

CLAUSE		TPG NSW COMMENT	COMPLIES
9.0 VARIATIONS TO DEVELOPMENT CONTROLS IN THE DCP			
2. Justification Statements	The justification statement must address all of the following points: a) Identify the development control subject of the variation request; and b) Identify the objectives of that control; and c) Justify why the specific provisions of the policy do not make appropriate provisions with regard to the subject application; and d) Confirm that the development will not have a greater adverse impact on residential amenity than if compliance was achieved; and e) Show how the development will achieve objectives of the zone contained in the relevant LEP; and f) Show how the development will achieve objectives of the DCP; and g) Justify why compliance with the provisions of this plan is unreasonable or unnecessary in the particular circumstances of the case.	Addressed appropriately.	✓
12.0 SITE AND CONTEXT ANALYSIS			
12.1 Objectives	• To ensure that a Site and Context Analysis is undertaken for all development, with the exception of internal alterations to existing buildings, minor external alterations and additions to buildings, ancillary residential structures and swimming pools. • To promote development with good design by ensuring the consideration of existing characteristics, opportunities and constraints of the site and its surrounds. • To ensure that consideration is given to all relevant site and locality issues in the formulation of development proposals. • To identify the minimum requirements for the preparation of a detailed Site and Context Analysis to lead and support the design process for developments. • To ensure that development within the City responds to its site context. • To improve the quality of development in the city.	Refer to Site Analysis Plan in Appendix B, Context analysis in Appendix C and discussion at section 1 in EA.	✓
12.2 Site and Context Analysis Process/ Phases	• The process of Site and Context Analysis is necessary to ensure that development is sensitive to its environment. A Site and Context Analysis must be prepared prior to designing the development proposal as individual developments should not be considered in isolation. A thorough Site and Context Analysis will ensure that site layout and building design addresses existing and possible future opportunities and constraints of both the site and its surrounds. It must also ensure that the proposal is a good neighbour by respecting and responding to the prevailing character of a street. • A site analysis must be submitted for all new development excluding internal alterations to existing buildings, minor external alterations and additions to existing	Refer to Site Analysis Plan in Appendix B, Context analysis in Appendix C and discussion at section 1 in EA.	✓

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	<i>buildings, minor ancillary structures and swimming pools.</i> <i>• A Site Analysis involves two (2) phases:</i> <i>i) Site Survey: where the site conditions are recorded, such as existing vegetation, topography, drainage corridors, neighbourhood character etc, and</i> <i>ii) Analysis: based on the relevant site survey information, decisions are made about the existing site conditions, including what to retain through development, such as significant vegetation, views, landmarks etc, and/or what site conditions may be compromised through development, eg areas where slope and topography can be altered, vegetation that can be removed and replaced through development. This information is then used to develop strategies and options for development of the site.</i> <i>• An analysis of the site and context is a critical stage of the design process and should support many key decisions relating to the proposal. A Site and Context Analysis enables the applicant, neighbours and Council to appreciate the site's feature and identify the relationship of the site to adjacent properties. It therefore will inform the design of the building and will also assist in the community consultation process. The Site and Context Analysis may assist in reinforcing neighbourhood character and minimising issues relating to noise, overshadowing, community safety, access, views, privacy and energy efficiency</i> <i>The applicant must demonstrate through the Site and Context Analysis an appreciation of the site and its context, and the opportunities and constraints on the layout and design of the site. The analysis will then be used by the applicant and Council to critically assess the success of the proposal in its response to the features of the site and its context. The Site and Context Analysis will be used by Council during the assessment process, particularly where any variation to Council's policies is sought. The Analysis will also be used for community consultation purposes.</i> <i>• The Site and Context Analysis must demonstrate that the development will integrate within the streetscape when considering scale, proportion and massing. Scale relates to both the overall size of the building and also its individual components, such as windows and doors, which must be appropriately sized and located having regard to a building's scale</i> <i>• The site and context analysis must also demonstrate that the building is well proportioned, both as an individual element and within the streetscape.</i> <i>• Massing of the building, being the size and shape of the building relative to the site and nearby forms, is also an important consideration in building design. The Site and Context Analysis must demonstrate that the building will sit comfortably with surrounding buildings in terms of its massing.</i>	

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	• Written and graphical explanations (photographs of the subject site and surrounds) should be provided showing the suitability of the site for the proposed use. Most information can be best shown on A3 or A4 plans or sketches of the site and locality, with any additional supporting documentation provided in written form. The detail of the plan should be tailored to the size and complexity of the proposed development. All documentation should be dated.		
12.3 Minimum Requirements for Site and Context Analysis	• A Site and Context Analysis must accompany ALL development applications for residential development, with the exception of ancillary residential structures. • The Site and Context Analysis must comprise an annotated plan and should be accompanied by written information. A Site Analysis plan should be based on a survey drawing produced by a registered surveyor or alternatively, a site plan prepared by another suitably qualified consultant which includes all of the required information as set out in sub-clauses 12.3.1 and 12.3.2. The site analysis plan should also contain a reference number and the date of when it was prepared. • The Site Analysis must be prepared to scale and accurately show all relevant information as highlighted in sub-clauses 12.3.1 and 12.3.2, as follows.	Refer to Site Analysis Plan in Appendix B, Context analysis in Appendix C and discussion at section 1 in EA.	✓
13.0 PRELIMINARY ENQUIRES AND PRE-LODGEEMENT MEETINGS FOR DEVELOPMENT PROPOSALS			
13.1 Preliminary Development Enquiries / Informal Pre-lodgement meetings for small scale development	• Initial discussions with Council's Duty Planning and / or Building staff will help to determine the permissibility of a proposal under the relevant LEP. Alternatively, a Section 149 Planning Certificate may be obtained from Council which will outline the exact zoning of the subject property and the permissibility of certain land uses or developments within the relevant zone	Meeting held with Council on 9 March 2010.	✓
13.2 Formal Pre-lodgement Meetings	• A formal pre-lodgement meeting is recommended prior to the lodgement of a Development Application for the following development types: viii) Hospitals; • Applicants are required to demonstrate that appropriate site and context analysis was undertaken upfront. In this respect, the applicants are required to undertake appropriate detailed site analysis prior to the preparation of preliminary concept plans. The preliminary concept plans required for the formal pre-lodgement meeting should include the following: site plan, floor layout plans, elevation plans, sectional plans and a survey plan. • Pre-lodgement meetings are held on a weekly basis and are attended by relevant	Meeting held with Council on 9 March 2010.	✓

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	staff involved in the assessment and the determination of Development Applications. Relevant consultants and advisors used by the applicant should also attend these meetings. • Further pre-lodgement meetings may be warranted for very major or technically complex projects. In some cases, it may be prudent (but not mandatory) for the applicant to provide Council with the Draft Statement of Environmental Effects (SEE) or Draft Environmental Impact Statements (EIS) or other supporting technical studies, especially where the proposal involves very complex environmental impact assessment matters. • Pre-lodgement meeting notes will be made after each meeting. The meeting notes will reflect the main issues discussed at the pre-lodgement meeting. The pre-lodgement meeting notes will include what supporting information / reports are required to be submitted with the Development Application for the particular project. The pre-lodgement meeting notes will be provided to the applicant or to the lead consultant, based on the applicant's request		
14.0 LODGEMENT OF A DEVELOPMENT APPLICATION			
14.1 Designated Development	• “Designated development” is defined in Schedule 3 of the Environmental Planning and Assessment Regulation 2000. This schedule lists those developments where a more rigorous environmental impact assessment process is necessary. These applications require the preparation of an Environmental Impact Statement (EIS) which must be undertaken in accordance with the requirements of the Director – General of the NSW Department of Planning.	Not applicable	
14.3 Lodgement of a Section 96 application- Modifications to development consent	• Section 96(1) Application – Modifications involving minor error, misdescription or miscalculation An applicant or any other person entitled to act on a development consent may lodge a Section 96(1) application with Council to seek to modify a development consent, in order to rectify a minor error, misdescription or miscalculation. • Section 96(1A) Application – Modifications involving minimal environmental impact A Section 96(1A) application may be lodged with Council by an applicant or any other person entitled to act on the consent for any modification involving minimal environmental impact. Council as the consent authority will undertake the assessment of the application, taking into account the following matters: i) Whether the proposed modification is of minimal environmental impact, and ii) Whether the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted, and iii) Any submissions made during the public exhibition of the application in line with	Not applicable	

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	any notification/ advertising requirements under either the Environmental Planning and Assessment Regulation 2000 and / or development control plan (if relevant). • Section 96(2) Application – Other Modifications A Section 96(2) application may be lodged with Council by an applicant or any other person entitled to act on the consent. Council as the consent authority will undertake the assessment of the application, taking into account the following matters: i) Whether the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted; ii) Any written objection forwarded by an approval body in relation to any proposed modification to a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of approval previously granted by that approval body; and iii) Any submissions made during the public exhibition of the application, in line with any notification / advertising requirements, under the Environmental Planning and Assessment Regulation 2000 and / or development control plan (if relevant).		
14.2 Lodgement of a Section 82A (review of determination) Application	• A Section 82A review of determination application may be lodged with Council if an applicant is dissatisfied with Council's original decision on the application. • A Section 82A application must be lodged with Council within 12 months from the date of the determination of the original application. The Section 82A application must be accompanied by the prescribed fees under the Environmental Planning and Assessment Act 1979 • A Section 82A application may make amendments to the proposed development provided it remains substantially the same development as described in the original application. The application will be publicly exhibited in the same manner as the original application but for a maximum period of 14 days. • Any Section 82A application will be assessed by another assessing officer (ie who is not subordinate to the officer who assessed the original Development Application). Where the determination of the original application was made by Council, the application will be re-submitted to Council for its determination, pursuant to sub-section 82A(6)(b) of the Environmental Planning and Assessment Act 1979.	Not applicable	
14.6 Requirements for the lodgement of a Development Application	• A Development Application may be required to be accompanied by the one or more of the following written documents and plans. The general information requirements for the lodgement of a Development Application for a particular type of development are addressed in the Matrix for Minimum Lodgement Requirements, as discussed later in this section 15.7 (Table 2) of the DCP.	Not applicable	

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16.0 PRINCIPLES OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)			
16.1 Key Principles of Ecologically Sustainable Development	• The objects of the Environmental Planning and Assessment Act 1979 include the encouragement of ecologically sustainable development (Refer to section 5(a)(vii) of the Act). • Ecologically sustainable development requires the effective integration of economic and environmental consideration in decision-making processes. Ecologically sustainable development can be achieved through the implementation of four (4) key principles of ecologically sustainable development. • The four (4) key principles of ecologically sustainable development (ESD) are:- a) Precautionary principle – where there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by: i) Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and ii) An assessment of the risk – weighted consequences of various options; b) Intergenerational equity – the present generation should ensure the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations; c) Conservation of biological diversity and ecological integrity should be a fundamental consideration; and d) Improved valuation, pricing and incentive mechanisms – this principle includes the concepts of: i) ‘Polluter pays’ that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement; ii) Full cycle costing of goods and services, including the use of natural resources and assets and the disposal of wastes; iii) Cost effective pursuit of environmental goals, via use of incentive structures – including market mechanisms that maximise benefits or minimise costs to develop their own solutions and responses to environmental problems. • The principles of ecologically sustainable development are therefore required to be taken into consideration in the decision-making process for Development Applications.	Refer to ESD report at Appendix K	