

Wollongong Local Planning Panel Assessment Report | 15 November 2022

WLPP No.	Item No. 3
DA No.	DA-2021/1286
Proposal	Residential - demolition of existing structures, construction of a detached dual occupancy and Subdivision - Torrens title - two (2) lots
Property	Lot 18 Sec 4 DP 2185, 23 Harbord Street, THIRROUL NSW 2515
Applicant	JPC Planning
Responsible Team	Development Assessment and Certification - City Wide Team – (AK)
Prior WLPP meeting	N/A

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

The proposal has been referred to Local Planning Panel for **determination** pursuant to clause 2(b) Schedule 2 of the Local Planning Panels Direction for contentious development as the proposal has attracted a total of twenty four (24) unique submissions following two rounds of exhibition.

Proposal

The proposal seeks consent for the following:

- Demolition of existing structures; and
- Construction of a detached dual occupancy with associated drainage and landscaping; and
- Two (2) lot Torrens title subdivision.

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as a dual occupancy (detached) and is permissible in the zone with development consent. Demolition is ancillary works to facilitate the proposal and the proposed Torrens subdivision of the completed development is also permissible.

Consultation

The application was exhibited in accordance with Council's Community Participation Plan 2019 originally between 17 November 2021 and 1 December 2021 and a total of twenty (20) submissions were received. Amended plans and documents were renotified between 6 May 2022 and 20 May 2022 and a further four (4) submissions were received. The main issue relate to:

- View impacts;
- Build form and character;
- Stormwater and flooding;
- Privacy.

RECOMMENDATION

DA-2021/1286 be approved subject to the conditions outlined at Attachment 6.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- State Environmental Planning Policy (Resilience and Hazards) 2021
- SEPP (Building Sustainability Index: BASIX) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2022
- Wollongong Community Participation Plan 2019
- Wollongong Coastal Zone Management Plan

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal seeks consent for the following:

- Demolition of existing structures; and
- Construction of a detached dual occupancy with associated drainage and landscaping; and
- Two (2) lot Torrens title subdivision.

1.3 BACKGROUND

Application No.	Description	Decision	Decision Date
BA-1966/2375	Carport	Approved	07-Nov-1966
BA-1983/1917	Dwelling	Approved	11-Nov-1983
PL-2016/67	Residential - alterations and additions to existing dwelling and construction of dwelling house to create dual occupancy and subdivision - two lots	Completed	20-Jul-2016
DA-2020/683	Residential - demolition of existing garage, alterations and additions to existing dwelling, construction of two (2) storey dwelling to create a dual occupancy and Subdivision - Torrens title - two (2) lots	Withdrawn	31-Aug-2020
PL-2021/92	Demolition of existing dwelling house and construction of detached dual occupancy - MS Teams 21.6.21	Completed	15-Jul-2021

PL-2021/92 was held for the current proposal.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at Lot 18 Sec 4 DP 2185, 23 Harbord Street, THIRROUL NSW 2515 with a site area of 687m² and a single storey dwelling house currently located onsite. The lot is relatively flat with frontages to both Harbord Street and Cliff Parade.

The surrounding area consists of two storey dwellings to the north, Council beach reserve to the east, one and two storey dwellings to the south and multi-dwelling housing development adjoining the western boundary with one and two storey dwellings located beyond.

Property constraints

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

- Acid sulphate soils – Class 4 & 5 – See Section 2.1.4 below.
- Flooding: Flood Risk Precinct Under Review – Council's Development Engineer has assessed the application submission and is satisfied subject to conditions.
- Coastal Hazard(s): Future/Current Ocean Inundation – See Section 2.1.3 below.

There are no restrictions on the title that preclude assessment of the application.



Figure 1: Aerial photograph



Figure 2: WLEP 2009 zoning map

1.5 SUBMISSIONS

The application was exhibited in accordance with Council's Community Participation Plan 2019 originally between 17 November 2021 and 1 December 2021 and a total of twenty (20) submissions were received. Amended plans and documents were submitted and renotified between 6 May 2022 and 20 May 2022 and a further four (4) submissions were received. The issues identified from both of these exhibition periods are discussed below.

Table 1: Submissions

Concern	Comment
1. Heritage	<p>The application has been considered with regard to heritage matters in both clause 5.10 WLEP 2009 and Chapter E11 WDCP 2009 as relates to the nearby heritage item no. 6171 – Thirroul Beach Reserve – The Esplanade which is an item of local heritage significance pursuant to Schedule 5 of WLEP 2009. The proposal is considered a compliant design with both WLEP 2009 and WDCP 2009, is generally consistent with the surrounding built form of the R2 zoned land within which it is located. Council's Heritage Officer has also assessed the original application submission and raised a number of minor matters regarding a schedule of colours and front fencing details. Amended plans have been lodged addressing these matters which are now considered acceptable.</p> <p>Overall, it is considered that the proposed development will have no adverse impact on the heritage item nearby and the surrounding area in general.</p>
2. Building Design	<p>Consideration has been given to the design of the proposed development. The application has been assessed against the provisions of both Wollongong</p>

Concern	Comment
	<p>Local Environmental Plan 2009 and Wollongong Development Control Plan 2009 as outlined throughout the report and is considered compliant in this instance. In particular, the proposal complies with principal development standards for building height and floor space ratio requirements.</p> <p>The proposal is also considered to be generally consistent with the prevailing built form of the area which consists predominately of one and two storey dwellings interspersed with multi dwelling housing and other dual occupancy developments. The application is also not inconsistent with desired character of the area.</p> <p>The proposed roof design has also been assessed and it is considered that the skillion roof proposed for both the lower and upper levels is considered acceptable to achieve the proposed view corridors and also maintain a profile acceptable for stormwater disposal.</p> <p>Privacy has been maintained via amended plans which indicate obscure glass to minimise any overlooking into the adjoining western property.</p> <p>Overall, the proposed development demonstrates compliance with relevant planning controls as outlined in this report with the detached dual occupancy being a permissible use in the prevailing R2 zone.</p>
3. Traffic and Access	<p>Council's Development Engineer has reviewed the application submission with regard to a range of matters including traffic and parking and is satisfied subject to conditions. It is noted that the proposal complies with the required number of parking spaces and has driveways located in accordance with WDCP 2009 requirements.</p> <p>The proposal is also considered to have a low traffic demand based on the low density nature of the proposed use which will not have adverse impacts on on-street parking or foot and cycle traffic for the area.</p> <p>The proposed development is considered to satisfy Council's onsite car parking and access requirements in this circumstance.</p>
4. View loss	<p>A view assessment was provided by the Applicant within the Statement of Environmental Effects and the additional information response (see extract in Attachment 4). It is considered that this assessment and associated plans provide a reasonable assessment of the impacts on views. It is also considered that the proposed development is designed in a manner which achieves an acceptable level of view sharing for views obtained across multiple side boundaries via view</p>

Concern	Comment
	corridors and single storey design elements. The view assessment has relied upon the Applicant's view analysis and associated view photos, neighbour photo submission for units 1 to 3, and site inspections.
5. Plan Inconsistencies and Errors	Amended plans have been submitted which correct a range of minor errors and inconsistencies which were re-notified. These corrections have now been reviewed as part of the reassessment of the application and are now considered acceptable.
6. Stormwater and Flooding	Council's Development Engineer has reviewed the application submission with regards to stormwater and flooding matters and is satisfied subject to conditions of consent being imposed. These conditions include the establishment of complaint floor levels, overflow paths, restricted site filling to manage flood storage capacity, structural soundness and ensuring no adverse impacts to neighbouring properties. As such, the proposal is considered acceptable with regards to Clause 5.21 of WLEP 2009 and Chapters E13 and E14 of WDCP 2009.
7. Fences	No change is proposed to the side boundary fence shared with No. 21 Harbord St. Fencing between neighbours is a separate matter which can be undertaken pursuant to the <i>Dividing Fences Act 1991</i> .

Table 2: Number of concerns raised in submissions

Concern	1	2	3	4	5	6	7
Frequency	4	23	13	16	8	3	3

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Development Engineering Officer

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

Heritage Officer

Council's Heritage Officer assessed the original application submission and raised a number of minor matters regarding a schedule of colours and front fencing details. Amended plans have been lodged addressing these matters which are now considered acceptable.

1.6.2 EXTERNAL CONSULTATION

None required

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 – Coastal Management

2.1 Aim of Chapter

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

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

2.3 Land to which Chapter applies

This Policy applies to land within the coastal zone.

2.3 Relationship with other environmental planning instruments

- (1) In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.*
- (2) This Policy does not apply to land within the Lease Area within the meaning of State Environmental Planning Policy (Three Ports) 2013.*

Part 2.2 Development controls for coastal management areas

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*

- (2) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
- (a) *the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) *This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

All works are proposed within the Coastal Environment Area. The proposed works have been considered against the provisions of Clause 2.10 and are considered acceptable as no adverse impacts will result.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

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

Comment:

All works are also proposed within the Coastal Use Area. Due to the type and nature of the works it is considered that no adverse impacts will result in relation to the provisions of Clause 2.11.

Division 5 General

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

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

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

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

2.14 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

2.15 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment:

The proposed works have been reviewed in relation to Clauses 2.12 to 2.15 above and is considered acceptable in this instance.

NSW Coastal Management Act 2016, Coastal Management Amendment Act 2021, and Wollongong Coastal Zone Management Plan

The Wollongong Coastal Zone Management Plan (Wollongong CZMP) (BMT WBM 2017) was certified on 20 December 2017 and applies to the coastal zone of the Wollongong Local Government Area which includes this development application site. The *Coastal Management Amendment Act 2021* commenced on 1 November 2021, to give coastal councils until 31 December 2023 to implement their CZMPs. By effect this enables a continuation of the current certified CZMP (20 December 2017) whilst Council undertakes further studies and community consultation for a transition to a new Coastal Management Plan.

The Wollongong CZMP identifies the site as being located in a current/future ocean inundation area. The proposed development has been assessed by Council's Development Engineer who has raised no objection subject to conditions of consent recommended at Attachment 6.

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

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

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

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

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

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

(4) The land concerned is—

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

Council records do not indicate any historic use that would contribute to the potential contamination of the site and the land is not identified as being contaminated on Council's land mapping system. The proposal does not comprise a change of use. No concerns are raised regarding contamination as relates to the intended use of the land and the requirements of clause 4.6.

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

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

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

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

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

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

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

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

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

(a) by conveyance, transfer or partition, or

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

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

The proposal is categorised as a dual occupancy as defined above and is permissible in the zone with development consent.

Clause 2.6 Subdivision—consent requirements

Consent is sought for subdivision as part of this application.

Clause 2.7 Demolition requires development consent

Consent is sought for the demolition of the existing structures on the site pursuant to this clause.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The proposed subdivision component of the application would result in two allotments. The proposed lot sizes are as follows:

- Lot 1: 348.5m²,
- Lot 2: 348.5m².

The minimum lot size for the R2 zoned portion of the site is 450m², except where provided by clause 4C:

(4C) This clause does not apply in relation to the subdivision of land in a residential zone on which there is an existing dual occupancy or multi dwelling housing.

If consent is granted for this development, it will be conditioned to ensure that the subdivision certificate is not issued until the occupation certificate has been issued for the completed dual occupancy development. Therefore, for the purpose of this clause, there will be an existing dual occupancy on the land and therefore the minimum lot size requirements do not apply. This situation is not uncommon within the LGA.

Clause 4.3 Height of buildings

The proposed maximum building height for the development is 8.325m (Unit 1) which does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Unit 1 (Lot 1): 348.5m²:

Maximum FSR permitted for the zone:	0.5:1
FSR:	= 155.43/348.5
	= 0.45:1
	Complies

Unit 2 (Lot 2): 348.5m²:

Maximum FSR permitted for the zone:	0.5:1
FSR	= 174.5/348.5
	= 0.50:1
	Complies

The overall FSR for the site is calculated at 329.93/697 = 0.473:1 which complies.

Part 5 Miscellaneous provisions

Clause 5.10 Heritage conservation

The proposed development is located opposite heritage item no. 6171 – Thirroul Beach Reserve – The Esplanade which is an item of local heritage significance pursuant to Schedule 5 of WLEP 2009. Council's Heritage Officer has reviewed the original application submission and raised minor matters relating to a schedule of colours and front fencing details. Amended plans have been lodged and

these minor matters are considered to be satisfactorily resolved. Consequently, the provisions of Clause 5.10 are considered acceptable in this instance.

Clause 5.21 Flood planning

The subject site is located in an uncategorised flood risk precinct. As such, Council's Development Engineer has reviewed the application with regards to Clause 5.21 and is satisfied subject to conditions of consent.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewerage services. A condition will be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as potentially being affected by class 4 & 5 acid sulphate soils. As no works are proposed more than 2 metres below the natural ground surface and the watertable will not be lowered more than 2 metres a standard condition in relation to acid sulfate soils has been recommended.

Clause 7.6 Earthworks

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

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

None relevant.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. A full assessment of the proposal in relation to Chapter B1 of WDCP 2009 is contained at Attachment 3.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is \$850,000.00 and a levy is therefore applicable under this plan as the threshold value is \$100,000.00.

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

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

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

Environmental Planning and Assessment Regulation 2021

2 Savings

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation.

'2000 Regulation' means the Environmental Planning and Assessment Regulation 2000 as in force immediately before its repeal on 1 March 2022.

6 Determination of BASIX development

A current BASIX Certificate has been supplied for assessment.

61 Additional matters that consent authority must consider

The development proposal involves the demolition of the existing dwelling and associated structures on the site and as such AS2601 - 2001: *The Demolition of Structures* is a prescribed matter for consideration under Clause 92. Demolition practices and procedures will be required to be undertaken in accordance with AS2601 – 2001; conditions of consent will be imposed in this regard.

62 Consideration of fire safety

Not applicable

63 Considerations for erection of temporary structures

Not applicable

64 Consent authority may require upgrade of buildings

Not applicable – existing dwelling and structures on site are proposed for demolition.

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

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

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report:
- The concerns raised in submissions have been considered and the plans have been updated addressing some of these concerns.
- Internal referrals are satisfactory subject to appropriate conditions of consent.

Context and Setting:

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

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The proposed development is for a residential purpose. It is considered that the dwellings have been reasonably sited such that it satisfies both WDCP 2009 and WLEP 2009. In particular, the development is within the allowable height and FSR for the site.

In regard to the visual impact, the development is considered to be largely in harmony with the surrounding buildings and character of the street which consists of a variety of one and two storey dwellings, dual occupancies and multi dwelling housing development. The area is characterised by a mixture of low density residential developments. The scale of the development as viewed from the street is comparable to other developments in the locality, as outlined above, consistent with the low density residential zoning of the area.

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

Access, Transport and Traffic:

The design and configuration of the vehicular access and car parking arrangements is considered to be acceptable.

Public Domain:

The development is not expected to have adverse impact on the public domain. The form of the building is acceptable with regard to the current and desired future character of the area.

Utilities:

The site is currently serviced and minor augmentation of utilities to service the proposed development is expected. Conditions are recommended for imposition in this regard.

Heritage:

The proposed development is located opposite heritage item no. 6171 – Thirroul Beach Reserve – The Esplanade which is an item of local heritage significance pursuant to Schedule 5 of WLEP 2009. The application is not expected to have adverse impacts on this heritage item by virtue of its spatial disposition from the item and the nature of the item being predominately an open grassed area opposite. Council's Heritage Officer has also reviewed the original application submission and raised no objection to the overall nature of the proposed detached dual occupancy. As such, it is considered that no adverse impact to the heritage item will occur as a result of the proposed development.

Other land resources:

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

Water:

Supply/ consumption – the site is connected to the reticulated water and sewerage system and some augmentation will be required.

Water quality impacts – with the implementation of appropriate soil and water management during construction, it is expected that water quality of downstream watercourses will not be affected.

Soils:

With the implementation of appropriate soil and water management during construction, it is expected that soil resources will not be compromised during the course of construction activities.

Air and Microclimate:

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

Flora and Fauna:

The proposed development will not have significant impacts on local flora and fauna. There is no vegetation removal proposed or required. The proposal includes a landscape plan that makes provision for deep soil planting and other landscaping on site that will offer habitat opportunities within the subject site.

Waste:

Construction waste can be managed via the imposition of appropriate conditions. Bins can be stored in an appropriate location and will be collected from the street frontage.

Energy:

The proposal is not expected to involve unreasonable energy consumption subject to the implementation of the measures identified in the BASIX certificate.

Noise and vibration:

A condition is to be imposed that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

There are no known site constraints that would preclude development of the site.

Technological hazards:

There are no known hazards.

Safety, Security and Crime Prevention:

The development is not expected to give rise to increased opportunities for criminal and/ or antisocial behaviour.

Social Impact:

There are not expected to be adverse social impacts arising from the proposed development.

Economic Impact:

There are not expected to be adverse economic impacts arising from the proposed development.

Site Design and Internal Design:

The site design, car parking and manoeuvring arrangements proposed are acceptable. All other aspects of the proposal are compliant with applicable controls. The application does not result in any departures from development standards or variations to Council's development control plans.

Construction:

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

Construction impacts have the potential to impact on the amenity of the neighbourhood. Conditions are imposed in relation to hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have negative cumulative impacts.

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

Refer to discussion above in Section 1.5 of this report.

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

The application is not expected to have unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area is satisfactory with regard to the applicable planning controls. The proposal is considered to be in the public interest.

3 CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies discussed in this report, Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development is permissible with consent and is consistent with the zone objectives and the provisions of applicable planning controls.

The social, environmental and economic impacts of the development have been assessed and no concerns are raised. Internal referrals were satisfactory. It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

4 RECOMMENDATION

DA-2021/1286 be approved subject to the conditions at Attachment 6.

5 ATTACHMENTS

- 1 Plans
- 2 Site photos
- 3 WDCP 2009 compliance table

- 4 Applicant View Analysis (SEE) and additional view information
- 5 Council's View impact assessment
- 6 Draft Conditions

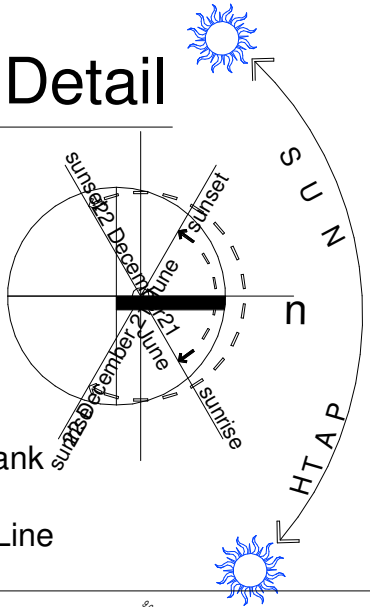
Gross Floor Area		
Name	Area	Comments
U1 Alfresco	25 m²	Unit 1
U1 Balcony	27 m²	Unit 1
U1 First Floor	86 m²	Unit 1
U1 Garage	43 m²	Unit 1
U1 Ground Floor	85 m²	Unit 1
	267 m²	
U2 Alfresco	30 m²	Unit 2
U2 Balcony	36 m²	Unit 2
U2 First Floor	95 m²	Unit 2
U2 Garage	42 m²	Unit 2
U2 Ground Floor	98 m²	Unit 2
U2 Patio	6 m²	Unit 2
	306 m²	
	574 m²	

Roof Schedule			
Type	Area	Comments	
Dweling 1 Colorbond Roof	184 m²		
Dweling 2 Colorbond Roof	206 m²		
	390 m²		

2

Front & Secondary Fence Detail

1 : 100



FSR Calculations

Site Area: 697m2

U1 Areas

Ground Floor Area: 78m2

First Floor Area: 75m2

Garage Area: 39m2

Total Area: 192m2

U2 Areas

Ground Floor Area: 89m2

First Floor Area: 86m2

Garage Area: 37m2

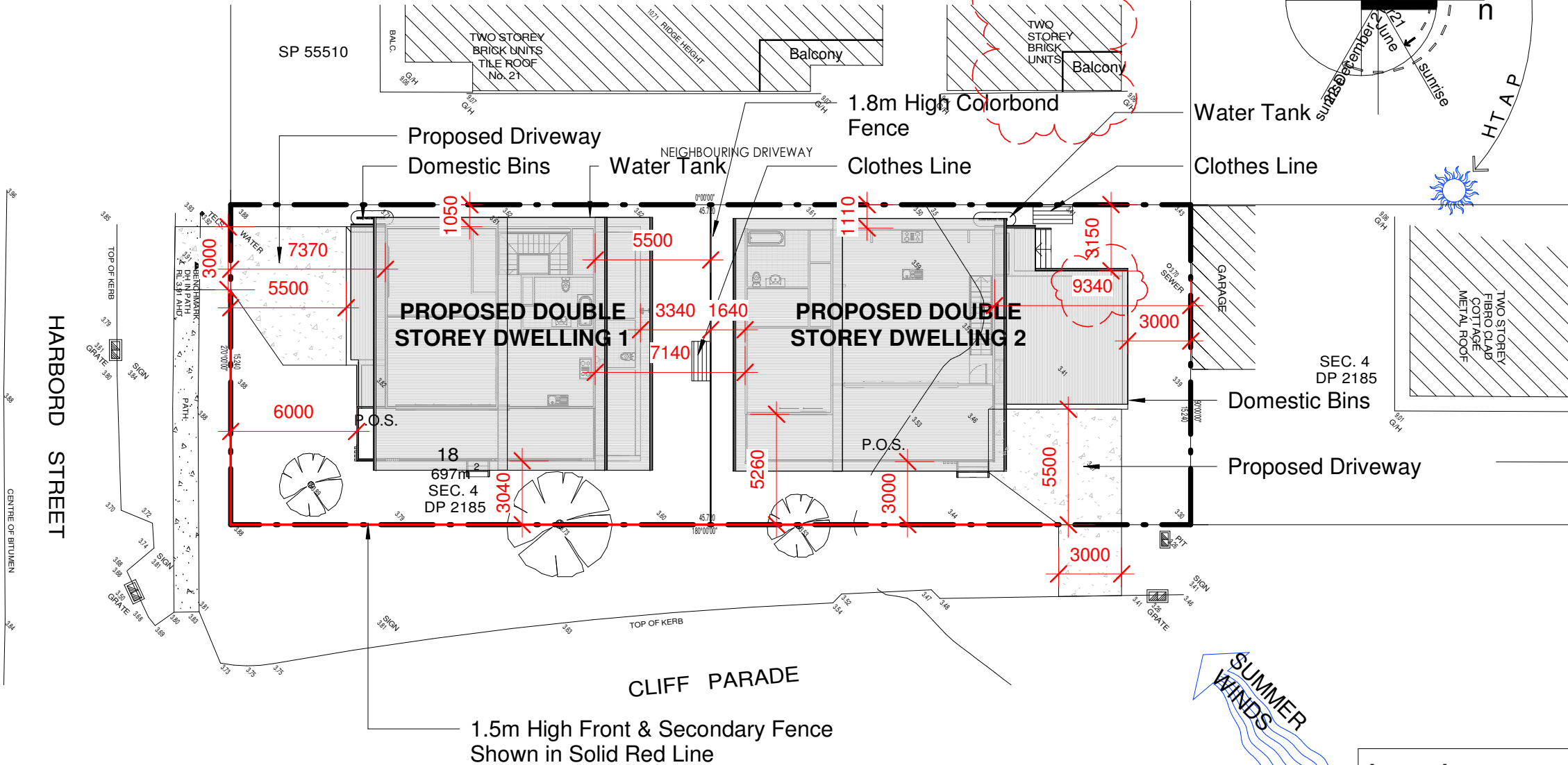
Total Area: 212m2

Total Floor Area: 404m2

-Less Garage Allowance: -72m2

Total Gross Floor Area: 332m2

FSR%: 48%



1

Site Analysis Plan

1 : 250

Legend

Revision

1. THIS PLAN IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONSULTANTS AND STATUTORY PLANS.
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Issue: A Date: 19.10.21

A: Development Application

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SUITE 3/108 RAILWAY STREET,
CORRIMAL NSW 2518
MOB:0422206243

Email:ozzy@ocinnovativedesigns.com.au

Project:
DEMOLITION OF EXISTING
DWELLING, PROPOSED DUAL
OCCUPANCY & TORRENS TITLE
SUBDIVISION

Project number: 20210030

Project Address:
23 HARBORD STREET,
THIRROUL LOT 18 SEC 4 in
DP 2185

Issue: A

Drawn By: O.CAYLAK

Client Name: JPC

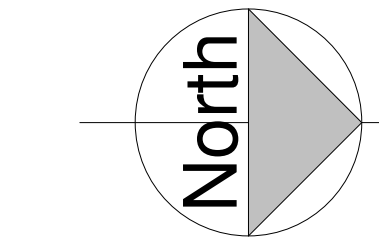
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Date: 27/10/2022

Scale: As indicated

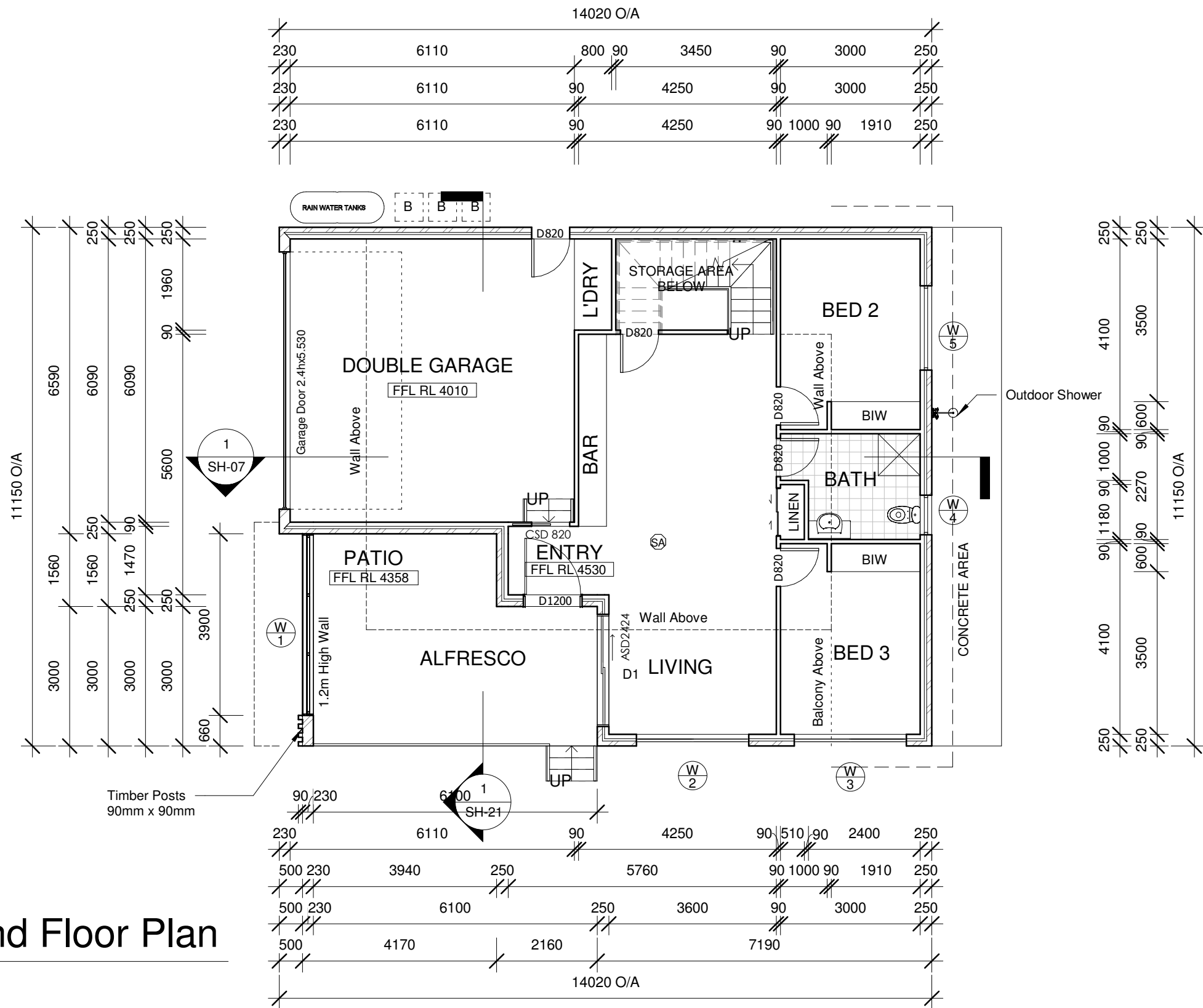
Sheet: SH-02 of 21

DEVELOPMENT APPLICATION



Unit 1 Ground Floor Plan

1 : 100



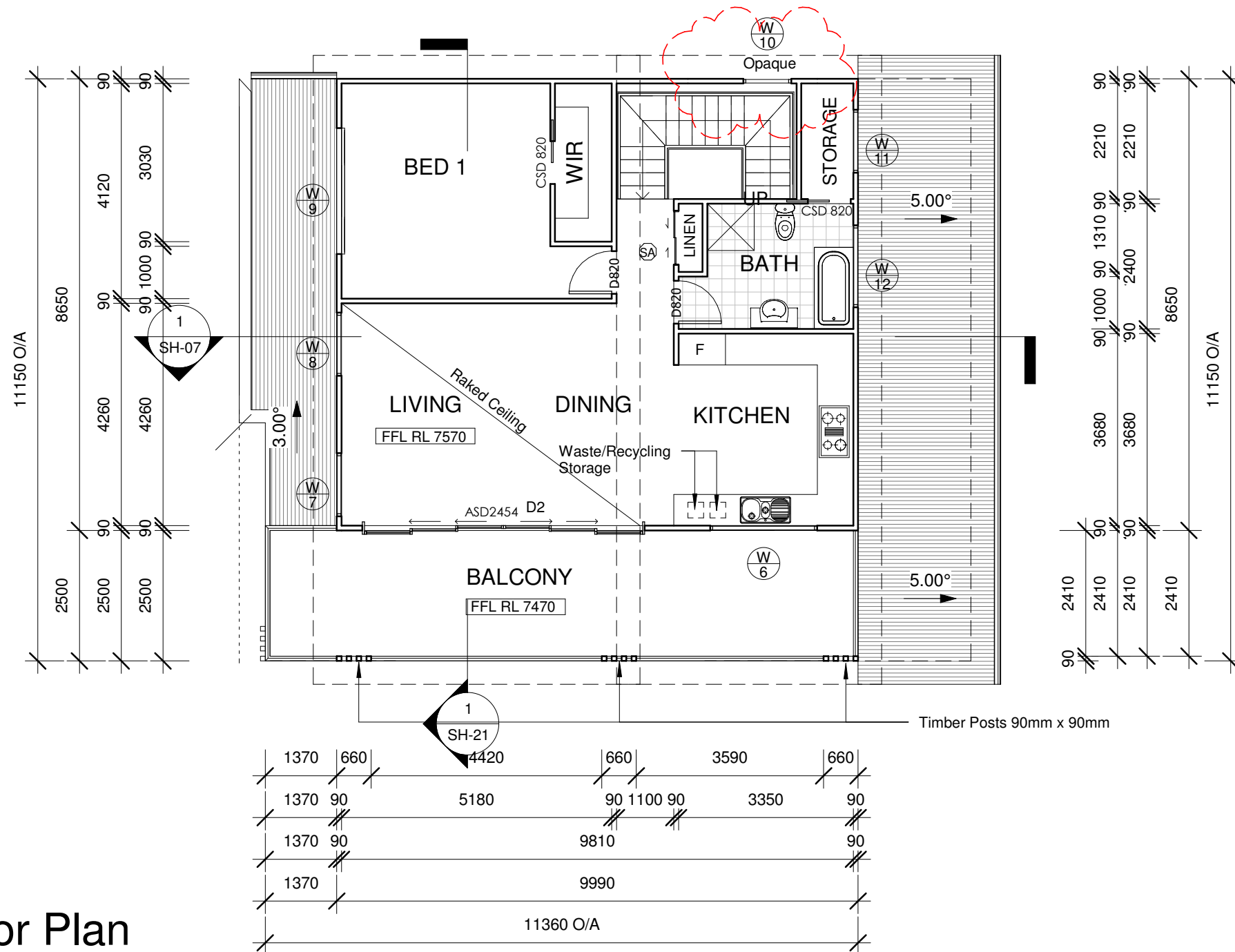
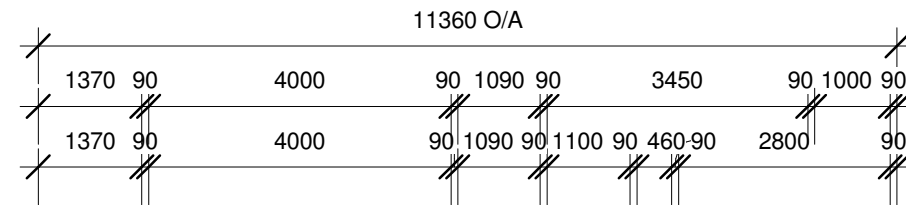
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	Issue: A	Date: 27/10/2022
	Drawn By: O.CAYLAK	Scale: 1 : 100
Project number: 20210030	Client Name: JPC	Sheet: SH-03 of 21

DEVELOPMENT APPLICATION



North

1

Unit 1 First Floor Plan

1 : 100

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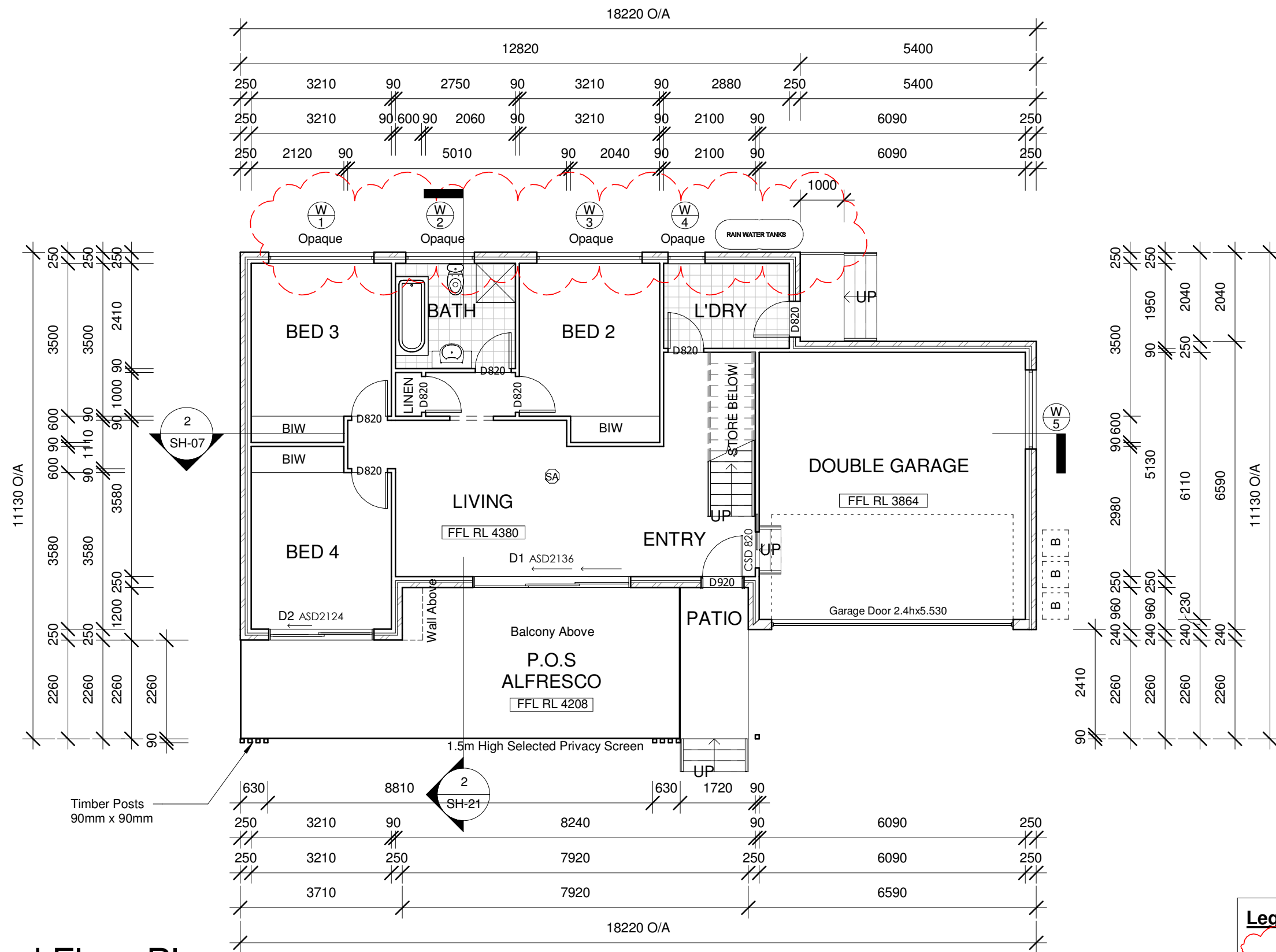
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MOB:0422206243
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SUBDIVISION

Project Address:
23 HARBORD STREET,
THIRROUL LOT 18 SEC 4 in
DP 2185

Issue:	A	Date:
Drawn By:	O.CAYLAK	27/10/2022
Client Name:	JPC	Scale: 1 : 100
Project number:	20210030	Sheet: SH-04 of 21

DEVELOPMENT APPLICATION



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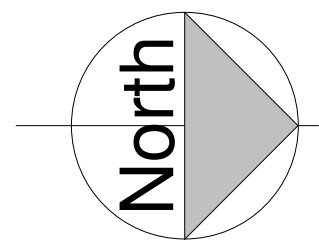


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Project number:	20210030

Project Address:	23 HARBORD STREET, THIRROUL LOT 18 SEC 4 in DP 2185
Issue:	A
Drawn By:	Author
Client Name:	JPC

Sheet Name:	Unit 2 Ground Floor Plan
Date:	27/10/2022
Scale:	1 : 100
Sheet:	SH-05 of 21

DEVELOPMENT APPLICATION



1

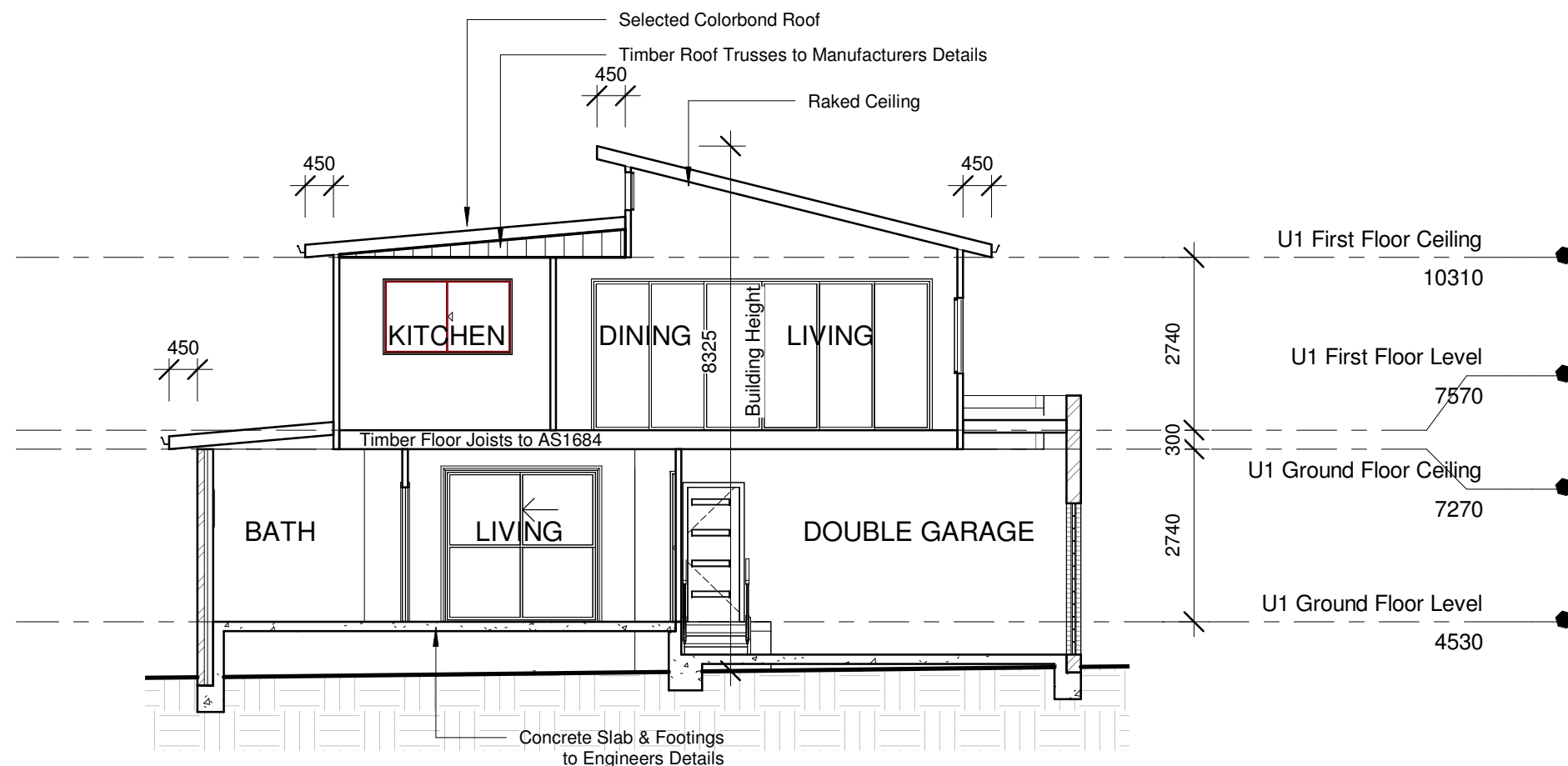
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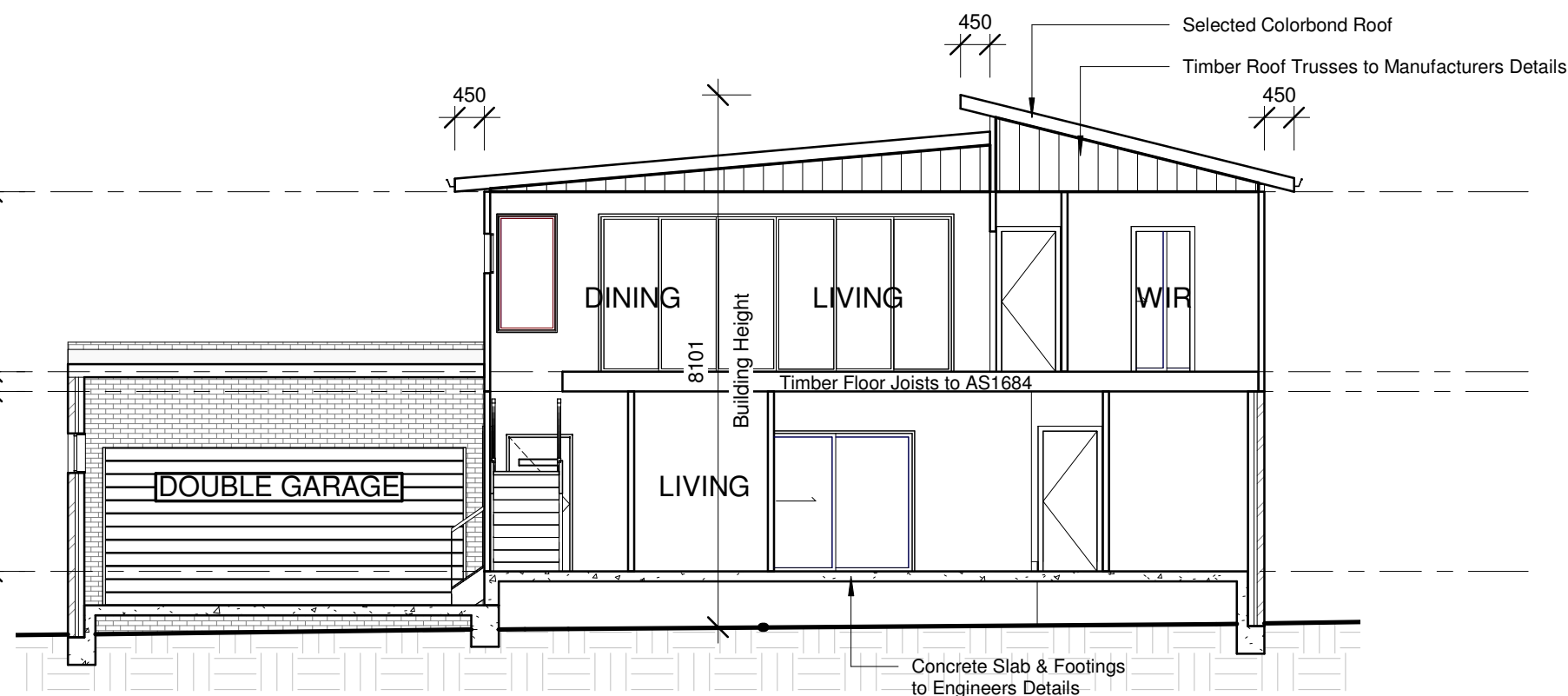


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DEVELOPMENT APPLICATION



1 U1 Section
1 : 100



2 U2 Section
1 : 100

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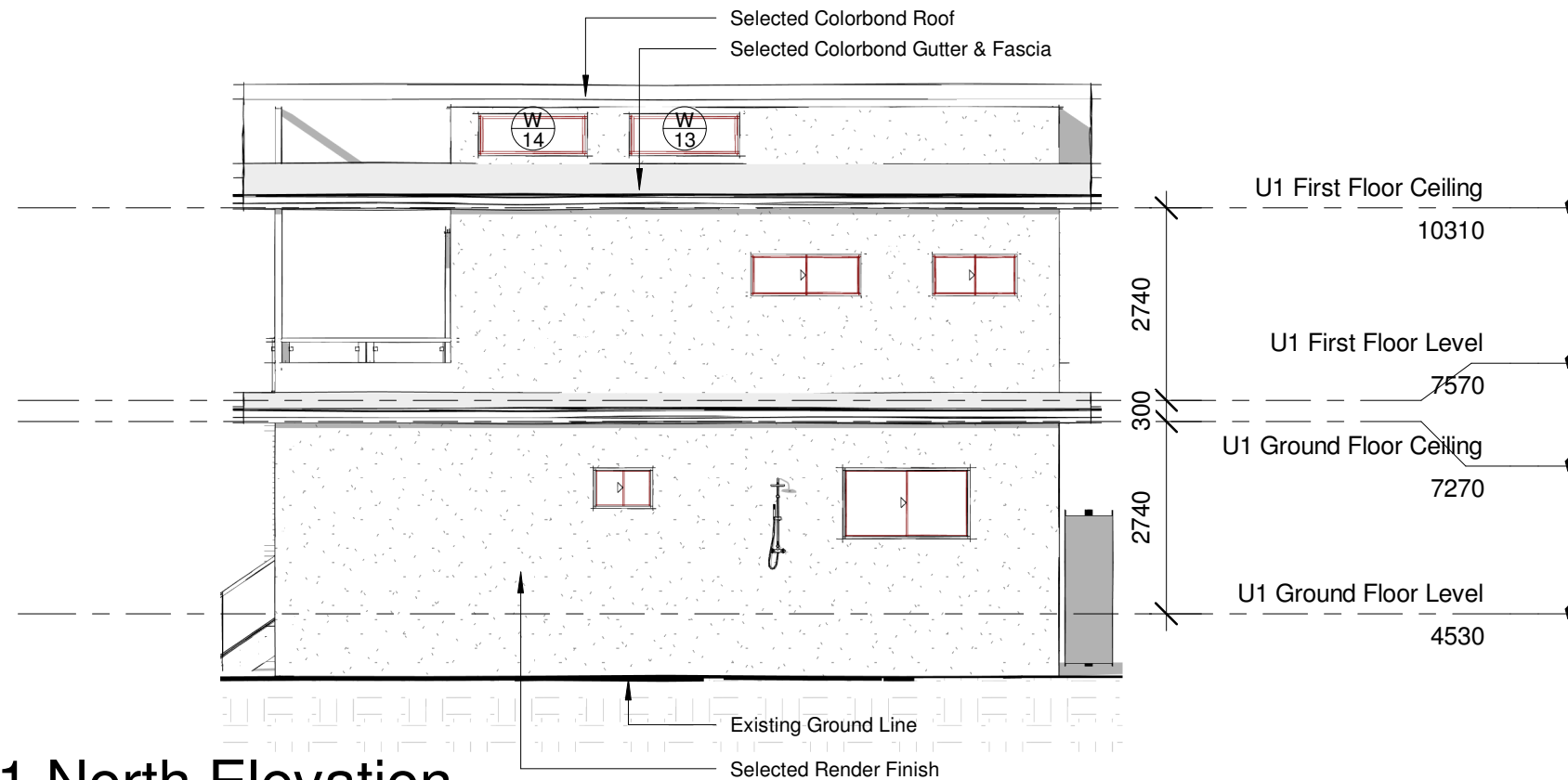
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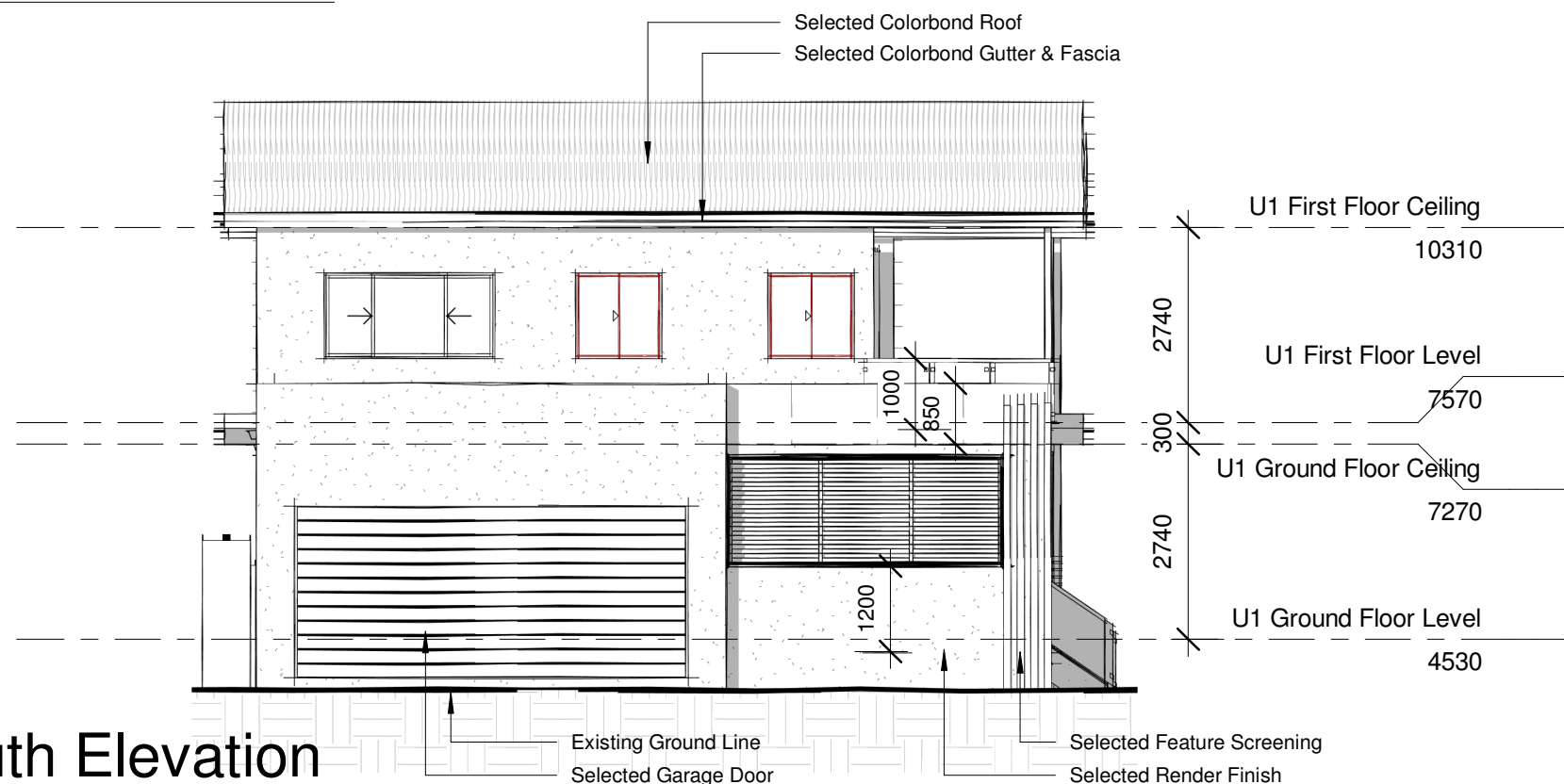
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	Issue:	A	Date:	27/10/2022
	Drawn By:	O.CAYLAK	Scale:	1 : 100
Project number:	20210030	Client Name:	JPC	Sheet: SH-07 of 21

DEVELOPMENT APPLICATION



1 U1 North Elevation
1 : 100



2 U1 South Elevation
1 : 100

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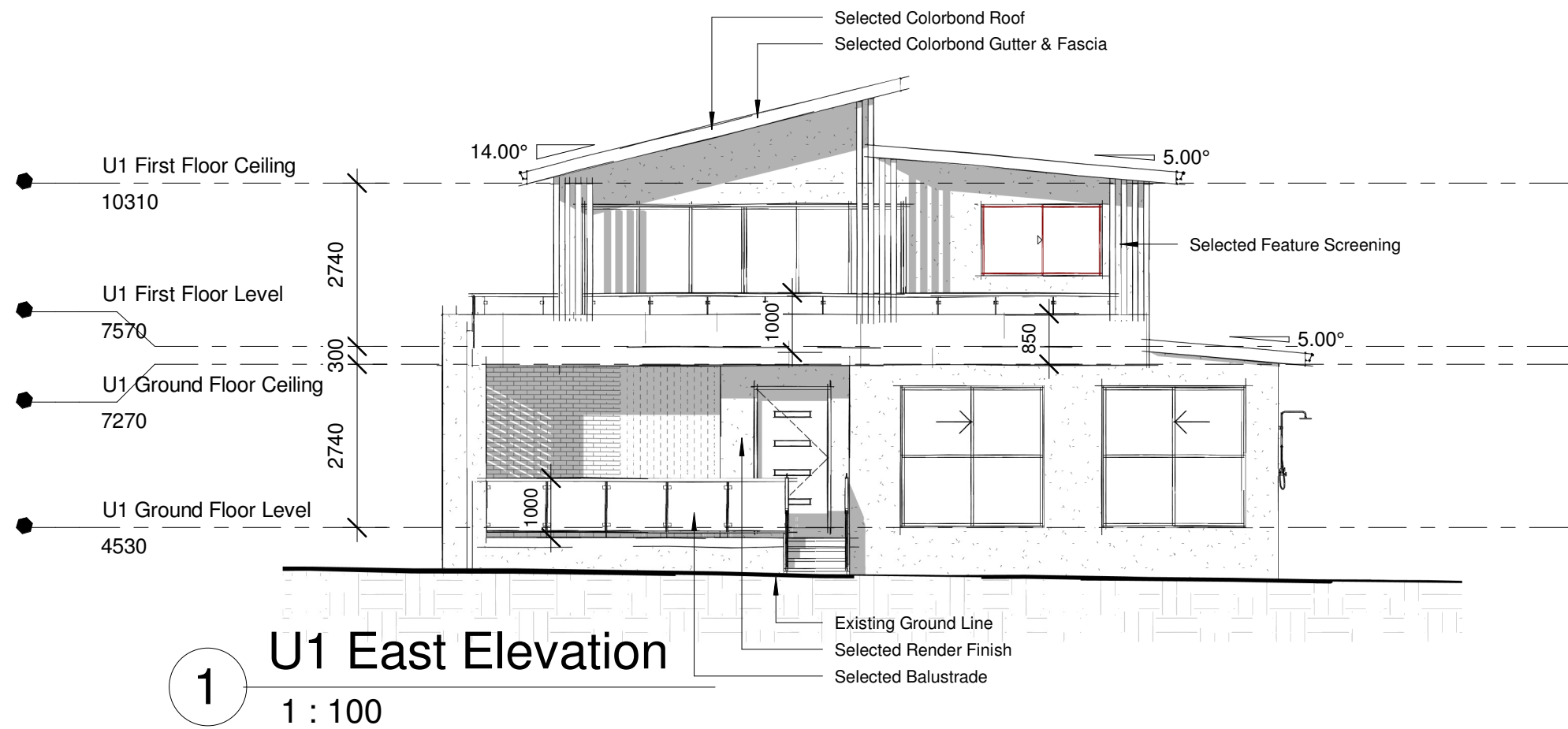
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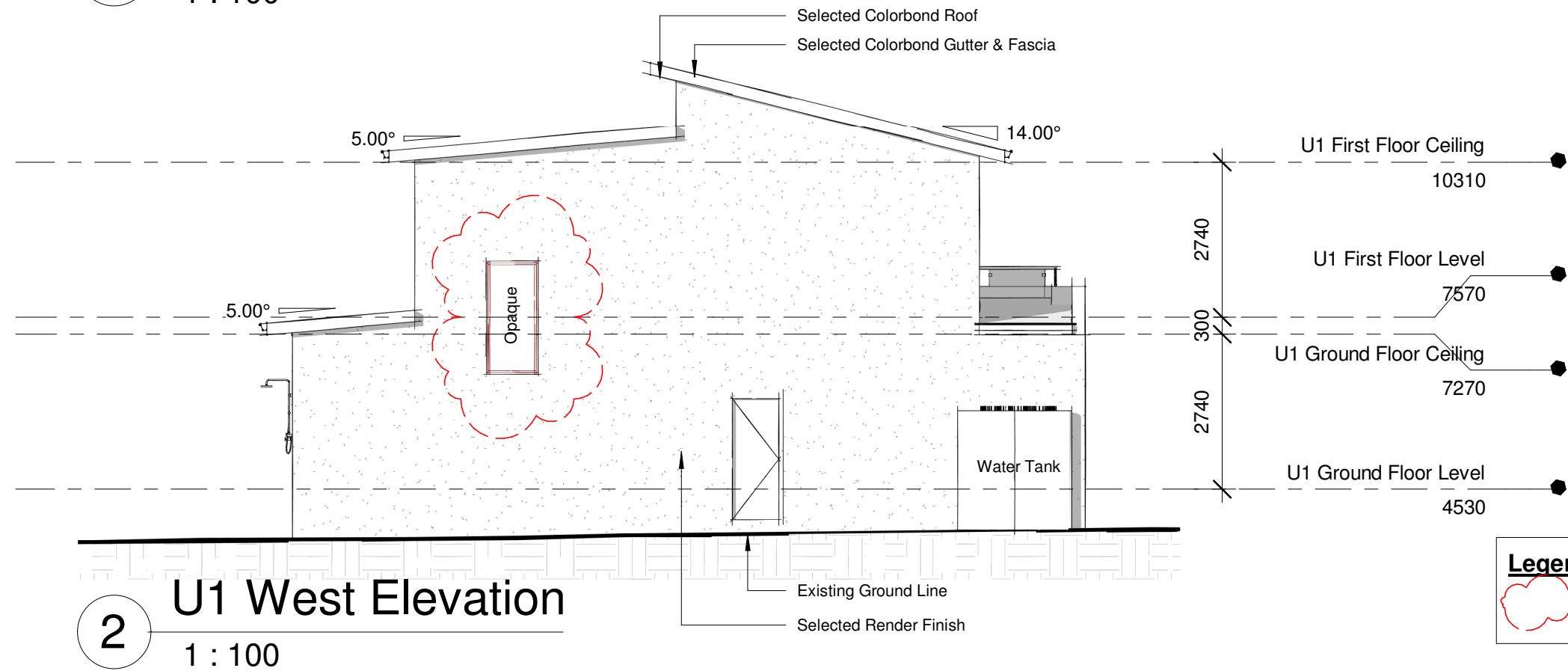
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THIRROUL LOT 18 SEC 4 in
DP 2185

Issue:	A	Date:	27/10/2022
Drawn By:	O.CAYLAK	Scale:	1 : 100
Client Name:	JPC	Sheet:	SH-08 of 21

DEVELOPMENT APPLICATION



1 U1 East Elevation
1 : 100



2 U1 West Elevation
1 : 100

Legend
Revision

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Project number: 20210030

Project Address:
23 HARBORD STREET,
THIRROUL LOT 18 SEC 4 in
DP 2185

Issue: A

Drawn By: O.CAYLAK

Client Name: JPC

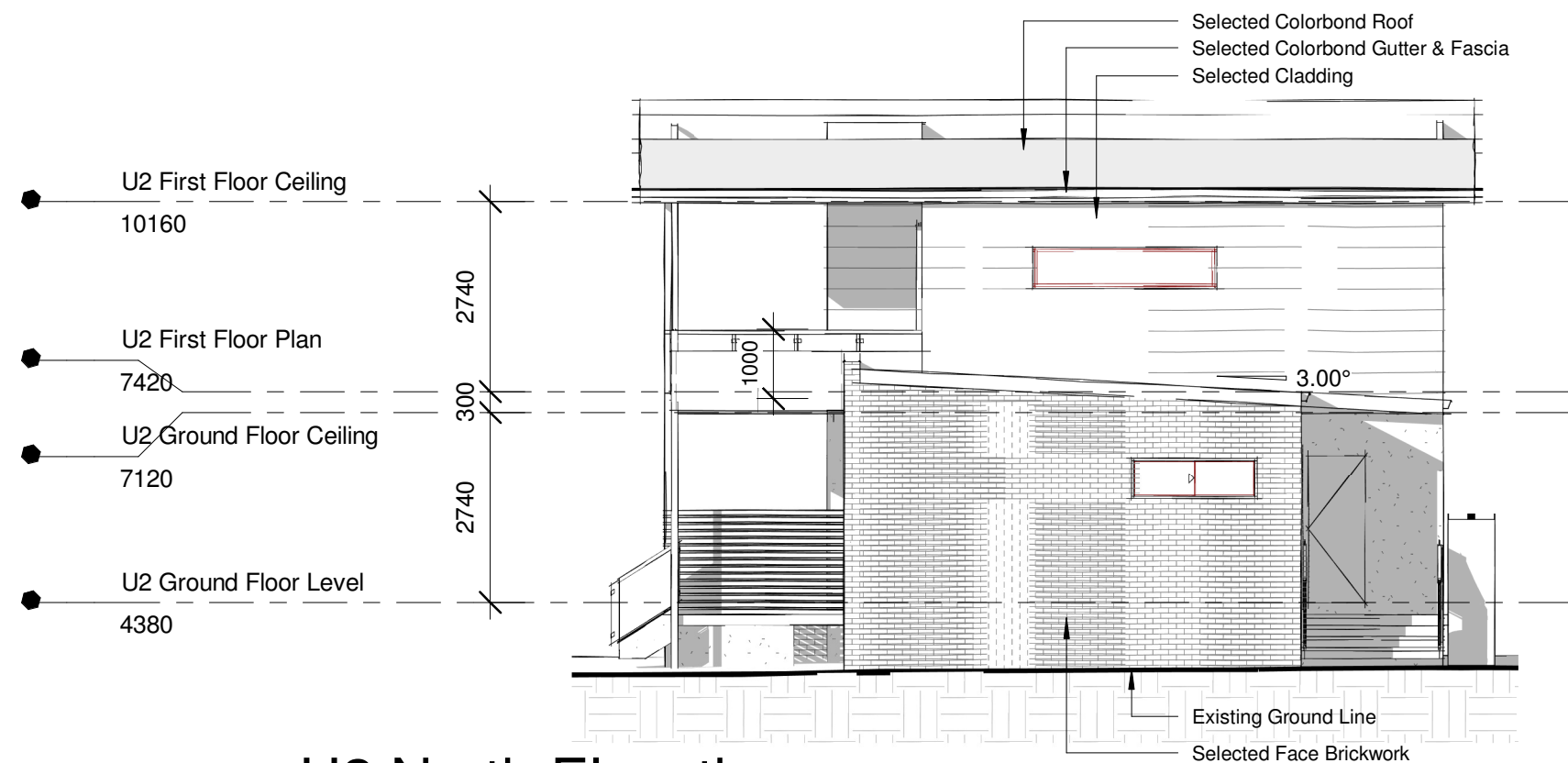
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Date: 27/10/2022

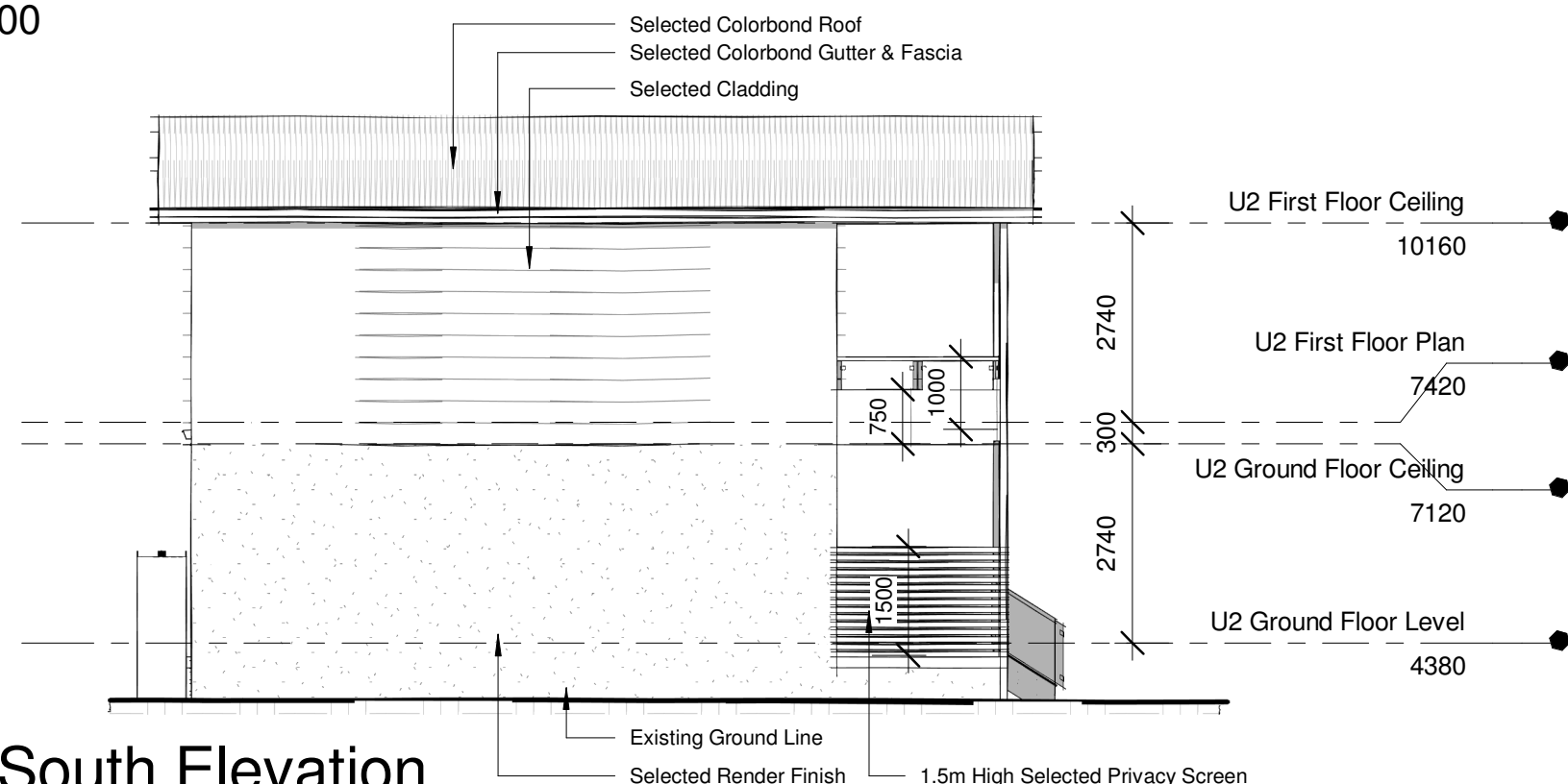
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DEVELOPMENT APPLICATION



1 U2 North Elevation
1 : 100



2 U2 South Elevation
1 : 100

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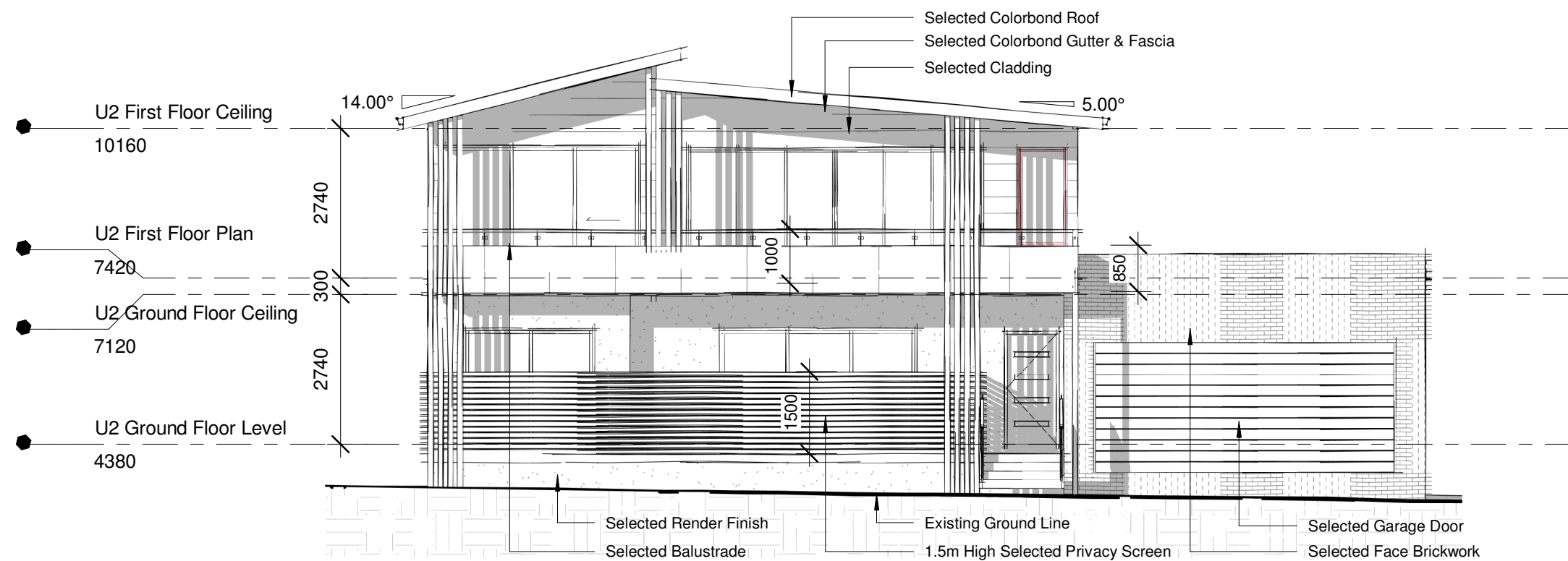
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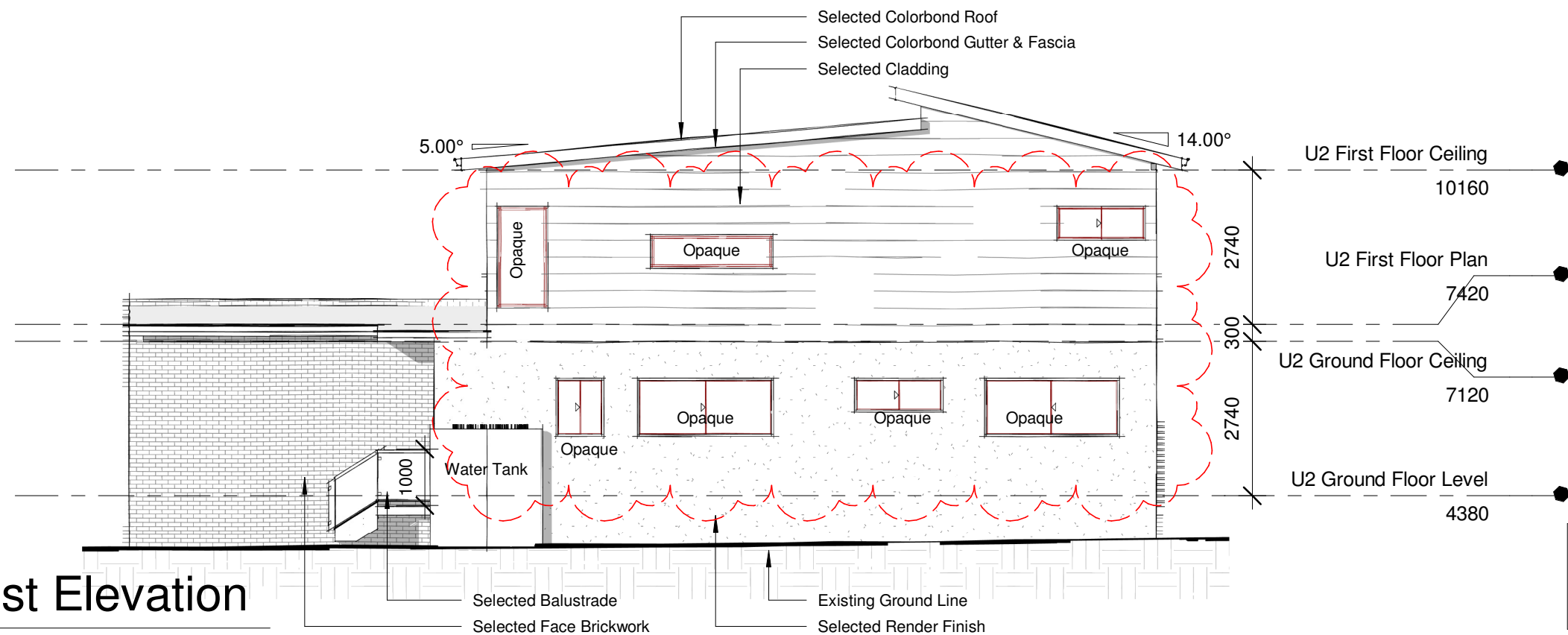
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Issue:	A
Drawn By:	O.CAYLAK
Client Name:	JPC

Sheet Name: U2 North & South Elevations	
Date:	27/10/2022
Scale:	1 : 100
Sheet:	SH-10 of 21

DEVELOPMENT APPLICATION



1 U2 East Elevation
1 : 100



2 U2 West Elevation
1 : 100

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DP 2185

Issue: A

Drawn By: O.CAYLAK

Client Name: JPC

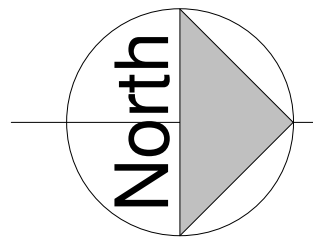
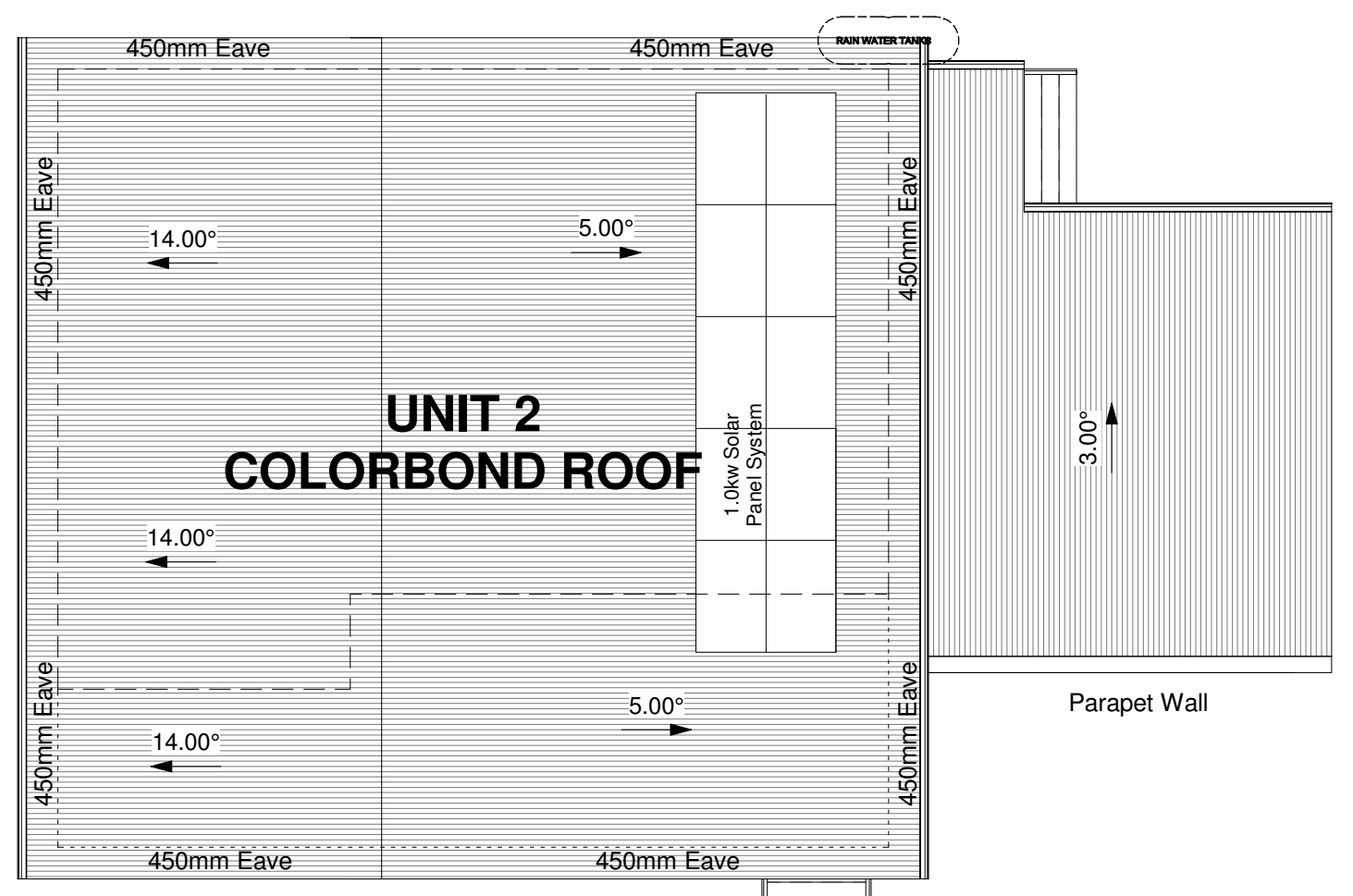
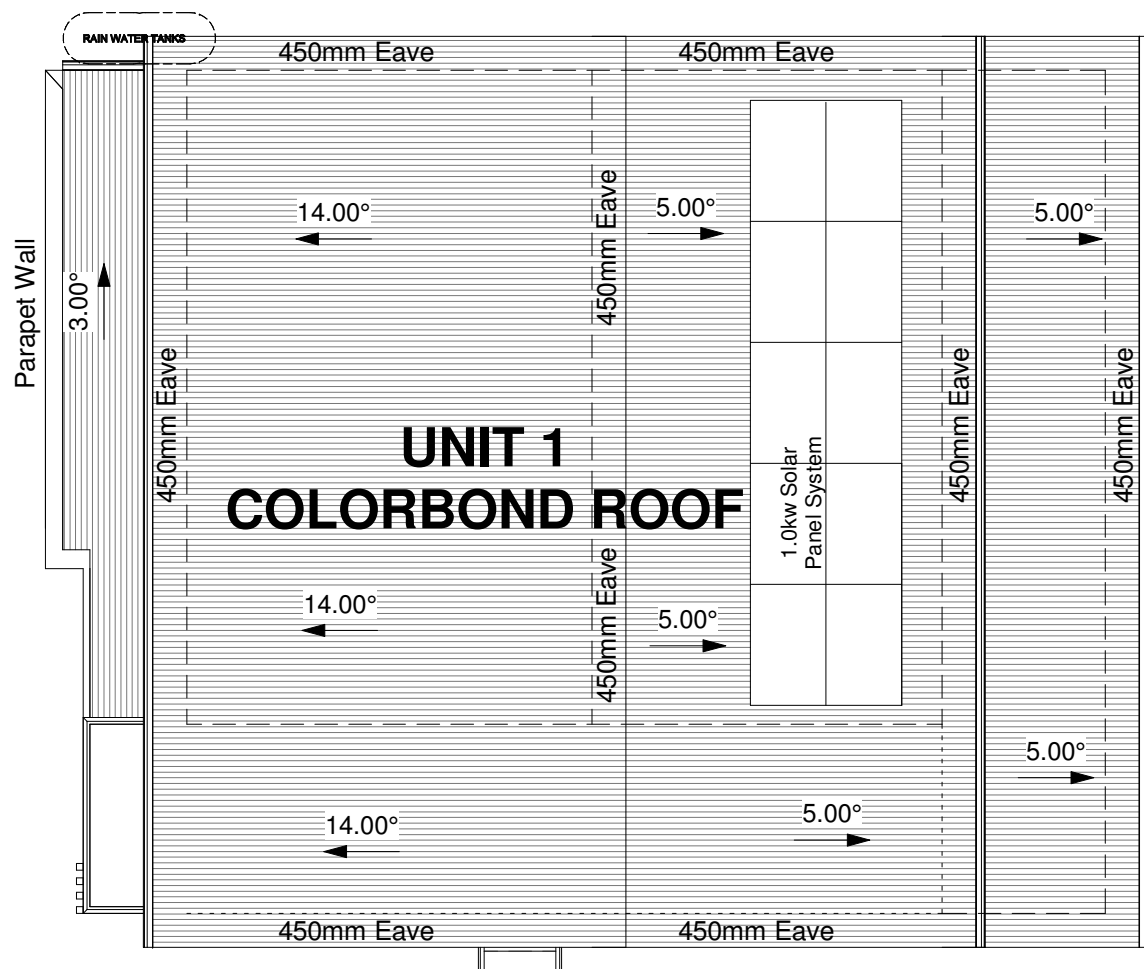
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U2 East & West Elevations

Date: 27/10/2022

Scale: 1 : 100

Sheet: SH-11 of 21

DEVELOPMENT APPLICATION



1 U1 & U2 Roof Plan
1 : 100

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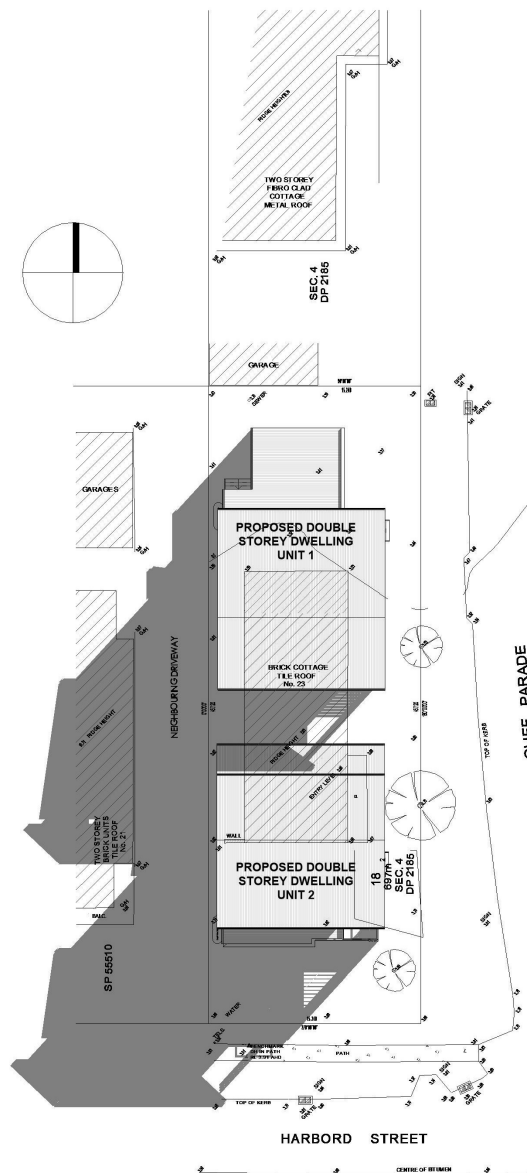
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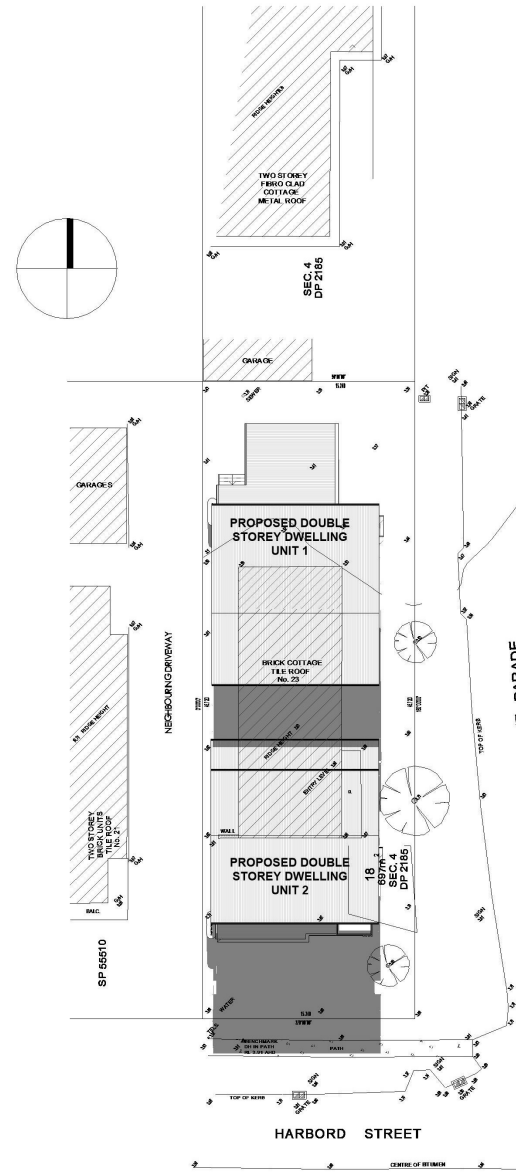


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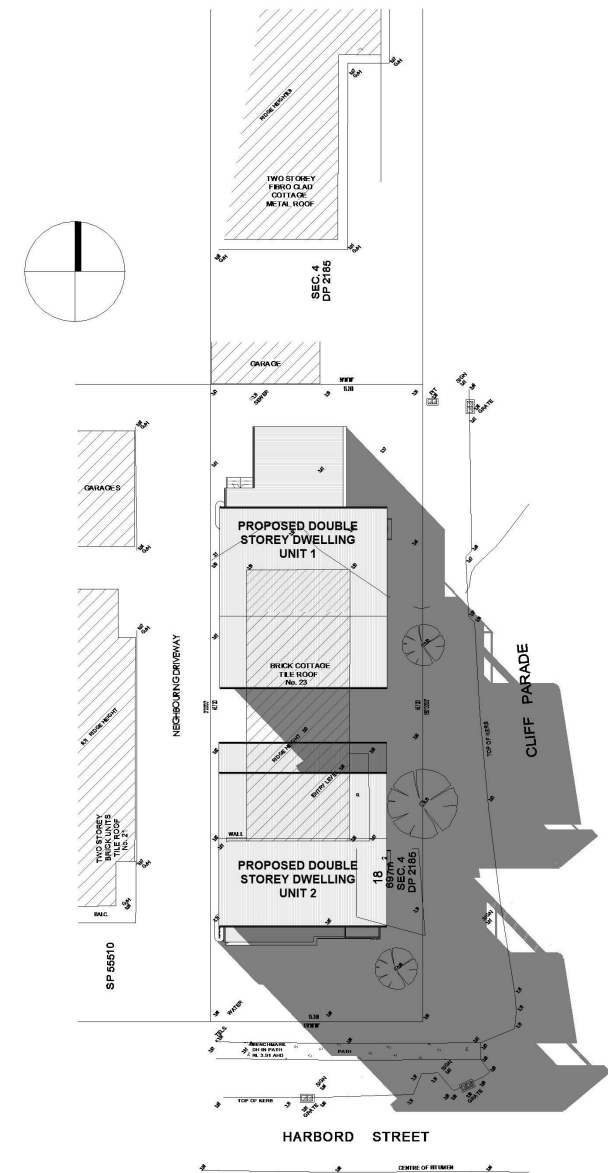
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	Issue:		A	Date: 27/10/2022
	Drawn By:		O.CAYLAK	Scale: 1 : 100
Project number:	20210030	Client Name:	JPC	Sheet: SH-12 of 21
DEVELOPMENT APPLICATION				



9am 21 June



12pm 21 June



3pm 21 June

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CORRIMAL NSW 2518
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Email:ozzy@ocinnovativedesigns.com.au

Project:
DEMOLITION OF EXISTING
DWELLING, PROPOSED DUAL
OCCUPANCY & TORRENS TITLE
SUBDIVISION

Project number: 20210030

Project Address:
23 HARBORD STREET,
THIRROUL LOT 18 SEC 4 in
DP 2185

Issue: A

Drawn By: O.CAYLAK

Client Name: JPC

Sheet Name:
Shadow Diagrams

Date: 27/10/2022

Scale:

Sheet: SH-13 of 21

DEVELOPMENT APPLICATION

A circle is divided into four equal quadrants by a vertical line and a horizontal line intersecting at the center. The bottom-right quadrant is shaded black, representing 1/4 of the circle.



1 : 200

Issue:	Checker	Date:
A: Development Application		19.10.21



Project: DEMOLITION OF EXISTING DWELLING, PROPOSED DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION	
Project number:	20210030
<div style="text-align: right;"> DEVELOPER: [Redacted] </div>	

Sheet Name: Demolition Plan	
Date:	27/10/2022
Scale:	1 : 200
Sheet:	SH-14 of 21

DEVELOPMENT APPLICATION

FSR Calculations

LOT 1 Site Area: 348.5m2

U1 Areas

Total Floor Area: 192m2
-Less Garage Allowance: -36m2

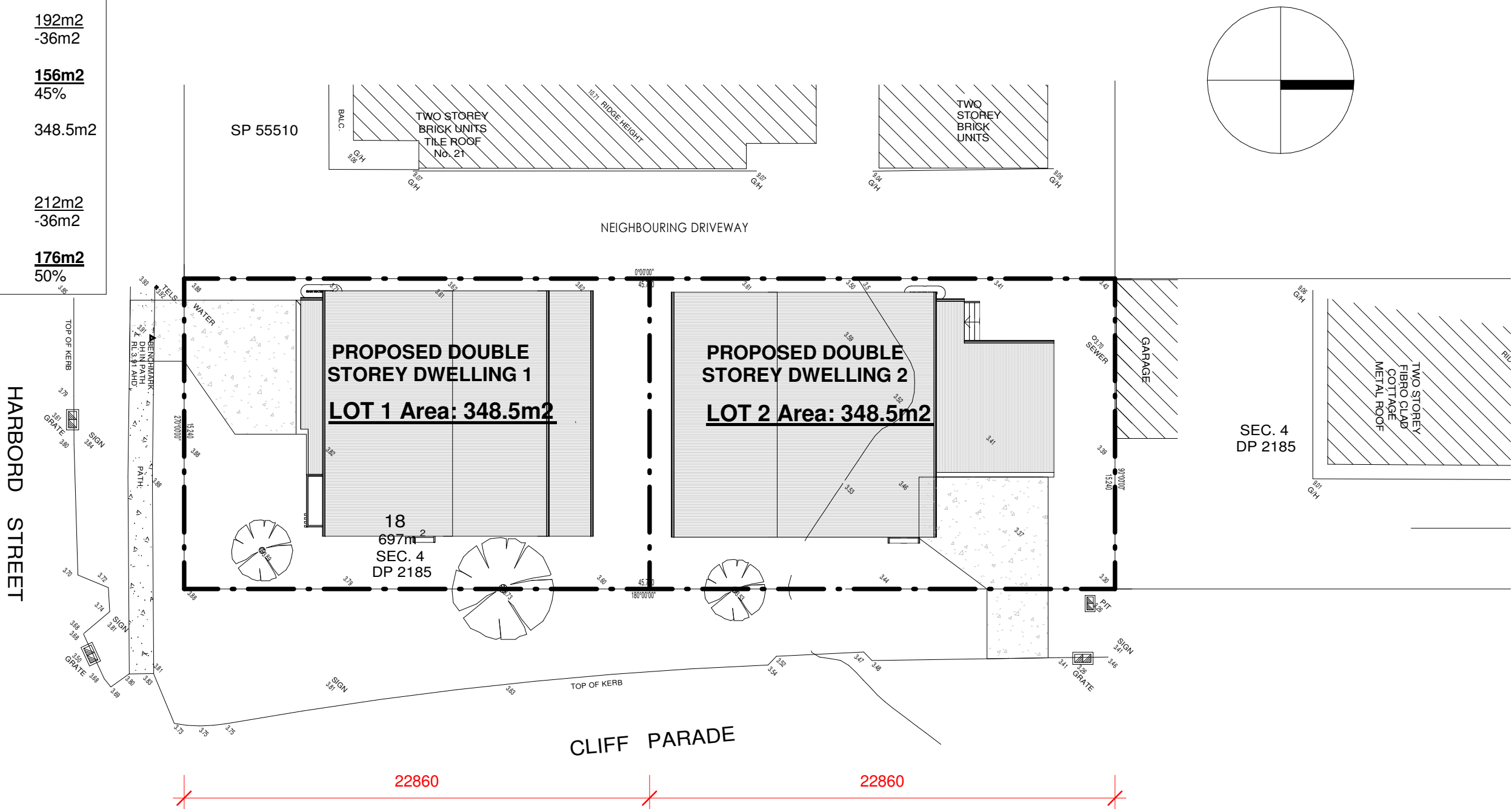
Total Gross Floor Area: 156m2
FSR%: 45%

LOT 2 Site Area: 348.5m2

U2 Areas

Total Floor Area: 212m2
-Less Garage Allowance: -36m2

Total Gross Floor Area: 176m2
FSR%: 50%



1

Torrens Title Subdivision Plan

1 : 225

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Issue: A Date: 19.10.21

A: Development Application



BUILDING DESIGNERS
ASSOCIATION OF AUSTRALIA



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Issue: A

Drawn By: O.CAYLAK

Client Name: JPC

Sheet Name:
Torrens Title Subdivision Plan

Date: 27/10/2022

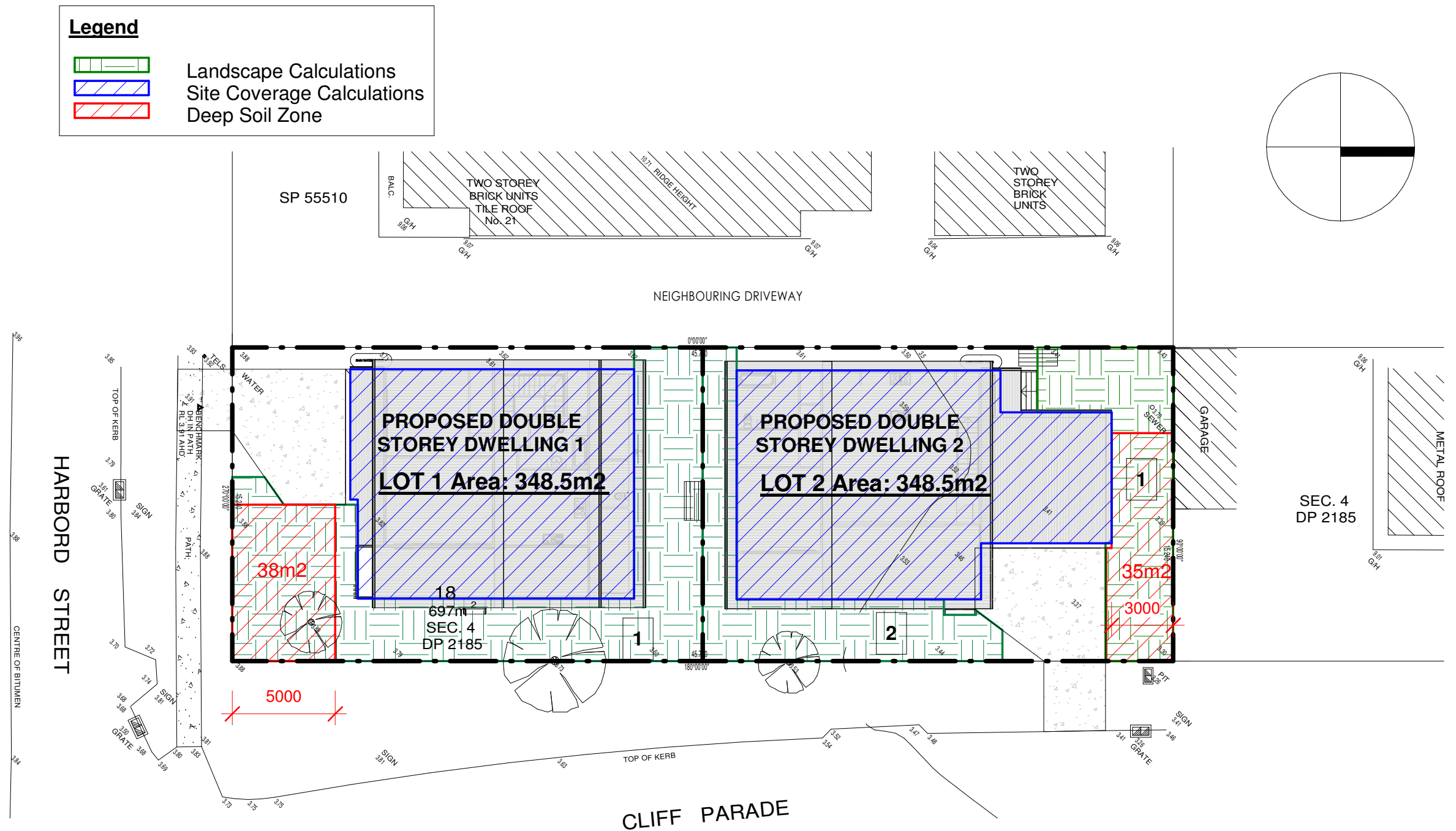
Scale: 1 : 225

Sheet: SH-15 of 21

DEVELOPMENT APPLICATION

LOT 1 Site Area:	348.5m²
20% equals: =	70m ²
50%/ Deep Soil	
Zone>equals:=	35m ²
Landscape Area Calculated (20%).	
Area 1: =	141m ²
Total Landscape Area:	141m²
Landscape Area Behind building line (50%).	
Area 2: =	92m ²
LOT 2 Site Area:	348.5m²
20% equals: =	70m ²
50%/ Deep Soil	
Zone>equals:=	35m ²
Landscape Area Calculated (20%).	
Area 1: =	59m ²
Area 2: =	61m ²
Total Landscape Area:	120m²
Landscape Area Behind building line (50%).	
Area 2: =	69m ²
Therefore the Landscape Area Complies	

LOT 1 Area:	348.5m2
55% equals: = Site Coverage	192m2
Calculated:	152m2(44%)
LOT 2 Area:	348.5m2
55% equals: = Site Coverage	192m2
Calculated:	174m2(50%)
Therefore the Site Coverage Complies	



1 Landscape & Site Coverage Plan

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Project: DEMOLITION OF EXISTING DWELLING, PROPOSED DUAL OCCUPANCY & TORRENS TITLE SUBDIVISION	Project Address: 23 HARBORD STREET, THIRROUL LOT 18 SEC 4 in DP 2185	Sheet Name: Landscape & Site Coverage Plan
	Issue: A	Date: 27/10/2022
	Drawn By: O.CAYLAK	Scale: 1 : 225
Project number: 20210030	Client Name: JPC	Sheet: SH-16 of 21
DEVELOPMENT APPLICATION		



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Issue:	A	Date:	27/10/2022
Drawn By:	O.CAYLAK	Scale:	
Client Name:	JPC	Sheet:	SH-17 of 21

DEVELOPMENT APPLICATION

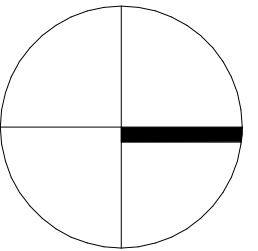
-SEDIMENT FABRIC SUCH AS TERRAAM 100, POLFELT TS 500, BIDIM U24, GEOFAB, ENVIROFENCE OR EQUIVALENT TO BE PROVIDED ON ALL BOUNDARIES AS REQUIRED.

-THE LOWER END OF THE FABRIC AND MESH TO BE EMBEDDED 200MM INTO THE GROUND.

-GENERALLY FOLLOW THE CONTOUR OF THE LAND.

- POSTS HOLDING THE MESH ARE EITHER STEEL Y OR U TYPE OR 45-50MM HARDWOOD 900-1200MM LONG POSTS. THESE ARE TO BE SPACED 2-3M APART.

-TEMPORARY BARRIERS CONSTRUCTED FROM TIMBER, SYNTHETIC FABRICS, JUTE, STRAW BALES, BRUSH OR SIMILAR MATERIALS CAN BE USED TO CONTROL AIR CURRENTS AND BLOWING SOIL. THEY SHOULD BE PLACED AT RIGHT ANGLES TO THE PREVAILING WIND AND SPACED AT INTERVALS EQUIVALENT TO ABOUT 15 TIMES THEIR HEIGHT.



1

1 : 225

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	<div>A: Development Application</div>	<div>19.10.21</div>			<div>Issue:</div> <div>A</div>	<div>Date:</div> <div>27/10/2022</div>	
					<div>Drawn By:</div> <div>O.CAYLAK</div>	<div>Scale:</div> <div>1 : 225</div>	
	<div>Project number:</div> <div>20210030</div>	<div>Client Name:</div> <div>JPC</div>			<div>Sheet:</div> <div>SH-19 of 21</div>		
	<div>DEVELOPMENT APPLICATION</div>						

BASIX Certificate Number: 1238882M

2. Commitments for single dwelling houses

Table with 4 columns: (i) Water, Show on DA plans, Show on CC/CDC plans & specs, Certifier check. Rows include commitments for water supply, hot water recirculation, and pool/spa requirements.

Table with 14 columns: Dwelling no., All shower-heads, All toilet flushing systems, All kitchen taps, All bathroom taps, HW recirculation or diversion, All clothes washers, All dish-washers, Volume (max volume), Pool cover, Pool location, Pool shaded, Volume (max volume), Spa cover, Spa shaded. Row for All dwellings with 4.5 star rating.

Table with 10 columns: Dwelling no., Alternative water supply systems, Size, Configuration, Landscape connection, Toilet connection (a), Laundry connection, Pool top-up, Spa top-up. Rows for Dwelling 1 and All other dwellings.

Table with 4 columns: (ii) Energy, Show on DA plans, Show on CC/CDC plans & specs, Certifier check. Rows include commitments for energy efficiency and ventilation.

Table with 4 columns: (ii) Energy, Show on DA plans, Show on CC/CDC plans & specs, Certifier check. Rows include commitments for cooling/heating systems, artificial lighting, natural lighting, and water heating systems.

Table with 8 columns: Hot water, Bathroom ventilation system, Kitchen ventilation system, Laundry ventilation system. Rows for Dwelling no. and All dwellings.

Table with 12 columns: Cooling, Heating, Artificial lighting, Natural lighting. Rows for Dwelling no. 1 and All other dwellings.

Table with 12 columns: Individual pool, Individual spa, Appliances & other efficiency measures. Rows for Dwelling no. and All dwellings.

Table with 2 columns: Alternative energy. Row for All dwellings with Photovoltaic system (min rated electrical output in peak kW) of 3.0.

Table with 4 columns: (iii) Thermal Comfort, Show on DA plans, Show on CC/CDC plans & specs, Certifier check. Rows include commitments for thermal comfort and insulation.

Table with 3 columns: Thermal loads. Rows for Dwelling no. 1 and All other dwellings.

Table with 6 columns: Construction of floors and walls. Rows for Dwelling no. 1 and All other dwellings.

3. Commitments for common areas and central systems/facilities for the development (non-building specific)

Table with 4 columns: (i) Water, Show on DA plans, Show on CC/CDC plans & specs, Certifier check. Rows include commitments for water supply and fire sprinkler systems.

Table with 5 columns: Common area, Showerheads rating, Toilets rating, Taps rating, Clothes washers rating. Row for All common areas.

Table with 4 columns: (ii) Energy, Show on DA plans, Show on CC/CDC plans & specs, Certifier check. Rows include commitments for energy efficiency and ventilation.

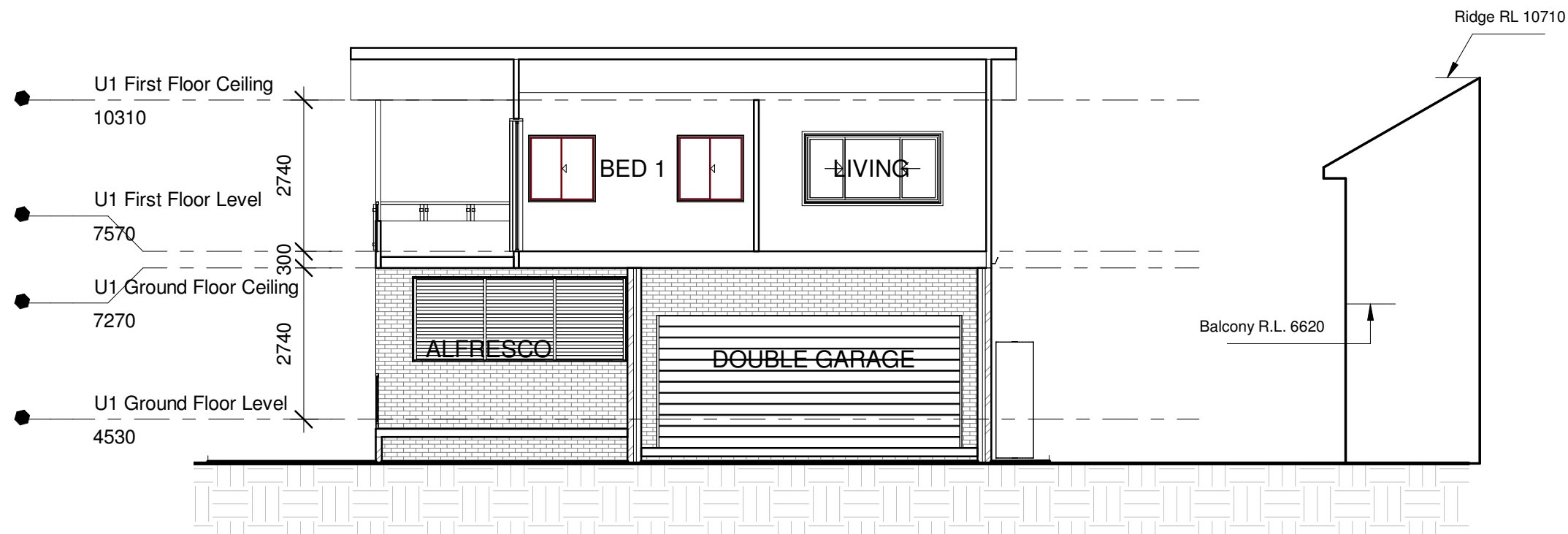
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Table with 3 columns: Issue, A, Date. Row for Development Application dated 19.10.21.

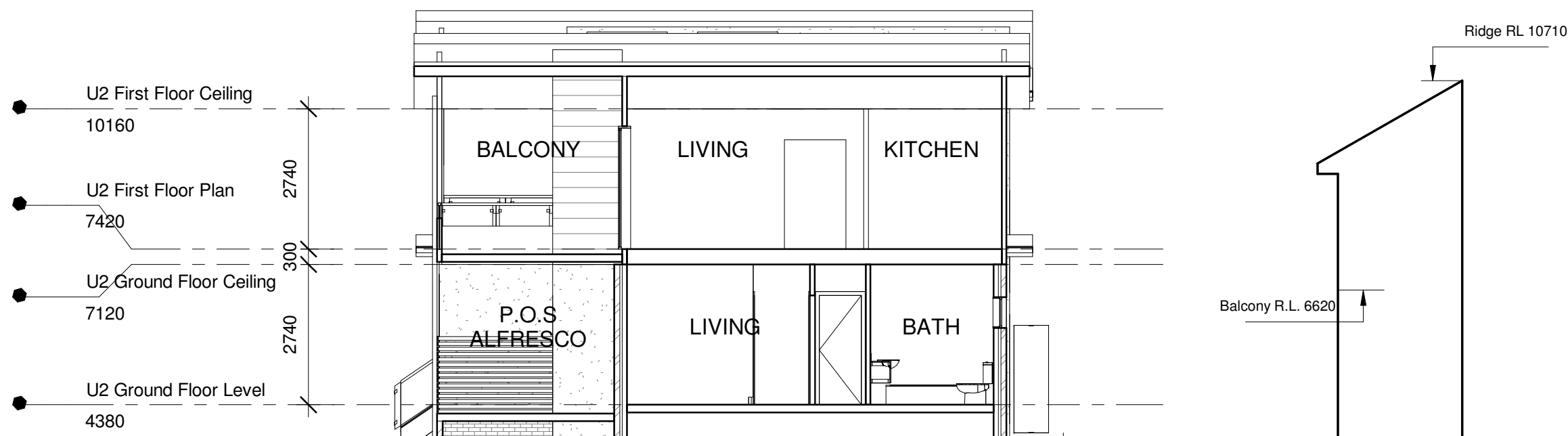
Logo for Building Designers Association of Australia (BDA) with text: BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA

Logo for O.C INNOVATIVE DESIGNS with address: SUITE 3/108 RAILWAY STREET, CORRIMAL NSW 2518, Email: ozzy@ocinnovativedesigns.com.au

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1 U1 Cross Section
1 : 100



2 U2 Cross Section
1 : 100

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Drawn By:	Author	Scale:	1 : 100
Client Name:	JPC	Sheet:	SH-21 of 21

DEVELOPMENT APPLICATION

Attachment 2 - Site Photos



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



Figure 8



Figure 9



Figure 10



Figure 11



Figure 12



Figure 13

Attachment 3 – Wollongong DCP 2009 Assessment

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.1 Maximum Number of Storeys		
Maximum height of 9m – a maximum of 2 storeys <ul style="list-style-type: none">development occurs within the 8m rear setback the development is limited to single storey	The proposal is 2 storeys, with a maximum height of 8.32m. The two storey component is setback 9.34m from the rear boundary.	Yes.
4.2 Front Setbacks		
a minimum setback of 6m from the front property boundary, or less than 6m where the prevailing street character permits and the future desired character of the area is not prejudiced. Reduced setbacks must be demonstrated through a Site and Context Analysis (Chapter A.1 cl.11.1). Garages and carports setback has a minimum of 5.5m. <ul style="list-style-type: none">Secondary building line setback a minimum of 3 metres	<u>Dwelling – Lot 1</u> The dwelling is located on the primary frontage and requires a setback of 6m and 5.5m for the garage. All relevant front setbacks comply. <u>Dwelling – Lot 2</u> Lot 2 dwelling is located fronting the secondary building line and requires a setback of 3m and 5.5m for the garage. All relevant setbacks comply.	Yes.
4.3 Side and Rear Setbacks		
Walls must be setback at least 900mm from any side or rear property boundary Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries. Eaves 450mm <ul style="list-style-type: none">Balconies and windows of habitable rooms designed to minimise any direct overlooking impact.	<u>Dwelling – Lot 1</u> The dwelling has a side setback of 1050mm which complies. <u>Dwelling – Lot 2</u> Lot 2 dwelling has a side setback of 1110mm which complies. Overall, no walls exceed 7m overall height and all second storey windows are appropriately designed with obscure glass and/or sited to	Yes.

	minimise overlooking impacts to adjoining properties private open spaces and living areas.	
<u>4.4 Site Coverage</u>		
<ul style="list-style-type: none"> The maximum site coverage is 50% of the area of the lot, based on lot size of 697sqm as per 4.4.2(2). 	<p>The subject lot has a site area of 697m² and therefore requires maximum site coverage of 50%.</p> <p>The proposal has a maximum total site coverage of approximately 326m² which results in a maximum site coverage of 47% which complies. It is also noted that each future lot will comply with the site coverage control with a maximum of 43% and 50%.</p>	Yes.
<u>4.5 Landscaped Area</u>		
<ul style="list-style-type: none"> Minimum Required 20% permeable area capable of growing trees, shrubs, groundcover and/or lawn. 50% behind the building line to the primary road Integrated with drainage design Dual occupancy requires 1.5m min landscape strip within the front setback for the majority of site width (excluding driveway) 	<p>The landscape plan provided has been assessed against the relevant controls of Clause 4.4 and is considered acceptable in this instance. Landscape area of 149.1m² is required and 250m² is proposed which complies. Landscaped areas of each proposed lot also comply with landscaped areas.</p> <p>The landscape plan will be conditioned to ensure integration with the drainage design.</p> <p>The development is provided with a 1.5m wide landscape strip within the front setback and is adequately planted.</p>	Yes.
<u>4.6 Private Open Space</u>		
<ul style="list-style-type: none"> 24m² of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50. Not to be located on side boundaries or front yards without variation. 	<p>The two proposed POS areas are located within the building envelopes on the ground floor adjacent living spaces which is considered acceptable with extensions of this area available onto adjoining landscaped areas. No POS areas are located directly adjoining side boundaries and</p>	Yes.

	are positioned such that solar access, privacy outcomes and minimum dimensions are acceptable.	
<u>4.7 Solar Access Requirements</u>		
<ul style="list-style-type: none"> Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June. At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21. Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings. 	<p>An assessment of the submitted solar access diagrams has been undertaken and its is considered that adequate solar access is achieved for the living rooms of adjoining dwellings noting the north south axis of the subject lots.</p> <p>No POS areas of adjoining dwellings are adversely impacted by the proposed development.</p> <p>The POS areas of the proposed development are considered to be design to allow adequate solar access.</p>	Yes.
<u>4.8 Building Character and Form</u>		
<ul style="list-style-type: none"> Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. Where garages are proposed on the front elevation they must be articulated from the front façade. 	<p>The design is considered to be appropriately sited and designed in a contemporary style which compliments the surrounding streetscape and neighbourhood as a result. Both occupancies are designed to present to the street in an appropriate manner with entry points clearly addressing the relevant frontage.</p> <p>Garages are well articulated for each dwelling and are appropriately setback within the relevant elevation.</p>	Yes.
<u>4.9 Fences</u>		
<ul style="list-style-type: none"> Fences must be constructed to allow natural flow of stormwater or runoff. Fences within front and secondary building lines should be mainly constructed of transparent fence materials. 	<p>A 1.5m high rendered boundary fence incorporating slats is proposed for the frontages of Harbord Street and Cliff Parade. The boundary fence has been conditioned to allow the natural flow of stormwater drainage and runoff and is considered</p>	Yes

<ul style="list-style-type: none"> Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height 	generally consistent with the surrounding area.	
<u>4.10 Car parking and Access</u>		
<ul style="list-style-type: none"> 1 space per dwelling with a GFA of less than 125m² 2 spaces per dwelling with a GFA of greater than 125m² Car parking spaces may be open hard stand space, driveway, carport or a garage. Garage door facing roads—not greater than 50% of the width of the dwelling. Carports must be setback behind the front building line. Garages must be setback min of 5.5 from front boundary. Driveways shall be separated from side boundaries by a minimum of 1m. Driveways shall have a max cross-over width of 3m. 	<p>Both dwellings have GFA less than 125m². Both dwellings are provided with a double garage. The additional garage area of unit 2 has been included in FSR calcs and complies.</p> <p>Council's Development Engineer has also reviewed the application and is satisfied subject to conditions.</p> <p>The garages present an articulated frontage and meet the minimum internal dimensions.</p>	Yes.
<u>4.11 Storage Facilities</u>		
<ul style="list-style-type: none"> Studio/1 bedroom- 6m³ storage volume to 3m² storage area 2 bedroom- 8m³ storage volume to 4m² storage area 3 bedroom- 10m³ storage volume to 5m² storage area 	A review of the plans submitted indicates that there is ample space in both occupancies to accommodate storage facilities.	Yes.
<u>4.12 Site Facilities</u>		
<ul style="list-style-type: none"> letterboxes in an accessible location air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback 	All proposed site facilities are located in accordance with the requirements of clause 4.11.	Yes.
<u>4.13 Fire Brigade Servicing</u>		
<ul style="list-style-type: none"> All dwellings located within 60m of a fire hydrant 	The proposal is located in an established area and has good access for firefighting services.	Yes.

<u>4.14 Services</u>		
<ul style="list-style-type: none"> Encourage early consideration of servicing requirements 	All servicing requirements have been adequately considered during the design process.	Yes.
<u>4.15 Development near the coastline</u>		
<ul style="list-style-type: none"> Must minimise built intrusions into coastal landscape Retain views to the ocean from roads and public spaces Maintain buildings consistent with coastal character 	<p>The proposed development is not located within 10m of a beach or cliff top.</p> <p>The proposal will not be directly impacted by coastal foreshore processes.</p> <p>The development does not have a frontage to natural features including ocean, cliff top, beach or public open space.</p> <p>No public view corridors are located on immediately adjoining land.</p> <p>The proposed development is considered to incorporate appropriate design features consistent with the coastal zone.</p>	Yes
<u>4.16 View sharing</u>		
<ul style="list-style-type: none"> To encourage view sharing from adjoining or nearby properties, public places, and new development. (b) To protect and enhance significant view corridors from public places. (c) To encourage the siting and design of new buildings which open up significant views from public areas. 	<p>The proposed development impacts on views currently obtained from the adjoining property located at No. 21 Harbord St.</p> <p>A view assessment was provided by the Applicant within the Statement of Environmental Effects and the additional information response (see extract in Attachment 4).</p> <p>Further, a View Impact Assessment by Council can be found at Attachment 5. The view assessment has relied upon the Applicant's view analysis and associated view photos, neighbour photo submission for units 1 to 3, and site inspections.</p>	Yes.

	Council considers that whilst there will be moderate impact on views from the adjoining property, the assessment indicates that the proposal provides for sufficient view sharing for views obtained across side boundaries.	
<u>4.17 Retaining walls</u>		
<ul style="list-style-type: none"> To ensure well designed retaining walls that are structurally sound 	None proposed	Yes.
<u>4.18 Swimming pools and spas</u>		
<ul style="list-style-type: none"> To ensure relevant safety standards meet user's needs. To ensure site and design maintain the amenity of the area 	Not applicable	NA
<u>4.19 Development near railway corridors and major roads</u>		
<ul style="list-style-type: none"> Ensure development near rail corridors and major roads are protected from vibration Ensure development does not affect operations or safety 	Not applicable	NA
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>		
<ul style="list-style-type: none"> Alterations and additions to be sympathetic with the other dwelling and responsive in appearance and style 	Not applicable	NA
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>		
<ul style="list-style-type: none"> Provide sites adequate for buildings, car parking, POS, landscaping Sites must not be significantly constrained by flood, geotechnical or other environmental hazards 	The proposal is located on a corner allotment and requires that one of the frontages has a minimum of 15m width. Both frontages comply with this requirement.	Yes.
<u>4.22 Additional controls for Dual Occupancies –building character and form</u>		

<ul style="list-style-type: none"> Controls for corner allotments Controls for garages proposed on the front elevation Design compatibility between each dual occupancy in relation to alterations and additions Existing garages and outbuildings cannot be used as a dual occupancy 	The dual occupancy development addresses both street frontages and has garages located greater than 9m from the corner. Both garages are appropriately articulated within each façade.	Yes.
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u>		
<ul style="list-style-type: none"> Controls for corner allotments Controls for garages proposed on the front elevation Design compatibility between each dual occupancy in relation to alterations and additions Existing garages and outbuildings cannot be used as a dual occupancy 	Adequate deep soil zones are provided onsite.	Yes.

CHAPTER B2 – RESIDENTIAL SUBDIVISION

Controls/objectives	Complete	Compliance
<u>5 Topography, landform conservation, cut and fill</u>	It is considered that the proposed subdivision takes into account the site constraints and will have minimal impact on the features of the site in this circumstance.	Yes

<u>6 Subdivision design</u>		
<u>6.1 Lot Layout - Aspect and solar access</u>	<p>The proposed lots allow for reasonable siting of the proposed dwellings to satisfy the objectives of Council's requirements so as to have minimal impact on the adjoining properties in terms of overshadowing and to allow reasonable solar access to other dwellings.</p> <p>It is considered that the proposed subdivision lot layout satisfies the objectives of clause 6 subdivision lot layout – aspect and solar access orientation in this circumstance.</p>	Yes
<u>6.2 Lot Size</u>	<p>Refer WLEP 2009 comments above – the proposed lot sizes are satisfactory under Subclause 4C of Clause 4.1 of WLEP 2009. Consent will be conditioned to require an Occupation Certificate to be issued prior to the release of the Subdivision Certificate.</p>	Permitted under WLEP 2009
<u>6.3 Lot Width and Depth</u>	<p>The proposed subdivision of the dual occupancy is considered satisfactory in this instance and is consistent with other dual occupancy development in the surrounding area.</p> <p>Both lots have appropriate depth to support the proposed development.</p>	Yes
<u>6.4 Battle-axe Lots</u>	Not applicable	NA

<u>6.5 Building envelopes</u>	This application includes a dual occupancy development, which is considered to be well sited within the proposed subdivision, and generally complies with the building controls of Chapter B1 of WDCP 2009 (See above).	Yes
<u>6.6 Superlots in residential subdivisions for integrated housing or medium density housing</u>	Not applicable	NA
<u>6.7 Existing easements</u>	Council's Development Engineer has reviewed the application submission and is satisfied subject to conditions.	Yes
<u>7 Major residential subdivisions</u>	Not applicable	NA
<u>8 Public reserves and open space</u>	Not applicable	NA
<u>9 Pedestrian and bicycle networks</u>	Not applicable	NA
<u>10 Acoustic assessment</u>	Not applicable	NA
<u>11 Street tree planting</u>	Not applicable	NA
<u>12 Entry statements</u>	Not applicable	NA
<u>13 Traffic Facilities</u>	Not applicable	NA
<u>14 Bushfire protection</u>	Not applicable	NA

<u>15 Stormwater drainage</u>	Council's Development Engineer has reviewed the application submission and is satisfied subject to conditions.	Yes
<u>16 Riparian land management</u>	Not applicable	NA
<u>17 Servicing Arrangements</u>	The subject site is located in an established area and services are readily available for connection.	Yes
<u>18 Road addressing</u>	An appropriate condition has been imposed in relation to property addressing compliance.	Yes
<u>19 Subdivision handover</u>	Not applicable	NA

CHAPTER D1: CHARACTER STATEMENTS

Existing Character

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

Thirroul's village centre is separated into two distinct areas by the South Coast Railway line. The northern side of the village is the core focal point for retail and community services within the suburb and contains St Michael's Catholic Church and primary school. The southern side comprises of a small mix of retail and community services with a more village, compact character, highlighted by its close proximity to the Thirroul Railway Station. It contains a Montessori preschool and Thirroul Public School. The two sides of the village centre are unique and offer a variety of services and facilities that promote and improve the quality of life of all residents.

The north and south sides of the village centre are linked via a railway bridge over Lawrence Hargrave Drive and a footbridge at the Thirroul Railway Station providing vehicular and pedestrian access.

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

New hinterland subdivisions on the foothill slopes of the escarpment contain new contemporary split – level and two storey dwelling styles with weatherboard or rendered brick wall construction and pitched, sloping flat or curved roofline forms.

Thirroul also contains a number heritage items, including Thirroul railway station, Former Kings Theatre, Thirroul Baths (inter-war) precinct, old railway barracks, Thirroul public school, several federation and inter-war dwellings which also add to the distinct character of the village.

Thirroul also boasts the new district community centre and library.

Desired Future Character

Thirroul should retain its village atmosphere. The village centre of Thirroul should retain its strong identity as a low rise village centre because of the relationship between the sea and escarpment. It should remain the social / cultural hub by continuing to feature a combination of unique specialty retail shops, cafes, restaurants and other businesses.

The significance of the village centre as a retail and business precinct will be strengthened through the consolidation of existing retail and business centre and the continued encouragement of active front shops. The active street frontages will enhance the existing character of Thirroul and also help encourage the on-going vitality of this centre, especially at night-time and weekends. To retain the appeal of Thirroul village centre, further large scale retail development is discouraged.

If Thirroul is to be positioned as a tourist destination, only low key tourism development should be supported that complements the village character of Thirroul is also encouraged.

Residential development will remain primarily low density in nature. Some restricted medium density within close vicinity to the Thirroul village centre and the railway station is envisaged. Any new housing must be sympathetic with the existing Thirroul village built form and streetscape, particularly in older areas with weatherboard houses, pitched roofs and wide eaves. Environmental zones will be retained close to the escarpment to further maintain the strong village character of Thirroul.

Any dwellings should be designed to minimise the scale and bulk of the development through well-articulated building forms.

The siting, height and design of new dwellings is critical to maximise view sharing opportunities for neighbouring properties. The roof forms for dwellings especially within the eastern part of Thirroul should be designed to maximise view sharing opportunities for rear neighbouring dwellings and hence, should be either sloping flat or gently pitched only. There should also be generous eaves to decrease the need for air conditioning. The impact of upper storeys of a dwelling should also be minimised through a combination of additional front and side setbacks from the ground floor of the dwelling and the selective use of balconies and verandahs. New dwellings should provide small to medium trees, wherever possible, taking into account view sharing opportunities.

Individually designed dwellings with weatherboard, rendered or colourbond facades with lightly coloured finishes and sloping flat, curved or gently pitched rooflines are preferred for properties along the coastal strip.

For properties within the treed upper slopes of Thirroul, moderately pitched rooflines are preferred. New dwellings on sloping sites should be stepped down the slope with suspended floors and decks, to minimise the disturbance of the natural contours of the site and any such new dwelling should be designed to fit below the tree canopy line.

Where front or rear facades of new dwellings are likely to be higher than neighbouring dwellings, the screening of balconies and additional setbacks may be necessary, to minimise any potential privacy or amenity impacts.

Balconies should be lightly framed in steel and / or timber finishes, rather than of brick or masonry construction.

The proposed development is a permissible use in the R2 zone and satisfies the controls for dual occupancies under Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009. The proposed development is considered to reflect the low-density character of the area consistent with surrounding one and two storey development. The proposed dual occupancy is therefore considered to be generally consistent with the existing and desired future character of the locality.

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

The proposed development provides for compliant car parking, vehicular access and manoeuvring in compliance with Chapters B1 and E3 of the DCP. The proposal incorporates a double car garage for each of the dwellings. The application has also been assessed by Council's Development Engineer who is satisfied subject to conditions.

CHAPTER E6: LANDSCAPING

The applicant has provided a Landscape Concept Plan which was assessed in relation to controls set out under this chapter. It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E6 Landscaping in this instance. Landscaping is discussed in further detail in Chapter B1 above.

Conditions of consent are recommended regarding specific requirements for landscaping including landscape plan requirements, compatibility with drainage systems and compensatory planting.

CHAPTER E7: WASTE MANAGEMENT

Site Waste Minimisation and Management Plan provided. The development has been designed to incorporate suitable waste storage and servicing arrangements. It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E7 Waste Management in this instance.

CHAPTER E11 HERITAGE CONSERVATION

The proposed development is located opposite heritage item no. 6171 – Thirroul Beach Reserve – The Esplanade which is an item of local heritage significance pursuant to Schedule 5 of WLEP 2009. Council's Heritage Officer has reviewed the original application submission and raised minor matters relating to a schedule of colours and front fencing details. Amended plans have been lodged and these minor matters are considered to be satisfactorily resolved. Consequently, the provisions of Chapter E11 WDCP 2009 are considered satisfied in this instance.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is identified as being located within an uncategorised flood precinct. Council's Development Engineer has reviewed the application submission and is satisfied subject to conditions.

CHAPTER E14 STORMWATER MANAGEMENT

Council's Development Engineer has reviewed the application submission with regards to Chapter E14 WDCP 2009 and is satisfied subject to conditions.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

No tree removal is proposed as part of this application.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

See Section 2.1.1 of the report for details.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Appropriate conditions with regards to contamination and hazardous building materials has been recommended.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

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

Attachment 4 – Applicant View Analysis extracted from SEE and Additional Information

Initial view analysis provided in SEE

<u>4.19 Development near railway corridors and major roads</u>	Not applicable.	N/A
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>	Not applicable.	N/A
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>	Minimum site width required – 15m 15.24m.	Yes
<u>4.22 Additional controls for Dual Occupancies –building character and form</u>	Satisfactory.	Yes
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u>	Deep soil zones are provided for each unit as indicated on the submitted landscape concept plan.	Yes

View impact assessment

Planning principle - view sharing

Tenacity Consulting v Waringah [2004] NSWLEC 140

25 The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable.) To decide whether or not view sharing is reasonable, I have adopted a four-step assessment.

26 The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Comment:

The view impact relates to the multi dwelling housing site at 21 Harbord Street, due west of the development lot. Improvements to the land involve three double storey multi dwelling housing units, with small first floor balconies accessed off bedrooms. The balconies in question face east towards the ocean.

The view itself is a whole water view, with no icons/not iconic. The views would therefore be considered highly valuable, but not the most valuable.

27 The second step is to consider from what part of the property the views are obtained. For example, the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Comment:

The views from 21 Harbord Street are obtained primarily across the eastern side property boundary towards the ocean. Given the proposed development lot currently only houses a single storey dwelling, the views can be obtained at both sitting and standing height. Unit 1 21 Harbord Street is serviced by a wrap-around front balcony that affords views to occupants diagonally across the front boundary of both 21 and 23 Harbord Street. These views will be retained.

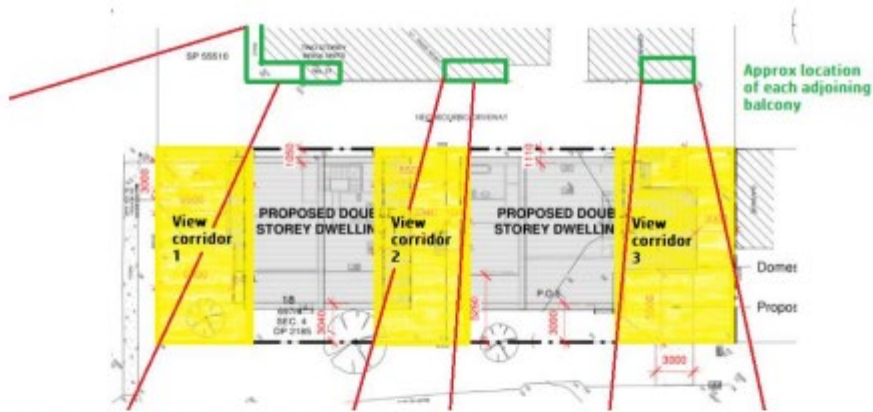


Figure 4 - view corridor analysis



Figure 5 - adjoining balcony space



Figure 6 - standing view at ground level adjacent to adjoining Unit 3

28 The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

Comment:

The upper floor balcony spaces in adjoining development service bedrooms; of less significance than upper floor living areas. The balconies are also extremely small and do not provide space for outdoor passive recreation.

The proposed view corridors are detailed as follows:

VC1 – 7.37m wide

VC2 – 7.14m wide

VC3 – 8m wide

The development lot has total width of 45.7m to Cliff Parade. The total percentage of the site at first floor level assigned as dedicated view corridor is 49%. Council's DCP requires only 25% of a site with direct frontage to the ocean or foreshore area to be provided as a view corridor.

With regard to the extent of impact, the first-floor levels have been positioned so as to retain at least a portion of the views on offer for each adjoining unit (refer to figure 4 above). Adjoining Unit 2 will be the most impacted, in our opinion a moderate impact. Units 1 and 3 will retain significant portions of their existing view at first floor level, in our opinion a minor impact.

29 The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Comment:

The proposed development is considered a reasonable built form outcome for the development lot. Dual occupancies are permissible with consent on R2 zoned land, and the proposed dwellings meet and exceed the overwhelming majority of Council's controls for general residential development by a significant margin. The only one variation relates to the positioning of private open space, which is not directly relevant to the matter of view sharing. All controls with regard to view sharing, building bulk, building height and separation are exceeded in this instance. Given that the views from the adjoining property are obtained over a side boundary, and that the proposed development provides almost half the site width as view corridor areas (maintaining views for each of the 3 adjoining units), the proposed development is considered skilfully designed and an appropriate, reasonable design response for the site.

CHAPTER B2 – RESIDENTIAL SUBDIVISION

Torrens title subdivision of an existing dual occupancy is proposed. Minimum lot size requirements do not apply in this instance. The proposal is considered to be satisfactory with the requirements of this chapter, so far as they relate to the proposed development.

CHAPTER D1 – CHARACTER STATEMENTS

Thirroul

Existing character

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

Additional Information Response from Applicant regarding view analysis

An itemised response to Council's additional information request dated 24 March 2022 is provided below:

a. The view analysis submitted in the SEE has been reviewed and the information submitted is considered inadequate to determine the extent of any view loss to the beach front and ocean beyond. The pre-lodgement notes (PL-2021/92) outlined that view line diagrams and view line elevations were to be submitted. Whilst view line diagrams have been submitted these alone do not provide enough detail in relation to determining view impacts. It is also considered that the vantage points used to determine view corridors outlined in the SEE need to be confirmed for both balconies and upper-level living spaces.

Updated information has been submitted in this regard. We have viewed the submissions received in response to the proposal (especially from adjoining unit 2) and Council's comments above, and wish to reiterate that no upper floor living areas are approved in the adjoining multi-dwelling housing site.

Consequently, the following information is to be submitted to allow follow-up view impact assessment:

- i. **View line diagrams overlaid on the proposed site depicting proposed roof areas and which accurately reflect the adjoining property development (see point 1d below).**

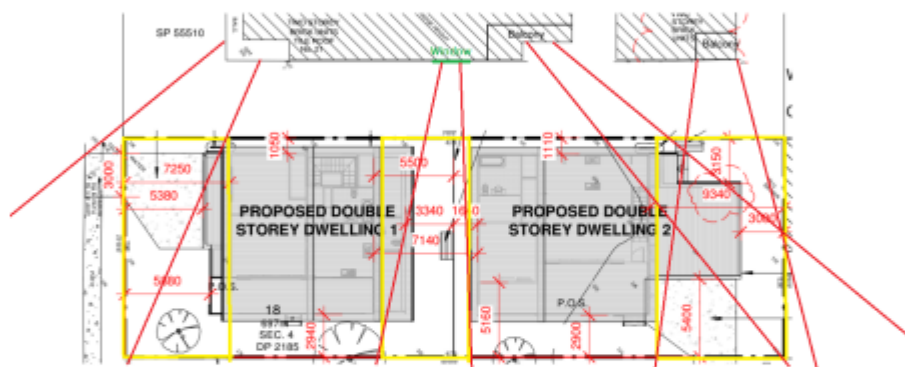


Figure 1 - View line diagram



Figure 2 - Window circled in red depicts the window marked in green in figure 1



Figure 3 - Unit 2 cross section

We have a number of comments with regard to view impact. The first being that the assertions made in a submission of objection from the owner of adjoining Unit 2 are not entirely accurate. They claim the current views are iconic, yet provide the following images:





The views would not nearly meet the threshold to be considered iconic (views of icons such as the opera house or harbour bridge). At best they would be considered obscured water views across a side boundary.

The submission also claims there is an upper floor living area, although this is not the case. A review of the approval of the adjoining site reveals that only bedrooms are approved at first floor level. Expecting to maintain views from ground floor living areas across side boundaries is completely unreasonable.

We would also point out the fact that the submitter lives in a double storey development that makes no attempt at sharing views with the property again to the west. The submission appears to be written expecting that views will not be adversely affected at all – suggesting single storey development. This is not the intent of the view ‘sharing’ controls.

The second point we would make is that the upper floor balconies in both adjoining units 2 and 3 are very small. Only a couple of square metres each. They are not designed for passive recreation. The views from the balconies are therefore considered no more valuable than the views from the other upper floor windows. We have depicted the second bedroom window on the view line diagram above in adjoining unit 2, as it will retain unobstructed views across the proposed development site through the middle view corridor.

The submitted cross section details the balcony levels in adjoining development and the relevant levels in proposed development. We have limited the roof form to an almost flat roof over the garage in proposed unit 2 (within the 9m single storey component within the rear setback) so that views are maintained through the rear setback area at both a sitting and standing height from adjoining development at the upper floor level.

The view loss impact to adjoining units 1 and 3 is therefore quite minimal. The view loss impact to adjoining unit 2 is moderate, however, significant portions of the view from both the upstairs balcony and other upstairs bedroom windows will be retained due to our provision of a third view corridor within the middle of the site.

ii. View line elevations which illustrate the proposed western elevations against the reserve as a backdrop to determine the extent of impacts created by the proposed first and second storey roof lines.

We consider the already submitted western elevations and 3D perspective drawings sufficient to envisage the visual impact from west of the development site.

iii. West to east cross-section plans through each proposed dwelling at their max roof heights, from the unit development at No. 21 across the subject site to the eastern edge of the beach reserve showing existing ground levels. These cross sections are to include the view lines available.

We consider the information provided above more than adequate. The view loss impact to adjoining units 1 and 3 is easily assessed using the information we have provided. There will be minimal view loss. Adjoining unit 2 will lose views, however, when we run the view loss through the tests set out under the courts planning principles, we consider a more detailed analysis of the view line diagrams unnecessary. The view line diagram along with the new southern cross section of unit 2 and adjoining development, details that at least one upper floor window is of an orientation and elevation to retain all of its current view (bedroom 2 through the middle view corridor). We would stress that Council should revisit the view loss assessment provided in the submitted SEE, and consider that the views in question are obscured water views across the middle of a side boundary. The fact that we are preserving any views at all to Unit 2, when we have a development that requires significant filling above NGL for flood reasons, and the first floor windows/balcony in adjoining unit 2 are so small is considered a win for both the adjoining resident, Council and the client.

We have already provided more than 50% of the site as view corridor, well above the Council's requirement of 25%. We have positioned the view corridors to best preserve views to adjoining properties, whilst maintaining the viability of double storey development for the development lot (which would be considered our client's right given the zoning and permitted planning controls).

This development has been designed and is being held to a standard well above that of adjoining developments and should easily comply with the principles for view sharing as outlined in the SEE. As stated earlier, the adjoining multi dwelling housing site to the west is double storey and incorporates no such view sharing elements. The adjoining dwelling house on Cliff Parade is the same, approved at double storey height with no view sharing to the west:



iv. Landscaping within the Harbord Street frontage of dwelling 1 and the deep soil zone at the (northern) rear of dwelling 2 is to be revised to include only low level plantings to ensure views from adjoining units at No. 21 are not diminished into the future. Tree plantings should be proposed only in areas which do not form any view corridors for adjoining properties. An amended landscape plan is to be submitted indicating these changes.

The client is happy to accept these requirements. We ask that this be dealt with via conditions of consent so the landscape plan does not have to be amended twice (here then again at CC stage).

b. The rear setback measurement (northern boundary) for the secondary storey of dwelling 2 is to be marked on relevant plans.

Amended.

ATTACHMENT 5 – Council View Impact Assessment

View Impact Assessment

The development has no impact on views from public places, the proposal results in a loss of view from the adjoining property at No. 21 Harbord Street. Following preliminary assessment of the submitted plans, site inspections and consideration of the submissions received, a request for additional information was provided to the applicant that included the following items:

- a. *The view analysis submitted in the SEE has been reviewed and the information submitted is considered inadequate to determine the extent of any view loss to the beach front and ocean beyond. The prelodgement notes (PL-2021/92) outlined that view line diagrams and view line elevations were to be submitted. Whilst view line diagrams have been submitted these alone do not provide enough detail in relation to determining view impacts. It is also considered that the vantage points used to determine view corridors outlined in the SEE need to be confirmed for both balconies and upper level living spaces.*

Consequently, the following information is to be submitted to allow follow-up view impact assessment:

- i. *View line diagrams overlaid on the proposed site depicting proposed roof areas and which accurately reflect the adjoining property development (see point 1d below).*
- ii. *View line elevations which illustrate the proposed western elevations against the reserve as a backdrop to determine the extent of impacts created by the proposed first and second storey roof lines.*
- iii. *West to east cross-section plans through each proposed dwelling at their max roof heights, from the unit development at No. 21 across the subject site to the eastern edge of the beach reserve showing existing ground levels. These cross sections are to include the view lines available.*
- iv. *Landscaping within the Harbord Street frontage of dwelling 1 and the deep soil zone at the (northern) rear of dwelling 2 is to be revised to include only low level plantings to ensure views from adjoining units at No. 21 are not diminished into the future. Tree plantings should be proposed only in areas which do not form any view corridors for adjoining properties. An amended landscape plan is to be submitted indicating these changes.*

The results of this updated view analysis are to be utilised to inform any necessary design changes addressing views.

The applicant subsequently provided amended plans and further view analysis in response to this request which is included in Attachment 4 and extracts contained in this assessment below. The following provides an assessment of view sharing against the principles laid out by Senior Commissioner Roseth SC in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140. This view assessment has relied upon the Applicant's view analysis and associated view photos, neighbour photo submission for units 1 to 3, and site inspections.

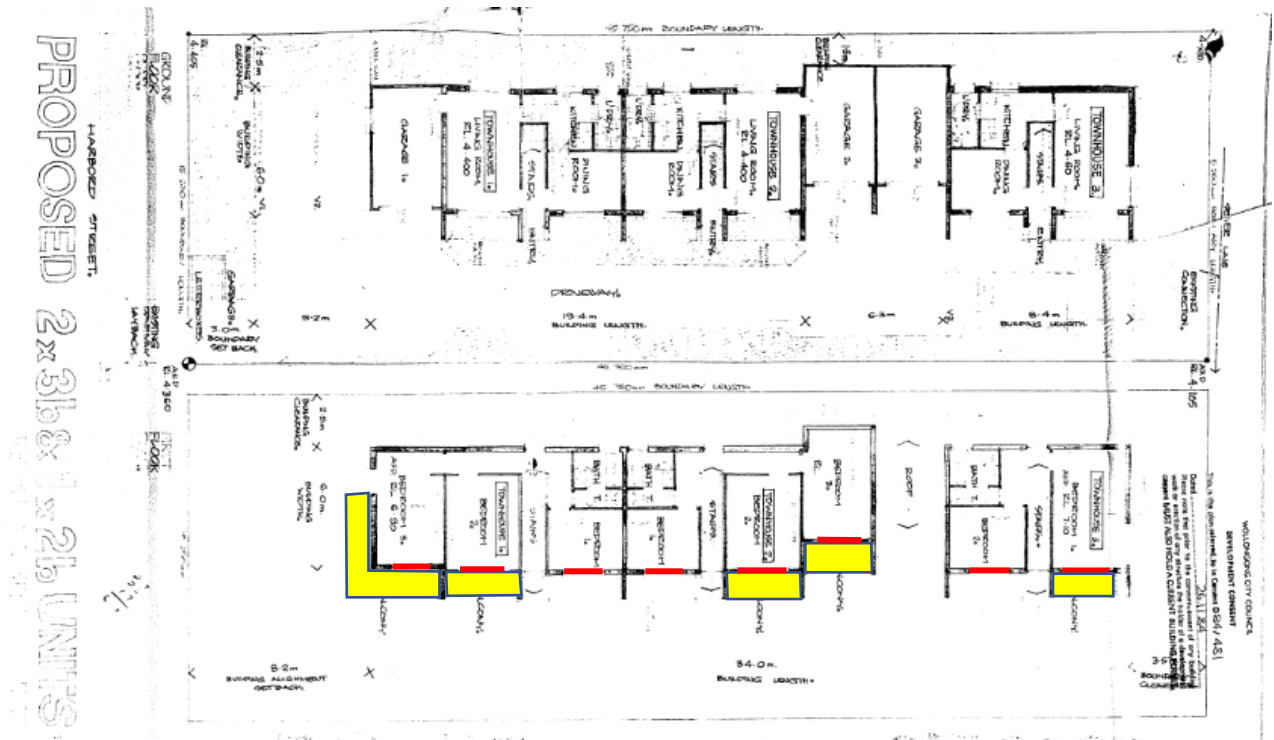


Figure 1 - No. 21 Harbord St - Approved Floor Plans – Upper level balconies marked in Yellow, bedroom windows in red

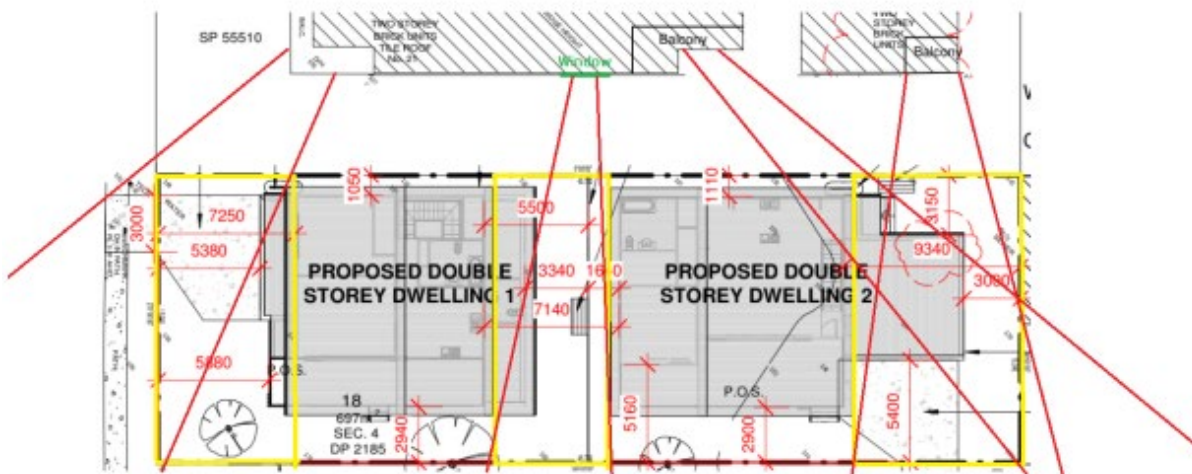


Figure 2 - Extract from Additional Information Lodged - View Line Diagram

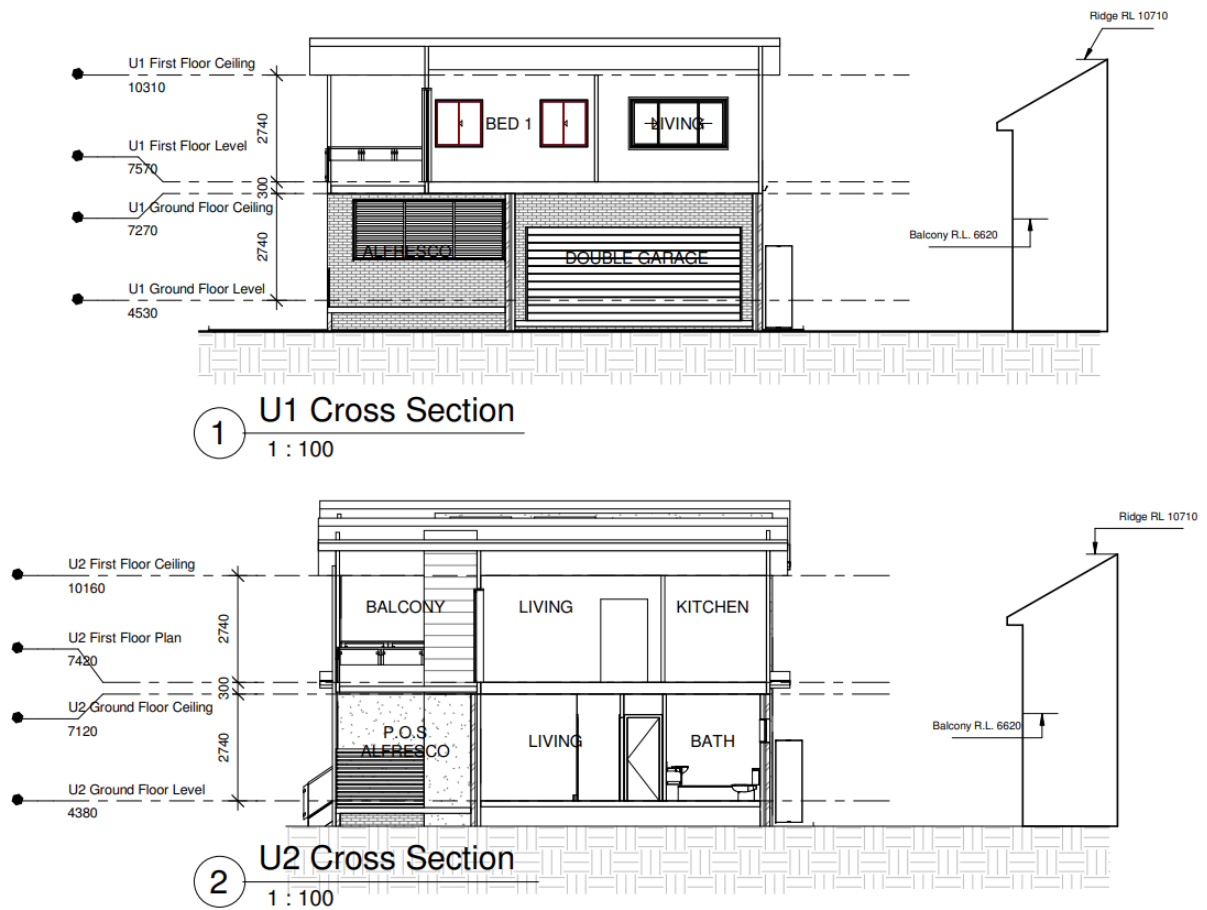


Figure 3 - Cross Sections with Adjoining Levels



Figure 4A - Front Setback - Unit 1 Balcony



Figure 4B – Unit 2 Balcony view corridor



Figure 4C – Rear two storey setback – Unit 3 Balcony

Unit 1

- 26 *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

The views from Unit 1 are water views which include the interface between the beach reserve land and the water to the east and south east. These views are predominately unobstructed apart from a number of small trees located on the development lot and the beach reserve. It is not considered that these views included icons and as such are not considered to be iconic.

- 27 *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from Unit 1 to the beach reserve and water beyond are obtained from upper level approved bedroom windows and a wrap-around balcony located on the east and southern elevations (See Figure 4A). These views are obtained predominately across the eastern side boundary and can be enjoyed from both a standing and sitting position. It is noted that it is difficult to retain these side and sitting views.

- 28 *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The assessment of the extent of impacts for each unit within No. 21 is assessed separately within this document. The impact on views relates to the approved bedroom windows and wrap-around balcony as illustrated within the approved plans at Figure 1 above. No living areas are approved on the upper levels of the Units at No. 21 Harbord St. As such, the impact on views, across side boundaries, is considered less significant than those from an approved living space. As outlined above current views are achieved, across side boundaries and the primary frontage of No. 23 Harbord St, to the east and south-east from the upper level windows of approved bedrooms and wrap-around balcony to the frontage. Whilst partial view loss is anticipated for the upper level bedroom windows the wrap-around balcony will maintain the current views. Consequently, it is considered that the view loss for unit 1 is considered minor in relation to view sharing.

- 29 *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity*

and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The application has been assessed against all relevant planning controls, including Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009, and compliance is achieved. The dual occupancy proposal is a permissible use in the R2 zone, and demonstrates compliance with built form development standards of building height and floor space ratio. It is noted that the proposal has been designed in a manner which acts to balance a range of site constraints such as flood levels, LEP and DCP compliance, and view sharing with adjoining properties. View corridors are provided for in the design to achieve view sharing outcomes across side boundaries for the upper level approved bedroom windows and wrap-around balcony to the frontage. As such, it is considered that the design has adequately accounted for the views of neighbours from Unit 1 in a compliant manner and with view sharing considered reasonable in this instance.

Unit 2



Figure 5 - Eastern Elevation – With additional view corridor obtained from existing in yellow



Figure 6 - Eastern Elevation 2

- 26 *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

The views from Unit 2 are water views which include the interface between the beach reserve land and the water to the east and north east. Views from the upper level approved bedrooms and southern most balcony are not considered whole views as these views are obstructed by both vegetation and the roof line of the existing single storey dwelling on the subject site. Views to the beach reserve and water beyond from the northern most balcony of Unit 2, servicing bedroom 3, to the north east are considered whole views. It is not considered that these views included icons and as such are not considered to be iconic.

- 27 *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from Unit 2 to the beach reserve and water beyond are obtained from upper level approved bedroom windows and two (2) small balconies off these approved bedrooms which are located on the eastern elevation of the unit development. These views are obtained entirely across the eastern side boundary and can be enjoyed from a standing position for bedroom windows and

the southern balcony across the roof line of the single storey dwelling to the east (See Figure 4B). The view from the northern most boundary can be enjoyed from both a standing position and sitting position. However, it is noted that it is difficult to retain views across side boundaries and sitting views.

28 *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The assessment of the extent of impacts for each unit within No. 21 is assessed separately within this document. The impact on views relates to the approved bedroom windows and the two balconies accessed off of these approved bedrooms as illustrated within the approved plans at Figure 1 above. No living areas are approved on the upper levels of the Units at No. 21 Harbord St. As such, the impact on views, across side boundaries, is considered less significant than those from an approved living space. As outlined above current views are achieved, across side boundaries to the east and north-east from the upper level windows of approved bedrooms and associated balconies. It is considered that view loss will occur for both balconies and associated bedroom views which is considered moderate, whilst the southernmost bedroom window (bedroom 1) is considered to benefit from an improved view corridor as a result of the newly proposed break in the built form between the proposed dwelling which will afford an improved view to the land and water interface across the reserve. On balance, the extent of this view impact is considered negligible.

Consequently, when combined the total view loss for unit 2 is considered moderate in relation to view sharing.

29 *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The application has been assessed against all relevant planning controls, including Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009, and compliance is achieved. The dual occupancy proposal is a permissible use in the R2 zone, and demonstrates compliance with built form development standards of building height and floor space ratio. It is noted that the proposal has been designed in a manner which acts to balance a range of site constraints such as flood levels, LEP and DCP compliance, and view sharing with adjoining properties. View corridors are provided for in the design to achieve view sharing outcomes across side boundaries for the upper level approved bedroom windows, which are considered less significant than living areas, and balconies where possible. As such, it is considered that the design has adequately accounted for view sharing with neighbouring Unit 2 in a compliant manner and is acceptable in this instance.

Unit 3

- 26 *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*

The views from Unit 3 are water views which include the interface between the beach reserve land and the water generally to the east and north east. Views from the approved ground floor living room and dining room are considered partial views whilst upper level approved bedrooms and associated balcony are considered whole views. It is not considered that these views included icons and as such are not considered to be iconic.

- 27 *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*

The views from Unit 3 to the beach reserve and water beyond are obtained from both lower level living spaces and upper level approved bedroom windows and balcony which are located on the eastern elevation of the unit development. These views are obtained entirely across the eastern side boundary and can be enjoyed from a standing position for the ground floor living spaces and sitting and standing positions for the approved upper level bedroom windows and the balcony. However, it is noted that it is difficult to retain views across side boundaries and sitting views.

- 28 *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.*

The assessment of the extent of impacts for each unit within No. 21 is assessed separately within this document. The impact on views relates to the ground floor living area windows and the upper level approved bedroom windows and the associated balcony as illustrated within the approved plans at Figure 1 above. No living areas are approved on the upper levels of the Units at No. 21 Harbord St.

The impact on views, across side boundaries, is considered less significant than those from an approved living space. As outlined above, all current views are achieved across side boundaries to the east and north-east and it is considered that view loss will occur for all approved ground floor living areas. The upper level approved bedroom windows and balcony will lose a portion of the land and water interface from a sitting position whilst these areas will maintain views to these areas from a standing position over the proposed single storey garage based on the levels outlined in Figure 3 above. It is also noted that a small portion of these land and water interface views will be maintained as a result of the 3m setback of the single storey garage.

Loss of the views for the ground floor living areas is considered total, however, it is unreasonable to expect that these views can be maintained across side boundaries with fencing. The extent of view loss for the approved upper level bedroom windows and balcony is considered moderate as loss of

views from sitting positions will occur whilst standing views from these areas across the single storey garage will be maintained such that the land and water interface is available (See Figure 4C).

All of these views are achieved entirely across side boundaries and on balance the combined total view loss for unit 3 is considered to be moderate.

29 *The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The application has been assessed against all relevant planning controls, including Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009, and compliance is achieved. The dual occupancy proposal is a permissible use in the R2 zone, and demonstrates compliance with built form development standards of building height and floor space ratio. It is noted that the proposal has been designed in a manner which acts to balance a range of site constraints such as flood levels, LEP and DCP compliance, and view sharing with adjoining properties. View corridors are provided for in the design to achieve view sharing outcomes across side boundaries for the upper level approved bedroom windows, which are considered less significant than living areas, and balcony where possible. As such, it is considered that the design has adequately accounted for view sharing with neighbouring Unit 3 in a compliant manner and is acceptable in this instance.

No. 22 Ocean St

It is also noted that a submission was received in relation to view loss from No. 22 Ocean St which has also been reviewed in accordance with the case law outlined above. The views obtained from No. 22 across four (4) separate side boundaries to the beach reserve and water beyond are considered glimpses and are obtained from an upper level main bedroom and small width full height living room window based on the approved plans for No. 22. It is unrealistic to consider that views from this property across multiple side boundaries can be maintained to such an extent that the existing arrangements continue.

The proposed development is compliant with Council's WLPE 2009 and WDCP 2009 in particular building height, floor space ratio, number of storeys and setbacks. As such, views from No. 22 Ocean St are considered extremely difficult to retain and, in the circumstances, it is considered that view loss is acceptable in this instance based on relevant case law.

Conclusion

The reasonableness of the development

The proposal is compliant with Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009 in terms of building height, number of storeys, side and rear boundary setbacks and floor space ratio. The design has provided view corridors to allow the adjoining multi-dwelling housing development an opportunity to retain some views across side boundaries.

View sharing conclusion

The impacts arising from the proposal on views enjoyed from No. 21 Harbord St are considered by this assessment to be moderate, noting that in consideration of the view currently available to No. 21, maintaining views across side boundaries whilst unrealistic, have been adequately accommodated in the design. The proposal is also compliant with the development standards and controls applicable to the land.

In conclusion, it is considered that the proposed dual occupancy at No. 23 Harbord St achieves sufficient view sharing with No. 21 Harbord St and No. 22 Ocean St, and can be supported.

ATTACHMENT 6 - DRAFT CONDITIONS FOR: DA-2021/1286

Consent has been granted subject to the following conditions:

1. Approved Plans and Supporting Documentation

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

Plan No	Revision No	Plan Title	Drawn By	Dated
SH-02	A	Site Analysis Plan	O.C Innovative Designs	27 October 2022
SH-03	A	Unit 1 Ground Floor Plan	O.C Innovative Designs	27 October 2022
SH-04	A	Unit 1 First Floor Plan	O.C Innovative Designs	27 October 2022
SH-05	A	Unit 2 Ground Floor Plan	O.C Innovative Designs	27 October 2022
SH-06	A	Unit 2 First Floor Plan	O.C Innovative Designs	27 October 2022
SH-07	A	Sections	O.C Innovative Designs	27 October 2022
SH-08	A	U1 North & South Elevations	O.C Innovative Designs	27 October 2022
SH-09	A	U1 East & West Elevations	O.C Innovative Designs	27 October 2022
SH-10	A	U2 North & South Elevations	O.C Innovative Designs	27 October 2022
SH-11	A	U2 East & West Elevations	O.C Innovative Designs	27 October 2022
SH-14	A	Demolition Plan	O.C Innovative Designs	27 October 2022
SH-15	A	Torrens Title Subdivision Plan	O.C Innovative Designs	27 October 2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

General Conditions

2. Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

3. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier 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.

Before the Issue of a Construction Certificate

4. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2022), a monetary contribution of \$8,500.25 (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 proposed cost of development and the applicable percentage levy rate.

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

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

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

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

5. Present Plans to Sydney Water

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

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

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

6. Utilities and Services

Before the issue of the relevant Construction Certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

7. 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.

8. Landscaping

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifier, prior to the release of the Construction Certificate.

9. Certification for Landscape and Drainage

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

10. Landscape Maintenance Plan

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

11. Tree Protection and Management

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

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

12. Low Level Planting

All landscape planting forward of the primary building line to Harbord Street must be of a low-level planting species with a maximum growth height of no greater than 1m. This requirement shall be reflected on an amended landscape plan to the satisfaction of the Certifying Authority.

13. Parking Dimensions

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 AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

14. Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

15. Depth and Location of Services

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

16. Council Footpath Reserve Works – Driveways and Crossings

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

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

17. Dilapidation Report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

18. Stormwater Drainage Design

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed 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 Site Plus P/L (dwg no: 21171.DA.C01, rev: A, dated: 09/2021).
- b. Include details of the method of stormwater disposal. Stormwater from the development must be discharged into the Council's stormwater infrastructure.
- c. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines,
- d. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

19. 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 4.39 metres AHD.
- b. Garage floor levels must be constructed at a minimum of RL 3.59 metres AHD.
- c. Any portion of the building or structure below RL 4.39 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 DCP 2009, 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 DCP 2009.
- d. The proposed dwelling shall be designed to withstand the forces of floodwater, debris and buoyancy up to RL 5.09metres AHD.

20. Site Filling

Filling on the site being within the floodplain shall be restricted to within the proposed building footprint and ramped areas immediately adjacent to the garage only. No other increases in ground surface levels on the site within the floodplain are permitted unless an equivalent compensatory

volume is removed from the floodplain within the confines of the site. This requirement shall be reflected on the Construction Certificate plans.

Before the Commencement of Building Work

21. Appointment of Principal Certifier

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days notice is required).

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

22. Home Building Act Requirements

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information -

- a. In the case of work for which a principal contractor is required to be appointed -
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b. In the case of work to be done by an owner-builder -
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

23. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

24. 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.

- a. Each toilet provided must be:
- b. a standard flushing toilet; and
- c. 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.

25. 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 Certifier, prior to the commencement of any works on the site.

26. Enclosure of the Site

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

27. Demolition Works

All demolition works shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of 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 Certifier. 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.

28. Notification to SafeWork NSW

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (6) metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

29. 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.

30. Survey Report - Siting of Development within Property Boundaries

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifier to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

31. Temporary Sediment Fences

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

32. All-weather Access

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

33. Notification to Council of any Damage to Council's Infrastructure

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

34. 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.

35. 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 Certifier and Council (in the event that Council is not the Principal Certifier) prior to the commencement of any such works in any road reserve or public reserve area.

36. Adjustment to Public Utility Service

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 Certifier 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.

While Building Work is Being Carried Out

37. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

38. Survey Certificate

The submission of a Survey Certificate to the Principal Certifier at footings and/or formwork stage (whichever occurs first) confirming:

- a. the set out of the boundaries of the site,
- b. actual siting of the buildings and
- c. siting levels comply with the approved plans;
- d. maximum building height.

39. No Adverse Run-off Impacts on Adjoining Properties

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

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

40. Protection of Public Places

If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:

- a. A hoarding or fence must be erected between the work site and the public place;

- b. an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
- c. the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
- d. safe pedestrian access must be maintained at all times;
- e. any such hoarding, fence or awning is to be removed when the work has been completed.

41. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved 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; and
- 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*.

42. Lighting not to cause Nuisance

The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

43. Site Management

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a. Does not spill onto the road pavement and
- b. is not placed in drainage lines or watercourses and cannot be washed into these areas.

44. Spillage of Material

Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

45. 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 (<https://www.safework.nsw.gov.au>).

46. Asbestos Clearance Certificate

The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is free

of asbestos is to be submitted to Council by a licensed asbestos assessor within 14 days of the completion of renovations (or prior to the Occupation Certificate being issued).

47. 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 Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

48. Acid Sulfate Soils

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

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

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

49. 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.

50. Building Site to be Kept Free of Rubbish

The building site must be kept free of rubbish at all times. All refuse capable of being wind blown must be kept in a suitable waste container.

51. Implementation of BASIX Commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

52. 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.

53. Pipe Connections

All pipe connections to existing stormwater drainage systems within the road reserve shall be constructed flush with the pit 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.

54. Survey Report for Floor Levels

A Survey Report shall be submitted to the Principal Certifier verifying that each ground floor level accords with the floor levels as approved under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective ground floor level of the building. Where a timber/steel frame supports the floor, the survey shall be undertaken after the piers have been installed and prior to the laying of the bearers/joists and

installation of the wall frames for each respective ground floor level of the building. All levels shall relate to Australian Height Datum.

Before the Issue of an Occupation Certificate

55. Section 73 Certificate

A Section 73 Certificate must be submitted to the Principal Certifier prior to occupation of the development/release of the plan of subdivision.

56. Occupation Certificate

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier 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.

57. BASIX

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

58. Flood Affection Certification

The submission of a report from a suitably qualified and experienced civil (hydrology) engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to certify that the 'as-constructed' development will not have any detrimental effects to adjoining properties or upon the subject land with respect to the loss of flood storage, changes in flood levels and alteration of flood conveyance, as a result of flooding or stormwater runoff.

59. Drainage

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

60. Structural Soundness Certification

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the final Occupation Certificate and commencement of use.

This report is required to verify that the dwelling can withstand the forces of floodwater, debris and buoyancy up to and including the PMF flood level plus freeboard being RL 5.09 metres AHD or greater.

Occupation and Ongoing Use

61. 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.

Before the Issue of a Subdivision Certificate

62. Occupation Certificate Prior to Subdivision Certificate

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

63. Existing Easements

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

64. Existing Restriction as to Use

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

65. Encroaching Pipes

A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a Works-As-Executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.

66. Encroaching Services

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

67. 88B Instrument Easements/Restrictions

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

68. Final Documentation Required Prior to Issue of Subdivision Certificate

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

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

Reasons

The reasons for the imposition of the conditions are:

1. To minimise any likely adverse environmental impact of the proposed development.
2. To ensure the protection of the amenity and character of land adjoining and in the locality.
3. To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure the development does not conflict with the public interest.