Wollongong Local Planning Panel Assessment Report | 15 August 2018

WLPP No.	Item 3
DA No.	DA-2017/1064
Proposal	Mixed use residential development - Phase 1. Demolition of existing dwelling, tree removals and construction of a two storey residential flat building containing 12 apartments plus basement parking, a two storey dwelling, riparian area works, driveway and bridge access. Phase 2. Construction of a two storey residential flat building containing 16 apartments plus basement parking
Property	39 Angel Street Corrimal Lot 56 DP 27796
Applicant	ADM Architects
Responsible Team	Development Assessment and Certification - City Wide Team (KR)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel - Determination

The proposal has been referred to the Wollongong Local Planning Panel for determination pursuant to Section 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the Development Application is the subject of 10 or more unique submissions.

Proposal

The proposal is for Mixed use residential development -

Phase 1. Demolition of existing dwelling, tree removals and construction of a two storey residential flat building containing 12 apartments (Block A) plus basement parking, a two storey dwelling, riparian area works, driveway and bridge access.

Phase 2. Construction of a two storey residential flat building containing 16 apartments (Block B) plus basement parking

Permissibility

The site is zoned R2 Low Density Residential pursuant to the Wollongong Local Environmental Plan 2009. The proposal is categorised as a dwelling-house and residential flat buildings and is permissible in the zone with development consent.

Demolition and tree removal are also permitted with consent.

Consultation

Details of the proposal were publicly exhibited in accordance with Council's Notification Policy. During the first round of notification the application received 36 submissions, including 1 petition. Following receipt of amended plans and additional information, a second round of notification was undertaken to submitters only, with 10 submissions received. Council's considerations to identified issues are discussed at section 1.3.

Council's Stormwater, Landscape, Traffic, Environment, Property and Safety Community Action Team Officers have reviewed the application and provided given conditionally satisfactory referrals.

The proposal involves works within 40m of a watercourse and is therefore Integrated Development.

The application was referred to the Natural Resources Access Regulator and General Terms of Approval requiring a Controlled Activity Approval were received on 14 February 2018.

Main Issues

The main issues are:

- Variations to Chapter B1 Wollongong Development Plan 2009 including:
 - Clause 4.2 Front Setback of dwelling-house Minimum 6m (4.5m proposed).
 - Clause 6.14 Private Open Space Minimum 25sqm required for ground floor units (Unit A06 has a 23sqm courtyard - deficient by 2sqm);
 - Clause 6.18 Solar Access maximum 10% single aspect apartments (14% proposed or 1 additional single aspect unit).
- Privacy/overlooking to residences in Henry Street.
- Stormwater/flooding.
- Traffic impacts.
- Landscaping/tree removal.
- Impact on riparian land and vegetation management.
- Community safety.
- Access to adjacent Council owned land for maintenance.

The variations to Chapter B1 have been considered and are supported as discussed in Section 2.3.

RECOMMENDATION

Development Application DA-2107/1064 be approved subject to the conditions provided at Attachment 4.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP 65 Design Quality of Residential Apartment Development

Local Environmental Planning Policies:

• Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plan 2009

• Wollongong Development Control Plan (WDCP) 2009

Other Policies:

• Wollongong City-Wide Development Contributions Plan 2018

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

Site preparation

- Demolition of existing dwelling-house, outbuildings and existing bridge over the watercourse.
- Removal of 18 trees
- Earthworks
- Flood mitigation works

Works / Construction / building details

- Phased development:
 - Phase 1 comprises the construction of a dwelling-house, residential flat building 'Block A', internal driveway and turning area, and
 - Phase 2 comprises construction of a residential flat building 'Block B'.
- Two storey dwelling-house fronting Angel Street with a double garage with access via the common driveway and living rooms on the ground floor. Four bedrooms and a family room on the upper floor.
- Two separate residential flat buildings (Block A & B) two storeys in height plus basement parking.
- 28 units in total 12 units in Block A and 16 units in Block B.
- Block A 12 units: 2 x 1 bedroom units, 2 x 2 bedroom units 8 x 3 bedroom units.
- Block B 16 units: 1 x 1 bedroom unit, 5 x 2 bedroom units and 10 x 3 bedroom units.
- Private open space and communal open space.
- Stormwater drainage and flood mitigation works
- Site landscaping and deep soil zones

• Vegetation and rehabilitation of riparian areas in accordance with the Vegetation Management Plan.

Traffic, parking and servicing

- New driveway proposed off Angel Street including two bridges over two watercourses. Driveway is 6m wide with two-way access and includes a turning area. One bridge is located between the proposed dwelling-house and Block A and the second bridge is located between Block A & Block B.
- Block A:
 - Basement parking: 21 spaces including 18 residential car parking spaces (including 2 spaces capable of adaption for people with disabilities) and 3 visitor car parking spaces
 - 4 residential and 2 visitor bicycle spaces
 - 1 motorcycle space
 - Garbage store for 8 x 240 litre bins
 - Lift access and services
- Block B:
 - Basement parking: 28 spaces including 24 residential car parking spaces (including 2 spaces capable of adaption for people with disabilities) and 4 visitor car parking spaces
 - 8 residential and 2 visitor bicycle spaces
 - 2 motorcycle spaces
 - Garbage store for 12 x 240 litre bins
 - Lift access and services
- On-site garbage collection to be undertaken on-site by a 9.64m side-loading refuse collection vehicle.
- The site is designed to accommodate up to a 12.5m heavy rigid vehicle.

1.3 BACKGROUND

BA-1958/2036 Dwelling and garage.

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 39 Angel Street Corrimal and the title reference is Lot 56 DP 27796. It is a large, linear site with an area of 1.125ha, 28.61m frontage to Angel Street, 211m long southern boundary, 213m long northern boundary and combined rear boundary of 84.57m.

The site is occupied by a single storey dwelling-house and garages/outbuildings. The site contains some stands of mature vegetation and is otherwise cleared.

There are 2 watercourses that traverse the site.

The site adjoins low density residential development in Angel Street, Williamson Street and Henry Street. There is one medium density residential development opposite the site in Angel Street. The site adjoins a small Council reserve 'Williamson Street park' to the south and a larger Council reserve on the south-eastern boundary zoned RE1 Public Recreation. The adjoining residential site to the

north No. 41 Angel Street is similar to the subject site in that it is a large site and contains a single dwelling house. Development consent has been issued for a 21 multi-dwelling housing development under DA-2015/406 however it is yet to be constructed.

Property constraints

- Council records identify the land as being mapped:
 - Flood risk precinct.
 - Foreshore building line
 - Riparian land
 - Natural resources sensitivity biodiversity

There are no restrictions on the title.



Figure 1: Aerial photograph of site



Figure 2: WLEP 2009 zoning map

1.5 SUBMISSIONS

Details of the proposal were publicly exhibited in accordance with Council's Notification Policy. During the first round of notification the application received 36 submissions, including 1 petition. Following receipt of amended plans and additional information, a second round of notification was undertaken to submitters only, with 10 submissions received. The issues raised in the submissions are discussed below.

Table 1: Submissions

Cor	ncern	Comment
1.	Traffic and parking:	A Traffic Impact Assessment (TIA)
•	Increased traffic	Report was submitted with the application. The report found that
•	Road is too narrow – road safety, accidents	Angel Street has a capacity for
•	No Traffic Report submitted	1,000 vehicles per day (vpd) and the proposed development is
•	Loss of on-street parking	expected to generate
•	Safety of children and pedestrians	approximately 167 vpd which will increase traffic generation from
•	Cumulative traffic impact from other developments in the area including the development on the adjoining site.	the current 711 vpd to 878 vpd. The TIA Report concludes that the
•	Parking	traffic volumes do not exceed road hierarchy thresholds and therefore
•	Intersection Angel Street and Princes Highway should be upgraded	acceptable levels of amenity and safety can be maintained for
•	Poor sightlines entering and existing the driveway	motorists, pedestrians and cyclists.

Concern		Comment
	teeth	
 No foc 	otpath	The TIA includes a sight distance assessment in regards to road safety which concluded that there is adequate sight distance from the proposed driveway in Angel Street in both directions.
		Parking has been provided as required in Chapter E3 and there is unlikely to be overspill of parking onto the public road.
		Waste collection is proposed to occur on-site with bins to be stored on the site, not on the street frontage.
		The TIA has considered the increase in traffic generation compared to the existing number of residential properties in Angel Street and St Andrews Place. The TIA is not required to consider developments that are yet to be constructed. Council's Traffic officer has reviewed the proposal and is satisfied.
2. Floodir	ng:	Council's Stormwater officer has
• Flood j	prone site is unsuitable	reviewed the proposal including the submitted stormwater concept
	Sewerage overflows during heavy rain Safety of future residents evacuating during a flood Building is in the riparian corridor	plan and flood study and is satisfied.
		The applicant will be required to consult with Sydney Water for their requirements.
		The proposed driveway is located above the PMF flood level allowing evacuation from the site if required. Based on the development being residential onsite refuge above the PMF level can be utilised if required.
		The proposed riparian corridor encroachments and associated vegetation management plan works have been deemed satisfactory by Councils Environmental Officer.
3. Out of	character with the area	The proposed development is not
• Scale o	of development	considered to be out of character

Con	cern	Comment
•	Development is high density, not low density in a quiet suburban area Loss of green space which gives the area its character	with the area. The proposal involves the construction of 29 dwellings in total including the single dwelling-house on a lot that is 11,250sqm in area. The resultant FSR of 0.29:1 is well below the maximum 0.5:1 permitted in the R2 Zone.
		The proposed two storey height is commensurate with development in the surrounding area. The scale of the development is considered to be acceptable.
		The proposal is considered to be 'low density' as the development density and intensity is compatible with the R2 Zone.
		The development retains the riparian corridors which will be managed in accordance with the submitted Vegetation Management Plan. This along with the proposed site landscaping including extensive landscaping along all site boundaries will ensure the development retains green space.
4. \	Waste	Council's Traffic officer has
Bin	s will clutter street on collection day	reviewed the proposal and is satisfied with private garbage collection arrangements.
5. I	Public reserve	Public access to the reserve will be maintained from Angel Street.
6.	Loss of amenity:	It is considered the proposal has
•	Loss of privacy/overlooking	been designed to minimise amenity impacts to neighbouring
•	Impacts to residents during construction	properties through appropriate
•	Acoustic privacy – impact of vehicles using driveway and additional residents, affect ambience of the area	unit / balcony orientation, setbacks and landscaping to boundaries.
•	Visual amenity – highly visible from Williamson and Henry Streets	A privacy screen is proposed to the POS of Units B06 & B14 to protect the amenity of properties in Williamson and Henry Streets.
		Standard conditions will be imposed in any consent to minimise impacts to residents

Concern	Comment
	during construction. It is considered the anticipated traffic generation is unlikely to have an adverse impact to the acoustic privacy of surrounding residents.
7. Environment:	
Impact on flora and faunaRiparian corridor width	It is considered the proposed landscaping and management of existing vegetation in the riparian
Development in the foreshore building lineVegetation Management Plan	corridor as per the submitted Vegetation Management Plan will more than compensate for the 18 trees to be removed to facilitate the development.
 More trees are likely to be removed other than the trees stated in the SEE. 	Council's Landscape and Environment Officers have assessed the submitted Flora and Fauna Assessment Report for impacts on the riparian corridor, flora and fauna and foreshore building line and are satisfied.
8 Variations to DCP:	
 Front setback variation should not be supported Too many variations – overdevelopment 	Variation to Council's DCP have been considered and supported as discussed in section 2.3.
9. Will devalue property prices	This matter is of limited relevance as a planning assessment consideration
10. Site is unsuitable for the development:	Whist the site is constrained none
Highly constrained site.	of the constraints will necessarily impede the development. The
Site servicing inadequate for the proposal	proposal has adequately addressed flooding, foreshore building line, riparian corridors, biodiversity and environmental matters. Site servicing is considered satisfactory.
11. Basement ventilation	Conditioned to comply with the requirements of the Building Code of Australia.

Frequency of issues raised:

First Round of Notification:

Issue	1	2	3	4	5	6	7	8	9	10	11
Frequency	32	15	12	11	4	8	12	5	1	1	1

Second Round of Notification:

Issue	1	2	3	4	5	6	7	8	9	10	11
Frequency	8	10	4	2	-	1	7	1	-	1	1

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Stormwater, Landscape, Traffic, Environment, Property and Safety Community Action Team Officers have reviewed the application and provided conditionally satisfactory referrals.

1.6.2 EXTERNAL CONSULTATION

Natural Resources Access Regulator (Formerly known as Department of Primary Industries – Water)

As the proposal involves works within 40m of a watercourse the application is Integrated Development, pursuant to Clause 4.46 of the Environmental Planning and Assessment Act 1979, requiring a Controlled Activity Approval under Clause 91 of the Water Management Act 2000. The application was referred to the Natural Resources Access Regulator and General Terms of Approval requiring a Controlled Activity Approval were received on 14 February 2018.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

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

(1) A consent authority must not consent to the carrying out of any development on land unless: (a) it has considered whether the land is contaminated,

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The site is not known to be contaminated. Councils Environment Officer has reviewed the proposal and found it to be satisfactory. A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. The current dwelling appears to have existed on the site since prior to 1961 as shown in Figure 3. There is no change to the use involved given that the existing residential use of the site will continue. Whilst earthworks are proposed, the proposal does not comprise a change of use. Standard conditions are proposed as relates to demolition works including a hazardous materials survey, asbestos management and disposal of

excess spoil. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.



Figure 3: 1961 aerial photograph of site

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

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY 65 DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

Clause 4 Application of Policy

(1) This Policy applies to development for the purpose of a residential flat building, shop top housing or mixed use development with a residential accommodation component if:

(a) the development consists of any of the following:

- (i) the erection of a new building,
- (ii) the substantial redevelopment or the substantial refurbishment of an existing building,
- (iii) the conversion of an existing building, and

(b) the building concerned is at least 3 or more storeys (not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking), and

(c) the building concerned contains at least 4 or more dwellings.

SEPP 65 does not apply as whilst the proposal involves the erection of new residential flat buildings with more than 4 dwellings, the buildings are only two storeys in height (the basement level only provides for parking and is less than 1.2m above existing ground level).

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

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 considered satisfactory with regard to the above objectives. The proposal provides additional housing within a low density residential environment. The proposal is considered to be 'low density' as the development density and intensity is compatible with the R2 Zone.

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

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

The proposal is categorised as a *mixed use development* comprising a *dwelling-house* and *residential flat buildings* as described below and is permissible in the zone with development consent.

Clause 1.4 Definitions

mixed use development means a building or place comprising 2 or more different land uses.

dwelling house means a building containing only one dwelling. Note.

Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing. Note.

Clause 2.7 Demolition requires development consent

Demolition is permitted with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed dwelling-house has a building height of 6.9m and does not exceed the maximum of 9m permitted for the site.

The proposed residential flat building Block A has a building height of 8.4m and does not exceed the maximum of 9m permitted for the site.

The proposed residential flat building Block B has a building height of 8.8m and does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

GFA dwelling-house:	GF: 127.	1sqm - 36sqm (concession for garage) +
	FF: 117.	.6sqm
	= 208	3.7sqm
GFA Block A:	GF: 621	1sqm +
	FF: 618	3.3sqm
	= 1,23	39.4sqm
GFA Block B:	GF: 889	.2sqm +
	FF: 897	/.4sqm
	= 1,78	86.6sqm
GFA Total:	= 3,23	34.7sqm
FSR proposed:	3,234.7/	/11,250 = 0.29:1 complies

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

A condition will be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site.

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity". The mapped area is a minor portion of the site that comprises the canopies of native trees that overhang the site from the public reserve to the East. None of the trees within the mapped area are proposed for removal. Council's Environment officer has assessed the proposal which included a Flora and Fauna Study and is satisfied.



Figure 4: WLEP 2009 Natural resource sensitivity – biodiversity Map

Clause 7.3 Flood planning area

The site is flood affected. Council's Stormwater officer has assessed the application and is satisfied.

Clause 7.4 Riparian lands

The Riparian Land Map indicates the site contains riparian land including one watercourse that runs across the front of the site and another watercourse that meanders through the rear portion of the site. The riparian corridors are in the form of terrestrial and aquatic habitat. Council's Environment Officer has assessed the proposal and is satisfied.

General Terms of Approval for a Controlled Activity Approval have also been received from the Natural Resources Access Regulator NSW.



Figure 5: WLEP 2009 Riparian Land Map

Clause 7.6 Earthworks

Earthworks are proposed including fill along the location of the driveway and excavation for the basement levels for both Blocks A & B. The submitted cut and fill plan indicates that there will be a total of 316m³ of cut and 455m³ of fill with only 139m³ of fill to be imported to the site. This is considered to be minor. The earthworks are largely confined to the driveway and building envelope. A Soil and Sedimentation Plan was submitted by the applicant detailing the proposed soil erosion and sediment control measures to be implemented during demolition and construction to minimise environmental impacts. Council's Environment and Development Engineering officers have assessed the proposal and are satisfied.

Clause 7.7 Foreshore Building Line

The site is affected by a foreshore building line associated with the riparian corridors. Other than bridgeworks, there is a minor encroachment into the foreshore building line in the western corner of Block B. Council's Environment officer has assessed the proposal and is satisfied.

General Terms of Approval for a Controlled Activity Approval have also been received from the Natural Resources Access Regulator NSW.



Figure 6: WLEP 2009 Foreshore Building Line Map

Clause 7.14 Minimum site width

The site has a frontage of 28.61m wide to Angel Street which expands to 84.57m at the rear boundary and complies with the minimum 24m required for a residential flat building.

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

None.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

Chapter B1 Residential Development

Clause 4.2 Front Setback

Clause 4.2 requires a minimum front setback of 6m. The proposed dwelling-house is proposed to be setback 4.5m.

The applicant has submitted a Variation Request Statement and streetscape analysis, seeking a variation on the grounds that:

• the proposal is a commensurate built form outcome for the streetscape as there are other dwellings in the vicinity with reduced front setbacks.

- the reduced setback will not be detrimental to the locality.
- the natural watercourse to the rear of the proposed dwelling-house constrains the footprint of where a dwelling can be located near the Angel Street frontage. Otherwise this portion of the site would be sterilised.

The variation has been considered and is supported for the following reasons:

- the building is appropriately sited having regard to the site constraints;
- there is no development on either of the adjacent sites and therefore no established front building line.
- there is a range of front setbacks in the locality of between 5.5-7m therefore the lesser setback is unlikely to have a detrimental impact on the character of the locality.
- the front boundary of the proposed dwelling is proposed to be landscaped which will soften the built form.
- A photo montage has been submitted which demonstrates that the proposed dwelling-house would not have a detrimental impact on the streetscape.

Clause 6.14 Private Open Space

Clause 6.14 requires a minimum 25sqm for courtyards to ground floor units. Unit A06 in Block A has a 23sqm courtyard only.

The proposal was originally deficient in POS for 3 units (A01, A05 & A06) however this issue was addressed with the submission of amended plans with the size of the POS increased for the Block A ground floor units except for A06.

A variation is sought on the grounds that it the variation is limited to only one unit which is a 1 bedroom unit. The variation is supported as it is considered minor against the overall development.

Clause 6.18 Solar Access

Clause requires a maximum of 10% single aspect apartments or 3 units in this case. The proposal provides 14% or 4 units (A06, A12, B7 & B15) with a single aspect which is to the south-east.

The variation is sought on the grounds that it was the best design outcome considering the limited building footprint associated with the site constraints and that the variation is minor being only non-compliant by 1 unit. The units provide amenity for the future residents due to a south-easterly orientation and they will receive adequate morning sun and overall the development complies with the minimum solar access and natural ventilation requirements.

The variation is supported as it is minor variation and the applicant has provided sufficient justification.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The proposal is considered to be consistent with the principles of Ecologically Sustainability.

The development will be constructed in accordance with the commitments contained in the submitted BASIX certificates to achieve the energy efficiency and water saving targets. This includes solar panels on the roof.

The proposal has been designed to ensure adequate solar access and natural ventilation into each dwelling.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

Dwelling-House

The assessment of the proposed dwelling-house under Section 4 of Chapter B1 is provided below:

4.0 General Residential controls

Cor	ntrols/objectives	Comment	Compliance
4.1	Maximum Number of Storeys		
•	Maximum 9m or two storeys	Two storeys	Yes
•	Single storey development within 8m of rear boundary.	The proposed dwelling-house is well separated from the rear	
•	Landscaping may be required to mitigate visual impact from adjoining properties.	boundary. No additional landscaping is required as the proposed dwelling- house is not adjacent to any other dwellings. The site adjoins a vacant site on the western side with development consent for a multi- dwelling development via DA- 2015/206. The closest unit is not in close proximity to the proposed dwelling-house as Unit 1 of the adjacent development is approved with a front setback of approximately 61m. The site adjoins a Council public reserve on the eastern side.	
4.2	Front Setbacks		
•	Minimum 6m or less where the prevailing street character permits and the future desired character of the area is not prejudiced.	Minimum 6m required. A front setback of 4.5-5.2m is proposed – does not comply.	No however a variation is supported as discussed
•	Garages must be setback 5.5m.		in Chapter A1.
<u>4.3</u>	Side and Rear Setbacks		
•	Minimum 900m or 3m for walls over 7m in	2.3m	Yes
	height.	There are no walls over 7m in height.	
<u>4.</u> 4	<u>Site coverage</u>		
•	Maximum 40% for a lot over 900sqm.	29% (entire site)	Yes
<u>4.5</u>	Landscaped Area		
•	Significant trees are to be retained on site.	 Two Jacaranda trees located on the western boundary adjacent to the proposed dwelling-house are proposed 	Yes

- Minimum 38% landscaped area required.
- At least 50% of the landscaped area is to be located behind the building line.
- Landscaped area must be integrated with drainage design.
- A minimum of one semi-mature small to medium evergreen or deciduous tree (minimum pot size 45 litres) is to be provided within the landscaped area.

4.6 Private Open Space

- Minimum 24sqm private open space required directly from the living room with a minimum width of 4m.
- Not located on side boundary or front yard.
- Defined through planting, fencing or landscape features.
- Space should be provided for clothes drying and rainwater tanks outside the private open space.

4.7 Solar Access Requirements

- Windows to living rooms and 50% of private open space of adjoining properties must receive at least 3 hours of continuous sunlight between 9.00 and 3.00pm in mid winter.
- Shadow diagrams required.

4.8 Building Character and Form

 The design, height and siting of 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 cut and fill.

Large bulky forms are to be avoided.

to be removed. Council's Landscape Officer has assessed the proposed removal of these trees and has no objections.

- 68% (entire site) is landscaped area.
- More than 50% of the landscaped area is located behind the building line.
- There are no apparent conflicts between the landscape and drainage plans.
- Several trees are proposed within the landscaped area as shown on the Landscape Plan.

•

- More than 24sqm of private Yes open space provided and it is located at the rear of the site directly off the living room.
- Fencing and landscaping are provided to define the private open space.
- Clothes drying and rainwater tank are located outside the private open space.
- The submitted shadow Yes diagram demonstrates that the proposal would only impact on the subject site and a small portion of the adjoining public reserve. No residential properties would be affected by overshadowing.
- The design, height and siting is Yes satisfactory. The proposal involves minimal cut and fill.

• The proposal is not considered

•	New dwelling-house should be sympathetic to the existing character of the area.	•	to be large or bulky. The design is considered to be sympathetic to the character of the area. The proposed materials of brick, cladding and colourbond roof are in keeping with the area.	
•	Entries must clearly address the street. The appearance of blank walls or walls with only utility windows not permitted on the front elevation.	•	The entry clearly addresses the street. There are no blank walls or utility windows only on the front elevation.	
•	Garages must be articulated from the front elevation.	•	Not applicable as the garage is located at the side/rear of the proposed dwelling.	
•	Fencing in the front building line should be predominantly constructed in transparent fence materials allowing for visual connection between dwelling and the street.	•	A 1.2m high metal rod fence is proposed for the front boundary.	
<u>4.9</u>	Fences			
•	All fences are to be designed to allow for natural flow of stormwater.Fences within the front boundary is to be constructed of transparent materials.Dividing fences should be maximum 1.8m.	•	Suitable conditions of consent may be imposed to ensure fencing is designed to allow for natural flow of stormwater. A 1.2m high metal rod fence is	Yes
			proposed for the front boundary.	
•	Fences should be constructed of timber, metal, lightweight materials or masonry. Fences in a floodway or high risk precinct are not permitted.	•	A 1.4m high dividing fence is proposed to define the private open space of the dwelling-house.	
_		•	Metal fence proposed.	
•	Fencing must be in keeping with the streetscape.	•	The proposed fencing is located outside the high-risk flood area.	
		•	Fencing in the street is characterised by either no fences or low masonry fencing. The proposed low height open metal front fence is not considered to be out of keeping with the streetscape.	

4.10 Car parking and Access

- 2 spaces required for dwellings over 125sgm.
- Garages must be setback 5.5m from the front boundary.
- Minimum dimension 6m x 6m.
- Driveways shall be separated from boundary by 1 metre and maximum crossover 3m.

4.11 Storage Facilities

Minimum 5sqm

4.12 Site Facilities

- Provide letterboxes in a location which is accessible, secure and sufficient size.
- Locate site facilities away from street frontage, in a position where such facilities will not become a skyline feature and adequately setback.
- Open air clothes drying facilities should be easily accessible and screened from public view and good solar access.

4.13 Fire Brigade Servicing

All dwellings must be located within 60m of a fire hydrant as required by AS2419.1. Fire fighting vehicles must be able to enter and exit in a forward direction.

4.14 Services

Water, sewerage and gas and telephone services are to be provided.

4.15 Development near the coastline

N/A

is proposed - complies. Not applicable as the garage is located on the side/rear of the proposed dwelling-house. 6m by 6m (36sqm) The driveway is setback 1.5m and has a crossover of 6m which is acceptable as the driveway will also service the proposed residential flat building to the rear. Council's Traffic Officer has assessed the proposal and has no concerns with the width of the driveway crossover.

GFA of dwelling-house is

208.7sgm and a double garage

•

•

•

N/A

Yes

Yes

- 9sqm storage proposed. Letterboxes are shown on the Yes . plans along the driveway adjacent to Block A and B.
 - The proposed rainwater tank is located on the side and is sufficiently screened from public view.
- Clothes line provided at the rear with sufficient solar access.
- The proposed dwelling is Yes • located at the street frontage and is located within 60m of a fire hydrant.
- Conditions will be imposed in Yes • regards to site servicing.
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4.16 View sharing

View impact assessment.View sharing measures.	• The proposal will not impact on views from any of the surrounding properties.	Yes
4.17. Retaining walls		
• Maximum 600mm up to 900mm from the boundary.	• There are no retaining walls proposed associated with the	N/A
• Maximum 1 metre greater than 900mm from the boundary.	construction of the dwelling- house.	
• Any retaining wall over 1 metre is to be designed by an Engineer.		
 Adequate provision must be made for the disposal of surface and subsurface drainage. 		
4.18 - 4.23 not applicable		

Residential Flat Buildings

The assessment of the proposed residential flat building under Sections 4 and 6 of Chapter B1 is provided below:

Note: Sections 4.1 to 4.12 and 4.18 to 4.23 are not applicable.

4.0 General Residential controls

Controls/objectives	Comment	Compliance		
4.13 Fire Brigade Servicing				
 Dwellings must be located within 60m of a fire hydrant or the required distance o AS2419.1. 	f driveway and distance of the dwellings from the street the	Can comply - condition		
 Provision must be made so that Fire and Rescue NSW can enter and leave the site in a forward direction where: 	the Fire Brigade can enter and			
 Fire and Rescue NSW cannot park thei vehicles within the road reserve due to the distance of hydrants fron dwellings and/or restricted vehicula access to hydrants and 	stated that where the proposal cannot comply with the Fire and Rescue NSW Code			
 the site has an access driveway longe than 15m. 	. Requirements a fire hydrant can be provided.			
 For developments where a fire brigade vehicle is required to access the site vehicular access, egress and manoeuvring must be provided on the site in accordance with the Fire and Rescue NSW 	, 5 1			

NSWFB Vehicle Requirements.	
 <u>4.14 Services</u> Water, sewerage, gas, electricity and telephone are to be provided. 	 Conditions will be imposed in regards to site servicing to meet the requirements of Sydney Water, Endeavour Energy and telecommunications. Can completion of condition
4.15 Development near the coastline	
N/A	N/A
4.16 View sharing	
 Encourage view sharing from surrounding development. Protect and enhance view corridors from public places. 	 The proposal is adjacent to public recreation land. The proposal is unlikely to impact on views from the neighbouring properties towards the public land.
	 The proposal does not affect views from the public land towards any significant land features.
4.17. Retaining walls	
 Maximum 600mm within 900mm setback from the boundary or 1m if setback greater than 900mm from the boundary. 	 There are no retaining walls other than the retaining walls associated with each of the ramps to Block A & B (approximately 1.7m and 1.6m in height respectively) to prevent ingress of floodwater during PMF conditions as shown on the submitted Stormwater Plan. The retaining walls are well setback from the boundary and are unlikely to have a visual impact when viewed from neighbouring properties.
• Any retaining wall over 1 metre must be designed by an Engineer.	 The retaining walls will be designed by an Engineer to
 Balustrading will be required where a retaining wall is over 1 metre in height. 	ensure they are structurally sound.
 Proper disposal of stormwater drainage is required. 	 A condition can be imposed for balustrading to be provided for retaining walls over 1 metre in height and

proper disposal of stormwater
drainage.

	drainage.	
6.0 Residential Flat Buildings		
Controls/objectives	Comment	Compliance
 <u>6.1 General</u> Compliance with SEPP 65 and the Apartment Design Guide 2015. Compliance with Section 4.13-4.19 of Chapter B1. Compliance with relevant Chapters of the WDCP 2009. 	 SEPP 65 does not apply as the proposed residential flat building is only two storeys in height. Assessment of Clause 4.13-4.19 is provided above. Assessment of relevant WDCP 2009 Chapters is provided below. 	N/A
 6.2 Minimum Site Width Requirement Minimum 24m site width required for a residential flat building. 	• The site has a frontage of 28.61m wide to Angel Street and expands to 84.57m at the rear boundary.	Yes
<u>6.3 Front Setbacks</u> N/A	N/A	
 <u>6.4 Side and Rear Setbacks/Building Separation</u> Buildings up to four storeys (12m) 6 metres where there is a habitable room/balcony 	 Block A – Minimum 6.64m Block B – Minimum 6m 	Yes
 <u>6.5 Built Form</u> Designed in accordance with SEPP. A design Verification Statement must accompany the application. 	 SEPP 65 does not apply to the application as the proposal is only two storeys in height. Council is satisfied that the proposal has been designed by a qualified designer (ADM Architects). The proposal is considered to be of high quality design. 	Yes
 The design, height and siting of the development must respond to its context, 	• The design, height and siting responds to its site context. The proposed dwelling-house	

being both natural and built features of the land.

• The appearance of new development must be in harmony with the buildings around it and the character of the street.

has been sited near the street frontage and the design and height is considered to blend in with other dwellings in the streetscape with the residential flat buildings being located well within the site with minimal visibility from the street.

- The siting of Block A and B has had regard to the location of the two watercourses on the site and the required riparian corridors as well as existing trees particularly Block B which has been located in an existing cleared area.
- The site is a large infill • development in an established residential area. The two storey design is considered to be appropriate in the context of the surrounding low density residential area. It adjoins a vacant site on the western side (41 Angel Street) that has been approved for a villa and townhouse development (see Figure 6). The rear of the site adjoins the rear boundary of residential properties in Williamson and Henry Streets with one and two storey dwellings.
- Use of facebrick, fibre cement cladding, glass balustrades, aluminium framed windows, Colourbond roof and pitched roof design is considered to be in harmony with the buildings around it and the character of the area.
- The building design is considered to be well proportioned, well-articulated, incorporates a mix of colours and materials and there are no blank walls.
- Entrances are located at natural ground level.

6.6 Visual Privacy

- New building should be sited to maximise visual privacy between buildings without compromising access to sunlight and natural ventilation.
- The internal layout of buildings should be designed to minimise any direct overlooking impacts.
- Windows, balconies, stairs, terraces, decks, verandahs or other private areas which provide direct overlooking opportunities from the development into the private open space courtyard of an adjoining property must be obscured or screened. However, no screening is required where such windows have sill heights of at least 1.7 metres above the floor level or the windows are obscured glazing.
- Block A & B are well separated Yes
 from each other by a riparian
 corridor to minimise any
 privacy impacts.
- The internal layouts and POS ٠ are designed and oriented to ensure minimal privacy impacts between each dwelling in Block A & B. Privacy screens are also proposed where required to further mitigate privacy impacts.
- Block A would have minimal visibility from the street or from adjoining residential properties as it is located centrally on a large site. Block A would be visible from the future development at 41 Angel Street as Unit 1 and 2 of the adjacent development approved under DA-2015/206 are located adjacent to Block A though setback 4-5m from the side boundary.
- Block B would be visible from the rear of properties in Williamson and Henry Streets. However the two storey height, appropriate setbacks and significant landscaping will ensure minimal visual impact.
- Photomontages have been submitted (see Attachment 2) to demonstrate the view impact of the development from Angel Street as well as the properties in Henry Street to the rear which is considered acceptable.

<u>6.7 Acoustic Privacy</u>		
 This clause applies to proposals involving the erection of new residential flat buildings upon land directly adjoining or 	Not applicable.	N/A

opposite a business or industrial zone or in cases where there is an existing nearby land use which generates external noise from either the land use activity itself or from patrons attending or leave the nearby premises.		
6.8 Car Parking Requirements		N
 Refer to E3 Car Parking, Access, Servicing/Loading Facilities and Traffic Management. 	Refer to Chapter E3 below.	Yes
6.9 Basement Car Parking		
• The scale and siting of the basement car park must not impact upon the ability of the development to satisfy minimum landscaping and deep soil zone requirements.	 The proposal exceeds landscaping and deep soil requirements. 	Yes
• The roof of any basement podium, measured to the top of any solid wall located on the podium must not be greater than 1.2m above natural or finished ground level, when measured at any point on the outside walls of the building.	 The basement podium is 1,140mm above natural ground level. 	
• Landscaped terraces are provided in front of the basement podium to reduce the overall visual impact.	 Landscaped terraces are proposed at ground floor level to reduce the visual impact of the podium level. 	
The main pedestrian entry to the building is identifiable and readily accessible from the street frontage, including access by disabled persons.	• The main pedestrian entry to the building is identifiable and readily accessible from the street frontage, including access by disabled persons as entry level is at natural ground	
 A basement podium less than 1.2m may extend to the boundary however a 1.5m landscaped planter must be provided. 	 level. The basement podium complies with setback requirements. The buildings are well setback from each side and rear boundary. 	
 Ventilation structures/openings/exhausts for basement parking and air-conditioning units must be orientated away from windows of habitable rooms and private open space areas on the subject land as well as adjoining sites. Ventilation grills must be integrated into the design of the 	 Ventilation structures, openings/exhausts are well setback from adjoining properties. 	

façade of the building to minimise their visual impact.

- The visual impact of all basement walls must be minimised through the use of various design techniques including well proportioned ground level articulation and relief, mixed finishes and materials, terracing and/or dense landscaping.
- Basements must be protected from inundation from 100-year ARI flood levels (or greater).
- The basement walls are considered to have minimal visual impact as they are less than 1.2m above ground level and incorporate landscaping.
- The basements are designed to minimise egress of stormwater.

6.10 Access Requirements

- The development proposal must provide access to the site which is compliant with the following controls:
 - a) Provide driveways to parking areas from lanes and secondary streets rather than the primary street, wherever practical.
 - b) Locate driveways taking into account any services within the road reserve, such as power poles, drainage inlet pits and existing street trees.
 - c) All driveways must be located a minimum of 6 metres from the perpendicular of any intersection of any two roads.
 - Any driveway servicing a residential development is to be setback a minimum of 1.5m from any side property boundary.
 - e) Driveways are to be a maximum of 6m in width.
 - f) The design of driveway crossovers must be in accordance with council's standard vehicle entrance designs.
- All vehicles within a residential apartment building must provide vehicular

 A driveway is proposed from Angel Street. Access from the primary street is considered appropriate in this case as the site does not have any alternative street frontage.

- The driveway location does not appear to conflict with the location of any services in the road reserve.
- The driveway is not located in close proximity to any intersections.
- The driveway is setback 1.5m from the boundary and provides a landscape strip between the driveway and the boundary.
- 6m wide with two-way trafficable access.
- Council's Traffic officer has assessed the proposed access arrangements and has found it to be satisfactory subject to conditions.
- A vehicle turning bay is provided to ensure vehicles can enter and exit in a forward direction. The site is designed

manoeuvring areas to all parking spaces so vehicles do not need to make more than a single point turn to leave the site in a forward direction.

- Driveway grades, vehicular ramp width/grades and passing bays must be in accordance with the relevant Australian Standard, being AS 2890.1.
- Maximum crossover width 6-8m and maximum driveway width 6m.

6.11 Landscaping Requirements

- Minimum 30% landscaped area.
- Minimum 1.5m landscape bed required along side and rear boundaries.
- Minimum tree planting 1 large tree or 2 medium trees per 80sqm of deep soil zone.
- There are to be no conflicts between the Landscaping and Stormwater Drainage Plans are to be integrated.
- Existing trees are to be retained where possible.

• Street trees are required in accordance with Chapter E6 WDCP 2009.

for a heavy rigid vehicle 12.5m long.

- A condition will be imposed on any consent to be issued for the access to comply with AS 2890.1.
- Driveway crossover and driveway are proposed to be 6m wide.
- 9 68% landscaped area Yes provided.
- 1.5m landscape bed provided to all boundaries.
- The proposal involves extensive planting of trees and shrubs throughout the development.
- There are no apparent conflicts between the Landscape and Stormwater Plan. A condition will be imposed for certification to be provided to confirm this.
- Existing trees have been where retained possible. Council's Landscape Officer has considered the proposed tree removal and retention and is satisfied with the proposal. The applicant proposed to removed 16 trees however Council's Landscape Officer has imposed а conditions permitting 18 trees to be removed. The VMP and deep soil zone will more than compensate for the 18 trees to be removed.
- Council's Landscape Officer has not required street trees in this case due to existing powerlines.

6.12 Deep Soil Zone

- Siting of the required deep soil zone should be based on a detailed site and context analysis.
- A minimum of half the landscaped area (15%) must be provided as deep soil zone.
- •
- No structures, basement car parks, driveways etc are to be located in the deep soil zone.
- The deep soil zone must be densely planted with trees and shrubs.

6.13 Communal Open Space

 Required for developments with more than 10 units at a rate of 5sqm per dwelling with minimum dimension of 5m to be included in the calculation.

- Communal open space must be easily accessible and within a reasonable distance of all the units, be integrated with landscaping, allow for casual interaction and be capable of accommodating recreational activities.
- Minimum 3 hours of direct sunlight between 9am and 3pm in mid winter.

- An extensive deep soil zone is provided in the existing vegetated riparian corridors.
- More than half the landscaped area is provided as deep soil zone.
- There are no structures within the deep soil zone.
- Current vegetation within the riparian corridors will be retained and managed in accordance with the submitted Vegetation Management Plan.
- Communal open space is Yes provided for each residential flat building as follows:

Block A: 12 units – 60sqm COS required. 200sqm proposed.

Block B: 16 units – 80sqm COS required. 300sqm COS proposed.

- The COS is easily accessible to all units and integrated into the site landscaping. The COS incorporates BBQ and seating areas for social interaction.
- The communal open space is provided on the northern side of the building for solar access. A portion of the COS for Block B is located on the southern side of the building.

The shadow diagrams demonstrate each of the COS would receive sufficient solar access.

6.14 Private Open Space

- POS must be provided for each unit in the form of a balcony, courtyard or terrace.
- Ground level courtyards must be minimum 25sqm. Minimum 12sqm for each balcony.
- 70% of the dwellings POS must receive Minimum 3 hours of direct sunlight between 9am and 3pm in mid winter.
- POS must be located in a suitable area that provides privacy, solar access and pleasing outlook and has minimal impact on neighbouring properties.
- POS must be located directly off the living rooms.
- POS must be clearly defined.
- Privacy screens required where necessary.
- Avoid side facing balconies.

6.15 Adaptable and Universally Designed Housing

- 10% of all dwellings must be designed to be capable of adaptation for disabled or elderly residents.
- Adaptable dwellings should be located on the ground floor or accessible by a lift.
- Certificate is required to confirm the adaptable dwellings are capable of complying with access requirements if they are to be modified at a later date.
- Car parking allocated to adaptable dwellings must comply with Chapter E3.

POS is provided for each unit in the form of courtyards for ground floor units and balconies for first floor units.

•

- All courtyards have minimum dimension of 25sqm except for Unit A06 which is 23sqm. A variation has been considered and supported as discussed in Chapter A1. Each balcony is minimum 12sqm.
- 71% of POS receive the minimum solar access requirements.
- POS locations are acceptable for privacy, solar access and amenity of residents and adjoining properties.
- POS are appropriately located adjacent to living rooms.
- A privacy screen is proposed to the POS of Units B06 & B14 to protect the amenity of properties in Williamson and Henry Streets.
- 14% adaptable units provided Yes
 (2 x 1 bedroom unit in Block A and 1 x 1 bedroom and 1 x 2 bedroom units in Block B).
- The units are located on ground floor or accessible by a lift.
- A Statement of Compliance Access for People with a Disability has been submitted stating that the proposal can achieve compliance with the access provisions of the BCA and AS4299 – Adaptable Housing.

• Four adaptable car parking

No however variation is supported as discussed in Chapter A1.

 10% of units must be designed to me liveable dwelling standards. 	et	spaces are provided (2 in Block A and 2 in Block B) which meets Council's parking requirements for 1 space per adaptable unit.	
6.16 Access for People with a Disability			
 The provision of a continuous path travel is required to ensure equital access for all residents. 		As discussed above Statement of Compliance has been submitted stating that the proposal can achieve compliance with the access provisions of the BCA and AS4299 – Adaptable Housing.	Yes
6.17 Apartment Size and Layout Mix for Largen Residential Flat Building Developments	<u>er</u>		
 Minimum 10% of units are required to 1 bedroom. 	be 🖕	The proposal provides 3 x 1 bedroom units which equates to 10% (3/28) which complies.	Yes
 Minimum ceiling height 2.7m to habitation rooms, 2.25-2.4m to non-habitable room 		Ceiling heights comply - 3m to ground floor and 2.7m to first floor.	
6 19 Solar Access			
<u>6.18 Solar Access</u>		The contract of the second	No housen
 The number of single aspect apartmer with a southerly aspect is limited to maximum of 10% of the total number units. 	а	The number of single aspect apartments total 14%. The variation has been considered and is supported as discussed	No however variation is supported as discussed
 The living rooms and private open space at least 70% of apartments should recein a minimum of 3 hours of direct sunlig between 9.00amm and 3.00pm. 	ve •	in Chapter A1. The submitted shadow diagrams demonstrate that the proposal complies with minimum solar access requirements (71%).	in Chapter A1.
 Solar access into living rooms and POS adjoining properties to be in accordan with this Clause. 		The proposal would have no impacts on solar access to adjoining residential properties.	
6.19 Natural Ventilation			
 Minimum building depth 10-18m to maximum depth of 21m 	a •	Each unit has a depth of less than 21m.	Yes

•	Minimum 50% units to be cross-ventilated.	•	71% of the units are cross ventilated.	
•	Minimum 25% of kitchens are to have natural ventilation or be within 8m to a window.	•	All kitchens are located within 8m of a window measured from the back wall of the kitchen.	
•	Single aspect apartments must be limited to 8m in depth.	•	All single aspect apartments (A06, A12, B7 & B15) are less than 8m in depth.	

CHAPTER D1 – CHARACTER STATEMENTS

<u>Corrimal</u>

The proposal is considered to be consistent with the existing and desired future character for the locality to retain a low density residential character.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

Four adaptable units are proposed and four adaptable parking spaces. Lift access is provided in each residential flat building. A Statement of Compliance Access for People with a Disability has been submitted stating that the proposal can achieve compliance with the access provisions of the BCA and AS4299 – Adaptable Housing.

Control/objective	Comment	Compliance
<u>3.1 Lighting</u>	No details on lighting provided. Conditions can be imposed to ensure lighting is in accordance with CPTED principals.	Satisfactory
3.2 Natural surveillance and sightlines	Building entries clearly address the internal driveway. Courtyards and balconies allow for passive surveillance.	Satisfactory
<u>3.3 Signage</u>	No signage details provided. Conditions can be imposed for directional signage to be provided for wayfinding.	Satisfactory
<u>3.4 Building design</u>	The building is considered as appropriately designed in accordance with CPTED principals minimising areas for potential entrapment and concealment.	Satisfactory
3.5 Landscaping	Conditions can be imposed to ensure landscaping is in accordance with CPTED principals.	Satisfactory

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

Traffic Generation

A Traffic Impact Assessment (TIA) Report was submitted in response to a request from Council's Traffic officer and issues raised in the public submissions.

The TIA report states that development is anticipated to generate 17 additional trips during the AM and PM peak hours. As such, the report concluded that the additional traffic generated by the proposed development is not expected to have any notable adverse impact on the surrounding road network or intersections.

Angel Street is classified as a 'Local Street (minor)' in accordance with WDCP 2009 Chapter B2 Residential Subdivisions therefore has a capacity of 1,000 vehicle trips per day (vpd). Net traffic generated by the proposed development is expected to be approximately 167 vpd. The report states that the existing 83 residential properties in Angel Street and 13 in St Andrews Place generate approximately 711 vehicle vpd as such the total vpd on Angel Street with the proposed development is expected to be 878 vpd. The report concludes that the traffic volumes do not exceed road hierarchy thresholds and therefore acceptable levels of amenity and safety can be maintained for motorists, pedestrians and cyclists.

Council's Traffic officer has assessed the TIA report and is satisfied.

Parking

Parking is provided in accordance with the requirements in Chapter E3. Council's Traffic officer has assessed parking provisions and is satisfied.

	Rate	Calculation	Required	Provided	Compl y
BLOCK A:					
Car parking Residents:	1 space per dwelling <70sqm 1.5 spaces per dwelling (70- 110sqm) 2 parking spaces per dwelling >110sqm	2 x 70sqm units 10 x 70- 110sqm units	17	18	Yes
Car parking visitor:	0.2 spaces per dwelling for visitors	0.2 x 16	3.2	4	Yes
TOTAL					
Bicycle parking Resident:	1 bicycle space per 3 dwellings	12/3	4	4	Yes
Bicycle parking Visitors:	1 bicycle space per 12 dwellings	12/12	1	2	Yes
TOTAL					
Motorbike	1 motorbike space per 15 dwellings	12/15	1	1	Yes

BLOCK B:					
	Rate	Calculation	Required	Provided	Compl y
Car parking Residents:	1 space per dwelling <70sqm 1.5 spaces per dwelling (70- 110sqm) 2 parking spaces per dwelling >110sqm	16 x 70- 110sqm units	24	24	Yes
Car parking visitor:	0.2 spaces per dwelling for visitors	0.2 x 12	2.4	3	Yes
TOTAL					
Bicycle parking Resident:	1 bicycle space per 3 dwellings	16/3	5	8	Yes
Bicycle parking Visitors:	1 bicycle space per 12 dwellings	16/12	1.3	2	Yes
TOTAL					
Motorbike	1 motorbike space per 15 dwellings	16/15	1	2	Yes

Sight Distance

A sight distance assessment against AS 2890.1 is provided in the submitted TIA report for the sight distance from the driveway in each direction in Angel Street. In accordance with AS 28901.1 the desirable 5 second gap distance for a frontage speed limit of 50km/h is 69m. The report finds that the sight distance is approximately 93m to the north/north-west and 78m to the east/south-east. The report concludes that the required 69m sight distance is achievable in both directions from the proposed driveway.

Waste Collection/Servicing

Residential flat buildings require a large rigid vehicle (waste contractor) and more than 10 dwellings require side loading waste collection vehicle.

The development site is designed for a 12.5 large rigid vehicle as required by this Chapter. Waste collection is proposed to be undertaken by a 9.64m side-loading refuse collection vehicle on site from 2 temporary bin locations. Bins will be stored in the basement of each Block A & B and will be wheeled to temporary bin collection locations along the driveway on collection day. Private contractor arrangements are considered satisfactory.

Manoeuvering

A swept path turning plan has been submitted demonstrating that a 12.5 large rigid vehicle can enter and exit the site in a forward direction.

Public Transport

The site is considered to have moderate accessibility to public transport. Bus stops are located within 400m of the proposal and trains are located within 2km.

Council's Traffic officer has assessed the proposal and is satisfied.

CHAPTER E6: LANDSCAPING

A Landscape Plan has been submitted as required by this Chapter, prepared by a Certified Landscape Designer. Council's Landscape officer has assessed the proposal and is satisfied.

CHAPTER E7: WASTE MANAGEMENT

Site Waste Minimisation and Management Plan provided as required by this Chapter for waste during demolition/construction and operational waste.

Waste bins are to be stored in the basement of each residential flat building. 8 x 240 litre bin in Block A and 12 x 240 litre bins in Block B. The bins will be wheeled to temporary collection points within the site on collection day for on-site waste collection by private waste contractor as discussed under Chapter E3. Council's Traffic officer has assessed the proposal and is satisfied.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is flood affected. Council's Stormwater officer has reviewed the submitted Civil Engineering Plans and the Flood Study Report and is satisfied with the provision of mitigation of detrimental stormwater impacts on surrounding properties, no net loss of flood storage and adequate flood level requirements from the proposed works.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be collected in rainwater tanks and three on-site detention tanks (one OSD is proposed for each of the dwelling, Block A & Block B). Stormwater is proposed to be piped to the natural watercourse. Council's Stormwater officer has assessed the proposal and is satisfied.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

The submitted WSUD Report by KFW dated 29 March 2018 incorporating OSD, rainwater capture and re-use and water efficient appliances and water efficient fittings and community education has been assessed by Council's Environment officer who is satisfied.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The application involves removal of 18 trees. The proposed tree removal has been assessed by Council's Landscape and Environment Officers and found to be satisfactory subject to conditions including a condition requiring tree protection for a number of trees in close proximity to the proposed buildings as well as a stand of significant remnant trees (No's 5-9 as referenced in the submitted Arborist Report) that are located on the adjoining Council reserve and encroach into the proposed driveway and bridgeworks.

Tree root mapping was undertaken to the Trees No. 5-9 which concluded that the proposal was unlikely to impact on the stability or viability of these trees.

A condition for compensatory planting was not required as extensive planting is proposed in the proposed Landscape Plan and the existing vegetation in the riparian corridors which will be managed in accordance with the submitted Vegetation Management Plan.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Minor earthworks are proposed in the driveway and for basement construction which is considered to be consistent with this Chapter. A Soil and Sedimentation Plan was submitted by the applicant detailing the proposed soil erosion and sediment control measures to be implemented during demolition and construction to minimise environmental impacts.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

No concerns are raised in relation to contamination.
CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

A Site Waste Minimisation Plan was submitted as required by this Chapter. No hazardous materials were identified. Standard demolition and asbestos management conditions will be imposed on any consent to be issued.

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. A Soil and Water Management Plan was submitted and assessed by Council's Environment and Stormwater officers who are satisfied.

CHAPTER E23: RIPARIAN LAND MANAGEMENT

The Riparian Land Map indicates the site contains riparian land including one watercourse that runs across the front of the site and another watercourse that meanders through the rear portion of the site. The riparian corridors are in the form of terrestrial and aquatic habitat. Council's Environment officer has considered the proposal and has no objections provided erosion and sediment controls are implemented, tree removal is kept to a minimum, and that all works comply with the future Controlled Activity Approval and the Vegetation Management Plan. Appropriate conditions of consent have been recommended.

General Terms of Approval for a Controlled Activity Approval have also been received from the Natural Resources Access Regulator NSW.

2.3.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

This Plan applies as the application was submitted but not determined prior to the adoption of this Plan. The estimated cost of works is >\$100,000 (\$9,241,000) and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

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

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

2.5 SECTION 4.15 1(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

(a) <u>92 What additional matters must a consent authority take into consideration in determining a development application?</u>

Council has taken into consideration compliance with Australian Standard AS 2601—1991: The Demolition of Structures. Standard demolition conditions will be imposed on any consent to be issued.

2.6 SECTION 4.15 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

Repealed

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

Context and Setting:

The proposal is considered to be appropriate in its context. The proposal is not anticipated to have adverse impacts on the surrounding locality by overshadowing, privacy, bulk and scale or visual impact. The appearance of the proposal is considered to be in harmony with the buildings around it and the character of the street.

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

Access, Transport and Traffic:

Access and parking is provided to the satisfaction of Council's Traffic officer. A Traffic Impact Assessment Report has been submitted that concludes that the proposal is not anticipated to have an adverse impact on traffic in the locality.

Public Domain:

The adjoining property Lot 57 Angel Street is owned by Wollongong City Council and zoned RE1 Public Recreation under the Wollongong Local Environmental Plan 2009. The land is classified as Community Land and categorised as Natural Area Bushland. Although Lot 57 has street frontage from Angel Street the rear portion is inaccessible to maintenance vehicles due to the two watercourse crossings. Council requested the applicant to create a Right of Way be over the proposed driveway for Council maintenance purposes. As the adjacent lot is classified as a 'Natural Area' it is anticipated access would only be required intermittently throughout the year. In response to Council's request the applicant amended the plans to show 2 access gates, one in a location between the two watercourses to provide access to the centre of the lot and the other in the vicinity of the turning area adjacent to Block B. The gates are 6m wide (3m double gate) and will be fitted with an AG 2 padlock and be appropriately sign-posted. Conditions 19, 101, 102 and 103 at Attachment 4 account for this matter.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities can be augmented to service the proposal. Proposed conditions require evidence from service providers to be demonstrated prior to issue of the Construction Certificate

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 augmented to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

WSUD measures are proposed as part of the development.

Soils:

The proposal would have minimal impact on soils.

Air and Microclimate:

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

Flora and Fauna:

The proposal involves vegetation removal and landscaping as discussed in the report. The proposal was accompanied by a flora and fauna impact assessment report which was considered satisfactory.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction. Private contractor waste arrangements are considered satisfactory.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. A Basix certificate has been submitted for the proposal

Noise and vibration:

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

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal.

Council records list the site as flood affected. Council's Stormwater officer has found the proposal to be satisfactory subject to conditions.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

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

Social Impact:

The proposal is not anticipated to have a negative social impact.

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The application does not result in any departures from development standards in WLEP 2009 however it does request minor variations to development controls in WDCP 2009 as outlined in section 2.3 above.

Construction:

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

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The proposal is not expected to have negative cumulative impacts.

2.8 SECTION 4.15 1(C) THE SUITABILITY OF THE SITE FOR 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 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.

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

See Section 1.3.

2.10 SECTION 4.15 1(E) THE PUBLIC INTEREST

The application is not expected to have any 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 therefore considered to be in the public interest.

3 CONCLUSION

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

The proposal involves variations to Chapter B1 Wollongong Development Plan 2009 including:

- Clause 4.2 Front Setback of dwelling-house Minimum 6m (4.5m proposed).
- Clause 6.14 Private Open Space Minimum 25sqm required for ground floor units (Unit A06 has a 23sqm courtyard - deficient by 2sqm);
- Clause 6.18 Solar Access maximum 10% single aspect apartments (14% proposed or 1 additional single aspect unit).

The variations have been considered and are supported.

Some of the issues identified in submission though technically unresolved, are considered to have been adequately addressed either through redesign or by way of draft conditions. Any remaining issues are not considered to be sufficient to refuse the application.

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

4 RECOMMENDATION

Development Application DA-2107/1064 be approved subject to the conditions provided at Attachment 4.

5 ATTACHMENTS

- 1 Plans and documents
- 2 Photomontages of the development
- 3 Applicant's Variation Request Statements
- 4 Conditions of consent

Attachment 1 - Plans and Documents







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SHOALHAVEN LIFESTYLE LIVING PTY LTD

94 Kembla St, Wellengeng NSW 2500 PO Box 3061 Wellengeng ph: 02 4228 6400 fpx: 02 4228 6455 www.admarchitects.com.au

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REFER TO LANESCAPE ARCHITECTS DOCUMENTATION FOR ALL PAVING & PLANTING DETAILS.



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DWELLING **ELEVATIONS & SECTION**





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NORTH-EAST ELEVATION



SOUTH-WEST ELEVATION





- SELECTED COLORBOND 'CUSTOM ORB' ROOF AT 10° PITCH FIXED TO MANUFACTURERS SPECIFICATIONS OVER REQUIRED INSULATION WITH COLORBOND RIDGE, BARGE AND APRON FLASHINGS

SOLAR PANELS TO BASIX REQUIREMENTS

ELECTED PAINTED FIBRE CEMENT CLADDIN

ALUMINIUM FRAME WINDOWS AND DOOR

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COLORBOND RAINWATER PIPES, GUTTERS & FASCIA

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NORTH-WEST ELEVATION





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COLORBOND RAINWATER PIPES, GUTTERS & FASCIA
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NORTH-EAST ELEVATION



SOUTH-WEST ELEVATION





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SOUTH-EAST ELEVATION



SOUTH-WEST ELEVATION







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NOTE: Existing trees numbers T4, T6, T14, T15, T16, T19, T20, T21, T22, T123, T24,T27,T28, T26, T37, T38, T44 & T45 are indicative only and are subject to survey.



Existing levels and contours

Proposed spot levels

Existing trees to be retained

Existing trees to be removed

Proposed tree planting

Proposed mass shrub planting

egetated treatment to the iparian Zone as per the VMP repared by Southern Habitat

Proposed turf with concrete edging

Proposed select unit paving

Proposed charcoal coloured concrete driveway

Proposed stenciled concrete driveway Colour: Charcoal

1400mm high timber fence

1200mm Metal rod fence

Letterbox

Potential Barbeque

Potential seating



REFER TO PLAN 1791-LD02 FOR RIPARIAN SPECIES AND 1791-LD03 FOR SECTIONS



ochre landscape architects



PO Box 395 Wollongong NSW 2520 Level 1, 126 Crown Street Wollongong NSW 2500 Tel. 02 4227 6427 Fax. 02 4227 6876 Email: design@cotre.net.au

PROJECT Proposed Unit Developement

39 Angel Street CORRIMAL

DRAWING TITLE

Landscape Concept Plan

Semaan Pty Ltd

DRAWING NO.

1791-LD01A

SCALE: 1:100 @ A1, 1:200 @ A3

DRAWN: DF DATE. 14.0717 CHECKED: TW



SMALL ACCENTS/GROUNDCOVERS

Dianella revoluta Viola hederacea

Liripope muscari

Lomandra 'Tanika'

Mvoprum parvifolium

Lomandra confertifolia

Phormium 'Bronze Baby' Scaevola 'Purple Fan Fare'

Westringia 'White Ramble

Trachelospermum jasminoide

Paroo Lily Native Violet Creeping Boobialla Star Jasmine

Lilyturf Dwarf Mat Rush

Dwarf New Zealand Flax Purple Fan Flower

Creeping Westringia

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TREES

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BY SOUTHERN HABITAT

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Existing levels and contours

Proposed spot levels

Existing trees to be retained

Existing trees to be removed

Proposed tree planting

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Proposed turf with concrete edging

Proposed select unit paving

Proposed charcoal coloured concrete driveway

Proposed stenciled concrete dri Colour: Charcoal

1400mm high timber fence

1200mm Metal rod fence

Letterbox

Potential Barbeque



Potential seating



ISSUE: Amended Development Application 21.03.18 ISSUE: Development Application 16.08.17, 18.08.17 ISSUE: For Comment 17.07.17, 14.08.17 REV.A: Amend building, landscape, add sections 23.02.18



ochre landscape architects

PO Box 395 Wollongong NSW 2520 Level 1, 126 Crown Street Wollongong NSW 2500 Tel. 02 4227 6427 Fax. 02 4227 6876 Email: design@cotre.net.au

PROJECT Proposed Unit Developement

39 Angel Street

CORRIMAL

DRAWING TITLE

Landscape Concept Plan

CLIENT

Semaan Pty Ltd

DRAWING NO.

1791-LD02A

SCALE: 1:100 @ A1, 1:200 @ A3

DRAWN: DF

CHECKED: TW

DATE. 14.0717

REFER TO THE VEGETATION MANAGEMENT PLAN PREPARED BY SOUTHERN HABITAT FOR DETAILED INFORMATION ON THE PROPOSED VEGETATED RIPARIAN ZONE



STREETSCAPE PERSPECTIVE VIEW FACING WEST ALONG ANGEL STREET



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PERSPECTIVE VIEW FACING WEST FROM REAR OF ADJOINING PROPERTIES ACROSS COUNCIL RESERVE





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Attachment 3 - Applicant's Variation Request Statements



Unit 5, 174 – 182 Gipps Road P O Box 7163 Gwynneville 2500

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12 April 2018

Wollongong City Council 41 Burelli Street Wollongong NSW 2500 krobinson@wollongong.nsw.gov.au records@wollongong.nsw.gov.au

Attention: Kristy Robinson

Dear Ms Robinson,

Response to Additional Information Request for DA-2017/1064 Proposed Multi Unit Residential Development at 39 Angel St, Corrimal

This correspondence is prepared on behalf of the applicant, ADM Architects and responds to Council's correspondence of 21 December 2017 and 7 March 2018 which requests the submission of additional information in respect of DA2017/1064 for a Multi Unit Residential Development at 39 Angel St, Corrimal. This correspondence is accompanied by the following revised plans and additional documentation:

- Revised Plans (Dwgs A00; A02-04; A07-A13; and A15-A17)) prepared by ADM Architects, Issue B, dated 20.2.18;
- Compliance Table prepared by ADM Architects, listing features of units, Issue B, dated 20/2/18;
- Streetscape Analysis prepared by TCG Planning (Appendix 1 to this correspondence);
- Traffic Impact Assessment Report prepared by Bitzios Consulting dated 23/2/2018;
- Flood Study prepared by KFW (Revision C dated 26/3/2018)
- Stormwater/Drainage Details and Driveway Details prepared by KFW (Dwgs C000-C009 Revision A dated 26/3/18);
- Water Sensitive Urban Design Assessment prepared by KFW, dated 29/3/18);
- Landscape Plan prepared by Ochre Landscape Architects (Ref: 1791-LD01A, LD02A, LD03 dated 21/3/18);
- Vegetation Management Plan prepared by Southern Habitat (Version 3, dated March 2018);
- Flora and Fauna Assessment prepared by Biosis (ref: 27189, dated 5 April 2018).

Summary of Design Amendments

The following key design changes are indicated on the above mentioned ADM plans:

Block A:

- Unit A06 & A12 have been redesigned from a 2 x bed layout to a 1 x bed Adaptable layout. The project now has 2 x 1 bed & 2 x 2 bed Adaptable Units. This should satisfy councils requested for 1 bed units types.
- Unit A05 and A11 above, as well as Unit A01 & A07 above, have been pulled in from the sides of block A to allow more ground level courtyard area to Units A01 & A05 as per councils comment. All ground level unit courtyards except for the 1 bed, have a minimum of 25m² of area. The I bed Unit A06 has 23m².
- The ground level planter and pedestrian path on the northern side of Unit A01, has been redesigned to allow better privacy for residents accessing the communal open space (COS) behind the basement ramp as well as egressing from the basement stair.

- Unit A11 has increased in size due to the redesign of Unit A12.
- North West, South West & South East elevations have been adjusted in line with the floor plan amendments above.
- Overall Floor Area of Block A has decreased by 59.7m².
- Garage cages in the Basement have been removed to allow compliance with Australian Standards. Some minor adjustment of storage areas, etc has also occurred.
- Letterboxes have been added adjacent to the pedestrian path along the driveway.

<u>Block B:</u>

- Garage cages have been removed to allow compliance with Australian Standards.
- Balcony Privacy Louvres have been added to the plans and elevations of Unit B14 as per councils concerns.
- A letterbox has been added along the pedestrian path similar to Block A.

A response to each heading within Council's correspondence of 21 December 2017 is provided below.

<u>Planning</u>

Variations to the Wollongong Development Control Plan 2009: have been minimised as requested, as detailed below:

<u>Private Open Space</u>: The revised plans have increased the ground floor private open space courtyards of Block A so now all ground level unit courtyards have a minimum area of 25m² with the exception of the 1 bedroom Unit (A06) which has 23m² courtyard area. The variation sought therefore is limited to one unit (reduced from three) which is non-compliant by only 2m². This minor variation is considered acceptable, in particular for a one bedroom unit as the private open space for A06 will meet the objectives of this control as: (i) the apartment is well designed, functional, and is directly connected to living areas and the main bedroom; and (ii) provides future residents excellent amenity including a natural outlook and spacious environment.

<u>Unit Mix</u>: The originally submitted design had no one bedroom units, 10 x 2 bedroom units and 18 x 3 bedroom units. To increase the mix, the amended plans now provide 2 x one bedroom units (7%), 10 x 2 bedroom units, and 18 x 3 bedroom units. While the number of one bedroom units is still less than the 10% required by the DCP (deficient by only one x 1 bedroom unit), this is a minor variation and, having consideration to the location within suburban Corrimal, as opposed to a city/town centre or university/educational facility proximity, it is considered one bedroom units are less likely to be utilised within the market, and the 7% is believed to be sufficient. Support for the (reduced) variation is sought.

<u>Solar Access</u>: the application retains the as-submitted 14% single aspect apartments (ie. 4 of the 28 apartments). Given the east-west orientation of the site and the limited building footprint due to site constraints, it is considered that this is the best design outcome that can be achieved for maximising the number of dual-aspect units achieving direct solar access on a long and narrow shaped footprint. If the maximum 10% single aspect apartments control was met, a maximum of three single aspect apartments could be provided. Again, this is non-compliant <u>by only one unit</u>. In this regard, the justification to this variation provided in the Statement of Environmental Effects is maintained (reproduced below) and is considered satisfactory. In addition, it is noted that the single aspect apartments are limited to the one bedroom units and that so that the amenity outcomes for the future residents of the development will be maximised (ie. solar access is maximised to larger units that will be occupied by more residents).

- The affected dwellings are Apartments A06, A12, B7 and B15. Such apartments are not directly southern facing but have a south-easterly orientation, allowing for natural sunlight access in the morning period.
- Despite this variation the development continues to met the requirements with respect to 70% of units achieving sunlight access (at 72%) and 60% of units achieving cross ventilation (at 62%).
- The development will therefore meet the objectives of this clause by maintaining an acceptable degree of sunlight access to living areas and private open spaces, based on adherence to the 70% sunlight access standard. Variation to the 10% southern facing unit standard is therefore considered to be justified.

In respect to Council's statement that it notes that "the proposal only just complies with the minimum solar access requirements for POS and living areas (71%)" and "should be aiming to exceed the minimum solar access requirements": the requirement for provision of over and above Council's adopted controls is unreasonable. The development application complies with the adopted controls the assessment should recognise this favourably.

<u>Streetscape Analysis</u>: A streetscape analysis prepared by TCG Planning (refer **Attachment 1**) illustrates the proposed street setback of the proposed two storey dwelling facing Angel Street (minimum 4.5m to 5.2m) in the context of indicative street setbacks of neighbouring dwellings. It is noted that, while the minimum setback is 4.5m, the façade is splayed and the majority of the setback is 5m or greater. This analysis indicates that:

- The surrounding dwellings are setback a range of approximately 5.5m (including dwellings immediately across the road) to 7m and therefore there is already a variation in the 6m front setback of the DCP within the surrounding neighbourhood. If the proposed dwelling were set back 5.5m (ie. only one metre more than that proposed), similar to the reduced setback precedent of the nearby dwellings, it would have limited visual difference and arguably no additional adverse visual impacts to the streetscape.
- The subject site is located at a bend in the road, and has a different context to that of other dwelling locations within the streetscape, particularly having regard to the vacant/vegetated lands either side that will not be developed at the street frontage due to Council ownership and flood constraints (refer later point below).
- New development in the immediate vicinity (eg. townhouses at No. 24 opposite) are two storeys and the
 predominant older housing stock (single storey cottage) are likely to be redeveloped at this scale. The
 proposed two storey detached dwelling is proportionate with and consistent in character with the bulk
 and scale of these newer surrounding two storey dwellings.
- Furthermore, the site analysis plan (ADM Architects Dwg A01) also indicates that the natural watercourse to the rear within the subject site constrains the footprint of where a dwelling can be located near the Angel Street frontage. The flood-free portion of the site necessitates the siting of the dwelling to have a 4.5m setback. The dwelling footprint is minimal to and is restricted to flood-free areas. Council is requested to have regard to this significant constraint. If a dwelling was not located in this space, a significant portion of the site would be unnecessarily sterilised.
- The property to the south (Council Reserve) will not be built on and will remain an open space. Similarly, the property to the north (No. 41 Angel Street) is likely to be redeveloped (an Integrated Development Consent DA-2015/2016 was granted in September 2015 for the demolition of existing structures and construction of multi dwelling housing comprising 21 dwellings). The ADM Architects Dwg A01 (Site Analysis) illustrates an outline of the building footprints of this approved development to place in context with the subject land. As also shown on this Streetscape Analysis at Appendix 1, the "front" dwelling that is closest

to Angel Street of the adjacent land (at No 41) has a considerable setback to avoid the creek location. The effect of this large setback is that the proposed two storey dwelling at No. 39 will be adjacent to large open space/unbuilt areas to either side that will not be built on. This will assist to minimise any impacts of the proposed built form compared to a situation where the properties on either side were developed for dwellings.

Having regard to the above analysis, it is considered that the proposed front setback of the dwelling fronting Angel Streets is acceptable having regard to the objectives of Development Control 4.2 and Council's support for the variation is sought.

Foreshore Building Line

Noted.

Privacy/Overlooking

Privacy louvres have been added to the south western facing balcony of Unit B14 for additional privacy for residents of Williamson and Henry Streets (refer to Drawing A15 ADM Architects Issue B dated 20.02.2018). Other balconies of Block B are significantly setback from boundaries of neighbouring properties and, combined with the proposed planting, will ameliorate overlooking to adjoining dwellings (refer Landscape Plan). The deep soil zone planting also provided along the southern boundary will provide significant screening between B14 and the rear of the residential dwellings along Henry Street.

<u>Submissions</u>

TCG have reviewed the submissions received and note that the primary concerns relate to vegetation/habitat loss, flood affectation of the site and traffic impacts. Refer to headings elsewhere in this correspondence and accompanying detailed consultant reports from Biosis, KFW and Bitzios Consulting respectively.

<u>Stormwater</u>

Refer to accompanying documentation from KFW Consulting, in particular pages 18-20 of the revised Flood Study which provides a response to each 'dot point'/item within Council's letter dated 21 December 2017.

<u>Traffic</u>

A Traffic Impact Assessment prepared by Bitzios Consulting accompanies the report and conclude the following. It is noted that the basement design (storage cage areas) has been amended to meet the Australian Standards as detailed earlier in this correspondence.

'The key findings of the traffic impact assessment for the proposed residential development located at 39 Angel Street, Corrimal, are as follows:

- the proposed development will consist of 28 medium-density residential flats and one (1) low-density residential dwelling;
- the proposed development is estimated to generate 17 vehicle trips in the AM and PM peak hours;
- the estimated traffic generated by the development is not expected to have any notable adverse impact on the surrounding road network or intersections;
- the expected daily traffic volumes post development construction are not expected to exceed road hierarchy thresholds of Angel Street;
- the on-site parking layout shall comply with the relevant requirements of Australian Standards AS2890and Council's DCP;
- the required sight distance, in accordance with AS2890.1, is achievable in both directions from the proposed driveway;

- driveway gradients, to be confirmed by KF Williams, shall not exceed 1:6.5 (15.4%) and rate of change of grade must not exceed 1:16 (7.25%) in 7m of travel;
- swept path assessment demonstrates that a 12.5m HRV can safely and efficiently service the site, manoeuvre within the site and ingress and egress in forward gear;
- bus stops servicing several routes are available within 400m of the development site and train stations are located approximately 2km from the site. As such, there is an acceptable level of amenity for public transport usage; and
- there are no existing pedestrian or cycle facilities on Angel Street.

Based on the above assessment, we conclude that there are no significant traffic or transport impacts associated with the proposed development to preclude its approval and relevant conditioning on transport planning grounds."

<u>Landscaping</u>

A revised Landscape Plan prepared by Ochre Landscape Architects accompanies this correspondence. Regarding <u>Tree 18</u>, it is the proponent's intention to remove this tree, noting that its siting centrally within the site, adjacent to the (limited) flood-free areas within the highly constrained site. The Landscape Plan confirms that as many trees as possible will remain on the site, and where a loss of trees is to occur, compensatory planting will provided. The Arboricultural Impact Assessment dated August 2017 prepared by Allied Tree Consultancy addresses all trees on site. It is noted from Table 1 - Tree Species Data that a total of 10 Eucalyptus pilularis (Blackbutt) will be retained across the site. It is therefore only one of these 11 Blackbutt trees across the site which will be removed (Tree 18). All remaining Blackbutt trees - Tree 5, 6, 7, 8, 9, 19, 20, 21, 22, 23, 24 will remain.

Also in relation to Tree 18, it is noted that the approved townhouse development on the northern adjacent property at 41 Angel Street (DA 2015/206) is also likely to have a detrimental impact upon this tree upon construction, which appears to have not been considered in the submitted documentation (Arborist Report) accompanying the application. Figure 1 below is an excerpt from a plan submitted for that DA demonstrates the conflicting tree canopy of Tree 18 along the southern boundary and the location of proposed Unit 2 of that development. It is therefore believed that this tree would be detrimentally impacted with the construction of this neighbouring development.



In relation to <u>Trees T5, T6, T7 and T8</u>, additional root mapping is to be provided by the Arborist (Allied Tree Consultancy) under separate cover as soon as possible.

Community Safety Officer

Letterboxes have been added to the drawings, located adjacent to the pedestrian path along the driveway of Block B and along the driveway near the building entry for Block A. The security door to the basements are described as 'ventilated' on the plans, allowing for visibility. Council can ensure this (in addition to grille gates to the basement bin enclosure areas) via a condition(s) of development consent requiring these items to be indicated on the Construction Certificate plans.

Property

We note Council's desire to obtain access to adjoining Lot 57 for adjistment purposes or Council maintenance. The applicant has noted Council's request and is prepared to enter into favourable negotiations to enable acquisition of land or an easement, subject to consent to the removal of Tree 18. On balance, this is considered to be a reasonable outcome for the property (as detailed under the heading 'Landscape' above) noting the flooding constraints of both properties and land-locked nature of Lot 57 in terms of reasonable access.

Environment: Flora and Fauna Impact

A Flora and Fauna Impact Assessment Report prepared by Biosis accompanies this correspondence. The report is an assessment of the potential impact of the proposed development on ecological values in accordance with the relevant legislation. The report's conclusion (p31) states the following:

"The proposed activities that will result in impacts to ecological values include:

- Removal of a maximum of 0.11 hectares of native vegetation in the form of Illawarra Gully Wet Forest.
- Removal of approximately 0.5 hectares of marginal fauna habitat.
- Potential removal of two hollow-bearing trees within the study area.
- Direct and indirect impacts to two second order watercourses.
- Fragmentation of existing habitat.

No flora species or threatened ecological communities listed under the EPBC Act or BC Act were recorded during the field surveys.

Following field investigations, six species listed under the BC Act were considered to have a moderate likelihood of occurrence in the study area:

- Eastern False Pipistrelle.
- Eastern Bentwing-Bat.
- Greater Broad-nose Bat.
- Gang-gang Cockatoo.
- Barking Owl.
- Powerful Owl.

Assessments of significance under the EP&A Act were carried out for these species. The assessments concluded the proposal is unlikely to have a significant impact on any BC Act listed species. Assessments identified that the proposed actions are likely to have a direct impact on potential threatened species habitat.

However, the habitat values identified within the study area are limited and of low quality (i.e. two stags, surrounded by invasive weedy understorey and scattered native vegetation); additionally, no threatened fauna species were identified during the field survey. The assessments of significance identified that the lifecycle and the long-term viability of species populations within the study area (if present) are unlikely to be significantly impacted.

<u>Safeguards specific to the removal of threatened and general fauna species habitat have been included</u> in Section 5 of this report, including inspection of hollow-bearing trees prior to removal as well as advice on riparian corridor management (refer to Table 4 for full details regarding proposal safeguards)."

Environment: Long Term Management of VMP Area

A revised Vegetation Management Plan prepared by Southern Habitat accompanies this correspondence that addresses the long term maintenance of the site. Specifically, the VMP states (p52): "At the completion of the 24-month maintenance period, all ongoing care and responsibility for the natural areas nominated within this report are to fall under the owners corporation. The owners corporation (formally Body Corporate) deals with all physical issues relating to the common area structures, external and internal. It also deals with issues between lot owners, if and when they arise."

Environment: Water Sensitive Urban Design

A Water Sensitive Urban Design (WSUD) Assessment prepared by KFW accompanies this correspondence which was prepared in accordance with Chapter E15 of Wollongong Development Control Plan 2009. In summary, the report indicates that the following WSUD measures will be implemented in the development:

- 1. On-site detention (3 OSD tanks are proposed);
- 2. Rainwater capture and use (rainwater tanks will be installed to capture roof water from the two residential flat buildings and dwelling);
- 3. Water efficient appliances (will be fitted to the residential units, including 5-star dishwashers as per BASIX);
- 4. Water efficient fittings (will be fitted to the residential units, including 3-star shower heads, 4-star toilets and 6-star taps);
- 5. Community education (advisory document to be provided to prospective purchasers and property manager/management committee).

We trust that the above information addresses the relevant items raised by Council and look forward to Council progressing the application. Please do not hesitate to contact the applicant in the first instance, or the undersigned if further clarification is sought.

Yours Faithfully,

NadAlago

Nadine Page Senior Planner TCG Planning

Attachment 1: Setback Analysis

Attachment 1 Streetscape Analysis (TCG Planning)



Imagery: Six Maps data https://maps.six.nsw.gov.au/ Distances approximate using measurement tool

Attachment 4 DRAFT CONDITIONS FOR: DA-2017/1064

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

Department of Industries (DOI) Water (formerly DPI Water)

Pursuant to Section 91A (3) of the Water Management Act 2000 – Controlled Activity Approval – General Terms of Approval issued by DOI Water dated 14 February 2018 as attached shall form part of this Notice of Determination.

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

Approved Plans and Documents

1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 2017-06 Drawing A02-C, A04-D, A14-B and A15-D dated 2 August 2018, A03-C, A16-C and A17-C dated 1 June 2018, A07-B to A13-B dated 20 February 2018 and A05-A, A06-A and A18-A dated 25 August 2017 prepared by adm Architects and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2 Building Work - Compliance with the Building Code of Australia

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

3 **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

4 Disability Discrimination Act 1992

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 (2009) – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

5 Vegetation Management Plan Reporting

Six (6) monthly reports on the progress of the implementation of the Vegetation Management Plan prepared by Southern Habitat dated March 2018 shall be submitted to Council's Environmental Strategy and Planning Division and DPI Water during the two year maintenance period and until the performance criteria has been met.

6 Front Fence Height and Style

All fencing on the land fronting the street must be constructed using 1200 mm high metal rod fencing.

7 Restricted Vegetation Removal

This consent permits the removal of trees and other vegetation from the site within three

(3) metres of the approved buildings. This consent also permits the pruning of trees within three (3) metres of approved buildings in accordance with AS 4373-2007 Pruning of Amenity Trees. No other trees or vegetation shall be removed or pruned, without the prior written approval of Council.

8 Mailboxes

The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

9 Maintenance of Access to Adjoining Properties

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

10 Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 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.

11 Tree Retention/Removal

The developer shall retain the existing trees indicated on the on the Landscape Plan by Ochre Landscape Architects dated 25 August 2017 and Arborist report by Allied Tree Consultancy dated August 2017 consisting of trees numbered T3, T5, T6, T7, T8, T9, T13, T14, T15, T16, T19, T20, T21, T22, T23, T25, T26, T27, T28, T34, T36, T37, T38, T40, T42, T43, T44 and T45.

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

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

All recommendations in Arborist's Report by Allied Tree Consultancy dated August 2017 to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered T1, T2, T4, T10, T11, T12, T17, T18, T24, T29, T30, T31, T32, T33, T35, T39, T41 and T46 as indicated on the Landscape Plan by Ochre Landscape Architects dated 25 August 2017 and Arborist report by Allied Tree Consultancy dated August 2017. No other trees shall be removed without prior written approval of Council.

12 **Phased Development**

This consent is for a phased development:

Phase 1: demolition of existing dwelling, tree removals and construction of a two storey residential flat building containing 12 apartments (Block A) plus basement parking, a two storey dwelling, riparian area works, driveway and bridge access.

Phase 2: construction of a two storey residential flat building containing 16 apartments (Block B) plus basement parking.

Separate Construction Certificates may be obtained for each phase of the development.

Prior to the Issue of the Construction Certificate

13 The proposed bridges must be designed and certified by a suitably qualified Structural Engineer. The bridges must be able to withstand the weight of the largest anticipated vehicle to enter the site eg. Construction vehicles such as a fully laden concrete truck and a Fire Truck. This requirement shall be reflected on the Construction Certificate plans.

14 Scour Protection

The stormwater outlet to the watercourse shall be treated with appropriate scour/erosion protection measures in accordance with good engineering practice. All scour protection measures and headwall structures within the watercourse shall be designed and constructed to match existing surface levels to ensure that there will be no change in flooding behaviour. All stormwater outlets shall be taken to the low flow channel and orientated in the direction of natural flow of the receiving watercourse. The final details of the proposed scour/erosion protection measures shall be undertaken by a suitably qualified civil engineer and reflected on Construction Certificate plans.

15 Design in Accordance with Flood Study

The detailed design of the development (incl. earthworks, pavement, bridges, finished surface levels, and surface treatment) shall be generally in accordance with The Flood Study, Job No KF112585 Revision D by KFW, dated 3 July 2018. This requirement shall be reflected on the Construction Certificate plans and certified by a suitably qualified civil engineer prior to the release of the Construction Certificate.

16 Basement Waterproofing

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

17 Pump System

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

18 Loss of Flood Storage

The detailed design of the development shall ensure no net loss of existing flood storage in any storm event (up to the PMF). Construction details of compensatory flood storage areas (where required) shall be prepared by a suitably qualified civil engineer and reflected on the Construction Certificate plans. This must include detailed plans showing finished surface levels, finished surface treatment and the flood storage volume. Certification from a suitably qualified civil engineer verifying that these requirements have been met shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

19 Fencing and Gate Adjoining Public Reserve

The south-eastern boundary adjoining the public reserve is to be fenced with open palisade type fencing as shown on the approved Landscape Plan. Two gates are to be provided to provide access for Council vehicles and staff for maintenance purposes. The gates must be 6m wide (3m double gate) and fitted with an AG 2 padlock. Details are to be shown on the Construction Certificate plans.

20 Fire Safety Schedule

When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

21 Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap, available through <u>www.sydneywater.com.au</u> 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 Certifying Authority must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit <u>www.sydneywater.com.au</u> or telephone 13 20 92 for further information.

22 Endeavour Energy Requirements

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

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

23 Telecommunications

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

24 Muted Bushland Tones – External Finishes

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible.

25 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.

26 Schedule of External Building Materials/Finishes

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) together with a sample board and an A4 or A3 sized photograph of the sample board shall be submitted for the separate approval of the Principal Certifying Authority, prior to the release of the Construction Certificate.

27 Fencing

The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:

- a where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the same brickwork as that used in the external wall of the building; and
- b rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped or colorbond fences.

This requirement is to be reflected on the Construction Certificate plans.

- 28 In order to reduce the opportunities for "hiding places" the proposed landscaping must:
 - a use shrubs/plants which are no higher than 1 metre.
 - b the type of trees proposed must have a sufficiently high canopy, when fully grown, so that pedestrian vision is not impeded.

This requirement shall be reflected on the Construction Certificate plans.

- 29 The development shall incorporate appropriate design measures to minimise any crime risk to patrons or staff and motor vehicles within the car parking areas, including (but not limited to) the following:
 - a Landscape treatment which allows visibility from the road way and other public areas;
 - b Landscaping at ground level provided which is difficult or uncomfortable to hide in or traverse,

- c Provide clearly marked and sign posted visitor car parking signs (including security/intercom system);
- d Ensure that fire rated doors in the car park have a clear glass panel located no more than 1.5 m from the floor. The panel shall have a minimum dimension of 300 mm x 300 mm to allow visual surveillance within the stairwell and/or next room/space.

This requirement shall be reflected on the Construction Certificate plans.

30 The development shall provide suitable light spillage mitigation measures within the development to mitigate against any adverse light spillage impacts upon surrounding properties. This requirement shall be reflected on the Construction Certificate plans. The implementation of the approved light spillage mitigation measures is required prior to the use or occupation of the development.

31 Car Parking and Access

The development shall make provision for the following parking requirements:

Block A:

- 18 residential car parking spaces (including 2 spaces capable of adaption for people with disabilities)
- 3 visitor car parking spaces
- 4 secure class 2 residential bicycle spaces
- 1 visitor bicycle space
- 1 motorcycle space.

Block B:

- 24 residential car parking spaces (including 2 spaces capable of adaption for people with disabilities)
- 4 visitor car parking spaces
- 6 secure class 2 residential bicycle spaces
- 2 visitor bicycle spaces
- 2 motorcycle spaces.

This requirement shall be reflected on the Construction Certificate plans. Any change in the above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.

32 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

33 Designated Loading/Unloading Facility

The designated loading/unloading facility must be clearly delineated with appropriate signage and or line marking to ensure the area is kept clear at all times. The designated loading/unloading facility shall be shown on the Construction Certificate plans.

- 34 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.
- 35 The car parking areas and internal access roads shall be separated from the landscaped bays by means of a kerb or concrete dwarf wall. All kerbs required to act as wheel stops shall have a maximum height of 100 mm above ground. These details shall be reflected on the Construction Certificate plans.

36 Gradients of Ramps and Driveways as per AS 2890.1

All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and

any supporting documentation.

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

37 Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve)

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval of both the Principal Certifying Authority and Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a proposed ingress and egress points for vehicles to/from the construction site;
- b proposed protection of pedestrians, adjacent to the construction site;
- c proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- e proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Maritime Service's Specification "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- i proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

39 Structures Adjacent to Driveway

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

40 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.

41 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 Certifying Authority, prior to the release of the Construction Certificate.

- 42 The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
 - a any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.
 - b All garden edges, mowing strips and retaining walls are to be of masonry construction;

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

- 43 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 44 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

45 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 Certifying Authority prior to release of the Construction Certificate.
- b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

46 **Provision of a Fire Hydrant**

The provision of a fire hydrant in accordance with AS2419 (1994) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.

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

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

- 47.1 A plan of the wall showing location and proximity to property boundaries;
- 47.2 An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- 47.3 Details of fencing or handrails to be erected on top of the wall;
- 47.4 Sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;
- 47.5 The proposed method of subsurface and surface drainage, including water disposal;
- 47.6 Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- 47.7 The assumed loading used by the engineer for the wall design.
- 47.8 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.
- 47.9 Balustrading to be provided for retaining walls over 1 metre.

48 Bicycle Parking Facilities

Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities and Austroads Guide to Traffic Management Part 11: Parking (Commentary 9: C9.2). In the absence of internal bicycle storage areas in private residential garages, the proposed external bicycle spaces are to have adequate weather protection, passive surveillance, and be secured within a lockable enclosure with access via a combination lock or communal key. This requirement shall be reflected on the Construction Certificate plans.

49 **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 developer appropriate, the must also lodge а written request to Council's Infrastructure Property Systems & Support Addressing (propertyaddressing@wollongong.nsw.gov.au), for the site addressing prior to the issue of the construction certificate. Enquiries regarding property addressing may be made by calling 4227 8660.

50 Sizing of Drainage

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

51 Stormwater Drainage Design

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

a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, being the Stormwater Plan, Job No KF112585 drawing C002 Revision A by KFW dated 26 March 2018.

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

52 Flood Level Requirements

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

- a Habitable floor levels must be constructed at a minimum of highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 500 mm freeboard.
- b Any portion of the building or structure below the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 500 mm freeboard should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.
- c The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent PMF flood level as determined by a suitably qualified civil engineer plus 500mm freeboard when utilised for onsite refuge.
- d The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 500mm freeboard.

53 On-Site Stormwater Detention (OSD) Design

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 12.2.4 of Chapter E14 of the Wollongong DCP2009.
- c The OSD facilities must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facilities shall incorporate a minimum 900mm x 6900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 12.2.6 and 12.5.4 of Chapter E14 of the Wollongong DCP2009.
- f Details of the orifice plate's including diameter of orifice and method of fixing shall be

provided.

- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facilities. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2017/1064;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

54 Council Footpath Reserve Works

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Details and locations are to be shown on the Construction Certificate Plans.

55 **Development Contributions**

Pursuant to Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$92,410.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 889188	Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	CashCredit CardBank Cheque
PI	EASE MAKE BANK CHEQUE PAYABLE TO: Wollong (Personal or company cheques are not accepted)	

A copy of the Wollongong Section 94 Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at <u>www.wollongong.nsw.gov.au</u>

Prior to the Commencement of Works

56 Appointment of Principal Certifying Authority

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

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

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

57 Residential Building Work – Compliance with the Requirements of the Home Building Act 1989

Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates

- a in the case of work to be done by a licensee under that Act:
 - i has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
 - is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b in the case of work to be done by any other person:
 - i has been informed in writing of the persons name, contact address details and owner-builder permit number; and
 - ii has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

58 Sign – Supervisor Contact Details

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

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

This sign shall be maintained while the work is being carried out and removed upon the

completion of the construction works.

59 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.

60 Structural Engineer's Details

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

61 Enclosure of the Site

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

62 **Demolition Works**

The demolition of the existing dwelling and outbuildings shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

63 Demolition Notification to Surrounding Residents

Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.

64 Hazardous Material Survey

At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. **Hazardous materials** includes, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a the location of hazardous materials throughout the site;
- b a description of the hazardous material;
- c the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f identification of the disposal sites to which the hazardous materials will be taken.

65 Asbestos Hazard Management Strategy

An appropriate hazard management strategy shall be prepared by a suitably qualified and experienced licensed asbestos assessor pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with SafeWork NSW requirements (<<u>http://www.safework.nsw.gov.au</u>>). The strategy shall be submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a licensed asbestos assessor and submitted to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority), prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated based on visual inspection plus sampling if required and/or air monitoring results and that the site is rendered suitable for the development.

66 Consultation with SafeWork NSW – Prior to Asbestos Removal

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

67 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.

68 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.

69 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.

70 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.

71 Certification from Arborist - Adequate Protection of Trees to be Retained

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifying Authority is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

72 Application for Occupation, Use, Disturbance or Work on Footpath/Roadway

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- a Digging or disruption to footpath/road reserve surface;
- b Loading or unloading machinery/equipment/deliveries;

- c Installation of a fence or hoarding;
- d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- e Pumping stormwater from the site to Council's stormwater drains;
- f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g Construction of new vehicular crossings or footpaths;
- h Removal of street trees;
- i Carrying out demolition works.

73 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, 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.

During Demolition, Excavation or Construction

74 Protection of Native Vegetation

Native vegetation beyond the development footprint area shall be protected from disturbances particularly during the excavation and construction phases. No construction materials, machinery or other substances shall be stored in these areas to avoid physical damage to the vegetation there.

75 **Removal of Trees Without Hollows**

Prior to removal, the trees without hollows approved for removal under this development consent shall be closely inspected for native vertebrate fauna occupation, and if occupied by native vertebrate fauna, then the NSW Wildlife Information, Rescue and Education Service (WIRES) shall be contacted for advice (phone 1300 094 737).

76 **Removal of Trees With Hollows**

Prior to removal, any trees with hollows approved for removal under this development consent shall be closely inspected for native vertebrate fauna occupation by an ecologist, and if occupied by native vertebrate fauna, then the advice of the ecologist shall be followed.

77 Injured Native Fauna

If any native fauna are injured during tree removal, then all reasonable steps shall be taken to ensure the fauna individual is collected and treated.

78 Implementation of Vegetation Management Plan

The Vegetation Management Plan prepared by Southern Habitat dated March 2018 shall be implemented by a bush regenerator with a minimum Certificate III in Conservation and Land Management (Natural Area Restoration) or equivalent study and/or experience, in addition to two (2) years experience in ecological restoration.

79 Disposal of Excess Removed Vegetation Off-site

Any excess removed vegetation taken from the site shall be disposed of only at a location that may lawfully accept that waste.

80 Weed Control

No known environmental weeds or known invasive plant species shall be used in any plantings or landscaping on the subdivision site, or otherwise brought onto the site.

81 Weed and Contaminant Free Mulch

Any imported mulch used on the site shall be weed and contaminant free.

82 Survey Report for Floor Levels

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

83 No Adverse Run-off Impacts on Adjoining Properties

The design 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.

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

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

85 **Restricted Hours of Construction Work**

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

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

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

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

86 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.
- 87 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 this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.
- 88 Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.

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

90 Excavation/Filling/Retaining Wall Structures

Any proposed filling on the site must not:

- a encroach onto the adjoining properties, and
- b adversely affect the adjoining properties with surface run-off.

91 Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (http://www.safework.nsw.gov.au).

92 Asbestos Clearance Certificate

A Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within fourteen (14) days of the completion of demolition works.

93 Asbestos Waste Collection, Transportation and Disposal

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.

94 **Provision of Waste Receptacle**

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

95 BASIX

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

A relevant BASIX Certificate means:

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

96 Excess Excavated Material – Disposal

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

97 **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.

98 Electricity Substation Requirements

The installation of an electricity substation must be in accordance with the design plans approved by Council and Endeavour Energy's standard and requirements.

99 Fences

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

Prior to the Issue of the Occupation Certificate

100 Flood/Stormwater Affectation Certification

The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate. This report is required to certify that the 'as-constructed' development will not result in any detrimental increase in flood affectation to other development or properties due to loss of flood storage, changes in flood levels, diversion of floodwater flows, and/or alteration of flood conveyance. The report must also certify that the 'as constructed' development will not result in any adverse stormwater impacts to the adjoining land due to obstruction and/or ponding of surface water runoff.

101 Creation of Right of Access in favour of Wollongong City Council

- a The creation of rights of access 6 metres wide pursuant to Section 88E of the Conveyancing Act 1919 over the extent of the proposed access way over lot 56, in order to guarantee the provision of suitable vehicular and pedestrian access to Wollongong City Council Staff.
- b The creation of a restriction over the access way 6 metres wide indicating that the land owner burdened, lot 56, is responsible for all maintenance and repair for the access driveway and bridge, and Wollongong City Council is indemnified from all claims of damage, injury and associated costs for the access way and bridge.

The 88E Instrument shall contain a provision that this clause may not be altered, modified or extinguished, except with the written consent of Wollongong City Council.

102 Restriction on Fencing of Lot adjoining Public Reserve or Drainage Reserve

The creation of a restriction on the use of the land pursuant to Section 88B of the Conveyancing Act 1919 providing that:

- a No fence shall be erected on the boundary of any lot adjoining Public Reserve or Drainage Reserve without the written consent of Wollongong City Council.
- b Such consent shall not be withheld, however, if such fence and gates is erected without expense to Wollongong City Council and consistent with the fence and gates approved under DA-2017/1064;
- c The restrictions shall remain in force only during such time as Wollongong City Council is the registered proprietor of the land immediately adjoining the land burdened in the plan and shall bond all successive owners and assigns of each lot burdened. The 88B Instrument shall contain a provision that it may not be altered, modified or extinguished, except with the written consent of Wollongong City Council.

103 **Provision of Keys and Locks for Boundary Access Gates for Wollongong City Council** Prior to the release of the occupation certificate, keys and associated locks for the boundary gates adjoining the public reserve, must be provided to Wollongong City Council – Northern Depot.

104 Fire Safety Certificate

A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

a Must cause a copy of the certificate (together with a copy of the current fire safety

schedule) to be given to the Commissioner of New South Wales Fire Brigades, and

b must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

105 Drainage

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

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

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

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

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

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

107 Retaining Wall Certification

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority 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 Certifying Authority.

108 **BASIX**

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

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

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

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

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

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention

facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

111 Completion of Landscape Works

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

112 Structural Soundness Certification

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 500 mm freeboard or greater. This report shall also verify that the supporting structure of the upper storey/flood refuge can withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent PMF flood level plus 500mm freeboard.

113 Access Certification

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

Operational Phases of the Development/Use of the Site

114 All waste collection is to be carried out from within the site from the designated loading/unloading facility. All waste collection and service vehicles must enter and exit the site in a forward direction.

115 Waste Collection

Waste collection is to occur on site via a private waste contractor using a 9.64m side-loading refuse collection vehicle. Waste bins for the residential flat buildings are not to be stored on the public road.

116 All vehicles must enter and exit in a forward direction.

117 Fire Safety Measures

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

118 Clothes Drying on Balconies/Terrace Areas Prohibited

The use of the balconies/terrace areas for the external drying of clothes is strictly prohibited.

119 Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site.



Contact: Jeremy Morice Phone: 02 4224 9738 Email: Jeremy.Morice@dpi.nsw.gov.au

Our ref: IDAS1102187 Your Ref: 2017/1064

Attention: Kristy Robinson

Wollongong DC NSW 2500

General Manager

Dear Kristy

Wollongong City Council Locked Bag 8821

14 February 2018

Re: Integrated Development Referral – General Terms of Approvals Development Reference: 2017/1064 Description: Multi Unit Residential Phased Development Location: 39 Angel Street, Corrimal NSW 2518

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find DPI Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the Water Management Act 2000 (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act* 1979 (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, DPI Water request these GTA's be included (in their entirety) in Council's development consent. Please also note DPI Water requests notification:

 If any plans of documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, or lake or estuary; (ii) on the banks of any river, lake or estuary; (iii) on land within 40 metres of the highest bank of a river, lake or estuary; or (iv) any excavation which interferes with an aquifer.

DPI Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- If Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- Of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, DPI Water recommends the following condition be included in the development consent:

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124 water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au The attached GTA issued by DPI Water do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to DPI Water for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to DPI Water together with any required plans, documents, application fee, security or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the DPI Water website at:

www.water.nsw.gov.au / Water licensing / Approvals.

DPI Water requests that Council provide a copy of this letter to the development consent holder.

DPI Water also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours sincerely

pp: L.D. dell

Brendan Mee Water Regulation Office Water Regulatory Operations Lands & Water



General Terms of Approval for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1102187
Issue date of GTA:	14 February 2018
Type of Approval:	Controlled Activity
Description:	multi Unit residential Building
Location of work/activity:	39 Angel Street Corrimal NSW 2518
DA Number:	DA2017/1064
LGA:	Wollongong City Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by DPI Water do not constitute an approval under the Water Management Act 2000. The development consent holder must apply to DPI Water for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
	Design of works and structures
GT0009-00004	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Crown Lands and Water Division, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0019-00002	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Crown Lands and Water Division.
	Erosion and sediment controls
GT0014-00003	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Crown Lands and Water Division as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
	Plans, standards and guidelines
GT0002-00128	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 20171064 provided by Council to Crown Lands and Water Division. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Crown Lands and Water Division, Wollongong Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0004-00002	A. A security deposit must be provided, if required by Crown Lands and Water Division. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Crown Lands and Water Division for that controlled activity approval.
GT0005-00053	A. The application for a controlled activity approval must include the following plan(s): - 1. Detailed construction drainage plans; 2. Erosion and sediment control plans; 3. Structural bridge and culvert plans; 4. Project costings . B. The plan(s) must be prepared in accordance with Crown Lands and Water Division's

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General Terms of Approval for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

D.C. Not	
Reference Number:	IDAS1102187
Issue date of GTA:	14 February 2018
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DA Number:	DA2017/1064
LGA:	Wollongong City Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources
1.2.5	guidelines located on the website http://www.water.nsw.gov.au/water- licensing/approvals/controlled-activity.
GT0010-00003	All documents submitted to Crown Lands and Water Division as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00002	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Crown Lands and Water Division.
GT0030-00001	The application for a controlled activity approval must include plans prepared in accordance with Crown Lands and Water Division's guidelines located on the website as follows: http://www.water.nsw.gov.au/water- licensing/approvals/controlled-activity.
	Rehabilitation and maintenance
GT0007-00003	When the proposed controlled activity is completed, and the rehabilitation plan ha been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlle
	activity approval, and approved by Crown Lands and Water Division.
GT0023-00001	
GT0023-00001	activity approval, and approved by Crown Lands and Water Division. Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the
GT0023-00001 GT0015-00006	activity approval, and approved by Crown Lands and Water Division. Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s). Reporting requirements

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124 water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au

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SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by DPI Water for integrated development associated with DA2D17/1084 as provided by Council:

- SEE (25 August 2017)
- VMP (3 August 2017) Stamped Plans (August 2017)
- Flood Study (22 August 2017)

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