

## Attachment 4 – Wollongong Development Control Plan Compliance Table

**CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

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

**CHAPTER B1 – RESIDENTIAL DEVELOPMENT****4.0 General Residential controls**

<i>Controls/objectives</i>	<i>Comment</i>
<u>4.1 Maximum Number of Storeys</u>	
<ul style="list-style-type: none"> <li>Max 9m / 2 storey in R2 zone</li> </ul>	Proposed height 8.9m. Raising the floor level to accommodate flood planning controls would make the building exceed the height limit.
<ul style="list-style-type: none"> <li>In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.</li> </ul>	
<ul style="list-style-type: none"> <li>Landscaping may be required within the side and rear setbacks to mitigate the visual impact of the building form from adjoining properties.</li> </ul>	Proposed. Additional landscaping required Edgar Street.
<u>4.2 Front Setbacks</u>	
<ul style="list-style-type: none"> <li>6m front setback</li> </ul>	Does not comply - Murranar Road setback 5m (refer site plan ground level). Edgar Street and Marlo Road have 6m setback which complies.
<u>4.5 Landscaped Area</u>	
<ul style="list-style-type: none"> <li>lot area less than 600m<sup>2</sup> - 20% landscaped area</li> </ul>	Does not appear to comply. Minimum 10,637.2m <sup>2</sup> landscaped area required.
<ul style="list-style-type: none"> <li>lot area from 600m<sup>2</sup> to 900m<sup>2</sup> – 120m<sup>2</sup> + 30% of the site area &gt; 600m<sup>2</sup> landscaped area</li> </ul>	The total landscaped area is not quantified in the landscape plan or SEE other than 'well in excess of 30% of the site area' (SEE page 100).
<ul style="list-style-type: none"> <li>lot area greater than 900m<sup>2</sup> - 210m<sup>2</sup> + 40% of the site area &gt; 900m<sup>2</sup> landscaped area.</li> </ul>	
<ul style="list-style-type: none"> <li>At least 50% of the landscaped area must be located behind the building line to the primary road boundary.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>Landscaped areas must be integrated with the drainage design. The location of drainage lines, pits and detention areas should not conflict with landscaped areas including proposed and existing trees.</li> </ul>	The drainage concept is not supported, and a redesign is required.
<ul style="list-style-type: none"> <li>For development proposing a dwelling, a minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within the landscape area. This tree is to be planted at least 3m from any existing or proposed dwelling or structure present onsite. No additional tree is required for a secondary dwelling.</li> </ul>	Complies

<i>Controls/objectives</i>	<i>Comment</i>
<ul style="list-style-type: none"> <li>a minimum of 1.5 metre wide landscape strip within the front setback for the majority of the site width (excluding the driveway). This area must be mulched and planted with appropriate trees, shrubs and/or groundcovers. A minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within this landscape bed.</li> <li>second semi mature small to medium tree (minimum pot size 45L) is to be provided onsite in the landscaped area or deep soil zone, p</li> </ul>	<p>Complies</p> <p>Complies</p>
<u>4.6 Private Open Space</u>	
<ul style="list-style-type: none"> <li>24m<sup>2</sup> minimum POS area, minimum 4m dimension</li> <li>should not be located on side boundaries or front yard</li> <li>defined through the use of planting, fencing, or landscape features.</li> <li>screened where necessary</li> <li>must not extend forward of the front building line by greater than 900mm.</li> <li>Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area.</li> </ul>	<p>A POS is provided for each dwelling, in the form of a balcony or courtyard. Ground floor villas have elevated balconies due to raised floor level of the dwellings. Not all villas have 24m<sup>2</sup> POS.</p> <p>Does not comply – some POS is on side boundaries.</p> <p>Additional planting needed at western boundary separating POS and fenced public walkway.</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
<u>4.7 Solar Access</u>	
<ul style="list-style-type: none"> <li>Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June.</li> <li>At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21.</li> <li>Shadow diagrams are required for 9.00am, 12:00pm and 3.00pm for the 21 June winter solstice period for two storey dwellings</li> </ul>	<p>Complies</p> <p>Complies</p> <p>Complies – plan provided</p>
<u>4.8 Building Character and Form</u>	
<ul style="list-style-type: none"> <li>The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction.</li> <li>Large bulky forms are to be avoided, particularly in visible locations</li> </ul>	<p>Does not comply – design does not adequately respond to flood planning controls.</p> <p>Complies – buildings do not exceed limit</p>

<i>Controls/objectives</i>	<i>Comment</i>
<ul style="list-style-type: none"> <li>New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. On corner allotments, the development should address the street on both frontages.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Where garages are proposed on the front elevation they must be articulated from the front façade.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>Fences in the front building line should be predominately constructed in transparent fence materials, allowing for visual connection between the dwelling and the street.</li> </ul>	Complies The landscape masterplan includes a fencing strategy (page 20)
<ul style="list-style-type: none"> <li>Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling.</li> </ul>	Complies
<u>4.9 Fences</u>	
<ul style="list-style-type: none"> <li>Various.</li> </ul>	A fencing strategy is provided.
<u>4.10 Car parking and Access</u>	
The provision of car parking shall be as follows:	N/A - car parking for seniors housing has a different rate (refer Chapter E3)
(a) 1 space per dwelling with a gross floor area of less than 125m <sup>2</sup>	
(b) 2 spaces per dwelling with a gross floor area of 125m <sup>2</sup> or greater	
Garages must be setback a minimum of 5.5m from the front property boundary.	Complies
garage door openings to be a maximum of 50% of the width of the dwelling.	Complies
6m x 6m minimum for double garages	Complies
Driveways shall be separated from side boundaries by a minimum of 1 metre.	Complies
Driveways shall have a maximum cross-over width of 3 metres.	Complies
<u>4.11 Storage Facilities</u>	
<ul style="list-style-type: none"> <li>10m<sup>3</sup> / 5m<sup>2</sup></li> </ul>	Complies
<u>4.12 Site Facilities</u>	
To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive	Complies

<i>Controls/objectives</i>	<i>Comment</i>
<u>4.13 Fire Brigade Servicing</u> Ensure that all dwellings can be serviced by fire fighting vehicles.	Able to comply
<u>4.14 Services</u> Encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced.	Complies – Sydney Water and Endeavour Energy comment received.
<u>4.15 Development near the coastline</u> Various	Complies

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

<i>Controls/objectives</i>	<i>Comment</i>
<u>5.1 Minimum Site Width Requirement</u> 18m	Complies
<u>5.2 Number of Storeys</u> Maximum 2 storeys R2 zone	Complies
<u>5.3 Front setbacks</u> Minimum 6m	Does not comply - Murrnarr Road setback 5m (refer site plan ground level). Edgar Street and Marlo Road have 6m setback which complies.
<u>5.4 Side and Rear Setbacks</u> Formula applies: R2 zone 0.8 x ceiling height and 1 x ceiling height	Complies.
<u>5.5 Building Character and Form</u>	Does not comply – design does not adequately respond to flood planning controls.
<u>5.6 Access / Driveway Requirements</u>	Complies
<u>5.7 Car Parking Requirements</u>	Refer Chapter E3 for seniors housing rate
<u>5.8 Landscaping Requirements</u> Minimum 30% of the site	The total landscaped area is not quantified in the landscape plan or SEE other than 'well in excess of 30% of the site area' (SEE page 100).
<u>5.9 Deep Soil Planting</u> Minimum 15% of the site	The deep soil zone is not quantified in the landscape plan or SEE other than 'well in excess of 15% of the site area' (SEE page 101).

<u>5.10 Communal Open Space</u>	Complies
<u>5.11 Private Open Space</u> Provided at ground or podium level	Does not comply – villas on western boundary have POS above ground facing side boundary.
<u>5.12 Solar Access Requirements</u>	Complies
<u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u>	Complies
<u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u>	Complies
<u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u>	Complies

## CHAPTER D1 – CHARACTER STATEMENTS

### LOCALITY

The character statement for Towradgi acknowledges the presence of seniors housing in the suburb. The desired future character description does not specifically refer to architectural styles for seniors housing.

## CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

A 'Statement of Compliance Access for People with a Disability' by Accessible Building Solutions has been submitted. It indicates compliance is required with the following:

- The Access Provisions of the BCA 2019
- The Access To Premises Standard
- AS1428 suite of Standards
- AS2890.6 for car parking
- AS1735.12 for lifts
- AS4299 Adaptable Housing
- SEPP Housing for Seniors or People with a Disability 2004, and
- WDCP 2009

The Statement confirms in which the development complies or is capable of complying with relevant criteria.

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>
<u>3.1 Lighting</u>	No details of lighting provided, but the SEE states that appropriate lighting will be installed

<u>3.2 Natural surveillance and sightlines</u>	Good sightlines are provided from the public domain.
<u>3.3 Signage</u>	None proposed
<u>3.4 Building design</u>	Fails to respond to flooding controls, additional floor height is required, however this would exceed the height limit and make accessing parking and building entries challenging.
<u>3.5 Landscaping</u>	A revised landscaping plan is required (refer Landscape Architect comment)
<u>3.6 Public open space and parks.</u>	The site adjoins public open space and will not be fenced off from public space.
<u>3.7 Community facilities and public amenities</u>	A clubhouse provides communal activity spaces. The Murranar Road shop/café would be open to the public. A public walkway connecting Marlo Road and Murranar Road is proposed and is the subject of many submissions.
<u>3.8 Bus stops and taxi ranks</u>	The existing Murranar Road bus stop is proposed to be relocated approximately 30m south of the existing position. This is still located in front of the IRT property.

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

The application provides parking for total 144 cars:

- 60 spaces within garage of units
  - 36 stacked spaces in driveway of units
  - 33 spaces in apartment basements
  - 15 visitor spaces (7 outdoor visitor/staff car parking spaces, plus 4 EV charging spaces and 4 car wash bays).
- All units have minimum one covered parking space in a garage (villas and villa style apartments) or basement (apartments).
- The Bitzios Consulting Traffic Impact Assessment states that 94 resident spaces and 48 visitor spaces are proposed, however this is inconsistent with the architectural plans which designate only 15 spaces for visitors.
- 4 scooter parking spaces outside the clubhouse.

### **6 Traffic impact assessment and public transport studies**

#### 6.1 Car Parking and Traffic Impact Assessment Study

A Traffic Impact Assessment by Bitzios Consulting has been submitted. A traffic impact assessment was submitted with the proposal which reviewed the following:

- Existing conditions
- Parking and access assessment

- Waste collection and servicing
- Alternative transport

The traffic impact assessment has been reviewed by Council's Traffic Engineer.

## **7 Parking demand and servicing requirements**

Council's Traffic Engineer who has advised that the traffic generation from the proposed seniors living development is predicted to be comparable to the existing development. They further advised that the proposed shop would be ancillary to the development without generating any noticeable traffic movements.

SEPP (Housing for Seniors or People with a Disability) 2004 sets car parking rates based on whether or not the facility is by a social housing provider. IRT are a registered social housing provider. The SEPP parking rates take precedence over WDCP 2009.

### 7.1 Car Parking, Motorcycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

The DCP rate for car, motorcycle and bicycle parking are contained in Schedule 1:

- Self-contained dwellings: 0.5 car parking space per bedroom or 1 car parking space per 5 dwellings where social housing Note: The parking rates are based on the maximum rates indicated in SEPP (Housing for Seniors or People with a Disability) 2004.

WDCP 2009 does not require visitor spaces for self-contained dwellings.

The number of bedrooms is:

- 40 units x 3 beds = 120 beds
- 41 units x 2 beds = 82 beds
- = total 202 beds

The number of spaces required is:

- Non-social housing provider = 101 spaces required
- Social housing provider (IRT) = 81 units = 16.2 spaces required

Council's traffic engineer has requested that the development makes provision for total of 94 residential car parking spaces and 48 visitor car parking spaces, which is what the Bitzios report says is proposed. It appears that Bitzios calculates stacked parking outside villas as 'visitor' parking, which is not how the parking is characterised on the architectural plans.

Complying with the recommendations of Council's engineer is problematic as the layout of the development has 96 of the total 144 spaces either in a villa garage or stacked outside villas, 33 spaces in the apartment basements and 15 outdoors available for visitors. Increasing the number of visitor spaces could only occur by allocating all 33 basement spaces to visitors in addition to the 15 outdoor spaces. That would leave the 32 apartments without any parking at all.

The application also shows the majority of villas and villa-style apartments have been designed so that the internal garage could be converted for use as a bedroom by a live-in carer. If this was to occur, the villas would not be provided with car parking other than stacked driveway parking (where it was provided).

### 7.2 Disabled Access and Parking

Disabled access and parking facilities are provided.

### 7.3 Bicycle Parking / Storage Facilities and Shower and Change Facilities

None required.

## **8 Vehicular access**

Driveway grades and sight distances comply. Council's traffic engineer has advised that the access locations have good sight lines. However, the eastern access is located in close proximity to an existing speed cushion which will need to be relocated. If all other matters are resolved conditions are recommended to ensure that these works are carried out according to the relevant Traffic Committee and S138 approvals.

## **9 Loading / unloading facilities and service vehicle manoeuvring**

The development complies with AS 2890.2.

Waste servicing will occur from within the site (refer Operational Waste Management Plan by Elephant's Foot).

## **11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas**

The proposal is satisfactory with regard to the principles of CPTED.

### **CHAPTER E6: LANDSCAPING**

A landscape plan and master plan by Arcadia have been provided.

Council's Landscape Architect has advised:

- Paths and entries are required to be redesigned to accommodate the retention of the existing street trees.
- Pedestrian paths that begin in Edgar Street have no separation from the adjoining residential lots and a landscape buffer between the development and the fence is required.
- There are inconsistencies between the Landscape Plan, Landscape Masterplan and Tree Retention Plan within the AIA.
- Sections are required clarifying whether the ground level landscape areas underneath the concourse are in shade..

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

A Construction & Demolition Waste Management Plan and an Operational Waste Management Plan (OWMP) by Elephant's Foot have been submitted.

The proposal involves demolition of all structures in two stages (areas identified as Stage A and B).

The location of waste bin storage and collection areas is shown on the architectural plans and in the OWMP. Council's traffic engineer has confirmed the required waste vehicle can service the site.

In the apartments, a waste chute near the lift at ground and upper levels directs waste to a basement bin room. Waste is stored here in 660L and 1100L mobile bins. On collection day/s, a caretaker is required to transport the apartment bins to an outdoor collection point.

Residents in the villas will be provided with their own mobile (wheelie) bins, which they will transport to a collection point on collection day/s.

Residents in the villa style apartments will place bagged household waste in communal bin areas. They will not be supplied with their own household bin. As the waste truck does not pick up waste on the upper level concourse of the villa style apartments, these residents or caretaker are required to wheel their waste bins to a ground level collection point.

Separate residential and commercial waste contracting is proposed.

### **CHAPTER E10 ABORIGINAL HERITAGE**

Council's Heritage Officer has reviewed the comments from Heritage NSW advising concurrence is not required under the National Parks and Wildlife Act 1974 as there are no known Aboriginal heritage on the site. However, Council's Heritage Officer has noted that as the site is located on a water course and in close proximity to a dune system, it is considered possible the site has cultural significance to the Local Aboriginal Community. The applicant's Due Diligence does not include any consultation with the Community, and it is acknowledge that consultation is not a requirement of the 2010 Code of Practice.

It is recommended the applicant provide Council with a response to Designing with Country Guidelines (2019); and/or conduct Aboriginal Community consultation.



## **CHAPTER E11 HERITAGE CONSERVATION**

No heritage items are identified on the site.

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

Council's Geotechnical Engineer has indicated the submitted 'Report on Preliminary Geotechnical and Acid Sulfate Soils Investigation' by Douglas Partners satisfactorily assesses preliminary geotechnical constraints. Conditions of consent were recommended.

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being located within a medium low flood risk precinct. A flood study and concept stormwater plan have been provided. Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and advised there are fundamental non-compliances which cannot be supported. These include:

- The current design does not comply with the flood planning controls for Critical Utilities.
- Critical Utilities are classified as an unsuitable land use within the Medium Flood Risk Precinct, however could be considered subject to demonstrating the proposed use is not more intensive than the existing use.
- The proposed floor level of generally RL 4.50 AHD does not meet the minimum RL 5.45 m AHD required (floor level must be equal to or greater than the PMF flood level plus 0.5 metres freeboard).
- Many of because many of the dwellings do not satisfy Council's requirements for a flood refuge area, as defined in Section 3 of Chapter E13.
- Insufficient information has been provided to enable assessment of the proposal in relation to proposed finished surface levels, cut/fill, and drainage. As per Section 9(3)(4) of Chapter E13, a design plan is required showing design surface levels to AHD with 0.25m contour intervals.
- The elevations plans are inconsistent with the flood report by WMA Water The elevation plans show fully enclosed sub-floor areas on buildings that have been modelled in the flood report as 'raised buildings' without enclosure of the sub-floor areas.

## **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater is proposed to be disposed to adjoining public land:

- construction of two disposal pipes (1 x 375mm diameter and 1 x 225mm diameter) and associated outlets on Lot 203 DP 241908 and Lot 501 DP 719704; and
- construction of four 1500mmx600mm reinforced concrete box culverts and associated outlet structure with scour protection works on Lot 504 DP 719704.

Council's statutory property officer advised that the proposal to drain stormwater to Towradgi Arm is not supported, as the land is a natural watercourse and classified as community land under the Local Government Act 1993. A revised drainage concept that does not drain to community land is required.

Council's stormwater engineer has advised that the stormwater, architectural plans and flood modelling are inconsistent in some areas, and requested this be amended.

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

A Stormwater Site Water Sensitive Urban Design plan has been submitted and is satisfactory.

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

An Arboricultural Development Assessment Report by Moore Trees has been submitted. All 124 trees within the site are proposed to be removed.

Council's landscape architect has advised that the extensive tree removal could be considered where the equivalent number of super-advanced trees were planted. Council's environment officer has also

recommended retention of tree 119, a River she oak (*Casuarina cunninghamiana*), which is proposed to be removed.

Both comments were put to the applicant however a revised landscape plan showing retention of tree 119 and super advanced compensatory planting has not been submitted.

#### **CHAPTER E18 THREATENED SPECIES**

The proposed development would result in the removal of native and non-native trees that would potentially provide a small amount of habitat for a range of fauna species, including foraging habitat for the Grey-headed Flying-fox, but no fauna species would be dependent on these trees.

The Riparian Assessment prepared by EMM Sydney dated 16 August 2021 considers the native vegetation of the adjacent Towradgi Arm to be Swamp Oak Floodplain Forest and Coastal Swamp Oak (*Casuarina glauca*) Forest, both of which are listed as endangered ecological communities.

Stormwater outlets are proposed in the area of Swamp Oak Floodplain Forest/Coastal Swamp Oak (*Casuarina glauca*) Forest, however this would be unlikely to significantly affect the Swamp Oak Floodplain Forest or have a significant impact on Coastal Swamp Oak (*Casuarina glauca*) Forest.

The proposed development is considered to be unlikely to significantly affect threatened species or ecological communities, or their habitats listed under the NSW *Biodiversity Conservation Act 2016* and is unlikely to have a significant impact on listed threatened species or ecological communities listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

#### **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

The Cardno 2013 and Douglas Partners 2021 and 2022 reports have been considered and it is noted that the site contains fill material of unknown origin and quantities.

Douglas Partners submitted a DSI in January 2022 as requested by Council. The DSI involved more extensive sampling than had previously been undertaken. Douglas Partners conclude that the site can be rendered suitable for the proposed development in accordance with clause 7, subject to implementation of certain recommendations. These include a hazardous building material survey prior to demolition, inspection of building footprints by an occupational hygienist, treatment of subsurface fill in accordance with the RAP and offsite removal of soils where required.

The applicant has appointed a NSW EPA accredited site auditor for the purpose of a statutory site audit.

#### **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

A Demolition Site Plan for Stages A and B and a Hazardous Material Survey have been submitted, however a Demolition Work Plan is outstanding. This can be resolved by conditions of consent.

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

An Erosion and Sediment Control Plan has been submitted and is satisfactory.

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

A Riparian Assessment prepared by EMM Sydney has been submitted. The Natural Resources Access Regulator (NRAR) have issued General Terms of Approval.

Riparian land corresponding to a category 3 watercourse has been mapped as occurring beyond Lot 1 DP 704687 and Lot 505 DP 833242. According to Chapter E23 of Wollongong DCP 2009, the total riparian corridor width required for each side of a Category 3 watercourse is 10 metres measured from the top of bank, unless negotiations have occurred directly with NRAR to vary the minimum riparian corridor width and appropriate documentary evidence of the result of the negotiations is provided with the development application.

The proposed development contains paths, raised boardwalks, kitchen gardens and fitness nodes within the 10 metre wide riparian corridor.

It is notable that a draft revised Chapter E23 was placed on public exhibition 16 August-13 September 2021. The draft revised and updated Chapter E23 does not have the provision for negotiation with NRAR on riparian corridor widths.