

Wollongong Local Planning Panel Assessment Report | 20 March 2019

WLPP No.	Item No. 2
DA No.	DA-2018/1032
Proposal	Residential - Demolition of existing dwelling and outbuildings and construction multi dwelling housing and Subdivision - strata title - five lots
Property	18 Hopetoun Street, Woonona NSW 2517 Lot B DP 157627 93 Farrell Road, Bulli NSW 2516 Lot 13 DP 6454
Applicant	MMJ Wollongong (Luke Rollinson)
Responsible Team	Development Assessment and Certification – City Wide Planning Team (JW + MB)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the Wollongong Local Planning Panel **for determination** pursuant to Section 3 of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the application involves a variation of Clause 7.14 of Wollongong Local Environmental Plan 2009 the site width by greater than 10%.

Proposal

The proposal seeks consent for the demolition of the existing structures and the construction of five two storey townhouses with subsequent Strata subdivision.

Permissibility

The proposed demolition works and construction of multi dwelling housing is permissible in the R2 Low Density Residential zone of the Wollongong Local Environmental Plan (WLEP) 2009. Subdivision is permissible with consent on land to which the WLEP 2009 applies.

Consultation

The proposal was notified in accordance with Wollongong Development Control Plan (WDCP) 2009 and 2 submissions by way of objection were received. The submissions are discussed at Section 1.5 of the assessment report.

Council's Traffic, Heritage, Geotechnical, Environment, Stormwater, Landscape and Community Safety officers have reviewed the application submission and provided satisfactory referral comments.

Main Issues

The main issues arising from the development assessment process are:

- Exception to Development Standard of Clause 7.14 Minimum Site Width of the WLEP 2009.
- Deferred commencement consent required subject to the registration of the proposed drainage easement through adjoining property No. 93 Farrell Road, Bulli (Lot 13 in DP 6454).
- Minor variation to landscaping requirement of WDCP 2009 on one side boundary of 500mm for a distance of 25m.

These issues are considered to have been satisfactorily addressed, as discussed throughout the report.

RECOMMENDATION

Development Application DA-2018/1032 be **approved** by way of **deferred commencement** (drainage easement registration), subject to the conditions contained in **Attachment 5**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP (Building Sustainability Index: BASIX) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018

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

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the demolition of the existing dwelling and outbuildings, and the construction of a multi-dwelling development being five (5) townhouses, with five (5) lot Strata subdivision. Tree removal of exempt species is also proposed.

Each townhouse comprises of a living area and kitchen at ground level with access to both private open space and parking. On the upper level each unit comprises three bedrooms, bathrooms with the exception of unit 5, which has 4 bedrooms. Unit 1 has private open space facing the street, which is screened with fencing and landscaping.

The proposed finishes include a brick exterior on the lower floor and a modern cladding system incorporating neutral colours on the upper floor external walls. The roof is proposed to be finished in colorbond.

Units 1, 2 and 5 have two car parking spaces and units 3 and 4 have a single car parking space each. A visitor space is provided towards the rear of the site adjacent to Unit 5.

The site has a 6 metre fall from Hopetoun Street to the rear. The units will be stepped down the slope to minimise excavation.

The deep soil zone is proposed to be positioned across the rear of the site, with landscaping along the western boundary to provide privacy and amenity. The current driveway on the site is proposed to be removed and a new driveway constructed on the eastern side of the property.

The proposal would require the removal of three trees on site. Seven existing trees are proposed to be retained and are incorporated into the proposed landscaped areas.

Due to the fall of the land, the development is reliant upon the registration of a drainage easement and installation of drainage infrastructure on adjoining Lot 13 in DP 6454 known as 93 Farrell Road, Bulli and connection to Councils stormwater drainage system in Farrell Road. These works will require the removal of a small garage. An in principle agreement with regard to the registration of the easement and the undertaking of the required works has been provided from the owners of 93 Farrell Road. As such, the consent is recommended to be issued as a deferred commencement, requiring the registration of the easement within 12 months of the date of the Notice of

Determination. Councils Stormwater Engineers have considered the proposal in this regard and raised no objection to the connection details in Farrell Road or issue of the consent via deferred commencement.

1.3 BACKGROUND

The development history of the site is as follows:

Application	Description	Application Type	Decision	Decision Date
DA-2018/233	Residential - demolition of existing structures and multi dwelling housing and six lot strata subdivision	Development Application	Rejected	Feb 28 2018
PL-2018/63	Residential - multi dwelling development	Pre Lodgement Application	Completed	May 4 2018

A pre-lodgement meeting was held 16 April 2018 for a similar proposal. It is considered that the matters identified within the prelodgement meeting notes have been addressed as part of the final DA submission.

Customer service actions:

There are no outstanding customer service requests that relate to the subject property.

Application history:

The subject development application was lodged on 21 September 2018 and notified from 4 October – 24 October 2018. Initially, the proposal was considered an overdevelopment of the site and the applicant was provided with an opportunity to withdraw the application or redesign to address both planning matters raised and those raised by Council's Traffic, Stormwater, and Landscaping referral groups. The applicant redesigned the proposal and resubmitted plans and documentation. Units 2 to 5 have been reduced in size and comprise of two bedrooms with no upper balconies and double compliant garages for each.

Following the submission of further amended plans and additional information, the proposal was referred again for comment/conditions. Following review of the additional information, no concerns were raised by referral groups. The reduced scale and redesigned development is considered a more appropriate response to the site and its surrounds.

This report has been prepared following review of the most recent additional information submission.

1.4 SITE DESCRIPTION

The site is located at 18 Hopetoun Street, Woonona and the title reference is Lot B DP 157627 and incorporates a drainage easement through 93 Farrell Road, Bulli NSW 2516 title reference Lot 13 DP 6454. 18 Hopetoun Street is a regular 1279.61m² site with primary frontage to Hopetoun Street. The site falls 6 metres from the Hopetoun Street frontage to the rear boundary where it adjoins the rear of 93 Farrell Road. The subject site contains an existing dwelling and ancillary structures.

Single residential dwellings are located on the western and northern adjoining sites. A 10 unit residential flat building adjoins the site on the eastern boundary. A 15 unit residential flat building adjoins the site to the north-west.

Surrounding development consists of a mix of single and two storey residential developments.

The proposal is reliant on the registration of a drainage easement and construction of drainage infrastructure through adjoining Lot 13, known as 93 Farrell Road, Bulli. The property contains a

single storey residential dwelling and outbuildings, one of which requires demolition to facilitate the easement. A tree is located in close proximity to the proposed easement and conditions of consent have been imposed in this regard. The land falls approximately six metres from its rear boundary with 18 Hopetoun Street down to Farrell Road.



Figure 2: Aerial view (2018)

Property constraints

- Acid sulphate soils – class 5
- The site adjoins to the rear Local Heritage Item No. 6182, being Houses at 87-101 Farrell Road, Bulli.

1.5 SUBMISSIONS

Details of the proposal were notified in accordance with Council's Notification Policy. The application received 2 submissions. The issues raised in the submissions are summarised below:

Table 1: Submissions

Concern	Comment
1. Overdevelopment of Hopetoun Street <ul style="list-style-type: none"> The street is already congested due to apartments and townhouses The street has cars parked on both sides of the road, leading to vehicles travelling on the road to pull over to allow others to pass Traffic speeds along the road when they realise it is not an access road to the beach 	<p>The proposed development provides for the required number of car parking spaces for residents and visitors, pursuant to Schedule 2 of Chapter E3 of WDCP 2009.</p> <p>Restricting development in Woonona and existing traffic problems are wider strategic matters outside the scope of the current DA. The proposal is permissible on the land under WLEP 2009 and complies with maximum floor space ratio and height.</p> <p>Councils Traffic Officer has also considered the proposal with regard to access to the site and traffic impacts, and raised no objection.</p>
2. LEP Variation – site width: <ul style="list-style-type: none"> Inappropriate scale/density of the development – five dwellings is excessive FSR traffic and environmental impacts greed adverse health impacts old mine 	<p>The scale of the development has been reduced via the submission of amended plans.</p> <p>Despite seeking an exception to the minimum site width controls for multidwelling housing, the proposal is otherwise compliant with WLEP 2009 development standards. The development also generally complies with Council's Development Control Plan 2009 (WDCP) in relation to height, building setbacks, parking, manoeuvring, landscaped area and deep soil provisions required for such a proposal. The development is proposed to be stepped to follow the slope of the land and minimise excavation which is considered an appropriate response.</p> <p>Monetary and health impacts raised are noted.</p> <p>Councils Geotechnical Engineer has considered the proposal with regard to land instability and proximity to mine workings and no objection raised.</p>
3. Aesthetic and character of area: <ul style="list-style-type: none"> Area is characterised by single dwellings Design and proximity to neighbour 	<p>The scale of the development has been reduced via the submission of amended plans. A contemporary design is proposed; however, as this is not a heritage conservation area, the contemporary form is considered acceptable taking into account compliant height, number of storeys, floor space ratio, and required setbacks (front, rear, side) to the building.</p> <p>On balance, the proposal is not considered to be inconsistent with the existing or future desired character of the area, as discussed at Section 2.3.1.</p>
4. Amenity impacts to neighbouring properties: <ul style="list-style-type: none"> Overshadowing Privacy (W06-1218) Loss of views 	<p>The proposal was redesigned to address issues raised and to achieve compliance with the WDCP 2009. The proposal as amended is considered to have minimal impact on the amenity of neighbouring properties.</p> <p>The submitted shadow diagrams demonstrate compliance with Council's solar access requirements to neighbouring properties. The neighbouring properties</p>

Concern	Comment
<ul style="list-style-type: none"> Noise 	<p>would retain the minimum 3 hours of solar access to their living rooms and 50% of their private open space in mid-winter. The solar access diagrams are provided as part of Attachment 1 to this report.</p> <p>An overlooking analysis was conducted in regard to the northern facing bedroom window on Unit 5. It is considered that the window is of sufficient height, and on the eastern most extent of the bedroom so as to minimise overlooking. The proposal is also over 10 metres away from the edge of the pool. The window is within a low activity room, and it is considered that there will not be adverse overlooking impacts.</p> <p>The proposal has been designed to minimise overlooking to the side boundaries as the upper floors are proposed to comprise bedroom areas and low use rooms, with the higher use rooms (being living areas and kitchens) proposed on the lower floor. The proposal also provides landscaping on the boundary to ameliorate overlooking.</p> <p>Noise is not expected to be generated above normal domestic levels.</p>
<p>5. Environmental concerns:</p> <ul style="list-style-type: none"> Asbestos potentially in the air during demolition Removal of trees and loss of habitat Deep Soil Zone appears to be too small 	<p>Conditions are recommended with regard to the demolition stage of the development to ensure compliance with all building and safety requirements, as provided at Attachment 5 to this report.</p> <p>The proposal does not involve the removal of significant trees, and it is considered that the deep soil zone proposed will increase the amount of habitat for local and native bird species and animals.</p> <p>The Deep Soil Zone on the site exceeds Councils minimum requirements of 6m wide and 15% of the site.</p>

Frequency of Issues Raised:

Issue No.	1	2	3	4	5
Frequency	1	2	1	2	1

Some of the issues identified in submissions received whilst technically unresolved are considered to have been adequately addressed by way of design changes or proposed conditions of consent.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Traffic, Stormwater and Landscape and Community Safety officers have reviewed the application and provided satisfactory referral comments. Conditions of consent were recommended in each instance. Councils Heritage, Geotechnical and Environmental Officers also reviewed the proposal and provided satisfactory referral comments, with no specific conditions of consent recommended.

1.6.1 EXTERNAL CONSULTATION

None required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A review of Council records does not indicate any previous historic use that would contribute to the contamination of the site. There is no evidence of the land being used for any purpose other than residential and the development does not propose a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7. Council's Environmental Officer also reviewed the proposal and provided satisfactory referral comments.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

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

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

The subject site is zoned R2 Low Density Residential, a non-rural area. It is considered that the vegetation proposed to be removed is vegetation that is exempt as declared by a development control plan, WDCP 2009 Chapter E17 Preservation and Management of Trees and Vegetation.

Council's Landscape Officer has reviewed the application submission. Conditionally satisfactory referral advice was received. The Jacaranda Tree in the rear of the yard is to form part of the Deep Soil Zone, which is considered to be a satisfactory outcome.

2.1.3 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.

Part 1 Preliminary

Clause 1.4 Definitions

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

For the purposes of this Act, subdivision of land means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:

- (a) by conveyance, transfer or partition, or
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

(EP&A Act 1979 definition)

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, as shown in Figure 3.

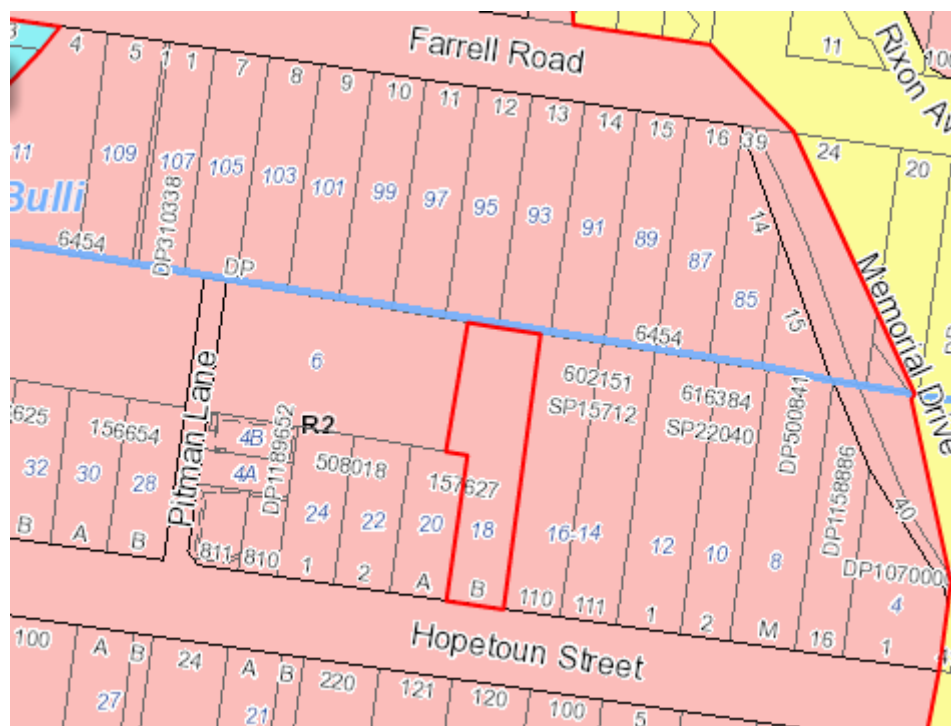


Figure 3: WLEP 2009 zoning map

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 considered satisfactory with regard to the above objectives as it would provide for additional housing opportunities in a low density environment.

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; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals*

The proposal is categorised as a **Multi dwelling housing** as defined below and is permissible in the zone with development consent.

Clause 2.6 Subdivision – consent requirements

Five (5) lot strata subdivision is sought as part of this application following the construction of the townhouses. Conditions are recommended in this regard, as provided at Attachment 5.

Clause 2.7 Demolition requires development consent

Consent for the demolition of the existing dwelling house and ancillary structures is sought as part of the subject application. Conditions are recommended in this regard to manage such works, including asbestos management.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 7.52 metres does not exceed the 9 metre maximum permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.5:1	
Site area:	1279.61m ²	
	Ground Floor	220.8
	First Floor	347.5
	Exclusions	144 (3x double garages + 2x single garages)
	GFA	568.3 m ²
FSR:	568.3/1279.61 = 0.44:1	

The proposal is compliant.

Clause 4.6 Exceptions to development standards

The subject development seeks an exception to the minimum site width development standard for multidwelling housing. The applicant has submitted a Clause 4.6 exception request statement addressing the requested exception which is included as **Attachment 2** to this report.

The below table outlines Council's assessment:

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 7.14 Minimum site width
Is the planning control in question a development standard	Yes

4.6 (3) Written request submitted by applicant contains a justification:

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

Justification as provided by applicant:

Yes, compliance with the development standard is unreasonable in the circumstances of the case given the irregular size and shape of the allotment, which tapers in width from 19.97m at the rear (northern) half of the site down to 15.24m for the front (southern) half of the site.

The proposal involves redevelopment of the existing 1,279.61m² allotment, which is located in the R2 zone and contains an existing dwelling house.

The site adjoins an existing medium density residential development (i.e. villas) situated immediately to the east at 16 Hopetown Street Woonona.

To the west, there is an existing three (3) storey residential flat building situated at 6 Pitman Lane which adjoins the rear half of the site, as well as a detached dwelling house located at 20 Hopetown Street that adjoins the front half of the site.

As such, it is reasonable to assume that the site has some development potential and opportunities for amalgamation are somewhat limited.

The proposed built form involves a single row of 5 x townhouses, located along the western side boundary of the site. For the most part, the southern portion of the site which has a site width of 15.24 metres incorporates 2 x of the townhouses, with the remaining 3 townhouses primarily located in the rear northern portion of the site which has a site width of greater than 18 metres.

Strict compliance in this instance is unreasonable because:

- The proposed variation sought only relates to part of the site, with the other part exceeding the minimum 18 metres site width requirement;*
- The front portion of the site which fails to meet the minimum site width requirement (is 592.83m² and) essentially contains only 2 x dwellings with a combined gross floor area of 236.7m². Effectively, WDCP 2009 Chapter B1 provides that dual occupancies (2 x dwellings) may be permitted on land with a site width of greater than 15 metres, and therefore it is reasonable to suggest that this part of the site can contain 2 x townhouses as proposed;*
- It is reasonable to assume that based on the size and shape of the site, there is some development potential. The overall size of the land in particular would suggest multi dwelling housing capabilities should be considered for this R2 zone;*
- Existing multi dwelling housing developments are quite prominent in the immediate locality and, particularly within Hopetoun Street;*
- Strict application and compliance with the control would effectively prohibit a multi dwelling housing development being undertaken on the subject site, despite it being a permitted form of development within the R2 Low Density Residential zone;*

	<ul style="list-style-type: none"> • <i>The layout and siting of development appropriately responds to the site constraints;</i> • <i>The design accommodates the required building envelopes, parking, onsite manoeuvring and landscape requirements and, therefore, the site is considered to be sufficient in terms of both width and size; and</i> • <i>The development of the subject site for multi dwelling housing will not adversely impact adjoining properties by virtue of the proposed non-compliance.</i> <p><i>The afore-mentioned development standard requires strict compliance across the whole of the site (generally making allowance for traditional land parcels) and does not make any allowances for irregular shapes lots such as this.</i></p> <p><i>Strict compliance in this instance is unnecessary because:</i></p> <ul style="list-style-type: none"> • <i>The afore-mentioned development standard requires strict compliance across the whole of the site (generally making allowance for traditional land parcels) and does not make any allowances for irregular shapes lots such as this; and</i> • <i>The development parcel has a minimum site width of between 19.97 metres and 20.863 metres across the rear portion of the site where more dwellings within the development will occur (i.e. 3 of the 5 dwellings) and, as such, we are seeking a variation for a partial shortfall due to the irregular shape of the site which tapers to only 15.24 metres for the southern front boundary (where only 2 of the 5 dwellings are to occur for the most part).</i> <p><i>Has the development standard been abandoned or destroyed (by Council's own actions) in departing from the standard?</i></p> <p><i>There are many examples within the Woonona area of approved multi dwelling residential developments that fail to meet the 18 metre minimum site width requirement, however, the development standard cannot be said to be abandoned due to the age of these developments and consents, which are likely to precede the current LEP.</i></p>
<p>that there are sufficient environmental planning grounds to justify contravening the development standard.</p>	<p>Justification as provided by applicant:</p> <p><i>Yes, there are sufficient environmental planning grounds in the circumstances of the case to justify contravening the development standard. These include:</i></p> <ul style="list-style-type: none"> • <i>The site is of a sufficient width, depth and size to accommodate the proposed multi dwelling housing development, without resulting in any significant adverse impacts on the public domain or any adjoining properties;</i> • <i>The scale of the proposed development is considered appropriate within the strategic planning context of the R2 Low Density Residential Zone and is consistent with the relevant zone objectives;</i> • <i>The proposal satisfies the objectives and development controls in</i>

	<p><i>relation to minimum site width contained within Clause 5.1 of Chapter B1 of the DCP, as amalgamation opportunities are limited and the site in itself nonetheless is of sufficient size to accommodate the required building envelope, parking and landscaping requirements;</i></p> <ul style="list-style-type: none"> <i>• Section 5.1.2 of Chapter B1 of the DCP states that the 18 metre site width requirement can be varied for irregular shaped lots or where the development meets the requirements of setbacks, private open space, visual amenity, solar access, built form and landscaping. The proposed development satisfies the intent of all of the above-mentioned DCP development controls;</i> <i>• Council are seeking to encourage multi dwelling housing in the locality and this form of development is identified in the desired future character statement for Woonona in Chapter D1;</i> <i>• The Illawarra Shoalhaven Regional Plan identifies the need for 14,600 additional new homes within the Wollongong LGA by 2036. The proposed development would directly contribute to this target and provide housing to meet the needs of the community;</i> <i>• Non-compliance with the minimum site width development standard will not result in any adverse environmental impacts, nor create any additional residential amenity impacts to that which would be created if strict compliance could be achieved;</i> <i>• The proposed development has been well designed and will contribute to the creation of a vibrant and modern infill development in close proximity to shops, schools, recreation facilities and services; and</i> <i>• The development as proposed will allow for the orderly and economic use of the subject land.</i> <p><i>3.4 Is the proposed development in the public interest because it is consistent with the underlying intent of the development standard and then objectives for development in the zone?</i></p> <p><i>3.4.1 Objectives of the minimum site width development standard</i></p> <p><i>There are no stated objectives within the WLEP 2009, with respect to site width</i></p> <p><i>3.4.2 Objectives of the minimum site width requirement in the DCP</i></p> <p><i>The objectives for minimum site width contained in Clause 5.1.1 of Chapter B1 the WDCP 2009 are as follows:</i></p> <p><i>(a) To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements;</i></p> <p><i>(b) To encourage amalgamation of allotments to provide for improved design outcomes.</i></p> <p><i>The site has been limited opportunity for further amalgamation and the site in itself forms a development parcel that is sufficient in size to accommodate the building envelopes, car parking, on-site manoeuvring</i></p>
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	<i>and landscape requirements. In this regard, it complies with both of the above-mentioned objectives.</i>
4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The statement submitted by MMJ (Attachment 2) is considered to have adequately addressed the matters required to be demonstrated, in that compliance to the development standard is unnecessary or unreasonable in the circumstances of the case.
the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<p>The statement is considered to demonstrate that the proposed development will be in the public interest because it is consistent with the objectives of the standard as outlined by the applicant:</p> <p>The objectives set down in Section 1.3 (a) and (c) of the Environmental Planning and Assessment Act 1979 are as follows:</p> <p><i>(a)to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;</i></p> <p><i>(c) to promote the orderly and economic use and development of land; Compliance with the standard would not hinder the attainment of the above-mentioned objectives, which aim to encourage development that promotes the social and economic welfare of the community and a better environment, and co-ordinate the orderly and economic use of land.</i></p> <p>The development as proposed is consistent with these objectives as it allows for the orderly and economic use of the land. Strict compliance with the development standard would require refusal of the proposed multi dwelling housing development, which is inconsistent with the above objectives as it would unreasonably restrict the development potential of the site.</p> <p>Given that the development is considered to achieve the WLEP 2009 objectives for minimum site width and the controls and objectives of the R2 zone, the non-compliance with minimum site width is considered acceptable in this instance.</p>
the concurrence of the Secretary has been obtained.	Referral to the Department of Planning is not required (Planning Circular PS 18-003 issued 21 February 2018) as the LPP assumes the Secretary's concurrence.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The subject site adjoins Local Heritage Item No. 6182, being Houses at 87-101 Farrell Road, Bulli, as demonstrated by Figure 4 below.

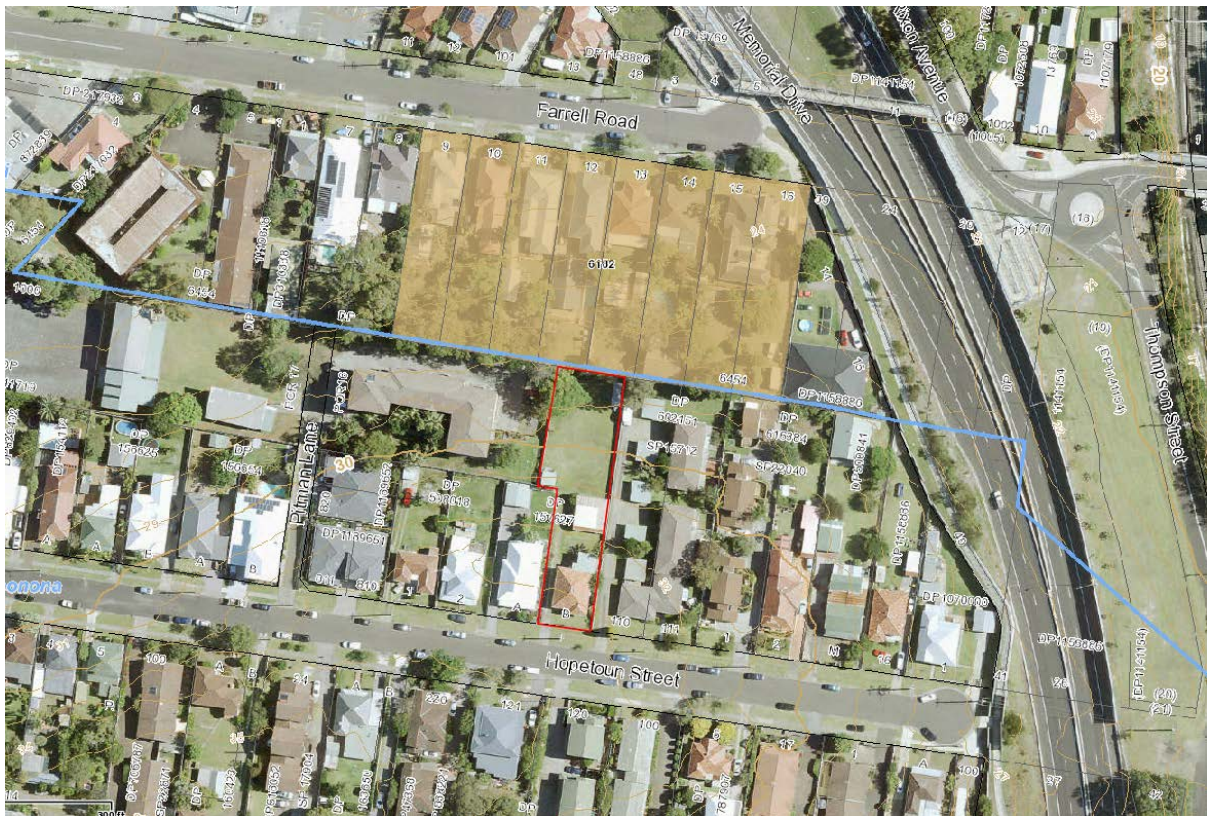


Figure 4: WLEP 2009 Heritage Mapping

Councils Heritage Officer considered the proposal with regard to the resultant impact on the adjoining items, and advised that the development would not be expected to result in unreasonable impacts on the heritage significance of the items.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The existing site is serviced by electricity, water and sewage services. The fire hydrant is located within the road reserve at the front of the property.

Clause 7.5 Acid sulfate soils

The subject site is identified as potentially affected by Class 5 Acid Sulfate Soils. The site is not located within 500m of any adjoining Classes of soils and is not expected to result in any impacts on the water table. As such, an Acid Sulfate Soils Management Plan is not required in this case. Conditions are recommended in this regard.

Clause 7.6 Earthworks

The proposal comprises minor earthworks. Conditions are recommended in this regard.

Clause 7.14 Minimum site width

Refer to Clause 4.6 exception above. The proposal involves an exception to the site width requirement of 18m wide. The site has a dimension of less than 18 metres (15.24m at street frontage) however, the rear of the site does exceed the minimum requirements of this clause.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. A full compliance table is provided at **Attachment 4** to this report and variation requests are discussed below:

8 Variations to development controls in the DCP

A Variation Request Statement (Attachment 3) was submitted by the applicant. The variation is sought as follows:

5.8 Landscaping Requirements

5.8.2.4. - *The required landscaped area must include a minimum 1.5 metre wide landscaping bed, which is provided along the side and rear boundaries of the site.*

The proposed development seeks a variation of 0.5m on the eastern side boundary, for the extent of the driveway area as demonstrated in red at Figure 5.

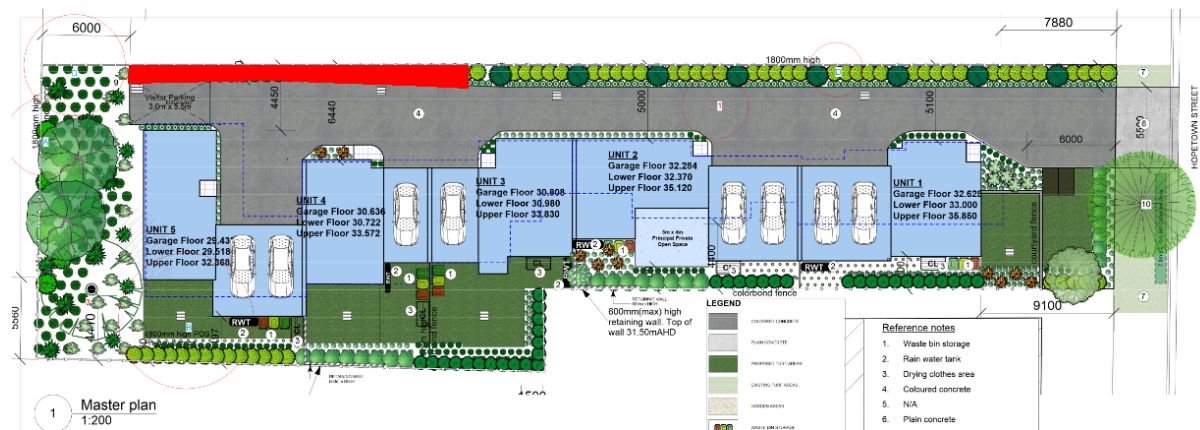


Figure 5: Extent of WDCP variation.

The variation has been requested on the following basis:

- The proposed variation will have no negative impact to future occupants, neighbouring dwellings, streetscape or the total amount of required landscaping for the site (achieves 32% landscaped area).
- The variation is considered minor given that it only reduces the landscape width by 500mm for a length of approximately 25 metres on a side boundary with a total length of 73 metres. The proposed variation on the landscaping on the eastern side boundary is considered to be minor, and no private open space or living areas face the boundary or have potential to overlook the adjoining development.
- The minor variation is considered not to adversely impact upon the adjoining property. The proposed plantings allow for privacy and the objectives of the clause to be achieved.

5.8.1 Objectives

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

The proposed development preserves existing trees, with a total landscaped area of 32% of the site proposed. The landscape plan also indicates that it will be primarily native species planted on the site.

(b) To enhance the appearance of housing through integrated landscape design.

The proposed variation is considered to have no adverse impact on the appearance of the proposed dwellings. The proposal involves an integrated landscape design that complements the local area. It is considered that the proposed landscape design adequately enhances the proposal and the surrounding area.

(c) To improve the visual amenity by increasing the volume of substantial vegetation in urban areas

The proposed development provides an increased volume of substantial vegetation in Hopetoun Street. The variation will have no visible impact on the volume of vegetation present on the site.

(d) To reduce impervious areas on sites and increase soft landscape screening between side orientations of residential developments.

The proposed development provides privacy screening along the side boundaries of the site. It is considered that the soft landscaping provided within this portion of landscaping is satisfactory in this instance. The adjoining site does not have living or private open space areas directly adjoining the site, and therefore there is a significant setback from the proposed development to eastern adjacent development. The proposal is considered to satisfy the objectives.

Planner's Comment

The proposal is considered to be consistent with the objectives of the clause. The variation has been considered and may be supported for the reasons provided by the applicant.

2.4 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is >\$200,000 (\$1,030,000) and a levy is applicable under this plan as the threshold value is \$200,000. A condition is recommended in this regard, as provided at Attachment 5 to this report.

2.5 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

2.6 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 will be imposed with regard to demolition.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable

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

Context and Setting:

The proposal is a contemporary design; however the area is characterised by a mix of single storey, two storey dwelling-houses, as well as, townhouses and residential flat buildings of traditional and contemporary construction. It is likely the older housing stock will be replaced or modernised over time. The contemporary form is acceptable taking into account compliant height, number of storeys, floor space ratio, and required setbacks (front, rear, side) to the building and compensatory

landscaping.
<p><u>Access, Transport and Traffic:</u></p> <p>The development provides for the required number of car parking spaces and manoeuvring. Council's Traffic officer has considered the development with regard to impacts on the wider traffic network, and raised no objections to the proposal.</p>
<p><u>Public Domain:</u></p> <p>The development is considered unlikely to result in impacts on the public domain with regard to the bulk and scale.</p>
<p><u>Utilities:</u></p> <p>The proposal would not be envisaged to place an unreasonable demand on utilities supply.</p>
<p><u>Heritage:</u></p> <p>The site is located to the rear of local heritage Item No. 6182 relating to houses on Farrell Road. The development is not considered to unreasonably impact on this item, as discussed at section 2.1.5 of this report.</p>
<p><u>Other land resources:</u></p> <p>The proposal would not be envisaged to impact upon valuable land resources.</p>
<p><u>Water:</u></p> <p>The site is presently serviced by Sydney Water, which could be readily extended to meet the requirements of the proposed development.</p> <p>The proposal would not be envisaged to have unreasonable water consumption.</p>
<p><u>Soils:</u></p> <p>The proposal would not be expected to result in negative impact on soils.</p>
<p><u>Air and Microclimate:</u></p> <p>The proposal would not be expected to result in negative impact on air or microclimate.</p>
<p><u>Flora and Fauna:</u></p> <p>Councils Landscape Officer has considered the proposed development and raised no objection subject to conditions. Trees to be removed consist of exempt species only. Conditions are recommended with regard to tree removal and compensatory plantings.</p>
<p><u>Waste:</u></p> <p>A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.</p>
<p><u>Energy:</u></p> <p>The proposal would not be expected to have unreasonable energy consumption. A BASIX Certificate has been provided as discussed at section 2.1.3.</p>
<p><u>Noise and vibration:</u></p> <p>A condition will be attached to any consent granted, that nuisance be minimised during any construction, demolition, or works.</p>
<p><u>Natural hazards:</u></p> <p>There are no natural hazards identified on site that would preclude the proposed development.</p>

<p><u>Technological hazards:</u></p> <p>There are no technological hazards identified on site that would preclude the proposed development.</p>
<p><u>Safety, Security and Crime Prevention:</u></p> <p>There are no concerns with regard to safety and security.</p>
<p><u>Social Impact:</u></p> <p>The proposal would not be envisaged to result in negative social impacts.</p>
<p><u>Economic Impact:</u></p> <p>The proposal is not expected to create negative economic impact.</p>
<p><u>Site Design and Internal Design:</u></p> <p>The application has an exception to a development standard in relation to the site width requirement for multidwelling housing. It is considered that the exception is appropriate in this instance, as discussed in the body of this report. The proposal also requires a minor variation to WDCP 2009 Chapter B1 as the eastern side landscape strip is 500mm less than the 1.5m required for a length of 25m. A variation request has been submitted. Considering the nature of the variation request and the resultant impacts, the variation is considered capable of support.</p> <p>Private open space, residential amenity, vehicular manoeuvring and pedestrian access have been designed to address the site characteristics.</p>
<p><u>Construction:</u></p> <p>Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.</p> <p>A condition would be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.</p>
<p><u>Cumulative Impacts:</u></p> <p>The proposal is not expected to result in negative cumulative impacts</p>
<p><u>Ecologically Sustainable Development Considerations</u></p> <p>The proposed development is not considered to be inconsistent with ESD principles as evidenced by the assessment commentary provided throughout the report.</p>

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

Does the proposal fit in the locality?

The proposal is considered appropriate in relation to impacts on the amenity of the locality and/or adjoining developments as discussed in the body of this report.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See section 1.5 of this report.

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

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

3 CONCLUSION

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

It is considered that the applicant has provided adequate justification for the exception to the WLEP 2009 development standard for minimum site width and the variation sought to WDCP 2009 as relates to width of the side landscape strip. The variations are considered capable of support.

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

Satisfactory referral advice was provided by internal referral groups and there are no outstanding issues. It is considered the proposed development has been designed appropriately given the constraints and characteristics of the site, is not inconsistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

4 RECOMMENDATION

It is recommended that DA-2018/1032 be approved by way of deferred commencement (drainage easement registration), subject to the conditions contained in **Attachment 5**.

5 ATTACHMENTS

- 1 Architectural Plans including Concept Drainage and Landscape
- 2 Clause 4.6 exception request
- 3 WDCP 2009 Variation request statements
- 4 WDCP 2009 compliance table
- 5 Conditions



PROPOSED MULIT UNIT DEVELOPMENT

for

ITS BUILT

at

LOT B IN DP 157627, 18 HOPETOUN STREET, WOONONA

CLIENT:
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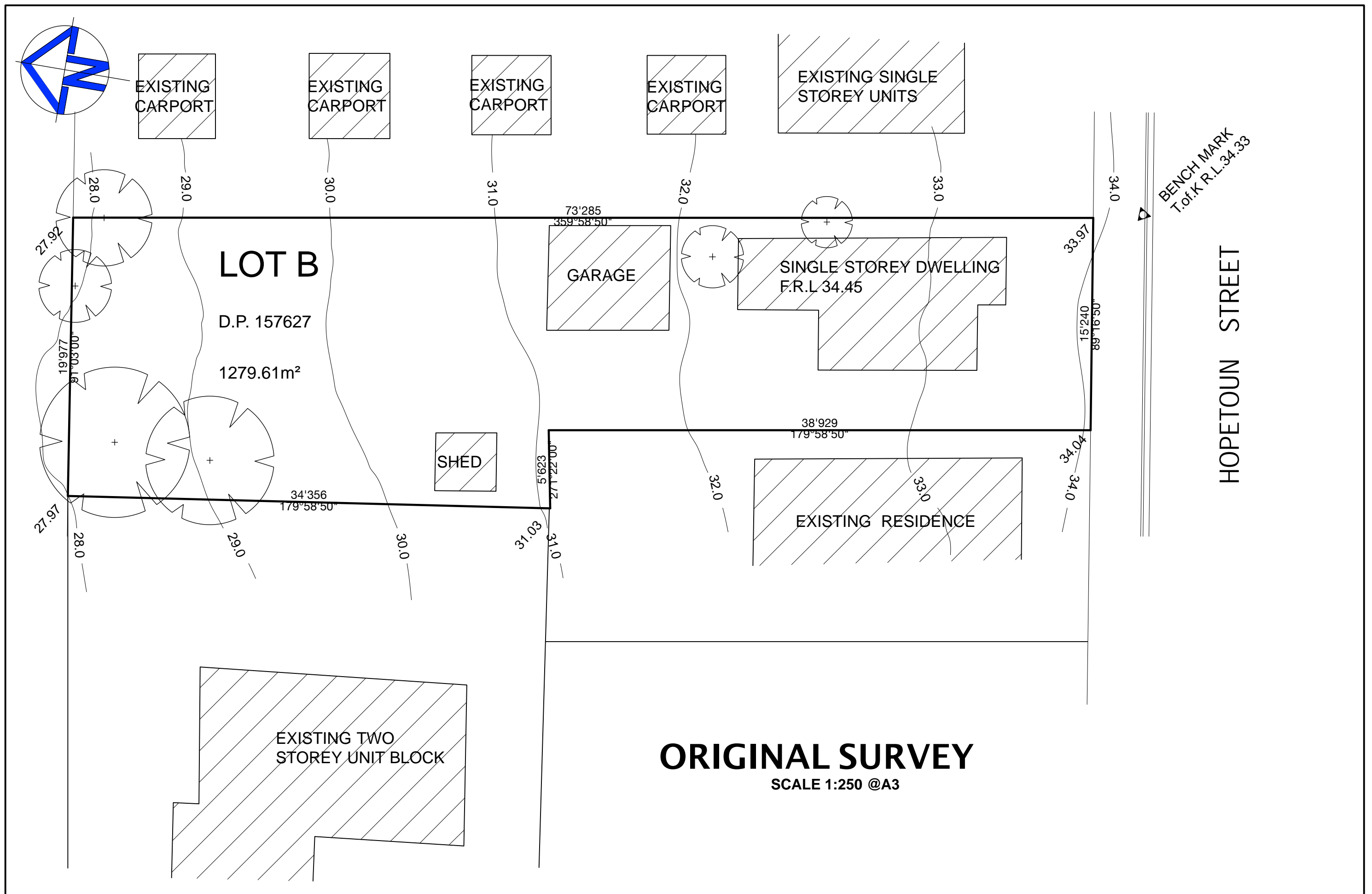
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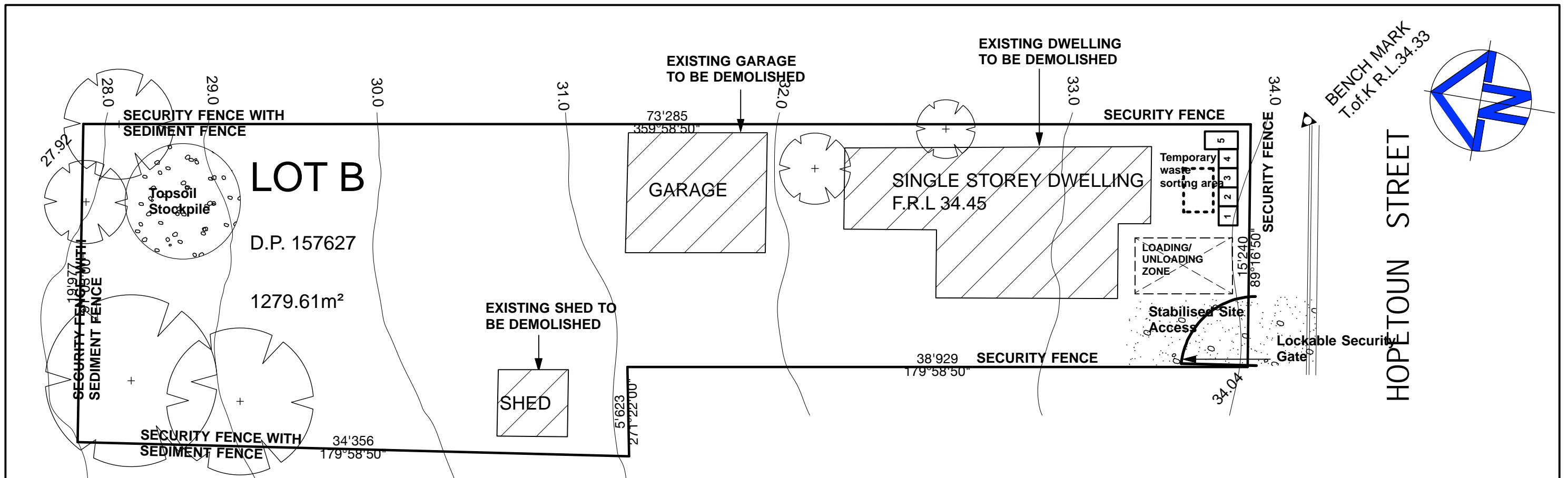


Phone 0403 939 193
www.ingenuityhomedesign.com.au
bryce@ingenuityhomedesign.com.au





CLIENT: Itsbuilt	JOB ADDRESS: 18 HOPETOUN STREET, WOONONA	JOB NUMBER:	20180029	 ACCREDITED BUILDING DESIGNER	Phone 0403 939 193 www.ingenuityhomedesign.com.au bryce@ingenuityhomedesign.com.au	
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Demolition and Construction Material

Type of Waste	REUSE Estimated Volume (m³) or Weight (t)	RECYCLING Estimated Volume (m³) or Weight (t)	DISPOSAL Estimated Volume (m³) or Weight (t)	Specify method of onsite reuse, contractor and recycling outlet and/or waste depot to be used
Excavation Material	131m³			Used as fill on site
Timber		19m³		Used as formwork / sold
Concrete	10m³			To be used as fill under driveway
Bricks			27m³	Dispose via skip and waste removal contractor to Wollongong Waste and Resource Recovery Park
Tiles			8.5m³	Dispose via skip and waste removal contractor to Wollongong Waste and Resource Recovery Park
Metal			1m³	Dispose via skip and waste removal contractor to Wollongong Waste and Resource Recovery Park
Glass			2m³	Dispose via skip and waste removal contractor to Wollongong Waste and Resource Recovery Park
Plasterboard			3m³	Dispose via skip and waste removal contractor to Wollongong Waste and Resource Recovery Park
Fixtures and Fittings			1m³	Dispose via skip and waste removal contractor to Wollongong Waste and Resource Recovery Park
Packaging		Qty Unknown		Recycle paper and cardboard packaging via recycling centre. Return timber pallets to supplier where appropriate. Dismantle and dispose otherwise via skip and waste removal contractor
Containers (cans, plastic, glass)		Qty Unknown		Recycle containers via recycling centre
Paper / Cardboard		Qty Unknown		Recycle paper and cardboard packaging via recycling centre
Residual Waste		Qty Unknown		Dispose via skip and waste removal contractor to Wollongong Waste and Resource Recovery Park
Hazardous / Special Waste			N/A	

WASTE BAYS

1. BRICK / CONCRETE WASTE BAY
2. TIMBER WASTE BAY
3. PLASTERBOARD WASTE BAY
4. METAL WASTE BAY
5. GENERAL WASTE BAY

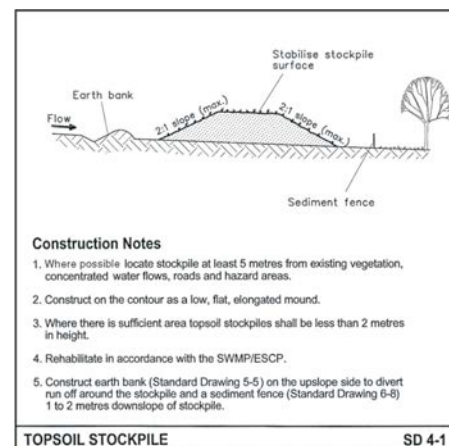
SITE DEMOLITION/WASTE MANAGEMENT/ SOIL EROSION PLAN

SCALE 1:200 @A3

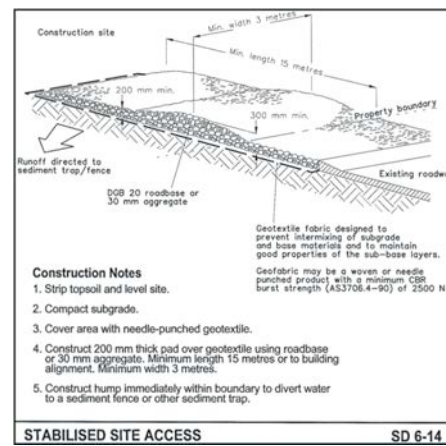
WASTE BAYS 1-4 ARE TO BE CONSTRUCTED USING SHADE CLOTH OR SEDIMENT FENCING. WHERE THE WASTE STREAM IS MADE UP OF LIGHT MATERIAL SUCH AS PAPER AND CARDBOARD, THE WASTE BAYS MUST CONSIST OF A CONTAINER FOR THE STORAGE OF THIS MATERIAL.

NOTES:

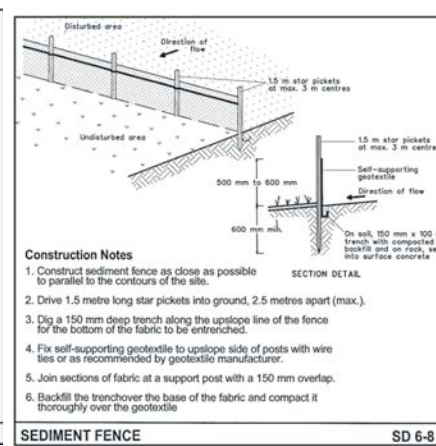
1. Site works will not start until erosion and sediment control works outlined in clauses 2 to 4 below, are installed and functional.
2. The entry to and departure of vehicles from the site will be confined to one stabilised point. Barrier fencing will be used to restrict all vehicular movements to that point. Stabilisation will be achieved by constructing a stabilised site access following SD 6-14.
3. Sediment fences will be installed as shown on this plan.
4. Top soil from the construction area will be stripped and stockpiled in the location shown for later use in landscaping the site.
5. Approved bins for all waste types will be provided and arrangements made for regular collection and disposal.
6. Guttering to be connected to water tank and stormwater system as soon as practicable.
7. Topsoil to be spread and all disturbed areas to be stabilised within 4 weeks of completion of works.
8. All erosion and sediment controls to be checked at least weekly and after rain to ensure they are maintained in a fully functional condition.



TOPSOIL STOCKPILE SD 4-1



STABILISED SITE ACCESS SD 6-14



SEDIMENT FENCE SD 6-8

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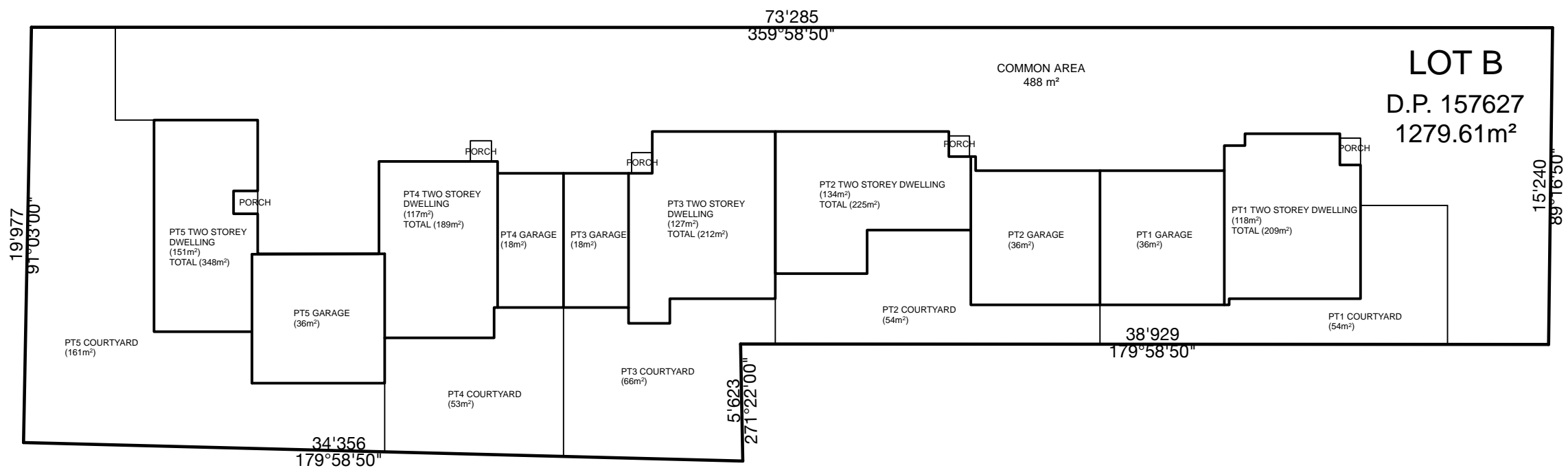
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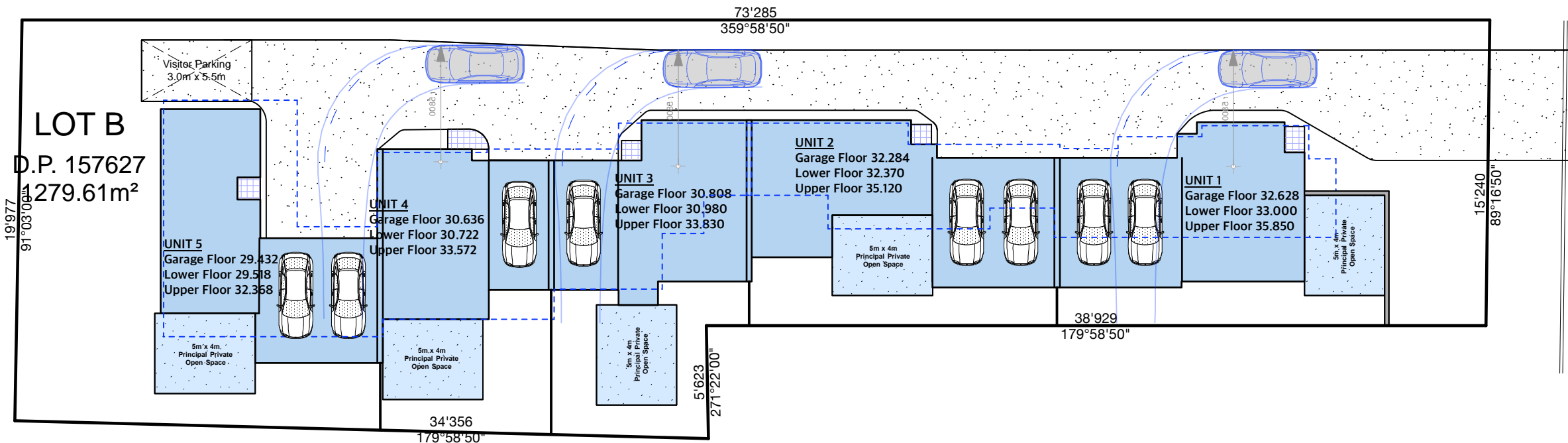
Phone 0403 939 193
www.ingenuityhomedesign.com.au
bryce@ingenuityhomedesign.com.au

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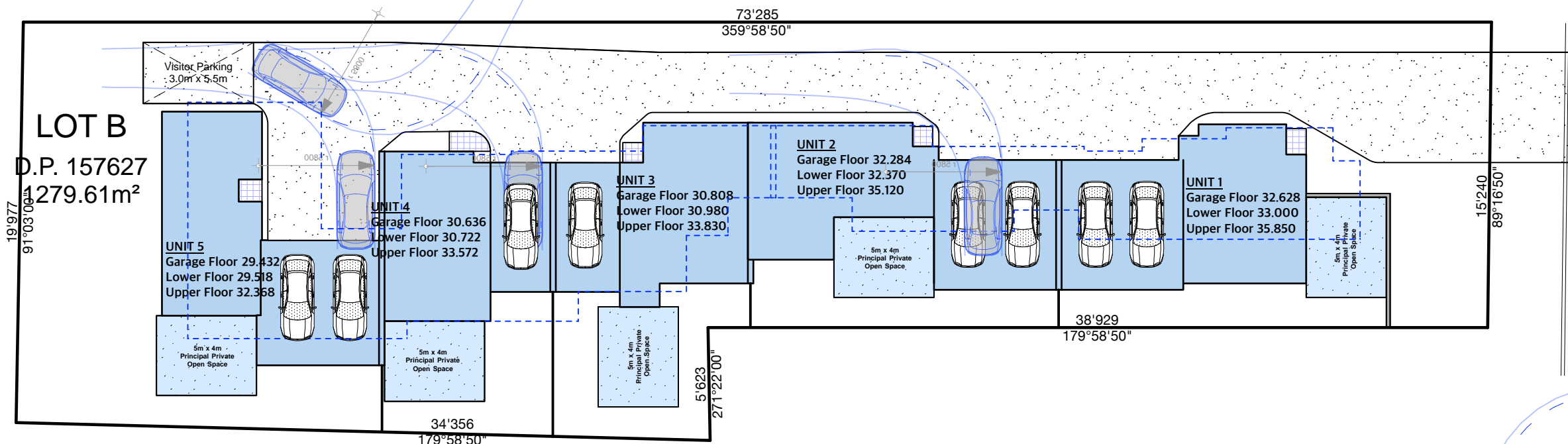
PROPOSED STRATA SUBDIVISION
SCALE 1:250 @A3

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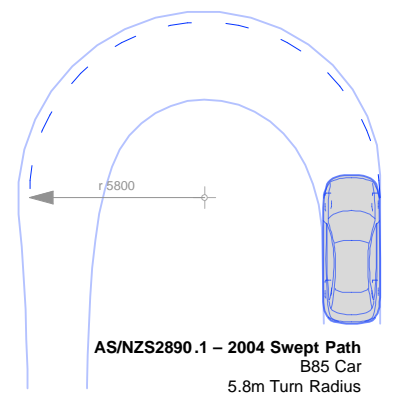
MANOEUVRING PLAN – ENTERING

SCALE 1:250 @A3



MANOEUVRING PLAN – EXITING

SCALE 1:250 @A3



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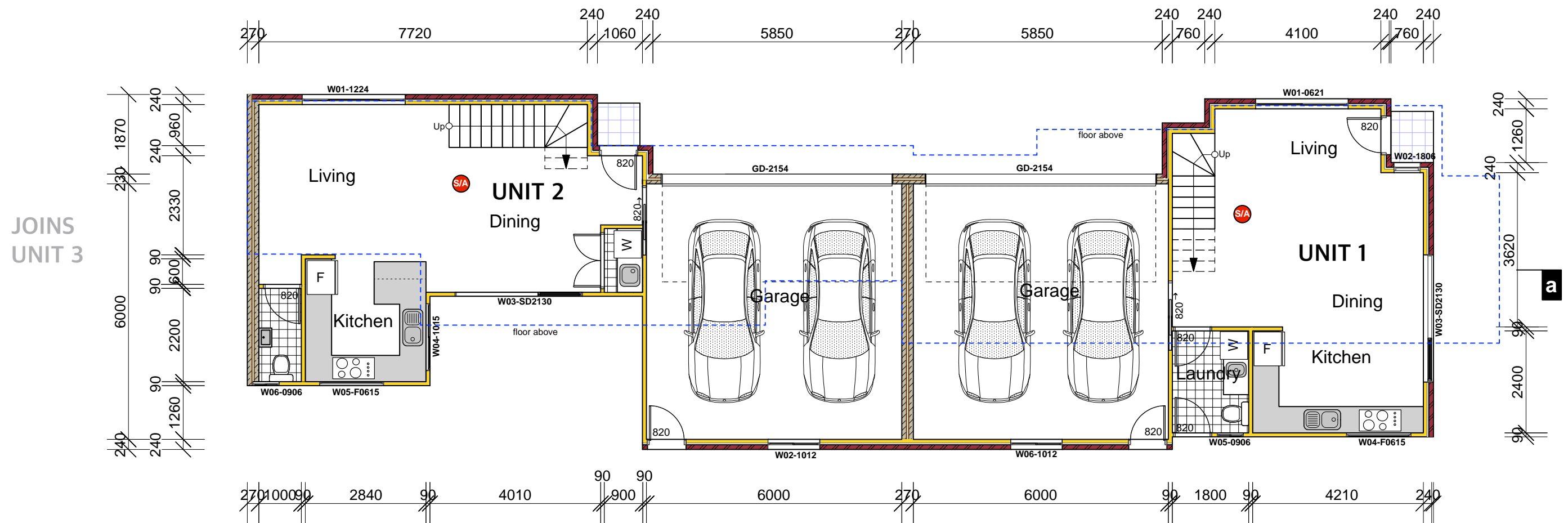
Phone 0403 939 193
www.ingenuityhomedesign.com.au
bryce@ingenuityhomedesign.com.au

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HOPETOUN STREET

HOPETOUN STREET

UNITS 1 & 2



LOWER FLOOR PLAN

SCALE 1:100 @A3

Window Schedule - Unit 1							
Number	Type	Width (mm)	Height (mm)	Area m2	Orientation	Shading Device	Frame and Glass Type
1	Aluminium Sliding	2100	600	1.26	E	No Eave	Standard Aluminium, Single Clear
2	Aluminium Awning	1800	600	1.08	E	1300mm Balcony	Standard Aluminium, Single Clear
3	Aluminium Sliding	3000	2100	6.3	S	1300mm Balcony	Standard Aluminium, Single Clear
4	Aluminium Fixed	1500	600	0.9	W	450mm Eave	Standard Aluminium, Single Clear
5	Aluminium Sliding	600	900	0.54	W	450mm Eave	Standard Aluminium, Single Clear
6	Aluminium Sliding	1200	1000	1.2	W	450mm Eave	Standard Aluminium, Single Clear
7	Aluminium Sliding	1800	1200	2.16	E	450mm Eave	Standard Aluminium, Single Clear
8	Aluminium Sliding	1800	1200	2.16	E	450mm Eave	Standard Aluminium, Single Clear
9	Aluminium Fixed	600	1500	0.9	E	450mm Eave	Standard Aluminium, Single Clear
10	Aluminium Sliding	1500	900	1.35	E	450mm Eave	Standard Aluminium, Single Clear
11	Aluminium Sliding	600	900	0.54	E	450mm Eave	Standard Aluminium, Single Clear
12	Aluminium Awning	2100	1200	2.52	S	450mm Eave	Standard Aluminium, Single Clear
13	Aluminium Sliding	2400	600	1.44	W	450mm Eave	Standard Aluminium, Single Clear

W3-1206 ← WINDOW SIZE

← DENOTES BASIX WINDOW REFERENCE

S/A DENOTES SMOKE ALARM TO AS3786
'HARD-WIRED' TO ELECTRICITY MAINS.
(THE LOCATION OF COMPLIANT SMOKE ALARMS MUST BE
IN ACCORDANCE WITH THE PROVISIONS OF PART 3.7.2
OF THE BUILDING CODE OF AUSTRALIA).

All recessed downlights in the thermal envelope to be sealed. All exhaust fans to be fitted with dampers and insulation installed up to cover

CLIENT:
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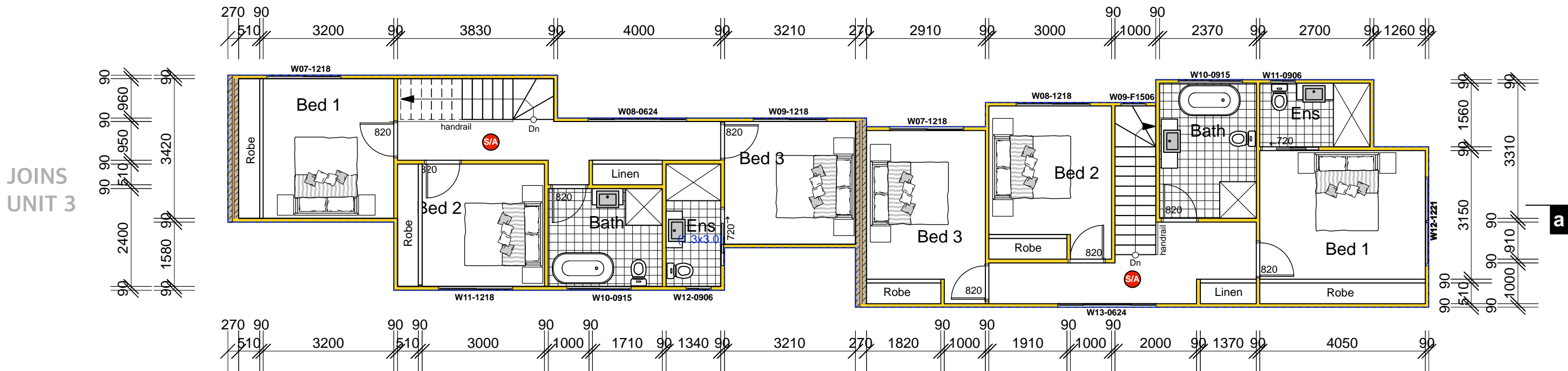
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BUILDING DESIGNER

Phone 0403 939 193
www.ingenuityhomedesign.com.au
bryce@ingenuityhomedesign.com.au


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UPPER FLOOR PLAN
SCALE 1:100 @A3

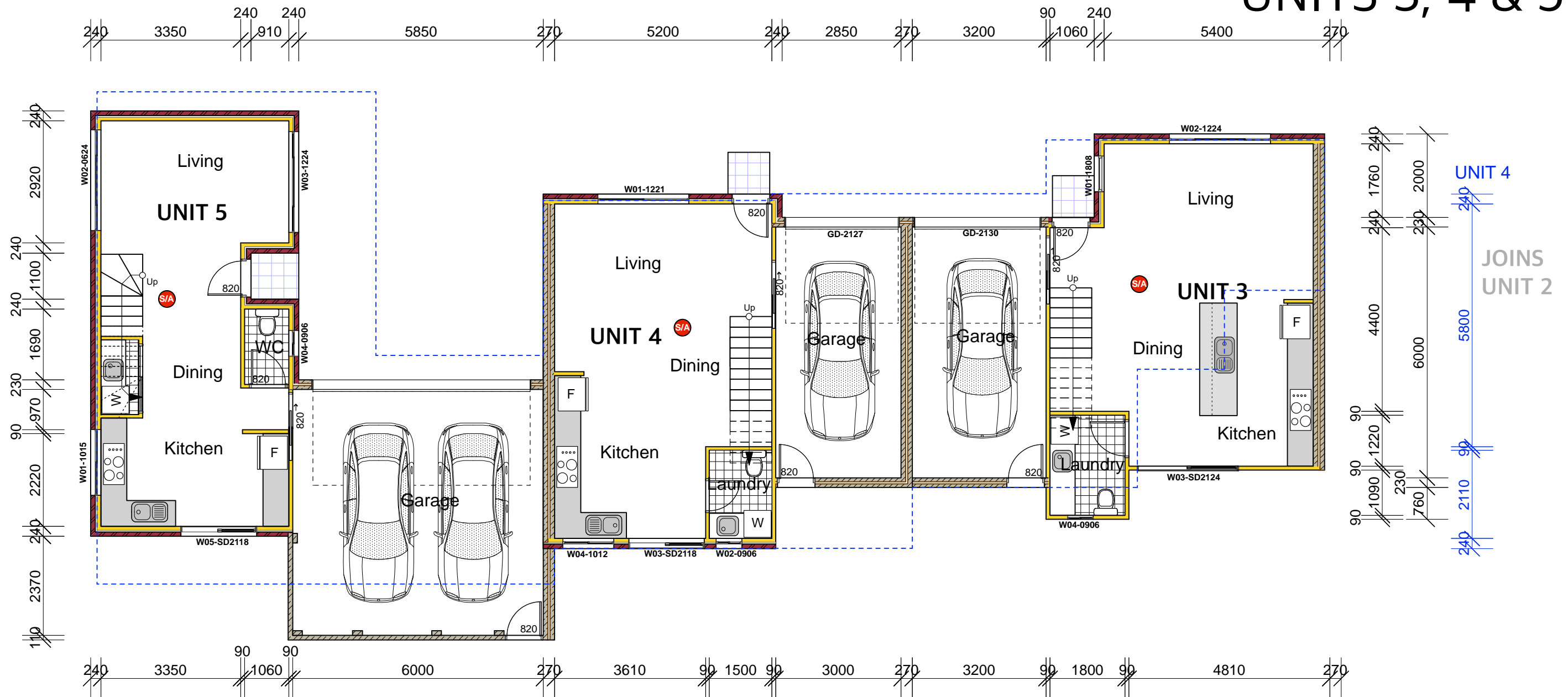
Window Schedule - Unit 2							
Number	Type	Width (mm)	Height (mm)	Area m2	Orientation	Shading Device	Frame and Glass Type
1	Aluminium Sliding	2400	1200	2.88	E	No Eave	Standard Aluminium, Single Clear
2	Aluminium Sliding	1200	1000	1.2	W	450mm Eave	Standard Aluminium, Single Clear
3	Aluminium Sliding	3000	2100	6.3	W	1300mm Balcony	Standard Aluminium, Single Clear
4	Aluminium Sliding	1500	1000	1.5	S	1300mm Balcony	Standard Aluminium, Single Clear
5	Aluminium Fixed	1500	600	0.9	W	450mm Eave	Standard Aluminium, Single Clear
6	Aluminium Sliding	600	900	0.54	W	450mm Eave	Standard Aluminium, Single Clear
7	Aluminium Sliding	1800	1200	2.16	E	450mm Eave	Standard Aluminium, Single Clear
8	Aluminium Sliding	2400	600	1.44	E	450mm Eave	Standard Aluminium, Single Clear
9	Aluminium Sliding	1800	1200	2.16	E	450mm Eave	Standard Aluminium, Single Clear
10	Aluminium Sliding	1500	900	1.35	W	450mm Eave	Standard Aluminium, Single Clear
11	Aluminium Sliding	1800	1200	2.16	W	450mm Eave	Standard Aluminium, Single Clear
12	Aluminium Sliding	600	900	0.54	W	450mm Eave	Standard Aluminium, Single Clear

W3-1206 ← WINDOW SIZE
← DENOTES BASIX WINDOW REFERENCE

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All recessed downlights in the thermal envelope to be sealed. All exhaust fans to be fitted with dampers and insulation installed up to cover

UNITS 3, 4 & 5



LOWER FLOOR PLAN

SCALE 1:100 @A3

W3-1206 ← WINDOW SIZE
← DENOTES BASIX WINDOW REFERENCE

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Window Schedule - Unit 3							
Number	Type	Width (mm)	Height (mm)	Area m2	Orientation	Shading Device	Frame and Glass Type
1	Aluminium Awning	800	1800	1.44	N	1100mm Balcony	Standard Aluminium, Single Clear
2	Aluminium Sliding	2400	1200	2.88	E	No Eave	Standard Aluminium, Single Clear
3	Aluminium Sliding	2400	2100	5.04	W	450mm Eave	Standard Aluminium, Single Clear
4	Aluminium Sliding	600	900	0.54	W	450mm Eave	Standard Aluminium, Single Clear
5	Aluminium Sliding	1800	1200	2.16	E	450mm Eave	Standard Aluminium, Single Clear
6	Aluminium Sliding	1500	900	1.35	E	450mm Eave	Standard Aluminium, Single Clear
7	Aluminium Sliding	1800	1200	2.16	E	450mm Eave	Standard Aluminium, Single Clear
8	Aluminium Sliding	800	900	0.72	W	450mm Eave	Standard Aluminium, Single Clear
9	Aluminium Sliding	1500	600	0.9	W	450mm Eave	Standard Aluminium, Single Clear
10	Aluminium Sliding	1800	1200	2.16	W	450mm Eave	Standard Aluminium, Single Clear

Window Schedule - Unit 4							
Number	Type	Width (mm)	Height (mm)	Area m2	Orientation	Shading Device	Frame and Glass Type
1	Aluminium Sliding	2100	1200	2.52	E	No Eave	Standard Aluminium, Single Clear
2	Aluminium Sliding	600	900	0.54	W	450mm Eave	Standard Aluminium, Single Clear
3	Aluminium Sliding	1800	2100	3.78	W	450mm Eave	Standard Aluminium, Single Clear
4	Aluminium Sliding	1200	1000	1.2	W	450mm Eave	Standard Aluminium, Single Clear
5	Aluminium Sliding	1800	1200	2.16	E	450mm Eave	Standard Aluminium, Single Clear
6	Aluminium Sliding	1500	900	1.35	E	450mm Eave	Standard Aluminium, Single Clear
7	Aluminium Sliding	1800	1200	2.16	E	450mm Eave	Standard Aluminium, Single Clear
8	Aluminium Sliding	1200	1000	1.2	W	450mm Eave	Standard Aluminium, Single Clear
9	Aluminium Sliding	1200	900	1.08	W	450mm Eave	Standard Aluminium, Single Clear
10	Aluminium Sliding	1800	1200	2.16	W	450mm Eave	Standard Aluminium, Single Clear

All recessed downlights in the thermal envelope to be sealed. All exhaust fans to be fitted with dampers and insulation installed up to cover

CLIENT:
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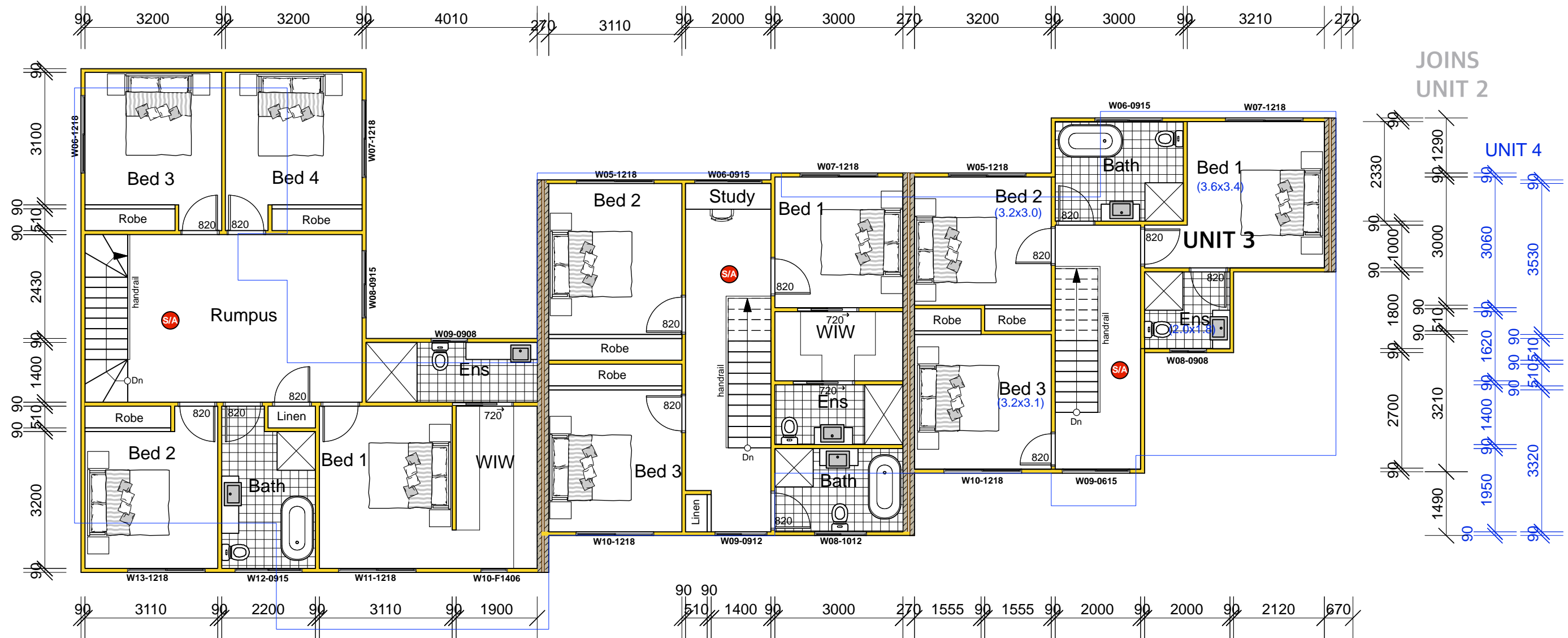
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Phone 0403 939 193
www.ingenuityhomedesign.com.au
bryce@ingenuityhomedesign.com.au

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UNITS 3, 4 & 5



UPPER FLOOR PLAN

SCALE 1:100 @A3

Window Schedule - Unit 5							
Number	Type	Width (mm)	Height (mm)	Area m2	Orientation	Shading Device	Frame and Glass Type
1	Aluminium Sliding	1500	1000	1.5	N	No Eave	Standard Aluminium, Single Clear
2	Aluminium Sliding	2400	600	1.44	N	No Eave	Standard Aluminium, Single Clear
3	Aluminium Sliding	2400	1200	2.88	S	1100mm Balcony	Standard Aluminium, Single Clear
4	Aluminium Sliding	600	900	0.54	S	1100mm Balcony	Standard Aluminium, Single Clear
5	Aluminium Sliding	1800	2100	3.78	W	1100mm Balcony	Standard Aluminium, Single Clear
6	Aluminium Sliding	1800	1200	2.16	N	450mm Eave	Standard Aluminium, Single Clear
7	Aluminium Sliding	1800	1200	2.16	S	450mm Eave	Standard Aluminium, Single Clear
8	Aluminium Sliding	1500	900	1.35	S	450mm Eave	Standard Aluminium, Single Clear
9	Aluminium Sliding	800	900	0.72	E	450mm Eave	Standard Aluminium, Single Clear
10	Aluminium Fixed	600	1400	0.84	W	450mm Eave	Standard Aluminium, Single Clear
11	Aluminium Sliding	1800	1200	2.16	W	450mm Eave	Standard Aluminium, Single Clear
12	Aluminium Sliding	1500	900	1.35	W	450mm Eave	Standard Aluminium, Single Clear
13	Aluminium Sliding	1800	1200	2.16	W	450mm Eave	Standard Aluminium, Single Clear

W3-1206 ← WINDOW SIZE

← DENOTES BASIX WINDOW REFERENCE

S/A DENOTES SMOKE ALARM TO AS3786 'HARD-WIRED' TO ELECTRICITY MAINS. (THE LOCATION OF COMPLIANT SMOKE ALARMS MUST BE IN ACCORDANCE WITH THE PROVISIONS OF PART 3.7.2 OF THE BUILDING CODE OF AUSTRALIA).

All recessed downlights in the thermal envelope to be sealed. All exhaust fans to be fitted with dampers and insulation installed up to cover

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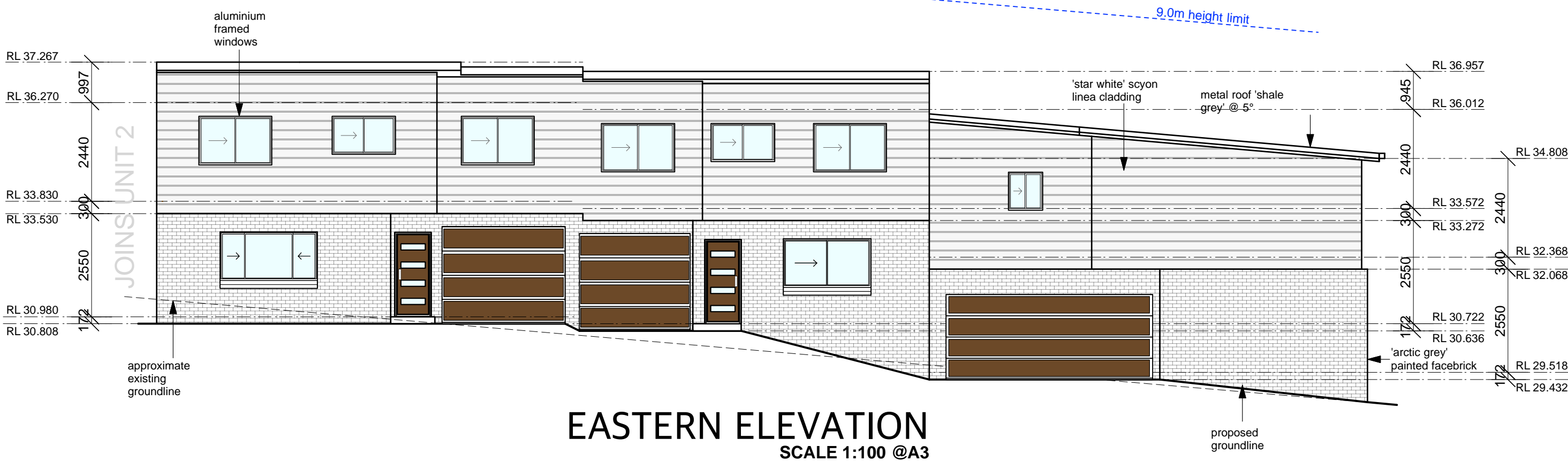
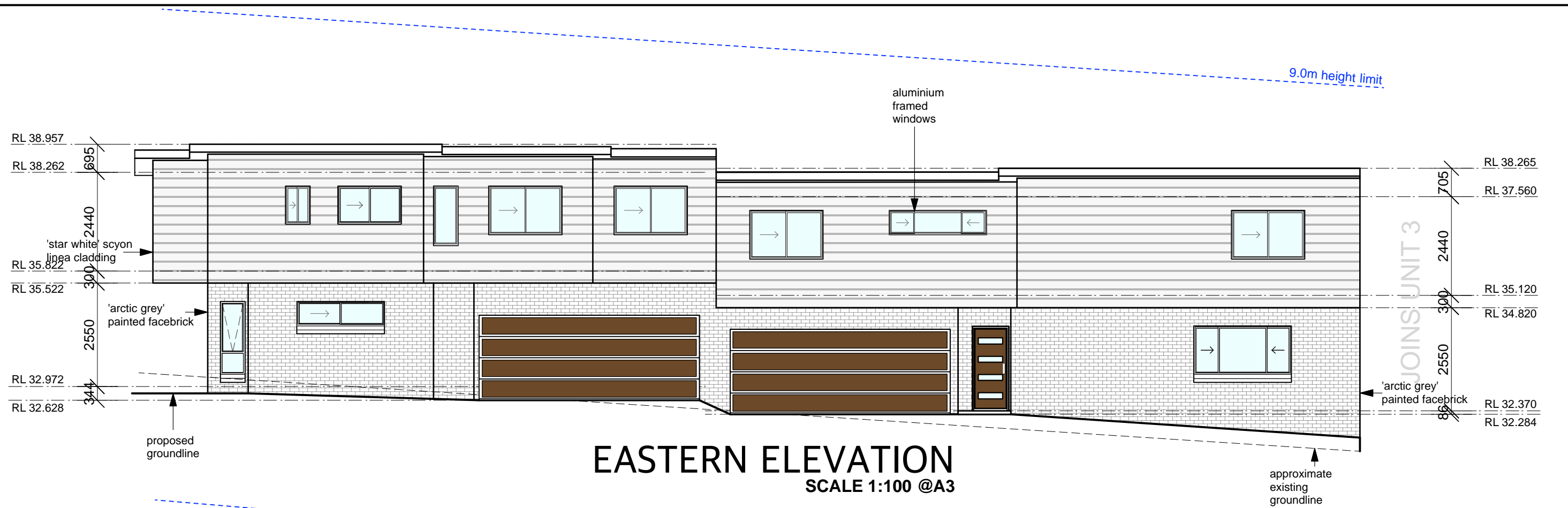
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JOB NUMBER: 20180029
DATE: 05/03/2019
ISSUE: D
SHEET 10 of 19

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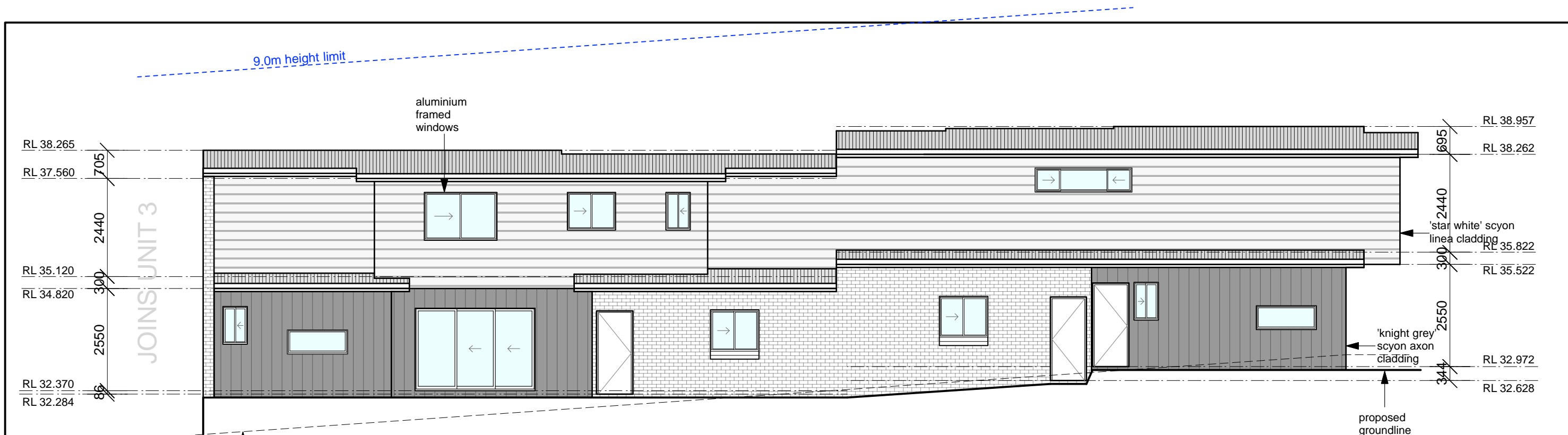
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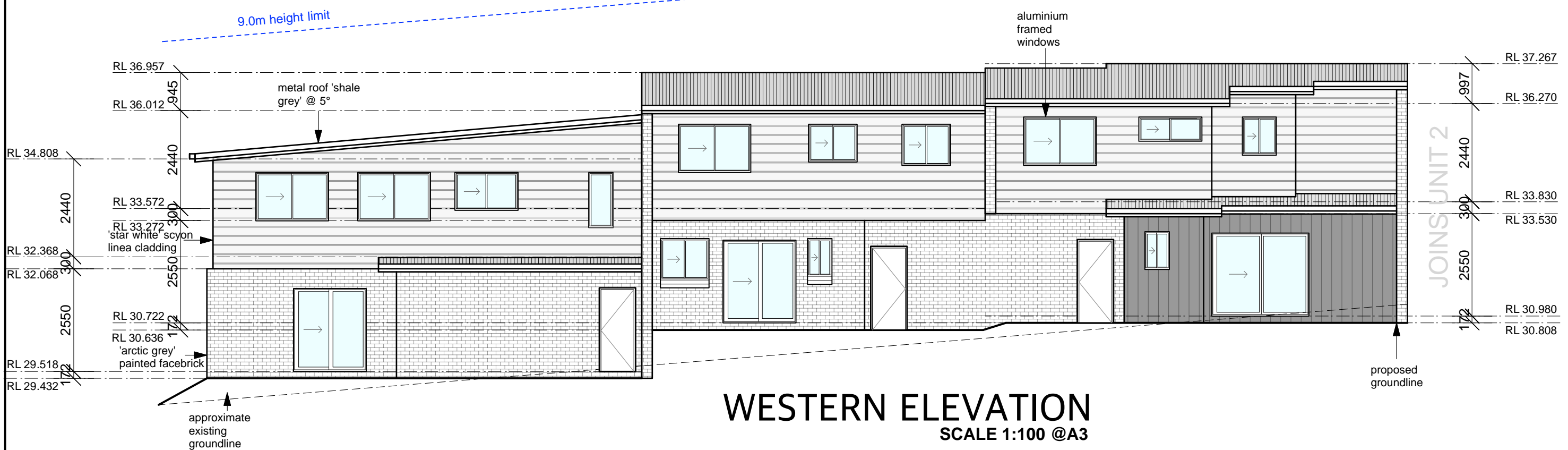
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WESTERN ELEVATION
SCALE 1:100 @A3



WESTERN ELEVATION
SCALE 1:100 @A3

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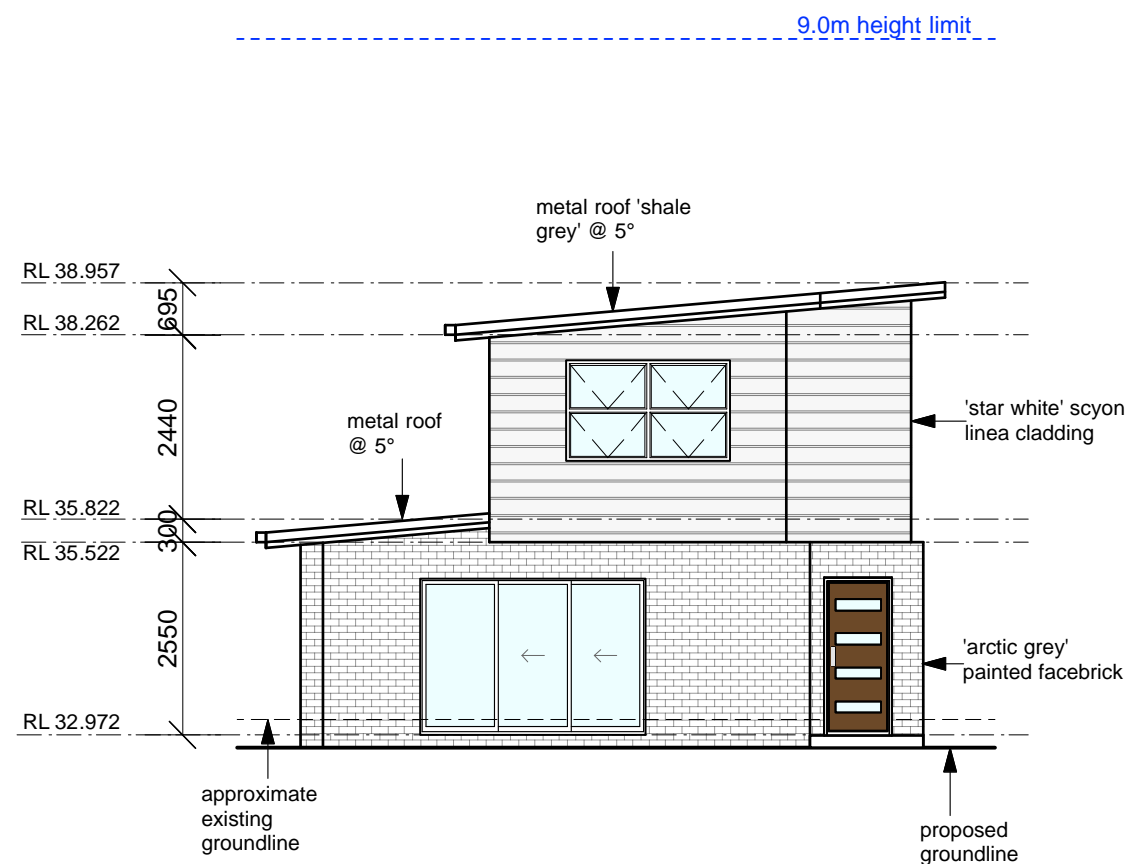
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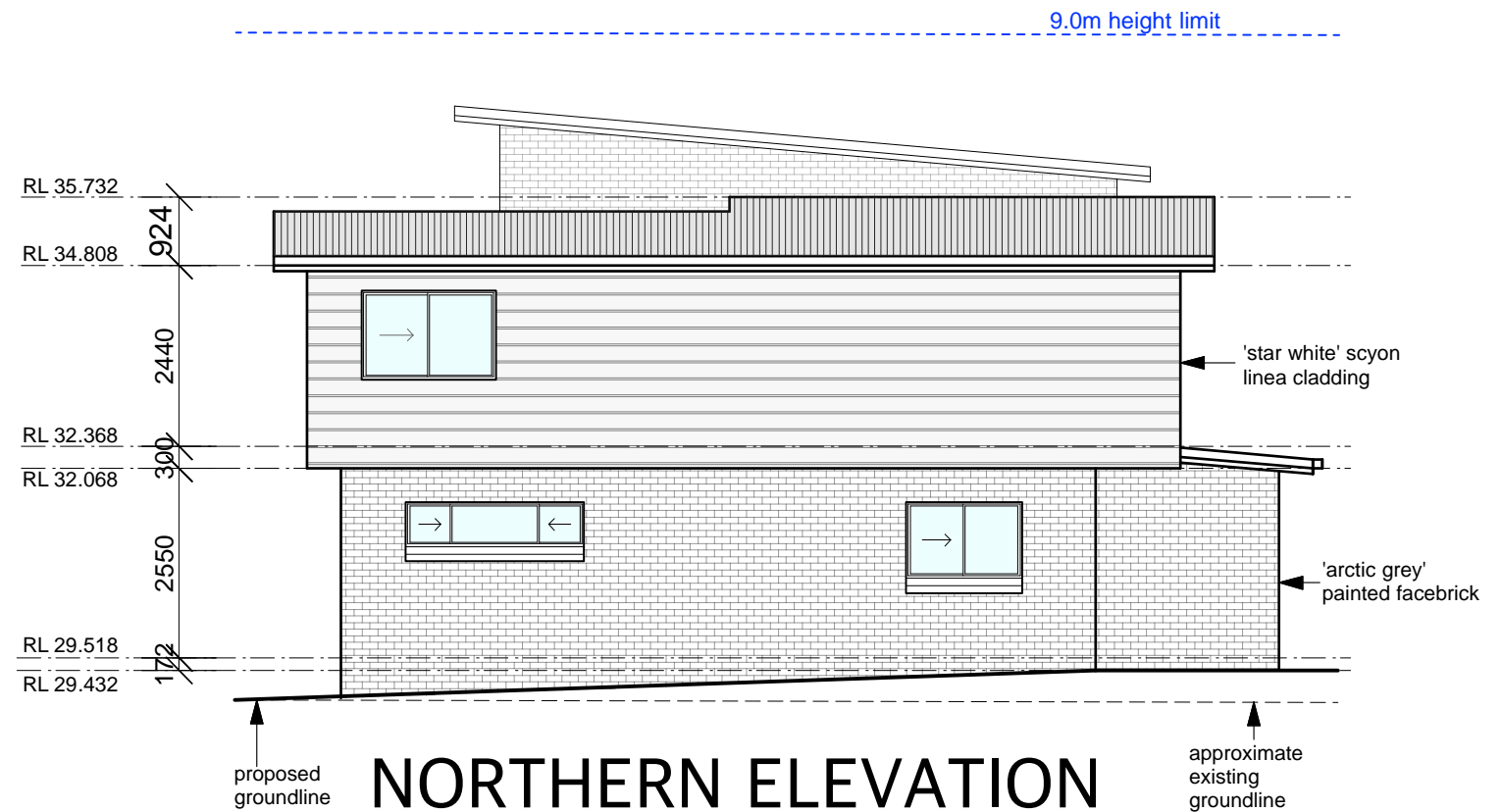
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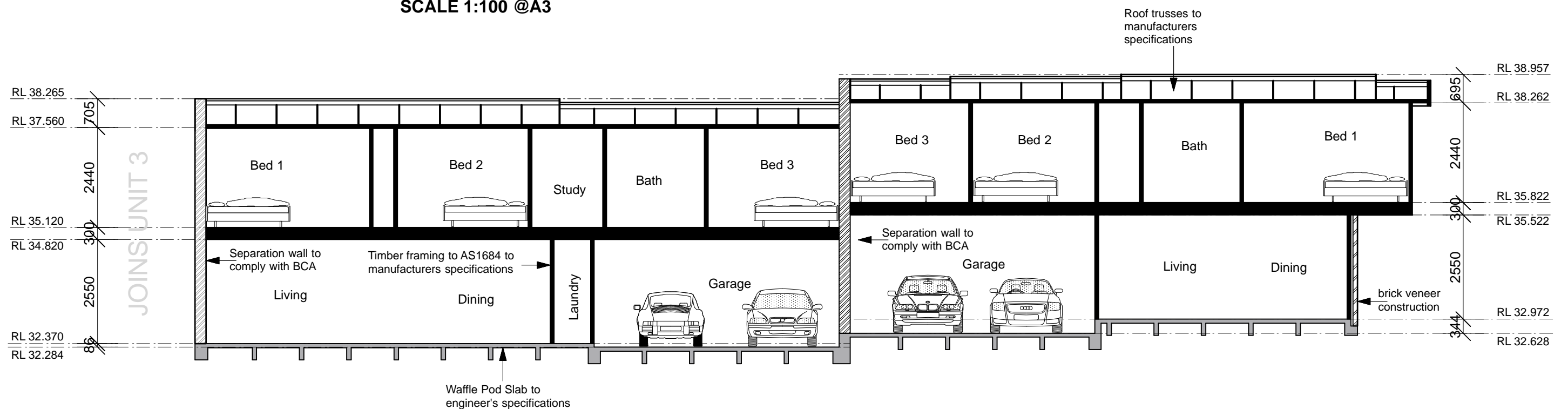
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SOUTHERN ELEVATION
SCALE 1:100 @A3



NORTHERN ELEVATION
SCALE 1:100 @A3



SECTION A - A
SCALE 1:100 @A3

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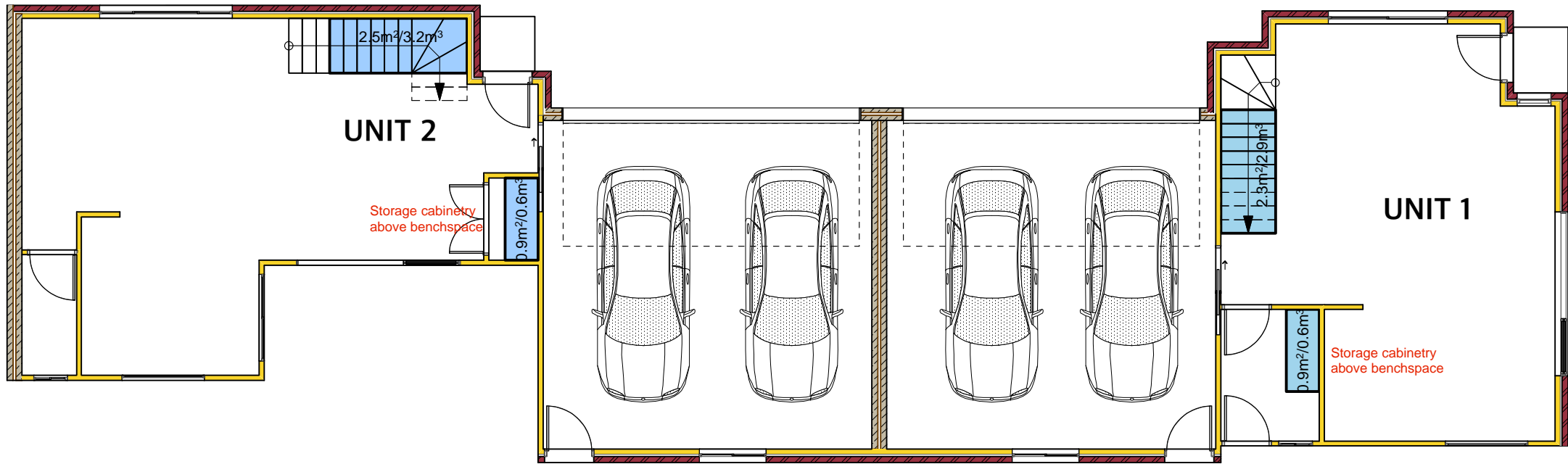
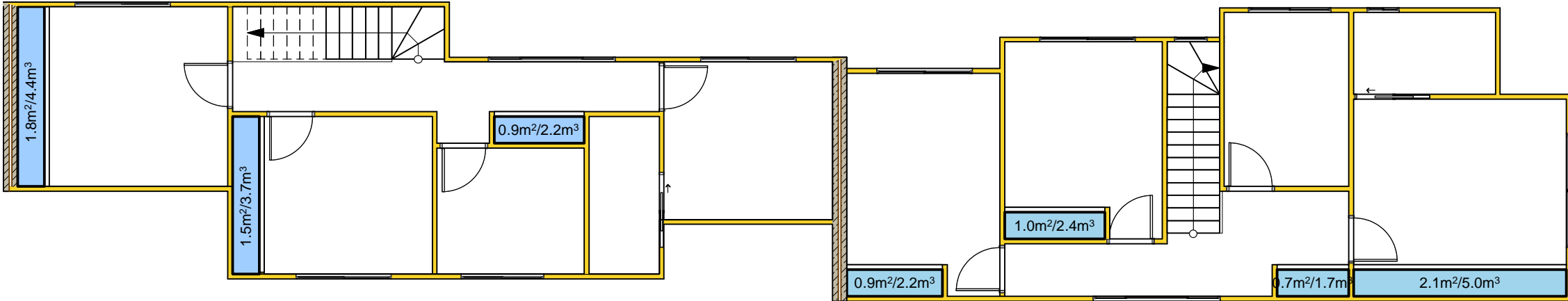
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UNITS 1 & 2

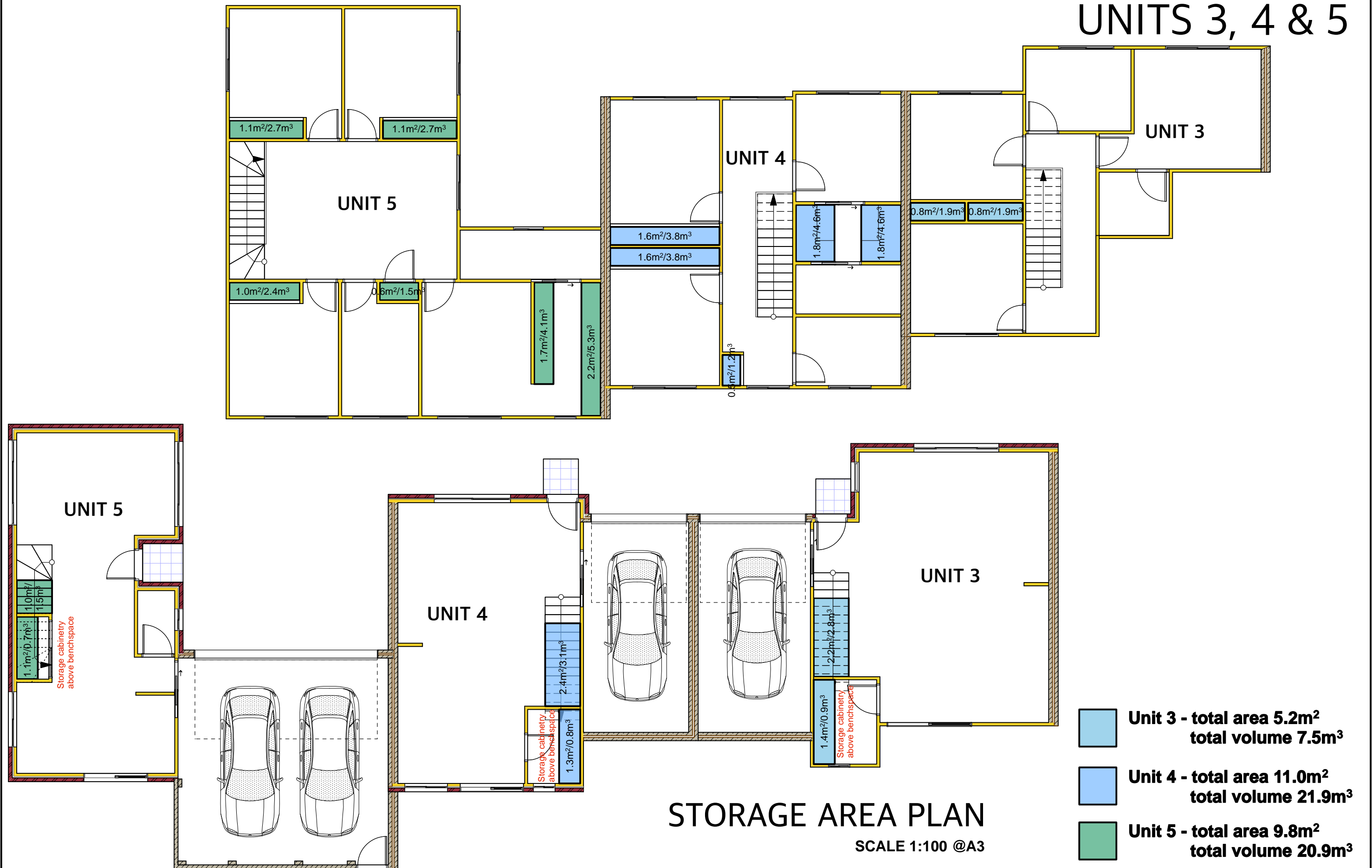


STORAGE AREA PLAN

SCALE 1:100 @A3

- Unit 1 - total area 7.9m²
total volume 14.8m³
- Unit 2 - total area 7.6m²
total volume 14.1m³

UNITS 3, 4 & 5



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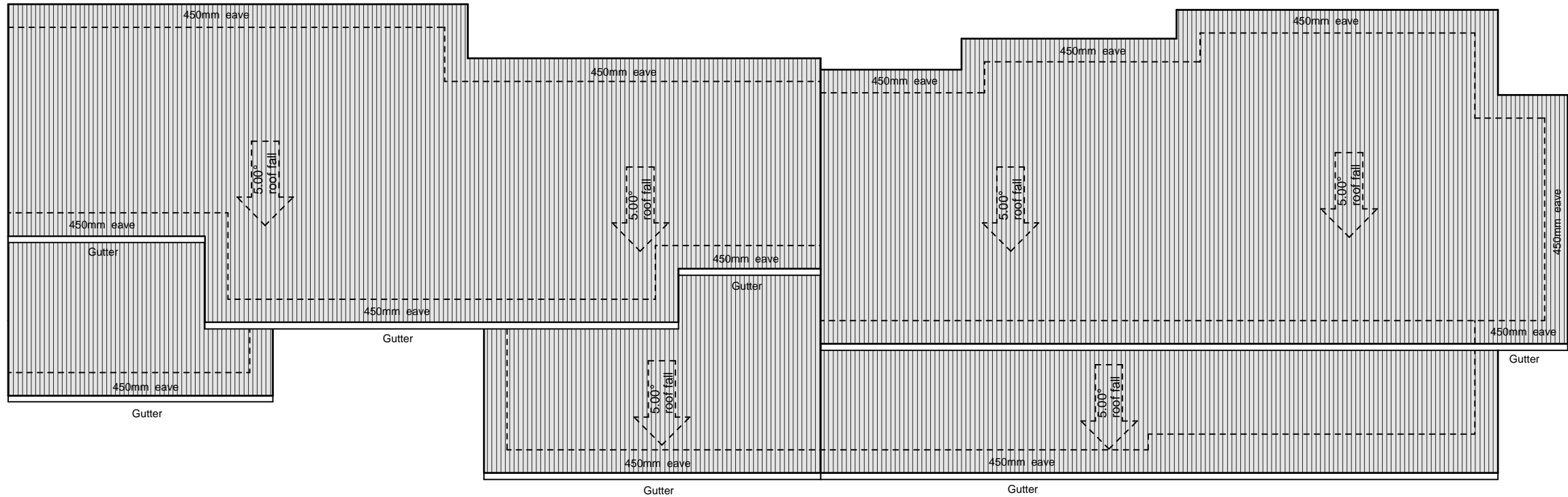
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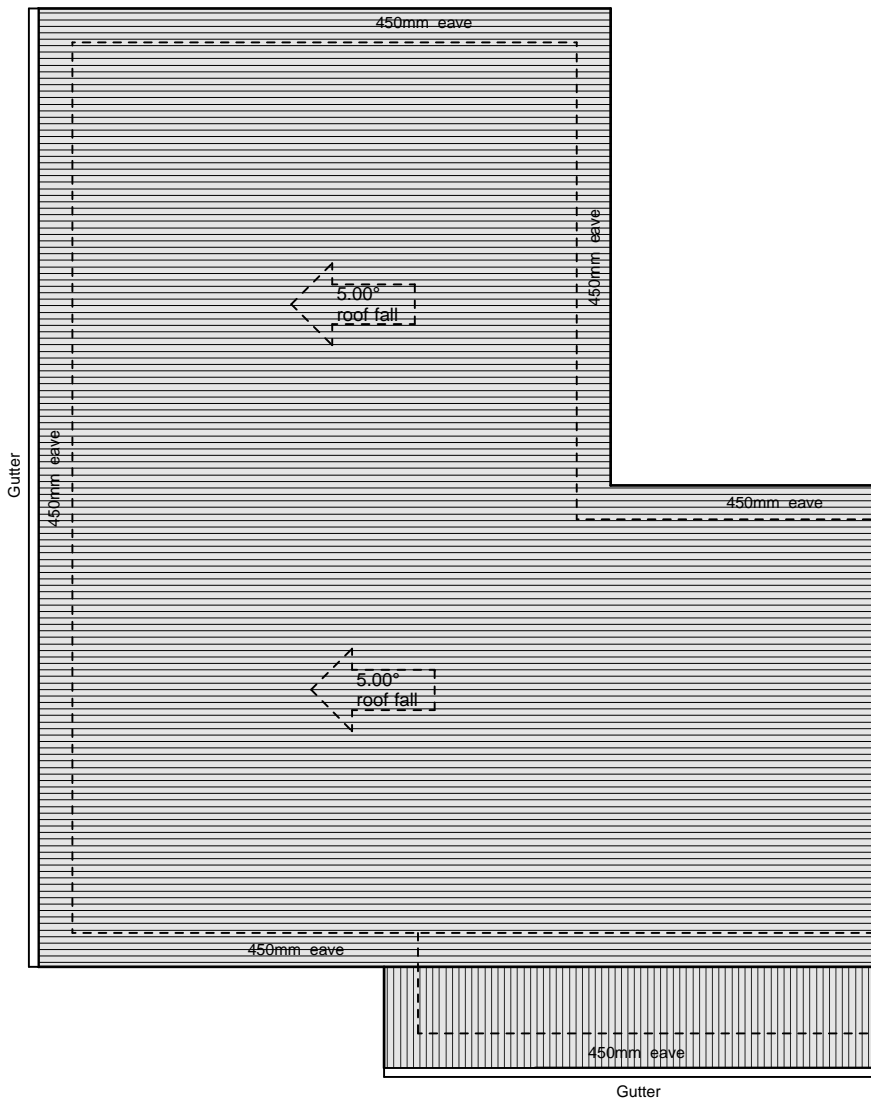
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JOINS UNIT 3



ROOF PLAN

SCALE 1:100 @A3



ROOF PLAN

SCALE 1:100 @A3

JOINS UNIT 2

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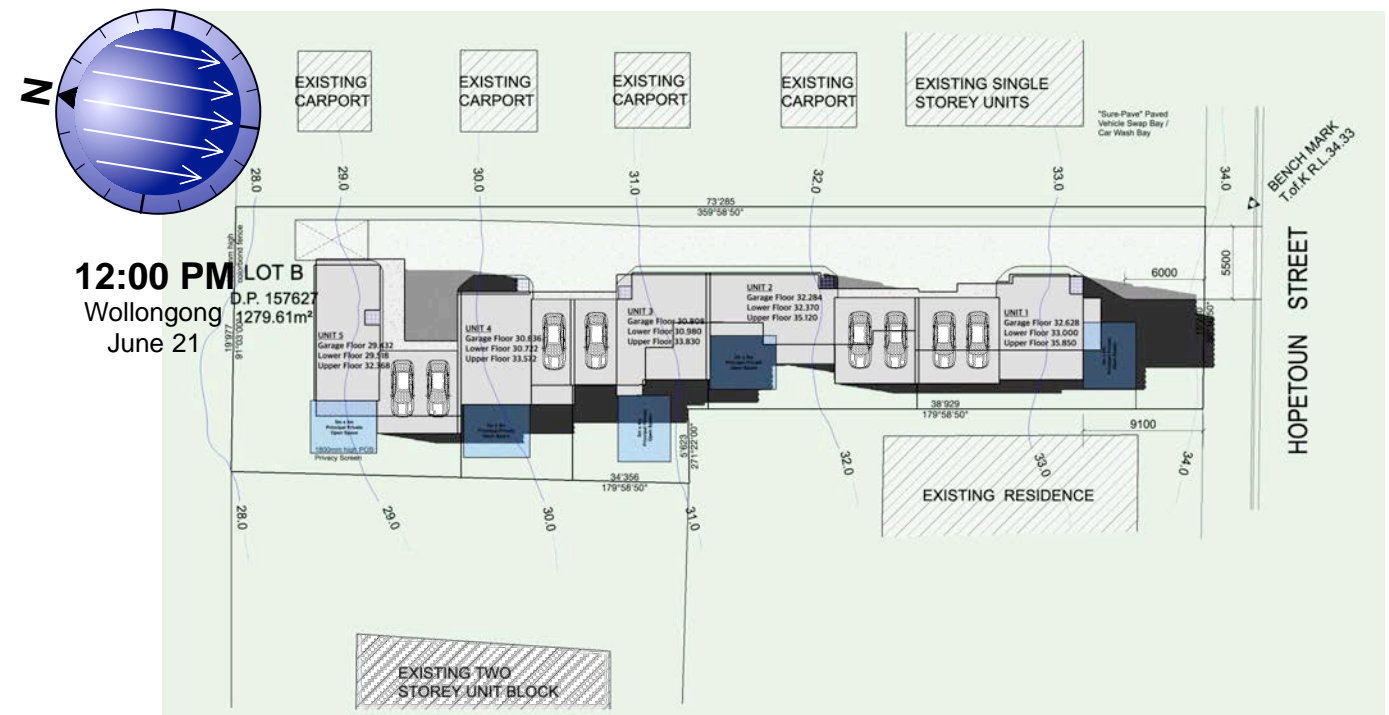
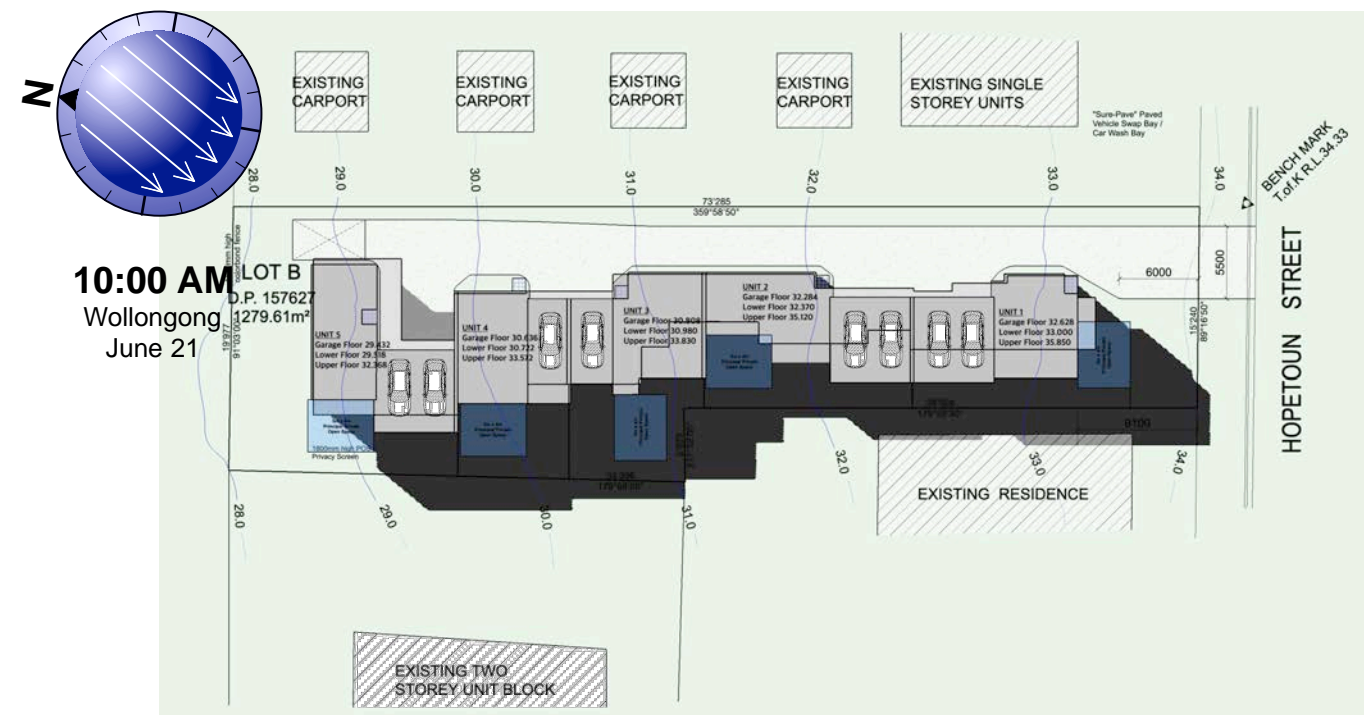
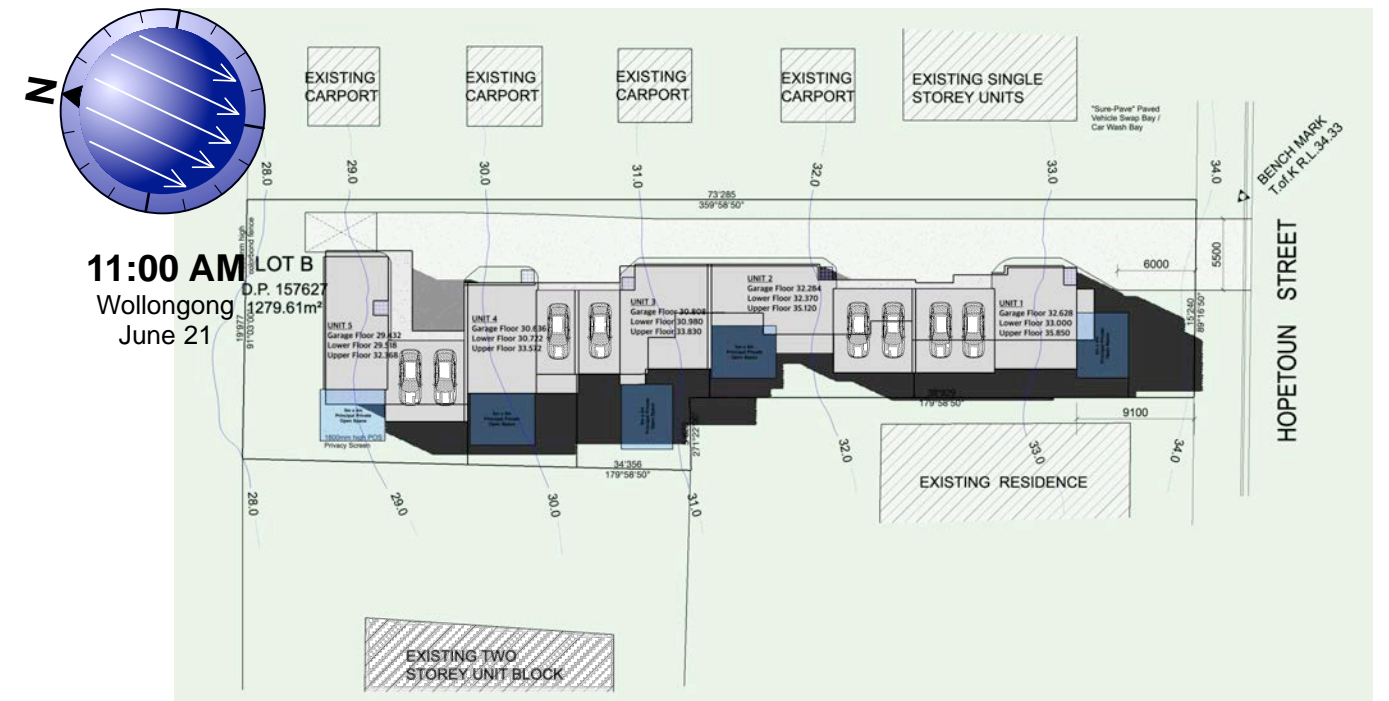
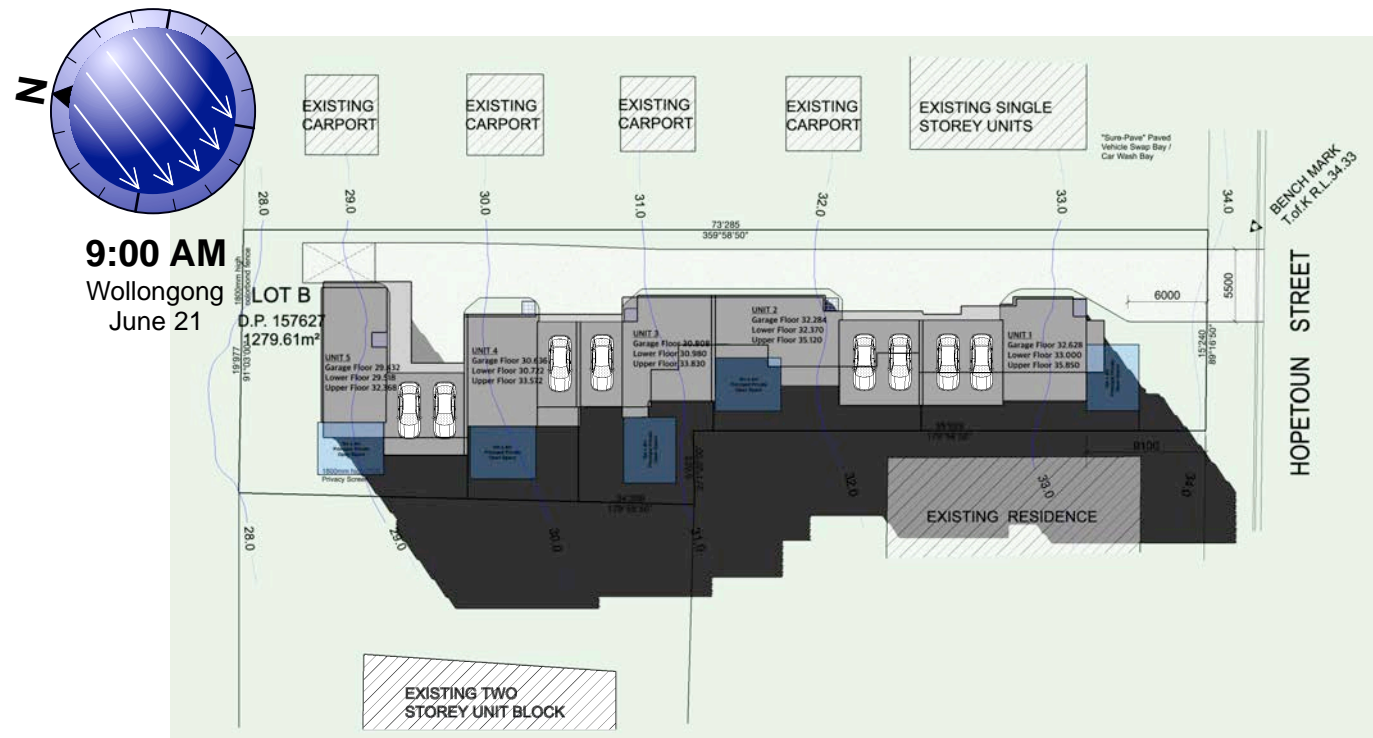
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SHADOW DIAGRAM

SCALE NTS

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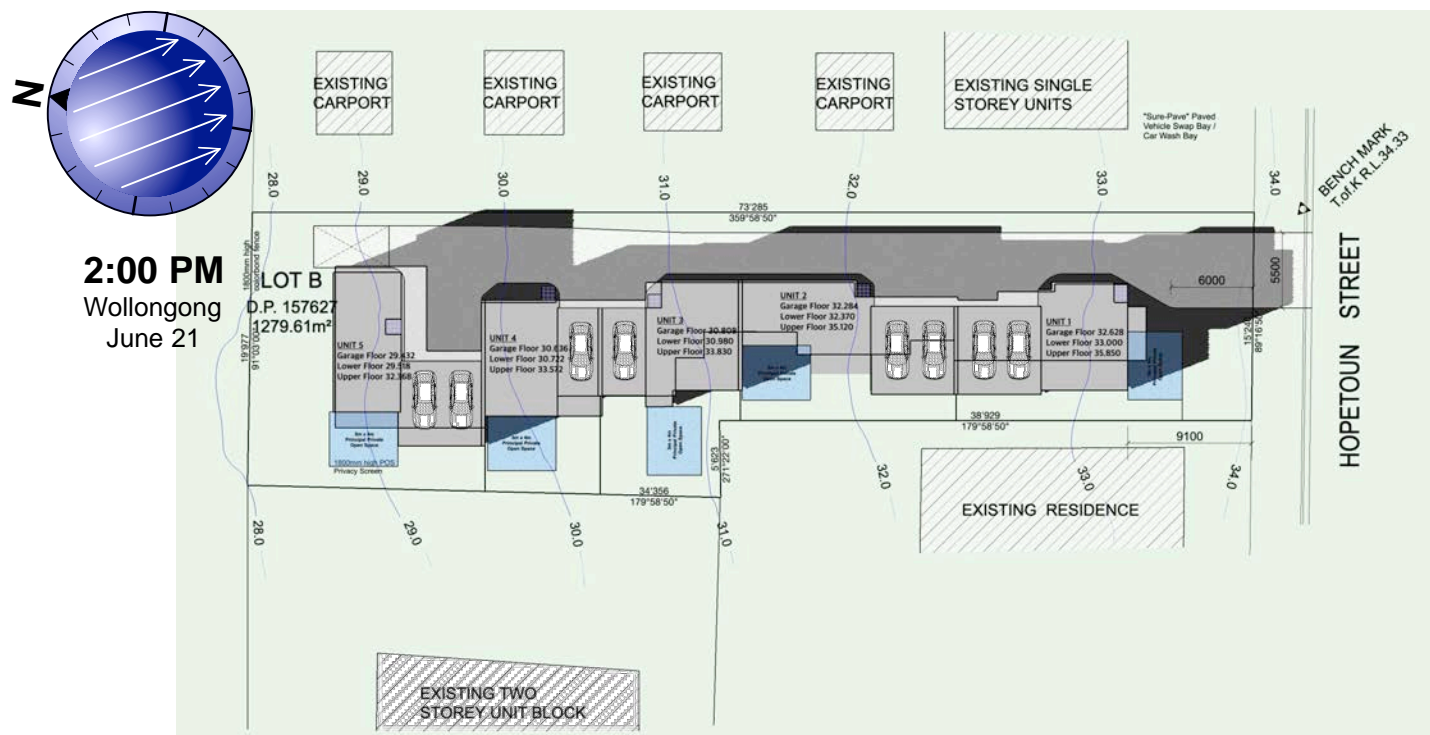
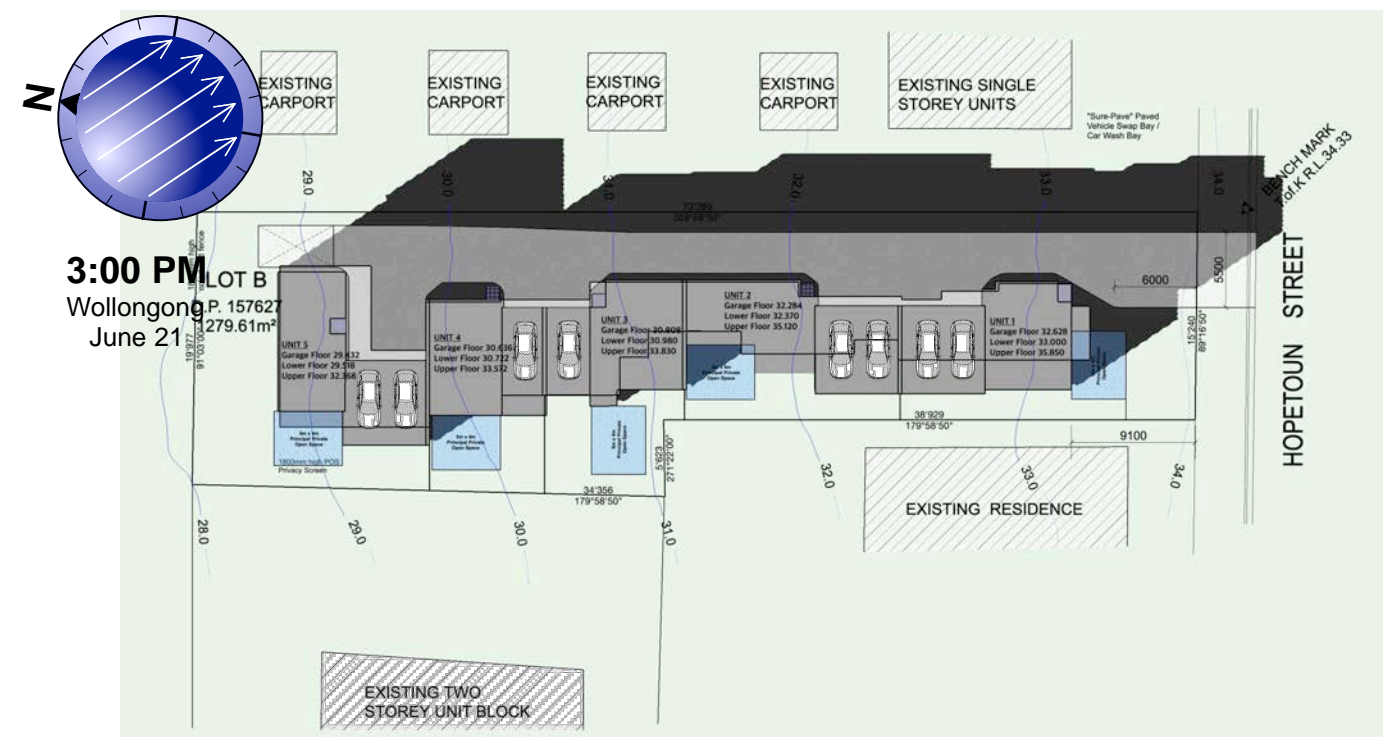
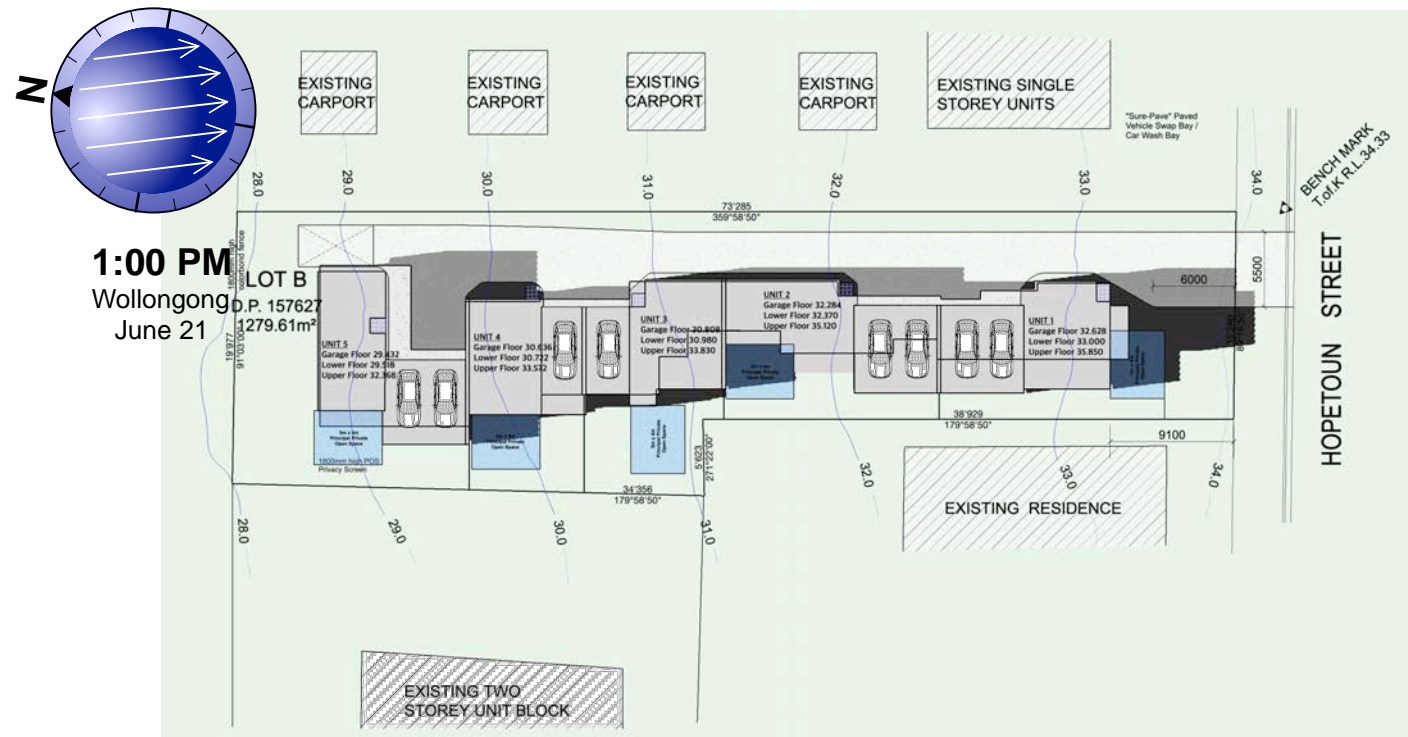
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SHADOW DIAGRAM

SCALE NTS

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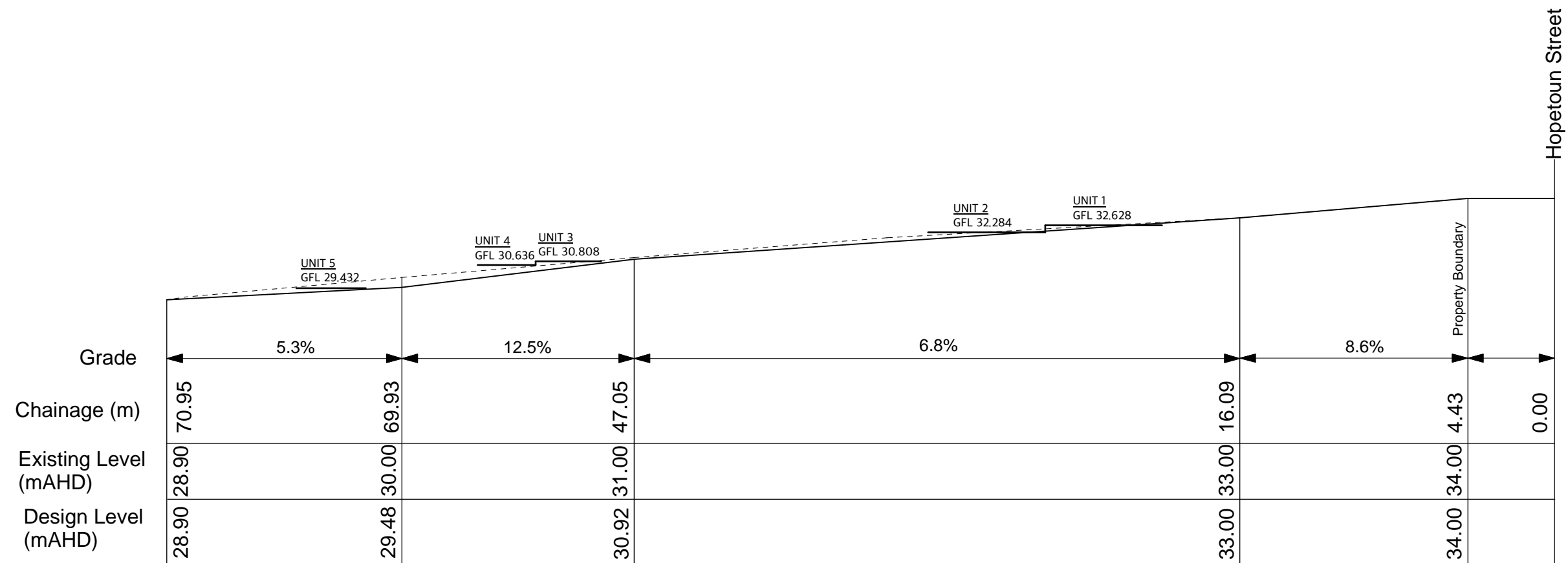
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DRIVEWAY 'A' LONG SECTION

SCALE 1:250 @A3

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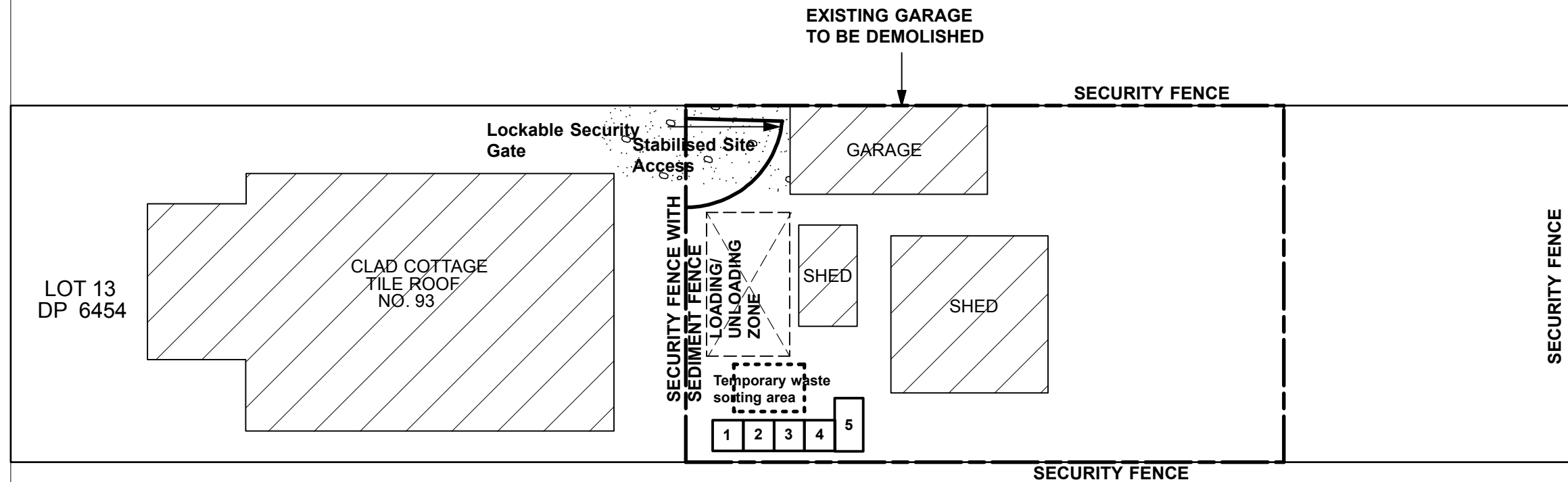
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FARRELL ROAD



SITE DEMOLITION/WASTE MANAGEMENT/ SOIL EROSION PLAN

SCALE 1:200 @A3

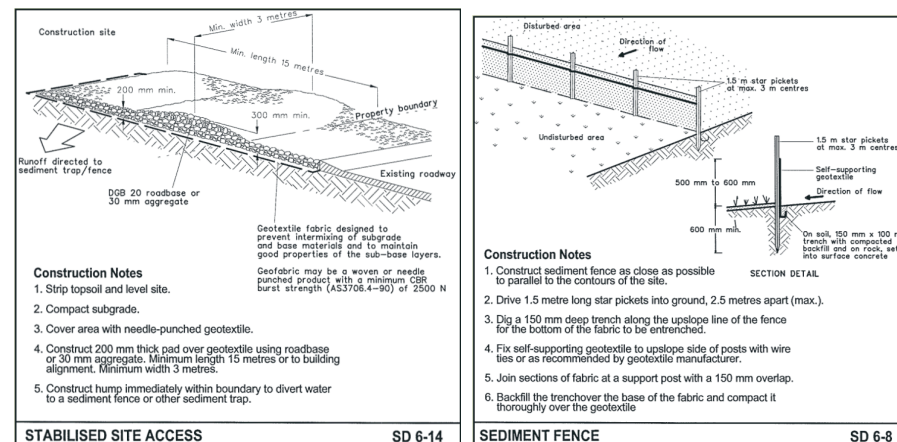
NOTES:

1. The existing garage to be demolished in accordance with the provisions of AS 2601-2001 "The Demolition of Structures" by contractors experienced in this class of work and holding current permits and licenses as necessary. In regards to the existing garage, the roofing and fascia materials will be removed first, followed by any doors and windows. The walls of the structure will then be demolished, together with the flooring and footings. This work will be carried out in accordance with the requirements of the NSW WorkCover Authority and the NSW Occupational Health and Safety Act, 2000.
2. The installation of stormwater infrastructure within the proposed easement will be subject to arborist review and recommendations, prior to any construction commencing. It is recommended that a condition of consent be imposed to this effect. It is likely that any stormwater infrastructure to be installed within proximity of an TPZ/SRZ will require under boring or excavation utilising hand tools as instructed by the arborist. All works located in the area of a TPZ/SRZ must occur with a Project arborist on-site to supervise, and offer instruction for the viability of root severance and mitigation. After completion of the excavation works and backfilling of the trench, irrigation and a soil conditioner (e.g., Seasol) shall be used over the area of the TPZ's for each tree, and ensure the backfilled area of the trench is well irrigated.

WASTE BAYS

1. BRICK / CONCRETE WASTE BAY
2. TIMBER WASTE BAY
3. PLASTERBOARD WASTE BAY
4. METAL WASTE BAY
5. GENERAL WASTE BAY

WASTE BAYS 1-4 ARE TO BE CONSTRUCTED USING SHADE CLOTH OR SEDIMENT FENCING. WHERE THE WASTE STREAM IS MADE UP OF LIGHT MATERIAL SUCH AS PAPER AND CARDBOARD, THE WASTE BAYS MUST CONSIST OF A CONTAINER FOR THE STORAGE OF THIS MATERIAL.



NOTES:

1. Site works will not start until erosion and sediment control works outlined in clauses 2 to 4 below, are installed and functional.
2. The entry to and departure of vehicles from the site will be confined to one stabilised point. Barrier fencing will be used to restrict all vehicular movements to that point. Stabilisation will be achieved by constructing a stabilised site access following SD 6-14.
3. Sediment fences will be installed as shown on this plan.
4. Top soil from the construction area will be stripped and stockpiled in the location shown for later use in landscaping the site.
5. Approved bins for all waste types will be provided and arrangements made for regular collection and disposal.
6. Guttering to be connected to water tank and stormwater system as soon as practicable.
7. Topsoil to be spread and all disturbed areas to be stabilised within 4 weeks of completion of works.
8. All erosion and sediment controls to be checked at least weekly and after rain to ensure they are maintained in a fully functional condition.

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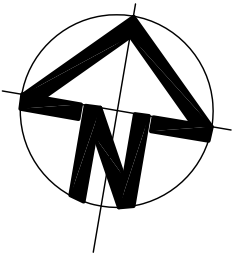
JOB ADDRESS:
93 FARRELL ROAD, BULLI

JOB NUMBER: 20180029
DATE: 11/03/2019
ISSUE: A
SHEET 1 of 1

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Phone 0403 939 193
www.ingenuityhomedesign.com.au
bryce@ingenuityhomedesign.com.au

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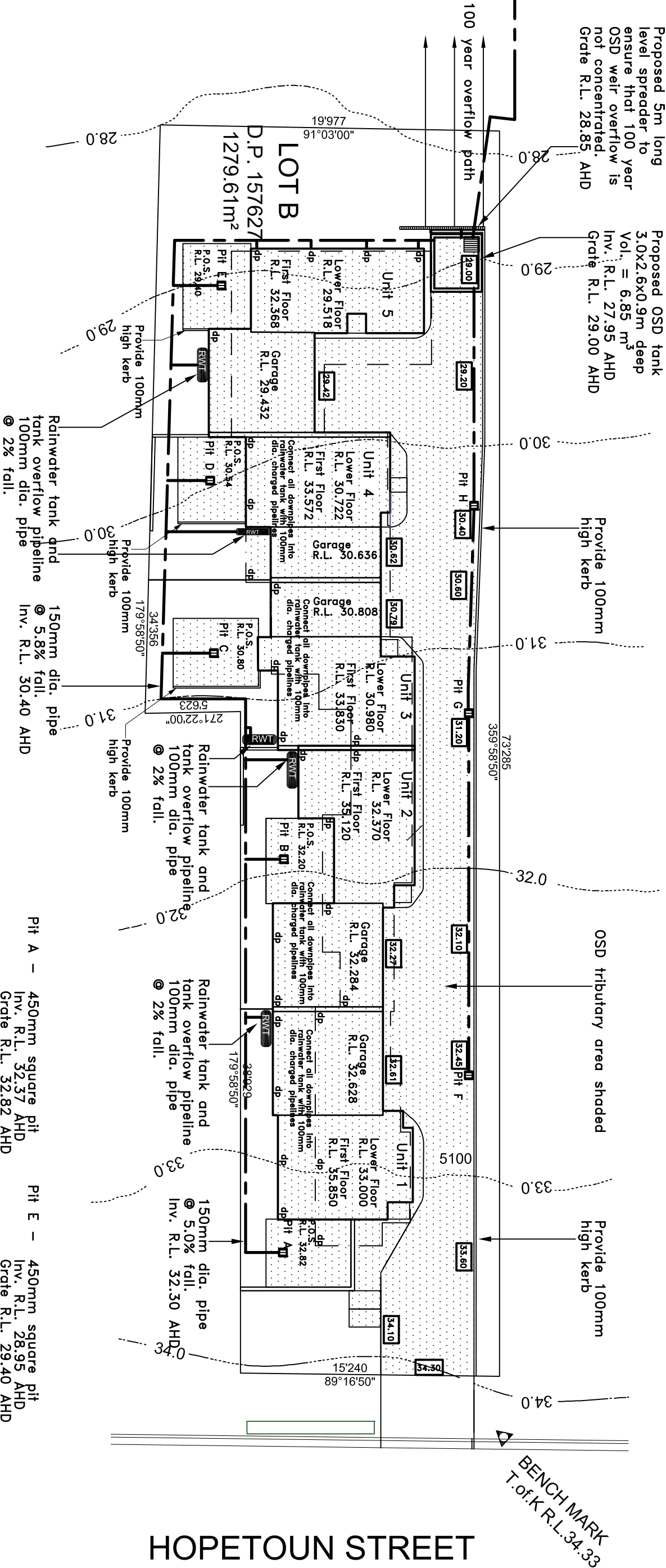


Roof gutter and downpipes have been designed for 100 year ARI 5 min. tc of 299mm/hr. Downpipes to be min. 100mm dia. PVC pipe with downpipes located as shown. Roof gutter cross sectional area to be min. 7200mm² with min. 1:500 gutter slope or greater.

- Pit F to Pit G – 150mm dia. pipe @ 5.9% fall.
- Pit G to Pit H – 150mm dia. pipe @ 6.6% fall.
- Pit H to OSD – 150mm dia. pipe @ 14% fall.

Proposed 5m long level spreader to ensure that 100 year OSD weir overflow is not concentrated. Grate R.L. 28.85 AHD

Proposed OSD tank 3.0x2.6x0.9m deep Vol. = 6.85 m³ Inv. R.L. 27.95 AHD Grate R.L. 29.00 AHD



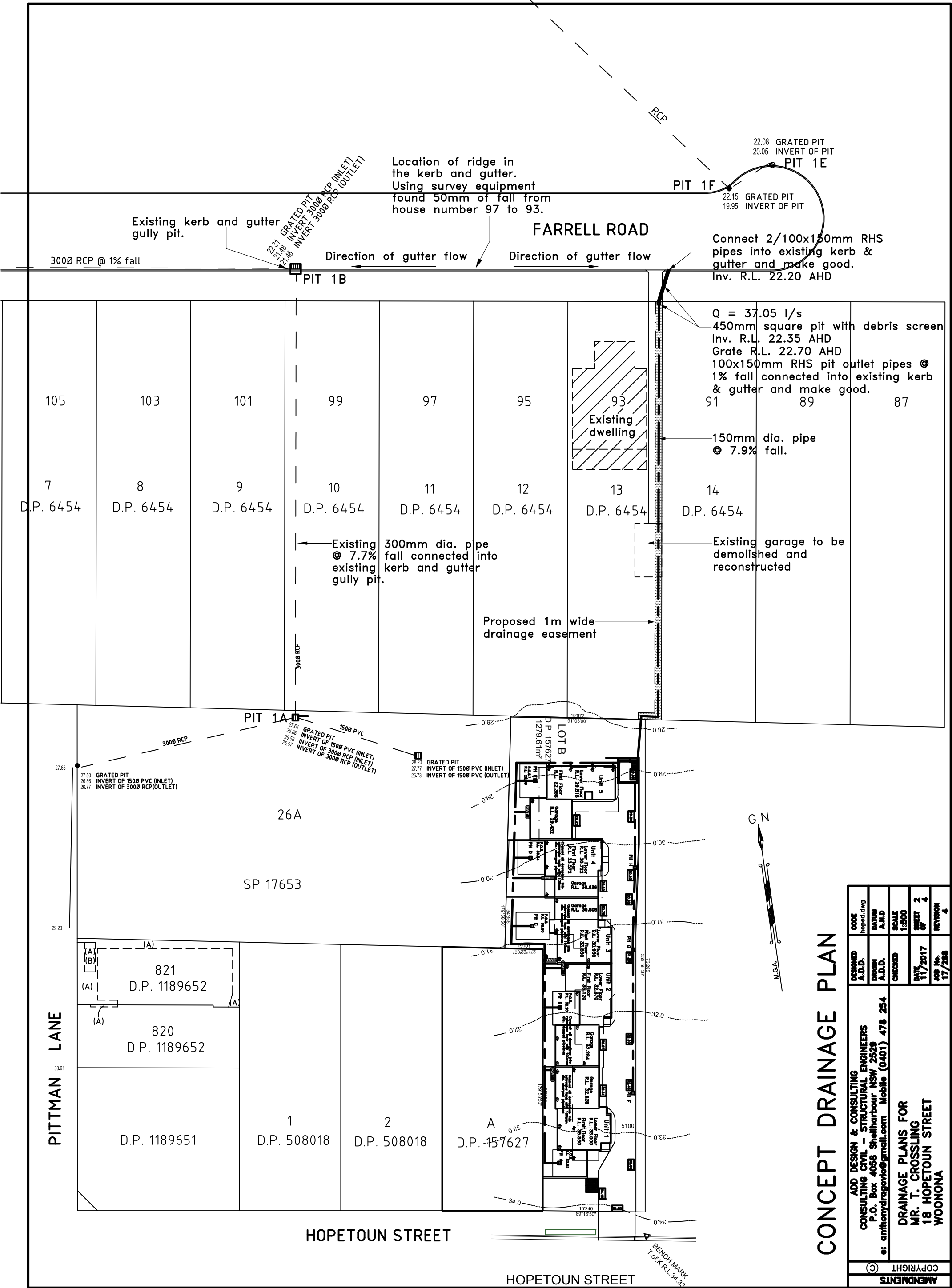
HOPETOUN STREET

Ensure all drainage pipelines have min. 100mm cover from the top of the pipe to the finished ground level or to the underside of the concrete driveway. Any pipelines that have less than 100mm of cover to the underside of the concrete driveway/slab must be galv. steel pipelines.

All drainage pipelines are min. 100mm dia. @ min. 1% fall. U.N.O.

CONCEPT DRAINAGE PLAN

AMENDMENTS		ADD DESIGN & CONSULTING	
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		DRAINAGE PLANS FOR MR. T. CROSSLING 18 HOPELOUN STREET WOONONA	
DESIGNED	A.D.D.	DRAWN	DATE
AD.D.		AD.D.	AHD
CHECKED		SCALE	
		1:250	
DATE	11/2017	SHEET	1
JOB No.	17/298	REVISION	4



CONCEPT DRAINAGE PLAN

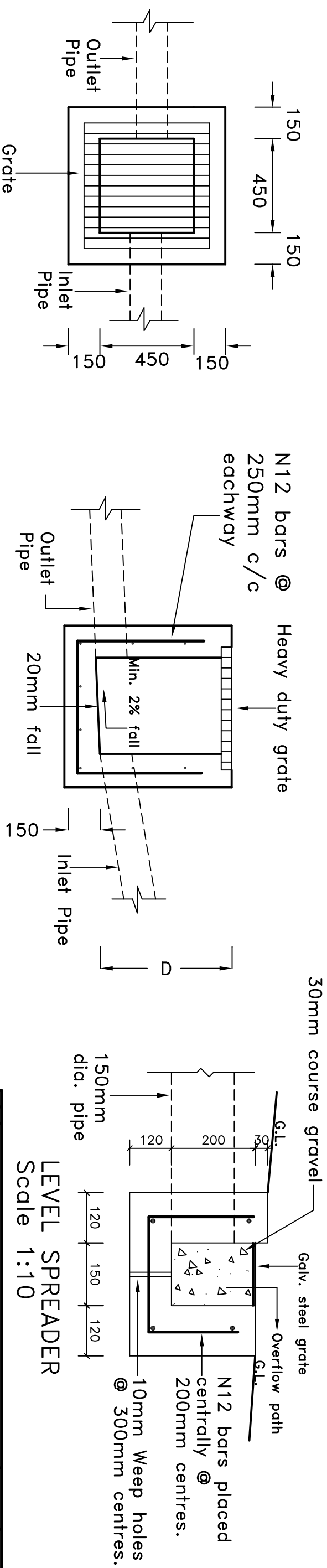
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ADD DESIGN & CONSULTING CONSULTING CIVIL - STRUCTURAL ENGINEERS P.O. Box 4058 Shellharbour NSW 2529 e: anthonydragevic@gmail.com Mobile (0401) 478 254				
DRAINAGE PLANS FOR MR. T. CROSSLING 18 HOPETOUN STREET WOONONA				
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OSD – DATA & CALCULATIONS

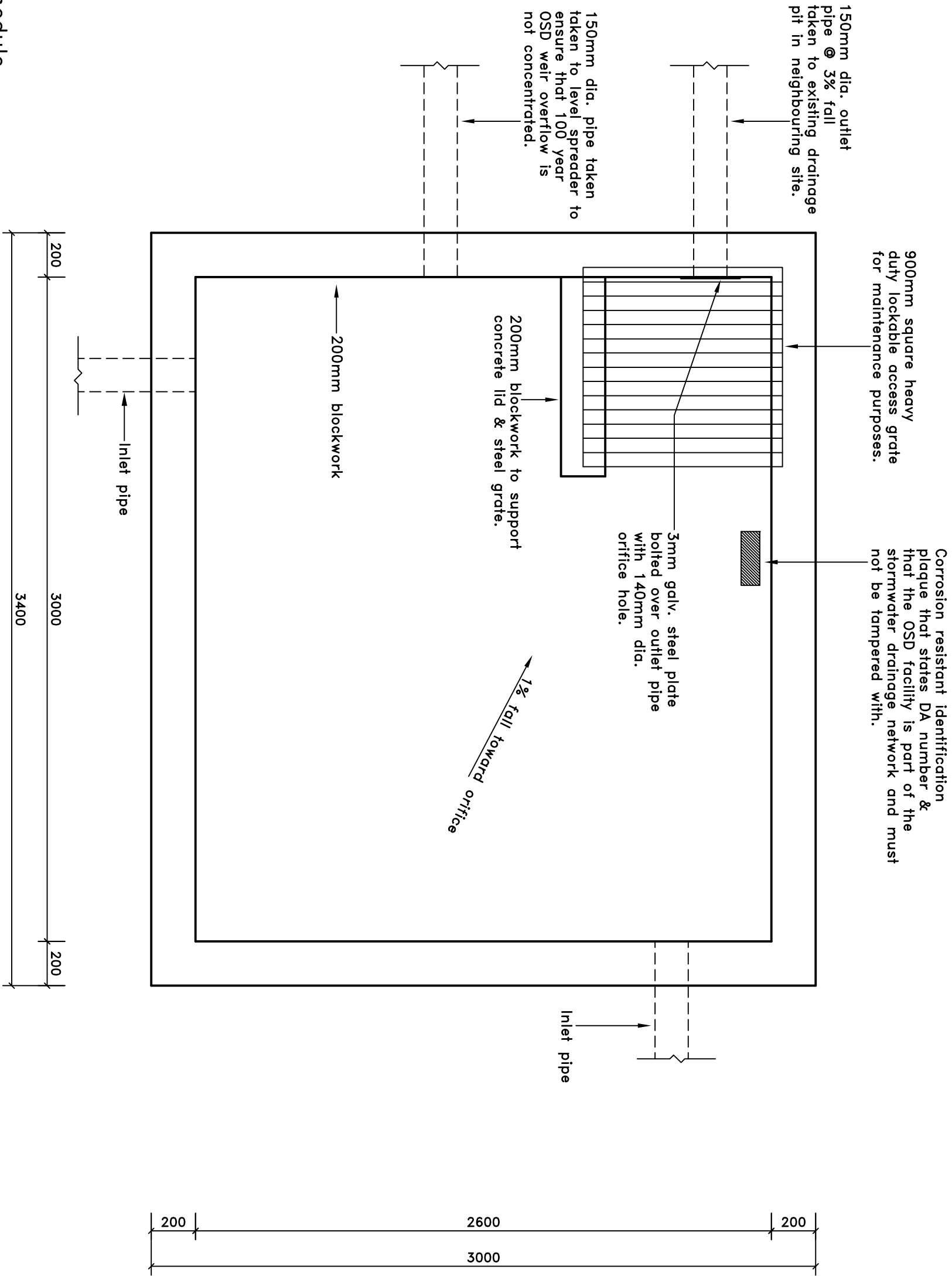
File		FACTORS	VALUE
Site Area (m ²)	1280	F1 ₅	1.098
Tributary Area (m ²)	880	F1 ₁₀₀	1.075
Existing Impervious Area (m ²)	250	F2	1.116
Developed Impervious Area (m ²)	880	I ₁ ⁵⁰	103
STEP 1			
PSD ₅ (=F1x F2x2.67xArea/10000xI ₁ ⁵⁰) (l/s)	29.67		
PSD ₁₀₀ (=F1x F2x4.67xArea/10000xI ₁ ⁵⁰) (l/s)	50.80	STEP 1	
SSR ₅ (=F3x F4x2.25xPSD ₅ /F2) (m ³)	6.18	F3	0.19
SSR ₁₀₀ (=F3x F4x2.25xPSD ₁₀₀ /F2) (m ³)	10.58	F4	0.544
STEP 2			
PSD ₅ (=F2x2.67xArea/10000xI ₁ ⁵⁰) (l/s)	27.01		
PSD ₁₀₀ (=F2x4.67xArea/10000xI ₁ ⁵⁰) (l/s)	47.25	STEP 2	
SSR ₅ (=F3x F4x2.25xPSD ₅ /F2) (m ³)	2.38	F3	0.080
SSR ₁₀₀ (=F3x F4x2.25xPSD ₁₀₀ /F2) (m ³)	4.17		

OROFICE PLATE	VALUE	
$Q = C A \sqrt{(2gh)}$ (l/s)	27.01	
C	0.6	
A = Area (sq. mm) => dia.	15386	Adopt orifice 140 dia.
5 year head (mm)	429	$Q = 26.80$ l/s
100 year head (mm)	773	$Q = 35.97$ l/s
WEIR FLOW	VALUE	
Q (l/s)	11.28	$47.25 - 35.97 = 11.28$
HW (mm)	13	
L (mm)	5000	
C	1.7	
$Q = CLH^{1.5}$	12.60	OK

FINAL SSR (STEP1-STEP2)	VALUE	
SSR ₅ (= 6.18 – 2.38) (m ³)	3.80	Final SSR is STEP 1
SSR ₁₀₀ (= 10.58 – 4.17)(m ³)	6.42	– STEP 2.
FINAL PSD		
PSD ₅ (=F2x2.67xAreq/10000xI ₁ ⁵⁰) (I/s)	27.01	Final PSD is PSD for
PSD ₁₀₀ (=F2x4.67xAreq/10000xI ₁ ⁵⁰) (I/s)	47.25	STEP 2.



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<p>DRAINAGE PLANS FOR MR. T. CROSSLING 18 HOPETOUN STREET WOONONA</p>	
DESIGNED A.D.D.	CODE hoped.dwg
DRAWN A.D.D.	DATUM A.M.D
CHECKED	SCALE 1:200:1:10
DATE 11/2017	SHEET 3 OF 4
DWG No. 17/206	REVISION 4



Maintenance Schedule

The detention basin must be kept clean of all rubbish and greenwaste that may fall into the basin. The basin should be checked by the owner every 6 months by removing the lockable grate and cleaning/checking both parts of the basin. The pipes should never be allowed to be blocked.

OSD PIT PLAN
Scale 1:20

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		CHECKED	DATE
		A.D.D.	11/2017
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		SHEET	4
		OF	4
		REVISION	4



MMJ Wollongong
6-8 Regent Street
Wollongong NSW 2500
Telephone: (02) 4229 5555
Facsimile: (02) 4226 5741

CLAUSE 4.6 - EXCEPTIONS TO DEVELOPMENT STANDARDS - VARIATION STATEMENT

Minimum Site Width

Address: 18 Hopetown Street WOONOONA
Proposal: Multi Dwelling Housing Development comprising Five (5) Townhouses
Date: August 2018

1.0 Introduction

The purpose of this variation statement is to seek an exception to a development standard contained within the *Wollongong Local Environmental Plan 2009 (WLEP 2009)*. The exception is sought in accordance with *Clause 4.6 - Exceptions to Development Standards*. The development standard for which the variation is sought is the minimum site width requirement of 18 metres, within *Clause 7.14* of the *WLEP 2009*.

The request is in writing to address the relevant provisions within *Clause 4.6*, to demonstrate that strict compliance with the development standard is unreasonable in the circumstances of the case, and to prove that there are sufficient environmental planning grounds to justify the minor variation proposed.

This statement has been prepared in accordance with the NSW Department of Planning Infrastructure (DPI) guideline "*Varying Development Standards: A Guide*" dated August 2011. Applications to vary development standards should also address the 'five-part test' established by the NSW Land and Environment Court (LEC) to determine whether the objection is well founded.

Accordingly, the information below addresses the afore-mentioned requirements.

1.2 Overview

The land is zoned R2 Low Density Residential under the *WLEP 2009*. The zone objectives 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 of services to meet the day to day needs of residents.*

2.0 Details of the environmental planning instrument, the applicable development standard and proposed variation.

2.1 What is the applicable environmental planning instrument (EPI)?

The Wollongong Local Environmental Plan 2009 (WLEP 2009).

2.2 What is the development standard being varied?

The minimum site width requirement of 18 metres contained in *Part 7 - Clause 7.4* of the *WLEP 2009* (i.e. within the local provisions).

2.3 What are the objectives of the standard?

There are no stated objectives under the LEP, however, the objectives stated in *Section 5.1.1* of the *Wollongong Development Control Plan 2009 (WDCP 2009) - Chapter B1* in relation to minimum site width are considered most relevant in this instance, and provide for the following:

- *To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements; and*
- *To encourage amalgamation of allotments to provide for improved design outcomes.*

2.4 What is the percentage variation (between the proposal and the EPI)?

The minimum side width is 15.24 metres at the street frontage, which extends north for approximately 38.9 metres or 53.2% of the length of the site. As such, the proposal falls short of the minimum 18 metre site width requirement by 2.76 metres, which represents a variation of 15.5%.

3.0 Assessment of Proposed Variation

3.1 Overview of *Clause 4.6*

Clause 4.6 provides a framework for varying the applicable development standards under a LEP.

The objectives of this clause are as follows:-

- (a) to provide an appropriate degree of flexibility in applying particular development standards to particular development;*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Sub *Clauses (3)(a)* and *(3)(b)* state that development consent must not be granted unless the consent authority has considered a written request from the applicant that seeks to justify the contravention by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Furthermore sub *Clause 4(a)(i)* and *(ii)* provide that development consent must not be granted unless:-

- (a) the consent authority is satisfied that:*

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the secretary has been obtained.*

In deciding whether concurrence is to be granted or assumed, the following considerations are relevant:-

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning; and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Secretary before granting concurrence.*

3.2 Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Yes, compliance with the development standard is unreasonable in the circumstances of the case given the irregular size and shape of the allotment, which tapers in width from 19.97m at the rear (northern) half of the site down to 15.24m for the front (southern) half of the site.

The proposal involves redevelopment of the existing 1,279.61m² allotment, which is located in the R2 zone and contains an existing dwelling house.

The site adjoins an existing medium density residential development (i.e. villas) situated immediately to the east at 16 Hopetown Street Wonoona.

To the west, there is an existing three (3) storey residential flat building situated at 6 Pitman Lane which adjoins the rear half of the site, as well as a detached dwelling house located at 20 Hopetown Street that adjoins the front half of the site.

As such, it is reasonable to assume that the site has some development potential and opportunities for amalgamation are somewhat limited.

The proposed built form involves a single row of 5 x townhouses, located along the western side boundary of the site. For the most part, the southern portion of the site which has a site width of 15.24 metres incorporates 2 x of the townhouses, with the remaining 3 townhouses primarily located in the rear northern portion of the site which has a site width of greater than 18 metres.

Strict compliance in this instance is unreasonable because:

- The proposed variation sought only relates to part of the site, with the other part exceeding the minimum 18 metres site width requirement;
- The front portion of the site which fails to meet the minimum site width requirement (is 592.83m² and) essentially contains only 2 x dwellings with a combined gross floor area of 236.7m². Effectively, *WDCP 2009 Chapter B1* provides that dual occupancies (2 x dwellings) may be permitted on land with a site width of greater than 15 metres, and therefore it is reasonable to suggest that this part of the site can contain 2 x townhouses as proposed;
- It is reasonable to assume that based on the size and shape of the site, there is some development potential. The overall size of the land in particular would suggest multi dwelling housing capabilities should be considered for this R2 zone;
- Existing multi dwelling housing developments are quite prominent in the immediate locality and, particularly within Hopetoun Street;
- Strict application and compliance with the control would effectively prohibit a multi dwelling housing development being undertaken on the subject site, despite it being a permitted form of development within the R2 Low Density Residential zone;
- The layout and siting of development appropriately responds to the site constraints;
- The design accommodates the required building envelopes, parking, onsite manoeuvring and landscape requirements and, therefore, the site is considered to be sufficient in terms of both width and size; and

- The development of the subject site for multi dwelling housing will not adversely impact adjoining properties by virtue of the proposed non-compliance.
- The afore-mentioned development standard requires strict compliance across the whole of the site (generally making allowance for traditional land parcels) and does not make any allowances for irregular shapes lots such as this.

Strict compliance in this instance is unnecessary because:

- The afore-mentioned development standard requires strict compliance across the whole of the site (generally making allowance for traditional land parcels) and does not make any allowances for irregular shapes lots such as this; and
- The development parcel has a minimum site width of between 19.97 metres and 20.863 metres across the rear portion of the site where more dwellings within the development will occur (i.e. 3 of the 5 dwellings) and, as such, we are seeking a variation for a partial shortfall due to the irregular shape of the site which tapers to only 15.24 metres for the southern front boundary (where only 2 of the 5 dwellings are to occur for the most part).

3.2.3 Has the development standard been abandoned or destroyed (by Council's own actions) in departing from the standard?

There are many examples within the Woonona area of approved multi dwelling residential developments that fail to meet the 18 metre minimum site width requirement, however, the development standard cannot be said to be abandoned due to the age of these developments and consents, which are likely to precede the current *LEP*.

3.3 Are there sufficient environmental planning grounds to justify contravening the development standard?

Yes, there are sufficient environmental planning grounds in the circumstances of the case to justify contravening the development standard. These include:

- The site is of a sufficient width, depth and size to accommodate the proposed multi dwelling housing development, without resulting in any significant adverse impacts on the public domain or any adjoining properties;
- The scale of the proposed development is considered appropriate within the strategic planning context of the R2 Low Density Residential Zone and is consistent with the relevant zone objectives;
- The proposal satisfies the objectives and development controls in relation to minimum site width contained within *Clause 5.1 of Chapter B1* of the *DCP*, as amalgamation opportunities are limited and the site in itself nonetheless is of sufficient size to accommodate the required building envelope, parking and landscaping requirements;
- *Section 5.1.2 of Chapter B1* of the *DCP* states that the 18 metre site width requirement can be varied for irregular shaped lots or where the development meets the requirements of setbacks, private open space, visual amenity, solar access, built form and landscaping. The proposed development satisfies the intent of all of the above-mentioned DCP development controls;
- Council are seeking to encourage multi dwelling housing in the locality and this form of development is identified in the desired future character statement for Woonona in *Chapter D1*;
- The Illawarra Shoalhaven Regional Plan identifies the need for 14,600 additional new homes within the Wollongong LGA by 2036. The proposed development would directly contribute to this target and provide housing to meet the needs of the community;
- Non-compliance with the minimum site width development standard will not result in any adverse environmental impacts, nor create any additional residential amenity impacts to that which would be created if strict compliance could be achieved;
- The proposed development has been well designed and will contribute to the creation of a vibrant and modern infill development in close proximity to shops, schools, recreation facilities and services; and
- The development as proposed will allow for the orderly and economic use of the subject land.

- 3.4 Is the proposed development in the public interest because it is consistent with the underlying intent of the development standard and then objectives for development in the zone?

3.4.1 Objectives of the minimum site width development standard

There are no stated objectives within the *WLEP 2009*, with respect to site width.

3.4.2 Objectives of the minimum site width requirement in the DCP

The objectives for minimum site width contained in *Clause 5.1.1 of Chapter B1 the WDCP 2009* are as follows:

- (a) To allow for development of sites which are of sufficient size to accommodate the required building envelope, car parking and landscaping requirements;*
- (b) To encourage amalgamation of allotments to provide for improved design outcomes.*

The site has been limited opportunity for further amalgamation and the site in itself forms a development parcel that is sufficient in size to accommodate the building envelopes, car parking, on-site manoeuvring and landscape requirements. In this regard, it complies with both of the above-mentioned objectives.

- 3.5 Does contravening the development standard raise any matters of significance for the State or regional environmental planning?

No, contravening the development standard in this case does not raise any matters of State or regional planning significance.

- 3.6 How would strict compliance hinder the attainment of the objectives specified in Section 1.3 (a) and (c) of the Act?

The objectives set down in *Section 1.3 (a) and (c)* are as follows:

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;

(c) to promote the orderly and economic use and development of land;

Compliance with the standard would not hinder the attainment of the above-mentioned objectives, which aim to encourage development that promotes the social and economic welfare of the community and a better environment, and co-ordinate the orderly and economic use of land.

The development as proposed is consistent with these objectives as it allows for the orderly and economic use of the land.

Strict compliance with the development standard would require refusal of the proposed multi dwelling housing development, which is inconsistent with the above objectives as it would unreasonably restrict the development potential of the site.

3.7 Is there public benefit in maintaining the development standard?

Broadly speaking, there is public benefit in maintaining the development standard across the LGA as it encourages amalgamation and requires sites to be of a sufficient width to accommodate multi dwelling housing development.

However, fundamentally it does not allow for any variations for irregular shaped lots such as this, which generally comply with the development standard across a large portion of the site in the location where the majority of dwellings will occur. There is limited opportunity for site amalgamation with adjoining properties, and no appreciable public benefit to maintain the development standard in this particular instance.

3.8 Is the objection well founded?

For the reasons outlined in the previous sections above, the objection is considered to be well founded in this particular instance due to the irregular shape of the development parcel. Granting an exception to the development standard can therefore be supported in the circumstances of the case.

The proposed development will be consistent with the outcomes envisaged in the zoning and policy framework. The development is also compatible with the relevant objectives specified in *Section 1.3* of the *EPAA 1979*.

4.0 Conclusion

The proposed variation is based on the reasons contained within this formal request for an exception to the 18 metre minimum site width development standard. The proposal will not result in any unreasonable adverse impacts with regards to the amenity of the adjoining properties.

A development strictly complying with the numerical standard would not significantly improve the amenity of surrounding development, given that the site has a minimum width of over 18 metres wide across rear northern portion of the land where the majority of development will occur (i.e. 3 of the 5 dwellings), and a partial encroachment is proposed given the irregular shape of the site which tapers to 15.24 metres at the southern boundary (where only 2 of the 5 dwellings are located).

The proposed non-compliance is unlikely to result in any future precedents given the surrounding pattern of development and the combination of zoning and other associated controls currently in place. More specifically, the shape of the subject site is irregular and the considerations relative to varying this development standards are specific to the proposed development outcome and the environmental setting within which the site is situated.

In conclusion, the objection is considered to be well founded and compliance with the standard in both unreasonable and unnecessary in the circumstances of the case.

Yours faithfully,

MARTIN MORRIS & JONES PTY LTD



LUKE ROLLINSON

BUrbRegPlan DipArchTech MPIA

DIRECTOR - TOWN PLANNER

Attachment 3

Variation justification statements for WDCP 2009

Clause 5.1.2(1) and (2)

The minimum site width requirement of 18m reflects the development standard contained within *Clause 7.14* of the *WLEP2009*. The subject site is an irregular shape land parcel to which the DCP acknowledges this control may be varied where appropriate setbacks, private open space, visual amenity, solar access, built form and landscaping considerations are still provided for. In this regard, the subject site is of sufficient size to accommodate the proposed building footprint and built form layout, and complies with the majority of DCP provisions in regards to those measurable considerations. The only minor variation being sought to a small part of the eastern boundary which is unable to accommodate a full 1.5metre landscape strip, which is insignificant in the context of the proposed development and relevant site width objectives. A written exception has been submitted to address the proposed non-compliance, as required by *Clause 4.6*. As such, please refer to the attached *Clause 4.6 Exception* provided in *ATTACHMENT 2 WLPP DOCUMENTS*. This Statement justification in principle addresses *Clause 5.1* of the *DCP* and associated objectives.

Clauses 5.6.2(g), 5.8.2(4) and 5.8.2(5)(f)

These clauses are all similar in that they require a driveway servicing the proposed residential MDH development is setback a minimum of 1.5 metres from any side property boundary, which is to be planted out as a landscape strip.

This 1.5 metres landscape strip is provided predominately throughout the entire perimeter of the site, apart from a small section along the eastern boundary adjacent to Units 4 and 5, which tapers into provide access to a proposed visitor's carpark. The concrete driveway along this edge has been widened and pushed closer to the boundary so as to cater for the appropriate manoeuvrability, consistent with the objective to provide adequate and safe vehicular access to all dwellings. Effectively, this tapering driveway reduces the landscape strip between the edge of the concrete driveway and the side boundary. The area in question represents 25m of a 73m eastern boundary length, and is located towards the rear part of the property away from any public view. This reduced landscape strip is adjacent to another driveway on the eastern property at 16 Hopetoun Street, ensuring there will be no residential amenity impacts associated with this variation. The proposed development still accommodates the required 30% site landscaped area throughout, and has a deep soil zone along the rear boundary which exceeds the minimum 6 metre depth requirement. The overall appearance of the proposed development and its integration with the landscaping throughout will not be diminished by the minor variation in question. As such, this proposed minor variation will not contradict the intent or objectives of these development controls.

Attachment 4: WDCP 2009 assessment

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development as a BASIX certificate has been submitted detailing the energy and water saving targets that will be implemented in the development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.12 Site Facilities</u>	The proposal has adequate area for the provision of the site facilities for the development.	Yes
<u>4.13 Fire Brigade Servicing</u>	Established neighbourhood with existing fire brigade servicing within the road reserve at the front of the site.	Yes
<u>4.14 Services</u>	The site is already serviced.	Yes
<u>4.15 Development near the coastline</u>	The site is not located near the coastline.	Yes
<u>4.16 View sharing</u>	It is considered the proposal will not adversely impact significant views from public places and/or adjoining/nearby properties.	Yes
<u>4.17. Retaining walls</u>	Compliant retaining walls are proposed.	Yes
<u>4.18 Swimming pools and spas</u>	No swimming pool/spa is proposed.	N/A
<u>4.19 Development near railway corridors and major roads</u>	The site is not located near a railway corridor or major road.	N/A
5.0 Attached dwellings and multi -dwelling housing		
<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>

<u>5.1 Minimum Site Width Requirement</u>	<p>The site has a width of 15.24m metres for 38.92m of the site with a total depth of 73m. The site exceeds the minimum 18m width requirement at the rear of the site by approximately 2 metres.</p> <p>This development control is also covered in the Wollongong Local Environmental Plan 2009 Clause 7.14. Variation justification is provided in section 2.1.5 of this report.</p>	No variation requested and supported in this case.	–
<u>5.2 Number of Storeys</u>	The site is located in a R2 zone and allows a maximum of 2 storeys. The proposal does not exceed 2 storeys.	Yes	
<u>5.3 Front Setbacks</u>	<p>A minimum setback to Hopetoun Street of 6m from Unit 1 POS.</p> <p>The building line is setback 9.1m from Hopetoun Street</p>	<p>Yes</p> <p>Yes</p>	

5.4 Side and Rear Setbacks

For an attached and multi-dwelling housing, the rear boundary setbacks are measured from the wall of the building or the outer edge of a balcony/deck, to the adjacent property boundary. The minimum rear boundary setbacks are as follows:

Side and Rear Boundary Setbacks Attached and Multi-Dwelling Development		
Zone	Minimum side and rear setback	Minimum side and rear setbacks where balconies or windows of living areas face the rear boundary at first floor level or above
All zones	1.5m	1.5m
R2 Low Density Residential Zone	0.8 x ceiling height	1.0 x ceiling height

All units

Yes

GF Ceiling Height – 2.55 metres

FF Ceiling Height – 2.44 metres

Unit 1	required	provided
East GF	2.04m	5.1m
East FF	4.232m	5.1m
West GF	2.04m	2.23m
West FF	4.232m	4.5m
South GF	2.04m	9.1m
South FF	4.232m	7.8m

Unit 2	required	provided
East GF	2.04m	5m
East FF	4.232m	5m
West GF	2.04m	3.36m
West FF	4.232m	4.8m

Unit 3	required	provided
East GF	2.04m	5m
East FF	4.232m	5m
West GF	2.04m	7.1m
West FF	4.232m	7.1m

Unit 4	required	provided
East GF	2.04m	6.44m
East FF	4.232m	6.44m
West GF	2.04m	5.6m
West FF	4.232m	5.6m

Unit 5	required	provided
East GF	2.04m	4.5m
East FF	4.232m	4.24m
West GF	2.04m	3.197m
West FF	4.232m	4.46m
Northern boundary	4.232m	7.2m

5.5 Building Character and Form

Unit 1 has the POS and habitable rooms facing the street frontage. Yes

The dwellings provide articulation and different building materials have been utilised.

Car parking is provided and screened from the streetscape.

The proposal is considered to satisfy the built form requirements

5.6 Access / Driveway Requirements

Crossover and driveway widths relating must comply with the following:

Table 1: Crossover and driveway widths

No. Dwellings	Crossover Width	Driveway Width
1 to 2	Minimum 2.75m	Minimum 2.75m
3 to 5	3 – 4m combined	Minimum 3m

The proposal has an existing crossover on Hopetoun Street. The proposed driveway is designed to provide safe access for passing for the first six metres of the driveway. Yes

The driveway is provided with a compliant landscaping strip 1.5 metres wide to the eastern side, which will be planted to afford amenity for the adjoining neighbour. This is reduced after the first 46m to 1m in width. The variation has been described in Section A1 of the WDCP 2009 assessment.

See 5.8 below.

There is adequate manoeuvring area within the site for the vehicles to enter and exit the site in a forward direction.

The application has also been reviewed by Council's Traffic Officer and no objections were raised subject to recommended conditions.

5.7 Car Parking Requirements

Required:

Unit 1 – 4 < 110m² 1.5

Units 5 > 110m² 2.0 each

Visitors Carparking Required 0.2 = 1

Car parking must be located behind the building setback and be screened from view with well-designed structures and vegetation.

Total Car parking Required and provided: 11

Unit 1, 2 and 5 – 1 x Double Car Garage (6 spaces in total) Yes

Unit 3 and 4 - 1 x Single Car Garage each

Visitor Car Space – 1 x open car space.

Motorcycle Space – 1 x open motorcycle space.

Bicycle – provided

Yes

Yes

<u>5.8 Landscaping Requirements</u>	Landscaped area: 348.19m ²	Yes
<p>1. A minimum of 30% of the total site area must be provided as landscaped area. Any landscaped area on the site which is less than 1.5 metres in width is not included within the landscaped area calculations.</p> <p>Any landscaped or grassed areas within the front setback area will be included in the landscaped area calculations.</p> <p>The required landscaped area must include a minimum 1.5 metre wide landscaping bed, which is provided along the side and rear boundaries of the site.</p>	<p>Deep Soil Zone: 138.891m²</p> <p>Total Landscape area: 487.081m²</p> <p>30% required & 32% provided</p> <p>1.5 metre wide landscaping bed is provided along the side and rear boundaries of the site. A minor variation of 500mm for a distance of 25m is on the eastern side boundary. This variation request has been assessed as part of Chapter A1 of the WDCP 2009 within this report. It is considered that the variation is acceptable in this instance</p> <p>Council's Landscape officer has reviewed the proposal and has provided conditionally satisfactory landscape advice.</p>	<p>No – variation to WDCP 2009 requested and supported in this case</p>
<u>5.9 Deep Soil Planting</u>	<p>A compliant area of deep soil zone is located across the rear of the site and has a minimum depth of 6 metres.</p> <p>Council's Landscape officer has reviewed the proposal and has provided conditionally satisfactory landscape advice.</p>	Yes
<p>... the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m. The area of deep soil planting must be continuous.</p> <p>The deep soil zone shall be densely planted with trees and shrubs.</p>		
<u>5.10 Communal Open Space</u>	<p>Communal open space is required for developments with more than 10 dwellings.</p> <p>The proposal is for 5 dwellings.</p>	N/A

5.11 Private Open Space

1. Private open space must be provided for each dwelling within an attached dwelling development in the form of a balcony, courtyard, terrace and/or roof garden.

2. Private open space for each dwelling within an attached dwelling housing development must comply with the following:

(a) Private open space must be provided at the ground level or podium level. The courtyard or terrace must have a minimum dimension of 4 metres x 5 metres. This area must be separated from boundaries by at least 1.5 metres with a vegetated landscaping bed and must not encroach upon deep soil zone landscaping areas. Where a level courtyard is not possible, a deck or split level courtyard must have a minimum depth of 3 metres.

(b) The primary private open area of at least 70% of the dwellings within a multi dwelling housing development must receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.

(c) Private open space areas (courtyards) must not extend forward of the front building setback by greater than 900mm. (d) Private open space should be sited in a location, which provides privacy, solar access, and pleasing outlook and has a limited impact upon adjoining neighbours. (e) Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve.

(f) Clearly define private open space through use of planting, fencing or landscaping features.

(g) Screen private open space where appropriate to ensure privacy.

Private open space is provided in the form of a level courtyard for each dwelling directly connected to the living areas and measuring 4m x 5m. It is considered that the POS is of sufficient size to accommodate a range of uses being accessible and connected to a living area.

The POS is also setback 1.5m from the side boundaries. 70% of the dwellings within the development are behind the front building line. Unit 1 POS is considered to satisfy the development controls

Fencing/privacy screening is provided for the POS between each unit.

The POS for 4 of the 5 dwellings (80%) will receive the minimum 3 hours of direct sunlight between 9am to 3pm on June 21 compliant with the minimum 70% required.

Yes

5.12 Solar Access Requirements

1. Windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June.
2. At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21.
3. The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.
4. Windows to north facing living rooms for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.
5. At least 50% of the private open space area for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.
6. Shadow diagrams will be required for hourly intervals between 9.00 am and 3.00 pm for the 21 June winter solstice period which show the extent of overshadowing upon dwellings and rear private open space areas of adjoining dwellings.

The applicant has provided hourly shadow diagrams for the proposal between 9am to 3pm on June 21. It is considered the proposal has demonstrated that the adjoining properties will receive the required solar access and will not be adversely affected.

An assessment of the solar access received for the POS of the proposed dwellings on June 21 has demonstrated that a minimum of 50% of the POS for all units will receive solar access between 12 noon and 3pm.

All units have east facing family room windows and west facing kitchen and living room windows. It is considered that units will receive sunlight between 9am to 3pm on June 21.

Yes

5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout

This control is applicable for development with 10 or more dwellings therefore, not applicable for this proposal.

N/A

5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing

Adaptable housing is required where there are 6 or more dwellings in the development. The proposal comprises of 5 dwellings and such adaptable housing is not required.

N/A

5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design

Refer to discussion of CPTED in Chapter E2

Yes

CHAPTER D1 – CHARACTER STATEMENTS

Woonona

Desired Future Character

“Woonona is likely to experience continued growth as a result of the developing residential release areas as well as the replacement of older dwelling stock with larger dwelling-houses. Woonona should remain a relative low density residential suburb, except for along the Princes Highway and in close proximity to Woonona railway station where medium density housing in the form of townhouses and residential flat buildings will be encouraged”.

For the central and western parts of Woonona, dwelling-houses and medium density housing should be of a face brickwork wall construction with pitched tile or colourbond roof forms preferred.”

The proposed development is considered generally consistent with the future desired character of Woonona, proposing a face brickwork construction at ground floor level and cladding for the upper level with a colorbond skillion roof.

The context of the site, despite not been located near Woonona Railway Station is located approximately 1km from Bulli Train Station by footpaths and less than 300m from the Princes Highway. Surrounding properties also include higher density developments as seen in Figure 1, particularly the 1970s residential flat buildings to the North West and to the East of the site.



Figure 1 – Existing townhouse development on 13 Hopetoun Street (south east of the site)



Figure 2 – Residential Flat Building on 6 Pitman Lane (adjoins north west of the site)



Figure 3 – Residential Flat Buildings on 14-16 Hopetoun Street (adjoins east of the site)

Within close proximity to the site there are medium density residential dwelling forms, of varying ages and built form character. The proposal is considered to be a satisfactory outcome for the site, with a contemporary design that addresses the desired character of Woonona with a brick exterior on the ground floor and cladding on the upper floors, and with a Colorbond roofing material.

The proposed development is considered not to detract from the existing character of Woonona and is compatible with the overarching desired character of Woonona.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Indicative lighting details have been proposed.	Yes

<u>3.2 Natural surveillance and sightlines</u>	The dwellings have been designed to provide natural surveillance within the site with windows of habitable room looking into the driveway/car parking area and the street. The design of the development provides for passive surveillance and good sightlines to the entries of each unit.	Yes
<u>3.3 Signage</u>	No specific signage has been proposed for the development however, it is considered the proposed parking for the site is clearly visible close to where the dwellings are located.	Yes
<u>3.4 Building design</u>	The design of the dwellings has the entries clearly defined and easily identifiable. No blank walls are proposed. Overall it is considered the proposal minimises the potential areas for entrapment and provides for casual surveillance internally within the site.	Yes
<u>3.5 Landscaping</u>	Landscaping proposed within the front building line and along the driveway generally comprises of lawn area, low shrubs such that entry points and windows will not be obscured.	Yes
<u>3.6 Public open space and parks.</u>	The proposal does not adjoin public open space/park.	N/A
<u>3.7 Community facilities and public amenities</u>	The proposal is for a multi dwelling development.	N/A
<u>3.8 Bus stops and taxi ranks</u>	The proposal does not relate to a bus stop/taxi rank.	N/A

CHAPTER B2 – RESIDENTIAL SUBDIVISION

2. Strata title subdivision is essentially the subdivision of space in three dimensions defined by or with reference to walls, floors and ceilings as well as courtyards. It allows for the horizontal subdivision of land and / or airspace into separate titles for separate “strata” lots or units. Each lot or unit represents a separate apartment. An owner of a strata title unit has title to the air bounded by the inner skin of the boundary walls of the unit and by the ceiling height above and the floor level below horizontally.

Given that the proposal is for the strata title subdivision of the multi dwelling housing development, a number of controls within this chapter do not strictly apply. A survey plan of the site, a subdivision plan and a SoEE have been lodged as required by this Chapter for strata subdivision.

The strata subdivision has been assessed in accordance with the design and layout of the multi dwelling development including amenity and privacy for each dwelling and meets the relevant objectives of this Chapter. The strata subdivision is also considered acceptable in relation to the amenity of the surrounding residential properties and is consistent with the future desired character of Woonona. Council's Subdivision Engineer has provided satisfactory referral advice with the imposition of conditions.

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

Access and parking is provided in accordance with this Chapter. The proposal provides a total of 8 garaged car parking spaces and 1 hardstand space visitor car space. The number of spaces provided for the proposal complies with the requirements in this Chapter. There is adequate manoeuvring area within the site for the vehicles to enter and exit the site in a forward direction.

Council's Traffic Officer is satisfied that traffic and car parking demand generated by the proposed development is unlikely to impact adversely on local traffic. The access design and car parking provision meets AS2890.1 and Council requirements.

CHAPTER E6: LANDSCAPING

Proposed landscaping is compliant with the requirements of this Chapter. Council's Landscape officer has reviewed the application and provided satisfactory referral advice with the imposition of conditions including compensatory planting.

CHAPTER E7: WASTE MANAGEMENT

A Demolition Plan and Site Waste Minimisation and Management Plan provided as required by this Chapter outlining ways to minimise and manage waste during demolition/construction and operational waste. On street collection is proposed to service the development and is not considered unreasonable in the circumstance. Council's Traffic officer has reviewed the application and provided satisfactory referral advice in this regard.

CHAPTER E11: HERITAGE CONSERVATION

The subject site adjoins Local Heritage Item No. 6182, being houses at 87-101 Farrell Road Bulli. The development also involves the creation of a drainage easement through 93 Farrell Road and the demolition of a garage to allow for the installation of the drainage infrastructure. The garage identified for removal appears to have existed on the site since the 1960's but is not considered to directly contribute to the heritage significance of the site. The garage is located behind the dwelling house.

Councils Heritage Officer considered the proposal with regard to the resultant impact on the adjoining item, and advised that the development would not be expected to result in unreasonable impacts on the heritage significance of the items.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater from the development is proposed to be collected in rainwater tanks with overflow discharged to the kerb in Farrell Street via an OSD system.

Due to the fall of the land, the development is reliant upon the registration of a drainage easement and installation of drainage infrastructure on adjoining Lot 13 in DP 6454 known as 93 Farrell Road, Bulli and connection to Councils stormwater drainage system in Farrell Street. These works will require the removal of a small garage. An in principle agreement with regard to the registration of

the easement and the undertaking of the required works has been provided from the owners of 93 Farrell Road.

As such, the consent is recommended to be issued as a deferred commencement, requiring the registration of the easement within 12 months of the date of the Notice of Determination. Councils Stormwater Engineers have considered the proposal in this regard and raised no objection to the connection details in Farrell Road or issue of the consent via deferred commencement.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The proposal includes the removal of three exempt species and the application was referred to Council's Landscape Officer and satisfactory referral advice was provided.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

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

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

No concerns are raised in regard to contamination. See Section 2.1.1.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

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

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

Attachment 5: Conditions

- (i) **The Development Consent shall not operate until Council has been satisfied as to the following matters:**
- a **Deferred Commencement - Registered Easement**
The developer must obtain a minimum 1 metre wide easement to drain stormwater over Lot 13 DP 6454 (No 93 Farrell Road, Bulli) and connect into Farrell Road (kerb and gutter) to benefit existing Lot B DP 157627.

The easement alignment, width, and extent must be sufficient to enable access, construction, and repair of the proposed pipeline within the easement, and shall encompass the full extent of the proposed pits and pipe. Evidence that the easement has been registered with the NSW Land and Property Information Office, and engineering certification that the easement alignment, width, and extent satisfies the requirements of this condition, must be submitted to Council.
- (ii) The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent.
- (iii) If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No 20180029 sheet 3-D to 5-D, 7-D to 13-D and 16-D dated 5 March 2019 and sheet 1-A dated 11 March 2019 prepared by Ingenuity Home Design and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

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

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

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.
- 4 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

- 5 **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.
- 6 **Maintenance of Access to Adjoining Properties**
Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.
- 7 **Tree Retention/Removal**
The developer shall retain the existing tree(s) indicated on the Landscape plan DA-1507/1-A-2 dated 7 March 2019 by Captivate Landscape Design consisting of tree numbered 2, 3, 4, 5, 6, 7 and 8.

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

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

All recommendations in Arborist's Report by Allied Tree Consultancy, Warwick Varley dated April 2018 page no. 11-18 to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered 1, A, B, C and D as indicated on the Arborist's Report by Allied Tree Consultancy, Warwick Varley dated April 2018 page no. 7. The installation of stormwater infrastructure within the proposed easement over Lot 13 DP 6454 will be subject to arborist review and recommendations, prior to any construction commencing. No other trees shall be removed without prior written approval of Council.

Prior to the Issue of the Construction Certificate

- 8 **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.
- 9 **Present Plans to Sydney Water**
Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.
- 10 **Endeavour Energy Requirements**
The submission of documentary evidence from Endeavour Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

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

11 **Telecommunications**

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

12 **Schedule of External Building Materials/Finishes**

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

13 **Fencing**

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

- a where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the same brickwork as that used in the external wall of the building; and
- b rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped or colorbond fences.

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

14 **Car Parking and Access**

The development shall make provision for a total of 9 car parking spaces, 2 secure (Class B) residential bicycle spaces and 1 visitor bicycle space (Class C). This requirement shall be reflected on the Construction Certificate plans. Any change in the above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.

15 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.

16 The car parking areas shall incorporate 'low impact' floodlighting to ameliorate any light spillage and/or glare impacts upon surrounding properties. The final design details of the proposed lighting system shall be reflected on the Construction Certificate plans. The erection of the lighting system shall be in accordance with the approved final design.

17 All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

18 Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

19 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.

20 **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.

- 21 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.

22 **Landscaping**

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

- a Planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b A schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c The location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
- d Any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
- e The developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species; and;
- f To mitigate impact to adjoining dwelling a continuous hedge is to be established along northeastern and south western boundaries for the length of property boundary. 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.

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

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

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

25 **Engineering Plans and Specifications - Retaining Wall Structures**

Engineering plans and supporting documentation for all proposed retaining walls is required to be provided 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 and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal;
- f Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- g The assumed loading used by the engineer for the wall design.
- h 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.

26 **Roof Water 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.

27 **Bicycle Parking Facilities**

Bicycle parking facilities must have adequate weather protection and provide the appropriate level of security as required by the current relevant Australian Standard AS2890.3 - Bicycle Parking Facilities. In the absence of internal bicycle storage areas in private residential garages, the proposed external bicycle spaces are to have adequate weather protection, passive surveillance, and be secured within a lockable enclosure with access via a combination lock or communal key. This requirement shall be reflected on the Construction Certificate plans.

28 **Property Addressing Policy Compliance**

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

29 **Sizing of Drainage**

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

30 **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 Drainage Plans, prepared by Add Design and Consulting Engineers, Reference No. 17/298, revision 4, dated November 2017.
- 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.

31 **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 Certifying Authority 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 12.2.4 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 a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 12.2.6 and 12.5.4 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-2019/1032.
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

- 32 The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, 2x 100 litre container mature plant stock shall be placed along the northern property boundary of the site. The suggested species are *melaleuca styphelioides*. Details are to be shown on the plans submitted with the Construction Certificate.

33 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development is 1x *glochidion ferdinandi* 200 litre container size, in accordance with AS 2303:2015 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. ‘Dial Before You Dig’ must be consulted prior to any excavation on site. Pot holing must be carried out to determine

service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

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

34 Council Footpath Reserve Works

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

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Details and locations are to be shown on the Construction Certificate Plans.

35 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 \$10,300.00 (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	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1023609	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

Prior to the Commencement of Works

36 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.

37 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.

38 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.

39 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.

40 **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.

41 **Demolition Works**

The demolition of the existing 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.

42 **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.

43 **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.

44 **Survey Report – Siting of Development within Property Boundaries**

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifying Authority 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.

45 **Waste Management**

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

46 **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.

47 **Tree Protection and Management**

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 installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area;
- c 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;
- d 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.

48 **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.

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

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.

During Demolition, Excavation or Construction

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

Stormwater for the land must be piped to Council's existing street kerb and gutter.

52 **Supervision of Engineering Works**

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

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

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

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

54 **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

55 **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.

56 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.

57 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.

58 **Dust Suppression Measures**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

59 Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

60 **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>>).

61 **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.

62 **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.

63 **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 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
- b If a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- c BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

64 **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.

Prior to the Issue of the Occupation Certificate

65 **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 Certifying Authority prior to the issue of the final Occupation Certificate.

- 66 A Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

67 **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 Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

68 **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.

69 **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 Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

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

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifying Authority is required prior to the issue of the final 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.

71 **Completion of Landscape Works**

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

Prior to the Issue of the Subdivision Certificate

72 **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 Strata Title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the subdivision certificate application.

73 **Existing Easements**

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

74 **Existing Restriction as to Use**

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

75 **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.

76 **Encroaching Services**

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

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

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

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Original Construction Certificates and approved drawings (where issued by an accredited Private Certifying Authority);
- c Certificate of Practical completion from Wollongong City Council or an accredited Private Certifying Authority (if applicable);
- d Administration sheet prepared by a registered surveyor;

- e Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- f Final plan of Subdivision prepared by a registered surveyor plus four (4) equivalent size paper copies of the plan;
- g Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- h Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- i 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.
- j Payment of section 94 fees (Pro rata) (if applicable).

Operational Phases of the Development/Use of the Site

78 Fire Safety Measures

All new and existing fire safety measures shall be maintained in working condition, at all times.

79 Site Facilities

Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature. The house number must be displayed in a prominent position and the lockable mailbox installed in accordance with Australia Post Guidelines Space shall be provided for clothes lines and waste/recycling bins for all dwellings behind the front building line but outside of the private open space area.

80 Visitor Car Parking Signage

The visitor car space shall be clearly identified with appropriate signage.

81 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.