

ATTACHMENT 1: APPLICANT RESPONSE TO SRPP DEFERRAL REQUEST



16 June 2025

The Panel Chair
Southern Regional Planning Panel
Department of Planning, Housing and Infrastructure
Vis NSW Planning Portal

CC: Nicole Ashton, Wollongong City Council

Dear Panel Chair,

RE: Response to Southern Regional Planning Panel deferral of DA 2023/849
Property: Lot 197 in DP1258914; Bong Bong Road, Huntley NSW 2530

Further to the briefing with the Southern Regional Planning Panel (the **Panel**) on 13 May 2025 regarding the above Development Application (**DA**), this submission has been prepared on behalf of Stockland Development Pty Ltd (the original DA applicant) and PM Nominees G Pty Ltd (the **Applicant**), the new owner of the site following a recent change of ownership to provide a response on the Actions listed in the Panel's Record of Deferral issued on 21 May 2025. The Actions directed to the Applicant to provide further information and justification related to the:

1. *Construction of the proposed retaining walls including:*
 - a. *the proposed articulation, height and extent of retaining walls*
 - b. *Internal impacts, particularly in relation to solar access within and between lots*
 - c. *external impacts including any visual impacts from the public domain*
 - d. *the provision of relevant sections demonstrating the above*
2. *Additional flood modelling information*

We appreciate the Panel's consideration of the verbal submissions that were made by the Applicant and its representatives, and the opportunity to provide additional information and justification in support of the proposed development. Further, we appreciate the Panel's position that Wollongong City Council's (**Council**) refusal of the Applicant's separate application made under S68 of the *Local Government Act 1993* is not an impediment to the favourable determination of this DA.

With the benefit of a greater understanding of Council's outstanding concerns and the direction of the Panel, we are confident that the additional clarification and justification provided in this letter and supporting documentation will facilitate the favourable determination of the DA.

This letter is supported by the following documentation:

- **Attachment A – Retaining Wall Height Location Plan and Civil Sections**
- **Attachment B – Approved Retaining Wall Heights under DA-2023/19**
- **Attachment C – Rear courtyard Landscape Plans**
- **Attachment D – Consideration of relevant DCP objectives**



- **Attachment E – Architectural Sections of the site**
- **Attachment F – Updated Water Cycle Management Strategy Outcomes**
- **Attachment G – Owners Consent from PM Nominees G Pty Ltd**

This letter and supporting documentation provides a comprehensive response to each of the matters raised to ensure that Council and the Panel are presented with the appropriate detail. The table below a summary position on each of the identified Actions:

Table 1: Submission response summary

Action	Summary Position
Construction of the retaining walls	There is additional site and locality context that is relevant to the retaining wall and earthworks strategy that is worthy of Council's and the Panel's consideration. These include external fixed design level constraints and commitment to delivering homes of superior accessibility and adaptability compared to conventional residential development. It is also of relevance that retaining walls of a similar scale have been approved on neighbouring land to the west. Regarding internal impacts of the retaining walls at rear boundaries, wall exceeding typical heights are limited to 30 rear boundaries (or 60 dwellings out of a total 236 dwellings). The proposed development has demonstrated compliance with the relevant Development Control Plan objectives relevant to the amenity of residents, namely solar access to private courtyards, outlook and functionality of areas of private open space and privacy. Whilst a departure from DCP provisions relating to terracing of rear retaining walls is proposed, strict compliance in this instance would lead to less functional private open space or alternatively dwellings that do not achieve a superior level of accessibility and adaptability for future residents. There are limited external visual and amenity impacts from the public domain caused by the retaining walls located on the boundaries. The review process identified an improved retaining wall interface on the eastern boundary with Forest Reach Drive. This outcome is similar to the form and scale of retaining walls previously deemed acceptable by Council in Wongawilli. To ensure this outcome is delivered, an appropriate condition of consent to revise plans is suggested for the Panel's consideration. The supporting documentation addresses the Panel's request for specific information relating to the location and height of the proposed retaining walls and supporting sections to clarify the built form outcome to be delivered.
Additional flood modelling information	To address the matters raised by Council relating to the Mullet Creek Flood Risk Management Study (MCFRMS), Maker, the Applicant's project engineer, has prepared an updated report. The <i>Updated Water Cycle Management Strategy Outcomes following adoption of the 2023 MCFRMS</i> report dated 16 June 2025 (Maker Report). The Maker Report provides the additional flood modelling information and further assessment against Clause 5.1 of the LEP. The report concludes that "the incorporation of the Mullet Creek Floodplain Risk Management Study and Plan does not have a materially adverse effect on the flood impacts or liability of the proposed development "and that "there is an acceptable level of flood risk associated with the proposed development and there is no basis to refuse the development due to flooding issues. The Maker Report has identified the need for minor refinement to the regional stormwater management basin that is currently under construction to the south east of



Action	Summary Position
	the Site on Lot 197 in DP 1258914. Appropriate owner’s consent is provided from PM Nominees G Pty Ltd to facilitate the construction of these works as necessary.

1 Construction of the proposed retaining walls

Appreciating the breadth of matters Council needs to consider under their Development Control Plan and the need to ensure reports to the Panel are digestible, a degree of generalisation may be required in detailing concerns related to the proposed development and retaining walls. Prior to responding to specific matters raised in the Actions issued by the Panel, it is appropriate to provide further site and approval context to clarify a number of comments made in Council’s Assessment Report:

- **Fall across the Site** – Council’s report to the Panel (at page 11 of 27) significantly understates the existing level conditions across the site, by suggesting that there is only a 10m level difference across the Site. This is incorrect. The Civil Plans shown in cross sections (C0200, C0250 to C0253), confirm existing level changes through the middle of the Site running from north to south range up to 13.4m to 19.4m with level change running east to west in the southern portion of the Site ranging up to 14.4m to 16.2m. Regardless of the built form, significant refinement of site levels would be required to achieve the relevant minimum lot sizes and house typologies permissible in the R2 and R3 zones that apply to the land.
- **Suitability of Earthworks** – Despite later views in Council’s report, in their consideration of clause 7.6 of *Wollongong Local Environmental Plan 2009* relating to earthworks, Council notes that the degree of earthworks proposed ‘are not expected to have a detrimental impact on environmental functions and process, neighbouring uses or heritage items and features surrounding the land’.
- **Balancing earthworks** - Best endeavours have been taken by the project engineers to balance cut to fill over the Site. Despite an area of 14.8ha with significant level change, there is only a net import of 11,960m³ of fill material to the Site.
- **Approach to retaining** – As far as possible, the road network has tried to align with the north/south street block alignment identified in the Neighbourhood Plan. This serves to allow the more significant level changes across the Site (up to nearly 20m from north to south) to be managed incrementally and sensitively through the use of drop edge beams and landscape retaining walls along side boundaries with heights well below 1m that is typical of greenfield release areas.

The use of north/south street blocks allows for the majority of retaining walls at the rear boundaries of dwelling lots to be below 1m in height with only two significant parts of street blocks needing to utilise higher retaining walls to manage the level change over the southern portion of the Site (up to 16m from east to west) and minimises the number of lots with this interface than would otherwise be achieved with a different street block alignment.

Single retaining walls, rather than terracing of walls, between rear boundaries of dwellings have been utilised to maximise useability of rear courtyards to benefit from a level area and



reduce resident maintenance constraints that can occur with having to work on multi levelled spaces.

Council would also appreciate a number of fixed level constraints at the boundaries to the Site, namely Forest Reach Drive (the eastern boundary of the Site) approved by Council in DA-2020/673, TransGrid Transmission line that truncates the site north north/south and the Northern Precinct Road 01 (western and southern boundary of the Site) approved by Council in DA-2023/19.

- **More accessible and adaptable homes** – A key factor in setting grading for the Site has been the Applicant's commitment to achieve a minimum Silver Standard from the Liveable Housing Association of Australia. This is to ensure the homes provide a far greater level of accessibility and adaptability for aging in place compared to the introduction of split level homes.
- **Retaining walls at interface with adjoining residential sites** – The Site has two instances where there will be an interface with future residential development (along the southern boundary and north eastern corner). In both of these areas, no retaining walls are proposed at the boundary.
- **Retaining walls at interface with adjoining local roads** – Along the north western boundary of the Site at the interface with Northern Precinct Road No. 1 there is a requirement to convey infrequent overflow from the wetland (blocked Probable Maximum Flood scenario only) through a drainage depression within the Site. Outside of the swales role in handling overflows in a blocked Probable Maximum Flood scenario, the swale receives minimal flows from the surrounding catchment and will largely be a landscape feature within the community facility area of the development. Whilst a wall with max height up to 2m is required in this location, it is required to step down from the road level to form the swale before stepping back up to the future Community Facility level.

At the southern portion of the western interface with Northern Precinct Road No. 1, immediately south of the sentry, a feature retaining wall up to 1m in is proposed to be utilised. This wall will be visible from the public domain and utilise sandstone block walls to integrate as part of an entry and arrival feature for the development. Further to the south, a 1.5m wall is required to transition levels down from the public domain to an internal private road and as such are not visible from the public domain. The internal private road contains a landscaping buffer at the front of this wall.

Along the northern boundary, the Site the development proposes an internal private road that will have an interface with a future public road. The public domain will typically be up to 2m above the site with limited sections up to 3m located at the interface with the TransGrid easement that has more fixed level controls than other parts of the site. For the limited sections of the wall that is greater than 2m in height, tiering of walls has been adopted.

Along the eastern boundary interface with Forest Reach Drive, outside of the entry feature retaining wall, sandstone retaining walls between 1m and 2m are required to transition levels. The Applicant has however identified opportunities to reduce the wall heights in this location through the use of batters and terraced walls. Refer to **Attachment A** (Sections 2, 3 and 4, Sheets SK042 and SK043).

- **Previously endorsed retaining wall heights in Forest Reach** – Council has previously considered and approved retaining walls at rear boundaries at heights that are consistent with, and in some instances are greater than those proposed in this DA. Refer to excerpt of Northern Precinct approved plans under DA-2023/19 at **Attachment B**. As part of the Northern Precinct subdivision (located directly west of the Site) Council has already approved and endorsed similar retaining walls outcomes as follows:
 - Rear boundary retaining walls from 1.5m to 2.5m in height, with some south facing lots on the low side of the walls
 - Corner lots with 1.5m high retaining walls along street boundary

Council has previously acknowledged that further refinement of levels from the bulk earthworks DA and the need for retaining walls, with no terracing, is appropriate in the context of Forest Reach.

1a. The proposed articulation, height and extent of retaining walls

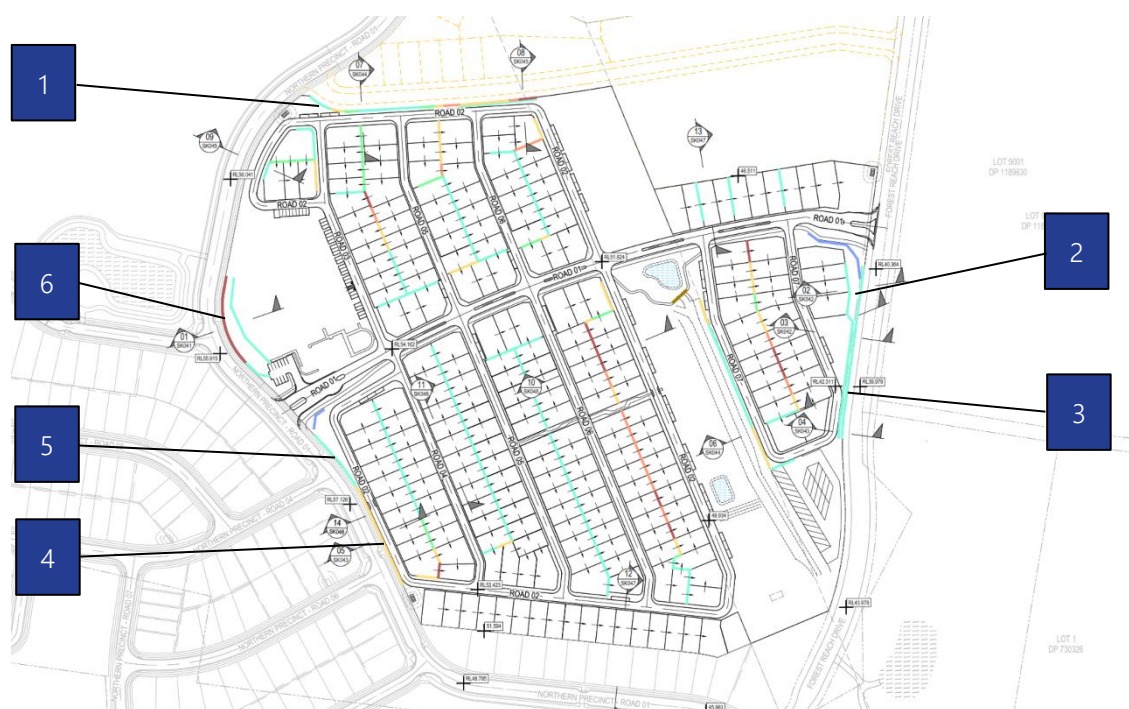
Appreciating that retaining walls in the order of 2m sound significant, they are justified in the context given the extent of level change required to be managed and the more accessible housing outcomes that will be delivered. Further the number of residential lots that rely on retaining walls of up to 2m are in the minority of the development. With these outcomes and constraints in mind, **Attachment A** illustrates the wall heights and locations. It should be noted that a number of dwellings utilise Drop Edge Beams along side boundaries to transition levels. These are typically below 1m in height and typical of stepping levels through greenfield sites of this nature.

In both a greenfield planning context, rear boundary retaining walls in the order of 1m to 1.2m are considered typical to manage level change and housing and open space outcomes between lots of this size. With regard to this DA, there are only a total of 40 instances where rear courtyards of dwellings share a rear retaining wall greater than 1m, with only 60 dwellings (25% of the development) having a height of greater than 1.2m to 2m.

Table 2: Summary of higher retaining walls at rear boundaries

Height of Rear Boundary Retaining Wall	No. of Lots	Shared Interfaces
1m+ to 1.25m	17	10 shared boundary walls
1.25m+ to 1.5m	18	9 shared boundary walls
1.5m+ to 1.75m	22	11 shared boundary walls
1.75m+ to 2m	20	10 shared boundary walls
Total	77	40

The plan at **Attachment A** also details the location of retaining walls along the Site's boundaries and is provided in **Figure 1** for ease of reference. Details of these walls are summarised as follows:



Source: Maker, 2025

Figure 1: Location of retaining walls at Site boundaries

Table 3: Summary of retaining walls at Site boundaries

No.	Location	Attachment A Section	Retaining Wall details	Comments
1.	Northern Boundary	Section 7 and 8 Sheets SK044 and SK045	Interface with future public road. Adjoining road levels to sit higher than this DA, retaining wall not visible from public domain. Majority of length (85m) 1.25m or less in height. Eastern portion of the retaining wall typically between 1.5m and 2m with a short section up to 3m (terraced) due to interface with transmission line easement and requirement to match levels, wall terraced to manage interface with multi dwelling housing development	Minimal visual impact for future pedestrians and motorists as future road will sit higher than proposed multi dwelling housing development. Landscaping buffer at base of retaining wall will screen wall heights to minimise visual impacts internal to the development (note interface is secondary street façade for only 7 dwellings).
2	Eastern Boundary	Section 2 Sheet SK042	Interface with Forest Reach Drive. 1.5m high retaining wall originally proposed inside Site boundary. Now proposed to amend the design to utilise terraced retaining walls comprising of 1m high wall and 0.5m high wall at rear	Subject to condition, visual impact to Forest Reach Drive will be significantly reduced through reduced wall height and landscaping of gentle batter. Sandstone block wall at 1m at boundary is more



No.	Location	Attachment A Section	Retaining Wall details	Comments
			of dwellings with gentle batter in between to minimise visual impact. Sandstone block retaining wall.	sympathetic to public domain and consistent with past Council approvals.
3	Eastern Boundary	Section 3 and 4 Sheet SK042 and SK043	Interface with Forest Reach Drive. 2m high retaining wall originally proposed inside Site boundary. Now proposed to amend the design of the wall to utilise terraced retaining walls comprising of 2 x 1m high walls with landscaped terrace in between to minimise visual impact. Sandstone block retaining wall.	Subject to condition, visual impact to Forest Reach Drive will be significantly reduced. Sandstone block wall at 1m at boundary is more sympathetic to public domain and consistent with past Council approvals.
4	Western Boundary	Section 5 Sheet SK043	Interface with Northern Precinct Road No. 1 approved under DA-2023/19 currently under construction. Retaining wall up to 1.5m in height. Adjoining road levels to sit higher than this DA, retaining wall no visible from public domain. Split face of feature sleeper retaining wall subject to detailed design.	Minimal visual impact for future pedestrians and motorists as future road will sit higher than proposed multi dwelling housing development.
5	Western Boundary	Standard decorative wall not detailed in Attachment A.	Interface with Northern Precinct Road No. 1 approved under DA-2023/19 currently under construction. This is a landscape feature retaining wall up to 1m in height with integrated open blade fencing and landscaping that ties into the western entry feature. Sandstone block retaining wall.	This retaining wall is incorporated within landscape design of entry feature and not considered to be of a scale that would have visual or amenity impacts to pedestrians or motorists.
6	Western Boundary	Section 1 Sheet SK041	Interface with Northern Precinct Road No. 1 approved under DA-2023/19 currently under construction. The section of wall is required to form an overland flow path and swale and will be landscaped. 2m retaining wall that steps down into the Site, adjoining road levels to sit higher than this DA, retaining wall no visible from public domain. Sandstone block retaining wall.	This retaining wall is more typical of interface with stormwater management infrastructure that will provide a landscaped area before transitioning back to the proposed multi dwelling housing development. It is of a scale approved by Council for similar interfaces with stormwater infrastructure and considered to have minimal visual impact for pedestrians and motorists.



1b. Internal impacts, particularly in relation to solar access within and between lots

Solar access is one aspect of amenity for residents in new dwellings that Council considers. In turn solar access is assessed based on a cumulative consideration of the development including all built form, not just the impact of retaining walls on solar access in isolation. Regardless of the height of some of the retaining wall proposed at the rear of dwellings, the proposed development has been designed to achieve compliance with Council's requirements for solar access as specified in Section 5 of Chapter B1 of *Wollongong Development Control Plan 2009 (DCP)* that applies to attached dwellings and multi dwelling housing development.

It is important to note that the Neighbourhood Plan generally establishes a majority of north/south street blocks for the Site. This in turn perpetuates a significant number of west facing residential dwellings. The proposed development serves to implement this street block alignment in the Neighbourhood Plan whilst also removing a number of east/west street blocks that would have a greater number of south facing dwellings that would have limited opportunity to achieve solar access to rear courtyards due to poor orientation.

Given the significant topographical changes that occur from east to west over the Site, west facing dwellings at lower levels, as anticipated by the Neighbourhood Plan, would always be a challenging proposition to achieve solar access for rear courtyards considering the cumulative impact of retaining walls, fences, as well as individual and adjoining dwelling built form. In this regard, the rear retaining walls are not the outright cause of constrained solar access.

The design of earthworks has used the stepping of dwellings, through minor retaining walls and drop edge beams to respond to the north/south level change to help optimise solar access for each dwelling where possible. This has been coupled with the use of operable pergolas to give residents the opportunities to allow more sunlight into their rear courtyards if deemed necessary.

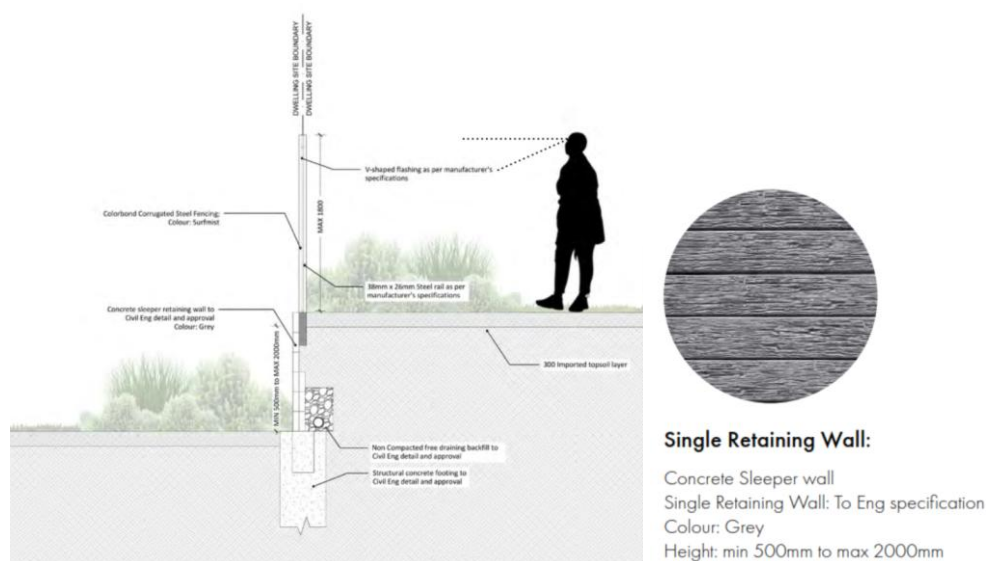
Nonetheless, as noted in Council's assessment against the DCP in Attachment 7 that accompanied the report to the Panel, the proposed development demonstrates compliance with the requirement of Control 5.11(2)(b) in that *'70% of dwellings proposed receive a minimum of three hours of sunlight to their Private Open Space mid winter'*. Whilst solar access is just one aspect of amenity of rear courtyards, the DCP acknowledges that for development of scale, similar to apartment buildings under the Apartment Design Guide, that not each dwelling is required to achieve solar access.

From the Applicant's architect's modelling, 70% of dwellings (163 of 236) achieve the requisite solar access to the rear courtyards. This modelling was provided to Council via the Planning Portal on 4 September 2024 as part of the updated plans provided in response to Request for Information 1. Council's DCP assessment also makes a contradictory comment stating that each dwelling *'fails to demonstrate that at least 50% of the private open space area for each dwelling receives 3 hours solar access of sunlight mid winter'* as required by control 5.12.2(5) of the DCP. As outlined above in Condition 5.11(2)(b), for the purposes of multi dwelling housing, there is no requirement for each and every dwelling to achieve solar access to their private open space.

In reference to DCP control 5.12.2(4), Council's report also makes note that only 30 of the 236 dwellings are orientated to have north facing living rooms and that even if more north facing living rooms were provided they may have difficulty achieving solar access. This is not considered relevant to the assessment as the DCP does not specify a minimum number of dwellings with north facing

living rooms to be provided and compliance with the requirements has been demonstrated by Applicant's architect's modelling. This becomes a greater function of the street block layout in Council's adopted Neighbourhood Plan.

On the basis the architectural package has demonstrated that the future dwellings on the site would be capable of complying with the relevant solar access requirements, other key amenity consideration from the retaining walls is functionality and enjoyment of the rear courtyards provided and associated privacy. This concern relates to dwellings on the lower side of the higher retaining walls (i.e. 1.25m+), of which there are 30 instances (i.e. half of the 60 dwellings that share a rear boundary with a retaining wall of 1.25m to 2m). Council's DCP sets key criteria for private open space to address these considerations. For the purposes of these dwellings, DCP control 5.11.2(2)(a) requires the provision of an area of 20m² with dimensions of 4m x 5m with provision of a landscaped area 1.5m in depth before the retaining wall. 1.8m high fencing is provided on top of the retaining wall to restrict views from the high side dwelling to the low side dwelling that is typical of greenfield release areas. As shown in **Attachment C** and **Attachment E**, each dwelling has had an integrated landscape design approach to achieve these mandated requirements. **Figure 2** provides a section and retaining wall material at the rear boundary condition for reference with **Figure 3** providing an example of the typical landscaping treatment provided by Stockland in other land lease developments it has undertaken.



Source: SQ1, 2024

Figure 2: Rear lot boundary retaining wall section



Source: Stockland, 2025

Figure 3: Rear lot boundary retaining wall built examples

With these outcomes in mind, consideration had been given to terracing the retaining walls in these instances given there was an additional 1.5m depth of landscaping that could be provided in an elevated position. However, this would not reduce the overall wall height requirements, nor reduce the extent of retaining wall that is visible. It would however add additional maintenance to the landscaped area and also make the retaining wall façade far more prominent in the rear courtyard and add a great sense of confinement the courtyard compared to the single wall façade that is proposed. In our view, the proposal provides a superior private open space outcome than would otherwise be achieved if the retaining wall was terraced.

The proposed dwelling site sizes range from 269m² to 505m². These dwelling sites are comparable to the type of lot sizes that could otherwise be delivered in the Forest Reach development and housing that could be delivered under the Greenfield Housing Code. Notably, Council has approved residential lots in this size with retaining walls up to 2.5m at the rear boundaries to the west of the Site in DA-2023/19. The Greenfield Housing Code does not mandate either a minimum amount of solar access. Nor does it mandate a minimum amount of private open space to be provided or additional depth of landscaped area at the rear boundary. Instead, it relies on site coverage provisions and the adoption of a rear setback of at least 3m. This does not guarantee a minimum courtyard space will be provided, with a number of designs providing the rear setback of 3m as a minimum with no requirement for landscaping to be reasonably applied to this setback. In this regard, the proposed development delivers a far superior landscaped and courtyard amenity than



would reasonably be expected to be delivered under the Greenfield Housing Code for similar sized lots should the Site be otherwise be subdivided for residential lot.

Consistency with objectives and controls of the DCP

As outlined above and in the Applicant's architectural modelling, the proposed development demonstrates compliance with the key solar access and private open space requirements. Whilst Attachment 7 of Council's report to the Panel notes a minor deficiency in some private open space areas (primarily the depth of landscaped area next to side boundaries), they have generally agreed that these deficiencies can be supported as they will not have any impact on the usability of the areas and therefore can be supported. In this circumstance, the reliance on higher than typical retaining walls is not deemed to be detrimental to the overall delivery of complaint solar access outcomes, nor are they anticipated to cause significant loss of amenity and functionality for the areas of private open space. For the abundance of caution, **Attachment D** provides consideration of the key objectives in the DCP that relate to solar access and private open space.

1c. External impacts including any visual impacts from the public domain

In regard to solar access amenity impacts on adjoining residential land, it is recognised that Council's assessment report noted that the retaining wall along the southern boundary of the development will adversely affect solar access to the adjoining properties to the south. It may have been missed by Council, but the revised Civil Plans submitted to Council via the Planning Portal in response to Request for Information 1 on 4 September 2024 removed the inclusion of the retaining wall in this location. As such, there is not considered to be a solar amenity impact in this location. Further, given the orientation of the remainder of the Site and perimeter roads that have been, or are under construction, there is not considered to be an impact on the solar amenity of adjoining residential land.

In terms of visual amenity, broadly speaking, the impacts from the public domain are generally limited to how pedestrians and motorists utilising the adjoining road network experience the Site. At present, when walking the Site, it is evident that there is notifiable level change across the land. This level change is typical of developments along the escarpment and lower areas of Wollongong City Council and would be a typical resident expectation the development steps across the land to respond the topography. This has been a feature of all of Council's approvals to date in the Forest Reach development.

In this vein, architectural sections have been cut through the Site, east to west, to demonstrate how pedestrians and motorists would view the development of the Site, refer to **Attachment E**. As would be typical of development of scale over similar land topography, people viewing the development from the western boundary from Northern Precinct Road No. 1 have an outlook of dwellings stepping up the Site to the east with internal retaining walls in the development effectively screened by the dwelling facades. This is considered reasonable given the scale of the development and that a coordinated and wholistic outcome is proposed in the DA compared to typical subdivision that would merely set ground levels and install retaining walls without certainty of the final built forms relation to the external road network and public domain.

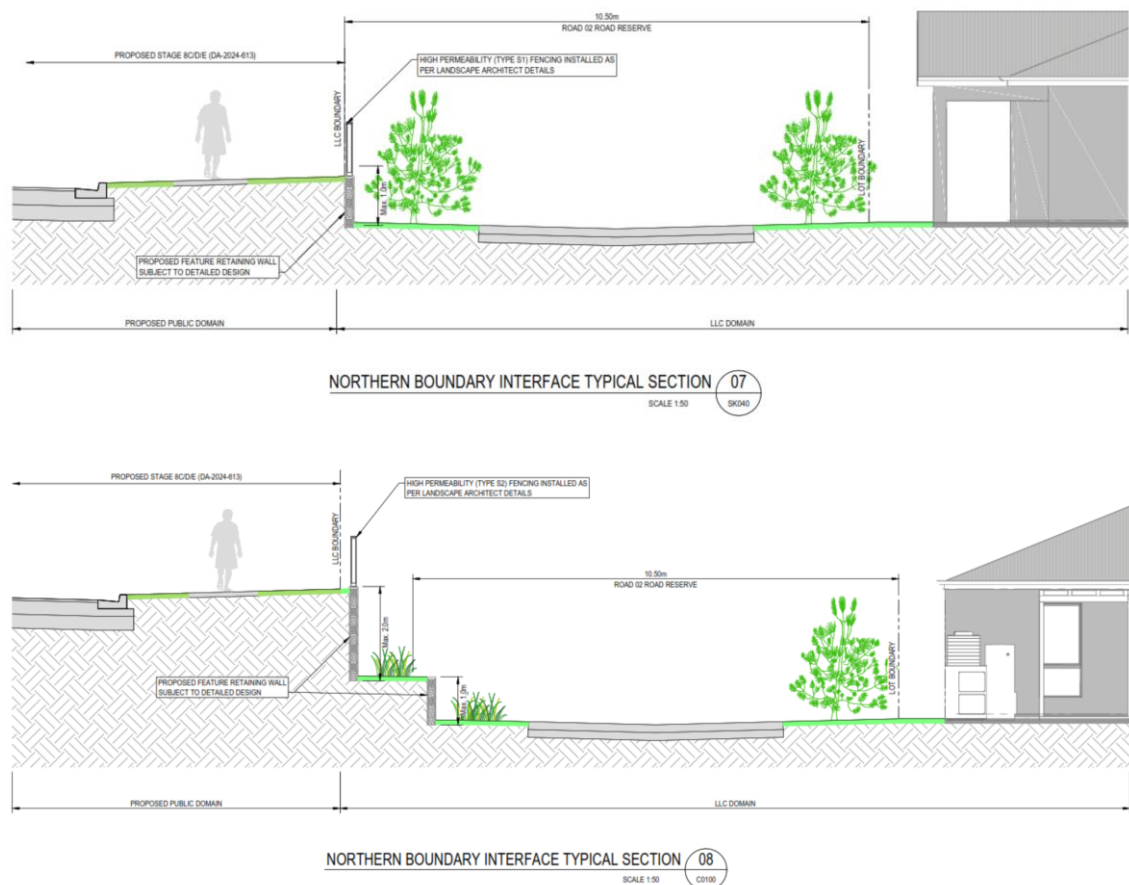
Specific commentary to specific wall locations is provided below.



Boundary retaining wall Location 1

Along the northern boundary of the Site (Location 1 in **Figure 1**) the retaining wall ranges in height from 1m to 1.25m for the majority on the western side, before transitioning to 1.5m to east and up to 3m, for a limited length, at the interface with the TransGrid transmission line. At the eastern extent, the retaining wall will be terraced to manage the level change. This boundary will adjoin a future local road that will form part of Stage 8C, with the road sitting higher than the multi dwelling housing development and retaining wall not being visible from the public domain. This retaining wall is to be a split face or feature sleeper wall, located within the boundary of development with the ongoing ownership and maintenance the responsibility of the Applicant.

At this location, pedestrians along the Northern Precinct Road No. 1 would be looking down to the development and side facades of dwellings not dissimilar to a standard residential development that provides a slip road to a higher order road like Northern Precinct Road No. 1 to avoid driveway and vehicle movements. Permeable blade fencing will run along the boundary with landscaping provided at the low side of the wall, complemented by street tree planting within the opposite private road. Refer to Section 7 and 8 on sheets SK044 and SK045 in **Attachment A**. and **Figure 4** below:

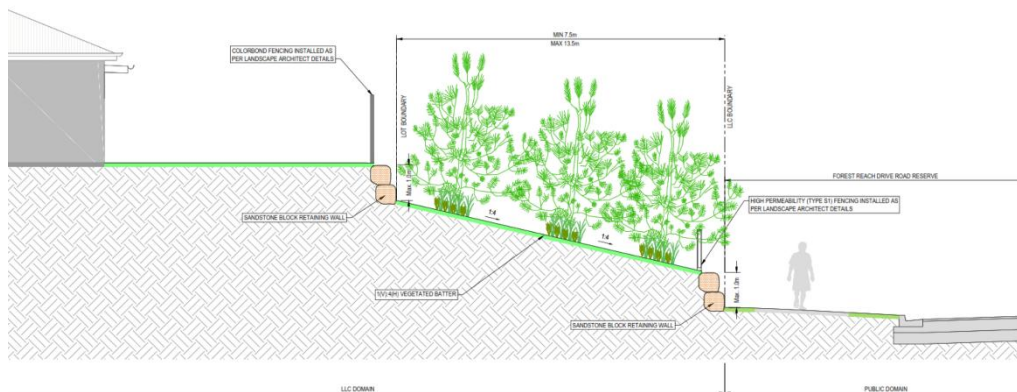


Source: Maker, 2025

Figure 4: Retaining walls at northern boundary to future public road

Boundary retaining wall Location 2

Below the eastern entrance to the development (Location 2 in **Figure 1**), a retaining wall in the order of 1.5m was proposed to manage level changes from Forest Reach Drive west to the TransGrid easement. Following review of the design in response to Council's report to the Panel, the opportunity to refine the retaining walls in this location was identified to reduce the direct interface and visual impact to Forest Reach Drive. As detailed in Figure 5, this wall is able to be replaced with a terraced retaining wall and landscaped batters. This would comprise of a 1m high wall at the boundary with Forest Reach Drive, with terraced landscape batter and 0.5m high wall at the rear of the dwellings. This will serve to remove significant bulk and scale from the retaining wall interface in this location. Refer to Section 2 on Sheet SK042 at **Attachment A**.



Source: Maker, 2025

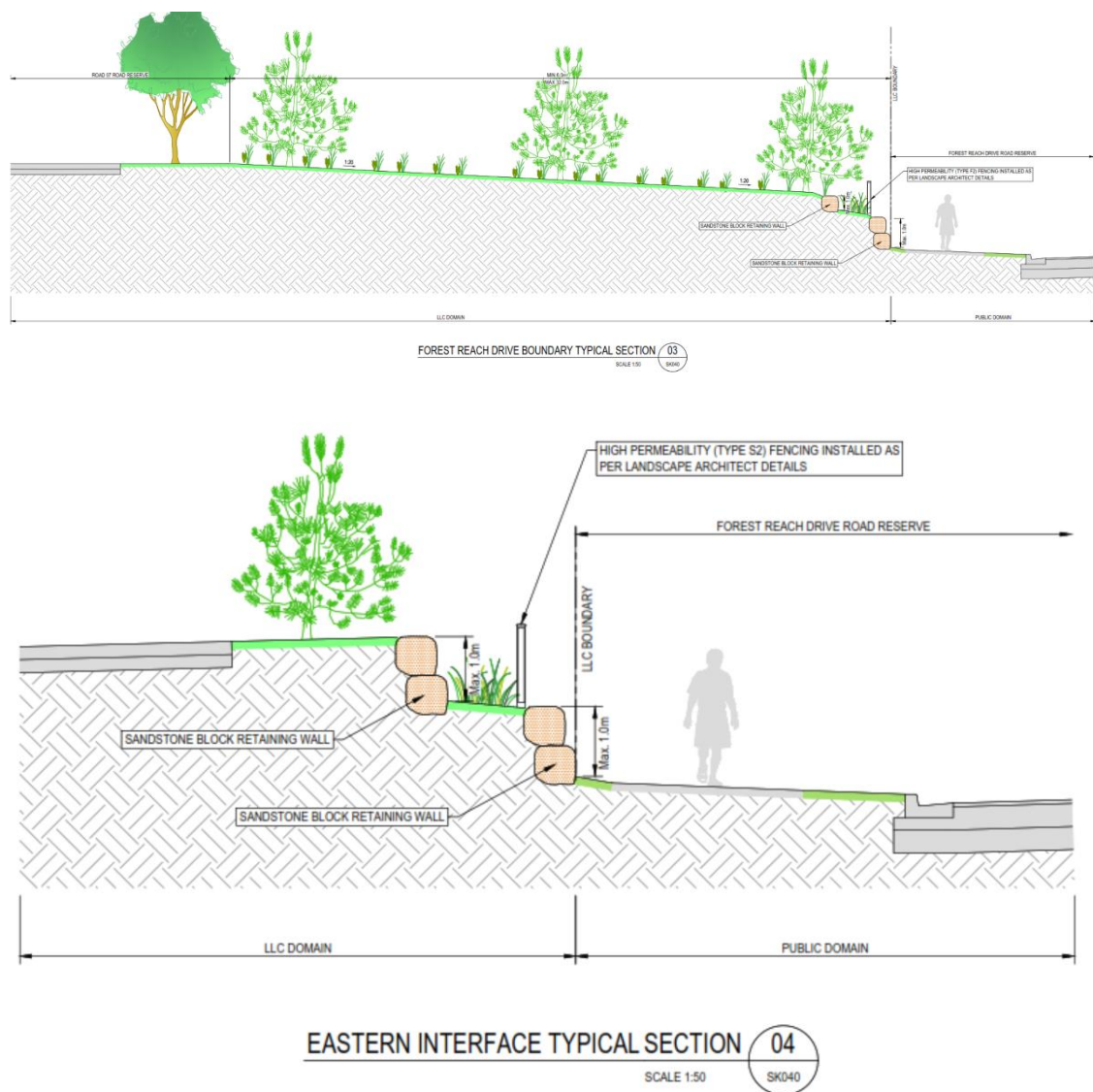
Figure 5: Cross section of 2m retaining wall with Forest Drive interface

Assuming the Panel is supportive of this configuration, it would be appropriate to impose a condition of consent to the following effect in the 'Before the Issue of a Subdivision Works Certificate' section of the consent:

Prior to the release of the Subdivision Works Certificate, the civil works plans are to be amended to revise the retaining wall design (excluding the entry feature retaining wall) to adopt a terraced retaining wall for frontage to Forest Reach Drive. Each terrace of retaining wall is to have a maximum height of 1m with landscaped batters not to exceed 1:3.

Boundary retaining wall Location 3

At the south eastern boundary of the Site with Forest Reach Drive (Refer to Location 3 in **Figure 1**), a retaining wall up to 2m in height, for approximately 65m, was proposed to transition levels between Forest Reach Drive and the TransGrid easement to the west. Similar to the above discussion, the retaining wall in this location is able to be designed to accommodate a terraced sandstone block wall reduce the direct interface and visual impact to Forest Reach Drive. Refer to Sections 3 and on Sheets SK042 and SK043 at **Attachment A** and **Figure 6**. Walls of this scale and interface with local roads have been approved by Council in similar greenfield release areas in Wollongong City Council including Wombarra, Wongawilli and Norman estates, refer to example at **Figure 7** that would be indicative of the outcome that would be delivered along Forest Reach Drive.



Source: Maker, 2025

Figure 6: Cross section of revised retaining wall with Forest Drive interface



Source: Maker, 2025

Figure 7: Example of 2m tiered sandstone retaining wall in Wongawilli estate in Wollongong

There are limited alternatives in this location given the fixed constraints of Forest Reach Drive, the TransGrid easement and imperative to create flat dwelling sites to achieve compliance with Liveable Housing Australia standards for more accessible homes. It also seeks to preserve functional opportunities for RV parking in a designated area to avoid parking on Council's broader street network. Even without the proposed multi dwelling housing development, significant retaining walls or built form modulation would be required given the depth available and necessity to deliver a denser housing outcome consistent with the R3 Medium Density Residential zone that applies to this part of the Site.

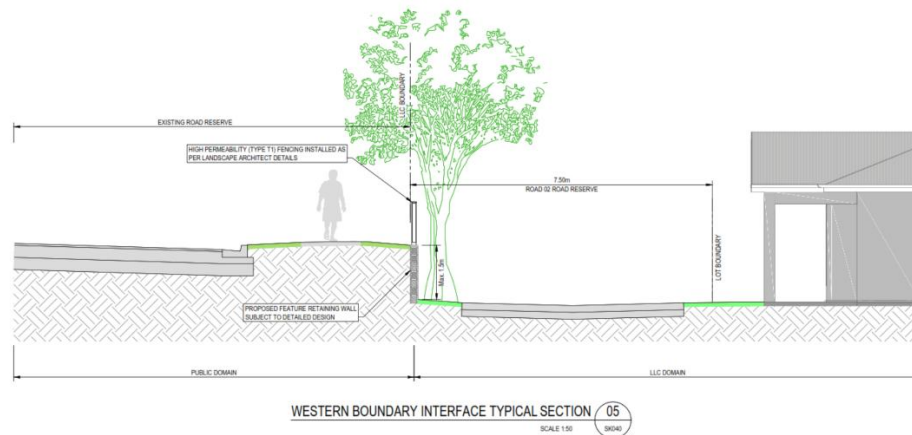
From a pedestrian amenity perspective, the retaining wall of this height and tiered arrangement, does not compromise the verge allocation for footpath and street tree planting, nor would it likely result in significant shade over the footpath in afternoons. On balance, given the functional improvements that the wall provides in the development in terms of managing level change, superior accessibility for dwellings and RV parking, it is considered an appropriate outcome for the Site.

Boundary retaining wall Location 4

Further south of the western entrance (Location 4 in **Figure 1**) levels over the Site fall away to assist in the overall transition of easter/west fall over the Site with the Northern Precinct Road No. 1 sitting above the development levels. At this location, pedestrians along the Northern Precinct Road No. 1 would be looking down to the development and front facades of dwellings not dissimilar to a standard residential development that provides a slip road to a higher order road like Northern



Precinct Road No. 1. Permeable blade fencing will run along the boundary with landscaping provided at the low side of the wall, complemented by street tree planting within the opposite private road. Refer to Section 5 on Sheet SK043 at **Attachment A** and **Figure 8**.



Source: Maker, 2025

Figure 8: Northern Precinct Road No. 1 retaining wall interface

Boundary retaining wall Location 5

South of the western entrance (Location 5 in **Figure 1**), retaining walls are more of a landscape intervention to compliment the entry feature. Limited to 1m in height with open blade fencing that is integrated within the landscape design, this wall is not considered to have any significant impacts to the public domain and typical of other greenfield developments. Refer to **Figure 9** for a render of the western entry.



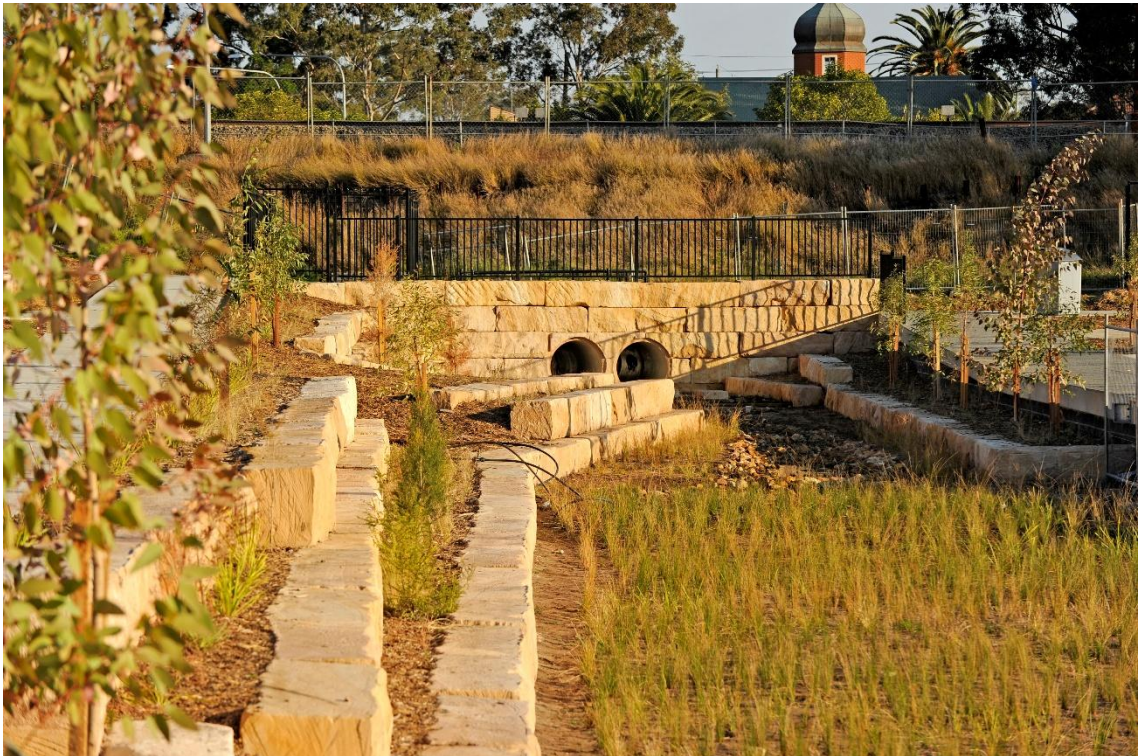
Source: SQ1, 2024

Figure 9: Western entry retaining wall materiality



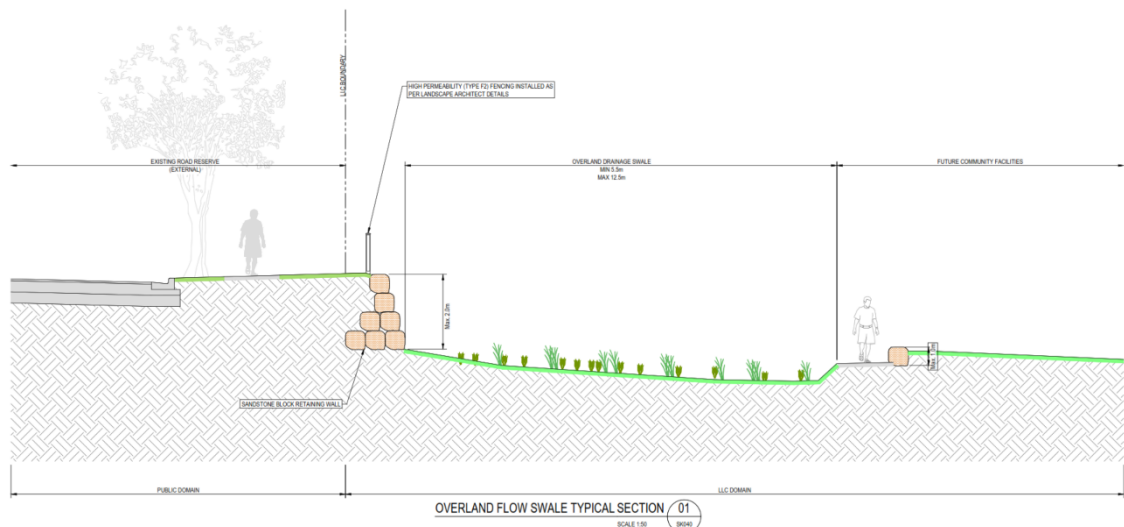
Boundary retaining wall Location 6

To the north of the western entrance (Location 6 in **Figure 1**), the road sits higher than the adjoining retaining wall that is used to form a stormwater management swale that will present not dissimilar to other pieces of landscaped stormwater infrastructure approved by Council before transitioning to the Community Buildings proposed in DA-2024/202. Refer to **Figure 10** for a typical basin outcome in this location and section of the wall at **Figure 11**. This interface is considered to be appropriate in a new release setting where it is a common occurrence for interfaces with stormwater management infrastructure, with the benefit that it will be the operator maintaining the landscape in this area compared to Council's often constrained maintenance.



Source: Blacktown City Council, 2025

Figure 10: Example interface with stormwater infrastructure to be delivered on Site



Source: Maker, 2025 Figure 11: Northern Precinct Road No. 1 retaining wall interface

Consistency with objectives and controls of the DCP

Whilst the external retaining walls may not strictly comply with each of the numeric controls within Section 4.17 of the DCP that relate to retaining walls, they are consistent with past approvals issued by Council and meet the objectives of the DCP as detailed in **Attachment C**. It is noted from Council's report to the Panel that Council's main concern regarding variation to the DCP, for external retaining walls related to retaining walls up to 2m in height at the interface of the development adjoining residential sites and roads and general compliance with Control 4.17.3(4) and (5) that require the following:

4. *To limit the overall height impact, terracing of retaining walls is required, limiting the maximum vertical rise of a retaining wall to 1 metre, with a minimum horizontal setback of 1 metre.*
5. *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 above.*

In response to this concern the following variation is provided in addition to the earlier commentary provided in this letter:

- The development only has one direct interface with residential lots along the southern boundary. No retaining walls are provided at this boundary.
- Along the northern boundary, retaining walls are provided to step down into the Site from the future local road to be delivered as part of Stage 8C. This wall will not be visible from the public domain, with appropriate plant screening provided within the development and only the secondary street frontages of dwellings having an interface with this wall. This retaining wall height is therefore considered appropriate given the content without the strict need for terracing.
- Along the northern portion of the western boundary of the Site to Northern Precinct Road No. 1, larger height retaining walls are utilised to step down into the Site to form the necessary stormwater management infrastructure. This is no different from where retaining walls are used



to form public stormwater management infrastructure and have been incorporated within an integrated landscape design response.

- Along the southern portion of the western boundary of the Site to Northern Precinct Road No. 1, larger height retaining walls are utilised to step down into the Site. This wall will not be visible from the public domain, with appropriate plant screening provided within the development and is limited to a total of 6 dwellings within the development having an interface with this wall. This retaining wall height is therefore considered appropriate given the context without the strict need for terracing.
- The retaining wall design along the northern portion of the eastern boundary with Forest Reach Drive has been revised to adopt a terraced approach to retaining walls, consistent with the DCP. This requirement to formally revise the design can be achieved through the imposition of an appropriate condition.
- The retaining wall design along the southern portion of the eastern boundary with Forest Reach Drive originally proposed a retaining wall up to 2m. Significant retaining is required in this location to transition fixed external levels of Forest Reach Drive and the TransGrid easement. It is now proposed to tier this retaining wall to significantly reduce its visual impact in a form consistent with past Council approvals in Wongawilli. This requirement to formally revise the design can be achieved through the imposition of an appropriate condition.

1d. The provision of relevant sections demonstrating the above

Relevant sections are provided in **Attachment A** and **E** and discussed above.'

2 Additional flood modelling information

As outlined earlier, **Attachment F** comprises the Maker Report providing the additional flood related information as requested by the Panel. The Maker Report includes an assessment against Clause 5.21 of the LEP and confirms that, including having regard to Council's latest flood study, the proposed development is not unacceptably exposed to flood risk, nor will it create unacceptable additional downstream flood impacts. In this regard, we are confident that both Council and the Panel can from the view that the proposed development is:

- compatible with the flood conditions of the site
- will not detrimentally affect flood behaviour over the site or properties
- will not result in the unsafe occupation of the land or place undue pressure on evacuation routes in flood events
- includes appropriate measures over the site to manage flood risk
- not adversely affect the environment or cause avoidable erosion, siltation or destruction of riparian vegetation or destabilisation of riparian corridors external to the site

Among its recommendations, the Maker Report proposes the variation of conditions 1 and 38 of DA 2020-673 (as modified by DA 2023-19) to facilitate the incorporation of its recommendations relating to augmentation works to pre-existing OSD structures (Central OSD basin) outlet also located on Lot 197 in DP 1258914 (but outside of the proposed land lease community) to maintain predevelopment outflows from the proposed development.



The variation to these conditions can be achieved by way of a condition on the subject consent that, pursuant to section 4.17(5) of the *Environmental Planning and Assessment Act 1979* and section 67 of the *Environmental Planning and Assessment Regulation 2021*, requires the Applicant to submit a notice requesting these variations to DA 2020-673 (as modified by DA 2023-19).

Consent to this variation to DA 2020-673 (as modified by DA 2023-19) along with owner's consent has been provided as set out below.

Finally, I have reviewed the Maker Report's assessment of the jurisdictional pre-requisites to the grant of development consent relating to flooding as set out in clause 5.21 of the *Wollongong Local Environmental Plan 2009* and confirm that the analysis demonstrates that these jurisdictional pre-requisites are all satisfied.

Owner's Consent and amendment to DA 2020/67 (as modified by DA 2023/19)

Attachment G, is a letter from PM Nominees G Pty Ltd that provides:

- (a) Owner's consent for the subject DA, inclusive of the works to be undertaken on the pre-existing OSD structures (Central OSD basin) outlet, which is also on Lot 197 in DP 1258914, as contemplated by the Maker Report;
- (b) Confirmation from PM Nominees G Pty Ltd that it has no objection to development consent DA 2020-673 (as modified by DA 2023/19) being amended as contemplated by the Maker Report, to allow for the above changes to be made to the pre-existing OSD structures and to ensure alignment between the two consents

3 Draft Conditions of Consent

Finally, we would be grateful if the Council could provide the draft conditions of consent for review as soon as practicable so that the Applicant has sufficient time to provide feedback, ideally in advance of the final assessment report.

I trust this information is of assistance in the consideration of the Applicant's proposal and working towards a favourable determination that will aid in the delivery of housing within the Southern Region and offer an alternative housing ownership and tenure opportunity that is attractive to the community and serve to free up existing housing stock. Should you require any additional information or want to discuss the content of this letter, please don't hesitate to contact me on 9249 4100.

Kind regards,

MATT COOPER
DIRECTOR



Attachment D – Consideration of relevant DCP Objectives

No.	Objective	Comment
4.17 Retaining Walls		
4.17.2(a)	To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties.	The retaining walls along the boundary of the Site will be required, by condition of consent, to be designed and certified by a Structural Engineer as per Council standard practice. The retaining walls at the boundaries do not result in amenity or overlooking impacts to adjoining residential properties, noting that retaining walls are not proposed along the southern boundary that is the Site's only direct interface with residential development. Largely, the design and scale of the retaining walls will not result in undue visual impact at the interface with the public domain, noting that external fixed level constraints dictate a higher wall in the south eastern frontage to Forest Reach Drive.
4.17.2(b)	To guide the design and construction of low height aesthetically pleasing retaining walls.	Where possible, low height retaining walls have been utilised at the Site's boundaries as part of an integrated landscape design response, particularly in proximity to the entrances to the development. Otherwise, with the exception of retaining walls fronting Forest Reach Drive, the walls will sit below the levels of adjoining public domain. In line with the controls, this objective is not intended to apply to every wall noting that the DCP provides for greater height retaining walls.
4.17.2(c)	To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall.	The proposed retaining walls are located within private property and to be managed by the Applicant through the life of the development. The retaining walls will be designed and certified by a Structural Engineer in line with Council's standard conditions of consent.
4.17.2(d)	To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.	The retaining walls and broader development have been designed to respond to the unique Site conditions that allow the built form to step up and across the development Site in response to the general topography of the land and fixed external level constraints. This will ensure that the final built form continues to mimic the broader level changes that occur over the Site.
5.11 Private Open Space		
5.11.1(a)	To ensure that private open spaces are of sufficient size to accommodate a range of uses and are accessible and connected to indoor spaces where appropriate	The proposed development provides each dwelling with rear courtyards for the purposes of private open space. Each area meets the minimum dimension requirements and areas specified for Multi Dwelling Housing.
5.11.1(b)	To ensure functionality of private open space by reducing	The proposed development demonstrates compliance with the relevant solar access provisions that apply, noting that in multi dwelling housing development, the DCP only



No.	Objective	Comment
	overlooking and overshadowing of such spaces	requires 70% of dwellings to achieve the relevant solar access requirements. Privacy between lots is not exacerbated by the proposed retaining walls, with conventional 1.8m high rear boundary fencing restricting opportunities for overlooking.
Solar Access Requirements		
5.12.1(a)	To minimise the extent of loss of sunlight to living areas and private open space areas of adjacent dwellings.	Despite the use of retaining walls to respond to the Site's topography, the proposed development delivers solar access outcomes that comply with the requirements for private open space areas and dwellings with a northern living room orientation.
5.12.1(b)	To maximise solar access into living rooms and private open space of dwellings in the subject development.	The proposed development utilises site responsive grading and retaining walls to maximise the opportunities for rear courtyards to achieve solar access and northern orientated living rooms. The DCP provides a specific target of 70% of dwellings to achieve solar access compared to other types of residential development.
5.12.1(c)	To use a consistent sunlight access assessment approach for the assessment of solar access issues.	The proposed development has adopted the requirement of 50% of the private open space to achieve 3 hours of sunlight on the winter solstice, consistent with the requirements of the DCP controls.