Wollongong Local Planning Panel Assessment Report | 27 November 2018

WLPP No.	Item 3
DA No.	DA-2018/914
Proposal	Residential - demolition of existing buildings and outbuildings, tree removals and Subdivision - Torrens title - two (2) lots. Construction of dual occupancy on each lot and Subdivision - Torrens title - two (2) residential lots from each lot
Property	Lot 41 DP 10972; 13 Pass Avenue, Thirroul Lot 401 DP 777843; 15A Pass Avenue, Thirroul
Applicant	Develop My Land, PO Box 119, Thirroul 2515
Responsible Team	Development Assessment and Certification - City Wide Team (KR)

ASSESSMENT REPORT AND RECOMMENDATION

Executive summary

Reason for consideration by Local Planning Panel

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

Proposal

The proposal involves demolition of existing buildings and outbuildings and tree removals, Subdivision - Torrens title - two (2) lots, construction of a dual occupancy on each lot and Subdivision - Torrens title - two (2) residential lots from each lot. The development is to be undertaken in four phases as detailed in Section 1.2.

Permissibility

The site is zoned R2 under the Wollongong Local Environmental Plan 2009. Dual occupancy is a permissible use in the R2 Low Density Residential zone. Subdivision is permitted pursuant to Clause 2.6 of Wollongong Local Environmental Plan 2009.

Consultation

Details of the proposal were publicly exhibited in accordance with Council's Notification Policy, on two occasions. During the first round of notification, the application received 18 submissions. During the second round of notification as a result of additional information submitted, the application received 11 submissions.

The issues raised in submissions and Council's considerations to identified issues are discussed at Section 1.3.

Council's Development Engineering, Geotechnical, Landscape and Traffic Officer's have reviewed the application and provided conditionally satisfactory referral advice.

Main Issues

The main assessment issues are:

- Traffic and waste services restriction on Gum Tree Lane
- Variations to WDCP 2009.

The above issues are considered to have been satisfactorily addressed.

Likely impacts

There are not expected to be adverse environmental impacts on either the natural or built environments or adverse social or economic impacts in the locality.

RECOMMENDATION

DA-2018/914 be approved subject to the conditions provided at Attachment 5.

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 BASIX (Building Sustainability Index: BASIX) 2004
- SEPP (Vegetation in Non-Rural Areas) 2017

Local Environmental Planning Policies:

• Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

• Wollongong Development Control Plan 2009

Other policies

• Wollongong City-Wide Development Contributions Plan 2018

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal incorporates the following:

- Demolition of the existing dwelling and outbuildings on site;
- Demolition and rebuilding of retaining walls;
- Proposed removal of five trees (however as discussed in this report Council's Landscape Officer has granted permission for removal of four trees);
- Phased Development:
 - o Phase 1 Demolition of existing buildings and outbuildings and tree removal,
 - Phase 2 Torrens title subdivision of the parent lot to create two (2) lots as follows;
 - Proposed Lot 1: 524.8m² lot with frontage to Pass Avenue;
 - Proposed Lot 2: 598.6m² lot with frontage to Gum Tree Lane;
 - Phase 3: Construction of two (2) x two-storey attached dual occupancies on each proposed lots 1 & 2;
 - Phase 4: Torrens title subdivision of each new lot to create four (4) lots as follows;
 - Proposed Lot 101: 274.4m² lot with frontage to Pass Avenue accommodating eastern duplex unit;
 - Proposed Lot 102: 250.3m² lot with frontage to Pass Avenue accommodating western duplex unit;
 - Proposed Lot 201: 305m² lot with frontage to Gum Tree Lane accommodating eastern duplex unit;
 - Proposed Lot 202: 293.6m² lot with frontage to Gum Tree Lane accommodating western duplex unit.



Figure 1: Subdivision Plan

- Proposed easements and restrictions pursuant to Section 88B of the Conveyancing Act 1919:
 - Proposed Lot 1 and subsequently proposed Lot 101 and 102 are to be burdened and benefitted by a 3m wide easement over existing drainage culvert.
 - Proposed Lots 101 and 102, and Lots 201 and 202 will each be burdened and benefitted by a 0.135m wide easement for support.
 - Proposed Lots 101 and 102 will be burdened and benefitted by a reciprocal right of carriageway.
 - Proposed Lots 1 and Lots 101 and 102 will be burdened by a 1.0 metre wide rights of footway pursuant, in order to guarantee the provision of suitable waste collection from Pass Avenue for the proposed lot 2 and Lots 201 and 202.

1.3 BACKGROUND

- DA-2018/343 Residential demolition of existing buildings and outbuildings, tree removals and Subdivision Torrens title two (2) lots. Construction of dual occupancy on each lot and Subdivision Torrens title two (2) residential lots from each lot Withdrawn 24 May 2018.
- DA-2018/290 Residential Demolition of existing dwelling and Subdivision- Torrens Title -Two (2) lots and proposed dual occupancy on each lot with Subdivision - Torrens Title - Two (2) lots of each dual occupancy – Rejected.

Two pre-lodgement meetings were held:

- PL-2018/189 Proposed dual occupancy and torrens title subdivision.
- PL-2018/108 Subdivision torrens title two lots. Construction of 2 x dual occupancies and subdivision of each dual occupancy.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 13 Pass Avenue, Thirroul, and is legally known as Lot 41 DP 10972. The site has an area of 1,123.28sqm (according to Survey by CR Robson & Associates dated 14 November 2017) and is almost regular in shape with dual frontage to Pass Avenue in the North and Gum Tree Lane in the South. Existing site development includes a dwelling, garage on each frontage, various metal sheds and a swimming pool. There is a retaining wall and block wall on the western boundary adjoining No. 16 Gum Tree Lane and various retaining walls throughout the rear portion of the site near the Gum Tree Lane frontage.

The site has a steep fall from south to north of approximately 8m (29m AHD to 21m AHD) and is traversed by a piped watercourse towards the Pass Avenue frontage.

There are six (6) trees located on the site as shown below. Excerpt (Tree Plan) from Arborist Report provided below. Seven (7) trees shown on the tree plan including T4 which is a Jacaranda Tree located on the adjoining property.



TRE	E SCHEDULE		
CODE	SPECIES	COMMON NAME	ACTION
T1	Plumeria rubra	Frangipani	remove
T2	Dypsis lutescens	Arece Palm	evomen
T3	Glochidion ferdinandii	Cheese Tree	remove
T4	"Jacaranda mimositolia	Jacaranda	adjacent property
T5	Pittosporum undulatum	Brush Dephne	remove
TB	Glochidion ferdinandii	Cheese Tree	retain
17	"Schefflera arboricola Variegata"	Cheese Tree	remove

Figure 2: Excerpt from Arborist Report, prepared by Develop My Land, dated August 2018

Note: T7 incorrectly identified common name is an 'Umbrella Tree' not 'Cheese Tree'

Adjoining development is generally low-density residential. Both of the adjoining sites to the east and west (as well as No. 17 and 21 Pass Avenue) have been further subdivided and developed with a dwelling on each frontage Pass Avenue and Gum Tree Lane.

The proposal also involves the adjoining property to the east No. 15A Pass Avenue, Thirroul legally known as Lot 401 DP 777843, in relation to the proposed demolition of a retaining wall that encroaches onto the adjoining property for which owners consent has been provided.

Property constraints

- Council records identify the land as being unstable.
- Council records identify the land as being located within a flood risk precinct (uncategorised).
- Council records identify the land as being affected by a waste services restriction as the laneway is too narrow for a waste service vehicle.

There are no restrictions on the title. There is a natural depression in the northern portion of the site near the Pass Avenue frontage however this is not an easement.



Figure 3: Aerial photograph



Figure 4: WLEP 2009 zoning map

1.5 SUBMISSIONS

Details of the proposal were publicly exhibited in accordance with Council's Notification Policy, on two occasions. During the first round of notification, the application received 18 submissions. During the second round of notification resulting from additional information submitted, the application received 11 submissions. The issues raised in the submissions are summarised below:

Table 1: Submissions

Concern	Comment
 Overdevelopment of Thirroul Ongoing development in Thirroul is unsustainable Existing traffic problems in Thirroul 	Restricting development in Thirroul and existing traffic problems are wider strategic matters outside the scope of the current DA. The proposal is permissible on the land under the Wollongong Local Environmental Plan 2009.
 2. Overdevelopment of the site: Inappropriate scale of the development – four dwellings to replace one dwelling is excessive Will quadruple the traffic and environmental impacts Greed Minimal outdoor/green space 	The proposal is not considered to be an overdevelopment of the site. The proposal generally complies with Council's floor space ratio, height, setback and landscaping provisions required for such a proposal. The proposal does involve variations to some of the requirements of the Wollongong Development Control Plan 2009 as related to number of storeys within 8m of the rear boundary for Units A1 and A2, proportion of landscaped area provided behind the building line of Units A1 and A2 and width of driveway for Units B1 and B2.

Concern	Comment	
	The variations have been considered and are supported.	
 3. Out of character for the street: Modern style is unsympathetic Area is characterised by single dwellings 	The proposal is contemporary design however the area is characterised by a mix of single storey and two storey dwelling-houses with both of traditional and contemporary construction. It is likely the older housing stock will be modernised over time.	
4. Amenity impacts to neighbouring properties:	The proposal is considered to have minimal impact on the amenity of neighbouring properties.	
 Overshadowing Privacy Loss of views Noise 	The submitted shadow diagrams demonstrate compliance with Council's solar access requirements to neighbouring properties. The site is oriented north-south with adjoining properties east & west affected late afternoon & early morning respectively. The neighbouring properties would retain the minimum 3 hours of solar access to their living rooms and 50% of their private open space in mid-winter.	
	The proposal has been designed to minimise overlooking to the side boundary through the use of highlight or opaque glazed windows and privacy screens to upper level balconies.	
	The neighbouring property No. 16 Gum Tree Lane currently enjoy views from their living room window and balcony. The proposal is considered to have been designed to reasonably retain these views as discussed in Section 2.4 Clause 4.16 Chapter B1 WDCP 2009.	
	Noise is not expected to be generated above normal domestic levels.	
 5. Traffic and parking: Local road network is already over capacity Will pose safety risk to pedestrians 	The submitted Traffic Report (Attachment 2) concluded that the proposal will generate insignificant total peak hour and daily trips. Council's Traffic Officer and is satisfied that low traffic and car parking demand generated by the proposed development is unlikely to impact on the local road network.	
 Laneway is too narrow and windy and dangerous Safety Laneway is in poor condition and was never intended for vehicles. 	The Traffic Report confirms that the proposal complies with access and parking requirements of AS/NZS2890.1- 2004 in relation to driveway width, grades and sight distance therefore access into and out of the site is unlikely to pose a traffic safety hazard. Parking in the laneway is a separate matter that can be	
 Existing problems illegal parking on Gum Tree Lane. More cars will park on the street. 	raised separately with Council's Traffic Committee. The development has accommodated for one off-street parking space for visitors for each dwelling as the garages are setback 5.5m.	
 NO lootpaths or lighting 	The proposal is unlikely to result in additional demand for on-street parking as the proposal complies with Council's parking requirements.	

Concern	Comment
6. Stormwater drainage, flooding and over demand on the sewer system	Council's Development Engineering Officer has reviewed the application and provided conditionally satisfactory referral advice in relation to stormwater and flooding matters.
 7. Waste servicing should not occur on Gum Tree Lane: Too steep and narrow No footpath No lighting Safer for waste collection to occur via 	Council agrees that waste servicing should not occur on Gum Tree Lane. A condition will be imposed on any consent to be issued for waste servicing to occur on the Pass Avenue frontage of the development as discussed in Section 2.4 (Chapter E7 WDCP 2009).
Pass Avenue frontage of the site.	-
8. Will set a precedent.	The proposal will not set a precedent as any similar proposal would be assessed on its merit.
 9. Specific issues raised by No. 16 Gum Tree Lane: Gate and bin storage area on No. 16 Gum Tree Lane currently encroaches onto subject site and will need to be partially demolished as a result of the development. Demolition and rebuilding of retaining walls on western boundary will affect No. 16 Gum Tree Lane as the wall adjoins and provides privacy to neighbours courtyard. 	There appears to be an encroachment of structures of 16 Gum Tree Lane onto the subject site including gate, concrete slab and possibly steps. This is a utility area to the side of the neighbouring dwelling that accommodates bin storage and gas bottle storage area. This area is likely to be affected by the proposal as the gate and concrete slab on No. 16 Gum Tree Lane would need to be partially removed as it extends into the subject site in the location of proposed drainage lines. This is considered to be separate to the scope of the DA as it is a civil matter between the two land owners. The existing brick wall on the western boundary – see Survey Plan attached, is proposed to be demolished and replaced with a similar height brick wall with privacy screen on top. The brick wall currently provides privacy to the neighbouring property No. 16 Gum Tree Lane's courtyard. The proposed replacement wall is considered to have been designed appropriately to maintain privacy to their courtyard.

Frequency of Issues Raised:

First Round of Notification:

Issue No.	1	2	3	4	5	6	7	8	9
Frequency	9	14	5	6	8	4	0	2	1
Second round of notification:									
Issue No.	1	2	3	4	5	6	7	8	9

Issue No.	1	2	3	4	5	6	7	8	9
Frequency	2	6	7	5	9	3	3	1	1

1.6 CONSULTATION

2.1.1 INTERNAL CONSULTATION

Council's Development Engineering, Geotechnical, Landscape and Traffic Officer's have reviewed the application and provided conditionally satisfactory referral advice.

2.1.2 EXTERNAL CONSULTATION

Not required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

2.2.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 - REMEDIATION OF LAND

Clause 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,

(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.

A review of Council records does not indicate any previous historic use that would contribute to the contamination of the site. The land has only been used for residential purposes and does not propose a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

2.2.2 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: 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 (Cert. No: 907530M_02 dated 26 July 2018) in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

2.2.3 SEPP (VEGETATION IN NON-RURAL AREAS) 2017

Under Clause 7 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 a person must not clear any vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.

Clause 9 of Part 3 indicates that this Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.

The subject site is zoned R2 Low Density Residential Zone, a non-rural area. It is considered that the vegetation proposed to be removed is vegetation declared by a development control plan, WDCP 2009 Chapter E17, to which Part 9 would apply.

Council's Landscape Officer has reviewed the application submission and provided conditionally satisfactory referral advice.

2.2.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives as it provides for the housing needs of the community within a low density residential environment. The proposal is considered to be 'low density' as it complies with the maximum 0.5:1 floor space ratio and two storey/9m height limit of the R2 Zone.

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

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

The proposal is categorised as a *dual occupancy* as defined below and is permissible in the zone with development consent.

Clause 1.4 Definitions

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of *dual occupancy*—see the definition of that term in this Dictionary.

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.

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

(c) dual occupancies

Subdivision is not specifically defined within the Plan. Clause 4B of the Act however defines the 'subdivision of land' as the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:

• by conveyance, transfer or partition, or

• by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

The proposal falls within this definition.

<u>Clause 2.6 Subdivision – consent requirements</u>

Land may be subdivided, but only with development consent.

Clause 2.7 Demolition requires development consent

Demolition is permitted with development consent.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The Lot Size Map for the R2 Low Density Residential zone prescribes a minimum lot size of 449m². The proposal is a four phased development:

Phase 1 – Demolition of existing buildings and outbuildings and tree removal,

Phase 2 – Torrens title subdivision of the parent lot to create two (2) lots as follows:

- Proposed Lot 1: 524.8m2 lot with frontage to Pass Avenue;
- Proposed Lot 2: 598.6m2 lot with frontage to Gum Tree Lane;

Phase 3 – Construction of two (2) x two-storey attached dual occupancies on each proposed lots 1 & 2;

Phase 4 – Torrens title subdivision of each new lot to create four (4) lots as follows;

- Proposed Lot 101: 274.4m2;
- Proposed Lot 102: 250.3m2;
- Proposed Lot 201: 305m2;
- Proposed Lot 202: 293.6m2

Phase 2 complies with the minimum 449sqm minimum lot size however Phase 4 does not comply. However, clause 4.1(4C) prescribes that the clause does not apply in relation to the subdivision of land in a residential zone if there is an existing dual occupancy.

As the proposal is for the construction of two (2) x attached dual occupancies on each of the lots created under the initial Torrens subdivision, this matter can be managed via a condition of consent restricting the subdivision after the Occupation Certificates have been issued for the dwellings.

Clause 4.3 Height of buildings

The proposed maximum building height of 8.6m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

1 - + 1.

The Floor space Ratio map sets a maximum FSR of 0.5:1 in the R2 Zone.

Phase 2: Initial two lot subdivision and Phase 3: Construction of dual occupancy on each lot

Site area:	524.8m²
GFA (Unit A1 & 2)	246.6m²
FSR:	246.6/524.8 = 0.47:1 complies

Lot 2:	
Site area:	598.6m²
GFA (Unit B1 & B2)	291.7m²
FSR:	291.7/598.6 = 0.49:1 complies

Phase 4: Two lot subdivision of each dual occupancy (four lots in total)

Lot 101:	
Site area:	274.4m²
GFA (Unit A1):	123.3m²
FSR:	123.3/274.4 = 0.45:1 complies
Lot 102:	
Site area:	250.3m²
GFA (Unit A2):	123.3m²
FSR:	123.3/250.3 = 0.49:1 complies
Lot 201:	
Site area:	305m²
GFA (Unit B1):	145.85m²
FSR:	145.85/305 = 0.48:1 complies
Lot 202:	
Site area:	293.6 m ²
GFA (Unit B2)	145.8m²

Part 7 Local provisions – general

FSR:

Clause 7.1 Public utility infrastructure

The development is adequately serviced by electricity, water and sewage services.

Clause 7.3 Flood planning area

Council records list the site as flood risk affected (uncategorised). Council's Development Engineer has reviewed the application and did not raise any concerns providing conditionally satisfactory referral advice.

145.8/293.6 = 0.5:1 complies

Clause 7.4 Riparian Lands

The objective of the clause is to ensure that development does not adversely impact upon riparian lands. The watercourse traversing the site has been piped. No natural riparian features are present on site. No referral to Council's Environment Officer was deemed necessary for this application.

Clause 7.6 Earthworks

The proposal involves some filling of the site in the vicinity of the Gum Tree lane boundary to provide a platform for vehicular access. The earthworks however are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land.

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

None.

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

2.4.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP – Chapter B1 WDCP 2009

Under Clause 8 of Chapter A1 Council may consider variations to the requirements of the WDCP. Variation to development control will be considered on a case by case basis and will only be considered where written justification is provided to the satisfaction of Council, that the objectives of the development control have been achieved. The applicant's Variation Request Statements are provided at Attachment 3.

Variation to Clause 4.1 Number of Storeys

Section 4.1.2.4 of Chapter B1 requires that where development occurs within 8m of the rear setback, development is limited to single storey. The first floor of Unit A1 and A2 is setback 6.84m and 5.14m respectively.

Applicant's Justification:

A Variation Statement is submitted on the grounds that:

- The proposal is designed to minimise privacy impacts between the dwellings within the development through the use of highlight windows on the rear elevation of Units A1 and A2 and no living rooms on the rear elevation of Units B1 and B2.
- No adverse overshadowing impact to neighbouring properties.

Comment:

The variation has been considered and is supported for the reasons stated above.

It is noted that Units A1 and A2 have a large front setback of 12.7m due to the proposed drainage easement. This has pushed the building back towards the rear boundary of Lot 1. However it is considered the proposal has been designed to minimise the extent of the variation by providing a modest first floor plate with all bedrooms and the main bathroom being provided at ground floor level.

Variation to Clause 4.5 Landscaped Area

Section 4.5.2.3 of Chapter B1 requires that at least 50% of the landscaped area must be located behind the building line to the primary road boundary. A variation is sought to vary the percentage of the landscaped area behind the building setback line to 21% for Lot 1 or 27% and 13% respectively following the two lot torrens title subdivision of the dual occupancy Units A1 and A2.

Applicant's Justification:

A Variation Statement is submitted on the grounds that the total landscaped area required for the lot 1 and Units A1 and A2 complies however the majority is provided within the front setback.

Extensive landscaping is proposed to separate the two residences and the proposed dense deep soil planting located to the street frontage of Pass Avenue will mitigate views into the new development from the street.

Comment:

The variation has been considered and is supported for the reasons stated above. The overall landscaped area for Lot 1 and Units A1 & A2 complies however it is disproportionately provided in the front portion of the site due to the dwellings being pushed back behind the proposed drainage easement and the larger ground floor plate as compared to upper floor plate which has been designed to minimise the variation to the single storey height limit within 8m of the rear boundary. On balance it is considered satisfactory given there is a 3m wide deep soil zone located at the rear of Units B1 & B2 which will provide ample screening between each dual occupancy site.

Variation to Clause 4.10 Car Parking and Access

Section 4.10.2.10 requires a maximum cross-over width of 3m for driveways. The driveway on Gum Tree Lane frontage is 10.3m wide.

Applicant's Justification:

A Variation Statement has been submitted on the grounds that:

- The proposal does not impact on street parking as there is currently no street parking on Gum Tree Lane.
- The widening of the crossover will enable cars to circulate effectively into the carparking as the Lane is narrow and some circulation will be required to take place on site.
- There will be no adverse effects on the appearance or function of the lane and the increases crossover will enable visitor cars to park on site and to not obstruct the traffic within the lane.
- The proposed development will significantly improve the streetscape address to Gumtree Lane by removing the inconsistent walls on the Gumtree Lane boundary and providing the potential landscape relief along the lane way.

Comment:

The variation has been considered and is supported. It is acknowledged that the driveway crossover is wider than usually permitted for a double driveway however as the wider driveway crossover width will provide greater manoeuvring area and will allow visitors to park in front of the garage. A landscape bed is provided at each side of the driveway which will minimise the visual impact of the hardstand area.

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 as a BASIX certificate has been submitted detailing the energy and water saving targets that will be implemented in the development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

Controls/objectives	Comment	Compliance
 4.1 Maximum Number of Storeys R2 Zone maximum height of 9m or two storeys 	Two storeys and 8.6m.	Yes

•	Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties	The built form is considered to be appropriate for the sloping site. The proposed development has addressed the site constraints and will have minimal impact on the privacy and amenity of the adjoining properties.	Yes
•	In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey	Unit A1: Two storeys within 6.84m from the rear boundary. Unit A2: Two storeys within 5.135m from the rear boundary Unit B1: 10.3m Unit B2: 8.9m A Variation has been considered and supported for Units A1 & A2 as discussed in Chapter A1.	No No Yes Yes
<u>4.2</u>	Front Setbacks		
•	 Infill 6m min but less dependent on street character 	Unit A1: 14.7m	Yes
		Unit A2: 12.7m	Yes
	Garages and carports 5.5m min	All carports and garages are setback more than 5.5m to allow a visitor to park on the hardstand in front of the carports/ garages. There is a point encroachment on the garage of UB1 where it is setback 5.41 however it does not affect the ability to park a vehicle in front of the garage.	Yes
<u>4.3</u>	Side and Rear Setbacks		
•	Wall Setback: 0.9m min	All side, rear and eaves setbacks	Yes
•	Eave Setback: 0.45m	comply.	
•	Rear Setback 0.9m	The reasonable has been designed to	
•	Walls over 7m to be setback 3m.	minimise overlooking to the side	
•	Walls > 7m high setback 3m minimum	boundary through the use of	
•	Balconies and windows to habitable rooms to be designed to minimise overlooking	windows and privacy screens.	
4.4	Site coverage		
•	Maximum 55% of the area of the lot for	Phase 2 and 3:	
	sites less than 450m2.	Proposed Lot 1: 164*/524.8 = 31%	Yes

	Proposed Lot 2: 297*/598.6 = 35%	Yes
	Phase 4:	
	Unit A1: 82*/274.4 = 30%	Yes
	Unit A2: 82*/250.3 = 33%	Yes
	Unit B1: 105*/305 = 34%	Yes
	Unit B2: 105*/293.6 = 36%	Yes
	*Does not include the carports or decks in accordance with Clause 4.4.	
4.5 Landscaped Area		
Minimum 20% for site <600m ²	Phase 2 and 3:	
	Proposed Lot 1: 151/524.8 = 29%	Yes
	Proposed Lot 2: 173/598.6 = 29%	Yes
	Phase 4:	
	Unit A1: 88.5/274.4 = 32%	Yes
	Unit A2: 62/250.3 = 25%	Yes
	Unit B1: 92/305 = 30%	Yes
	Unit B2: 81/293.6 = 28%	Yes
• 50% of the landscaped area should be	Phase 2 and 3:	
located behind the building line	Proposed Lot 1: 32/151 = 21%	No
	Proposed Lot 2: 152/173 = 88%	Yes
	Phase 4:	
	Unit A1: 24/88.5 = 27%	No
	Unit A2: 8/62 = 13%	No
	Unit B1: 80/92 = 87%	Yes
	Unit B2: 72/81 = 89%	Yes
	A Variation has been considered and supported for the shortfall in landscaped area located behind the building line of Lot 1 and Units A1 and A2 as discussed in Chapter A1	
Integrated with drainage design	There does not appear to be any conflict between the Stormwater	Yes

		and Landscape Plans.	
<u>4.6</u>	Private Open Space		
• 24m ² of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.	24m ² of private open space must be directly accessible from the living areas;	Unit A1: Deck provided $24.75m^2$ with min width >4m.	Yes
	Unit A2: Deck provided $24.75m^2$ with min width >4m.	Yes	
		Unit B1 and B2: Two separate decks provided for each dwelling – one off the living room on the upper floor 16.4sqm in area and one approximately 19sqm in area off the family room on the lower floor. Total exceeds $24m^2$ with min >4m provided. The rear yard is too steep to be included in POS.	Yes
		Privacy screens provided to upper level balconies to ensure privacy to adjoining properties.	Yes
4.7	Solar Access		
•	Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June. At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21. Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21	The submitted shadow diagrams demonstrate compliance with this Clause for minimum 3 hours of dollar access to the neighbouring properties living room and 50% of private open space. The site is oriented north-south with adjoining properties east & west affected late afternoon & early morning respectively.	Yes
<u>4.8</u>	Building Character and Form		
•	Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context	It is considered the design and siting of the proposed dwellings responds adequately to the site	Yes
•	New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.	context. The proposal has taken the site constraints into consideration including the natural depression near the Pass Avenue frontage and the sloping land near	
•	All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.	the Gum Tree Lane frontage. The proposal is contemporary design however the area is	
•	Where garages are proposed on the front elevation they must be articulated from	characterised by a mix of single storey to two storey dwelling- houses with both of traditional and	

the front façade.	contemporary construction. It is likely the older housing stock will be modernised over time.	
	The proposed dwelling frontage and entry to each dwelling adequately addresses the street frontages.	
	Garages are articulated from the front facade.	
<u>4.9 Fences</u>		
 Fences must be constructed to allow natural flow of stormwater or runoff. 	1.8m high colourbond side and rear boundary fence is proposed.	Yes
• Fences within front and secondary building lines should be mainly constructed of	No fencing in front of the building line proposed.	Yes
 Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height 	Existing brick wall to the rear of the existing garage on the boundary with 16 Gum Tree Lane is proposed to be demolished. The neighbouring property No. 16 has requested this be replaced with a similar block wall of similar height and materials as the block wall currently provides privacy to their courtyard.	Condition
4.10 Car parking and Access		
 2 spaces per dwelling with a GFA of greater than 125m² 	Parking complies. Units A1 and A2 < 125sqm and require one parking	Yes
 Car parking spaces may be open hard stand space, driveway, carport or a garage. 	space and are designed with a single carport. Units B1 and B2 >125sqm requires 2 parking spaces and have a single garage and single carport each.	
• Garage door facing roads—not greater than 50% of the width of the dwelling.	None of the dwellings exceed 50% garage door width.	Yes
 Garages must be setback min of 5.5 from front boundary. 	All carports and garages are	Satisfactory
 Driveways shall be separated from side boundaries by a minimum of 1m. 	setback at least 5.5m except for minor point encroachment as discussed above.	
 Driveways shall have a max cross-over width of 3m. 	Driveways are separated by at least 1m wide landscape strip along each boundary.	Yes
	Driveway on Pass Avenue frontage is 3m wide.	Yes
	Driveway on Gum Tree Lane frontage is 10.3m wide. A variation has been considered and is supported as discussed in Chapter	No – however variation

		A1.	supported.
<u>4.1</u>	1 Storage Facilities		
•	Units A1 & A2: 3 bedroom- 10m ³ storage volume to 5m ² storage area	Ample storage provided.	Yes
•	Units B1 & B2: 4 bedroom- 10m ³ storage volume to 5m ² storage area		
<u>4.1</u>	2 Site Facilities		
•	Letterboxes in an accessible location	Condition may be imposed.	Yes
<u>4.1</u>	3 Fire Brigade Servicing		
•	All dwellings located within 60m of a fire hydrant	There is a hydrant in front of the neighbouring property No. 15 Pass Avenue which is within 60m of all dwellings. There is also a hydrant in front of No. 5 Pass Avenue which is located at the western end of the laneway which could also be utilised.	Yes
<u>4.1</u>	4 Services		
•	Encourage early consideration of servicing requirements	Site adequately serviced.	Yes
<u>4.1</u>	6 View sharing		
•	To protect and enhance view sharing, significant view corridors A range of view sharing measures to be considered for building design	A submission has been received from the neighbouring property No. 16 Gum Tree Lane to the west with concerns that the proposal would result in loss of views.	Satisfactory
		Views are currently enjoyed from both a sitting and standing position in the living room and upper floor balcony of the neighbouring property. The residents have local views and ocean glimpses in an easterly and north-easterly direction.	
		The applicant provided details to demonstrate that the proposal would not have an adverse impact on views from No. 16 Gum Tree Lane as the ridgeline of the proposal is below the neighbouring property's living room window and below the floor level of the neighbouring property's upper floor balcony (see Attachment 4). A View Impact Assessment Report	

		was not warranted in this case. Council is satisfied that the proposal would have minimal impact on views from No. 16 Gum Tree Lane.	
4.17	'. Retaining walls		
•	No greater than:		
	 1m > 900mm from boundary; 	Retaining walls on the eastern and	Satisfactory
	 600mm within 900mm of boundary 	western side are proposed to be demolished and replaced at a similar height to resolve an existing encroachment of the retaining wall on the eastern neighbouring property No. 15A Pass Avenue and ensure the walls are structurally sound.	
<u>4.21</u> min	Additional controls for Dual Occupancies imum site width		
•	Provide sites adequate for buildings, car parking, POS, landscaping	Site considered adequate to accommodate the development.	Yes
•	Sites must not be significantly constrained by flood, geotechnical or other environmental hazards	Site is constrained by flood and geotechnical hazards. However these constraints will not impede the development.	Yes
•	15m minimum	15.24m.	Yes
<u>4.22</u> _bu	Additional controls for Dual Occupancies ilding character and form		
•	Controls for garages proposed on the front elevation – articulation	Garages are articulated.	Yes
<u>4.23</u> Dee	Additional Controls for Dual Occupancy's – p Soil Zones		
•	A minimum of half of the landscaped area	Phase 2 and 3:	
	must be provided as a deep soil zone (min.	Lot 1: 105/151 =69%	Yes
	Sin width).	Lot 2: 110.5/173 = 64%	Yes
		Phase 4:	
		Unit A1: 60.5/88.5 = 64%	Yes
		Unit A2: 50/62 = 80%	Yes
	The deep coil zone shall be dependent	Unit B1: 49/92 = 53%	Yes
•	planted with trees and shrubs.	Unit B2: 58/81 = 71%	Yes
		There are no structures within the DSZ.	

CHAPTER B2 – RESIDENTIAL SUBDIVISION

Controls/objectives	Comment	Compliance
5 Subdivision design - topography, natural landform & significant vegetation		
Topography/landform taken into consideration	The proposal involves re-subdivision of an existing lot.	Yes
	The proposal retains some significant vegetation.	
<u>6 Subdivision lot layout – aspect & solar</u> access orientation		
East-west axis lots preferred	North-south axis	No*
Minimum 15m width	Unit A1: 7.62m	No*
	Unit A2: 7.62m	No*
	Unit B1: 7.62m	No*
	Unit B1: 7.62m	No*
	*Considered acceptable as built development included as part of application. No variation statement considered warranted.	
7 Minimum allotment size requirements		
As per Lot Size Map; minimum 449m ²	See Clause 4.1 WLEP 2009.	No*
	Phase 2 complies with the minimum 449sqm minimum lot size however Phase 4 does not comply. *This can be managed via a condition of consent restricting the subdivision after the Occupation Certificates have been issued for the dwellings.	
<u>8 Lot width & depth requirements</u>		
Minimum 15m width	Lot 1: 15.24m x 31.279m-37.565m	Yes
Minimum 25m lot depth	Lot 2: 15.24m x 37.543m-40.751m	Yes
	Following two lot subdivision of each dual occupancy:	
	Lot 101: 7.62m x 37.568m	No*
	Lot 102: 7.62m x 31.279m	No*
	Lot 201: 7.62m x 40.751m	No*
	Lot 202: 7.62m x 37.543m	No*
	*Considered acceptable as built development included as part of application. No variation statement considered warranted.	

Controls/objectives	Comment	Compliance
10 Building envelopes		
Min 15m x 10m	Not applicable.	N/A
33 NSW fire brigade access - fire hydrants		
Within 60m of development	See Clause 4.13 Chapter B1.	Yes

CHAPTER D1 – CHARACTER STATEMENTS

<u>Thirroul</u>

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

The proposal will be in keeping with the character of residential housing in Thirroul which is characterised by a mix of single storey and two storey dwelling-houses with both of traditional and contemporary construction.

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

Access and parking is provided in accordance with this Chapter.

Dwellings fronting Pass Avenue are less than 125sqm in floor area and require one parking space and a single carport is provided for each dwelling. The dwellings fronting Gum Tree Lane are over 125sqm in floor area and require two parking spaces. These dwellings are provided with a single garage and single carport each.

A number of submissions were received with concerns with the traffic impact of the proposal.

A Traffic Report was submitted which has been reviewed by Council's Traffic Officer.

The Traffic Report concluded that:

- The proposal is well located close to public transport.
- The development will generate 'insignificant' total peak hour and daily trips:
- 2.6 total peak hour trips or 26 total daily vehicle trips which represents 1 vehicle every 23 minutes during each peak hour or 1 trip every 28 minutes.
- Only two of the units front Gum Tree Lane the traffic generated into and out of Gum Tree Lane is only half the peak hour and daily trips. The expected additional peak hour traffic in Gum Tree Lane is only 1 vehicle every 46 minutes and the additional daily traffic is only 1 vehicle every 56 minutes.
- On site parking is provided in accordance with Council requirements in Chapter E3 WDCP 2009. The width of Gum Tree Lane is approximately 3m and would allow access into the proposed parking spaces for the units fronting Gum Tree Lane.
- Car parking surveys were carried out on available on-street parking within 50-150m from the site that would be suitable for visitor parking as on-street parking is not available on Gum Tree Lane. The results of the survey showed that there was sufficient vacant parking available in the surrounding area for visitor parking.

It is also noted that the garages on Gum Tree Lane are setback 5.5m and allow at least one visitor to park on the hard stand in front of each garages.

 The Traffic Report confirms that the proposal complies with access and parking requirements of AS/NZS2890.1-2004 in relation to driveway width, grades and sight distance. (Pass Avenue – 70m to the east and 110m to the west based on 50km/hr speed and Gum Tree Lane – 40m to the east and 40m to the west based on 40km/hr speed. Council's Traffic Officer and is satisfied that low traffic and car parking demand generated by the proposed development is unlikely to impact on the local road network and that the access design and car parking provision meets AS2890.1 standards and Councils requirements.

CHAPTER E6: LANDSCAPING

A Landscape Plan has been submitted as required by this Chapter, prepared by a Certified Landscape Designer. Council's Landscape officer has assessed the proposal and is satisfied.

CHAPTER E7: WASTE MANAGEMENT

A Demolition Plan and Site Waste Minimisation and Management Plan provided as required by this Chapter outlining ways to minimise and manage waste during demolition/construction and operational waste.

The site is affected by a Waste Services Restriction as Gum Tree Lane is unsuitable for waste service vehicles.

The applicant proposes Units B1 & B2 fronting Gumtree Lane to have their bins collected at the western end of Gumtree Lane at the intersection with Pass Avenue as shown below:



Figure 5: Excerpt from Waste Management Plan – Applicants proposed Waste Servicing Collection Point

A Waste Management Report prepared by Auswide Consulting dated October 2018 was submitted in support of this proposal. Council has considered the Waste Management Report and does not support the proposal to wheel bins to the intersection of Pass Avenue and Gum Tree Lane as it is likely to adversely impact on the amenity of the properties No. 3, 5 and 23 Pass Avenue located near this intersection.

To address Council's concerns a condition will be imposed requiring waste collection for Units B1 and B1 to occur on the Pass Avenue frontage of the site in front of Units A1 and A2 via the creation of a right of footway as follows:

Creation of Rights of Footway

The creation of 1.0 metre wide rights of footway pursuant to Section 88B of the Conveyancing Act 1919 over proposed lot 1 and proposed Lots 101 and 102, in order to guarantee the provision of suitable waste collection from Pass Avenue for the proposed lots 2 and Lots 201 and 202. 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.

This would require a minor amendment to the Landscape Plan which can be managed via conditions of consent for details to be shown on the Final Landscape Plan prior to the issue of the Construction Certificate.

Chapter E12 - Geotechnical Assessment of Slope Instability

The site is affected by instability. Council's Geotechnical Officer has reviewed the application and has provided a conditionally satisfactory referral.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is flood affected. A Flood Study was submitted, dated 24 July 2018, prepared by Optima Consulting. Council's Development Engineering officer has assessed the application and is satisfied.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater from the development is proposed to be collected in rainwater tanks and discharged to the kerb via an OSD system. Council's Development Engineering officer has assessed the application and is satisfied.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

There are 6 trees on the site including a mix of native and exotics. An Arborist Report has been submitted which assessed the 6 trees as well as a Jacaranda Tree (identified in the Arborist Report as Tree 4) located on the adjoining property No. 11 Pass Avenue. The Arborist Report recommended removal of 5 trees on the site and retention of two trees - Tree 6 which is a 'Cheese Tree' as well as Tree 4 on the neighbouring property.

Council's Landscape Officer concurs with the Arborist's recommendations except also required one of the trees - Tree 2 'Areca Palm', to be transplanted elsewhere on the site. Conditions have also been imposed for compensatory planting for the 4 trees that are proposed to be removed.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves minimal earthworks to prepare the site for the development.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

No concerns are raised in regard to contamination.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The proposal involves demolition of all structures on site. The submitted Site Waste Management Plan identifies hazardous waste. Standard demolition and asbestos management conditions will be imposed on any consent to be issued.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

CHAPTER E23 RIPARIAN LAND MANAGEMENT

The site contains a watercourse however it has been piped. No natural riparian features are present on site. No referral to Council's Environment Officer was deemed necessary for this application.

2.4.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is >\$100,000 (\$753,000) and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

2.5 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

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

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

Not applicable.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

The site does not fall within the Coastal Zone. There is no Coastal Zone Management Plan currently applicable to the land.

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

Context and Setting:

The proposal is considered to be compatible with the character, context and setting of the surrounding low density residential area.

The proposal is contemporary design however the area is characterised by a mix of single storey and two storey dwelling-houses with both of traditional and contemporary construction. It is likely the older housing stock will be modernised over time.

Access, Transport and Traffic:

Access and parking provision is considered satisfactory. Council's Traffic Officer has reviewed the application and provided conditionally satisfactory referral.

Public Domain:

The proposal does not adversely affect the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water. The proposal is not envisaged to have unreasonable water consumption.

<u>Soils:</u>

The proposal is not expected to have negative impact on soils.

Air and Microclimate:

The proposal is not expected to have negative impact on air or microclimate.

Flora and Fauna:

The proposal involves tree removal as detailed in this report. Council's Landscape Officer has assessed the proposal and is satisfied subject to conditions including compensatory planting. The proposal involves site landscaping.

Waste:

The property has a 'waste services restriction' on Gum Tree Lane - see Section 2.4 of this report (Section Chapter E7 WDCP 2009).

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal. Council records list the site as flood affected (uncategorised). Council's Stormwater Officer has reviewed the application and did not raise any concerns providing conditionally satisfactory referral advice.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal. Council records list the site as unstable land affected. Council's Geotechnical Officer has assessed the proposal and is satisfied subject to conditions.

Safety, Security and Crime Prevention:

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

Social Impact:

The proposal is not expected to create negative social impact.

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The application does not propose any exceptions to development standards in WLEP 2009. The application does request variations to Council's WDCP 2009 as outlined above in Section 2.4.1.

Construction:

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

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The proposal is not expected to have negative cumulative impacts.

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See Section 1.5 above.

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

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

Some of the issues identified in submission though technically unresolved, are considered to have been adequately addressed by way of design changes or draft conditions. Any remaining issues are not considered sufficient to refuse the application.

It is considered the proposed development has been designed appropriately 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**

DA-2018/914 be approved subject to the conditions at Attachment 5.

5 ATTACHMENTS

- 1 Plans
- 2 Traffic Report
- 3 Applicant Variation Request Statements
- 4 View Impact Details
- 5 Draft Conditions



CLIENT: CGFF Pty Ltd

Rev. C

Scale Date 1:200 (A3) 03.07.18

E AREA	1123.4 sqm
DPOSED LOT A	524.71sqm
DPOSED LOT B	598.57sqm
DPOSED BUILDING AREA LOT A	246.7 sqm
DPOSED BUILDING AREA LOT B	291.7 sqm
DPOSED FSR LOT A	0.47:1
DPOSED FSR LOT B	0.487:1
TAL PROPOSED GROSS FLOOR AREA	528.4 sqm
DPOSED FSR (excludes garage area)	0.47:1
DPOSED SITE COVERAGE - LOT A	41.4%
DPOSED SITE COVERAGE - LOT B	35.5%
DPOSED LANDSCAPE AREA LOT A	131.1sqm (24.9%)
DPOSED LANDSCAPE AREA LOT B	184.9sqm (30.9%)
DPOSED ON SITE CARPARKING	6 spaces






















Date Issue Revision 26.07.18 A 08.10.18 B Issued for development approval Revised issue for development appro-

Develop My Land 🎻

ENTRY LEVEL RL 28.86

RL 29.215



PROJECT: 13 Pass Avenue THIRROUL					
DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS , TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT					
Drawing Name: Job No. Dwg.No					
SECTIONS B-B & C-C		DML 17/020	A-12		
CLIENT: CGFF Pty Ltd	Scale 1:200 (A3)	Date 03.07.18	^{Rev.} B		



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PROJECT: 13 Pass Avenue THIRROUL					
DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS , TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT					
Drawing Name:		Job No.	Dwg.No		
SHADOW DIAGRAMS JUN	JE 22	DML 17/020	A-09		
CLIENT: CGFF Pty Ltd	Scale 1:200@(A3)	Date 03.07.18	^{Rev.} A		





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PROJECT: 13 Pass Avenue THIRROUL					
DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS , TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT					
Drawing Name: Job No. Dwg.No					
SHADOW DIAGRAMS JUN	DML 17/020	A-10			
CLIENT: CGFF Pty Ltd	Scale 1:400 @ A3	Date 03.07.18	^{Rev.} A		





UB2

RL 25.450

RL 28.255

BCA COMPLIANT BALUSTRADE

28.790

422 1082283

Ь

LEVEL 1

LEVEL 2

7756+

1800 HIGH

FENCE

COLOURBOND

GARAGE

RL 29.215

GATE

MIN. 45L TREE

TO FRONT YARD

+29.125 CARPORT

CONCRETE-

STEPS & PATH



LEGEND

^{7,}% 0/

+ 24.40

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BOTANICAL

EXISTING LEVELS AND CONTOURS PROPOSED SPOT LEVELS

PROPOSED CONCRETE

DRIVEWAY & PATHS

PROPERTY BOUNDARY

PROPOSED PLANT SCHEDULE

TREES AND LARGE SHRUBS	
Acmena smithii	Lill
Archontophoenix cunnninghamiana	Ba
Angophora costata	Sm
Banksia integrifolia	Co
Banksia serrata	Olo
Cyathea australis	Tre
Elaeocarpus reticulatus	Blu
Grevillea 'Honey Gem'	Gr
Syzigium australe	Lill

SMALL SHRUBS AND ACCENT PLANTS Asplenium australaslcum Birds Next Fem Correa alba White Correa Correa 'Coastal Pink' Pink Correa Philotheca myoporoides Wax Flower Westringea 'Naringa' Coastal Rosemary Westringea 'Blue Gem' Coastal Rosemany

GROUND COVERS, NATIVE GRASSES AND SMALL ACCENTS Cenchrus purpurascens Swamp Foxtail Swamp Lily Flax Lily Flax Lily Kidney Weed Grevillea Mat Rush Lomandra 'Evergreen Baby' Dwarf Mat Rush Dwarf Mat Rush Mat-rush Mvoporum parvifolium Creeping Boobialla Viola hederaceae Native violet

NOTE: REFER ALSO TO STORMWATER CONCEPT PLAN BY OPTIMA ENGINEERING. LANDSCAPE PLAN HAS BEEN COORDINATED WITH STORMWATER CONCEPT PLAN

PLAN B: UNITS B1 AND B2

+23.2 LAWN

TIE RET. WALL

INTO EXISTING

MULCH UNDER-

EXISTING TREE

RET. WALL

DEER SOIL ZONE

Date Issue Revision 16.7.18 08.10.18

SNIOC

BATTER

SLOPE

Ĩa.

24.5+

+24.5

GROUNDCOVER

TO BOUNDARY

SCREENING SHRUBS

TO SIDE

+25.40

25 6

23.84

Develop My Land

Crinum penduculatum Dianella 'Emerald Arch' Dianella 'Little Rev' Dichondra repens Grevillea obtusifolia Lomandra longifolia Lomandra 'Tanika' Lomandra 'Katie Belles'

GUM

LETTERBOX

CONCRETE

29.215DRIVEWAY



 \otimes

MULCH TO AREA UNDER EXISTING TREES

RAILWAY SLEEPER STEP

CONCRETE PAVERS SET IN GROUNDCOVER

PROPOSED TIMBER SLEEPER **RETAINING WALL** 1800 HIGH COLORBOND FENCE IN 'MONUMENT'

PROPOSED DRAINAGE

PROPOSED MAILBOX

PROPOSED HOSEBIB

DEEP SOIL ZONE

COMMON NAME

ly Pilly ngalow Palm nooth Barked Apple oast Banksia d Man Banksia ee Fern leberry Ash evillea ly Pilly

LOT A TOTAL AREA = 524.75m2 LOT A LANDSCAPE AREA = 131.1m2 LOT A DEEP SOIL ZONE = 52.5m2 UNIT A1 TOTAL AREA = 274.41m2 UNIT A1 LANDSCAPE AREA = 78.92 UNIT A1 DEEP SOIL ZONE = 27.5m2 UNIT A2 TOTAL AREA = 250.38m2 UNIT A2 LANDSCAPE AREA = 52.2m2 UNIT A2 DEEP SOIL ZONE = 25.4m2 LOT B TOTAL AREA = 598.25m2 LOT B LANDSCAPE AREA = 184.9m2 LOT B DEEP SOIL ZONE = 59.9m2 UNIT B1 TOTAL AREA = 305m2 UNIT B1 LANDSCAPE AREA = 98.5 UNIT B1 DEEP SOIL ZONE = 30.5m2 UNIT B2 TOTAL AREA = 293.66 UNIT B2 LANDSCAPE AREA = 86.5 UNIT B2 DEEP SOIL ZONE = 29.4m2



PROJECT: 13 PASS AVENUE, THIRROUL

Drawing Name: LANDSCAPE PLAN	Job No. DML 17/020	Dwg.No L-01	
CLIENT: CGFF Pty Ltd	Scale 1:200 (A3)	Date 16/7/18	BRev.

Attachment 2 - Traffic Report



Tel: 02 8004 0460 www.auswideconsulting.com.au info@auswideconsulting.com.au ABN 18 162 361 042

TRAFFIC IMPACT ASSESSMENT

13 PASS AVENUE, THIRROUL NSW 2515

Residential Development

Prepared for	CGFF Pty Ltd
Date Prepared:	October 2018
Revision:	1.1
Wollongong City Council Application #:	ТВА



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Introduction

AusWide Consulting was commissioned by CGFF Pty Ltd to prepare a Traffic Impact Assessment for the proposed Residential development at 13 Pass Avenue in Thirroul, NSW 2515.

The subject site is located at the southern side of Pass Avenue and also fronts on to Gum Tree Lane at its southern boundary.

The proposed development consists of two subdivided lots, with twin 2 storey units on each lot, with associated parking garages or carports.

This report will assess the traffic impacts of this proposed development on the surrounding environment and the compliance of the proposed car parking with the Australian Standards and relevant clauses presented within the City of Wollongong Council Development Control Plan (DCP). In the course of preparing this assessment, the subject site and its environment have been inspected, plans of the development examined, and all relevant traffic data collected and analysed.

Background and Existing Conditions

Location and Land Use

The subject site was previously occupied by an existing residential dwelling. The proposal involves demolition of the existing building and the construction of twin occupancy two storey new buildings on each of the two lots on the site, with associated garage parking or car ports on the ground floor.

The subject site fronts on Pass Avenue at its northern end and fronts on Gum Tree Lane at the southern end. The site is situated within an established residential area and it is zoned as R2 Low Density Residential Zone in the Wollongong Council Planning Scheme 2009. The area in the vicinity of the subject site is primarily occupied by residential buildings near the subject site.

The site is located at the southern side of Pass Ave. There are many frequent connecting bus and Train services leaving from a short 5-minute walk from the site to Sydney CBD, providing residents with direct access to Sydney CBD and beyond.

Figure 1 shows the site from the local road network from a street map perspective.

Figure 2 presents an aerial photograph of the subject site and the surrounding areas.

Figure 3 presents a Street View of the site as seen from Pass Ave.

Figure 4 presents a Street View of the site as seen from Gum Tree Lane.





Figure 1: Location of the Subject Site on a Street map



Figure 2: Location of the Subject Site on Aerial View





Figure 3: Street view of the subject site from Pass Avenue



Figure 4: Street View of the site frontage from Gum Tree Lane



Public Transport

The subject site has convenient accessibility to a number of Train services. **Figure 4** shows the Southern Coast Train line route map from Sydney CBD to a stop at Thirroul Station, where the connecting D70 on demand service travels to the site. The D70 service stops at Lawrence Hargrave Dr after Prince St, which is only a 226m walk or 3 min walk to the site.

Table 1 below outlines the details of the Southern Coast Train services available to and from the City.

Train Services



Figure 4 is a map of the Southern Coast Train line to a stop at Thirroul Station and the connecting D70 Service

Table 1:	Southern	Coast	Train	Line	Service	Details

Direction	Days and Time	No. of services	Train frequency
City to Thirroul Station	Mon-Fri: 7am to 11pm	44	1 train/23min
	Sat/Sun: 7am to 11pm	44	1 train/33min
Thirroul Station to City	Mon-Fri: 7am to 11pm	31	1 train/23min
	Sat/Sun: 7am to 11pm	31	1 train/33min

Figure 5 below shows a map of the short walk fro the D70 Bus Stop to the site.





Figure 5 shows a map of the short walk fro the D70 Bus Stop to the site.

Bus Services

The Connecting Bus Route D70 is an On-Demand service to and from Thirroul Station, which stops on Lawrence Hargrave Dr after Princes Hwy within 362m or 5 minute walk of the site.

On average during week days there is one train approximately every 23 minutes arriving and departing from Sydney CBD. During weekends, Trains run at 33mins frequency.

As per the details presented in the section above, it is clear that the subject site is serviced by frequent train and fairly frequent bus services during weekdays and weekends, which are also easily accessible from the subject site



Traffic Impacts of the Proposed Development

The proposed development at the subject site includes construction of two new two storey buildings on two lots to form four apartments in total. There are 6 car spaces in the ground level garages and carports for the four apartments.

The subject site is categorised as residential development in Section 3.3.2 of NSW RTA Guide to Traffic Generating Development (2002) document. The following trip rates have been outlined in this document for 3 or more bedrooms per unit;

• Medium density residential flat building development:

- Daily vehicle trips = 5.0 to 6.5 per dwelling unit
- Weekday PM peak hour vehicle trips = 0.5 to 0.65 per dwelling unit

The calculation of peak hour trips and Daily trips from the apartment development and the Commercial unit are based on the NSW RTA rates is summarised in Table 2 below.

	RTA NSW TRIP RATES Peak Hour Trip Rate Daily Trip Rate			
PROPOSED USE			No. of Peak Hour	No. of Daily Trips
			Trips using max. rate	using max. rate
4 Dwelling Units	0.5-0.65/ Dwelling	5.0-6.5/Dwelling	2.6	26
TOTAL			2.6	26
	Equivalent t	otal trips	1 trip /23 min	1 trip/ 28 min

Table 2: Calculation of Trip Generation from the proposed development

Total peak hour trips generated by the proposed development= 2.6 trips maximum Total daily vehicle trips generated by the proposed development= 26 trips maximum

This number of trips during each peak hour is rather insignificant as it represents 1 vehicle every 23 minutes during each peak hour (assuming 100% in during the AM peak hour and 100% out during the PM peak hour.

The daily total traffic generated by this development at 26 trips equates to 1 trip every 28 minutes, when averaged over a 12hour day. This would have a less than minor effect on the daily traffic already present on Pass Avenue and other nearby roads.

As only two of the units will have vehicle access from Gum Tree Lane, the traffic generated into and out of Gum Tree Lane is only half of the above peak hour and daily trips. The expected additional peak hour traffic in Gum Tree Lane is only 1 vehicle every 46 minutes and the additional daily traffic is only 1 vehicle every 56 minutes, which is totally insignificant.

As such, it is clear that the additional development traffic represents a very small fraction of the existing traffic volumes and therefore the additional traffic generated from the proposal is unlikely to generate any material impact on the existing traffic operations in the vicinity.



Car Parking Assessment

On site car parking has been proposed for 1 carport space for each of the two units in Lot A, plus 1 garage space and 1 carport for each unit in Lot B at the subject site, on the ground level providing a total of 6 car spaces.

Gum Tree lane is about 3m wide. This would be sufficient to allow car access to the parking spaces for the two units in Lot B.

Full scale drawings of the proposed development are provided as part of the Development Application package and hence reference should be made to these drawings. Appendix A shows the ground floor of the proposed building and the car park layout.

City of Wollongong Council DCP 2009, Chapter E3, Car Parking Requirements

The car parking requirements for Dual Occupancy Dwelling developments are contained in Chapter E3 of the Wollongong Council Development Plan 2009.

Car parking provisions for residential development must be made as follows 1 space per unit less than $125m^2$ in area and 2 spaces per unit more than $125m^2$ in area;

Type of Development	Parking Requirement	Required Number of	Visitor Spaces
		Spaces	Required
2 units in Lot A, GFA =123.3m ² each	1/ Unit	2	0
2 units in Lot B, GFA =145.8m ² each	2/Unit	4	0
Total Spaces Required		6	0

Table 3: DCP Car Parking Requirements

From Table 4 above, the total DCP parking requirement is 6 spaces for the proposed development, making a total requirement of 6 spaces. It is proposed to provide a total of 6 spaces in the ground floor of the four units.

The proposed on-site spaces comply with the Council's parking requirement for this development.



Car Parking Spot Surveys

The site is located in a block designated as R2 Low Density Residential Zone in the Wollongong City Planning Scheme. On-Street spot car parking surveys were carried out on Pass Ave. Because Gum Tree Lane is too narrow to have on-street parking without blocking the road, parking surveys were carried out on the section of Pass Ave closest to Gum Tree Lane at 9am, 12noon and 6pm. The survey included on-street parking within 50m to 150m walking distance from the site, which would be suitable for visitor parking.

The spot parking survey results are summarised in Table 5 below. Figure 6 below shows the extent of the on-street spot parking survey.



Figure 6: Aerial photo showing the extent of the on-street parking survey Table4: Summary of spot survey of available on-street parking.

DATE: Thursday	No of	Occupancy at times		
27 September	Spaces	below		
2018	available	9am	12pm	6pm
Road				
Pass Avenue, South side	11	4	5	6
Pass Avenue, East side (Closest to Gum Tree Lane)	10	3	5	6
TOTAL	21	7	10	12
Minimum No. of Vacant Spaces		14	11	9

The results of the spot parking surveys show that the minimum number of vacant spaces on-street was between 9 and 14 spaces, which would be more than sufficient to cater for expected visitors, without affecting other users of on-street parking near the site.



Compliance of Access Driveway and Parking with AS/NZS2890.1-2004

1. Access driveway width

The access driveway width at both crossings is 3.0m wide which complies with the minimum domestic driveway width in the Standard.

2. Maximum driveway gradient

The gradient of the access driveway for the units in Lot A is= 2%

The gradient of the access driveway for the units in Lot B is= 5.3%-7% (Depending on the garage floor level).

The driveway gradients are well below the maximum gradient of 25% in the Standard.

3. Sight distance for vehicles

The observed sight distance for vehicles exiting the access driveways was:

Pass Avenue-70m to the east and 110m to the west. (50km/hr speed zone).

Gum Tree Lane- 40m to the east and 40m to the west (Assume vehicle speed of 40Km/hr due to narrow bendy road).

These sight distances all exceed the required distance for domestic driveways and therefore comply with the Standard.

4. Sight distance for pedestrians

The proposed buildings are set back from the street boundary at both driveway locations. There are no walls or solid obstacles blocking the visibility of pedestrians from the exiting vehicles.

Moving Garbage Bins from the site to collection point on Pass Avenue

This issue applies to residents of the units on Lot B who have access to Gum Tree Lane.

The average gradient of the road is 6.7% or 1 in 15 over a total walk distance of 90metres from the site to the collection point on Pass Avenue near the intersection with Gum Tree Lane.

Most Standards refer to 8% as an acceptable maximum grade for footpath so this street grade is considered acceptable to wheel a garbage bin up to the On-Street collection point.



Conclusions

Based on the assessment presented in this report, it is considered that:

- The proposed site is very well located to public transport services with frequent bus and train services within a short distance from the site.
- The proposed site will generate additional, but very low levels of trips (1 trip every 23 minutes) in the weekday AM and PM peak hours. The daily traffic generation from the proposed development is 26 trips per day, which equates to 1 trip every 28 minutes. These very low trips can be accommodated at the nearby roads and intersections without affecting intersection performance or increasing delays and queues.
- The expected peak traffic from the site with access to and from Gum Tree Lane is only 1 vehicle every 46 minutes, which is insignificant.
- The car parking assessment indicates that the provision of 6 car parking bays for the proposed residential development meets the parking requirement of the Wollongong Council DCP of 6 spaces.
- A spot parking survey on Thursday 27th September at 3 different times show that the minimum number of vacant spaces on street was between 9 and 14. This is more than sufficient to cater for visitor parking for the proposed development, without any significant effect on the existing users of the surveyed on-street parking spaces.
- The access way gradients and car space dimensions comply with the AS/NZS2890.1-2004 Standard for Residential parking.
- The street gradient on Gum Tree Lane is 6.7%, which is below the maximum acceptable footpath gradient. It is therefore suitable to wheel up garbage bins to the collection point.
- The sight distances for vehicles and pedestrians also exceed the minimum sight distance required in the AS/NZS Standard.

This report concludes that there are many traffic engineering reasons why a planning permit for the Proposed Residential Development at 13 Pass Avenue, Thirroul should be granted.



Appendix A: Proposed Site Plan (LOT A)



(LOT B)





Appendix B: Swept Path Diagrams

B85 Vehicle (Realistic min rac	lius) (2004)
~	1010
Overall length	4.910m
Overall length	4.910m
Overall width	1.870m
Overall length	4.910m
Overall width	1.870m
Overall body height	1.421m
Overall length	4.910m
Overall width	1.870m
Overall body height	1.421m
Min body ground clearance	0.159m
Overall length	4.910m
Overall width	1.870m
Overall body height	1.421m
Min body ground clearance	0.159m
Track width	1.770m
Overall length	4.910m
Overall width	1.870m
Overall body height	1.421m
Min body ground clearance	0.159m
Track width	1.770m
Lock to lock time	4.00sec







Attachment 3: Aplicant's Variation Request Statements (Excerpt from Statement of Environmental Effects)

VARIATION TO DEVELOPMENT CONTROLS DEVELOPMENT APPLICATION FOR DUAL OCCUPANCY RESIDENTIAL DEVEOPMENT

13 PASS AVENUE THIRROUL

VARIATION UNDER CLAUSE 4.6 WOLLONGONG LOCAL ENVIRONMENT PLAN 2009

The objectives of this clause are as follows:

- to provide an appropriate degree of flexibility in applying certain development standards to particular development.
- to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

A variation is permitted if It can be demonstrated that:

compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 DEVELOPMENT CONTROL

4.1 Number of Storeys

The objectives of the control

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.

Planning control 4.10.2.4:

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.

Response

The proposed unit A2 has a rear setback to from the second storey to the rear proposed property boundary to the south of 5.13m.

This residence does not have any living room windows located on the elevation adjoining the rear setback with a sill height under 1.8m so as to restrict any views into the rear yard of lot B2. There is one window located on the rear boundary with a 1m high sill. This window is located within the airlock to the powder room and this window is not within the direct view line of the occupants of the living room. Unit A1 & A2 have been sympathetically designed so as to not impact on the privacy or amenity of the residents of units B1 & B2 by not providing any living room windows looking onto or over the rear yards. The proposed shadow diagrams indicate that this variation will not impact the mid-winter solar access to units B1 & B2. 4.5 Landscaped area

The objectives of the control

To preserve and retain existing native trees and vegetation and encourage the planting of additional native vegetation.

To encourage the linkage of habitat corridors along the rear of sites.

To allow for increased water infiltration and minimise urban run-off.

To facilitate pleasant views from within dwellings and backyard settings.

To reduce privacy and amenity impacts at the rear of residential properties

Planning control 4.5.2.3:

At least 50% of the landscaped area must be located behind the building line to the primary road boundary.

Response:

A variation is sought to vary the percentage of the landscaped area behind the building setback line from 50% to 30%.

The total landscaped area required for the lot A unit A2 is 50sqm (52.2 sqm has been provided) of that 34.5sqm is located within the front building setback.

This application seeks to develop the southern portion of the lot also thus extensive landscaping is proposed to separate the two residences and the proposed dense deep soil planting located to the street frontage of Pass Avenue will mitigate views into the new development from the street.

The residence is designed with living areas facing north at the upper level and as such this landscaping within the front building setback will offer pleasant views for the future residents.

4.10 Car parking and Access

The objectives of the control

To provide car parking for residents.

To ensure that there is adequate provision for vehicular access and manoeuvring. To minimise the impact of garages upon the streetscape.

Planning control 4.10.2.10:

Driveways shall have a maximum cross-over width of 3 metres.

Response:

A variation is sought to provide a driveway crossover to Gumtree Lane more than 3m.

The proposed driveway crossover to Gumtree Lane is proposed to have a total width of 10.3m. The width of Gumtree Lane does not facilitate parking and as such the crossover will not impact on street parking within the Lane.

The widening of the crossover will enable cars to circulate effectively into the carparking as the Lane is narrow and some circulation will be required to take place on site.

There will be no adverse effects on the appearance or function of the lane and the increases crossover will enable visitor cars to park on site and to not obstruct the traffic within the lane.

The proposed development will significantly improve the streetscape address to Gumtree Lane by removing the inconsistent walls on the Gumtree Lane boundary (see figure 1) and providing the potential landscape relief along the lane way.



Figure 1. Existing frontage to Gumtree Lane

Attachment 4: View Impact Details



Photo taken from living room of No. 16 Gum Tree Lane looking east/north-east



Attachment 5: Draft Conditions

1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No DML 17/020 Drawing A-02-A and A-05-A dated 26 July 2018, A-03-B, A-06-B, A-07-B and A-12-B dated 8 October 2018 and A-01-C, A-04-C and A-08-C dated 12 November 2018 prepared by Develop My Land and Job No 17554/0 Drawing 17554/0-B dated 24 July 2018 prepared by C Robson and Associates Pty Ltd any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2 Geotechnical

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 24 January 2018 by Southern Geotechnics and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b Foundation systems are to be designed for Class P soils with all footings to be founded at least 500mm within the underlying very stiff natural clay as recommended by the geotechnical consultant.
- c All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- d Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
- e All stormwater and wastewater is to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.
- f 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.

3 **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.

4 Phased Development

The development is to be undertaken in four phases:

Phase 1: Demolition of existing buildings and outbuildings and tree removals.

Phase 2: Subdivision of the site into two Torrens title lots.

Phase 3: Construction of a dual occupancy on each lot.

Phase 4: Two lot Torrens title subdivision of each dual occupancy (total four lots).

A separate Construction Certificate may apply for Phases 2 - 4.

5 Building Work - Compliance with the Building Code of Australia

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

6 **Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including

compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

7 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.

8 Maintenance of Access to Adjoining Properties

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

9 Occupation Certificate

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

10 Tree Management

The developer shall retain existing trees indicated on Landscape Plan by Develop My Land Dwg. No. L-01 Issue B dated 8 October 2018 consisting of tree numbered 4 on adjacent property and 6. Total number: two (2 No.).

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

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

Tree Protection measures to be implemented including and not restricted to: site induction, compliance documentation, modified footings if required, 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.

The developer shall remove existing trees numbered 1, 3, 5 and 7. Total number: four (4 No.).

The developer shall transplant tree numbered 2. Total number: one (1 No.) to an appropriate location on site by an experienced and qualified contractor.

Prior to the Issue of the Construction Certificate

11 The Phase 2 two lot subdivision must be registered prior to the issue of the Construction Certificate for Phase 3. Evidence of registration must be provided to Principal Certifying Authority.

12 **Overland Flows from Adjoining Properties**

Stormwater flows from adjoining properties shall be accepted, contained and directed to the proposed stormwater management system on site. Finished ground/surface levels (including structures such as kerbs, walls etc.) shall be no higher than the existing upslope adjacent ground levels. Fences provided along the upslope boundaries shall include a suitable and continuous gap under the fence to allow for surface runoff. Overflow paths shall be maintained to cater for flows in excess of the capacity of the underground stormwater system.

13 The brick wall adjacent to the western site boundary, adjacent to the courtyard of 16 Gum Tree Lane, is to be demolished and replaced with a similar height wall of a similar materials.

14 Carport Design

The front and sides of the carports are not permitted to be enclosed so as to remain an open carport. Timber screening is permitted to the sides of the carports however the screening must be open slatted so as not to fully enclose the sides of the carport.

15 **Present Plans to Sydney Water**

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

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

Visit <u>www.sydneywater.com.au</u> or telephone 13 20 92 for further information.

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

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

17 Schedule of External Building Materials/Finishes

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) together with a sample board and an A4 or A3 sized photograph of the sample board shall be submitted for the separate approval of the Principal Certifying Authority, prior to the release of the Construction Certificate.

18 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; and
- 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.

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

19 **Car parking and Access**

The development shall make provision for a total of 6 car parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

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

21 Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs,

letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

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

23 Details of Proposed Pit and Pipeline

Details of the proposed connecting pipeline to the Council culvert, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation

24 Landscaping

The submission of a final Landscape Plan to the Principal Certifying Authority, 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 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; and;
- f deep soil zone to be mass planted with trees shrubs and groundcovers.
- g the landscape plan is to be modified to accommodate the one (1) m wide right of footway for waste servicing (Condition 89).

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.

- 25 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 26 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

27 Compensatory Planting

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, four (4 No.) 75 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Livistona australis* Cabbage palm tree, or Brachychiton acerifolius Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

28 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 Principal Certifying Authority 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 Principal Certifying Authority indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

29 Retaining Wall Structures

The proposed retaining wall(s) shall be constructed in accordance with Council's Retaining Wall Policy. This requirement is to be reflected on the Construction Certificate plans and shall be supported by a certificate from a structural engineer which confirms the structural adequacy of the proposed retaining wall structure(s) and compliance with Council's Retaining Wall Policy.

30 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 1m to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- 30.1 A plan of the wall showing location and proximity to property boundaries;
- 30.2 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;
- 30.3 Details of fencing or handrails to be erected on top of the wall;
- 30.4 Sections of the wall showing wall and footing design, property boundaries 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 and footing structure must be contained wholly within the subject property;
- 30.5 The proposed method of subsurface and surface drainage, including water disposal;
- 30.6 Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- 30.7 The assumed loading used by the engineer for the wall design.
- 30.8 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 Pier and Beam Footings Adjacent to any Drainage Easement

Buildings and structures (including brick fences) adjacent to easements 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.

32 **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-PropertyAddressing(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.

33 Street Trees

The developer must address the street frontage by installing street tree planting. The number and species for this development are two(2 No.) Tristaniopsis laurina 'Luscious' 200 litre container size, in accordance with AS 2303:2015 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. $3 \times 2400 \times 50 \times 50$ mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

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

34 Stormwater Drainage Design

A detailed drainage design for the development must be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The detailed design is to form part of the construction certificate drawings. 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, prepared by OPTIMA Consulting Engineers, Dwg No. OCE12890/C01/DA/D, issue D, dated 12 October 2018.
- b include details of the method of stormwater disposal. Stormwater from the development must be piped to the existing Council's culvert.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

35 Flood Level Requirements

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

- a Habitable floor levels must be constructed at a minimum of RL 22.30 metres AHD.
- b Car parking floor levels must be constructed at a minimum of RL 21.50 metres AHD.
- c Any portion of the building or structure below RL 22.30 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.

d The proposed Unit 1 and Unit 2 shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the PMF plus freeboard being RL 22.38 metres AHD or greater.

36 Retaining Wall on Common Boundary

Retaining wall on common boundary must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

The maximum height of a retaining wall located within 900mm of the adjoining boundary shall be 600mm unless approved within this Development Application.

37 Council Footpath Reserve Works

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 removed 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. Details and locations are to be shown on the Construction Certificate Plans.

38 Development Contributions

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$7,530.00 (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:

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE	
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1014046	• Credit Card	
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	CashCredit CardBank Cheque	
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)			

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

Prior to the Commencement of Works

39 Appointment of Principal Certifying Authority

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

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

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

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

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

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

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

41 Sign – Supervisor Contact Details

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

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

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

42 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.

43 Structural Engineer's Details

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

44 Enclosure of the Site

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

45 **Demolition Works**

The demolition of the existing dwelling, swimming pool and outbuildings shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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

46 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.

47 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.

48 Roof Dust

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

49 Waste Management

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 reusable materials.

50 Certification of Structural Adequacy - Building Walls/Structure

The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a

minimum of 300 mm below pipe invert level or founded on sound rock. The submission of certification from the structural engineer to the Principal Certifying Authority is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works.

51 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 Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

52 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.

53 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.

54 Tree Protection Implementation

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

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

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

55 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.

56 Footpath Levels

Where required to construct footpath paving for the entire frontage of the development or build up to the property boundary, footpath levels must be obtained from Council's Development Engineering Division prior to the issue of Construction Certificate. This can be achieved by filling out an Application for Footpath Levels form and payment of the relevant fee.

All such structures, finished floor levels and internal driveway slabs shall be constructed to these approved levels.

The longitudinal grade of the footpath must be parallel to the top of kerb level and all building entrance adjustments for level access to building floor levels must be developed within the private property of the building in accordance with the requirements of the latest versions of AS1428.1 (2009), the Building Code of Australia and the Disability Discrimination Act. No
adjustments to the uniform and even longitudinal grade of the footpath at the boundary line will be permitted for access points to buildings.

A copy of the approved levels shall be submitted to the Principal Certifying Authority prior to works commencing.

57 Application for Occupation, Use, Disturbance or Work on Footpath/Roadway

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

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

59 Relocation of State Survey Marks

In accordance with Section 24(1) of the Surveying and Spatial Information Act 2002 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 the NSW Government Land and Property Information.

60 **Dilapidation Report**

The developer shall submit a Dilapidation Report recording the condition of the existing streetscape and adjoining properties prior to work commencing and include a detailed description of elements and photographic record.

61 Works in Road Reserve - Minor Works

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

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

a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".

b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

During Demolition, Excavation or Construction

62 Support for Neighbouring Buildings

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

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

63 Survey Report

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

64 Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's existing stormwater drainage system.

65 No Adverse Run-off Impacts on Adjoining Properties

The design 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.

66 Prohibition of any Encroachment into Drainage Easement

No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.

67 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.

68 **Restricted Hours of Construction Work**

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

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

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

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

69 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.
- 70 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".

71 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 (<<u>http://www.safework.nsw.gov.au</u>>).

72 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 this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.

73 **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.

74 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."

75 Driveway Located over Drainage Easement

The proposed driveway shall be constructed in accordance with the approved structural plans to suit the existing surface levels on the site. The contractor shall ensure the driveway will not cause any adverse effects to the adjoining property or upon the subject land as a result of flood or stormwater runoff. Council will require the reconstruction of any finished driveway pavement that does not conform to the approved Construction Certificate plans or above requirements. This work shall be done at the developer's expense. Furthermore, in the event that access to the pipeline within the easement is required, the cost of restoring the driveway and surrounding area shall be borne by the property owner.

76 **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.

77 Screen Planting

To mitigate impact to adjoining dwelling a continuous hedge is to be established along central boundary for the length of property boundary of Units UA1 & UB1 and UA2 &UB2. Recommended species: Callistemon viminalis 'Slim', Photinia glabra Rubens, Viburnum tinus, Syzygium australe Aussie Southern, Syzygium, Resiliance', Viburnum odoratissimum Dense Fence or Waterbousea floribunda Sweeper

Minimum spacing 1000mm. Minimum pot size 5 lt.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

78 Pipe Connections

All pipe connections to existing stormwater drainage systems shall be constructed flush with the culvert wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

79 Fences

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

Prior to the Issue of the Occupation Certificate

80 Retaining Wall Certification

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

81 BASIX

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

82 Completion of Landscape Works

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

83 Structural Soundness Certification

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate and commencement of use. This report is required to verify that the Unit 1 and Unit 2 can withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) plus freeboard being RL 22.38 metres AHD.

Prior to the Issue of the Subdivision Certificate

84 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 Phase 4 Torrens Title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the subdivision certificate application.

85 Existing Easements

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

86 Existing Restriction as to Use

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

87 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.

88 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 the Land and Property Information Office.

89 Creation of Rights of Access for Waste Servicing

The creation of 1.0 metre wide rights of footway pursuant to Section 88B of the Conveyancing Act 1919 over proposed lot 1 and lots 101 and 102, in order to guarantee the provision of suitable waste collection from Pass Avenue for the proposed lot 2 and lots 201 and 202. 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.

90 Final Documentation Required Prior to Issue of Subdivision Certificate

The submission of the following information/documentation to the Principal Certifying Authority, 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 Original Construction Certificates and approved drawings (where issued by an accredited Private Certifying Authority);
- 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 four (4) 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).

Operational Phases of the Development/Use of the Site

91 **Operational Waste Servicing**

Operational waste bins (general waste, recycling and green waste) for Units B1 and B2 are to be stored on a location to the rear of Lot 2 or Lots 201 and 202. Weekly and fortnightly operational waste servicing is to occur on the Pass Avenue site frontage. Residents of Units B1 and B2 are to transport waste bins via a right of footway to a waste collection point on the street verge in front of Units A1 and A2. The bins must be returned to the waste storage location following collection.

92 Loading/Unloading Operations/Activities

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