitter feed and Facebook posts | Greater coverage of project details through local media. | In the week prior to commencement of work |
| Site Signage | Signage on site providing details of proposed works and duration of project | Notification for regular users of the space/passing traffic. | Duration of the project for projects of 2 weeks or longer |
| VMS | Variable Message Sign | Notification for regular users of the space/passing traffic. | Minimum of 2 weeks prior to and for the duration of the project |
| Website | 24/7 access to detailed information and maps of the work displayed on our website | Provide detailed information of works to be undertaken | Minimum of 2 weeks prior to and for the duration of the project |
| Information Kiosk/ Shopfront | On site, in person notification for a set duration at a predetermined location. Allows for two way communication and the viewing of maps plans, etc, with Engagement Team. | Provides community members with a designated time and place to discuss the project directly with Council staff. | Prior to the commencement of works and the duration of the project (major projects only) |
| Letter Box Drop | Generic flyer to properties surrounding the project area informing them of the project details along with contact details for further information. | Provide standardised, detailed information of works to be undertaken along with contact details for further information. | At least 1 week prior to the commencement of work |
| In Person | Door knock, one on one meeting, phone call, e-mail, etc. | To provide further information specific to an individual's circumstances | Where possible at least 1 week prior to the commencement of work |
| Customer Service | Phone line that people can call to gain information specifically about that project. | Information available to the community at time that suits them | 1 week prior to the commencement of the work and for the duration of the project |

The provisions within this Policy that relate to notification areas and timeframes of notification are minimum only and may be increased (not reduced) at the discretion of the Manager City Works and Services, Assistant Managers or Coordinators upon considering the nature of the likely impact of the proposal. For further advice and guidance please contact the Community Engagement Team.

SUMMARY SHEET

| | |
|------------------------------------------------|---------------------------------|
| Responsible Division | City Works and Services |
| Date adopted by Executive Management Committee | 9 December 2014 |
| Date of previous adoptions | September 2006 (Council Policy) |
| Date of next review | December 2017 |
| Prepared by | Civil Construction Manager |
| Authorised by | Manager City Works and Services |



**Blue Mile Heritage Walk Stage 2 Promenade
Endeavour Drive, Wollongong
Site Plan**

Aerial Photography Flown 2014



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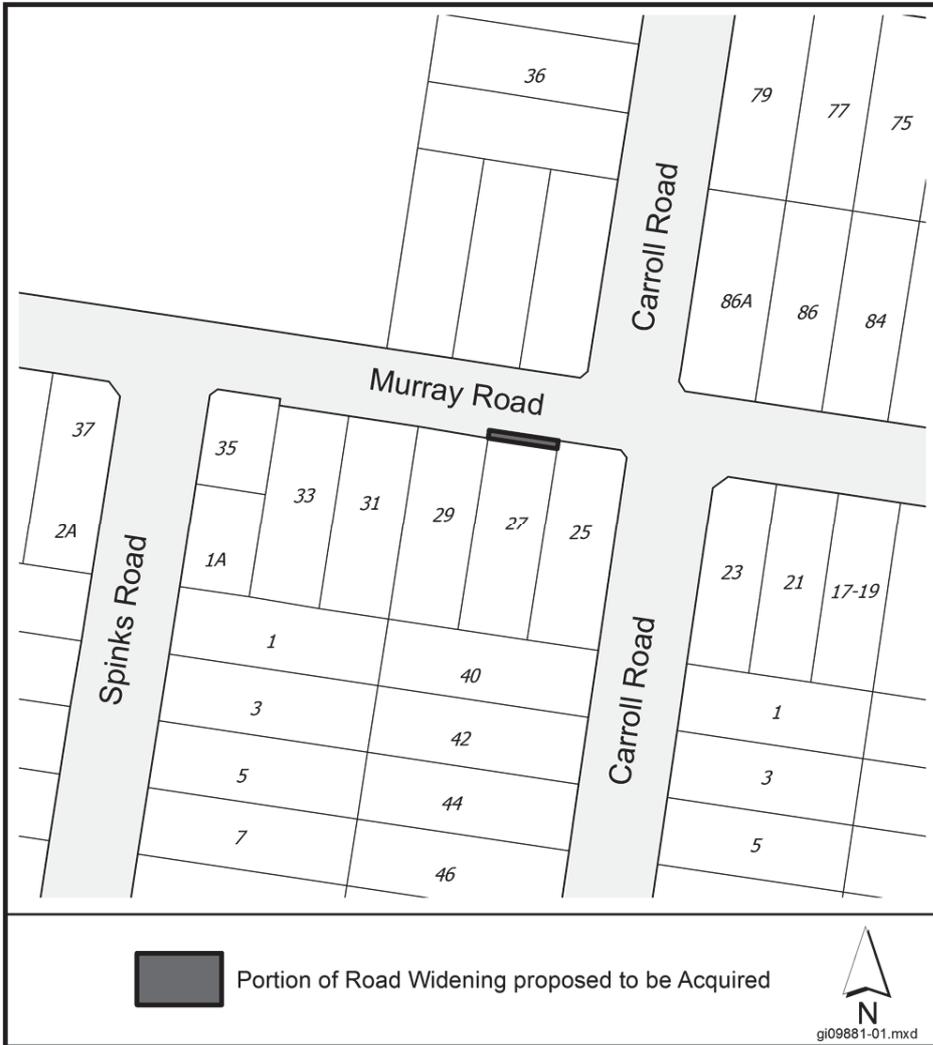
**Redevelopment of existing facilities
Nicholson Park, Woonona
Site Plan**

Aerial Photography Flown 2014



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Portions of Road Widening still to be Acquired



No 27 Murray Road - subject of this report



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WOLLONGONG CITY COUNCIL

1 July 2014 to 30 January 2015

| | 2014/15 Original Budget \$'000 | 2014/15 Current Budget \$'000 | 2014/15 YTD Budget \$'000 | 2014/15 Actual YTD \$'000 |
|----------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------|---------------------------------|---------------------------------|
| Income Statement | | | | |
| Income From Continuing Operations | | | | |
| Revenue: | | | | |
| Rates and Annual Charges | 165,699 | 166,585 | 97,669 | 97,781 |
| User Charges and Fees | 32,487 | 31,804 | 18,820 | 19,368 |
| Interest and Investment Revenues | 5,238 | 5,514 | 3,029 | 3,190 |
| Other Revenues | 9,143 | 9,562 | 5,812 | 6,054 |
| Grants & Contributions provided for Operating Purposes | 28,146 | 29,110 | 17,570 | 17,571 |
| Grants & Contributions provided for Capital Purposes | 32,604 | 28,174 | 9,893 | 8,415 |
| Other Income: | | | | |
| Profit/Loss on Disposal of Assets | 1,040 | 4,546 | 917 | 940 |
| Total Income from Continuing Operations | 274,357 | 275,296 | 153,709 | 153,319 |
| Expenses From Continuing Operations | | | | |
| Employee Costs | 107,212 | 109,338 | 63,797 | 63,017 |
| Borrowing Costs | 3,830 | 3,991 | 2,340 | 2,253 |
| Materials, Contracts & Other Expenses | 90,424 | 88,922 | 47,794 | 44,290 |
| Depreciation, Amortisation + Impairment | 61,767 | 60,773 | 35,798 | 35,511 |
| Internal Charges (labour) | (10,606) | (10,591) | (6,191) | (6,249) |
| Internal Charges (not labour) | (1,536) | (1,422) | (841) | (778) |
| Total Expenses From Continuing Operations | 251,092 | 251,012 | 142,696 | 138,045 |
| Operating Results From Continuing Operations | 23,265 | 24,284 | 11,013 | 15,274 |
| Net Operating Result for the Year | 23,265 | 24,284 | 11,013 | 15,274 |
| Net Operating Result for the Year before Grants & Contributions provided for Capital Purposes | (9,338) | (3,890) | 1,120 | 6,859 |
| NET SURPLUS (DEFICIT) [Pre capital] % | 8.5% | 8.8% | 7.2% | 10.0% |
| Funding Statement | | | | |
| Net Operating Result for the Year | 23,265 | 24,284 | 11,013 | 15,274 |
| Add back : | | | | |
| - Non-cash Operating Transactions | 78,059 | 71,204 | 43,774 | 43,641 |
| - Restricted cash used for operations | 14,413 | 15,799 | 5,238 | 4,660 |
| - Income transferred to Restricted Cash | (58,334) | (61,923) | (21,991) | (20,071) |
| - Payment of Accrued Leave Entitlements | (10,145) | (10,145) | (6,633) | (7,587) |
| - Payment of Carbon Contributions | (427) | (263) | (154) | (264) |
| Funds Available from Operations | 46,832 | 38,955 | 31,247 | 35,654 |
| Advances (made by) / repaid to Council | (135) | (135) | (145) | 5 |
| Borrowings repaid | (4,914) | (5,236) | (4,029) | (3,818) |
| Operational Funds Available for Capital Budget | 41,782 | 33,583 | 27,073 | 31,841 |
| CAPITAL BUDGET | | | | |
| Assets Acquired | (83,693) | (86,199) | (43,625) | (44,562) |
| Transfers to Restricted Cash | (1,040) | (17,758) | (1,625) | (1,515) |
| Funded From :- | | | | |
| - Operational Funds | 41,782 | 33,583 | 27,073 | 31,841 |
| - Sale of Assets | 3,263 | 12,838 | 3,019 | 2,927 |
| - Internally Restricted Cash | 5,126 | 8,252 | 6,402 | 5,675 |
| - Borrowings | 0 | 15,000 | 0 | 0 |
| - Capital Grants | 13,914 | 11,973 | 6,802 | 7,439 |
| - Developer Contributions (Section 94) | 5,858 | 5,612 | 2,992 | 2,318 |
| - Other Externally Restricted Cash | 10,136 | 11,139 | 7,256 | 7,444 |
| - Other Capital Contributions | 1,955 | 2,598 | 652 | 701 |
| TOTAL FUNDS SURPLUS / (DEFICIT) | (2,700) | (2,962) | 8,947 | 12,267 |

Manager Project Delivery Division

Commentary on January 2015 Capital Budget Report

As at 30 January 2015, year to date expenditure was \$44.6M of the approved capital budget of \$86.2M. This value is \$1.0M ahead of the initial forecast expenditure of \$43.6M for this period.

The following table summarises the proposed changes to the total Capital budget by transfer of budget between programs and reduction or introduction of various types of external or loan funding. These changes result in a net decrease in the capital budget of \$0.15M to \$86.05M.

| Program | Major Points of change to Capital Budget |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Traffic Facilities | Allocate additional budget from Cycleway/Shared Paths and Contingency to existing projects. |
| Road Works | Allocate additional budget from Commercial Centre Upgrades. Introduce RMS funding for new project. |
| Bridges, Boardwalks and Jetties | Allocate additional budget for existing projects from Commercial Centre Upgrades. |
| Footpaths | Introduce LIRS 1 for existing projects and new projects |
| Cycle/Shared Paths | Rephase RMS funding for exiting project. Allocate additional budget for existing projects from Com. Centre Upgrades. Allocate budget from Cycleway/Shared Paths to Traffic Facilities. |
| Commercial Centre Upgrades - Footpaths and Cycleways | Reallocate budget from Commercial Centre Upgrades to Traffic Facilities, Road Works, Bridges, Boardwalks and Jetties, Cycle/Shared Paths, Car Parks and Crematorium/Cemeteries Upgrade and Renewal. |
| Carpark Reconstruction or Upgrading | Allocate additional budget from Commercial Centre Upgrades. |
| Cultural Centres (IPAC, Gallery, Townhall) | Allocate additional budget for existing projects from Administration Buildings. |
| Administration Buildings | Reallocate budget from Administration Buildings to Cultural Centres. |
| Crematorium/Cemetery - Upgrades and Renewal | Allocate additional budget from Commercial Centre Upgrades to new project. |
| Play Facilities | Introduce additional Sect 94 Funding for existing project. |
| Natural Area Management and Rehabilitation | Allocate budget for new project from Contingency |
| Whytes Gully New Cells | Introduce additional waste reserve funding for existing project. |
| Helensburgh Rehabilitation | Reallocate waste reserve funding to Whytes Gully New Cells |
| Motor Vehicles | Rephase budget to future year |
| Emergency Services Plant & Equipment | Rephase budget to future year |
| Capital Budget Contingency | Distributions to match various budget allocations detailed above. |

CAPITAL PROJECT REPORT

as at the period ended 30 January 2015

| ASSET CLASS PROGRAMME | \$'000 | | \$'000 | | YTD EXPENDITURE | \$'000 | |
|-----------------------------------------------------|----------------|-----------------|----------------|-----------------|-----------------|----------------|---------------|
| | CURRENT BUDGET | | WORKING BUDGET | | | VARIATION | |
| | EXPENDITURE | OTHER FUNDING | EXPENDITURE | OTHER FUNDING | | EXPENDITURE | OTHER FUNDING |
| Roads And Related Assets | | | | | | | |
| Traffic Facilities | 2,285 | (1,286) | 2,415 | (1,286) | 1,489 | 130 | (0) |
| Public Transport Facilities | 250 | (75) | 250 | (75) | 147 | 0 | 0 |
| Roadworks | 6,467 | (1,141) | 7,846 | (1,219) | 3,338 | 1,378 | (78) |
| Bridges, Boardwalks and Jetties | 3,670 | (1,840) | 3,720 | (1,840) | 2,217 | 50 | 0 |
| TOTAL Roads And Related Assets | 12,672 | (4,342) | 14,230 | (4,420) | 7,190 | 1,558 | (78) |
| West Dapto | | | | | | | |
| West Dapto Infrastructure Expansion | 8,725 | (8,749) | 8,725 | (8,749) | 6,361 | 0 | 0 |
| TOTAL West Dapto | 8,725 | (8,749) | 8,725 | (8,749) | 6,361 | 0 | 0 |
| Footpaths And Cycleways | | | | | | | |
| Footpaths | 5,558 | (4,463) | 5,945 | (4,850) | 1,850 | 387 | (387) |
| Cycle/Shared Paths | 6,910 | (4,862) | 6,840 | (4,782) | 2,408 | (70) | 80 |
| Commercial Centre Updages - Footpaths and Cycleway: | 13,877 | (2,815) | 11,977 | (2,815) | 10,036 | (1,900) | (0) |
| TOTAL Footpaths And Cycleways | 26,345 | (12,140) | 24,762 | (12,447) | 14,294 | (1,583) | (307) |
| Carparks | | | | | | | |
| Carpark Construction/Formalising | 677 | (400) | 677 | (400) | 120 | 0 | (0) |
| Carpark Reconstruction or Upgrading | 471 | 0 | 871 | 0 | 449 | 400 | 0 |
| TOTAL Carparks | 1,148 | (400) | 1,548 | (400) | 569 | 400 | (0) |
| Stormwater And Floodplain Management | | | | | | | |
| Floodplain Management | 1,279 | (709) | 1,274 | (704) | 625 | (5) | 5 |
| Stormwater Management | 1,430 | (750) | 1,430 | (750) | 851 | (0) | (0) |
| Stormwater Treatment Devices | 200 | (200) | 200 | (200) | 84 | 0 | 0 |
| TOTAL Stormwater And Floodplain Man | 2,909 | (1,659) | 2,904 | (1,654) | 1,559 | (5) | 5 |
| Buildings | | | | | | | |
| Cultural Centres (IPAC, Gallery, Townhall) | 802 | 0 | 825 | 0 | 215 | 23 | 0 |
| Administration Buildings | 1,916 | 0 | 1,893 | 0 | 1,172 | (23) | 0 |
| Community Buildings | 5,379 | (925) | 5,379 | (925) | 1,779 | (0) | 0 |
| Public Facilities (Shelters, Toilets etc) | 1,115 | (113) | 1,115 | (113) | 296 | 0 | 0 |
| TOTAL Buildings | 9,211 | (1,038) | 9,211 | (1,038) | 3,463 | (0) | 0 |
| Commercial Operations | | | | | | | |
| Tourist Park - Upgrades and Renewal | 700 | 0 | 700 | 0 | 358 | (0) | 0 |
| Crematorium/Cemetery - Upgrades and Renewal | 274 | 0 | 354 | 0 | 72 | 80 | 0 |
| Leisure Centres & RVGC | 150 | 0 | 150 | 0 | 43 | 0 | 0 |
| TOTAL Commercial Operations | 1,124 | 0 | 1,204 | 0 | 472 | 80 | 0 |
| Parks Gardens And Sportfields | | | | | | | |
| Play Facilities | 2,122 | (767) | 2,159 | (804) | 766 | 37 | (37) |
| Recreation Facilities | 624 | 0 | 629 | 0 | 337 | 5 | 0 |
| Sporting Facilities | 1,313 | (936) | 1,318 | (946) | 157 | 5 | (10) |
| Lake Illawarra Foreshore | 225 | 0 | 225 | 0 | 100 | 0 | 0 |
| TOTAL Parks Gardens And Sportfields | 4,284 | (1,703) | 4,331 | (1,750) | 1,360 | 47 | (47) |

CAPITAL PROJECT REPORT

as at the period ended 30 January 2015

| ASSET CLASS PROGRAMME | \$'000 | | \$'000 | | YTD EXPENDITURE | \$'000 | |
|--------------------------------------------|----------------|-----------------|----------------|-----------------|-----------------|----------------|---------------|
| | CURRENT BUDGET | | WORKING BUDGET | | | VARIATION | |
| | EXPENDITURE | OTHER FUNDING | EXPENDITURE | OTHER FUNDING | | EXPENDITURE | OTHER FUNDING |
| Beaches And Pools | | | | | | | |
| Beach Facilities | 413 | 0 | 413 | 0 | 141 | (0) | 0 |
| Rock/Tidal Pools | 1,375 | 0 | 1,375 | 0 | 664 | (0) | 0 |
| Treated Water Pools | 1,259 | (8) | 1,260 | (8) | 314 | 0 | 0 |
| TOTAL Beaches And Pools | 3,048 | (8) | 3,048 | (8) | 1,119 | 0 | 0 |
| Natural Areas | | | | | | | |
| Environmental Management Program | 145 | 0 | 145 | 0 | 2 | (0) | 0 |
| Natural Area Management and Rehabilitation | 165 | (45) | 177 | (45) | 62 | 12 | 0 |
| TOTAL Natural Areas | 310 | (45) | 322 | (45) | 64 | 12 | 0 |
| Waste Facilities | | | | | | | |
| Whytes Gully New Cells | 5,550 | (5,550) | 6,000 | (6,000) | 5,056 | 450 | (450) |
| Whytes Gully Renewal Works | 390 | (390) | 390 | (390) | 46 | (0) | (0) |
| Helsburgh Rehabilitation | 500 | (500) | 200 | (200) | 167 | (300) | 300 |
| TOTAL Waste Facilities | 6,440 | (6,440) | 6,590 | (6,590) | 5,269 | 150 | (150) |
| Fleet | | | | | | | |
| Motor Vehicles | 2,886 | (1,773) | 1,886 | (1,042) | 9 | (1,000) | 731 |
| TOTAL Fleet | 2,886 | (1,773) | 1,886 | (1,042) | 9 | (1,000) | 731 |
| Plant And Equipment | | | | | | | |
| Portable Equipment (Mowers etc) | 400 | (300) | 400 | (300) | 88 | (0) | 0 |
| Mobile Plant (trucks, backhoes etc) | 2,000 | (150) | 2,000 | (150) | 786 | 0 | 0 |
| Fixed Equipment | 260 | 0 | 260 | 0 | 48 | (0) | 0 |
| TOTAL Plant And Equipment | 2,660 | (450) | 2,660 | (450) | 922 | (0) | 0 |
| Information Technology | | | | | | | |
| Information Technology | 820 | 0 | 820 | 0 | 102 | (0) | 0 |
| TOTAL Information Technology | 820 | 0 | 820 | 0 | 102 | (0) | 0 |
| Library Books | | | | | | | |
| Library Books | 1,200 | 0 | 1,200 | 0 | 798 | (0) | 0 |
| TOTAL Library Books | 1,200 | 0 | 1,200 | 0 | 798 | (0) | 0 |
| Public Art | | | | | | | |
| Public Art Works | 282 | (22) | 282 | (22) | 26 | (0) | 0 |
| Art Gallery Acquisitions | 141 | (41) | 141 | (41) | 67 | 0 | 0 |
| TOTAL Public Art | 423 | (63) | 423 | (63) | 93 | 0 | 0 |
| Emergency Services | | | | | | | |
| Emergency Services Plant and Equipment | 400 | 0 | 300 | 0 | 100 | (100) | 0 |
| TOTAL Emergency Services | 400 | 0 | 300 | 0 | 100 | (100) | 0 |
| Land Acquisitions | | | | | | | |
| Land Acquisitions | 730 | 0 | 730 | 0 | 637 | (0) | 0 |
| TOTAL Land Acquisitions | 730 | 0 | 730 | 0 | 637 | (0) | 0 |
| Non-Project Allocations | | | | | | | |
| Capital Project Contingency | 89 | 0 | 377 | 0 | 0 | 287 | 0 |
| Capital Project Plan | 775 | (366) | 775 | (366) | 177 | (0) | 0 |
| TOTAL Non-Project Allocations | 864 | (366) | 1,152 | (366) | 177 | 287 | 0 |
| Loans | | | | | | | |
| West Depto Loan | 0 | (2,760) | 0 | (2,760) | 0 | 0 | 0 |
| LIRS Loan | 0 | (15,000) | 0 | (15,000) | 0 | 0 | 0 |
| TOTAL Loans | 0 | (17,760) | 0 | (17,760) | 0 | 0 | 0 |
| Not Applicable | | | | | | | |
| Not Applicable | (0) | 0 | (0) | 0 | (0) | 0 | 0 |
| TOTAL Not Applicable | (0) | 0 | (0) | 0 | (0) | 0 | 0 |
| GRAND TOTAL | 86,199 | (56,934) | 86,046 | (56,781) | 44,562 | (153) | 153 |

WOLLONGONG CITY COUNCIL

| | | Actual 2014/15 \$'000 | Actual 2013/14 \$'000 |
|------------------------------------------|--|-----------------------------|-----------------------------|
| BALANCE SHEET | | | |
| | | as at the 30/01/15 | as at 30/06/14 |
| CURRENT ASSETS | | | |
| Cash Assets | | 86,960 | 89,329 |
| Investment Securities | | 7,983 | 7,642 |
| Receivables | | 16,035 | 18,572 |
| Inventories | | 6,053 | 6,037 |
| Other | | 6,764 | 1,646 |
| Assets classified as held for sale | | 0 | 1,700 |
| Total Current Assets | | 123,795 | 124,926 |
| NON-CURRENT ASSETS | | | |
| Non Current Cash Assets | | 21,000 | 21,000 |
| Non-Current Receivables | | 5,238 | 5,238 |
| Property, Plant and Equipment | | 2,216,584 | 2,207,842 |
| Investment Properties | | 2,750 | 2,750 |
| Westpool Equity Contribution | | 1,181 | 1,181 |
| Intangible Assets | | 737 | 929 |
| Total Non-Current Assets | | 2,247,490 | 2,238,940 |
| TOTAL ASSETS | | 2,371,285 | 2,363,866 |
| CURRENT LIABILITIES | | | |
| Current Payables | | 23,914 | 29,098 |
| Current Provisions payable < 12 months | | 10,618 | 10,690 |
| Current Provisions payable > 12 months | | 32,224 | 32,224 |
| Current Interest Bearing Liabilities | | 3,908 | 3,908 |
| Total Current Liabilities | | 70,663 | 75,919 |
| NON-CURRENT LIABILITIES | | | |
| Non Current Interest Bearing Liabilities | | 28,226 | 31,459 |
| Non Current Provisions | | 49,976 | 49,217 |
| Total Non-Current Liabilities | | 78,202 | 80,676 |
| TOTAL LIABILITIES | | 148,866 | 156,595 |
| NET ASSETS | | 2,222,419 | 2,207,271 |
| EQUITY | | | |
| Accumulated Surplus | | 1,123,092 | 1,103,532 |
| Asset Revaluation Reserve | | 1,016,041 | 1,013,802 |
| Restricted Assets | | 83,286 | 89,937 |
| TOTAL EQUITY | | 2,222,419 | 2,207,271 |

| WOLLONGONG CITY COUNCIL | | |
|-------------------------------------------------------------------|-----------------|-----------------|
| CASH FLOW STATEMENT | | |
| as at 30 January 2015 | | |
| | YTD Actual | Actual |
| | 2014/15 | 2013/14 |
| | \$ '000 | \$ '000 |
| CASH FLOWS FROM OPERATING ACTIVITIES | | |
| Receipts: | | |
| Rates & Annual Charges | 97,175 | 157,362 |
| User Charges & Fees | 21,909 | 33,034 |
| Interest & Interest Received | 3,739 | 5,587 |
| Grants & Contributions | 28,134 | 51,407 |
| Other | 7,565 | 13,774 |
| Payments: | | |
| Employee Benefits & On-costs | (60,019) | (95,572) |
| Materials & Contracts | (32,273) | (38,702) |
| Borrowing Costs | (664) | (989) |
| Other | (21,534) | (35,817) |
| Net Cash provided (or used in) Operating Activities | 44,032 | 90,084 |
| CASH FLOWS FROM INVESTING ACTIVITIES | | |
| Receipts: | | |
| Sale of Infrastructure, Property, Plant & Equipment | 2,897 | 3,245 |
| Deferred Debtors Receipts | - | 12 |
| Payments: | | |
| Purchase of Investments | - | - |
| Purchase of Investment Property | - | - |
| Purchase of Infrastructure, Property, Plant & Equipment | (45,136) | (91,729) |
| Purchase of Interests in Joint Ventures & Associates | - | - |
| Net Cash provided (or used in) Investing Activities | (42,239) | (88,472) |
| CASH FLOWS FROM FINANCING ACTIVITIES | | |
| Receipts: | | |
| Proceeds from Borrowings & Advances | - | 4,305 |
| Payments: | | |
| Repayment of Borrowings & Advances | (3,821) | (4,742) |
| Repayment of Finance Lease Liabilities | - | - |
| Net Cash Flow provided (used in) Financing Activities | (3,821) | (437) |
| Net Increase/(Decrease) in Cash & Cash Equivalents | (2,028) | 1,175 |
| plus: Cash & Cash Equivalents and Investments - beginning of year | 117,971 | 116,796 |
| Cash & Cash Equivalents and Investments - year to date | 115,943 | 117,971 |

| WOLLONGONG CITY COUNCIL | | |
|-------------------------------------------------------------------------|----------------|----------------|
| CASH FLOW STATEMENT | | |
| as at 30 January 2015 | | |
| | YTD Actual | Actual |
| | 2014/15 | 2013/14 |
| | \$ '000 | \$ '000 |
| Total Cash & Cash Equivalents and Investments - year to date | 115,943 | 117,971 |
| Attributable to: | | |
| External Restrictions (refer below) | 57,708 | 63,961 |
| Internal Restrictions (refer below) | 25,601 | 24,384 |
| Unrestricted | 32,634 | 29,626 |
| | 115,943 | 117,971 |
| External Restrictions | | |
| Developer Contributions | 16,290 | 11,758 |
| RMS Contributions | 278 | 238 |
| Specific Purpose Unexpended Grants | 8,488 | 10,910 |
| Special Rates Levy Wollongong Centre Improvement Fund | - | - |
| Special Rates Levy Wollongong Mall | 183 | 251 |
| Special Rates Levy Wollongong City Centre | 10 | 11 |
| Local Infrastructure Renewal Scheme | 11,547 | 18,791 |
| Unexpended Loans | 7,207 | 12,877 |
| Domestic Waste Management | 9,635 | 6,408 |
| Private Subsidies | 3,575 | 1,883 |
| Stormwater Management Service Charge | 495 | 834 |
| Total External Restrictions | 57,708 | 63,961 |
| Internal Restrictions | | |
| Property Fund | 2,999 | (252) |
| Future Projects | 5,200 | - |
| Sports Priority Program | 802 | 850 |
| Car Parking Strategy | 218 | 489 |
| MacCabe Park Development | 628 | 391 |
| Darcy Wentworth Park | 151 | 99 |
| Garbage Disposal Facility | 10,559 | 20,281 |
| Telecommunications Revenue | 108 | 279 |
| West Dapto Development Additional Rates | 539 | 71 |
| Carbon Price | 4,397 | 2,176 |
| Total Internal Restrictions | 25,601 | 24,384 |

WOLLONGONG CITY COUNCIL
STATEMENT OF INVESTMENTS
30 January 2015

DIRECT INVESTMENTS

| Investment Body | Rating | Purchase Price \$ | Fair Value of Holding \$ | Security | Purchase Date | Maturity Date | Interest / Coupon Rate |
|---------------------------------------------------------------------|--------|-------------------|--------------------------|-----------|---------------|---------------|------------------------|
| NAB Professional Maximiser | A-1+ | - | 17,315,749 | 11am | 30/01/2015 | 30/01/2015 | 3.00% |
| St George | AA- | 5,000,000 | 5,000,000 | T/Deposit | 16/09/2014 | 13/02/2015 | 3.24% |
| ANZ | A-1+ | 2,500,000 | 2,500,000 | T/Deposit | 26/08/2014 | 26/02/2015 | 3.70% |
| Members Equity Bank | A-2 | 2,500,000 | 2,500,000 | T/Deposit | 28/02/2014 | 27/02/2015 | 3.90% |
| ANZ | A-1+ | 2,000,000 | 2,000,000 | T/Deposit | 28/02/2014 | 2/03/2015 | 3.60% |
| ANZ | A-1+ | 3,000,000 | 3,000,000 | T/Deposit | 29/08/2013 | 2/03/2015 | 3.75% |
| Bank of Queensland | A-2 | 4,000,000 | 4,000,000 | T/Deposit | 29/08/2013 | 2/03/2015 | 4.15% |
| Members Equity Bank | A-2 | 3,000,000 | 3,000,000 | T/Deposit | 28/03/2014 | 28/03/2015 | 3.90% |
| IMB | A-2 | 1,000,000 | 1,000,000 | T/Deposit | 30/01/2015 | 1/04/2015 | 3.20% |
| ING Australia | A-1 | 1,500,000 | 1,500,000 | T/Deposit | 26/08/2014 | 23/04/2015 | 3.60% |
| IMB | A-2 | 2,000,000 | 2,000,000 | T/Deposit | 30/01/2015 | 30/04/2015 | 3.25% |
| ING Australia | A-1 | 4,000,000 | 4,000,000 | T/Deposit | 2/10/2014 | 30/04/2015 | 3.49% |
| IMB | A-2 | 2,000,000 | 2,000,000 | T/Deposit | 17/11/2014 | 18/05/2015 | 3.40% |
| Bendigo Bank | A-2 | 3,000,000 | 3,000,000 | T/Deposit | 28/05/2014 | 28/05/2015 | 3.70% |
| Bank of Queensland | A-2 | 2,000,000 | 2,000,000 | T/Deposit | 28/11/2014 | 28/05/2015 | 3.60% |
| Members Equity Bank | A-2 | 3,000,000 | 3,000,000 | T/Deposit | 28/11/2014 | 28/05/2015 | 3.55% |
| ING Australia | A-1 | 2,000,000 | 2,000,000 | T/Deposit | 26/08/2014 | 22/06/2015 | 3.60% |
| Bank of Queensland | A-2 | 2,000,000 | 2,000,000 | T/Deposit | 28/01/2015 | 28/07/2015 | 3.45% |
| ANZ | A-1+ | 3,000,000 | 3,000,000 | T/Deposit | 29/08/2014 | 29/07/2015 | 3.74% |
| IMB | A-2 | 2,000,000 | 2,000,000 | T/Deposit | 30/01/2015 | 29/07/2015 | 3.20% |
| ANZ | A-1+ | 2,500,000 | 2,500,000 | T/Deposit | 6/08/2013 | 6/08/2015 | 4.05% |
| NAB | A-1+ | 2,000,000 | 2,000,000 | T/Deposit | 27/02/2014 | 27/08/2015 | 3.94% |
| Bank of Queensland | A-2 | 3,000,000 | 3,000,000 | T/Deposit | 28/11/2014 | 28/08/2015 | 3.57% |
| ING Australia | A-1 | 5,000,000 | 5,000,000 | T/Deposit | 29/08/2013 | 31/08/2015 | 4.15% |
| ING Australia | A-1 | 4,000,000 | 4,000,000 | T/Deposit | 29/08/2013 | 31/08/2015 | 4.15% |
| NAB | A-1+ | 1,500,000 | 1,500,000 | T/Deposit | 29/08/2013 | 31/08/2015 | 4.21% |
| ANZ | A-1+ | 2,000,000 | 2,000,000 | T/Deposit | 29/08/2014 | 29/09/2015 | 3.74% |
| Bank of Queensland | A-2 | 2,000,000 | 2,000,000 | T/Deposit | 7/01/2015 | 7/10/2015 | 3.50% |
| ANZ | A-1+ | 2,000,000 | 2,000,000 | T/Deposit | 29/08/2014 | 29/10/2015 | 3.74% |
| ANZ | A-1+ | 2,000,000 | 2,000,000 | T/Deposit | 29/08/2014 | 29/11/2015 | 3.74% |
| NAB | A-1+ | 2,000,000 | 2,000,000 | T/Deposit | 28/11/2014 | 30/11/2015 | 3.61% |
| IMB | A-2 | 2,000,000 | 2,000,000 | T/Deposit | 17/12/2014 | 17/12/2015 | 3.20% |
| NAB | A-1+ | 1,030,000 | 1,030,000 | T/Deposit | 17/12/2014 | 17/12/2015 | 3.60% |
| Bank of Queensland | A-2 | 2,000,000 | 2,000,000 | T/Deposit | 27/02/2014 | 26/02/2016 | 4.05% |
| NAB | A-1+ | 4,000,000 | 4,000,000 | T/Deposit | 27/02/2014 | 29/02/2016 | 4.13% |
| Westpac | A-1+ | 1,000,000 | 1,018,940 | FRN | 30/01/2012 | 9/05/2016 | 3.90% |
| NAB | A-1+ | 2,500,000 | 2,500,000 | T/Deposit | 6/08/2014 | 8/08/2016 | 3.74% |
| Commonwealth Bank Australia zero coupon bond with a \$4M face value | A-1+ | 2,000,000 | 3,518,400 | BOND | 21/01/2008 | 22/01/2018 | 7.17% |
| EMERALD A Mortgage Backed Security * | AAA | 767,108 | 606,936 | M/Bac | 17/07/2006 | 22/08/2022 | 3.18% |
| EMERALD B Mortgage Backed Security * | AA | 2,000,000 | 1,323,560 | M/Bac | 17/07/2006 | 23/08/2027 | 3.48% |

MANAGED FUNDS

| Investment Body | Rating | Purchase Price \$ | Fair Value of Holding \$ | Purchase Date | Monthly Return (Actual) | Annualised % p.a. | FYTD (Actual) |
|---------------------------------------|--------|-------------------|--------------------------|---------------|-------------------------|-------------------|---------------|
| Tcorp Long Term Growth Facility Trust | N/A | 1,131,841 | 1,677,431 | 13/06/2007 | 2.20% | 22.89% | 16.64% |

| Investment Body | Face Value | Security |
|------------------------|------------|----------|
| Southern Phone Company | 2 | shares |

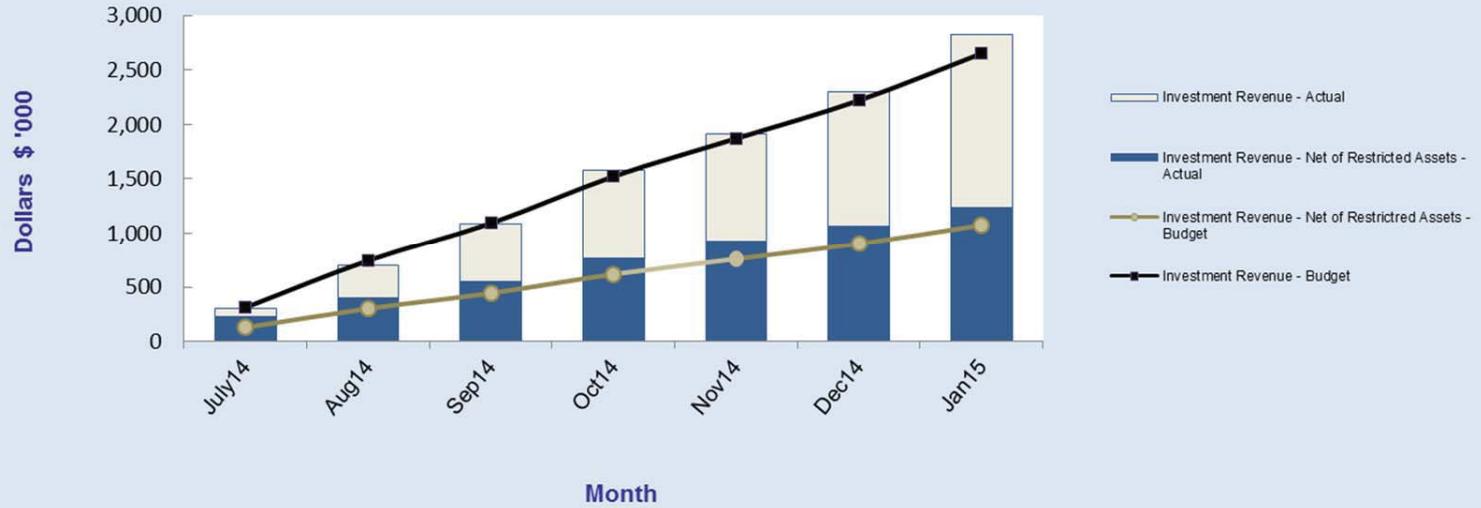
TOTAL
\$ 114,491,018

* The maturity date provided is the weighted-average life of the security. This is the average amount of time that will elapse from the date of security's issuance until each dollar is repaid based on an actuarial assessment. Assessments are carried out on a regular basis which can potentially extend the life of the investment. Current assessments anticipate an extension of life of the investment.

This is to certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's Investment Policies.

Brian Jenkins
RESPONSIBLE ACCOUNTING OFFICER

Investment Income Compared to Budget 2014-2015



DONNELLEY CIVIL PTY LTD

DONNELLEY CIVIL Pty Ltd
ACN 102 781 542
ABN 82 102 781 542

118 Auburn Street
Wollongong NSW
Australia

PO Box 1891
Wollongong NSW
Australia 2500

Tel: (02) 4228 5888
Fax: (02) 4228 4367

TRAFFIC MANAGEMENT PLANS

Major Events Strategy

Traffic Plan: 9933-4673
Type : Two lane, two way
As Per : TCP -84,47,54,83
Location : Wollongong Botanic Garden-
Murphys Avenue, Keiraville
Mt Keira Rd
Date : Friday 17th April 2015
Saturday 18th April 2015
Duration : 10.00hrs to 14.00hrs

REASON FOR CLOSURE

Traffic Control Plans(TCPs) are required during various strategic events located throughout Wollongong.

TRAFFIC CONTROL

Traffic control will consist of :

Standard TCP used as a guide only is TCP 47, 84,54,83

All Signage as per attached Traffic Plan

Variations in sign distances due to position of Shops and traffic signals.

All relevant audits to be carried out by qualified persons.

Accredited Traffic Controllers are required to Establish and Maintain site during the closure

Traffic Controller is Maintain site vision at all times

Work is to be carried out during daylight hours only.

LOCAL TRAFFIC

BUSES, The local bus companies will be informed of the disruption to Traffic Conditions *when directly affected*

EMERGENCY SERVICES

POLICE, AMBULANCE, FIRE and SES services shall be contacted once approval for the traffic control plan has been given to inform them of the interruption to Traffic Conditions. *Although should not be effected by this disruption.*

SITE SUPERVISION

Site supervisor will conduct a pre job check of the sign layout for faults or misleading signs and will be done in conjunction with Traffic Control at Work Sites manual Audit Checklist and to Regulations.

He will also be required to assist in changes during the course of the project.

NAME: **Shandelle Young** TCWS#: 5293015368

SIGNATURE: DATE: 4th February 2015

Authorisation for Amendment:

NAME:..... TCWS#.....

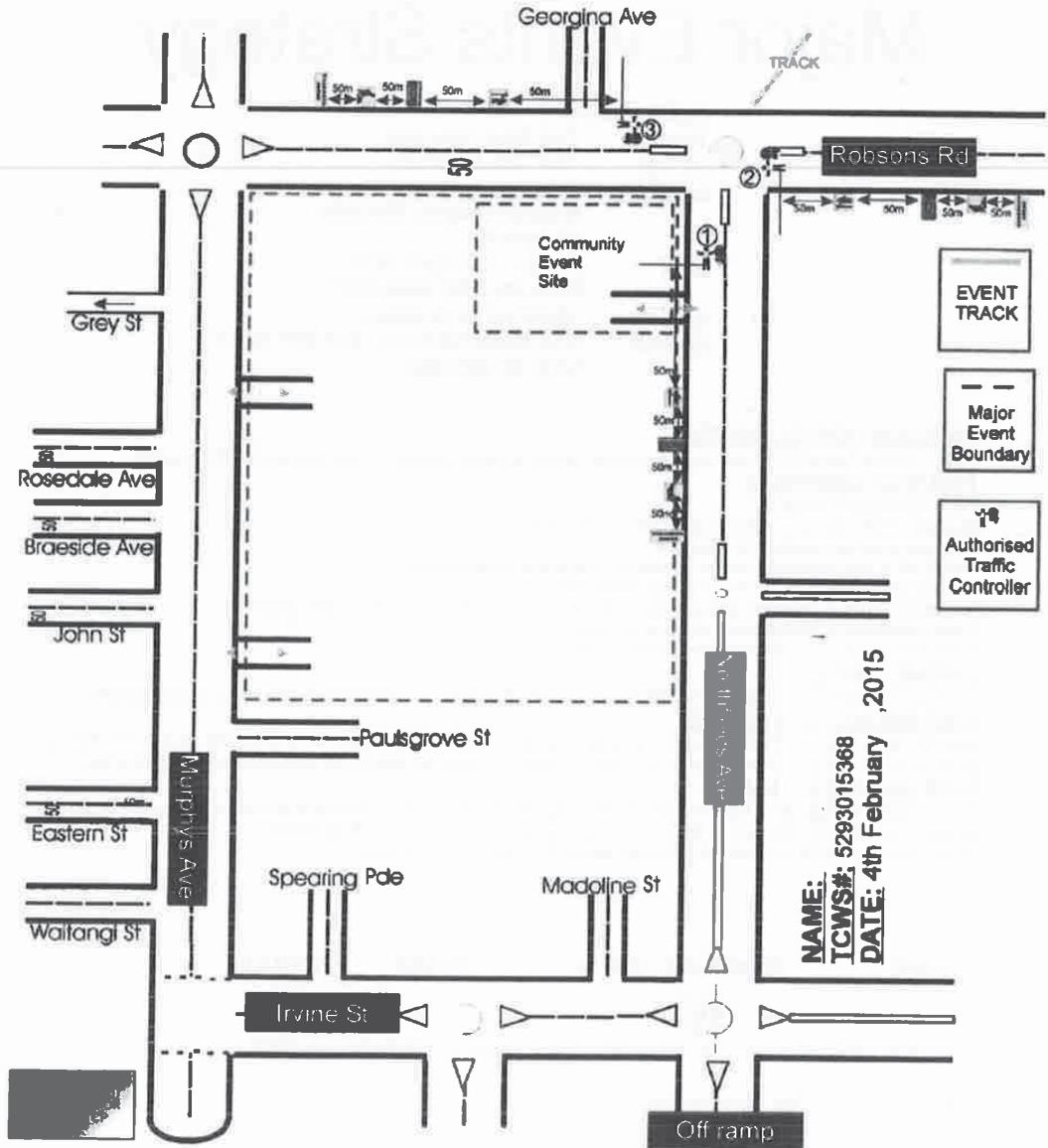
SIGNATURE:..... DATE:

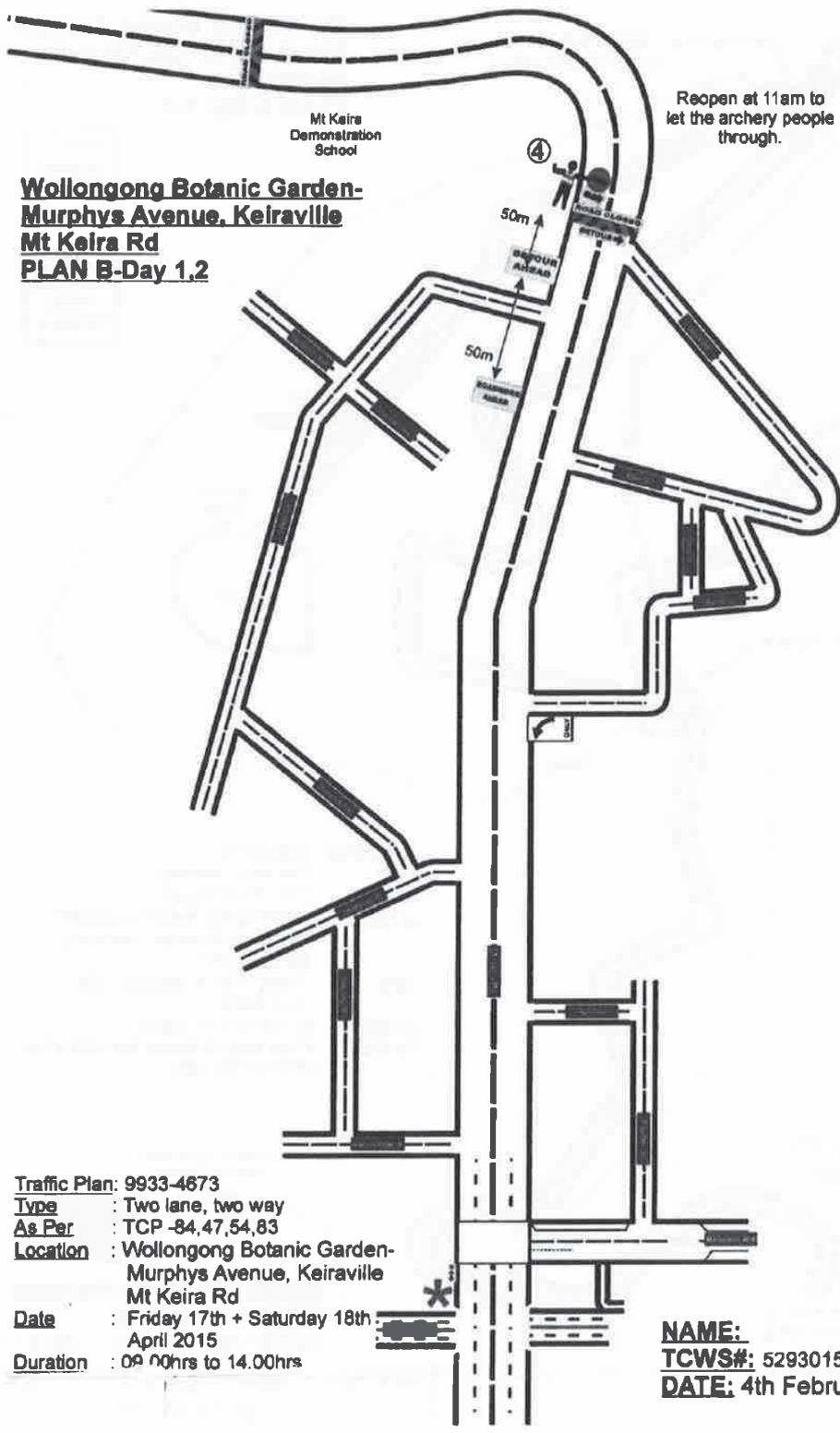
**Wollongong Botanic Garden-
Murphys Avenue, Keiraville
Mt Keira Rd
PLAN A-Day 1.2**



Traffic Plan: 9933-4673
Type : Two lane, two way
As Per : TCP -84,47,54,83
Location : Wollongong Botanic Garden-
 Murphys Avenue, Keiraville
 Mt Keira Rd
Date : Friday 17th + Saturday 18th
 April 2015
Duration : 09.00hrs to 14.00hrs

| | No. |
|-------------------------------------|-----|
| Planned Traffic Controllers on-site | 3 |
| Extra Traffic Controllers requested | |





Mt Keira
Demonstration
School

**Wollongong Botanic Garden-
Murphys Avenue, Keiraville
Mt Keira Rd
PLAN B-Day 1,2**

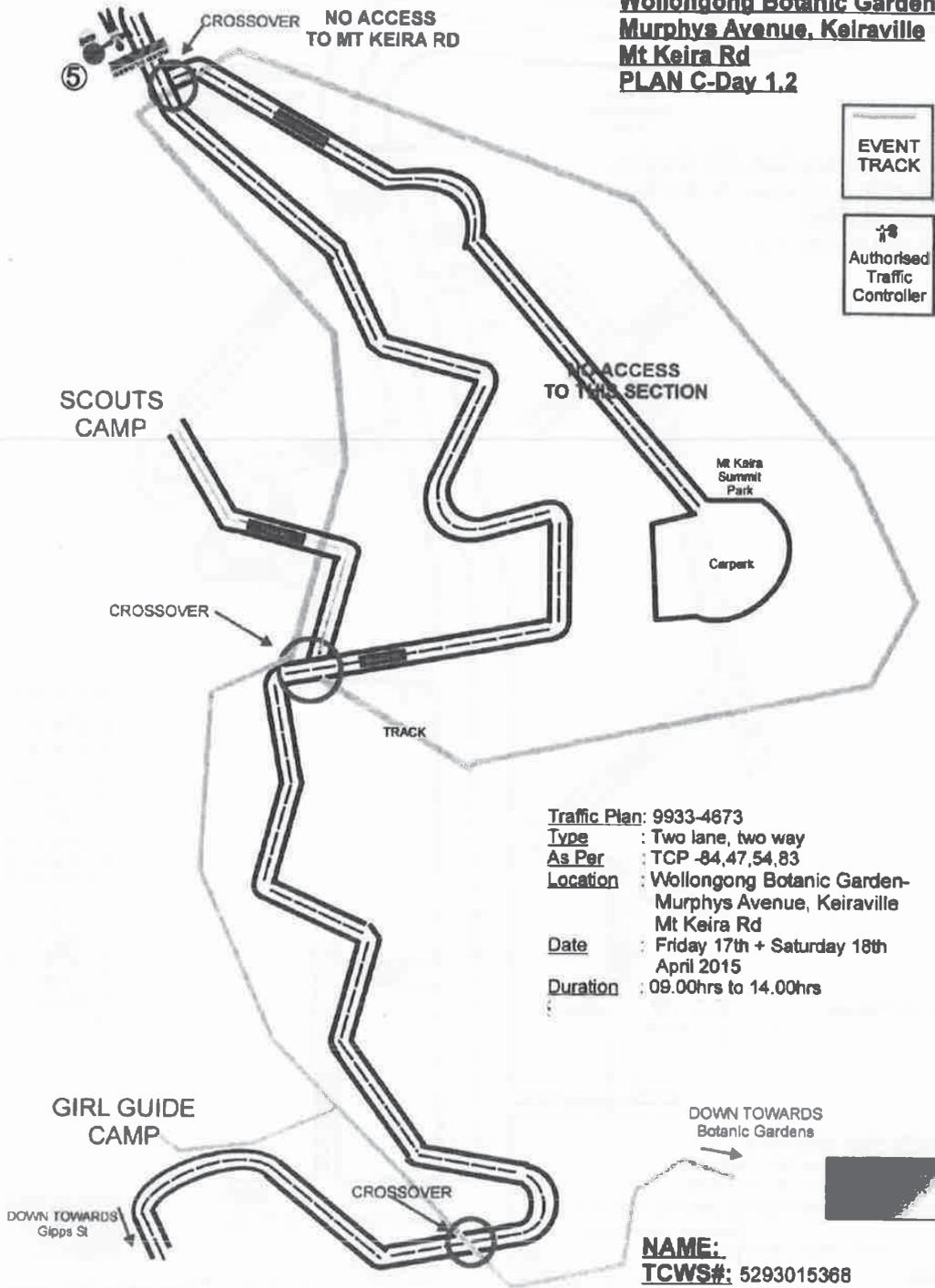
Reopen at 11am to
let the archery people
through.

- EVENT TRACK
- 
 Authorised
Traffic
Controller
- 
 VMS
BOARD

Traffic Plan: 9933-4673
Type : Two lane, two way
As Per : TCP -84,47,54,83
Location : Wollongong Botanic Garden-
 Murphys Avenue, Keiraville
 Mt Keira Rd
Date : Friday 17th + Saturday 18th
 April 2015
Duration : 09:00hrs to 14.00hrs

NAME:
TCWS#: 5293015388
DATE: 4th February ,2015

**Wollongong Botanic Garden-
Murphys Avenue, Keiraville
Mt Keira Rd
PLAN C-Day 1.2**

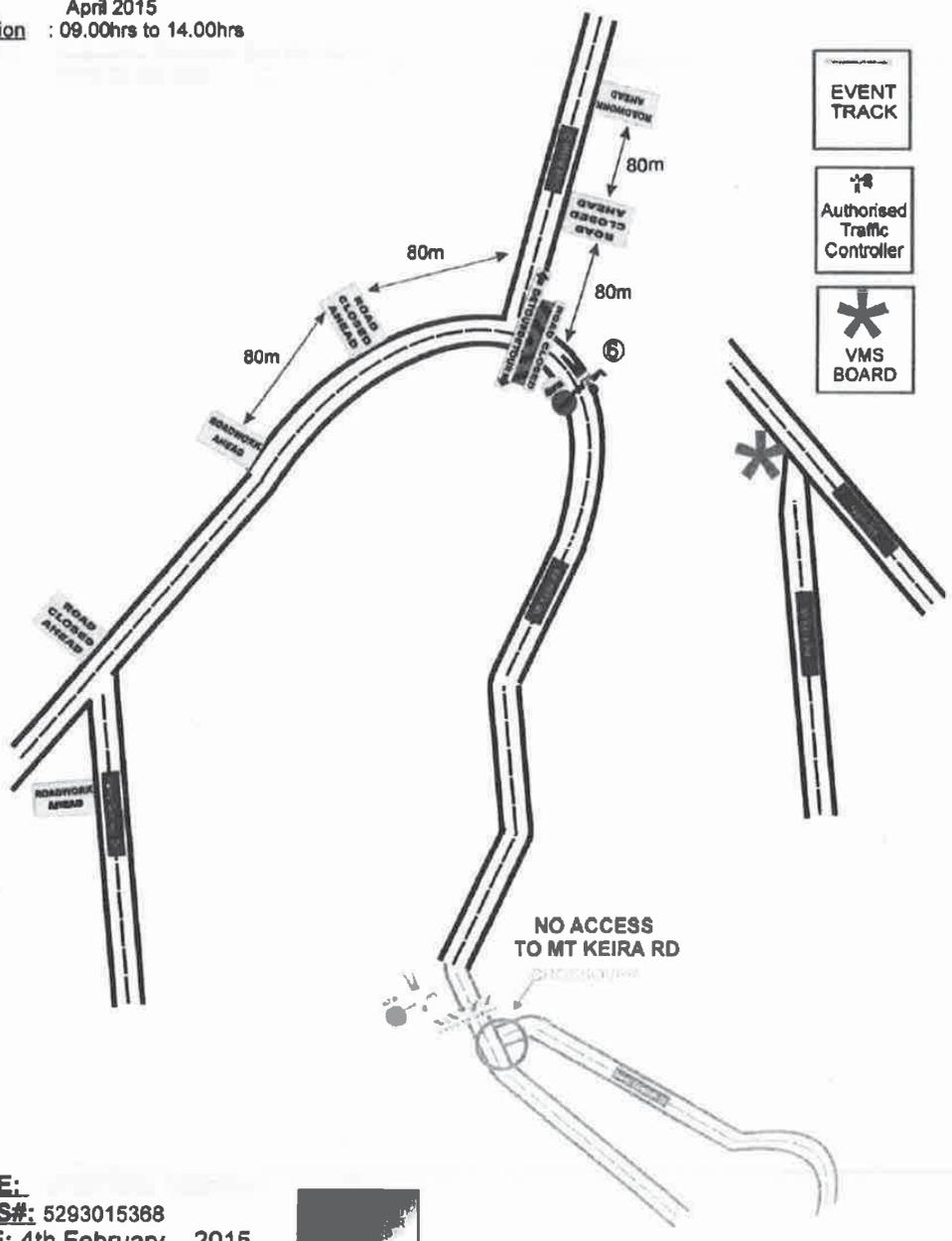


Traffic Plan: 9933-4673
Type : Two lane, two way
As Per : TCP -84,47,54,83
Location : Wollongong Botanic Garden-
 Murphys Avenue, Keiraville
 Mt Keira Rd
Date : Friday 17th + Saturday 18th
 April 2015
Duration : 09.00hrs to 14.00hrs

NAME:
TCWS#: 5293015368
DATE: 4th February 2015

Traffic Plan: 9933-4673
Type : Two lane, two way
As Per : TCP -84,47,54,83
Location : Wollongong Botanic Garden-
 Murphys Avenue, Keiraville
 Mt Keira Rd
Date : Friday 17th + Saturday 18th
 April 2015
Duration : 09.00hrs to 14.00hrs

**Wollongong Botanic Garden-
 Murphys Avenue, Keiraville
 Mt Keira Rd
 PLAN D-Day 1,2**



NAME:
TCWS#: 5293015368
DATE: 4th February ,2015



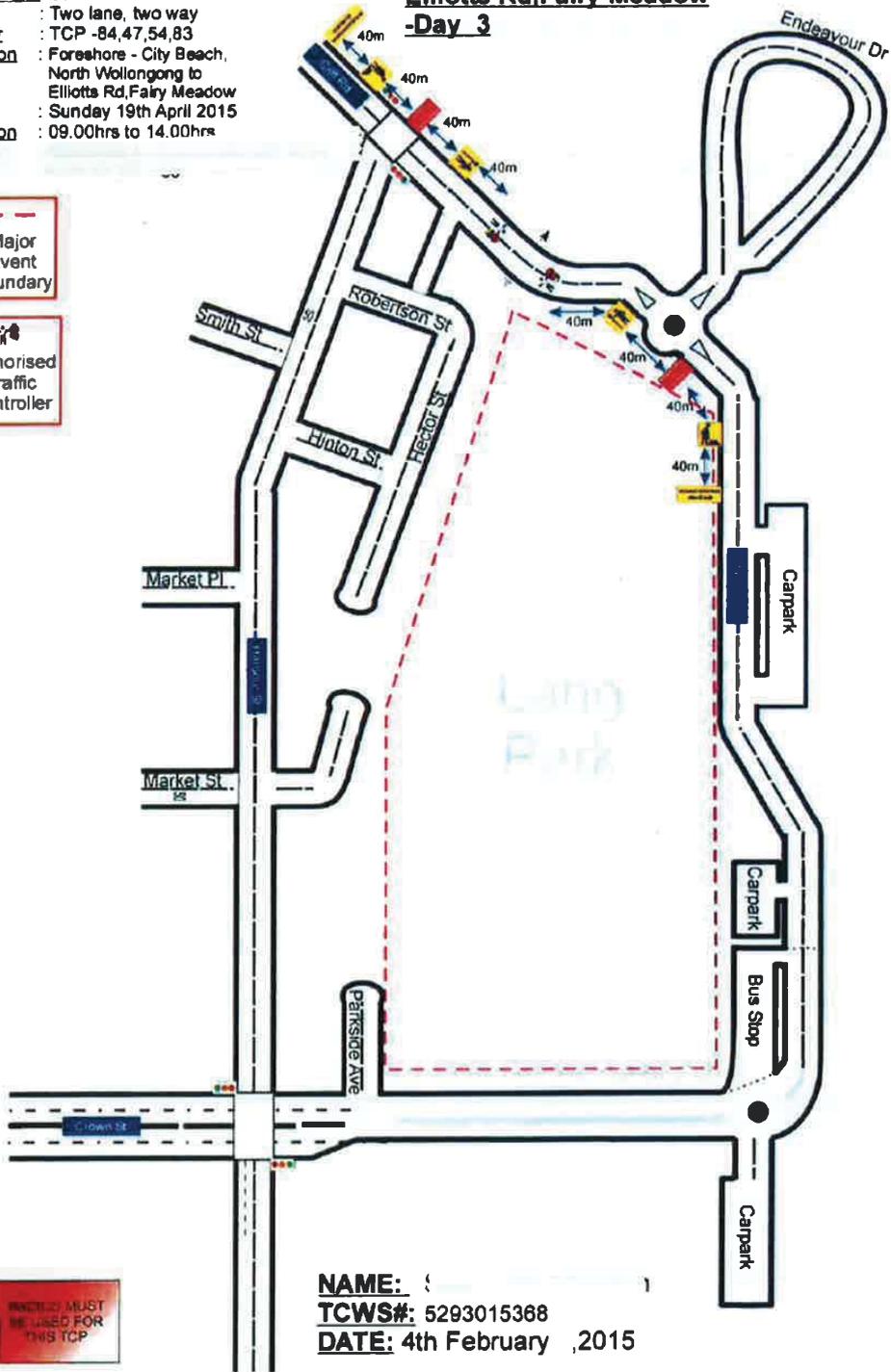
Attachment 2 – Bravo Team Challenge Day 3

**2. Foreshore - City Beach,
North Wollongong to
Elliotts Rd, Fairy Meadow
-Day 3**



Traffic Plan: 9933-4873
Type : Two lane, two way
As Per : TCP -84,47,54,83
Location : Foreshore - City Beach,
North Wollongong to
Elliotts Rd, Fairy Meadow
Date : Sunday 19th April 2015
Duration : 09.00hrs to 14.00hrs

-  Major Event Boundary
-  Authorised Traffic Controller

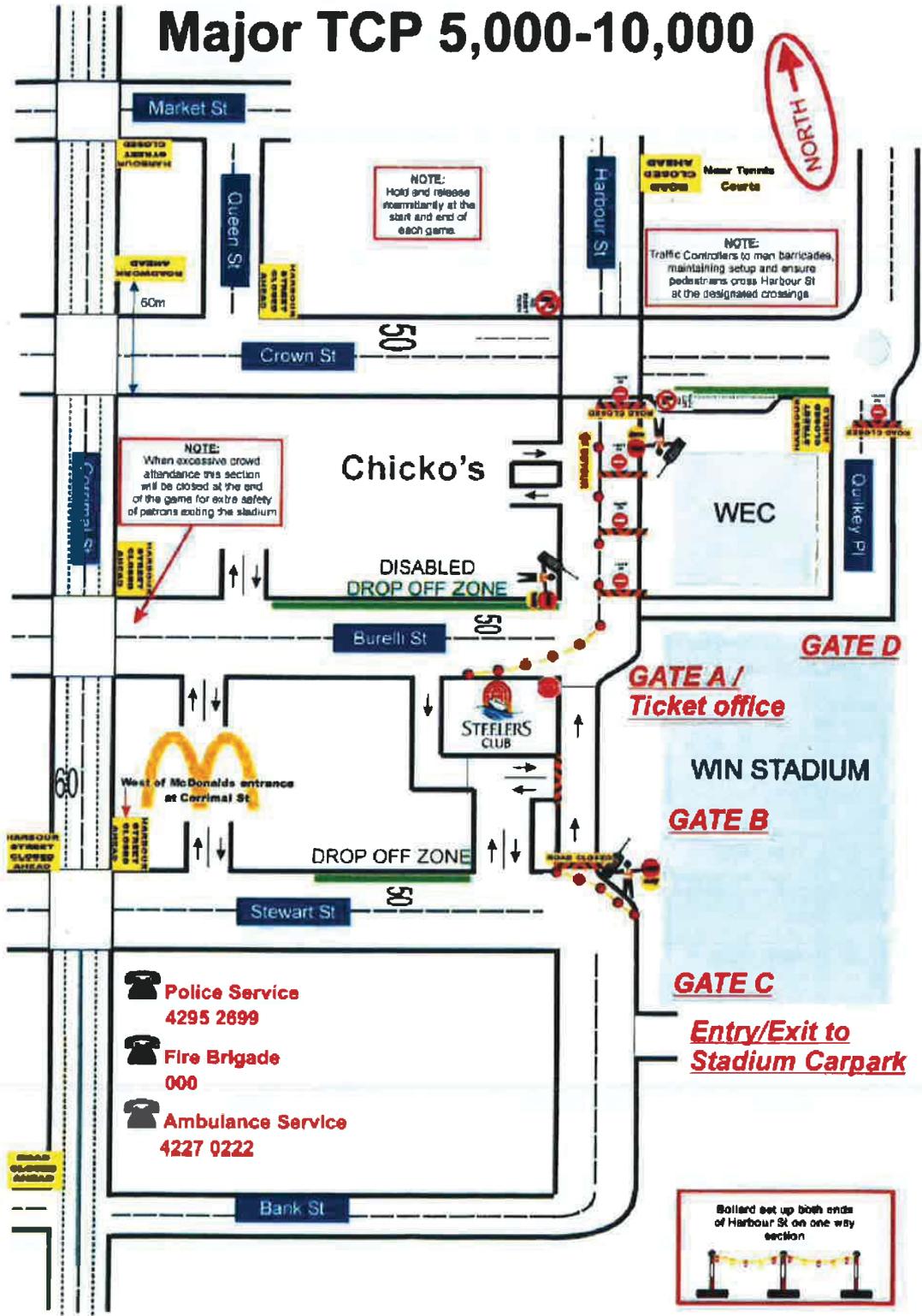


NAME: _____
TCWS#: 5293015368
DATE: 4th February ,2015

Start 'Splash and Dash & finish overview

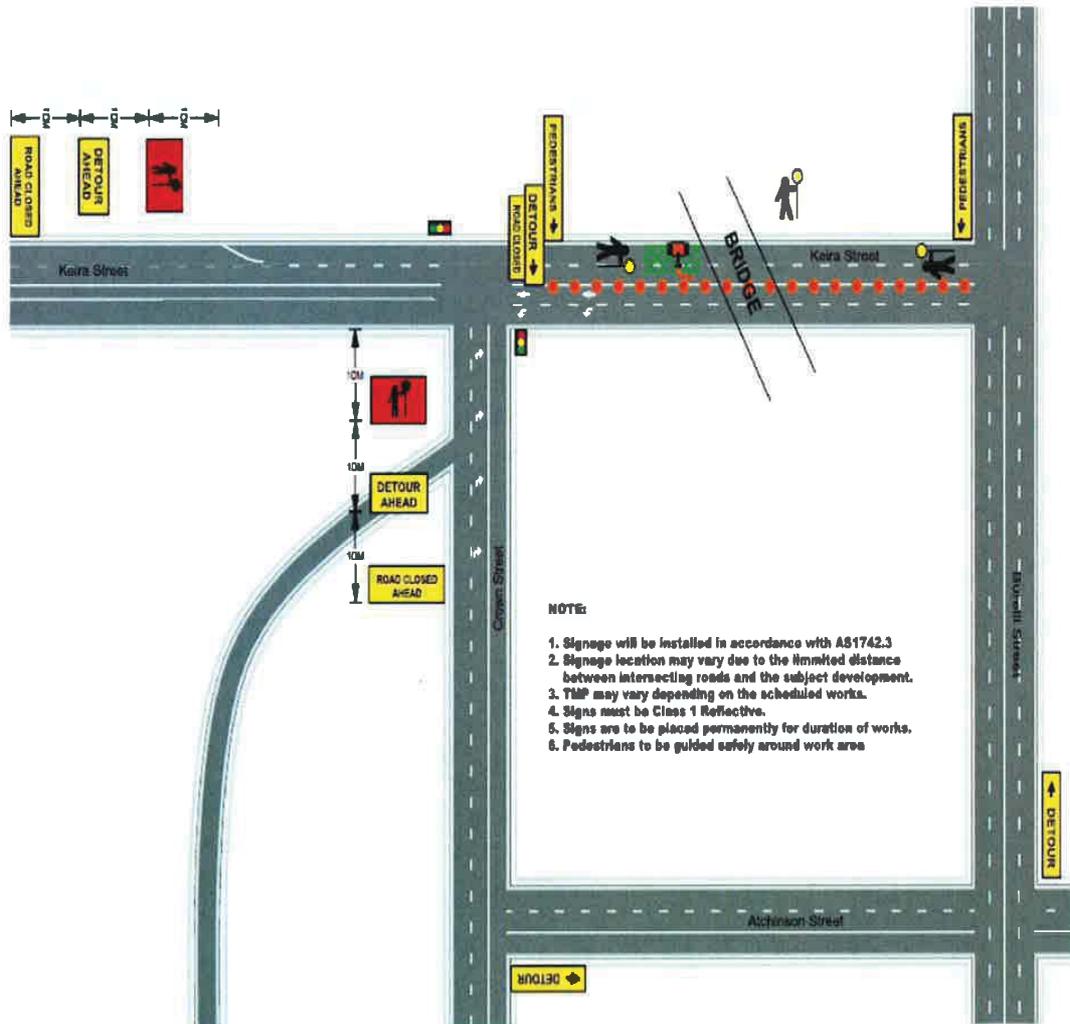


Major TCP 5,000-10,000



Attachment 5 – Work above roadway

| Legend | |
|--------|-----------|
| | Work Area |
| | Barrel |



NOTE:

1. Signage will be installed in accordance with AS1742.3
2. Signage location may vary due to the limited distance between intersecting roads and the subject development.
3. TMP may vary depending on the scheduled works.
4. Signs must be Class 1 Reflective.
5. Signs are to be placed permanently for duration of works.
6. Pedestrians to be guided safely around work area

| | | |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------|
| | Job Number: J2305-1943 TMP No: T2305-1943 Date: TBA Duration: 1 NIGHT | |
| | Authors: M.Stewart Cert. No. 3213910402 Client: CV Signage Solutions Location: Keira Street, Wollongong | |
| Comments: TMP is provided to allow road closure. | | Date: 30/09/20 |

TRAFFIC MANAGEMENT SERVICES (AUST) DO NOT ACCEPT LIABILITY FOR IMPLEMENTATION OF THIS TCP IF NOT DIRECTLY INVOLVED IN ITS IMPLEMENTATION.

Reasons for Refusal – DA-2014/245 – 2 Broadridge Street Wombarra

The reasons for the refusal of the proposed development are:

1. Pursuant to the provisions of Section 79C (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the provisions of Wollongong City Council Development Control Plan 2009 namely:
 - Chapter B1, clause 4.1, with regard to the number of storeys of the proposed dwelling, which does not minimise the potential for overlooking on adjoining dwellings or is sympathetic to or addresses the inherent site constraints;
 - Chapter B2, clause 34 and Chapter E16, with regard to the Asset Protection Zone provided for the proposed subdivision, which offsets bushfire protection measures to neighbouring land and therefore does not comply with the requirements of Planning for Bushfire Protection 2006 and the Rural Fires Act 1997; and
 - Chapter B2, Clause 10, with regard to the proposed building envelope, which does not allow for a dwelling style as proposed, to minimise amenity and privacy impacts on the adjoining properties and does not take into account the inherent bushfire hazard site constraints.
2. Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979 it is considered that the likely impacts of the proposed development's excessive bulk and scale would adversely impact upon the amenity of the locality.
3. Pursuant to the provisions of Section 79C (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the site is not suitable for the proposed development with respect to the Asset Protection Zone proposed, which offsets bushfire protection measures to neighbouring land and is therefore inconsistent with the requirements of Planning for Bushfire Protection 2006 and the Rural Fires Act 1997.
4. Pursuant to the provisions of Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.
5. Pursuant to the provisions of Section 79C 1(a)(b)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed subdivision is inappropriate having regard to the physical and environmental constraints of the site

Independent Hearing and Assessment Panel Report | 18 December 2014

| | |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IHAP No. | Item 2 |
| DA No. | DA-2014/245 |
| Proposal | Subdivision and Dwelling House Phase 1 minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision. Phase 2 construction of a new dwelling house |
| Property | Lot 4 DP 1094807 2 Broadridge Street, WOMBARRA NSW 2515 |
| Applicant | Prince Property Consulting |
| Panel | Alison McCabe (Chair), David Crofts and Brendan Randles (Independent) and Edger du Bois (Community Representative) |
| Staff in Attendance | Mark Riordan (Manager Development Assessment and Certification), John Wood (City Wide Manager), Vivian Lee (Snr DPO), Rodney Thew (DPO), Jessica Saunders (DPO), Natasha Robson (IHAP Coordinator) |

Pecuniary Interest

None of the Panel members had any pecuniary interests relating to this matter.

Panel Commentary:

The Panel considered the amendments undertaken to the application. The Panel is of the view that the applicant has failed to properly address the previous comments, specifically the comment that relates to the fact that the merits of the subdivision, is dependent on a satisfactory solution regarding geotechnical, bushfire, flooding constraints and the capacity of the site to accommodate an appropriate built form. The Panel clearly indicated the need for a total redesign of the building that better responds to the physical and environmental constraints of the site and minimises the impact on adjoining properties. The Panel is of the view that the current proposal has not addressed these concerns and accordingly the application should be refused.

Recommendations:

That the recommendation of the officer's report not be adopted.

That the application be refused for the following reasons:

1. The bulk and scale and siting of the proposed dwelling results in unacceptable amenity impacts on adjoining properties.
2. The proposed building form and envelope does not respond to the physical and environmental constraints of the site.
3. The proposed development lacks finality in relation to a solution to bushfire management in respect to the location of the Asset Protection Zone.

4. The proposed subdivision is inappropriate having regard to the physical and environment constraints of the site.

Voting

The voting in respect of this matter was 4/0.

Independent Hearing and Assessment Panel | 18 December 2014

| | |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IHAP No. | Item No. 2 |
| DA No. | DA-2014/245 |
| Proposal | Subdivision and Dwelling House: Phase 1. - minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision. Phase 2. - construction of a new dwelling house. |
| Property | 2 Broadridge Street, WOMBARRA – Lot 4 DP 1094807 |
| Applicant | Prince Property Consulting |
| Responsible Team | Development Assessment & Certification – City Wide Planning Team (RT) |

ADDENDUM REPORT

PURPOSE OF REPORT

This report has been prepared to accompany the applicant's submission response to the recommendations of the Independent Hearing and Assessment Panel (IHAP), dated 15 October 2014, regarding Development Application DA-2014/24. A copy of the Panel's recommendation is included at Attachment 1.

This report provides an assessment commentary of the submission in order to assist in the further consideration of the application.

Specifically the submission includes:

- A commentary regarding the approach to the acquisition of land for an APZ and current Possessory Title Claim;
- Commentary regarding WDCP2009 variation requests for lot width, lot depth and number of storeys;
- Amended architectural plans for the proposed dwelling on proposed Lot 42 that includes:
 - Removal of sub-floor ancillary spaces
 - Deletion of the loft space
 - Reduction in the overall height of the dwelling
 - Reduction in the Gross Floor Area of the dwelling.
 - An increase in the side setbacks of the proposed dwelling.
 - Reduction in the number of windows in the side elevations.
 - Louvre screens over the windows on both side elevations.
 - Translucent glazing in all bathroom windows.

EXHIBITION

The additional information received was re-exhibited for 14 days.

At the conclusion of the re-notification period, fifteen (15) submissions were received. Ten (10) were submissions of support and five (5) were objections to the proposal. The main issues raised were similar in nature to those identified in the Council officer's original report to IHAP and in particular

that it was considered that the applicant had failed to adequately address the IHAP recommendations in the revised submission.

INTERNAL CONSULTATION

No internal referrals were considered necessary.

EXTERNAL CONSULTATION

No external referrals were considered necessary.

RESPONSE TO THE IHAP RECOMMENDATIONS

- (1) *An alternate resolution to the APZ that does not rely on the possessory title claim or resolution of the possessory title claim.*

Provided by applicant

A copy of the submission is included at Attachment 2.

Planner's review comment:

Under Clause 80(3) of the Environmental Planning and Assessment Act 1979 a development consent may be granted subject to a condition that the consent is not to operate until the applicant satisfies the consent authority, in accordance with the regulations, as to any matter specified in the condition. Council proposed a deferred commencement in the original draft conditions. Given that the Environmental Planning and Assessment Act contains a provision for 'Deferred Commencement' determinations it would appear the condition as recommended by the NSW RFS could be utilised as a reasonable approach to address this matter.

Effectively, if this condition cannot be satisfied by the applicant (to Council's satisfaction) then the development cannot proceed as both an operable consent and Bushfire Safety Authority are first required. Council frequently utilises this provision in the Act for land title registration requirements as relates to drainage easements to service development proposals.

- (2) *Amended plans for a more compact dwelling that more appropriately responds to the constraints of the site and adjoining neighbours amenity and is consistent with the requirements of the DCP.*

Provided by applicant

Amended architectural plans for the proposed dwelling on proposed Lot 42 are included at Attachment 3. Justification for the variations to the number of storeys, lot width and depth controls included at Attachment 2

Planner's review comment:

The following table details where amendments have been made to the original proposal.

| Controls/objectives | Required | Previous | Proposed | Compliance |
|----------------------------|-----------------|------------------------------|------------------------------|-------------------|
| Building Height | 9m | 7.5m | 6.8m | Yes |
| Floor Space Ratio | 0.5:1 | 0.34:1 | 0.24:1 | Yes |
| Front Setback | 6m | 43m | 43m | Yes |
| Side Setbacks | 0.9m | 1.415m (East) 0.9m (West) | 1.3m (East) 1.313m (West) | Yes Yes |
| Rear Setback | 0.9m | 10m | 10m | Yes |

The amended plans confirm that the dwelling has been reduced in bulk and scale through the deletion of certain building elements and the average of the setbacks to the side boundaries increased to address visual/amenity and privacy/overlooking impacts to adjoining properties.

The proposed development will comply with Council's minimum lot depth control upon the applicant satisfactorily addressing the draft deferred commencement condition. The lot width variation is a point encroachment only.

The number of storeys percentage variation has been reduced through deletion of the loft and subfloor elements. This variation is now confined to the garage area only and is considered reasonable.

The variation requests to WDCP2009 are thus supported.

CONCLUSION

At the meeting of 15 October 2014, the IHAP noted that, that there were numerous inconsistencies with the Wollongong development Control Plan (DCP) and that this was further compounded by the highly constrained nature of the site including the slope, which led the Panel to conclude that the proposed development was excessive in scale for the site. The Panel was also concerned about the uncertainty regarding the required APZ and reliance on the current possessory title claim as there is no guarantee that this will be achieved.

Responding to the recommendations of the IHAP the applicant has provided additional information to address IHAP's concerns and recommendations demonstrating that the proposal is consistent with the objectives outlined in WDCP2009

Consideration has been given to the additional information submitted by the applicant, to the matters raised in the submissions received, and to the concerns identified by the IHAP. It is considered that all matters have been satisfactorily addressed.

RECOMMENDATION

It is recommended that the application be determined via deferred commencement subject to the draft conditions contained in Attachment 4 of this report.

ATTACHMENTS

1. Independent Hearing and Assessment Panel Recommendations from 15 October 2014
2. Cover Report from the applicant and possessory title claim status update
3. Revised Drawings
4. Original IHAP Report and Draft Conditions.

[Link to previous IHAP Report - click on red line above](#)

Independent Hearing and Assessment Panel Report | 15 October 2014

| | |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IHAP No. | Item 1 |
| DA No. | DA-2014/245 |
| Proposal | Subdivision and Dwelling House: Phase 1. - minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision. Phase 2. - construction of a new dwelling house |
| Property | Lot 4 DP 1094807 - 2 Broadridge Street, WOMBARRA NSW 2515 |
| Owner | Mr Christian De Clouett and Mrs Mellisa Leah De Clouett |
| Applicant | Prince Property Consulting |
| Panel | Alison McCabe (Chair), David Crofts and Brendan Randles (Independent) and Edger du Bois (Community Representative) |
| Staff in Attendance | Mark Riordan (Manager Development Assessment and Certification), Pier Panozzo (City Centre Manager), John Wood (City Wide Manager), Rodney Thew (DPO), Jessica Saunders (DPO), Rebecca Welsh (DPO), Lauren Wilson (IHAP Coordinator) |

Pecuniary Interest

None of the Panel members had any pecuniary interests relating to this matter.

Panel Commentary:

The Panel inspected the site. The Panel was addressed by three submitters and the applicant.

The Panel reviewed the application and notes that there are numerous inconsistencies with the Wollongong Development Control Plan (DCP). Furthermore, this is compounded by the highly constrained nature of the site including its slope, which leads the Panel to conclude that the proposed development is excessive in scale for the site.

The combination of the geotechnical constraints, flooding and bushfire hazard requires detailed consideration and analysis, which should inform the built form outcome of the site. In addition, any built form outcome needs to result in minimal impacts on adjoining property owners and be consistent with Council's policy position of smaller scale buildings on battle-axe blocks. The merits or otherwise of allowing a subdivision are inherently tied to appropriate solutions to the geotechnical, flooding and bushfire hazard constraints and the capacity of the site to accommodate an appropriate built form. For this reason, the Panel would not be supportive of this subdivision in the absence of these matters being resolved.

The proposed dwelling is out of scale, does not respond to environmental constraints and results in unnecessary and unreasonable impacts on adjoining properties and needs a total redesign. It should be single storey in scale and setback from side boundary sufficient to

Independent Hearing and Assessment Panel Report | 15 October 2014

protect neighbouring amenity. This requires more generous setbacks, greater than the minimum requirements.

The Panel is also concerned about the uncertainty regarding the APZ and its reliance on the possessory title claim as there is no guarantee that this will be achieved.

Recommendations

The application be deferred for the following:

- 1 An alternate resolution to the APZ that does not rely on the possessory title claim or resolution of the possessory title claim.
- 2 Amended plans for a more compact dwelling that more appropriately responds to the constraints of the site and adjoining neighbours amenity and is consistent with the requirements of the DCP.

A further report be submitted to IHAP upon receipt of the above.

Voting

The voting in respect of this matter was 4/0.

The GENERAL MANAGER,
WOLLONGONG CITY COUNCIL
Locked bag 8821
South Coast Mail Centre 2521

November 25th, 2014

Attention: Mr Rodney THREW

Dear Sir,

RE: DA 2014/245 - Independent Hearing and Assessment Panel (IHAP) Report Response

Further to our ongoing discussions surrounding the matter of the IHAP Assessment Report (dated October, 15th, 2014) and its Recommendations, please find herein our formal response. Also provided in support, are a set of revised ('B') plans prepared by the *Architect*, Mr Evan Brickell, of IDC.

IHAP Assessment Report Recommendations; *The application be deferred for the following:*

1 *An alternate resolution to the APZ that does not rely on the possessory title claim or resolution of the possessory title claim.*

The Applicant respectfully disagrees with the recommendation on the basis that the "*Deferred Commencement*" proposed by Council Officers is sound and provides clear comfort to both the council and the community in terms of ensuring that no construction, or indeed subdivision, can commence on the land until the matter of the *Asset Protection Zone (APZ)* is resolved in complete accord with the NSW Rural Fire Service's requirements; that suitable documentary evidence is provided to council attesting to the fact that the prescribed APZ can be fully applied to the subject newly consolidated Lot.

Further, the operation of the "*Deferred Commencement*" mechanism is clearly and relevantly articulated in several Sections of the Environmental Planning and Assessment Act 1979 in particular Sect. 80 (Determination) (3) "*Deferred commencement consent*"; where it is stated that a "...*consent is not to operate until the applicant satisfies the consent authority, in accordance with the regulations, as to any matter specified in the condition.*"

2 *Amended plans for a more compact dwelling that more appropriately responds to the constraints of the site and adjoining neighbours amenity and is consistent with the requirements of the DCP.*

The Council's planning documents provide detailed guidelines, standards and numerical controls. The proposal as first lodged was in full compliance with all the stated numerical controls apart from, the minimum lot depth required for the proposed Lot 42; and this was properly addressed in a *variation statement* otherwise, all the numerical standards have been adhered to including, maximum building height and minimum side setbacks.

The commentary provided by the Panel in support of their resolution is not detailed however, it is accepted that the proposal has some scope for amendment to address the concerns Panel Members expressed in particular, the Panel required that the proposed dwelling more properly represent a single storey home and that the scale of that building be reformed having regard to the buildings side boundary setbacks – i.e. those setbacks should be sufficiently increased beyond the minimum to afford the all the neighbouring properties an improved level of amenity.

COMPLIANCE WITH THE DCP

There are only two (2) inconsistencies with the *Wollongong Development Control Plan* (DCP) proposed by the development.

- It is accepted that the proposal is noncompliant with regard to DCP Chapter B2, Clause 8 - *Lot width and depth requirements*. However, this noncompliance will be annulled by virtue of the development meeting the Conditions of the "*deferred commencement*" as the newly consolidated Lot would be six (6) metres deeper thus, clearly exceeding the 'straight line' numerical standard of twenty five (25) metres (i.e. 27,540mm).

The Panel also considered the development to not be in strict compliance with DCP Chapter B1, General Residential Controls, Clause 4.1 – *Number of storeys*. After further detailed consideration and analysis it has been determined that the elimination of certain building elements will ensure the proposals habitable area is clearly limited to a 'single storey' and the plans have been amended accordingly by:

- The removal of the subfloor ancillary spaces adjoining the reconfigured garage area – whilst remaining in accord with DCP Clause 4.9 and Clause 4.10.
- The deletion of the proposed 'loft' area contained within the dwellings roof space.

HEIGHT SETBACKS BULK AND SCALE

The Panel concluded that the proposal was excessive in scale and they require any built form to minimise impacts to adjoining property owners. With regard to the issue of scale and bulk, we note the Panels requirement that more generous setbacks, "*...greater than the minimum requirements.*" prescribed by the controls should be employed.

In an effort to further reduce the proposals bulk, scale and potential to impact adjoining properties the plans have been amended to:

- Reduce the width of the dwelling and locate the same at the 'centre' of the block with uniformly spaced side setbacks of 1300mm applying to each side boundary.
- Delete the 'loft' space (a space in excess of 50m³) drop the roof pitch and reduce the overall height of the building by 1100mm to less than seven (7) metres over all.
- Reduce the total *Floor space ratio* (FSR) of the new development – the FSR has been reduced from 0.39:1.0 (39%) to less than 0.28:1.0 (28%), well within the permissible 0.5:1.0 (50%).

ADDITIONAL CHANGES

- There is a reduction in the number of windows openings in each of the buildings side elevations – four (4) less windows to the eastern side and one (1) less to the west.
- The addition of 'louver screens' are proposed for each of the side elevation bedroom windows.
- All bathroom windows will be constructed using translucent glass panes.
- Suitable additional screen planting will be provided between the proposed dwelling and the immediate side boundaries wherever practical.

OTHER MATTERS

The solutions employed to deal with site geotechnical, flooding and bushfire constraints have been reviewed and it is understood that Council Officers are satisfied with the proposed solutions therefore, the Applicant considers these matters to have been appropriately resolved.

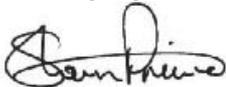
In conclusion, while no development application is perfect, we believe the initial proposal was deserving of the Council Officers recommendation for (Conditional) Approval however, the proponents have been willing to understand the Panels concerns and reconsider the design of their home to further mitigate any perceived potential impacts.

With the amendments now presented, we commend the Application to the Panel and request a recommendation for Conditional Development Consent.

Please contact the undersigned for any clarification or additional information.

Sincerely,

Prince Property Consulting

A handwritten signature in black ink, appearing to read 'Shaun Prince', written in a cursive style.

(Shaun Prince)

Development Manager

0419 983 894

mr.shawnprince@gmail.com

PO Box 3033

AUSTINMER NSW 2515

RosierPartners

LAWYERS

✉ P O Box 56 ANNANDALE NSW 2038

☎ **1300 73 1914**

📠 **1300 73 1915**

DX 3901 ANNANDALE

Email: peter@rosierpartners.com

8 December 2014

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

Dear Sir

Mr Christian and Mrs Melissa Leah De Clouett: Land to the rear of 2 Broadridge Street Wombarra- Application for Development Consent DA-2014/245 and Possessory title claim

We have been asked to write again to Council in relation to an application to Council for Development Consent by our clients Melissa and Christian De Clouett.

As I informed you by letter dated 17 September 2014, an application numbered A1858735 is under consideration by Land and Property Information (LPI) at this time. It remains my expectation and that Mr and Mrs De Clout's application will be granted, almost certainly if not in respect of the whole of the land the subject of the application, at least in respect of the land which is immediately to the rear of our client's property.

We have now filed considerable documentary and photographic evidence in support of the application. The test of course in such applications is whether, or not, the applicant/s (and their predecessors in title) have had possession of the land the subject of the application for the required period to the exclusion of the registered proprietor. I have spoken with a legal officer at the LPI who indicated that there is some objection to the application. However, on analysis the objections go to totally irrelevant issues that have more to do with planning than they have to do with whether our clients should be granted possessory title. I have every expectation that when the process is finished our clients' application will be granted. Indeed, the legal officer at LPI agreed in the course of a recent telephone conversation with my assertion that their claim is "almost unassailable" in relation to at least part of the land.

***This practice is an incorporated legal practice conducted by
Professional Services Group Pty Limited ACN 099 273 953***



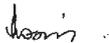
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under Professional Standards Legislation



I repeat that I have a high level of confidence of success of the application it being clear that the only persons who have occupied this land at any time in the last 12 years (and in fact considerably longer) are our clients and their predecessors in title.

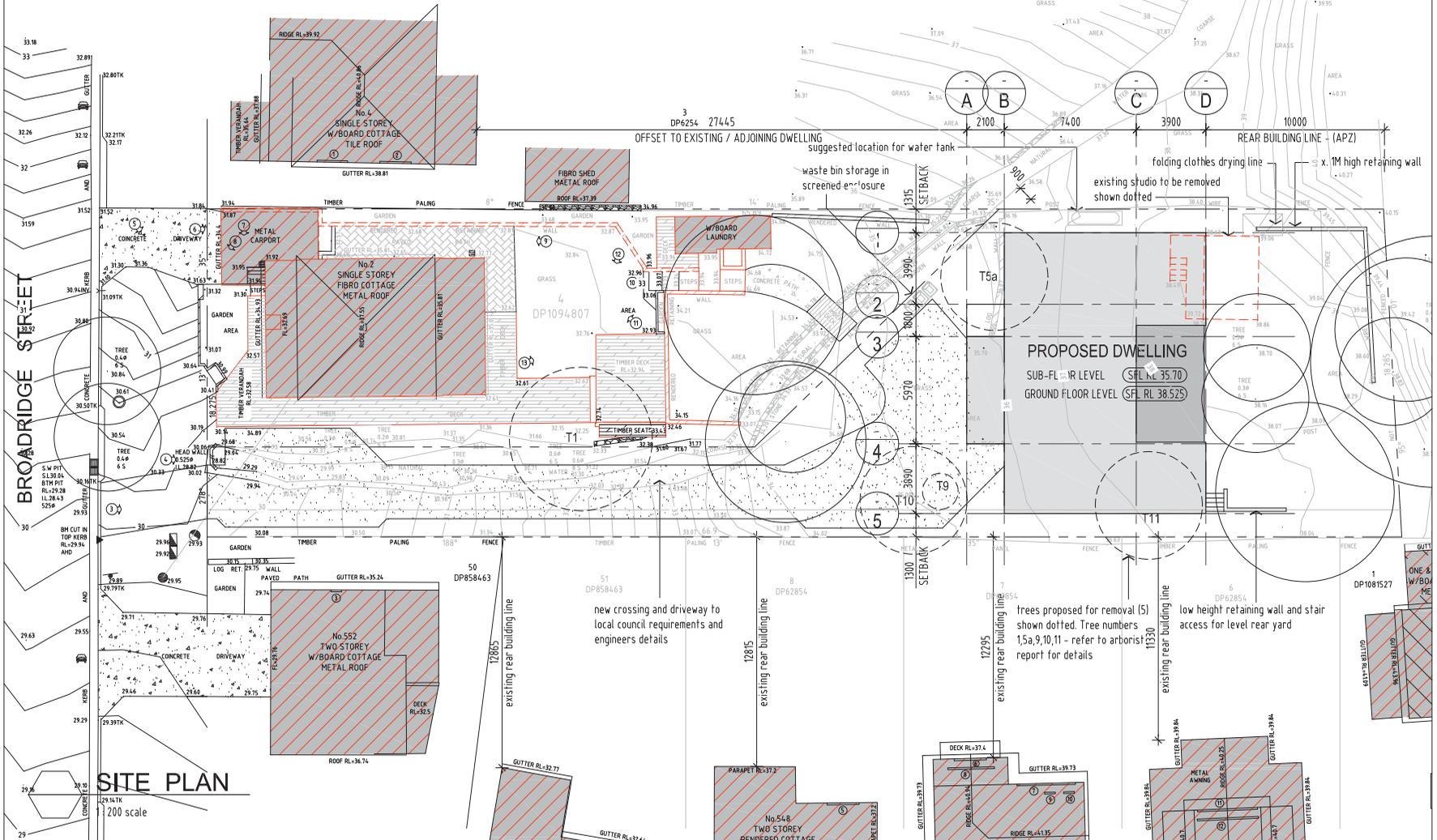
I know you will contact me if you have any questions. I have instructions to answer them to the best of my ability.

Yours sincerely
Rosier Partners



Peter Rosier LL M (Hons)
Accredited Specialist Property Law

Attachment 3 - Revised Drawings



SITE PLAN
1:200 scale

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Comply with relevant authority requirements. Comply with Building Code of Australia, and all other Council, state and federal, regulations for materials and construction products.

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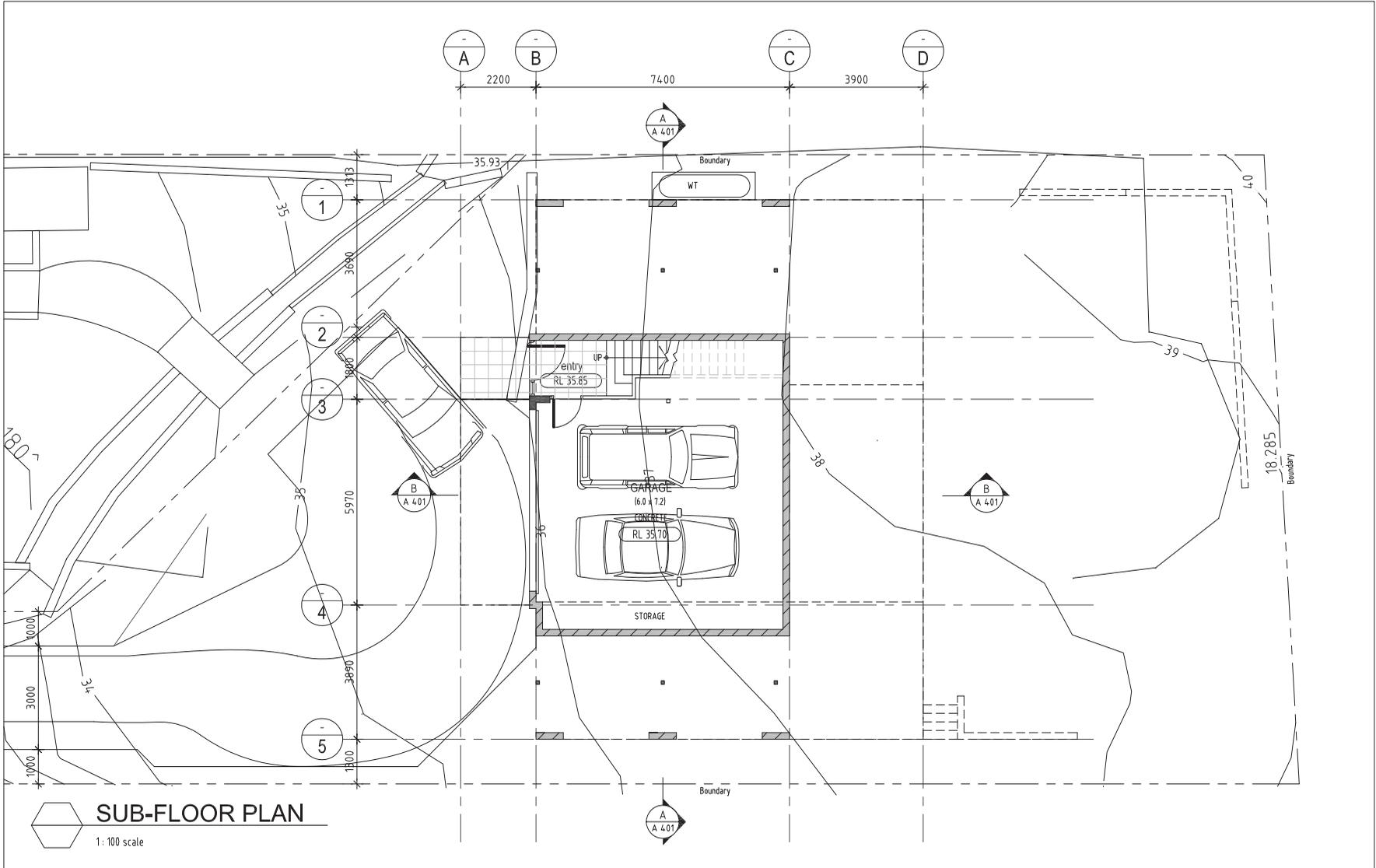


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 1411lawarradestgn@gmail.com 1511idc@lawarradestgn.com.au

SITE PLAN

| | |
|----------|---------------------------------------------------------|
| PROJECT: | PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING |
| ADDRESS: | 2 BROADRIDGE STREET, WOMBARRA |
| FOR: | DE CLOUETT |

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| DATE: | NOV. 2014 | | | | |



SUB-FLOOR PLAN
1:100 scale

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Comply with relevant authorities requirements. Comply with Building Code of Australia, and all other Council rules relevant to building. (Approved for mainline and construction permits).

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TITLE: SUB-FLOOR PLAN

PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING

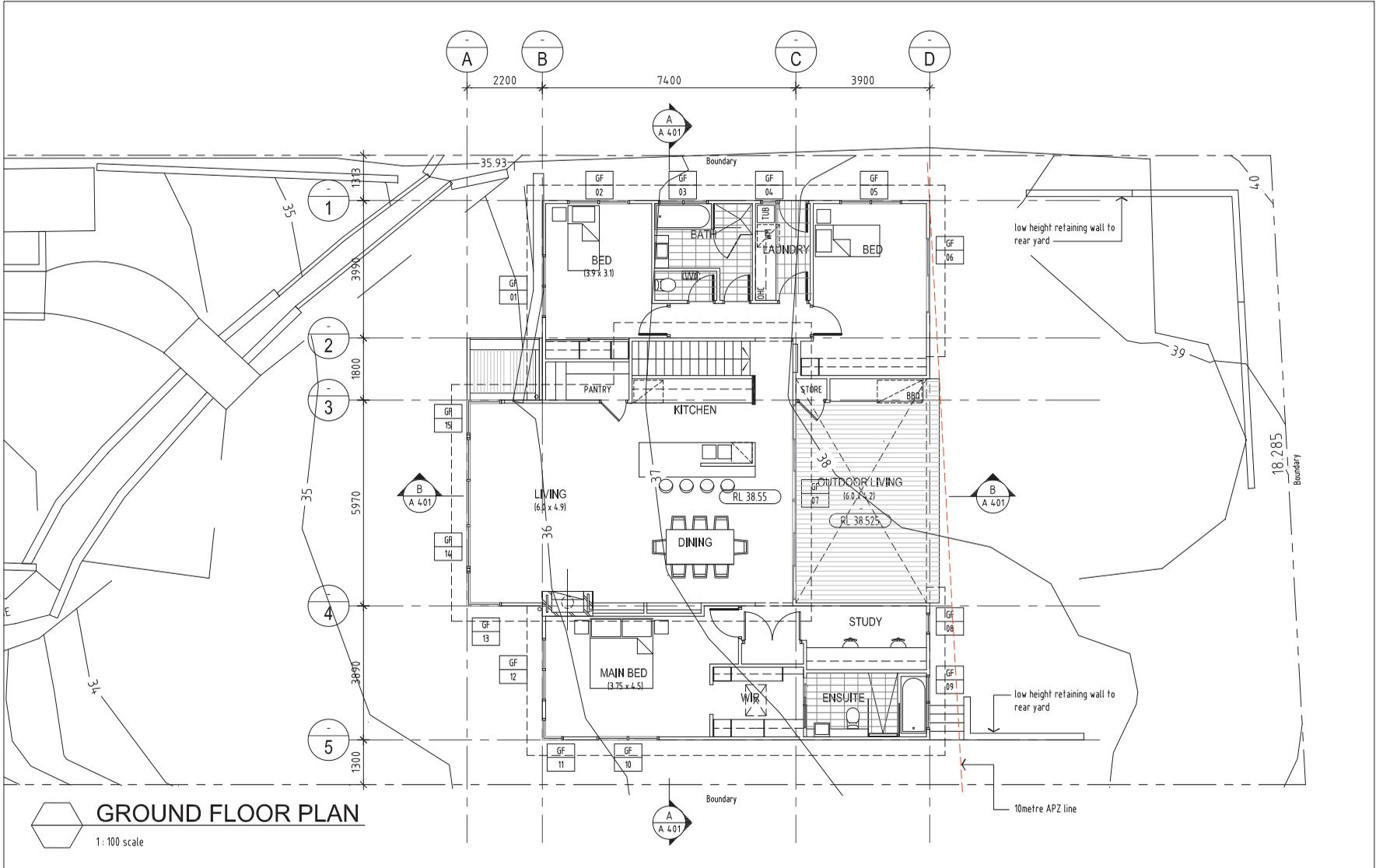
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FOR: DE CLOUETT

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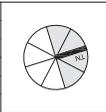
GROUND FLOOR PLAN
1:100 scale

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Comply with relevant authority requirements. Comply with Building Code of Australia, and all other Council and relevant authority requirements for materials and construction products.

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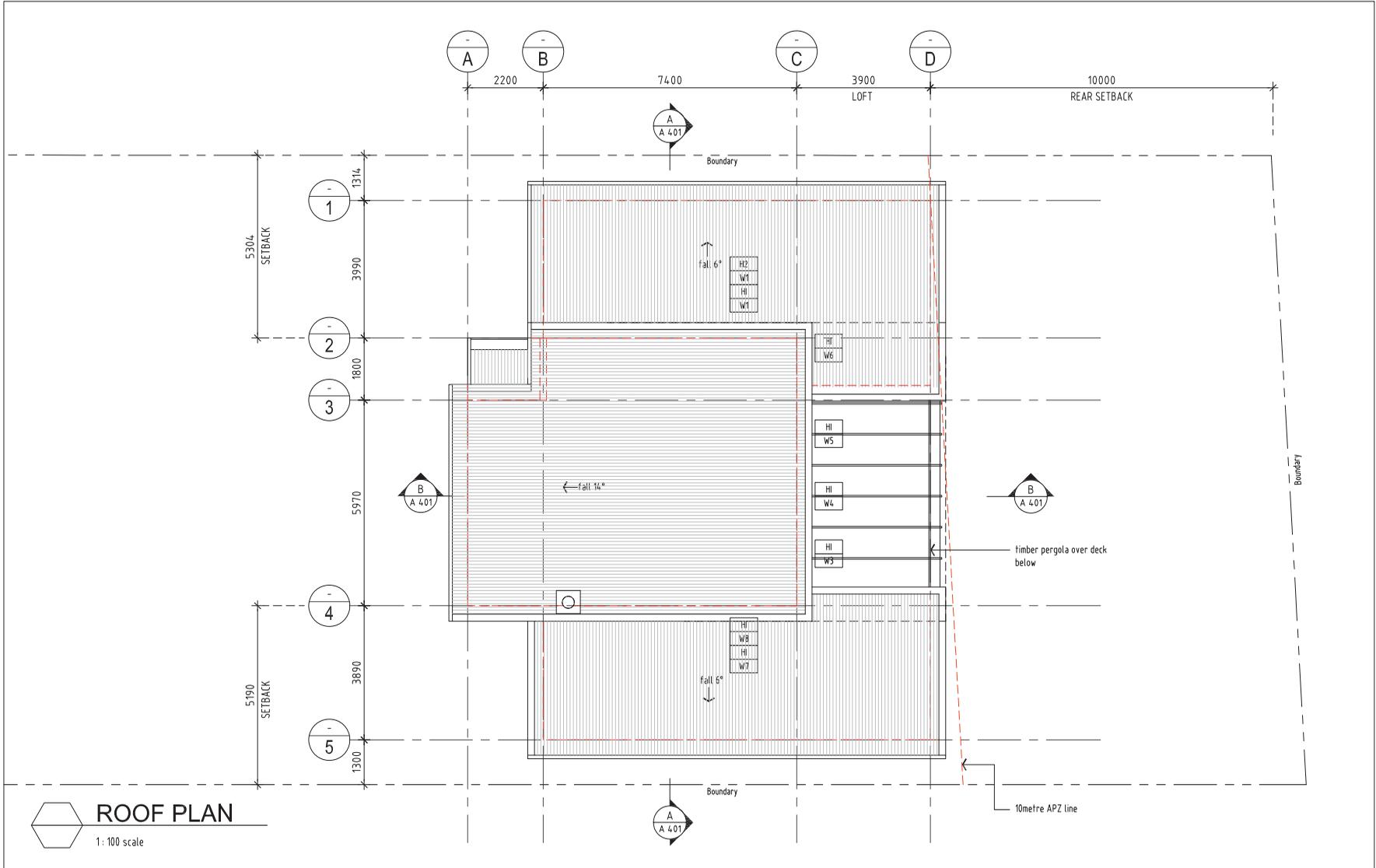


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GROUND FLOOR PLAN

PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING
 ADDRESS: 2 BROADRIDGE STREET, WOMBARRA
 FOR: DE CLOUETT

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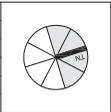


ROOF PLAN
1:100 scale

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Comply with relevant authority requirements. Comply with Building Code of Australia, and all other applicable Australian Standards for materials and construction practice.

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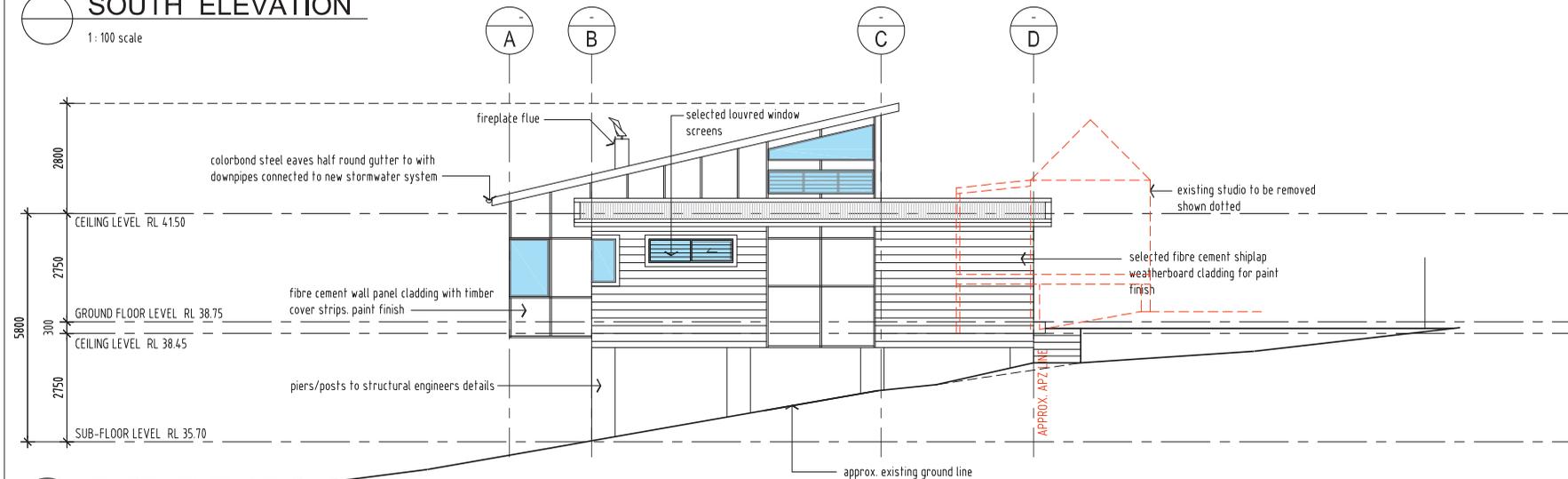


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| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | | ISSUE TYPE: DA | JOB No: 477 | DRAWING No: 203 |
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| FOR: DE CLOUETT | | DATE: NOV. 2014 | | |



SOUTH ELEVATION
1 : 100 scale



EAST ELEVATION
1 : 100 scale

The client is responsible for ensuring that all necessary permits and approvals are obtained prior to construction.
Verify all dimensions on site prior to excavation and foundation construction of any new construction.
Check existing RLs on site, and the proposed design company's RLs, of any structures before commencing work. Allow for adjustment to RLs.
Comply with relevant authority requirements. Comply with Building Code of Australia, and all other applicable codes and standards. (Refer to the main site and construction plans.)

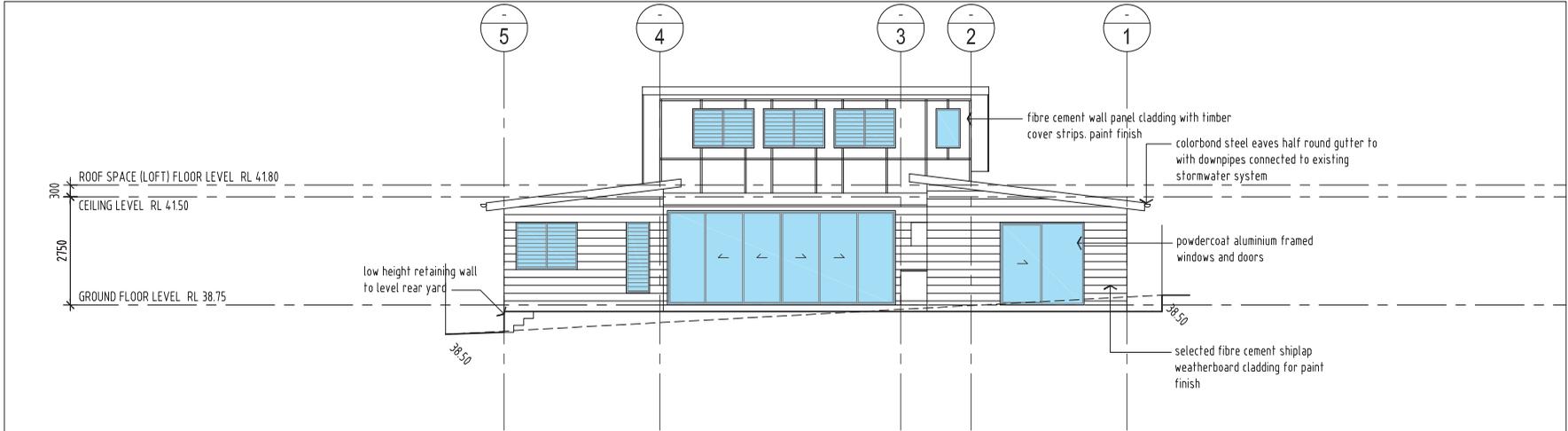
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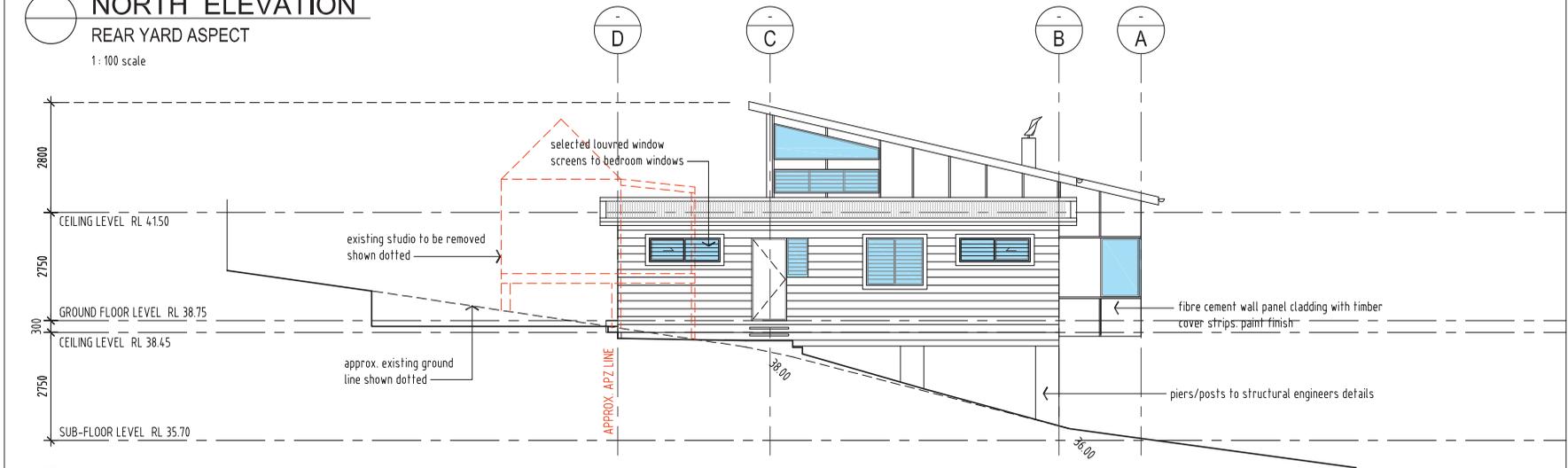
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| FOR : DE CLOUETT | | REVISION : B |
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| | | DATE : NOV. 2014 |
| | | DRAWING No : 301 |



NORTH ELEVATION
 REAR YARD ASPECT
 1:100 scale



WEST ELEVATION
 1:100 scale

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 Comply with relevant authority requirements. Comply with Building Code of Australia, and Australian Standards, with relevant Australian Standards for materials and construction practice.

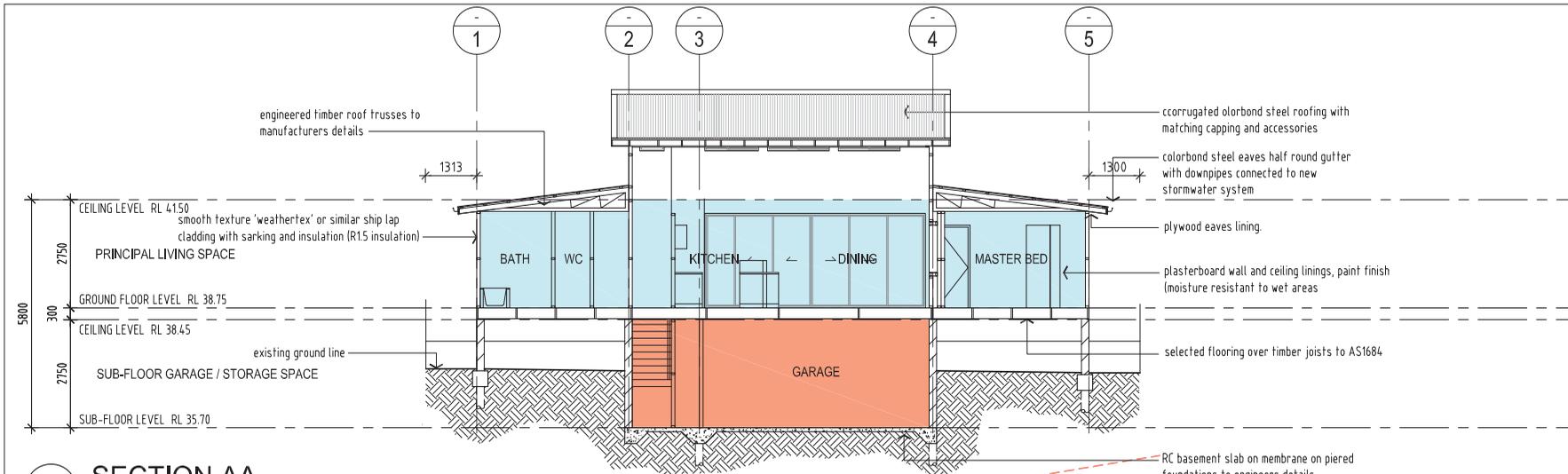
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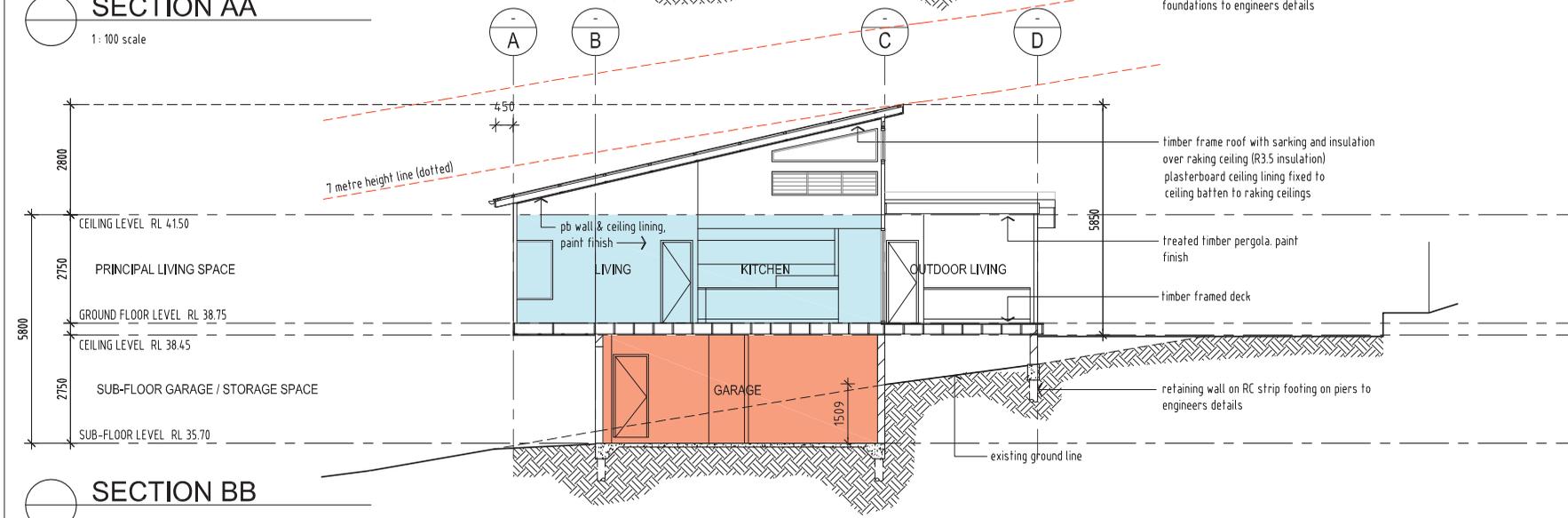
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| ELEVATIONS | | ISSUE TYPE: | JOB No: | DRAWING No: |
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| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | | DA | 477 | 302 |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | | SCALE: | REVISION: | |
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SECTION AA
1: 100 scale



SECTION BB
1: 100 scale

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Comply with relevant authority requirements. Comply with Building Code of Australia, and all other Council and relevant authority requirements for materials and construction practice.

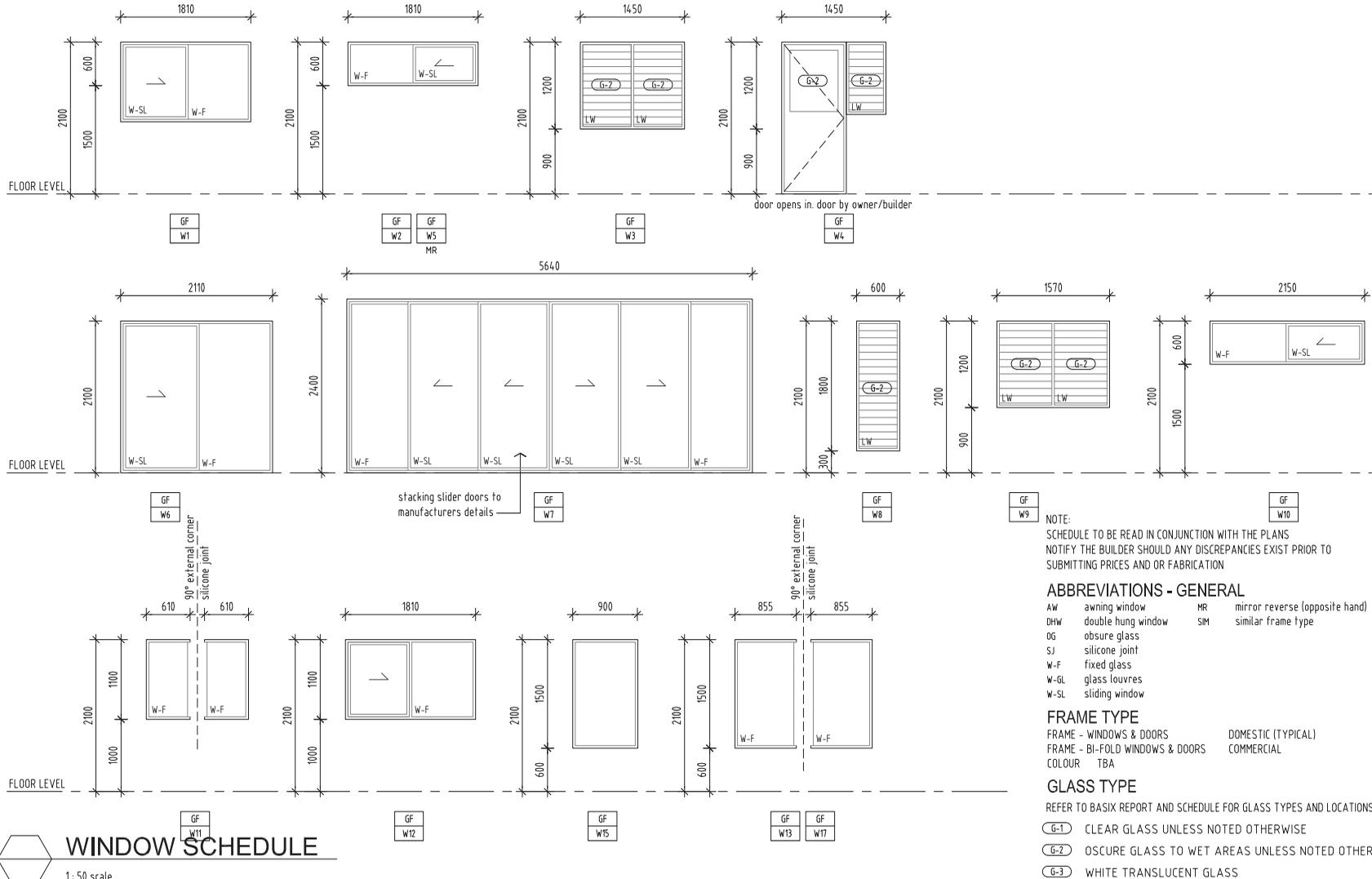
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 161 ilwarrad@idc.com.au 15 brig@ilwarradidc.com.au

| SECTIONS | | ISSUE TYPE: | JOB No: | DRAWING No: |
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| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | | DA | 477 | 401 |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | | SCALE: (A3) 1:100 | REVISION: B | |
| FOR: DE CLOUETT | | DATE: NOV. 2014 | | |



NOTE:
 SCHEDULE TO BE READ IN CONJUNCTION WITH THE PLANS
 NOTIFY THE BUILDER SHOULD ANY DISCREPANCIES EXIST PRIOR TO
 SUBMITTING PRICES AND OR FABRICATION

ABBREVIATIONS - GENERAL

- AW awning window
- DHW double hung window
- OG obscure glass
- SJ silicone joint
- W-F fixed glass
- W-GL glass louvres
- W-SL sliding window
- MR mirror reverse (opposite hand)
- SIM similar frame type

FRAME TYPE
 FRAME - WINDOWS & DOORS DOMESTIC (TYPICAL)
 FRAME - BI-FOLD WINDOWS & DOORS COMMERCIAL
 COLOUR TBA

GLASS TYPE
 REFER TO BASIX REPORT AND SCHEDULE FOR GLASS TYPES AND LOCATIONS

- G-1 CLEAR GLASS UNLESS NOTED OTHERWISE
- G-2 OBTUSE GLASS TO WET AREAS UNLESS NOTED OTHERWISE
- G-3 WHITE TRANSLUCENT GLASS

WINDOW SCHEDULE
 1:50 scale

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 Verify all dimensions on site prior to excavation and foundation construction of
 any fixed glass windows.
 Check existing RL's on site, and the Idcom Design Company Pty Ltd. of any
 discrepancies before commencing work. Allow for adjustment in work.
 Comply with relevant authorities requirements. Comply with Building Code of
 Australia, and all other applicable codes and standards. Suppliers for
 materials and construction products.

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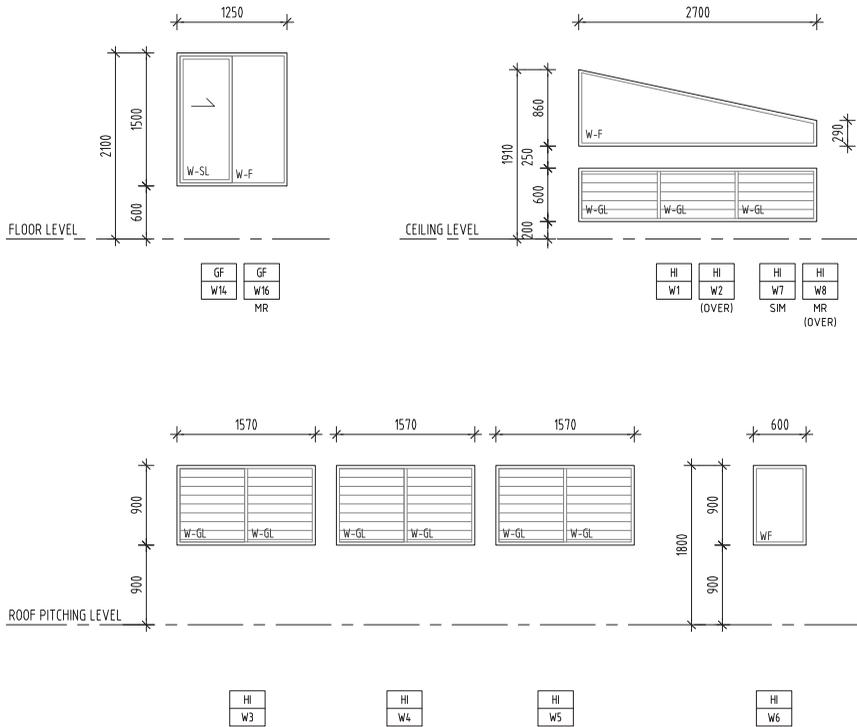
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| MR | |
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| GF | W12 |
| GF | W15 |
| GF | W13 |
| GF | W17 |

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WINDOW SCHEDULE 1 OF 2

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| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | ISSUE TYPE: DA | JOB No: 477 | DRAWING No: 501 |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | SCALE: (A3) 1:50 | REVISION: B | |
| FOR: DE CLOUETT | DATE: NOV. 2014 | | |



NOTE:
 SCHEDULE TO BE READ IN CONJUNCTION WITH THE PLANS
 NOTIFY THE BUILDER SHOULD ANY DISCREPANCIES EXIST PRIOR TO
 SUBMITTING PRICES AND OR FABRICATION

ABBREVIATIONS - GENERAL

- AW awning window
- DHW double hung window
- OG obscure glass
- SJ silicone joint
- W-F fixed glass
- W-GL glass louvres
- W-SL sliding window

FRAME TYPE

- FRAME - WINDOWS & DOORS DOMESTIC (TYPICAL)
- FRAME - BI-FOLD WINDOWS & DOORS COMMERCIAL
- COLOUR TBA

GLASS TYPE

REFER TO BASIX REPORT AND SCHEDULE FOR GLASS TYPES AND LOCATIONS

- (G-1) CLEAR GLASS UNLESS NOTED OTHERWISE
- (G-2) OSCURE GLASS TO WET AREAS UNLESS NOTED OTHERWISE
- (G-3) WHITE TRANSLUCENT GLASS

WINDOW SCHEDULE
 1:50 scale

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 Comply with relevant authorities requirements. Comply with Building Code of Australia, and all other applicable codes and standards. (Specified for materials and construction products).

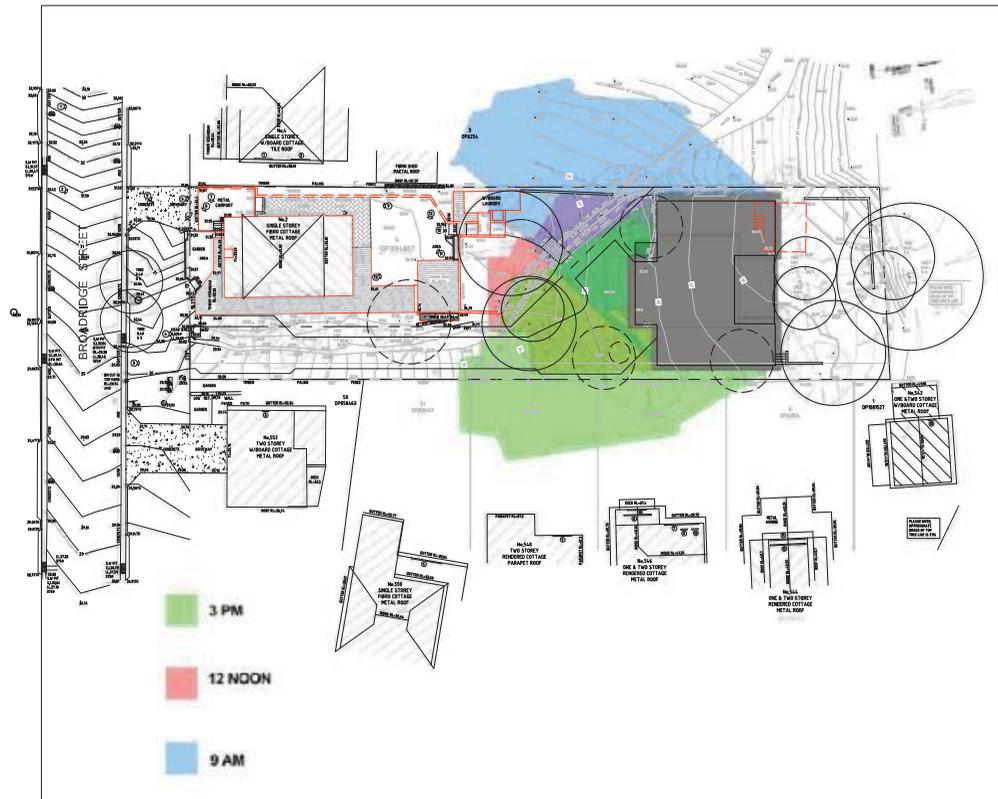
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| WINDOW SCHEDULE 2 OF 2 | | | |
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| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | ISSUE TYPE: DA | JOB No: 477 | DRAWING No: 502 |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | SCALES: (A3) 1:50 | REVISION: B | |
| FOR: DE CLOUETT | DATE: NOV. 2014 | | |



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Check existing site conditions, adjacent boundaries, Design Company Pty Ltd, of any discrepancies before commencement. Allow for adjustment to site dimensions.

Comply with relevant authorities requirements. Comply with Building Code of Australia, and all relevant Council and relevant Australian Standards for materials and construction practices.

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| TITLE: | | JOB No: | | DRAWING No: |
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| SHADOW DIAGRAMS | | DA | 477 | 601 |
| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | | ISSUE TYPE: | REVISION: | |
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| FOR: DE CLOUETT | | DATE: NOV. 2014 | | |

Independent Hearing and Assessment Panel Report | 15 October 2014

| | |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IHAP No. | Item 1 |
| DA No. | DA-2014/245 |
| Proposal | Subdivision and Dwelling House: Phase 1. - minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision. Phase 2. - construction of a new dwelling house |
| Property | Lot 4 DP 1094807 - 2 Broadridge Street, WOMBARRA NSW 2515 |
| Owner | Mr Christian De Clouett and Mrs Mellisa Leah De Clouett |
| Applicant | Prince Property Consulting |
| Panel | Alison McCabe (Chair), David Crofts and Brendan Randles (Independent) and Edger du Bois (Community Representative) |
| Staff in Attendance | Mark Riordan (Manager Development Assessment and Certification), Pier Panozzo (City Centre Manager), John Wood (City Wide Manager), Rodney Thew (DPO), Jessica Saunders (DPO), Rebecca Welsh (DPO), Lauren Wilson (IHAP Coordinator) |

Pecuniary Interest

None of the Panel members had any pecuniary interests relating to this matter.

Panel Commentary:

The Panel inspected the site. The Panel was addressed by three submitters and the applicant.

The Panel reviewed the application and notes that there are numerous inconsistencies with the Wollongong Development Control Plan (DCP). Furthermore, this is compounded by the highly constrained nature of the site including its slope, which leads the Panel to conclude that the proposed development is excessive in scale for the site.

The combination of the geotechnical constraints, flooding and bushfire hazard requires detailed consideration and analysis, which should inform the built form outcome of the site. In addition, any built form outcome needs to result in minimal impacts on adjoining property owners and be consistent with Council's policy position of smaller scale buildings on battle-axe blocks. The merits or otherwise of allowing a subdivision are inherently tied to appropriate solutions to the geotechnical, flooding and bushfire hazard constraints and the capacity of the site to accommodate an appropriate built form. For this reason, the Panel would not be supportive of this subdivision in the absence of these matters being resolved.

The proposed dwelling is out of scale, does not respond to environmental constraints and results in unnecessary and unreasonable impacts on adjoining properties and needs a total redesign. It should be single storey in scale and setback from side boundary sufficient to

Independent Hearing and Assessment Panel Report | 15 October 2014

protect neighbouring amenity. This requires more generous setbacks, greater than the minimum requirements.

The Panel is also concerned about the uncertainty regarding the APZ and its reliance on the possessory title claim as there is no guarantee that this will be achieved.

Recommendations

The application be deferred for the following:

- 1 An alternate resolution to the APZ that does not rely on the possessory title claim or resolution of the possessory title claim.
- 2 Amended plans for a more compact dwelling that more appropriately responds to the constraints of the site and adjoining neighbours amenity and is consistent with the requirements of the DCP.

A further report be submitted to IHAP upon receipt of the above.

Voting

The voting in respect of this matter was 4/0.

Independent Hearing and Assessment Panel Report | 15 October 2014

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|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IHAP No. | Item 1 |
| DA No. | DA-2014/245 |
| Proposal | Subdivision and Dwelling House: Phase 1. - minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision. Phase 2. - construction of a new dwelling house |
| Property | 2 Broadridge Street, Wombarra – Lot 4 DP 1094807 |
| Applicant | Prince Property Consulting |
| Responsible Team | Development Assessment and Certification - City Wide Planning Team (RT) |

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Independent Hearing and Assessment Panel

This development has been referred to the Independent Hearing and Assessment Panel (IHAP) pursuant to Clause 1.10 of the IHAP Charter as the proposal is deemed to be of significant community interest by written notification having been received from (4) Councillors.

Proposal

The application proposes development in two distinct phases.

Phase 1. - minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision.

Phase 2. - construction of a new dwelling house.

Permissibility

The subject site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan (WLEP) 2009. Both subdivision and dwelling houses are permissible with consent.

Exhibition

Details of the proposal were publicly exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan (WDCP) 2009. Five (5) submissions were received. Following the submission of amended plans & additional information, the proposal was renotified, with a total of five (5) submissions received. The issues identified are discussed at section 2.9 of this report.

Consultation

External

NSW Rural Fire Service

Details of the application submission were referred to the NSW Rural Fire Service as required under Section 100B of the NSW Rural Fires Act 1997 for a Bushfire Safety Authority. Advice received indicates the proposal is considered satisfactory subject to a deferred commencement matter relating to a required Asset Protection Zone (APZ) and acquisition of adjoining land by Possessory Title claim as discussed further at section 2.5.2 of this report.

NSW Office of Water

Enquiries undertaken in relation to the modified and uncategorised natural drainage channel traversing the site have identified that no referral is required as relates to the Water Management Act 2000.

Internal

Details of the proposal were referred to Council's Geotechnical, Subdivision, Traffic, Stormwater, Landscape and Environment Officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance. Assessment considerations of internal groups as relates to relevant Chapters of the WDCP 2009 are presented at section 2.3.1 of this report.

Main Issues:

The main issues resulting from the assessment process are: -

- Geotechnical considerations;
- Bushfire protection considerations including APZ and Possessory Title land claim/ acquisition to create the APZ, access and water supply;
- Flooding and stormwater issues;
- Privacy and amenity impacts;
- DCP variation requests (building envelope and number of storeys)

Conclusion

The application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies and found to be satisfactory.

Both subdivision and dwelling houses are permitted in the R2 land use zone with development consent pursuant to the WLEP 2009.

The proposal does not result in exceptions to development standards. The resulting lots comply with the minimum lot size controls of the WLEP 2009.

The proposal does involve a minor variation to the rear lot depth control and number of storeys on a battle-axe lot control for the proposed dwelling. Variation request statements with justification have been provided by the applicant in accordance with clause 8 of Chapter A1 of WDCP 2009. The variations have been considered and are supported in this instance as discussed within section 2.3.1 of this report.

The NSW Rural Fire Service have identified that an APZ must be created/ maintained on adjoining land which is the subject of a current Possessory Title claim by the proponent. The Bushfire Safety Authority is not to take effect until such time as the land is first acquired by the proponent.

All internal and external referrals are satisfactory and there are no outstanding issues.

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

RECOMMENDATION

It is recommended that the application be determined via deferred commencement subject to the conditions contained in Attachment 4 of this report.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP 71 – Coastal Protection

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2013
- Planning for Bushfire Protection 2006 (PBP 2006)
- Merging of Wollongong LEP (West Dapto) 2010 into Wollongong Local Environmental Plan 2009 (Gazetted as of 6 June 2014).

1.2 PROPOSAL

The application was lodged on 7 March 2014 and proposes development in two phases, each requiring separate Construction Certificates.

Phase 1. - minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision.

Phase 2. - construction of a new dwelling house.

Figure 1 presents the overall site layout with a copy of the proposed dwelling details provided in Attachment 2.

mature trees to the rear boundary. A modified and uncategorised natural drainage channel traverses the site at the midpoint. The site is accessed via an existing drive way off Broadridge Street.

The land is a regular shaped allotment with an overall site area of 1472m². The site slopes to the front of the block (South) with a cross fall to the East.

The streetscape in the immediate vicinity is characterised by low density residential dwellings of single and double storey construction. Adjoining development consists of single storey brick dwelling to the south and double storey brick dwellings to the North, East and West. See figure 2

Adjoining the subject lot to the north for the full common boundary extent is land identified as Part Certificate of Title Volume 2279 Folio 202 which has an area of approximately 260.38m². This land is the subject of a current Possessory Title claim by the proponent.

A copy of legal advice provided on behalf the applicant regarding the status of the Possessory Title claim and consolidation plan is provided in Attachment 3.

Property conditions

Council records list the site as being affected by the following constraints:

- unstable land
- flood hazard
- bushfire prone
- Coastal zone

There are no restrictions on the title.

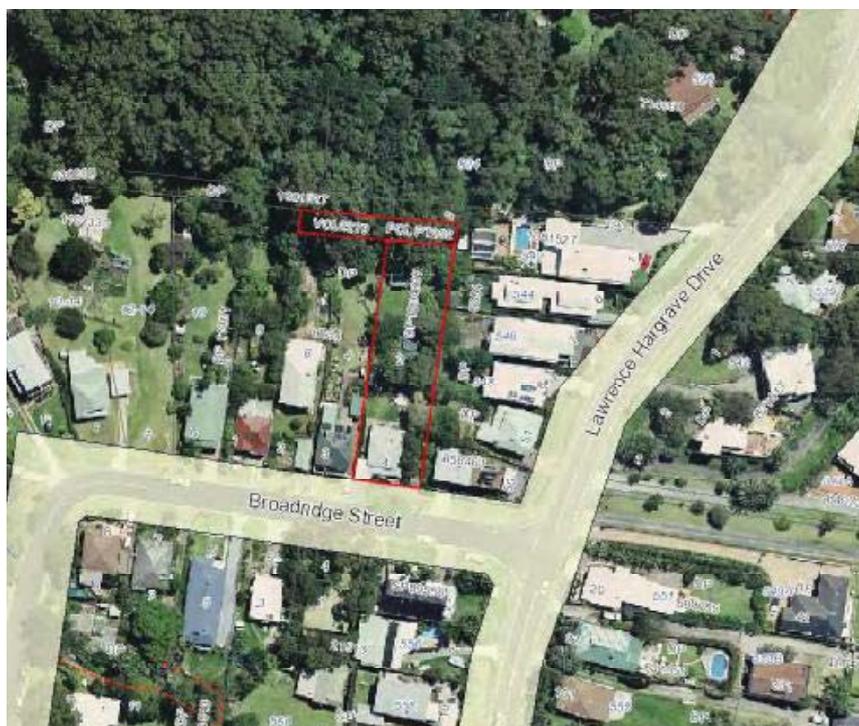


Figure 2: Aerial photograph depicting lots and locality.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Details of the proposal were referred to Council's Geotechnical, Subdivision, Traffic, Stormwater, Landscape and Environment Officers for assessment. Satisfactory referral advice, comment and/or recommended conditions were provided in each instance.

1.5.2 EXTERNAL CONSULTATION

NSW Rural Fire Service

Details of the application submission were referred to the NSW Rural Fire Service as required under Section 100B of the NSW Rural Fires Act 1997 for a Bushfire Safety Authority. Advice received indicates the proposal is considered satisfactory subject to a deferred commencement matter relating to a required Asset Protection Zone (APZ) and acquisition of adjoining land by Possessory Title claim.

The following advice was received from the NSW Rural Fire Service:

"Since the RFS's previous correspondence on this application of 12 June 2014, a meeting has been held with the applicant's bushfire and property consultants in order to address outstanding issues, in particular the provision of an appropriate Asset Protection Zone. A conclusion has been reached but is dependent on the acquisition of the land to the rear of the site and its incorporation into the development site. Advice is that it is intended to acquire this land through "possessory title". You will note that the RFS has conditioned the bush fire safety authority not to operate until the land is acquired. It may be appropriate for Council to issue a deferred commencement consent.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

- 1. This bushfire safety authority shall not operate until the land at the rear has been acquired (Part Certificate of Title Volume 2279 Folio 202).*
- 2. The land to be acquired shall be consolidated with proposed lot 42."*

The NSW RFS recommended conditions are contained in the draft conditions at Attachment 4 of this report in particular the deferred commencement matter.

NSW Office of Water

Enquiries undertaken in relation to the modified and uncategorised natural drainage channel traversing the site have identified that no referral is required as relates to the Water Management Act 2000.

1.5.3 REFERRAL TO INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP)

This development has been referred to the Independent Hearing and Assessment Panel (IHAP) pursuant to Clause 1.10 of the IHAP Charter as the proposal is deemed to be of significant community interest by written notification having been received from (4) Councillors.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 79C ASSESSMENT

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <i>(a) the provisions of:</i> | |
| <i>(i) any environmental planning instrument, and</i> | See section 2.1 |
| <i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i> | See section 2.2 |
| <i>(iii) any development control plan, and</i> | See section 2.3 |
| <i>(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and</i> | Not Applicable |
| <i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</i> | See section 2.4 |
| <i>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</i> | See section 2.5 |
| <i>that apply to the land to which the development application relates,</i> | |
| <i>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i> | See section 2.6 |
| <i>(c) the suitability of the site for the development,</i> | See section 2.7 |
| <i>(d) any submissions made in accordance with this Act or the regulations,</i> | See section 2.8 |
| <i>(e) the public interest.</i> | See section 2.9 |

2.1 SECTION 79C 1(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

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

Under Clause 7 of *State Environmental Planning Policy No.55 – Remediation of Land*, a consent authority is required to consider whether a proposed development site is affected by soil or other contaminants before granting consent. Council’s Environment Officer has reviewed the application submission noting that the subject site is zoned for residential development and the site is currently being used for residential purposes. A desktop audit of the subject site revealed there is no previous history of land uses that could be considered to present as a contamination risk. The site is therefore

considered suitable for the proposed development and consistent with the assessment considerations of SEPP 55.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – COASTAL PROTECTION

The land does not form part of the coastal foreshore or provide public access to recreation areas. Whilst the application proposes the removal of several trees, Council's Landscape and Environment Officers have assessed the application submission with conditionally satisfactory referral advice received in both instances. No overshadowing or loss of views is anticipated.

The development is considered to be consistent with the aims of this policy and there are no significant issues identified in regards to the matters for consideration.

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

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Environmental Planning & Assessment Regulations 2000 and SEPP 2004 a BASIX Certificate has been submitted in support of the proposed dwelling demonstrating achievement of the BASIX targets.

2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009 (WLEP2009)

Part 1 Preliminary

Clause 1.4 Definitions

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

Dwelling Houses are defined as a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as separate domicile.

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

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

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.



Figure 3: WLEP 2009 zoning map

Clause 2.3 – Zone objectives and land use table

The objectives of the zone R2 Low Density Residential 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.*

It is considered that the proposed Torrens title subdivision is generally satisfactory with regards to the above objectives for Zone R2 Low Density Residential.

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

ZONE R2 Low Density Residential permitted uses:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; **Dwelling houses**; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; 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; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals

The proposal is categorised as a subdivision and dwelling house and are both permissible in the R2 Low Density Residential zone with development consent.

Clause 2.6 Subdivision—consent requirements

Subdivision is permissible with consent as the subject site is on land to which the Wollongong Local Environmental Plan 2009 applies.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The minimum allotment size for the subdivision of land under Part 4.1 of WLEP2009 is 450m². The proposed subdivision results in lot sizes of 497.7m² for proposed Lot 41 and 561.8m² excluding the access handle for proposed Lot 42 which are both compliant with the clause.

Clause 4.3 Height of buildings

The proposed dwelling height of 7.5m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

| | |
|-------------------------------------|--------------------------------------------|
| Maximum FSR permitted for the zone: | 0.5:1 |
| FSR provided for Lot 41: | $102.9\text{m}^2/497.7\text{m}^2 = 0.21:1$ |
| FSR provided for Lot 42: | $241.4\text{m}^2/715.1\text{m}^2 = 0.34:1$ |

Part 5 Miscellaneous provisions

Clause 5.5 Development within the coastal zone

The proposed development is located within the coastal zone.

The hazard extents of the WCC Coastal Zone Study have been examined and are not applicable to this site.

| Coastal Zone Study Layers for DA-2014/245 on Wollongong City Council's Dekho Mapping System | |
|----------------------------------------------------------------------------------------------------|--------------|
| Coastal Geotechnical Risk | Not Affected |
| 2010 Ocean Inundation Extent | Not Affected |
| 2050 Ocean Inundation Extent | Not Affected |
| 2100 Ocean Inundation Extent | Not Affected |
| 2010 Reduced Foundation Capacity | Not Affected |
| 2050 Reduced Foundation Capacity | Not Affected |
| 2100 Reduced Foundation Capacity | Not Affected |

Clause 5.9 Preservation of trees or vegetation

The application proposes the removal of several trees. Council's Landscape and Environment officers have assessed the application submission including an Arborist report with conditionally satisfactory referral advice received in both instances. Draft conditions specify trees to be removed, trees to be retained and compensatory planting of indigenous plant species.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The subject site is already serviced by public utilities. Draft conditions 12, 13 and 14 at Attachment 4 require the submission of documentary evidence from the relevant authorities relating to the connection of electricity, telecommunications, water and sewage to service the proposed new lot which are not expected to be problematic.

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the subject site is not affected by “Natural Resource Sensitivity – Biodiversity”. However Council records indicate that the land identified as Part Certificate of Title Volume 2279 Folio 202 which is partly affected by “Natural Resource Sensitivity – Biodiversity”. This land is the subject of a current Possessory Title claim by the proponent in order to achieve the APZ’s required by the NSW Rural Fire Service. As such the application was referred to Council’s Landscape and Environment officers to assess likely impacts of the proposal in this regard. No issues were raised.



Figure.4: WLEP 2009 Natural resource Sensitivity map...

Clause 7.3 Flood planning area

The subject land is identified as being flood hazard affected. Council’s Stormwater Officer has assessed the application submission in this regard against the submitted flood study and has not raised any issues subject to draft conditions.

Clause 7.5 Acid Sulfate Soils

The subject site is identified as being affected by Class 5 acid sulphate soils and is less than 500m from a Class 1 acid sulphate soils area. However as the proposed works for the subdivision are to be located at and above 30m A.H.D and are not likely to lower the water table beyond 1m it is considered that there is minimal impact. Council’s Environment Officer has assessed the application submission and has not raised any issues subject to draft conditions

Clause 7.6 Earthworks

The proposal involves earthworks and geotechnical remediation works to facilitate the subdivision development and dwelling. A geotechnical report, geotechnical remediation plan, and information regarding the earthworks to reshape the land were submitted with the application.

The application submission was referred to Council’s Geotechnical, Stormwater, Subdivision and Environment Officers for comment and no objections were raised in relation to this matter subject to draft conditions in each instance. It is considered that the earthworks will have minimal

detrimental impact on environmental functions and processes, neighbouring uses, items and features of the surrounding land.

2.2 SECTION 79C 1(A)(II) ANY PROPOSED INSTRUMENT

Merge of Wollongong Local Environmental Plan (West Dapto) 2010 with Wollongong Local Environmental Plan 2009

This planning proposal seeks to transfer all land currently under the Wollongong (West Dapto) LEP 2010 (to be repealed) to the Wollongong LEP 2009 so that there will be a single principal Local Environmental Plan covering the Wollongong Local Government Area. The proposal was exhibited between 29 September 2012 and 29 November 2012.

The planning proposal was gazetted as of the 6 June 2014. However, savings provisions within Wollongong LEP2009 state the newly gazetted planning instrument does not apply to existing undetermined development applications. DA-2014/245 was lodged on 7 March 2014.

2.3 SECTION 79C 1(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

| <i>Controls/objectives</i> | <i>Comment</i> | <i>Compliance</i> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| 4.1 Maximum Number of Storeys | | |
| <ul style="list-style-type: none"> Battle axe allotments - 1 storey R2 where development occurs within the 8m rear setback the development is limited to single storey. Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties | <p>Proposed: Two (2) Storeys (7.67m overall height)</p> <p>Rear Setback: 10m</p> <p>The proposed dwelling will have minimal impact on the visual amenity of the area and on the amenity of the adjoining properties.</p> | <p>No -refer to considerations below</p> |
| <p>Justification for Number of Storeys Variation:</p> <p>The applicant has proposed a two (2) storey dwelling on proposed Lot 42 requesting a variation to Council’s controls. Proposed Lot 42 is a battleaxe allotment. It is considered that the variation to the maximum number of storeys development control can be supported in this circumstance for the following reasons:</p> <ul style="list-style-type: none"> The proposed dwelling has been designed to integrate with the streetscape addressing Broadridge Street to the south and natural setting whilst maintaining the visual amenity of the area. It is considered that the existing built and natural environment of the area will screen and mitigate the visual impact of the proposed dwelling. The proposed development will have minimal impact on the adjoining dwellings in terms of overlooking as the proposed dwelling complies with the minimum boundary setbacks for dwelling houses in R2 zones and the private open space has been oriented toward the north addressing the reserve to | | <p>Variation request considered justified and supported</p> |

the rear to minimise overlooking.

- The proposed development will have minimal impact on the adjoining dwelling in terms of overshadowing for the following reasons as the proposed dwelling complies with the maximum building heights and minimum boundary setbacks for dwelling houses in R2 zones. The mature vegetation to the north of the subject site, which exceeds the height of the proposed dwelling will cast a greater shadow than the proposed dwelling itself.
- It is considered that the building character and form of the proposed dwelling is reasonable in this circumstance. There are dwellings of similar bulk and scale within the immediate vicinity of the subject site.
- Although the numerical requirements have not been strictly met in this circumstance it is considered that the objectives of the clause have been met ensuring minimal impact on the streetscape and on the amenity of the adjoining dwellings. It is considered that the proposed two (2) storey dwelling is acceptable in this circumstance in order to satisfy the constraints of the site.

4.2 Front Setbacks

- Infill 6m min or dependent on street character
- Garages and carports 5.5m min

The subject site is a battleaxe allotment with a 5m wide street frontage to Broadridge Street.
The proposed dwelling is setback approximately 43m from the boundary with Broadridge Street.

Yes

4.3 Side and Rear Setbacks

- Wall Setback: 0.9m min
- 3m where the wall height exceeds 7m
- Eave Setback: 0.45m
- Rear Setback 8m

Proposed to Wall: 1.415m (East)
0.9m (West)
Proposed to Eaves: 0.965m (East)
0.45m (West)

Yes

Yes

Rear setback : 10m

Yes

4.4 Landscaped Area

- Minimum Required 20% permeable area capable of growing trees, shrubs, groundcover and/or lawn.
- 50% behind the building line to the primary road
- Integrated with drainage design

Proposed Lot 41: Approximately 49%.
Proposed Lot 42: Approximately 42%
The proposed development satisfies the objectives of Council's landscaped area controls and policies.

Yes

Yes

4.5 Private Open Space

- 24m² of private open space must be directly accessible from the living areas;

The proposed development satisfies the objectives and

Yes

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <p>min width of 4m and no steeper than 1:50.</p> <ul style="list-style-type: none"> • Not to be located on side boundaries or front yards without variation. | <p>standards of Council’s private open space controls.</p> | |
| <p><u>4.6 Solar Access Requirements</u></p> <ul style="list-style-type: none"> • Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June. • At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21. | <p>The proposed development will have minimal impact on adjoining properties in terms of Solar Access as reasonable setbacks and building heights have been maintained.</p> <p>The dwelling has been oriented north south on the lot so as to maximise the amount of sunlight received by the living areas and private open space.</p> <p>It is considered that the proposed development can receive a reasonable amount of sunlight to private open space areas.</p> | <p>Yes</p> |
| <p><u>4.7 Building Character and Form</u></p> <ul style="list-style-type: none"> • Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context • New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. • All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. • Where garages are proposed on the front elevation they must be articulated from the front façade. | <p>The proposed development will have minimal impact on the established residential character of the area as there are similar developments within the vicinity of the subject site on both Broadridge Street and Lawrence Hargrave Drive.</p> <p>The proposed dwelling frontages and entries clearly have been orientated to address Broadridge Street.</p> | <p>Yes</p> |
| <p><u>4.8 Fences</u></p> <ul style="list-style-type: none"> • Fences must be constructed to allow natural flow of stormwater or runoff. • Fences within front and secondary building lines should be mainly constructed of transparent fence materials. • Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height | <p>No fencing has been proposed with this application. Existing boundary fencing is to remain unchanged.</p> | <p>N/A</p> |
| <p><u>4.9 Car parking and Access</u></p> <ul style="list-style-type: none"> • 2 spaces per dwelling with a GFA of | <p>The application submission allows</p> | <p>Yes</p> |

| | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <p>greater than 125m²</p> <ul style="list-style-type: none"> • Car parking spaces may be open hard stand space, driveway, carport or a garage. • Garage door facing roads—not greater than 50% of the width of the dwelling. • Garages must be setback min of 5.5m from front boundary. • Driveways shall be separated from side boundaries by a minimum of 1m. • Driveways shall have a max cross-over width of 3m. | <p>for two (2) parking spaces on the proposed new lot 42. Car parking arrangements for the existing dwelling are to remain unchanged</p> <p>The proposal includes a double garage 7.4m x 6.17m. It is considered the garage satisfies AS2890.</p> <p>The garage is setback greater than 5.5m from the front boundary.</p> <p>Both the NSW Rural Fire Service and Council’s Traffic Officer have raised no objections to the proposed access arrangements.</p> <p>The proposed development satisfies the objectives of Council’s Car Parking and Access controls and policies.</p> | <p>Yes</p> <p>Yes</p> |
| <p><u>4.10 Storage Facilities</u></p> <ul style="list-style-type: none"> • 3 bedroom- 10m³ storage volume to 5m² storage area | <p>The proposed development will provide adequate storage facilities.</p> | <p>Yes</p> |
| <p><u>4.11 Site Facilities</u></p> <ul style="list-style-type: none"> • letterboxes in an accessible location • air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback | <p>The necessary site facilities have been provided and are acceptable in this circumstance.</p> | <p>Yes</p> |
| <p><u>4.12 Fire Brigade Servicing</u></p> <ul style="list-style-type: none"> • All dwellings located within 60m of a fire hydrant | <p>The subject site can be adequately serviced by fire fighting vehicles in this circumstance.</p> | <p>Yes</p> |
| <p><u>4.13 Services</u></p> <ul style="list-style-type: none"> • Encourage early consideration of servicing requirements | <p>Water, electricity, sewage and telephone services are available to the site</p> | <p>Yes</p> |
| <p><u>4.14 Development near the coastline</u></p> <ul style="list-style-type: none"> • Must minimise built intrusions into coastal landscape • Retain views to the ocean from roads and public spaces • Maintain buildings consistent with coastal character | <p>It is considered that the proposed development satisfies the objectives and standards for development near the coastline in this circumstance.</p> | <p>Yes</p> |

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------|
| <p><u>4.15 View sharing</u></p> <ul style="list-style-type: none"> To protect and enhance view sharing, significant view corridors A range of view sharing measures to be considered for building design | <p>The proposed development will have minimal impact on view corridors of existing development.</p> | <p>Yes</p> |
| <p><u>4.16. Retaining walls</u></p> <ul style="list-style-type: none"> To ensure well designed retaining walls that are structurally sound | <p>The proposed retaining walls are considered acceptable in this circumstance.</p> | <p>Yes</p> |

CHAPTER B2 – RESIDENTIAL SUBDIVISION

| <i>Controls/objectives</i> | <i>Comment</i> | <i>Compliance</i> |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <p><u>5 Topography & natural landform</u></p> | <p>It is considered that the proposed subdivision has taken into account the site constraints and will have minimal impact on the significant features of the site in this circumstance.</p> <p>Council’s Geotechnical Officer has raised no issues with the proposed phasing of the development and site remediation works subject to draft conditions.</p> | <p>Yes</p> |
| <p><u>6 Subdivision layout – aspect & solar access orientation</u></p> | <p>The proposed lot allows for reasonable siting of the proposed dwelling to satisfy the objectives of Council’s boundary setback requirements so as to have minimal impact on the adjoining properties in terms of overshadowing and to allow reasonable solar access to the proposed dwelling.</p> | <p>Yes</p> |
| <p><u>7 Minimum allotment size requirements</u></p> | <p>The minimum allotment size for the subdivision of land under Part 4.1 of WLEP2009 for the subject site is 450m². The proposal is for a two (2) lot subdivision with site areas of:</p> <p>Lot 41: 497.7m²</p> <p>Lot 42: 561.8m² (excluding access handle with the access handle the area for Lot 42 is 715.1m²).</p> | <p>Yes</p> |

Controls/objectives

Comment

Compliance

8 Lot width & depth requirements

The minimum lot width and depth for residential development is 12m and 25m respectively.

The proposed Lots 41 and 42 have a minimum width of approximately 13.27m and 18.28m respectively which is considered to satisfy the objectives of Council’s lot width requirements.

The minimum depth for Lot 41 is 30.66m.

The minimum depth for Lot 42 is 21.54m.

Yes

Yes

No -refer to considerations below

Justification for Lot 42 Depth Variation:

The applicant has proposed a minimum lot depth of approximately 21.54m for Lot 42 requesting a variation to Council’s controls. It is considered that the variation to the lot depth for the proposed Lot 42 can be supported in this circumstance for the following reasons:

- The variation in the lot depth for Lot 42 is considered to be a minor point variation due to the rear boundary of Lot 41 or common boundary between Lots 41 and 42 being tapered to follow the water course burdening the subject site as can be seen in Figure 5 below.

Variation request considered justified and supported

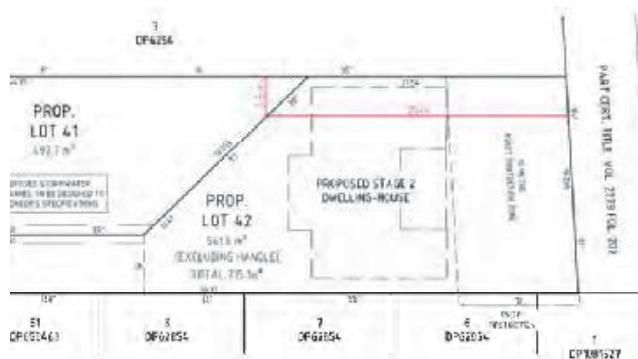


Figure 5: Alignment of proposed boundaries between Lot 41 and Lot 42

The 25m lot depth is achieved approximately 3.3m in from the western side boundary as depicted above.

- The application submission demonstrates that the proposed lot width and depths can cater for a complying dwelling having regard for site constraints and environmental qualities of the land. Advice received from the NSW Rural Fire Service and Council’s Geotechnical, Environment and Stormwater Officers is such that the proposal is satisfactory subject to

| Controls/objectives | Comment | Compliance |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <p>consent conditions.</p> <ul style="list-style-type: none"> The dwelling has a sufficient area of private open space to the rear of the dwelling that is able achieve reasonable levels of solar access in this circumstance. Both dwellings are able to achieve Council’s Floor Space Ratio, Landscaped Area and satisfy boundary setback controls with the lot sizes proposed. The proposal complies with the minimum lot size requirements stipulated under WLEP 2009 Clause 4.1. Advice received from Council’s Subdivision section indicates there are no issues with the proposed lot sizes. There are similar developments within the vicinity of the subject site on both Broadridge Street and Lawrence Hargrave Drive and it is considered that the proposal will not set a precedent within the area. Although the numerical requirements have not been strictly met in this circumstance it is considered that the objectives of the clause have been met ensuring minimal impact on the street scene and on the amenity of the adjoining dwellings. | | |
| <p><u>9 Battle-axe allotments</u></p> | <p>The proposed Torrens Title subdivision will create a battle-axe allotment. The lot configuration is considered acceptable in this circumstance.</p> <p>The access handle is 5m in width and has direct connectivity to Broadridge Street. Advice received from the NSW Rural Fire Service and Council’s Traffic Officer is such that there are no issues with the proposed access arrangements.</p> <p>The proposal will result in points where the 1m landscaping strip will be reduced to enable vehicle manoeuvring and the provision for a passing bay in accordance with the Australian Standards and is considered acceptable in this circumstance.</p> <p>Council’s Landscape Officer has raised no issues with the proposed landscaping.</p> <p>Advice provided by Council’s Subdivision Officer indicates there are no issues with the proposed battle-axe lot.</p> | <p>Yes</p> |
| <p><u>10 Building envelopes</u></p> | <p>The applicant has submitted plans with a proposed building envelope and dwelling house 15.95m wide by 13.4m</p> | <p>Yes</p> |

| <i>Controls/objectives</i> | <i>Comment</i> | <i>Compliance</i> |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <u>13 Cut and fill land re-shaping works</u> | <p>deep. It is considered that a suitable building envelope is available on the proposed lot with geotechnical and bushfire matters having been taken into account. A restriction as to use for a building envelope as nominated on drawing 2185PROPBDY.dwg dated 6 March 2014 prepared by Terralinks on the Section 88B instrument for the subdivision has been included as a draft condition. This draft condition also links to the approved dwelling house design.</p> <p>The NSW Rural Fire Service and Council's Geotechnical and Subdivision Officers consider the proposed development satisfactory subject to draft conditions.</p> <p>The proposal involves earthworks and geotechnical remediation works to facilitate the proposed subdivision development and dwelling. A geotechnical report, geotechnical remediation plan, and information regarding the earthworks to reshape the land were submitted with the application.</p> <p>The application submission was referred to Council's Geotechnical, Stormwater, Subdivision and Environment Officers for comment and no objections were raised subject to draft conditions. It is considered that the earthworks will have minimal detrimental impact on environmental functions and processes, neighbouring uses items and features of the surrounding land.</p> | Yes |
| <u>33 NSW fire brigade access - fire hydrants</u> | <p>Draft condition 44 at Attachment 4 is recommended in this respect for hydrant servicing provision within 60m of a dwelling as per the Australian Standard.</p> | Yes |
| <u>34 Bush fire protection</u> | <p>Details of the application submission were referred to the NSW Rural Fire</p> | Yes |

| <i>Controls/objectives</i> | <i>Comment</i> | <i>Compliance</i> |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <u>35 Stormwater drainage (including water sensitive urban design infrastructure)</u> | <p>Service for a bushfire safety authority under Section 100B of the Rural Fires Act 1997. The NSW Rural Fire Service have raised no issues with the proposal subject to a deferred commencement matter as the adjoining rear parcel of land - Part Certificate of Title Volume 2279 Folio 202 is to be acquired by the proponent (via the current Possessory Title claim) in order to achieve required Asset Protection Zones.</p> <p>The proposed development satisfies the objectives of Council's stormwater drainage controls in this circumstance.</p> <p>Advice provided by Council's Stormwater officer indicates there are no issues with the proposal subject to draft conditions.</p> | Yes |
| <u>36 Riparian land management</u> | <p>The modified and uncategorised natural drainage channel on the subject site is not mapped as riparian land</p> <p>Council's Environment Officer has reviewed the application submission with no issues raised subject to draft conditions.</p> | Yes |
| <u>37 Servicing arrangements</u> | <p>Draft conditions 12, 13 and 14 at Attachment 4 require the submission of documentary evidence from the relevant authorities relating to the connection of electricity, telecommunications, water and sewage to service the proposed lots, which are not expected to be problematic.</p> | Yes |

CHAPTER D1 – CHARACTER STATEMENTS

The proposal is not considered to be inconsistent with the existing and desired future character for the locality. The proposed dwelling it is considered to have minimal impact on the low density leafy character of the Wombarra area as it proposes a detached dwelling separated by distance and roof form from an existing dwelling on the relatively large site. This separation of the buildings is consistent with the built environment of the surrounding land.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

New dwelling houses are classified as exempt from these provisions via clause 4.

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

Council's Traffic Officer has assessed the application submission and considered it satisfactory subject to draft conditions. The NSW Rural Fire Service has no objections to the proposed access arrangements. It is considered that the proposed development satisfies the objectives of Car Parking, Access, Servicing/Loading Facilities and Traffic Management.

CHAPTER E6: LANDSCAPING

The proposed landscape plan and an Arborist report were referred to Council's Landscape Officer for comment with referral advice indicating the proposal as satisfactory subject to draft conditions. The draft conditions specify trees to be removed, trees to be retained and compensatory planting of indigenous plant species

CHAPTER E7: WASTE MANAGEMENT

It is considered that the proposed development satisfies the objectives of this Chapter. Council's street waste collection service is to be utilised.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application submission has been reviewed by Council's Geotechnical Officer in relation to site stability and the suitability of the site for the development. Attention has been applied to the geotechnical concerns raised in the neighbour's submissions. Council's Geotechnical Officer has considered the application submission satisfactory subject to draft conditions.

The following advice was received from Council's Geotechnical Officer:

'I refer to your request dated 28 July 2014 requesting a review of new geotechnical information submitted in support of this development application. The geotechnical report dated 24 July 2014 by Douglas Partners has been reviewed with respect to comments made in my File-note dated 10 April 2014 for this application. I consider this report to have addressed the geotechnical issues of concern as detailed in my previous File-note and the geotechnical information now provided for the development application is considered satisfactory to demonstrate that the proposed development is technically feasible from a geotechnical perspective. However, it is clear that the Stage 1 subdivision needs to be split into two sub-stages with a HOLD POINT at the completion of Stage 1a with conditions that must be met before Stage 1b can commence.

I have reconsidered the geotechnical issues raised in the objections to this development and believe these concerns are adequately addressed by this form of staged development.'

CHAPTER E13 FLOODPLAIN MANAGEMENT

Council's Stormwater Officer has assessed the application in this regard against the submitted flood study and has not raised any issues subject to draft conditions.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Stormwater Officer has assessed the application in this regard against the submitted concept stormwater drainage plan and has not raised any issues subject to draft conditions.

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) 2006.

Details of the application submission were referred to the NSW Rural Fire Service as required under Section 100B of the NSW Rural Fires Act 1997 for a Bushfire Safety Authority. Advice received indicates the proposal is considered satisfactory subject to a deferred commencement matter relating to a required Asset Protection Zone (APZ) and acquisition of adjoining land by Possessory Title claim as previously discussed further at section 2.5.2 of this report.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The application proposes the removal of several trees to facilitate the proposal. Council's Landscape and Environment officers have assessed the application submission including an Arborist report with conditionally satisfactory referral advice received in both instances. Draft conditions specify trees to be removed, trees to be retained and compensatory planting of indigenous plant species

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves earthworks and geotechnical remediation works to accommodate the proposed subdivision development and dwelling. A geotechnical report, geotechnical remediation plan, and information regarding the earthworks to reshape the land were submitted with the application.

The application was referred to Council's Geotechnical, Stormwater, Subdivision and Environment Officers for comment and no objections were raised in relation to this matter subject to draft conditions in each instance. It is considered that the earthworks will have minimal detrimental impact on environmental functions and processes, neighbouring uses items and features of the surrounding land.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

The proposal will require some minor demolition works. Appropriate draft conditions are included in Attachment 4 of this report to minimise impacts and ensure that demolition is carried out to Council's and Work Covers requirements as assessed by Council's Environment Officer.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

The applicant has detailed soil erosion and sedimentation controls in the submitted plans which are considered to satisfy the objectives of this chapter for the scale of development proposed as assessed by Council's Environment Officer.

CHAPTER E23: RIPARIAN LAND MANAGEMENT

The modified and uncatagorised natural drainage channel on the subject site is not mapped as riparian land.

Council's Environment Officer has reviewed the application submission and no issues were raised.

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN (2011)

The estimated cost of works is \$440000 and a section 94A levy is therefore applicable as the threshold figure is \$100000. Appropriate consent condition in this regard is included in Attachment 3 of this report.

2.4 SECTION 79C 1(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?

(1) For the purposes of section 79C (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:

(a) in the case of a development application for the carrying out of development:

(i) in a local government area referred to in the Table to this clause, and

(ii) on land to which the Government Coastal Policy applies,

the provisions of that Policy,

(b) in the case of a development application for the demolition of a building, the provisions of AS 2601.

The application involves minor demolition works of the existing studio and as such the provisions of AS 2601-2001: The Demolition of Structures apply. A condition will be attached to any consent in this regard also referring to Work Cover requirements.

The site is located within the Coastal Zone however the NSW Coastal Policy 1997 only applies to the seaward part of the LGA.

2.5 SECTION 79C 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

Council has considered the likely impacts of the development as follows with no significant issues identified.

Context and Setting:

The development is not considered to be inconsistent with the amenity of the neighbourhood and is considered to be consistent with the surrounding development.

Access, Transport and Traffic:

Access to the site will be via an approved driveway to Council's formed roadway. The development is considered not to result in an adverse impact on the traffic movement and access to the site. Both Council's Traffic Officer and the NSW Rural Fire Service have no objections to the proposed access arrangements subject to draft conditions.

Public Domain:

The development is not considered to be inconsistent with the amenity of the locality, nor is it considered to result in significant impact on the public domain.

Utilities:

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

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

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

Water:

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

Soils:

The soil profile is considered to be acceptable for the construction of the proposed building. The proposal involves earthworks and geotechnical remediation works to accommodate the proposed subdivision development and dwelling. A geotechnical report, geotechnical remediation plan, and information regarding the earthworks to reshape the land were submitted with the application. Council's Geotechnical Officer has reviewed the application submission along with the neighbour's submissions and considered the application satisfactory subject to draft conditions.

Air and Microclimate:

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

Flora and Fauna:

Several trees are proposed to be removed as part of this proposal to facilitate the development. The proposal will have minimal impact on significant native vegetation or fauna. Council's Landscape and Environment officers have reviewed the application submission including the Arborist report and landscape plan and raised no issues with the proposed removal of the trees subject to draft conditions that specify trees to be removed, trees to be retained and compensatory planting of indigenous plant species

Waste:

An appropriate draft condition requires that an appropriate receptacle be in place for any waste generated during the construction. Council's street waste collection service is to be utilised for the final form of the development.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. A BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

Noise and vibration:

An appropriate draft condition requires that nuisance be minimised during any construction, demolition, or works on site.

Natural hazards:

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

Council records list the site as being flood hazard affected. The application submission including a flood study was referred to Council's Stormwater Officer for comments who considered the application conditionally satisfactory.

Council records list the site as bushfire affected. The application submission was referred to the NSW RFS for comments in regards to Planning for Bushfire Protection 2006. The NSW RFS considered the application conditionally satisfactory.

Technological hazards:

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

Safety, Security and Crime Prevention:

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

Social Impact:

The proposal is not expected to create negative social impact.

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The proposal does not result in any departures from development standards. The application identifies variations to the maximum number of storeys on a battle-axe allotment control in Chapter B1 Clause 4.1.2 and minimum lot depth control in Chapter B2 Clause 8.2 of WDCP2009. These variations have been considered in section 2.3.1 as being adequately justified and are thus supported.

Construction:

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

Context and Setting:

The development is not considered to be inconsistent with the amenity of the neighbourhood and surrounding development.

2.6 SECTION 79C 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.7 SECTION 79C 1(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The application was exhibited in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. Five (5) submissions were received during the neighbour notification period. Following the submission of additional information the application was re-notified and five (5) submissions were received. The main issues identified within the submissions are discussed below.

Table 1: Submissions

| Concern | Comment |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Geotechnical issues | Concerns raised regarding geotechnical issues were considered in the assessment of this application. The proposal involves earthworks and geotechnical remediation works to facilitate the proposed subdivision development and dwelling. A geotechnical |

| Concern | Comment |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>report, geotechnical remediation plan, and information regarding the earthworks to reshape the land were submitted with the application. Council's Geotechnical Officer has reviewed the application submission along with the neighbour's submissions and considered the proposal satisfactory subject to draft conditions in particular draft condition 5.</p> |
| <p>2. Bushfire Protection</p> | <p>Concerns were raised regarding bushfire protection and the applications compliance with Planning for Bushfire Protection 2006.</p> <p>The proposed development is for subdivision and therefore considered to be Integrated Development as defined in Clause 91 of the EPA & Act 1979. Authorisation under Section 100B of the Rural Fires Act 1997 is required from the NSW RFS. As such details of the application submission were referred to the NSW RFS for a Bushfire Safety Authority.</p> <p>Advice received from the NSW RFS indicates the proposal is considered satisfactory subject to a deferred commencement condition that the Bushfire Safety Authority shall not operate until adjoining land at the rear of the subject site has been acquired first by the proponent (Part Certificate of Title Volume 2279 Folio 202) and consolidated with proposed Lot 42 in order to enable the required APZ. Council has accounted for bushfire matters via draft conditions i, 22, 44, 61, 73 and 90.</p> |
| <p>3. Flooding and Drainage</p> | <p>Concerns raised regarding flooding and stormwater management on the subject site and works within the watercourse were considered in the assessment of this application. The application submission including a flood study and concept stormwater drainage plan was referred Council Stormwater Officer and is considered to be acceptable. Draft conditions 61 and 62 account for stormwater run-off from the subject site such that is not directed so as to have an adverse effect on adjoining properties.</p> |
| <p>4. Arborist Report</p> | <p>Concerns were raised regarding a conflict between the submitted Arborist report and the submitted constraints plan detailing trees to be removed and retained and Tree Protection Zones.</p> <p>The application submission was referred to Council's Landscape and Environment Officers in respect to landscaping and tree preservation and management and is considered acceptable. Draft conditions 3, 4 and 17 specify trees to be removed, trees to be retained and planting of indigenous plant species native to the</p> |

| Concern | Comment |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5. Solar Access | <p data-bbox="641 288 809 314">Illawarra Region.</p> <p data-bbox="641 332 1202 445">Concerns raised regarding the solar access of the private open space of the proposed new dwelling on proposed Lot 42 were considered in the assessment of this application.</p> <p data-bbox="641 463 1202 546">The dwelling has been oriented north south on the lot so as to maximise the amount of sunlight received by the living areas and private open space.</p> <p data-bbox="641 564 1202 677">In respect to concerns raised regarding overshadowing on the adjoining property to the west No.4 Broadridge Street, the proposed development is considered acceptable for the following reasons:</p> <ul data-bbox="641 695 1202 1028" style="list-style-type: none"> <li data-bbox="641 695 1202 868">- The bulk and scale of the proposed dwelling satisfies Council's Floor Space Ratio and Building Height development standards. The overall height of the proposed dwelling is approximately 7.5m which is 1.5m lower than the 9m maximum building height. <li data-bbox="641 887 1202 1028">- Submitted shadow diagrams for June 21 are considered satisfactory when the effects of the Illawarra Escarpment and existing mature vegetation in the immediate locality are taken into account. |
| 6. Access Handle and Driveway | <p data-bbox="641 1050 1202 1132">Concerns raised regarding the access handle, driveway and landscaping strip either side of the driveway were considered in the assessment of this application.</p> <p data-bbox="641 1151 1202 1233">The application submission was referred to Council's Traffic Officer and access arrangements are considered to be acceptable in this circumstance.</p> <p data-bbox="641 1251 1202 1306">The NSW Rural Fire Service has raised no objections to the proposed access arrangements.</p> |
| 7. Privacy | <p data-bbox="641 1324 1202 1614">Concerns were raised regarding privacy impacts were considered in the assessment of this application. It is considered that adequate separation distances have been maintained between adjoining properties. High usage areas have been located toward the centre of the dwelling with the low usage rooms located on the Eastern and Western elevations of the dwelling adjacent to the adjoining properties. It is considered that the dwelling has been designed to minimise privacy and amenity impacts.</p> |
| 8. Appropriateness of the Development | <p data-bbox="641 1636 1202 1719">Concerns raised regarding the appropriateness of the proposed development were considered in the assessment of this application.</p> <p data-bbox="641 1737 1202 1755">It should be noted that proposal is for a Torrens title</p> |

| Concern | Comment |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>subdivision and single dwelling house on the newly created lot which are permissible uses within the R2 Low Density Residential zone under Wollongong Local Environmental Plan 2009.</p> <p>The character of the area can best be described as a mix of one and two storey dwelling houses situated on varying sized parcels of land.</p> <p>The proposal is not considered to be inconsistent with the existing and desired future character for the locality and will have minimal amenity impacts on the low density residential character of the area. There are similar developments within the vicinity of the subject site on both Broadridge Street and Lawrence Hargrave Drive.</p> <p>The proposed development satisfies Floor Space Ratio (Bulk and Scale), Building Height, Landscaped Area and Boundary Setbacks in this circumstance and the objectives of the R2 zone.</p> |
| 9. Structural Engineering & Design | <p>To alleviate concerns raised regarding the need for structural and civil engineering designs draft condition 11 requires structural and civil engineering designs to compliment the geotechnical engineers stability report and geotechnical remediation plan.</p> <p>Council's Geotechnical and Stormwater Officers have reviewed the application submission along with the neighbour's submissions and considered the proposal conditionally satisfactory.</p> |
| 10. Building Envelope | <p>Concerns raised regarding the building envelope were considered in the assessment of this application. The application submission has demonstrated that a reasonable building envelope can be achieved on proposed Lot 42.</p> <p>Council's Subdivision, Geotechnical, Stormwater, Traffic Officers have reviewed the application and provided conditionally satisfactory referral advice in each instance. Draft condition 85.6 accounts for restriction as to user to be registered on title for the nominated building envelope.</p> |
| 11. Environmental Issues | <p>Environmental concerns raised regarding impacts on existing vegetation and the modified and uncategorised natural drainage channel were considered in the assessment of this application.</p> <p>In respect to other concerns regarding the modified and uncategorised natural drainage channel and vegetation management on the subject site the application submission was referred to Council's Landscape and</p> |

| Concern | Comment |
|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Environment Officers and was considered to be conditionally satisfactory. Draft conditions 3, 4, 17 and 31 account for these matters. |
| 12. Statement of Environmental Effects | <p>With respect to concerns raised regarding claims made in the Statement of Environmental Effects regarding the site description, site location, proposed development, flood planning area, earthworks, subdivision design, lot layout and lot depth Council has assessed the application in accordance with the provisions of the Environmental Planning & Assessment Act 1979 and against the objectives of Council's Policies and Controls as stipulated in Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009.</p> <p>It is considered that the proposed development reasonably satisfies the objectives of Council's Policies and Controls in regards to subdivision and single dwelling houses and the objectives of the R2 zone.</p> |
| 13. Visual Impact | <p>In respect to concerns raised regarding visual impact from the overall height of the dwelling. The proposed dwelling has maximum height at the rear of the dwelling of approximately 7.5m, 1.5m lower than the 9m maximum building height and is two (2) storeys.</p> <p>The bulk and scale of the proposed dwelling is considered acceptable in this circumstance. The proposed dwelling satisfies Council's Floor Space Ratio and Building Height development standards as identified in the Wollongong Local Environmental Plan 2009.</p> |

Table 2: Number of concerns raised in submissions

| Concern | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|--------------|---|---|---|---|---|---|---|---|---|----|----|----|----|
| Total | 5 | 5 | 5 | 3 | 5 | 4 | 4 | 4 | 2 | 3 | 3 | 1 | 1 |

Submissions from public authorities

NSW Rural Fire Service

Details of the application submission were referred to the NSW Rural Fire Service as required under Section 100B of the NSW Rural Fires Act 1997 for a Bushfire Safety Authority which is required for subdivision of bushfire prone land. Advice received indicates the proposal is considered satisfactory subject to a deferred commencement matter relating to a required Asset Protection Zone (APZ) and acquisition of adjoining land by Possessory Title claim as discussed previously.

NSW Office of Water

Enquiries undertaken in relation to the modified and uncategorised natural drainage channel traversing the site have identified that no referral is required as relates to the Water Management Act 2000 as discussed previously.

2.8 SECTION 79C 1(E) THE PUBLIC INTEREST

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

3. CONCLUSION

The application has been assessed having regard to the Heads of Consideration under Section 79C(1) of the *Environmental Planning and Assessment Act 1979*, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies and found to be satisfactory.

Both subdivisions and dwelling houses are permitted in the R2 land use zone with development consent pursuant to the WLEP 2009.

The proposal does not result in exceptions to development standards. The resulting lots comply with the minimum lot size controls of the WLEP 2009.

The proposal does involve a minor variation to the rear lot depth control and number of storeys on a battle-axe lot control for the proposed dwelling. Variation request statements with justification have been provided by the applicant in accordance with clause 8 of Chapter A1 of WDCP 2009. The variations have been considered and are supported in this instance as discussed within section 2.3.1 of this report.

The NSW Rural Fire Service have identified that an APZ must be created/maintained on adjoining land which is the subject of a current Possessory Title claim by the proponent. The Bushfire Safety Authority is not to take effect until such time as the land is first acquired by the proponent.

All internal and external referrals are satisfactory and there are no outstanding issues.

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

4. RECOMMENDATION

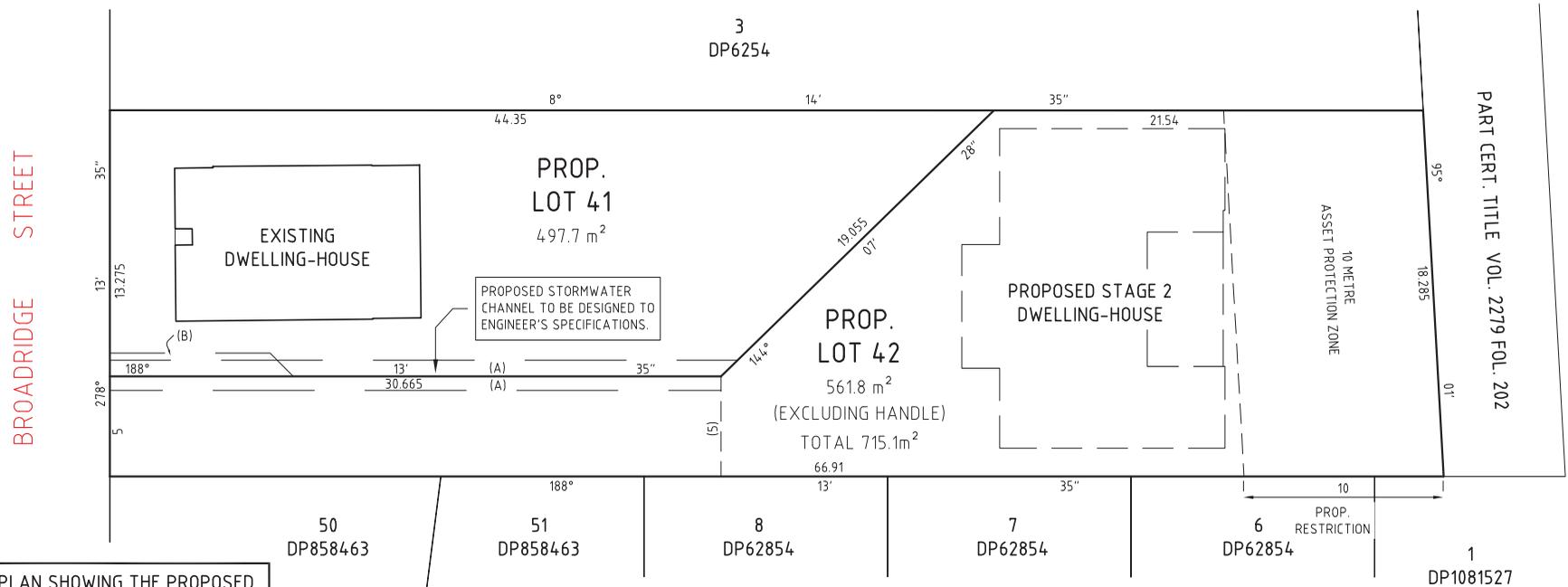
It is recommended that the application be determined via deferred commencement subject to the conditions contained in Attachment 4 of this report.

5. ATTACHMENTS

1. Subdivision plans
2. Dwelling, Landscape and Drainage Plans
3. Possessory Title status advice and Consolidation Survey
4. Draft Conditions.



PROPOSED LOT LAYOUT



PLAN SHOWING THE PROPOSED SUBDIVISION OVER LOT 4 IN DP1094807 BEING No.2 BROADRIDGE STREET, WOMBARRA.

TERRALINKS
 through measurement comes planning & design

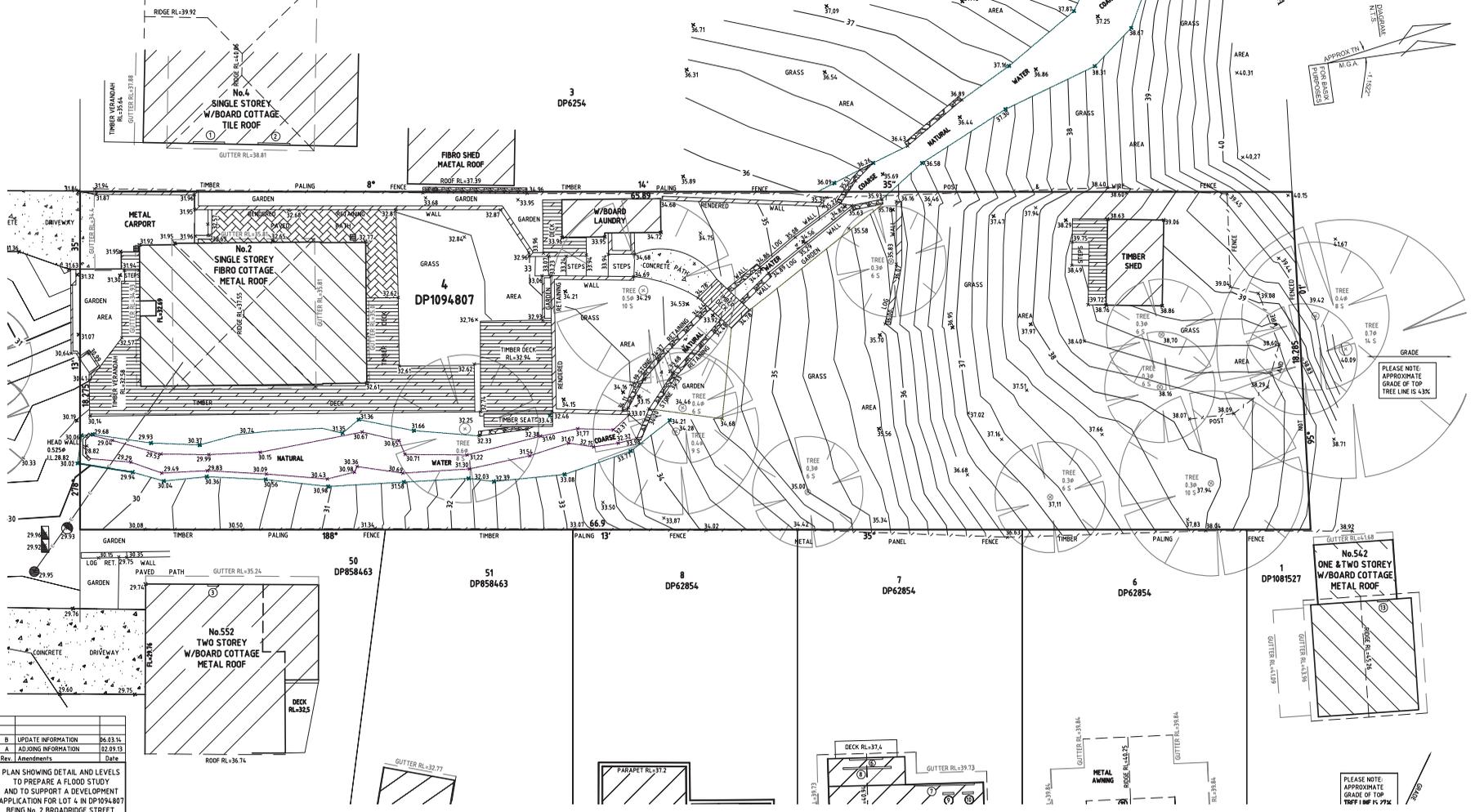
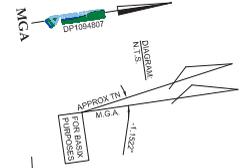
ABN 52 159 137 907
 UNIT 16/429 THE BOULEVARDE, KIRRAWEE NSW 2232
 c/- PO Box 559, SUTHERLAND NSW 1499
 PH 1300 525 584 FAX (02) 9521 6315 MOB 0418 477 341
 Email: mail@terralinks.com.au

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|-------------------|-----------------|----------|----------|-----------|------------|
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| DRAWING No. | 2185PROPBDY.dwg | | | CLIENT | DE CLOUETT |
| SCALE: 1:200 (A3) | SURVEYED | DRAWN | CHECKED | | |
| DATUM: -/- | -/- | MS | JP | | |
| SHEET: 1 OF 1 | | 06.03.14 | 06.03.14 | | |

(A) ~ PROPOSED DRAINAGE EASEMENT 1.5 WIDE
 (B) ~ PROPOSED RIGHT OF CARRIAGE 1.15 WIDE & VARIABLE (FOR PROPOSED PARKING BAY)

IMPORTANT NOTE:
 THIS PLAN WAS PREPARED FOR MR CHRISTIAN & MRS MELLISA DE CLOUETT AS A PROPOSED SUBDIVISION TO ACCOMPANY A DEVELOPMENT APPLICATION TO WOLLONGONG CITY COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS, AREAS, EASEMENTS AND LOT LAYOUT SHOWN HEREON ARE SUBJECT TO FIELD SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER STATUTORY AUTHORITY, INCLUDING SYDNEY WATER CORPORATION, LPI (DEPARTMENT OF FINANCE & SERVICES), ETC. IN PARTICULAR NO RELIANCE SHOULD BE PLACED ON THE INFORMATION SHOWN ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THE LAND. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.

LGA : WOLLONGONG CITY
PARISH : SOUTHEAST
COUNTY : CUMBERLAND
UBD REF : WOLLONGONG 6-D16



PLEASE NOTE APPROXIMATE GRADE OF TOP TREE LINE IS 4.3%

PLEASE NOTE APPROXIMATE GRADE OF TOP TREE LINE IS 2.7%

| | | |
|-----|-----------------------|----------|
| B | UPDATE INFORMATION | 26.03.14 |
| A | ADJOINING INFORMATION | 22.09.13 |
| Rev | Revisions | 04/04 |

PLAN SHOWING DETAIL AND LEVELS
AND TO SUPPORT A DEVELOPMENT
APPLICATION FOR LOT 4 IN DP1094807
BEING NO. 2 BROOKBOROGE STREET,
WOMBARRA.



AM 52 58 97 987
UNIT 16/19 THE BULLVALE, WARRANE NSW 2532
27 ROCKY CREEK, SOUTHER CROSS NSW 2539
PH 1800 525 586 FAX 180 151 6215 MOB 04 77 34 1
Email: info@jtp.com.au

| | | | |
|-------------------|----------|-----------|---------------|
| JOB No. | 2185 | YOUR REF. | DE CLOUETT |
| DRAWING No. | 2185.dwg | CLIENT | DE TOM DESIGN |
| SCALE: 1:100 (A1) | SURVEYED | DRAWN | CHERIE |
| ENTERED BY: | H.S. | DATE | 27.06.11 |
| SHEET: 2 OF 3 | 25.06.11 | 26.06.11 | 27.06.11 |

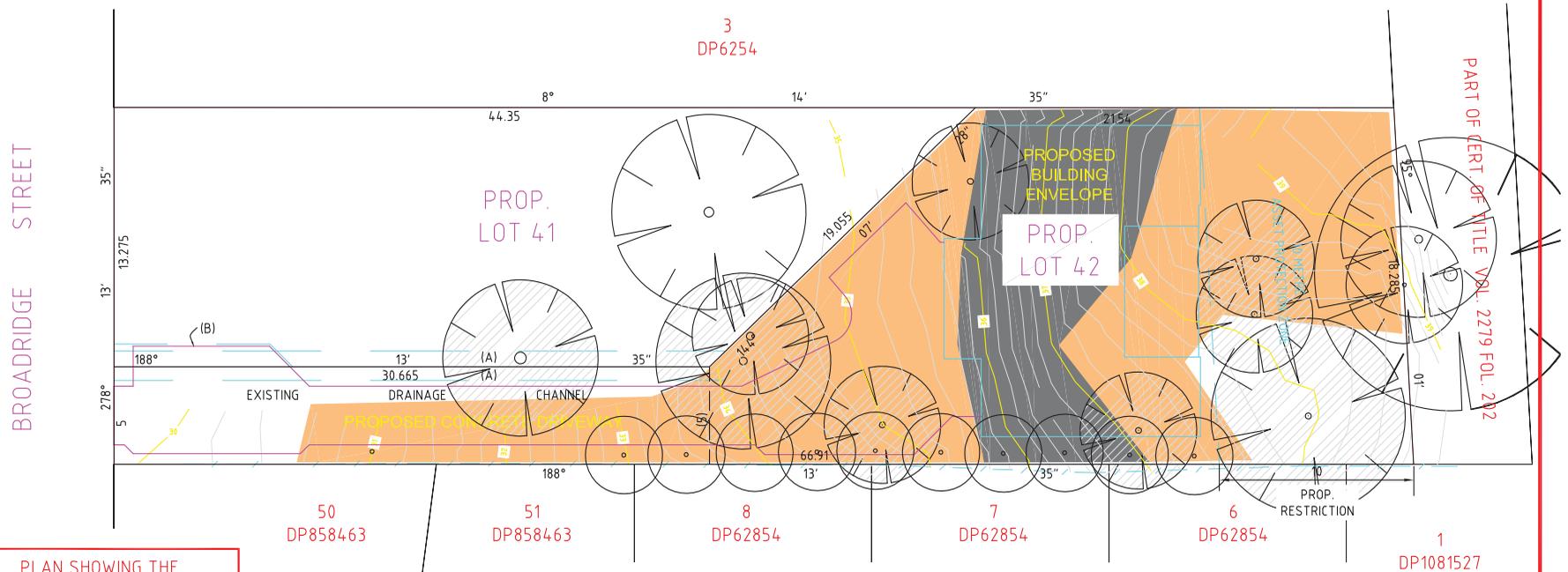
JACE THOMAS PEARSON
SURVEYOR REGISTERED
UNDER SURVEYING & SPATIAL
INFORMATION ACT, 2002
IDENTIFICATION No. 1027

FOR NOTES SEE SHEET 1

A3

L.G.A. : WOLLONGONG CITY
 PARISH : SOUTHEND
 COUNTY : CUMBERLAND

CONSTRAINTS PLAN



PLAN SHOWING THE CONSTRAINTS OVER LOT 4 IN DP1094807 BEING No.2 BROADBRIDGE STREET, WOMBARRA.



ABN 52 159 137 907
 UNIT 16/429 THE BOULEVARDE, KIRRAWEE NSW 2232
 c/- PO Box 559, SUTHERLAND NSW 1499
 PH 1300 525 584 FAX (02) 9521 6315 MOB 0418 477 341
 Email: mail@terralinks.com.au

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| JOB No. | YOUR REF. |
| 4027 | |
| DRAWING No. | CLIENT |
| 2185PROPBDY.dwg | DE CLOUETT |

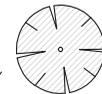
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| SCALE: 1:200 (A3) | SURVEYED | DRAWN | CHECKED |
| DATUM: -/- | -/- | MS | JP |
| SHEET: 1 OF 1 | 06.03.14 | 06.03.14 | |

(A) ~ PROPOSED DRAINAGE EASEMENT 1.5 WIDE
 (B) ~ PROPOSED RIGHT OF CARRIAGE 1.15 WIDE & VARIABLE (FOR PROPOSED PARKING BAY)

| LEGEND | |
|------------------|--------------|
| SLOP RESTRICTION | COLOUR |
| 0-10% | [White Box] |
| 10-15% | [Orange Box] |
| 15-20% | [Blue Box] |
| 20% + | [Grey Box] |



TREES



TREES TO BE REMOVED



PROPOSED TREES TO BE PLANTED AS COMPENSATORY PLANTING (SUGGESTED SMALL LEAF LILLY PILLY OR RED ASH - LOCATION & SPECIES SUBJECT TO A LANDSCAPE DESIGN)

— — — PROPOSED RESTRICTION (APZ)



PREDOMINANT WIND DIRECTION AT 3PM 30-40km/h

**STAGED DEVELOPMENT - STAGE 1 - TWO LOT SUBDIVISION
STAGE 2 - CONSTRUCTION OF A DWELLING HOUSE
LOT 4 DP 1094807 2 BROADRIDGE STREET, WOMBARRA NSW
DEVELOPMENT APPLICATION**



SUBJECT SITE

LOCATION PLAN
Not to scale

DRAWING REGISTER

| | |
|-----|---------------------------|
| 100 | TITLE SHEET |
| 101 | SITE ANALYSIS PLAN |
| 102 | SITE PLAN |
| 103 | BASIX COMMITMENT SCHEDULE |
| 201 | SUB-FLOOR PLAN |
| 202 | GROUND FLOOR PLAN |
| 203 | ROOF SPACE (LOFT) PLAN |
| 301 | ELEVATIONS |
| 302 | ELEVATIONS |
| 401 | SECTIONS |
| 501 | WINDOW SCHEDULE |
| 601 | SHADOW DIAGRAMS |

DEVELOPMENT DATA

| | |
|--------------------------------------------|-------------------|
| PROPOSED SITE AREA | 715.1 sqm |
| <u>GROSS FLOOR AREA</u> | |
| PROPOSED SUB-FLOOR GFA | |
| GARAGE | 45.0 sqm |
| STORAGE / UTILITY | 49.0 sqm |
| PROPOSED GROUND FLOOR GFA | 156.0 sqm |
| PROPOSED ROOF SPACE (LOFT) GFA | 24.7 sqm |
| PROPOSED TOTAL SITE GROSS FLOOR AREA (GFA) | 280.7 sqm |
| <u>ALLOWABLE FLOOR SPACE RATIO</u> | |
| ALLOWABLE FLOOR SPACE RATIO - 0.5 : 1 | 357.50 sqm |
| PROPOSED FLOOR SPACE RATIO - 0.39 : 1 | 280.7 sqm |
| <u>CAR PARKING</u> | |
| PROPOSED DWELLING | 2 SPACES PROVIDED |



SOUTH-EAST 'FRONT' ASPECT



NORTH-REAR YARD' ASPECT



WESTERN ASPECT

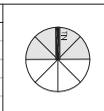
PERSPECTIVES
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Verify all dimensions on site prior to excavation and foundation construction of any third party scale drawings.
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Comply with relevant authorities requirements. Comply with Building Code of Australia, and all other Council and relevant Australian Standards for materials and construction practices.

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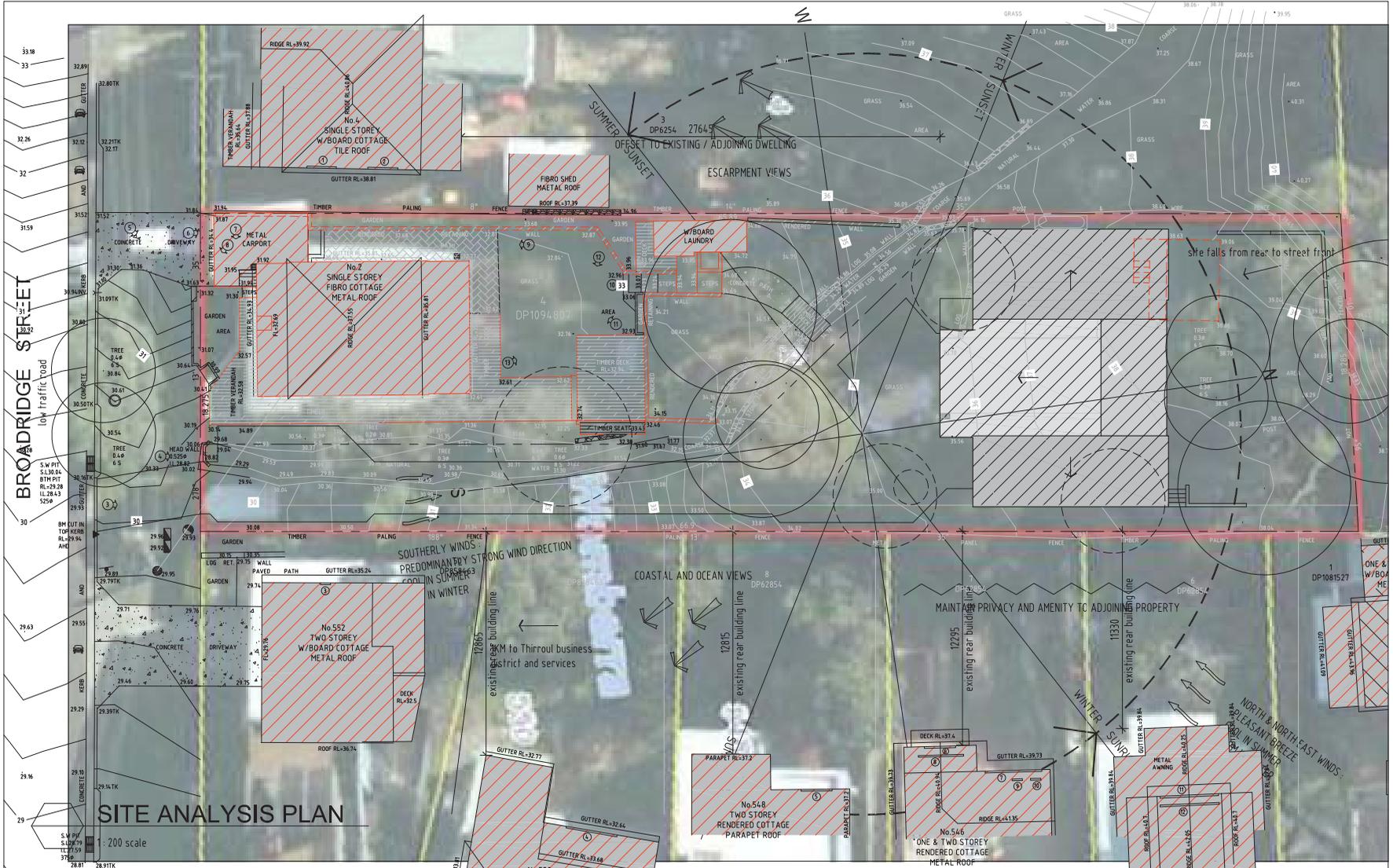
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| TITLE SHEET | | | |
| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | ISSUE TYPE: DA | JOB No: 477 | DRAWING No: |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | SCALES: NOT TO SCALE | REVISION: A | 100 |
| FOR: DE CLOUETT | DATE: OCT, 2013 | | |



SITE ANALYSIS PLAN

1:200 scale

The client is responsible for ensuring Design Company Pty Ltd. (DC) is not responsible for any work or part thereof without prior written consent.
 Verify all dimensions on site prior to excavation and foundation construction of any new concrete structures.
 Check existing site conditions, including but not limited to, any underground services, before construction. Allow for adjustments to site dimensions.
 Comply with relevant authority requirements. Comply with Building Code of Australia, and all other applicable codes and standards. Ensure compliance with all relevant authority requirements for construction practices.

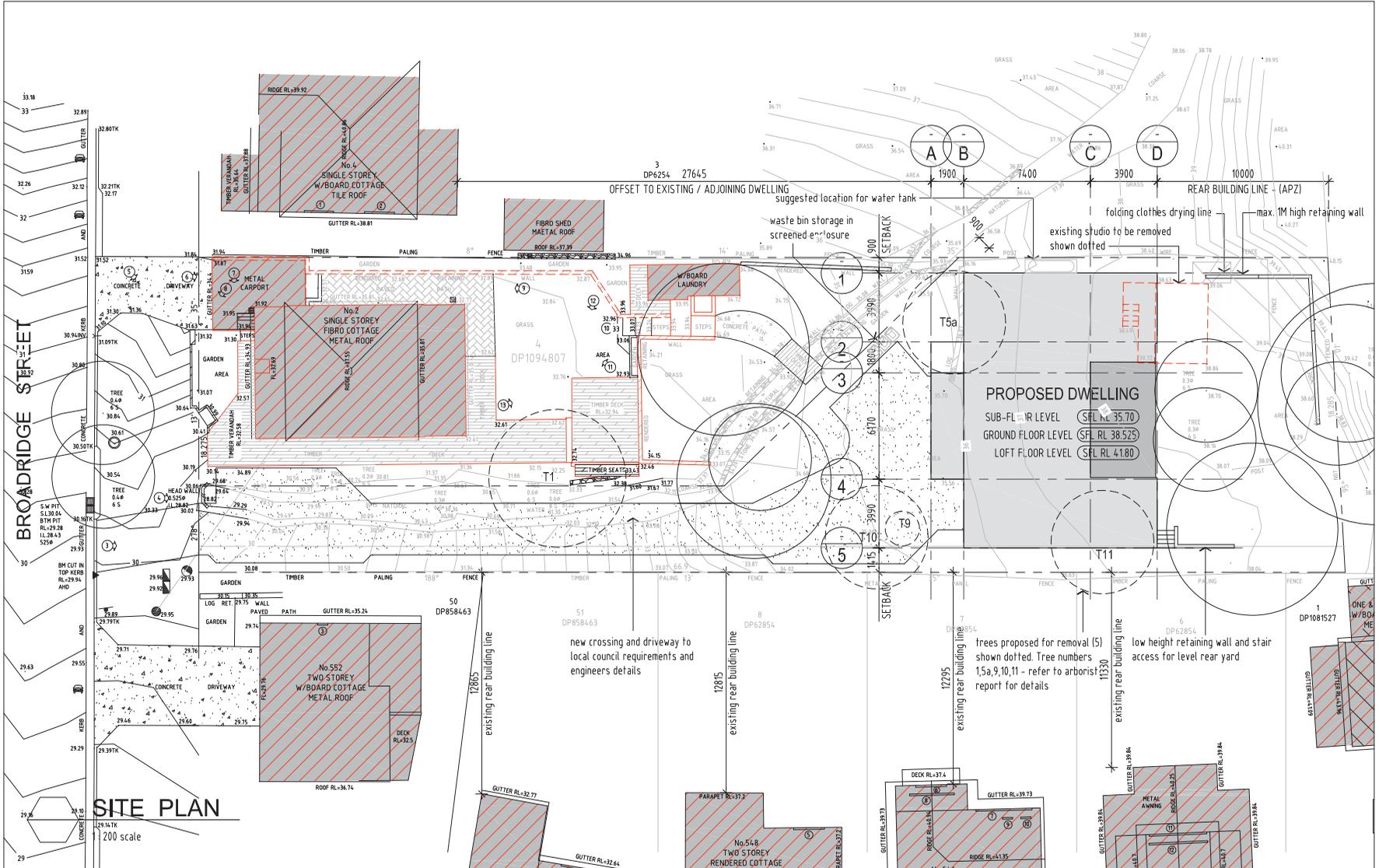
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|--------------------|------------|---------------------------------------------------------|-----|
| TITLE: | | SITE ANALYSIS PLAN | |
| PROJECT: | | PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | |
| ADDRESS: | | 2 BROADRIDGE STREET, WOMBARRA | |
| FOR: | | DE CLOUETT | |
| ISSUE TYPE: | DA | JOB No: | 477 |
| SCALES: | (A3) 1:200 | REVISION: | A |
| DATE: | OCT, 2013 | DRAWING No: | 101 |



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Verfied observations on site prior to excavation and foundation construction of any new construction.

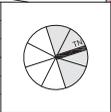
Check existing RL's on site, and the Manning Clark Design Company Pty Ltd, of any discrepancies before commencement. Allow for adjustments as applicable.

Comply with relevant authority requirements. Comply with Building Code of Australia, and all other applicable codes and standards. Seek advice from Manning Clark Design Company Pty Ltd for any other requirements.

LEGEND:

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| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|

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SITE PLAN

PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING

ADDRESS: 2 BROADRIDGE STREET, WOMBARRA

FOR: DE CLOUETT

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| ISSUE TYPE | DA | JOB No: | 477 | DRAWING No: | 102 |
| SCALES: | (A3) 1:200 | REVISION: | A | | |
| DATE: | OCT, 2013 | | | | |

BASIX COMMITMENTS - NOTES FOR DEVELOPMENT / CONSTRUCTION CERTIFICATE APPLICATIONS & CONSTRUCTION

REFERENCED FROM: **BASIX CERTIFICATE NO. 516310S**

| WATER COMMITMENTS | |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LANDSCAPE | The applicant must plant indigenous or low water species of vegetation throughout 25sqm of the site |
| FIXTURES | The applicant must install showerheads with a minimum rating/flow rate of 3 star (s-6 but <=7.5L/min) The applicant must install toilets with a minimum 4 star rating The applicant must install the kitchen tap with a minimum rating 5 star rating The applicant must install bathroom taps with a minimum rating 5 star rating |
| ALTERNATIVE WATER | The applicant must install a rainwater tank of at least 3000 litres on the site The applicant must configure the rainwater tank to collect rain runoff of at least 75sqm of roof area The applicant must connect the rainwater tank to all toilets in the development, the cold water tap that supplies each clothes washer, at least one outdoor tap |

| THERMAL COMFORT COMMITMENTS | | |
|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| INSULATION REQUIREMENTS | The applicant must construct the floor(s), walls, and ceiling of the dwelling in accordance with the specifications listed below and all thermal performance specifications set out in the Assessor's Certificate | |
| CONSTRUCTION | Additional Insulation required (R-value) | Other Specifications |
| Floor - suspended floor above enclosed subfloor-FRAMED | R0.60 (or R1.30 inc. construction) (down) | |
| Floor - suspended floor above open subfloor-FRAMED | R0.80 (or R1.50 inc. construction) (down) | |
| external wall-FRAMED | R1.50 (min) (or R1.90 inc. construction) | |
| | | |
| | | |
| ceilings and roof: flat ceiling/pitched roof | Ceiling: R 1.45 (up), roof: foil backed blanket (75mm) | unventilated; medium (solar absorptance 0.475-0.70) |
| ceilings and roof: raked ceiling/pitched or skillion roof, framed | Ceiling: R 1.74 (up), roof: foil backed blanket (75mm) | framed; medium (solar absorptance 0.475-0.70) |

| ENERGY COMMITMENTS | |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HOT WATER | The applicant must install the following hot water system: gas instantaneous (min 4 star rating) |
| COOLING SYSTEM | The applicant must install the following cooling system, in at least 1 living area: 1-phase air con (min 3.5 star rating) The applicant must not incorporate any cooling system to the bedrooms |
| HEATING SYSTEM | The applicant must install the following heating system, in at least 1 living area: wood heater The applicant must not incorporate any heating system to the bedrooms |
| VENTILATION | The applicant must install the following exhaust systems in the development: - At least 1 bathroom, individual fan, not ducted; Operation control: manual on/off switch - Kitchen: individual fan, not ducted; Operation control: manual on/off switch - Laundry: natural ventilation only |
| ARTIFICIAL LIGHTING | The applicant must ensure the "primary type of artificial lighting" is fluorescent or LED in the following rooms: all bathrooms/toilets, the laundry, the kitchen. |
| NATURAL LIGHTING | The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting The applicant must install a window and/or skylight in 3 bathroom(s)/toilet(s) for natural lighting |
| OTHER | The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling. The applicant must construct a "well ventilated" refrigerator space The applicant must install a fixed outdoor clothes drying line |

| WINDOW AND GLAZED DOORS GLAZING REQUIREMENTS | | | | | | |
|----------------------------------------------|-------------|----------------------------------|---------------|--------------|----------------------------------------------------|------------------------------------------------------------------------|
| WINDOW/DOOR NUMBER | ORIENTATION | GLASS AREA (includes frame - 20) | OVERSHADOWING | | SHADING DEVICE | FRAME AND GLASS TYPE |
| | | | HEIGHT (m) | DISTANCE (m) | | |
| GFW 1 | S | 1.99 | None | None | Eaves / Verandah / Pergola / Balcony 451-600mm | standard aluminium, single clear (or U-value 7.63, SHGC 0.75) |
| GFW 2-5 | W | 4.09 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | standard aluminium, single pyrolytic low-e (or U-value 5.7, SHGC 0.47) |
| GFW 6,8,9 | N | 6.76 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | standard aluminium, single clear (or U-value 7.63, SHGC 0.75) |
| GFW 10,11 | E | 1.96 | None | None | Eaves / Verandah / Pergola / Balcony 451-600mm | standard aluminium, single clear (or U-value 7.63, SHGC 0.75) |
| GFW 12 | S | 1.99 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | standard aluminium, single clear (or U-value 7.63, SHGC 0.75) |
| GFW 13,14 | E | 2.1 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | standard aluminium, single clear (or U-value 7.63, SHGC 0.75) |
| GFW 15-17 | S | 4.06 | None | None | Eaves / Verandah / Pergola / Balcony > = 451-600mm | standard aluminium, single clear (or U-value 7.63, SHGC 0.75) |
| LO W 1-3 | W | 4.17 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | standard aluminium, single pyrolytic low-e (or U-value 5.7, SHGC 0.47) |
| LO W 4,5 | N | 1.11 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | improved aluminium, double clear (or U-value 4.12, SHGC 0.66) |
| LO W 6,9 | N | 13.71 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | standard aluminium, single pyrolytic low-e (or U-value 5.7, SHGC 0.47) |
| LO W 10,11 | E | 2.16 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | improved aluminium, single clear (or U-value 6.44, SHGC 0.75) |
| LO W 12,13 | E | 3.44 | None | None | Eaves / Verandah / Pergola / Balcony 450mm | improved aluminium, single clear (or U-value 6.44, SHGC 0.75) |
| GF W 7 | N | 14.0 | None | None | Eaves / Verandah / Pergola / Balcony > = 2000mm | standard aluminium, single pyrolytic low-e (or U-value 5.7, SHGC 0.47) |
| | | | | | | |
| | | | | | | |
| | | | | | | |

NOTES:

The applicant must install the windows, glazed doors and shading devices described in the table above, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.

The following requirements must also be satisfied in relation to each window and glazed door:
For projections described in millimetres, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500mm above the head of the window or glazed door and no more than 2400mm above the sill.
Pergolas with polycarbonate roof or similar translucent material must have a shading coefficient of less than 0.35.
External louvres and blinds must fully shade the window or glazed door beside which they are situated when fully drawn or closed.
Pergolas with fixed battens must have battens parallel to windows or glazed door above which they are situated, unless pergola also shades a perpendicular window. the spacing of battens must not be more than 50mm.

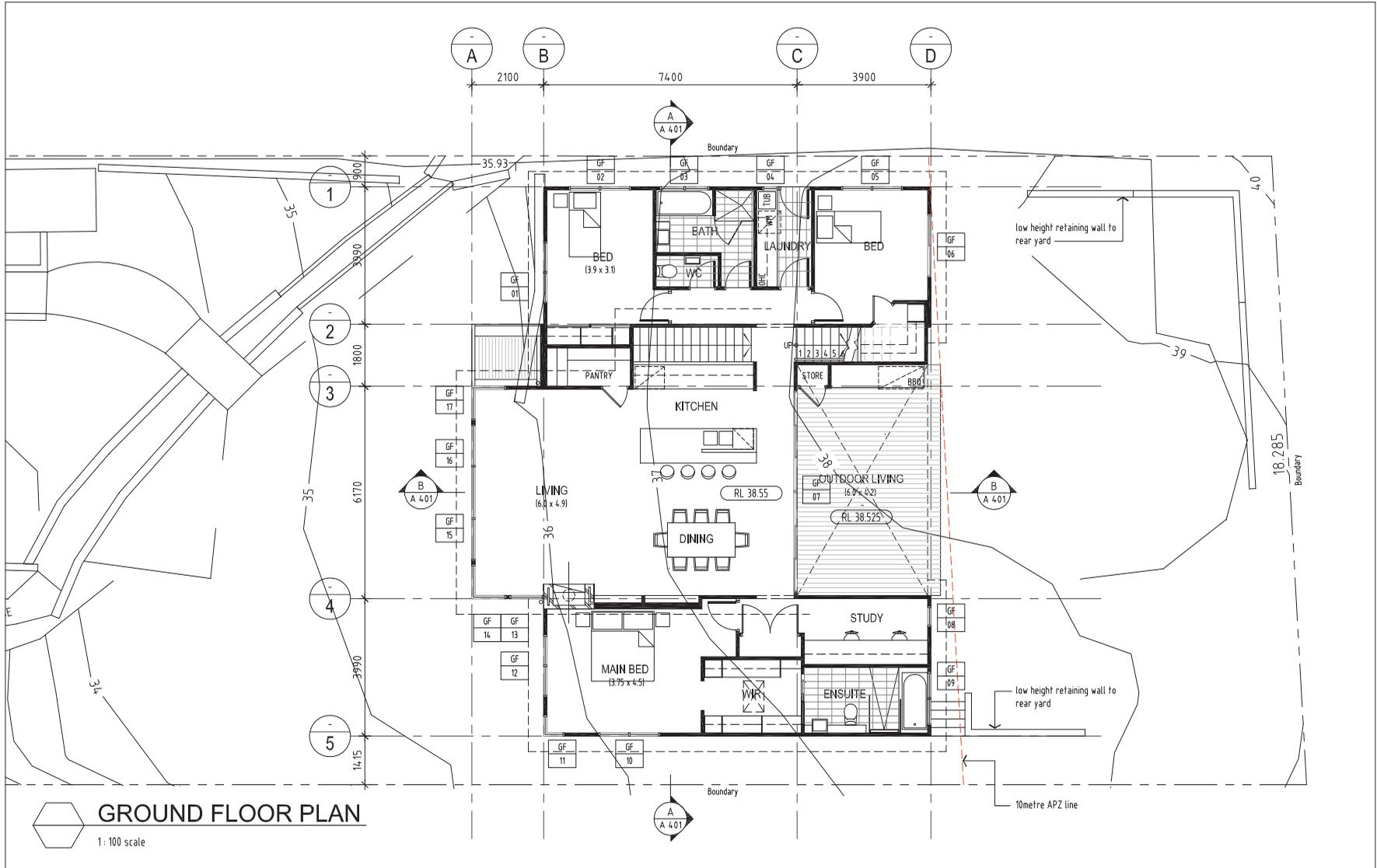
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| LEGEND: | ISSUE: | DATE: | DESCRIPTION: |
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| A | 26.02.2014 | development application |
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| TITLE: BASIX COMMITMENT SCHEDULE | | | |
|------------------------------------------------------------------|----------------------|-------------|-------------|
| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | ISSUE TYPE: DA | JOB No: 477 | DRAWING No: |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | SCALE: (A3) no scale | REVISION: A | 103 |
| FOR: DE CLOUETT | DATE: OCT, 2013 | | |



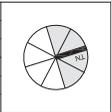
GROUND FLOOR PLAN
1:100 scale

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LEGEND :

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| GF 01 | GF 02 | GF 03 | GF 04 | GF 05 | GF 06 | GF 07 | GF 08 | GF 09 | GF 10 | GF 11 | GF 12 | GF 13 | GF 14 | GF 15 | GF 16 | GF 17 |
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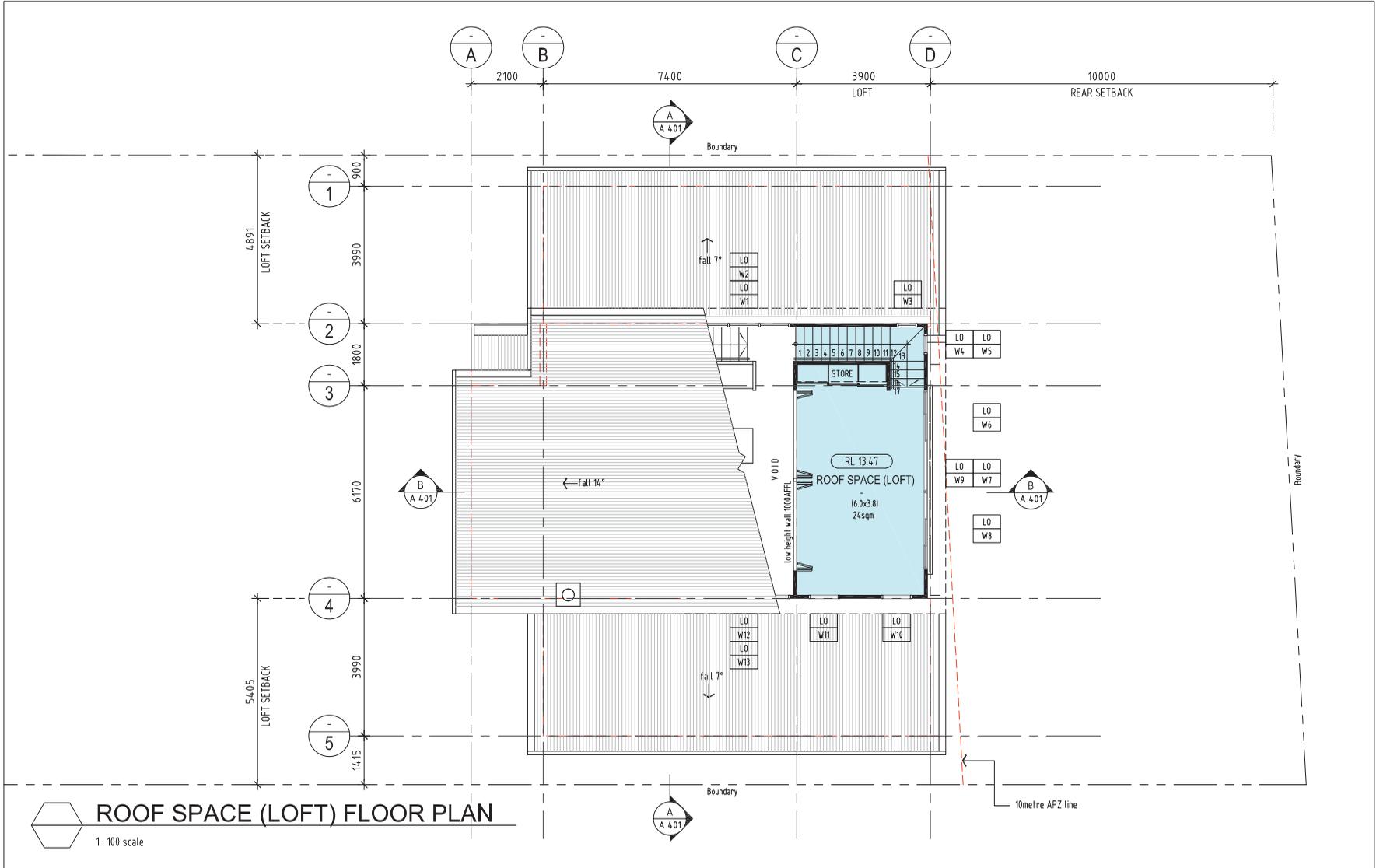


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GROUND FLOOR PLAN

PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING
 ADDRESS: 2 BROADRIDGE STREET, WOMBARRA
 FOR: DE CLOUETT

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|-------------|------------|-----------|-----|-------------|-----|
| ISSUE TYPE: | DA | JOB No: | 477 | DRAWING No: | 202 |
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ROOF SPACE (LOFT) FLOOR PLAN

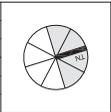
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 Comply with relevant authorities requirements. Comply with Building Code of Australia, and all other applicable codes and standards. (Approved for main use and construction practice).

LEGEND:

| | |
|-----|------|
| LO | LOFT |
| W1 | WALL |
| W2 | WALL |
| W3 | WALL |
| W4 | WALL |
| W5 | WALL |
| W6 | WALL |
| W7 | WALL |
| W8 | WALL |
| W9 | WALL |
| W10 | WALL |
| W11 | WALL |
| W12 | WALL |
| W13 | WALL |

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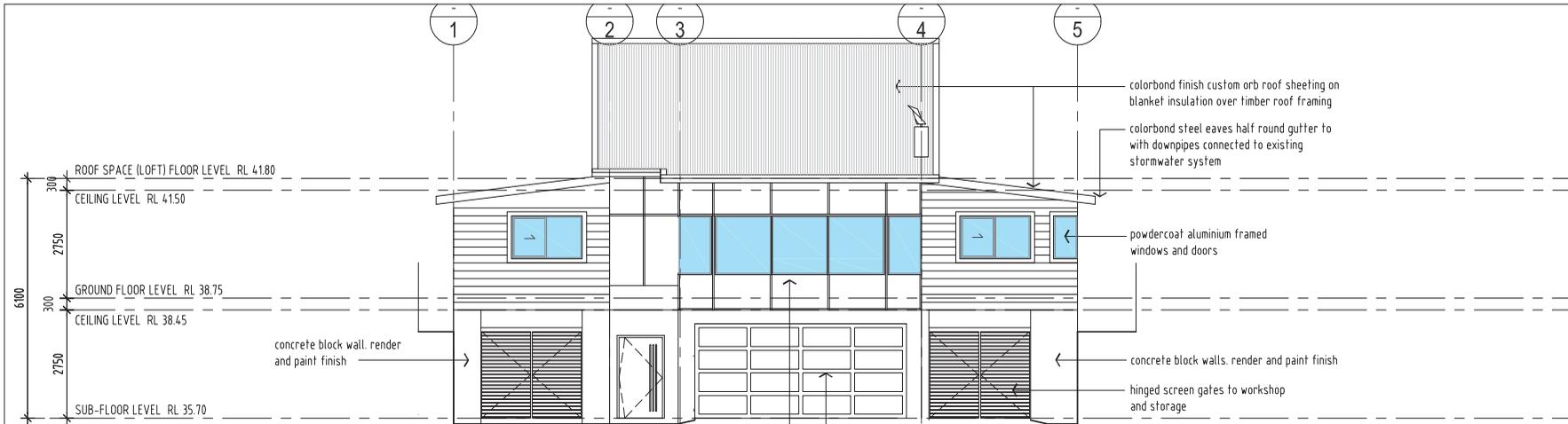


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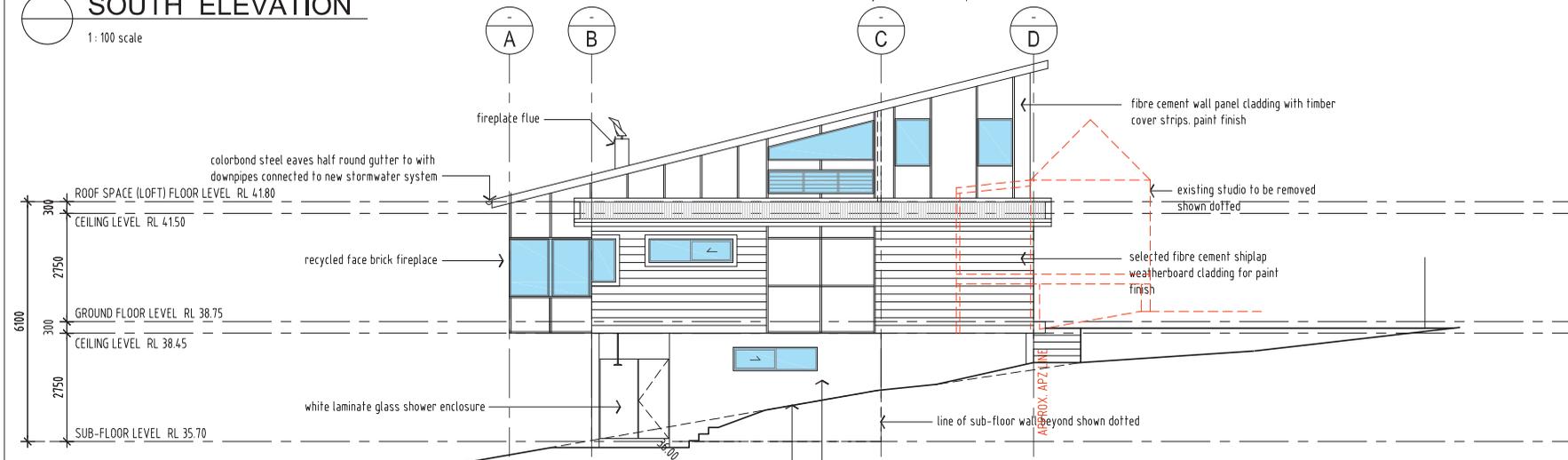
TITLE: ROOF SPACE (LOFT) FLOOR PLAN
PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING
ADDRESS: 2 BROADRIDGE STREET, WOMBARRA
FOR: DE CLOUETT

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| ISSUE TYPE: | DA | JOB No: | 477 |
| SCALES: | (A3) 1:100 | REVISION: | A |
| DATE: | OCT, 2013 | | |

DRAWING No:
203



SOUTH ELEVATION
1:100 scale



EAST ELEVATION
1:100 scale

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Comply with relevant authority requirements. Comply with Building Code of Australia, local council, comply with relevant Australian Standards for materials and construction practices.

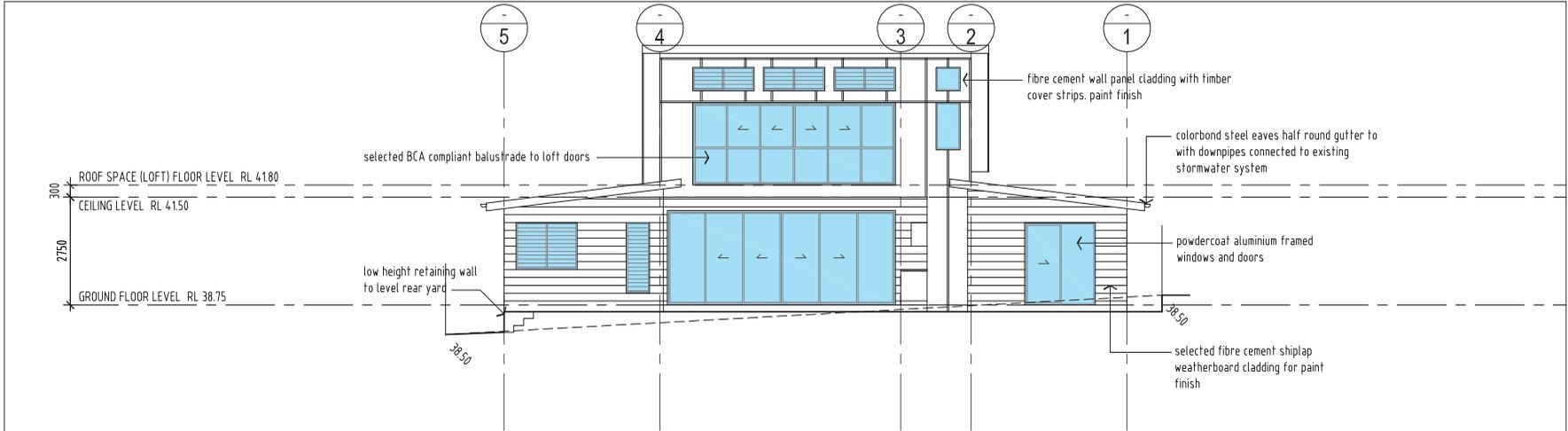
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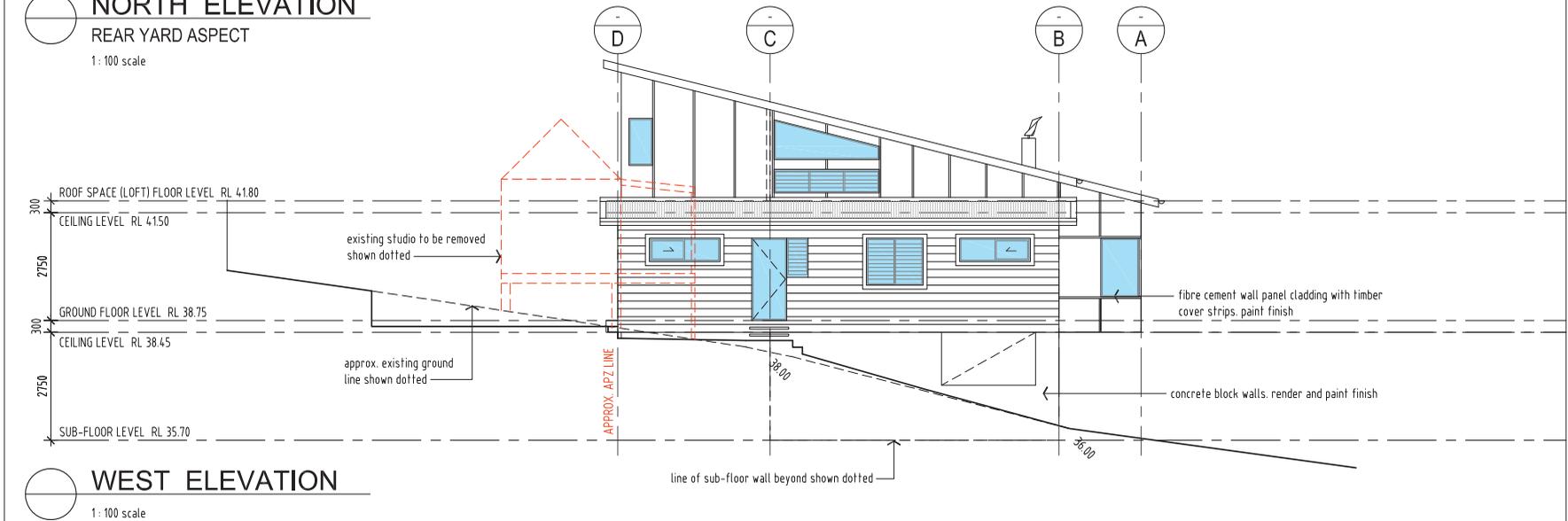
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 VIC | lawarradestgncompany | SA | lawarradestgncompany

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|------------------------------------------------------------------|--------------------|-------------|-----------------|
| ELEVATIONS | | | |
| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | ISSUE TYPE: DA | JOB No: 477 | DRAWING No: 301 |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | SCALES: (A3) 1:100 | REVISION: A | |
| FOR: DE CLOUETT | DATE: OCT, 2013 | | |



NORTH ELEVATION
 REAR YARD ASPECT
 1:100 scale



WEST ELEVATION
 1:100 scale

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 Comply with relevant authorities requirements. Comply with Building Code of Australia, local council's, and other relevant authorities' regulations for materials and construction practices.

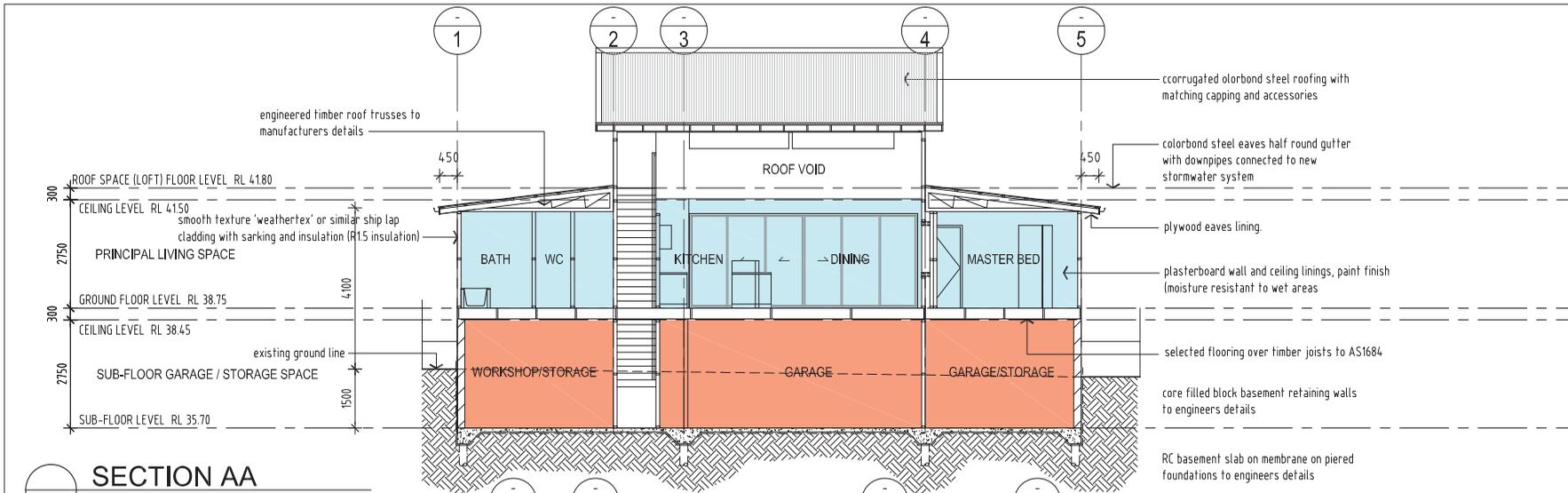
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| A | 26.02.2014 | development application |
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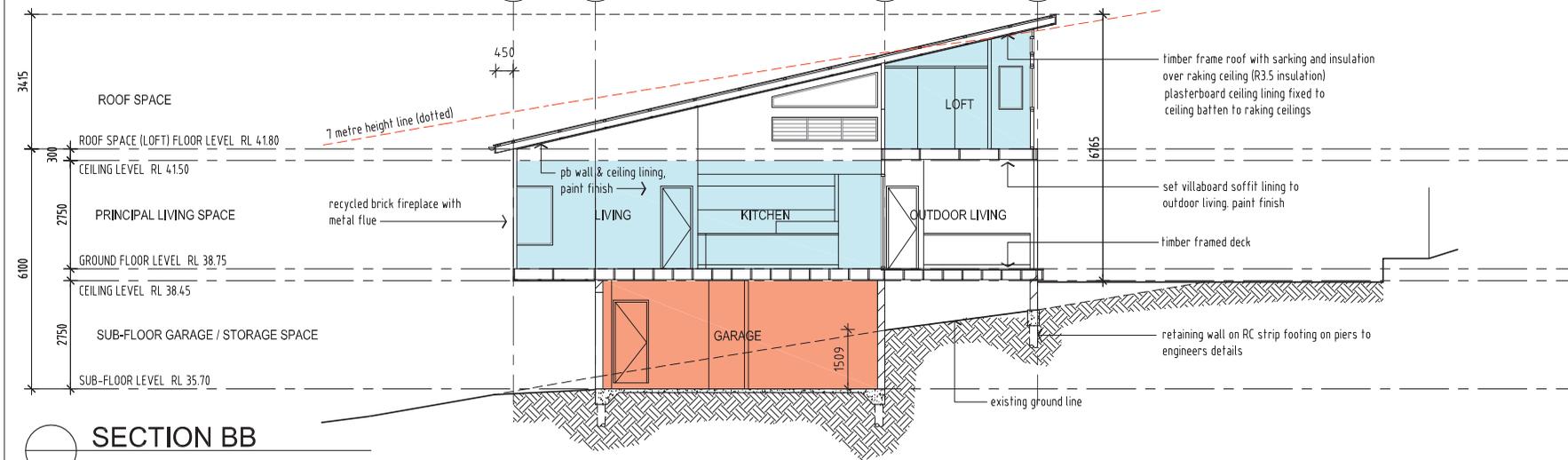
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 VC1@idcarradestgncompany.com.au | 131@idcarradestgncompany.com.au

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| TITLE: ELEVATIONS | | | |
| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | ISSUE TYPE: DA | JOB No: 477 | DRAWING No: 302 |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | SCALES: (A3) 1:100 | REVISION: A | |
| FOR: DE CLOUETT | DATE: OCT, 2013 | | |



SECTION AA
1: 100 scale



SECTION BB
1: 100 scale

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Comply with relevant authority requirements. Comply with Building Code of Australia, and all other applicable codes and standards. Engineers to be consulted and construction practices.

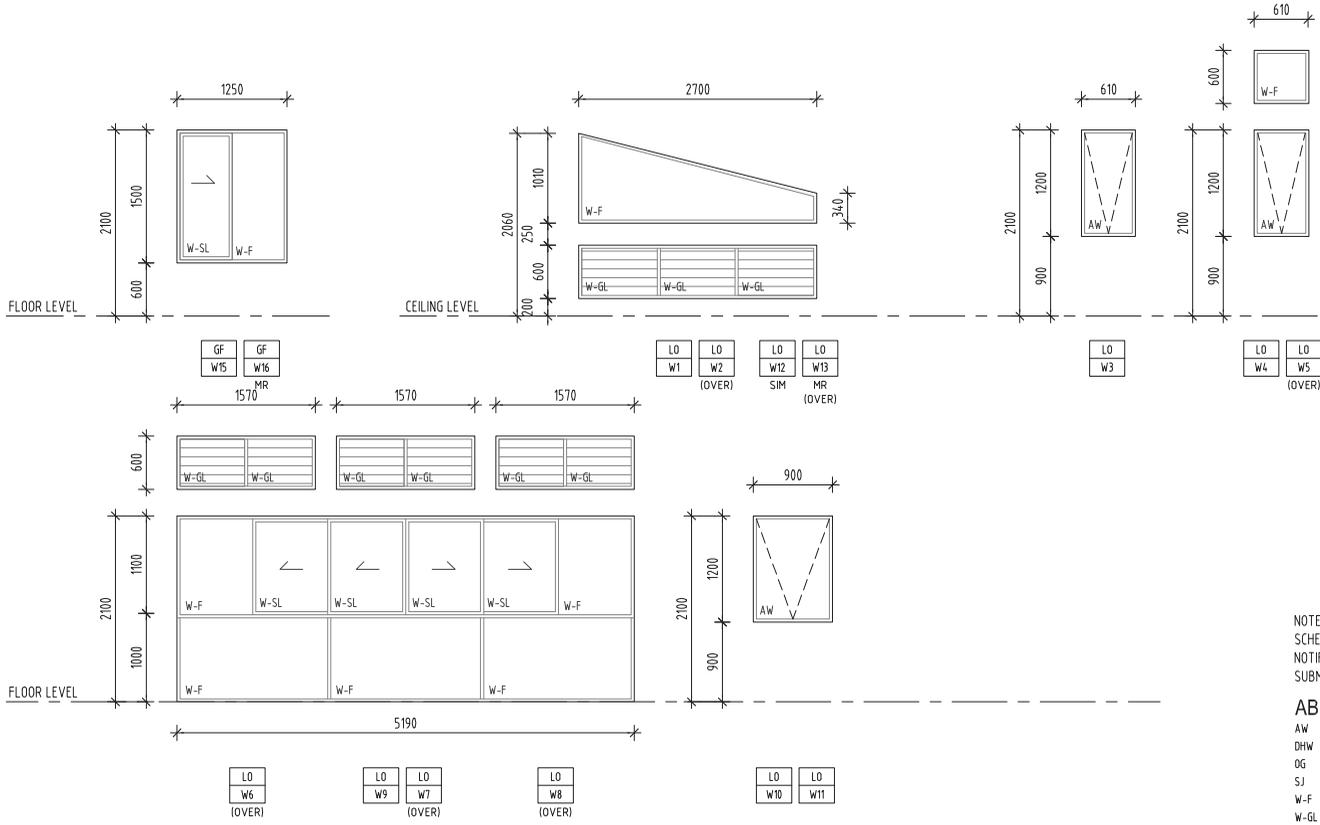
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| A | 26.02.2014 | development application |
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 161 idwarrad@idc.com.au 15 brig@idwarrad.com.au

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|-------------------------------------------------------------------------|--|--------------------------|------------------------|
| TITLE: | | SECTIONS | |
| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | | ISSUE TYPE: DA | JOB No: 477 |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | | SCALE: (A3) 1:100 | REVISION: A |
| FOR: DE CLOUETT | | DATE: OCT, 2013 | DRAWING No: 401 |



NOTE:
 SCHEDULE TO BE READ IN CONJUNCTION WITH THE PLANS
 NOTIFY THE BUILDER SHOULD ANY DISCREPANCIES EXIST PRIOR TO
 SUBMITTING PRICES AND OR FABRICATION

ABBREVIATIONS - GENERAL

- AW awning window
- DHW double hung window
- OG obscure glass
- SJ silicone joint
- W-F fixed glass
- W-GL glass louvres
- W-SL sliding window

FRAME TYPE

- FRAME - WINDOWS & DOORS DOMESTIC (TYPICAL)
- FRAME - BI-FOLD WINDOWS & DOORS COMMERCIAL
- COLOUR TBA

GLASS TYPE

REFER TO BASIX REPORT AND SCHEDULE FOR GLASS TYPES AND LOCATIONS

- (G-1) CLEAR GLASS UNLESS NOTED OTHERWISE
- (G-2) OSCURE GLASS TO WET AREAS UNLESS NOTED OTHERWISE
- (G-3) WHITE TRANSLUCENT GLASS

WINDOW SCHEDULE
 1:50 scale

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 Verify all dimensions on site prior to excavation and foundation construction of any fixed glass windows.
 Check existing site conditions, including existing design company Pty Ltd, of any discrepancies before commencement. Allow for adjustment to site dimensions.
 Comply with relevant authorities requirements. Comply with Building Code of Australia, and Australian Standards, and relevant Australian Standards for materials and construction practice.

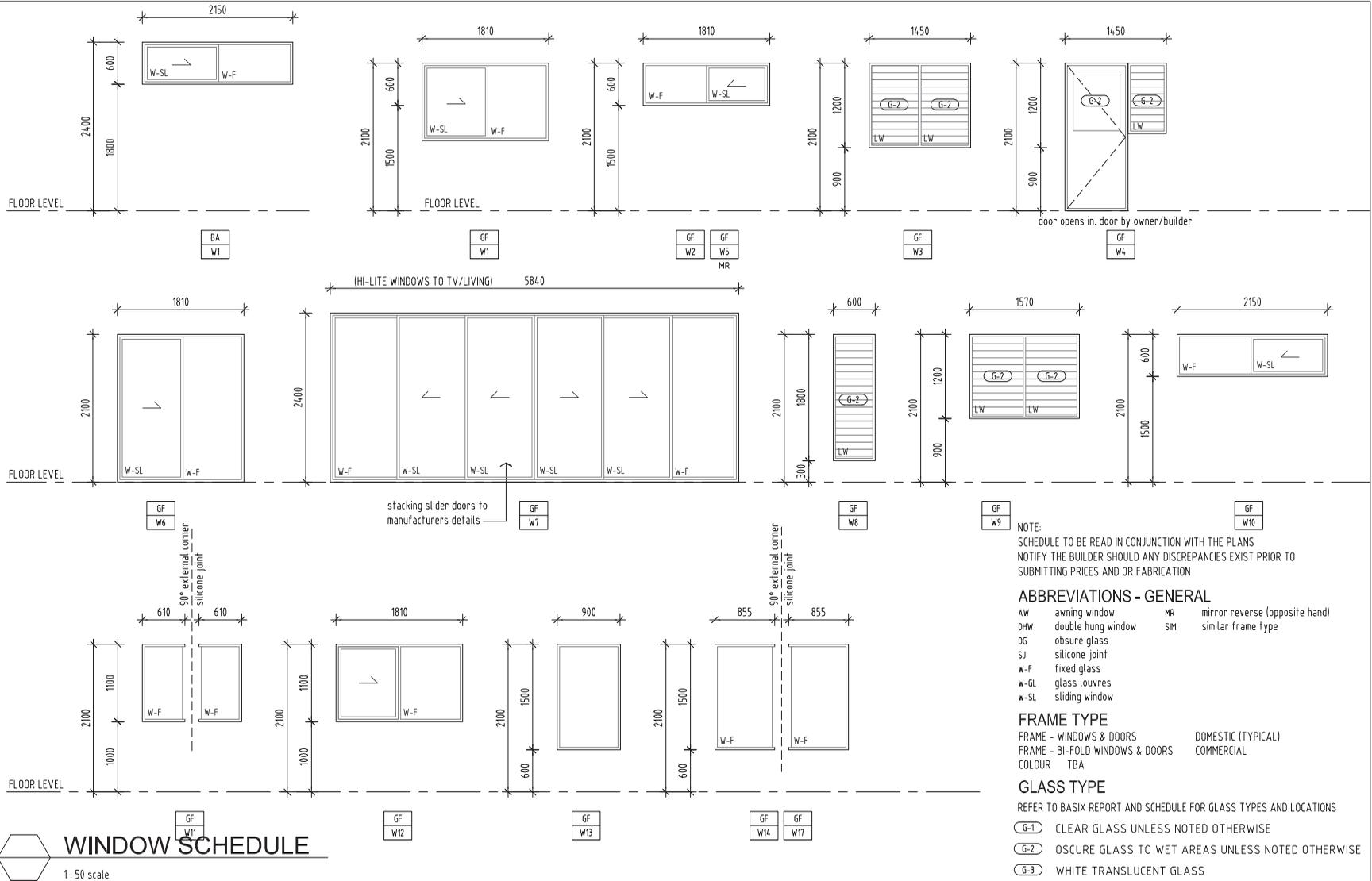
LEGEND:

| ISSUE: | DATE: | DESCRIPTION: |
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| A | 26.02.2014 | development application |
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WINDOW SCHEDULE 2 OF 2

| | | | |
|------------------------------------------------------------------|-------------------|-------------|-----------------|
| PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | ISSUE TYPE: DA | JOB No: 477 | DRAWING No: 502 |
| ADDRESS: 2 BROADRIDGE STREET, WOMBARRA | SCALE: (A3) 1:250 | REVISION: A | |
| FOR: DE CLOUETT | DATE: OCT, 2013 | | |



NOTE:
 SCHEDULE TO BE READ IN CONJUNCTION WITH THE PLANS
 NOTIFY THE BUILDER SHOULD ANY DISCREPANCIES EXIST PRIOR TO
 SUBMITTING PRICES AND OR FABRICATION

- ABBREVIATIONS - GENERAL**
- AW awning window
 - DHW double hung window
 - OG obscure glass
 - SJ silicone joint
 - W-F fixed glass
 - W-GL glass louvres
 - W-SL sliding window
 - MR mirror reverse (opposite hand)
 - SIM similar frame type

FRAME TYPE
 FRAME - WINDOWS & DOORS DOMESTIC (TYPICAL)
 FRAME - BI-FOLD WINDOWS & DOORS COMMERCIAL
 COLOUR TBA

GLASS TYPE
 REFER TO BASIX REPORT AND SCHEDULE FOR GLASS TYPES AND LOCATIONS

- (G-1) CLEAR GLASS UNLESS NOTED OTHERWISE
- (G-2) OBTURE GLASS TO WET AREAS UNLESS NOTED OTHERWISE
- (G-3) WHITE TRANSLUCENT GLASS

WINDOW SCHEDULE
 1:50 scale

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 reproduce by whole or part without prior written consent.
 Verify all dimensions on site prior to excavation and foundation construction of
 any fixed frame windowing.
 Check existing site conditions, including Idcom Design Company Pty Ltd, of any
 discrepancies before commencement. Allow for adjustment in site.
 Comply with relevant authorities requirements. Comply with Building Code of
 Australia, and all other applicable codes and standards. Suppliers for
 materials and construction products.

LEGEND:

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|----|-----|
| GF | W11 |
| GF | W12 |
| GF | W13 |
| GF | W14 |
| GF | W17 |

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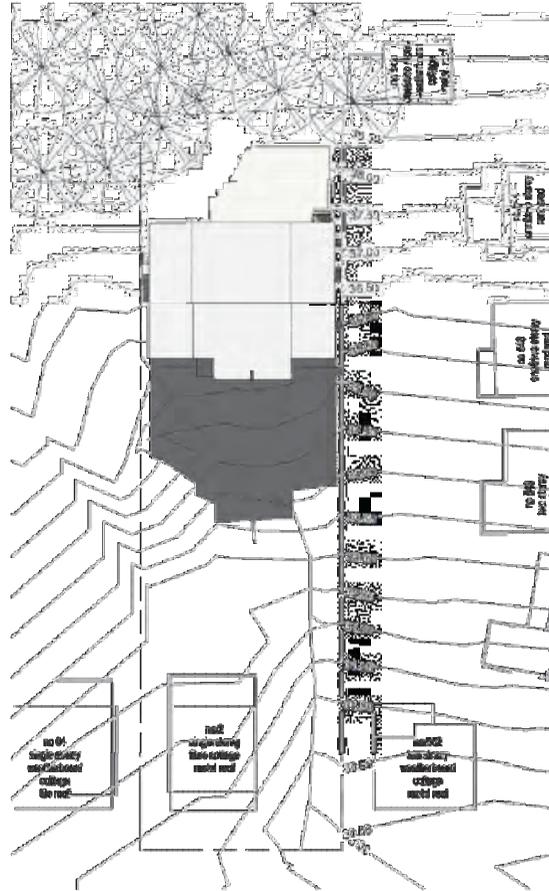
idc | lawarradedesigncompany
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 192 lawarradesign@idc.com.au | 15 bridgellawarradedesign.com.au

| PROJECT: | | ISSUE TYPE: | JOB No: | DRAWING No: |
|---------------------------------------------------------|--|-------------|-----------|-------------|
| PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING | | DA | 477 | 501 |
| ADDRESS: | | SCALE: | REVISION: | A |
| 2 BROADRIDGE STREET, WOMBARRA | | (A3) 1:250 | A | |
| FOR: | | DATE: | OCT, 2013 | |
| DE CLOUETT | | | | |



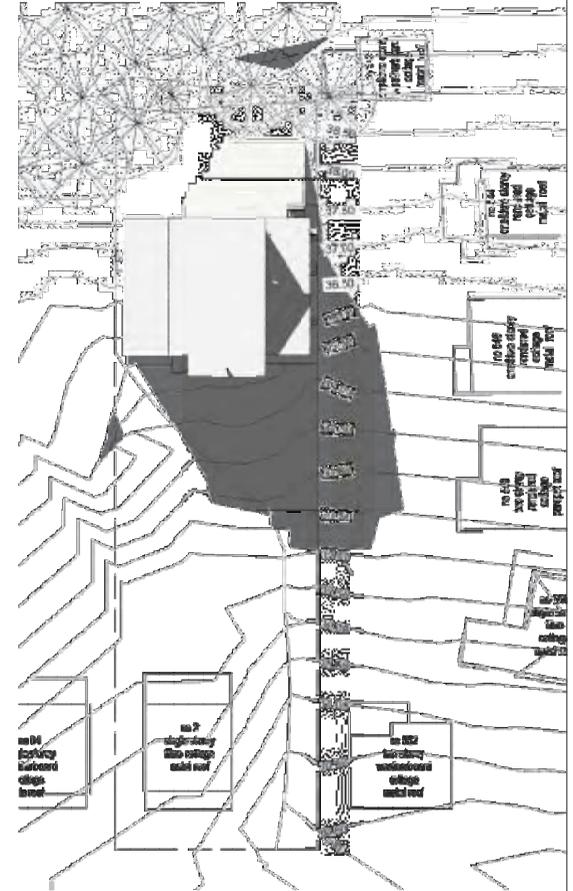
JUNE 21 - 9AM

1:400 scale



JUNE 21 - 12 MIDDAY

1:400 scale



JUNE 21 - 3PM

1:400 scale

This drawing is copyright of Beauvais Design Company Pty Ltd. Do not reproduce in whole or part without prior written consent.
 Verify all dimensions on site prior to excavation and foundation construction of any new construction drawings.
 Check existing site conditions. Actual Beauvais Design Company Pty Ltd. of any discrepancies before commencement. Allow for adjustment in site dimensions.
 Comply with relevant authority requirements. Comply with Building Code of Australia, and Australian Council of Building Practitioners (BCBP) standards for materials and construction practice.

LEGEND :

| ISSUE: | DATE: | DESCRIPTION: |
|--------|------------|-------------------------|
| A | 26.02.2014 | development application |
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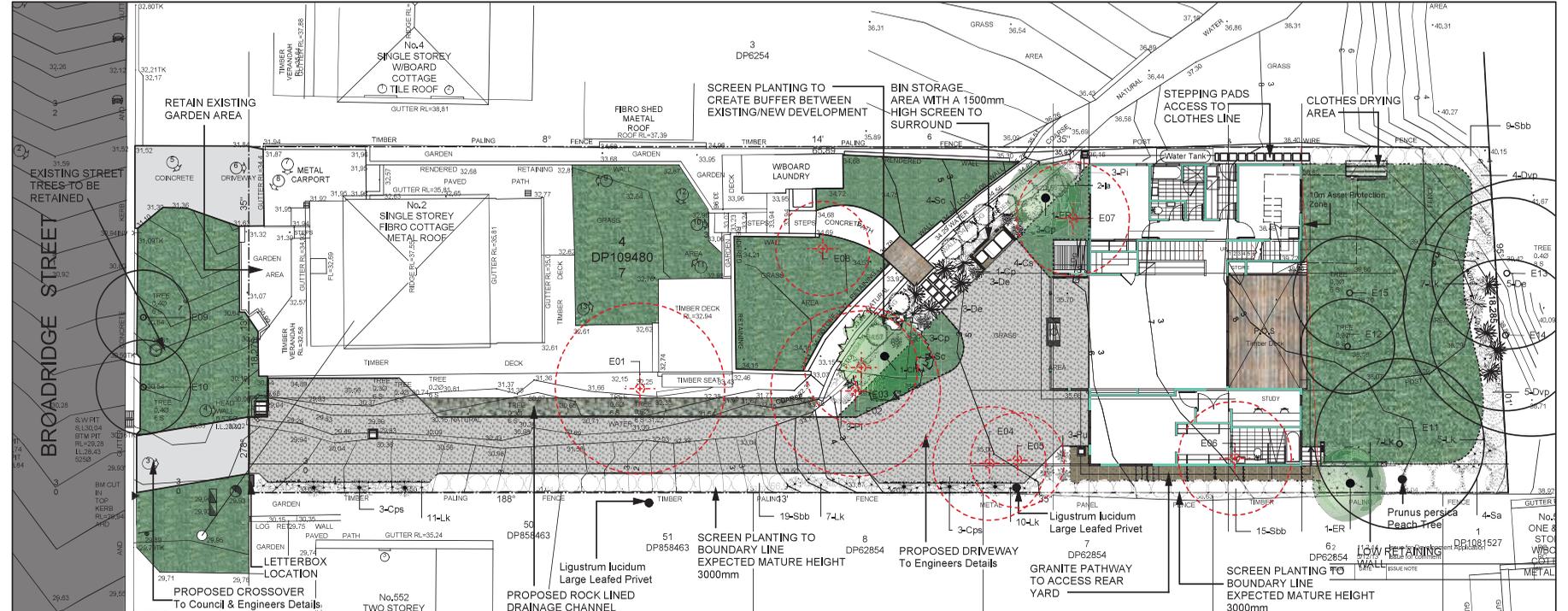
SHADOW DIAGRAMS

PROJECT: PROPOSED 2 LOT SUBDIVISION AND CONSTRUCTION OF DWELLING
 ADDRESS: 2 BROADRIDGE STREET, WOMBARRA
 FOR: DE CLOUETT

ISSUE TYPE: DA
 SCALE: (A3) 1:400
 DATE: OCT, 2013

JOB No: 477
 REVISION: A

DRAWING No: **601**



SPECIFICATION NOTES

GENERAL

- The landscape plan is to be read in conjunction with the site plan, landscape details, architects plans, engineers, drainage plans and Aborigin report.
- All concrete works are to adhere to Council's specifications and to be consulting engineers details and selected colours.
- All walls and terrace works are to be in granite finish.
- All plants are to be planted as stated in the plants schedule. Plant species must not be substituted without consent from the Captivate Landscape Design.
- All landscape works are to be completed within a minimum of 12 months following practical completion. Refer to written specifications.
- This plan has been designed for the proposed site and purpose only and shall not be copied without written consent from Captivate Landscape Design.

SERVICES

Below landscape works are commenced onsite, the landscape contractor is to establish the position of all service lines and ensure any proposed tree planting is 3 metres away from these services. Service lines, vents and hydrants shall be left exposed and not covered by any landscape finishes. Finish adjoining surfaces flush with pits.

DRAINAGE

Refer to Drainage Plans for drainage details and locations

PLANTING MIXTURE

A planter mix must be installed to adjacent planter beds, ensure drainage is indicated, aggregate and sand can be utilised to fill lower planter levels and provide drainage, trees existing ground.

Allow min 300mm deep of cultivated improved soil for planting medium

Planting mix/topsoil to be supplied by Australian Native Landscapes Pty Ltd approved similar.

MULCH

Install min 75mm of Leaf Litter Mulch to all garden areas.

PLANT MATERIAL

All plant material is to be grown to current 'Natives' specifications and must be the same species as listed in the plants schedule on the landscape plan. Generally plants shall be vigorous, well established and good form consistent with the species or variety. Plants are to have a healthy root system with no evidence of root collar rot or other damage. Plants are to be free from disease or insect infestation.

Trees are to have a single leader, repeat stem cut, damaged or unhealthy plant material prior to planting.

All plants should be grown for a minimum of 90 months prior to site delivery.

Installation: All Trees, shrubs and groundcovers planting holes are to be dug twice the size and as deep as the specified rootball, sides and base to be cultivated prior to planting, soil planting mix as specified and Fertiflora specified a compact soil around rootball (refer to details).

STAKING

Trees should be of self supporting stock and staking should only be required for establishment. All staked are to be removed at the completion of the Maintenance Period. Stakes are to be 20mm diameter 50mm x 50mm x 2400mm free from knots or waste and are to be painted at intervals. One stake into the ground approx one third of the length extending from the root system. Provide a 50mm Hessian webbing tie stapled to the stake allowing for stem movement.

POST-PLANTING

Mass Planting Areas: Fertiliser shall be 'Nutrotop' or approved equal in granule form intended for slow release of plant nutrients over a period of approx (9) months. Thoroughly mix fertiliser with planting mixture at the recommended rate, prior to installing plants.

Turf Areas: All turf areas to have an application of 'Shirelys No 17' or approved equal thoroughly mixed into the topsoil prior to turf installation.

Trees: Turf Trees: Mass Planting Beds: Plants shall be in a form suitable for trees and to be planting 50mm minimum from the rootball at a size as specified by manufacturer.

TURF

All turf to be in optimum growing condition and watered in well once installed and ongoing until established.

Turf: Buffels: Palmetto

MAINTENANCE

All landscape works are to be maintained for a minimum of 12 months following practical completion. All plants are to be well watered and checked for pest and disease and pruned as required to maintain vigorous and healthy growth. Turf areas must be top dressed within contractual maintenance period or an application of 'Shirelys No 17' to manufacturers rates.

EXISTING TREE SCHEDULE

| Tree No. | Botanical Name | Common Name | Action/Comment |
|----------|------------------------------|-------------|----------------|
| E01 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E02 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E03 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E04 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E05 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E06 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E07 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E08 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E09 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E10 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E11 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E12 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E13 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E14 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |
| E15 | <i>Callistemon viminalis</i> | Bottlebrush | Remove |

PLANTING SCHEDULE

| ID | Latin Name | Common Name | Quantity | Scheduled Size |
|-----|-------------------------------------------|----------------------------|----------|----------------|
| Chr | <i>Callistemon viminalis</i> 'Hannah Ray' | Bottlebrush | 1 | 45L |
| Cps | <i>Cordyline 'Purple Sensation'</i> | Purple Sensation Cordyline | 6 | 300mm |
| Cs | <i>Cordyline stricta</i> | Slender Palm Lily | 4 | 200mm |
| Cp | <i>Crimum pedunculatum</i> | Crimum Lily | 7 | 200mm |
| Dvp | <i>Dodonaea viscosa</i> 'Purpurea' | Purple Hop Bush | 9 | 200mm |
| De | <i>Dorstenia excelsa</i> | Gymea Lily | 11 | 200mm |
| Er | <i>Elaeagnus reticulata</i> | Blueberry Ash | 2 | 75L |
| IE | <i>Indigofera australis</i> | Australian Indigo | 2 | 200mm |
| LK | <i>Lomandra 'Katrihus'</i> | Mat Rush | 47 | 150mm |
| PI | <i>Prostanthera incisa</i> | Cut Leaf Mint Bush | 6 | 200mm |
| Pu | <i>Pteris umbrosa</i> | Jungle Brake | 3 | 200mm |
| Sa | <i>Sambucus australasica</i> | Yellow Elderberry | 4 | 200mm |
| Sbb | <i>Syzygium 'Backyard Bliss'</i> | Lilly Pilly | 43 | 200mm |
| Sc | <i>Syzygium 'Cascade'</i> | Lilly Pilly | 7 | 200mm |



Proposed Additional Dwelling

ADDRESS
No 2 Broadridge Street Wombarra NSW

CLIENT
Mr. & Mrs. DeCJoett

DRAWING
Landscape Plan

capivate
LANDSCAPE DESIGN

PROJECT # 730 DWG STATUS A
DWG DATE 3,12,13 CAD FILE NAME Landscape Plan.dwg
PLOT DATE 4,12,13 DWG # 13-730/1
ORIGINAL SHEET SIZE A3
SCALE @ 1:100 @ A1 1:200
DRAWN RC CHECK RC

CONSTRUCTION NOTES

DRAWING SCHEDULE

| DWG NO. | ISSUE | DATE | DWG TITLE |
|---------|-------|----------|-------------------------|
| C1 | A | 25.01.14 | CONSTRUCTION NOTES |
| C2 | A | 25.01.14 | CONCEPT STORMWATER PLAN |
| C3 | A | 25.01.14 | DRAINAGE CALCULATIONS |
| C4 | A | 25.01.14 | DRAINAGE DETAILS |
| C5 | A | 25.01.14 | DRIVEWAY LONG SECTION |

MAINTENANCE SCHEDULE:

IT IS THE RESPONSIBILITY OF THE OWNER TO ENSURE THAT THE FOLLOWING MAINTENANCE IS CARRIED OUT BY A SUITABLY QUALIFIED CONTRACTOR AT THE INTERVALS SPECIFIED.

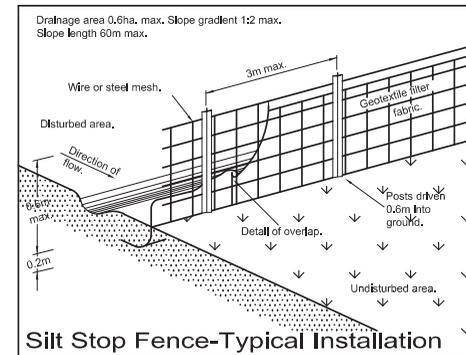
- EVERY SIX MONTHS REMOVE GRATE AND INSPECT FOR DAMAGE, WHILE GRATE IS REMOVED REMOVE DEBRIS SCREEN AND CLEAN, INSPECT AND CLEAN ORIFICE, REMOVE ANY SEDIMENT FROM PIT SUMP, REPLACE DEBRIS SCREEN AND GRATE.
- EVERY SIX MONTHS INSPECT TRIBUTARY AREA AND REMOVE ANY MATERIAL LIKELY TO CAUSE BLOCKAGES OF DRAINAGE SYSTEM.
- EVERY SIX MONTHS INSPECT, CLEAN AND CHECK DRAINAGE SYSTEM FOR BLOCKAGES, FLUSH OUTLET PIPE WITH CLEAN WATER TO CONFIRM FREE DRAINING.
- ANNUALLY CHECK ATTACHMENT OF ORIFICE TO PIT WALL AND CHECK ORIFICE DIAMETER AND CONDITION, RENEW AS NECESSARY.
- ANNUALLY CHECK DEBRIS SCREEN FOR DAMAGE AND CORROSION AND CHECK ATTACHMENT TO PIT WALL, REPAIR/RENEW AS NECESSARY.
- ANNUALLY INSPECT ALL DRAINAGE STRUCTURES FOR DAMAGE AND CONTACT ENGINEER TO INSPECT AND ADVISE REMEDIAL WORKS TO BE CARRIED OUT.
- ANNUALLY INSPECT STORAGE AREAS FOR SUBSIDENCE LIKELY TO INDICATE LEAKAGES, REPAIR ANY LEAKAGES AND RESTORE STORAGE AREAS TO CORRECT LEVELS.
- ANNUALLY COMPARE STORAGE VOLUME TO WORKS AS EXECUTED PLANS, IF VOLUME LOSS IS GREATER THAN 5% ARRANGE FOR STORAGE TO BE RECONSTRUCTED TO REPLACE VOLUME LOST, COSTS TO BE NOTIFIED PRIOR TO UNDERTAKING ANY WORKS.
- INSPECT ENTIRE DRAINAGE SYSTEM FOR DAMAGES AND BLOCKAGES AFTER ALL MAJOR STORM EVENTS AND RECTIFY A.S.A.P.

DRAINAGE NOTES:

- ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH WOLLONGONG CITY COUNCIL'S SPECIFICATIONS AND ASS3000.
- THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS' DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT.
- ALL DISCREPANCIES SHALL BE REFERRED TO THE ENGINEER FOR RESOLUTION BEFORE PROCEEDING WITH THE WORK.
- DIMENSIONS SHALL NOT BE OBTAINED FROM SCALING FROM THESE DRAWINGS.
- SETTING OUT DIMENSIONS SHALL BE VERIFIED BY THE BUILDER.
- THE CONTRACTOR SHALL LOCATE AND LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND MAKE ARRANGEMENTS WITH THE RELEVANT AUTHORITY TO RELOCATE OR ADJUST IF NECESSARY.
- THE CONTRACTOR SHALL NOT ENTER UPON NOR DO ANY WORK WITHIN ADJOINING LANDS WITHOUT THE PERMISSION OF THE SUPERINTENDENT.
- THE CONTRACTOR SHALL CHECK ALL EXISTING LEVELS PRIOR TO THE COMMENCEMENT OF WORKS, ALL NEW WORK SHALL MAKE SMOOTH CONNECTION TO EXISTING.
- ALL PIPES SHALL BE Laid ON 1% MINIMUM GRADE UNDO.
- PROVIDE VEHICULAR CROSSING TO COUNCIL'S SPECIFICATION WHERE SHOWN (IF APPLICABLE).
- THE CONTRACTOR SHALL MAINTAIN SERVICES AND ALL WEATHER ACCESS AT ALL TIMES TO ADJOINING PROPERTIES.
- MINIMUM COVER TO PIPES 100mm ADJACENT TO DWELLING, 300mm IN LANDSCAPED AREAS AND 450mm IN AREAS SUBJECT TO VEHICLE LOADINGS UNDO.
- CONSTRUCTION OF ALL DRAINAGE WORKS IS TO COMMENCE FROM THE LOWEST POINT.
- ALL DOWNPIPES ARE TO BE CONNECTED TO STORMWATER PIPES, ALL DOWNPIPES ARE SHOWN GRAPHICALLY ONLY AND THE POSITION OF DOWNPIPES SHALL BE CONFIRMED ON SITE.

SEDIMENT & EROSION CONTROL:

- THE CONTRACTOR SHALL IMPLEMENT EROSION AND SEDIMENT CONTROL MEASURES TO THE COUNCIL'S SPECIFICATION PRIOR TO THE COMMENCEMENT OF CONSTRUCTION AND DURING CONSTRUCTION.
- ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE MAINTAINED IN A SATISFACTORY WORKING ORDER DURING THE CONSTRUCTION PERIOD. INSPECTIONS OF THESE DEVICES SHALL BE CARRIED OUT AFTER EACH STORM, REPAIRS AND/OR DE-CLOGGING SHALL BE CARRIED OUT TO ENSURE PROPER OPERATION OF THE DEVICE.
- STORAGE OF MATERIALS AND EQUIPMENT WITHIN SEDIMENT CONTROLLED AREAS.
- REMOVE SILT STOP FENCING AND DRAINAGE STRUCTURE SEDIMENT CONTROL TRAPS AFTER VEGETATION IS ESTABLISHED.



architect
illawarra design company
Job No 477
Date Oct 2013

survey
iSurvey Kirrawee
Ref No 2185
Date 25.06.11

a DEVELOPMENT APPLICATION
issue description

job no. 14014
dwg no. C1
datum AHD scale 1:250 UNO
drawn R. Tenhave
date review MIEAust CPENG

CONSTRUCTION NOTES
PROPOSED DEVELOPMENT
2 BROADRIDGE STREET
WOMBARRA
C & M de CLOUETT

T 02 4285 4899 F 02 4285 4900
info@detom.com.au
www.detomdesign.com.au
po box 119 corimal nsw 2518
suite 7 83-85 railway street corimal



LEGEND

- 65- EXISTING CONTOURS
- 65.04 SURFACE LEVEL
- + 34.00 NEW SURFACE LEVEL
- NEW 350SQ STORMWATER PIT
- OSD SURFACE STORAGE
- NEW STORMWATER PIPE
- SURFACE GRADING
- 600 SQUARE OSD CONTROL PIT
- TRIBUTARY BOUNDARY
- DP/SP DOWN PIPE/SPREADER

CONSTRUCT NEW PIT 900x900 TO WCC STANDARDS.

COLLECT ALL ROOF WATER FROM DOWNPIPES AND BASIN TANK AND DIRECT DISCHARGE TO THE OSD FACILITY.

100Ø uPVC PIPE TO OSD CONTROL PIT

PROPOSED DWELLING

PROPOSED CONCRETE DRIVEWAY 3m WIDE

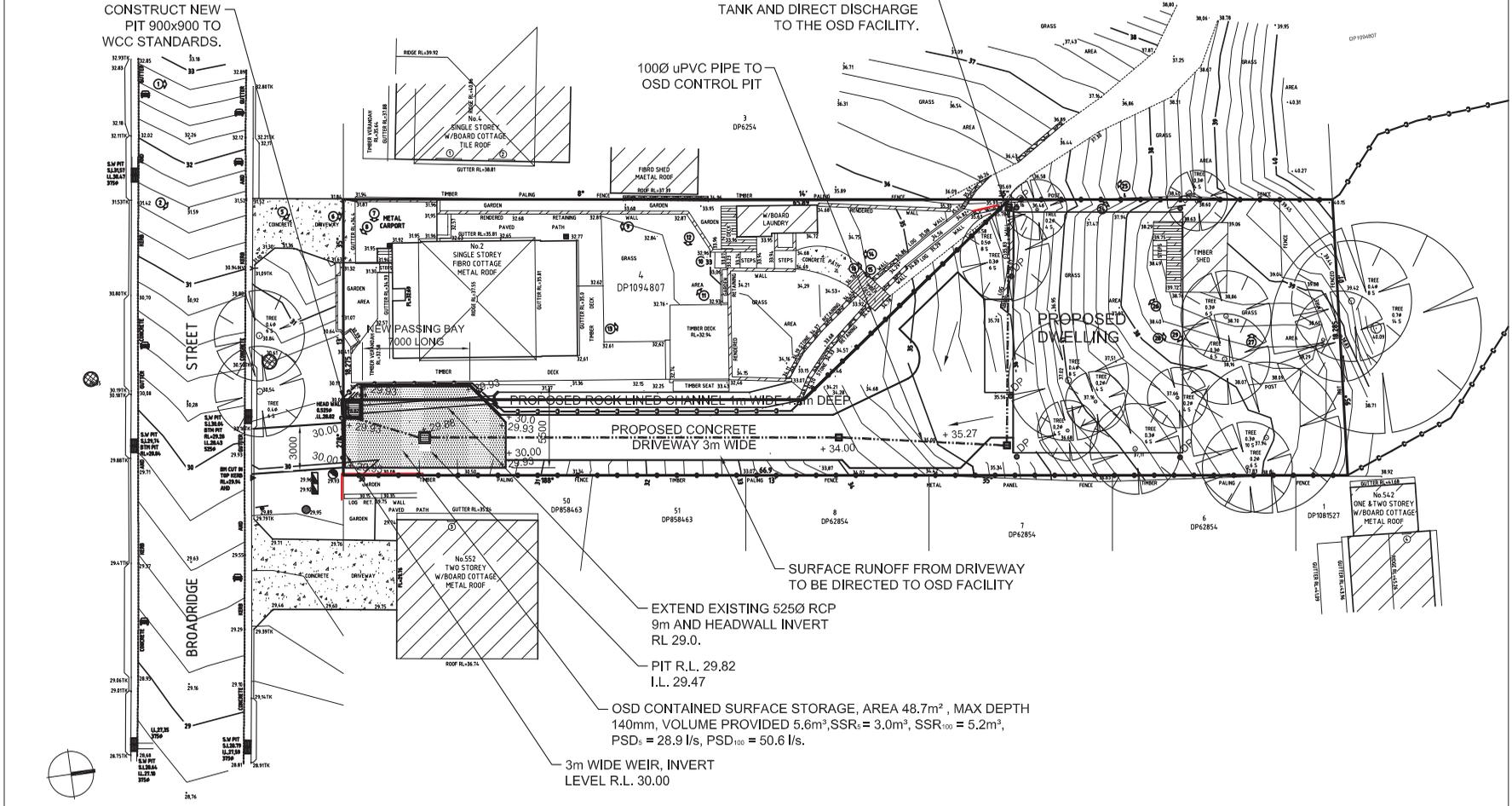
SURFACE RUNOFF FROM DRIVEWAY TO BE DIRECTED TO OSD FACILITY

EXTEND EXISTING 525Ø RCP 9m AND HEADWALL INVERT RL 29.0.

PIT R.L. 29.82 I.L. 29.47

OSD CONTAINED SURFACE STORAGE, AREA 48.7m², MAX DEPTH 140mm, VOLUME PROVIDED 5.6m³, SSR₅ = 3.0m³, SSR₁₀₀ = 5.2m³, PSD₅ = 28.9 l/s, PSD₁₀₀ = 50.6 l/s.

3m WIDE WEIR, INVERT LEVEL R.L. 30.00



architect
illawarra design company
Job No 477
Date Oct 2013

survey
iSurvey Kirrawee
Ref No 2185
Date 25.06.11

job no. 14014
dwg no. C2
datum AHD scale 1:250 UNO
drawn R. Tenhave
date review R. Tenhave MIEAust CPEng

CONCEPT STORMWATER PLAN
PROPOSED DEVELOPMENT
2 BROADRIDGE STREET
WOMBARRA
C & M de CLOUETT

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info@detom.com.au
www.detomdesign.com.au
po box 119 corimal nsw 2518
suite 7 83-85 railway street corimal



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DRAINAGE CALCULATIONS

STEP 1 NATURAL TO FINAL

PLAN DATA

| | | | |
|----------------------------------------|-------|----|------|
| SITE AREA (m ²) | 715.1 | F2 | 1.11 |
| TRIBUTARY AREA (m ²) | 986 | F3 | 0.10 |
| EX. IMPERVIOUS AREA (m ²) | 21.0 | F4 | 0.56 |
| DEV. IMPERVIOUS AREA (m ²) | 354.2 | | |
| I (mm/hr) | 98.6 | | |

GRAPHS

OSD REQD.

| | |
|--------------------------------------|------|
| PSD ₅ (l/s) | 28.9 |
| PSD ₁₀₀ (l/s) | 50.6 |
| SSR ₅ (m ³) | 3.2 |
| SSR ₁₀₀ (m ³) | 5.6 |

STEP 2 NATURAL TO EXISTING

| | |
|----|------|
| F2 | 1.11 |
| F3 | 0.01 |
| F4 | 0.56 |

| | |
|--------------------------------------|------|
| PSD ₅ (l/s) | 28.9 |
| PSD ₁₀₀ (l/s) | 50.6 |
| SSR ₅ (m ³) | 0.2 |
| SSR ₁₀₀ (m ³) | 0.4 |

STEP 3 FINAL OSD REQUIRED

| | |
|------------------|-------|
| F ₁₅ | 0.998 |
| F ₁₀₀ | 1.001 |

| | |
|--------------------------------------|-----------------|
| SSR ₅ (m ³) | 3.2 - 0.2 = 3.0 |
| SSR ₁₀₀ (m ³) | 5.6 - 0.4 = 5.2 |
| PSD ₅ (l/s) | 28.9 |
| PSD ₁₀₀ (l/s) | 50.6 |

ORIFICE & WEIR SIZE

PSD₅ = 28.9l/s, PSD₁₀₀ = 50.6l/s
 WL₅ = 29.97m AHD, WL₁₀₀ = 30.02m AHD
 CENTRE ORIFICE = 29.60m AHD, C = 0.61
 H₅ = 0.37m, H₁₀₀ = 0.42m
 5 YEAR HEAD GOVERNS DISCHARGE
 $Q = CA(2gh)^{0.5}$
 $0.0289 = 0.61 \times A \times (2 \times 9.8 \times 0.37)^{0.5}$
 $A = 0.0176\text{m}^2$ ØD = 150mm
 CHECK FLOW THROUGH ORIFICE FOR 100 YEAR HEAD
 $Q = 0.61 \times 0.0176 \times (2 \times 9.8 \times 0.42)^{0.5} = 0.0308\text{m}^3/\text{s} = 30.8\text{l/s}$

CHECK WEIR DEPTH FOR 3.0m WIDE OVERFLOW WEIR,
 WEIR FLOW = 50.6 - 30.8 = 19.8 l/s
 $H = (0.0198 / (1.7 \times 3.0))^{0.67} = 0.02\text{m} = 20\text{mm}$

INVERT WEIR = 30.02 - 0.02 = 30.00m AHD

FREEBOARD TO FLOOR = -36.00 - 30.02 = 5.98m > 0.2m O.K.

architect
 ilawarra design company
 Job no. 477
 Date Oct 2013

survey
 iSurvey Kirrawee
 Ref No 2185
 Date 25.06.11

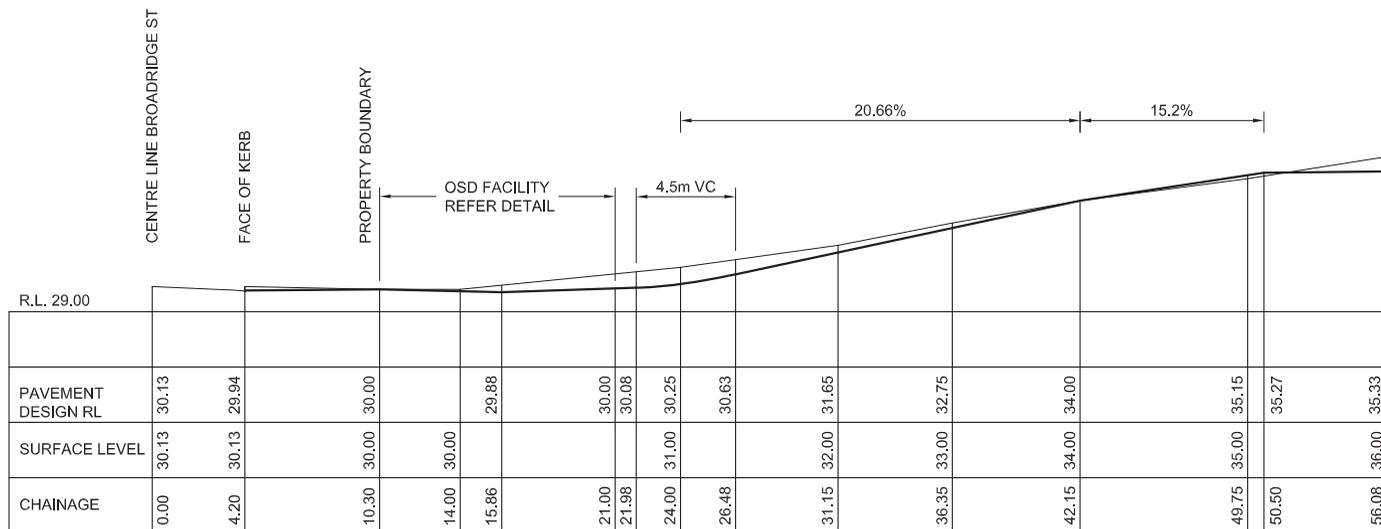
job no. 14014
 dwg no. C3
 datum AHD scale 1:250 UNO
 drawn R. Tenhave
 date review R. Tenhave MIEAust CPEng

a DEVELOPMENT APPLICATION 29.01.14
 issue description date

DRAINAGE CALCULATIONS
 PROPOSED DEVELOPMENT
 2 BROADRIDGE STREET
 WOMBARRA
 C & M de CLOUETT

T 02 4285 4899 F 02 4285 4900
 info@detom.com.au
 www.detomdesign.com.au
 po box 119 corimal nsw 2518
 suite 7 83-85 railway street corimal





DRIVEWAY LONG SECTION

SCALE 1:200

architect
lawarra design company
Job no. 477
Date Oct 2013

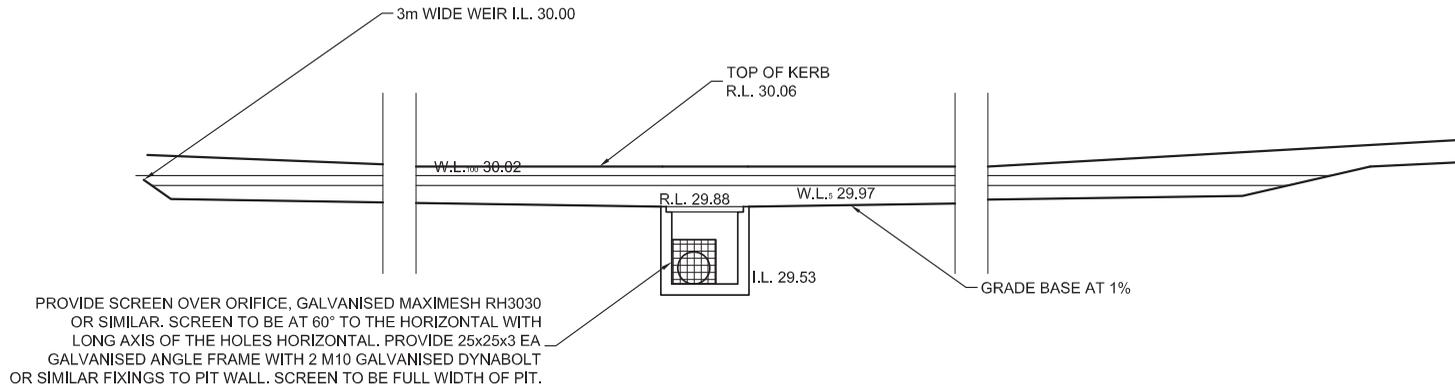
survey
iSurvey Kirrawee
Ref No 2185
Date 25.06.11

a DEVELOPMENT APPLICATION 29.01.14
issue description date
job no. 14014
dwg no. C5
datum AHD scale 1:250 UNO
drawn R. Tenhave
review R. Tenhave MIEAust CPEng

DRIVEWAY LONG SECTION
PROPOSED DEVELOPMENT
2 BROADRIDGE STREET
WOMBARRA
C & M de CLOUETT

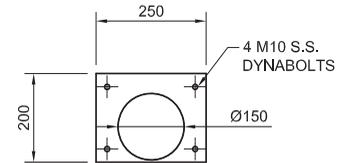
T 02 4285 4899 F 02 4285 4900
info@detom.com.au
www.detomdesign.com.au
po box 119 corimal nsw 2518
suite 7 83-85 railway street corimal





CROSS SECTION THROUGH OSD

SCALE 1:20



ORIFICE PLATE

SCALE 1:10

architect
llawarra design company
Job no. 477
Date Oct 2013

survey
iSurvey Kirrawee
Ref No 2185
Date 25.06.11

| issue | description | date | review |
|-------|-------------------------|----------|--------------------------|
| a | DEVELOPMENT APPLICATION | 29.01.14 | R. Tenhave |
| | | | R. Tenhave MIEAust CPEng |

job no. 14014
dwg no. C4
datum AHD scale 1:250 UNO

DRAINAGE DETAILS
PROPOSED DEVELOPMENT
2 BROADRIDGE STREET
WOMBARRA
C & M de CLOUETT

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LAWYERS

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☒ **1300 73 1915**

DX 3901 ANNANDALE

Email: peter@rosierpartners.com

17 September 2014

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

Dear Sir

Mr Christian and Mrs Melissa Leah De Clouett: Land to the rear of 2 Broadridge Street Wombarra- Application for Development Consent DA-2014/245 and Possessory title claim

We have been asked to write to Council in relation to an application to Council for Development Consent by our clients Melissa and Christian De Clouett.

I understand that part of their application to Council assumes that our clients' land will be increased in area by land to the rear which is currently part of a laneway. The registered proprietor of this land is a William Robertson (no doubt by now deceased) and the land has clearly been abandoned for many years. Our clients gained possessory title to a portion of the laneway to the side of their property some time ago and they have now applied for possessory title to the balance. To make Council's understanding of the position easier, we enclose a copy of the relevant part of the application.

Then application A1858735 is under consideration by Land And Property Information at this time and it is my reasonable expectation and that Mr and Mrs De Clout's application will be granted, almost certainly if not in respect of the whole of the land the subject of the application, at least in respect of the land which is immediately to the rear of our client's property.

I have a high level of confidence of success of the application it being clear that the only persons who have occupied this land at any time in the last 12 years (and in fact considerably longer) are our clients and their predecessors in title.

***This practice is an incorporated legal practice conducted by
Professional Services Group Pty Limited ACN 099 273 953***



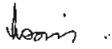
**COVER OF
EXCELLENCE**

Liability is limited by a Scheme approved
under Professional Standards Legislation



I know you will contact me if you have any questions. I have instructions to answer them to the best of my ability.

Yours sincerely
Rosier Partners



Peter Rosier LI M (Hons)
Accredited Specialist Property Law

Attachment 4 – Draft Conditions

i. Deferred Commencement

The bushfire safety authority issued by the NSW Rural Fire Service dated 14 August 2014 shall not operate until such time as documentary evidence is provided to Council that the land (Part Certificate of Title Volume 2279 Folio 202) at the rear of the subject site has been acquired, consolidated with the subject lot (Lot 4 DP 1094807) and registered with the NSW Land and Property Information Office as per Survey Reference Plan 40023_A prepared by Craig Robson dated 14 July 2014. Further, a revised lot layout plan is to be submitted to Council depicting the additional land acquired as part of proposed Lot 42.

- ii The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent
- iii If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

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

Pursuant to s100B –authorisation under the Rural Fires Act 1997 – NSW Rural Fire Service

The recommendations contained in the letter from the NSW Rural Fire Service dated 14 August 2014 as attached to this consent shall form part of the conditions of consent for this application.

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

Approved Plans and Specifications

- 1 **To be inserted by Council**

General Matters

2 Phased Development

The development is to be undertaken in two phases comprising the following:

Phase 1. - minor demolition, geotechnical remediation works and a two (2) lot Torrens title subdivision.

Phase 2. - construction of a new dwelling house.

A separate Construction Certificate may be applied for each phase with conditions as relevant to be met.

3 Tree Retention

The developer shall retain existing trees indicated on Landscape Plan by Captivate Dwg. No. 13-730/1 dated 3.12.13 consisting of tree numbered 9, 10, 11, 13, 14 and 15 Total number: six (6 No.)

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

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

All recommendations in Arborist's Report dated 8 Jan 14 by David Potts to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage,

sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

4 **Tree Removal**

This consent permits the removal of trees and other vegetation from the site within three (3) metres of the approved buildings, structures, permanent accessways and car parks. This consent also permits the removal or pruning of trees within three (3) metres of approved buildings. No other **trees** or vegetation shall be removed or lopped, without the prior written approval of Council.

The developer shall remove existing trees indicated on Landscape Plan by Captivate Dwg. No. 13-730/1 dated 3.12.13 consisting of tree numbered 1, 2, 3, 4, 5, 6, 7, 8, 12 and Prunus persica Total number: ten (10 No.) Note incorrect tree numbers shown on site plan. Site Plan by idc Dwg. No. 102 dated 26.02.14 to be amended so that numbers from current arborist report and Landscape Plan are to be reflected on the Construction Certificate plans.

5 **Geotechnical Works Schedule**

Site Remediation - including upgrade of the existing stormwater channel; installation of deep subsoil drainage and, if required by the geotechnical consultant, installation of pressure relief wells.

This work is to comply with the following conditions:

- 5.1 All recommendations of the remediation plan developed by the geotechnical consultant, Douglas Partners, in their geotechnical report dated 24 July 2014.
- 5.2 The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the Site Remediation works.
- 5.3 Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- 5.4 No excavation is to occur within the zone of influence of structures on adjoining properties.
- 5.5 There is to be no unsupported excavations with all cuts to be immediately supported as guided by the geotechnical consultant.
- 5.6 At the completion of the remedial works, the geotechnical consultant is to monitor the soil pore water pressure for at least one year and one large rainfall event. This is a HOLD POINT for further stages of this development.
- 5.7 Once the geotechnical consultant is satisfied that the objectives of their Site Remediation Plan including the monitoring of soil pore water pressures have been met, they are to prepare a works-as-executed report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the site preparation works required to be undertaken in the Site Preparation works and prior to construction of the proposed dwelling. This report is considered sufficient to release the HOLD POINT of condition 5.6.

Site Preparation – including all subdivision earthworks, surface drainage and retaining wall construction.

This work is to comply with the following conditions:

- 5.8 All recommendations of the geotechnical consultant in their geotechnical report submitted to comply with condition 5.7 to release the HOLD POINT of condition 5.6.
- 5.9 The earthworks may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the Site Preparation works and to avoid damage to any of the remediation structures installed in the Site Remediation works.

- 5.10 Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- 5.11 No earthworks are to be in excess of 2.0m cut and 1.5m fill without further geotechnical advice on earthworks.
- 5.12 No excavation is to occur within the zone of influence of structures on adjoining properties.
- 5.13 There is to be no unsupported excavations with all cuts to be immediately supported by retaining wall construction.
- 5.14 The completion of the site preparation works is another HOLD POINT.
- 5.15 The geotechnical consultant is then to prepare a second works-as-executed report detailing encountered geotechnical conditions during the site preparation earthworks and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the dwelling.
- 5.16 These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

Construction of the Dwelling.

- 5.17 Once the remedial works are complete and the structural designs have been endorsed by the geotechnical consultant that all known residual geotechnical constraints based on the works-as-executed geotechnical report have been accommodated in the designs, The HOLD POINT of condition 5.14 can be considered released and construction can then commence on the dwelling.

6 **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.

7 **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing for each development phase with conditions as relevant within this consent to be met.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

8 **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.

9 **Protection of Public Infrastructure**

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

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

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

10 **Occupation Certificate**

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal

Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

11 Structural Engineering Details

The submission of structural engineering details by a suitably qualified and experienced structural engineer (with appropriate insurance coverage) to the Principal Certifying Authority, prior to the release of the Construction Certificate addressing the following matters:

- 11.1 Footings;
- 11.2 reinforced concrete slabs;
- 11.3 retaining walls;
- 11.4 structural steelwork;
- 11.5 wall bracing and tie-down requirements;
- 11.6 the structural engineer, in producing a design is to complement the Geotechnical Engineer's Stability Report (Report No.78479 dated 1 July 2013 prepared by Douglas Partners) and Geotechnical Remediation Plan (Report No.78479.02_Rev 1 dated 24 July 2014 prepared by Douglas Partners) to make a clear statement that "any structure designed and erected in accordance with the plans and specifications will achieve the performance requirements described in Clause 1.3 of AS2870 (1996) and any other relevant codes and standards."

12 Present Plans to Sydney Water

Approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneypwater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

13 Integral Energy Requirements

The submission of documentary evidence from Integral Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Integral 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, Integral Energy PO Box 6366, Blacktown 2148.

14 Telecommunications

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

15 Car parking and Access

The development shall make provision for a total of 2 car parking spaces. 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 96 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

16 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

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

- a Landscaping to the site is to comply with the principles in Appendix 5 of Planning for Bush Fire Protection 2006;
 - b planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Banksia 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 may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- c 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;
 - d the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and;
 - e screen planting to be established to create buffer between new and existing development;

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.

- 18 The provision of common tap(s) 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 indicated on the Landscape Plan for the Construction Certificate. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.
- 19 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 20 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 Certifying Authority prior to release of the Construction Certificate.

21 **Tree Protection and Management**

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

- 21.1 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 Certifying Authority prior to release of the Construction Certificate.
- 21.2 Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- 21.3 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.
- 21.4 Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

22 **Bushfire Attack Level (BAL)**

New construction on the northern, eastern and western elevations shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

New construction on the southern elevation shall comply with the requirements for BAL 19 Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

The construction requirements for BAL 29 Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' for the northern, eastern and western elevation(s) and BAL 19 Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' for the southern elevation of the new construction shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifying Authority prior to the issue of the Construction Certificate.

23 **Engineering Plans and Specifications - Retaining Wall Structures**

The submission of engineering plans and supporting documentation of all proposed retaining walls to the Principal Certifying Authority 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 where applicable:

- 23.1 A plan of the wall showing location and proximity to property boundaries;
- 23.2 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;
- 23.3 details of fencing or handrails to be erected on top of the wall;
- 23.4 sections of the wall showing wall and footing design, property boundaries 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 and footing structure must be contained wholly within the subject property;
- 23.5 the proposed method of subsurface and surface drainage, including water disposal;
- 23.6 reinforcing and joining details of the bends in the wall at the passing bay of the accessway;
- 23.7 the assumed traffic loading used by the engineer for the wall design.

24 **Smoke Alarms**

Smoke alarms designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency shall be installed in the building in accordance with Part 3.7.2 of the Building Code of Australia (Housing Provisions). The location of smoke alarms shall be shown on plan prior to the issue of the construction certificate.

Section 94A Levy Contribution

- 25 The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Wollongong City Council Section 94A Development Contributions Plan.

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of 1% of the cost of development (Contribution may be increased to 2% within the City Centre in accordance with Clause 1 of the Plan) amounting to \$4,400.00 shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development

application determination is 105.6. The following formula for indexing contributions is to be used:

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

Where

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

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation

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

| METHOD | HOW | PAYMENT TYPE |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Online | http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 607815 | <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 CHEQUES PAYABLE TO: Wollongong City Council (Personal Cheques not accepted) | | |

A copy of the Wollongong City Council Section 94A 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

The reason for Section 94A is to provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council.

26 **Detailed Drainage Design**

A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and generally in accordance with the concept drainage plan by Detom Design, Drawing No. 14014-C2, issue A dated 29 Jan 2014.

27 **Existing/Proposed Levels**

Existing and proposed levels to Australian Height Datum (AHD), including, ground, grate, pipe inverts and pavement levels shall be shown on the detailed drainage design. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

28 **On-Site Detention – Identification**

Details shall be provided of a corrosion resistant identification plaque for location on or close to the on-site detention (OSD) facility. The plaque shall include the following information:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
- identification number [DA-2014/245]
- any specialist maintenance requirements.

29 **Orifice/Weir Calculations**

Orifice and weir calculations for the on-site detention facility must be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

- 30 **On-Site Detention – Outlet Control Pit**
The on-site stormwater detention facility must incorporate a minimum 600mm square outlet control pit with lockable grate for access and maintenance purposes, provision for debris control and a suitably graded invert to the outlet pipe to prevent ponding. Also, details of the orifice plate including diameter of circular orifice and method of fixing shall be provided. These requirements shall be reflected on the Construction Certificate plans.
- 31 **Modification to Natural Drainage Channel**
Detailed drawings of the proposed modification to the natural drainage channel shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate. Such drawings shall include, but not be limited to longitudinal and cross sections and details of any bed and bank scour protection measures. Also certification shall be provided by a suitably qualified engineer that the foundations of the existing dwelling and proposed access driveway will not be compromised as a result of the proposed works or from future scouring within the watercourse.
- 32 **Engineered Wall and Kerb to Edge of Driveway**
A minimum 400mm high concrete wall shall be provided along the eastern side of the proposed driveway between Chainage 14 and Chainage 24 of the Driveway Longitudinal section plan by Detom Design Rev A dated 29/01/2014. The remainder of the eastern edge of the driveway must be provided with a minimum 150mm high concrete kerb to prevent surface water flows from entering the adjoining property and also to direct surface water flows to the OSD facility. These requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.
- 33 **Engineered Mound**
A minimum 200mm high engineered mound must be provided along the eastern boundary of the subject site from the end of the proposed driveway to the northern boundary to capture and convey surface water flows from the on-site detention tributary area to the on-site detention facility. Details of the mound shall be provided on Construction Certificate plans.
- 34 **Surface Runoff from Proposed Driveway**
The proposed driveway shall be shaped to ensure that runoff from the driveway is conveyed to the on-site detention facility and not drained directly to the watercourse. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.
- 35 **Modification to Existing Kerb Inlet Pit to Accommodate Driveway**
The existing kerb inlet pit shall be modified to suit the proposed driveway. In this regard, the existing lintel shall be removed and the grate shall be retained in its existing location. A new kerb inlet pit shall be constructed upstream of the existing pit and shall be generally in accordance with WCC Standard Drawing 5000_C01. The new pit shall incorporate a minimum 1.8m lintel. These works shall be undertaken by a Council approved contractor at the developer's expense. These requirements shall be reflected on the Construction Certificate plans.
- 36 **Overflow Paths**
Overflow paths must 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 must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans.
- 37 **Service Location to be Shown**
The depth and location of all services (ie gas, water supply, sewer, electricity, telephone, stormwater, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.
- 38 **Pit/Pipe Alteration**
Details of the proposed headwall pit and the connecting pipeline to Council's existing drainage system shall be provided in conjunction with the detailed drainage design for the site. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

- 39 **On-Site Detention Requirement**
On-site detention (OSD) storage must be provided for stormwater runoff from Lot 42. The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be designed in accordance with Chapter E14 of Council's Wollongong DCP 2009. Details of the detention facility and SSR/PSD values must be submitted with the Construction Certificate application.
- 40 **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.
- 41 **Re-direction or Treatment of Stormwater 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.
- 42 **On-Site Detention - Maintenance Schedule**
A maintenance schedule for the on-site stormwater detention system must be submitted with the Construction Certificate plans for the proposed development. The maintenance schedule must be in accordance with Chapter E14 of Council's Wollongong DP 2009.
- 43 **Piping of Stormwater to Existing Stormwater Drainage System**
Stormwater for the land must be piped to Council's existing stormwater drainage system.
- 44 **Provision of a Fire Hydrant**
The provision of a fire hydrant in accordance with AS2419 (1994) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.

Prior to the Commencement of Works

- 45 **Appointment of Principal Certifying Authority**
Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:
- 45.1 Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
 - 45.2 notify Council in writing of their intention to commence work (at least two days notice is required).
- The Principal Certifying Authority must determine when inspections and compliance certificates are required.
- 46 **Residential Building Work – Compliance with the Requirements of the Home Building Act 1989**
Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates
- 46.1 in the case of work to be done by a licensee under that Act:
 - 46.1.1 has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
 - 46.1.2 is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
 - 46.2 in the case of work to be done by any other person:
 - 46.2.1 has been informed in writing of the persons name, contact address details and owner-builder permit number; and
 - 46.2.2 has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the

work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

47 **Sign – Supervisor Contact Details**

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

- 47.1 stating that unauthorised entry to the work site is not permitted;
- 47.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 47.3 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.

48 **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:

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

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

49 **Enclosure of the Site**

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

50 **Demolition Works**

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

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

51 **Demolition Notification to Surrounding Residents**

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

- 52 **Consultation with WorkCover NSW – Prior to Asbestos Removal**
A licensed asbestos removalist must give written notice to WorkCover NSW at least five (5) days before licensed asbestos removal work is commenced.
- 53 **Temporary Sediment Fences**
Temporary sediment fences (eg 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.
- 54 **All-weather Access**
An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.
- 55 **Tree Protection and Management**
The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:
- 55.1 installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
 - 55.2 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;
 - 55.3 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.
- 56 **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.
- 57 **Certification from Arborist - Adequate Protection of Trees to be Retained**
A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.
- 58 **Footpath Levels**
Footpath levels must be obtained from Council's Works and Services Division prior to works commencing. This can be achieved by filling out an application form and payment of the relevant fee.
- All such structures and internal driveways shall be constructed to these approved levels.
- The longitudinal grade of the footpath must be parallel to the top of kerb level and all building entrance adjustments for level access to building floor levels must be developed within the private property of the building in accordance with the requirements of the latest versions of AS1428.1, the Building Code of Australia and the Disability Discrimination Act. No adjustments to the uniform and even longitudinal grade of the footpath at the boundary line will be permitted for access points to buildings.
- A copy of the approved levels shall be submitted to the Principal Certifying Authority prior to works commencing.

- 59 **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**
Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:
- a) Digging or disruption to footpath/road reserve surface;
 - b) Loading or unloading machinery/equipment/deliveries;
 - c) Installation of a fence or hoarding;
 - d) Stand mobile crane/plant/concrete pump/materials/waste storage containers;
 - e) Pumping stormwater from the site to Council's stormwater drains;
 - f) Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
 - g) Construction of new vehicular crossings or footpaths;
 - h) Removal of street trees;
 - i) Carrying out demolition works.
- 60 **Forty-eight Hours Notice – Prior to Works Commencing in any Road Reserve**
The site supervisor must give the Principal Certifying Authority 48 hours notice, prior to any works commencing in any road reserve (footpath/carriageway).

During Demolition, Excavation or Construction

- 61 **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 section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- 62 **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. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.
- 63 **Re-direction or Treatment of Stormwater 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.
- 64 **Prior approval from Council for any works in Road Reserve**
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. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval and the appropriate fees paid a minimum of five working days prior to the expected implementation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.
- Note:** This includes temporary road closures for the delivery of materials, plant and equipment, concrete pours etc.
- 65 **Copy of Consent to be in Possession of Person carrying out Tree Removal**
The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.
- 66 **Restricted Hours of Work (domestic residential scale ie single dwellings)**
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 Friday and 8.00 am to 4.00 pm Saturday, without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays or Sundays.

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

- a the variation in hours required;
- b the reason for that variation;
- c the type of work and machinery to be used.

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. Developers must note that consistent with the Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction ($L_{Aeq(15\text{ min})}$) must not exceed the background noise level ($L_{A90(15\text{ min})}$) plus 10 dB(A), and a $L_{Aeq(15\text{ min})}$ of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

67 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

68 **Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

- 68.1 encroach onto the adjoining properties, and
- 68.2 adversely affect the adjoining properties with surface run-off.

69 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".

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

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

71 **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.

72 **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 96 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."

73 **Water and Utilities**

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Prior to the Issue of the Occupation Certificate

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

75 The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, ten (10 No.) 75 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pillly, *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 may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

76 **BASIX**

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority 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.

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 Issue Subdivision Certificate/Release of Final Subdivision Plan

78 **Restriction on use – On-site Detention System**

The applicant must establish a Restriction on use over the on-site detention system. The following terms must be included on an 88B instrument 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 88B instrument, showing the restriction must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the Subdivision Certificate.

79 **Works-As-Executed Plans**

The submission of two sets (minimum) of Works-As-Executed (WAE) plans to the Principal Certifying Authority, prior to the release of the Subdivision Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:

- a) Final locations and levels for all works associated with the subdivision which also indicates the final volume of each on-site detention and subsoil drainage locations;
- b) a separate plan which indicates the extent of flood inundation for 1% AEP and PMF storm event;
- c) the location of the on-site detention identification plaque; and

- d) the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

An electronic copy in CAD format is required to be submitted at the time of lodgement.

80 **Piped Natural Watercourse**

The piped natural watercourse must be chartered on the final subdivision plan.

81 **Existing Easements**

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

82 **Existing Restriction as to Use**

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

83 **Encroaching Pipes**

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

84 **Encroaching Services**

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

85 **Section 88B Instrument**

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

- 85.1 Easement for services;
- 85.2 easement for drainage;
- 85.3 drainage easement over overflow paths;
- 85.4 restriction-as-to-user over bund walls which prohibits its alteration and/or removal;
- 85.5 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).
- 85.6 Building envelope as indicated on Drawing No. 2185PROPBDY.dwg dated 6 March 2014 prepared by Terralinks and reference to the construction of the dwelling in accordance with DA-2014/245.

86 **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 the Land and Property Information Office.

87 **On-Site Detention – Certificate of Hydraulic Compliance**

The developer shall 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. The certificate must satisfy the requirements of hydraulic compliance as stated in Chapter E14 of Council's Wollongong DCP 2009. This information must be submitted with the full works-as-executed plans to the Principal Certifying Authority prior to the issue of the Subdivision Certificate.

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

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

- 88.1 Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- 88.2 Final plan of Subdivision prepared by a registered surveyor plus four (4) equivalent size paper copies of the plan;

- 88.3 Section 88B Instrument (where applicable) covering all necessary easements and restrictions on the use of any lot within the subdivision;
- 88.4 Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water.

Operational Phases of the Development/Use of the Site

89 **Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site.

90 **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.
- 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.
- 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:
 - no part of the tree overhangs within 2 metres of any building
 - the canopy is discontinuous such that tree crowns are separated by a minimum of 10 metres where the APZ adjoins tall open forest, open forest or low open forest
 - the canopy is discontinuous such that tree crowns are separated by a minimum of 5 metres where the APZ adjoins woodland or other vegetation type
 - they are smooth barked species or, if rough barked, shall be maintained free of decorticating bark and other ladder fuels (rough barked species are not encouraged)
 - a well-watered and maintained vegetable garden may be located within the IPA.
 - 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.

91 **Operation of Solid Fuel Heater**

Following these guidelines should minimise the smoke emission from your solid fuel heater and ensure compliance with the NSW Protection of the Environment Operations Act 1997.

- If you hear an EPA “Don’t Light Tonight” warning on local television or radio news, consider alternative heating options for that night.
- Check and clean the flue, chimney and baffle regularly. A build up of ash, soot or creosote (a tar like oily deposit) can indicate that your fire is not burning properly and can cause chimney fires and smoke.
- Only use aged and dry wood. Freshly cut wood should be stored for eight to twelve months in a dry, protected location before use. If buying your wood, check with the seller to verify it

has been aged. To check if the wood is seasoned, bang two pieces together, they should make a clear, hollow crack.

- Never burn household rubbish, painted or treated wood in your solid fuel heater.
- Start your fire with small pieces of wood or kindling and once the fire is well established add larger pieces of seasoned wood gradually and stacked loosely so that the air circulates around it, burning hot and efficiently.
- Open the air intake and flue for the period between five minutes before and twenty minutes after every time you add fuel.
- Check the chimney. Your fire should only smoke when you first light it and when you add extra fuel, and then only for a few minutes. If there is smoke coming from your chimney increase the air supply to your fire. If smoke continues there may be a problem with the fuel or operating method.
- Do not let your fire smoulder overnight.

For further information contact the NSW Department of Environment and Climate change at- <http://www.environment.nsw.gov.au/woodsmoke/heatercomplies.htm>



NSW RURAL FIRE SERVICE



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

Your reference: DA-2014/245

Our reference: D14/0874

14 August 2014

ATTENTION: Rodney Thew

Dear Sir/Madam

Integrated Development for 4/1094807 2 Broadridge St Wombarra 2515

I refer to the above development application. Since the RFS's previous correspondence on this application of 12 June 2014, a meeting has been held with the applicant's bushfire and property consultants in order to address outstanding issues, in particular the provision of an appropriate Asset Protection Zone. A conclusion has been reached but is dependent on the acquisition of the land to the rear of the site and its incorporation into the development site. Advice is that it is intended to acquire this land through "possessory title". You will note that the RFS has conditioned the bush fire safety authority not to operate until the land is acquired. It may be appropriate for Council to issue a deferred commencement consent.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

1. This bush fire safety authority shall not operate until the land at the rear has been acquired (Part Certificate of Title Volume 2279 Folio 202).
2. The land to be acquired shall be consolidated with proposed lot 42.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

3. At the issue of subdivision certificate and in perpetuity the entire property, including the land to the rear that is to be acquired, shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this the following conditions shall apply:

Postal address

NSW Rural Fire Service
Records Management
Locked Bag 17
GRANVILLE NSW 2141

Street address

NSW Rural Fire Service
Glendenning Customer Service Centre
42 Lamb Street
GLENDENNING NSW 2761

T 1300 NSW RFS
F (02) 8867 7983

www.rfs.nsw.gov.au

Email: gsr@rfs.nsw.gov.au

4. New construction, other than the southern elevation, shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

5. New construction on the southern elevation shall comply with sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum of 'Planning for Bush fire Protection'.

Water and Utilities

The intent of measures is to minimise the risk of bushfire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

6. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush fire Protection 2006'.

This letter is in response to further information received and supersedes our previous response dated 12 June 2014.

For any queries regarding this correspondence please contact Peter Eccleston on 1300 NSW RFS.

Yours sincerely



Catherine Ryland

A/Team Leader Development Assessment and Planning