

## Attachment 7 - Wollongong Development Control Plan 2009 Assessment

### CHAPTER A1 – INTRODUCTION

#### 8 Variations to development controls in the DCP

A variation to the adopted Bong Bong South Neighbourhood Plan is proposed, however is not supported. This is discussed further under Chapter D16 assessment below.

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

The proposal fails to demonstrate solar access to private open space areas in accordance with the controls for multi dwelling housing to private open space areas. In addition, only 30 of the 234 dwellings are oriented to have north facing living room windows and it is noted that even if more northern living room windows were provided, they would be unlikely to receive solar access due to the limited setbacks between buildings, fencing and retaining, and the slope of the land.

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

#### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.11 Storage Facilities</u> <ul style="list-style-type: none"><li>10m<sup>3</sup> / 5m<sup>2</sup> to provide accessible storage for larger household items that cannot be readily accommodated within dwellings</li></ul>	The housing typologies do not provide for sufficient storage facilities noting that proposed garages are at the minimum permissible dimensions for multi dwelling housing, and internal wardrobes are not suitable for this purpose.	No
<u>4.12 Site Facilities</u> <ul style="list-style-type: none"><li>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</li></ul>	Appear to be satisfactory	Yes, can be conditioned if required
<u>4.13 Fire Brigade Servicing</u> <p>ensure that all dwellings can be serviced by fire fighting vehicles.</p>	On site hydrants will be required to service the development. This matter could be conditioned if the proposal was to be supported.	Can be conditioned if required
<u>4.14 Services</u> <ul style="list-style-type: none"><li>encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced.</li></ul>	Servicing could be ensured through appropriate conditioning should the application be supported. Referral advice generally indicates that servicing is available for the proposal.	Yes
<u>4.15 Development near the coastline</u> <p>N/A</p>		N/A
<u>4.16 View sharing</u> <p>N/A</p>		N/A

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.17. Retaining walls</u>	<p>Submitted plans indicate that the proposal incorporates retaining walls greater than 1m in height. Clause 4.17.3(4) indicates that to limit the overall height impact, terracing of retaining walls is required, limiting the maximum vertical rise of a retaining wall to 1m, with a minimum horizontal setback of 1m.</p> <p>Clause 4.17.3(5) indicates that any retaining wall with a vertical height exceeding 1 metre in any one vertical rise must be supported by appropriate justification demonstrating how the proposal meets the objectives.</p> <p>A variation justification statement has not been provided demonstrating that retaining walls exceeding 1m in height satisfy the objectives of the clause.</p> <p>Heights of retaining walls up to 2 metres between dwelling sites and at the interface of the development with adjoining residential sites and roads are not supported.</p> <p>Further, proposed 1.8 metre fencing on top of those walls is inconsistent with the requirements of this section, which require a maximum combined height of 1.6 metres above existing ground level if it is located in the setback to a primary road, and 2.2 metres along side and rear boundaries.</p>	No
<u>4.18 Swimming pools and spas</u>		
N/A		N/A
<u>4.19 Development near railway corridors and major roads</u>	<p>Forest Reach Drive is not a classified road at this time. If the application was to be supported, recommendations could be made to ensure that the proposed dwellings are constructed to mitigate noise impacts to satisfy the requirements of this Clause and the Infrastructure SEPP.</p>	
N/A		

## 5.0 Attached dwellings and multi -dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width Requirement</u>	Requires 18 metres- Satisfies minimum site width	Yes
<u>5.2 Number of Storeys</u>	Single storey in both R2 and R3 zone	Yes
<u>5.3 Front Setbacks</u>	<p>6 metres required from front property boundary. With encroachment of up to 900mm.</p> <p>The dwellings exceed 6 metres from “front boundary” as roads provide separation to boundary of 7.5 to 8m.</p>	Yes
<u>5.4 Side and Rear Setbacks</u>	<p>Minimum rear and side boundary setback:</p> <p>R2 and R3 zone: 0.8 x ceiling height</p> <p>Ceiling heights 2.7m- setback of 2.16 required – appears to have been provided with minimum 2.5 metre setbacks</p>	Yes
<u>5.5 Building Character and Form</u> Objective 5.5.1 (h) to allow for outlook and surveillance towards the public domain	<p>The proposed dwellings are well articulated and provided with variety in materiality.</p> <p>Entrances are clearly visible from the street however some of the typologies include bedrooms at the front of the dwelling and therefore limit passive surveillance onto the street. This would not be significant if it was an intermittent occurrence along a street as other dwellings would provided for surveillance, however the housing typology is up to the customer. Further, the plans show some streets where that typology dominates the street which is unsatisfactory. This would require a redesign of typologies or an arrangement where the majority of the dwellings in the street are provided with living areas at the front.</p> <p>Dwellings adjoining walkway in lower section should address both street and walkway.- The walkway exceeds 2.5 metres, but should not include plantings. See through fencing types along the pathway should be provided to allow passive surveillance – this could be conditioned if the application was to be supported.</p> <p>Garages are articulated from front facade</p>	No

<p><u>5.6 Access / Driveway Requirements</u></p>	<p>Site 88 provided with driveway that is not located 6 metres from perpendicular of the intersection.</p> <p>Driveway requirements are generally satisfactory.</p> <p>Driveways do not exceed maximum permissible width of 6 metres</p> <p>The proposal was referred to Council's Traffic Officer who provided a conditionally satisfactory referral response.</p>	<p>No</p>
<p><u>5.7 Car Parking Requirements</u></p>	<p>See assessment under Chapter E3 below</p>	<p>-</p>
<p><u>5.8 Landscaping Requirements</u></p>	<p>Minimum 30% of site as landscaped area – SEE identifies that 36.9% provided as landscaped area</p> <p>Minimum 1.5 metre wide landscaping bed provided along side and rear boundaries of the site</p>	<p>Yes</p>
<p><u>5.9 Deep Soil Planting</u></p> <p>Half landscaped area of 15% to be provided as deep soil zone with minimum dimension of 6 metres</p> <p>Or provided along rear boundary for full length, with minimum width of 6m</p> <p>To be provided as a continuous planting area</p>	<p>Deep Soil Zone refers to an area of the site that is not to be built upon, or underneath, thereby leaving an area of deep, soft soil for substantial deep-rooted vegetation, natural vegetation and natural drainage.</p> <p>It is Council's preference that the area is able to be densely planted with trees, however, the planting of shrubs and grasses within the large tract of land available under the TransGrid easement that generally cannot be used for any significant recreation activities generally meets the objectives for deep soil zone and is supportable. As such, the DSZ area exceeds the requirements under the section.</p>	<p>Yes</p>

<p><u>5.10 Communal Open Space</u></p>	<p>5m<sup>2</sup> per dwelling is required, totalling 1180m<sup>2</sup>.</p> <p>The Stage 2 community facilities proposed under DA-2024/202 provides for communal open space well in excess of 3000m<sup>2</sup>, in the form of an events lawn, bowling green, partially covered swimming pool, associated pool deck and multiple pickle ball courts. Conditioning could be applied to ensure the delivery of this ancillary development, should the subject application be supported.</p>	<p>Yes</p>
<p><u>5.11 Private Open Space</u></p> <p>5m x 4m at ground level, separated from boundaries by 1.5m landscaping bed, outside of DSZ</p> <p>The POS of at least 70% of dwellings must receive min 3 hours sunlight 9am to 3pm</p> <p>Must not extend forward of the front building setback by more than 900mm</p>	<p>A number of private open space areas are slightly deficient with respect to the minimum 5m by 4m dimension, however all POS areas provide a minimum area of 20m<sup>2</sup>. The minor variation to dimensions will not have any impact on the usability of the areas and therefore can be supported.</p> <p>70% of dwellings receive a minimum of three hours of sunlight to their POS mid winter.</p>	<p>Yes</p>
<p><u>5.12 Solar Access Requirements</u></p> <p>Windows to north facing living rooms for each dwelling to receive 3 hrs of sunlight, 9am to 3pm, midwinter</p> <p>POS of at least 70% of dwellings to receive minimum 3 hrs sunlight, 9am to 3pm, midwinter</p> <p>At least 50% of the private open space area for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June</p>	<p>Although not yet developed, it is likely that the retaining wall and fencing located along the southern boundary will adversely impact solar access to the adjoining properties to the south.</p> <p>In addition, retaining walls and fencing between dwelling sites are also likely to adversely impact on solar access for adjoining dwelling - it does not appear that shadow diagrams consider the proposed retaining and fencing located between dwelling sites and the likely overshadowing impacts arising from those structures.</p> <p>The application submission fails to demonstrate that at least 50% of the private open space area for each dwelling receives 3 hours of sunlight mid winter.</p> <p>Only 30 of the 234 dwellings are oriented to have north facing living room windows and it is noted that even if more northern living room windows were provided, they would be unlikely to receive solar access due to the limited setbacks between buildings, fencing and retaining, and the slope of the land.</p>	<p>No</p>

<p><u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u></p> <p>Variation in number of apartments and gross floor area</p>	<p>The proposal provided for variety in dwelling types, with 2 and 3 bedroom typologies, where the 2 bedroom type includes a study and a bedroom in the 3 bedroom type can utilised as a media room, providing adaptability.</p>	<p>Yes</p>
<p><u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u></p>	<p>An Access report Ref PAA_23120 dated 26/9/23 prepared by purple apple access was submitted in support of the application. The report confirms that 10% of the dwellings (Type 5 dwelling typology) have been designed as adaptable in accordance with AS4299 requirements.</p>	<p>Yes</p>
<p><u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u></p>	<p>See assessment against Chapter E2 below</p>	<p>-</p>

## **PRECINCT PLAN – Chapter D16: West Dapto Release Area**

The subject site is located in the Stage 3 release area.

### **3 Objectives**

The proposal fails to satisfy the following Chapter objectives:

(a) enable the development of the West Dapto Urban Release Area for residential, employment, industrial and environmental conservation areas in a manner consistent with the Wollongong LEP 2009 the West Dapto Vision 2018 and the West Dapto Structure Plan (Figure 2).

(c) support the provision of safe and efficient road networks that promotes long term sustainability and active transport, with public transport services linking surrounding areas.

(g) protect areas of high scenic value, notably the Illawarra Escarpment and Lake Illawarra with developments that contribute and promote the areas visual and aesthetic values.

### **4 Structure Plan**

The site forms part of Stage 3 of West Dapto Urban Release Area and is located immediately west of the proposed Bong Bong Town Centre. The site is primarily zoned for residential development.

### **5 Planning Principles**

The West Dapto Planning Principles were given consideration in the assessment and approval of the Bong Bong South Neighbourhood Plan.

### **6 Transport**

Council's Urban Release Team and Traffic Officers have reviewed the application submission. The following matters were found to be inconsistent with the requirements of the Chapter:

#### **6.1 The Road Network**

##### Principle 2 - A safe, connected and legible road network for all users

- The application fails to demonstrate compliant swept paths for the caravan parking access point on Road 07.

#### Principle 5 - Road network to support sustainable transport outcomes

- The application fails to demonstrate that road widths alone are sufficient to restrict vehicle speeds and that additional traffic calming measures are not required.
- The application fails to demonstrate that accessibility to future bus stops along the Northern Precinct Spine Road and Forest Drive have been considered in the design of the proposal.

#### *6.3 Active Transport*

#### Principle 2 – Connected, functional pedestrian and cycle network

- The application fails to demonstrate that the public pedestrian through site link would be open and accessible 24/7. This should be confirmed. Shared path line marking should be provided as this is a publicly accessible path and whilst some paths in the release area are not currently marked, the intent is for new paths to be line marked as this provides ongoing visual cues for users rather than relying on signage proposed at either end.
- Currently, the development requires all pedestrian to enter/exit the site along the main access road. Increased connectivity to the Neighbourhood could be provided through additional access-controlled points, such as:
  - A southern path link and access point towards the roundabout to facilitate convenient pedestrian/cyclist access to the south.
  - Pedestrian link between Roads 02 and 05 has limited benefit as proposed – link should be extended to western boundary with access point provided to Northern Precinct Spine Road.

### **7 Water Management**

Comments have been received from both Council's Urban Release and Stormwater Officers in relation to water management. The following matters were found to be inconsistent with the requirements of the Chapter:

#### *Principle 3 – Develop the floodplain and surrounding areas in a sustainable way.*

The application submission fails to demonstrate that Principle 3 has been considered in the design of the proposal with respect to addressing the potential impacts of climate change.

#### *Principle 5 - Protect people and property from flooding in a strategic way.*

The application submission fails to demonstrate that Principle 5 has been considered in the design of the proposal with respect to design specific roads within the urban release area to achieve a 1% AEP flood event immunity including a pre-determined climate change factor or greater flood event.

#### *Principle 6 - Protect water quality of surface and groundwater from urban development and avoid any adverse effects on water quality to downstream watercourses and Lake Illawarra.*

- Water Management Principle 6 (Protect water quality) of the West Dapto Vision and Chapter D16 of the Wollongong DCP has not been satisfied. In particular, the objective relating to using higher stormwater quality targets has not been demonstrated. The reasoning provided in the response letter from Maker ENG dated 13 January 2025 in relation to this item is not supported. The water quality targets proposed within the Water Cycle Management Study (WCMS) by Maker ENG dated October 2024 for the subject development need to be updated to the targets adopted in the Lake Illawarra Case Study, which has applied the risk-based framework approach. The higher targets need to be applied to the subject development to ensure the long-term health of the Lake is protected from future developments.

#### *Principle 8 - Provide efficient and sustainable stormwater infrastructure for the urban release area.*

- Water Management Principle 8 (efficient and sustainable infrastructure) of the West Dapto Vision and Chapter D16 of the Wollongong DCP has not been satisfied. In particular, the objectives relating to infrastructure being practical, cost effective and maintainable, and the increased public safety / protection of property have not been demonstrated. The proposed trunk drainage system, comprising a box culvert and overland flow path from the wetland to the transmission easement is not considered practical, cost effective or maintainable given the excessive length of the culvert, acute alignment of the culvert / overland flow path and the informal overland flow path of the trunk drainage system. The PMF overflows from the wetland are not considered safe and would result

in impacts to the proposed carpark, residential lots, the community management office and clubhouse / wellness facility in its built form. The trunk drainage system requires re-design to have a more direct alignment, a formal containment of the overland flow path, provision of ample accessibility for future maintenance, and designed with special consideration to public safety and protection of property for all storm events to satisfy this principle. A redesign of the current residential layout is likely required to satisfy this principle.

- The application submission fails to demonstrate that stormwater infrastructure is designed to remain viable for the long term and under the widest range of probable climate futures.
- Insufficient information has been provided with respect to the light green dashed drainage line as shown on the Civil Works Plans draining from the wetland to the existing multi-cell culverts under Forest Reach Drive. The application fails to demonstrate the purpose and size of this drainage line, the storm event(s) it becomes active, the pipe flow capacity for the relevant storm events and the ownership/maintenance arrangements.

## **8 Conservation Principles**

### **8.1 Flora and fauna**

Council's Environment and Landscape Officers have reviewed the application. The proposal is located on land that has already been subject to significant earthworks and there is no existing vegetation over the development area. The development area is also remote from the land that is zoned C2 Environmental Protection, and as such, the development is not likely to impact on flora and fauna on the land. Matters relating to biodiversity over the site have been dealt with under previous developments consents issued on the land.

### **8.2 Heritage**

Council's Heritage Officer has provided comments in relation to both Aboriginal Cultural and European heritage matters. The proposal was also referred to Heritage NSW who provided comments and conditions.

### **8.3 Riparian Corridors**

The application submission was referred to Council's Environment Officer for comment. Advice received indicates there are no issues relating to impacts on the riparian corridor.

## **9 Open Space Principles**

Not applicable to the proposal.

## **10 Community and Education Principles**

Not applicable to the proposal.

## **11 Town Centre Principles**

The subject site is not located on land that forms part of the Bong Bong Town Centre but rather on land immediately west of the proposed Town Centre. Therefore these principles are not applicable to the proposal.

## **12 Employment Principles**

Not applicable to the proposal.

## **13 Housing Principles**

A Neighbourhood Plan that includes the site the subject of this development application has been endorsed and adopted. The zoning of the land calls for densities between 210 and 280 dwellings, which this proposal satisfies.

### ***Principle 1: Encourage housing diversity***

The development model in itself promotes housing diversity within Forest Reach, however within the development itself, lots sizes and dwelling options are relatively homogenous (ie all single storey, all effectively 2-3 bedroom).



#### *Principle 2: Promote housing affordability*

The development becomes relatively affordable as the ultimate product is part of a Land Lease Community where there is no ownership of the land, just the dwelling, however with ongoing fees/rent. This provides an alternative to the traditional house and land package development.

#### *Principle 3: Establish sustainable, energy efficient, appealing and functional residential living*

The proposal does not demonstrate sustainability with respect to solar access. This is discussed in greater detail under the assessment against Chapters A2 and B1 above.

The “lots” appear to be of a sufficient size to provide for private open space areas, site facilities such as rainwater tanks, on site parking and vehicular access. Of concern however are the areas interallotment retaining walls are approximately 2 metres high, with a further 1.8m fence atop- the impacts on solar access arising from these structures have not been demonstrated by the application submission, and are unsatisfactory.

#### *Principle 4: Creating local amenity and a sense of place*

The development layout provides for dwellings overlooking the transmission easement area.

The development does not however provide a satisfactory interface to surrounding residential development and public roads. All of these areas are retained with fencing provided above.

#### *Principle 5: Housing transition to the Illawarra Escarpment*

The development area is located on the eastern end of the site, adjoining the Western Ring Road and future town centre. The proposed densities are appropriate for the location of the proposal.

### **14 Neighbourhood Plans**

#### **14.3.12 Bong Bong South**

The subject site forms part of the endorsed and adopted Bong Bong South Neighbourhood Plan. There are no controls relating to built form requirements associated with the Bong Bong South Neighbourhood Plan.

The layout of the proposal deviates from the NP, and as such, required a variation request.

Full public pedestrian access is required to be maintained through the proposed estate in an east-west direction to ensure adjoining western residents have convenient access to the future town centre. This matter was raised as a threshold issue with the applicant in sdprelodgement meetings. This has been partially addressed, however is not fully resolved by the application submission.

Whilst there are a number of matters that remain outstanding or unsatisfactory with the design of the proposal, the determining authority cannot be satisfied that the proposed amendment achieves the West Dapto Vision and the requirements of this Chapter and therefore the variation cannot be supported.

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

An Access report Ref PAA\_23120 dated 26/9/23 prepared by purple apple access was submitted in support of the application. The report identifies that the proposal is compliant or can comply with the relevant standards subject to detailed design at the Construction Certificate stage

### **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

The safety, security and crime prevention measures proposed in the development are detailed in a Crime Prevention Through Environmental Design Report dated 1/2/2024 prepared by GLN Planning.

The report includes a number of recommendations that are relatively easy to implement as part of the development. The proposed measures including CCTV, lighting, restricted access areas and the use of natural surveillance and appropriate landscaping are suitable for a multi dwelling residential development.

The matter of conflict between pedestrians using the site as a thoroughfare and the proposal being a “gated community” as stated in the report has not been addressed, however may be addressed where the expectations of the occupants of the development are managed accordingly.

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

### 6 Traffic impact assessment and public transport studies

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

A traffic impact assessment was submitted with the proposal which reviewed the following:

- Traffic Assessment including traffic generation, trip distribution and assessment and temporary access assessment. It is noted that the traffic generation rates used in the TIA are for seniors living, but have been doubled, which, given the type of retirement development, is considered to be a reasonably conservative and acceptable approach.
- Access and internal road layout including road design and alignment, intersection design, lot access, traffic management and service and emergency vehicle access
- Carpark design assessment including access arrangements, car spaces and swept path assessment
- Car parking assessment for both the dwellings and community facilities
- Alternative transport modes
- Waste collection

The traffic impact assessment has been reviewed by Council's Traffic Officer who has not raised any concerns subject to conditions of consent.

### 7 Parking demand and servicing requirements

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

The Traffic Impact Assessment considers required car parking rates against WDCP requirements for manufactured homes, however the parking rates for multi dwelling housing are applicable to the proposal as follows:

<i>Control</i>	<i>No of spaces required</i>	<i>No of spaces provided</i>	<i>Compliance</i>
2 car parking space per dwelling (>110m <sup>2</sup> ),	HT-01 requires one space, remainder of typologies requires two spaces	Each dwelling is provided with a double garage	Yes
0.2 car parking spaces per dwelling for visitors	46.8 visitor parking spaces	85 visitor parking spaces for residential development	Yes
1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitors)	Residents: 78 Visitor: 20	None identified on plan, but garage areas sufficient (wider and deeper than Australian standards minimum) allowing for secure storage of bicycles	No, however can be supported
1 motorcycle space per 15 dwellings	16 spaces	None identified on plan	No

#### 7.7 Car Parking Layout and Design

The proposed parking dimensions for angled parking is 5.4m x 2.4m, and for parallel parking spaces 6.6m x 2.2m.

This satisfies AS2890.1.

### 8 Vehicular access

Driveway grades and sight distances comply.

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

The development complies with AS 2890.2.

Waste servicing will occur from the internal kerbs with collection by Council Contractor. This is to be confirmed by Remondis prior to any consent being issued for the development.

## **10 Pedestrian access**

The proposal is unsatisfactory with regard to pedestrian permeability and connectivity to the wider Neighbourhood - additional detail is also required with respect to any proposed easement to permit ongoing access by the public through the site.

## **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**

Following an initial review of the proposal, Council's Landscape Officer identified the following areas of concern:

- *Species and location of all proposed street tree should be selected in consideration of the available soil volume, road reserve width and in consideration of all proposed drainage and service infrastructure. It is noted that the Civil Works Plan prepared by Marker conflicts with the proposed street tree planting as indicated on Landscape Plans prepared by Square1. It also recommended that the species selection to be revised to remove species as such as Eucalyptus tereticornis as it is not suitable as a street tree.*
- *Street tree Master Landscape Plan to be amended to indicate all proposed infrastructure, driveways, footpaths, streetlights, parking bays and services to ensure street trees can be installed.*
- *Due to the infrastructure both civil and services and valuable soil volume it is recommended that the Landscape Architect explore the create of soil vaults to create adequate soil volumes to all the establishment of street tree planting. The Landscape Plan must provide detail of tree pits.*
- *It is noted that no deep planting zones of minimum dimension of six metres has been provided in the Landscape plans. It is noted that the applicant proposes that the transmission easement planting account for the deep planting zone. We do not support the variation as this area cannot be planted with large trees and shrubs and does not meet the spirit and intent of deep planting zone. The applicant must provide another space for deep planting one which is not impacted by service infrastructure.*
- *The proposed communal open space is not supported. It is considered that the proposed communal spaces in the form of the community gardens are remote and not centrally located. The inclusion of the transmission easement as communal open space and is not supported. It is recommended that additional space for communal open space is provided in a central location that is easily accessible to the majority of the residents. Transmission easement are not comfortable spaces for people to rest and recreate however do provide opportunities for footpath linkages. It is therefore recommended that additional communal open space should provide amenity to the future residents of the development. It should be a large enough space which will create a flexibility for a variety of programing.*

The applicant responded with an updated Landscaping Plan, and Council's Landscape Officer provided a conditionally satisfactory referral response. The proposal is consistent with the Chapter.

## **CHAPTER E7: WASTE MANAGEMENT**

Suitable waste storage and servicing arrangements are proposed by way of on-site, kerbside collection by Council's Waste Contractor, Remondis. Written confirmation that Remondis will service the site would be required prior to the issue of any consent, as the collection is to occur on private land and not from a public road.

Waste collection for the community facilities buildings will be via private waste contract.

These waste management strategies are consistent with the requirements of this Chapter.

## **CHAPTER E10 ABORIGINAL HERITAGE**

An Aboriginal Heritage Impact Permit exists over the Forest Reach site, and the development area is in proximity to a PAD site that has already been subject to archaeological salvage. The application was referred to Heritage NSW as Integrated Development, and General Terms of Approval were subsequently issued for the proposal.

A referral was also made to Council's Heritage Officer, who provided a conditionally satisfactory referral response.

## **CHAPTER E11 HERITAGE CONSERVATION**

The proposal was referred to Council's Heritage Officer to consider potential impacts on the nearby European Heritage Items. To the north, and outside of the development area, are the sites of the former Waples Butchery and Swan Homestead.

The Heritage Officer provided conditionally satisfactory referral advice in this regard. Given the extent of works across the site and the low scale nature of the proposal, it is unlikely that the development will have an adverse impact on the abovementioned heritage items.

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. The proposal is considered to be consistent with the requirements of this Chapter.

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being located within a low/medium flood risk precinct. Council's Stormwater Engineers have reviewed the proposal with respect to the provisions of this chapter and clauses 5.21 and 5.22 of WLEP 2009.

The application fails to sufficiently demonstrate that climate change has been in the design.

The PMF overflows from the wetland are not considered safe and would result in impacts to the proposed carpark, residential lots, the community management office and clubhouse / wellness facility in its built form. A redesign of the current residential layout is likely required to satisfy this principle.

The proposal is not consistent with the requirements of the Chapter.

## **CHAPTER E14 STORMWATER MANAGEMENT**

Council's Stormwater Engineers have reviewed the proposal with respect to the provisions of this chapter – the proposal is unsatisfactory. As discussed above, the proposed trunk drainage system, comprising a box culvert and overland flow path from the wetland to the transmission easement is not considered practical, cost effective or maintainable given the excessive length of the culvert, acute alignment of the culvert / overland flow path and the informal overland flow path of the trunk drainage system.

The trunk drainage system requires re-design to have a more direct alignment, a formal containment of the overland flow path, provision of ample accessibility for future maintenance, and designed with special consideration to public safety and protection of property for all storm events to satisfy this principle

## **CHAPTER E16 – BUSHFIRE MANAGEMENT**

The proposal was referred to the NSW Rural Fire Service as Integrated Development, although it is noted that the land use proposed under this application is not considered to be development for a Special Fire Protection Purpose.

The NSW RFS provided General Terms of Approval and a Bush Fire Safety Authority with respect to the proposal.

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

A Water Cycle Management Study was submitted detailing proposed water quality treatment management strategies. Council's Stormwater Officers have reviewed the submitted study and found it to be unsatisfactory. Matters raised are discussed in greater detail in the assessment of the proposal against Chapter D16 above.

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

The proposal involves cut of around 1.5 metres and fill of up to 2.5 metres beyond that already approved by DA-2021/1401 for bulk earthworks across the site. The proposed earthworks are generally appropriate for a greenfield site in an urban release area, and consistent with the requirements of this Chapter given:

- The impacts of the bulk earthwork activities involving the significant excavations, blending and filling of soil and coal washery reject were assessed under a previous application and are unlikely to result an adverse impact upon drainage patterns and soil stability in the locality. The earthworks proposed under this application are minor compared with those already approved being undertaken across the site.
- Any fill imported to the site will be certified to ensure it is of an adequate quality and will not affect the existing or likely amenity of adjoining properties.
- A site wide AHIP has been obtained with regard to the potential disturbance of Aboriginal objects or other relics.
- The proposed earthworks activities are unlikely to have an adverse impact on any watercourse, drinking water catchment or environmentally sensitive areas, subject to the implementation of appropriate soil erosion control measures

## **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

An Interim Site Validation Report has been issued and identifies that:

- a. the development area is contained within the area to which the report relates; and
- b. the land is suitable for its intended residential use.

The Site Auditor has provided a review of the interim validation report and is satisfied that the report is adequate and can be used as sufficient supporting evidence that site suitability has been achieved in the development area.

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

Proposed soil erosion and sediment control measures have been indicated on plan - conditions could be imposed to minimise the impacts of the proposed works on the environment should the proposal be supported.

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

The Riparian Land Map indicates the site contains riparian land. This is in the form of the category 1 corridors to the south of the development site. Council's Environment Officer has reviewed the application and provided a conditionally satisfactory referral advice – there were no conditions required with respect to the riparian corridor.

It is noted that:

- a. The riparian corridor is subject to a Vegetation Management Plan approved under a previous consent issued for the site.
- b. DPE-Water provided advice that a Controlled Activity Approval was not required for the proposal.

No further consideration is required under this Chapter.