

# Wollongong Local Planning Panel Assessment Report | 11 December 2019

<b>WLPP No.</b>	Item No. 3
<b>DA No.</b>	DA-2019/1114
<b>Proposal</b>	Residential - demolition of existing dwelling, construction of a dual occupancy (attached), retaining walls and Subdivision - Torrens title - two (2) lots
<b>Property</b>	31 Hutton Avenue, Bulli
<b>Applicant</b>	Illawarra Design Company
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Team (NL)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to WLPP for determination pursuant to clauses 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Clause 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, having received over 10 unique submissions by way of objection.

#### Proposal

The proposal involves demolition of a dwelling and construction of a two-storey attached dual occupancy and subsequent Torrens title subdivision.

#### Permissibility

Dual occupancies are permissible in the R2 Low Density Residential zone.

#### Consultation

The application received 21 submissions following notification. The issues concerns are discussed in greater detail at section 1.5 of this report.

Council's Development Engineering Officer has provided a satisfactory referral.

#### Main Issues

- Variations are requested to the front setback and number of stories
- Community concern as to how the proposal fits in the locality.

#### RECOMMENDATION

It is recommended that the application be approved subject to the draft conditions at Attachment 4.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the development

#### State Environmental Planning Policies

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (coastal management) 2018

#### Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

#### Other policies

- Wollongong City-Wide Development Contributions Plan 2018

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises the following:

#### Site preparation

- Demolition of a single storey dwelling

#### Construction details

- Construction of an attached, two-storey dual occupancy. Each dwelling has three bedrooms with a single garage and carport.

### **1.3 BACKGROUND**

There are no development approvals relevant to the proposal. No pre-lodgement meeting was held for the proposal.

#### Customer service actions

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

### **1.4 SITE DESCRIPTION**

The site is located at 31 Hutton Avenue, Bulli and the title reference is Lot 4 DP 219749. The site is rectangular with a fall towards the street. The locality is generally characterised by low density residential development. There is a NSW Housing development directly opposite the site.

#### Property constraints

Council records identify the land as being impacted by acid sulphate soils. No concerns are raised in this regard as discussed at clause 7.5 of WLEP 2009. There are no restrictions on the title.

### **1.5 SUBMISSIONS**

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. Twenty-one (21) submissions were received, and the issues identified are discussed below.



**Figure 1: Notification map**

**Table 1: Submissions**

Concern	Comment
Bulk and scale	The bulk is considered acceptable with respect to the applicable controls. The building complies with the maximum height limit, setbacks from boundaries and floor space ratio comply. The flat roof form is considered to minimise the apparent bulk. The first floor is limited to a single bedroom in each dwelling.
Building height exceeds 2 storeys	There is a small portion of the building that exceeds 2 storeys by virtue of the garage entry being greater than 1m above natural ground level although the building generally presents as two-storey. A variation request has been submitted in accordance with Chapter A1 in this regard and is considered acceptable.

Concern	Comment
Building encroaches on 6m front setback	<p>The balconies at first floor level encroach into the 6m setback, being 5.5m from the front property boundary.</p> <p>A variation request has been provided in accordance with Chapter A1 and is considered acceptable with regard to the objectives of the setback control and likely impacts. The encroachment is not considered to detrimentally impact on the streetscape.</p>
Large retaining walls on the boundary are non-compliant	Retaining walls are proposed on the northern boundary where a maximum wall height of 600mm is proposed for approximately 2.4m. This is satisfactory with regard to Council controls relating to retaining walls.
Overshadowing of adjoining properties	Shadow diagrams have been submitted which indicate the adjoining properties will not be overshadowed to a degree that would result in non-compliance with Council controls. The building is considered to be designed to minimise the bulk through cut for the garage entry, large setbacks to the upper level and flat roof form.
Out of character	The proposal would be the first side by side dual occupancy in the street and would represent a change to the generally single dwelling character of the street. Notwithstanding, medium and high density development is permitted in the R2 zone and the proposal is considered to be satisfactory with regard to the applicable planning controls. The impacts are also considered acceptable.
Subdivision would be out of character with the established subdivision pattern in the street.	See above.
Cumulative contribution to parking and traffic issues on the street with school and NSW Housing development.	Two off street car parking spaces for each dwelling are provided in accordance with Council requirements and there is also the ability for residents to park on the driveway. The additional traffic generated by the dual occupancy is not likely to appreciably alter traffic in the locality.
Concerns around demolition and management of asbestos	Demolition is required to comply with relevant standards and WorkCover requirements and the conditions of consent are recommended in this regard.
Incorrect shadow diagrams	The shadow diagrams submitted were imprecise and the applicant submitted amended ones which depict the precis situation.
The first-floor rear balcony will directly overlook adjoining backyards	The first-floor balcony faces the street and will not overlook adjoining backyards.
There has been no assessment made against State Environmental Planning Policy (Coastal Management) 2018 or	The proposal is satisfactory with regard to the provisions of SEPP Coastal Management 2018 as discussed in the body of this report.

Concern	Comment
against Council's DCP Chapters B02, D01 or E19.	
An application for subdivision has been made here without assessments against the Council's LEP or DCP controls.	The proposal is satisfactory with regard to the provisions of the LEP and DCP in respect of subdivision as discussed in the body of this report.
The proposal is overdevelopment	The proposal complies with the maximum height, floor space ratio, setbacks and car parking and is not considered to be of excessive bulk or scale. The impacts arising from the development are considered to be acceptable and not overdevelopment.
Privacy impacts to adjoining dwellings	<p>Adjoining dwelling to the west has bedroom windows along the adjoining elevation.</p> <p>The dwelling to the east has no windows on the adjoining elevation.</p> <p>The property to the south comprises a tennis court.</p> <p>The development is designed to orient the development primarily to the front and rear.</p> <p>The first floors contain only a bedroom with windows primarily to the street and a privacy screen to the northern balcony adjacent to the side boundary.</p> <p>The rear private open space and courtyard is either at natural ground or cut into the slope.</p>
Subdivision would create undersized Torrens lots	The proposal satisfies clause 4.1(c) of WLEP 2009 with regard to subdivision.
Private open space is disconnected from the living space	The proposal incorporates two outdoor spaces for each dwelling. One being a balcony directly connected to the living space, the other being a rear courtyard. The overall space provided is in excess of that required by the DCP and is considered fit for purpose.
The proposal will lower property values	This is not a matter for consideration under the applicable controls.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

#### Development Engineering Officer

The application has been assessed in regard to traffic, stormwater and subdivision matters and found to be satisfactory. Conditions of consent were recommended and are included in the consent.

### 1.6.2 EXTERNAL CONSULTATION

None required

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

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated. There are no significant earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

#### 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (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 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.

#### 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site identified under this policy as being located within the Coastal Environment and Coastal Use Areas. The proposed development is small in scale and the site does not have a direct interface with the coast line. No concerns are raised with respect to Divisions 3, 4 or 5 of this policy.

#### 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

##### Clause 1.4 Definitions

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

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

### **Part 2 Permitted or prohibited development**

#### Clause 2.2 – zoning of land to which Plan applies

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

#### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

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

#### **Part 4 Principal development standards**

##### Clause 4.1 Minimum subdivision lot size

The proposal will result in an attached dual occupancy and Torrens title subdivision is permitted despite the resultant lots not meeting the minimum lot size identified under this clause pursuant to subclause 4(C).

##### Clause 4.3 Height of buildings

The proposed maximum building height of 7.3m 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:	566.7m <sup>2</sup>
GFA:	Lower ground – 13m <sup>2</sup>
	Ground – 204.7m <sup>2</sup>
	First – 60.3m <sup>2</sup>
FSR:	278/556.7 = 0.5:1

#### **Part 7 Local provisions – general**

##### Clause 7.1 Public utility infrastructure

It is considered that the development can be readily connected to the relevant utilities and conditions are recommended with regard to the specific requirements of the relevant utility providers.

##### Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the proposal does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

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

N/A

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

##### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

#### **CHAPTER A1 – INTRODUCTION**

#### **8 Variations to development controls in the DCP**

The proposal seeks to vary the 6m front setback and two storey requirement. These are discussed in turn below:

##### Front setback

*(a) The control being varied;*

Chapter B1 Section 4.2 Front Setbacks: A minimum 6m front setback is required.

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

The setback at ground floor level is 5.5m to the balcony edge. There are no particularly unique circumstances.

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

The objectives of the control are as follows:

*(a) To reinforce the existing character of the street and locality by acknowledging building setbacks.*

The entry level complies with the 6m requirement. Further, the DCP allows for less than 6 metres where the prevailing street character permits and the future desired character of the area is not prejudiced. In this instance, the development opposite and to the north east of the site comes to closer than 6m and there are a number of dwellings located further east on Hutton Avenue that also come closer than 6m. The variation for the balconies is considered to be minor and not to set an undesirable precedent for future development.

*(b) To ensure that buildings are appropriately sited, having regard to site constraints.*

Satisfactory.

*(c) To ensure building setbacks are representative of the character of the area.*

See discussion at point a)

*(d) To provide for compatibility in front setbacks to provide unity in the building line.*

See discussion at point a)

*(e) To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.*

Satisfactory

*(f) To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).*

Satisfactory.

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

No additional impacts above a compliant built form are expected as a result of the variation.

#### Number of stories

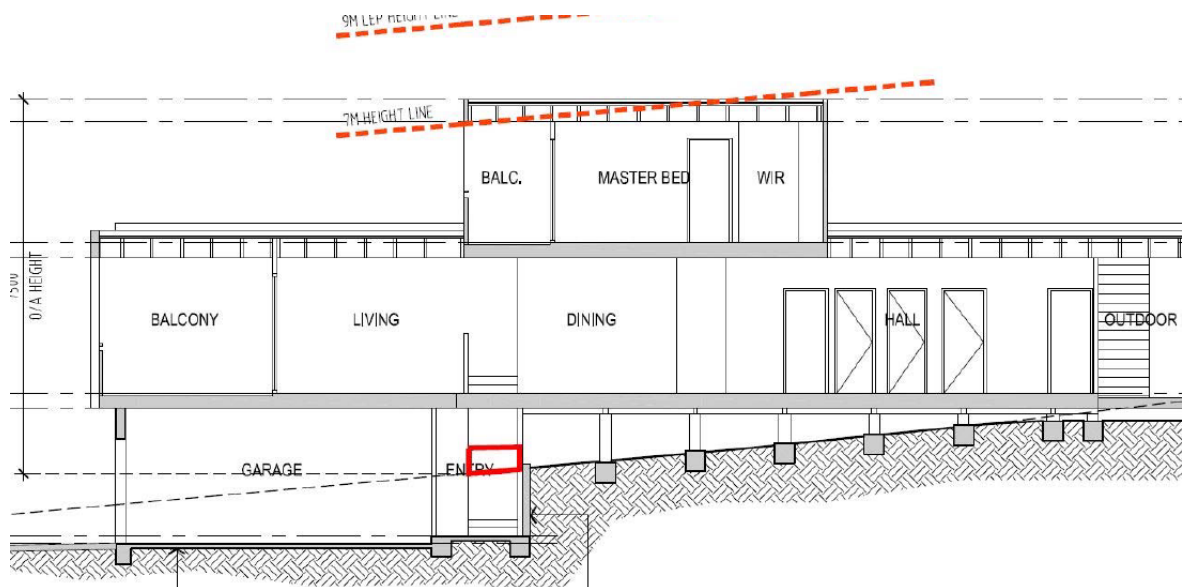
*(a) The control being varied;*

Chapter B1 Section 4.1 Number of Storeys: Buildings are to be a maximum of 2 storeys in the R2 zone.

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

A small portion of the building in the centre exceeds this as illustrated below.





There are no particularly unique circumstances as to why the variation is requested. Notwithstanding, the variation is considered minor and not to result in any discernible additional impacts to a fully compliant building.

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

The objectives of the control are as follows:

*a) To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.*

The encroachment results from part of a roof structure and will not be visually dominant nor impact on shadows or contribute to overlooking. As a result, it will not compromise the objective.

*b) To minimise the potential for overlooking on adjacent dwellings and open space areas.*

See discussion at point a)

*c) To ensure that development is sympathetic to and addresses site constraints.*

See discussion at point a)

*d) To encourage split level stepped building solutions on steeply sloping sites.*

See discussion at point a)

*e) To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.*

See discussion at point a)

*f) To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.*

See discussion at point a)

*g) To ensure appropriate correlation between the height and setbacks of ancillary structures.*

N/A

*h) To encourage positive solar access outcomes for dwellings and the associated private open spaces.*

The proposed variation does not result in solar access to adjoining dwellings being compromised.

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

The variation is minor in nature and not considered to result in any significant additional impacts above and beyond a fully compliant form.

## CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP and is generally consistent with the principles of Ecologically Sustainable Development.

## CHAPTER B1 – RESIDENTIAL DEVELOPMENT

### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>
<u>4.1 Maximum Number of Storeys</u>	
<ul style="list-style-type: none"> <li>Maximum of 2 storeys</li> </ul>	Three-storey in part (taking the basement definition – only 1m above natural ground to be able to be defined as basement) – See variation discussion at Chapter A1.
<ul style="list-style-type: none"> <li>Single storey within 8m of rear</li> </ul>	complies
<u>4.2 Front Setbacks</u>	
6m minimum	Complies at garage level – encroaches by 500mm at first floor level. – See variation discussion at Chapter A1.
<u>4.3 Side and Rear Setbacks</u>	
900mm minimum	Complies
<u>4.4 Site coverage</u>	
50% maximum site coverage	$50\% \text{ of } 566.7\text{m}^2 = 283$
site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage—	Complies
(a) any basement,	
(b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,	
(c) any eaves,	
(d) unenclosed balconies, decks, pergolas and the like.	
<u>4.5 Landscaped Area</u>	
<ul style="list-style-type: none"> <li>20% to be landscaped</li> </ul>	$118\text{n}^2/566.7\text{m}^2 = 20\% - \text{complies}$
<ul style="list-style-type: none"> <li>At least 50% of the landscaped area must be located behind the building line to the primary road boundary.</li> </ul>	Complies

<ul style="list-style-type: none"> <li>integrated with the drainage design</li> </ul>	Y
<ul style="list-style-type: none"> <li>2 semi mature small to medium evergreen or deciduous trees (minimum pot size 45 litre) is to be provided within the landscape area</li> </ul>	Y
<ul style="list-style-type: none"> <li>a minimum of 1.5 metre wide landscape strip within the front setback for the majority of the site width</li> </ul>	Complies
<u>4.6 Private Open Space</u>	
<ul style="list-style-type: none"> <li>24m<sup>2</sup> private open space area with minimum dimension of 4m.</li> </ul>	The balcony adjacent to the living space does not meet this requirement however there is a secondary space to the rear that does. The POS areas are considered functional and fit for purpose and to generally exceed the requirements of the DCP.
<u>4.7 Solar Access</u>	
<ul style="list-style-type: none"> <li>Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June.</li> </ul>	Shadow diagrams have been provided which indicate the overshadowing of adjoining properties will not result in control being compromised.
<ul style="list-style-type: none"> <li>At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21.</li> </ul>	
<ul style="list-style-type: none"> <li>Shadow diagrams are required for 9.00am, 12:00pm and 3.00pm for the 21 June winter solstice period for two storey dwellings. I</li> </ul>	
<u>4.8 Building Character and Form</u>	
<ul style="list-style-type: none"> <li>The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction.</li> </ul>	The built form is stepped up the site. There is excavation for the car port/garage however this allows for a lower and safer driveway grade and reduces the bulk of the building as viewed from the sides.
<ul style="list-style-type: none"> <li>Large bulky forms are to be avoided, particularly in visible locations. The use of extended terraces, balconies, sun shading devices and awnings will help reduce the apparent bulk of buildings.</li> </ul>	The bulk and scale of the building is considered acceptable.
<ul style="list-style-type: none"> <li>New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality</li> </ul>	The locality is generally characterised by low density residential dwellings however there is a school to the south and Housing NSW development opposite. The appearance, bulk and scale of the proposal are not considered to detract from the locality.

<ul style="list-style-type: none"> <li>frontages and entries clearly addressing the street frontage</li> </ul>	Satisfactory
<ul style="list-style-type: none"> <li>blank walls or walls with only utility windows on the front elevation not permitted.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>garages to be articulated</li> </ul>	Satisfactory
<ul style="list-style-type: none"> <li>garages not to exceed 50% of the width of the dwelling</li> </ul>	Complies
<u>4.9 Fences</u>	
N/A	
<u>4.10 Car parking and Access</u>	
2 spaces per dwelling >125m <sup>2</sup> GFA	Complies
Garages minimum of 5.5m from front property boundary	Complies
6m x 3m dimension for parking	Complies
Driveways 1m minimum from side boundary	Complies
Maximum cross over of 3m	A crossover width of ~4.5m is proposed. This is not considered to be problematic as on-street car parking and pedestrian safety are not compromised.
<u>4.11 Storage Facilities</u>	
<ul style="list-style-type: none"> <li>10m<sup>3</sup> / 5m<sup>2</sup></li> </ul>	Complies
<u>4.12 Site Facilities</u>	
site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive.	Satisfactory
<u>4.13 Fire Brigade Servicing</u>	
<ul style="list-style-type: none"> <li>Ensure that all dwellings can be serviced by fire fighting vehicles.</li> </ul>	Both dwellings have direct street frontage and are accessible for fire fighting vehicles and personnel.
<u>4.14 Services</u>	
<ul style="list-style-type: none"> <li>ensure that all residential development can be appropriately serviced.</li> </ul>	Satisfactory.
<u>4.15 Development near the coastline</u>	
N/A	
<u>4.16 View sharing</u>	
N/A	

<u>4.17. Retaining walls</u>	Complies
Retaining walls up to 600mm permitted up to boundary Retaining over 1m high to be designed by engineer	
<u>4.18 Swimming pools and spas</u>	The retaining wall at the back of the garage exceeds 1m in height and is to be designed by an engineer. Retaining walls are proposed on the northern boundary of 600mm.
N/A	
<u>4.19 Development near railway corridors and major roads</u>	Complies
N/A	
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>	Complies
N/A	
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>	Complies
15m site width required	
<u>4.22 Additional controls for Dual Occupancies – building character and form</u>	Satisfactory
Garages to be articulated	
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u>	Complies
half of the landscaped area must be provided as a deep soil zone	
Siting to be based on site and context analysis to chose appropriate location.	Deep soil is located along rear boundary which is considered to provide screening and a pleasant outlook from the dwellings.
To be free from structures	
Densely planted with trees and shrubs	Complies

## CHAPTER B2: RESIDENTIAL SUBDIVISION

The proposal involves Torrens title subdivision and the applicable clauses of this chapter are addressed below.

### 5 Subdivision design - topography, natural landform & significant vegetation

The proposed subdivision is considered acceptable in regard to the topography and site attributes.

### 6 Subdivision lot layout – aspect & solar access orientation

The subdivision is regular in shape and the north/south orientation allows for better solar access and reduced overshadowing.

### 7 Minimum subdivision allotment size requirements

See discussion at Clause 4.1 of WLEP 2009.

## 8 Lot width & depth requirements

A minimum lot width of 12m is required for new subdivisions. This is not considered applicable as the dual occupancy development built form is established and the site meets the minimum site width for dual occupancy development.

The depth of the lots exceeds the recommended minimum of 25m.

## 13 Cut and fill land re-shaping works

The site has fall to the street and earthworks are not considered excessive.

## 40 Street numbering

A condition of consent is recommended with regard to street numbering.

# **CHAPTER D1 – CHARACTER STATEMENTS**

## Bulli

*Bulli should retain its relatively low density residential suburban character with some limited multi-dwelling housing opportunities within a short walking distance (ie 400 – 600 metres) to Bulli railway station. Any multi-dwelling housing should generally be restricted to two storeys in height. Therefore, villas, integrated developments and townhouses are considered the most appropriate forms of multi-dwelling housing.*

*Dwellings within the eastern coastal part of Bulli should be designed to minimise the scale and bulk of the development through well-articulated building forms. New contemporary or “lightweight” dwellings with a distinctive coastal character are encouraged for the eastern (coastal) part of Bulli. Dwellings should feature sloping flat, curved or gently to moderately pitched roof forms only and to help maximise view sharing opportunities for rear neighbouring dwellings.*

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

The building design is considered to be compatible with these objectives.

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

## **6 Traffic impact assessment and public transport studies**

### 6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was not required for the development.

### 6.2 Preliminary Construction Traffic Management Plan

N/A

## **7 Parking demand and servicing requirements**

Two car parking spaces are provided for each dwelling in accordance with this chapter.

## **8 Vehicular access**

Driveway grades and sight distances comply.

## **9 Loading / unloading facilities and service vehicle manoeuvring**

The development complies with AS 2890.2. Waste servicing will occur from the kerb.

## **10 Pedestrian access**

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

## **11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas**

The proposal is satisfactory with regard to the principles of CPTED.

### **CHAPTER E6: LANDSCAPING**

The proposal was accompanied by a concept landscape plan which addresses the overall area and deep soil requirements of Chapter B2.

### **CHAPTER E7: WASTE MANAGEMENT**

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

The proposal involves demolition of the dwelling currently on the site and a demolition plan has accordingly been provided.

Suitable waste storage and servicing arrangements have been provided

### **CHAPTER E14 STORMWATER MANAGEMENT**

The site drains to the street and the proposed stormwater concept plan has been reviewed as satisfactory by Council's Stormwater Engineer.

### **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

Conditions of consent are recommended with regard to demolition.

### **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.

#### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018**

The estimated cost of works is \$880,000 and a levy 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

N/A

94 Consent authority may require buildings to be upgraded

N/A

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

The proposal is consistent with the applicable controls and is considered acceptable with regard to the likely impacts.

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

### Does the proposal fit in the locality?

The development type is permitted in the R2 zone and does not result in any variations to development standards. The development is acceptable with regard to the relevant planning controls with the exception of minor variations discussed at Chapter A1. The proposal is considered to fit in the locality.

### Are the site attributes conducive to development?

There are no site constraints that would preclude the proposal.

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

Submissions received following public exhibition are discussed at Section 1.5.

## **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 CONCLUSION**

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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.

The site is zoned R2 Low Density where dual occupancy development is a permitted land use. The proposed development aligns with the objectives of the zone and the design of the development is appropriate regarding the controls outlined in these instruments.

The proposal involves variations to WDCP2009 which have been discussed in this report and are considered supportable as they do not detract from the development or result in adverse impacts on adjoining land or the streetscape. The public advertising process resulted in numerous submissions being received raising concern with the development. The issues raised in the submissions have been considered in the assessment of the application as outlined in Section 1.5 of this report. Internal referrals are satisfactory.

It is considered that the proposed development has otherwise been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to the conditions of consent at Attachment 4.

## **5 ATTACHMENTS**

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1. Aerial photograph
2. WLEP 2009 zoning map
3. Architectural plans
4. Draft conditions of consent



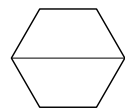
DA-2019/1114

**Attachment 1 – Aerial Photograph**



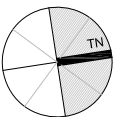
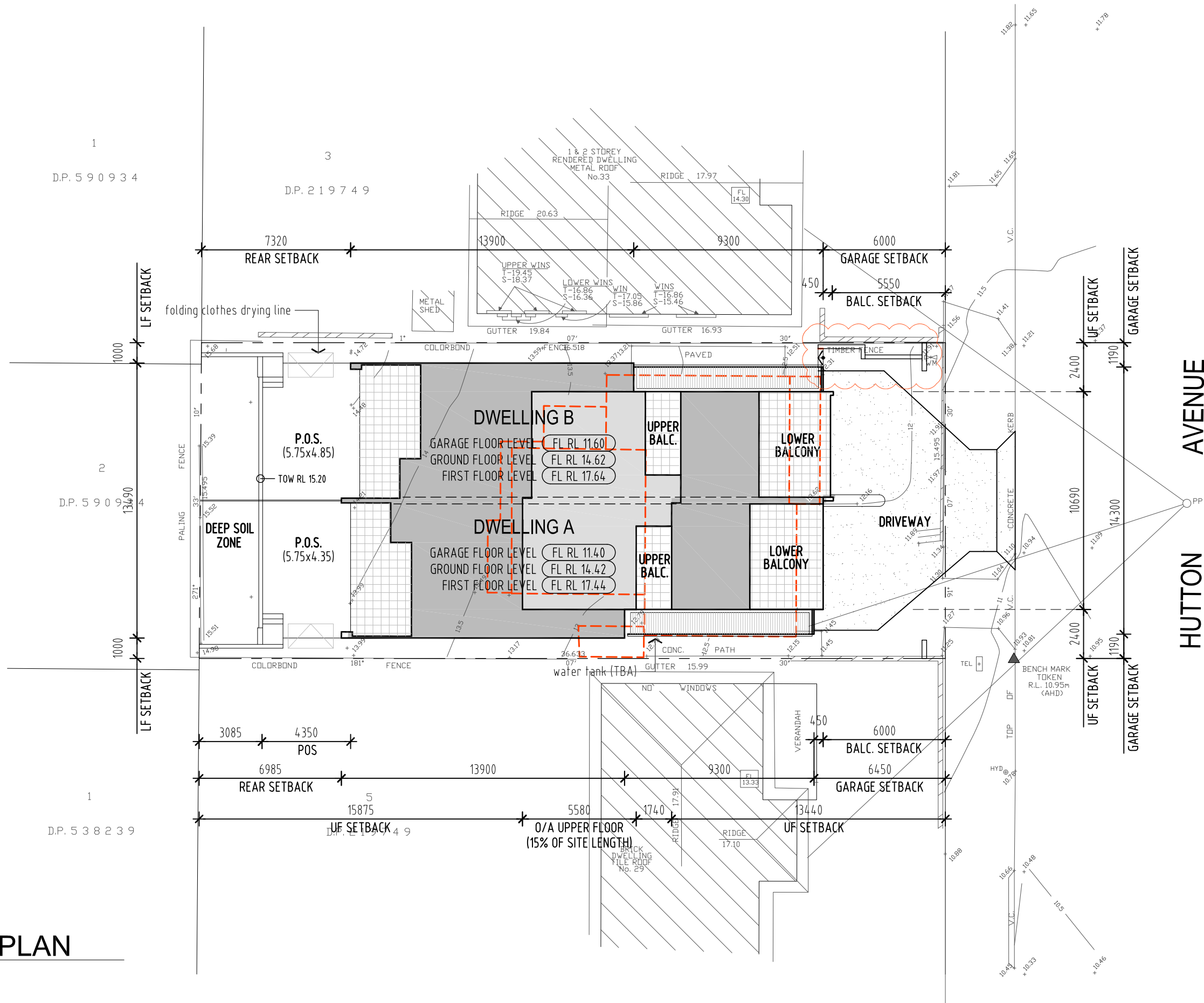
Attachment 2 – WLEP zoning map





# SITE PLAN

1:200 scale



NOT FOR CONSTRUCTION

ISSUE :	DATE :	DESCRIPTION :
P1	17.06.2019	preliminary, for review
A	17.09.2019	development application
B	22.11.2019	minor revisions, DA issue

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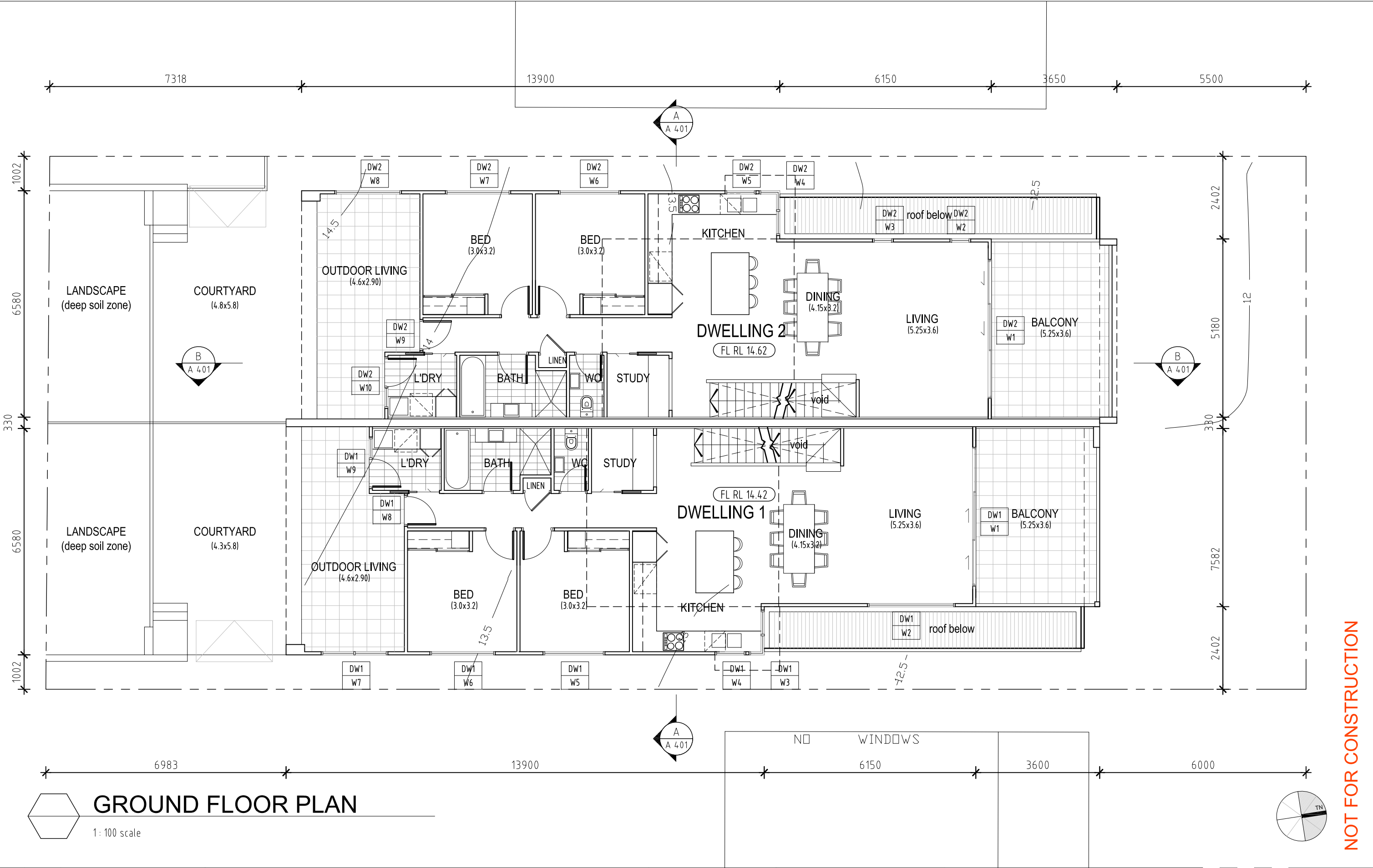
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E: info@illawarradesign.com.au  
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TITLE :	PROJECT :	ADDRESS :	ISSUE TYPE:	JOB No :	DRAWING No :
SITE PLAN	PROPOSED DUAL OCCUPANCY (inc. torrens subdivision)	31 HUTTON AVENUE, BULLI	DA	883	103
			SCALES : (A3) 1:200	REVISION : B	
			DATE : MAR, 2019		





ISSUE :	DATE :	DESCRIPTION :
P1	01.04.2019	concept design for review
P2	10.05.2019	developed design for review
P3	16.06.2019	preliminary, for review
A	17.09.2019	development application

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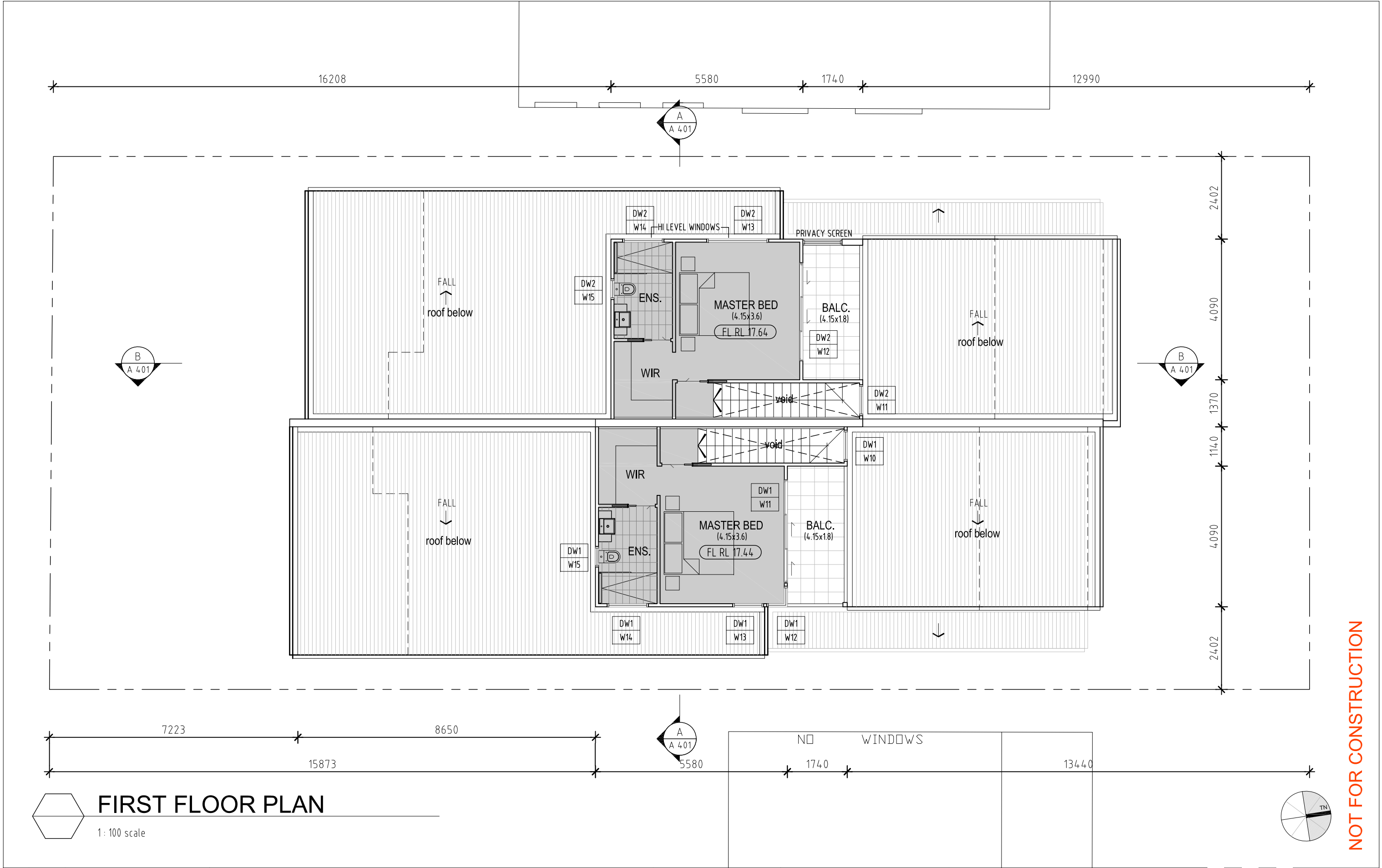
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TITLE : GROUND FLOOR PLAN			
PROJECT : PROPOSED DUAL OCCUPANCY (inc. torrens subdivision)		ISSUE TYPE: DA	JOB No : 883
ADDRESS : 31 HUTTON AVENUE, BULLI		SCALES : (A3) 1:100	REVISION : A
		DATE : MAR. 2019	DRAWING No : 202



ISSUE :	DATE :	DESCRIPTION :
P1	01.04.2019	concept design for review
P2	10.05.2019	developed design for review
P3	16.06.2019	preliminary, for review
A	17.09.2019	development application

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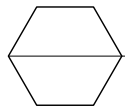
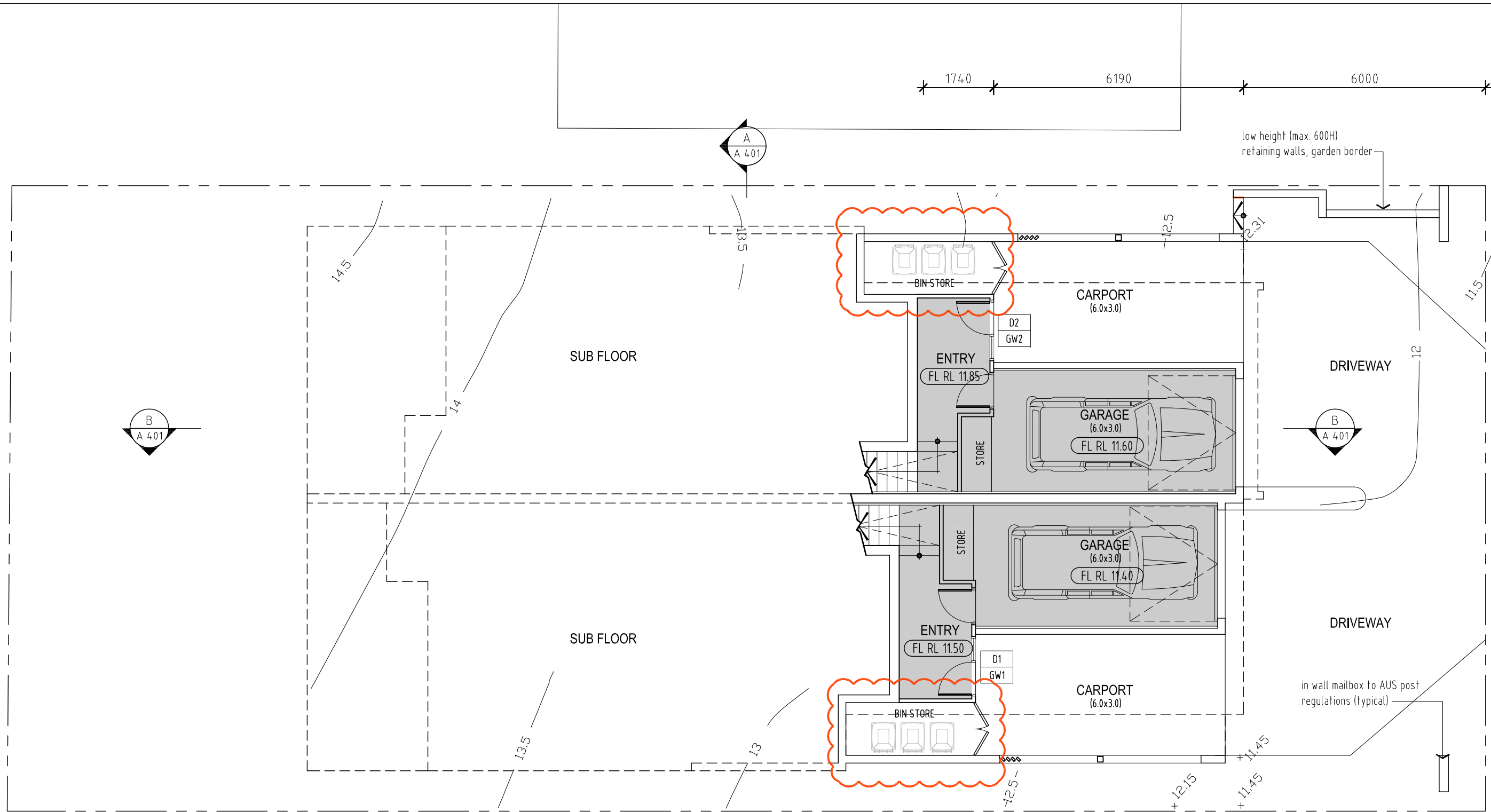
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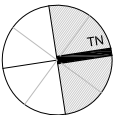
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TITLE : FIRST FLOOR PLAN			
PROJECT : PROPOSED DUAL OCCUPANCY (inc. torrens subdivision)		ISSUE TYPE: DA	JOB No : 883
ADDRESS : 31 HUTTON AVENUE, BULLI		SCALES : (A3) 1:100	REVISION : A
		DATE : MAR. 2019	DRAWING No : 203



# GARAGE/ENTRY FLOOR PLAN

1: 100 scale



NOT FOR CONSTRUCTION

ISSUE :	DATE :	DESCRIPTION :
P1	01.04.2019	concept design for review
P2	10.05.2019	developed design for review
P3	17.06.2019	preliminary, for review
A	17.09.2019	development application
B	22.11.2019	bin stores revised, DA issue

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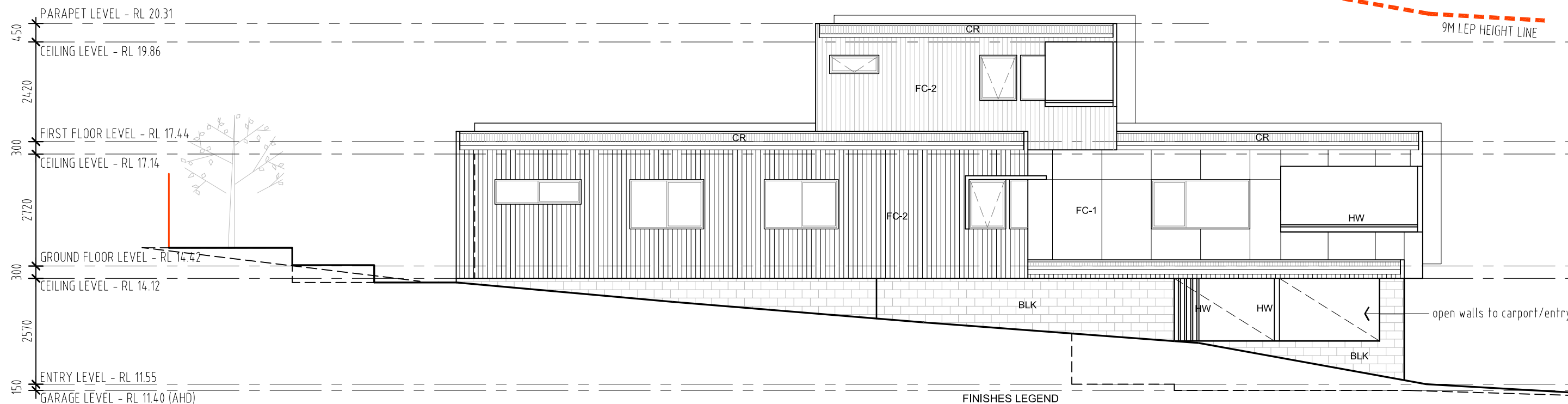
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W: illawarradesign.com.au

TITLE : <b>GARAGE/ENTRY FLOOR PLAN</b>			
PROJECT : PROPOSED DUAL OCCUPANCY (inc. torrens subdivision)	ISSUE TYPE: DA	JOB No : 883	DRAWING No : <b>201</b>
	SCALES : (A3) 1:100	REVISION : <b>B</b>	
	ADDRESS : 31 HUTTON AVENUE, BULLI		
		DATE : MAR. 2019	



**NORTH ELEVATION**  
**STREET ASPECT**  
1: 100 scale



**EAST ELEVATION**  
1: 100 scale

**FINISHES LEGEND**

AW	Aluminium Framed Windows and Doors (Colour TBA)	GD	Lift up garage door (Colour TBA)	FC-1	Fibre cement sheet cladding (CSR Barestone or similar)
HW	Hardwood handrails and screens	TB	hardwood timber battens	FC-2	Fibre cement vertical grooved cladding
CR	Colorbond Roofing (COLORBOND klip-lok colour TBA)	BLK	concrete block walls	FC-3	Fibre cement weatherboard cladding

ISSUE :	DATE :	DESCRIPTION :
P1	10.05.2019	concept design for review
P2	16.06.2019	preliminary, for review
A	17.09.2019	development application

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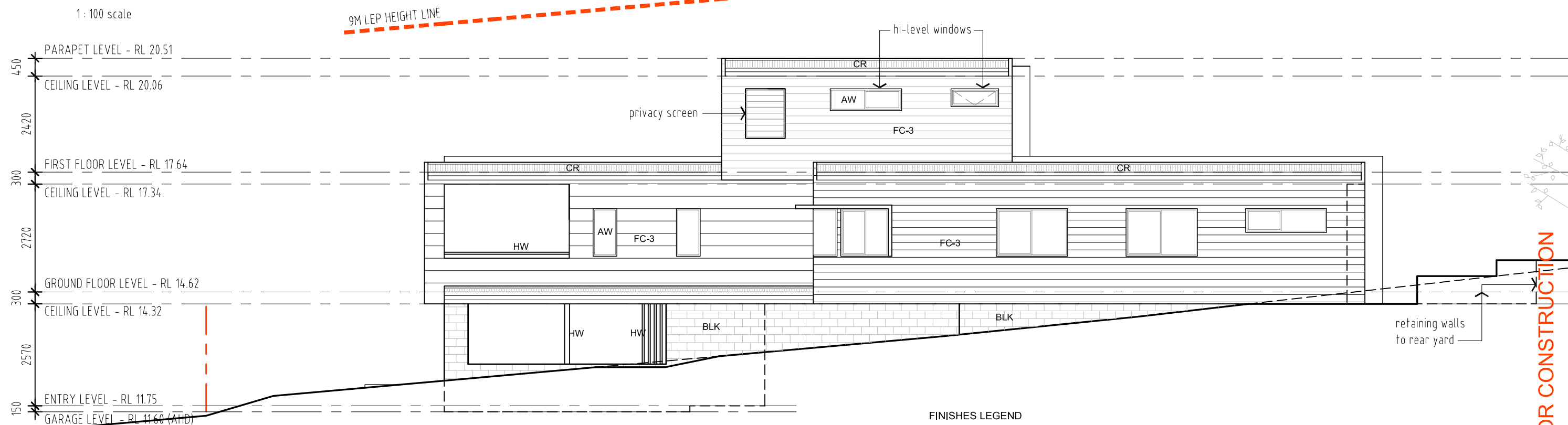
<b>TITLE :</b> <b>ELEVATIONS</b>	<b>PROJECT :</b> PROPOSED DUAL OCCUPANCY (inc. torrens subdivision)	<b>ISSUE TYPE:</b> DA	<b>JOB No :</b> 883	<b>DRAWING No :</b> 301
<b>ADDRESS :</b> 31 HUTTON AVENUE, BULLI		<b>SCALES :</b> (A3) 1:100	<b>REVISION :</b> A	
		<b>DATE :</b> MAR. 2019		



## SOUTH ELEVATION

### REAR YARD ASPECT

1:100 scale



## WEST ELEVATION

### FINISHES LEGEND

AW	Aluminium Framed Windows and Doors (Colour TBA)	GD	Lift up garage door (Colour TBA)	FC-1	Fibre cement sheet cladding (CSR Barestone or similar)
HW	Hardwood handrails and screens	TB	hardwood timber battens	FC-2	Fibre cement vertical grooved cladding
CR	Colorbond Roofing (COLORBOND klip-lok colour TBA)	BLK	concrete block walls	FC-3	Fibre cement weatherboard cladding

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ISSUE :	DATE :	DESCRIPTION :
P1	10.05.2019	concept design for review
P2	16.06.2019	preliminary, for review
A	17.09.2019	development application

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TITLE :	<b>ELEVATIONS</b>		
PROJECT :	PROPOSED DUAL OCCUPANCY (inc. torrens subdivision)		
ADDRESS :	31 HUTTON AVENUE, BULLI		
ISSUE TYPE:	DA	JOB No : 883	DRAWING No : 302
SCALES : (A3) 1:100		REVISION : A	
DATE : MAR. 2019			





ISSUE :	DATE :	DESCRIPTION :
P1	17.06.2019	preliminary, for review
A	17.09.2019	development application

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**TITLE: SECTIONS**

PROJECT: PROPOSED DUAL OCCUPANCY  
(inc. torrens subdivision)

ADDRESS : 31 HUTTON AVENUE, BULLI

	
<b>ISSUE TYPE:</b> DA	<b>JOB No :</b> 883
<b>SCALES :</b> (A3) 1:100	<b>REVISION :</b>
<b>DATE :</b> MAR. 2019	<b>A</b>

DRAWING No :  
401

# NO! FOR CONSTRUCTION



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A	17.06.2019	development application
B	22.11.2019	development application

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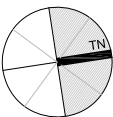
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**SHADOW DIAGRAMS**  
PROJECT : PROPOSED DUAL OCCUPANCY (inc. torrens subdivision)  
ADDRESS : 31 HUTTON AVENUE, BULLI

ISSUE TYPE:	JOB No :	DRAWING No :
DA	883	601
SCALES :	REVISION :	
(A3) 1:200	B	
DATE :		
MAR. 2019		



**DRAFT SUBDIVISION PLAN**  
1: 200 scale



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ISSUE :	DATE :	DESCRIPTION :
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A	17.09.2019	development application


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## Attachment 4 - Draft conditions

### Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on:  
Site Plan 103-B dated 22 November 2019 prepared by Illawarra Design Company  
Draft Subdivision Plan 105-A dated 17 September 2019 prepared by Illawarra Design Company  
Garage/Entry Floor Plan 201-B dated 22 November 2019 prepared by Illawarra Design Company  
Ground Floor Plan 202-A dated 17 September 2019 prepared by Illawarra Design Company  
First Floor Plan 203-A dated 17 September 2019 prepared by Illawarra Design Company  
Elevations Plan 301-A dated 17 September 2019 prepared by Illawarra Design Company  
Elevations Plan 302-A dated 17 September 2019 prepared by Illawarra Design Company  
Sections Plan 401-A dated 17 September 2019 prepared by Illawarra Design Company  
and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

### General Matters

- 2 **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.

### Prior to the Issue of the Construction Certificate

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

- 6 **Present Plans to Sydney Water**  
Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://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](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.
- 7 **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:
- a A plan of the wall showing location and proximity to property boundaries;
  - b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
  - c Details of fencing or handrails to be erected on top of the wall;
  - d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
  - e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
  - f The assumed loading used by the engineer for the wall design.
  - g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 8 **Stormwater Connection to Kerb**  
Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.
- 9 **Property Addressing Policy Compliance**  
Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** ([propertyaddressing@wollongong.nsw.gov.au](mailto: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.
- 10 **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 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 ADD Design and Consulting, Reference No. 19/231, revision 1, dated September 2019.

- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the street kerb and gutter.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

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

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be 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.

12 **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 \$8,800.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:



METHOD	HOW	PAYMENT TYPE
Online (Full payment only)	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1165157	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
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](http://www.wollongong.nsw.gov.au)

### Prior to the Commencement of Works

#### 13 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.

#### 14 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.

15 **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.

16 **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.

17 **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.

18 **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.

19 **Demolition Works**

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

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal 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.

20 **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.

21 **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.

22 **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.

23 **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.

24 **Tree Protection**

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

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

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

- 25 The driveway for the development is to be setback a minimum of 4.5m from the property boundary to preserve space for on-street car parking.

**During Demolition, Excavation or Construction**

26 **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to street kerb and gutter.

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

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

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

28 **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.

29 **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.

30 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".

31 **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.

32 **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.

33 **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>).

34 **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.

**Prior to the Issue of the Occupation Certificate**

35 **Rights of Carriageway – Vehicular and Pedestrian Access Between Sites**

The creation of rights of carriageway pursuant to Section 88B of the Conveyancing Act 1919, in order to guarantee suitable vehicular and pedestrian access arrangements are available to each lot,

prior to the issue of the Occupation Certificate or commencement of the development. The 88B Instrument shall contain a provision that it may not be altered, modified or extinguished, except with the written consent of Wollongong City Council.

36 **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.

37 **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.

**Prior to the Issue of the Subdivision Certificate**

38 **Occupation Certificate Prior to Subdivision Certificate**

An Occupation Certificate for the dwelling/s must be issued prior to the release of the Subdivision Certificate for the Torrens Title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the subdivision certificate application.

39 **Existing Easements**

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

40 **Existing Restriction as to Use**

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

41 **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.

42 **Encroaching Services**

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

43 **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.

44 **Party Wall**

The extent of the party wall shall be reflected on the final plan of subdivision, under Section 181B of the Conveyancing Act.

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

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