

<b>JRPP No.</b>	2010STH012
<b>DA No.</b>	DA-2010/580
<b>Proposal</b>	Affordable Rental Housing and Community Facility Development
<b>Property</b>	Lot 101 DP 1111861 Moombara Street, DAPTO NSW 2530
<b>Applicant</b>	The Illawarra Community Housing Trust / Cardno
<b>Report by:</b>	John Wood, Senior Development Project Officer, Wollongong City Council

## EXECUTIVE SUMMARY

### Reason for consideration by Joint Regional Planning Panel

The proposal has been referred to Joint Regional Planning Panel pursuant to clause 13B (1)(b)(i) of State Environmental Planning Policy (Major Development) 2005 as the proposal involves affordable housing with a capital investment value exceeding \$5 million.

### Proposal

This development application seeks consent for 108 affordable rental dwellings configured across three distinct residential flat buildings that vary between three and four storeys in height and a community facility building.

Ancillary to the development is a basement carpark for the residential flat buildings as well as, at-grade and undercroft car parking, communal landscaping and recreation open space areas within the central part of the site.

The proposal is afforded street access via a separate Subdivision Development Application DA-2009/1544 (consolidation of 13 lots into 6 lots subdivision and public laneway) conditionally approved by Council on 9 September 2010 within which the subject development site is referred to as proposed lot 6. It is anticipated by the applicant that both the subdivision and development works, the subject of this application will be constructed concurrently should this application be conditionally approved.

### Background and Site Description

The land and proposed development are owned by The Illawarra Community Housing Trust (TICHT) who are a not-for-profit charity with the principle aim of providing affordable rental accommodation. TICHT have secured funding through the Federal Government's National Affordable Rental Scheme (NRAS) to develop the site providing for new accommodation which can be rented to low or moderate income households.

The overall 'TICHT' land holding has an area of approximately 1.97 hectares and consists of 13 allotments. The topography is relatively flat and no significant site constraints are apparent.

The site to which this application relates (proposed lot 6 – 10,022 sq. m) was formerly the Dapto Public School. This land use has now ceased and the old school buildings were demolished in 2005 via DA-2005/513.

The site is located on the corner of Byamee Street and Moombara Street, behind the Dapto Mall Shopping Complex and is bordered by the Dapto Showground to the south and east, Dapto Anglican Church facilities to the west and residential development to the north beyond Byamee Street.

## Permissibility

The site is zoned R3 Medium Density Residential pursuant to Wollongong Local Environmental Plan (West Dapto) 2010. The proposal is defined as Residential Flat Buildings and Community Facilities and is permissible in the R3 Medium Density Residential zone with development consent.

## Consultation

Neighbour notification and advertising was undertaken twice (original submission and redesigned proposal) in accordance with the requirements of the Environmental Planning & Assessment Act, 1979 and Regulation and Council's 'Public Notification and Advertising Procedures'. Consultation with the Department of Planning, the Roads and Traffic Authority and internal divisions of Council has also been undertaken.

There were (2) public submissions received as a result of the original exhibition process which raised concerns in relation to traffic, pedestrian and car parking impacts; lack of communal open space and recreation facilities and future potential noise issues impacting upon future residents of the proposal from activities associated with the adjoining Dapto Showground site. No public submissions were received as part of the revised proposal exhibition process.

## Main Issues

The main issues arising from the assessment of this application are:-

- the design of the proposed development with regard to height and setback variation requests as relates to Wollongong Local Environmental Plan (West Dapto) 2010 and Wollongong Development Control Plan 2009 respectively; and
- the applicant's Section 94A Development Contributions Plan exemption request.

## Conclusion

This application has been assessed having regard to the relevant matters for consideration prescribed by Section 79C (1) of the Environmental Planning and Assessment Act 1979.

The proposed development is permissible with development consent in the R3 Medium Density Residential zone and is reasonably consistent with the zone objectives.

The necessary consultations with NSW Public Authorities such as the Roads and Traffic Authority and the Department of Planning have been undertaken with satisfactory referral comments and required concurrences granted.

The proposal has been examined with regard to its environmental, social and economic impacts and is considered to be acceptable subject to the imposition of the recommended conditions. Detailed consideration has been given to the comments provided within public submissions in this assessment and the applicant has provided responses and addressed concerns through plan amendments and further information where required. It is considered that these concerns are now generally resolved.

The site is considered suitable for the proposal and on balance, the proposed development is considered to be in the public interest.

## RECOMMENDATION

It is recommended that Development Application DA-2010/580 be approved pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the proposed draft conditions of consent as contained within Attachment 8 to this report.

## ASSESSMENT REPORT

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### 1 Background

The recent development history affecting the subject site is as follows:-

No	Type	App Description	Status
DA-2009/1544	Development Application	Consolidation of Lots 1-12 into 5 lots and implementation of an access road	Complete
DA-2010/580	Development Application	Construction of five (5) residential flat buildings and community facility including ancillary parking, landscaping, servicing and engineering works	Under Assessment
PL-2010/8	Pre Lodgement Application	Five residential flat building containing 108 dwellings, commercial/community facility and associated parking, landscaping and stormwater design works	Complete

The property does not have any outstanding customer service actions.

### Site description

The site is located at Moombara Street, Dapto and is legally described as Proposed Lot 6 in a plan of subdivision of (DA-2009/1544). The site is identified at Attachment 1.

The site (proposed lot 6) is approximately 10,022 square metres in area and was previously used as a playing field for the former Dapto Public School. The site is within close proximity to Dapto Railway Station (700m), Dapto RSL Club (500m), Dapto Library (350m) and Dapto Shopping Centre (150m).

The site is bounded to the north beyond Byamee Street by existing residential areas, to the east and south by Dapto Showground/Greyhound Track and to the west by Dapto Anglican Church facilities.

The site is reasonably flat, does not contain any watercourses, and has existing utility service provision and direct access to a proposed public laneway via DA-2009/1544. Existing vegetation is confined to the eastern and southern boundaries.

Council records list the site constraints as being potentially affected by acid sulphate soils only and there are no restrictions on the title.

The applicant has presented the site plan as at Attachment 3 as a series of different use/building type areas A to D and has within the submitted Statement of Environmental Effects (S.E.E) offered reasoning for the future development potential use of Area D as considerations for this area has impacted the subject development layout particularly in relation to setbacks.

Additionally the development calculations in relation to area of the site do not account for Area D as being part of the overall development site for completeness. Thus, the site area reference for the purposes of the Development Application no. 2010/580 is 7,624 square metres. The applicant has accepted that any future use proposed for Area D will be the subject of a separate development application process.

## 2 Proposal

This development application seeks consent for 108 affordable rental dwellings configured across three distinct residential flat buildings (RFB's) that vary between three and four storeys in height and a community facility building intended to provide administration space for TIGHT operations in the Illawarra. Ancillary to the development is a basement, at grade and undercroft car parking, vehicular and pedestrian access and egress points and communal landscaping and recreation space.

The three RFB's accommodate 108 dwellings comprising:

- 42 x 1 bedroom units at or above 50m<sup>2</sup> gross floor area (GFA)
- 52 x 2 bedroom units at or above 70m<sup>2</sup> GFA
- 14 x 3 bedroom units at or above 90m<sup>2</sup> GFA

The RFB's are designed in two parallel lines running north/south across the site to maximise solar access opportunities with appropriate building separation distances between each of the buildings. The line on

the eastern side of the site contains three distinct residential modules (Area A) whilst the middle of the site (Area B) contains two RFB's separated by a roofed pergola/ communal recreation area. The proposed community facility (Area C) is located on the western side of the site.

Whilst the RFB's vary in height they all share the same structural design to allow economic construction to support the proposed use for affordable rental housing. As such, all RFB's have between three and seven units surrounding the central building core which contains an elevator and stair provision as well as disabled access to all levels with short travel distances from the common access point to the entry of each unit.

The community centre for the affordable rental housing project will be owned and used by TIGHT for their administrative headquarters. The community facility as proposed as a single storey building on columns, accessible by an external stairway and a lift suitable for disabled persons. Undercroft car parking for staff and visitors is proposed under the community facility with direct access to the laneway. Bicycle, motorcycle parking and waste bin storage is also proposed under the community facility.

The community facility is to be staffed during normal office hours, for example 9am – 5pm; however it is indicated in the submitted S.E.E that there may be occasions when staff work slightly outside of these hours. TIGHT propose to have 12 staff in the community facility.

#### Materials and Finishes

Although the structural design is replicated for all RFB's the articulation, shape and facia materials ensure the development is not repetitive and are individually characterised.

The applicant has supplied in the submitted S.E.E a 3D rendered sample board of selected external finishes which details several face brickwork tones, colorbond roofing, gutters, downpipes and trim, anodised/ powder coated windows and door frames along with textured paintwork trim where required..

The community facility will have feature terracotta cladding to end walls, anodised/ powder coated windows and door frames with full height glazing to both long elevations to provide suitable light access and visual interest and a colorbond roof.

The proposed building materials and finishes provide a modern high quality finish to the buildings with minimal maintenance requirements expected.

#### Roadworks.

The proposal is afforded street access via a separate Subdivision Development Application DA-2009/1544 (6 lot subdivision and public laneway) conditionally approved by Council on 9 September 2010 within which this development site is referred to as proposed lot 6. It is anticipated that both the subdivision incorporating roadworks and development works, the subject of this application will be undertaken concurrently should this application be conditionally approved as advised by the applicant. Details of the companion DA-2009/1544 have been provided at Attachment 4 of this report.

Further, Council proposes a draft consent condition no. 97 as at Attachment 8 of this report as negotiated with the applicant that the Occupation Certificate for this development not be issued until such time as the Subdivision Certificate associated with DA-2009/1544 is first registered with the NSW Land and Property Management Authority.

#### Traffic and Transport Management

The applicant has submitted a Traffic Impact Assessment report for the development which has been assessed by both Council and the RTA. The applicant has been requested to provide additional intersection analysis prior to the issue of the Engineering Construction Certificate for the associated DA-2009/1544 taking into account the impacts of the development on proposed lot 6.

A loading bay for a small rigid vehicle is provided in the at-grade residential visitors car park. No. on-site parking for a medium or large rigid vehicle is proposed as this is not required because waste removal is proposed off the public laneway. The public laneway is proposed to prohibit parking or stopping for the entire length. However, to provide for irregular occasions when a medium or large rigid vehicle may visit the site, a dedicated loading zone is proposed within the road carriageway and adjacent to the southern verge. This is situated just east of the pedestrian access into the RFB complex. The width of the laneway and single direction traffic flow permits other vehicles to safely pass a vehicle in the loading zone and the

position ensures no impact on sightlines for drivers entering the laneway. A layout of the proposed laneway design conditionally approved by Council via DA-2009/1544 is provided at Attachment 4 of this report.

## Parking

### Residential Flat Buildings

A basement car park is proposed for residents and an at-grade car park for visitors. The basement car park is generally under the footprint of the two lines of RFB's to minimise impacts to deep soil zones and thereby maximise amenity to the future occupants. The basement car park entry is via a ramp direct from the public laneway at which point the car park divides in two (under the RFB's). Car parking is allocated at one space per unit, bicycle/motorcycle parking and bin storage is also included in this basement area.

The at-grade car park provides 21 spaces for visitors to the RFB's including a loading bay sized to accommodate a small medium rigid vehicle. Parking for a medium or large rigid vehicle is provided in a loading zone within the public laneway in front of the eastern line of RFB's. Both car parks have secure entrances.

The RFB development component accounts for a total of 129 car spaces, 36 bicycle spaces and 9 motorcycle spaces

### Community Facility

Undercroft car parking for staff and visitors is proposed under the community facility with direct access to the laneway. Bicycle, motorcycle parking and waste bin storage is also proposed under the community facility. The landscaping proposed for the RFB's is extended around the community facility for continuity.

The Community facility component of the development accounts for a total of 12 car spaces, 4 bicycle spaces and 2 motorcycle spaces.

## Pedestrian Permeability

The proposal has accounted for walking and cycling for the following reasons:

- The frontage of the RFB's with the public laneway is within 200m of the Dapto Mall which provides services and amenities for future residents without the need to drive.
- There is a proposed level footpath link between all the RFB's and the proposed footpath on the public laneway.
- Pedestrian provision for new residents is proposed in the Traffic Impact Assessment report, this provides for safe crossing opportunities along expected pedestrian desire lines.
- Bicycle storage is proposed within the secure car park and each dwelling unit has a store in the basement large enough to accommodate a bicycle.

Public transport connection is available in the Dapto CBD and Dapto rail station, both being within reasonable walking distance from the development.

## **3 Environmental Planning and Assessment Act 1979**

In determining a development application, the consent authority must take into consideration matters referred to in section 79C (1) of the EP&A Act 1979 as are of relevance to the development. The following table summarises the relevant matters of consideration under section 79C (1) and the significant matters are discussed in further detail in the report.

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### (a)(i) any environmental planning instrument

#### State Environmental Planning Policies

- State Environmental Planning Policy (Major Development) 2005
- SEPP No. 65 - Design Quality of Residential Flat Development
- SEPP (Infrastructure) 2007
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Affordable Rental Housing) 2009
- Illawarra Regional Environmental Plan no.1 1986 (deemed SEPP 1 July 2009)

#### Local Environmental Planning Policies

- Wollongong Local Environmental Plan (West Dapto) 2010

*Detailed assessment is provided below the table.*

### (a)(ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

None applicable.

### (a)(iii) any development control plan

- Wollongong Section 94A Development Contributions Plan 2009
- Wollongong Development Control Plan 2009

*Detailed assessment is provided below the table.*

### (a)(iiia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F

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

### (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Clause 92 of the Environmental Planning & Assessment Regulation 2000 prescribes the following matters for consideration: -

- AS 2601-1991: The Demolition of Structures
- In the case of land to which the Government Coastal Policy applies, the NSW Coastal Policy 1997

The application does not involve demolition and as such the provisions of AS 2601-1991: 'The Demolition of Structures' does not apply.

The site is not located on land to which the Government Coastal Policy applies.

**b) the likely impacts of development**

Context and Setting:

The proposal will represent the first example of significant change and renewal in the new R3 residential zone of Wollongong Local Environmental Plan (West Dapto) 2010 within the immediate locality. This is considered an appropriate change given the site's location in close proximity to services and the fact that the site has remained vacant for number of years. The intended use is not for social housing but for affordable rental accommodation to be administered by a not-for-profit Community Organisation via an administration centre on the same site.

Access, Transport and Traffic:

A Traffic Impact Assessment report accompanied the application submission, which was referred to the RTA for comment via SEPP (Infrastructure) 2007 – Schedule 3 development and Council's Traffic section and found to be conditionally satisfactory.

Intersection road works and the proposed public laneway access road incorporating pedestrian facilities and crossings are expected to be a positive outcome for the locality and have been separately assessed and conditioned for via DA-2009/1544.

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Public Domain:

The proposal is not considered to adversely impact upon the Public Domain and a Social Impact Assessment Report accompanied the application submission. The proposal is envisaged to cater for some of the demand for affordable rental housing in the Illawarra generally.

Street lighting

Street lighting requirements on the proposed public laneway access road fronting the development will be provided to ensure that it is appropriately lit for night time use.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. All utility services are available to the site, though some augmentation or adjustments may be required to facilitate the proposed development. Council's proposed draft conditions of consent at Attachment 8 of this report require the applicant to seek and provide documentary evidence of adequate public utility service capability to the development prior to the issue of the Construction Certificate.

Heritage:

There are no known heritage items either Aboriginal or European in the immediate vicinity of the site that could be adversely impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site via an appropriate land use in an appropriate zone and is not envisaged to adversely impact upon any valuable land resources.

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Water:

The site is presently serviced by Sydney Water, though some augmentation or adjustments may be required to facilitate the proposed development. Council's proposed draft conditions of consent at Attachment 8 of this report require the applicant to seek and provide documentary evidence of adequate public utility service capability to the development prior to the issue of the Construction Certificate.

The development is not envisaged to have unreasonable water consumption and the applicant proposes the incorporation of Water Sensitive Urban Design (WSUD) principles into the final designs presented for the Construction Certificate application as they link with the proposed stormwater management plan final designs.

### Stormwater Management

Stormwater will be disposed of via new infrastructure within the proposed road reserve of DA-2009/1544 then into the existing public drainage system in Byamee Street. Rainwater will also be collected from the development and used for landscaping maintenance. The stormwater concept designs have been considered by Council's Stormwater Division and are conditionally satisfactory.

### Soils:

Some impacts on soil resources are expected during construction, however these impacts are unlikely to be unreasonable and can be mitigated through implementation of appropriate soil and water management controls during construction. Concept details accompanying the submitted S.E.E. were referred to Council's Environment section and considered conditionally satisfactory.

### Air and Microclimate:

The proposal may have air quality impacts during construction; however these impacts will be of a short term nature only and can be mitigated using dust suppression. No long term air quality impacts are envisaged and the development has incorporated ESD principles in the design for natural ventilation and solar orientation.

### Flora and Fauna:

There is minimal existing vegetation on the site except for some trees shrubs adjacent the southern and eastern boundaries of the site. A landscaping concept plan and an arborist's report accompanied the application submission. There are no envisaged impacts upon fauna from the proposal and Council's records do not indicate any recorded or potential for threatened species for the site. The application was referred to Council's Environment and Landscape sections and found to be conditionally satisfactory.

### Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction phase of the development. An operational waste management and minimisation statement accompanied the application submission S.E.E. The application was referred to Council's Environment and Traffic sections and found to be conditionally satisfactory.

### Energy:

The proposal is not envisaged to have unreasonable energy consumption and has incorporated both BASIX and ESD principles into the design. Section J of the Building Code of Australia is also required be observed with regard to construction techniques and design prior to the issue of the Construction Certificate.



## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works. The completed development is not expected to generate any greater noise impact than any other like residential development permissible within the zone. The applicant has stated that double glazing will be provided to those habitable rooms of the southern elevations facing Dapto Showground so as to mitigate any future noise impacts from activities at the venue. Council has separately provided for a draft condition of consent no. 11 at Attachment 8 of this report requiring double glazing to all habitable rooms of the development due to the proximity of the development to Dapto Showground (adjoining site) and the adjacent F6 Freeway (100m approximate distance to road reserve boundary from east boundary of the development site).

The application was referred to Council's Environmental section and found to be conditionally satisfactory.

### Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal. Council records list the site as acid sulphate soil affected. The applicant has addressed this matter in the submitted S.E.E indicating that as the proposed development works are not likely to lower the water table there are no further requirements in regard to this matter.

The land is not known to be contaminated. The applicant has provided in the S.E.E submission a site history record which indicates a low potential for contamination. If any contaminants were found to be present during the construction phase, they could be simply managed.

The application was referred to Council's Environmental section and found to be conditionally satisfactory.

### Safety, Security and Crime Prevention:

Crime Prevention through Environmental Design has been considered in the submitted S.E.E and details of the proposal were forwarded to Council's Safe Community Action Team (SCAT) for comment with no development specific issues identified.

The applicant has outlined the security and access restrictions to be implemented at the site in relation to the RFB's - to both the buildings and basement car parking. All visitor parking is to be provided externally at grade.

### Social Impact:

The proposal is not expected to create any negative social impact. A specialist consultant's Social Impact Assessment Report accompanied the application submission which was forwarded to Council's Community Services section for comment with no development specific issues identified.

### Economic Impact:

The proposal is not expected to create any negative economic impact and may positively contribute to the local economy of Dapto, both during construction and when finally occupied.

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

### Site Design and Internal Design:

The application does result in departures from development standards in relation to the maximum allowable height within the zone and Council's development control plan setback and fencing requirements. The applicant has provided comprehensive submissions to all matters within the submitted S.E.E as outlined below. The proposed configuration is satisfactory with regard to disabled persons' access and facilities (specialist Access consultant's report submitted), general compliance with the BCA (specialist consultant's BCA report submitted), servicing provision and the like.

The site design has been selected to maximise pedestrian permeability to all areas and the internal design to account for safety and security. The applicant has supplied at Attachment 5 of this report specific comment to the ten SEPP 65 Design Quality Principles and the Residential Design Flat Code guidelines which Council has considered to be a satisfactory interpretation and subsequent design response.

### Construction:

A condition will be attached to any consent granted that Work Cover be contacted for any demolition or use of any crane, hoist, plant or scaffolding.

Construction impacts are likely to be significant and will extend over a number of months. Noise, vibration, dust generation and other impacts which could potentially impact upon the amenity of nearby residents can be mitigated through appropriate management. Draft conditions are included at Attachment 8 of this report in relation to these issues.

Soil and water impacts during construction can also be minimised through the use of appropriate soil and water management. Draft conditions are also recommended for imposition in this regard.

There are unlikely to be temporary road closures required during the construction period for this development as TIGHT own the sites to the north of the subject development site with direct access to Byamee Street. Conditions are recommended for specific construction access requirements as well as suitable enclosure of the site to negate public access as provided for at Attachment 8 of this report.

A condition has been provided for at Attachment 8 of this report that all works are to be in compliance with the Building Code of Australia.

### Cumulative Impacts:

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

### Solar Access & Overshadowing

The applicant has provided shadow diagrams as provided at Attachment 3 of this report illustrating the overshadowing impacts of the proposal. The diagrams indicate that overshadowing impacts to adjoining/adjacent properties will be minor due to the north /south axis orientation of the RFB's in particular at the winter solstice.

## **c) the suitability of the site for development**

### Does the proposal fit in the locality?

The proposal is considered appropriate with regards to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments subject to compliance with consent conditions as proposed at Attachment 8 of this report.

### Are the site attributes conducive to development?

There are no apparent site constraints that would prevent the proposal.

## **d) any submissions made in accordance with this Act or the regulations**

Neighbour notification and advertising was undertaken twice (original submission and redesigned proposal) in accordance with the requirements of the Environmental Planning & Assessment Act, 1979 and Regulation and Council's 'Public Notification and Advertising Procedures' Two submissions were received to the original notification exhibition which are discussed in section 13.1 of this report. No

## Section 79C(1) of the Environmental Planning and Assessment Act 1979

submissions were received to the second exhibition which detailed increased development setbacks as negotiated by Council and a revised S.E.E including justification statements for the requested height development departures to the R3 zone of Wollongong Local Environmental Plan (West Dapto) 2010 and setback and fencing variation statement requests to chapter B1 of Wollongong Development Control Plan 2009. No public submissions were received during the re-exhibition of the revised proposal.

### Submissions from public authorities

Council consulted with both the NSW Roads & Traffic Authority and NSW Department of Planning in relation to the proposed development. The comments/concurrence provided by the authorities are outlined in sections 5 and 10 below and are satisfactory.

### **e) the public interest**

The application proposal is not expected to have any negative impacts on the environment or the amenity of the locality. The proposal is considered appropriate with regard to the zoning and the character of the area and is therefore considered to be in the public interest as it will provide necessary affordable rental housing in the locale and the community facility will provide TIGHT with a central management facility for their continuing not for profit operations within the Illawarra.

## **4 State Environmental Planning Policy (Major Development) 2005**

Part 3 of the Major Development SEPP applies to regional development and provides that certain types of development must be determined by a regional panel.

The proposal has been referred to Joint Regional Planning Panel pursuant to clause 13B (1)(b)(i) of State Environmental Planning Policy (Major Development) 2005 as the proposal involves affordable housing and community facilities with a capital investment value exceeding \$5 million.

## **5 State Environmental Planning Policy (Infrastructure) 2007 – (ISEPP)**

### Division 11 Housing

Subdivision 3 - Housing provided by social Housing providers and public authorities

Clause 63 matters are noted and considered, however, the development proposal is to take place on appropriately zoned land and does not require a site compatibility certificate prior to consent being granted.

### Clause 104 /Schedule 3 Traffic generating development to be referred to the RTA

Council referred details of the application to the RTA for comment and received the following response on 25 May 2010 from Chris Millet (RTA).

*The scale of the development does necessitate a referral to the RTA under either Column 2 or 3 of Schedule 3 of the Infrastructure SEPP as the proposal is for less than 300 dwellings and is not within 90m of a classified road.*

*Given this, the RTA considers that the application is a matter for Council.'*

## **6 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application (RFB's component) demonstrating that the proposed development scheme achieves the BASIX targets.

## 7 State Environmental Planning Policy (Affordable Rental Housing) 2009 - (ASEPP)

The proposed RFB's constitute infill development and as such the proposal fits under Division 1 of Part 2 of the ASEPP. The existing zoning is R3 Medium Density Residential which demonstrates the land is a prescribed zone for the purposes of this Division in accordance with Clause 10.

Clause 11 stipulates the development to which this Division applies. The proposed RFBs comply with Clause 11(b) because the development is 100% affordable rental, the current Wollongong Local Environmental Plan (West Dapto) 2010 permits RFBs with development consent and the land does not contain a heritage item.

Clause 13 identifies that the proposed RFB developments receive a 0.5:1 floor Space Ratio (FSR) bonus because the current FSR for the site is less than 2.5:1 and more than 50% of the development will be for affordable rental housing.

Clause 14 specifies certain standards that a consent authority may not use to refuse a development to which this Division applies, including:

- Car parking for the provision is at least 1 space per 5 dwellings as this development application is made by TIGHT whom are a social housing provider.
- Apartment size if each dwelling has a gross floor area of 35 m<sup>2</sup> for a bed-sit/studio, 50m<sup>2</sup> for a one bedroom, 70m<sup>2</sup> for a two bedroom and 95m<sup>2</sup> for a three bedroom.

Clause 15 confirms that the *Seniors Living Policy: Urban Design Guidelines for Infill Development* does not apply to this development because SEPP 65 applies.

Clause 17 specifies that the affordable rental housing must remain so for at least 10 years and be managed by a registered community housing provider. TIGHT are a registered community housing provider and will own the entire development. Therefore will need to be a condition on any development consent issued to ensure the specifics of this clause are met. Proposed draft condition no. 98 at Attachment 8 of this report accounts for this requirement and proposes a section 88E Instrument – *Conveyancing Act 1919* Restriction as to User to be registered against the property title prior to the issue of the Occupation Certificate.

## 8 Illawarra Regional Environmental Plan No. 1 (deemed SEPP 1 July 2009)

The aim of this plan is to maximize the opportunities for the people of the region and the State to meet their individual and community economic and social needs with particular reference to the way in which these needs are related to the allocation, availability, accessibility and management of the region's land resources.

The proposal is considered to be consistent with the objectives of the Illawarra Regional Environmental Plan No.1 1986 and whilst this instrument is acknowledged as an environmental planning instrument the applicability of the instrument is superseded by Wollongong Local Environmental Plan (West Dapto) 2010.

## 9 State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development. (SEPP 65)

The development meets the definition of a 'residential flat building' and as such, the provisions of SEPP 65 apply.

Part 2 of the Policy sets out design quality principles for residential flat development. These must be considered in the assessment of the proposal pursuant to clause 30(2) (b) and (c) of the Policy. The applicant has provided a registered Architect's Design Verification Statement response to the ten SEPP 65 Design Quality Principles and a Table of Compliance to the *Residential Flat Design Code* guidelines, both of which have been assessed by Council and are considered to be a satisfactory interpretation and

response to the Policy operatives. A copy of the submitted statement and table is presented at Attachment 5 of this report.

## 10 Wollongong Local Environmental Plan (West Dapto) 2010

The site is zoned R3 Medium Density Residential pursuant to Wollongong Local Environmental Plan (West Dapto) 2010. The proposal is categorised as Residential Flat Buildings and Community Facility and is permissible in the zone with development consent.

### Clause 3.7.1 – Definitions

In accordance with cl. 1.4 of Wollongong Local Environmental Plan (West Dapto) 2010 the proposed development is defined as:

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

***community facility*** means a building or place:

- a) owned or controlled by a public authority or non-profit community organisation, and
  - b) used for the physical, social, cultural or intellectual development or welfare of the community,
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The land use table identifies the following objectives and controls:

### Zone R3 Medium Density Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for a range of residential densities and for urban consolidation in appropriate locations.
- To allow some diversity of activities and densities, provided that:
  - the scale and height of any proposed building is comparable with the scale and height of existing buildings in the locality, and
  - traffic generation can be managed in a way that avoids adverse impacts on the local road system, and
  - there will be no significant detracting from the character of the locality or the amenity of any existing or proposed development nearby.

#### 2 Permitted without consent

Home occupations.

#### 3 Permitted with consent

Attached dwellings; Backpackers accommodation; Bed and breakfast accommodation; Boarding houses; Car parks; Child care centres; ***Community facilities***; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home-based child care; Home businesses; Hospitals; Hostels; Information and education facilities; Multi

dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); **Residential flat buildings**; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Signage; Veterinary hospitals

#### **4 Prohibited**

Any development not specified in item 2 or 3

The proposed affordable rental residential flat buildings reasonably observe the objectives of the zone because they provide residential developments of appropriate housing types and densities close to the Dapto CBD. The proposed community facility reasonably observes the objectives of the zone as this will allow TIGHT to provide a landlord service to their tenants in the proposed residential flat buildings and other operations in the Illawarra. The community facility is a diverse activity that is appropriate in scale and height and will generate small amounts of traffic, but will not detract from the character or amenity of the locality due to the architectural design and small size of the building.

#### **Clause 4.3 – Height of Buildings**

The WLEP (West Dapto) 2010 Height of Buildings Map restricts the subject site to an 11m maximum height limit. Portions of the proposed RFB's (Area A building and Area B southern building) exceed this limitation; however the proposed community facility complies with this height restriction.

#### **Clause 4.5 – Floor Space Ratio (FSR)**

The WLEP (West Dapto) 2010 FSR Map enables the subject site to have a permissible FSR of 1.2:1. Additionally, the ASEPP FSR bonus Clause 13(2) (a) (i) increases the permissible FSR for this development by 0.5: to 1.7:1.

The FSR (9,064/7,624) of the proposed development is 1.189:1, which is within this development standard. As previously stated the applicant has only used the gross site area of Areas A, B and C for the calculation for completeness, having regard for the future development potential of Area B.

#### **Clause 4.6 – Exceptions to Developments Standards**

An exception in accordance with this clause is necessary as portions of the proposed RFB's (Area A building and Area B southern building -14.6m maximum height) exceed the zoning limitation for a maximum permissible height of 11m.

Part 3 of Clause 4.6 states the matters for consideration in deciding whether to grant concurrence. These are:

- a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The clause further requires that concurrence from the Director General of the NSW Department of Planning is required to vary this development standard.

The applicant has addressed both clauses via a comprehensive submission within the submitted S.E.E and justifies the suitability of the building height sought as being within the Public Interest based on the site context, observance of the zone objectives and the desire to maximise the social benefits from this 'windfall infill housing opportunity'.

A delegate of The Director General of the NSW Department of Planning granted the concurrence on 2 July 2010 - a copy of the concurrence is provided at Attachment 6 of this report.

#### **Clause 5.9 – Preservation of Trees or Vegetation**

There are a number of trees on the subject site that were requested be removed to facilitate the proposed development. An Arborist report was included in the application submission which assessed the impacts of the removal of these trees.

The applicant has further submitted within the S.E.E that the proposed tree removals are adequately compensated for by the proposal to plant new trees that will be retained into the future whilst allowing the maximum suitable use of the land to provide necessary affordable housing.

The application was referred to Council's Landscape section who advised a conditionally satisfactory response to the tree removals request.

## Clause 7.1 – Acid Sulphate Soils

The WLEP (West Dapto) 2010 mapped the subject site as being affected by acid sulphate soils.

Part (6) of this clause advises that “*This clause does not require consent to carry out any works: (b) unless the works are likely to lower the water table*”. As the works proposed are not likely to lower the water table there is no requirement to further assess the proposal in relation to Clause 7.1.

## Clause 7.10 – Public Utility Infrastructure

Council is reasonably satisfied that any public utility infrastructure that is essential for the development is either reasonably available or that adequate augmentation arrangements can be made to make that infrastructure available when required. The proposed draft conditions at Attachment 8 of this report require the applicant to demonstrate satisfactory utility servicing prior to the issue of the Construction Certificate.

# 11 Wollongong Development Control Plan 2009

## PART B – LAND USE PLANNING CONTROLS

### B1 – RESIDENTIAL DEVELOPMENT

#### Section 9 Residential Flat Buildings

<i>Controls/objectives</i>	<i>Comment</i>	<i>Reasonable Observance</i>
<u>9.2 Minimum Site Width Requirement</u>	Proposed lot 6 (of DA-2009/1544) is 106 metres wide and is not considered an isolated lot because the land to the east (Dapto Showground) is undeveloped. The minimum width of 24m as prescribed by the DCP is therefore satisfied.	yes
<u>9.3 Maximum Floor Space Ratio (FSR) / Density</u>	The Wollongong LEP (West Dapto) 2010 FSR Map enables the subject site to have a permissible FSR of 1.2:1. Additionally, the ASEPP FSR bonus of 0.5:1 increases the permissible FSR for this development to 1.7:1.  The FSR of the proposed development is 1.189:1, which is within this development standard.	yes
<u>9.4 Building Height</u>	The Wollongong LEP (West Dapto) 2010 Height of Buildings Map restricts the subject site to an 11m height limit. Portions of the proposed RFB's (Area A building and Area B southern building) exceed this limit; however the proposed community facility complies with this height restriction.  The applicant has submitted an exception to a development standard statement as prescribed by cl 4.6 of Wollongong LEP (West Dapto) 2010 and Council has sought the necessary concurrence from the Director General of	Variation request

9.5 Front  
Setbacks

the NSW Department of Planning whom granted the height variance concurrence on 2 July 2010. A copy of the concurrence is presented at Attachment 6 of this report. Council's Strategic Planning section were also consulted regarding this matter and had no objection to the proposal.

The Wollongong DCP 2009 requires a minimum 6m front setback, but has an allowance for balcony intrusion up to 900mm. All proposed building walls are setback at least 6m, some parts significantly further. The front balconies of the north-eastern building (Area A) will intrude 2.4m in to the front setback, resulting in a non-compliance of 1.5m. The resultant setback to the balcony will be 3.6m as shown by the "Development Setback" drawings as at Attachment 3 of this report.

The applicant has submitted a comprehensive statement of variation request in the S.E.E as required by the Wollongong DCP 2009. The original proposal sought a front setback of 1.688m only. Council advised the applicant that this setback would not be acceptable and the applicant agreed to a redesign to better reflect the intent of the policy. Given this matter represents a small area only of the overall development the present design is viewed as reasonable and Council agrees to the variation enabling a proposed 3.604m front setback to the balcony of the Area A building.

Variation  
request

9.6 Side and  
Rear Setbacks /  
Building  
Separation

Wollongong DCP 2009 requires 6m from a habitable room/3.5m otherwise up to 12m in height and 9m/4.5 for higher parts of the building. TIGHT Project Control Group contend that the lower building setback distances apply to this proposal. On this basis the proposal would comply with the Wollongong DCP (2009). If by interpretation the higher building setback distances apply, the proposal is uncompliant and a variation is request is required.

The applicant has submitted a comprehensive statement of variation request in the submitted S.E.E as required by Wollongong DCP 2009. The original proposal sought a side and rear setback of 3.5m and 4m only to habitable rooms of the four storey (>12m) portions of the RFB's, respectively. Council advised the applicant that these setbacks would not be acceptable and the applicant agreed to a redesign to better reflect the intent of the policy. The negotiated outcome of the present design is viewed as reasonable with 6.0m being observed as the minimum side setback. The proposed minimum rear setbacks of 3.7m and 4.7m to two (2) only habitable rooms that contain no windows in the southern elevation are seen as reasonable in the circumstances as all other habitable rooms of the southern elevation observe 6m or greater.

Whilst the redesigned proposal still does not observe the minimum 9m side and rear setbacks as required by Wollongong DCP 2009 for the higher portions of the RFB's Council is in agreement with the variation request on the basis that FSR for the site has been observed, a statement of future intended use for area D by TIGHT has been provided (impacting on building layouts) and that a building separation of 12m minimum (greater in most areas) coupled with the articulated design reasonably observes the intent of the Wollongong DCP 2009 as balanced against possible loss of housing yield for this specific development in this specific locality/site.

Council also acknowledges that the development control table provides for buildings up to four storeys at 12m, yet practical construction techniques may preclude four storeys being achieved within a 12m height envelope.

Variation  
request



Controls/objectives	Comment	Reasonable Observance
	Regardless of the interpretation a variation request statement for the proposed rear setbacks of the development was required to be submitted and considered.	
<u>9.7 Built Form</u>	The submitted SEPP 65 Design Verification Statement by a registered Architect and table of compliance to the <i>Residential Flat Design Code</i> guidelines provided at Attachment 5 of this report outline how the design of the proposal responds to this section.	yes
<u>9.8 Visual privacy</u>	The submitted SEPP 65 Design Verification Statement by a registered Architect and table of compliance to the <i>Residential Flat Design Code</i> guidelines provided at Attachment 5 of this report outline how the design of the proposal responds to this section with regard to the orientation of balconies, habitable rooms and the minimum building separation distance provided at 12m.	yes
<u>9.9 Acoustic privacy</u>	<p>The submitted SEPP 65 Design Verification Statement by a registered Architect and table of compliance to the <i>Residential Flat Design Code</i> guidelines provided at Attachment 5 of this report outline the how the design of the proposal responds to this section.</p> <p>Council has separately provided for a draft condition of consent at Attachment 8 of this report requiring double glazing to all habitable rooms of the development due to the proximity of the development to Dapto Showground (adjoining site) and the adjacent F6 Freeway (100m approximate distance to road reserve boundary form east boundary of the development site).</p> <p>The proposal is also required by a draft condition to comply with the requirements of the Building Code of Australia in relation to noise transmission mitigation construction measures.</p>	yes
<u>9.10 Car parking requirements</u>	<p>A Traffic Impact Assessment has been submitted addressing chapter E3 of Wollongong DCP 2009.</p> <p>The development complies with Wollongong DCP 2009 apart from the minimum number parking for cars associated with the use of the RFB's component as this requirement is controlled by the ASEPP (2009) (the development exceeds the ASEPP (2009) requirements - 1 space per 5 dwellings).</p> <p><u>Residential Flat Buildings</u></p> <p>The RFB development accounts for a total of 129 car spaces (108 spaces for dwellings proposed and 21 visitor spaces), 36 bicycle spaces and 9 motorcycle spaces.</p> <p><u>Community Facility</u></p> <p>The Community facility component of the development accounts for a total of 12 car spaces, 4 bicycle spaces and 2 motorcycle spaces and observes the requirements of Wollongong DCP 2009.</p> <p>Disabled cars spaces have been accounted for within both development</p>	yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Reasonable Observance</i>
	components.	
<u>9.11 Basement Car Parking</u>	<p>Basement parking is located within an envelope directly below the footprint of the building and does not impact on deep soil planting. Basements are generally 3.5 metres or greater from boundaries. Basement ceilings are located between 0.5 metres and 1.2 metres above grade with open mesh vertical ventilation between finished ground level car park soffits to promote light/ventilation to these areas. Landscaped terraces are provided above and in front of any basement podium and a secure, accessible pathway network is provided throughout the complex with clearly defined ramped access to all building entry points.</p> <p>All basement setbacks including podiums exceed 1.5 metres from boundaries, natural cross ventilation is provided for the basement car park with supplementary exhausts ducted to building roofs and basement ventilation slots/walls adjoining dense deep soil landscaping. All basements have been considered against 100 year ARI flood levels.</p>	yes
<u>9.12 Access Requirements</u>	The proposal complies with access development controls as detailed on the plans at Attachment 3 of the report. All vehicles can access and depart the site in a forward motion as no vehicle larger than a 'small rigid' type is proposed to access the site. Larger vehicles can park in the proposed loading zone within the proposed public laneway at the front of the RFB's. The car park is designed to AS 8290.1 i.e. 3 metres separated crossing/6 metre driveway width and access to land behind the proposed community facility is via a 6 metre battleaxe handle.	yes
<u>9.13 Landscaping Requirements</u>	The concept landscaping proposal has been prepared by a suitably qualified Landscape Architectural company as at Attachment 3 of this report. This design has been assessed against the requirements of chapter E6 Wollongong DCP 2009. There is approximately 45% of total site area assigned to landscaping and the minimum width of any side landscaped zone (all deep soil) is 3.5m. Rooftop communal or private landscaping space is not relied upon to meet open space requirements. The design has taken into account stormwater drainage so as not conflict with landscaping. Soil depths above podiums meet minimum requirements and appropriate street trees are proposed which were also accounted for in the related subdivision DA-2009/1544 landscape plan presented at Attachment 4 of this report.	yes
<u>9.14 Deep Soil Zone</u>	The deep soil zones proposed will cover approximately 38% of the site as detailed at Attachment 3 of this report and exist in all areas outside building envelopes including common areas between buildings..	yes
<u>9.15 Communal Open Space</u>	The development provides for significant areas – approximately 38% of communal open space (significantly above the minimum 540m <sup>2</sup> ) as detailed at Attachment 3 of this report including pathways, soft landscaped areas and an outdoor covered common area which have easy access and good surveillance. Areas receive greater than 3 hours sunlight at the winter solstice.	yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Reasonable Observance</i>
<u>9.16 Private Open Space</u>	Each dwelling has private open space either as a balcony / terrace / courtyard which are suitably screened meet or exceed minimum size and solar access requirements. Only 1 dwelling extends its terrace into the front setback which has minimal impact as it is towards a one - way public access laneway within the overall site. Balconies address courtyards or rear setbacks; any orientated to the west side notional boundary (Area B building) are located 40 metres from that boundary taking into account the future use potential of Area D.	yes
<u>9.17 Adaptable Housing</u>	10% (11) of the proposed 108 dwellings are adaptable and are located on both ground and upper floors. Suitable parking is provided in accordance with AS 2890.6.2009. A specialist Access Consultant's report was submitted for this development. This assessment was been submitted in accordance with the requirements of chapter E1 Wollongong DCP 2009.	yes
<u>9.18 Access for People with a Disability</u>	Access for disabled persons has been provided for to all parts of the development including street entry / all common areas / all building entry points / every dwelling / car parking meets disabled standards. A specialist Access Consultant's report was submitted for the development. This assessment was been submitted in accordance with the requirements of chapter E1 Wollongong DCP 2009.	yes
<u>9.19 Apartment Size and Layout Mix for Larger Residential Flat Building Developments</u>	<p>The development contains a varied number of types, styles, sizes and orientations of dwellings suitable to affordable rental requirements which is 40% x 1 Bedroom / 50% x 2 Bedroom and 10% x 3 Bedroom apartments. Unit mixes are scattered through all levels of the development to cater for varying desires.</p> <p>Apartments generally are open planned living /dining / kitchens with minimal circulation and orientated to maximise privacy, outlook and solar access. All habitable rooms have 2.7 metre ceiling heights and all non habitable rooms have greater than 2.3 metre ceiling heights.</p>	yes
<u>9.20 Solar Access</u>	<p>Apartments have living areas orientated between N/W and N/E where possible. Given the needs of efficiency for economy housing, to allow affordable rental use, up to 7 dwellings are designed around a core of lift / stair, so some dwellings may have some south exposure although no apartment has a single aspect to the south and generally apartments are dual aspect for natural light and ventilation benefits.</p> <p>Solar screening is provided as required to western orientations. Living rooms and private open space of 70% of dwellings achieve 3 hours solar access at the winter solstice. Solar control to east and west elevations is provided by various architectural methods.</p> <p>The development has minimal impact on adjoining properties as living or private open space does not have reduced solar access due to the proposed development. Shading devices are proposed and incorporated into the design of the RFB's. The impact of this development on solar access for future development is minimal as SEPP 65 building separation rules apply and have been reasonably observed.</p> <p>Shadow diagrams for the proposal have been submitted as at Attachment 3 of this report and appear acceptable with regard to impacts upon adjoining</p>	yes

Controls/objectives	Comment	Reasonable Observance
	properties; in particular at the winter solstice.	
<u>9.21 Natural Ventilation</u>	<p>The proposed units encircle the core of the RFB's for design and build efficiency. The Area B buildings range from 8 metres to 19.5 metres in depth whilst the Area A building ranges from (in W/W direction) 11 metres to 21.5 metres to 30 metres (at the 30 metre dimension the building is only 10 metres deep N/S). Generally all dwellings are either on a corner or flow through double orientated positions allowing all dwellings to achieve cross ventilation. The kitchens form part of living areas for efficiency but are generally less than 8 metres from windows or doors, with most not more than 4 metres away from external venting. No apartments are single aspect.</p>	yes
<u>9.22 Crime Prevention Through Environmental Design (Safety And Security)</u>	<p>The building design allows for casual surveillance of access ways and entries, whilst driveways offer secure entry and are adjacent to secure pedestrian access. Pathways meander through landscaped areas and do not adjoin buildings or provide blind spots. Stairwells are internal and adjacent to lifts. All common areas are secure, naturally lit and ventilated. Hallways are limited to 6 metres maximum length to stair/lift. Car parks are secure with clear lines of sight to lifts or stairs and all car bays/store are open/caged so not solidly enclosed.</p> <p>All car parking utilises natural ventilation and light. Access to the site is security controlled for vehicles and pedestrians, as is each individual building. Passive surveillance is available from ground level (raised 600mm) and levels above to the street. Front fencing is secure but not opaque.</p> <p>The number of dwellings per single lift/stair varies from 3 to 7 and all pathways are to be lit via movement detectors/timers with non-glare pole lighting with minimal bollard lighting.</p> <p>Site and all buildings have secure access with pathways visible from many directions.</p> <p>The application submission S.E.E does address the objectives of chapter E2 of Wollongong DCP 2009.</p>	yes
10.22 Fences	<p>Fences are designed so as not to impede the natural overland flow of water. Fences within the front/secondary building lines are predominately permeable and constructed of painted powder coated metal/timber with masonry bases.</p> <p>Front fences are proposed at 1.8 metres high with landscaped screening behind or in-front of the fence to reduce visual impacts. This is desirable to TIGHT to provide suitable security from the proposed laneway.</p> <p>To minimise impacts from the front fences the design allows for 50% open for the top 2/3 of the height and masonry piers no wider than 250mm. The front fences will be pedestrian friendly and representative of the development. Return fences within 6 metres of the building setback shall be similar to front fences and side fences shall be limited to 1.8 metres height beyond front zone. Screening fences between front setback zone and rear boundary will be limited to 1.8 metres high.</p> <p>The proposal represents a departure from Council's stated DCP requirement of 1.2m only for any fencing within the 6.0m front building alignment. The applicant has also submitted a comprehensive variation request statement as required by Wollongong DCP 2009.</p>	Variation request to front fence

<i>Controls/objectives</i>	<i>Comment</i>	<i>Reasonable Observance</i>
	<p>In this instance the departure is seen as reasonable as the design accounts for articulation and reflects the built form of the development thereby adding to the streetscape.</p> <p>Council has separately provided for within the draft conditions as at Attachment 8 of this report a condition requiring the applicant to observe the requirements of the Dividing Fences Act for all new common boundary fencing.</p>	

## 11 General Requirements For All Residential Development

<i>Controls/objectives</i>	<i>Applicant's Comment</i>	<i>Compliance</i>
<u>11.1 Waste Management</u>	A waste management plan has been submitted and assessed in accordance with chapter E7 Wollongong DCP 2009	yes
<u>11.2 Stormwater Drainage</u>	<p>A stormwater concept plan has been submitted and assessed in accordance with chapter E7 Wollongong DCP 2009. The applicant has also submitted details for a strategy to address chapter E15 of Wollongong DCP 2009 Water Sensitive Urban Design (WSUD) which is required of this development type.</p> <p>Council has included draft condition 10 as at Attachment 8 of this report that further details be provided prior to the issue of the Construction Certificate in relation to WSUD installations along with final stormwater management designs as they are linked.</p>	yes
<u>11.3 Floodplain Management</u>	n/a the site is not flood hazard affected	n/a
<u>11.4 Land Re-Shaping Works (Cut and Fill Earthworks)</u>	A concept drainage and civil works plan has been submitted and assessed in accordance with chapter E19 Wollongong DCP 2009. Apart from the excavation for basement areas the development does not propose extensive cut and fill.	yes
<u>11.5 Soil Erosion and Sediment Control</u>	A concept drainage and soil/ erosion control plan has been submitted and assessed in accordance with chapter E 22 Wollongong DCP 2009 that guides the required measures based on Landcom's publication titled "Managing Urban Stormwater". Council proposes draft condition 26 as at Attachment 8 of this report to support the operatives of this document as relates to the development proposal.	yes
<u>11.6 Development near the Coastline</u>	n/a the site is not within the coastal zone.	n/a

<i>Controls/objectives</i>	<i>Applicant's Comment</i>	<i>Compliance</i>
<u>11.7 Sunlight Access</u>	The Land and Environment (L&E) Court case referred to in this section of Wollongong DCP 2009 has been acknowledged by the applicant's submitted S.E.E, considered and relevant factors included in the design of the development. Shadow diagrams provided at Attachment 3 of this report do not indicate any significant adverse impacts to adjoining properties at the winter solstice.	yes
<u>11.8 View Sharing</u>	<p>The L&amp;E Court directives of this section have been acknowledged by the applicant's submitted S.E.E, considered and embodied into the design where applicable. In general the development does not impair neighbouring views as aspect is generally over flat open space with only distant views of the Escarpment which remains unaffected by any proposed development on the subject site. Height poles to assess view loss are considered unnecessary in this context. The construction of the east- west public access laneway via DA - 2009/1544 as presented at Attachment 4 of this report does in part preserve a western view corridor to the escarpment for existing properties in Byamee Street.</p> <p>The development controls are met as minimum side setbacks are greater than 3.5 metres. (25% of 106 metres site width would be impractical in this instance) and no significant potential view loss is apparent. Building forms are highly articulated and roofs limited to 6 degree pitch skillions to reduce impacts.</p>	yes
<u>11.9 Services</u>	<p>The applicants submitted S.E.E indicated that preliminary enquiries with service providers is underway and a proposed electricity substation kiosk is located adjacent to the proposed public laneway in a screened enclosure suitable to accommodate an 'L' type substation or larger if required. Positioning of the substation is proposed to be in accordance with Authority design guidelines, is located at grade, in deep soil zone for cable hopping and far enough away from dwellings, pedestrian entry or paths to be able to be adequately landscape screened. Orientation of the shortest dimension to the laneway is proposed.</p> <p>Other services are proposed via underground dedicated easements in the northern public laneway verge as part of DA-2009/1544.</p> <p>Council's proposed draft conditions of consent at Attachment 8 of this report require the applicant to seek and provide documentary evidence of adequate public utility service capability to the development prior to the issue of the Construction Certificate</p>	yes
<u>11.10 Fire Brigade Servicing</u>	Fire Hydrants are to be located in accordance with the submitted specialist consultant's B.C.A. report to AS2419.1. All dwellings are located within 60 metres of a fire hydrant. Fire trucks can stand at kerbside along the proposed public laneway running east/west to the north of the site. This laneway is of sufficient width to allow for vehicle to pass a fire fighting appliance.	yes

<i>Controls/objectives</i>	<i>Applicant's Comment</i>	<i>Compliance</i>
<u>11.11 Site Facilities</u>	<p>The applicant's submitted S.E.E indicates that letter boxes equal to "Mailsafe" type are proposed on either side of the single pedestrian entry point to the site. Boxes are at right angles to the kerb, sheltered and immediately positioned adjacent to security entry gates to the development.</p> <p>Other ancillary structures such as the communal recreation area and BBQ will be positioned away from public view. All dwellings have access to common drying areas located on the site plan as at Attachment 3 of the report via screened landscaped settings away from public view. Solar access has been considered and drying is further supplemented by proposed drying machines located in the laundry of each dwelling. Proposed draft condition 108 as at Attachment 8 of this report will preclude occupants from using balconies for clothes drying purposes.</p>	yes
<u>11.12 Storage Facilities</u>	The applicant's submitted S.E.E and plans at Attachment 3 of this report indicate that storage cages are provided for each dwelling in the basement parking level. Storage for 1 bed dwellings at 6m <sup>3</sup> , 2 bed at 8m <sup>3</sup> and 3 bed at 10m <sup>3</sup> .	yes

## PART E – GENERAL (CITY WIDE) CONTROLS

### CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

This chapter of Wollongong DCP 2009 requires developments to meet requirements in the Disability Discrimination Act (DDA) 1992 and AS 1428 as relevant to the proposal. The RFB's and community facility both contain parking spaces reserved for disabled persons. It is noted that the DDA only requires a 'continuous path of travel' for disabled access in buildings that are publicly accessible. As such the requirement to comply with the DDA only relates to access into the community facility as the RFB's and internal activity space in the community facility are private property with no general public access.

The design of the RFB's and community facility provide for a disable persons access in the following ways:

- Reserved car parking spaces are located close to lifts and with an unobstructed path of travel.
- Suitable lift access to all levels of the RFB's and to the community facility.
- 10% adaptable housing in the RFB's.

The proposed development has also been assessed by a suitably experienced and qualified access consultant. The accessibility report submitted with provides certifications from the consultant that the designs of the development are suitable.

### CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal submission details were referred to Council's Safe Community Access Team for assessment against this chapter and for comments/conditions.

The following extract from the submitted S.E.E summarises the applicant's considerations :

The design of all aspects of the proposed development incorporates Crime Prevention Through Environmental Design (CPTED).

DCP 2009 Clause	Development Assessment
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5.1 Lighting	The objectives and development controls have been used by the architect during the design of the development. The strategies have been implemented into the design of this development.
5.2 Natural Surveillance and Sightlines	The general notes and objectives have been noted. Strategies 1-5 (except 2 as this is not applicable) have been implemented into the building design.
5.3 Signage	The general notes have been reviewed and strategies 1 - 4 incorporated into the proposal as relevant.
5.4 Building Design	The general notes have been reviewed and objectives a - d incorporated into the development design. The strategies have been followed where relevant.
5.5 Land Use Mix	Development proposes predominantly residential usage with a support component from TIGHT. As the TIGHT manages the RFB the presence of staff onsite greatly improves issues relating to security, surveillance and safety.
5.6 Landscaping	Patio Landscape Design have noted and implemented elements from this section into their landscape design for the Proposed Development.
5.7 Spaces Safe from Entrapment	The general notes have been reviewed and objectives a – c incorporated into the development design. The strategies have been followed where relevant.
5.8 Management and Maintenance	The Development is to provide affordable rental housing and management is provided through the onsite offices of the owners of the development ie. TIGHT.
5.10 Community Facilities	The general notes have been reviewed and objectives a – c incorporated into the development design. The strategies have been followed where relevant.

As CPTED has been considered from the commencement of the development design process this ensures the objectives of this DCP chapter are met where they apply to the proposal.

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

A Traffic Impact Assessment report was submitted for the proposal and referred to Council's Traffic section assessment against this chapter and for comments/conditions.

The following extract from the submitted S.E.E summarises the applicant's considerations:

A Traffic Impact Assessment is submitted with this DA relating to this development, the laneway which provides access to the road network and the surrounding intersections.

#### Parking Assessment for RFB's

Type	DCP Requirement	Development Requirement	Development Provision
Car	1 space per dwelling <70m <sup>2</sup> or 1.5 space per dwelling 70 – 110m <sup>2</sup> for residents, plus 0.2 spaces per dwelling for visitors	44 units <40m <sup>2</sup> = 44 spaces 64 units 70 – 110m <sup>2</sup> = 96 spaces Total = 140 resident spaces Visitor spaces = 22	The proposal provides 1 space per unit, therefore 108 spaces for residents. The proposal provides 1 space per 5 units for visitors, therefore 21 spaces.
Bicycle	1 space per three dwellings for residents, plus 1 space per 12 dwellings for visitors	36 spaces for residents 9 spaces for visitors	36 bicycle spaces of unrestricted use



Motorcycle	1 space per 15 dwellings	8 spaces	9 unrestricted motorcycle spaces
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#### Parking Assessment for Community Facilities

Type	DCP Requirement	Development Requirement	Development Provision
Car	1 space per 40m <sup>2</sup> GFA	10 spaces as office is 400m <sup>2</sup>	12 spaces
Bicycle	1 space per 200m <sup>2</sup> GFA for staff, plus 1 space per 750m <sup>2</sup> GFA for visitors	3 spaces	4 spaces
Motorcycle	1 space per 25 car parking spaces	1 space	2 spaces

It is noted that the car parking provision for the RFB's is 32 spaces short for residents and 1 space short for visitors when compared to the requirements in the Wollongong DCP 2009. Even though the provision does not comply with the DCP 2009 requirement it is still acceptable for this specific development. This is because Clause 14 in the ASEPP (2009) applies to this development and specifies that an affordable RFB cannot be refused consent based on car parking provision if it provides at least 1 space per 5 dwellings.

The proposed RFB's provide 1 space per dwelling (108 spaces) plus 21 spaces for visitors. As this far exceeds the ASEPP requirements car parking for this development is suitable.

A loading bay for a small rigid vehicle is provided in the at grade residential visitors car park. No onsite parking for a medium or large rigid vehicle is proposed as this is not required because waste removal is proposed off the public laneway. The public laneway is proposed to prohibit parking or stopping for the entire length. However, to provide for irregular occasions when a medium or large rigid vehicle may visit the site, a dedicated loading zone is proposed within the road carriageway and adjacent to the southern verge. This is situated just east of the pedestrian access into the RFB complex. The width of the laneway and single direction traffic flow permits other vehicles to safely pass a vehicle in the loading zone and the position ensures no impact on sightlines for drivers entering the laneway.

#### Other Matters Considered

DCP 2009 Clause	Development Assessment
10 Pedestrian Access	<p>The Development provides adequate pedestrian pathway networks throughout the complex from secure street and mall access to each building entry point and communal areas. At grade visitor outdoor parking is also linked to this network and the requirements of AS1428.1 are met.</p> <p>Public Transport and Dapto Mall are all accessible at grade of 1:14 or better along public footways into the site. Bicycle and disabled bays are all accessible at grades to meet AS14228.1 or in the case of basement parking, via lift access from all levels including building entry points. Vehicular and pedestrian networks are separated for safety and amenity and Austroads code of practice Part 13: Pedestrians (1995) is complied with.</p>
11 Safety and Security	<p>All soffits/walls/columns throughout basement areas are proposed to be painted white and access to lifts / exit stairs are openly displayed. Car parking areas are open with no solid dividing walls to bays or stores and all pedestrian areas are clearly defined and well lit. Lighting to all parking areas to meet AS1680. Exit / Emergency light fittings will be vandal resistant.</p>

12 Landscaping	<p>At grade car parking zones are positioned well away from all neighbouring properties and landscaping is proposed to provide screening from the access land and other parts of the subject site. Landscape deep soil zones between at grade visitor car park and one way access lane varies from 1.5 to 2m in width. In addition, a semi transparent screen fence is proposed at the boundary. No footpath is proposed on this side of the lane, further militating against pedestrians viewing the car park. Screen planting to 1.8m height is also proposed in this area.</p> <p>Deep soil side planting 3.5m wide is provided, there are no rear or side boundaries near the car park and no car park run exceeds 10 spaces. Wheel stops will be provided. Refer to the landscape design and drainage design.</p>
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## CHAPTER E4: DEVELOPMENT NEAR RAILWAY CORRIDORS AND MAJOR (BUSY) ROADS

Council has considered this chapter given the proximity to the F6 Freeway to the development site and the potential for acoustic impacts. The applicant has stated that double glazing will be provided to those habitable rooms of the southern elevations of the RFB's facing Dapto Showground so as to mitigate any future noise impacts from activities at the venue. Council has separately provided for a draft condition of consent 11 as at Attachment 8 of this report requiring double glazing to all habitable rooms of the development due to the proximity of the development to Dapto Showground (adjoining site) and the adjacent Freeway (100m approximate distance to road reserve boundary from east boundary of the development site).

## CHAPTER E5: BASIX (BUILDING SUSTAINABILITY INDEX)

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

## CHAPTER E6: LANDSCAPING

Landscape Concept Plans as at Attachment 3 of this report and an Arborist report were submitted by the applicant and referred to Council's Landscape Design section for assessment against this chapter and for comments/conditions.

The proposed public laneway will also have street tree planting which will add to the visual quality of the development and reduce the scale and bulk of the proposed buildings and car park. This matter has been separately assessed via DA-2009/1544.

As assessed in the submitted Arborist's report there are few significant trees on the site. The proposed landscape plan re-introduces significant canopy planting (both evergreen and deciduous) to enhance the development, providing shade in summer and sun in winter where appropriate.

The following extract from the submitted S.E.E. summarises the applicants landscaping considerations:

### *Common Landscape Areas*

The layout of the built form encourages the creation of a number of internal open space zones for communal use. These are linked via a path network that links east-west and north-south extents of the development.

A number of semi-private courtyard areas are proposed around the perimeter of the development while open lawns and communal gardens form the central corridor between the proposed buildings. A multipurpose covered area has also been proposed to provide residents with an entertaining/bbq area.

### *Planting*

The planting palette proposed for the development is primarily drawn from the plant species listed in Table 3 of the Landscaping Chapter of the Wollongong DCP 2009, and is therefore largely based on native planting.

Where appropriate, this palette has been supplemented with a selection of non-indigenous natives, native cultivars and some ornamental species. In doing so, the proposed planting is designed to suit the micro climatic conditions created within the development and provide a distinct landscape character that complements the context of the development.

#### *Landscaping for Car Park Areas*

The planting surrounding the proposed car park areas of the development have been designed to include shade tree planting. Planting buffers between the laneway and car park and planting buffers between the car park and buildings have been provided using low level shrub and groundcovers to that casual visual surveillance can be carried out. Pedestrian access paths are proposed to provide adequate access in and out of the car parks to the development.

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

A construction waste management concept plan was submitted by the applicant as well as Wollongong DCP 2009 chapter compliance table for operational waste generation rates and management within the S.E.E and referred to Council's Traffic and Environment sections for assessment against this chapter and for comments and conditions.

### **CHAPTER E8 ONSITE SEWAGE MANAGEMENT SYSTEMS**

Considered - not applicable to the subject development site as Council's records do not indicate any relevant matters or property affectation.

### **CHAPTER E9 HOARDINGS AND CRANES**

Council's general requirements relating to enclosure of the site and to observe any Work Cover requirements are to be imposed as conditions of consent as at Attachment 8 of this report.

### **CHAPTER E10 ABORIGINAL HERITAGE**

Considered - not applicable to the subject development site as Council's records do not indicate any relevant matters or property affectation.

### **CHAPTER E11 HERITAGE CONSERVATION**

Considered - not applicable to the subject development site as Council's records do not indicate any relevant matters or property affectation.

### **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

Considered - not applicable to the subject development site as Council's records do not indicate any relevant matters or property affectation.

### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

Considered - not applicable to the subject development site as Council's records do not indicate any relevant matters or property affectation.

### **CHAPTER E14 STORMWATER MANAGEMENT**

A Stormwater concept plan was submitted and referred to Council's Design section for assessment against this chapter and for comments/conditions.

### **CHAPTER E15 WATER SENSITIVE URBAN DESIGN**

The applicant has submitted details for a strategy to address this chapter. Council has included a draft condition 10 at Attachment 8 of this report that final WSUD installation details be provided prior to the issue of the Construction Certificate along with final stormwater management designs due to the linkage between the two matters.

## **CHAPTER E16 BUSHFIRE MANAGEMENT**

Considered - not applicable to the subject development site as Council's records do not indicate any relevant matters or property affectation.

## **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

Landscape Concept Plans and an Arborist report were submitted and referred to Council's Landscape Design section for assessment against this chapter and for comments/conditions.

## **CHAPTER E18 THREATENED SPECIES**

Considered - not applicable to the subject development site as Council's records do not indicate any relevant matters or property affectations.

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

Minimal required apart from excavation for the basement car park.

## **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

The land is not known to be contaminated. The applicant has provided in the S.E.E submission a site history record which indicates a low potential for contamination. If any contaminants were found to be present during the construction phase, appropriate remedial action could be employed.

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

Considered -not applicable to the subject development or site as the land is vacant.

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

This chapter requires that Development Applications for significant developments (developments equal to or greater than 2,500m<sup>2</sup> of GFA) be accompanied by a Soil and Water Management Plan. A concept erosion and sediment control plan has been submitted with this development application that guides the required measures based on Landcom's publication titled "Managing Urban Stormwater".

Conditions have been recommended at Attachment 8 of this report for the imposition of conditions in relation to site management, sedimentation and erosion control and dust suppression measures.

## **CHAPTER E23: RIPARIAN LAND MANAGEMENT**

Considered - not applicable to the subject development site as Council's records do not indicate any relevant matters or property affectation.

## **12 Wollongong Section 94A Development Contributions Plan (2009)**

The estimated cost of works is \$ 26,770,000.00. Under the plan the applicable levy (@ 1%) would be \$267,700.00

The proposal has been assessed against this plan and the applicant has requested an exemption under the plan as applies to the proposal under clause 9 (b) (i) and (k).

This request was forwarded to Council's Strategic division with the following advice offered:

*Under the Wollongong Section 94A Development Contributions Plan (2009), Clause 9(a) to 9(g) sets out exemptions specified in Directions issued by the Minister for Planning under Section 94E of the Environmental Planning and Assessment Act 1979. Section 94A cannot be imposed on development that meets these criteria.*

*In addition Council may grant a full or partial exemption for the following purposes Clause 9(k) an application for privately funded community infrastructure such as education facilities, universities and private hospitals.*

*The application is in 2 parts, 1 the proposed residential flat buildings (RFB) comprising 108 apartments for the sole purpose of affordable housing as such Clause 9(b) provides for a full exemption for this part.*

*Part 2 is referred to as a community facility; this part is proposed office space and associated parking area for the administration activities of The Illawarra Community Housing Trust.*

*To consider an exemption under Clause 9(k) Council requires a comprehensive submission arguing the case for exemption and including details of the mechanism ensuring that such development will remain in the form proposed in the future.*

*The applicant, TIGHT is a not-for-profit charitable organization providing services to low income individuals and families in the local community. An exemption under Clause 9 (k) & (l) has been requested for part 2 and a submission has been made within the Statement of Environmental Effects Trim Ref: 100513/10920.*

*TIGHT operations are solely associated with the provision of affordable housing which is a community service and as such Part 2 of this application can be considered to be an element of community infrastructure. Affordable housing provides benefits to the community in a number of ways and local Government has a role to play in encouraging & facilitating the development of affordable housing.*

*Council has a standing policy for the past 20 years to assist TIGHT with its provision of low-cost residential accommodation in Wollongong.*

*The assistance provided by Council is in the form of subsidised rentals for Council premises, which the Trust may use.*

*In addition to this Council provides financial support via a general grant contribution to their operations in the order of \$30,000 as at 2007.*

*Any approval of this application must be conditioned to provide:*

- 1. That no commercial use, not associated with the provision of affordable housing or related ancillary services, is permitted to be undertaken from the community facility portion of the site (Part 2).*
- 2. That RFB are restricted as to use in the provision of affordable housing and cannot be on sold without this restriction being legally carried forward.*

*On the basis of the above factors a full exemption is warranted so long as conditions as to use are applied to any consent issued.*

Comment:

Both conditions considered and further discussed with Council's Strategic section:

The submitted S.E.E details quite specifically that the community facility is for the operations of TIGHT only. Given the development descriptor and approved plans and documents (including the S.E.E) would form part of the proposed conditions of any issued consent separate specific reference limiting the use of the community facility is not required.

Clause 17 of SEPP (Affordable Rental Housing) 2009 specifies that the affordable rental housing must remain so for at least 10 years and be managed by a registered community housing provider. TIGHT are a registered community housing provider and own the entire development. The proposed draft condition 98 at Attachment 8 of this report relates to the registration of a positive covenant under section 88 E of the *Conveyancing Act 1919* on the land to ensure that the development remains as affordable rental housing for 10 years from the date of issue of the Occupation Certificate.

## 13 Consultation

### 13.1 Notification Policy

The application was notified twice (original submission and redesigned proposal) in accordance with the requirements of the Environmental Planning & Assessment Act, 1979 and Regulation and Council's 'Public Notification and Advertising Procedures'. Two submissions were received to the original exhibition. The following issues were identified:

- Car parking provision inadequate for the development and concerns for pedestrians.
- Noise protection for future residents of the development from the activities at the adjacent Dapto Showground.

- Open space and common recreation area provision for residents of the development are inadequate.

No submissions were received to the second exhibition of the revised proposal.

#### Comment:

The identified issues were considered by two means – raising the concerns directly with the applicant, who provided a written response – copy at Attachment 7 of this report addressing the same which was then forwarded to both concerned respondents and by raising the concerns with the relevant divisions of Council i.e. Traffic, Environment and Landscaping so as to be considered in their assessment and referral response process.

Car parking matters have been considered and are acceptable

Noise matters have been considered and Council's draft condition no. 11 at Attachment 8 requires all habitable rooms of the residential flat buildings to be double glazed.

Open space and common area provision have been considered and are acceptable.

## 13.2 Internal consultation

### Subdivision

Council's subdivision section acknowledged the applicant's request for the subdivision (DA-2009/1544) incorporating road works and development works, the subject of this application to be undertaken concurrently should this application be conditionally approved and that proposed consent condition 97 at Attachment 8 of this report - that the Occupation Certificate for this development not be issued until such time as the Subdivision Certificate associated with DA-2009/1544 is first registered with the NSW Land and Property Management Authority. The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent

### Storm water

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Landscaping

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Traffic

The development application and supporting documents were reviewed and the proposal considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Building

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Property

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Strategic Planning/S94A

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Environment

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Community services/ SCAT

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Civil Works in the Road Reserve

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of recommended conditions of consent.

### Environment

The development application and supporting documents were reviewed and the proposal is considered to be satisfactory subject to the imposition of conditions in relation to numerous issues such as potential soil contamination, acid sulphate soils, acoustic treatment, material reflectivity and the like.

## 13.3 External consultation

### Department of Planning

Concurrence was received from Director General on 2 July 2010 to an Exception to Development Standard submission (cl 4.6 of Wollongong Local Environmental Plan (West Dapto) 2010 from the applicant regarding a Height Limitation exceedance within the R3 zoning. (11.0m – 14.6m max) for portions of the Residential Flat Buildings development component.

### RTA

Advice received from RTA dated 25 May 2010 indicated that as the proposal is for less than 300 dwellings and is not within 90 m of a classified road no referral under SEPP (Infrastructure) 2007 column 2 or 3 of Schedule 3 is not required and that Traffic matters were for Council to assess.

## **CONCLUSION**

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This application has been assessed having regard to the matters for consideration under Section 79C (1) of the Environmental Planning and Assessment Act 1979, including all relevant environmental planning instruments, Council DCP's, Codes and Policies and public submissions received on the original proposal.

The proposed development has been considered with regard to all relevant provisions contained within the applicable environmental planning instruments including SEPP (Major Development) 2005, SEPP (Infrastructure) 2007, SEPP (Building Sustainability Index: BASIX) 2004, SEPP No. 65 - Design Quality of Residential Flat Development and SEPP (Affordable Rental Housing) 2009.

The proposed development is permissible with development consent in the R3 Medium Density Residential zone of Wollongong Local Environmental Plan (West Dapto) 2010 and is reasonably consistent with the zone objectives. The proposed development is reasonably consistent with all other development standards and miscellaneous provisions including the Residential Design Flat Code design guidelines provisions and the requirements of Wollongong DCP 2009.

The proposal has been examined with regard to its environmental, social and economic impacts and is considered to be acceptable subject to the imposition of the recommended conditions. Detailed consideration has been given to the comments provided within public submissions in this assessment and the applicant has provided responses and addressed concerns through plan amendments and further information where required. It is considered that these concerns are now generally resolved.

The site is considered suitable for the proposal and on balance, the proposed development is considered to be in the public interest.

## RECOMMENDATION

It is recommended that Development Application DA-2010/574 be approved pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the proposed conditions of consent contained within Attachment 8 to this report.

## ATTACHMENTS

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1. Aerial Photograph
2. Zoning Map
3. Plans
4. Approved Subdivision Plans for DA-2009/1544
5. Registered Architects Design Verification Statement and RFDC Compliance Table
6. Director General's Concurrence
7. Applicant's response to submissions
8. Draft Conditions