

Wollongong Local Planning Panel Assessment Report | 10 December 2020

WLPP No.	Item No. 4
DA No.	DA-2020/708
Proposal	Residential - alterations and additions to existing dual occupancy
Property	1/3 Hill Street, Bulli
Applicant	Illawarra Design Company
Responsible Team	Development Assessment and Certification - City Centre Team (HK)
Development cost	\$198,000
Lodgement date	18/07/2020
Prior WLPP meeting	NA

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2, 2(b) of the Local Planning Panels Direction of 30 June 2020, as the proposal has received 10 or more unique submissions by way of objection.

Proposal

The proposal is for alterations and additions to unit one of an existing dual occupancy. Works include the replacement of an external staircase, the extension of a second storey balcony and the addition of a new bedroom and bathroom at the second storey level over the existing attached garage.

Permissibility

Dual occupancy development is permissible in the R2 Low Density Residential zone.

Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan and received 13 unique submissions (by way of objection) which are discussed at section 1.5 of the assessment report.

Main Issues

The main issues arising from the development assessment are:

- Variations to WDCP 2009 (front and side setbacks)

RECOMMENDATION

It is recommended that the application be approved subject to the conditions of consent contained in Attachment 6.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Koala Habitat Protection) 2019
- SEPP (Coastal Management) 2018

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2019
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

Site preparation

- Minor demolition of internal and external walls.
- Demolition of the upstairs bathroom and external spiral staircase.
- Minor earthworks for footings of the new balcony additions including a new staircase.

Works / Construction / building details

- Construction of a new bedroom, bathroom and water closet above the existing garage.
- Construction of a new external spiral staircase leading to the existing balcony.
- Minor alterations to “square off” the existing curved balcony, resulting a minor increase in the balcony area.

1.3 BACKGROUND

Development History

The development history for 1/3 Hill Street, Bulli is as follows:

- CC-1999/355, Extension Of Existing Balcony And New Stairs
- DA-1997/461, Addition Of Two Bedrooms
- DA-1998/506, Extension Of Balcony
- DA-2020/708, Residential - alterations and additions to existing dual occupancy

Pre-lodgement Meetings

No pre-lodgement meeting was held for the proposal.

Customer service actions

There are no outstanding customer service requests of relevance to the development.

1.4 SITE DESCRIPTION

The site is located at 1/3 Hill Street, Bulli and the title reference is Lot 100 DP 854573. The site is irregular in shape with a fall of approximately 1 meter from 17.65 to 16.69 AHD, west to east.

The land is adjoined by public parkland to the north and east and a single storey dwelling house to the south. The site and neighbouring land is zoned R2 Low Density Residential while the reserve to the rear is zoned RE1 Public Recreation.

Development in the immediate neighbourhood comprises larger contemporary two storey dwellings mixed in with older mid-20th century dwelling houses.

An aerial photograph and zoning extract form attachments 1 and 2 to this report.

Property constraints

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

- Acid sulphate soils: class 5; negligible earthworks are proposed, and no concerns are raised in this regard.

There are no restrictions on the title that would preclude the development as proposed.

1.5 SUBMISSIONS

The application was notified between 24 July and 3 September 2020 in accordance with Council's Community Participation Plan 2019 and clause 5.10 (Aboriginal communities) of the Wollongong Council Local Environmental Plan 2009. This included a notification letter to the properties identified in the below map as well as a notice in the local newspaper.

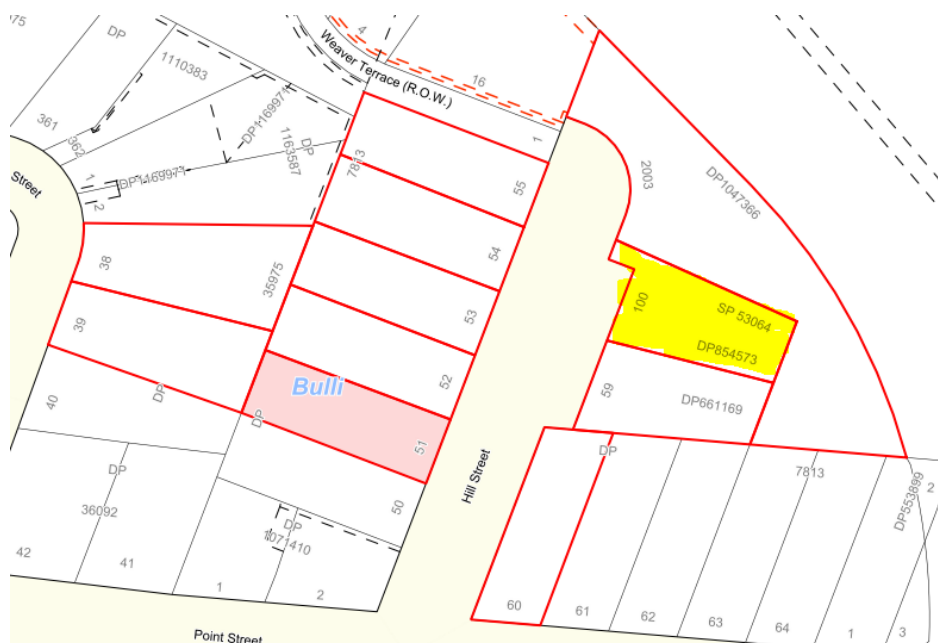


Figure 1: Notification map (subject property yellow)

Table 1: Submissions

Concern – Abridged	Comment
1. Multiple objections to the extension of the balcony, and its impacts on the adjacent parkland.	It is recommended that the application be approved on the condition that the balcony maintain its existing setbacks to the north. i.e. The extension of the balcony is not supported and that the plans are required to be

Concern – Abridged	Comment
	amended prior to the construction certificate showing no further encroachment to the side boundary.
i. Justification for the original variation (under DA-1998/506) was insufficient.	This is unable to be considered under this application.
ii. The frontage facing the northern parkland has the effect of ‘co-opting’ or privatising public parkland. On this basis no further encroachment should be supported, to prevent incremental impacts.	Subject to the balcony extension not being approved there is no additional impacts to the park above what currently exists.
iii. The side boundary presents as the building’s “frontage” – a 900mm setback appears as insufficient in relation to front or rear setback controls.	The northern boundary is a side boundary and a 0.9m setback control applies. Also refer to point ii above.
iv. The size and character of the building detracts from the visual amenity of the area for the many visitors using the shared pathway and adjacent parkland.	The extension of the balcony is not supported, as a result there will be no further encroachment to the northern boundary. The proposed additions to the south will not be visible from the park and are in keeping with the existing character of the building, which is an example of coastal character sought by the DCP.
v. Will result in additional overlooking and visual amenity impacts on the public open space.	The extension of the balcony is not supported. Overlooking impacts on public spaces are typically weighted less strongly as impacts on private open areas, as there is no expectation of adverse privacy impacts.
vi. The property has no right to appropriate public space.	All proposed works occur on private land.
vii. Insufficient justification has been provided by the applicant for the variation	Refer to section 2.3.1 for a review of the justification.
viii. It would set a precedent	The original building was approved under different planning controls, the additions have been assessed under the current controls. Variations are assessed on their individual merits and unique site circumstances; Cumulative impacts are accounted for where appropriate. Refer to section 2.3.1
ix. The side boundary controls were applied to other buildings in the area.	
x. It should be refused solely on the basis that it does not conform to the controls.	
xi. The integrity of the DCP is incrementally undermined if exceptions like these are granted, as it creates	

Concern – Abridged	Comment
precedents for further non-compliances in the future	
2. Confirmation that the development complies with the floor space ratio control.	The building complies with the floor space ratio controls and no additional site coverage is proposed. It is noted that the FSR for the area at the time of the dual occupancies' original construction was 0.3:1 and there were no controls around site coverage at the time. FSR in the area has since been increased to 0.5:1.
3. The building is too large for the site.	
4. insufficient setback information has been provided and there are no FSR diagrams	<p>Revised plans have provided more setback details which is now informed by surveyor information.</p> <p>While no FSR diagrams have been provided Council has conducted its own calculations using up to date floorplans of both units of the dual occupancy.</p>
5. There will be overshadowing and loss of winter sunlight for the property to the south.	Solar access diagrams have been provided that only show the impacts of the proposed additions. The diagrams do not account for the overshadowing which exists from the existing building. The proposal will result in some overshadowing of the property to the south.
6. Overshadowing of the public open space.	This will not occur due to the orientation of the lots and the location of works on the site.
<p>7. Second storey addition:</p> <p>i. The Window box will have adverse impacts</p> <p>ii. A front setback precedent will be set</p> <p>iii. Setbacks do not comply with the DCP</p>	<p>The window box has been removed, and the addition now has a setback of 5.1m from the front boundary.</p> <p>This is in line with the existing dwelling setback. No additional precedent will be set by this building.</p> <p>The control allows for less than a 6 metre setback where the prevailing street character permits and the future desired character of the area is not prejudiced. Refer to Chapter A1 below.</p>
8. The proposed balcony extension does not comply with clause 4.15.2 (4) of chapter B1.	The proposal complies with this clause. The second storey addition is 3.754m setback to the southern boundary and approximately 5.5m from the dwelling on the southern adjoining lot. The clause pertains the building separation distance not setbacks to the boundary.
9. Request to take ocean water quality into consideration when making decisions regarding the building envelope and soft surfaces.	This has been considered in accordance with SEPP coastal management and Councils stormwater controls. With the removal of the window box, the application does not propose any additional hard surface area.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Heritage Officer

Council's heritage officer does not support the extension of the terrace and awning beyond the existing setbacks to minimise cumulative impacts as the area is highly significant to the local and indigenous Community. Conditions have been proposed with respect to unanticipated finds of Aboriginal cultural heritage and unexpected archaeological finds.

1.6.2 EXTERNAL CONSULTATION

None required

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1 hectare minimum lot size).

No vegetation is proposed for removal. Therefore, no further consideration is required.

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. The proposal is an expansion of the approved use of the land and does not involve a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019

The City of Wollongong is identified within Schedule 1 as land to which this Policy applies. Wollongong is located within the South Coast Koala Management Area.

Part of the subject site is mapped as being within the Koala Development Application Mapped area pursuant to the SEPP Maps. Council does not have an approved Koala Plan of Management for the land at the time of preparing this report and as such, clause 9 of the SEPP is required to be considered.

The site and any adjoining land in the same ownership have an area of less than 1ha and therefore the clause does not apply to the subject development.

1.1.1 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

Part 2 Development controls for coastal management areas

Division 1 Coastal wetlands and littoral rainforests area

Not applicable

Division 2 Coastal vulnerability area

Not applicable

Division 3 Coastal environment area

The site is located within the Coastal Environment and Coastal Use area.

Division 3 clause 13 applies to coastal environment areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on vegetation, marine life and water quality, vegetation, Aboriginal heritage and community access. The application proposes alterations to an existing dwelling house. The site is an already highly disturbed area with minimal earthworks proposed to provide new footings for the external staircase, a negligible increase in hard surface area would result from the proposed balcony extension. The application is not likely to have any impact on the matters described under clause 1(a) to (e) and (g). In regard to subclause (f), refer to section 1.6.1 above.

The site does not contain or adjoin an aboriginal heritage item. Nor is it in a heritage conservation area. There are no direct impacts in this regard. Council's heritage officer has noted that the area is significant to the aboriginal community. The balcony extension past the 900mm setback line was not supported by the heritage officer. However, no submissions from the aboriginal community were provided.

Division 4 Coastal use area

Division 4 clause 14 applies to coastal use areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on safe public access, overshadowing, wind funneling, and loss of views, visual amenity, Aboriginal heritage and cultural and built environment heritage. The development can be managed (via conditions) to avoid an adverse impact referred to in subclause 1, subclause 2 is not applicable.

Coastal access arrangements will be unchanged by the proposal. The proposal will not overshadow the foreshore or the adjoining public open space. No significant wind funnelling impacts are expected. View from public places to the foreshore are not considered to be significantly impacted. The proposal has been reviewed by council's heritage officer who has raised issues as discussed above. With regard to (b) (i), the development is designed to minimise adverse amenity impacts on the surrounding public land which has some community significance and general heritage sensitivities, although is not a heritage item or area.

The balcony alterations are not supported and would require a variation to the side setback controls. While the side setback variation is historic, increasing the variation will have some visual impacts on the reserve, and could set an undesirable precedent. The additional encroachment into the 0.9 metre side setback provides little additional functionality or amenity to the occupants of the dwelling. In this context the design has not been suitably justified. With regard to (c) there will be a minor increase in bulk and scale when viewed from the surrounding public lands and coastal environment.

A condition of consent is proposed that the alterations to the balcony be removed prior to the issue of the construction certificate.

Division 5 General

Division 5 includes general provisions for development in the coastal zone. Clause 16 applies to development in the coastal zone generally and states that development consent must not be granted

to development on land within the coastal zone (other than land to which clause 13 applies) unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

The development is in an existing disturbed area and is located up to 17.65 m above sea level. It is not likely to increase the risk of coastal hazards. In accordance with the savings provisions in the Coastal Management Act 2017, the Wollongong Coastal Zone Management Plan can be considered a Coastal Management Program for the purpose of this SEPP and is therefore a matter for consideration.

Wollongong Coastal Zone Management Plan

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site and specifically the building envelope is not impacted by coastal inundation, coastal geotechnical risk or reduced foundation capacity at the 2010, 2015 or 2100 timeline.

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 3 of this policy and the matters outlined for consideration.

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Dwelling: Means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Residential accommodation means a building or place used predominantly as a place of residence, and includes.....

- (c) dual occupancies

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

Dual occupancy (attached) means 2 attached dwellings on one lot of land but does not include a secondary dwelling.

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 will continue to have regard to the above objectives.

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

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; 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 a **Dual occupancy** as defined above and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

None proposed.

Clause 4.3 Height of buildings

The proposal does not alter the existing building height.

Clause 4.4 Floor space ratio

As the dual occupancy is strata titled, the floor area of each dwelling has been calculated.

Both dwellings require two parking spaces. These are provided as attached double garages. The car parking requirements of the consent authority for an internal double garage are 6 by 6 meters or 36 m². The current dual occupancy has an approved arrangement of 5.7m by 6m or 34.2 m² for each garage. As such only, 34.2 m² deduction for each dwelling has been provided.

Unit 2/3 Hill Street has an active development application under assessment (DA-2020/1051). This application identifies existing unapproved GFA which has been included in the below calculations. It also includes areas likely to be voids but which has not been identified as such in that application.

Maximum FSR permitted for the zone: 0.5:1

Site area:	706.2 m ²
GFA:	339.6 m ²
Unit 1	212.5 m ²
Unit 2	203.6 m ²
Unit 1 garage deduction	-34.2 m ²
Unit 2 garage deduction	-34.2 m ²
Unit 1 voids	-4.5 m ²
Unit 2 voids	-3.6 m ²
FSR:	0.48

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

While the site itself is not a place of heritage significance, Councils heritage officer considers that clause 5.10(8) should apply.

The proposed development has been considered with regard to potential heritage impacts as required under Clause 5.10 of the Wollongong Local Environmental Plan 2009 and Chapter E10: Aboriginal Heritage and Chapter E11: Heritage Conservation of the Wollongong Development Control Plan 2009

The site is not in a heritage conservation area under the Wollongong LEP 2009 and the site itself is not a heritage item, nor is any immediately adjoining lot. The subject site is located in close proximity to the "Sandon Point Aboriginal Place" and numerous recorded Aboriginal sites as well as heritage listed Norfolk Island Pines and the archaeological site of the former Sandon Cottage.

A basic AHIMs search has been undertaken by Council to confirm there are no known sites on the subject site or on immediately adjoining lots. However, it is in general proximity to a past aboriginal artefact findings.



Figure 1: The sites location to nearby heritage items, areas and aboriginal heritage buffer areas.

The dual occupancy was constructed in 1994 and has since had several extensions. The site has therefore been highly disturbed through construction and use. It is further noted that although some ground disturbance is required for stair construction, the alterations and additions are within the existing building footprint, therefore are unlikely to disturb any unexpected Aboriginal objects. The same is true for the potential disturbance of any historic “relics” associated with the former site of Sandon Cottage protected under the NSW Heritage Act 1977.

Council’s Heritage Officer has provided conditions for the management of any unexpected archaeological findings during works, should the application be approved.

The application was advertised to the local aboriginal community under clause 5.10.8(b) of WLEP 2009. No submissions from the aboriginal community have been provided.

It is considered that this clause is satisfied.

Part 7 Local provisions – general

Clause 7.6 Earthworks

Negligible earthworks are proposed.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

None proposed

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

A detailed discussion in accordance with the WDCP 2009 is contained in attachment 4. The proposal is considered to be generally satisfactory regarding the controls contained within the DCP, variations are discussed below.

8 Variations to development controls in the DCP

Chapter B1 – Clause 4.2.2. (1) – Front setbacks	
<p>Clause 4.2.2(1) identifies that the front setback for infill development sites require a minimum setback of 6m from the front property boundary, or Less than 6 metres where the prevailing street character permits and the future desired character of the area is not prejudiced. A variation request statement has been submitted in accordance with the requirements of part 8 of Chapter A1. The following outlines Council's consideration of the requested variation against the requirements of the DCP.</p>	
<p>Applicant statement</p> <p>The applicant has provided the following in support of their variation.</p> <p><i>The front setback to the wall of the building additions are 4.6metres from the boundary, a numeric noncompliance of 1.4metres to the standard. A variation is requested based on the following;</i></p> <ul style="list-style-type: none"><i>The additions are located directly above the existing garage. Asides from a boxed window to create some articulation in the front façade (removed in revised plans), the building footprint remains unaltered.</i><i>The site is unique in its context being located at the end of the street with public reserve on two sides. A consistent streetscape setback is not evident.</i><i>The additions are positioned at the back of the existing dwelling (The addition is at the front of the dwelling above the garage), existing view corridors from surrounding development are largely unaltered as a result of the proposal.</i><i>The additions are screened from the northwest by an existing established street tree.</i>	
Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The control being varied is clause 4.2.2(1) of chapter B1 of WDCP 2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>Extent of the proposed variation:</p> <p>The application proposes an addition above the garage using its existing setback of 5.165 meters. Leaving a shortfall of 0.835m.</p> <p>Unique circumstances:</p> <ul style="list-style-type: none">The existing building has a reduced setback. The application proposes to match the existing setback of the dwelling, which will still provide an articulated façade.There is no characteristic setback on the <i>eastern</i> side of the street which consists of only three lots.The shape of the road reserve is irregular, providing a wider view corridor and a greater sense of distance between the street and the dwellings.

<p>c) Demonstrate how the objectives are met with the proposed variations; and</p>	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> a) <i>To reinforce the existing character of the street and locality by acknowledging building setbacks.</i> b) <i>To ensure that buildings are appropriately sited, having regard to site constraints.</i> c) <i>To ensure building setbacks are representative of the character of the area.</i> d) <i>To provide for compatibility in front setbacks to provide unity in the building line.</i> e) <i>To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.</i> f) <i>To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).</i> <p>Consideration</p> <ul style="list-style-type: none"> a) This side of the street has no consistent setback. A setback of 5.165 meters, which is greater than the existing garage below and is in line with the existing dwelling setback. Therefore, no additional precedent will be set. The development is unlikely to alter the character of the street. b) There are no site constraints that would impact this proposal. c) Refer to a) above d) Refer to a) above e) The impacts on views are minor, partial, across a side boundary, and inherently susceptible to any change in landscape or built form in the below surrounding area (see view impact at attachment 5). The addition has not impact on vehicle movements or sight lines. f) No change proposed.
<p>d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.</p>	<ul style="list-style-type: none"> • The addition provides for an articulated façade and will incorporate different materials colour section can be conditioned to provide more visual interest to minimise visual impacts.
<p>Comment:</p> <p>The arguments are generally supported. Revisions have resulted in a greater setback than what has been originally proposed at lodgement. It is considered that the setback can be varied in this instance.</p>	

Chapter B1 – Clause 4.3.2 (1) – Side and Rear Setbacks

Clause 4.3.2 (1) which requires 900mm setback from any side or rear property boundary but allows for eaves/gutters to be setback at least 450mm from the side and rear property boundary. A variation request statement has been submitted in accordance with the requirements of part 8 of Chapter A1. The following outlines Council's consideration of the requested variation against the requirements of the DCP.

Applicant statement

The applicant has provided the following in support of their variation.

The proposed extension of the existing curved balcony and awning to the north are located 150mm from the boundary, a non-compliance of 750mm to the numeric standard. A variation is requested based on the following;

- *The existing curved balcony is located 150mm from the boundary*
- *The proposed additions are a few hundred millimetres thick, providing no impact to existing views to surrounding development.*
- *The additions will be constructed of non-combustible materials in accordance with BCA.*
- *The additions comply with the BCA clause 3.7.2.2 External walls of Class 1 buildings. An external wall of a Class 1 building, and any openings in that wall, must comply with 3.7.2.4 if the wall is less than—(a)900 mm from an allotment boundary other than the boundary adjoining a road alignment or other public space;*

Control	Comment
2. The variation statement must address the following points:	
a) The control being varied; and	The control being varied is Clause 4.3.2.(1) of chapter B1 of WDCP 2009
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>Extent of the proposed variation:</p> <p>The application proposes a balcony extension 0.375 m from the boundary against 0.9m setback control. Or a 0.525 m encroachment.</p> <p>Unique circumstances:</p> <p>The balcony faces public park land, and the proposed extension “squares off” the curved balcony in line with the existing setback.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> a) <i>To create a consistent pattern of building separation along streets.</i> b) <i>To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.</i> c) <i>To ensure that buildings are appropriately sited having regard to site constraints.</i> d) <i>To control overshadowing of adjacent properties and private or shared open space.</i> e) <i>To ensure improved visual amenity outcomes for adjoining residences.</i> <p>Consideration</p> <ul style="list-style-type: none"> a) The encroachment is towards public open space. Building separations is not an issue in this location. b) The balcony extension is unlikely to increase privacy impacts on the subject dwelling. The balcony overlooks public

	<p>open space, as such expectations for privacy in the parkland is not afforded. Overshadowing is not expected due to the orientation.</p> <p>c) Unsatisfactory due to heritage concerns.</p> <p>d) Overshadowing of the parkland to the north will not occur due to the orientation</p> <p>e) Minor visual amenity impacts could arise, due to the increase in bulk and scale.</p>
a) Demonstrate that the development will not have additional adverse impacts as a result of the variation	<p>Increasing the variation will have minor visual amenity impacts on the reserve. It increases the visual bulk towards the coastal public open space and could set an undesirable precedent for the area and for the adjoining unit.</p> <p>Concern has been raised by submitters that the existing design of the dual occupancy has an impact of 'privatising' public open space. The existing design of the building may discourage users from some public recreation activities in the adjoining section of parkland. The extension may add to this impact and visual prominence and community significance.</p> <p>It has not been demonstrated how the minor encroachment will provide additional functionality or amenity to the occupants of the dwelling.</p> <p>On balance, it is recommended that the 'squaring off' of the balcony by increasing its bulk towards the northern boundary not be approved.</p>
<p>Comment:</p> <p>Approval is recommended subject to a condition that this alteration be removed prior to the issue of the construction certificate.</p>	

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is >\$ 198,000.00 and a levy of 1% is applicable under this plan as the threshold value is \$ 100,000.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

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

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

The proposal involves some minor demolition to facilitate construction and as such the provisions of AS2601-1991 must be considered in the determination of this application. Conditions of consent are recommended with regard to demolition including the requirement for compliance with AS2601.

Clause 93 Fire safety and other considerations

Not applicable

Clause 94 Consent authority may require buildings to be upgraded

Not applicable

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

Subject to conditions, there are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Submissions raised following notification would not preclude the development with appropriate conditions of consent.
- Internal referrals are satisfactory subject to appropriate conditions of consent

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

Does the proposal fit in the locality?

Subject to conditions, the proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

2.8 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

Discussed above in Section 1.5 of this report.

2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST

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

3 CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the provisions of the relevant Environmental Planning Instruments discussed in this report, specifically Wollongong LEP and DCP and all relevant Council policies.

The proposed development is permissible with consent and is consistent with the zone objectives and the provisions of applicable planning controls. There are proposed variations in respect of WDCP2009, the front setback is supported but the side setback is not.

Internal referrals are satisfactory, and the concerns raised in submissions have been considered and where appropriate, conditions of consent are recommended to resolve/ mitigate concerns. The social, environmental and economic impacts of the development have been assessed and no concerns are raised.

4 RECOMMENDATION

It is recommended that the development application be approved subject to appropriate conditions of consent.

5 ATTACHMENTS

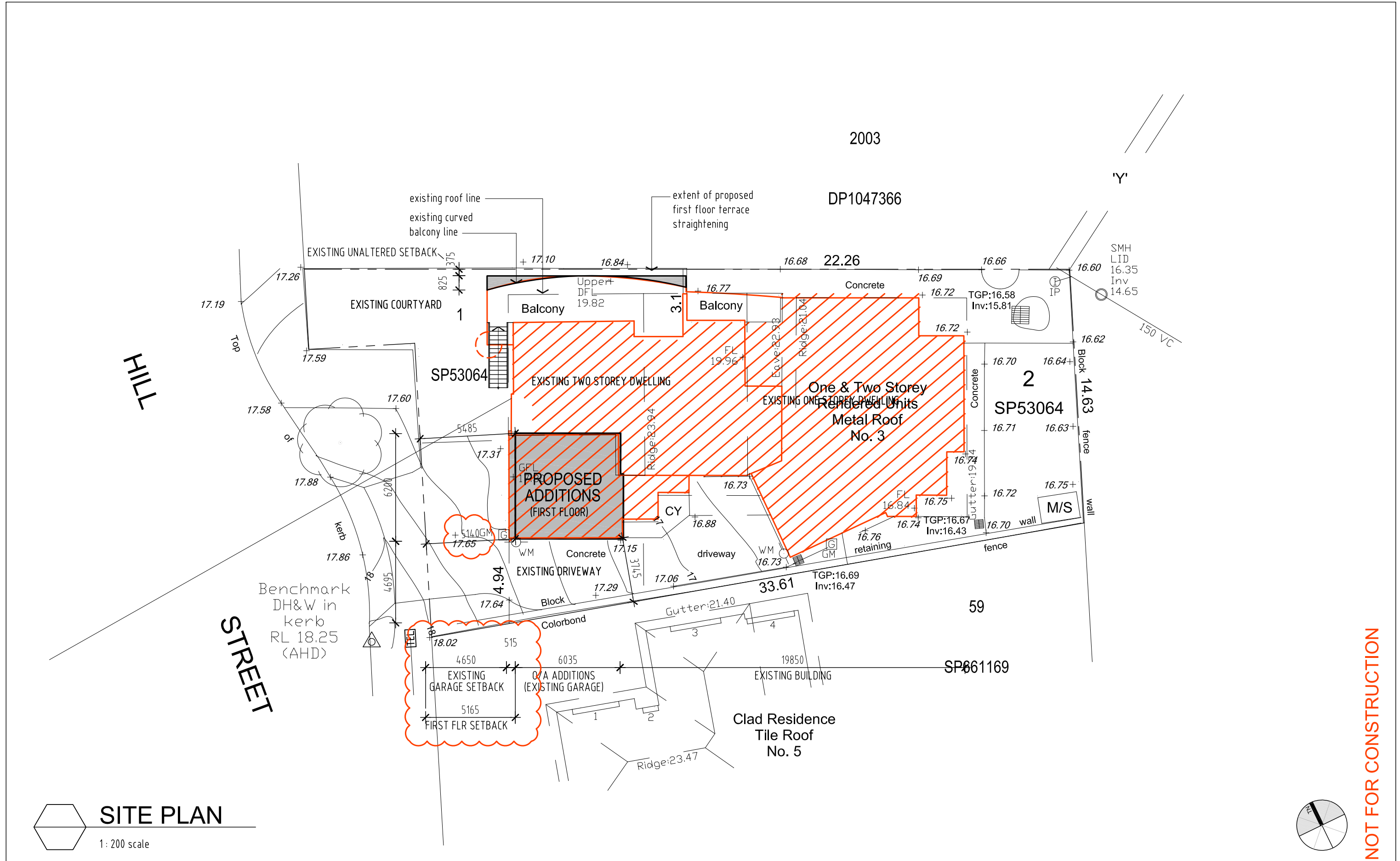
1. Aerial, photograph
2. Zoning map
3. Plans and statement of environmental effects
4. Wollongong Development Control Plan Assessment
5. View impact analysis
6. Draft Conditions

[illegible]

Attachment 2 – Aerial photograph,



Figure 1 – 2018 Aerial photograph of the site and immediate locality; the site is outlined in red.



REV	DATE	DESCRIPTION
P1	26.02.2020	preliminary DA issue
A	24.03.2020	development application
B	06.10.2020	survey updated, balcony setback corrected, awning and window box deleted, DA issue
C	24.11.2020	street setback revised, DA issue

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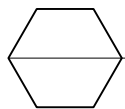
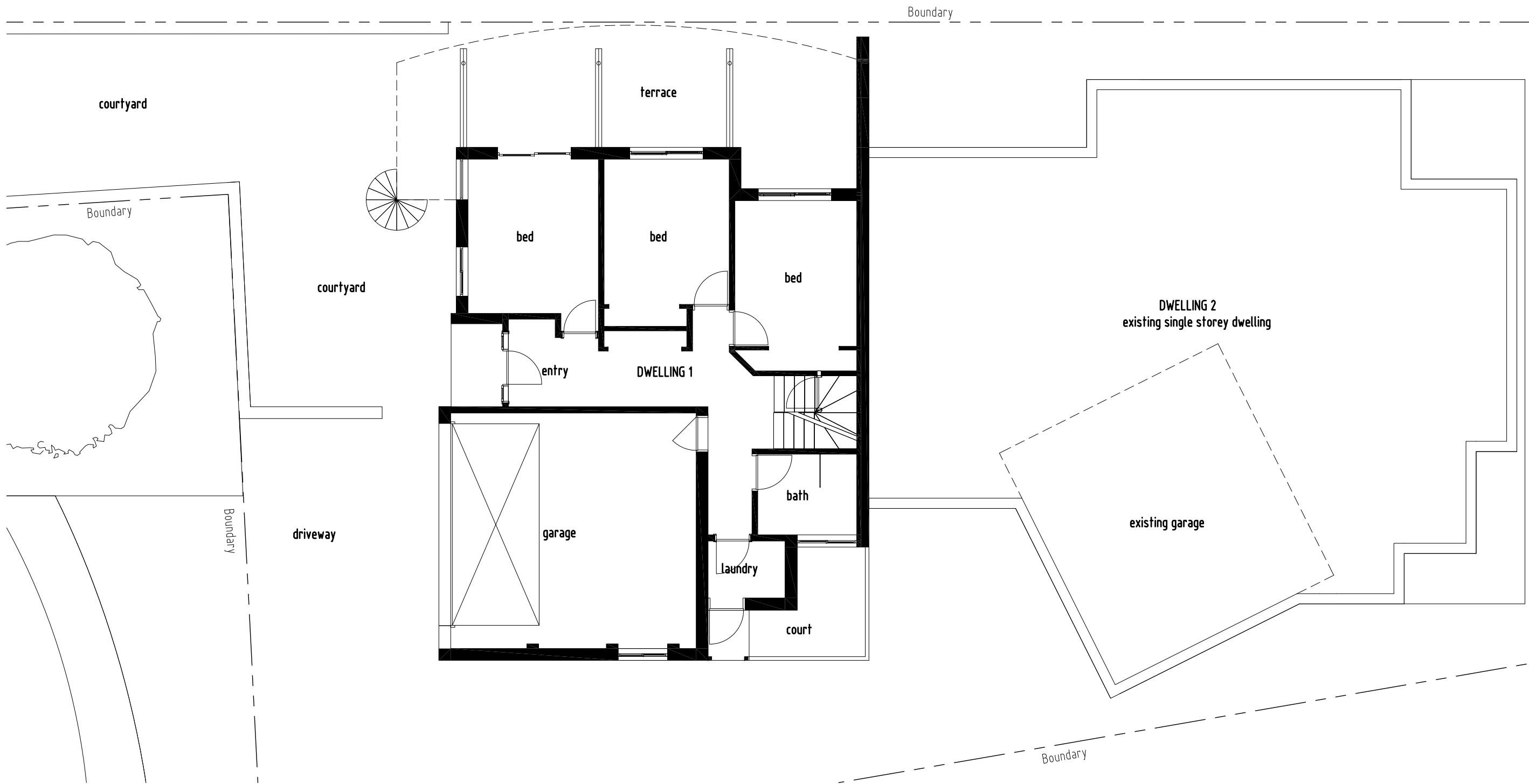
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TITLE :		0m 1 2 5 10		
SITE PLAN				
PROJECT :		ALTERATIONS + ADDITIONS TO DWELLING		
ADDRESS :		1/3 HILL STREET, BULLI		
ISSUE TYPE:		DA	JOB No : 914	DRAWING No :
SCALES :		(A3) 1:200	REVISION :	A03
DATE :		FEB. 2020	C	

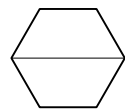
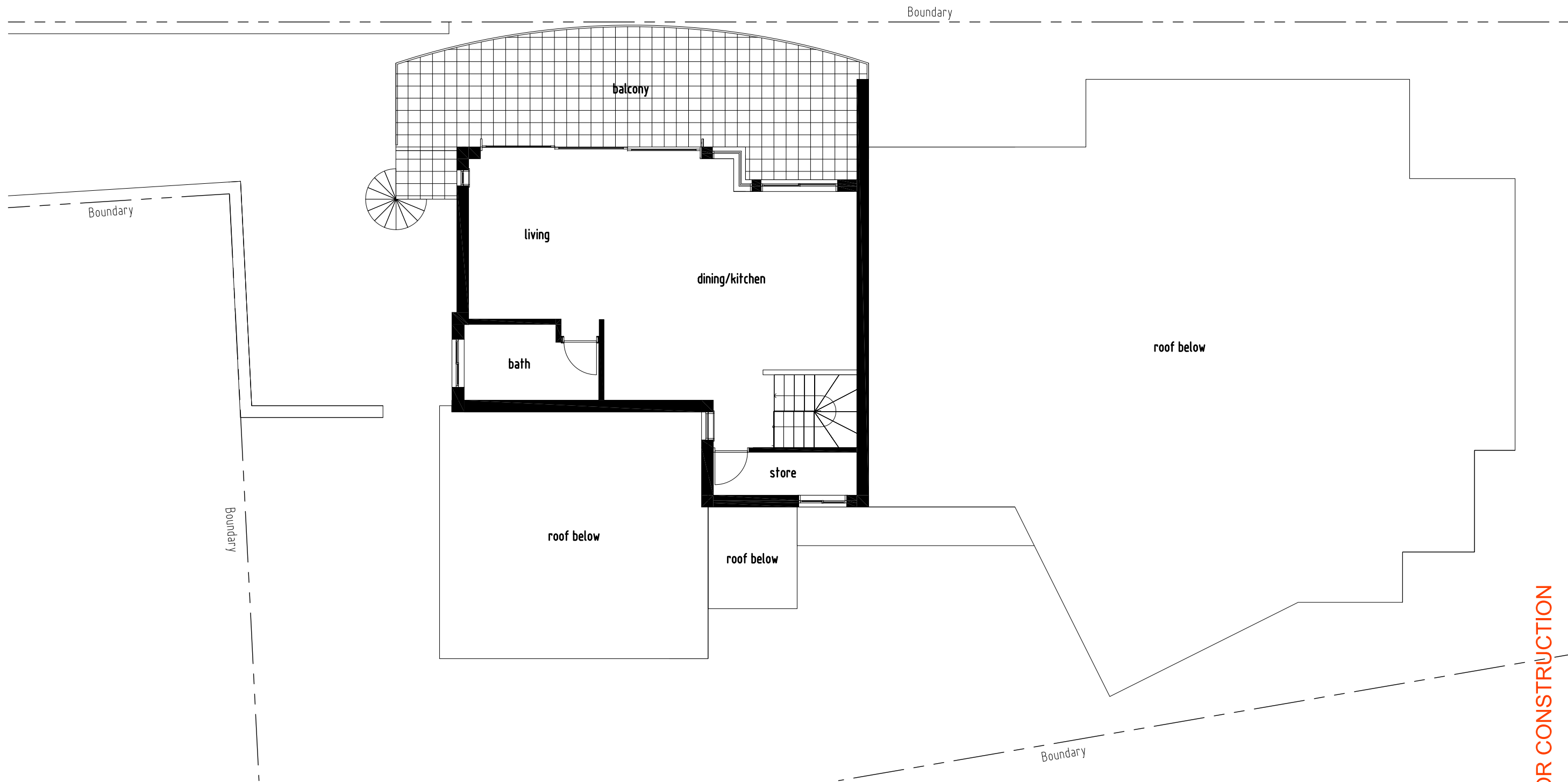


EXISTING GROUND FLOOR PLAN

1: 100 scale

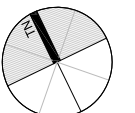
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P1	26.02.2020	preliminary, for review			PROJECT :	ALTERATIONS + ADDITIONS TO DWELLING		ISSUE TYPE:	DA	JOB No :	914	DRAWING No : A06		
A	24.03.2020	development application			ADDRESS :	1/3 HILL STREET, BULLI		SCALES :	(A3) 1:100	REVISION :	A			
								DATE :	FEB. 2020					



EXISTING FIRST FLOOR PLAN

1:100 scale

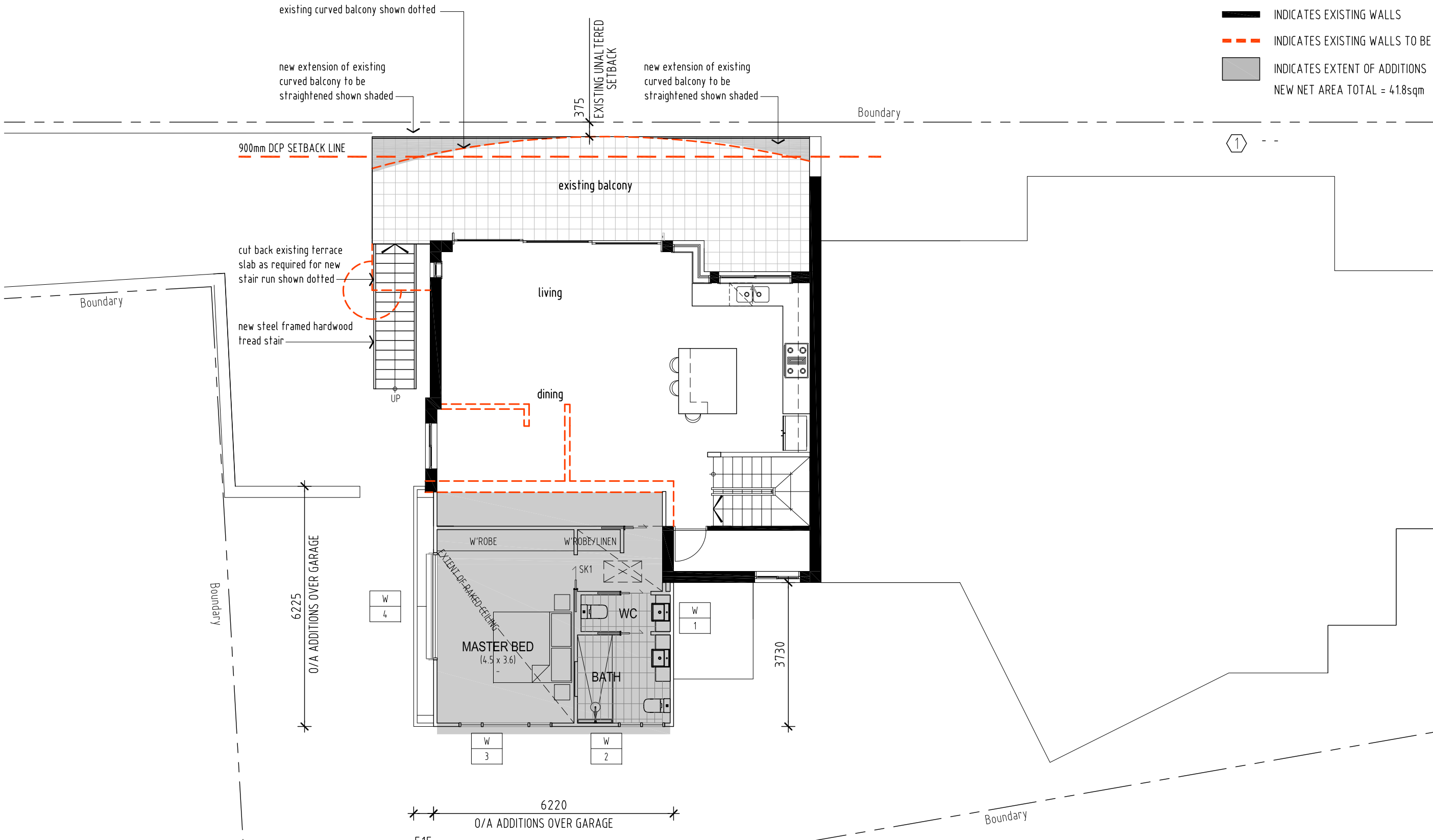


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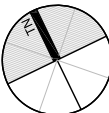
ISSUE : DATE : DESCRIPTION :			<div>This drawing is copyright of Illawarra Design Company Pty Ltd. DO NOT reproduce in whole or part without prior written consent. Verify all dimensions on site prior to excavation and fabrication/construction of any item. Don't scale drawings. IF IN DOUBT, ASK. Check existing RL's on site. Advise Illawarra Design Company Pty Ltd. of any discrepancies before commencement. Allow for adjustments to suit discrepancies. Comply with relevant authorities requirements. Comply with Building Code of Australia requirements. Comply with relevant Australian Standards for materials and construction practice.</div>	<div>illawarradesigncompany T: (02) 4283 8343 A: PO Box 459 Fairy Meadow NSW 2519 E: info@illawarradesign.com.au W: illawarradesign.com.au</div>	TITLE : EXISTING FIRST FLOOR PLAN		0m 1 2 2.5 5		
P1	26.02.2020	preliminary, for review			PROJECT :	ALTERATIONS + ADDITIONS TO DWELLING	ISSUE TYPE: DA	JOB No : 914	DRAWING No :
A	24.03.2020	development application			ADDRESS :	1/3 HILL STREET, BULLI	SCALES : (A3) 1:100	REVISION : A	A07
							DATE : FEB. 2020		

BUILDING NOTES :

- INDICATES EXISTING WALLS
- INDICATES EXISTING WALLS TO BE REMOVED
- INDICATES EXTENT OF ADDITIONS
- NEW NET AREA TOTAL = 41.8sqm



PROPOSED FIRST FLOOR PLAN
1 : 100 scale



NOT FOR CONSTRUCTION

ISSUE :	DATE :	DESCRIPTION :
P1	26.02.2020	preliminary, for review
A	24.03.2020	development application
B	06.10.2020	balcony setback corrected, awning and window box deleted, DA issue
C	24.11.2020	street setback and internal layout revised, DA issue

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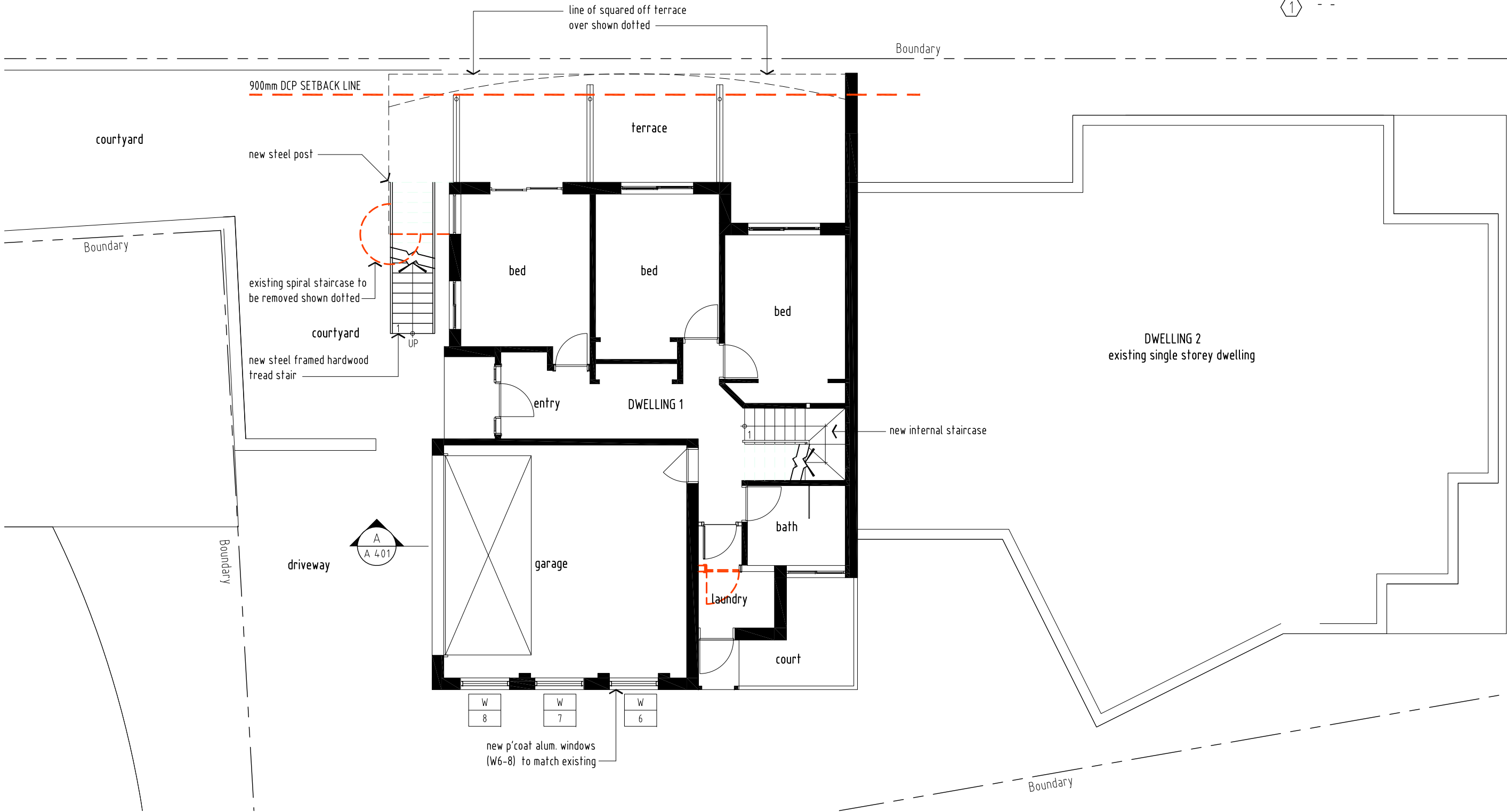
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W: illawarradesign.com.au

TITLE : PROPOSED FIRST FLOOR PLAN			
PROJECT : ALTERATIONS + ADDITIONS TO DWELLING		ISSUE TYPE: DA	JOB No : 914
ADDRESS : 1/3 HILL STREET, BULLI		SCALES : (A3) 1:100	REVISION : C
		DATE : FEB. 2020	DRAWING No : A09

BUILDING NOTES :

- INDICATES EXISTING WALLS
- INDICATES EXISTING WALLS TO BE REMOVED
- 1 - -



PROPOSED GROUND FLOOR PLAN

1 : 100 scale

ISSUE :	DATE :	DESCRIPTION :
P1	26.02.2020	preliminary, for review
A	24.03.2020	development application
B	06.10.2020	balcony setback corrected, awning and window box deleted, DA issue

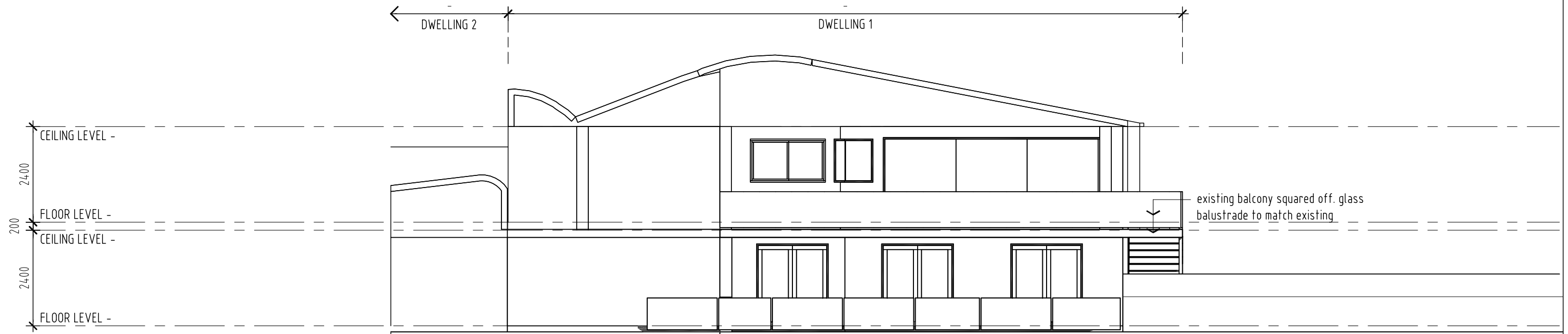
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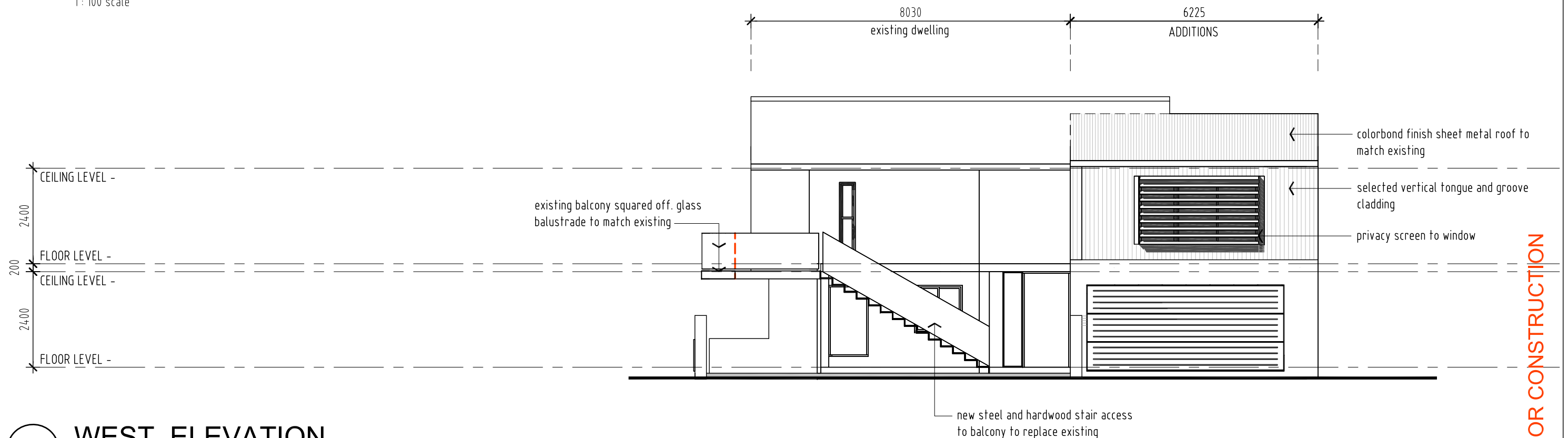
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W: illawarradesign.com.au

TITLE : PROPOSED GROUND FLOOR PLAN
PROJECT : ALTERATIONS + ADDITIONS TO DWELLING
ADDRESS : 1/3 HILL STREET, BULLI

ISSUE TYPE:	DA	JOB No :	DRAWING No :
SCALES :	(A3) 1:100	914	A08
DATE :	FEB. 2020	REVISION :	B



NORTH ELEVATION
RESERVE ASPECT
1:100 scale



WEST ELEVATION
STREET ASPECT
1:100 scale

NOT FOR CONSTRUCTION

ISSUE :	DATE :	DESCRIPTION :
P1	26.02.2020	preliminary, for review
A	24.03.2020	development application
B	06.10.2020	balcony setback corrected, awning and window box deleted, DA issue
C	24.11.2020	street setback revised, DA issue

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TITLE : ELEVATIONS			
PROJECT : ALTERATIONS + ADDITIONS TO DWELLING		ISSUE TYPE: DA	JOB No : 914
ADDRESS : 1/3 HILL STREET, BULLI		SCALES : (A3) 1:100 DATE : FEB. 2020	REVISION : C
		DRAWING No : A11	



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P1	26.02.2020	preliminary, for review	PROJECT : ALTERATIONS + ADDITIONS TO DWELLING				ISSUE TYPE :	DA	JOB No :	914	DRAWING No :	A12	
A	24.03.2020	development application					SCALES :	(A3) 1:100	REVISION :	C			
B	06.10.2020	balcony setback corrected, awning and window box deleted, DA issue					ADDRESS :	1/3 HILL STREET, BULLI			DATE :		FEB. 2020
C	24.11.2020	street setback revised, minor revisions, DA issue											

HILL

STREET

Benchmark
DH&W in
kerb
RL 18.25
(AHD)

SHADOW DIAGRAMS

WINTER SOLSTICE - JUNE 21

1: 200 scale

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REV	DATE	DESCRIPTION
A	24.03.2020	development application
B	24.11.2020	revised to survey, DA issue

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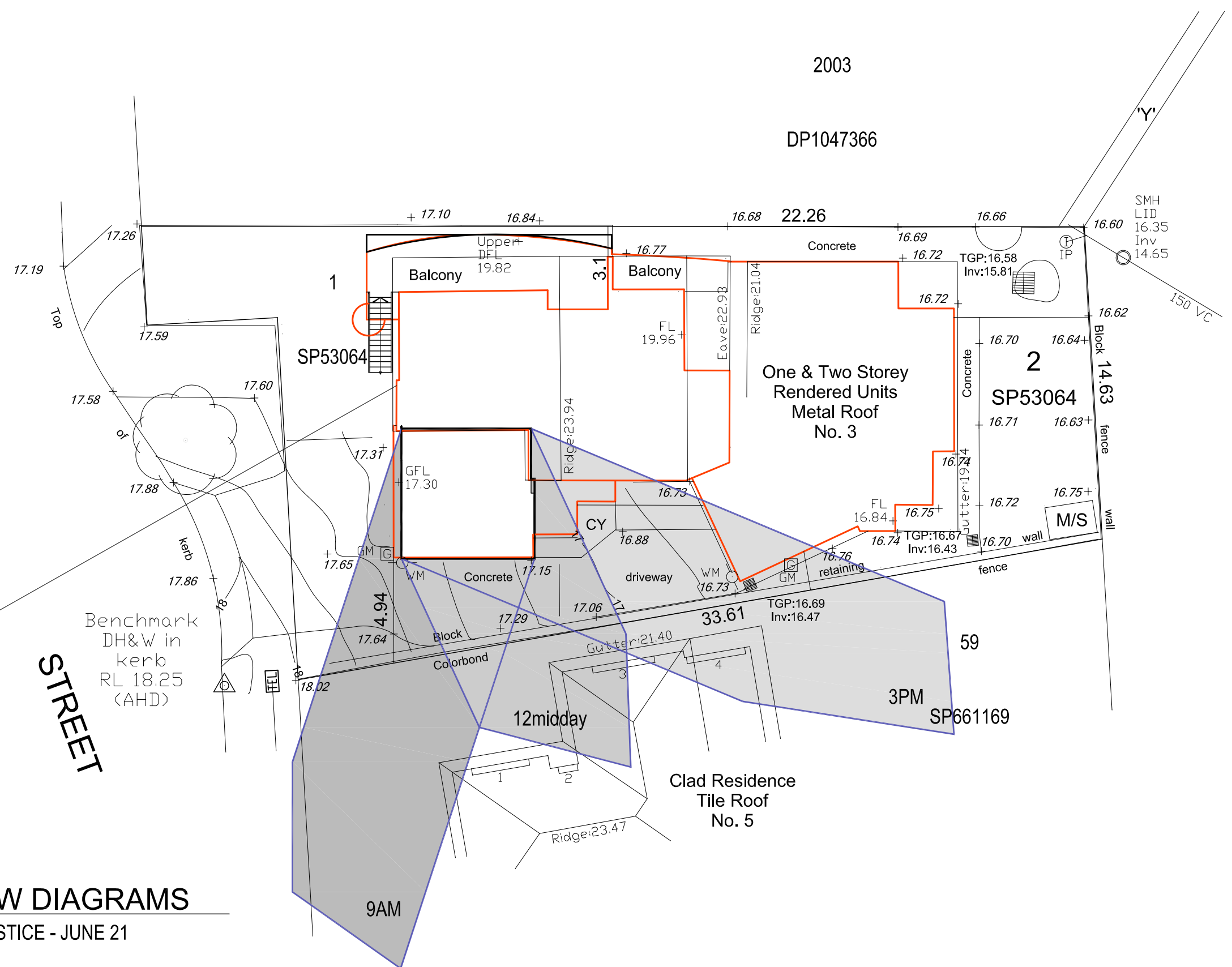
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TITLE : SHADOW DIAGRAMS		ISSUE TYPE: DA		JOB No : 914	DRAWING No : A15
PROJECT : ALTERATIONS + ADDITIONS TO DWELLING		SCALES : (A3) 1:200		REVISION : B	
ADDRESS : 1/3 HILL STREET, BULLI		DATE : FEB. 2020			



STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS + ADDITIONS TO DWELLING

AT: LOT 1, SP 53064
No. 1/3 HILL STREET
BULLI NSW

DATE: May 2020
(Issue A)

IDC REF: 914



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CONTENTS

- 1.0** INTRODUCTION
- 2.0** SITE & CONTEXT ANALYSIS
- 3.0** PROPOSED DEVELOPMENT
- 4.0** PLANNING CONTROLS
- 5.0** EARTHWORKS
- 6.0** STORMWATER MANAGEMENT
- 7.0** LANDSCAPING
- 8.0** BUSHFIRE MANAGEMENT
- 9.0** BASIX
- 10.0** CONSTRUCTION & WASTE MANAGEMENT
- 11.0** CONCLUSION

APPENDIX

A -

1.0 INTRODUCTION

This report has been prepared on behalf of the owner of the subject site to support a Development Application for the construction of alterations and additions to an existing dwelling forming part of a dual occupancy.

The purpose of this document is to describe the existing improvements on the site, detail the proposed development, review the applicable planning regime relating to the proposal, assess the degree of compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

2.0 SITE & CONTEXT ANALYSIS

The street address of the subject site is 3 Hill Street, Bulli, and legally the site is described as lot 1 and 2 SP 53064.

The subject site is irregular in shape and has a total area of 704sqm. The site is accessed from the west boundary via Hill Street. The site is currently occupied by a two storey, strata titled attached dual occupancy.

The site is located in residential area on the headland known as Sandon Point. The surrounding development consists of single and two storey dwelling houses of mixed age and character. Adjacent property to the south is a single storey dwelling, to the west two storey dwellings. The site fronts public reserve to the north and east.

The site has slight slope away from the street towards the north east.

The site is zoned R2 Low density under Wollongong City Council's LEP 2009.

The proposed development is permissible within the zoning with Council's consent.

The land has no known constraints.



Fig 1 - Wollongong LEP Zoning map (north top of page)



Fig 2 – Location plan (north top of page)



Fig 3 – Street view looking northeast

3.0 PROPOSED DEVELOPMENT

The proposed development consists of;

- Alterations and additions to dwelling 1 (lot 1 SP 53064).

The development design has several key objectives:

To provide improved amenity that reflects the lifestyle requirements for the owners of the property;

To improve weather protection to accessible private outdoor areas

The additions provide for a design suited to the coastal context and consistent with the existing building.

A simple palette of materials will be selected which is sympathetic to the sites context. These include rendered masonry, fibre cement cladding, aluminium doors, windows and awning, and sheet metal roofing.

The proposal does not significantly impact on the solar access, privacy or views of neighbouring property.

4.0 PLANNING CONTROLS

The environmental planning instruments relevant to the development include:

- Wollongong Local Environment Plan 2009

The relevant development control plans relevant to the development include:

- Wollongong Development Control Plan 2009

The following tables outline the relevant clauses and note compliance or compliance with the objectives and standards.

WOLLONGONG LOCAL ENVIRONMENT PLAN 2009

LEP OBJECTIVE	STANDARD COMPLIANCE	COMMENTS	STATUS
PART 2 2.1 Land use Zones R2 – Low density residential	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		Complies

4.3 Height of buildings	9metres	The additions are two storeys with an overall height less than 9metres and below the existing roof line of the building.	Complies
4.4 Floor space ratio	-	The FSR is compliant with the land area.	Complies

WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**CHAPTER B1 – Residential development**

DCP CLAUSE	TITLE	COMMENTS	STATUS
4.1	Number of Storeys	The proposed additions are two storey	Complies
4.2	Front Setbacks	<p>The front setback to the wall of the building additions are 4.6metres from the boundary, a numeric non-compliance of 1.4metres to the standard. A variation is requested based on the following;</p> <ul style="list-style-type: none"> The additions are located directly above the existing garage. Asides from a boxed window to create some articulation in the front façade, the building footprint remains unaltered. The site is unique in its context being located at the end of the street with public reserve on two sides. A consistent streetscape setback is not evident. The additions are positioned at the back of the existing dwelling, existing view corridors from surrounding development are largely unaltered as a result of the proposal. The additions are screened from the northwest by an existing established street tree. 	Non-compliance
4.3	Side and Rear Setbacks	<p>The proposed extension of the existing curved balcony and awning to the north are located 150mm from the boundary, a non-compliance of 750mm to the numeric standard. A variation is requested based on the following;</p> <ul style="list-style-type: none"> The existing curved balcony is located 150mm from the boundary The proposed additions are a few hundred millimetres thick, providing no impact to existing views to surrounding development. The additions will be constructed of non-combustible materials in accordance with BCA. The additions comply with the BCA clause 3.7.2.2 External walls of Class 1 buildings An <i>external wall</i> of a Class 1 building, and any openings in that wall, must comply with 3.7.2.4 if the wall is less than— (a)900 mm from an allotment boundary other than the boundary adjoining a road alignment or other public space; 	Non-compliance

Statement Of Environmental effects

1/3 Hill Street, Bulli

4.4	Site coverage	Max. 50%	unaltered
4.5	Landscaped area	-	unaltered
4.6	Private Open Space	unaltered	complies
4.7	Solar Access	unaltered	Complies
4.8	Building Character and Form	The design of the additions is sympathetic to both the existing dwelling and site context. This has been achieved with the use of compatible building materials and proposed natural colour selections that compliment the surroundings.	Complies
4.9	Fences	unaltered	NA
4.10	Car Parking and Access	Unaltered, existing 2 spaces provided	Complies
4.11	Storage Facilities	unaltered	complies
4.12	Site Facilities	unaltered	Complies
4.13	Fire Brigade servicing	Driveway width and access unaltered	Complies
4.14	Services	Additional Storm water will utilize new roof gutters and downpipes and drain into the existing surface and sub-surface system. Water, electricity, gas and telephone services are all available to the site	Complies
4.15	Development near the Coastline	<ul style="list-style-type: none"> The proposal is infill development to an existing building. The proposal does not involve excavation or necessitate geotechnical investigation. The building setback fronting the public reserve is existing. The public view corridor to the north and east is unaltered as a result of the proposal. The proposal is consistent in design and material selection to compliment existing site context and building. 	Complies
4.16	View Sharing	The proposal retains existing and surrounding views available from the dwelling and neighboring property.	Complies
4.17	Retaining Walls		NA
4.18	Swimming Pool and Spas		NA
4.19	Development near railway corridors and major roads		NA
4.20	Additional Controls for Semi-Detached Dwellings-Alterations and Additions		NA
4.21	Additional controls for Dual Occupancies – minimum site width		NA
4.22	Additional controls for Dual Occupancies – Building Character and form		NA
4.23	Additional controls for Dual Occupancies – Deep soil zones		NA

5.0 EARTHWORKS

The site is NOT subject to geotechnical constraints. The site is NOT classified as steeply sloping. A geotechnical report has NOT been prepared and submitted for assessment as part of the application. The proposed involves minimal earthworks for the stair foundations.

6.0 STORMWATER MANAGEMENT

The site is NOT subject to a flood constraint.
The proposal results in no increase in impervious area to the site.
Storm water will connect to new downpipes from the roof and drain via gravity into existing sub surface lines.

7.0 LANDSCAPING

There are NO trees within the vicinity of the development proposed for pruning or removal.

8.0 BUSHFIRE MANAGEMENT

The proposal is NOT classified as being bushfire affected.
A bushfire assessment report has NOT been submitted for assessment as part of the application.

9.0 BASIX

The development is classified as BASIX affected and a report is provided as part of this application.

The BASIX report outlines thermal comfort, energy efficiency and water conservation measures proposed in the development.

10.0 CONSTRUCTION & WASTE MANAGEMENT

A site management plan has been prepared to outline the methodology for works and management plan to mitigate construction impacts on neighbouring properties. A copy of the plan is provided with this application.

While the details of the construction management plan will be finalized after the development approval stage, the key aspects considered are as follows:

- Removal/relocation of the existing trees
- bulk excavation and ground management
- main structural foundation works.
- Suitable environmental measures that ordinarily apply to such development sites will be implemented to minimize disturbance such as noise, dust.
- soil erosion measures including sediment control fencing and silt arresting socks should be implemented as required during construction to ensure extraneous material does not enter the existing storm water system to the street.
- Appropriate traffic and pedestrian management plans will be adopted to ensure the adequate levels of public safety and lowest possible disturbance to neighbouring properties.
- Construction working hours will be guided by Council's standard development consent conditions.
- Should asbestos be found, removal will be required to be undertaken by authorized persons in strict compliances with the relevant standards, regulations and legislation.

11.0 CONCLUSION

The proposal is not inconsistent with the scale and context of the existing surrounding built environment.

It is considered that the design of the proposed additions will not adversely impact on the streetscape, and will sit comfortably with surrounding development.

It is considered that architectural intent and aesthetics have been addressed with the proposal which will have a positive impact on the property and surrounding area.

It is considered that all reasonable measures and steps to mitigate any adverse environmental effects have been taken in the design and siting of the proposal. It is therefore recommended that the application be approved as submitted, subject to appropriate conditions of consent.

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 is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.1 Maximum Number of Storeys		
<ul style="list-style-type: none"> R2 max height of 9m or two storey In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey Landscaping may be required within the side and rear setbacks to mitigate the visual impact of the building form from adjoining properties. 	<p>Two storey and below the existing maximum height of the building.</p> <p>Complies</p> <p>There is no capacity onside for vegetation screening of the balcony. The garage addition is sufficiently setback form the side boundary.</p>	Yes
4.2 Front Setbacks		
<ul style="list-style-type: none"> Infill 6m min; but less is allowed dependent on street character 	<p>The second storey addition is setback 5.165 m. Refer to chapter A1.</p>	Yes
4.3 Side and Rear Setbacks		
<ul style="list-style-type: none"> Setback at least 900mm from any side or rear property boundary Walls that exceed 7 meters overall height must be set back at least 3 meters from side and rear boundaries. Eaves/gutters must be setback at least 450mm from the side and rear property boundaries. All balconies and windows of habitable rooms (excluding bedrooms) within a proposed dwelling-house or secondary dwelling must be designed to minimise any direct overlooking impact upon any adjoining property. 	<p>Minimum side setback to the southern boundary is: 3.745m</p> <p>0.375m from the northern boundary to the balcony</p> <p>Proposed wall height is approx. 6.7m and setback 3.754m</p> <p>Complies</p> <p>Overlooking impacts on the public open space are not expected to be made worse by the proposal.</p> <p>Window selection and form for the proposed second storey addition is suitable. Overlooking impacts on the dwelling to the south are not expected.</p>	See chapter A1
4.4 Site coverage		
<ul style="list-style-type: none"> The maximum site coverage for a dwelling is 50% of the area of the lot if the lost has 	<p>No increase in site coverage proposed.</p>	N/A

<p>an area of at least 450 m² but less than 900m².</p> <ul style="list-style-type: none"> For dual occupancy development, maximum site coverage for both dwellings combined must be less than or equal to that specified based on lot area above. 		
<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> Significant trees are to be maintained on the site. The minimum landscaped area required is 210m² + 40% of the site area > 900 m² At least 50% of the landscaped area must be located behind the building line to the primary road boundary. Landscaped areas must be integrated with the drainage design. The location of drainage lines, pits and detention areas should not conflict with landscaped areas including proposed and existing trees. 	<p>Existing arrangements unaltered by the proposal.</p>	
<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. Private open space must be defined through the use of planting, fencing, or landscape features. POS Balconies/ decks must not extend forward of the front building line by greater than 900mm. Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area. 	<p>Existing arrangements are unchanged.</p> <p>The POS balcony will encroach further towards the northern boundary. However, no additional loss of amenity and privacy to the dwellings POS area is expected.</p>	<p>Yes</p>
<p><u>4.7 Solar Access</u></p> <ul style="list-style-type: none"> Windows to living areas of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21. Dwellings should be designed to maximise natural sunlight to main living areas and the private open space. 	<p>Unresolved.</p> <p>Living area windows of the impacted dwelling have been identified. This will be communicated to the panel separately to maintain privacy of the impacted dwelling.</p> <p>Revised diagrams have been provided on the 27th November. The impacted dwelling was not able to be notified due to time restrictions. The diagrams only</p>	<p>Unresolved, appears non-compliant</p>

	show the shadows cast by the proposed additions and no the impact of the whole dual occupancy.	
<u>4.8 Building Character and Form</u>		
<ul style="list-style-type: none"> Avoid bulky forms; particularly in visible locations Where garages are proposed on the front elevation they must be articulated from the front façade. 	<p>Material articulation is provided for the addition above the garage through vertical cladding to contrast with the brick render of the existing dwelling.</p> <p>Garage is articulated.</p>	Yes
<ul style="list-style-type: none"> Additions to existing dwelling-houses must be compatible in terms of design/materials/roof configuration. Unless the existing dwelling is also upgraded. 	Complies	
<ul style="list-style-type: none"> The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted. Note: Utility windows include windows for toilets, bathrooms, laundries etc which are small and / or translucent and hence, are not permitted within the front elevation of a dwelling 	Complies	
<u>4.9 Fences</u>		
N/A	N/A	N/A
<u>4.10 Car parking and Access</u>		
<ul style="list-style-type: none"> 2 spaces per dwelling with a GFA of greater than 125m² 	<p>2 spaces provided.</p> <p>Existing arrangements are unchanged</p>	N/A
<u>4.11 Storage Facilities</u>		
3 bedroom- 10m ³ storage volume to 5m ² storage area	Storage is sufficient.	N/A
<u>4.12 Site Facilities</u>		
	Existing arrangement unchanged	N/A
<u>4.13 Fire Brigade Servicing</u>		
N/A	Existing arrangement unchanged	N/A
<u>4.14 Services</u>		
N/A	Site is currently serviced	
<u>4.15 Development near the coastline</u>		
<ul style="list-style-type: none"> All development must be setback at least 10m from a beach or cliff top to reduce the potential risk of instability and long term coastal erosion. In some instances, restricted building zones indicated on the Deposited Plan for an allotment of land 	N/A existing building	

<p>will also need to be considered when situating buildings on the site.</p> <ul style="list-style-type: none"> Any development near coastal foreshore areas is to be sited and designed so to be protected from long term coastal erosion. Development on land with frontage to natural features including the ocean, a clifftop, beach or public open space fronting the ocean is to be sited so as to provide a minimum side boundary setback from any building(s) or structures of 3 metres or 25% of the total width of the site, whichever is the lesser. This setback is required in order to provide a public view corridor and is to be unencumbered with any structures or significant vegetation that restricts public views through the site to the relevant coastal feature. In the circumstances where there is an existing public view corridor specifically provided on immediately adjoining land, then development may be provided with a reduced setback, subject to the combined corridor on the immediately adjoining sites be no less than 4 metres in width and unencumbered with any structures and significant vegetation. Buildings within the coastal zone are to incorporate the following design features: <ul style="list-style-type: none"> Development should generally be designed in a contemporary Australian coastal style which incorporates elements such as varied roof lines, a modest scale, lightweight materials where appropriate, wide eaves and covered outdoor living areas, and consistent with the desired future character outlined for the relevant suburb or locality as contained in Character Statements in Part A of the DCP. Consideration is to be given to the appearance of buildings from all public areas. Buildings are to be well articulated by the use of such features as indentations, off-set wall alignments, shading devices, balconies, window openings, awnings, and a mix of external materials and/or colours. Skillion and/or peaked roof forms with overhangs, which bring the roof line down towards the earth and therefore blend with the landscape, 	<p>N/A existing building</p> <p>Complies. The second storey addition is 3.754m setback to the boundary and approximately 5.5m from the dwelling on the southern adjoining lot.</p> <p>Satisfactory</p> <p>The proposed bedroom addition proposes vertical tongue and groove cladding to contrast with the render brick.</p> <p>Conditions could be provided that colours and finishes must be in compatible with the existing dwelling.</p> <p>Satisfactory</p>	
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<p>are preferred on sites adjacent to coastal foreshores.</p> <ul style="list-style-type: none"> – Buildings must not incorporate an unbroken horizontal elevation of more than 16 metres in length. Elevations are to be broken up by building articulation and/or variation in external colours and materials. – Buildings shall be designed to utilise a composite of construction materials (such as a combination of masonry, glass, timber, weatherboard cladding and powder coated metal). The preferred roofing material is corrugated metal sheeting similar to “Colorbond®”. – In most instances the use of low-reflective materials will be required although this may vary in circumstances where a building seeks to echo the existing character of part of a neighbourhood (as reflected in the desired future character statement contained in Part A of the DCP). The use of curtain wall glazing and large expanses of framed glass will not be permitted in the vicinity of main roads in order to minimise reflectivity impacts. – Colour schemes are to incorporate a mix of finishes drawn from colours found in the natural environment of the coastline. This does not however preclude the use of colour highlights on façade elements. Colour schemes in visually exposed areas must be recessive (i.e. backdrop colour or darker) to allow the development to blend with the coastal landscape. 	<p>Complies.</p> <p>Complies. The roofing is proposed to be combatable with the existing roof line and the cladding of the addition will harmoniously contrast with the existing rendered masonry.</p> <p>The materials will be compatible with the exiting dwelling.</p> <p>Colours will be compatible with the exiting dwelling.</p>
<p><u>4.16 View sharing</u></p> <ul style="list-style-type: none"> • To protect and enhance view sharing, significant view corridors. <ul style="list-style-type: none"> – Assessment of views likely to be affected. – Assessment of what part of the property the views are obtained from. – Assessment as to the extent of the potential view loss impact. – Assessment as to the reasonableness of the proposal causing the potential view loss impact. • A range of view sharing measures to be considered for building design. 	<p>Refer to attachment 5</p>

<ul style="list-style-type: none"> – Appropriate siting of the building on the land so as to provide a strip of land, unencumbered with structures, down one side of the dwelling. This strip of land must be a minimum width of 3m or 25% of the lot width whichever is the greater. 	Building separation difference is approx. 5.5m	
<ul style="list-style-type: none"> – A reduced view corridor width may be accepted, where it is located adjacent to a view corridor on the adjacent site, subject to the combined width having a minimum of 4m. 	N/A	
<ul style="list-style-type: none"> – Appropriate placement of the bulk of the building on a site. 	The bulk of the proposed bedroom addition is in line with the existing dwelling.	
<ul style="list-style-type: none"> – Provision of greater separation between buildings, where necessary to retain view corridors. 	View corridors are not impacted.	
<ul style="list-style-type: none"> – Articulation within the buildings design. 	The proposal is appropriately articulated.	
<ul style="list-style-type: none"> – Careful selection of roof forms and slope. 	The roof form is designed to be functional and in keeping with the existing character.	
<ul style="list-style-type: none"> – Placement of vents, air conditioning units, solar panels and similar structures in locations which will not restrict views. 	N/A	
<u>4.17. Retaining walls</u>		
N/A	N/A	N/A
<u>4.18 Swimming pools and spas</u>		
N/A	N/A	N/A
<u>4.19 Development near railway corridors and major roads</u>		
N/A	N/A	N/A
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>		
N/A	N/A	N/A
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>		
	Existing arrangement unchanged	N/A
<u>4.22 Additional controls for Dual Occupancies –building character and form</u>		
<ul style="list-style-type: none"> • Where garages are proposed on the front elevation they must be articulated from the front façade of the dual occupancy dwelling(s). 	Complies. The bedroom has a greater setback than the ground floor garage. Material articulation is also provided for the addition above the garage through vertical cladding to contrast with the brick render of the existing dwelling.	Yes
<ul style="list-style-type: none"> • Any external alterations and additions to a dual occupancy dwelling must be compatible in design, roof configuration 		

and building materials with the other adjoining dwelling in the original dual occupancy development.	Complies	
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u>	Existing arrangement unchanged	N/A

CHAPTER D1 – CHARACTER STATEMENTS

Bulli

“Dwellings within the eastern coastal part of Bulli should be designed to minimise the scale and bulk of the development through well-articulated building forms. New contemporary or “lightweight” dwellings with a distinctive coastal character are encouraged for the eastern (coastal) part of Bulli.”

The building maintains a significant level of articulation on the northern elevation. The second storey bedroom addition is recessed further back than the below garage and will utilise different materials to the existing building. The proposed vertical cladding should harmoniously contrast with the brick render of the existing dwelling.

“Dwellings should feature sloping flat, curved or gently to moderately pitched roof forms only and to help maximise view sharing opportunities for rear neighbouring dwellings. “

No concern is raised in regard to the proposed roof form.

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

Appropriate materials are proposed for the balcony and the new replacement stairs.

“New development or alterations and additions to an existing building must also be sympathetic in terms of its siting, scale, height and external appearance to any adjoining item.”

The additions are sympathetic in form and materials. The dual occupancy will remain generally comparable in character to the contemporary dwellings in the surrounding area.

The proposal is considered to be consistent with the existing and desired future character for the locality.

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

A compliant number of car parking spaces has been provided as discussed under Chapter B1 above.

Existing double garages are provided and the application does not propose to alter these parking arrangements.

CHAPTER E6: LANDSCAPING

No changes proposed.

CHAPTER E7: WASTE MANAGEMENT

A Site Management Plan has been provided as required. Suitable waste storage and servicing arrangements are provided in the draft Conditions.

CHAPTER E10 ABORIGINAL HERITAGE

Neither the site nor any directly adjoining property contains a heritage item. The general area of Sandon point is known to have significance to the local indigenous community. A basic AHIMs search has been undertaken by Council to confirm there are no known sites on the subject site or on immediately adjoining lots. However, it is in general proximity to a past aboriginal artefact findings. The site however is highly disturbed and is unlikely to impact on any additional relics.

Council's Heritage officer has reviewed the proposal with respect to the provisions of this chapter and has advised that the proposal is satisfactory subject to recommended conditions which are included in the list at Attachment 2.

CHAPTER E11 HERITAGE CONSERVATION

Neither the site nor any directly adjoining property contains a heritage item, it is located in the general area of the Sandon point cottage. Council's Heritage officer has reviewed the proposal with respect to the provisions of this chapter and has advised that the proposal is satisfactory subject to recommended conditions which are included in the list at Attachment 3.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to the existing stormwater system. The addition is over the existing garage, no new impervious area is proposed, and no concerns are raised.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The application involves partial demolition of the existing dwelling house to complete the alterations and additions. The extent of demolition has been shown on the plans. No concerns are raised subject to conditions of consent.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Negligible earthworks are proposed to replace the footings of the stairs. It is considered the development will satisfy the objectives of this chapter.

Attachment 5 – View impact Assessment

Note: The public submissions are based on the original design. Revisions have since been provided which may reduce the perceived view impacts.

The original plans had a second storey window seat protruding out of the front façade and decreasing the front setback. This has been removed in a subsequent revision. The addition is now setback 5.1m which is in line with the existing dwelling.

Section 4.16 of chapter B1 WDCP 2009

Objectives

- (a) To encourage view sharing from adjoining or nearby properties, public places, and new development.*
- (b) To protect and enhance significant view corridors from public places.*
- (c) To encourage the siting and design of new buildings which open up significant views from public areas.*

Controls

- (a) Assessment of views likely to be affected.*
- (b) Assessment of what part of the property the views are obtained from.*
- (c) Assessment as to the extent of the potential view loss impact.*
- (d) Assessment as to the reasonableness of the proposal causing the potential view loss impact.*

The four (4) step view assessment process: Based on the Planning Principles from the NSW Land and Environment Court:

http://www.lec.justice.nsw.gov.au/Pages/practice_procedure/principles/planning_principles.aspx

(a) Assessment of views likely to be affected - Water views are generally more highly valued than land views. Iconic views (e.g. Wollongong Harbour / Lighthouse, northern Illawarra coastline, Sea Cliff Bridge, views across the sea towards Five Islands etc) are more valued than views without icons. Whole views are valued more highly than partial views (eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured).

The impacted views are indicated in the below images:



- The impacted views are highly partial. The views are obscured by vegetation on the objectors lot a street tree and the existing development on the subject site.
- The view is of the sky and part of the escarpment, which whilst being a prominent landmark, is not considered specifically iconic. There will be views afforded to towards the escarpment from the subject property following the development in several locations.

(b) Assessment of what part of the property the views are obtained from – The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. The assessment as to the whether the view is enjoyed from a standing or sitting position is also particularly relevant since the protection of standing views is more important than the protection of sitting views.

- The impacted views are across the side boundary, primarily from the front of the objectors dwelling. This view is obtained from the front landing/ patio. Some views of the sky and nearby street tree may be lost from particular angles from the objector's front windows. View are obtained from mix of a mix standing and sitting postions. There are no view loss impacts from public spaces.

(c) Assessment as to the extent of the potential view loss impact – The impact on views from living areas is more significant than from bedrooms, bathrooms or other service areas. The view loss impact should be a qualitative assessment and generally expressed as either a negligible, minor, moderate, severe or devastating view loss from living areas of neighbouring buildings.

- Any impacted views sourced from inside the objectors dwelling are negligible to minor. Views sourced from outside the dwelling on the front landing are minor
- The views impacted are highly susceptible to any from any built form changes or existing vegetation growth nearby. The existing view is currently obscured by vegetation on the objector's lot and by a nearby street tree. The loss of potential future views should this vegetation ever be removed is noted.

(d) Assessment as to the reasonableness of the proposal causing the potential view loss impact – A proposal which fully complies with the Development Controls contained in Wollongong LEP 2009 and this DCP will be considered more reasonable than a proposal which breaches one or more of the Development Controls. Where an impact on views arises primarily as a result of non-compliance with a Development Control contained in either Wollongong LEP 2009 or this DCP, even a moderate view loss impact upon a neighbouring building may result in Council either seeking a redesign of the proposal or formal refusal of the application. For a complying proposal, Council will still question whether a more skilful design would enable the same development potential whilst also improving the view sharing opportunities for neighbouring properties. However, if Council forms the opinion that the development is relatively well designed in terms of its siting, height and built form, then it is likely the proposal will be supported, despite the fact that some view loss may occur from neighbouring properties.

- **Compliance:** While the addition is not full 6ms form the boundary, a lesser setback is permitted under the controls where the character of the street is not prejudiced. The proposed setback of 5.1ms is in line with the existing setback of the dwelling and can be accepted. The setback objectives are satisfied, and streetscape impacts are minimal. Refer to section 2.3.1 of this report.
- While full compliance could be achieved, the extra complexity in the built form may not justify a redesign.
- **Suitability of design:** Any lower two storey addition in this location would result in some loss of view for the adjoining property.
- The ceiling heights of both floors are not excessive being a standard 2.4 meters. Furthermore, the pitch of the roof is not unusually steep and is in keeping with the existing character of the building. The setback from the side boundary is generous at more than 3 meters.
- The lost views are highly partial, and the impacts are minor.
- The impacted lot maintains a verity of views from different areas of the site, including ocean and parkland views from the rear.

- **Conclusion:** The impacts are not great enough to require further alterations to the proposed design.

Attachment 6 – Draft Conditions

Approved Plans and Specifications

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on Drawing No. A08-B dated 6 October 2020 and Drawing No. A03-C, A09-C, A11-C, A12-C dated 24 November 2020 prepared by Illawarra Design Company 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) 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.

3) 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.

4) 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.

Prior to the Issue of the Construction Certificate

5) Present Plans to Sydney Water

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

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

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

6) Smoke Alarms

Smoke alarms designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency shall be installed in the building in accordance with Part 3.7.2 of the Building Code of Australia (Housing Provisions). The location of smoke alarms shall be shown on plan prior to the issue of the construction certificate.

7) No Extension of The Balcony Toward the Northern Lot Boundary

Prior to the issue of the construction certificate, the plans shall be amended to remove the proposed extension of the balcony beyond the 900mm DCP setback line. No new building element shall extend further than 900mm from the northern lot boundary.

8) Colours and Materials

The external alterations and additions must be compatible in terms of colours and materials with the existing dwelling and garage. Or the existing part of the dwelling and garage are upgraded to be sympathetic with the colours and materials of the new addition. A schedule of external colours and materials must be provided with the Construction Certificate plans.

9) **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 \$990.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1245330	<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

Prior to the Commencement of Works

10) **Appointment of Principal Certifier**

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

- Appoint a Principal Certifier (PC) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- 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.

11) **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.

12) **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.

13) **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.

- 14) **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 any works on the site.
- 15) **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.
- 16) **Temporary Sediment Fences**
Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.
- 17) **All-weather Access**
An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.
- 18) **Tree Protection**
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.
- 19) **Works in Road Reserve - Minor Works**
Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, 5 days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:
- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
 - b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

During Demolition, Excavation or Construction

- 19) **Piping of Stormwater to Existing Stormwater Drainage System**
Stormwater for the land must be piped to the existing stormwater drainage system.
- 20) **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.

21) **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

22) **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.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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.

23) **Demolition Works**

The demolition of the existing structures 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.

26) **Acid Sulfate Soils**

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and

release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

Prior to the Issue of the Occupation Certificate

27) **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.

28) **Colours and Materials**

The external alterations and additions must be compatible in terms of colours and materials with the existing dwelling and garage. OR the existing part of the dwelling and garage are upgraded to be sympathetic with the colours and materials of the new addition. The certifier must ensure that this has occurred via a site inspection and/or photographic evidence to be included in the Occupation Certificate.