

# Wollongong Local Planning Panel Assessment Report | 20 March 2019

<b>WLPP No.</b>	Item No. 4
<b>DA No.</b>	DA-2018/914
<b>Proposal</b>	Residential - demolition of existing buildings and outbuildings, tree removals and Subdivision - Torrens title - two (2) lots. Construction of dual occupancy on each lot and Subdivision - Torrens title - two (2) residential lots from each lot
<b>Property</b>	Lot 41 DP 10972; 13 Pass Avenue, Thirroul Lot 401 DP 777843; 15A Pass Avenue, Thirroul
<b>Applicant</b>	CGFF Pty Ltd
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (KR)

## ADDENDUM REPORT

This report should be read in conjunction with the Council Assessing Officer's report as presented to Wollongong Local Planning Panel on the 27 November 2018 at Attachment 6.

## 1 BACKGROUND AND EXECUTIVE SUMMARY

### Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) **for determination** pursuant to Section 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the application is the subject of 10 or more unique submissions by way of objection.

### Background

This matter was reported to the WLPP meeting on 27 November 2018. A copy of the Panel's recommendation is included at Attachment 1. The Panel determined to defer the development application to allow the applicant an opportunity to address the issues raised by the Panel as follows:

- *Consideration be given to alter the development to a single dwelling development only fronting Gum Tree Lane and address buildings A1 and A2 as follows:*
  - a *move buildings B1 and B2 (or a single dwelling development) further to the south;*
  - b *reduce the size of B1 and B2 so that only one car parking space is required which could ideally be located in a carport to allow for visibility.*
  - c *move buildings A1 and A2 forward to the street. Either relocate the parking north of the culvert or relocate the culvert.*
  - d *increase the landscape area behind the buildings to minimum of 50%.*

### Proposal

The proposal is for demolition of existing buildings and outbuildings, tree removals and Subdivision - Torrens title - two (2) lots. Construction of dual occupancy on each lot and Subdivision - Torrens title - two (2) residential lots from each lot.

The applicant has amended the proposal in response to the issues raised by the Panel as detailed in Section 2 of this report.

## **Permissibility**

The site is zoned R2 under the Wollongong Local Environmental Plan 2009. Dual occupancy is a permissible use in the R2 Low Density Residential zone. Subdivision is permitted pursuant to Clause 2.6 of Wollongong Local Environmental Plan 2009.

## **Planning Controls**

The following planning controls apply to the proposal:

### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP BASIX (Building Sustainability Index: BASIX) 2004
- SEPP (Vegetation in Non-Rural Areas) 2017

### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

### Development Control Plans:

- Wollongong Development Control Plan 2009

### Other policies

- Wollongong City-Wide Development Contributions Plan 2018

An assessment of the planning controls relevant to the amended proposal, in this case WLEP 2009 and WDCP 2009, is provided at Attachment 4.

For original assessment refer to Council Assessing Officer's report as presented to Wollongong Local Planning Panel on the 27 November 2018 at Attachment 6.

## **Consultation**

Details of the amended proposal were publicly exhibited in accordance with Council's Notification Policy and received 13 submissions. The issues raised in submissions and Council's considerations to identified issues are discussed in Section 3 of this report.

Consultation of the proposal as presented to Wollongong Local Planning Panel on the 27 November 2018 is outlined in the Council Assessing Officer's Report.

Council's Development Engineering, Geotechnical, Landscape and Traffic Officer's have reviewed the application and provided conditionally satisfactory referral advice.

## **Conclusion**

Council's Assessing Officer is of the view that the amended proposal has satisfactorily addressed the concerns previously raised by the Panel.

## **Recommendation**

DA-2018/914 be approved subject to the conditions contained in Attachment 5 of this report.

## 2 APPLICANT'S RESPONSE TO THE WLPP RECOMMENDATIONS

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The applicant has provided amended plans and additional information in response to the concerns raised by the Panel including:

- Amended Statement of Environmental Effects;
- Amended architectural plans and Landscape Plan;
- Amended BASIX certificate;
- Variation Statement for Clause 4.2 Front Setback and Clause 4.10 Car Parking and Access in Chapter B1 Wollongong Development Control Plan (WDCP) 2009.

The amended plans and Variation Statement are provided at Attachments 2 and 3 respectively.

The applicant provided the following correspondence in an email to Council dated 22 January 2019:

*'The revised scheme has been prepared to address the recommendations of the Wollongong Local Planning Panel report dated 27<sup>th</sup> November 2018.*

*The amended plans address the following issues outlined in the determination:*

**a. Move buildings B1 & B2 (or a single dwelling development) further to the south (Gumtree Lane frontage)**

*The revised design has opted to move buildings B1 & B2 further south and they have been reduced in size to 125sqm each. These units have been moved south towards Gumtree Lane so as to increase the separation from the front units (A1 & A2) fronting Pass Avenue. The setback is considered consistent with existing development along the lane as discussed within the determination.*

**b. Reduce the size of B1 & B2 so that only one carparking space is required which could ideally be located in a carport to allow visibility**

*The revised design has reduced the Gross Floor Area of units B1 & B2 from 145sqm to 125sqm. Each unit is provided for with a single covered car parking space within a carport. The carport is sized to be 5.5m x 5.5m so can accommodate a visitor to park off the lane which further supports the variation to the 5.5m minimum parking setback requirement. A slatted screen with an opening of minimum 20mm between 75mm horizontal slats is located on the side of the carports. This spacing will allow for visibility through the screen to the laneway*

**c. Move buildings A1 & A2 forward to the street. Either relocate the parking north of the culvert or relocate the culvert.**

*The option of redesigning the culvert and relocating it further to the north was discussed at length with Councils Engineers in a meeting on the 4<sup>th</sup> December 2018. As the culvert runs in a straight line through the front of adjoining lots a bend in the culvert at each side boundary would be required and was considered not to be possible by a substantial increase in the culvert and possibly no ability to move buildings forward due to the increased size. It should be noted that the proposed setback is consistent with adjoining dwellings, minimises impact on the streetscape and allows for deep soil planting in front of the proposed buildings to soften impact on the streetscape.*

**d. Increase the landscape area behind the buildings to minimum 50%**

*WDCP 2009 Chapter B1 Control 4.5.2.3 requires 'At least 50% of the landscaped area must be located behind the building line to the primary road boundary.'*

*The proposal has an increased building line setback to the buildings A1 & A2 of 12.185m, the DCP requires a setback of 6m only. Calculations provided have assumed that the required 6m setback can be used when calculating the areas according to this control. According to this calculation method 127.1sqm of the provided 166sqm landscape area is provided behind the 6m building line (76.5%). Should the 12.185m building line be adopted for the purpose of this control 95.1sqm (57%) of the landscaping is located behind the building line.*

*In addition to the specific recommendations of the panel the following amendments to the design have been made.*

- The two lot subdivision boundary has been relocated south so as to provide more landscape area to the rear of buildings A1 & A2. The plan has been amended to provide a rear access door to these yards and has relocated drying lines to this rear yard.*
- The shared driveway has been removed and an additional driveway crossover has been located to access unit A2. Unit A1 will utilise the existing driveway crossover. This change has been made so as to provide the buildings the capability of up to three (3) visitor cars parked off street. Whilst this additional crossover will result in the loss of one (1) carparking space on Pass Avenue, the ability to potentially park six (6) additional cars off street is a superior outcome as parking was of great concern to residents and the previous arrangement did not allow for visitors to park off street without impacting on the vehicle circulations of the adjoining residence.*
- The attached shadow diagrams demonstrate that the overshadowing of the north facing yards of buildings B1 & B2 had been reduced considerably due to the boundary relocation*
- The clerestory skylight to buildings B1 & B2 has been removed and replaced with a surface mounted solartube skylight as this was a concern for the adjoining neighbours.*
- Buildings B1 & B2 have a street facing front door. These doors are located centrally so provide a superior street address and also the ability for landscaping on the Gumtree Lane frontage.*
- The revised design has reduced the requirement to have extensive retaining walls on the boundary which will have a positive impact on existing conditions for both adjoining neighbours.*

*Council in the meeting on the 4<sup>th</sup> December also indicated support for the waste servicing of buildings B1 & B2 to the intersection of Pass Avenue and Gumtree Lane based on the reduced building areas, can council consider this as per discussions.'*

### **3 COUNCIL'S ASSESSING OFFICER'S COMMENTS**

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Council's Assessing Officer has reviewed the Panel's recommendations from the 27 November WLPP meeting and the Applicant's response to the issues raised and provides the following comments.

- 'Consideration be given to alter the development to a single dwelling development only fronting Gum Tree Lane and address buildings A1 and A2 as follows:'***

The applicant has considered the recommendations of the Panel to alter the development fronting Gum Tree Lane (Units B1 and B2) to a single dwelling, however, has opted to retain a dual occupancy development.

The applicant has submitted amended plans to address the recommendations of the Panel, items a and b, in relation to Units B1 and B2 and items c and d, in relation to Units A1 and A2 as discussed below.

**Item a**

***a        move buildings B1 and B2 (or a single dwelling development) further to the south;***

The Panel identified the applicant consider moving Units B1 and B2 further to the south. The reason for this was to increase separation between each dual occupancy development due to concerns that Units A1 and A2 would overshadow the garden of Units B1 and B2 by approximately 50% in mid winter. The Panel also noted that the neighbouring property No. 16 Gum Tree Lane had a reduced front setback to the Gum Tree Lane frontage.

The applicant has reduced the front setback of the carports of Units B1 and B2 from 5.5m to 4.25m and 3.585m respectively.

The proposal presented to WLPP on 27 November complied with the minimum 5.5m front setback required for carports. The amended proposal now involves a variation to Clause 4.2 Front Setback and 4.10 Car Parking and Access of Chapter B1 WDCP 2009. The applicant has submitted a Variation Statement to request a variation to Clause 4.2 and 4.10 which is provided at Attachment 3.

The variation has been considered and is considered capable of support. The reduced front setback provides greater separation between each dual occupancy thus addressing the Panel's concerns regarding overshadowing. The reduced front setback is also considered to be in keeping with the front setback of the adjoining property No. 16 Gum Tree Lane.

Note: The minimum 5.5m front setback is normally required to provide an opportunity for visitors to park in front of the carport, particularly on a laneway, as there is no on-street parking available. The reduced front setback does not affect visitor parking in this case as although Units B1 and B2 only require one parking space, the applicant opted to provide a double carport to provide opportunity for visitor parking.

Council's Traffic Officer has assessed the amended proposal and is satisfied.

It is the Council's Assessing Officer's view that the applicant has addressed the Panel's concerns in relation to Item a.

**Item b**

***b        reduce the size of B1 and B2 so that only one car parking space is required which could ideally be located in a carport to allow for visibility.***

The applicant has reduced the size of Units B1 and B2 to less than 125sqm each to only require one parking space. The previous single garage/single carport design has been replaced with a double carport. As discussed above, although only one parking space was required, the applicant opted to provide a double carport to provide opportunity for visitor parking given the reduced front setback and frontage to a laneway as there is no on-street parking.

The front entrances to Units B1 and B2 have been amended to face directly onto the laneway, rather than side facing. The design is considered to allow for visibility to the laneway.

Council's Traffic Officer has assessed the amended proposal and is satisfied.

It is the Council's Assessing Officer's view that the applicant has addressed the Panel's concerns in relation to Item b.

#### **Item c**

- c        move buildings A1 and A2 forward to the street. Either relocate the parking north of the culvert or relocate the culvert.***

Council's Assessing Officer's acknowledges that the applicant has considered the Panel's suggestion to either relocate Units A1 and A2 or the culvert and that neither option was possible.

Council's Assessing Officer supports retaining the front setback behind the culvert, as presented to the WLPP meeting of 27 November, as it is consistent with the setback of the adjoining dwellings and is appropriate for the constraints of the site.

Council's Development Engineer has assessed the amended proposal and is satisfied.

It is the Council's Assessing Officer's view that the applicant has addressed the Panel's concerns in relation to Item c.

#### **Item d**

- d        increase the landscape area behind the buildings to minimum of 50%.***

As identified by the Panel the applicant has increased the landscaped area behind the building line of Units A1 and A2 by moving the subdivision boundary between Lot 1 and 2 further to the south. Lot 1 and Unit A1 comply with minimum 50% of landscaping behind the building line (as required by Clause 4.5 Chapter B1 WDCP 2009). There is a minor variation for Unit A2 (46%) which has been considered and capable of support. The overall landscaped area for Unit A2 is fully compliant at 25% (minimum 20%). There is also ample landscaping and a deep soil zone provided at the rear of Unit B1 and B2 to provide sufficient screen planting and landscape buffer between each dual occupancy.

Note: the applicant has not formally requested a variation to Clause 4.5 Landscaped Area as the applicant has interpreted the 'building line' to be a measure of 6m from the front boundary.

Council's Landscape Officer has assessed the amended proposal and is satisfied.

It is the Council's Assessing Officer's view that the applicant has addressed the Panel's concerns in relation to Item d.

#### **General Comments**

In addition to the specific recommendations of the panel, as discussed above, the applicant has made a number of amendments to the design and Council's Assessing Officer offers the following comments: (Note: An assessment of the amended proposal against the relevant WLEP and WDCP 2009 planning controls is provided at Attachment 4).

- The amended proposal has a reduced height, floor space ratio, site coverage and increased landscaped area, compared to the proposal as presented to WLPP on 27 November.
- The proposal presented to WLPP on 27 November involved a variation to Clause 4.1 Number of Storeys which is no longer required as the relocation of the subdivision boundary between Lot 1 and 2 has resulted in there being only single storey development within 8m of the rear boundary as required.
- The previous proposal also involved a variation to Clause 4.5 Landscaped Area as there was insufficient landscaped area provided behind the building line for Lot 1/Units A1 and A2 which is no longer required for Lot 1 and Unit A1 as the amended proposal now complies. A minor variation for Unit A1 has been considered and is capable of support as discussed in this report.
- The previously shared driveway for Units A1 and A2 has been replaced with two separate driveways which is considered to improve vehicle manoeuvrability and increase off-street parking opportunities whilst ensuring there is at least one on-street parking space available as required. Landscaping and deep soil zone is provided between the two driveways which will soften the hardstand area and built form and contribute to the leafy character of the street. The separation of the driveways also negates the need for a right of carriageway.
- The amended proposal has addressed overshadowing by Units A1 and A2 to Units B1 and B2 as demonstrated by the submitted Shadow Diagrams.
- The amended design for Units A1 and A2 improves access to the rear yards and external clothes drying facilities.
- The skylight over Units B1 and B2 has been removed which will reduce the overall height of the building and improve views from the neighbouring property No. 16 Gum Tree Lane.
- The gross floor area of Units B1 and B2 has been reduced from 145sqm to less than 125sqm each to only require one parking space as recommended by the Panel. This has resulted in a reduction of one bedroom for Units B1 and B2 (previously 4 bedroom dwellings). All dwellings are now 3 bedroom dwellings.
- The changes to Units B1 and B2, reduction in GFA, removal of skylight and replacement of garage with an open carport significantly reduces bulk and scale of the development.
- The driveway for Units B1 and B2 which was previously a combined 10.3m wide driveway has been replaced with two separate driveway just over 4m each with landscaping in between. The amended design will improve streetscape appearance of the development when viewed from Gum Tree Lane.
- The revised parking arrangement and front entrance to Units B1 and B2 will improve passive surveillance to Gum Tree Lane.
- The amended proposal with reduced front setback to Gum Tree Lane has reduced the extent of earthworks and retaining structures required.

- Council has reconsidered waste servicing requirements and will support waste servicing at the western end of Pass Avenue given other properties along Gum Tree Lane are permitted to do so.

## **Consultation**

Details of the amended proposal were publicly exhibited in accordance with Council's Notification Policy and received 13 submissions. The issues raised in the submissions are summarised below:

**Table 1: Submissions**

Concern	Comment
<b>1. Overdevelopment of Thirroul</b> <ul style="list-style-type: none"> <li>• Ongoing development in Thirroul is unsustainable</li> <li>• Existing traffic problems in Thirroul</li> </ul>	Restricting development in Thirroul and existing traffic problems are wider strategic matters outside the scope of the current DA. The proposal is permissible on the land under the Wollongong Local Environmental Plan 2009.
<b>2. Overdevelopment of the site:</b> <ul style="list-style-type: none"> <li>• The amended plans have not addressed the Panel's concerns that it is an 'overdevelopment'</li> <li>• Site is constrained</li> <li>• Inappropriate scale of the development – four dwellings to replace one dwelling is excessive</li> <li>• Will quadruple the traffic and environmental impacts</li> </ul>	<p>The proposal is not considered to be an overdevelopment of the site. The proposal complies with Council's floor space ratio, height, site coverage and landscaping controls. The site width complies with Council minimum 15m for dual occupancy developments.</p> <p>The proposal involve variations to some of the requirements of the Wollongong Development Control Plan 2009 however the variations have been considered and are capable of support as discussed in this report.</p> <p>Site constraints are considered to have been adequately addressed.</p>
<b>3. Out of character for the street:</b> <ul style="list-style-type: none"> <li>• Modern style is unsympathetic</li> <li>• Area is characterised by single dwellings</li> </ul>	The proposal is contemporary in design, however, the area is characterised by a mix of single storey and two storey dwelling-houses with both of traditional and contemporary construction. It is likely the older housing stock will be modernised over time.
<b>4. Amenity impacts to neighbouring properties:</b> <ul style="list-style-type: none"> <li>• Overshadowing</li> <li>• Privacy</li> <li>• Loss of views</li> <li>• Noise</li> </ul>	<p>The proposal is considered to have minimal impact on the amenity of neighbouring properties.</p> <p>The submitted shadow diagrams demonstrate compliance with Council's solar access requirements to neighbouring properties.</p> <p>The proposal has been designed to minimise overlooking to the side boundary through the use of highlight or opaque glazed windows and privacy screens to upper level balconies.</p> <p>The neighbouring property No. 16 Gum Tree Lane currently enjoy views from their living room window and first floor balcony. The proposal is considered to have been designed to reasonably retain these views as discussed in Section 2.4 Clause 4.16 Chapter B1 WDCP</p>



Concern	Comment
	<p>2009.</p> <p>The amended proposal has retained the same roofline and height, as the proposal presented to WLPP on 27 November, however Units B1 and B2 have been moved further to the south and they no longer encroach beyond the rear building line of the neighbouring property No. 16 Gum Tree Lane. This will improve views from the neighbouring property No. 16 Gum Tree Lane's living room windows and first floor balcony as there is now greater separation between the dual occupancy developments</p> <p>The skylight over Units B1 and B2 has been removed which will reduce the overall height of the building and improve views from the neighbouring property No. 16 Gum Tree Lane.</p> <p>Noise is not expected to be generated above normal domestic levels.</p>
<p><b>5. Traffic and parking:</b></p> <ul style="list-style-type: none"> <li>Local road network is already over capacity</li> <li>Will pose safety risk to pedestrians</li> <li>Laneway is too narrow and windy and dangerous</li> <li>Safety</li> <li>Laneway is in poor condition and was never intended for vehicles.</li> <li>Existing problems illegal parking on Gum Tree Lane.</li> <li>More cars will park on the street.</li> <li>No footpaths or lighting</li> </ul>	<p>The submitted Traffic Report concluded that the proposal will generate insignificant total peak hour and daily trips. Council's Traffic Officer and is satisfied that low traffic and car parking demand generated by the proposed development is unlikely to impact on the local road network.</p> <p>The Traffic Report confirms that the proposal complies with access and parking requirements of AS/NZS2890.1-2004 in relation to driveway width, grades and sight distance therefore access into and out of the site is unlikely to pose a traffic safety hazard.</p> <p>Parking in the laneway is a separate matter that can be raised separately with Council's Traffic Committee. The development accommodates one off-street parking space for visitors for each dwelling.</p> <p>The proposal is unlikely to result in additional demand for on-street parking as the proposal complies with Council's parking requirements.</p>
<p><b>6. Stormwater drainage, flooding and over demand on the sewer system</b></p>	<p>Council's Development Engineering Officer has reviewed the application and provided conditionally satisfactory referral advice in relation to stormwater and flooding matters.</p>
<p><b>7. Waste servicing should not occur on Gum Tree Lane:</b></p> <ul style="list-style-type: none"> <li>Too steep and narrow</li> <li>No footpath</li> </ul>	<p>Council has reconsidered waste servicing requirements and will support waste servicing at the western end of Pass Avenue given other properties along Gum Tree Lane are permitted to do so.</p>

Concern	Comment
<ul style="list-style-type: none"> <li>No lighting</li> <li>Safer for waste collection to occur via Pass Avenue frontage of the site.</li> </ul>	
<b>8. Will set a precedent.</b>	The proposal will not set a precedent as any similar proposal would be assessed on its merit.
<b>9. Impacts on flora and fauna</b>	Council's Landscape Officer has assessed the proposal and is satisfied subject to imposition of appropriate conditions for landscaping, tree retention, tree removal and compensatory plantings.

#### Frequency of Issues Raised:

Issue No.	1	2	3	4	5	6	7	8	9
Frequency	7	9	5	6	12	4	3	2	1

Consultation of the proposal as presented to Wollongong Local Planning Panel on the 27 November 2018 is outlined in the Council Assessing Officer's Report.

#### Changes to Conditions

The following conditions (from the report to WLPP of 27 November 2018) will need to be revised as a result of the amended proposal and advice from internal referral groups:

- Condition 1 'Approved Plans and Documents'.
- Condition 10 'Tree Management' to reference the revised Landscape Plan by Develop My Land Dwg. No. L-01 Issue C dated 6 February 2019.
- Condition 19 to reduce the parking requirements from 6 to 4.
- Condition 24 to delete sub-point 'g the landscape plan is to be modified to accommodate the one (1) m wide right of footway for waste servicing (condition 89)'.
- Delete previous Condition 89 'Creation of Rights of Access for Waste servicing'.
- Delete previous Conditions 91 'Operational Waste Servicing'.
- The following drainage conditions are to be added:

#### **84 Drainage**

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

#### **91 Piped Natural Watercourse**

*The piped natural watercourse must be chartered on the final subdivision plan. No easement is required over the watercourse.*

## **CONCLUSION**

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At the WLPP meeting of 27 November 2018, the Panel determined to defer the development application to allow the applicant an opportunity to address a number of concerns as described in Section 1 of this report.

Responding to the recommendations of the WLPP the applicant has provided amended plans and additional information. Council's Assessing Officer is of the view that the amended proposal has satisfactorily addressed the concerns previously raised.

It is therefore considered that the proposed development is appropriate given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character and amenity of the surrounding area, providing for the orderly development of land in the locality.

## **RECOMMENDATION**

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DA-2018/914 be approved subject to the conditions contained in Attachment 5 of this report.

## **ATTACHMENTS**

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- 1 WLPP recommendations from 27 November 2018 meeting
- 2 Amended Plans, Landscape Plan, Stormwater Plan and Shadow Diagrams
- 3 Applicant Variation Request Statement
- 4 WLEP and WDCP 2009 assessment of amended proposal by Council's Assessing Officer
- 5 Revised Conditions
- 6 Original Council Assessing Officer's WLLP Report and Draft Conditions as presented to WLLP meeting on 27 November 2018.

[Click on the red line above for link to previous WLPP Report](#)

**DETERMINATION AND STATEMENT OF REASONS****WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)**

<b>DATE OF DETERMINATION</b>	27 November 2018
<b>PANEL MEMBERS</b>	Sue Francis (Chair), Steve Fermio, Glenn Falson, Robyn Deards (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 27 November 2018 opened at 5:00pm and closed at 5:50pm.

**MATTER DETERMINED**

DA-2018/914 – Lot 41 DP 10972, 13 Pass Avenue, Thirroul and Lot 401 DP 777843, 15A Pass Avenue Thirroul (as described in detail in schedule 1).

**PUBLIC SUBMISSIONS**

The Panel was addressed by four submitters who had concerns with the increased density, the height of the building, vehicle movement and garbage.

The Panel also heard from the applicant's planner and designer.

**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 was concerned about the Torrens Subdivision of the created attached dual occupancies pursuant to clause 4.1 (4C) of the WLEP in that the Panel interprets this clause as referring to dual occupancies that existed prior to the gazettal of the LEP; assuming that they were dual occupancy developments on lots of 600 square metres rather than 450 square metres. However, the Panel has received advice from Council's lawyer that states that this is not the correct interpretation of the Clause and so long as the dual occupancy exists prior to subdivision, it is lawful.

As to merits, the site has a sub-surface drainage culvert running approximately 12 metres into the site from Pass Avenue. This has resulted in the built form being pushed back behind the culvert and limiting the rear landscaped area for A1 and A2 and which is significantly overshadowed by the buildings themselves

A1 and A2 also overshadow the garden of B1 and B2 by approximately 50% in mid winter.

The garages/carports of B1 and B2 are also setback 5.5 metres from the Gum Tree Lane as required by Council's engineers (but notably not required for the house at 16 Gum Tree Lane).

The proposal has also not sufficiently addressed section 4.21 of the Development Control Plan which suggests that dual occupancies are not acceptable on constrained sites.

Accordingly, the Panel considers the proposal as submitted as overdevelopment of the site but is of the view that amendments may be able to address the concerns raised.

The Panel therefore defers the determination of the application so that amended plans can be submitted to address the following issues:

- consideration be given to alter the development to a single dwelling development only fronting Gum Tree Lane and address buildings A1 and A2 as follows:
  - a move buildings B1 and B2 (or a single dwelling development) further to the south;
  - b reduce the size of B1 and B2 so that only one car parking space is required which could ideally be located in a carport to allow for visibility.

- c move buildings A1 and A2 forward to the street. Either relocate the parking north of the culvert or relocate the culvert.
- d increase the landscape area behind the buildings to minimum of 50%.

The above suggested amendments are not all that may be required to address the concerns of over development and discussion with Council officers, particularly Council's engineers, should occur before submitting amended plans.

Amended plans should be assessed and then reported back to the Panel for determination.

The Panel also requests that Council consider the implications of clause 4.1 (4C) of the LEP which apparently allows Torrens Subdivision to a minimum of 225 square metres. This then triggers CDC provisions of several SEPPs, notably secondary dwellings. If this was not the intent of this clause, Council may want to review the provision.

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**

The reasons for the decision of the Panel were:

- As proposed the development is an over development of the site.
- The site is constrained by slope, floodplain, stormwater easement and access.
- A significantly reduced and amended scheme may address these concerns.

PANEL MEMBERS



Sue Francis  
(Chair)



Steve Fermio



Glenn Falson



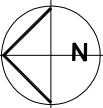
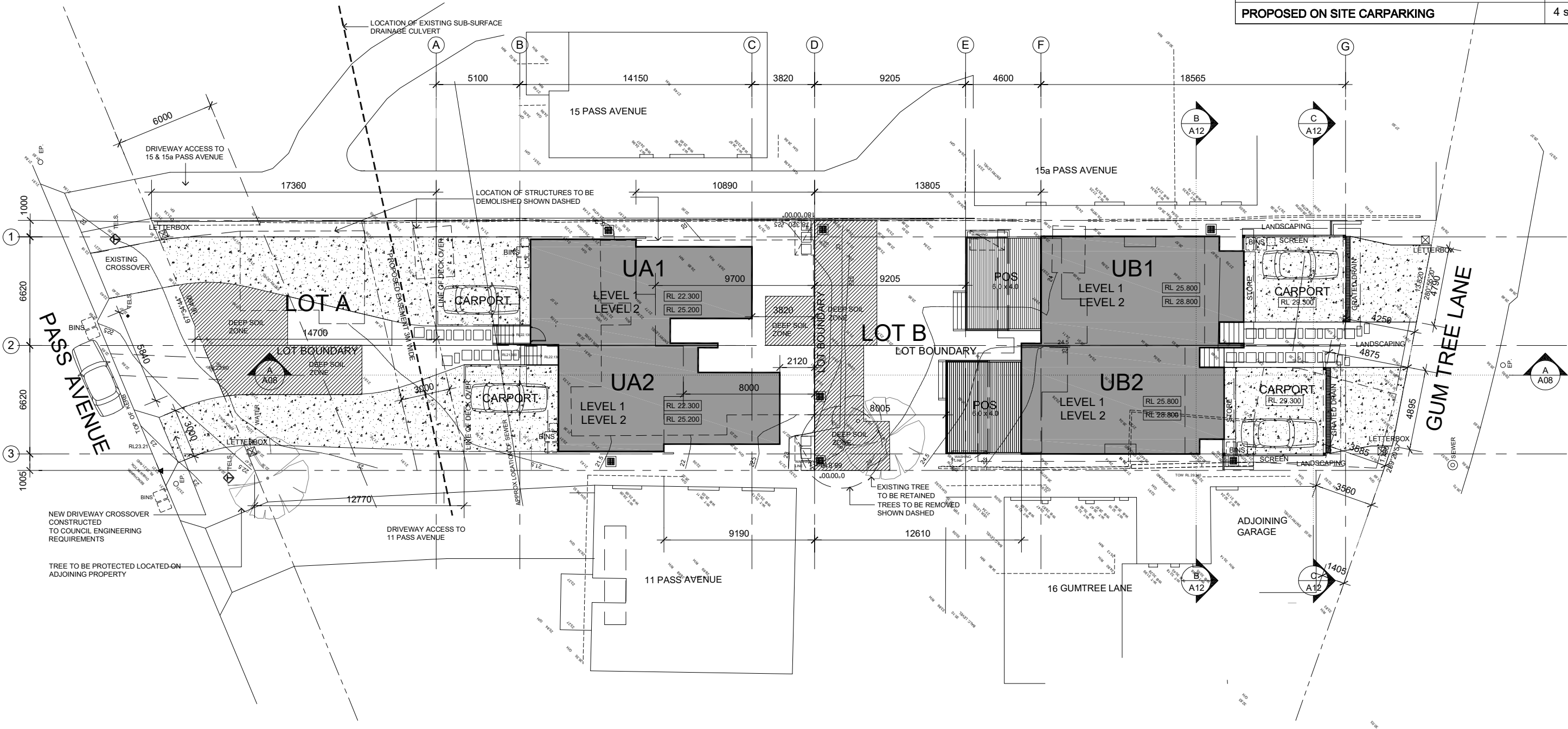
Robyn Deards  
(Community Representative)

**SCHEDULE 1**

<b>1</b>	<b>DA NO.</b>	DA-2018/914
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Residential - demolition of existing buildings and outbuildings, tree removals and Subdivision - Torrens title - two (2) lots. Construction of dual occupancy on each lot and Subdivision - Torrens title - two (2) residential lots from each lot.
<b>3</b>	<b>STREET ADDRESS</b>	13 Pass Avenue Thirroul 15A Pass Avenue Thirroul
<b>4</b>	<b>APPLICANT</b>	Develop My Land
<b>5</b>	<b>REASON FOR REFERRAL</b>	Section 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the application is the subject of 10 or more unique submissions by way of objection.
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<p><b>Environmental planning instruments:</b></p> <p>State Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• SEPP No. 55 – Remediation of Land</li> <li>• SEPP BASIX (Building Sustainability Index: BASIX) 2004</li> <li>• SEPP (Vegetation in Non-Rural Areas) 2017</li> </ul> <p>Local Environmental Planning Policies:</p> <ul style="list-style-type: none"> <li>• Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> <p>Development Control Plans:</p> <ul style="list-style-type: none"> <li>• Wollongong Development Control Plan 2009</li> </ul> <p>Other policies</p> <ul style="list-style-type: none"> <li>• Wollongong City-Wide Development Contributions Plan 2018</li> </ul> <p>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p> <ul style="list-style-type: none"> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report dated 27 November 2018</li> <li>• Written submissions during public exhibition: 18 submissions (first round), 11 submissions (second round)</li> <li>• Verbal submissions at the public meeting: [Insert number]</li> </ul>
<b>8</b>	<b>SITE INSPECTIONS BY THE PANEL</b>	<p>Site inspection – 27 November 2018. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Steve Fermio, Glenn Falson, Robyn Deards (Community Representative)</li> <li>○ <u>Council assessment staff</u>: John Wood, Kristy Robinson</li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approve
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report

DEVELOPMENT DATA

SITE AREA	1123.4 sqm
PROPOSED LOT A	568.33sqm
PROPOSED LOT B	555.07sqm
PROPOSED BUILDING AREA LOT A	250 sqm
PROPOSED BUILDING AREA LOT B	250 sqm
PROPOSED FSR LOT A	0.439:1
PROPOSED FSR LOT B	0.45:1
TOTAL PROPOSED GROSS FLOOR AREA	500 sqm
PROPOSED FSR	0.445:1
PROPOSED SITE COVERAGE - LOT A	216.89sqm (38%)
PROPOSED SITE COVERAGE - LOT B	164 sqm (30%)
PROPOSED LANDSCAPE AREA LOT A	166sqm (29%)
PROPOSED LANDSCAPE AREA LOT B	198.2sqm (35%)
PROPOSED ON SITE CARPARKING	4 spaces

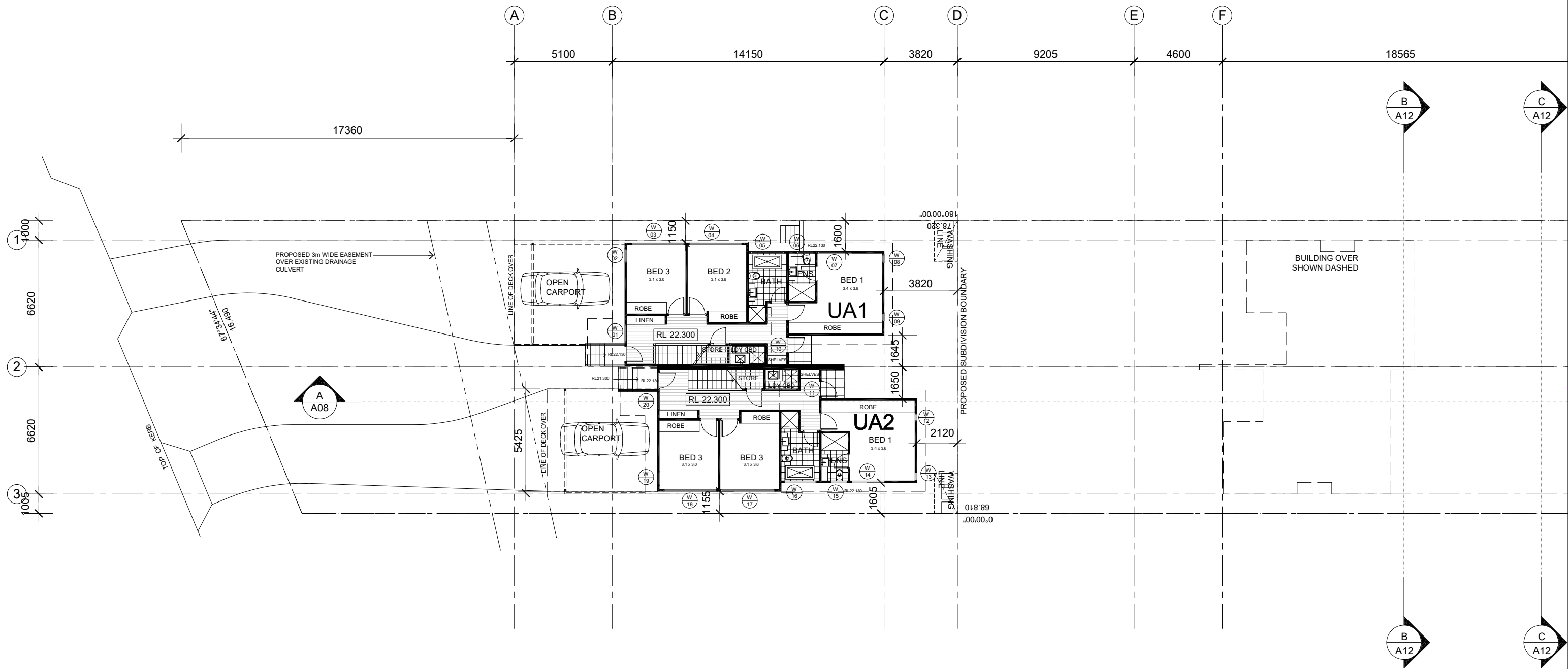


Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
12.11.18	C	Gumtree Lane visitor parking indicated
22.01.19	D	Revised issue for development approval



PROJECT: 13 Pass Avenue THIRROUL DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS , TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT			
Drawing Name:		Job No.	Dwg.No
SITE PLAN		DML 17/020	A-01
CLIENT: CGFF Pty Ltd	Scale 1:200 (A3)	Date 03.07.18	Rev. D

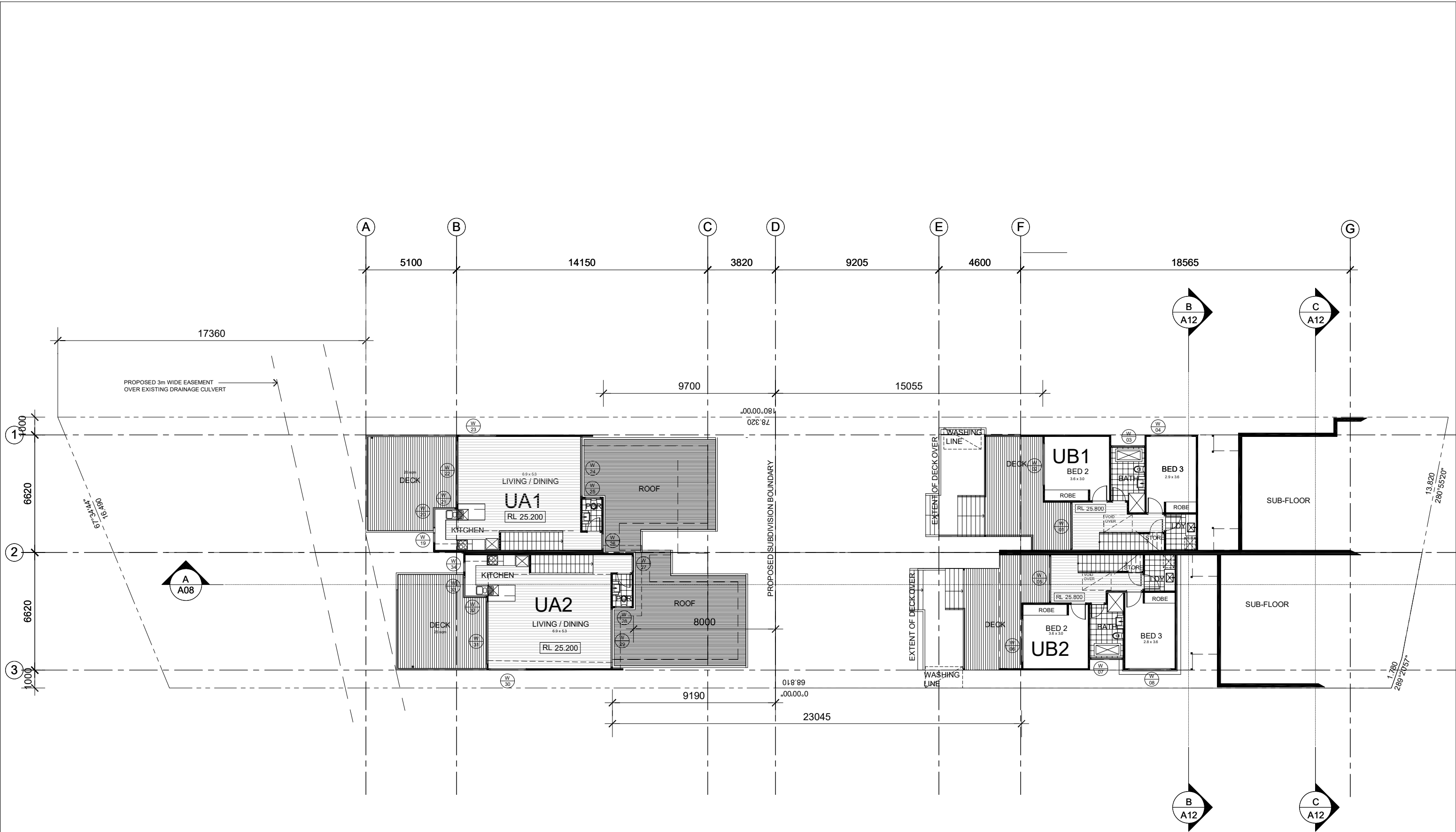




Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
22.01.19	D	Revised issue for development approval



PROJECT: 13 Pass Avenue THIRROUL			
DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS, TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT			
Drawing Name:		Job No.	Dwg.No
GROUND FLOOR PLAN		DML 17/020	A-02
CLIENT:	Scale	Date	Rev.
CGFF Pty Ltd	1:200 (A3)	03.07.18	D

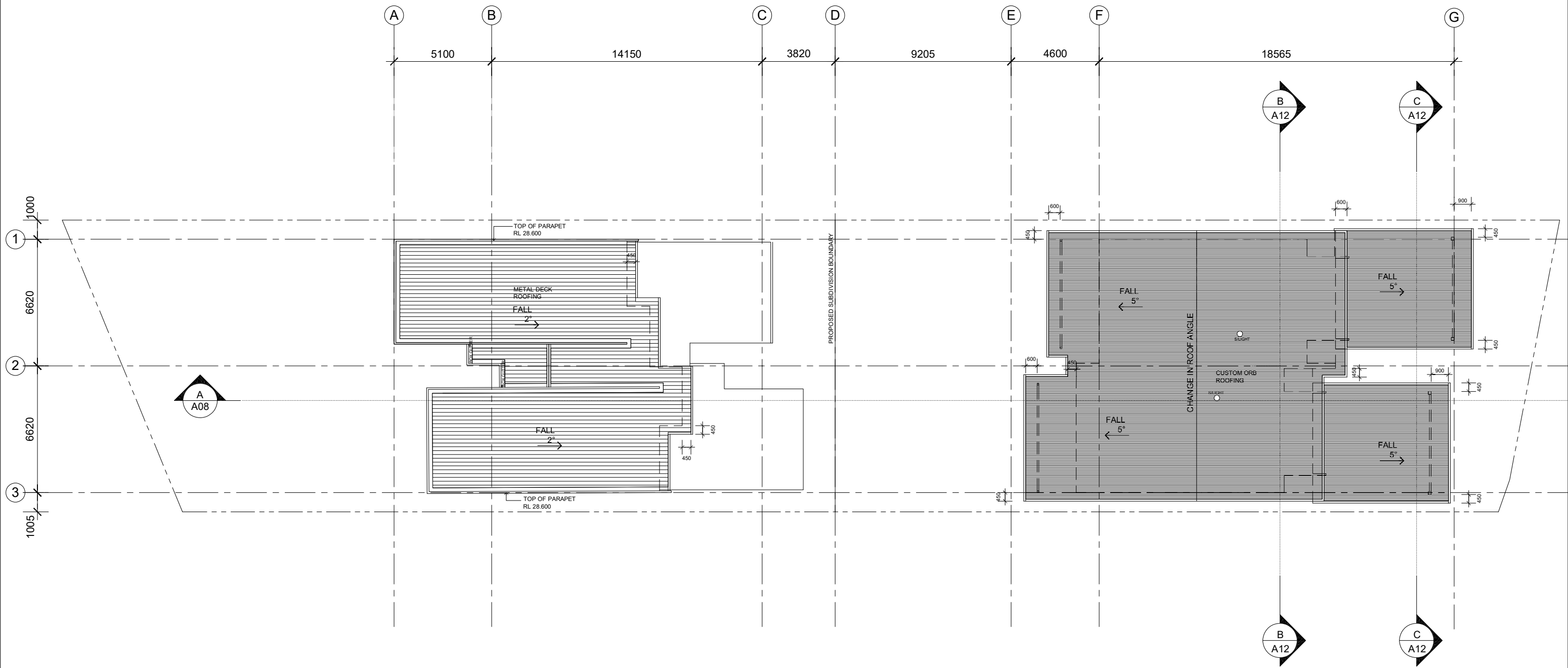


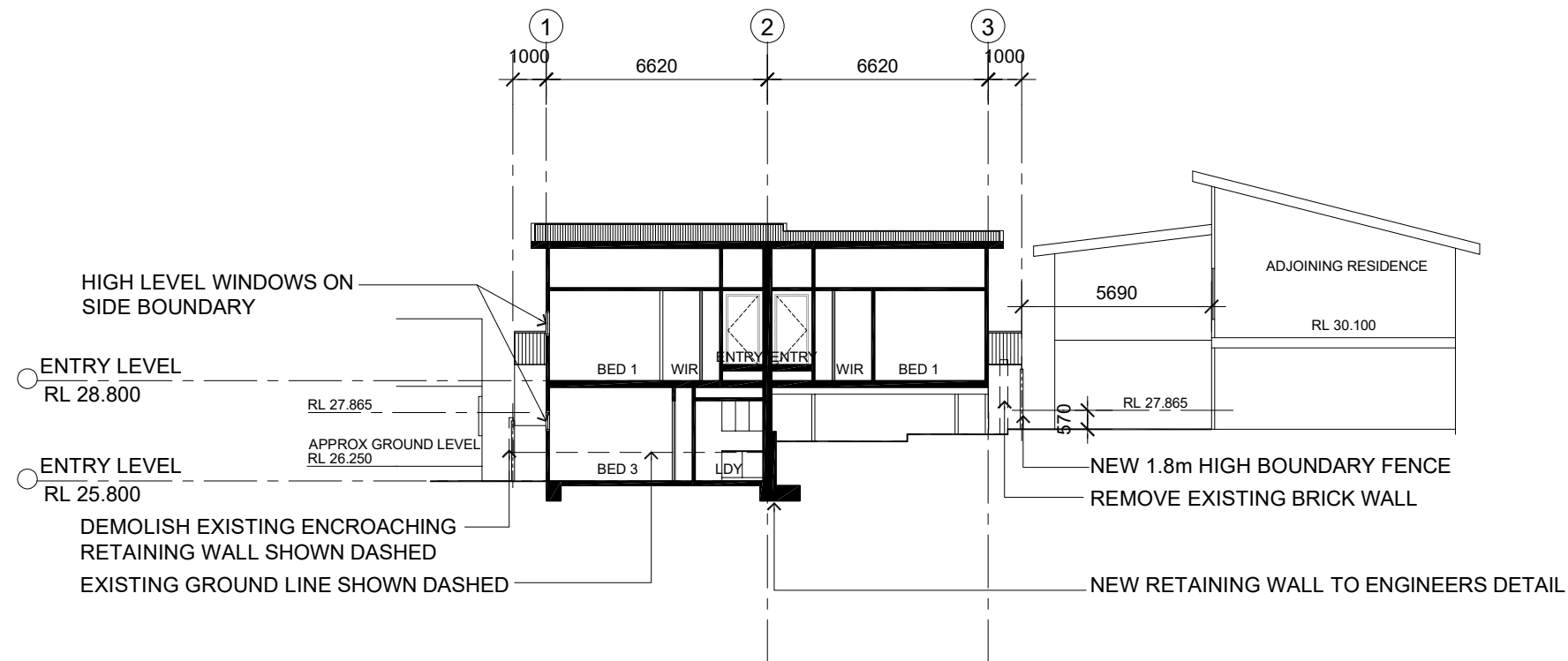
Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
22.01.19	D	Revised issue for development approval



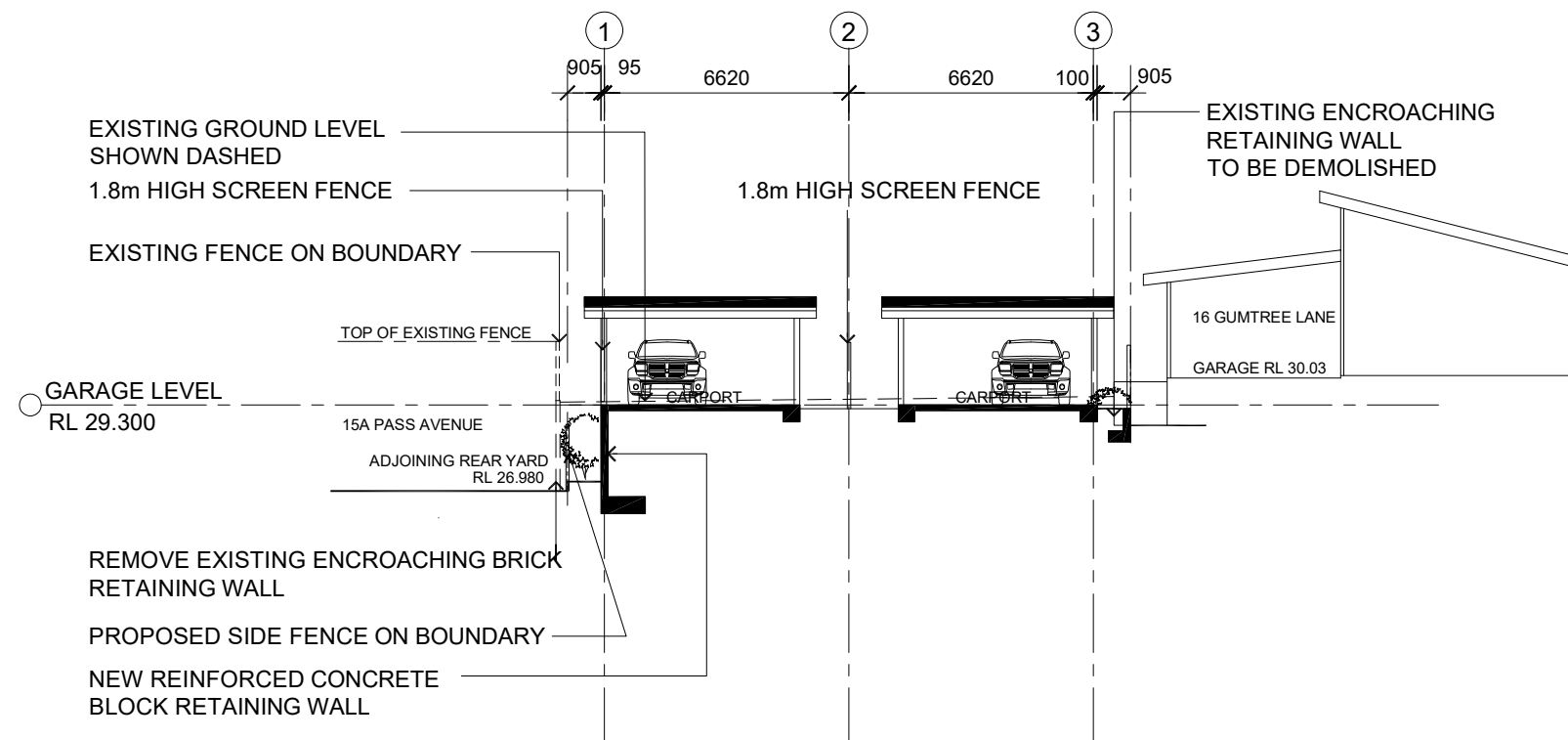
PROJECT: 13 Pass Avenue THIRROUL DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS, TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT		
Drawing Name:	Job No.	Dwg.No
LEVEL 1 FLOOR PLAN	DML 17/020	A-03
CLIENT: CGFF Pty Ltd	Scale 1:200 (A3)	Date 03.07.18
		Rev. D







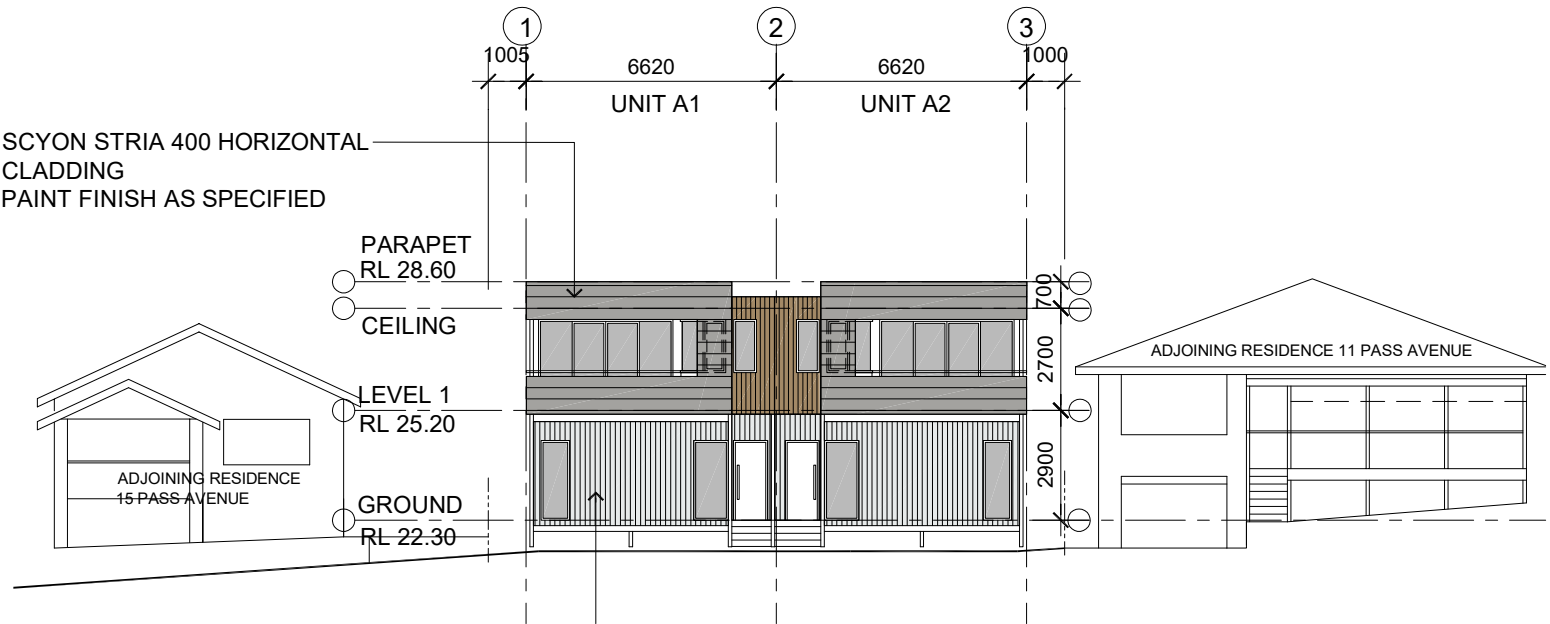
SECTION B-B



SECTION C-C

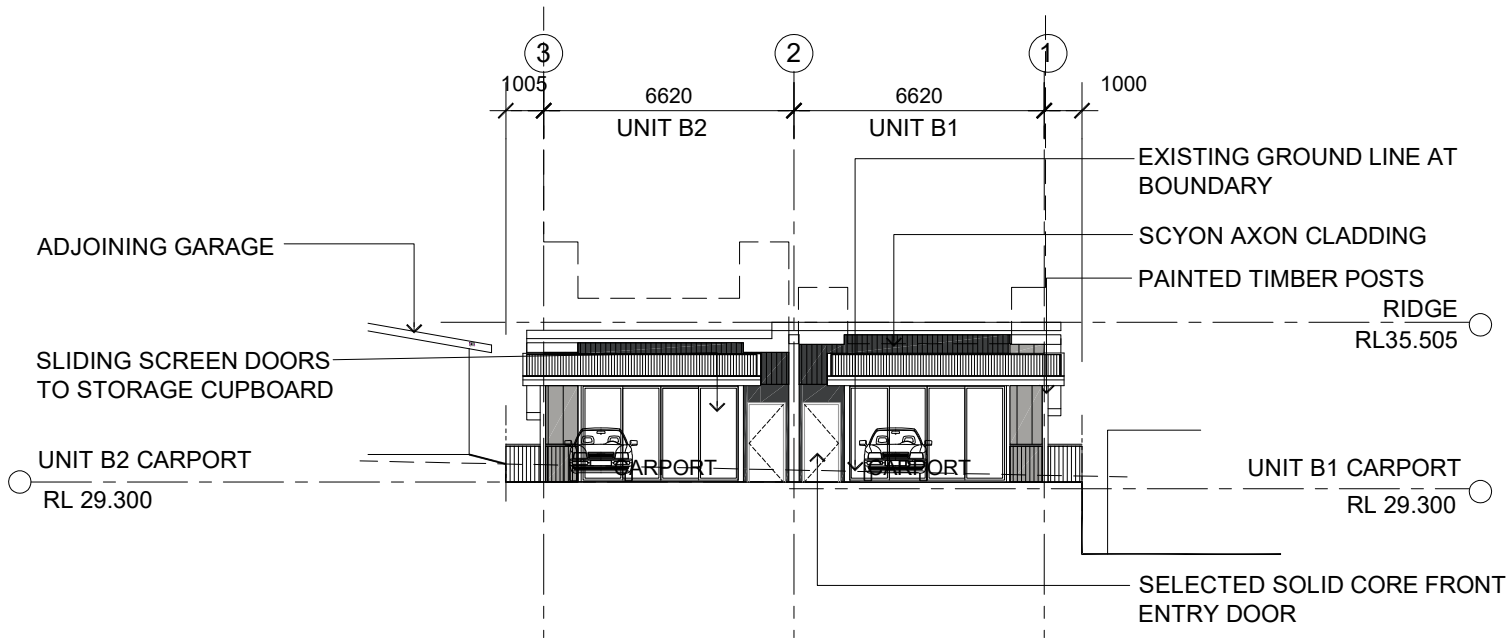
Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
22.01.19	D	Revised issue for development approval

PROJECT: 13 Pass Avenue THIRROUL DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS, TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT			
Drawing Name: SECTIONS B-B & C-C	Job No. DML 17/020	Dwg.No A-12	
CLIENT: CGFF Pty Ltd	Scale 1:200 (A3)	Date 03.07.18	Rev. D



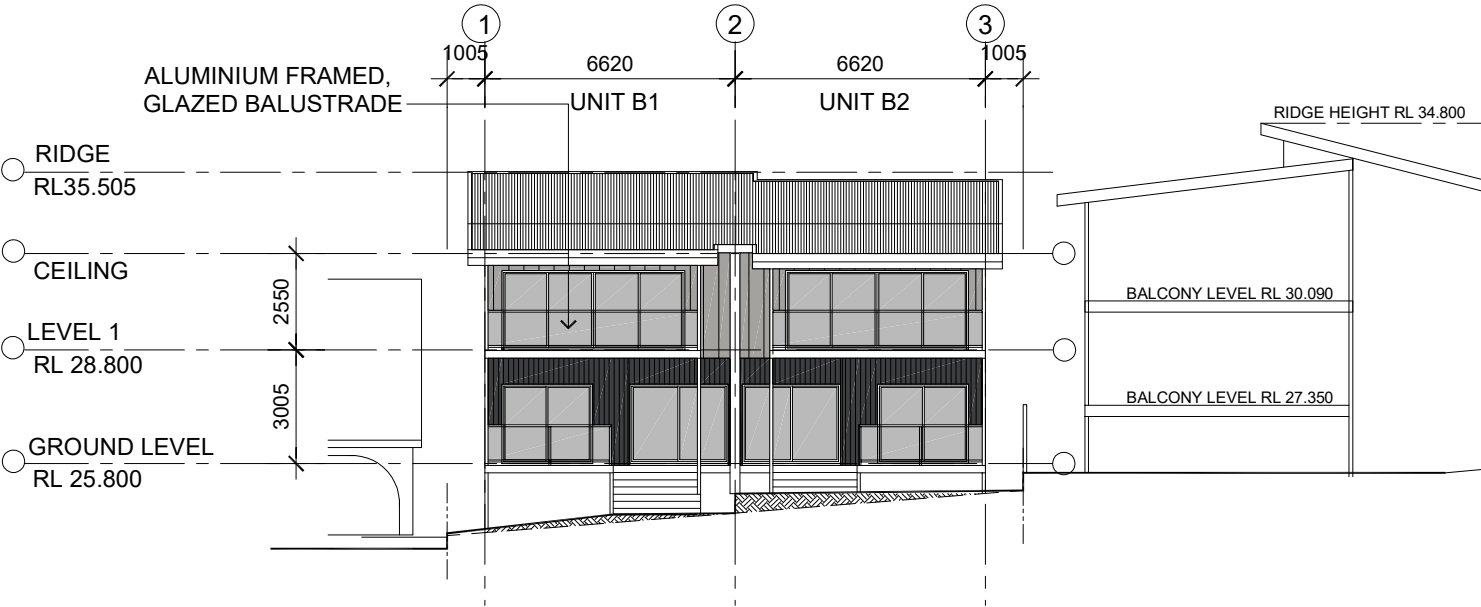
NORTH

UNITS A1 & A2 VIEWED FROM PASS AVENUE



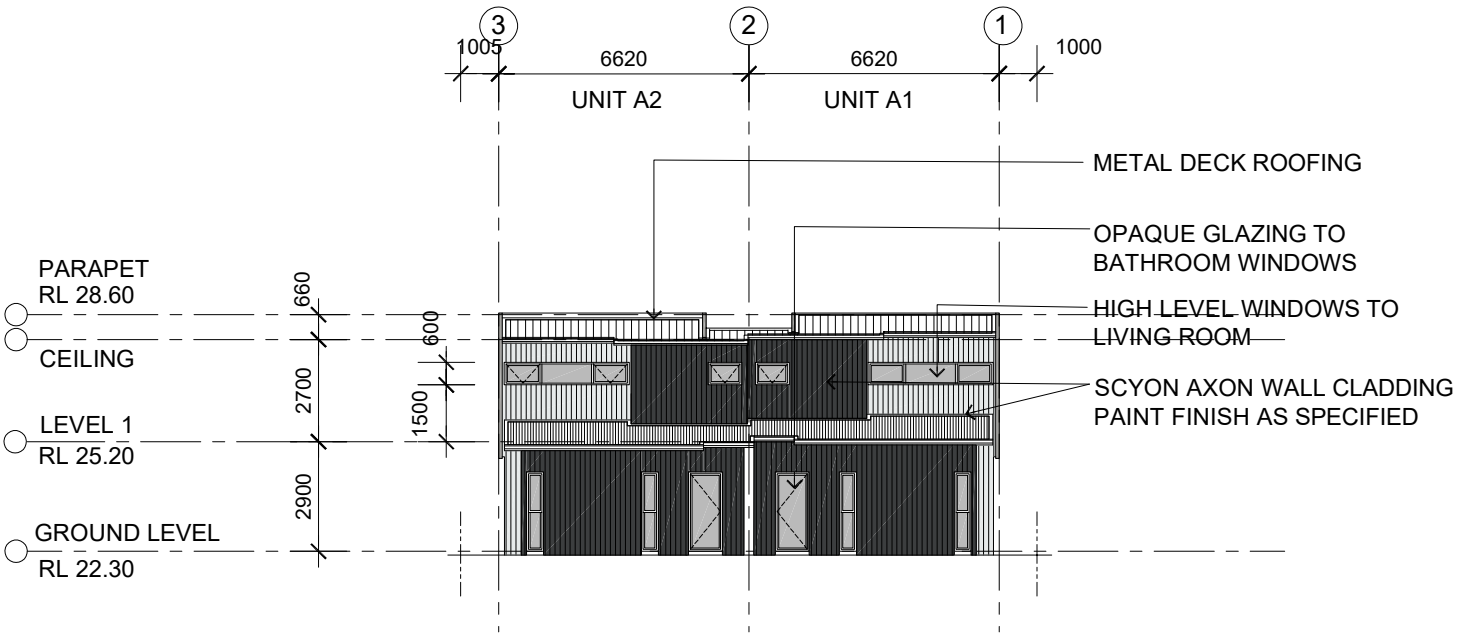
SOUTH

UNITS B1 & B2 VIEWED FROM LANEWAY



NORTH

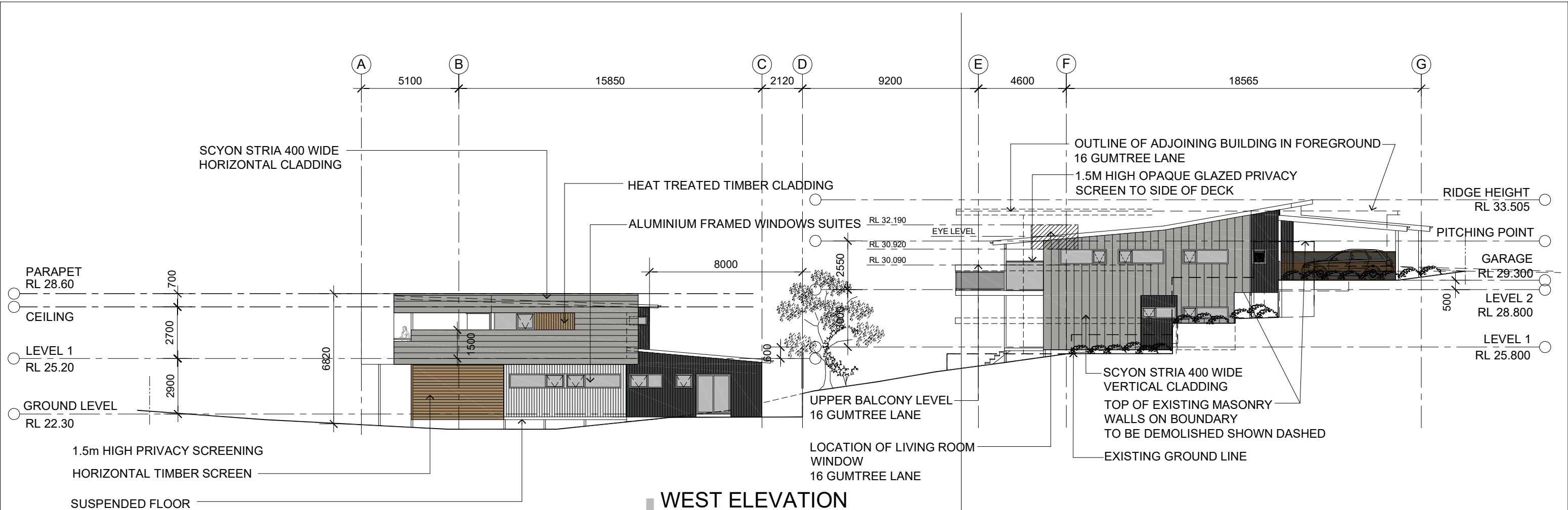
UNITS B1 & B2 VIEWED INTERNALLY



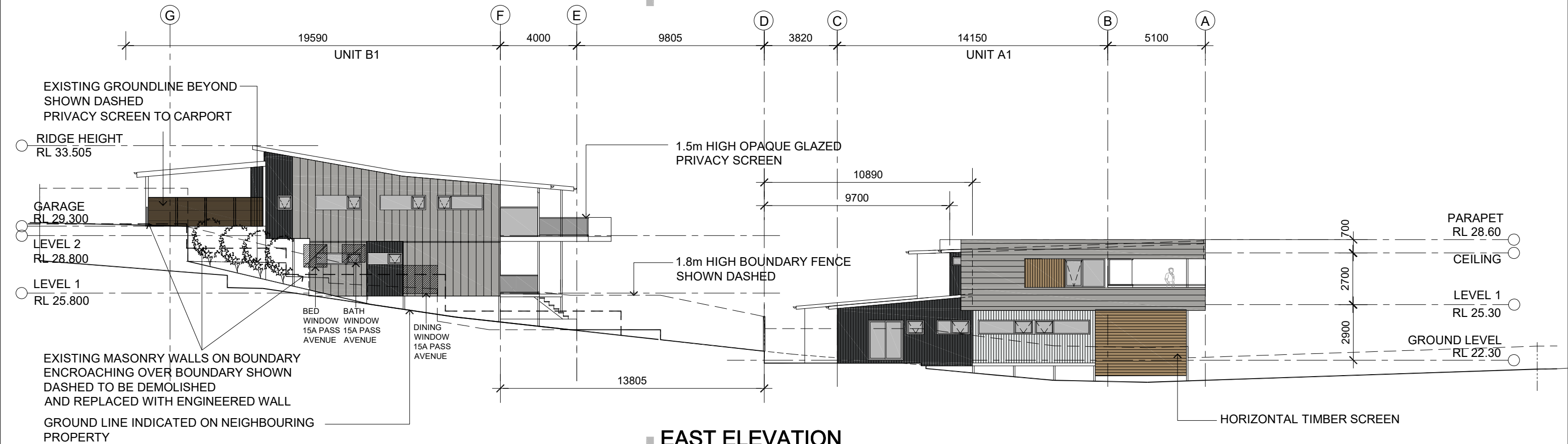
SOUTH

UNITS A1 & A2 VIEWED INTERNALLY

Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
22.01.19	D	Revised issue for development approval



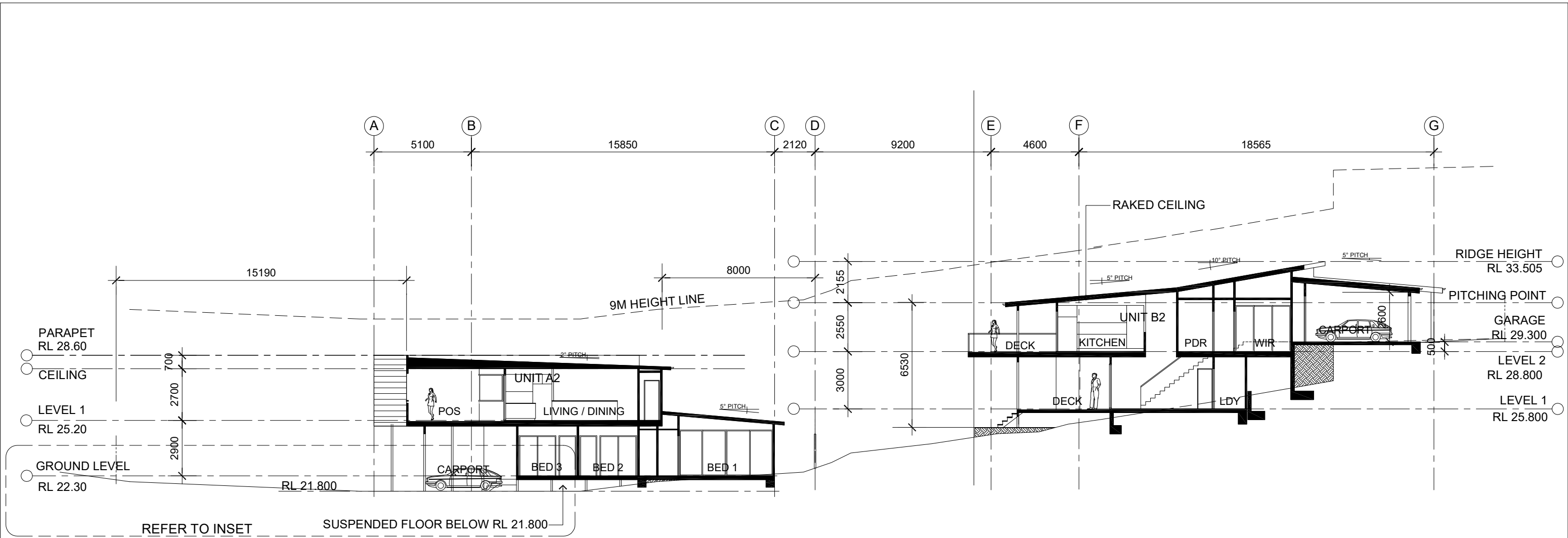
WEST ELEVATION



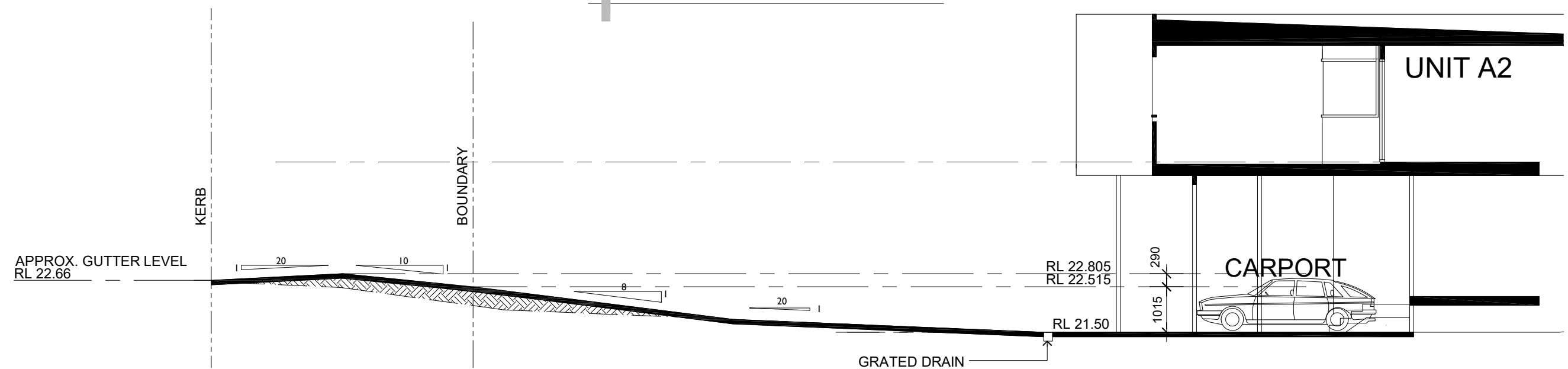
EAST ELEVATION

Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
22.01.19	D	Revised issue for development approval

PROJECT: 13 Pass Avenue THIRROUL DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS, TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT			
Drawing Name: <b>WEST &amp; EAST ELEVATIONS</b>		Job No. DML 17/020	Dwg.No <b>A-06</b>
CLIENT: CGFF Pty Ltd	Scale 1:200 (A3)	Date 03.07.18	Rev. <b>D</b>



SECTION A-A



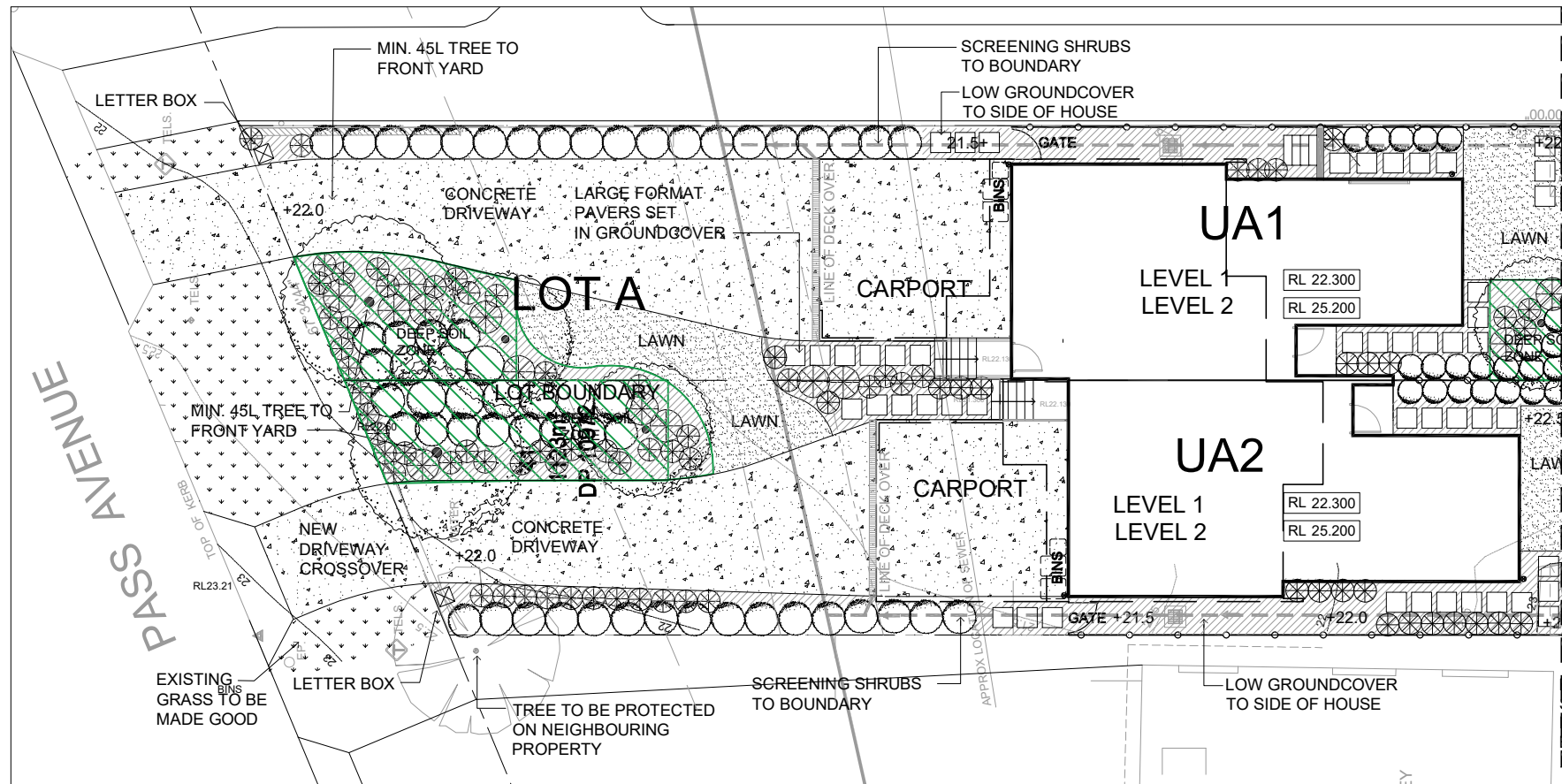
TYPICAL DRIVEWAY CROSS SECTION

Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
22.01.19	D	Revised issue for development approval

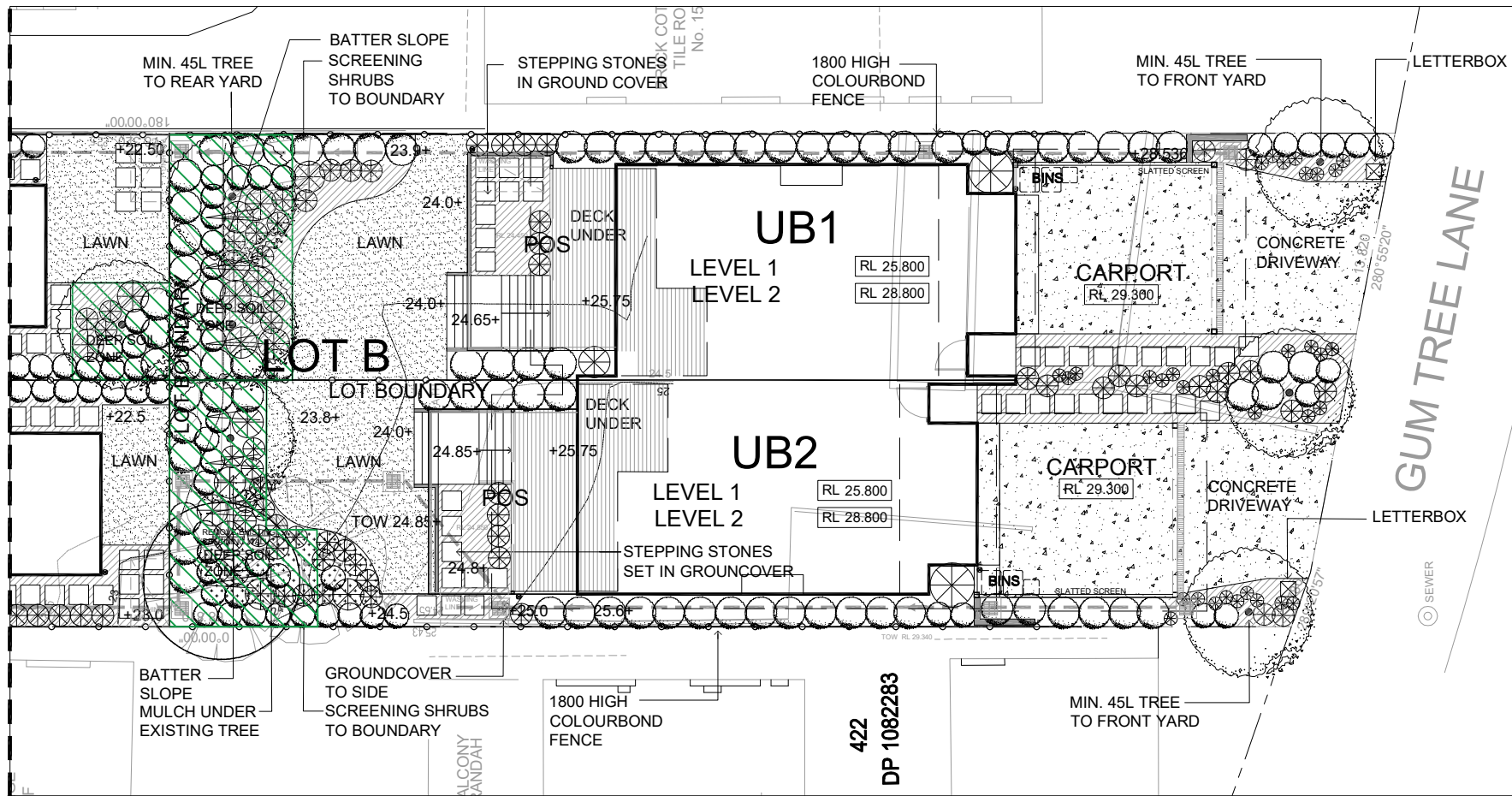
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PROJECT: 13 Pass Avenue THIRROUL DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS, TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT		
Drawing Name: SECTION A-A DRIVEWAY CROSS SECTION	Job No. DML 17/020	Dwg.No A-08
CLIENT: CGFF Pty Ltd	Scale 1:200 (A3)	Date 03.07.18
		Rev. D





PLAN A: UNITS A1 AND A2



PLAN B: UNITS B1 AND B2

## LEGEND

	PROPERTY BOUNDARY		MULCH TO AREA UNDER EXISTING TREES
	EXISTING TREE TO BE RETAINED		RAILWAY SLEEPER STEP
	EXISTING TREE TO BE REMOVED		CONCRETE PAVERS SET IN GROUNDCOVER
	PROPOSED TREE		PROPOSED TIMBER SLEEPER RETAINING WALL
	PROPOSED SHRUB AND GROUNDCOVER PLANTING		1800 HIGH COLORBOND FENCE IN 'MONUMENT'
	GRASS ON VERGE TO BE MADE GOOD		PROPOSED DRAINAGE
	EXISTING LEVELS AND CONTOURS		PROPOSED MAILBOX
	PROPOSED SPOT LEVELS		PROPOSED HOSEBIB
	PROPOSED CONCRETE DRIVEWAY & PATHS		DEEP SOIL ZONE

## PROPOSED PLANT SCHEDULE

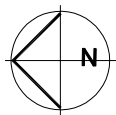
BOTANICAL	COMMON NAME
TREES AND LARGE SHRUBS	
<i>Acmena smithii</i>	Lilly Pilly
<i>Archontophoenix cunnninghamiana</i>	Bangalow Palm
<i>Angophora costata</i>	Smooth Barked Apple
<i>Banksia integrifolia</i>	Coast Banksia
<i>Banksia serrata</i>	Old Man Banksia
<i>Cyathea australis</i>	Tree Fern
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Grevillea 'Honey Gem'</i>	Grevillea
<i>Syzigium australe</i>	Lilly Pilly

SMALL SHRUBS AND ACCENT PLANTS	
<i>Asplenium australasicum</i>	Birds Next Fern
<i>Correa alba</i>	White Correa
<i>Correa 'Coastal Pink'</i>	Pink Correa
<i>Philotheca myoporoides</i>	Wax Flower
<i>Westringea 'Naringa'</i>	Coastal Rosemary
<i>Westringea 'Blue Gem'</i>	Coastal Rosemary

GROUND COVERS, NATIVE GRASSES AND SMALL ACCENTS	
<i>Cenchrus purpurascens</i>	Swamp Foxtail
<i>Crinum pendiculatum</i>	Swamp Lily
<i>Dianella 'Emerald Arch'</i>	Flax Lily
<i>Dianella 'Little Rev'</i>	Flax Lily
<i>Dichondra repens</i>	Kidney Weed
<i>Grevillea obtusifolia</i>	Grevillea
<i>Lomandra longifolia</i>	Mat Rush
<i>Lomandra 'Evergreen Baby'</i>	Dwarf Mat Rush
<i>Lomandra 'Tanika'</i>	Dwarf Mat Rush
<i>Lomandra 'Katie Belles'</i>	Mat-rush
<i>Myoporum parvifolium</i>	Creeping Boobialla
<i>Viola hederaceae</i>	Native violet

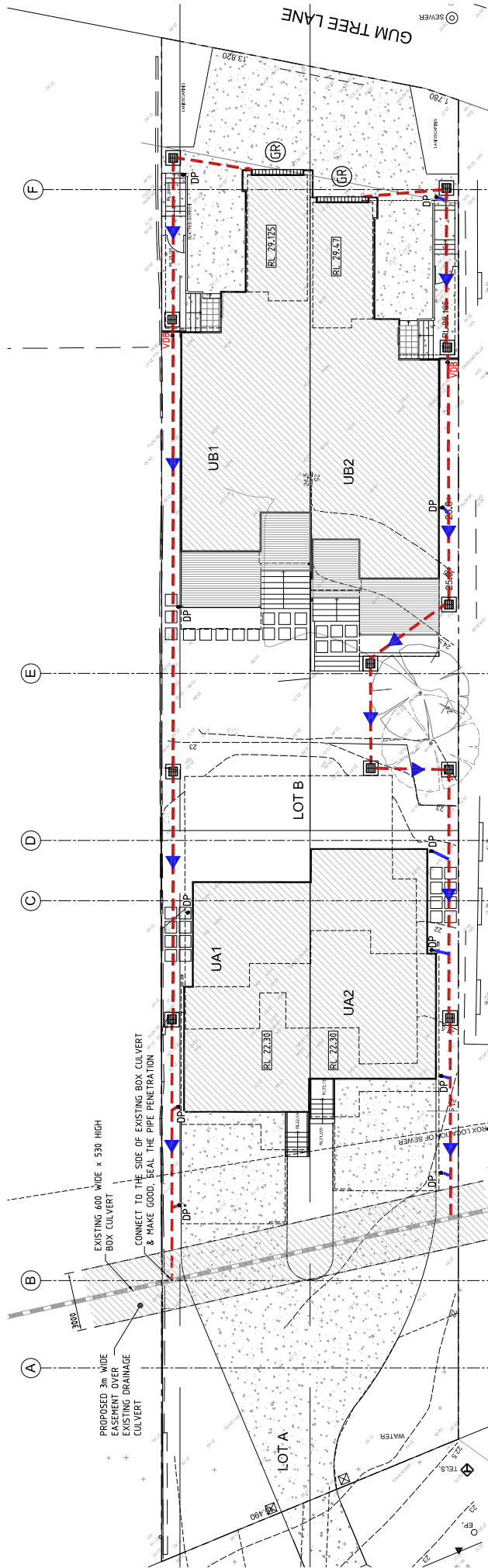
NOTE: REFER ALSO TO STORMWATER CONCEPT PLAN BY OPTIMA ENGINEERING. LANDSCAPE PLAN HAS BEEN COORDINATED WITH STORMWATER CONCEPT PLAN

LOT A TOTAL AREA = 568.33m2  
LOT A LANDSCAPE AREA = 159.1m2  
LOT A DEEP SOIL ZONE = 57.3m2  
UNIT A1 TOTAL AREA = 296m2  
UNIT A1 LANDSCAPE AREA = 83.7  
UNIT A1 DEEP SOIL ZONE = 30.1m2  
UNIT A2 TOTAL AREA = 272.3m2  
UNIT A2 LANDSCAPE AREA = 75.4m2  
UNIT A2 DEEP SOIL ZONE = 27.2m2  
LOT B TOTAL AREA = 555.07m2  
LOT B LANDSCAPE AREA = 166.8m2  
LOT B DEEP SOIL ZONE = 56.3m2  
UNIT B1 TOTAL AREA = 283m2  
UNIT B1 LANDSCAPE AREA = 86.5m2  
UNIT B1 DEEP SOIL ZONE = 27.5m2  
UNIT B2 TOTAL AREA = 272m2  
UNIT B2 LANDSCAPE AREA = 80.3  
UNIT B2 DEEP SOIL ZONE = 28.8m2



Date	Issue	Revision
16.7.18	A	DA
08.10.18	B	Revised issue for development approval
06.02.19	C	AMENDED DA

PROJECT: 13 PASS AVENUE, THIRROUL			
Drawing Name: LANDSCAPE PLAN	Job No. DML 17/020	Dwg.No. L-01	
CLIENT: CGFF Pty Ltd	Scale 1:200 (A3)	Date 16/7/18	Rev. C



CONCEPT DRAINAGE PLAN

Scale 1:100 @ A1, 1:200 @ A3

SITE ANALYSIS

POST IMPERVIOUS AREA (EXISTING)	751 m <sup>2</sup>
PRE IMPERVIOUS AREA (PROPOSED)	722.7 m <sup>2</sup>

PROPOSED IMPERVIOUS AREA IS 28.3m<sup>2</sup> WHICH IS LESS THAN 100m<sup>2</sup> THEREFORE CSO IS NOT REQUIRED.

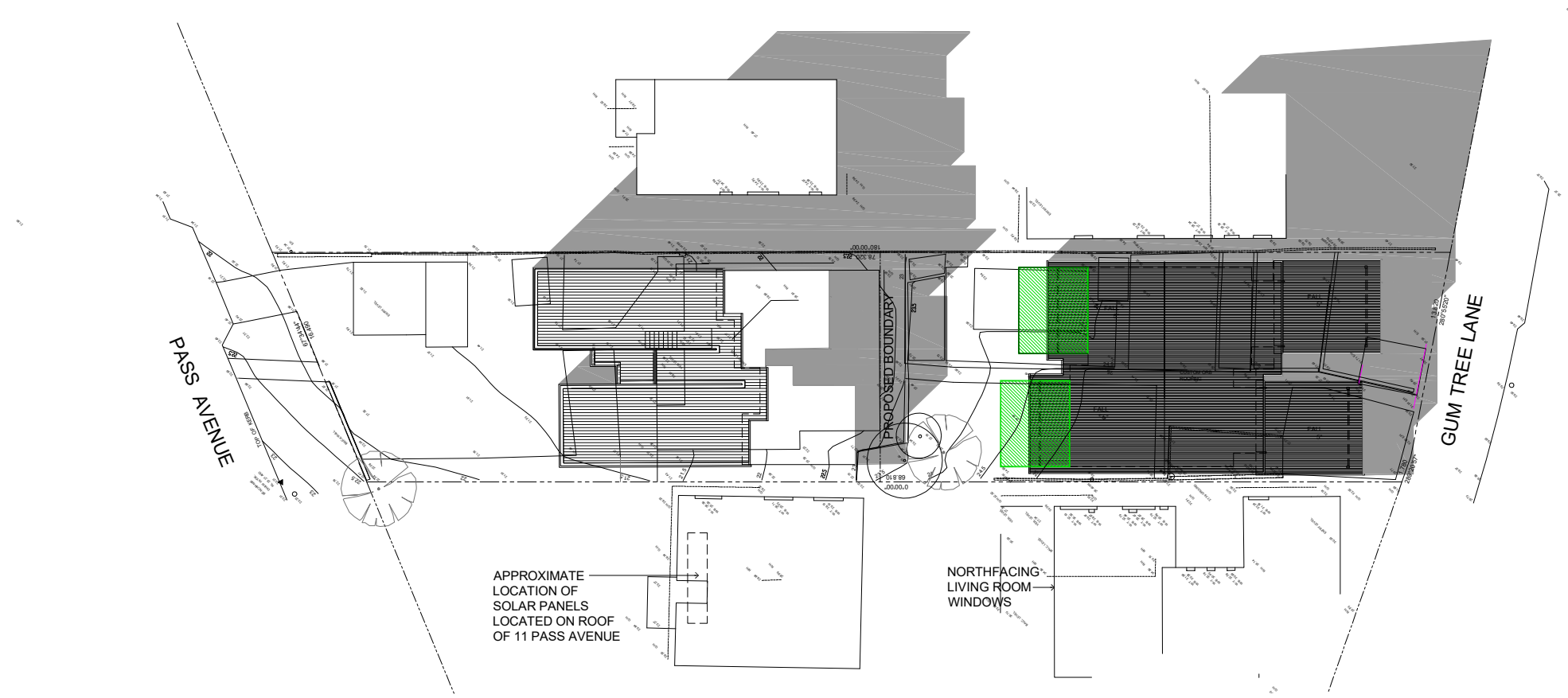
**LEGEND**

- × [79.27] PROPOSED SURFACE LEVEL
- [79.27] EXISTING CONTOUR LEVEL
- PROPERTY BOUNDARY
- DRAINAGE PIPE AND PIT
- ↪ LAND OVERFLOW PATH
- Ⓐ PIT NUMBER
- DP DOWN PIPE
- GR 150mm WIDE x 150mm DEEP GRATED DRAIN
- VDB VERTICAL DROP IN STORMWATER LINE TO LEVEL BELOW

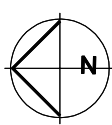
**GENERAL NOTES**

- ALL GRATES LOCATED IN THE DRIVEWAY TO BE 'HEAVY DUTY' TYPE
- ALL GRATES TO BE WELDED CONSTRUCTION COMPLETE WITH H.D. BOLTS AND FRAMES. PROVIDE FLATTENED EXPENDED METAL TO ALL GRATES.
- ALL PIT COVERS & GRATES TO BE SECURELY BOLTED DOWN
- DOWNPIPES TO BE CONNECTED TO RWT
- RWT WATER NOT TO BE USED AS PORTABLE WATER
- ALL CONNECTIONS FROM DOWN PIPES TO BE MIN. 100Ø UPVC PIPES LAID ON AT LEAST 1% GRADE

<div>CGFF Pty Ltd</div>		PROJECT: PROPOSED BRICK VENEER DWELLING		DRAWING: C.01 - CONCEPT DRAINAGE PLAN	SCALE: AS SHOWN
		SITE: 13 PASS AVE THIRRILL		DWG. No: 0CE12890/C01/DA/D	DATE: JAN 2018
					DRAWN: R.J.
					CHECKED: I.D.
SHEET 01					
No IN SET 1					



3PM  
JUNE 22

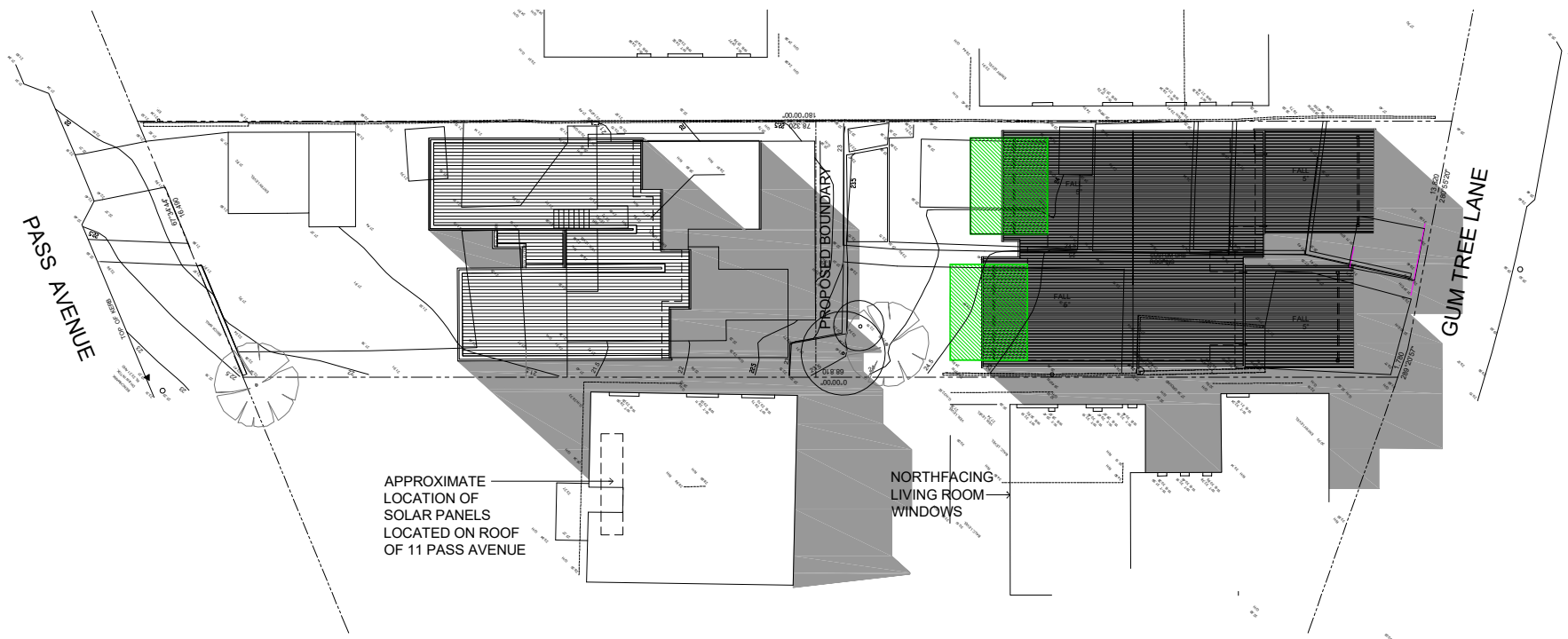


Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
22.01.19	D	Revised issue for development approval

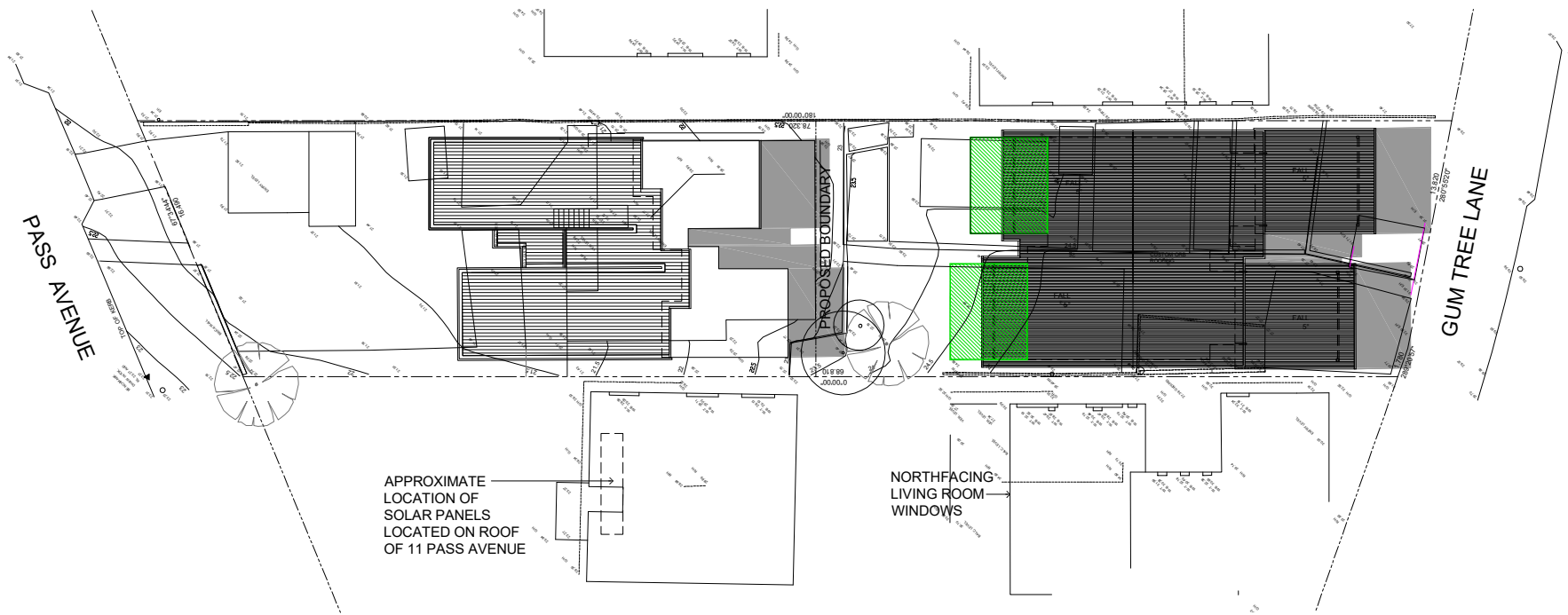
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PROJECT: 13 Pass Avenue THIRROUL DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS , TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT			
Drawing Name:		Job No.	Dwg.No
SHADOW DIAGRAMS JUNE 22		DML 17/020	A-10
CLIENT: CGFF Pty Ltd	Scale 1:400 @ A3	Date 03.07.18	Rev. D

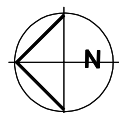




9AM  
JUNE 22



12PM  
JUNE 22



Date	Issue	Revision
26.07.18	A	Issued for development approval
08.10.18	B	Revised issue for development approval
22.01.19	D	Revised issue for development approval

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PROJECT: 13 Pass Avenue THIRROUL DEVELOPMENT APPLICATION - DEMOLITION OF EXISTING BUILDINGS, TWO LOT TORRENS TITLE SUBDIVISION AND PROPOSED DUAL OCCUPANCY ON EACH LOT			
Drawing Name:		Job No.	Dwg.No
SHADOW DIAGRAMS JUNE 22		DML 17/020	A-09
CLIENT: CGFF Pty Ltd	Scale 1:300 @ A3	Date 03.07.18	Rev. D

# ATTACHMENT 3 - APPLICANT VARIATION REQUEST STATEMENT

## APPENDIX 2

### VARIATION TO DEVELOPMENT CONTROLS DEVELOPMENT APPLICATION FOR DUAL OCCUPANCY RESIDENTIAL DEVELOPMENT

13 PASS AVENUE THIRROUL

### VARIATION TO DEVELOPMENT CONTROLS WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

#### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

#### DEVELOPMENT CONTROLS TO BE VARIED

##### 4.2 Front Setbacks

##### *The objectives of the control*

*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).*

##### **Planning control 4.2.2.1:**

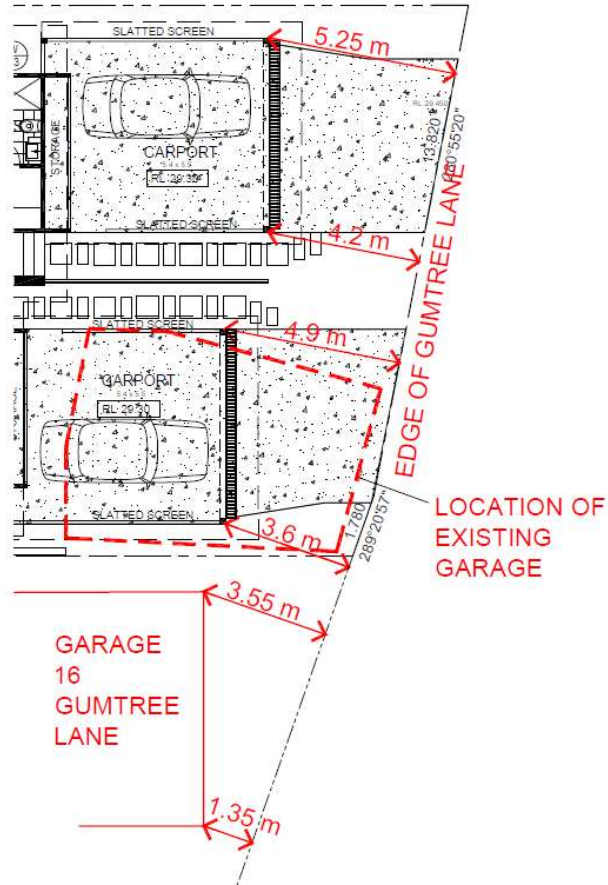
**The following setback requirements apply from the primary street frontage to the front facade of the building:**

- a) Infill development sites require a minimum setback of 6m from the front property boundary, or**
- b) Less than 6 metres where the prevailing street character permits and the future desired character of the area is not prejudiced. Reduced setbacks must be demonstrated through a Site and Context Analysis (Chapter A.1 cl.11.1).**
- c) Garages and carports must be setback a minimum of 5.5 metres to enable a vehicle to park or stand in front of the garage or carport.**

##### Response:

A Variation is sought to reduce the front setback to the carports fronting Gumtree Lane from 5.5m to varying setbacks from 3.6m to 5.25m (refer to Figure 1).

The site has an existing garage and level parking area accessed off Gumtree Lane with a setback of approx. 600mm. (refer to Figure 2 image of existing development)



**Figure 1. Proposed and existing setbacks to Gumtree Lane**

The proposed carports are 5.5m deep and 5.4m wide and each carport is required to park a one (1) car per dwelling in accordance with Chapter E3 of Wollongong DCP 2009 Schedule 1.

The size of the carport meets the requirements of the Australian Standard AS2890.1 to park two (2) cars.

The proposal provides short term visitor parking within the carport in lieu of the 5.5 m setback to enable a visitor vehicle to stand.

The carports will be open and have a screen with 20mm gaps between each horizontal slat which will allow for sight lines to the lane. The proposal also provides landscape features and will positively impact the austerity of the existing laneway.

The prevailing character of Gumtree Lane (as demonstrated in the attached images) provides generally less than 3.6m in setback and as such the proposed open carports will be representative of the character of the area and this variation will not have a detrimental impact on the streetscape and view corridors.



**Figure 2. Existing frontage to Gumtree Lane**



**Figure 3. Garage to adjoining frontage 16 Gumtree Lane**



**Figure 4. View looking east along Gumtree Lane indicating existing prevailing streetscape character**

#### **4.10 Car parking and Access**

##### ***The objectives of the control***

*To provide car parking for residents.*

*To ensure that there is adequate provision for vehicular access and manoeuvring.*

*To minimise the impact of garages upon the streetscape.*

##### ***Planning control 4.10.2.2:***

***Carports must be setback behind the front building line of the dwelling. Council may consider a variation to this control for carports that are compatible with the design of the dwelling in instances where an existing streetscape includes carports within the front setback or a site is too steep for driveway access to the front building line.***

Response:

In addition to the reasons sought to vary the setback of the proposed carports discussed previously as part of the justification to vary planning control 4.2.2.1, the site is steeply sloping with the only available position for cars to be parked located as close as practicable to the level of Gumtree Lane and as close as possible to the edge of the laneway. The proposal allows for carparking on a suspended slab which will not increase the impact in regard to retaining walls to adjoining properties. The setback allows for cars to circulate into and out of the carports so as to not encroach onto the lane.

##### ***Planning control 4.10.2.10:***

***Driveways shall have a maximum cross-over width of 3 metres.***

Response:

A variation is sought to provide a driveway crossover to Gumtree Lane more than 3m.

The proposed driveway crossover to Gumtree Lane is proposed to have a total width of 10.3m. The width of Gumtree Lane does not facilitate parking and as such the crossover will not impact on street parking within the Lane.

The widening of the crossover will enable cars to circulate effectively into the carparking as the Lane is narrow and some circulation will be required to take place on site.

There will be no adverse effects on the appearance or function of the lane and the increases crossover will enable visitor cars to park on site and to not obstruct the traffic within the lane.

The proposed development will significantly improve the streetscape address to Gumtree Lane by removing the inconsistent walls on the Gumtree Lane boundary (see figure 1) and providing the potential landscape relief along the lane way.



## **ATTACHMENT 4 – WLEP AND DCP ASSESSMENT**

### **WLEP AND WDCP 2009 ASSESSMENT OF AMENDED PROPOSAL BY COUNCIL'S ASSESSING OFFICER**

#### **WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

##### **Clause 4.1 Minimum subdivision lot size**

The amended proposal has moved the subdivision boundary between Lot 1 and 2 further to the south increasing the size of Lot 1/Lots 101 and 102 and reducing the size of Lot 2/Lots 201 and 202.

The Lot Size Map for the R2 Low Density Residential zone prescribes a minimum lot size of 449m<sup>2</sup>. The proposal is a four phased development:

Phase 1 – Demolition of existing buildings and outbuildings and tree removal,

Phase 2 – Torrens title subdivision of the parent lot to create two (2) lots as follows:

- Proposed Lot 1: 568.3m<sup>2</sup> lot with frontage to Pass Avenue;
- Proposed Lot 2: 555m<sup>2</sup> lot with frontage to Gum Tree Lane;

Phase 3 – Construction of two (2) x two-storey attached dual occupancies on each proposed lots 1 & 2;

Phase 4 – Torrens title subdivision of each new lot to create four (4) lots as follows;

- Proposed Lot 101: 296.2m<sup>2</sup>;
- Proposed Lot 102: 272.1m<sup>2</sup>;
- Proposed Lot 201: 283.5m<sup>2</sup>;
- Proposed Lot 202: 271.7m<sup>2</sup>

Phase 2 complies with the minimum 449sqm minimum lot size however Phase 4 does not comply. However, clause 4.1(4C) prescribes that the clause does not apply in relation to the subdivision of land in a residential zone if there is an existing dual occupancy.

As the proposal is for the construction of two (2) x attached dual occupancies on each of the lots created under the initial Torrens subdivision, this matter can be managed via a condition of consent restricting the subdivision after the Occupation Certificates have been issued for the dwellings.

##### **Clause 4.3 Height of buildings**

The amended proposal has removed the skylight over Units B1 and B2 which has reduced the height.

The proposed maximum building height of 6.53m does not exceed the maximum of 9m permitted for the site.

##### **Clause 4.4 Floor space ratio**

The amended proposal has amended lot and dwelling sizes which has reduced the floor space ratio.

The Floor Space Ratio map sets a maximum FSR of 0.5:1 in the R2 Zone.

*Phase 2: Initial two lot subdivision and Phase 3: Construction of dual occupancy on each lot*

##### **Lot 1:**

Site area:	568.3m <sup>2</sup>
GFA (Unit A1 & 2)	247.25 <sup>2</sup>

FSR: 247.25/568.3 = **0.44:1 complies**

**Lot 2:**

Site area: 555m<sup>2</sup>

GFA (Unit B1 & B2) 244.65m<sup>2</sup>

FSR: 244.65/555 = **0.44:1 complies**

*Phase 4: Two lot subdivision of each dual occupancy (four lots in total)*

**Lot 101:**

Site area: 296.2m<sup>2</sup>

GFA (Unit A1): 121.75m<sup>2</sup>

FSR: 121.75/296.2 = **0.41:1 complies**

**Lot 102:**

Site area: 272.1m<sup>2</sup>

GFA (Unit A2): 121.4m<sup>2</sup>

FSR: 121.4/272.1 = **0.45:1 complies**

**Lot 201:**

Site area: 283.5m<sup>2</sup>

GFA (Unit B1): 121.71m<sup>2</sup>

FSR: 121.71/283.5 = **0.43:1 complies**

**Lot 202:**

Site area: 271.7 m<sup>2</sup>

GFA (Unit B2) 121.85m<sup>2</sup>

FSR: 121.85/271.7 = **0.45:1 complies**

**Part 7 Local provisions – general**

Clause 7.1 Public utility infrastructure

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

Clause 7.3 Flood planning area

Council records list the site as flood risk affected (uncategorised). Council's Development Engineer has reviewed the application and did not raise any concerns providing conditionally satisfactory referral advice.

#### Clause 7.4 Riparian Lands

The objective of the clause is to ensure that development does not adversely impact upon riparian lands. The watercourse traversing the site has been piped. No natural riparian features are present on site. No referral to Council's Environment Officer was deemed necessary for this application.

#### Clause 7.6 Earthworks

The proposal involves some filling of the site in the vicinity of the Gum Tree lane boundary to provide a platform for vehicular access. The earthworks however are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land.

### **WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

#### **CHAPTER A1 – INTRODUCTION**

#### **8 Variations to development controls in the DCP – Chapter B1 WDCP 2009**

Under Clause 8 of Chapter A1 Council may consider variations to the requirements of the WDCP. Variation to development control will be considered on a case by case basis and will only be considered where written justification is provided to the satisfaction of Council, that the objectives of the development control have been achieved. The applicant's Variation Request Statements are provided at Attachment 3.

#### **Variation to Clause 4.1 Number of Storeys**

Section 4.1.2.4 of Chapter B1 requires that where development occurs within 8m of the rear setback, development is limited to single storey. The proposal presented to the WLPP meeting of 27 November involved a variation to Clause 4.1.2.4 to the first floor of Unit A1 and A2. The proposal has been amended whereby the proposed subdivision boundary between proposed Lot 1 and 2 has been moved to the south. The amended proposal now complies with Clause 4.1 as each dual occupancy is only single storey within 8m of the rear boundary and as such a variation is no longer required.

#### **Variation to Clause 4.5 Landscaped Area**

Section 4.5.2.3 of Chapter B1 requires that at least 50% of the landscaped area must be located behind the building line to the primary road boundary. The proposal presented to the WLPP meeting of 27 November involved a variation to Section 4.5.2.3 as proposed Lot 1 and proposed Lots 101 and 102 did not comply with minimum 50% of landscaped area to be provided behind the building line. The proposal has been amended whereby the proposed subdivision boundary between proposed Lot 1 and 2 has been moved to the south and a compliant landscaped area is now provided behind the building line. The amended proposal now complies with Section 4.5.2.3 and as such a variation is no longer required.

#### **Variation to Clause 4.2 Front Setback**

The proposal as presented to the WLPP meeting of 27 November complied with the minimum 5.5 front setback required for a carport. As a result of the WLPP recommendation to move Units B1 and B2 further to the south, the applicant has amended the front setback of the proposal to 4.25m and 3.585m for Units B1 and B2.

#### **Applicant's Justification:**

The applicant has requested a variation on the grounds that:

- *'The site has an existing garage and level parking area accessed off Gumtree Lane with a setback of approx. 600mm.'*

- *The proposed carports are 5.5m deep and 5.4m wide and each carport is required to park a one (1) car per dwelling in accordance with Chapter E3 of Wollongong DCP 2009 Schedule 1.*
- *The size of the carport meets the requirements of the Australian Standard AS2890.1 to park two (2) cars.*
- *The proposal provides short term visitor parking within the carport in lieu of the 5.5 m setback to enable a visitor vehicle to stand.*
- *The carports will be open and have a screen with 20mm gaps between each horizontal slat which will allow for sight lines to the lane. The proposal also provides landscape features and will positively impact the austerity of the existing laneway.*
- *The prevailing character of Gumtree Lane (as demonstrated in the attached images) provides generally less than 3.6m in setback and as such the proposed open carports will be representative of the character of the area and this variation will not have a detrimental impact on the streetscape and view corridors.'*
- *The site is steeply sloping with the only available position for cars to be parked located as close as practicable to the level of Gumtree Lane and as close as possible to the edge of the laneway. The proposal allows for carparking on a suspended slab which will not increase the impact in regard to retaining walls to adjoining properties.*
- *The setback allows for cars to circulate into and out of the carports so as to not encroach onto the lane.'*

Comment:

The variation has been considered and is supported. The reduced front setback provides greater separation between each dual occupancy thus addressing the Panel's concerns regarding overshadowing. The reduced front setback is also considered to be in keeping with the front setback of the adjoining property No. 16 Gum Tree Lane.

The reduced setback does not affect parking compliance or the opportunity for visitor parking as Units B1 and B2 have been reduced to less than 125sqm each and only require a single parking space, however the applicant has provided a double carport to provide opportunity for visitor parking. It is noted that visitor parking is not required for dual occupancy development however as the development is fronting a laneway there is no on-street parking available.

**Variation to Clause 4.10 Car Parking and Access**

Section 4.10.2 requires that carports are setback behind the building line of the dwelling.

Applicant's Justification:

A Variation Statement has been submitted on the grounds that:

- The site is steeply sloping and the only practical option is to locate parking close to Gum Tree Lane.
- The proposal allows for a suspended slab which will not increase the impact to retaining walls.
- The setback allows for cars to circulate into and out of the carport so as not to encroach onto the laneway.

Comment:

The variation has been considered and is supported for the reasons stated above.

Note:

Section 4.10.2.10 requires a maximum cross-over width of 3m for driveways. The driveway on Gum Tree Lane frontage is 10.3m wide.

A variation to Section 4.10.2.10 was considered and supported in the proposal as presented to the WLPP meeting of 27 November. The Panel did not raise concerns in regards to driveway crossover width.

## CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development as a BASIX certificate has been submitted detailing the energy and water saving targets that will be implemented in the development.

## CHAPTER B1 – RESIDENTIAL DEVELOPMENT

### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Maximum Number of Storeys</u>		
<ul style="list-style-type: none"> <li>R2 Zone maximum height of 9m or two storeys</li> <li>Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties</li> </ul>	The amended proposal has removed the skylight which has reduced the height.	Yes
	Two storeys and 6.53m.	Yes
<ul style="list-style-type: none"> <li>In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey</li> </ul>	The built form is considered to be appropriate for the sloping site. The proposed development has addressed the site constraints and will have minimal impact on the privacy and amenity of the adjoining properties.	Yes
	Unit A1: 9.5m	Yes
	Unit A2: 8m	Yes
	Unit B1: 9.2m	Yes
	Unit B2: 8m	Yes
<u>4.2 Front Setbacks</u>		
<ul style="list-style-type: none"> <li>Infill 6m min but less dependent on street character</li> </ul>	Unit A1: 14.4m	Yes
	Unit A2: 12.7m	Yes
Garages and carports 5.5m min	The carports for Units A1 and A2 are setback more than 5.5m from Pass Avenue. The carports for Units B1 and B2 are setback 4.25m and 3.585m from Gum Tree Lane. The amended proposal now involves a	No

	variation to Clause 4.2 which has been considered and supported as discussed above.	
<u>4.3 Side and Rear Setbacks</u>		
<ul style="list-style-type: none"> <li>• Wall Setback: 0.9m min</li> <li>• Eave Setback: 0.45m</li> <li>• Rear Setback 0.9m</li> <li>• Walls over 7m to be setback 3m.</li> <li>• Walls &gt; 7m high setback 3m minimum</li> <li>• Balconies and windows to habitable rooms to be designed to minimise overlooking</li> </ul>	<p>All side, rear and eaves setbacks comply.</p> <p>There are no walls over 7m.</p> <p>The proposal has been designed to minimise overlooking to the side boundary through the use of highlight or opaque glazed windows and privacy screens.</p>	Yes
<u>4.4 Site coverage</u>		
<ul style="list-style-type: none"> <li>• Maximum 55% of the area of the lot for sites less than 450m<sup>2</sup>.</li> </ul>	<p><i>Phase 2 and 3:</i></p> <p>Proposed Lot 1: <math>172.93^*/568.3 = 30\%</math></p> <p>Proposed Lot 2: <math>134.8^*/555 = 24\%</math></p> <p><i>Phase 4:</i></p> <p>Unit A1: <math>85.39^*/296.2 = 29\%</math></p> <p>Unit A2: <math>87.54^*/272.1 = 32\%</math></p> <p>Unit B1: <math>67.49^*/283.5 = 24\%</math></p> <p>Unit B2: <math>67.49^*/271.7 = 25\%</math></p> <p><i>*Does not include the carports or decks in accordance with Clause 4.4.</i></p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<u>4.5 Landscaped Area</u>		
Minimum 20% for site <600m <sup>2</sup>	<i>Phase 2 and 3:</i>	
20% x 568.3 = 113.66sqm required for Lot 1	Proposed Lot 1: $168/568.3 = 30\%$	Yes
20% x 555sqm = 111sqm required for Lot 2	Proposed Lot 2: $187/555 = 34\%$	Yes
	<i>Phase 4:</i>	
	Unit A1: $90.4/296.2 = 31\%$	Yes
	Unit A2: $62/272.1 = 25\%$	Yes
	Unit B1: $92/283.5 = 32\%$	Yes
	Unit B2: $81/271.7 = 30\%$	Yes

<ul style="list-style-type: none"> <li>50% of the landscaped area should be located behind the building line (Minimum 10% of the site)</li> </ul>	<p><i>Phase 2 and 3:</i></p> <p>Proposed Lot 1: 52.8sqm = 9.2% (shortfall of 4sqm).</p> <p>Proposed Lot 2: 149.3sqm = 27%</p> <p><i>Phase 4:</i></p> <p>Unit A1: 31sqm = 10%</p> <p>Unit A2: 14.2sqm = 5%</p> <p>Unit B1: 75sqm = 26%</p> <p>Unit B2: 64sqm = 24%</p> <p>The amended proposal has increased landscaped area behind the building line for Lot 1/Lots A1 and A2. Minor variation supported as discussed above.</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>Integrated with drainage design</li> </ul>	<p>There does not appear to be any conflict between the Stormwater and Landscape Plans.</p>	<p>Yes</p>
<p><u>4.6 Private Open Space</u></p>		
<ul style="list-style-type: none"> <li>24m<sup>2</sup> of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.</li> </ul>	<p>Deck provided for each unit &gt;24m<sup>2</sup> with min width &gt;4m.</p> <p>Privacy screens provided to upper level balconies to ensure privacy to adjoining properties.</p>	<p>Yes</p> <p>Yes</p>
<p><u>4.7 Solar Access</u></p>		
<p>Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.</p> <ul style="list-style-type: none"> <li>At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.</li> <li>Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings.</li> </ul>	<p>The submitted shadow diagrams demonstrate compliance with this Clause for minimum 3 hours of solar access to the neighbouring properties living room and 50% of private open space. The site is oriented north-south with adjoining properties east &amp; west affected late afternoon &amp; early morning respectively.</p>	<p>Yes</p>

#### 4.8 Building Character and Form

<ul style="list-style-type: none"><li>• Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context</li><li>• New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</li><li>• All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.</li><li>• Where garages are proposed on the front elevation they must be articulated from the front façade.</li></ul>	<p>It is considered the design and siting of the proposed dwellings responds adequately to the site context. The proposal has taken the site constraints into consideration including the natural depression near the Pass Avenue frontage and the sloping land near the Gum Tree Lane frontage.</p> <p>The proposal is contemporary design however the area is characterised by a mix of single storey to two storey dwelling-houses with both of traditional and contemporary construction. It is likely the older housing stock will be modernised over time.</p> <p>The proposed dwelling frontage and entry to each dwelling adequately addresses the street frontages.</p> <p>Garages are articulated from the front facade.</p>	Yes
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#### 4.9 Fences

<ul style="list-style-type: none"><li>• Fences must be constructed to allow natural flow of stormwater or runoff.</li></ul>	1.8m high colourbond side and rear boundary fence is proposed.	Yes
<ul style="list-style-type: none"><li>• Fences within front and secondary building lines should be mainly constructed of transparent fence materials.</li></ul>	No fencing in front of the building line proposed.	Yes
<ul style="list-style-type: none"><li>• Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height</li></ul>	Existing brick wall to the rear of the existing garage on the boundary with 16 Gum Tree Lane is proposed to be demolished. The neighbouring property No. 16 has requested this be replaced with a similar block wall of similar height and materials as the block wall currently provides privacy to their courtyard.	Condition

#### 4.10 Car parking and Access

<ul style="list-style-type: none"><li>• 2 spaces per dwelling with a GFA of greater than 125m<sup>2</sup></li><li>• Car parking spaces may be open hard stand space, driveway, carport or a garage.</li></ul>	<p>The amended proposal has reduced the GFA for Units B1 and B2 to &lt;125sqm and only one parking space is required each dwelling (total 4).</p> <p>Each unit is &lt;125sqm in GFA and require one parking space and are</p>	Yes
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<ul style="list-style-type: none"> <li>Garage door facing roads—not greater than 50% of the width of the dwelling.</li> <li>Garages must be setback min of 5.5 from front boundary.</li> <li>Driveways shall be separated from side boundaries by a minimum of 1m.</li> <li>Driveways shall have a max cross-over width of 3m.</li> </ul>	<p>designed with at least one off-street parking space provided in a carport. Units B1 and B2 have a double carport to provide opportunity for visitor parking off the laneway. Note: Visitor parking is not required for dual occupancy development however as the development is located on a laneway and the reduced front setback does not allow visitor parking in front of the carport, the applicant has opted to provide a double carport to allow visitor parking.</p>	Yes
	<p>None of the dwellings exceed 50% garage door width.</p>	Satisfactory
	<p>Carports for Unit A1 A2 are setback 5.5. Carports for Units B1 and B2 are less than 5.5m. A variation has been considered and supported as discussed in Chapter A1.</p>	
	<p>Driveways are separated by at least 1m wide landscape strip along each boundary.</p>	Yes
	<p>Driveways on Pass Avenue frontage are 3m wide. Two driveways on Pass Avenue acceptable as there is opportunity to park one vehicle on street.</p>	Yes
	<p>Driveway on Gum Tree Lane frontage is 10.3m wide. A variation has been considered and is supported as discussed in Chapter A1.</p>	No – however variation supported.
<u>4.11 Storage Facilities</u>		
<ul style="list-style-type: none"> <li>Units A1 &amp; A2: 3 bedroom- 10m<sup>3</sup> storage volume to 5m<sup>2</sup> storage area</li> <li>Units B1 &amp; B2: 4 bedroom- 10m<sup>3</sup> storage volume to 5m<sup>2</sup> storage area</li> </ul>	Ample storage provided.	Yes
<u>4.12 Site Facilities</u>		
<ul style="list-style-type: none"> <li>Letterboxes in an accessible location</li> </ul>	Condition may be imposed.	Yes
<u>4.13 Fire Brigade Servicing</u>		
<ul style="list-style-type: none"> <li>All dwellings located within 60m of a fire</li> </ul>	There is a hydrant in front of the	Yes

hydrant	neighbouring property No. 15 Pass Avenue which is within 60m of all dwellings. There is also a hydrant in front of No. 5 Pass Avenue which is located at the western end of the laneway which could also be utilised.	
<u>4.14 Services</u>		
<ul style="list-style-type: none"> <li>Encourage early consideration of servicing requirements</li> </ul>	Site adequately serviced.	Yes
<u>4.16 View sharing</u>		
<ul style="list-style-type: none"> <li>To protect and enhance view sharing, significant view corridors</li> <li>A range of view sharing measures to be considered for building design</li> </ul>	<p>A submission has been received from the neighbouring property No. 16 Gum Tree Lane to the west with concerns that the proposal would result in loss of views.</p> <p>Views are currently enjoyed from both a sitting and standing position in the living room and upper floor balcony of the neighbouring property. The residents have local views and ocean glimpses in an easterly and north-easterly direction.</p> <p>The applicant provided details to demonstrate that the proposal would not have an adverse impact on views from No. 16 Gum Tree Lane as the ridgeline of the proposal is below the neighbouring property's living room window and below the floor level of the neighbouring property's upper floor balcony (see Attachment 4).</p> <p>A View Impact Assessment Report was not warranted in this case. Council is satisfied that the proposal would have minimal impact on views from No. 16 Gum Tree Lane.</p> <p>The amended proposal has retained the same roofline and height as the proposal presented to WLPP on 27 November however Units B1 and B2 have been moved further to the south and they no longer encroach beyond the rear building line of the neighbouring</p>	Satisfactory

	property No. 16 Gum Tree Lane. This will improve views from the neighbouring property No. 16 Gum Tree Lane's living room windows and first floor balcony as there is now greater separation between the dual occupancy developments.	
<p><u>4.17. Retaining walls</u></p> <ul style="list-style-type: none"> <li>No greater than: <ul style="list-style-type: none"> <li>1m &gt; 900mm from boundary;</li> <li>600mm within 900mm of boundary</li> </ul> </li> </ul>	Retaining walls on the eastern and western side are proposed to be demolished and replaced at a similar height to resolve an existing encroachment of the retaining wall on the eastern neighbouring property No. 15A Pass Avenue and ensure the walls are structurally sound.	Satisfactory
<p><u>4.21 Additional controls for Dual Occupancies minimum site width</u></p> <ul style="list-style-type: none"> <li>Provide sites adequate for buildings, car parking, POS, landscaping</li> <li>Sites must not be significantly constrained by flood, geotechnical or other environmental hazards</li> <li>15m minimum</li> </ul>	<p>Site considered adequate to accommodate the development.</p> <p>Site is constrained by flood and geotechnical hazards. However these constraints will not impede the development.</p> <p>15.24m.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>4.22 Additional controls for Dual Occupancies –building character and form</u></p> <ul style="list-style-type: none"> <li>Controls for garages proposed on the front elevation – articulation</li> </ul>	Garages are articulated.	Yes
<p><u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u></p> <ul style="list-style-type: none"> <li>A minimum of half of the landscaped area (minimum 10% of the site) must be provided as a deep soil zone (min. 3m width).</li> </ul>	<p><i>Phase 2 and 3:</i></p> <p>Lot 1: 57.3 = 10%</p> <p>Lot 2: 56.3 = 10%</p> <p><i>Phase 4:</i></p> <p>Unit A1: 30.1 = 10%</p> <p>Unit A2: 27.2 = 10%</p> <p>Unit B1: 27.5 = 10%</p> <p>Unit B2: 58/81 = 10%</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<ul style="list-style-type: none"> <li>The deep soil zone shall be densely</li> </ul>	There are no structures within the	

planted with trees and shrubs.

DSZ.

## CHAPTER B2 – RESIDENTIAL SUBDIVISION

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5 Subdivision design - topography, natural landform &amp; significant vegetation</u>		
Topography/landform taken into consideration	The proposal involves re-subdivision of an existing lot.  The proposal retains some significant vegetation.	Yes
<u>6 Subdivision lot layout – aspect &amp; solar access orientation</u>		
East-west axis lots preferred	North-south axis	No*
Minimum 15m width	Unit A1: 7.62m	No*
	Unit A2: 7.62m	No*
	Unit B1: 7.62m	No*
	Unit B1: 7.62m	No*
	<i>*Considered acceptable as built development included as part of application. No variation statement considered warranted.</i>	
<u>7 Minimum allotment size requirements</u>		
As per Lot Size Map; minimum 449m <sup>2</sup>	See Clause 4.1 WLEP 2009.  Phase 2 complies with the minimum 449sqm minimum lot size however Phase 4 does not comply. *This can be managed via a condition of consent restricting the subdivision after the Occupation Certificates have been issued for the dwellings.	No*
<u>8 Lot width &amp; depth requirements</u>		
Minimum 15m width	The amended proposal has moved the subdivision boundary which has increased the size of Lot 1/Lots 101 and 102 and reduced the size of Lot 2/Lots 201 and 202.	
Minimum 25m lot depth	Lot 1: 15.24m x 34.139m-40.428m	Yes
	Lot 2: 15.24m x 34.683m-37.891m	Yes
	<i>Following two lot subdivision of each dual occupancy:</i>	
	Lot 101: 7.62m x 40.428m	No*
	Lot 102: 7.62m x 34.139m	No*

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
	Lot 201: 7.62m x 37.891m	No*
	Lot 202: 7.62m x 34.683m	No*
	<i>*Considered acceptable as built development included as part of application. No variation statement considered warranted.</i>	
<u>10 Building envelopes</u>		
Min 15m x 10m	Not applicable.	N/A
<u>33 NSW fire brigade access - fire hydrants</u>		
Within 60m of development	See Clause 4.13 Chapter B1.	Yes

## **CHAPTER D1 – CHARACTER STATEMENTS**

### Thirroul

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

The proposal will be in keeping with the character of residential housing in Thirroul which is characterised by a mix of single storey and two storey dwelling-houses with both of traditional and contemporary construction.

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

Access and parking is provided in accordance with this Chapter.

Each unit is <125sqm in GFA and require one parking space and are designed with at least one off-street parking space provided in a carport. Units B1 and B2 have a double carport to provide opportunity for visitor parking off the laneway. Note: Visitor parking is not required for dual occupancy development however as the development is located on a laneway and the reduced front setback does not allow visitor parking in front of the carport, the applicant has opted to provide a double carport to allow visitor parking.

A number of submissions were received with concerns with the traffic impact of the proposal.

A Traffic Report was submitted which has been reviewed by Council's Traffic Officer.

The Traffic Report concluded that:

- The proposal is well located close to public transport.
- The development will generate 'insignificant' total peak hour and daily trips:
  - 2.6 total peak hour trips or 26 total daily vehicle trips which represents 1 vehicle every 23 minutes during each peak hour or 1 trip every 28 minutes.
  - Only two of the units front Gum Tree Lane the traffic generated into and out of Gum Tree Lane is only half the peak hour and daily trips. The expected additional peak hour traffic in Gum Tree Lane is only 1 vehicle every 46 minutes and the additional daily traffic is only 1 vehicle every 56 minutes.
- On site parking is provided in accordance with Council requirements in Chapter E3 WDCP 2009. The width of Gum Tree Lane is approximately 3m and would allow access into the proposed parking spaces for the units fronting Gum Tree Lane.

- Car parking surveys were carried out on available on-street parking within 50-150m from the site that would be suitable for visitor parking as on-street parking is not available on Gum Tree Lane. The results of the survey showed that there was sufficient vacant parking available in the surrounding area for visitor parking.

It is also noted that the garages on Gum Tree Lane are setback 5.5m and allow at least one visitor to park on the hard stand in front of each garages.

- The Traffic Report confirms that the proposal complies with access and parking requirements of AS/NZS2890.1-2004 in relation to driveway width, grades and sight distance. (Pass Avenue – 70m to the east and 110m to the west based on 50km/hr speed and Gum Tree Lane – 40m to the east and 40m to the west based on 40km/hr speed.

Council's Traffic Officer and is satisfied that low traffic and car parking demand generated by the proposed development is unlikely to impact on the local road network and that the access design and car parking provision meets AS2890.1 standards and Councils requirements.

## CHAPTER E6: LANDSCAPING

A Landscape Plan has been submitted as required by this Chapter, prepared by a Certified Landscape Designer. Council's Landscape officer has assessed the proposal and is satisfied.

## CHAPTER E7: WASTE MANAGEMENT

A Demolition Plan and Site Waste Minimisation and Management Plan provided as required by this Chapter outlining ways to minimise and manage waste during demolition/construction and operational waste.

The site is affected by a Waste Services Restriction as Gum Tree Lane is unsuitable for waste service vehicles.

The applicant proposes Units B1 & B2 fronting Gumtree Lane to have their bins collected at the western end of Gumtree Lane at the intersection with Pass Avenue as shown below:



**Figure 5:** Excerpt from Waste Management Plan – Applicants proposed Waste Servicing Collection Point

A Waste Management Report prepared by Auswide Consulting dated October 2018 was submitted in support of this proposal. Council has considered the Waste Management Report and supports waste collection from the western end of Pass Avenue given .

#### **Chapter E12 - Geotechnical Assessment of Slope Instability**

The site is affected by instability. Council's Geotechnical Officer has reviewed the application and has provided a conditionally satisfactory referral.

#### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is flood affected. A Flood Study was submitted, dated 24 July 2018, prepared by Optima Consulting. Council's Development Engineering officer has assessed the application and is satisfied.

#### **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater from the development is proposed to be collected in rainwater tanks and discharged to the kerb via an OSD system. Council's Development Engineering officer has assessed the application and is satisfied.

#### **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

There are 6 trees on the site including a mix of native and exotics. An Arborist Report has been submitted which assessed the 6 trees as well as a Jacaranda Tree (identified in the Arborist Report as Tree 4) located on the adjoining property No. 11 Pass Avenue. The Arborist Report recommended removal of 5 trees on the site and retention of two trees - Tree 6 which is a 'Cheese Tree' as well as Tree 4 on the neighbouring property.

Council's Landscape Officer concurs with the Arborist's recommendations except also required one of the trees - Tree 2 'Areca Palm', to be transplanted elsewhere on the site. Conditions have also been imposed for compensatory planting for the 4 trees that are proposed to be removed.

#### **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

The proposal involves minimal earthworks to prepare the site for the development.

#### **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

No concerns are raised in regard to contamination.

#### **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

The proposal involves demolition of all structures on site. The submitted Site Waste Management Plan identifies hazardous waste. Standard demolition and asbestos management conditions will be imposed on any consent to be issued.

#### **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.

#### **CHAPTER E23 RIPARIAN LAND MANAGEMENT**

The site contains a watercourse however it has been piped. No natural riparian features are present on site. No referral to Council's Environment Officer was deemed necessary for this application.

## **Attachment 5: Conditions**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No DML 17/020 Drawing A-01-D to A-08-D and A-12-D dated 22 January 2019 prepared by Develop My Land and Drawing 17554\_SUB(C) dated 11 February 2019 prepared by C. Robson and Associates Pty Ltd any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

### **General Matters**

#### **2 Geotechnical**

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 24 January 2018 by Southern Geotechnics 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 at least 500mm within the underlying very stiff natural clay as recommended by the geotechnical consultant.
- c All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- d Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
- e All stormwater and wastewater is to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.
- f 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.

#### **3 Protection of Public Infrastructure**

Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

#### **4 Phased Development**

The development is to be undertaken in four phases:

Phase 1: Demolition of existing buildings and outbuildings and tree removals.

Phase 2: Subdivision of the site into two Torrens title lots.

Phase 3: Construction of a dual occupancy on each lot.

Phase 4: Two lot Torrens title subdivision of each dual occupancy (total four lots).

A separate Construction Certificate may apply for Phases 2 - 4.

#### **5 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.

#### **6 Construction Certificate**

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

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



**Note:** The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

7 **Mailboxes**

The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

8 **Maintenance of Access to Adjoining Properties**

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

9 **Occupation Certificate**

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

10 **Tree Management**

The developer shall retain existing trees indicated on Landscape Plan by Develop My Land Dwg. No. L-01 Issue C dated 6 February 2019 consisting of tree numbered 4 on adjacent property and 6. Total number: two (2 No.).

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

Tree Protection measures to be implemented including and not restricted to: site induction, compliance documentation, modified footings if required, sub surface utility siting, crown lifting, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones (TPZ) and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall remove existing trees numbered 1, 3, 5 and 7. Total number: four (4 No.).

The developer shall transplant tree numbered 2. Total number: one (1 No.) to an appropriate location on site by an experienced and qualified contractor.

**Prior to the Issue of the Construction Certificate**

- 11 The Phase 2 two lot subdivision must be registered prior to the issue of the Construction Certificate for Phase 3. Evidence of registration must be provided to Principal Certifying Authority.

12 **Overland Flows from Adjoining Properties**

Stormwater flows from adjoining properties shall be accepted, contained and directed to the proposed stormwater management system on site. Finished ground/surface levels (including structures such as kerbs, walls etc.) shall be no higher than the existing upslope adjacent ground levels. Fences provided along the upslope boundaries shall include a suitable and continuous gap under the fence to allow for surface runoff. Overflow paths shall be maintained to cater for flows in excess of the capacity of the underground stormwater system.

- 13 The brick wall adjacent to the western site boundary, adjacent to the courtyard of 16 Gum Tree Lane, is to be demolished and replaced with a similar height wall of a similar materials.

14 **Carport Design**

The front and sides of the carports are not permitted to be enclosed so as to remain an open

carport. Timber screening is permitted to the sides of the carports however the screening must be open slatted so as not to fully enclose the sides of the carport.

**15 Present Plans to Sydney Water**

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

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

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

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

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

**17 Schedule of External Building Materials/Finishes**

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) together with a sample board and an A4 or A3 sized photograph of the sample board shall be submitted for the separate approval of the Principal Certifying Authority, prior to the release of the Construction Certificate.

**18 Fencing**

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

- a where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the same brickwork as that used in the external wall of the building; and
- b rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped, palisade or colorbond fences.
- c Any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements.

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

**19 Car parking and Access**

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

**20** 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.

**21 Structures Adjacent to Driveway**

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

**22** 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.

23 **Details of Proposed Pit and Pipeline**

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

24 **Landscaping**

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

- a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *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, *Brachychiton acerifolius* Illawarra Flame Tree. 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;
- d any proposed hard surface under the canopy of an 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 the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species; and;
- f deep soil zone to be mass planted with trees shrubs and groundcovers.

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

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

26 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

27 **Compensatory Planting**

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, four (4 No.) 75 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Livistona australis* Cabbage palm tree, or *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

28 **Tree Protection Measures**

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

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be

submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

- b 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.

The submission of a final Site Plan to the Principal Certifying Authority indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

29 **Retaining Wall Structures**

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

30 **Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre**

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifying Authority 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:

- 30.1 A plan of the wall showing location and proximity to property boundaries;
- 30.2 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;
- 30.3 Details of fencing or handrails to be erected on top of the wall;
- 30.4 Sections of the wall showing wall and footing design, property boundaries 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 and footing structure must be contained wholly within the subject property;
- 30.5 The proposed method of subsurface and surface drainage, including water disposal;
- 30.6 Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- 30.7 The assumed loading used by the engineer for the wall design.
- 30.8 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.

31 **Pier and Beam Footings Adjacent to any Drainage Easement**

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

32 **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](mailto: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.

33 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development are two(2 No.) Tristaniopsis laurina 'Luscious' 200 litre container size, in accordance with AS 2303:2015 Tree stock for landscape use. Street trees are to be

installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. ‘Dial Before You Dig’ must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

34 **Stormwater Drainage Design**

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

- a be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council’s Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by OPTIMA Consulting Engineers, Dwg No. OCE12890/C01/DA/D, issue D, dated 12 October 2018.
- b include details of the method of stormwater disposal. Stormwater from the development must be piped to the existing Council’s culvert.
- 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. 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.

35 **Flood Level Requirements**

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

- a Habitable floor levels must be constructed at a minimum of RL 22.30 metres AHD.
- b Car parking floor levels must be constructed at a minimum of RL 21.50 metres AHD.
- c Any portion of the building or structure below RL 22.30 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of ‘flood compatible materials’ as stated in Chapter E13 of the Wollongong DCP2009.
- d The proposed Unit 1 and Unit 2 shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the PMF plus freeboard being RL 22.38 metres AHD or greater.

36 **Retaining Wall on Common Boundary**

Retaining wall on common boundary must be located wholly within the property, including footings and agricultural drainage lines. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing structures.

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

### 37 Council Footpath Reserve Works

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

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

### 38 Development Contributions

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$7,530.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1014046	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

### Prior to the Commencement of Works

#### 39 Appointment of Principal Certifying Authority

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

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

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

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

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

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

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

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

41 **Sign – Supervisor Contact Details**

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

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

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

42 **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.

43 **Structural Engineer's Details**

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

44 **Enclosure of the Site**

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

45 **Demolition Works**

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

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

46 **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

47 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

48 **Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

49 **Waste Management**

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 reusable materials.

50 **Certification of Structural Adequacy - Building Walls/Structure**

The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300 mm below pipe invert level or founded on sound rock. The submission of certification from the structural engineer to the Principal Certifying Authority is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works.

51 **Public Liability Insurance**

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event



that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

52 **Temporary Sediment Fences**

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

53 **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.

54 **Tree Protection Implementation**

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

- a installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- b 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.

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

55 **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.

56 **Footpath Levels**

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

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

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

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

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

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be

submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

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

58 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

59 **Relocation of State Survey Marks**

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

60 **Dilapidation Report**

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

61 **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.

**During Demolition, Excavation or Construction**

62 **Support for Neighbouring Buildings**

This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven

days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

63 **Survey Report**

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

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

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

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

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

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

66 **Prohibition of any Encroachment into Drainage Easement**

No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.

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

The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has been given approval to be removed in accordance with this consent.

68 **Restricted Hours of Construction Work**

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

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

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

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

69 **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.

70 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".

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

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

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

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

73 **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.

74 **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.”

75 **Driveway Located over Drainage Easement**

The proposed driveway shall be constructed in accordance with the approved structural plans to suit the existing surface levels on the site. The contractor shall ensure the driveway will not cause any adverse effects to the adjoining property or upon the subject land as a result of flood or stormwater runoff. Council will require the reconstruction of any finished driveway pavement that does not conform to the approved Construction Certificate plans or above requirements. This work shall be done at the developer's expense. Furthermore, in the event that access to the pipeline within the easement is required, the cost of restoring the driveway and surrounding area shall be borne by the property owner.

76 **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

77 **Screen Planting**

To mitigate impact to adjoining dwelling a continuous hedge is to be established along central boundary for the length of property boundary of Units UA1 & UB1 and UA2 & UB2. Recommended species: *Callistemon viminalis* 'Slim', *Photinia glabra* Rubens, *Viburnum tinus*, *Syzygium australe* Aussie Southern, *Syzygium*, 'Resilience', *Viburnum odoratissimum* Dense Fence or *Waterhousea floribunda* Sweeper.

Minimum spacing 1000mm. Minimum pot size 5 lt.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

78 **Pipe Connections**

All pipe connections to existing stormwater drainage systems shall be constructed flush with the culvert wall in accordance with good engineering practice. The developer shall ensure that the condition of the existing stormwater drainage system is not compromised and that the service life of the existing stormwater drainage system is not reduced as a result of the connection.

79 **Fences**

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

**Prior to the Issue of the Occupation Certificate**

80 **Retaining Wall Certification**

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

81 **BASIX**

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

82 **Completion of Landscape Works**

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

83 **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifying Authority is required, prior to the issue of the final Occupation Certificate and commencement of use. This report is required to verify that the Unit 1 and Unit 2 can withstand the forces of floodwater, debris and buoyancy up to and including the Probable Maximum Flood (PMF) plus freeboard being RL 22.38 metres AHD.

84 **Drainage**

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

**Prior to the Issue of the Subdivision Certificate**

85 **Occupation Certificate Prior to Subdivision Certificate (Phase 4)**

An Occupation Certificate for the dwelling/s must be issued prior to the release of the Subdivision Certificate for the Phase 4 Torrens Title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the subdivision certificate application.

86 **Existing Easements (Phase 2 and 4)**

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

87 **Existing Restriction as to Use (Phase 2 and 4)**

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

88 **Encroaching Pipes (Phase 2 and 4)**

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.

89 **88B Instrument Easements/Restrictions (Phase 2 and 4)**

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

90 **Final Documentation Required Prior to Issue of Subdivision Certificate (Phase 2 and 4)**

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

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Original Construction Certificates and approved drawings (where issued by an accredited Private Certifying Authority);
- c 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 four (4) equivalent size paper copies of the plan;
- f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
- i Payment of section 94 fees (Pro rata) (if applicable).

91 **Piped Natural Watercourse (Phase 2 and 4)**

The piped natural watercourse must be chartered on the final subdivision plan. No easement is required over the watercourse.

**Operational Phases of the Development/Use of the Site**

92 **Loading/Unloading Operations/Activities**

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