



planning consultants

30 September 2024
Our Ref: 20950D.7CE_Amendments

The General Manager
Wollongong City Council
41 Burelli Street
Wollongong NSW 2500

Attention: Vivian Lee council@wollongong.nsw.gov.au

Dear Vivian

**Re: Development Application DA-2023/615
Applicant's Requested Amendments to Draft Conditions of Consent
4 Lindsay Evans Place, Dapto**

We refer to your email of 24 September 2024 and thank you for providing us with Draft conditions for review pertaining to the above development application.

On behalf of the Applicant, we hereby request that the following amendments in red to the Draft conditions be considered:

1.0 Amendments to Conditions

Condition 2: Tree Management

The developer shall retain existing trees indicated on Tree Removal Plan by Place Design Group Dwg. No. 2523003.701 dated 05 Feb 2024 consisting of tree numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 30, 33, 34, 35, 37, 38, 39, 44, 45, 47, 48, 49, 50, 51 and 52 ~~and 53~~. Total number: thirty-five four(35 No.).

Reason: The Arborist Report identified tree 53 to be removed due to its location within the building footprint of Building A.

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report Ref. No. 4827 by Allied Tree Consultancy Author: Warwick Varley & supplementary report Ref. No. 4827A dated 10 July 24 to be implemented including and not restricted to: redirecting stormwater infrastructure to minimize impact to trees 37, 51 and 52, protecting trees on adjacent properties, sediment control along riparian area, establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re-routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing

and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall remove existing trees numbered 1, 19, 20, 23, 24, A, 25, A, 26, 27, A, A, 28, 29, 31, 32, A, 36, 40, 41, 42, B, 43, A, A, A, 46, 53, 54 and 55 (17 21 No.). Trees identified as A & B are also to be removed (5 9 No.). Total number: ~~Twenty two~~ **Thirty** (22-30 No.). No other trees shall be removed without prior written approval of Council.

Reason: Section 7.1.2 of the Arborist report has identified trees 31 and 53 as being within the footprint of Building A. Trees 32 and 36 have been identified as being within the footprint of stormwater infrastructure, flush within Building A.

Condition 18. Street Trees

~~The developer must address the street frontage by installing street tree planting to Princes Highway. The number and species for this development is seven (7 No.) Brachychiton acerifolius Illawarra Flame tree 200 litre container size, in accordance with AS 2303:2018 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. ‘Dial Before You Dig’ must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.~~

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

Reason: It is requested that this condition be deleted. Princes Highway is a State Controlled Road not under the jurisdiction of Council. In addition, the topography and existing footpath severely limit the ability to plant trees.

Condition 29. Remedial Action Plan

Before the issue of the Construction Certificate, a remedial action plan (if required) must be prepared so that the site can be made suitable for the proposed development. The remedial action plan must be prepared as per the Consultants Reporting on Contaminated Land - Contaminated Land Guidelines (NSW EPA, 2020) by a certified contaminated land consultant.

Reason: A RAP was lodged with the application. However, one will be prepared (if required) in the case of contamination found below any of the existing buildings/structures to be demolished.

Condition 30. Site Validation Report

A Validation Report (if required) must be submitted to Council's Environment section prior to the issue of the Construction Certificate. The Validation Report must verify that:

- a. the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
- b. the site is suitable for the proposed development.

The Validation Report must be prepared by a contaminated land consultant who is certified under one of the following certification schemes:

- c. Environment Institute of Australia and New Zealand (EIANZ) Certified Environmental Practitioner (Site Contamination) (CEnvP-SC); or
- d. Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site

Assessment and Management (CPSS CSAM).

Further to address State Environmental Planning Policy (Resilience and Hazards) 2021 the contaminated land consultant is to provide for a clear statement in their reports either in the executive summary or conclusion that the consent authority may be satisfied that the required considerations of section 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 are satisfied and state the reasons.

The Validation Report is to be issued by the certified contaminated land consultant direct to Council's Environment section. No third-party submissions will be accepted.

Reason: Table 2 of the Detailed Site Investigation prepared by Douglas Partners recommends an intrusive soil investigation to assess the contamination status of soil across the site. The findings of the soil investigation will inform the requirements for groundwater investigation. A Validation Report will be prepared (if required).

Condition 31 Containment Cell Long Term Environmental Management Plan

Prior to issue of the Construction Certificate, a Long Term Environmental Management Plan (LTEMP) (if required) must be prepared by a qualified and experienced environmental consultant for the containment of contaminated soils and hazardous material. The LTEMP is required to record the placement of any contaminated material on site and provide procedures to be used in the event that it may be disturbed. The LTEMP is to be submitted to Council's Environment section.

The LTEMP must adhere to all legislation, regulations and guidelines regarding the management of the site and must clearly indicate:

- a. The objectives and expected term of the LTEMP.
- b. The locations, depths and types of contaminated material placed on site.
- c. A plan (cross section) of capping layer with details of marker layer, top soil capping material and thickness;
- d. Ongoing management of capping layer.
- e. Measures to prevent exposure of contaminated material under normal site use.
- f. Specific procedures to be used in the event contaminated material may be disturbed.
- g. Contact details of the person responsible for implementing the LTEMP.
- i. Note: Contact details must always be kept up to date and current.
- h. Section 10.7 notation and section 88B wording recommendations.
- i. LTEMP Version List with associated notes on updated changes.

Notes:

- i) All actions and/or recommendations outlined in the LTEMP must be completed in accordance with the schedule/timeline.
- ii) A LTEMP is a reviewable and modifiable document. A new version of the LTEMP will need to be prepared every time:
 - There are changes to the LTEMP.
 - Contact details are updated.
 - Actions and/or recommendations are completed.
- iii) Every time an updated version of the LTEMP is created; the latest version will supersede the previous version.

Reason: The condition assumes that the site is contaminated. This will be determined by the detailed site investigation. Conditions 29-31 will only be required if the site is found to be contaminated.

Condition 59 Tree Protection Implementation

The existing trees **identified in Condition 2** are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- b. mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
- c. irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

Condition 77 Tree Protection and Management

The existing trees **identified in Condition 2** are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a. installation of Tree Protection Fencing - protective fencing shall be 1.8m cyclone chainmesh fence, with posts and portable concrete footings;
- b. installation of Tree Protection Fencing - a one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3-strand wire fence with star pickets at 1.8m centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area;
- c. mulch Tree Protection Zone: areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch;
- d. irrigate: areas within the Tree Protection Zone are to be regularly watered in accordance with the Arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

Reason: Rewording of Condition 59 and 77 is required to clarify which of the existing trees are to be retained as not all existing trees on the site are to be retained.

Condition 112 Compensatory Planting

The developer should make compensatory provision for the trees required to be removed as a result of the development. In this regard, ~~thirty-one~~ **thirty (31 30 No.)** 75 litre container advanced mature plant stock should be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Brachychiton acerifolius* Illawarra Flame Tree or *Waterhousea floribunda* 'Sweeper' Weeping Lilly Pilly. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

Reason: The DCP requires a ratio of 1:1 tree to be replanted.

2.0 Apartment Design Guide Assessment – Habitable room depth

Apartments G01/4A and G02/4A on the ground floor of Building A both have a habitable room depth of more than the required 8m from a window i.e. 9.8m however, the habitable rooms of both of these apartments have a ceiling height of 2.7m which will assist with ventilation and daylight access and is capable of having larger sliding doors to improve daylight access.

These apartments have been designed to be adaptable and therefore require compliant circulation areas which has resulted in the additional depths of the apartments.

Section 97 of SEPP Housing provides that '*development for seniors housing must consider the Seniors Housing Design Guide.*' Schedule 8 of the SEPP Housing provides the design principles for seniors housing whilst Schedule 9 provides the design principles for residential apartment development. Part 2 of Schedule 4 of SEPP Housing provides additional standards and design criteria pertaining to circulation spaces of the different rooms i.e. living rooms, kitchens etc. contained within independent living units for seniors.

Furthermore, the non-compliance is limited to two (2) out of 51 apartments or 3% of the apartments and this is considered acceptable as it is a minor non-compliance having regard to circulation requirements.

3.0 Conclusion and Recommendation

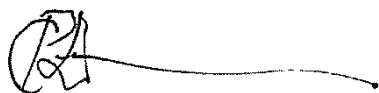
On behalf of the Applicant, we submit this request for amendments to the wording of the Draft conditions and an explanation of the depth of units G01/4A and G02/4A for Councils consideration.

We kindly request Council favourably consider these amendments to the conditions for the proposed development.

Should you have any questions, please contact our office.

Your faithfully

DFP PLANNING PTY LTD



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Reviewed: