

Wollongong Local Planning Panel Assessment Report | 19-June -2019

WLPP No.	Item No. 2
DA No.	DA-2018/1545
Proposal	Residential - demolition of existing structures, tree removal, construction of dual occupancy and Subdivision - Torrens title - two (2) lots
Property	30 Hewitts Avenue, THIRROUL NSW 2515
Applicant	Mr John Ashton Rowland and Mr Michael Patrick O'Neil
Responsible Team	Development Assessment & Certification - City Wide Team (BM)

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to the WLPP **for determination** pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction as the application is the subject of 10 or more unique submissions by way of objection.

Proposal

The proposal seeks consent for the demolition of the existing dwelling and structures on site, removal of small trees, the construction of a dual occupancy and a two (2) lot Torrens Title subdivision.

Permissibility

The subject site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan (WLEP) 2009. Dual Occupancy development and subdivision are permissible with consent in the R2 zone. Demolition and tree removal are ancillary works to facilitate the proposal and as such are also permissible.

Consultation

Details of the proposal were publicly exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan (WDCP) 2009. The application received 26 submissions following initial notification. Plans were since amended twice on Council's request and notified in both occasions which resulted in 16 submissions the second time and finally with two (2) submissions.

Internal

Details of the proposal were referred to Council's Stormwater, Traffic and Subdivision engineers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance.

External

Details of the proposal were referred to Sydney Trains. Advice provided satisfactory comments subject to conditions.

Main Issues

The main issue resulting from the assessment process is the number of objections received following the initial notification. Concerns raised are mainly related to:

- Streetscape Impact/ Out of Character due to bulk
- Amenity impacts from Overshadowing , Location of Private Open Space and Traffic

Recommendation

DA-2018/1545 be approved subject to the conditions provided in **Attachment 2**.

1.0 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP 2007 (Infrastructure)

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Demolition of all structures on site and tree removals;
- Construction of two (2) x two-storey dwellings to create an attached dual occupancy with garages providing tandem parking arrangement for two vehicles and an attached carport for each dwelling; and
- Torrens title subdivision of the dual occupancy to create:
 - Proposed Lot 101: 480m²; and
 - Proposed Lot 102: 478m² both lots fronting Hewitts Avenue

Each dwelling comprises the garage, a bedroom, living room and laundry on ground level and kitchen, living/dining, 2 bedrooms, bath rooms and a study on the first floor level. Balconies off the living/kitchen room facing the street and rear decks on both levels are also provided. Additional external stairs from the rear to the first floor levels also form part of the proposal.

Separate driveways and crossings are provided off Hewitts Avenue.

1.3 BACKGROUND

TMO-2007/683, Prune 1x Tree
PL-2018/189, Dual occupancy development with torrens title subdivision
DA-2018/1507, Residential - dual occupancy with two (2) lots - Subdivision - Torrens title
DA-2018/1545, Residential - demolition of existing structures, tree removal, construction of dual occupancy and Subdivision - Torrens title - two (2) lots

A pre-lodgement meeting (PL-2018/189) was held for the proposal on 4 October 2018.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 30 Hewitts Avenue, THIRROUL NSW 2515 and the title reference is Lot 18 DP 13365.

The site is irregular in shape and relatively flat with a gradual fall to the north-eastern corner. The rear boundary adjoins the Rail Corridor.

Adjoining developments are single storey cottages. The locality is characterised by low density residential dwellings.

Property constraints

Council records identify the land as being located within a flood risk precinct currently under review. Council's Stormwater Engineer has reviewed the application providing a satisfactory referral subject to conditions.

There are no restrictions on the title



Figure 1: Aerial photograph

1.5 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising on three (3) occasions during the assessment period. 26 submissions were received initially and the number of submissions were reduced to 16 and 2 respectively following the second and third time notifications.

Issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1.Overshadowing: The objector has concerns regarding the potential loss of sunlight to the living areas and garden along the northern side of their property.	<p>Submitted shadow diagrams detail limited over shadowing to the north–western corner of the partially enclosed front verandah and the driveway of adjoining dwelling between 9.00am to 11am mid-winter.</p> <p>As such the proposal meets the requirements for solar access within the WDCP.</p> <p>The development proposes 1.26m side setback (which is more than the minimum required 0.9m) and compliant height provisions.</p> <p>In general overshadowing from developments within similarly oriented (east–west oriented) sites have a domino effect and is not completely avoidable in such cases. Any overshadow impact from a fully compliant 2 storey single dwelling at the exact location would be no different to the impact from one of the units of this dual occupancy composition.</p> <p>Amendments made to the plans are considered to significantly minimise any over shadowing to the southern property.</p>
2. Streetscape, Visual Impact/ Out of Character	<p>Plans were amended and subsequently submitted. Changes made involved shifting the dwellings further into the site from the street boundary and incorporating new design features and a better presentation on to the streetscape.</p> <p>Hewitts Avenue is currently undergoing significant changes in terms of new developments including two storey dwellings and multi dwelling proposals.</p> <p>The proposal as such is not considered out of character in the area.</p>
3. Impact on heritage and character of Thirroul	<p>Neither the subject site or surrounding areas are not identified as Heritage conservation areas. No impact on heritage is expected to occur due to the proposed development.</p>
4. Flood Risk	<p>Council’s Stormwater engineer has reviewed the proposal and the flood study report submitted by the applicant and has raised no concerns subject to conditions.</p>
5. Over development/Bulk/Height	<p>The site is zoned R2 Low Density Residential. WLEP 2009 & WDCP 2009 provide both development standards and performance criteria for assessing whether any development would be considered to conform to a low density environment. The proposed development conforms to the maximum requirements</p>

Concern	Comment
	<p>in regard to FSR and other relevant matters.</p> <p>Proposal complies with the height limits applicable under the LEP and wall height and related setbacks under the DCP. Plans have been amended with compliant front setbacks which are considered satisfactory to meet the objectives of the development control.</p> <p>The R2 Low Density Residential zoning permits development usually associated with low density development, being across a spectrum from the least intensive single dwellings, dual occupancies, and attached dwellings, to the more intensive multi-dwelling housing, shop-top housing and residential flat buildings. The proposal is for an attached two-storey development consistent with low-density housing developments in the locality and is considered to conform with what would normally be regarded as “low density development”.</p>
6. Noise from air-conditioning units and water tank pumps	<p>The issue raised is outside the scope of assessment of the DA. However a condition of consent is included with the consent restricting the maximum noise levels from these units.</p> <p>Any future noise concerns from the occupied development can be investigated if brought to Council’s attention at the time.</p>
7. Removal of trees	<p>Trees proposed to be removed are within 3m of the proposed building footprint. Any tree removal is subject to compensatory tree planting. Appropriate condition will be included with any consent issued.</p>
8. Location of Private Open Space (POS) - first floor balconies facing the street shown as designated POS	<p>Submitted amended plans shows designated POS area at the rear of the site. The rear decks and associated rear yard is considered to satisfactorily achieve the objectives of the development control.</p> <p>Upper level front balconies are significantly reduced in size with amendments and are not identified as POS.</p>
9. Noise impacts	<p>No adverse noise impact is expected from the development as the use is for a dual occupancy.</p> <p>Conditions restricting hours for construction would form part of any consent granted.</p>
10. Lack of details of landscape plants	<p>Applicant has submitted a landscape concept plan. Conditions are also included for a landscape plan to be submitted to the certifier that complies with the DCP requirements for landscaping.</p>
11. Traffic Impacts	<p>The proposal complies with on-site parking provision as specified within the DCP. The development is not</p>

Concern	Comment
	considered to create undue traffic generation and issues on the street. The proposal is assessed by council's traffic engineer and did not raise significant traffic issues on the street with the dual occupancy development. A traffic study report is not required to be submitted in this case.
12. Fencing	No fencing is proposed as part of this development proposal. However a condition is included for any fencing to cater the flood risk associated with the property.
13. Increase in Population density	<p>The proposed development is a permissible use within the zone where the objective is to provide housing need of the community within a low density residential environment.</p> <p>Council has no clear evidence or available data for restricting such development on grounds that they would possibly intensify population density of the locality.</p>
14. Privacy/Overlooking from balconies	Privacy screens have been proposed along the sides of the decks and balconies. Windows of kitchen/living rooms facing the side boundaries are high level windows. No adverse overlooking or privacy impact to the neighbours is expected with the proposed development.

Table 2: Number of concerns raised in submissions

Concern	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Frequency	13	17	1	2	16	1	1	3	5	1	7	1	2	2

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Subdivision Engineer

Council's Subdivision engineer has reviewed the application and provided conditionally satisfactory advice

Stormwater Engineer

Council's Stormwater engineer has reviewed the application and provided conditionally satisfactory advice.

Traffic Engineer

Council's Traffic engineer has reviewed the application and provided conditionally satisfactory advice.

1.6.2 EXTERNAL CONSULTATION

The development application was referred to Sydney Trains under State Environmental Planning Policy (Infrastructure) 2007, clauses 85 and 86 as the proposed development is adjacent to the rail corridor.

Sydney Trains has recommended conditions of approval that are imposed within the conditions in **Attachment 2**.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

7 Contamination and remediation to be considered in determining development application

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

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. There are no earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

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

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

1.4.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

85 Development adjacent to rail corridors

(1) This clause applies to development on land that is in or adjacent to a rail corridor, if the development:

(a) is likely to have an adverse effect on rail safety, or

(b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or

(c) involves the use of a crane in air space above any rail corridor.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and

(b) take into consideration:

(i) any response to the notice that is received within 21 days after the notice is given, and

(ii) any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) Land is adjacent to a rail corridor for the purpose of this clause even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.

86 Excavation in, above, below or adjacent to rail corridors

(1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:

(a) within, below or above a rail corridor, or

(b) within 25m (measured horizontally) of a rail corridor, or

(b1) within 25m (measured horizontally) of the ground directly below a rail corridor, or

(c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.

(2) Before determining a development application for development to which this clause applies, the consent authority must:

(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and

(b) take into consideration:

(i) any response to the notice that is received within 21 days after the notice is given, and

(ii) any guidelines issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) Subject to subclause (5), the consent authority must not grant consent to development to which this clause applies without the concurrence of the rail authority for the rail corridor to which the development application relates.

(4) In deciding whether to provide concurrence, the rail authority must take into account:

(a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:

(i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and

(ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and

(b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

(5) The consent authority may grant consent to development to which this clause applies without the concurrence of the rail authority concerned if:

(a) the rail corridor is owned by or vested in ARTC or is the subject of an ARTC arrangement, or

(b) in any other case, 21 days have passed since the consent authority gave notice under subclause (2) (a) and the rail authority has not granted or refused to grant concurrence.

87 Impact of rail noise or vibration on non-rail development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:

- (a) residential accommodation,*
- (b) a place of public worship,*
- (c) a hospital,*
- (d) an educational establishment or centre-based child care facility.*

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The subject site adjoins the Rail corridor. The proposal was referred to Sydney Trains and comments for the development application were provided in accordance with Clause 85 of State Environmental Planning Policy (Infrastructure) 2007. A response was received on 14 March 2019 with recommended conditions which are provided within **Attachment 2**.

2.1.2 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Demolition: In relation to a building means wholly or partly destroy, dismantle or deface the building.

Dual Occupancy is defined as two (2) dwellings (whether attached or detached) on one lot of land (not being an individual lot in a strata plan or community title scheme), but does not include a secondary dwelling.

Dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

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

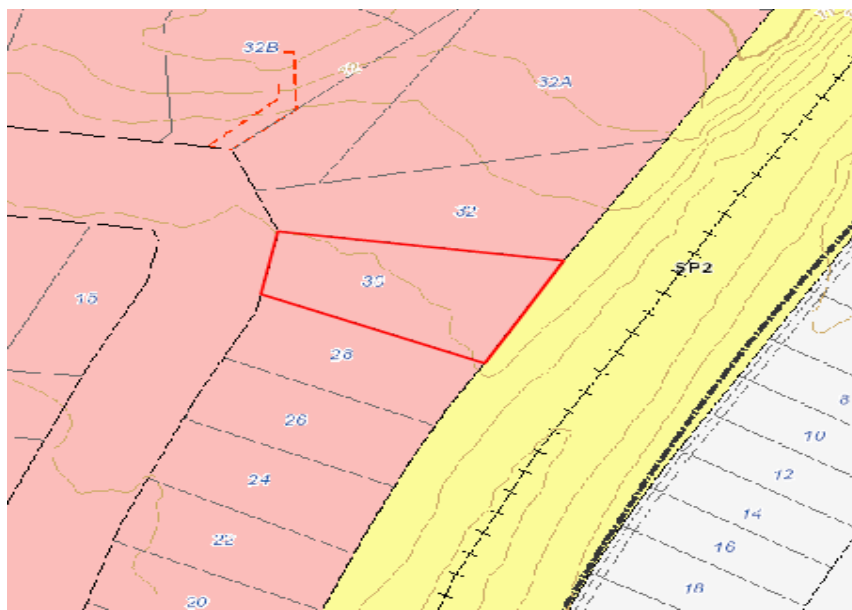
Subdivision of land for the purposes of the Environmental Planning & Assessment Act 1979, means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:

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

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 considered satisfactory with regard to the above objectives in principle.

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

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

The proposal is categorised as a **Dual occupancy** and **Torrens title subdivision** as defined below and is permissible in the zone with development consent.

Clause 2.6 Subdivision—consent requirements

Land may be subdivided, but only with development consent.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The objectives of this clause are:

a) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,

b) to ensure lots are of a sufficient size and shape to accommodate development.

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

- Proposed Lot 101: 480m²; and
- Proposed Lot 102: 478m².

Proposal complies for the minimum lot size.

Clause 4.3 Height of buildings

The proposed building height of 8.886m 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: 959m²

GFA (gross floor area): 414.5m²

FSR: $414.5\text{m}^2/959\text{m}^2 = 0.43:1$

GFA (Unit 1): 201.28m²

FSR (Proposed Lot 101): $201.28\text{m}^2/480.09\text{m}^2 = 0.42:1$

GFA (Unit 2): 201.28m²

FSR (Proposed Lot 102): $201.28\text{m}^2/478.09\text{m}^2 = 0.42:1$

Floor space:

Ground: 174m² + (36m² vehicle area deducted for each unit)

First: 152.6m²

GFA: 414.5m²

The proposal complies.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

Clause 7.3 Flood planning area

The site is identified as being located within a flood risk precinct currently under review. Council's Stormwater Engineer has reviewed the application and the submitted flood study report providing a satisfactory referral.

Clause 7.6 Earthworks

The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses and features surrounding land.

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

N/A

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Maximum Number of Storeys</u> <ul style="list-style-type: none">R2 max height of 9m or two storeyBuilt form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring propertiesIn R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey	2 storeys, max height 8.886m	Complies
<u>4.2 Front Setbacks</u> <ul style="list-style-type: none">Infill 6m min but less dependent on street characterGarages and carports 5.5m min	Minimum 6m	Complies
<u>4.3 Side and Rear Setbacks</u> <ul style="list-style-type: none">Wall Setback: 0.9m minEave Setback: 0.45mRear Setback 0.9m	Min 1.26m (sides) to the closest corner to the side boundary Rear: >15m	Complies
<u>4.4 Site coverage</u> <ul style="list-style-type: none">55% of the area of the lot, if the lot has an area less than 450sqm50% of the area of the lot, if the lot has an area of at least 450sqm but less than 900sqm40% of the lot, if the lot has an area of at least 900sqm	<50%	Complies

<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> • Minimum Required 20% permeable area capable of growing trees, shrubs, groundcover and/or lawn. • 50% behind the building line to the primary road • Integrated with drainage design • Dual occupancy requires 1.5m min landscape strip within the front setback for the majority of site width (excluding driveway) 	<p>35%</p> <p>>50% behind the building line</p> <p>1.5m landscape strip provided for majority of site width</p>	<p>Complies</p>
<p><u>4.6 Private Open Space</u></p> <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. 	<p>provided</p>	<p>Complies</p>
<p><u>4.7 Solar Access Requirements</u></p> <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. 	<p>Submitted shadow diagrams are assessed satisfactory with the DCP requirements.</p>	<p>satisfactory</p>
<p><u>4.8 Building Character and Form</u></p> <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. • 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. 		<p>Satisfactory</p>

<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	None proposed	
<u>4.10 Car parking and Access</u> <ul style="list-style-type: none">1 space per dwelling with a GFA of less than 125m²Car parking spaces may be open hard stand space, driveway, carport or a garage.Garage door facing roads—not greater than 50% of the width of the dwelling.Garages must be setback min of 5.5 from front boundary.Driveways shall be separated from side boundaries by a minimum of 1m.Driveways shall have a max cross-over width of 3m.	2 spaces provided within the garage having tandem parking arrangement and additional carport proposed with each dwelling. Individual Unit area is >125sqm.	Complies
<u>4.11 Storage Facilities</u> <ul style="list-style-type: none">3 bedroom- 10m³ storage volume to 5m² storage area	Storage provided	Acceptable
<u>4.12 Site Facilities</u> <ul style="list-style-type: none">letterboxes in an accessible locationair-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	To be installed	
<u>4.13 Fire Brigade Servicing</u> <ul style="list-style-type: none">All dwellings located within 60m of a fire hydrant	Existing	Complies
<u>4.14 Services</u> <ul style="list-style-type: none">Encourage early consideration of servicing requirements	Services to be installed	
<u>4.15 Development near the coastline</u> <ul style="list-style-type: none">Must minimise built intrusions into coastal landscapeRetain views to the ocean from roads and	N/A	

public spaces		
<ul style="list-style-type: none"> Maintain buildings consistent with coastal character 		
<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 		Satisfactory
<u>4.17. Retaining walls</u>		
<ul style="list-style-type: none"> To ensure well designed retaining walls that are structurally sound 	None proposed	
<u>4.18 Swimming pools and spas</u>		
<ul style="list-style-type: none"> To ensure relevant safety standards meet user's needs. To ensure site and design maintain the amenity of the area 	N/A	
<u>4.19 Development near railway corridors and major roads</u>		
<ul style="list-style-type: none"> Ensure development near rail corridors and major roads are protected from vibration Ensure development does not affect operations or safety Comply with SEPP Infrastructure. 	Recommended conditions by Sydney Trains are provided for at Attachment 2.	
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>		
<ul style="list-style-type: none"> Alterations and additions to be sympathetic with the other dwelling and responsive in appearance and style 	N/A	
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>		
<ul style="list-style-type: none"> Provide sites adequate for buildings, car parking, POS, landscaping Sites must not be significantly constrained by flood, geotechnical or other environmental hazards 		satisfactory
<u>4.22 Additional controls for Dual Occupancies –building character and form</u>		
<ul style="list-style-type: none"> Controls for garages proposed on the front elevation 		satisfactory

4.23 Additional Controls for Dual Occupancy's – <u>Deep Soil Zones</u>	Provided	Satisfactory
<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 shall be densely planted with trees and shrubs. 		

CHAPTER B2 – RESIDENTIAL SUBDIVISION

Torrens subdivision is proposed.

Subject lot is located within R2 zone. Proposed lot areas for lot 101 and lot 102 are 480m² and 478m², respectively. The proposed lots comply with the minimum lot size required by Wollongong LEP 2009.

Council's subdivision engineer has reviewed the application and raised no concerns subject to conditions of consent.

CHAPTER D1 – CHARACTER STATEMENTS

Thirroul

Thirroul is the focal retail, business and cultural point for residents of the northern suburbs. Thirroul is situated between the Bulli Pass Scenic Reserve to the west and the Pacific Ocean to the east. It has a distinctive cultural identity that is supported by the retail amenity and the convenient clustering of community and educational facilities in or near the village centre.

Thirroul residential area is characterised by a mix of single storey to two storey dwelling-houses including a number of circa 1920's and 1930's weatherboard and corrugated iron roofed bungalows. The coastal strip of Thirroul including along Lawrence Hargrave Drive contains a mix of single storey weatherboard and fibro dwellings and new contemporary dwellings and some medium density townhouses and walk up residential flat buildings.

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

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

Section 4.10.2.1 of Chapter B1 of the DCP requires the minimum provision of one (1) space for dwellings with GFA less than 125m² and two (2) spaces for GFA more than 125m². With GFA totalling:

Proposed dwellings: GFA approx.. 201m² (each dwelling)

.....two (2) spaces are required for both the proposed dwellings, making the on-site provision satisfactory. The development proposes garages for 2 car spaces and additional carport for each of the dwellings.

Council's Traffic Engineer also raised no objection subject to conditions.

CHAPTER E7: WASTE MANAGEMENT

It is considered that the proposed development satisfies the objectives of this Chapter. Council's street waste collection service is to be used. Appropriate conditions included at Attachment 2 for waste management within the site during demolition and construction.

CHAPTER E13 FLOODPLAIN MANAGEMENT

Council records identify the land as being located within a flood risk precinct area under review. Council's Development Engineer has reviewed the application in this regard and did not raise any concerns providing a satisfactory referral subject to conditions.

CHAPTER E14 STORMWATER

The application has been reviewed by Council's Engineer in relation to the stormwater drainage and did not raise any concerns providing a satisfactory referral subject to conditions.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Proposal involves removal of few small shrubs and trees located within 3m of the proposed building foot print. Other significant trees in the rear yard are to be retained. Conditions are included for their protection, retention and compensatory plantings.

CHAPTER E21 DEMOLITION

The proposal involves demolition of existing dwelling on site. Appropriate conditions are within **Attachment 2** in this regard including asbestos management.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is >\$100,000 (\$550,000) and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

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

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

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

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

Conditions are recommended with regard to demolition including asbestos management.

93 Fire safety and other considerations

N/A

94 Consent authority may require buildings to be upgraded

N/A

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

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

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Internal and external referrals are satisfactory subject to appropriate conditions of consent

Context and Setting:

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 and parking provision is considered satisfactory. Council's Development Engineer has reviewed the application and given a satisfactory referral.

Public Domain:

The proposal does not adversely affect the public domain.

Utilities:

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

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

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

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

The proposal is not envisaged to have unreasonable water consumption.

Air and Microclimate:

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

Flora and Fauna:

Proposal includes removal of some small trees and shrubs. The concept landscape plan shows adequate landscaping proposed on site. No impact to existing fauna is expected from this development.

Waste:

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

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

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

Natural hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

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

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The application does not result in departures from development standards or Council's development control plans as outlined above.

Construction:

Conditions of consent are recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

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

Cumulative Impacts:

The proposal is not expected to have negative cumulative impacts.

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See Section 1.5 above.

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

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area. Concerns raised by the public through submissions are considered to have been mitigated through amendments. See Table 1 under Section 1.5 of this report.

3 CONCLUSION

This application has been assessed as satisfactory having regard to relevant matters of consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979.

The proposal is permissible with consent pursuant to WLEP 2009. The development is assessed to be compliant with the applicable development standards and controls under the LEP and DCP.

The internal and external referrals are conditionally satisfactory.

It is considered that the proposed development has been designed appropriately given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character and amenity of the surrounding area.

4 RECOMMENDATION

It is recommended that DA-2018/1545 be approved subject to the conditions contained in Attachment 2.

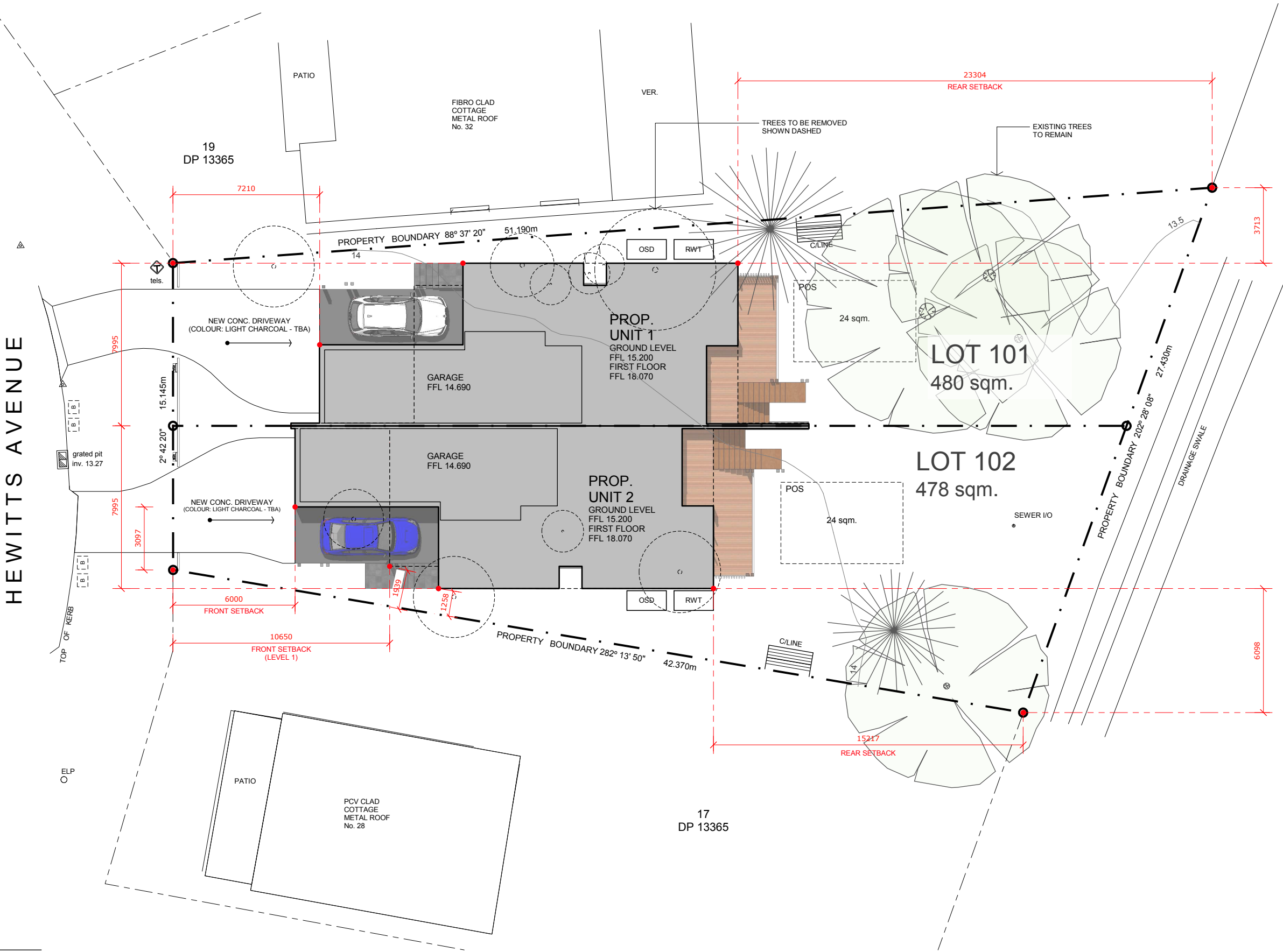
5 ATTACHMENTS

Attachment 1: Architectural Plans, Stormwater Drainage Plan, Shadow Diagrams and Concept Landscape Plan

Attachment 2: Conditions

FLOOR SPACE AREA (FSR)	
PROPOSED DUAL OCC.	
UNIT 1	
GROUND LEVEL	70.3 sqm.
GARAGE	50.7 sqm.
GROUND LEVEL TOTAL	121 sqm.
LEVEL 1	119.6 sqm.
STAIR VOID	-1.3 sqm.
LEVEL 1 TOTAL	118.3 sqm.
SUB-TOTAL AREA	239.3sqm.
GARAGE ALLOWANCE	-36 sqm.
PROP. UNIT 1 TOTAL	203.3 sqm.
UNIT 2	
GROUND LEVEL	70.3 sqm.
GARAGE	50.7 sqm.
GROUND LEVEL TOTAL	121 sqm.
LEVEL 1	119.6 sqm.
STAIR VOID	-1.3 sqm.
LEVEL 1 TOTAL	118.3 sqm.
SUB-TOTAL AREA	239.3sqm.
GARAGE ALLOWANCE	-36 sqm.
PROP. UNIT 1 TOTAL	203.3 sqm.
SITE AREA	959 sqm.
TOTAL FLOOR AREA	406.6 sqm.
FSR	0.42

SITE COVERAGE	
PROPOSED DUAL OCC.	
SITE COVERAGE TOTAL	294 sqm.
TOTAL SITE COVERAGE	30.6%



1 Site Analysis Plan
Scale: 1 : 200

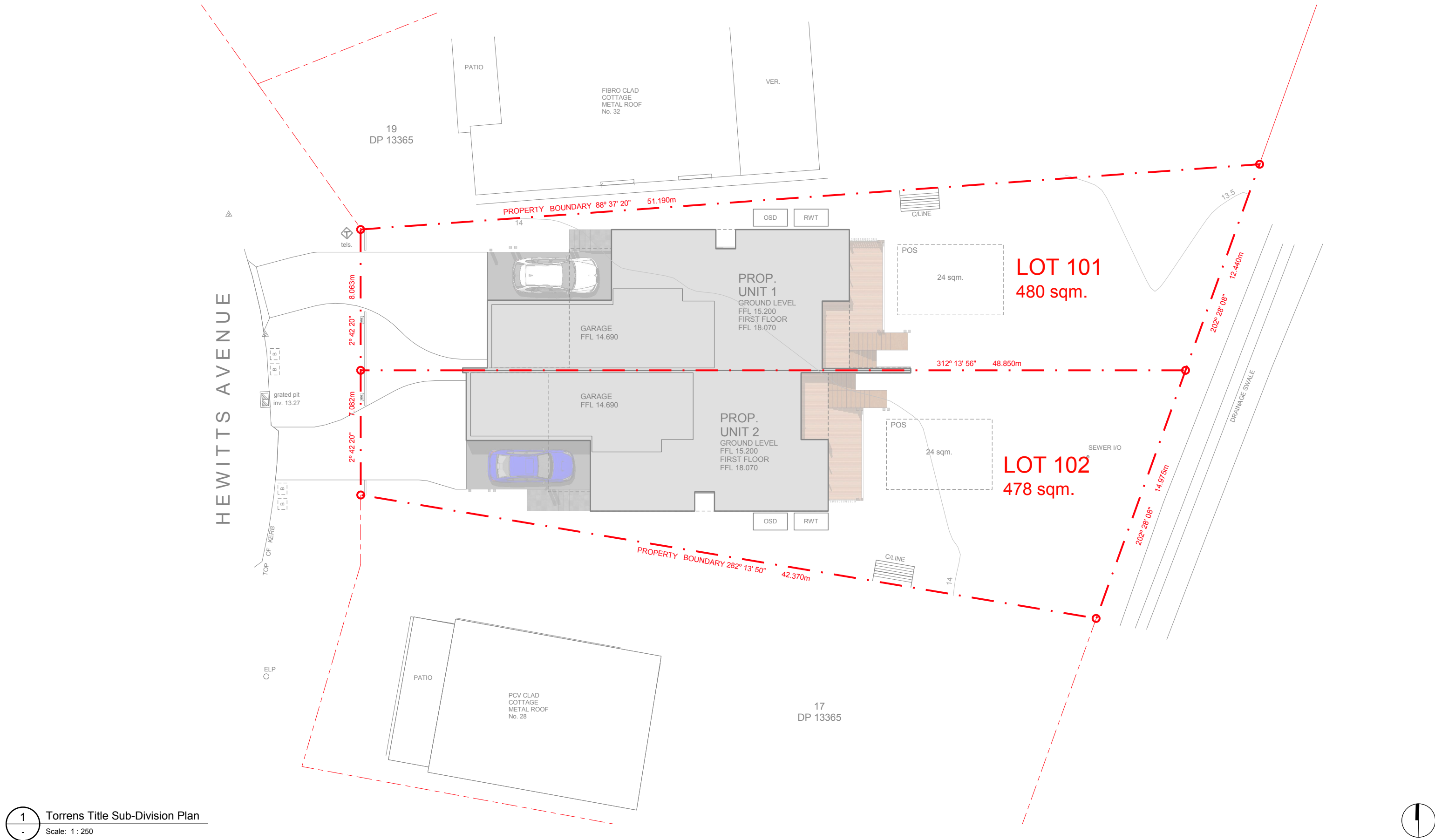
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CLIENT
M. O'Neill & J. Rowland
PROJECT
Hewitts Duplex
LOCATION
30 Hewitts Avenue, Thirroul NSW 2515
PROJECT NUMBER
#017.19

REVISION	DRAWN BY	DATE
1	JL	17.04.19
#	##	###.###
#	##	###.###
#	##	###.###
#	##	###.###
#	##	###.###
#	##	###.###
Issued for DA		

DESCRIPTION
Site Analysis Plan
PAGE SCALE
1 : 200
PAGE SIZE
A3
A-100



1 Torrens Title Sub-Division Plan
Scale: 1 : 250



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DESCRIPTION
Torrens Title Sub-Division Plan
PAGE SCALE
1 : 200
PAGE SIZE
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A-101



1 Ground Floor Plan
Scale: 1 : 100



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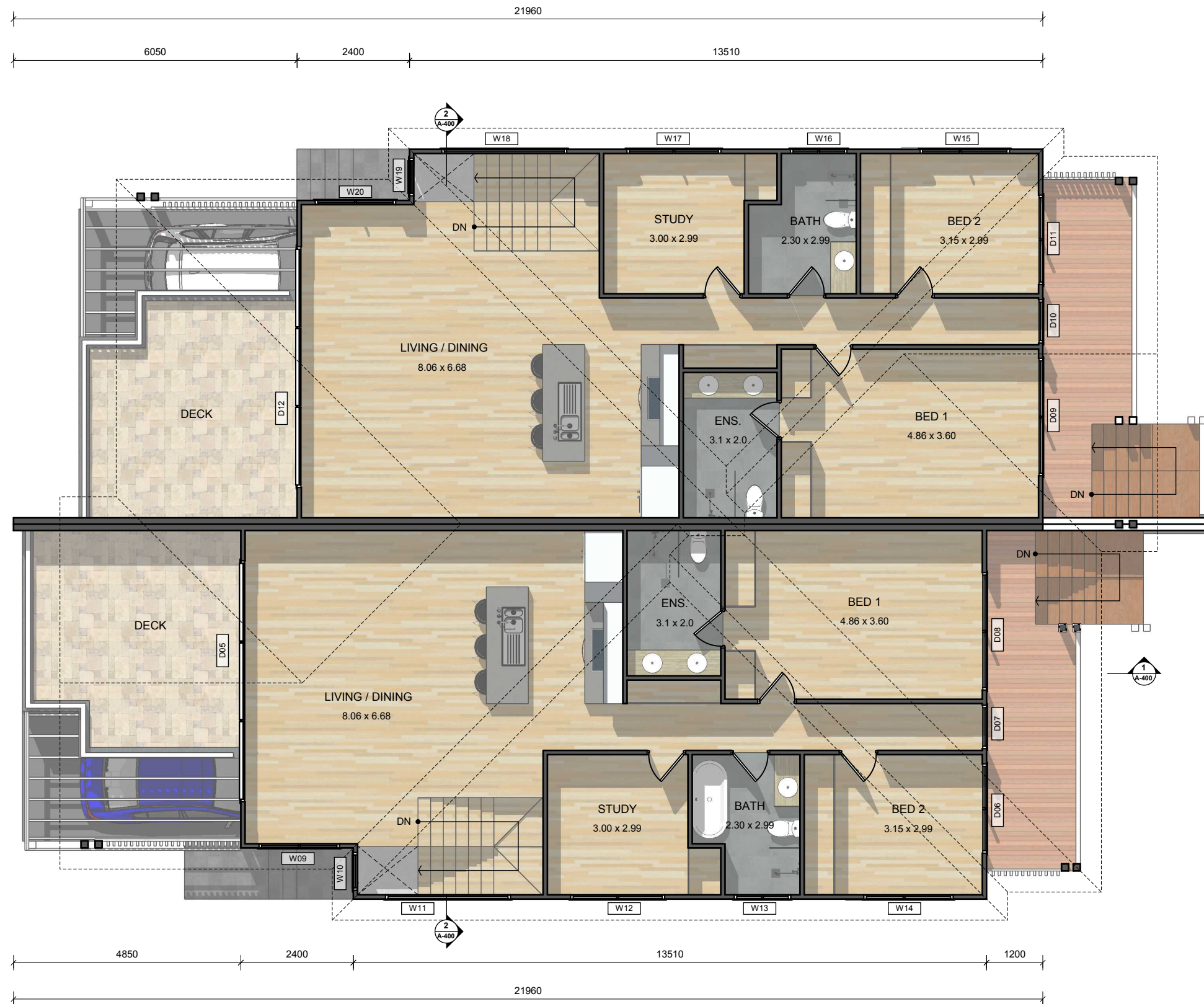
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DESCRIPTION
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PAGE SCALE
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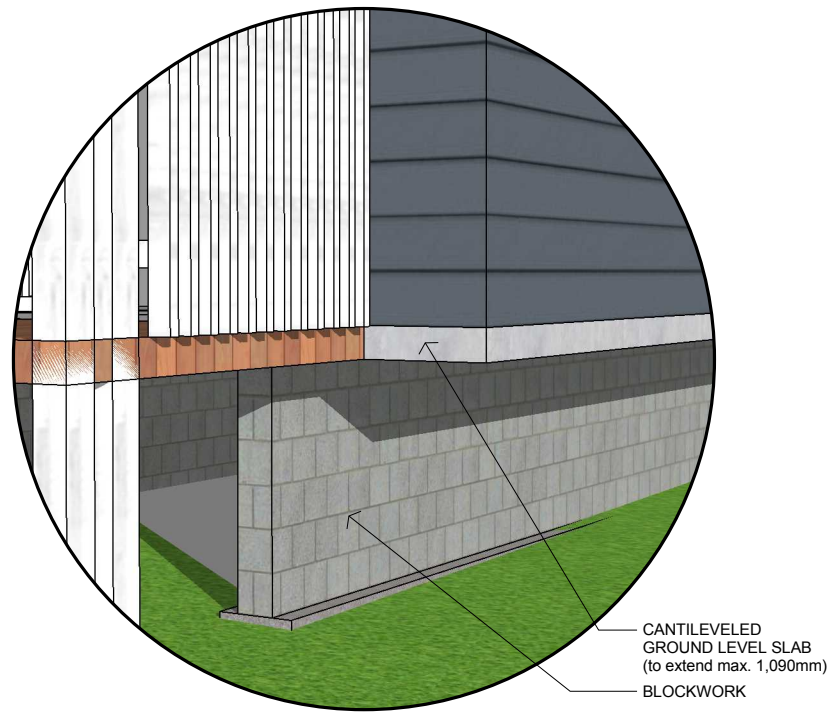
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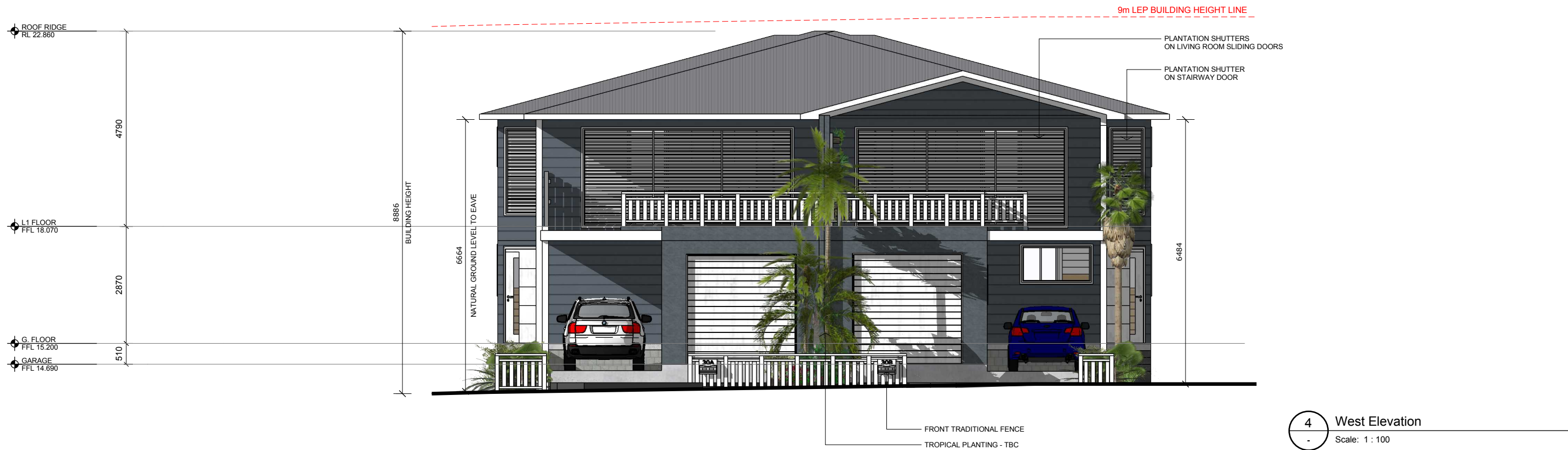
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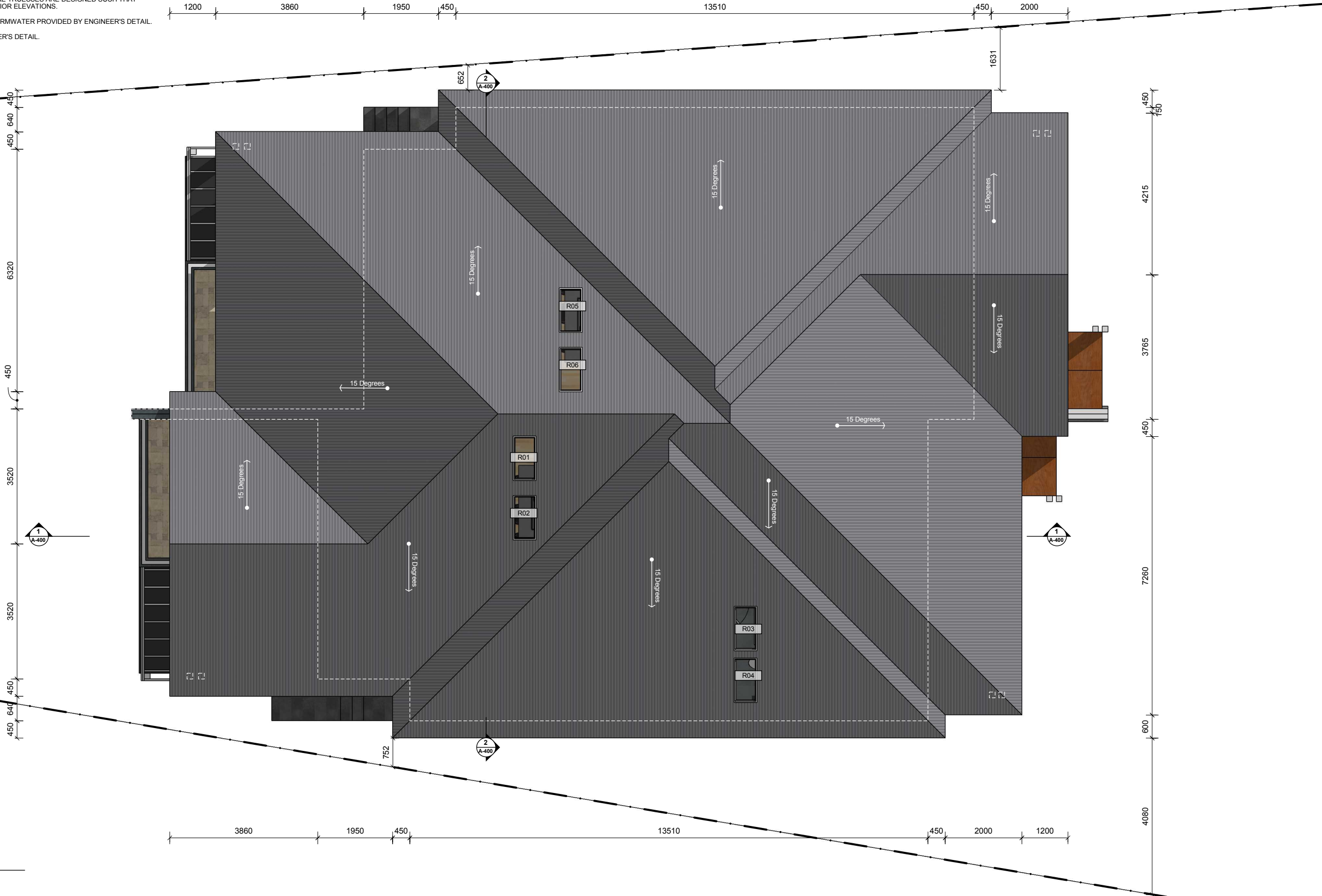
2 East Elevation
Scale: 1 : 100



ISO Image - Cantilever Floor
Scale: NTS



- ROOF PLAN NOTES:
1. ALL DIMENSIONS ARE AS PROJECTED (PLAN VIEW - HORIZONTAL). ACTUAL LENGTHS OF ROOF SHEETING MUST BE ALLOWED FOR WITH RESPECT TO THE ROOF PITCH.
 2. ALL DOWN-PIPES FEED INTO THE WATERTANK. WATERTANK DISCHARGES TO STORMWATER.
 3. TRUSS MANUFACTURER TO ENSURE TRUESSES ARE DESIGNED SUCH THAT FASCIAS ARE ALIGNED PER EXTERIOR ELEVATIONS.
 4. LOCATION OF DOWNPIPES TO STORMWATER PROVIDED BY ENGINEER'S DETAIL.
 5. ALL REQUIRED BEAMS TO ENGINEER'S DETAIL.



1 Roof Plan
Scale: 1 : 100



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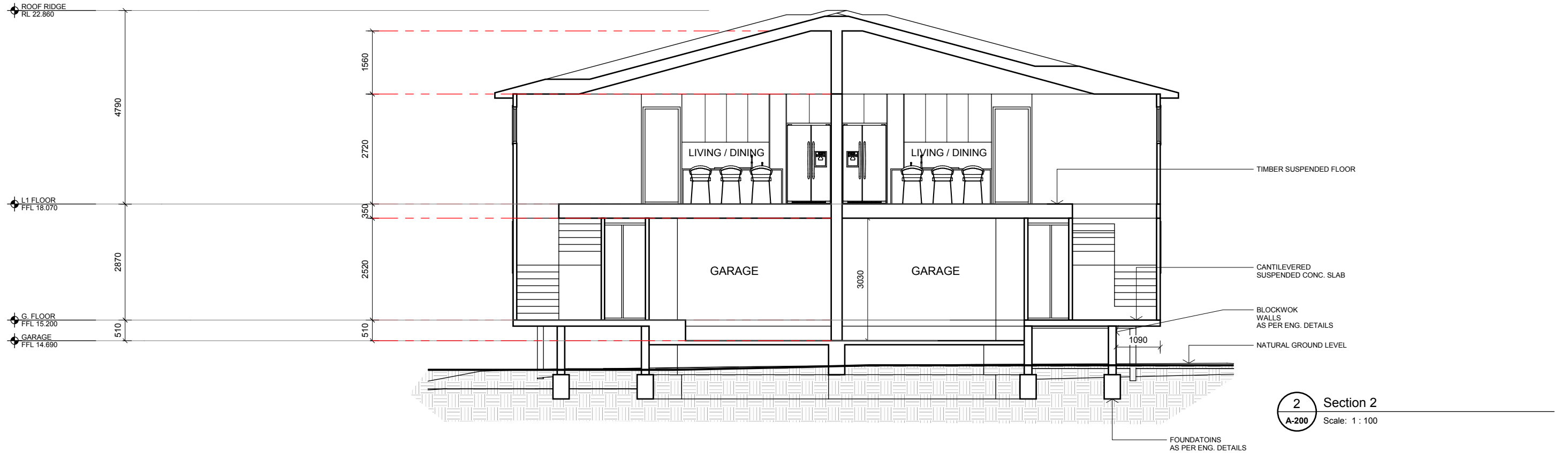
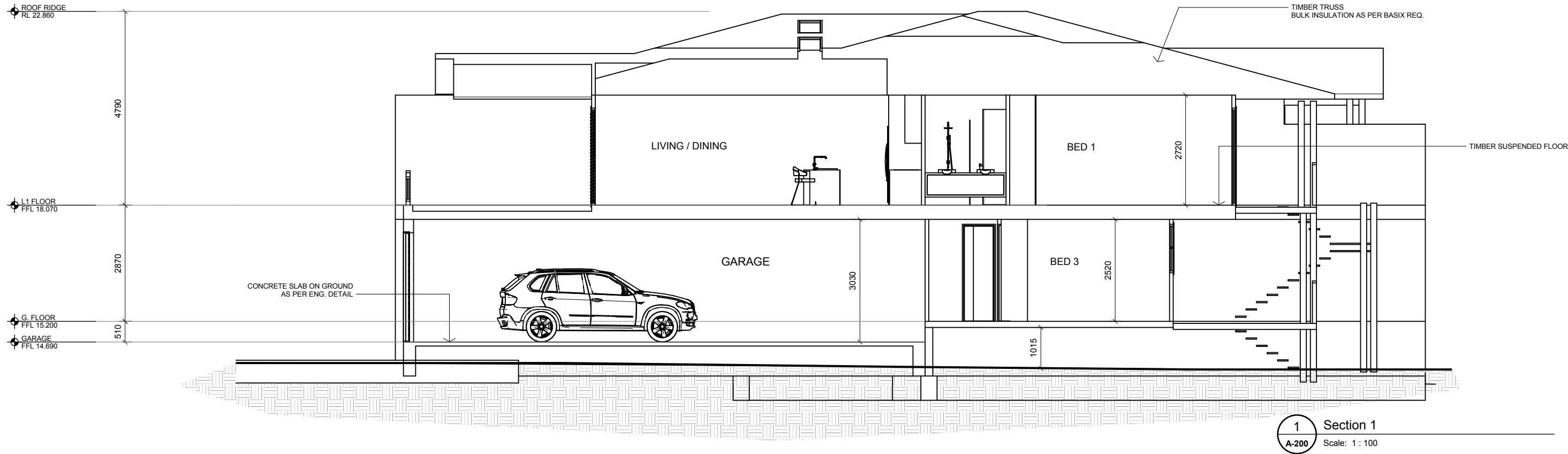
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DESCRIPTION
Roof Plan

PAGE SCALE
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PAGE SIZE
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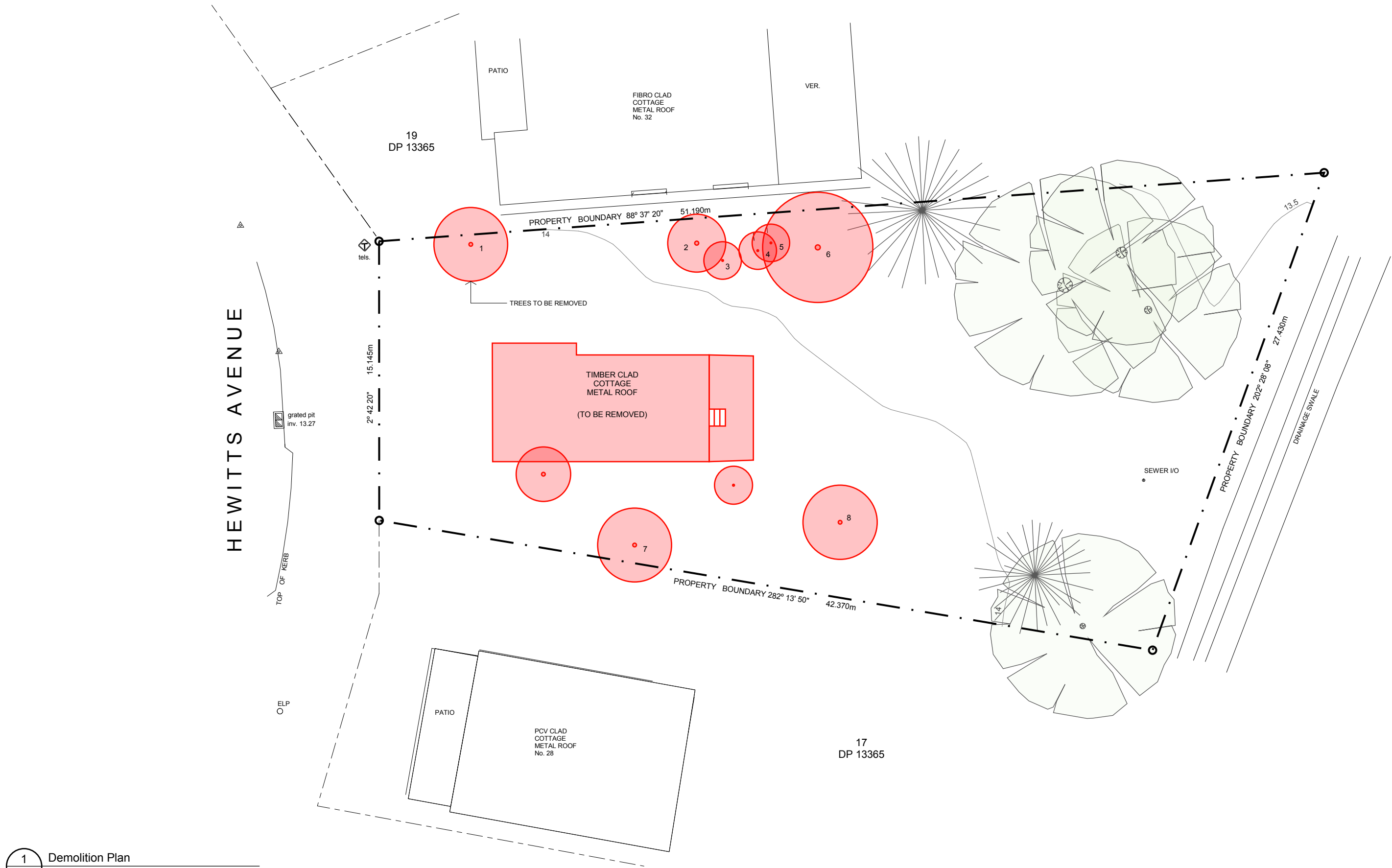
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DESCRIPTION
Section 1 and Section 2
PAGE SCALE
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PAGE SIZE
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1 Demolition Plan
Scale: 1 : 250

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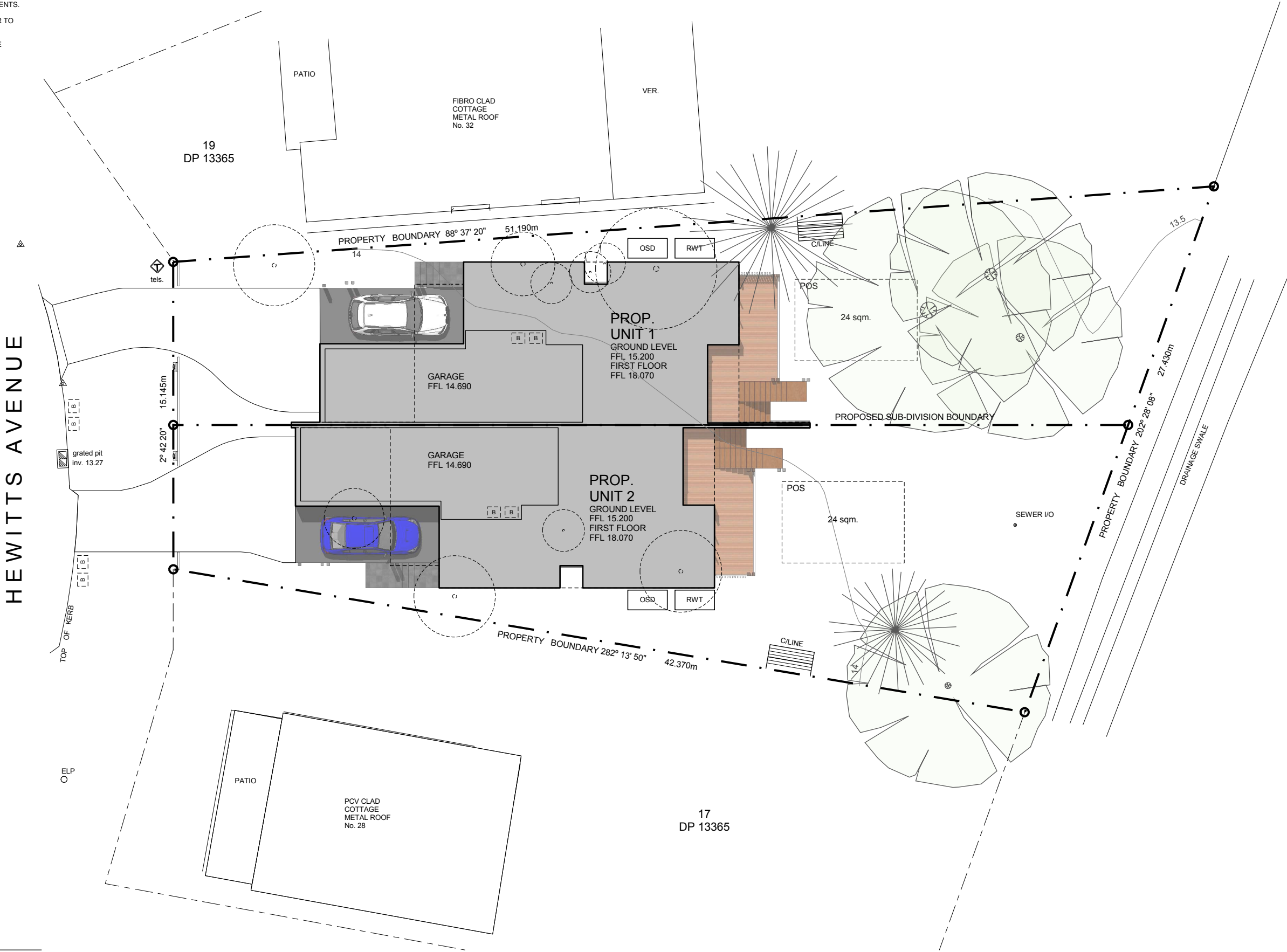
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LOCATION
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DESCRIPTION
Demolition Plan
PAGE SCALE
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PAGE SIZE
A3
G-099

- CONSTRUCTION NOTES:
1. ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.
 2. ALL LEVELS AND DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION, SURVEY CHECK MAY BE REQUIRED.
 3. JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER.



1 General Site Plan
Scale: 1 : 250



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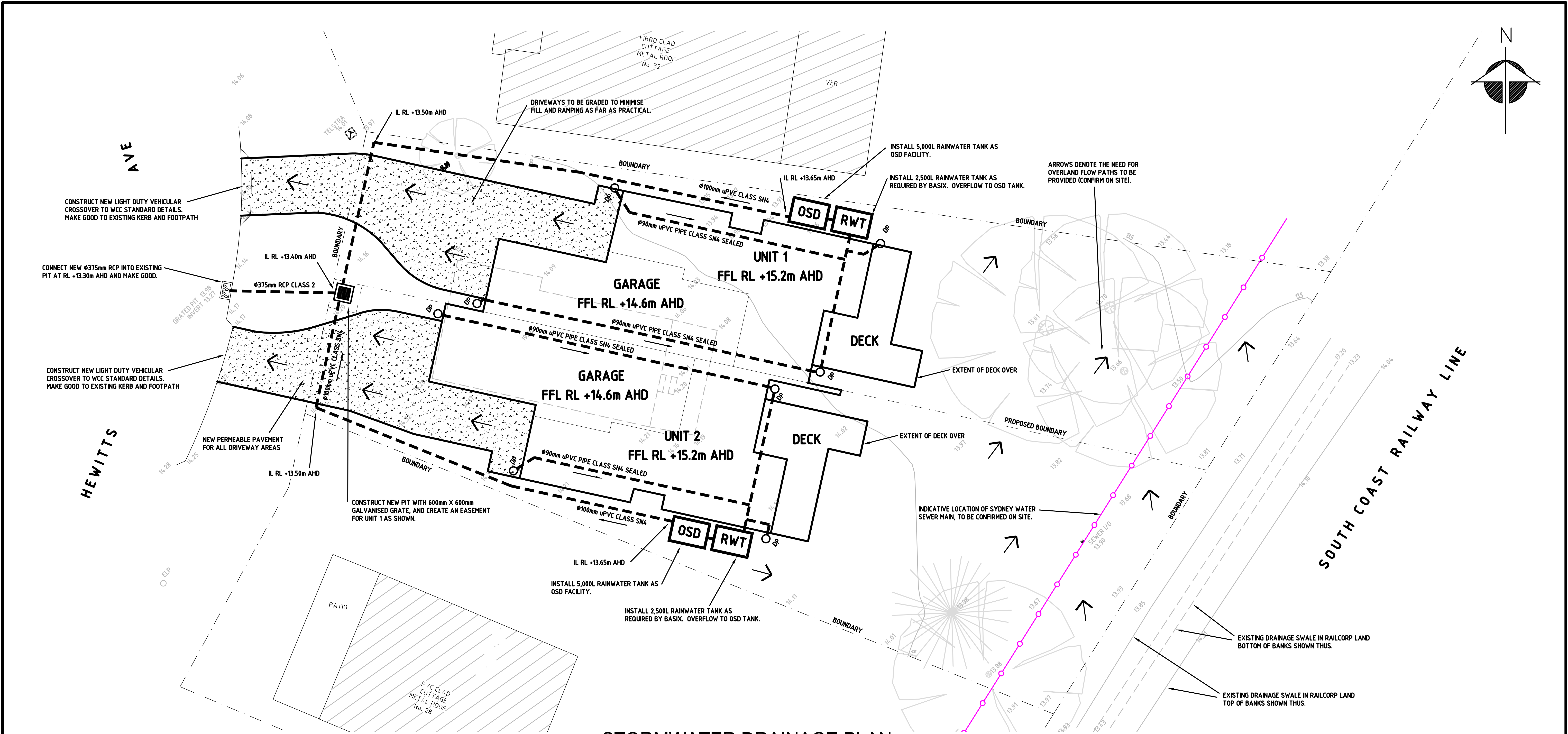
Issued for DA

DESCRIPTION
General Site Plan

PAGE SCALE
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PAGE SIZE
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G-100



STORMWATER DRAINAGE PLAN

GENERAL

- G1. THESE NOTES APPLY TO ALL CIVIL/STRUCTURAL WORK INCLUDED IN THIS PROJECT.

G2. CIVIL/STRUCTURAL DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL RELATED PROJECT DOCUMENTATION. ANY DISCREPANCY IN THE PROJECT DOCUMENTATION AFFECTING WORK SHOWN ON THESE DRAWINGS SHALL BE REFERRED TO THE SUPERINTENDENT AND AN INSTRUCTION OBTAINED BEFORE PROCEEDING WITH WORK SO AFFECTED.

G3. VERIFY SETTING OUT DIMENSIONS SHOWN ON THESE DRAWINGS BEFORE COMMENCING WORK.

G4. ALL WORK TO BE UNDERTAKEN IN ACCORD WITH AUS-SPEC EXCEPT WHERE IN CONFLICT WITH NOTES ON THESE DRAWINGS WHICH SHALL TAKE PRECEDENCE.

G5. ENSURE THAT ALL STRUCTURES ARE MAINTAINED IN A SAFE AND STABLE STATE THROUGHOUT THE CONSTRUCTION PERIOD.

G6. SERVICE LOCATIONS TO BE CONFIRMED PRIOR TO COMMENCING WORKS.
- G7. ALL EXISTING DRAINAGE STRUCTURES THAT ARE TO BE INCORPORATED IN THE DESIGN SHALL BE CLEAN AND FREE OF DEBRIS.

G8. FENCES REMOVED OR DAMAGED DURING CONSTRUCTION TO BE REINSTATED IMMEDIATELY UPON COMPLETION.

G9. NO WORK TO BE UNDERTAKEN ON ADJOINING LAND WITHOUT THE WRITTEN PERMISSION OF THE AFFECTED OWNERS.

G10. COUNCIL'S TREE PRESERVATION ORDER TO BE OBSERVED AT ALL TIMES.

G11. ALL RUBBISH AND STRUCTURES TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND DISPOSED AS ADVISED BY THE SUPERINTENDENT

G12. ALL NEW WORKS TO MAKE SMOOTH JUNCTION WITH EXISTING.

G13. SITE SHALL BE CLEANED OF ALL DEBRIS AND RUBBLE FROM DEMOLISHED STRUCTURES.

G14. RESERVE ALL ROCKS DEEMED SUITABLE BY SUPERINTENDENT FOR GROUTED ROCK FILLING.
- G15. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH WOLLONGONG CITY COUNCIL'S SPECIFICATIONS AND AS3500.3.


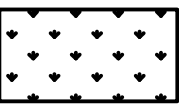
G16. THE CONTRACTOR SHALL CHECK ALL EXISTING LEVELS PRIOR TO THE COMMENCEMENT OF WORKS. ALL NEW WORK SHALL MAKE SMOOTH CONNECTION TO EXISTING.

G17. ALL PIPES SHALL BE LAID ON 1% MINIMUM GRADE U.N.O.

G18. MINIMUM COVER TO PIPES 100mm ADJACENT TO DWELLING, 300mm IN LANDSCAPED AREAS AND 600mm IN AREAS SUBJECT TO VEHICLE LOADINGS U.N.O.

G19. ALL DOWNPIPES ARE TO BE CONNECTED TO STORMWATER PIPES. ALL DOWNPIPES ARE SHOWN DIAGRAMMATICALLY ONLY AND THE POSITION OF DOWNPIPES SHALL BE CONFIRMED ON SITE.

LEGEND

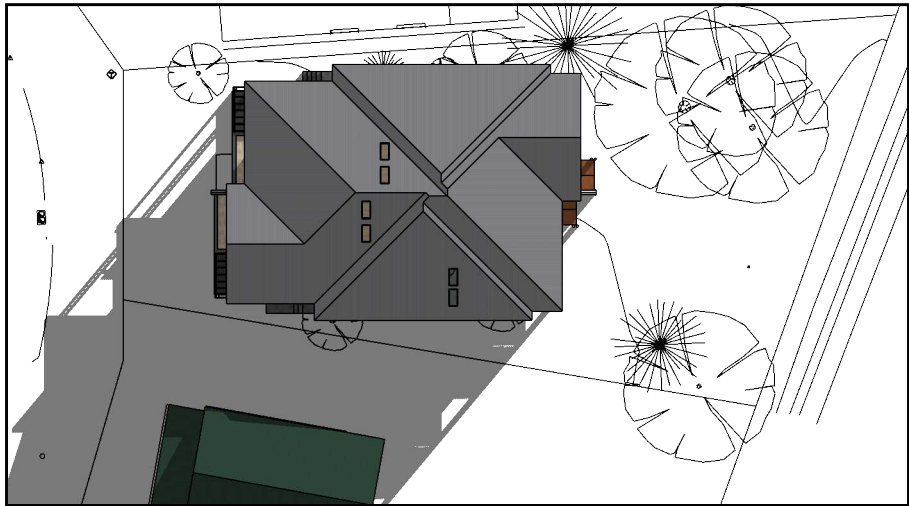
-  PERMEABLY PAVED AREAS TO LANDSCAPE PLAN
-  LANDSCAPED AREAS TO LANDSCAPE PLAN

ISSUE:	DESCRIPTION:	DATE:	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	15.11.18	AB
B	AMENDED TO SUIT ADVICE FROM DEVELOP MY LAND PTY LTD	21.11.18	AB

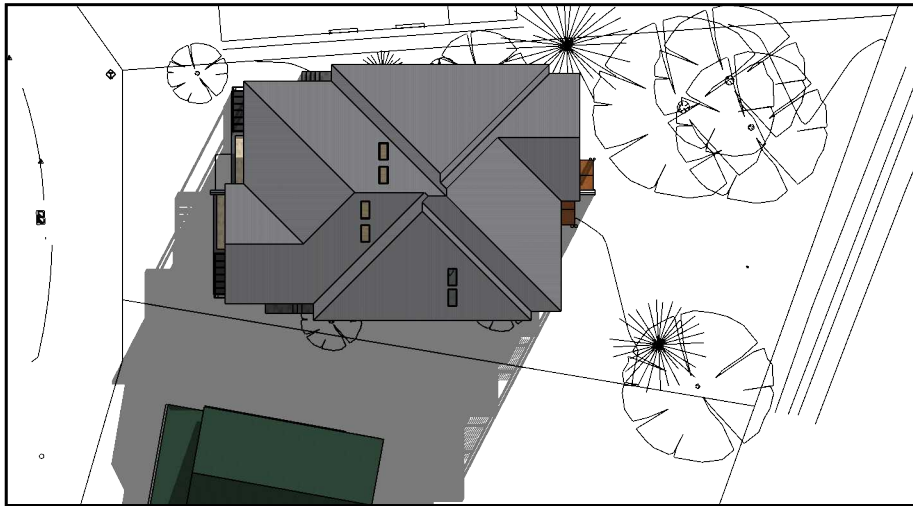


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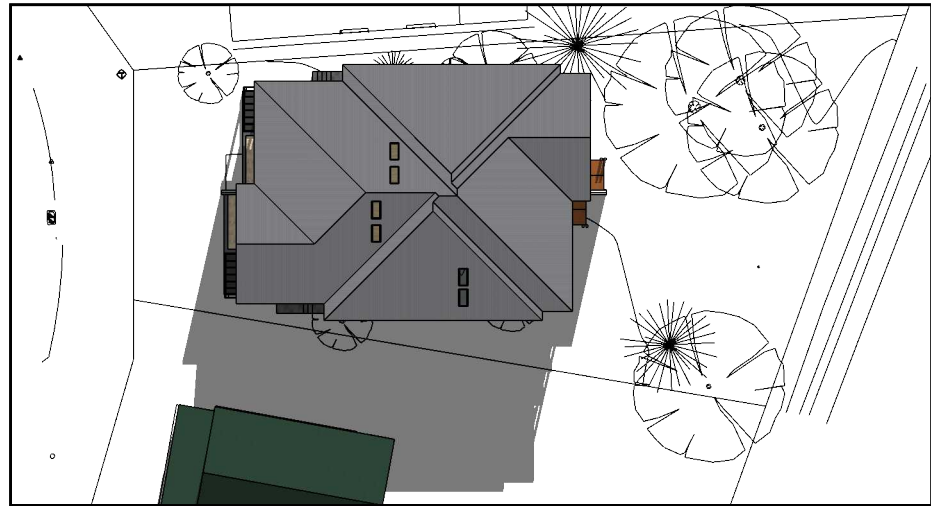
TITLE: STORMWATER DRAINAGE PLAN			
CLIENT: Develop My Land Pty Ltd		LOCATION: 30 Hewitts Avenue, Thirroul	
DRG No: 1001	SCALE: 1:100	DRAWN BY: AB	REVISION: B



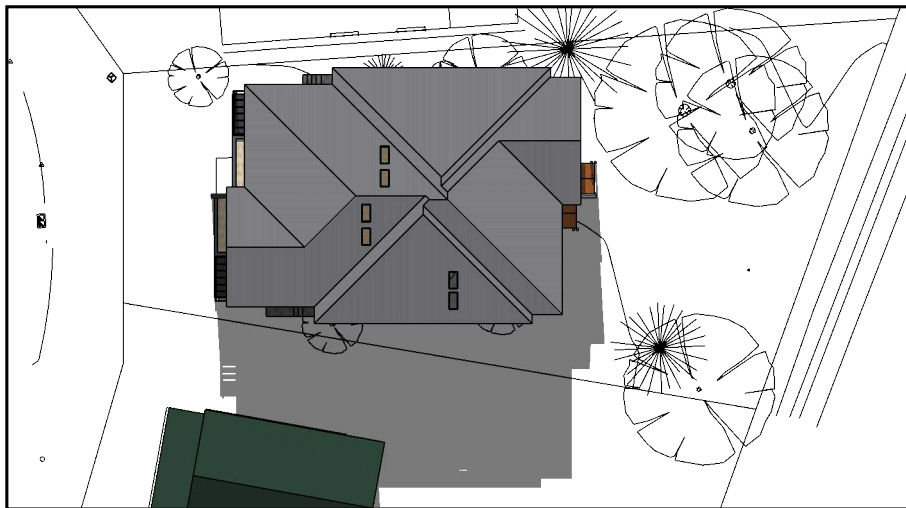
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G-200 Scale: 1 : 500



2 21 June - 10am
G-200 Scale: 1 : 500



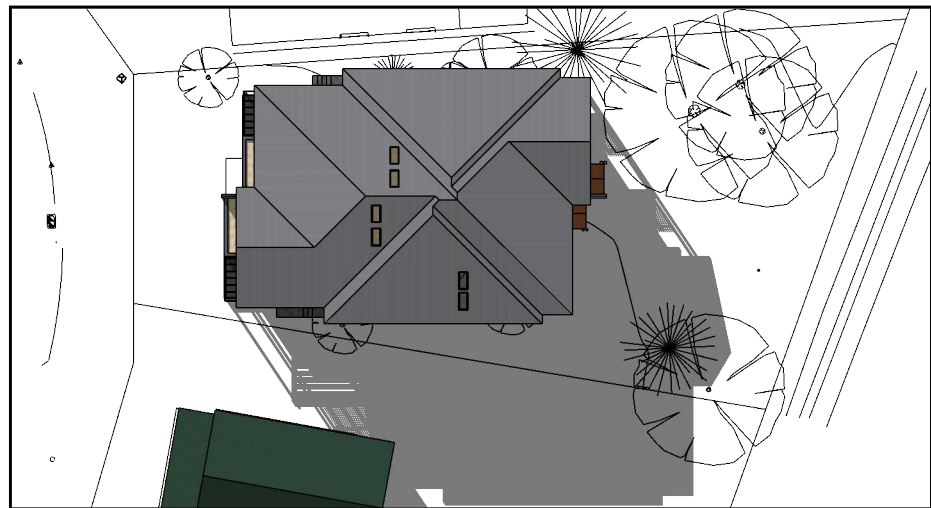
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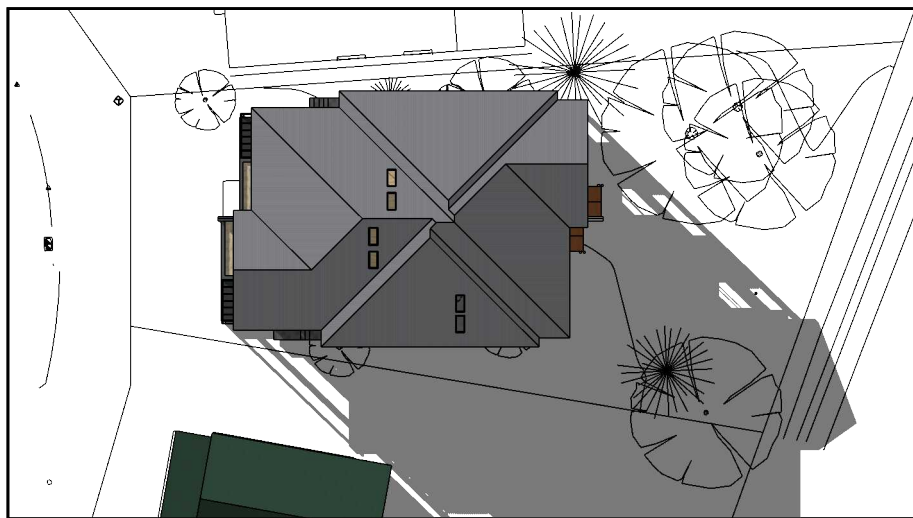
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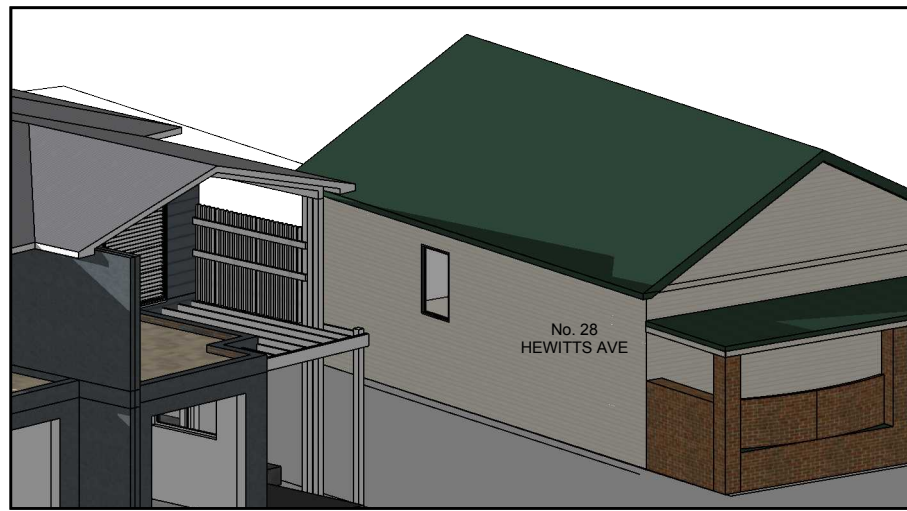
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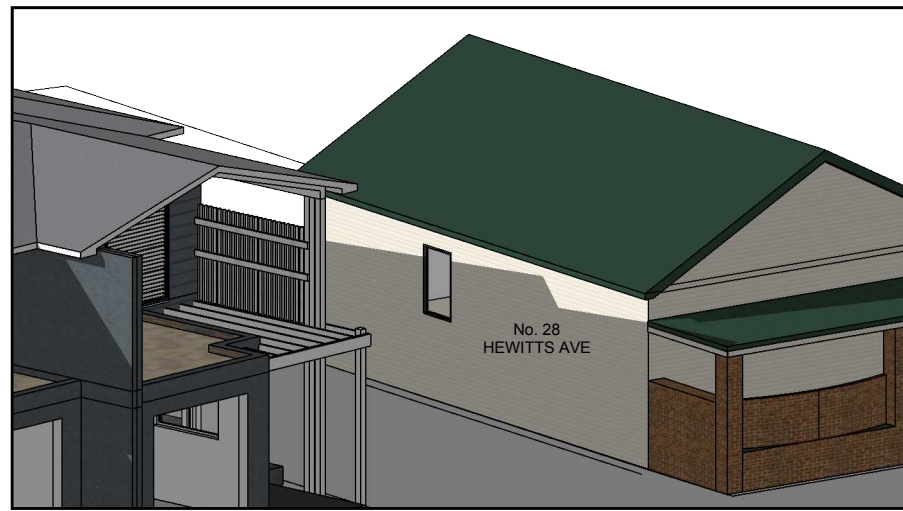
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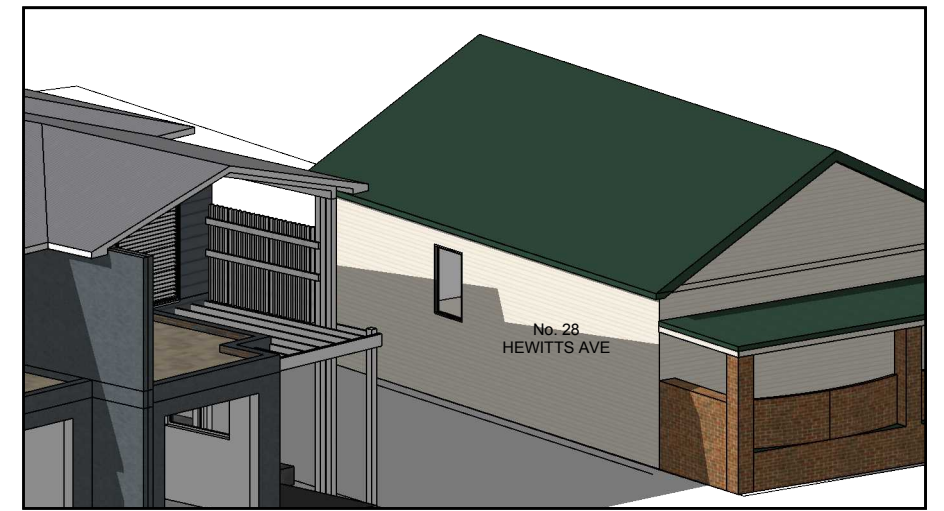
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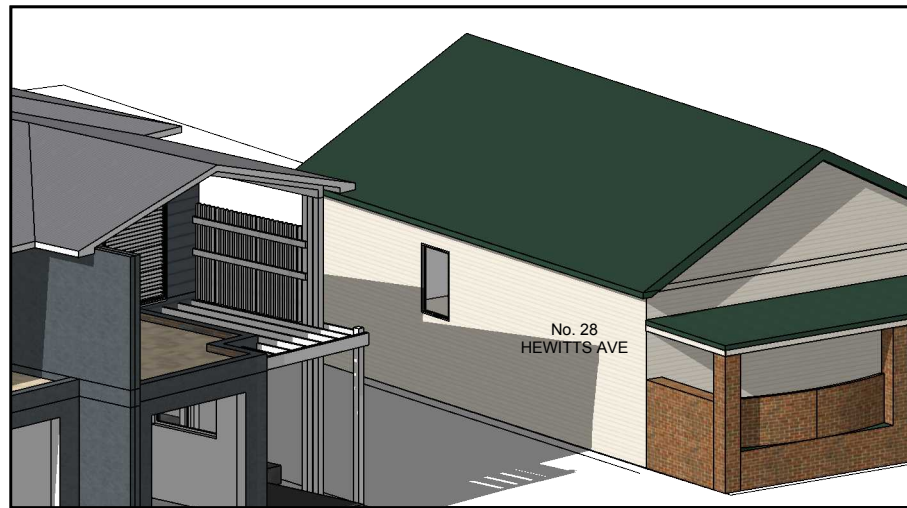
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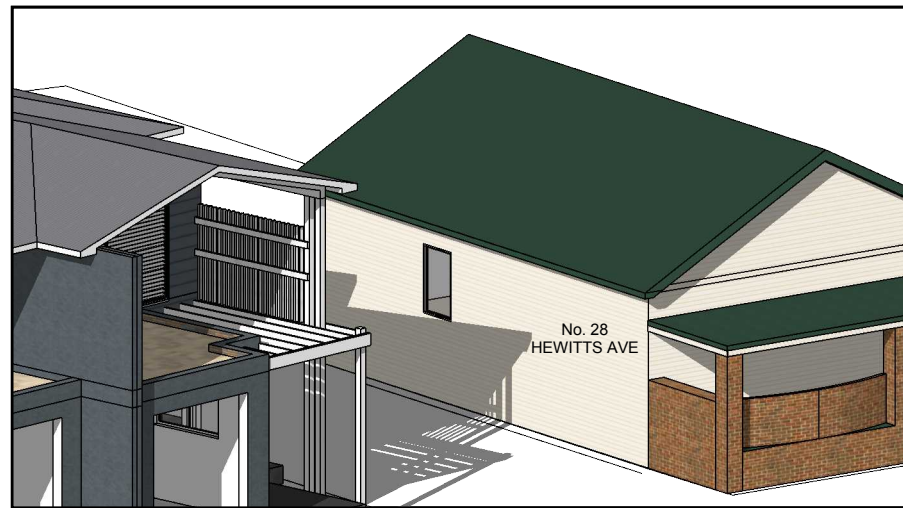
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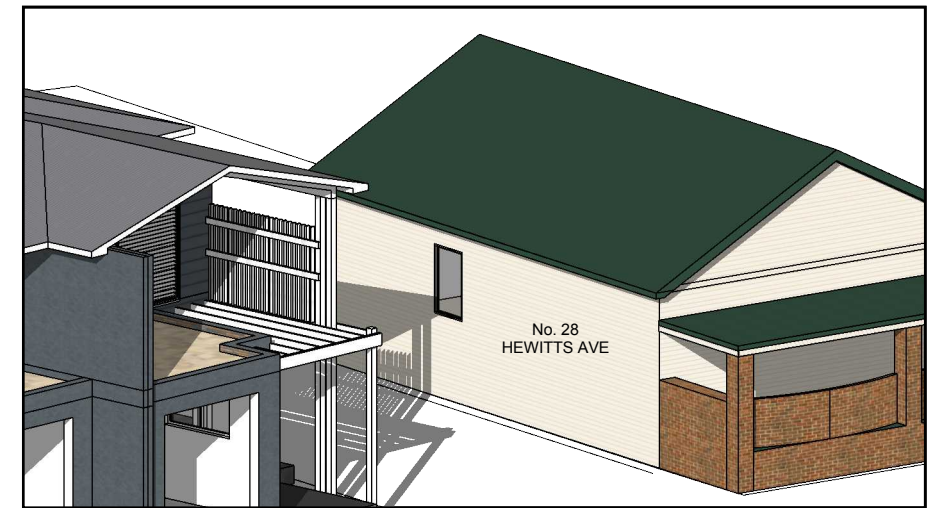
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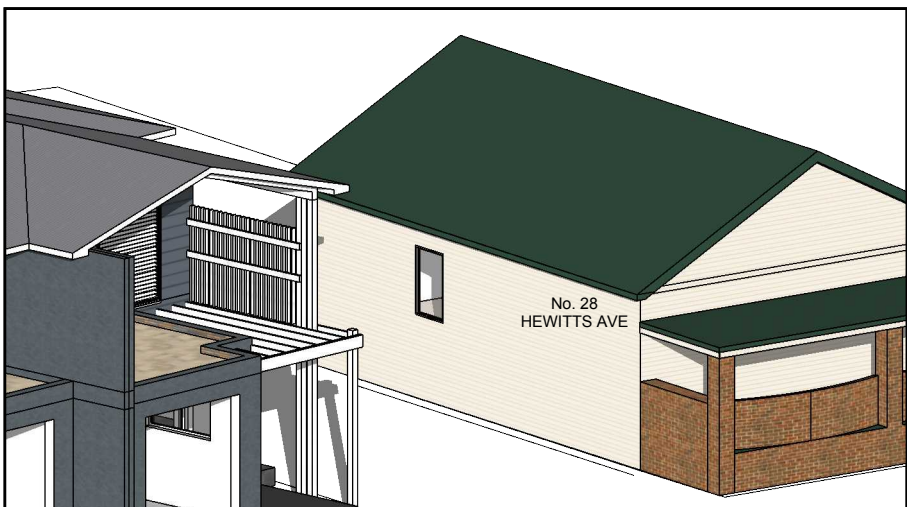
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G-200 Scale: 1 : 500

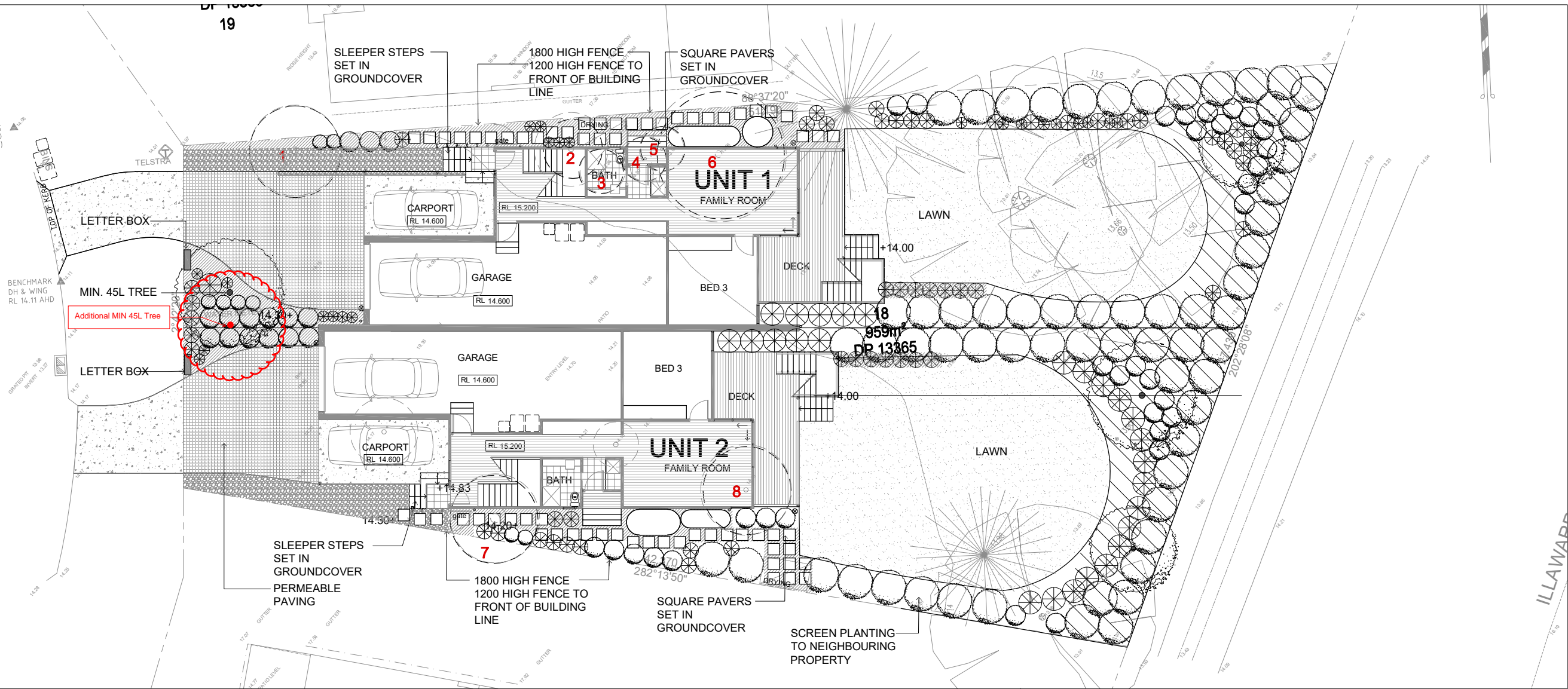


6 21 June - 2pm
G-200 Scale: 1 : 500



7 21 June - 3pm
G-200 Scale: 1 : 500

HEWITTS AVENUE



LEGEND

	PROPERTY BOUNDARY		20MM NEPEAN RIVER GRAVEL PATH
	EXISTING TREE TO BE RETAINED		CONCRETE PAVERS SET IN GRAVEL OR GROUNDCOVER
	EXISTING TREE TO BE REMOVED - REFER TO ARBORICULTURAL STATEMENT		PROPOSED 1800 HIGH FENCE
	PROPOSED TREE		PROPOSED 1200 HIGH FENCE
	PROPOSED SHRUB AND GROUNDCOVER PLANTING		PROPOSED GATE
	EXISTING LEVELS AND CONTOURS		PROPOSED DRAINAGE
	PROPOSED SPOT LEVELS		PROPOSED MAILBOX
	DEEP SOIL ZONE		PROPOSED HOSEBIB
	PROPOSED CONCRETE DRIVEWAY		

PROPOSED PLANT SCHEDULE

BOTANICAL	COMMON NAME
TREES AND LARGE SHRUBS	
<i>Acmena smithii</i>	Lilly Pilly
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm
<i>Banksia integrifolia</i>	Coast Banksia
<i>Banksia serrata</i>	Old Man Banksia
<i>Cyathea australis</i>	Tree Fern
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Grevillea 'Honey Gem'</i>	Grevillea
<i>Syzygium australe</i>	Lilly Pilly
<i>Syzygium 'Straight & Narrow'</i>	Lilly Pilly
SMALL SHRUBS AND ACCENT PLANTS	
<i>Asplenium australasicum</i>	Birds Next Fern
<i>Correa alba</i>	White Correa
<i>Correa 'Coastal Pink'</i>	Pink Correa
<i>Philotheca myoporoides</i>	Wax Flower
<i>Westringea 'Naringa'</i>	Coastal Rosemary
<i>Westringea 'Blue Gem'</i>	Coastal Rosemary
GROUND COVERS, NATIVE GRASSES AND SMALL ACCENTS	
<i>Crinum pendunculatum</i>	Swamp Lily
<i>Dianella 'Emerald Arch'</i>	Flax Lily
<i>Dianella 'Little Rev'</i>	Flax Lily
<i>Dichondra repens</i>	Kidney Weed
<i>Lomandra 'Evergreen Baby'</i>	Dwarf Mat Rush
<i>Lomandra 'Tanika'</i>	Dwarf Mat Rush
<i>Lomandra 'Katie Belles'</i>	Mat-rush
<i>Myoporum parvifolium</i>	Creeping Boobialla
<i>Viola hederaceae</i>	Native violet

DEVELOPMENT DATA

TOTAL LOT AREA LOT 1 = 480.9sqm
TOTAL LANDSCAPE AREA LOT 1 = 262.26sqm (95.672sqm REQ.)
TOTAL DEEP SOIL LOT 1 = 47.8 sqm (BEHIND BUILDING LINE)
(47.8sqm REQUIRED)
TOTAL LOT AREA UNIT 2 = 478.1sqm
TOTAL LANDSCAPE AREA UNIT 2 = 259.42sqm (95.6sqm REQ.)
TOTAL DEEP SOIL UNIT 2 = 47.78sqm (47.78sqm REQ.)

NOTE: REFER ALSO TO STORMWATER CONCEPT PLAN BY OPTIMA ENGINEERING. LANDSCAPE PLAN HAS BEEN COORDINATED WITH STORMWATER CONCEPT PLAN



Date	Issue	Revision
24.10.18	A	ISSUED FOR DEVELOPMENT APPROVAL

Develop My Land



management . consultancy . landscape architecture . urban design .
PO Box 110, Thirroul, NSW, 2516. Tel. 0449 289488 e. dmyland@developmyland.com.au

PROJECT: PROPOSED DUAL OCCUPANCY DEVELOPMENT LOT 18 DP 13365 30 HEWITTS AVENUE THIRROUL			
Drawing Name:	LANDSCAPE PLAN	Job No. DML 18/010	Dwg.No
CLIENT: M. O'Neill & J. Rowland	Scale 1:200 (A3)	Date 24.10.18	Rev. B

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Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 017.19 Drawing A-100-1, A-101-1, A-200-1, A-201-1, A-250-1, A-251-1, A-300-1, A-400-1, G-099-1 and G-100-1 dated 17 April 2019 prepared by Progenia and Drawing. 1001-B dated 21 November 2018 prepared by Rienco Consulting and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2 **Sydney Trains**
Requirements issued by Sydney Trains dated 14 March 2019 as attached shall form part of this Notice of Determination.
- 3 **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.
- 4 **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

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

Note: The certifying authority 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.
- 5 **Mailboxes**
The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.
- 6 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 7 **Tree Retention/Removal**
This consent permits the removal of trees numbered 1 to 8 as indicated on Drawing: G-099-1 dated 17 April 2019 prepared by Progenia. No other trees shall be removed without prior written approval of Council.

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

Prior to the Issue of the Construction Certificate

- 8 The proposed access driveways are to be located so that they allow a 5.4 metre long on-street car parking space between the driveway wings. This requirement shall be reflected on the Construction Certificate plans.
- 9 **Flows from Adjoining Properties**
Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing

Attachment 2: Conditions

upslope adjacent ground levels. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.

10 **Permeable Paving**

Permeable paving shall be provided to the driveway and carport areas. Installation of the nominated product shall be as per the manufacturer's recommendation. Details of the nominated product including construction method and ultimate stormwater disposal point shall be reflected on the Construction Certificate plans and supporting documentation.

11 **Design in Accordance with Flood Study**

The detailed design of the development (incl. earthworks, finished surface levels, open form structures and surface treatment) shall be generally in accordance with the Flood Study by Rienco Consulting, job no. 17121, revision 01, dated 16 April 2019. This requirement shall be reflected on the Construction Certificate plans and certified by a suitably qualified civil engineer prior to the release of the Construction Certificate.

12 **Present Plans to Sydney Water**

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

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

Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

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

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

14 **Car parking and Access**

The development shall make provision for a total of 4 car parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

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

16 **Structures Adjacent to Driveway**

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

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

18 **Details of Proposed Pit and Pipeline**

Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

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

Attachment 2: Conditions

- a planting of indigenous plant species native to the Illawarra Region such as: *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.
A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- d any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

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

- 20 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 21 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

22 Tree Protection and Management

The existing trees that are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- b Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- c Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- d Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

23 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

Attachment 2: Conditions

property addressing may be made by calling 4227 8660.

24 Stormwater Drainage Design

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, being the Stormwater Drainage Plan, Job. 30 Hewitts Avenue, Thirroul, Drawing no. 1001, Revision B, by Rienco Consulting, dated 21 November 2018.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

25 Flood Level Requirements

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a Habitable floor levels must be constructed at a minimum of RL 15.2 metres AHD.
- b Garage floor levels must be constructed the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer less 300 mm or 300 mm above the finished adjacent ground level whichever is greater
- c Any portion of the building or structure below RL 15.2 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.
- d The proposed development shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the PMF flood level plus freeboard being RL 16.7 metres AHD or greater.

26 On-Site Stormwater Detention (OSD) Design

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b The developer must provide on-site detention storage for stormwater runoff from the development designed to ensure no increase in stormwater discharge to Hewitts Avenue for events up to and including the 100 year ARI (being 5 year and 100 year ARI). The Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site must be determined by a suitably qualified civil engineer, pre and post development stormwater

Attachment 2: Conditions

discharge rates at each discharge location from the site must be provided clearly demonstrating the above requirements. Details of the detention facilities, SSR/PSD values and certification from a suitably qualified civil engineer must be submitted with the Construction Certificate application.

- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate maintenance access to the orifice plate of the OSD system and debris control screen.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 12.2.6 and 12.5.4 of Chapter E14 of the Wollongong DCP2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2018/1545;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

27 Council Footpath Reserve Works

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

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

28 Development Contributions

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$5,500.00 (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

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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: 1061797	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

Prior to the Commencement of Works

29 Appointment of Principal Certifying Authority

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

- a Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- b notify Council in writing of their intention to commence work (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

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

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

- a in the case of work to be done by a licensee under that Act:
 - i has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
 - ii is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b in the case of work to be done by any other person:
 - i has been informed in writing of the persons name, contact address details and owner-builder permit number; and
 - ii has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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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.

31 Sign – Supervisor Contact Details

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

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

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

32 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.

33 Structural Engineer's Details

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

34 Enclosure of the Site

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

35 Demolition Works

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

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

36 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.

37 Temporary Sediment Fences

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior

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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.

38 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.

39 Tree Protection and Management

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

- a installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- b installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area;
- c mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
- d irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The tree protection fencing shall be installed prior to the commencement of any demolition, excavation or construction works and shall be maintained throughout the entire construction phases of the development.

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

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

- a Digging or disruption to footpath/road reserve surface;
- b Loading or unloading machinery/equipment/deliveries;
- c Installation of a fence or hoarding;
- d Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- e Pumping stormwater from the site to Council's stormwater drains;
- f Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- g Construction of new vehicular crossings or footpaths;
- h Removal of street trees;
- i Carrying out demolition works.

During Demolition, Excavation or Construction

41 Survey Report for Floor Levels

A Survey Report must be submitted to the Principal Certifying Authority verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

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42 No Adverse Run-off Impacts on Adjoining Properties

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

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

43 Restricted Hours of Construction Work

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

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

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

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

44 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.

45 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".

46 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>).

47 Provision of Waste Receptacle

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

48 BASIX

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

A relevant BASIX Certificate means:

A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- a if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

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- b BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

49 **Fences**

Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

Prior to the Issue of the Occupation Certificate

50 **Drainage**

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

51 **Flood/Stormwater Affection Certification**

The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate. This report is required to certify that the ‘as-constructed’ development will not result in any detrimental increase in flood affection to other development or properties due to changes in flood levels, diversion of floodwater flows, and/or alteration of flood conveyance. The report must also certify that the ‘as constructed’ development will not result in any adverse stormwater impacts to the adjoining land due to obstruction and/or ponding of surface water runoff.

52 **Air Conditioning Unit**

The air conditioning unit must:

- be constructed no less than 450mm from any lot boundary,
- be designed and installed so as not to operate *during peak time* at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, and
- be designed and installed so as not to operate *during off peak time* at a noise level that is audible in habitable rooms of adjoining residences.

Compliance with this requirement must be verified by the Certifying Authority prior to issue of an Occupation Certificate.

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

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

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

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

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

54 **Compensatory Planting**

The developer must make compensatory provision for the trees required to be removed as a

Attachment 2: Conditions

result of the development. In this regard, two (2 No.) 45 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, or *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

55 BASIX

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

56 Positive Covenant – On-Site Detention Maintenance Schedule

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

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

57 On-Site Detention – Structural Certification

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

58 Structural Soundness Certification

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the PMF flood level plus freeboard being RL 16.7 metres AHD or greater.

59 Acoustic Compliance Report

The applicant shall submit a noise compliance report prepared by an acoustic consultant who is a member of the Australian Acoustic Society (AAS) or the Association of Australian Acoustic Consultants (AAAC) in relation to the building compliance with the NSW SEPP Infrastructure 2007 – Development Near Rail Corridors & Busy Roads –Interim Guidelines. A copy of the acoustic compliance report must be submitted to PCA and a copy forwarded to council.

Prior to the Issue of the Subdivision Certificate

60 Existing Easements

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

61 Existing Restriction as to Use

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

62 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.

Attachment 2: Conditions

63 **Encroaching Services**

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

64 **88B Instrument Easements/Restrictions**

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

65 **Party Wall**

The extent of the party wall shall be reflected on the final plan of subdivision, under Section 181B of the Conveyancing Act. In the event that the building is not complete at the time of submitting the application for a Subdivision Certificate, an easement for support must be created over the proposed extent of the party wall.

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

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

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Original Construction Certificates and approved drawings (where issued by an accredited Private Certifying Authority);
- c Certificate of Practical completion from Wollongong City Council or an accredited Private Certifying Authority (if applicable);
- d Administration sheet prepared by a registered surveyor;
- e Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- f Final plan of Subdivision prepared by a registered surveyor plus four (4) equivalent size paper copies of the plan;
- g Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- h Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- i Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
- j Payment of section 94 fees (Pro rata) (if applicable).

Operational Phases of the Development/Use of the Site

67 **Use of the Development**

Each dwelling approved under this dual occupancy development must be single occupancy and must not be used or adapted for use as more than one single dwelling.

68 **Privacy Screens**

Privacy screens proposed to the outer edges of the rear decks and front balconies as shown on the approved plans must be maintained and kept in a sound condition throughout the life of the development.

69 **Loading/Unloading Operations/Activities**

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

Attachment 2: Conditions



14 March 2019

The General Manager
Wollongong City Council
Locked Bag 8821
Wollongong DA NSW 2500

ATTENTION: DEVELOPMENT ASSESSMENT & CERTIFICATION TEAM

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA-2018/1545
Lot 18 DP 13365
30 Hewitts Avenue, Thirroul**

I refer to Council's letter requesting comments for the above development application in accordance with Clause 85 of State Environmental Planning Policy (Infrastructure) 2007.

Council is advised that Sydney Trains, via Instruments of Delegation, has been delegated to act as the rail authority for the Eastern Suburbs & Illawarra Line heavy rail corridor and to process the review for this development application.

As such, Sydney Trains now advises that the proposed development has been assessed in accordance with the relevant Transport for NSW Assets Standard Authority standards and Sydney Trains requirements. To ensure that the proposed development is undertaken in a safe manner Council is now requested to impose the conditions provided in Attachment A.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's is requested to notify Sydney Trains should such an event occur.

Council is also advised that the Sydney Trains requested conditions of consent in provided in Attachment A are not to be amended, replaced or superseded by any subsequent submission provided any other rail authority, without the further agreement from Sydney Trains.

Please contact Mr Jim Tsimiagos on 8575 0780 should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Sydney Trains is a NSW Government agency
Ground Floor - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805
Phone 8575 0780 Email DA_sydneytrains@transport.nsw.gov.au
www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682



Attachment 2: Conditions



Yours sincerely,

A handwritten signature in black ink, appearing to read "Sarah Anderson".

Sarah Anderson
Assistant Town Planner



ATTACHMENT A

- *The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor or rail operations. A final landscaping and planting plan demonstrating measures to ensure compliance with this condition must be prepared to the satisfaction of Sydney Trains. No construction certificate can be issued until written confirmation has been received from Sydney Trains confirming that this condition has been complied with.*
- *Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*
- *The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*

Attachment 2: Conditions



- *If required, prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- *If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- *The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.*
- *The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:*
 - *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;*
 - *acts as the authorised representative of the Applicant; and*
 - *is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.*
- *Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.*
- *Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Illawarra Interface and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au.*