

Wollongong Local Planning Panel Assessment Report | 6 February 2024

WLPP No.	Item No.
DA No.	DA-2023/527
Proposal	Residential - construction of semi-detached dual occupancy and Subdivision - Torrens title - two (2) lots
Property	Lot 2 DP 1239971 52 High Street Thirroul
Applicant	MacCormick & Associates Architects
Responsible Team	Development Assessment and Certification - City Wide Team (NA)
Development cost	\$660 000
Lodgement date	12 July 2023
Prior WLPP meeting	Not applicable

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel

The proposal has been referred to Local Planning Panel **for advice** pursuant to Council's Local Submissions Policy as the application is contentious development that has received greater than six unique submissions. The application received eight unique submissions during the notification period.

Proposal

The proposal is for the construction of a dual occupancy and subsequent two lot torrens title subdivision.

The proposal is Integrated Development, requiring referral to the NSW Rural Fire Service under s100B of the Rural Fires Act 1997.

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. Dual occupancy housing is permissible in the zone with development consent. Subdivision of the land is also permissible with consent.

Consultation

The proposal was notified from 19 July to 2 August 2023 in accordance with Council's Community Participation Plan 2023, and received eight unique submissions which are discussed at Section 1.5 of the assessment report.

Main Issues

The main issues are matters arising from submissions and proposed variations to development controls, including:

- Number of storeys on a battle axe allotment
- First floor within 8 metres of the rear boundary
- Garage door width
- Retaining wall heights

RECOMMENDATION

DA-2023/527 be approved subject to the conditions at **Attachment 4**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Biodiversity and Conservation) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2023
- Wollongong Community Participation Plan 2023
- Planning for Bushfire Protection 2019

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Earthworks including excavation for basement area

Works / Construction / building details

- Two x three bedroom dwellings, each including study, lift, rumpus room and storeroom
- Three storeys in total
- Lower ground terrace, “ground level” balcony and first floor terrace provided to each dwelling
- Landscaped areas including retaining walls
- Roof top solar panels
- Each dwelling with rainwater tank located under terrace

Traffic, parking and servicing

- Two parking spaces per dwelling within double garages plus one stacked space available in driveway
- Waste servicing “kerb side”

1.3 BACKGROUND

The site was created by DA-2016/1411 and its modification that gave consent for a ten lot residential subdivision. DA-2016/1411 was referred to the Wollongong Local Planning Panel for consideration on 7 June 2017. A Deferred Commencement Consent was issued on 9 June 2017. This consent was

subsequently modified, removing conditions relating to the driveway grade. The activated (modified) consent was ultimately issued on 9 May 2019. This application is the first on the created Lot 2.

Prelodgement meeting PL-2022/157 was held in relation to the proposal, and included the proposed dual occupancy on the adjoining site. The meeting outcomes summary indicated the following:

In its current form, and considering the proposed variations, the proposal is considered to be an overdevelopment of the site. Council is unlikely to support the proposed exceptions to the floor space ratio and the building height. As such, it is recommended that the proposal undergo redesign to ensure compliance in these areas.

The redesign should endeavour to reduce as many areas of non-compliance with the controls of Wollongong Development Control Plan 2009 as possible and provide full justification including detailing how the development achieves the objectives of the Clause where compliance is not achieved.

Each dual occupancy should explore its own architectural style to ensure that the four dwellings do not appear as a multi dwelling development.

In consideration of the above comments, it is recommended that the proposal be revised and presented another prelodgement meeting prior to lodgement of any development application for the proposal.

Following initial assessment of the subject application, a request for additional information/ amendments was issued covering the following matters:

- Non compliance with floor space ratio
- Further geotechnical investigation required
- Additional information and amendments to the built form
- Information relating to the right of carriageway
- Information relating to waste collection
- Landscaping matters

The proposal was subject to some minor amendments and is now compliant with floor space ratio. The variations to development controls have been supported with variation justification statements, and information requested in Council's correspondence has been assessed as satisfactory.

The proposal was not renotified due to the minor nature of the amendments.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 52 High Street Thirroul and the title reference is Lot 2 DP 1239971. The site is irregular in shape, with significant fall of 7 metres from the south east corner of the site to the north west corner of the site. The site has an area of 756.9m².

Surrounding development consists of low density residential developments, mainly single detached dwellings. There are also a significant number of battle axe allotments in the vicinity of the subject site.

The site is currently vacant. Council mapping indicates that land is bushfire prone.



Figure 1: Aerial photograph, Intramaps 2023

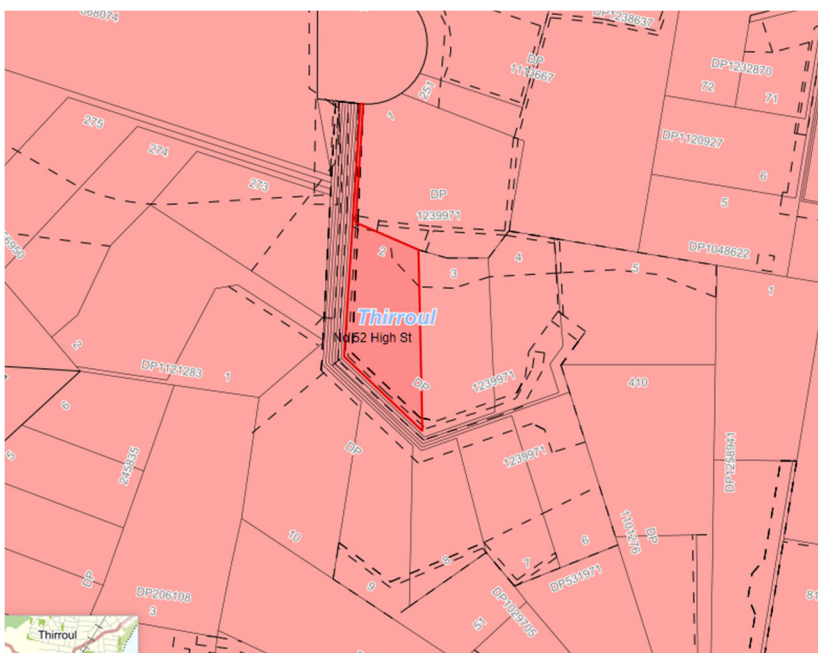


Figure 2: WLEP 2009 Zoning Map

Property constraints

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

- Unstable land
- Bushfire
- 88b restrictions in relation to:
 - Right of carriageway
 - Easement to drain water

- Easement for services, including water and gas supply
- Easement for drainage and detention
- Restrictions in relation to restricted building zone and permission for fencing
- Positive covenants for waster servicing, no parking in “Y” head, maintenance of on site detention facility and management of property as an inner protection area.

There are no restrictions on title that preclude assessment or support of the application.

1.5 SUBMISSIONS

The application was notified in accordance with Council’s Community Participation Plan 2023.

Eight unique submissions were received and the issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1. Traffic and parking issues	
<ul style="list-style-type: none"> Existing traffic issues on High Street that result in inability of two way traffic- increases in traffic generation should not be supported 	<p>The existing traffic hazard relating to the bend at High Street is not exacerbated by the proposed development- the increases in traffic proposed by the development are not significant and are considered to be within the capacity of the local road system.</p>
<ul style="list-style-type: none"> Increases in traffic over right of carriageway that provides a personal property right of other land owners 	<p>The rights and responsibilities assigned to lots under Section 88B of the Conveyancing Act transfer to “child” lots where a subdivision occurs.</p> <p>Matters of personal property can be pursued privately by a land owner, however in this context are not subject to consideration under the EP&A Act.</p>
<ul style="list-style-type: none"> Inadequate parking 	<p>Parking to each dwelling has been provided in accordance with the rates required by WDCP 2009. The DCP does not require dual occupancy development to provide visitor parking, however it is noted that each dwelling has the capacity to provide one stacked visitor parking space in front of each garage.</p>
<p>2. Inadequate waste management</p> <ul style="list-style-type: none"> arising from original subdivision - bins being left at end of cul de sac as Remondis will not access properties via right of carriageway 	<p>The applicant organised the required indemnities that will enable Council’s waste contractor, Remondis, to now service the subdivision with kerb side collections. Council’s Waste Contracts Coordinator has confirmed that this will commence in the short term, and Remondis will provide written notification of this to all affected owners.</p> <p>The development has sufficient room “kerbside” for bin placement and collection.</p>
<p>3. Inadequate bush fire report</p>	<p>The Bush Fire Assessment Report was referred to the NSW Rural Fire Service, who found the proposal to be conditionally satisfactory.</p>
<p>4. Subdivision will lead to an overdevelopment of the site</p>	<p>A merit-based assessment of the proposal against the matters for consideration under the EP&A Act has been carried out and the proposal is considered to be supportable.</p>

Concern	Comment
<ul style="list-style-type: none"> Bulk and scale of proposal not consistent with existing character potential for more development of dual occupancies within subdivision 	<p>Any future applications for dual occupancy development will also be subject to merit based assessment specific to the circumstances of those proposed developments.</p> <p>It is not uncommon for future land owners in new subdivisions to aim to maximise their proposed floor area. In any case, development on this R2 zoned land is generally restricted to a floor space ratio of 0.5:1, regardless if they are single dwellings or dual occupancy developments.</p> <p>Following amendments to the plans, this proposal now complies with the required floor space ratio and building height. As such, the development complies with density restrictions- dual occupancy development in the R2 Low Density Residential zone is considered to be a low density development.</p> <p>High Street does not have a consistent character, with a number of single and two storey developments, some with elevated subfloor, in existence along the street. The proposal is of a contemporary design, stepping down the significant slope of the site. The dwellings appear to be large, however they are not inconsistent with other varied, two storey developments in the vicinity. The use of articulation and balconies provides visual relief to the bulk of the building.</p> <p>Further, impacts are on the High Street streetscape arising from the development will be limited given it is a battleaxe allotment off the cul de sac. The height and number of storeys will also be somewhat screened by the existing vegetation adjoining the northern boundary of the allotment, as well as vegetation planted as part of the development.</p> <p>The proposal is unlikely to result in any adverse economic impacts on adjoining properties.</p>
5. No official pedestrian access/footpath through subdivision	<p>Pedestrian access and risk to pedestrians within the subdivision remains unchanged by this proposal. The original subdivision did not include formal pedestrian access as there is no public road and allowance was not made for a dedicated footpath/pedestrian access.</p> <p>A one metre wide dish drain and rolled kerb adjoin the ROC – this is incorrectly labelled on plan as a footpath, and could not be used as such.</p>
6. Non compliances with development standards and controls	
<ul style="list-style-type: none"> Number of storeys - 3 	<p>The development proposes 3 storeys for a limited area of the dwellings. See Attachment 2 for discussion of the proposed variation.</p>
<ul style="list-style-type: none"> minimum subdivision lot size 	<p>The minimum subdivision lot size does not apply to existing dual occupancy developments. The phasing of this consent ensures that the built form is finalised prior to the subdivision occurring.</p>

Concern	Comment
<ul style="list-style-type: none"> Floor space ratio 	<p>The plans have been amended to ensure that the floor space ratio does not exceed 0.5:1 for each phase of the development (ie prior and post subdivision)</p>
<ul style="list-style-type: none"> calculation of site area for the purpose of floor space ratio 	<p>The battle axe handles are not excluded from the site area when calculating floor space ratios, as per Clause 4.5 of WLEP 2009 below.</p>
<ul style="list-style-type: none"> Maximum garage width 	<p>The development proposes a variation to this control- see Attachment 2 for further discussion of this matter.</p> <p>The “front” façade of Dwelling A provides an appropriate street address to the entry to the subdivision.</p>
<ul style="list-style-type: none"> Driveways exceed the 3 metres crossover width 	<p>The cross over width applies to a public road scenario where a driveway crossover is required over the road reserve and is not relevant to this development.</p>
<ul style="list-style-type: none"> Setbacks 	<p>The front and side setbacks relate to the distance of the building from the street frontage to the building. As the lots are battle-axe allotments, there is no street frontage that would be relevant to the control.</p> <p>In any case, the proposal has a staggered setback from the southern boundary to reflect the splay of the allotment, with setbacks ranging from been set back 5.5 metres from the corner of garage A to the southern boundary to approximately 10.5 from the corner of garage B to the southern boundary. These setbacks provide for a reasonable “building line” that ensures there is a sense of street and further allows the parking of vehicles off the common carriageway.</p> <p>The proposed encroachment into the rear 8 metre setback by the balconies has been supported by a Variation Justification Statement. The variation is supported given the existing and proposed vegetation along the rear boundary, as well as the sloping topography- the proposed dwellings will look over the top of neighbouring properties with limited opportunities to view down into dwelling windows and private open space areas.</p>
<ul style="list-style-type: none"> hydrant location 	<p>There are two hydrants in proximity to the allotment and each proposed dwelling is located within 60 metres of at least one of these hydrants by road.</p>
<ul style="list-style-type: none"> Insufficient landscaped area 	<p>Council’s calculations indicate that landscaped area is compliant with WDCP 2009.</p>
<p>7. Plan discrepancies</p>	<p>The plans have been slightly amended to address matters raised by Council’s Request for Information/Amendments.</p> <p>It is noted that there are some inconsistencies in information, however the information provided is considered to be generally sufficient to enable assessment of the proposal.</p>
<p>8. Amenity impacts</p>	
<ul style="list-style-type: none"> overlooking 	<p>The rear of the dwellings sit at a significantly higher level than the adjoining properties to the north, with the outlook generally over</p>

Concern	Comment
	<p>the roof tops of these dwellings. Even so, the applicant was requested to provide solid balustrading to reduce overlooking impacts from the balcony off the living area. Further existing and proposed vegetation will also provide a level of screening between the properties.</p> <p>It is noted that the existing dwelling to the north is of older housing stock, and likely to be redeveloped in the short to medium term.</p>
9. Vegetation removal/impacts on flora and fauna	There is no native vegetation or tree removal proposed as part of this development (noting that five trees on site do not require consent for removal), and as such, the development won't break the existing green corridor that exists in the location. The proposal was referred to Council's Environment Officer who indicated that the development was unlikely to impact on flora and fauna, noting that no native vegetation is proposed for removal.
10. Geotechnical considerations	The original submission did not include adequate geotechnical reporting. The applicant subsequently provided a Geotechnical report that was referred to Council's Geotechnical Engineer for consideration. A conditionally satisfactory referral response was provided.
11. Issues arising from original subdivision	
<ul style="list-style-type: none"> building envelopes 	<p>Condition 109 of the subdivision consent required the inclusion of a Restriction as to user which defines a restricted building zone for Lots 2-9 inclusive. The stamped plans provided an "indicative" building envelope that indicated an area sufficient for the construction of a dwelling in accordance with WDCP 2009.</p> <p>The ultimate building envelopes were guided by geotechnical constraints on the site, with restricted building zones established over land identified as being Zone 3 by the geotechnical report-building is generally prohibited in this zone unless supported by further geotechnical investigations.</p>
<ul style="list-style-type: none"> Lack of body corporate to ensure ongoing maintenance of road and OSD 	Council does not require the establishment of an entity to manage ROC situations. These are managed privately between the owners as required by the terms of the carriageway.
<ul style="list-style-type: none"> Lack of compensatory planting required by modified DA 	Council records indicate that condition 36 of the modified consent for subdivision, which required the provision of 30 compensatory plantings, was satisfied.
<ul style="list-style-type: none"> WCC to ensure that approved development does not result in traffic that would exceed the carriageway specification 	The original subdivision approval and construction were consistent with specifications that would allow for the trafficking of construction and waste collection vehicles over the carriageway.

Issue	1	2	3	4	5	6	7	8	9	10	11
No of submissions	6	7	1	6	4	3	5	2	2	4	6

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral. Draft conditions were recommended and are included in the consent.

The initial assessment of the application did not contain sufficient geotechnical information for the assessment of the proposal, and further investigation was requested to determine subsurface conditions and site geotechnical conditions.

Council's Geotechnical Engineer notes that the subsequent geotechnical report prepared by Geofirst has made due reference to the history of slope instability that has impacted this area, particularly nearby to the west, and accordingly has recommended a restricted building and exclusion zone in the northern section of the site where the risk is considered high. This report conforms with the earlier reports from AW Geotechnical and Geofirst, and Council's Geotechnical Engineer considers the Geofirst report to give a good description of site conditions and the recommendations of the consultant are appropriate for the proposed development.

Landscape Architect

Council's Landscape Officer has reviewed the application, with the initial assessment identifying that the landscape plan required revision to ensure compatibility with bush fire requirements, and also required removal of turf from the deep soil zone.

The revised landscaping submission has been reviewed and is considered to be acceptable, with a satisfactory referral response provided. Draft conditions were recommended and are included in the consent.

Environment Officer

Council's Environment Officer has reviewed the application and given a satisfactory referral subject to draft conditions. As such, conditions relating to erosion and sediment control, restricted hours of work, cut and fill and waste management have been included in the consent.

Development Engineering Officer

The application has been assessed in regard to traffic, stormwater and subdivision matters and found to be satisfactory. Draft conditions were recommended and are included in the consent.

1.6.2 EXTERNAL CONSULTATION

NSW Rural Fire Service (NSW RFS)

The proposal was referred to the NSW RFS as Integrated Development. The NSW RFS issued General Terms of Approval, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997.

Sydney Water

The proposal was referral to Sydney Water who did not object to the development- their recommended conditions have been included in the consent.

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 4 Koala habitat protection 2021

The land is not considered to be core koala habitat and there is no native vegetation proposed to be removed as part of the proposed development.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

A desktop audit via Council's land information system database for property constraints and previous uses was undertaken to understand the likelihood of contamination issues. The audit revealed there are no constraints or past uses that give rise to concerns or identify the need for further investigation regarding land contamination.

Additionally, the potential contamination of the land and its suitability for residential use were considered under DA-2016/1411 for the original subdivision. It is noted that filling of the subject lot occurred as part of that subdivision and the submitted Lot Classification Report does not indicate the fill material on the subject lot contains any deleterious material.

The determining authority can therefore be satisfied that clause 4.6 matters are thus satisfied.

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

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

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

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

For the purposes of the Act, **subdivision of land** 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.

(EP&A Act 1979 definition)

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

Clause 1.8A Savings provision relating to pending development approvals

None applicable

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives as the proposal provides for additional housing opportunities in a low density environment.

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

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

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

Clause 2.6 Subdivision—consent requirements

The development seeks consent for torrens title subdivision.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The provisions for minimum subdivision lot size are not applicable to the proposed development as per (4C) of this clause, as the minimum lot size control does not apply in relation to the subdivision of land in a residential zone on which there is an existing dual occupancy.

Conditions are recommended requiring that the Occupation Certificate for the dual occupancy be issued prior to the issue of the Subdivision Certificate for the subdivision.

Clause 4.3 Height of buildings

The proposed building height of 8.86m does not exceed the maximum of 9m permitted for the site.

A building height plane plan was provided that indicates the development sits under this height.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.5:1
Site area:	756.9 m ²
GFA:	
Total	369.5m ²
Proposed Unit 52A	181.94m ²
Proposed Unit 52B	187.55m ²
FSR:	
Total	369.5/756.9m ² = 0.49:1

Proposed Unit 52A	181.94/371.2 m ² = 0.49:1
Proposed Unit 52B	187.55/386.2 m ² = 0.49:1

The proposal does not exceed the maximum floor space ratio for each stage of the development.

Clause 4.5 Calculation of floor space ratio and site area

Clause 4.5 sets out the rules for the calculation of site area for the purposes of applying floor space ratios. Exclusions from site area include land on which the proposed development is prohibited and community land or a public place.

The access handle is not excluded from the calculation of site area as the proposed development is not “prohibited” on that land, and nor is the land community or public land.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The subdivision is serviced by electricity, water and sewerage.

A condition has been recommended requiring approval from the relevant authorities for the connection of electricity, water and sewerage to service the development.

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by “Natural Resource Sensitivity – Biodiversity”. During the original subdivision works, native vegetation was removed as approved and the small area of the subject lot that was mapped as Natural Resource Sensitivity–Biodiversity now contains road pavement, grass and a planted native street tree (owned by Lot 3). The street tree is not proposed for removal.

Clause 7.6 Earthworks

The proposal comprises excavations into the site. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land. The proposal was referred to Council’s Geotechnical Officer who did not raise any objections to the proposed excavations and recommended a number of conditions in relation to these matters.

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

None applicable

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. A full assessment of the proposal in relation to the relevant controls is contained at **Attachment 2**.

2.3.2 DEVELOPMENT CONTRIBUTIONS

2.3.2.1 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2023

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development. The proposed cost of development is over \$200,001 – a levy rate of 1% applies, being **\$6 600**.

2.3.2.2 HOUSING AND PRODUCTIVITY CONTRIBUTION

Not applicable as application lodged prior to 1 October 2023.

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

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

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

Environmental Planning and Assessment Regulation 2021

There are no additional matters for consideration under the Regulations applicable to the proposal.

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

The proposal is considered acceptable with regard to the likely impacts, as discussed below:

Context and Setting:

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

The area is characterised by low density residential development, varying between one and two storeys, generally on sloping sites. Architectural style is variable in the area, with newer development reflecting designs of a more contemporary nature. The proposal is well articulated and although on plan appears large, does not exceed the permissible floor space ratio for the land. An articulated design also reduces the apparent bulk of the building.

Access, Transport and Traffic:

Access and parking are considered to be acceptable. Proposed traffic increases arising from the development are minor and considered to be within the capacity of the local road network.

Public Domain:

Adverse impacts on the public domain are not anticipated as a result of the proposed development.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are capable of augmentation as required to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

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

Water:

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

The proposal is not envisaged to have unreasonable water consumption. A BASIX certificate was provided in support of the proposal.

Soils:

The site is affected by instability. A geotechnical report was provided in support of the application, and Council's Geotechnical Engineer has provided a conditionally satisfactory referral response in this regard.

Conditions have been recommended for soil erosion and sedimentation control in association with the construction works.

Air and Microclimate:

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

Flora and Fauna:

There is no native vegetation removal proposed. Landscaping is required to be provided and the submitted landscape plan considered to be conditionally satisfactory.

Waste:

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

Energy:

The proposal is not envisaged to have unreasonable energy consumption. A BASIX certificate was provided in support of the proposal.

Noise and vibration:

A condition is recommended to ensure that nuisance is minimised during any construction, demolition, or works.

Natural hazards:

Council records list the site as bushfire affected, however this does not preclude the proposal. NSW RFS have provided GTAs and a Bush Fire Safety Authority with respect to the development.

Technological hazards:

Council records list the site as unstable land affected, however as stated above, this can be addressed through conditioning and compliance with the geotechnical recommendations and does not preclude the proposal.

Safety, Security and Crime Prevention:

This application is unlikely to result in any opportunities for criminal or antisocial behaviour.

Social Impact:

The proposed development is unlikely to have an adverse social impact.

Economic Impact:

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

Site Design and Internal Design:

The application does not result in any departures from development standards. However, the following departures from development controls are proposed in response to the characteristics of the site:

- Number of storeys on a battle axe allotment
- First floor within 8 metres of the rear boundary
- Garage door width
- Retaining walls

These were supported by Variation Justification Statements and are considered to be supportable in the circumstances of the case. The Variation Justification Statements have been included at **Attachment 3**.

A condition has been recommended for all works to be in compliance with the Building Code of Australia.

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 and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Submissions are discussed above under Section 1.5.

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

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

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 54.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposal includes variations to the following development controls contained within WDCP 2009:

- Number of storeys on a battle axe allotment
- First floor within 8 metres of the rear boundary

- Garage door width
- Retaining walls

Variation Justification Statements were provided and the variations are considered to be justified given the circumstances. As such, the proposal is considered supportable in its current form.

4 RECOMMENDATION

It is recommended that the development application be approved subject to appropriate conditions, as detailed at **Attachment 4**.

5 ATTACHMENTS

- 1 Architectural Plan Set and Landscape Plans
- 2 Wollongong Development Control Plan 2009 Assessment
- 3 Variation Justification Statements by applicant
- 4 Draft conditions

52 HIGH ST THIRROUL

ARCHITECTURAL DRAWING SCHEDULE

DRAWING #	CATEGORY	DRAWING NAME	REVISION
A00.1	COVER	52 HIGH ST - COVER	C
A00.2	COVER	52 HIGH ST - LEGEND & BASIX	A
A01.1	SITE PLAN	52 HIGH ST - SITE AND CONTEXT ANALYSIS PLAN	C
A01.2	SITE PLAN	52-54 HIGH ST - TORRENS TITLE PLAN	A
A01.3	SITE PLAN	HYDRANT LOCATIONS	B
A02.1	FLOOR PLANS	52 HIGH ST - LOWER GROUND FLOOR PLAN	C
A02.2	FLOOR PLANS	52 HIGH ST - GROUND FLOOR PLAN	C
A02.3	FLOOR PLANS	52 HIGH ST - FIRST FLOOR PLAN	C
A02.4	FLOOR PLANS	52 HIGH ST - ROOF PLAN	B
A03.1	ELEVATIONS	52 HIGH ST - SOUTH & NORTH ELEVATIONS	B
A03.2	ELEVATIONS	52 HIGH ST - EAST & WEST ELEVATIONS	A
A03.3	ELEVATIONS	52 HIGH ST - SCHEDULE OF MATERIALS AND FINISHES	A
A04.1	SECTIONS	52 HIGH ST - SECTIONS A & B	A
A04.2	SECTIONS	52 HIGH ST - SECTIONS C & D	A
A09.1	SHADOW DIAGRAMS	52 HIGH ST - SHADOW DIAGRAM - 21 JUNE	A
A09.2	SHADOW DIAGRAMS	52 HIGH ST - 3D SHADOW DIAGRAM RUMPUS - 21 JUNE	A
A10.1	CALCULATIONS	52 HIGH ST - FSR DIAGRAM	B
A10.2	CALCULATIONS	52 HIGH ST - LANDSCAPE CALCULATION	B
A10.3	CALCULATIONS	52 HIGH ST - SITE COVERAGE CALCULATION	B
A11.1	3D IMAGES	52 HIGH ST - BUILDING HEIGHT PLAN & WALL HEIGHT	A
A11.2	3D IMAGES	52 HIGH ST - 3D IMAGES	B



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2120	A DA SUBMISSION 02/06/2023
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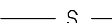
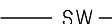

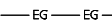
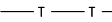
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DRAWING LEGEND






WALL TYPE

	EXISTING WALL
	DEMOLISHED WALL
	NEW SINGLE BRICK WALL
	NEW CAVITY BRICK WALL
	NEW BLOCKWORK WALL
	NEW CONCRETE WALL
	NEW FRAMED WALL
	NEW DINCEL WALL
	SEWER UNDERGROUND
	STORMWATER
	ELECTRICAL LINES - OVERHEAD
	ELECTRICAL LINES - IN GROUND
	NBN/TELSTRA LINE







LANDSCAPE LEGEND

	TREE TO REMAIN
	TREE TO BE REMOVED
	NEW TREE

LEVEL LEGEND

	EXISTING LEVEL
	DEMOLISHED LEVEL
	RELATIVE LEVEL
	FLOOR LEVEL
	SET DOWN IN FLOOR FINISH

SITE SERVICES LEGEND

	HOSE COCK CONNECTED TO TOWN WATER
	HOSE COCK CONNECTED TO RAIN WATER
	PIT
	HOT WATER UNIT
	FREE-TO-AIR AERIAL
	SMOKE ALARM

ABBREVIATIONS LEGEND

TERMS - GENERAL

A/L	Air Lock
ADJ	Adjustable
Acc	Accessible
BLDG	Building
BOH	Back Of House
CH	Ceiling Height
CL	Centre Line
CNR	Corner
DIM	Dimension
DWR	Drawer
EL	Existing Level
EQ	Equal
EX	Existing
EXT	External
FCH	Finished Ceiling Height
FFL	Finished Floor Level
FGL	Finished Ground Level
FIN	Finish
FL	Floor Level
FPL	Finished Pelmet Level
FRL	Fire Resistant Level
INT	Internal
LV	Low Voltage
NTS	Not to Scale
O/A	Overall
OPP	Opposite
RL	Reduced Level
SFL	Structural Floor Level
SIM	Similar
TMEX	To Match Existing
TYP	Typical
U/C	Undercut
UNO	Unless Noted Otherwise
U/S	Under Side
WL	Water Level
WR	Water Resistant

ELECTRICAL/MECHANICAL

A/C	Air Conditioning
BWU	Boiling Water Unit
BB	Circuit Breaker
BFR	Bar Fridge
DL	Down Light
DR	Dryer
DW	Dishwasher
EDB	Electrical Distribution Board
E/A	Exhaust Air
E/F	Exhaust Fan
ELEC	Electrical
EM	Electrical Meter
FA	Fire Alarm
FIB	Fire Indicator Board
FR	Fridge
FRZ	Freezer
GPO	General Power Outlet
GPO3	GPO 3 Phase
HTR	Heated Towel Rail
HWP	Heated Wall Panel
JL	Joinery Light
LS	Light Switch
MECH	Mechanical
MSB	Main Switch Board
MW	Microwave
OV	Oven
RH	Rangehood
R/A	Return Air
S/A	Supply Air
TEL	Telephone
TV	Television
WFR	Wine Fridge
WM	Washing Machine

CONSTRUCTIONS/FITTINGS

ACS	Acoustic Ceiling System
ALFG	Aluminium Framed Glazing
ALFL	Aluminium Framed Louvres
AP	Access Panel
AS	Adjustable Shelving
BAL	Balustrade
BHD	Bulkhead
BKS	Books Shelves
CG	Cable Gromet
CHR	Clothes Hanging Rail
CJ	Construction Joint
CL	Clothes Line
COL	Structural Column
CRN	Cornice
CS	Cavity Slider
CTN	Curtain
D	Door
DPC	Damproof Course
D.CELL	Drainage cell
EA	Equal Angle
EJ	Expansion Joint

CONSTRUCTIONS/FITTINGS CONT.

FD(1)	Fire Door (hours)
FG	Fixed Glass
FGSS	Frameless Glass Shower Screen
FLR	Floor
FP	Fireplace
FS	Fixed Shelves
FW	Floor Waste
GB	Garbage Bin
GG	Gutter Guard
HK	Hook
HL	Horizontal Louver
HR	Handrail
HT	Hand Towel
IGS	Internal Glazed Screen
JU	Joinery Unit
LV	Louvre
- A	Adjustable
- F	Fixed
- R	Retractable
MIR	Mirror
MX	Mixer
MC	Metal Cladding
MH	Manhole
MJ	Movement Joint
MLD	Moulding
MW	Microwave
OS	Open Shelves
PEL	Pelmet / Curtain / Rollerblind
PF	Pool Fence
PFF	Pre formed Flashing
PTN	Partition
PR	Picture Rail
RFB	Reflective Foil Board insulation
RB	Roller Blind
RS	Recessed Shelf
RSH	Roller Shutter
RW	Retaining Wall
SCP	Suspended Acoustic Ceiling Panel
SD	Slot Drain
SH	Soap Holder
SHR	Shower
SR	Shower Rose
SKY	Sky Light
SPB	Suspended Plasterboard
TBR	Toilet Brush
TP	Tap
TR	Towel Rail
TRH	Toilet Roll Holder
UA	Unequal Angle
UB	Universal Beam
UC	Universal Column
V	Vent
VL	Vertical Louver
W	Window
W-HL	Window - High light
WL	Wall Light
WPM	Waterproof Membrane

HYDRAULIC

AG	Agricultural Drain
BG	Box Gutter
BSN	Basin
BT	Boundary Trap
BTH	Bath
CO	Cleanout
CS	Cleaners Sink
DP	Down Pipe
EG	Eaves Gutter
FE	Fire Extinguisher
FH	Fire Hydrant
FHR	Fire Hose Reel
GD	Grease Drain
GM	Gas Meter
GT	Grease Trap
HWU-#	Hot Water Unit (#)
HYD	Hydraulic
IO	Inspection Opening
MFD-#	Hydronic Heating Manifold (#)
O/F	Over Flow
OFG	Over Flow Gully
RWH-#	Rainwater Head (#)
RWO	Rainwater Outlet
RWT	Rainwater Tank
SD	Sewer Drain
SNK	Sink
SP	Spreader
SW	Storm Water
SWD	Storm Water Drain
LT	Laundry Tub
TD	Trench Drain
VP	Vent Pipe
WC	Toilet
WS	Waste Stack
WTM	Water Meter

MATERIALS / FINISHES

AL	Aluminium
AR	Acrylic Render
BIT	Bitumen
BK-2	Bagged Brick Chips
BK	Bagged Brick
BLK	Blockwork
BP	Brick Pavers
CFC	Compressed Fibre Cement
CO	Copper
CONC	Concrete
CPT	Carpet
CR	Cement Render
CT	Cement Topping with Epoxy Sealer
DAR	Dressed All Round
FBK	Face Brick
FC	Fibre Cement Sheetting Product
FG	Fixed Glass
FGR	Fibre Glass Roofing
G	Glass
GALV	Galvanised
GRF	Granolithic Finish
GRT	Granolithic Topping / Epoxy Sealer
HWD	Hardwood
INSUL	Insulation
LAM	Laminate
MCT	Micro Cement
MR	Metal Roofing
MS	Mild Steel
OFC	Off Form Concrete
PT	Paint
PB	Plasterboard
PFL	Padded Flooring
PLY	Plywood
POL	Polyurethane
RC	Reinforced Concrete(Type refer to spec)
RT	Recycled Timber
RUB	Rubber
SC	Shingle Cladding
SCP	Satin Chrome Plate
SCR	Screed
SJ	Silicon Joint
SK	Skirting
SKT	Skirting Tile
SP	Set Plaster
SS	Stainless Steel
STN	Stone
TC	Texture Coating
TG	Translucent Glass
TFL	Timber Floor Boards
TB	Timber Battens
TIM	Timber
TLE	Tile
TLE-#	Tile Type #(Type refer to spec)
TMB	Termite Moisture Barrier
TRT	Terracotta Floor Tiles
TZ	Terrazzo
VBM	Vapour Barrier/Damp Proof Membrane
VEN	Veneer
VYL	Vinyl
VT	Vinyl Tiles
WBC	Weatherboard Cladding
WRC	Western Red Cedar
WP	Wall Paper
WPB	Waterproof Plasterboard
WPM	Waterproof Membrane

LANDSCAPE

DG	Decomposed Granite
DRM	Decorative Rock Mulch
GBE	Garden Bed Edge as specified
GB	Garden Bed
PB	Pebbles
PP	Paving Permeable
PS	Paving Slab
PV	Pavers
TOW	Top of Wall

BASIX[®]Certificate

Building Sustainability Index www.basix.nsw.gov.au

Multi Dwelling

Certificate number: 1384022M

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.basix.nsw.gov.au

Secretary
Date of issue: Friday, 07 July 2023

To be valid, this certificate must be lodged within 3 months of the date of issue.



Nationwide House Energy Rating Scheme — Multiple Class1-dwelling summary NatHERS Certificate No. 0008754850

Generated on 07 Jul 2023 using BERS Pro v4.4.1.5 (3.21)

Property

Address 52 HIGH STREET , THIRROUL , NSW , 2515
Lot/DP 2B/1239971
NatHERS climate zone 56

Accredited assessor

Martin Pinson
INTEGRECO
consulting@integreco.com
0422144603
Accreditation No. DMN/19/1921
Assessor Accrediting Organisation Design Matters National



Verification

To verify this certificate, scan the QR code or visit hstar.com.au/QR/Generate?p=TMLvnuARX .
When using either link, ensure you are visiting hstar.com.au

Summary of all dwellings

Certificate number and link	Unit Number	Heating load (MJ/m ² /p.a.)	Cooling load (MJ/m ² /p.a.)	Total load (MJ/m ² /p.a.)	Star rating
000875451Z	A	34.6	13.5	48.1	6.2
0008754491	B	37.3	18.2	55.5	5.7

National Construction Code (NCC) requirements

The NCC's requirements for NatHERS-rated houses are detailed in 3.12.0(a)(i) and 3.12.5 of the NCC Volume Two. For apartments the requirements are detailed in J0.2 and J5 to J8 of the NCC Volume One.

In NCC 2019, these requirements include minimum star ratings and separate heating and cooling load limits that need to be met by buildings and apartments through the NatHERS assessment. Requirements additional to the NatHERS assessment that must also be satisfied include, but are not limited to: insulation installation methods, thermal breaks, building sealing, water heating and pumping, and artificial lighting requirements. The NCC and NatHERS Heating and Cooling Load Limits (Australian Building Codes Board Standard) are available at www.abcb.gov.au.

State and territory variations and additions to the NCC may also apply.

Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments.
For more details see www.nathers.gov.au.

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REVISION		
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SCALE

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52 HIGH ST - LEGEND & BASIX

DRAWING STATUS

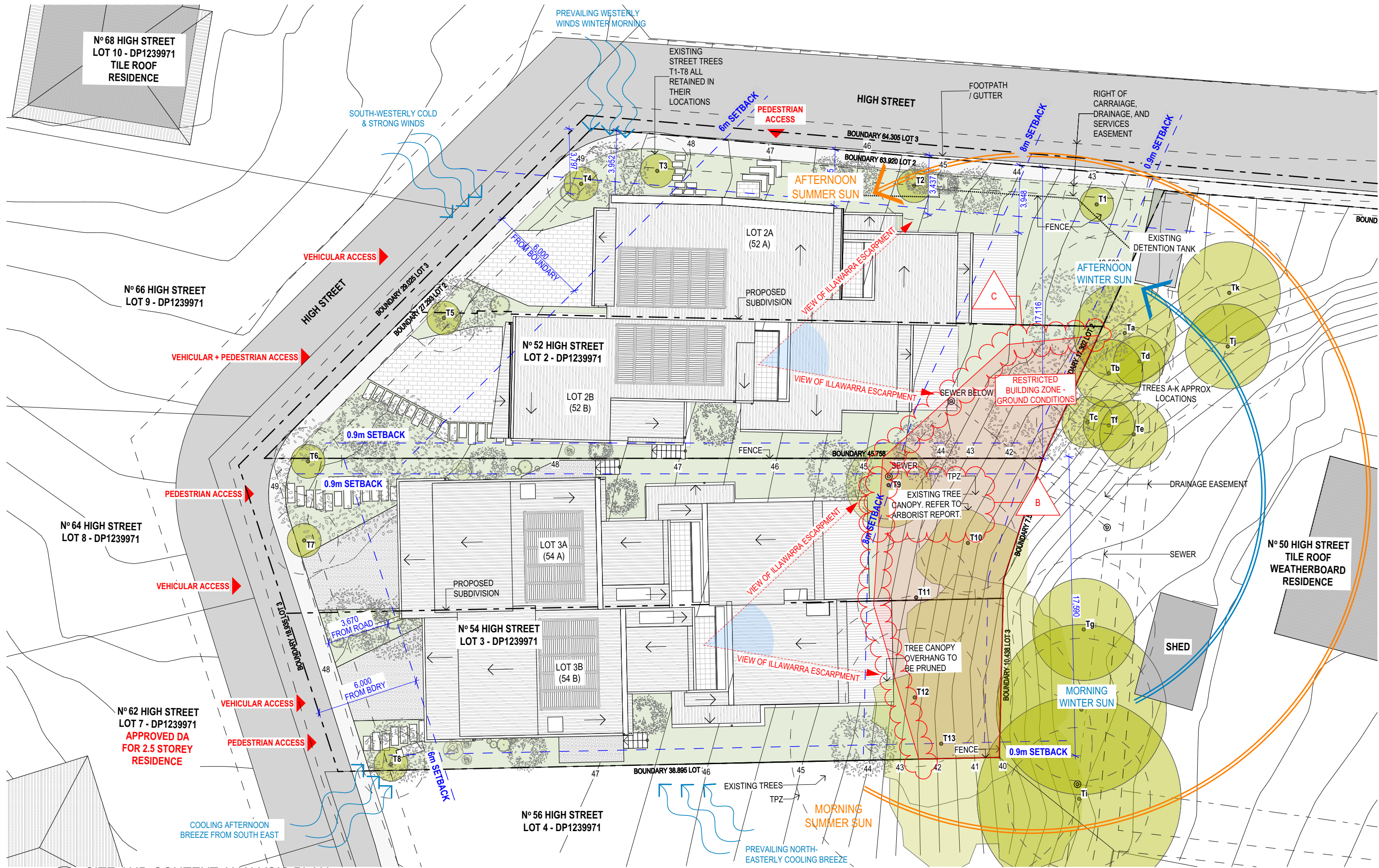
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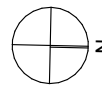


1 SITE AND CONTEXT ANALYSIS PLAN
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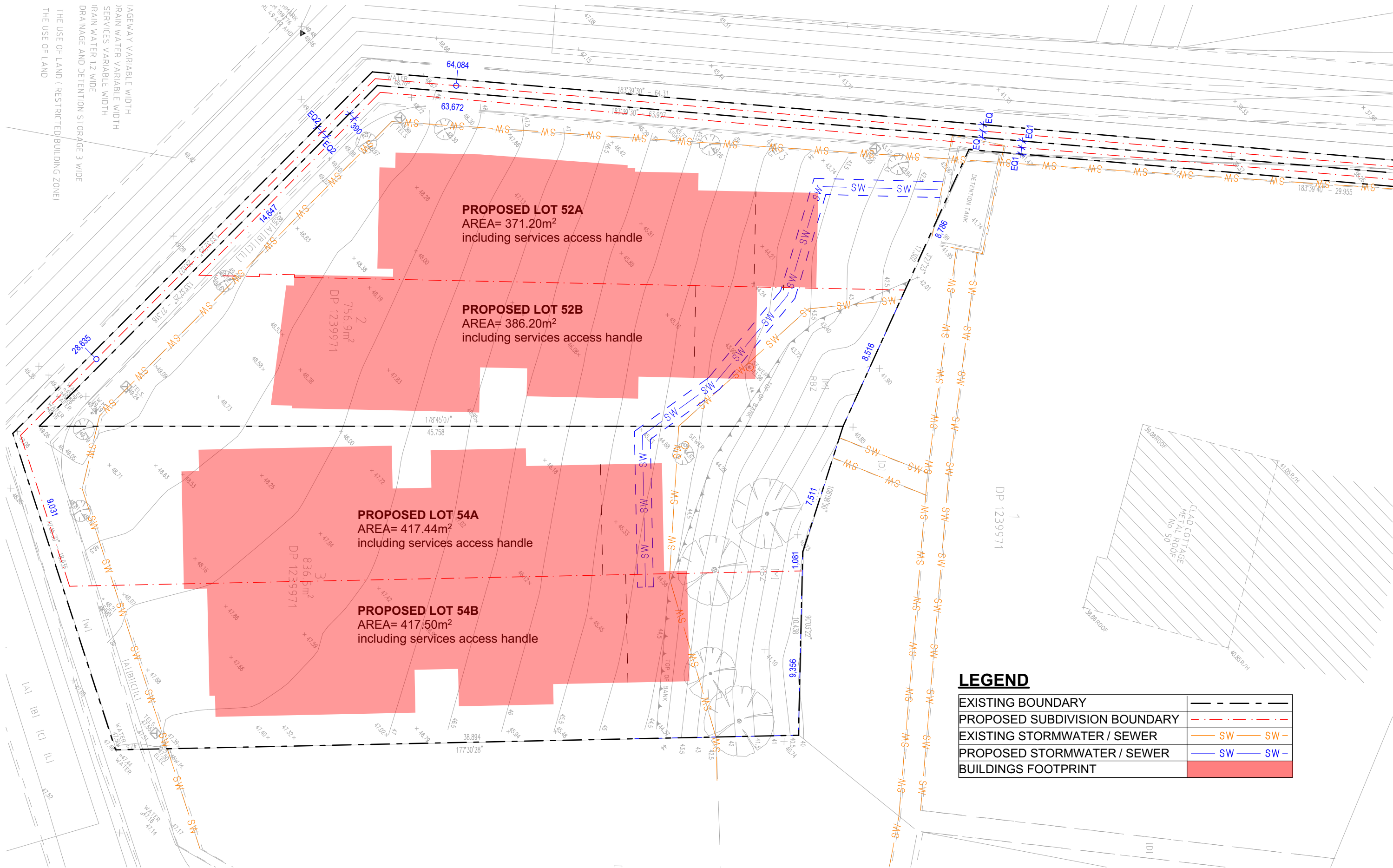
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ANALYSIS PLAN**
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TORRENS TITLE PLAN
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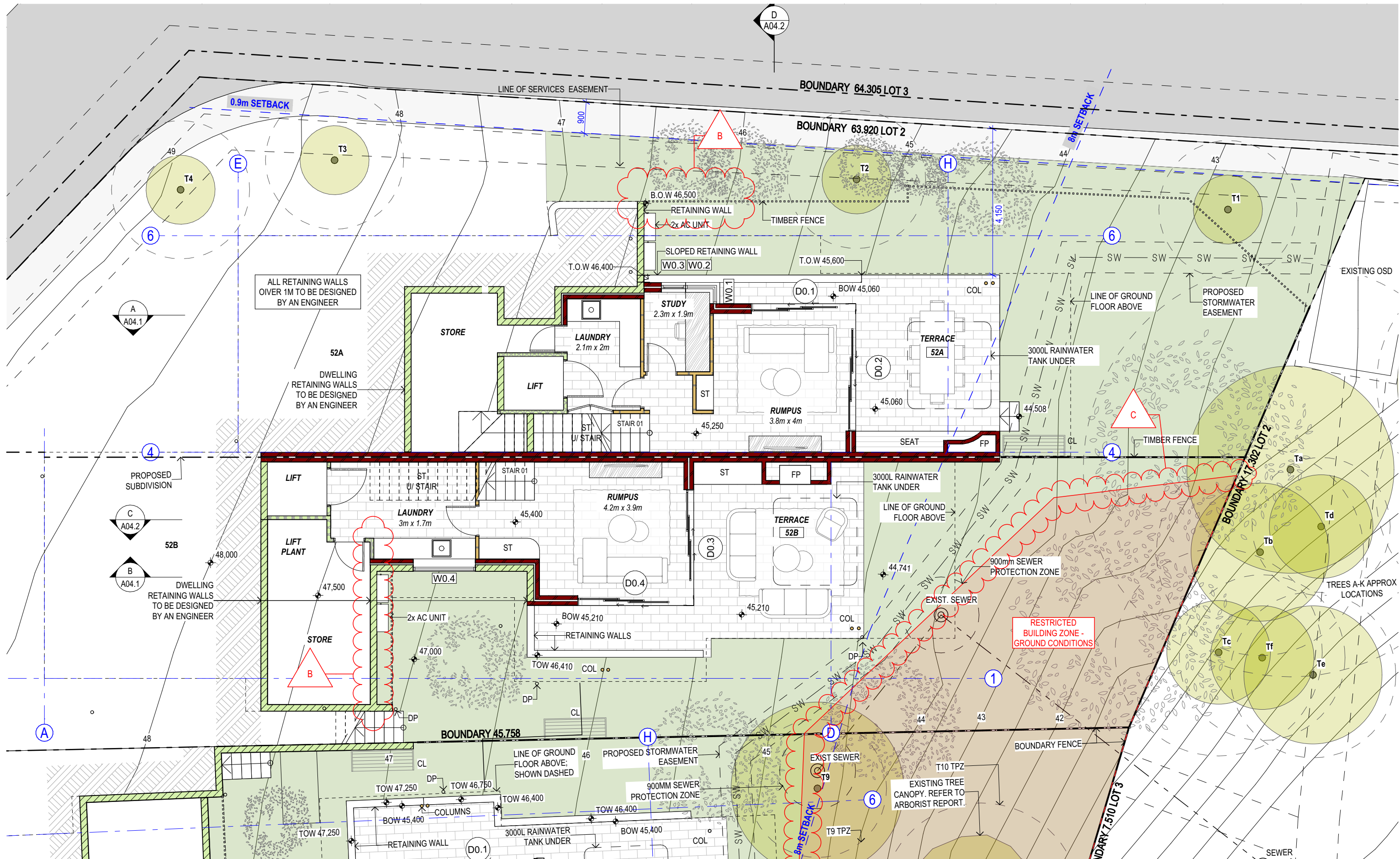
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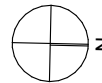


1 LOWER GROUND FLOOR PLAN
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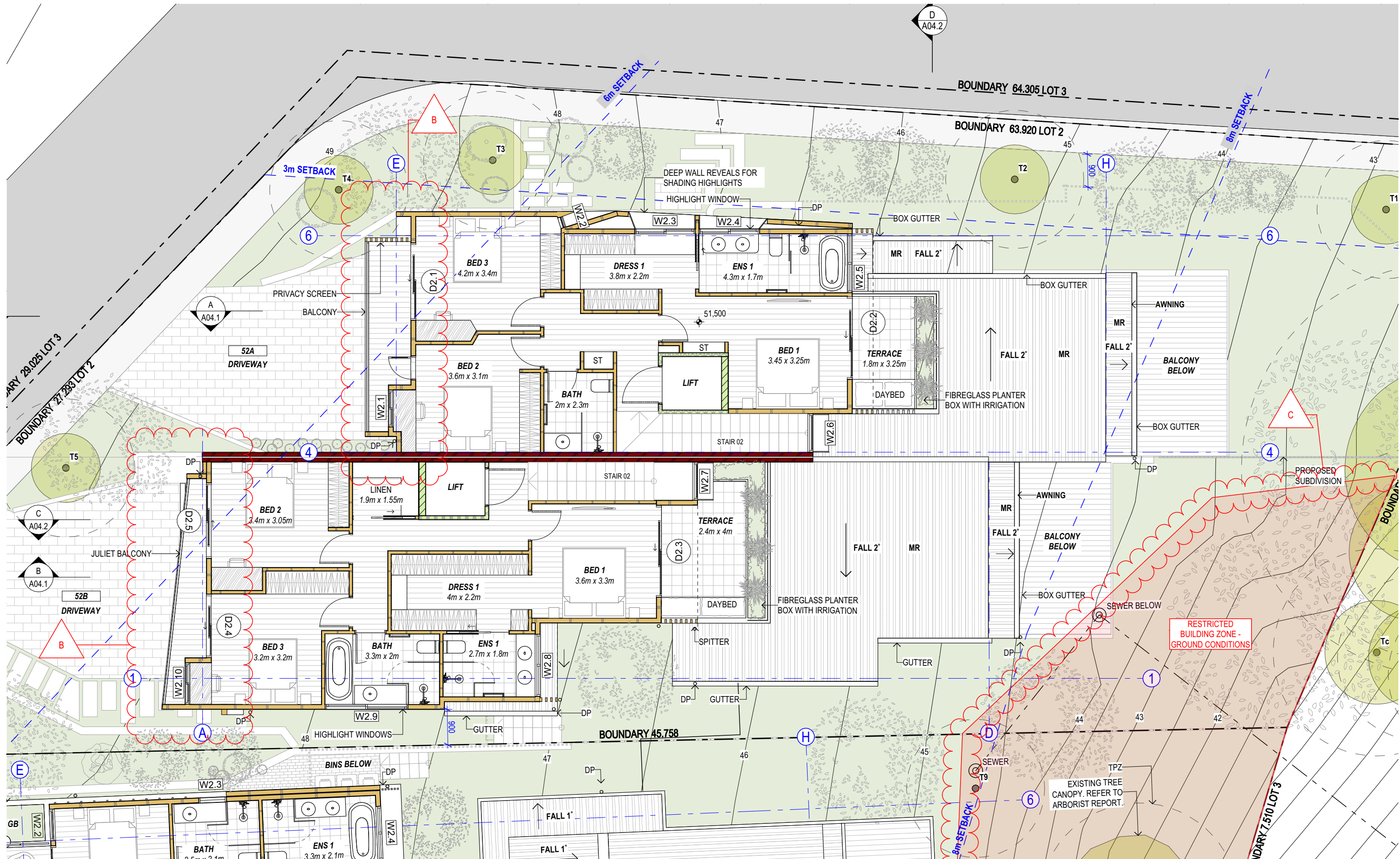
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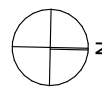


1 FIRST FLOOR PLAN
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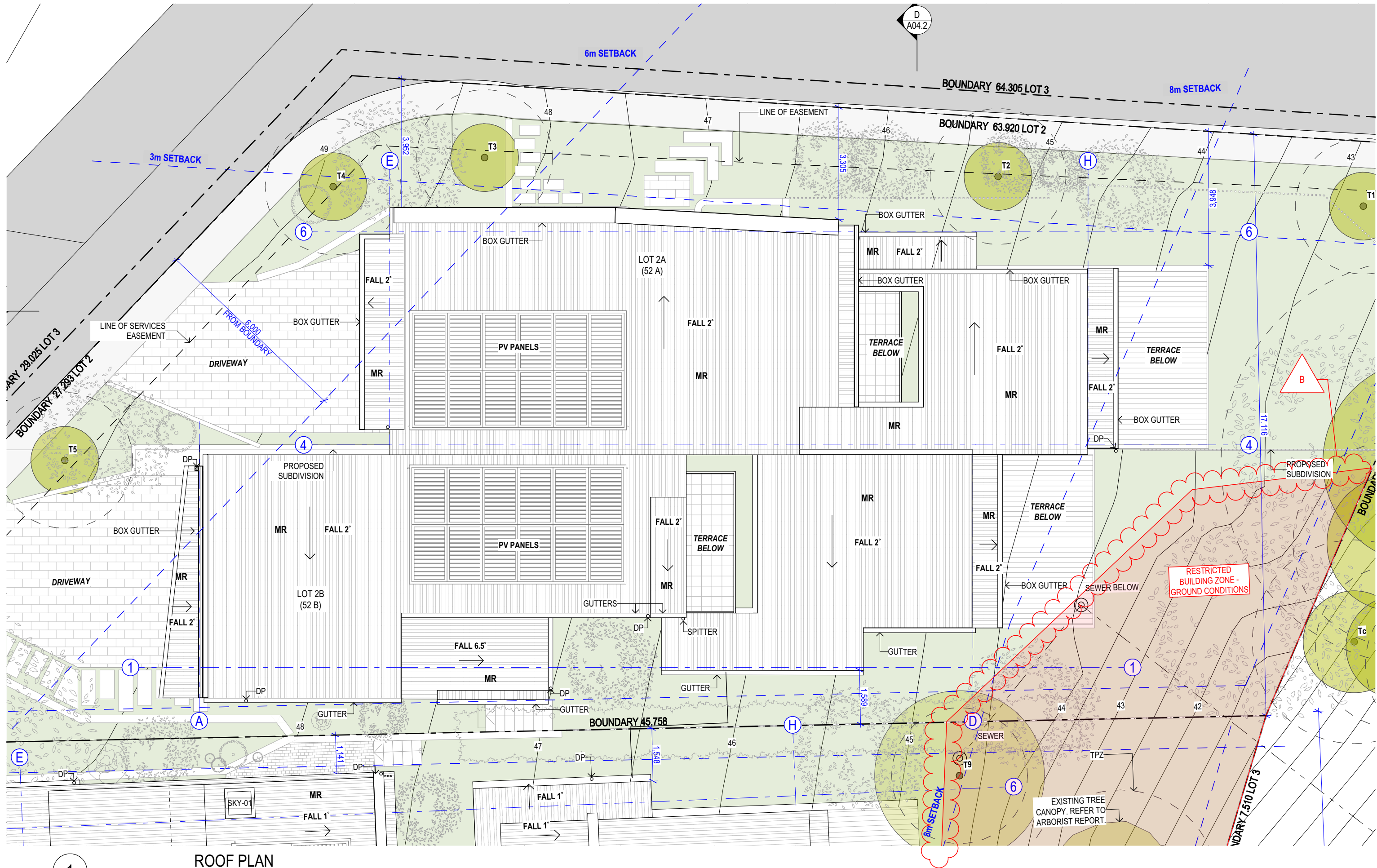
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DEVELOPMENT APPLICATION

DRAWING NO
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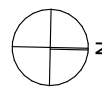


1 ROOF PLAN
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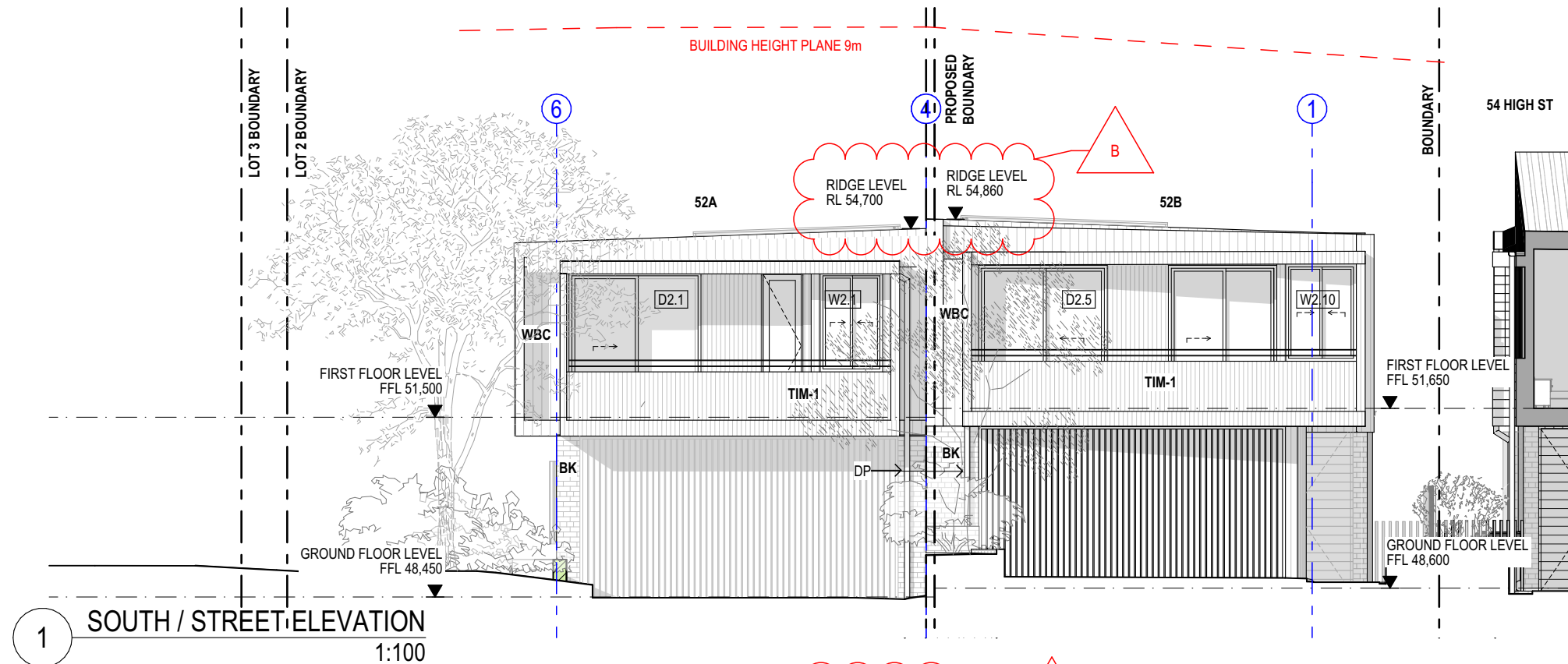
PROJECT NO	REVISION	DATE
2120	A DA SUBMISSION	02/06/2023
	B RBZ	25/01/2024

DATE PRINTED: 25/01/2024
PAPER SIZE: A3
DRAWN BY: LSK, RL
CHECKED BY: MM

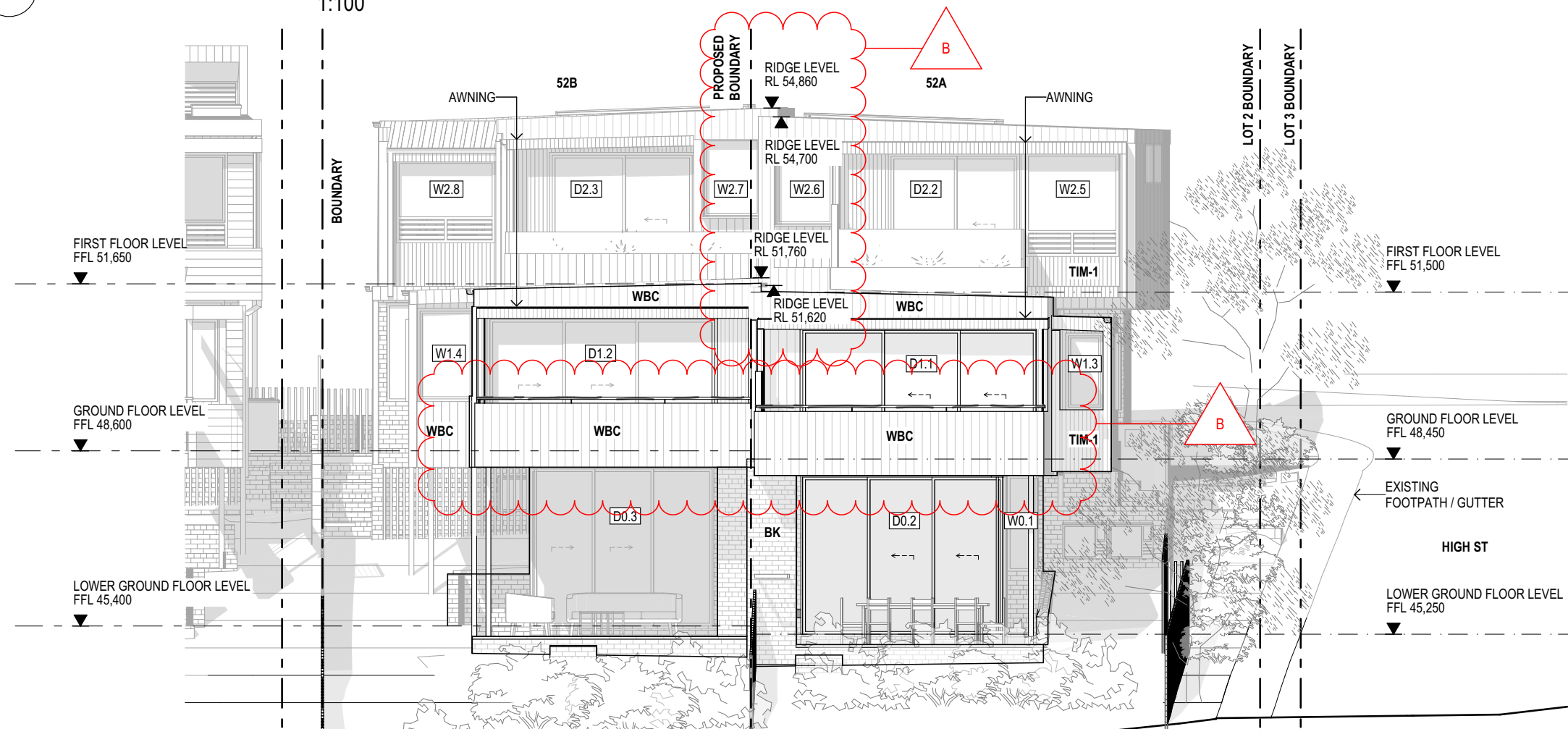
SCALE
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0 1 2

DRAWING TITLE
52 HIGH ST - ROOF PLAN
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO	REVISION
A02.4	B



1 SOUTH / STREET ELEVATION
1:100



2 NORTH / REAR ELEVATION
1:100



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PROJECT
52 HIGH ST THIRROUL
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PROJECT NO	REVISION	DATE
2120	A DA SUBMISSION	02/06/2023
	B COUNCIL RFI	22/11/2023

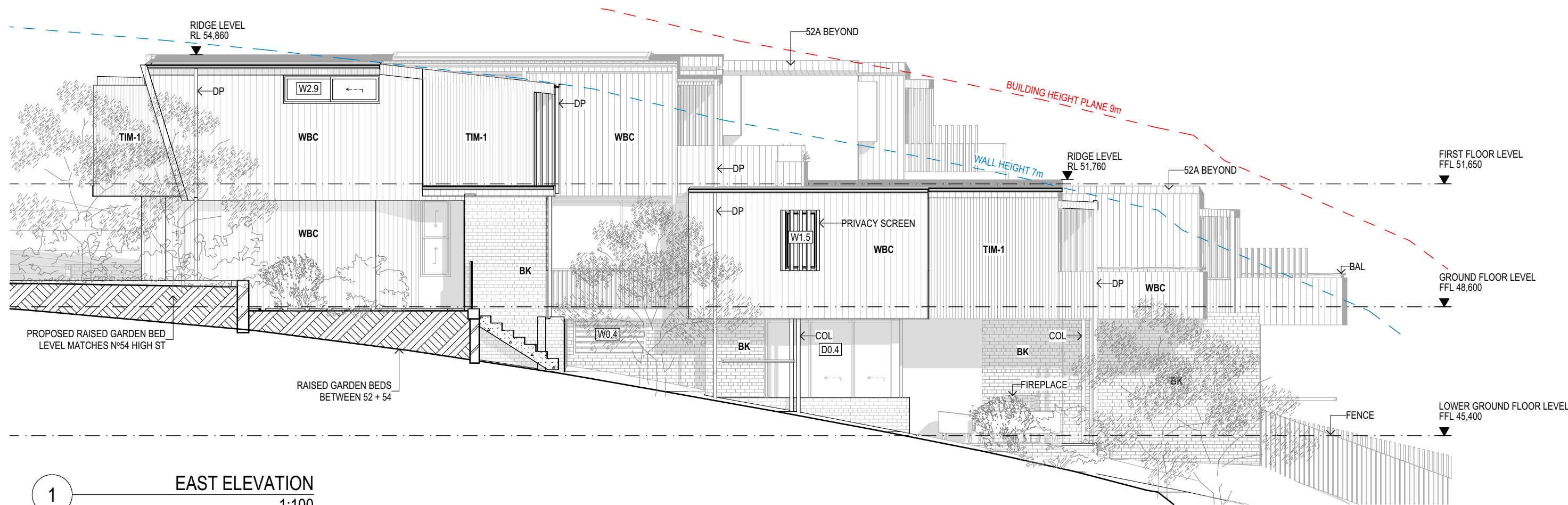
DATE PRINTED: 24/11/2023
PAPER SIZE: A3
DRAWN BY: LSK, RL
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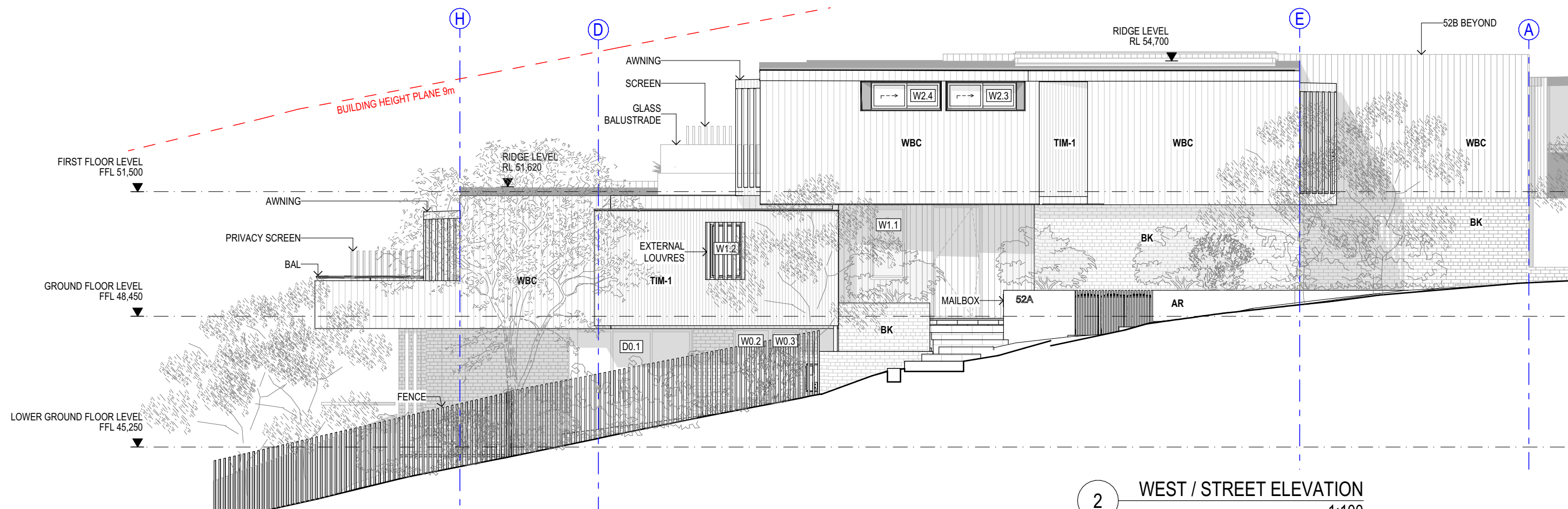
DRAWING TITLE
**52 HIGH ST - SOUTH & NORTH
ELEVATIONS**
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A03.1
REVISION
B

NOT FOR CONSTRUCTION



1 EAST ELEVATION
1:100



2 WEST / STREET ELEVATION
1:100

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52 HIGH ST THIRROUL
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PROJECT NO	REVISION	DATE
2120	A DA SUBMISSION	02/06/2023

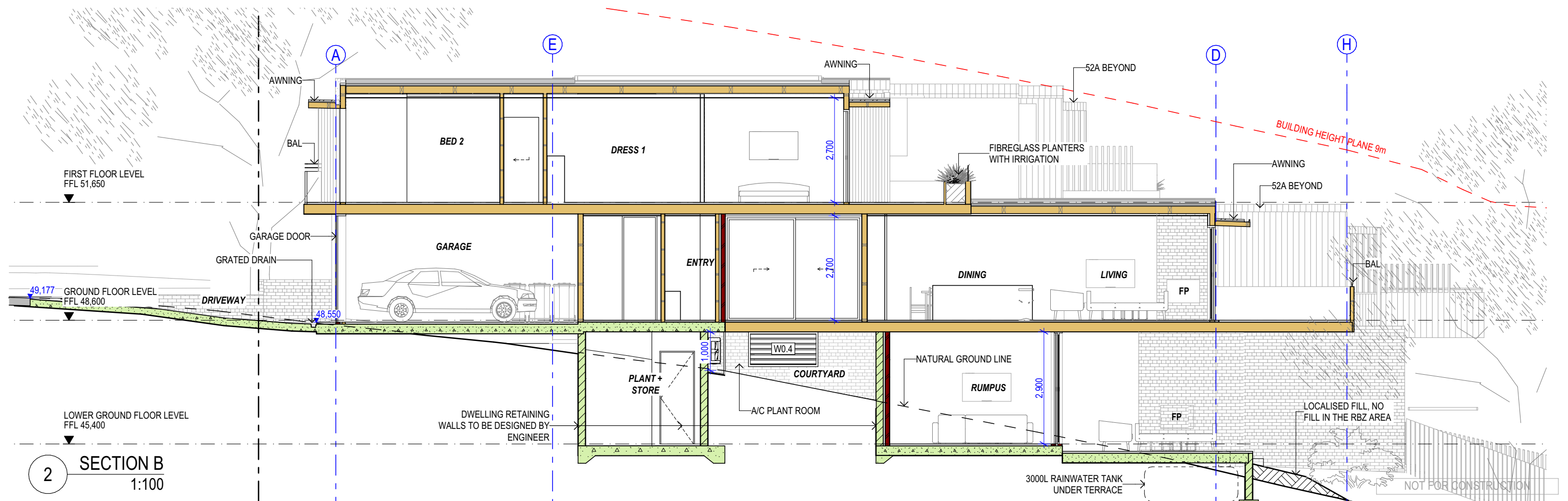
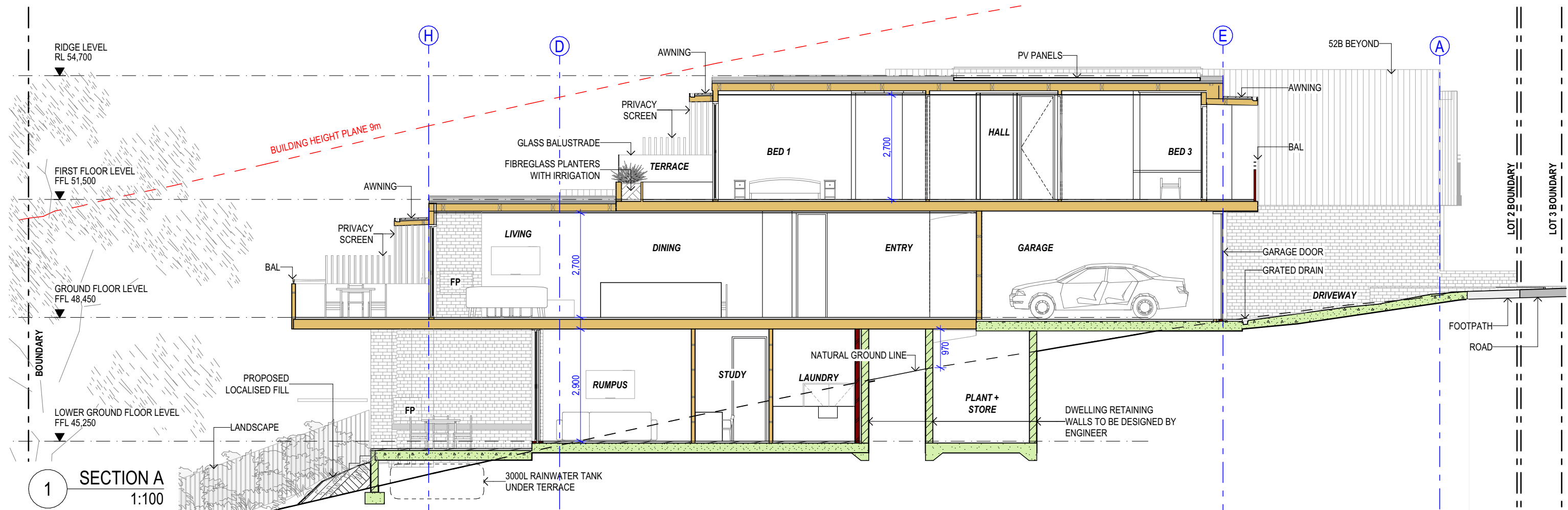
DATE PRINTED: 24/11/2023
PAPER SIZE: A3
DRAWN BY: LSK, RL
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1:100
0 1 2

DRAWING TITLE
52 HIGH ST - EAST & WEST
ELEVATIONS
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A03.2

REVISION
A



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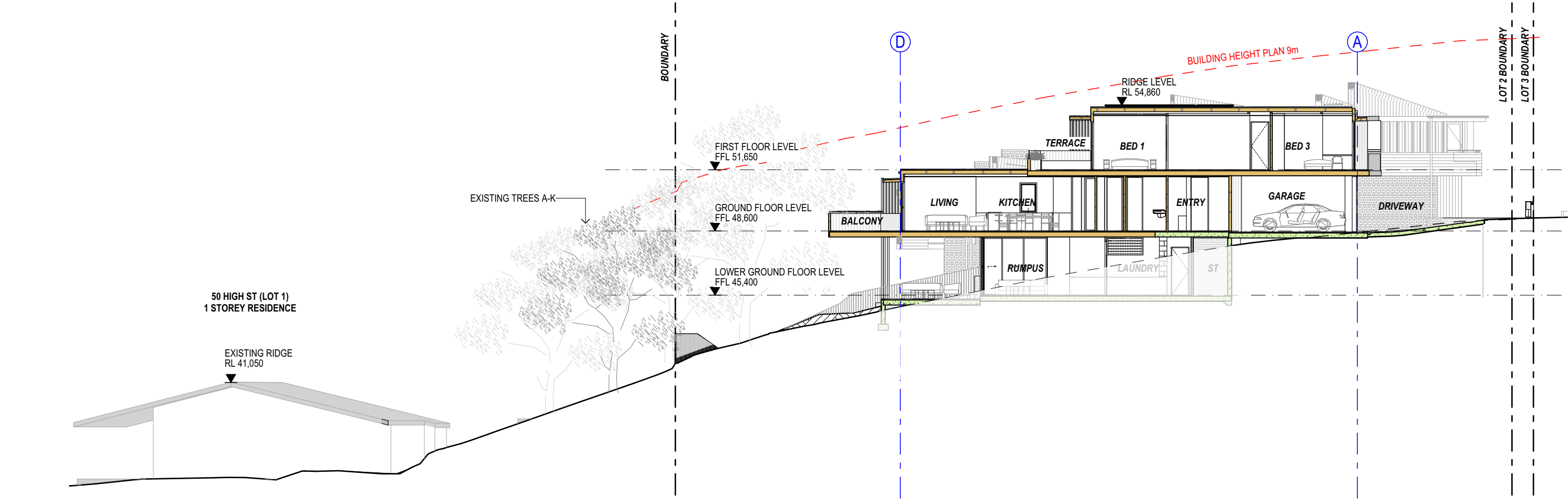
PROJECT NO	REVISION	DATE PRINTED: 4/12/2023
2120	A DA SUBMISSION	02/06/2023

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DRAWN BY: LSK, RL
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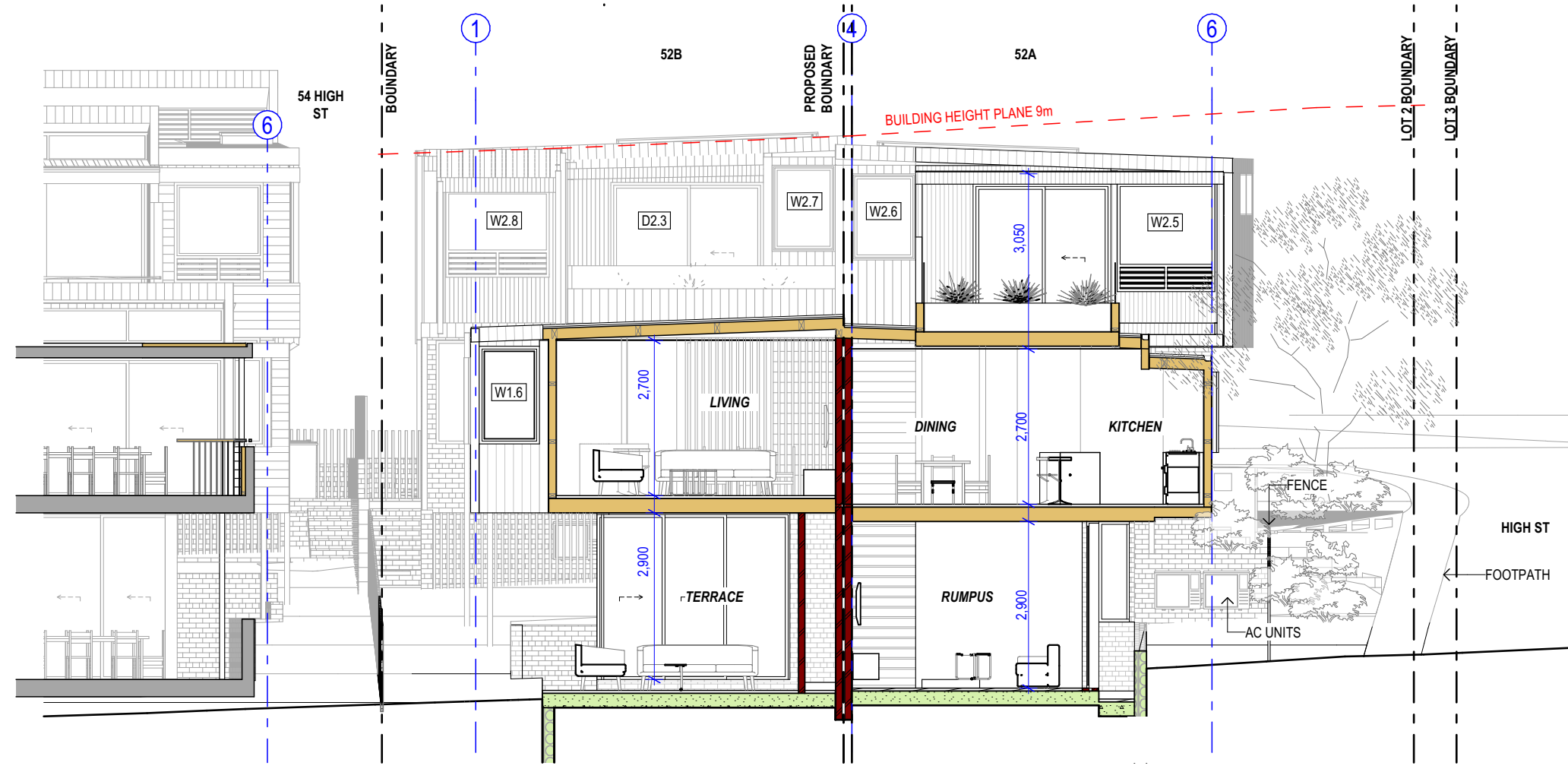
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DRAWING TITLE
52 HIGH ST - SECTIONS A & B
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A04.1
REVISION
A



1 SECTION C
1:200



2 SECTION D
1:100



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PROJECT NO	REVISION	DATE
2120	A DA SUBMISSION	02/06/2023

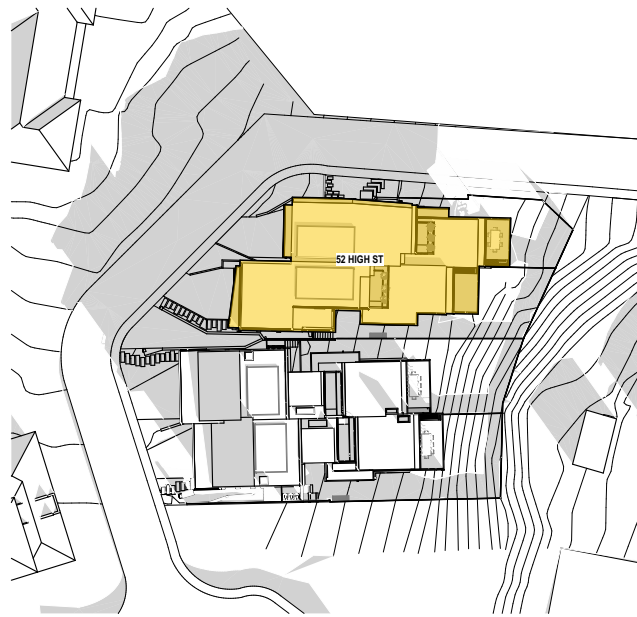
DATE PRINTED: 24/11/2023
PAPER SIZE: A3
DRAWN BY: LSK, RL
CHECKED BY: MM

SCALE
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DRAWING TITLE
52 HIGH ST - SECTIONS C & D
DRAWING STATUS
DEVELOPMENT APPLICATION

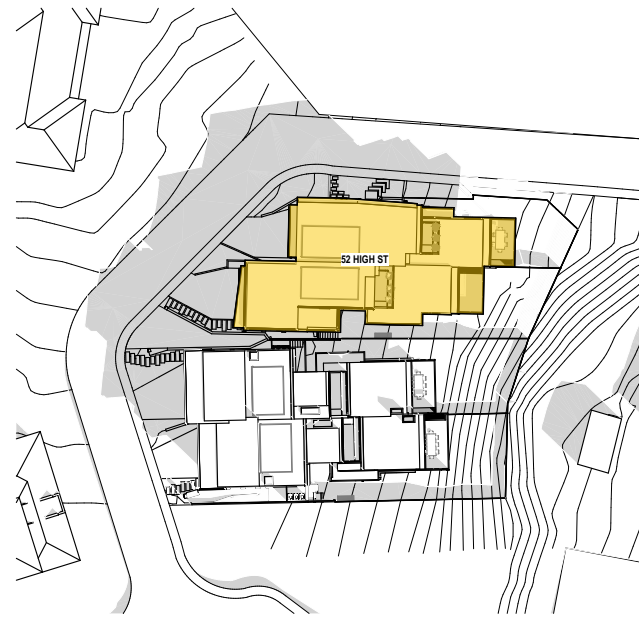
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DRAWING NO	REVISION
A04.2	A



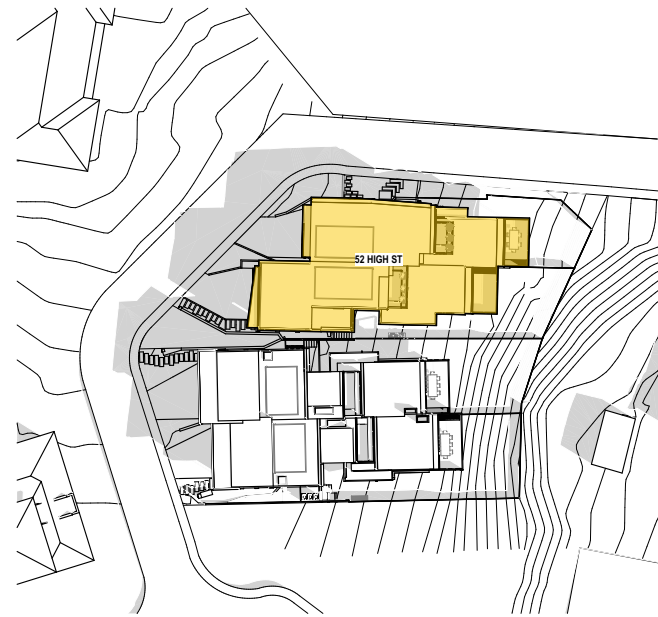
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June 21 - 9am



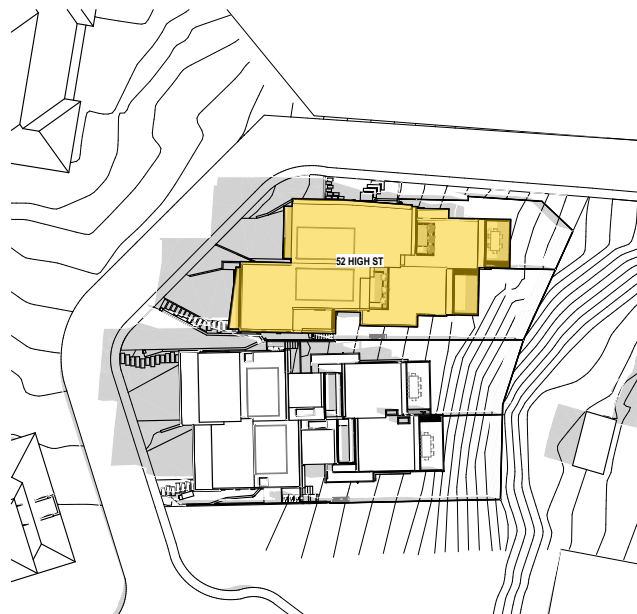
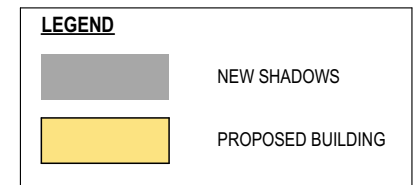
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June 21 - 10am



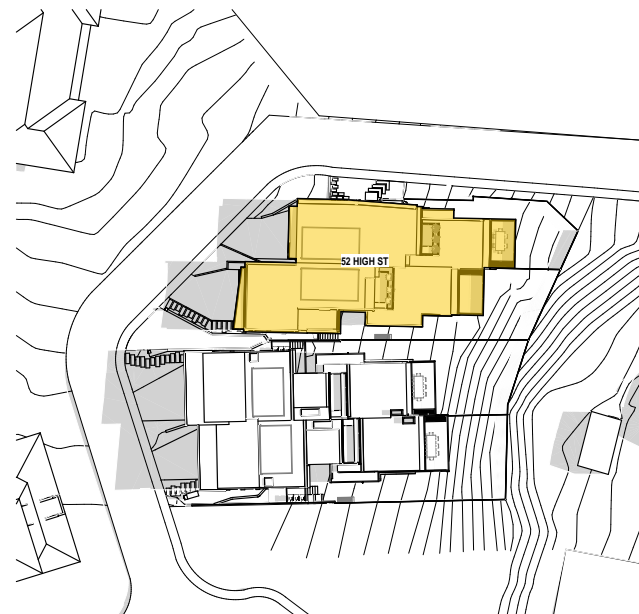
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June 21 - 11am



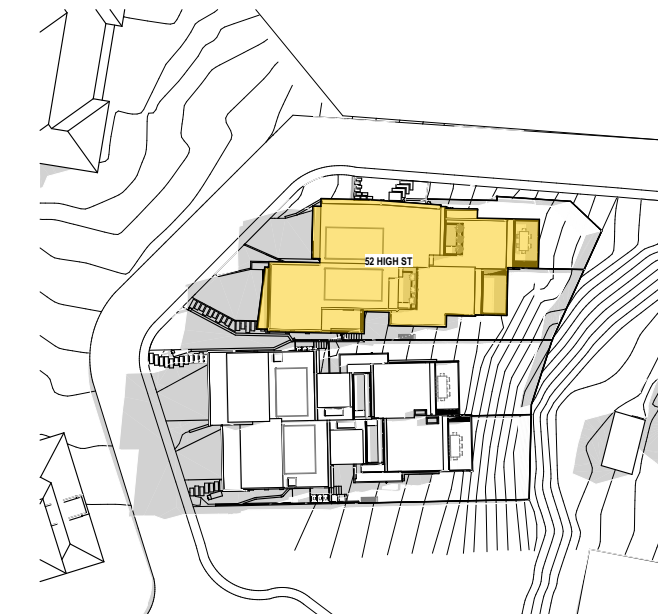
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June 21 - 12pm



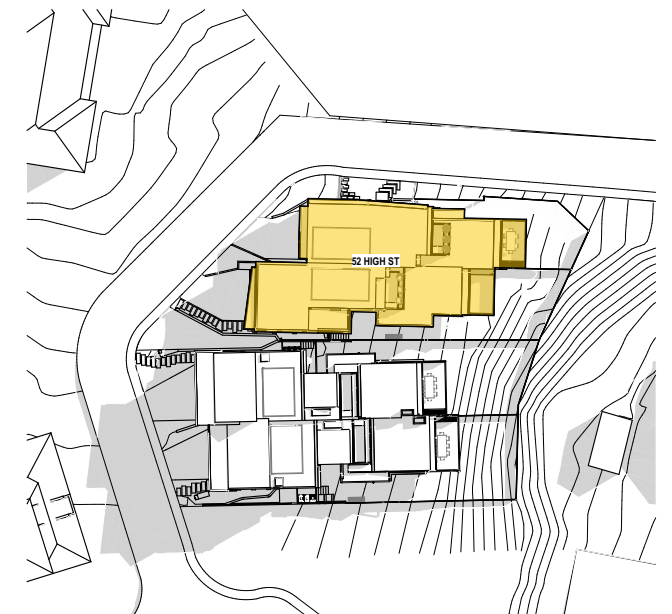
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June 21 - 1pm



6

June 21 - 2pm

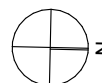


7

June 21 - 3pm



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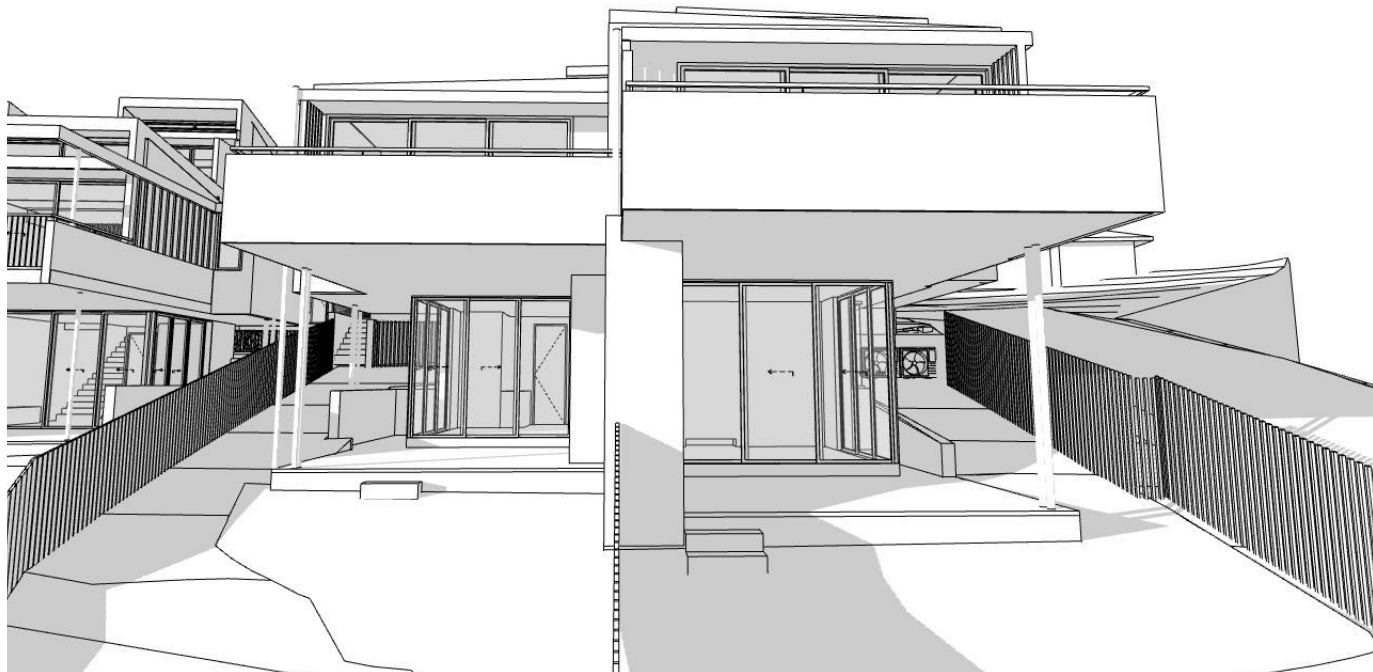
PROJECT NO	REVISION	DATE PRINTED: 24/11/2023	SCALE
2120	A DA SUBMISSION	02/06/2023	PAPER SIZE: A3
			DRAWN BY: LSK, RL
			CHECKED BY: MM

DRAWING TITLE
52 HIGH ST - SHADOW DIAGRAM -
21 JUNE
DRAWING STATUS
DEVELOPMENT APPLICATION

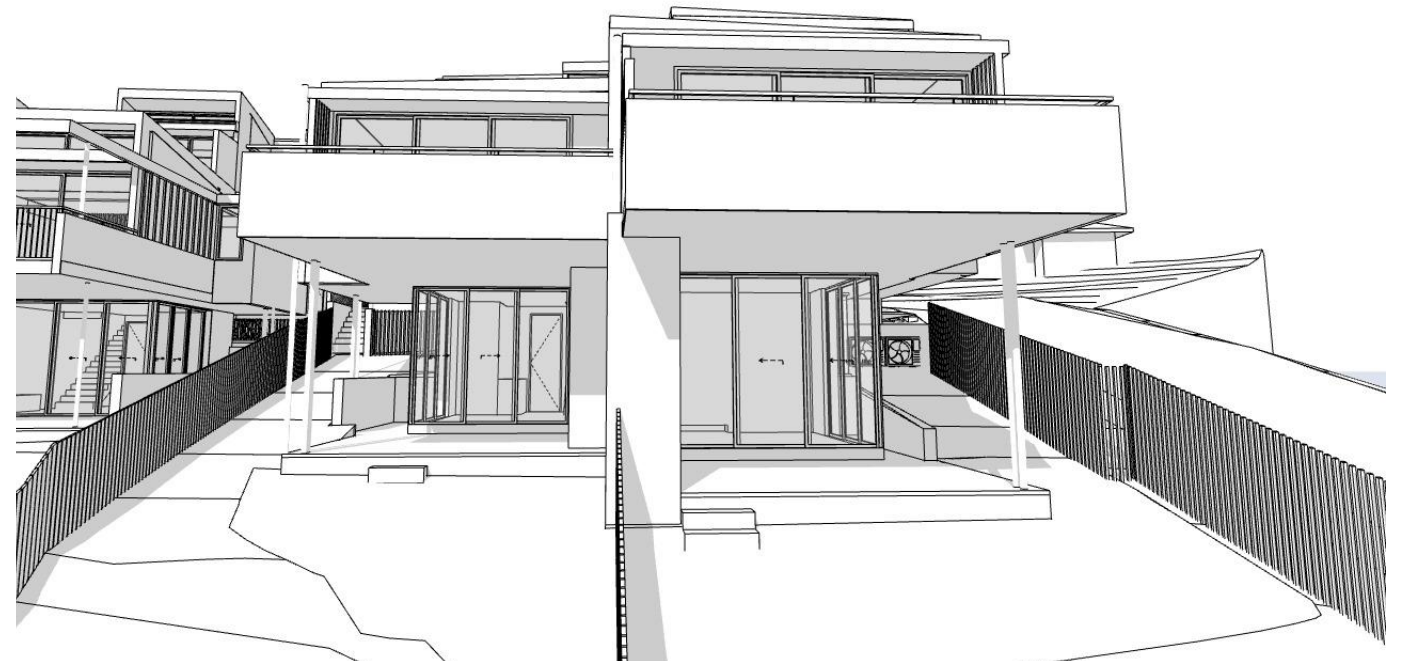
DRAWING NO
A09.1

REVISION
A

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1 21 JUNE - 9AM



2 21 JUNE - 12PM



3 21 JUNE - 3PM

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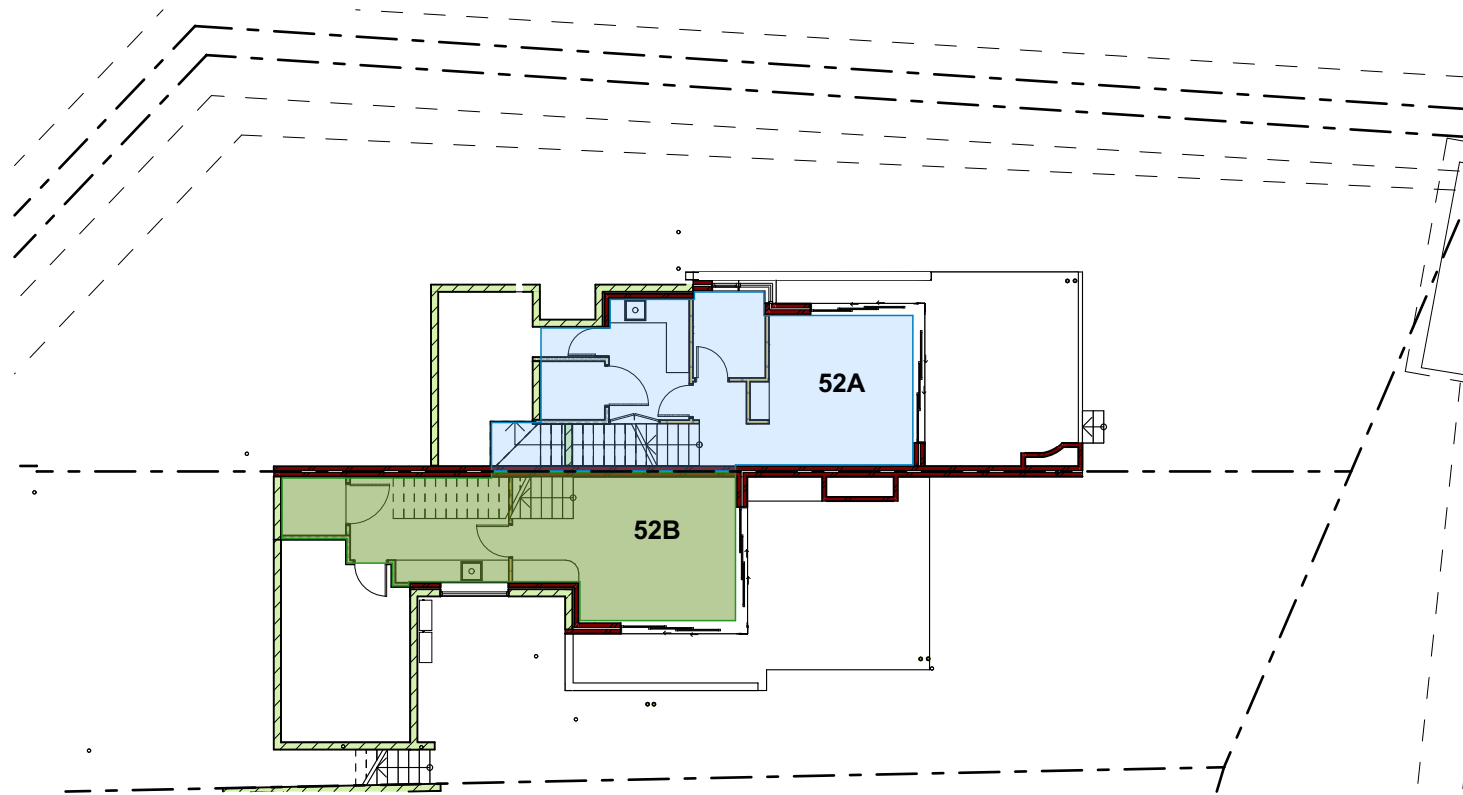
PROJECT NO	REVISION	
2120	A	DA SUBMISSION 02/06/2023

DATE PRINTED: 24/11/2023 SCALE
PAPER SIZE: A3
DRAWN BY: LSK, RL
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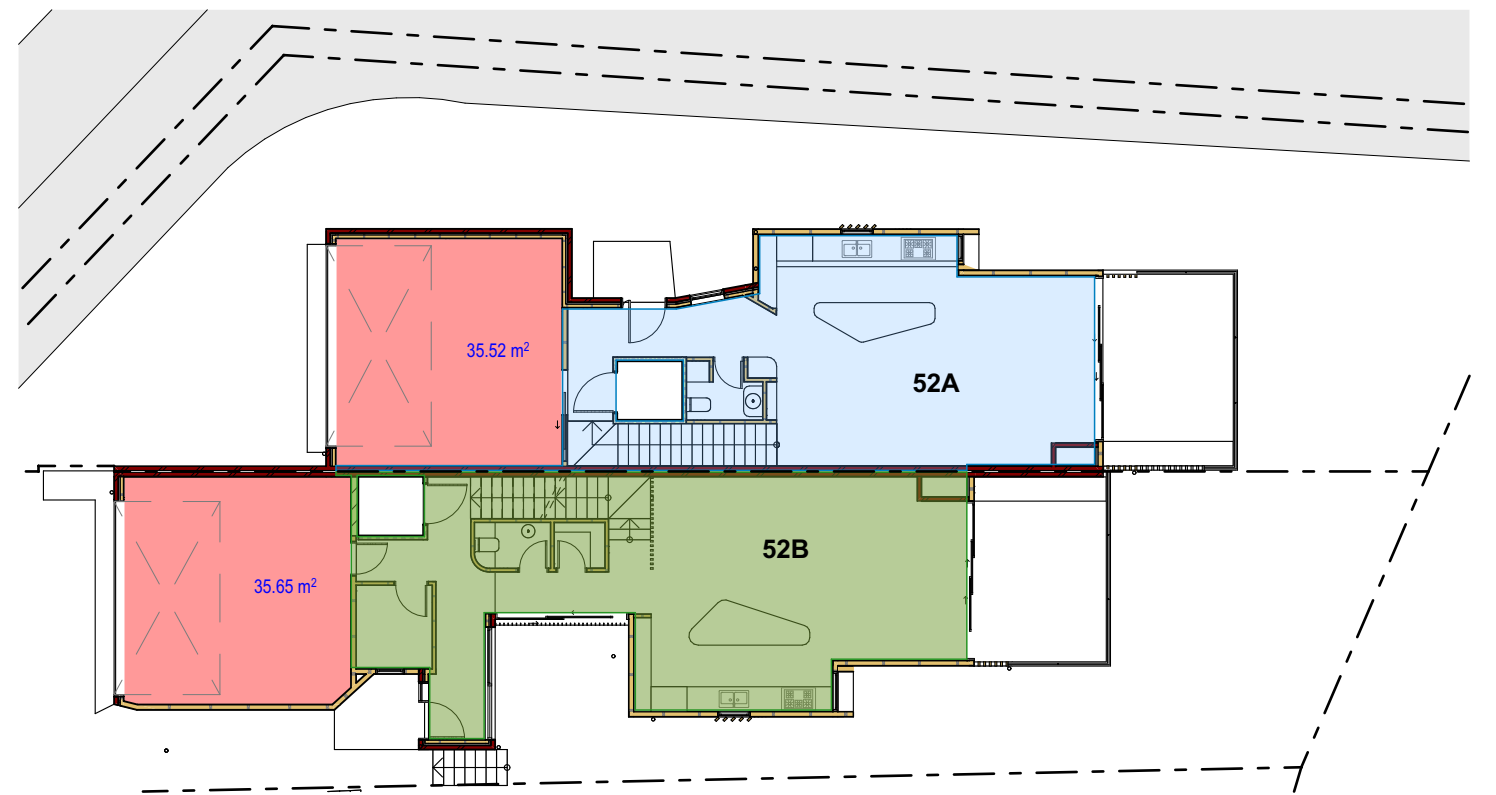
DRAWING TITLE
52 HIGH ST - 3D SHADOW DIAGRAM
RUMPUS - 21 JUNE
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A09.2

REVISION
A



1 FSR - LOWER GROUND FLOOR
1:200



2 FSR - GROUND FLOOR
1:200

FSR CALCULATION:

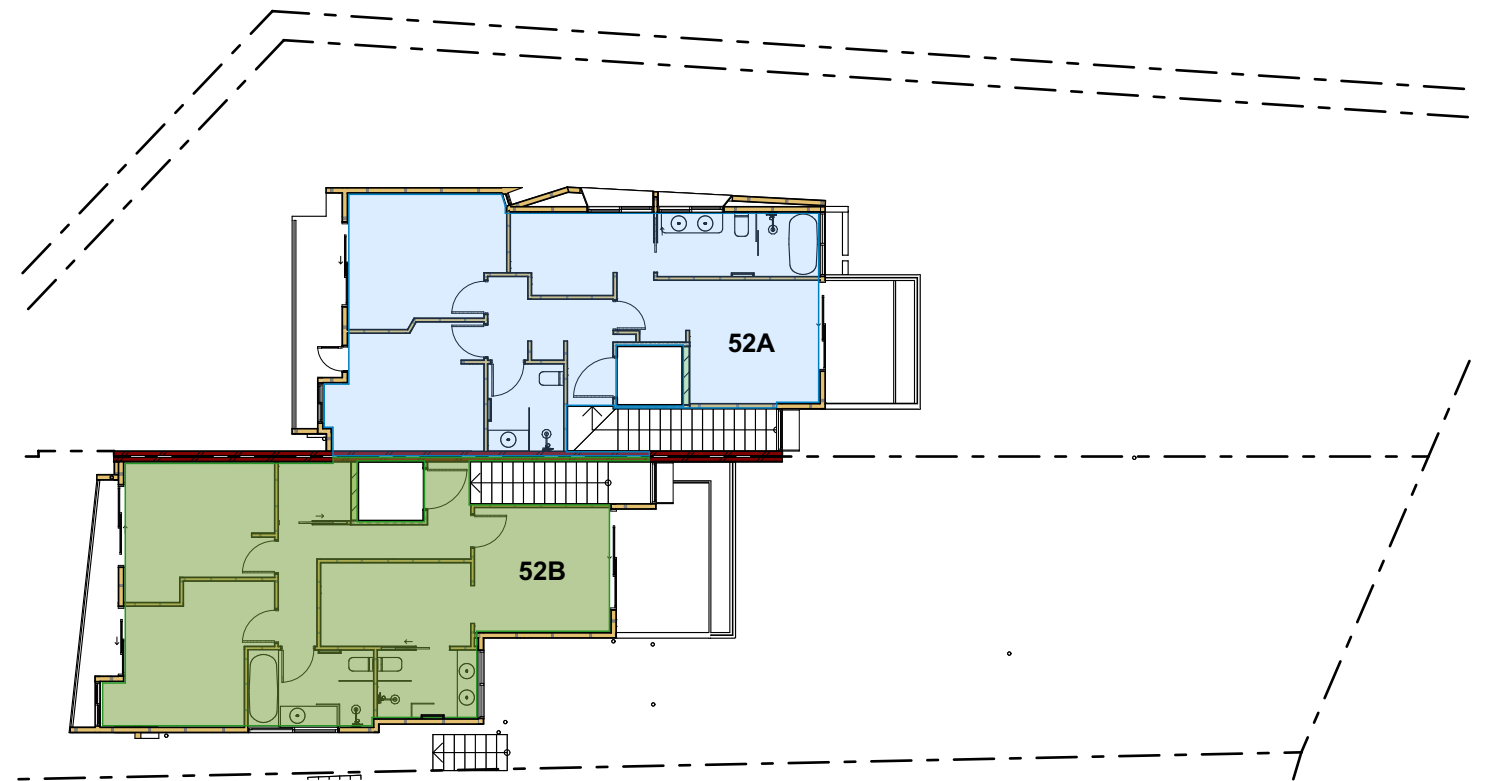
PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 52A	0.5:1	185.60m²	185.39m²	YES
Nº 52B	0.5:1	193.10m²	193.07m²	YES

SITE AREA:

Nº 52A	371.20m²
Nº 52B	386.20m²

GFA - PROPOSED 52A		
LOT	STOREY	Measured Area
52A	LOWER GROUND FLOOR	42.82
52A	GROUND FLOOR	71.06
52A	FIRST FLOOR	71.51
		185.39 m²

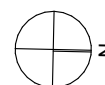
GFA - PROPOSED 52B		
LOT	STOREY	Measured Area
52B	LOWER GROUND FLOOR	35.62
52B	GROUND FLOOR	83.25
52B	FIRST FLOOR	74.20
		193.07 m²



3 FSR - FIRST FLOOR
1:200



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PROJECT
52 HIGH ST THIRROUL
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PROJECT NO	REVISION	DATE
2120	A DA SUBMISSION	02/06/2023
	B COUNCIL RFI	22/11/2023

DATE PRINTED: 24/11/2023
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SCALE
1:200
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DRAWING TITLE
52 HIGH ST - FSR DIAGRAM
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A10.1
REVISION
B

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


DCP LANDSCAPE CONTROL:
- 20% of site under 600m²- Min. 1.5m depth
- half of landscape area to be deep soil & have minimum dimension of 3m

SITE AREA:

Nº 52A	371.20m ²
Nº 52B	386.20m ²

LANDSCAPE AREA - 52A	
Number	Measured Area
01A	3.38
02A	22.07
03A	7.15
04A	51.12
05A	34.61
	118.33 m ²
LANDSCAPE AREA - 52B	
Number	Measured Area
01B	2.68
02B	16.92
03B	12.58
04B	7.86
05B	3.36
06B	56.77
	100.17 m ²

LEGEND

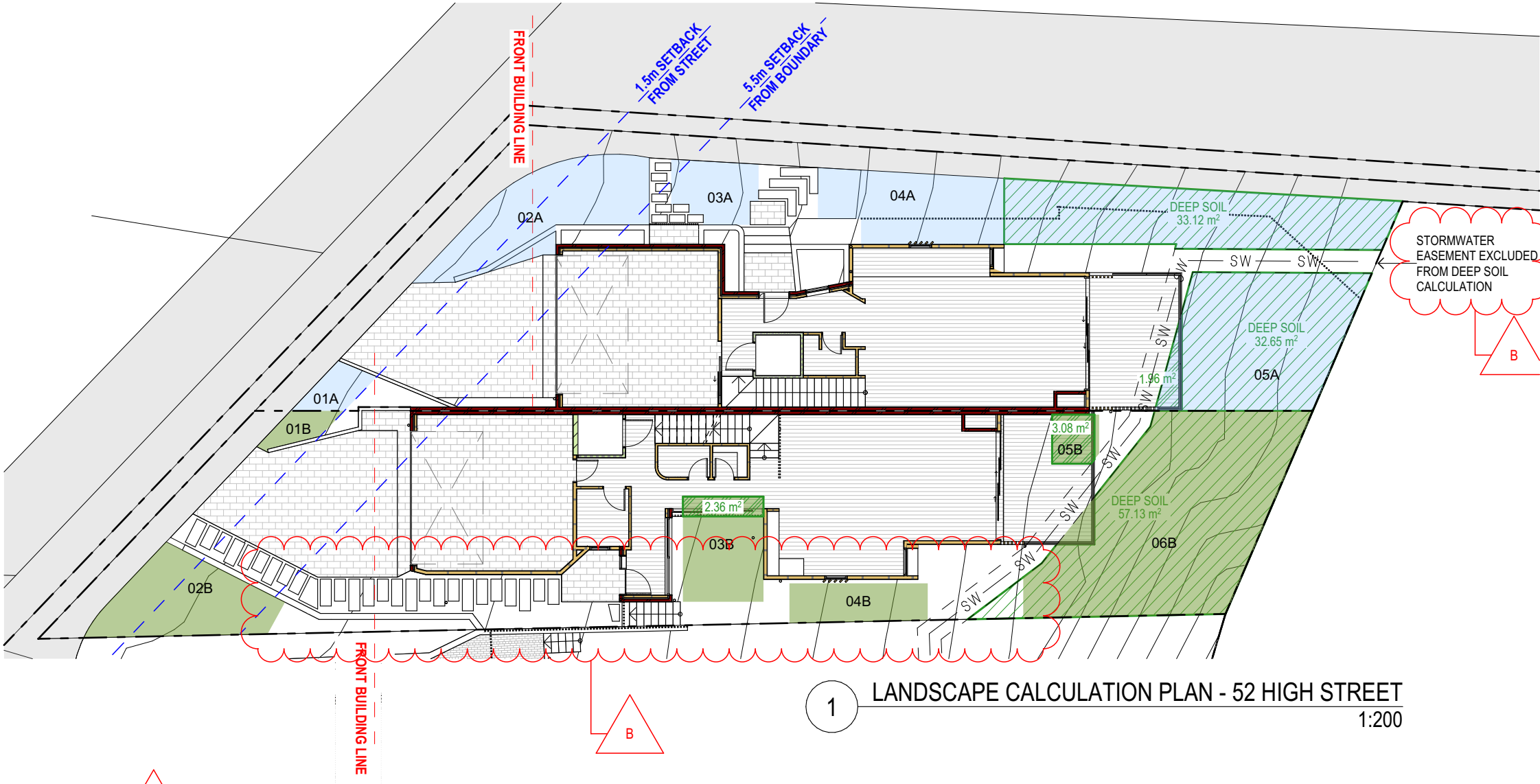
LANDSCAPE AREA	
LANDSCAPE AREA UNDER EAVES	
DEEP SOIL AREA	

LANDSCAPE CALCULATION:

PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 52A	20%	74.24m ²	118.33m ²	YES
Nº 52B	20%	77.24m ²	100.17m ²	YES

DEEP SOIL CALCULATION:

PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 52A	50%	37.12m ²	65.77m ²	YES
Nº 52B	50%	38.62m ²	55.44m ²	YES



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52 HIGH ST THIRROUL
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PROJECT NO	REVISION
2120	A DA SUBMISSION 02/06/2023
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DATE PRINTED: 24/11/2023
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SCALE
1:200
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DRAWING TITLE
52 HIGH ST - LANDSCAPE
CALCULATION
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A10.2
REVISION
B

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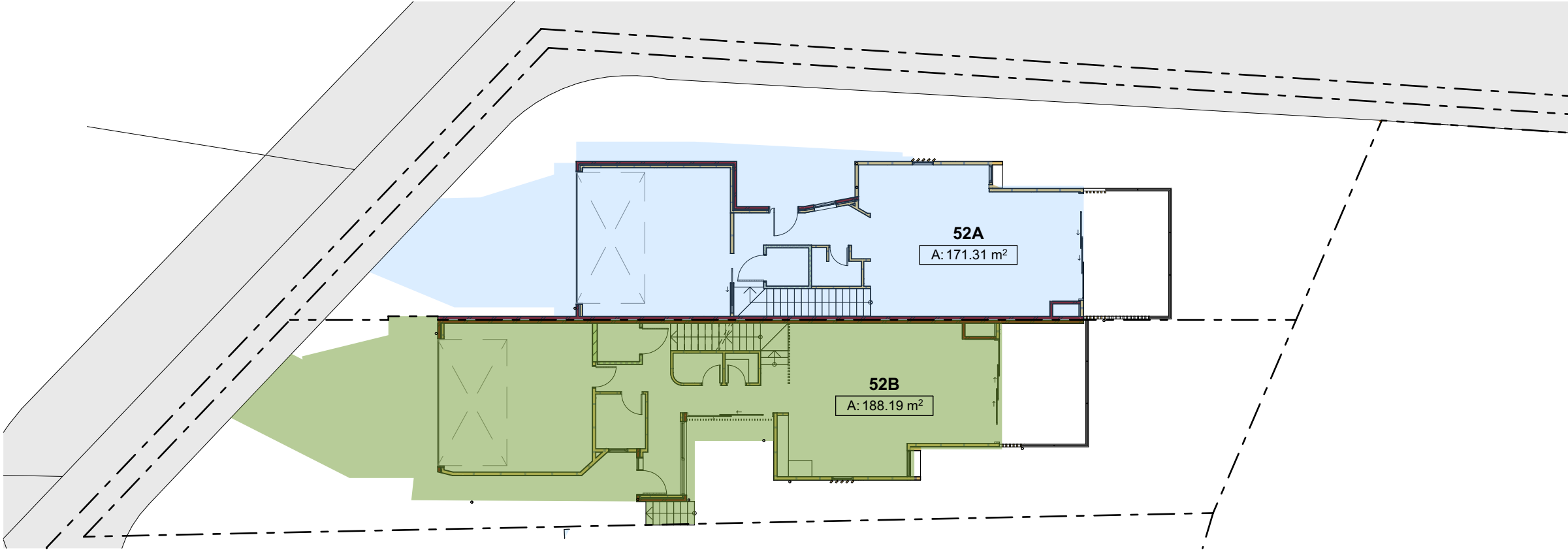
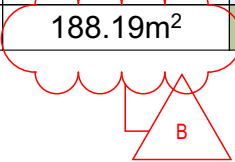
DCP SITE COVERAGE CONTROL:
- No more than 55% of site area

SITE AREA:

Nº 52A	371.20m ²
Nº 52B	386.20m ²

SITE COVERAGE CALCULATION:

PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 52A	55%	204.16m ²	171.31m ²	YES
Nº 52B	55%	212.41m ²	188.19m ²	YES



1 SITE COVERAGE CALCULATION PLAN - 52 HIGH STREET
1:200



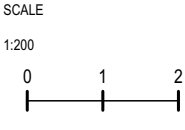
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PROJECT NO	REVISION	DATE PRINTED: 24/11/2023
2120	A DA SUBMISSION	02/06/2023
	B COUNCIL RFI	22/11/2023

PAPER SIZE: A3
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CHECKED BY: MM



DRAWING TITLE
**52 HIGH ST - SITE COVERAGE
CALCULATION**
DRAWING STATUS
DEVELOPMENT APPLICATION

NOT FOR CONSTRUCTION

DRAWING NO

A10.3

REVISION

B



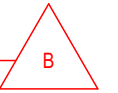
1 STREET VIEW FROM SOUTH-EAST



2 WEST ELEVATION



3 SOUTH ELEVATION



4 STREET VIEW FROM SOUTH-WEST



5 BACKYARD VIEW FROM NORTH



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	B COUNCIL RFI	22/11/2023

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52 HIGH ST - 3D IMAGES
 DRAWING STATUS
DEVELOPMENT APPLICATION

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DRAWING NO
A11.2
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B

LOT 52 HIGH STREET, THIRROUL

PROPOSED DUAL OCCUPANCY

DA LANDSCAPE DOCUMENTATION



DRAWING REGISTER

DRAWING NUMBER	DRAWING TITLE	SCALE
1/6	COVER SHEET	N/A
2/6	UPPER GROUND LANDSCAPE PLAN	1:100
3/6	LOWER GROUND LANDSCAPE PLAN	1:100
4/6	PLANT AND MATERIALS PALLETTE	N/A
5/6	DETAILS AND SPECIFICATION	N/A
6/6	DETAILS AND SPECIFICATION 2	N/A

1	METRE VEGETATION CLEARANCE FROM BUILDING. SHRUBS REMOVED FROM UNDER TREES. SCREENING PLANTS LOCATION ADJUSTED. SOME TREES REMOVED	22/11/2023	SB
B	CHANGES BASED ON ARCHITECTS MARKUPS AND UPDATED ARCHITECTURAL PLANS	24/05/2023	SB
A	FOR DEVELOPMENT APPLICATION	11/05/2023	SB
Rev	Description	Date	App'd

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Project
PROPOSED DUAL OCCUPANCY

Client
MACCORMICK AND ASSOCIATES ARCHITECTS
52 HIGH STREET
THIRROUL NSW 2515

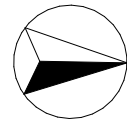
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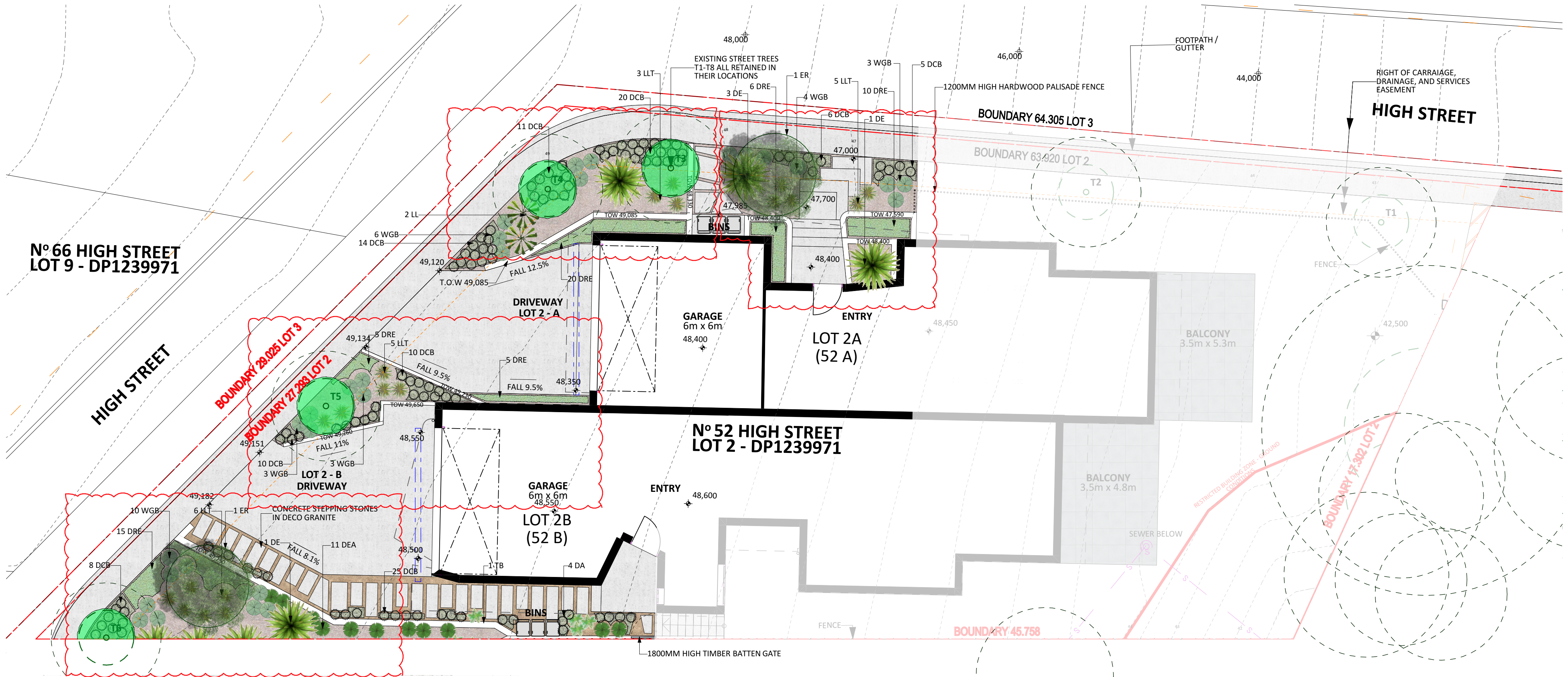
Drawn
SB

Project Number
2023.027.01

Drawing Number
1/6



Revision
C



PLANT SCHEDULE

ID	BOTANICAL NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT	SPACING
TREES						
BAM	<i>BACKHOUSIA MYRTIFOLIA</i> N	CINNAMON MYRTLE	2	45L	8M	-
ER	<i>ELAEOCARPUS RETICULATUS</i> N	BLUEBERRY ASH	2	45L	6M	-
LA	<i>LIVISTONA AUSTRALIS</i> N	CABBAGE TREE PALM	1	75L	10M	-
WF	<i>WATERHOUSEA FLORIBUNDA</i> N	WEeping LILLY PILLY	3	45L	8M	-
SHRUBS						
BS	<i>BANKSIA SPINULOSA</i> N	HAIRPIN BANKSIA	4	200MM	1.5M	1.5M
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KA	<i>KUNZEA AMBIGUA</i> N	TICK BUSH	4	200MM	4.0M	2.0M
SSN	<i>SYZIGIUM AUSTRALE</i> 'STRAIGHT AND NARROW' N	'STRAIGHT AND NARROW' LILLY PILLY	15	300MM	0.8M	1.2M
WGB	<i>WESTRINGIA</i> 'GREY BOX' N	'GREY BOX' COASTAL ROSEMARY	47	200MM	0.6M	0.5M
GRASSES/ STRAPPY PLANTS						
DCB	<i>DIANELLA CAERULEA</i> 'BREEZE' N	'BREEZE' FLAX LILY	160	150MM	0.5M	0.4M
DE	<i>DORYANTHES EXCELSA</i> N	GYMEA LILY	10	200MM	2.0M	2.0M
DEA	<i>DIANELLA TASMANICA</i> 'EMERALD ARCH' N	EMERALD ARCH' FLAX LILY	26	150MM	0.6M	0.6M
LL	<i>LOMANDRA LONGIFOLIA</i> N	SPINY HEADED MAT RUSH	10	150MM	1.2M	1.2M
LLT	<i>LOMANDRA LONGIFOLIA</i> 'TANIKA' N	'TANIKA' SPINY HEADED MAT RUSH	43	150MM	0.8M	0.8M
PPK	<i>POA POIFORMIS</i> 'KINGSDALE' N	'KINGSDALE' TUSSOCK GRASS	14	150MM	0.4M	0.4M
TB	<i>TODEA BARBARA</i> N	KING FERN	5	200MM	1.5M	1.2M
GROUND COVER/ CLIMBERS						
DA	<i>DOODIA ASPERA</i> N	PRICKLY RASP FERN	4	150MM	0.5	0.6M
DRE	<i>DICHONDRA REPENS</i> N	KIDNEY WEED	181	100MM	0.1	0.3M

"N" INDICATES NATIVE SPECIES

LANDSCAPE LEGEND

	PLAIN CONCRETE AREA
	CONCRETE STEPPING STONES
	GARDEN AREA
	PAVED AREA
	DECO GRANITE AREA
	EXISTING SITE TREES
	EXISTING TREES TO BE REMOVED
	EXISTING RL'S
	PROPOSED RL'S

LINE LEGEND

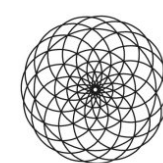
	1200MM HARDWOOD PALISADE FENCE
	1800MM TIMBER BATTEN FENCE
	BOUNDARY
	BOUNDARY FENCE
	200MM RETAINING WALL
	PROPOSED TREES
	SEWER
	STORMWATER
	EASEMENT
	ROOF
	LOCALISED FILL LINE
	DEEP SOIL ZONE
	CONTOURS
	TPZ
	EXISTING ELEMENTS
	RESTRICTED BUILDING ZONE
	SUB SURFACE AG DRAIN

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Project
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Client
MACCORMICK AND ASSOCIATES ARCHITECTS
52 HIGH STREET
THIRROUL NSW 2515

Drawing Title
LANDSCAPE PLAN - LOT 2 - UPPER GROUND
Scale
1:100, 1:1.54 @A2
Drawn
SB
Project Number
2023.027.01
Drawing Number
2/6
Revision
C

REFER TO ENGINEERS DRAWINGS FOR STRUCTURAL AND DRAINAGE DETAILS AND SPECS

ALL EXISTING SITE TREES PROPOSED TO BE REMOVED ARE SUBJECT TO COUNCIL APPROVAL

REFER TO SYDNEY WATER TECHNICAL GUIDELINES FOR BUILDING OVER AND ADJACENT TO PIPE ASSETS IN RELATION TO TREE PLANTING

1 METRE VEGETATION CLEARANCE FROM BUILDING. SHRUBS REMOVED FROM UNDER TREES. SCREENING PLANTS LOCATION ADJUSTED. SOME TREES REMOVED

CHANGES BASED ON ARCHITECTS MARKUPS AND UPDATED ARCHITECTURAL PLANS

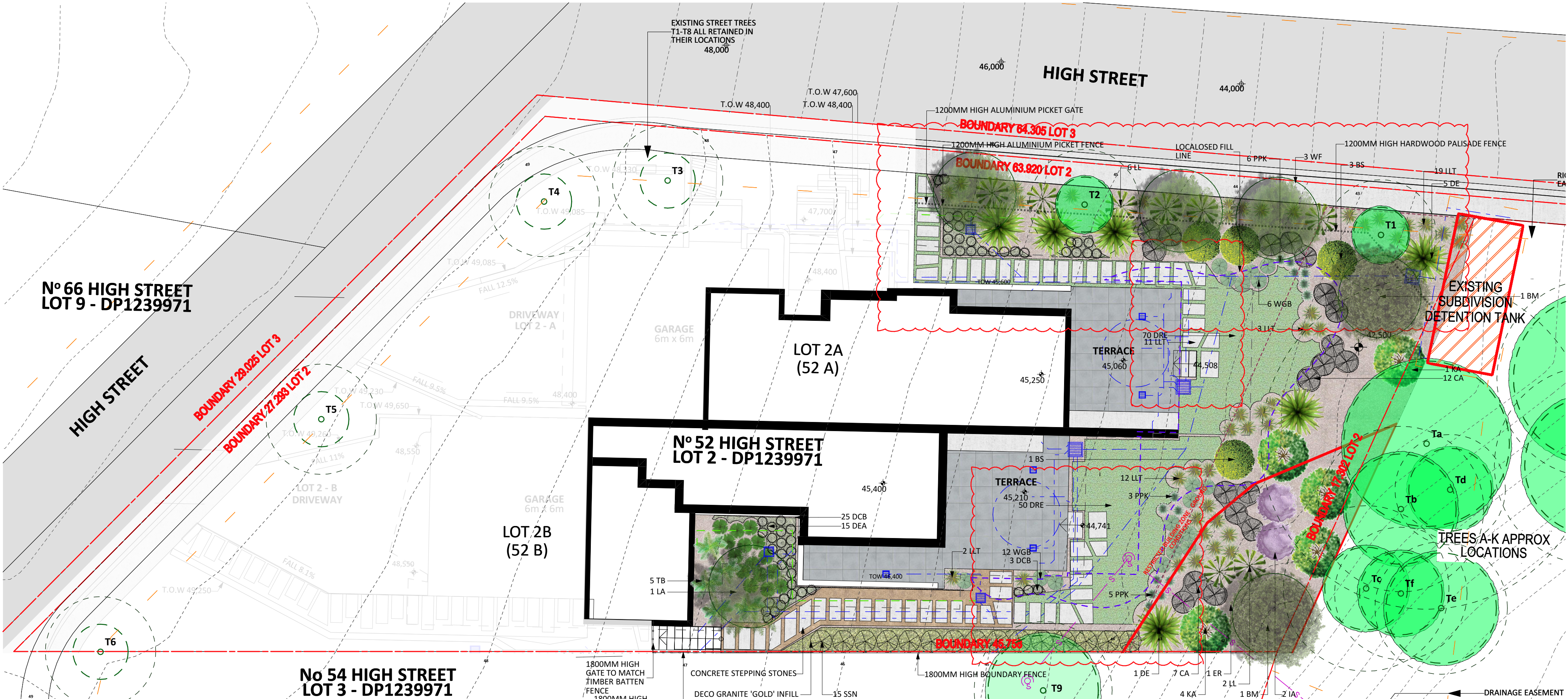
FOR DEVELOPMENT APPLICATION

Rev Description Date App'd

22/11/2023 SB

24/05/2023 SB

11/05/2023 SB



PLANT SCHEDULE						
ID	BOTANICAL NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT	SPACING
TREES						
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DEA	<i>DIANELLA TASMANICA</i> 'EMERALD ARCH' N	EMERALD ARCH' FLAX LILY	26	150MM	0.6M	0.6M
LL	<i>LOMANDRA LONGIFOLIA</i> N	SPINY HEADED MAT RUSH	10	150MM	1.2M	1.2M
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PPK	<i>POA POIFORMIS</i> 'KINGSDALE' N	'KINGSDALE' TUSSOCK GRASS	14	150MM	0.4M	0.4M
TB	<i>TODEA BARBARA</i> N	KING FERN	5	200MM	1.5M	1.2M
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1 METRE VEGETATION CLEARANCE FROM BUILDING. SHRUBS REMOVED FROM UNDER TREES. SCREENING PLANTS LOCATION ADJUSTED. SOME TREES REMOVED						
C	CHANGES BASED ON ARCHITECTS MARKUPS AND UPDATED ARCHITECTURAL PLANS	22/11/2023	SB			
B	FOR DEVELOPMENT APPLICATION	24/05/2023	SB			
A		11/05/2023	SB			
Rev	Description	Date	App'd			

LANDSCAPE LEGEND

- PLAIN CONCRETE AREA
- CONCRETE STEPPING STONES
- GARDEN AREA
- PAVED AREA
- DECO GRANITE AREA
- EXISTING SITE TREES
- EXISTING TREES TO BE REMOVED
- EXISTING RL'S
- PROPOSED RL'S

LINE LEGEND

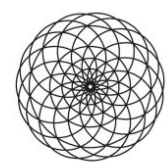
- 1200MM HARDWOOD PALISADE FENCE
- 1800MM TIMBER BATTEN FENCE
- BOUNDARY
- BOUNDARY FENCE
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- SEWER
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- EASEMENT
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Project
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Client
MACCORMICK AND ASSOCIATES ARCHITECTS
52 HIGH STREET
THIRROUL NSW 2515

Drawing Title
LANDSCAPE PLAN - LOT 2 - LOWER GROUND
Scale
1:100, 1:1.54 @A2
Drawn
SB
Project Number
2023.027.01
Drawing Number
3/6
Revision
C

REFER TO ENGINEERS DRAWINGS FOR STRUCTURAL AND DRAINAGE DETAILS AND SPECS

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GRAVEL



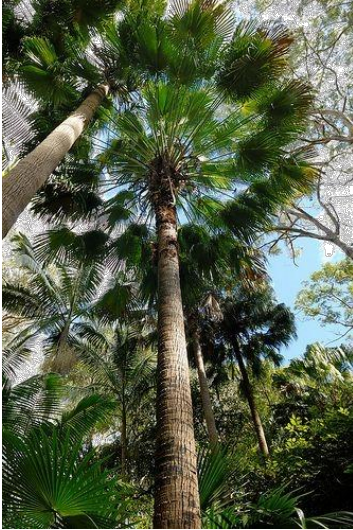
STEPPING STONES IN DECO GRANITE 'GOLD'

STEPPING STONES

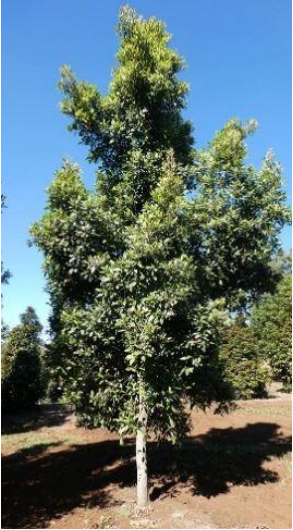


OFF-FORM IRREGULAR CONCRETE STEPPING STONES

TREES



LA- CABBAGE TREE PALM



ER- BLUEBERRY ASH



WF- WEEPING LILLY PILLY



BM- CINNAMON MYRTLE

SHRUBS



WGB- 'GREY BOX' COASTAL ROSEMARY



SSN- 'STRAIGHT AND NARROW' LILLY PILLY



KA- TICK BUSH



IA- AUSTRALIAN INDIGO



CA- WHITE CORREA



BS- HAIRPIN BANKSIA

FENCE



1200MM HIGH METAL PICKET FENCE



1800MM HIGH TIMBER BATTEN FENCE + GATES

GROUND COVERS



DRE- KIDNEY WEED



DA- PRICKLY RASP FERN

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LA	<i>LIVISTONA AUSTRALIS</i> <i>N</i>	CABBAGE TREE PALM	1	75L	10M	-
WF	<i>WATERHOUSEA FLORIBUNDA</i> <i>N</i>	WEEPING LILLY PILLY	3	45L	8M	-
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BS	<i>BANKSIA SPINULOSA</i> <i>N</i>	HAIRPIN BANKSIA	4	200MM	1.5M	1.5M
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1 METRE VEGETATION CLEARANCE FROM BUILDING. SHRUBS REMOVED FROM UNDER TREES. SCREENING PLANTS LOCATION ADJUSTED. SOME TREES REMOVED		
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TB- KING FERN



PPK- 'KINGSDALE' TUSSOCK GRASS



LL- SPINY HEADED MAT RUSH



DE- GYMEA LILY



DCB- 'BREEZE' FLAX LILY

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52 HIGH STREET
THIRROUL NSW 2515

Drawing Title
PLANTS AND MATERIALS PALETTE

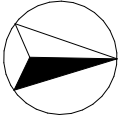
Scale
1:1.68@A2

Drawn
SB

Project Number
2023.027.01

Drawing Number
4/6

Revision
C



ATTACHMENT 2: Wollongong Development Control Plan 2009 Assessment

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

Variation 1: Clause 4.1.2(1) Number of Storeys on battleaxe allotments- Chapter B1 Residential Development

Control	Comment
1. The variation statement must address the following points:	
a) The control varied	The variation request statement identifies the control being varied as Clause 4.1.2(1) Number of Storeys of Chapter B1 Residential Development of WDCP 2009 which states “ <i>Dwelling houses on battleaxe allotments are restricted to 1 storey unless it can be demonstrated that the proposed development achieves the objectives in Clause 4.1.1 and complies with the maximum height maps in the LEP.</i> ”
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>Dwelling A and B are generally two storey dwellings, with each incorporating a three storey component centrally to the dwelling. The three storey component of dwelling A extends for approximately 3.7 metres and for Dwelling B extends for approximately 4.6 metres.</p> <p>The plant/storerooms are not considered as a third storey as they do not extend greater than one metre above ground level and their external appearance is limited.</p> <p>The circumstances as to why the variation is requested have been detailed as follows in the application submission:</p> <ul style="list-style-type: none">• The development complies with the maximum 9 metre building height applicable to the land• The floor levels have been staggered over the steep slope, however there is some overlap to enable the lift shaft to carry through all levels of the development• A large portion of the lower ground floor is below natural ground level due to excavation• The building generally presents as two storeys, in two defined sections (the southern section of the dwellings and the northern section of the dwellings), particularly when viewed from the north and the south

<p>c) Demonstrate how the objectives are met with the proposed variations; and</p>	<p>a <i>To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.</i></p> <p>The proposed dwellings respond to the slope of the site, presenting as two storey from two elevations and as a stepped elevation from a third elevation.</p> <p>b <i>To minimise the potential for overlooking on adjacent dwellings and open space areas.</i></p> <p>Impacts on the adjoining property to the north are minimized by the upper levels being set back from the rear elevation and existing vegetation on the adjoining site as well as landscaping proposed in association with the development. The change in ground level between these properties is so significant that the proposal views over the roof of the adjoining dwelling.</p> <p>c <i>To ensure that development is sympathetic to and addresses site constraints.</i></p> <p>The development responds to the site slope, positioned to avoid the steepest sections of the site and has been set back to ensure no impacts on existing vegetation.</p> <p>d <i>To encourage split level stepped building solutions on steeply sloping sites.</i></p> <p>The overall building steps down the site, however floors are not split level to account for future accessibility requirements.</p> <p>e <i>To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.</i></p> <p>Surrounding land uses include vacant land, dwellings under construction or dwellings or dual occupancies with a mix of single and two storey dwellings that vary in appearances.</p> <p>f <i>To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.</i></p> <p>No ancillary structures are proposed.</p> <p>g <i>To ensure appropriate correlation between the height and setbacks of ancillary structures.</i></p> <p>No ancillary structures are proposed.</p> <p>h <i>To encourage positive solar access outcomes for dwellings and the associated private open spaces.</i></p> <p>The dual occupancy has been designed with living areas and private open spaces to the north. The proposal does not adversely overshadow any existing living room windows or private open space areas of surrounding residences</p>
--	--

(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	<p>The non-compliant three storey portion of the building occurs away from the front and rear elevations and incorporates a portion of the lower ground floor which is proposed below natural ground level.</p> <p>As a result, the non-compliance does not result in any adverse visual impacts nor create excessive bulk and, as detailed through responses to the control objectives, does not result in any significant adverse impact on privacy or overshadowing of adjoining properties.</p>
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Council recommendation

The proposed number of storeys is considered to be capable of support in this instance. The applicant has demonstrated that the proposal achieves the objectives of the section and the building does not exceed the maximum building height for the land.

Variation 2: Clause 4.1.2(4) Number of Storeys: Development within 8 metres of the rear setback - Chapter B1 Residential Development

Control	Comment
1. The variation statement must address the following points:	
a) The control varied	<p>The variation request statement identifies the control being varied as Clause 4.1.2(4) Number of Storeys of Chapter B1 Residential Development of WDCP 2009 which states “ <i>in R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.</i>”</p>
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>Dwellings A and B proposed first floor balconies within 8 metres of the rear setback.</p> <p>Dwelling A balcony encroaches approximately 3.4 metres into the 8 metre setback, and Dwelling B encroaches approximately 2.3 metres into the setback.</p> <p>The circumstances as to why the variation is requested have been detailed as follows in the application submission:</p> <ul style="list-style-type: none"> • The unique circumstances of the topography, outlook and existing and proposed vegetation enable the 8m control to be varied as proposed without adversely impacting on the northern adjoining property. • the existing subdivision pattern also ensures the control can be varied without disrupting any established rear setback line • This elevation and outlook will result in sight lines looking out and over properties to northern rather than down toward them. • There is an existing vegetated corridor along the northern boundary which provides visual screening between the subject site and the rear adjoining property

c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the section have been addressed above under Variation 1. Specifically, the relevant objective to this control is as follows:</p> <p><i>b To minimise the potential for overlooking on adjacent dwellings and open space areas.</i></p> <p>With regards to impacts on the northern adjoining property, impacts of overlooking are minimised as a result of the change in natural ground level and the existing vegetation.</p> <p>However, in addition to these characteristics, the proposed development has also been designed with additional deep soil planting within the rear setback. This planting will add to the existing screening provided by the trees retained on the northern adjoining property.</p> <p>The proposed dwellings complement the existing area and respect the predominant building setbacks.</p>
(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	<p>The slope of the site to the rear results in the ground floor level (which is designed to be close to the level of the front boundary) becoming elevated at the rear.</p> <p>This fall of the site and elevation of the ground floor level at the rear provides opportunity for a lower ground floor level to be provided under part of the ground floor level and as such the ground floor level becomes the second storey when viewed from the rear. The balconies provided at this level extend (in part) to the rear.</p> <p>However, given unique characteristics of the site and locality the numerical non-compliance of the proposed development from the rear boundary is deemed to not significantly impact on the adjoining properties, and the existing amenity experienced by the neighbouring developments will not be detrimentally impacted.</p>

Council recommendation:

The proposed encroachment of the first floor balcony into the 8 metre rear setback is unlikely to result in adverse impacts on adjoining properties and in the circumstances of the case, is considered to be capable of support.

To further minimise overlooking impacts, the applicant was requested to provide solid balustrading to the balcony and this has been reflected on plan.

Variation 3: Clause 4.8.2(11) and 4.10.2(4) Width of garage door openings - Chapter B1 Residential Development

Control	Comment
1. The variation statement must address the following points:	
a) The control varied	<p>The variation request statement identifies the controls being varied as Clause 4.8.2(11) and 4.10.2(4) of Chapter B1 Residential Development of WDCP 2009. The controls require a garage door facing a road or street must be a maximum of 50% of the width of the dwelling.</p>

<p>b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and</p>	<p>The garage door openings constitute 92% of the southern elevation of the building.</p> <p>The circumstances as to why the variation is requested have been detailed as follows in the application submission:</p> <ul style="list-style-type: none"> • The development fronts a right of carriageway that does not provide for any through traffic and terminates to the east in a “Y” head • The garages are staggered and there are protruding first elements of the building and clearly identifiable pathways to the entries
<p>c) Demonstrate how the objectives are met with the proposed variations; and</p>	<p>Specifically, the relevant objectives to this control are as follows:</p> <p><i>(e) To ensure buildings address the primary street frontage via entry doors and windows..</i></p> <p>The entry door to dwelling 52A is designed to address the secondary frontage while the entry path for 52B is clearly visible from the southern frontage and overlooked by a ground floor study window (subsequently amended to the front door itself).</p> <p>The southern elevation addresses the southern street frontage through first floor windows and balconies which protrude forward of the ground floor garages- these features dominate over the garages and provide an active elevation.</p> <p><i>(f) To ensure that dwellings provide appropriate passive surveillance of public spaces and street frontage.</i></p> <p>First floor windows and balconies have been incorporated into the southern elevation and allow for passive surveillance of the right of carriageway.</p> <p><i>(c) To minimise the impact of garages upon the streetscape.</i></p> <p>Garages and driveway locations have been designed to ensure existing street trees can be retained. Additional landscaping within the setbacks to the right of carriageway is also proposed and will assist to soften visual presence of the garages.</p> <p>It is further noted that the proposed garages have been located on the lower northern side of the right of carriageway and will not dominate in the topography.</p> <p>In addition to these factors, the dual occupancy dwellings have been staggered. This staggering breaks up the width as presented to the right of carriageway.</p> <p>Furthermore, the first floor elements cantilever over the ground floor garages and are designed with darker finishes to the garages ensuring the garages present as the subservient form.</p>

(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	<p>The garages address a right of carriageway and despite the numerical non-compliance, do not result as a dominating element in the design.</p> <p>The garages are staggered and the first floor protrudes forward with design features and finishes which result in the garages being submissive in the elevation.</p> <p>The first floor design also enables opportunities for passive surveillance of the right of carriageway and the proposed development is able to satisfy the relevant objective of the control despite the variation</p>
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Council recommendation

The proposed garage widths are considered to be capable of support. The applicant has demonstrated that the proposal achieves the objectives of the section. The garage doors are do not dominate the facades of the buildings due to their two storey nature and the proposed landscaping. Passive surveillance of the common area is ensured by the habitable rooms on the upper floor.

Variation 4: Clause 4.17(11) Retaining walls - Chapter B1 Residential Development

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control sought to be varied, being 4.17.3 of Chapter B1 of the WDCP. The requirements of Clause 4.17 restrict the maximum height of retaining walls that are located within 900mm of the boundary to 600mm, and other walls to 1 metre. Terracing should be provided to reduce the overall height impact.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation is that there are two retaining walls are proposed in the front setback and along the with heights of approximately 1.2 metres.</p> <p>The variation is requested on the basis that the subject site slopes down from the southern boundary toward the rear and has two frontages to a right of carriageway. Specifically, both the southern boundary and the western boundary adjoin the right of carriageway. The proposed design seeks to activate both frontages and provides driveway access via the southern frontage and pedestrian access via the western frontage. Both these access points are to the primary floor level being the ground floor level. One retaining wall is required to facilitate access on the sloping site, whilst the other on the eastern side facilitates excavation to enable light and ventilation of the rumpus room and terracing.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <p>(a) To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties.</p> <p>(b) To guide the design and construction of low height aesthetically pleasing retaining walls.</p> <p>(c) To ensure any retaining wall is well designed, in order</p>

	<p>to achieve long term structural integrity of the wall.</p> <p>(d) To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.</p> <p>The development is considered to be capable of achieving the above objectives. The retaining walls retain excavation, are only slightly over one metre and are not visually dominant in the street scape. Their structural soundness can be ensured through the requirement for the provision of structural details.</p>
d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	The proposed retaining walls will be designed by an Engineer, do not result in any adverse impacts and are suitable for the site in this locality.

Council recommendation

The proposed retaining walls are considered to be acceptable and generally expected on a sloping site. The applicant has demonstrated that the proposal achieves the objectives of the section, and there are no adverse impacts arising from the variations.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP. Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
4.1 Maximum Number of Storeys		
<ul style="list-style-type: none"> Max 9m / 2 storey in R2 zone 	No, the proposal contains a small three storey portion in the middle of each dwelling. The variation justification is detailed above and considered as being supportable given the circumstances of the proposal	No, variation supported
<ul style="list-style-type: none"> In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property. 	No, the proposal has elevated terraces and a pergola within 8 metres of the rear elevation. The variation justification is detailed above and considered as being supportable given the circumstances of the proposal	No, variation supported
<ul style="list-style-type: none"> Dwellings on battleaxe allotments restricted to single storey unless achievement of objectives demonstrated 	The subject site is a battle axe allotment. The variation justification is detailed above and considered as being supportable given the circumstances of the proposal	No, variation supported
<ul style="list-style-type: none"> Landscaping may be required within the side and rear setbacks to mitigate the visual impact of the building form from adjoining properties. 	The deep soil zone is located along the rear boundary of the subject site- this and existing vegetation on the adjoining site will assist in mitigating some privacy impacts.	

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>4.2 Front Setbacks</u> <ul style="list-style-type: none"> 6m front setback 	<p>As the subject site is a battleaxe allotment, the provisions for front setbacks do not apply as the primary street frontage does not have a direct relationship with the building facade.</p> <p>It is noted that the applicant provided a variation justification statement with respect to front setbacks- although not required, it have been included in the Variation Justification Statements at Attachment 6.</p> <p>The lots in the subdivision are irregular in shape and a uniform building line is an unlikely development outcome. The subject site has a splayed frontage, and the proposal does not achieve the setbacks for either the dwelling frontage or garage that are detailed in this control being 6m and 5.5m respectively. However the frontage of each dwelling is staggered to reflect the allotment alignment and the application demonstrates that a vehicle can be parked in front of each garage without overhanging the drainage swale.</p> <p>The proposal has an appropriate setback along the western boundary.</p>	<p>Proposal considered satisfactory</p>
<u>4.3 Side and Rear Setbacks</u> <ul style="list-style-type: none"> Minimum 900mm 	<p>The eastern dwelling has a 900mm side boundary setback, and each dwelling is significantly greater than 900mm from the rear boundary.</p> <p>The western wall of Dwelling A exceeds 7 metres in height, however is located 3 metres from the "side" boundary.</p>	<p>Yes</p>

Controls/objectives	Comment	Complies																						
<p><u>4.4 Site coverage</u></p> <p>55% (lot area <450m²)</p> <p>50% (450m² to 900m²)</p> <p>40% (>900m²)</p>	<p>The proposed development does not exceed the permissible site coverage at each stage of the development.</p> <table> <tr> <td>Overall Site area:</td> <td>756.9 m²</td> </tr> <tr> <td>Proposed Lot 2A:</td> <td>371.2 m²</td> </tr> <tr> <td>Proposed Lot 2B:</td> <td>386.2 m²</td> </tr> <tr> <td>Site coverage</td> <td></td> </tr> <tr> <td>Total</td> <td>317.43m²</td> </tr> <tr> <td>Proposed Unit 2A</td> <td>156.67m²</td> </tr> <tr> <td>Proposed Unit 2B</td> <td>162.17m²</td> </tr> <tr> <td>FSR:</td> <td></td> </tr> <tr> <td>Total (50% permitted)</td> <td>317.43/756.9m² = 42%</td> </tr> <tr> <td>Proposed Unit 2A (55% permitted)</td> <td>156.67/371.2 m² = 42%</td> </tr> <tr> <td>Proposed Unit 2B (55% permitted)</td> <td>162.17/386.2 m² = 42%</td> </tr> </table>	Overall Site area:	756.9 m ²	Proposed Lot 2A:	371.2 m ²	Proposed Lot 2B:	386.2 m ²	Site coverage		Total	317.43m ²	Proposed Unit 2A	156.67m ²	Proposed Unit 2B	162.17m ²	FSR:		Total (50% permitted)	317.43/756.9m ² = 42%	Proposed Unit 2A (55% permitted)	156.67/371.2 m ² = 42%	Proposed Unit 2B (55% permitted)	162.17/386.2 m ² = 42%	<p>Yes</p>
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<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> lot area from 600m² to 900m² – 120m² + 30% of the site area > 600m² landscaped area At least 50% of the landscaped area must be located behind the building line to the primary road boundary. Landscaped areas must be integrated with the drainage design. The location of drainage lines, pits and detention areas should not conflict with landscaped areas including proposed and existing trees. For development proposing a dwelling, a minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within the landscape area. This tree is to be planted at least 3m from any existing or proposed dwelling or structure present onsite. No additional tree is required for a secondary dwelling. 	<p>The development requires 167.07m² of landscaped area and provides 168.83m².</p> <p>Greater than 50% of the landscaped area is behind the building line.</p> <p>Integration of landscaping and drainage will be ensured through conditioning</p> <p>Tree proposed within landscaped area for each dwelling.</p>	<p>Yes</p> <p>Yes</p> <p>Yes, conditional</p> <p>Yes</p>																						

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<ul style="list-style-type: none"> a minimum of 1.5 metre wide landscape strip within the front setback for the majority of the site width (excluding the driveway). This area must be mulched and planted with appropriate trees, shrubs and/or groundcovers. A minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within this landscape bed. second semi mature small to medium tree (minimum pot size 45L) is to be provided onsite in the landscaped area or deep soil zone, p 	<p>Landscaped strip has been provided exclusive of the driveway areas, and contains existing "Street tree" planting provided at subdivision stage</p> <p>Additional tree provided in deep soil zone areas</p>	<p>Yes</p> <p>Yes</p>
<u>4.6 Private Open Space</u>		
<ul style="list-style-type: none"> 24m² minimum POS area, minimum 4m dimension should not be located on side boundaries or front yard defined through the use of planting, fencing, or landscape features. Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area. 	<p>Each dwelling provided private open space areas off the rumpus and living rooms and together the POS areas exceed the minimum requirements.</p> <p>Provided at rear of dwellings and defined through materiality</p> <p>Private open space is exclusive of servicing areas such as waste and clothes lines.</p>	
<u>4.7 Solar Access</u>		
<ul style="list-style-type: none"> Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June. 	<p>The proposed development does not adversely impact on the solar access to living areas and private open space areas of adjoining properties.</p>	Yes
<ul style="list-style-type: none"> At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21. 	<p>As per above</p>	Yes
<ul style="list-style-type: none"> Dwellings should be designed to maximise natural sunlight to main living areas and the private open space. 	<p>Each living room and private open space area is capable of receiving three hours of sunlight midwinter</p>	Yes

Controls/objectives	Comment	Complies
<p><u>4.8 Building Character and Form</u></p> <ul style="list-style-type: none"> The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction. Large bulky forms are to be avoided, particularly in visible locations 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. On corner allotments, the development should address the street on both frontages. The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted. Where garages are proposed on the front elevation they must be articulated from the front façade. Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling. 	<p>The proposed development responds to the topography of the site by stepping the development down the slope.</p> <p>The immediate area is a new subdivision- the proposed built form is anticipated.</p> <p>The Entry to dwelling B is at the side of the dwelling but is clearly defined by landscaping. Windows from the upper floor survey the street in this instance.</p> <p>Garages are articulated from the façade</p> <p>The garage doors exceed 50% of the width of the dwelling for Dwelling 2B (noting that Dwelling 2A has frontage to the west). However as the dwelling is two storey, this ameliorates the impact of the garage door on the streetscape. The variation justification is detailed above and considered as being supportable given the circumstances of the proposal.</p>	<p>yes</p> <p>No, variation supported</p>
<p><u>4.9 Fences</u></p> <ul style="list-style-type: none"> Various. 	<p>Fencing compliant the exempt development provisions proposed.</p>	<p>Yes</p>
<p><u>4.10 Car parking and Access</u></p> <p>The provision of car parking shall be as follows:</p> <p>(a) 1 space per dwelling with a gross floor area of less than 125m²</p>	<p>Each dwelling requires the provision of two parking spaces, provided in the form of double garages</p>	

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<p>(b) 2 spaces per dwelling with a gross floor area of 125m² or greater</p> <p>Garages must be setback a minimum of 5.5m from the front property boundary.</p>	<p>The garages encroach into the 5.5 metre setback, however due to the splay of the frontage, the application has been able to demonstrate that a vehicle can be parking in front of the garage doors without impacting on the pathway. The variation justification is detailed above and considered as being supportable given the circumstances of the proposal.</p>	<p>No, variation supported.</p>
<p>garage door openings to be a maximum of 50% of the width of the dwelling.</p>		
<p>6m x 6m minimum for double garages</p>	<p>Each garage achieves the minimum dimensions of 6m by 6m.</p>	<p>Yes</p>
<p>Driveways shall be separated from side boundaries by a minimum of 1 metre.</p>	<p>Driveways are greater than one metre from the side boundaries</p>	<p>Yes</p>
<p>Driveways shall have a maximum cross-over width of 3 metres.</p>	<p>The driveways do not have a "cross-over" due to the battle axe nature of the lots.</p>	<p>NA</p>
<p><u>4.11 Storage Facilities</u></p> <ul style="list-style-type: none"> 10m³ / 5m² 	<p>Each dwelling contains a basement storage room exceeding the minimum area and dimensions</p>	
<p><u>4.12 Site Facilities</u></p> <ul style="list-style-type: none"> To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive 	<p>Site facilities are provided in appropriate locations- a draft condition has been recommended to ensure appropriate location of site facilities.</p>	<p>Yes</p>
<p><u>4.13 Fire Brigade Servicing</u></p> <p>ensure that all dwellings can be serviced by fire fighting vehicles.</p>	<p>All dwellings are able to be serviced by fire fighting vehicles.</p>	<p>Yes</p>
<p><u>4.14 Services</u></p> <ul style="list-style-type: none"> encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced. 	<p>The proposal can be appropriately serviced. Relevant conditions in relation to servicing have been included on the draft consent.</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p> <p>N/A</p>		
<p><u>4.16 View sharing</u></p>	<p>The proposal does not impact on views from adjoining properties to the extent that view sharing principles cannot be observed.</p>	<p>Yes</p>

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<p><u>4.17. Retaining walls</u></p> <p><u>4.18 Swimming pools and spas</u></p> <p>N/A</p> <p><u>4.19 Development near railway corridors and major roads</u></p> <p>N/A</p> <p><u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u></p> <p>N/A</p> <p><u>4.21 Additional controls for Dual Occupancies minimum site width</u></p> <p>Minimum 15m site width</p> <p><u>4.22 Additional controls for Dual Occupancies –building character and form</u></p> <p>On corner allotments, the dual occupancy development must address the street on both frontages. The garage and / or carport for each dwelling must be placed on each street frontage, at the furthest point of the site, from the intersection.</p> <p><u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u></p> <p>A minimum of half of the landscaped area must be provided as a deep soil zone. The deep soil zone may be located in any position on the site, subject to this area having a minimum dimension of 3m. The deep soil zone must be located outside the minimum private open space required.</p> <p>The deep soil zone shall be densely planted with trees and shrubs. Where the development is to be strata titled, the deep soil zone may be retained within the common property or allocated to an individual unit entitlement, where such dwelling is directly adjacent.</p>	<p>A number of retaining walls are proposed on the sloping site. Height ranges from 600mm to 2100mm at the eastern property boundary adjoining the stairs. These walls form part of well landscaped site and the heights are not considered to be excessive given the slope of the land. The impacts of the higher walls proposed generally arise within the site.</p> <p>The site exceeds the minimum width of 15 metres.</p> <p>The entry for each dual occupancy addresses a separate frontage. The driveways both address the same boundary- this is considered to be acceptable as the levels from the western boundary create difficulties with vehicular access.</p> <p>Compliant deep soil zone is provided along the rear boundary of each dwelling. This is considered to be the most appropriate location for DSZ on the site and will allow sufficient area for the growth of larger trees.</p> <p>The DSZ is densely planted with trees and shrubs.</p>	<p>No, variations supported.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

CHAPTER B2 – RESIDENTIAL SUBDIVISION

The proposal seeks consent for the torrens title subdivision of the dual occupancy and as such the majority of controls within this Chapter would not strictly apply to the proposed development. Notwithstanding, an assessment against the primary controls is provided below for reference.

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>6 Subdivision design – lot layout, lot size, lot width and depth, battle-axe lots, building envelopes, existing easements</u>	The proposed dual occupancy development is considered appropriate as evidenced by the assessment against Chapter B1 above. The proposed subdivision pattern reflects the built form as assessed against controls relating to dual occupancy development. There are no constraints on the site that would prevent the subsequent subdivision of the land following construction of the dual occupancy..	Yes
	The aspect and solar access of the proposed lots is considered acceptable.	Yes
	The lot dimensions are considered to be acceptable as the built form outcomes are known prior to subdivision, and the proposed lot sizes are capable of providing reasonable amenity outcomes for the occupants.	
14 Bushfire Protection	The proposal was referred to NSW RFS who provided GTAs and a Bush Fire Safety Authority.	Yes
15 Stormwater Drainage	The proposal was referred to Council's Development Engineer who provided a conditionally satisfactory referral response.	Yes
17 Servicing Arrangements	Conditions have been recommended to ensure each proposed lot is adequately serviced.	Yes
18 Road Addressing	A condition has been recommended to ensure each proposed lot is adequately addressed	Yes

CHAPTER D1 – CHARACTER STATEMENTS

Thirroul

The proposal is considered to be consistent with the existing and desired future character for the locality. WDCP 2009 notes that *new hinterland subdivisions on the foothill slopes of the escarpment contain new contemporary split – level and two storey dwelling styles with weatherboard or rendered brick wall construction and pitched, sloping flat or curved roofline forms.*

The proposed development is consistent with the future desired character such that:

- the proposal is a low density development
- The bulk and scale of the dwellings is minimised through well-articulated building form
- There are no impacts on views from adjoining properties
- Dwellings are stepped down the site

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

7 Parking demand and servicing requirements

7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

Two parking spaces per dwelling are required and have been provided in the form of double garages.

Dual occupancy development does not require visitor parking, however there is space for one stacked car park at the front of each garage.

8 Vehicular access

Driveway grades and sight distances comply.

9 Loading / unloading facilities and service vehicle manoeuvring

The development complies with AS 2890.2.

Waste servicing will occur from the kerb.

CHAPTER E6: LANDSCAPING

The proposal was referred to Council's Landscaping Officer for consideration, and a conditionally satisfactory landscaping referral was provided.

An arborist report was provided in support of the application and mainly details tree protection measures. The report notes that five trees are exempt/non-prescribed under WDCP 2009 and can be removed without consent.

The proposal is considered to be consistent with the requirements of the Chapter.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

Ongoing "kerb side" waste collection is available to the development, and there is sufficient area at the allotment frontage for the placement of bins for collection.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

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

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to a detention basin in an existing interallotment system at the rear of the lot. Council's Development Engineer has reviewed the proposal with respect to the provisions of this Chapter and has recommended conditions of consent.

CHAPTER E16 – BUSHFIRE MANAGEMENT

The proposal was referred to NSW RFS and GTAs and a Bush Fire Safety Authority have been provided for the development.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

There is no native vegetation proposed for removal. Five trees on site are able to be removed without consent as they are non prescribed or exempt trees.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Excavations of up to approximately three metres are proposed for the development. At Council's request, a Geotechnical Report was provided in support of the application. Council's Geotechnical engineer has considered the report and proposal and has recommended conditions of consent.

It is noted that works are proposed outside the steeply sloping part of the allotment, defined as "Zone 3" by the subdivision geotechnical investigations and forming part of a restricted budling zone that requires additional geotechnical investigation.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

There are no matters relating to contamination arising from the assessment of the proposal.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

the proposed development on the trees on the northern adjoining property *'is considered to be nil'*.

Chapter E19 - Earthworks

This Chapter of the DCP outlines Council's requirements and environmental management measures required for development involving earthworks. Other parts of this DCP include more detailed controls regarding the dimensions of filling and excavation works permitted for specific development, such as residential development.

Response

The proposed earthworks are associated with residential development. The specific residential controls relating to retaining walls are addressed in the DCP compliance table provided in **Attachment 1**. Earthworks are also addressed in response to Clause 7.6 of the WLEP under section 4.3.1 of this Statement.

Chapter E20 – Contaminated Land

This chapter outlines Council's procedures in dealing with the assessment of known or potentially contaminated land and the remediation and subsequent validation of contaminated land.

Response

The site is vacant and zoned residential and surrounding land uses indicate that this zoning has been long established. The site is part of a recent subdivision where any concerns regarding contamination of the site would've been assessed during the application process.

Chapter E22 – Soil Erosion and Sediment Control

The purpose of this Chapter of the DCP is to provide Council's minimum requirements for the implementation of Erosion and Sediment Control (ESC) measures on demolition and construction sites.

Response

An Erosion and Sediment Control Plan has been prepared by *TLA Engineers* and submitted as part of this application.

4.4.1. Variation Statements

As per the requirements of the *Environmental Planning and Assessment Act 1979* (The Act) we are requesting Council apply flexibly the DCP given the merits of the case. It should be recognised that Section 3.42 of *Environmental Planning and Assessment Act 1979* (The Act) states that the DCP is only to provide guidance and is not a statutory document with which compliance must be demonstrated. To this end, recent cases in the Land and Environment Court have made it clear that a DCP does not have the same status or weight as an LEP, and non-compliance with a provision of a DCP does not in itself prevent the granting of consent.

The Act goes further, in relation to strict numerical compliance to a DCP, attention is drawn Section 4.15(3A) of The Act which grants discretion to a consent authority to apply flexibility in the application of the provisions of a DCP in the assessment of a development application and states as follows:

“(3A) Development control plans

If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, **standards** include performance criteria.”*

Subclause (b) is of most relevance as it emphasises that there may be alternatives to strict numeric compliance in achieving the objectives of a DCP control. It compels the consent authority to be flexible in the application of the DCP controls where the objectives of that control are met. To not apply the DCP flexibly is to be in contempt of The Act.

Section 8 of Chapter 1 of Wollongong DCP allows for flexibility in the application of development controls contained within the DCP. Specifically, the DCP states that: -

“Council may consider variations to the requirements of the WDCP in certain circumstances. Variation to development control will be considered on a case by case basis and will only be considered where written justification is provided to the satisfaction of Council, that the objectives of the development control have been achieved.

The variation statement must address the following points:

- (a) The control being varied; and*
- (b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*
- (c) Demonstrate how the objectives are met with the proposed variations; and*
- (d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

This application proposes variations to the DCP controls which relate to rear balconies encroaching into the 8m rear setback, front setback and garage door width. Each of the variations are outlined below.

Variation to Number of Storeys in Rear Setback

Specifically, this Variation Statement addresses Control 4.1.2.4 of Chapter B1 Residential Development from the *Wollongong DCP (WDCP) 2009*. This DCP control relates to two storey developments within 8m of the rear boundary. The specific control states:-

In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.

The proposed development involves the erection of an attached dual occupancy. The site slopes to the rear and the ground floor level which is designed to be close to the front boundary level becomes elevated at the rear. This fall of the site and elevation of the ground floor level at the rear provides opportunity for a lower ground floor level to be provided under part of the ground floor level. As a result, the ground floor level becomes the second storey when viewed from the rear and the 8m rear setback in Control 4.1.2.4 becomes applicable. The 8m rear setback line and the ground floor encroachment into this setback area of the proposed balconies is illustrated in **Figure 29**.

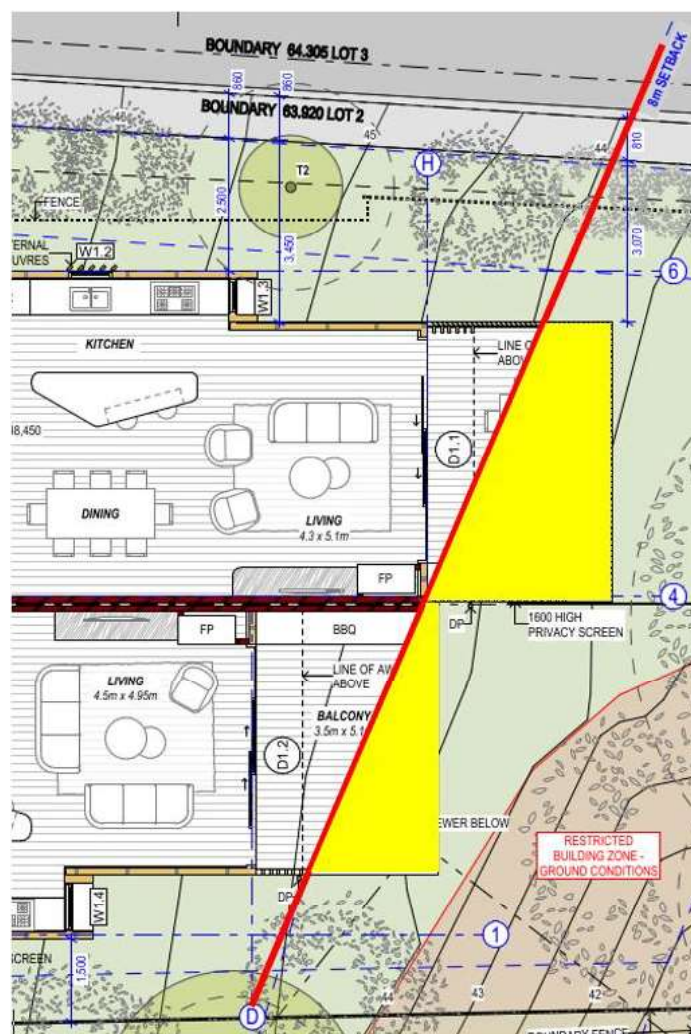


Figure 29: Extract of ground floor plan showing rear boundary and 8m setback lines in red and second storey encroachments in yellow.

As illustrated in **Figure 29** the extent of the non-compliance varies. Specifically, the non-compliance relates to the rear balconies of each dual occupancy dwelling which are staggered from each other

and not parallel to the rear boundary due to the irregular lot boundaries. The greatest point of variation occurs at the eastern most point of dwelling 52A which is setback approximately 4.7m from the rear boundary.

The unique circumstances of the topography, outlook and existing and proposed vegetation enable the 8m control to be varied as proposed without adversely impacting on the northern adjoining property. Further, the existing subdivision pattern also ensures the control can be varied without disrupting any established rear setback line. In this regard, the following is noted:-

- The subject site is irregular in shape. The surrounding locality is comprised of other irregular shaped allotments and subdivision patterns as shown in **Figure 30**. As a result, there is no clearly established rear setback line. Furthermore it is noted that the rear boundaries of the vacant lots adjoining the subject site to the east vary such that an identifiable rear setback line would be unlikely to be established by the development of these allotments.



Figure 30: Extract from Nearmaps showing subdivision pattern of surrounding locality with subject site identified by red marker.

- The site falls to the rear with northern outlook towards the Illawarra Escarpment. This fall continues to the north in a manner that results in the properties to the north of the subject site having natural ground levels significantly lower than the subject site (as illustrated in **Figure 31**). This elevation and outlook will result in sight lines looking out and over properties to northern rather than down toward them.

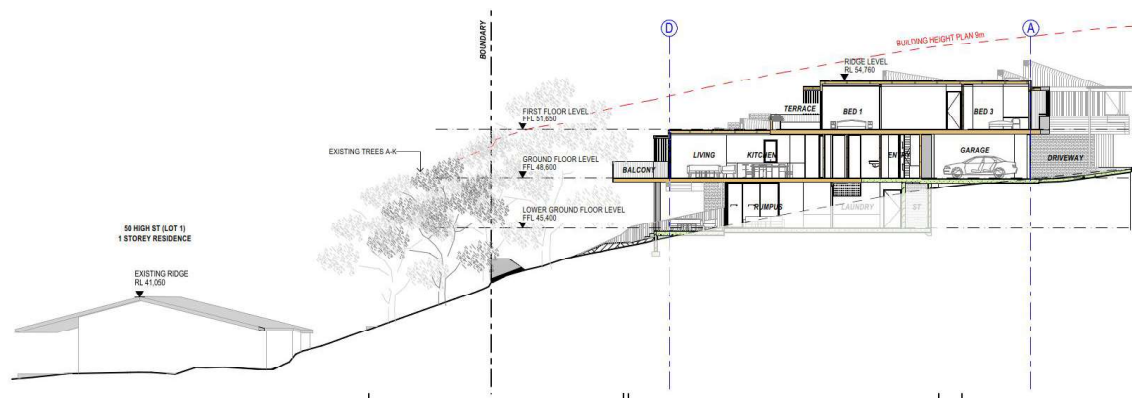


Figure 31: Extract from Section Plan prepared by *Maccormick + Associates Architects* illustrating height of subject site relative to land to the north.

- There is an existing vegetated corridor along the northern boundary which provides visual screening between the subject site and the rear adjoining property. This vegetation was identified in an Arboricultural Assessment prepared for the now approved 10 lot subdivision (DA-2016/1411) by *Develop My Land* to be 'Black Wattles' and has been retained as can be seen in **Figure 30** and also in **Figures 5 and 6**.

Notwithstanding these unique circumstances, the objectives of the proposed control have been considered in the design of the proposed development. Control 4.1.2.4, along with four other controls are listed under Section 4.1 of Chapter B1 Residential Development of the *WDCP 2009*. The objectives of these controls are listed under Section 4.1 and are as detailed below:-

- To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.*
- To minimise the potential for overlooking on adjacent dwellings and open space areas.*
- To ensure that development is sympathetic to and addresses site constraints.*
- To encourage split level stepped building solutions on steeply sloping sites.*
- To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.*
- To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.*
- To ensure appropriate correlation between the height and setbacks of ancillary structures.*
- To encourage positive solar access outcomes for dwellings and the associated private open spaces.*

The response of the proposed development to each of these objectives is provided below.

- To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.*

Response

The southern and western boundaries of the subject site address the right of carriageway. Due to the topography and northern outlook, existing dwellings accessed from this right of carriageway

(located to the west and south-west of the subject site) have primarily been designed to address their northern boundary rather than the right of carriageway. This pattern is likely to continue for the undeveloped lots to the east while southern lots which are located near the ridgeline may be designed with a mix of outlooks. Notwithstanding this, the proposed development has been designed with articulation in the elevations presenting to the right of carriageway, pedestrian entrance to the western elevation for No.52A, retention of existing street trees and new landscaping features which will also assist the integration of the building with the right of carriageway.

b) To minimise the potential for overlooking on adjacent dwellings and open space areas.

Response

The subject site has a northern and an eastern adjoining property. The proposed dual occupancy has been oriented to the northern rear boundary. As a result of this orientation, the proposal would not adversely impact on the privacy of the eastern adjoining. With regards to impacts on the northern adjoining property, impacts of overlooking are minimised as a result of the change in natural ground level and the existing vegetation. These matters have been discussed within this variation statement. However, in addition to these characteristics, the proposed development has also been designed with additional deep soil planting within the rear setback. This planting will add to the existing screening provided by the trees retained on the northern adjoining property.

c) To ensure that development is sympathetic to and addresses site constraints.

Response

The proposed development has been positioned to avoid building in the steepest north-eastern corner of the site and has been setback to ensure that there is no impact on existing vegetation retained on the northern adjoining property.

d) To encourage split level stepped building solutions on steeply sloping sites.

Response

The buildings have been stepped down the site to reflect the natural topography of the area. Specifically, the first floor has been proposed only on the higher portion of the site. Notwithstanding this, each floor level has been designed to be step free and a lift provided between levels to ensure mobility through the dwelling is achievable for future residents and improve the ability for residents to age in place, designed for compliance with the *Liveable Housing Design Guidelines*.

e) To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.

Response

The subject site has a northern and an eastern adjoining property. The northern adjoining property contains a single storey dwelling. The proposed development will not adversely affect the visual amenity of this residence due to the topography and vegetation features of the area. A dual

occupancy is currently proposed on the vacant eastern adjoining property. This dual occupancy has a similar scale as the proposed development and is also orientated to the north in a manner which will minimise any visual amenity impact by the proposed development.

Lots to the west and south of the site are separated by the right of carriageway. These lots are either vacant or contain dwellings or dual occupancies with a mix of single and two storey dwellings that vary in appearances. The proposed dual occupancy complies with the LEP building height limit. The proposed development generally presents as two storeys in height with the ground floor and first floor presented as the two storeys to the south and on the southern portion of the building footprint and the ground floor and lower ground floor presenting as the two storeys presented on the northern portion of the building footprint.

- f) To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.*

Response

No ancillary structures are proposed. Not applicable in this instance.

- g) To ensure appropriate correlation between the height and setbacks of ancillary structures.*

Response

No ancillary structures are proposed. Not applicable in this instance.

- h) To encourage positive solar access outcomes for dwellings and the associated private open spaces.*

Response

The dual occupancy has been designed with living areas and private open spaces to the north. The proposal does not adversely overshadow any existing living room windows or private open space areas of surrounding residences.

In summary, the slope of the site to the rear results in the ground floor level (which is designed to be close to the level of the front boundary) becoming elevated at the rear. This fall of the site and elevation of the ground floor level at the rear provides opportunity for a lower ground floor level to be provided under part of the ground floor level and as such the ground floor level becomes the second storey when viewed from the rear. The balconies provided at this level extend (in part) to the rear. However, given unique characteristics of the site and locality the numerical non-compliance of the proposed development from the rear boundary is deemed to not significantly impact on the adjoining properties, and the existing amenity experienced by the neighbouring developments will not be detrimentally impacted.

Front Setback

Specifically, this Variation Statement addresses Control 4.2.2.1.a of Chapter B1 Residential Development from the *Wollongong DCP (WDCP) 2009*. This DCP control relates to front setbacks. The specific control states:-

The following setback requirements apply from the primary street frontage to the front facade of the building:

- a) *Infill development sites require a minimum setback of 6m from the front property boundary,*

The subject site is irregular in shape. The proposed development has a southern frontage to a right of carriageway. The southern front property boundary is not perpendicular to the side boundaries. The proposed dual occupancy has been designed with a north-south orientation and therefore have side elevations parallel to the side boundaries. As a result, although the two dwellings have been staggered in setback to reflect the angled boundary, the southern front elevations are not parallel to the front property boundary and portions of the development extend into the 6m front setback as shown in **Figure 32**.

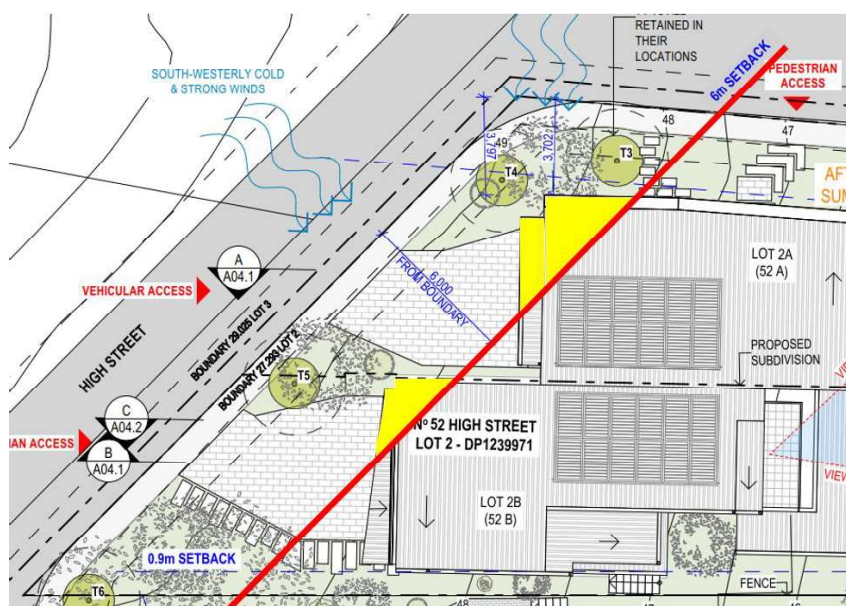


Figure 32: Extract of Site Plan showing front 6m setback lines in red and building encroachments in yellow.

As illustrated in **Figure 29** the extent of the non-compliance varies. Specifically, the non-compliance relates to corner portions of first floor bedrooms and balconies and ground floor garages. As discussed, the front elevations each dual occupancy dwelling are staggered from each other but not parallel to the front boundary due to the irregular lot boundaries and as such the extent of the variation varies. However, the greatest point of variation occurs at the south-western corner of the first floor balcony of dwelling 52A which is setback approximately 3.3m from the southern property boundary (when measured perpendicular to the boundary).

The unique circumstances of the angled boundary, a low traffic terminating right of carriageway, lack of clearly established setback line to the right of carriageway and corner features of the subject site enable the proposed front setback variations to be suitable. In this regard the relevant objectives for Control 4.2.2.1.a are satisfied despite the non-compliances. These objectives are outlined and addressed below.

- (a) To reinforce the existing character of the street and locality by acknowledging building setbacks.*
- (b) To ensure that buildings are appropriately sited, having regard to site constraints.*
- (c) To ensure building setbacks are representative of the character of the area.*
- (d) To provide for compatibility in front setbacks to provide unity in the building line.*
- (e) To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.*
- (f) To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).*

The response of the proposed development to each of these objectives is provided below.

- (a) To reinforce the existing character of the street and locality by acknowledging building setbacks.*

Response

The subject site has frontage to a right of carriageway which services six lots to the west and five lots to the south and four lots to the north / east (of which the subject site is one). Dwellings have been constructed on the lots to the west. These dwellings are primarily orientated to the north and provide only secondary elevations and setbacks to the right of carriageway. One of the southern lots contains a dwelling which was existing prior to the recent subdivision. This dwelling has a significant setback from the right of carriageway as it is positioned on the rear higher portion of the lot. The remaining lots (at time of writing) are currently vacant and as such the character of the east-west portion of the right of carriageway has yet to be established. Notwithstanding this, the following is noted:-

- The east-west portion of the right of carriageway is not straight and a lots are irregular in shape with mostly angled frontages to the right of carriageway.
- Lots on the northern side of this east-west portion have restricted building area to the rear and future buildings are likely to be positioned on the higher southern portions which are closer to the right of carriageway
- The right of carriageway terminates in a 'Y' turning head and will only carry local residential traffic.

In light of these points, it is considered unlikely that a clear 6m front building line will be established for the northern side of the east-west portion of the right of carriage way. The proposed stepped frontages which offer portions of setbacks which exceed the 6m and proportions which encroach is considered to reflect the angled nature of the boundary and veering nature of the right of carriageway.

- (b) To ensure that buildings are appropriately sited, having regard to site constraints.*

Response

The proposed dual occupancies have been positioned on the front higher southern portion of the site to ensure works are not required within the restricted building area to the rear. The dual occupancy has been staggered in response to the angled front and rear boundaries. The front facades offer two building lines both of which are not parallel to the right of carriage and each provide portions which both extend into and are setback from the 6m parallel control. This staggering and mix of setback provides variety and interest to the right of carriageway.

(c) To ensure building setbacks are representative of the character of the area.

Response

The character of the right of carriageway will evolve and remaining vacant lots are constructed upon, however as detailed in response to Objective (a) above a clear setback does not and is unlikely to evolve to be a determining characteristic of the area.

(d) To provide for compatibility in front setbacks to provide unity in the building line.

Response

As mentioned in response to other objectives, there is no clearly defined building line. The proposed design responds to the angled frontage by staggering the two dual occupancies.

(e) To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.

Response

Existing dwellings in this locality are primarily orientated to the north. In this regard views are predominately to the north and for properties on the ridge may also be gained to the south. In this regard encroachment into the east-west orientated component of the right of carriageway will not impact on any main view corridors.

Further to the above, the right of carriageway will cater for local residents only and has no potential to service through traffic. The proposed setbacks to the right of carriageway are greater than those provided to the north-south portion of the right of carriageway and are therefore considered sufficient to enable sight lines for vehicles utilising the carriageway.

(f) To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).

Response

The centre point of both garages is setback greater than 6m from the front boundary. The proposed driveways have a length greater than 5.5m from the formed right of carriageway (measured perpendicular to the formed right of carriageway). This enables a vehicle to stand in front of each of the proposed double garages as illustrated on the plans prepared by *MacCormick and Associates Architects* and submitted as part of this application.

As outlined above, given the unique circumstances of site and frontage to a right of carriageway, the proposed variation does not prevent the relevant objectives of the control being satisfied. It is further noted that the proposed variation will not result in any adverse impacts. In this regard, there is no clearly defined setback line for this veering right of carriageway. The proposal responds to the angled alignment of the southern boundary through the staggering of the two dwellings while providing a north-south design axis which responds to the western side boundary. The variation applies to only portions of the setback which is offset by other portions which have a greater setback than required by the control. Overall, the staggered elevation provides visual interest and is suitable for the right of carriageway frontage.

Garage Door Width

Specifically, this Variation Statement addresses Controls 4.8.2.11 and 4.10.2.4 of Chapter B1 Residential Development from the *Wollongong DCP (WDCP) 2009*. These DCP controls relate to garage door width.

Specifically Control 4.8.2.11 states:-

Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling.

Specifically Control 4.10.2.4 states:-

Where garage door openings face a road they shall:
(a) Be a maximum of 50% of the width of the dwelling

The proposed development fronts a right of carriageway. The right of carriageway does not provide for any through traffic and terminates to the east of the site in a 'Y' head. The site slopes to the rear and levelled driveway access is most easily achieved by accessing the site from the southern frontage. As such both dual occupancy dwellings have been designed with direct vehicle access from the southern right of carriageway frontage. As a result two double garages are presented to the southern frontage. These garages have an external width of approximately 12.8m. Despite this being less than 50% of the 27.32m width of the southern property boundary, the proposed dual occupancy has been setback from the side/secondary boundaries and the 12.8m garages width does exceed 50% of the width of the proposed southern elevation of the dual occupancy as illustrated in **Figure 33**.

Statement of Environmental Effects

Lot 2 DP 1239971, No. 52 High Street, Thirroul

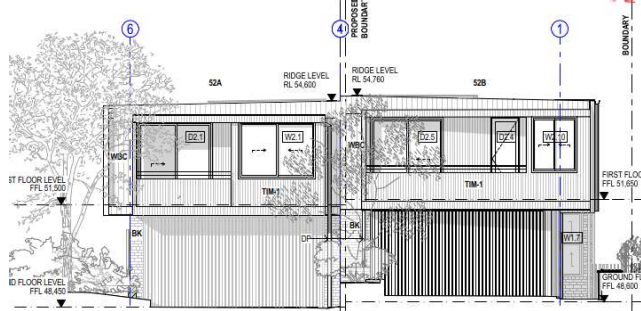


Figure 33: Extract of Southern Elevation Plan of proposed dual occupancy prepared by Maccormick + Associates Architects



Figure 34: Extract of Street View from South-East 3D Image prepared by Maccormick + Associates Architects

The site is unique with its corner frontage to a right of carriageway and primary frontage width which allows for landscaped setbacks between the garages and the side / secondary boundaries. This combined with design features including staggering of the two garages, protruding first floor balcony and window elements, materials and colours selection and clearly identifiable pathways to the entry doors enables the proposed design to satisfy the relevant objectives of the controls sought to be varied. Specifically the relevant objectives of control 4.8.2.11 are:-

- (e) To ensure buildings address the primary street frontage via entry doors and windows.*
- (f) To ensure that dwellings provide appropriate passive surveillance of public spaces and street frontage.*
- (g) To ensure that ancillary structures are not the dominate feature of built form.*

And the relevant objective of the control 4.10.2.4 is:-

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

The response of the proposed development to each of these objectives is provided below.

- (f) To ensure buildings address the primary street frontage via entry doors and windows.*

Response

Due to the corner nature of the site, the entry door to dwelling 52A is designed to address the secondary frontage while the entry path for 52B is clearly visible from the southern frontage and overlooked by a ground floor study window. Notwithstanding this, the southern elevation addresses the southern street frontage through first floor windows and balconies which protrude forward of the ground floor garages as shown in **Figures 33 and 34**. These features dominate over the garages and provide an active elevation.

- (g) To ensure that dwellings provide appropriate passive surveillance of public spaces and street frontage.*

Response

First floor windows and balconies have been incorporated into the southern elevation and allow for passive surveillance of the right of carriageway.

(h) To ensure that ancillary structures are not the dominate feature of built form.

Response

The garages are attached and incorporated into the design of the dual occupancy. Furthermore, the first floor elements cantilever over the ground floor garages and are designed with darker finishes to the garages ensuring the garages present as the subservient form. Landscaping retained and proposed at the ground floor level will also serve to soften the garages proposed.

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

Response

Garages and driveway locations have been designed to ensure existing street trees can be retained. Additional landscaping within the setbacks to the right of carriageway is also proposed and will assist to soften visual presence of the garages. It is further noted that the proposed garages have been located on the lower northern side of the right of carriageway and will not dominate in the topography. In addition to these factors, the dual occupancy dwellings have been staggered. This staggering breaks up the width as presented to the right of carriageway. Furthermore, the first floor elements cantilever over the ground floor garages and are designed with darker finishes to the garages ensuring the garages present as the subservient form.

Overall, the garages address a right of carriageway and despite the numerical non-compliance, do not result as a dominating element in the design. The garages are staggered and the first floor protrudes forward with design features and finishes which result in the garages being submissive in the elevation. The first floor design also enables opportunities for passive surveillance of the right of carriageway and the proposed development is able to satisfy the relevant objective of the control despite the variation.

It is anticipated that Council will apply flexibility to the DCP in these instances, as the proposed variations are considered justified and suitable to both the site and surrounding context. It has been demonstrated in the above Statements that the development achieves the relevant objectives of the DCP.

4.5. The Likely Impacts of the Development

4.5.1. Context and Setting

The site is located within Thirroul which is a northern suburb of the Wollongong Region located approximately 12km from Wollongong CBD. Thirroul is located between the Illawarra Escapement to the west and the Pacific Ocean to the east. The lot is currently vacant and was created as a result of a recent 10 lot subdivision. The site is located at the end of the High Street cul-de-sac and is

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12 December 2023

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Our Ref: L104069
Your Ref: DA-2023/527

Attention: Nicole Ashton

Dear Ms Ashton,

Response to Request for Additional DCP Variation Statements DA-2023/527
Lot 2 DP 1239971 – 52 High Street, THIRROUL NSW 2515

With regards to the abovementioned Development Application (DA), and in response to the request for additional information sent from Council on 20 October 2023, the following additional DCP Variation Statements are provided. Other matters raised in Council's letter are addressed under separate cover by the applicant.

Number of Storeys

This variation statement addresses Section 4.1 of Chapter B1 Residential Development of Wollongong DCP (WDCP) 2009. Section 4.1 relates to the number of storeys and states:-

"The maximum building height is set by the Local Environmental Plans generally

a) R2 Low Density Residential Zones permit a maximum height of 9m – a maximum of 2 storeys

b) R3 Medium Density Residential Zones permit a maximum of height of 13m a maximum 3 storeys.

The number of storeys acceptable will be dependant on the surrounding development, the future desired character of the area, the impacts that the proposed development has on solar access, privacy, visual amenity and overshadowing."

The site is zoned R2 Low Density Residential and complies with the maximum 9m height of building development standard set by the Wollongong Local Environmental Plan (LEP) 2009. The site has frontage to a right of carriageway treated as an extension to High Street with a constructed width capable of accommodating two way traffic giving primary access to 16 lots. The proposed

development has portions which are 3 storey and the proposal therefore does not strictly comply with Section 4.1 of Chapter B1 of the WDCP 2009.

Specifically, in response to the natural fall of the site toward the rear (north), the proposed development has been designed over three different levels being the first floor, ground floor and lower ground floor. The first floor is located over the southern portion of the ground floor and is setback from the rear elevation. In this regard, the first floor terrace is setback from corresponding rear northern façade of the ground floor balcony by approximately 8.4m for Dwelling 52A and approximately 9.9m for Dwelling 52B. In contrast, the lower ground floor is located further to the north with the lower ground floor being setback from the front southern street façade by approximately 4.9m for Dwelling 52A and approximately 6.1m for Dwelling 52B. Notwithstanding this staggering of the floor levels, some overlap of the first floor and the lower ground level occurs to enable the lift shaft to carry through to all three floor levels. Furthermore, the lower ground floor is extended adjacent to the lift to allow for a storage room/plant room.

The overlap of the first floor level with the lower ground level which results in the three storey portion is illustrated in extracts of Sections A and B prepared by *MacCormick + Associates Architects* shown in **Figures 1 and 2**.



Figure 1: Extract of Section Plan prepared by *MacCormick + Associates Architects* showing Section A through No. 52A.

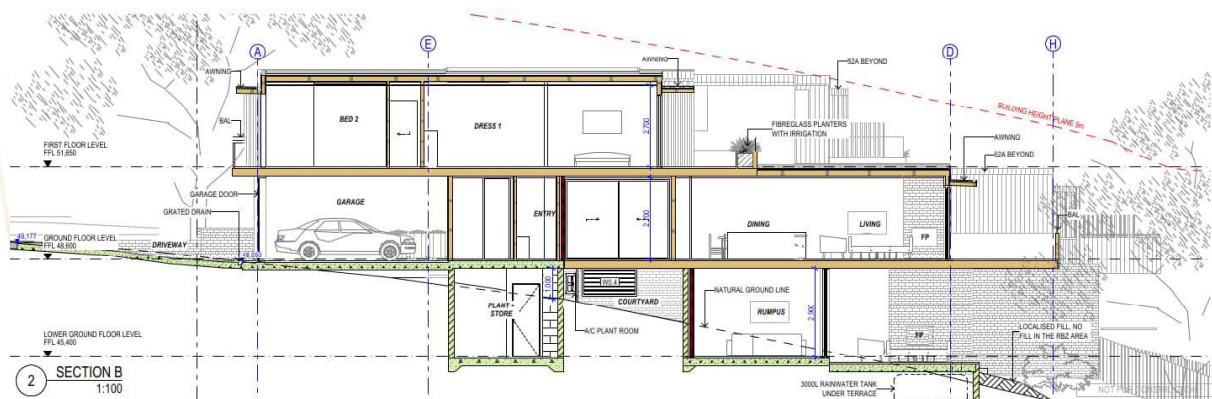


Figure 2: Extract of Section Plan prepared by *MacCormick + Associates Architects* showing Section B through No. 52B.

Notwithstanding the non-compliance, as is illustrated in **Figures 1 and 2**, at the point of overlap which causes the three storey non-compliant portion, a large section of the lower ground floor level is below natural ground level (achieved through cut) thereby not resulting in additional external bulk of the building or adversely impact on the surrounding locality. Furthermore, the proposed development generally presents as two storeys as shown in **Figures 3 and 4**. In this regard, the proposed development generally presents as two storeys in height with the ground floor and first floor located on the southern portion of the building footprint presenting as the two storeys to the south and the ground floor and lower ground floor located on the northern portion of the building footprint presenting as the two storeys to the north.



Figure 3: Extract of 3D Image prepared by MacCormick + Associates Architects showing proposed development as viewed from the south.



Figure 4: Extract of 3D Image prepared by MacCormick + Associates Architects showing proposed development as viewed from the rear.

In light of the above, given the topography of the site and design approach, the proposal has been able to satisfy the objectives of Section 4.1 of Chapter B2 of the Wollongong DCP despite the non-compliance. Each of these objectives are addressed below:-

- a) To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.*

Response

The building responds to the site's natural slope to the rear by dispersing the building mass over three different floor levels and offsetting the first floor level from the lower ground level in a manner consistent with this slope. The building will present as two storeys when viewed from the primary frontage and in a stepped elevation when viewed from the secondary frontage.

- b) To minimise the potential for overlooking on adjacent dwellings and open space areas.*

Response

The subject site has a northern and an eastern adjoining property. The proposed dual occupancy has been primarily oriented to the northern rear boundary and as a result of this orientation, the proposal

would not adversely impact on the privacy of the eastern adjoining property. With regards to impacts on the northern adjoining property, impacts of overlooking are minimised as a result of:-

- the first floor being setback from the rear elevation;
- the change in natural ground level; and
- the existing vegetation on the adjoining site and proposed vegetation within the rear setback of the subject site.

These site and design features are illustrated in an extract of a plan prepared by *MacCormick + Associates Architects* shown in **Figure 5**.

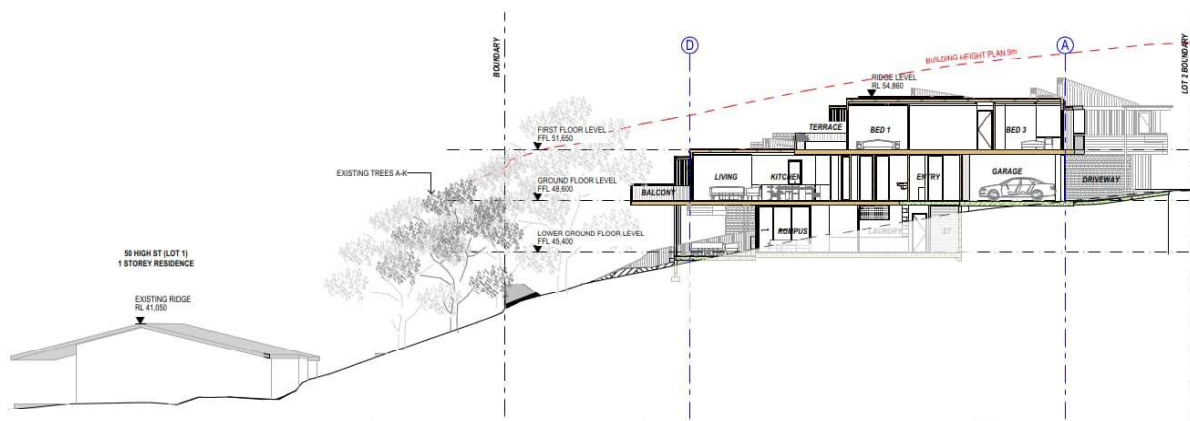


Figure 5: Extract of Plan prepared by *MacCormick + Associates Architects* showing Section C through proposed development, the sites natural slope and the dwelling on the rear adjoining property.

c) To ensure that development is sympathetic to and addresses site constraints.

Response

The proposed development responds to the slope of the site and has been positioned to avoid building in the steepest north-eastern corner of the site and has been setback to ensure that there is no impact on existing vegetation retained on the northern adjoining property.

d) To encourage split level stepped building solutions on steeply sloping sites.

Response

The building has been designed in response to the natural topography of the site. Specifically, the first floor has been proposed only on the higher portion of the site. Notwithstanding this, each floor level has been designed to be step free and a lift provided between levels to ensure mobility through the dwellings is achievable for future residents and improve the ability for residents to age in place.

e) To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.

Response

The subject site has a northern and an eastern adjoining property. The northern adjoining property contains a single storey dwelling. The proposed development will not adversely affect the visual amenity of this residence due to the topography and vegetation features of the area. A dual occupancy

is currently proposed on the eastern adjoining property. This dual occupancy has a similar scale as the proposed development and is also orientated to the north in a manner which will minimise any visual amenity impact by the proposed development.

Lots to the west and south of the site are separated by the right of carriageway. These lots are either vacant, under construction or contain dwellings or dual occupancies with a mix of single and two storey dwellings that vary in appearances. The proposed dual occupancy complies with the LEP building height limit applicable in this locality. The proposed development generally presents as two storeys in height with the ground floor and first floor located on the southern portion of the building footprint presenting as the two storeys to the south and the ground floor and lower ground floor located on the northern portion of the building footprint presenting as the two storeys to the north.

f) To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.

Response

No ancillary structures are proposed. Not applicable in this instance.

g) To ensure appropriate correlation between the height and setbacks of ancillary structures.

Response

No ancillary structures are proposed. Not applicable in this instance.

h) To encourage positive solar access outcomes for dwellings and the associated private open spaces.

Response

The dual occupancy has been designed with living areas and private open spaces to the north. The proposal does not adversely overshadow any existing living room windows or private open space areas of surrounding residences.

In summary, the proposed design responds to the natural slope of the land with the positioning of the first floor level offset from lower ground level such the building generally presents as a two storey development. As such, the non-compliant three storey portion of the building occurs away from the front and rear elevations and incorporates a portion of the lower ground floor which is proposed below natural ground level. As a result, the non-compliance does not result in any adverse visual impacts nor create excessive bulk and, as detailed through responses to the control objectives does not result in any significant adverse impact on privacy or overshadowing of adjoining properties.

Garage Setback

This variation statement addresses Controls 4.2.2.1c and Control 4.10.2.3 of Chapter B1 Residential Development of Wollongong DCP (WDCP) 2009. These controls relate to garage setbacks. Specifically the Controls state:-

Controls 4.2.2.1c

“Garages and carports must be setback a minimum of 5.5 metres to enable a vehicle to park or stand in front of the garage or carport”

Control 4.10.2.3

“Garages must be setback a minimum of 5.5m from the front property boundary.”

The subject site is irregular in shape. The proposed development has a southern frontage to a right of carriageway with vehicle access proposed via this southern frontage. The southern front property boundary is not perpendicular to the side boundaries. The proposed dual occupancy has been designed with a north-south orientation and therefore has side elevations parallel to the side boundaries. As a result, although the two dwellings have been staggered in setback to reflect the angled boundary, the southern front elevations are not parallel to the front property boundary and portions of the garages extend into the 5.5m garage setback as shown in **Figure 6**.

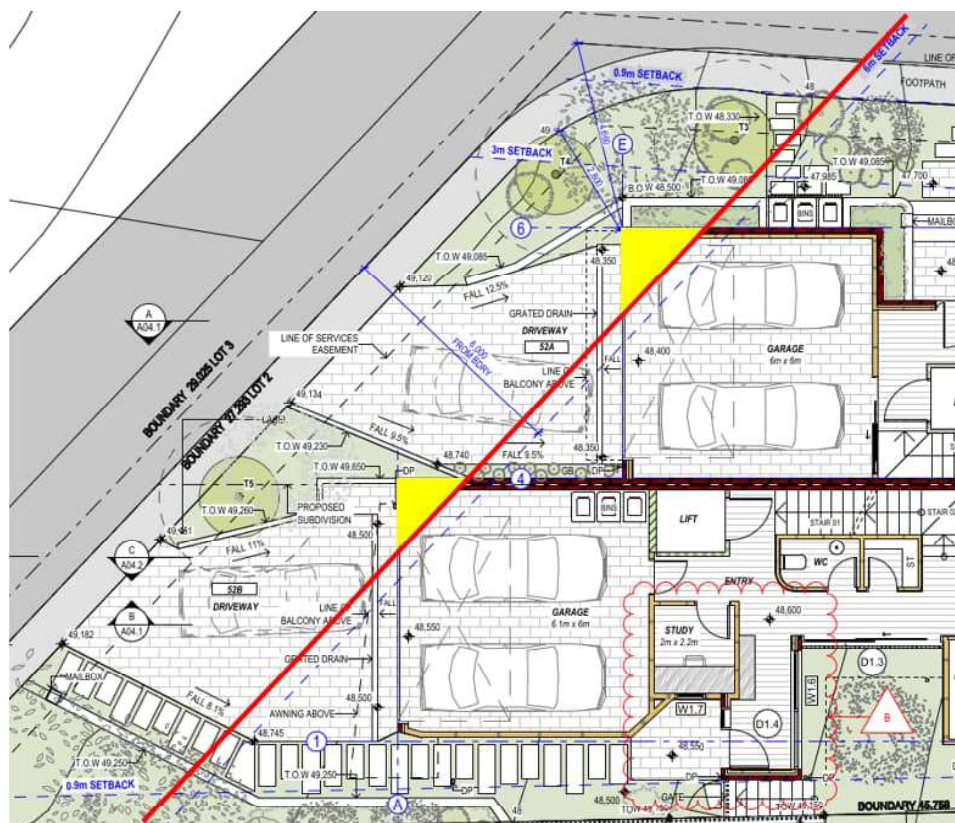


Figure 6: Extract of Site Plan showing front 6m setback lines in red and building encroachments in yellow.

As illustrated in **Figure 6** the non-compliance relates to south-western corner portions of the garages and the extent of the non-compliance varies as the front elevations are staggered and not parallel to the front boundary. However, the greatest point of variation occurs at the south-western corner of the garage for Dwelling 52A which is setback approximately 4m from the southern property boundary (when measured perpendicular to the boundary).

Notwithstanding the non-compliance, the driveway design provides space for the parking of a car and the unique circumstances of the angled boundary, a low traffic terminating right of carriageway, lack

of clearly established setback line to the right of carriageway and the corner features of the subject site enable the variation to be suitable. In this regard the relevant objectives for Controls 4.2.2.1.c and 4.10.2.3 are satisfied despite the non-compliances. These key objectives in relation to the garages are outlined and addressed below. Other 4.2 objectives have already been addressed in the Statement of Environmental Effects submitted with the application.

Objective 4.2.1 (f) To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).

Response

A hardstand driveway area is proposed between the garage and formed right of carriageway. This hardstand area does not impose on movement corridors and allows a vehicle to stand in front of each of the proposed double garages without impacting the this formed carriageway. In this regard, the centre point of both garages is setback greater than 6m from the front boundary. The proposed driveways have a length greater than 5.5m from the formed right of carriageway (measured perpendicular to the formed right of carriageway).

Objective 4.10.2 (a) To provide car parking for residents.

Response

Each dual occupancy dwelling has been designed with a double garage providing for two car parking spaces. This is compliant with the number of car parking spaces required by Wollongong DCP for a dwelling. Furthermore, each garage is setback in a manner that enables a car to also be stack parked in front of these garages as shown on the plans in **Figure 6**. In this regard, the proposed driveways have a length greater than 5.5m from the formed right of carriageway (measured perpendicular to the formed right of carriageway).

Objective 4.10.2 (b) To ensure that there is adequate provision for vehicular access and manoeuvring.

Response

Each dual occupancy dwelling has been designed with their own driveway providing access from the right of carriageway to the double garage for that dwelling. Vehicles will be able to manoeuvre to and from the site via the existing right of carriageway and proposed driveway in a manner suitable for a low traffic residential environment and terminating right of carriage carrying limited traffic volumes.

Objective 4.10.2 (c) To minimise the impact of garages upon the streetscape.

Response

The proposed garages are located on the lower northern side of the right of carriageway and will not dominate in the topography. The garages are also incorporated into the building design and are staggered from each other in response to the angled frontage, to provide visual interest and to break up the presentation of the garages to the street. Furthermore, first floor elements cantilever over the ground floor garages and are designed with darker finishes to the garages ensuring the garages present as the subservient form. It is also noted that the garages and driveway locations have been

designed to ensure existing street trees can be retained. Additional landscaping within the setbacks to the right of carriageway is also proposed and will further assist to soften visual presence of the garages.

In addition to the above, it is noted that there is no currently established streetscape along the northern side of the east-west portion of the right of carriageway. Furthermore, due to the unique circumstances of this portion of the streetscape, it is unlikely that a clearly defined street setback line will be established. Specifically, the east-west portion of the right of carriageway is not straight and lots are irregular in shape with mostly angled frontages to the right of carriageway. In addition, lots on the northern side of this east-west portion have restricted building areas to the rear and future buildings and garages are likely to be positioned on the higher southern portions which are closer to the right of carriageway similar to the proposed development.

In summary, the proposed garages are designed at an angle to the front boundary in a manner which results in portions of the garages not being setback 5.5m. Notwithstanding this, the garage designs and location do not prevent the objectives of the control from being satisfied and the garage setback still enables a stacked car to be parked on the site in front of the double garages.

Retaining Wall Height

This variation statement addresses Controls in 4.17.3 of Chapter B1 Residential Development from the *Wollongong DCP (WDCP) 2009*. These controls relate to retaining walls. Specifically the controls to be varied state:-

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

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

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

4. To limit the overall height impact, terracing of retaining walls is required, limiting the maximum vertical rise of a retaining wall to 1 metre, with a minimum horizontal setback of 1 metre.

5. Any retaining wall with a vertical height exceeding 1 metre in any one vertical rise must be supported by appropriate justification demonstrating how the proposal meets the objectives above.

The subject site slopes down from the front southern boundary toward the rear and has two frontages to a right of carriageway. Specifically, both the southern boundary and the western boundary adjoin the right of carriageway. The proposed design seeks to activate both frontages and provides driveway

access via the southern frontage and pedestrian access via the western frontage. Both these access points are to the primary floor level being the ground floor level. This level becomes higher than the NGL as the site falls away to the rear and stairs are needed to address this change in level between the western boundary and the main entry door to proposed Dwelling 52A. Incorporated into this stair design are landscape planters. One landscape planter includes a retaining with a maximum height of approximately 1.28m and as such does not comply with 1m maximum retaining wall height. The location of this wall is shown in **Figure 7**.

A second retaining wall is also non-compliant. This wall is located adjacent to the lower ground floor rumpus room and accommodates cut into the site to improve connectivity between the rumpus room and the adjoining terrace area and ventilation opportunities for the rumpus room. This retaining wall has a maximum height of 1.2m and as such does not comply with 1m maximum retaining wall height. The location of this wall is shown in **Figure 8**.

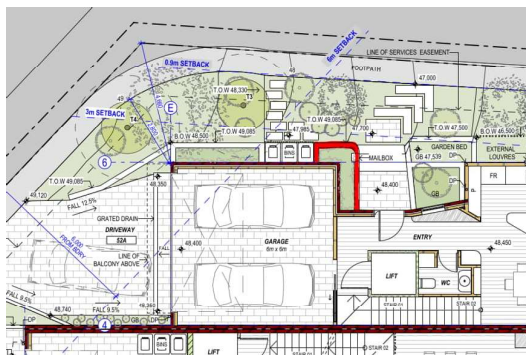


Figure 7: Extract of Ground Floor Plan showing non-compliant retaining wall in red.



Figure 8: Extract of Lower Ground Floor Plan showing non-compliant retaining wall in red.

Notwithstanding the non-compliance of these two retaining walls, their height and setback from the boundaries ensure that they do not result in any adverse impacts and are considered suitable for a sloping site in this locality. Furthermore, and in this regard, the relevant objectives for the 1m retaining wall controls are satisfied despite the non-compliances and provision for variation is outlined in Control 4.17.5. The objective of the controls to be varied are addressed below:-

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

Response

Plans prepared by *Maccormick + Associates Architects* detail that retaining walls over 1m in height will be designed by an Engineer. A Geotechnical Report prepared by *Geofirst* has also been prepared and submitted as part of the response to Council's Request for Additional Information. The retaining walls will be constructed in accordance with Engineering advice and any conditions of consent.

Neither retaining walls will result in adverse impacts on adjoining properties. In this regard, the retaining wall within the western setback to the right of carriageway is setback over 3m from the property boundary and is further separated from adjacent properties by the width of the right of

carriageway. This retaining wall is proposed to provide landscaped area adjacent to the entry and will be screened by landscaping proposed between the right of carriageway and the wall as illustrated in **Figure 7**. The wall is incorporated into the overall design as it steps up the site and incorporates the letterbox and street numbering as shown in **Figure 9**. With regard, to the retaining wall adjacent to the lower ground floor rumpus room, this wall is predominately below natural ground level, is setback approximately 2.3m from the side boundary and is not visible from the right of carriageway. The low visual impact of this wall is illustrated in **Figure 10**.

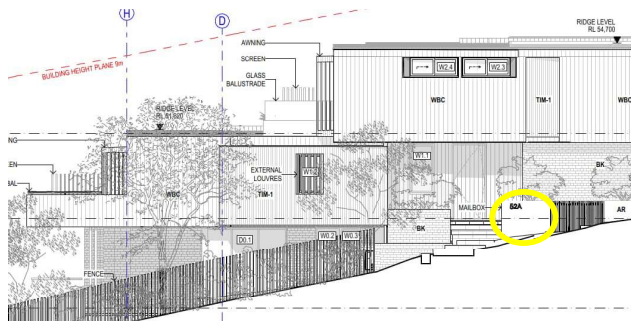


Figure 9: Extract of West / Street Elevation with non-compliant retaining wall circled in yellow.

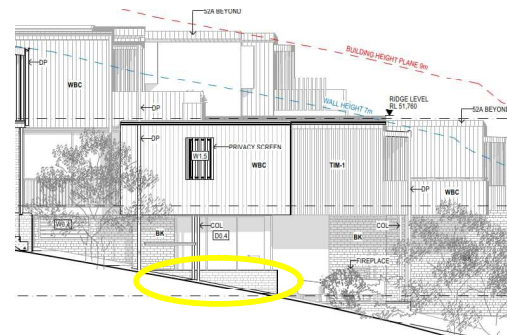


Figure 10: Extract of Eastern Elevation with non-compliant retaining wall circled in yellow.

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

Response

Plans prepared by *Maccormick + Associates Architects* detail that retaining walls over 1m in height will be designed by an Engineer. The 1.28m and 1.2m non-compliant walls will be not out of character for developments on steep sites in this locality. The walls are aesthetically pleasing and do not dominate the built form proposed as is illustrated in **Figures 9 and 10**.

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

Response

Plans prepared by *Maccormick + Associates Architects* detail that retaining walls over 1m in height will be designed by an Engineer.

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

Response

The natural slope of the site remains evident. Plans prepared by *Maccormick + Associates Architects* detail that retaining walls over 1m in height will be designed by an Engineer. A Geotechnical Report prepared by *Geofirst* has also been prepared and submitted as part of the response to Council's Request for Additional Information. The retaining walls will be constructed in accordance with Engineering advice and any conditions of consent.

In summary, the proposed retaining walls will be designed by an Engineer, do not result in any adverse impacts and are suitable for the site in this locality. Furthermore, despite the non-compliance the objectives of the control are satisfied.

In light of the above, we consider that the variations proposed are worthy of support in the circumstances. As such and as per the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) we are requesting Council apply flexibly the DCP given the merits of the case. In this regard it is noted that Section 3.42 of the EP&A Act states that the purpose of a DCP is to provide guidance and Section 4.15(3A) of the EP&A Act grants discretion to a consent authority to apply flexibility in the application of the provisions of a DCP in the assessment of a development application.

We trust that this response satisfies the matters raised by Council which have been addressed in this response. However, should you require any further information please do not hesitate to contact us.

Yours faithfully



Karen Mion
Senior Town Planner
SET CONSULTANTS PTY LIMITED



ATTACHMENT 4 - Draft conditions of consent

DRAFT CONDITIONS FOR: DA-2023/527

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

NSW Rural Fire Service - Rural Fires Act 1997

Pursuant to s100B - authorisation under the Rural Fires Act 1997 - General Terms of Approval issued by NSW Rural Fire Service dated 28 July 2023 as attached shall form part of this Notice of Determination.

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

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
A00.2	A	52 High St - Legend & BASIX	MacCormick + Associates Architects	2/6/2023
A01.2	A	52-54 High St - Torrens Title Plan	MacCormick + Associates Architects	2/6/2023
A02.1	C	52 High St - Lower Ground Floor Plan	MacCormick + Associates Architects	25/1/2024
A02.2	C	52 High St - Ground Floor Plan	MacCormick + Associates Architects	25/1/2024
A-02.3	C	52 High St - First Floor Plan	MacCormick + Associates Architects	25/1/2024
A02.4	B	52 High St - Roof Plan	MacCormick + Associates Architects	25/1/2024
A03.1	B	52 High St - South & North Elevations	MacCormick + Associates Architects	22/11/2023
A03.2	A	52 High St - East & West Elevations	MacCormick + Associates Architects	2/6/2023
A04.1	A	52 High St - Sections A & B	MacCormick + Associates Architects	2/6/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

General Conditions

2. Construction Certificate

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

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

3. Occupation Certificate

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

Reason:

To satisfy the requirements of the legislation.

4. Height Restriction

The development shall be restricted to a maximum height of 54.86 metres AHD from the natural ground level (inclusive of the lift tower and any air conditioning plant). Any alteration to the maximum height of the development will require further separate approval of Council.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

5. Site Facilities

Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature. The house number must be displayed in a prominent position and the mailbox installed in accordance with Australia Post Guidelines. Site addressing shall comply with Council's Property Addressing Policy (as amended).

Reason:

To minimise the visual impact of ancillary structures.

6. Tree Retention/Removal

The developer shall retain the existing tree(s) indicated on Plan 1 and 2 in Appendix 6 pages 23 and 24 in the Arboricultural Impact Assessment by Treeism Arboricultural Services dated May 2023 consisting of tree(s) numbered a, b, c, d, e, f, j, k, 1, 2, 3, 4, 5, and 9.

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

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

All recommendations in the Arboricultural Impact Assessment by Arboricultural Impact Assessment by Treeism Arboricultural Services dated May 2023 page nos 7-9 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing

and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

Reason:

To protect the amenity of the environment and the neighbourhood.

7. Work in Accordance with Report

All work is to be in accordance with the geotechnical recommendations contained in the report dated 15 December 2023 by Geofirst Pty Ltd and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

8. Articulation Jointing

Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

9. Class P Soils

Foundation systems are to be designed for Class P soils with all footings to be founded at least 2.5 m within the underlying hard colluvial silty sandy clay or 1.5 m into the underlying weathered sandstone bedrock as recommended by the geotechnical consultant.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

10. Development Boundary

No development, with the exception of the elevated "ground floor" balcony for Dwelling B, is to occur within the restricted building zone as recommended by the geotechnical consultant.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

11. Excavation Support

All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

12. Stormwater and Wastewater

All stormwater and wastewater are to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.

Reason:

To ensure site specific geotechnical constraints are appropriately considered and satisfied.

13. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$6,600.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

To request an invoice to pay the contribution amount go www.wollongong.nsw.gov/contributions and submit a contributions enquiry. The following will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issue to.
- Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.gov.au.

Reason:

To ensure the development contributes to the provision of local infrastructure, through the payment of development contributions.

Before the Issue of a Construction Certificate

14. Present Plans to Sydney Water

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

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

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

Reason:

To satisfy the requirements of the legislation.

15. Utilities and Services

Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

Reason:

To ensure relevant utility and service providers' requirements are provided to the certifier.

16. Obscure Glazing for all Bathroom and WC Windows

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

Reason:

To protect neighbourhood amenity.

17. External Clothes Drying Facilities

External clothes drying facilities are to be provided in a location that is not visible from a public place. Details of the screening and the location of these facilities shall be reflected on the Construction Certificate plans and the final landscape plan.

Reason:

To comply with Council's Development Control Plan.

18. Dilapidation Report

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works,

including the right of carriageway, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

Reason:

To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report

19. Property Addressing Policy Compliance

Prior to the issue of any Construction Certificate, the developer must ensure that any site addressing complies with Council's Property Addressing Policy (as amended). Where appropriate, the developer must also lodge a *General Property Addressing Request* through Online Services on Council's Website (<https://www.wollongong.nsw.gov.au/book-and-apply/online-services>), for the site addressing prior to the issue of the Construction Certificate. Please allow up to 5 business days for a reply. Enquiries regarding property addressing may be made by calling (02) 4227 8660.

Reason:

To comply with Council Policy.

20. Site Filling

Filling on the site shall be restricted to within the proposed building footprint, footpaths adjoining the dwellings and ramped areas immediately adjacent to the garage only. No wholesale filling of the site outside of the building footprint is permitted. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To comply with Council's Development Control Plan.

21. Parking Dimensions

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

22. Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

Reason:

To ensure compliance with Australian Standards.

23. Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a. a plan of the wall showing location and proximity to property boundaries;
- b. an elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;

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

Reason:

To comply with Council's Development Control Plan.

24. Stormwater Drainage Design

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

- a. Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by McCormick & Associates, Reference No. 231083, SW23, SW24, SW 25, issue A, dated 2/6/2023.
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to the existing OSD facility.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1% AEP events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

Reason:

To comply with Council's Development Control Plan.

25. Fencing

The development is to be provided with fencing and screen walls at full cost to the applicant/developer. Where a fence or gate is within 6m of a dwelling it must be constructed of non-combustible material only. This requirement is to be reflected on the plans prior to the issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan and the recommendations of the Australian Bushfire Consulting Services Bush Fire Assessment Report dated 4 June 2023

26. Landscaping

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifier, prior to the issue of the Construction Certificate.

Reason:

To comply with Council's Development Control Plan.

27. Certification for Landscape and Drainage

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

Reason:

To ensure development does not impact services.

28. Landscape Maintenance Plan

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

Reason:

To comply with Council's Development Control Plan.

29. Tree Protection and Management

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

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

Reason:

To comply with Council's Development Control Plan.

30. Landscaping in Bush Fire Prone Areas

Please note extensive ember attacks can occur beyond 100 metres of a bushfire, therefore it is recommended that landscaping to the site comply with the principles in Appendix 4 of Planning for Bush Fire Protection 2019 (BPB 2019), AAS 3959: 2018 and Standards for Asset Protection Zones (NSW Rural Fire Service).

Reason:

To satisfy the requirements of the legislation and Australian Standards.

31. Depth and Location of Services

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

Reason:

To ensure development does not impact services.

32. No Adverse Runoff 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 runoff.

Reason:

To protect neighbourhood amenity.

Before the Commencement of Building Work

33. Appointment of Principal Certifier

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

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

Reason:

To satisfy the requirements of the legislation.

34. Home Building Act Requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
 - i. the name and licence number of the principal contractor; and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
 - i. the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Reason:

To satisfy the requirements of the legislation.

35. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

36. Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

Reason:

To satisfy the requirements of the legislation.

37. Enclosure of the Site

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

Reason:

To ensure safety.

38. Waste Management

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

Reason:

To protect neighbourhood amenity.

39. Survey Report - Siting of Development within Property Boundaries

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifier to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

Reason:

To ensure correct development location.

40. Site Management Program - Sediment and Erosion Control Measures

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

Reason:

To protect neighbourhood amenity.

41. 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.

Reason:

To protect neighbourhood amenity.

42. 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.

Reason:

To protect neighbourhood amenity.

43. Sediment Control Measures

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

Reason:

To protect neighbourhood amenity.

44. Works in Road Reserve - Minor Works

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

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

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

Reason:

To satisfy the requirements of the legislation.

45. 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.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

46. 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 Certifier 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.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

47. Tree Protection

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

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

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

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

48. Tree Protection Measures

Before the commencement of any site or building work, the Principal Certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.

Reason:

To protect and retain trees.

While Building Work is Being Carried Out

49. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

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

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

Note: The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

Reason:

To protect the amenity of the surrounding area.

50. No Adverse Run-off Impacts on Adjoining Properties

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

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

Reason:

To comply with Council's Development Control Plan.

51. New Information/Unexpected Finds

In the event that demolition and/or construction works cause the generation of odours or the uncovering of previously unidentified contaminants, hazardous materials or acid sulfate soils, works must immediately cease and the Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within seven (7) days and an appropriately qualified environmental consultant appointed to undertake an assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

Reason:

To ensure protection of the environment and comply with legislation.

52. Flows from Adjoining Properties

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

Reason:

To comply with Council's Development Control Plan.

53. Cut and Fill

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason:

To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

54. Restricted Washing of Equipment or Disposal of Materials on any Tree Dripline Area

No washing of equipment and or the disposal of building materials such as cement slurry must occur within the drip line of any tree which has been nominated for retention of the site and adjacent property.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

55. Treatment of any Tree Damage by a Supervised Arborist

Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

56. Landscaping

Landscaping to the site is to comply with the principles of Appendix 4 of 'Planning for Bush Fire Protection 2019'.

Reason:

To satisfy the requirements of the legislation.

57. Provision of Taps/Irrigation System

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

Reason:

To comply with Council's Development Control Plan.

58. Tree Protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason:

To protect and retain trees.

59. Foundation Inspections

All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

60. Survey Report

A Survey Report prepared by a Registered Land Surveyor must be submitted to the Principal Certifier, prior to proceeding beyond each of the following respective stages, so as to guarantee that each stage of the development is completed in accordance with the approved plans. All levels shall relate to Australian Height Datum.

- (a) Survey verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level).
- (b) At completion of frame stage and installation of roofing, demonstrating that the development does not exceed the maximum permitted height of 54.86 metres AHD (inclusive of the lift tower and any air conditioning plant).

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

61. Site Management

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a. Does not spill onto the road pavement and
- b. is not placed in drainage lines or watercourses and cannot be washed into these areas.

Reason:

To comply with Council's Development Control Plan.

62. Spillage of Material

Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division, or on the accessway servicing the allotment, this shall be removed

immediately. Evidence that any approval to place material on the road/road reserve/accessway shall be available for inspection by Council officers on site at any time.

Reason:

To comply with Council's Development Control Plan.

63. Implementation of BASIX Commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Reason:

To satisfy the requirements of the legislation.

64. Podium Planting

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.

All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.

If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.

Reason:

To comply with Council's Development Control Plan.

Before the Issue of an Occupation Certificate

65. Positive Covenant - On-Site Detention Maintenance Schedule

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule DA-2023/527.

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

Reason:

To comply with Council's Development Control Plan.

66. Completion of Landscape and Tree Works

Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied that all landscape and tree works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Reason:

To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

67. Section 73 Certificate

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

Reason:

To satisfy the requirements of the legislation.

68. BASIX

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifier must not issue the Occupation Certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate.

NOTE: Clause 44 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 provides for independent verification of compliance in relation to certain BASIX commitments.

Reason:

To satisfy the requirements of the legislation.

69. Bush Fire Compliance Certificate

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

Reason:

To satisfy the requirements of the legislation.

70. Retaining Wall Certification

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

Reason:

To comply with the relevant Standards.

Occupation and Ongoing Use

71. 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 bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of two (2) metres above the ground;
 - the canopy is discontinuous such that such that tree canopies should be separated by two (2) to five (5) metres;

- they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection 2019" and
- 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.

Reason:

To comply with legislation and Australian Standards.

Before the Issue of a Subdivision Certificate

72. Occupation Certificate Prior to Subdivision Certificate

An Occupation Certificate for the dual occupancy dwellings must be issued prior to the release of the Subdivision Certificate for the Torrens title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the Subdivision Certificate application.

Reason:

To satisfy the requirements of the legislation.

73. Existing Easements

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

Reason:

To comply with Council's Development Control Plan.

74. Existing Restrictions as to Use

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

Reason:

To comply with Council's Development Control Plan.

75. Encroaching Pipes

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

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

Reason:

To comply with Council's Development Control Plan.

76. Encroaching Services

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

Reason:

To comply with Council's Development Control Plan.

77. Section 88B Instrument

The submission of a Final Section 88B Instrument to Council/Principal Certifying Authority, which incorporates the necessary restrictions, easements and covenants, where applicable.

Reason:

To satisfy the requirements of the legislation.

78. 88B Instrument Easements/Restrictions

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

Reason:

To satisfy the requirements of the legislation.

79. Party Wall

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

Reason:

To satisfy the requirements of the legislation.

80. Final Documentation Required Prior to Issue of Subdivision Certificate

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

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

Reason:

To satisfy the requirements of the legislation.



NSW RURAL FIRE SERVICE

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Your reference: (CNR-57792) DA-2023/527
Our reference: DA20230718003151-Original-1

ATTENTION: Nicole Ashton

Date: Friday 28 July 2023

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
52 HIGH STREET THIRROUL 2515, 2//DP1239971

I refer to your correspondence dated 24/07/2023 seeking general terms of approval for the above Integrated Development Application.

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

General Conditions

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.
 - The plan titled "Site and Context Analysis Plan, Drawn by Maccormick & Associates Architects, Project No: 2120, Rev: A, Drawing No: A01.1, Dated 7/07/2023"
 - The bush fire assessment prepared by "Australian Bush Fire Consulting Services, Ref: 22-472-1, Dated 4/06/2023"

Asset Protection Zones

The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

2. At the commencement of building works or the issue of a subdivision certificate, whichever comes first, the entire site must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

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

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

Construction Standards

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. New construction must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the *NASH Standard - Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

4. New fences and gates must comply with Section 7.6 of *Planning for Bush Fire Protection 2019*. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Water and Utility Services

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

5. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2021;
- hydrants are not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2021;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.



Landscaping Assessment

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

6. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice - Consent Authority to Note

- The property is located such that access/egress presents an ongoing bush fire risk. As such, it is encouraged that a Bush Fire Survival Plan is to be prepared by the residents of the dwelling. Information to assist in the preparation of a Bush Fire Survival Plan can be found at www.rfs.nsw.gov.au.

For any queries regarding this correspondence, please contact Jamie Winter on 1300 NSW RFS.

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
52 HIGH STREET THIRROUL 2515, 2//DP1239971
RFS Reference: DA20230718003151-Original-1
Your Reference: (CNR-57792) DA-2023/527

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

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

Allyn Purkiss

Manager Planning & Environment Services
Built & Natural Environment

Friday 28 July 2023