

Wollongong Local Planning Panel Assessment Report | 30 November 2021

WLPP No.	Item No. 1
DA No.	DA-2021/919
Proposal	Residential - demolition of dwelling house, construction of dual occupancy and Subdivision - Torrens title - two (2) lots
Property	13 O'Brien Street BULLI
Applicant	Kibbin Design Studio
Responsible Team	Development Assessment and Certification - City Centre Major Development Team
Development cost	\$1,220,000
Lodgement date	17 August 2021
Prior WLPP meeting	N/A

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel – Determination

The proposal has been referred to the Wollongong Local Planning Panel for **determination** pursuant to 2(a) of schedule 2 of the Local Planning Panels Direction dated 30 June 2020 and Council's Submissions Policy. Six (6) unique submissions by way of objection have been received in respect of the proposed development.

Proposal

The proposal is for demolition of a dwelling house, construction of dual occupancy and Subdivision - Torrens title - two (2) lots

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a dual occupancy and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and received six (6) submissions which are discussed at section 1.3 of the assessment report.

Main Issues

The main issues are:

- Streetscape character – see comments in relation to submissions which raise this as a concern.

RECOMMENDATION

It is recommended that the application be approved subject to conditions which form Attachment 5.

1 APPLICATION OVERVIEW

1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the demolition of an existing dwelling and construction of an attached two storey dual occupancy development.

The proposed dual occupancy comprises:

Proposed Lot 1 (Unit 1):

- Lot area is 333.6m².
- Unit area is 167m²
- 3 bedrooms.
- Double car garage that provides onsite parking for 2 cars with direct access to O'Brien Street.

Proposed Lot 2 (Unit 2):

- Lot area is 329.4m².
- Unit area is 167m²
- 3 bedrooms.
- Double car garage that provides onsite parking for 2 cars with direct access to O'Brien Street.

Private open space for both dwellings is provided at the rear of the site and each dwelling has a covered street facing terrace above the garages. These terraces are directly accessed from the upper level living areas and measure 4.3m wide x 6.4m deep. The terraces take advantage of extensive views of the foreshore and escarpment to the north.

1.1 BACKGROUND

Application Number	Description	Decision	Decision Date
BA-1994/1952	Garage	Approved	29-Sep-1994
DA-2021/919	Residential - demolition of dwelling house, construction of dual occupancy and Subdivision - Torrens title - two (2) lots		

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

1.2 SITE DESCRIPTION

The site is located at 13 O'Brien Street BULLI and the title reference is Lot 97 DP 35975 .

The site is irregular in shape with a raised section at the centre of the site falling away to the street and to the rear boundary. The site has a frontage of 15m and an area is 663m².

Adjoining development is as follows:

- North: O'Brien Street Reserve
- East: Two storey dwelling
- South: Single storey dwelling
- West: Two storey dwelling

The locality is characterised by low density residential development. Historically housing consisted of small clad dwellings however the suburb is undergoing significant levels of redevelopment with large scale brick and

rendered dwellings and dual occupancies being developed. An older multi dwelling housing development is located nearby at 14-16 O'Brien Street.

Property constraints

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

- Acid sulphate soils (Class 5): No significant earthworks are proposed and no concerns are raised in this regard.

There are no restrictions on the title.

1.3 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019. Six (6) submissions were received and the issues identified are discussed below.

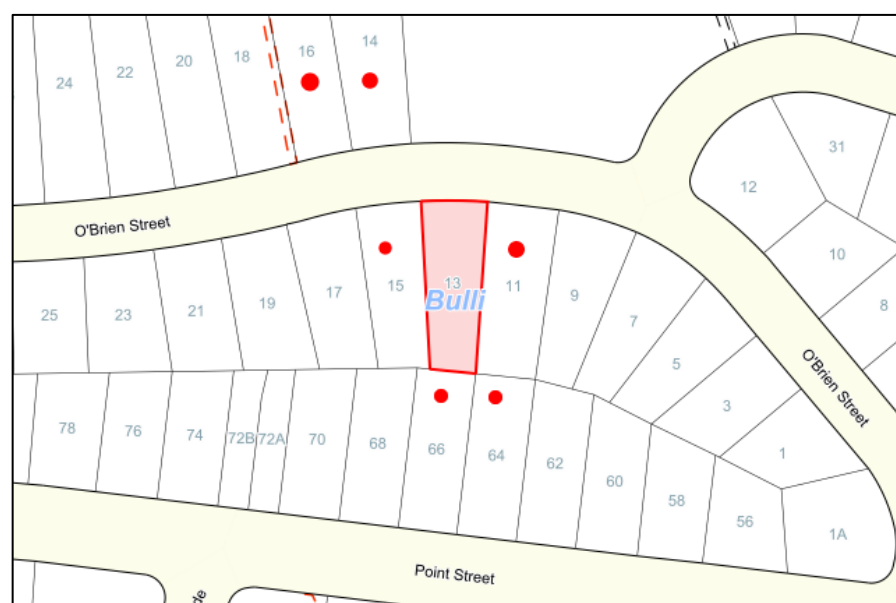


Figure 1: Notification map

Table 1: Submissions

Concern	Comment
1. <u>Out of Character</u> – Concern is raised that the size and bulk of the dual occupancy is out of character with the streetscape and the locality more generally.	It is recognised that the development is larger than older style dwellings in the locality however Bulli is beachside suburb that is undergoing significant levels of redevelopment and the scale of development occurring is reflective of increasing land values in the area. See further comments below.
2. <u>Design of the building</u> – concerns are raised that the design is inappropriate in that it has two double garages facing the street which large areas of driveway and a large balconies which overlooks the street/park. The entries to the dwellings are considered illegible and unsafe.	The overall design is considered innovative and provides a good living spaces for future occupants. The impact of garages on the streetscape is acknowledged however the provision of parking spaces for dual occupancy developments is often problematic and a balance needs to be struck between meeting car parking demands (and reducing on street parking) and minimising the visual impact of garages and driveways. The applicant, at Council's request, has considered the concerns raised in

relation to the design generally and has provided some changes which are further discussed below.

3. Traffic – It is thought by some objectors that the development will increase traffic generation and will lead to safety issues having regard to on street parking and children using the park which is opposite the subject site.

The increase in traffic generated by replacing an existing dwelling with a dual occupancy is considered insignificant. Whilst traffic flows in residential streets may increase over time as sites are redeveloped, this is unlikely to exceed the capacity of the street. The dual occupancy is not considered likely to result in any additional safety issues resulting from its proximity to the local park opposite the site.

4. Parking – Concern has been raised that dual occupancies should not be approved in streets where limited on street parking is available.

The application requires 2 car parking spaces for each dwelling under Council's DCP. This is provided and in addition there will be additional space for the parking of vehicles in front of the garages. The application has been amended to reduce the crossover widths to enable retention of an on street parking space between the two driveways.

5. Privacy – Concern has been raised that the proposal will adversely affect the privacy of neighbouring properties

The proposal is appropriately designed to minimise overlooking and privacy concerns with respect to adjacent properties. It is noted that the immediately adjoining neighbours have not lodged submissions in respect of the proposal.

6. Overshadowing – It has been stated that both adjoining properties will be adversely affected by overshadowing.

Solar access will always be affected by a two storey development. The design provides for a skillion roof and the overall building height reduces towards the rear which minimises overshadowing of the neighbours rear private open space. The solar access provisions of WDCP2009 require windows to living rooms of adjoining dwellings to receive at least 3 hours continuous sunlight, between 9am and 3pm on 21 June and that at least 50% of the private open areas of adjoining residential properties receive at least 3 hours of sunlight between 9am and 3pm on June 21. These requirements are satisfied. It is noted that the shadow diagrams show only 9am, noon and 3pm midwinter which is the worst case scenario. Again, it is noted that the adjoining owners have not lodged a submission.

Building Design/ Streetscape character

The main concern raised in the submissions is the design of the dwelling and its impact on streetscape character. The design provides for a side-by-side dual occupancy with each dwelling having a double garage. Above the garages are large terraces designed with direct access off living areas. The decks are located so as to take advantage of exceptional views of the coastline to the north. This view is a feature of the site as the open space opposite enables uninterrupted views along the foreshore and escarpment north of Bulli.

Concerns regarding the design were raised with the applicant who responded with some minor modifications (discussed below) and with the provision of photomontages showing a 3 dimensional view of the proposal in its context to enable a better interpretation of the built form. This submission demonstrated the difficulty in interpreting the plans without the benefit of the depth provided by the photomontages. The following figures show the proposal as it will appear in the streetscape. It should be noted that these were

provided by the applicant following Notification of the proposal and the objectors have not had the benefit of viewing them.



Figure 2: Existing Streetscape looking west (No.9 O'Brien Street in foreground)



Figure 3: Subject site as viewed from park opposite

As noted in Figure 3 the extent of terraces at the upper level of the proposed dual occupancy is of no greater visual impact and will result in no more privacy impacts than the balcony of the adjacent dwelling at No. 11 O'Brien Street. These terraces, if located on a typical Street could be considered as being intrusive as they would enable overlooking into the front yards of dwellings opposite, but in this case they overlook the park which assists in providing some passive surveillance.



Figure 4: The front elevation of the subject development

The garage dominance issue is evident when viewed front on as shown in Figure 4. Clause 4.10.2.4 of Chapter 1 of WDCP 2009 state that where garage door openings face a road they shall be a maximum of 50% of the width of the dwelling.

The applicant has requested a variation to this control which states *“The streetscape artist impressions above (Figure 4), demonstrate the detailing and how the garages have been articulated into the facade. The raised concrete planter sits above the timber panelling that conceal the garage doors, providing a projection and casting shadow to accentuate the articulation with feature planting cascading over and softening the built elements closest to the street.”*

Further, the applicant has provided the following in relation to compliance with the objectives of the garage width control and the requirement to demonstrate that there will be no additional adverse impacts:

(c) Meeting Objectives and Performance Criteria.

The proposed development positively responds to the natural site (irregular) dimensions and the surrounding built context.

- *The proposed dual occupancy development is consistent with the character and specifically the future character of the neighbourhood which is transiting to a higher land use.*
- *The proposed development is well articulated and is in relevant scale and appropriate landscaping for the street.*
- *The colour scheme is appropriate to the existing streetscape.*
- *O’Brien street is the primary street frontage which the dual occupancy dwellings addresses*
- *The layout of the development provides passive surveillance which is achieving a design that is sympathetic to neighbouring properties.*
- *The attached garages make efficient use of onsite parking in the context of the well-articulated architectural design.*

(d) Demonstrate no Additional Adverse Impacts.

- *The scale and bulk of the proposed development is generally in character with the transitioning neighbourhood to a higher land use.*
- *The development provides a well-articulated and integrated design with a range of materials and textures including, glass, timber batten screens, metal balustrade and greenery planting, this results in*

the scale of the garage is not out of character for the development, and garaging that is not obvious, notable or an overwhelming feature.

Comment:

Notwithstanding the total width of the garage doors (10.8m which is 62% of the site frontage and 73% of the width of the building), the upper floor plan is set well back from the ground floor and this assists in alleviating the visual bulk of the building. The upper level maintains a 1.49m setback from side boundaries and this increases to 2.52m at the rear. These setbacks exceed the minimum 900mm setback. Further, the revised plan has reduced the extent of driveway to allow for an on street car parking space to be retained between the two driveways.

The proposed garage doors and landscaping along the front edge of the terraces provides some softening to the built form and reduces visual bulk. On balance, the proposed garage width is supported.

Another concern raised in the submissions, and also by Council, was the location of the front doors. In the original plans the front entry doors were located centrally adjacent to the garages but set back 7m from the front façade. This was considered likely to present a safety concern as the entry doors were hidden from the street. The applicant has chosen to address this issue by locating timber batten security doors at the front elevation which effectively makes the entry points to the dwellings more visible and addresses the safety concerns.



Figure 5: The front elevation as viewed from the western side.

Figure 5 above demonstrates the privacy protection measures afforded to the adjoining residents by way of a minimal number of screened windows.

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Development Engineering Officer

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

1.4.2 EXTERNAL CONSULTATION

None required

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

(a) NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1 hectare minimum lot size).

No native vegetation is proposed to be cleared for the development. The minimum subdivision lot size for the land under WLEP 2009 is 449sqm. Therefore, the proposal does not trigger the requirement for a biodiversity offset scheme and the site is not identified as being of high biodiversity value on the Biodiversity Values Map.

The development is therefore not considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

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

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

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.*

Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

The land concerned is—

- (a) *land that is within an investigation area,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. The earthworks proposed are considered minor in nature and it is considered that the provisions of Clause 7 have been met.

2.2.2 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

2.2.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

3 Aim of Policy

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

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

5 Land to which Policy applies

This Policy applies to land within the coastal zone.

Part 2 Development controls for coastal management areas

Division 3 Coastal environment area

13 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
 - (b) coastal environmental values and natural coastal processes,
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (f) Aboriginal cultural heritage, practices and places,
 - (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:
- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,
 - (iv) Aboriginal cultural heritage, practices and places,
 - (v) cultural and built environment heritage, and
 - (b) is satisfied that:
 - (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and
 - (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.
- (2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Division 5 General

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

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

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

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

A review of the SEPP's mapping extents identifies the subject site as being located within the Coastal Environment and Coastal Use area.

Division 3 clause 13 applies to coastal environment areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on vegetation, marine life and water quality, vegetation, Aboriginal heritage and community access. All matters detailed in subclause 1 and 2 are considered satisfactory subject to compliance with proposed conditions of consent.

Division 4 clause 14 applies to coastal use areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on safe public access, overshadowing, wind funnelling, and loss of views, visual amenity, Aboriginal heritage and cultural and built environment heritage. The development can be managed (via conditions) to avoid an adverse impact referred to in subclause 1, subclause 2 is not applicable. All matters detailed in clause 1 are considered satisfactory.

Division 5 includes general provisions for development in the coastal zone. Clause 16 applies to development in the coastal zone generally and states that development consent must not be granted to development on land within the coastal zone (other than land to which clause 13 applies) unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. As detailed elsewhere within this report, due the nature of the proposal and proposed conditions, it is not expected to increase the risk of coastal hazards on the subject land or any other land.

The proposal is satisfactory with regard to the aims this policy outlined in Clause 3 and the matters for consideration outlined at clause 13 relating to the **Coastal Environment Area** and clause 14 **Coastal Use Area** as follows:

- the site is not located on the coastal foreshore
- the site does not provide public access to recreation areas
- no significant flora or fauna are proposed to be disturbed by the proposal
- no overshadowing or loss of views will result
- no adverse stormwater runoff is expected

13. Development on land within the coastal environment area

1. Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

Matters for consideration	Comment
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The proposal is not expected to have any unreasonable negative impacts on the coastal environment and is consistent with the objectives outlined in Clause 2.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal will not affect access to the coastal foreshore.
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	The site is not in close proximity to the coastal foreshore.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The proposal complies with Council's planning requirements and is consistent with the zone. There are not expected to be any unreasonable negative impacts on the amenity of the locality and the proposal is considered to be suitable for the location.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal is not expected to detrimentally affect the coastal foreshore.
(f) Aboriginal cultural heritage, practices and places,	The proposal is not expected to impact on the scenic values of the NSW coast.
(g) the use of the surf zone.	No significant flora or fauna are affected by the proposal.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
Matters for consideration	Comment
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	No wildlife corridors are impacted by the proposal.
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal is not expected to impact on or be affected by any coastal processes or hazards.

Matters for consideration	Comment
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact	The proposal is not expected to result in any conflicts between land and water based coastal activities.

14 Development on land within the coastal use area

Development consent must not be granted to development on land that is within the coastal use area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

Matters for consideration	Comment
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability	The proposal is not expected to have any unreasonable negative impacts on the coastal environment and is consistent with the objectives outlined in Clause 2.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores	The proposal will not affect access to the coastal foreshore.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands	The site is not in close proximity to the coastal foreshore.
(iv) Aboriginal cultural heritage, practices and places,	The proposal complies with Council's planning requirements and is consistent with the zone. There are not expected to be any unreasonable negative impacts on the amenity of the locality and the proposal is considered to be suitable for the location.
(v) cultural and built environment heritage, and	The proposal is not expected to detrimentally affect the coastal foreshore.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

Matters for consideration	Comment
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	No wildlife corridors are impacted by the proposal.
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal is not expected to impact on or be affected by any coastal processes or hazards.

Matters for consideration	Comment
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	The proposal is not expected to result in any conflicts between land and water based coastal activities.
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The proposal is consistent with surrounding environment in terms of its bulk, scale and size.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

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

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

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

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

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

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

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

2.2.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

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

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

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; 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** as described below and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The minimum lot size is 449m². However, Clause 4.1(4C) states:

This clause does not apply in relation to the subdivision of land in a residential zone on which there is an existing dual occupancy or multi dwelling housing.

A condition of consent will ensure that a subdivision certificate is not issued until an Occupation Certificate is issued for the development.

Clause 4.3 Height of buildings

The proposed building height of 8.7m 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: 663m²

GFA: 334m²

FSR: $663\text{m}^2/334\text{m}^2 = 0.5:1$

Lot 1 $167\text{m}^2/333.6\text{m}^2 = 0.51$ Lot 2 $167\text{m}^2/329.4\text{m}^2 = 0.5:1$

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

A condition will be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site.

Clause 7.2 Natural resource sensitivity – biodiversity

The site is not identified as being affected by “Natural Resource Sensitivity – Biodiversity” on the Natural Resource Sensitivity – Biodiversity Map.

Clause 7.4 Riparian lands

The site is not identified in the Riparian Land Map as containing “riparian land”.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as minimal excavation is proposed.

Clause 7.6 Earthworks

The proposed earthworks are limited to foundation works for the subject dual occupancy and are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

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

Draft Environment SEPP

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Local Planning Directions where appropriate.

Engagement is now closed and feedback is being considered by the Department.

Draft Remediation of Land SEPP

The Explanation of Intended Effect for the Remediation of Land SEPP and the Managing Land Contamination guidelines were exhibited between 25 January 2018 and 13 April 2018.

The proposed SEPP: provides a state-wide planning framework for the remediation of land requires consent authorities to consider the potential for land to be contaminated when determining development applications clearly lists the remediation works that require development consent introduces certification and operational requirements for remediation works that can be undertaken without development consent.

Engagement is now closed and feedback is being considered by the Department.

It is considered the draft SEPP is of limited relevance at this point in time.

Draft Design and Place SEPP

Public exhibition of the Design and Place SEPP Explanation of Intended Effect closed in April 2021.

The Design and Place SEPP will establish principles for the design and assessment of places in urban and regional NSW: PRINCIPLE 1. Design places with beauty and character that people feel proud to belong to PRINCIPLE 2. Design inviting public spaces to support engaged communities PRINCIPLE 3. Design productive and connected places to enable thriving communities PRINCIPLE 4. Design sustainable and greener places for the wellbeing of people and the environment PRINCIPLE 5. Design resilient and diverse places for enduring communities

The draft Design and Place SEPP will go on public exhibition later in 2021 to provide more opportunities for feedback. Supporting guidance and tools, drafts of which will also go on exhibition with the draft SEPP. These

guides include revisions to the Apartment Design Guide and improvements to the Building Sustainability Index (BASIX), as well as the proposed Urban Design Guide, and Design Review Guide. The Department is currently conducting workshops with Council's around the State.

It is considered the draft SEPP is of limited relevance at this point in time.

Draft Housing SEPP

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The NSW Housing Strategy: Housing 2041 is the NSW Government's plan to meet the State's housing needs over the next 20 years. The Housing SEPP will support delivery on this strategy by driving the development of affordable and diverse housing

The new Housing SEPP will:

- consolidate five existing housing-related SEPPs:
- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP);
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP);
- State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70);
- State Environmental Planning Policy No 21—Caravan Parks; and
- State Environmental Planning Policy No 36—Manufactured Home Estates.
- include the recently made provisions for short term rental accommodation and build-to-rent housing;
- include the recently updated social housing provisions;
- introduce provisions for co-living housing, a form of housing that provides small private rooms (which may or may not include private kitchen and bathroom facilities), offset by access to managed communal spaces;
- incorporate amendments to boarding house and seniors housing provisions
- amend some local environmental plans in relation to secondary dwellings in rural zones, and the permissibility of boarding houses in R2 zones.

The Housing SEPP is intended to be finalised in October 2021.

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

2.4.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

Chapter B1 – Residential Development

Site width Clause 4.21.2

1. A minimum site width of 15 metres is required for a dual occupancy development. Site width shall be measured for the full width of the site, perpendicular to the side property boundaries. Variations may be granted for irregular shaped blocks or where development can demonstrate compliance with privacy, solar access, private open space, visual amenity, built form, car parking and landscaping requirements.

The subject site is 17.38m wide at the front boundary and narrows to 12.19m at the rear boundary. Whilst no formal variation request has been requested in relation to site width, it is has been adequately demonstrated that the building design addresses the site constraints by narrowing toward the rear and results on minimal impacts on adjoining properties.

Garage width Clause 4.10.2.4 – This variation is addressed in response to objector’s concerns (see Section 1.3 above)

Wall Height - Clause 4.3.2.

The applicant’s Variation Request in respect of 7m wall height within 3m of side boundary is provided below:

Variation Statement to Development Control 2 of Clause 4.3.2.

In line with WDCP2009 Chapter A01 – Introduction, Control 8, we request the following variation.

(a) Control Being Varied.

- Development Control 2 - *Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.*

(b) Extent of Proposed Variation.

- The highest point of the dwellings is 8.7m. The max wall height permitted at 3m or less to boundary is 7m. This is a variation of up to 1.7m which extends for an approximately distance of 14m as shown on the western building elevation plan. The encroachment over this height limit is largely attributed to providing a double garage and the irregular lot shape that narrows from the front to the rear

(c) Meeting Objectives and Performance Criteria.

- The proposed development is generally consistent with the nature and building separations in the neighbourhood.
- The setbacks proposed are in keeping with the existing streetscape, overlooking and overshadowing and associated adverse impacts on neighbouring properties are mitigated in the building design.
- The proposed dual occupancy dwellings are appropriately sited as detached dwellings in the middle of the site.
- Due to the low density use of this site in a neighbourhood that is experiencing transition to higher land use, the development is appropriate for the site.
- The building design is conscious of retaining visual amenity for adjoining properties.

(d) Demonstrate no Additional Adverse Impacts.

- The portion of the dual occupancy development that is above the 7m height restriction that is setback 2.3m from the side boundary instead of the required setback of 3m; the impacts of this on the neighbouring properties is negligible.
- The portion of the dual occupancy development that is above the 7m height provides an appropriate use of an irregularly shaped lot which is a permissible land use on the site.
- The tapered lot boundaries combined with the fall of the site results in the degree of encroachment being controlled; this alone with the height reducing as the site falls to the rear avoids excessive overshadowing. Therefore, the privacy values between the adjacent dwellings is maintained with overlooking

We consider that the performance criteria related to side setbacks are generally met with this proposal. Subsequently we request that this variation to *Development Control 2* be judged on its merits and is worthy of approval.

Comment:

The extent of the proposed variation is indicated on the sketch below and represents only a small proportion of the side elevation of the building which is setback 2.3m from the side boundary. The impact of this section

of wall being in excess of 7m is not considered significant and results in no additional impacts in terms of overshadowing or visual impact as compared to a complying wall height. The applicant has provided sufficient information in support of the variation.

Having regard to the above, the proposed variation is considered acceptable and is supported.

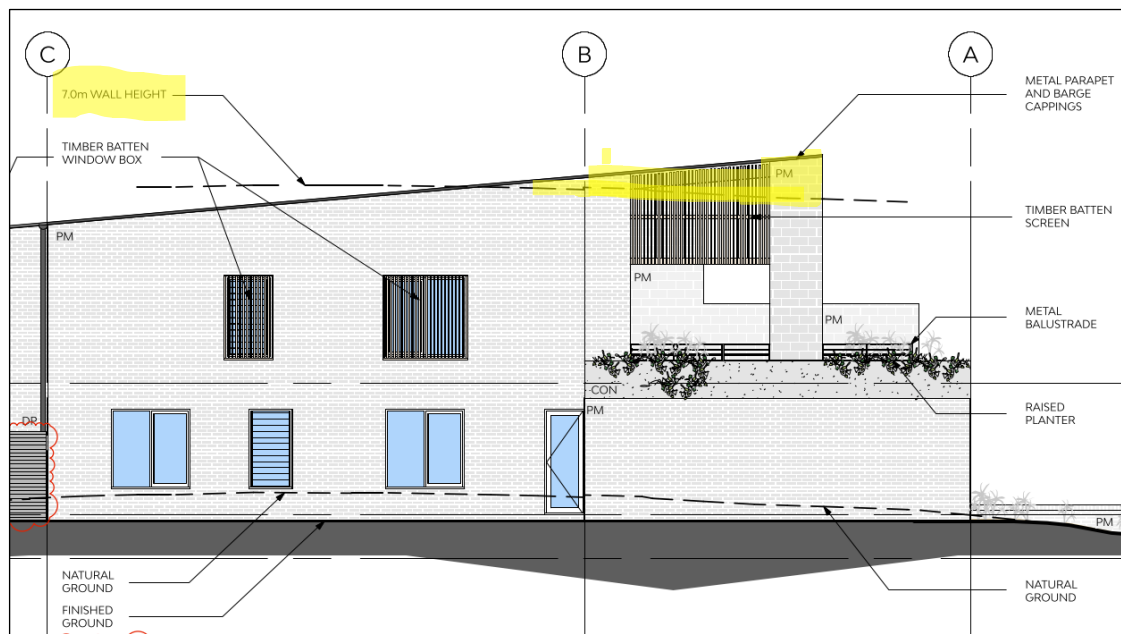


Figure 6: Extract from elevation plans showing extent of non-complying wall height

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

The proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

See **Attachment 4** for assessment

CHAPTER D1 – CHARACTER STATEMENTS

Existing Character:

Bulli contains a mix of housing styles and building form, including older low density detached dwelling houses as well as medium density housing in the form of villas and townhouses. The detached dwelling houses are predominantly single storey in height and are generally of a weatherboard, fibro and brick construction. Within the coastal precincts of Bulli, some new two storey dwellings are starting to replace the older dwelling stock.

Desired Character:

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

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

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

Not Applicable

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

This chapter does not apply to new dual occupancies under Part 2 of this chapter.

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

The proposed development satisfies the objectives of Council's requirements for car parking and access for dual occupancies in this circumstance.

CHAPTER E6: LANDSCAPING

The proposed development satisfies the objectives of WDCP2009 Chapter E6 Landscaping.

CHAPTER E7: WASTE MANAGEMENT

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

Site Waste Minimisation and Management Plan provided. Provision has been made for the new dwellings for bin storage, and these can be wheeled to the street for kerbside collection. Bins will occupy less than 50% of the site frontage on bin collection day.

CHAPTER E9 HOARDINGS AND CRANES

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

CHAPTER E10 ABORIGINAL HERITAGE

Not Applicable.

CHAPTER E11 HERITAGE CONSERVATION

Not Applicable

CHAPTER E12 GEOTECHNICAL ASSESSMENT

Not applicable

CHAPTER E13 FLOODPLAIN MANAGEMENT

Not applicable

CHAPTER E14 STORMWATER MANAGEMENT

The application has been reviewed by Council's Development Engineering Officer in relation to stormwater management. The proposed development satisfies the objectives of WDCP2009 Chapter E14 Stormwater Management. Appropriate conditions have been recommended and shall be imposed on the consent.

CHAPTER E15 WATER SENSITIVE URBAN DESIGN

Not Applicable.

CHAPTER E16 BUSHFIRE MANAGEMENT

Not Applicable.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

No tree removal is proposed and it is considered that the proposed development satisfies the provisions of this chapter

CHAPTER E18 THREATENED SPECIES

Not Applicable.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

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

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

Not Applicable.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

The application involves demolition of the existing dwelling. Site waste minimisation plans including waste removal have been included in the application submission. Appropriate conditions will be imposed on the consent to minimise impacts and ensure that demolition is carried out to Council's and Work Covers requirements.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

CHAPTER E23: RIPARIAN LAND MANAGEMENT

Not Applicable.

2.4.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

Wollongong City-Wide Development Plan

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development.

- The proposed cost of development is over \$200,001 – a levy rate of 1% applies.

Contribution Amount = Cost of Works \$1,220,000 x 1% levy rate = \$12,200

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

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

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

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

Conditions of consent 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

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

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

Context and Setting:

In regard to the matter of context, the planning principle in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Comment:

The proposal is considered to have been appropriately sited and designed to minimise potential impacts on adjoining properties and in this regard is considered satisfactory.

- Is the proposals' appearance in harmony with the buildings around it and the character of the street?

Comment:

The bulk and scale of the development and the streetscape impact of the garages and balconies has been discussed in detail in this report. The issues raised by objectors has centred mainly on the nature of the proposal which is thought to be out of character with the streetscape and Bulli more generally.

As outlined in this report matters such as overshadowing, privacy concerns, bulk scale and setbacks are considered to be consistent with a development proposal of this type which is permissible in the zoning and which is consistent with the types of developments that are occurring as the area develops to its full potential.

The development is considered to be largely in harmony with the surrounding buildings and character of the street which is characterised by a mixture of older single dwellings and more modern, larger dwellings and dual occupancies and multi dwelling housing developments.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

Access to the site will be via an approved driveway to Council's local road being O'Brien Street. The development is considered not to result in an adverse impact on the traffic movement and access to the site.

Public Domain:

The development is considered to be consistent with the amenity of the locality. The development is not considered to result in significant impact upon the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities can be augmented 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, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption. A BASIX Certificate has been provided for the proposal.

Soils:

It is expected that, with the use of appropriate erosion and sedimentation controls during construction, soil impacts will not be unreasonably adverse. The soil profile is considered to be acceptable for the construction of the proposed development. Council's Development Engineer has assessed the proposal and considered it is satisfactory, subject to conditions.

Air and Microclimate:

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

Flora and Fauna:

No tree removal is proposed.

Waste:

A condition is proposed 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.

Noise and vibration:

A condition is proposed 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.

Safety, Security and Crime Prevention:

This application does not result in any opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create any negative social impacts.

Economic Impact:

The proposal is not expected to create any negative economic impact.

Site Design and Internal Design:

The application does not result in any departures from development standards. Variations to Council's development control plans, with regard to side wall height within 3m of the boundary being over 7m in height and the garage width exceeding 50% of the width of the building.

The variations have been assessed as being adequately justified and thus is capable of support.

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 is proposed that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The development is considered consistent with the amenity of the neighbourhood and to be consistent with surrounding development.

2.8 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.

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

Six (6) submissions were received and the matters raised therein have been addressed in Section 1.3 of this report.

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

The proposed development is consistent with Council's planning controls for dual occupancy developments within the R2 Low Density Residential zone and accordingly it is not considered contrary to the public interest.

3 CONCLUSION

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

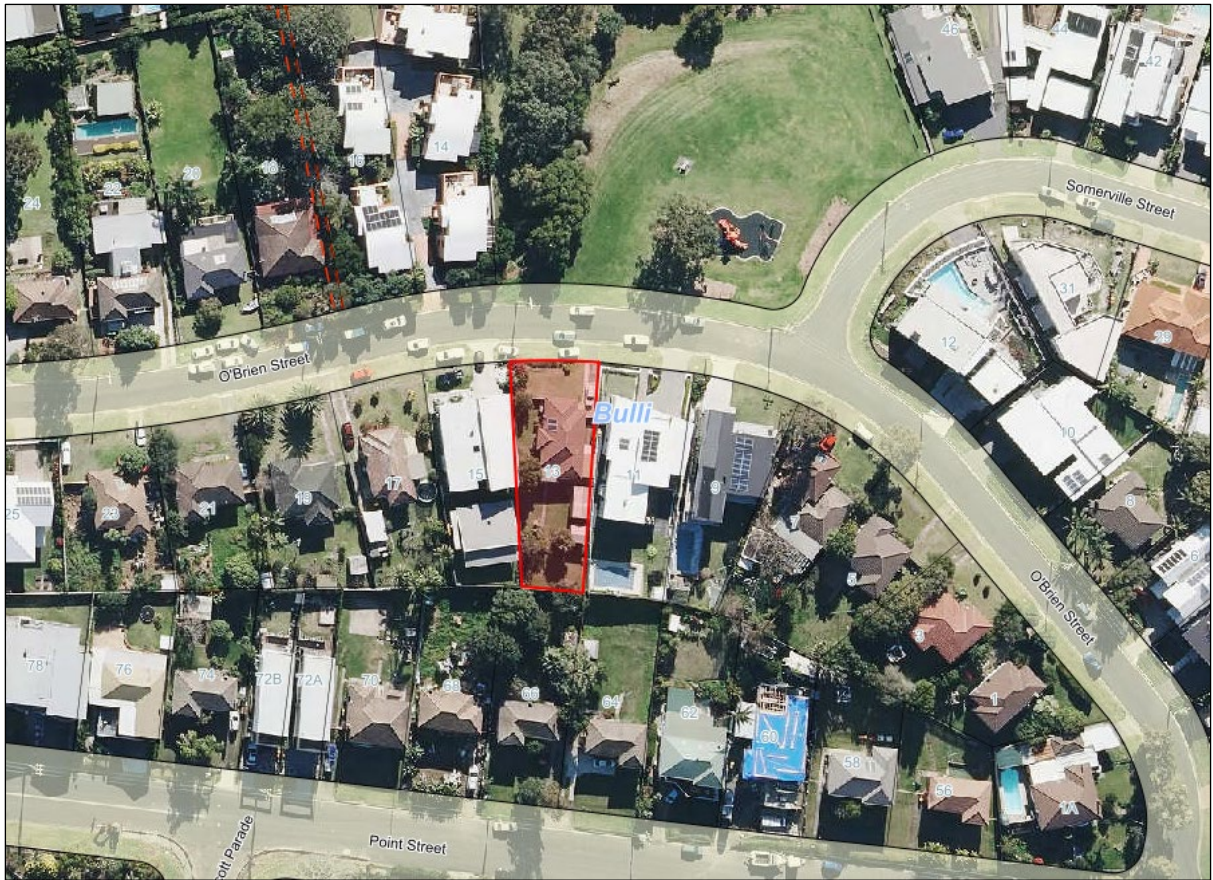
4 RECOMMENDATION

It is recommended that the development application be approved subject to the draft conditions of consent which form **Attachment 5**.

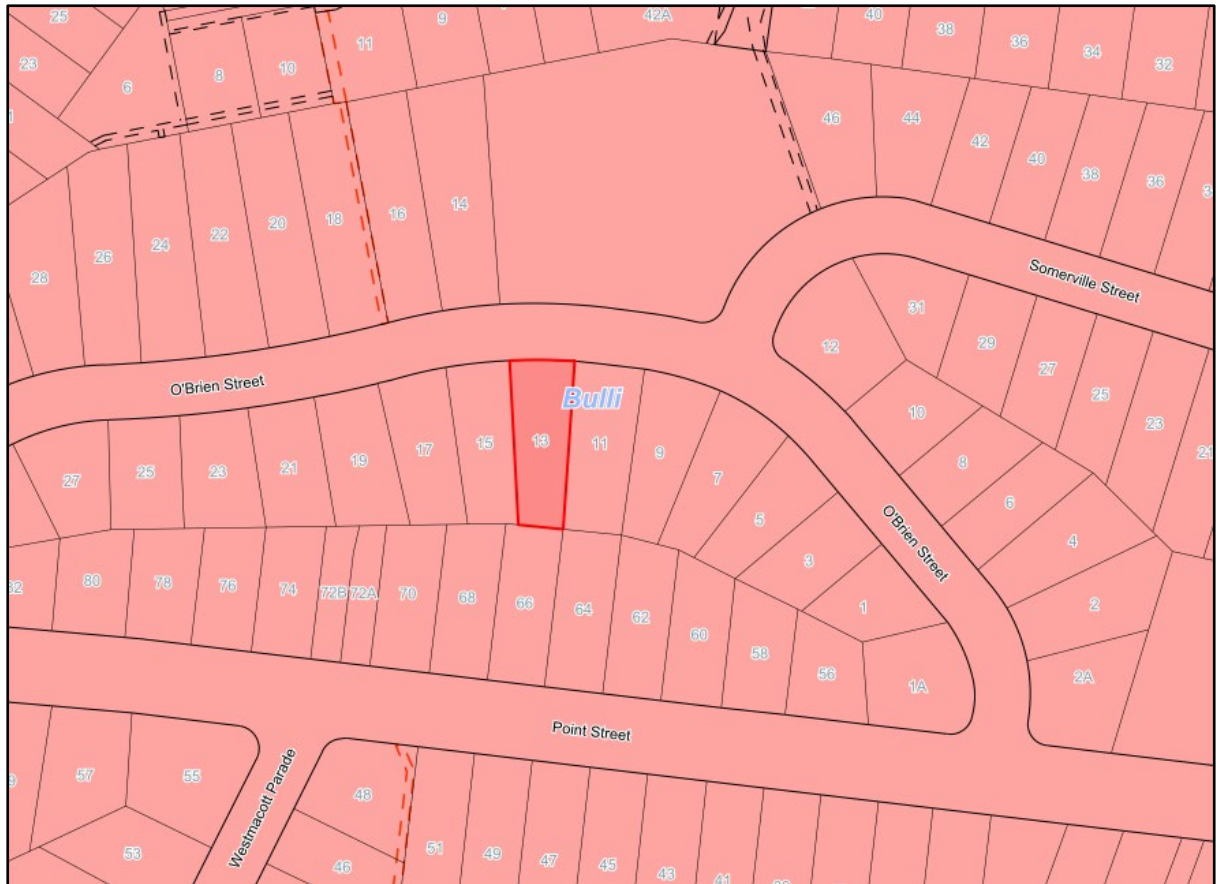
5 ATTACHMENTS

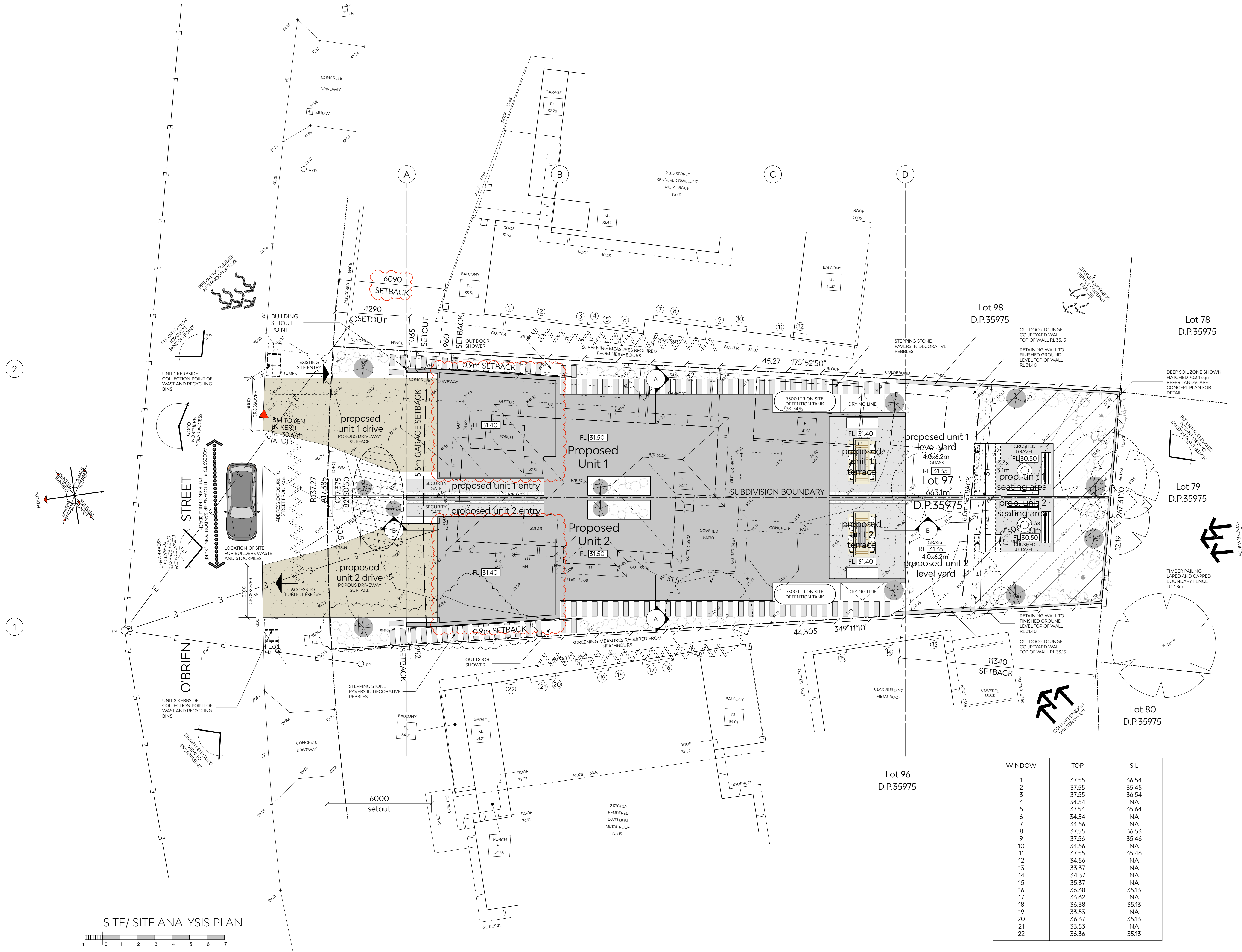
- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 WDCP 2009 Assessment
- 5 Draft conditions of consent

ATTACHMENT 1: AERIAL PHOTO



ATTACHMENT 2: WLEP 2009 Zoning Map





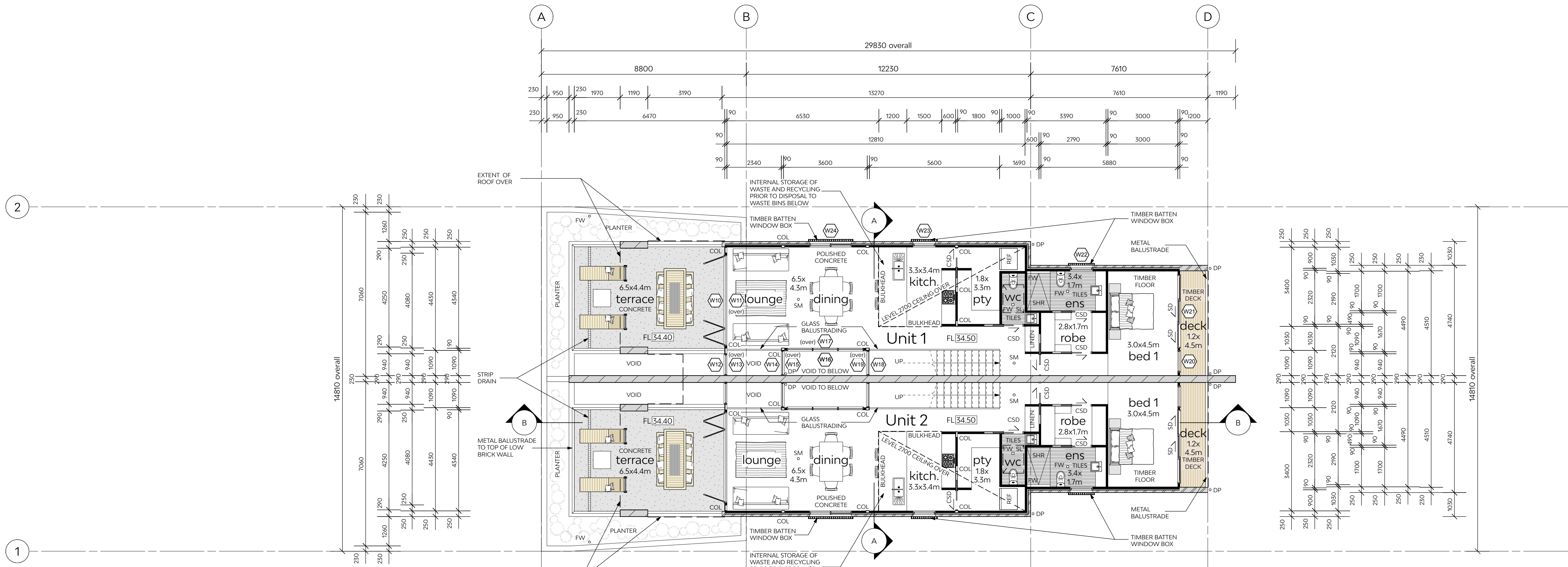
Notes	
SURVEY INFORMATION SUPPLIED BY JRK SURVEYS - SURVEYING REFERENCE 20-029P1	
SURVEY INFORMATION, SPOT LEVELS AND CONTOURS INDICATED ARE EXISTING	

Areas	
UNIT 1 - UPPER:	87 sq.m
UNIT 1 - LOWER:	80 sq.m
UNIT 1 - GARAGE:	34 sq.m
UNIT 1 - TOTAL GROSS:	167 sq.m
LOT 1 - SITE AREA POST SUB DIV:	335.4 sq.m
LOT 1 - FSR POST SUB DIV:	= 0.50 : 1
UNIT 2 - UPPER:	87 sq.m
UNIT 2 - LOWER:	80 sq.m
UNIT 2 - GARAGE:	34 sq.m
UNIT 2 - TOTAL GROSS:	167 sq.m
LOT 2 - SITE AREA POST SUB DIV:	329.4 sq.m
LOT 2 - FSR POST SUB DIV:	= 0.50 : 1
TOTAL GROSS:	334 sq.m
TOTAL SITE AREA:	665.1 sq.m
FSR COMBINED:	= 0.50 : 1
SITE COVERAGE:	277.17 sqm = 42% OF SITE
LANDSCAPING AREA:	283.5 sq.m (158.93sq.m REQUIRED)

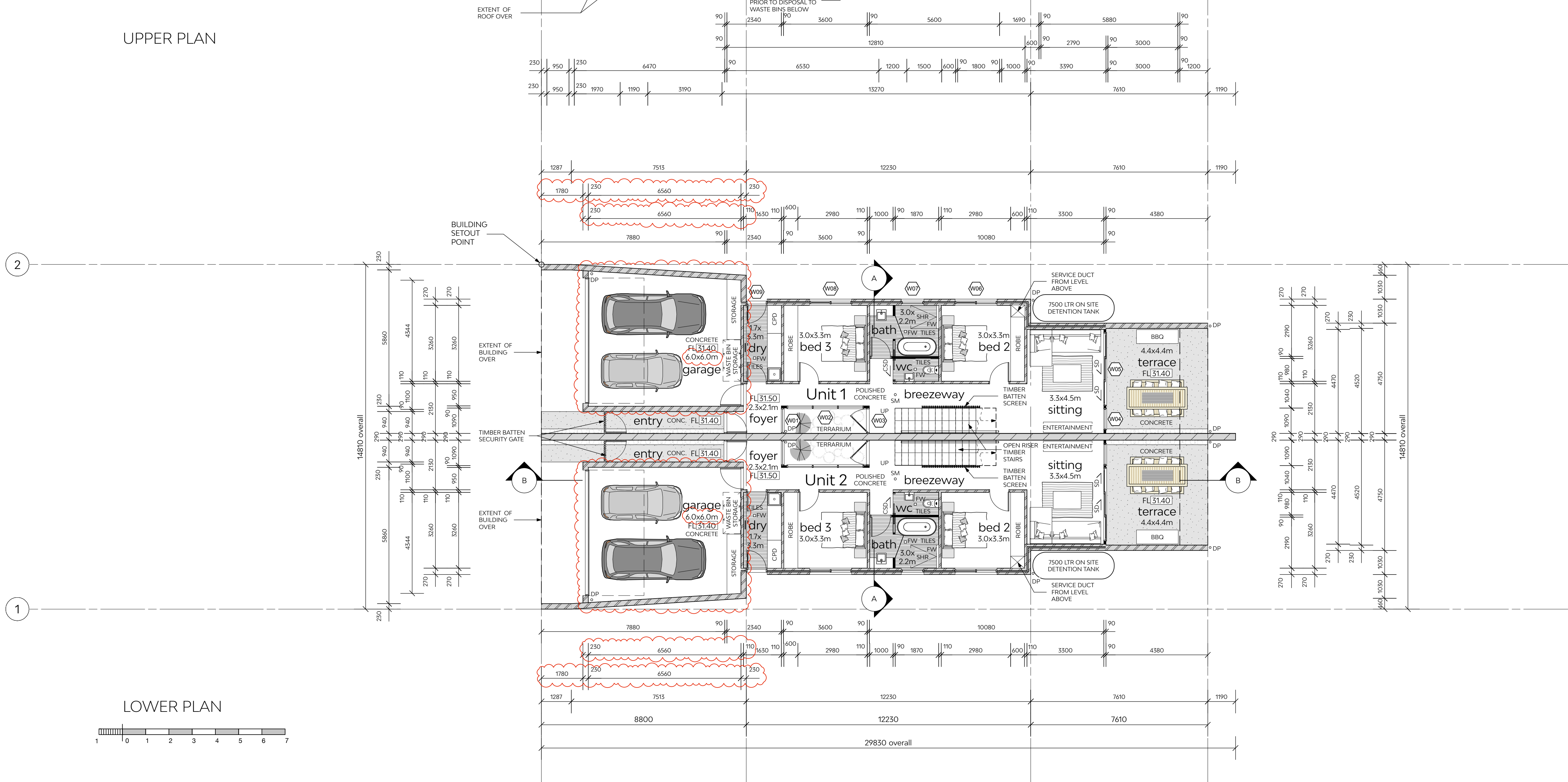
D	10/11/21	Garage dimensions revised. FSR calculations revised to include party wall
C	6/10/21	Extent of driveways reduced. Entry security gates added. Stormwater onsite detention storage tanks shown. Landscape calculation revised.
B	21/7/21	Issued for DA
A	8/4/21	Issued for Tender
P2	18/7/20	Rear seating area revised to accommodate deep soil planting zone. Preliminary Issue
P1	3/6/20	Preliminary Issue
ISSUE	DATE	REVISION

PROJECT	
Proposed Dual Occupancy	
ADDRESS	
13 O'Brien Street, Bulli	
CLIENT	
Mr E Etheridge	
DRAWING	
Site & Site Analysis Plan	

PROJECT #		1909	DWG #		NORTH
DATE		01/2020			
SCALE @ A1		1:100			
DRAWN		CHD			



UPPER PLAN



LOWER PLAN

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, AUSTRALIAN STANDARDS, LOCAL COUNCIL & STATUTORY BODY REQUIREMENTS.

BUILDER TO CHECK ALL DIMENSIONS, LEVELS, BOUNDARY SETBACKS & LOCATION OF ALL UNDERGROUND SERVICES PRIOR TO COMMENCEMENT OF CONSTRUCTION.

STRUCTURAL ELEMENTS SHOWN ON PLANS ARE TO BE USED AS A GUIDE ONLY. ALL STRUCTURAL DETAILS TO BE OBTAINED FROM A PRACTICING STRUCTURAL ENGINEER.

DRAINAGE ELEMENTS SHOWN ON PLANS ARE TO BE USED AS A GUIDE ONLY. ALL DRAINAGE DETAILS AND CALCULATIONS TO BE OBTAINED FROM A PRACTICING CIVIL ENGINEER.

DO NOT SCALE FROM DRAWINGS. USE FIGURED DIMENSIONS ONLY.

SMOKE ALARMS TO BE FITTED IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA AND AUSTRALIAN STANDARDS.

IF BUILDING WITH IN A BUSH FIRE PRONE AREA, ALL EXTERNAL BUILDING MATERIALS TO BE NON FLAMMABLE OR COMPLY WITH BUSH FIRE PRONE AREA REGULATIONS.

Notes	
ALL UPPER LEVEL CEILINGS RAKING UNLESS OTHERWISE NOTED	
Legend	
ABBREVIATIONS:	CAVITY SLIDING DOOR
CSD	STEEL COLUMN
COL	CURBBOARD
CPD	DOWNPIPE
DP	FLOOR WASTE
FW	REFRIGERATOR LOCATION
REF	SLIDING DOOR
SD	SMOKE DETECTOR
SM	SKY LIGHT
SL	SHOWER
SHR	
WALLS:	
	90mm TIMBER FRAME WALL
	230mm DOUBLE BRICK WALL
	250mm BRICK VINER WALL
	270mm BRICK CAVITY WALL
	290mm CONCRETE BLOCK WALL

D	10/11/21	Garage dimensions revised
C	6/10/21	Entry security gates added. Stormwater onsite detention storage tanks shown
B	2/7/21	Issued for DA
A	8/4/21	Issued for Tender
P1	3/6/20	Preliminary Issue
ISSUE	DATE	REVISION
PROJECT		
Proposed Dual Occupancy		
ADDRESS		
13 O'Brien Street, Bulli		
CLIENT		
Mr E Etheridge		
DRAWING		
Floor Plans		

KIBBIN

PROJECT #	1909	DWG #		NORTH
DATE	01/2020			
SCALE @ A1	1:100			
DRAWN	CHD			

KIBBIN DESIGN STUDIO
Phone: 0454 285 987 Email: admin@kibbindesign.com Address: PO Box 322 Kiama, NSW 2553

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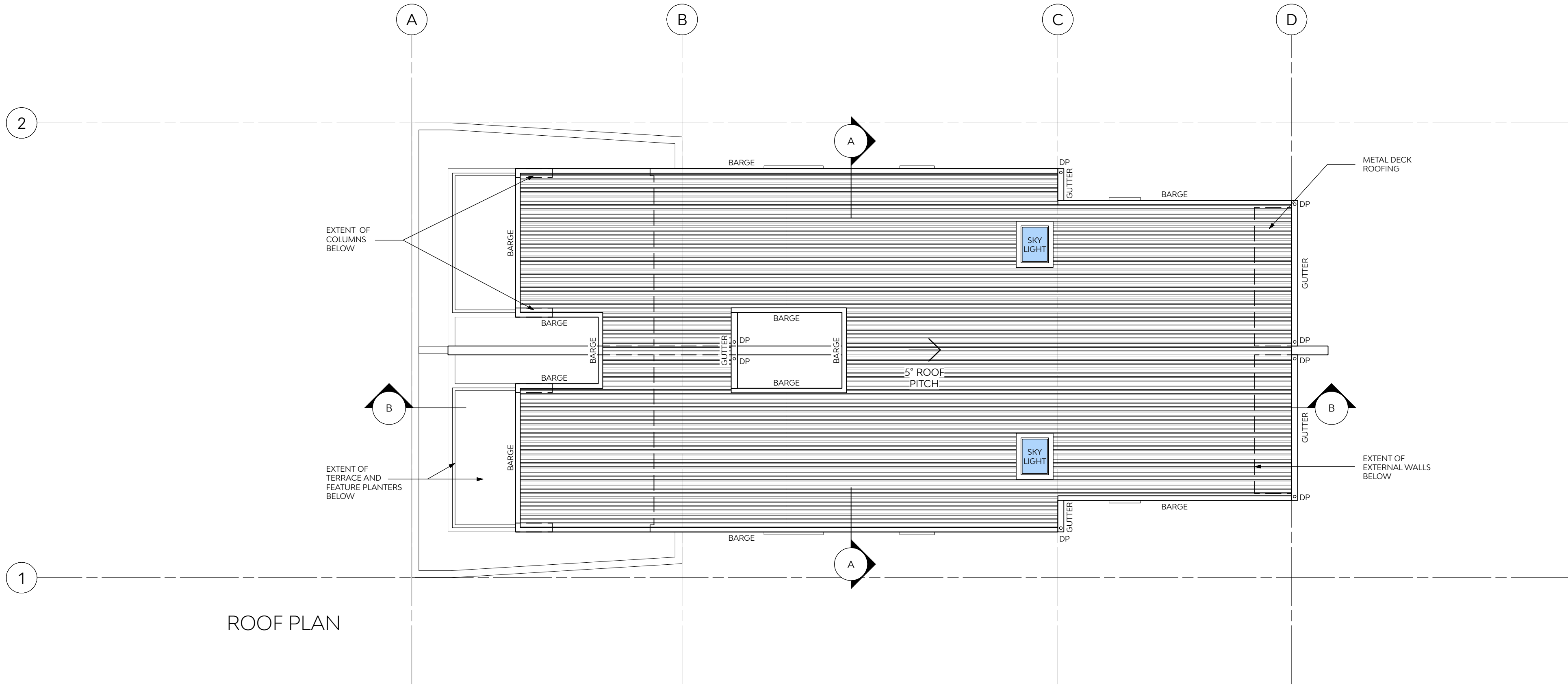
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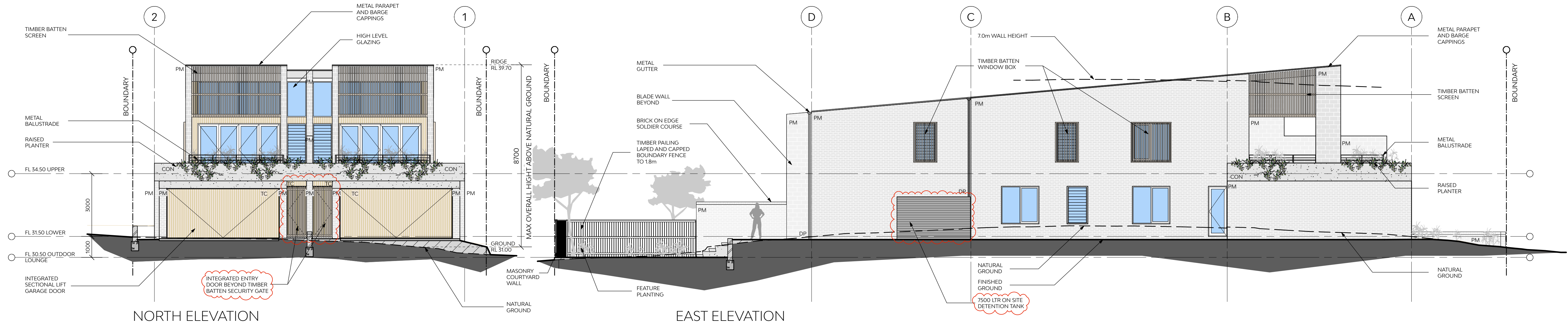
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IF BUILDING WITHIN A BUSH FIRE PRONE AREA, ALL EXTERNAL BUILDING MATERIALS TO BE NON FLAMMABLE OR COMPLY WITH BUSH FIRE PRONE AREA REGULATIONS.

Notes	
ALL ROOF FINISHES METAL DECK ROOFING	
ALL FLASHINGS, BARGE CAPPINGS, GUTTERS AND DOWN PIPES TO MATCH SELECTED ROOFING	
Legend	
ABBREVIATIONS:	OFF FORM CONCRETE
CONC	DOWN PIPE
DP	PAINTED MASONRY
PM	METAL DECK ROOF
MD	TIMBER CLADDING
TC	

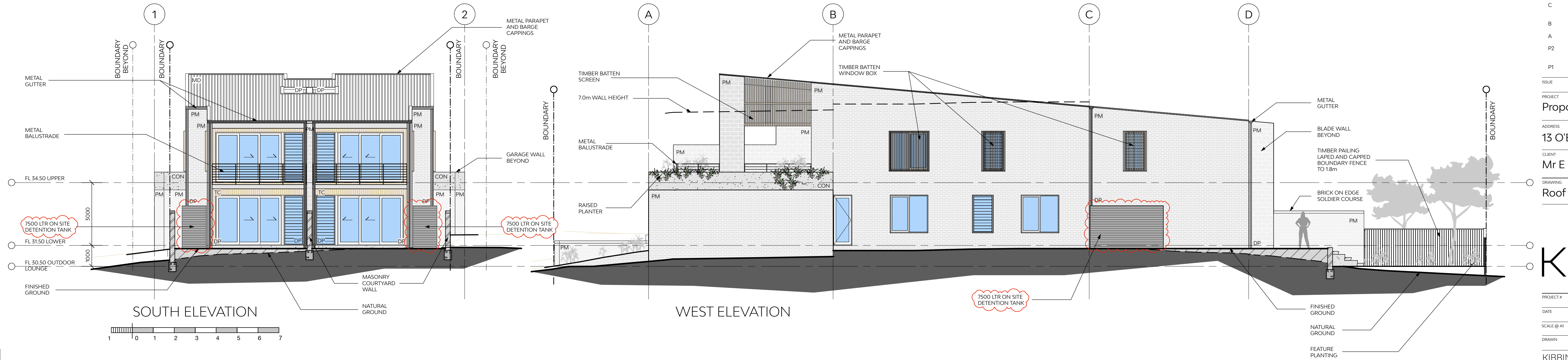


ROOF PLAN



NORTH ELEVATION

EAST ELEVATION



SOUTH ELEVATION

WEST ELEVATION

C	6/10/21	Entry security gates added. Stormwater onsite detention storage tanks shown
B	2/7/21	Issued for DA
A	8/4/21	Issued for Tender
P2	18/7/20	Rear seating area revised to accommodate deep soil planting zone. Preliminary Issue
P1	3/6/20	Preliminary Issue

ISSUE	DATE	REVISION
-------	------	----------

PROJECT
Proposed Dual Occupancy

ADDRESS
13 O'Brien Street, Bulli

CLIENT
Mr E Etheridge

DRAWING
Roof Plan & Elevations

KIBBIN

PROJECT # **1909** DWG # **4** NORTH

DATE **01/2020**

SCALE @ A1 **1:100**

DRAWN **CHD**

KIBBIN DESIGN STUDIO
Phone. 0454 285 987 Email. admin@kibbindesign.com Address. PO Box 322 Kiama, NSW 2533

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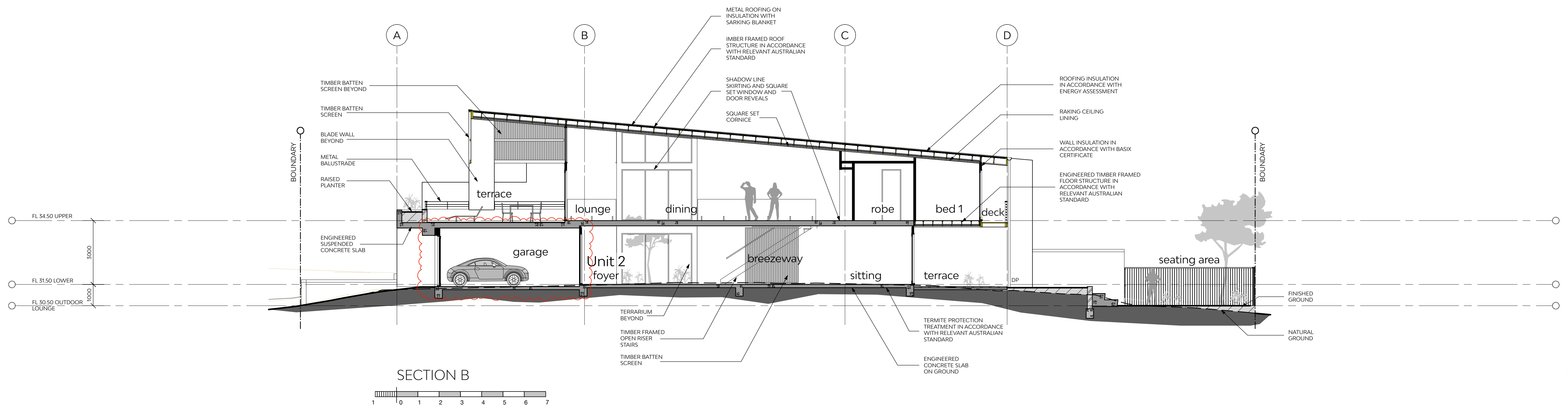
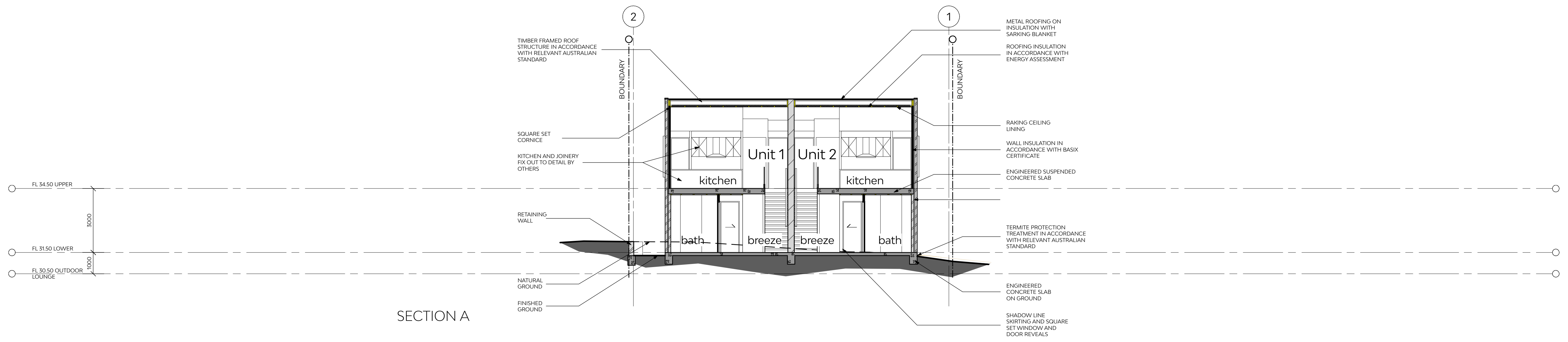
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C	10/11/21	Garage dimensions revised. Section updated to reflect plan revision
B	21/7/21	Issued for DA
A	8/4/21	Issued for Tender
P2	18/7/20	Rear seating area revised to accommodate deep soil planting zone. Upper level amended to suspended concrete structure. Preliminary Issue
P1	3/6/20	Preliminary Issue

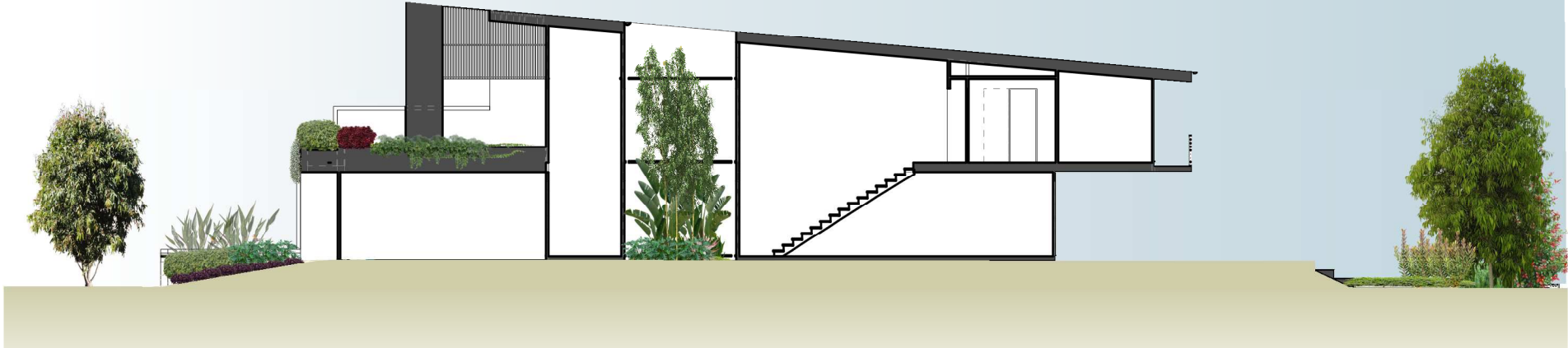
ISSUE	DATE	REVISION
PROJECT		
Proposed Dual Occupancy		
ADDRESS		
13 O'Brien Street, Bulli		
CLIENT		
Mr E Etheridge		
DRAWING		
Sections		

DUAL OCCUPANCY DEVELOPMENT
DEVELOPMENT APPLICATION LANDSCAPE DOCUMENTATION

No 13 O'Brien Street Bulli NSW

PREPARED FOR: Mr. E Etheridge
PREPARED BY: CAPTIVATE LANDSCAPE DESIGN & ARCHITECTURE

Indicative Planting Schedule table with columns: ID, Qty, Common Name, Botanical Name, Scheduled Size, Mature Height, Mature Spread, Stakes. Includes sections for Trees, Shrubs, Ground Covers, and Perennials.



Sectional Elevation
1:200

LANDSCAPE CALCULATIONS table with columns: Item, Quantity, Area. Includes SITE AREA, TOTAL, Required Landscape, Garden Areas, Turf Areas, Deep Soil Zones, and TOTAL.

DRAWING SCHEDULE table with columns: DRAWING, PAGE No, SCALE. Includes Title Page, Landscape Plan 1, and Landscape Plan 2.

ISSUE DATE NOTE
THE BUILDER IS RESPONSIBLE FOR THE SETTING OUT OF THE WORKS, THE CHECKING OF ALL DIMENSIONS AND LEVELS ON SITE, AND THE REPORTING OF ANY DISCREPANCIES TO THE PROPRIETOR PRIOR TO COMMENCEMENT OF WORK. DO NOT SCALE FROM DRAWINGS.

Client
Mr. E Etheridge

Address
No 13 O'Brien Street Bulli NSW

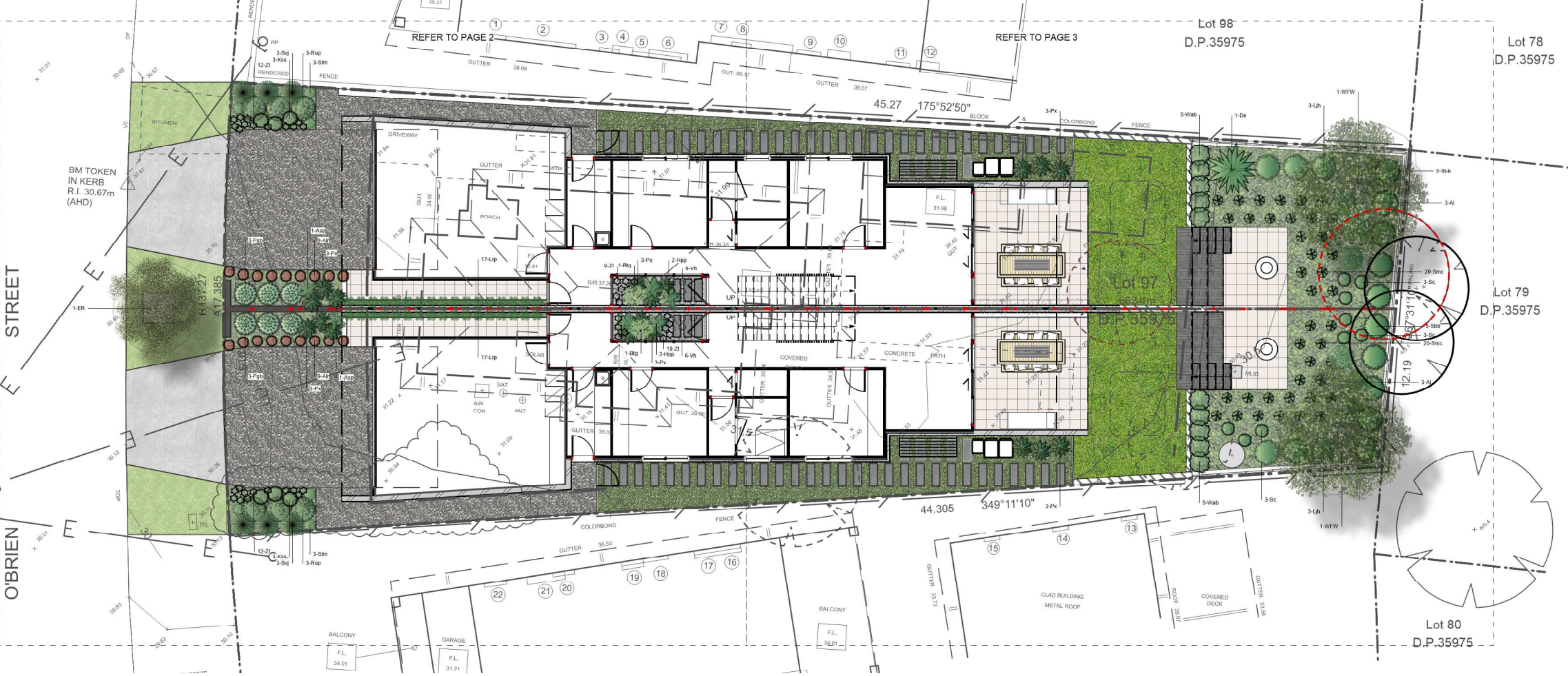
Project
Proposed Dual Occupancy Development

Drawing
Title Page



18 Manning St Kiama NSW 2533
PO Box 702 Kiama NSW 2533
P. (02) 4232 1191
E. info@captivatedesign.com.au
captivatedesign.com.au
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Table with 2 columns: Scale, Job No., Date, Page, Status. Includes Scale @A3 As Shown, Job No. DA-1741, Date 5.8.20, Page 1, and Status For Development Application Only.



Full Site Plan - Ground Floor
1:200

- LEGEND
EXISTING TREES TO BE RETAINED
EXISTING TREES TO BE REMOVED
PLAIN CONCRETE
EXPOSED AGGREGATE CONCRETE
TILES / PAVING
TURF / GARDEN EDGE Metal Edge
1800mm HIGH COLORBOND FENCE
RETAINING WALLS
EXISTING TURF AREAS
PROPOSED TURF AREAS
WASTE BINS / CLOTHES DRYING
STEPPING PADS
DECORATIVE PEBBLE
TIMBER STEPS





Drawing
Part Landscape Plan 1

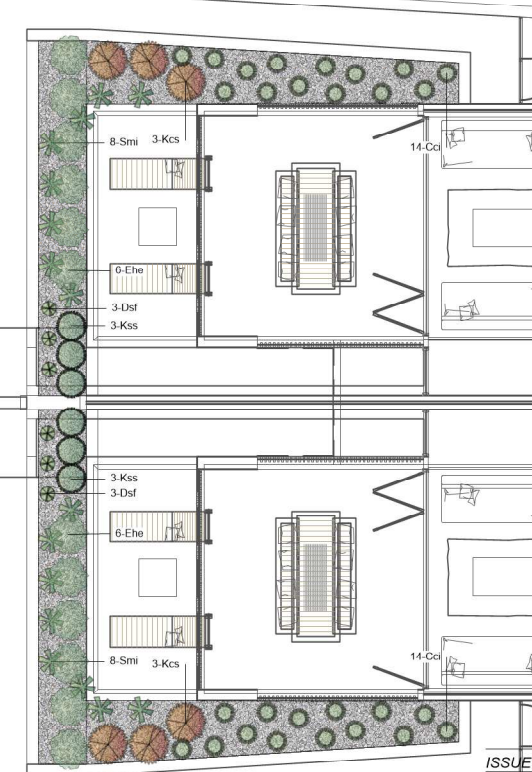
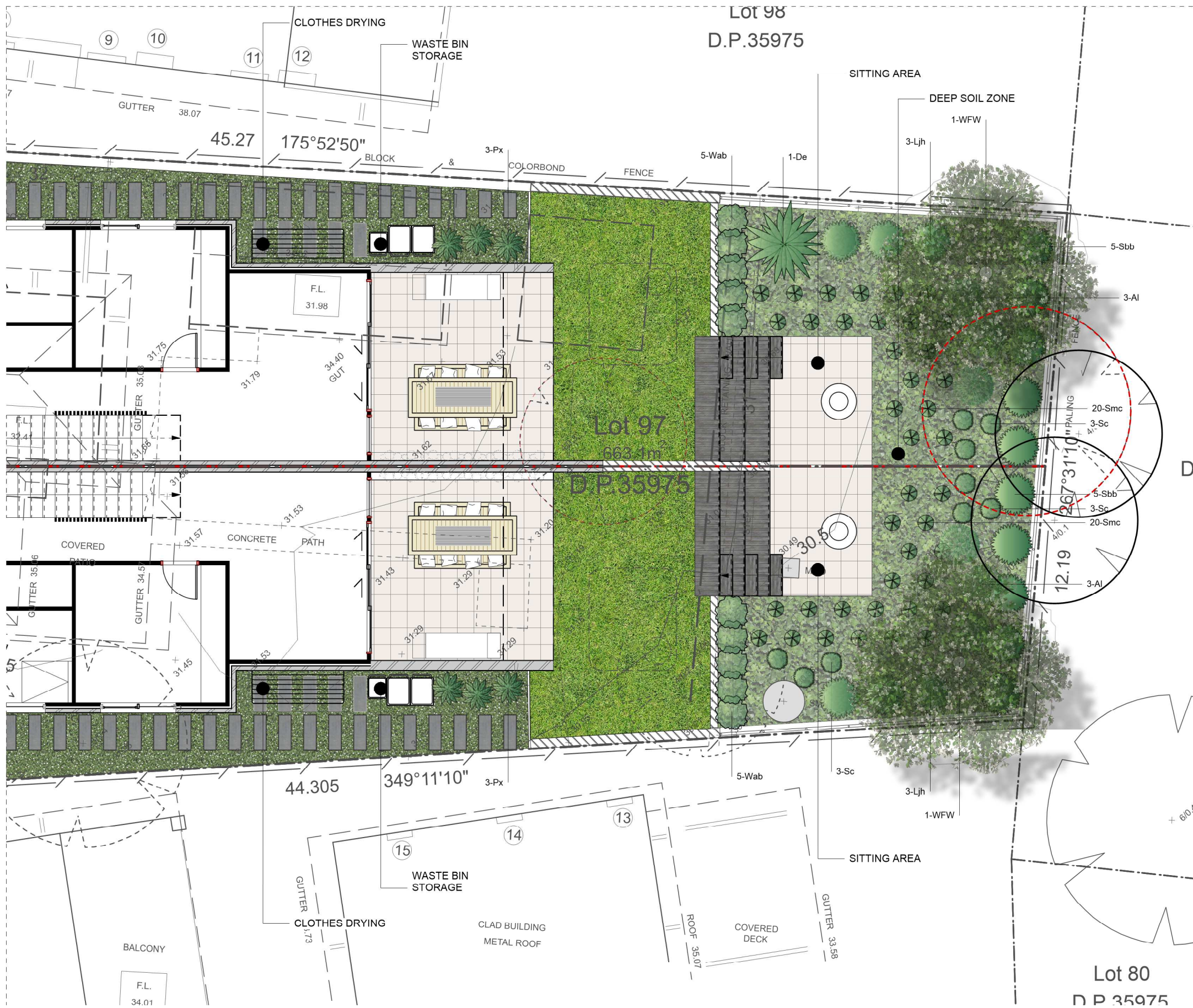


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Scale @A3 1:100	Job No. DA-1741
Date 5.8.20	Page 2
Status For Development Application Only	



Part Landscape Plan 1
1:100



Level 1 Planter
1:150

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Client

Mr. E Etheridge

Address

No 13 O'Brien Street Bulli
NSW

Project

Proposed Dual Occupancy
Development

Drawing

Part Landscape Plan 2



18 Manning St Kiama NSW 2533
PO Box 702 Kiama NSW 2533

P. (02) 4232 1191
E. info@captivatedesign.com.au

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Scale @A3 1:100	Job No. DA-1741
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Part Landscape Plan 2
1:100



ATTACHMENT 4 – WDCP 2009 Chapter B1 Residential - Assessment Table

Controls/objectives	Comment	Compliance
<p><u>4.1 Maximum Number of Storeys</u></p> <ul style="list-style-type: none"> R2 max height of 9m or two storey Ancillary structures – 1 storey Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey 	<p>Proposed height is 7.5m.</p> <p>2 storeys only</p> <p>No significant site constraints</p> <p>Design minimises overlooking of neighbouring properties</p> <p>Development not located within 8m of rear boundary.</p>	Yes
<p><u>4.2 Front Setbacks</u></p> <ul style="list-style-type: none"> Infill development sites require a minimum setback of 6m from the front property boundary, or Less than 6 metres where the prevailing street character permits and the future desired character of the area is not prejudiced. Reduced setbacks must be demonstrated through a Site and Context Analysis (Chapter A.1 cl.11.1). Garages and carports must be setback a minimum of 5.5 metres to enable a vehicle to park or stand in front of the garage or carport. 	<p>Garages are set back 5.5m.</p>	Yes
<p><u>4.3 Side and Rear Setbacks</u></p> <ul style="list-style-type: none"> Wall Setback: 0.9m min Eave Setback: 0.45m Rear Setback 0.9m Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries. 	<p><u>Side Setbacks</u></p> <p>East: Min 900mm</p> <p>West: Min 910mm</p> <p><u>Rear Setback</u></p> <p>South: 11.34m</p> <p>A small section of wall is over 7m in height and is within 3m of a side boundary (see variation request in body of report)</p>	Yes (with variation)

<u>4.4 Site Coverage</u> <ul style="list-style-type: none"> Max. 50% of the area of the lot, if the lot has an area of at least 450m² but less than 900m². 	Total Site Coverage is 42%	Yes
<u>4.5 Landscaped Area</u> <ul style="list-style-type: none"> lot area from 600m² to 900m² = 120m² + 30% of the site area > 600m² landscaped area At least 50% of the landscaped area must be located behind the building line to the primary road boundary Dual occupancy requires 1.5m min landscape strip within the front setback for the majority of site width (excluding driveway) 	Site area = 663m ² Required = 138.9m ² Provided = 144.25m ² >50% located behind building line. Satisfactory landscaping in front setback.	Yes Acceptable
<u>4.6 Private Open Space</u> <ul style="list-style-type: none"> 24m² of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50. Not to be located on side boundaries or front yards without variation. 	Each dwelling provides in excess of 24m ² POS	Yes
<u>4.7 Solar Access Requirements</u> <ul style="list-style-type: none"> Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June. 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. Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings. 	The site is orientated north-south and minimal overshadowing of adjoining properties will occur.	Yes
<u>4.8 Building Character and Form</u> <ul style="list-style-type: none"> Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. 	The proposed design and scale is acceptable given the applicable planning controls, context of the area and surrounding structures. The proposed garages measure 10.8m in combined width which is 72.9% of the overall width of the dual occupancy building.	Yes with variation in respect of garage width (see report)

<ul style="list-style-type: none"> • All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. • Where garages are proposed on the front elevation they must be articulated from the front façade. • Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling. 	See comments in relation to design in the body of the assessment report as a response to concerns raised in submissions	
<u>4.9 Fences</u> <ul style="list-style-type: none"> • Fences must be constructed to allow natural flow of stormwater or runoff. • Fences within front and secondary building lines should be mainly constructed of transparent fence materials. • Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height 	No front fencing proposed. A dividing fence between the two dwelling to be provided at the rear.	Yes
<u>4.10 Car parking and Access</u> <ul style="list-style-type: none"> • 1 space per dwelling with a GFA of less than 125m² • 2 spaces per dwelling with a GFA of greater than 125m² • Carports must be setback behind the front building line. • Driveways shall be separated from side boundaries by a minimum of 1m. • Driveways shall have a max cross-over width of 3m. 	<p>GFA>125 = 2 spaces required for each dwelling.</p> <p>Both dwellings have double garages behind the building line.</p> <p>Driveway crossover width 6m – acceptable to access 2 double garages.</p> <p>Driveway setback from side boundaries complies.</p>	Yes
<u>4.11 Storage Facilities</u> <ul style="list-style-type: none"> • 3 bedroom - 10m³ storage volume to 5m² storage area 	>5m ² storage provided.	Yes
<u>4.12 Site Facilities</u> <ul style="list-style-type: none"> • letterboxes in an accessible location • air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback 	Site facilities in appropriate location.	Yes

<u>4.13 Fire Brigade Servicing</u> <ul style="list-style-type: none"> All dwellings located within 60m of a fire hydrant 	No details of fire hydrant servicing provided, may be conditioned as required.	Yes
<u>4.14 Services</u> <ul style="list-style-type: none"> Encourage early consideration of servicing requirements 	Site is already serviced.	Yes
<u>4.15 Development near the coastline</u> <ul style="list-style-type: none"> Must minimise built intrusions into coastal landscape Retain views to the ocean from roads and public spaces Maintain buildings consistent with coastal character 	<p>No view loss from roads or public spaces</p> <p>Building design is considered consistent with the style of housing being developed in the location.</p>	Yes
<u>4.16 View sharing</u> <ul style="list-style-type: none"> To protect and enhance view sharing, significant view corridors A range of view sharing measures to be considered for building design 	No view loss issues identified	Yes
<u>4.17. Retaining walls</u> <ul style="list-style-type: none"> 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; or (b) 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary. To ensure well designed retaining walls that are structurally sound 	No retaining walls in excess of 600mm are proposed	Yes
<u>4.18 Swimming pools and spas</u>	N/A	N/A
<u>4.19 Development near railway corridors and major roads</u>	N/A	N/A

<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>	N/A	N/A
<u>4.21 Additional controls for Dual Occupancies minimum site width</u> <ul style="list-style-type: none"> A minimum site width of 15 metres is required for a dual occupancy development. Provide sites adequate for buildings, car parking, POS, landscaping Sites must not be significantly constrained by flood, geotechnical or other environmental hazards 	Adequate site width (17.3m) Note the site width narrows to less than 15m at the rear however the building narrows to suit the constraints of the site and the side boundary setbacks are compliant (discussed in body of report)	Yes with variation
<u>4.22 Additional controls for Dual Occupancies –building character and form</u> <ul style="list-style-type: none"> Where garages are proposed on the front elevation they must be articulated from the front façade of the dual occupancy dwelling(s). 	The development is acceptable with regard to building character and form with sufficient articulation provided (see comments in report).	Yes
4.23 Deep Soil Zone		
<ul style="list-style-type: none"> A minimum of half of the landscaped area must be provided as a deep soil zone. The deep soil zone may be located in any position on the site, subject to this area having a minimum dimension of 3m. The deep soil zone must be located outside the minimum private open space required. The siting of the deep soil zone shall be determined following a Site and Context Analysis to investigate whether this area should be located: <ul style="list-style-type: none"> (a) At the rear of the site to allow for separation from adjacent dwellings and to provide a corridor of vegetation; or (b) Elsewhere within a site to allow for retention of significant trees and attain maximum access to sunlight. 	A deep soil area of 69.47m ² is provided which exceeds 50% of required landscape area.	Yes

ATTACHMENT 5: Draft Conditions

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 1909 Drawing 2-D, 3-D and 5-C dated 10 November 2021 and 4-C dated 6 October 2021 prepared by Kibbin Design Studio and Job No DA-1741 page 1 to 3 dated 5 August 2020 prepared by Captivate Landscape Design & Architecture 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 a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-147 of the Environmental Planning and Assessment Regulation 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifier (PC) prior to occupation or use of the development. In issuing an Occupation Certificate, the PC must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

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

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

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.
- 6 **Water/Wastewater Entering Road Reserve**
Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.
- 7 **Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre**
The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the PC for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:
 - a A plan of the wall showing location and proximity to property boundaries;

- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f The assumed loading used by the engineer for the wall design.
- g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

8 **Stormwater Connection to Kerb**

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

9 **Property Addressing Policy Compliance**

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

10 **Sizing of Drainage**

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

11 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the PC prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by CJL Consulting, Reference No. 20/1226, issue B, dated 14 October 2021.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the street kerb and gutter.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

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

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- e Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- f Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2021/919;
 - Any specialist maintenance requirements.
- g Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

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

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

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

14 **Landscaping**

The submission of a Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 for the approval by the PC, prior to the release of the Construction Certificate. The landscape plan shall:

- a Indicate a deep soil zone at the rear of the site having a minimum area of 70m² and a minimum depth of 3m in accordance with the requirements of Clause 4.25 of Chapter B1 of Wollongong Development Control Plan 2009.

- b Provide details of the planter beds on the extremity of the first floor terrace demonstrating that adequate soil depth and installation of a watering system are to ensure viability of planting in these beds.
- 15 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the PC prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 16 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.

17 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$12,200.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1368107	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan 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

18 **Appointment of PC**

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

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

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

19 **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 PC 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.

20 **Sign – Supervisor Contact Details**

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

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

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

21 **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.

- 22 **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 PC, prior to the commencement of any works on the site.
- 23 **Enclosure of the Site**
The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the PC. No building work is to commence until the fence is erected.
- 24 **Demolition Works**
The demolition of the existing dwelling 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 PC. 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.
- 25 **Demolition Notification to Surrounding Residents**
Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.
- 26 **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.
- 27 **Contaminated Roof Dust**
Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.
- 28 **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.
- 29 **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.
- 30 **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.

31 **Tree Protection**

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

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

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

During Demolition, Excavation or Construction

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

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

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

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

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

34 **Restricted Hours of Construction Work**

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

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

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

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

35 **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.

36 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".

37 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).

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

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

39 **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.

40 **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.”

Prior to the Issue of the Occupation Certificate

41 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council’s M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the PC prior to the issue of the final Occupation Certificate.

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

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

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

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

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

43 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the PC 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 PC.

44 **BASIX**

An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The PC 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.

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

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

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

Prior to the Issue of the Subdivision Certificate

46 **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.

47 **Existing Easements**

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

48 **Existing Restriction as to Use**

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

49 **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.

50 **Encroaching Services**

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

51 **Section 88B Instrument**

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

- a Easement for services;
- b easement for drainage;
- c restriction as to user which prohibits the erection of buildings or other structures on the site unless an 'on-site stormwater detention system' has been constructed;
- d restriction-as-to-user over the 'on-site stormwater detention system' which prohibits its alteration and/or removal;
- e positive covenant that requires maintenance to be in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule – (Application number to be referenced);
- f party wall.

52 **88B Instrument Easements/Restrictions**

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

53 **Party Wall**

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

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

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

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

Operational/Use of Site

55 **Deep Soil Zone to be Maintained**

The deep soil zones approved by this consent are required to be retained as part of the development and must be maintained as a deep soil zones at all times. A deep soil zone is defined as an area of the site that is not to be built upon, or underneath, thereby leaving an area of deep, soft soil for substantial deep-rooted vegetation, natural vegetation and natural drainage.
