

Wollongong Local Planning Panel Assessment Report | 1 June 2021

WLPP No.	Item 4
DA No.	DA-2020/1097
Proposal	Subdivision - Torrens title - three (3) lots including part removal of an earth berm.
Property	Lot 210 and 211 DP 1122386 - 41 and 47 Rondanella Drive, KANAHOOKA NSW 2530
Applicant	LandTeam
Responsible Team	Development Assessment and Certification - City Wide Team (JP)
Lodgement date	10 October 2020
Prior WLPP meeting	N/A

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Advice

The proposal has been referred to the WLPP **for advice** pursuant to Wollongong City Council's Submissions Policy, as the application is the subject of more than six submissions by way of objection.

Proposal

The proposal is for a two- into three-lot Torrens title subdivision, which includes partial removal of an earth berm.

Permissibility

The site is zoned both R2 Low-density Residential and R5 Large Lot Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a **subdivision** and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Community Participation Policy and received 8 submissions which are discussed at section 2.9 of the assessment report.

Main Issues

The main issues are potential amenity impacts and flooding.

RECOMMENDATION

It is recommended that DA-2020/1097 be approved subject to conditions at Attachment 2.

1 APPLICATION OVERVIEW

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the subdivision of land to create three (3) residential Torrens Title allotments from two (2) existing lots. Proposed new lot areas are as follows:

- Lot 1 – 6,539 m2 to contain an existing dwelling (R2 Low-density Residential Zone /R5 Large Lot Residential split zoning);
- Lot 2 – 2,000 m2 Vacant Lot (R5 Large Lot Residential);
- Lot 3 – 5,218 m2 Vacant Lot (R5 Large Lot Residential).

Works required include:

- Earthworks to lower the existing earth berm within Lot 210 by approximately 1.4m x 140m to provide suitable building platforms for proposed Lot 2 & 3, while maintaining adequate cover for the proposed sewer line which will service these lots.
- works to provide reticulated services to the site.

1.2 BACKGROUND

Council files record an extensive development history for the site. The dwelling itself at 47 Rondanella Drive was approved in December 2005 under DA-2005/1567. The subdivision layout in its current form was approved in July 2006 under DA-2006/625. Subsequent improvements such as a shed, and an awning, carport and shed extension were approved in 2013 and 2014 under DA-2013/1143 and DA-2014/617 respectively.

Pre-lodgement meeting PL-2019/164 was held for the proposal.

Customer service actions

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

1.3 SITE DESCRIPTION

The site is located at 41 and 47 Rondanella Drive, KANAHOOKA NSW 2530 and the title references are Lot 210 DP 1122386 and Lot 211 DP 1122386. No. 41 Rondanella Drive is an irregular, roughly rectangular-shaped lot and has a total land area of 7,699m2. No. 47 Rondanella Drive is a smaller irregular parcel of land with an area of 6,058m2.

No. 47 Rondanella Drive contains a dwelling and detached garage. The lot also contains a natural waterbody to the south of the dwelling that is located on a drainage line that conveys water eastwards to Mullet Creek.

Vacant No. 41 Rondanella Drive contains a turfed berm of approximately 280m length that is orientated north south within the lot.

The sites lie between residential developments to the west and a semi-rural / residential landscape to the east.

Property constraints

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

- Acid sulphate soils: the sites are mapped as potentially being subject to class 3 acid sulfate soils. Given the elevation of berm, and minimal potential for inundation this is unlikely on this site.
- Flooding: The site is identified as being located within a flood risk precinct (under review). Council's Stormwater Officer has reviewed the application in this regard and did not raise any

concerns, providing a satisfactory referral subject to conditions. The proposal does not represent an increased risk to life or property in regard to flooding.

- Coastal Wetlands – applies to small area in corner of Lot 210, which is not affected by the proposed works.
- Coastal Wetlands buffer – ‘Wetland buffer’ area is indicated on two portions of Lot 210. Where works on the site occur within the ‘wetlands buffer’, the layer in that instance relates to mapped areas on the other side of Rondanella Drive, which will not be affected by the proposal.
- Easement: the existing easement for drainage (described as ‘RR’ on the deposited plan) will not be affected by earthworks and will carry over into any future Titles.

There are no restrictions on the title that would preclude the development. There are no indications from the Title that the earth berm that spans the site performs any specific function. Previous deposited plans (such as 1016661) included an ‘Easement for Landscaping’, but this has not been carried through to current DP 1122386. This was confirmed through a Title search of the site, which does not include the landscaping easement.



Figure 1: Aerial photograph

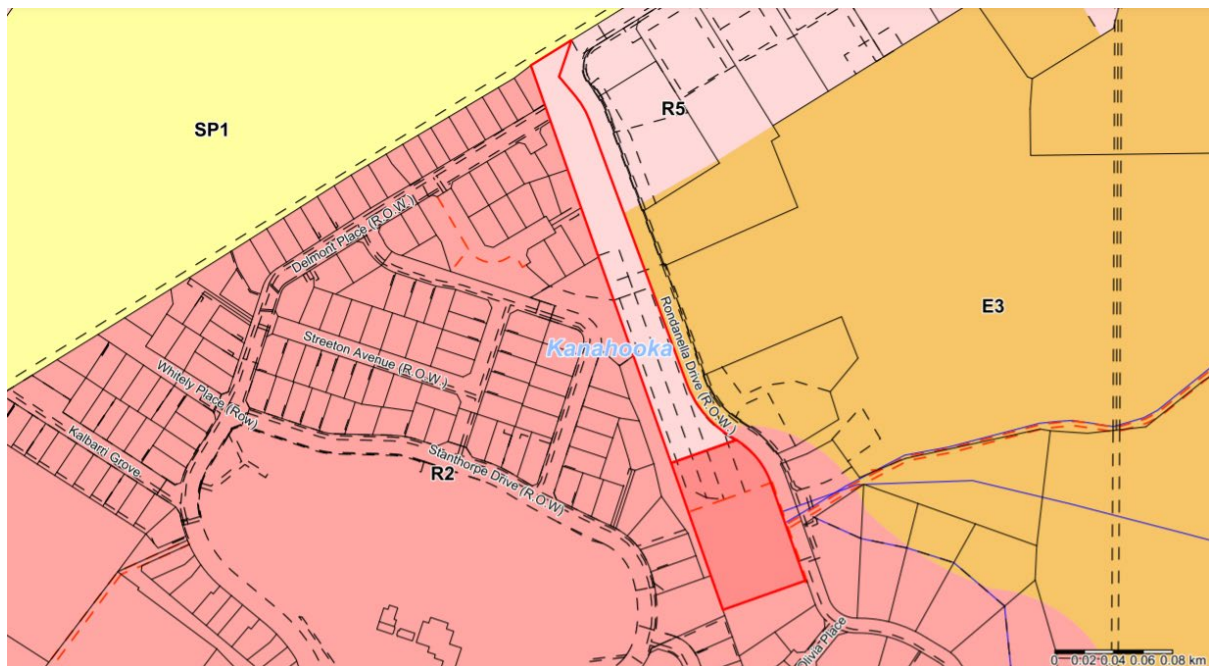


Figure 2: WLEP 2009 zoning map



Figure 3: Site photograph

1.4 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019. Eight (8) unique submissions were received and the issues identified are discussed below. No submissions were received following the notification.

Table 1: Submissions

Concern	Comment
1. Flood mitigation provided by earth berm	Based on review of the existing restrictions and easements on the site it does not appear the earth berm was provided to achieve any specific flooding requirements. Review of historical aerial images and review of the environment referral it appears the berm is a previous stockpile that was maintained as part of

Concern	Comment
	the subdivision of the land that created the lot. A flood study was submitted with the application, which was reviewed by Council's Development Engineering Officer and found to be satisfactory subject to conditions.
2. Further subdivision of land	Any future subdivision will be subject to separate assessment, and minimum lot sizes apply.
3. Erosion of berm	Conditions will be applied to limit sediment during construction.
4. Capacity of road network	Council's Development Engineering Officer was satisfied that Rondanella Drive and the surrounding road network could accommodate two additional lots. This matter is unlikely to directly impact residents of Forest Grove.
5. Amenity of Forest Grove subdivision	<p>While the outlook from some sites within Forest Grove may change, this does not warrant the sterilisation of land from the prospect of future development. The proposed lots are consistent with the objectives of the R2 Low-density Residential and R5 Large-lot Residential zones respectively.</p> <p>A restriction shall be placed on the Title to limit any dwellings to single storey.</p> <p>Further development of the sites with dwelling houses will be the subject of separate development applications, and specific amenity concerns can be addressed at that time.</p>
6. Residents of Forest Grove advised berm would not be built upon	It is not clear why this is the case. It may be a reference to the 'Landscape Easement' that existed on earlier deposited plans, but no such easement currently exists. There is no indication that the berm
7. Contamination	This was a consideration during the assessment process, and a contamination report indicated that risk of contaminated material was low. Council's Environment Officer has reviewed these findings and is satisfied subject to conditions relating to, among other things, management of unexpected finds, disposal of excavated material and a site validation report.
8. Construction noise, dust, vehicles	Conditions will be applied to any consent issued to manage these matters during construction.
9. Effect on sewage storage tank	Run-off from the subject site was considered by Council's Stormwater Engineer and found to be satisfactory subject to conditions.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Environment Officer

Council's Environment Officer has reviewed the application and given a satisfactory referral subject to conditions.

Development Engineering Officer

The application has been assessed in regard to traffic, stormwater and subdivision matters and found to be conditionally satisfactory.

1.5.2 EXTERNAL CONSULTATION

None required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

Not applicable, no land clearing is proposed.

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.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is—*
- (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The site is within 140 metres of an historical copper smelter site and aerial photos indicates fill occurred on the site. As a result of a desktop analysis, it was determined that the fill material placed on site could be contaminated, and that a site assessment report was required.

In response a Preliminary Site Investigation (PSI) with sampling was provided by the applicant, prepared by Terra Insight dated 31 January 2021. The PSI was peer-reviewed by James Fox, certified site contamination specialist. The peer review concurred with the finding of PSI.

The PSI concluded that risk of contamination is low and provided recommendations as follows:

“Conclusions

Based on the above, the risk of general farming activity and on going residential activities resulting in levels of contaminants above the Tier 1 health guidelines levels for residential sites with access to the soil (eg HIL (A)) for the existing residential properties (No 41 and 47) is deemed to be low.

One area of environmental concern (AEC 1) is identified for the site. This area includes the part of the site impacted by the placement of the earthen fill berm. Based on a review of the site history, our site observations, TERRA considers the fill mound is likely to be comprised of natural material won from nearby subdivisional works. Consequently, the mound is deemed to have a low risk of contaminants of concern being present and given that the proposed works involves removal of the bund in part, the presence of the bund and its subsequent removal is deemed unlikely to preclude the proposed works from a contamination perspective. Terra notes that similar works were undertaken for prior development on No 47 (lot 210) without the need for detailed contamination assessment. There is some potential that the bund on the site may contain entrapped contaminants when the bund was placed, however, the risk that these are above the HIL (A) is also deemed to be low.

Recommendations

The following recommendations are made:

- As the part of the bund is to be removed to facilitate the works, it is recommended the soils within the bund are waste classified to allow appropriate disposal or designation for re-use of site as ENM. Where waste classifications identify waste class which do not meet the definition of ENM or GSW, further advice should be sort from an environmental professional.*
- It is recommended that an unexpected finds protocol is established for AEC 1 as part of the proposed subdivisional works.”*

Council’s Environment Officer has reviewed these findings and is satisfied that the site will be suitable for the intended purpose, subject to conditions relating to, among other things, management of unexpected finds, disposal of excavated material and a site validation report from the accredited consultant.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2021

The State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

11 Development assessment process—no approved koala plan of management for land

There is no approved koala plan of management applying to the land, and the land does not have an area of at least 1 hectare (including adjoining land within the same ownership). As such, Clause 11 does not apply to the land.

12 Development assessment process—other land

Consent can be issued for development on the subject land if Council is satisfied that the land is *not* core koala habitat.

core koala habitat means—

- (a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or*
- (b) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.*

The land has not been assessed by a suitably qualified and experience person as being highly suitable koala habitat, and Council has no record of the presence of koalas on the site currently or within the previous 18 years. The proposal does not include the removal of native vegetation. As such, the land is not considered to core koala habitat and consent can be granted for the proposed development in this regard.

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

Not applicable as the Vegetation SEPP regulates clearing that is not linked to development requiring consent.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

3 Aim of Policy

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

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

5 Land to which Policy applies

This Policy applies to land within the coastal zone.

7 Relationship with other environmental planning instruments

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

Part 2 Development controls for coastal management areas

Division 1 Coastal wetlands and littoral rainforests area

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

- (1) *The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
- (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) the carrying out of any of the following:*
 - (i) earthworks (including the depositing of material on land),*
 - (ii) constructing a levee,*
 - (iii) draining the land,*
 - (iv) environmental protection works,*
 - (d) any other development.*

Note. Clause 17 provides that, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
 - (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*
- (2) *Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.*
- (3) *Despite subclause (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in:*
- (a) the relevant certified coastal management program, or*
 - (b) a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or*
 - (c) a plan of management approved and in force under Division 6 of Part 5 of the Crown Lands Act 1989.*
- (4) *A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.*
- (5) *Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the Biosecurity Act 2015.*
- (6) *This clause does not apply to the carrying out of development on land reserved under the National Parks and Wildlife Act 1974 if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.*

Comment: The mapped 'Coastal Wetlands' area applies to small area in corner of Lot 210, which is not affected by these works (see figure 4 below). Proposed works are also outside of the 'Wetlands Buffer' for this area. Council's Environment Officer did not raise any concerns in this regard.



Figure 4: Excerpt from Coastal Management SEPP 2018 mapping.

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

Note. The Coastal Wetlands and Littoral Rainforests Area Map identifies certain land that is inside the coastal wetlands and littoral rainforests area as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” or both.

- (1) *Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on:*
 - (a) *the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or*
 - (b) *the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.*
- (2) *This clause does not apply to land that is identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map.*

Comment: 'Wetland buffer' area is indicated on two portions of the lot. Where works on the site occur within a 'wetlands buffer', the layer in that instance relates to mapped areas on the other side of Rondanella Drive, which will not be affected by the proposal, neither in relation to biophysical, hydrological nor ecological integrity or the quantity and quality of surface and ground water flows.

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014) the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment: Council is satisfied that the proposed subdivision has been designed to minimise adverse impacts of the Coastal Environment, which will be further mitigated via conditions of consent, especially during works on the site.

Division 5 General

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

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

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

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

17 Other development controls not affected

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

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

18 Hierarchy of development controls if overlapping

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

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

Comment: Council is satisfied that the development will not result in increased risk of coastal hazards and the proposal is consistent with the Wollongong Coastal Zone Management Plan.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

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

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

The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act any existing certified CZMP's continue in force until 31 December 2021.

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site and specifically the building envelope is not impacted by coastal inundation/ coastal geotechnical risk/ reduced foundation capacity at the 2010/2015/2100 timelines.

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

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

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

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

Subdivision of land for the purposes of the Environmental Planning & Assessment Act 1979, 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.

Torrens Title is a system of title, based on registration. The property owner is referred to as the 'registered proprietor' who holds the land subject to interests and other rights recorded in the register but is free from all other interests. The registered proprietor is issued with a Certificate of Title (CT) that is a duplicate copy of the folio entry in the central Torrens Lands Title register, held by the NSW Department of Lands (Land & Property Information).

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 both R2 Low-density Residential and R5 Large Lot Residential.

Clause 2.3 – Zone objectives and land use table

The objectives of the zones are as follows:

R5 Large Lot Residential:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

R2 Low-density Residential:

- 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 proposed residential subdivision is satisfactory with regard to the above objectives.

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

R5 Large Lot Residential:

Animal boarding or training establishments; Bed and breakfast accommodation; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Exhibition homes; Farm buildings; Home-based child care; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Roadside stalls; Tank-based aquaculture

R2 Low-density Residential:

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

The proposal is categorised as ‘subdivision’ as defined in section 1.4 above and is permissible in the zone with development consent.

Clause 2.6 Subdivision—consent requirements

Subdivision is permissible with consent as the subject site is on land to which the Wollongong Local Environmental Plan 2009 applies.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

Minimum lot sizes and proposed lots are as follows

Split R2/R5 Lot (min 449m²/1999m²):

Lot 1 – 6,539 m² to contain an existing dwelling – this site will be a ‘split zone’, but meets the size requirement of the R5 component. Note: purpose of the boundary adjustment is to provide greater spatial separation between the existing dwelling and any future dwelling on proposed Lot 2.

R5 Lots (min 1999m²)

Lot 2 – 2,000 m² Vacant Lot

Lot 3 – 5,218 m² Vacant Lot

Each resulting lot is compliant.

Clause 4.4 Floor space ratio

Lot 1

Maximum FSR permitted for the zone:	0.5:1
Site area:	6539m ²
GFA:	500m ² (approx.)
FSR provided for proposed Lot 1 (approx.):	500m ² /6539m ² = 0.08:1 (complies)

Lots 2 &3

Floor space ratio does not apply to the R5 Large-lot Residential lots.

4.1A Minimum lots sizes for certain split zones

The subdivision (boundary adjustment) to create Lots 1 and 2 will create a split zone in Lot 1; however, all subsequent lots meet the greater minimum lot size on the Minimum Lot Size Map (that is, 1999m²) and the R2 portion remains contained within the original lot.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

A local Item of Heritage, House 'Rondanella' is listed under *Schedule 5 - Environmental Heritage* of the Wollongong LEP 2009 (Item no. 6430). The homestead is located on a property some 300m (approx.) to the northeast of the subject site at Lot 202 in DP 1034062, No. 23 Rondanella Drive in Kanahooka. There will be no impact upon the visual setting or the environmental curtilage of the item as an outcome of the proposed subdivision development.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The proposal has been assessed against Clause 7.1 of WLEP2009 and it is considered that the subject site is already serviced by public utilities. A condition will be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the new dwellings.

Clause 7.6 Earthworks

Earthworks associated with the proposal are considered appropriate and necessary to provide viable locations to build upon, and they preserve the bulk of the earth berm where it directly adjoins residences on the north-western boundary of existing Lot 210.

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

8 Variations to development controls in the DCP

No variations are proposed.

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.

CHAPTER B2 – RESIDENTIAL SUBDIVISION

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5 Topography, Landform Conservation, Cut and Fill</u>	<p>It is considered that the proposed subdivision takes into account the site constraints and will have minimal impact on the significant features of the site in these circumstances.</p> <p>Earthworks associated with the proposal are considered appropriate</p>	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
	and necessary to provide viable locations to build upon, and they preserve the bulk of the earth berm where it directly adjoins residences on the north-western boundary of existing Lot 210.	
<u>6 Subdivision Design</u>		
<u>6.1 Subdivision layout – aspect & solar access orientation</u>	<p>The proposed lot allows for reasonable siting of future dwellings to satisfy the objectives of Council's boundary setback requirements so as to have minimal impact on the adjoining properties in terms of overshadowing and to allow reasonable solar access to the proposed dwelling.</p> <p>It is considered that the proposed subdivision lot layout satisfies the objectives of clause 6 subdivision lot layout – aspect and solar access orientation in this circumstance.</p>	Yes
<u>6.2 Minimum allotment size requirements</u>	<p>Minimum lot sizes and proposed lots are as follows</p> <p><i>Split R2/R5 Lot (min 449m2):</i></p> <p>Lot 1 – 6,539 m2 to contain an existing dwelling</p> <p><i>R5 Lots (min 1999m2)</i></p> <p>Lot 2 – 2,000 m2 Vacant Lot</p> <p>Lot 3 – 5,218 m2 Vacant Lot</p> <p>Each resulting lot is compliant.</p>	Yes
<u>6.3 Lot width & depth requirements</u>	<p>It is considered that the lots have an appropriate width and depth to support the proposed development, which exceed the 15m width x 25m depth minimum.</p> <p>Advice received from Council's Development Engineering Officer</p>	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
	indicates there are no issues with the proposed lots widths and depths.	
<u>6.4 Battle-axe allotments</u>	Not Applicable	N/A
<u>6.5 Building envelopes</u>	It is considered that a suitable building envelope is available on the proposed lots and significant site features have been taken into account.	Yes
<u>7 Major Residential Subdivisions</u>	Not Applicable	N/A
<u>8 Public Reserves and Open Space</u>	Not Applicable.	N/A
<u>9 Pedestrian and Bicycle Networks</u>	Not Applicable.	N/A
<u>10 Acoustic Assessment</u>	Not Applicable. The proposal does not abut an arterial or sub-arterial road.	N/A
<u>11 Street Tree Planting</u>	Not Applicable.	N/A
<u>12 Entry Statements</u>	Not Applicable.	N/A
<u>13 Traffic Facilities</u>		
<u>13.1 Road connectivity, permeability and legibility</u>	Not Applicable. The proposal is for a three (3) lot Torrens title subdivision with each lot having direct public road access.	N/A
<u>13.2 Road hierarchy and design requirements</u>	Not Applicable.	N/A
<u>13.3 Road and drainage construction</u>	Not Applicable.	N/A

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>13.4 Upgrading poorly constructed or unformed roads</u>	Not Applicable. It is considered that the lots will have suitable, safe and efficient access to Rondanella Drive.	N/A
<u>13.5 Half-road construction</u>	Not Applicable.	N/A
<u>13.6 Bus Routes and public transport</u>	Not Applicable.	N/A
<u>13.7 Cul-de-sacs and turning heads</u>	Not Applicable.	N/A
<u>13.8 Roundabouts and road junctions</u>	Not Applicable.	N/A
<u>13.9 Traffic control measures</u>	Not Applicable. It is considered that the proposed subdivision and development will have minimal impact on traffic flows along the street.	N/A
<u>13.10 Splay corners</u>	Not Applicable	N/A
<u>13.11 Street lighting and fire hydrants</u>	Street lighting is not applicable. It is considered that the proposed subdivision and development will have minimal impact on traffic and pedestrian safety along Rondanella Drive. It is considered that the subject site can be adequately serviced by fire fighting vehicles in this circumstance.	N/A Yes
<u>13.12 Restricted access to arterial or subarterial roads</u>	Not Applicable	N/A
<u>14 Bush fire protection</u>	Not Applicable	N/A
<u>15 Stormwater drainage</u>	The proposed development satisfies the objectives of Council's stormwater drainage controls in this circumstance.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>16 Riparian land management</u>	Advice received from Council's Development Engineering Officer indicates there are no issues with the proposal subject to consent conditions.	
<u>17 Servicing arrangements</u>	Not Applicable.	N/A
<u>18 Road addressing</u>	Services are available to the site. It is considered that the proposed subdivision satisfies the objectives of Chapter B2 Clause 37 Servicing Arrangements in this circumstance. Conditions shall be imposed on the consent to ensure that servicing arrangements are to Council's and the servicing authorities' requirements.	Yes
<u>19 Subdivision Handover</u>	A consent condition in regard to street numbering shall be imposed on the Subdivision Certificate.	Yes
	Not Applicable.	N/A

CHAPTER D1 – CHARACTER STATEMENTS

Kanahooka

The proposed subdivision of land is permissible in the R2 and R5 zones and satisfies controls for subdivision under Wollongong Development Control Plan 2009. The proposal is considered to be consistent with the existing and desired future character for the locality. The proposed development it is considered will have minimal impact on the low-density/large lot character of the area.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

Not Applicable

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Not applicable.

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

It is considered that the proposed development satisfies the objectives of Council's requirements for car parking and access for subdivision. The development currently benefits from the right of way known as Rondanella Drive and the proposed lots will all have direct frontage to the right of way. The development lots are sufficiently large to allow future carparking to be provided as required for the development.

Council's Development Engineering Officer has assessed the application submission and considered it satisfactory subject to conditions.

CHAPTER E6: LANDSCAPING

It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E6 Landscaping. Conditions will be applied to any consent issued requiring the protection of trees during works.

CHAPTER E7: WASTE MANAGEMENT

It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E7 Waste Management. Conditions will be imposed on the consent to ensure that Waste Management is carried out to Council's Waste Management specification during construction.

CHAPTER E8 ONSITE SEWAGE MANAGEMENT SYSTEMS

The subject site is serviced by an existing sewer system.

CHAPTER E9 HOARDINGS AND CRANES

The subject site will require hoarding for the proposed development. Conditions will be imposed on the consent to ensure that Hoarding is erected Council's specification.

CHAPTER E10 ABORIGINAL HERITAGE

Not Applicable.

CHAPTER E11 HERITAGE CONSERVATION

A local Item of Heritage, House 'Rondanella' is listed under *Schedule 5 - Environmental Heritage* of the Wollongong LEP 2009 (Item no. 6430). The homestead is located on a property to the northeast of the subject site at Lot 202 in DP 1034062, No. 23 Rondanella Drive in Kanahooka. There will be no impact upon the visual setting or the environmental curtilage of the item as an outcome of the proposed subdivision development.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

Not Applicable.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is noted as flood risk precinct under review and was previously medium and low flood risk. Based on review of the flood levels from both Mullet Creek and Lake Illawarra the location of the proposed bund is outside the flood extent.

Review of the proposed levels of the bund indicates that it will be retained at a level above the highest adjacent PMF flood level and as such any diversion/flood immunity that it provides will be maintained.

Future development on the site will be able to comply with the requirements of Chapter E13 for residential development.

Based on review of the existing restrictions and easements on the site it does not appear the earth berm was provided to achieve any specific flooding requirements. Review of historical aerial images and review of the environment referral it appears the berm is a previous stockpile from the adjoining industrial use that was maintained as part of the subdivision of the land that created the lot. Refer to the below area from 1993 which clearly shows the bund in the same location it is currently.



Figure 5: 1993 Aerial Image of the site showing the earth berm

Council's stormwater engineer has reviewed the proposal with respect to the provisions of this chapter and clause 7.3 of WLEP 2009 and has recommended conditions of consent.

CHAPTER E14 STORMWATER MANAGEMENT

The application has been reviewed by Council's Development Engineering Officer in relation to stormwater management. The stormwater plan notes that flows are proposed to be conveyed to Rondanella Drive, however the site benefits from an existing easement to drain water and as such stormwater from the site can be conveyed to this location. No changes are required to the development as both lots 2 and 3 as proposed have the easement within them.

The proposed development satisfies the objectives of WDCP2009 Chapter E14 Stormwater Management. Appropriate conditions have been recommended and shall be imposed on the consent.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

Not Applicable.

CHAPTER E16 BUSHFIRE MANAGEMENT

Not Applicable

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

No tree removal is proposed.

CHAPTER E18 THREATENED SPECIES

Not Applicable.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Earthworks associated with the proposal are considered appropriate and necessary to provide viable locations to build upon, and they preserve the bulk of the earth berm where it directly adjoins residences on the north-western boundary of existing Lot 210.

It is considered that the proposed development will have minimal impact on the surface water drainage of the site and satisfies the objectives of WDCP2009 Chapter E19 Earthworks (Land Reshaping Works).

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

The site is within 140 metres of an historical copper smelter site and aerial photos indicates fill occurred on the site. As a result of a desktop analysis, it was determined that the fill material placed on site could be contaminated, and that a site assessment report was required.

In response a Preliminary Site Investigation (PSI) with sampling was provided by the applicant, prepared by Terra Insight dated 31 January 2021. The PSI was peer-reviewed by James Fox, certified site contamination specialist. The peer review concurred with the finding of PSI.

The PSI concluded that risk of contamination is low and provided recommendations as follows:

“Conclusions

Based on the above, the risk of general farming activity and on going residential activities resulting in levels of contaminants above the Tier 1 health guidelines levels for residential sites with access to the soil (eg HIL (A)) for the existing residential properties (No 41 and 47) is deemed to be low.

One area of environmental concern (AEC 1) is identified for the site. This area includes the part of the site impacted by the placement of the earthen fill berm. Based on a review of the site history, our site observations, TERRA considers the fill mound is likely to be comprised of natural material won from nearby subdivisional works. Consequently, the mound is deemed to have a low risk of contaminants of concern being present and given that the proposed works involves removal of the bund in part, the presence of the bund and its subsequent removal is deemed unlikely to preclude the proposed works from a contamination perspective. Terra notes that similar works were undertaken for prior development on No 47 (lot 210) without the need for detailed contamination assessment. There is some potential that the bund on the site may contain entrapped contaminants when the bund was placed, however, the risk that these are above the HIL (A) is also deemed to be low.

Recommendations

The following recommendations are made:

- As the part of the bund is to be removed to facilitate the works, it is recommended the soils within the bund are waste classified to allow appropriate disposal or designation for re-use of site as ENM. Where waste classifications identify waste class which do not meet the definition of ENM or GSW, further advice should be sort from an environmental professional.*
- It is recommended that an unexpected finds protocol is established for AEC 1 as part of the proposed subdivisional works.”*

Council’s Environment Officer has reviewed these findings and is satisfied that the site will be suitable for the intended purpose, subject to conditions of consent relating to, among other things, management of unexpected finds, disposal of excavated material and a site validation report.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions shall be imposed on the consent to minimise the impacts of the proposed works on the environment.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is \$15,000 and a levy is not applicable under this plan as the threshold value is \$100,000.

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

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

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

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

Not applicable.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

The proposal is considered acceptable with regard to the likely impacts.

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Submissions received are addressed in section 1.5 above.

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

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area is satisfactory with regard to the applicable planning controls. Submissions raised following notification do not warrant any redesign and required referrals are satisfactory subject to appropriate conditions of consent. The proposal is considered to be in the public interest.

3 CONCLUSION

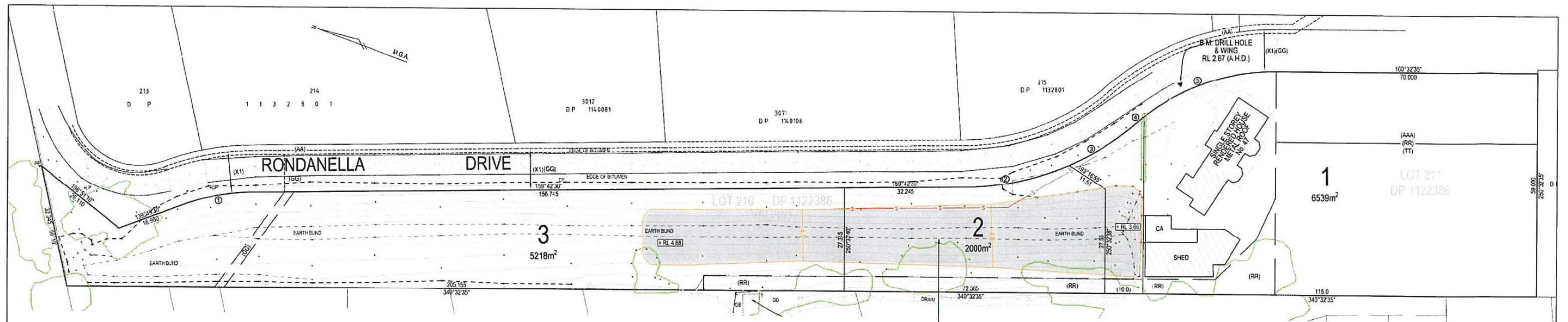
This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposal is considered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

4 RECOMMENDATION

It is recommended that DA-2020/1097 be approved subject to conditions at Attachment 2.

5 ATTACHMENTS

- 1 Plans
- 2 Conditions



(X1) = (B1), (B2), (C1), (C2), (D1), (D2), (E1), (E2), (F1), (F2), (G1), (G2)

(B1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (DP 1107547)

(B2) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 1107547)

(C1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (DP 1122386)

(C2) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 1122386)

(D1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (1)

(D2) EASEMENT FOR SERVICES VARIABLE WIDTH (2)

(E1) EASEMENT FOR ACCESS AND DRAINAGE PURPOSES 10, 11 AND VARIABLE WIDTH (2) - D.P. 1060164

(E2) EASEMENT FOR SERVICES 10, 11 AND VARIABLE WIDTH (3) - D.P. 1060164

(E3) EASEMENT FOR SERVICES 10, 11 AND VARIABLE WIDTH (5) - D.P. 1060164

(E4) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 1084893)

(E5) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 1084893)

(F1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (DP 1140081)

(F2) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 1140081)

(G1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (DP 1140106)

(G2) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 1140106)

(AAA) EASEMENT TO DRAIN WATER VARIABLE WIDTH (DP 1084893)

(GG) EASEMENT FOR UNDERGROUND CABLES 2, 10, 11 & VARIABLE WIDTH (DP 1060164)

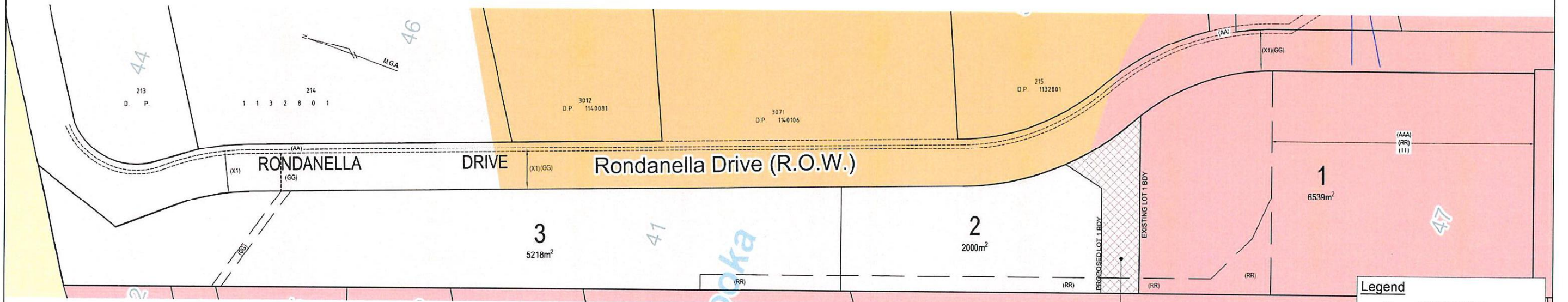
(RR) DRAINAGE EASEMENT VARIABLE WIDTH (DP 1016651)

(TT) DRAINAGE EASEMENT VARIABLE WIDTH (DP 1016651)

(AA) EASEMENT FOR WATER SUPPLY PURPOSES 2.5 & 3.5 WIDE (1) - D.P. 1060164

BOUNDARY INFORMATION TABLE				
NO.	BEARING	DIST.	ARC	PLAT.
1	149°46'	19.335	19.436	56
2	139°31'10"	48.325	49.34	70
3	120°35'30"	2.475	2.475	56
4	141°12'	37.095	37.81	56

MAJOR EARTH WORKS TO REDUCE BUND TO AND ESTABLISH A BUILDING PAD WHILST MAINTAINING COVER ON PROPOSED SEWER



EXPLANATORY NOTES

- CADASTRAL BOUNDARIES HAVE NOT BEEN VERIFIED BY SURVEY
- DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY & COUNCIL SUBDIVISION CERTIFICATE APPROVAL
- CONTOURS IF SHOWN HEREON MAY BE APPROXIMATE DUE TO THE METHOD OF COLLECTION
- THIS SUBDIVISION LAYOUT IS A CONCEPT ONLY AND IS SUBJECT TO COUNCIL SUBDIVISION DEVELOPMENT APPLICATION APPROVAL
- THIS SUBDIVISION LAYOUT SHOULD NOT BE USED FOR FINANCIAL PLANNING PRIOR TO COUNCIL APPROVAL
- THIS PLAN IS TO ACCOMPANY AN APPLICATION TO COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE
- (ADDITIONAL) EASEMENTS MAY BE CREATED ON THE FINAL SUBDIVISION PLAN
- (ADDITIONAL) RESTRICTION ON THE USE OF LAND MAY BE CREATED ON THE FINAL SUBDIVISION PLAN
- THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN AND SHOULD NOT BE REMOVED

(X1) = (B1), (B2), (C1), (C2), (D1), (D2), (E1), (E2), (F1), (F2), (G1), (G2)

(B1) RIGHT OF CARRIAGEWAY VARIABLE WIDTH (DP 1107547)

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(E2) EASEMENT FOR SERVICES 10, 11 AND VARIABLE WIDTH (3) - D.P. 1060164

(E3) EASEMENT FOR SERVICES 10, 11 AND VARIABLE WIDTH (5) - D.P. 1060164

(E4) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 1084893)

(E5) EASEMENT FOR SERVICES VARIABLE WIDTH (DP 1084893)

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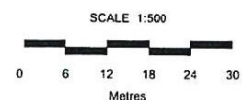
(AA) EASEMENT FOR WATER SUPPLY PURPOSES 2.5 & 3.5 WIDE (1) - D.P. 1060164

AREA OF SPLIT ZONE 460.5m²
(7.3% OF PROPOSED TOTAL LOT 1)

Legend

- 12.2 EXISTING CONTOURS
- 12.2 PROPOSED CONTOURS
- EXISTING SEWER MAIN
- PROPOSED SEWER MAIN
- E3 ZONING
- DENOTES R2 ZONING
- DENOTES R5 ZONING

DA ISSUE ONLY



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ISSUE	AMENDMENT	DRAWN	DATE
A	CONCEPT SUBDIVISION ISSUE	RVDZ	7/05/19
B	ZONING UPDATED	TJ	12/09/19
C	PRE-LODGEEMENT ISSUE	TJ	01/10/19
D	DEVELOPMENT APPLICATION ISSUE	R.VDZ	17/09/20

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ROGER & KAREN DEAN

CONCEPT SUBDIVISION LAYOUT PLAN
LOT 210 & LOT 211 IN D.P. 1122386
No. 41 & 47 RONDANELLA DRIVE, KANAHOOKA

SURVEYED: NHAS
DRAWN: TJ
CHECKED: R.VDZ
DRAWING No.
205015-CONCEPT SUBN
SHEET 1 OF 1 SHEET(S)

DATUM AHD CONTOUR INTERVAL 0.5m DATE SURVEYED 18/04/19

A1
SHEET

ISSUE
D

ATTACHMENT 2

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing 205015-CONCEPT SUBN sheet1-D dated 17 September 2020 prepared by LandTeam Australia Pty Ltd and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

Prior to the Issue of the Subdivision Works Certificate

- 2 **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 Subdivision Works Certificate plans prior to the release of the Subdivision Works Certificate.
- 3 **Engage Certified Environmental Consultant**
An environmental consultant shall be engaged to prepare an unidentified/unexpected finds protocol (UFP) to oversee and guide the contractor in excavation and batch sampling of excavated soil for waste classification prior to disposal. Prior to issue of the Subdivision Works Certificate, the Principal Certifier (PC) shall submit to Council an unidentified finds protocol prepared by the certified Environmental Consultant.
- 4 **Construction Environmental Management Plan**
A Construction Environmental Management Plan (CEMP) must be prepared by qualified and experienced environmental consultants for contaminated soils and hazardous material management on site and off site disposal procedures and implemented prior to the commencement of construction on the site. The CEMP must address how the proponent will manage any foreseeable environmental risk during the construction phase. This includes but is not limited to documenting measures to ensure there is no pollution to waters, and dust and noise are minimised as far as practicable. A copy of CEMP must be sent to Council prior to issue of Subdivision Works Certificate
- 5 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Subdivision Works Certificate plans and supporting documentation.
- 6 **Provision of a Fire Hydrant**
The provision of a fire hydrant in accordance with AS 2419.1 (2005) Fire Hydrant Installations and any requirements of the NSW Rural Fire Service and/or NSW Fire Brigades. The final details of the location of the fire hydrant shall be reflected on the Subdivision Works Certificate plans prior to the issue of the Subdivision Works Certificate.
- 7 **Property Addressing Policy Compliance**
Prior to the issue of any Subdivision Works 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 Subdivision Works Certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.
- 8 **Site Filling**
No wholesale filling of the site within the floodplain is permitted. This requirement shall be reflected on the Subdivision Works Certificate plans.

9 **Subdivision Works**

All subdivision works must obtain a Subdivision Works Certificate prior to any commencement of works on site. Details of all subdivision engineering works are to be submitted to the PC for approval.

The PC must ensure that engineering plans are consistent with the stamped approved plans and that all subdivision works have been designed in accordance with conditions of this consent, Wollongong City Council's Subdivision Policy, AUSTRROAD Guidelines and best engineering practice.

10 **Soil and Water Management Plan (SWMP) – Greater than 2500m² Disturbance**

A Soil and Water Management Plan (SWMP) must be prepared by a suitably qualified person in strict accordance with the requirements set out in "Managing Urban Stormwater: Soils and Construction" NSW Dept of Housing, 4th Edition. The plan must be submitted to the PC for approval prior to the issue of the Subdivision Works Certificate.

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

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off.

Prior to the Commencement of Works

12 **Appointment of PC**

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

- a Appoint a PC and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

The PC must determine when inspections and compliance certificates are required.

13 **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 PC 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.

- 14 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 PC 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.

15 **Dilapidation Report**

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

16 **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.

17 **Subdivision Requirements**

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

- a Notify Council in writing of their intention to commence works, this is to be submitted on Council's M10 form (at least two (2) days notice is required.).
- b Appoint a PC and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed
- c All works must be approved by way of issue of a Subdivision Works Certificate and constructed in accordance with the version of the Wollongong City Council Subdivision Policy current at the time of this consent. These documents including Development Consent, Subdivision Works Certificate Approved drawings and other management plans outlined in this consent are to be kept on site at all times.
- d A suitably qualified and experienced Civil Engineer, Registered Surveyor or experienced Civil Engineering Foreman must be appointed by the developer before any work commences on site.

18 **Erosion and Sediment Control Measures**

Erosion and sedimentation control measures are to be established in accordance with the requirements of the Erosion and Sediment Control Plan.

19 **Vibratory Rollers**

No vibratory rollers are to be used during the construction of the subdivision without the prior written approval of the PC. The PC shall not issue this approval unless the geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent dwellings.

20 **Tree Protection**

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

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

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

During Demolition, Excavation or Construction

21 **Fill material - Material Used for Filling/Imported Fill**

All imported material used for the purpose of filling must consist of either Virgin Excavated Material (VENM) or Excavated Natural Material (ENM).

All imported VENM must meet the definition under the NSW EPA (2014) Waste Classification Guidelines and all imported ENM must meet the definition under the NSW EPA (2014).

22 **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 PC and Council. No work is permitted on public holidays or Sundays.

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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.

23 **Excess Excavated Material – Disposal**

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

24 **Works to be in Accordance with Soil and Water Management Plan**

All works must be carried out in accordance with the approved Soil & Water Management Plan and the Managing Urban Stormwater – Soils and Construction 'Blue Book'.

All erosion and sedimentation control measures are to be in place, prior to the commencement of any works. Daily maintenance of the erosion and sedimentation control measures is to be undertaken to ensure their effectiveness.

25 **Protection of Amenity During Construction**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust, noise and amenity impacts arising from vehicle movements.

Prior to the Issue of the Subdivision Certificate

26 **Site Validation Report**

A Validation Report (Stage IV) shall be submitted to Council prior to the issue of the Subdivision Certificate.

The Validation Report shall verify that:

- a the site is not affected by soil and/or groundwater contamination above the NSW EPA threshold limit criteria; and
- b the site is suitable for the proposed development.

The Validation Report must be prepared by a contaminated land consultant who is a member of certified under one of the following certification schemes:

- the Environment Institute of Australia and New Zealand's (EIANZ) Certified Environmental Practitioner (Site Contamination) scheme (CEnvP (SC)); or
- the Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

The Validation Report is to be issued by the certified contaminated land consultant direct to Council. No third-party submissions will be accepted.

27 **Works-As-Executed Plans**

The submission of two sets (minimum) of Works-As-Executed (WAE) plans to the PC, prior to the release of the Subdivision Certificate. The WAE plans shall be certified by a registered surveyor indicating that the survey is a true and accurate record of the works that have been constructed. The WAE dimensions and levels must also be shown in red on a copy of the approved Subdivision Works Certificate plans. The WAE plans must include:

- a Final locations and levels for all works associated with the subdivision which also indicates the final volume of each on-site detention and subsoil drainage locations;
- b a separate conduit plan showing the location of all conduits laid beneath the constructed road system;
- c a separate fill plan showing extent and depth of filling;
- d a separate plan which indicates the extent of flood inundation for 1% AEP, Flood Planning Level (1% AEP + freeboard) and PMF storm event superimposed on the WAE ground levels. Where the WAE ground levels differ to the ground levels approved under the Development Consent, the extent of flood inundation for the 1% AEP, Flood Planning Level (1% AEP + freeboard) and PMF event shall be based on a re-run of the original flood model. Certification shall also be provided by a suitably qualified consulting engineer confirming that the extents of flood affectation are based on the WAE ground levels;
- e the location of the on-site detention identification plaque; and
- f the plan(s) must include but not be limited to the requirements stated in Chapter E14 of the Wollongong DCP 2009.

An electronic copy in CAD format is required to be submitted at the time of lodgement.

28 **Fire Hydrant**

A fire hydrant must be provided to the subdivision in accordance with the *Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue*. Documentary evidence of compliance with these guidelines is required to be submitted to the PC prior to the issue of the Subdivision Certificate. A plumber's certificate showing that the fire hydrant has been provided must be submitted to the PC prior to the issue of the Subdivision Certificate. The location of the fire hydrant must be shown on the works - as - executed drawings.

29 **Existing Restriction as to Use**

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

30 **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.

31 **Encroaching Services**

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

32 **Section 88B Instrument**

The submission of a Final Section 88B Instrument to Council/PC, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

Easement for services;

- a Easement for services;
- b easement for drainage;
- c drainage easement over overflow paths;

- d restriction as to user which prohibits the erection of buildings or other structures on the site unless an 'on-site stormwater detention system' has been constructed;
- e restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level + 0.5 metres freeboard + 0.7 metres for climate change. Habitable floor levels are to be set at the 1% AEP flood level + 0.5 metres freeboard + 0.7 metres for climate change. The PMF flood level for each lot is to be documented. The Subdivision Certificate application must include the flood level extents plan and tabulated levels (1% AEP and PMF) for each lot as conditioned in this development consent;
- f restriction as to user over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer;
- g restriction as to use over proposed Lots 2 and 3 limiting future development to single storey construction only.

33 **88B Instrument Easements/Restrictions**

Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

34 **Certification - Earthworks**

The approved landfilling or land re-shaping works must be supervised at all times by a suitably qualified geotechnical engineer. Upon completion of the landfilling/land re-shaping works, written certification from the geotechnical engineer stating that all landfilling/land re-shaping works have been completed in accordance with the approved Subdivision Works Certificate plans and specifications. The certification must also include appropriate test results, a test location diagram and the date of testing.

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

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

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