

# Wollongong Local Planning Panel Assessment Report | 25 July 2018

<b>WLPP No.</b>	Item 4
<b>DA No.</b>	DA-2017/1196
<b>Proposal</b>	Demolition of existing structures and construction of multi dwelling housing (3 townhouses)
<b>Property</b>	30 Cross Street, CORRIMAL NSW 2518 Lot 10 DP 1054999
<b>Applicant</b>	MMJ Wollongong – Ben McNamara
<b>Responsible Team</b>	Development Assessment and Certification – City Wide Planning Team (JS & VL)

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

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#### Reason for consideration by Wollongong Local Planning Panel

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) pursuant to Councils resolution of 25 June 2018, and part 2 of the draft Wollongong City Council Submissions Policy as the Development Application seeks a minor exception to the Wollongong Local Environmental Plan (WLEP) 2009 minimum site width development standard, and three unique submissions were received. The exception to site width is sought as the site width is 17.68m, 0.32m short of the 18m development standard.

The draft Submissions Policy is currently on exhibition. In accordance with Councils resolution of 25 June 2018, in the interim, the draft policy is to be applied with the subject application being referred to the Panel for development advice.

#### Proposal

The proposal seeks consent for the demolition of the existing dwelling house and ancillary structures and the construction of three townhouses with associated on site car parking, landscaping and servicing.

#### Permissibility

The proposed demolition and construction of multi dwelling housing is permissible in the R2 Low Density Residential zone.

#### Consultation

The application received one (1) submission following the initial notification period. Following the submission of amended plans and additional information, the proposal was renotified, with three (3) submissions being received. The issues raised are as follows:

- Traffic and Cross Street treatment
- Overshadowing
- Fencing and retaining walls

These concerns are discussed in greater detail at section 1.5 of this report.

The proposal has been referred to Council's Stormwater, Traffic, Environment, Landscape and Community Safety Officers, with conditionally satisfactory referral advice provided in each instance.

#### Main Issues

The main issues arising from the development assessment process are:-

- Wollongong Local Environmental Plan (WLEP) 2009 exception to site width
- Variation requests to Wollongong Development Control Plan (WDCP) 2009 for car parking location and landscape strip.

### **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 seeks an exception to a development standard relating to minimum site width. It is considered that the clause 4.6 exception request provided addressing these matters is satisfactory, and as such the exception is capable of support.

It is considered that the applicant has also provided adequate justification for the variations sought to WDCP 2009 as relates to minimum site width, landscaped setbacks and car parking location for the development. The variations have been considered and are capable of support.

All relevant internal referrals are conditionally satisfactory. No external referrals were required.

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

No adverse internal referral matters were raised, and there are no outstanding issues.

It is considered that 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

### **Recommendation**

Development Application DA-2017/1196 be approved, subject to the conditions contained in Attachment 6.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Infrastructure) 2007
- SEPP (Building Sustainability Index: BASIX) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong Section 94a Development Contributions Plan (section 7.12 of EP&A Act 1979)

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

Site preparation:

- Demolition of the existing dwelling and associated structures including removal and filling of the swimming pool

Works / Construction / Building details:

- Construction of three (3) attached two storey townhouses, each comprising three bedrooms.
- Each dwelling has access to a 4x5m private open space area
- Construction of retaining walls
- Landscaped areas and deep soil zones

Traffic, parking and servicing:

- 6 car parking spaces are proposed in the form of garages and hardstand spaces. Units 2 and 3 are proposed to be provided with single garages, with Unit 1 proposed to contain a double garage.
- Additional hardstand resident, visitor and motorcycle parking spaces are proposed at grade.
- Waste collection is proposed using on street collection.

The site does not contain any significant vegetation, and no tree removals are proposed or required.

### 1.3 BACKGROUND

The development history of the site is as follows:

Application No	Description	Date	Decision
BA-1990/376	Addition - Hardiplank Walls, Tiled Roof, Timber Floor And Concrete Footings.	7/3/1990	Approved
BA-1986/1753	Garage	1/9/1986	Approved
DA-1979/1153	Double - Storey Residential Flat Building Containing	31/3/1980	Approved



information the proposal was renotified, with three submissions being received. The issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
<p>1. Cross Street treatment and parking</p> <ul style="list-style-type: none"> <li>- Cross Street formally ends at the cul-de-sac and the subject property is accessed of a narrow asphalt driveway with no kerb and gutter or room for parking on the street adjoining the property.</li> <li>- Despite meeting the Council car parking rates, there is overall a lack of parking for the site.</li> <li>- There should be no parking established on the cul-de-sac and nature strip as a result of this development and the construction period.</li> <li>- The access to the site along Cross Street and into the driveway area is already unsafe. Speed bumps or warning signs need to be put in place.</li> <li>- Waste collection from the driveway area is already hazardous for garbage trucks, which are required to reverse down the driveway area. Waste collection proposed from the cul-de-sac is also hazardous and often residents are required to move bins out of the way to safely access the driveway area. Garbage collection should be from the kerb immediately in front of the property.</li> </ul>	<p>Councils Traffic Engineer has considered the proposed development and provided a conditionally satisfactory response.</p> <p>All required parking is provided for on the site, as discussed at Chapter E3 of WDCP below.</p> <p>Car parking as a result of the construction period will be required to be in accordance with general road rules and could be discussed with the nominated PCA if issues arise during the construction period.</p> <p>Additional signage and traffic calming requests in relation to establishing no parking areas and installing speed humps is a wider traffic management issue for the Police and Council’s Traffic Committee to separately consider.</p> <p>The waste collection point has been amended to be from immediately in front of the development site, consistent with the arrangements of the existing dwelling and the other dwellings to the south of the cul-de-sac. Councils Waste Services Manager has been consulted and raised no objection.</p>
<p>2. Fencing</p> <p>The existing boundary fence would be inadequate for the proposed development and should be replaced at the cost of the developer.</p>	<p>Fencing could be undertaken at any time, pursuant to the Dividing Fences Act 1991.</p> <p>Condition 31 has been recommended with regard to fencing.</p>
<p>3. Overshadowing</p> <p>The development will result in the majority of the backyard of the adjoining development being in shade.</p> <p>The overshadowing plans don’t show the</p>	<p>The overshadowing impact of the development on the adjoining property to the south has been reduced as a result of the submission of amended plans, and has been demonstrated to not result in any additional impact to the living room windows or POS areas,</p>

Concern	Comment
sun before 9am which is when an adjoining property receives the majority sunlight.	pursuant to WDCP controls and case law. Shadow diagrams have been provided between 9am and 3pm, in accordance with the development control.
4. Retaining Wall There is an existing retaining wall on the boundary of the development and residents are concerned that as a result of the works proposed that the integrity of that wall would be compromised. Any remediation works should be done at the developers cost.	Condition number 48 is recommended addressing this matter and requires a dilapidation report.
5. WHS and asbestos removal Concerns as to the correct procedures being undertaken throughout the demolition period with respect to asbestos removal, dust and disturbance to adjoining properties have been raised.	Conditions 40, 41, 42, 53, 54, 58, 60, 62 and 63 are recommended addressing these concerns.
6. Overlooking The first floor windows and first floor deck area of the development would provide for direct overlooking into adjoining properties courtyard areas.  The windows on the western elevation should be removed.	There is no first floor deck proposed as part of the development. First floor windows do not connect to any proposed living areas. The windows with potential to result in adverse overlooking impacts are proposed as high set, minimising the potential for any direct overlooking impacts.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Stormwater, Landscape, Environment, Traffic and Community Safety Officers have reviewed the application and provided conditionally satisfactory referral advice.

### 1.6.2 EXTERNAL CONSULTATION

None required

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

- 7** *Contamination and remediation to be considered in determining development application*
- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and

- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

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 1938. There is no change to the use involved given that the existing residential use of the site will continue. There are no significant earthworks proposed and the proposal does not comprise a change of use.

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

### **2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

#### Clause 101 Development with frontage to classified road

Vehicular access is attainable from Cross Street, a local road. The design of the vehicular access to the land is not proposed to be significantly altered by the proposed development, being consistent with surrounding properties. Despite the site having frontage to road reserve which forms part of the classified road, in reality the access to the site is off Cross Street and the property and Memorial Drive are separated by a colourbond fence. No unreasonable traffic flows from the site are expected.

Condition number 32 is recommended to ensure that the proposed development is not unreasonably affected by traffic noise arising from the proximity of the site to Memorial Drive, given the proximity of the development to the classified road.

#### Clause 102 Impact of road noise or vibration on non-road development

Condition number 32 is recommended to ensure that the proposed development is not unreasonably affected by traffic noise arising from the proximity of the site to Memorial Drive.

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

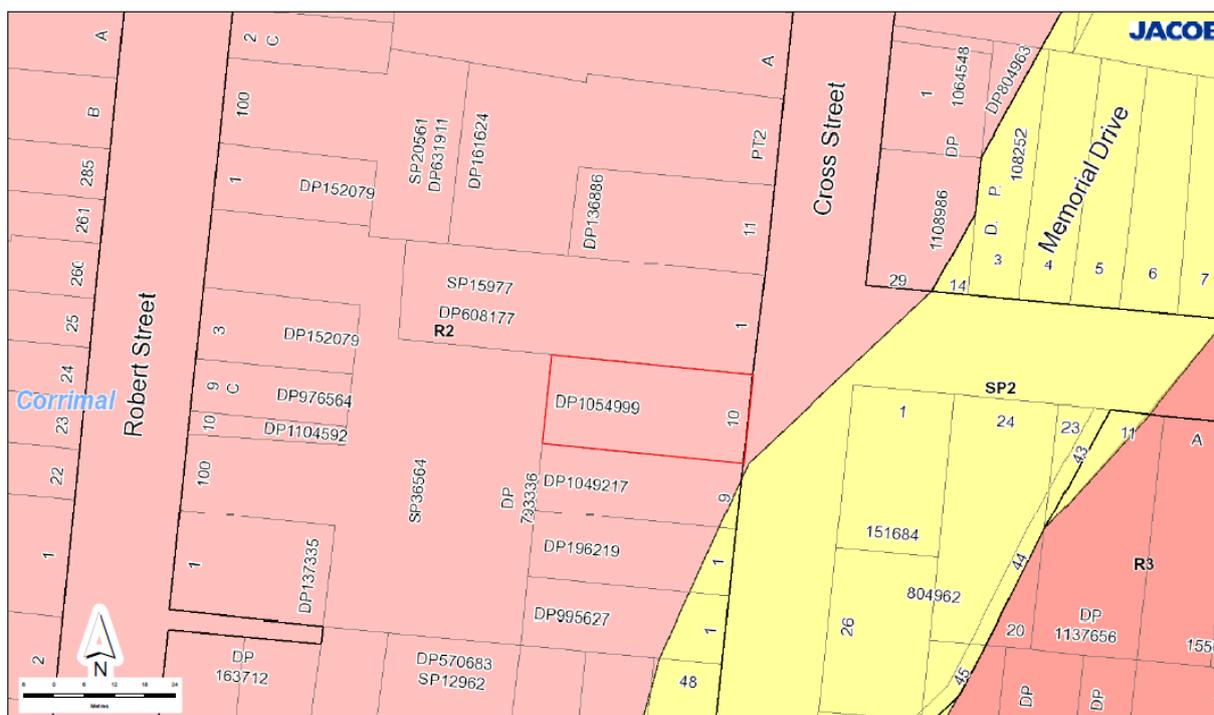
The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX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

### **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.



**Figure 2:** WLEP 2009 zoning map

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

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

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

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

The proposal is categorised as **multi dwelling housing** as defined below and is permissible in the zone with development consent.

Clause 1.4 Definitions

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

Clause 2.7 Demolition requires development consent

Consent for the demolition of the existing dwelling house and ancillary structures, including two garages and a pool, is sought as part of the subject application. Conditions are recommended in this regard to manage such works.

## Part 4 Principal development standards

### Clause 4.1 Minimum subdivision lot size

The subject application does not include subdivision.

### Clause 4.3 Height of buildings

The proposed building height of 7.195m does not exceed the maximum of 9m permitted for the site.

### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	<b>0.5:1</b>	
Site area:	710.5sqm	
GFA:	Ground floor	204
	First floor	175.4
	Exclusions	72 [18+18+36]
	GFA	307.4
FSR:	307.4/710.5 <b>=0.43:1</b>	

### Clause 4.6 Exceptions to development standards

The applicant has submitted a Clause 4.6 Statement in relation to Clause 7.14 Minimum site width which forms Attachment 3 to this report.

<b>WLEP 2009 clause 4.6 proposed development departure assessment</b>	
<b>Development Departure</b>	<b>Clause 7.14 Minimum site width</b>
Is the planning control in question a development standard?	Yes, a minimum 18m site width is required for multi dwelling housing under clause 7.14(1).
<b>4.6(3) Written request submitted by an applicant contains a justification:</b>	
(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>Yes</p> <p>The applicant provided a written statement prepared in accordance with Wollongong Local Environmental Plan 2009 Clause 4.6 (3) outlining why strict compliance with the site width standard of 18m is both unreasonable and unnecessary in this instance.</p> <p>Justification was provided as follows:</p> <ul style="list-style-type: none"> <li>• Despite the exception to Clause 7.14, the development has been designed to appropriately address the site</li> <li>• The proposal results in a nominal departure from the standard of 320mm, 1.8% less than the required 18m.</li> <li>• The site width is the sole exception being sought, with the height and FSR proposed remaining below the maximum permitted.</li> <li>• There is a consistent demand for additional housing in Corrimal</li> <li>• The development would result in a better urban design outcome than a large dwelling or dual occupancy.</li> </ul>

	<ul style="list-style-type: none"> <li>• The development has been designed to result in improved solar access to the property to the south.</li> <li>• The development responds to the low density character of the area.</li> <li>• The development satisfies the objectives of the R2 zone.</li> <li>• The development provides the required amount of parking, private open space and landscaped areas.</li> </ul> <p>Based on the above, the applicant states that compliance with the 18m site width requirement is considered unnecessary in order to achieve a character and building that is appropriate to the streetscape.</p> <p><u>Comment:</u></p> <p>The exception requested seeks consent for multidwelling housing on the subject site, despite the site being 320mm short of the minimum 18m width required. The site is positioned with multidwelling housing development to the immediate north and west. Given the extent of the exception, being only 1.8% below the control, the context of the surrounding area, it is considered that the development is appropriate in this case.</p>
<p>(b) That there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>Yes.</p> <p>In summary the sufficient environmental planning grounds presented in support of the proposal are:</p> <ul style="list-style-type: none"> <li>• The development will result in a high quality building which does not result in unreasonable adverse impacts on the surrounding properties.</li> <li>• Existing over shadowing impacts to the adjoining property have been mitigated by the proposed design.</li> <li>• The proposal seeks a small exception of 320mm from the development standard.</li> <li>• If the site did meet the width, there would be no fundamental change in the design or development outcome.</li> <li>• The development results in an appropriate amenity, design, aesthetic, built form, visual presentation, and scale in the context of the neighbourhood, despite the reduced site width.</li> </ul> <p><u>Comment:</u></p> <p>The proposed development has been demonstrated to result in an improvement in solar access to the property to the south. The development will result in an appropriate design, given the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality.</p>
<p><b>4.6 (4)(a) Consent authority is satisfied that:</b></p>	
<p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by</p>	<p>The applicant's written request has satisfactorily addressed the matters required to be demonstrated under subclause 3. Given the zoning of the site and the surrounding area, it is considered that development of the site is appropriate, despite</p>

<p>subclause (3), and</p>	<p>the reduced site width.</p> <p>The exception sought does not affect the redevelopment potential or amenity of the adjoining lots given the landscaping interface and site layout. No unreasonable privacy or overshadowing impacts on the adjoining neighbours will result from the development. It is considered the proposed development has been designed to result in a net overall improvement to the solar access to the adjoining property to the south.</p> <p>The design of the development is considered to be appropriate and integrates with the anticipated future development context of the surrounding area.</p> <p>The Clause 4.6 Statement has provided reasonable justification that the development achieves the objectives of the site width control, the objectives of the R2 zone and has sufficient planning grounds to justify the variation. Requiring compliance with the minimum 18m site width is not considered necessary in this instance.</p>
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>The proposed development has demonstrated that a functional building can be provided, despite the slightly reduced width, including appropriate car parking and access, landscaping and private open space areas, without detrimentally impacting the surrounding properties.</p> <p>Clause 7.14 does not have objectives for the minimum site width. In the absence of objectives under WLEP2009, it is reasonable to use the objectives for site width under clause 5.1.2, Chapter B1: Residential Development of WDCP 2009 for guidance. This clause also requires for a minimum site width of 18m and notes that a variation may be considered for irregular shaped lots or where the development meets the requirements of setbacks, private open space, visual amenity, solar access, built form and landscaping. The objectives are:</p> <ul style="list-style-type: none"> <li>• <i>To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements</i></li> <li>• <i>To encourage amalgamation of allotments to provide for improved design outcomes</i></li> </ul> <p>The subject site is of sufficient size to accommodate the proposed buildings, car parking and landscaped areas. It is therefore considered unnecessary and unreasonable to request the applicant pursue site amalgamation in this instance. The development would not result in the creation of an isolated lot.</p> <p>The objectives for development within the R2 zone are as follows:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a low density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul> <p>The proposed development will provide for additional low density</p>

	<p>housing opportunities in a desirable area. The development will contribute to housing choice for the Corrimal community in a location that is highly accessible, being less than 500m from Corrimal Town Centre and in close proximity to several bus services.</p> <p>Given that the development is considered to achieve the WDCP 2009 objectives for minimum site with controls and the objectives of the R2 zone, notwithstanding the non-compliance, the proposed exception to minimum site width is considered appropriate. Requiring compliance with the 18m site width is unreasonable or unnecessary in the circumstances of the case and an exception to the development standard is considered acceptable in the circumstance.</p>
The concurrence of the Secretary has been obtained	The concurrence of the Secretary has been provided via delegation to Council.

## Part 7 Local provisions – general

### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services.

Conditions are recommended requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site.

### Clause 7.6 Earthworks

The proposal comprises minor earthworks to prepare the site for construction. The earthworks are not expected to have a detrimental impact on environmental functions and processes. Conditions have been recommended in this regard to manage soil/erosion control.

### Clause 7.14 Minimum site width

Refer to Clause 4.6 exception above – the site has width of 17.68m.

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

None applicable.

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

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

#### **CHAPTER A1 – INTRODUCTION**

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. A full compliance table is provided at Attachment 4 to this report and variation requests are discussed below:

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

The proposal seeks variations to WDCP 2009 as relates to minimum site width, landscaped setbacks and car parking location for the development. Variation request statements have been submitted in accordance with the requirements of part 8 of Chapter A1 and are provided at Attachment 5 to this report.

The following outlines Council’s consideration of each requested variation against the requirements of the DCP;

## **Chapter B1: Residential Development**

### **Part 5.1 Minimum site width**

Part 5.1.2.1 and 5.1.2.2 require that a site have a minimum width of 18m for multi dwelling or attached multi dwelling housing developments. The subject site has a width of 17.68m, 320mm short of the 18m requirement.

<b>Control</b>	<b>Comment</b>
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control sought to be varied, being 5.1 of Chapter B1 of the WDCP.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	The variation statement identifies that the extent of the variation is 0.32m.  The variation is requested on the basis that the width of the site and use of the site for the purpose of multi dwelling housing is not contrary to the objectives of the zone, and the proposed development has been designed appropriately.
c) Demonstrate how the objectives are met with the proposed variations; and	The objectives of the control are as follows: <ul style="list-style-type: none"> <li>a) <i>To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements.</i></li> <li>b) <i>To encourage amalgamation of allotments to provide for improved design outcomes.</i></li> </ul> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u>  The development and requested variation are not considered to be inconsistent with the above objectives.  The development will provide for the required landscaping, POS areas, and car parking arrangement.  It is not considered that amalgamation is required in this case.</p>
d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	<u>Council comment:</u> The development is not considered to result in adverse impacts as a result of the variation.
<b>Comment:</b> The requested variation has been considered and is capable of support.	

### Part 5.7 Car Parking requirements

Part 5.7.2.1 requires that car parking be located behind the building setback and screened from view with well-designed structures and vegetation. Two car parking spaces comprising one resident and one visitor are proposed forward of the front building line, as demonstrated by Figure 3.



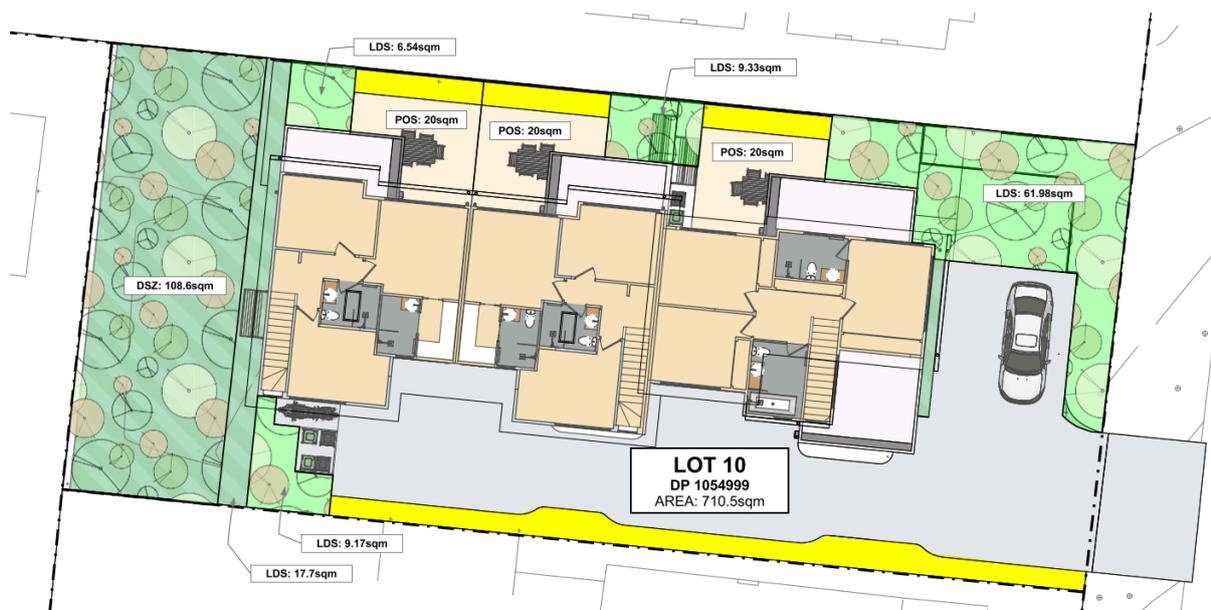
**Figure 3:** Perspective of proposed development including 2 car parking spaces in front of building line

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control sought to be varied, being 5.7.2 of Chapter B1 of the WDCP.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The applicant identifies the extent of the variation is that two hardstand car parking spaces are proposed within the front setback of the development, one visitor's space and one resident space.</p> <p>The variation is requested on the basis that:</p> <ul style="list-style-type: none"> <li>• The development provides for the required car parking spaces in accordance with the WDCP 2009,</li> <li>• All spaces on site have adequate manoeuvring,</li> <li>• The design reduces the potential for on-site traffic conflicts due to two of the 6 on site spaces being in front of the building line,</li> <li>• The minimal visual impact of the two cars in the front setback due to the location of the site, being accesses off an access handle off a cul-de-sac and behind a 1.5m landscaped strip.</li> <li>• The two car parking spaces result in a greater than standard – 6.665m front setback.</li> </ul>

	<ul style="list-style-type: none"> <li>• The encroachment is not contrary to the objectives of the zone</li> <li>• It is the applicants' opinion that the development meets the objectives of the control.</li> </ul>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ol style="list-style-type: none"> <li><i>To provide an adequate level of on-site car parking based upon anticipated occupancy rates and proximity to public transport.</i></li> <li><i>To ensure that there is adequate provision for access to and manoeuvring within the development.</i></li> <li><i>To ensure that residential developments are designed to be accessible for pedestrians, cyclists and motorists.</i></li> <li><i>To ensure that integrated design of car parking facilities to minimise visual impacts.</i></li> <li><i>To ensure the provision of facilities such as bike racks, which encourage the use of alternative methods of transport.</i></li> </ol> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u> The development and requested variation are not considered to be inconsistent with the above objectives. The two hardstand car parking spaces are not considered inappropriate in the circumstance, given the location of the site.</p>
d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	<p><u>Council comment:</u> The development is not considered to result in unreasonable adverse impacts as a result of the variation. Amendments to the design have been undertaken to provide for separation of the car parking areas from the units and improve the presentation of the development to the street.</p>
<p>Comment:</p> <p>The requested variation has been considered and is capable of support.</p>	

### **Part 5.8 Landscaping requirements**

Part 5.8.2.4 requires that the landscaped area must include a 1.5m wide landscaped bed which is provided along the side and rear property boundaries of the site. Part 5(f) of the control also mirrors this control and 5.7 as discussed above and requires that where driveways run parallel to a property boundary, a minimum 1.5m landscape strip is required adjacent to the driveway. The areas in yellow in Figure 4 demonstrate the extent of the area of non-compliance.



**Figure 4:** Landscaped area

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control sought to be varied, being 5.8 of Chapter B1 of the WDCP.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation is a maximum of 0.9m. The minimum landscaped width proposed is 600mm only on the southern property boundary, and 1m adjoining the POS areas.</p> <p>The variation is requested on the basis that</p> <ul style="list-style-type: none"> <li>• Landscaping is proposed to be provided to all boundaries of the site;</li> <li>• Suitable landscaped strip widths are proposed to allow for suitable planting;</li> <li>• Landscaping provided would be an improvement as there is no established landscaping on the site currently;</li> <li>• It is the applicants' opinion that the development meets the objectives of the control.</li> </ul>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ol style="list-style-type: none"> <li>a) <i>To preserve and retain existing native trees and vegetation and encourage the planting of additional native vegetation.</i></li> <li>b) <i>To enhance the appearance of housing through integrated landscape design.</i></li> <li>c) <i>To improve the visual amenity by increasing the volume of substantial vegetation in urban areas.</i></li> <li>d) <i>To reduce impervious areas on sites and increase soft landscape screening between side orientations of residential developments</i></li> </ol>

	<p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u> The development is not considered inconsistent with the above objectives. Councils Landscape Officer has reviewed the proposed landscaping and has advised that subject to recommended conditions, the proposed landscaped strips are sufficient to provide for adequate separation and screening from adjoining properties. Overall the total landscaped and deep soil zone areas meet the minimum development control area requirements across the site.</p>
<p>d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.</p>	<p>The development is not considered to result in unreasonable adverse impacts as a result of the variation. Amendments to the design have been undertaken to increase the landscaped setback to other areas of the site.</p>
<p>Comment: The requested variation has been considered and is capable of support.</p>	

### 2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is \$801,000.00 and a levy of 1% would apply 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 S7.4 which affect the development.

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

92 What additional matters must a consent authority take into consideration in determining a development application?

Conditions of consent are recommended with regard to demolition. The site is not located in the coastal zone.

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

### 2.6 SECTION 4.15(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

The proposal has been assessed with regards to the amenity impacts from the development, future desired character and site constraints, and is considered to be appropriate.

### Context and Setting:

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

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development has been demonstrated to result in a net improvement in solar access for the dwelling to the south. The development is within the allowable height and FSR for the site. The development has evolved following detailed investigation as to the anticipated future context of the area.

In regard to the visual impact, the development is considered to be consistent with the desired future character of the locality. The area is characterised by a mixture of residential uses. It is likely that more similar higher density residential developments will occur in the future given the zoning, height and FSR maximums for the area.

The scale of the development as viewed from the street is comparable to other developments in the broader locality.

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

### Access, Transport and Traffic:

The development is not expected to result in adverse impacts on access, transport or traffic flows in the area. Details of the proposal were referred to Council's Traffic Officer who has reviewed the application submission and provided conditionally satisfactory referral advice.

### Public Domain:

The proposal is not expected to have adverse impacts on the public domain.

### Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are either adequate or can be reasonably augmented to service the proposal. Conditions 15, 22 and 23 account for utility servicing.

### 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, the desired future character of the locality and is not envisaged to impact upon valuable land resources

Water:

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

The proposal is not envisaged to have unreasonable water consumption.

BASIX considerations are outlined at section 2.1.3 above and draft conditions have been recommended in relation to this matter.

Soils:

Councils Environment Officer has provided recommended conditions with regard to the importation of fill to the site. The proposal is not expected to result in adverse impact on soils.

Air and Microclimate:

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

Flora and Fauna:

There is no significant vegetation removal proposed. More than 30% of the existing site area is proposed to be retained as landscaped area. Council's Landscape officer has considered the application submission and provided a conditionally satisfactory referral response.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction. Garbage storage is proposed to be located within a garbage compound at the end of the driveway area.

Kerbside collection once a week is proposed and is considered acceptable for the residential units. The residents will need to arrange for the bins to be moved from the compound to the kerbside on collection day.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. A BASIX certificate has been submitted which indicates that the proposal meets the objectives of SEPP (BASIX).

Noise and vibration:

Draft conditions have been recommended to ensure that noise nuisance is minimised during demolition and construction. Conditions have also been recommended with regard to ensuring compliance with acoustic requirements of SEPP (Infrastructure) 2007 as discussed at section 2.1.2 above.

Natural hazards:

Council's land information records do not indicate that the site is affected by natural hazards that would prevent the proposal.

Technological hazards:

Council's land information records do not indicate that the site is affected by technological hazards that would prevent the proposal.

Safety, Security and Crime Prevention:

It is considered that the proposal would not result in greater opportunities for criminal or antisocial behaviour. Councils Community Safety Officer has reviewed the proposal with no issues raised.

Social Impact:

The proposal is not expected to result in negative social impacts.

Economic Impact:

The proposal is not expected to result in negative economic impacts.

Site Design and Internal Design:

The proposal requests an exception to WLEP 2009 development standard with regard to minimum site width.

The proposal requests variations to WDCP 2009 as relates to minimum site width, landscaped setbacks and car parking location for the development.

All requests have been considered and are supported in this instance as discussed above.

Private open space, residential amenity, vehicular manoeuvring and pedestrian access have been accounted for in the design and site layout.

Construction:

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

A draft 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 result in negative cumulative impacts.

Ecologically Sustainable Development Considerations

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

## **2.8 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 amenity of the locality and adjoining developments.

Are the site attributes conducive to development?

There are no site constraints which would preclude the development.

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

Refer to discussion in section 1.5 of this report.

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

The application is not expected to result in negative impacts on the environment and the amenity of the locality. The proposal is considered appropriate with consideration to the site context, and is therefore considered to be in the public interest.

## **3 RECOMMENDATION**

Development Application DA-2017/1196 be approved, subject to the conditions contained in Attachment 6.

#### **4 ATTACHMENTS**

---

- 1 Plans
- 2 Shadow Diagrams
- 3 Clause 4.6 Statement
- 4 Compliance table for Wollongong Development Control Plan 2009
- 5 WDCP Variation Request Statements
- 6 Recommended conditions of consent



ISSUED FOR DA

**ARCHITECTURAL**

A-001	Site Plan
A-002	Landscape Calculations
A-200	Ground Floor - Floor Plan
A-201	Level 1 - Floor Plan
A-250	North and East Elevations
A-251	South and West Elevations
A-300	Roof Plan
A-400	Section 1, Section 2 & Section 3
A-500	Schedule of External Finishes

**GENERAL**

G-000	Cover Sheet
G-001	Location Plan
G-100	Site Analysis Plan
G-200	Shadow Diagrams
G-300	Demolition Plan

**NOTES**

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**CLIENT**  
Mr Faris Saddi

**PROJECT**  
Multi-Dwelling Development

**LOCATION**  
LOT 10 / DP 1054999  
30 Cross Street, Corrimal NSW 2518  
**PROJECT NUMBER**  
#008.2017

REVISION	DRAWN BY	DATE
1	SR	01.06.17
2	SR	03.08.17
3	SR	12.09.17
4	SR	29.01.18
5	SR	31.01.18
6	SR	30.05.18

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**DESCRIPTION**  
Cover Sheet

**PAGE SCALE**  
n/a

**PAGE SIZE**  
A3

**G-000**



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LEP Zoning:	R2 - LOW DENSITY RESIDENTIAL
Proposed Development:	3x TOWNHOUSES
Max. Building Height:	9.0m
Land Area:	710.5sqm
LEP FSR:	0.5
Bush Fire Area:	NO
Flooding Area:	NO



**LOT 10**  
 DP 1054999  
 AREA: 710.5sqm



1 LOCATION PLAN  
 Scale: 1 : 500



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#	##	###.##.##
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#	##	###.##.##

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**DESCRIPTION**  
 LOCATION PLAN

**PAGE SCALE**  
 1:500

**PAGE SIZE**  
 A3

**G-001**



CROSS ST

PROPERTY ENTRY FROM CROSS STREET.

LOT 10  
D.P. 1054999

Views of Landscape & Escarpment

Views of POS & Escarpment

Views of POS & Escarpment

Views of POS & Escarpment

UNIT #3

UNIT #2

UNIT #1

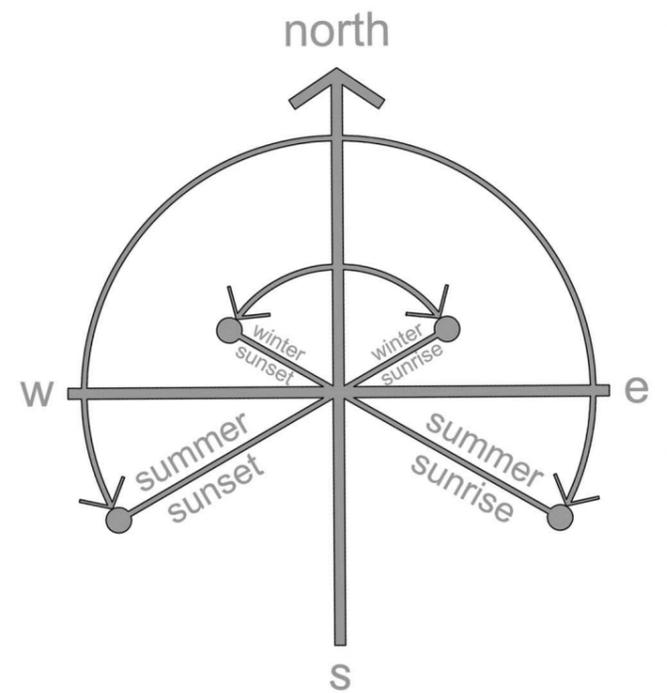
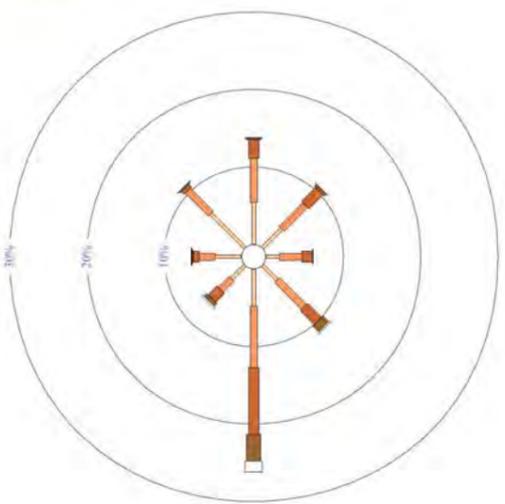
DRIVEWAY



9 am Jul  
2369 Total Observations  
Calm 7%



9 am Jan  
2307 Total Observations  
Calm 8%



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4	SR	30.05.18
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#	##	##.##.##

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**DESCRIPTION**  
Site Analysis Plan

**PAGE SCALE**  
1:200

**PAGE SIZE**  
A3

**G-100**



**NOTE:**  
There appears to be no additional shading to the Southern neighbours Private Open Space (POS) after 12pm.



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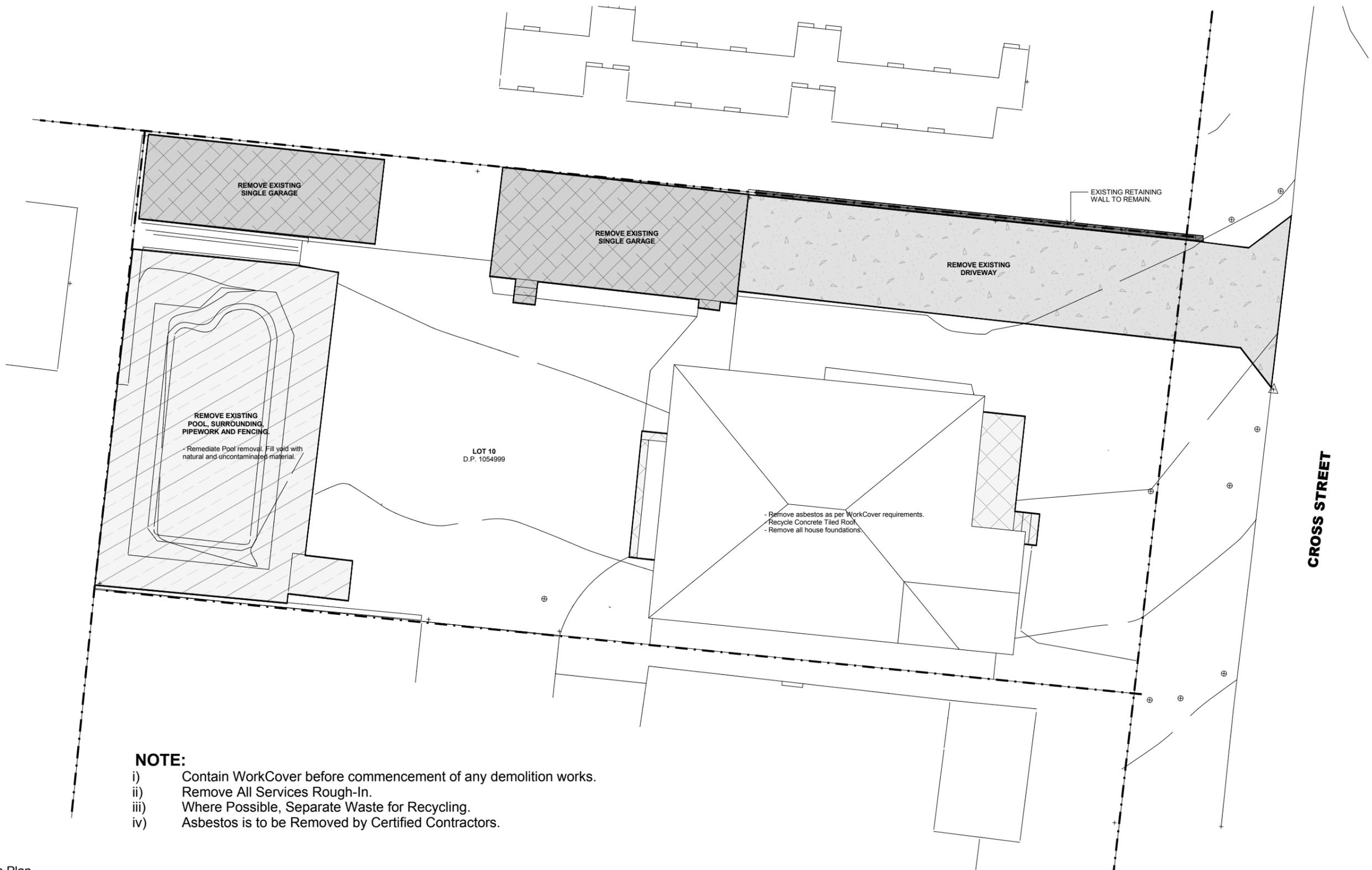
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2	SR	12.09.17
3	SR	29.01.18
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**DESCRIPTION**  
Shadow Diagrams:  
9:00am / 10:00am / 11:00am / 12:00pm / 1:00pm / 2:00pm / 3:00pm  
**PAGE SCALE**  
1:250  
**PAGE SIZE**  
A3  
**G-200**



- NOTE:**
- i) Contain WorkCover before commencement of any demolition works.
  - ii) Remove All Services Rough-In.
  - iii) Where Possible, Separate Waste for Recycling.
  - iv) Asbestos is to be Removed by Certified Contractors.

1 Demolition Plan  
Scale: 1 : 150



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**PROJECT NUMBER**  
#008.2017

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1	SR	1.06.17
#	##	###.###.##
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#	##	###.###.##

Issued for DA

**DESCRIPTION**  
Demolition Plan

**PAGE SCALE**  
1:150

**PAGE SIZE**  
A3

# G-300



**REQUIRED NORTH SIDE SETBACKS**  
 GROUND LEVEL SETBACK =  $[2.7-0.6] \times 0.8 = 1.68m$   
 LEVEL 1 SETBACK =  $[2.7+2.4+0.3] \times 0.8 = 4.36m$   
 COMPLIANT

	UNIT #1	UNIT #2	UNIT #3
Storage (sqm):	5.0sqm	5.0sqm	5.0sqm
Ground Level Area:	83.2sqm	59.6sqm	59.6sqm
Level 1 Area:	60.7sqm	55.8sqm	55.8sqm
Garage Exemption:	36sqm	18.00sqm	18.00sqm
Sub-Total Area:	107.9sqm	97.4sqm	97.4sqm
<b>TOTAL</b>	<b>302.7sqm</b>		
<b>LAND AREA</b>	<b>710.5sqm</b>		
<b>CALCULATED FSL</b>	<b>0.426</b>		
<b>ALLOWABLE FSL</b>	<b>0.5</b>		
<b>LANDSCAPE</b>			
LANDSCAPE AREA:	104.72sqm		
DEEP SOIL AREA:	108.6sqm		
<b>TOTAL LANDSCAPE AREA:</b>	<b>213.32sqm</b>		
<b>REQUIRED LANDSCAPE AREA (30%):</b>	<b>213.15sqm</b>		
<b>CAR PARK REQUIREMENTS</b>			
UNIT #1	1.5		
UNIT #2	1.5		
UNIT #3	1.5		
VISITOR PARKING	0.6		
<b>TOTAL</b>	<b>5.1</b>		

1 SITE PLAN  
 Scale: 1 : 200



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 Mr Faris Saddi  
**PROJECT**  
 Multi-Dwelling Development  
**LOCATION**  
 LOT 10 / DP 1054999  
 30 Cross Street, Corrimal NSW 2518  
**PROJECT NUMBER**  
 #008.2017

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1	SR	18.05.17
2	SR	30.05.17
3	SR	01.06.17
4	SR	03.08.17
5	SR	29.01.18
6	SR	30.05.18

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**DESCRIPTION**  
 SITE PLAN  
**PAGE SCALE**  
 1:200  
**PAGE SIZE**  
 A3  
**A-001**



LANDSCAPE	
LANDSCAPE AREA:	104.72sqm
DEEP SOIL AREA:	108.6sqm
TOTAL LANDSCAPE AREA:	213.32sqm
REQUIRED LANDSCAPE AREA (30%):	213.15sqm

1 LANDSCAPE CALCULATION  
Scale: 1 : 200



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1	SR	31.05.18
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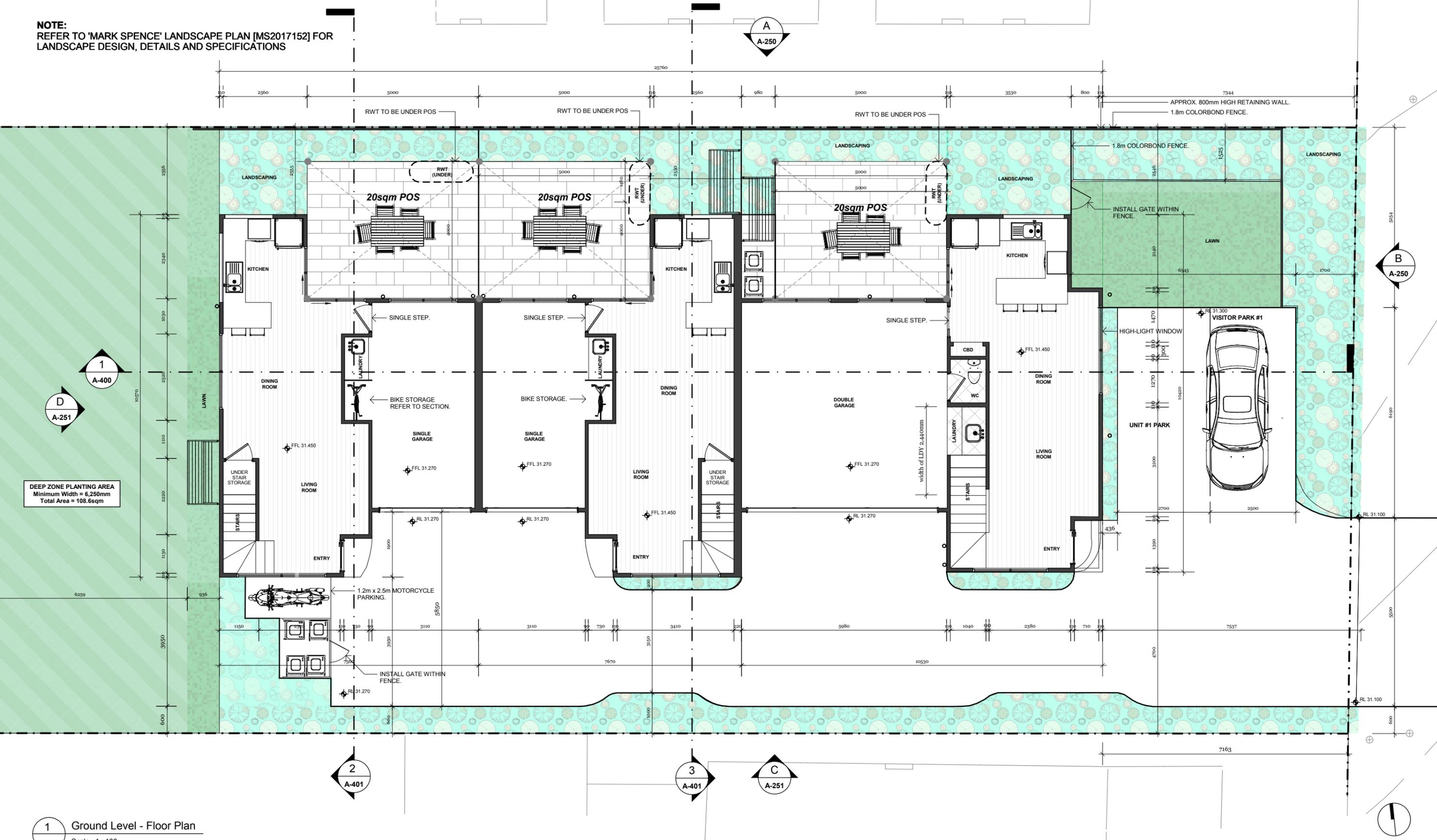
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LANDSCAPE CALCULATION

**PAGE SCALE**  
1:200

**PAGE SIZE**  
A3

**A-002**

**NOTE:**  
REFER TO 'MARK SPENCE' LANDSCAPE PLAN [MS2017152] FOR  
LANDSCAPE DESIGN, DETAILS AND SPECIFICATIONS



DEEP ZONE PLANTING AREA  
Minimum Width = 6,250mm  
Total Area = 108.6sqm

1 Ground Level - Floor Plan  
Scale: 1 : 100



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7	SR	29.01.18
8	SR	31.01.18
9	SR	30.05.18
10	SR	24.06.17
5	SR	01.08.17
6	SR	12.09.17

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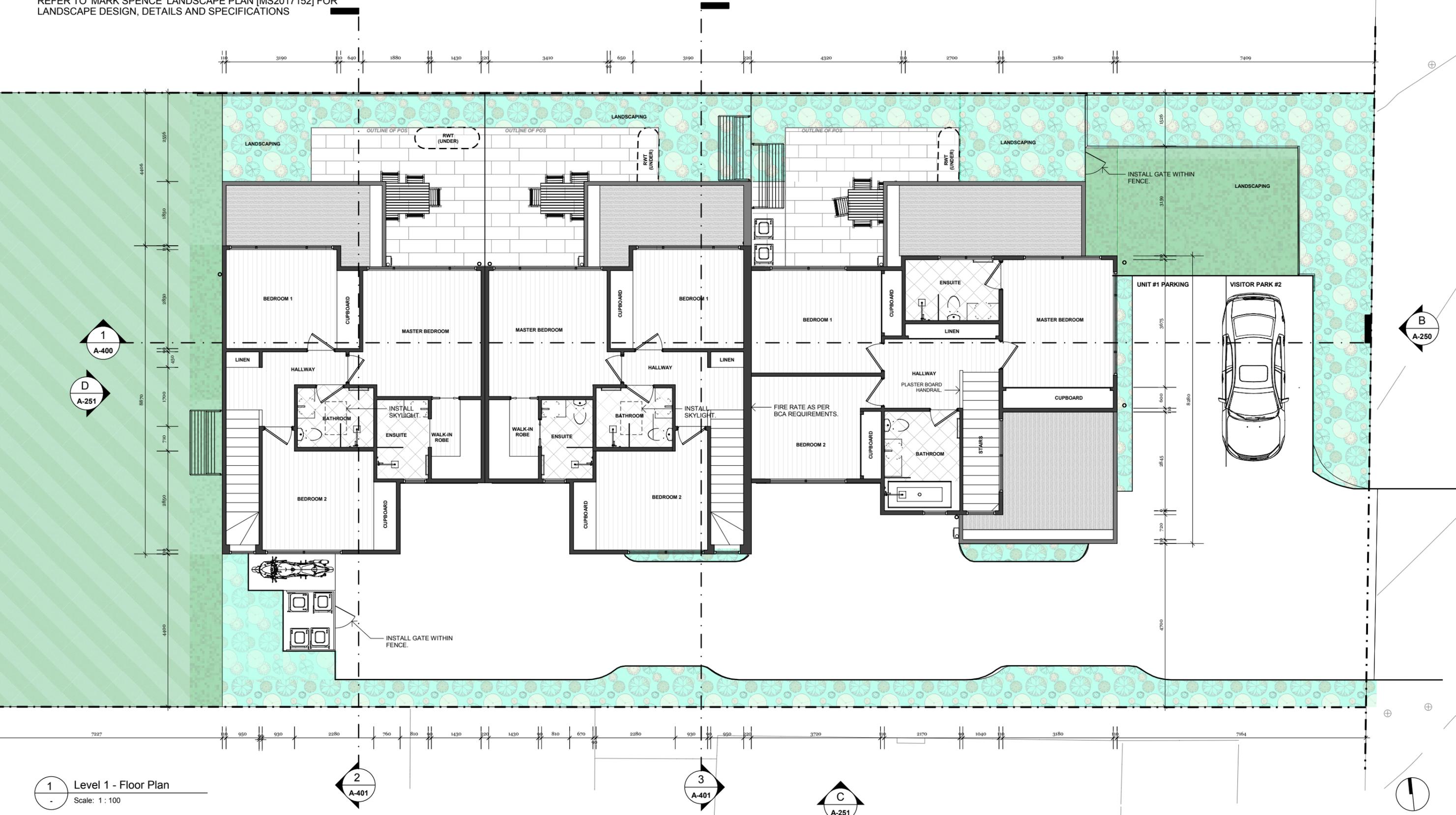
**DESCRIPTION**  
GF - Floor Plan

**PAGE SCALE**  
1:100

**PAGE SIZE**  
A3

# A-200

**NOTE:**  
REFER TO 'MARK SPENCE' LANDSCAPE PLAN [MS2017152] FOR  
LANDSCAPE DESIGN, DETAILS AND SPECIFICATIONS



1 Level 1 - Floor Plan  
Scale: 1:100



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7	SR	12.09.17

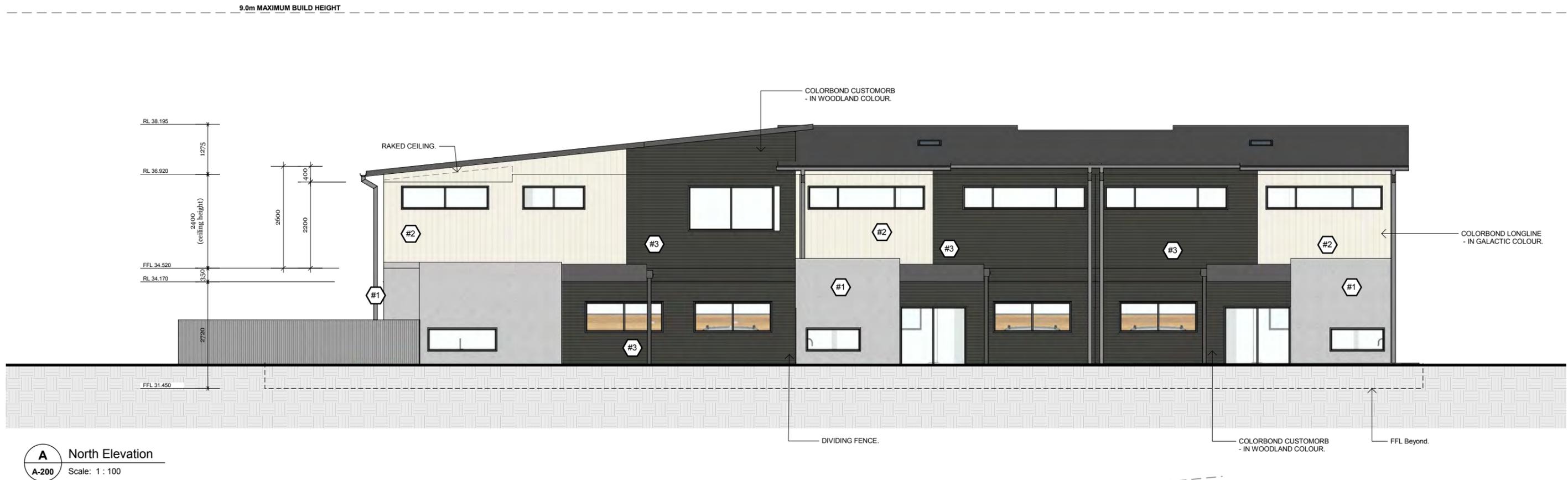
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**DESCRIPTION**  
L1 - Floor Plan

**PAGE SCALE**  
1:100

**PAGE SIZE**  
A3

# A-201



**A** North Elevation  
A-200 Scale: 1 : 100



**B** East Elevation  
A-200 Scale: 1 : 100



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5	SR	29.01.18
6	SR	30.05.18

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**DESCRIPTION**  
North & East Elevations

**PAGE SCALE**  
1:100

**PAGE SIZE**  
A3

# A-250

9.0m MAXIMUM BUILD HEIGHT



**C** South Elevation  
A-200 Scale: 1 : 100

9.0m MAXIMUM BUILD HEIGHT



**D** West Elevation  
A-200 Scale: 1 : 100



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**CLIENT**  
Mr Faris Saddi

**PROJECT**  
Multi-Dwelling Development  
**LOCATION**  
LOT 10 / DP 1054999  
30 Cross Street, Corrimal NSW 2518  
**PROJECT NUMBER**  
#008.2017

REVISION	DRAWN BY	DATE
1	SR	18.05.17
2	SR	29.05.17
3	SR	01.06.17
4	SR	02.08.17
5	SR	29.01.18
6	SR	30.05.18

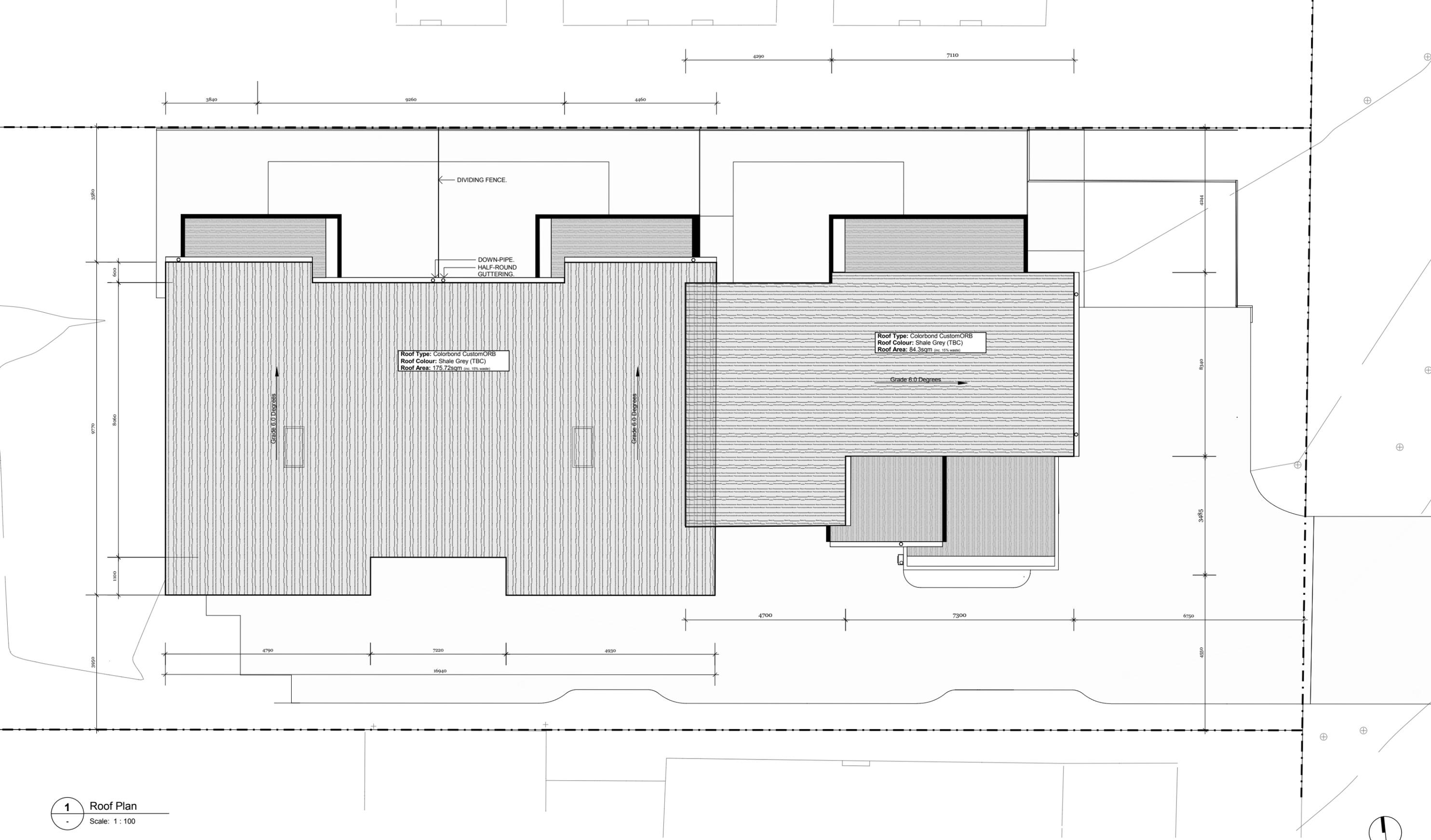
Issued for DA

**DESCRIPTION**  
South & West Elevations

**PAGE SCALE**  
1:100

**PAGE SIZE**  
A3

**A-251**



**1** Roof Plan  
Scale: 1 : 100



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2	SR	02.08.17
3	SR	12.09.17
4	SR	29.01.18
5	SR	30.05.18
#	##	##.##.##

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**DESCRIPTION**  
Roof Plan

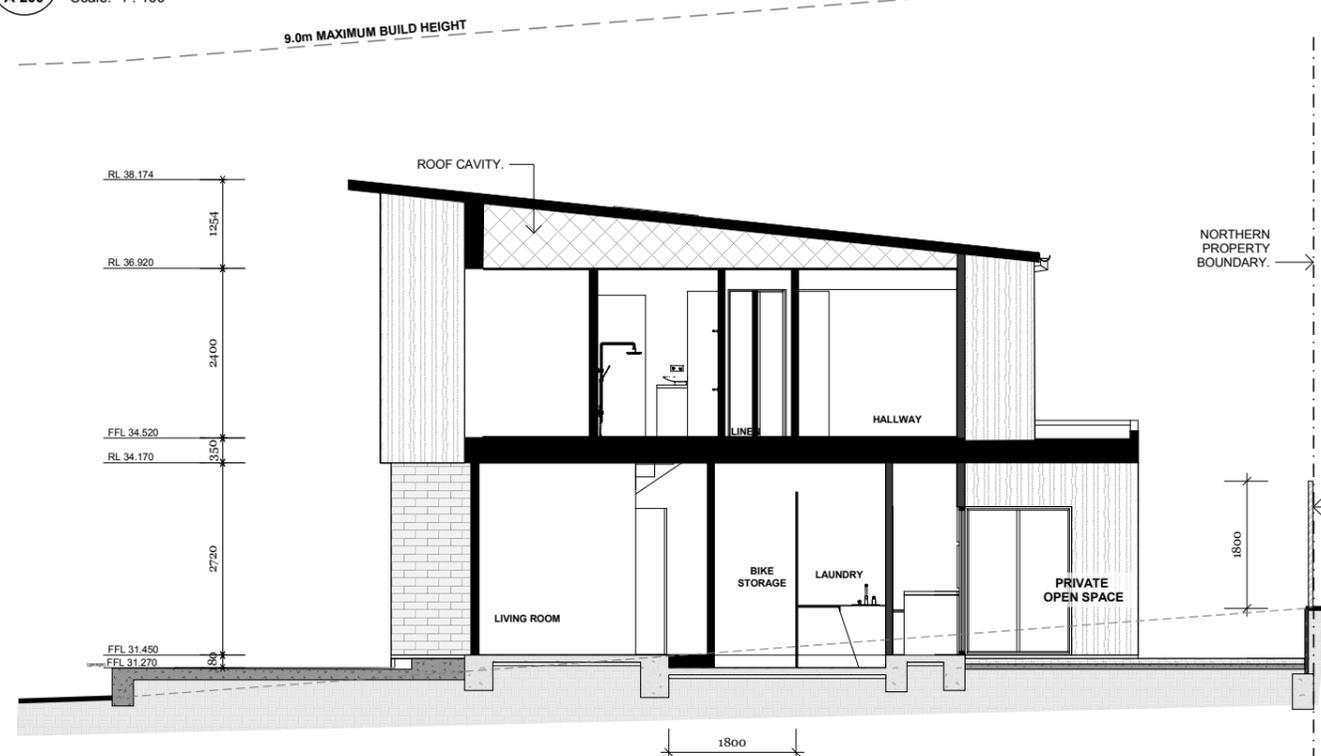
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**PAGE SIZE**  
A3

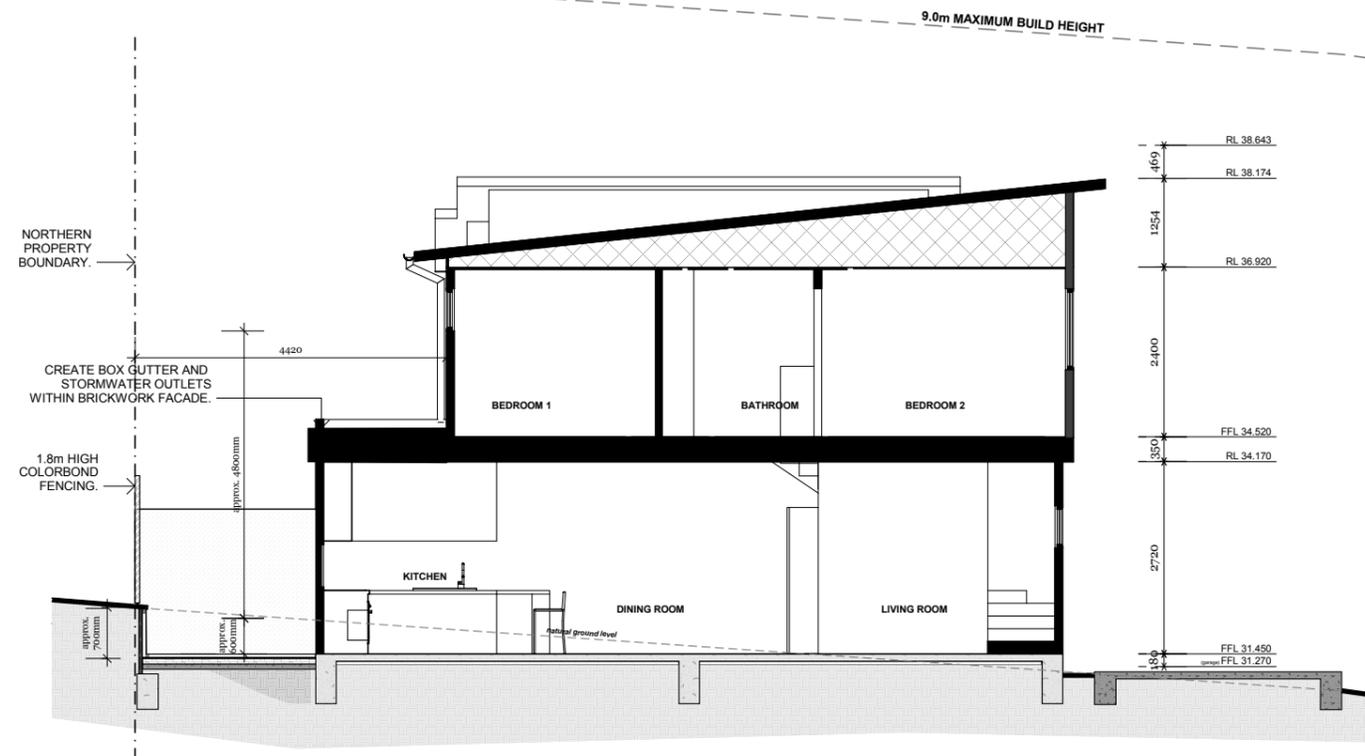
# A-300



**1** SECTION #1  
A-200 Scale: 1 : 100



**2** SECTION #2  
A-200 Scale: 1 : 100



**3** SECTION #3  
A-200 Scale: 1 : 100



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2	SR	01.06.17
3	SR	03.08.17
4	SR	29.01.18
5	SR	30.05.18
#	##	##.##.##

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**DESCRIPTION**  
SECTION 1, 2 & 3

**PAGE SCALE**  
1:100

**PAGE SIZE**  
A3

# A-400



ACRYLIC RENDER EXAMPLE - FINAL STYLE, COLOUR, PATTERN AND GROUT TBC.



COLORBOND LONELINE 305 - SURFMIST.



COLORBOND CUSTOMORB - WOODLAND GREY.

**WOODLAND GREY®**

Woodland Grey® is inspired by the depth of cool green forest, the canopy of eucalyptus on a rugged mountain plateau, the twisted bark and deep olive green leaves of teatree along the coast, the mossy boulders and ferns found in mountain crevices. Matching fencing colour is Grey Ridge®.



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**CLIENT**

Mr Faris Saddi

**PROJECT**

Multi-Dwelling Development

**LOCATION**

LOT 10 / DP 1054999

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**PROJECT NUMBER**

#008.2017

**REVISION**

**DRAWN BY**

**DATE**

REVISION	DRAWN BY	DATE
1	SR	03.08.17
#	##	##.##.##
#	##	##.##.##
#	##	##.##.##
#	##	##.##.##
#	##	##.##.##

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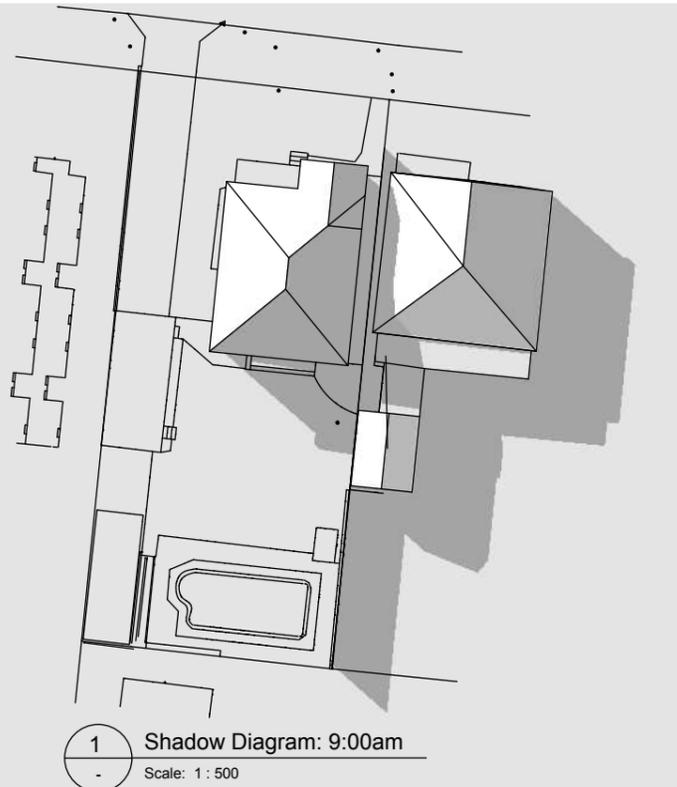
**DESCRIPTION**

Schedule of External Finishes

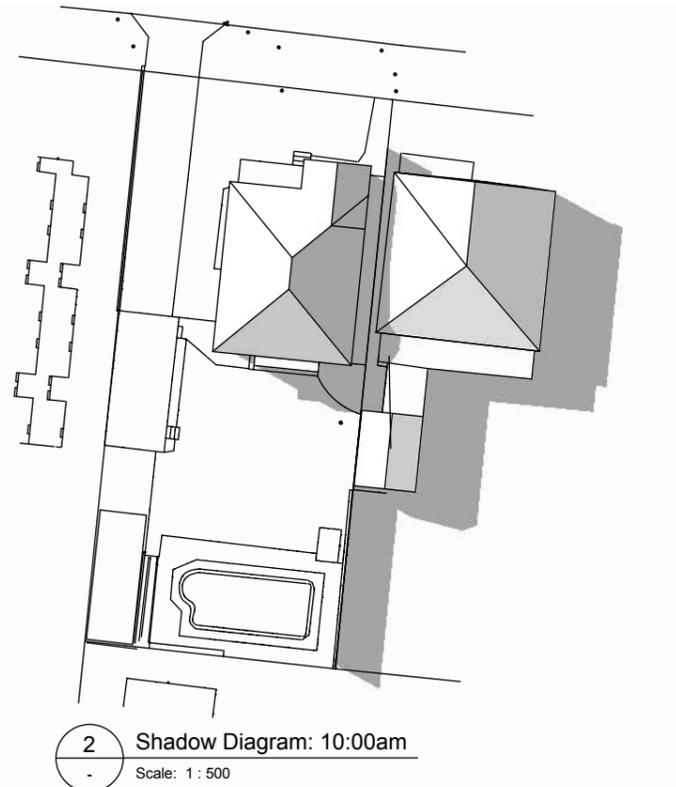
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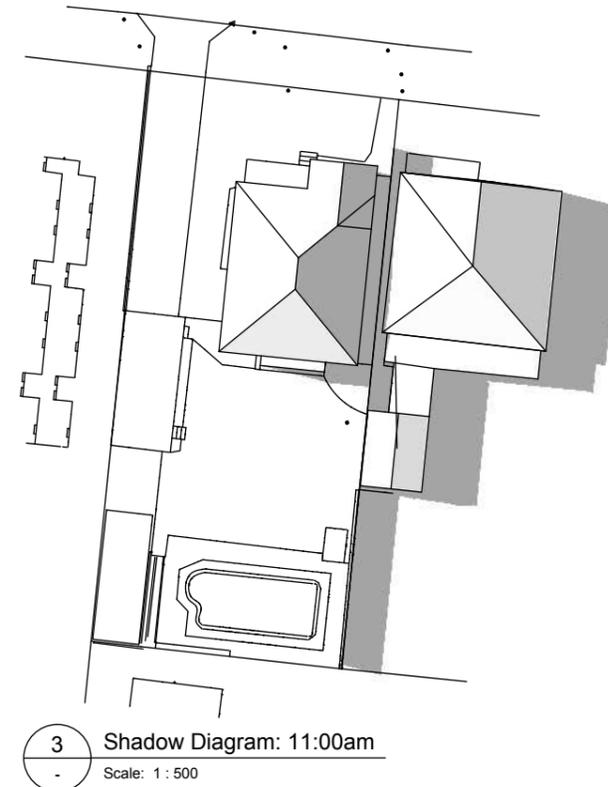
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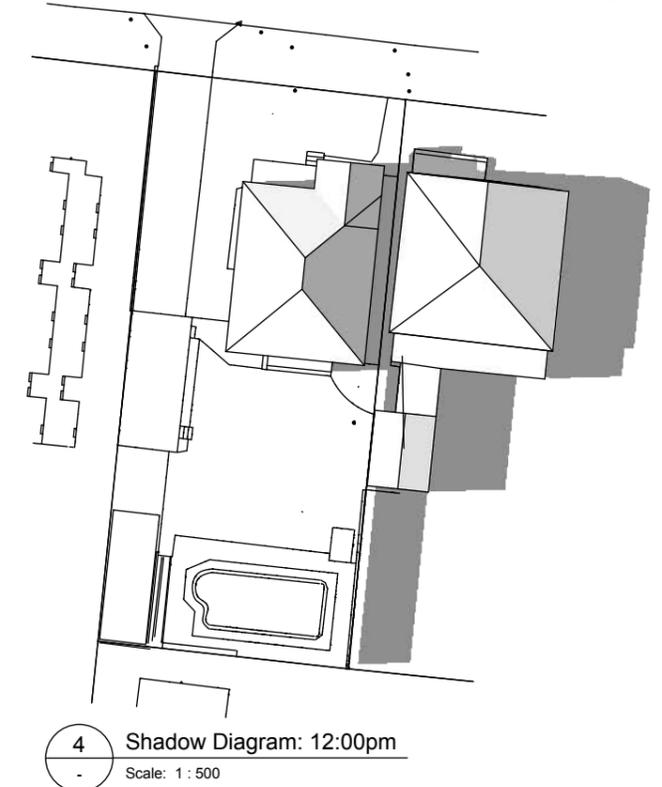
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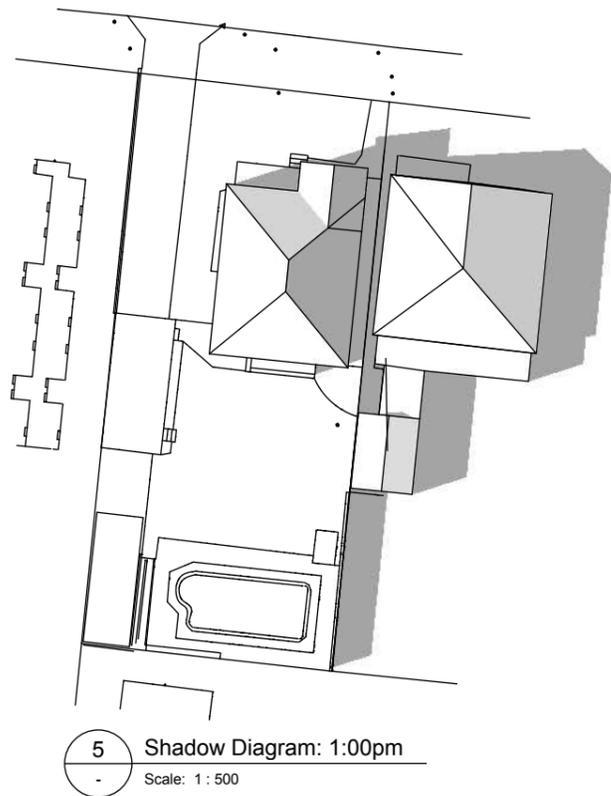
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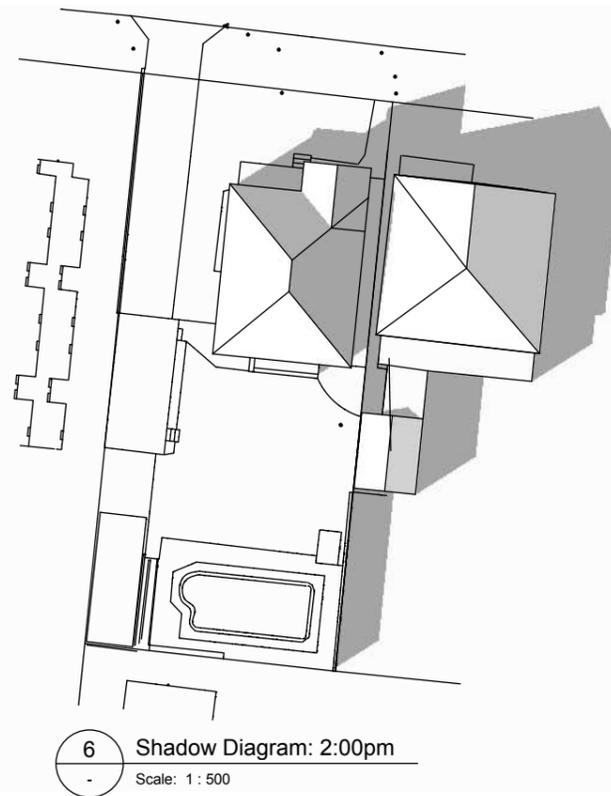
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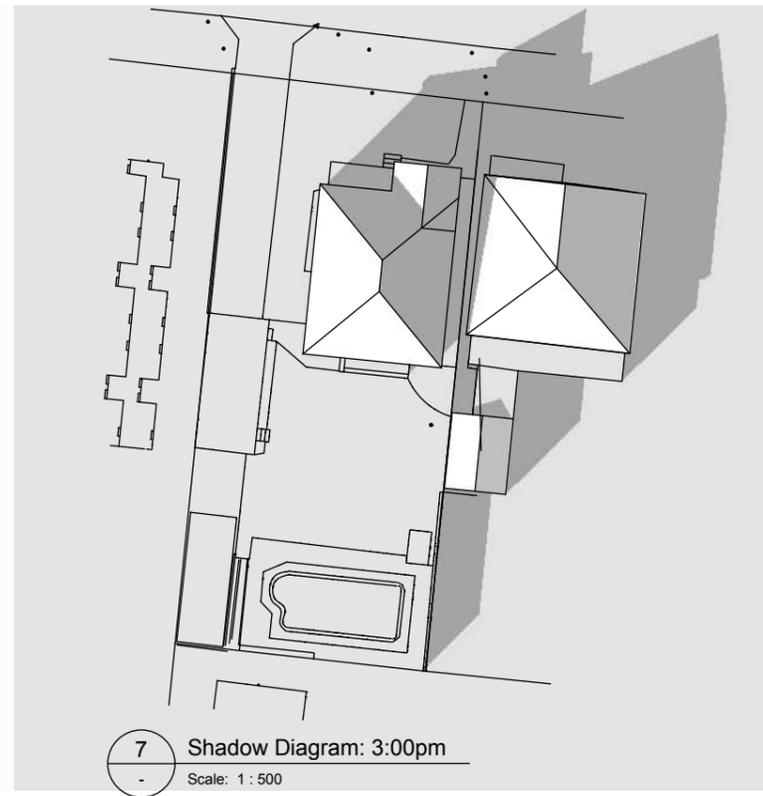
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Scale: 1:500



5 Shadow Diagram: 1:00pm  
Scale: 1:500



6 Shadow Diagram: 2:00pm  
Scale: 1:500



7 Shadow Diagram: 3:00pm  
Scale: 1:500



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**CLIENT**  
Mr Faris Saddi  
**PROJECT**  
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**LOCATION**  
LOT 10 / DP 1054999  
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**PROJECT NUMBER**  
#008.2017

REVISION	DRAWN BY	DATE
1	JL	17.05.18
#	##	###.###
#	##	###.###
#	##	###.###
#	##	###.###
#	##	###.###

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**DESCRIPTION**  
EXISTING Shadow Diagrams:  
9:00am / 10:00am / 11:00am / 12:00pm / 1:00pm / 2:00pm / 3:00pm  
**PAGE SCALE**  
1:250  
**PAGE SIZE**  
A3  
**G-200**



--- PROPOSED BUILDING DESIGN SHADOWING LINE  
--- PREVIOUS BUILDING DESIGN SHADOWING LINE

**NOTE:**  
There appears to be no additional shading to the Southern neighbours Private Open Space (POS) after 12pm.



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Multi-Dwelling Development  
**LOCATION**  
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#008.2017

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2	SR	12.09.17
3	SR	29.01.18
4	SR	30.05.18
#	##	##.##.##
#	##	##.##.##

Issued for DA

**DESCRIPTION**  
Shadow Diagrams:  
9:00am / 10:00am / 11:00am / 12:00pm / 1:00pm / 2:00pm / 3:00pm

**PAGE SCALE**  
1:250

**PAGE SIZE**  
A3

**G-201**



1 Shadow Diagram: 9:00am  
Scale: 1:500



2 Shadow Diagram: 10:00am  
Scale: 1:500



3 Shadow Diagram: 11:00am  
Scale: 1:500



4 Shadow Diagram: 12:00pm  
Scale: 1:500



5 Shadow Diagram: 1:00pm  
Scale: 1:500



6 Shadow Diagram: 2:00pm  
Scale: 1:500



7 Shadow Diagram: 3:00pm  
Scale: 1:500



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#	##	###.###.##
#	##	###.###.##
#	##	###.###.##
#	##	###.###.##

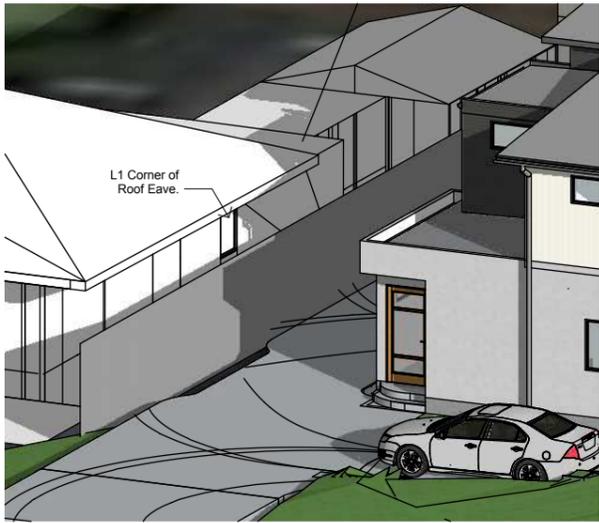
Issued for DA

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2:00pm / 3:00pm

**PAGE SCALE**  
1:250

**PAGE SIZE**  
A3

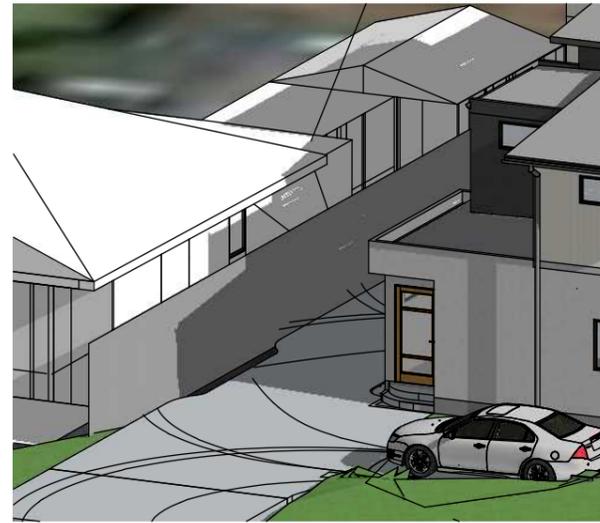
**G-203**



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3 Shadow Diagram: 11:00am  
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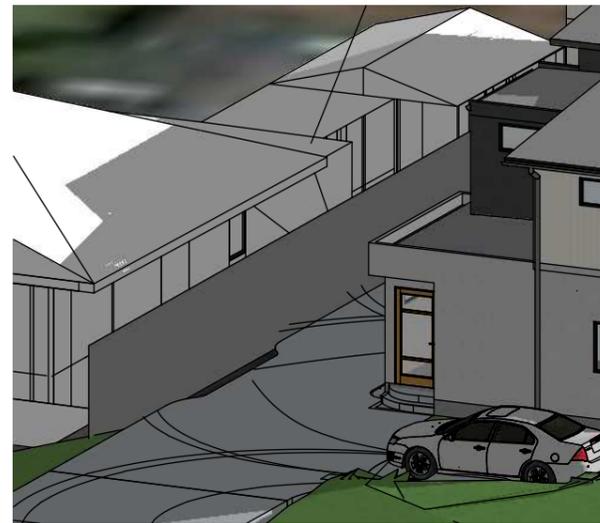
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Scale: 1:500



5 Shadow Diagram: 1:00pm  
Scale: 1:500



6 Shadow Diagram: 2:00pm  
Scale: 1:500



7 Shadow Diagram: 3:00pm  
Scale: 1:500



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REVISION	DRAWN BY	DATE
1	JL	17.05.18
2	SR	30.05.18
3	SR	31.05.18
#	##	##.##.##
#	##	##.##.##
#	##	##.##.##

Issued for DA

**DESCRIPTION**  
ISO Shadow Diagrams:  
9:00am / 10:00am / 11:00am / 12:00pm / 1:00pm /  
2:00pm / 3:00pm

**PAGE SCALE**  
1:250

**PAGE SIZE**  
A3

**G-204**



REF: N:/tp/ben/ltr/exptndvlpstd.30crsst.cml.doc

29<sup>th</sup> January 2018

General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Dear Sir/Madam,

**RE: EXCEPTIONS TO DEVELOPMENT STANDARDS  
PROPOSED MULTI DWELLING RESIDENTIAL DEVELOPMENT  
30 CROSS STREET, CORRIMAL**

This application seeks Council's consent for the demolition of existing dwelling along with detached outbuildings/structures, and redevelopment of this land in the form of multi dwelling residential housing incorporating three (3) x two-storey townhouses, together with associated car parking and landscaping. In general, the details of this proposal are shown within the Development Drawings prepared by Progenia Design (attached to the application), which identify the proposed building and unit layouts.

The proposed development has been purposefully designed to provide an appropriate both residential and environmental outcome for the subject site and the Corrimal area as a whole. In doing so, A minor variation to one of the numerical development standards contained within *Wollongong Local Environmental Plan (LEP) 2009* is being sought. In this regard, it is considered that strict compliance with such a development standards is both unreasonable and unnecessary in this particular instance, given the minor numerical non-compliance in this matter. It is argued that shortfall to achieving this development standard is insignificant in the circumstances of this particular case, and we hereby provide the following commentary to demonstrate this.

### **1.0 Development Standards/Controls**

In this regard, the proposed development generally accords with the all of the numerical standards contained within the *LEP*, apart from the following:-



- **Wollongong LEP: Clause 7.14 Minimum site width** – Requires that...” *Development consent must not be granted for development for the purposes of multi dwelling housing unless the site area on which the development is to be carried out has a dimension of at least 18 metres.*... In this regard, whilst having in excess of an 18 metre street boundary frontage, the subject allotment only has a technical site width of 17.68m measured perpendicular to the side boundaries at the proposed development building line, thereby not directly complying with the required 18m standard within this Clause.

In considering this Clause, under Clause 4.6 of the LEP, Council may consider an exception to the minimum site width development standard. The application is seeking to vary from the specified requirement of 18m by approximately 320mm (existing site width is 17.68 metres), which in the overall context of the project will not have an adverse impact on the residents or wider streetscape amenity, nor does the shortfall result in a cumulative impact of non-compliances or poor urban design outcomes.

As such, we believe the proposed development is an appropriate and modest design response/outcome for the subject site.

This written Statement is prepared for Council’s consideration to identify the development standard variation sought, and to provide appropriate justification in this instance under *Clause 4.6* of the *LEP*.

## 2.0 Objectives of Development Standard

The objectives of the above-mentioned controls/guidelines are:-

- **Wollongong LEP: Clause 7.14 Minimum site width**  
*(Note: in the absence of specific objective with the Wollongong LEP 2009 framework, WCC DCP B1 5.1 Minimum Site Width objectives have been adopted and outlined below as providing appropriate relevance in the circumstances.)*
- **Wollongong DCP Chapter B1: Clause 5.1 – Minimum Site Width Requirement**
  - a) *To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements.*



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

Further consideration of these objectives in relation to the proposed development is provided within the following *Section 4.0 Variation Justification*.

### **3.0 Zone Objectives of LEP**

As identified within the SEE Report submitted, the site is controlled by *Wollongong LEP 2009* within which it is zoned 'R2 – Low Density Residential'. The land use planning controls applicable to this zone permit the proposed development with Council's consent, and it is noted that the proposed minor variation will not contradict the stated zone objectives relative to this proposal, being:-

*“• To provide for the housing needs of the community within a low density residential environment.”* – It is commonly acknowledged that there is a consistent demand for housing in well-established residential areas such as Corrimal. In particular, the locality of the proposed development provides for a number of transport nodes (along with convenience to Corrimal town centre), which affords future residents the ability to readily access services and amenities. Multi-dwelling housing is a permitted land use, and the provision of 3 x dwellings as proposed will optimize the site's capabilities to supply low density housing needs. Therefore, it is considered this proposal will provide further supply/availability to the market, whilst at the same time respond to the low density characteristics of the area.

*“• To enable other land uses that provide facilities or services to meet the day to day needs of residents.”* – Not applicable, given the small scale development and no proposed alternative uses other than residential purpose.

The proposed development provides for a suitable residential outcome; will encourage direct and indirect employment opportunities; will improve an aged site to strengthen the streetscape appeal of the area; and will add further residential population that will contribute to the locality. In this regard, there are no specific provisions within the *LEP* that will be contravened by this proposal, including the site width development standard in question.



#### 4.0 Grounds for Objection

Compliance with the development standard *Wollongong LEP: Clause 7.14 Minimum site width* is considered unreasonable and unnecessary when applied to the proposed development. In accordance with the provisions of *Clause 4.6 – Exceptions to development standards of the LEP*, formal objection is hereby made to the strict compliance with the minimum site width criteria for the subject site in this instance. The objectives of *Clause 4.6* are as follows:

*“(a) To provide an appropriate degree of flexibility in applying certain development standards to particular development; and*

*(b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.”*

In this respect, in allowing flexibility in this particular circumstance, it is justifiable that a multi dwelling land use (as proposed), may be a far better built form development outcome when taking a number of considerations into account. In particular, land uses such as single dwelling and dual occupancy developments are subject to far less stringent planning controls, whilst maintaining the ability to develop up to 50% of the site, along with reduced setbacks and landscape requirements. Whereas, in its current form the proposed development presents as a balanced outcome, whilst respecting the amenity both adjoining properties and future residents. In essence, the site could be developed for single dwelling house or dual occupancy which is far more excessive in built form and intrusive to neighbours than any multi-dwelling building is capable of. Therefore in permitting flexibility in this instance to allow multi dwelling housing, a departure of some 320mm is considered will in part, aid in a better development outcome to the site and surrounds.

The intent of *Clause 4.6* allows for the contravention of a development standard with approval of the consent authority. This intent is emphasised in part (2) which states:-

*Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*



In this regard, the minimum site width requirement of *Clause 7.14* of the *LEP* is considered to be a development standard in accordance with the Act, and it is understood it has not been excluded from the operation of this Clause or any other policy.

Further to this, part (3) of this Clause states:-

*“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.”*

Furthermore, the below addresses specific clauses from ‘*4.6 Exceptions to development standards*’ being:-

a) *Clause 4.6(3)(a) – ‘that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.’* In this regard, it is considered that a nominal departure of some 320mm, does not result in a cumulative impact of non-compliances that is considered will result in a poor urban outcome for the immediate surrounds or further LEP or DCP departures. For example, where an additional 320mm was available to the subject site and strict compliance with the standard could be achieved, it is highly unlikely that it would result in a significantly different development proposal or lessen any development impacts. Holistically the proposed development meets key planning constraints (setback, POS, on-site carparking, deep soil zone) which in our view validates the proposed development would result in an acceptable urban outcome and thereby deeming strict compliance unwarranted in this instance.



- b) *Clause 4.6(3)(b) – ‘Are there are sufficient environmental planning grounds to justify contravening the development standard.’* As aforementioned, the departure from the ‘*Minimum Site Width*’ is the sole exception to LEP standards being sought. In establishing there are sufficient planning grounds in this instance, it should be recognised that the primary controls that shape a development and perceivable impacts (ie setbacks, height limits, overlooking, overshadowing etc) are compliant and will provide a satisfactory built form outcome that both future residents and occupants of adjoining properties could continue to co-exist without adverse impact from the proposed development if constructed. Further, whilst nominal numerical shortfalls are proposed to some landscape considerations etc, it is considered that the areas identified, maintain the intent of landscaping in these locations along with their ability to provide for a healthy growth. If an additional 320mm in landscape width was available, it would make no notable difference to the development outcome. With regard to zoning objectives, the proposed development clearly meets the objectives by providing for housing needs, of which within the specific locality are in demand due to the site’s proximity to, Wollongong City, transport nodes and the everyday amenities of Corrimal town centre, (all whilst being provided in a low density form consistent with the existing built environment). Finally, whilst no objectives specific to *Wollongong LEP Clause 7.14* exist, general guidance to regulatory expectations were taken from *Wollongong DCP Chapter B1: Clause 5.1 – Minimum Site Width Requirement*. Whilst the opportunity for amalgamation is available, it is not considered a viable option on the basis that such a nominal departure of 320mm warrants it from a physical limitation perspective, nor is the capital expense to purchase the adjoining property something our client is in a position to consider, nor required to.
- c) *Clause 4.6(4)(a)(ii) - ‘the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.’* As discussed in greater detail in the SEE Report, overall the development is largely



compliant with planning objectives and meets specific statutory controls required. Therefore, the development and the departure itself, is not considered will adversely impact surrounding built environment or functionality of the neighbourhood, nor be contrary to the public interest.

In considering these grounds for objection, it is our opinion that strict compliance with the numerical requirement under *Clause 7.14* is both unreasonable and unnecessary in this particular case and, as such, an exception to this development standard is justified.

## 5.0 Conclusion

Both *Wollongong LEP 2009* and *Wollongong DCP 2009* identify guidelines and controls to shape development outcomes. These Plans apply to the City of Wollongong as a whole, which has significant physical land characteristic variations throughout, together with the need to apply varying adaptations of the many merit-based planning considerations for development. Therefore, the stated aims/objectives of these plans allow flexibility in the application of such development standards, where strict compliance with the controls is not warranted.

In accordance with the provisions of *Clause 4.6 – Exceptions to development standards* of the *LEP*, formal objection is hereby made to the strict compliance with the minimum site width development control for the subject site in this instance. A review of those matters for consideration under this Clause has demonstrated “...that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case...”, and “...that there are sufficient environmental planning grounds to justify contravening the development standard...”

Accordingly, it is considered that the urban design of this proposal will be suitable for the environment within which it is to be situated and, thus, strict compliance with the subject provision is unreasonable and unnecessary in this instance. In fact, it is argued that the development controls for multi-dwelling housing provide for a far more “contained” development outcome, compared to the less restrictive single dwelling and dual occupancy design controls. It could be considered that the proposed development therefore satisfies objective ‘*Clause 4.6 (3)(a): To achieve better outcomes for and from development by allowing flexibility in particular circumstances.*’ As such, the proposed development’s architectural design by Progenia in this instance is a deliberate attempt to respond to the site’s context and client’s brief, but at the same



time accord with the objectives and guidelines/standards adopted within both the *Wollongong LEP* and *DCP 2009*.

Being mindful of the above, it is considered that this proposal is still in keeping with the provisions and objectives of Council's *LEP and DCP* and, therefore, will accord with the objectives and guidelines of the planning controls applying to the site. As such, we respectfully ask that Council give particular consideration in this instance and favourable consider the justification for an exception to the development standard sought.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD

A handwritten signature in black ink, appearing to read 'Ben McNamara', written in a cursive style.

**BEN MCNAMARA** DipArchTech

TOWN PLANNING ASSOCIATE

## **Attachment 4: Compliance table for WDCP 2009**

### **CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

### **CHAPTER B1 – RESIDENTIAL DEVELOPMENT**

#### **4.0 General Residential controls**

This Chapter applies to all residentially zoned land in the LGA. Section 4 provides general residential controls which apply to all dwelling houses, dual occupancies, secondary dwellings, ancillary structures and semi-detached dwellings. Section 5 provides controls that must also be taken into consideration for development for the purposes of Multi Dwelling Housing.

#### **4. General Residential controls**

Controls/objectives	Comment	Compliance
4.11 Site Facilities		
<ul style="list-style-type: none"><li>letterboxes in an accessible location</li><li>air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback</li></ul>	Adequate provision has been made for site facilities. While outdoor clothes drying facilities for Units 2 and 3 are to be located on the side setback, these areas are proposed to be adequately screened and not expected to result in unreasonable impacts on the amenity of the adjacent properties.	Yes
4.12 Fire Brigade Servicing		
<ul style="list-style-type: none"><li>All dwellings located within 60m of a fire hydrant</li></ul>	Condition 30 is recommended in this regard requiring a Fire Hydrant be provided in accordance with AS2419 (1994) and the location shown on the Construction Certificate Plans.	Condition
4.13 Services		
<ul style="list-style-type: none"><li>Encourage early consideration of servicing requirements</li></ul>	The site has access to existing utility services.	Yes
4.15 View sharing		
<ul style="list-style-type: none"><li>To protect and enhance view sharing, significant view corridors</li></ul>	The proposal is not envisaged to result in negative impacts on views available from both the site or upon adjoining properties.	N/A

<ul style="list-style-type: none"> <li>A range of view sharing measures to be considered for building design</li> </ul>		
4.16. Retaining walls		
<ul style="list-style-type: none"> <li>To ensure well designed retaining walls that are structurally sound</li> </ul>	The submitted Statement of Environmental Effects indicates that a retaining wall on the northern boundary is to be replaced and extended. Conditions are recommended in this regard.	Yes

## **5 Attached dwellings and multi - dwelling housing**

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width Requirement</u>	<p>The site has a width of 17.68m, and therefore does not meet the minimum 18m requirement of this clause. This control mirrors the development standard provided within Clause 7.14 of WLEP 2009, which is further discussed at section 2.1.4 above.</p> <p>A variation request statement has been submitted addressing this control, and is supported in this case, as discussed at Chapter A1 above.</p>	No – variation to WDCP 2009 requested and supported.
<u>5.2 Number of Storeys</u>	The proposal has a maximum of two storeys	Yes
<u>5.3 Front Setbacks</u>	The proposal observes a 6.665m minimum front setback.	Yes
<u>5.4 Side and Rear Setbacks</u>	<p>The WDCP 2009 control requires that the minimum side and rear setback within the R2 zone for Multi Dwelling Housing be 0.8 x ceiling height.</p> <p>It is noted that the ceiling heights have been reduced as a result of the amended plans.</p> <p>The proposal complies with the minimum required setbacks for the ground and first floors for each unit.</p>	Yes
<u>5.5 Building Character and Form</u>	<p>The application submission included a Site and Context Analysis which informed the assessment of compliance with this clause.</p> <p>It is considered that the proposal appropriately addresses the street frontage and avoids using expanses of a single external material in construction.</p> <p>The entrance to Unit 1 is visible from the street and directly link to the main living areas. Access to units 2 and 3 are off the driveway area. Conditions 26 are recommended with regard to lighting of these doorways. No garages are proposed to front the street and as such would not dominate the appearance of the development from Cross Street.</p>	Yes
<u>5.6 Access / Driveway</u>	The proposal provides only one access point to the site, locates the driveway in a position which does not adversely	Yes

<u>Requirements</u>	<p>impact on any services within the road reserve and being of appropriate dimensions. Manoeuvring has been demonstrated to comply from each car parking space.</p> <p>Council's Traffic Officer has reviewed the application and has provided conditionally satisfactory referral advice.</p> <p>The crossover width of the driveway has been extended to 5.5m to allow two vehicles to pass.</p>	
<u>5.7 Car Parking Requirements</u>	<p>The proposal requests consideration for a variation to the location of the visitors' and one of the resident car parking spaces which are proposed to be located in front of the building setback.</p> <p>The applicant has submitted a variation statement request in accordance with cl. 8 of Chapter A1 of the WDCP 2009 which identifies that the location of the spaces, being at the front of the site, would minimise potential for traffic conflicts within the site and not result in an unreasonable visual impact due to the location of the site, being accessed off an access handle from a cul-de-sac.</p> <p>As discussed at A1 above, the variation is supported in this case.</p>	<p>No – variation to WDCP 2009 requested and supported.</p>
<u>5.8 Landscaping Requirements</u>	<p>Amended plans have been provided demonstrating that 30% of the site area is to be provided as landscaped area.</p> <p>A variation to the 1.5m side setback requirement has been sought, as discussed at Chapter A1 above. The variation is supported in this case.</p>	<p>Yes</p> <p>No – variation to WDCP 2009 requested and supported.</p>
<u>5.9 Deep Soil Planting</u>	<p>The proposal incorporates a deep soil planting zone which extends for the full length of the rear property boundary achieving a minimum width of 6m.</p>	<p>Yes</p>
<u>5.10 Communal Open Space</u>	<p>As the proposal is for the construction of 3 dwellings only, this clause does not apply.</p>	<p>N/A</p>
<u>5.11 Private Open Space</u>	<p>The submitted plans indicate a paved 4x5m (20sqm) POS area for each unit. All three proposed dwellings' Private Open Space (POS) will receive more than 3 hours of continuous sunlight between 9am and 3pm on June 21<sup>st</sup> as required by this clause.</p>	<p>Yes</p>
<u>5.12 Solar Access Requirements</u>	<p>The submitted shadow diagrams identify that due to the slope of the land, the location of the dwelling and the proposed layout of the units, the proposal is expected to have a minor impact on the dwelling to the south.</p> <p>Additional shadow diagrams have been provided demonstrating that the window on the northern elevation currently does not receive any direct sunlight on June 21 due</p>	<p>Yes</p>

	<p>to the position of the existing dwelling house on the subject site. The shadow diagrams are provided at Attachment 2.</p> <p>The shadow diagrams indicate that the proposal would improve the solar access, allowing for direct sunlight to this window until 10am on June 21, and is therefore considered acceptable.</p>	
<u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u>	Due to the number of dwellings proposed (<10), this clause does not apply.	N/A
<u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u>	Due to the number of dwellings proposed (<6), this clause does not apply.	N/A
<u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u>	The design of the proposal is considered to be satisfactory in regard to safety and crime prevention controls. The design is considered to minimise areas for potential entrapment and concealment.	Yes

## CHAPTER D1: CHARACTER STATEMENTS

### Corrimal:

#### Existing Character:

Corrimal has a low to medium density residential character and is characterised by a mix of residential housing types including one to two storey detached dwelling-houses including circa 1920's - 1930's weatherboard and corrugated iron and brick and tile inter-war bungalows as well as newer larger brick and tile dwelling-houses as well as medium density villas and townhouses.

#### Desired Future Character:

The lower density residential areas of Corrimal will retain their low density character. In this respect, it is likely that the replacement of some older dwelling stock will occur with newer two storey dwelling-houses. Any new building should be designed to be sympathetic with the prevailing streetscape and any adjoining dwelling-house, especially an inter-war bungalow. Additional medium density housing is likely to occur within or in close walking distance (ie 400 – 600 metres) of the Corrimal retail and business centre.

The proposed development is not considered to be inconsistent with the existing or future desired character of the suburb.

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Entry access points to Units 2 and 3 are off the driveway. Proposed unit 1 is accessible from and presents to Cross Street. The driveway area has been designed in a way to reduce the potential for any alcoves or concealed areas. Condition 26 is recommended to ensure that adequate lighting is provided that does not also adversely impact on neighbouring properties.	Yes
<u>3.2 Natural surveillance and sightlines</u>	The design of the development allows casual surveillance off the street and from the living areas of Unit 1.  The proposal is not envisaged to obscure any natural surveillance or sightlines for adjacent properties.	Yes
<u>3.3 Signage</u>	The proposal does not include any signage	N/A
<u>3.4 Building design</u>	The building design is not considered to be inconsistent with the existing and desired future character of the surrounding area.	Yes
<u>3.5 Landscaping</u>	Landscaping proposed is considered appropriate.	Yes
<u>3.6 Public open space and parks.</u>	There is no public open space proposed or required.	N/A
<u>3.7 Community facilities</u>	There are no community facilities located within the development as proposed.	N/A
<u>3.8 Bus stops and taxi ranks</u>	The site is located in an existing residential suburb in reasonable proximity to Corrimal town centre. There are several bus stops located in the vicinity of the development.	Yes

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

### Multi dwelling housing

	<i>Rate</i>	<i>Calculation</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
<i>Car parking</i>					
Resident:	1 space per dwelling <70sqm 1.5 spaces per dwelling 70-110sqm 2 spaces per dwelling >110sqm	0 2 x 1.5 2 x 1	5	5	<b>Yes</b>
Visitor:	0.2 per dwelling	0.2 x 3	1	1	<b>Yes</b>
<i>Bicycle Parking:</i>	1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitor)	3/3 3/12	1 (rounded) 1	2+	<b>Yes</b>

<i>Motorcycle Parking:</i>	1 motorcycle space per 15 dwellings	3/15	1 (rounded)	1	<b>Yes</b>
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Councils Traffic Officer has assessed the proposal and provided conditionally satisfactory referral advice.

#### **CHAPTER E6: LANDSCAPING**

Council's Landscape Officer has assessed the proposal and provided conditionally satisfactory referral advice.

#### **CHAPTER E7: WASTE MANAGEMENT**

Council's Traffic Officer has assessed the proposal against the requirements of this Chapter. A Site Waste Minimisation and Management Plan was submitted with the application and waste servicing arrangements are considered to be satisfactory.

A communal garbage compound is proposed at the end of the driveway.

As part of the original submission, garbage bins were proposed to be moved to the cul-de-sac head for collection. Following concerns being raised by neighbours and Councils Traffic Officer, the collection point has been amended to the road reserve immediately adjoining the property. This has been discussed with Councils Waste Contracts Manager who advised that currently, the garbage truck is required to reverse from the cul-de-sac head into the driveway area to service 30-36 Cross Street (4 properties). The Waste Contracts Manager has advised that as development is only increasing the collection by two properties, there is sufficient room to service safely.

Street collection is therefore considered appropriate in this instance.

#### **CHAPTER E14: STORMWATER MANAGEMENT**

Council's Stormwater Officer, has assessed the proposal against the requirements of this Chapter. A stormwater concept plan and land survey information were submitted with the application and are considered to be satisfactory. Conditions have been recommended in this regard.

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

No significant earthworks are proposed as part of the application submission.

#### **CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT**

The submitted demolition plan indicates the removal of the all structures on the site. Conditions 40, 41, 42, 53, 54, 58, 60, 62 and 63 are recommended in this regard.

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

Conditions 45 and 46 are proposed to manage soil erosion and sediment control during demolition and construction.



REF: N:/tp/ben/ltr/vrtns.stmnt.30crsst.cornl.doc

29<sup>th</sup> January 2018 (Rev. A)

General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Dear Sir/Madam,

**RE: VARIATIONS JUSTIFICATION STATEMENT  
PROPOSED MULTI DWELLING RESIDENTIAL DEVELOPMENT**

This application seeks Council's consent for the demolition of existing dwelling along with detached outbuildings/structures, and redevelopment of this land in the form of multi dwelling residential housing incorporating three (3) x two-storey townhouses, together with associated car parking and landscaping. In general, the details of this proposal are shown within the Development Drawings prepared by Progenia (attached to the application), which identify the proposed building and unit layouts.

The proposed development has been purposefully designed to provide an appropriate residential and environmental outcome for the subject site within the Corrimal area. In doing so, minor variations to some numerical and noted development controls contained within *Wollongong Development Control Plan (DCP) 2009* are being sought. In this regard, it is considered that strict compliance with such development controls are both unreasonable and unnecessary in this particular instance, given the minor technical non-compliance in this matter.

In considering the advice provide herein, it is critical to acknowledge that *Section 79C(3A)(b)* of the *EP&A Act 1979* requires flexibility in the application of provisions within a *DCP*, and the consent authority is to "allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development" (*Tonne Legge v Council of the City of Sydney [2016] NSW LEC 1424*).



## 1.0 Development Standards/Controls

In this regard, the proposed development generally accords with the majority of numerical controls contained within the *DCP 2009 (Chapter B1)*, apart from the following:-

- **Wollongong DCP Chapter B1: Clause 5.1 – Minimum Site Width Requirement**– Reinforces the Wollongong LEP requirement of ...*'a minimum site width of 18 metres for multi-dwelling development. Site width is measured for the full width of the site, perpendicular to the property side boundaries.'* And further states ...*'This control may be varied for irregular shaped lots or where the development meets the requirements of setbacks, private open space, visual amenity, solar access, built form and landscaping.'*
- **Wollongong DCP Chapter B1: Clause - 5.7 Car Parking Requirements** – That states, *'...Car parking must be located behind the building setback and be screened from view with well designed structures and vegetation.'*
- **Wollongong DCP Chapter B1: 5.8 Landscaping Requirements** – Requires that, *'The required landscaped area must include a minimum 1.5 metre wide landscaping bed, which is provided along the side and rear boundaries of the site.'*

In considering these above mentioned Clauses, Council may consider a variation where specific development controls are met. As such the proposed development accords with those outlined and by large for the development overall. In this regard, the application is seeking to vary from the specified requirement for a minimum 18m site width by 320mm with an existing site width of 17.68m, which in the overall context of the project is highly unlikely to have any conceivable impact on the livability residents, adjoining properties or wider streetscape amenity.

In terms of the car parking variation, the proposed location makes practical sense on a number of fronts including, limiting additional traffic movement further within the site and providing generous front setback. In addition, through design it is believed this can be implement to ensure it will results in a sympathetic streetscape outcome for the locality. This is partly due to the parking spaces being partially retained along with a raised 1.5m landscape planter to the front boundary which combined will reduce the perceivable impacts of the parking at this location. In addition, the location of the site being beyond the cul-de-sac will generally limit visual impacts of the parking spaces to residents beyond the proposed development site (3 x dwellings).



Finally, with regard to the technical landscape non-compliance, it is considered the landscaping proposed preserves the intent of the *5.8 Landscape Requirements* objectives. To this end, landscaping provided maintains the ability for varied planting types and established sizes that will ultimately enhance the livability of the individual units and provide a vegetated buffer for adjoining properties where appropriate.

As such, we believe the proposed development is an appropriate and modest design response/outcome for the subject site in light of the objectives for these site width guidelines, whilst maintaining an appropriate integration in the existing built form of the immediate area.

This Statement is prepared for Council's consideration to identify the development standard/control variations sought, and to provide appropriate justification in this instance under *Clause 4.6* of the *LEP* and *Section 8 – Chapter A1* of the *DCP*.

## **2.0 Objectives of Development Controls**

The objectives of the above-mentioned guidelines are:-

- ***Wollongong DCP Chapter B1: Clause 5.1 – Minimum Site Width Requirement***
  - a) *To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements.*
  - b) *To encourage amalgamation of allotments to provide for improved design outcomes.*
- ***Wollongong DCP Chapter B1: Clause 5.7 Car Parking Requirements***
  - a) *To provide an adequate level of on site car parking based upon anticipated occupancy rates and proximity to public transport.*
  - b) *To ensure that there is adequate provision for access to and manoeuvring within the development.*
  - c) *To ensure that residential developments are designed to be accessible for pedestrians, cyclists and motorists.*



- d) *To ensure that integrated design of car parking facilities to minimise visual impacts.*
- e) *To ensure the provision of facilities such as bike racks, which encourage the use of alternative methods of transport.*
- **Wollongong DCP Chapter B1: Clause 5.8 Landscaping Requirements**
  - a) *To preserve and retain existing native trees and vegetation and encourage the planting of additional native vegetation.*
  - b) *To enhance the appearance of housing through integrated landscape design.*
  - c) *To improve the visual amenity by increasing the volume of substantial vegetation in urban areas.*
  - d) *To reduce impervious areas on sites and increase soft landscape screening between side orientations of residential developments.*

Further consideration of these objectives in relation to the proposed development is provided within the following *Section 4.0 Variation Justification*.

### **3.0 Zone Objectives of LEP**

The site is controlled by *Wollongong LEP 2009* within which it is zoned 'R2 – Low Density Residential'. The land use planning controls applicable to this zone permit the proposed development with Council's consent (as multi-dwelling housing), and it is noted that the proposed minor variations being sought will not contradict the stated zone objectives relative to this proposal, being:-

*“To provide for the housing needs of the community within a low density residential environment”* – It is well acknowledged that the Illawarra has a pent-up demand for housing at present, and this proposal will provide further supply to the market. The proposed development will offer a variable range of housing products for either investors, owner occupiers, and/or renters. The character of the proposed development will maintain and complement the low density residential environment associated with the site's location. This is evident



through the provision of a total GFA and overall building height that are below the maximum permitted under the *LEP*, and the implementation of associated landscape and deep soil zone soft planted areas conducive to this type of development. Thus, presenting a limited site coverage of development across the site, and at the same time providing a resulting built form scale reflective of this low density coverage, the proposed development will be consistent with the nature of housing forms throughout the existing residential environment. All of which will not be compromised by the requested variations.

*“To enable other land uses that provide facilities or services to meet the day to day needs of residents.”* – Not generally applicable. However, it is noted that the proposal could contribute to employment and economic growth of the Wollongong area and wider community through both temporary and ongoing job generation during construction and the ultimate land use (maintenance, management, etc.). The requested variations will not contradict this objective.

The proposed development provides for a suitable residential outcome; will encourage direct employment opportunities; will improve the land use outcome on an underutilised site; and will add further residential population that will contribute to the locality. In this regard, there are no specific provisions within the *LEP* that will be contravened by these variations.

#### **4.0 Variations Justification**

*Wollongong DCP 2009* identifies guidelines and controls to shape development outcomes. The *DCP* applies to the City of Wollongong as a whole, which has significant physical land characteristic variations throughout, together with the need to apply varying adaptations of the many merit-based planning considerations for development. Therefore, the *DCP* aims to allow flexibility in the application of such development controls, where strict compliance with the controls is unreasonable and unnecessary.

Whilst the stated design shortfalls do not directly comply with Council’s identified numerical standards in this instance, the overall built form outcome does meet the intent of those objectives identified and provides an appropriate urban design outcome in this locality (as if strict compliance was achieved).

In considering the variations proposed, it is understood that the intent of the landscape areas and carparking provisions are to ensure and allow for good quality urban design outcomes. It is



believed that the proposed development still achieves this intent. Furthermore, it is our opinion that the variation sought do not result in cumulative impact of non-compliance as a result of one another. For example, if the site achieved the required 18 metres site width to comply, it is unlikely this would facilitate the ability to achieve 1.5m landscape widths to each boundary. In this regard, the following is noted in relation to the objectives of the relevant Clauses:-

***Wollongong DCP Chapter B1: Clause 5.1 – Minimum Site Width Requirement***

In considering the variations proposed with regard to the *5.1 – Minimum Site Width Requirement* numerical requirement, it should be acknowledged that the shortfall is a nominal distance of approximately 320mm. Therefore, when considering the overall compliance and assimilation the development will have with the low-density environment, council can be confident that the minor departure is unlikely to have an adverse, nor noticeable impact on the built form outcome, nor unreasonably that of adjoining properties.

In particular, it is argued that the proposed multi-dwelling development may in fact be a better urban design outcome when compared to alternative development outcomes. This is on the basis that a alternative form of development (dual occupancy or single dwelling residence) has a number of planning provisions such as reduced setbacks (minimum 900mm side setback), that would likely result in a very different bulk and scale development and one that may not be as sympathetic to adjoining properties. Therefore, where leniency to the site width provision of 18m is granted, it will almost certainly result in an improved urban outcome to the surrounding locality. In this regard, the following is noted in relation to the objectives of the relevant Clauses:-

- a) *To allow for development of sites, which are of sufficient width to accommodate the required building envelope, car parking and landscaping requirements. – Notwithstanding that the minimum site width cannot be achieved by a nominal 320mm shortfall, the proposed development clearly demonstrates that the intentions of this objective can still be appropriately met. The proposed building envelopes allow for complete functionality of usable space within each unit, along with meeting the requirements for POS areas whilst providing adequate landscaping to the boundaries to meet the objectives of the clause.*
- b) *To encourage amalgamation of allotments to provide for improved design outcomes. – In this instance, it is considered a nominal departure of 320mm does not warrant the consideration of amalgamation, given it would unlikely provide an improved design outcome from that proposed. Notwithstanding this, the design*



outcome for the proposed development in terms of solar access, view sharing and amenity to the immediate area and adjoining properties is not considered to be unreasonably affected by the proposed development. Furthermore, in developing the subject property in the form of multi-dwelling development, it will not result in an isolated lot situation given the southern adjoining properties consist of three (3) further individual Torrens Title lots.

**Wollongong DCP Chapter B1: Clause 5.7 Car Parking Requirements**

- a) *To provide an adequate level of on site car parking based upon anticipated occupancy rates and proximity to public transport.* The subject development proposal achieves the required parking amenity in accordance with Council's DCP controls. This is in the form of a double garage for Unit 1, a single garage for each Unit 2 and 3 along with a single open resident parking space and single visitor parking space. In addition, the site is well positioned that future resident have the ability to readily access both train and buses transport nodes with short walking distances.
- b) *To ensure that there is adequate provision for access to and manoeuvring within the development.* As required, all dedicated parking spaces within the site can appropriately manoeuvre in accordance with regulatory guidelines and enabling cars to egress the site in a forward direction. This is reflected on swept path plans submitted and prepared by Element Consulting.
- c) *To ensure that residential developments are designed to be accessible for pedestrians, cyclists and motorists.* In the current design layout, consideration for all on-site movements with limited opportunity for conflict between pedestrian and motorists. Additionally, in locating the open resident and visitor parking at the front of the property this further reduces the opportunity for on-site movement conflict.
- d) *To ensure that integrated design of car parking facilities to minimise visual impacts.* All garages have been designed and accessed internally of the site where there will be limited to no visual impact to the streetscape amenity. With regard to the open car spaces the visual impact of being located forward of the building will be minimal and limited to a select number residents that benefit from the access handle beyond the Cross Street cul-de-sac. In addition, further design measures have been implemented that are considered will further



mitigate the visual impacts of open car parking at this location including being located behind the front 1.5m landscape strip that is in the form of a retained planter.

- e) *To ensure the provision of facilities such as bike racks, which encourage the use of alternative methods of transport.* Individual bike storage locations are proposed to be located in the garage of each unit which will enable convenient access for residents to facilitate an alternate mode of transport.

**Wollongong DCP Chapter B1: Clause 5.8 Landscaping Requirements**

- a) *To preserve and retain existing native trees and vegetation and encourage the planting of additional native vegetation.* The existing site does not contain any existing vegetation or mature tree species that are considered to be of worthy of retention. In this regard, the proposed landscaping scheme will significantly enhance the surrounding landscape environment at the benefit of both the future residents and adjoining properties alike. Particularly on the basis that adjoining developments of a similar nature have little to no landscape amenity provided.
- b) *To enhance the appearance of housing through integrated landscape design.* Overall the intent of the proposed landscaping scheme has been to ensure that landscaping was provided to the site entire boundary perimeter. In doing so, all landscape areas maintain the ability to be suitably planted and provide a combination of screening planting (to the boundaries), low level planting to the driveway adjoining the dwelling to break up the hard surface of the driveways, turfed areas and the densely planted deep soil area at the rear of the property.
- c) *To improve the visual amenity by increasing the volume of substantial vegetation in urban areas.* As aforementioned, considering the existing informal landscaping with no significant maturity, the proposed development will in fact implement a structured landscaping layout that will in fact increase the sites landscape area along with an improved visual amenity.
- d) *To reduce impervious areas on sites and increase soft landscape screening between side orientations of residential developments.* Again, the proposed landscaping will in fact increase the sites total landscaped area, whilst where necessary (north and south side boundaries) provide adequate landscape beds to accommodate the planting of screening species.



Further, the orientation and siting of the development also maintains a positive residential amenity in terms of solar access to adjoining properties. In addition, the residential amenity of adjoining properties will not be unreasonably affected by the proposed development or the departure.

In general, this development outcome will provide an adequate amenity for both future occupants of the building and adjoining land uses, and the immediate streetscape outlook and characteristics will not be compromised by the minor shortfall in site width and landscape widths. In fact, it is considered that the variation will allow the built form to assimilate with the existing residential environment and provide a positive architectural outcome as a result, by making the good use of available land. This includes a continuation of multi-dwelling type development which is strongly evident throughout the immediate area with existing multi dwelling development sites present to the adjoining northern and western boundaries. Further, no traffic management or waste collection impacts either internal or external of the site will be created as a result of the departure.

Whilst the subject development site width does not strictly comply with Council's numerical standards in this instance, the outcome does meet the intent of those objectives identified and provides an appropriate urban design outcome in this locality as if strict compliance was achieved. In considering the site width proposed, it is understood that the intent of these provisions are to ensure and allow for good quality urban design outcomes such as this. Furthermore, it is strongly suggested that if the additional 320mm was in fact available and the 18 metre width was achieved and compliant, it is highly likely a similar, if not identical, development proposal would have been submitted.

As suggested throughout, in adopting the design outcome of the carparking being forward of the building line, it is clear that this will not result in significant or unreasonable impacts either within the site or to visual amenity of surrounding properties. In fact, this will facilitate positive outcome in limiting traffic movements to the front of the property and thereby reducing the potential of pedestrian and vehicle conflict within the site. In addition, parking at this location forces a greater than required setback 6.84m which in turn provides for an extended visual connection of the subject development and adjoining properties (south) when viewed from the cul-de-sac. Furthermore, through the design a retained 1.5m planter to the front boundary is proposed that will in part visually conceal the parking spaces from the surrounding streetscape.

In considering there is a number of variations being sought, it is not viewed that each individual non-compliance results in a cumulative effect that ultimately causes the other. For example, in



the instance of the site width shortfall (nominal 320mm), although this would provide the ability for a slight increase to the landscaping, it will not be of significance or a noticeable amount that would achieve strict compliance with regard to the landscaping requirements in providing the required 1.5 metre widths. Notwithstanding this, when assessed on its individual merits the proposed development and landscape scheme meets the intent of providing a landscape buffer to the entire border of the development with nominal shortfalls. These landscape areas maintain the ability for planting of species that provide for screening along with internal soft scaping against the hardstand areas within the development. As a result, the landscape shortfalls will in no way result in impacts that will adversely impact the livability for the future residents, nor the adjoining property. In fact, proposed landscape scheme if implemented will lead to a significant improvement to the surrounding environment due to the increased landscaped area which includes the densely planted deep soil zone to the rear.

Therefore, it is considered that strict compliance with the numerical requirement under this Clause is unreasonable and unnecessary in this particular case and, as such, an exception to this development standard is sought.

## 6.0 Conclusion

Both *Wollongong DCP 2009* identify guidelines and controls to shape development outcomes. These Plans apply to the City of Wollongong as a whole, which has significant physical land characteristic variations throughout, together with the need to apply varying adaptations of the many merit-based planning considerations for development. Therefore, the stated aims/objectives of these plans allow flexibility in the application of such development controls, where strict compliance with the controls is not warranted.

Being mindful of the above, it is considered that this proposal is still in keeping with the provisions and objectives of Council's *LEP and DCP* and, therefore, will accord with the objectives and guidelines of the planning controls applying to the site. As such, we respectfully ask that Council give particular consideration in this instance and favourable consider the justification for these variations sought.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD

A handwritten signature in black ink, appearing to read 'Ben McNamara', written over a horizontal line.

**BEN MCNAMARA** DipArchTech PIA (assoc.)  
TOWN PLANNING ASSOCIATE

## **Attachment 6: Recommended conditions of consent**

### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing No. G-300-1 dated 1 June 2017, A-201-9 dated 31 January 2018, A-001-6, A-200-9, A-250-6, A-251-6, A-300-5 and A-400-5 dated 30 May 2018 prepared by Progenia 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 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.

#### **3 Building Work - Compliance with the Building Code of Australia**

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

#### **4 Construction Certificate**

A Construction Certificate must be obtained from Council or 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.

#### **5 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.

#### **6 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.

### **Prior to the Issue of the Construction Certificate**

#### **7 Detailed Drainage Design**

A detailed drainage design shall be submitted with the Construction Certificate documentation for the proposed development. This detailed drainage design shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, conditions listed under this consent, and

generally in accordance with stormwater drainage drawings nos. S01 (Revision 4) dated 29/01/18 and S02 (Revision 1) dated 22/08/17 prepared by Element Consulting Engineers.

**8 Designated Stormwater Overflow Path**

Applicant shall provide a swale to direct the flow from the proposed driveway to the existing drainage system. Cross sectional details and hydraulic calculations of swale to be provided to demonstrate that the swale has adequate capacity to convey the flow from the proposed driveway towards the existing drainage network in accordance with DCP 2009 Chapter E14 Section 11.3.7.(1) Swale to be designed against scour, and to have a cross section adequate to convey the minor system flow rate.

**9 On Site Detention Structural Design**

The on-site detention facility located within the proposed driveway shall withstand the maximum loading and configuration imposed by the heaviest vehicle likely to use the accessway as specified in the RTA Heavy Vehicle Mass Loading and Access documentation, and applied in accordance with the current code: AS/NZS 1170 - Structural Design Actions. The design loading adopted, and details of this detention facility shall be submitted prior to the release of the Construction Certificate.

**10 Orifice/Weir Calculations**

Orifice and weir calculations for the on-site detention facility shall be provided to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The orifice shall be of circular shape, designed to allow free discharge and have no influence from any tailwater levels in the downstream drainage system

**11 Roofwater Drainage**

All roof gutters and downpipes shall be designed to cater for a 1 in 100 year ARI storm event in accordance with the current version of AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe sizes and downpipe locations shall be reflected on the Construction Certificate plans.

**12 Stormwater Connection to Kerb**

Connection across footways shall be by means of one or two (maximum) 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

**13 Council Footpath Reserve Works**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter 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.

**14 Retaining Wall on Common Boundary**

Retaining wall on common boundary must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated

drainage work along common boundaries must not compromise the structural integrity of any existing structures.

The maximum height of a retaining wall located within 900mm of the adjoining boundary shall be 600mm unless approved within this Development Application.

15 **Present Plans to Sydney Water**

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

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

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

16 **Car Parking and Access**

The development shall make provision for a total of 6 car parking spaces, 1 motorcycle parking space, and a minimum of 1 secure (Class B) residential bicycle 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.

17 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.

18 **Water/Wastewater Entering Road Reserve**

Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

19 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.

20 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.

21 **Property Addressing Policy Compliance**

Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing ([propertyaddressing@wollongong.nsw.gov.au](mailto: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.

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 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.

**25 Garbage, Green Waste and Recycling Bin Enclosure Area**

The garbage, green waste and recycling bin enclosure area shall cater for 1 x 240 litre garbage bin, 1 x 240 litre green waste bin and 1 x 240 litre recycling bin for each respective unit in the development. The facility shall:

- 25.1 Have a minimum wall height of 1.5 metres;
- 25.2 Have a minimum internal clear height of 1.6 metres;
- 25.3 Be integrated into the landscaping to reduce the visual impact;
- 25.4 Be of similar materials and design to the overall development

The final design details of the proposed facility shall be reflected on the Construction Certificate plans for the approval of the Principal Certifying Authority, prior to the release of the Construction Certificate.

**26** The car parking areas and entrances to dwellings shall incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding properties. The final design details of the proposed floodlighting system shall be reflected on the Construction Certificate plans. The erection of the floodlighting system shall be in accordance with the approved final design.

**27** 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.

**28 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.

**29 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.

**30 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.

**31 Fencing**

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

- 31.1 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
- 31.2 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, palisade or colorbond fences.
- 31.3 Any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements.

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

**32 Glazing to Comply with State Environmental Planning Policy (Infrastructure) 2007**

The Principle Certifying Authority must be satisfied that appropriate measures will be taken to ensure the following LAeq levels are not exceeded:

- 32.1 In any bedroom in the building: 35dB(A) at any time 10.00pm-07.00am; and
- 32.2 Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB (A) at any time.

**33** 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.

**34 Landscaping**

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:

- 34.1 Planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame Tree.; A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- 34.2 A schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

- 34.3 The location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
- 34.4 Any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
- 34.5 Maintenance access to be provided within Deep Soil Zone (DSZ).

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

35 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development are two (2 No.) *Tristaniopsis laurina* 'Luscious' 200 litre container size, in accordance with AS 2303:2015 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

36 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong Section 94A Development Contributions Plan (2017), a monetary contribution of \$8,010.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

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	<a href="http://www.wollongong.nsw.gov.au/applicationpaym">http://www.wollongong.nsw.gov.au/applicationpaym</a>	• Credit Card

	<a href="#">ents</a> Your Payment Reference: 901172	
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong Section 94A Development Contributions Plan (2017) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

### Prior to the Commencement of Works

#### 37 Sign – Supervisor Contact Details

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

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

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

#### 38 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:

- 38.1 A standard flushing toilet; and
- 38.2 Connected to either:
  - 38.2.1 The Sydney Water Corporation Ltd sewerage system or
  - 38.2.2 An accredited sewage management facility or
  - 38.2.3 An approved chemical closet.

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

#### 39 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.

#### 40 Demolition Works

The demolition of the existing dwelling house and ancillary structures, including the removal of the swimming pool, 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.

**41 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.

**42 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.

**43 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:

- 43.1 Digging or disruption to footpath/road reserve surface;
- 43.2 Loading or unloading machinery/equipment/deliveries;
- 43.3 Installation of a fence or hoarding;
- 43.4 Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- 43.5 Pumping stormwater from the site to Council's stormwater drains;
- 43.6 Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- 43.7 Construction of new vehicular crossings or footpaths;
- 43.8 Removal of street trees;
- 43.9 Carrying out demolition works.

**44 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.

**45 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.

**46 Erosion Controls – Vehicular Entry/Exit Points**

The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

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

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure

prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

**48 Dilapidation Report**

The developer shall submit a Dilapidation Report recording the condition of the existing streetscape and all retaining walls and structures on the side or rear property boundaries or in close proximity to the property boundaries, prior to work commencing and include a detailed description of elements and photographic record.

**During Demolition, Excavation or Construction**

**49 Flows from Adjoining Properties**

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

**50 Supervision of Engineering Works**

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

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

Stormwater for the land must be piped to Council's existing stormwater drainage system.

**52 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.

**53 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>).

**54 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.

**55 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.

**56** The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

**57** 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.

58 **Dust Suppression Measures**

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

59 **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.

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

61 **Screen planting**

To mitigate impact to adjoining dwelling a continuous hedge is to be established along northern boundary for the length of property boundary. Recommended species: *Callistemon viminalis* 'Slim', *Photinia glabra Rubens*, *Viburnum tinus*, *Syzygium australe Aussie Southern*, *Syzygium*, 'Resilience', *Viburnum odoratissimum Dense Fence* or *Waterhousea floribunda Sweeper*. A minimum of five (5 No.) trees to be incorporated in 25lt pot.

Minimum spacing 1000mm. Minimum hedge pot size 5 lt.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

62 The building site must be kept free of rubbish at all times. All refuse capable of being wind blown must be kept in a suitable waste container.

63 **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:

- 63.1 The variation in hours required (length of duration);
- 63.2 The reason for that variation (scope of works);
- 63.3 The type of work and machinery to be used;
- 63.4 Method of neighbour notification;
- 63.5 Supervisor contact number;
- 63.6 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.

64 **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:

- 64.1 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
- 64.2 If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- 64.3 BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

**65 Material Used for Filling/ Imported fill**

All imported material used for the purpose of filling must consist of either Virgin Excavated Material (VENM), Excavated Natural Material (ENM) or Coal Washery Rejects (CWR).

All imported VENM must meet the definition under the NSW EPA (2014) Waste Classification Guidelines and all imported ENM must meet the definition under the NSW EPA (2014) Resource Recovery Exemption and Order made under Part 9, Clauses 91, 92 and 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*. Documentation must be submitted to the Principal Certifying Authority and Council (in the event Council is not the Principal Certifying Authority) prior to the issue of the Subdivision Certificate supporting the assessment and validation of the materials in accordance with the NSW EPA (2014) Waste Classification Guidelines or the ENM Order 2014.

All imported CWR must comply with the NSW EPA (2014) Resource Recovery Exemption and Order made under Part 9, Clauses 91, 92 and 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*. Documentation must be submitted to the Principal Certifying Authority and Council (in the event Council is not the Principal Certifying Authority) prior to the issue of the Subdivision Certificate supporting the assessment and validation of the materials in accordance with the CWR Order 2014.

Material used for the purpose of filling that is sourced on site, such as reused or remediated material or CWR must not exceed the National Environment Protection (Assessment of Site Contamination) Measure 1999 Health investigation levels for soil contaminants Residential A. The material must be assessed as per the NSW EPA sampling guidelines by an Environmental Consultant certified under one of the NSW EPA recognised schemes and the Consultant’s report must be submitted to the Principal Certifying Authority and Council (in the event Council is not the Principal Certifying Authority) prior to the issue of the Subdivision Certificate.

All importation and management of material used for the purpose of filling must also comply with Wollongong Council Development Control Plan 2009 Chapter E-19.

**66 Swimming Pool Removal**

The removal of the swimming pool is to be undertaken in accordance with the Wollongong City Council Fact Sheet – Removal of a Swimming Pool.

**Prior to the Issue of the Occupation Certificate**

**67 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.

68 **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.

69 **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.

70 **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.

71 **Occupation Certificate**

A 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.

72 **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.

**Operational Phases of the Development/Use of the Site**

73 **Loading/Unloading Operations/Activities**

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