

# Wollongong Local Planning Panel Assessment Report | 11 May 2021

<b>WLPP No.</b>	Item 5
<b>DA No.</b>	DA-2020/290/A
<b>Proposal</b>	Residential - multi dwelling housing - demolition of existing dwelling, tree removals and construction of three (3) attached 3 storey dwellings over basement parking area.  Modification A - amend condition 6 (a) – Sandstone Wall
<b>Property</b>	342-344 Lawrence Hargrave Drive, THIRROUL NSW 2515 Lot B DP 378330
<b>Applicant</b>	Illawarra Property Holdings Pty Ltd
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (BM)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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

The proposal has been referred to the WLPP **for determination** pursuant to Direction 2 of the Local Planning Panels Direction as the application proposes amendment to a condition of development consent that was imposed by the Panel.

#### Proposal

The proposal is for modification of Condition 6a of the consent in relation to capacity for dismantling and reconstructing the front sandstone boundary wall. The approved development is for demolition of existing dwelling, tree removals and construction of three (3) attached 3 storey dwellings over basement parking area. The sandstone wall whilst being a local landscape feature is not heritage listed.

#### Permissibility

The site is zoned R3 Medium Density Residential pursuant to Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as a multi dwelling development and is permissible in the zone with development consent. Modification of the proposal is hence permissible.

#### Consultation

The proposal was exhibited in accordance with Wollongong Community Participation Plan 2019. Eight (8) submissions were received during this period.

The submissions received are discussed at section 1.8 of the assessment report.

#### Internal

Details of the proposal were referred to Council's Development Engineering and Heritage divisions for assessment. No objection comments and/or recommended conditions were provided in each instance.

#### External

Details of the proposal were referred to Transport for NSW (TfNSW). TfNSW provided no objection comments.

#### Recommendation

It is recommended that DA-2020/290/A be **approved** subject to new and amended conditions within Attachment 4.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

#### Proposal

The proposal is for modification of the consent to modify Condition 6a in relation to capacity for dismantling and re-constructing the existing sandstone front wall.

#### Permissibility

The proposed *multi dwelling* is permissible use in the R3 Medium Density Residential zone and hence its modification.

#### Notification and submissions

The proposed modification was notified and eight submissions were received.

#### Modification

The application is considered to be a s4.55(1A) as it is substantially the same development and of minimal environmental impact. The proposed modification does not alter the categorisation of the approved development and is satisfactory with regard to the zoning and applicable 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 Infrastructure

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

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

No variations are proposed to WLEP2009 or WDCP2009 as a result of the modification request.

#### Issues

Removal of sandstone blocks of the wall associated with its reconstruction that could impact on the retention of existing wall in-situ.

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

Modification is proposed to amend Condition 6a imposed by the Local Planning Panel at the meeting of 3 November 2020.

#### 6a. Sandstone Wall

*“The existing front dry sandstone wall shall be retained in its original height and form except where the new pedestrian and driveway openings are located”.*

The applicant has requested the condition to be modified as:

*The existing dry sandstone wall shall be retained where possible in its original height and form. In the event that blocks have to be temporarily removed due to construction requirements the wall shall be rebuilt to match its original height and form except where the new pedestrian and driveway openings are located.*

In effect this enables capacity for the wall being dismantled and reconstructed partly or entirely should further engineering investigation require additional works. A copy of the applicant's modification request and engineering comments are provided at Attachment 1.

### **1.3 SECTION 4.55 Modification of consents-generally**

*1A) Modifications involving minimal environmental impact. A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

*(a) it is satisfied that the proposed modification is of minimal environmental impact and,*

The application is considered to be a section 4.55(1A) modification as it is of minimal environmental impact.

The application is considered to be of minimal environmental impact as follows.

– No amenity impacts in terms of additional overshadowing, privacy or traffic generation expected

*(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

*The modification as proposed does not result in significant changes to the original consent. The proposed modification is considered to be substantially the same as the development for which consent was originally granted for the following reasons:*

- No change to categorisation of development
- No increase in FSR
- No change in bulk or scale

*c) it has notified the application in accordance with:*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent,*

The application was renotified in accordance with Council's Community Participation Plan 2019.

*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Eight (8) submissions were received following notification. The concerns raised are considered as part of this application (see Section 1.8)

*(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The relevant matters of consideration under section 4.15 are outlined below.

### **Approved Development Background**

The approved development relates to demolition of existing dwelling, tree removals and construction of three (3) attached 3 storey dwellings over basement parking area at 342-344 Lawrence Hargrave Drive, Thirroul. The original consent was lodged on 6 April 2020, notified on 20 April and approved on 3 November 2020.

At the time of Councils consideration of DA-2020/290, the site was zoned R3 Medium Density Residential. The proposal sought approval for the following:

*Site preparation:*

- *Demolition of existing dwelling and structures*
- *Earthworks for the preparation of the building works and tree removal.*

*Works / Construction / building details:*

- *Construction of three (3) x three (3) bedroom plus study, three(3) storey dwellings with individual basements, lifts, front upper level balconies*
- *Ground floor includes living and dining areas, 2 bedrooms and a study on Level 1, one bedroom on Level 2 for each of the units*
- *On-site parking for a total of six (6) cars within the basement in the form of double garages for Units 2 and 3, a single garage for Unit 1, and one (1) visitor parking space;*
- *Removal of selected trees, with the provision of associated supplementary replacement plantings/landscaping and stormwater drainage.*

*Landscaped areas are provided in the form of a deep soil zone at the rear northern part.*

*Access for vehicles is via a driveway along the south western corner.*

*Bin storage areas located within the basement garages.*

The application was non-compliant with regard to FSR and the departure to the development standard with a Clause 4.6 variation request was considered and supported. The applicant sought variations to the WDCP2009 for Front and Side setbacks and provided adequate justification. These variations were considered and supported.

### **Main Issues Approved Development**

- Non-compliance to development standard and controls related to Floor Space Ratio and setbacks respectively.
- Submissions received.

### **Statutory Considerations**

DA – 2020/290 was submitted and assessed on the basis of the construction of the Multi Dwelling development.

This application was assessed in accordance with the matters considered under Section 4.15 of the Act, the WLEP 2009 and Council's DCP and policies.

Conditional consent was issued under Section 4.16 of the Act following the WLPP meeting of 3 November 2020 (see Attachment 3).

## **1.4 ASSESSMENT**

The applicant 's request for modification states, "it is not possible to cut vertical openings in the wall for the pedestrian access ways or driveway, instead it will be necessary to tier the openings back as the blocks are dry stacked. Furthermore, a construction area is required to the rear of the proposed wing walls that support the earth to the rear of the existing dry stone wall which will require removal of additional blocks".

The applicant's accompanying engineer's report has recommended removal of sand stone walls and reconstruction beyond the proposed entries for pedestrians and driveway ensuring structural adequacy and proper drainage. Details as shown in the report identifies the existing sandstone wall requires reconstruction 1m beyond the proposed openings and partial reconstruction beyond this 1m setback line. The report also states that further investigations are required to assess the structural safety along the full stretch of the wall that may necessitate a complete reconstruction (See Attachment 1).

Considering Council's Heritage Officer's comments and the applicant's submission it is regarded that the existing sandstone wall may require partial or a complete reconstruction. The extent of reconstruction is difficult to determine at this stage. Council's position in this matter is to minimise disturbance to the existing wall reducing the extent of reconstruction. To account for this a condition is recommended to be imposed requiring additional investigation and sign off on a final methodology to retain as much as possible in situ (Condition 29a).

The survey plan shows that part of the existing wall is located beyond the property boundary on to the Council verge. Reconstruction will be required to align with the front boundary.

Appropriate conditions (29a & 51a) at Attachment 4 are recommended to be added to account for this matter.

### **1.5 RECOMMENDED NEW /MODIFIED CONDITIONS**

#### Modified condition:

#### **6a: Sandstone Wall**

The existing dry sandstone wall shall be retained in-situ where possible in its original height and form.

Parts of the wall may be dismantled and reconstructed as required except where the new pedestrian and driveway openings are located. The wall shall be rebuilt or made good to match its original height and form utilising the original blocks or like for like in matching sandstone where required.

In the event that blocks have to be temporarily removed due to construction requirements the blocks shall be retained and stored on site.

#### Newly added conditions:

#### **6b Dismantled Sandstone blocks**

Sandstone blocks from portions of wall removed for the construction of driveway and pedestrian entries are to be utilised in return wing walls within the property where possible.

#### **29a Dry Stone Wall**

Any part of the wall reconstructed shall be located wholly within the boundary confines of Lot B DP 378330. Details shall be shown on the Construction Certificate.

#### **29b Final Design Sign Off by Heritage Staff**

Final demolition/design plans for the proposed treatment of the sandstone wall as well as Structural Engineer's advice on the adequacy of the foundations and drainage and any upgrades required are to be provided to Council's Heritage Staff for written approval prior to the release of Construction Certification.

### **51a Survey report for sandstone wall**

In the event the whole wall requires dismantling and reconstruction a survey report from a Registered Surveyor is required at set out prior to reconstruction and completion confirming the Sandstone Wall is reconstructed wholly within the boundary confines of Lot B DP 378330.

### **51b Support and Protection**

Details of adequate support and protection measures for the front Sandstone Wall must be provided prior to the issue of any Roads Act Occupation approvals and commencement of works within or adjacent to the road reserve.

### **78b Final Wall Construction**

Councils Heritage Staff are to provide written approval on the final reconstructed wall prior to the release of Occupation Certification.

## **1.6 BACKGROUND**

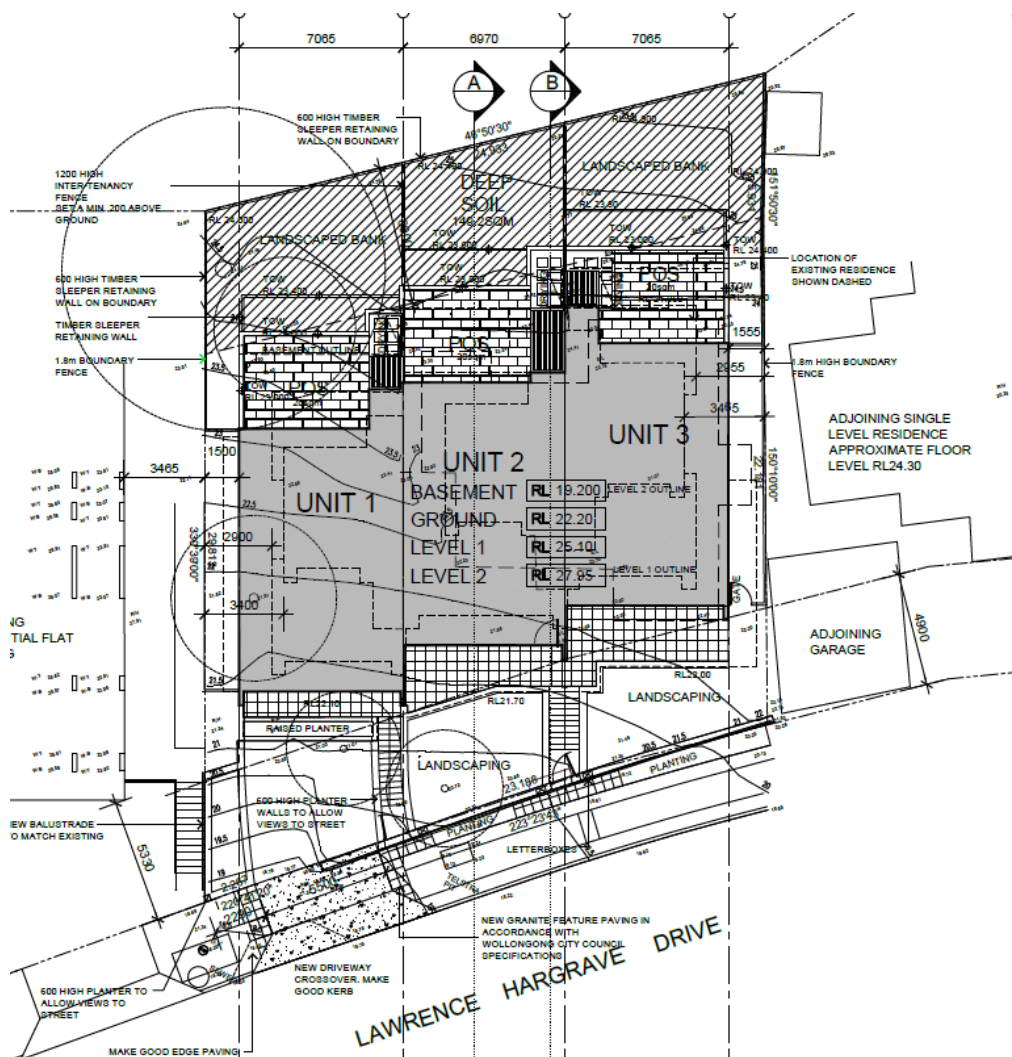
A voluntary Design Review (DE-2019/107) process and a Pre-lodgement meeting (PL-2019/83) were held prior to the lodgement of DA-2020/290.

Conditional consent was issued under Section 4.16 of the Act following the WLPP meeting of 3 November 2020 (see Attachment 3).

The development has since been commenced by way of demolition siteworks.

#### Customer service actions

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



**Figure 1: Site Plan (approved under DA-2020/290)**

### 1.7 SITE DESCRIPTION

The site is located at 342-344 Lawrence Hargrave Drive, THIRROUL NSW 2515 and the title reference is Lot B DP 378330.

The site is an allotment with 23.18m street frontage and side boundaries of approximate depths 29.81m and 22.18m to the western and eastern sides. The site has moderate crossfall towards the southern corner.

Adjoining developments are a three storey residential flat building to the south-west and a single storey dwelling to the east. The locality is characterised by commercial and residential developments.

Heritage listed Thirroul Railway Station and War Memorial sites are located opposite and across the road from the site.

#### Property constraints

There are no constraints related to the property.

There are no restrictions on the Title.



Figure 2: Aerial photograph

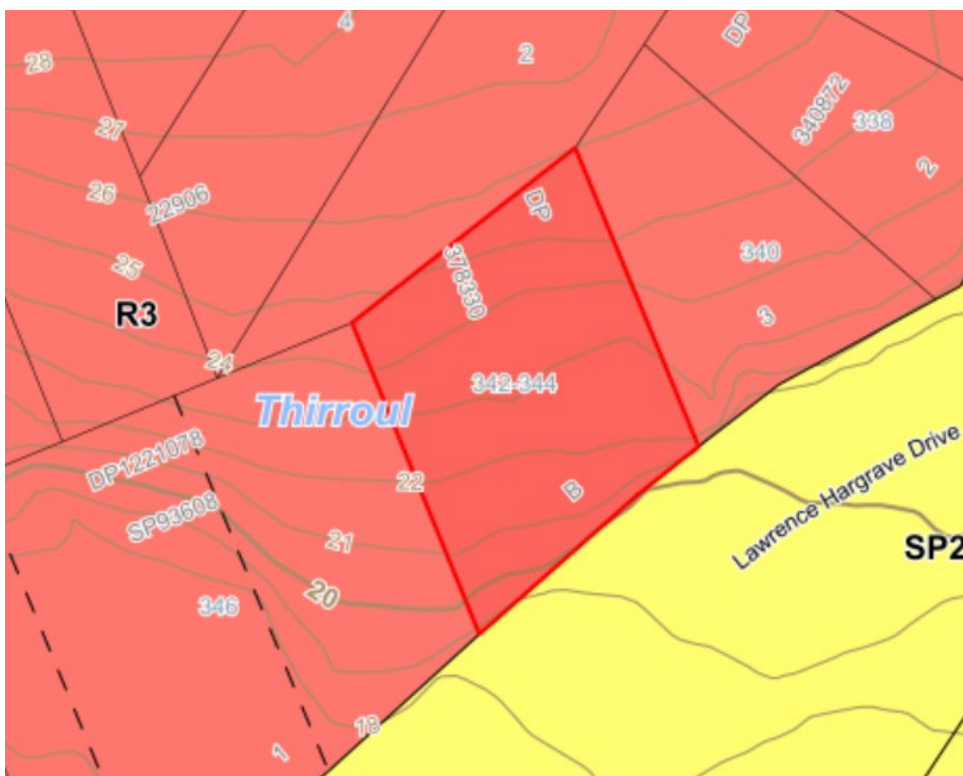


Figure 3: WLEP 2009 zoning map

### 1.8 SUBMISSIONS

The application was notified in accordance with Wollongong Community Participation Plan 2019. Eight (8) submissions were received which included one (1) in support and the issues identified are discussed below.



**Table 1: Submissions**

Concern	Comment
1. Sand stone wall is a significant feature. Sandstone blocks removed shall be retained and fully reused on site	Conditions 6a & 6b are amended/added accordingly and recommendations are made to Council's Local Planning Panel for Determination
2. Concerns about the approved construction of the multi dwelling and impacts on traffic, trees and community	The proposal is for modification to one of the imposed conditions relating to the dry sandstone wall only.  Similar concerns were considered as part of the assessment at the DA stage.  The development overall cannot be revisited as part of this modification application.

## **1.9 CONSULTATION**

### **1.9.1 INTERNAL CONSULTATION**

#### **Development Engineer**

Council's Development Engineer has reviewed the proposed modification with no concerns raised.

#### **Heritage Officer**

Following comments were provided by Council's Heritage officer on referral.

*"It is noted that construction impacts to the wall may not be able to be avoided and it is considered reasonable that parts of the wall may need to be reconstructed. To ensure that the wall is reconstructed to Council's Heritage Officer's requirements (not a private certifier) final sign off is required.*

*The Engineering letter of advice also notes that additional work will be required to the foundation prior to reconstruction of the wall. This will require additional detail to be provided once investigations can be undertaken on the foundations.*

*The following amendment to the condition is proposed and an additional condition requiring final sign off:*

#### **Heritage – Dry Stone Wall**

*The existing dry sandstone wall shall be retained where possible in its original height and form. In the event that blocks have to be temporarily removed due to construction requirements the blocks shall be retained and stored on site.*

*The wall shall be rebuilt to match its original height and form utilising the original blocks or like for like in matching sandstone where required, except where the new pedestrian and driveway openings are located.*

*Final demolition/design plans of the reconstructed wall as well as Structural Engineer advice on the adequacy of the foundations and drainage and any upgrades required are to be provided to Council's Heritage Staff for written approval prior to the release of Construction Certification.*

## **Heritage – Final Wall Construction**

*Councils Heritage Staff are to provide written approval on the final reconstructed wall prior to the release of Occupation Certification. “*

The modification is considered satisfactory on the above conditions.

### **1.9.2 EXTERNAL CONSULTATION**

#### **Transport for New South Wales (TfNSW)**

TfNSW raised no concerns in their response letter dated 31 March 2021 (see Attachment 2).

## **2.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION**

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Assessment related to the SEPPs applicable to the development application DA-2020/290 remains unchanged with the proposed modification.

### **2.1.1 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

No development standards under WLEP are affected as part of this modification request.

### **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**

Overall, the proposed changes have been considered against the provisions of WDCP (2009) and found to be acceptable in this case. Matters are either unchanged from the approved development or satisfactory given the scope of modification as requested.

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

#### 115 What are the requirements for an application for modification of a development consent?

The proposed modification is consistent with the requirements of this clause.

### **2.5 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 Internal and external referrals being satisfactory subject to appropriate modification and addition to conditions of consent.

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

#### Does the proposal fit in the locality?

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

#### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

The application was exhibited and submissions received considered. Refer Section 1.8.

## **2.8 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 site conditions and is therefore considered to be in the public interest.

## **3 CONCLUSION**

This application has been assessed having regard to the Heads of Consideration under Section S4.55(1) of the Environmental Planning and Assessment Act 1979.

All relevant internal and external referrals are conditionally satisfactory. Some of the issues raised in submissions are either resolved by way of conditions or are considered of limited relevance to the application.

The request for modification results from further engineering investigations regarding the structural integrity of the existing wall and potential construction impacts from siteworks.

It is considered that the proposed development is not inconsistent with the existing and desired future character of the locality and is unlikely to result in adverse impacts on the amenity of the surrounding area.

## **4 RECOMMENDATION**

It is recommended that DA-2020/290/A be **approved** and subject to modified and newly added conditions contained in Attachment 4.

## **5 ATTACHMENTS**

- 1 Applicant's Modification Request and Engineer's report
- 2 TfNSW response
- 3 Link to WLPP report; and  
Panel Recommendation at 3 November 2020 meeting
- 4 Draft modified conditions of consent

[Click on red lines above to view previous reports](#)



Wollongong City Council  
41 Burelli Street Wollongong

24<sup>th</sup> January 2019

**Attention: Brigit Mathai**

**RE: DA 2020/290**

Dear Ms Mathai,

**Section 4.55 Application DA2020/290**

Further to the issue of the above DA we would like to apply to modify condition 6a which states:

*The existing dry sandstone wall shall be retained in its original height and form except where the new pedestrian and driveway openings are located.*

During design development it has become apparent that it is not possible to retain the wall in its original height and form due to the fact that it is of dry stone construction. The enclosed report prepared by our engineer demonstrates the issues that are problematic.

In a nutshell, it is not possible to cut vertical openings in the wall for the pedestrian access ways or driveway, instead it will be necessary to tier the openings back as the blocks are dry stacked. Furthermore, a construction area is required to the rear of the proposed wing walls that support the earth to the rear of the existing dry stone wall which will require removal of additional blocks.

Therefore we would like to modify the condition to state:

*The existing dry sandstone wall shall be retained where possible in its original height and form. In the event that blocks have to be temporarily removed due to construction requirements the wall shall be rebuilt to match its original height and form except where the new pedestrian and driveway openings are located.*

Please do not hesitate to contact me if you have any queries.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Steven Hughes', followed by a horizontal line.

Steven Hughes BA DipLA MSc

Director

4 March 2021

Our Ref: 19362

Develop My Land  
PO Box 119  
Thirroul NSW 2515

**RE: 342-344 LAWRENCE HARGRAVE DRIVE, NSW  
STRUCTURAL ENGINEERS INSPECTION REPORT OF SANDSTONE RETAINING WALL ALONG  
FRONT BOUNDARY**

We can confirm that we carried out an inspection at the above address on 10 February 2021 in order to determine how to best retain the wall while ensuring the ongoing structural adequacy of the wall.

It is understood that retaining the entire wall during the construction of the proposed development is not possible and substantial portions of the wall need to be removed in order to install two openings in the wall for access to the proposed units. As part of this demolition, over excavation will be required to provide a construction zone at the back of the retaining walls. Refer to the attached plan and elevation that illustrates this.

The wall is a gravity sandstone wall constructed from rectangular sandstone blocks dry laid, that is, without any mortar. The wall is approximately 1400mm high although this varies slightly along the length of the wall. The top portion of the wall has blocks that are around 300mm deep. It is unknown whether the wall is constructed with thicker blocks or is stacked wider at the base in order to be structurally adequate for this height of wall. 300mm depth would not be structurally adequate for this height of earth retained.

The wall is showing some signs of movement. It is unknown whether the wall was constructed vertically or on a slight decline (lean to the retained side). There are signs of rotation forward which is an indicator of a retaining wall that is failing. There is also some signs of vertical movement indicating that the wall was not built on an adequate foundation

The only way to determine the structural adequacy of the wall is to make an assessment knowing how it is constructed at the base. To determine the depth of the wall at the base will require careful excavation behind the wall. This would likely damage any of the drainage behind the wall which would need to be reinstated. In order to determine the adequacy of the foundation material for the retaining wall and ensure its longevity would require complete removal of the wall. This would allow the foundation material to be assessed and if required, a crushed rock or concrete foundation could be provided.

In its current form the structural adequacy of the wall could not be guaranteed or certified. It may also be unsafe to have a stacked stone wall adjacent to the boundary while work is being carried out on the property and the footpath is open to the public.

## **Recommendations:**

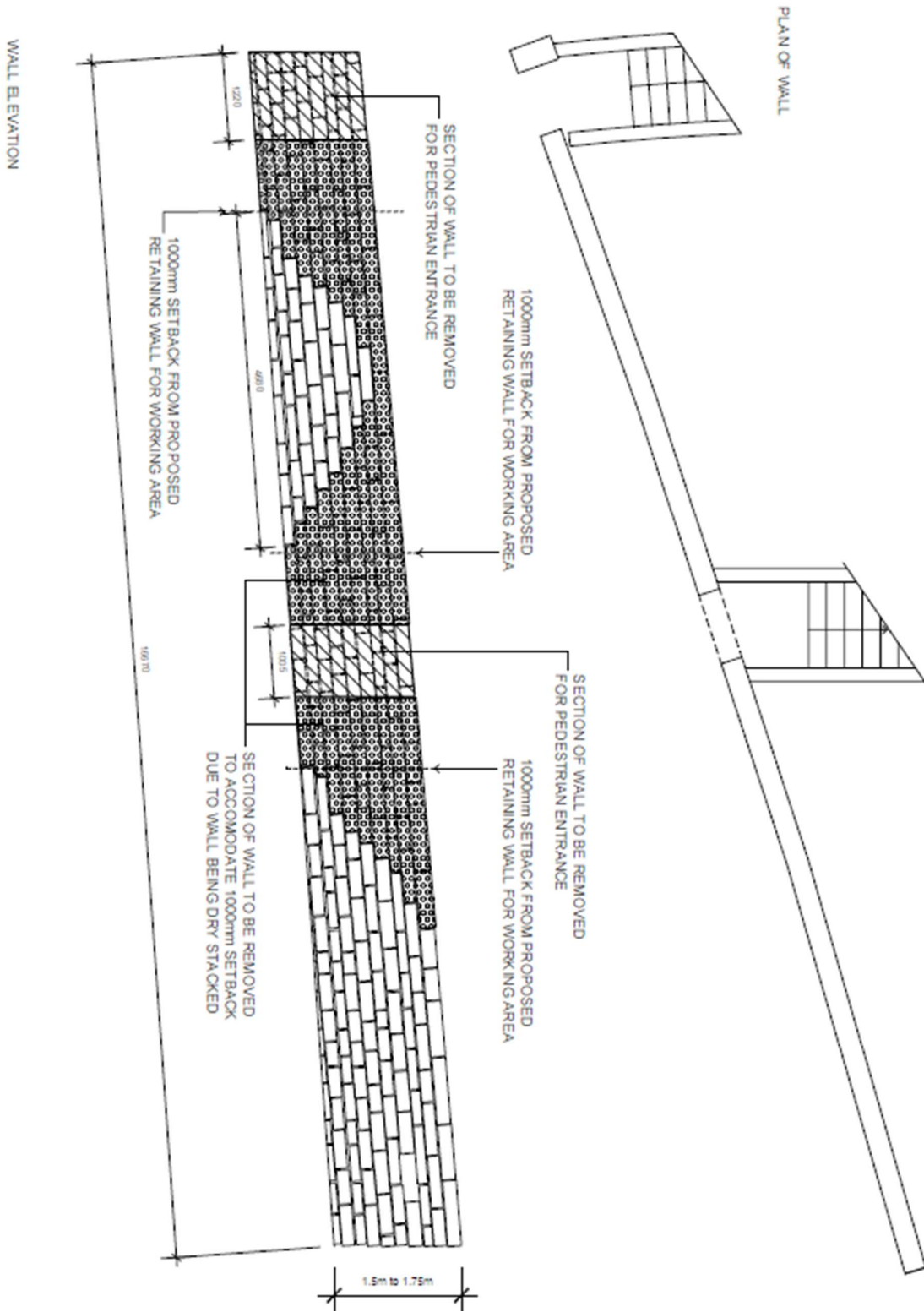
We recommend that the retaining wall be carefully removed. Being a dry stacked wall this should not be difficult to achieve while ensuring that no damage occurs to the blocks. The construction of the retaining wall should be recorded which would allow future assessment of the existing construction to be carried out. If the wall does not conform to current Australian Standards for Structural Adequacy, a design can be provided to ensure the wall is reconstructed in a way that the wall looks the same as it was before dismantling but conforms to the current Australian Standards, this could include using additional blocks at the base to provide additional weight or adding no fines concrete. New drainage could also be added to ensure excessive pressure does not build up behind the wall. Before reconstruction of the wall, the foundation material should be assessed by a geotechnical engineer. We expect that the foundation would need improving prior to re-construction of the wall. With the usual process of a certified design and inspections carried out during construction the entire retaining wall could be certified for Structural Adequacy.

Signed



Adam Gillett B. Eng (Civil) Hons M.I.E. Aust  
Principal

\*Attached: Plan and Elevation of wall illustrating the over excavation required.



Our ref: STH20/00055/05  
Your ref: DA-2020/290/A CNR-19549

31 March 2021

Brigit Mathai  
Wollongong City Council  
BY EMAIL: [bmathai@wollongong.nsw.gov.au](mailto:bmathai@wollongong.nsw.gov.au)  
CC: [records@wollongong.nsw.gov.au](mailto:records@wollongong.nsw.gov.au)

**DEVELOPMENT APPLICATION 2020/290/A – LOT B DP 378330, 342-344 LAWRENCE HARGRAVE  
DR, THIRROUL – RESIDENTIAL MULTI DWELLING HOUSING MODIFICATION**

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Dear Brigit

Transport for NSW (TfNSW, formerly Roads and Maritime Services) refers to your correspondence dated 17 March 2021 regarding the subject modification application.

TfNSW has completed an assessment of the development, based on the information provided and focussing on the impact to the State road network. For this development, the key state road is Lawrence Hargrave Drive.

TfNSW does not believe the modification will have a significant impact on Lawrence Hargrave Drive and on this basis, does not object to the development application.

If you have any questions please contact Melanie Grant on 42 212548.

Please ensure that any further email correspondence is sent to [development.southern@transport.nsw.gov.au](mailto:development.southern@transport.nsw.gov.au).

Yours faithfully



Melanie Grant  
Development Support Officer  
Southern Region



## **ATTACHMENT 4**

### **DRAFT CONDITIONS FOR : DA-2020/290/A**

#### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

#### **Modification A**

No additional plans or specifications

#### **Original Consent**

Job No DML 18/011 Drawing A-01-F, A-02-E to A-05-E and A-19-A dated 20 October 2020, A-07-D, A-11-D and A-12-D dated 20 August 2020 and A-08-A to A-10-A dated 24 March 2020 prepared by Develop My Land.

#### **General Matters**

##### **2 Geotechnical**

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 22 July 2019 by Douglas Partners and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- c Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owner.
- d No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- e Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock or as recommended by the geotechnical consultant.
- f All site preparation earthworks including drainage, retaining wall and footing construction is to be subject to geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments. Where necessary amendments are to be made to the designs during construction based on supplementary geotechnical advice given during the supervision to ensure that the completed works accommodates all encountered geotechnical constraints.
- g All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

##### **3 Transport NSW (TfNSW)**

Requirements issued by TfNSW dated 11 August 2020 as attached shall form part of this Notice of Determination.

##### **4 Mailboxes**

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

##### **5 Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied

that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

**6 Tree Management**

The developer shall retain existing trees indicated on Concept Landscape Plan by DML Dwg. No. L-01 Issue D dated 20 October 2020 consisting of five (5 No.) trees on adjoining property along NW boundary identified in Arborist addendum Ref. No. 4033A dated 22 May 2020. Total number: five (5 No.).

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

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report Ref. No. D4033 dated March 2020 by Allied Tree Consultancy Author Geoff Beisler & Warwick Varley to be implemented including and not restricted to: establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall remove existing trees numbered 1, 2, 3, 4 and identified as A, B and C (x 2 No.). Total number: eight (8 No.) No other trees shall be removed without prior written approval of Council.

**6a Sandstone Wall**

The existing dry sandstone wall shall be retained in-situ where possible in its original height and form.

Parts of the wall may be dismantled and reconstructed as required except where the new pedestrian and driveway openings are located. The wall shall be rebuilt or made good to match its original height and form utilising the original blocks or like for like in matching sandstone where required.

In the event that blocks have to be temporarily removed due to construction requirements the blocks shall be retained and stored on site.

*Amended—Modification A*

**6b Dismantled Sandstone blocks**

Sandstone blocks from portions of wall removed for the construction of driveway and pedestrian entries are to be utilised in return wing walls within the property where possible.

*Added—Modification A*

**Prior to the Issue of the Construction Certificate**

**7 Road Noise**

Any dwelling erected upon this site shall be designed and constructed in accordance with the recommendations and requirements of NSW Department of Planning document titled "Development Near Rail Corridors and Busy Roads – Interim Guideline 2008" in this regard the proposed dwellings must be designed to ensure that the following LAeq levels are not exceed:

- In any bedroom in the building - 35dB(A) anytime time between 10pm-7am.
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40dB(A) at any time.

This requirement shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement by the Principal Certifier, prior to the issue of the Construction Certificate.

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

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

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

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

10 **Fencing**

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

- a rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped, palisade or colorbond fences;
- b any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements; and;
- c fencing to suit character of local area.

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

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

12 A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

13 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

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

15 **Landscaping**

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

- a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilli, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame Tree.; A further list of suitable suggested species for the Thirroul area

may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;

- b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
  - c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
  - d the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species;
  - f stairs on boundary to be made good;
  - g existing streetscape paving to be made good;
  - h all podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage. All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix. If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter; and;
  - i any fill material should not cover topsoil. Topsoil shall be removed, stockpiled, ameliorated and replaced over any fill material to a minimum depth of 100mm.
- 16 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 17 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.
- 18 **Compensatory Planting**  
The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, eight (8 No.) 75 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Livistona australis* Cabbage palm tree, or *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.  
Details to be reflected on Final Landscape Plan prior to the issue of Construction Certificate.
- 19 **Tree Protection Measures**  
The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:
- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.
  - b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
  - c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the Principal Certifier indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

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

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) to the Principal Certifier 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.

21 **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.

22 **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.

23 **Footpath Paving in Commercial Village Centres**

The developer is responsible for the making good of the existing footpath paving for the entire frontage of the development.

A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary.

The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings.

The driveway threshold finish within property boundary line is to contrast with driveway entry.

The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Manager of Works.

A Landscape Plan is to be submitted to Council for approval prior to the issue of the Construction Certificate showing proposed paving, footpath design levels, street tree details and location of all services.

24 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed design is to form part of the construction certificate drawings. The detailed drainage design must satisfy the following requirements:

- a be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by GILCON Structural Engineers (job no: 19362, rev: e, dated: 31 August 2020).
- b include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

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

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate minimum 600mm x 600mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.5.4 of Chapter E14 of the Wollongong DCP2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:

- The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - Identification number DA-2020/290;
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

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

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

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

27 **Driveway Width**

The driveway crossover within Council's Road reserve is to be 5.5 metres wide. This requirement shall be reflected on the Construction Certificate plans.

28 **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the Principal Certifier.

The dilapidation survey and report shall accurately reflect the condition of existing adjoining and adjacent public and private infrastructure.

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

Any damage to infrastructure items and relics which is caused by the developer shall be repaired to the satisfaction of the Principal Certifier prior to the issue of a Certificate of Practical Completion for Subdivision works.

29 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$14,630.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1215887	<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 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)

29a **Dry Stone Wall**

Any part of the wall reconstructed shall be located wholly within the boundary confines of Lot B DP 378330. Details shall be shown on the Construction Certificate.

*Added—Modification A*

29b **Final Design Sign Off by Heritage Staff**

Final demolition/design plans for the proposed treatment of the sandstone wall as well as Structural Engineer's advice on the adequacy of the foundations and drainage and any upgrades required are to be provided to Council's Heritage Staff for written approval prior to the release of Construction Certification.

*Added—Modification A*

**Prior to the Commencement of Works**

30 **Prior to Tree Removal**

Prior to removal, the trees approved for removal under this development consent shall be closely inspected for native vertebrate fauna occupation, and if occupied by native vertebrate fauna, then the NSW Wildlife Information, Rescue and Education Service (WIRES) shall be contacted for advice (telephone 1300 094 737).

31 **Heritage - Photographic Recording**

Prior to the commencement of any works on site the existing building condition is to be documented through a photographic recording prepared in accordance with the NSW Heritage Branch Guidelines. A copy of the recording is to be provided to Council's Heritage Officer for inclusion in the local studies collection of the Wollongong City Library.

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

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

- a in the case of work to be done by a licensee under that Act:
  - i has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
  - ii is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b in the case of work to be done by any other person:



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

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

33 **Sign – Supervisor Contact Details**

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

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

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

34 **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.

35 **Enclosure of the Site**

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

36 **Demolition Works**

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

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

- 37 **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.
- 38 **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.
- 39 **Structural Engineer’s Details**  
Structural engineer’s details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site.
- 40 **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.
- 41 **Survey Report – Siting of Development within Property Boundaries**  
A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifier to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.
- 42 **Public Liability Insurance**  
All contractors working in Council’s road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) prior to the commencement of any such works in any road reserve or public reserve area.
- 43 **Temporary Sediment Fences**  
Temporary geotextile fabric sediment fences must be installed on the site, prior to the commencement of any construction works in accordance with “Managing Urban Stormwater: Soils and Construction”, 4<sup>th</sup> edition, Landcom, 2004. The temporary sediment fences shall be maintained at all times throughout the entire demolition, excavation and construction phases of the development and until the site has become stabilised.
- 44 **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.
- 45 **Tree Protection Implementation**  
The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:
- a installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
  - b mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
  - c irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist’s recommendations.
- The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

- 46 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**  
Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist’s recommendations and relevant conditions of this consent.
- 47 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.
- 48 **Relocation of State Survey Marks**  
In accordance with Surveying and Spatial Information Regulations, 2017 a person must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor General. In this regard any proposed construction work that may affect a State Survey Mark cannot be undertaken until a registered surveyor is engaged to arrange its relocation, in accordance with the requirements of the NSW Land Registry Services.
- 49 **Works in Road Reserve - Minor Works**  
Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council’s Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.  
  
The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council’s website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:
- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council’s standard document, “Specification for work within Council’s Road reserve”.
  - b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.
- 50 **Protection of Public Infrastructure**  
Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.  
  
Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.  
  
Any damage to Council’s assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.
- 51 **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.

51a **Survey report for sandstone wall**  
In the event the whole wall requires dismantling and reconstruction a survey report from a Registered Surveyor is required at set out prior to reconstruction and completion confirming the Sandstone Wall is reconstructed wholly within the boundary confines of Lot B DP 378330.

*Added—Modification A*

51b **Support and Protection**  
Details of adequate support and protection measures for the front Sandstone Wall must be provided prior to the issue of any Roads Act Occupation approvals and commencement of works within or adjacent to the road reserve.

*Added—Modification A*

### **During Demolition, Excavation or Construction**

52 **Avoidance of Cruelty and Harm to Fauna**  
During tree removal works, all care shall be taken to avoid cruelty and harm to fauna.

53 **Injured Fauna**  
In the event any native fauna are injured during tree removal works, then the NSW Wildlife Information, Rescue and Education Service (WIRES) shall be contacted (phone 1300 094 737) for assistance.

54 **Survey Report for Levels**  
A Survey Report must be submitted to the Principal Certifier verifying that each floor level accords with the floor levels and overall building height as per the approved plans under this consent. All levels shall relate to Australian Height Datum.

55 **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.

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

57 **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 the material (including identified hazardous material);
- b an estimate of the quantity by volume and weight;
- c the name of the transporter and the registration details of the relevant vehicle;
- d the intended destination of the material;
- e a copy of the Waste Inventory and copies of relevant receipts of disposal shall be forwarded to Council's Division of Regulation and Enforcement prior to the Construction Certificate for re-development being issued.

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

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.

The construction works noise shall comply with the Australian Standard AS 2436-2010 “Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites” and any other requirements as specified by Council or the NSW Environment Protection Authority.

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.

59 **Site Management**

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a Does not spill onto the road pavement and
- b is not placed in drainage lines or watercourses and cannot be washed into these areas.

60 Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council’s Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

61 Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.

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

63 **Dust Suppression Measures**

Activities occurring during the demolition, excavation and construction phases of the development must be carried out in a manner that will minimise the generation of dust.

64 **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>>).

65 **Asbestos Clearance Certificate**

A Clearance Certificate to certify that the site is free of asbestos is to be submitted to Council by a licensed asbestos assessor within fourteen (14) days of the completion of demolition works.

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

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

67 **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.

68 **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.”

69 **Excess Excavated Material – Disposal**

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

70 **Provision of Taps/Irrigation System**

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

71 **Screen Planting**

To mitigate impact to adjoining dwelling a continuous hedge is to be established along north eastern and south western boundaries for the length of property boundary where feasible. Recommended species: *Callistemon viminalis* ‘Slim’, *Photinia glabra* Rubens, *Viburnum tinus*, *Syzygium australe* Aussie Southern, *Syzygium*, ‘Resilience’, *Viburnum odoratissimum* Dense Fence or *Waterhousea floribunda* Sweeper. Minimum spacing 1000mm. Minimum pot size 5 lt.

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

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

72 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council’s M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

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

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

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks,

chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

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

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

74 **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 Certifier and Council’s Regulation and Enforcement Division (in the event that Council is not the Principal Certifier), prior to the issue of the Occupation Certificate or commencement of the use.

75 **BASIX**

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

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

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

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

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

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

78 **Acoustic Compliance**

Acoustic compliance report certifying requirements at Condition 7 of this consent have been satisfied in relation to road noise mitigation measures must be submitted to the Principal Certifier prior to the issue of the Occupation Certificate and the use of the development.

78a **Safety Mirrors**

To maintain pedestrian safety along Lawrence Hargraves Drive, a traffic management system such as a mirror/s (or similar) shall be installed at the entry of the driveway to improve sight lines for vehicles leaving the site.

78b **Final Wall Construction**

Councils Heritage Staff are to provide written approval on the final reconstructed wall prior to the release of Occupation Certification.

*Added—Modification A*

**Operational Phases of the Development/Use of the Site**

79 **Loading/Unloading Operations/Activities**

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



Our ref: STH20/00055/03  
Contact: Chris Millet 4221 2570

11 August 2020

Brigit Mathai  
Wollongong City Council  
BY EMAIL: bmathai@wollongong.nsw.gov.au; records@wollongong.nsw.gov.au

**DEVELOPMENT APPLICATION DA 20120/290 – 342-344 LAWRENCE HARGRAVE DRIVE, THIRROUL,  
MULTI DWELLING HOUSING**

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Dear Madam

Transport for NSW (TfNSW) refers to the subject development application.

TfNSW has completed an assessment of the revised plans for the DA shown in Attachment 1, focussing on the impact to the state road network. The key State road is Lawrence Hargrave Drive.

TfNSW will not object to the DA subject to the conditions outlined in Attachment 2 being included in the conditions of development consent.

TfNSW highlights that in determining the DA under Part 4 of the *Environmental Planning and Assessment Act, 1979*, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

Upon determination of this matter, it would be appreciated if Council could send a copy of the Notice of Determination to [development.southern@rms.nsw.gov.au](mailto:development.southern@rms.nsw.gov.au).

Yours faithfully

Fiona McLauchlan  
A/Senior Manager, Regional Customer Services  
Community and Place | South Region



**Attachment 1**

See attached concept design titled Attachment 1



**Prior to the issuing of the Construction Certificate, the developer must:**

1. Apply for Section 138 consent under the Roads Act, 1993 from Council for all works on Lawrence Hargrave Drive.
2. Demonstrate to Council the development will comply with Clause 102 of the Infrastructure SEPP.  
Notes:
  - Traffic data from the traffic signals at Lawrence Hargrave Drive and Raymond Road indicates the volumes exceed 20,000 vehicles per day. Based on this, TfNSW believes the AADT around 342-344 Lawrence Hargrave Drive is likely to exceed 20,000 vehicles per day.
  - The relevant guideline is the NSW Government's Development Near Rail Corridors and Busy Roads – Interim Guideline, 2008.
3. Demonstrate to the satisfaction of Council the post development storm water discharge from the subject site, if going into the Lawrence Hargrave Drive drainage system, does not exceed the pre-development application discharge.

**Prior to commencing works within the road reserve, the developer must:**

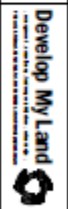
1. Obtain Section 138 consent under the Roads Act, 1993 for the works on Lawrence Hargrave Drive from Council.  
Notes:
  - Provided Council is satisfied the works have been designed in accordance with the relevant Council standard, TfNSW issues its concurrence under Section 138 of the Roads Act, 1993.
2. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.  
Notes:
  - For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
  - The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
  - The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
  - An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

**Prior to the issuing of the Occupation Certificate (interim or final), the developer must:**

1. Design and construct the driveway on Lawrence Hargrave Drive to the satisfaction of Council, generally in accordance with Attachment 1 and Council standards.
2. Physically close any other existing access points to insert by reinstating the kerb and gutter OR fencing them and revegetating.



SHEET NO. 1  
 DATE 10/1/08  
 PROJECT NO. 08-0001  
 PROJECT NAME: 11000 HARBRANE DRIVE  
 CLIENT: HARBRANE DRIVE DEVELOPMENT, LLC  
 DESIGNER: HARBRANE DRIVE DEVELOPMENT, LLC



PROJECT: 11000 HARBRANE DRIVE, SUITE 100, HARBRANE DRIVE DEVELOPMENT, LLC  
 DESIGNER: HARBRANE DRIVE DEVELOPMENT, LLC  
 DATE: 10/1/08  
 SCALE: AS SHOWN  
 SHEET NO.: 1 OF 1

