

Wollongong Local Planning Panel Report – 4 October 2022

WLPP No.	Addendum Report to WLPP Item 3 – 7 June 2022
DA No.	DA-2021/136
Proposal	Residential - Torrens title subdivision and construction of a dwelling house and pools
Property	1A Norman Street, MANGERTON
Applicant	Ted Switaj
Responsible Team	Development Assessment and Certification – City Centre Major Development Team (NL)
Prior WLPP meeting	26 October 2021 and 7 June 2022

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal was referred to the WLPP for determination on 26 October 2021 pursuant to clause 2.19(a) of the Environmental Planning and Assessment Act 1979. Under clause 2(b) of Schedule 2 of the Local Planning Panels Direction, the proposal received over 10 unique objections. The WLPP deferred the application at that meeting for the reasons outlined at Attachment 4.

The proposal was reconsidered by the WLPP on 7 June 2022 where the Panel deferred the application a second time. The recommendations from that meeting are contained at Attachment 5.

The proposal has been further revised and is now referred to the Panel for determination.

Proposal

The proposal is for a two lot Torrens title subdivision and construction of a three storey dwelling.

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. Dwelling houses and subdivision are permitted with consent in the zone.

Consultation

The original proposal was notified in accordance with Council's Notification Policy received 31 submissions.

The amended proposal for the 7 June meeting was renotified and received two submissions.

The further amendments following the 7 June meeting were not renotified as they make only minor changes to the built form and do not result in additional impacts.

Council's Landscape, Environment, Subdivision, Stormwater, Geotechnical and Traffic Officers have previously provided satisfactory referrals. External concurrence has been provided by the RFS under the integrated provisions of the Rural Fires Act. The amendments to the plans do not require reconsideration by Council staff or the RFS. A prior building encroachment into a Sydney Water easement has been removed and no further consultation with them was required.

Panel consideration and decision:

The Panel deferred the application on 7 June for the following reasons:

- The Panel does not have the benefit of the previous Council report which it will require to be fully informed of the assessment of the application. The Panel suggests that a single holistic report be prepared for consideration*

- *The Panel is concerned with the complexity of the site, its shape, topography and relationship to adjoining buildings and easements. Accordingly, the Panel requires a survey prepared by an independent registered surveyor of the site surrounding boundary treatment, road levels, detail and location of easements and details of trees. The survey is to be used to inform all the architectural plans.*
- *The amended architectural plans shall delete all references to a dual occupancy.*
- *The amended plans shall comply with the front setback*
- *The Panel would like to see multiple cross sections of the site to include the relationship of the proposal and topography to side boundaries and easements and built form so that the Panel can understand the relationship of the proposal to its neighbours.*

The matter shall be re-referred to the Panel for determination upon submission of the above information.

Response to panel recommendations

Panel recommendation

The Panel does not have the benefit of the previous Council report which it will require to be fully informed of the assessment of the application. The Panel suggests that a single holistic report be prepared for consideration

Response: This report satisfies this recommendation.

Panel recommendation

The Panel is concerned with the complexity of the site, its shape, topography and relationship to adjoining buildings and easements. Accordingly, the Panel requires a survey prepared by an independent registered surveyor of the site surrounding boundary treatment, road levels, detail and location of easements and details of trees. The survey is to be used to inform all the architectural plans.

Response: A survey plan is contained at **Attachment 3**.

Panel recommendation

The amended architectural plans shall delete all references to a dual occupancy.

Response: The plans have been amended to reflect this.

Panel recommendation

The amended plans shall comply with the front setback

Response: The applicant has amended the front setback by reducing the width of the first floor balcony from 1710mm to 900mm. See discussion at Chapter A1 in this regard.

Panel recommendation

The Panel would like to see multiple cross sections of the site to include the relationship of the proposal and topography to side boundaries and easements and built form so that the Panel can understand the relationship of the proposal to its neighbours.

Response: A number of sections have been provided illustrating the setbacks of retaining walls and built form from neighbouring properties. No non-compliances are identified.

Conclusion and recommendation

The additional documentation and changes made to the architectural plans are considered to satisfactorily address the Panel recommendations and the application is recommended for approval subject to the draft conditions at **Attachment 7**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004

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 2019
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Torrens title subdivision into two lots, Lot 1 on the western side with an area of 1,514.3m² on which the proposed new dwelling would be situated, and Lot 2 on the eastern side with an area of 1,216m² containing the dwelling approved under DA-2017/1719 and currently under construction.
- Construction of a three storey 4 bedroom dwelling house with two swimming pools located over a basement car parking for two vehicles and a workshop.
- Removal of 5 trees (a Mexican Weeping Pine, an Acacia spp and three palms)

1.3 BACKGROUND

A dwelling house and two swimming pools and spa situated on the eastern portion of the subject lot (DA- 2017/1719) was approved by the Land and Environment Court and is currently under construction with associated construction certificate PC-2020/227.

1.4 SITE DESCRIPTION

The site is located at 1A Norman Street, Mangerton and the title reference is Lot 1 DP 617042.

The site is irregular in shape with a steep fall from west to east across the site.

There are a number of large trees within and adjacent to the site.

Excavations have occurred on site to facilitate access for construction vehicles for DA-2017/1719 and for the building platform for the subject dwelling (see Figure 1). Unauthorised works have been investigated by Council's regulatory division.



Figure 1: View looking south along western boundary of the site with Turpentine T1? tree to left of shot

Access to the site is via the eastern end of Norman Street which narrows to single lane opposite no. 1 Norman Street and does not have kerb and gutter as shown at Figure 2, Figure 3, Figure 4 and Figure 5. The end section of Norman Street provides access to number 1A, 2, and 4 Norman Street.



Figure 2: Norman Street looking east towards subject site on right



Figure 3: View looking west along Norman Street from subject site



Figure 4: View towards the site from Norman Street with decommissioned stormwater pit in foreground



Figure 5: Wider angle view looking south into the site from property boundary

Council's waste collection service occurs adjacent for 1A, 2 and 4 Norman Street adjacent to 1 Norman Street as shown at Figure 6 due to waste vehicles not being able to safely access the frontage of those properties.



Figure 6: Bin collection location

The eastern downslope portion of the site contains a dwelling under construction approved under DA 2017/1719 as illustrated at **Error! Reference source not found.** with the excavation for retaining between the two dwellings illustrated at Figure 7, .



Figure 7: View looking south along excavation for retaining wall towards Council reserve

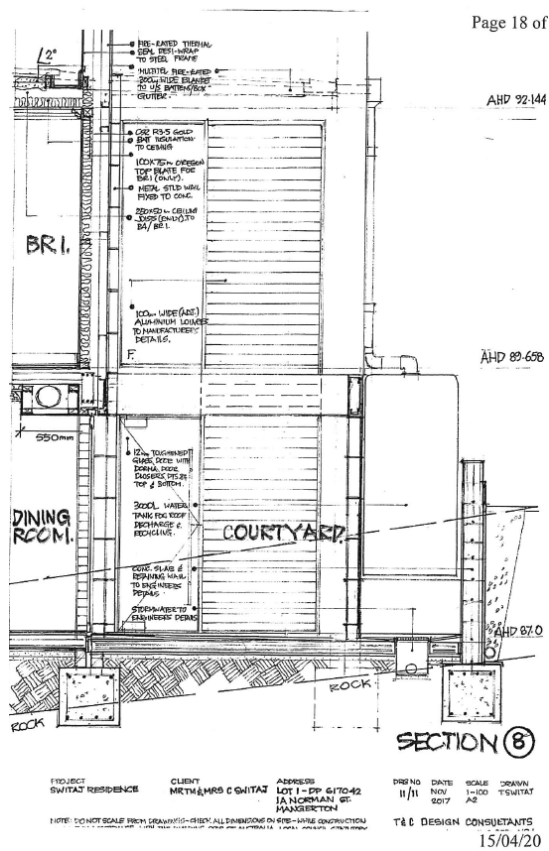


Figure 8: Retaining between proposed dwelling and courtyard of approved dwelling

To the west and upslope of the site is a dwelling house approved under DA-2019/749, the eastern elevation of which as shown at Figure 9.

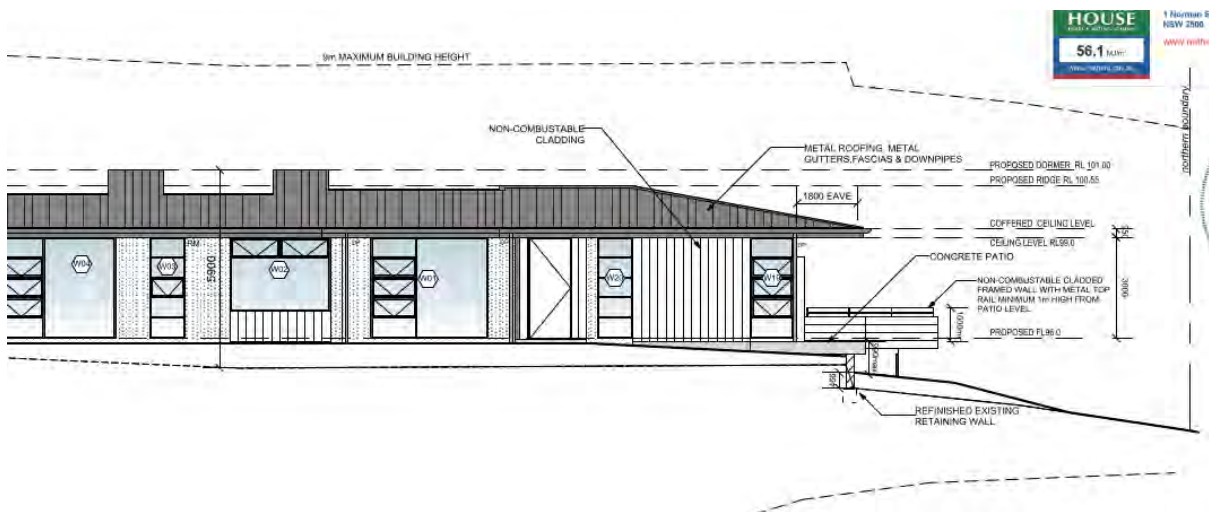


Figure 9: East elevation of 1 Norman Street

To the south of the site is a heavily vegetated Council owned reserve. Part of this reserve is managed by Council as an asset protection zone (see Figure 10 below).



Figure 10: Asset protection area managed by Council

A Sydney Water easement runs along the western portion of the site as illustrated at Figure 11 below. This easement is identified by Sydney Water as containing critical operational assets; including a 450mm CILC scour water main and a 600mm DILC trunk water main. The built form does not encroach on that easement.

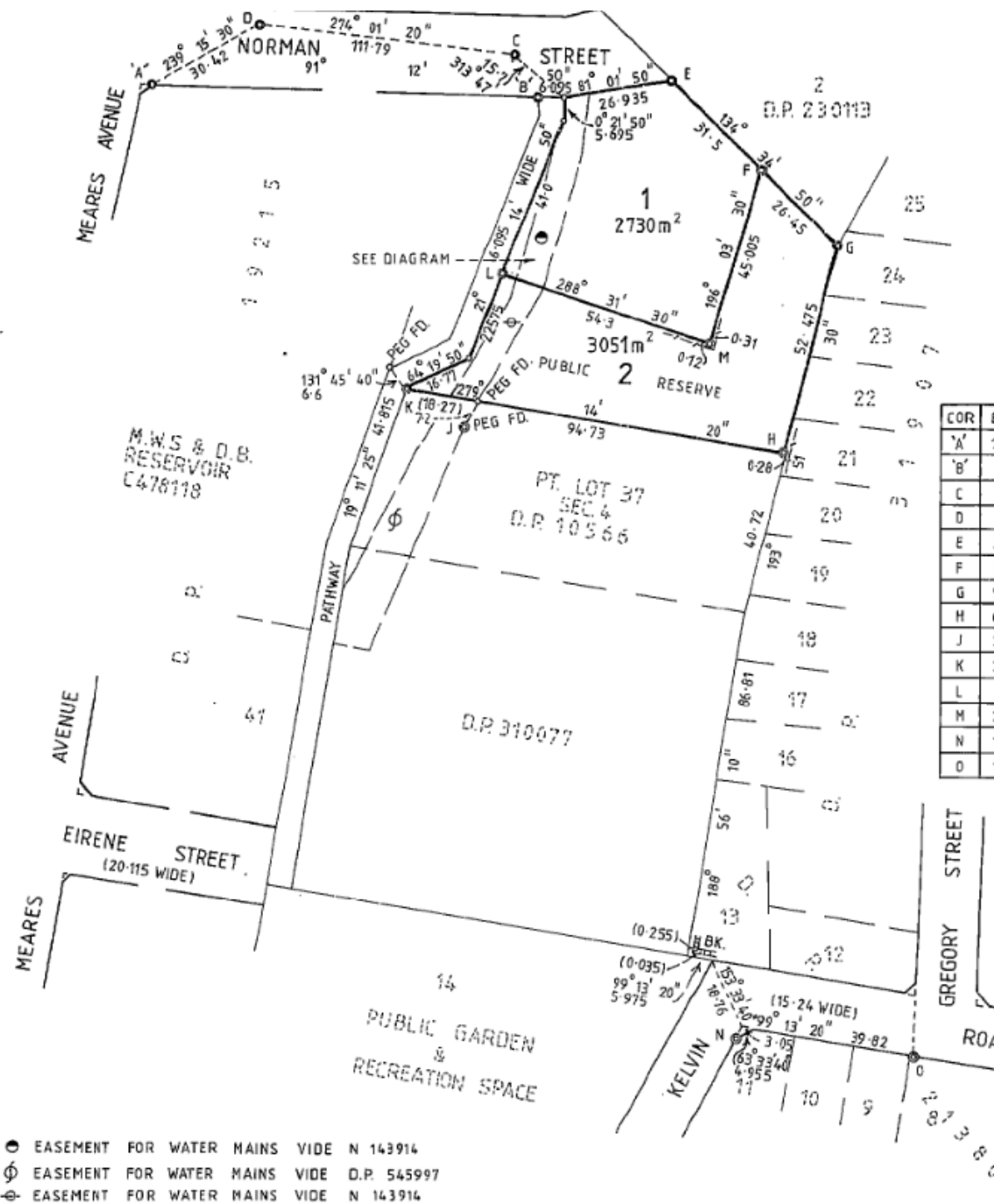


Figure 11: Sydney Water Easement

A public walkway runs along the western boundary linking Norman Street with Eirene Avenue as shown at Figure 12, Figure 13, Figure 14 and Figure 15.



Figure 12: Pedestrian walkway looking north adjacent to subject site on right



Figure 13: View up pedestrian path from Norman Street looking south



Figure 14: View looking across subject lot from pedestrian pathway



Figure 15: Aerial photo of pedestrian path

There is a heritage listing under the LEP for “Streetscape of Mature Blackbutts and Turpentine” affecting the road reserve and the Council owned land to the south of the site (Lot 14, DP 213805; Lot 1, DP 310077; Lot 2, DP 617042; Lot 1, DP 120714).

The locality is characterised by low density residential development within a leafy setting.

Property constraints

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

- **Unstable land:** A geotechnical report was submitted with the application (Terra Insight dated 25 August). Council's Geotechnical Officer has reviewed this report and has concurred with the recommendations contained therein and conditions are included in the draft consent in this regard.
- **Flooding:** The site is identified as being within an area for which the flood risk categorisation is under review. Council's Stormwater Officer has reviewed the application in this regard and has recommended conditions of consent.
- **Bushfire:** The site is identified as containing Category 1 vegetation. A Bushfire Assessment Report has been provided and the application was referred to the Rural Fire Service being Integrated Development under the EPA Act requiring a Bushfire Safety Authority. The RFS have reviewed the proposal and issued a Bushfire Safety Authority which is attached to the draft consent.
- **Natural resource sensitivity – biodiversity:** Part of the land is identified as containing ecologically sensitive land, namely Escarpment Moist Blue Gum Forest. In reality, the subject site is mostly occupied by grass and the mapping does not accurately reflect this. The proposal is not expected to impact on any native vegetation in the area mapped as Natural Resource Sensitivity–Biodiversity.

1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019 between 16 February and 2 March 2021 and received 31 submissions. The application was notified a second time following receipt of amended documentation between 25 January to 8 February 2022 and received a further two (2) submissions. All submissions are discussed below:




Figure 16: Notification map

Table 1: Submissions from first round of notification

Concern	Comment
Traffic and safety impacts on Norman Street including from cars, waste vehicles, potential pedestrian conflicts including those using the public path along the western boundary of the site.	<p>It is noted that the eastern end of Norman Street is narrow without kerb and guttering or footpath.</p> <p>The proposal for one additional dwelling on the lot is not however considered to generate significant additional traffic volumes.</p> <p>There is limited if any scope for any further dwellings to be built at that end of Norman Street.</p> <p>Service vehicles such as Council waste collection are already servicing this street. This includes numbers 2, 4 and 1A Norman Street placing their bins adjacent to 1 Norman Street for collection as illustrated below.</p>  <p>Whilst it is generally desirable for waste bins to be presented directly at the street frontage for a residential lot, the constraints of Norman Street do not allow for this for the existing dwellings. The absence of the ability for this to occur for the subject proposal and an additional bin further back on Norman Street would not warrant refusal of the proposal.</p>
Encroachment over Sydney Water easement and validity of old correspondence from Sydney Water attached to the submission.	The encroachment has been removed.
Inadequate stormwater management for the site and potential downslope impacts.	The drainage plans and supporting documentation have been updated and are supported by Council's development engineering officer as meeting Council controls.
Unauthorised excavation and potential public safety and instability risks as well as impacts to tree.	<p>This matter was investigated by Council's Regulatory division.</p> <p>A construction fence was subsequently erected to prevent access.</p> <p>Further detail was provided by the consulting geotechnical engineer to advise the excavations</p>

Concern	Comment
	<p>were not of a nature that required measures to protect from slippage.</p> <p>The arborist report has reviewed this work that has been undertaken and is of the view the tree is not significantly impacted. This has been reviewed by Council's Landscape Officer as satisfactory.</p>
The proposed subdivision does not meet bushfire requirements.	A Bushfire report has been provided and reviewed by the Rural Fire Service who have issued their Bushfire Safety Authority under the integrated provisions of the Act.
Problems accessing documents on notification on Council website	This matter was discussed and resolved.
Impacts to trees	<p>The proposal involves the removal of 5 trees and there are a number of significant trees that are required to be retained.</p> <p>The application was accompanied by an arborist report prepared by a suitably qualified consultant. That report makes recommendations with respect to tree protection measures and reviewed the proposal in light of unauthorised excavation that has occurred.</p> <p>The report has been reviewed by Council's Landscape Officer who has given a satisfactory referral subject to conditions.</p>
Impacts to on-street parking	<p>The eastern end of Norman Street does not offer opportunity for on-street car parking.</p> <p>Visitor parking on the street would have to occur further west along Norman Street.</p> <p>The dwelling does provide a driveway that has a setback from the road sufficient to accommodate two cars. These would have to reverse out of the site however that is generally the case where visitors park on the driveway of dwellings. This is not considered to be a significant concern given the low traffic volume and low speed environment at that location.</p>
The dwelling and proposed 1.8m solid boundary fence adjoining the public pathway would block public views towards the ocean that have been enjoyed for many years as well as having an adverse visual impact.	Fencing has been amended to be open palisade style.

Concern	Comment
	
This DA seeks to use an alternative solution to assess bushfire risk meaning that all other homeowners in the area have been dealt with under different assessment conditions. This shows a complete lack of consistency in assessment and procedural fairness.	The RFS have reviewed the submitted bushfire report and have issued their Bushfire Safety Authority. It is not Council's role to question that this referral.
View and visual impacts from non-compliant front setback	A front setback encroachment has been reduced to 1.7m for a small portion of the balcony only. See Chapter A1 for discussion.
The proposal does not satisfy the maximum 2 storey height specified in the DCP	The development has a three storey component at the north eastern corner. The basement level is however substantially below existing ground level and the dwelling would generally present as two storey's from adjoining properties. See variation discussion at Chapter A1.
Exceeds height limit of 9m	The drawings show the building as being compliant.
No mention is made of perimeter fencing	Fencing detail has been provided.
The proposal is the culmination of a history of unauthorised clearing of vegetation on his land and in the public reserve to the south to reduce bush fire risk	This matter has been investigated by Council regulatory officers. The current application has to be assessed on the merit based on the documentation submitted.
The large scale of this ultra-modern multi-storey building is very dominant in the streetscape and	The proposal is notably modern in appearance.

Concern	Comment
<p>out of character with all other dwellings in the street.</p> <p>All adjoining dwellings on the same side of the street have large front setbacks which confer the feeling of an open streetscape. By contrast this dwelling will be very dominant and intrusive in the streetscape and is purely a consequence of a design of inappropriate scale.</p>	<p>As to the character of the area, Chapter D1 of the DCP covers character and notes that the desired future character for Mangerton is described as being a low density residential suburb with a mix of housing types, including detached dwelling-houses as well as some additional medium density villa and townhouse developments occurring within reasonable walking distance to bus stops in the suburb. The retention of the significant remnant stands of trees is important, in order to maintain the leafy character.</p> <p>The proposal retains significant trees and is not arguably inconsistent with the future character identified in this chapter.</p> <p>The locality is characterised by dwellings that sit comfortably within the leafy setting. The proposed dwelling is somewhat of an outlier in that regard.</p> <p>However, there are limited viewing points to the dwelling from public spaces. Significant trees have been retained and there are not considered sufficient grounds to request a different architectural design response.</p> <p>It is also noted that both proposed lots are well in excess of the minimum lot size requirement under Council's LEP (which is 450m²) being 1,514.3m² and 1,216m².</p> <p>The dwelling complies with north, west and south setbacks however has large retaining walls to the boundary with the other approved dwelling on the lot.</p>
<p>Timber fencing would not comply with bushfire rating requirements</p>	<p>Conditions of consent are recommended with respect to fencing materials meeting BAL rating requirements. The fence is proposed to be hardiplank construction as well as palisade.</p>
<p>View impacts from 1 Norman Street</p>	<p>Fencing has been amended to be open palisade style.</p> <p>The development generally complies with setbacks with the exception of a small encroachment into the front setback.</p> <p>View impacts are not considered unreasonable.</p>



Concern	Comment
Undisclosed visual impact of roof mounted photovoltaic panels to views from 1 Norman Street. Solar panels would likely require stands further impacting on views.	The panels would likely have to be flat mounted on the roof in order to comply with the maximum building height. However, development for the purposes of solar energy systems (ie a photovoltaic electricity generating system, solar hot water system or solar air heating system) is specified as exempt development under Division 4 of Part 3 of State Environmental Planning Policy (Infrastructure) 2007.
The plans provided are clearly labelled as 'concept plans' and in view of the risks to residents in Gregory Street this proposal should not be granted before final engineering design plans and hydrological risk assessment reports are provided for consideration.	Conditions of consent have been recommended by Council's Geotechnical Officer with respect to engineering and stability of excavations. Conditions of consent have been recommended by Council's Stormwater Officer with respect to the final stormwater design.
Proposed works within road reserve (retaining walls and landscaping)	Works are to be contained within the subject lot.
Inadequate turning facility in basement car park to allow for forwards egress to Norman Street.	The parking arrangement as shown would not provide the necessary swept paths to ensure the residents could manoeuvre on site to achieve forwards exit from the site. It is recommended that the space noted as "workshop" be swapped with the western parking space as this will enable cars to reverse back to the west before swinging up the driveway. This is reflected in the draft conditions of consent.
Approving this subdivision would be inconsistent with a previous refusal of a similar application on 3 Norman Street (DA-2016/63)	DA-2016/63 was withdrawn, rather than refused. This was primarily resulting from a lack of resolution of bushfire matters to the satisfaction of the RFS who held a concurrence role.
The proposed subdivision does not allow for suitable BAL ratings for the dwelling.	The RFS have reviewed the submitted bushfire report and have issued their bushfire safety authority.
The submitted bushfire report is inaccurate in describing the vegetation on and around the site	As above
There is a conflict of interest as the easement agreement and SEE have been submitted by the applicant himself and therefore not objective.	The applicant is entitled to prepare documentation in support of the application where suitably qualified to do so.
Pool and spa overflow waters potentially damaging adjacent turpentine tree.	Pool and spa overflow has to be captured and directed to stormwater. This is to be reflected in the conditions of consent.
The subdivision will set an undesirable precedent for further subdivisions in Mangerton.	The proposal is not considered to set an undesirable precedent. The minimum lot size complies, and no unreasonable adverse traffic or amenity impacts are expected. Other applications

Concern	Comment
	for subdivision would also be subject to a full assessment against the relevant controls.
Documentation is difficult to read	Documentation provided is considered adequate to allow a full and proper assessment of the proposal and the likely impacts.
Concerns that the development approved under DA-2017/1719 is not being constructed in accordance with the approval.	This is a matter for the certifier of that project and not a matter for consideration under this DA.
Muddy stormwater runoff from excavations running onto their land	This is a matter for the certifier for the project. Erosion and sediment control conditions are applied to the draft consent.
Construction vehicles damaging the roadway.	This is a matter for the certifier or Council's regulatory division. It would be a condition of any consent that a dilapidation survey be prepared of the road and that any damage be rectified by the developer.
Construction fencing encroaches onto Council property	This is a matter for Council regulatory division.
The developer should make the eastern end of Norman Street safe for the residents and fully accessible to waste service providers	Whilst the development and prior approval on the site have intensified the activity at the eastern end of Norman Street, this is not considered to be of a degree or nature that would warrant broader upgrades to the street.
The bushfire report contradicts previous bushfire reports for adjoining properties including 1 Norman Street and 1A Norman Street. The fire risk ratings for 1A Norman and 1 Norman Street (immediate neighbours of the proposed development) seem to be higher than the proposed development. We are concerned that this seems to be conveniently done to allow the subdivision.	The supporting bushfire report has been prepared by a suitably qualified consultant and reviewed by including 1 Norman Street and 1A Norman Street. The fire risk ratings for 1A Norman and 1 Norman Street (immediate neighbours of the proposed development) seem to be higher than the proposed development. We are concerned that this seems to be conveniently done to allow the subdivision.
Stormwater is proposed to be directed to a redundant pit	The stormwater plan has been amended with stormwater now being directed to an OSD and then level spreader approved under DA-2017/1517. This is an arrangement that has been found satisfactory by Council's stormwater officer
Documents created by the developer are a conflict of interest.	The applicant is entitled to prepare their own statement of environmental effects and supporting documentation.
Proposed variations to DCP controls either not addressed (e.g. no. of storeys) or not addressed in accordance with Chapter A1.	See Chapter A1 for discussion.
Heritage impacts and lack of heritage impact statement	The nearby streets including Norman Street along with the Council reserve to the south are identified in Schedule 5 of the LEP and as "Streetscape of

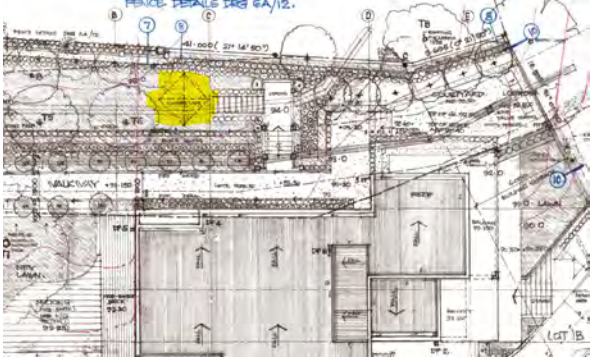
Concern	Comment
	Mature Blackbutts and Turpentine". The proposal is not considered to be of a nature or to have substantial impacts with respect to heritage matters to warrant a heritage impact statement. No significant trees are proposed to be removed.
Shadow diagrams missing or inadequate	Shadow diagrams have been provided.
Insufficient detail of pool fences or surrounds	This is considered to be a matter is resolved via conditions of consent.
Construction related impacts (e.g. Noise, Vibration, Damage to road)	Construction related impacts are considered to be reasonably managed via conditions of consent.
Photos in the submission are not current	The site has been inspected by Council officers in regard to the current scenario.
Proposal should retain Tree 1	Tree 1 is to be retained.
Glare impacts to neighbours from extensive glazing	Due to the contours of the land and surrounding vegetation, any reflection from glazed areas would not likely be a significant concern.
Insufficient detail of retaining walls (e.g. height above ground, drainage, materials etc)	Further detail has been provided of retaining walls and associated structures.
Overlooking from three storey height	The proposal is not expected to result in any significant overlooking given the separation to and orientation of adjoining dwellings.
Lack of statement of heritage impact	This is not required. The heritage notation relates to trees and the proposal does not impact upon any of the identified trees.
Subdivision application should be addressed separately to the dwelling application.	This is not a requirement. Council regularly allows consideration of subdivision and construction under single applications.
Dilapidation reports would be required for each adjoining dwelling on Norman Street for excavations.	This is considered to be managed via conditions.
The proposal is overdevelopment	Noting the dwelling is large, the minimum lot size exceeds the minimums under the LEP. The FSR is likewise below the maximum. Height complies with the LEP. Traffic generation from one additional dwelling is not considered to result in a significant impact to the local street network.
Excavations using rock hammers that have been undertaken are contrary to the applicant's report recommending sawing of sub surface rock to reduce vibration	This is a matter to be taken up with the certifier and not relevant to the subject application...
Proposal does not allow for street tree planting	There are already significant street trees in the street.

Concern	Comment
Solid fence will impede early notice of any fire, This is considered to be resolved by an open be a magnet for graffiti and a potential safety palisade type of fence. risk in strong winds	
Inadequate room to store equipment and building material, bricks/frames/trucks/concrete pumps etc) in the area marked on the above plan.	It is considered reasonable that a Construction Management Plan be provided given the constrained nature of the street environment and site.
Proposed pump out system for stormwater in basement not ideal.	This has been reviewed by Council Stormwater Officer who has not raised concern with this arrangement.
The BASIX certificate requires a photovoltaic system with the capacity to generate at least 2.5 peak kilowatts of electricity. The plans do not reference the system and due to the vegetation around the proposed home, it is probable that these panels would need to be installed on a racking system which I believe will add to the height of the dwelling which would exceed the maximum height.	This is to be addressed via conditions.

Table 2: Submissions received in second round of notification

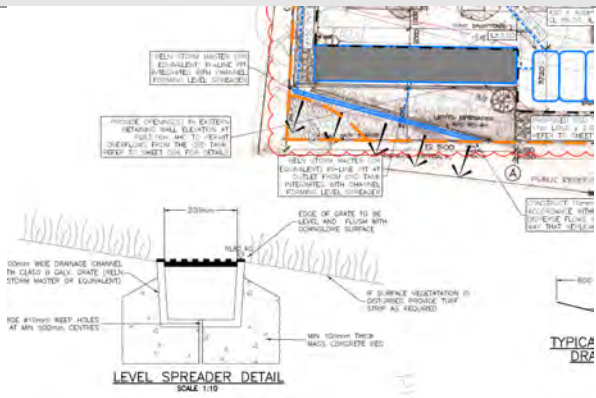
Concern	Comment
Impacts associated with pergola structure located within the 6m setback to Norman Street including views and encroachment over Sydney Water easement.	<p data-bbox="745 253 1350 320">The pergola structure as notified is illustrated below</p>  <p data-bbox="745 611 1302 645">This has since been amended to the following:</p>  <p data-bbox="745 974 1350 1108">The dwelling footprint no longer encroaches and the pergola and retaining wall structure within the front setback within the easement has also been removed.</p> <p data-bbox="745 1131 1350 1198">A minor encroachment of the first-floor balcony remains as discussed at Chapter A1.</p>
The artist impression does not accurately represent the height of the dwelling, specifically the three-storey component and misrepresents the visual impact of what will be a very large dwelling.	<p data-bbox="745 1220 1350 1355">A variation to the three-storey control in the DCP was previously addressed and supported in the Council officer report to the Panel of 26 October 2021.</p> <p data-bbox="745 1377 1350 1478">This was not identified as an item that was of concern to the Panel as reflected in their recommendations.</p> <p data-bbox="745 1500 1350 1601">It is noted the artist render of the dwelling is taken from a vantage point that does not capture the three-storey element in its entirety.</p> <p data-bbox="745 1624 1350 1803">Notwithstanding, there are limited dwellings or parts of the public domain from which this elevation is viewed, and reasonable separation is provided between any adjoining dwellings and this element of the dwelling.</p> <p data-bbox="745 1825 1350 1892">Impacts associated with bulk and scale are not considered to be unacceptable.</p>

Concern	Comment
<p>Photo rendering #1: The first artistic rendering is very unclear as to its location on the site. If on the southern boundary it is not consistent with the fence design described in the 'Section and Fence Detail' plan (see Section of Fence 8) and as detailed in the Landscape plan. Nor is it compliant with the proposed DA conditions which required open style palisade style fencing.</p> <p>Photo rendering #2: The second rendering shows open fencing on the western boundary at the southern end. We have no objection to this rendering, however the spacing of vertical fencing elements has not been specified in the Section and Fence Detail plan (see Section of Fence 7).</p>	<p>The artist impression #1 is an oblique view from above of the southern boundary fence (see below)</p> 
<p>From an aesthetic and architectural standpoint, the open palisade fencing design (as specified in the earlier draft DA conditions) along the entire length of the western boundary should be required. This can be clearly seen by looking at the second Photo Montage and any privacy issue dealt with by suitable plantings and has previously been proposed by Council.</p>	<p>Open palisade type fencing was of primary concern on the western boundary adjoining the public pathway.</p> <p>The render looking west towards 1 Norman Street identifies open style palisade fencing as recommended by Council.</p> 
	<p>It is noted the open palisade type fencing does not extent for the full extent of the western boundary as illustrated below.</p>  <p>This is contrary to Council recommendations and conditions of the draft consent includes the extension of open palisade style fence treatment for the full length of the western boundary. This requirement is to remain.</p>

Concern	Comment
<p>We request that the clothesline be relocated elsewhere so that it is not adjacent to the front door of 1 Norman Street. This has not been included in the Photo Montage image showing the western boundary area.</p>	 <p>The clothesline location does not breach any Council controls and is conveniently located to the dwelling with access to sun. Further, the property is separated from 1 Norman Street by the public walkway and is at a lower grade than the adjoining dwelling house and will mostly be obscured by fencing and landscaping.</p>
<p>The drawing titled Build Over Easement does not show the encroachment over the easement resulting from construction of the courtyard in the northwest corner of the site. Consequently, the encroachment shown on the drawing is greatly understated and not minor as previously indicated by WCC.</p> <p>Note that the document Engineering – Sydney Water Encroaches is not available as a pdf, so cannot be read or commented upon.</p>	<p>The structures over the Sydney Water easement have been removed.</p>
<p>The Bushfire Report for this DA requires that the entire site be managed as an Inner Protection Zone and the requirements to meet this are described in the document ‘Planning for Bushfire Protection 2019’ at Appendix 4-part A4.1.1 on page 107. It is obvious that the proposals in the Landscape plan for planting trees and shrubs are completely non-compliant with this requirement.</p> <p>Our property at 1 Norman Street has been deemed to have an extremely high fire risk rating of Flame Zone and therefore we request that no trees or tall shrubs of any type be planted along the western boundary to minimise our fire risk.</p> <p>By way of example, along the western boundary it is proposed to plant significant numbers of dwarf Cornus Florida (Dogwood). Our internet searching has failed to find a dwarf form of this plant with the standard form growing to 10 metres tall and spreading widely. Moreover, it is</p>	<p>The amended landscape plan has been reviewed by Newcastle Bushfire Consulting (see letter dated 8 March 2022) who have confirmed the plan will satisfy the recommendations in the Bushfire Report and Bushfire Safety Authority issued by the RFS, particularly the requirement that the entire site be managed as an inner protection area (IPA).</p> <p>Council’s Landscape Officer has reviewed the proposal and has raised no objection subject to appropriate conditions of consent.</p> <p>Consistency of the photo montages with the landscape plan is not considered to be a determinative factor. The photo montages serve to illustrate the location and finishes of the dwelling and associated retaining walls and structures. Detail of vegetation is considered to be suitably contained in the landscape plan.</p>

Concern	Comment
<p>a non-native plant (along with many other of the selections) unsuited to our native fauna. We therefore regard it as an unsuitable selection that will prevent view sharing to the east and northeast from the public pathway and 1 Norman Street as well as being an environmentally unsuitable choice and a fire hazard.</p> <p>The Artists render of fences and Photo montages drawings depicting the western boundary area of the development shows numbers and types of new plants which bear no relationship to the Landscape Plan and existing trees are missing. This means that these depictions cannot be relied upon to give any reasonable idea of how the finished development will appear. This is despite the report from the WLPP from 21 October requiring that the 'revised elevations and sections must clearly express precise heights and reduced levels of adjoining gardens and built form as well as the proposed new dwelling and associated gardens'.</p>	
<p>From the montage of the front of the proposed development, it is clear that there will be a paved area available for the collection of bins to service 1A and 1B Norman Street as a minimum. This issue has been raised previously and will solve the problem where the bins for 1, 2, 4 and 6 are currently placed in front of 1 Norman Street and fill the turning area (before construction of 1A and 1B Norman St). The very large number of bins in a narrow cul-de-sac is already a hazard and with the prospect of at least 6 additional bins will be unsafe. Large trucks are already accessing this driveway and so this is not an impediment to this proposal.</p>	<p>Council's waste contractor cannot proceed past 1 Norman Street to service bins for the properties located at that end of Norman Street.</p> <p>The truck reverses down Norman Street to that point and collects bins from the southern side of Norman Street adjacent to 1 Norman Street.</p> <p>Ideally, bins would be located adjacent to the subject property however this is not possible in this instance.</p> <p>It is not considered that this is a constraint that would warrant the refusal of the application as it would render Lot 1A Norman Street undevelopable.</p>
<p>The elevation drawings are re-worked versions of the original plans that were submitted previously and fall well short of the requests of the WLPP report dated 21 October 2021 which required new more detailed and expansive sections and elevations, and which will allow a more considered view for assessment. The elevation drawings need to be completely redrawn and re-submitted.</p> <p>Similarly, the Photo Montages fall well short of the WLPP report's requirements which sought 3D rendering to 'demonstrate how the built</p>	<p>See discussion above.</p>

Concern	Comment
<p>form and courtyards are housed on the site, how boundary conditions are resolved and how discrete roof forms and courtyards achieve an appropriate response to the site's form and landscape features. The views should be taken from a number of key locations, chosen for their impact on public amenity.' The drawings need to be resubmitted in accordance with the requests of the WLPP report.</p>	
<p>Impacts to the streetscape, incompatibility of the proposal with the natural and built context and inaccuracy of photo montages in illustrating this impact</p>	<p>With regard to the context, Chapter D1 Character Statements from Wollongong Development Control Plan 2009 contains a description of the current and desired future character of Mangerton as follows:</p> <p><u>Existing Character</u></p> <p><i>Mangerton is situated approximately 1.5 kilometres from the Wollongong City Centre.</i></p> <p><i>Mangerton is a leafy residential suburb which is characterised by predominantly single to two storey weatherboard bungalows and brick dwelling-houses with some pockets of medium density housing in the form of villas, townhouses and walk-up residential flats.</i></p> <p><i>Mangerton also contains a number of streets lined with Brush Box (Lophostemon confertus), Blackbutt (Eucalyptus patens), Turpentine (Syncarpia glomulifera), Hills Fig (Ficus macrocarpa var., hillii) trees, which add to the streetscape and leafy character of the suburb.</i></p> <p><i>A large remnant stand of Spotted Gum (Eucalyptus maculata) trees exists at Mt Drummond, WIN TV station site and the former RAAF site. Cabbage Tree Palms (Livistona australis), Lemon-scented gum (Eucalyptus citridoria), Brush box (Lophostemon confertus), Blackbutt (Eucalyptus pilularis), and Jacaranda (Jacaranda mimosifolia) trees also provide a leafy backdrop to the suburb.</i></p> <p><i>The Illawarra Grammar School (TIGs) is located within the western edge of Mangerton and adjoins the St Therese Catholic primary school on Powell Street.</i></p> <p><u>Desired Future Character</u></p> <p><i>Mangerton will remain a low-density residential suburb with a mix of housing types, including detached dwelling-houses as well as some additional medium density villa and townhouse</i></p>

Concern	Comment
	
The proposed landscaping includes a large number of exotics with few natives and will not support local birdlife.	The proposed landscaping has been reviewed by Council's Landscape Officer and found to be satisfactory with regard to Council controls.
The site has additionally been excavated down to clay and would provide a poor growing medium.	
How can Council provide conditional support for the proposal without confirmation Sydney Water support the encroachment over the easement?	The encroachment of the building over the Sydney Water easement has been removed.
The proposed non-compliances (no. of storeys and encroachment in 6m front setback) are unjustified given the size of the site.	<p>The variation sought to the number of storeys was discussed in the previous report to the Local Planning Panel who did not raise that as a reason for deferral of the determination.</p> <p>A minor encroachment into the front setback remains as discussed at Chapter A1 below.</p>
Development costs will have gone up since the application was lodged.	It is not considered reasonable to require a new cost of works based on the lapsing of time since the original submission.
View impacts arising from non-compliant setback.	The non-compliant setback is to be largely removed as discussed at Chapter A1 below.
During recent rainfall, number 2 Norman Street has experienced significant adverse stormwater runoff from the subject property.	This is a matter to be raised with the Certifier for the site or with Council's regulation and enforcement division or Fair Trading if the certifier does not take appropriate action.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Geotechnical, Subdivision, Traffic, Landscape, Heritage, Environment and Stormwater Officers have recommended conditions of consent.

1.6.2 EXTERNAL CONSULTATION

Rural Fire Service

The Rural Fire Service have provided their Bushfire Safety Authority under the integrated requirements of the Act as contained in the draft consent at **Attachment 7**.

Sydney Water

Sydney Water were consulted with regard to an encroachment of the building over a Sydney Water drainage easement that traverses the western portion of the site. That encroachment has now been removed.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

N/A

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Council property information does not identify the site as potentially contaminated. There are no past development approvals or uses of the land that would indicate potential contamination risk. A site inspection did not identify potentially contaminating activities and the adjoining land is not currently nor has it historically been used for contaminating activities. No further investigation is considered necessary to be satisfied that the land is suitable for the residential land use to which the proposal relates.

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

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

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

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

The Act defines subdivision as follows:

6.2 Meaning of "subdivision" of land

- (1) *For the purposes of this Act, subdivision of land means the division of land into 2 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.*
- (2) *Without limiting subsection (1), subdivision of land includes the procuring of the registration in the office of the Registrar-General of—*
 - (a) *a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or*
 - (b) *a strata plan or a strata plan of subdivision within the meaning of the Strata Schemes Development Act 2015.*

dwelling house means a building containing only one dwelling.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

The proposal involves subdivision and construction of a dwelling house, both of which are permitted in the zone with development consent.

Clause 2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with development consent.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The minimum lot size for subdivision is 450m². The proposed subdivision complies resulting in the following lot sizes:

- Proposed Lot 1: 1,514.3m²
- Proposed Lot 2: 1,216m²

Clause 4.3 Height of buildings

The proposed building height of 8.9m 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

	Proposed Lot 1	Proposed Lot 2
Site area:	1,216m ²	1,514m ²
GFA:	~420m ²	447m ²
FSR:	0.35:1	447/1,514 = 0.3:1

Clause 5.10 Heritage conservation

The site is adjacent to area identified under the LEP as being of landscape significance under Schedule 5, being “Streetscape of mature blackbutts and turpentine”.



The proposal is not expected to adversely impact on any trees of heritage significance identified under the LEP.

Clause 5.21 Flood planning

The site is identified as being flood affected (Flood Risk Precinct Classification under Review). In relation to stormwater the design is able to maintain existing hydrological conditions to pre-development levels with no increase in either peak flow rates or runoff volumes. Council's Stormwater Officer has reviewed the proposal in this regard and has not raised any concerns.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

Conditions apply in regard to specific requirements from the relevant authorities for the connection of electricity, water and sewage to service the site.

Clause 7.2 Natural resource sensitivity – biodiversity

Part of the land is identified as containing ecologically sensitive land, namely Escarpment Moist Blue Gum Forest (see below). In reality, the subject site is mostly occupied by grass and the mapping does not accurately reflect this. The proposal is not expected to impact on any native vegetation in the area mapped as Natural Resource Sensitivity–Biodiversity.



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

State environmental planning policies (SEPPs) were consolidated from 45 existing SEPPs into 11 new SEPPs commencing on 1 March 2022 with transitional provisions making them applicable to the application. The application was lodged prior to this date, however the provisions within the repealed SEPPs were transferred into the new SEPPs and the intent and provisions remain largely unchanged. The Department has advised that these changes do not affect applications that have already been lodged

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

An assessment of the proposal against planning controls in WDCP 2009 is contained in Attachment 6. Variations are discussed below:

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

Front setback

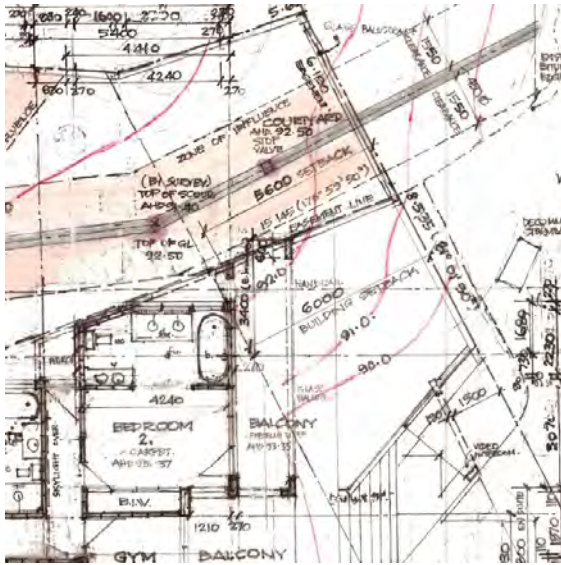
(a) The control being varied;

Chapter B1, 4.2 Front Setbacks: 6m minimum front setback; Chapter B1 4.6 Private Open Space (up to 900mm projection of private open space including decks and balconies forward of the building line)

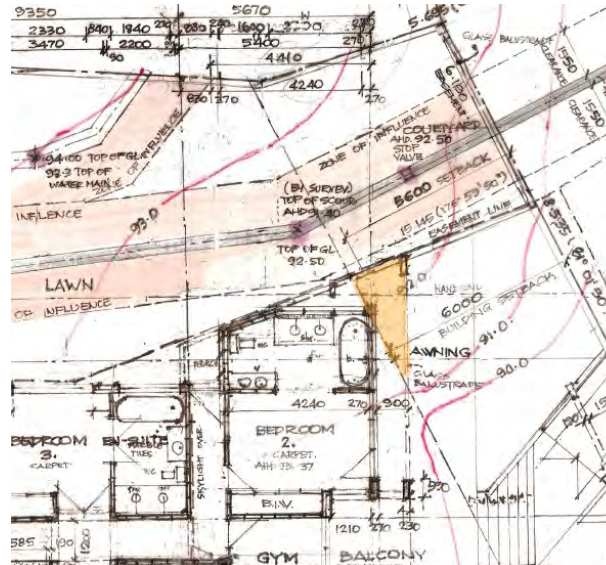
(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and

The balcony width has been reduced from the previously proposed 1710mm to 900mm as illustrated below. The first floor balcony now encroaches up to 1.7m into the 6m setback at the greatest.

Previously proposed



Amended



The encroachment is not considered significant in the context of the streetscape and likely impacts and is satisfactory with the objectives of both the front setback and private open space controls as detailed below.

The objectives of Section 4.6 Private Open Space are as follows:

- To ensure that private open spaces are large enough to accommodate a range of uses and are accessible and connected to indoor spaces.*
- To ensure that private open space is suitability located taking into account existing and potential surrounding development.*
- To minimise amenity impacts to neighbours.*
- To ensure functionality of the private open space area by reducing overlooking, overshadowing and amenity impacts onto / from adjoining properties, through the provision of appropriate buffer screen planting around the perimeter of the open space area, where necessary.*
- To protect existing trees and other vegetation in the immediate locality which contribute to the natural setting of the site.*

The proposed variation is not considered contrary to these objectives.

The objectives of Section 4.2 Front Setbacks are as follows:

- To reinforce the existing character of the street and locality by acknowledging building setbacks.*
- To ensure that buildings are appropriately sited, having regard to site constraints.*
- To ensure building setbacks are representative of the character of the area.*
- To provide for compatibility in front setbacks to provide unity in the building line.*
- To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.*
- To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).*

Setbacks of dwellings on the northern side of Norman Street are variable with a significant proportion being closer than 6m to their property boundary.

Setbacks for dwellings along the southern side of Norman Street approaching the site meet or exceed the 6m recommended setback (no. 7 (~20m), no. 5 (~10m), no. 3 (~6m) and no. 1 (~6m)). In respect of a streetscape character however the subject property is largely obscured by the terrain and vegetation when looking east along Norman Street and would not have readily perceptible impacts to the streetscape.

(c) Demonstrate how the objectives are met with the proposed variations; and

See above.

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

See above.

Three storey height

(a) The control being varied;

Chapter B1, 4.1 Number of Storeys: R2 Low Density Residential Zones permit a maximum height of 9m – a maximum of 2 storeys.

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

The built form is three storey above the basement car park due to the parking area extending greater than 1.2m above natural ground.

The site slopes quite steeply and the proposal seeks to take advantage of this fall in providing parking beneath the dwelling. There is however no reason a building could not be designed to comply by stepping up across the site.

(c) Demonstrate how the objectives are met with the proposed variations; and

The objectives of the controls are as follows:

- a) To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.*
- b) To minimise the potential for overlooking on adjacent dwellings and open space areas.*
- c) To ensure that development is sympathetic to and addresses site constraints.*
- d) To encourage split level stepped building solutions on steeply sloping sites.*
- e) To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.*
- f) To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.*
- g) To ensure appropriate correlation between the height and setbacks of ancillary structures.*
- h) To encourage positive solar access outcomes for dwellings and the associated private open spaces.*

The basement garage is predominantly below ground and the variation is broadly consistent with the above objectives.

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

Impacts associated with the variation are considered acceptable given the limited view shed that encompasses this part of the building.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is \$974,874 and the contribution applies under this plan.

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)

The 2000 Regulation continues to have effect as the application was lodged prior to 1 March 2022.

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

N/A

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

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

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See discussion at section 1.5 of this report.

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

The application has been amended in response to previous Panel recommendations and is considered acceptable with regard to the likely impacts, the zoning, character of the area and applicable planning controls. Submissions raised following notification are considered to have been addressed or are of a nature to not warrant any further redesign or refusal of the application. Internal and external referrals are satisfactory subject to appropriate conditions of consent. The proposal is considered to be in the public interest.

3 CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development is permissible with consent and is consistent with the zone objectives. There is a variation sought in relation to front setback and number of stories under WDCP2009 which has been justified by the applicant and is generally supportable in this instance.

Internal referrals were satisfactory and concerns raised in submissions have been considered and where appropriate, conditions of consent are recommended to resolve/ mitigate concerns. External concurrence has been provided by the RFS under the integrated provisions of the Rural Fires Act.

Previous Panel recommendations are considered to have been addressed.

There being no outstanding issues, it is recommended that the application now be determined.

4 RECOMMENDATION

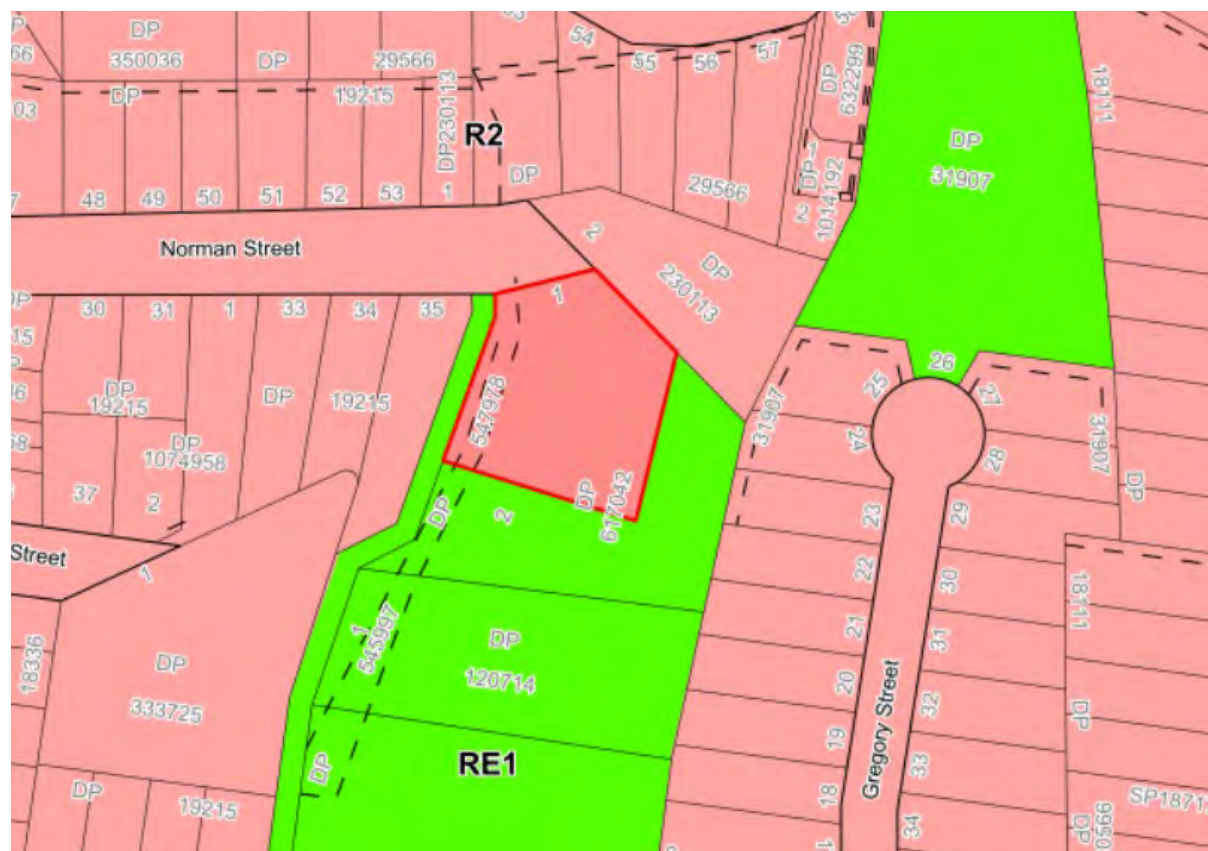
It is recommended that the development application DA-2021/136 be approved subject to the conditions at Attachment 7

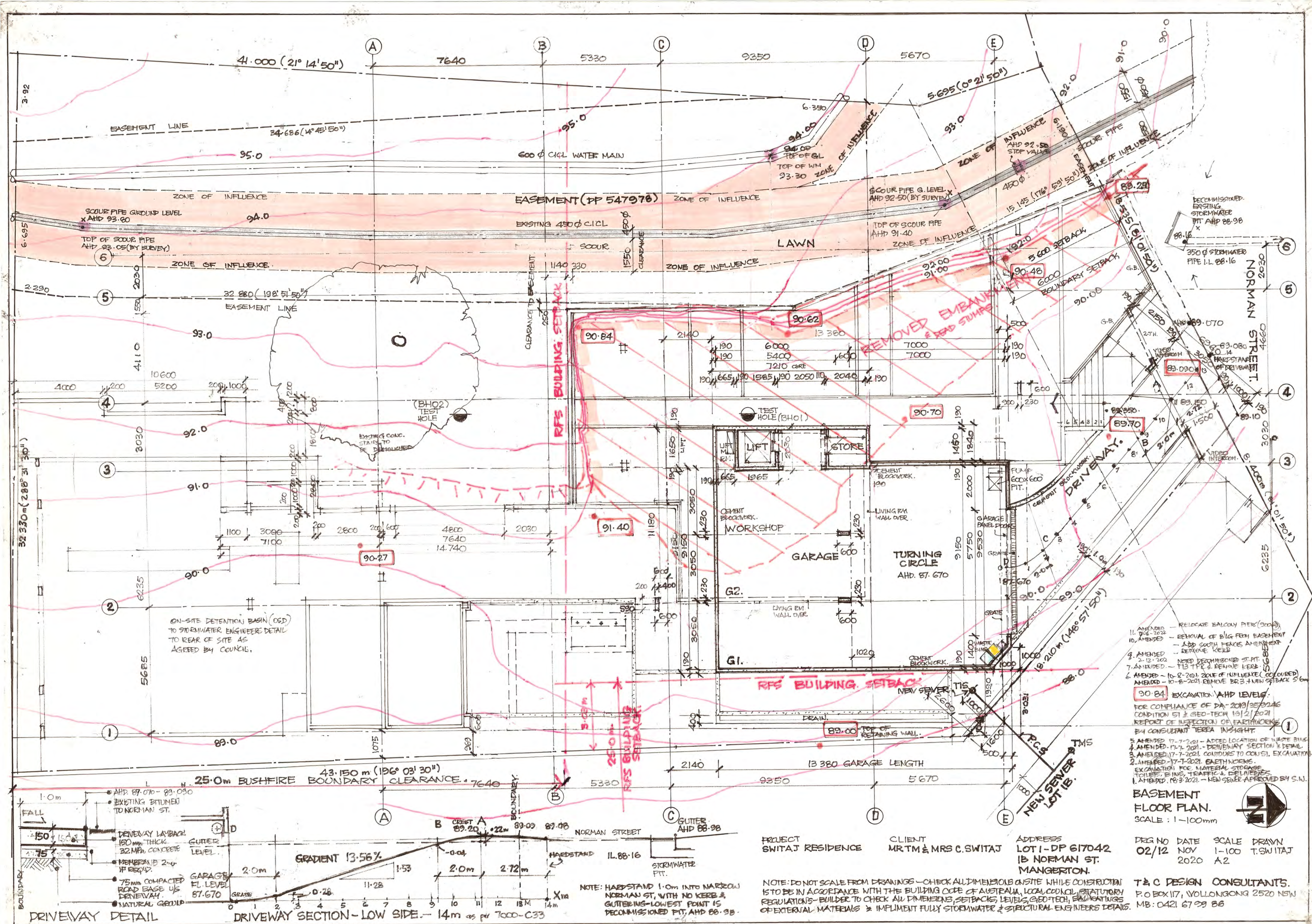
5 ATTACHMENTS

- 1 Aerial photograph
- 2 WLEP zoning map
- 3 Plans
- 4 WLPP recommendations 26 October 2021
- 5 WLPP recommendations 7 June 2022
- 6 WDCP2009 compliance table
- 7 Draft conditions of consent

This aerial map shows a residential neighborhood in San Jose, CA. A red polygon highlights a specific lot located between Norman Street and Gregory Street, east of Elmore Avenue. The lot is labeled with the address 1074058 and a 'DP' marker. Surrounding the highlighted lot are other residential properties with various addresses and 'DP' markers. To the west of the highlighted lot is a large circular feature, likely a reservoir, with the address 333725. The map also shows several streets: Norman Street at the top, Gregory Street on the right, and Elmore Avenue at the bottom. The area is densely populated with houses and trees.

Attachment 2 – Wollongong Local Environmental Plan 2009 zoning map





- 11. AMENDED - RELOCATE BALCONY PIERS (3000)
- 10. AMENDED - REMOVAL OF B/LG FROM EASEMENT
- 9. AMENDED - ADD SOUTH FENCE AMENDMENT
- 8. AMENDED - REMOVE KERB
- 7. AMENDED - TIS TYP & REMOVE KERB
- 6. AMENDED - NOTED DECOMMISSIONED ST. PIT
- 5. AMENDED - 10-8-2021 ZONE OF INFLUENCE (COLOURED)
- 4. AMENDED - 10-8-2021 REMOVE BR 3 & NEW SETBACK 5.6m
- 3. AMENDED - 17-7-2021 - ADDED LOCATION OF WASTE RING
- 2. AMENDED - 17-7-2021 - DRIVEWAY SECTION & DETAIL
- 1. AMENDED - 17-7-2021 - CONTINUES TO CONSULT. EXCAVATION
- 2. AMENDED - 17-7-2021 - EARTHWORKS
- 1. AMENDED - 10-8-2021 - EXCAVATION FOR MATERIAL STORAGE
- 1. AMENDED - 10-8-2021 - TOLERANCE, TRAFFIC & DELIVERIES
- 1. AMENDED - 10-8-2021 - NEW SEWER APPROVED BY S.W.

BASEMENT FLOOR PLAN.
SCALE: 1:100mm

PROJECT
SWITAJ RESIDENCE

CLIENT
MR TM & MRS C. SWITAJ

ADDRESS
LOT 1 - DP 617042
1B NORMAN ST.
MANGERTON.

DEG NO
02/12

DATE
NOV 2020

SCALE
1-100

DRAWN
T. SWITAJ

T & C DESIGN CONSULTANTS.
P.O. BOX 117, VOLLONGONG 2520 NSW
MB: 0421 67 99 86

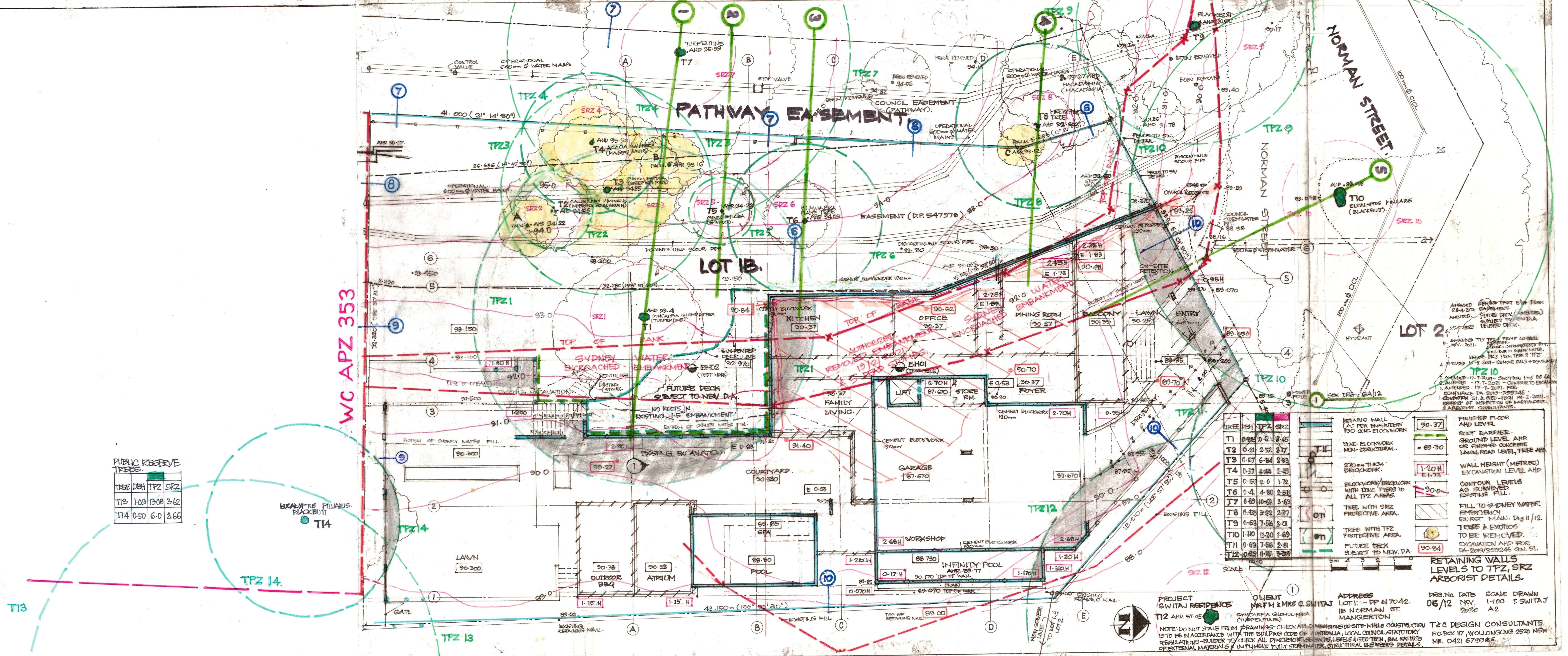
NOTE: DO NOT SCALE FROM DRAWINGS - CHECK ALL DIMENSIONS ON SITE WHILE CONSTRUCTION
IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL, STATUTORY
REGULATIONS - BUILDER TO CHECK ALL DIMENSIONS, SETBACKS, LEVELS, GEO TECH, RAIL RATINGS
OF EXTERNAL MATERIALS & IMPLIMENT FULLY STORMWATER & STRUCTURAL ENGINEERS DETAILS.

NOTE: HARDSTAND 1.0m INTO NARROW
NORMAN ST, WITH NO KERB &
GUTTERING - LOWEST POINT IS
DECOMMISSIONED PIT, AHD 88.98.

DRIVEWAY DETAIL

DRIVEWAY SECTION - LOW SIDE - 14m as per 7000-C33





PUBLIC RESERVE TREES

TREE	DBH	TPZ	SRZ
T13	1.09	13.08	3.62
T14	0.50	6.0	2.66

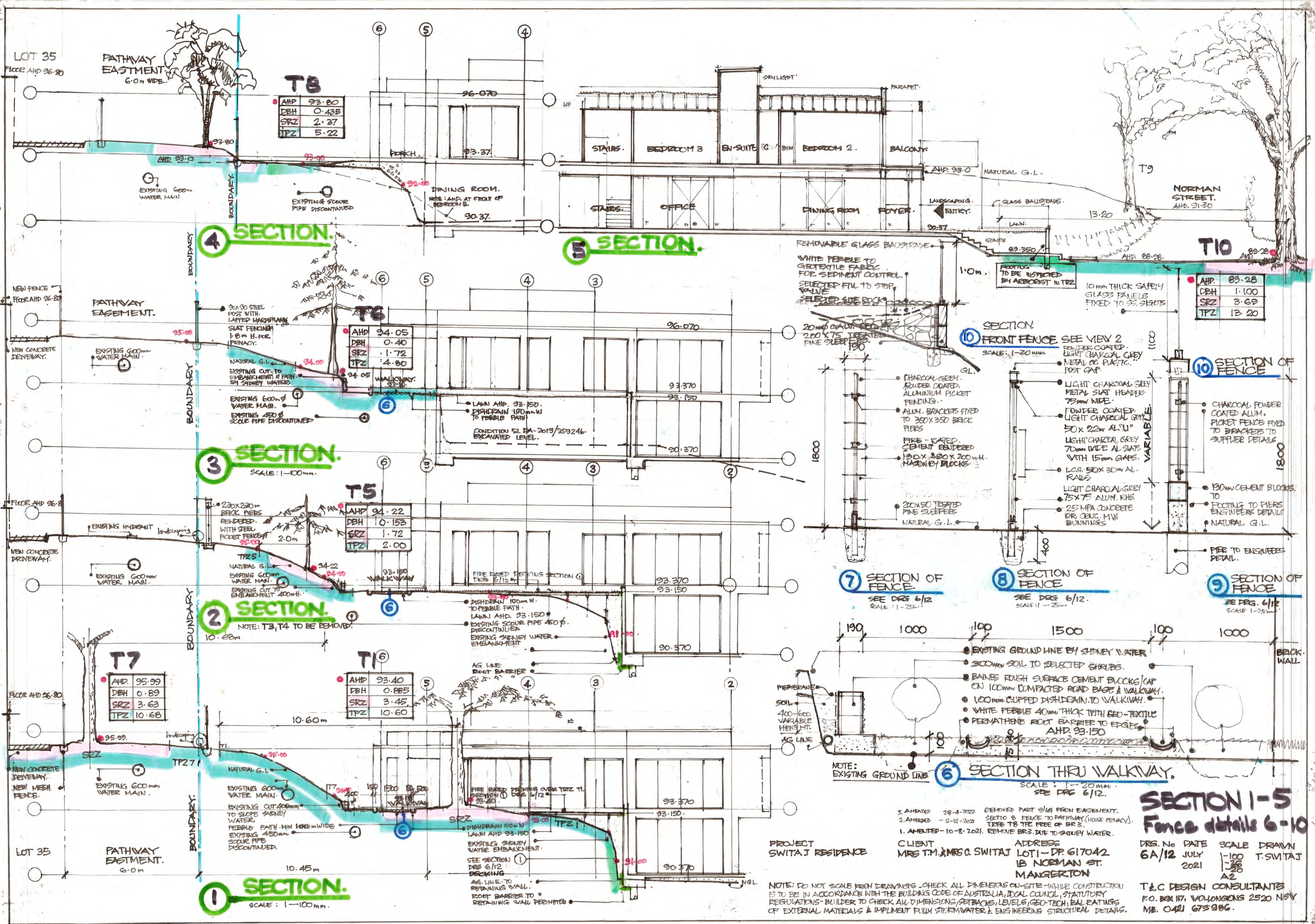
TREE	DBH	TPZ	SRZ	RETAINING WALL	FINISHED FLOOR AND LEVEL
T1	0.88	10.6	3.45	AS PER ENGINEERS 150 CONC. BLOCKWORK	90.37
T2	0.21	2.52	2.17	CONC. BLOCKWORK NON-STRUCTURAL	89.30
T3	0.57	6.84	2.83	270 mm THICK BRICKWORK	1.20 H EN-75
T4	0.37	4.44	2.43	BLOCKWORK/BRICKWORK WITH CONC. PIERS TO ALL TPZ AREAS	90.0
T5	0.53	2.0	1.72	TREE WITH SRZ PROTECTIVE AREA	CONTOUR LEVELS AS SURVEYED EXISTING FILL
T6	0.4	4.80	2.58	TREE WITH TPZ PROTECTIVE AREA	FILL TO SYDNEY WATER EMERGENCY BURST MAIN. D. 11/12
T7	0.89	10.68	3.63	FUTURE DECK SUBJECT TO NEV. DA	TREES & EXOTICS TO BE REMOVED EXCAVATION AND FOR DA-2019/359246 CON. 51
T8	0.435	5.82	2.37		
T9	0.63	7.56	3.01		
T10	1.10	13.20	3.69		
T11	0.63	7.56	2.81		
T12	0.45	1.44	3.39		

RETAINING WALLS LEVELS TO TPZ, SRZ ARBORIST DETAILS

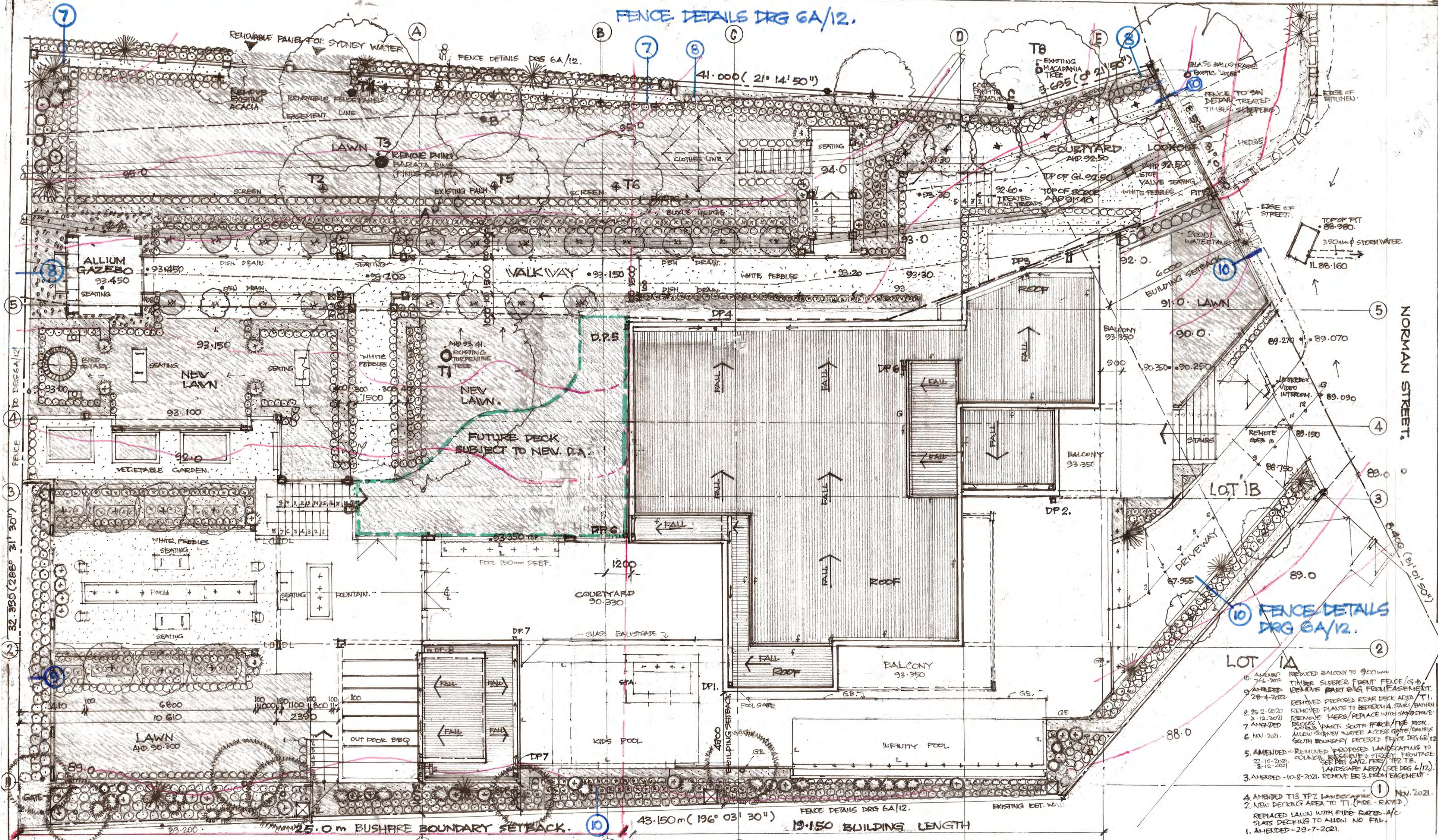
SCALE 1:100

PROJECT: SWITAJ RESIDENCE
CLIENT: MR. F. & MRS. C. SWITAJ
ADDRESS: LOT 1B - DP 617042, 1B NORMAN ST. MANGERTON
DATE: 06/12
SCALE: 1:100
DRAWN: T. SWITAJ
T&C DESIGN CONSULTANTS
PO BOX 117, WOLLONGONG 2520 NSW
MB. 0421 679386

NOTE: DO NOT SCALE FROM DRAWINGS. CHECK ALL DIMENSIONS ON-SITE WHILE CONSTRUCTION IS IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL STATUTORY REGULATIONS - BUILDER TO CHECK ALL DIMENSIONS, SPACES, LEVELS & GRD. TECH. BAL. RATINGS OF EXTERNAL MATERIALS & IMPLEMENT FULLY STORMWATER STRUCTURAL ENGINEERS DETAILS.



FENCE DETAILS DRG 6A/12.



COUNCIL LANDSCAPING	PROPOSED LANDSCAPING
1. 300m ² > 210m ² + 40% — 455.72m ²	1. PROPOSED GROSS LANDSCAPING — 971.55m ²
2. 50% BEHIND 6m BUILDING ALIGNMENT — 228m ²	2. 50% BEHIND 6m BUILDING ALIGNMENT — 865m ²
3. 50% BEHIND BUILDING LINE — 865m ²	3. POOL AREA — 64.46m ²
4. HARD LANDSCAPING —	4. HARD LANDSCAPING — 269.6m ²
5. BUILDING AREA — 233.40m ²	5. BUILDING AREA (NET) — 233.40m ²
6. 50% OF 6m AREA (121m ²) — 60.73m ²	6. 6.0m FRONTAGE — 121.45m ²
7. ROOF AREA (BL. BAL) — 24.35m ²	7. 6.0m FRONTAGE 50% — 70.81m ²

LANDSCAPE LEGEND	
<ul style="list-style-type: none"> WHITE PEBBLES BUXUS 'BOXWOOD' HEDGE LAWN BLOCKWORK OR BLOCKWORK EXISTING TREES TREES TO BE REMOVED (T3, T4, ABC) SHARP CORNUS (WHITE) FLORIDA DOGWOOD 	<ul style="list-style-type: none"> FICUS MICROCARPA HILLI (LOW FOP + DWARF IN POT) PENCIL PINE (GLAUCOUS) CUPRESSUS SEMPERVIRENS SNO FOZAM (WHITE F) FRUNUS SUBHIRTILLA BUXUS (TOPIARY) CONE GARDEIA (WHITE F) AUGUSTA FLORIDA HYDRANGEA (WHITE F) ARBORESCENS
<ul style="list-style-type: none"> CYCARUS PANDILED (WHITE F) HYDRANGEA POMPON DABLIA 'SNO PLACE' (W.F) DWARF LAVENDER CANDYTHUS 'SNO CONE' (W.F) IBERIS SEMPERVIRENS JASMINE STAR JASMINEA (WHITE F) ON LATTICE X FRAME LAVENDER (PURPLE F) LANAUDULA ALLIUM (WHITE F/RURPEF) MONOCOTYLEDONOUS 	<ul style="list-style-type: none"> GREVILLEA - VED KELLY ANTHEMIS DICKSONIA FERN CYATHEA AUSTRALIS (TREE FERN) BIRDS NEST FERN (ASPENH NARIS) KAUJARCO PAN

PROJECT
SWITAT RESIDENCE

CLIENT
MR TM & MRS C. SWITAT

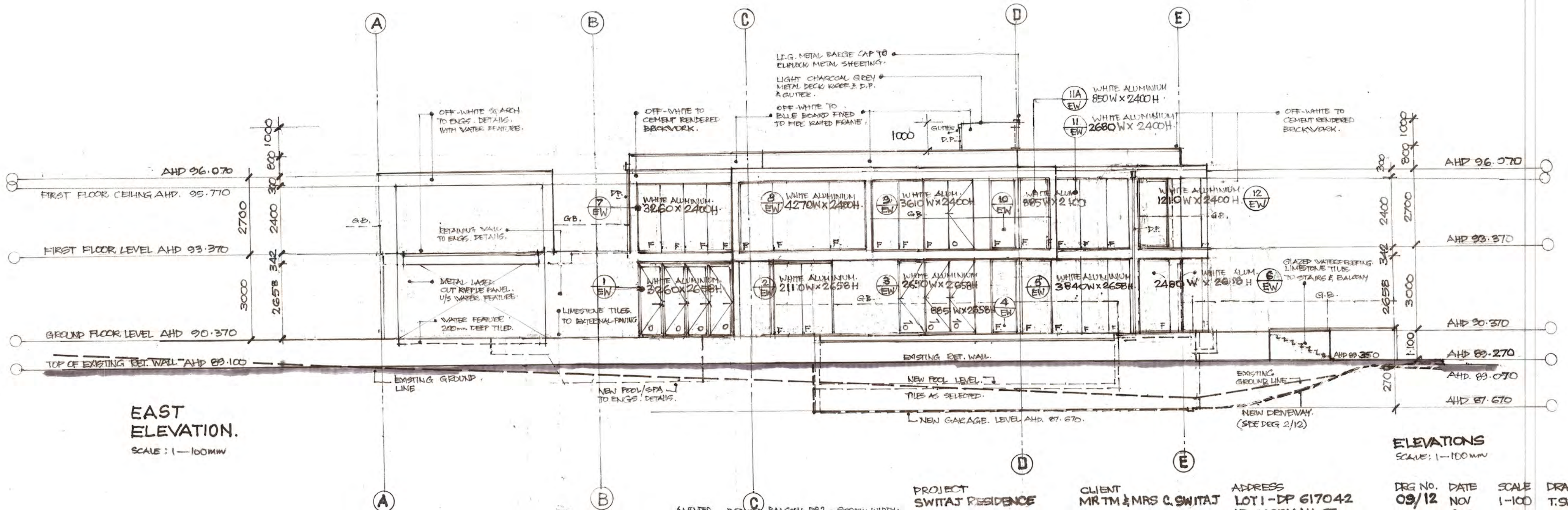
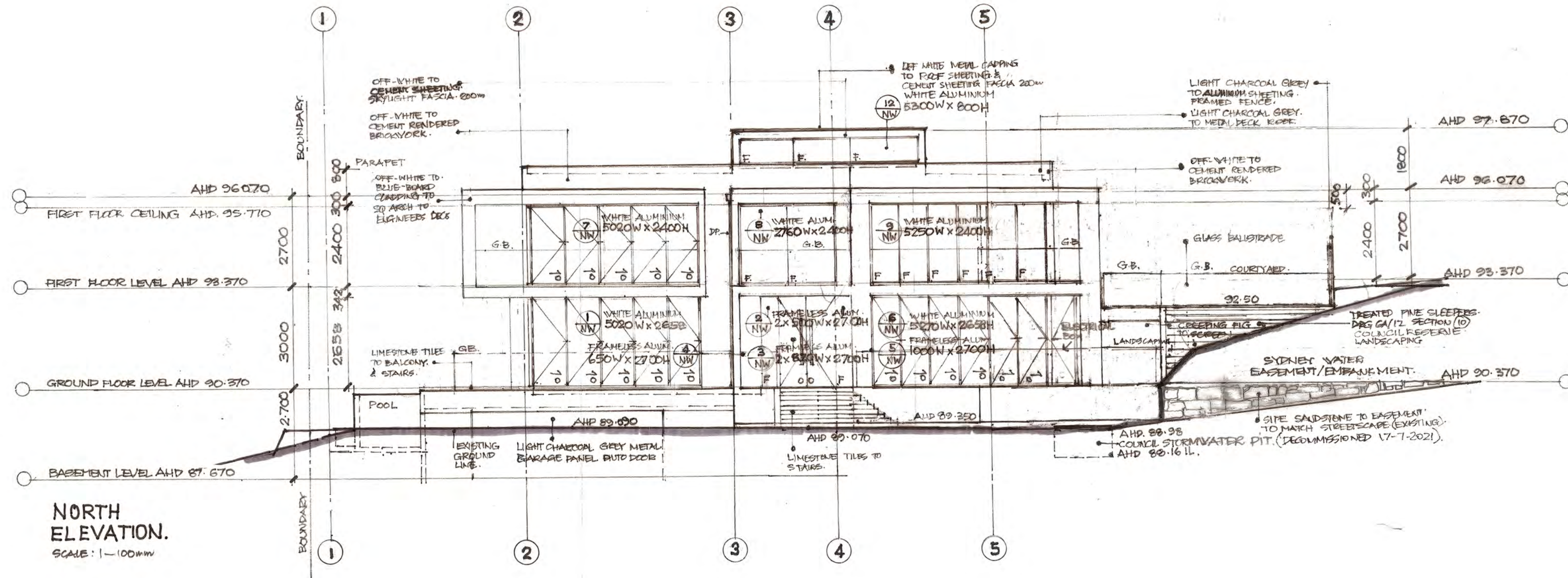
ADDRESS
LOT 1 - DP 617042
1B NORMAN ST.
MANGERTON.

NOTE: DO NOT SCALE FROM DRAWINGS - CHECK ALL DIMENSIONS ON-SITE, WHILE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL, STATUTORY REGULATIONS - BUILDER TO CHECK ALL DIMENSIONS, SETBACKS, LEVELS, GEO-TECH, BAL RATINGS OF EXTERNAL MATERIALS & IMPLIMENT FULLY STORMWATER & STRUCTURAL ENGINEERS DETAILS

LANDSCAPING PLAN
ROOF DRAINAGE PLAN.
SCALE: 1:100mm.

DRG NO. 07/12
DATE NOV 2020
SCALE 1-100
DRAWN T. SWITAT

T & C DESIGN CONSULTANTS
P.O. BOX 117, WOLLONGONG 2520 NSW
MB: 0421 67 99 86



ELEVATIONS
SCALE: 1:100mm

- AMENDED 6.7.2022 REDUCE BALCONY BR2 - 300mm WIDTH.
5. AMENDED 25.2.2022 REMOVE FRAME TO FRONT COURTYARD.
4. AMENDED 2.12.2021 MATERIALS, FINISHES, COLOUR SELECTION.
3. AMENDED 27.10.2021 MATERIAL COLOURS & FINISHES.
2. AMENDED 27.10.2021 WINDOW COLOURS & FINISHES.
1. AMENDED 10.8.2021 REMOVE BR 3.650 W.B.

PROJECT
SWITAJ RESIDENCE

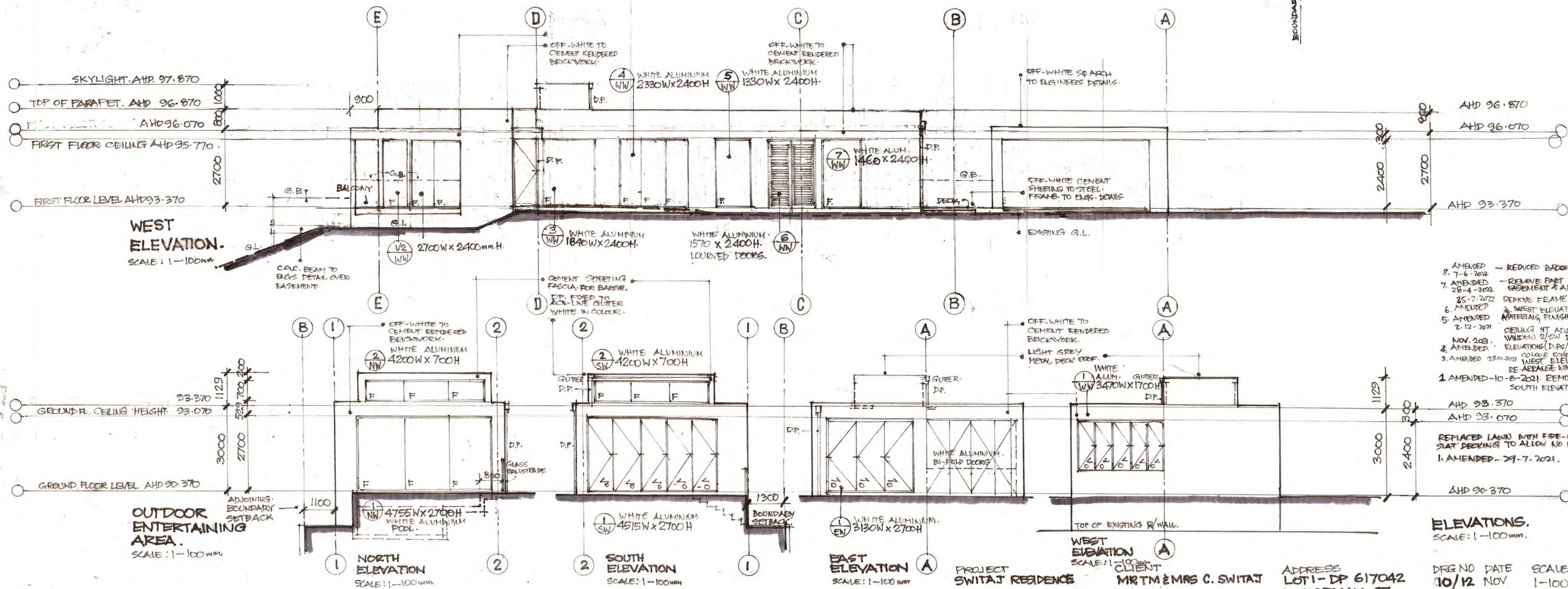
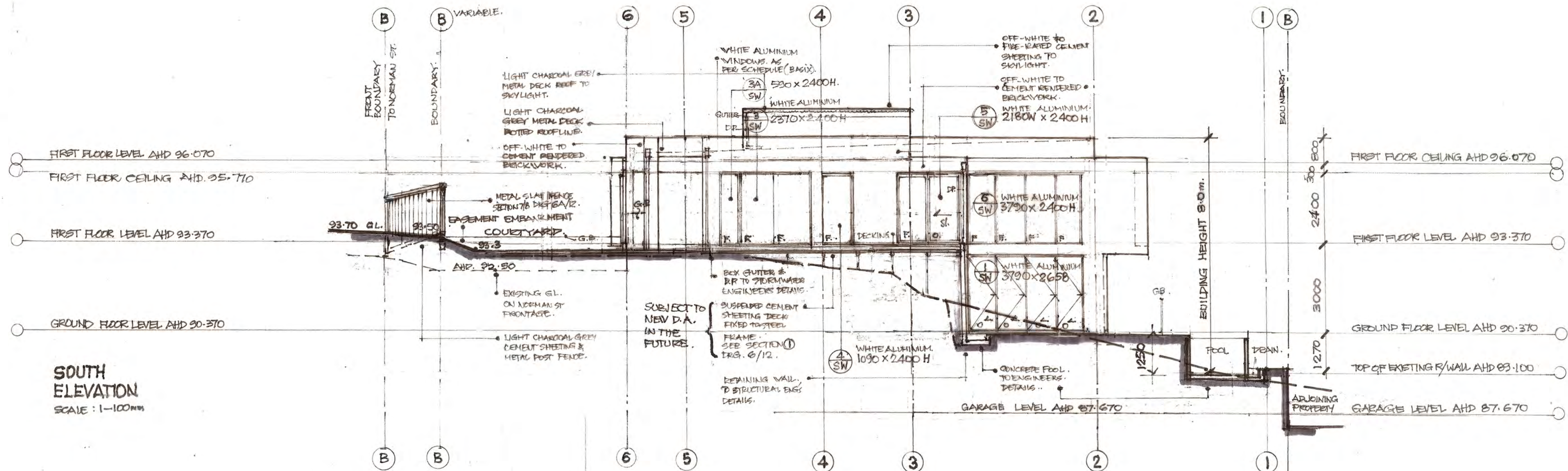
CLIENT
MR TM & MRS C. SWITAJ

ADDRESS
LOT 1 - DP 617042
1B NORMAN ST.
MANGERTON

DRG NO. DATE SCALE DRAWN
09/12 NOV 1:100 T. SWITAJ
2020 A2

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PO BOX 117, WOLLONGONG 2520 NSW
MB 042 67 99 86



AMENDED - 7-6-2022
 7. AMENDED - 28-4-2022
 35-7-2022
 6. AMENDED
 5. AMENDED
 2.12-2021
 NOV. 2021
 2. AMENDED
 3. AMENDED
 1. AMENDED-10-8-2021

REPLACED LAMIN WITH FIRE-RATED A/C SLAT DECKING TO ALLOW NO FILL.
 1. AMENDED - 29-7-2021.

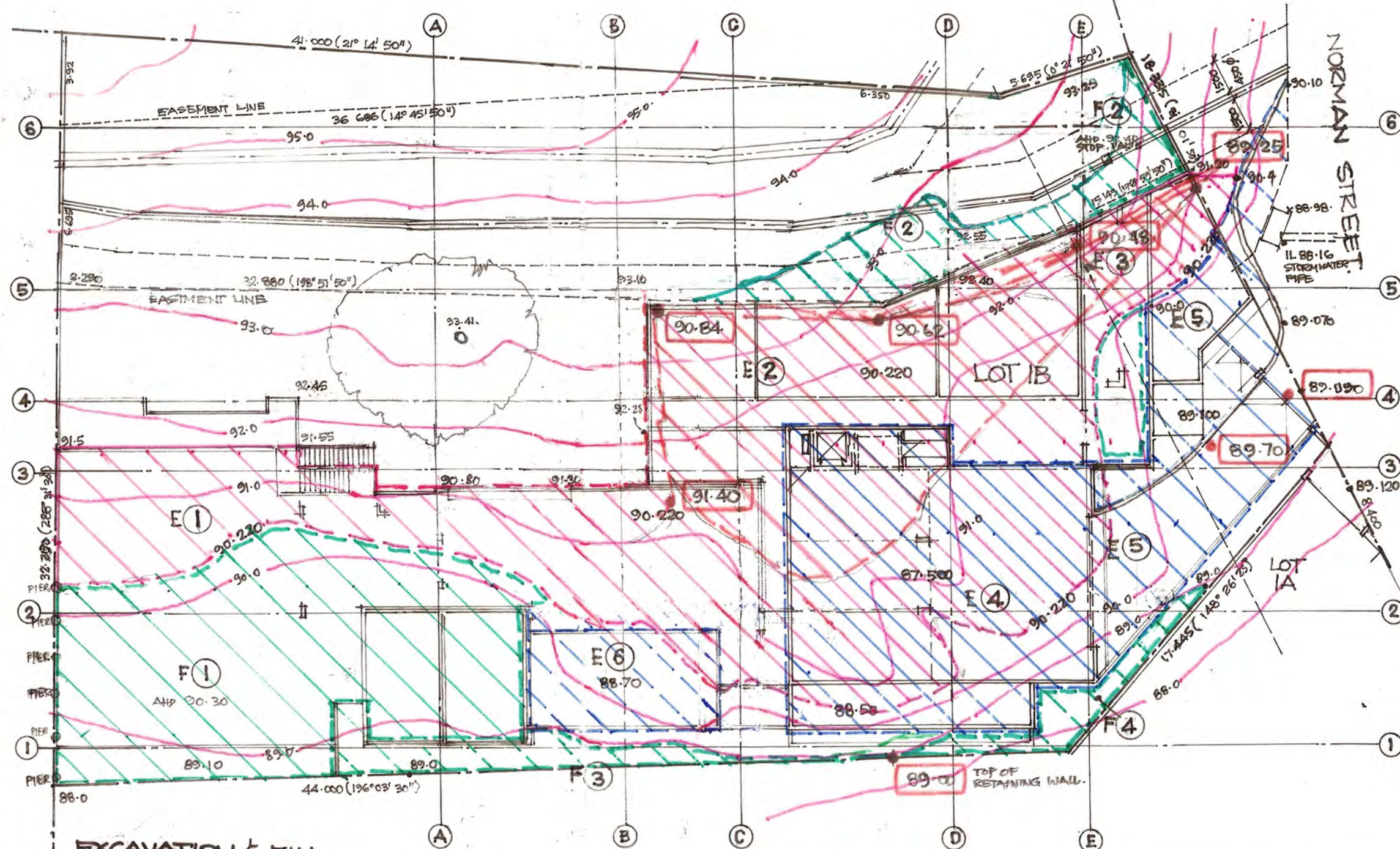
ELEVATIONS.
SCALE: 1:100mm.

PROJECT: SWITAJ RESIDENCE
 CLIENT: MRS M & MRS C. SWITAJ
 ADDRESS: LOT 1 - DP 617042
 18 NORMAN ST.
 MANGERTON

DRG NO: 10/12
 DATE: NOV 2020
 SCALE: 1:100
 DRAWN: T. SWITAJ
 A2

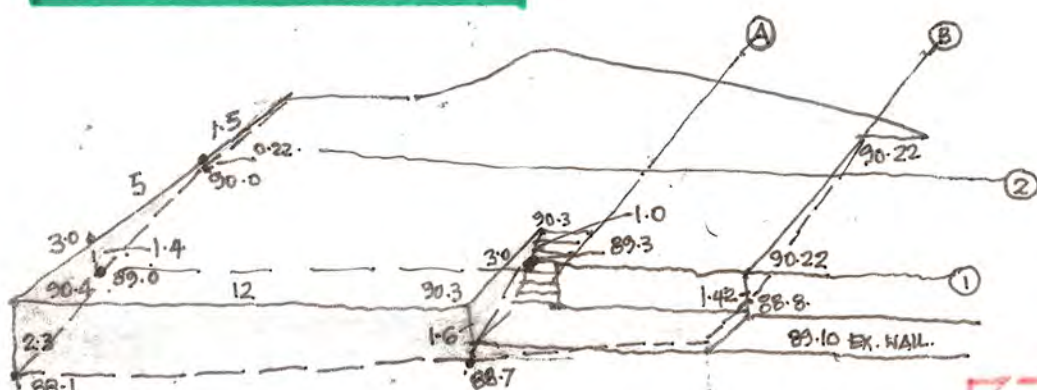
T&C DESIGN CONSULTANTS
 P.O. BOX 117, WOLLONGONG 2520 NSW
 MB: 0421 67 99 86

NOTE: DO NOT SCALE FROM DRAWINGS - CHECK ALL DIMENSIONS ON-SITE. WHILE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL, STATUTORY REGULATION - BUILDER TO CHECK ALL DIMENSIONS, SETBACKS, LEVELS, GEO-TECH, BAL RATINGS OF EXTERNAL MATERIALS & IMPLEMENT FULLY STORMWATER & STRUCTURAL ENGINEERS DETAILS.



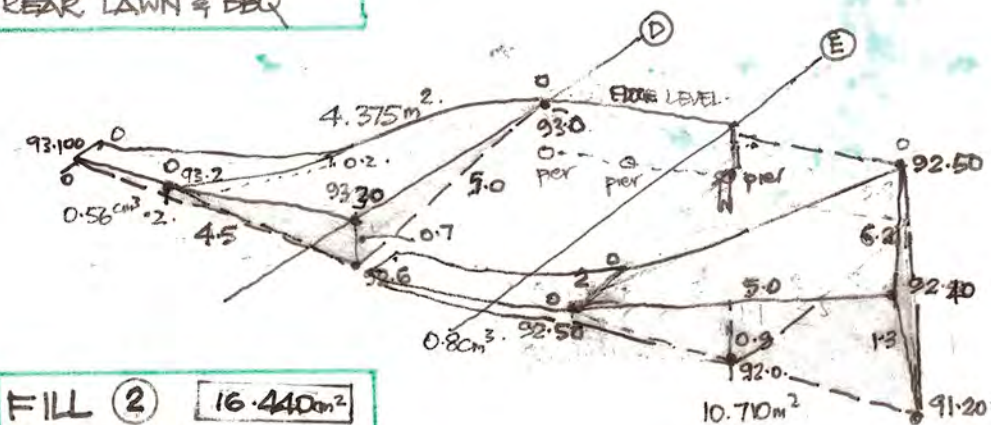
EXCAVATION & FILL PLAN.
SCALE: 1:200mm

**STAGE III
FILL AS REQUIRED.**

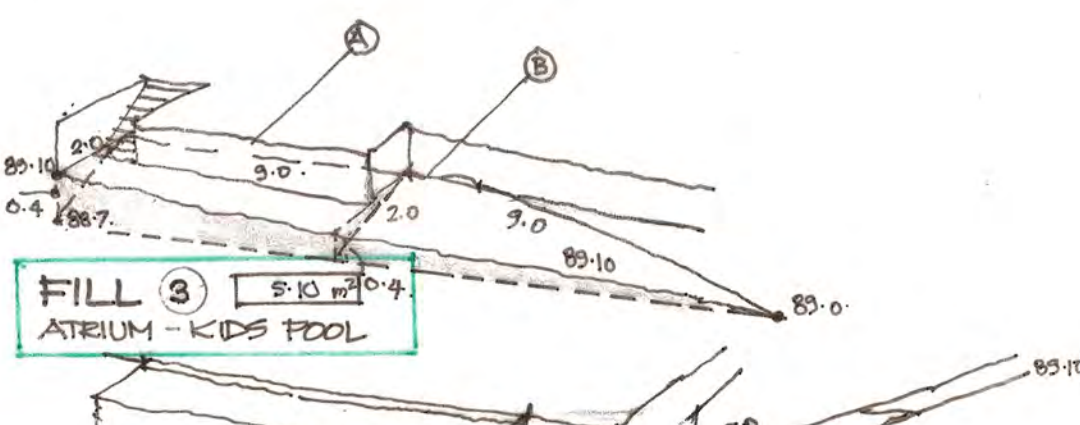


No.	EXCAVATION.	AREA	X cm ³	TOTAL cm ³
①	REAR LAWN & BBQ	E1	48.79 cm ³	
②	GROUND FLOOR	E2	307.81 cm ³	
③	FRONT DINING/LAWN	E3	103.00 cm ³	
④	GARAGE	E4	311.74 cm ³	
⑤	DRIVEWAY	E5	58.53 cm ³	
⑥	POOL	E6	20.00 cm ³	849.93 cm ³
①	SITE FILL	F1	247.19 cm ³	
②	REAR LAWN & BBQ	F2	52.15 cm ³	
③	BEDROOM 3	F3	5.10 cm ³	
④	POOL	F4	9.00 cm ³	
⑤	LAP POOL	F5	75.00 cm ³	388.44 m ³
	REMOVAL OF FILL	FR1		461.49 cm ³
	REMOVAL OF FILL CONDITION 51 PA 2019/353246	FR2		157.59 cm ³
	BALANCE OF FILL TO REMOVE.	FR1		303.90 cm ³

FILL ① 193.82 m³
REAR LAWN & BBQ



FILL ② 16.44 m³
BEDROOM 3 - LOCKOUT

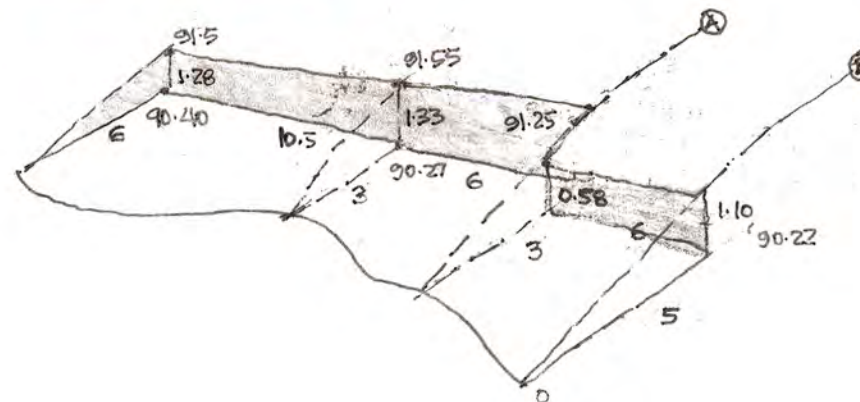


FILL ③ 5.10 m³
ATRIUM - KIDS POOL

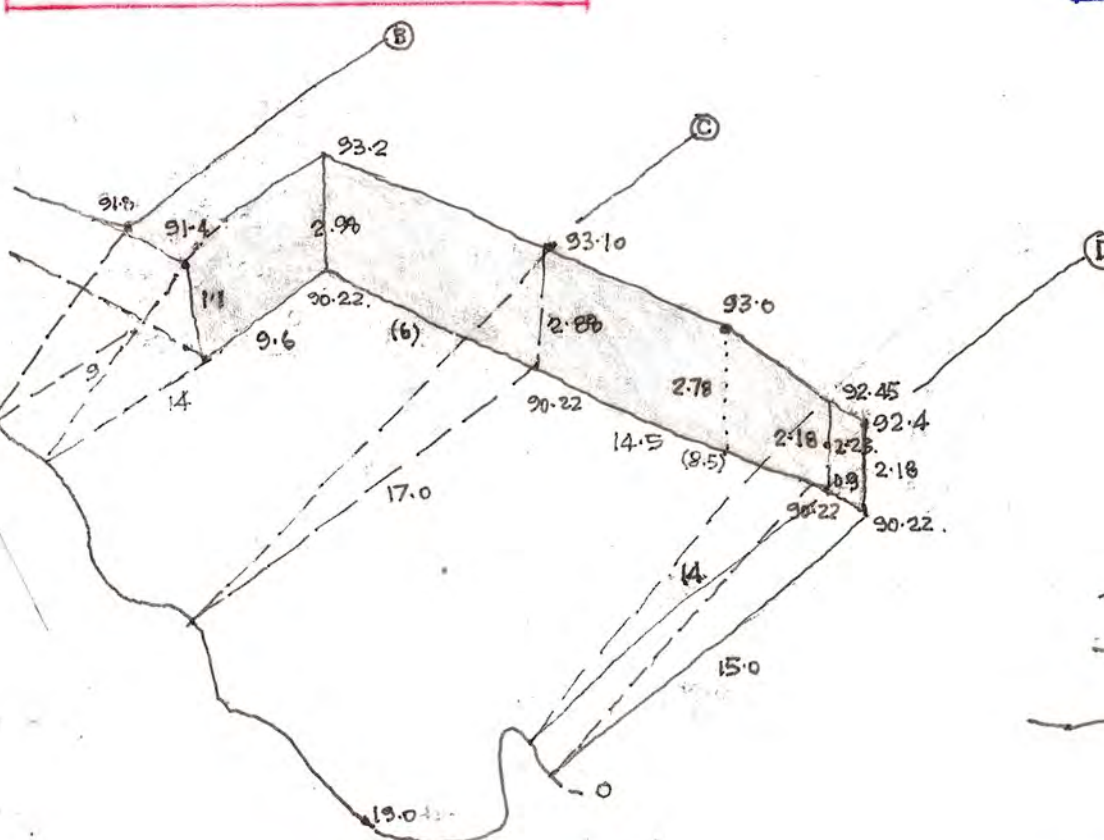
FILL ④ 9.0 m³
LAP POOL - GARAGE ENTRY

FILL ⑤ RECYCLE SOIL FOR LANDSCAPING 75.00 m³

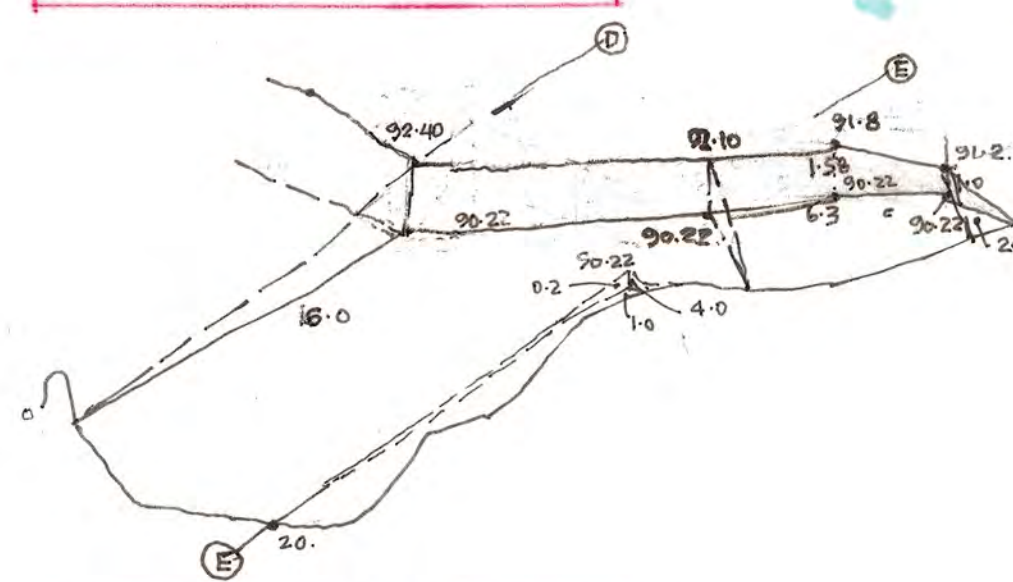
**STAGE I
EXCAVATION**



EXCAVATION ① 48.79 m³
REAR LAWN

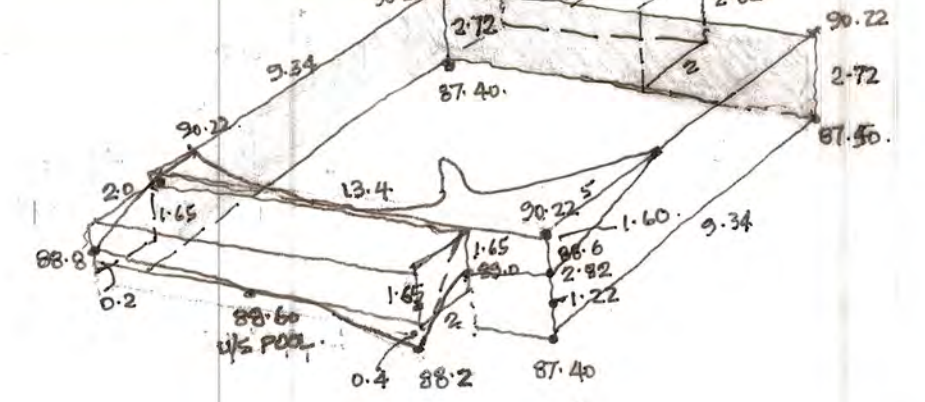


EXCAVATION ② 307.81 m³
KITCHEN - CELLAR - OFFICE

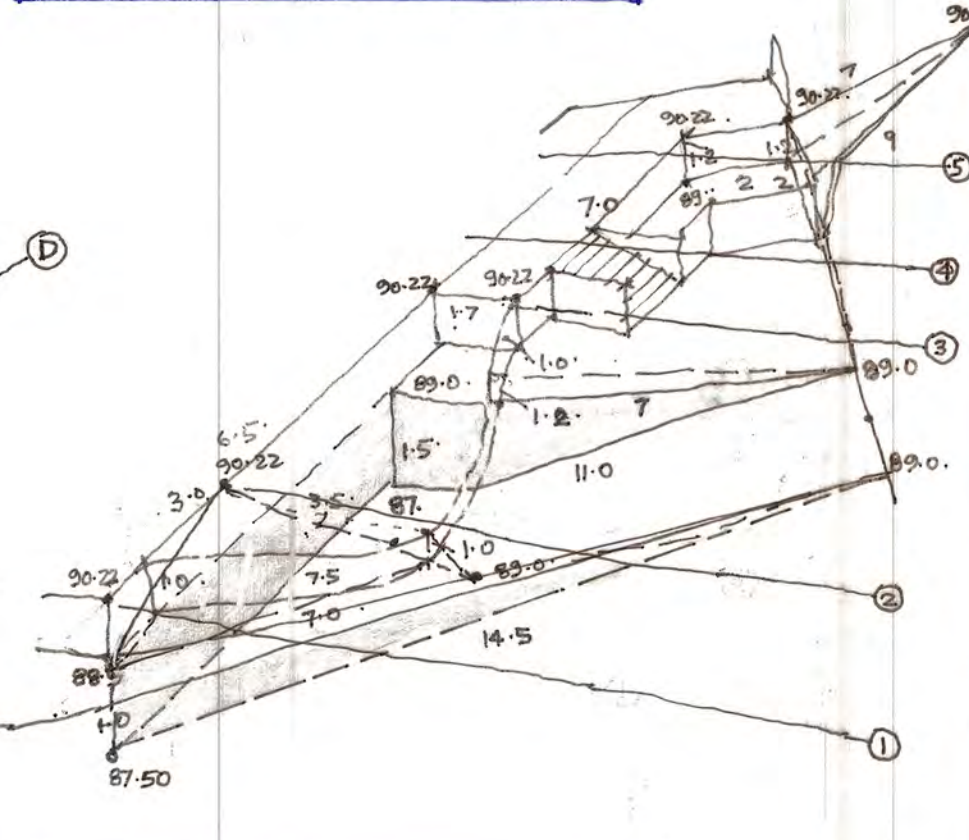


EXCAVATION ③ 98.3 m³
FORMAL DINING - TERRACE

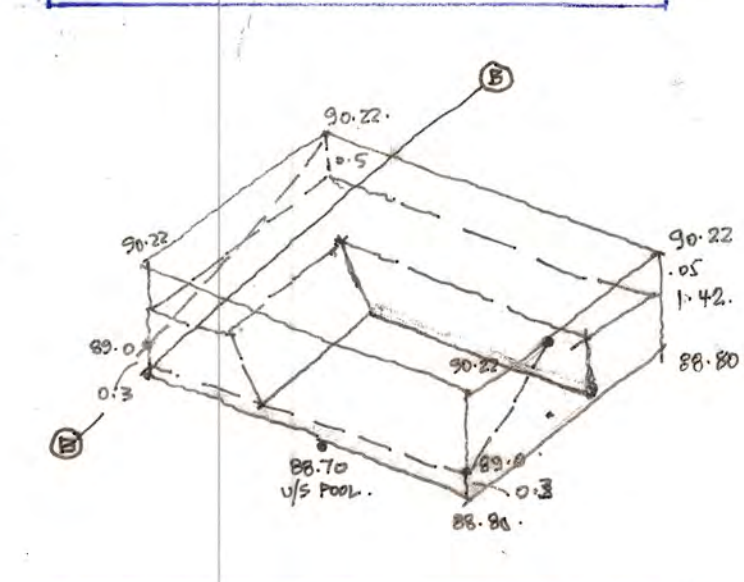
**STAGE II
EXCAVATION**



EXCAVATION ④ 311.74 m³
GARAGE & WORKSHOP & STORE ROOM



EXCAVATION ⑤ 58.53 m³
DRIVEWAY



EXCAVATION ⑥ 20.0 m³
KIDS POOL

- AMENDED 17-7-2021. REDUCED FILL TO TB TPZ ② FILL.
- AMENDED 17-7-2021. CONDITION 51, PA 2019/353246 EXCAVATION/REMOVE TRAFFIC FROM NORMAN STREET.
- AMENDED 10-8-2021. ADD FILL TO FRONT COURTYARD.
- AMENDED 28-4-2022. ADD 1.36 cm³ OF FILL DUE TO STORMWATER & SUDNEY WATER.

**EXCAVATION &
FILL PLAN.**
SCALE: 1:200mm



PROJECT
SWITAJ RESIDENCE

CLIENT
MR TM & MRS C. SWITAJ

ADDRESS
LOT 1 - PP 617042
1B NORMAN ST.
MANGERTON

DRG NO. DATE SCALE DRAWN
12/12 NOV 1:200 T. SWITAJ
2020 A2

NOTE: DO NOT SCALE FROM DRAWINGS CHECK ALL DIMENSIONS ON SITE WHILE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL & STATUTORY REGULATIONS - BUILDER TO CHECK ALL DIMENSIONS, SETBACKS, LEVELS, GEO-TECH, BAIL RATINGS OF EXTERNAL MATERIALS & IMPLIMENT FULLY STORMWATER, STRUCTURAL ENGINEERS DETAILS.

T&C DESIGN CONSULTANTS
PO BOX 117, WOLLONGONG 2520. NSW
MB: 0421 6799 86



AN UNDERGROUND SERVICES SEARCH SHOULD BE UNDERTAKEN PRIOR TO ANY EXCAVATION TAKING PLACE UPON THE SITE.

NOTES : SERVICES SHOWN HEREON HAVE BEEN DETERMINED FROM VISUAL EVIDENCE ONLY.PRIOR TO ANY DEMOLITION, DESIGN, EXCAVATION OR CONSTRUCTION ON SITE THE RELEVANT AUTHORITY SHOULD BE CONTACTED TO ESTABLISH DETAILED LOCATION AND DEPTH.

RELATIONSHIP OF IMPROVEMENTS TO BOUNDARIES IS DIAGRAMMATIC ONLY.WHERE OFFSETS ARE CRITICAL THEY SHOULD BE CONFIRMED BY FURTHER SURVEY.

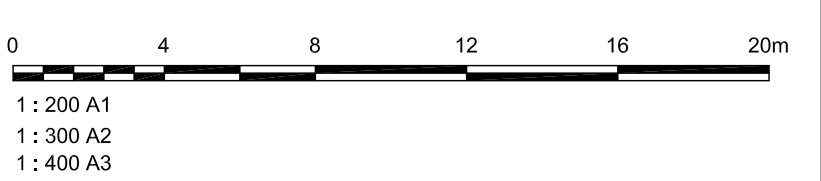
BEARINGS AND DISTANCES ARE BY TITLEAND/OR DEED ONLY. NO BOUNDARY INVESTIGATION HAS BEEN CARRIED OUT.

No	DATE	REVISION DETAILS	BY
A	10-1-2018	ISSUE FOR INFORMATION	CR.
B	12-8-2019	TREES REMOVED	CR.
C	5/11/2021	PIPELINE & SCOUR OUTLINE ADDED	CR.

CONSULTING REGISTERED SURVEYORS

C. ROBSON & ASSOCIATES PTY. LTD.
LAND & ENGINEERING SURVEYORS

UNIT 1, LEVEL 6, 85-87 SMITH STREET WOLLONGONG 2500
Phone: 02 4243 1645 Fax: 02 4243 1658 Mobile 0402 641 693
Email: c.robsonsur@optusnet.com.au
A.B.N. 63 105 569 837



CLIENT:

MR T. SWITAJ

SCALES:	AS SHOWN
DATUM:	AHD
GRID:	LOCAL
JOB REF:	17457
APPROVED:	N/A

PROJECT:	1-1A NORMAN STREET MANGERTON
LOT 1 DP 617042	
DRAWING	PROPOSED SUBDIVISION

DRAWING No	REVISION
17457/0B_SUB	C
SHEET 1 OF 1 SHEETS	A1
ISSUED FOR:	INFORMATION

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	26 October 2021
PANEL MEMBERS	Robert Montgomery (Chair), Brendan Randles, Helena Miller, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 26 October 2021 opened at 5:00pm and closed at 7:54pm.

MATTER DETERMINED

DA-2021/136 – Lot 1 DP 617042, 1A Norman Street, Mangerton (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by six submitters.

The Panel heard from the applicant.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to defer the development application as described in Schedule 1 to provide the applicant with an opportunity to address the matters detailed in the below reasons for the decision, by submission of additional information and plans.

The decision was unanimous. The additional information and any amendments are to be referred to a future Panel for determination.

REASONS FOR THE DECISION



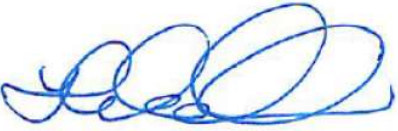

The reasons for the decision of the Panel were:

- The Panel notes that submitted elevations and sections fail to represent the proposal's form, materiality, streetscape and interface with adjoining properties. It is therefore very difficult to discern what commitments are being made in terms of scale, character and design quality.

New sections and elevations are therefore required that extend beyond the property boundaries, with clearly drawn and annotated built form elements (such as roofing, fascias, eaves, cappings, downpipes, etc.), materials (including specific building materials, finishes, junctions, jointing etc) and contextual elements (including existing and proposed trees, boundary walls and fences, landscape features, adjoining built form etc). The revised elevations and sections must clearly express precise heights and reduced levels of adjoining gardens and built form as well as the proposed new dwelling and associated gardens.

- Given the sensitivity of the site and extent of development proposed, it is strongly recommended that accurate 3D views are prepared by a skilled design consultant, so as to demonstrate how the built form and courtyards are housed on the site, how boundary conditions are resolved and how discrete roof forms and courtyards achieve an appropriate response to the site's form and landscape features. The views should be taken from a number of key locations, chosen for their impact on public amenity.
- Further review of the proposed stormwater design reveals that the proposal is likely to result in an increase in volume of stormwater runoff affecting downslope properties. This has not been adequately addressed by the applicant.

- Prior to determination, a report from a qualified engineer experienced in hydraulic and hydrologic design, which addresses the following matters, is to be submitted to Council for assessment.
 - a) Details of how the proposal satisfies in the objectives of Chapter E14 of Wollongong DCP 2009.*
 - b) Details how the proposed stormwater system satisfies the requirements of Section 9.3.12 “Absorption and Transpiration Disposal Systems” of Chapter E14 of Wollongong DCP 2009.*
 - c) Details how the proposed stormwater system satisfies the requirements of Section 9.3.9 “Discharge of Stormwater through Public Reserves” of Chapter E14 of Wollongong DCP 2009.*

PANEL MEMBERS	
 <p>Robert Montgomery (Chair)</p>	 <p>Brendan Randles</p>
 <p>Helena Miller</p>	 <p>Trish McBride (Community Representative)</p>

SCHEDULE 1		
1	DA NO.	DA-2021/136
2	PROPOSED DEVELOPMENT	Residential - Torrens title subdivision and construction of a dwelling house and pools
3	STREET ADDRESS	1A Norman Street, Mangerton
4	APPLICANT/OWNER	Ted Switaj
5	REASON FOR REFERRAL	Contentious development receiving in excess of 10 submissions
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Wollongong Local Environment Plan 2009 Wollongong Section 94A Development Contributions Plan Draft environmental planning instruments: None applicable to the proposal. Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: N/A Coastal zone management plan: N/A The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report dated 26 October 2021 Written submissions during public exhibition: 31 Verbal submissions at the public meeting: six
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 26 October 2021. Attendees: <ul style="list-style-type: none"> Panel members: Robert Montgomery (Chair), Brendan Randles, Helena Miller, Trish McBride (Community Representative) Council assessment staff: Nigel Lamb
9	COUNCIL RECOMMENDATION	Deferred commencement
10	DRAFT CONDITIONS	Attached to the council assessment report

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	7 June 2022
PANEL MEMBERS	Sue Francis (Chair), Steven Layman, Brendan Randles, Trish Buchan (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 7 June 2022 opened at 5:00pm and closed at 7:22pm.

MATTER DETERMINED

DA-2021/136 – Lot 1 DP 617042, 1A Norman Street, Mangerton (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by seven submitters.

The Panel heard from the applicant/owner and his representative.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

REASONS FOR THE DECISION

- On 26 October 2021 the Panel determined to defer the determination of the development application to allow the applicant and Council to address a number of concerns.
- The Panel does not have the benefit of the previous Council report which it will require to be fully informed of the assessment of the application. The Panel suggests that a single holistic report be prepared for consideration
- The Panel is concerned with the complexity of the site, its shape, topography and relationship to adjoining buildings and easements. Accordingly, the Panel requires a survey prepared by an independent registered surveyor of the site surrounding boundary treatment, road levels, detail and location of easements and details of trees. The survey is to be used to inform all the architectural plans.
- The amended architectural plans shall delete all references to a dual occupancy.
- The amended plans shall comply with the front setback
- The Panel would like to see multiple cross sections of the site to include the relationship of the proposal and topography to side boundaries and easements and built form so that the Panel can understand the relationship of the proposal to its neighbours.

The matter shall be re-referred to the Panel for determination upon submission of the above information.

PANEL MEMBERS



Sue Francis
(Chair)



Steven Layman



Brendan Randles



Trish McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/136
2	PROPOSED DEVELOPMENT	Residential - construction of a dwelling house and pools and Subdivision - Torrens title – two (2) lots
3	STREET ADDRESS	1A Norman Street, Mangerton
4	APPLICANT/OWNER	Ted Switaj
5	REASON FOR REFERRAL	Clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979 and Schedule 2(2) of the Local Planning Panels Direction. The proposal is contentious development that received in excess of 10 objections.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 • Wollongong Section 94A Development Contributions Plan • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: N/A • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92, 93 and 94 • Coastal zone management plan: N/A • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report dated 7 June 2022 • Written submissions during public exhibition: 33 • Verbal submissions at the public meeting: seven
8	SITE INSPECTIONS BY THE PANEL	Virtual site inspection 7 June 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Nigel Lamb
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report

ATTACHMENT 6 – WDCP 2009 COMPLIANCE TABLE

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>
<u>4.1 Maximum Number of Storeys</u>	
<ul style="list-style-type: none"> In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property. 	Complies
<u>4.2 Front Setbacks</u>	
<ul style="list-style-type: none"> 6m front setback 	Variation requested – see discussion at Chapter A1.
<u>4.3 Side and Rear Setbacks</u>	
<ul style="list-style-type: none"> Minimum 900mm 	Complies
<u>4.4 Site coverage</u>	
Maximum 50% site coverage	Complies
<u>4.5 Landscaped Area</u>	
<ul style="list-style-type: none"> 20% landscape area minimum 	Complies
<u>4.6 Private Open Space</u>	
<ul style="list-style-type: none"> 24m² minimum POS area, minimum 4m dimension 	Complies
<ul style="list-style-type: none"> should not be located on side boundaries or front yard 	N/A
<ul style="list-style-type: none"> defined through the use of planting, fencing, or landscape features. 	Satisfactory
<ul style="list-style-type: none"> screened where necessary 	Satisfactory
<ul style="list-style-type: none"> must not extend forward of the front building line by greater than 900mm. 	See discussion at Chapter A1.
<ul style="list-style-type: none"> Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area. 	Complies
<u>4.7 Solar Access</u>	
<ul style="list-style-type: none"> Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June. 	Complies
<ul style="list-style-type: none"> At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21. 	Complies

<i>Controls/objectives</i>	<i>Comment</i>
<ul style="list-style-type: none"> Shadow diagrams are required for 9.00am, 12:00pm and 3.00pm for the 21 June winter solstice period for two storey dwellings 	Provided
<u>4.8 Building Character and Form</u>	
<ul style="list-style-type: none"> The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction. 	The proposal involves retaining walls across the site which is primarily a function of the steep grades. A built form could have been designed that was more sympathetic to the contours requiring less earthworks however the proposed design is considered acceptable with regard to the likely impacts.
<ul style="list-style-type: none"> Large bulky forms are to be avoided, particularly in visible locations 	The proposed dwelling is large and presents as three storey in height when viewed from the north/northeast. The site is however large and the form is generally well articulated.
<ul style="list-style-type: none"> New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. 	The character of the locality is generally of single dwellings in a leafy setting. The proposal is a large house however retains the leafy context and is generally well set back from adjoining properties. The proposed form is considered acceptable with regard to the character of the locality.
<ul style="list-style-type: none"> All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. On corner allotments, the development should address the street on both frontages. 	Complies
<ul style="list-style-type: none"> The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted. 	Complies
<ul style="list-style-type: none"> Where garages are proposed on the front elevation they must be articulated from the front façade. 	Complies
<u>4.9 Fences</u>	
<ul style="list-style-type: none"> Various. 	Fences have been addressed include open palisade style fencing.
<u>4.10 Car parking and Access</u>	
The provision of car parking shall be as follows:	
(a) 1 space per dwelling with a gross floor area of less than 125m ²	Two car parking spaces are provided in accordance with this control.
(b) 2 spaces per dwelling with a gross floor area of 125m ² or greater	
Garages must be setback a minimum of 5.5m from the front property boundary.	Complies
garage door openings to be a maximum of 50% of the width of the dwelling.	Complies
6m x 6m minimum for double garages	Complies

<i>Controls/objectives</i>	<i>Comment</i>
Driveways shall be separated from side boundaries by a minimum of 1 metre.	Complies
Driveways shall have a maximum cross-over width of 3 metres.	Complies
<u>4.11 Storage Facilities</u>	
<ul style="list-style-type: none"> 10m³ / 5m² 	Complies
<u>4.12 Site Facilities</u>	
<ul style="list-style-type: none"> To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive 	Complies
<u>4.13 Fire Brigade Servicing</u>	
ensure that all dwellings can be serviced by fire fighting vehicles.	The application has been reviewed by the RFS who have provided their bushfire safety authority.
<u>4.14 Services</u>	
<ul style="list-style-type: none"> encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced. 	Conditions of consent apply with regard to specific requirements of utility providers.
<u>4.15 Development near the coastline</u>	
N/A	
<u>4.16 View sharing</u>	
N/A	
<u>4.17. Retaining walls</u>	
1. A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than:	Complies
(a) 600mm at any distance up to 900mm setback from any side or rear boundary; or	
(b) 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary.	
Note: Council may consider a variation to the abovementioned maximum height / depth of a retaining wall, in cases where the subject site is steeply sloping and the proposed retaining wall is setback more than 1 metre from any side or rear common property boundary. Additionally, appropriate structural design details will be required and in some cases appropriate landscape buffer screen planting may be required, where necessary.	
2. Any retaining wall over a meter in height must be designed by an Engineer.	Conditions of consent recommended.
3. Within areas of suspected slope instability or subject to known slope instability, Council may also require a	A geotechnical report has been provided.

Controls/objectives	Comment
<p>report prepared by a suitably qualified geotechnical and structural engineer relating to the proposed retaining wall. Council will assess the suitability of any retaining within these areas, based upon the findings and recommendations contained in the report.</p>	
<p>4. To limit the overall height impact, terracing of retaining walls is required, limiting the maximum vertical rise of a retaining wall to 1 metre, with a minimum horizontal setback of 1 metre.</p>	<p>Retaining walls are suitably terraced.</p>
<p>5. Any retaining wall with a vertical height exceeding 1 metre in any one vertical rise must be supported by appropriate justification demonstrating how the proposal meets the objectives above.</p>	<p>Satisfactory</p>
<p>6. Balustrading will be required in accordance with the Building Code of Australia, to ensure the safety of the public, where the retaining wall adjoins a public place and where there is a change in level greater than 1 metre to the surface beneath.</p>	<p>The proposal will be required to comply with the BCA.</p>
<p>7. Open window face type retaining walls must not be permitted within 1.5 metres of an adjoining property boundary. These include crib block and similar type walls that permit the free flow of solid material through the wall.</p>	<p>Retaining walls are generally where they adjoin neighbouring sites or the public domain.</p>
<p>8. A fence and any associated retaining wall located within the setback area from a primary road shall be restricted to:</p>	<p>Satisfactory</p>
<p>(a) A maximum 1.2 metre height above existing ground level, and</p>	
<p>(b) An open style for at least 50 per cent of the upper 2/3 of the area of the fence, and</p>	
<p>(c) Any brick or other solid portion of the fence above 600mm being not more than 250mm wide.</p>	
<p>9. The fence or the fence and associated retaining wall on a sloping site may be stepped, provided the height of each step is not more than:</p>	<p>Satisfactory</p>
<p>(a) 1.6 metres above existing ground level if it is located within a setback area from a primary road, or</p>	
<p>(b) 2.2 metres above existing ground level for side or rear boundaries (where it is behind the front building line).</p>	
<p><u>4.18 Swimming pools and spas</u></p>	
<p>1. Ancillary development comprising a swimming pool and / or spa for private use must be located on land:</p>	<p>Complies</p>
<p>a) That contains an existing dwelling or a dwelling is constructed on the land at the same time the swimming pool and / or spa is constructed.</p>	
<p>b) Behind the building line of a primary road setback.</p>	
<p>2. For corner sites or where a property has two road frontages, the location of the swimming pool or spa is not to be in the primary frontage.</p>	<p>N/A</p>

<i>Controls/objectives</i>	<i>Comment</i>
3. Where a swimming pool or spa is proposed between the building façade and the secondary road frontage, appropriate landscape buffer screen planting will be required within the pool enclosure, behind the child resistant barrier, (i.e. so as not to affect the performance of the child resistant barrier) surrounding the pool enclosure.	N/A
4. Where a boundary fence is proposed to form part of the pool fence and it adjoins a public road the fence must be 1.8m high.	N/A
5. A swimming pool or spa must not be located: a) Over an easement or restricted building zone. b) Within a zone of influence of a public sewer main. c) Within a zone of influence of a public drainage pipe. d) Within a riparian buffer zone: e) Without appropriate approval by the relevant authority or person benefiting from the easement of covenant.	N/A
6. The swimming pool water line or spa water line must have a setback of at least 900mm from any side or rear boundary.	Complies
7. Any decking around a swimming pool or spa must not be more than 600mm above ground level (existing).	Complies
8. Coping around a swimming pool must not be more than: a) 1.4m above ground level (existing), and b) 300mm wide if the coping is more than 600mm above ground level (existing).	Conditioned
9. Any in-ground swimming pool or spa should be constructed so that the top edge of the swimming pool / spa is as close as possible to the existing ground level. On sloping sites, this may require excavation on the high side of the site, in order to ensure minimal out of ground exposure of the swimming pool at the low side.	Complies
10. Water from paved areas must not be discharged to any watercourse.	Conditioned
11. Overflow paths must be provided to allow for surface flows of water in paving areas around the pool and shall not be directed or connected at any point onto the adjoining property.	Conditioned
12. Discharge and/or overflow pipe(s) from the swimming pool and filtration unit are: a) To be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main. b) In the case of land within Rural / non-urban or Environmental Protection zones having an area greater than 1000m ² , to incorporate disposal pits located a minimum of 3m from any property boundary except	Conditioned

<i>Controls/objectives</i>	<i>Comment</i>
<p>where on-site disposal is not recommended in a geotechnical report prepared for the land or for the development.</p> <p>c) Not to discharge water to any watercourse.</p> <p>13. Pool excavations are not to conflict with the position of any stormwater drainage trench or line (including any inter-allotment drainage line), the position of which must be ascertained and shown on the site plan before pool excavation commences.</p> <p>14. A swimming pool must be surrounded by a child resistant barrier complying with the requirements of the Swimming Pools Act 1992 (and Regulations) and the appropriate Australian Standard as referenced by the Building Code of Australia.</p> <p>15. The wall of a residential building may form part of the child restraint barrier so long as the wall contains no openable door, window or other opening through which access may at any time be gained to the swimming pool.</p> <p>16. A minimum of 50% of the perimeter of a pool must be accessible for rescue purposes.</p> <p>17. A spa pool is not required to be surrounded by a child resistant barrier provided that the spa pool is covered or secured by way of a child-safe structure (eg door, lid, grill or mesh) that is fastened to the spa pool by a child-resistant device, at all times, when the spa pool is not in actual use.</p> <p>18. Structures such as tool sheds garages, barbeques, clotheslines or other like structures not appurtenant to a swimming pool must be located outside the fenced pool enclosure.</p> <p>19. The pool pump / filter must be located as far away as practicable from any adjoining dwelling and should be enclosed in an acoustic enclosure / structure.</p> <p><u>4.19 Development near railway corridors and major roads</u></p> <p>N/A</p> <p><u>4.20 Additional controls for semi-detached dwellings- alterations and additions</u></p> <p>N/A</p> <p><u>4.21 Additional controls for Dual Occupancies minimum site width</u></p> <p>N/A</p> <p><u>4.22 Additional controls for Dual Occupancies – building character and form</u></p> <p>N/A</p> <p><u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u></p> <p>N/A</p>	<p>Satisfactory</p> <p>Conditioned</p> <p>Complies</p> <p>Complies</p> <p>Satisfactory</p> <p>Complies</p> <p>Complies</p>

CHAPTER B2 – RESIDENTIAL SUBDIVISION

Controls/objectives	Complete
<u>5 Topography, landform conservation, cut and fill</u> This control primarily relates to new subdivisions rather than infill development.	
<u>6 Subdivision design</u> Relevant considerations under this control include Flooding.	
<ul style="list-style-type: none">• Bushfire.• Topography, geotechnical constraints, contamination constraints.• Biodiversity (Ecologically Endangered Communities, bushland, significant trees, habitat).• Known or likely heritage sites, including Indigenous heritage cultural issues.• Existing road network.• Street frontage and access.• Available utilities & services and existing easements.• Visual character	<ul style="list-style-type: none">• A bushfire safety authority has been provided with regard to the bushfire affectation.• The built form accommodates the cross fall with stepped retaining walls• A geotechnical report has been provided in support of the application and the proposal reviewed as satisfactory by Council's geotechnical officer.• The proposal is not expected to have any impacts to biodiversity.• Nearby heritage trees are not impacted.• The road network is able to accommodate one additional dwelling.• Suitable vehicular access is available to the site.• Waste servicing is proposed to occur from the eastern end of Norman Street adjacent to 1 Norman Street.• The subdivision is acceptable with regard to visual character.
<u>6.1 Lot Layout - Aspect and solar access</u> The controls in this section are not applicable.	
<u>6.2 Lot Size</u> See LEP	
<u>6.3 Lot Width and Depth</u> 12m lot width 25m lot depth	Complies Complies
<u>6.4 Battle-axe Lots</u> N/A	
<u>6.5 Building envelopes</u> N/A	
<u>17 Servicing Arrangements</u> The proposal is in an established serviced residential neighbourhood. Conditions of consent	

are recommended with respect to specific utility provider requirements.

18 Road addressing

To be addressed via conditions

CHAPTER D1 – CHARACTER STATEMENTS

Mangerton

The proposal is satisfactory with regard to the desired future character for Mangerton identified in this chapter which is as follows:

Mangerton will remain a low density residential suburb with a mix of housing types, including detached dwelling-houses as well as some additional medium density villa and townhouse developments occurring within reasonable walking distance to bus stops in the suburb.

The retention of the significant remnant stands of trees is important, in order to maintain the leafy character of Mangerton.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

No concerns are raised with respect to the principles of CPTED.

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

6 Traffic impact assessment and public transport studies

6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was not required for the development.

6.2 Preliminary Construction Traffic Management Plan

N/A

7 Parking demand and servicing requirements

7.1 Car Parking, Motor Cycle, Bicycle Requirements and Delivery / Servicing Vehicle Requirements

Two car parking spaces for the dwelling are provided in accordance with this chapter.

8 Vehicular access

The basement parking area provides suitable manoeuvring area to ensure vehicles can enter and exit in a forward direction.

Driveway grades and sight distances comply.

9 Loading / unloading facilities and service vehicle manoeuvring

The development complies with AS 2890.2.

Waste servicing will occur from within Norman Street as currently occurs for other dwellings as shown below.

10 Pedestrian access

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas

The proposal is satisfactory with regard to the principles of CPTED.

CHAPTER E6: LANDSCAPING

See comments elsewhere

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

There is no demolition.

Suitable waste storage and servicing arrangements have been provided.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to a level spreader approved under DA-2017/1719 in the south east corner of the site. As this will be on a separate lot following subdivision of the land, an easement is required to be established over the new lot 2 in favour of the new Lot 1.

The capacity of this level spreader system has been demonstrated to be adequate to manage the additional flow.

CHAPTER E16 – BUSHFIRE MANAGEMENT

The RFS have provided a Bushfire Safety Authority for the proposal, being integrated development under the Rural Fires Act.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

Attachment 7 – Draft consent

The development proposed is integrated development and approval is required from the approval bodies listed below:

NSW Rural Fire Service (RFS)

Pursuant to Section 100B of the Environmental Planning and Assessment (EP&A) Act 1979 – requirements imposed by the NSW RFS dated 2 July 2021 as attached shall form part of this Notice of Determination.

Conditions imposed by Council as part of this Integrated Development Consent are:

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation, except where the conditions of this consent expressly require otherwise.

Plan No.	Revision No.	Plan Title.	Drawn By.	Dated
22438/1	A	Proposed Subdivision	C. Robson & Associates Pty Ltd	23 May 2022
S00/1	4	Location & Site Plan	T & C Design Consultants	28 April 2022
02/12	11	Basement Floor Plan	T & C Design Consultants	7 June 2022
03/12	9	Ground Floor Plan	T & C Design Consultants	7 June 2022
04/12	7	First Floor Plan	T & C Design Consultants	7 June 2022
05/12	6	Tree Location Plan	T & C Design Consultants	7 June 2022
06/12	6	Retaining Walls Levels to TPZ, SRZ Arborist Details	T & C Design Consultants	28 April 2022
6-10 6A/12	3	Section 1-5 Fence Details	T & C Design Consultants	28 April 2022
22438/1	A	WLPP Section Plan	C. Robson & Associates Pty Ltd	
07/12	10	Landscape Plan Roof Drainage Plan	T & C Design Consultants	7 June 2022
09/12	6	Elevations	T & C Design Consultants	7 June 2022
10/12	8	Elevations	T & C Design Consultants	7 June 2022
12/12	4	Excavation & Fill Plan	T & C Design Consultants	28 April 2022

General Matters

2 Geotechnical

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 29 January 2021 by Terra Insight and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- c Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.

- d All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.
- e Any cuts or fills greater than 0.6m are to be structurally retained in compliance with the geotechnical advice.
- f Any retaining wall over a meter in height must be designed by an Engineer.

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 a Registered Certifier prior to work commencing.

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

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

5 **Occupation Certificate**

An Occupation Certificate must be issued by the PC prior to occupation or use of the development. In issuing an Occupation Certificate, the PC must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

6 **Tree Retention/Removal**

The developer shall retain the existing tree(s) indicated within the Arboriculture Consultancy Australia, dated January 2021 consisting of tree(s) numbered 1, 2, 5, 6 (on the subject site) and 7, 8, 9, 10, 11, 12, 13 and 14 on the adjacent sites.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development Sites.

All recommendations in the Arboricultural Impact Assessment by Arboriculture Consultancy Australia, dated January 2021 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered 3 and 4, and the exempt tree species nominated as A, B and C as indicated within the Arboriculture Consultancy Australia, dated January 2021. No other trees shall be removed without prior written approval of Council.

Prior to the Issue of the Construction Certificate

7 **Fence Footing Type Western Boundary**

Due to the number of significant trees located along the western boundary on the subject and the adjacent sites, footings for fence posts shall be limited to pad footings no greater than 300mm diameter. Brick piers and/or strip footings shall not be permitted. This requirement shall be reflected on the Construction Certificate documentation.

8 **Photovoltaic Panels**

Photovoltaic panels required to be installed to meet BASIX requirements must be flat mounted if on the roof in order to remain under the maximum height permitted for the site.

9 **Present Plans to Sydney Water**

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

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

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

10 Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Builders and Developers” section of the web site www.sydneywater.com.au then search to “Find a Water Servicing Coordinator”. Alternatively, telephone 13 20 92 for assistance.

Following application, a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice of Requirements must be submitted to the PC prior to issue of the Construction Certificate.

11 Endeavour Energy Requirements

The submission of documentary evidence from Endeavour Energy to the PC is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

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

12 Telecommunications

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

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

14 Depth and Location of Services

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.

15 Certification for Landscape and Drainage

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

16 Engineering Plans and Specifications - Retaining Wall

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that

the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;

- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f The assumed loading used by the engineer for the wall design.
- g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

17 **Sizing of Drainage**

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

18 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier 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 (Stormwater Concept Plans, prepared by Footprint Engineering, Reference Nos. 1755-C01, 1755-C02 and 1755-C03, revision 2, dated 03/08/2021).
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to a level spreader via an on-site detention system.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

19 **On-site Stormwater detention (OSD) Design**

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.

- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- 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:
 - i The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - ii Identification number DA-2021/136.
 - iii Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

20 **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 restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

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

21 **Pump System**

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

22 **Basement Waterproofing**

Full engineering details of the proposed wall around the basement car park shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the basement levels other than from sub-soil drainage, vehicle wash water and runoff from the driveway that drains towards the basement. This applies to any proposed opening such as doors or ventilation louvres. The problem of backwater from the stormwater pipeline entering the basement car park level shall be addressed by a method such as a flap gate or one-way valve system.

23 **Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.

24 **Stormwater Disposal (Level Spreader)**

Stormwater from the proposed development shall be piped to a suitable level spreader aligned across the slope of the land (i.e. parallel to the contours) with a minimum setback of 5 metres from existing buildings. The absorption disposal system shall be designed by a suitably qualified civil engineer in accordance with Chapter E14 of the Wollongong DCP 2009 and Council's

'Domestic Stormwater Drainage Systems' fact sheet. These requirements shall be reflected on the Construction Certificate plans.

25 **Footings Adjacent to Level Spreader**

All building footings located less than 5 metres from the proposed level spreader shall be designed by a suitably qualified civil engineer to ensure the building/footings will not be impacted by the adjacent absorption disposal system. Structural engineers details are required detailing the design of the footings adjacent to the absorption disposal system. These requirements shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

26 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (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.

27 A final Landscape Plan is to be prepared prior to the release of the Construction Certificate. The final Landscape Plan shall be generally in accordance with the approved Landscape Plan (Landscape Plan Roof Drainage Plan 07/12-10 dated 7 June 2022) address the following requirements:

- 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.
- e Removal of the proposed kerb and gutter in Norman Street road reserve adjacent to the front property boundary.
- f Removal of the retaining wall to the front property boundary (see Section 9 of Section 1-5 Fence details 6-10 6A12 dated July 2021 prepared by T&C Design Consultants) and replacement with a fence that complies with Wollongong Development Control Plan 2009, Chapter B1 section 4.9.
- g Fencing running along the western boundary is to be open palisade type fencing.

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

28 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the PC prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

29 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 PC prior to release of the Construction Certificate.

30 **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 - 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 PC prior to release of the Construction Certificate.
- b 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.
- c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

31 **Property Addressing Policy Compliance**

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

32 **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the PC.

The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots as well as properties adjoining the site.

The report shall outline measures for the protection of existing public and private infrastructure during the works.

Any damage to infrastructure items or private property which is caused by the developer shall be repaired to the satisfaction of the PC prior to the issue of the Occupation Certificate.

33 **Development Contributions**

Pursuant to Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$9,750.00 (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 indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula shown in the Contributions Plan.

To request an invoice to pay the contribution go to www.wollongong.nsw.gov.au/contributions and submit a Contributions Enquiry. The following information will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issued to.
- Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.nsw.gov.au.

34 **Swimming Pool – Discharging Water**

Discharge and/overflow pipe from the swimming pool and filtration unit must be connected to the sewer where available. All backwash water from the filtration unit is to be similarly disposed.

35 **Coping**

Coping around a swimming pool must not be more than 1.4m above ground level (existing) and 300mm wide if the coping is more than 600mm above ground level (existing).

Overflow paths must be provided to allow for surface flows of water in paving areas around the swimming pool and shall not be directed or connected at any point onto the adjoining property.

- 36 The pool excavations are not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.
- 37 A swimming pool must be surrounded by an appropriate child resistant barrier.

Prior to the Commencement of Works

38 Appointment of PC

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

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

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

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

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

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

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

40 Sign – Supervisor Contact Details

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

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

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

41 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.

42 **Structural Engineer's Details**

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

43 **Enclosure of the Site**

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

44 **Temporary Sediment Fences**

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

45 **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.

46 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

47 **Certification from Arborist - Adequate Protection of Trees to be Retained**

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the PC is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

48 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

49 **Tree Protection**

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

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

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

During Demolition, Excavation or Construction

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

Stormwater for the land must be piped to the on-site detention and then level spreader as shown in the supporting stormwater concept plan.

51 **Copy of Consent to be in Possession of Person carrying out Tree Removal**

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

52 **Restricted Hours of Construction Work**

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

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

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

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

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

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

53 **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.

54 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".

55 **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.

56 **BASIX**

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

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the

Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

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

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

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

Prior to the Issue of the Occupation Certificate

58 **Restriction on Use over On-Site Detention Facility**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the OSD 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 detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site 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 Certifier for endorsement prior to the issue of the Occupation Certificate and the use of the development.

59 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

60 **Positive Covenant On-Site Detention Maintenance**

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 Detention System and Maintenance Schedule (Application Number to be referenced).

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

61 **On-Site Detention - Structural Certification**

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

62 **BASIX**

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

Prior to the Issue of the Subdivision Certificate

63 Existing Easements

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

64 Existing Restriction as to Use

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

65 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.

66 Encroaching Services

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

67 88B Instrument Easements/Restrictions

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

68 Final Documentation Required Prior to Issue of Subdivision Certificate

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

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Certificate of Practical completion from Wollongong City Council or a PC (if applicable);
- c Administration sheet prepared by a registered surveyor;
- d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
- f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- g Original Notification of Arrangement (for Torrens subdivision) or Original Supply Offer (for Strata subdivision) from an Endeavour Energy regarding the supply of electricity to the proposed allotments;
- h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
- i Payment of section 94 fees (Pro rata) (if applicable).
- j Registered Easement – The developer must obtain a minimum 1.2 metre wide easement to drain stormwater over proposed Lot 2 and into level spreader for the purpose of stormwater disposal to benefit Proposed Lot 1. The easement alignment, width, and extent must be sufficient to enable access, construction, and repair of the proposed pipeline and outlet wholly within the easement, and shall encompass the full extent of the proposed pipe, pits, and proposed level spreader. Evidence that the easement has been registered with the NSW Land and Property Information Office, and engineering certification that the easement alignment, width, and extent satisfies the requirements of this condition, must be submitted to Council.

Operational Phases of the Development/Use of the Site

69 Backwash of Swimming Pool Water

The discharge of water from the pool should only be carried out after chlorine levels in the water have been depleted. Swimming pool water should not be discharged to a watercourse.

Swimming Pool Filtration Motor

The operation of the swimming pool filtration motor shall be restricted to the following hours of operation:

Monday to Friday - 7:00 am to 8:00 pm.

Saturdays, Sundays and Public Holidays - 8:00 am to 8:00 pm.

The equivalent continuous noise level ($L_{Aeq(15min)}$) of the swimming pool filtration motor shall not exceed 5dB(A) above the background noise level ($L_{A90(15min)}$) at the most affected point(s) along any boundary of the property.



NSW RURAL FIRE SERVICE

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Your reference: (CNR-18284) DA-2021/136
Our reference: DA20210218000656-Original-1

ATTENTION: Kathy Nicolis

Date: Friday 2 July 2021

Dear Sir/Madam,

Integrated Development Application
s100B - Subdivision - Torrens Title Subdivision
1A Norman Street MANGERTON NSW 2500, 1//DP617042

I refer to your correspondence dated 17/02/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

1. From the start of building works and in perpetuity, the entire property must be managed as an inner protection area (IPA).

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

2. Construction of the northern elevation must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas - 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

3. Construction of the eastern, southern and western elevations must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

4. The pool cabana area shall be constructed in accordance with Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* clause 3.2.1, and the entire pool cabana and awning is to be constructed of non-combustible materials.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

5. Water, electricity and gas are to comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

General Advice – Consent Authority to Note

This Bush Fire Safety Authority is issued subject to the performance solution prepared by Phil Couch of Newcastle Bushfire Consulting dated 11 November 2020, and applies only to this development and site.

For any queries regarding this correspondence, please contact Stephen Dubois on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
1A Norman Street MANGERTON NSW 2500, 1//DP617042
RFS Reference: DA20210218000656-Original-1
Your Reference: (CNR-18284) DA-2021/136

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Nika Fomin

Manager Planning & Environment Services
Built & Natural Environment

Friday 2 July 2021