

Wollongong Local Planning Panel Assessment Report | 13 August 2020

WLPP No.	Item 3
DA No.	DA-2019/998
Proposal	Residential – demolition of structures on Lots 1 and A, site remediation works, realignment of stormwater pipe, Subdivision of three (3) existing lots to create four (4) Torrens title lots, construction of single dwelling on one (1) lot and dual occupancies on two (2) of the new lots and Subdivision - Torrens title of each dual occupancy into two (2) lots
Property	34-36 Hewitts Avenue Thirroul
Applicant	Hewitts Land Pty Ltd
Responsible Team	Development Assessment and Certification - City Wide Team (NA)

ADDENDUM REPORT

This report should be read in conjunction with the Council Assessing Officer's report as presented to the Wollongong Local Planning Panel on 24 March 2020 – link at **Attachment 1**.

1 BACKGROUND AND EXECUTIVE SUMMARY

Reason for consideration by Local Planning Panel

The proposal has been referred to the Wollongong Local Planning Panel **for determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is contentious development, having received 25 unique submissions to the original submission.

Background

The matter was referred to the Wollongong Local Planning Panel on 24 March 2020 for determination, having received 25 submissions. A copy of the Panel's recommendation is included at **Attachment 2**.

The Panel deferred the determination of the application, to allow the applicant an opportunity to address the issues raised by the Panel as follows:

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

1. The Panel determined that Development Application DA-2019/998 34-36 Hewitts Avenue Thirroul be deferred for the following information:

a) Revised Flood Study that addresses the issues raised at pages 9 and 10 of the Council Report.

b) Details of the form and type of encroachment adjacent unit No. 38b along the western boundary.

c) Consideration of how No. 34 could reasonably be utilised to address the flooding and overland flow issues.

2. The Panel notes that the solution to the flood issues raised in the report may require redesign and reduction in yield of the site.

3. That on receipt of the additional information and any amended plans that a further report be prepared and the matter be returned to the Panel.

Proposal

The revised proposal now seeks consent for the following:

Phase 1:

- demolition of structures on Lots 1 and A
- site remediation works

Phase 2

- realignment of piped watercourse (and associated drainage/tail-out works) and construction of flood training wall
- subdivision of three existing lots to create four torrens title lots, including creation of building envelopes and earthworks to achieve approved finished ground levels

Phase 3:

- construction of dual occupancies on two of the new lots and a single dwelling on the remaining vacant lot, including driveways and landscaping

Phase 4:

- further torrens title subdivision of the two lots containing dual occupancies

Permissibility

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

Wollongong Local Environmental Plan 2009 also permits demolition and subdivision of the land with consent.

Consultation

The revised proposal was notified in accordance with Council's Community Participation Plan 2019 and received 10 unique submissions which are discussed at Section 5 of this report. The issues raised include:

- Flooding/stormwater concerns
- Variations to development controls
- Traffic matters
- Privacy impacts
- Visual impact

Details of the amended proposal were referred to Council's Traffic, Landscape, Environment, Subdivision and Stormwater Officers, all providing satisfactory referral responses.

RECOMMENDATION

It is recommended that Development Application DA-2019/998 be approved subject to the conditions contained at **Attachment 7**.

2 APPLICANT'S RESPONSE TO THE WLPP RECOMMENDATIONS

The applicant has provided amended plans and documents in response to the concerns raised by the Panel including:

- Amended architectural plans, subdivision plan and landscape plan
- Amended Vegetation Management Plan and Riparian Assessment
- Revised flood study and amended stormwater concept plan

The applicant provided the following summary of response to Council dated 2 June 2020:

STORMWATER AND FLOODING

The proposal has been revised and a revised flood study accompanies this application. The projects consulting engineer Anthony Barthelmess from Reinco has discussed the modelling required with Councils development engineer Matthew Carden and addressed Councils concerns. Council have responded that the revised layout submitted for discussion on the 6th May 2020 is satisfactory. The proposed revision included a reduction in yield of one unit as recommended to be considered by the Panel. The revised proposal also directs the headwall of the redirected stormwater pipe to the existing drainage swale located on 34 Hewitt's Avenue.

ENCROACHMENT OVER 38 HEWITTS AVENUE

The neighbouring residence at 429 Lawrence Hargrave Drive has a significant area of encroachment over the subject lot. The contract of sale included an agreement on title that upon demolition of the existing sheds on site the owners of 429 Lawrence Hargrave Drive have the opportunity to purchase a maximum of 5sqm of the land currently encroached upon. For this reason, the area of encroachment has been excluded from the proposal to enable this agreement to be executed if required.

PLANNING

The proposed deck to the rear of 38 Hewitt's avenue has been revised to have a landing at habitable room height stepping down to a lower deck to protect the privacy of the neighbours to the rear. The overall 9m building height complies with the Wollongong Local Environment Plan 2009 maximum height for the subject site.

NRAR

NRAR have confirmed that the drainage swale over 34 Hewitt's Avenue does not require Controlled Activity Approval as the drainage swale is not mapped as a watercourse within their jurisdiction.

3 COUNCIL COMMENT

Council's Assessing Officer has reviewed the Panel's recommendations from the 24 March WLPP meeting and the Applicant's response to the issues raised and provides the following comments:

1. The Panel determined that Development Application DA-2019/998 34-36 Hewitts Avenue Thirroul be deferred for the following information:

a) Revised Flood Study that addresses the issues raised at pages 9 and 10 of the Council Report.

Comment: The revised information was referred to Council's Stormwater Development Engineer for consideration. The flood study, stormwater concept plan and landscape plan were all amended to address issues previously raised by Council in the assessment of the application and have been found to be satisfactory subject to the recommended conditions of consent.

b) Details of the form and type of encroachment adjacent unit No. 38b along the western boundary.

Comment: The encroachment arising over the western end of the site is an encroachment by the swimming pool area (tiles and pump enclosure) and timber deck and stairs, as shown below on the extract from DP 1225874.

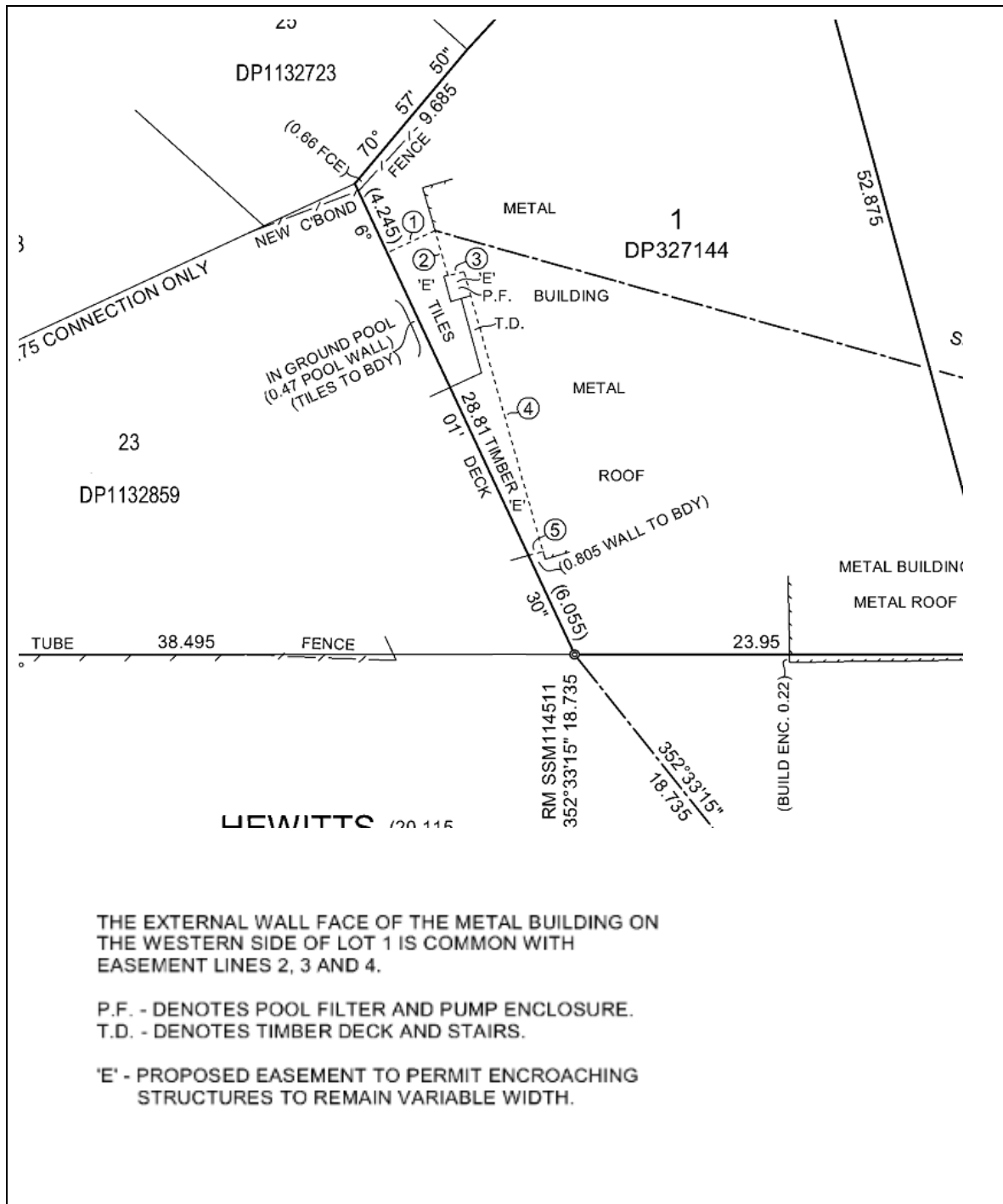


Figure 1: Extract from DP 1225874 showing encroachment and easement

The contract of sale for the property included conditions allowing for a number of matters with respect to the encroachment.

Calculations for floor space ratio at **Attachment 6** indicate that the development is compliant in this regard, even with the easement area excluded from the site area.

c) Consideration of how No. 34 could reasonably be utilised to address the flooding and overland flow issues.

Comment: The application has been amended to remove the previously proposed dual occupancy from proposed Lot 38, replacing it with a single dwelling located next to the easement on the western side of the lot. In doing so, a setback of approximately 6.5 metres has been provided from the dwelling to the proposed eastern boundary. It is considered that the area now provided between adjoining dwellings is of a sufficient width to cater for anticipated overland flows, as demonstrated by the submitted flood study.

2. The Panel notes that the solution to the flood issues raised in the report may require redesign and reduction in yield of the site.

Comment: The proposal has been redesigned and will now result in five new dwellings, a drop in yield of one dwelling from proposed Lot 38.

3. That on receipt of the additional information and any amended plans that a further report be prepared and the matter be returned to the Panel.

Comment: It is considered that all matters have been addressed and the proposal is now returned to the Panel for determination.

4 COUNCIL ASSESSMENT

An assessment of the amended proposal against the relevant WLEP and WDCP 2009 planning standards and controls can be found at **Attachment 5**.

REASONS FOR REFUSAL RECOMMENDED IN ORIGINAL WLPP REPORT

The reasons for refusal for the original proposal as recommended by the assessing officer related primarily to flooding and stormwater and environmental impacts on riparian land, including that within the foreshore area.

In response to these issues, the amended architectural design was accompanied by an updated Flood Study, amended Stormwater Concept Plan, amended Landscape Plan and a Vegetation Management Plan and Riparian Assessment.

These documents were reviewed by Council's Stormwater and Environmental Officers and found to be conditionally acceptable. It is considered that the proposal as amended now sufficiently addresses flooding and stormwater matters, and the Vegetation Management Plan and Riparian Assessment sufficiently addresses impacts on the riparian corridor. such that Clause 7.3, 7.4 and 7.7 of WLEP2009 are satisfied, as are Chapters E13, E14 and E23 of WDCP 2009, as detailed in **Attachment 5**.

PROPOSED VARIATIONS TO DEVELOPMENT CONTROLS

The original proposal included variations to both the side setback (less than 3 metre setback for a wall higher than 7metres proposed) and building character and form (the location of the carport in front of the building line of the dwellings). These proposed variations remain in the amended proposal, and as such, Council's previous assessment of those variations has not changed. As such, it is considered that the proposed variations to 4.3 and 4.10, Chapter B1 of WDCP 2009 can be supported in this instance.

Following amendments to the design, additional variations are now being sought. These are variations to the garage door width in relation to the dwelling width, and the number of storeys within the rear setback. In addition, the dwelling on proposed Lot 38 also proposes a variation to the side boundary setback with respect to a wall greater than 7metres high.

A variation justification statement was provided in support of the proposed variations, included at **Attachment 4**.

Number of Storeys

(a) The control being varied;

Chapter B1 Residential Development

- Clause 4.1 Number of Storeys

4.1.2 (4) In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.

(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and

A small corner (representing 1.2m²) of the first floor rear bedroom is located as close as 6980mm to the rear boundary on proposed Lot 38. The area of first floor that encroaches does not contain any windows.

The rear boundary of the site is splayed and the front boundary splayed in the opposite direction, resulting in a reduced lot depth along the western side of the lot for dwelling placement. The requirement for a considerable overland flow path has been catered for largely on this lot, and as such the building envelope is located toward the western side of the lot in response.

(c) Demonstrate how the objectives are met with the proposed variations; and

The objectives of the Clause are:

- a) To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area*
- b) To minimise the potential for overlooking on adjacent dwellings and open space areas.*
- c) To ensure that development is sympathetic to and addresses site constraints.*
- d) To encourage split level stepped building solutions on steeply sloping sites.*
- e) To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences*
- f) To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.*
- g) To ensure appropriate correlation between the height and setbacks of ancillary structures.*
- h) To encourage positive solar access outcomes for dwellings and the associated private open spaces*

The applicant contends that the proposal does not increase the potential for overlooking or overshadowing of adjoining properties or their private open space areas. Additionally, the room containing the encroachment is a bedroom with a lower level of occupancy as compared with a living area

(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.

The proposal is consistent with the overall development of the site, and the variation will not result in the dwelling being visually dominant or obtrusive when viewed from adjoining properties. Due to the orientation of the lots, there are no opportunities for the encroaching area to adversely impact on solar access to adjoining properties, and there are no windows, and therefore no privacy impacts, arising from the encroaching area.

Comment: The encroachment into the 8metre rear setback for first floors is a relatively small portion of the master bedroom within the dwelling on proposed Lot 38. There are no adverse impacts arising from the proposed variation, and it is considered that the proposal is still able to satisfy the objectives for the number of storeys in the R2 zone. As such, the proposed variation to the number of storeys within 8 metres of the rear boundary in the R2 zone is supported.

Side boundary setback

(a) The control being varied;

Chapter B1 Residential Development

- Clause 4.3. Side and Rear Setbacks

4.3.2 (2) Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.

(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and

A variation to the height of the eastern wall of dwelling U36A and western wall of U36B was discussed in the original WLPP report linked to this Addendum report. The variation was considered to be acceptable in the circumstances of the proposal.

The amended plans also propose a variation to the height of the western wall of the dwelling on proposed Lot 38, with a wall height of approximately 7.38 metres within 3 metres of the allotment boundary. The variation occurs over a 7metre length of wall.

The variation is requested as the floor level of the dwellings is required to be raised due to flooding impacts on the site.

(c) Demonstrate how the objectives are met with the proposed variations; and

The objectives of the Clause are:

- (a) To create a consistent pattern of building separation along streets.*
- (b) To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.*
- (c) To ensure that buildings are appropriately sited having regard to site constraints.*
- (d) To control overshadowing of adjacent properties and private or shared open space.*
- (e) To ensure improved visual amenity outcomes for adjoining residences.*

The applicant contends that the building height is compliant with the overall 9 metre maximum building height restriction, and the proposed minor variation does not result in adverse impacts in relation to the solar access and privacy received by adjoining properties, both existing and proposed.

(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.

There are no privacy impacts arising as the adjoining structure to the west is a garage located in the rear yard of the adjoining property. Due to the splay of the boundary, the proposal becomes compliant for the majority of the habitable building area.

The proposal is consistent with the overall development of the site, and the variation will not result in the dwelling being visually obtrusive nor result in any crowding effects on the site.

Comment: The proposed development is likely to establish the pattern of building separation along the northern side of Hewitts Avenue and will therefore not disrupt an established pattern. There are not expected to be any adverse impacts arising from the minor increased height and as such, the requested variation to side boundary setback is capable of support.

Building Character and Form/ Car Parking and Access

(a) The controls being varied;

Chapter B1 Residential Development

- Clause 4. 8 Building Character and Form

4.8.2 (11) Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling.

- 4.10 Car Parking and Access

4.10.2(4) Where garage door openings face a road they shall:

(a) be a maximum of 50% of the width of the dwelling

(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and

The width of the garage door on proposed Lot 38 is 5.2m, and the width of the dwelling is 7.8m. The garage door represents 66% of the width of the dwelling.

Again, the requirement for a considerable overland flow path has been catered for largely on this lot, and as such the building envelope is located toward the western side of the lot in response. The achievable width of the building envelope is restricted by the overland flow path.

(c) Demonstrate how the objectives are met with the proposed variations; and

The objectives of Clause 4.8 are:

- (a) To ensure that development responds to both its natural and built context.
- (b) To design residential development that responds to the existing character and the future character of the area.
- (c) To ensure building design contributes to the locality through a design that considers building scale, form, articulation and landscaping.
- (d) To encourage colour schemes that are of similar hues and tones to that within the streetscape.
- (e) To ensure buildings address the primary street frontage via entry doors and windows.
- (f) To ensure that dwellings provide appropriate passive surveillance of public spaces and street frontage.
- (g) To ensure that ancillary structures are not the dominate feature of built form.

The objectives of Clause 4.10 are:

- (a) To provide car parking for residents.
- (b) To ensure that there is adequate provision for vehicular access and manoeuvring.
- (c) To minimise the impact of garages upon the streetscape.

The two-storey design with a cantilevered first floor off the eastern wall ensures that the garage door does not dominate the built form. As a percentage of the overall façade, the garage door is approximately 20%.

Similarly, impacts on the streetscape are not significant as the garage has a larger than standard setback from the front boundary of 6580mm.

The building addresses the street frontage by maintaining the entry door on the front elevation and the family room step out enables a line of sight to the street for surveillance.

(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.

The overall size of the dwelling façade combined with the final landscaping treatment of proposed Lot 38 will ensure that the garage door does not dominate the built form. The building design retains opportunities for passive surveillance of the street frontage and the dwelling entry is clearly defined from the street.

Comment: The proposed garage door width is considered to be acceptable given the overall size of the dwelling facade. Thoughtful placement of the window for the family room allows street surveillance and the dwelling entry is visible from the street. As such, it is considered that the

proposed garage door width is not contrary to the objectives of the Clauses and in this case, can be supported.

5. SUBMISSIONS

The amended proposal was notified in accordance with Council's Community Participation Plan 2019. Ten unique submissions were received, and the issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1. Stormwater and flooding	
<ul style="list-style-type: none"> Inadequate channels and pipework 	<p>The design has been amended through the development assessment process to ensure adequate provision for piped flows and overflows. The final design (as amended) and conditions of consent require:</p> <p>Upgrading the of the existing 900mm diameter circular pipe to a 900mm x 900mm box culvert, which has greater capacity.</p> <p>Provision of a floodway channel and landscaped flood containment wall to convey floodwater overflows from Hewitts Avenue to the natural watercourse (to the east).</p> <p>The design and construction of the development is to be in accordance with the (amended) flood modelling, which shows reduced flooding across a number of properties, as a result of the development.</p>
<ul style="list-style-type: none"> Flooding (submission includes photos of flooded garage flooding in 2015, at 25 Hewitts Ave) 	<p>The development will reduce flooding on 25 Hewitts Avenue, through upgrading of the existing 900mm diameter pipe to a box culvert of greater capacity, removal of structures within the overflow path (i.e. existing buildings and fences), and provision of a dedicated floodway/overflow path. These measures will more efficiently remove stormwater/overflows from Hewitts Avenue (when compared with existing conditions). The final engineering design and flood modelling submitted with the development application indicates reduced flooding at 25 Hewitts Avenue (and a number of other properties).</p>
<ul style="list-style-type: none"> Width of floodway/flow path 	<p>The proposed pipe upgrade and floodway/overflow path will improve the efficiency of the site to convey contributing stormwater/overflows. The submitted flood modelling indicates reduced flooding on a number of properties as a result of the development.</p>
<ul style="list-style-type: none"> Lack of confidence in a flood study that recommends a refuge area 	<p>The recommendation for a flood refuge area is consistent with the requirements of Chapter E13: Floodplain Management of the Wollongong DCP2009.</p>
<ul style="list-style-type: none"> Redirection of stormwater line 	<p>The existing 900mm diameter stormwater pipe is being removed and replaced with a 900mm x 900mm box culvert with greater capacity. The proposed new box</p>

Concern	Comment
	culvert discharges to the eastern boundary of the development site, and a tail-out channel is proposed to convey the culvert discharges to the natural watercourse (where the existing 900mm diameter pipe discharges in existing conditions). The design will not redirect any stormwater onto No. 421 Lawrence Hargrave Drive. The flood modelling indicates reduced flooding on No. 421 Lawrence Hargrave Drive as a result of the development.
<ul style="list-style-type: none"> Wanting the development to rectify flood risks 	The proposal includes a pipe upgrade and dedicated floodway/flow path to more efficiently convey contributing stormwater and overflows to through the site (when compared with existing conditions). The flood modelling undertaken for the development indicates reduced flooding on a number of properties as a result of the development.
<ul style="list-style-type: none"> Inadequate grill on Hewitts Ave pit 	The development will not reduce the inlet capacity of the existing pit in Hewitts Avenue. Based on the DRAINS modelling submitted with the development application, upgrading of the existing 900mm diameter pipe to a 900mm x 900mm box culvert (as proposed) will increase the capacity of the pipe to convey stormwater and result in a reduction in stormwater overflows occurring within Hewitts Avenue.
<ul style="list-style-type: none"> Should pursue an “open Channel” design 	The design of the development includes a dedicated floodway/flow path to convey flows in excess of the capacity of the piped drainage system. This improves the capacity of the site to convey stormwater and floodwater overflows and reduces flooding elsewhere (when compared with existing conditions).
<p>2. Proposed variations to development controls</p> <ul style="list-style-type: none"> side and rear setbacks carports not set back behind the front building line of the dwelling garage door width overshadowing minimum width for dual occupancy private open spaced/landscaping 	<p>The application proposes variations to the following development controls:</p> <p>Side boundary setback- walls higher than 7 meters within 3 metres of a side boundary</p> <p>Number of storeys – two storey development within 8 metres of the rear boundary</p> <p>Building character and form – garage door width and location of carports in front of the building line of the dwelling</p> <p>These have been considered against the objectives of the relevant Clauses for each control and are considered to be supportable in this regard. There are no adverse impacts arising from any of the proposed variations.</p> <p>There are no variations proposed to overshadowing, minimum width for dual occupancy and private open</p>

Concern	Comment
	space or landscaping controls.
3. visual impacts	<p>The existing building designs in the vicinity of the subject site are generally single storey bungalow type development. Whilst not replicating this design, the proposed dual occupancies are not inconsistent with the general character of the area. The existing character is low density development situated in a landscaped setting. It is considered that the proposed development reflects this character via low density dual occupancy developments on well landscaped lots. Sufficient setbacks to the front, rear and side further reinforce the low density character of the area.</p> <p>Overall, the proposal represents a modern aesthetic that is not at odds with development in the vicinity of the site.</p>
4. Privacy impacts on adjoining pool area	<p>The lounge room windows in the western wall of the dwelling on proposed Lot 38 are generally tall narrow windows in locations that do not facilitate overlooking. The kitchen window is located to the north of the adjoining pool area, overlooking a proposed landscaped area on the subject site.</p> <p>The landscape plan indicates a row of planting along the western boundary- this has been conditioned to be suitable screen planting.</p> <p>Windows in the upper storey are associated with bedrooms and bathrooms which are considered to be low usage rooms. A condition is proposed to ensure the bathroom windows are opaque which further restricts overlooking.</p>
5. Traffic impacts	<p>Council's Traffic Engineer has considered the proposal to be acceptable with respect to traffic matters including volumes, manoeuvring and sight lines.</p> <p>The proposed development is likely to result in a very minor increase in traffic within the area, given existing traffic volumes, and the local road network is considered to be capable of meeting the traffic demands from the development.</p>

Table 1: number of submissions made in relation to each matter

Concern	1	2	3	4	5
No. of submissions	7	4	4	1	2

6. CONSULTATION

INTERNAL CONSULTATION

Council's Traffic, Landscape, Environment, Subdivision and Stormwater Officers have reviewed the amended application and provided conditionally satisfactory referral comments.

EXTERNAL CONSULTATION

The Natural Resource Access Regulator advised that a Controlled Activity Approval was not required for the development, and as such the application is not Integrated Development.

7. CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

It is considered that the proposed development satisfies the objectives of the zone and the majority of the applicable development standards and controls. The proposal seeks variations to the following development controls:

- Wollongong Development Control Plan 2009, Chapter B1: Residential Development
 - Clause 4.1 Number of Storeys
 - Clause 4.3 Side and Rear Setbacks
 - Clause 4.8 Building Character and Form
 - Clause 4.10 Car Parking and Access

The applicant has provided sufficient justification for the variations, and the proposed variations are consistent with the objectives for the Clauses and are therefore capable of support.

A number of submissions were received in relation to matters such as flooding, traffic and development character. Matters relating to flooding/stormwater have now been addressed to Council's satisfaction and Council considers that the remaining issues raised do not preclude the development.

The reasons for refusal recommended by Council in the original report in relation to flooding/stormwater impacts and environmental impacts on the riparian corridor and foreshore area are considered to have been conditionally resolved by the amended application submission. Similarly, matters previously raised by the Panel in its subsequent deferral of the application have been adequately addressed by the amended proposal and additional information provided in support of the application.

As such, it is now considered that the proposed development has given due consideration to the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality and is unlikely to result in adverse impacts on the surrounding area.

8. RECOMMENDATION

It is recommended that DA-2019/998 be **approved**, subject to the conditions contained in **Attachment 7**.

9. ATTACHMENTS

- 1 Original WLPP Report as present to 24 March 2020 WLPP meeting
- 2 WLPP Commentary and decision of 24 March 2020
- 3 Architectural Plans, landscape plan, drainage plan and site survey
- 4 Variation justification statement
- 5 WLEP 2009 and WDCP 2009 compliance table
- 6 Numerical compliance table
- 7 Draft Conditions

Click on red line above for link to previous report

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	24 March 2020
PANEL MEMBERS	Alison McCabe (Chair), Mark Carlon, Larissa Ozog, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 24 March 2020 opened at 5:00pm and closed at 6.07pm.

MATTER DETERMINED

DA-2019/998, Lot A and B DP 382619, Lot 1 DP 327144, 34-36 Hewitts Avenue Thirroul (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two (2) submitters.





The Panel also heard from the applicant.

PANEL CONSIDERATION AND DECISION

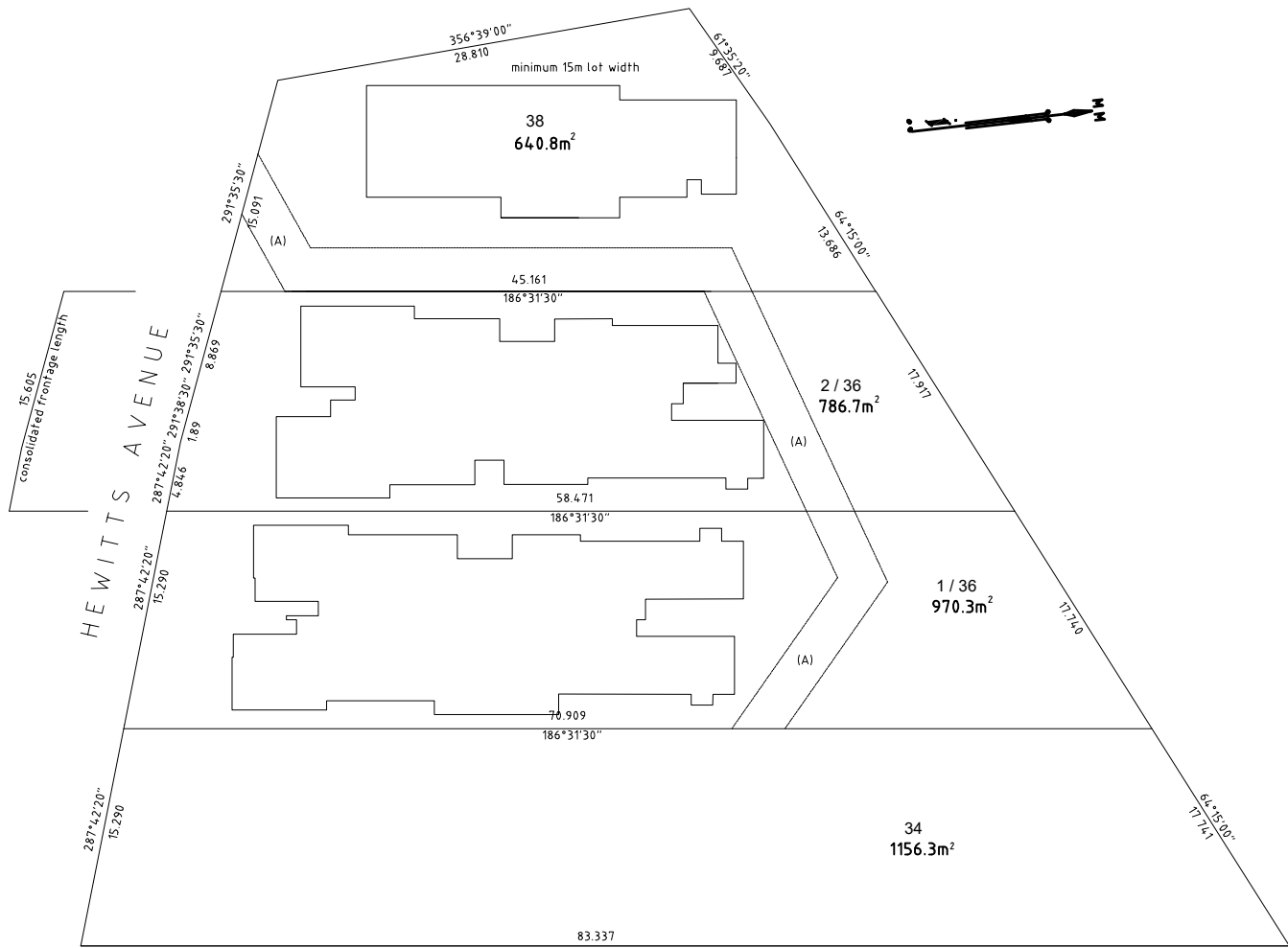
The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

1. The Panel determined that Development Application DA-2019/998 34-36 Hewitts Avenue Thirroul be deferred for the following information:
 - a) Revised Flood Study that addresses the issues raised at pages 9 and 10 of the Council Report.
 - b) Details of the form and type of encroachment adjacent unit No. 38b along the western boundary.
 - c) Consideration of how No. 34 could reasonably be utilised to address the flooding and overland flow issues.
2. The Panel notes that the solution to the flood issues raised in the report may require redesign and reduction in yield of the site.
3. That on receipt of the additional information and any amended plans that a further report be prepared and the matter be returned to the Panel.

The decision was unanimous.

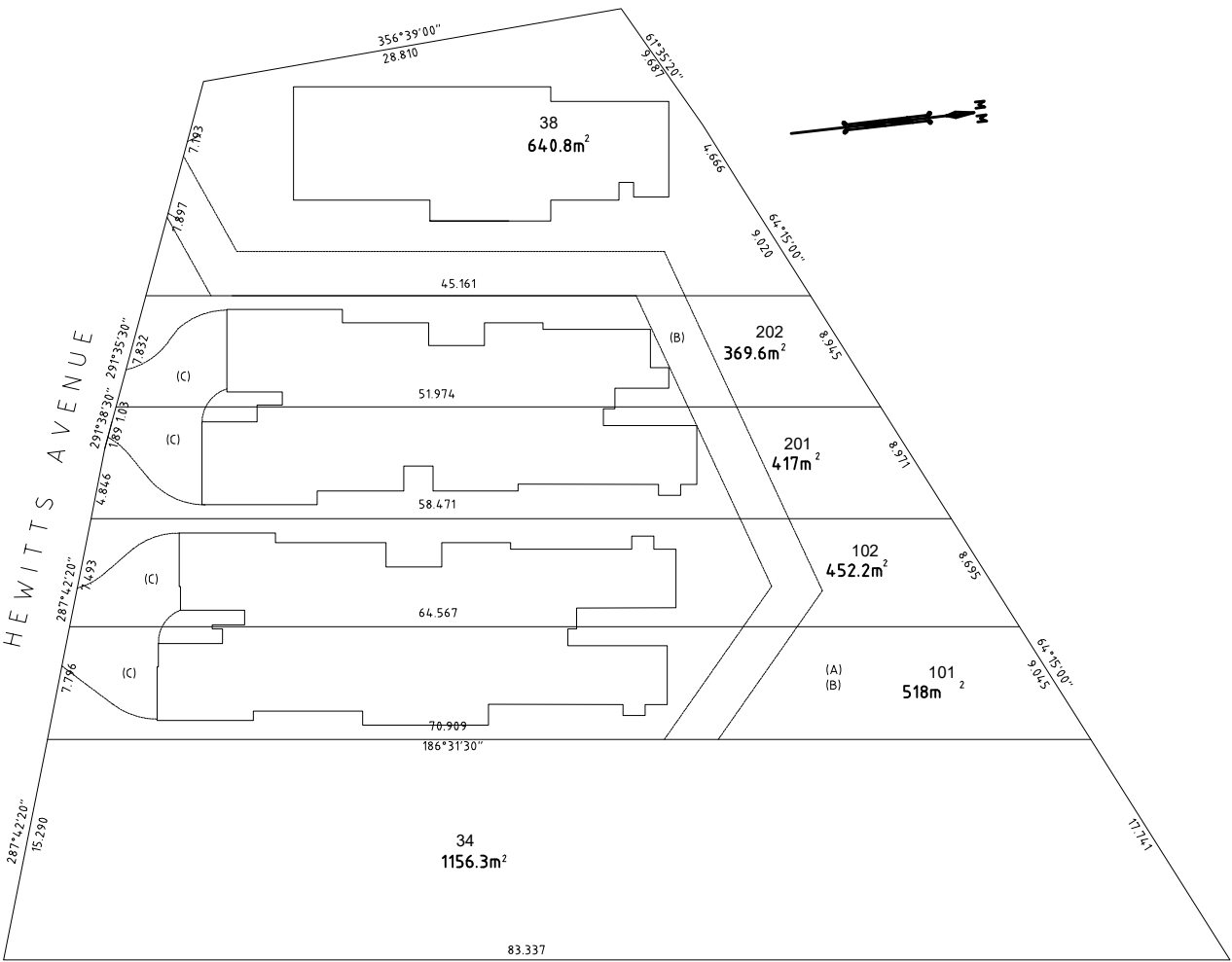
PANEL MEMBERS	
 Alison McCabe (Chair)	 Mark Carlon
 Larissa Ozog	 Peter Sarlos (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/998
2	PROPOSED DEVELOPMENT	Residential – demolition of structures on Lots 1 and A, site remediation works, realignment of stormwater pipe, subdivision of three existing lots to create four torrens title lots, construction of dual occupancies on three of the new lots and Subdivision - Torrens title of each dual occupancy - six (6) lots
3	STREET ADDRESS	34-36 Hewitts Avenue Thirroul
4	APPLICANT/OWNER	Hewitts Land Pty Ltd
5	REASON FOR REFERRAL	Contentious Development receiving greater than 10 objections
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Wollongong Local Environment Plan 2009 Wollongong Section 94A Development Contributions Plan Draft environmental planning instruments: N/A Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: N/A Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 Coastal zone management plan: N/A The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report dated 24 March 2020 Written submissions during public exhibition: 25 Verbal submissions at the public meeting: 2
8	SITE INSPECTIONS BY THE PANEL	Site inspection 24 March 2020. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Alison McCabe (Chair), Mark Carlon, Larissa Ozog, Peter Sarlos (Community Representative) <u>Council assessment staff</u>: Nicole Ashton, John Wood
9	COUNCIL RECOMMENDATION	Refuse
10	REASONS FOR REFUSAL	Reasons of Refusal - attached to the council assessment report



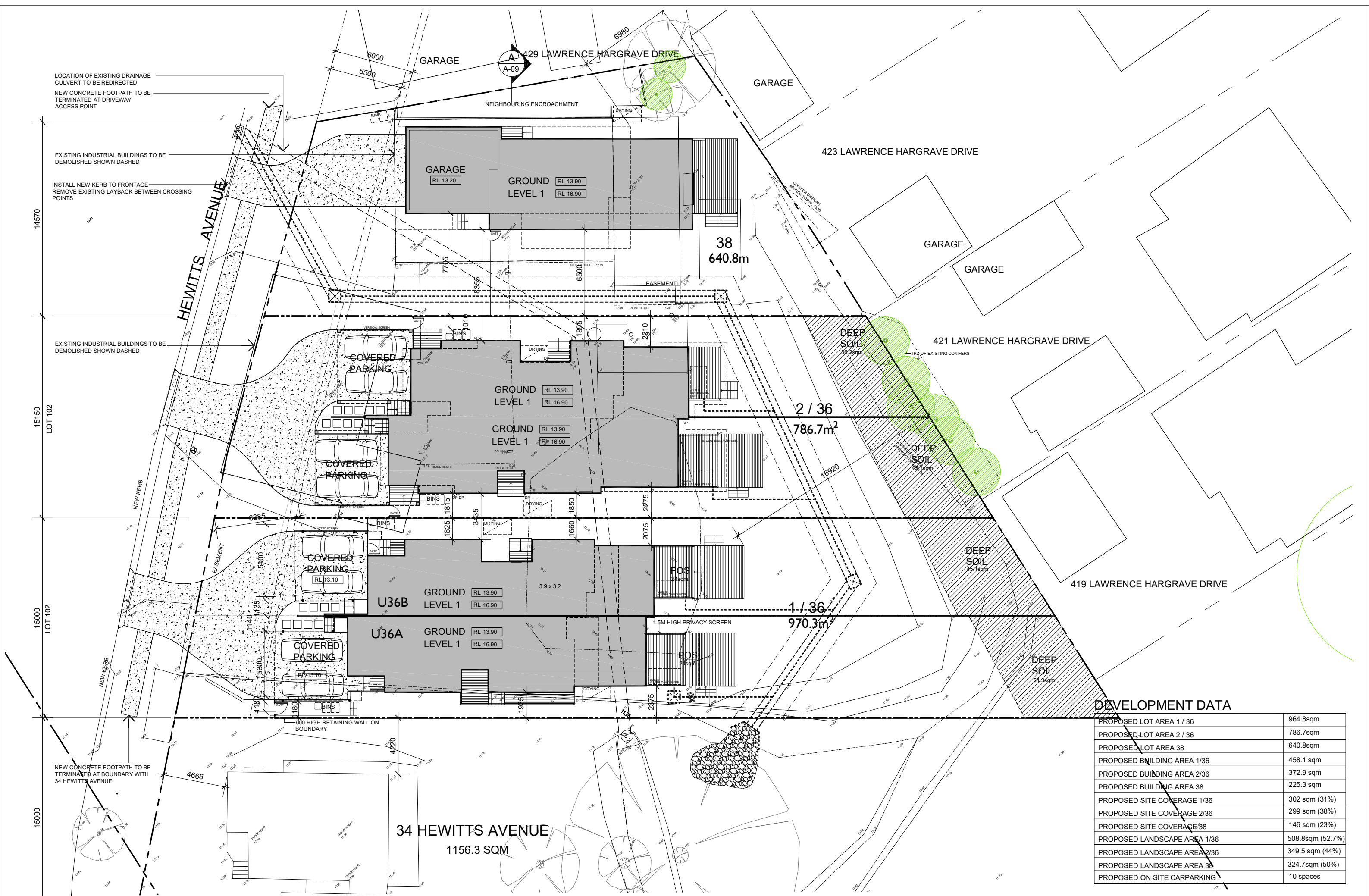
STAGE 1

(A) PROPOSED 3m WIDE EASEMENT OVER PROPOSED DRAINAGE CULVERT
(B) PROPOSED EASEMENT TO DRAIN WATER 1M WIDE



STAGE 2

(A) PROPOSED 3m WIDE EASEMENT OVER PROPOSED DRAINAGE CULVERT
(B) PROPOSED EASEMENT TO DRAIN WATER MIN 1M WIDE
(C) PROPOSED RIGHT OF CARRIAGEWAY VARIABLE WIDTH MEASUREMENTS SUBJECT TO SURVEY



DEVELOPMENT DATA

PROPOSED LOT AREA 1 / 36	964.8sqm
PROPOSED LOT AREA 2 / 36	786.7sqm
PROPOSED LOT AREA 38	640.8sqm
PROPOSED BUILDING AREA 1/36	458.1 sqm
PROPOSED BUILDING AREA 2/36	372.9 sqm
PROPOSED BUILDING AREA 38	225.3 sqm
PROPOSED SITE COVERAGE 1/36	302 sqm (31%)
PROPOSED SITE COVERAGE 2/36	299 sqm (38%)
PROPOSED SITE COVERAGE 38	146 sqm (23%)
PROPOSED LANDSCAPE AREA 1/36	508.8sqm (52.7%)
PROPOSED LANDSCAPE AREA 2/36	349.5 sqm (44%)
PROPOSED LANDSCAPE AREA 38	324.7sqm (50%)
PROPOSED ON SITE CARPARKING	10 spaces

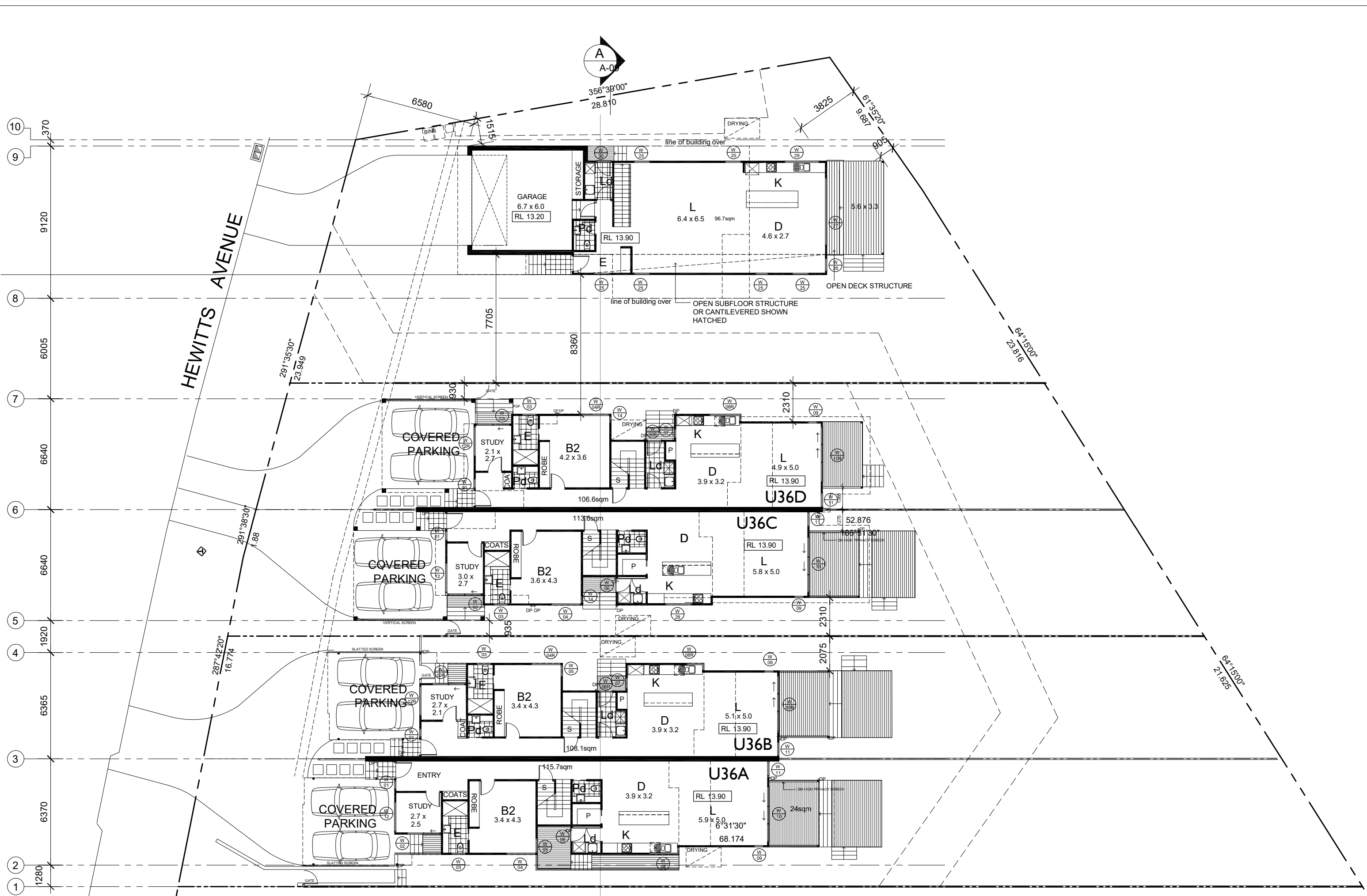


PRELIMINARY
NOT FOR CONSTRUCTION

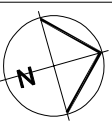
Date	Issue	Description
05.08.19	A	Issued for development approval
21.01.20	B	Revised DA Issue
27.04.20	C	Revised DA Issue
06.05.20	D	Revised DA Issue
13.05.20	E	Revised DA Issue



PROJECT: 36-38 Hewitts Avenue THIRROUL			
Drawing Name:		SITE PLAN	
CLIENT:	HEWITTS AVENUE PTY LTD	Scale	1:250 (A3)
Job No.	DML 16/021	Date	05.08.19
Dwg.No	A01	Rev.	E



10 370
9 9120
8 6005
7 6640
6 6640
5 1920
4 6365
3 6370
2 1280
1

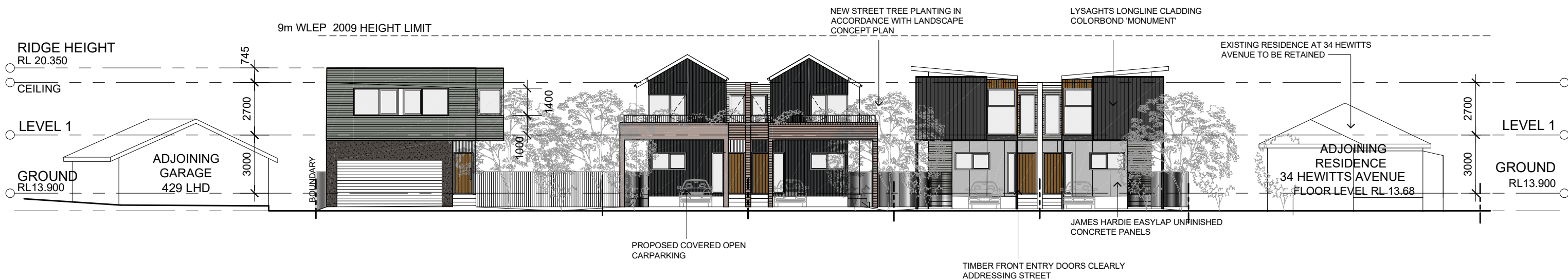


PRELIMINARY
NOT FOR CONSTRUCTION

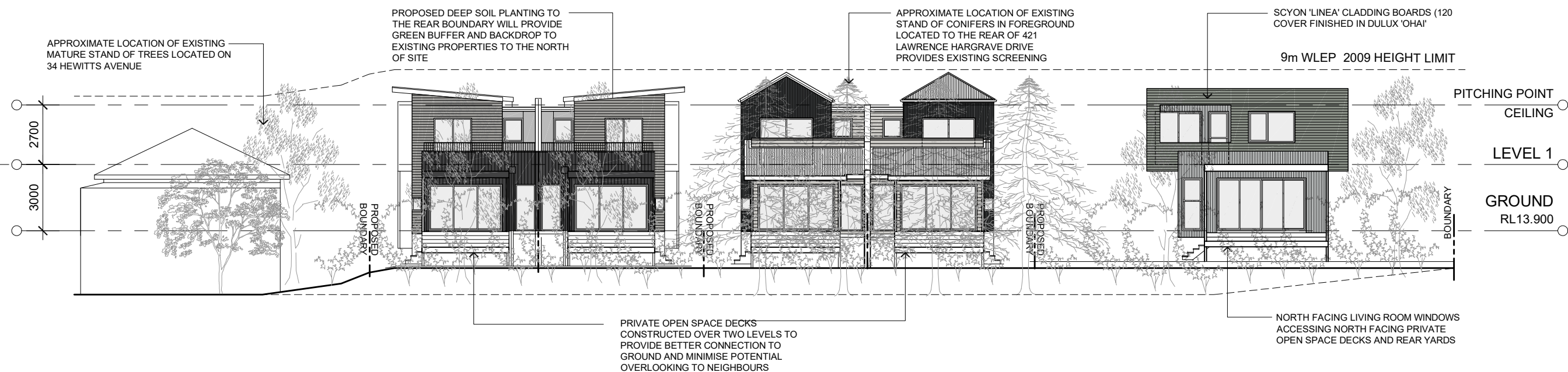
Date	Issue	Description
05.08.19	A	Issued for development approval
21.01.20	B	Revised DA Issue
27.04.20	C	Revised DA Issue
06.05.20	D	Revised DA Issue
13.05.20	E	Revised DA Issue

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PROJECT: 36-38 Hewitts Avenue THIRROUL			
Drawing Name: LEVEL 1 PLAN		Job No. DML 16/021	Dwg.No A03
CLIENT: HEWITTS AVENUE PTY LTD	Scale 1:200 (A3)	Date 05.08.19	Rev. E



SOUTH ELEVATION
VIEW FROM HEWITTS AVENUE



NORTH ELEVATION

PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Description
05.08.19	A	Issued for development approval
21.01.20	B	Revised DA Issue
27.04.20	C	Revised DA Issue
06.05.20	D	Revised DA Issue
13.05.20	E	Revised DA Issue

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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:
SOUTH & NORTH ELEVATIONS

CLIENT:
HEWITTS AVENUE PTY LTD

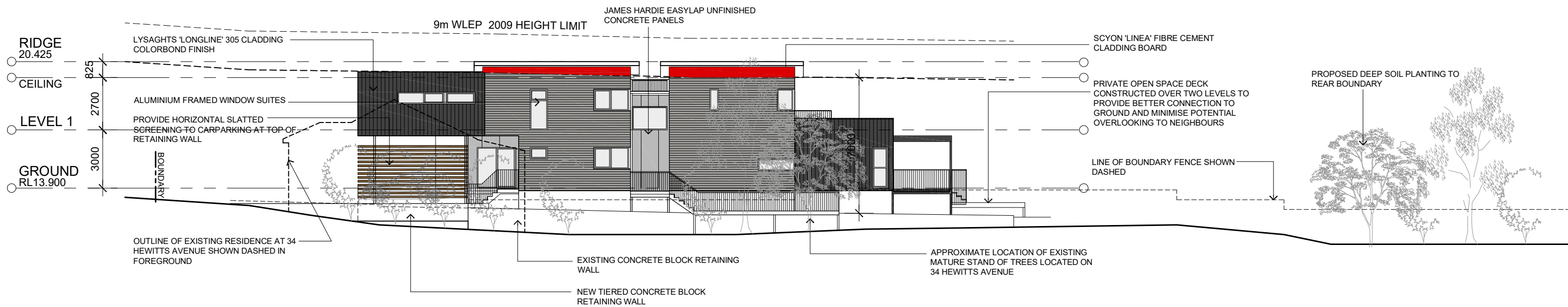
Scale
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Date
05.08.19

Job No.
DML 16/021

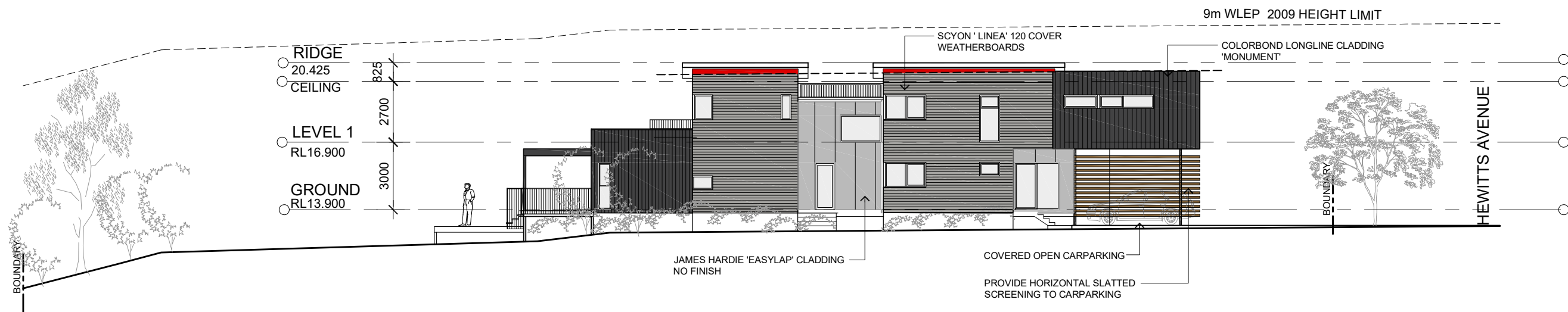
Dwg.No
A05

Rev.
E



EAST ELEVATION

UNIT 36A



INTERNAL WEST ELEVATION

UNIT 36B

PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Description
05.08.19	A	Issued for development approval
21.01.20	B	Revised DA Issue
27.04.20	C	Revised DA Issue
06.05.20	D	Revised DA Issue
13.05.20	E	Revised DA Issue

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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:
EAST & WEST ELEVATIONS

Job No.
DML 16/021

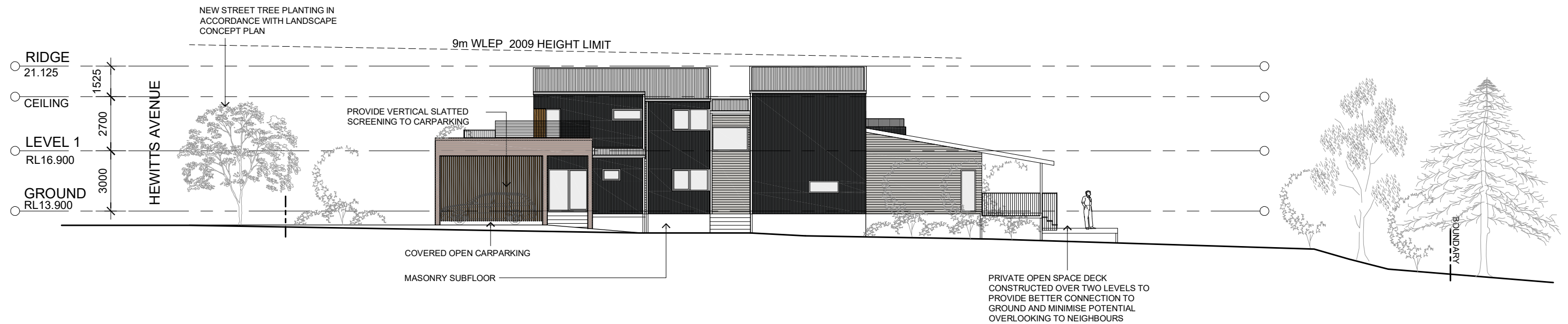
Dwg.No
A06

CLIENT:
HEWITTS AVENUE PTY LTD

Scale
1:200 (A3)

Date
05.08.19

Rev.
E



INTERNAL EAST ELEVATION

UNIT 36C



INTERNAL WEST ELEVATION

UNIT 36D

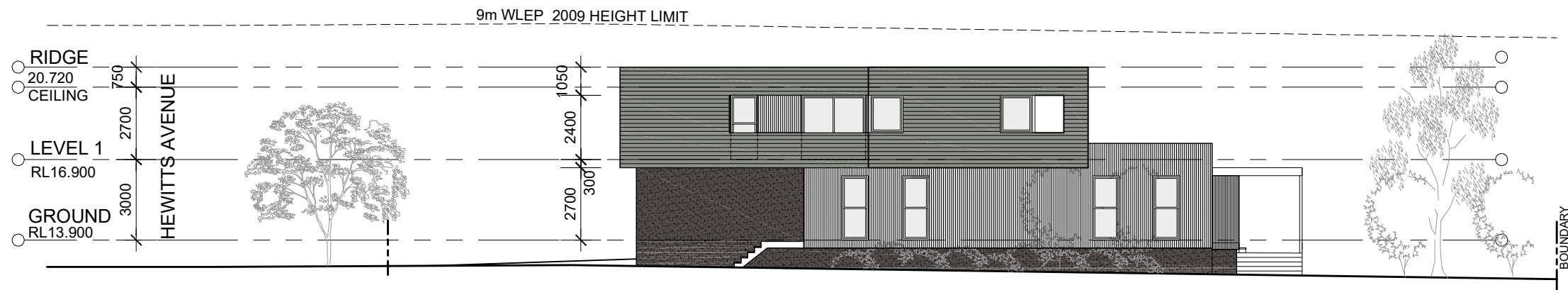
PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Description
05.08.19	A	Issued for development approval
21.01.20	B	Revised DA Issue
27.04.20	C	Revised DA Issue
06.05.20	D	Revised DA Issue
13.05.20	E	Revised DA Issue

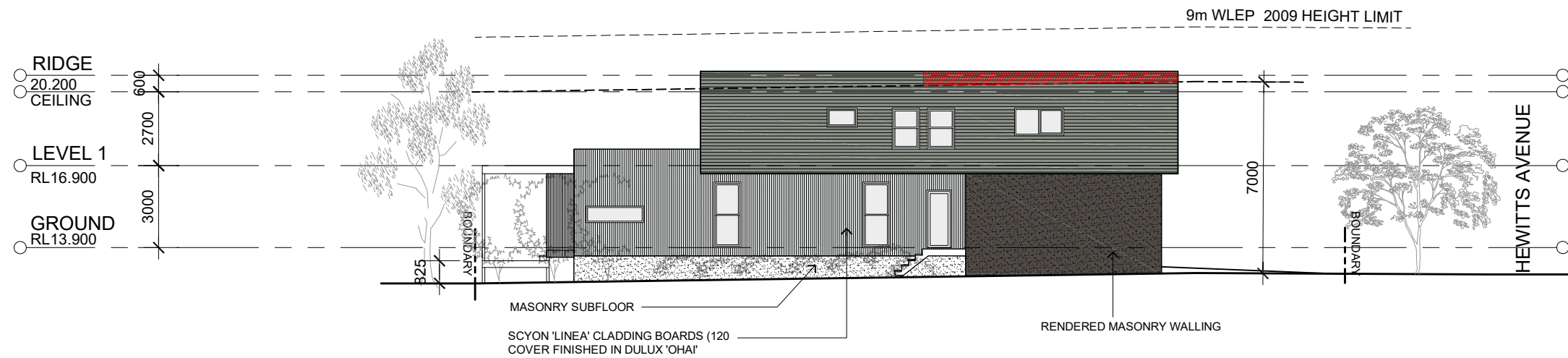
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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:	INTERNAL EAST & WEST ELEVATIONS	Job No.	DML 16/021	Dwg.No	A07
CLIENT:	HEWITTS AVENUE PTY LTD	Scale	1:200 (A3)	Date	05.08.19
		Rev.			E



INTERNAL EAST ELEVATION
UNIT 38



WEST ELEVATION
UNIT 38

PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Description
05.08.19	A	Issued for development approval
21.01.20	B	Revised DA Issue
27.04.20	C	Revised DA Issue
06.05.20	D	Revised DA Issue
13.05.20	E	Revised DA Issue

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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:
UNIT 38 ELEVATIONS

Job No.
DML 16/021

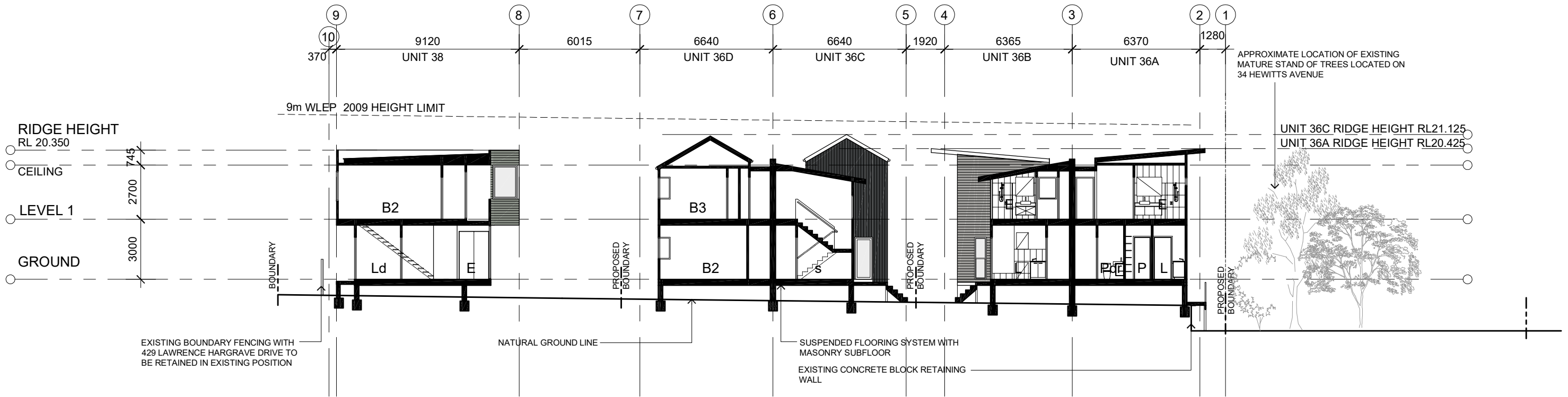
Dwg.No
A08

CLIENT:
HEWITTS AVENUE PTY LTD

Scale
1:200 (A3)

Date
05.08.19

Rev.
E



SECTION A-A

PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Description
05.08.19	A	Issued for development approval
21.01.20	B	Revised DA Issue
27.04.20	C	Revised DA Issue
06.05.20	D	Revised DA Issue
13.05.20	E	Revised DA Issue

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PROJECT: 36-38 Hewitts Avenue THIRROUL

Drawing Name:
SECTION

Job No.
DML 16/021

Dwg.No
A09

CLIENT: HEWITTS AVENUE PTY LTD

Scale
1:200 (A3)

Date
05.08.19

Rev.
E



LEGEND

	PROPERTY BOUNDARY		PROPOSED CONCRETE DRIVEWAY
	EXISTING TREE TO BE REMOVED		CONCRETE PATH
	EXISTING TREE TO BE RETAINED		GRAVEL
	PROPOSED TREE		RAILWAY SLEEPERS SET IN GRAVEL OR GROUNDCOVER
	PROPOSED SHRUBS & GRASSES		PAVERS SET IN GRAVEL OR GROUNDCOVER
	GROUNDCOVER		PROPOSED MAILBOX
	LAWN		TIMBER DECK
	DEEP SOIL ZONE		1800 HIGH OPEN PALISADE FENCE (POWDER COATED ALUMINIUM) IN FLOODWAY AREA
	EXISTING LEVELS AND CONTOURS		1200 HIGH PALISADE FENCE (POWDER COATED ALUMINIUM) TO FRONT YARDS
	PROPOSED SPOT LEVELS		EXISTING FENCE TO BE RETAINED/REPAIRED
	RETAINING WALL		PROPOSED DRAINAGE
	500mm HIGH STONE BLOCK WALL		HOSEBIB

PROPOSED PLANT SCHEDULE

BOTANICAL	COMMON NAME
TREES AND LARGE SHRUBS	
Acacia longifolia	Coastal Wattle
Angophora costata	Sydney Red Gum
Banksia integrifolia	Coast Banksia
Banksia serrata	Old Man Banksia
Callistemon citrinus	Bottlebrush
Eucalyptus botryoides	Bangalay
Grevillea 'Honey Gem'	Grevillea
Grevillea 'Moonlight'	Grevillea
Grevillea aspidifolia	Grevillea
Pittosporum undulatum	Native Daphne
Syzygium smithii	Lilly Pilly
Syzygium 'Straight and Narrow'	Lily Pilly
Tristania 'Luscious'	Water Gum
SMALL SHRUBS AND ACCENT PLANTS	
Correa alba	White Correa
Correa 'Coastal Pink'	Pink Correa
Doryanthus excelsa	Gynea Lily
Leucopogon parvifolius	Coast Beard Heath
Philothea myoporoides	Wax Flower
Westringea 'Narina'	Coastal Rosemary
Westringea 'Blue Gem'	Coastal Rosemary
GROUND COVERS, GRASSES & SMALL ACCENTS	
Carex appressa	Carex
Crimum pendiculatum	Swamp Lily
Dianella 'Little Rev'	Flax Lily
Grevillea 'Lady O'	Grevillea
Grevillea obtusifolia	Grevillea
Grevillea juniperia	Grevillea
Lomandra longifolia	Mat Rush
Lomandra 'Evergreen Baby'	Dwarf Mat Rush
Lomandra 'Tanika'	Dwarf Mat Rush
Myoporum parvifolium	Creeeping Boobialla
SHADE TOLERANT NATIVES	
Archontophoenix cunninghamiana	Bangalow Palm
Asplenium australasicum	Birds Nest Fern
Cyathea australis	Tree Fern
Dianella 'Emerald Arch'	Flax Lily
Dianella 'Tas Red'	Flax Lily
Dichondra repens	Kidney Weed
Lomandra 'Kaite Belles'	Mat-rush
Lomandra 'Monty'	Mat-rush
Viola hederaceae	Native Violet

DEVELOPMENT DATA

PROPOSED LOT AREA 1 / 36	964.8sqm
PROPOSED LOT AREA 2 / 36	786.7sqm
PROPOSED LOT AREA 38	640.8sqm
PROPOSED LANDSCAPE AREA 1/36	508.8sqm (52.7%)
PROPOSED LANDSCAPE AREA 2/36	349.5 sqm (44%)
PROPOSED LANDSCAPE AREA 38	324.7sqm (50%)
PROPOSED DEEP SOIL 1/36	97.6 sqm
PROPOSED DEEP SOIL 2/36	84 sqm
PROPOSED DEEP SOIL 38	42.5 sqm

NOTES:

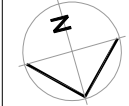
REFER ALSO TO ENGINEERS PLANS
LANDSCAPE PLANS COMPATIBLE WITH ENGINEERS
DRAINAGE PLANS.FENCING TO BE FLOOD
COMPATIBLE IN ACCORDANCE WITH ENGINEERS'
RECOMMENDATIONS

STREET TREE PLANTING:

PROPOSED STREET TREES ARE TO BE PLANTED IN
ACCORDANCE WITH WCC DCP CHAPTER E6
LANDSCAPING. TREES TO BE A MINIMUM OF 200L AND
PROPOSED TREES MIN. 200L. ROOT BARRIERS
ADJACENT TO KERB (MIN. 600MM DEEP)

DESIGN STATEMENT:

THE DESIGN AIMS TO CREATE AN INFORMAL COASTAL
FEEL WITH LOOSE PLANTING OF NATIVES. A MIXED
PLANTING PALETTE WILL BE USED THROUGHOUT.
TREE AND LARGE SHRUBS IN THE FRONT YARDS WILL
SCREEN CARPORTS FROM HEWITTS AVE.



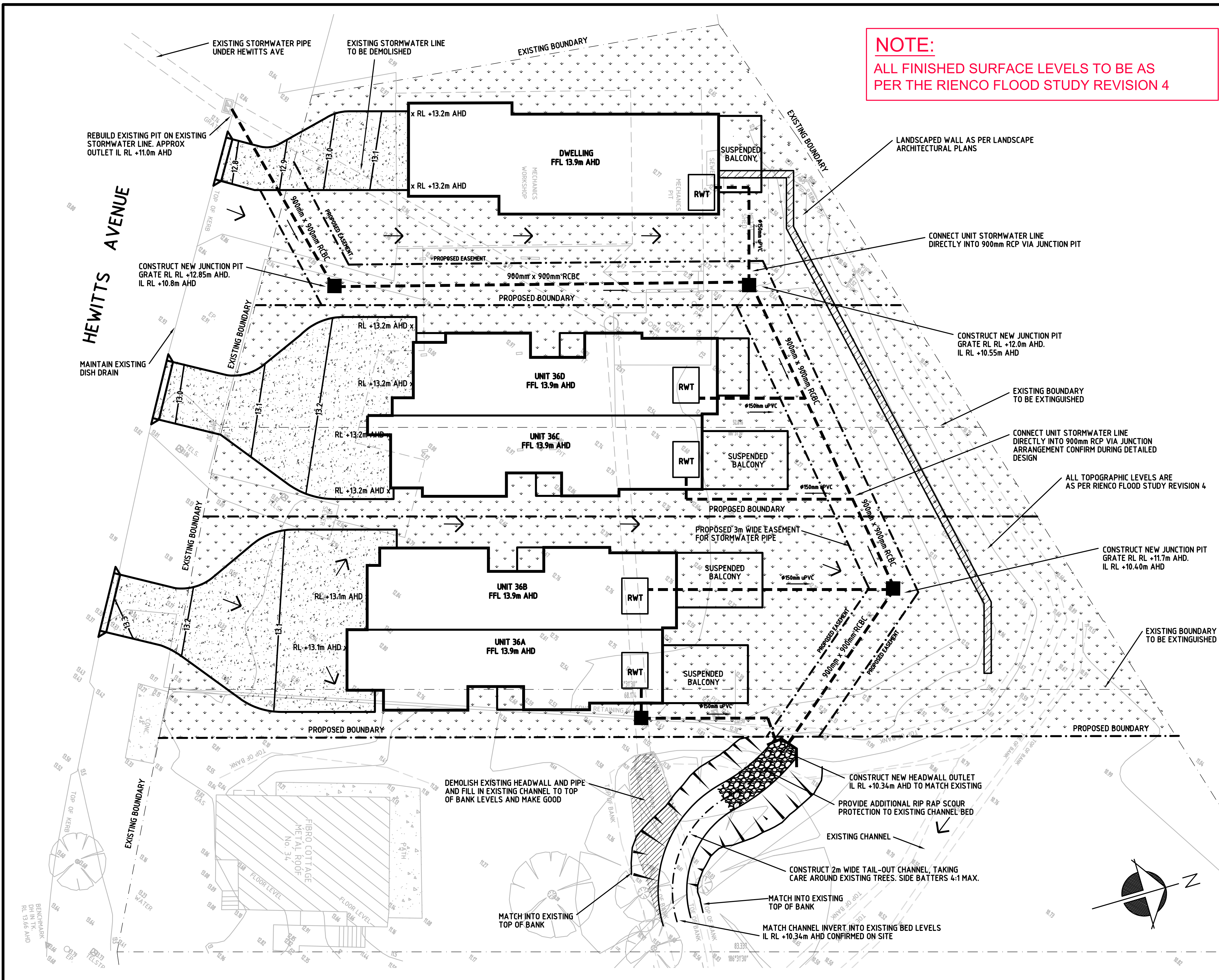
PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Description
05.08.19	A	Issued for Development approval
15.01.20	B	Revised DA issue
27.05.20	C	Modify plan to replace dual occ with House.
07.07.20	D	Modify plan to additional stone block wall
13.07.20	E	Revised retaining wall layout

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Pty Ltd 115 Thross Ave 2015, Tel: 0849354886, a.sustainabledevelopment.com.au



PROJECT: 36-38 Hewitts Avenue THIRROOL	Drawing Name: LANDSCAPE PLAN	Job No. DWL 16021	DWG No L-01
CLIENT: HEWITTS AVENUE PTY LTD	Scale 1:250@A3	Date 05.08.19	Rev E



NOTE:
ALL FINISHED SURFACE LEVELS TO BE AS
PER THE RIENCO FLOOD STUDY REVISION 4

- LEGEND**
- PAVED AREAS TO LANDSCAPE PLAN
 - LANDSCAPED AREAS TO LANDSCAPE PLAN
 - AREA DESIGNATED FOR COMPENSATORY CUT / RESHAPING
 - OVERLAND FLOW PATH

NOTES ON OSD:

THERE IS NO REQUIREMENT FOR ON-SITE DETENTION FOR THE PROPOSED DEVELOPMENT.

THE SITE IS APPROX. 100% IMPERVIOUS PRE-DEVELOPMENT, AND AS SUCH NO OSD IS REQUIRED.

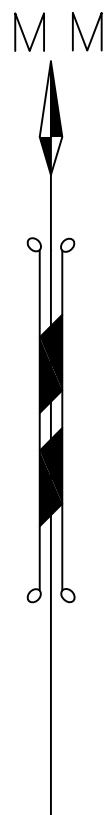
- GENERAL**
- THESE NOTES APPLY TO ALL CIVIL/STRUCTURAL WORK INCLUDED IN THIS PROJECT.
 - CIVIL/STRUCTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL RELATED PROJECT DOCUMENTATION. ANY DISCREPANCY IN THE PROJECT DOCUMENTATION AFFECTING WORK SHOWN ON THESE DRAWINGS SHALL BE REFERRED TO THE SUPERINTENDENT AND AN INSTRUCTION OBTAINED BEFORE PROCEEDING WITH WORK SO AFFECTED.
 - VERIFY SETTING OUT DIMENSIONS SHOWN ON THESE DRAWINGS BEFORE COMMENCING WORK.
 - ALL WORK TO BE UNDERTAKEN IN ACCORD WITH AUS-SPEC EXCEPT WHERE IN CONFLICT WITH NOTES ON THESE DRAWINGS WHICH SHALL TAKE PRECEDENCE.
 - ENSURE THAT ALL STRUCTURES ARE MAINTAINED IN A SAFE AND STABLE STATE THROUGHOUT THE CONSTRUCTION PERIOD.
 - SERVICE LOCATIONS TO BE CONFIRMED PRIOR TO COMMENCING WORKS.
 - ALL EXISTING DRAINAGE STRUCTURES THAT ARE TO BE INCORPORATED IN THE DESIGN SHALL BE CLEAN AND FREE OF DEBRIS.
 - FENCES REMOVED OR DAMAGED DURING CONSTRUCTION TO BE REINSTATED IMMEDIATELY UPON COMPLETION.
 - NO WORK TO BE UNDERTAKEN ON ADJOINING LAND WITHOUT THE WRITTEN PERMISSION OF THE AFFECTED OWNERS.
 - COUNCIL'S TREE PRESERVATION ORDER TO BE OBSERVED AT ALL TIMES.
 - ALL RUBBISH AND STRUCTURES TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND DISPOSED AS ADVISED BY THE SUPERINTENDENT
 - ALL NEW WORKS TO MAKE SMOOTH JUNCTION WITH EXISTING.
 - SITE SHALL BE CLEANED OF ALL DEBRIS AND RUBBLE FROM DEMOLISHED STRUCTURES.
 - RESERVE ALL ROCKS DEEMED SUITABLE BY SUPERINTENDENT FOR GROUTED ROCK FILLING.
 - ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH WOLLONGONG CITY COUNCIL'S SPECIFICATIONS AND AS3500.3.
 - THE CONTRACTOR SHALL CHECK ALL EXISTING LEVELS PRIOR TO THE COMMENCEMENT OF WORKS. ALL NEW WORK SHALL MAKE SMOOTH CONNECTION TO EXISTING.
 - ALL PIPES SHALL BE LAID ON 1% MINIMUM GRADE U.N.O.
 - MINIMUM COVER TO PIPES 100mm ADJACENT TO DWELLING, 300mm IN LANDSCAPED AREAS AND 600mm IN AREAS SUBJECT TO VEHICLE LOADINGS U.N.O.
 - ALL DOWNPIPES ARE TO BE CONNECTED INTO THE TRUNK CULVERT. ALL DOWNPIPES ARE SHOWN DIAGRAMMATICALLY ONLY AND THE POSITION OF DOWNPIPES SHALL BE CONFIRMED ON SITE.

NOTE:
ALL INVERT LEVELS AND STORMWATER DEVICES
SHALL BE CONFIRMED ON SITE PRIOR TO
CONSTRUCTION BY RIENCO

ISSUE:	DESCRIPTION:	DATE:	BY:	ISSUE:	DESCRIPTION:	DATE:	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	16.11.17	AB	F	ISSUED FOR DEVELOPMENT APPLICATION	19.05.20	AB
B	ISSUED FOR DEVELOPMENT APPLICATION	05.07.19	AB	G	ISSUED FOR DEVELOPMENT APPLICATION	09.07.20	AB
C	ISSUED FOR DEVELOPMENT APPLICATION	06.08.19	AB	H	ISSUED FOR DEVELOPMENT APPLICATION	16.07.20	AB
D	ISSUED FOR DEVELOPMENT APPLICATION	25.01.20	AB				
E	ISSUED FOR DEVELOPMENT APPLICATION	15.05.20	AB				

RIENCO CONSULTING
Providing Specialist Services in Hydrology and Hydraulics
PO BOX 3094, AUSTINMER NSW 2515
www.rienco.com.au

TITLE:			
STORMWATER CONCEPT PLAN			
CLIENT:		LOCATION:	
Develop My Land		36 Hewitts Ave, Thirroul	
DRG No:	SCALE:	DRAWN BY:	REVISION:
1001	1:500 at A3	AB	H



NOTES : SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY. PRIOR TO ANY DEMOLITION, DESIGN, EXCAVATION OR CONSTRUCTION ON SITE THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ESTABLISH DETAILED LOCATION AND DEPTH.

RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES IS DIAGRAMMATIC ONLY. WHERE OFFSETS ARE CRITICAL THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.

BEARINGS AND DISTANCES ARE BY TITLE AND/OR DEED ONLY. NO BOUNDARY INVESTIGATION HAS BEEN CARRIED OUT.



AN UNDERGROUND SERVICES SEARCH SHOULD BE UNDERTAKEN PRIOR TO ANY EXCAVATION TAKING PLACE UPON THE SITE

A	8.12.16	ISSUE FOR INFORMATION	AH.
B	9.10.17	ADDITIONAL INFORMATION ADDED TO DRAWING	CR
C	11.10.17	ADDITIONAL INFORMATION ADDED TO DRAWING	RE
D	02.12.19	ADJOINING TREE INFORMATION UPDATED (DRIPLINES)	RE
No	DATE	REVISION DETAILS	BY

CONSULTING REGISTERED SURVEYORS

C. ROBSON & ASSOCIATES PTY. LTD.
LAND & ENGINEERING SURVEYORS
UNIT 1 LEVEL 6 85-87 SMITH STREET, WOLLONGONG 2500
P.O. BOX 93, CORRIMAL 2518
Phone: 02 4243 1645 Fax: 02 4243 1658 Mobile 0402 641 693
Email: crobsonsur@optusnet.com.au
A.B.N. 63 105 569 837



SURVEYOR	WW	FIELDBOOK	WW NOV 2016
DRAWN	AH		

CLIENT:

DEVELOP MY LAND

SCALES:	AS SHOWN
DATUM:	AHD
HYDRANT GRID:	LOCAL
JOB REF:	16413
APPROVED:	CR

PROJECT:
34-38 HEWITTS AVENUE - THIRROUL
LOT 1 DP 327144, LOT A & B DP 382619

DRAWING
DETAIL SURVEY PLAN

DRAWING No	16413/1	REVISION	D
SHEET 1 OF 1 SHEETS	A1		
ISSUED FOR:	INFORMATION		

APPENDIX 2

VARIATION TO DEVELOPMENT CONTROLS

DEVELOPMENT APPLICATION FOR TWO LOT TORRENS TITLE SUBDIVISION PROPOSED TWO LOT TORRENS TITLE SUBDIVISION, CONSTRUCTION OF A THREE DUAL OCCUPANCY RESIDENCES OVER THREE LOTS AND TORRENS TITLE SUBDIVISION OF EACH DUAL OCCUPANCY DEVELOPMENT.

36 & 38 HEWITTS AVENUE THIRROUL

VARIATION TO DEVELOPMENT CONTROLS

1.0 Development Controls Being Varied

Five (5) Development controls are sought to be varied as part of this development proposal.

Wollongong Development Control Plan 2009, Chapter B1 – Residential Development

Development controls being varied in this instance are control **4.1.2.4** restricting -

'In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.'

Development control 4.1 - Number of storeys

The control permits a maximum of 2 storeys within R2 zones. The control states *'The number of storeys acceptable will be dependent on the surrounding development, the future desired character of the area, the impacts that the proposed development has on solar access, privacy, visual amenity and overshadowing.'*

Approval is sought to vary this control to allow two storey development within 8m of a rear setback and this variation statement seeks to demonstrate that the proposed development achieves the objectives in clause 4.1.1 Number of Storeys.

Development control 4.3 - Side & Rear setbacks

Development control **4.3.2.2** which requires-

'Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.'

Due to the required elevated nature of the dwellings to account for Councils flood related controls a variation is sought to this development control. This statement seeks to demonstrate that the proposed development achieves the objectives of 4.3.1 Side & Rear Setbacks.

Development control 4.8 – Building character

Also sought to be varied is control **4.8.2.11** which requires-

'Where the garage door addresses the street, they must be a maximum of 50% of the width of the dwelling.'

The requirement from Council to provide additional width for overland flow has restricted the building footprint width for lot 38 of this application. The overall width of the dwelling house proposed for this lot is 9.1m, the garage door width proposed is 5.4m, 59% of the building frontage.

Development control 4.10 – Car parking and access

Also sought to be varied is control **4.10.2.2** which requires-

'Carports must be setback behind the front building line of the dwelling. Council may consider a variation to this control for carports that are compatible with the design of the dwelling in instances where an existing streetscape includes carports within the front setback or a site is too steep for driveway access to the front building line'.

Carparking for the dwellings on lots 1 & 2 of 36 Hewitt's Avenue is provided under carports. The statement seeks to demonstrate that the proposal meets the objectives of 4.10 Car Parking and Access.

Development control 4.21 – Additional controls for dual occupancy – minimum site width

Also sought to be varied is control **4.21.2.1** which requires dual occupancy developments be constructed on a site with –

'A minimum site width of 15 metres is required for a dual occupancy development. Site width shall be measured for the full width of the site, perpendicular to the side property boundaries. Variations may be granted for irregular shaped blocks or where development can demonstrate compliance with privacy, solar access, private open space, visual amenity, built form, car parking and landscaping requirements.'

The site generally exceeds the minimum required 15m lot width, however due to the tapering side boundary there is a minor encroachment that does not impact the building area, this minor shortfall in width extends for 2.3m into the site for an area of 0.5sqm only. This statement seeks to demonstrate that the proposed development achieves the objectives of 4.21.2 Dual occupancy – Minimum Site Width

2.0 Objectives of the development controls to be varied

The objectives of Development Control 4.1 are

- *To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.*
- *To minimise the potential for overlooking on adjacent dwellings and open space areas.*
- *To ensure that development is sympathetic to and addresses site constraints.*
- *To encourage split level stepped building solutions on steeply sloping sites.*
- *To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.*
- *To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.*
- *To ensure appropriate correlation between the height and setbacks of ancillary structures.*
- *To encourage positive solar access outcomes for dwellings and the associated private open spaces.*

The objectives of Development Control 4.3 are

- *To create a consistent pattern of building separation along streets.*
- *To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.*
- *To ensure that buildings are appropriately sited having regard to site constraints.*
- *To control overshadowing of adjacent properties and private or shared open space.*
- *To ensure improved visual amenity outcomes for adjoining residences.*

The objectives of Development Control 4.8 are:

- *To ensure that development responds to both its natural and built context.*
- *To design residential development that responds to the existing character and the future character of the area.*
- *To ensure building design contributes to the locality through a design that considers building scale, form, articulation, and landscaping.*
- *To encourage colour schemes that are of similar hues and tones to that within the streetscape.*
- *To ensure buildings address the primary street frontage via entry doors and windows.*
- *To ensure that dwellings provide appropriate passive surveillance of public spaces and street frontage.*
- *To ensure that ancillary structures are not the dominate feature of built form*

The objectives of Development Control 4.10 are:

- *To provide car parking for residents.*
- *To ensure that there is adequate provision for vehicular access and manoeuvring.*
- *To minimise the impact of garages upon the streetscape.*

The objectives of Development Control 4.21 are

- *To permit dual occupancy developments upon sites which are of sufficient size to accommodate the required building envelope, car parking, private open space, landscaping and other requirements, whilst maintaining the amenity of surrounding residential development and the streetscape character of the locality.*
- *To allow for development of sites only where the land is not significantly constrained by flood, geotechnical or other environmental hazards.*

3.0 The proposals' compliance with the objectives of the control

Figure 1 demonstrates the minor encroachment within the minimum 8m setback to two storey elements of a dwelling house required by Development Control 4.1.2.4.

The proposed use of the area that is encroaching is a bedroom. Whilst the bedroom is habitable it is unlikely that the encroachment would increase impacts on adjoining development to the extent that more frequented area such as a living room, kitchen or family room would.

The proposal meets the objectives of the development control as the minor variation does not increase the potential for overlooking or overshadowing of adjoining properties or their private open space areas as there is existing and proposed landscaping within deep soil zones immediately adjacent to the area of encroaching building and the area of encroachment is a little use portion of a bedroom.



Figure 1 Demonstrating the minor encroachment within the 8m rear setback required to two storey dwellings

Figures 2-4 demonstrate the areas of walls exceeding 7m in height within 3m of a side boundary for units 36A & B and the dwelling on lot 38.

The site is impacted by flood related controls that set the minimum floor level at RL13.90 for all proposed units (approx. 1m above natural ground level). Unit 36A has a side setback of 1.92m to the east where it is adjoining 34 Hewitts Avenue (after proposed boundary adjustment). Unit 36B has a side setback of 1.62m.

The encroachment over 7m is minor and the building falls below the 9m overall height allowable according to Wollongong Local Environmental Plan 2009.

Unit 36B has been designed to ensure windows are not aligned or conflict with adjoining windows located on the eastern façade of unit 36C. the minor encroachment will not restrict views, impact on solar access to living areas impact on the privacy or amenity of adjoining residences.

The proposed dwelling on lot 38 has a minor encroachment of a wall exceeding 7m in height. The established residence to the west impacted by this variation has a garage located immediately adjacent to the location to which the variation is sought. Shadow diagrams submitted demonstrate that the variation will not cause overshadowing.

The variation to the development control is sought as the encroachment is minor and has been utilised to provide articulation of the building forms over the entire proposal and to allow for flood related controls over the site.



Figure 2 – Proposed building façade exceeding 7m in height –unit 36A



Figure 3 – Proposed building façade exceeding 7m in height –unit 36B



Figure 4 – Proposed building façade exceeding 7m in height –unit 38

Development Control 4.8.2.11 requires: *'Where the garage door addresses the street, they must be a maximum of 50% of the width of the dwelling'.*

The front elevation is articulated, and the proposed garage door is set back behind the building line (6.9m from front boundary) to minimise the impact on the streetscape. The nearest residence on lot 36 is located 8.3m from the proposed residence providing extensive potential for planting to reduce visual impact.

Development Control 4.2.2.1(c) requires *'Garages and carports must be setback a minimum of 5.5 metres to enable a vehicle to park or stand in front of the garage or carport'* and condition 4.10.2.3 requires *'Garages must be setback a minimum of 5.5m from the front property boundary'.*

Condition 4.10.2.2 of the DCP requires carports to be set behind the front building setback. The front building setback sought for this proposal is a minimum of 6m in accordance with development control 4.2.2.1(a). Units 36A & 36B provide covered parking underneath the upper level of the dwelling, no carport structure is proposed for these dwellings. Units 36C & 36D are provided with carparking located under a roof terrace accessed via the hallway and bed 3 on level 1 of the dwellings. The level 1 terrace for U36C is located a minimum of 5.9m from the front boundary at its closest point and 7.16m at its farthest point. The level 1 terrace for unit 36D is located a minimum of 5.56m from the front boundary at its closest point and 7m at its farthest point.

The control states that *'Council may consider a variation to this control for carports that are compatible with the design of the dwelling in instances where an existing streetscape includes carports within the front setback'*

In the vicinity of the subject site there are instances where the existing front setbacks to carparking are not consistent with the current development controls. The garage located on 429 Lawrence Hargrave Drive, the property adjoining the subject site to the west has a double garage accessed off Hewitt's Avenue located a minimum of 1.4m from the property boundary. Both 17 & 25 Hewitt's Avenue have carports located forward of the attached dwelling houses (only 17 Hewitt's Avenue appears to be within the 6m front property setback). The covered carparking for the proposed dwellings units are incorporated into the building design and meets the objectives of the control. The location of the carparking allows for cars to stand within the property boundary in front of the allocated carparking spaces for visitors.

Figure 5 details the minor variation sought to the minimum 15m lot width for dual occupancy developments. The proposed site has an irregular side boundary and as such there is a minor encroachment (approx. 0.5sqm) within the required 15m building width for the allotment. This minor variation does not affect the sites ability to accommodate the required building envelope, car parking,

private open space, landscaping and other requirements, whilst maintaining the amenity of surrounding residential development and the streetscape character of the locality.

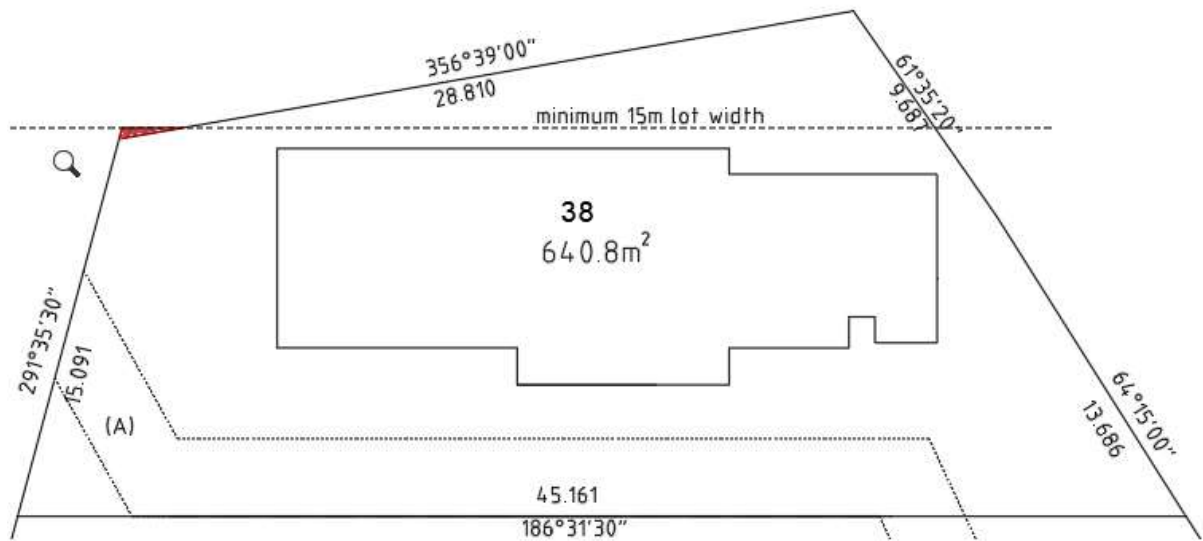


Figure 5 indicates area of proposed dual occupancy block that does not achieve a minimum 15m width

Conclusion

This document demonstrates that the proposal meets the objectives of the DCP & LEP controls and has been designed to integrate into the natural setting of the area and has been sympathetically designed to minimise any negative impacts on existing surrounding residences in regard to visual intrusion, loss of privacy and overshadowing.

ATTACHMENT 5

WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009 AND WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The amended development has been assessed against WLEP 2009 and WDCP 2009- numerical compliance tables can be found at **Attachment 6** to this report.

WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

The proposal is defined as follows:

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Dwelling house means a building containing only one dwelling

Clause 1.8A Savings provision relating to pending development approvals

Noted.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land 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, providing housing in a low density context.

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

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Centre-based child care facilities; 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; Oyster aquaculture; Places of public worship; Pond-based aquaculture; 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; Tank-based aquaculture; Veterinary hospitals*

The proposal is categorised as dual occupancies and a dwelling house as defined above and is permissible in the zone with development consent.

Clause 2.6 Subdivision—consent requirements

The clause identifies that the land may be subdivided, with consent. Consent is sought for the subdivision of the three lots in the following manner:

- Boundary adjustment and subdivision of two lots into three (phase 2)
- Subdivision of each of the two lots containing dual occupancies into four lots as lots containing existing dual occupancies (phase 4)

Clause 2.7 Demolition requires development consent

Demolition works require consent under Clause 2.7. The application seeks consent for the demolition of the existing structures upon existing Lots 1 and A. It is considered that the proposed demolition of the existing structures across No 36 Hewitts Avenue is conditionally acceptable.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

Clause 4.1 identified that the minimum lot size applicable to the subject site is 449m².

The initial boundary adjustment and subdivision of two lots into three results in the creation of lots with the following areas:

Proposed Lot	Area
34	1156.3m ²
1/36	970.3m ²
2/36	786.7m ²
38	640.8m ²

The above lots created through the first phase of subdivision meet the minimum lot size requirements of Clause 4.1

The fourth phase of the development that includes the further subdivision of Lot 1/36 and Lot 2/36 following construction of the dual occupancies will create lots that are less than 449m². Clause 4.1 does not require minimum lot size in this circumstance as per (4C), which states that the Clause does not apply in relation to the subdivision of land on which there is an existing dual occupancy.

Clause 4.3 Height of buildings

The proposed maximum building height of 8.5m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

The maximum floor space ratio applicable to the land is 0.5:1. The proposal does not exceed this maximum ratio at any during any phase of the development. This is demonstrated in the table at **Attachment 6**.

4.5 Calculation of floor space ratio and site area

It is noted that an easement exists over the western portion of No 36 Hewitts Avenue. Although the provisions of Clause 4.5(4) do not exclude easements from site area for the purposes of floor space ratio calculation, it is possible that the easement area may be removed from the site area in the future, in accordance with the contract of sale for the land. As such, this area was removed from the available site area calculation to demonstrate that the proposed development did not exceed the maximum permissible floor space ratio should the easement area be excised from the existing site.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The site is already serviced by electricity, water and sewage services, and it is considered likely that these services could be readily augmented to meet the needs of the development.

Clause 7.3 Flood planning area

The site is below the flood planning level and Clause 7.3 applies to the site. The amended application included an updated flood study, revised Stormwater Concept Plan and Landscaping Plan and design changes to the buildings. Council's Stormwater Engineer has assessed this information and considers the proposal provides a conditionally satisfactory response to the provisions of Clause 7.3.

Riparian Land corresponding in part to a piped watercourse (on Lot 1 DP 327144, Lot A DP 382619 and a small part of Lot B DP 382619) and in part to a Category 3 watercourse (on lot B DP 382619) is mapped on the site.

The Natural Resources Access Regulator in their letter to Council dated 2 December 2019 has confirmed a Controlled Activity Approval is not required.

Clause 7.7 Foreshore building line

[illegible]

As the Foreshore Building Line affects the majority of the site, the proposed development is located within that area. Council must be satisfied as to the following matters prior to issuing a consent for the development:

Clause 7.7(3) requirement	Comment
(a) the development will contribute to achieving the objectives for the zone in which the land is located	The amended development proposes a single dwelling and dual occupancy development which provides for housing needs in a low density residential environment, thus achieving the objectives of the R2 Low Density Residential zone.
(b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area	The surrounding area is comprised generally of low density residential development. The proposal is a low density development that is compliant with the floor space ratio and height controls for the land, and as such will be compatible with the surrounding area.
(c) the development will not cause environmental harm such as—	The amended application included a Vegetation Management Plan and Riparian Assessment.

(i) pollution or siltation of the waterway, or (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or (iii) an adverse effect on drainage patterns	The implementation of the report recommendations will result in the restoration of aquatic and riparian vegetation and habitat in an existing degraded riparian corridor area Further, the amended application now demonstrates that the proposal will not result in adverse flooding and drainage outcomes.
(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway	There are not expected to be any impacts arising on open space areas or the creek as a result of the development in this regard.
(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised	The development will not impact on opportunities to access the foreshore and waterway on public land.
(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained	A landscape heritage item (fig tree) is located two lots to the east. The proposal is not expected to impact on this item.
(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore	Not applicable – the development proposes new buildings

Following assessment of the amended proposal, Council is now satisfied that the proposal will not cause environmental harm. In consideration of the above matters, consent for development within the foreshore building line can now be granted.

WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 (WDCP 2009)

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

In addition to the two variations being proposed under the original proposal, there are additional variations proposed in the amended submission. The following variations are now being sought.

- Wollongong Development Control Plan 2009, Chapter B1: Residential Development
 - Clause 4.1 Number of Storeys – first floor located within 8 metres of rear boundary
 - Clause 4.3 Side and Rear Setbacks - wall greater than 7m located within three metres of side boundary
 - Clause 4.8 Building Character and Form – carport located in front of dwelling building line and garage door greater than 50% of width of dwelling
 - Clause 4.10 Car Parking and Access - garage door greater than 50% of width of dwelling

These are discussed in greater detail in **Section 4** of the LPP Addendum Report.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP. Generally speaking, the proposal could be considered to be consistent with the principles of Ecologically Sustainable Development as follows:

- (a) Potable water and energy use will be reduced.
- (b) Development can adapt to climate change.

- (c) Waste will be reduced.
- (d) Recycling of waste and use of products from recycled sources will be increased.
- (e) The environmental impacts from building materials will be reduced through reduction, reuse and recycling of materials, resources and building components.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

****Numerical compliances detailed in Attachment 6.**

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.1 Maximum Number of Storeys		
<ul style="list-style-type: none"> Battle axe allotments - 1 storey R2 where development occurs within the 8m rear setback the development is limited to single storey Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties 	<p>The subject site is located within an R2 zone and the proposal does not exceed two storeys.</p> <p>The dwelling on proposed Lot 38 has a small first floor portion within 8 metres of the rear boundary. This is discussed in greater detail in Section 4 of the LPP Addendum Report.</p> <p>The built form does not adversely impact upon the visual amenity of the area, and reasonable setbacks are provided to minimise impacts to adjoining properties.</p> <p>In addition, landscaping is provided along the rear boundary to reduce overlooking impacts on the adjoining rear properties.</p>	No, variation justification provided and supportable
4.2 Front Setbacks		
<ul style="list-style-type: none"> Infill 6m min or dependent on street character Less than 6 metres where the prevailing street character permits and the future desired character of the area is not prejudiced. Garages and carports 5.5m min 	<p>The dwellings are setback a minimum of 6 metres from Hewitts Avenue</p> <p>The carports and garages are setback 5.5 metres from Hewitts Avenue</p>	Yes
4.3 Side and Rear Setbacks		
<ul style="list-style-type: none"> Wall Setback: 0.9m min 3m where the wall height exceeds 7m Eave Setback: 0.45m Rear Setback 8m 	<p>Units 36A, 36B and 38 all propose a wall in excess of 7m high at less than three metres from the side boundary.</p> <p>A variation justification has been provided in this regard and is discussed in detail in Section 4 of the LPP Addendum Report.</p> <p>It is considered that the variation request could be supported.</p> <p>The remainder of the amended development is generally in</p>	No, variation justification provided and supportable

	compliance with rear and side boundary setbacks,	
<p><u>4.4 Site coverage</u></p> <p>The maximum site coverage for a dwelling, dual occupancy, and combined maximum coverage for a principle dwelling and secondary dwelling, is as follows:</p> <ul style="list-style-type: none"> • 55% of the area of the lot, if the lot has an area less than 450m². • 50% of the area of the lot, if the lot has an area of at least 450m² but less than 900m². 	<p>The proposed site coverage is compliant at each phase of the development.</p>	Yes
<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> • Minimum landscaped area required: <ul style="list-style-type: none"> - Lot area 600sqm-900sqm – 120sqm +30% of the site area >600sqm. - Lot area less than 600sqm – 20% landscaped area • 50% behind the building line to the primary road • Integrated with drainage design • Dual occupancy development requires 1.5m wide landscape strip within front setback for the majority of the site. 	<p>The proposed landscape areas are compliant at each phase of the development, with greater than 50% of each landscaped area provided behind the building line</p> <p>Drainage design and landscaping are generally integrated. Certification confirming compatibility could be conditioned.</p> <p>A landscaping strip is proposed along the front the development, excluding driveway areas.</p>	Yes
<p><u>4.6 Private Open Space</u></p> <ul style="list-style-type: none"> • 24m² of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50. • Not to be located on side boundaries or front yards without variation. 	<p>The application demonstrates that all dwellings are provided with an area of private open space having a minimum area of 24m².</p>	Yes
<p><u>4.7 Solar Access</u></p> <ul style="list-style-type: none"> • Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June. • 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. • Dwellings should be designed to maximise natural sunlight to main living areas and private open space 	<p>The proposed dual occupancies and dwelling will have minimal impact on adjoining properties (both within and external to the development) in terms of solar access as reasonable setbacks and building heights have been maintained, as well as the favourable lot orientations in this regard.</p> <p>The living rooms and private open space areas within the development are oriented to the north, receiving compliant solar access</p> <p>Submitted shadow diagrams are considered satisfactory.</p>	Yes

4.8 Building Character and Form

- Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context
- Large bulky forms should be avoided through the use of extended terraces, balconies, sun shading and awnings
- New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.
- All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.
- Where garages are proposed on the front elevation they must be articulated from the front façade.
- Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling.

The design of the dwellings is not considered to be inconsistent with the site context.

Whilst the dwellings have a square, contemporary design, the bulk is reduced through the first floor setbacks, the use of terraces and decks and the open form of the carports.

All dwelling entries address the street frontage, with windows on the front façade that will provide for natural surveillance of the street.

The garage is articulated from the façade in the amended proposal, however the proposed garage door exceeds 50% of the width of the dwellings.

A variation justification has been provided in this regard and is discussed in detail in **Section 4** of the LPP Addendum Report

No, variation justification provided and supportable

4.9 Fences

- Fences must be constructed to allow natural flow of stormwater or runoff.
- Fences within front and secondary building lines should be mainly constructed of transparent fence materials.
- Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height

Palisade fencing is proposed with regard to flooding matters on the site. Relevant conditions of consent have been applied in this regard.

Yes

4.10 Car parking and Access

- 2 spaces per dwelling with a GFA of greater than 125m²
- Carports must be setback behind the front building line of the dwelling.
- Garage door facing roads—not greater than 50% of the width of the dwelling.
- Garages must be setback min of 5.5m from front boundary.
- Driveways shall be separated from side boundaries by a minimum of 1m.
- Driveways shall have a max crossover width of 3m.

Dwellings 36A, B, C & D exceed 125m² in GFA, and have each been provided with a double carport.

Dwelling 38 is required to be provided with two parking spaces each, and this is achieved in the form of a double garage.

the proposed garage door exceeds 50% of the width of the dwellings.

A variation justification has been provided in this regard and is discussed in detail in **Section 4** of the LPP Addendum Report.

Driveways are separated from side boundaries by one metre, and the

No, variation justification provided and supportable

	combined driveway crossovers do not exceed 3 metres in width.	
<u>4.11 Storage Facilities</u>		
<ul style="list-style-type: none"> 2 bedroom – 8m³ storage volume / 4m² storage area 3 bedroom- 10m³ storage volume/5m² storage area 	The proposed development provides adequate storage facilities.	Yes
<u>4.12 Site Facilities</u>		
<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 	<p>The required site facilities are indicated on plan and considered to be satisfactory.</p> <p>General conditioning restricting the visual impact of site facilities has been provided.</p>	Yes
<u>4.13 Fire Brigade Servicing</u>		
<ul style="list-style-type: none"> All dwellings located within 60m of a fire hydrant 	All dwellings are located within 60 metres of a street hydrant. The proposed subdivision conditions of consent ensure the provision of a fire hydrant.	Yes
<u>4.14 Services</u>		
<ul style="list-style-type: none"> Encourage early consideration of servicing requirements 	Water, electricity, sewage and telephone services are available to the site	Yes
<u>4.15 Development near the coastline</u>		
<ul style="list-style-type: none"> 	The site is not located in proximity to the coastline	Not applicable
<u>4.16 View sharing</u>		
<ul style="list-style-type: none"> To protect and enhance view sharing, significant view corridors A range of view sharing measures to be considered for building design 	The proposed development will have minimal impact on the view corridors of existing, surrounding development.	Yes
<u>4.17. Retaining walls</u>		
<ul style="list-style-type: none"> To ensure well designed retaining walls that are structurally sound 	There are no new retaining walls proposed	Yes
<u>4.18 Swimming pools and spas</u>		
<ul style="list-style-type: none"> 	None proposed.	Not applicable
<u>4.19 Development near railway corridors and major roads</u>		
<ul style="list-style-type: none"> 	The proposal does not adjoin a classified road or the South Coast Rail Line.	Not applicable

4.21 Additional controls for Dual Occupancies
minimum site width

- Provide sites adequate for buildings
- Sites must not be significantly constrained by flood, geotechnical or other environmental hazards

Each site meets the minimum site width requirements at each phase of development. It is noted that the applicant's submission provides a variation justification for site width, specifically for proposed Lot 38 however this lot achieves the 15m site width, and the amended design now only proposes a single dwelling on this lot.

Yes

4.22 Additional controls for Dual Occupancies
–building character and form

- Controls for corner allotments
- Controls for garages proposed on the front elevation
- Design compatibility between each dual occupancy in relation to alterations and additions
- Existing garages and outbuildings cannot be used as a dual occupancy

The site is not located on a corner.

The garages proposed are articulated from the front elevation of the dwellings.

The proposal does not relate to alterations and additions or seek to convert an existing outbuilding to a dual occupancy.

4.23 Additional Controls for Dual Occupancy's
– Deep Soil Zones

- A minimum of half of the landscaped area must be provided as a deep soil zone. The deep soil zone may be located in any position on the site, subject to this area having a minimum dimension of 3m. The deep soil zone must be located outside the minimum private open space required.

The proposal satisfies the requirement for the provision of a deep soil zone at 50% of the required landscaped area

Yes

CHAPTER B2 – RESIDENTIAL SUBDIVISION

The application seeks consent for subdivision of the land in phases. The first subdivision phase seeks consent for subdivision that would reduce the size of existing Lot B, which would continue to contain the existing dwelling on the site, and subdivide existing Lots and A into three lots. The numerical compliance of these lots is shown below:

Phase 1 Lot	Area (minimum 449m ²)	Lot width (minimum required 12m)	Lot depth (minimum required 25m)
Lot 34	1156.3	15.290	70.909/83.337
Lot 1/36	970.3	15.290	58.471/70.909
Lot 2/36	786.7	15.605	45.161/58.471
Lot 38	640.8	15.091	28.810/45.161

The subdivision occurring in phase four follows the construction of the dual occupancies and as such, the minimum lot size requirements are not applicable to the phase four created lots. As the built form

outcome is known and ensured via a consent, it is considered that the further phase 4 subdivision of the dual occupancy development could be supported.

CHAPTER D1 – CHARACTER STATEMENTS

Thirroul

Existing Character:

Thirroul residential area is characterised by a mix of single storey to two storey dwelling-houses including a number of circa 1920's and 1930's weatherboard and corrugated iron roofed bungalows. The coastal strip of Thirroul including along Lawrence Hargrave Drive contains a mix of single storey weatherboard and fibro dwellings and new contemporary dwellings and some medium density townhouses and walk up residential flat buildings.

New hinterland subdivisions on the foothill slopes of the escarpment contain new contemporary split – level and two storey dwelling styles with weatherboard or rendered brick wall construction and pitched, sloping flat or curved roofline forms.

Desired Future Character:

Residential development will remain primarily low density in nature. Some restricted medium density within close vicinity to the Thirroul village centre and the railway station is envisaged. Any new housing must be sympathetic with the existing Thirroul village built form and streetscape, particularly in older areas with weatherboard houses, pitched roofs and wide eaves. Environmental zones will be retained close to the escarpment to further maintain the strong village character of Thirroul.

Any dwellings should be designed to minimise the scale and bulk of the development through well articulated building forms.

The siting, height and design of new dwellings is critical to maximise view sharing opportunities for neighbouring properties. The roof forms for dwellings especially within the eastern part of Thirroul should be designed to maximise view sharing opportunities for rear neighbouring dwellings and hence, should be either sloping flat or gently pitched only. There should also be generous eaves to decrease the need for air conditioning. The impact of upper storeys of a dwelling should also be minimised through a combination of additional front and side setbacks from the ground floor of the dwelling and the selective use of balconies and verandahs. New dwellings should provide small to medium trees, wherever possible, taking into account view sharing opportunities.....

Where front or rear facades of new dwellings are likely to be higher than neighbouring dwellings, the screening of balconies and additional setbacks may be necessary, to minimise any potential privacy or amenity impacts.

Balconies should be lightly framed in steel and / or timber finishes, rather than of brick or masonry construction.

The proposal is considered to be consistent with the existing and desired future character for the locality. Dual occupancies and single dwellings are considered to be low density developments, and the proposal achieves the objectives of the R2 zone.

Whilst the majority of development in Hewitts Avenue consists of single storey dwellings favouring the bungalow style, there are other more recently approved developments in the area consisting of larger dwellings with contemporary design.

The dwellings as proposed are well articulated, providing generous first floor setbacks to minimise upper storey bulk. The development attempts to minimise impacts on adjoining properties through a well planted deep soil zone along the rear boundary. Street tree planting and the provision of semi mature trees within the development will also complement the surrounding area and landscaped lots.

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

The proposal was referred to Council's Traffic Officer. The development is considered to be consistent with the requirements of Chapter E3 with respect to parking and manoeuvring and conditions have been recommended in this regard.

CHAPTER E6: LANDSCAPING

The proposal was referred to Council's Landscaping Officer and proposed landscaping was found to be conditionally satisfactory and consistent with the requirements of Chapter E6. Conditions include those in relation to the provision of a footpath and street tree and tree planting.

CHAPTER E7: WASTE MANAGEMENT

It is considered that the proposed development satisfies the objectives of Chapter E7 Waste Management. Conditions have been imposed to ensure that Waste Management is carried out to Council's Waste Management specification during construction.

Ongoing waste management via on street collection is considered to suitable and achievable.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to existing on site filling, site stability and the suitability of the site for the development. Council's Geotechnical Engineer does not object to the proposal and appropriate conditions have been recommended in this regard.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is identified as being located within a flood risk precinct under review. An amended flood study and concept stormwater plan have been provided. Council's Stormwater Engineer has reviewed the proposal and considers that the proposal now satisfies the requirements of the Chapter as discussed within the report:

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to the watercourse via an easement. Council's Stormwater Engineer has reviewed the proposal with respect to the provisions of this chapter and considers that the amended proposal now satisfies the requirements of the Chapter as discussed within the report:.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves minor earthworks to facilitate the proposed development.

The application submission was referred to Council's Subdivision and Geotechnical Engineering Officers for comment and no objections were raised. It is considered that the earthworks would have minimal detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land. Conditions have been recommended in this regard.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

Lots 1 and A were previously used as a bus depot and the site included fuels storage facilities and a mechanical workshop. A Stage 2 Environmental Site Assessment identified a number of areas of environmental concern, and a Remediation Action Plan (RAP) submitted with the development application.

Interim Audit Advice received confirms that the site is suitable for the proposed residential development subject to the successful implementation of the RAP. In consideration of the above, conditions in relation to the provision of a site audit report and statement following completion of the remediation works have been applied, the conditions ensuring remediation works occur following demolition but prior to any subdivision works.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The application submission proposes demolition of the existing structures on the site. A Site Waste Minimisation Plan, including waste removal was included in the application submission. Conditions have been imposed to minimise impacts and ensure that demolition is carried out to Council's and WorkSafe NSW requirements.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent have been recommended in regard to appropriate sediment and erosion control measures required during works.

CHAPTER E23: RIPARIAN LAND MANAGEMENT

Riparian Land corresponding in part to a piped watercourse (on Lot 1 DP 327144, Lot A DP 382619 and a small part of Lot B DP 382619) and in part to a Category 3 watercourse (on lot B DP 382619) is

mapped on the site. The existing piped watercourse is to be relocated within the development site and a new outlet to the watercourse in Lot B DP 382619 is proposed. A 10 metre wide vegetated riparian corridor on either side of the top of bank of the watercourse in Lot B DP 382619 is also proposed. This area will be subject to the Vegetation Management Plan prepared by Lodge Environmental dated 20 May 2020.

The Natural Resources Access Regulator in their letter to Council dated 2 December 2019 has confirmed a Controlled Activity Approval is not required.

The amended application included a Vegetation Management Plan and Riparian Assessment. Council's Environmental Officer considers the report to be conditionally satisfactory, noting implementation of the Vegetation Management Plan will restore aquatic and riparian vegetation and habitat in the riparian corridor area.

As such, it is considered that the application fails to demonstrate consistency with the objectives of Chapter E23.

ATTACHMENT 6 - NUMERICAL COMPLIANCE

Phase 2:

Proposed Lot	Site Area following phase 2 subdivision m ² (minimum 449m ²)	FSR (maximum 0.5:1)	Site coverage (permitted/ provided)	Landscaped Area m ² (required/ provided)	Deep Soil Zone m ² (required/ provided)
34	1156.3	0.12:1	40%/13%	Existing (exceeds requirements)	Existing (exceeds requirements)
1/36	970.3	0.47:1	40%/23%	238.12/ 515.16	119/ 151.5
2/36	786.7	0.49:1	50%/28%	176/ 324.38	88/ 118.82
38	615	0.38:1	50%/20%	132.24/ 388.86	none

Phase 4:

Proposed Lot	Site Area following phase 4 subdivision m ² (no minimum lot size for dual occupancy)	FSR (maximum 50%)	Site coverage (permitted/ provided)	Landscaped Area m ² (required/ provided)	Deep Soil Zone m ² (required/ provided)
No 34	Lot 34 (containing existing dwelling) - No further development				
36A (Lot 101):	518	231.86/518= 0.45:1	50%/22%	103.6/ 291.94	52/ 87.3
36B(Lot 102):	452.2	220.57/452.2= 0.49:1	50%/24%	90.44/ 223.22	45/ 64.2
36C(Lot201):	417	190.23/417= 0.46:1	55%/27%	83.4/ 173.69	42/ 65.82
36D(Lot202):	369.6	180.23/369.6= 0.49:1	55%/29%	73.92/ 150.69	37/ 53

Side and rear setbacks (following Stage 4 subdivision)

Proposed Lot	Eastern boundary setback mm	Western Boundary setback mm	Rear setback (approx.) m	Rear setback to first floor (8m required)
No 34	existing	4m	Existing (approx. 50m)	existing
36A (Lot 101):	1925mm (required to be 3000mm)	0	30m	37.7m
36B(Lot 102):	0	1625mm (required to be 3000mm)	26m	31.9m
36C(Lot201):	1815mm	0	18m	26.6m
36D(Lot202):	0	1895mm	14.5m	19.8m
38	5080mm (at upper floor)	Variable (1515mm and greater)	3825mm	6980mm

ATTACHMENT 7

DRAFT CONDITIONS

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No DML 16/021 Drawing SD-01-E and A01-E to A08-E dated 13 May 2020 prepared by Develop my Land 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 **Phasing**

The development shall be carried out with the following phasing:

Phase 1:

- demolition of structures on Lot 1 and Lot A.
- site remediation works.

Phase 2

- realignment of piped watercourse (and associated drainage/tail-out works) and construction of flood training wall.
- subdivision of three (3) existing lots to create four (4) Torrens title lots, including creation of building envelopes and earthworks to achieve approved finished ground levels.

Phase 3:

- construction of dual occupancies on two (2) of the new lots and a single dwelling on the remaining vacant lot, including driveways and landscaping.

Phase 4:

- further Torrens title subdivision of the two (2) lots containing dual occupancies.

3 **Completion of Site Remediation and Reporting (Phase 1)**

All site remediation and the provision of the Validation Report, Site Audit Statement and Site Audit Report shall be completed prior the issue of any Construction Certificate or Subdivision Works Certificate for the development.

4 **Interim Site Auditor's Advice Letter (Phase 1)**

Prior to the commencement of any site remediation works, the Remediation Action Plan prepared by ENRS Pty Ltd dated 15 August 2019 shall be reviewed by the engaged NSW EPA accredited site auditor and an interim site auditor's advice letter on the results of the review submitted directly to Council- no third party submissions will be accepted.

5 **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.

6 **Construction Certificate**

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier 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.

- 7 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier 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.
- 8 **Geotechnical**
- All work is to be in accordance with the geotechnical recommendations contained in the report dated 1 August 2019 by Terra Insight and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
 - Foundation systems are to be designed for Class P soils with all footings to be founded at least 2m below the existing surface and within the underlying firm to stiff residual clay or as recommended by the geotechnical consultant.
 - 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.
 - Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
- 9 **Mailboxes**
The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
- 10 **Site Facilities**
Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature.
- 11 **Implementation of the Vegetation Management Plan (Phases 2 to 4)**
The Vegetation Management Plan prepared by Lodge Environmental dated 20 May 2020 shall be implemented as described.
- 12 **Start Date of the Implementation of the Vegetation Management Plan (Phase 2)**
The start date of the implementation of the Vegetation Management Plan prepared by Lodge Environmental dated 20 May 2020 shall be provided to Council within seven (7) days of the start date.
- 13 **Vegetation Management Plan Reporting**
Annual reports on the progress of the implementation of the Vegetation Management Plan (VMP) prepared by Lodge Environmental Pty Ltd dated 20 May 2020 shall be submitted to Council's City Strategy Division until the completion of the VMP, as outlined in section 7.2 of the VMP.

Prior to the Issue of the Subdivision Works Certificate/Construction Certificate

- 14 **Site Contamination Remediation Works (Phase 1)**
Site contamination remediation works shall be completed in accordance with the Remediation Action Plan prepared by ENRS Pty Ltd and any additional measures as required by the engaged NSW EPA accredited site auditor, if necessary. All site contamination remediation works must be completed prior to the issue of any Construction Certificate or Subdivision Works Certificate for the development.
- 15 **Validation Report, Site Audit Statement and Site Audit Report (Phase 1)**
The submission of a validation report to the Principal Certifier is required, prior to the issue of any Construction Certificate or Subdivision Works Certificate. This validation report shall verify that:
- a all site contamination remediation works have been satisfactorily completed;
 - b the site is not affected by any soil strata and/or groundwater table contamination, above NSW EPA threshold limit criteria; and

c the site is rendered suitable for the proposed development.

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

- Environment Institute of Australia and New Zealand – Certified Environmental Practitioner (Site Contamination) (CEnvP (SC), or
- Soil Science Australia – Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM).

The Validation Report is also to be issued by the consultant direct to Council prior to the issue of any Construction Certificate or Subdivision Works Certificate. No third party submissions will be accepted.

The submission of a site audit statement (SAS) and a site audit report (SAR) to Council from a NSW EPA accredited site pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development are also required prior to the issue of any Construction Certificate or Subdivision Works Certificate.

The SAS and SAR are to be issued by the accredited site auditor direct to Council. No third party submissions will be accepted.

16 **Waste Inventory Report (Phase 1)**

A Waste Inventory report must be maintained on-site during demolition work. The waste inventory is a register of all materials and waste removed from the site during the demolition work. The register must record each load or movement of material and waste from the site and must include at a minimum the following information:

- a the description of the material (including identified hazardous material);
- b an estimate of the quantity by volume and weight;
- c the name of the transporter and the registration details of the relevant vehicle;
- d the intended destination of the material;
- e a copy of the Waste Inventory and copies of relevant receipts of disposal shall be forwarded to Council's Division of Regulation and Enforcement prior to the Subdivision Works Certificate being issued.

17 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$16,720.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Subdivision Works Certificate and/or 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 (Full payment only)	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1155673	<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 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

18 **Subdivision Works (Phase 2)**

All subdivision works must obtain a Subdivision Works Certificate prior to any commencement of works on site. Details of all subdivision engineering works are to be submitted to the Principal Certifier for approval.

The Principal Certifier must ensure that engineering plans are consistent with the stamped approved plans and that all subdivision works have been designed in accordance with conditions of this consent, Wollongong City Council's Subdivision Policy, AUSTRAD Guidelines and best engineering practice.

19 **Section 73 Compliance Certificate (Phase 2 and 4)**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Builders and Developers" section of the web site www.sydneywater.com.au then search to "Find a Water Servicing Coordinator". Alternatively, telephone 13 20 92 for assistance.

Following application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the Principal Certifier prior to issue of the Construction Certificate or Subdivision Works Certificate.

20 **Endeavour Energy Requirements (Phase 2 and 4)**

The submission of documentary evidence from Endeavour Energy to the Principal Certifier is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Subdivision Works Certificate.

Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

21 **Telecommunications (Phase 2 and 4)**

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifier confirming that underground telecommunication services are available for this development is required prior to the issue of the Subdivision Works Certificate.

22 **Dilapidation Survey (Phase 2)**

A dilapidation survey and report shall be submitted to the Principal Certifier.

The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots.

The report shall outline measures for the protection of existing public and private infrastructure during the works.

Any damage to infrastructure items and relics which is caused by the developer shall be repaired to the satisfaction of the Principal Certifier prior to the issue of a Certificate of Practical Completion for Subdivision works.

23 **Soil and Water Management Plan (SWMP) – Greater than 2500m² disturbance (Phase 2)**

A Soil and Water Management Plan (SWMP) must be prepared by a suitably qualified person in strict accordance with the requirements set out in “Managing Urban Stormwater: Soils and Construction” NSW Dept of Housing, 4th Edition. The plan must be submitted to the Principal Certifier for approval prior to the issue of the Subdivision Works Construction Certificate.

24 **Tree Protection and Management (Phase 1 to 3)**

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 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate or Subdivision Works Certificate.

25 **Earthworks Plans (Phase 2)**

Detailed earthworks plans showing the existing and proposed surface level contours and finished surface treatment (incl. scour protection where necessary to avoid scour/erosion of the land) shall be prepared by a suitably qualified civil engineer and submitted to and approved by the Certifier prior to the release of the Subdivision Works Certificate.

The proposed surface levels shall be in accordance with ‘Figure C7.3: Post-Development TUFLOW Model Grid Surface Contours’ of the flood study by Rienco Consulting titled ‘Detailed Flood Study Proposed Development at 36 Hewitts Avenue, Thirroul’, Reference: 16025 Report 001 Rev 5 Flood Study.doc.

26 **Detailed Design in accordance with Flood Study (Phase 2)**

The detailed design of the development, including floodway, landscaped flood wall, and finished surface levels, shall be in accordance with:

- the proposed development model scenario in the flood study by Rienco Consulting titled ‘Detailed Flood Study Proposed Development at 36 Hewitts Avenue, Thirroul’, Reference: 16025 Report 001 Rev 5 Flood Study.doc; and
- The landscape sections by Develop My Land, Job No. DML 16/021, Dwg. No. L-0, Revision B dated 16 July 2020.

Evidence that this requirement has been satisfied shall be submitted to the Certifier prior to the release of a Subdivision Works Certificate. This evidence must include a letter of certification from a suitably qualified civil engineer stating that the requirements of this condition have been satisfied.

27 **Detailed Design in Accordance with Flood Study (Phase 3)**

The detailed design of the development, including floodway, landscaped flood wall, finished surface levels, landscaping, fences, buildings, driveways, car parking areas, suspended balconies/decks, and surface roughness values, shall be in accordance with:

- the proposed development model scenario in the flood study by Rienco Consulting titled ‘Detailed Flood Study Proposed Development at 36 Hewitts Avenue, Thirroul’, Reference: 16025 Report 001 Rev 5 Flood Study.doc;

- The landscape plan by Develop My Land, Job No. DML 16/021 Dwg. No. L-01, revision E dated 13 July 2020; and
- The landscape sections by Develop My Land, Job No. DML 16/021, Dwg. No. L-0, Revision B dated 16 July 2020.

Evidence that this requirement has been satisfied shall be submitted to the Certifier prior to the release of a Construction Certificate. This evidence must include a letter of certification from a suitably qualified civil engineer stating that the requirements of this condition have been satisfied.

- 28 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Subdivision Works Certificate/Construction Certificate plans and supporting documentation. (Phases 2 and 3)

29 **Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre (Phase 2 and 3)**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Certifier for approval prior to the issue of the Subdivision Works Certificate/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 plan of the wall showing location and proximity to property boundaries;
- 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;
- Details of fencing or handrails to be erected on top of the wall;
- 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;
- 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;
- The assumed loading used by the engineer for the wall design.
- 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.

30 **Stormwater Drainage Design (Phase 2 and 3)**

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

- 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 lodged for development approval, prepared by Rienco Consulting Drawing No. 1001 Issue H dated 16 July 2020.
- Include details of the method of stormwater disposal. Stormwater from the development must be piped to the natural watercourse within the site
- 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.
- Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on 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.

- e Must include construction details of the proposed floodway, design finished surface level contours, flood training wall, proposed 900mm x 900mm reinforced concrete box culvert (i.e. realigned piped watercourse), junction pits, new stormwater outlet, and tail-out channel connecting new stormwater outlet to existing watercourse channel.
- f The note on the concept stormwater plan that reads 'NOTE: ALL FINISHED SURFACE LEVELS TO BE AS PER THE RIENCO FLOOD STUDY REVISION 4' shall be deleted and replaced with 'NOTE: ALL FINISHED SURFACE LEVELS TO BE AS PER THE RIENCO FLOOD STUDY REVISION 5'
- g The design finished surface level contours shall be provided with a minimum contour interval of 0.1 metres, and shall be equal to the contours shown on Figure C7.3: Post-Development TUFLOW Model Grid Surface Contours of the flood study by Rienco Consulting titled 'Detailed Flood Study Proposed Development at 36 Hewitts Avenue, Thirroul', Reference: 16025 Report 001 Rev 5 Flood Study.doc.
- h The flood training wall must be continuous, impermeable, and designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1 % AEP flood level plus 0.5 metres
- i The details of the proposed 900mm x 900mm reinforced concrete box culvert (i.e. realigned piped watercourse) shall be generally in accordance with the concept stormwater plan referenced in point (a) above.
- j Must include details of appropriate scour/erosion protection measures including at the stormwater outlet and tail-out channel connecting the new stormwater outlet to the existing watercourse channel.

31 **Drainage Works within Council Road Reserve (Phase 2)**

A detailed design for the proposed drainage works within Council's road reserve, including modifications to the existing pit and construction of that portion of the proposed new 900mm x 900mm reinforce concrete box culvert that is located within Council's road reserve, shall be prepared by a suitably qualified civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the concept stormwater plan lodged for development approval, prepared by Rienco Consulting, Drawing No. 1001, issue H, dated 16 July 2020, and shall include the following:

- a Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.
- b Engineering details of the proposed pit and culvert stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe/culvert size/class,
- c grade, inverts and ground levels. Each proposed pit must be generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- d The design shall ensure no increase in the rate of stormwater surcharge flows occurring from Council's drainage system within Hewitts Avenue, in any storm event, when compared with existing conditions.
- e All new drainage pits shall be in accordance with the current version of Wollongong City Council's Engineering Standard Drawings.
- f Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- g All construction must be in accordance with the requirements of Council's Subdivision Code.

Evidence that the above requirements have been met must be detailed on the engineering drawings. The detailed design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of the Subdivision Works Certificate.

32 **Scour Protection (Phase 2 and 3)**

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 Subdivision Works Certificate and Construction Certificate plans.

33 **Fences (Phase 3)**

Details of all proposed fences shall be reflected on the Construction Certificate plans. All fences constructed on the site and located in the floodplain shall:

- be consistent (in terms of the form of the fence and the effect of the fence on flood flow behaviour) with those fences modelled in the proposed development flood model scenario in the flood study by Rienco Consulting titled 'Detailed Flood Study Proposed Development at 36 Hewitts Avenue, Thirroul', Reference: 16025 Report 001 Rev 5 Flood Study.doc.; or
- be of a type that will not obstruct the free flow of floodwaters in the event of a flood; and
- be of a type that will not cause damage to surrounding land in the event of a flood.

Evidence that the above requirements have been satisfied, including certification from a suitably qualified civil engineer, shall be submitted to the Principal Certifier prior to the release of a Construction Certificate.

34 The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Phase 3 Construction Certificate. The final Landscape Plan shall address the following requirements:

- a a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- b the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees.
- c screen planting shall be provided along the western boundary of proposed Lot 38.
- d a minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within the landscape area for each proposed dwelling.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

35 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Phase 3 Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

36 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes

well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Phase 3 Construction Certificate.

37 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development is three (3) *Tristanopsis laurina* 'Luscious' 200 litre container size, in accordance with AS 2303:2018 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

These requirements shall be reflected on the Phase 3 Construction Certificate plans and any supporting documentation.

38 **Footpath**

The developer is responsible for the construction of footpath for the entire frontage of the development.

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

A Landscape Plan is to be submitted to Council for approval prior to the issue of the Phase 3 Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.

39 **Pier and Beam Footings Adjacent to any Drainage Pipelines/Culverts (Phase 3)**

Buildings and structures adjacent to drainage pipelines/culverts shall be supported on pier and beam footings extending below the zone of influence of the drainage pipeline/culvert. The structural component of the building must be constructed so as not to impose any dead or live loads on the stormwater pipeline/culvert and to permit excavation of the stormwater pipeline/culvert without affecting the structural stability of the building. Structural engineer's details are required detailing the size and levels of the existing drainage pipeline/culvert, zone of influence, and details and levels for the footings adjacent to the pipeline/culvert prior to the issue of the Construction Certificate.

40 **Flood Level Requirements (Phase 3)**

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

- a Habitable floor levels must be constructed at a minimum of RL 13.90 metres AHD.
- b Any portion of the building or structure below RL 13.90 metres AHD 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.
- c The proposed dwellings shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including RL 16.46 metres AHD. All other structures constructed as part of this development (incl. carports, walls, etc.) shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1 % AEP flood level plus 0.5 metres.

41 **Site Filling (Phase 2 and 3)**

Filling on the site being within the floodplain shall be restricted to:

- those areas where filling is required to achieve the design level contours shown in 'Figure C7.3: Post-Development TUFLOW Model Grid Surface Contours' of the flood study by Rienco Consulting titled 'Detailed Flood Study Proposed Development at 36 Hewitts Avenue, Thirroul', Reference: 16025 Report 001 Rev 5 Flood Study.doc; and
- filling of that portion of the existing watercourse channel shown hatched on the concept stormwater plan lodged for development approval, prepared by Rienco Consulting, Drawing No. 1001, issue H, dated 16 July 2020, to the top of bank level (as noted).

No other increases in surface levels within the floodplain are permitted. No wholesale filling of the site within the floodplain is permitted. These requirements shall be reflected on the Subdivision Works Certificate/Construction Certificate plans.

42 **No Adverse Run-off Impacts on Adjoining Properties (all Phases)**

The design and construction 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.

43 **Car Parking and Access**

The development shall make provision for a total of 10 car parking spaces. This requirement shall be reflected on the Phase 3 Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

44 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Phase 3 Construction Certificate plans.

45 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Phase 3 Construction Certificate plans.

46 **Provision of a Fire Hydrant (Phase 2)**

The provision of a fire hydrant in accordance with AS2419.1 (2005) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the plans prior to the issue of the Subdivision Works Certificate.

47 **Property Addressing Policy Compliance**

Prior to the issue of any Phase 3 Construction Certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** (propertyaddressing@wollongong.nsw.gov.au), for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

48 **Obscure Glazing for all Bathroom and WC Windows**

The bathroom and WC windows for each dwelling in the development shall be frosted or opaque glass. This requirement shall be reflected on the Phase 3 Construction Certificate plans.

Prior to the Commencement of Works

49 Appointment of Principal Certifier

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

- a Appoint a Principal Certifier (PC) and notify Council in writing of the appointment irrespective of whether Council or an Registered Certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

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

50 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 Certifier 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.

51 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 Certifier 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.

52 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.

53 **Enclosure of the Site**

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

54 **Hewitts Avenue – Kerb and Guttering (Phase 2)**

Kerb and guttering of Hewitts Avenue must be constructed for the full length of Nos 34 and 36 Hewitts Avenue. Details are to be submitted to Council for approval prior to the commencement of works.

55 **Demolition Works**

The demolition of the existing structures on the site 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 Certifier. 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.

56 **Demolition Notification to Surrounding Residents**

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

57 **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.

58 **Contaminated Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

59 **Support for Neighbouring Buildings (Phases 1 to 3)**

This consent requires the preservation and protection of neighbouring buildings/structures 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/structure 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/structure and furnish specific written details and supporting plans or other documentation of the proposed work.

60 **Erosion and Sediment Control Measures (Phase 1)**

Erosion and sedimentation control measures are to be established in accordance with the requirements of the Erosion and Sediment Control Plan.

61 **Vibratory Rollers**

No vibratory rollers are to be used during the construction of the subdivision without the prior written approval of the Principal Certifier. The Principal Certifier shall not issue this approval unless the geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent dwellings.

62 **Works in Road Reserve – Major Works (Phase 1 to 3)**

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993.

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, five (5) days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- a Digging or disruption to footpath/road reserve surface;
- b Loading or unloading machinery/equipment/deliveries;
- c Installation of a fence or hoarding;
- d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- e Pumping stormwater from the site to Council's stormwater drains;
- f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g Construction of new vehicular crossings or footpaths;
- h Removal of street trees;
- i Carrying out demolition works.

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.

63 **Subdivision Requirements (Phase 2)**

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

- a. Notify Council in writing of their intention to commence works, this is to be submitted on Council's M10 form (at least two (2) days notice is required.).
- b. Appoint a Principal Certifier (PC) and notify Council in writing of the appointment irrespective of whether Council or an Registered Certifier is appointed.
- c. All works must be approved by way of issue of a Construction Certificate and constructed in accordance with the version of the Wollongong City Council Subdivision Policy current at the time of this consent. These documents including Development Consent, Construction Certificate approved drawings and other management plans outlined in this consent are to be kept on site at all times.
- d. A suitably qualified and experienced Civil Engineer, Registered Surveyor or experienced Civil Engineering Foreman must be appointed by the developer before any work commences on site.

64 **Tree Protection (Phase 1 to 3)**

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970-2009).

Tree protection zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

65 **Certification from Arborist - Adequate Protection of Trees to be Retained (Phase 1 to 3)**
A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifier is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

66 **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 Certifier, prior to the commencement of works for the relevant phase of construction.

During Demolition, Excavation or Construction

67 **Implementation of the Vegetation Management Plan (Phase 2)**
The Vegetation Management Plan prepared by Lodge Environmental Pty Ltd dated 23 March 2020 shall be implemented as described.

68 **Survey Report for Floor Levels (Phase 3)**
A Survey Report must be submitted to the Principal Certifier verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

69 **Supervision of Engineering Works**
All engineering works associated with the development are to be carried out under the supervision of a practicing engineer.

70 **Piping of Stormwater to Existing Stormwater Drainage System**
Stormwater for the land must be piped to the piped watercourse within the site.

71 **Pipe Connections (Phase 2)**
All pipe connections to existing stormwater drainage systems within the road reserve shall be constructed flush with the pit wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

72 **No Adverse Run-off Impacts on Adjoining Properties**
The 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.

73 **Prohibition of any Encroachment into Drainage Easement**
No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.

74 **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 Certifier 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.

75 **Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

- a encroach onto the adjoining properties, and
- b adversely affect the adjoining properties with surface run-off.

76 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V.

77 **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>).

78 **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 Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

79 **Excess Excavated Material – Disposal**

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

80 **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.

81 **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 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
- b if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- c BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."

82 **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

83 **Flood Compatible Materials – Electrical**

All power service (metering) equipment, power outlets, switches etc. shall be located above RL 13.90 metres AHD. 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 RL 13.90 metres AHD should be capable of disconnection by a single plug and socket assembly.

84 **Fences**

Any new fences constructed on the site and located in the floodplain shall be in accordance with the fence details on the Construction Certificate plans, or where not detailed on the Construction Certificate plans, 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

85 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate/Subdivision 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 Certifier.

86 **BASIX**

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifier 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.

87 **Completion of Landscape Works**

The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificates for the dual occupancies and dwelling.

88 **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the final Occupation Certificate and commencement of use for the dual occupancies and dwelling. This report is required to verify that the dwellings can withstand the forces of floodwater, debris and buoyancy up to and including RL 16.46 metres AHD, and that all other structures constructed under this consent (incl. carports, walls, etc.) can withstand the forces of floodwater, debris and buoyancy up to and including the 1 % AEP flood level plus 0.5 metres.

89 **Flood Affection Certification**

The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificates and commencement of use for the dual occupancies and dwelling. This report is required to certify that the 'as-constructed' development will not cause any detrimental effects to adjoining properties or upon the subject land due to loss of flood storage, changes in flood levels, diversion of floodwater flows, and/or alteration of flood conveyance.

90 **Drainage WAE**

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor shall be submitted. These plans shall include levels and location for all drainage structures and works, buildings (including floor levels), and finished ground and pavement surface levels. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificates for the dual occupancies and dwellings.

Prior to the Issue of the Subdivision Certificate

- 91 **Waste Inventory (Phase 1)**
A copy of the Waste Inventory which was maintained on-site during the demolition work and copies of relevant receipts of waste material being deposited at a waste disposal facility shall be forwarded to the Principal Certifier, prior to the issue of the Subdivision Certificate.
- 92 **Positive Covenant – Vegetation Management Plan (Phase 2 and 4)**
A positive covenant shall be created under the Conveyancing Act 1919 requiring the property owner(s) to carry out works described in the Vegetation Management Plan prepared by Lodge Environmental Pty Ltd dated 23 March 2020.

The 88E Instrument shall contain a provision that this clause may not be altered, modified or extinguished, except with the written consent of Wollongong City Council.

The instrument showing the positive covenant must be submitted to the Principal Certifier for endorsement prior to the issue of the Subdivision Certificate.
- 93 **Implementation of Vegetation Management Plan (Phase 2)**
Certification shall be provided from a suitably qualified and experienced bush regenerator prior to issue of the Subdivision Certificate to verify that works to implement at least the establishment phase of the Vegetation Management Plan (VMP) prepared by Lodge Environmental Pty Ltd dated 23 March 2020 have been carried out in accordance with the VMP.
- 94 **Registered Surveyors Certification (Phase 2)**
A Registered Surveyor must certify in writing that all stormwater pits and pipelines, services and vehicular accessways are located wholly in an appropriate easement on the final plan of subdivision. This certification must be submitted with the Subdivision Certificate application.
- 95 **Hewitts Avenue – Kerb and Guttering Practical Completion (Phase 2)**
A practical completion certificate for the kerb and guttering of Hewitts Avenue must be submitted prior to the issue of the Subdivision Certificate.
- 96 **Nominated Building Footprint (Phase 2)**
Nominated building footprints on each proposed allotment shall be shown on the Phase 2 final subdivision plan. The nominated building footprints shall be in accordance with the dwelling footprints approved under the development consent.
- 97 **Flood Wall (Phase2)**
The flood wall constructed under this development consent shall be shown on the Phase 2 final subdivision plan.
- 98 **Certification – Stormwater Drainage (Phase 2)**
The submission of written certification from a suitably qualified civil engineer stating that all stormwater drainage and related works, including finished surface levels, flood training wall, 900mm x 900mm reinforced concrete box culvert (i.e. realigned piped watercourse), junction pits, new stormwater outlet, tail-out channel connecting new stormwater outlet to existing watercourse channel, and scour/erosion protection measures have been constructed in accordance with the approved Subdivision Works Certificate plans (including detailed drainage design and earthworks plans) and the requirements of the Wollongong City Council Subdivision Policy.
- 99 **Works-As-Executed Plans - Works within Council Land or Road Reserve (Phase 2)**
The submission of a Works-As-Executed (WAE) plan for approved works in Council's road reserve must be submitted to and approved by Council's Development Engineering Manager, prior to the release of the Phase 2 Subdivision Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Construction Certificate plans. The Works-As-Executed (WAE) plans must include:
- a Final locations and levels for all works associated with the development within Council's road reserve.

- b The plan(s) must include, but not be limited to, the requirements stated in Chapter E14 of the Wollongong DCP 2009.

100 **Completion of Engineering Works (Phase 2)**

The completion of all engineering works within Council's road reserve in accordance with the conditions of this consent and any necessary work to make the construction effective must be to the satisfaction of Council's Manager Development Engineering. The total cost of all engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be restored in a satisfactory manner, prior to the issue of the Subdivision Certificate.

101 **Works-As-Executed Plans (Phase 2)**

The submission of two sets (minimum) of Works-As-Executed (WAE) plans to the Certifier, prior to the release of the Subdivision Certificate. The Works-As-Executed plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The Works-As-Executed dimensions and levels must also be shown in red on a copy of the approved Subdivision Works Certificate plans. The Works-As-Executed (WAE) plans must include:

- a Final locations and levels for all works associated with the subdivision including finished surface levels, flood training wall, 900mm x 900mm reinforced concrete box culvert (i.e. realigned piped watercourse), junction pits, new stormwater outlet, tail-out channel connecting new stormwater outlet to existing watercourse channel, and scour/erosion protection measures;
- b a separate fill plan showing extent and depth of filling;
- c the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

An electronic copy in CAD format is required to be submitted at the time of lodgement.

102 **Practical Completion (Phase 2)**

Upon completion of all Phase 2 works stipulated in the Development Consent and Subdivision Works Certificate, the developer must obtain either a Certificate of Practical Completion from Wollongong City Council or a Compliance Certificate from an Registered Certifier.

In order to attain a Certificate of Practical Completion the following items must be lodged with Wollongong City Council:

- a Completed M3 Form which references the Subdivision Works Certificate application number and stipulates that a Certificate of Practical Completion is required.
- b Work-as executed drawings as conditioned in this consent.
- c Final Certifications as conditioned in this consent.
- d Final Reports as conditioned in this consent.
- e All pipelines compaction data (all layers) and road density testing data (all courses) as per Wollongong City Council subdivision code requirements.

As part of the Practical Completion certificate, a draft Handover Package is to be provided to Wollongong City Council, with written confirmation that Council confirms practical completion has been reached and assets are to Council's satisfaction for future handover.

103 **Piped Natural Watercourse (Phase 2 and 4)**

The piped natural watercourse must be chartered on the final subdivision plan at each phase involving subdivision. An easement benefitting Council must **not** be created over the piped watercourse.

104 **Natural Watercourse (Phase 2 and 4)**

The natural watercourse must be chartered on the final subdivision plan at each phase involving subdivision.

105 **Existing Easements (Phase 2 and 4)**

All existing easements must be acknowledged on the final subdivision plan at each phase involving subdivision.

- 106 **Existing Restrictions as to Use (Phase 2 and 4)**
All existing restrictions on the use of land must be acknowledged on the final subdivision plan at each phase involving subdivision.
- 107 **Encroaching Pipes (Phase 2 and 4)**
A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes other than the piped watercourse.

For all drainage easements proposed over the subject lots, a works as executed/survey plan of all stormwater drainage within the site is to be submitted with each Subdivision Certificate Application to confirm this.
- 108 **Encroaching Services (Phase 2 and 4)**
A minimum one (1) metre wide easement for services must be created over any encroaching utility service.
- 109 **Occupation Certificate Prior to Subdivision Certificate (Phase 4)**
An Occupation Certificate for the dwellings must be issued prior to the release of the Phase 4 Subdivision Certificate for the Torrens Title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the Subdivision Certificate application.
- 110 **Section 88B Instrument (Phase 2 and 4)**
The submission of a Final Section 88B Instrument to Council/Principal Certifier, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:
- restriction-as-to-user over the flood wall which prohibits its alteration and/or removal (Phase 2 and 4);
 - restricted building zone over the 1% AEP flood inundation area outside of the nominated building footprints (approved under the DA consent) (Phase 2 and 4);
 - restriction as to user defining minimum floor level of RL 13.90 metres AHD for each lot (Phase 2 and 4).
 - Easement for services (Phase 2 and 4);
 - easement for drainage (Phase 2 and 4);
 - easement for encroachment (Phase 2 and 4);
 - rights of access (Phase 4 only);
 - party wall (Phase 4 only).
- 111 **Final Documentation Required Prior to Issue of Subdivision Certificate (Phase 2 and 4)**
The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:
- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
 - b Certificate of Practical completion from Wollongong City Council or a Principal Certifier (if applicable);
 - c Administration sheet prepared by a registered surveyor;
 - d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
 - e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
 - f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
 - g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
 - h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
 - i Payment of section 94 fees (Pro rata) (if applicable).

112 **88B Instrument Easements/Restrictions**

Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

113 **Certification Retaining Wall (Phase 2 and 4)**

The submission of a Certificate of Structural Sufficiency from a suitably qualified Civil and/or Structural Engineer for all retaining walls constructed is required at each relevant phase of development.

114 **Certificate - Structures (Phase 2 and 4)**

The submission of written certification from a suitably qualified civil and/or structural engineer stating that all structures (including flood wall) have been constructed in accordance with the approved Subdivision Works Certificate plans is required at each relevant phase of development.

Operational Phases of the Development/Use of the Site

115 **Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.