

Wollongong Local Planning Panel Assessment Report | 4 September 2019

WLPP No.	Item 1
Integrated DA No.	DA-2019/151
Proposal	Residential – demolition of existing dwelling house and outbuilding, and construction of a dwelling house, retaining wall and tree removal
Property	Lot B DP 356881 44 Balfour Road, AUSTINMER NSW 2515
Applicant	TCG Planning
Responsible Team	Development Assessment and Certification – Building and Certification Team (EF)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) for **determination** pursuant to Section 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the Integrated Development Application is the subject of 10 or more unique submissions by way of objection.

Proposal

The proposal is for the demolition of existing dwelling house and outbuilding, and construction of a dwelling house, retaining wall and tree removal.

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a dwelling house and is permissible in the zone with development consent.

Exhibition

The application was notified in accordance with Council's Notification Policy and received Thirteen (13) submissions. The Thirteen (13) submissions received are discussed at section 1.5 of this report.

Consultation

The Development Application required the following external and internal referrals:

- Natural Resource Access Regulator (NRAR) – Water Regulatory Operations
- Council's Geotechnical Engineer
- Council's Landscape Design Officer
- Council's Environment Officer
- Council's Development Engineer

All external and internal referrals have been completed and recommended conditions have been included in the draft conditions of development consent.

Main Issues

The main issue arising from the assessment process are:

- More than ten (10) submissions being received in opposition to the Integrated Development Application

Conclusion

This application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of WLEP 2009 and all relevant Council DCP's, Codes and Policies.

All internal and external referrals have been completed and there are no outstanding issues.

A dwelling house is permitted in R2 Low Density Residential Zone with development consent pursuant to WLEP 2009. The proposed development does not involve exceptions to development standards, however, variations are proposed under this application to Clauses 4.1, 4.2, 4.10 and 4.17 of Chapter B1 of Council's DCP 2009

Some of the issues raised in submissions, though technically unresolved, are considered to be adequately addressed either through design or by way of conditions of consent. Any remaining issues are not considered to be sufficient to warrant refusal of the application.

It is considered that the proposed application has been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

RECOMMENDATION

It is recommended that DA-2019/151 be approved subject to the draft conditions provided in Attachment 2.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong Section 94A Development Contributions Plan 2018

1.2 PROPOSAL

The proposal is for the demolition of existing dwelling house and outbuilding, and construction of a dwelling house, retaining wall and tree removal.

1.3 BACKGROUND

Application No.	Description	Determination Date	Decision
BA-1956/132	Timber Decking	28/05/1956	Approved
BA-1994/1797	Garage	08/09/1994	Approved
TMO-2011/714	Remove x2 trees	24/05/2011	Approved
LG-2016/38	Installation of a solid fuel heater		Undetermined
LG-2016/39	Solid fuel heater	01/06/2016	Approved
DA-2018/34	Residential – Alterations and additions	27/03/2018	Withdrawn
PL-2018/185	Residential – Demolition of existing dwelling and construction of dwelling house	02/11/2018	Complete

A pre-lodgement was held for the proposed development was held on 17 October 2018.

Customer service actions

There are no outstanding customer service requests that would preclude the development.

1.4 SITE DESCRIPTION

The site is located at Lot B DP 356881, 44 Balfour Road, AUSTINMER NSW 2515.

The site has an area of 556.4m² and currently has an existing single storey dwelling and detached garage located on the site. The site is rhombus in shape, has an open watercourse which runs through the site and is constrained by numerous established trees on the site. The site also has a fall of approximately 8m from the south to the north.

Council records identify the land as being affected by the following constraints:

- A Title Search of the of the property identifies that the site is subject to the following encumbrances:

- There are no restrictions on the title that would preclude the development proposal.



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	<p><u>Porch</u></p> <p>Side Setback – SE: 1000mm</p>
3. Car Parking and Access	The proposed development has been assessed against Clause 4.10 Car parking and Access. A variation request was submitted with the application in accordance with cl.8 of Chapter A1 of Council's DCP2009. Variation assessment considered to meet relevant objectives and considered satisfactory.
4. View Sharing	The proposed development has been assessed against the relevant objectives of cl.4.16 of Chapter B1 of Council's DCP2009 and considered satisfactory. The proposed development did not warrant a View Analysis to be submitted with the application.
5. Privacy	<p>The proposal has been assessed against the provisions of Chapter B1 of Council's DCP2009 and considered satisfactory. It is considered that the proposed development has been designed appropriately considering the privacy of existing surrounding developments. The house is oriented to the Balfour Street frontage, with no windows being located within the Southern Elevation. The two (2) windows located within the Western Elevation are located behind fixed privacy screens and also at a considerable setback from the property boundaries.</p> <p>It is also noted that the properties along Hill Street which back onto the rear of the subject site have an existing ground level in excess of the finished floor level of the first floor of the proposed dwelling.</p>
6. Number of Storeys	<p>The proposed development has been assessed against Clause 4.1 of Chapter B1 of Council's DCP2009 and considered satisfactory.</p> <p>Storeys: 2</p> <p>Max Height: 8.625m</p> <p>Two (2) storey portion of proposed dwelling setback <8m from rear property boundary.</p> <p>A variation request was submitted with the application in accordance with cl.8 of Chapter A1 of Council's DCP2009. The variation assessment was considered to meet the relevant objectives and considered satisfactory.</p>
7. Dual Occupancy	The proposed development is for the construction of a single residential dwelling only.
8. Floor Space Ratio (FSR)	<p><u>Clause 4.4 Floor space ratio</u></p> <p>Maximum FSR permitted for 0.5:1 the zone:</p> <p>FSR calculated: $176.7/556.4 = 0.32:1$</p> <p>Complies</p>
9. Building Character and Form	The design, height and siting of the proposed dwelling house is considered to respond to its site context. The proposal is considered to be sympathetic with the existing character of the immediate locality and designed with an entry and frontage that clearly addresses the street frontage of Balfour Road. The proposal has been assessed against the relevant objectives of cl.4.8 of Chapter B1 of Council's DCP2009 and

	considered satisfactory.
10. Heritage	The subject site is not identified as being located adjacent to or within a known heritage item and/or heritage conservation area as per Chapter 5.10 Heritage of Councils WLEP2009.
11. Riparian Corridor	<p>The integrated development application was reviewed by NRAR who have provided General Terms of Approval (GTA) for the part of the proposed development requiring a Controlled Activity Approval under the <i>Water Management Act 2000</i>.</p> <p>The integrated development application was also referred to Council's Environment Officer who has provided comment against cl7.2 and cl7.4 of WLEP2009.</p> <p><u>Clause 7.2 Natural Resource Sensitivity – Biodiversity</u></p> <p>A small portion along the north-western boundary of the subject lot and part of the road reserve adjacent to the subject lot are mapped as Natural Resource Sensitivity – Biodiversity. The area mapped as Natural Resource Sensitivity – Biodiversity coincides with the mapping (Dekho NP Vegetation layer) of MU16 Escarpment Blackbutt Forest.</p> <p>Native species characteristic of Escarpment Blackbutt Forest is present in the area mapped as Natural Resource Sensitivity – Biodiversity, along with some exotics and weeds.</p> <p>The proposed development does not extend into the area mapped as Natural Resource Sensitivity – Biodiversity.</p> <p><u>Clause 7.4 – Riparian Lands</u></p> <p>Riparian Land has been mapped as occurring on the adjoining lot A DP 356881. In reality a watercourse exists on the subject lot. Stormwater drainage to the watercourse incorporating a new outlet is proposed. A future controlled activity approval issued by the Natural Resource Access Regulator will be required to install the stormwater drainage.</p> <p>Provided usual erosion and sediment control measures are correctly installed and maintained during the demolition and construction phases of the proposed development and all conditions of a future controlled activity approval are complied with, adverse impacts on mapped Riparian Land are not expected.</p> <p>The submitted Statement of Environmental Effects (SEE) prepared by TCG Planning dated 20 February 2019 indicates the owner of the subject lot intends to carry out weed management in the riparian corridor area on their lot.</p>
12. Demolition / Asbestos Removal	Demolition of the existing dwelling is proposed. A demolition work plan is not required by Section 5.1 of Chapter E21. Conditions have been imposed on the development consent in regards to demolition and asbestos removal.
13. Stormwater Disposal	Stormwater from the proposed integrated development is to be connected to the existing <i>watercourse</i> which traverses through the site. The development was referred to NRAR – Water Regulator Operations. Subsequently NRAR – Water Regulator Operations have given General Terms of Approval (GTA) for part of the proposed development requiring

	<p>a Controlled Activity approval under the <i>Water Management Act 2000</i>.</p> <p>The proposed development was also referred to Council's Development Engineer who has recommended conditions be imposed on the development consent in relation to stormwater disposal.</p>
14. Flooding	<p>Council's records indicate that the property is flood affected – Uncategorised Flood Risk Precinct. Council does not have a flood study for the catchment. A Flood Study was provided by the applicant for the proposed development and has been reviewed by Council's Development Engineer. The proposed development has been assessed against Chapter E13 and considered satisfactory, with relevant conditions being recommended to be imposed on the development consent.</p>
15. Retaining Walls	<p>Proposed retaining walls have been assessed against Clause 4.17 Retaining Walls of Chapter B1 of Council's DCP2009.</p> <p>Retaining wall max height >1m.</p> <p>A variation request was submitted in accordance with cl.8 of Chapter A1 of Council's DCP2009 with the application. Variation assessment considered to meet relevant objectives and considered satisfactory.</p>
16. Site Instability	<p>The site is identified as 'unstable land'. A Geotech Report has been provided by a suitably qualified engineer which identifies the site as Moderate risk. The Integrated Development Application was referred to Council's Geotech Engineer who advised that the report and letter provided by Douglas Partners gives a good description of site conditions and their recommendations are appropriate for the proposed development. A condition has been imposed on the development consent as recommended by Council's Geotech Engineer.</p>
17. Materials Delivery / Loading and Unloading of Vehicles during construction	<p>Conditions have been imposed on the development consent in relation to materials delivery / loading and unloading vehicles during construction.</p>
18. Bushfire	<p>The site is not identified as being Bushfire affected land.</p>
19. Works within Watercourse	<p>The proposed development was referred externally to Natural Resource Access Regulator and internally to Council's Environment Officer. Refer to Section(s) 1.6, 2.1.3 and 2.3.1 of this report. Conditions have also been imposed on the development consent in relation to works within the watercourse, specifically the requirement of a Controlled Activity Approval.</p>
20. Tree Removal	<p>An Arboricultural Impact Assessment Report was submitted to Council as part of the Integrated Development Application by Moore Trees dated 11 February 2019. The application was referred to Council's Landscape Officer to review the submitted Arboricultural Impact Assessment Report and proposed development. The referral was satisfactory and conditions were recommended to be imposed on the development consent.</p>

TABLE 2: NUMBER OF CONCERNS RAISED IN SUBMISSIONS

Issue	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
No.	9	11	3	2	2	3	1	1	9	1	5	8	1	1	3	6	2	2	4	1

Submissions from public authorities – Nil

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Department	Response
Geotech	<p>Satisfactory – Condition imposed.</p> <p>The site is identified as ‘unstable land’. A Geotech Report has been provided by a suitably qualified engineer which identifies the site as Moderate risk. The Integrated Development Application was referred to Council’s Geotechnical Engineer who advised that the report and letter provided by Douglas Partners gives a good description of site conditions and their recommendations are appropriate for the proposed development. A condition has been imposed on the development consent as recommended by Council’s Geotech Engineer.</p>
Landscape	<p>Satisfactory – Conditions imposed.</p> <p>Council’s Landscape Officer has reviewed the Aboricultural Impact Assessment Report and proposed plans submitted by the applicant against the following Chapters of Council’s Development Control Plan 2009:</p> <ul style="list-style-type: none"> • Chapter E6: Landscaping • Chapter E17: Preservation and Management of Trees and Vegetation
Development Engineering	<p>Satisfactory – Conditions imposed.</p> <p>Council’s Development Engineer has reviewed the Flood Study and Stormwater Concept Plan submitted by the applicant and applied comment against the following:</p> <ul style="list-style-type: none"> • Clause 7.3 Flood Planning (WLEP2009) • Chapter E13: Floodplain Management (DCP2009) • Chapter E14: Stormwater Management.
Environment	<p>Satisfactory – Conditions imposed.</p> <p>Council’s Environment Officer has provided comments against the following provisions of Council’s <i>Wollongong Local Environmental Plan 2009</i>:</p> <ul style="list-style-type: none"> • Clause 7.2 Natural Resource Sensitivity – Biodiversity • Clause 7.4 Riparian Lands

	<ul style="list-style-type: none"> • Clause 7.5 Acid Sulfate Soils. <p>The above comments have been addressed in Section 2.1.3 of this report.</p> <p>Comments have also been provided against the following chapters of Council's <i>Development Control Plan 2009</i>:</p> <ul style="list-style-type: none"> • Chapter E7: Waste Management • Chapter E21: Demolition and Hazardous Building Materials Management • Chapter E22: Soil Erosion and Sediment Control
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1.6.2 EXTERNAL CONSULTATION

Department	Response
Natural Resource Access Regulator (NRAR) – Water Regulatory Operations	The development application was reviewed by NRAR who have provided General Terms of Approval (GTA) for the part of the proposed development requiring a Controlled Activity Approval under the <i>Water Management Act 2000</i> .

1.6.3 REFERRAL TO WOLLONGONG LOCAL PLANNING PANEL (WLPP)

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) pursuant to Section 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the Integrated Development Application is the subject of 10 or more unique submissions by way of objection.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

2.1 SECTION 4.15(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. Consequently, no concerns are raised in regards to contamination as relates to the intended use of the land and the requirements of clause 7.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate (BASIX Certificate No. 988385S dated 10 January 2019) has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

The aforementioned certificate is dated no earlier than 3 months of the lodgement of this application.

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

dwelling house means a building containing only one dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the lands as being zoned R2 Low Density Residential.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposal is satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; **Dwelling houses**; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals*

The proposal remains categorised as an attached dual occupancy as described below and is permissible in the zone with development consent.

Clause 2.7 Demolition requires development consent

Consent for the demolition of the existing dwelling house and ancillary structures are sought as part of the subject application. Conditions are recommended in this regard to manage such works, including asbestos management.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 8.625 metres does not exceed the maximum of 9 metres permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

FSR calculated: $176.7/556.4 = 0.32:1$

Complies

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The subject site is already serviced by public utilities.

Clause 7.2 Natural Resource Sensitivity – Biodiversity

A small portion along the north-western boundary of the subject lot and part of the road reserve adjacent to the subject lot are mapped as Natural Resource Sensitivity – Biodiversity. The area mapped as Natural Resource Sensitivity – Biodiversity coincides with the mapping (Dekho NP Vegetation layer) of MU16 Escarpment Blackbutt Forest.

Native species characteristic of Escarpment Blackbutt Forest is present in the area mapped as Natural Resource Sensitivity – Biodiversity, along with some exotics and weeds.

The proposed development does not extend into the area mapped as Natural Resource Sensitivity – Biodiversity.

Clause 7.3 – Flood Planning

Council's records indicate that the property is flood affected – Uncategorised Flood Risk Precinct. Council does not have a flood study for the catchment. A Flood Study was provided by the applicant for the proposed development and has been reviewed by Council's Development Engineer. The proposed development has been assessed against Chapter E13 and considered satisfactory, with relevant conditions being recommended to be imposed on the development consent.

Clause 7.4 – Riparian Lands

Riparian Land has been mapped as occurring on the adjoining lot A DP 356881. In reality a watercourse exists on the subject lot. Stormwater drainage to the watercourse incorporating a new outlet is proposed. A future controlled activity approval issued by the Natural Resource Access Regulator will be required to install the stormwater drainage.

Provided usual erosion and sediment control measures are correctly installed and maintained during the demolition and construction phases of the proposed development and all conditions of a future controlled activity approval are complied with, adverse impacts on mapped Riparian Land are not expected.

The submitted Statement of Environmental Effects (SEE) prepared by TCG Planning dated 20 February 2019 indicates the owner of the subject lot intends to carry out weed management in the riparian corridor area on their lot.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by Class 5 acid sulphate soils. As the works are less than those described under table to subclause 7.5(2) of WLEP 2009, an acid sulfate soils management plan is not required.

2.2 SECTION 4.15(A)(II) ANY PROPOSED INSTRUMENT

None applicable.

2.3 SECTION 4.15(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 - INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. The proposed development includes four (4) variations to Chapter B1 – Residential Development, and are addressed below:

8 Variations to development controls in the DCP

Clause 4.1 – Number of Storeys

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control being varied as Clause 4.1 of WDCP2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation sought is demonstrated in the SEE provided by the applicant which shows that a portion of the first floor of the proposed dwelling will be setback less than 8m from the rear property boundary.</p> <p>The variation is requested due to the unique circumstances of the site shape, site constraints and that the objectives of cl.4.1 can still be met with the proposed design.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> a) <i>To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area,</i> b) <i>To minimise the potential for overlooking on adjacent dwellings and open space areas,</i> c) <i>To ensure that development is sympathetic to and addresses site constraints,</i> d) <i>To encourage split level stepped building solutions on steeply sloping sites,</i> e) <i>To encourage built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences,</i> f) <i>To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling,</i> g) <i>To ensure appropriate correlation between the height and setbacks of ancillary structures,</i> h) <i>To encourage positive solar access outcomes for dwellings and the associated private open spaces.</i> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u></p> <p>The development is not considered to be inconsistent with the above objectives as the design of the proposed development is considered to be sympathetic to and addresses the significant site constraints.</p> <p>The design of the proposed development has been designed to minimise the potential for overlooking on</p>

	adjacent dwellings and open space areas through the design not incorporating windows into the southern elevation and windows within the western elevation being shielded by a fixed timber privacy screen.
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<u>Council comment:</u> The development is not considered to result in adverse impacts as a result of the variation.
<p>Comment:</p> <p>The requested variation is considered capable of support.</p>	

Clause 4.2 – Front Setbacks

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control being varied as Clause 4.2 of WDCP2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation sought is demonstrated on the proposed plans and within the SEE submitted by the applicant. The proposed dwelling will be setback a minimum of 1.43m from the front property boundary to the enclosed front building wall of the north east corner, nil setback to the front porch and 150mm to the front terrace.</p> <p>However, the abovementioned setbacks are the minimum setbacks and the setbacks increase to all structures (front façade and deck elements) from this point.</p> <p>The unique circumstances as to why the variation is requested relate to the significantly splayed/angled front boundary, odd property shape and significant physical and nature constraints of the site: that being a steep slope/street verge, the significant number of trees and the watercourse which runs through the property.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> <i>a) To reinforce the existing character of the street and locality by acknowledging building setbacks,</i> <i>b) To ensure that buildings are appropriately sited, having regard to site constraints,</i> <i>c) To ensure building setbacks are representative of the character of the area,</i> <i>d) To provide for compatibility in front setbacks to provide unity in the building line,</i> <i>e) To ensure that setbacks do not have a detrimental effect on streetscape or view corridors,</i>

	<p><i>f) To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors.</i></p> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u></p> <p>It is noted that the existing dwelling located on the site is sited in a similar position to that of the proposed new dwelling on the site, as the existing dwelling on the site encroaches will within the 6m front setback area.</p> <p>It is considered that the proposed development has been appropriately sited and designed given the significant constraints that exist on the site and the unique nature of the site.</p>
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<p><u>Council comment:</u></p> <p>The development is not considered to result in adverse impacts as a result of the variation.</p>
<p>Comment:</p> <p>The requested variation is considered capable of support.</p>	

Clause 4.10 – Car Parking and Access

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control being varied as Clause 4.10 of WDCP2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation sought is demonstrated on the proposed plans and within the SEE submitted with the application by the applicant.</p> <p>The proposed development has a gross floor area (GFA) in excess of 125m² which requires the provision of two (2) on-site car parking spaces.</p> <p>The proposed development is proposing to rely on an existing single car garage on the site, and have just a single car parking space provided on the site.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> <i>a) To provide car parking for residents,</i> <i>b) To ensure that there is adequate provision for vehicular access and manoeuvring,</i> <i>c) To minimise the impact of garages upon the streetscape.</i> <p>The applicant has indicated that they consider the</p>

	<p>development consistent with the above objectives.</p> <p><u>Council comment:</u></p> <p>In this particular instance it is considered unreasonable for Council to require the provision of a second car parking space on the site. Due to the steeply sloping nature of the site, significant number of trees on the site and the watercourse which passes through the site, the provision of a second car parking space being provided on the site is not feasible.</p>
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<p><u>Council comment:</u></p> <p>The development is not considered to result in adverse impacts as a result of the variation.</p>
<p>Comment:</p> <p>The requested variation is considered capable of support.</p>	

Clause 4.17 – Retaining Walls

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control being varied as Clause 4.17 of WDCP2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation sought is demonstrated on the plans and within the SEE submitted with the application by the applicant.</p> <p>A retaining wall which will support a cut and will have an overall height of approximately 1.2m to 1.4m, which is a variation up to 400mm in extra height.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control area as follows:</p> <ul style="list-style-type: none"> <i>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,</i> <i>b) To guide the design and construction of low height aesthetically pleasing retaining walls,</i> <i>c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall,</i> <i>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.</i> <p>The applicant has indicated that they consider the</p>

	<p>development consistent with the above objectives.</p> <p><u>Council comment:</u></p> <p>Due to the steeply sloping nature of the site the provision of retaining walls in excess of 1m in height are considered reasonable in this instance.</p> <p>The proposed retaining wall is to be designed by a suitably qualified structural engineer to be structurally sound and incorporate suitable subsurface drainage. As the retaining wall is to support a cut on the site, it will not be visible from the adjoining property to the south and the ground floor of the proposed dwelling will shield the retaining wall from view from Balfour Road.</p> <p>As the retaining wall is to support a cut on the site, the proposed retaining wall will not have visual, amenity and overlooking impacts upon adjoining properties.</p>
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<p><u>Council comment:</u></p> <p>The development is not considered to result in adverse impacts as a result of the variation.</p>
<p>Comment:</p> <p>The requested variation is considered capable of support.</p>	

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

An assessment of the proposed application has been undertaken against the controls of Chapter B1 below:

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.1 Number of Storeys		
<ul style="list-style-type: none"> R2 max height of 9m or two storey Ancillary structures – 1 storey Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties In R2 Low Density Residential zones, where development occurs within 8m rear setback the development is limited to single storey 	<p>Storeys: 2</p> <p>Max Height: 8.625m</p> <p>Two (2) storey dwelling within 8m of the rear property boundary.</p> <p>Variation request submitted. Variation assessment considered to meet relevant objectives and considered satisfactory.</p> <p>Refer to above table for assessment of proposed variation in accordance with cl.8 of Chapter A1.</p> <p>Conditions imposed relating to the maximum building height.</p>	<p>Yes</p> <p>(Variation)</p>

<p><u>4.2 Front Setbacks</u></p> <ul style="list-style-type: none"> <i>Infill 6m min but less dependent on street character</i> <i>Garages and carports 5.5m min</i> <i>Greenfield sites 4m min</i> 	<p>Porch setback: nil Terrace: 150mm Dwelling setback: 1.43m</p> <p>Variation request submitted with application. Variation assessment considered to meet relevant objectives and considered satisfactory.</p> <p>Refer to above table for assessment of proposed variation in accordance with cl.8 of Chapter A1.</p> <p>Conditions imposed relating to the siting of the proposed dwelling.</p>	<p>Yes (Variation)</p>
<p><u>4.3 Side and Rear Setbacks</u></p> <ul style="list-style-type: none"> <i>Wall Setback: 900mm min</i> <i>Eave Setback: 450mm min</i> <i>Rear Setback: 900mm min</i> 	<p><u>Dwelling Setbacks</u></p> <p>Side Setback - NW: 7400mm Side Setback - SE: 1000mm Rear Setback: 3870mm Eave Setback: 450mm</p> <p><u>Terrace</u></p> <p>Side Setback – NW: 5890mm</p> <p><u>Porch</u></p> <p>Side Setback – SE: 1000mm</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.4 Site Coverage</u></p> <ul style="list-style-type: none"> <i>55% of the area of the lot, if the lot has an area less than 450m²</i> <i>50% of the area of the lot, if the lot has an area of at least 450m² but less than 900m²</i> <i>40% of the area of the lot, if the lot has an area of at least 900m²</i> 	<p>Site Coverage = 22%</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> <i>Minimum Required 20% permeable area capable of growing trees, shrubs, groundcover and/or lawn.</i> <i>50% behind the building line to the primary road</i> 	<p>Landscaped Area = >112m²</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>

<ul style="list-style-type: none"> • <i>Integrated with drainage design</i> • <i>Dual occupancy requires 1.5m min landscape strip within the front setback for the majority of site width (excluding driveway)</i> 		
<u>Clause 4.6 Private Open Space</u>		
<ul style="list-style-type: none"> • <i>24m² of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.</i> • <i>Not to be located on side boundaries or front yards without variation.</i> 	<p>Private open space >24m².</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes
<u>4.7 Solar Access Requirements</u>		
<ul style="list-style-type: none"> • <i>Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.</i> • <i>At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.</i> • <i>Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings.</i> 	<p>Shadow diagrams provided for Winter Solstice – June 21st, at 9am, 12pm and 3pm.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes
<u>4.8 Building Character and Form</u>		
<ul style="list-style-type: none"> • <i>Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context</i> • <i>New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</i> • <i>All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.</i> • <i>Where garages are proposed on the front elevation they must be articulated from the front façade.</i> 	<p>The design, height and siting of the proposed dwelling house is considered to respond to its site context.</p> <p>The proposal is considered to be sympathetic with the existing character of the immediate locality and designed with an entry and frontage that clearly addresses the street frontage of Balfour Road.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes
<u>4.9 Fences</u>		
<ul style="list-style-type: none"> • <i>Fences must be constructed to allow natural flow of stormwater or runoff.</i> • <i>Fences within front and secondary building lines should be mainly constructed of transparent fence materials.</i> 	<p>No fences are proposed as part of this application.</p>	n/a

<ul style="list-style-type: none"> Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height 		
4.10 Car parking and Access		
<ul style="list-style-type: none"> 1 space per dwelling with a GFA of less than 125m² 2 spaces per dwelling with a GFA of greater than 125m² Car parking spaces may be open hard stand space, driveway, carport or a garage. Garage door facing roads—not greater than 50% of the width of the dwelling. Carports must be setback behind the front building line. Garages must be setback min of 5.5 from front boundary. Driveways shall be separated from side boundaries by a minimum of 1m. Driveways shall have a max cross-over width of 3m. 	<p>GFA>125m²</p> <p>One (1) car parking space provided within the existing single car garage.</p> <p>Variation request submitted. Variation assessment considered to meet relevant objectives and considered satisfactory.</p> <p>Refer to above table for assessment of proposed variation in accordance with cl.8 of Chapter A1.</p>	Yes (Variation)
4.11 Storage Facilities		
<ul style="list-style-type: none"> Studio/1 bedroom- 6m³ storage volume to 3m² storage area 2 bedroom- 8m³ storage volume to 4m² storage area 3 bedroom- 10m³ storage volume to 5m² storage area 	The proposal has been assessed against the relevant objectives and considered satisfactory.	Yes
4.12 Site Facilities		
<ul style="list-style-type: none"> Letterboxes in an accessible location Air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback 	The proposal has been assessed against the relevant objectives and considered satisfactory and is capable of complying.	Yes
4.13 Fire Brigade Servicing		
<ul style="list-style-type: none"> All dwellings located within 60m of a fire hydrant 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>Street Hydrant located in road reserve adjacent to no.48 Balfour Road.</p>	Yes

<p><u>4.14 Services</u></p> <ul style="list-style-type: none"> • <i>Encourage early consideration of servicing requirements</i> 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>Services are available.</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p> <ul style="list-style-type: none"> • <i>Must minimise built intrusions into coastal landscape</i> • <i>Retain views to the ocean from roads and public spaces</i> • <i>Maintain buildings consistent with coastal character</i> 	<p>The subject site is not located within 10m of a clifftop and/or beach.</p>	<p>n/a</p>
<p><u>Clause 4.16 View Sharing</u></p> <ul style="list-style-type: none"> • <i>Is impact of view loss acceptable?</i> • <i>Tenacity Consulting v Waringah, Roseth, SC (2004)</i> 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.17. Retaining walls</u></p> <ul style="list-style-type: none"> • <i>To ensure well designed retaining walls that are structurally sound</i> 	<p>Variation request submitted with application. Variation assessment considered to meet relevant objectives and considered satisfactory.</p> <p>Refer to above table for assessment of proposed variation in accordance with cl.8 of Chapter A1.</p> <p>Condition imposed.</p>	<p>Yes (Variation)</p>
<p><u>4.18 Swimming pools and spas</u></p> <ul style="list-style-type: none"> • <i>To ensure relevant safety standards meet user's needs.</i> • <i>To ensure site and design maintain the amenity of the area</i> 	<p>No swimming pool and/or spa are proposed.</p>	<p>n/a</p>
<p><u>4.19 Development near railway corridors and major roads</u></p> <ul style="list-style-type: none"> • <i>Ensure development near rail corridors and major roads are protected from vibration</i> • <i>Ensure development does not affect operations or safety</i> • <i>Comply with SEPP Infrastructure.</i> 	<p>The subject site is not located adjacent to a railway corridor and/or a major road.</p>	<p>n/a</p>

CHAPTER D1: CHARACTER STATEMENTS

Clause 3.13 – Austinmer

The desired future character of Austinmer is to retain its low density leafy seaside character and any new residential development should not dominate the scenic environmental quality of the coastal strip and forested escarpment. Dwellings should be generally one to two storeys in height and be designed to retain the natural attributes of the immediate locality.

It is considered that the design of the proposed development meets the desired future character of Austinmer.

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

One (1) car parking space has been provided within the existing detached single car garage. No changes are proposed to the existing vehicle crossover and/or driveway grades to the existing garage. Although the proposed development technically requires two (2) car parking spaces under Clause 4.10 of Chapter B1 of Council's DCP2009, it is considered that due to the significant site constraints it would be unreasonable for Council to impose the construction of a second car parking space on the heavily constrained site. The proposal has been assessed against the relevant objectives and considered satisfactory.

The subject site currently has lawful vehicle access to the existing garage via a *(A) Right of Way appurtenant to the subject property – Dealing G878572*.

CHAPTER E6: LANDSCAPING

An Arboricultural Impact Assessment Report was submitted to Council as part of the Integrated Development Application by Moore Trees dated 11 February 2019. The application was referred to Council's Landscape Officer to review the submitted Arboricultural Impact Assessment Report and proposed development. The referral was satisfactory and conditions were recommended to be imposed on the development consent.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been submitted. The proposal has been assessed against the relevant objectives and considered satisfactory. Conditions have been imposed on the development consent in regards to waste management and asbestos removal.

CHAPTER E12: GEOTECHNICAL ASSESSMENT

The site is identified as 'unstable land'. A Geotech Report has been provided by a suitably qualified engineer which identifies the site as Moderate risk. The Integrated Development Application was referred to Council's Geotechnical Engineer who advised that the report and letter provided by Douglas Partners gives a good description of site conditions and their recommendations are appropriate for the proposed development. A condition has been imposed on the development consent as recommended by Council's Geotech Engineer.

CHAPTER E13 FLOODPLAIN MANAGEMENT

Council's records indicate that the property is flood affected – Uncategorised Flood Risk Precinct. Council does not have a flood study for the catchment. A Flood Study was provided by the applicant for the proposed development and has been reviewed by Council's Development Engineer. The proposed development has been assessed against Chapter E13 and considered satisfactory, with relevant conditions being recommended to be imposed on the development consent.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater generated from the proposed integrated development is to be connected to the existing *watercourse* which traverses through the site. The development was referred to NRAR – Water Regulator Operations. Subsequently NRAR – Water Regulatory Operations have given General

Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000*.

The proposed development was also referred to Council's Development Engineer who have recommended conditions be imposed on the development consent in relation to stormwater disposal.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

An Arboricultural Impact Assessment Report was submitted to Council as part of the Integrated Development Application by Moore Trees dated 11 February 2019. The application was referred to Council's Landscape Officer to review the submitted Arboricultural Impact Assessment Report and proposed development. The referral was satisfactory and conditions were recommended to be imposed on the development consent.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

Demolition of the existing dwelling is proposed. A demolition work plan is not required by Section 5.1 of Chapter E21. Conditions have been imposed on the development consent in regards to demolition and asbestos removal.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions in relation to soil and erosion control have been imposed on the development consent.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2018)

The proposal has been assessed against this plan and a contribution fee of \$8,500.00 applies to the proposal.

2.4 SECTION 4.15(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under 7.4 which affect the development.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

The application involves demolition and as such the provisions of AS 2601-2001: The Demolition of Structures applies. A condition will be attached to the consent in this regard.

The site is not located on land to which a Government Coastal Policy applies.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

2.6 SECTION 4.15 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

None applicable.

2.7 SECTION 4.15 1(B) THE LIKELY IMPACTS OF DEVELOPMENT

<u>Context and Setting:</u> The proposed development is located within a low density residential area and is not inconsistent with the surrounding context and setting.
<u>Access, Transport and Traffic:</u> Access to the site is from Balfour Road. The development is considered not to result in an adverse impact on the traffic movement and access to the site.
<u>Public Domain:</u> There will be no adverse impact on the public domain as a result of the proposed development.
<u>Utilities:</u> The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.
<u>Heritage:</u> No known heritage items will be impacted by the proposal.
<u>Other land resources:</u> The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.
<u>Water:</u> The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption.
<u>Soils:</u> There will be no adverse impacts on the soils of the subject site or surrounding area as a result of the proposed development.
<u>Air and Microclimate:</u> The proposal is not expected to have negative impacts on air or microclimate.
<u>Flora and Fauna:</u> Refer to Chapter E6 Landscaping of this report.
<u>Waste:</u> A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.
<u>Energy:</u> The proposal is not envisaged to have unreasonable energy consumption.
<u>Noise and vibration:</u> A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.
<u>Natural hazards:</u> There are no natural hazards affecting the site that would prevent the proposal.
<u>Technological hazards:</u> There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

This application does not result in opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create negative social impacts.

Economic Impact:

The proposal is not expected to create negative economic impacts.

Site Design and Internal Design:

The application does not result in departures from development standards. Four (4) variations to Chapter B1 of Council's DCP 2009 have been addressed and are considered acceptable in this instance.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding. A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The proposal is not expected to have negative cumulative impacts.

2.8 SECTION 4.15 1(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The proposed application is considered appropriate with regard to the zoning of the site and is not expected to have negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.9 SECTION 4.15 (D) SUBMISSIONS

Refer to Section 1.5 of this report.

2.10 SECTION 4.15 1(E) THE PUBLIC INTEREST

The application is not expected to have unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3. CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of WLEP 2009 and all relevant Council DCPs, Codes and Policies.

All external and internal referrals have been completed and there are no outstanding issues.

The proposed development is permitted in the R2 Low Density Residential Zone with development consent pursuant to WLEP 2009. The application request does not involve exceptions to development standards, however does propose four (4) variation requests to Chapter B1 of Council's WDCP 2009 which have been addressed in Section 2.3 of this report.

Some of the issues raised in submissions, though technically unresolved, are considered to be adequately addressed either through design or by way of conditions of consent. Any remaining issues are not considered to be sufficient to warrant refusal of the application.

It is considered that the proposed application has been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

4. RECOMMENDATION

It is recommended that approval be granted to DA-2019/151 subject to the draft conditions contained within Attachment 2.

5. ATTACHMENTS

1. Architectural Plans
2. Draft Conditions
3. Natural Resource Access Regulator – Water Regulatory Operations; General Terms of Approval (GTA)

NOTE:
ALL NEW WORKS TO REMAIN IN THE CONFINES OF THE
SUBJECT SITE.

NOTE:
ALL NEW WORKS TO BE CONSTRUCTED IN ACCORDANCE
WITH THE BUILDING CODE OF AUSTRALIA.

NOTE:
ALL NEW WORKS TO BE CONNECTED INTO THE EXISTING
STORM WATER SYSTEM CURRENTLY ON SITE.

NOTE:
PLANS TO BE READ IN ACCORDANCE WITH BASIX
CERTIFICATE 988385S

NOTE:
PLANS TO BE READ IN ACCORDANCE WITH
ABORICULTURAL DEVELOPMENT ASSESSMENT REPORT
PREPARED BY MOORE TREES DATED - SEP 2018.

NOTE:
PLANS TO BE READ IN ACCORDANCE WITH FLOOD RISK
REPORT PREPARED BY ROYAL HASKONING DHV DATED -
SEP 2018.

NOTE:
PLANS TO BE READ IN ACCORDANCE WITH
GEOTECHNICAL REPORT PREPARED BY DOUGLAS
PARTNERS DATED - SEP 2018.

NOTE:
PLANS TO BE READ IN ACCORDANCE WITH PRE-DA
PRE-LODGEEMENT NOTES PL2018/185 PREPARED BY
WOLLONGONG CITY COUNCIL DATED - 17 OCT 2018.

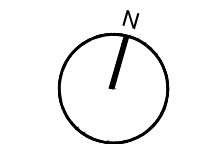
COPYRIGHT
COPYRIGHT OF THIS DRAWING & THE DESIGNS EXECUTED THEREON ARE
THE PROPERTY OF DTAYLOR DESIGN AND SHALL NOT BE REPRODUCED
IN PART OR WHOLE WITHOUT WRITTEN CONSENT.

GENERAL
G1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL
ACCOMPANYING CONSULTANTS DRAWINGS AND SPECIFICATIONS AND
SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE
COURSE OF THE CONTRACT.
G2. ALL DISCREPANCIES SHALL BE REFERRED TO DTAYLOR DESIGN TO
BE RESOLVED BEFORE WORK PROCEEDS.
G3. DIMENSIONS SHALL NOT BE OBTAINED BY SCALING FROM THE
ARCHITECTURAL DRAWINGS.
G4. ALL SET OUT DIMENSIONS AND LEVELS TO BE VERIFIED BY BUILDER
AND OR SURVEYOR ON SITE BEFORE THE COMMENCEMENT OF WORK.
G5. ALL WORKS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE
BUILDING CODE OF AUSTRALIA AND RELEVANT AUSTRALIAN STANDARDS.
G6. PRIOR TO AND DURING CONSTRUCTION THE BUILDER SHALL
PROVIDE ADEQUATE PROTECTION OF NEIGHBOURING STRUCTURE,
EXISTING SERVICES AND GENERAL SITE SURROUNDS.
G7. DTAYLOR DESIGN ACCEPTS NO RESPONSIBILITY TO ANY VARIATION
TO THE DESIGN WITHOUT FIRSTLY PROVIDING CONSENT.

CONSTRUCTION MANAGEMENT LEGEND

- 1 SITE ENTRY / SITE ACCESS
- 2 SITE FENCING & CONSTRUCTION SIGNAGE
- 3 LOADING AND UNLOADING MATERIALS
- 4 SEDIMENT CONTROL FENCING
- 5 ON SITE MATERIAL STORAGE
- 6 WASTE STORAGE & COLLECTION POINT

L1, 269 LAWRENCE
HARGRAVE DR, THIRROUL



PROPOSED NEW RESIDENCE

44 BALFOUR RD,
AUSTINMER, NSW

DATE: APRIL 2018
PROJECT NO. 1017

REVISION	DATE
1 DA ISSUE	JAN 2019
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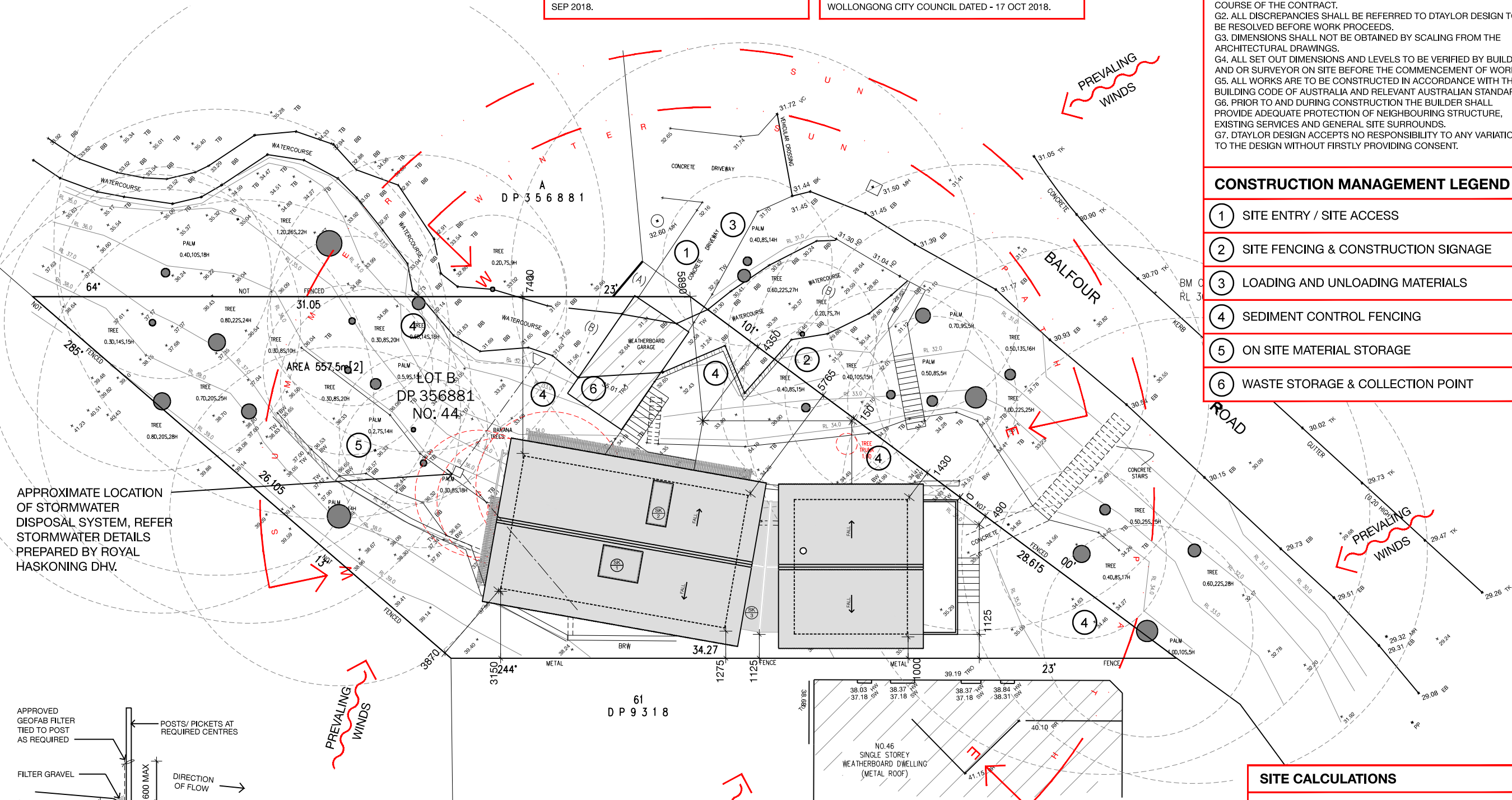
DEVELOPMENT APPLICATION

SITE PLAN / ROOF PLAN / CONS. MAN. PLAN

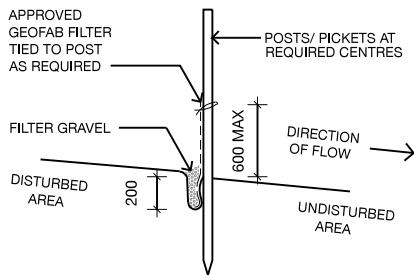
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DRAWN BY: DT



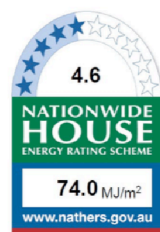
APPROXIMATE LOCATION
OF STORMWATER
DISPOSAL SYSTEM, REFER
STORMWATER DETAILS
PREPARED BY ROYAL
HASKONING DHV.



SEDIMENT CONTROL FENCE

NOTE:
SEDIMENT CONTROL FENCE TO BE INSTALLED PRIOR TO
THE COMMENCEMENT OF ANY ON SITE WORKS & MAINTAINED
ACCORDINGLY THROUGHOUT CONSTRUCTION

Certificate no.: 0003528080
Assessor Name: Sian Fishwick
Accreditation no.: VIC/BDV/18/1856
Certificate date: 09 Jan 2019
Dwelling Address: 44 Balfour Road
Austinmer, NSW 2515



SITE PLAN / ROOF PLAN / CONSTRUCTION MANAGEMENT PLAN

SCALE 1:200

BASIX CERTIFICATE No. 988385S

Rainwater Tank

The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

Floor & Wall Construction

floor - suspended floor/open subfloor

Energy Commitments

Hot Water

The applicant must install the following hot water system in the development, or a system with a higher energy rating: electric heat pump with a performance of 36 to 40 STCs or better.

Natural Lighting

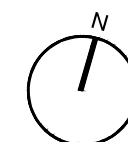
The applicant must install a window and/or skylight in 1 bathroom(s)/toilet(s) in the development for natural lighting.

Windows & glazed doors

The applicant must install the windows, glazed doors and shading devices, in accordance with the specifications listed in the NatHers Certificate no. 0003528080

SITE CALCULATIONS

SITE AREA	= 557.5m ²
<u>PROPOSED FSR</u>	
GROUND FLOOR AREA	= 113.2m ²
FIRST FLOOR AREA	= 63.9m ²
TOTAL PROPOSED FLOOR AREA	= 177.1m ²
PROPOSED FSR	= 0.317 : 1
<u>PROPOSED LANDSCAPE AREA</u>	
LANDSCAPED AREA	= 309.6 m ² or 55.53%
<u>PARKING</u>	
GARAGED PARKING SPACES	= 1



44 BALFOUR RD,
AUSTINMER, NSW

REVISION	DATE
1 DA ISSUE	JAN 2019

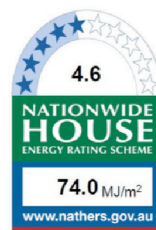
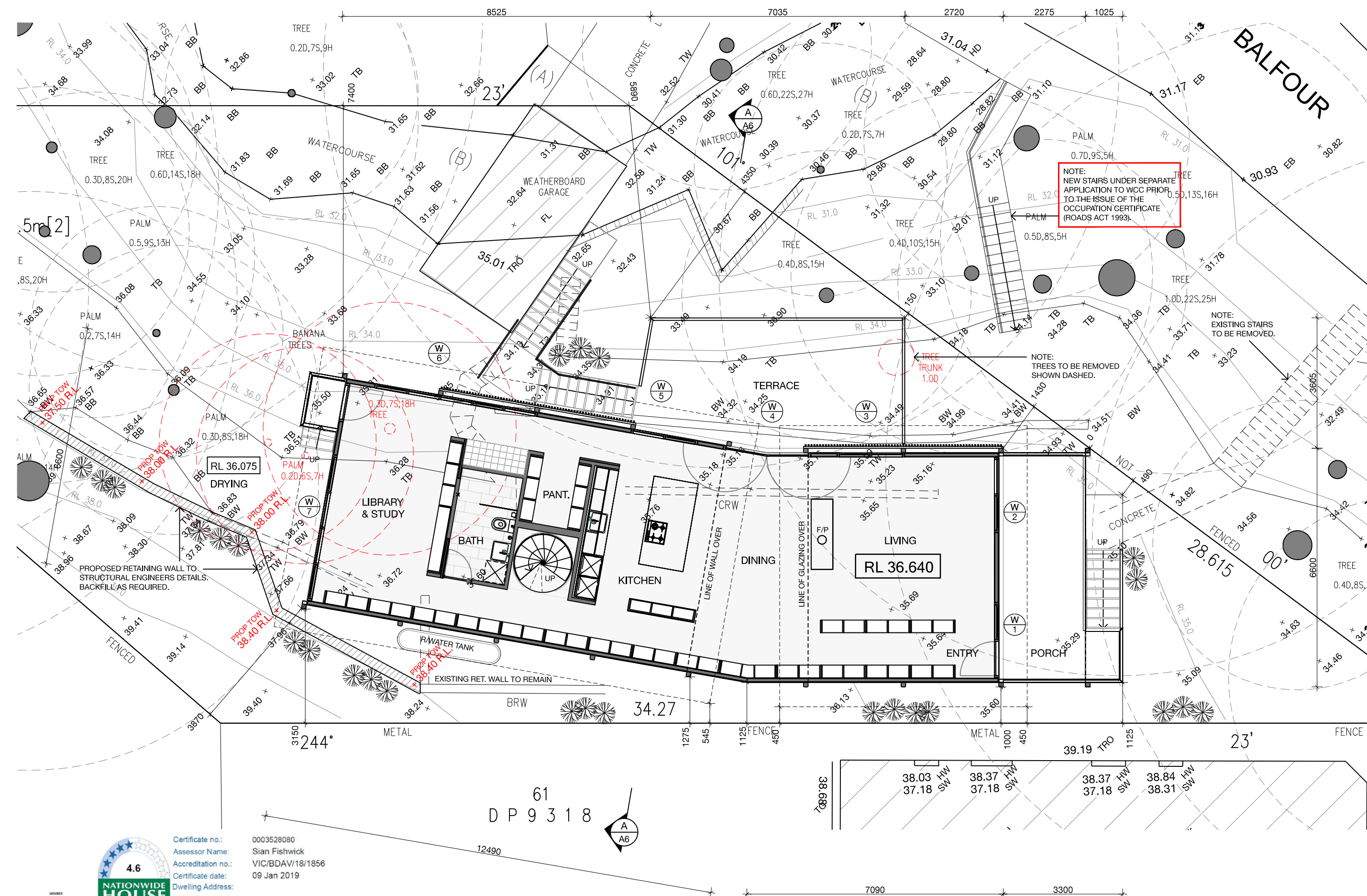
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DEVELOPMENT APPLICATION

SCALE: 1:100

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Certificate no.: 0003528080
Assessor Name: Sian Fishwick
Accreditation no.: VIC/BD/AV/18/1856
Certificate date: 09 Jan 2019



MEMBER



Building Designers
Association Victoria



4.6
NATIONWIDE
HOUSE
ENERGY RATING SCHEME
74.0 MJ/m²
www.nathers.gov.au

Certificate no.:
Assessor Name:
Accreditation no.:
Certificate date:
Dwelling Address:
44 Balfour Road
Austinmer, NSW
2515
www.nathers.gov.au

0003528080
Sian Fishwick
VIC/BDV/18/1856
09 Jan 2019



dtaylor
design

E - dane@dtaylor.design.net W - dtaylor.design.net

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PROJECT
**PROPOSED
NEW
RESIDENCE**

44 BALFOUR RD,
AUSTINMER, NSW

DATE: APRIL 2018
PROJECT NO. 1017

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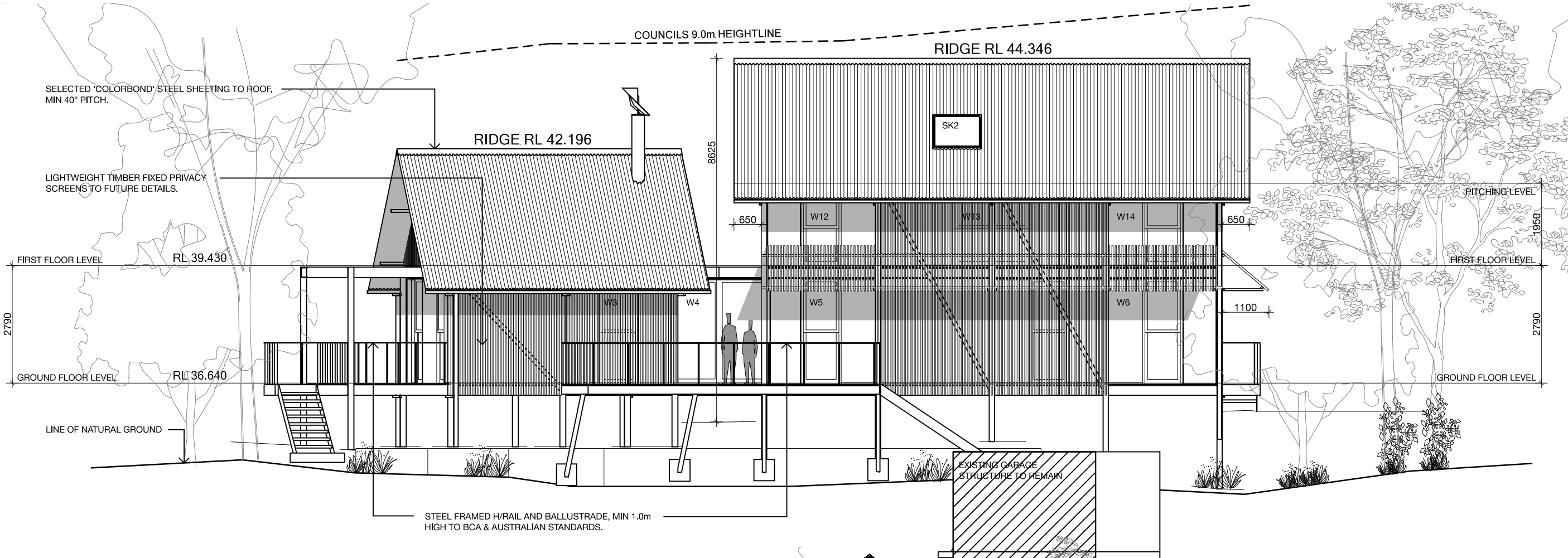
DEVELOPMENT APPLICATION

**FIRST
FLOOR PLAN**

SCALE: 1:100

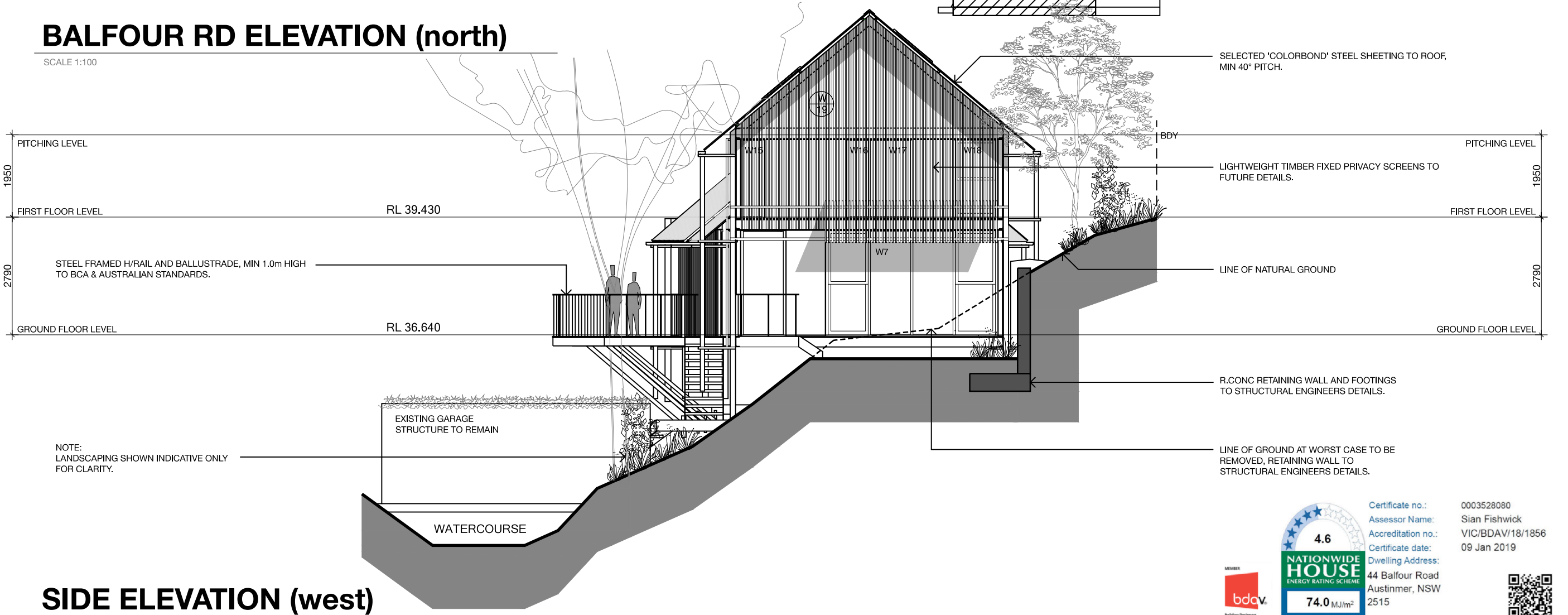
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DRAWN BY: DT



BALFOUR RD ELEVATION (north)

SCALE 1:100



SIDE ELEVATION (west)

SCALE 1:100

**dtaylor
design**

E - dane@dtaylor design.net W - dtaylor design.net

L1, 269 LAWRENCE
HARGRAVE DR, THIRROUL

© 2018

PROJECT

**PROPOSED
NEW
RESIDENCE**

44 BALFOUR RD,
AUSTINMER, NSW

DATE: APRIL 2018
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DEVELOPMENT APPLICATION

ELEVATIONS

SCALE: 1:100

MEMBER

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Building Designers
Association Victoria

4.6

**NATIONWIDE
HOUSE**

ENERGY RATING SCHEME

74.0 MJ/m²

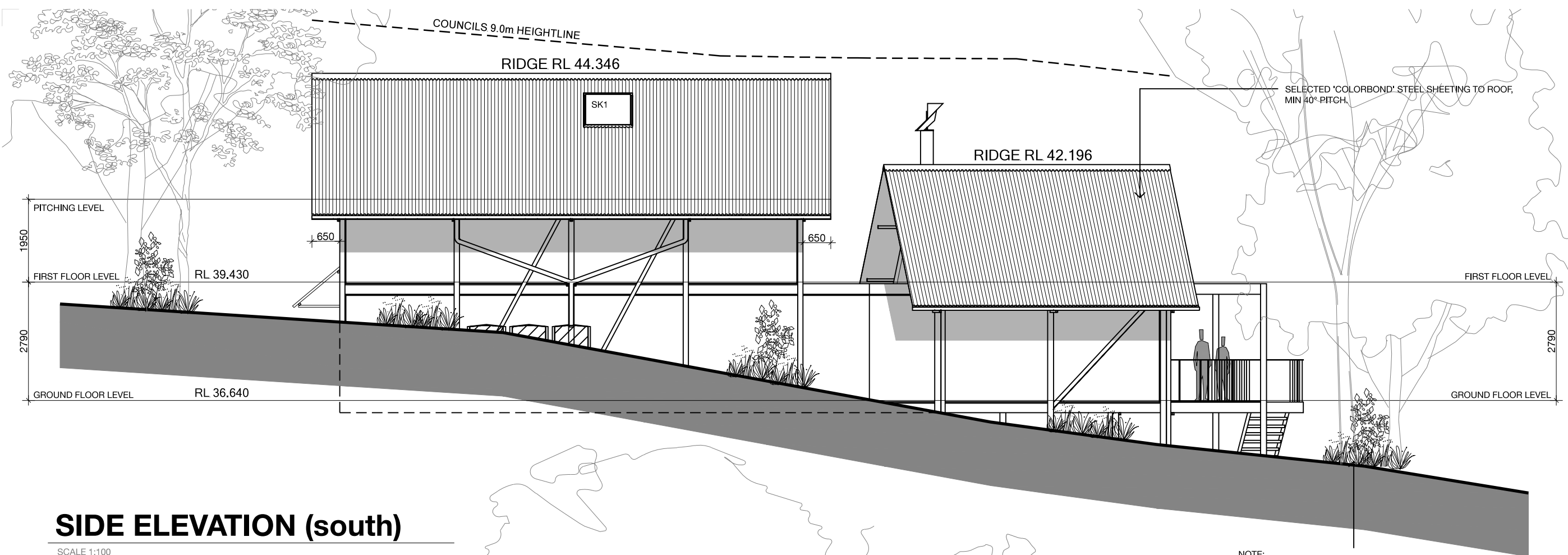
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Certificate no.: 0003528080
Assessor Name: Sian Fishwick
Accreditation no.: VIC/BDAV/18/1856
Certificate date: 09 Jan 2019
Dwelling Address: 44 Balfour Road
Austinmer, NSW 2515

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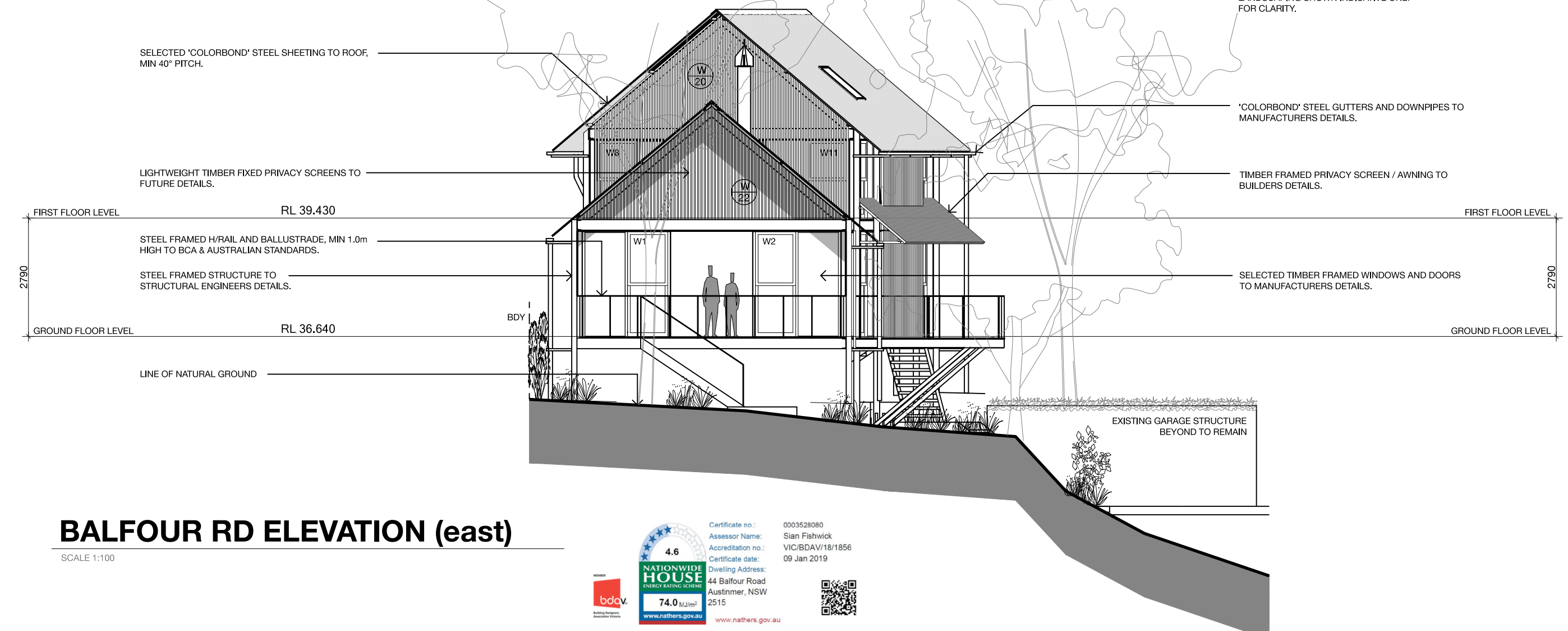
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A4.1



SIDE ELEVATION (south)

SCALE 1:100



BALFOUR RD ELEVATION (east)

SCALE 1:100

4.6
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PROJECT
**PROPOSED
NEW
RESIDENCE**

44 BALFOUR RD,
AUSTINMER, NSW

DATE:	APRIL 2018
PROJECT NO.	1017

REVISION	DATE
1 DA ISSUE	JAN 2019
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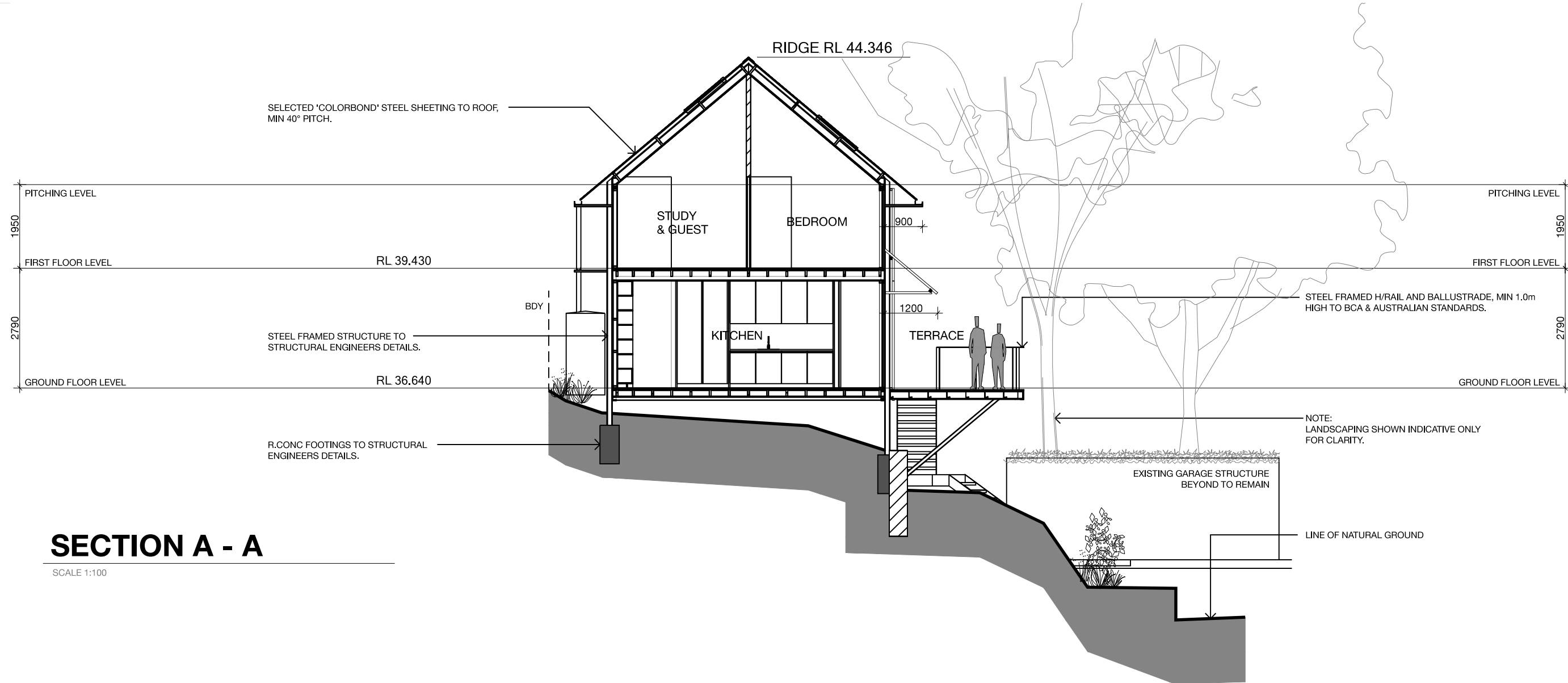
DEVELOPMENT APPLICATION

ELEVATIONS

SCALE: 1:100

A5.1

DRAWN BY: DT



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DEVELOPMENT APPLICATION

SECTION A-A
COLOURS &
MATERIALS

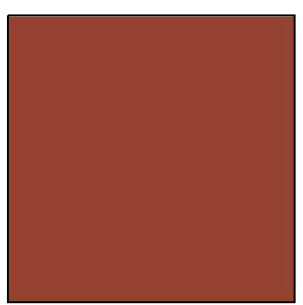
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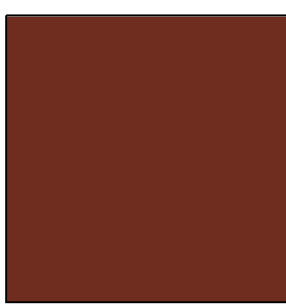
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COLOURS & MATERIALS

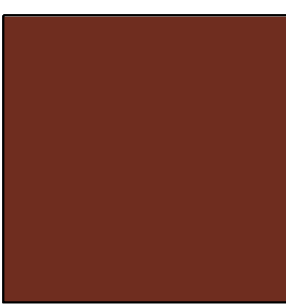
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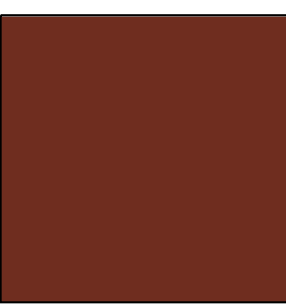
EXTERNAL CLADDING
Resene 'Dawnbreaker'



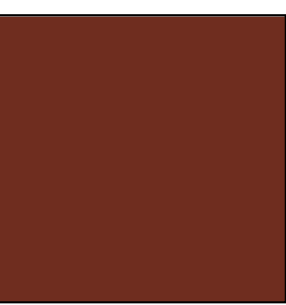
ROOF SHEETING
Resene 'Red Planet'



WINDOW AND DOOR FRAMES
Resene 'Red Planet'



BALLUSTRADES
Resene 'Red Planet'



TIMBER SCREENS
Resene 'Red Planet'



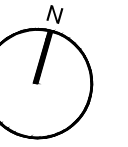
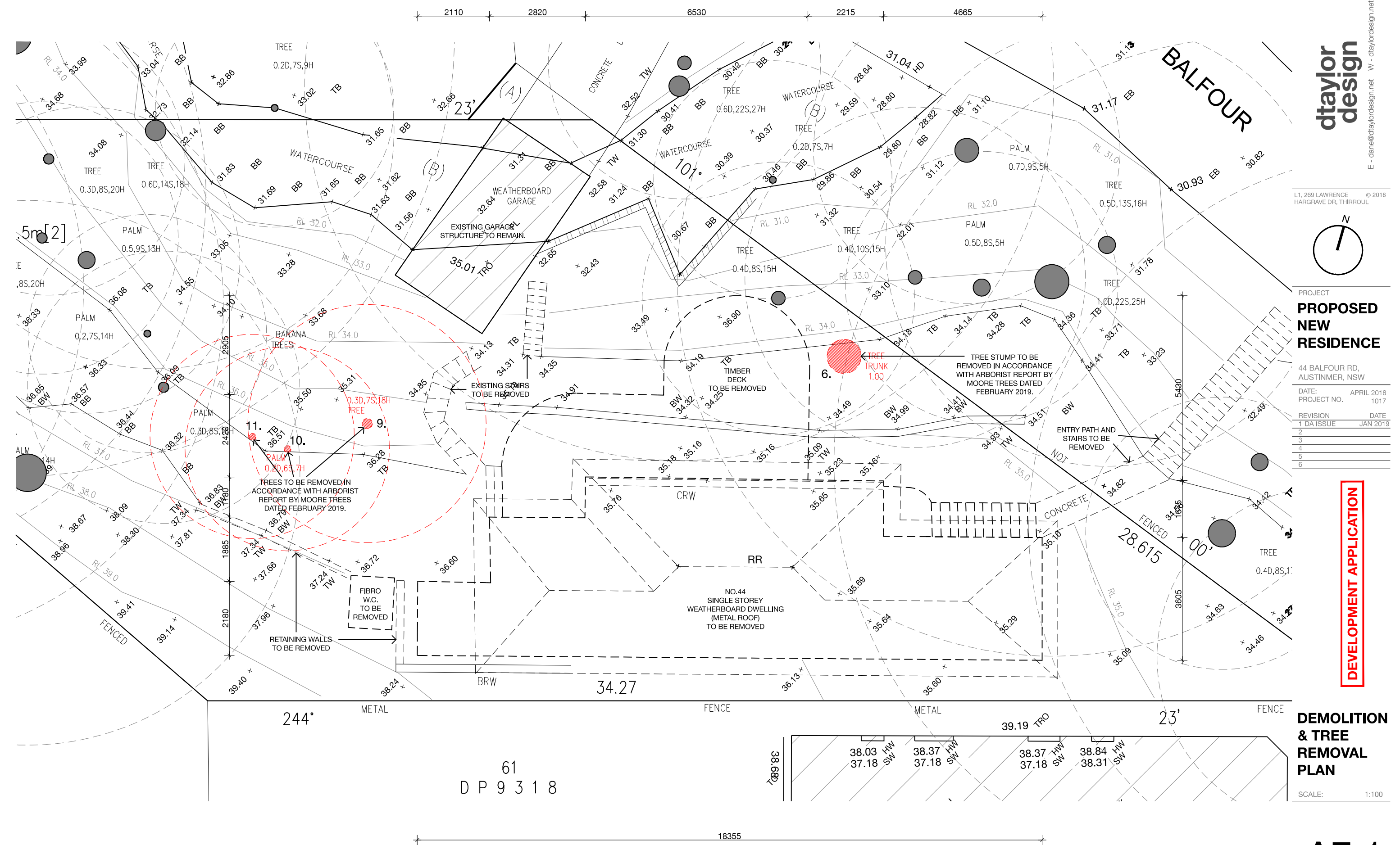
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PROJECT PROPOSED NEW RESIDENCE

44 BALFOUR RD,
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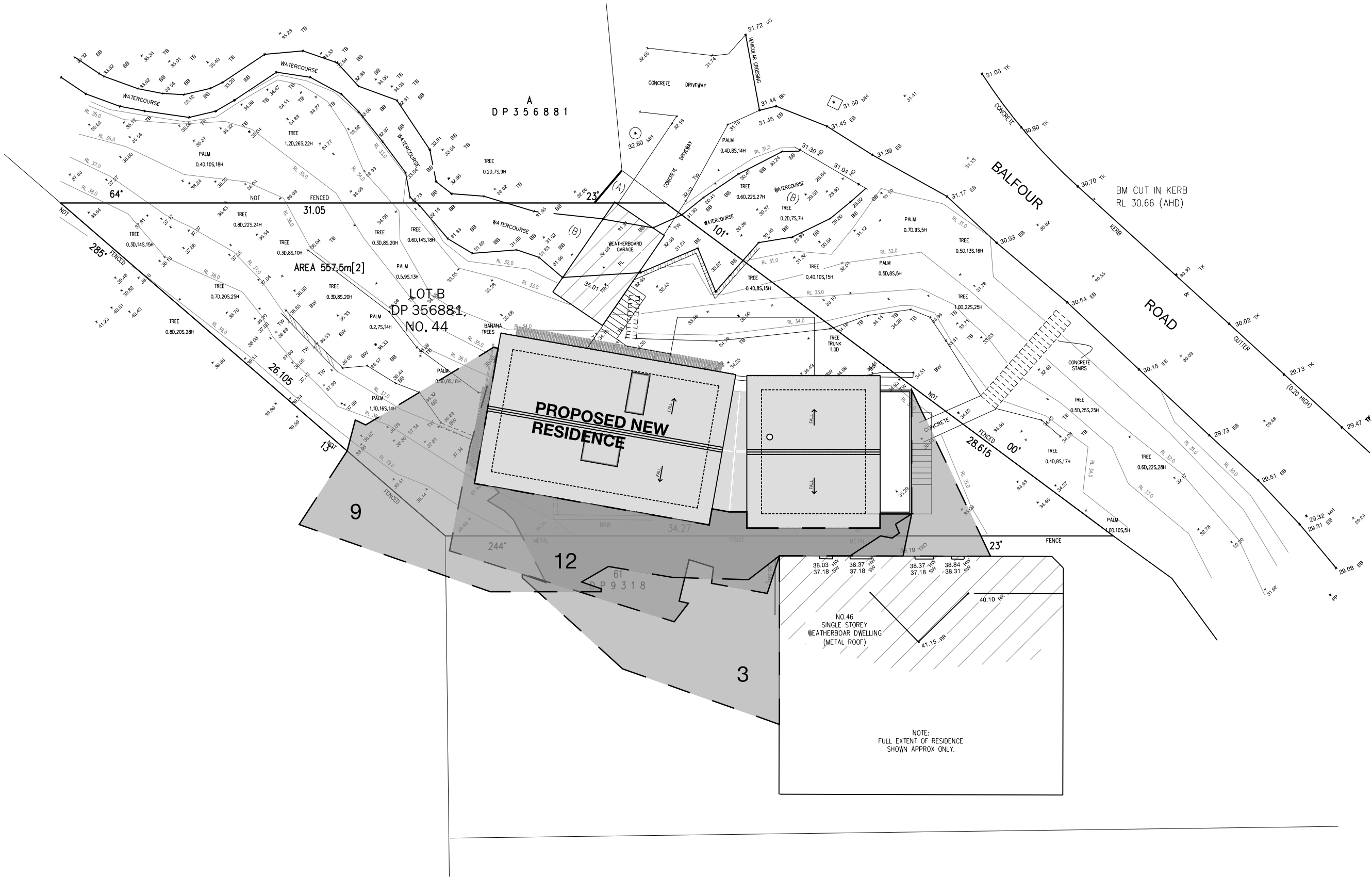
DEVELOPMENT I APPLICATION

DEMOLITION & TREE REMOVAL PLAN

SCALE: 1:100

MID-WINTER (JUNE 21st)

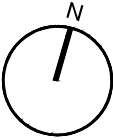
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PROJECT
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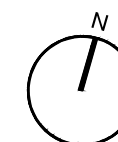
DEVELOPMENT APPLICATION

**SHADOW
ANALYSIS**

SCALE: 1:200

A8.1

DRAWN BY: DT



44 BALFOUR RD,
AUSTINMER, NSW

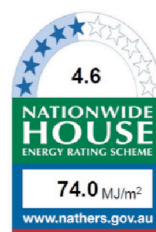
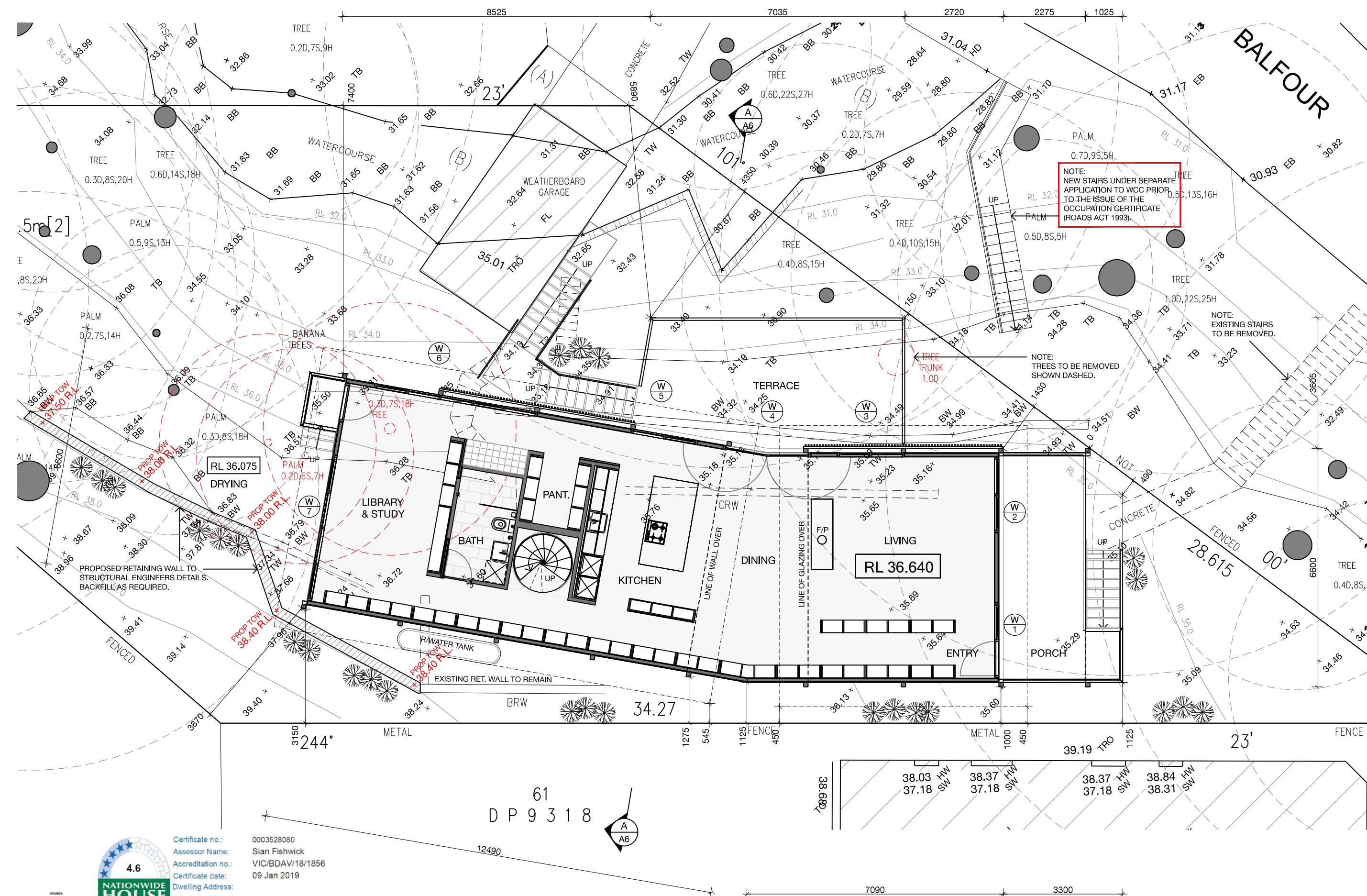
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DEVELOPMENT APPLICATION

SCALE: 1:100

A2.1

DRAWN BY: DT



Certificate no.: 0003528080
Assessor Name: Sian Fishwick
Accreditation no.: VIC/BD/AV/18/1856
Certificate date: 09 Jan 2019



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4.6
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Certificate no.:
Assessor Name:
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0003528080
Sian Fishwick
VIC/BDV/18/1856
09 Jan 2019



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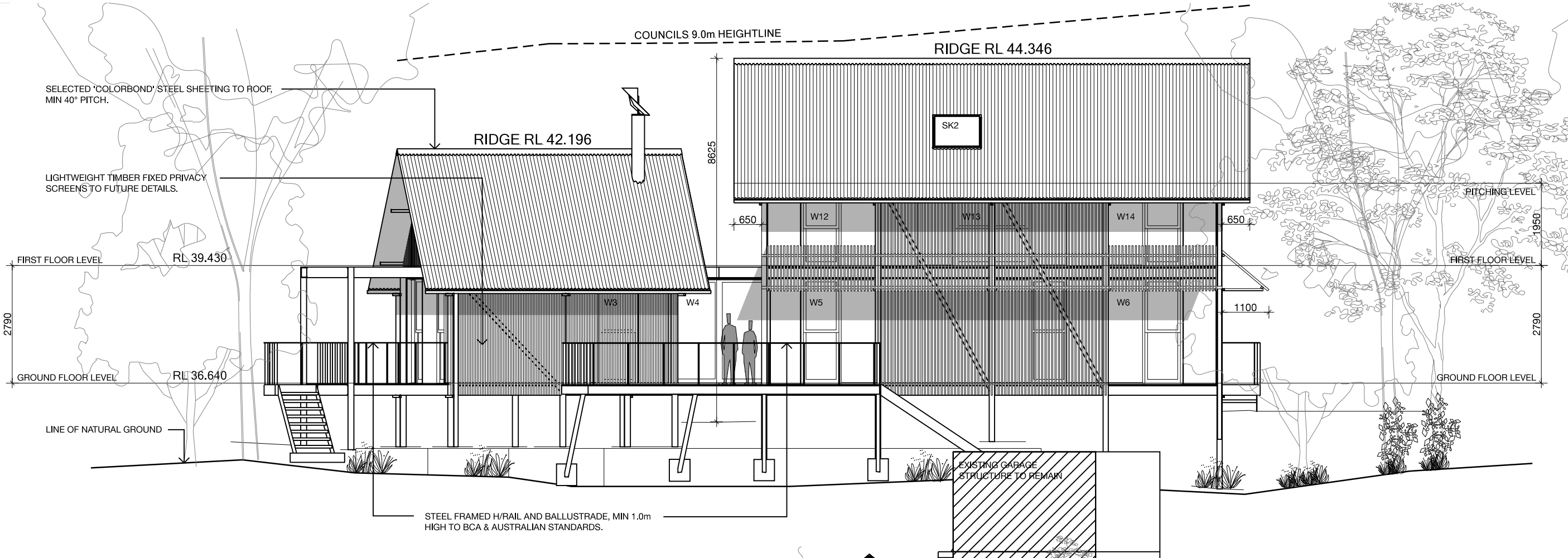
DEVELOPMENT APPLICATION

**FIRST
FLOOR PLAN**

SCALE: 1:100

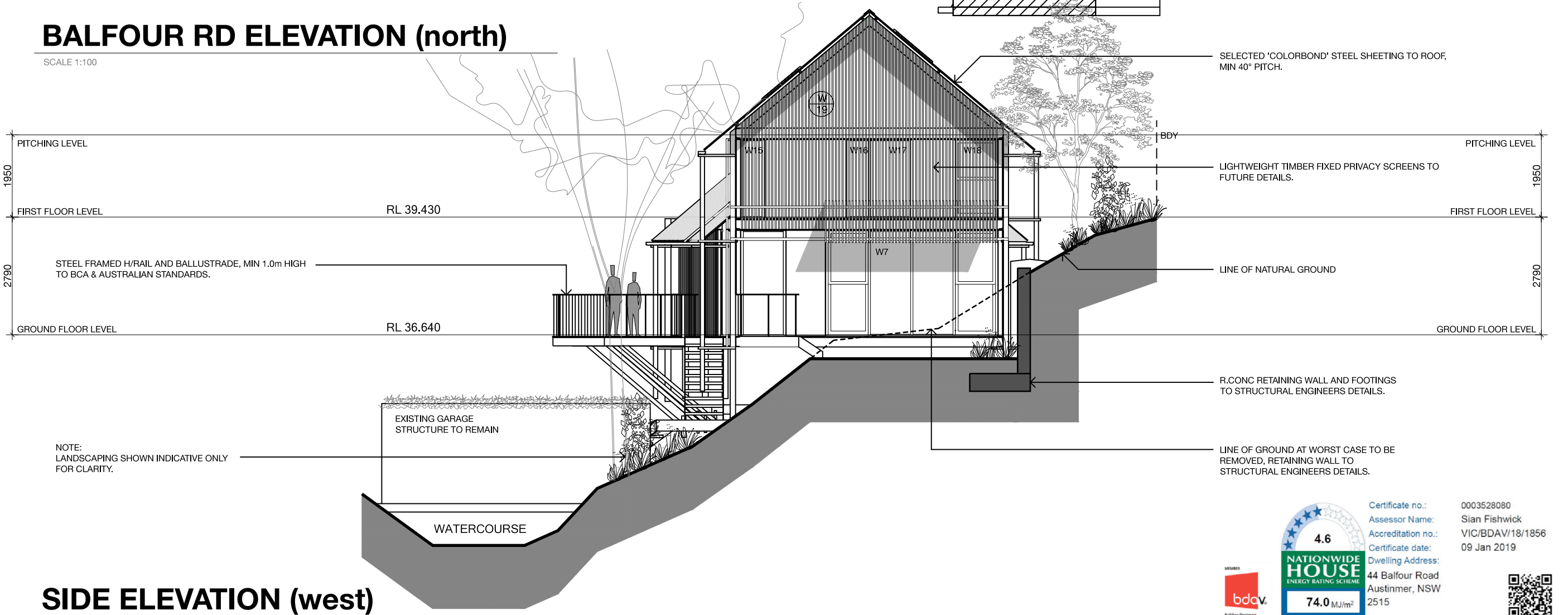
A3.1

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BALFOUR RD ELEVATION (north)

SCALE 1:100



SIDE ELEVATION (west)

SCALE 1:100

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DEVELOPMENT APPLICATION

ELEVATIONS

SCALE: 1:100

MEMBER

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4.6

**NATIONWIDE
HOUSE**

ENERGY RATING SCHEME

74.0 MJ/m²

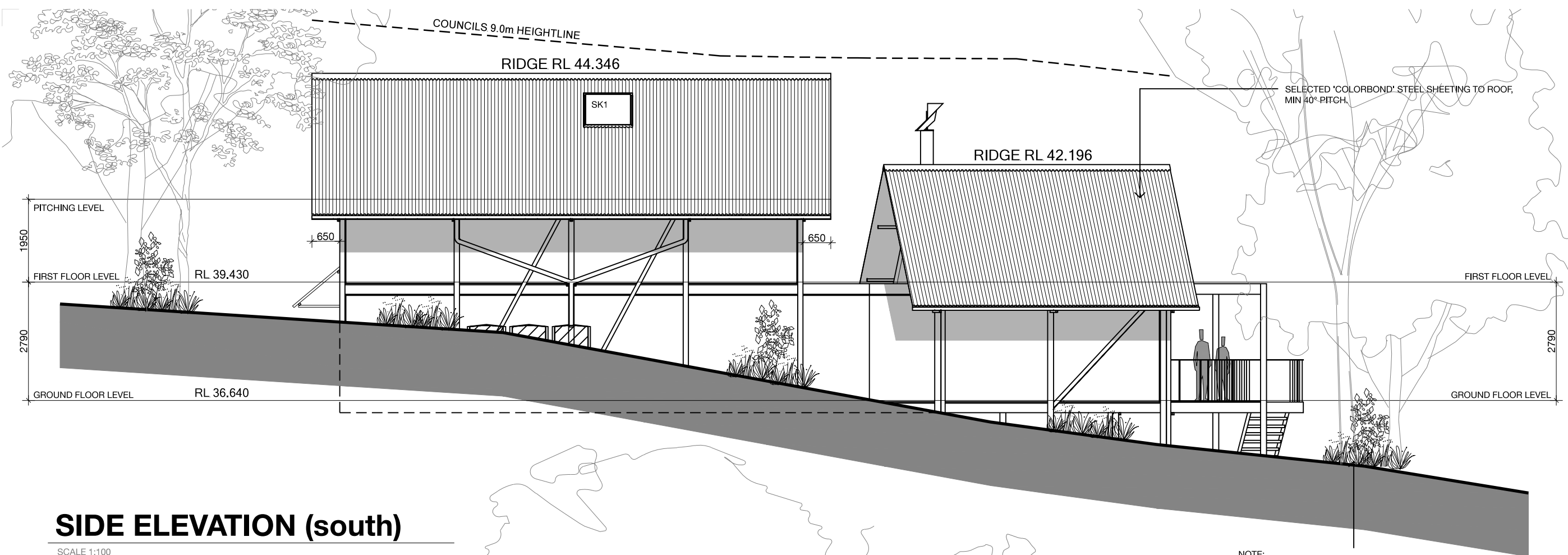
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Dwelling Address: 44 Balfour Road
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A4.1



SIDE ELEVATION (south)

SCALE 1:100



BALFOUR RD ELEVATION (east)

SCALE 1:100

4.6
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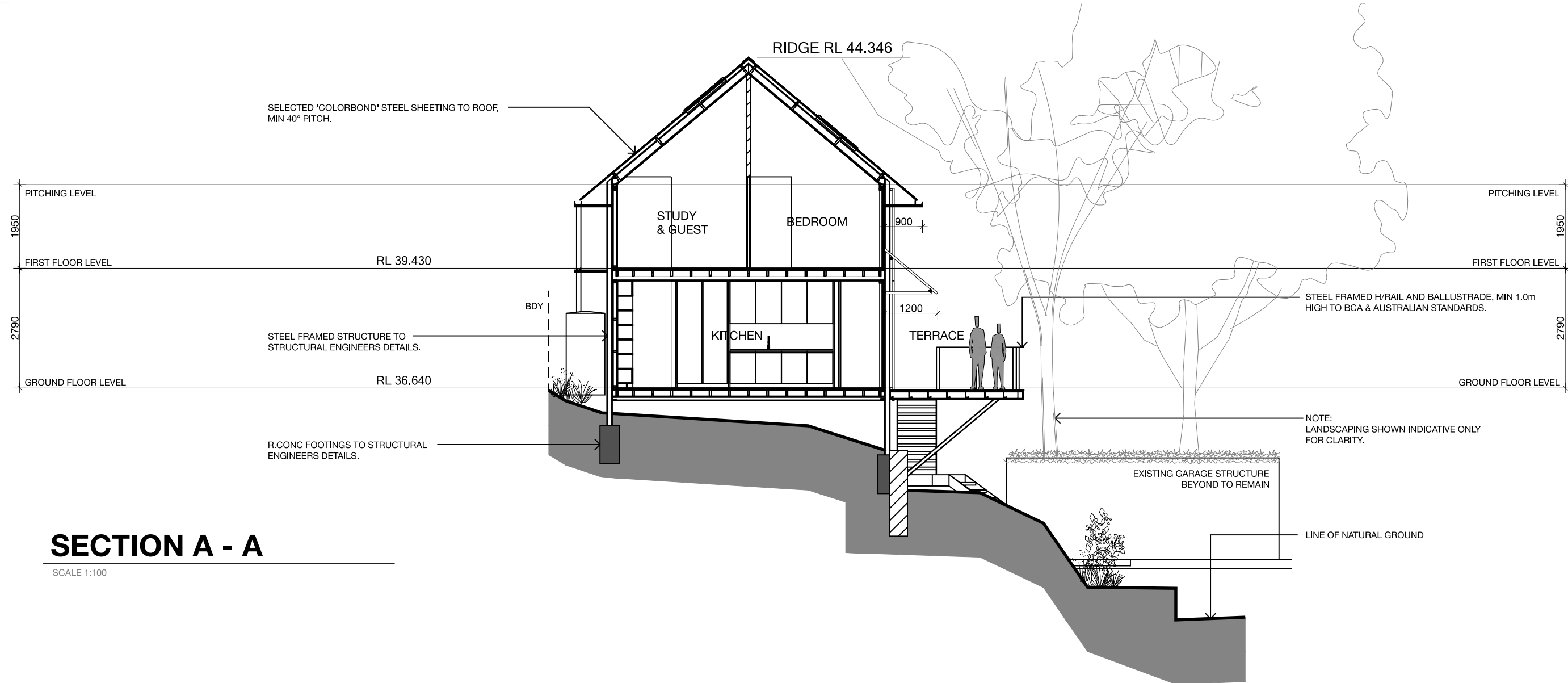
DEVELOPMENT APPLICATION

ELEVATIONS

SCALE: 1:100

A5.1

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DEVELOPMENT APPLICATION

SECTION A-A
COLOURS &
MATERIALS

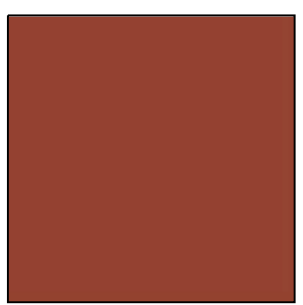
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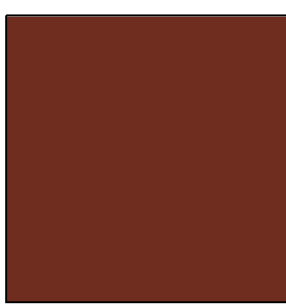
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COLOURS & MATERIALS

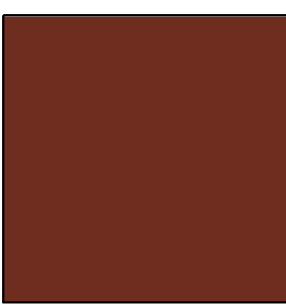
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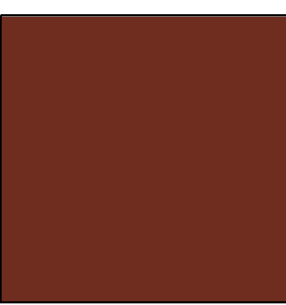
EXTERNAL CLADDING
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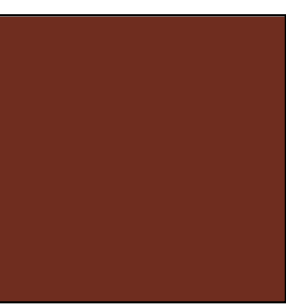
ROOF SHEETING
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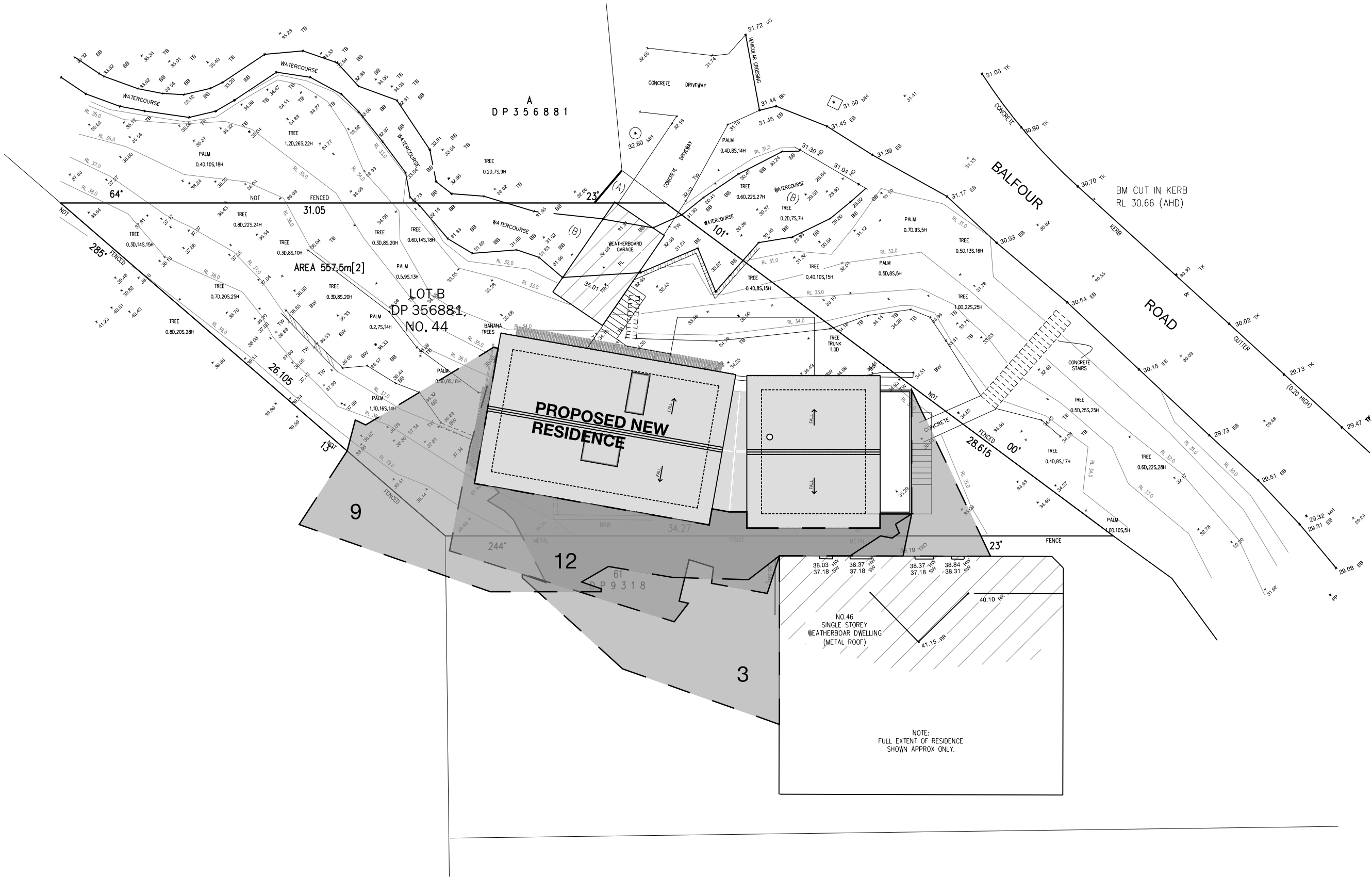
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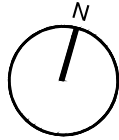
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DEVELOPMENT APPLICATION

**SHADOW
ANALYSIS**

SCALE: 1:200

A8.1

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ATTACHMENT 2 – DRAFT CONDITIONS

Consent has been granted subject to the following conditions:

The development proposed is integrated development and approval is required from the approval bodies listed below:

- **Approval under Part 3 Section 91 of the Water Management Act 2000 – Controlled Activity Approval from NSW Natural Resources Access Regulator.**

Conditions imposed by Council as part of this Integrated Development Consent are:

Approved Plans and Specifications

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on Drawing No. A1.1, A2.1, A3.1, A4.1, A5.1, A6.1 & A7.1 dated January 2019 prepared by DTaylor Design and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2) **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3) **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The certifying authority must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4) **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 5) **Tree Management**
The developer shall retain existing trees indicated on Demolition and Tree Removal Plan by dtaylor design Dwg. No. A7.1 dated Jan 19 consisting of tree numbered 1, 2, 3, 4, 5, 7 and 8. Total number: seven (7 No.)

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

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

Recommendations in arborist's report dated Feb 2019 by Moore Trees Author Paul Vezgoff to be implemented including and not restricted to: protection of root zones of trees 1, 2 3 and 4, stem protection to trees 7 & 8, project arborist being present during work within Structural Root

Zone (SRZ) and supervising work within Tree Protection Zones (TPZ), site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid Tree Protection Zones (TPZ), hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, establishing TPZs, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall transplant tree numbered 10 and 11. Total number: two (2 No.) to an appropriate location on site by an experienced and qualified contractor.

The developer shall remove existing trees numbered 6 and 9. Total number: two (2 No.) No other trees shall be removed without prior written approval of Council.

6) **Siting of Development within Property Boundaries**

The proposed development must be wholly contained within the property boundaries.

7) **Height Restriction**

The development shall be restricted to a maximum height of 9 metres from the existing ground level.

8) **Geotechnical**

- a) All work is to be in accordance with the geotechnical recommendations contained in the report dated 14 September 2018 and supplementary letter dated 19 February 2019 by Douglas Partners and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b) All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- c) Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- d) Following demolition of the existing dwelling, supplementary geotechnical advice is required to recommend appropriate foundation systems for the proposed development. The structural designs are then to be completed or modified in accordance with this advice.
- e) Foundation systems are to be designed for Class P soils with all footings including retaining walls to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- f) All stormwater and wastewater is to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.
- g) All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Prior to the Issue of the Construction Certificate

9) **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Certifying Authority must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

10) **Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.

11) **Siting of Development and Geotechnical Certification**

The Nominated Creek Setback must be reviewed by a suitably qualified Geotechnical engineer based on the Flood Risk Report, Job no. PA1521, Revision Final, dated July 2019 by Royal Haskoning DHV, the proposed dwelling (other than ancillary structures such as decks and stairs)

must be located outside the revised Nominated Creek Setback extent identified and all recommendations of the Geotechnical Report, job no. 89451.02, Revision 0, dated 05/06/2019 prepared by Douglas Partners must be reflected on construction certificate plans and documentation. Construction certificate plans must clearly demonstrate the above and certification must be provided from a suitably qualified Geotechnical engineer that the offset requirements and Geotechnical Recommendations have been addressed prior to the release of the Construction Certificate.

12) Design in Accordance with Flood Study

The detailed design of the development (incl. earthworks, pavement, bridges, finished surface levels, and surface treatment, etc) shall be generally in accordance with the Flood Study and Flood Risk Report, Job no. PA1521, Revision Final, dated July 2019 by Royal Haskoning DHV. This requirement shall be reflected on the Construction Certificate plans and certified by a suitably qualified civil engineer prior to the release of the Construction Certificate.

13) Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a. A plan of the wall showing location and proximity to property boundaries;
- b. An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c. Details of fencing or handrails to be erected on top of the wall;
- d. Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e. The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f. The assumed loading used by the engineer for the wall design.
- g. Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

14) Stormwater Drainage Design

A detailed drainage design for the development must be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a. Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, being the Stormwater Concept Plan and Section, Job no. PA1521-RHD, Drawing no. 0001, Revision no. C, by Royal Haskoning DHV, dated 06/02/2019
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to natural watercourse.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on

the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

15) Flood Level Requirements

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a Any portion of the building or structure below the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.5 metres freeboard should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.
- b The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.5 metres freeboard.

16) Site Filling

No wholesale filling of the site within the floodplain is permitted. This requirement shall be reflected on the Construction Certificate plans.

17) Scour Protection

All stormwater outlets, watercourses, and surface flow paths (including swales, channels, and other dedicated overland flow paths) must be treated with appropriate scour/erosion protection measures designed in accordance with good engineering practice based on calculated 1 in 100 year ARI flow velocities.

All scour protection measures and headwall structures within the watercourse shall be designed and constructed to match existing surface levels to ensure that there will be no change in flooding behaviour. All stormwater outlets shall be orientated in the direction of natural flow of the receiving watercourse.

The outlet scour protection is to be in accordance with Guidelines for Outlet Structures prepared by the Office of Water dated July 2012. The final details of the proposed scour protection measures shall be reflected on the Construction Certificate plans.

18) No Adverse Run-off Impacts on Adjoining Properties

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off.

19) Development Contributions

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$8,500.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

The contribution amount will be subject to indexation until the date of payment. The formula for indexing the contribution is:

$$\text{Contribution at time of payment} = \$C \times (CP2/CP1)$$

Where:

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued

CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia.

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1083840	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

Prior to the Commencement of Works

20) Appointment of Principal Certifying Authority

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- b) notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

21) Residential Building Work – Compliance with the Requirements of the Home Building Act 1989

Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates

- a) in the case of work to be done by a licensee under that Act:
 - i) has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and

- ii) is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the persons name, contact address details and owner-builder permit number; and
 - ii) has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

22) **Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a) stating that unauthorised entry to the work site is not permitted;
- b) showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- c) showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

23) **Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a) a standard flushing toilet; and
- b) connected to either:
 - i) the Sydney Water Corporation Ltd sewerage system or
 - ii) an accredited sewage management facility or
 - iii) an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

24) **Structural Engineer's Details**

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifying Authority, prior to the commencement of any works on the site.

25) **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Principal Certifying Authority. No building work is to commence until the fence is erected.

26) **Demolition Works**

All demolition works shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

27) **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.

28) **Consultation with SafeWork NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

29) **Support for Neighbouring Buildings**

This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

30) **Temporary Sediment Fences**

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

31) **All-weather Access**

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

32) **Tree Protection Implementation**

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

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

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

33) **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

34) **Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)**

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RMS Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a) proposed loading and unloading of construction materials within the road reserve,
- b) proposed ingress and egress points for vehicles to/from the construction site;
- c) proposed protection of pedestrians, adjacent to the construction site;
- d) proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- e) proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- f) proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- g) proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- h) proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the NSW Roads and Maritime Service's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. – "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- i) proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- j) proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

35) **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council’s website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, 5 days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council’s standard document, “Specification for work within Council’s Road reserve”.
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

During Demolition, Excavation or Construction

36) **Survey Report for Height Levels**

A Survey Report must be submitted to the Principal Certifying Authority verifying that the Residential – dwelling house does not exceed the maximum height restriction of 9 metres from existing ground level as per the approved plans under this consent.

37) **Survey Report – Siting of Development within Property Boundaries**

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifying Authority to ensure that the proposed development is located within the property boundaries and at the approved distances from the boundary.

38) **No Adverse Run-off Impacts on Adjoining Properties**

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

39) **4.037 Copy of Consent to be in Possession of Person carrying out Tree Removal**

The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has been given approval to be removed in accordance with this consent.

40) **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifying Authority and Council. No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

41) **Site Filling**

No wholesale filling of the site within the floodplain is permitted.

- 42) **Retaining Walls**
All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V.
The proposed retaining walls, including footings and drainage lines, must be wholly contained within the property boundaries.
- 43) **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (< <http://www.safework.nsw.gov.au> >).
- 44) **Asbestos Waste Collection, Transportation and Disposal**
Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.
- 45) **Provision of Waste Receptacle**
The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.
- 46) **BASIX**
All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000.
A relevant BASIX Certificate means:
- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”
- 47) **Flood Compatible Materials – Electrical**
All power service (metering) equipment, power outlets, switches etc. shall be located above or highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.5 metres freeboard. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.5 metres freeboard should be capable of disconnection by a single plug and socket assembly.
- 48) **Fences**
Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

Prior to the Issue of the Occupation Certificate

- 49) **Geotechnical Certification Creek Setback**
Certification must be provided from a suitably qualified geotechnical engineer that the dwelling (other than ancillary structures such as decks and stairs) has been sited outside the Nominated

Creek Setback and all recommendations of the Geotechnical Report, job no. 89451.02, Revision 0, dated 05/06/2019 prepared by Douglas Partners have been undertaken. The certification and a works as executed plan (undertaken by a registered surveyor clearly identifying the nominated creek setback and dwelling) in accordance with the above must be provided to the certifier prior to the release of any occupation certificate for the development.

50) **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifying Authority.

51) **BASIX**

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

52) **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.5 metres freeboard.

53) **Flood Affectation Certification**

The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate and commencement of use. This report is required to certify that the 'as-constructed' development will not have any detrimental effects to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater run-off.

Operational Phases of the Development/Use of the Site

54) **On-Site Vehicular Parking**

Vehicles parked on site, must be parked wholly within the property boundaries at all times.



**Natural Resources
Access Regulator**

Contact: Natural Resources Access Regulator
Phone: 1800 633 362
Email: nrar.enquiries@nrar.nsw.gov.au

Our ref: IDAS1113400
Your ref: DA2019/151

27/05/2019

The General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Attention: The General Manager

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2019/151
Description: Residential – demolition of existing dwelling house and outbuilding and construction of a dwelling house and associated minor works
Location: Lot B DP356881, 44 Balfour Road AUSTINMER NSW 2515

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the

development consent and the modifications change the proposed work or activities described in the original DA.

- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



Alison Collaros
Manager Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator

Reference Number:	IDAS1113400
Issue date of GTA:	27/05/2019
Type of Approval:	Controlled Activity
Location of work/activity:	Lot B DP356881, 44 Balfour Road AUSTINMER NSW 2515
DA Number:	DA2019/151
LGA:	Wollongong City Council

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
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Design of works and structures

GT0009	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
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Erosion and sediment controls

GT0006	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.

Plans, standards and guidelines

GT0002	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
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GT0023	Rehabilitation and maintenance <i>Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).</i>
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