Wollongong Local Planning Panel Assessment Report | 6 March 2019

WLPP No.	Item No. 2
DA No.	DA-2018/1570
Proposal	Residential - Demolition of existing structures, construction of a dual occupancy and two (2) lot Torrens title subdivision
Property	Lot 2 Section M DP 2697; 42 Gray St, Woonona
Applicant	Bora Developments, PO BOX 4190, SHELLHARBOUR 2529
Responsible Team	Development Assessment and Certification - City Wide Team (NK)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel - Determination

The proposal has been referred to Wollongong Local Planning Panel (LPP) for **determination** pursuant to Schedule 1(e) of the Local Planning Panels Direction dated 23 February 2018 due to a perceived or potential conflict of interest as the applicant is a relative of a current Wollongong City Councillor.

Proposal

The proposal seeks development consent for the demolition of the existing structures on site, the construction of a dual occupancy and two (2) lot Torrens title subdivision

Permissibility

The development site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009 (WLEP 2009). The proposed development is categorised as a *dual occupancy (attached)* and *Torrens title subdivision* and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Appendix 1 of Wollongong Development Control Plan 2009 (WDCP2009) and one (1) submission was received. The issues raised in the submission have been addressed in Section 1.3 of this report.

Details of the proposal were referred to Councils Development Engineer for assessment. Satisfactory referral advice, comment and recommended conditions were provided.

Main Issues

The main issues arising from the assessment process are:-

- Variations to WDCP 2009 are proposed including garage door widths greater than 50% of the width of the development, a minor internal garage width deficiency to Dwelling 1, retaining walls greater than 600mm in height within 900mm of the side boundary and stacked parking to Dwelling 2.
- Objections raised in the submission including potential overlooking, potential overshadowing and clarification of certain matters.

Likely impacts

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

RECOMMENDATION

Development Application DA-2018/1570 be approved subject to the conditions contained in Attachment 3.

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- The demolition of all structures on site;
- The construction of two (2) x two-storey three (3) bedroom dwellings (and ancillary double and single garages) to create an attached dual occupancy; and
- Torrens title subdivision of the dual occupancy to create:
 - <u>Proposed Lot 201</u>: 399.43m² lot with direct 8.835m frontage to Gray Street; and
 - Proposed Lot 202: 289.57m² lot with direct 6.405m frontage to Gray Street.

Following an initial assessment, the applicant was advised there were issues with regard to excessive floor space ratio (FSR) for both the parent site and proposed Lot 202, proposed stacked parking to Unit 2, and on-site detention (OSD) and the clarification of landscaped and impervious areas. The applicant subsequently submitted amended plans and statements addressing these issues.

1.1 BACKGROUND

Applications Details	
42 Gray Street, WOONONA NSW 2517	
Property Applications: BA-1960/1388, Alterations To Present Building	
Property Applications: PL-2018/76, Dual Occupancy	
Property Applications: DA-2018/1570, Residential - demolition of existing structures, construction	

Customer service actions

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

1.2 SITE DESCRIPTION

The $689m^2$ site ($682.9m^2 - 27$ Perches: DP conversion) is located at 42 Gray St, Woonona and known as Lot 2 Section M DP 2697. The rectangular site has a fall of approximately 3m from the southwestern rear to the north-eastern frontage (36m AHD/33m AHD). Existing site development, to be demolished, incorporates a clad cottage, rear garage and shed.

The site abuts an unformed carter's lane at the rear accessed from Chenhalls Street.

Property constraints

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

• Acid sulphate soils (Class 5): Minimal earthworks are proposed and no concerns are raised in this regard.

There are no restrictions on the Title.



Figure 1: Aerial photograph



Figure 2: WLEP 2009 zoning map

1.3 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. One (1) submission was received and the issues identified are discussed below.

Table 1: Submissions

Concern		Comment
1.	Overlooking windows: The objector has concerns regarding potential overlooking of their rear courtyard from two (2) upper level windows on the western elevation of the proposed development.	On the western elevation of Unit 2 the window to Bedroom 3 and high-sill window to bedroom 1 face the adjacent courtyard. Bedrooms are considered low usage rooms and the development proposes compliant height and 1.5m side setback provisions. The bathroom windows are conditioned to be opaque. Due to the increased setback of 1.5m (600mm greater than the DCP side setback requirement of 900mm) and low usage of bedroom, overlooking is not considered problematic. However, screening has been conditioned to the window to bedroom 3 to alleviate privacy concerns. Condition 21 accounts for this matter.
2.	Overshadowing: The objector has concerns regarding the potential loss of sunlight to the southern and eastern side of their property. The objector requests consideration be made to the design of the development and colours/materials proposed to lessen the potential impact.	Submitted shadow diagrams detail a partial overshadowing of the eastern end of the adjoining courtyard at 9.00am mid-winter. This is not considered onerous in the context of the technical requirements for solar access within the WDCP. As stated previously, the development proposes 1.5m side setbacks and compliant height provisions. No adverse overshadowing impacts are likely.
3.	<u>Clarification of certain matters</u> : The objector would like several matters clarified being the proposed building separation (garage appears to be closer than the building proper), effect on existing retaining wall, proximity of proposed garage doors/windows and laundry windows to existing bedrooms, and landscaping.	The ground floor garage sits closer to the side boundary than the building proper. Separation from the western side boundary (the objector's eastern boundary) totals a compliant 1m to the proposed garage and 1.5m to the proposed living areas. This is satisfactory.
		The onus is on the developer to ensure adjoining development, walls and fencing not be adversely affected during construction. Any consent will be conditioned accordingly. Should any damage occur, restitution/reparation will be required and the damage made good. A dilapidation report has been requested of the applicant. Condition 37 accounts for this matter.
		The garage door and laundry/rear door are setback a compliant 1m and 1.5m respectively. No windows are proposed within the side garage elevation. This is satisfactory.
		The Landscape Plan is a specific proposal should the application be approved, and any future landscape works will be expected to be in accordance with this approved plan. Conditions 19, 20 and 22 account for this matter.

4. In principle support: The objector Noted.

provides in-principle support to the proposed dual occupancy development on the proviso their concerns are addressed.

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Development Engineering Officer

Council's Development Engineer has assessed the application in regard to traffic, stormwater and subdivision matters and found it to be satisfactory. Conditions of consent were recommended and are included in the consent at Attachment 3.

1.4.2 EXTERNAL CONSULTATION

Not 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 desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. The land has only been used for residential purposes and 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.

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 declared by a development control plan, WDCP 2009 Chapter E17 Preservation and Management of Trees and Vegetation, to which Part 9 would apply.

One tree is required to be removed from the site. This is considered to be acceptable in this instance. Conditions in the consent at Attachment 3 specify trees to be removed, trees to be retained and tree protection and management.

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 (Certificate number: 981709M dated 6 December 2018) in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

The BASIX certificate was issued no earlier than 3 months before the date on which the development application was lodged.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

<u>Clause 2.2 – zoning of land to which Plan applies</u>

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is considered satisfactory with regard to the above objectives.

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

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; 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 *dual occupancy* and *Torrens title subdivision* as defined below and is permissible in the zone with development consent.

Clause 1.4 Definitions

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

Note. Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

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

Note. Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

Residential accommodation means a building or place used predominantly as a place of residence, and includes.....

(c) dual occupancies

Subdivision is not specifically defined within the Plan. Clause 4B of the Act however defines the 'subdivision of land' as 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:

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

The proposal falls within this definition.

Clause 2.6 Subdivision—consent requirements

Land may be subdivided, but only with development consent.

Clause 2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent. Appropriate conditions have been imposed on the consent, at Attachment 3.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The objectives of this clause are:

- a) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,
- *b)* to ensure lots are of a sufficient size and shape to accommodate development.

cl.4.1(3) prescribes that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The Lot Size Map for the R2 Low Density Residential zone prescribes a minimum lot size of 449m². The two (2) lots proposed total:

- **Proposed Lot 201:** 399.43m²; and
- **Proposed Lot 202:** 289.57m².

The proposal does not comply with the prescribed minimum. However, clause 4.1(4C) prescribes that the clause does not apply in relation to the subdivision of land in a residential zone if there is an existing dual occupancy meaning the dual occupancy to be approved as part of the application, should the application be approved, is deemed to be 'the existing dual occupancy' for the purposes of the clause. The consent, at Attachment 3, has been conditioned (condition 54) to account for this matter, requiring the occupation certificate to be issued for the dual occupancies prior to issue of the subdivision certificate.

Clause 4.3 Height of buildings

The proposed building height of 8.6m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area:	689m ² (Applicant's submitted Survey Plan)
FSR (Parent Site):	342.49m²/689m² = 0.497:1
GFA (Dwelling 1):	197.93m²
FSR (Proposed Lot 201):	197.93m²/399.43m² = 0.495:1
GFA (Dwelling 2):	144.56m²
FSR (Proposed Lot 202):	144.56m²/289.57m² = 0.499:1

Floor Space (including party wall):		Applicant's submitted FSR figures:
Dwelling 1:	Ground:	92.64m ² (127.44m ² less garage: 34.8m ²) +
	First:	<u>105.29m²</u>
	Net:	<u>197.93m</u> ² +
Dwelling 2:	Ground:	63.88m ² (81.88m ² less garage: 18.0m ²) +
	First:	<u>80.68m²</u>
	Net:	<u>144.56m</u> ²
	Total F	S: 342.49m ² (maximum 344.5m ² FS permitted)

The proposal complies.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is adequately serviced by electricity, water and sewage services.

Clause 7.5 Acid Sulfate Soils

The objective of the clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The subject site is identified as being affected by acid sulphate soils (Class 5), being works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water-table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. Minimal soil disturbance is envisaged and as such an acid sulphate soils management plan is not required.

Clause 7.6 Earthworks

The proposal comprises earthworks. The earthworks are not expected however to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

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

Not 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

A variation statement (Attachment 2) was submitted by the application. The variations sought are as follows:

Clause 4.10.2.4(a) of Chapter B1 of the WDCP requires that where garage door openings face a road they shall be a maximum of 50% of the width of the dwelling.

<u>Comment</u>: The combined garage doors' width totals 7.22m (4.81m + 2.41m). With a total dwelling development width of 13.74m, the percentage width of the proposed garage doors totals 52.55%. The minor non-compliance is a direct result of the proposed double garage to Unit 1 and the relative width of the lot in comparison to 'side-by-side' dual occupancy development. Compliance could be attained if a single garage only was proposed for Unit 1 but this would then require a stacked space forward of same, as has been proposed with Unit 2.

As both the garage and pedestrian entries are articulated within the front elevation, and as the bulk of the frontage/garage elevation is softened by large windows, articulation, verandahs and skillion roof over, the applicant's justifications are accepted, and the variation is considered acceptable in the circumstances of the case.

Clause 4.10.2.7 of Chapter B1 of the WDCP requires that the minimum internal dimensions for a double garage shall be a minimum 6m in width. The proposed double garage in Dwelling 1 is 5.8m.

<u>Comment</u>: As the applicant states in their variation justification statement, the garage complies with the minimum width under AS-2890.1. As the 6.0m minimum is an arbitrary subjective figure in the WDCP, and as the narrower width continues to conform to the objectives, the minor variation is considered acceptable in the circumstances.

Clause 4.17.3.1: Retaining Walls within Chapter B1 requires that retaining walls should be restricted to a maximum height above or depth below natural ground level of no more than:

- a) 600mm at any distance up to 900mm setback from any side or rear boundary; or
- *b) 1m, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary.*

Council may consider a variation to the abovementioned maximum height/depth of a retaining wall, in cases where the subject site is steeply sloping and the proposed retaining wall is setback more than 1m from any side or rear common property boundary.

<u>Comment</u>: A 1.0m high retaining wall is proposed adjacent the eastern side boundary, within 900mm of that side boundary and greater than the permitted 600mm height. The site falls steeply and as such a variation to the maximum retaining wall height adjacent the side boundary where the wall, if stepped, would inhibit adequate pedestrian egress, should be anticipated as full compliance cannot be physically attained. As the retained area is at the eastern side separation between the development and the boundary, and will appear as an increased fence height on the development site only (adjacent the double garage), it is considered the variation is considered acceptable in the circumstances of the case.

Clause 7.7.2(b) of Chapter E3 Car Parking.....and Traffic Management states that *stacked parking may be permitted in the following circumstances:*

- (i) The applicant must demonstrate that there is a need for stacked parking and that the provision of stacked parking will not adversely affect the safe, efficient and effective use of the site;
- (ii) No more than two cars are parked in a stacked arrangement, so that no more than one vehicle has to move to allow egress of another;
- (iii) Provision shall be made on site for shifting cars without the movement of vehicles onto public streets;
- (iv) Residential: only permitted where both spaces are utilised by the same dwelling and such spaces do not interfere with common manoeuvring areas; and
- (v) Business or Industrial: only permitted for staff spaces, provided the spaces are used by the occupants of one tenancy.

<u>Comment</u>: It is agreed that a façade incorporating two (2) x double width garage entries on a 15.24m wide frontage would dominate the front elevation and result in an unfavourable design outcome. One (1) x single width garage entry and one (1) x double width garage entry is considered an acceptable impact on the streetscape in relation to the subject development and the adjoining residential stock, and allows adequate distance to provide other entry elements to satisfactorily address the street frontage. Although this design option unavoidably results in a stacked parking configuration to Unit 2, requiring additional

manoeuvring, the benefit of an enhanced street frontage is considered to outweigh the detriment of minor parking conflicts, particularly facing a roadway with the relatively inconsequential traffic volumes of Gray Street.

The applicant must demonstrate that there is a need for stacked parking and that the provision of stacked parking will not adversely affect the safe, efficient and effective use of the site.

<u>Comment</u>: As stated above, one (1) x single width garage entry and one (1) x double width garage entry is considered an acceptable impact on the streetscape in relation to the subject development and the adjoining residential stock.

No more than two cars are parked in a stacked arrangement, so that no more than one vehicle has to move to allow egress of another.

<u>Comment</u>: The application complies. One (1) vehicle only will be in a stacked configuration.

Provision shall be made on site for shifting cars without the movement of vehicles onto public streets.

<u>Comment</u>: The applicant's comments in regard to sight distance and traffic volumes on Gray Street and the minimal expectation of conflict resulting from vehicles reversing onto the street are agreed with. This does not address the intent of the sub-clause however which aims to ensure adequate room is available on site for the shifting of cars internally without the need to utilise the street. This is not attainable with the proposed development; any vehicles utilising the stacked space forward of the garage to Unit 2 would need to reverse onto the street to enable egress from the garage of a second vehicle.

Notwithstanding the non-compliance, the sub-clause is fundamentally illogical because the entire point of stacked parking is to reduce both manoeuvring and hardstand areas on site. To require the provision of an additional area on site for the internal shifting/manoeuvrability of vehicles defeats the purpose for stacked parking in the first place being the 'saving of space'. That is, any additional area that could be found for on-site manoeuvring could and should be utilised for a second space which would basically negate the need for the stacked parking.

Although the applicant has not adequately conformed to the sub-clause, variation to same is considered acceptable in the circumstances of the case.

Residential: only permitted where both spaces are utilised by the same dwelling and such spaces do not interfere with common manoeuvring areas.

<u>Comment</u>: The proposed spaces are to be utilised by the same dwelling and will not interfere with any common manoeuvring areas.

Business or Industrial: only permitted for staff spaces, provided the spaces are used by the occupants of one tenancy.

<u>Comment</u>: Not applicable.

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 B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

Controls/objectives		Comment	Compliance
4.1 Maximum Number of St	toreys_		
• R2 max height of 9m o	r two storey	Dwelling 1: 8.606m/2-storey	Yes
		Dwelling 2: 8.606m/2-storey	Yes
 Built form that has a put the visual amenity of taddresses site constrait of neighbouring properties. 	ositive impact on he area and ints and overlooking rties	The proposed development has addressed the site constraints and will have minimal impact on the amenity of the adjoining	Yes
• In R2 Low Density Resi	dential zones,	properties.	Yes
where development of rear setback the develo single storey	opment is limited to	Dwelling 2: 2-storey – 15.782m	Yes
4.2 Front Setbacks			
• In-fill sites: 6m minimu	ım	Dwelling 1: 6.0m	Yes
Garages and carports 5	5.5m minimum	Dwelling 2: 7.90m	Yes
		Dwelling 1 (Garage): 6.0m	Yes
		Dwelling 2 (Garage): 8.21m	Yes
4.3 Side and Rear Setbacks			
		<u>Dwelling 1</u> :	
• Wall Setback: 0.9m mi	n	Nil side (west: Dwelling 2)	Yes
		950mm side (east)	Yes
		3.41m side (east: first floor)	Yes
• Eave Setback: 0.45m		500mm side (east: eave)	Yes
Rear Setback 0.9m		15.282m rear (south)	Yes
		<u>Dwelling 2</u> :	
• Wall Setback: 0.9m mi	n	Nil side (east: Dwelling 1)	Yes
		1.03m (west: Garage)	Yes
		1.48m side (west)	Yes
		1.48m side (west: first floor)	Yes
• Eave Setback: 0.45m		1.03m side (west: eave)	Yes
• Rear Setback 0.9m		15.782m rear (ground)	Yes
• Rear Setback 8.0m (2 s	toreys)	15.782m rear (upper level)	Yes
4.4 Site coverage			
• <u>Parent Site</u> : 50% of the	e area of the lot for	Dwelling 1: 158.5m ²	
sites greater than 450r $900m^2$; $50\%/(680m^2 - 2)$	m^2 and less than $244.5m^2$ may	Dwelling 2: <u>90.0m</u> ²	
	of the area of the	Total: 248.5m ² (36%)	Yes
 Proposed Lot 201: 55% lot for sites less than 4 55%/399.43m² = 219.6 	50 m ² ; 59m ² .	Dwelling 1: 158.5m ² (39.7%)	Yes

•	<u>Proposed Lot 202</u> : 55% of the area of the lot for sites less than $450m^2$; 55%/289.57m ² = 159.26m ² .	Dwelling 2: 90.0m ² (31.1%)	Yes
<u>4.5</u>	Landscaped Area		
•	Min. Required (Parent Lot): (Site: 600m ² – 900m ²): [(Site Area – 600) x 0.3] + 120: 146.7m ² minimum required (21.3%)	Parent Lot: 313.7m ² (45.5%)	Yes
•	Min. Required (Unit 1): Site < 600m ² : 20%/399.43m ² = 79.9m ² required	Proposed Lot 201: 177.2m ² (44.3%) Proposed Lot 202: 136.5m ² (47.1%)	Yes Yes
•	Min. Required (Unit 2): Site < 600m ² : 20%/289.57m ² = 57.9m ² required	Parent Lot: 283m ² (90.2%) BBL Proposed Lot 201: 161.5m ² (91.1%)	Yes Yes
•	50% behind the building line to the	Prop. Lot 202: 121.5m ² (89%)	Yes
•	primary road Integrated with drainage design	Integrated with drainage design as required at condition 19 in Attachment 3.	Yes
<u>4.6</u>	Private Open Space		
•	24m ² of private open space must be directly accessible from the living areas;	Unit 1 (Alfresco): 33.5m ² (7.77m x 4.31m)	Yes
	min width of 4m and no steeper than 1:50.	Unit 2 (Alfresco): $13.9m^2$ (4.8m x 2.89m) + 24.0m ² (6.0m x 4.0m) attainable in rear yard (turfed area)	Yes
•	front yards without variation.	Located at rear	Yes
<u>4.7</u>	Solar Access		
•	Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.	Adjoining lot west affected early morning mid-winter/mainly roof & rear garage/some POS area affected early morning –	Yes
•	At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.	Adjoining lot west affected late afternoon mid-winter/mainly roof area & rear driveway – technically	Yes
•	Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings.	compliant. Submitted	Yes
<u>4.8</u>	Building Character and Form		
•	Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context	It is considered the design and siting of the proposed dwellings responds adequately to the site context.	Yes
•	residential areas should be sympathetic with the existing character of the immediate locality.	It is considered that the proposed development will have minimal impact on the established	Yes

•	All residential buildings must be designed	residential area in principle.	
	with building frontages and entries clearly addressing the street frontage.	The proposed dwelling frontages and entries to each dwelling adequately address the street frontage.	Yes
•	Where garages are proposed on the front elevation they must be articulated from	Dual occupancies are a permissible use in the zone. The proposed development is considered to satisfy the zone objectives in principle.	Yes
	the front façade.	Garages articulated to the street	Yes
<u>4.9</u>	Fences		
•	Fences must be constructed to allow natural flow of stormwater or runoff.	The SEE states 1.8m high fencing is proposed where required.	Yes
•	Fences within front and secondary building lines should be mainly constructed of transparent fence materials.	Standard condition 12 at Attachment 3 has been imposed, if approved, requiring that new	Yes
•	Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height	fencing be erected on all boundaries at full cost to the developer.	
4.10) Car parking and Access		
•	1 space per dwelling with a GFA < 125m ²	<u>Dwelling 1</u> : (FS: 200m ²) – 2 spaces	Yes
•	2 spaces per dwelling with a GFA > 125m ²	<u>Dwelling 2</u> : (FS: 149m ²) – 2 spaces	No*
•	Car parking spaces may be open hard	Hard stand garages & driveways	Yes
	stand space, driveway, carport or a garage.	<u>Dwelling 1</u> : 61% (4.81m/7.885m)	No**
•	Garage door facing roads–not greater than 50% of the width of the dwelling	<u>Dwelling 2</u> : 41% (2.41m/5.855m)	Yes
•	Garages must be setback min of 5.5 from front boundary.	<u>Combined</u> : 52% (7.22m/13.74m)	No** Yes
•	6m minimum internal garage width	Dwelling 1: 6.0m setback	Yes
	(double) 3m minimum internal garage	Dwelling 2: 8.21m setback	No***
	width (single)	Dwelling 1: 5.8m internal width	Variation request
•	Driveways shall be separated from side boundaries by a minimum of 1m.	<u>Dwelling 2</u> : 3.0m internal width	supported.
•	Driveways shall have a max cross-over	Complies	Yes
	width of 3m.	3m is achieved	Yes
		*See Section 2.3.1 Chanter A1	Yes
		Variations: Stacked Parking above.	Yes
		**See Section 2.3.1 Chapter A1 Variations: Garage Façade Width above.	
		***See Section 2.3.1 Chapter A1	

		Variations: Garage Width above. The dimensions of the double garage do not comply with the DCP requirements, but exceed the minimum dimensions contained in AS2890.1.	
<u>4.1</u> 2	<u>1 Storage Facilities</u>		
•	<u>Unit 1</u> : 3 bedroom - 10m ³ storage volume to 5m ² storage area	Attainable	Yes
•	<u>Unit 2</u> : 3 bedroom - 10m ³ storage volume to 5m ² storage area	Attainable	Yes
<u>4.12</u>	2 Site Facilities		
•	Letterboxes in an accessible location	Condition 4 accounts for this matter.	Consent to be
•	Open air drying facilities	Provided	conditioned for
			Yes
<u>4.13</u>	<u>3 Fire Brigade Servicing</u>		
•	All dwellings located within 60m of a fire hydrant	< 60m. A hydrant is located at the corner of Gray and Chenhalls Street.	Yes
<u>4.14</u>	4 Services		
•	Encourage early consideration of servicing requirements	The site adequately serviced.	Yes
4.16	<u>6 View sharing</u>		
•	To protect and enhance view sharing,	Two-storey compliant dwellings	Yes
•	significant view corridors A range of view sharing measures to be considered for building design	Loss of escarpment views west from the adjoining eastern property are expected. The building design is generally compliant in terms of heights and setbacks and impacts are considered to be acceptable.	Yes
4.1	7. Retaining walls		
•	Max 600mm high within 900mm side/rear	Retaining walls proposed adjacent	No****
•	Max 1.0m high if > 900mm of side/rear	Garage 1 > 600mm within 900mm of side boundary	variation request
•	To ensure well designed retaining walls that are structurally sound	Other walls are conditioned for compliance.	supported
		****See Section 2.3.1 Chapter A1 Variations: Retaining Walls above.	

4.21 Additional controls for Dual Occupancies minimum site width		
 Provide sites adequate for buildings, car parking, POS, landscaping 	Site considered adequate	Yes
 Sites must not be significantly constrained by flood, geotechnical or other environmental hazards 	Site not constrained	Yes
• 15m min	15.24m (parent site)	Yes
4.22 Additional controls for Dual Occupancies -building character and form		
 Controls for garages proposed on the front elevation – articulation 	Garages articulated	Yes
4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones		
• A min. of half of landscaped area must be deep soil zone (min. 3m width).		
• <u>Parent Site</u> : 73.4m ² minimum required*	Total Site: 75m ² (51%)	Yes
• <u>Dwelling 1</u> : 40m ² minimum required*	<u>Dwelling 1</u> : 43.5m ² (54%)	Yes
• <u>Dwelling 2</u> : 29m ² minimum required*	<u>Dwelling 2</u> : 31.5m ² (54%)	Yes
 The deep soil zone shall be densely planted with trees and shrubs. 	No structures are located within the DSZ.	Yes
*Calculated at 50% of required LS for each lot		

CHAPTER B2 – RESIDENTIAL SUBDIVISION

Controls/objectives	Comment	Compliance
<u>5 Subdivision design - topography, natural</u> landform & significant vegetation		
Topography/landform taken into consideration	Subdivision of existing lot	Yes
<u>6 Subdivision lot layout – aspect & solar</u> access orientation		
East-west axis lots preferred	North-south axis	No*
Minimum 15m width	Proposed Lot 201: 8.835m	See
	Proposed Lot 202: 6.405m	comment.
	*Considered acceptable as existing parent lot is more efficiently subdivided in a north-south axis	
	**Considered acceptable as built development included as part of application and physically the proposed development will appear as one (1)	

Controls/objectives	Comment	Compliance
	building on the combined frontage.	
7 Minimum allotment size requirements		
As per Lot Size Map; minimum 449m ²	Proposed Lot 201:399.43m ²	No***
	Proposed Lot 202: 289.57m ²	No***
	***Permissible pursuant to cl.4.1(4C) of the LEP as dual occupancy development part of application/appropriate 'OC before release of SC' condition will be imposed.	See comment.
8 Lot width & depth requirements		
Minimum 15m width	Proposed Lot 201: 8.835m	No** See
	Proposed Lot 202: 6.405m	comment.
Minimum 25m lot depth	Proposed Lot 201: 45.21m	Yes
	Proposed Lot 202: 45.21m	Yes
	**See Section 6 above	
10 Building envelopes		
Min 15m x 10m	Not applicable; built development proposed.	N/A
33 NSW fire brigade access - fire hydrants		
All dwellings located within 60m of a fire hydrant	< 60m. A hydrant is located at the corner of Gray and Chenhalls Street.	Yes
37 Servicing arrangements		
Encourage early consideration of servicing requirements	Site adequately serviced	Yes

CHAPTER D1 – CHARACTER STATEMENTS

<u>Woonona</u>

Woonona is a residential suburb which over the last two decades has experienced considerable growth with the release of several new residential housing estates.

Woonona contains a variety of housing forms, including detached dwellings and medium density housing in the form of townhouses and villas. The older residential suburbs of Woonona predominantly contain single storey weatherboard and brick dwellings on mid to larger sized allotments of land. The newer residential estates in Woonona contain a mix of single and two storey dwellings, predominantly of a face brick or rendered brick wall and pitched roof tile construction on smaller lots together with some new medium density housing in the form of townhouses and residential flat buildings.

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

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

Section 4.10.2.1 of Chapter B1 of the DCP requires the minimum provision of one (1) space for dwellings with GFA less than $125m^2$ and two (2) spaces for GFA more than $125m^2$. With GFA totalling:

Dwelling 1: 200m²

Dwelling 2: 149m²

..... two (1) spaces are required for both Dwellings 1 and 2. The application proposes a double garage for Dwelling 1 and a single garage for Dwelling 2, making the on-site provision deficient technically. The applicant proposes stacked parking forward of Dwelling 2 to fulfil the off-street parking requirements and has provided a Variation Justification statement at Attachment 2.

The driveway layouts cannot expedite forward egress from the site. However, as adequate sight distance is available north and south, reversing onto the street, with the envisaged daily trips expected with a dual occupancy development, is considered acceptable in the circumstances.

Council's Development Engineer also raises no objection subject to appropriate conditions.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

See below the relevant excerpt from the current 2018 Contributions Plan:

Proposed cost of carrying out development (Determined in accordance with Clause 18 of this Plan)	Levy Rate
Up to and including \$100,000	Nil
More than \$100,000 and up to and including \$200,000	0.5%
More than \$200,000	1%

The estimated cost of works is \$600,000 and a levy of 1% is applicable under this plan as the threshold value is \$200,000.

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)

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

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

Context and Setting:

The proposed development is considered to conform to the character, context and setting of the residential precinct.

Access, Transport and Traffic:

Access and parking provision is considered satisfactory in principle. The applicant proposes stacked parking which can be supported, in accordance with Chapter E3 of the DCP, if:

- The applicant can demonstrate there is a need for stacked parking and that the provision of stacked parking will not adversely affect the safe, efficient and effective use of the site;
- No more than two cars are parked in a stacked arrangement, so that no more than one vehicle has to move to allow egress of another;
- Provision is made on site for the shifting cars without the movement of vehicles onto public streets.

For assessment see Chapters A1 and E3 above.

Council's Development Engineer has also reviewed the application and given a satisfactory referral. Conditions of consent were recommended.

Public Domain:

The proposal does not adversely affect the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water. The proposal is not envisaged to have unreasonable water consumption.

<u>Soils:</u>

Not applicable.

Air and Microclimate:

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

Flora and Fauna:

There is no vegetation removal proposed; landscaping is considered satisfactory.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. A satisfactory BASIX certificate has been submitted.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

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

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal. Council records list the site as acid sulphate soil affected (Class 5). See Section 2.1.3 cl.7.5 above.

Safety, Security and Crime Prevention:

The application does not result in greater opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create negative social impact.

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The application result in minor departures from Council's development control plans as outlined and addressed above.

Construction:

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. A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The proposal is not expected to have negative cumulative 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

See Section 1.3 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 and is therefore considered to be in the public interest.

3 CONCLUSION

The application has been assessed having regard to the relevant matters of consideration prescribed by Section 79C(1) of the Environmental Planning and Assessment Act 1979. The proposal is permissible with consent pursuant to WLEP 2009. There are four (4) defined non-compliances with WDCP 2009 which are not considered to result in adverse impacts. Variation requests and justifications, prepared by the proponent in accordance with cl. 8 of Chapter A1 of WDCP 2009, formed part of the application submission and are considered capable of support.

The internal referral is conditionally satisfactory with no outstanding issues. It is considered that the proposed development has been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character and amenity of the surrounding area.

4 RECOMMENDATION

It is recommended that the application be approved subject to the conditions contained in Attachment 3.

5 ATTACHMENTS

- 1 Architectural Plans
- 2 Applicant Variation Request Statement WDCP 2009
- 3 Conditions



ISSUE NO. Ε DOCA DEVELOPMENTS SHEET NO. 2











	DRAWN	DATE	REVISION	ISSUE	CLIENT	
	S.R.P.	15.08.18	PRELIM. CONCEPT SKETCH	A		
FIRST FIOOR	S.R.P.	06.09.18	PRELIMINARY PLANS	В	DORAHY	
	S.R.P.	24.09.18	PRICING PLANS	С	OITE	
	S.R.P.	03.10.18	PRICING PLAN UPDATES	D	SILE	
	S.R.P.	20.11.18	DEVELOPMENT APPLICATION PLANS	E	LOT 2 SECTION M DP 2697	
	S.R.P.	17.01.19	REVISED DA PLANS	F		
					42 GRAY STREET,	DRAWN: S.R.P
					WOONONA 2517	SCALE: 1 : 100 @ A3
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DRAWN	DATE	REVISION	ISSUE	CLIENT		
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S.R.P.	06.09.18	PRELIMINARY PLANS	В	DORAHY		
S.R.P.	24.09.18	PRICING PLANS	С	. CITE		
S.R.P.	03.10.18	PRICING PLAN UPDATES	D	SILE		
S.R.P.	20.11.18	DEVELOPMENT APPLICATION PLANS	E	LOT 2 SECTION M DP 2697		
S.R.P.	17.01.19	REVISED DA PLANS	F			_
				42 GRAY STREET,	DRAWN: S.R.P	
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S.R.P.	03.10.18	PRICING PLAN UPDATES	D	SILE	
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S.R.P.	17.01.19	REVISED DA PLANS	F		
				42 GRAY STREET,	DRAWN: S.R.P
				WOONONA 2517	
					SCALE. 1:200 @ A3
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B.Env.Sc. (Hons.) Dip.Hort. (Landscape Design) Cert. 5 Hort. (Arboriculture). MPLA

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Justification Statement – pursuant to Chapter A1 – Clause 8

(a) Control to be varied

Chapter B1 4.9 Development Controls

4.9.2.

A. Where garage door openings face a road they shall:(a) Be a maximum of 50% of the width of the dwelling.

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

The proposed dual occupancy development features a garage door for each dwelling facing Gray Street21. The proposed building frontage features a width of 13740mm, whilst the total garage door widths combine to 7220mm, or, 52.55% of the width of the overall development, a minor encroachment of 2.55%. The variation is requested due to the proposed dual occupancy development on the site which features ample width to provide two garages facing the street, whilst maintaining a positive building contribution to the streetscape. The proposed dual occupancy development allows for a mix of dwelling types and provides gentrification to the area. It is reasoned that the increased width of garage doors allows the proposal to maximise on site enclosed parking spaces, allowing for sufficient car parking for visitors and the respective neighbourhood.

(c) Demonstrate how the objectives of the clause are met with the proposed variation;

(a) To provide car parking for residents.

The proposed garages are to provide enclosed car parking spaces to the residents of the dwellings as per council's required vehicle numbers.

(b) To ensure that there is adequate provision for vehicular access and manoeuvring.

The proposed garage door widths allow for adequate vehicular access and manoeuvring to the respective garages

(c) To minimise the impact of garages upon the streetscape.

The requested variation is of minor encroachment to the allowable 50% width. The proposed development is designed with a harmonious blend of materials that will ensure a positive contribution to the streetscape. The garages do not dominate the facades and will not detract from the character of the area.

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

The proposed variation in garage door width allows for a positive impact upon the amenity of the proposed development, by providing appropriate car parking spaces for the dwellings. The proposed streetscape will be enhanced by the development, and will positively contribute to providing a dwelling mix.

Internal garage width

(a) Control to be varied

Chapter B1 4.9 Development Controls

4.9.2.

7. The minimum internal dimensions for a single garage shall be 6 metres (depth) x 3 metres (width). The minimum internal dimensions for a double garage shall be 6 metres (depth) x 6 metres (width).

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

The variation requested is relating to the minimum internal width of the double garage to unit 1. The proposed double garage is features a width of 5.8 metres whilst maintaining the required depth of 6 metres. Is it reasoned to allow the reduced double garage width at 5.8m, as this width achieves compliance with that of the stated figures for an enclosed double garage with the relevant Australian standards (AS2890.1:2004 - carparking and access) and the Building Code of Australia.

(c) Demonstrate how the objectives of the clause are met with the proposed variation;

4.16.2 Objectives

(a) To provide car parking for residents.

The proposed dwelling has a double garage which is compliant to Australian Standards and Building codes, however does not satisfy Council's minimum requested width. It is reasoned that the proposed double garage be allowable at the reduced width as is affords the dwelling two enclosed carparking spaces, ensuring compliance with the minimum car parking requirements which are required by council based on the gross floor area.

It is reasoned that by providing two internal carparking spaces there is greater security for the vehicles owned by the residents, and also allows for the hardstand space within the driveway to be utilised by visitors, which positively adds to the number of on street car parking spaces for the neighbouring residences and the greater neighbourhood.

(b) To ensure that there is adequate provision for vehicular access and manoeuvring.

The proposed enclosed parking space is designed to comply with AS2890.1:2004 and the building code of Australia. There is sufficient provision for vehicular access and manoeuvring. The driveway provides access to this space.

(c) To minimise the impact of garages upon the streetscape.

The proposed garage is located behind the required setback, and does not dominate the streetscape. The harmonious blend of materials of the proposed dwelling will enhance the character of the area

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

The proposed variation will not have a detrimental impact for the following reason;

The proposed development complies with the minimum number of parking spaces required and has adequate room for onsite manoeuvring of. The location of the proposed garage, parking spaces and access will have negligible effect on the amenity of the adjacent dwellings or the streetscape.

(a) Control to be varied

Chapter B1 4.9 Development Controls

4.17.3.

1. A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than:(a) 600mm at any distance up to 900mm setback from any side or rear boundary

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

The proposal includes a 1 metre high retaining wall to the Eastern side boundary. The subject wall and all associated earthwork. The proposed retaining wall is proposed due to the significant slope on the site, and is required to create an appropriate building footprint.

Walls of similar height, location and size are common within the immediate vicinity due to the sloping nature of the area.

(c) Demonstrate how the objectives of the clause are met with the proposed variation;

(a) To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties.

The proposed retaining walls will be designed by a suitably qualified structural engineer, and all stormwater drainage and associated earthwork will be wholly contained within the subject site. Due to the proposed excavation, No negative impact on visual, amenity of overlooking will occur to adjoining properties.

(b) To guide the design and construction of low height aesthetically pleasing retaining walls.

The proposed wall is 1 metre in height, and will be constructed from an aesthetically pleasing block construction (to engineer's details) and is located within the side setback away from the road, so will pose no detriment to the streetscape, or neighbouring properties.

(c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall.

The proposed wall will be designed by a suitably qualified structural engineer and constructed accordingly.

(d) To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.

The site is sloping in nature, and requires a retaining wall to creatre an appropriate building footprint, as well as to ensure stabilisation of neighbouring properties. The proposed retaining wall assists in enhancing the natural features, and characteristics of the area by ensuring the dwelling's bulk and scale remains minimised. The wall is to be designed by a qualified structural engineer, which will ensure the integrity of the structure.

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

The proposed development and associated retaining wall structures ensure the best practice of construction and building method. It ensures the stabilisation of earthworks is maintained within the subject site, and poses no negative impacts upon the neighbouring properties. Furthermore, the proposed walls meet the objectives of the DCP.

Statement of Variation

(a) Control to be varied

Chapter E3 7.7 Carparking Layout & Design

7.7.2

(b) Stacked parking may be permitted in the following circumstances

The extent of the proposed variation and the unique circumstances as to why the variation is requested;

The proposed attached dual occupancy consists of two dwellings with a GFA of more than 125 sq.m and therefore two parking spaces are required per dwelling., A single garage has been proposed to Unit 2 with a stacked parking space rather than the alternative of a double garage in order to reduce the dominance of garage doors on the streetscape and create a more articulated and interesting façade treatment. Whilst the site width is over the minimum required for dual occupancy there is insufficient space for a manoeuvring area to allow the car parked in the staked space to be shifted without using the public street. A stacked parking arrangement for one or both dwellings is common throughout Wollongong and has been previously approved on a number of occasions.

Demonstrate that the development will not have additional adverse impacts as a result of the variation;

The use of stacked parking will not have any adverse impact on the development it will rather improve the streetscape appearance of the dwelling by providing articulation to the façade, reduce garage dominance and allow for more landscaped area within the front setback to soften the overall appearance of the dwelling.

(i) The applicant must demonstrate that there is a need for stacked parking and that the provision of stacked parking will not adversely affect the safe, efficient and effective use of the site

As two parking spaces are required to each dwelling and council require garage dominance to be addressed in the building character and form controls of the DCP at least one stacked parking space is preferable to address articulation and garage dominance on the streetscape.

(*ii*) No more than two cars are parked in a stacked arrangement, so that no more than one vehicle has to move to allow egress of another;

The proposal accounts for and complies with this clause.

(*iii*) Provision shall be made on site for shifting cars without the movement of vehicles onto public streets;

The proposed development would require the movement of the stacked vehicle onto the public street. It is reasoned that this is not posing adverse impacts onto the occupants of the proposed development, nor the surrounding neighbourhood, pedestrians, or motorists of Gray Street due to the following:

- The proposed driveway including stacked parking has a clear line of site along Gray Street in both directions allowing safe manoeuvring onto the street to allow access to the garage if required. The additional setback of the proposed garage being 8.21m and the wide council verge of almost 5m will further assist residents when backing onto Gray Street by allowing additional space to view and anticipate any traffic along the Street.
- The adjoining dwellings all have vehicle access from the rear lane resulting in minimal on street parking along Gray Street by residents assisting in the safe manoeuvring of vehicles from the proposed stacked parking and ample opportunity for residents to park on the street if required.
- The proposed driveway crossing is located approximately 20m from the nearest cross street being Chenhalls Street allowing safe manoeuvring onto Gray Street being more than the minimum 6m required by the RTA.
- Gray Street is a permanent 50km/h zone and part of a local street network and not a major thorough fare to any significant local amenities with the exception of Woonona Public School which is a school zone during peak usage and therefore has a reduced speed limit of 40km/hr.

Conclusion

The shifting of a car onto the public street if required in this circumstance would not pose any disturbance to the traffic on Gray Street or present any risk to the occupants as outlined above. Stacked parking is a common occurrence for both existing dwellings and other duplex development in the area and in this case supports council current view that rear use of rear lanes for access be discouraged in new development, as per previous discussions with Andrew Heaven. In this instance stacked parking would better meet the objectives of the DCP by addressing the building character and form controls of reduced garage dominance and landscaping the front setback rather than additional hardstand.

We feel that in this circumstance it would not be unreasonable for council to support this application in its current form.

Attachment 3 Conditions

Approved Plans and Specifications

1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No 042GRA Drawing sheet 2-F to 8-F dated 17 January 2019 and 16-E dated 20 November 2018 prepared by Bora Developments 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 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.

5 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.

6 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.

7 Tree Removal

This consent permits the removal of all trees on the site. 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 Retaining Wall on Common Boundary

Retaining wall on common boundary must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage

work along common boundaries must not compromise the structural integrity of any existing structures.

The maximum height of a retaining wall located within 900mm of the adjoining boundary shall be 600mm unless approved within this Development Application.

10 Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap, available through <u>www.sydneywater.com.au</u> 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 <u>www.sydneywater.com.au</u> or telephone 13 20 92 for further information.

11 Obscure Glazing for all Bathroom and WC Windows

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

12 Fencing

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

a rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped or colorbond fences.

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

13 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.

14 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.

15 Retaining Wall Structures

The proposed retaining wall(s) shall be constructed in accordance with Council's Retaining Wall Policy. This requirement is to be reflected on the Construction Certificate plans and shall be supported by a certificate from a structural engineer which confirms the structural adequacy of the proposed retaining wall structure(s) and compliance with Council's Retaining Wall Policy.

16 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.

17 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.

18 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 Stormwater Plan lodged for development approval, prepared by Bora Developments, Reference No. 042GRA, Issue No. F, dated 17 January 2019.
- 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.
- 19 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.
- 20 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.

21 Privacy Screen

A privacy screen must be affixed to the window of bedroom 3 on the western elevation of Unit 2.

22 Tree Protection and Management

Trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a Installation of Tree Protection Fencing Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- 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. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

- 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.
- Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance d with the arborist's recommendations.

23 **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 \$6,000.00 (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:

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: 1063620	Credit Card			
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	CashCredit CardBank 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

Appointment of Principal Certifying Authority 24

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

Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the а 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.

25 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.

26 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.

27 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.

28 Structural Engineer's Details

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

29 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.

30 Public Liability Insurance

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

31 Temporary Sediment Fences

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

32 All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

33 Footpath Levels

Where required to construct footpath paving for the entire frontage of the development or build up to the property boundary, footpath levels must be obtained from Council's Development Engineering Division prior to the issue of Construction Certificate. This can be achieved by filling out an Application for Footpath Levels form and payment of the relevant fee.

All such structures, finished floor levels and internal driveway slabs shall be constructed to these approved levels.

The longitudinal grade of the footpath must be parallel to the top of kerb level and all building entrance adjustments for level access to building floor levels must be developed within the private property of the building in accordance with the requirements of the latest versions of AS1428.1 (2009), the Building Code of Australia and the Disability Discrimination Act. No adjustments to the uniform and even longitudinal grade of the footpath at the boundary line will be permitted for access points to buildings.

A copy of the approved levels shall be submitted to the Principal Certifying Authority prior to works commencing.

34 Application for Occupation, Use, Disturbance or Work on Footpath/Roadway

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- a Digging or disruption to footpath/road reserve surface;
- b Loading or unloading machinery/equipment/deliveries;
- c Installation of a fence or hoarding;
- d Stand mobile crane/plant/concrete pump/materials/waste storage containers;

- e Pumping stormwater from the site to Council's stormwater drains;
- f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g Construction of new vehicular crossings or footpaths;
- h Removal of street trees;
- i Carrying out demolition works.
- 35 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.

36 Relocation of State Survey Marks

In accordance with Section 24(1) of the Surveying and Spatial Information Act 2002 a person must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor General. In this regard any proposed construction work that may affect a State Survey Mark cannot be undertaken until a registered surveyor is engaged to arrange its relocation, in accordance with the requirements of the NSW Government Land and Property Information.

37 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.

38 Dilapidation Report

The developer shall submit a Dilapidation Report recording the condition of the existing adjacent properties prior to work commencing and include a detailed description of elements and photographic record.

39 **Demolition Works**

The demolition of the existing house and garage 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.

40 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.

During Demolition, Excavation or Construction

41 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.

42 Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's existing stormwater drainage system.

43 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.

44 **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.

45 Excavation/Filling/Retaining Wall Structures

Any proposed filling on the site must not:

- a encroach onto the adjoining properties, and
- b adversely affect the adjoining properties with surface run-off.
- 46 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".

47 **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.

48 BASIX

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."

49 **Tree Protection and Management**

The developer shall ensure that any exposed trees roots are adequately protected. Should existing hard surfaces be required to be removed from under the canopy of an existing tree, measures must be taken to protect exposed roots. Immediately following the removal of a hard surface, a protective layer of hessian and 10 mm depth of damp washed river sand must be placed on exposed root zone. This protective layer must be maintained until the new surface is installed. Any damage inflicted on a tree shall be treated by an approved arborist at the developer's expense.

50 Treatment of any Tree Damage by a Supervised Arborist

Any damage inflicted on a tree during the construction phase which has been nominated for retention shall be treated by an approved arborist at the developer's expense.

51 Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) be the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

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

Prior to the Issue of the Occupation Certificate

52 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.

53 BASIX

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

Prior to the Issue of the Subdivision Certificate

54 Occupation Certificate Prior to Subdivision Certificate

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

55 Existing Easements

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

56 Existing Restriction as to Use

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

57 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.

58 Encroaching Services

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

59 Section 88B Instrument

The submission of a Final Section 88B Instrument to Council/Principal Certifying Authority, which incorporates the necessary restrictions, easements and covenants, where applicable, is required prior to the release of the Subdivision Certificate.

60 88B Instrument Easements/Restrictions

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

61 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).

62 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.