

Wollongong Local Planning Panel Assessment Report | 14 November 2019

WLPP No.	Item 3
DA No.	DA 2019/445
Proposal	Demolition of existing structures and construction of new dwelling house, gazebo, fence and retaining walls
Property	Lot 7, DP 732449, 2-4 Reef Ave Wombarra
Applicant	Mr Thom Silvius
Responsible Team	Development Assessment & Certification - Building and Certification Team (GH)

Executive Summary

Reason for consideration by Local Planning Panel - *Advice*

The proposal has been referred to Local Planning Panel for advice pursuant to clause 2.19(1)(c) of the Environmental Planning and Assessment Act 1979.

Proposal

The proposal is for the demolition of existing structures and construction of a new dwelling house, gazebo, fence and retaining walls

Permissibility

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

Consultation

The proposal was notified in accordance with Council's Notification Policy and two submissions were received. These are discussed in Section 1.3 of this report.

Main Issues

The primary issue is a variation to the Foreshore Building Line.

The application is also referred to the Panel for comment as two internal referral groups have provided comments that are contrary to the recommendations of this report.

RECOMMENDATION

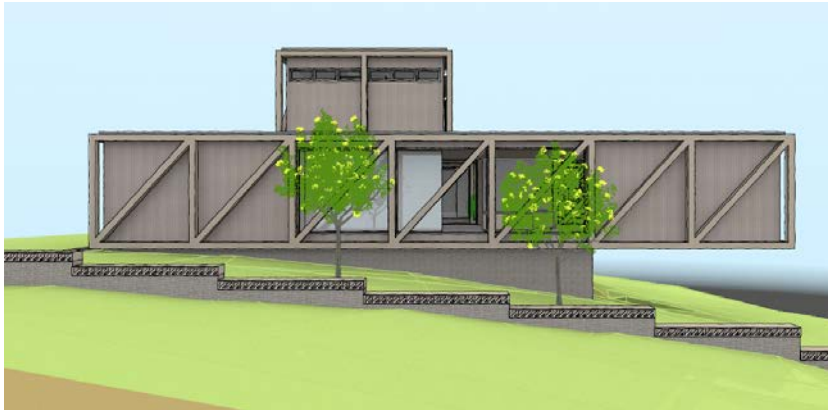
It is recommended that the application be approved subject to the draft conditions included in Attachment 5.

1 APPLICATION OVERVIEW

1.1 DETAILED DESCRIPTION OF PROPOSAL

The application comprises the following:

- Demolition of an existing single storey fibro dwelling
- Construction of a multi-storey dwelling (see below)
- Removal of a low stacked stone wall adjoining Reef Avenue
- Construction of a low masonry fence adjoining Reef Avenue
- No change to the existing low stone wall facing the coast
- Construction of a retaining wall to create a level area on the northern side of the dwelling
- Construction of a gazebo on the northern side of the dwelling



1.1 BACKGROUND – PREVIOUS PPLICATIONS

1. DA 1984/227 – 2 lot subdivision – Application withdrawn
2. TMO 2007/376 – Removal of four trees – Application approved
3. PL 2018/24 – Prelodgement meeting with a proposed purchaser to discuss a proposed subdivision – Advice given *“overall the site is not considered suitable for a three lot subdivision.....”*
4. PL 2018/219 - Prelodgement meeting attended by the applicant for the current DA and the applicant’s consultant Town Planner, Council’s Development Engineer and the author of this report. The meeting identified the main issues which needed to be addressed with any development application were;
 - a. Encroachment within the foreshore building line.
 - b. Land instability and coastal geotechnical risk
 - c. Flood related matters
 - d. View sharing / visual impact

1.2 SITE DESCRIPTION

The site is located at 2-4 Reef Avenue, WOMBARRA NSW (Lot 7 DP 732449).

The site has an irregular shape and occupies an area of 1441 m². It is an ocean front property situated on the northern side of Reef Avenue. The site has a fall of 8 metres from the South western corner to the North eastern corner.

Adjoining development is as follows:

- North: Intermittent watercourse along the northern boundary separates the site from the adjoining premises which contains a single storey brick dwelling having a tile roof.
- East: The site is separated from the beach and ocean by a band of coastal vegetation situated within an area of land approximately 30 metres wide and owned by the State of NSW.
- South: The site fronts Reef Avenue which separates the property from a newly constructed one and two storey weatherboard dwelling having a pitched metal roof at 1-3 Reef Avenue
- West: The Site adjoins 6-8 Reef Ave which contains a one and two storey brick dwelling having a pitched tile roof.

The locality is characterised by one and two storey residential dwellings with other dwellings in Reef Avenue having been constructed between 1977 and the current day.

Property constraints

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

Constraint	Response
Unstable land	Conditions provided by Council's Geotechnical Engineer
Acid sulphate soils	Condition imposed
Flooding	Conditions provided by Council's Stormwater Development Engineer
Ecological Sensitive Land-NR Biodiversity	Conditions provided by Council's Environmental Officer
Foreshore Building Line	Variation to FSBL proposed – <i>addressed in Section 2.1.4 of this report</i>
Coastal Hazards	Notations provided for inclusion on any consent
Right of Access	31.5m by 4m wide Right of Access along western boundary – proposal does not encroach on ROA



Figure 1: Aerial photograph – since this photo was taken a dwelling has been constructed directly opposite at 1-3 Reef Ave

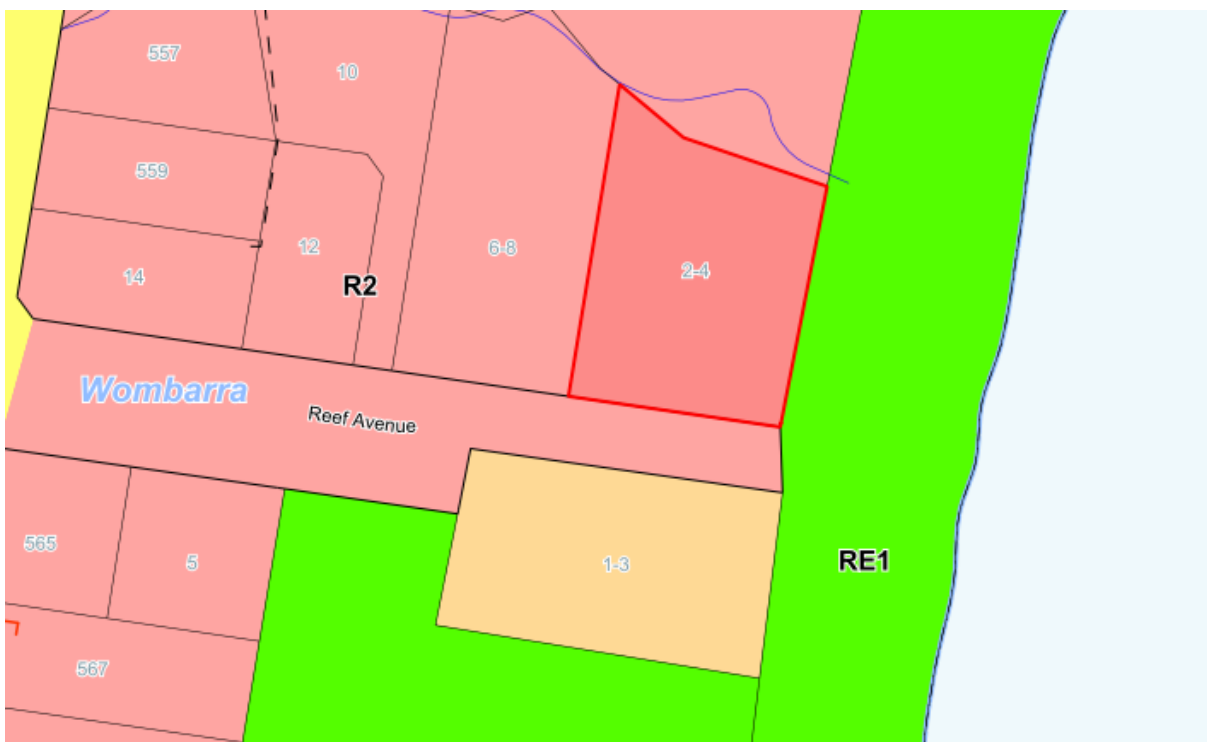


Figure 2: WLEP 2009 zoning map

1.3 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. Two submissions were received and the issues identified are discussed below.

No submissions were received from properties directly adjoining the Site.

Concern	Comment
Submission A	
Design is modern contemporary and should be assessed whether it satisfies description of “contemporary Australian coastal style as per DCP Chapter B1	Design is a contemporary design. It is considered to be consistent with the Character statement for Wombarra
Concern how SEE addresses design issues in DCP cl 4.8.2	SEE statements may provide a simplified justification with regard to various matters however it is considered adequate and the design is considered to satisfy the provisions of this clause.
Submission B	
Design not sympathetic to streetscape/does not integrate	Other dwellings in Reef Ave are predominantly brick and tile. See photos below. The proposal represents a contemporary design. The proposal is not the same as other development however it is sympathetic to the streetscape.
Bulky form creates large visual impact. From Reef Ave, beach and nearby properties	The proposal is less than half of the FSR permitted under the LEP. The height is less than the maximum height permitted under the LEP The design is such that it extends down the site thereby permitting a narrowing of the building to reduce the impact on views from properties up gradient. If a dwelling on the site was oriented across the site there would likely be a much greater impact on nearby properties. The dwelling occupies approx. half of the width only of the site.

Removal of stone wall – “historical” significance. Adds to street character	Heritage officers advise the stone wall is not a Heritage item. Heritage officers advise the wall is not proposed for Heritage listing. <i>See detailed comments in Section 1.4 of this report</i>
Height will block view corridor to east over ocean View should be considered with gradient	The design maintains view corridors. See sheets DA102 (View sharing plan) and DA102.2 (View sharing section) Any dwelling is likely to have some impact on views. The proposed impact on views is minimised by the design and is not unreasonable. See also comments re building form above. The height is lower than permissible under the LEP. View sharing plans verify the impact is not excessive. This is a “side view” over other properties (see comments in <i>Tenacity</i> summary regarding the value of side views) The down gradient view is impacted to some extent however the view available is extensive. <i>A dwelling oriented across the site and having a significantly greater impact could reasonably be considered in this location.</i>

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council’s Geotechnical Officer has reviewed the application and has provided a satisfactory referral. Conditions of consent were recommended and are included.

Stormwater Engineer

Council’s Stormwater Officer has reviewed the application and provided a satisfactory referral. Conditions of consent were recommended and are included.

Environment Officer	
<p>Part of the property is mapped <i>Natural Resource Sensitivity – Biodiversity</i>.</p> <p>As part of the assessment process the application was referred to Council’s Environmental Assessment Officer for comment regarding the potential impact on the area of site mapped <i>Natural Resource Sensitivity – Biodiversity</i>.</p>	<p>Environmental Officer advised the application is “satisfactory with conditions”</p> <p>Conditions have been included in the draft consent</p>

The officer also added an opinion on other matters. These comments are addressed below.	
Foreshore building line (FSBL) variation – Will not impact on natural foreshore processes but impacts on natural amenity of the coastal area	<p>See Section 2.1.4 of this report which addresses the proposed variation to the Foreshore Building line in detail.</p> <p>The proposal is not considered to “detract from the natural amenity of the coastal area”</p>
Appearance of proposal....is not compatible with the surrounding areadue to significant amenity concerns	<p>Existing dwellings in Coast Avenue are typically brick with a pitched tile roof as are common in dwellings constructed in the 70s 80s and 90s.</p> <p>The proposal is a contemporary design. The proposal is not the same as nearby dwellings however it is not incompatible with the surrounding development.</p> <p>The dwelling is designed such that it minimises the impact on the amenity of adjoining or nearby properties by maintaining or minimising the impact on view corridors.</p>
Negatively impact on visual amenity and scenic qualities of the coast, including coastal headlands..	<p>It is not envisaged that the design will have a negative impact on amenity or scenic qualities.</p> <p>The proposal occupies a comparatively narrow portion of the property frontage (19.8m only of the 37.7m frontage).</p> <p>The proposal is significantly lower across the frontage (approx. 6.6m) than is permissible under LEP and DCP provisions.</p> <p>The property is in a recessed area of coastline and not within close proximity to any coastal headland</p>
Heritage Officer	
<p>This application was referred to Council’s Heritage Officer for comment following receipt of a submission stating the stone wall had heritage significance.</p> <p>In addition to commenting on the stone wall the officer has provided an opinion on other matters. Comments are addressed below</p>	<p>The stone wall is not a Heritage item and is not proposed for Heritage listing</p>

<p>The stepped Masonry fence and retaining walls could simply use a more sympathetic material such as reclaimed stone from the existing walls or new sandstone to lessen impacts on the coastal character of the site, which is in a highly prominent position. I note that the dry stacked walls also continue west along Reef Street. Therefore masonry is not considered an appropriate material for the stepped fencing.</p>	<p>The application includes a stepped masonry wall along the street frontage having a height less than 1m at critical points.</p> <p>The applicant has expressed concern regarding the safety of the existing roughly assembled stone wall where stones have fallen from it.</p> <p>A low masonry fence will comply with Wollongong DCP Chapter B1 cl 4.9.</p> <p>A more onerous requirement is not justified in this instance.</p> <p>Heritage officers confirm the stone wall is not a Heritage item.</p> <p>In addition to a loose stone fence at 6-8 reef Ave other front fences in this street include;</p> <ul style="list-style-type: none"> • a high brushwood fence directly opposite at 1-3 Reef Ave • a painted picket fence 14 Reef Ave • an 800mm high concrete block retaining wall under construction at 5 Reef Ave. (approval for 430mm brickwork with 770mm powder coated aluminium panel above – DA 2014/795) <p>Legislation</p> <p>Clause 4.15 (3A) of the EP&A Act states that <i>if a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:</i></p> <p><i>(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development,</i></p>
<p>Dwelling is three storeys</p>	<p>See Section 2.3.1 of this report.</p> <p>Three storey portion is acceptable on this sloping site</p>

<p>Significant impact on coastal character of the streetscape and not supported from the Heritage perspective</p>	<p>See attached photos of other dwellings in Reef Ave.</p> <p>Dwellings are predominantly conventional brick and tile and do not appear to have Heritage significance.</p>
<p>Completely blank façade when viewed from western elevation</p>	<p><i>This is not a blank façade</i></p> <ul style="list-style-type: none"> • The centre (entry area approx. 6.5 wide) is recessed approx. 3.6m back from the western façade. • The upper level is stepped in approx. 3.6m back from the western façade. • The western façade will face the internal driveway and the adjoining dwelling • No concern has been received from the owner of that property
<p>Western elevation highly visible from West due to sloped nature of Reef St</p>	<p><i>The western elevation is not considered to be inappropriate.</i></p> <ul style="list-style-type: none"> • The street setback is the same as the setback of other dwellings in Reef Ave (6 metre) – see aerial photos. • The RL of the ridge of the proposed dwelling is RL 22.902. • The RL of the ridge of the adjoining dwelling (no 6 -8) is RL 22.50 (see survey KFW dated Jan 2019) on the single storey portion and 23.2 for the two storey portion. • The proposal will be 0.4m higher than the single storey and 0.298 lower than the two storey portion of the adjoining dwelling. • The ridge will be lower than the 9m height restriction under the LEP. • See also sheet RO3 (view from West) • The western façade will face the internal driveway and the adjoining dwelling. • No concern has been received from the

	owner of that property.
Significant visual impact on historic view lines from Lawrence Hargrave Dr to the ocean along Reef St	<p><i>Impact on view lines has been minimised and is considered to be acceptable.</i></p> <p>The proposal maintains the same 6m street setback as other development thereby maintaining view lines down Reef Ave.</p> <p>The upper level is set a further 3.5m in from the wall fronting Reef Ave (ie upper level is 9.5 m from street frontage). This further reduces any impact on view lines down Reef Avenue.</p> <p>The design of the dwelling is such that the impact on views from the balcony of the adjoining dwelling are minimised.</p> <p>See Sheet DA 102.4 – View from 6-8 Reef Ave Also sheet DA 102.3 view form 10 reef Ave</p> <p>Site lines including RLs are also provided on sheet DA 102.1</p>
Western façade should be articulated etc	The western façade <i>is articulated</i> at ground floor level and at the upper level.
Reference to minutes from Prelodgement meeting	<p>A prelodgement meeting was held with the applicant on 22 Nov 2018. This was also attended by the author of this report.</p> <p>Minutes show that the variation to the foreshore building line was identified as possibly a prohibitive matter.</p> <p>This comment was made by the author of this report.</p> <p>Having carried out a detailed assessment of the proposal, including consideration of all relevant matters, I am satisfied that a variation to the FSBL is justified in this instance for the following reasons;</p> <ul style="list-style-type: none"> • The FSBL is inconsistent in this area • The FSBL has been varied with a number of other nearby developments. • There is a very limited available building area on this site

	<ul style="list-style-type: none"> • Impacts on views have been minimised in the current design. • The proposal will occupy only 19.8m only of the 37.7m frontage.
Height poles	<p>Concerns have been expressed regarding height and view corridors.</p> <p>The applicant has been requested, and agreed, to provide height poles prior to the site meeting to assist the Panel to assess matters relating to height and view.</p>

1.4.2 EXTERNAL CONSULTATION

None required

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. No concerns are raised regarding contamination as it relates to the intended use of the land and the requirements of clause 7.

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

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

The BASIX certificate refers to NatHers certification. A NatHers certificate has been provided and the DA plans have been endorsed with stamp of the NatHers assessor.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

3 Aim of Policy

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- managing development in the coastal zone and protecting the environmental assets of the coast, and
- establishing a framework for land use planning to guide decision-making in the coastal zone, and
- mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

5 Land to which Policy applies

This Policy applies to land within the coastal zone.

7 Relationship with other environmental planning instruments

- (1) In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.
- (2) This Policy does not apply to land within the Lease Area within the meaning of State Environmental Planning Policy (Three Ports) 2013.

Part 2 Development controls for coastal management areas

Division 1 Coastal wetlands and littoral rainforests area

10 Development on certain land within coastal wetlands and littoral rainforests area

(Not applicable)

11 Development on land in proximity to coastal wetlands or littoral rainforest

(Not applicable)

Division 2 Coastal vulnerability area

Note. At the commencement of this Policy, no Coastal Vulnerability Area Map was adopted and *therefore no coastal vulnerability area has been identified.*

12 Development on land within the coastal vulnerability area

(Not applicable as above)

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - (b) coastal environmental values and natural coastal processes,
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (f) Aboriginal cultural heritage, practices and places,
 - (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
 - (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funneling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Division 5 General

15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

16 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

17 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or

- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.

18 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,
- (b) the coastal vulnerability area,
- (c) the coastal environment area,
- (d) the coastal use area.

A review of the SEPP's mapping extents identifies the subject site as being located within the coastal management area and coastal use area.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

On 30 October 2017, Council endorsed the final draft of the Wollongong Coastal Zone Management Plan for resubmission to the NSW Minister for Environment for certification. The draft Plan was certified on 20 December 2017.

At the Council meeting of 19 February 2018, Council resolved that the certified final draft be adopted. Council's Notice was published in the NSW Gazette No 25 of 9 March 2018 and a community briefing on the implications arising from Council adopting and gazetting the plan have been undertaken.

The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act any existing certified CZMP's continue in force until 2020.

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site and specifically the building envelope is impacted by coastal geotechnical risk.

Minimal adverse impact on the coastal environment is anticipated as a result of the proposed development.

Minimal adverse impacts on the development are expected as a result of coastal processes

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

2.1.4 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 defined as **dwelling house** which is permissible within the zone.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 8.4m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area: 1441 m²

GFA: 432 m²

FSR: 0.30:1 – complies FSR

Part 5 Miscellaneous provisions

Part 6 Urban release areas

Part 7 Local provisions – general

Clause 7.2 Natural resource sensitivity – biodiversity

The site is not identified as being affected by “Natural Resource Sensitivity – Biodiversity” on the Natural Resource Sensitivity – Biodiversity Map.

Council records indicate the site is affected by “Natural Resource Sensitivity – Biodiversity”. The application was referred to Council’s Environment Division to assess likely impacts of the proposal in this regard. Conditions of consent have been recommended. Comments by the Environmental officer are addressed in section 1.4.1 of this report.

Clause 7.3 Flood planning area

The site is identified as being affected by flooding.

Council’s Stormwater Engineer has assessed the application in this regard and has not raised any objections subject to appropriate conditions of consent.

Clause 7.5 Acid Sulphate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. A condition of consent has been included regarding management of acid sulphate soils.

Clause 7.7 Foreshore building line

The Site is subject of a foreshore building line. Mapping indicates the foreshore building line extends approximately 14 metres into the rear of the property. This is represented by shading on Council’s mapping.

A definitive dimension is not available.

Plans show the lower ground floor level is located a minimum 12.29m from the rear boundary however the Ground Floor level is 6.07m only from the rear.

The applicant’s SEE contends that as the Ground Floor level is elevated (not **on land**) there is no encroachment.

For the purpose of this assessment the term “on land” in the LEP is interpreted as being “on or over land”, the proposed building does encroach and as such it is assessed as a variation to this provision.

7.7 Foreshore building line

(1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.

(2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
- (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
- (c) development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).*

(3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:

- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and*
- (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
- (c) the development will not cause environmental harm such as:*
 - (i) pollution or siltation of the waterway, or*
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or*
 - (iii) an adverse effect on drainage patterns, and*
- (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and*
- (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
- (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
- (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.*

Comments

This site is subject to a number of site constraints which impact on the design of any building;

- The foreshore building line occupies approximately 40% of the site.
- The 6m street setback applicable to Reef Ave occupies approximately 199 m² or 14% of the site.
- The driveway to the adjoining property (within a 4m wide Right of Access) occupies a further 126 m² or 9% of the site.

This leaves approximately 37% of the site as an available building area.

Building across this area would significantly encroach on view corridors from properties on the western side.

To construct a dwelling of similar floor area within the available construction area would entail a far greater impact on the view corridors of the adjoining and other dwellings in the area.

Considering the location it cannot be expected that there will be no impact on other properties from the construction of a dwelling on this site.

The current design *minimises* the impact on view corridors from nearby properties.

Being narrower than the adjoining dwelling the proposal minimises the area obstructed and permits a view from their balcony. The roof is of a similar level to that of the adjoining dwelling.

FSBL Inconsistency

The proposal does significantly encroach on the foreshore building line (FSBL). A view of the FSBL imposed over an aerial photo of the area (see aerial photos below) demonstrates that the FSBL is not consistent along the coast.

In some areas the FSBL is 34m from the coast whereas in others it is up to 180 metres from the coast.

A review of aerial photographs with an overlay of the FSBL indicates that the FSBL was established as being across the rear of dwellings that existed at the time of establishment – it is notable by the inconsistency of its dimensions.

Aerial photos verify that the FSBL has already been varied in a number of areas.

Impact

The proposal will not impact on natural foreshore processes or affect the significance and amenity of the area.

The appearance of the proposal will be compatible with the surrounding area. It is not the same, but it will be compatible.

The design is a modern concept and the design steps down the site in sympathy with the topography.

The upper (topmost) level is located behind the foreshore building line and the façade contains significant articulation.

The proposal will not cause environmental harm, nor will it cause congestion or conflicts as described in CI 7.7

Continuous public access along the foreshore remains along the beach area.

It is considered that the proposal will not adversely impact historical, scientific, cultural social, archaeological, architectural natural or aesthetic significance of the land on which the development is to be carried out and surrounding land.

It is noted that submissions have been received regarding amenity. It is considered the proposal will not have an adverse impact on the amenity or aesthetic appearance of the foreshore. (See details of Submissions in relevant section).

The relatively narrow design will minimise the potential impact on view lines of the escarpment area as viewed from the coastal area.



Foreshore building line



Foreshore building line

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

NA

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

Variations to development controls in the DCP

The application involves a variation to the following provision of Chapter B1 (Residential Development) of the Wollongong DCP;

Clause 4.1 – Maximum number of storeys.

This provision of the DCP identifies that in R2 Low Density Residential land a building should not exceed two storeys.

The proposed dwelling contains three storeys.

This site has a fall of 8m diagonally across the site and a change of levels of approximately 3 metres down the building footprint.

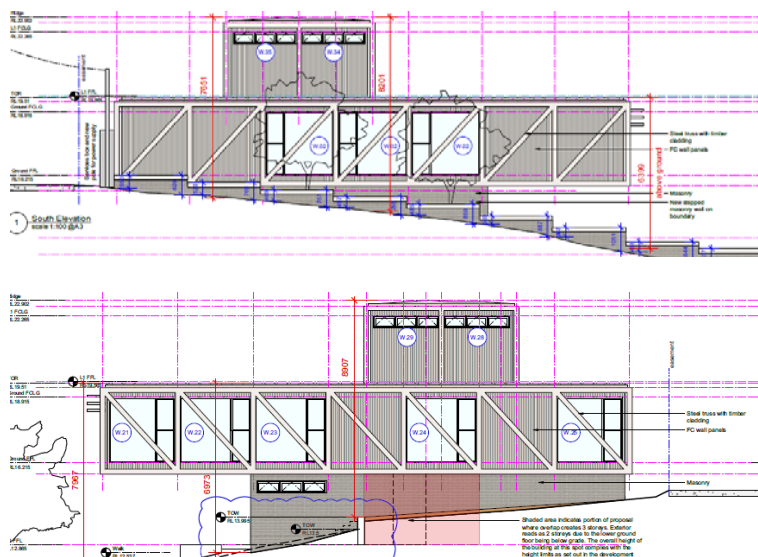
As the building descends the site the uppermost level overlaps the lowest level causing a 4.7m section to contain three storeys. Council approved variations to the three level provision of the DCP are not uncommon on sloping sites where the third level is formed by an overlap of levels.

The lower level at this point is partially below ground level.

The upper level is stepped back approx. 10.8 m from the foremost (ocean side) portion of the dwelling.

The upper level is set back approx. 3.5m in from both the southern face (Reef St) and northern faces of the building.

The building will only present as three levels when viewed “square on” to the East elevation. If there were no overlap in levels the appearance to the East would still be three levels – this is common on sloping sites.



The dwelling is approx. 600mm lower than is permissible under cl 4.3 of the WLEP 2009.

The external wall heights are significantly lower than is permissible under the DCP 2009.

It is recommended that this variation to the provisions of Clause 4.1 be approved.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

CONTROLS/OBJECTIVES	COMPLIANCE	COMMENT
4.1 MAXIMUM NUMBER OF STOREYS		
R2 zone - 9m - maximum 2 storeys	Variation satisfactory	<i>Dwelling contains three storeys</i> <i>Variation considered above</i> The proposal has been assessed against the relevant objectives and considered satisfactory
4.2 FRONT SETBACKS		
	Yes	Reef Ave setback: 6.0 to 6.14m
4.3 SIDE AND REAR SETBACKS		
	Yes	West side setback 5.3m North setback 13.5 to 20.2m East setback 6.0 to 7.1m
4.4 SITE COVERAGE		
	Yes	Approx. 0.25:1 (Max permissible site coverage is 0.4:1 as site area exceeds 900 m2)
4.5 LANDSCAPED AREA		
	Yes	Landscape area exceeds minimum requirement
4.6 PRIVATE OPEN SPACE		
	Yes	POS exceeds minimum requirement
4.7 SOLAR ACCESS REQUIREMENTS		
	Yes	Satisfactory
4.8 BUILDING CHARACTER AND FORM		
	Yes	The proposal has been assessed against the relevant objectives and considered satisfactory
4.9 FENCES		
	Yes	Very low stepped masonry fence along front boundary (sheet DA 108) complies DCP.

		No fences proposed to East, North or West boundaries
4.10 CAR PARKING AND ACCESS		
	Yes	Two car spaces provided within garage. Access complies AS 2890.
4.11 STORAGE FACILITIES		
	Yes	Adequate storage provided in design
4.12 SITE FACILITIES		
	Yes	Facilities available
4.13 FIRE BRIGADE SERVICING		
	Yes	Hydrant location: At front of property
4.14 SERVICES		
	Yes	Services are available
4.15 DEVELOPMENT NEAR THE COASTLINE		
	Yes	The proposal has been assessed against the relevant objectives and considered satisfactory Greater than 10m from beach Building front and rear setbacks maintain view corridors from dwellings and also from public areas
4.16 VIEW SHARING		
	Yes	The application has identified possible affected dwellings and considered the impact on ocean views. <i>A View Sharing Plan</i> is been provided to demonstrate where the proposal will impact on views, from which properties, and assesses the level of impact. <i>A View Sharing Section</i> is provided to demonstrate the impact of the height of the proposal on views from 6-8 & 10 Reef Ave. As noted in a submission views are

		<p>represented horizontally whereas a person may view downgradient. However the impact on views can be readily assessed in the plan provided.</p> <p>Architects representations of views from other properties have been provided and are included in Attachments.</p> <p>The adjoining dwelling (6-8 Reef Ave) will receive the greatest impact. The proposal is designed so that it does not obstruct the direct ocean view from the upper level deck (see View from 6-8 Reef Ave in Attachment 3).</p> <p>The application demonstrates that the principles of view sharing are addressed, and the proposal is considered to be satisfactory with regard to view sharing principles detailed in <i>Tenacity v Warringah</i>.</p>															
4.17 RETAINING WALLS																	
	Yes	<p>New 945mm high wall on N side of dwelling</p> <p>Reclad existing retaining wall</p> <p>The survey verifies the existing stone wall on the eastern side is outside the property boundary (and will not be affected)</p>															
4.18 SWIMMING POOLS AND SPAS																	
	N/A																
4.19 DEVELOPMENT NEAR RAILWAY CORRIDORS AND MAJOR ROADS																	
	N/A																
PART E – GENERAL (CITY WIDE) CONTROLS																	
<table border="1"> <thead> <tr> <th></th><th>COMPLIANCE</th><th>COMMENT</th></tr> </thead> <tbody> <tr> <td colspan="3">CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT</td></tr> <tr> <td></td><td>Yes</td><td>Turning circles verifying compliance with AS 2890 have been provided.</td></tr> <tr> <td colspan="3">CHAPTER E6: LANDSCAPING</td></tr> <tr> <td></td><td>Yes</td><td>Complies</td></tr> </tbody> </table>				COMPLIANCE	COMMENT	CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT				Yes	Turning circles verifying compliance with AS 2890 have been provided.	CHAPTER E6: LANDSCAPING				Yes	Complies
	COMPLIANCE	COMMENT															
CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT																	
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CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT																	
	Yes	Turning circles verifying compliance with AS 2890 have been provided.															
CHAPTER E6: LANDSCAPING																	
	Yes	Complies															

CHAPTER E7: WASTE MANAGEMENT		
	Yes	Condition imposed
CHAPTER E8 – ON-SITE SEWAGE MANAGEMENT SYSTEMS		
	N/A	Sewer available
CHAPTER E9: HOARDINGS AND CRANES		
	Yes	Condition imposed
CHAPTER E10: ABORIGINAL HERITAGE & CLAUSE 5.10 OF THE WLEP 2009		
	N/A	The site is not upon a known Aboriginal Heritage site.
CHAPTER E11: HERITAGE CONSERVATION & CLAUSE 5.10 OF THE WLEP 2009		
	N/A	The site is not located adjacent to, within the vicinity of, identified as or within a known heritage conservation and heritage item.
CHAPTER E12: GEOTECHNICAL ASSESSMENT		
	Yes	Application has been reviewed by Council's Geotechnical Engineer and relevant conditions have been provided.
CHAPTER E13: FLOODPLAIN MANAGEMENT & CLAUSE 7.3 OF THE WLEP 2009		
	Yes	Application has been reviewed by Council's Stormwater Engineer and relevant conditions have been provided.
CHAPTER E14: STORMWATER MANAGEMENT		
	Yes	OSD is not required
CHAPTER E16: BUSHFIRE MANAGEMENT		
	N/A	The site is not impacted by this provision.
CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION & CLAUSE 5.9 OF THE WLEP 2009		
	Yes	No tree removal

CHAPTER E18: THREATENED SPECIES		
	N/A	Property is not impacted by this provision.
CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)		
	Yes	Complies
CHAPTER E20: CONTAMINATED LAND MANAGEMENT		
	N/A	Property is not impacted by this provision.
CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT		
	Yes	Relevant conditions imposed
CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL		
	Yes	Relevant conditions imposed
CHAPTER E23: RIPARIAN LAND MANAGEMENT		
	N/A	Not mapped as riparian corridor
PART D – LOCALITY BASED DCP'S & PRECINCT PLANS		
Wombarra	Yes	See below

CHAPTER D1 – CHARACTER STATEMENTS

Wombarra

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

Desired Future Character

Wombarra should remain a low density residential village comprising of a mix of one and two storey dwellings and hence, should retain its low density leafy residential character. Environmentally sensitive dwelling-houses are encouraged.

Any new dwelling or major alterations and additions to an existing dwelling should be sympathetic with the streetscape and scenic environmental quality of the locality. New dwellings should be restricted to cleared areas only. Lightweight framed structures with suspended floors and decks are preferred to minimise cut and fill earthworks, especially on sloping treed sites.

The siting, height and design of new dwellings is critical to maximise view sharing opportunities for neighbouring properties.

Dwellings with weatherboard or colourbond wall and pitched or sloping flat rooflines are also encouraged, particularly for the lower coastal parts of Wombarra.

The scale and form / bulk of any building should be minimised through the stepping down the slope of the site. The impact of upper storeys of a dwelling may be minimised through a combination of

additional front and side setbacks from the ground floor of the dwelling and the selective design of balconies and verandahs.

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

All new dwellings and major alterations and additions to existing dwellings in "bush fire" hazard risk areas must be designed and constructed in accordance with the NSW Rural Fire Service Planning for Bushfire Protection 2006 guidelines and Australian Standard AS 3959 – 1999 Construction of Buildings in Bushfire Prone Areas.

Compliance

The proposal is consistent with the Desired Future Character for Wombarra.

The dwelling contains three storeys at one point however it presents as a two storey dwelling as it descends the site. (see separate comments regarding storeys)

The design is sympathetic to other development in the area. The impact on view corridors is minimised. The design is contemporary in comparison to the nearby development much of which was constructed in the 1970's, 80's and 90's.

The proposal is in a cleared area.

Lightweight framing with FC sheeting is used as opposed to masonry and a suspended (cantilevered) component is utilised. Cut (need for extensive excavation) is minimised.

The impact on view corridors is minimised.

Weatherboard sheeting is included in association with a structural external frame. A sloping flat roof line is proposed.

The scale and bulk is significantly less than is permissible under the provisions of the LEP and DCP.

Screening of balconies is not required.

The property is not identified as bushfire prone land.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$ 1.845m and a levy of \$18,450 is applicable under this plan.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

NA

NA

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

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

This is demonstrated through the following:

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

Context and Setting:

The development is consistent with the amenity of the neighbourhood and is considered to be consistent with the surrounding development.

Access, Transport and Traffic:

Access to the site will be via the existing driveway within the Right of Access. This connects to Reef Ave.

The development is considered not to result in an adverse impact on the traffic movement and access to the site.

Public Domain:

The development is considered to be consistent with the amenity of the locality, the development is not considered to result in a significant impact on the public domain.

Utilities:

The allotment is presently serviced by a potable water connection, sewer and electricity. The proposal is not envisaged to place an unreasonable demand on the utility supply.

Heritage:

There are no known heritage items that will be impacted by the proposal.

Other Land Resources:

The proposal is not envisaged to impact upon any valuable land resources.

Water:

The proposal is not considered to result in unreasonable water consumption. The development will be subject to the requirements of the SEPP for BASIX. This is discussed separately in this report.

Soils:

The soil profile is considered to be acceptable for the construction of the proposed building.

The development will require the preparation of structural details for footings/piers/slabs and the engineer will investigate the foundation material and design the structural details in accordance with AS2870.

Air and Microclimate:

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

Flora and Fauna:

Complies

Waste:

Construction wastes will be removed by the builder during construction. The development is residential and is serviced by Council waste collection service for the collection and removal of putrescibles, green waste and recyclables.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. Where applicable the development will be subject to the requirements of the SEPP for BASIX. This is discussed separately in this report.

Noise and vibration:

There are no noise or vibration issues affecting the site that would prevent the proposed development.

Natural Hazards:

Refer to property constraints section of this document and relevant chapters of the DCP.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

The proposal is not expected to create any negative safety impacts. The aims and objectives of the safer by design principles have been addressed.

Social Impact:

The proposal is not expected to create any negative social impact.

Economic Impact:

The proposal is not expected to create any negative economic impact.

Site Design and Internal Design:

The development has been designed to meet with the requirements of Council's DCP relating to site design, height, bulk, scale and setbacks.

The development is not considered to result in an adverse impact on the adjoining lots or the public domain.

Construction:

Construction of the development will not create any significant impact and will comply with the provisions of the Building Code of Australia.

Cumulative Impacts:

The development does not result in any detrimental impact upon the amenity of the area.

2.7 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE 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 any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Submissions have been addressed separately in this report

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

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

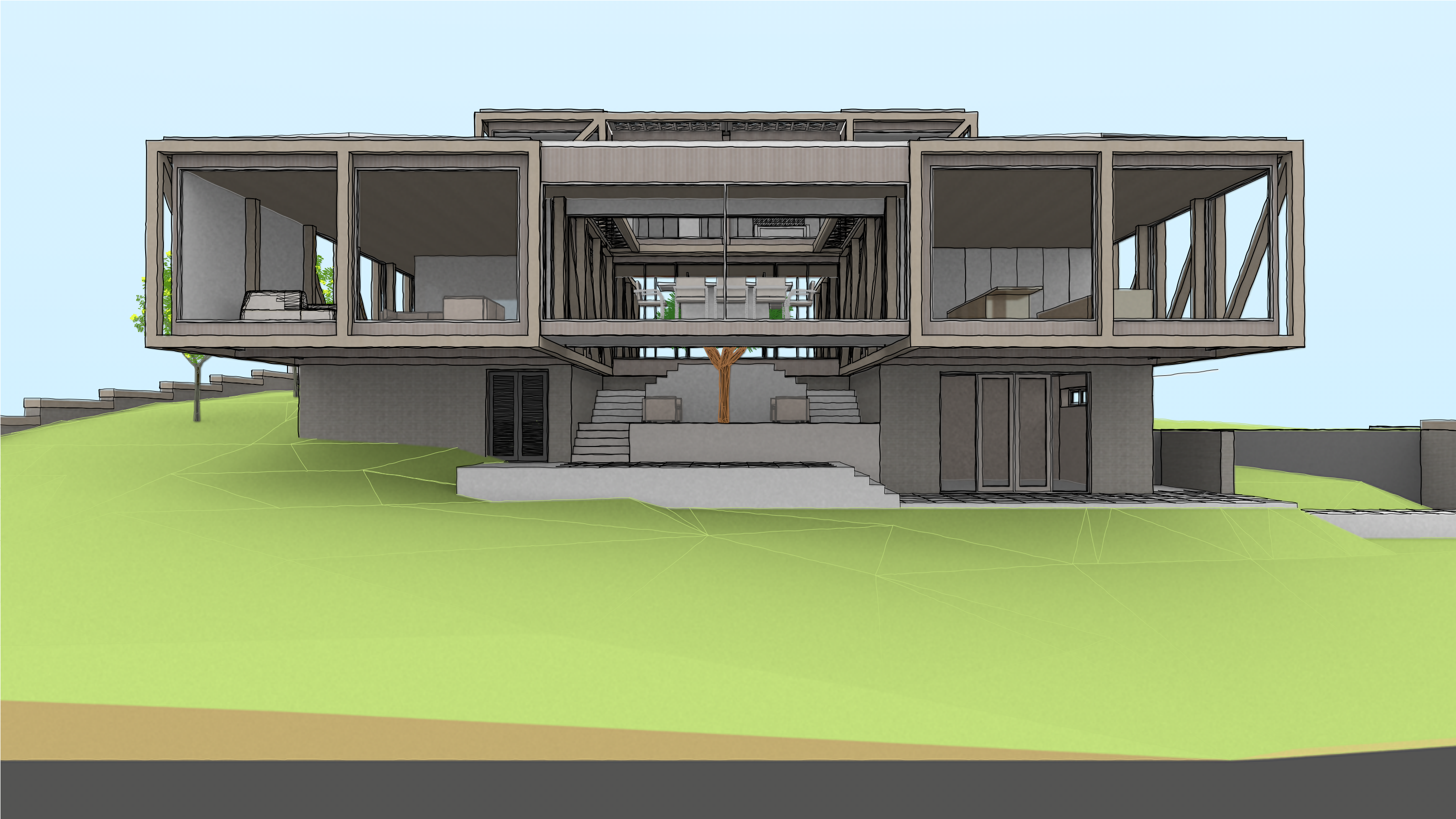
3 RECOMMENDATION

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

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

4 ATTACHMENTS

1. Architect's impressions
2. Architectural Plans
3. View Assessment
4. Other dwellings in Reef Ave
5. Draft Conditions



DA Submission

Hamilton House | View from East

B	30/4/19	DA Submission
A	6/9/2018	Briefing
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction

F

A

F

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abn 21 610 045 500

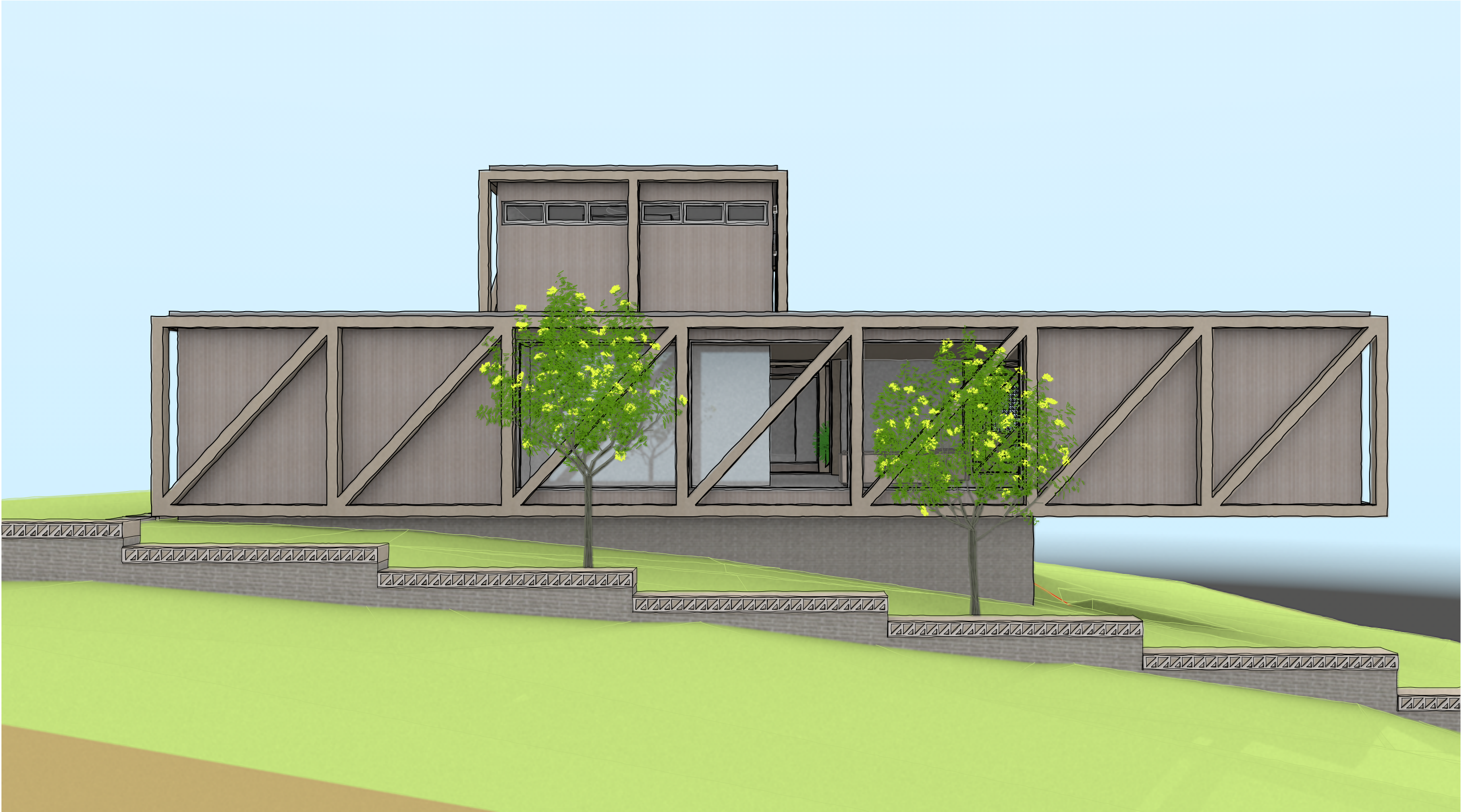
FIVE4ONEFIVE

design

client, contact		drawn	chkd	project #	date	rev
Hamilton/Silvius		ts	ts	075		
address		date	scale			
2-4 Reef Ave		SEPT 2018	NTS			

Ro4

B



DA Submission

Hamilton House View from the South

B	30/4/19	DA Submission
A	6/9/2018	Briefing
issue	date	revision

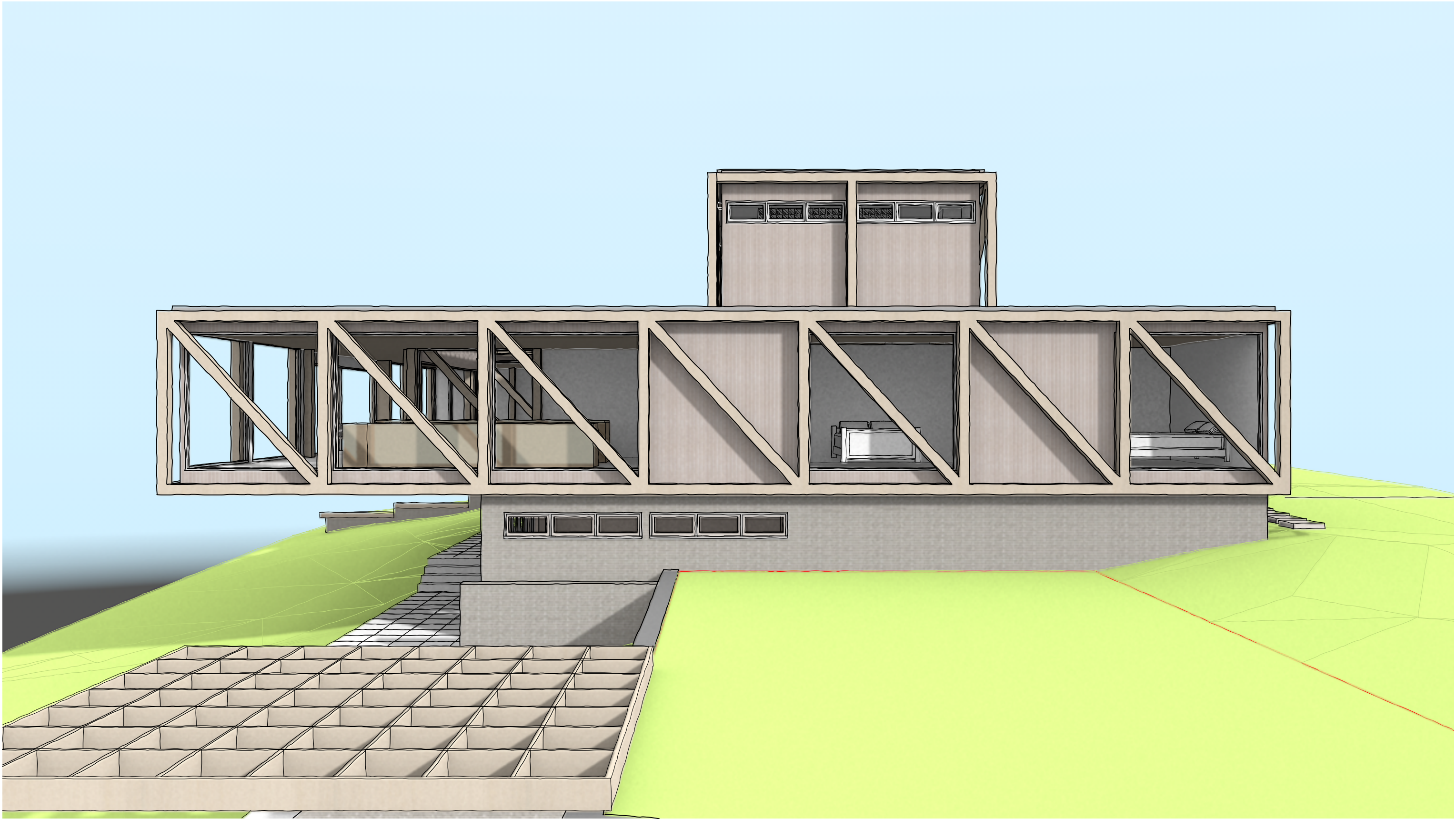
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client, contact		drawn	chkd	project #	date	scale	drawn	rev
Hamilton/Silvius		ts	ts	075				
2-4 Reef Ave		address	date	scale				
			SEPT 2018	NTS				

R01 B



DA Submission

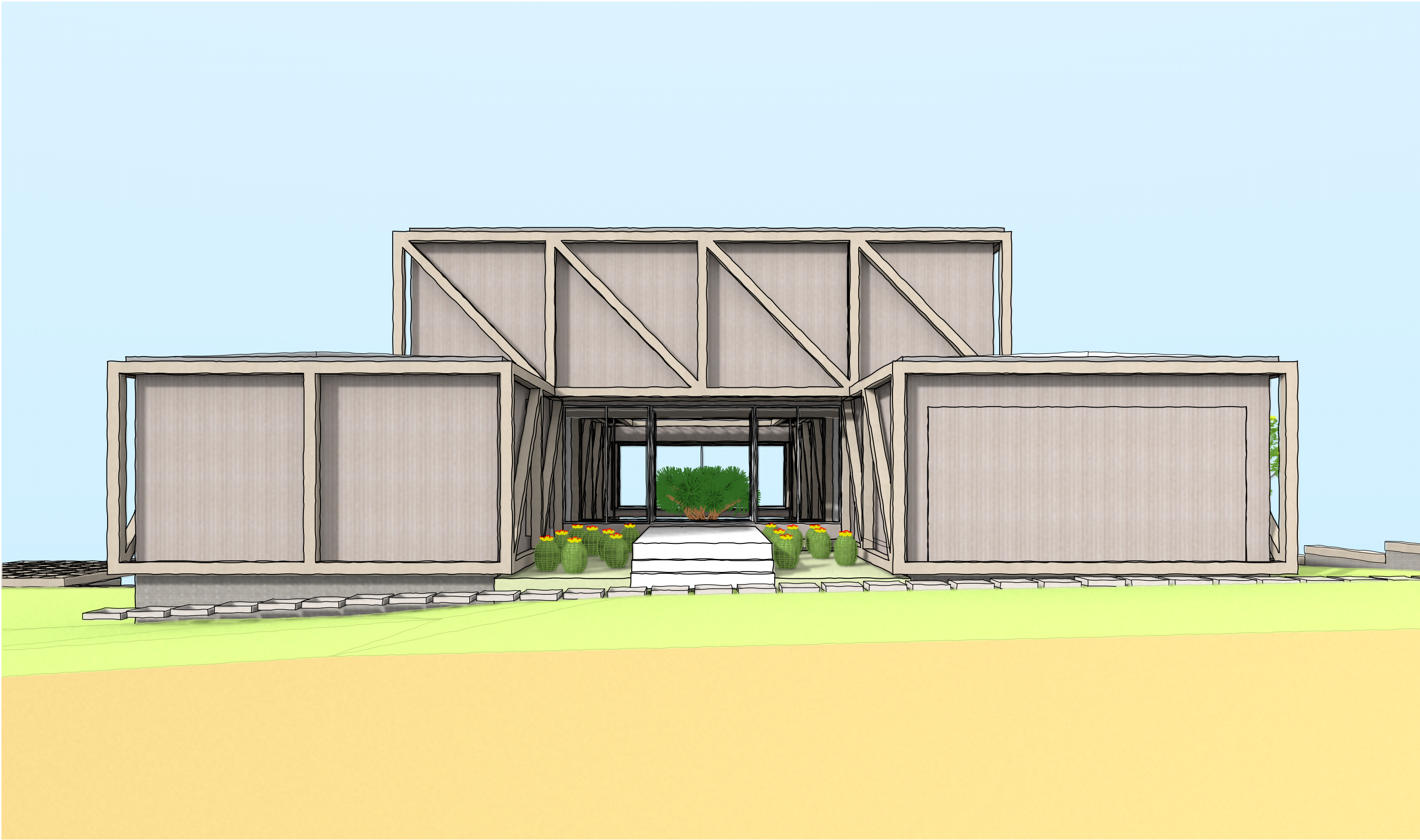
Hamilton House | View from North

B	30/4/19	DA Submission
A	6/9/2018	Briefing
issue	date	revision

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client, contact		drawn	chkd	project #	date	scale	Ro2	B
Hamilton/Silvius		ts	ts	075				
address		date		scale				
2-4 Reef Ave		SEPT 2018		NTS				



DA Submission

Hamilton House | View from West

B	30/4/19	DA Submission
A	6/9/2018	Briefing
issue	date	revision

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client, contact		drawn	chkd	project #	date	rev
Hamilton/Silvius		ts	ts	075		
address		date		scale		
2-4 Reef Ave		SEPT 2018		NTS		

Ro3

B



Proposed front fence is considerably lower than the existing stone fence. Provides more open views to the ocean and across the site

DA Submission

Hamilton House | View from Reef Ave - Point 1

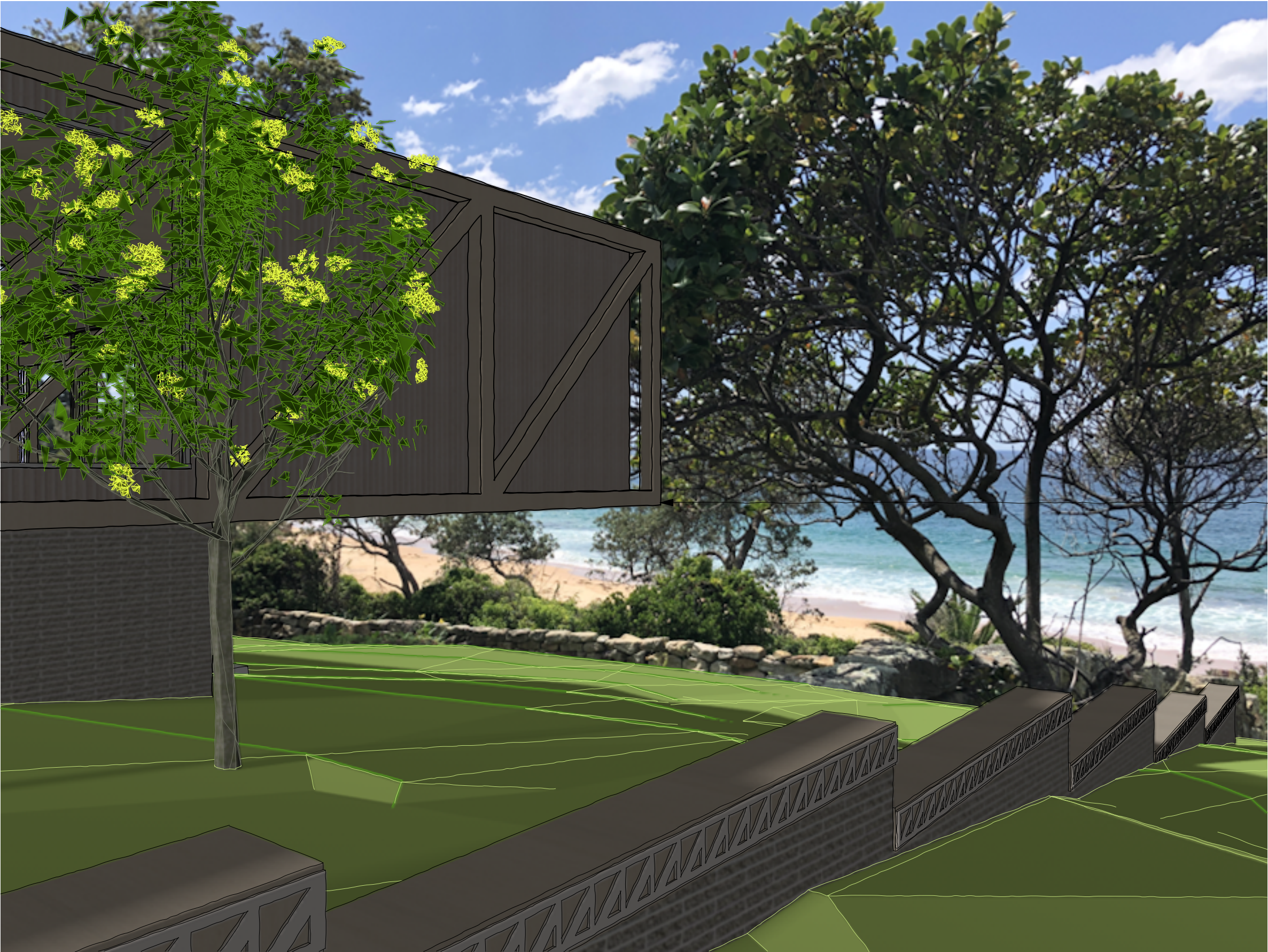
A	30/4/2019	DA Submission
issue	date	revision

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FIVE4ONEFIVE design

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abn 21 610 045 500

client, contact		drawn	chkd	project #	date	scale	drawn	rev
Hamilton/Silvius		ts	ts	075			R20	A
2-4 Reef Ave		date	scale	NTS				



Cantilever allows for views of the beach across the site to be maintained

A	30/4/2019	DA Submission
issue	date	revision

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FIVE4ONEFIVE design

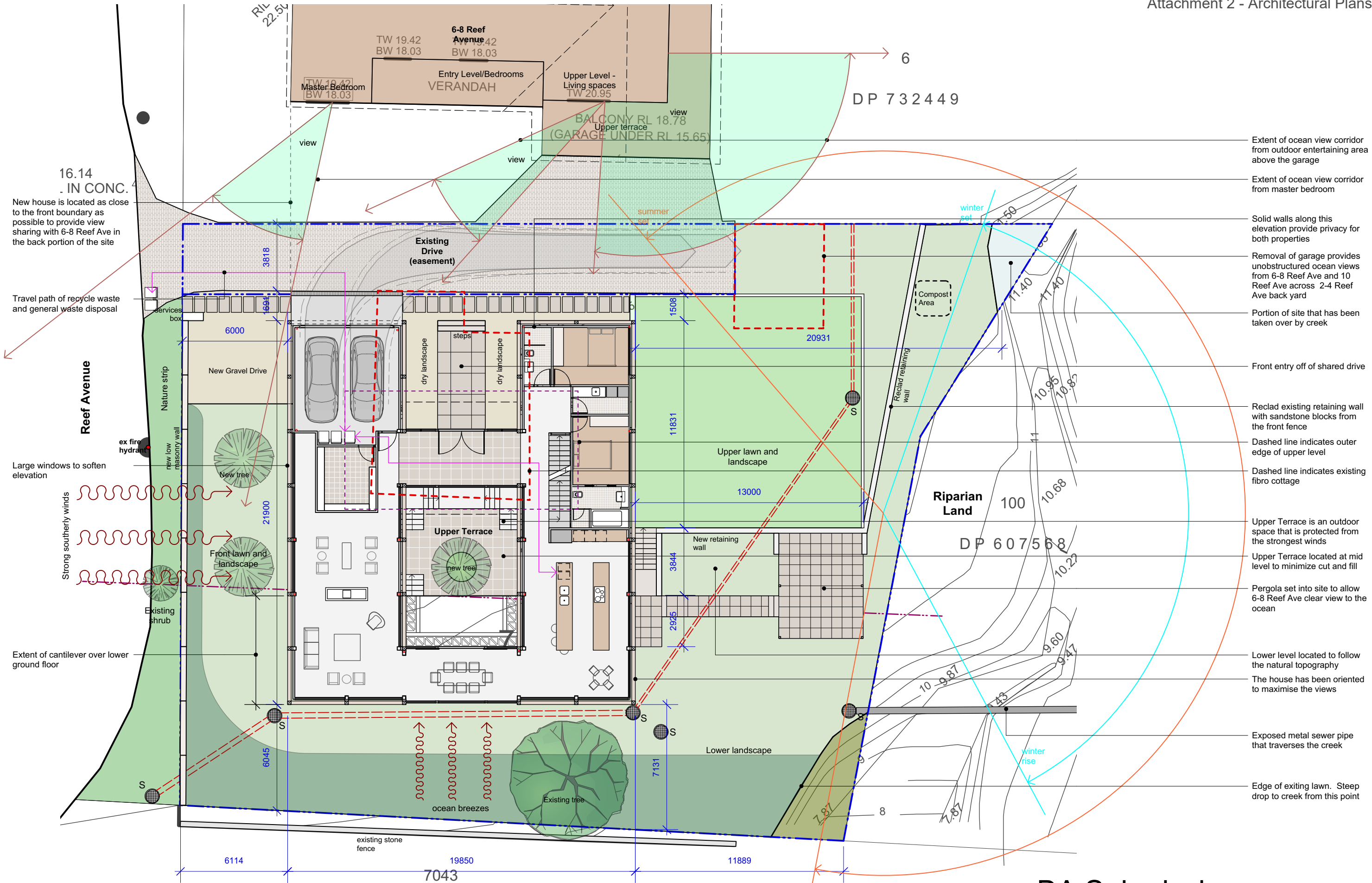
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abn 21 610 045 500

Hamilton House | View from Reef Ave - Point 2

client, contact	drawn	chkd	project #	date	rev
Hamilton/Silvius	ts	ts	075		
address	date	scale			
2-4 Reef Ave	SEPT 2018	NTS			

R21

A



- Extent of ocean view corridor from outdoor entertaining area above the garage
- Extent of ocean view corridor from master bedroom
- Solid walls along this elevation provide privacy for both properties
- Removal of garage provides unobstructed ocean views from 6-8 Reef Ave and 10 Reef Ave across 2-4 Reef Ave back yard
- Portion of site that has been taken over by creek
- Front entry off of shared drive
- Reclad existing retaining wall with sandstone blocks from the front fence
- Dashed line indicates outer edge of upper level
- Dashed line indicates existing fibro cottage
- Upper Terrace is an outdoor space that is protected from the strongest winds
- Upper Terrace located at mid level to minimize cut and fill
- Pergola set into site to allow 6-8 Reef Ave clear view to the ocean
- Lower level located to follow the natural topography
- The house has been oriented to maximise the views
- Exposed metal sewer pipe that traverses the creek
- Edge of exiting lawn. Steep drop to creek from this point

1 Site Plan
scale 1:200 @A3

DP 1060922

DA Submission Site Analysis Plan

Hamilton Residence

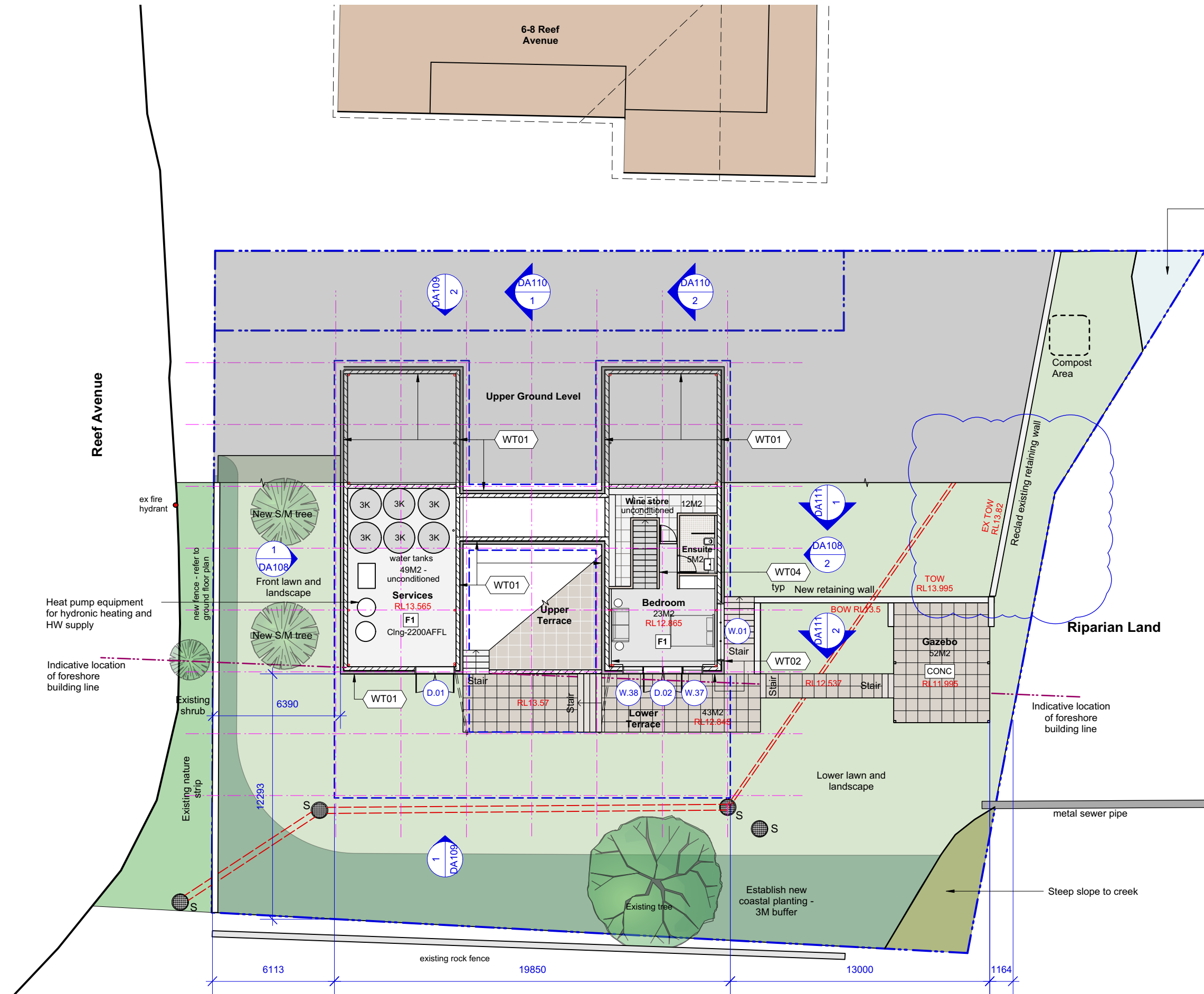
B	30/4/2019	DA Submission
A	10/10/2018	Pre DA meeting
issue	date	revision

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client, contact	drawn	chkd	project #	date	scale	drawn	rev
Hamilton/Silvius	ts	ts	075	SEPT 2018	1:200 @A3		
address	date	scale					
2-4 Reef Ave, Wombarra	SEPT 2018	1:200 @A3					

DA101 B



Portion of site taken over by creek

Area Calculations

	proposed	required
site area	1441 M2	
gross floor area*	332 M2	
floor space ratio	23%	< 50 %
site coverage (40% allowed)	208 M2	< 576 M2
landscape area	816 M2	>426 M2
hard landscape area (terrace,drive)	300 M2	

*does not include stairs, garage, LG store

Wall types

WT1 External LG non conditioned space - 190mm reinforced block wall (or dinsell) with brick veneer cladding to external face

WT2 External LG conditioned space - 190mm reinforced block wall (or dinsell) with brick veneer cladding to external side, timber stud with PBD to inside face

WT3 External G and L1 walls - timber stud walls with Equitone FC sheet to external side, PBD to internal side

WT4 Internal walls all levels - timber stud walls with PBD each side. Decorative finishes per final design

Floors

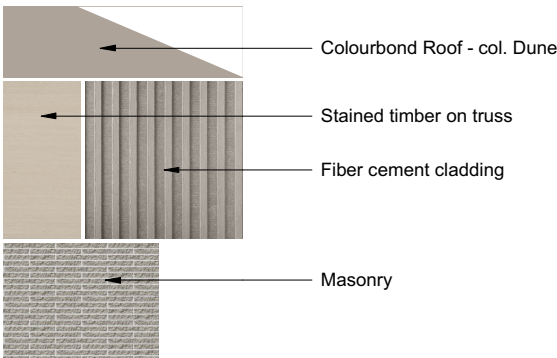
- F1** Concrete slab on grade.
F2 Suspended concrete slab with no room below
F3 Suspended concrete slab with room below
F4 Timber framed floor with timber floor boards and PBD ceiling below

Glazing

Refer to separate door and window schedule for details

Roofing

R1 Sloped metal roof over timber framing, flat PBD ceiling below. Roof to be light solar absorption



metal sewer pipe

Steep slope to creek

1 Lower Ground Plan
scale 1:200 @A3

E	30/8/19	Revised retaining wall
D	30/4/2019	DA Submission
C	6/2/19	Info BASIX
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction



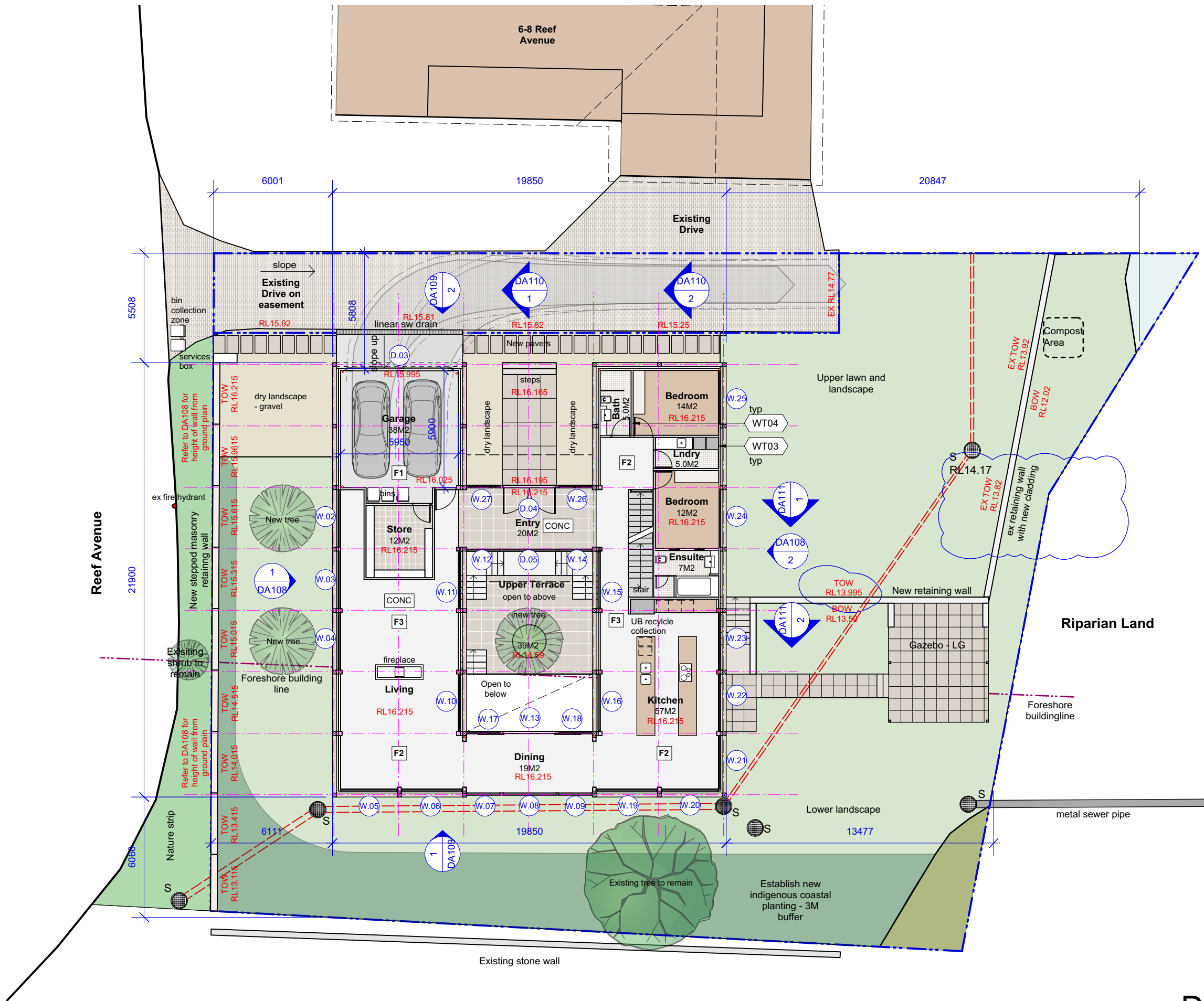
Hamilton Residence

DA Submission
LG Floor Plan

client, contact	Hamilton/Silvius	drawn	ts	chkd	ts	project #	075	desig		rev	
address	2-4 Reef Ave, Wombarra	date	SEPT 2018	scale	1:200@A3						

DA104

E



Area Calculations

	proposed	required
site area	1441 M2	
gross floor area*	332 M2	
floor space ratio	23%	< 50 %
site coverage (40% allowed)	208 M2	< 576 M2
landscape area	816 M2	>426 M2
hard landscape area (terrace,drive)	300 M2	
*does not include stairs, garage, LG store		

Wall types

- WT1** External LG non conditioned space - 190mm reinforced block wall (or dinsell) with brick veneer cladding to external face
- WT2** External LG conditioned space - 190mm reinforced block wall (or dinsell) with brick veneer cladding to external side, timber stud with PBD to inside face
- WT3** External G and L1 walls - timber stud walls with Equitone FC sheet to external side, PBD to internal side
- WT4** Internal walls all levels - timber stud walls with PBD each side. Decorative finishes per final design

Floors

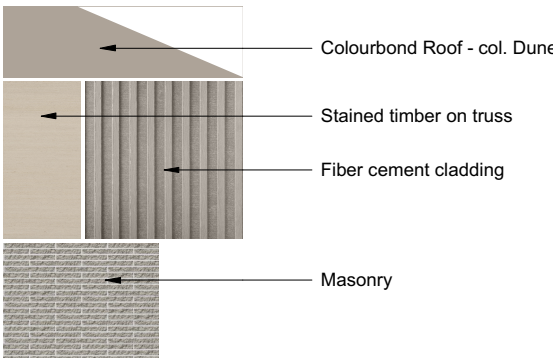
- F1** Concrete slab on grade.
- F2** Suspended concrete slab with no room below
- F3** Suspended concrete slab with room below
- F4** Timber framed floor with timber floor boards and PBD ceiling below

Glazing

Refer to separate door and window schedule for details

Roofing

- R1** Sloped metal roof over timber framing, flat PBD ceiling below. Roof to be light solar absorption



1 Ground Plan
scale 1:200 @A3

E	30/8/19	Revised retaining wall
D	30/4/2019	DA Submission
C	6/2/19	Info BASIX
issue	date	revision

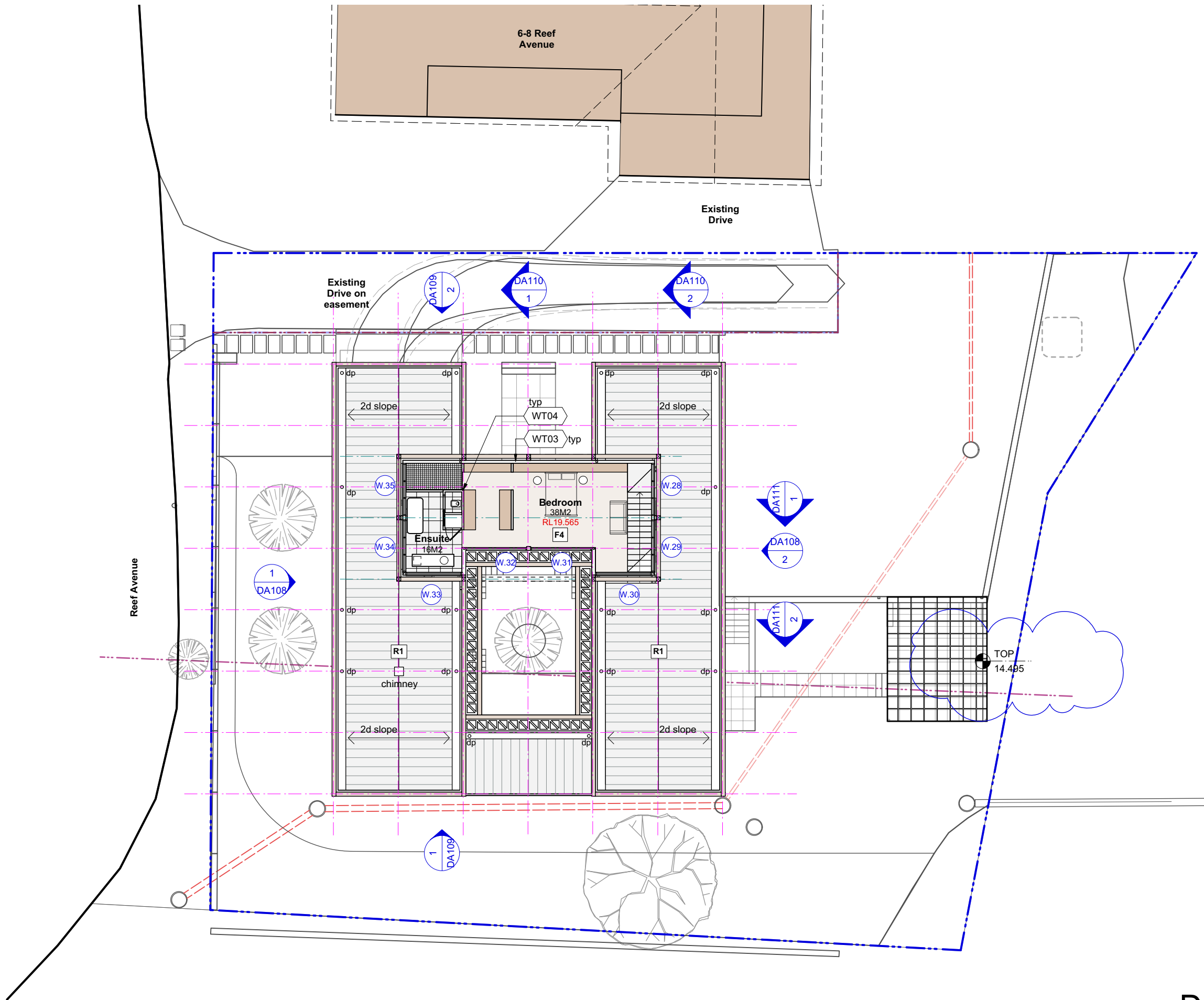
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Hamilton Residence

DA Submission
Ground Floor Plan

client, contact		drawn	chkd	project #	desig	rev
Hamilton/Silvius		ts	ts	075		
address		date		scale	DA105	
2-4 Reef Ave, Wombarra		SEPT 2018		1:200@A3	E	



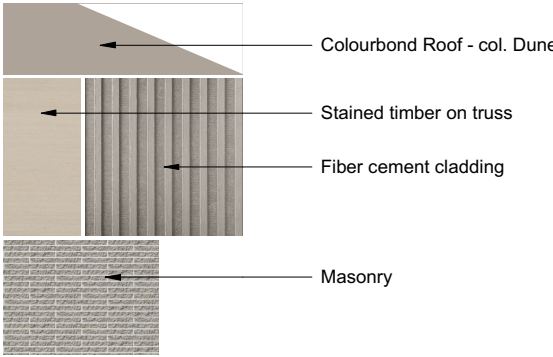
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*does not include stairs, garage, LG store		

- Wall types**
- WT1** External LG non conditioned space - 190mm reinforced block wall (or dinsell) with brick veneer cladding to external face
- WT2** External LG conditioned space - 190mm reinforced block wall (or dinsell) with brick veneer cladding to external side, timber stud with PBD to inside face
- WT3** External G and L1 walls - timber stud walls with Equitone FC sheet to external side, PBD to internal side
- WT4** Internal walls all levels - timber stud walls with PBD each side. Decorative finishes per final design

- Floors**
- F1** Concrete slab on grade.
- F2** Suspended concrete slab with no room below
- F3** Suspended concrete slab with room below
- F4** Timber framed floor with timber floor boards and PBD ceiling below

Glazing
Refer to separate door and window schedule for details

- Roofing**
- R1** Sloped metal roof over timber framing, flat PBD ceiling below. Roof to be light solar absorption



1 First Floor Plan
scale 1:200 @A3

E	30/8/19	Revised retaining wall
D	30/4/2019	DA Submission
C	6/2/19	Info BASIX
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction



Hamilton Residence

DA Submission
L1 Floor Plan

client, contact		drawn	chkd	project #	desgn	DA106	E
Hamilton/Silvius		ts	ts	075			
address		date		scale			
2-4 Reef Ave, Wombarra		SEPT 2018		1:200@A3			



Area Calculations

	proposed	required
site area	1441 M2	
gross floor area*	332 M2	
floor space ratio	23%	< 50 %
site coverage (40% allowed)	208 M2	< 576 M2
landscape area	816 M2	>426 M2
hard landscape area (terrace,drive)	300 M2	
*does not include stairs, garage, LG store		

Wall types

- WT1** External LG non conditioned space - 190mm reinforced block wall (or dinsell) with brick veneer cladding to external face
- WT2** External LG conditioned space - 190mm reinforced block wall (or dinsell) with brick veneer cladding to external side, timber stud with PBD to inside face
- WT3** External G and L1 walls - timber stud walls with Equitone FC sheet to external side, PBD to internal side
- WT4** Internal walls all levels - timber stud walls with PBD each side. Decorative finishes per final design

Floors

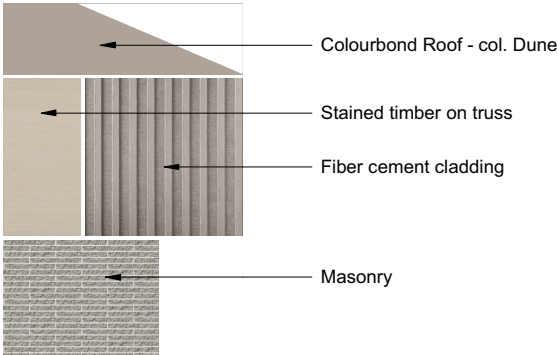
- F1** Concrete slab on grade.
- F2** Suspended concrete slab with no room below
- F3** Suspended concrete slab with room below
- F4** Timber framed floor with timber floor boards and PBD ceiling below

Glazing

Refer to separate door and window schedule for details

Roofing

- R1** Sloped metal roof over timber framing, flat PBD ceiling below. Roof to be light solar absorption

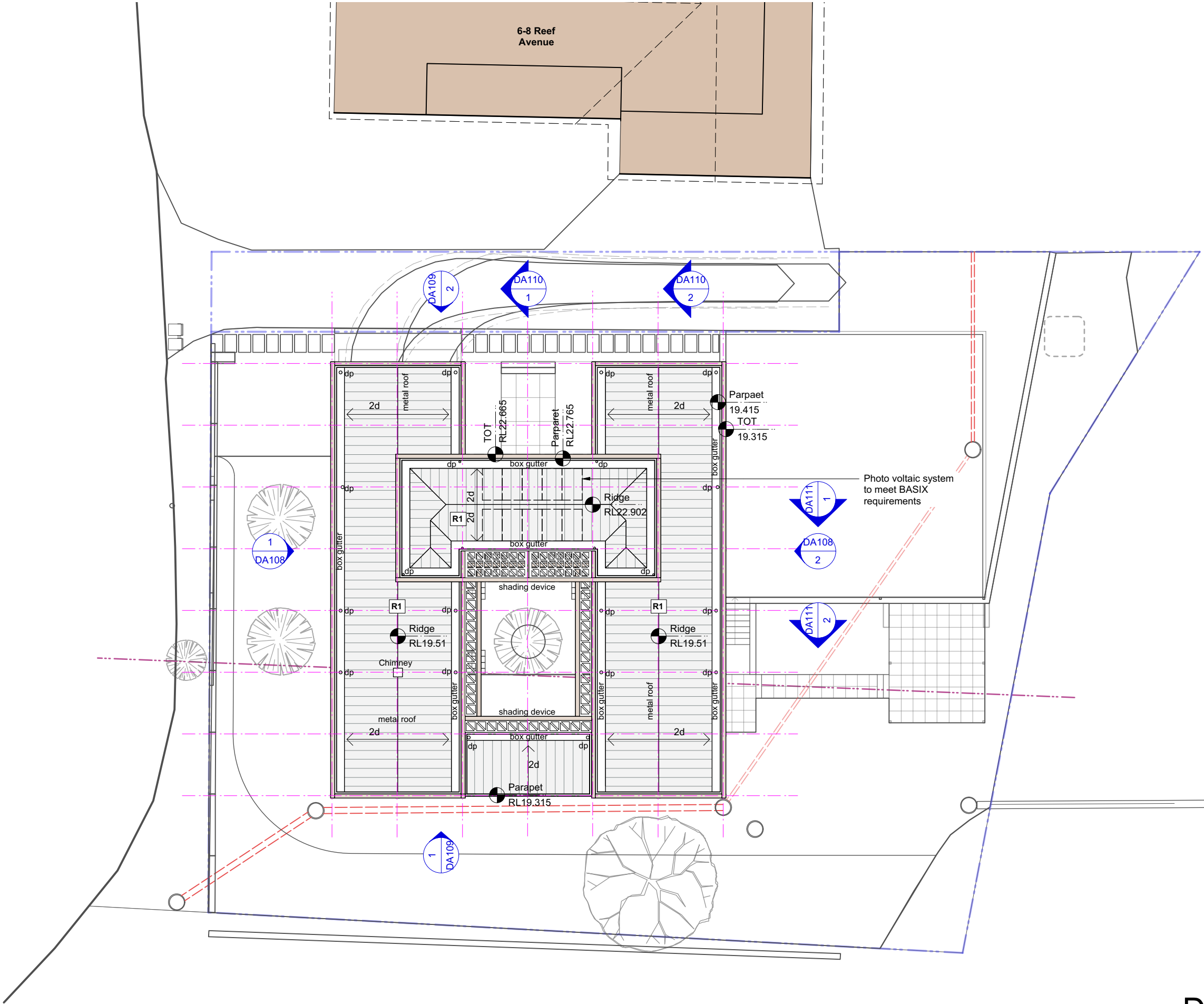


DA Submission
Roof Plan

Hamilton Residence

client, contact		drawn	chkd	project #	desgn	rev
Hamilton/Silvius		ts	ts	075		
address		date	scale			
2-4 Reef Ave, Wombarra		SEPT 2018	1:200@A3			

DA107 D

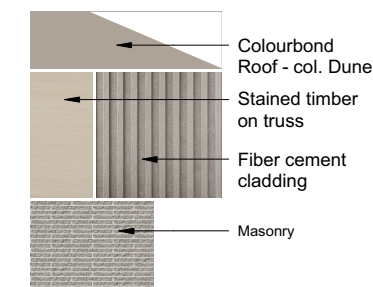
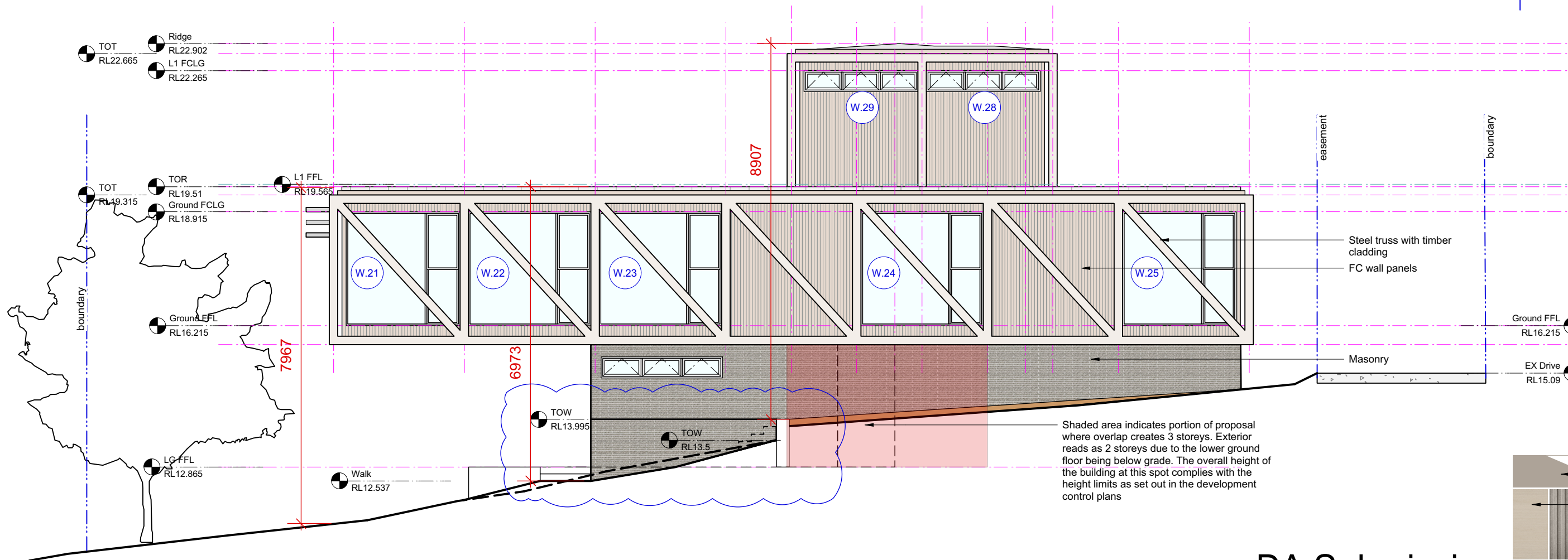
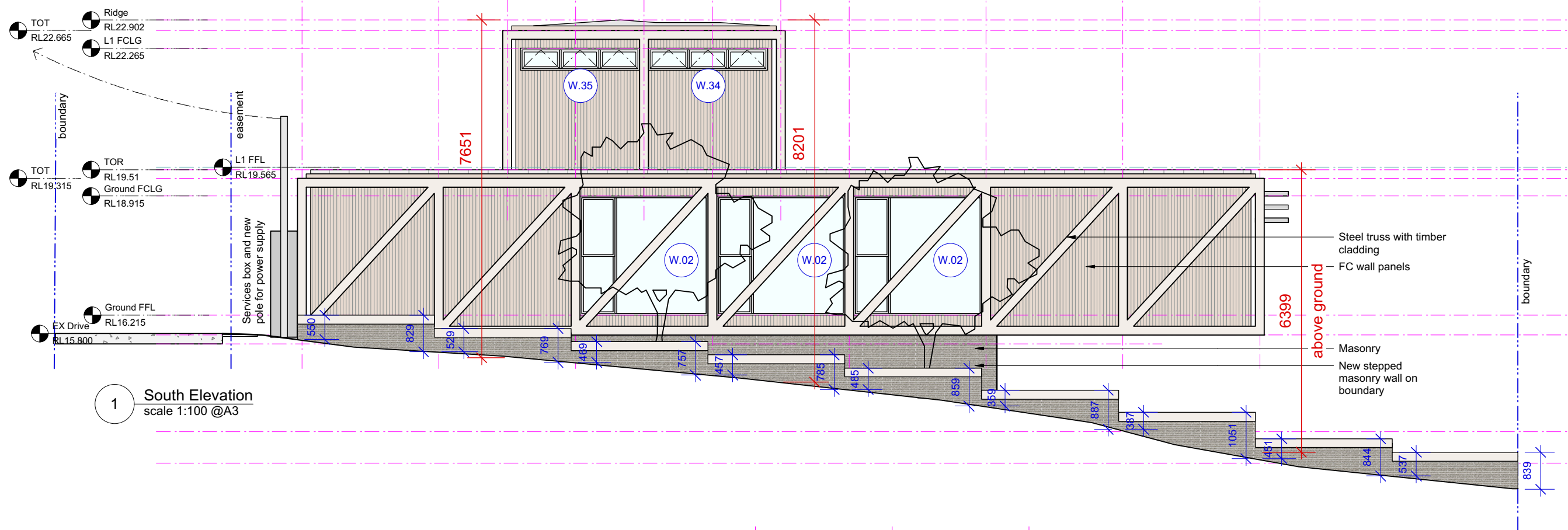


1 Roof Plan
scale 1:200 @A3

D	30/4/2019	DA Submission
C	20/2/19	BASIX
B	14/12/18	Info to Consultants
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction





E	30/8/19	Revised retaining walls
D	30/4/2019	DA Submission
C	6/2/19	Info BASIX
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction



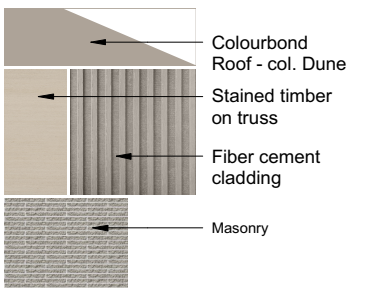
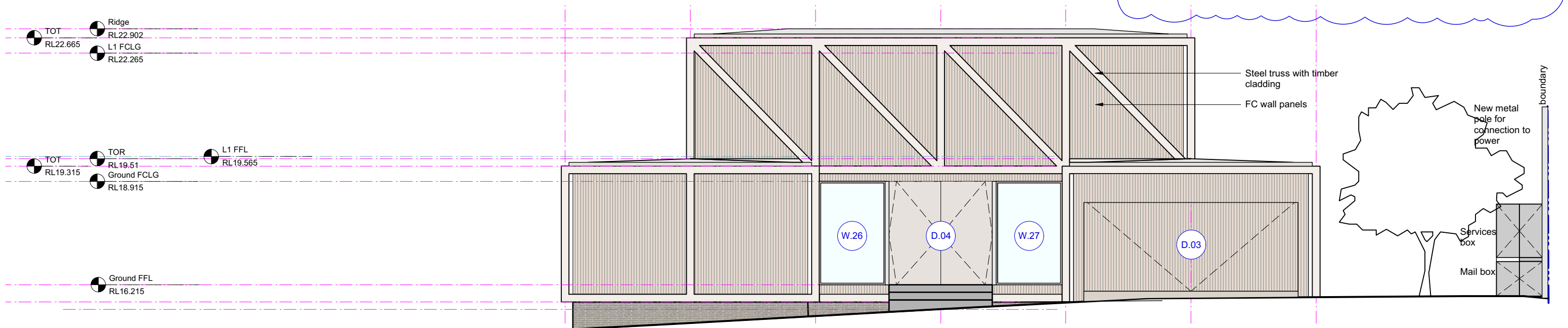
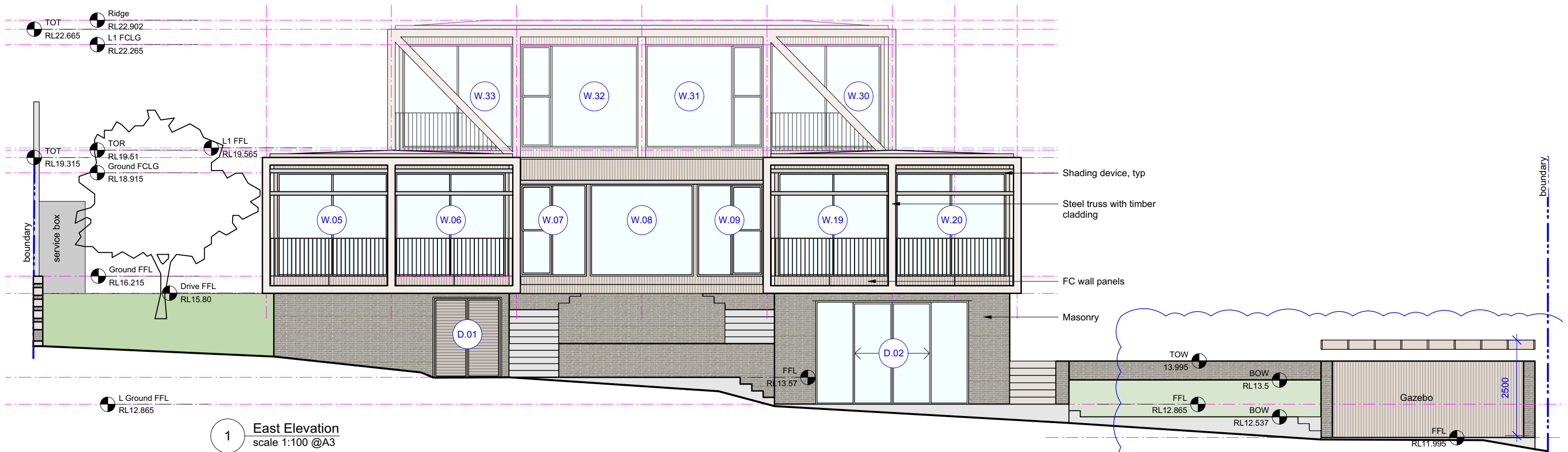
Hamilton Residence

DA Submission
Building Elevations 1

client, contact	drawn	chkd	project #	desig	view
Hamilton/Silvius	ts	ts	075		
address	date	scale			
2-4 Reef Ave, Wombarra	SEPT 2018	1:100@A3			

DA108

E



Hamilton Residence

DA Submission
Building Elevations 2

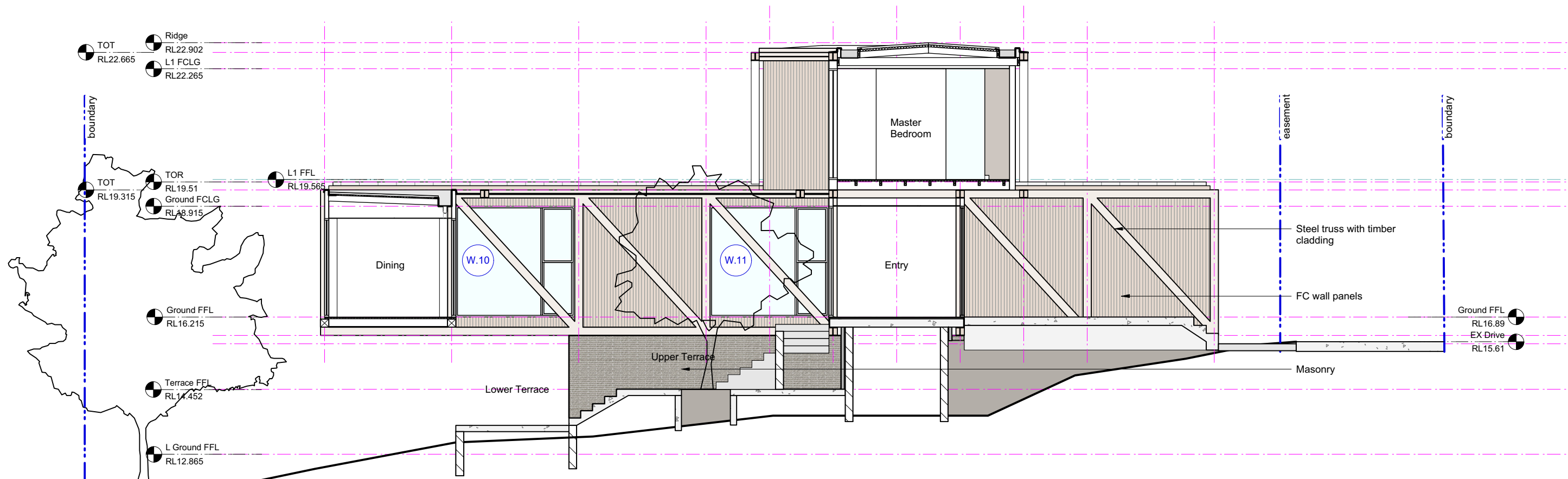
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D	30/4/2019	DA Submission
C	6/2/19	Info BASIX
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction

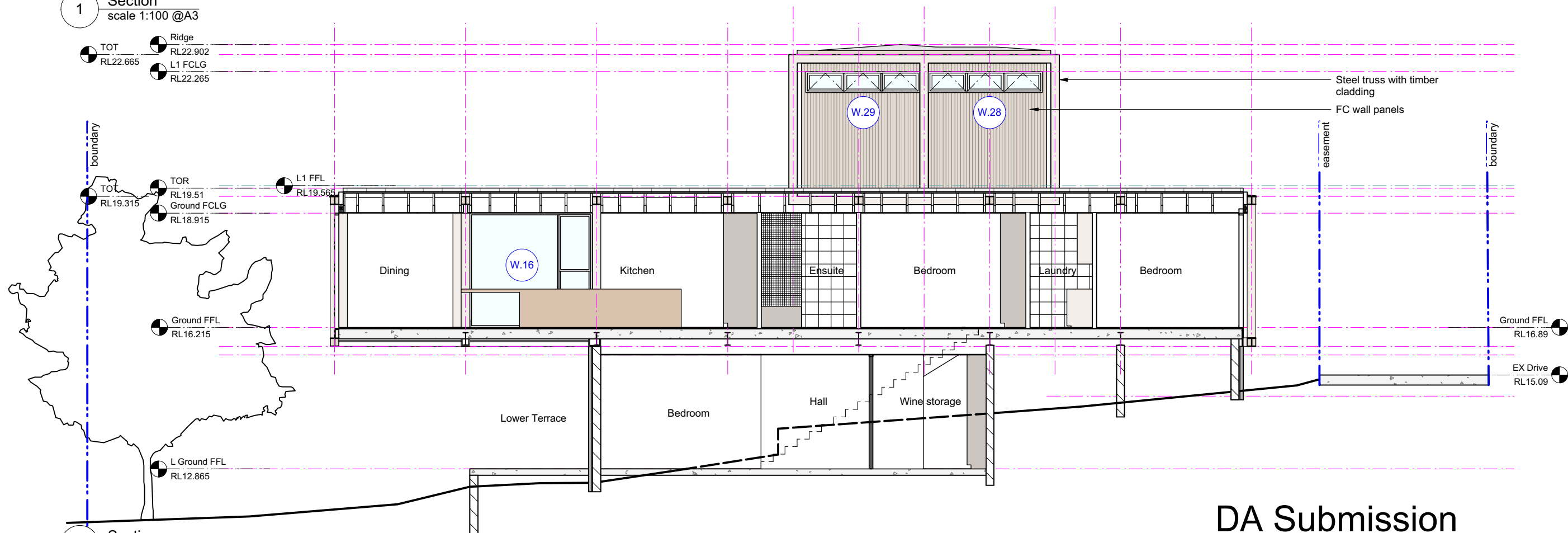


client, contact	drawn	chkd	project #	desig	rev
Hamilton/Silvius	ts	ts	075		
address	date	scale			
2-4 Reef Ave, Wombarra	SEPT 2018	1:100@A3			

DA109 E



1 Section
scale 1:100 @A3



2 Section
scale 1:100 @A3

D	30/4/2019	DA Submission
C	6/2/19	BASIX info
B	14/12/18	Info to Consultants
issue	date	revision

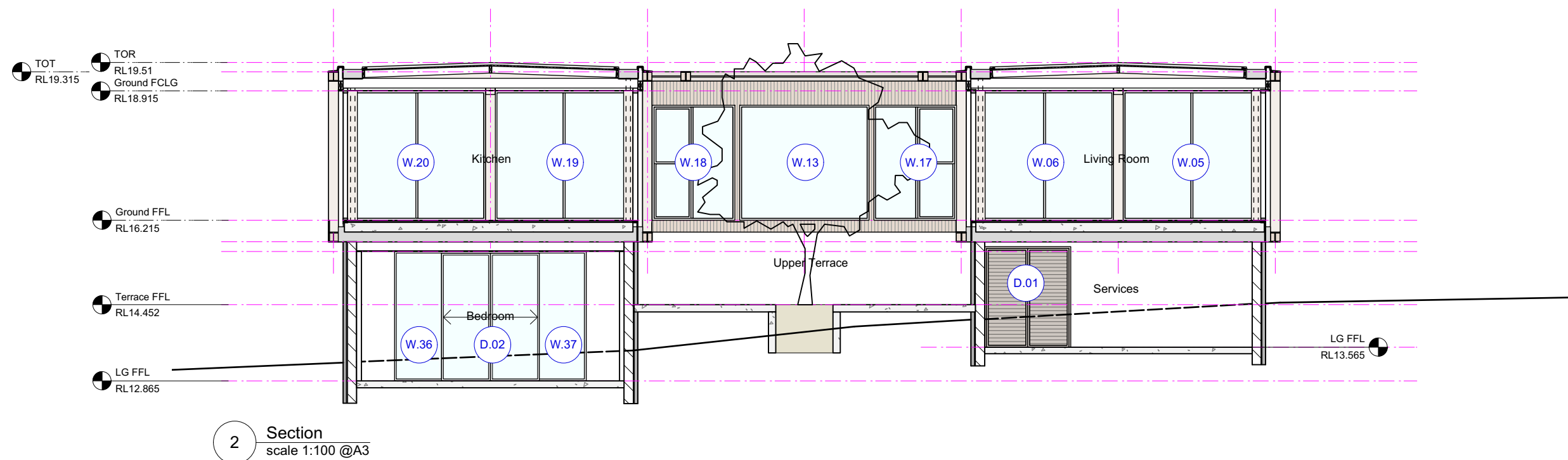
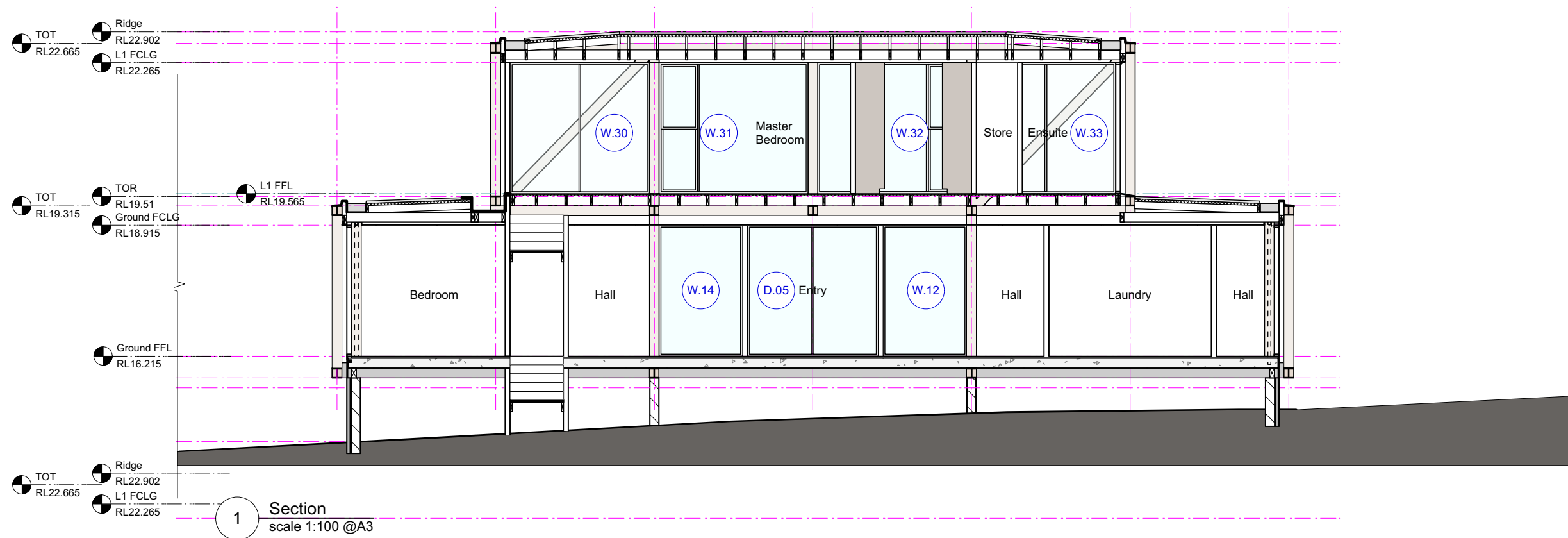
Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction



DA Submission Hamilton Residence Building Sections 1

client, contact	Hamilton/Silvius	drawn	ts	chkd	ts	project #	075	desig		rev	
address	2-4 Reef Ave, Wombarra	date	SEPT 2018	scale	1:100@A3						

DA110 D



DA Submission

Hamilton Residence

Building Sections 2

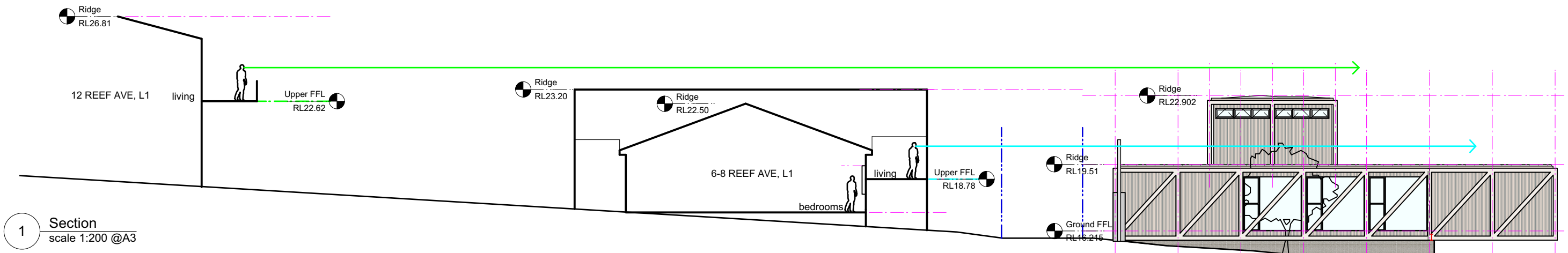
D	30/4/2019	DA Submission
C	6/2/19	BASIX info
B	14/12/18	Info to Consultants
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction

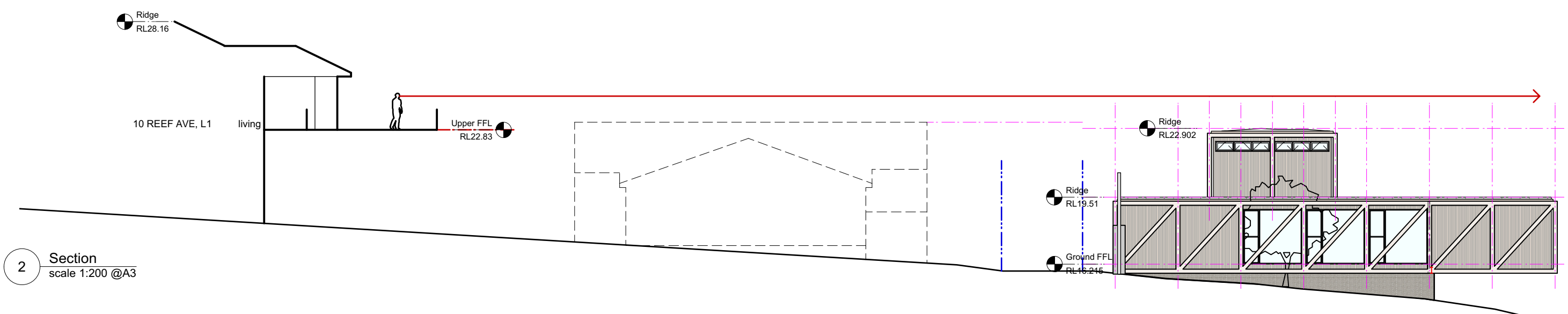


T: +6125 207 662
E: F4OF@five4onefive.com.au
W: www.five4onefive.com.au
abn 21 610 045 500

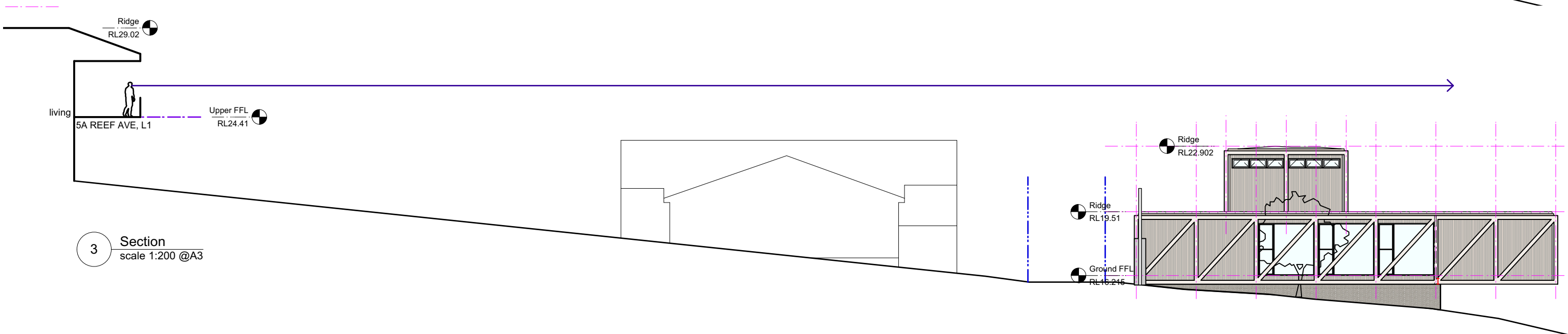
client, contact	drawn	chkd	project #	date	scale	DA111	D
Hamilton/Silvius	ts	ts	075	SEPT 2018	1:100@A3		
2-4 Reef Ave, Wombarra							



1 Section
scale 1:200 @A3



2 Section
scale 1:200 @A3



3 Section
scale 1:200 @A3

DA Submission

Hamilton Residence

DA Submission
View Sharing Section

A	30/4/2019	DA Submission
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction

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abn 21 610 045 500

client, contact		drawn	chkd	project #	desig#	DA102.1	A
Hamilton/Silvius		ts	ts	075			
address		date	scale				
2-4 Reef Ave, Wombarra		SEPT 2018	1:200@A3				



1 Photo - existing conditions



2 Photo - Proposed Residence superimposed

A	30/4/2019	DA Submission
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction



Hamilton House | View from 6-8 Reef Ave

client, contact		drawn	chkd	project #	desig#	rev
Hamilton/Silvius		ts	ts	075		
address		date		scale		
2-4 Reef Ave		SEPT 2018		NTS		

DA102.4 | A



1

Photo - existing conditions

Garage to be removed in proposed demolition works



2

Photo - Proposed Residence superimposed

DA Submission
Hamilton House
View from 10 Reef Ave

A	30/4/2019	DA Submission
issue	date	revision

Do not scale from drawing, use figured dimensions only. Check all dimensions on site before any manufacture or construction

FIVE4ONEFIVE design

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abn 21 610 045 500

client, contact	drawn	chkd	project #	date	scale	DA102.3	rev
Hamilton/Silvius	ts	ts	075	2-4 Reef Ave	SEPT 2018	NTS	A

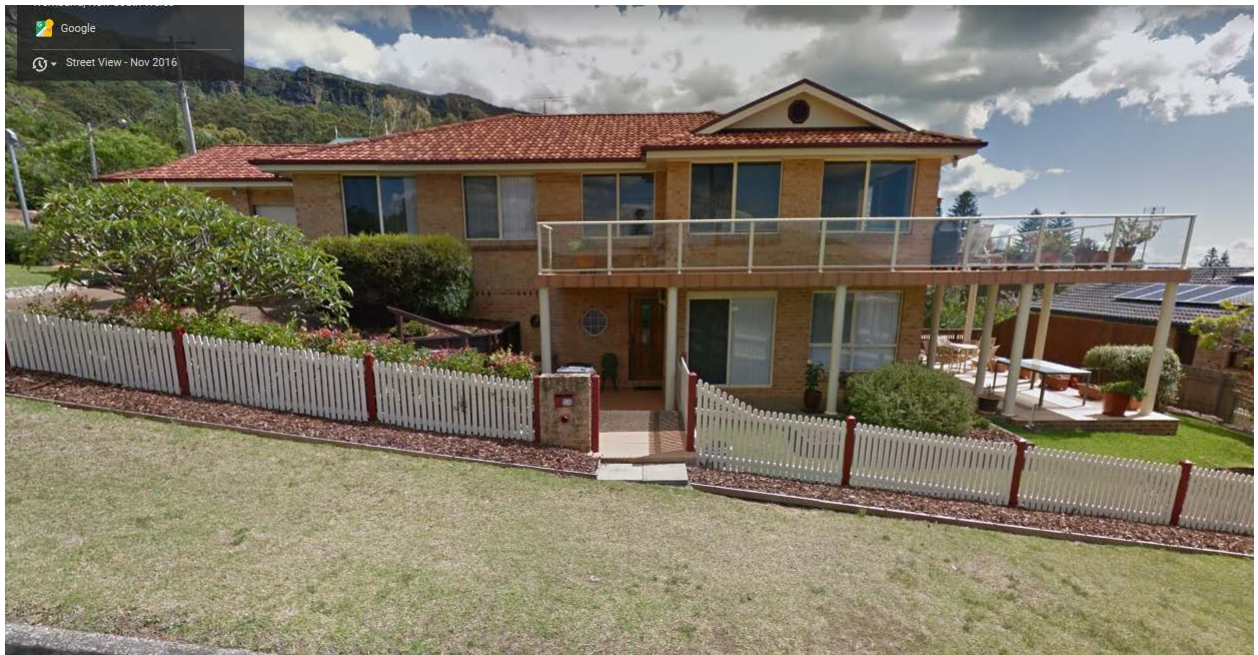
Attachment 4 - Other dwellings in Reef Ave



6 – 8 Reef Ave
Dwelling approved 1984



12 Reef Ave
Approval date not readily available however a dwelling appears on aerial photos prior to 1977



14 Reef Ave
Dwelling approved 1998



565 Lawrence Hargrave Dr
And 5 Reef Ave



5 Reef Ave
Dwelling and front fence approved 2014



1-3 Reef Ave
Dwelling approved 2017



Reef streetscape



Reef streetscape

ATTACHMENT 5 – DRAFT CONDITIONS

Approved Plans and Specifications

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on Drawings DA101 & DA103, issue B dated 30/4/2019, Drawings DA104, DA105 & DA106, DA108 and DA109 issue E dated 30/8/2019, Drawings DA107, DA110 & DA111 issue D dated 30/4/2019 prepared by 'FIVE4ONEFIVE design' and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

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

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

Note: The certifying authority must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4) **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 5) **Geotechnical**
 - a. All work is to be in accordance with the geotechnical recommendations contained in the report dated 4 February 2019 by Construction Sciences and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
 - b. 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.
 - c. Foundation systems are to be designed for Class P soils with all footings to be founded at least 1m within the underlying stiff natural clay as recommended by the geotechnical consultant.
 - d. Flexible construction or articulation jointing is to be provided as recommended by the geotechnical consultant.
 - e. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Prior to the Issue of the Construction Certificate

- 6) **Right of Access**
No part of the dwelling, and no part of any retaining wall, fence or other structure, may be constructed within the 4 metre wide Right of Access.

Plans verifying compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

7) **Present Plans to Sydney Water**

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

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

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

8) **Stormwater Drainage**

Stormwater from the development shall be piped to a suitable transpiration disposal system (i.e. level spreader) designed by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong DCP2009. The design must be prepared after reviewing Geotechnical report dated 4 February 2019 by *Construction Sciences*.

The disposal system shall be aligned across the slope of the land (i.e. parallel to the contours) and located a minimum of 3 metres from the side property boundaries and a minimum 5 metres from all existing buildings. The disposal system shall be designed to ensure that surface discharge flows will be dispersed in a way that replicates natural overland flow conditions downstream of the site.

Detailed plans verifying compliance with this requirement must be provided to the Certifying Authority prior to issue of the Construction Certificate.

9) **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 \$18,545.51 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1109121	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council		

(Personal or company cheques are not accepted)

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

Prior to the Commencement of Works

10) 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.

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

Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal 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.

12) Sign – Supervisor Contact Details

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

- a) stating that unauthorised entry to the work site is not permitted;
- b) showing the name, address and telephone number of the Principal 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.

13) **Temporary Toilet/Closet Facilities**

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

Each toilet provided must be:

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

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

14) **Structural Engineer's Details**

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

15) **Enclosure of the Site**

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

16) **Demolition Works**

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

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

17) **Demolition Notification to Surrounding Residents**

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

18) **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.

19) **Contaminated Roof Dust**

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

20) **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.

21) **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.

22) **Hazardous Material Survey**

At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. **Hazardous materials** includes, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- a) the location of hazardous materials throughout the site;
- b) a description of the hazardous material;
- c) the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- d) an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- f) identification of the disposal sites to which the hazardous materials will be taken.

During Demolition, Excavation or Construction

23) **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.

24) **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.

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

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

26) **Asbestos Waste Collection, Transportation and Disposal**

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

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

27) **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.

28) **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.”

29) **Waste Inventory Report**

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

- a) the description of material (including identified hazardous material);
- b) an estimate of the quantity by volume and weight;
- c) the transporter and registration details of the relevant vehicle;
- d) the intended destination of the material;
- e) a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.

30) **Acid Sulfate Soils [modified]**

The Acid Sulfate Soils Recommendations in section 5.5 of the Geotechnical Investigation report (Construction Sciences Pty Ltd, 4 February 2019) are to be implemented in its entirety under the supervision of an Environmental Scientist. Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 6 kilograms of lime per 1 tonne of dry soil before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

After neutralisation, any excess soil intended for disposal must be chemically assessed in accordance with the NSW Environment Protection Authority’s *Waste Classification Guidelines Part 1: Classifying Waste* before being disposed of at a waste management facility that can lawfully accept that waste.

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

Prior to the Issue of the Occupation Certificate

31) **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.

32) **Waste Inventory**

A copy of the Waste Inventory which was maintained on-site during the demolition work and copies of relevant receipts of waste material being deposited at a waste disposal facility shall be forwarded to the Principal Certifying Authority and Council's Regulation and Enforcement Division (in the event that Council is not the Principal Certifying Authority), prior to the issue of the Occupation Certificate or commencement of the use.