

Wollongong Local Planning Panel Assessment Report | 30 November 2021

WLPP No.	Item 4
DA No.	DA-2020/807
Proposal	Residential - Lot 5: demolition of existing dwelling, construction of dual occupancy and Subdivision - Torrens title - two (2) lots and Lot 6: Subdivision - Torrens title - two (2) lots and tree removal
Property	54-56 Mountain Road, AUSTINMER NSW 2515 Lots 5 and 6 DP24879
Applicant	Allen Street Property Trust
Responsible Team	Development Assessment and Certification – City Wide Planning Team (MB)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the WLPP for **determination** pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, as the Development Application is subject of more than 10 unique submissions by way of objection.

Proposal

The proposal seeks consent for the demolition of an existing dwelling and construction of a dual occupancy with two lot Torrens title subdivision of Lot 5 and a two lot Torrens title subdivision of Lot 6 and tree removal.

Permissibility

Dual Occupancy is a permissible in the R2 Low Density Residential zone. Subdivision of land is permissible with consent pursuant to WLEP 2009 clause 4.1.

Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan 2019. A total of fourteen submissions were received during this period. The submissions received are discussed at section 1.5 of the assessment report.

The proposal has been referred to Council's Geotechnical, Development, Landscape and Environment Officers', with conditionally satisfactory referral advice provided. The proposal was also referred to Sydney Trains as the site at 54 Mountain Road is adjacent to the rail corridor pursuant to ISEPP clause 85 and New South Wales Rural Fire Service pursuant to clause 4.14 (EP&A Act 1979) as both sites are bushfire affected.

Main Issues

The main issues arising from the development assessment process are:

- Variations to WDCP 2009 controls at Chapter B1 setbacks and minimum site width for dual occupancy
- Impact on streetscape
- Flooding/stormwater impacts across the subject sites and neighbouring sites, and
- Geological and environmental impacts

RECOMMENDATION

Development Application DA-2020/807 be **approved** subject to the conditions contained in **Attachment 4**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2019 (Section 7.12 of EP&A Act 1979)
- Wollongong Community Participation Plan 2019
- Planning for Bush Fire Protection 2019 (PBP 2019)

Integrated development under the NSW Rural Fires Act 1997 section 100B.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal is for construction of a dual occupancy development consisting of two detached dwellings at 56 Mountain Road (Lot 5 DP 24879) with subdivision and a two lot Torrens title subdivision over 54 Mountain Road (Lot 6 DP24879).

The driveway access to the east of 56 Mountain road will service all proposed lots. This application also proposes work to an intermittent watercourse that is located at 54 Mountain Road to mitigate flood impacts over the site. The proposal will be phased as follows:

Phase 1 - Two lot Torrens title subdivision at 54 Mountain Road

Demolition of existing dwelling and construction of dual occupancy at 56 Mountain Road

Phase 2 - Two lot Torrens title subdivision of dual occupancy at 56 Mountain Road

The proposal comprises of:

- Demolition of existing dwelling on lot 5 (56 Mountain Road).
- Construction of a dual occupancy comprising of two detached double storey dwellings
- Torrens title subdivision of the dual occupancy on Lot 5 – 56 Mountain Road
- Subdivision of Lot 6 – 54 Mountain Road into two Torrens title lots
- Construction of a bridge crossing on Lot 6 – 54 Mountain Road
- Tree removal
- Provision of utility services, access driveway and stormwater drainage infrastructure

1.3 BACKGROUND

The development history of the site is as follows:

Application No	Description	Date	Decision
PL-2019/23	Construction of dual occupancy development and post construction Torrens title subdivision on Lot 5. Multi-dwelling development of 5 two storey detached residences with single garage and hardstand spaces.	14/03/2019	Completed
PL-2017/137	Multi Unit - five	31/08/2017	Completed
DA-2015/550	Subdivision - Torrens title - two (2) residential lots	29/07/2015	Withdrawn

Customer service actions:

There are no outstanding customer service requests of relevance to the development, at the time of preparing this report.

1.4 SITE DESCRIPTION

The site is located at 54-56 Mountain Road, AUSTINMER NSW 2515 and the title reference is Lot 5 DP 24879 (No 56) Mountain Road Austinmer and Lot 6 DP24879 (No 54) Mountain Road. Lot 5 has an area of 525m² and is rectangular in shape with a site width of between 12.9m and 15.6m and a depth of 31.8m. Current development on the site consists of a modest single storey dwelling with a garage. Lot 6 is a vacant battle axe lot with driveway access running alongside Lot 5 accessed via Mountain Road. It has an area of approximately 3825m² and is rectangular in shape tapering at the northern side. The site has a fall of approximately 5 metres running from the south-west to north-east and shares a side and rear boundary with Lot 5. The site contains a mixture of exotic /urban vegetation and regenerating forest.

The subject sites are located on the northern side of Mountain Road immediately west of the railway bridge. The sites are located in an established residential area of Austinmer, NSW. The area is characterised by modest low-density residential development generally consisting of single or double storey detached dwellings.

Property constraints.

- acid sulphate soils – Class 5
- flooding
- bushfire prone

There are no restrictions on the title.



Figure 2: Aerial photograph

1.5 SUBMISSIONS

The proposal was exhibited in accordance with the Community Participation Plan 2019. A total of fourteen (14) submissions were received during this period.

Table 1: Submissions

Concern	Comment
1. Impacts on the surrounding neighbours <ul style="list-style-type: none"> The lodgement package contains incorrect information that will impact on the assessment and subsequent adverse impact surrounding properties Safety including traffic, railway vehicles, location of driveway near railway bridge, flood impacts Overdevelopment Sewerage concerns Illegal works 	<p>Council officers' have reviewed the information provided and have attended the site and reviewed information provided. Referral groups have required the lodgement of further information that has resulted in conditionally satisfactory referral advice.</p> <p>Railcorp/Sydney Trains does not benefit from access over 54 Mountain Road.</p> <p>The proposal is considered generally compliant and the impact on neighbouring properties is not considered unreasonable in the circumstances.</p> <p>Sewerage augmentation will be required for the proposal.</p> <p>Matters relating to illegal works on neighbouring sites are noted (matters previously reported to Council's Regulation and Enforcement division)</p>

<p>2. WLEP 2009 and WDCP 2009 compliance</p> <ul style="list-style-type: none"> • The proposal does not fit into the neighbourhood and streetscape • Impact on adjacent sites if dwellings are built on 54 Mountain Road - possible two storey dwellings/dual occupancies for future applications • Three Storeys • Sets a precedent for similar unsuitable development • LEP and DCP compliance including unreasonable variations sought • DCP compliance in relation to land stability/geotechnical matters. • DCP - Viewing impacts and location/species of proposed landscaping 	<p>The proposal generally complies with WDCP 2009 controls. Justification has been provided for DCP variations, which are capable of support as outlined within this report.</p> <p>The height of the buildings is under the maximum 9 metre limit and both dwellings are two storeys. Due to the steep fall across the site the second dwelling is raised on piers to allow access from the side driveway into the garage.</p> <p>The proposal for 54 Mountain Road does not propose dwellings on either of the newly created lots. Note: the WDCP (2009) limits dwellings on battle-axe lots to single storey but this is for guidance and should dwellings be proposed in the future an assessment of impacts will be undertaken at that time.</p> <p>Council's Geotechnical and Development Engineers have reviewed the application and provided conditionally satisfactory referral advice.</p> <p>Each of the lots at 54 Mountain Road show an appropriately located and sized building envelope.</p> <p>The impacts on the natural areas of the site are considered conditionally satisfactory.</p> <p>View corridors exist across side boundaries at 68 Mountain Road. Proposed tree removal to meet RFS bushfire requirements. Landscape species for the view corridor can be conditioned at residential development stage on Lot 6.</p>
<p>3. Environmental concerns and topography</p> <ul style="list-style-type: none"> • Ecology/flora/fauna • Contamination associated with past uses including asbestos • Poor environmental outcomes • Arboricultural report and trees not accurately plotted • Geological impacts including possible landslip with tree removal 	<p>The impact of the development on the environment has been considered by Council's Environment officer who has provided conditionally satisfactory referral advice (also in relation to possible asbestos).</p> <p>The application has also been sent to Council's Geotechnical Engineer who has provided conditionally satisfactory referral advice.</p>

<ul style="list-style-type: none"> Steep site with watercourse/riparian corridor, which has been filled and flows through site/s 	Tree protection and removal have been assessed by Council as conditionally satisfactory.
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Matter	1	2	3
Submissions	10	7	11

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Development, Geotechnical, Landscape, and Environment Officers' have reviewed the application submission and provided satisfactory referral comments/conditions. Conditions at **Attachment 4**.

1.6.2 EXTERNAL CONSULTATION

New South Wales Rural Fire Service

The application was referred to the NSW Rural Fire Service (RFS) pursuant to Division 4.14 of the Environmental Planning and Assessment Act 1979 and the application was not supported; however, amended information was provided. The New South Wales Rural Fire Service (NSW RFS) reviewed the submitted amended information. General Terms of Approval were re-issued, under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997, has been issued and will form part of the proposed conditions at **Attachment 4**.

Sydney Trains

The application was referred to the Sydney Trains pursuant to Clause 85 of State Environmental Planning Policy (Infrastructure) 2007. Sydney Trains provided concurrence letter dated 18 January 2021, which will form part of the conditions at **Attachment 4**.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

The site is identified as being of high biodiversity value on the Biodiversity Values Map. The application was referred to Council's Environment Officer and satisfactory referral advice given in relation to tree removal. The proposal does not trigger the requirement for a biodiversity offset scheme as outlined below:

Biodiversity Offsets Scheme

The Flora and Fauna Impact Assessment (OMVI Ecological, June 2020) states that the proposal does not trigger entry into the Biodiversity Offset Scheme (BOS) as much of the site is exotic and does not

contain native species and thus does not count towards the clearing threshold. The site inspection on 1/9/2020 confirmed that large parts of the site are close to 100% exotic. Whilst the flora lists in the Flora and Fauna Impact Assessment do include native species, these are very sparse and limited in number in the areas that have been identified as non-native. It is therefore agreed that much of the site does not conform to the definition of native vegetation.

The area of clearing does exceed the BOS area threshold for the site. The minimum lot size for the site is 449 m², which corresponds to a 0.25ha clearing threshold. According to the (OMVI Ecological, June 2020) the vegetation on “all of lot 5 and 6 will require some modification to meet the asset management fuel loads to comply. The outer protection zone will require some thinning and ongoing maintenance and the inner protection zone will require almost the complete removal of fuel loads and has therefore been assumed in this assessment as being completely cleared”. The total area of native regrowth vegetation to be cleared or modified for asset protection was calculated at 0.15 hectares, with an additional 0.2 ha (approx.) of exotic, highly degraded land to be cleared, which does not trigger the requirement for a biodiversity offset. Council’s Environment officer has reviewed the application and is satisfied.

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

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

7 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The application was referred to Council’s Environment Officer who provided conditionally satisfactory referral advice as follows:

The Statement of Environmental Effects states that the site formerly contained a mid-20th century cottage constructed with some asbestos material and was identified as being potentially contaminated. It states that contamination remediation was undertaken and a contamination clearing certificate accompanies the application, however no such documentation was provided.

The site is also identified as previously being a market garden (as is stated in the statement regarding contamination prepared by Steven Hughes Cert 4 Bldg. BA DipLA MSc submitted for DA-2015/550) indicating that potential exists for the site to be contaminated with pesticides including insecticides, fungicides, herbicides and soil fumigants. In addition, fill (if any) that has been brought onto the site and the proximity of the site to the railway line (potential contaminants include creosote and asbestos) are further potential sources of contamination. A Preliminary Site Investigation was advised as being required in the Pre-lodgement minutes (PL-2019/23) for this proposed development, however this has not been submitted.

Additionally, a site inspection revealed that the site still contains what appears to be ACM, as well as large pile of building rubble, pipes, an old electricity transmission item, etc.

As requested, a Stage 2 Detailed Site Investigation (CSTS Environmental, 24 November 2020) has been submitted along with the previous Asbestos Clearance Certificate (Airsafe. January 24, 2019).

The DSI showed that the site does not appear to contain any areas of concern and that it is suitable for the proposed residential use without any further works.

The DSI has been reviewed and endorsed by a Certified Contaminated Land Consultant (Peter Moore, CEnvP, Zoic Environmental Pty Ltd, 14 May 2021). Conditions have been provided.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The site is immediately adjacent to the Railway line and as such is subject to Clauses 85 to 87 of the Infrastructure SEPP:

87(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—

a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,

b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

An Acoustic Report has been prepared by South East Acoustics (December 2019) that recommends that the dwellings be constructed to the following category standards as per the NSW Government, Department of Planning, “Developments near Rail Corridors and Busy Roads” published in 2008.

Sydney Trains provided conditions letter dated 18 January 2021, which will form part of conditions of consent at Attachment 4.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets. Conditions are recommended in this regard, as provided at **Attachment 4**.

The BASIX certificate was issued no earlier than 3 months before the date on which the development application was lodged.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2021

The site is greater than 1 hectare and tree removal is proposed. The application was referred to Council’s Environment Officer who has reviewed the application and provided satisfactory referral advice in relation to the requirements of this policy and tree removal.

The development occurs in an already disturbed portion of lots 5 and 6 and aims to re-develop one existing site containing a dwelling and create two new building envelopes on a previously occupied R2 zoned lot. The majority of the development area is already cleared and has been used residential purposes for some time. The location and size of the impact area and the likely impacts on biodiversity are not likely constitute a major impact locally.

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Demolition: In relation to a building means wholly or partly destroy, dismantle or deface the building.

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

Note— Dual occupancies are a type of residential accommodation—see the definition of that term in this Dictionary.

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

The proposal is categorised as a **dual occupancy** as described above and is permissible in the zone with development consent. Demolition and tree removal are ancillary works to facilitate the proposal and consequently are also permissible. Subdivision of land is proposed for both phases and is permissible with consent pursuant to clause 4.1.

Clause 2.7 Demolition requires development consent

Demolition of a building or work may only be carried out with development consent. Demolition of existing structures on the land is proposed.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The minimum allotment size for the subdivision of the subject site under Clause 4.1 is 449m².

The proposal is to subdivide the existing parcel of land at 54 Mountain Road (lot 6) with site area of 3825sqm into two (2) Torrens title lots (Lot 1 and Lot 2).

Lot 1 is proposed to be 1690m² and Lot 2 is proposed to be 2134.3m² both meeting the minimum required 449m².

Clause 4.1(4C) stipulates that this clause does not apply in relation to the subdivision of land in a residential zone on which there is an “existing” dual occupancy. The application is satisfactory subject to a consent condition that an Occupation Certificate is issued for the dual occupancy prior to the release of the Subdivision Certificate for 56 Mountain Road (lot 5). This ensures that the dual occupancy is completed prior to subdivision; therefore, the subdivision will be of an “existing” dual occupancy.

Clause 4.3 Height of buildings

No buildings proposed for 54 Mountain Road (Lot 6).

Maximum height of 9 metres in the R2 zone.

Unit 1 – Lot 101: 7.755 metres - complies

Unit 2 – Lot 102: 8.965 metres - complies

Clause 4.4 Floor space ratio

No buildings are proposed for 54 Mountain Road (Lot 6).

A Dual Occupancy is proposed for 56 Mountain Road (Lot 5) with FSR as follows:

Maximum FSR permitted for the zone:	0.5:1	
Site area:	504.4m ²	
Dwelling 1 on Lot 101 0.48:1 – complies	Ground floor	51.4m ² excl garage req.
	First floor	69.5m ²
	Total	120.9m/253.4 = 0.48
Dwelling 2 on Lot 102 0.49:1 – complies	Ground floor	56m ² excl garage req.
	First floor	69m ²

For FSR purposes the area of the lot includes the access handle	Total	125m ² / 271.4 = 0.46
Total GFA	245.9/524.8 = 0.49	
FSR	0.47:1 complies	

The proposal is compliant.

Clause 4.6 Exceptions to development standards

None sought

Part 5 Miscellaneous provisions

Clause 5.21 Flood planning

The sites are identified as being flood hazard affected. Council's Development Engineer has assessed the application submission in this regard against the submitted flood assessment report and has not raised any objections subject to conditions.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The existing site is serviced by electricity, water and sewage services. It is expected that these services will be capable of augmentation to meet the needs of the development. Conditions are recommended in this regard requiring evidence from the relevant authorities prior to the issue of the Construction Certificate.

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity". Of the total of 55 trees on the subject site, 27 are Maiden's Wattle, or occasionally, Blackwood. It is apparent that the Wattles have self-regenerated, over approximately the last twenty-five years, after the original dwelling was abandoned. Original plantings of exotic species include a Lombardy Poplar, Pear, Cherry Plum and several Monterey Pines. Three Cabbage Palms occur on the site, including one mature specimen which is growing on the batters of the existing drainage swale.

The application was referred to Council's Environment Division to assess likely impacts of the proposal in this regard. No objection was raised and appropriate conditions of consent have been recommended. In this case, it is considered the proposed development has been designed and sited so as to have minimum adverse environmental impact.

Clause 7.4 Riparian lands

The drainage depression running through 54 Mountain Road is not mapped as riparian land on Council's mapping system. Council's Environment Officer has reviewed the application and has provided satisfactory referral advice subject to appropriate conditions.

Clause 7.5 Acid Sulfate Soils

The subject sites are identified as being affected by class 5 acid sulphate soils. The site is not located on the coastal plain and as such, the development will not lower the water table, therefore an acid sulphate soils management plan is not required. Council's Environment Officer has reviewed the application and has provided satisfactory referral advice in this regard.

Clause 7.6 Earthworks

The proposal requires earthworks. The earthworks are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features of surrounding land. Council's Geotechnical and Development Engineers have reviewed the application and provided satisfactory referral advice in this regard.

Clause 7.8 Illawarra Escarpment area conservation

Lots 5 and 6 are not mapped in the WLEP within the Illawarra Escarpment Conservation Area.

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

Draft Environment SEPP

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Local Planning Directions where appropriate. Engagement is now closed and feedback is being considered by the Department.

It is considered the draft SEPP is of limited relevance at this point in time

Draft Remediation of Land SEPP

The Explanation of Intended Effect for the Remediation of Land SEPP and the Managing Land Contamination guidelines were exhibited between 25 January 2018 and 13 April 2018.

The proposed SEPP: provides a state-wide planning framework for the remediation of land requires consent authorities to consider the potential for land to be contaminated when determining development applications clearly lists the remediation works that require development consent introduces certification and operational requirements for remediation works that can be undertaken without development consent. Engagement is now closed and feedback is being considered by the Department.

Draft Design and Place SEPP

Public exhibition of the Design and Place SEPP Explanation of Intended Effect closed in April 2021.

The Design and Place SEPP will establish principles for the design and assessment of places in urban and regional NSW: PRINCIPLE 1. Design places with beauty and character that people feel proud to belong to PRINCIPLE 2. Design inviting public spaces to support engaged communities PRINCIPLE 3. Design productive and connected places to enable thriving communities PRINCIPLE 4. Design sustainable and greener places for the wellbeing of people and the environment PRINCIPLE 5. Design resilient and diverse places for enduring communities

The draft Design and Place SEPP will go on public exhibition later in 2021 to provide more opportunities for feedback. Supporting guidance and tools, drafts of which will also go on exhibition

with the draft SEPP. These guides include revisions to the Apartment Design Guide and improvements to the Building Sustainability Index (BASIX), as well as the proposed Urban Design Guide, and Design Review Guide. The Department is currently conducting workshops with Council's around the State.

It is considered the draft SEPP is of limited relevance at this point in time

Draft Housing SEPP

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The NSW Housing Strategy: Housing 2041 is the NSW Government's plan to meet the State's housing needs over the next 20 years. The Housing SEPP will support delivery on this strategy by driving the development of affordable and diverse housing

The new Housing SEPP will:

- consolidate five existing housing-related SEPPs:
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);
- State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70);
- State Environmental Planning Policy No 21—Caravan Parks; and
- State Environmental Planning Policy No 36—Manufactured Home Estates.
- include the recently made provisions for short term rental accommodation and build-to-rent housing;
- include the recently updated social housing provisions;
- introduce provisions for co-living housing, a form of housing that provides small private rooms (which may or may not include private kitchen and bathroom facilities), offset by access to managed communal spaces;
- incorporate amendments to boarding house and seniors housing provisions
- amend some local environmental plans in relation to secondary dwellings in rural zones, and the permissibility of boarding houses in R2 zones.

It is considered the draft SEPP is of limited relevance at this point in time.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. See **Attachment 2** for Compliance Table.

The proposal seeks variations to WDCP 2009 Chapter B1 and relate to the dual occupancy works on lot 5 as outlined below:

Chapter B1 Residential Development

Three (3) Development controls are sought to be varied as part of this development proposal.

Development Control 4.1.2.4:

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

Development control 4.2.1.a. which requires the following setback requirements from the primary street frontage to the front façade of the building:

'infill development sites require a minimum setback of 6m from the front property boundary, or b. Less than 6m where the prevailing street character of the area is not prejudiced'

Approval is sought to have a 4m front building setback consistent with the character of the adjoining residences and achieves the objectives.

Development control 4.21.2.1 which requires dual occupancy developments be constructed on a site with –

‘A minimum site width of 15 metres is required for a dual occupancy development. Site width shall be measured for the full width of the site, perpendicular to the side property boundaries.

Variations may be granted for irregular shaped blocks or where development can demonstrate compliance with privacy, solar access, private open space, visual amenity, built form, car parking and landscaping requirements.’

The site is irregular in shape with a width at the front of the block of 15.456m and a width at the rear of 12.101m.

Objectives of the development controls to be varied:

The objectives of Development Control 4.1 – Number of Storeys are

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

Development Control 4.1.2.4

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

Encroachment into minimum rear setback of 8 metres to second storey

The site is bordered to the north east by a large parcel of land with building envelopes located a significant distance from the area of encroachment. To the south east is the access handle to the rear lot and the Illawarra Railway. Figure 1 below demonstrates the 3.36 metre encroachment within the minimum 8m setback to two storey elements of a dwelling house required under clause 4.1.2.4.

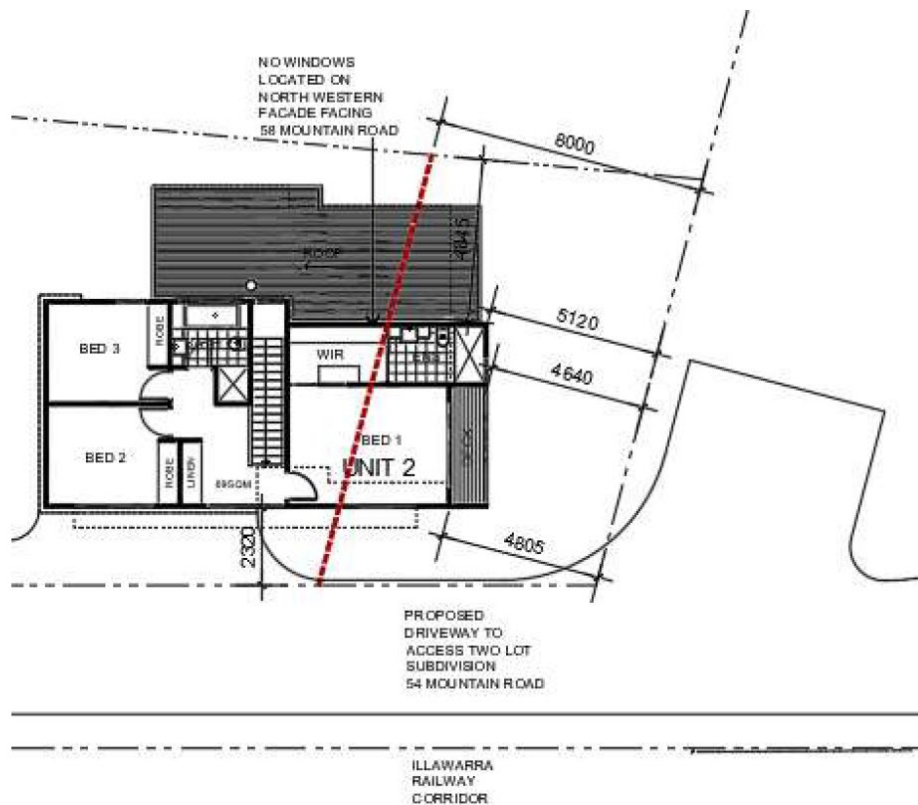


Figure 1: Demonstrating the encroachment within the 8m rear setback required to the two storey component of the dwelling, and the adjoining site arrangement.

The proposed use of the area that is encroaching is the main bedroom, walk in wardrobe and ensuite. It is unlikely that the encroachment would increase impacts on adjoining development to the extent that more frequented area such as a living room, kitchen or family room would. The north west facing wall that has view opportunities to the neighbouring private open space of 58 Mountain Road has no windows to provide viewing opportunities. The two-storey element of the building is setback a significant distance from the shared property boundary.

The building has been designed with the ensuite projecting out to restrict view opportunities to the rear private open space of 58 Mountain road from the proposed deck. To the rear of the area of the proposed encroachment is a driveway access (forming part of this application for works over 54 Mountain Road) with the proposed building envelope that would potentially be impacted by overlooking approx. 40 metres from the upper storey deck.

Comment

The proposal meets the objectives of the development control as the variation does not increase the potential for overlooking or overshadowing of adjoining properties or their private open space areas. The design has incorporated privacy controls to ensure there is no impact on neighbouring residences.

The objectives of Development Control 4.2 – Front setbacks:

- *To reinforce the existing character of the street and locality by acknowledging building setbacks.*
- *To ensure that buildings are appropriately sited, having regard to site constraints.*
- *To ensure building setbacks are representative of the character of the area.*
- *To provide for compatibility in front setbacks to provide unity in the building line.*
- *To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.*
- *To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).*

4.2.2 Development Controls

1. The following setback requirements apply from the primary street frontage to the front facade of the building:

- a) Infill development sites require a minimum setback of 6m from the front property boundary, or
- b) Less than 6 metres where the prevailing street character permits and the future desired character of the area is not prejudiced. Reduced setbacks must be demonstrated through a Site and Context Analysis (Chapter A.1 cl.11.1).

Front setback:

As displayed in the Site Analysis Plan the application proposes a front building line of 4 metres which is characteristic of the street and is compatible with adjoining front building setbacks and provides a unity in the building line. This is consistent with adjoining dwellings as displayed in Figures 2 and 4. A four metre front setback also provides sufficient space for planting of significant trees and deep soil planting.

Comment:

The variation to the front setback will not have a detrimental impact on streetscape or view corridors and meets the objectives of the clause and the control at 4.2.2.1(b). No garages or carparking are located on the front of the building and the floor level is set a minimum of 1.2 metres below the natural ground level at the boundary, which together with proposed landscaping is considered to reduce the visual impact of the two storey component as displayed at Figure 3.



Figure 2 – Aerial photograph showing consistent building line along the north side of Mountain Road.

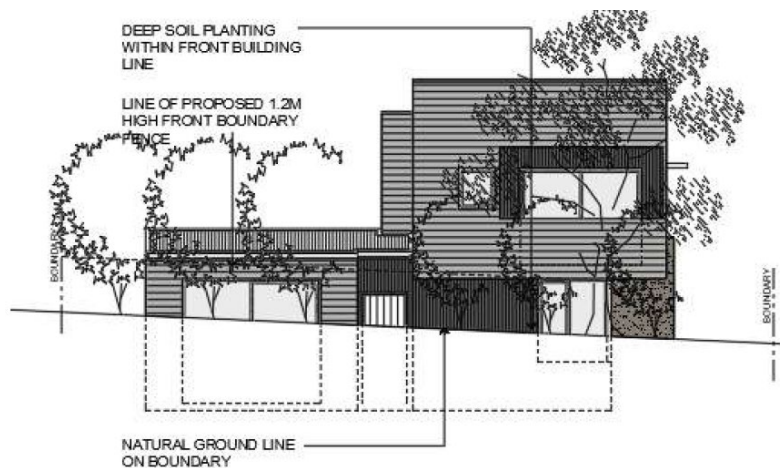


Figure 3 – Proposed front elevation as viewed from Mountain Road



Figure 4 – Existing residence located at 60 Mountain Road demonstrating reduced front building setback.

The objectives of Development Control 4.21 – Additional Controls for Dual Occupancy's - Minimum Site Width:

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

Development Control:

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

Minimum site width of 12.5 metres at the rear

The proposed site has an irregular side boundary and there is an encroachment within the required 15 metre building width to the rear of the subject site as displayed in Figure 5 below. The site benefits from an adjoining driveway to the east and adjoins a large lot to the north (rear).

This variation does not affect the ability of the site to accommodate the required building envelope, car parking, private open space, landscaping and other requirements, whilst maintaining the amenity of surrounding residential development and the streetscape character of the locality.

The proposal utilises the driveway from the adjoining lot (54 Mountain Road) to enable car access to the garages located on the eastern side on the site, which are barely visible from Mountain Road travelling in either direction. It is considered that the use of this shared driveway assists the proposal to meet the objectives of the planning control.

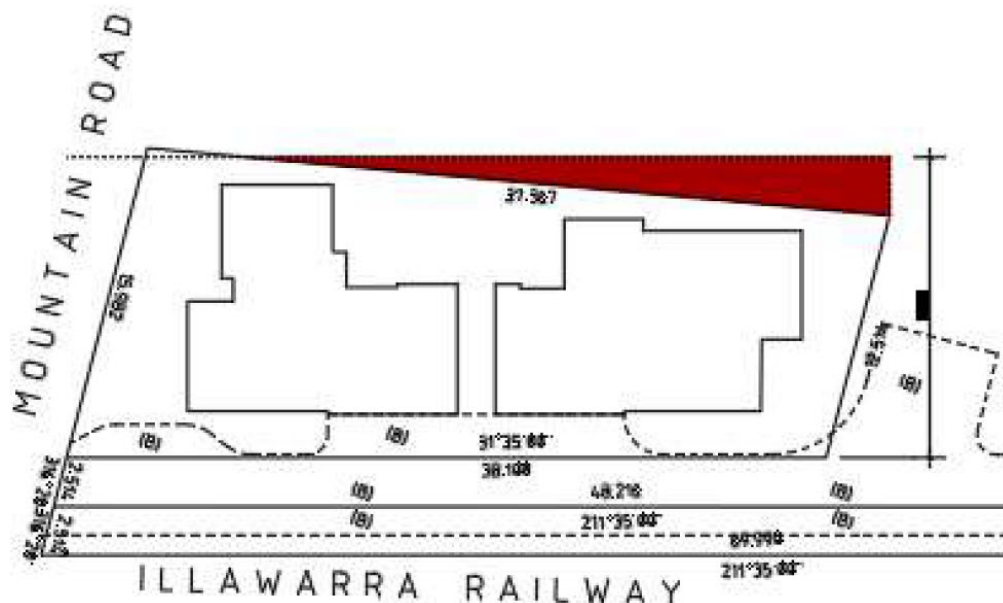


Figure 5 – Site width encroachment shown in red, driveway to the east and proposed driveway to the north.

Comment:

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

2.3.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2021

The estimated cost of works is >\$100,000 (\$798,000) and a levy of 1% is applicable under this plan as the value of the development is greater than \$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)

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

Demolition is proposed and conditions are recommended. The site is not mapped as being within the Coastal Zone.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

Context and Setting:

In regard to the matter of context, the planning principle in Project Venture Developments v Pittwater Council [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk, scale and setbacks are relevant. The proposal is within the allowable Floor Space Ratio for the site and proposes side and rear setbacks compliant with the minimum requirements. The development will not result in unreasonable overshadowing of any adjoining property, or the development potential of any nearby site.

With regard to the visual impact, the development is not considered to be inconsistent with the locality. The immediate area is currently made up of single dwelling houses on established lots. The proposal would not be considered to result in an unreasonable visual impact.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, height and FSR for the land, and existing and future character of the area, and is not considered to be incompatible with the context and setting or existing and future desired character of the local area.

Access, Transport and Traffic:

The development provides for the required number of car parking spaces and adequate manoeuvring areas. Council's Development Engineer has considered the proposal with regard to impacts on the wider traffic network and raised no objections.

Public Domain:

The development is considered to be acceptable in relation to bulk and scale and the public domain.

Utilities:

The proposal would not be envisaged to place an unreasonable demand on utilities supply.

Heritage:

The site is not impacted by heritage items.

Other land resources:

The proposal would not be envisaged to impact upon valuable land resources.

Water:

The site is presently serviced by Sydney Water, which is expected to be capable of extension to meet the requirements of the proposed development.

The proposal would not be envisaged to have unreasonable water consumption.

Soils:

The site is mapped as Class 5 Acid Sulphate Soils; however, as discussed at Section 2.15, the proposal would not be expected to result in negative impact on soils.

Air and Microclimate:

The proposal would not be expected to result in negative impacts on air or microclimate.

Flora and Fauna:

The site is not identified within Council's land information system as being known to contain any threatened fauna species or habitat. An Arboricultural report was provided and both Council's Environment and Landscape Officers' have reviewed the matters raised and provided conditionally satisfactory referral advice. In this regard, the proposal is also considered satisfactory with regard to the requirements of the BC Act 2016.

Waste:

A condition is recommended requiring that an appropriate receptacle be in place for any waste generated during the construction. On street collection is proposed to be relied upon for the occupation of the development and is considered appropriate.

Energy:

The proposal would not be envisaged to have unreasonable energy consumption. See BASIX considerations at section 2.1.2 above.

Noise and vibration:

A condition will be attached to any consent granted, that nuisance be minimised during any construction, demolition, or works. Conditions provided by Sydney Trains including for rail noise.

Natural hazards:

Council records list the site as affected by bushfire and flood impacts. NSW Rural Fire Service have provided satisfactory comment with conditions provided in **Attachment 4**. Council Officers have reviewed the application and made satisfactory comment in relation to geotechnical, environment, flooding/stormwater matters. Conditions are provided for in **Attachment 4**.

Technological hazards:

The site is not affected by any technological hazard which would result in adverse impacts on the development. See Acid Sulphate Soils discussion at Section 2.1.5.

Safety, Security and Crime Prevention:

This application would not be expected to result in greater opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal would not be envisaged to result in negative social impacts.

Economic Impact:

The proposal would not be envisaged to result in negative economic impacts.

Site Design and Internal Design:

The proposal does seek variations to development controls relating to requirements for front setbacks, rear 8 metre setback for upper storey, and minimum site width for dual occupancy. These requests have been considered and are considered capable of support in this instance, as discussed at section 2.3.1 above.

Landscaping requirements, deep soil zone and vehicular manoeuvring have been accounted for in the site layout. Internal design is considered acceptable. Overall, the site and building design is considered acceptable.

Construction:

Conditions are recommended in relation to construction impacts for hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

A condition will be attached to any consent granted that all works are to be in compliance with the National Construction Code.

Cumulative Impacts:

The proposal is not expected to result in negative cumulative impacts

Ecologically Sustainable Development Considerations

The proposed development is not considered to be inconsistent with ESD principles as evidenced by the assessment commentary provided throughout the report.

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

Does the proposal fit in the locality?

The design of the proposal is considered an appropriate response to the site constraints and is not expected to result in increased adverse impacts on the character of the locality or amenity of 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

See section 1.5 above.

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

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

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is considered that the applicant has provided adequate justification for the variations sought to WDCP 2009 as relates to front setbacks, rear upper storey setback and 15 metre minimum site width. The variations are considered capable of support.

All relevant internal and external referrals are conditionally satisfactory.

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

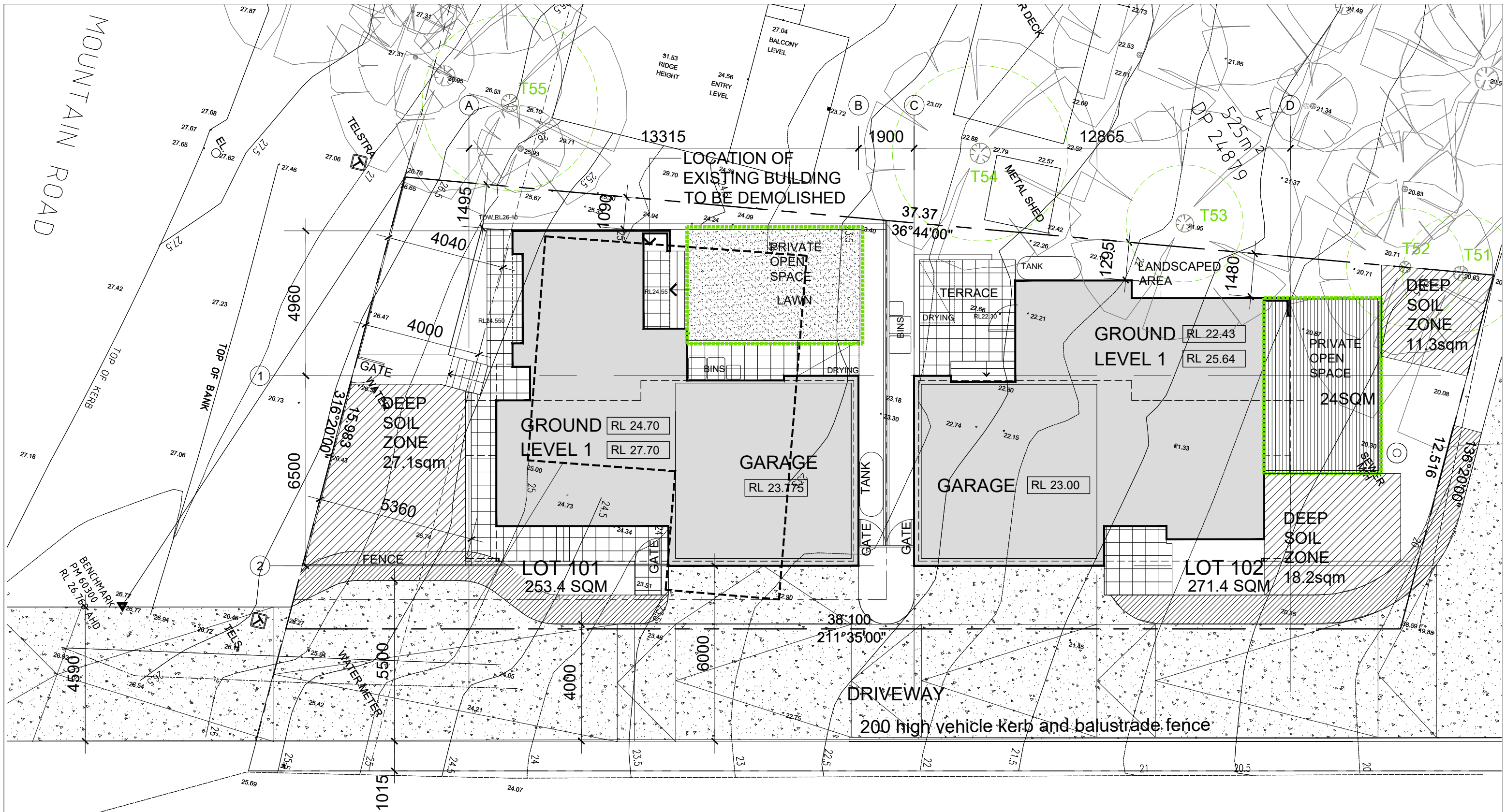
It is considered that the proposed development has been designed suitably given the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

4 RECOMMENDATION

Development Application DA-2020/807 be **approved**, subject to the conditions contained in **Attachment 4**.

5 ATTACHMENTS

- 1 Architectural Plans and documents
- 2 WDCP 2009 Compliance Table
- 3 DCP Variation Statements - Applicant
- 4 Conditions



56 MOUNTAIN RD DEVELOPMENT DATA

SITE AREA	524.7sqm
PROPOSED GROSS FLOOR AREA	249.1sqm (0.469:1)
PROPOSED SITE COVERAGE	210.4sqm (40%)
PROPOSED LANDSCAPE AREA	176.7sqm (33.7%)
PROPOSED DEEP SOIL AREA	52.8 sqm (10%)
PROPOSED ON SITE CARPARKING	4 SPACES

DEVELOPMENT DATA - LOT 101

PROPOSED SITE AREA	253.4 sqm
PROPOSED BUILDING AREA / FSR	121.1sqm (0.477:1)
PROPOSED SITE COVERAGE	100.2sqm (41.1%)
PROPOSED LANDSCAPE AREA	89.1 sqm (35.1%)
PROPOSED DEEP SOIL AREA	27.1 sqm (10%)
PROPOSED ON SITE CARPARKING	2 SPACES

DEVELOPMENT DATA - LOT 102

PROPOSED SITE AREA (251SQM WITHOUT 20.4SQM ACCESS HANDLE)	271.4 sqm
PROPOSED BUILDING AREA / FSR	125 sqm (0.498:1)
PROPOSED SITE COVERAGE	106.2sqm (42%)
PROPOSED LANDSCAPE AREA	75.4 sqm (27.7%)
PROPOSED DEEP SOIL AREA	25.7 sqm (10%)
PROPOSED ON SITE CARPARKING	2 SPACES



PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
28.07.20	A	Issued for development Approval
31.03.21	B	Private open space revised
18.11.21	C	Grid D moved

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879
54 & 56 MOUNTAIN ROAD AUSTINMER

Drawing Name: 56 MOUNTAIN RD
SITE PLAN

Job No.
DML 17/009

Dwg.No
A-02

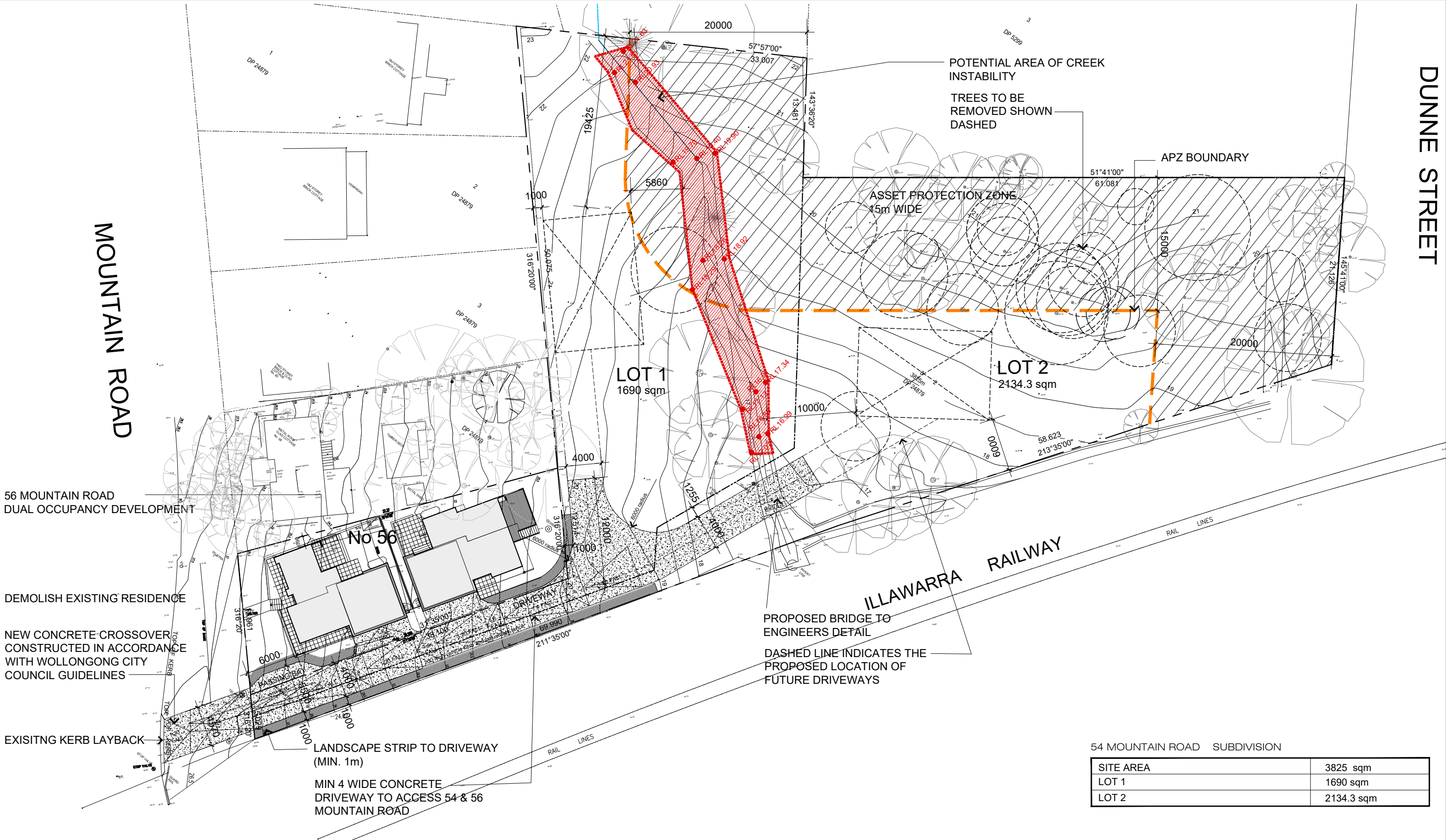
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Date
17.07.20

Rev
C

DUNNE STREET



PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
28.07.20	A	Issued for development Approval
22.09.20	B	Driveway turning head revised
11.11.20	C	Area of bank instability indicated
12.11.20	D	Future driveway extent indicated

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879
54 & 56 MOUNTAIN ROAD AUSTINMER

Drawing Name:
SITE PLAN 54 & 56 MOUNTAIN RD

CLIENT:
ALLEN STREET PROPERTY

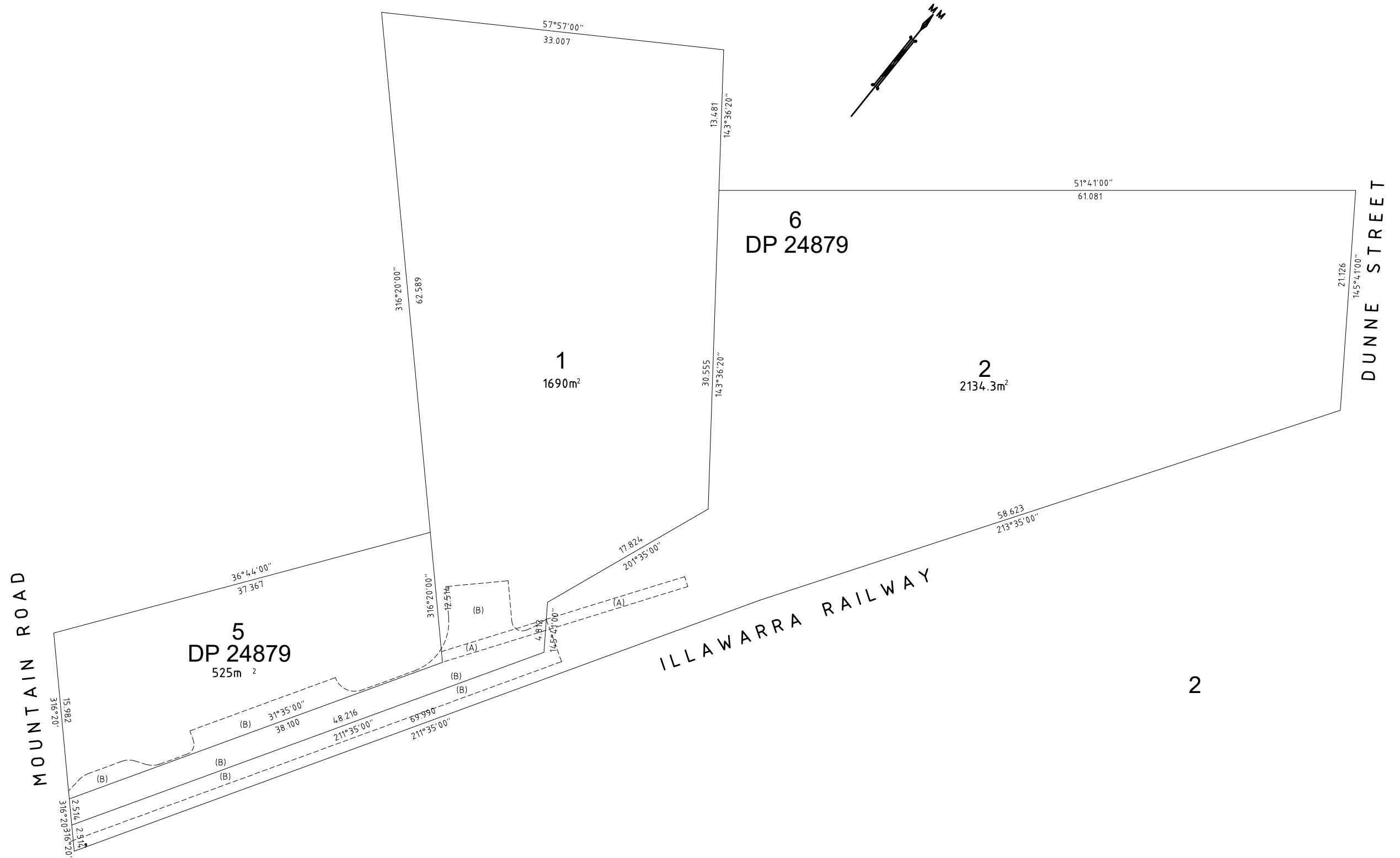
Job No.
DML 17/009

Date
17.07.20

Dwg No
A-01

Rev.
D

Scale
1:400 (A3)



(A) PROPOSED EASEMENT TO DRAIN WATER 1M WIDE
(B) PROPOSED RIGHT OF CARRIAGEWAY VARIABLE WIDTH MEASUREMENTS SUBJECT TO SURVEY



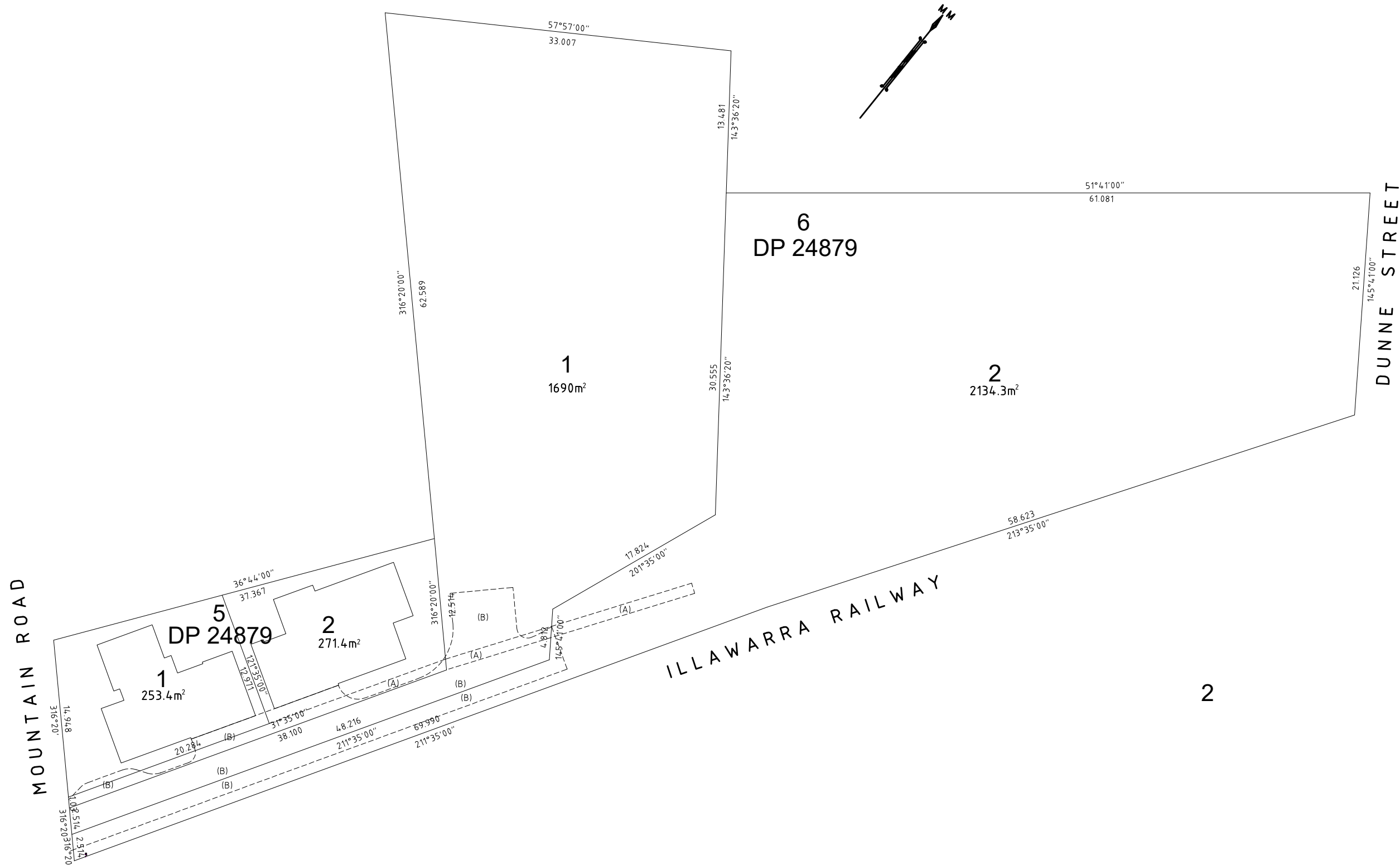
PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
16.06.20	A	Issued for development Approval

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879 54 & 56 MOUNTAIN ROAD AUSTINMER			
Drawing Name: DRAFT SUBDIVISION PLAN-PHASE 1	Job No. DML 17/009	Dwg.No SD-01	
CLIENT: ALLEN STREET PROPERTY	Scale 1:400 (A3)	Date 17.05.19	Rev. A



(A) PROPOSED EASEMENT TO DRAIN WATER 1M WIDE
(B) PROPOSED RIGHT OF CARRIAGEWAY VARIABLE WIDTH MEASUREMENTS SUBJECT TO SURVEY



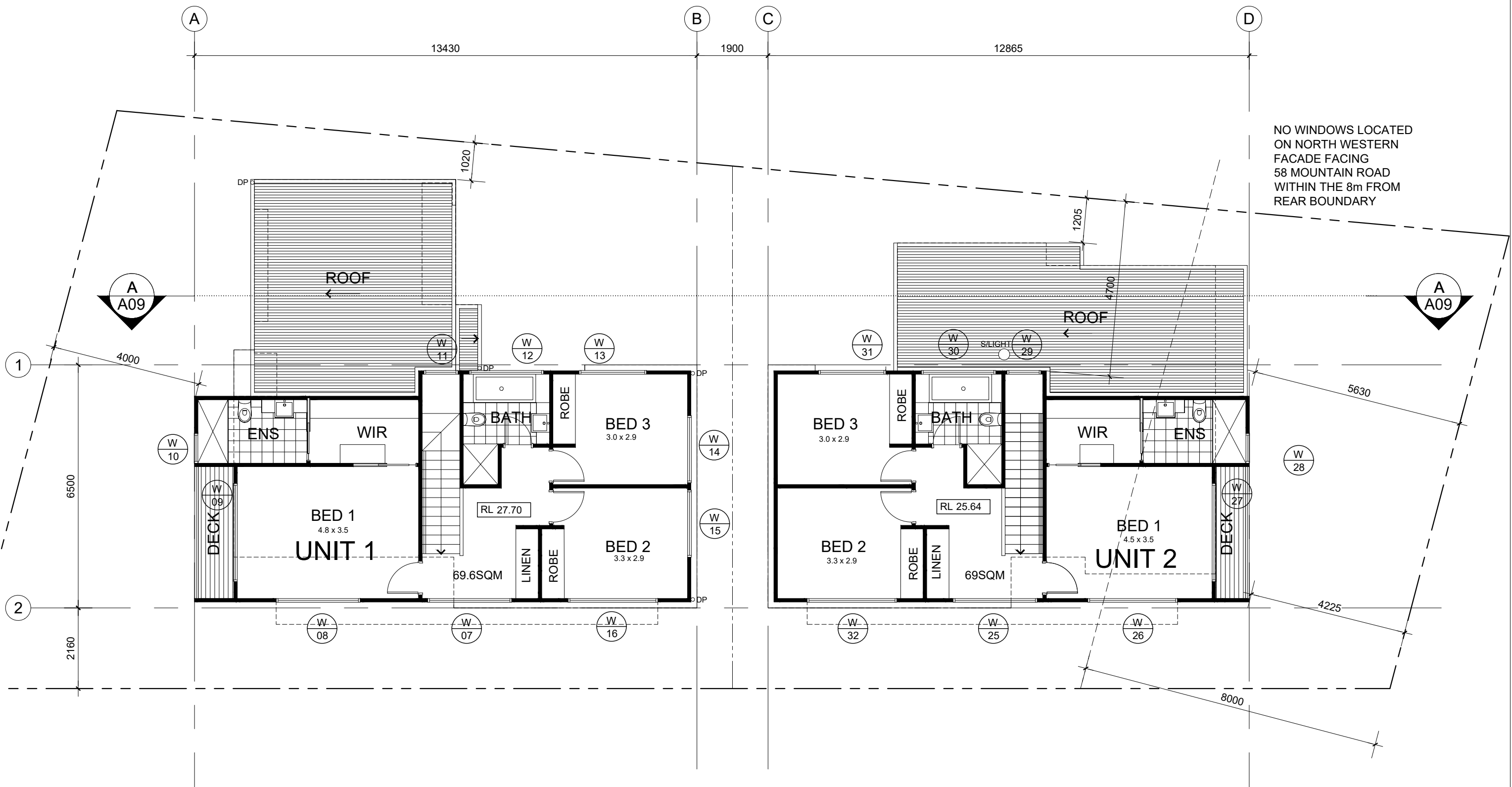
PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
16.06.20	A	Issued for development Approval

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879 54 & 56 MOUNTAIN ROAD AUSTINMER			
Drawing Name: DRAFT SUBDIVISION PLAN- PHASE 2	Job No. DML 17/009	Dwg.No SD-02	
CLIENT: ALLEN STREET PROPERTY	Scale 1:400 (A3)	Date 17.05.19	Rev. A

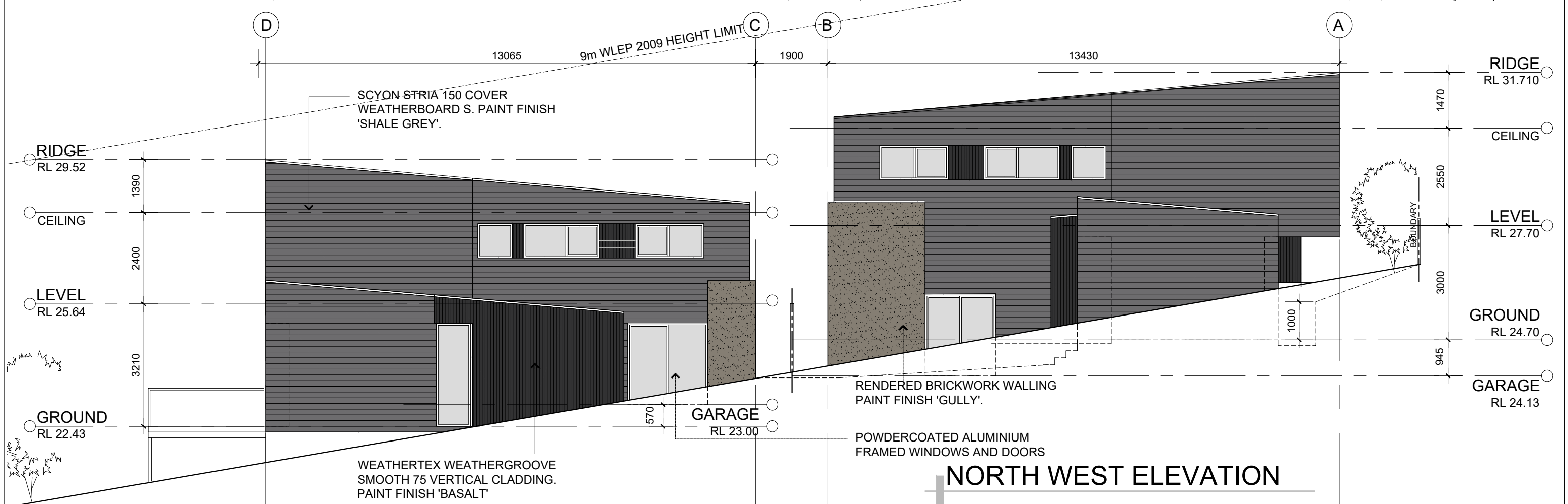
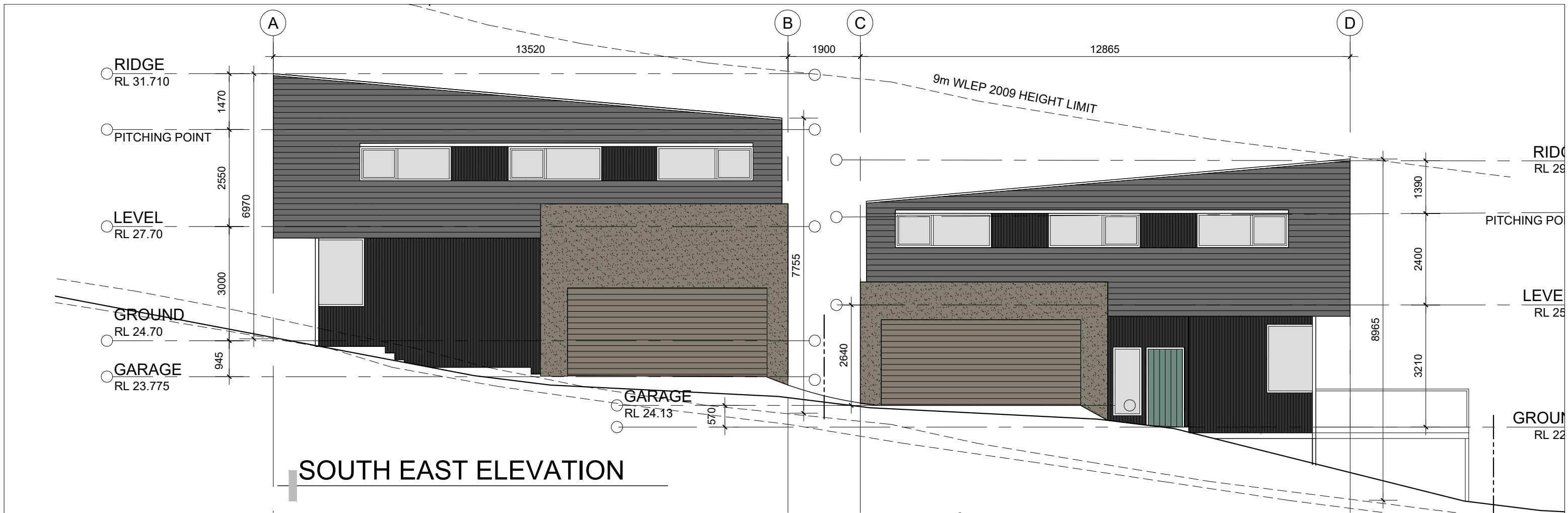


PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
28.07.20	A	Issued for development Approval
31.03.21	B	Unit 2 building rear building setback increased
18.11.21	C	Grid D moved

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879 54 & 56 MOUNTAIN ROAD AUSTINMER			
Drawing Name:	56 MOUNTAIN RD LEVEL 1 FLOOR PLAN	Job No. DML 17/009	Dwg.No A-04
CLIENT:	ALLEN STREET PROPERTY	Scale 1:400 (A3)	Date 17.07.20
		Rev. C	



PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
28.07.20	A	Issued for development Approval
31.03.21	B	Private open space revised
17.11.21	C	9m height line added

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879
54 & 56 MOUNTAIN ROAD AUSTINMER

Drawing Name:
ELEVATIONS

Job No.
DML 17/009

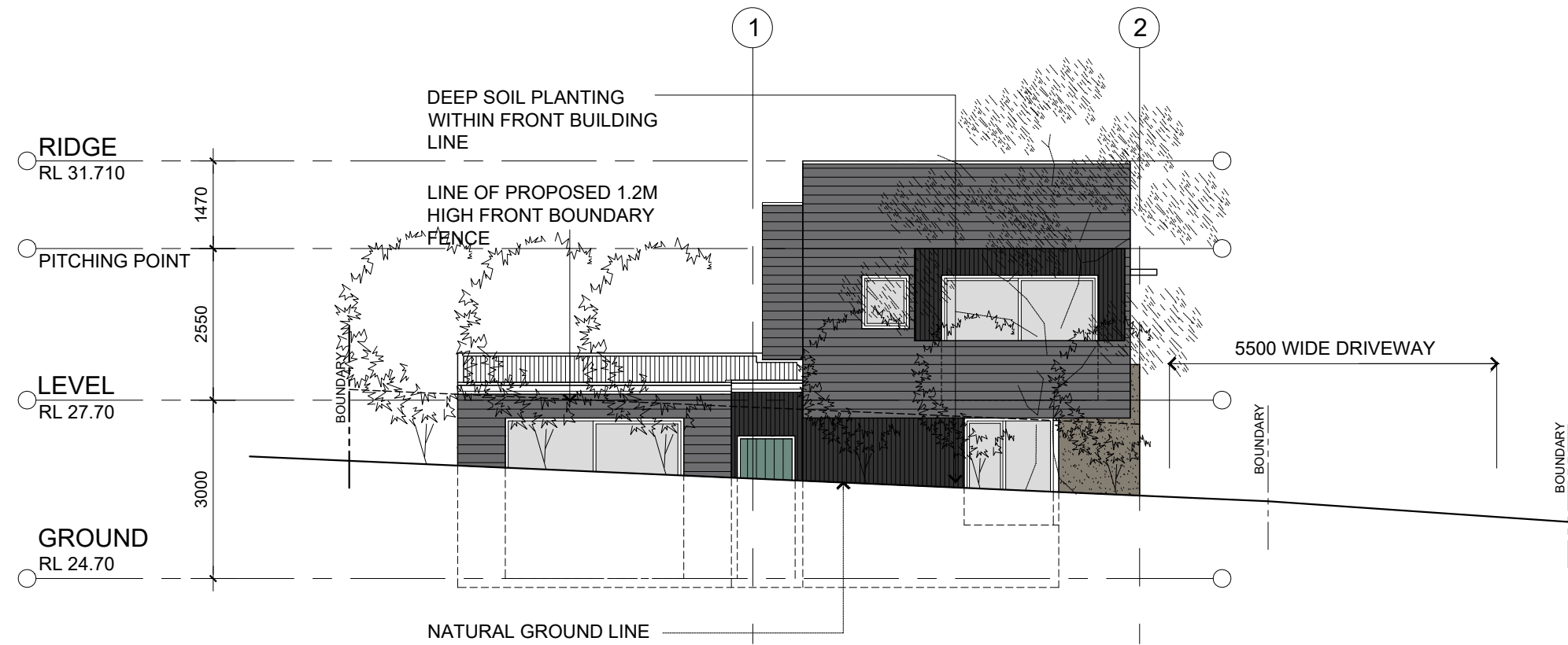
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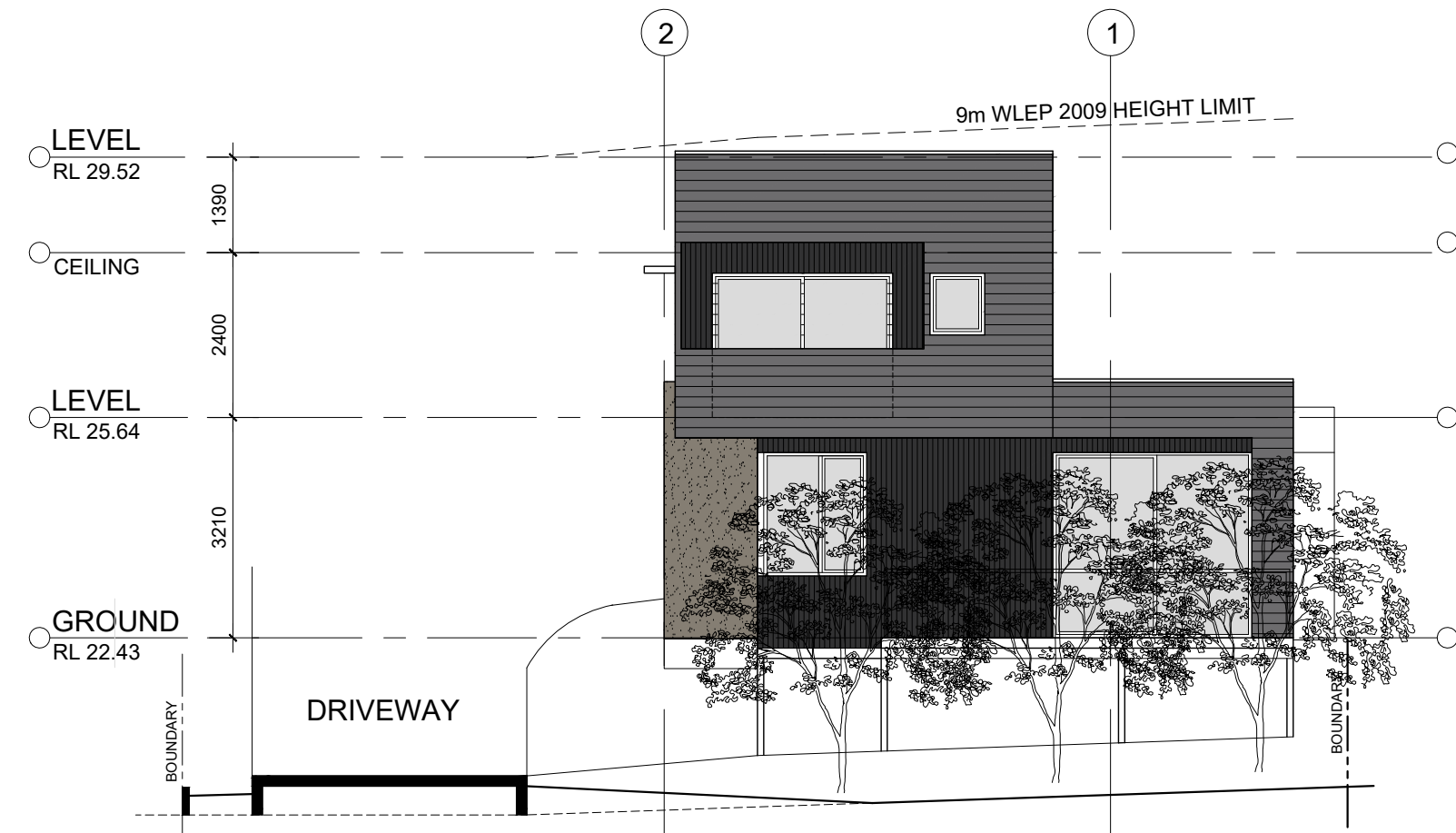
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Date
17.07.20

Rev.
C



SOUTH WEST ELEVATION
STREET VIEW FROM MOUNTAIN ROAD



NORTH EAST ELEVATION

PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
28.07.20	A	Issued for development Approval
31.03.21	B	Private open space revised
17.11.21	C	9m height line added

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879
54 & 56 MOUNTAIN ROAD AUSTINMER

Drawing Name:
ELEVATIONS

Job No.
DML 17/009

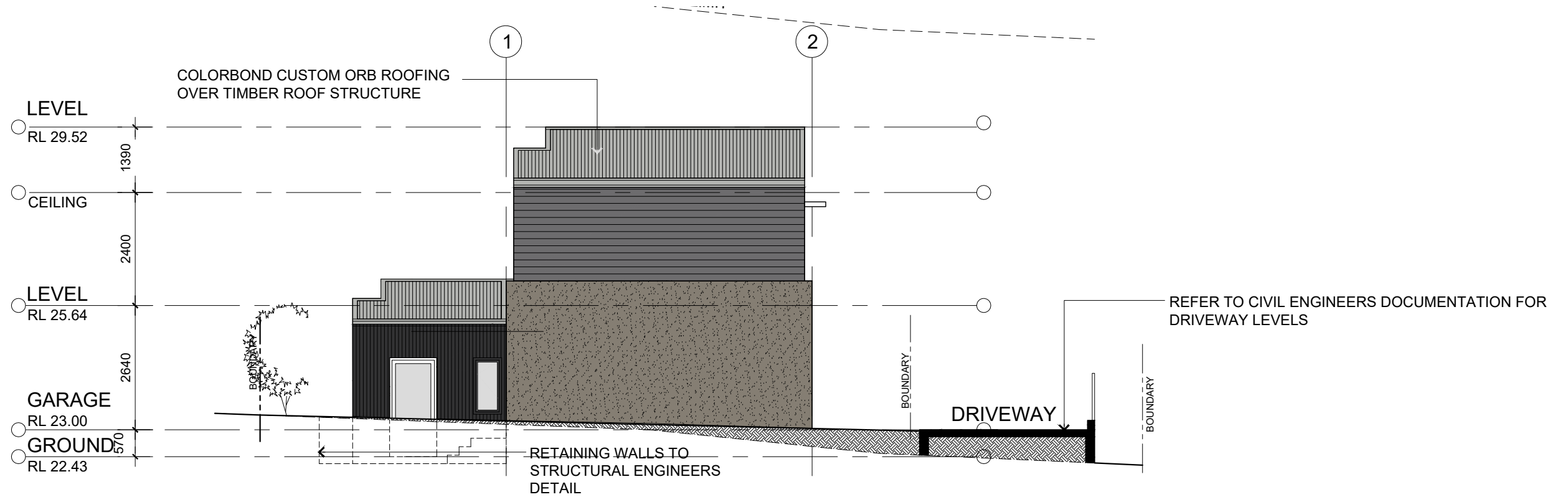
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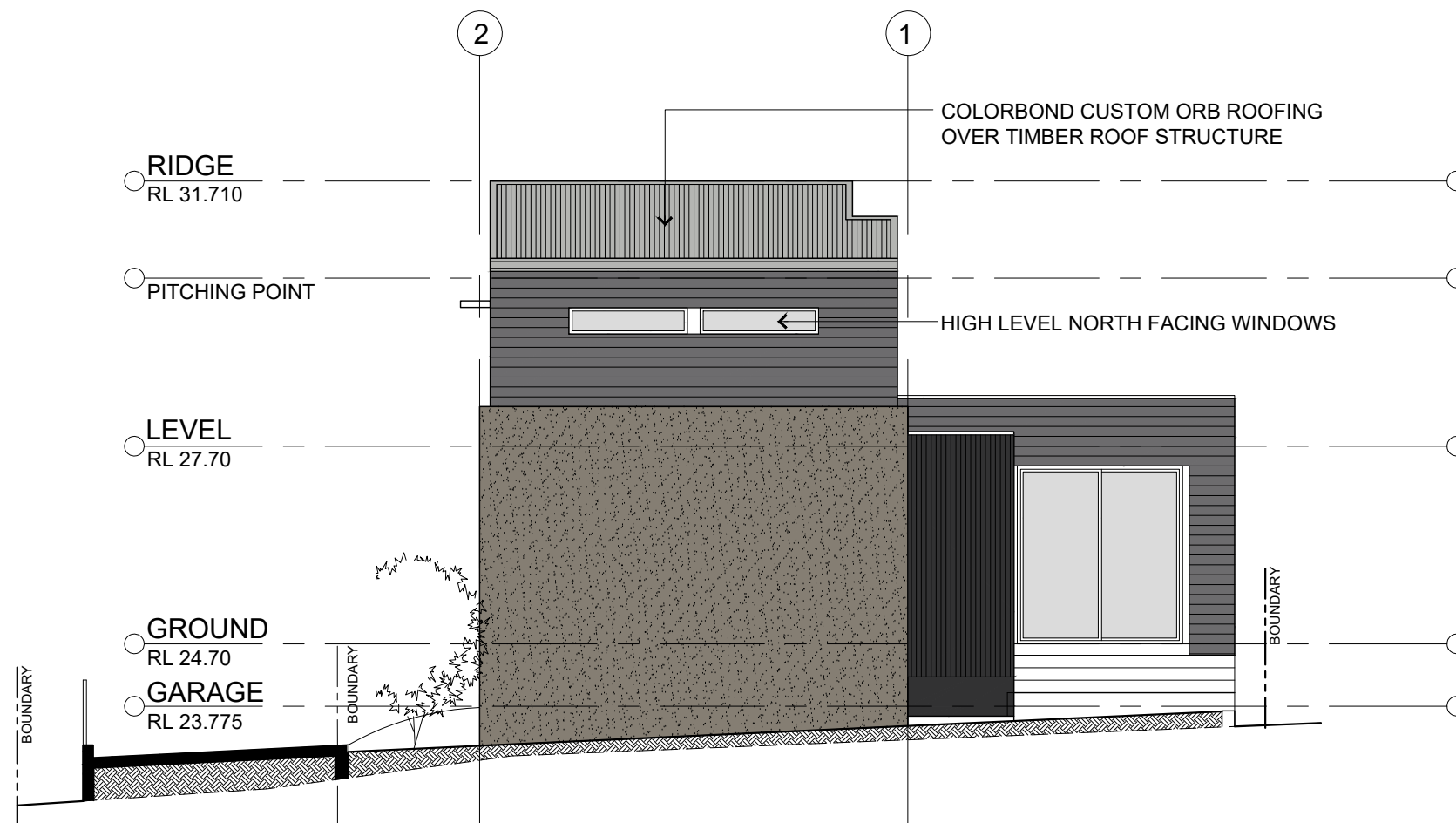
Date
17.07.20

Rev.
C



SOUTH WEST ELEVATION

UNIT 2



NORTH EAST ELEVATION

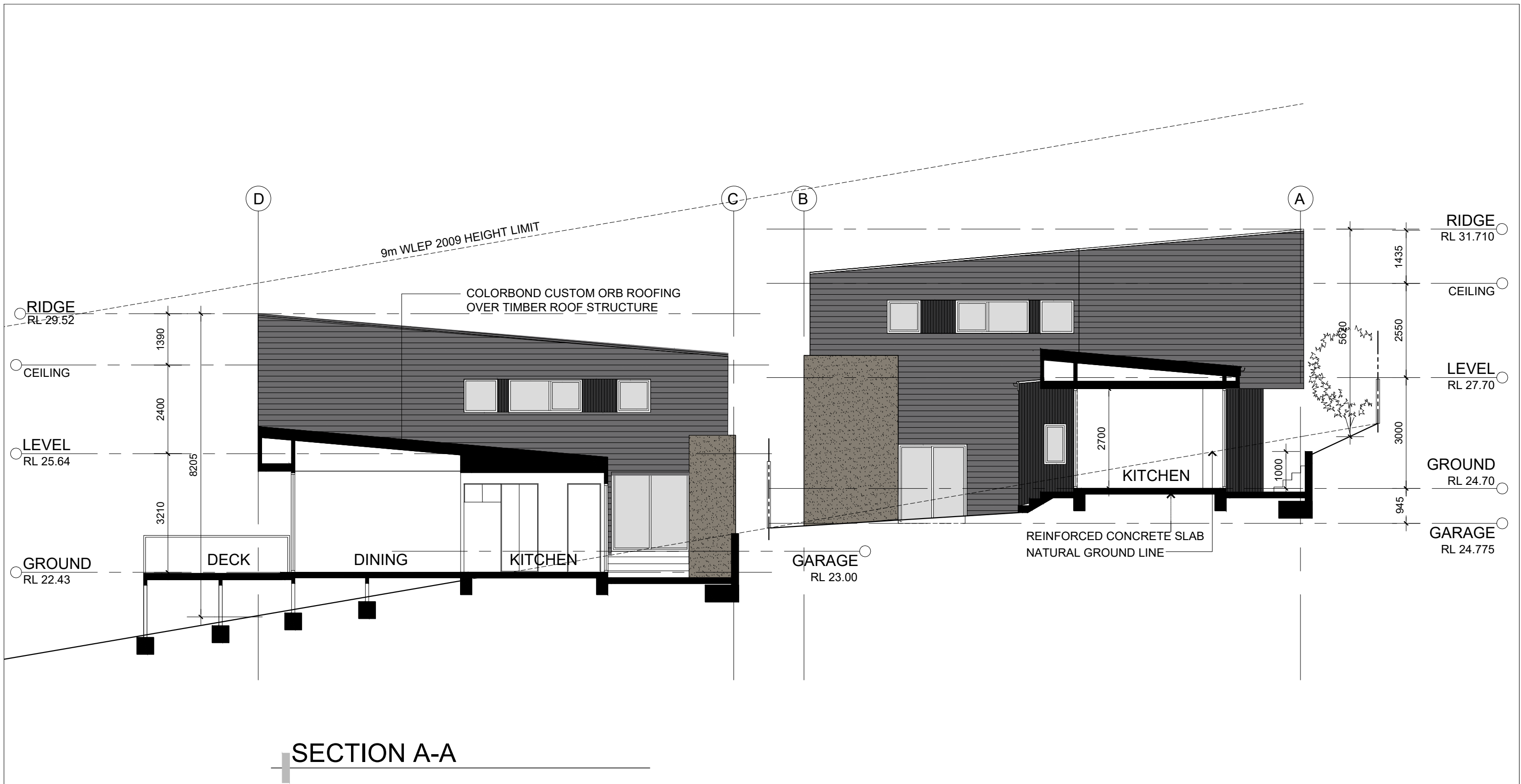
UNIT 1

PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
28.07.20	A	Issued for development Approval
31.03.21	B	Private open space revised
17.11.21	C	9m height line added

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879 54 & 56 MOUNTAIN ROAD AUSTINMER			
Drawing Name: INTERNAL ELEVATIONS	Job No. DML 17/009	Dwg.No A-08	
CLIENT: ALLEN STREET PROPERTY	Scale 1:100 (A3)	Date 17.07.20	Rev. C



PRELIMINARY
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Date	Issue	Revision
28.07.20	A	Issued for development Approval
31.03.21	B	Private open space revised
18.11.21	C	9m Height Line added

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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879
54 & 56 MOUNTAIN ROAD AUSTINMER

Drawing Name:
SECTION

Job No.
DML 17/009

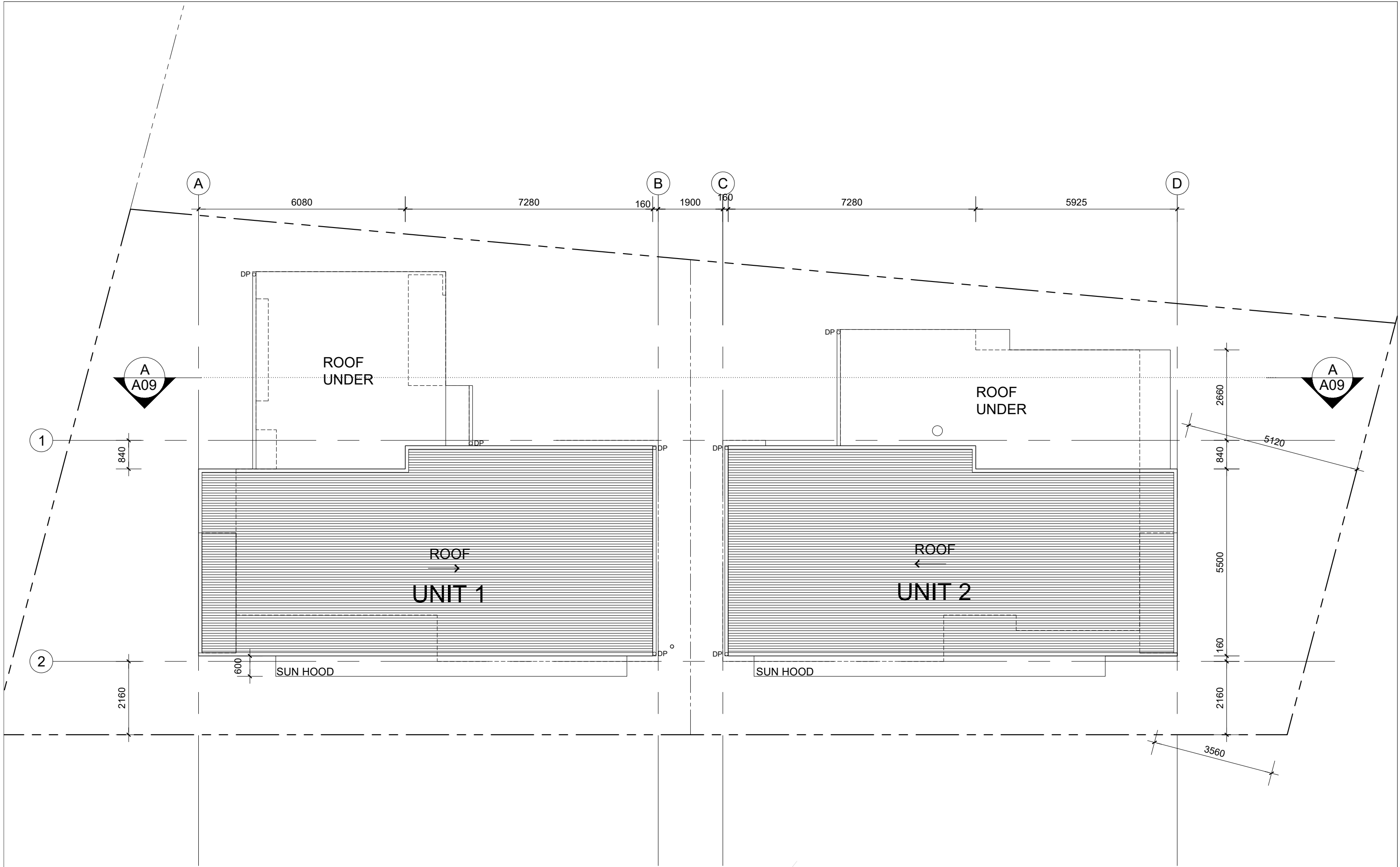
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Date
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Rev.
C



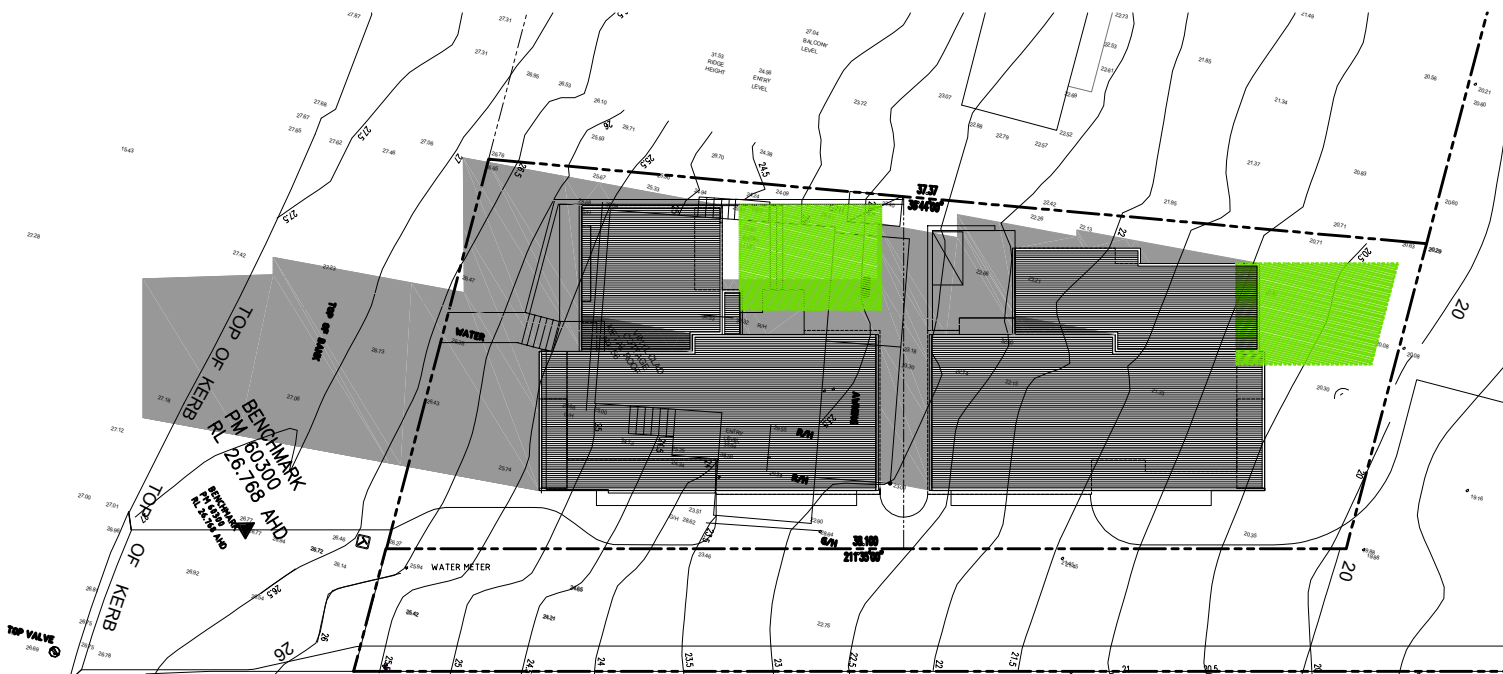
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Date	Issue	Revision
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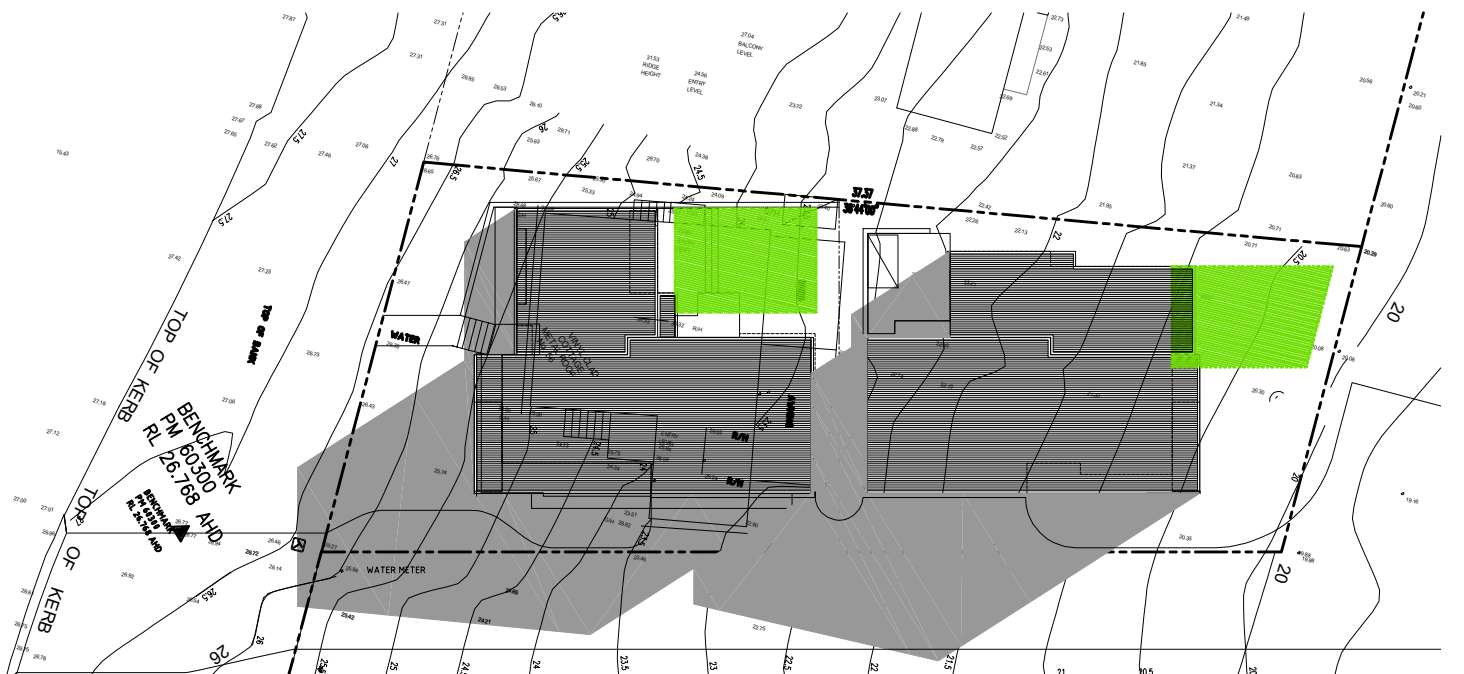
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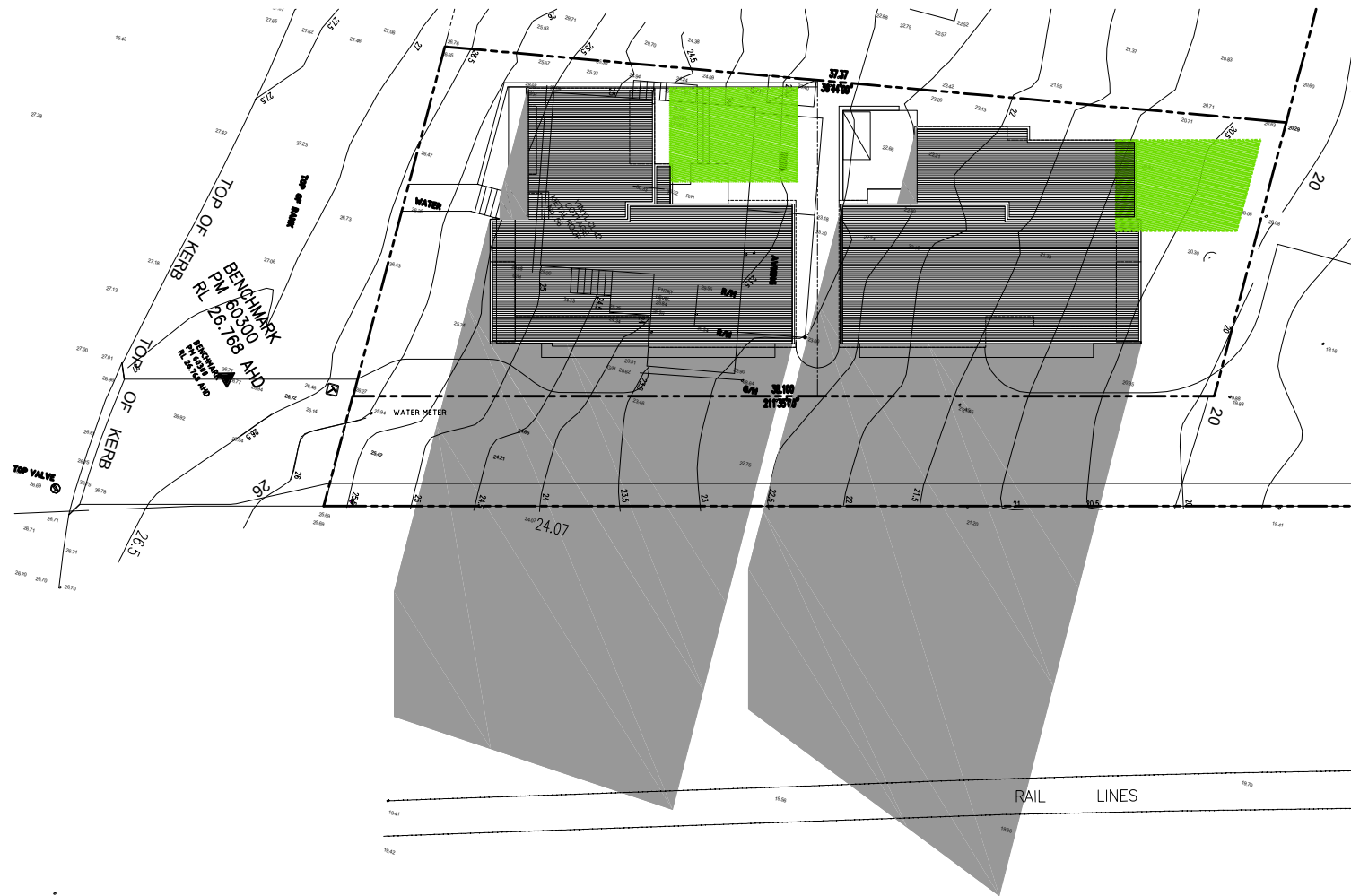
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Drawing Name: 56 MOUNTAIN RD ROOF PLAN		Job No. DML 17/009	Dwg.No A-05
CLIENT: ALLEN STREET PROPERTY	Scale 1:100 (A3)	Date 17.07.20	Rev. A



9AM
JUNE 22



12PM
JUNE 22



3PM
JUNE 22



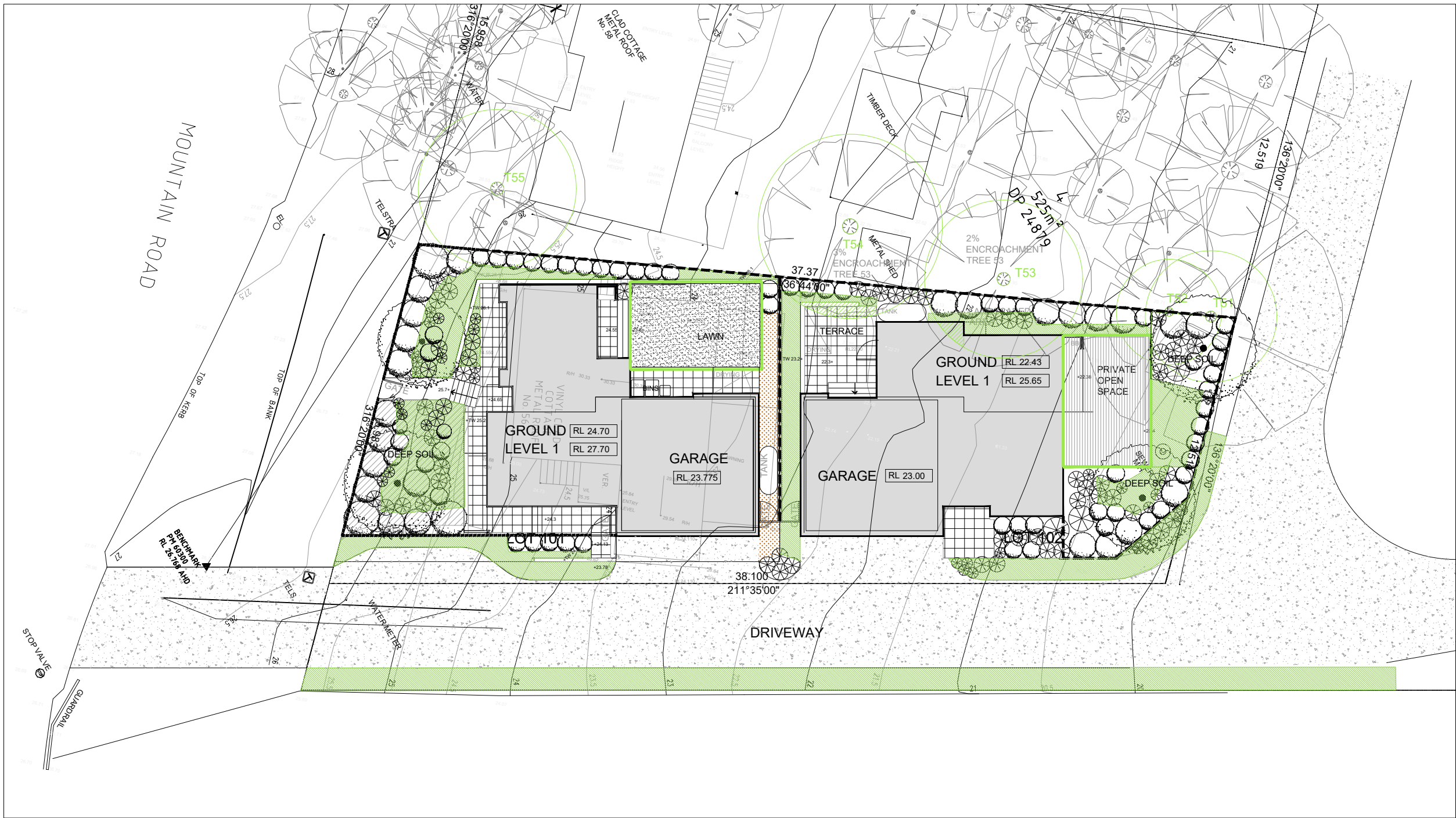
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Date	Issue	Revision
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PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879 54 & 56 MOUNTAIN ROAD AUSTINMER			
Drawing Name: 56 MOUNTAIN RD MID WINTER SHADOWS	Job No. DML 17/009	Dwg.No A-10	
CLIENT: ALLEN STREET PROPERTY	Scale 1:300 (A3)	Date 17.07.20	Rev. A



LEGEND

PROPERTY BOUNDARY

EXISTING TREE TO BE RETAINED

EXISTING TREE TO BE REMOVED
REFER TO ARBORIST REPORT

PROPOSED TREE

PROPOSED SHRUB
AND GROUNDCOVER PLANTING

PROPOSED TURF

PROPOSED LAWN

DEEP SOIL ZONE - REFER TO PLANT
LIST FOR PROPOSED SPECIES

EXISTING LEVELS AND
CONTOURS

PROPOSED SPOT
LEVELS

PROPOSED CONCRETE
DRIVEWAY

PROPOSED CONCRETE PATH
AND STEP

PROPOSED MULCH

PROPOSED TIMBER DECK

UNIT PAVING TO PATIO AND
ENTRANCES

PROPOSED 1200 HIGH OPEN
TIMBER BATTEN FENCE

PROPOSED 1800 TIMBER HIGH FENCE

PROPOSED RETAINING WALL

PROPOSED HOSEBIB

PROPOSED DRAINAGE

NOTES:
REFER ALSO TO STORMWATER CONCEPT PLAN BY
REINCO ENGINEERING. LANDSCAPE PLAN HAS
BEEN COORDINATED WITH STORMWATER CONCEPT
PLAN
REFER TO VEGETATION MANAGEMENT PLAN BY
LODGE ENVIRONMENTAL FOR RIPARIAN PLANTING

PROPOSED PLANT SCHEDULE

BOTANICAL	COMMON NAME				
TREES AND LARGE SHRUBS					
<i>Acacia longifolia</i>	Coastal Wattle	<i>Leucopogon parvifolius</i>	Coast Beard Heath	DEEP SOIL ZONE/RIPARIAN PLANTING FOR COMMUNITY OPEN SPACE AREA (Refer also to VMP by Lodge Environmental for other suggested species)	
<i>Angophora costata</i>	Sydney Red Gum	<i>Philotheca myoporoides</i>	Wax Flower		
<i>Banksia integrifolia</i>	Coast Banksia	<i>Westringea 'Naringa'</i>	Coastal Rosemary		
<i>Banksia serrata</i>	Old Man Banksia	<i>Westringea 'Blue Gem'</i>	Coastal Rosemary		
<i>Callistemon citrinus</i>	Bottlebrush	GROUND COVERS, GRASSES & SMALL ACCENTS		<i>Acacia longifolia</i>	Sydney Golden Wattle
<i>Grevillea 'Honey Gem'</i>	Grevillea	<i>Carex appressa</i>	<i>Carex</i>	<i>Angophora costata</i>	Sydney Red Gum
<i>Grevillea 'Moonlight'</i>	Grevillea	<i>Crinum pendunculatum</i>	Swamp Lily	<i>Banksia integrifolia</i>	Coast Banksia
<i>Grevillea asplifolia</i>	Grevillea	<i>Dianella 'Little Rev'</i>	Flax Lily	<i>Carex appressa</i>	Tussock Sedge
<i>Pittosporum undulatum</i>	Native Daphne	<i>Dianella 'Lady O'</i>	Grevillea	<i>Casuarina glauca</i>	Swamp She Oak
<i>Syzygium smithii</i>	Lilly Pilly	<i>Grevillea obtusifolia</i>	Grevillea	<i>Casuarina cunninghamiana</i>	She Oak
<i>Syzygium 'Straight and Narrow'</i>	Lilly Pilly	<i>Grevillea juniperea</i>	Grevillea	<i>Crinum pendunculatum</i>	Swamp Lily
<i>Tristania 'Luscious'</i>	Watergum	<i>Lomandra longifolia</i>	Mat Rush	<i>Cyperus difformis</i>	Rice Sedge
SMALL SHRUBS AND ACCENT PLANTS		<i>Lomandra 'Evergreen Baby'</i>	Dwarf Mat Rush	<i>Dianella caerulea</i>	Flax Lily
		<i>Lomandra 'Tanika'</i>	Dwarf Mat Rush	<i>Eleocharis sphacelata</i>	Tall Spike Rush
		<i>Myoporum parvifolium</i>	Creeping Boobialla	<i>Imperata cylindrica</i>	Blady Grass
		<i>Poa 'Eskdale'</i>	Blue Grass	<i>Isolepis inundata</i>	Knobby Club Rush
<i>Correa alba</i>	White Correa	<i>Pennisetum 'Nafray'</i>	Fountain Grass	<i>Juncus usitatus</i>	Common Rush
<i>Correa 'Coastal Pink'</i>	Pink Correa	<i>Scaevola 'Mauve Clusters'</i>	Fan Flower	<i>Lomandra longifolia</i>	Mat Rush
<i>Doryanthus excelsa</i>	Gymea Lily			<i>Pittosporum undulatum</i>	Native Daphne

DEVELOPMENT DATA

PROPOSED SITE AREA	524.7 sqm
PROPOSED LANDSCAPE AREA (TOTAL)	176.7 sqm
PROPOSED DEEP SOIL	52.8 sqm



PRELIMINARY
NOT FOR CONSTRUCTION

Date	Issue	Revision
28.07.20	A	Issued for development Approval
25.03.21	B	Driveway and POS revised

Develop My Land
management · consultancy · landscape architecture · urban design ·
PO Box 119, Thirroul, NSW, 2515. Tel. 0449 255488 e. steve@developmyland.com.au



PROJECT: LOT 6 DP 24879 & LOT 5 DP 24879 54 & 56 MOUNTAIN ROAD AUSTINMER			
Drawing Name: LANDSCAPE CONCEPT 56 MOUNTAIN ROAD	Job No. DML 17/009	Dwg.No L-01	
CLIENT: ALLEN STREET PROPERTY	Scale 1:200 (A3)	Date 17.07.20	Rev. B



CONSULTING REGISTERED SURVEYORS
C. ROBSON & ASSOCIATES PTY. LTD.
LAND & ENGINEERING SURVEYORS
85-87 SMITH STREET, WOLLONGONG 2500
P.O. BOX 93, CORRIMAL 2518
Phone: 02 4243 1645 Fax: 02 4243 1668 Mobile 0402 641 693
Email: c.robson@robsonnet.com.au
A.B.N. 63 105 969 937

0 2 4 6 8 10m		
1:250 A1 1:400 A3		
SURVEYOR	ST	FIELDBOOK N/A
DRAWN	EM	

CLIENT:
DEVELOPMYLAND

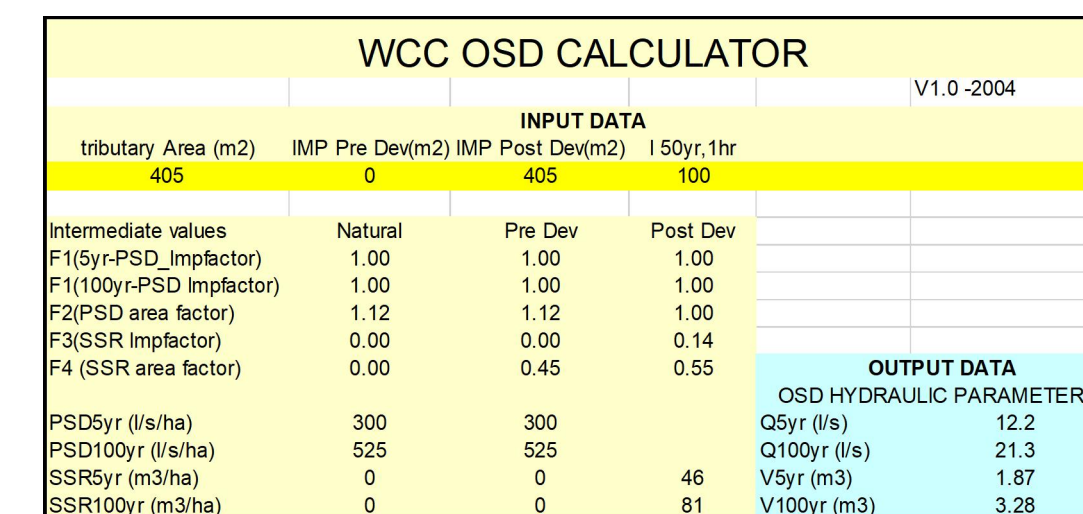
SCALES:	AS SHOWN
DATUM:	AHD
GRID:	LOCAL
JOB REF:	14478
APPROVED:	CR

PROJECT:
54 MOUNTAIN ROAD AUSTINMER
LOT 6 DP 24879
DRAWING
DETAIL SURVEY PLAN

B	01.12.14	RAIL TRACKS LOCATED	EM
A	10.09.14	ISSUE FOR INFORMATION	CR
No	DATE	REVISION DETAILS	BY

DRAWING No
14478/2
SHEET 1 OF 1 SHEETS
ISSUED FOR:
INFORMATION



REVISION
A
A1

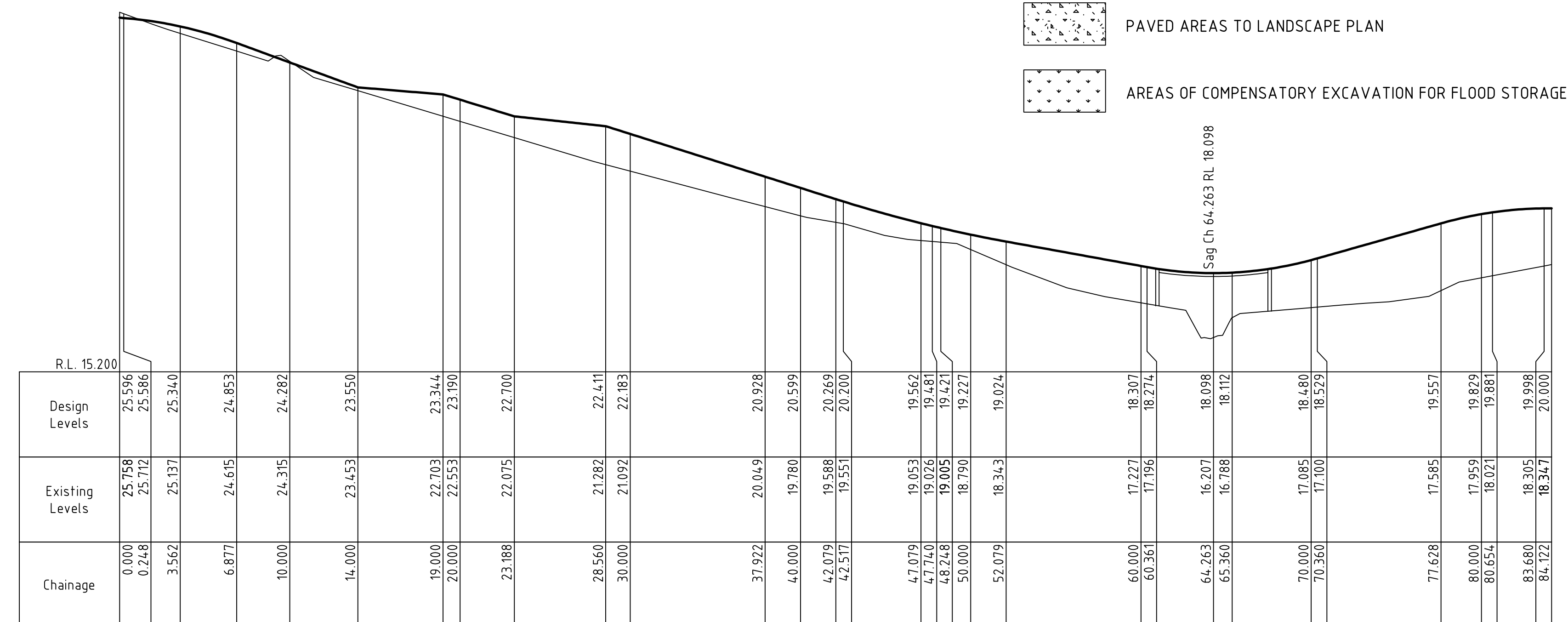


GENERAL

- G1. THESE NOTES APPLY TO ALL CIVIL/STRUCTURAL WORK INCLUDED IN THIS PROJECT.
- G2. CIVIL/STRUCTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL RELATED PROJECT DOCUMENTATION. ANY DISCREPANCY IN THE PROJECT DOCUMENTATION AFFECTING WORK SHOWN ON THESE DRAWINGS SHALL BE REFERRED TO THE SUPERINTENDENT AND AN INSTRUCTION OBTAINED BEFORE PROCEEDING WITH WORK SO AFFECTED.
- G3. VERIFY SETTING OUT DIMENSIONS SHOWN ON THESE DRAWINGS BEFORE COMMENCING WORK.
- G4. ALL WORK TO BE UNDERTAKEN IN ACCORD WITH AUS-SPEC EXCEPT WHERE IN CONFLICT WITH NOTES ON THESE DRAWINGS WHICH SHALL TAKE PRECEDENCE.
- G5. ENSURE THAT ALL STRUCTURES ARE MAINTAINED IN A SAFE AND STABLE STATE THROUGHOUT THE CONSTRUCTION PERIOD.
- G6. SERVICE LOCATIONS TO BE CONFIRMED PRIOR TO COMMENCING WORKS.
- G7. ALL EXISTING DRAINAGE STRUCTURES THAT ARE TO BE INCORPORATED IN THE DESIGN SHALL BE CLEAN AND FREE OF DEBRIS.
- G8. FENCES REMOVED OR DAMAGED DURING CONSTRUCTION TO BE REINSTATED IMMEDIATELY UPON COMPLETION.
- G9. NO WORK TO BE UNDERTAKEN ON ADJOINING LAND WITHOUT THE WRITTEN PERMISSION OF THE AFFECTED OWNERS.
- G10. COUNCIL'S TREE PRESERVATION ORDER TO BE OBSERVED AT ALL TIMES.
- G11. ALL RUBBISH AND STRUCTURES TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND DISPOSED AS ADVISED BY THE SUPERINTENDENT
- G12. ALL NEW WORKS TO MAKE SMOOTH JUNCTION WITH EXISTING.
- G13. SITE SHALL BE CLEANED OF ALL DEBRIS AND RUBBLE FROM DEMOLISHED STRUCTURES.
- G14. RESERVE ALL ROCKS DEEMED SUITABLE BY SUPERINTENDENT FOR GROUTED ROCK FILLING.
- G15. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH WOLLONGONG CITY COUNCIL'S SPECIFICATIONS AND A53500.3.
- G16. THE CONTRACTOR SHALL CHECK ALL EXISTING LEVELS PRIOR TO THE COMMENCEMENT OF WORKS. ALL NEW WORK SHALL MAKE SMOOTH CONNECTION TO EXISTING.
- G17. ALL PIPES SHALL BE LAID ON 1% MINIMUM GRADE U.N.O.
- G18. MINIMUM COVER TO PIPES 100mm ADJACENT TO DWELLING, 300mm IN LANDSCAPED AREAS AND 600mm IN AREAS SUBJECT TO VEHICLE LOADINGS U.N.O.
- G19. ALL DOWNPIPES ARE TO BE CONNECTED TO STORMWATER PIPES. ALL DOWNPIPES ARE SHOWN DIAGRAMMATICALLY ONLY AND THE POSITION OF DOWNPIPES SHALL BE CONFIRMED ON SITE.

LEGEND

-  PAVED AREAS TO LANDSCAPE PLAN
-  AREAS OF COMPENSATORY EXCAVATION FOR FLOOD STORAGE



CONCEPT LONGSECTION - DRIVEWAY #1

ISSUE:	DESCRIPTION:	DATE:	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	APR 2020	AB
B	AMENDED TO SUIT COUNCIL COMMENTS	NOV 2020	AB



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

TITLE: STORMWATER DRAINAGE PLAN			
CLIENT: Develop My Land Pty Ltd		LOCATION: 54 MOUNTAIN RD, AUSTINMER	
DRG No: 1001	SCALE: 1:200	DRAWN BY: AB	REVISION: B

Attachment 2 – WDCP 2009 Assessment

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. Satisfactory BASIX Certificates were submitted as part of this application.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.1 Maximum Number of Storeys		
<ul style="list-style-type: none">R2 – maximum 9 metres + 2 storeys8 metre rear setback to second storey	Dwelling 1 – Height: 7.755 metres	Yes
	No. of storeys: Two (2)	
	Dwelling 2 – Height: 8.965 metres	Yes
	No. of storeys: Two (2)	
	Rear boundary setback: 4.04 metres but an 8 metre rear setback is required to the second storey.	No – can be supported. Refer to A1
	Dwelling 2 encroaches into required 8 metres; however, this is considered acceptable due to the splayed boundary and the location of the driveway/right of way that wraps around the side and rear of the proposed dwelling.	
4.2 Front Setbacks		
<ul style="list-style-type: none">Dwellings 6mGarages 5.5mLesser if consistent with street character	Dwelling 1 has a front setback to Mountain Road. The site has a splayed front boundary with a minimum front building setback of 4.04 metres (max.5360mm), which is acceptable in relation to existing setbacks in the street and desired future character pursuant to 4.2.1 (b). A variation has been sought to 4.2.1 (a).	No – can be supported. Refer to A1

4.3 Side and Rear Setbacks

<ul style="list-style-type: none"> 900mm to side and rear boundaries Windows of habitable rooms and balconies positioned to reduce overlooking 	<p>West side setback:</p> <p>Dwelling 1: 1090mm</p> <p>Dwelling 2: 1295mm</p> <p>East side setback to ROW for both dwellings = 2.160m</p> <p>Rear setback: 4.04 metres</p>	Yes with condition for screened rear deck.
--	--	--

4.4 Site coverage

50% of the area of the lot, if the lot has an area of at least 450m ² but less than 900m ²	<p>Maximum site coverage permitted 50% = 262.4m² and is available and therefore, compliant.</p> <p>Lot 101: 69.5/253.4 = 27%</p> <p>Lot 102: 69/251 = 27%</p>	Yes
--	--	-----

4.5 Landscaped Area

<p>Lot area less than 600m² - 20% landscaped area</p> <p>Lot 5 size: 524.8m²</p> <ul style="list-style-type: none"> Minimum 50% behind building line 2 semi-mature trees planted on site more than 3m from any structure 	<p>An area of approximately 164.5m² is available for landscaping, which is compliant.</p> <p>Lot 101: 89.1m² (35.1%)</p> <p>Lot 102: 75.4m² (27.7%)</p> <p>Minimum 50% is provided behind the front building line</p> <p>The front setback is appropriately landscaped.</p> <p>Suitable conditions relating to landscaping will be included on the consent as recommended by Council's Landscape Architect.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes – noting RFS conditions for species</p>
--	--	---

4.6 Private Open Space

<ul style="list-style-type: none"> 24m² per dwelling – 4m x 6m Facilities provided outside minimum POS Positioned away from side boundaries 	<p>24m² POS is provided for both dwellings and appropriately sited. There are no structures impeding either POS.</p>	Yes
---	---	-----

4.7 Solar Access

<ul style="list-style-type: none"> Windows to living rooms/POS of neighbouring sites to receive at least 3 hours direct sunlight between 9am and 3pm on 21 June 	<p>Shadow diagrams and associated drawings have been submitted which demonstrate required solar access is achieved.</p>	<p>Yes</p> <p>Yes</p>
--	---	-----------------------

The proposed dwelling is designed to provide northerly solar access to living areas.

4.8 Building Character and Form

- | | | |
|--|---|-----|
| <ul style="list-style-type: none"> Design responds to surrounding context Appropriate bulk and scale | <p>The proposed dwellings respond to site constraints, are sympathetic with the existing neighbourhood character and of an appropriate bulk and scale. The dual occupancy design is consistent with contemporary coastal design in the area.</p> <p>The dwelling incorporates a front door that addresses the street.</p> | Yes |
|--|---|-----|

4.9 Fences

- | | | |
|--|--|-----|
| <ul style="list-style-type: none"> Dividing fences to 1.8m high Front fence to 1.2 m high and constructed in transparent fence materials | <p>Condition imposed in relation to fencing of Lot 5 at developer's expense.</p> | Yes |
|--|--|-----|

4.10 Car parking and Access

- | | | |
|---|--|-----|
| <ul style="list-style-type: none"> 2 parking spaces required per dwelling with GFA more than 125m² otherwise 1 space required Minimum 5.5m setback from front property boundary Driveways shall be separated from side boundaries by a minimum of one metre Maximum driveway crossover width of 3m | <p>Two (2) parking spaces are required and provided for both dwellings in the form of double garages. Accessed from the driveway (ROW) at 54 Mountain Road. Pedestrian access is proposed to Lots 101 and 102 dual occupancy dwellings at 56 Mountain Road.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> | Yes |
|---|--|-----|

4.11 Storage Facilities

- | | | |
|---|---|-----|
| <ul style="list-style-type: none"> 10m³ or 5m² of storage to be provided | <p>Appropriately sized storage areas for larger items shown on plans.</p> | Yes |
|---|---|-----|

4.12 Site Facilities

- | | | |
|---|--|-----|
| <ul style="list-style-type: none"> Site facilities to be appropriately located | <p>Site facilities such as clothes lines etc have been shown on the plans in suitable locations.</p> | Yes |
|---|--|-----|

4.13 Fire Brigade Servicing

- | | | |
|---|--|-----|
| <ul style="list-style-type: none"> All dwellings located within 60m of hydrant | <p>Established neighbourhood with existing fire servicing to Lot 5. Refer to RFS conditions for Lot 6.</p> | Yes |
|---|--|-----|

4.14 Services

<ul style="list-style-type: none"> Ensure residential development can be appropriately serviced 	<p>Lot 5 is already serviced. A condition will be included on the consent requiring a compliance certificate from Sydney Water to be obtained for both lots.</p>	Yes
--	--	-----

4.16 View Sharing

<ul style="list-style-type: none"> To protect and enhance view sharing, significant view corridors 	<p>The proposed development has been designed with the upper storey articulated for each dwelling to promote view sharing across side boundaries.</p>	Yes
---	---	-----

4.17 Retaining Walls

<ul style="list-style-type: none"> Maximum retaining wall height of 600mm setback up to 900mm from side or rear boundary 	<p>Compliant retaining walls are proposed.</p>	Yes
---	--	-----

4.21 Additional controls for Dual Occupancies minimum site width

<ul style="list-style-type: none"> 15m site width required 	<p>Lot 5 is 15.983 metres on the front boundary but narrows to less than 15 metres at the rear. A variation has been sought in this regard.</p>	No – can be supported. Refer to A1
---	---	------------------------------------

4.22 Additional controls for Dual Occupancies –building character and form

<ul style="list-style-type: none"> Garages on the front elevation must be articulated from the front facade 	<p>The garages are accessed from the driveway to No. 54 Mountain Road. The garages are not on the front elevation. Council Engineer has provided satisfactory referral advice in this regard.</p>	Yes
--	---	-----

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

<ul style="list-style-type: none"> Half required landscaped area to be provided as deep soil zone with a minimum dimension of 3m 	<p>A compliant area of deep soil zone is provided for Lot 5 Dual Occupancy 52.8m² (10%). The deep soil zone is split between both newly create lots 101 (27.1m²) and 102 (25.7m²).</p>	Yes
<ul style="list-style-type: none"> Appropriate dense planting with trees and shrubs 		
<ul style="list-style-type: none"> No structures, carparks, driveways, hard paving, decks balconies or drying areas are permitted within the deep soil zone. 	<p>No concern has been raised by Council's Landscape Architect subject to the recommended conditions.</p>	

- Deep soil zones to have minimum dimensions of 3m

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

The proposal incorporates Torrens title subdivision for both lots (No. 54 and No. 56).

- Two lot Torrens Title subdivision at 54 Mountain Road (Lot 6)
- Two lot Torrens title subdivision of (existing) dual occupancy 56 Mountain Road (Lot 5)

Note, a number of controls within this chapter would not strictly apply to the dual occupancy subdivision at 56 Mountain Road.

The table below provides a merit assessment for both lots:

<u>Controls/objectives</u>	<u>Comment</u>	<u>Compliance</u>
5 Topography & natural landform	<p>Lot 6: Two large lots are proposed. The constraints of the site have predetermined the subdivision layout, which has broadly taken into account the topography and landform.</p> <p>Lot 5: The proposed subdivision in itself has not considered the topography and landform of the site and view sharing opportunities. However, the built form of the dual occupancy has addressed topography and natural land form.</p>	Satisfactory
6 Subdivision Design	<p>As identified at 2.1.3 above, as the proposal is for the Torrens title subdivision of what will be an existing dual occupancy at the time of subdivision, the WLEP 2009 minimum lot size does not apply.</p> <p>The length and depth of the resultant lots are considered satisfactory for both 5 and 6.</p>	Satisfactory
10 Acoustic Assessment	Referred to Sydney Trains - "Development near Rail Corridors.	Satisfactory
11 Street tree planting	The proposal was referred to Landscape Officer. Appropriate conditions have been imposed.	Satisfactory

14 Bush fire protection	Lot 5 and Lot 6: The subject sites are mapped as Bushfire Hazard Affected. Refer to Chapter	Satisfactory
15 Stormwater drainage	A Stormwater Concept plan has been provided as part of the application submission and has been assessed by Council Development Engineer. Sensitive urban design is not relevant to this type of subdivision.	Satisfactory

CHAPTER D1 – CHARACTER STATEMENTS

The proposal is consistent with the existing and desired future character of Austinmer as the proposed development consists of a detached dwelling house to form a dual occupancy, while retaining a low density residential character. The new dwelling is consistent with other contemporary building design in the suburb.

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

7 Parking demand and servicing requirements

	<i>Rate</i>	<i>Calculation</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Car parking	2 spaces per dwelling with a gross floor area of more than 125m ²	Dwelling 1 (>125m ²)	2	2	Yes
		Dwelling 2 (>125m ²)	2	2	Yes

The proposal has been assessed against the relevant objectives and controls of this Chapter and is considered satisfactory. Council's Development Engineer has reviewed the application and has provided satisfactory referral advice.

CHAPTER E6: LANDSCAPING

A landscape plan was submitted in accordance with the requirements of this Chapter. The proposal was reviewed by Council's Landscape Officer who provided a satisfactory referral, subject to recommended conditions of consent.

CHAPTER E7: WASTE MANAGEMENT

It is considered that the proposed development satisfies the objectives of this chapter. Conditions will be imposed on the consent to ensure that Waste Management is carried out to Council's Waste Management specification during construction.

The design is capable of providing suitable waste storage and servicing arrangements for the disposal of ongoing domestic waste behind the front building line, screened from public view.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Additional information was sought and reviewed. Satisfactory referral advice and conditions recommended.

CHAPTER E13 FLOODPLAIN MANAGEMENT

Council's Development Engineer has reviewed the application and sought additional information in relation to flood impacts on the site. The information was provided by the applicant and reviewed with conditionally satisfactory referral advice provided.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Development Engineer has reviewed the proposal with respect to the provisions of this chapter and has recommended conditions of consent.

CHAPTER E16 BUSH FIRE MANAGEMENT

The site is mapped as bushfire affected. An amended bushfire report was provided following unsatisfactory advice from the Rural Fire Service. This advice was forwarded to the Rural Fire Service with an inspection undertaken by the RFS and concurrence for the application was received dated 22 September 2021.

Approximately 0.15-hectare of already edge affected forest will be thinned and modified for asset protection purposes. The proposal involves the subdivision of the Lot 6 into two smaller lots and the demolition of the existing dwelling on Lot 5 to build a dual occupancy (2 dwellings). Access for both Lot 5 and Lot 6 and for the dual occupancy is proposed along the existing battle axe handle of Lot 6 adjacent to the South Coast rail line.

Indicative building envelopes, access driveways and bushfire asset protection zones are also proposed. The proposed development of the subject site will result in disturbances across Lot 5 and 6, where all vegetation will be removed from the building areas, inner protection zone and for access and services.

The vegetation in the outer protection zone will be modified, through tree, shrub removal and ground cover maintenance for bush fire protection measures.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Satisfactory referral advice was received and conditions specifying the trees to be removed, compensatory planting, and tree protection and management have been provided. Council's Environment officer has also reviewed the amended bushfire report together with the NSW Rural Fire Service and subsequently provided satisfactory advice. Refer to Chapter E16.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Earthworks are required to prepare both sites for construction. The building platform/s for Lot 6 will require fill. In this regard, works must not adversely impact on existing flow of flood waters. Council's Geotechnical Engineer and Development Engineer have both provided conditionally satisfactory referral advice.

CHAPTER E20 CONTAMINATED LAND

Council's Environment Officer has reviewed the proposal with respect to the provisions of this chapter and the information provided by the Applicant and has provided conditionally satisfactory referral advice in this regard.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

Conditions required for the demolition of the existing dwelling and structures at 56 Mountain Road. Council's Environment officer has provided conditionally satisfactory referral advice in this regard.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions shall be imposed on the consent to minimise the impacts of the proposed works on the environment.

CHAPTER E23: RIPARIAN LAND MANAGEMENT

There are no creeks mapped on the topographical maps for the study area and no defined water courses mapped on the WLEP 2009. Therefore, the Water Management Act 2000 is not relevant to the current proposal. Council's Environment officer has provided satisfactory referral advice in this regard.

APPENDIX 2

VARIATION TO DEVELOPMENT CONTROLS

DEVELOPMENT APPLICATION FOR TWO LOT TORRENS TITLE SUBDIVISION OF LOT 6 DP 24879 – 54 MOUNTAIN ROAD AUSTINMER CONSTRUCTION OF A DUAL OCCUPANCY ON LOT 5 DP 24879 – 56 MOUNTAIN ROAD AUSTINMER AND TORRENS TITLE SUBDIVISION OF THE DUAL OCCUPANCY DEVELOPMENT.

VARIATION TO DEVELOPMENT CONTROLS

1.0 Development Controls Being Varied

Three (3) Development controls are sought to be varied as part of this development proposal.

The Wollongong Development Control Plan 2009, Chapter B1 – Residential Development development controls being varied in this instance are control **4.1.2.4** restricting -

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

Development control 4.1, Number of storeys permits a maximum of 2 storeys within R2 zones. The control states *'The number of storeys acceptable will be dependent on the surrounding development, the future desired character of the area, the impacts that the proposed development has on solar access, privacy, visual amenity and overshadowing.'*

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

Also sought to be varied is control **4.2.1.a.** which requires the following setback requirements from the primary street frontage to the front façade of the building:

'infill development sites require a minimum setback of 6m from the front property boundary, or b. Less than 6m where the prevailing street character of the area is not prejudiced'

Approval is sought to have a 4m front building setback consistent with the character of the adjoining residences and achieves the objectives

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

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

The site is irregular in shape with a width at the front of the block of 15.456m and a width at the rear of the block of 12.101m with a 15 This statement seeks to demonstrate that the proposed development achieves the objectives of 4.21.2 Dual occupancy – Minimum Site Width by providing vehicular access shared over the adjoining lot 54 Mountain Road.

2.0 Objectives of the development controls to be varied

The objectives of Development Control 4.1 are

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

The objectives of Development Control 4.2 are

- *To reinforce the existing character of the street and locality by acknowledging building setbacks.*
- *To ensure that buildings are appropriately sited, having regard to site constraints.*
- *To ensure building setbacks are representative of the character of the area.*
- *To provide for compatibility in front setbacks to provide unity in the building line.*
- *To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.*
- *To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).*

The objectives of Development Control 4.21 are

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

:

3.0 The proposals' compliance with the objectives of the control

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

The proposed use of the area that is encroaching is the main bedroom, walk in wardrobe and ensuite. Whilst the bedroom is habitable it is unlikely that the encroachment would increase impacts on adjoining development to the extent that more frequented area such as a living room, kitchen or family room would. The north west facing wall that has view opportunities to the neighbouring private open space of 58 Mountain Road has no windows to provide viewing opportunities. The two storey element of the building is also setback a significant distance from the shared property boundary.

The building has been designed with the ensuite projecting out to restrict view opportunities to the rear private open space of 58 Mountain road from the proposed deck.

To the rear of the area of the proposed encroachment is a driveway access (forming part of this application for works over 54 Mountain Road) with the proposed building envelope that would potentially be impacted by overlooking approx. 40m from the upper storey deck.

The proposal meets the objectives of the development control as the variation does not increase the potential for overlooking or overshadowing of adjoining properties or their private open space areas. The design has incorporated privacy controls to ensure there is no impact on neighbouring residences.

The site is bordered to the north east by a large parcel of land with building envelopes located a significant distance from the area of encroachment. To the south east is the access handle to the rear lot and the Illawarra Railway.

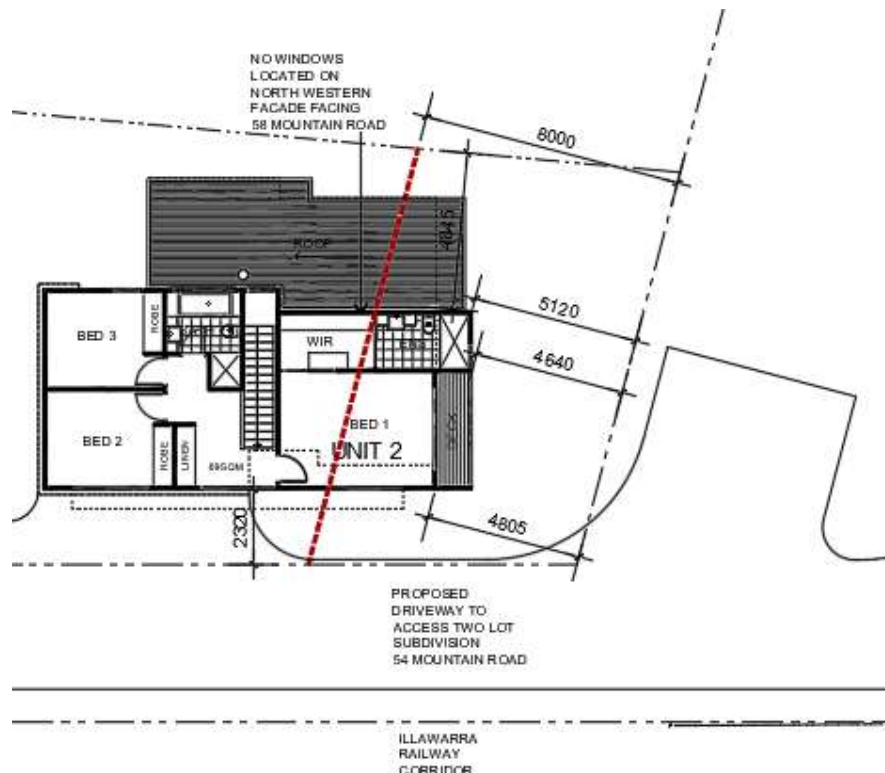


Figure 1 Demonstrating the encroachment within the 8m rear setback required to two storey dwellings and the adjoining site arrangement

Figure 2 demonstrates a consistent 4m front building setback along Mountain Road.

This application proposes a front building line of 4m which is representative of the character of the area and is compatible with adjoining front building setbacks and provides a unity in the building line.

Consistent with adjoining dwellings, 4m provides sufficient space for planting of significant trees and deep soil planting.

The variation to the front setback will not have a detrimental impact on streetscape or view corridors.

No garages or carparking is located on the front of the building and the floor level is set a minimum of 1.2m below the natural ground level at the boundary.



Figure 2 – Aerial photograph showing consistent building line along Mountain Road. (Courtesy of Six maps)

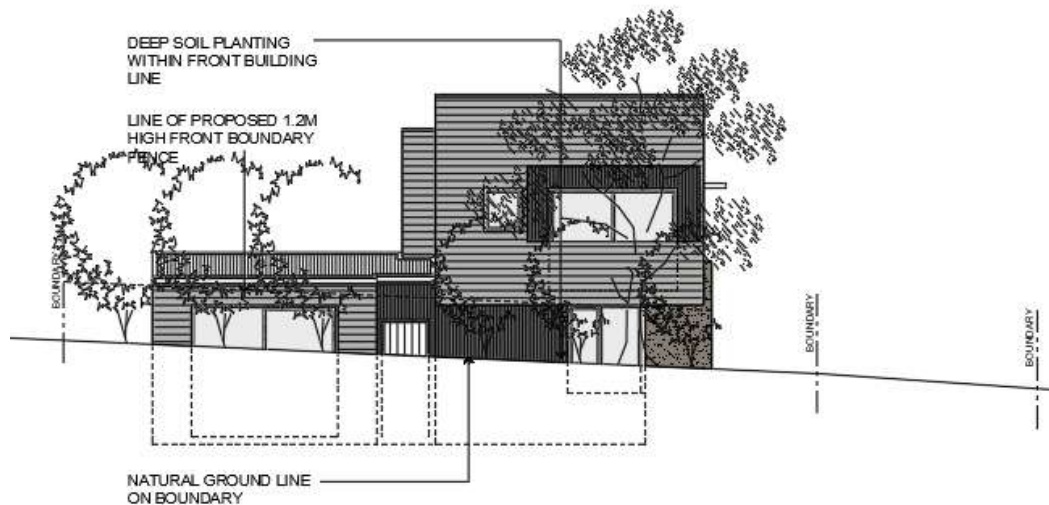


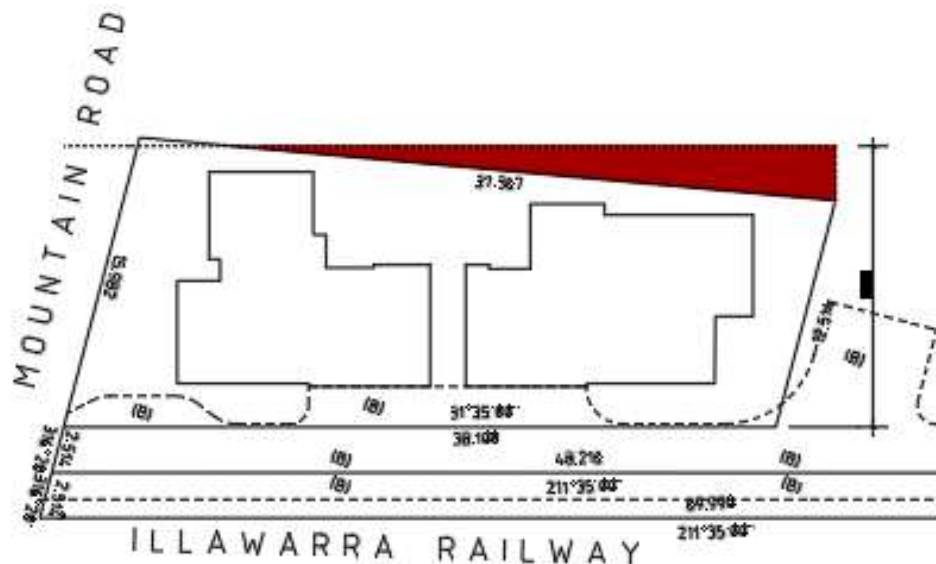
Figure 3 – Proposed front elevation views from Mountain Road



Figure 5 – Existing residence located at 60 Mountain Road demonstrating reduced front building setback.

Figure 5 details the variation sought to the minimum 15m lot width for dual occupancy developments.

The proposed site has an irregular side boundary and as such there is an encroachment within the required 15m building width to the rear of the subject site. This variation does not affect the site's ability to accommodate the required building envelope, car parking, private open space, landscaping and other requirements, whilst maintaining the amenity of surrounding residential development and the streetscape character of the locality. The proposal utilises extra site width from the adjoining lot (54 Mountain Road) to enable car access to the garages located centrally on the site. The use of this shared driveway enables the proposal to meet the objectives of the planning controls.



4.0 Conclusion

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

ATTACHMENT 4

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

NSW Rural Fire Service (RFS)

Pursuant to Section 100B – authorisation under the Rural Fires Act 1997 – General Terms of Approval issued by the NSW RFS dated 22 September 2021 as attached shall form part of this Notice of Determination.

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

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No DML 17/009 Drawing A-01-D dated 12 November 2021, A-02-C to A-04-C and A-09-C dated 18 November 2021, A-07-C and A-08-C dated 17 November 2021, A-11-A dated 28 July 2020 and SD-01-A and SD-02-A dated 16 June 2020 prepared by Develop My Land and any details on the application form, and with any supporting information received, except as amended by the condition specified and imposed hereunder.

General Matters

2 Phased Development

The development is to be undertaken in phases as per the following schedule:

Phase 1:	Lot 6: two (2) lot Torrens title subdivision including infrastructure works and tree removal (54 Mountain Road). Lot 5: demolition of existing dwelling and construction of dual occupancy (56 Mountain Road).
Phase 2:	Lot 5: two (2) lot Torrens title subdivision of dual occupancy (56 Mountain Road).

A separate Construction Certificate and Subdivision Certificate is to be applied for each phase of the development where required, with conditions as relevant within this consent to be met in each instance. Phase 2 shall not commence without Phase 1 being first completed.

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 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.

Subdivision Works

All subdivision works must obtain a Subdivision Works certificate prior to any commencement of works on site.

5 Sydney Trains

Requirements issued by Sydney Trains dated 18 January 2021 as attached shall form part of this Notice of Determination.

6 **Mailboxes**

The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. The developer must install minimum two (2 No.) reflective paint house number on face of kerb along street frontage of the property to assist emergency services/deliveries/visitors.

7 **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier (PC) prior to occupation or use of the development. In issuing an Occupation Certificate, the PC must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

8 **Subdivision Certificate**

A Subdivision Certificate for both phases must be issued by the PC prior to occupation or use of the development.

9 **Tree Management**

The developer shall retain existing trees indicated on Concept Landscape Plan by DML Dwg No L-01 Issue A dated 16 June 2020 consisting of tree numbered 51, 52, 53, 54 and 55 on adjacent property. Total number: five (5 No.).

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development Sites.

Tree Protection measures to be implemented including and not restricted to: site induction, compliance documentation, modified footings, sub surface utility siting, crown lifting, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones (TPZ) and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

10 **Geotechnical**

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 13 July 2020 and supplementary letter dated 11 November 2020 by Terra Insight.
- b All site preparation earthworks including drainage, retaining wall, erosion protection and footing construction is to be subject. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- c At the completion of the site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the dwelling. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.
- d Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- e Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
- f All stormwater and wastewater are to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.
- g All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

11 **Height Restriction**

The development shall be restricted to a maximum height of nine (9) metres AHD from the natural ground level (inclusive of the lift tower and any air conditioning plant). Any alteration to the maximum height of the development will require further separate approval of Council.

Prior to the Issue of the Construction Certificate

General

12 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 PC 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.

13 Dilapidation Survey

A dilapidation survey and report shall be submitted to the PC prior to the issue of a Construction Certificate/Subdivision Works Certificate

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

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

Any damage to infrastructure items and relics which is caused by the developer shall be repaired to the satisfaction of the PC prior to the issue of the Occupation Certificate for the Phase 1 dual occupancy.

14 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 \$8,000.00 (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: 1253347	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• 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

15 **Tree Protection Measures**

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

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the PC prior to release of the Construction Certificate.
- b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the PC indicating required tree protection fencing is required, prior to the release of the Construction/Subdivision Works Certificate.

16 **Property Addressing Policy Compliance**

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

17 **Council Footpath Reserve Works – Driveways and Crossings**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

Phase 1: Lot 5 - Demolition and Construction of Dual Occupancy

18 **Endeavour Energy Requirements**

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

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

19 **Telecommunications**

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

20 **Bush Fire Attack Level (BAL)**

New construction associated with Dwelling 2 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or the relevant BAL 19 requirements of the NASH Standard - Steel Framed Construction in Bush Fire Areas (incorporating amendment A - 2015).

New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019. The construction requirements for BAL 19 Australian Standard AS 3959:2018 'Construction of buildings in bush fire-prone areas' and section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bush Fire Areas' as appropriate shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the PC prior to the issue of the Construction Certificate.

AND

New construction associated with Dwelling 1 must comply with section 3 and section 7 (BAL 29) Australian Standard AS 3959:2018 Construction of buildings in bushfire-prone areas or the relevant BAL 29 requirements of the NASH Standard - Steel Framed Construction in Bush Fire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

The construction requirements for BAL 29 Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' and section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bush Fire Areas' as appropriate shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the PC prior to the issue of the Construction Certificate.

Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they should be made of non-combustible material only.

21 **Landscaping**

The submission of a final Landscape Plan to the PC, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame Tree.; A further list of suitable suggested species for the Austinmer area may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
- d any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
- e the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species;
- f screen planting to be incorporated around private open space (POS) areas;
- g with limited existing open space consideration be given for incorporating 'green walls' with the use of trellis and climbing plants trained over to make use of bare vertical walls and fencing along boundary between Units 1 and 2;
- h each unit to have tree planting incorporated into planting proposal in front and rear yards. Suggested species *Waterhousea floribunda* 'Sweeper'.

- i where turf is proposed adjacent to built structures and garden beds the applicant shall install a 110mm wide brick mowing edge with concrete footing to minimise maintenance; and;
- j any fill material should not cover topsoil. Topsoil shall be removed, stockpiled, ameliorated and replaced over any fill material to a minimum depth of 100mm.

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

- 22 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the PC prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

- 23 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the PC prior to release of the Construction Certificate.

- 24 The developer must make compensatory provision for the vegetation required to be removed as a result of the development. In this regard, one (1 No.) 100 litre container mature plant stock shall be placed along the northern property boundary of Lot 5. The suggested species are *Waterhousea floribunda* 'Sweeper'. Details are to be shown on the plans submitted with the Construction Certificate.

25 **Low Reflective External Finishes**

All structures are to be finished in colours and materials of low reflective quality to blend with the surroundings. This requirement is to be reflected on the Construction Certificate plans.

26 **Fixed Screening**

Non-adjustable 1.8 metre privacy screens shall be provided to Unit 2 rear deck on the North-West elevation. Such screens shall have openings not exceeding 30mm and the total of all openings shall not exceed 30 per cent of the surface area of the screen when viewed in elevation. This screening is to minimise the potential for overlooking on adjacent properties and shall be retained and maintained for the life of the development. This requirement is to be reflected on the Construction Certificate plans.

27 **Driveway Long Section**

To verify that vehicular access will comply with Council's requirements, a scaled long section of the proposed driveway, from kerb and gutter at the point of access to the proposed garage floor level must be submitted with the Construction Certificate and shall include:

- a Existing natural surface levels,
- b proposed grades and finished surface levels of the driveway,
- c preliminary details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.

No part of the driveway must have grades exceeding Council's standards. As such, the long section shall be taken along the critical path, i.e. the side of the driveway that will have the steepest grades.

28 **Rail Noise**

Any dwelling erected upon this site shall be designed and constructed in accordance with the recommendations and requirements of NSW Department of Planning (2008) *Development near Rail Corridors and Busy Roads – Interim Guideline* and the Acoustic Report prepared by South East Acoustics (December 2019). This requirement shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement by the PC, prior to the issue of the Construction Certificate.

29 **Fencing**

The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:

- a where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the same brickwork as that used in the external wall of the building;

- b rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped, palisade or colorbond fences;
- c any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements; and;
- d comply with the principles in Appendix 5 of Planning for Bush Fire Protection 2006, Standards for Asset Protection Zones (NSW Rural Fire Service), recommendations included in any Bushfire Assessment reports and take into consideration PBP 2018.
- e fencing to suit character of local area.

This requirement is to be reflected on the Construction Certificate plans.

30 **Engineering Plans - Retaining Wall Structures Greater than One (1) Metre**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the PC for approval prior to the issue of the **Subdivision Works Certificate**. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

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

31 **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans.

32 **Stormwater Drainage Design**

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, being the Stormwater Drainage Plan, Drawing 1001 Revision C by Rienco Consulting dated March 2021.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the inter-allotment drainage system.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on

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

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

33 **Flood Level Requirements**

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

- a Any portion of the building or structure below RL 20.5 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- b The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the PMF plus freeboard being RL 20.5 metres AHD.

34 **On-Site Stormwater Detention (OSD) Design**

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the PC prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2020/807.
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

35 **No Adverse Run-off Impacts on Adjoining Properties**

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

36 **Flows from Adjoining Properties**

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

Prior to Issue of Subdivision Works Certificate

37 **Subdivision Works**

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

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

38 **Section 73 Compliance Certificate**

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

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

The Notice of Requirements must be submitted to the PC prior to issue of the Subdivision Works Certificate.

39 **Endeavour Energy Requirements**

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

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

40 **Telecommunications**

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

41 **Driveway Long Section**

To verify that vehicular access will comply with Council's requirements, a scaled long section of the proposed driveway, from kerb and gutter at the point of access to the proposed garage floor level must be submitted with the Subdivision Works Certificate and shall include:

- a Existing natural surface levels,
- b proposed grades and finished surface levels of the driveway,
- c preliminary details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.

No part of the driveway must have grades exceeding Council's standards. As such, the long section shall be taken along the critical path, i.e. the side of the driveway that will have the steepest grades.

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS 2890.1 - Off Street Car Parking. Details of the method of

treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the **Subdivision Works** Certificate plans.

- 42 The edge of the driveway must be provided with a hob or dish drain to prevent surface water flows from entering the adjoining property. This requirement shall be reflected on the **Subdivision Works** Certificate plans, prior to the release of the **Subdivision Works** Certificate.

43 **Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the PC for approval prior to the issue of the Subdivision Works Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

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

44 **Driveway and Turning Head Levels**

The driveway and turning head levels shall be designed and constructed to limit the 1 in 100 year ARI flood flow velocity and depth to within the vehicle stability limits in accordance with Chapter E13 of the Wollongong DCP 2009. This requirement shall be reflected on the Subdivision Works Certificate plans prior to the release of the Subdivision Works Certificate.

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

46 **Pier and Beam Footings Adjacent to any Drainage Easement**

Buildings and structures (including brick fences) adjacent to easements (existing and proposed) shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural Engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

47 **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the **Subdivision Works** Certificate plans

48 **Stormwater Drainage Design**

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, Being the Stormwater Drainage Plan, Drawing 1001 Revision C by Rienco Consulting dated March 2021.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the watercourse within the site.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

49 **Flood Level Requirements**

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

- a Any portion of the building or structure below RL 20.5 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- b The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the PMF plus freeboard being RL 20.5m metres AHD.

50 **On-Site Stormwater Detention (OSD) Design**

The developer must provide OSD storage for stormwater runoff from the development. The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the PC prior to the release of the Subdivision Works Certificate. The OSD design and details must satisfy the following requirements:

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Subdivision Certificate:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2020/807;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

51 **Designated Overland Flow Paths**

Details of each overland flow path (driveway and flow path on the south side of driveway 2) located on the site shall be provided with the detailed drainage design. Each overland flow path shall be capable of catering for the 1 in 100 year storm event flows from the contributing catchment area, and where required, direct these flows to the on-site stormwater detention facility. The overland flow path shall be free of any vegetation and/or structures that are likely to impede natural overland flow, or make provision for such obstructions, so there will be no adverse stormwater impacts upon the subject land and adjoining properties. Full Manning's calculations shall be provided on the capacity of each overland flow path. These requirements shall be reflected on the Subdivision Works Certificate plans and supporting documentation.

52 **Driveway Barriers**

Barriers shall be constructed to prevent vehicles from running over the edge of an elevated driveway or parking area. They are required wherever the drop from the edge of the platform exceeds 600mm. Barriers are to comply with Clause 2.4.5.3 of AS 2890.1 and shall be designed structurally for the loading requirements of AS 1170.1. This requirement shall be reflected on the Subdivision Works Certificate plans.

53 **Accessway Design**

A concrete accessway must be provided to the rear allotment to the following standards:

- a A minimum of 3.0 metre wide with a 1m turf strip either side,
- b Bush fire requirements with respect to accessway width must be incorporated in the accessway design;
- c Passing bays must be provided in accordance with AS 2890.1, being 5.5m for the first 6m from the property boundary and a minimum of every 30m thereafter;
- d A minimum of 150mm thick, with a minimum 25MPa compressive strength after 28 days; and
- e Reinforced with a minimum SL72 mesh from the kerb for the full length of the access corridor underlain by a minimum 75 mm thickness of DGS20 compacted to 95% of modified density.
- f All accessways must be designed so that they have a minimum clearance of 4.5 metres from any overhanging eaves and obstructions.
- g Provision for the utility servicing of the rear/battleaxe lots with the installation of service conduits or provision of a minimum 0.5 metre wide unformed strip.

Drainage over the accessway must be contained in a kerb or central dish and conveyed to a public road or piped drainage system. Details of the accessway, including long-section, cross-sections, typical cross-sections and the effect on adjoining land must be provided with the Subdivision Works Certificate.

54 **Drainage to the Natural Watercourse**

A minimum 150mm diameter, PVC Class SN4 inter-allotment drainage pipeline shall be provided to drain all lots to the natural watercourse within the subject property.

55 **Scour Protection**

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

All scour protection measures and headwall structures within the watercourse shall be designed and constructed to match existing surface levels to ensure that there will be no change in flooding

behaviour. All stormwater outlets shall be orientated in the direction of natural flow of the receiving watercourse.

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

56 **Erosion and Sediment Control Plan (ESCP) – Less than 2500m² Disturbance**

An ESCP must be prepared by a suitably qualified person in accordance with the requirements set out in “Managing Urban Stormwater: Soils and Construction” NSW Dept of Housing, 4th Edition. The plan must be submitted to the PC for approval prior to the issue of the Subdivision Works Certificate.

57 **Fire Hydrants**

All lots must be adequately serviced by a fire hydrant. The fire hydrant must be provided in accordance with the *Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue*. The fire hydrant(s) must be shown on the Subdivision Works Certificate plans.

58 **Flows from Adjoining Properties**

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

59 **Turning Head Turn Path**

Vehicle turn paths must be provided to demonstrate that the largest vehicle (being the B85 vehicle unless otherwise required by Bush Fire requirements) designed to access the site can enter and exit in a forward direction after completing no greater than a 3 point turn for the turning head provided for proposed Lot 2 in Phase 1. A plan/s identifying the turn paths in accordance with the above must be submitted with the Subdivision Works Certificate to the satisfaction of the certifier.

Prior to the Commencement of Works

General

60 **Appointment of PC**

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

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

The PC must determine when inspections and compliance certificates are required.

61 **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 PC 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.

62 **No Adverse Run-off Impacts on Adjoining Properties**

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

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

63 **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 PC 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.

64 **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.

65 **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 PC, prior to the commencement of any works on the site.

66 **Enclosure of the Site**

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

67 **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.

68 **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.

69 **Public Liability Insurance**

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the PC and Council (in the event that Council is not the PC) prior to the commencement of any such works in any road reserve or public reserve area.

70 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the PC which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

71 **Relocation of State Survey Marks**

In accordance with Surveying and Spatial Information Regulations, 2017 a person must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor General. In this regard any proposed construction work that may affect a State Survey Mark cannot be undertaken until a registered surveyor is engaged to arrange its relocation, in accordance with the requirements of NSW Land Registry Services.

72 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

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

73 **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, five (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.

74 **Protection of Public Infrastructure**

Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

75 **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.

76 **Fences**

Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

77 **Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

78 **Bushfire – Inner Protection Area**

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW RFS's document 'Standards for asset protection zones'.

Phase 1: Lot 5 - Demolition and Construction of Dual Occupancy

79 **Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: 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 PC. 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.

80 **Demolition Notification to Surrounding Residents**

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

81 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

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

Phase 1: Lot 6 - Subdivision

82 **Subdivision Requirements**

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

- a Notify Council in writing of their intention to commence works, this is to be submitted on Council's M10 form (at least two (2) days notice is required.).
- b Appoint a PC (PC) and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed.

- c All works must be approved by way of issue of a Subdivision Works Certificate and constructed in accordance with the version of the Wollongong City Council Subdivision Policy current at the time of this consent. These documents including Development Consent, Subdivision Works Certificate approved drawings and other management plans outlined in this consent are to be kept on site at all times.
- d A suitably qualified and experienced Civil Engineer, Registered Surveyor or experienced Civil Engineering Foreman must be appointed by the developer before any work commences on site.

83 **Erosion and Sediment Control Measures**

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

84 **Vibratory Rollers**

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

85 **Geotechnical Supervision**

A suitably qualified Geotechnical Engineer must supervise all filling within the development.

During Demolition, Excavation or Construction

General

86 **Copy of Consent to be in Possession of Person carrying out Tree Removal**

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

87 **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 PC 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.

88 **Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

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

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

90 **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.

91 **New Information/Unexpected Finds**

In the event that demolition and/or construction works cause the generation of odours or the uncovering of previously unidentified contaminants or hazardous materials, works must immediately cease and the PC and Council (in the event that Council is not the PC) must be notified in writing within seven (7) days and an appropriately qualified environmental consultant appointed to undertake an assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

92 **Excess Excavated Material – Disposal**

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

Phase 1: Lot 5 - Demolition and Construction of Dual Occupancy

93 **Flood Compatible Materials – Electrical**

All power service (metering) equipment, power outlets, switches etc. shall be located above RL 20.5 metres AHD. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below RL 20.5 metres AHD should be capable of disconnection by a single plug and socket assembly.

94 **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."

95 **Provision of Taps/Irrigation System**

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

96 **Asbestos Clearance Certificate**

The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within fourteen (14) days of the completion of renovations (or prior to the Occupation Certificate being issued).

97 **Asbestos Waste Collection, Transportation and Disposal**

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must

be retained and submitted to the PC, and a copy submitted to Council (in the event that Council is not the PC), prior to commencement of the construction works.

98 **Lead Based Paint**

To prevent contamination of the soil and human health risks associated with lead dust, safeguards must be used when removing flaking paint or sanding paint surfaces that are suspected to contain lead.

99 **Building Operations**

Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.

100 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).

101 **Demolition Materials - Disposal**

All demolition materials not being reused on-site shall be disposed of only at a recycling or waste management facility that may lawfully receive that waste.

102 **PCB Containing Electrical Equipment**

If any metal cased capacitors are found during demolition works that were previously identified or unidentified they shall be treated as containing Polychlorinated Biphenyls (PCBs). Details on storing, conveying and disposing of PCB material or PCB wastes can be found in *Polychlorinated Biphenyls Management Plan*, Environmental Protection & Heritage Council, Revised Edition April 2003.

103 **Synthetic Mineral Fibre (SMF) Materials**

All SMF containing materials must be removed in accordance with the National Standard for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:1004 (1990)] and the National Code of Practice for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:2006 (1990)].

Phase 1: Lot 6 - Subdivision

104 **Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

105 **Works in Accordance with Council Documents**

All works, inspection hold points and testing requirements are to be in accordance with Council's Subdivision Policy and Standard Drawings.

106 **Works to be in Accordance with Environmental Management Plan**

All works on the site must be carried out in accordance with the approved environmental management plan and the Managing Urban Stormwater – Soils and Construction 'Blue Book' for the full duration of construction works.

Prior to the Issue of the Subdivision Certificate

General

107 A Section 73 Certificate must be submitted to the PC prior to release of the plan of subdivision

108 **Existing Easements**

All existing easements must be acknowledged on the final subdivision plan.

109 **Existing Restriction as to Use**

All existing restriction on the use of land must be acknowledged on the final subdivision plan.

110 **Encroaching Pipes**

A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a WAE/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.

111 **Encroaching Services**

A minimum one (1) metre wide easement for services must be created over any encroaching utility service.

112 **88B Instrument Easements/Restrictions**

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

113 **Final Documentation Required Prior to Issue of Subdivision Certificate**

The submission of the following information/documentation to the PC, prior to the issue of a Subdivision Certificate:

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Certificate of Practical completion from Wollongong City Council or a PC (if applicable);
- c Administration sheet prepared by a registered surveyor;
- d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
- f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
- i Payment of section 94 fees (Pro rata) (if applicable).

114 **Section 88B Instrument**

The submission of a Final Section 88B Instrument to Council/PC, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

- a Easement for services;
- b rights of access;
- c easement for drainage;
- d drainage easement over overflow paths;
- e restriction as to user which prohibits the erection of buildings or other structures on the site unless an 'on-site stormwater detention system' has been constructed;
- f restriction-as-to-user over the 'on-site stormwater detention system' which prohibits its alteration and/or removal;
- g restriction-as-to-user over bund walls which prohibits its alteration and/or removal;
- h positive covenant that requires maintenance to be in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule – (Application number to be referenced);
- i rights of access;
- j restricted building zone over the 1% AEP flood inundation area of the natural watercourse which prohibits the erection of structures, fences, pools, ancillary buildings, the placement of fill and the planting of trees;
- k restriction as to user which defines a restricted building zone;

- l restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level + 0.5 metres freeboard. Habitable floor levels are to be set at the 1% AEP flood level + 0.5 metres freeboard. The PMF flood level for each lot is to be documented. The Subdivision Certificate application must include the flood level extents plan and tabulated levels (1% AEP and PMF) for each lot as conditioned in this development consent;
- m restriction as to user over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer.

Phase 1: Lot 6 - Subdivision

115 Flood Affection Certification

Certification from an appropriately qualified Engineer must be prior to the release of the subdivision Certificate that states:

- a The 1 in 100 year ARI and PMF extents have been mapped on the WAE Drawings.
- b Any variations to ground levels have been considered against with the original flood model prepared for the Development Application and Subdivision Works Certificate.

116 Final Geotechnical Report - Subdivision Certificate

The submission of a final geotechnical report by a suitably qualified and experienced geotechnical consultant to the PC, prior to the issue of the Subdivision Certificate. The report shall include, but is not necessarily limited to:

- a All earthwork operations;
- b The suitability of each allotment for residential development. In this regard each lot shall be given a classification in accordance with AS 2870.1 - Residential Slabs and Footings;
- c A fill plan showing extent and depth of fill;
- d Certification that all earthworks within the site have complied with the Subdivision Code. This shall include appropriate test results, and test location diagram and date of testing;
- e Certification that all recommendations contained in geotechnical reports lodged in support of this development have been satisfied;
- f The exact extent of any restricted building zones or any other restrictions affecting any of the allotments. Particular attention shall be paid to the location of subsurface drainage lines, which shall be burdened with a restriction-as-to-user within the Section 88B Instrument;
- g Identification of all land affected by landslip or instability constraints (if applicable).
- h No FRC pipes are located in areas subject to groundwater or potential for prolonged saturation.

117 WAE Plans

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

- a Final locations and levels for all works associated with the subdivision which also indicates the final volume of each on-site detention and subsoil drainage locations;
- b a separate fill plan showing extent and depth of filling;
- c a separate plan which indicates the extent of flood inundation for 1% AEP, Flood Planning Level (1% AEP + freeboard) and PMF storm event superimposed on the WAE ground levels. Where the WAE ground levels differ to the ground levels approved under the Development Consent, the extent of flood inundation for the 1% AEP, Flood Planning Level (1% AEP + freeboard) and PMF event shall be based on a re-run of the original flood model. Certification shall also be provided by a suitably qualified consulting engineer confirming that the extents of flood affection are based on the WAE ground levels;
- d the location of the on-site detention identification plaque; and
- e the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

- 118 **Fire Hydrant**
A fire hydrant must be provided to the subdivision in accordance with the *Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue*. Documentary evidence of compliance with these guidelines is required to be submitted to the PC prior to the issue of the Subdivision Certificate. A plumber's certificate showing that the fire hydrant has been provided must be submitted to the PC prior to the issue of the Subdivision Certificate. The location of the fire hydrant must be shown on the WAE drawings.
- 119 **Existing Easements**
All existing easements must be acknowledged on the final subdivision plan.
- 120 **Existing Restriction as to Use**
All existing restriction on the use of land must be acknowledged on the final subdivision plan.
- 121 **Encroaching Pipes**
A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes. For all drainage easements proposed over the subject lots, a works as executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.
- 122 **Encroaching Services**
A minimum one (1) metre wide easement for services must be created over any encroaching utility service.
- 123 **88B Instrument Easements/Restrictions**
Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.
- 124 **Creation of Rights of Access**
The creation of rights of access pursuant to Section 88B of the Conveyancing Act 1919 over proposed Lots 1 and 2 of existing lot (Lot 6 DP 2487954) being Mountain Road, in order to guarantee the provision of suitable vehicular and pedestrian access to existing lot (Lot 5 DP 24879) being 56 Mountain Road. The 88B Instrument shall contain a provision that this clause may not be altered, modified or extinguished, except with the written consent of Wollongong City Council.
- 125 **Certification Retaining Wall**
The submission of a Certificate of Structural Sufficiency from a suitably qualified Civil and/or Structural Engineer for all retaining walls constructed.
- 126 **Certificate - Structures**
The submission of written certification from a suitably qualified civil and/or structural engineer stating that all structures have been constructed in accordance with the approved Subdivision Works Certificate plans.
- 127 **Final Documentation Required Prior to Issue of Subdivision Certificate**
The submission of the following information/documentation to the PC, prior to the issue of a Subdivision Certificate:
- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
 - b Certificate of Practical completion from Wollongong City Council or a PC (if applicable);
 - c Administration sheet prepared by a registered surveyor;
 - d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
 - e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
 - f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
 - g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;

- h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
 - i Payment of section 94 fees (Pro rata) (if applicable).
- 128 **Registered Surveyors Certification**
A Registered Surveyor must certify in writing that all stormwater pits and pipelines, services and vehicular accessways are located wholly in an appropriate easement on the final plan of subdivision. This certification must be submitted with the Subdivision Certificate application.
- Phase 2: Dual Occupancy Subdivision**
- 129 **Occupation Certificate Prior to Subdivision Certificate**
An Occupation Certificate for the dwelling/s must be issued prior to the release of the Subdivision Certificate for the Torrens title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the Subdivision Certificate application.
- 130 **Existing Easements**
All existing easements must be acknowledged on the final subdivision plan.
- 131 **Existing Restriction as to Use**
All existing restriction on the use of land must be acknowledged on the final subdivision plan.
- 132 **Encroaching Pipes**
A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a works as executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.
- 133 **Encroaching Services**
A minimum one (1) metre wide easement for services must be created over any encroaching utility service.
- 134 **Section 88B Instrument**
The submission of a Final Section 88B Instrument to Council/PC, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:
- a Easement for services;
 - b restriction-as-to-user over the 'on-site stormwater detention system' which prohibits its alteration and/or removal;
 - c positive covenant that requires maintenance to be in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule – (Application number to be referenced);
 - d rights of access.
- 135 **88B Instrument Easements/Restrictions**
Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.
- 136 **Final Documentation Required Prior to Issue of Subdivision Certificate**
The submission of the following information/documentation to the PC, prior to the issue of a Subdivision Certificate:
- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
 - b Certificate of Practical completion from Wollongong City Council or a PC (if applicable);
 - c Administration sheet prepared by a registered surveyor;
 - d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;

- e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
- f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
- i Payment of section 94 fees (Pro rata) (if applicable).

137 **Section 88B Instrument**

The submission of a Final Section 88B Instrument to Council/PC, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

- a Easement for services;
- b easement for drainage;
- c drainage easement over overflow paths;
- d restriction as to user which prohibits the erection of buildings or other structures on the site unless an 'on-site stormwater detention system' has been constructed;
- e restriction-as-to-user over the 'on-site stormwater detention system' which prohibits its alteration and/or removal;
- f restriction-as-to-user over bund walls which prohibits its alteration and/or removal;
- g positive covenant that requires maintenance to be in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule – (Application number to be referenced);
- h rights of access;
- i restricted building zone over the 1% AEP flood inundation area of the natural watercourse which prohibits the erection of structures, fences, pools, ancillary buildings, the placement of fill and the planting of trees;
- j restriction as to user which defines a restricted building zone;
- k restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level + 0.5 metres freeboard. Habitable floor levels are to be set at the 1% AEP flood level + 0.5 metres freeboard. The PMF flood level for each lot is to be documented. The Subdivision Certificate application must include the flood level extents plan and tabulated levels (1% AEP and PMF) for each lot as conditioned in this development consent;
- l restriction as to user over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer

Prior to the Issue of the Occupation Certificate

138 A Section 73 Certificate must be submitted to the PC prior to occupation of the development/release of the plan of subdivision.

139 Prior to Issue of the Occupation Certificate for the dual occupancy on Lot 5, the Subdivision Certificate must be issued for Lot 6. This is to ensure all works are completed to ensure safe and legal vehicular access to the dual occupancy prior to occupation.

140 **Bushfire – Compliance Certificate**

A Compliance Certificate shall accompany any Occupation Certificate for Bush Fire construction works as have been completed, verifying that the development has been constructed in accordance with the relevant Bush Fire Attack Level (BAL) requirements of the Development Consent and Construction Certificate.

141 **BASIX**

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

142 **Retaining Wall Certification**

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

143 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the PC prior to the issue of the final Occupation Certificate.

144 **Restriction on Use – On-site Detention System**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”

The instrument, showing the restriction, must be submitted to the PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

145 **Positive Covenant – On-Site Detention Maintenance Schedule**

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved OSD System and Maintenance Schedule (application number to be referenced).

The instrument, showing the positive covenant must be submitted to the PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

146 **On-Site Detention – Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the PC is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

147 **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the PC is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) plus freeboard being 20.5 metres AHD or greater.

Operational Phases of the Development/Use of the Site

148 **Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site

149 **Site Facilities**

Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature. The house numbers must be displayed in a prominent position and the mailbox installed in accordance with Australia Post Guidelines.

150 **Maintenance of Inner Protection Area**

The Inner Protection Area must be maintained, at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas;
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
 - o tree canopy cover should be less than 15% at maturity;
 - o trees at maturity should not touch or overhang the building;
 - o lower limbs should be removed up to a height of 2m above the ground;
 - o the canopy is discontinuous such that such that tree canopies should be separated by 2 to 5m;
 - o they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
 - o create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
 - o shrubs should not be located under trees;
 - o shrubs should not from more than 10% ground cover;
 - o clumps of shrubs should be separated from exposed windows and doors b a distance of at least twice the height of the vegetation;
 - o no part of a tree shall be closer to a power line than the distances set out in the current edition of “Planning for Bush Fire Protection”.
 - o the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.



NSW RURAL FIRE SERVICE

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Your reference: (CNR-11548) DA-2020/807
Our reference: DA20200827003070-CL55-1

ATTENTION: Maria Byrne

Date: Wednesday 22 September 2021

Dear Sir/Madam,

Integrated Development Application
s100B - Subdivision - Torrens Title Subdivision
54 MOUNTAIN RD AUSTINMER NSW 2515, 6//DP24879

I refer to your correspondence dated 22/12/2020 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

General Conditions

1.

The proposed development must comply with the Plan of Subdivision illustrated in Image 08 in the Bush Fire Assessment Report prepared by Australian Bushfire Consulting Services referenced 18-192-4 Rev 3 dated 8 August 2021.

2.

A suitably worded legal mechanism must be created over the vacant lots (lots 1 and 2) which prohibits the construction of a dwelling building within the minimum 29kW/m² asset protection zones as illustrated on Image 08 in the Bush Fire Assessment Report prepared by Australian Bushfire Consulting Services referenced 18-192-4 Rev 3 dated 8 August 2021.

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

3.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Munnys Rise Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

At the commencement of building works or release of a subdivision certificate, whichever comes first, all land within the proposed lots must be managed as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an IPA, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4.

New construction associated with Unit 1 must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant BAL 29 requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

5.

New construction associated with Unit 2 must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant BAL 19 requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

6.

Fences and gates must comply with Section 7.6 of *Planning for Bush Fire Protection 2019*. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they should be made of non-combustible material only.

Access - Property Access

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

7.

The property access road to vacant lots must comply with the following requirements of Table 7.4a of *Planning for Bush Fire Protection 2019*:

- a. property access roads are two-wheel drive, all-weather roads;
- b. the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges and causeways indicate load rating.
- c. hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005;
- d. there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;

- e. minimum 4m carriageway width;
- f. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
- g. property access must provide a suitable turning area in accordance with Appendix 3 of *Planning for Bush Fire Protection 2019*;
- h. curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
- i. the minimum distance between inner and outer curves is 6m;
- j. the cross fall is not more than 10 degrees;
- k. maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and
- l. a development comprising more than three dwellings has formalised access by the dedication of a road and not by right of way.

Water and Utility Services

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

8.

The provision of all new and the modification of any existing water, electricity and gas services must comply with Tables 5.3c and 7.4a of *Planning for Bush Fire Protection 2019*.

With regards, to the the proposed dwellings:

- a. reticulated water is to be provided to the development in compliance with the reticulated requirements in Table 7.4a;
- b. all above-ground water service pipes external to the building are metal, including and up to any taps;
- c. where practicable, electrical transmission lines are underground;
- d. where overhead, electrical transmission lines are proposed as follows:
 - i. lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - ii. no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- a. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- b. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- c. connections to and from gas cylinders are metal;
- d. polymer-sheathed flexible gas supply lines are not used; and
- e. above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

9.

Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*.

In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited near the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;

- Use smooth bark species of trees species which generally do not carry fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

General Advice - Consent Authority to Note

Development applications lodged on lots created within this subdivision may be subject to further assessment under the *Environmental Planning & Assessment Act 1979*.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 11/12/2020.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Martha Dotter
Supervisor Development Assessment & Plan
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision - Torrens Title Subdivision

54 MOUNTAIN RD AUSTINMER NSW 2515, 6//DP24879

RFS Reference: DA20200827003070-CL55-1

Your Reference: (CNR-11548) DA-2020/807

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20200827003070-Original-1 issued on 11/12/2020 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Martha Dotter

Supervisor Development Assessment & Plan
Built & Natural Environment

Wednesday 22 September 2021

18 January 2021

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

ATTENTION: MARIA BYRNES

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA-2020/807 (CNR-11548)
Lot 5 & 6 DP 24879
54-56 Mountain Road, Austinmer NSW 2515**

I refer to Council's Referral requesting comments for the above development application, and subsequent amended plans provided in December 2020, in accordance with Clause 85 of State Environmental Planning Policy (Infrastructure) 2007.

Council is advised that Sydney Trains, via Instruments of Delegation, has been delegated to act as the rail authority for the Illawarra heavy rail corridor and to process the review for this development application.

As such, Sydney Trains now advises that the proposed development has been assessed in accordance with the relevant Transport for NSW Assets Standard Authority standards and Sydney Trains requirements. To ensure that the proposed development is undertaken in a safe manner Council is now requested to impose the conditions provided in Attachment A.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's is requested to notify Sydney Trains should such an event occur.

Council is also advised that the Sydney Trains requested conditions of consent as provided in Attachment A are not to be amended, replaced or superseded by any subsequent submission provided by any other rail authority, without the further agreement from Sydney Trains.

Please contact Sydney Trains Town Planning Management via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter.



Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Sarah Anderson".

Sarah Anderson
Town Planning Officer

Sydney Trains is a NSW Government agency
Level Three - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805
Email DA_sydneytrains@transport.nsw.gov.au
www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682



ATTACHMENT A

- *No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.*
- *If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development*

Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

- *The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*
- *Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*
- *Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.*
- *The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.*
- *The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:*
 - *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;*
 - *acts as the authorised representative of the Applicant; and*
 - *is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.*
- *Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.*

- *Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is Illawarra Interface and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.*
- *Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.*