



30 June 2020

Your Ref: DA-2020/4 **Our Ref:** P18-225

General Manager

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Attention: Vivian Lee - Senior Development Project Officer

Dear Vivian,

RE: RESPONSE TO COUNCIL'S RFI FOR DA 2020/4 - 14 COSGROVE AVENUE, KEIRAVILLE

Thank you for the opportunity to provide a response to Council's letter, dated 8 May 2020, regarding the initial assessment of the above Development Application (DA). Thank you also for granting an extension of time to respond. The COVID-19 isolation period has been challenging, as it has been more difficult than usual to coordinate with the team.

This letter has been prepared on behalf of our client, Surewin Parkview Pty Ltd (the applicant), and provides further clarification and information to address various matters raised in Council's letter. This response is supported by:

- Attachment 1 - Copy of finalised ACHAR and Archaeological Report and correspondence to EES.
- Attachment 2 - Views towards site from within the Illawarra Escarpment.

We confirm that the applicant does not wish to withdraw the DA. In response to some of the matters raised, the consultant team is undertaking further reviews and will be providing additional information, some of which is contained in this response to issues letter.

A) EXTERNAL REFERRAL AGENCIES

1. NSW RURAL FIRE SERVICE (RFS)

The DA was designed taking into account comments from early engagement with the NSW Rural Fire Service (RFS).

For example, the proposed access arrangement (i.e. the loop road) has been designed as a direct result of this consultation and will allow RFS vehicles to enter and exit the site in a forward direction. The proposed development also provides a suitable water supply and includes a dedicated firefighting water tank at the top of the site. Requirements relating to access and water supply have therefore been addressed and satisfy all relevant requirements.

To further understand the other concerns raised by RFS in its letter of 21 April 2020, direct communication has commenced with the RFS Assessing Officer. We will advise if these discussions result in the need for any amendments to the plans or documents.

To respond to the RFS comments, further coordination and assessment is required by the consultant Bushfire and Biodiversity specialists. This assessment will review the classification of the disturbed vegetated areas on site and the width of the 'Asset Protection Zone' (APZ).

In addition to the RFS comments, Council has advised that a maximum canopy cover of 15% may be retained within the APZ. As this does not necessarily equate to the removal of 85% of the existing trees, the submitted 'Arboricultural Development Assessment' report, including the 'Tree Protection Plan' contained within Appendix 1 of the report, is being reviewed.

The 'Tree Protection Plan' currently nominates all trees proposed to be retained within the APZ (highlighted green). Careful and detailed assessment has been undertaken in the nominating of these trees, with the selection being based on the species, size and condition of the trees. In the event the Tree Protection Plan requires updating, the landscape plan and supporting documentation will be amended to be consistent with the revised tree retention details. This detailed work is currently being undertaken by the consultant team.

In terms of the concerns raised about the management tracks in the APZ, these are a necessary requirement of *Planning for Bushfire Protection 2018* and have been designed accordingly. Appropriate measures are required and have been recommended with the 'Arboricultural Development Assessment' report to protect all trees being retained. Further consideration and, if required, additional recommendations will be made to address Council's concerns regarding any potential impacts from the construction of these management tracks (e.g. use of lightweight steps and suspended pathways).

It is acknowledged that some sections of the access driveway have grades which exceed the maximum requirement specified in AS2890.1 for access by fire brigade vehicles. As advised in the Fire Safety Engineer's advice (letter from Fahrenheit Global dated 2/12/2019), a meeting was held with FRNSW on 26/8/2019 and it was acknowledged that these minor non-compliances can be resolved at the detailed construction design stage. It is further understood that at this meeting, FRNSW acknowledged the grade difference and whilst not confirming approval, it was accepted as a manageable situation.

Prior to the issue of any Construction Certificate this issue will need to be addressed, noting that the Fire Safety Engineer has advised that the minor non-compliances can be resolved to comply with the NCC2019 Part A2 by way of a Performance Solution, a Deemed to Satisfy Solution or a combined of both.

2. NATURAL RESOURCES ACCESS REGULATOR (NRAR)

A small corner of the APZ is located within 40 metres of a nearby watercourse. NRAR has advised that the proposal does not trigger the need for a controlled activity approval. Given the APZ will have no impact on the watercourse, no further assessment and no plan revisions are required in relation to this matter.

It is recognised, however, that should the revised plans be varied in any way that results in development (i.e. works other than the APZ) extending onto land that is defined as 'waterfront land' (i.e. within 40m of the watercourse) or encompasses works that are defined as a controlled activity, then NRAR will need to be re-notified.

3. OFFICE OF ENVIRONMENT AND HERITAGE (NOW EES)

The proposed DA was nominated as Integrated Development for the purposes of the *Water Management Act 2000* and the *Rural Fires Act 1997*. The DA, however, was not nominated as Integrated Development for the purposes of the *National Parks and Wildlife Act 1974*.

Notwithstanding, the DA was referred to NSW Environment, Energy and Science (EES) for concurrence. In correspondence dated 22 January 2020, EES has confirmed that the proposal does not require an Aboriginal heritage impact permit (AHIP) or General Terms of Approval (GTAs) to be issued.

In relation to the other matters raised by EES, Biosis has previously addressed these items. For Council's records, a copy of the relevant correspondence including a copy of the finalised Aboriginal

Cultural Heritage Assessment Report (ACHAR) and Archaeological Report, is included at **Attachment 1**.

The ACHAR fully acknowledges Mount Keira as containing high cultural significance and the Aboriginal Community was provided an opportunity to comment on the significance as part of the ACHA consultation process. As a result of this process, no response was received from the Illawarra Aboriginal Land Council. As indicated in the ACHAR and figure 1 in appendix 1, no physical impacts will occur to the registered Mount Keira site.

Despite no response being received from the Illawarra Aboriginal Land Council during the ACHAR consultation period, Council's Heritage Advisor has advised that a formal submission was made in response to the public exhibition of the DA. Biosis are happy to obtain a copy of this submission and provide additional information as required.

Biosis has also recommended that a heritage interpretation strategy be developed in acknowledgement of the high cultural significance of Mount Keira. The recommendation to implement this strategy, however, is at the developer's discretion and may be considered as part of any revised DA documentation.

4. ENDEAVOUR ENERGY

Endeavour Energy (EE), in their correspondence dated 3 February 2020, has raised no objection to the DA subject to the following matters being addressed:

- The pad-mount substation easement is a minimum of 2.75 x 5.5 metres and has the applicable restrictions for fire rating
- The easement and restriction/s are clear of and do not affect any adjoining property
- The substation is at ground level and has direct access from a public road
- The easement and restrictions are in accordance with *Endeavour Energy's Main Design Instruction*.

It is a Level 3 Accredited Service Provider's responsible to make sure that the substation location and design complies with EE's standards and requirements, including bush fire requirements.

To ensure the above requirements are met, a suitable condition is to be imposed on any consent requiring that documentary evidence is obtained from EE confirming that satisfactory arrangements have been made for the connection of electricity and for the design of the substation. Suitable conditions would also be required to address the other standard matters raised in EE's correspondence. It is further noted that the new substation would need to be provided before the existing substation is decommissioned, and that this would be a requirement of any arrangement entered into with EE.

No further documentation is therefore required as part of the DA, noting that this matter will be addressed as suitable conditions of any consent.

5. SYDNEY WATER

Sydney Water has confirmed that Water and Wastewater Servicing is available to the site. It is recognised that amplification and extensions of the existing infrastructure may be required to service the development. Development requirements, however, will be provided as part of a Section 73 application.

No further documentation is required as part of the DA, noting that a suitable condition is to be imposed on any consent requiring that a copy of the Section 73 Certificate is obtained prior to occupation/subdivision of the development.

B) COUNCIL REFERRAL MATTERS

1. DESIGN REVIEW PANEL (DRP)

In relation to the detailed matters raised by the Design Review Panel the consultant team are carefully reviewing the items and considering how best to address these. As Council can appreciate this process includes a number of specialist inputs that need to overlap, and outcomes tested. Design options are being considered and the applicant hopes to have a more detailed response to these matters for Council consideration within the next 4 to 6 weeks.

2. ENVIRONMENT

The proposed development will retain all existing trees and vegetation within the E2 zoned portion of the site. The E2 zone will be managed by the Vegetation Management Plan (VMP) which includes rehabilitation works such as seed collection, weed management, natural regeneration, infill planting and revegetation, fertilising, watering and pest control. The proposed vegetation management works are intended to reinstate the important ecological values of the E2 zoned land.

As shown on the submitted architectural plans, no part of the E2 zoned land will form part of the Asset Protection Zone (APZ). All plans and documentation correctly show the relationship between the APZ and E2 zone, with the exception of Figure 2 within the VMP. This plans correctly shows the boundaries of the E2 zoned land and the location of the APZ but suggests that a minor portion of the R2 zoned land is zoned E2. When viewed alongside the other plans, this is clearly a drafting error. This change, together with any other necessary changes to the VMP, are being made.

To address the other concerns raised by Council's Environment Section, an updated Biodiversity Report is being prepared. Many of the amendments being made will address Council's concerns with the BDAR and BAM Assessment, and will include assessments of additional threatened species. The additional information will not change the outcome of the report and will not require Commonwealth referral.

Other concerns, such as the use of both the Illawarra and Sydney Cataract IBRA subregion, will require further discussion with Council. Other matters will also require inputs from the wider consultant team. Coordination of this information is currently occurring and will allow the report to be updated.

It is noted that the Environment Section has also raised concerns relating to the APZ and to the riparian corridor. Both of these issues are addressed in the 'External Referral Agencies' section above. Matters relating to engineering and drainage matters are duplicated throughout Council's letter and are responded to below.

In relation to construction issues, it is recognised that a detailed construction management plan (CMP) will be required to address the staging and timing of the development, truck movements, noise, air quality and other construction related matters. The required plan, together with appropriate conditions of consent, will ensure that there are no unreasonable amenity impacts to neighbouring during the limited construction period. It is requested that the submission of a CMP be addressed as a condition of any approval.

3. STORMWATER

Concerns have been raised that the proposal will divert natural surface and subsurface flows from the vegetated areas within and downstream of the site, and that this will have potential environmental and ecology impacts on these areas. From a hydraulic and hydrological standpoint this was identified and addressed in both the Water Cycle Management Study and the Engineering Design Statement.

The potential impacts of the drainage proposal on the downstream environments from an ecological standpoint are being further assessed and will be reported to Council for further consideration. Further modelling has been undertaken by LandTeam and is being considered jointly with Biosis to ensure that a coordinated response is provided.

Further information will also be submitted to address the other issues raised, including further analysis, clarification of assumptions, DRAINS modelling and updated plans. The Soil and Water Management Plan may also be updated to ensure it accords with the NSW Landcom publication titled Managing Urban Stormwater: Soils and Construction (Blue Book).

4. HERITAGE

Chapter B6: Development in the Illawarra Escarpment of Council's DCP applies only to land within the Illawarra Escarpment zoned RU1, RU2, RU4, E1, E2, E3, E4 or SP2 under the LEP.

While the south-west portion of the site is zoned E2 Environmental Conservation and is therefore located in the Illawarra Escarpment, the proposed development site itself, (being the R2 Low Density Housing zoned portion of the site), is not subject to the controls within Chapter B6. For example, the requirements under Part 12.2 of Chapter B6 would only apply if a new building were proposed in the E2 zone, which is not the case for this DA.

For the purpose of providing a complete and thorough application, however, selected requirements within Chapter B6 of the DCP were considered when designing the development and have been addressed in the submitted documentation.

In accordance with clause 5.10 of the WLEP 2009, a Heritage Impact Statement (HIS) has been prepared by GBA Heritage. The HIS assesses the extent to which the carrying out of the proposed development in the R2 zone would affect the heritage significance of the adjoining heritage conservation area and any nearby heritage items (including "Gleniffer Brae" and the Botanic Gardens).

In response to the comments made about the HIS, GB Heritage has provided the following additional information. If required, this can be consolidated into an updated Heritage report.

Table 1: Response to comments on HIS

Comments raised by Council	Response by GBA Heritage
The HIS does not consider the objectives of Chapter B6: Development in the Illawarra Escarpment. The proposal is inconsistent with numerous objectives and controls in Chapter B6 as detailed below.	<p>Consideration has been given to the objectives of Chapter B6: Development in the Illawarra Escarpment of DCP.</p> <p>GBA Heritage has assessed the proposal and found that it:</p> <ul style="list-style-type: none"> Protects and maintains the visual character and scenic quality of the Illawarra Escarpment (1.(a)) Protects and conserves the cultural heritage (1.(b) and 1.(c)) Has been designed to minimise the potential visual impact from key vantage points throughout the LGA (1.(d)). <p>"Section 6.0: Assessment of Heritage Impact" of the HIS addresses each of these issues and the Visual Impact Assessment prepared by Urbaine Architecture in December 2019 supports the conclusions.</p>

<p>There is no justification to the statement that scenic quality of the site is considered to be of “little” significance (page 14).</p>	<p>Justification is provided under the “Reason” that the subject site appears as part of the plain, rather than the escarpment and therefore makes little contribution to the heritage significance of the Illawarra Escarpment Conservation Area.</p> <p>It is recognised that the subject site may also be considered part of the foothills of the escarpment. However, it does not visually appear as part of the escarpment itself, rather the area adjacent to it. As such, it can only make a limited contribution to the conservation area. This is particularly true as the development site is not located within the mapped Illawarra Escarpment Conservation Area, is zoned R2 Low Density Residential and is excluded from consideration under Chapter B6 of the DCP.</p>
<p>“No Adverse impacts on views to and from the Illawarra Escarpment Conservation Area” (page 17). However, the figure below, clearly shows the site will be highly significant impacts when looking from Keiraville to the Escarpment and will create a visually obtrusive element in the landscape immediately below the culturally significant Mt Keira Summit.</p>	<p>Figure 6.1 on page 17 of the HIS is an aerial image of the surrounding area. The subject site is a minimum of 200 metres from any listed heritage item, and the proposed development would be at least 300 metres from the listed heritage items.</p> <p>Attachment 2 to this letter includes a series of screenshots showing that the subject site is not visible from the public realm within the Illawarra Escarpment and as such has no visual impact of views from the conservation area.</p> <p>Separate comments in response to the Visual Impact Assessment (VIA) are provided below.</p>
<p>“The proposed development will not alter the scenic quality of the [Illawarra Escarpment] HCA” (page 22). It seems clear from the visual impact assessment that the proposal will have a significant visual impact on the scenic quality of the HCA as well as resulting in the removal of several types of native flora communities that contribute to the HCA.</p>	<p>The VIA clearly demonstrates that there will be minimal visual impact on the scenic quality of the HCA. The proposal will read as part of the existing residential development on the plains and lower foothills. The scenic quality of the Illawarra Escarpment will not be impacted by the proposed development and the cultural significance will be retained.</p> <p>Flora communities that would be removed are in poor condition. Stands of the same flora communities that of better condition are to be retained. Introduced flora species will be removed.</p> <p>A Vegetation Management Plan (VMP) has also been prepared to manage the E2 zoned portion of the site. The purpose the proposed vegetation management works are intended to reinstate the important ecological values of the E2 zoned land.</p>
<p>“The proposed development respects the significance and character of the Illawarra</p>	<p>The proposed development is not located within the mapped area of the HCA. The scale and</p>

<p>Escarpment Landscape Conservation Area” (page 24). It is unclear how 48 residential units with up to 10m of cut and fill is consistent with the character of the HCA.</p>	<p>massing of the development reflects the character of the adjoining residential allotments to the south and east of the site. The use of cut and fill enables the overall height of the development to be kept at, or below, 9 metres and has no physical impact on the HCA or heritage items in the local area.</p>
<p>The HIS has not addressed the controls in Chapter B6: Development in the Illawarra Escarpment.</p>	<p>In preparation of the HIS, GBA Heritage addressed the controls of Chapter B6 of the Wollongong DCP 2009 and as such:</p> <p>Obtained a copy of the Illawarra Escarpment Heritage Assessment 2007 by Mayne – Wilson Associates (7.1.1(1)),</p> <p>Obtained a Section 149 Planning Certificate that showed no local heritage items were contained within the boundaries of the subject site (7.1.1(2)).</p> <p>This was undertaken prior to preparing the HIS to address the potential impact on the significance of the Illawarra Escarpment Conservation Area and other individually listed heritage items in the local area (7.1.1(3) and 7.1.1(4).</p>
<p>The HIS notes that there will be no adverse impacts on views to and from the State Heritage item “Gleniffer Brae” (page 17). However, the figure below and the VIA, clearly shows the site will be highly visible from Gleniffer Brae. The HIS therefore does not adequately address the findings of the VIA.</p>	<p>The State listed heritage item ‘Gleniffer Brae’ is separated from the subject site by distance, topography, intervening development and vegetation. Significant views to and from the ‘Gleniffer Brae’ will not be adversely affected by the proposed development as it will appear as part of the existing residential development at the base of the Illawarra Escarpment.</p> <p>The VIA clearly shows that the subject site will not be highly visible from the State heritage item and the Statement of Heritage Impact concurs.</p>
<p>The HIS has conflicting information regarding the impact on vegetation in the Illawarra Escarpment Conservation Area. The SEE states “There will be no adverse impact on the established heritage significance of the Illawarra Escarpment Landscape Conservation Area” however the SEE also states “The loss of a stand of Illawarra Subtropical Rainforest, which is in poor condition, is considered acceptable”.</p>	<p>The loss of the stand of Illawarra Subtropical Rainforest that is in poor condition is considered acceptable from a heritage perspective. The loss will have no adverse heritage impact on the established significance of the Illawarra Escarpment Landscape Conservation Area as it is not within the mapped boundaries of the HCA and makes little contribution to the significance due to its poor condition.</p>

In response to the comments made about the VIA, Urbaine Architectural has provided the following additional information:

Table 2: Response to comments on VIA

Comments raised by Council	Response by Urbaine Architectural
It is noted that the VIA responds to the context of the “Wollongong Conservatorium of Music” and does not note that whilst the Conservatorium is located on the site, site is state heritage listed as “Gleniffer Brae and Surrounds.” The significance of this site and its setting should be considered in recommendations of the VIA Report.	<p>The VIA report contains a number of photomontaged assessments of the new development from locations throughout the park and ‘Gleniffer Brae Surrounds’. The photo location map is provided at Figure 3 of the VIA dated December 2019.</p> <p>The photo locations were chosen purposely to demonstrate the openness of the surrounds to the Conservatorium of Music, in addition to views close to the main building.</p>
The HIS notes that there will be no adverse impacts on views to and from the State Heritage item “Gleniffer Brae” (page 17). However, the figure below (i.e. extract of Viewpoint 9) and the VIA, clearly shows the site will be highly visible from Gleniffer Brae. The HIS therefore does not adequately address the findings of the VIA.	<p>Council's letter refers to Viewpoint 9 from the VIA and suggests that the site is highly visible from this location.</p> <p>It appears that there may be some misunderstanding as this image actually shows a semitransparent overlay of the proposed development, as being totally obscured.</p> <p>The image should not be viewed in isolation. When considered as part of the overall assessment, it clearly demonstrates that there is no visual impact from this location.</p>
40% of the main buildings are visible from the lawn area at Gleniffer Brae viewpoint 10, directly below the most prominent ridgeline of Mount Keira.	The visual impact from the main lawn, as shown in view 10 is mitigated considerably by the incorporation of extensive landscaping to the new development and, at the lower levels screening by existing trees.
The VIA notes that mature trees provide visual screening from viewpoint 9, however in winter the trees are deciduous. It is also noted that some mature coral trees may be replaced as per the CMP for the site, further reducing this screening.	<p>The tree screening is a combination of those surrounding the perimeter of the park, in addition to the layers of existing mature trees between the park and the subject site (see viewpoint 5 for the trees sitting directly behind the park perimeter trees).</p> <p>It should also be noted that the mature trees have a dense branch canopy, which will maintain a great deal of their ability to obscure the site, even in winter.</p>
This is not consistent with the objectives of Part 12.2 of Chapter B6:	The new development is located below both the main ridgeline, and the intermediate ridgelines of

(b) To prevent the siting and orientation of any new building upon any prominent ridgeline or hilltop.	Mount Keira, when observed from the public open spaces.
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Issues relating to the APZ and Aboriginal Heritage are responded to under "External Referral Agencies" items 1 and 3 above.

No vegetation will be removed from the E2 zoned portion of the site (i.e. there will be no impact on the existing vegetation in the Illawarra Escarpment Conservation Area), and the development footprint will include extensive new vegetation and built forms that include green roofs. The loss of a stand of moderate to poor condition Illawarra Subtropical Rainforest is contained to the R2 zoned portion of the site only.

5. LANDSCAPE

The 'Tree Protection Plan' contained within Appendix 1 of the Arboricultural Report clearly nominates all trees proposed to be removed and retained from within the APZ (i.e. highlighted red and green on the plan). However, as indicated in response to the RFS issues above (i.e. see item 1 under 'External Referral Agencies') the submitted 'Arboricultural Development Assessment' report may need updating. If amendments are made, the landscape plan will be revised to ensure consistency between the documentation. Tree numbering will also be clarified.

As discussed under the DRP response above (item 1), alternative design options are being considered by the consultant team and applicant. Such consideration will take into account matters relating to the pedestrian linkages and footpaths.

Any amendments made to Landscape plans will also consider the following items raised in Council's RFI, noting that some of these matters may also be more suitability identified as items for more detail design during the construction certification stage.

- Any amendments to the stormwater arrangements, including additional WSUD measures.
- Access to allow maintenance access to the green roofs.
- Confirmation of all tree plantings (i.e. being approximately 100 trees, including small trees).
- Revised planting locations within the development footprint and revised stairs arrangements within the APZ, subject to continued compliance with bushfire regulations.
- Details of the drenching system proposed to offset any potential fire risk.
- TOW and BOW details of all retaining walls, noting that RL's are currently provided on the detail plans and therefore provide all necessary details.
- Suitable lighting details, including downward facing bollard lamps and wall lighting in key locations on buildings.
- Altered planter arrangements to address potential privacy concerns.

A high proportion of the site planting is in deep soil zones, with only a small proportion provided in podium planters. With a site area of 36,753sq.m, the proposed development requires 5,513sq.m of deep soil area. The proposed development provides 15,370sq.m of deep soil (excluding the E2 zone) and therefore well exceeds the minimum requirement. The deep soil zones do not include any structures, are provided throughout the site and common areas, and will be densely landscaped.

The DRP has also raised concerns that the landscaping plans and species selection within the R2 zoned portion of the site are inconsistent with the VMP. The recommendations within the VMP, however, only apply to the E2 zone and have been adopted. In addition, native species selection percentages within the R2 zoned portion of the site are extremely generous as follows:

- Green Roofs - 90%
- APZ Managed Bushland - 100%
- Podium Planters - 55%
- Inner Developed Zone - 80%
- Bio Retention Zone - 100%
- Entry Valley Zone - 100%

The plans currently before Council include a total of 47 dwellings and therefore require 235sq.m of communal open space under the DCP. The current plans provide 2,893sq.m of formal communal open space (i.e. Eagles Nest Park adjacent to Building 5 and the communal podiums within buildings 1-4). In addition to the "formal" areas of common open space, the development also includes a communal vegetable garden, a fitness trail with 3 'stations' and informal 'meeting spaces' within the APZs. The proposal therefore provides extensive common open space within the development.

It is acknowledged that while the architectural plans and supporting documentation correctly show the relationship between the APZ and E2 zone, Figure 2 within the VMP does not. This plans correctly shows the boundaries of the E2 zoned land and the correct location of the APZ, but suggests that a minor portion of the R2 zoned land is actually zoned E2. When viewed alongside the other plans, this is clearly a drafting error and will be corrected.

6. TRAFFIC

The development requires 10 visitor parking spaces, but 15 spaces are proposed (i.e. a surplus of 5 spaces). Of these 5 spaces, 3 are located in the secure basement garage area of building 2. To gain access to these 3 spaces, an intercom system is proposed. This arrangement is standard practice for basement parking. It is noted, however, that the 3 visitor parking spaces are in excess of the DCP requirement and therefore can be removed if needed.

Visitor bicycle parking is distributed across the site and includes the allocation of some spaces within the secure basement garage area of building 2 and adjacent to the services parking bay located in the utility and waste management area. The proposed intercom system, together with appropriate signage, will allow access to the basement area for visitor bicycle parking. Consideration will be given to the relocation of the visitor bicycle spaces so that a high level of accessibility can be achieved.

As part of the CPTED report, it has been recommended that way finding/directional signage inclusive of mapping be provided within the development to improve accessibility and navigability for visitors and emergency vehicles. This matter would be addressed as part of the Construction Certificate documentation.

The utility and waste management area includes 1 parking bay for service contractors. This space has been provided in addition to the DCP visitor parking requirement and has been provided for activities directly associated with the utility and waste management area. In the event a service contractor is required to access the buildings within the site, it is proposed that they would utilise the visitor parking spaces location adjacent to the buildings.

A Plan of Management (POM) has been provided with the DA documentation and is to be read in conjunction with the traffic report. As described in the POM, an approved contractor will be responsible for the collection of waste and recycling bins from each building's waste storage area and for transferring the bins to the designated waste management area for collection. The approved contractor is to then return the bins to the relevant building waste storage areas by the evening of the relevant collection day. The parking bay within the utility and waste management area is provided specifically for this weekly activity.

The utility and waste management area would also be utilised by removalist vehicles, with the parking bay being available for vans which would be used to transfer the household items up the internal driveway to the buildings. Apart from the initial occupation of the dwellings (which would need to be appropriately managed by the strata body), the reality is that these activities would be infrequent and would not be undertaken by more than one dwelling at a time.

On garbage collection days, the loading area will be prohibited from use by any vehicle except for Council's waste collection vehicle. Use of the loading bay by removalist trucks or other large vehicles is to be pre-arranged with the strata manager. Contact details of the strata manager, including clear instructions and restrictions around the use of the loading bay, are to be clearly displayed in the loading area and within the strata by-laws. Given the infrequent use of the utility and waste management area (i.e. waste collection and infrequent use by removalists or delivery vehicles) a second parking bay for use by vans and light vehicles is considered unnecessary.

The issue of driveway grades is addressed under item 1 ('External Referral Agencies') above. The requested swept paths can be provided if necessary.

7. WOLLONGONG LOCAL ENVIRONMENTAL PLAN (WLEP) 2009

As detailed in item 2 ('Council Referral Matters') above, the APZ does not fall within the part of site zoned E2 Environmental Conservation. The proposed development will retain all existing trees and vegetation within the E2 zone, with this portion of the site to be managed by a VMP. The VMP includes rehabilitation works such as seed collection, weed management, natural regeneration, infill planting and revegetation, fertilising, watering and pest control. The proposed vegetation management works will reinstate the important ecological values of the E2 zoned land. These works are permitted with consent in the E2 zone and are consistent with the objectives of the zone.

The subject site is zoned R2 Low Density Residential and is subject to the same planning controls as the neighbouring residential sites. The R2 zone permits with consent, multi dwelling house, residential flat buildings, shop top housing and a range of non-residential uses.

Where there is an expectation to provide a lower scale of development adjacent to the Illawarra Escarpment, these sites have been zoned either E3 Environmental Management or E4 Environmental (see Figure 1). These E3 and E4 zones permit dwelling houses and semi-rural type activities and would provide a decreasing gradient of density adjacent to the E2 zone. Council in its zoning of the site R2 (as opposed to E3 or E4) recognised that it was suitable for development at a scale that is permitted in the R2 zone.

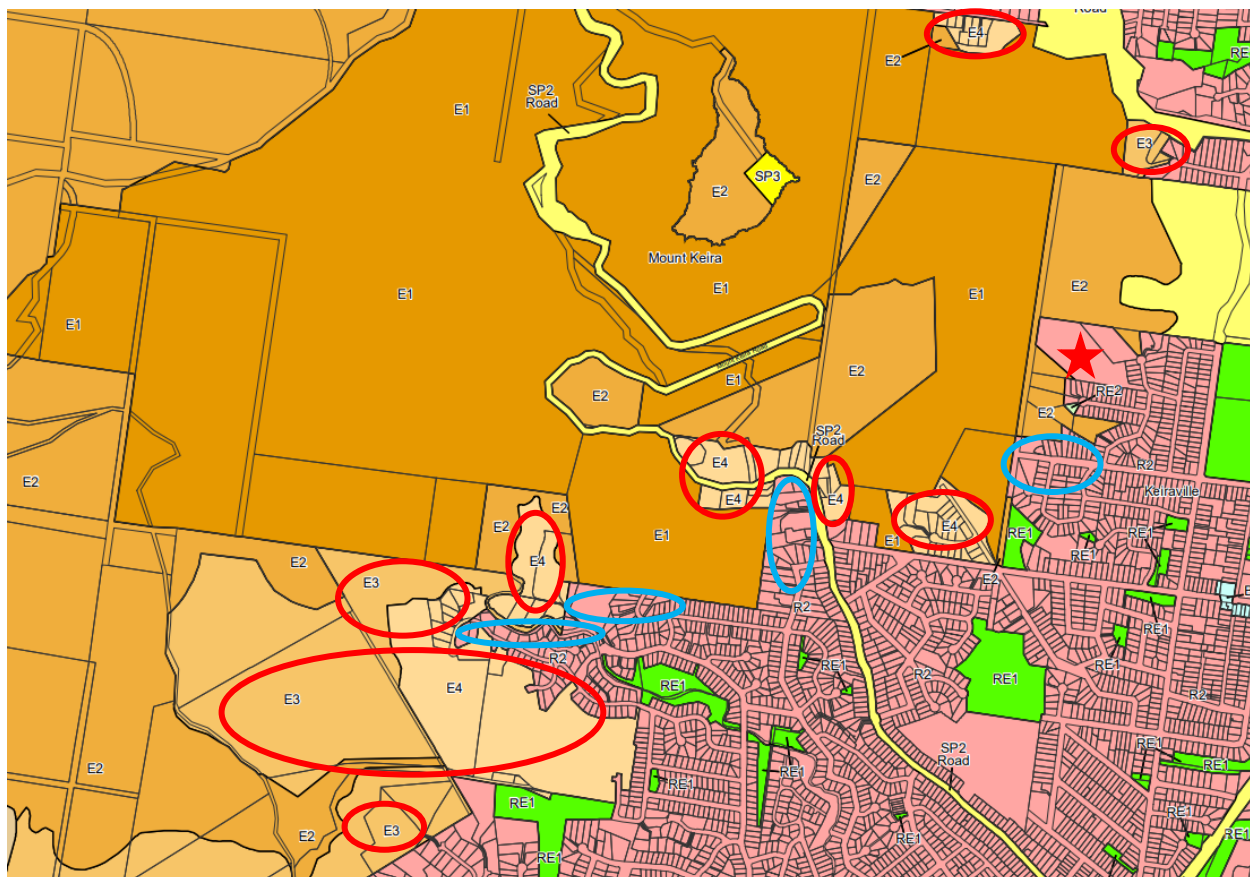


Figure 1: WLEP Zoning Map Extract. Subject site shown with a red star. E3 and E4 zones circled red. Other R2 zones adjacent to the E2 zone circled blue.

The Clause 4.6 Variation Request provides justification for the proposed development's variation to the minimum site width requirements, which is 18 metres for development for the purpose of multi-dwelling housing under the WLEP 2009. The site has a street frontage of 18.62 metres and a proposed building line width of approximately 70 metres. However, the front portion of the site has a width of 16.88 metres and represents a variation of 1.12 metres. The portion of the site that is below the minimum 18 metre site width requirement is proposed to act as the main vehicular and pedestrian entry for the site (i.e. an access handle). The overall dimensions of the 'development site' are generous and can easily accommodate residential development without unreasonable amenity impacts on the proposed development and surrounding residences. The Clause 4.6 Variation Request concludes strict compliance with the minimum site width requirement is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the variation. Therefore, it is considered the proposed variation to the minimum site width requirement can be supported, particularly when noting the other issues raised in the request for further information can be addressed.

The concerns raised in relation to heritage conservation (clause 5.10 of WLEP) and the Illawarra Escarpment Conservation Area (clause 7.8 of WLEP) are addressed under item 4 above.

8. WDCP 2009 - CHAPTER B1 RESIDENTIAL DEVELOPMENT

As detailed in item 1 'Council Referral Matters' above, the consultant team are reviewing the detailed documents and are considering how best to address the issues raised, especially given the many overlapping issues. This review will particularly consider the issues raised in relation to sections 4.12, 5.5, 5.9 and 5.10 of the DCP.

Concerns raised in relation to fire brigade servicing and by the RFS are address under item 1 'External Referral Agencies' above, while matters relating to the replacement substation (noting that there is an existing substation at the front of the site that will be decommissioned) are addressed under item 4 'External Referral Agencies'.

In addition to considering any potential loss of views towards the coastline, a detailed VIA has been undertaken by Urbaine Architectural to assess the proposed developments impact on views towards the escarpment and the surrounding landscape. This assessment has been undertaken from key public spaces and locations within the local area and addresses the requirements of Section 4.16 of the DCP. For further detail, refer to the response under item 4 'Council Referral Matters' above and to the submitted VIA.

All relevant details in relation to the retaining walls are already provided on the architectural and landscape plans. In this regard, RL's are provided to indicate the top of wall (TOW) and bottom of wall (BOW) levels. These could be relabeled TOW and BOW if required. The variations to WDCP 2009 as identified in the DCP table accompanying the SEE, have been addressed in a separate document prepared by LandTeam dated 12/12/2021. The DCP states that Council may consider a variation to retaining wall heights where the site is steeply sloping, and the retaining wall is setback more than 1 metre from common property boundaries. The separate document submitted with the DA documentation, prepared by LandTeam and dated 12/12/2019, provides the relevant justification for the proposed variation to the retaining wall height.

The WDCP 2009 refers to the minimum site width for multi-dwelling housing as contained in the LEP. The proposed development seeks to vary this requirement and a Clause 4.6 Variation Request has been prepared and submitted with the development as is necessitated by the provisions of the WLEP 2009. The adequacy of the Clause 4.6 Variation Request prepared by City Plan is addressed under item 7 'Council Referral Matters' above. As the minimum site width is an LEP provision no further justification is required under the DCP.

While the DCP states that the proposed development is not to exceed 2 storeys, it is noted that the LEP maximum height standard of 9m is the prevailing height control and that the development strictly complies with the development height of buildings standard.

Under the DCP the proposed development currently requires 235sq.m of common open space of which 50% of the required common open space (i.e. 117.5sq.m) is to receive at least 3 hours of direct sunlight between 9.00am and 3.00pm on June 21. The proposal well exceeds this requirement. The proposal currently provides 2,893sq.m of formal open space (i.e. Eagles Nest Park adjacent to Building 5 and the communal podiums within buildings 1-4). In addition, a communal vegetable garden, fitness trail with 3 'stations' and informal 'meeting spaces' within the APZs are provided. These additional areas of communal open space receive high levels of solar access.

It is acknowledged that the DCP further requires that all north facing living room windows receive a minimum of 3 hours of direct sunlight between 9:00am and 3:00pm in mid-winter, and that at least 70% of the dwellings (i.e. 33) require at least 50% of their private open space areas to receive a minimum of 3 hours of direct sunlight between 9am and 3pm on June 21.

Based on the submitted solar access diagram, 22 of the dwellings receive direct sunlight to the internal living areas for a minimum of 3 hours between 9:00am and 3:00pm in mid-winter, with all of the north

facing living room windows meeting the specified requirement. The solar access schedule provided on plans DA/27 and DA/28 further confirm that thirty-five (35) of the main terrace areas (i.e. 74%) receive the required amount of solar access. To the extent possible further overshadowing analysis will be completed and taken into account in the applicant's review of Council's and the Design Review Panel's comments and be part of any amended plans and documents.

9. WDCP 2009 - CHAPTER B2 RESIDENTIAL SUBDIVISION

The proposed development includes the strata subdivision of the proposed dwellings as per the draft Strata Plan, which was prepared by Edmiston Jones and submitted as part of the development application. Chapter B2 Residential Subdivision of the WDCP 2009 was considered in the design of the proposed development and its compliance with the relevant provisions was demonstrated in the submitted Planning Compliance Table.

It is understood this chapter of the WDCP 2009 was amended in late 2019 and needs to be addressed. A review of the Business Paper for the Ordinary Meeting of Council on 9 December 2019 indicates that Chapter B2 was amended to ensure consistency with Chapter D16 West Dapto Urban Release Area. The site is not located within the West Dapto Urban Release Area to which Chapter D16 applies, and the strata subdivision of the proposed dwellings is considered to be consistent with the amended Chapter B2.

10. WDCP 2009 - CHAPTER B6 ILLAWARRA ESCARPMENT

Concerns have been raised over the accuracy of the VIA due to the lens used to take the photos and the age of the proposed vegetation/planting used in the photomontages. Urbaine Architecture has confirmed that a 50mm 'lens equivalent' was used to take the photos. Urbaine has then manually "stitched" these photographs together to create a wider view so that there is no distortion. This method is consistent with Land and Environment Court stipulations and is recognised as providing a far better result than the basic guidelines. Urbaine has advised that if required, any section of the panoramic photomontaged shots can be selected as a single frame 50mm shot.

Other concerns relating to impacts of the proposed development on the escarpment are being further considered in the applicant's review.

11. WDCP 2009 - CHAPTER E2 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

Amended plans are being prepared in response to the DRP's and Council's comments, with further opportunities for natural surveillance, the design of the dwelling entries, pedestrian movements and the design of the communal drying areas all being investigated as part of the proposed amendments.

The submitted CPTED report further demonstrates that design features have been incorporated into the proposed multi-dwelling housing development which reflect CPTED principles and will address potential crime risks. These include:

- Appropriate vandal proof lighting
- Appropriate signage and mapping, including wayfinding signage
- CCTV
- Restricted access to basement parking areas and services
- Suitable landscaping placement and species types
- Extensive communal open space and shared facilities to encourage positive social relationships amongst neighbours and a sense of ownership

Compliance with the recommendations of the Crime Risk Report can be conditioned as part of any consent to ensure these matters are adopted at either the pre-Construction Certificate, Occupation Certificate or Operational phase of the development.

12. WDCP 2009 - CHAPTER E7 WASTE MANAGEMENT

An Operational Waste Management Plan (WMP) has been submitted as part of the DA. Section 2 of the submitted Operational WMP includes waste generation estimates for the proposed development. These have been based on Council's DCP requirements listed at Appendix 2 of Chapter E7 of the DCP, with the requirement for multi-unit dwellings being 80L/unit/week for general waste and 40L/unit/week for recyclables.

Based on these rates, it is estimated that the proposed development will generate a total of 3,760 litres of waste and 1,880 litres of recyclables per week (i.e. a total of 5,640 litres). This equates to a 16 x 240L waste bins and 8 x 240L recycling bins (i.e. a total of 24 x 240L bins). When calculated for each individual building, a total of 28 bins are required.

The waste requirements for each individual building are included in the submitted Operational WMP and are summarised in Table 3.

Table 1: Bin requirements

Building No.	Number of dwellings	No. of 240 Litre Bins Required	No. of 240 Litre Bins Available
1	3	1 waste + 1 recyclable	4
2	15	5 waste + 3 recyclable	12
3	14	5 waste + 3 recyclable	12
4	13	5 waste + 3 recyclable	11
5	2	1 waste + 1 recyclable	4 (i.e. 2 per dwelling)
TOTAL	47	28	43

Based on the current Architectural Plans, the waste rooms have the capacity to accommodate all necessary bins requirements and have made allowances for extra bins if required.

Based on the estimates of waste generation and number of bins required, as well as allowing some space for bin movement and storage of any required bin tug device, the size of bin holding area should be approximately 40 sqm. The dimensions on the Architectural Plans indicate that the bin holding area exceeds this requirement.

As detailed in the Operational WMP and the supporting Plan of Management (PoM) submitted as part of the DA, an approved contractor will be responsible for the collection of waste and recycling bins from each building's waste storage area and transferring them to the designated communal bin collection area. All bins will be collected by the approved contractor before 8:00pm the day prior to collection day. The approved contractor will then return the bins to the relevant building waste storage areas by the following evening. A tug or similar device will be used by the approved contractor to transfer waste and recycling bins. Refer to Appendix C of the Operational WMP for an example of the type of tug device that could be used by the contractor. The PoM also provides additional details of the waste management arrangements.

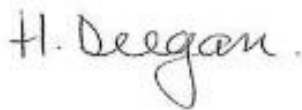
CONCLUSION

We trust that the information contained within this letter provides further clarification in response to many of the issues raised. It is acknowledged that further responses to Councils RFI are required and these are currently being prepared. The consultant team are reviewing design options and balancing the various requirements to find a suitable position. It is anticipated that a further response to issues can be provided to Council in 4- 6 weeks.

It would be greatly appreciated if Council will allow a further extension of time to allow this, given the difficulties in being able to coordinate with the team during these unusual times.

In the meantime, should you wish to discuss any of the above matters further, please do not hesitate to contact Frank Mangione on 0419 223 255 or the undersigned on 8270 3500.

Yours sincerely,

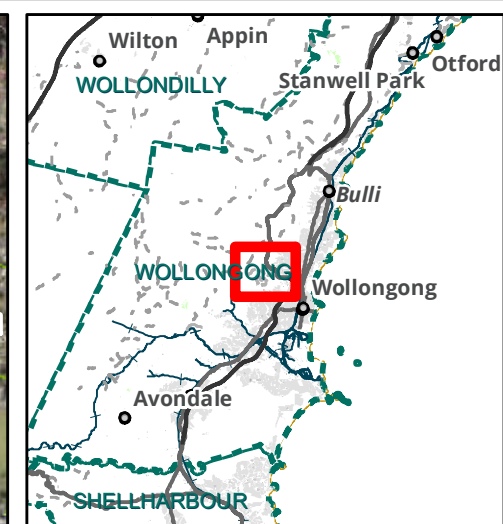
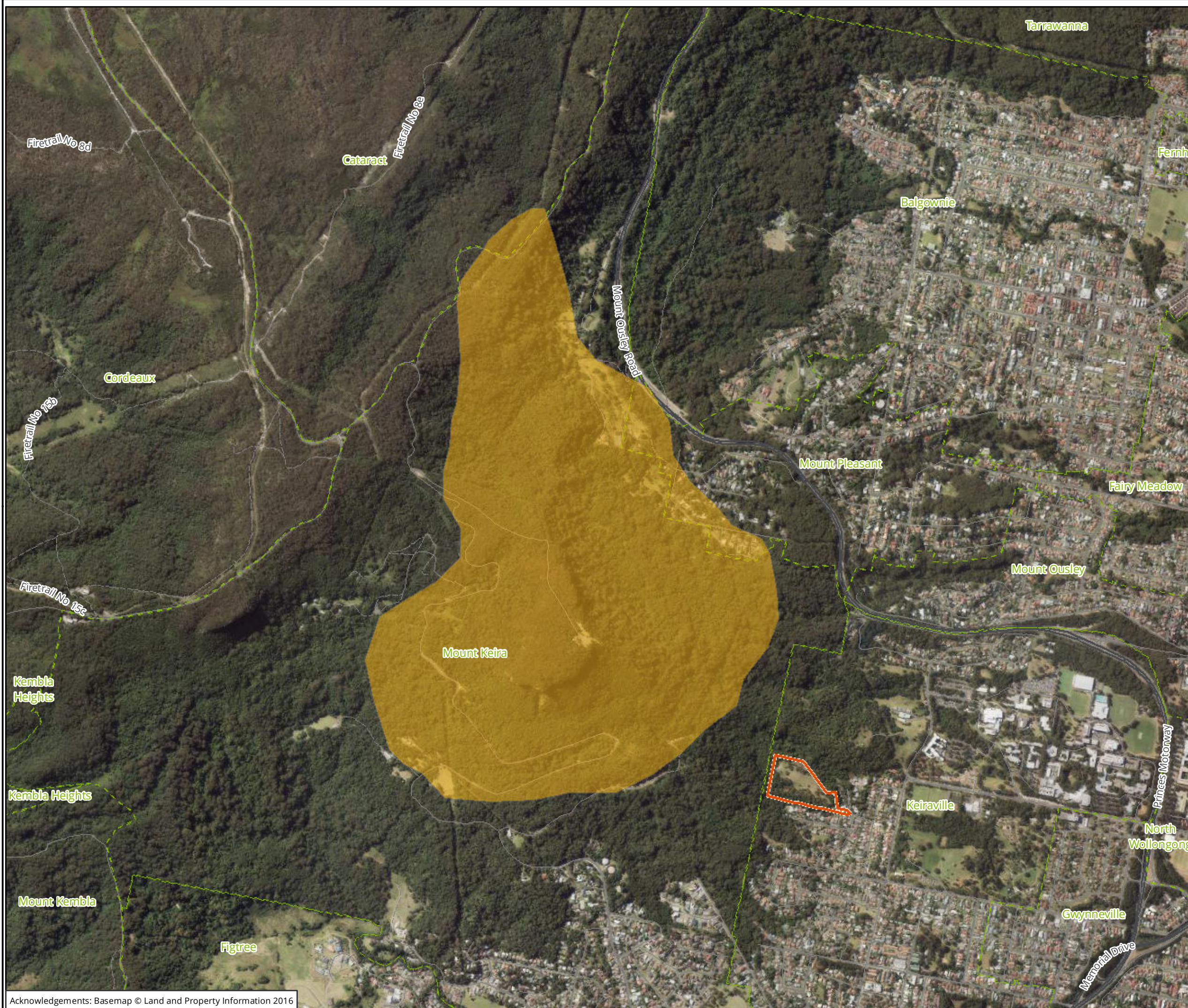


Helen Deegan
Director - Planning



City Plan Strategy & Development P/L
ABN 58 133 501 774

**ATTACHMENT 1 - FINALISED ACHAR AND ARCHAEOLOGICAL REPORT AND
CORRESPONDENCE TO EES**



- Legend**
- Study area
 - Suburb boundary
 - AHIMS 52-2-3198 extent

Figure X Study area, AHIMS 52-2-3198 comparison

0 250 500 750
Metres
Scale: 1:15,000 @ A3
Coordinate System: GDA 1994 NSW Lambert

biosis
Biosis Pty Ltd

Albury, Ballarat, Melbourne,
Newcastle, Sydney, Wangaratta & Wollongong

Matter: 30051
Date: 11 February 2020,
Checked by: MWT, Drawn by: LW, Last edited by: jturner
Location: P:\30000s\30051\Mapping\30051_FX_AHIMS_52_2_3198_Extent

To heritage@ilalc.org.au merrigarn@hotmail.com kayla_87_@hotmail.com
warrabingi@gmail.com troytungai72@outlook.com billy@jach.net.au
bd875@uow.edu.au barrabyculturalservices@gmail.com muragadi@yahoo.com.au
murrabidgeemullangari@yahoo.com.au yurrandaali_cs@outlook.com msmith@biosis.com.au
jvdcorp@hotmail.com oldmanwisdomgumaraa@gmail.com jerringong@gmail.com [less](#)

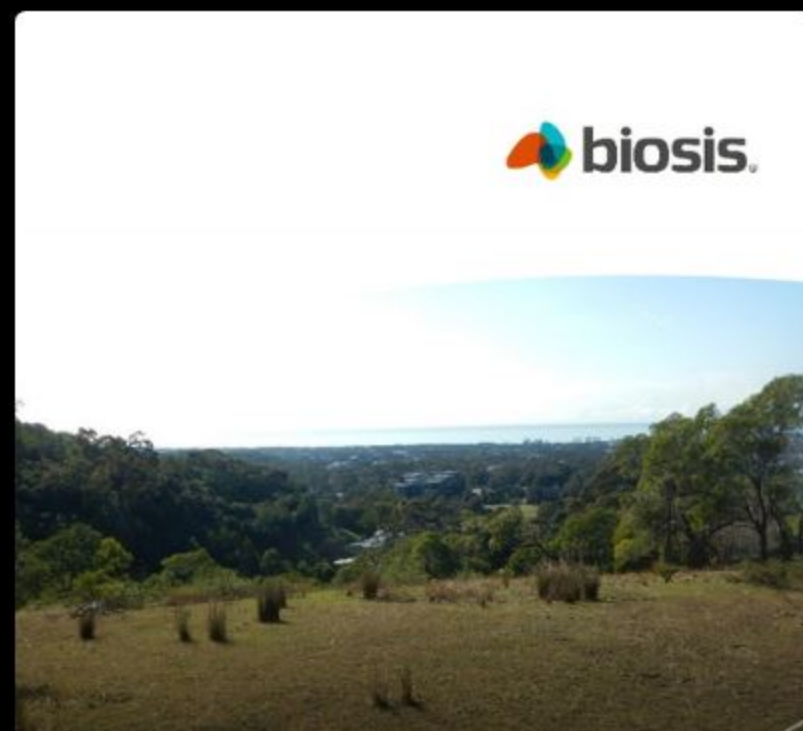
Sent February 11th, 2020
Access expires on February 29th, 2020
Access code: OFF [EDIT](#)
Require sign in: NO

Subject **30051 Cosgrove Avenue Finalised ACHA Report**

Message Hi, Please find the finalised ACHA report for 30051 Cosgrove Avenue for your records. Kind regards,
Mathew



1 FILE



30051.Cosgrove.Avenue.ACHA.FIN01.201911...



From: [Genna Mateni](#) on behalf of [CCHD Information Systems & Assessment Mailbox](#)
To: [Mathew Smith](#)
Subject: RE: Lot 90 DP 1086429 14 Cosgrove Av ACHA
Date: Wednesday, 19 February 2020 12:36:45 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Mathew,

Thank you for sending in this report, it has now been entered and is in the process of being uploaded on to the AHIMS database.

Report Number:

- **14 Cosgrove Avenue Aboriginal Cultural Heritage Assessment FINAL REPORT (104320)**

Kind regards,

Genna Mateni

Administration Support Officer

Aboriginal Heritage Information Management System

Department of Planning, Industry and Environment

Protect Share and Celebrate our Heritage

Department of Planning, Industry and Environment | Level 6, 10 Valentine Ave Parramatta NSW 2150

T: (02) 9585 6776 | E: genna.mateni@environment.nsw.gov.au | W: www.dpie.nsw.gov.au



I acknowledge and respect the traditional custodians and ancestors of the lands I work across

From: Mathew Smith

Sent: Tuesday, 11 February 2020 12:48 PM

To: CCHD Information Systems & Assessment Mailbox

Subject: Lot 90 DP 1086429 14 Cosgrove Av ACHA

Hi,

Please find attached the finalised ACHA for Lot 90 DP 1086429 14 Cosgrove Av for inclusion on the AHIMS register.

Kind regards,

Mathew

Mathew Smith

Project Archaeologist

M: 0409 991 176

D: (02) 4201 1064

E: msmith@biosis.com.au

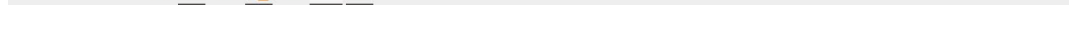


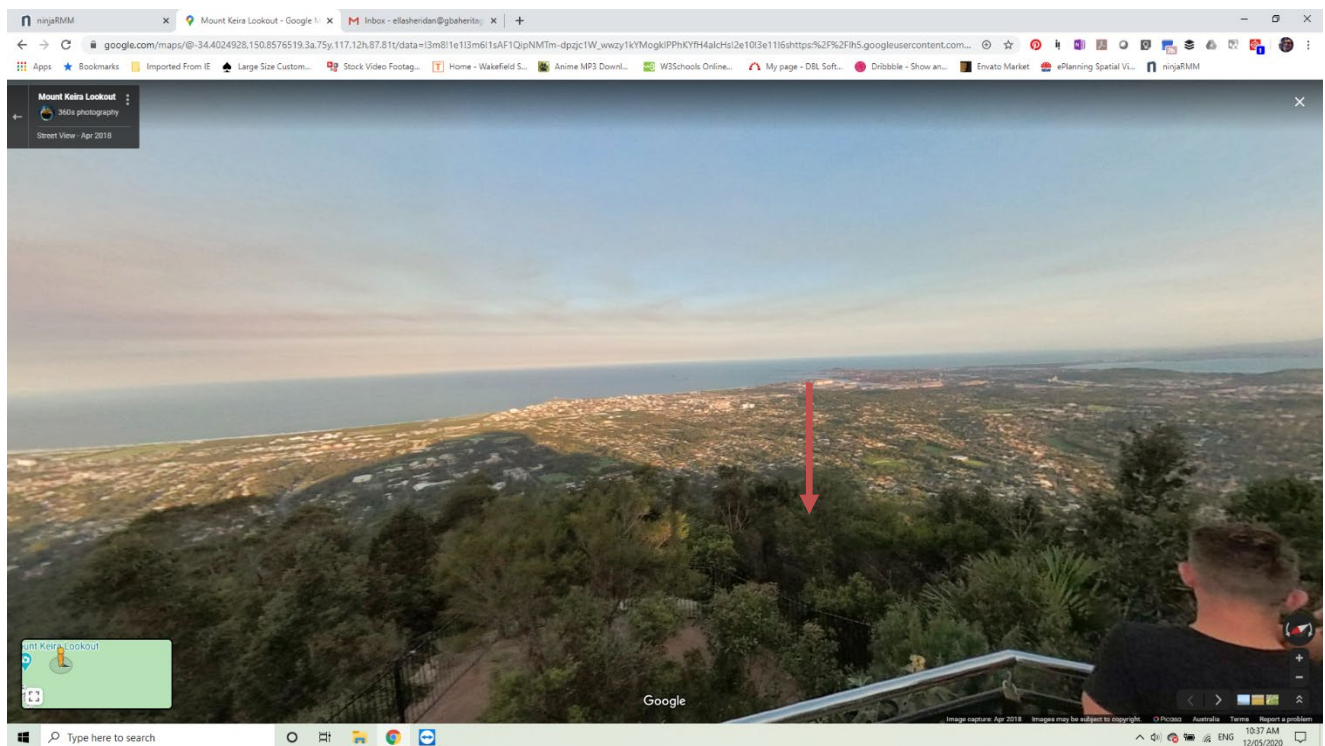
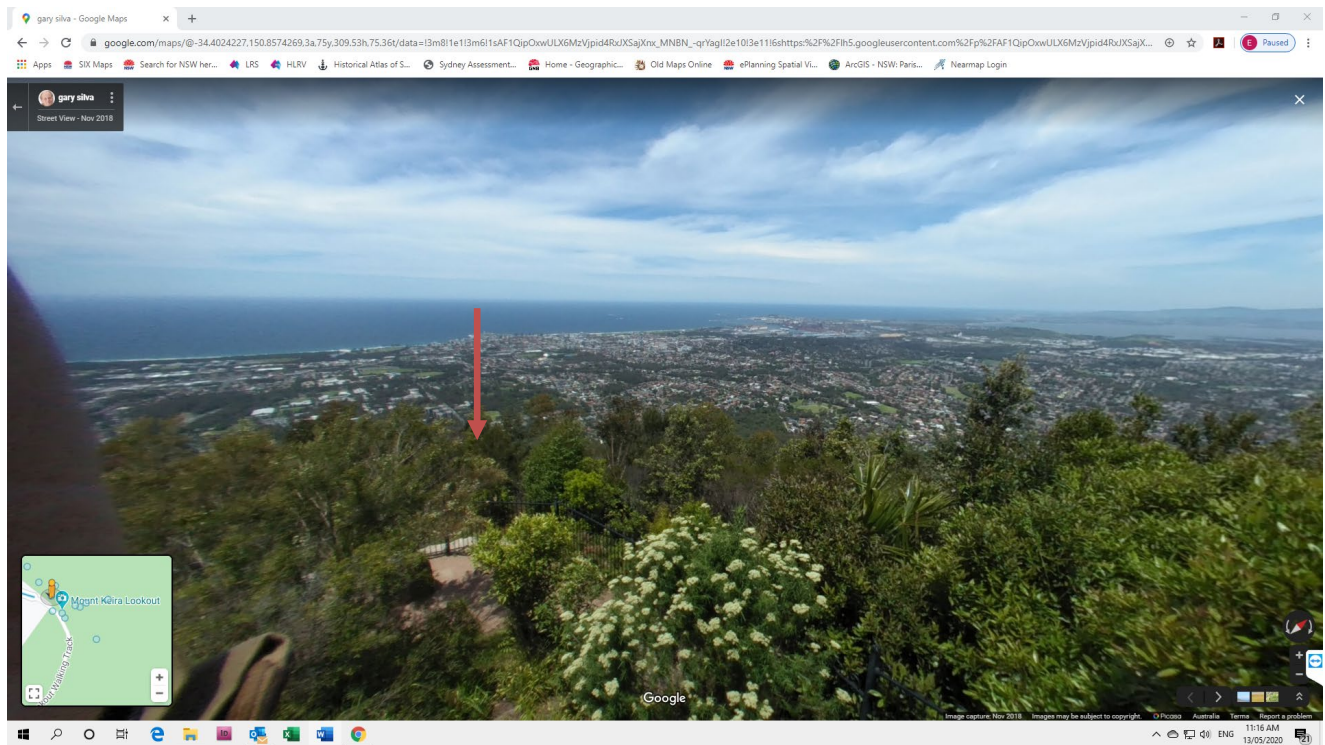
Leaders in Ecology and Heritage Consulting

Biosis acknowledges the Aboriginal and Torres Strait Islander people as Traditional Custodians of the country on which we live and work. We pay our respects to the Traditional Custodians and Elders past, present and future, and honour their connection to the land and ongoing contribution to society.

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**ATTACHMENT 2 - VIEWS TOWARDS SITE FROM WITHIN THE ILLAWARRA ESCARPMENT (GB
HERITAGE)**





Views from Mount Keira Lookout to the east. The subject site is not clearly visible or discernible. The red arrows indicate the approximate location of the subject site.