

Wollongong Local Planning Panel Assessment Report | 6 February 2024

WLPP No.	Item No. 2
DA No.	DA-2023/526
Proposal	Residential - construction of semi-detached dual occupancy and Subdivision - Torrens title - two (2) lots
Property	Lot 3 DP 1239971 54 High Street Thirroul
Applicant	MacCormick & Associates Architects
Responsible Team	Development Assessment and Certification - City Wide Team (NA)
Development cost	\$666 000
Lodgement date	12 July 2023
Prior WLPP meeting	Not applicable

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

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

Proposal

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

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

Permissibility

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

Consultation

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

Main Issues

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

- Number of storeys on a battle axe allotment
- First floor within 8 metres of the rear boundary
- Wall greater than 7 metres high within 3 metres of side boundary
- Garage door width
- Retaining wall heights

RECOMMENDATION

DA-2023/526 be approved subject to the conditions at **Attachment 4**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

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

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

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Earthworks including excavation for basement area

Works / Construction / building details

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

Traffic, parking and servicing

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

1.3 BACKGROUND

The lot was created by DA-2016/1411 and its modification that gave consent for a ten lot residential subdivision. DA-2016/1411 was referred to the Wollongong Local Planning Panel for consideration on 7 June 2017. A Deferred Commencement Consent was issued on 9 June 2017. This consent was subsequently modified, removing conditions relating to the driveway grade. The activated (modified) consent was ultimately issued on 9 May 2019. This application is the first on the created Lot 3.

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

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

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

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

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

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

- Non compliance with floor space ratio
- Further geotechnical investigation required
- Additional information and amendments to the built form
- Landscaping matters

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

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

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 54 High Street Thirroul and the title reference is Lot 3 DP 1239971. The site is irregular in shape, with significant fall of 9 metres from the south west corner of the site to the north east corner of the site. The site has an area of 836.5m².

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

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

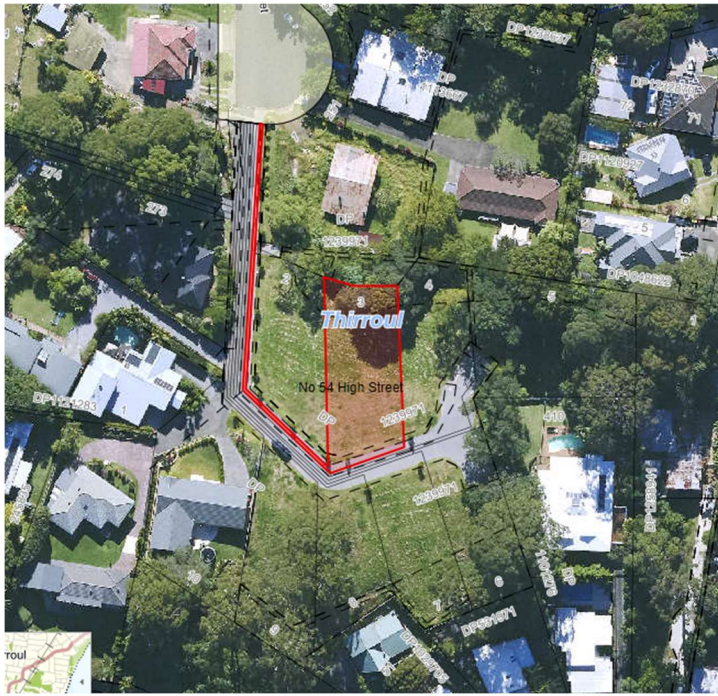


Figure 1: Aerial photograph, Intramaps 2023

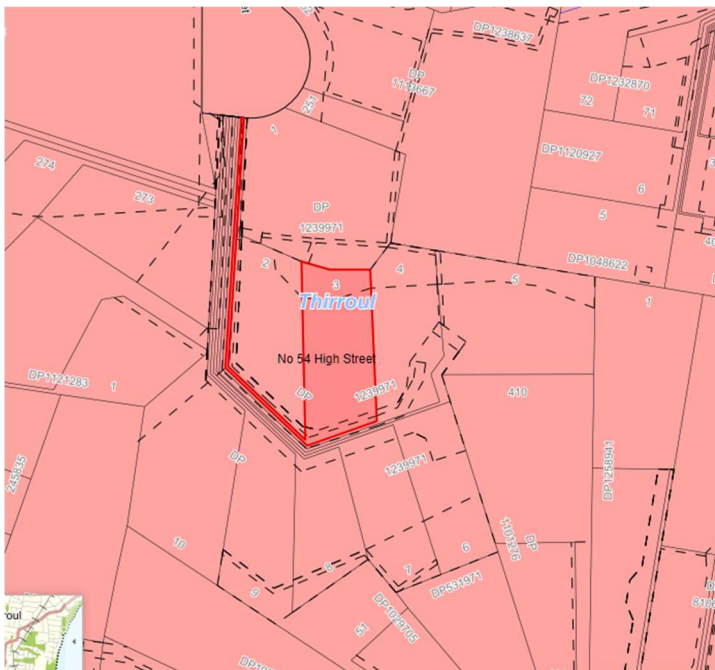


Figure 2: WLEP 2009 Zoning Map

Property constraints

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

- Unstable land
- Bushfire
- 88b restrictions in relation to:
 - Right of carriageway
 - Easement to drain water
 - Easement for services, including water and gas supply

- Restrictions in relation to restricted building zone and permission for fencing
- Positive covenants for waster servicing, no parking in “Y” head, and management of property as an inner protection area.

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

1.5 SUBMISSIONS

The application was notified **from 19 July to 2 August 2023** in accordance with Council’s Community Participation Plan 2023. Nine unique submissions were received and the issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1. Traffic and parking issues	
Existing traffic issues on High Street that result in inability of two way traffic- increases in traffic generation should not be supported	The existing traffic hazard relating to the bend at High Street is not exacerbated by the proposed development- the increases in traffic proposed by the development are not significant and are considered to be within the capacity of the local road system.
Increases in traffic over right of carriageway that provides a personal property right of other land owners	The rights and responsibilities assigned to lots under Section 88B of the Conveyancing Act transfer to “child” lots where a subdivision occurs. Matters of personal property can be pursued privately by a land owner, however in this context are not subject to consideration under the EP&A Act.
Inadequate parking	Parking to each dwelling has been provided in accordance with the rates required by WDCP 2009. The DCP does not require dual occupancy development to provide visitor parking, however it is noted that each dwelling has the capacity to provide one stacked visitor parking space in front of each garage.
2. Inadequate waste management arising from original subdivision - bins being left at end of cul de sac as Remondis will not access properties via right of carriageway	The applicant organised the required indemnities that will enable Council’s waste contractor, Remondis, to now service the subdivision with kerb side collections. Council’s Waste Contracts Coordinator has confirmed that this will commence in the short term, and Remondis will provide written notification of this to all affected owners. The development has sufficient room “kerbside” for bin placement and collection.
3. Inadequate bush fire report	The Bush Fire Assessment Report was referred to the NSW Rural Fire Service, who found the proposal to be conditionally satisfactory.
4. Subdivision will lead to an overdevelopment of the site Bulk and scale of proposal not consistent with existing character	A merit-based assessment of the proposal against the matters for consideration under the EP&A Act has been carried out and the proposal is considered to be supportable. Any future applications for dual occupancy development will also be subject to merit based assessment specific to the circumstances of those proposed developments.

Concern	Comment						
potential for more development of dual occupancies within subdivision	It is not uncommon for future land owners in new subdivisions to aim to maximise their proposed floor area. In any case, development on this R2 zoned land is generally restricted to a floor space ratio of 0.5:1, regardless if they are single dwellings or dual occupancy developments. Following amendments to the plans, this proposal now complies with the required floor space ratio and building height. As such, the development complies with density restrictions- dual occupancy development in the R2 Low Density Residential zone is considered to be a low density development. High Street does not have a consistent character, with a number of single and two storey developments, some with elevated subfloor, in existence along the street. The proposal is of a contemporary design, stepping down the significant slope of the site. The dwellings appear to be large, however they are not inconsistent with other varied, two storey developments in the vicinity. The use of articulation and balconies provides visual relief to the bulk of the building. Further, impacts on the High Street streetscape arising from the development will be limited given it is a battleaxe allotment off the cul de sac. Existing vegetation adjoining the northern boundary of the allotment will provide for additional screening of the proposal, as will vegetation planted as part of the development. The proposal is unlikely to result in any adverse economic impacts on adjoining properties.						
5. No official pedestrian access/footpath through subdivision	Pedestrian access and risk to pedestrians within the subdivision remains unchanged by this proposal. The original subdivision did not include formal pedestrian access as there is no public road and allowance was not made for a dedicated footpath/pedestrian access. A one metre wide dish drain and rolled kerb adjoin the ROC – this is incorrectly labelled on plan as a footpath, and could not be used as such.						
6. Non compliances with development standards and controls	<table> <tr> <td data-bbox="193 1653 603 1778"> - Number of storeys - 3 </td><td data-bbox="603 1653 1394 1778"> The development proposes 3 storeys for a limited area of the dwellings. See Attachment 2 for discussion of the proposed variation. </td></tr> <tr> <td data-bbox="193 1778 603 1904"> - minimum subdivision lot size </td><td data-bbox="603 1778 1394 1904"> The minimum subdivision lot size does not apply to existing dual occupancy developments. The phasing of this consent ensures that the built form is finalised prior to the subdivision occurring. </td></tr> <tr> <td data-bbox="193 1904 603 2020"> - Floor space ratio </td><td data-bbox="603 1904 1394 2020"> The plans have been amended to ensure that the floor space ratio does not exceed 0.5:1 for each phase of the development (ie prior and post subdivision) </td></tr> </table>	Number of storeys - 3	The development proposes 3 storeys for a limited area of the dwellings. See Attachment 2 for discussion of the proposed variation.	minimum subdivision lot size	The minimum subdivision lot size does not apply to existing dual occupancy developments. The phasing of this consent ensures that the built form is finalised prior to the subdivision occurring.	Floor space ratio	The plans have been amended to ensure that the floor space ratio does not exceed 0.5:1 for each phase of the development (ie prior and post subdivision)
Number of storeys - 3	The development proposes 3 storeys for a limited area of the dwellings. See Attachment 2 for discussion of the proposed variation.						
minimum subdivision lot size	The minimum subdivision lot size does not apply to existing dual occupancy developments. The phasing of this consent ensures that the built form is finalised prior to the subdivision occurring.						
Floor space ratio	The plans have been amended to ensure that the floor space ratio does not exceed 0.5:1 for each phase of the development (ie prior and post subdivision)						

Concern	Comment
calculation of site area for the purpose of floor space ratio	The battle axe handles are not excluded from the site area when calculating floor space ratios, as per Clause 4.5 of WLEP 2009 below.
Maximum garage width	The development proposes a variation to this control- see Attachment 2 for further discussion of this matter. The garages are offset which reduces the impact along the horizontal plane. Further the two storey façade of the dwellings reduces the dominance of the garage doors within the facades.
Driveways exceed the 3 metres crossover width	The cross over width applies to a public road scenario where a driveway crossover is required over the road reserve and is not relevant to this development.
Setbacks	The front setbacks relate to the distance of the building from the street frontage to the building. As the lot is a battle-axe allotment, there is no street frontage that would be relevant to the control. In any case, the “front setbacks” proposed exceed 6m from the Lot 3 boundary line. These setbacks provide for a compliant and reasonable “building line” that ensures there is a sense of street and further allows the parking of vehicles off the common carriageway. The proposed encroachment into the rear 8 metre setback by the balconies has been supported by a Variation Justification Statement. The variation is supported given the existing and proposed vegetation along the rear boundary, as well as the sloping topography- the proposed dwellings will look over the top of neighbouring properties with limited opportunities to view down into dwelling windows and private open space areas.
hydrant location	There are two hydrants in proximity to the allotment- the proposal is located within 60 metres of the hydrant located in the “Y” turning head.
Insufficient landscaped area	Council’s calculations indicate that landscaped area is compliant with WDCP 2009.
7. Plan discrepancies	The plans have been slightly amended to address matters raised by Council’s Request for Information/Amendments. It is noted that there are some inconsistencies in information, however the information provided is considered to be generally sufficient to enable assessment of the proposal.
8. Amenity impacts	overlooking The rear of the dwellings sit at a significantly higher level than the adjoining properties to the north, with the outlook generally over the roof tops of these dwellings. There is significant screening by way of existing vegetation along the rear of Lot 3. Further, proposed vegetation within the deep soil zone will also provide a level of screening between the properties.

Concern	Comment
	It is noted that the existing dwelling to the north is of older housing stock, and likely to be redeveloped in the short to medium term.
9. Vegetation removal/impacts on flora and fauna	There is no native vegetation or tree removal proposed as part of this development (noting that five trees on site do not require consent for removal), and as such, the development won't break the existing green corridor that exists in the location. The proposal was referred to Council's Environment Officer who indicated that the development was unlikely to impact on flora and fauna, noting that no native vegetation is proposed for removal.
10. Geotechnical considerations	The original submission did not include evidence of adequate geotechnical investigation and reporting. The applicant subsequently provided a Geotechnical report that was referred to Council's Geotechnical Engineer for consideration. A conditionally satisfactory referral response was provided.
11. Issues arising from original subdivision	
building envelopes	Condition 109 of the subdivision consent required the inclusion of a Restriction as to user which defines a restricted building zone for Lots 2-9 inclusive. The stamped plans provided an "indicative" building envelope that indicated an area sufficient for the construction of a dwelling in accordance with WDCP 2009. The ultimate building envelopes were guided by geotechnical constraints on the site, with restricted building zones established over land identified as being Zone 3 by the geotechnical report-building is generally prohibited in this zone unless supported by further geotechnical investigations.
Lack of body corporate to ensure ongoing maintenance of road and OSD	Council does not require the establishment of an entity to manage ROC situations. These are managed privately between the owners as required by the terms of the carriageway.
Lack of compensatory planting required by modified DA	Council records indicate that condition 36 of the modified consent for subdivision, which required the provision of 30 compensatory plantings, was satisfied.
WCC to ensure that approved development does not result in traffic that would exceed the carriageway specification	The original subdivision approval and construction were consistent with specifications that would allow for the trafficking of construction and waste collection vehicles over the carriageway.

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

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Geotechnical Engineer

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

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

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

Landscape Architect

Council's Landscape Officer has reviewed the application, with the initial assessment identifying that the landscape plan required revision to ensure compatibility with bush fire requirements.

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

Environment Officer

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

Development Engineering Officer

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

1.6.2 EXTERNAL CONSULTATION

Rural Fire Service

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

Sydney Water

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

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 4 Koala habitat protection 2021

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

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

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

Additionally, the potential contamination of the land and its suitability for residential use were considered under DA-2016/1411 for the original subdivision. It is noted that filling of the subject lot occurred as part of that subdivision and the submitted Lot Classification Report does not indicate the fill material on the subject lot contains any deleterious material. A draft condition has been included to address any unexpected finds during construction.

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

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

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

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

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

For the purposes of the Act, ***subdivision of land*** means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:

- (a) by conveyance, transfer or partition, or
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

(EP&A Act 1979 definition)

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

Clause 1.8A Savings provision relating to pending development approvals

None applicable

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

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

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

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

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

Clause 2.6 Subdivision—consent requirements

The development seeks consent for torrens title subdivision.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

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

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

Clause 4.3 Height of buildings

The proposed building height of 8.61m does not exceed the maximum of 9m permitted for the site. A building height plane plan was provided that indicates the development sits under this height.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.5:1
Site area:	836.5 m ²
GFA:	
Total	417.01m ²
Proposed Unit 54A	208.75m ²
Proposed Unit 54B	208.26m ²
FSR:	
Total	$417.01/836.5\text{m}^2 = 0.49:1$
Proposed Unit 54A	$208.75/419.8\text{m}^2 = 0.49:1$
Proposed Unit 54B	$208.26/416.7\text{m}^2 = 0.49:1$

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

Clause 4.5 Calculation of floor space ratio and site area

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

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

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The subdivision is serviced by electricity, water and sewerage.

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

Clause 7.2 Natural resource sensitivity – biodiversity

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

Clause 7.6 Earthworks

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

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

None applicable

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

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

2.3.2 DEVELOPMENT CONTRIBUTIONS

2.3.2.1 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2023

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development. The proposed cost of development is over \$200,001 – a levy rate of 1% applies, being **\$6 660**.

2.3.2.2 HOUSING AND PRODUCTIVITY CONTRIBUTION

Not applicable as application lodged prior to 1 October 2023.

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

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

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

Environmental Planning and Assessment Regulation 2021

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

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

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

Context and Setting:

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

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

Access, Transport and Traffic:

Access and parking are considered to be acceptable. Proposed traffic increases arising from the development are minor and considered to be within the capacity of the local road network. Dual occupancy development does not attract a parking provision requirement under WDCP 2009, however each dwelling allows for a stacked visitor space in front of the garage.

Public Domain:

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

Utilities:

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

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

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

Water:

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

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

Soils:

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

A Restricted Building Zone (RBZ) exists along the rear of the site. A portion of the "ground" floor balcony cantilevers over the RBZ- as this does not require earthworks within the RBZ, this encroachment is supportable.

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

Air and Microclimate:

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

Flora and Fauna:

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

Waste:

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

Energy:

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

Noise and vibration:

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

Natural hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

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

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

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

- Number of storeys on a battle axe allotment
- First floor within 8 metres of the rear boundary
- Wall greater than 7 metres high within 3 metres of side boundary
- Garage door width
- Retaining walls

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

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

Construction:

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

Cumulative Impacts:

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

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Submissions are discussed above under Section 1.5.

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

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

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposal includes variations to the following development controls contained within WDCP 2009:

- Number of storeys on a battle axe allotment

- First floor within 8 metres of the rear boundary
- Wall greater than 7 metres high within 3 metres of side boundary
- Garage door width
- Retaining walls

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

4 RECOMMENDATION

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

5 ATTACHMENTS

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

54 HIGH ST THIRROUL

ARCHITECTURAL DRAWING SCHEDULE

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



MACCORMICK + ASSOCIATES ARCHITECTS, 13 VICTORIA STREET QUEENS PARK NSW 2022
T 9037 0437 E hello@maccormickarchitects.com.au ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE
ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN
CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT
BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION.
THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT

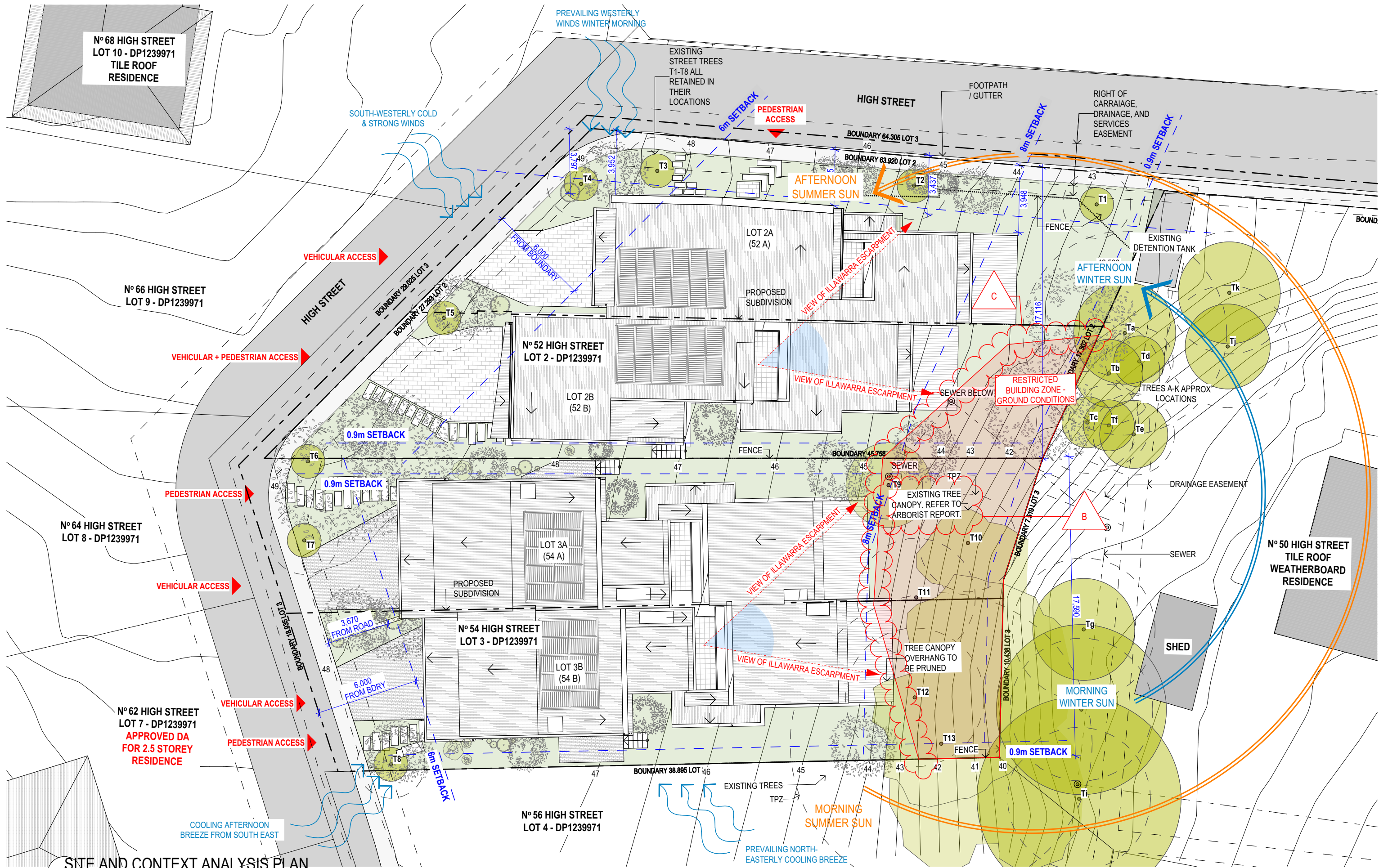
PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

PROJECT NO	REVISION	DATE PRINTED: 25/01/2024	SCALE
2120	A DA SUBMISSION	02/06/2023	PAPER SIZE: A3 DRAWN BY: LSK, RL CHECKED BY: MM
	B COUNCIL RFI	22/11/2023	
	C RBZ	25/01/2024	

DRAWING TITLE
54 HIGH ST - COVER
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A00.1
REVISION
C

NOT FOR CONSTRUCTION



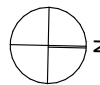
SITE AND CONTEXT ANALYSIS PLAN

1:200

NOT FOR CONSTRUCTION



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@macormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION. THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT



PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

PROJECT NO	REVISION	DATE PRINTED: 25/01/2024
2120	A DA SUBMISSION	02/06/2023
	B COUNCIL RFI	22/11/2023
	C RBZ	25/01/2024

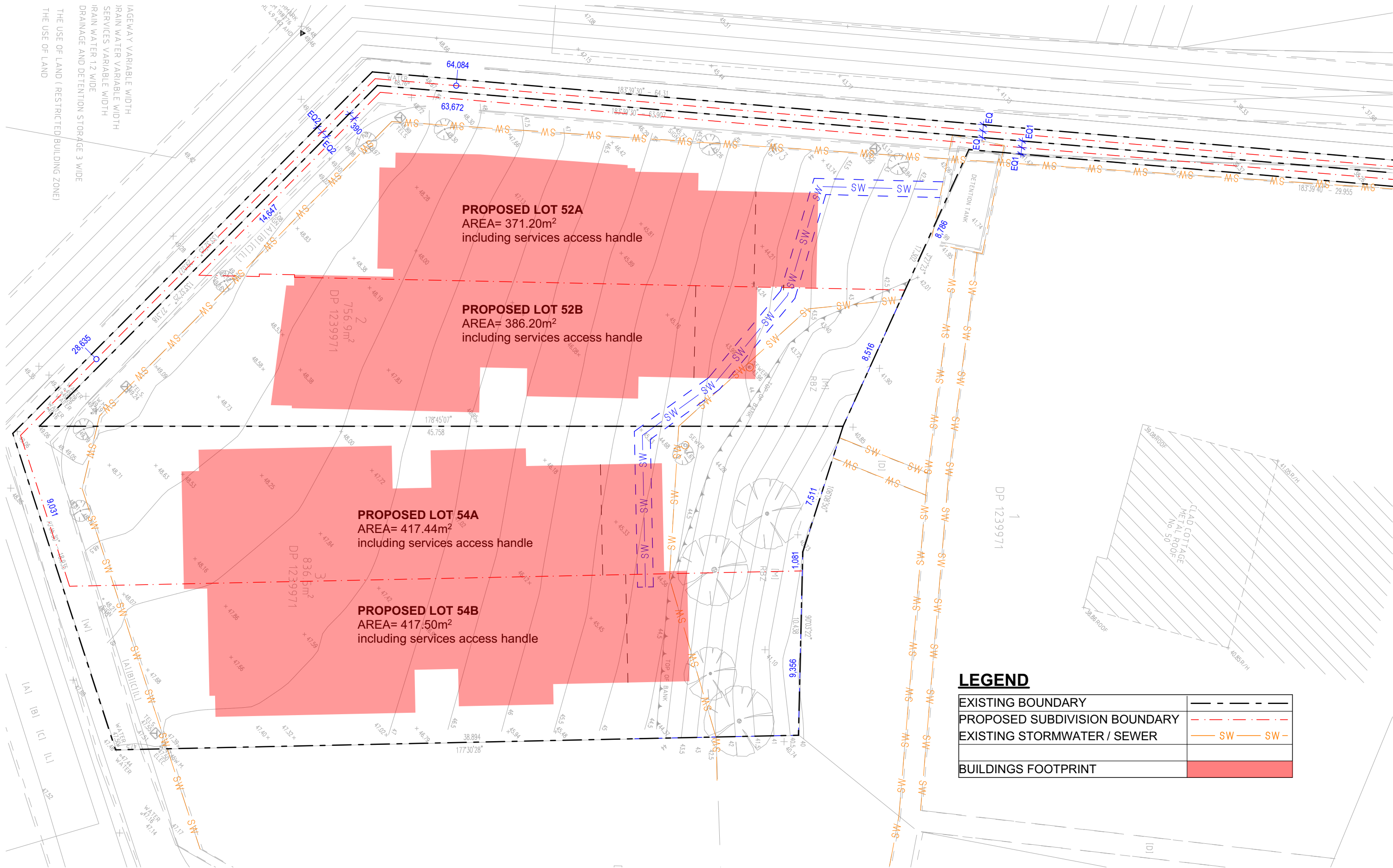
PAPER SIZE: A3
DRAWN BY: LSK, RL
CHECKED BY: MM

SCALE
1:200
0 1 2 3 4

DRAWING TITLE
54 HIGH ST - SITE AND CONTEXT ANALYSIS PLAN
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A01.1

REVISION
C



LEGEND

EXISTING BOUNDARY	---
PROPOSED SUBDIVISION BOUNDARY	- - -
EXISTING STORMWATER / SEWER	— SW — SW —
BUILDINGS FOOTPRINT	

TORRENS TITLE PLAN
1:200

NOT FOR CONSTRUCTION



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@maccormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION. THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT



PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

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

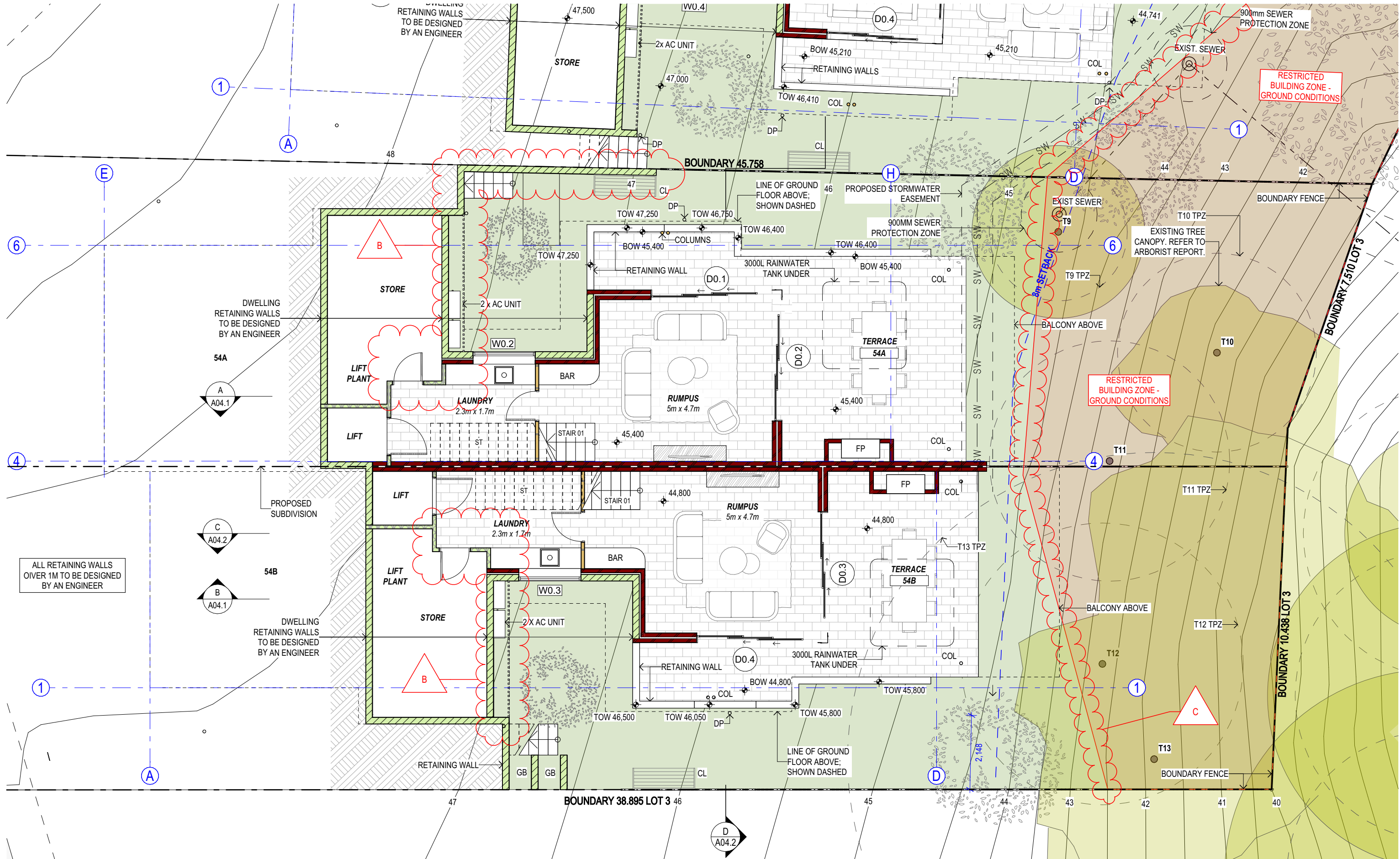
PAPER SIZE: A3
DRAWN BY: LSK, RL
CHECKED BY: MM

SCALE
1:200

DRAWING TITLE
52-54 HIGH ST - TORRENS TITLE
PLAN
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A01.2

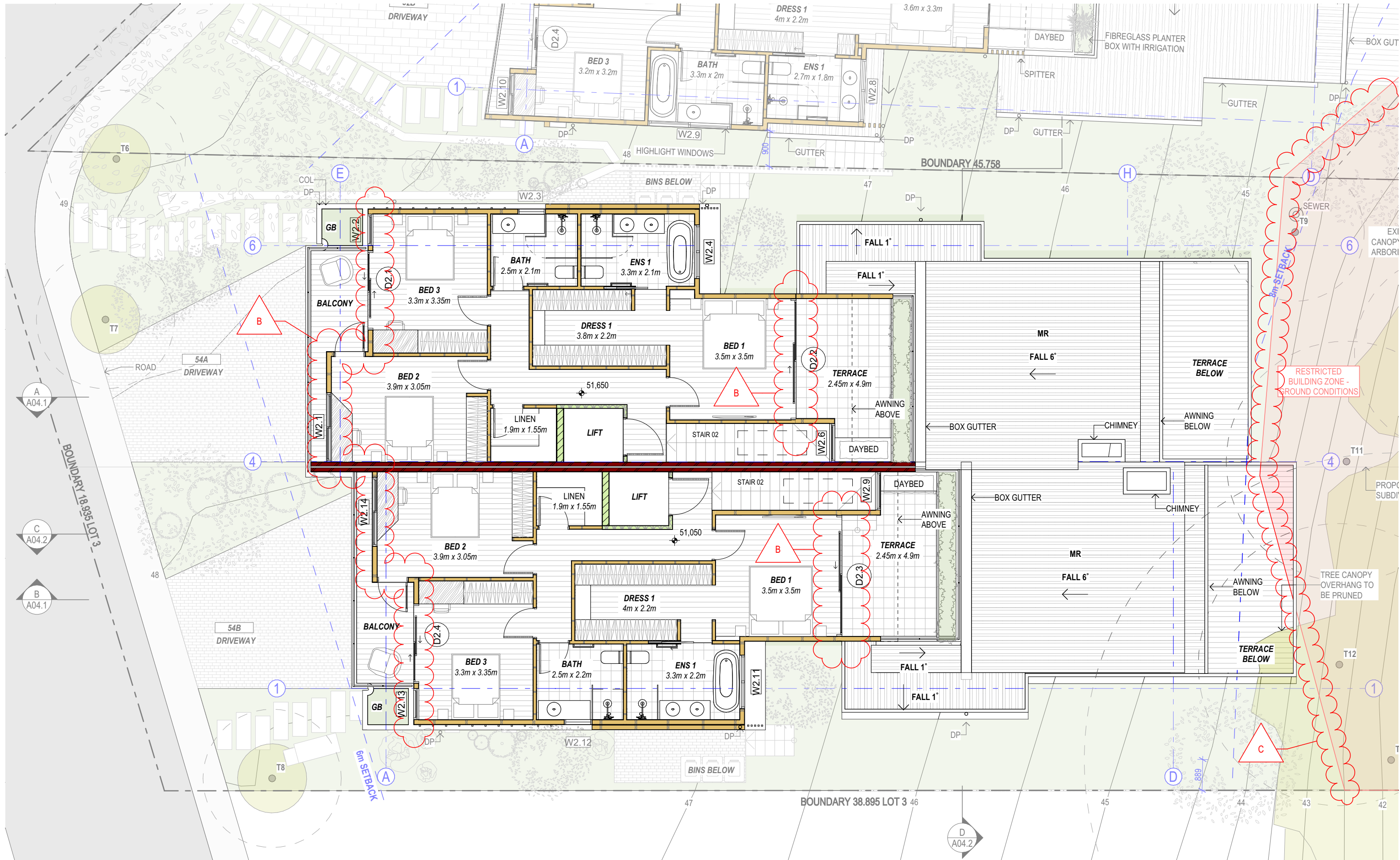
REVISION
A



1 LOWER GROUND FLOOR PLAN
1:100

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

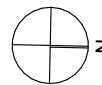


1 FIRST FLOOR PLAN
1:100

NOT FOR CONSTRUCTION



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@maccormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE
ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN
CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT
BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION.
THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT



PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

PROJECT NO	REVISION	DATE PRINTED: 25/01/2024
2120	A DA SUBMISSION	02/06/2023
	B COUNCIL RFI	22/11/2023
	C RBZ	25/01/2024

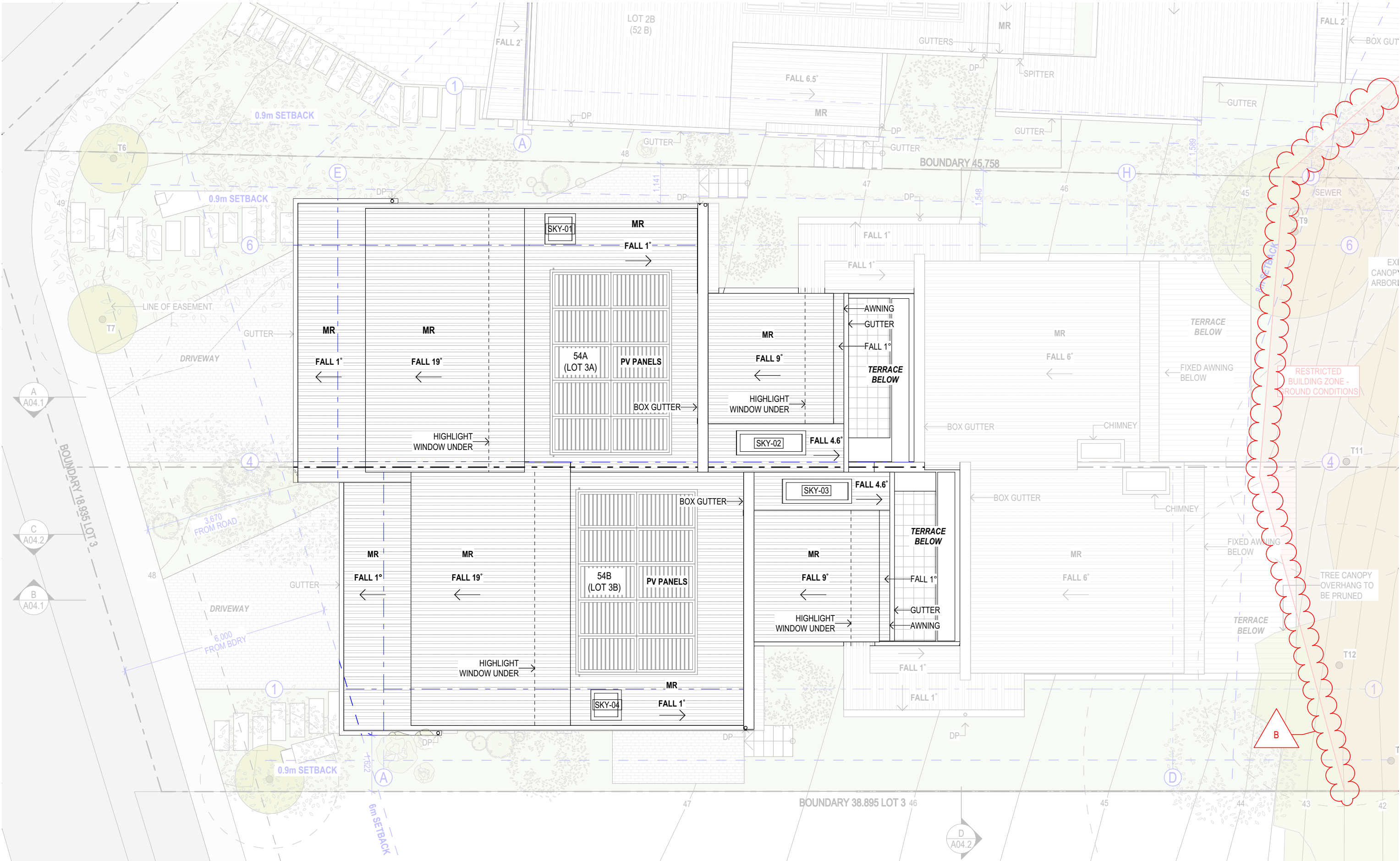
PAPER SIZE: A3
DRAWN BY: LSK, RL
CHECKED BY: MM

SCALE
1:100
0 1 2

DRAWING TITLE
54 HIGH ST - FIRST FLOOR PLAN
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A02.3

REVISION
C



1

ROOF PLAN
1:100



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@maccormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION. THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT



PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

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

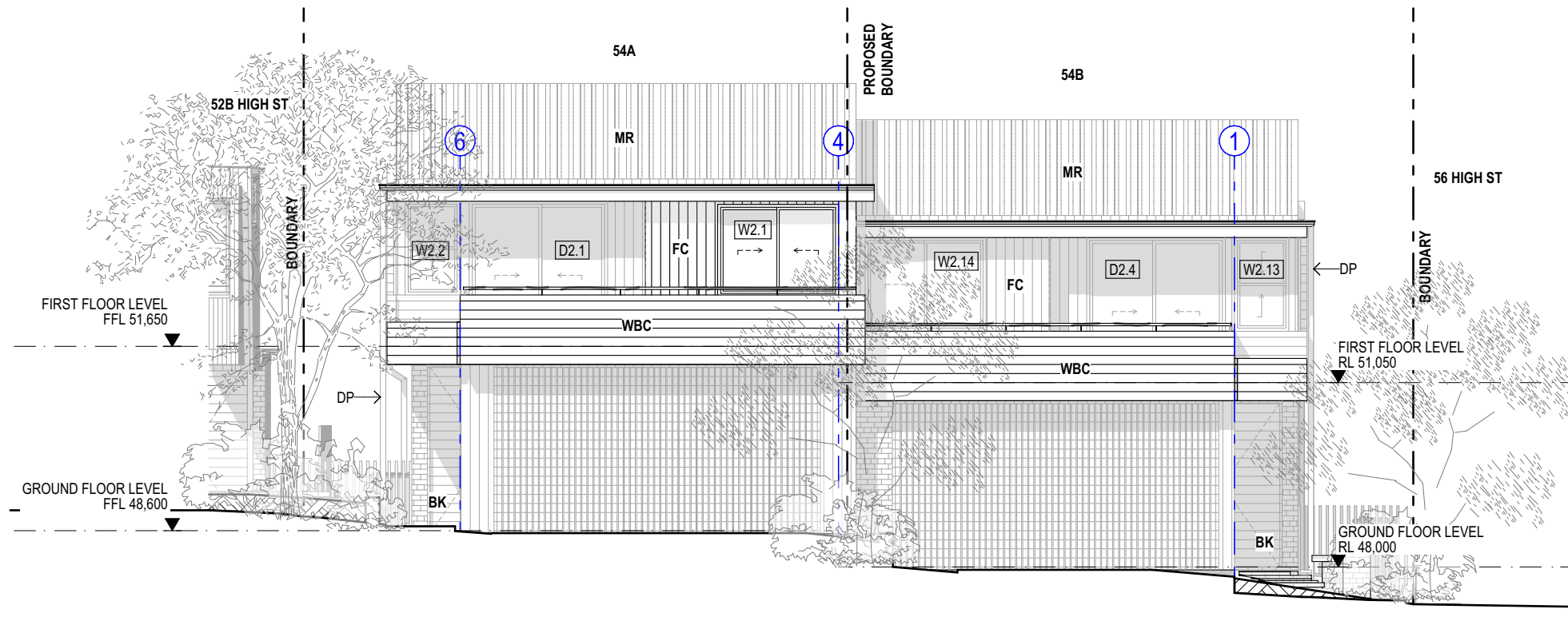
DATE PRINTED: 25/01/2024
PAPER SIZE: A3
DRAWN BY: LSK, RL
CHECKED BY: MM

SCALE
1:100
0 1 2

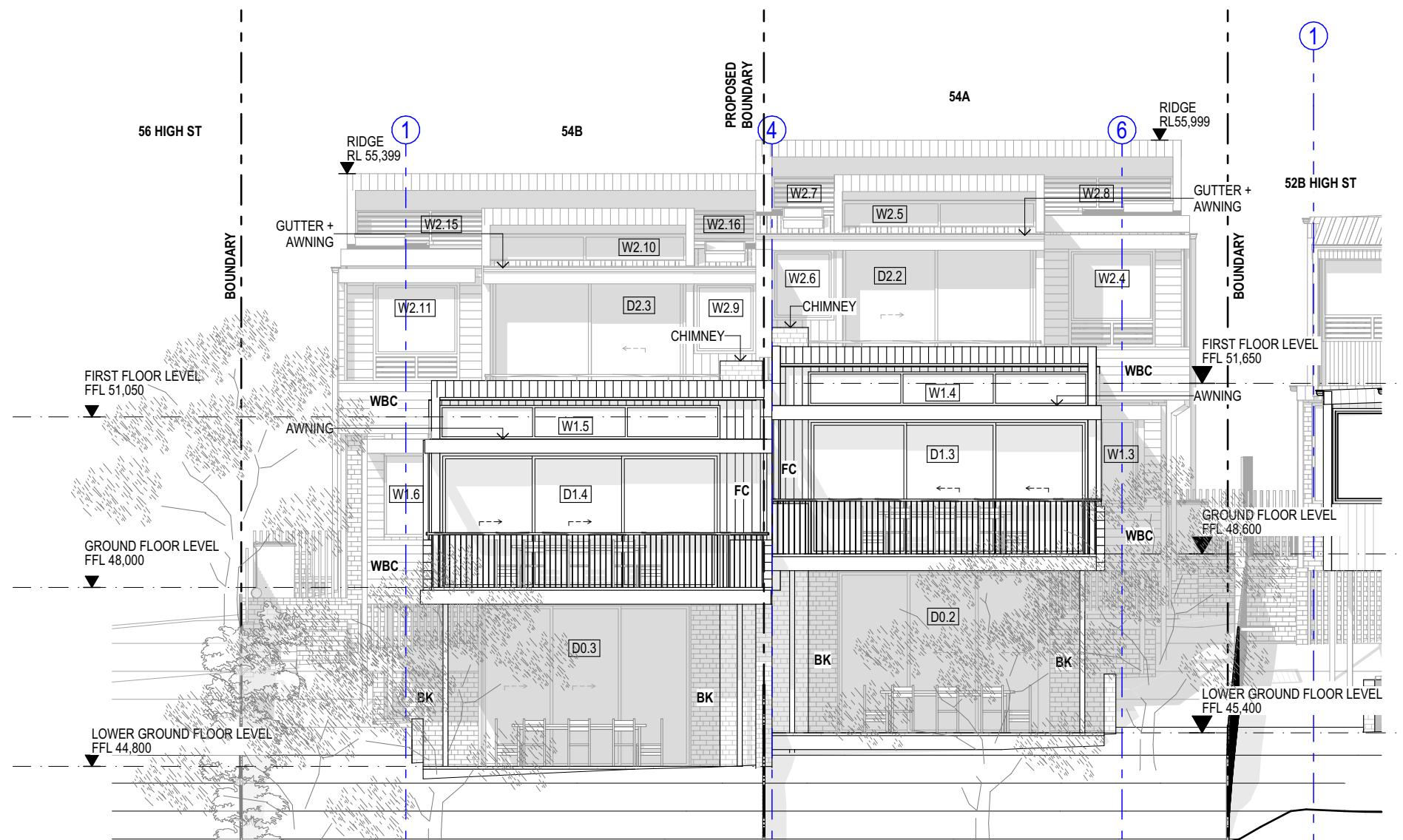
DRAWING TITLE
54 HIGH ST - ROOF PLAN
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A02.4
REVISION
B

NOT FOR CONSTRUCTION



1 SOUTH / STREET ELEVATION
1:100



2 NORTH / REAR ELEVATION
1:100

NOT FOR CONSTRUCTION



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@maccormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE
ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN
CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT
BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION.
THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT

PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

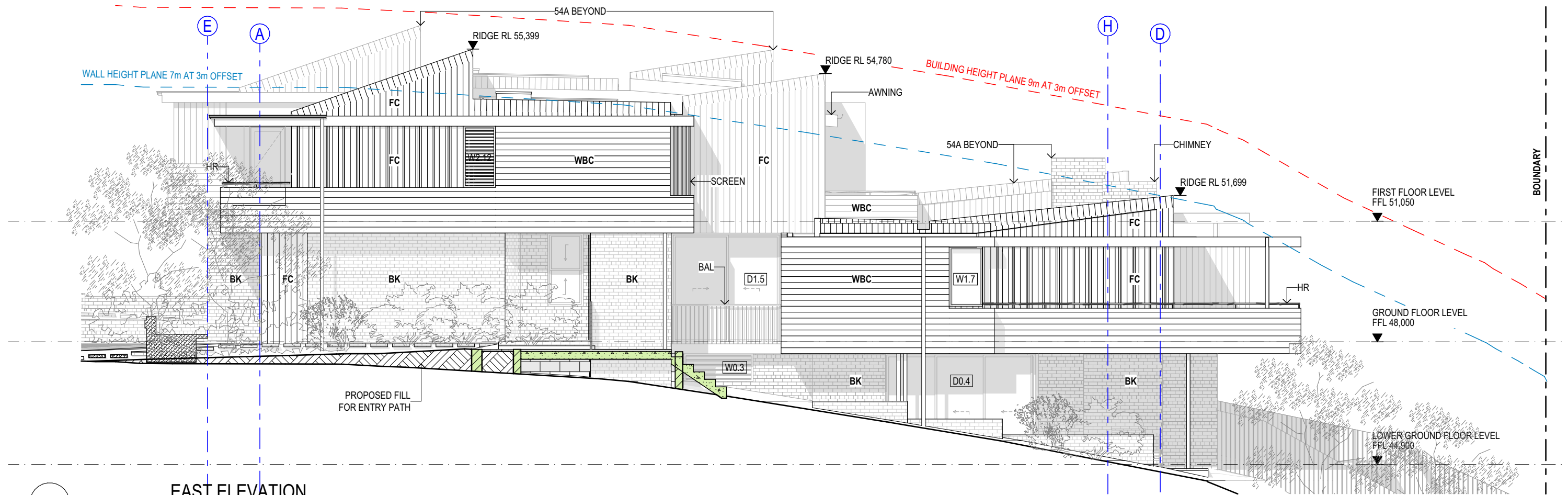
PROJECT NO	REVISION	DATE
2120	A DA SUBMISSION	02/06/2023

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

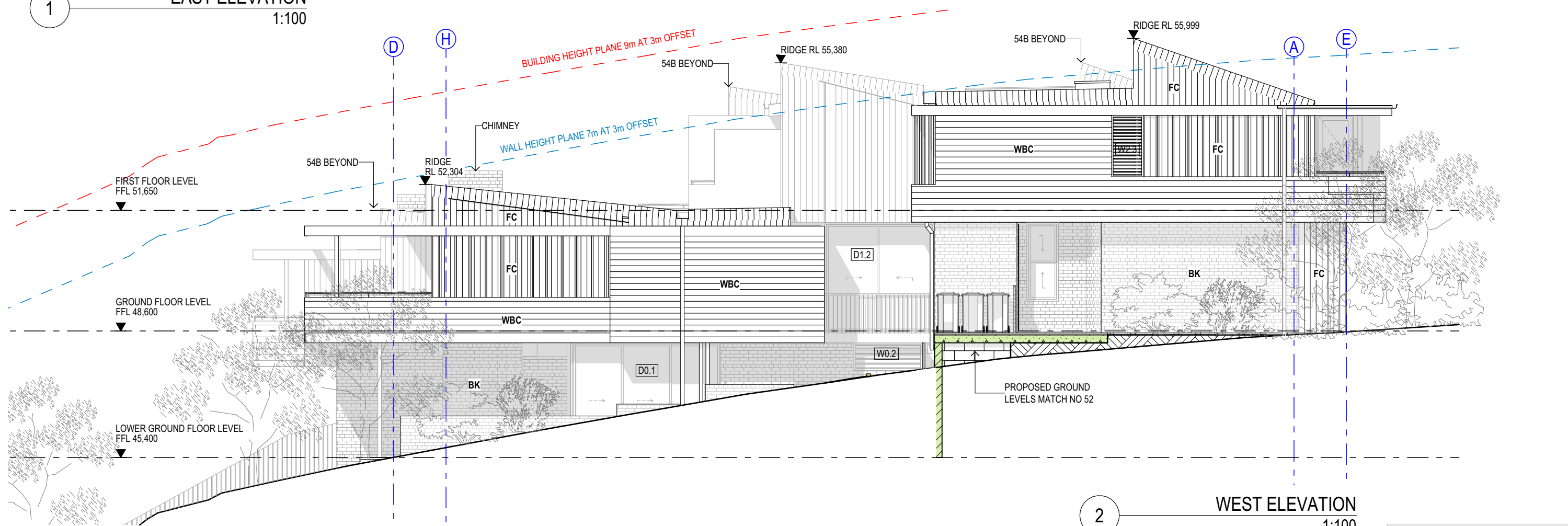
SCALE
1:100
0 1 2

DRAWING TITLE
**54 HIGH ST - SOUTH & NORTH
ELEVATIONS**
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A03.1
REVISION
A



1 EAST ELEVATION
1:100



2 WEST ELEVATION
1:100

NOT FOR CONSTRUCTION



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@maccormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION. THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT

PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

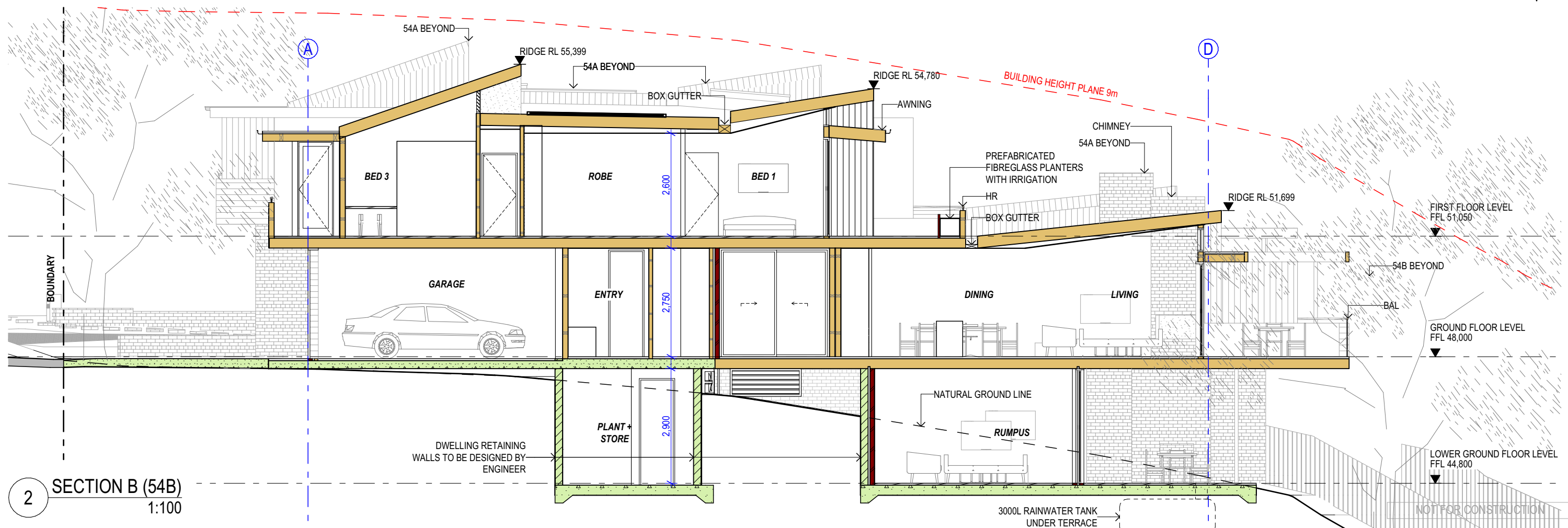
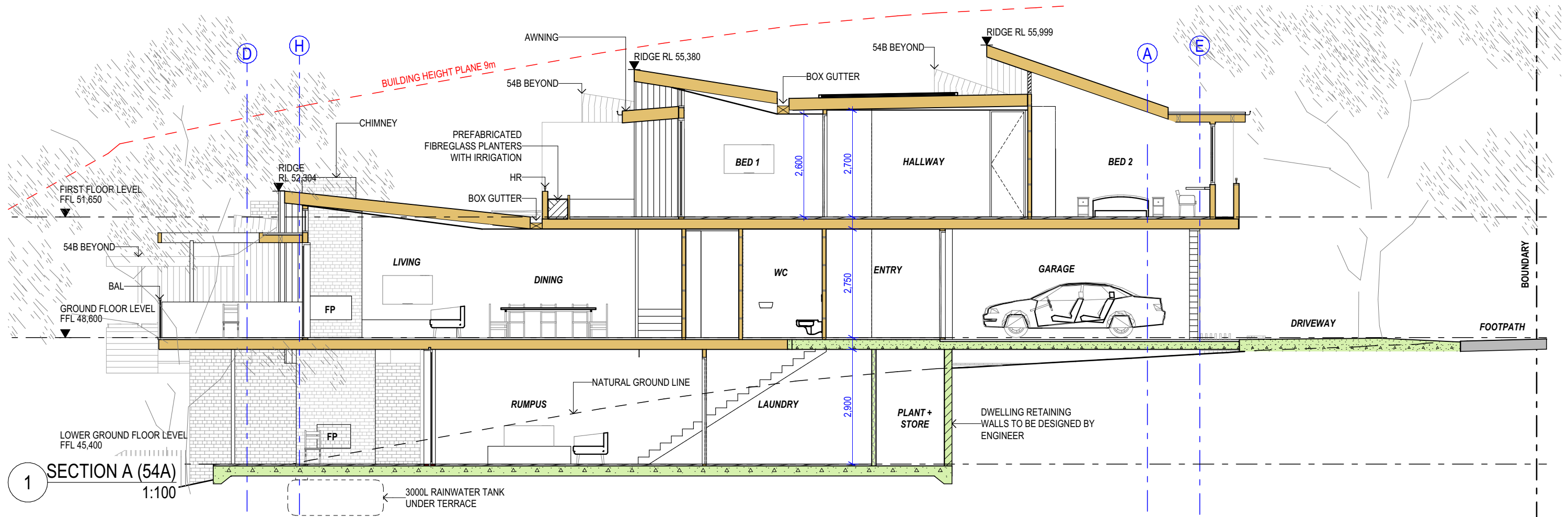
PROJECT NO	REVISION	DATE
2120	A DA SUBMISSION	02/06/2023

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

SCALE
1:100
0 1 2

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

DRAWING NO
A03.2
REVISION
A



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@macormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION. THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT

PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

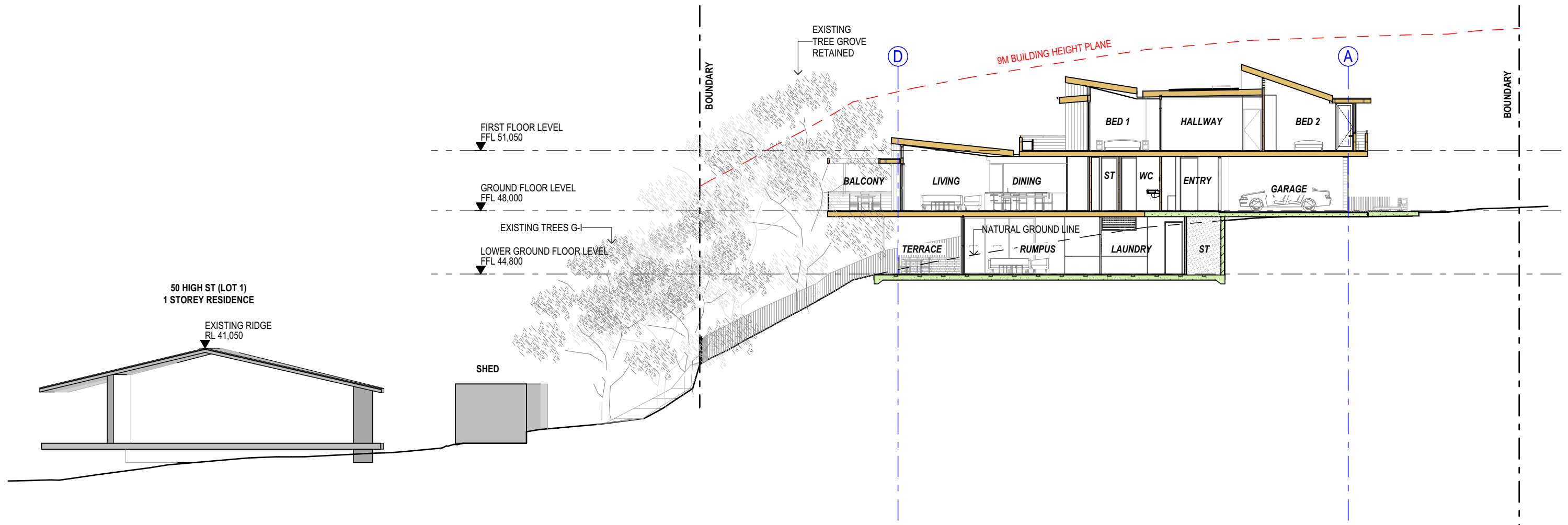
PROJECT NO	REVISION	DATE PRINTED: 4/12/2023
2120	A DA SUBMISSION	02/06/2023

PAPER SIZE: A3
DRAWN BY: LSK, RL
CHECKED BY: MM

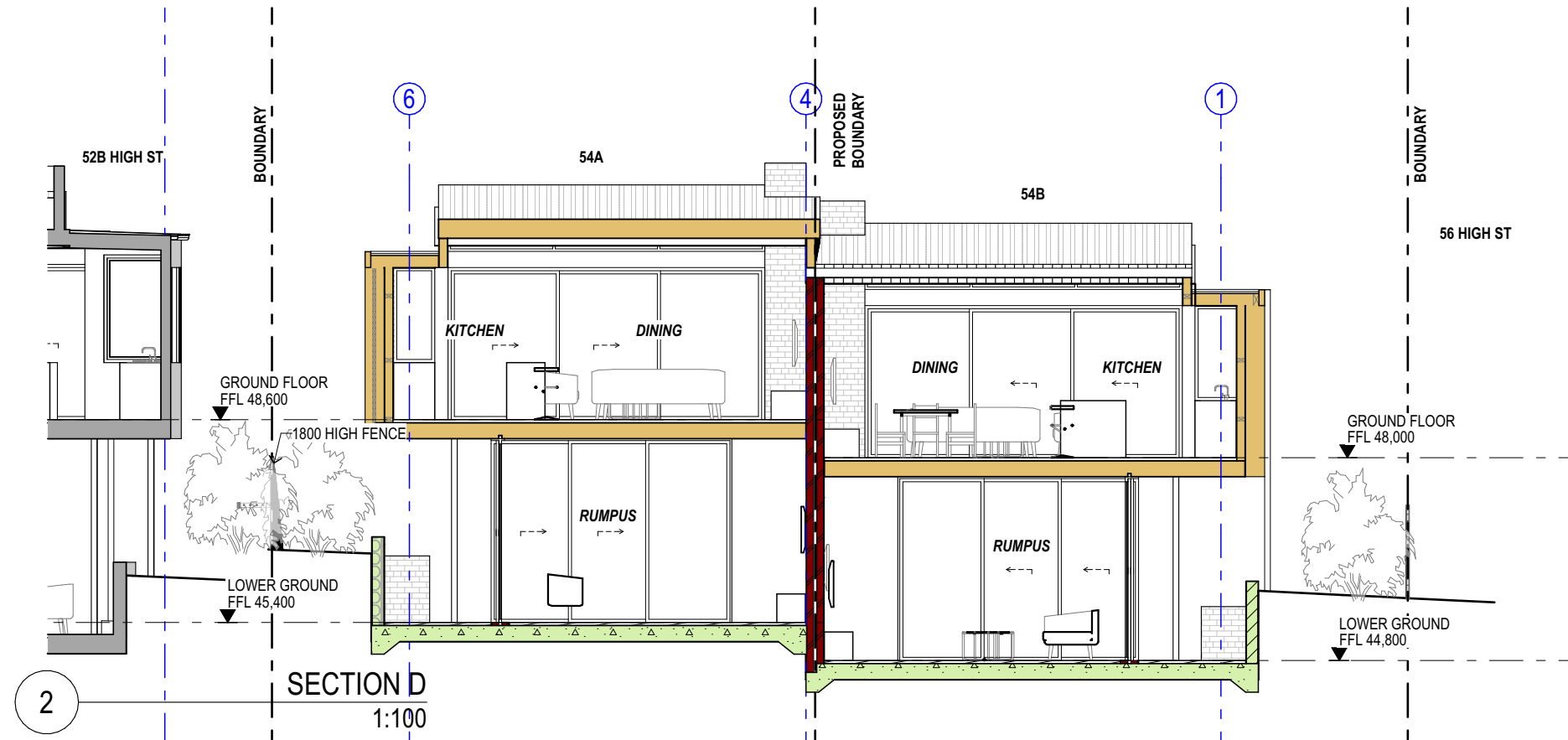
SCALE
1:100
0 1 2

DRAWING TITLE
54 HIGH ST - SECTIONS A & B
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A04.1
REVISION
A



1 SECTION C
1:200



2 SECTION D
1:100

NOT FOR CONSTRUCTION



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@maccormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE
ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN
CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT
BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION.
THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT

PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

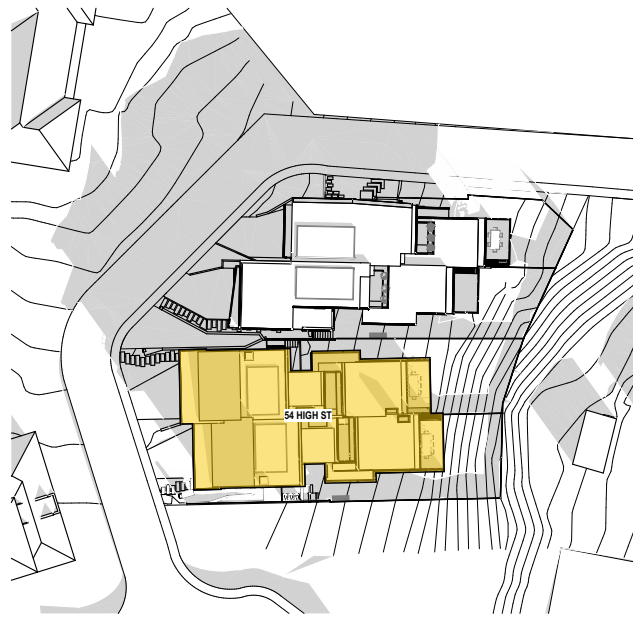
PROJECT NO	REVISION	DATE
2120	A DA SUBMISSION	02/06/2023

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

SCALE
1:200, 1:100
0 1 2

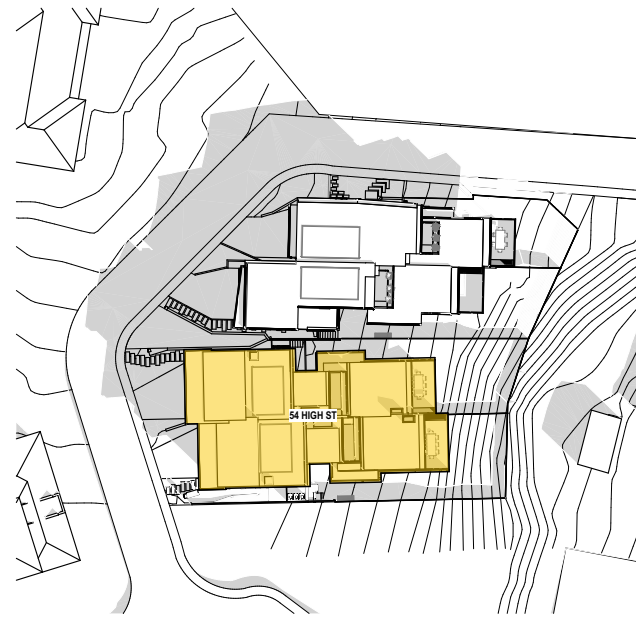
DRAWING TITLE
54 HIGH ST - SECTION C & D
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A04.2
REVISION
A



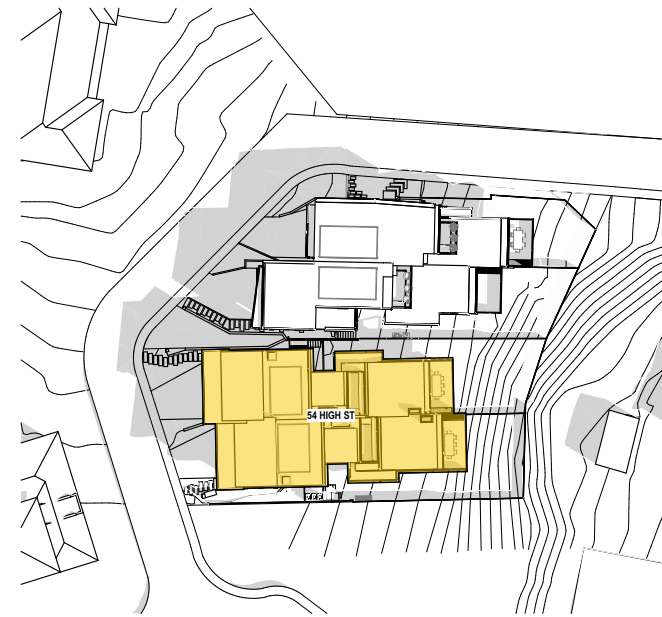
1

June 21 - 9am



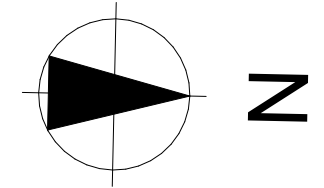
2

June 21 - 10am



3

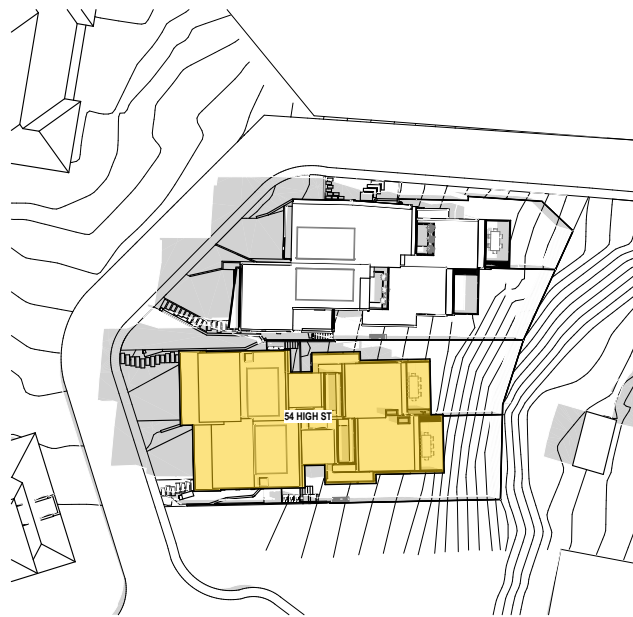
June 21 - 11am



LEGEND

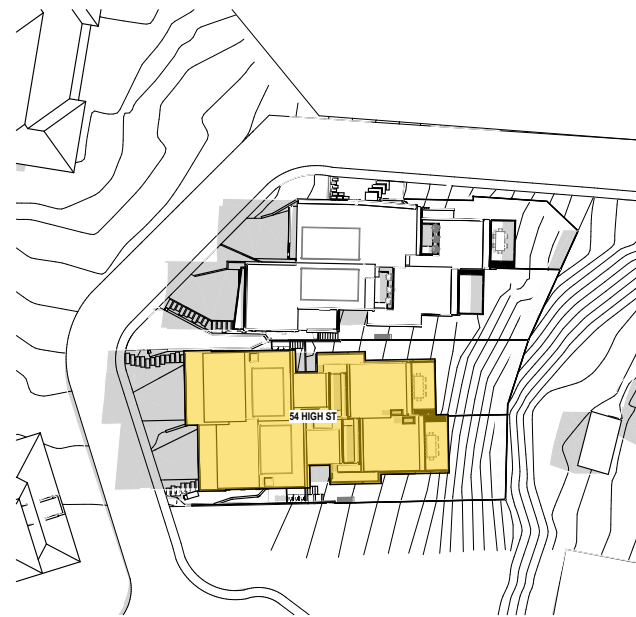
 NEW SHADOWS

 PROPOSED BUILDING



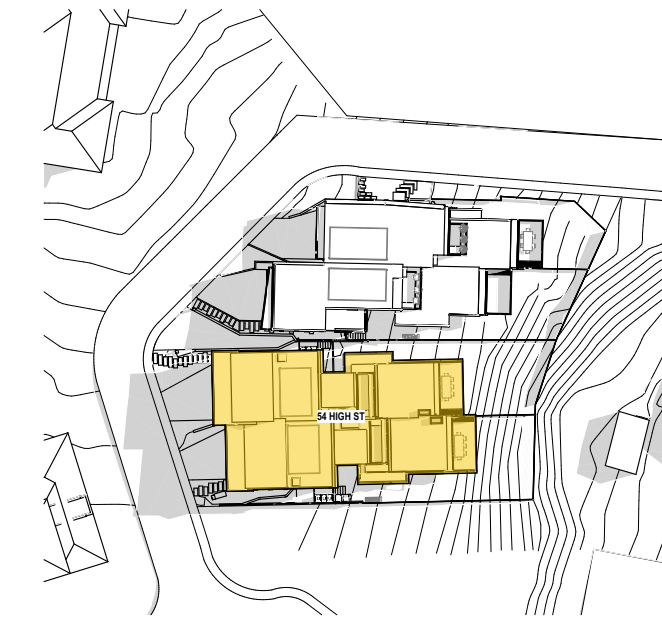
4

June 21 - 12pm



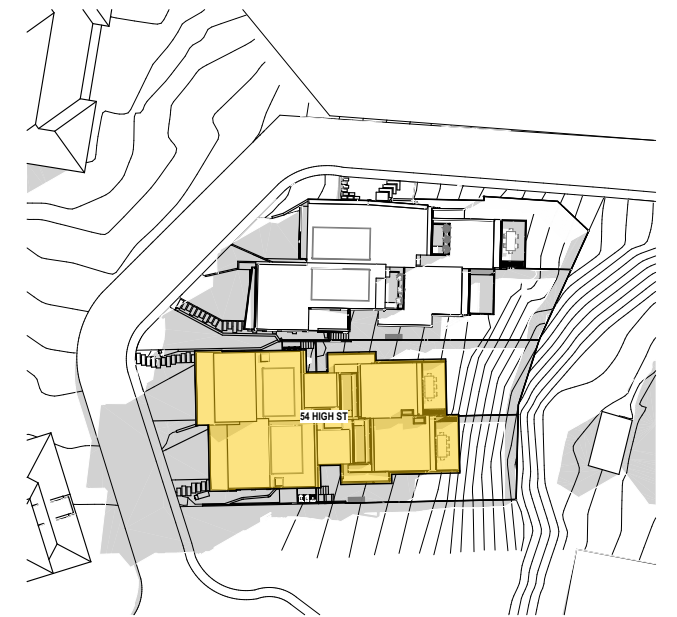
5

June 21 - 1pm



6

June 21 - 2pm

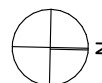


7

June 21 - 3pm



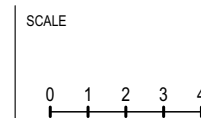
MACCORMICK + ASSOCIATES ARCHITECTS, 13 VICTORIA STREET QUEENS PARK NSW 2022
 T 9037 0437 E hello@maccormickarchitects.com.au ACN 147 572 807 ARCHITECT REG 6702
 THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE
 ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN
 CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT
 BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION.
 THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT



PROJECT
54 HIGH ST THIRROUL
 MACCORMICK & ASSOCIATES
 ARCHITECTS

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

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



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

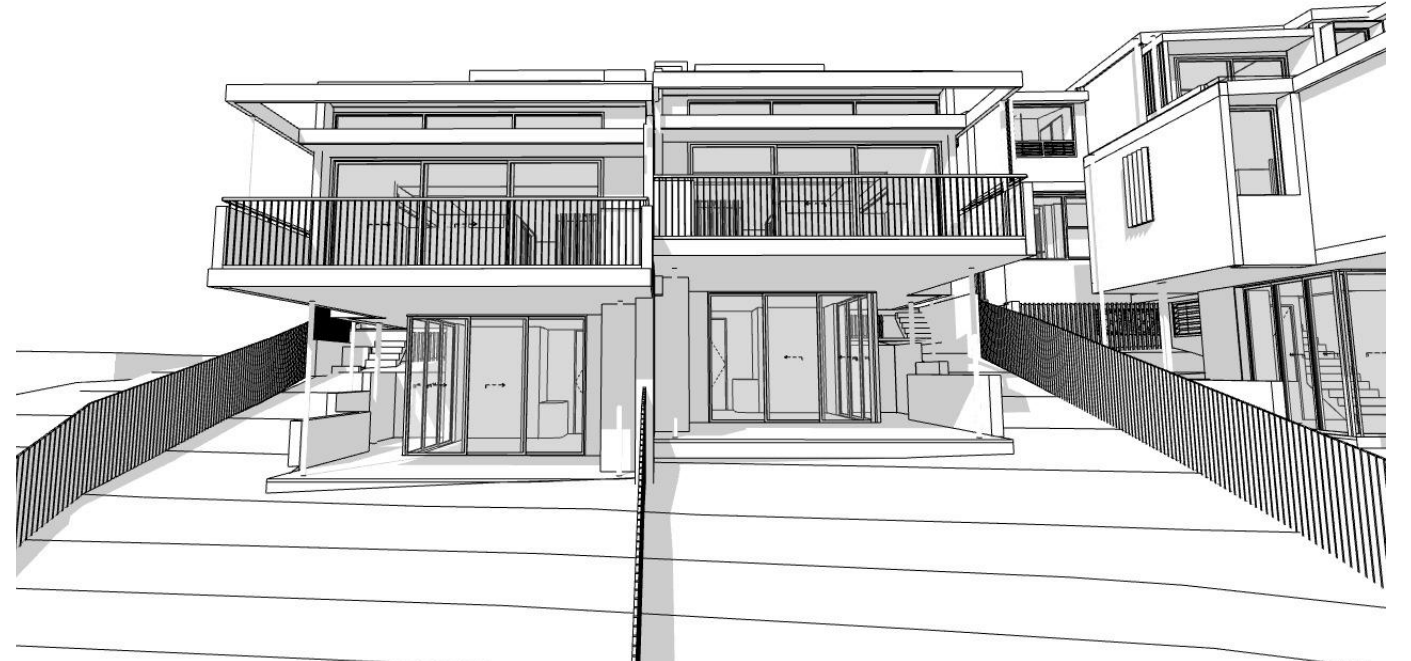
DRAWING NO
A09.1

REVISION
A

NOT FOR CONSTRUCTION



1 21 JUNE - 9AM



2 21 JUNE - 12PM

LEGEND

NEW SHADOWS



3 21 JUNE - 3PM

NOT FOR CONSTRUCTION

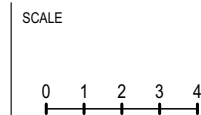


MACCORMICK + ASSOCIATES ARCHITECTS, 13 VICTORIA STREET QUEENS PARK NSW 2022
 T 9037 0437 E hello@maccormickarchitects.com.au ACN 147 572 807 ARCHITECT REG 6702
 THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE
 ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN
 CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT
 BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION.
 THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT

PROJECT
54 HIGH ST THIRROUL
 MACCORMICK & ASSOCIATES
 ARCHITECTS

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

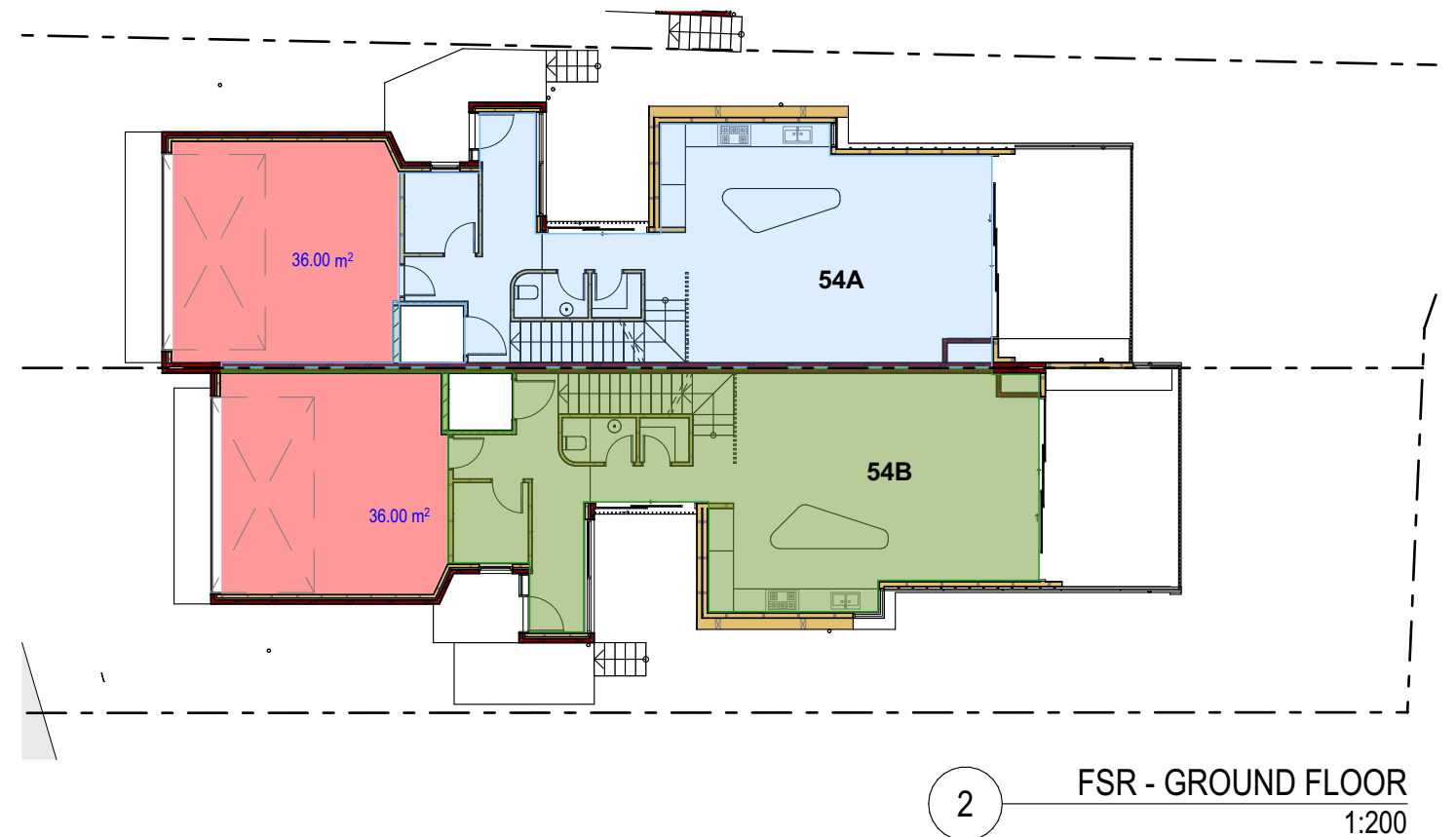
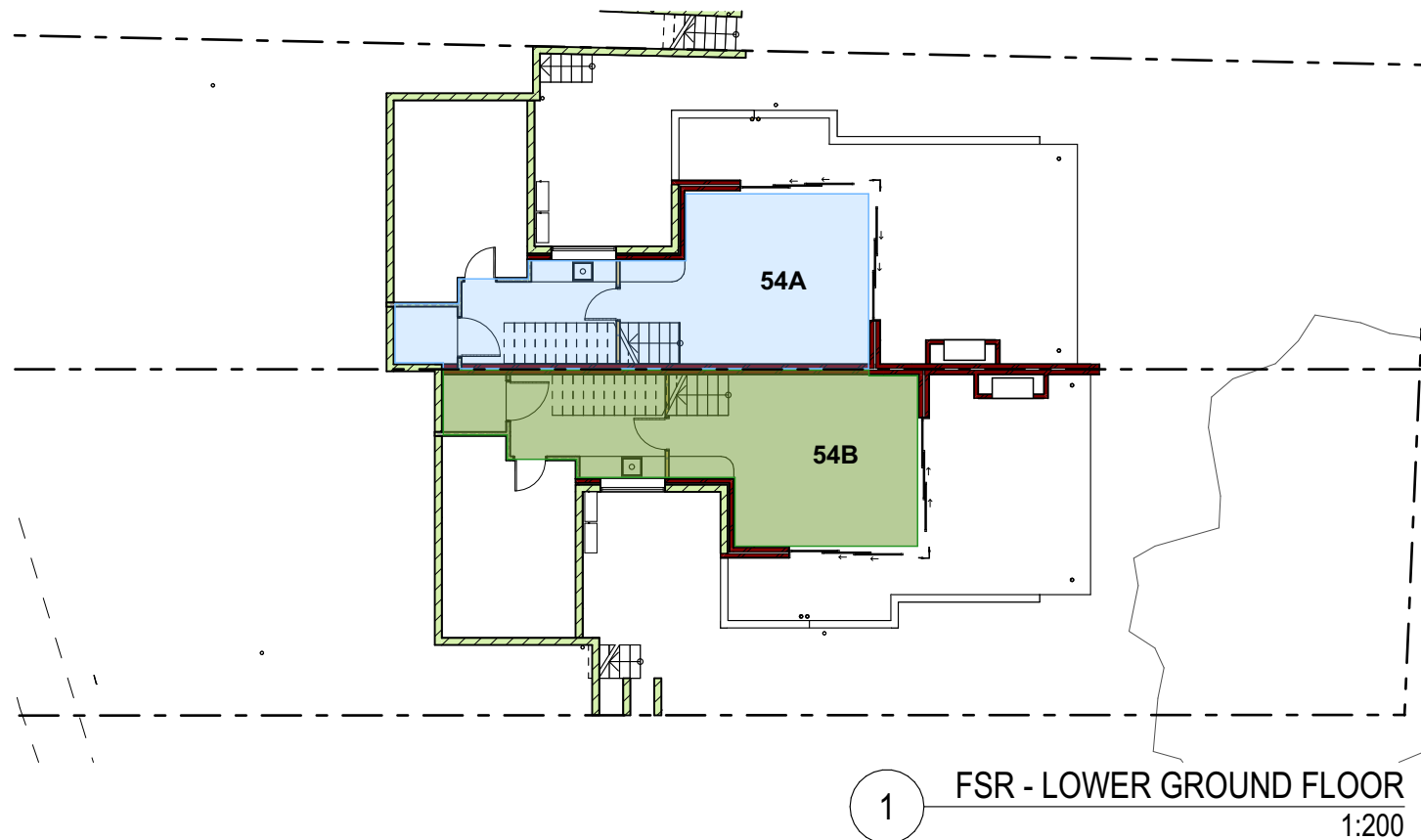
DATE PRINTED: 24/11/2023
 PAPER SIZE: A3
 DRAWN BY: LSK, RL
 CHECKED BY: MM



DRAWING TITLE
54 HIGH ST - 3D SHADOW DIAGRAM
RUMPUS - 21 JUNE
 DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A09.2

REVISION
A



FSR CALCULATION:

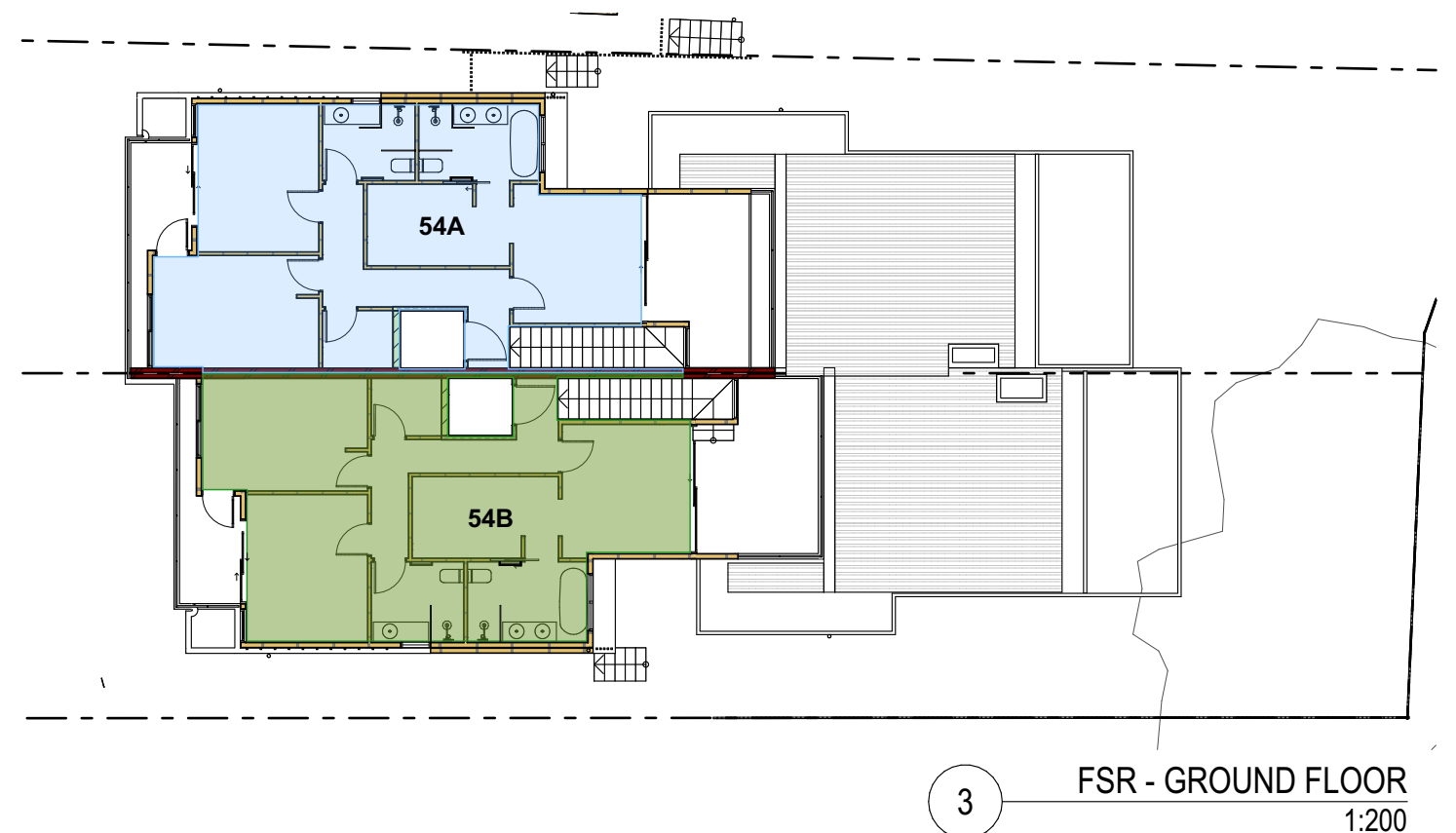
PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 54A	0.5:1	208.72m ²	208.28m ²	YES
Nº 54B	0.5:1	208.75m ²	208.14m ²	YES

SITE AREA:

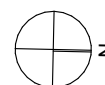
Nº 54A	417.44m ²
Nº 54B	417.50m ²

GFA - PROPOSED 54A		
LOT	STOREY	Measured Area
54A	LOWER GROUND FLOOR	43.16
54A	GROUND FLOOR	87.98
54A	FIRST FLOOR	77.14
		208.28 m²

GFA - PROPOSED 53B		
LOT	STOREY	Measured Area
54B	LOWER GROUND FLOOR	43.35
54B	GROUND FLOOR	87.59
54B	FIRST FLOOR	77.20
		208.14 m²



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@maccormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION. THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT



PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

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

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

SCALE
1:200
0 1 2 3 4

DRAWING TITLE
54 HIGH ST - FSR DIAGRAM
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A10.1
REVISION
B

NOT FOR CONSTRUCTION

DCP LANDSCAPE CONTROL:

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

SITE AREA:

Nº 54A	417.44m ²
Nº 54B	417.50m ²

LANDSCAPE AREA - 54A	
Number	Measured Area
01A	8.50
02A	9.49
03A	7.80
04A	77.76
	103.55 m²
LANDSCAPE AREA - 54B	
Number	Measured Area
01B	13.89
02B	10.42
03B	8.64
04B	82.71
	115.66 m²

LEGEND

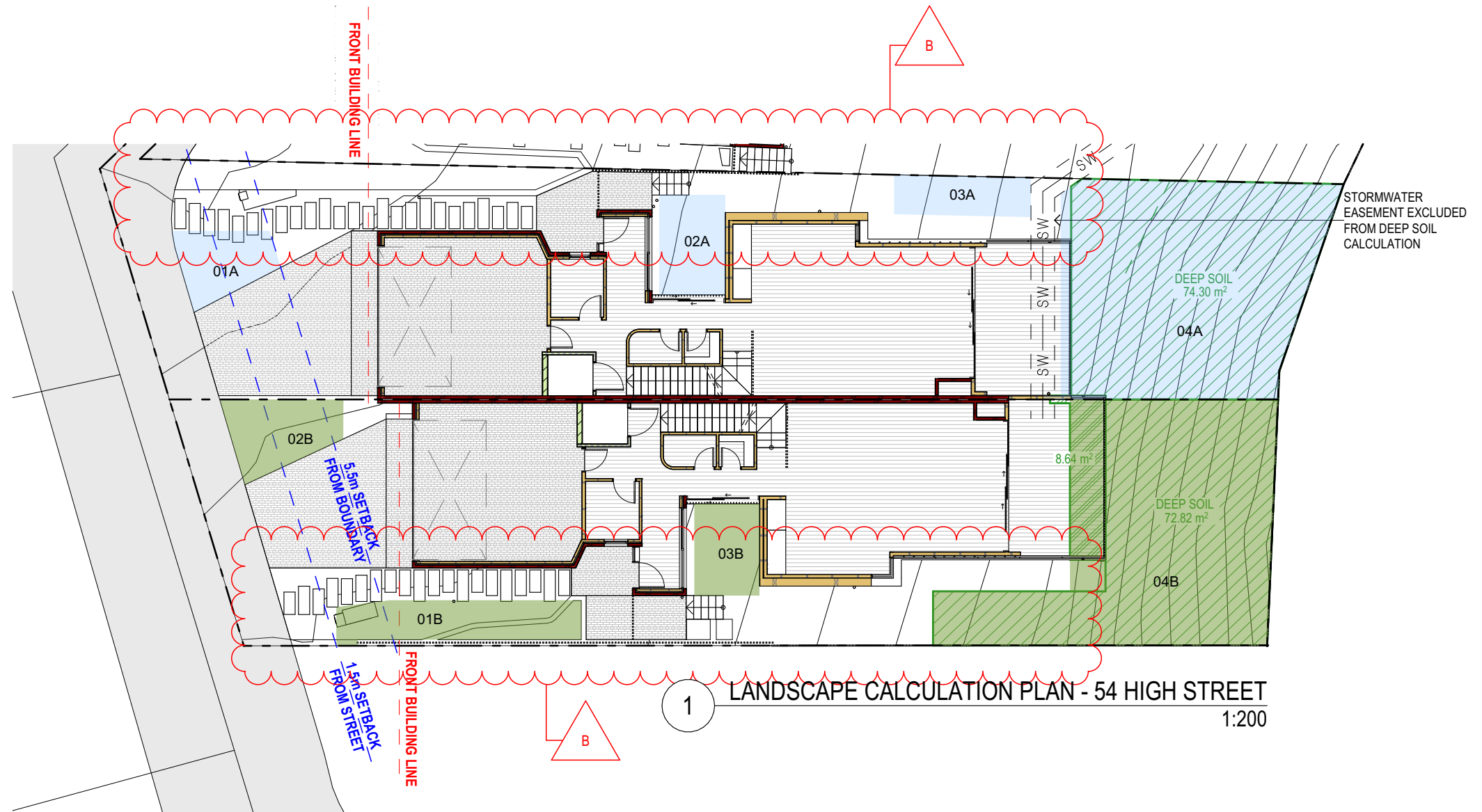
LANDSCAPE AREA		
LANDSCAPE AREA UNDER EAVES		
DEEP SOIL AREA		

LANDSCAPE CONTROL:

PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 54A	20%	83.48m ²	103.55m ²	YES
Nº 54B	20%	83.50m ²	115.66m ²	YES

DEEP SOIL CONTROL:

PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 54A	50% of L.scape	41.74m²	83.79m²	YES
Nº 54B	50% of L.scape	41.75m²	81.46m²	YES



LANDSCAPE CONTROL:

PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 54A	20%	83.48m ²	103.55m ²	YES
Nº 54B	20%	83.50m ²	115.66m ²	YES

DEEP SOIL CONTROL:

PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 54A	50% of L.scape	41.74m²	83.79m²	YES
Nº 54B	50% of L.scape	41.75m²	81.46m²	YES



MACCORMICK + ASSOCIATES ARCHITECTS, 13 VICTORIA STREET QUEENS PARK NSW 2022
T 9037 0437 E hello@maccormickarchitects.com.au **ACN 147 572 807** **ARCHITECT REG 6702**

THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION. THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT

PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

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

DATE PRINTED: 24/11/2023

PAPER SIZE: A3

DRAWN BY: LSK, RL

CHECKED BY: MM

SCALE

1:200



A horizontal line with three vertical tick marks. The first tick mark is labeled '0', the second is labeled '1', and the third is labeled '2'.

DRAWING TITLE
54 HIGH ST - LANDSCAPE
CALCULATION
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO

A10.2

B

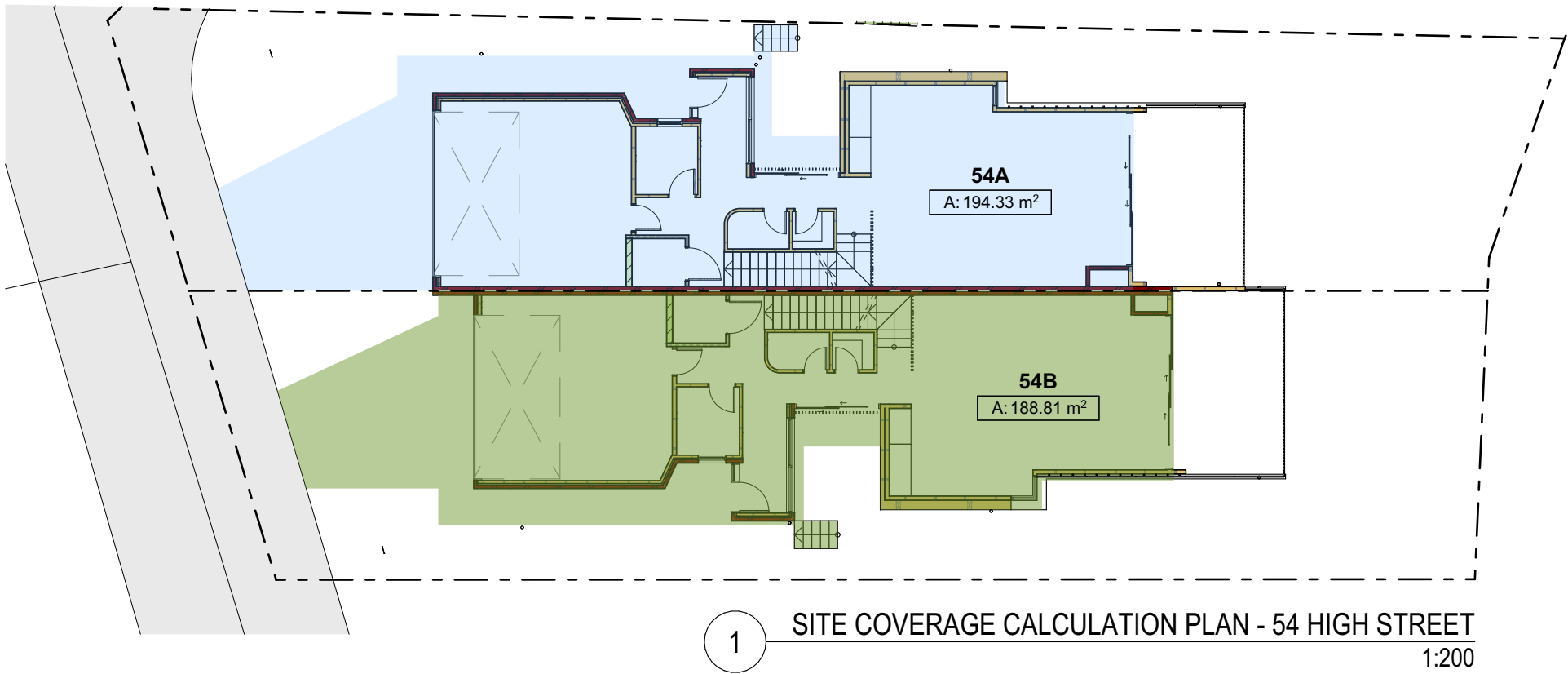
DCP SITE COVERAGE CONTROL:
- No more than 55% of site area

SITE AREA:

Nº 54A	417.44m ²
Nº 54B	417.50m ²

SITE COVERAGE CALCULATION:

PROPERTY	CONTROL	REQUIREMENT	PROPOSED	COMPLIANT
Nº 54A	55%	229.59m ²	194.33m ²	YES
Nº 54B	55%	229.63m ²	188.81m ²	YES



MACCORMICK + ASSOCIATES ARCHITECTS,
T 9037 0437 E hello@maccormickarchitects.com.au
13 VICTORIA STREET QUEENS PARK NSW 2022
ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE
ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN
CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT
BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION.
THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT



PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

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

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



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

DRAWING NO
A10.3

REVISION
A

NOT FOR CONSTRUCTION



1 STREET VIEW FROM SOUTH-EAST

2 STREET VIEW FROM SOUTH-WEST



3 EAST ELEVATION



MACCORMICK + ASSOCIATES ARCHITECTS, 13 VICTORIA STREET QUEENS PARK NSW 2022
T 9037 0437 E hello@maccormickarchitects.com.au ACN 147 572 807 ARCHITECT REG 6702
THE BUILDER SHALL CHECK & VERIFY ALL DIMENSIONS & VERIFY ALL ERRORS AND OMISSIONS TO THE
ARCHITECT. CONTRACTOR TO REPORT DISCREPANCIES IMMEDIATELY. THIS DRAWING IS TO BE USED IN
CONJUNCTION WITH ALL RELEVANT CONTRACTS. DO NOT SCALE OFF DRAWINGS. DRAWINGS SHALL NOT
BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED BY THE ARCHITECT FOR CONSTRUCTION.
THIS DRAWING IS COPYRIGHT AND MAY NOT BE USED WITHOUT WRITTEN CONSENT FROM THE ARCHITECT

PROJECT
54 HIGH ST THIRROUL
MACCORMICK & ASSOCIATES
ARCHITECTS

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

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

DRAWING TITLE
54 HIGH ST - 3D IMAGES
DRAWING STATUS
DEVELOPMENT APPLICATION

DRAWING NO
A11.2
REVISION
A

NOT FOR CONSTRUCTION

LOT 54 HIGH STREET, THIRROUL

PROPOSED DUAL OCCUPANCY

DA LANDSCAPE DOCUMENTATION



DRAWING REGISTER

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

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

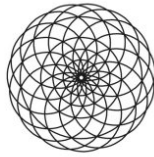
ALL DIMENSIONS ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES SHOULD BE REPORTED TO ARTSCIENCE LANDSCAPES BEFORE COMMENCEMENT. USE DIMENSIONS IN DRAWINGS WHERE APPLICABLE. DO NOT SCALE FROM DRAWINGS.

ALL STRUCTURAL ELEMENTS ARE TO BE BUILT TO ENGINEER OR ARCHITECTS SPECIFICATIONS

ALL WORK IS TO CONFORM WITH RELEVANT AUSTRALIAN STANDARDS AND CODES.

A DIAL BEFORE YOU DIG ENQUIRY IS TO BE MADE. SERVICES SHOULD BE LOCATED AND PROTECTED WHERE NECESSARY BEFORE COMMENCEMENT OF GROUND WORK



 **ARTSCIENCE**
LANDSCAPES

LANDSCAPE DESIGNER
EMAIL: ENQUIRIES@ARTSCIENCELANDSCAPES.COM.AU
PHONE NUMBER: +61 420 722 468
PO BOX: PO BOX 420, MOOREBANK NSW 1875

Project
PROPOSED DUAL OCCUPANCY

Client
MACCORMICK AND ASSOCIATES ARCHITECTS
52 HIGH STREET
THIRROUL NSW 2515

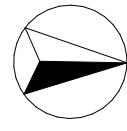
Drawing Title
COVER SHEET

Scale
@A2

Drawn
SB

Project Number
2023.027.01

Drawing Number
1/6



Revision
C

Nº 64 HIGH STREET
LOT 8 - DP1239971

Nº 62 HIGH STREET
LOT 7 - DP1239971

No 54 HIGH STREET
LOT 3 - DP1239971

LOT 3A
(54 A)

LOT 3B
(54 B)

PLANT SCHEDULE

ID	BOTANICAL NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT	SPACING
TREES						
BAM	BACKHOUSIA MYRTIFOLIA N	CINNAMON MYRTLE	1	45L	8M	-
ER	ELAEOCARPUS RETICULATUS N	BLUEBERRY ASH	1	45L	6M	-
SHRUBS						
BS	BANKSIA SPINULOSA N	HAIRPIN BANKSIA	4	200MM	1.5M	-
CA	CORREA ALBA N	WHITE CORREA	26	300MM	1.5M	1.2M
CMC	CRASSULA UNDULATIFOLIA 'MAX COOK'	'MAX COOK' JADE PLANT	2	200MM	0.7M	-
IA	INDIGOFERA AUSTRALIS N	AUSTRALIAN INDIGO	4	200MM	1.5M	1.5M
KA	KUNZEA AMBIGUA N	TICK BUSH	6	200MM	4.0M	1.5M
PX	PHILODENDRON 'KANADU'	'KANADU' PHILODENDRON	3	200MM	0.8M	0.7M
SSN	SYZIGIUM AUSTRALE 'STRAIGHT AND NARROW' N	'STRAIGHT AND NARROW' LILLY PILLY	46	300MM	6.0M	1.2M
WGB	WESTRINGIA 'GREY BOX' N	'GREY BOX' COASTAL ROSEMARY	30	200MM	0.5M	0.5M
GRASSES/ STRAPPY PLANTS						
DCB	DIANELLA CAERULEA 'BREEZE' N	'BREEZE' FLAX LILY	53	150MM	0.4M	0.5M
DE	DORYANTHES EXCELSA N	GYMEA LILY	10	200MM	1.5M	-
DEA	DIANELLA TASMANICA 'EMERALD ARCH' N	EMERALD ARCH' FLAX LILY	51	150MM	0.5M	0.5M
LL	LOMANDRA LONGIFOLIA N	SPINY HEADED MAT RUSH	16	150MM	1.2M	1.0M
LLT	LOMANDRA LONGIFOLIA 'TANIKIA' N	'TANIKIA' SPINY HEADED MAT RUSH	18	150MM	0.9M	0.9M
PPK	POA POIFORMIS 'KINGSDALE' N	'KINGSDALE' TUSsock GRASS	8	150MM	0.4M	0.4M
ST	SANSEVIERIA TRIFASCIATA N	SNAKE PLANT	6	200MM	0.6M	0.3M
TB	TODEA BARBARA N	KING FERN	6	200MM	1.5M	1.2M
GROUND COVER/ CLIMBERS						
DA	DOODIA ASPERA N	PRICKLY RASP FERN	15	150MM	0.5	0.5M
DRE	DICHONDRA REPENS N L	KIDNEY WEED	113	100MM	0.1	0.3M
RB	RHIPSALIS BACCIFERA	MISTLETOE CACTUS	6	150MM	0.2M	-
VH	VIOLA HEDERACEA N	NATIVE VIOLET	10	150MM	0.1M	0.4M

"N" INDICATES NATIVE SPECIES

ALL DIMENSIONS ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES SHOULD BE REPORTED TO ARTSCIENCE LANDSCAPES BEFORE COMMENCEMENT. USE DIMENSIONS IN DRAWINGS WHERE APPLICABLE. DO NOT SCALE FROM DRAWINGS.

ALL STRUCTURAL ELEMENTS ARE TO BE BUILD TO ENGINEER OR ARCHITECTS SPECIFICATIONS

ALL WORK IS TO CONFORM WITH RELEVANT AUSTRALIAN STANDARDS AND CODES.

A DIAL BEFORE YOU DIG ENQUIRY IS TO BE MADE. SERVICES SHOULD BE LOCATED AND PROTECTED WHERE NECESSARY BEFORE COMMENCEMENT OF GROUND WORK



LANDSCAPE LEGEND

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

LINE LEGEND

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

REFER TO ENGINEERS DRAWINGS FOR STRUCTURAL AND DRAINAGE DETAILS AND SPECS

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

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

1 FIRST FLOOR BALCONY PLANTER 1:100

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

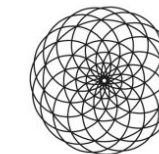
CHANGES BASED ON ARCHITECTS MARKUPS AND UPDATED ARCHITECTURAL PLANS FOR DEVELOPMENT APPLICATION

Rev Description Date App'd

22/11/2023 SB

24/05/2023 SB

11/05/2023 SB



ARTSCIENCE
LANDSCAPES

LANDSCAPE DESIGNER
EMAIL: ENQUIRIES@ARTSCIENCELANDSCAPES.COM.AU
PHONE NUMBER: +61 420 722 468
PO BOX: PO BOX 420, MOOREBANK NSW 1875

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

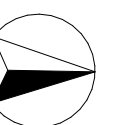
Drawing Title
LANDSCAPE PLAN - LOT 3 - UPPER GROUND

Scale
1:100@A2

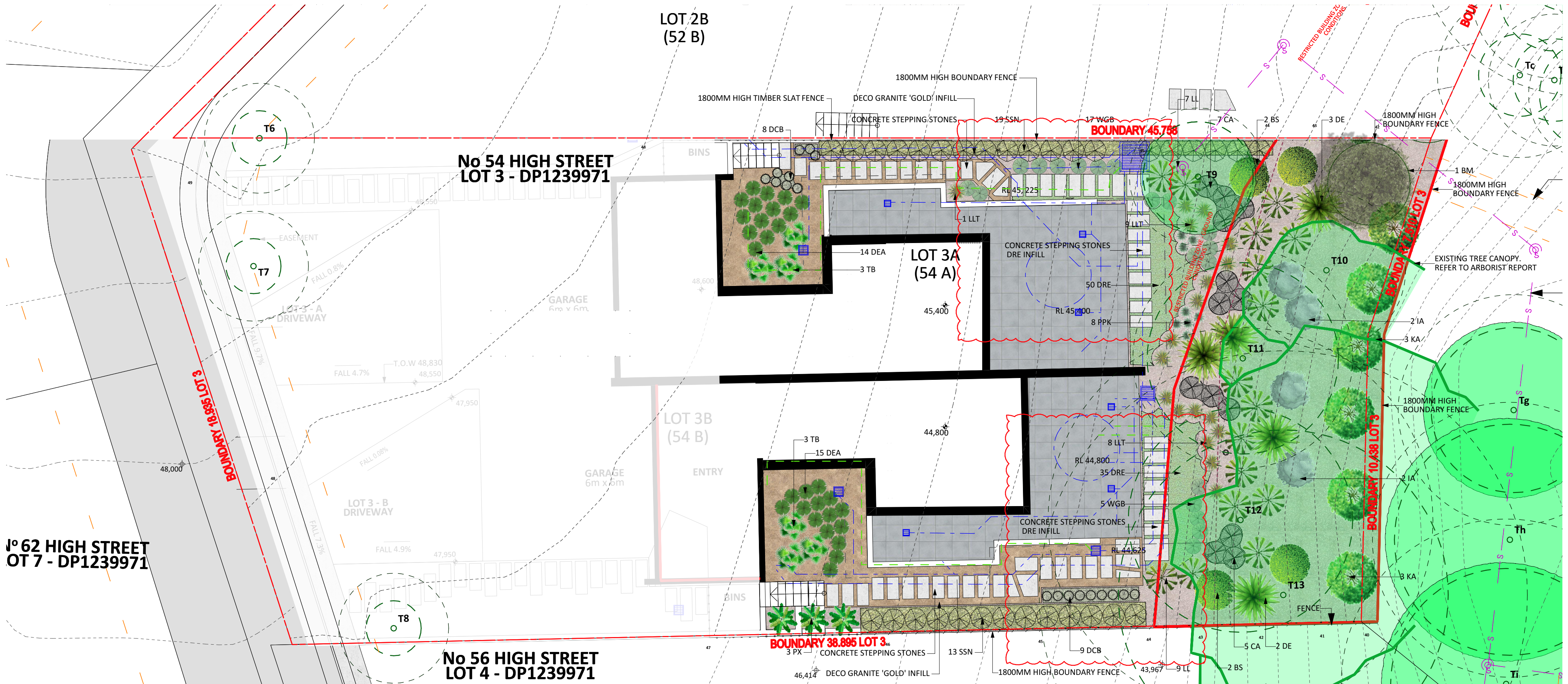
Project Number
2023.027.01

Drawn
SB

Drawing Number
2/6



Revision
C



PLANT SCHEDULE

ID	BOTANICAL NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT	SPACING
TREES						
BAM	BACHOUSIA MYRTIFOLIA N	CINNAMON MYRTLE	1	45L	8M	-
ER	ELAEOCARPUS RETICULATUS N	BLUEBERRY ASH	1	45L	6M	-
SHRUBS						
BS	BANKSIA SPINULOSA N	HAIRPIN BANKSIA	4	200MM	1.5M	-
CA	CORREA ALBA N	WHITE CORREA	26	300MM	1.5M	1.2M
CMC	CRASSULA UNDULATIFOLIA 'MAX COOK'	'MAX COOK' JADE PLANT	2	200MM	0.7M	-
IA	INDIGOFERA AUSTRALIS N	AUSTRALIAN INDIGO	4	200MM	1.5M	1.5M
KA	KUNZEA AMBIGUA N	TICK BUSH	6	200MM	4.0M	1.5M
PX	PHILODENDRON 'KANADU'	'KANADU' PHILODENDRON	3	200MM	0.8M	0.7M
SSN	SYZIGIUM AUSTRALE 'STRAIGHT AND NARROW' N	'STRAIGHT AND NARROW' LILLY PILLY	46	300MM	6.0M	1.2M
WGB	WESTRINGIA 'GREY BOX' N	'GREY BOX' COASTAL ROSEMARY	30	200MM	0.5M	0.5M
GRASSES/ STRAPPY PLANTS						
DCB	DIANELLA CAERULEA 'BREEZE' N	'BREEZE' FLAX LILY	53	150MM	0.4M	0.5M
DE	DORYANTHES EXCELSA N	GYMEA LILY	10	200MM	1.5M	-
DEA	DIANELLA TASMANICA 'EMERALD ARCH' N	EMERALD ARCH' FLAX LILY	51	150MM	0.5M	0.5M
LL	LOMANDRA LONGIFOLIA N	SPINY HEADED MAT RUSH	16	150MM	1.2M	1.0M
LLT	LOMANDRA LONGIFOLIA 'TANIKAI' N	'TANIKAI' SPINY HEADED MAT RUSH	18	150MM	0.9M	0.9M
PPK	POA POIFORMIS 'KINGSDALE' N	'KINGSDALE' TUSsock GRASS	8	150MM	0.4M	0.4M
ST	SANSEVIERIA TRIFASCIATA N	SNAKE PLANT	6	200MM	0.6M	0.3M
TB	TODEA BARBARA N	KING FERN	6	200MM	1.5M	1.2M
GROUND COVER/ CLIMBERS						
DA	DOODIA ASPERA N	PRICKLY RASP FERN	15	150MM	0.5	0.5M
DRE	DICHOONDRA REPENS N L	KIDNEY WEED	113	100MM	0.1	0.3M
RB	RHIPSALIS BACCIFERA	MISTLETOE CACTUS	6	150MM	0.2M	-
VH	VIOLA HEDERACEA N	NATIVE VIOLET	10	150MM	0.1M	0.4M

"N" INDICATES NATIVE SPECIES

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

CHANGES BASED ON ARCHITECTS MARKUPS AND UPDATED ARCHITECTURAL PLANS

FOR DEVELOPMENT APPLICATION

Rev Description Date App'd

12/11/2023 SB

24/05/2023 SB

11/05/2023 SB

LANDSCAPE LEGEND

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

LINE LEGEND

- 1200MM HARDWOOD PALISADE FENCE
- 1800MM TIMBER BATTEN FENCE
- BOUNDARY
- BOUNDARY FENCE
- 200MM RETAINING WALL
- PROPOSED TREES
- SEWER
- STORMWATER
- EASEMENT

- ROOF
- LOCALISED FILL LINE
- DEEP SOIL ZONE
- CONTOURS
- TPZ
- EXISTING ELEMENTS
- RESTRICTED BUILDING ZONE
- SUB SURFACE AG DRAIN
- EXISTING TREE CANOPY

REFER TO ENGINEERS DRAWINGS FOR STRUCTURAL AND DRAINAGE DETAILS AND SPECS

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

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

ALL DIMENSIONS ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES SHOULD BE REPORTED TO ARTSCIENCE LANDSCAPES BEFORE COMMENCEMENT. USE DIMENSIONS IN DRAWINGS WHERE APPLICABLE. DO NOT SCALE FROM DRAWINGS.

ALL STRUCTURAL ELEMENTS ARE TO BE BUILD TO ENGINEER OR ARCHITECTS SPECIFICATIONS

ALL WORK IS TO CONFORM WITH RELEVANT AUSTRALIAN STANDARDS AND CODES.

A DIAL BEFORE YOU DIG ENQUIRY IS TO BE MADE. SERVICES SHOULD BE LOCATED AND PROTECTED WHERE NECESSARY BEFORE COMMENCEMENT OF GROUND WORK



ARTSCIENCE LANDSCAPES

LANDSCAPE DESIGNER

EMAIL: ENQUIRIES@ARTSCIENCELANDSCAPES.COM.AU

PHONE NUMBER: +61 420 722 468

PO BOX: PO BOX 420, MOOREBANK NSW 1875

Project

PROPOSED DUAL OCCUPANCY

Client

MACCORMICK AND ASSOCIATES ARCHITECTS

52 HIGH STREET THIRROUL NSW 2515

Drawing Title

LANDSCAPE PLAN - LOT 3 - LOWER GROUND

Scale

1:100@A2

Drawn

SB

Project Number

2023.027.01

Drawing Number

3/6

Revision

C

GRAVEL



STEPPING STONES IN DECO GRANITE 'GOLD'

STEPPING STONES



OFF-FORM IRREGULAR CONCRETE STEPPING STONES

TREES



ER- BLUEBERRY ASH



BM- CINNAMON MYRTLE

SHRUBS



WGB- 'GREY BOX' COASTAL ROSEMARY



SSN- 'STRAIGHT AND NARROW' LILLY PILLY



KA- TICK BUSH



IA- AUSTRALIAN INDIGO



CA- WHITE CORREA



BS- HAIRPIN BANKSIA

FENCE



1800MM HIGH TIMBER BATTEN FENCE + GATES

FIRST FLOOR BALCONY PLANTER



CMC- 'MAX COOK' JADE PLANT



RB- MISTLETOE CACTUS



ST- SNAKE PLANT



PX- 'XANADU' PHILODENDRON



DRE- KIDNEY WEED



DA- PRICKLY RASP FERN

GROUND COVERS/ CLIMBERS

PLANT SCHEDULE

ID	BOTANICAL NAME	COMMON NAME	QTY	SIZE	MATURE HEIGHT	SPACING
TREES						
BAM	BACCHOUSIA MYRTIFOLIA N	CINNAMON MYRTLE	1	45L	8M	-
ER	ELAEODARPUS RETICULATUS N	BLUEBERRY ASH	1	45L	6M	-
SHRUBS						
BS	BANKSIA SPINULOSA N	HAIRPIN BANKSIA	4	200MM	1.5M	-
CA	CORREA ALBA N	WHITE CORREA	26	300MM	1.5M	1.2M
CMC	CRASSULA UNDULATIFOLIA 'MAX COOK'	'MAX COOK' JADE PLANT	2	200MM	0.7M	-
IA	INDIGERILLA AUSTRALIS N	AUSTRALIAN INDIGO	4	200MM	1.5M	1.5M
KA	KUNzea AMBIGUA N	TICK BUSH	6	200MM	4.0M	1.5M
PX	PHILODENDRON 'XANADU'	'XANADU' PHILODENDRON	3	200MM	0.8M	0.7M
SSN	SYZIGIUM AUSTRALE 'STRAIGHT AND NARROW' N	'STRAIGHT AND NARROW' LILLY PILLY	46	300MM	6.0M	1.2M
WGB	WESTRINGIA 'GREY BOX' N	'GREY BOX' COASTAL ROSEMARY	30	200MM	0.5M	0.5M
GRASSES/ STRAPPY PLANTS						
DCB	DIANELLA CAERULEA 'BREEZE' N	'BREEZE' FLAX LILY	53	150MM	0.4M	0.5M
DE	DORYANTHES EXCELSA N	GYMEA LILY	10	200MM	1.5M	-
DEA	DIANELLA TASMANICA 'EMERALD ARCH' N	EMERALD ARCH' FLAX LILY	51	150MM	0.5M	0.5M
LL	LOMANDRA LONGIFOLIA N	SPINY HEADED MAT RUSH	16	150MM	1.2M	1.0M
LLT	LOMANDRA LONGIFOLIA 'TANIKIA' N	'TANIKIA' SPINY HEADED MAT RUSH	18	150MM	0.9M	0.9M
PPK	PDA POIFORMIS 'KINGSDALE' N	'KINGSDALE' TUSsock GRASS	8	150MM	0.4M	0.4M
ST	SANSEVIERIA TRIFASCIATA N	SNAKE PLANT	6	200MM	0.6M	0.3M
TB	TODIEA BARBARA N	KING FERN	6	200MM	1.5M	1.2M
GROUND COVER/ CLIMBERS						
DA	DICODIA ASPERA N	PRICKLY RASP FERN	13	150MM	0.5	0.5M
DRE	DICHOONDRA REPENS #4	KIDNEY WEED	113	100MM	0.1	0.3M
RB	RHIPSALIS BACCIFERA	MISTLETOE CACTUS	6	150MM	0.2M	-
VH	VIOLA HEDERACEA N	NATIVE VIOLET	10	150MM	0.1M	0.4M

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

CHANGES BASED ON ARCHITECTS MARKUPS AND UPDATED ARCHITECTURAL PLANS

FOR DEVELOPMENT APPLICATION

Rev Description Date App'd

22/11/2023

SB

24/05/2023

SB

11/05/2023

SB



TB- KING FERN



PPK- 'KINGSDALE' TUSsock GRASS



LL- SPINY HEADED MAT RUSH



DE- GYMEA LILY



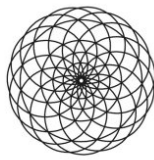
DCB- 'BREEZE' FLAX LILY

ALL DIMENSIONS ARE TO BE VERIFIED ON SITE PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES SHOULD BE REPORTED TO ARTSCIENCE LANDSCAPES BEFORE COMMENCEMENT. USE DIMENSIONS IN DRAWINGS WHERE APPLICABLE. DO NOT SCALE FROM DRAWINGS.

ALL STRUCTURAL ELEMENTS ARE TO BE BUILT TO ENGINEER OR ARCHITECTS SPECIFICATIONS

ALL WORK IS TO CONFORM WITH RELEVANT AUSTRALIAN STANDARDS AND CODES.

A DIAL BEFORE YOU DIG ENQUIRY IS TO BE MADE. SERVICES SHOULD BE LOCATED AND PROTECTED WHERE NECESSARY BEFORE COMMENCEMENT OF GROUND WORK

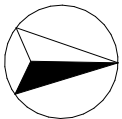


ARTSCIENCE LANDSCAPES

LANDSCAPE DESIGNER
EMAIL: ENQUIRIES@ARTSCIENCELANDSCAPES.COM.AU
PHONE NUMBER: +61 420 722 468
PO BOX: PO BOX 420, MOOREBANK NSW 1875

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

Drawing Title
PLANTS AND MATERIALS PALETTE
Scale
@A2
Drawn
SB
Project Number
2023.027.01
Drawing Number
4/6
Revision
C



ATTACHMENT 2: Wollongong Development Control Plan 2009 Assessment

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

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

Control	Comment
1. The variation statement must address the following points:	
a) The control varied	The variation request statement identifies the control being varied as Clause 4.1.2(1) Number of Storeys of Chapter B1 Residential Development of WDCP 2009 which states “ <i>Dwelling houses on battleaxe allotments are restricted to 1 storey unless it can be demonstrated that the proposed development achieves the objectives in Clause 4.1.1 and complies with the maximum height maps in the LEP.</i> ”
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	Dwelling A and B are generally two storey dwellings, with each incorporating a three storey component centrally to the dwelling. The three storey component of the dwellings are approximately 3.5 to 4.5 metres long, however the majority of the lower ground level does not exceed one metre above adjoining ground levels. The plant/storerooms are not considered as a third storey as they do not extend greater than one metre above ground level and their external appearance is limited. The circumstances as to why the variation is requested have been detailed as follows in the application submission: • The development complies with the maximum 9 metre building height applicable to the land • The floor levels have been staggered over the steep slope, however there is some overlap to enable the lift shaft to carry through all levels of the development • A large portion of the lower ground floor is below natural ground level due to excavation • The building generally presents as two storeys, in two defined sections (the southern section of the dwellings and the northern section of the dwellings), particularly when viewed from the north and the south

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

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

Council recommendation

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

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

Control	Comment
1. The variation statement must address the following points:	
a) The control varied	The variation request statement identifies the control being varied as Clause 4.1.2(4) Number of Storeys of Chapter B1 Residential Development of WDCP 2009 which states “ <i>in R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.</i>”
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	Dwelling B proposes part of a first floor balcony within 8 metres of the rear setback. Dwelling A balcony encroaches approximately 3.4 metres into the 8 metre setback, and Dwelling B encroaches approximately 1.77 metres into the setback. The circumstances as to why the variation is requested have been detailed as follows in the application submission: • The unique circumstances of the topography, outlook and existing and proposed vegetation enable the 8m control to be varied as proposed without adversely impacting on the northern adjoining property. • the existing subdivision pattern also ensures the control can be varied without disrupting any established rear setback line • This elevation and outlook will result in sight lines looking out and over properties to northern rather than down toward them. • There is an existing vegetated corridor along the northern boundary which provides visual screening between the subject site and the rear adjoining property

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

Council recommendation:

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

Variation 3: Clause 4.3.2(2) Side and Rear Setbacks: Walls exceeding 7m in height - Chapter B1 Residential Development

Control	Comment
1. The variation statement must address the following points:	
a) The control varied	The variation request statement identifies the control being varied as Clause 4.3.2(2) Side and Rear Setbacks: Walls exceeding 7m in height of Chapter B1 Residential Development of WDCP 2009 which states <i>"Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries."</i>

b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	Small portions of the roof elements for each dwelling exceed 7m in height and are located less than 3 metres from the side boundary, as follows: - Dwelling A: an area of approximately 800mm high and 2 metres long setback 1.14 metres along the western boundary - Dwelling B: an area of 1.2 metres high and 3 metres long, setback 1.6 metres along the eastern boundary. The circumstances as to why the variation is requested have been detailed as follows in the application submission: - The elements do not result in adverse impacts on adjoining properties - The elements provide for visual interest in the roof design, which also allows for additional light to penetrate the development.
c) Demonstrate how the objectives are met with the proposed variations; and	The relevant objectives to this control are as follows: <i>b To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.</i> <i>d To control overshadowing of adjacent properties and private or shared open space.</i> These walls and windows do not have the potential to impact on privacy of adjoining properties. Due to the orientation of the lots, solar access to adjoining developments is not adversely impacted by the proposed variation to the extent that adjoining development cannot achieve compliant solar access. <i>e To ensure improved visual amenity outcomes for adjoining residences</i> Building separation allows for landscaping and pathways along side boundaries and there are no side boundary facing windows in the areas of non compliance.
(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	Overall, the minor portions of the wall which extend above 7m without being provided with an additional setback are designed in a manner which will not result in any adverse impacts and the proposed development is able to satisfy the relevant objectives of the control despite the variation.

Council recommendation:

The minor portions of roof that exceed 7 metres in height are proposed within 3 metres of side boundaries are not considered to result in adverse impacts on adjoining properties and in the circumstances of the case, is considered to be capable of support.

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

Control	Comment
1. The variation statement must address the following points:	

a) The control varied	The variation request statement identifies the controls being varied as Clause 4.8.2(11) and 4.10.2(4) of Chapter B1 Residential Development of WDCP 2009. The controls require a garage door facing a road or street must be a maximum of 50% of the width of the dwelling.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	These garages have an external width of approximately 12.8m and exceed 50% of the width of the southern elevation. The circumstances as to why the variation is requested have been detailed as follows in the application submission: • The development fronts a right of carriageway that does not provide for any through traffic and terminates to the east in a “Y” head • No parking is permitted within the right of carriageway and therefore all parking needs have been provided on site, resulting in double garage and stacked visitor parking spaces
c) Demonstrate how the objectives are met with the proposed variations; and	Specifically, the relevant objectives to this control are as follows: <i>(e) To ensure buildings address the primary street frontage via entry doors and windows..</i> The entry doors to the dwellings are clearly visible from the southern frontage as a result of amendments to the plans. The southern elevation addresses the southern street frontage through first floor windows and balconies that protrude forward of the ground floor garages- these features dominate over the garages and provide an active elevation. <i>(f) To ensure that dwellings provide appropriate passive surveillance of public spaces and street frontage.</i> First floor windows and balconies have been incorporated into the southern elevation and allow for passive surveillance of the right of carriageway. <i>(c) To minimise the impact of garages upon the streetscape.</i> Garages and driveway locations have been designed to ensure existing street trees can be retained. Additional landscaping within the setbacks to the right of carriageway is also proposed and will assist to soften visual presence of the garages. It is further noted that the proposed garages have been located on the lower northern side of the right of carriageway and will not dominate in the topography. In addition to these factors, the dual occupancy dwellings have been staggered. This staggering breaks up the width as presented to the right of carriageway. Furthermore, the first floor elements cantilever over the ground floor garages and ensure the garages present as the submissive form.

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

Council recommendation

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

Variation 5: Clause 4.17(11) Retaining walls - Chapter B1 Residential Development

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control sought to be varied, being 4.17.3 of Chapter B1 of the WDCP. The requirements of Clause 4.17 restrict the maximum height of retaining walls that are located within 900mm of the boundary to 600mm, and other walls to 1 metre. Terracing should be provided to reduce the overall height impact.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	The extent of the variation is: The retaining wall along the eastern side boundary reaches a maximum height of 1.0 metres. The retaining wall proposed along the western boundary is extended to the north in order to accommodate the side access stairs of the proposed development (DA-2023/527) on this western adjoining property. Due to the land continuing to fall to the north, this extension results in a maximum retaining wall height of 2.15m for this western boundary retaining wall. Retaining walls associated with the terrace area adjoining the lower ground floor rumpus room for each dual occupancy dwelling are also noncompliant. These retaining walls are stepped and have a maximum height of 1.85m for Dwelling 54A and 1.7m for Dwelling 54B. The variation is requested on the basis that the subject site slopes down from the southern boundary toward the rear. A lower ground floor level with terrace is proposed beneath the northern portion of the ground floor level. In order to provide an external pathway to the lower rear portion of the site, a mix of measures including the construction of stairs and a retaining wall are proposed along a portion of each side boundary.

c) Demonstrate how the objectives are met with the proposed variations; and	The objectives of the control are as follows: (a) To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties. (b) To guide the design and construction of low height aesthetically pleasing retaining walls. (c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall. (d) To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall. The development is considered to be capable of achieving the above objectives. Side boundary retaining walls proposed will be located wholly on the subject site and are not uncommon on sloping sites in order to provide functional outcomes. The walls are aesthetically pleasing and do not dominate the built form. Their structural soundness can be ensured through the requirement for the provision of structural details.
d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	The proposed retaining walls will be designed by an Engineer, do not result in any adverse impacts and are suitable for the site in this locality.

Council recommendation

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

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>4.1 Maximum Number of Storeys</u>		
Max 9m / 2 storey in R2 zone	No, the proposal contains a small three storey portion in the middle of each dwelling. The variation justification is detailed above and considered as being supportable given the circumstances of the proposal	No, variation supported
In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.	No, the proposal has an elevated balcony within 8 metres of the rear elevation. The variation justification is detailed above and considered as being supportable given the circumstances of the proposal	No, variation supported

Controls/objectives	Comment	Complies																						
- Dwellings on battleaxe allotments restricted to single storey unless achievement of objectives demonstrated - Landscaping may be required within the side and rear setbacks to mitigate the visual impact of the building form from adjoining properties.	The subject site is a battle axe allotment. The variation justification is detailed above and considered as being supportable given the circumstances of the proposal The deep soil zone is located along the rear boundary of the subject site- this and existing vegetation on the adjoining site will assist in mitigating some privacy impacts.	No, variation supported																						
4.2 Front Setbacks 6m front setback	As the subject site is a battleaxe allotment, the provisions for front setbacks do not apply as the primary street frontage does not have a direct relationship with the building facade. The lots in the subdivision are irregular in shape and a uniform building line is an unlikely development outcome. The subject site has a splayed frontage, is considered to satisfy front setback requirements.	Proposal considered satisfactory																						
4.3 Side and Rear Setbacks Minimum 900mm	The dwellings exceed side boundary setbacks of 900mm. A variation justification has been provided for some minor roof areas that exceed 7 metres in height and are located within 3 metres of the side boundary. This variation is considered to be supportable.	No, variation supported																						
4.4 Site coverage 55% (lot area <450m²) 50% (450m² to 900m²) 40% (>900m²)	The proposed development does not exceed the permissible site coverage at each stage of the development. <table><tr><td>Overall Site area:</td><td>836.5 m²</td></tr><tr><td>Proposed Lot 54A:</td><td>419.8 m²</td></tr><tr><td>Proposed Lot 54B:</td><td>416.7 m²</td></tr><tr><td>Site coverage</td><td></td></tr><tr><td>Total</td><td>290.47m²</td></tr><tr><td>Proposed Unit 54A</td><td>143.44m²</td></tr><tr><td>Proposed Unit 54B</td><td>147.03m²</td></tr><tr><td>FSR:</td><td></td></tr><tr><td>Total (50% permitted)</td><td>35%</td></tr><tr><td>Proposed Unit 54A (55% permitted)</td><td>34%</td></tr><tr><td>Proposed Unit 54B (55 % permitted)</td><td>35%</td></tr></table>	Overall Site area:	836.5 m²	Proposed Lot 54A:	419.8 m²	Proposed Lot 54B:	416.7 m²	Site coverage		Total	290.47m²	Proposed Unit 54A	143.44m²	Proposed Unit 54B	147.03m²	FSR:		Total (50% permitted)	35%	Proposed Unit 54A (55% permitted)	34%	Proposed Unit 54B (55 % permitted)	35%	Yes
Overall Site area:	836.5 m²																							
Proposed Lot 54A:	419.8 m²																							
Proposed Lot 54B:	416.7 m²																							
Site coverage																								
Total	290.47m²																							
Proposed Unit 54A	143.44m²																							
Proposed Unit 54B	147.03m²																							
FSR:																								
Total (50% permitted)	35%																							
Proposed Unit 54A (55% permitted)	34%																							
Proposed Unit 54B (55 % permitted)	35%																							

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
4.5 Landscaped Area		
lot area from 600m² to 900m² – 120m² + 30% of the site area > 600m² landscaped area	The development requires 191m ² of landscaped area and provides 220m ² .	Yes
At least 50% of the landscaped area must be located behind the building line to the primary road boundary.	Greater than 50% of the landscaped area is behind the building line.	Yes
Landscaped areas must be integrated with the drainage design. The location of drainage lines, pits and detention areas should not conflict with landscaped areas including proposed and existing trees.	Integration of landscaping and drainage will be ensured through conditioning	Yes, conditional
For development proposing a dwelling, a minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within the landscape area. This tree is to be planted at least 3m from any existing or proposed dwelling or structure present onsite. No additional tree is required for a secondary dwelling.	Tree proposed within landscaped area for each dwelling.	Yes
a minimum of 1.5 metre wide landscape strip within the front setback for the majority of the site width (excluding the driveway). This area must be mulched and planted with appropriate trees, shrubs and/or groundcovers. A minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within this landscape bed.	Landscaped strip has been provided exclusive of the driveway areas, and contains existing "Street tree" planting provided at subdivision stage	Yes
second semi mature small to medium tree (minimum pot size 45L) is to be provided onsite in the landscaped area or deep soil zone, p	Additional tree provided in deep soil zone areas	Yes
4.6 Private Open Space		
24m² minimum POS area, minimum 4m dimension	Each dwelling provided private open space areas off the rumpus and living rooms and together the POS areas exceed the minimum requirements.	
should not be located on side boundaries or front yard	Provided at rear of dwellings and defined through materiality	

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
- defined through the use of planting, fencing, or landscape features. - Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area.	Private open space is exclusive of servicing areas such as waste and clothes lines.	
<u>4.7 Solar Access</u>		
Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June.	The proposed development does not adversely impact on the solar access to living areas and private open space areas of adjoining properties.	Yes
At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21.	As per above	Yes
Dwellings should be designed to maximise natural sunlight to main living areas and the private open space.	Each living room and private open space area is capable of receiving three hours of sunlight midwinter	Yes
<u>4.8 Building Character and Form</u>		
The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction.	The proposed development responds to the topography of the site by stepping the development down the slope.	
Large bulky forms are to be avoided, particularly in visible locations		
New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.	The immediate area is a new subdivision- the proposed built form is anticipated.	
All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. On corner allotments, the development should address the street on both frontages.	The Entry to dwelling B is at the side of the dwelling but is clearly defined by landscaping. Windows from the upper floor survey the street in this instance.	

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
- The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted. - Where garages are proposed on the front elevation they must be articulated from the front façade. - Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling.	Garages are articulated from the façade The variation justification is detailed above and considered as being supportable given the circumstances of the proposal.	yes No, variation supported
<u>4.9 Fences</u> Various.	Fencing compliant the exempt development provisions proposed.	Yes
<u>4.10 Car parking and Access</u> The provision of car parking shall be as follows: (a) 1 space per dwelling with a gross floor area of less than 125m² (b) 2 spaces per dwelling with a gross floor area of 125m² or greater Garages must be setback a minimum of 5.5m from the front property boundary. garage door openings to be a maximum of 50% of the width of the dwelling. 6m x 6m minimum for double garages Driveways shall be separated from side boundaries by a minimum of 1 metre. Driveways shall have a maximum cross-over width of 3 metres.	Each dwelling requires the provision of two parking spaces, provided in the form of double garages The garages are setback greater than 5.5m from the boundary. Each garage achieves the minimum dimensions of 6m by 6m. Driveways are greater than one metre from the side boundaries The driveways do not have a “cross-over” due to the battle axe nature of the lots.	Yes Yes Yes NA
<u>4.11 Storage Facilities</u> 10m³ / 5m²	Each dwelling contains a basement storage room exceeding the minimum area and dimensions	
<u>4.12 Site Facilities</u> To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive	Site facilities are provided in appropriate locations- a draft condition has been recommended to ensure appropriate location of site facilities.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>4.13 Fire Brigade Servicing</u> ensure that all dwellings can be serviced by fire fighting vehicles.	All dwellings are able to be serviced by fire fighting vehicles.	Yes
<u>4.14 Services</u> encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced.	The proposal can be appropriately serviced. Relevant conditions in relation to servicing have been included on the draft consent.	Yes
<u>4.15 Development near the coastline</u> N/A		
<u>4.16 View sharing</u>	The proposal does not impact on views from adjoining properties to the extent that view sharing principles cannot be observed.	Yes
<u>4.17. Retaining walls</u>	A number of retaining walls are proposed on the sloping site. Height ranges from one metre to 2100mm at the eastern property boundary adjoining the stairs. These walls form part of well landscaped site and the heights are not considered to be excessive given the slope of the land.	No, variations supported.
<u>4.18 Swimming pools and spas</u> N/A		
<u>4.19 Development near railway corridors and major roads</u> N/A		
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u> N/A		
<u>4.21 Additional controls for Dual Occupancies minimum site width</u> Minimum 15m site width	The site exceeds the minimum width of 15 metres.	Yes
<u>4.22 Additional controls for Dual Occupancies –building character and form</u> On corner allotments, the dual occupancy development must address the street on both frontages. The garage and / or carport for each dwelling must be placed on each street frontage, at the furthest point of the site, from the intersection.	The building character and form of the dual occupancy are considered to respond to the characteristics of the site.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Complies</i>
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u> A minimum of half of the landscaped area must be provided as a deep soil zone. The deep soil zone may be located in any position on the site, subject to this area having a minimum dimension of 3m. The deep soil zone must be located outside the minimum private open space required. The deep soil zone shall be densely planted with trees and shrubs. Where the development is to be strata titled, the deep soil zone may be retained within the common property or allocated to an individual unit entitlement, where such dwelling is directly adjacent.	Compliant deep soil zone is provided along the rear boundary of each dwelling. This is considered to be the most appropriate location for DSZ on the site and will allow sufficient area for the growth of larger trees. The DSZ is densely planted with trees and shrubs.	Yes

CHAPTER B2 – RESIDENTIAL SUBDIVISION

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

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

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
18 Road Addressing	A condition has been recommended to ensure each proposed lot is adequately addressed	Yes

CHAPTER D1 – CHARACTER STATEMENTS

Thirroul

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

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

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

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

7 Parking demand and servicing requirements

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

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

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

8 Vehicular access

Driveway grades and sight distances comply.

9 Loading / unloading facilities and service vehicle manoeuvring

The development complies with AS 2890.2.

Waste servicing will occur from the kerb.

CHAPTER E6: LANDSCAPING

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

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

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

CHAPTER E7: WASTE MANAGEMENT

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

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

CHAPTER E12 GEOTECHNICAL ASSESSMENT

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

CHAPTER E14 STORMWATER MANAGEMENT

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

CHAPTER E16 – BUSHFIRE MANAGEMENT

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

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

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

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

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

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

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

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

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

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

*“(3A) **Development control plans***

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

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

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

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

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

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

The variation statement must address the following points:

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

This application proposes variations to the DCP controls which relate to the rear balcony of dwelling 54B encroaching into the 8m rear setback, roof elements encroaching into 3m side setback requirements and garage door width. Each of the variations are outlined below.

Variation to Number of Storeys in Rear Setback

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

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

The proposed development involves the erection of an attached dual occupancy. The site slopes to the rear and the ground floor level which is designed to be close to the front boundary level becomes elevated at the rear. This fall of the site and elevation of the ground floor level at the rear provides opportunity for a lower ground floor level to be provided under part of the ground floor level. As a result, the ground floor level becomes the second storey when viewed from the rear and the 8m rear setback in Control 4.1.2.4 becomes applicable. The 8m rear setback line and the ground floor encroachment into this setback area of the proposed balconies is illustrated in **Figure 26**.

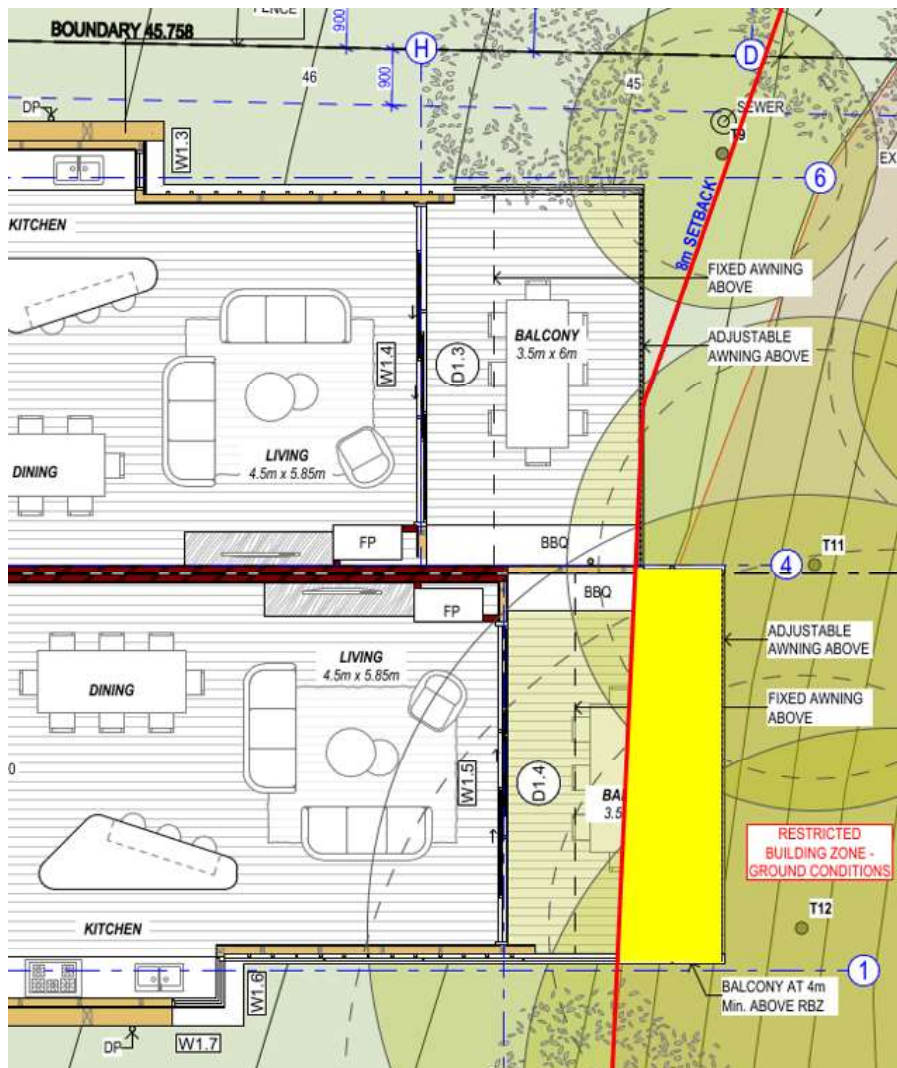


Figure 26: Extract of ground floor plan showing rear boundary and 8m setback lines in red and second storey encroachments in yellow.

As illustrated in **Figure 26** the non-compliance relates to the rear balcony of dwelling 54B. The extent of the non-compliance varies due to the balcony not being parallel to the irregular rear boundary. The greatest point of variation occurs at the eastern most point of balcony which is setback approximately 6.3m from the rear boundary (measured perpendicular to the rear boundary).

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

- The subject site is irregular in shape. The surrounding locality is comprised of other irregular shaped allotments and subdivision patters as shown in **Figure 27**. As a result, there is no clearly established rear setback line. Furthermore, it is noted that the rear boundaries of the vacant lots adjoining the subject site to the east and west vary such that an identifiable rear setback line would be unlikely to be established by the development of these allotments.



Figure 27: Extract from Nearmaps showing subdivision patter of surrounding locality with subject site outlined in red.

- The site falls to the rear with northern outlook towards the Illawarra Escarpment. This fall continues to the north in a manner that results in the properties to the north of the subject site having natural ground levels significantly lower than the subject site (as illustrated in

Figure 28). This elevation and outlook will result in sight lines looking out and over properties to northern rather than down toward them.

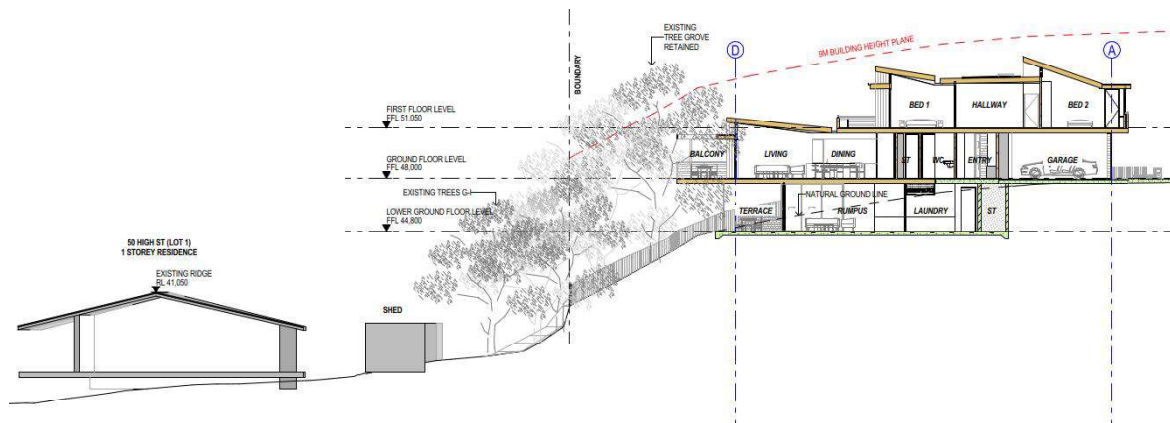


Figure 28: Extract from Section Plan prepared by *Maccormick + Associates Architects* illustrating height of subject site relative to land to the north.

- Existing trees are located within the rear setback of the subject site. This vegetation adjoins vegetation on adjoining properties to the north and north-east of the subject site to form a vegetated corridor which provides visual screening between the subject site and the rear adjoining property. This vegetation was identified in an Arboricultural Assessment prepared for the now approved 10 lot subdivision (DA-2016/1411) by *Develop My Land* to be 'Black Wattles' and has been retained as can be seen in **Figure 28** and also in **Figures 5 and 6**.

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

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

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

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

Response

The southern boundary of the subject site addresses the right of carriageway. Due to the topography and northern outlook, existing dwellings accessed from this right of carriageway (located to the further to the west and south-west of the subject site) have primarily been designed to address their northern boundary rather than the right of carriageway. This pattern is likely to continue for the undeveloped lots to the west and east while southern lots which are located near the ridgeline may be designed with a mix of outlooks. Notwithstanding this, the proposed development has been designed with articulation in the elevations presenting to the right of carriageway, retention of existing street trees and new landscaping features which will also assist the integration of the building with the right of carriageway and retention of established trees to the rear to protect the natural setting of the site.

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

Response

The subject site adjoins other residential allotments to the east, north and west. The eastern and western adjoining properties were vacant at time of inspection although a dual occupancy is proposed on the western adjoining allotment. The proposed dual occupancy has been oriented to the northern rear boundary. As a result of this orientation, the proposal would not adversely impact on the privacy of the eastern or western adjoining properties. With regards to impacts on the northern adjoining property, impacts of overlooking are minimised as a result of the change in natural ground level and the existing vegetation to be retained to the rear of the subject site and on the northern adjoining property. These matters have been discussed within this variation statement.

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

Response

The proposed development has been positioned to avoid building on the steepest northern portion of the site and to ensure vegetation located on this northern portion of the site and on the northern adjoining property is able to be retained.

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

Response

The buildings have been stepped down the site to reflect the natural topography of the area. Specifically, the first floor has been proposed only on the higher portion of the site. Furthermore, the FFL of each dual occupancy dwelling has been offset with dwelling 54B being designed with lower FFL's than dwelling 54A. Notwithstanding this, each floor level has been designed to be step free and a lift provided between levels to ensure mobility through the dwelling is achievable for future residents and improve the ability for residents to age in place.

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

Response

The subject site adjoins other residential allotments to the east, north and west. The eastern and western adjoining properties were vacant at time of inspection although a dual occupancy is proposed on the western adjoining allotment. The northern adjoining property contains a single storey dwelling. The proposed development will not adversely affect the visual amenity of this residence due to the topography and existing vegetation features of the area. The dual occupancy currently proposed on the vacant eastern adjoining property has a similar scale as the proposed development and is also orientated to the north in a manner which will minimise any visual amenity impact by the proposed development.

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

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

Response

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

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

Response

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

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

Response

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

In summary, the slope of the site to the rear results in the ground floor level (which is designed to be close to the level of the front boundary) becoming elevated at the rear. This fall of the site and elevation of the ground floor level at the rear provides opportunity for a lower ground floor level to be provided under part of the ground floor level and as such the ground floor level becomes the

second storey when viewed from the rear. Dwelling 54B is staggered back from dwelling 54A breaking up the building mass and reflective of the angled street frontage. This results in the rear balcony of dwelling 54B extending into (in part) the rear 8m setback. However, given unique characteristics of the site and locality the numerical non-compliance of the proposed development from the rear boundary is deemed to not significantly impact on the adjoining properties, and the existing amenity experienced by the neighbouring developments will not be detrimentally impacted.

Side Setback

Specifically, this Variation Statement addresses Control 4.3.2.2 of Chapter B1 Residential Development from the *Wollongong DCP (WDCP) 2009*. This DCP control relates to side setbacks for walls which exceed 7m in height. The specific control states:-

Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.

The site falls to rear and the location of floor levels reflects this topography with the first floor only being proposed on the higher portion of the site and the proposed development generally presenting as two storeys in height with the ground floor and first floor presented as the two storeys to the south (on the southern portion of the building footprint) and the ground floor and lower ground floor presenting as the two storeys to the north (on the northern portion of the building footprint). This stepping is illustrated in **Figures 29 and 30** which also illustrate how this design approach has generally contained the building below the 7m height line along the side elevations with the exception of some roof elements.



Figure 29: Extract from East Elevation Plan prepared by *Maccormick + Associates Architects* illustrating 7m height line in blue.

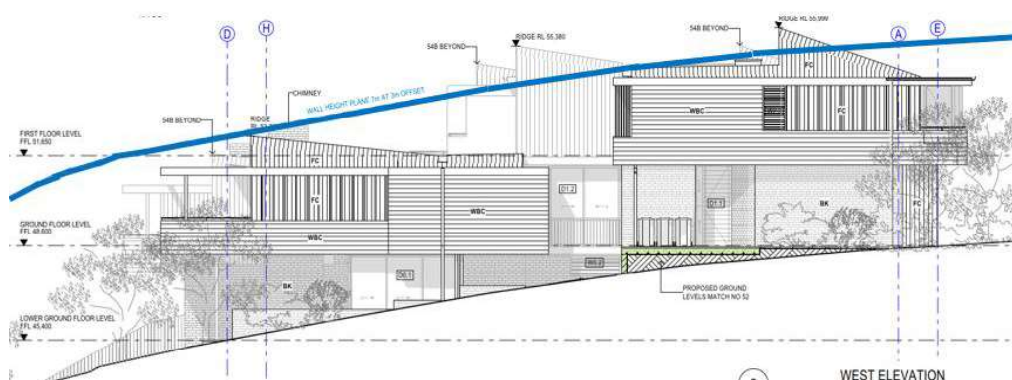


Figure 30: Extract from West Elevation Plan prepared by *Maccormick + Associates Architects* illustrating 7m height line in blue.

As outlined in Control 4.3.2.2 of Chapter B1 Residential Development, where walls exceed 7m in height they should be setback 3m from the side boundary. Small portions of the abovementioned roof elements are setback less than 3m from the side elevations as illustrated in **Figures 31 and 32**. Specifically, the minimum setback of these elements from the side property boundaries are 1.8m from the east and 1.2m from the west.



Figure 31: Extract of wall height and setback plan for eastern boundary prepared by *Maccormick + Associates Architects* illustrating areas above the 7m height line and within the 3m setback.



Figure 32: Extract of wall height and setback plan for western boundary prepared by *Maccormick + Associates Architects* illustrating areas above the 7m height line and within the 3m setback.

Notwithstanding this, these elements on non-compliance do not result in any adverse impacts on adjoining properties and provide for articulation and visual interest in the proposed roof design while also allowing for additional light to penetrate into rooms. As such the proposed development achieves the objectives of the control despite the numerical noncompliance. Specifically, each of the objectives of the control have been considered in the design of the proposed development. These objectives are:-

- (a) To create a consistent pattern of building separation along streets.*
- (b) To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.*
- (c) To ensure that buildings are appropriately sited having regard to site constraints.*
- (d) To control overshadowing of adjacent properties and private or shared open space.*
- (e) To ensure improved visual amenity outcomes for adjoining residences*

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

- (a) To create a consistent pattern of building separation along streets.*

Response

There is not currently an established building separation pattern along the east-west portion of the right of carriageway. Notwithstanding this, the proposed development exceeds the 900mm side setback requirement which applies to walls under 7m in height and thereby provides building

separation which allows for landscaping and pathways. Requiring the small portion of the wall above 7m in height to be recessed in, would have a negligible impact any evolving separation pattern.

(b) To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.

Response

Side boundary facing windows are not proposed in the non-compliant walls. In this regard the small elements which exceed the 7m height requirement without being setback 3m contain only north facing high sill clerestory windows. These walls and windows do not have the potential to impact on privacy of adjoining properties. Furthermore, a Shadow Study has been prepared by MacCormick + Associates Architects. This study shows that the proposed development would not overshadow any existing living room windows of adjoining properties (note that at time of inspection the adjoining properties were vacant). It is also noted that due to the topography and orientation of the land and stepping of the proposed dual occupancy, the majority of the shadow cast falls on the front setback of the subject site and adjoining right of carriageway. This shadow cast would not prevent future development of the adjoining vacant land to designed with rear POS areas capable of receiving at least 3hrs of sunlight, between the hours of 9am and 3pm on 21 June.

(c) To ensure that buildings are appropriately sited having regard to site constraints.

Response

The proposed development has been positioned to avoid building on the steepest northern portion of the site and to ensure vegetation located on this northern portion of the site and on the northern adjoining property is able to be retained. The dual occupancy has also been staggered and stepped to reflect the angled boundary and typography of the site. The dwellings have been designed with main openings to the rear northern boundary while the roof has been designed to provide opportunity for further additional northern solar access through the provision of clerestory high sill windows.

(d) To control overshadowing of adjacent properties and private or shared open space.

Response

The site and development is orientated on an north-south axis. As mentioned in response to objective (b), the majority of the shadow cast falls on the front setback of the subject site and adjoining right of carriageway. This shadow cast would not prevent future development of the adjoining vacant land to designed with rear POS areas capable of receiving at least 3hrs of sunlight, between the hours of 9am and 3pm on 21 June.

(e) To ensure improved visual amenity outcomes for adjoining residences

Response

The proposed development exceeds the 900mm side setback requirement which applies to walls under 7m in height and thereby provides building separation which allows for landscaping and pathways along side boundaries. Furthermore, side boundary facing windows are not proposed in the non-compliant walls portions. In this regard the small wall elements which exceed the 7m height requirement without being setback 3m contain only north facing high sill clerestory windows. These walls and windows do not have the potential to impact on privacy of adjoining properties.

Overall, the minor portions of the wall which extend above 7m without being provided with an additional setback are designed in a manner which will not result in any adverse impacts and the proposed development is able to satisfy the relevant objectives of the control despite the variation.

Garage Door Width

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

Specifically Control 4.8.2.11 states:-

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

Specifically Control 4.10.2.4 states:-

Where garage door openings face a road they shall:

(a) Be a maximum of 50% of the width of the dwelling

The subject site gains vehicle access from the southern boundary. This boundary has a length of 18.9m. This southern boundary of the proposed development site fronts a right of carriageway from which vehicle access can be gained. This right of carriageway does not provide for any through traffic and terminates to the east of the site in a 'Y' head. No parking is permitted within the right of carriageway and therefore all parking needs to be provided on site. As such both dual occupancy dwellings have been designed with double garages and a stacked car space resulting in two double garages being presented to the southern frontage. These garages have an external width of approximately 12.8m and exceed 50% of the width of the southern elevation which has been setback from side boundaries as illustrated in **Figure 33**.

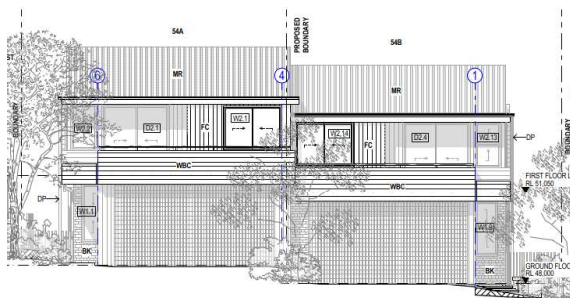


Figure 33: Extract of Southern Elevation Plan of proposed dual occupancy prepared by *Maccormick + Associates Architects*



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

Despite a reduction in the total width of the dual occupancy resulting in an increased non-compliance to the garage to dwelling width percentage, this reduction allows for landscaped setbacks between the garages and the side boundaries which contributes in a positive manner to the 'street' scape (being the right of carriageway). This combined with design features including staggering of the two garages, protruding first floor balcony and window elements, materials and colours selection and clearly identifiable pathways to the entry doors enables the proposed design to satisfy the relevant objectives of the controls sought to be varied. Specifically the relevant objectives of control 4.8.2.11 are:-

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

And the relevant objective of the control 4.10.2.4 is:-

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

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

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

Response

Entry paths for each dwelling are clearly visible from the southern frontage and overlooked by a ground floor study window. Furthermore, the southern elevation addresses the southern 'street' frontage through first floor windows and balconies which protrude forward of the ground floor garages as shown in **Figures 34**. These features dominate over the garages and provide an active elevation.

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

Response

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

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

Response

The garages are attached and incorporated into the design of the dual occupancy. First floor windows and balconies which protrude forward of the ground floor garages and dominating over the more submissive ground floor garages. Landscaping retained and proposed at the ground floor level will also serve to soften the garages proposed.

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

Response

Garages and driveway locations have been designed to ensure existing street trees can be retained. Additional landscaping within the front and side setbacks is also proposed and will assist to soften visual presence of the garages. It is further noted that the proposed garages have been located on the lower northern side of the right of carriageway and will not dominate in the topography. In addition to these factors, the dual occupancy dwellings have been staggered in setback and stepped in levels. This staggering and stepping breaks up the width as presented to the right of carriageway. Furthermore, the first floor windows and balconies which protrude forward of the ground floor garages dominate over the more submissive ground floor garages.

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

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

DIRECTORS

S.H. APPERLEY RFD, B.SURV, M.I.S.NSW, MSSSI.

A.A. RIEPSAMEN B.E. (Civil)(Hons), B.SURV. (Hons), M.I.E Aust.

D.CANNON M.Env.Eng.Sc, GradDip.Bushfire Protection, B.Env.Sc.Adv (Hons 1), BPAD-Level 3, M.P.I.A

SET CONSULTANTS PTY LTD

51 Graham Street Nowra

PO Box 495 Nowra NSW 2541

p 02 4421 4500

Kiama 02 4233 2006

mail@setconsultants.com.au

www.setconsultants.com.au

ABN 54 682 364 037

12 December 2023

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Our Ref: L104069
Your Ref: DA-2023/526

Attention: Nicole Ashton

Dear Ms Ashton,

**Response to Request for Additional DCP Variation Statements
DA-2023/526 - Lot 3 DP 1239971 – 54 High Street, THIRROUL NSW 2515**

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

Number of Storeys

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

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

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

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

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

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

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

Specifically, in response to the natural fall of the site toward the rear (north), the proposed development has been designed over three different levels being the first floor, ground floor and lower ground floor. The first floor is located over the southern portion of the ground floor and is setback from the rear elevation. In this regard, the first floor terrace of each dwelling is setback from the corresponding rear northern façade of the ground floor balcony by approximately 9.7m. In contrast, the lower ground floor is located further to the north with the lower ground floor being setback from the front southern street façade by approximately 6.1m. Notwithstanding this staggering of the floor levels, some overlap of the first floor and the lower ground level occurs to enable the lift shaft to carry through to all three floor levels. Furthermore, the lower ground floor is extended adjacent to the lift to allow for a storage room/plant room.

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

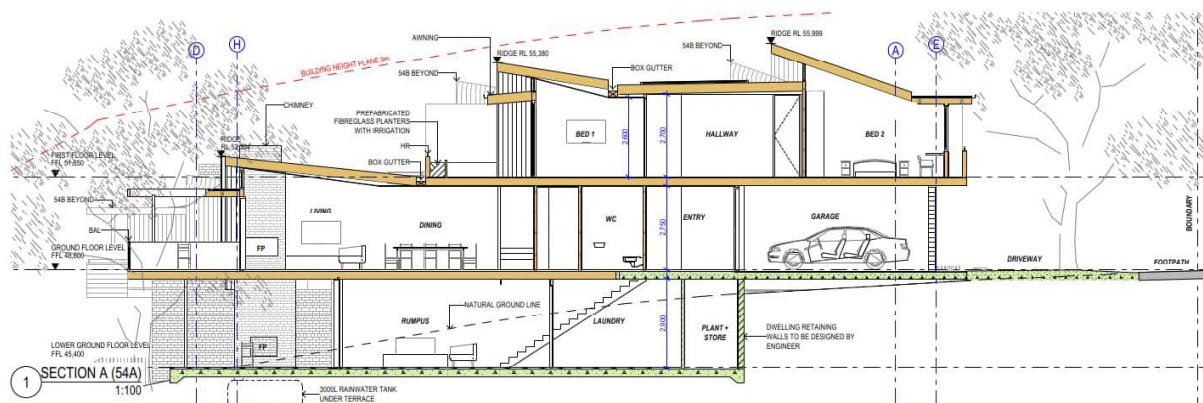


Figure 1: Extract of Section Plan prepared by *MacCormick + Associates Architects* showing Section A through No. 54A.



Figure 2: Extract of Section Plan prepared by *MacCormick + Associates Architects* showing Section B through No. 54B.

Notwithstanding the non-compliance, as is illustrated in **Figures 1 and 2**, at the point of overlap which causes the three storey non-compliant portion, a large section of the lower ground floor level is below natural ground level (achieved through cut) thereby not resulting in additional external bulk of the building nor adversely impact on the surrounding locality. Furthermore, the proposed development generally presents as two storeys as shown in **Figures 3 and 4**. In this regard, the proposed development generally presents as two storeys in height with the ground floor and first floor located on the southern portion of the building footprint presenting as the two storeys to the south and the ground floor and lower ground floor located on the northern portion of the building footprint presenting as the two storeys to the north.



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



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

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

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

Response

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

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

Response

The subject site adjoins other residential allotments to the east, north and west. The eastern and western adjoining properties were vacant at time of inspection although a dual occupancy is proposed on the western adjoining allotment (DA-2023/527). The proposed dual occupancy has been oriented to the northern rear boundary. As a result of this orientation, the proposal would not adversely impact

on the privacy of the eastern or western adjoining properties. With regards to impacts on the northern adjoining property, impacts of overlooking are minimised as a result of:-

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

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

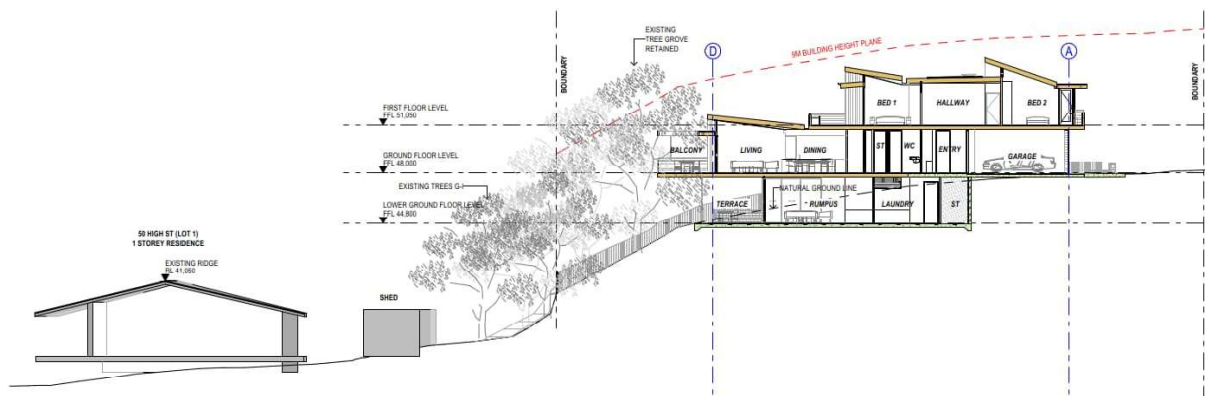


Figure 5: Extract of Plan prepared by *MacCormick + Associates Architects* showing Section C through proposed development, the sites natural slope and the dwelling on the rear adjoining property.

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

Response

The proposed development has been positioned to avoid building on the steepest northern portion of the site and to ensure vegetation located on this northern portion of the site and on the northern adjoining property is able to be retained.

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

Response

The building has been designed in response to the natural topography of the site. Specifically, the first floor has been proposed only on the higher portion of the site. Furthermore, the finished floor levels (FFL's) of each dual occupancy dwelling has been offset with Dwelling 54B having a lower FFL than Dwelling 54A. Notwithstanding this, each floor level has been designed to be step free and a lift provided between levels to ensure mobility through the dwelling is achievable for future residents and improve the ability for residents to age in place.

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

Response

The subject site adjoins other residential allotments to the east, north and west. The eastern and western adjoining properties were vacant at time of inspection although a dual occupancy is proposed

on the western adjoining allotment. The northern adjoining property contains a single storey dwelling. The proposed development will not adversely affect the visual amenity of this residence due to the topography and existing and proposed vegetation features. The dual occupancy currently proposed on the eastern adjoining property is designed with a similar scale as the proposed development and is also orientated to the north in a manner which will minimise any visual amenity impact by the proposed development.

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

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

Response

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

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

Response

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

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

Response

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

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

Retaining Wall Height

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

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

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

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

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

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

9. The fence or the fence and associated retaining wall on a sloping site may be stepped, provided the height of each step is not more than:

- (a) 1.6 metres above existing ground level if it is located within a setback area from a primary road, or*
- (b) 2.2 metres above existing ground level for side or rear boundaries (where it is behind the front building line).*

The subject site slopes down from the front southern boundary toward the rear northern boundary. This slope increases in steepness over the rear northern portion of the site. Vehicle and pedestrian access is provided to the site via the higher southern boundary frontage which adjoins a sealed right of carriageway and provides entry to the ground floor level of the proposed dual occupancy dwellings. In response to the fall of the site, a lower ground floor level with terrace is proposed beneath the northern portion of the ground floor level. To provide an external pathway to the lower rear portion of the site in a manner which is functional and provides connection between the ground floor pedestrian entry and the lower ground floor courtyard and terrace areas, a mix of measures including the construction of stairs and a retaining wall are proposed along a portion of each side boundary.

The retaining wall along the eastern side boundary reaches a maximum height of 1m. The retaining wall proposed along the western boundary is extended to the north in order to accommodate the side access stairs of the proposed development (DA-2023/527) on this western adjoining property. Due to the land continuing to fall to the north, this extension results in a maximum retaining wall height of 2.15m for this western boundary retaining wall. Although this is less than the 2.2m in Control 4.17.3.9(b), a fence is proposed atop this wall to provide for safety of those utilising the stairs and to provide privacy between the adjoining sites. In this regard, the landing at the top of the stairs is only 600mm below the top of the retaining wall height and would not in its self provide privacy between

the two landings and dwelling entry areas. These areas of non-compliance are shown in **Figure 6** (highlighted in red and circled in yellow).

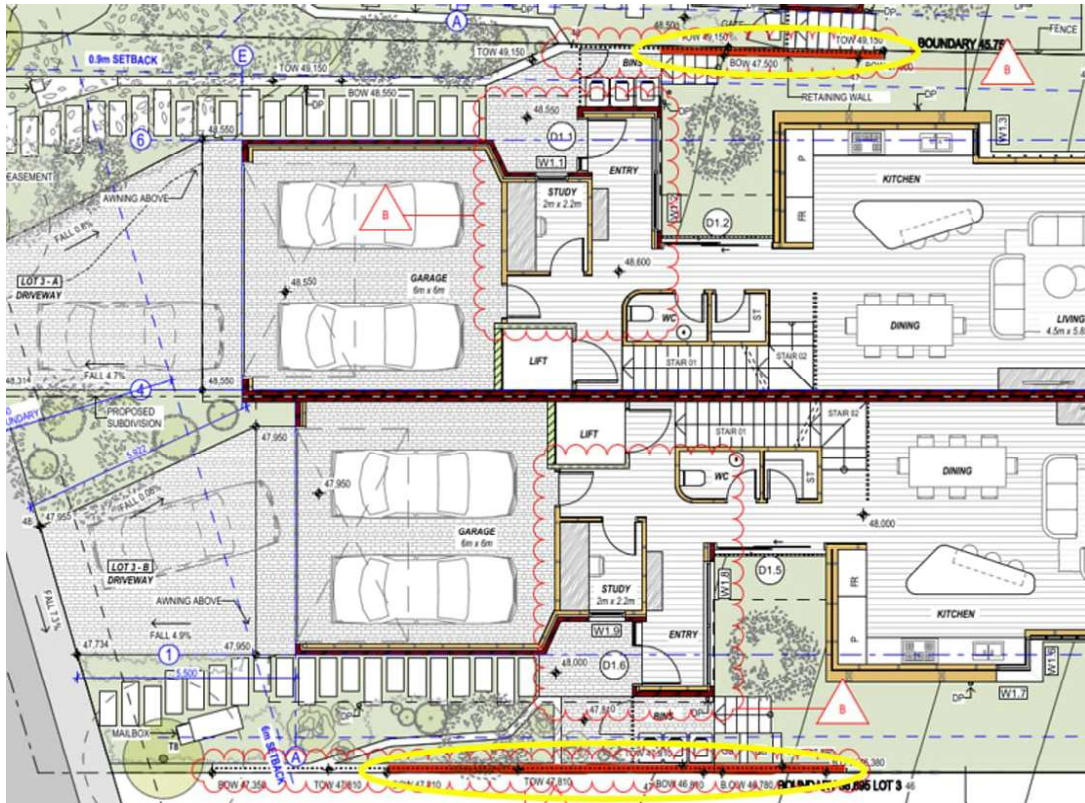


Figure 6: Extract of Ground Floor Plan prepared by *MacCormick + Associates Architects* showing location of non-compliant retaining walls along the side boundary highlighted in red and circled in yellow.

Notwithstanding the non-compliance of these two side boundary retaining walls, their height is suitable for a sloping site in this locality and enables functional external access between the front and the rear of the site.

In addition to the side boundary retaining walls, retaining walls associated with the terrace area adjoining the lower ground floor rumpus room for each dual occupancy dwelling are also non-compliant. These two walls are located adjacent to the lower ground floor rumpus room of each dwelling and accommodates cut into the site to improve connectivity between the rumpus rooms and the adjoining terrace areas and ventilation opportunities for the rumpus rooms. These retaining walls are stepped and have a maximum height of 1.85m for Dwelling 54A and 1.7m for Dwelling 54B. The locations of these walls are shown in **Figure 7**.

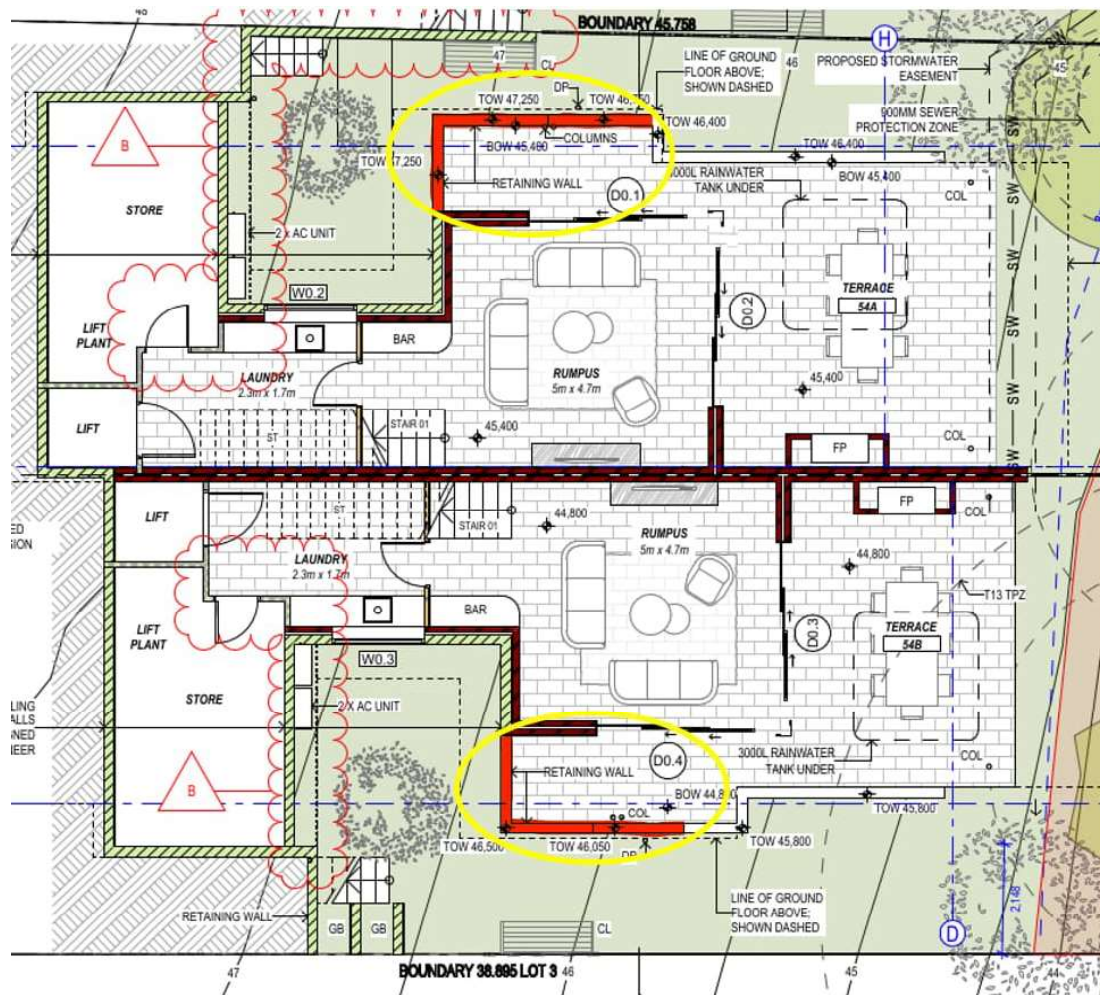


Figure 7: Extract of Ground Floor Plan prepared by *MacCormick + Associates Architects* showing location of non-compliant retaining walls along the side boundary highlighted in red and circled in yellow.

Notwithstanding the non-compliance of these two retaining walls, their height respective to the adjoining landscaped areas and their setback from boundaries ensure that they do not result in any adverse impacts and are considered suitable for a sloping site in this locality.

Further to the above, the relevant objectives for the retaining wall controls are satisfied despite the non-compliances. These objectives are addressed below:-

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

Response

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

Side boundary retaining walls proposed will be located wholly on the subject site and are not uncommon on sloping sites in order to provide functional outcomes. In this regard, they will not be visually out of character within the evolving locality and fencing proposed atop the walls will minimise the potential for any overlooking of adjoining properties. The retaining wall proposed along the western boundary has been designed with consideration given to the proposed development on the adjoining property while the retaining wall along the eastern boundary has been stepped and has a maximum 1m height to ensure no significant adverse impact on the eastern adjoining property. **Figure 8** provides an image of the retaining wall proposed along the eastern adjoining property and shows its suitability within the context of the slope.



Figure 8: Extract of a 3D image prepared by *MacCormick + Associates Architects* showing the retaining wall and fencing proposed along the eastern boundary.

With regard, to the retaining walls adjacent to the lower ground floor rumpus rooms, these walls are predominately below natural ground level, are setback approximately 1.6m from the western side boundary and approximately 2.4m from the eastern side boundary and are not visible from the right of carriageway. The low visual impact of these walls is illustrated in **Figures 9 and 10**.

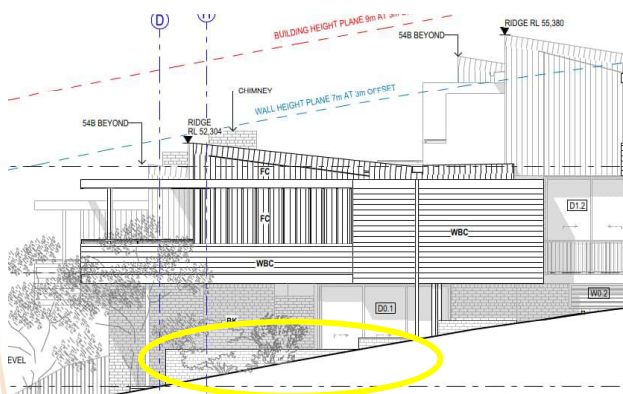


Figure 9: Extract of West / Street Elevation with non-compliant retaining wall circled in yellow.

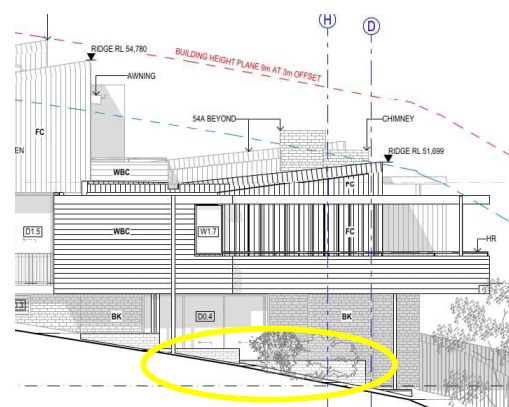


Figure 10: Extract of Eastern Elevation with non-compliant retaining wall circled in yellow.

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

Response

Plans prepared by *Maccormick + Associates Architects* detail that retaining walls over 1m in height will be designed by an Engineer. The walls are not out of character for developments on steep sites in this locality. The walls are aesthetically pleasing and do not dominate the built form proposed as is illustrated in **Figure 11**.



Figure 11: Extract of 3D Imaging showing both the lower ground floor retaining walls and highest sections of the side boundary retaining walls.

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

Response

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

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

Response

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

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

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

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'K Mion', is positioned above the printed name.

Karen Mion
Senior Town Planner
SET CONSULTANTS PTY LIMITED

DRAFT CONDITIONS FOR: DA-2023/526

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

NSW Rural Fire Service - Rural Fires Act 1997

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

Reason:

To satisfy the requirements of the legislation.

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

1. **Approved Plans and Supporting Documentation**

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

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

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

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

General Conditions

2. **Construction Certificate**

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

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied,

including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

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

Reason:

To satisfy the requirements of the legislation.

3. Occupation Certificate

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

Reason:

To satisfy the requirements of the legislation.

4. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

Reason:

To ensure the development is built in accordance with the Building Code of Australia.

5. Site Facilities

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

Reason:

To minimise the visual impact of ancillary structures.

6. Height Restriction

The development shall be restricted to the maximum ridge heights shown on the approved plans (inclusive of the lift tower and any air conditioning plant). Any alteration to the maximum height of the development will require further separate approval of Council.

Reason:

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

7. Tree Retention/Removal

The developer shall retain the existing tree(s) indicated on Plan 1 and 2 in Appendix 6 pages 24 and 25 in the Arboricultural Impact Assessment by Treeism Arboricultural Services dated May 2023 consisting of tree(s) numbered 6, 7, 8, 9, 10, 11, 12, 13, g, h, and i.

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

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

All recommendations in the Arboricultural Impact Assessment by Arboricultural Impact Assessment by Treeism Arboricultural Services dated May 2023 page nos 8-10 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

Reason:

To protect the amenity of the environment and the neighbourhood.

8. Articulation Jointing

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

Reason:

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

9. Class P Soils

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

Reason:

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

10. Development Boundary

No development, excepting the ground floor cantilevered balconies, is to occur within the restricted building zone as recommended by the geotechnical consultant.

Reason:

To ensure site specific geotechnical constraints are appropriately considered

11. Work in Accordance with Report

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

Reason:

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

12. Excavation Support

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

Reason:

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

13. Stormwater and Wastewater

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

Reason:

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

14. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$6,660.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

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

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

Reason:

To ensure compliance with Council Policy and enable the provision of local infrastructure.

Before the Issue of a Construction Certificate

15. Present Plans to Sydney Water

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

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

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

Reason:

To satisfy the requirements of the legislation.

16. Utilities and Services

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

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

Reason:

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

17. Obscure Glazing for all Bathroom and WC Windows

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

Reason:

To protect neighbourhood amenity.

18. External Clothes Drying Facilities

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

Reason:

To comply with Council's Development Control Plan.

19. Dilapidation Report

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

Reason:

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

20. Parking Dimensions

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

Reason:

To ensure compliance with Australian Standards.

21. Structures Adjacent to Driveway

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

Reason:

To ensure compliance with Australian Standards.

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

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

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

Reason:

To comply with Council's Development Control Plan.

23. Stormwater Drainage Design

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

- a. Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by McCormick & Associates, Reference No. 231083, Sheets SW32 – SW39, issue A, dated 2/6/2023.

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

Reason:

To comply with Council's Development Control Plan.

24. Fencing

The development is to be provided with fencing and screen walls at full cost to the applicant/developer. Where a fence or gate is within 6m of a dwelling it must be constructed of non- combustible material only (Page 17 section 9.2 point 4 Australian Bushfire Consulting Services Bush fire assessment report dated 4th June 2023);

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

Reason:

To comply with Council's Development Control Plan.

25. Landscaping

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

Reason:

To comply with Council's Development Control Plan.

26. Certification for Landscape and Drainage

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

Reason:

To ensure development does not impact services.

27. Landscape Maintenance Plan

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

Reason:

To comply with Council's Development Control Plan.

28. Tree Protection and Management

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

- a. Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.
- b. Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.
- c. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch.
- d. Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the Arborist's recommendations.

Reason:

To comply with Council's Development Control Plan.

29. Landscaping in Bush Fire Prone Areas

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

Reason:

To satisfy the requirements of the legislation and Australian Standards.

30. Property Addressing Policy Compliance

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

Reason:

To comply with Council Policy.

31. Site Filling

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

Reason:

To comply with Council's Development Control Plan.

32. No Adverse Runoff Impacts on Adjoining Properties

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

Reason:

To protect neighbourhood amenity.

Before the Commencement of Building Work

33. Appointment of Principal Certifier

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

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

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

Reason:

To satisfy the requirements of the legislation.

34. Home Building Act Requirements

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

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

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

Reason:

To satisfy the requirements of the legislation.

35. Signs On Site

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

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

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

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

Reason:

To satisfy the requirements of the legislation.

36. Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

Reason:

To satisfy the requirements of the legislation.

37. Enclosure of the Site

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

Reason:

To ensure safety.

38. Waste Management

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

Reason:

To protect neighbourhood amenity.

39. Survey Report - Siting of Development within Property Boundaries

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

Reason:

To ensure correct development location.

40. Works in Road Reserve - Minor Works

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

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

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

Reason:

To satisfy the requirements of the legislation.

41. Supervising Arborist - Tree Inspection and Installation of Tree Protection Measures

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

Reason:

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

42. Certification from Arborist - Adequate Protection of Trees to be Retained

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

Reason:

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

43. Tree Protection

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

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

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

Reason:

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

44. Tree Protection Measures

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

Reason:

To protect and retain trees.

45. Site Management Program - Sediment and Erosion Control Measures

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

Reason:

To protect neighbourhood amenity.

46. Temporary Sediment Fences

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

Reason:

To protect neighbourhood amenity.

47. All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

Reason:

To protect neighbourhood amenity.

48. Sediment Control Measures

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

Reason:

To protect neighbourhood amenity.

While Building Work is Being Carried Out

49. Hours of Work

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

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

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

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

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

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

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

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

Reason:

To protect the amenity of the surrounding area.

50. No Adverse Run-off Impacts on Adjoining Properties

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

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

Reason:

To comply with Council's Development Control Plan.

51. Flows from Adjoining Properties

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

Reason:

To comply with Council's Development Control Plan.

52. New Information/Unexpected Finds

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

Reason:

To ensure protection of the environment and comply with legislation

53. Cut and Fill

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

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

Reason:

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

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

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

Reason:

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

55. Treatment of any Tree Damage by a Supervised Arborist

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

Reason:

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

56. Landscaping

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

Reason:

To satisfy the requirements of the legislation.

57. Provision of Taps/Irrigation System

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

Reason:

To comply with Council's Development Control Plan.

58. Podium Planting

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

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

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

Reason:

To comply with Council's Development Control Plan.

59. Tree Protection

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

Reason:

To protect and retain trees.

60. Foundation Inspections

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

Reason:

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

61. Survey Report for Floor Levels

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

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

Reason:

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

Site Management

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

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

Reason:

To comply with Council's Development Control Plan.

62. Spillage of Material

Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

Reason:

To comply with Council's Development Control Plan.

63. Implementation of BASIX Commitments

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

Reason:

To satisfy the requirements of the legislation.

Before the Issue of an Occupation Certificate

64. Positive Covenant - On-Site Detention Maintenance Schedule

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule (DA-2023/526).

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

Reason:

To comply with Council's Development Control Plan.

65. Restriction on Use - On-Site Detention System (OSD)

The applicant must create a restriction on use under the Conveyancing Act 1919 over the OSD 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 detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression 'on-site detention system' shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

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

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

Reason:

To comply with Council's Development Control Plan.

66. Retaining Wall Certification

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

Reason:

To comply with the relevant Standards.

67. Completion of Landscape and Tree Works

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

Reason:

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

68. Section 73 Certificate

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

Reason:

To satisfy the requirements of the legislation.

69. BASIX

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

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

Reason:

To satisfy the requirements of the legislation.

70. Bush Fire Compliance Certificate

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

Reason:

To satisfy the requirements of the legislation.

Occupation and Ongoing Use

71. Bush Fire - Maintenance of Landscaping

The landscaping and the site must be maintained at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Climbing species are avoided to walls and pergolas;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of two (2) metres above the ground;
- Trees are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);

- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- No part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection".
- The use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Reason:

To comply with legislation and Australian Standards.

72. Maintenance of Inner Protection Area

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

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of two (2) metres above the ground;
 - the canopy is discontinuous such that tree canopies should be separated by two (2) to five (5) metres;
 - they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
 - create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;

- no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection 2019" and
- the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Reason:

To comply with legislation and Australian Standards.

Before the Issue of a Subdivision Certificate

73. Occupation Certificate Prior to Subdivision Certificate

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

Reason:

To satisfy the requirements of the legislation.

74. Existing Easements

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

Reason:

To comply with Council's Development Control Plan.

75. Existing Restriction as to Use

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

Reason:

To comply with Council's Development Control Plan.

76. Encroaching Pipes

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

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

Reason:

To comply with Council's Development Control Plan.

77. Encroaching Services

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

Reason:

To comply with Council's Development Control Plan.

78. Section 88B Instrument

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

Reason:

To satisfy the requirements of the legislation.

79. 88B Instrument Easements/Restrictions

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

Reason:

To satisfy the requirements of the legislation.

80. Party Wall

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

Reason:

To satisfy the requirements of the legislation.

81. Final Documentation Required Prior to Issue of Subdivision Certificate

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

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

Reason:

To satisfy the requirements of the legislation.



NSW RURAL FIRE SERVICE

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Your reference: (CNR-57795) DA-2023/526
Our reference: DA20230718003154-Original-1

ATTENTION: Nicole Ashton

Date: Friday 28 July 2023

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
54 HIGH STREET THIRROUL 2515, 3//DP1239971

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

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

General Conditions

1. The development proposal is to generally comply with the following plans/documents except where amended by the conditions of this Bush Fire Safety Authority.

- The plan titled "54 High St - Site and Context Analysis Plan, Drawn by Maccormick & Associates Architects, Project No: 2120, Rev: A, Drawing No: A01.1, Dated 7/07/2023"
- The bush fire assessment prepared by "Australian Bush Fire Consulting Services, Ref: 22-472-2, Dated 4/06/2023"

Asset Protection Zones

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

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

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

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

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

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

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

Construction Standards

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

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

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

Water and Utility Services

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

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

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



Landscaping Assessment

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

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

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

General Advice – Consent Authority to Note

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

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

Yours sincerely,

Allyn Purkiss
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
54 HIGH STREET THIRROUL 2515, 3//DP1239971
RFS Reference: DA20230718003154-Original-1
Your Reference: (CNR-57795) DA-2023/526

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

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

Allyn Purkiss

Manager Planning & Environment Services
Built & Natural Environment

Friday 28 July 2023