

# Wollongong Local Planning Panel Assessment Report – 26 October 2021

<b>WLPP No.</b>	Item No. 2
<b>DA No.</b>	DA-2021/136
<b>Proposal</b>	Residential - Torrens title subdivision and construction of a dwelling house and pools
<b>Property</b>	1A Norman Street, MANGERTON
<b>Applicant</b>	Ted Switaj
<b>Responsible Team</b>	Development Assessment and Certification – City Centre Major Development Team (NL)
<b>Prior WLPP meeting</b>	N/A

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

---

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

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2(2) of the Local Planning Panels Direction of 30 June 2020, the proposal is contentious development that is to be determined by the Wollongong Local Planning Panel due to it receiving in excess of 10 submissions.

#### Proposal

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

#### Permissibility

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

#### Consultation

The proposal has been notified following on two occasions receiving a total of 31 submissions with a number of repeat objections from single properties. The issues raised in the submissions are discussed at section 1.5 of the report. Council's Landscape, Environment, Subdivision, Stormwater, Geotechnical and Traffic Officers have provided satisfactory referrals. External concurrence has been provided by the RFS under the integrated provisions of the Rural Fires Act.

#### Main issues

- A Sydney Water drainage easement that traverses the western portion of the site where there is a minor encroachment remains. Whilst Sydney Water have yet to provide their final commentary, discussions with Sydney Water indicated that subject to appropriate documentation being provided the encroachment would be given consideration. This is recommended to be addressed via a deferred commencement consent.
- Visual impacts of the proposed solid fence along the boundary with a public walkway. A condition is proposed that the fencing be open palisade style to mitigate this impact.
- The proposal indicates proposed works within the road reserve including a kerb and gutter. This is not supported and is to be removed from the plan as a condition of consent.
- The proposal has not been accompanied by a construction management plan. This is considered critical to understand how the proposal will be built within the constraints of the site and access.

**RECOMMENDATION**

It is recommended that the application be granted a deferred commencement consent as outlined in the draft conditions at **Attachment 5**.

## **1 APPLICATION OVERVIEW**

---

### **1.1 PLANNING CONTROLS**

The following planning controls apply to the proposal:

State Environmental Planning Policies:

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2019
- Wollongong Community Participation Plan 2019

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises the following:

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

### **1.3 BACKGROUND**

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

### **1.4 SITE DESCRIPTION**

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

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

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

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



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

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



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



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



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



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

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



**Figure 6: Bin collection location**

The eastern downslope portion of the site contains a dwelling under construction approved under DA-2017/1719 as illustrated at Figure 7 with the excavation for retaining between the two dwellings illustrated at Figure 8, .

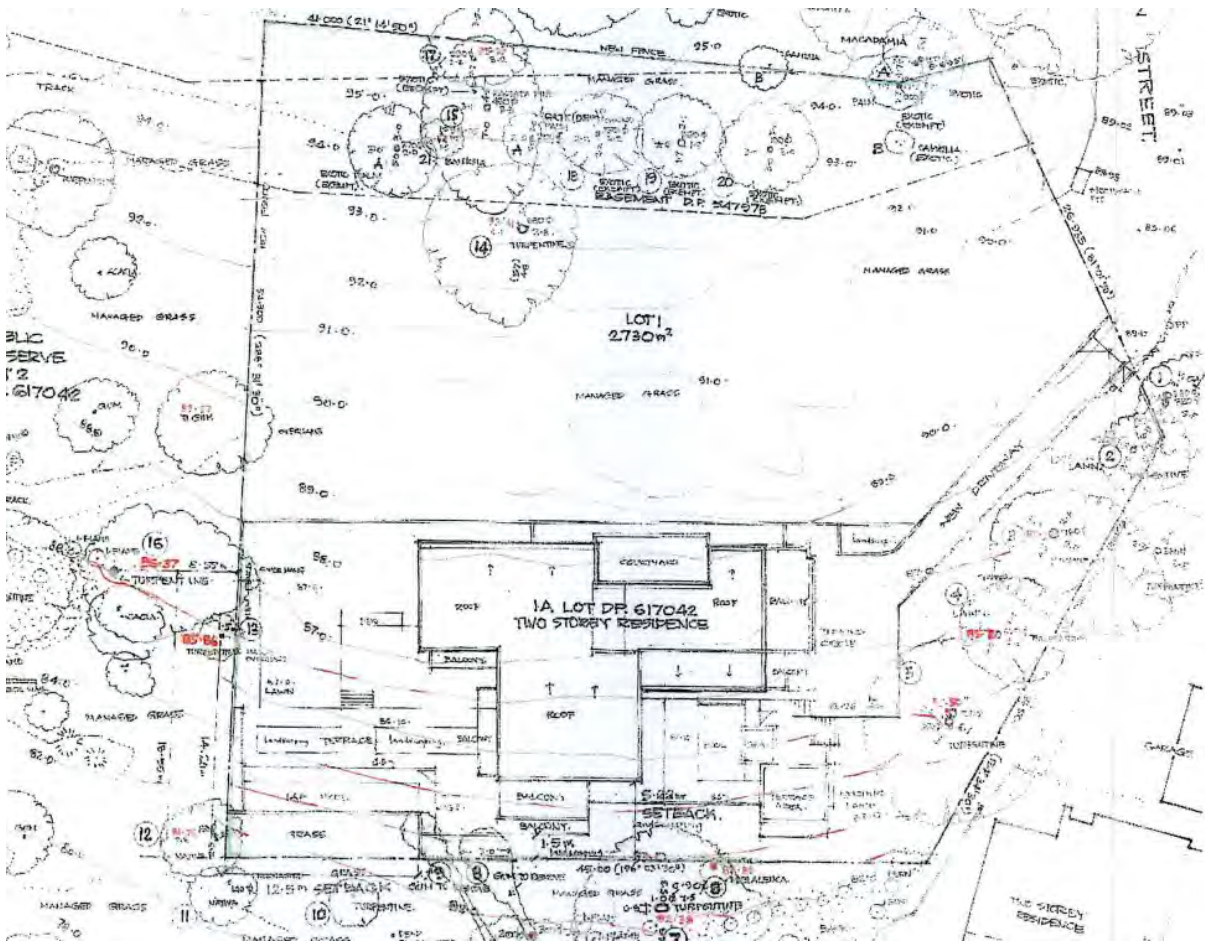


Figure 7: Site plan DA-2017/1719



Figure 8: View looking south along excavation for retaining wall towards Council reserve

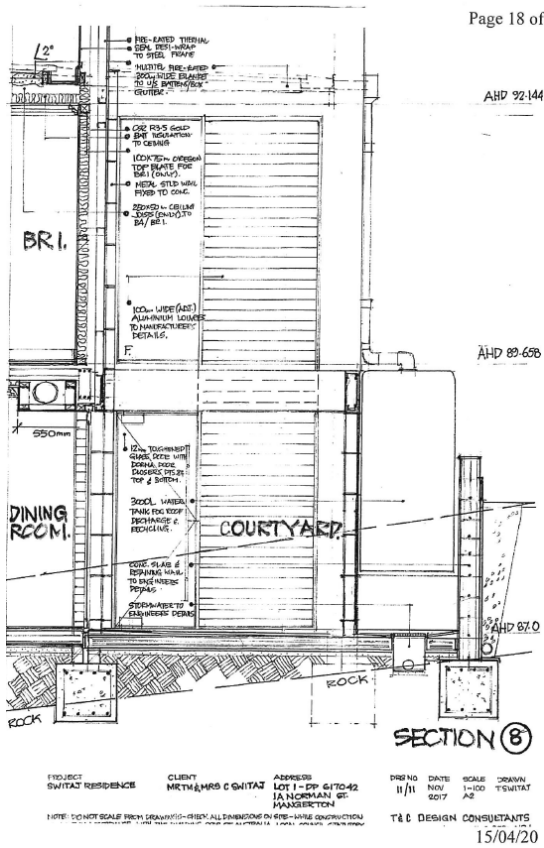


Figure 9: Retaining between proposed dwelling and courtyard of approved dwelling

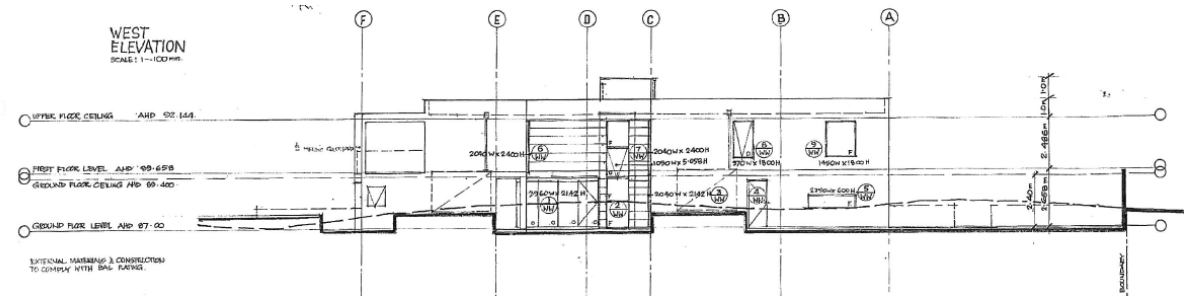


Figure 10: Western elevation of approved dwelling on the site



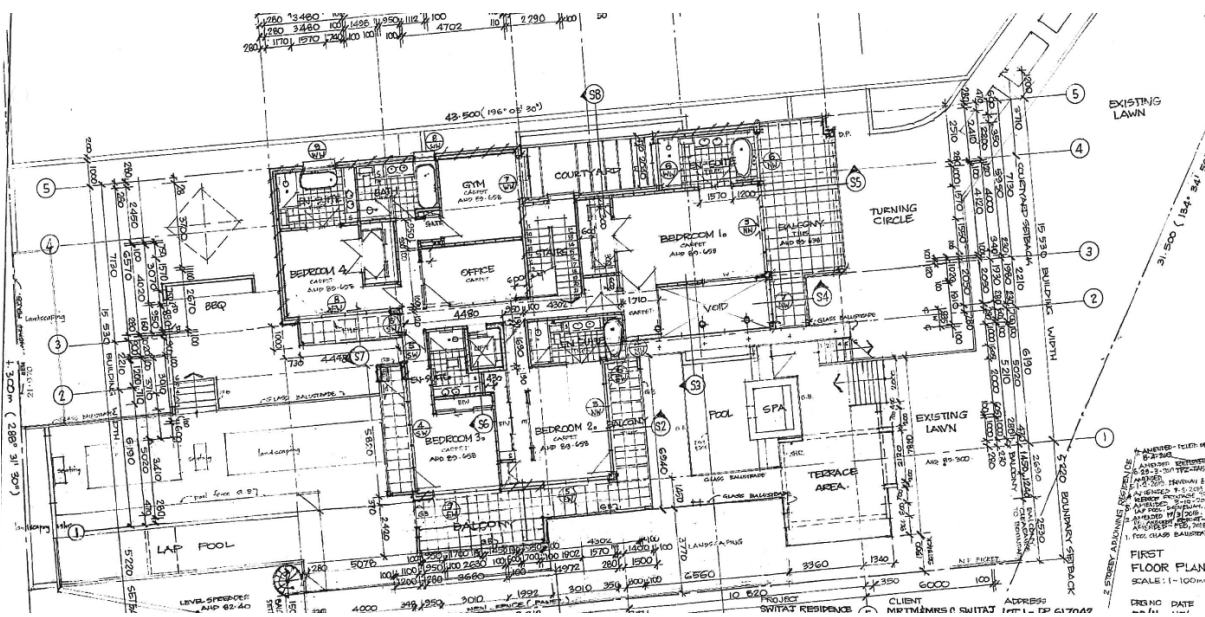


Figure 11: First floor of approved dwelling on the site

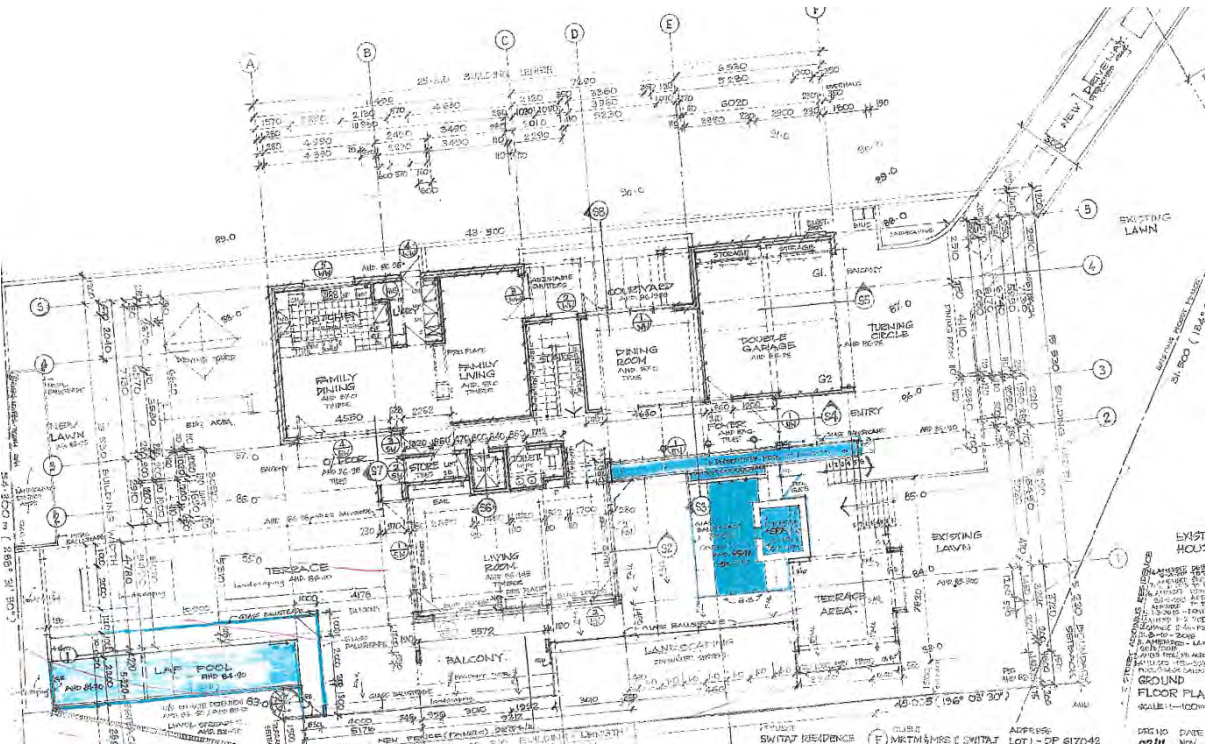
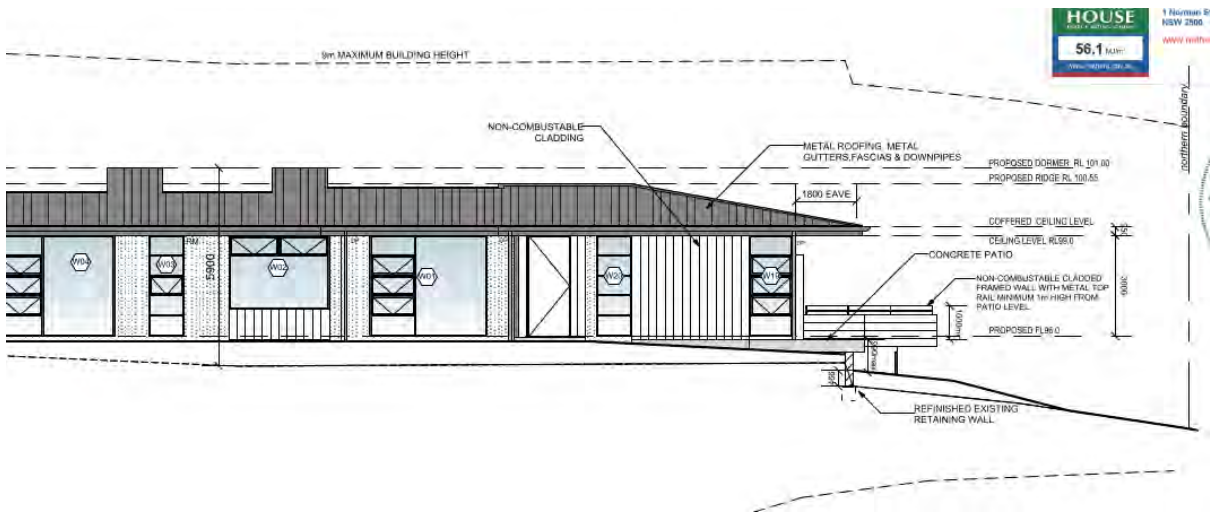


Figure 12: Ground floor of approved dwelling on the site

To the west and upslope of the site is a dwelling house approved under DA-2019/749, the eastern elevation of which as shown at Figure 13.



**Figure 13: East elevation of 1 Norman Street**

To the south of the site is a heavily vegetated Council owned reserve. Part of this reserve is managed by Council as an asset protection zone (see Figure 14 below).



**Figure 14: Asset protection area managed by Council**

A Sydney Water easement runs along the western portion of the site as illustrated at Figure 15 below. This easement is identified by Sydney Water as containing critical operational assets; including a 450mm C1CL

scour water main and a 600mm DICL trunk water main. The scour main is in service and is a critical operational asset.

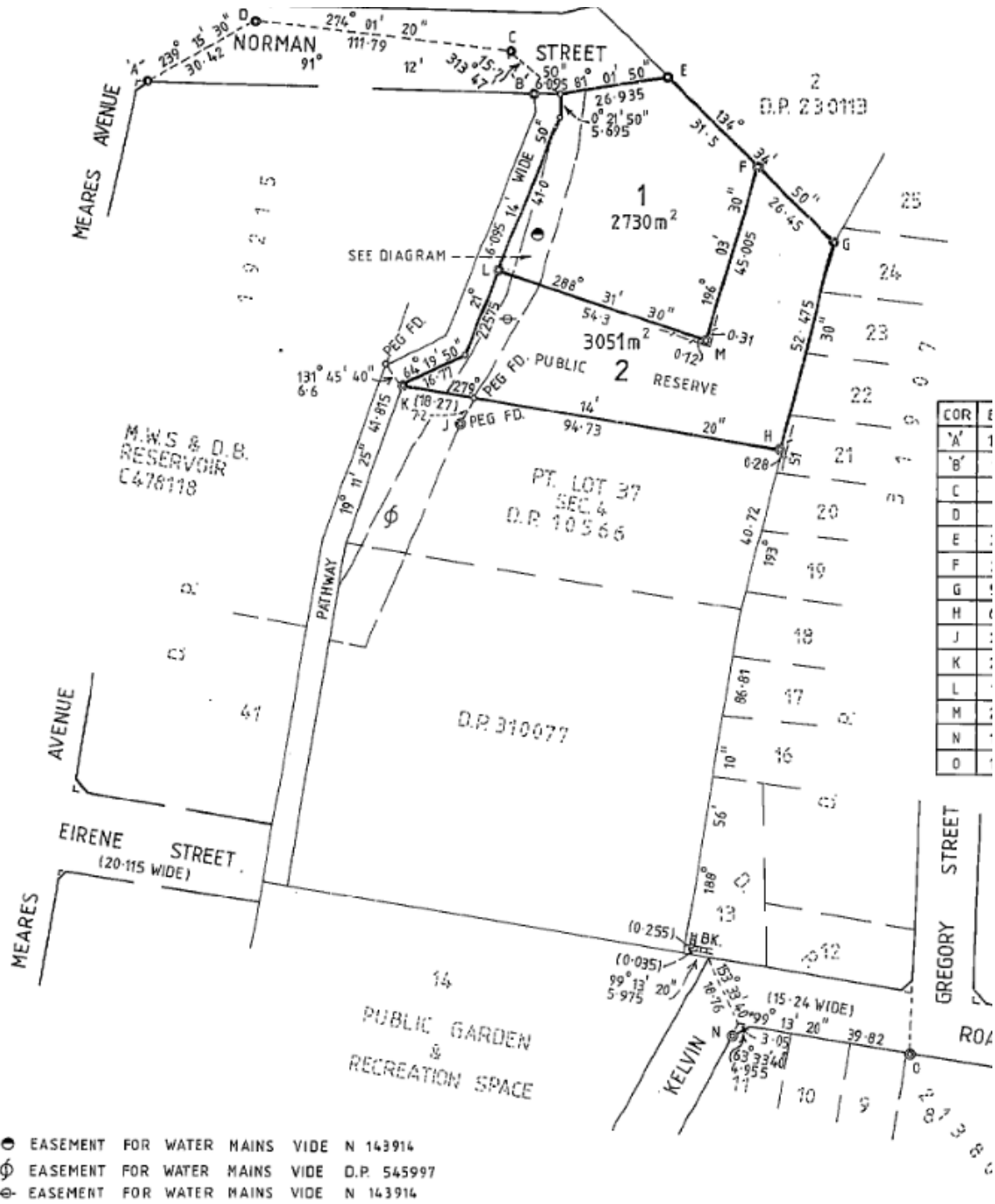


Figure 15: Sydney Water Easement

A public walkway runs along the western boundary linking Norman Street with Eirene Avenue as shown at Figure 16, Figure 17, Figure 18 and Figure 19.



**Figure 16: Pedestrian walkway looking north adjacent to subject site on right**



**Figure 17: View up pedestrian path from Norman Street looking south**



Figure 18: View looking across subject lot from pedestrian pathway



**Figure 19: Aerial photo of pedestrian path**

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

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

Property constraints

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

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

**1.5 SUBMISSIONS**

The application was notified in once following notification and a second time following receipt of amended documentation in accordance with Council’s Community Participation Plan 2019. Approximately 31 submissions were received in total however numerous submissions were received from a number of parties. The issues identified are discussed below.



**Figure 20: Notification map**

**Table 1: Submissions**

Concern	Comment
Traffic and safety impacts on Norman Street including from cars, waste vehicles, potential pedestrian conflicts including those using the public path along the western boundary of the site.	<p>It is noted that the eastern end of Norman Street is narrow without kerb and guttering or footpath.</p> <p>The proposal for one additional dwelling on the lot is not however considered to generate significant additional traffic volumes.</p> <p>There is limited if any scope for any further dwellings to be built at that end of Norman Street.</p> <p>Service vehicles such as Council waste collection are already servicing this street. This includes numbers 2, 4 and 1A Norman Street placing their</p>



Concern	Comment
	bins adjacent to 1 Norman Street for collection as illustrated below.
	
	<p>Whilst it is generally desirable for waste bins to be presented directly at the street frontage for a residential lot, the constraints of Norman Street do not allow for this for the existing dwellings. The absence of the ability for this to occur for the subject proposal and an additional bin further back on Norman Street would not warrant refusal of the proposal.</p>
<p>Encroachment over Sydney Water easement and validity of old correspondence from Sydney Water attached to the submission.</p>	<p>In respect of old advice submitted with the proposal, the application was submitted to Sydney Water to review afresh. They indicated they were unsupportive of a large encroachment over the easement shown in the originally submitted documentation.</p> <p>The plans have since been revised to remove all but a small encroachment over the easement. A deferred commencement condition is recommended with respect to this element. Sydney Water were consulted in this regard and supported this approach in principle subject to appropriate documentation being provided.</p>
<p>Inadequate stormwater management for the site and potential downslope impacts.</p>	<p>The drainage plan originally indicated some stormwater from the site being directed to a redundant Council stormwater pit in the road reserve. This has since been amended to direct the stormwater to an onsite detention system and then a level spreader approved under DA-2017/1719 at the south east corner of the site.</p> <p>This has been reviewed by Council's Stormwater Officer in respect of the applicable controls in Council's DCP and found to be satisfactory.</p>
<p>Unauthorised excavation and potential public safety and instability risks as well as impacts to tree.</p>	<p>This matter was investigated by Council's Regulatory division.</p>

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

Concern

Comment



Notwithstanding, the site is somewhat unique in character and there are opportunities to minimise impacts arising from the fencing though use of alternate transparent materials and potential landscape treatments.

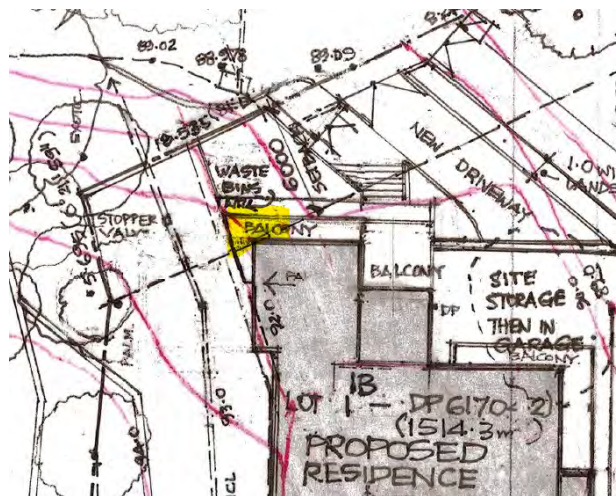
A condition is therefore recommended that the fence along the western and southern boundary be open style palisade fencing. Privacy concerns may be addressed through low level landscape screening on their side.



This DA seeks to use an alternative solution to The RFS have reviewed the submitted bushfire assess bushfire risk meaning that all other report and have issued their Bushfire Safety homeowners in the area have been dealt with Authority. It is not Council's role to question that under different assessment conditions. This referral shows a complete lack of consistency in assessment and procedural fairness.

View and visual impacts from non-compliant front setback

A front setback encroachment has been amended to essentially comply with the exception of an open balcony to a bedroom which sits at ground level as highlighted below.



Concern	Comment
The proposal does not satisfy the maximum 2 storey height specified in the DCP	The development has a three storey component at the north eastern corner. The basement level is however substantially below existing ground level and the dwelling would generally present as two storey's from adjoining properties. See variation discussion at Chapter A1.
Exceeds height limit of 9m	The drawings show the building as being compliant.
No mention is made of perimeter fencing	Further detail was provided of perimeter fencing which is currently proposed to be 1.8m high lapped hardiplank construction (except as above) to the western and southern boundary. This would technically meet the general controls around fencing in the DCP. See further fence discussion above.
The proposal is the culmination of a history of unauthorised clearing of vegetation on his land and in the public reserve to the south to reduce bush fire risk	This matter has been investigated by Council regulatory officers. The current application has to be assessed on the merit based on the documentation submitted.
<p>The large scale of this ultra-modern multi-storey building is very dominant in the streetscape and out of character with all other dwellings in the street.</p> <p>All adjoining dwellings on the same side of the street have large front setbacks which confer the feeling of an open streetscape. By contrast this dwelling will be very dominant and intrusive in the streetscape and is purely a consequence of a design of inappropriate scale.</p>	<p>The proposal is notably modern in appearance.</p> <p>As to the character of the area, Chapter D1 of the DCP covers character and notes that the desired future character for Mangerton is described as being a low density residential suburb with a mix of housing types, including detached dwelling-houses as well as some additional medium density villa and townhouse developments occurring within reasonable walking distance to bus stops in the suburb. The retention of the significant remnant stands of trees is important, in order to maintain the leafy character.</p> <p>The proposal retains significant trees and is not arguably inconsistent with the future character identified in this chapter.</p> <p>The locality is characterised by dwellings that sit comfortably within the leafy setting. The proposed dwelling is somewhat of an outlier in that regard. However, there are limited viewing points to the dwelling from public spaces. Significant trees have been retained and there are not considered sufficient grounds to request a different architectural design response.</p> <p>It is also noted that both proposed lots are well in excess of the minimum lot size requirement under Council's LEP (which is 450m<sup>2</sup>) being 1,514.3m<sup>2</sup> and 1,216m<sup>2</sup>.</p> <p>The dwelling complies with north, west and south setbacks however has large retaining walls to the</p>

Concern	Comment
	boundary with the other approved dwelling on the lot.
Timber fencing would not comply with bushfire rating requirements	Conditions of consent are recommended with respect to fencing materials meeting BAL rating requirements. The fence is proposed to be hardiplank construction as well as palisade.
View impacts from 1 Norman Street 	This is considered to be addressed above in regard to fencing material.
Undisclosed visual impact of roof mounted photovoltaic panels to views from 1 Norman Street. Solar panels would likely require stands further impacting on views.	The panels would likely have to be flat mounted on the roof in order to comply with the maximum building height. However, development for the purposes of solar energy systems (ie a photovoltaic electricity generating system, solar hot water system or solar air heating system) is specified as exempt development under Division 4 of Part 3 of State Environmental Planning Policy (Infrastructure) 2007.
The plans provided are clearly labelled as 'concept plans' and in view of the risks to residents in Gregory Street this proposal should not be granted before final engineering design plans and hydrological risk assessment reports are provided for consideration.	Conditions of consent have been recommended by Council's Geotechnical Officer with respect to engineering and stability of excavations. Conditions of consent have been recommended by Council's Stormwater Officer with respect to the final stormwater design.
Proposed works within road reserve (retaining walls and landscaping)	The proposal seeks to construct new kerb and landscaping within the road reserve area. It would also involve the construction of a large retaining wall and fence to the boundary at that location.  This is not supported. Rather, the works are to be contained within the subject lot and the treatment at the street interface is to be more measured (e.g. stepping up and lower height retaining with a splay back to improve sight lines for vehicles exiting the site. This is to be addressed via conditions of consent.

Concern	Comment
Inadequate turning facility in basement car park to allow for forwards egress to Norman Street.	The parking arrangement as shown would not provide the necessary swept paths to ensure the residents could manoeuvre on site to achieve forwards exit from the site. It is recommended that the space noted as "workshop" be swapped with the western parking space as this will enable cars to reverse back to the west before swinging up the driveway. This is reflected in the draft conditions of consent.
Approving this subdivision would be inconsistent with a previous refusal of a similar application on 3 Norman Street (DA-2016/63)	DA-2016/63 was withdrawn, rather than refused. This was primarily resulting from a lack of resolution of bushfire matters to the satisfaction of the RFS who held a concurrence role.
The proposed subdivision does not allow for suitable BAL ratings for the dwelling.	The RFS have reviewed the submitted bushfire report and have issued their bushfire safety authority.
The submitted bushfire report is inaccurate in describing the vegetation on and around the site	As above
There is a conflict of interest as the easement agreement and SEE have been submitted by the applicant himself and therefore not objective.	The applicant is entitled to prepare documentation in support of the application where suitably qualified to do so.
Pool and spa overflow waters potentially damaging adjacent turpentine tree.	Pool and spa overflow has to be captured and directed to stormwater. This is to be reflected in the conditions of consent.
The subdivision will set an undesirable precedent for further subdivisions in Mangerton.	The proposal is not considered to set an undesirable precedent. The minimum lot size complies, and no unreasonable adverse traffic or amenity impacts are expected. Other applications for subdivision would also be subject to a full assessment against the relevant controls.
Documentation is difficult to read	There are shortcomings with the presentation of the DA documentation. Notwithstanding, what has been supplied is considered adequate to allow a full and proper assessment of the proposal and the likely impacts.
Concerns that the development approved under DA-2017/1719 is not being constructed in accordance with the approval.	This is a matter for the certifier of that project and not a matter for consideration under this DA.
Muddy stormwater runoff from excavations running onto their land	This is a matter for the certifier for the project. Erosion and sediment control conditions are applied to the draft consent.
Construction vehicles damaging the roadway.	This is a matter for the certifier or Council's regulatory division. It would be a condition of any consent that a dilapidation survey be prepared of the road and that any damage be rectified by the developer.

Concern	Comment
Construction fencing encroaches onto Council property	This is a matter for Council regulatory division.
The developer should make the eastern end of Norman Street safe for the residents and fully accessible to waste service providers	Whilst the development and prior approval on the site have intensified the activity at the eastern end of Norman Street, this is not considered to be of a degree or nature that would warrant broader upgrades to the street.
The bushfire report contradicts previous bushfire reports for adjoining properties including 1 Norman street and 1A Norman street. The fire risk ratings for 1A Norman and 1 Norman street (immediate neighbours of the proposed development) seem to be higher than the proposed development. We are concerned that this seems to be conveniently done to allow the subdivision.	The supporting bushfire report has been prepared by a suitably qualified consultant and reviewed by the Rural Fire Service under the integrated requirements of the Act. The Rural Fire Service have not objected and are the authority on the matter.
Stormwater is proposed to be directed to a redundant pit	The stormwater plan has been amended with stormwater now being directed to an OSD and then level spreader approved under DA-2017/1517. This is an arrangement that has been found satisfactory by Council's stormwater officer
Documents created by the developer are a conflict of interest.	The applicant is entitled to prepare their own statement of environmental effects and supporting documentation.
Proposed variations to DCP controls either not addressed (e.g. no. of storeys) or not addressed in accordance with Chapter A1.	The proponent has made an attempt to address these items.
Heritage impacts and lack of heritage impact statement	The nearby streets including Norman Street along with the Council reserve to the south are identified in Schedule 5 of the LEP and as "Streetscape of Mature Blackbutts and Turpentine". The proposal is not considered to be of a nature or to have substantial impacts with respect to heritage matters to warrant a heritage impact statement. No significant trees are proposed to be removed.
Shadow diagrams missing or inadequate	Shadow diagrams have been provided.
Insufficient detail of pool fences or surrounds	This is considered to be a matter is resolved via conditions of consent.
Construction related impacts (e.g. Noise, Vibration, Damage to road)	Construction related impacts are considered to be reasonably managed via conditions of consent.
Photos in the submission are not current	The site has been inspected by Council officers in regard to the current scenario.
Proposal should retain Tree 1	Tree 1 is to be retained.

Concern	Comment
Glare impacts to neighbours from extensive glazing	Due to the contours of the land and surrounding vegetation, any reflection from glazed areas would not likely be a significant concern.
Insufficient detail of retaining walls (e.g. height above ground, drainage, materials etc)	Further detail has been provided of retaining walls and associated structures.
Overlooking from three storey height	The proposal is not expected to result in any significant overlooking given the separation to and orientation of adjoining dwellings.
Lack of statement of heritage impact	This is not required. The heritage notation relates to trees and the proposal does not impact upon any of the identified trees.
Subdivision application should be addressed separately to the dwelling application.	This is not a requirement. Council regularly allows consideration of subdivision and construction under single applications.
Dilapidation reports would be required for each adjoining dwelling on Norman Street for excavations.	This is considered to be managed via conditions.
The proposal is overdevelopment	Noting the dwelling is large, the minimum lot size exceeds the minimums under the LEP. The FSR is likewise below the maximum. Height complies with the LEP. Traffic generation from one additional dwelling is not considered to result in a significant impact to the local street network.
Excavations using rock hammers that have been undertaken are contrary to the applicant's report recommending sawing of sub surface rock to reduce vibration	This is a matter to be taken up with the certifier and not relevant to the subject application...
Proposal does not allow for street tree planting	There are already significant street trees in the street.
Solid fence will impede early notice of any fire, be a magnet for graffiti and a potential safety risk in strong winds	This is considered to be resolved by an open palisade type of fence.
Inadequate room to store equipment and building material, bricks/frames/trucks/concrete pumps etc) in the area marked on the above plan.	It is considered reasonable that a Construction Management Plan be provided given the constrained nature of the street environment and site.
Proposed pump out system for stormwater in basement not ideal.	This has been reviewed by Council Stormwater Officer who has not raised concern with this arrangement.
The BASIX certificate requires a photovoltaic system with the capacity to generate at least 2.5 peak kilowatts of electricity. The plans do not reference the system and due to the vegetation around the proposed home, it is probable that these panels would need to be installed on a	This is to be addressed via conditions.



Concern	Comment
racking system which I believe will add to the height of the dwelling which would exceed the maximum height.	

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

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

### 1.6.2 EXTERNAL CONSULTATION

#### Rural Fire Service

The Rural Fire Service have provided their Bushfire Safety Authority under the integrated requirements of the Act as contained in the draft consent at **Attachment 5**.

#### Sydney Water

Sydney Water were consulted with regard to an encroachment of the building over a Sydney Water drainage easement that traverses the western portion of the site. The extent of the encroachment has been reduced significantly so that only a minor encroachment remains. Whilst Sydney Water have yet to provide their final commentary, discussions with Sydney Water indicated that subject to appropriate documentation being provided the encroachment would be given consideration. This is recommended to be addressed via a deferred commencement consent.

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

N/A

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

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

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

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

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

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

#### 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### Clause 1.4 Definitions

The Act defines subdivision as follows:

## 6.2 Meaning of “subdivision” of land

(1) For the purposes of this Act, subdivision of land means the division of land into 2 or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected—

(a) by conveyance, transfer or partition, or

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

(2) Without limiting subsection (1), subdivision of land includes the procuring of the registration in the office of the Registrar-General of—

(a) a plan of subdivision within the meaning of section 195 of the Conveyancing Act 1919, or

(b) a strata plan or a strata plan of subdivision within the meaning of the Strata Schemes Development Act 2015.

*dwelling house* means a building containing only one dwelling.

## **Part 2 Permitted or prohibited development**

### Clause 2.2 – zoning of land to which Plan applies

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

### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

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

### Clause 2.6 Subdivision—consent requirements

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

## **Part 4 Principal development standards**

### Clause 4.1 Minimum subdivision lot size

The minimum lot size for subdivision is 450m<sup>2</sup>. The proposed subdivision complies resulting in the following lot sizes:

- Proposed Lot 1: 1,514.3m<sup>2</sup>
- Proposed Lot 2: 1,216m<sup>2</sup>

Clause 4.3 Height of buildings

The proposed building height of 8.9m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

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

Clause 5.10 Heritage conservation

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



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

Clause 5.21 Flood planning

The site is identified as being flood affected (Flood Risk Precinct Classification under Review). Council’s Stormwater Officer has reviewed the proposal in this regard and has not raised any concerns.

**Part 7 Local provisions – general**

Clause 7.1 Public utility infrastructure

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

Clause 7.2 Natural resource sensitivity – biodiversity

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



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

Draft Environment SEPP

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018. This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. This Draft SEPP does not apply to this development.

Draft Remediation of Land SEPP

The Explanation of Intended Effect for the Remediation of Land SEPP and the Managing Land Contamination guidelines were exhibited between 25 January 2018 and 13 April 2018. This Draft SEPP does not apply to this development.

Draft Design and Place SEPP

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

At this time council is not requiring additional standards beyond BASIX certificates issued under the active BASIX SEPP for this scale of development. This Draft SEPP does not apply to this development.

Draft Housing SEPP

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The Housing SEPP is intended to be finalised in October 2021. This Draft SEPP does not apply to this development.

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

**2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

An assessment of the proposal against planning controls in WDCP 2009 is contained in Attachment 3. Variations are discussed below:

## CHAPTER A1 – INTRODUCTION

### 8 Variations to development controls in the DCP

#### Front setback

*(a) The control being varied;*

Chapter B1, 4.2 Front Setbacks: 6m minimum front setback

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

The proposal seeks to come to approximately 5.6m for a small corner of the building in the north eastern of the site.

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

Setbacks for dwellings along the southern side of Norman Street approaching the site meet or exceed the 6m recommended setback (no. 7 (~20m), no. 5 (~10m), no. 3 (~6m) and no. 1 (~6m)). In respect of a streetscape character however the subject property is largely obscured when looking along that stretch of the road and would not detract from the streetscape.

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

The objectives of the control are as follows:

*(a) To reinforce the existing character of the street and locality by acknowledging building setbacks.*

*(b) To ensure that buildings are appropriately sited, having regard to site constraints.*

*(c) To ensure building setbacks are representative of the character of the area.*

*(d) To provide for compatibility in front setbacks to provide unity in the building line.*

*(e) To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.*

*(f) To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).*

The variation is minor in nature and not considered to result in any significant additional impacts beyond a compliant form.

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

See above discussion.

#### Three storey height

*(a) The control being varied;*

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

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

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

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

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

The objectives of the controls are as follows:

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

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

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

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

#### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is \$974,874 and a levy is not applicable under this plan as the threshold value is \$100,000.

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

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

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

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

N/A

93 Fire safety and other considerations

N/A

94 Consent authority may require buildings to be upgraded

N/A

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

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

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

Does the proposal fit in the locality?

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

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

31 objections were received following notification as discussed at section 1.5 of this report.

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

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

## **3 CONCLUSION**

---

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

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

Internal referrals were satisfactory and concerns raised in submissions have been considered and where appropriate, conditions of consent are recommended to resolve/ mitigate concerns. External concurrence has been provided by the RFS under the integrated provisions of the Rural Fires Act. Sydney Water are yet to provide final commentary, but have indicated that subject to appropriate documentation being provided the encroachment would be given consideration. This along with a requirement for a Construction Management Plan is recommended to be addressed via a deferred commencement consent.

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

## **4 RECOMMENDATION**

---

It is recommended that the development application be approved subject to the deferred commencement conditions at Attachment 5

## **5 ATTACHMENTS**

---

- 1 Aerial photograph
- 2 WLEP zoning map
- 3 WDCP2009 compliance table
- 4 Plans
- 5 Draft conditions of consent

# Attachment 1 – Aerial Photograph





## Attachment 2 – Wollongong Local Environmental Plan 2009 zoning map



## Attachment 3 – WDCP 2009 Compliance table

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

#### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>
<u>4.1 Maximum Number of Storeys</u>	
<ul style="list-style-type: none"> <li>In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.</li> </ul>	Complies
<u>4.2 Front Setbacks</u>	
<ul style="list-style-type: none"> <li>6m front setback</li> </ul>	Variation requested – see discussion at Chapter A1.
<u>4.3 Side and Rear Setbacks</u>	
<ul style="list-style-type: none"> <li>Minimum 900mm</li> </ul>	Complies
<u>4.4 Site coverage</u>	
Maximum 50% site coverage	Complies
<u>4.5 Landscaped Area</u>	
<ul style="list-style-type: none"> <li>20% landscape area minimum</li> </ul>	Complies
<u>4.6 Private Open Space</u>	
<ul style="list-style-type: none"> <li>24m<sup>2</sup> minimum POS area, minimum 4m dimension</li> </ul>	Complies
<ul style="list-style-type: none"> <li>should not be located on side boundaries or front yard</li> </ul>	N/A
<ul style="list-style-type: none"> <li>defined through the use of planting, fencing, or landscape features.</li> </ul>	Satisfactory
<ul style="list-style-type: none"> <li>screened where necessary</li> </ul>	Satisfactory
<ul style="list-style-type: none"> <li>must not extend forward of the front building line by greater than 900mm.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area.</li> </ul>	Complies
<u>4.7 Solar Access</u>	
<ul style="list-style-type: none"> <li>Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21.</li> </ul>	Complies

<i>Controls/objectives</i>	<i>Comment</i>
<ul style="list-style-type: none"> <li>Shadow diagrams are required for 9.00am, 12:00pm and 3.00pm for the 21 June winter solstice period for two storey dwellings</li> </ul>	Provided
<p><u>4.8 Building Character and Form</u></p>	
<ul style="list-style-type: none"> <li>The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction.</li> </ul>	<p>The proposal involves retaining walls across the site which is primarily a function of the steep grades. A built form could have been designed that was more sympathetic to the contours requiring less earthworks however the proposed design is considered acceptable with regard to the likely impacts.</p>
<ul style="list-style-type: none"> <li>Large bulky forms are to be avoided, particularly in visible locations</li> </ul>	<p>The proposed dwelling is large and presents as three storey in height when viewed from the north/northeast. The site is however large and the form is generally well articulated.</p>
<ul style="list-style-type: none"> <li>New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</li> </ul>	<p>The character of the locality is generally of single dwellings in a leafy setting. The proposal is a large house however retains the leafy context and is generally well set back from adjoining properties. The proposed form is considered acceptable with regard to the character of the locality.</p>
<ul style="list-style-type: none"> <li>All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. On corner allotments, the development should address the street on both frontages.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted.</li> </ul>	Complies
<ul style="list-style-type: none"> <li>Where garages are proposed on the front elevation they must be articulated from the front façade.</li> </ul>	Complies
<p><u>4.9 Fences</u></p>	
<ul style="list-style-type: none"> <li>Various.</li> </ul>	<p>A new 1.8m lapped hardi-plank and palisade fence is proposed along the western boundary of the site.</p>
<p><u>4.10 Car parking and Access</u></p>	
<p>The provision of car parking shall be as follows:</p>	<p>Two car parking spaces are provided in accordance with this control.</p>
<p>(a) 1 space per dwelling with a gross floor area of less than 125m<sup>2</sup></p>	
<p>(b) 2 spaces per dwelling with a gross floor area of 125m<sup>2</sup> or greater</p>	
<p>Garages must be setback a minimum of 5.5m from the front property boundary.</p>	Complies
<p>garage door openings to be a maximum of 50% of the width of the dwelling.</p>	Complies
<p>6m x 6m minimum for double garages</p>	Complies

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

*Controls/objectives*

*Comment*

report prepared by a suitably qualified geotechnical and structural engineer relating to the proposed retaining wall. Council will assess the suitability of any retaining within these areas, based upon the findings and recommendations contained in the report.

4. To limit the overall height impact, terracing of retaining walls is required, limiting the maximum vertical rise of a retaining wall to 1 metre, with a minimum horizontal setback of 1 metre.

5. Any retaining wall with a vertical height exceeding 1 metre in any one vertical rise must be supported by appropriate justification demonstrating how the proposal meets the objectives above.

6. Balustrading will be required in accordance with the Building Code of Australia, to ensure the safety of the public, where the retaining wall adjoins a public place and where there is a change in level greater than 1 metre to the surface beneath.

7. Open window face type retaining walls must not be permitted within 1.5 metres of an adjoining property boundary. These include crib block and similar type walls that permit the free flow of solid material through the wall.

8. A fence and any associated retaining wall located within the setback area from a primary road shall be restricted to:

(a) A maximum 1.2 metre height above existing ground level, and

(b) An open style for at least 50 per cent of the upper 2/3 of the area of the fence, and

(c) Any brick or other solid portion of the fence above 600mm being not more than 250mm wide.

9. The fence or the fence and associated retaining wall on a sloping site may be stepped, provided the height of each step is not more than:

(a) 1.6 metres above existing ground level if it is located within a setback area from a primary road, or

(b) 2.2 metres above existing ground level for side or rear boundaries (where it is behind the front building line).

4.18 Swimming pools and spas

1. Ancillary development comprising a swimming pool and / or spa for private use must be located on land:

a) That contains an existing dwelling or a dwelling is constructed on the land at the same time the swimming pool and / or spa is constructed.

b) Behind the building line of a primary road setback.

2. For corner sites or where a property has two road frontages, the location of the swimming pool or spa is not to be in the primary frontage.

Retaining walls are suitably terraced.

Conditions of consent are recommended regarding retaining walls.

The proposal will be required to comply with the BCA.

Retaining walls are generally where they adjoin neighbouring sites or the public domain.

The front boundary treatment is conditioned to be amended.

Satisfactory

Complies

N/A

<i>Controls/objectives</i>	<i>Comment</i>
3. Where a swimming pool or spa is proposed between the building façade and the secondary road frontage, appropriate landscape buffer screen planting will be required within the pool enclosure, behind the child resistant barrier, (i.e. so as not to affect the performance of the child resistant barrier) surrounding the pool enclosure.	N/A
4. Where a boundary fence is proposed to form part of the pool fence and it adjoins a public road the fence must be 1.8m high.	N/A
5. A swimming pool or spa must not be located: <ul style="list-style-type: none"> <li>a) Over an easement or restricted building zone.</li> <li>b) Within a zone of influence of a public sewer main.</li> <li>c) Within a zone of influence of a public drainage pipe.</li> <li>d) Within a riparian buffer zone:</li> <li>e) Without appropriate approval by the relevant authority or person benefiting from the easement of covenant.</li> </ul>	N/A
6. The swimming pool water line or spa water line must have a setback of at least 900mm from any side or rear boundary.	Complies
7. Any decking around a swimming pool or spa must not be more than 600mm above ground level (existing).	Complies
8. Coping around a swimming pool must not be more than: <ul style="list-style-type: none"> <li>a) 1.4m above ground level (existing), and</li> <li>b) 300mm wide if the coping is more than 600mm above ground level (existing).</li> </ul>	Conditioned
9. Any in-ground swimming pool or spa should be constructed so that the top edge of the swimming pool / spa is as close as possible to the existing ground level. On sloping sites, this may require excavation on the high side of the site, in order to ensure minimal out of ground exposure of the swimming pool at the low side.	Complies
10. Water from paved areas must not be discharged to any watercourse.	Conditioned
11. Overflow paths must be provided to allow for surface flows of water in paving areas around the pool and shall not be directed or connected at any point onto the adjoining property.	Conditioned
12. Discharge and/or overflow pipe(s) from the swimming pool and filtration unit are: <ul style="list-style-type: none"> <li>a) To be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.</li> <li>b) In the case of land within Rural / non-urban or Environmental Protection zones having an area greater than 1000m<sup>2</sup>, to incorporate disposal pits located a minimum of 3m from any property boundary except where on-site disposal is not recommended in a</li> </ul>	Conditioned

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

## CHAPTER B2 – RESIDENTIAL SUBDIVISION

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



### 17 Servicing Arrangements

The proposal is in an established serviced residential neighbourhood. Conditions of consent are recommended with respect to specific utility provider requirements.

### 18 Road addressing

To be addressed via conditions

## **CHAPTER D1 – CHARACTER STATEMENTS**

### Mangerton

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

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

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

## **CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

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

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

### **6 Traffic impact assessment and public transport studies**

#### 6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was not required for the development.

#### 6.2 Preliminary Construction Traffic Management Plan

N/A

### **7 Parking demand and servicing requirements**

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

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

### **8 Vehicular access**

The basement parking area identifies a “turning circle” area which would not satisfy swept paths. It is to be conditioned that the parking be amended such that the area identified as “workshop” be swapped with the western parking space marked G1. This will facilitate better reversing movements to enable forwards egress from the site.

Driveway grades and sight distances comply.

### **9 Loading / unloading facilities and service vehicle manoeuvring**

The development complies with AS 2890.2.

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

### **10 Pedestrian access**

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

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

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

## **CHAPTER E6: LANDSCAPING**

See comments elsewhere

## **CHAPTER E7: WASTE MANAGEMENT**

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

There is no demolition.

Suitable waste storage and servicing arrangements have been provided.

## **CHAPTER E14 STORMWATER MANAGEMENT**

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

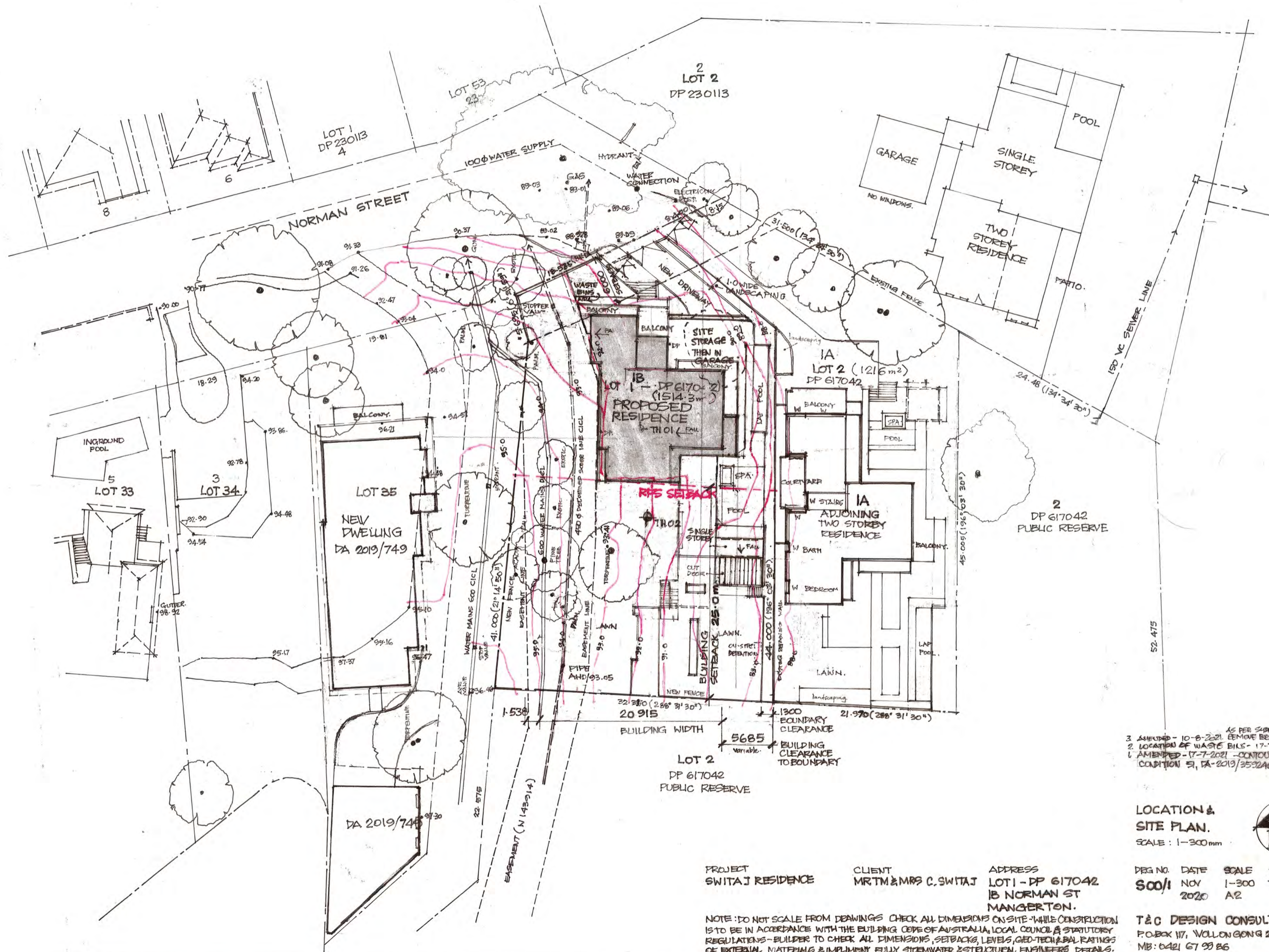
The capacity of this level spreader system has been demonstrated to be adequate to manage the additional flow.

## **CHAPTER E16 – BUSHFIRE MANAGEMENT**

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

## **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

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



- 1. AS PER SURVEY WATER NOAR.
- 2. REMOVE BE FROM EASTERN.
- 3. LOCATION OF WASTE BINS - 17-7-2021
- 4. AMENDED - 17-7-2021 - CONTOURS FOR CONDITION 51, DA-2019/353246.

**LOCATION & SITE PLAN.**  
 SCALE : 1-300 mm

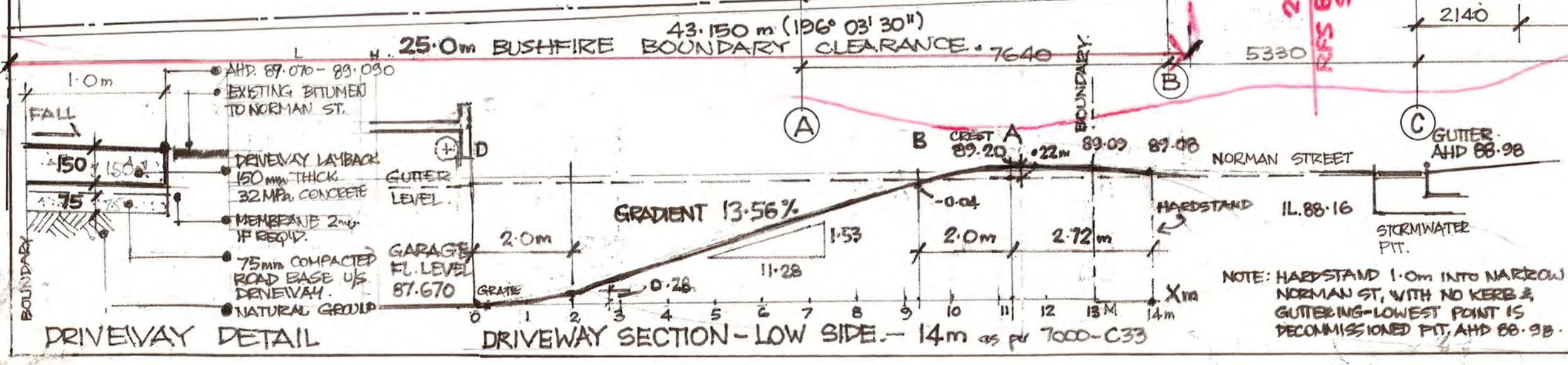
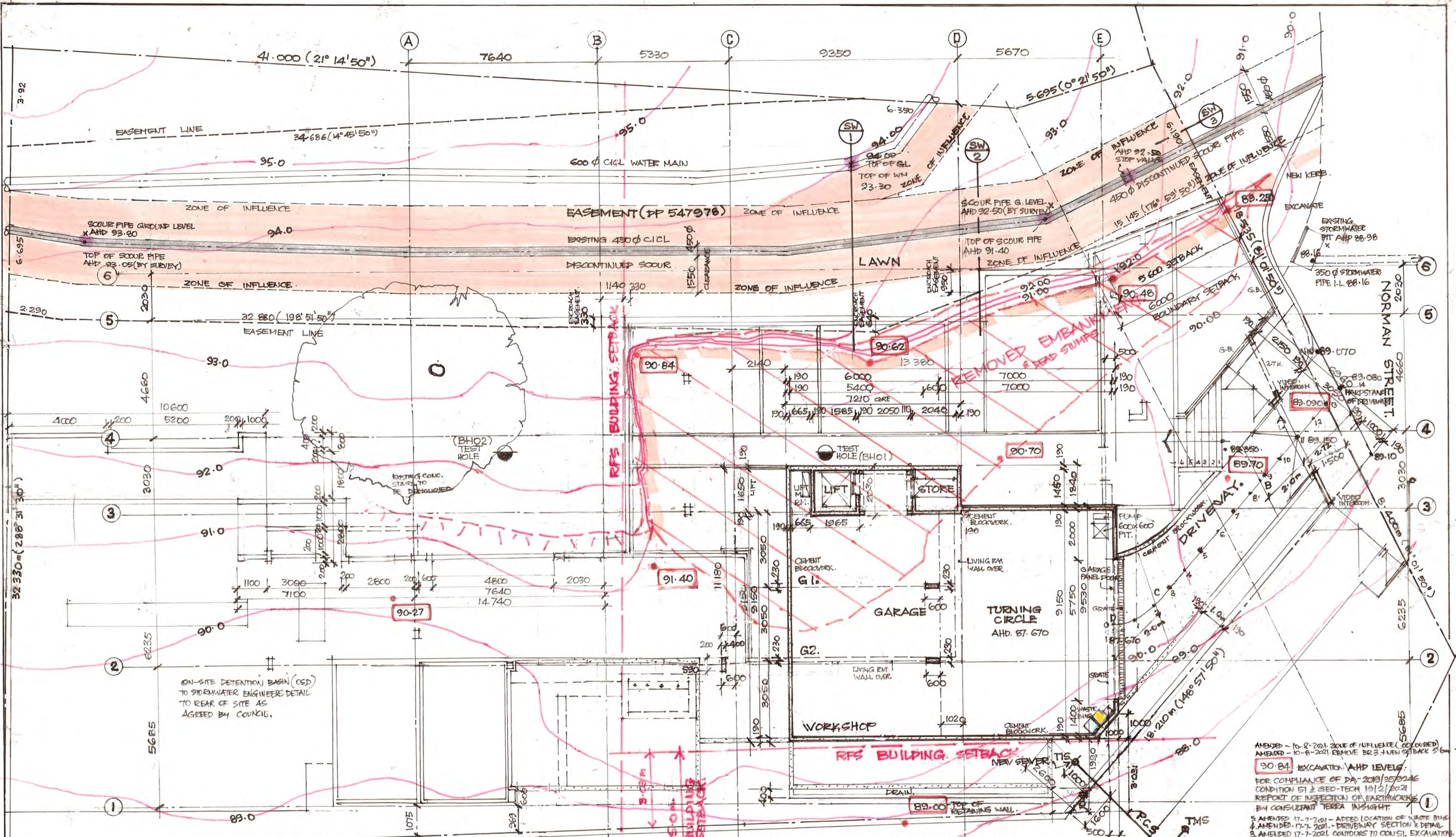


PROJECT: SWITAJ RESIDENCE  
 CLIENT: MRTM & MRS C. SWITAJ  
 ADDRESS: LOT 1 - DP 617042, 1B NORMAN ST, MANGERTON.

DEG NO: 500/1  
 DATE: NOV 2020  
 SCALE: 1-300  
 DRAWN: T. SWITAJ

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

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



PROJECT SWITAJ RESIDENCE CLIENT MR. TM & MRS C. SWITAJ ADDRESS LOT 1-DP 617042 1B NORMAN ST. MANGERTON.

REG NO 02/12 DATE NOV 1-100 SCALE 1-100m DRAWN T. SWITAJ DATE 2020 A2

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

AMENDED - 10-2-2021. ZONE OF INFLUENCE (COLOURED) AMENDED - 10-8-2021. REMOVE BR3. LIVEN SETBACK 5.6m

90.84 EXCAVATION AND LEVELS FOR COMPLIANCE OF DA-2019/250246 CONDITION 51 & SED-TECH 19/2/2021 REPORT OF INSPECTION OF EARTHWORKS BY CONSULTANT TERRA INSIGHT

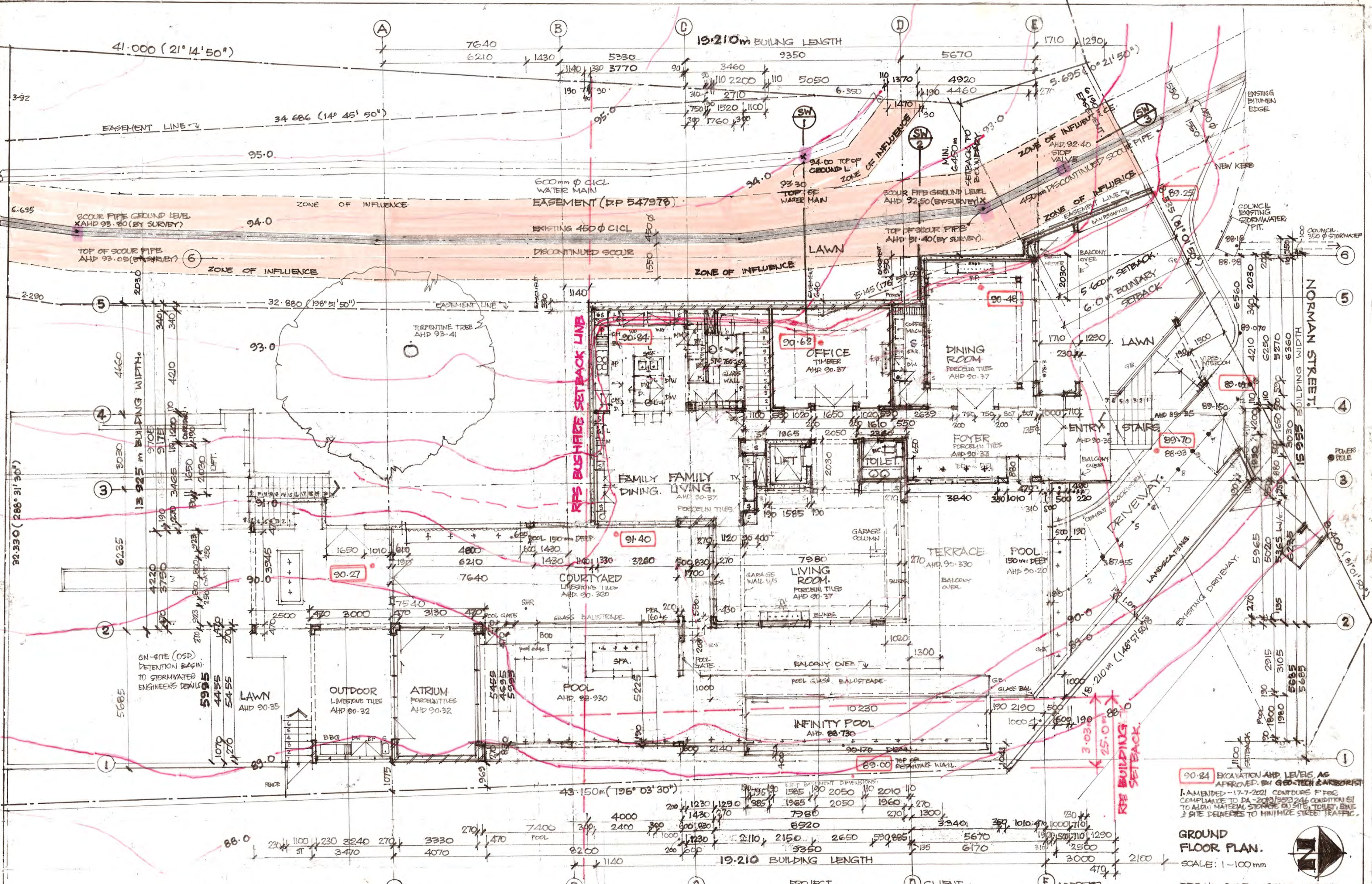
5. AMENDED 17-7-2021 - ADDED LOCATION OF WASTE BIN 6. AMENDED 17-7-2021 - DRIVEWAY SECTION & DETAIL 7. AMENDED 17-7-2021 - CONTOURS TO COND 51, EXCAVATION 2. AMENDED 17-7-2021. EARTHWORKS EXCAVATION FOR MATERIAL STORAGE TOILETS, BINS, TERRACE & DELIVERIES 1. AMENDED 18-9-2021 - NEW SEWER APPROVED BY S.W.

**BASEMENT FLOOR PLAN.**  
SCALE: 1:100mm



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

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



90.24 EXCAVATION AND LEVELS AS APPROVED BY GEO-TECH & ARBORIST  
 1. AMENDED - 17-7-2021 CONTOURS FOR COMPLIANCE TO DA-2020/1553246 CONDITION 51 TO ALLOW MATERIAL STORAGE ON SITE TOILET SITES & SITE DELIVERIES TO MINIMIZE STREET TRAFFIC.

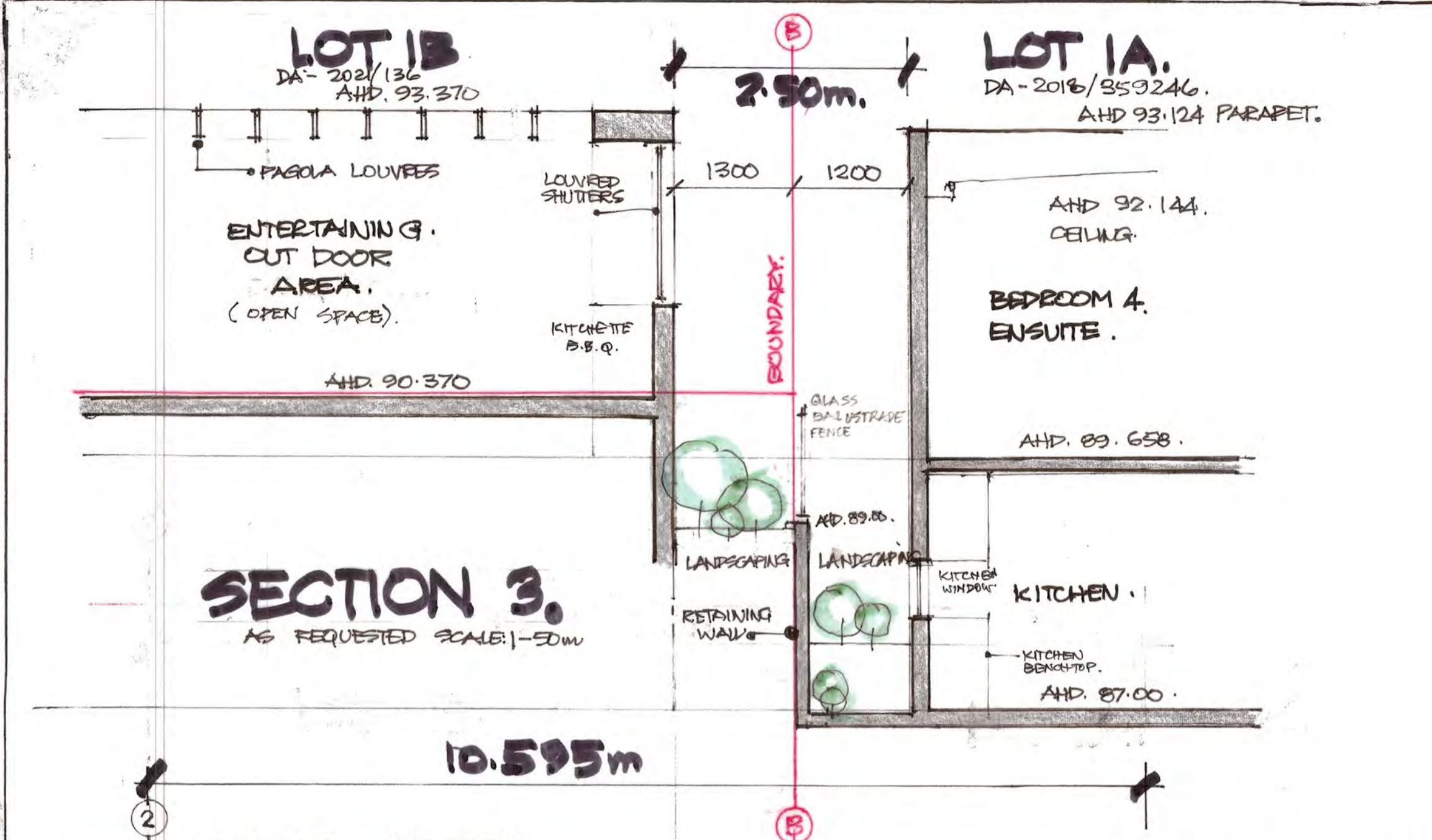
**GROUND FLOOR PLAN.**  
 SCALE: 1-100 mm

DRG NO	DATE	SCALE	DRAWN
03/12	NOV 2020	1-100	T.SWITAJ
		A2	

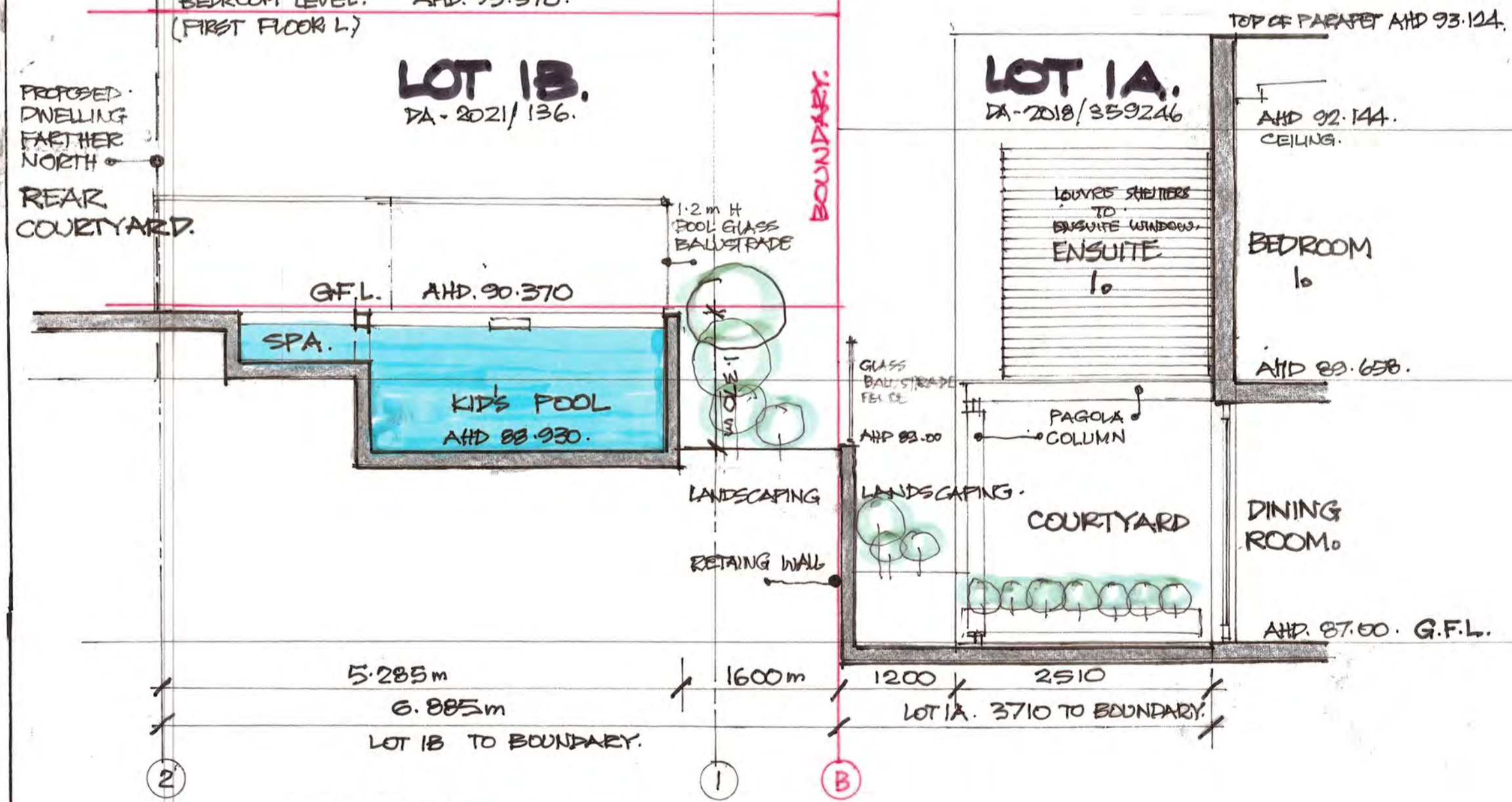
PROJECT: SWITAJ RESIDENCE  
 CLIENT: MR TM & MRS G. SWITAJ  
 ADDRESS: LOT 1 - DP 617042, 1B NORMAN ST, MANGERTON.

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

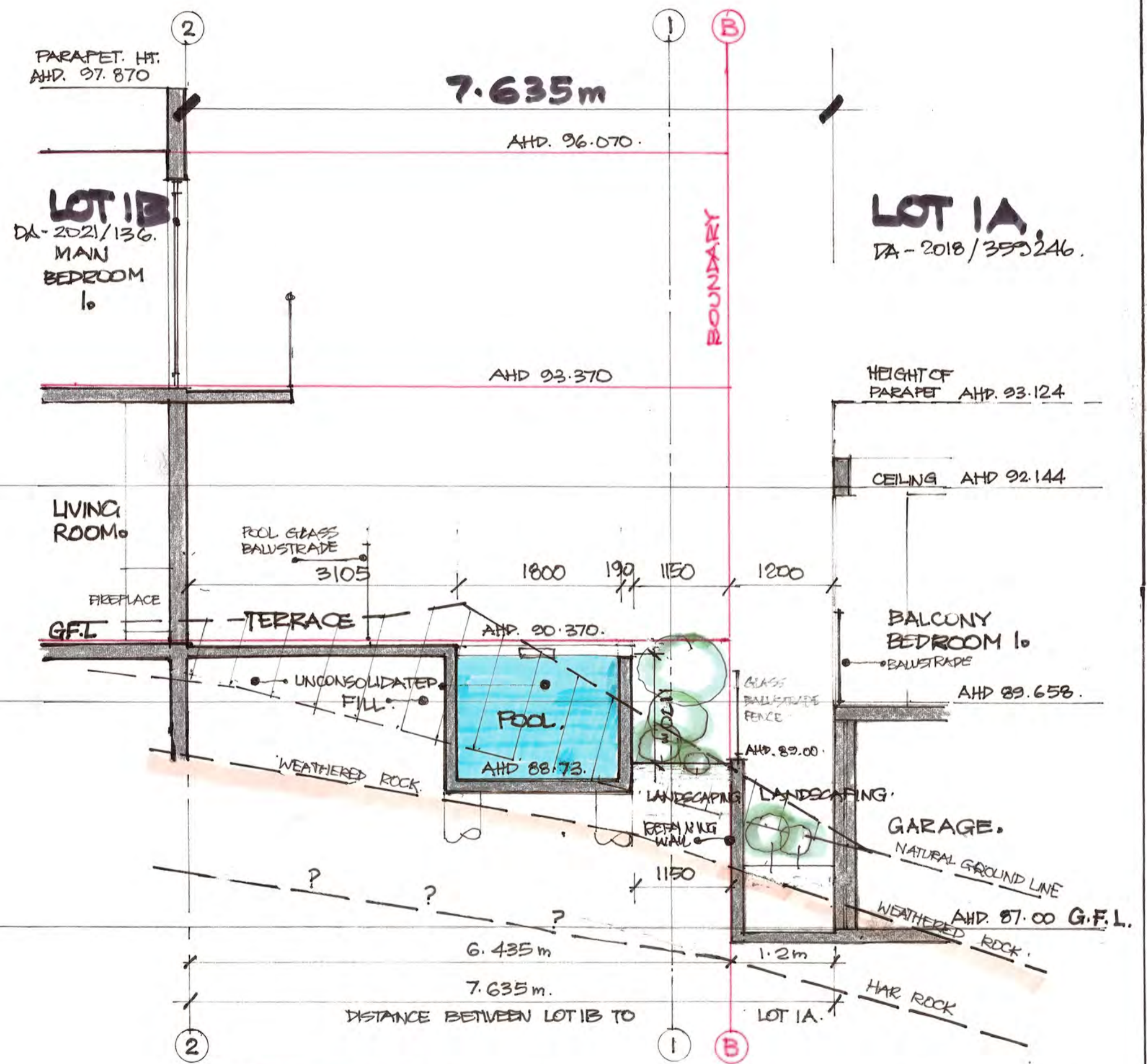
1. AMENDED 10-8-2021 ZONE OF INFLUENCE (COLOURED) AHEAD DIMENSIONS TO B23 P12 TO SUBSURFACE.
2. AMEND - 10-8-2021 REMOVE BR3 + REIN SETBACK 5.6m.



**SECTION 3.**  
AS REQUESTED SCALE: 1-50mm



**SECTION 2.**  
AS REQUESTED SCALE: 1-50mm.

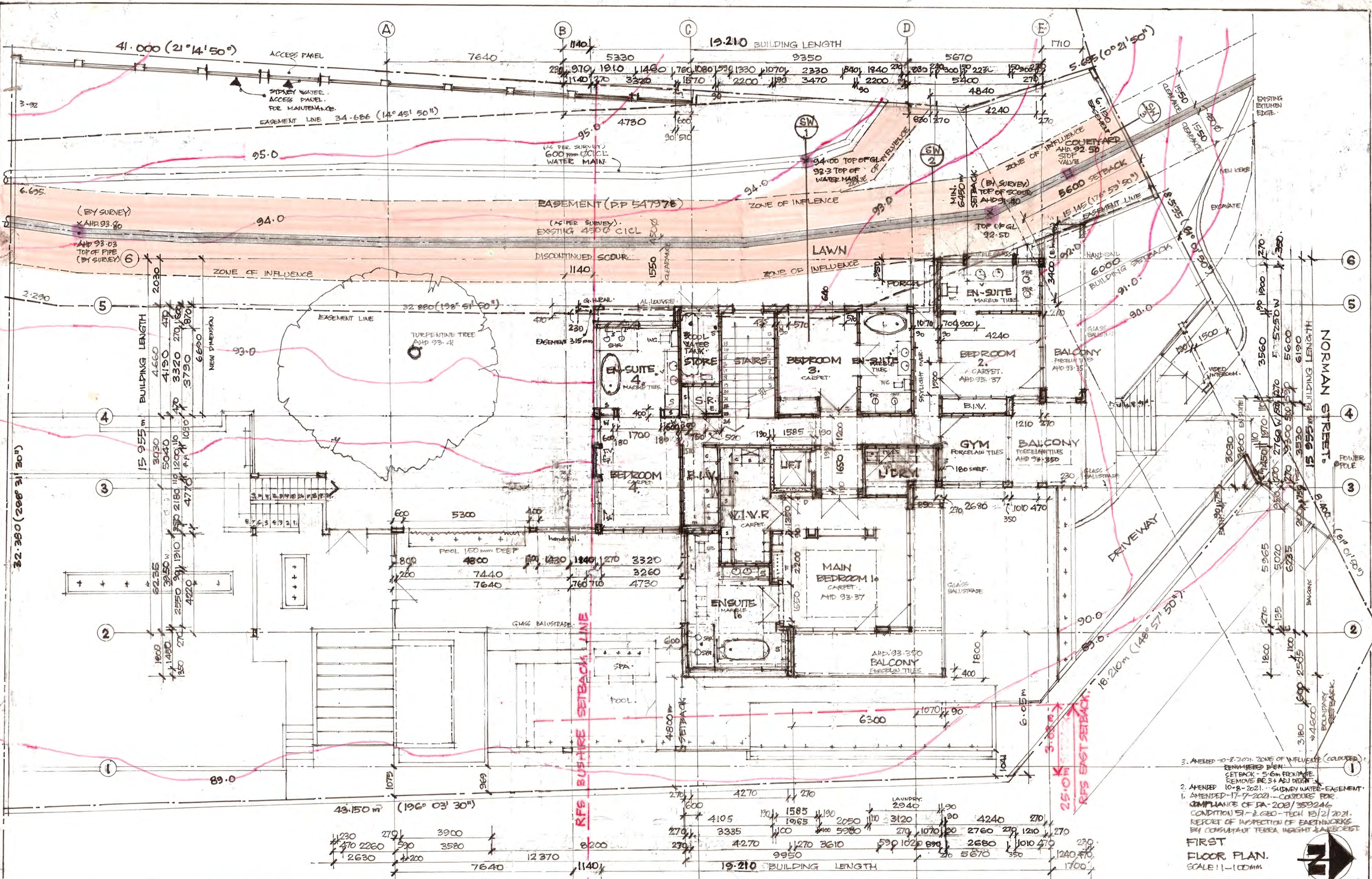


**SECTION 1.**  
AS REQUESTED SCALE: 1-50mm.

ADJOINING LOT 1A & LOT 1B  
SECTION 1-2-3.  
SCALE: 1-50mm

PROJECT: SWITAJ RESIDENCE  
CLIENT: MR TM & MRS C. SWITAJ  
ADDRESS: LOT 1-DP 617042, 1B NORMAN ST., MANGERTON.  
DRG NO. DATE: SCALE: 3A/12 FEB 2021. 1-50m T.SWITAJ A2

NOTE: DO NOT SCALE FROM DRAWINGS - CHECK ALL DIMENSIONS ON SITE WHILE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL'S STATUTORY REGULATIONS - BUILDER TO CHECK ALL DIMENSIONS, SETBACKS, LEVELS, GED-TECH, BAL. RATINGS OF EXTERNAL MATERIALS & IMPLIMENT FULLY STORMWATER & STRUCTURAL ENGINEERS DETAILS.  
T & C DESIGN CONSULTANTS  
P.O. BOX 117, WOLLONGONG 2520 NSW  
MB: 0421 679 986



- 3. AMENDED 10-8-2021. ZONE OF INFLUENCE (COLOURED) RENUMBERED PLAN. SETBACK - 5.6m FRONTYARD. REMOVES BR 3+ ASU DESIGN.
- 2. AMENDED 10-8-2021. SURVEY WATER-EASEMENT. AMENDED-17-7-2021. - CONSIDERS FOR COMPLIANCE OF DA-208/359246. CONDITION 51-2 GEO-TECH 18/2/2021. REPORT OF INSPECTION OF EARTHWORKS BY CONSULTANT TERRA HEIGHT & EARTHSET.

**FIRST FLOOR PLAN.**  
SCALE: 1:100MM



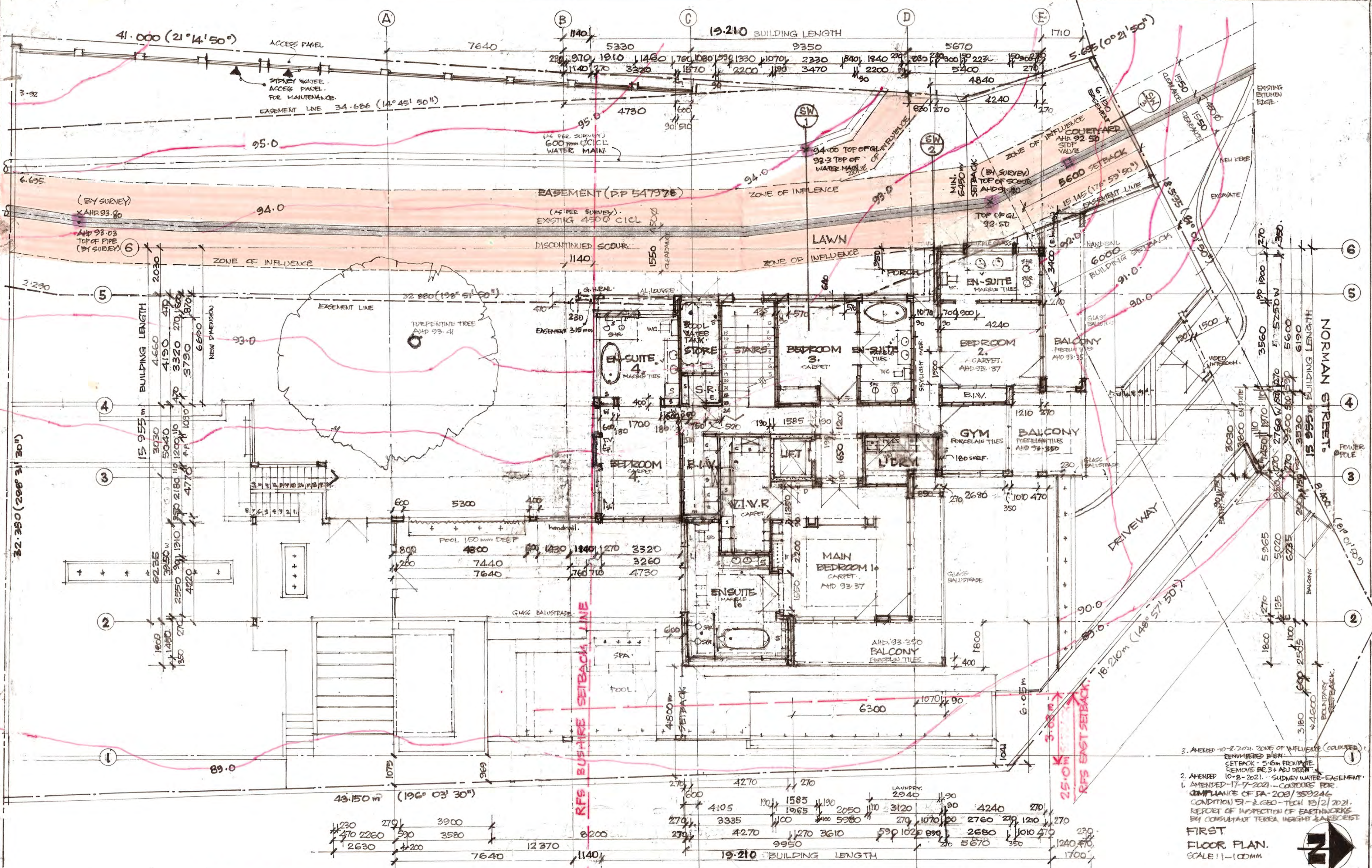
PROJECT: SWITAT RESIDENCE  
 CLIENT: MRS M & MRS C. SWITAT  
 ADDRESS: LOT 1 - DP 617042, 1B NORMAN ST. MANGERTON.  
 DRG NO: 04/12  
 DATE: NOV 2020  
 SCALE: 1:100  
 DRAWN: TSWITAT  
 A2

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

**25.0m BUSHFIRE BOUNDARY SETBACK.**

**RFS BUSHFIRE SETBACK LINE**

**25.0m RFS EAST SETBACK.**



- 3. AMENDED 10-8-2021. ZONE OF INFLUENCE (COLOURED) RENUMBERED PLAN. SETBACK - 5.6m FRONTYARD. REMOVES BR 3+ ASU DESIGN.
- 2. AMENDED 10-8-2021. SURVEY WATER-EASEMENT. AMENDED-17-7-2021. - CONSIDERS FOR COMPLIANCE OF DA-208/359246. CONDITION 51-2 GEO-TECH 18/2/2021. REPORT OF INSPECTION OF EARTHWORKS BY CONSULTANT TERRA HEIGHT & EARTHSET.

**FIRST FLOOR PLAN.**  
SCALE: 1:100MM



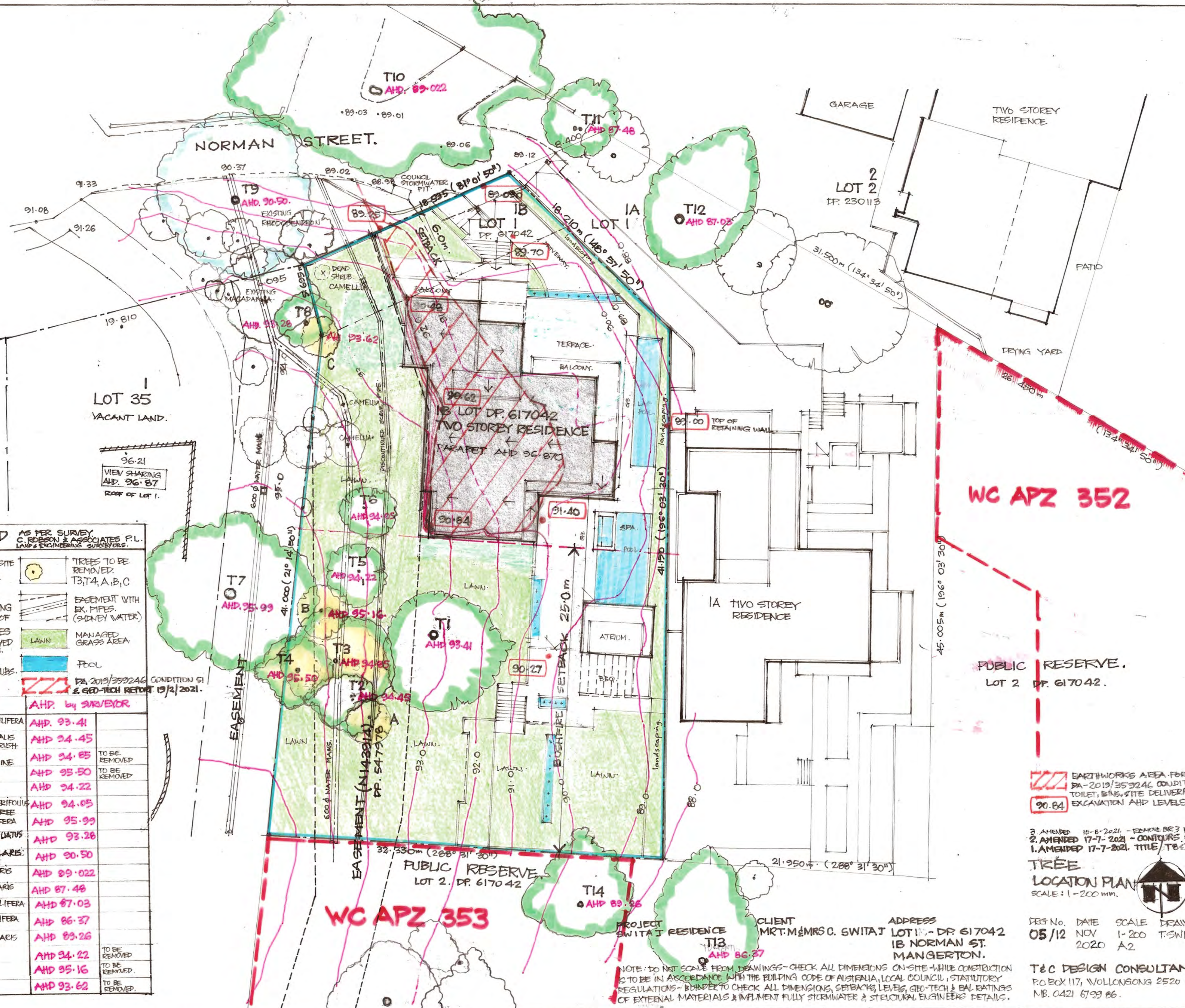
PROJECT: SWITAT RESIDENCE  
 CLIENT: MRS M & MRS C. SWITAT  
 ADDRESS: LOT 1 - DP 617042, 1B NORMAN ST. MANGERTON.  
 DRG NO: 04/12  
 DATE: NOV 2020  
 SCALE: 1:100  
 DRAWN: TSWITAT  
 A2

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

**25.0m BUSHFIRE BOUNDARY SETBACK.**

**RFS BUSHFIRE SETBACK LINE**

**25.0m RFS EAST SETBACK.**



**TREE LEGEND** AS PER SURVEY  
C. ROBERTSON & ASSOCIATES P.L.  
LAND & ENGINEERING SURVEYORS.

- BOUNDARY OF SITE CONTOURS AND LEVELS.
- PROPOSED NEW DWELLING FALL OF ROOF
- EXISTING TREES WITH SURVEYED AND LEVELS.
- EXOTICS & SMALL SHRUBS.
- TREES TO BE REMOVED T3, T4, A, B, C
- EASEMENT WITH BK. PIPES (SIDEWAY WATER)
- MANAGED GRASS AREA
- POOL
- PA-2019/359246 CONDITION 51 & GEO-TECH REPORT 19/2/2021.

No	TREE TYPE	AHD. by SURVEYOR	
T1	SYNCARPIA GLOMULIFERA TURPENTINE	AHD 93.41	
T2	CALLISTEMON VIMINALIS WEEPING BOTTLEBRUSH	AHD 94.45	
T3	PINUS PATULA MEXICAN WEEPING PINE	AHD 94.85	TO BE REMOVED
T4	ACACIA MAIDENII MAIDENS WATTLE	AHD 95.50	TO BE REMOVED
T5	GINKO BILOBA GINKO.	AHD 94.22	
T6	BRACHYCHITON ACERIFOLIUS ILLAWARRA FLAME TREE	AHD 94.05	
T7	SYNCARPIA GLOMULIFERA TURPENTINE	AHD 95.99	
T8	STENOCAEPUS SINUATUS FIREWHEEL TREE	AHD 93.28	
T9	EUCALYPTUS PILULARIS BLACK BUTT	AHD 90.50	
T10	EUCALYPTUS PILULARIS BLACK BUTT	AHD 89.022	
T11	EUCALYPTUS PILULARIS BLACK BUTT	AHD 87.48	
T12	SYNCARPIA GLOMULIFERA TURPENTINE	AHD 87.03	
T13	SYNCARPIA GLOMULIFERA TURPENTINE	AHD 86.37	
T14	EUCALYPTUS PILULARIS BLACK BUTT	AHD 89.26	
⊙ A	PALM	AHD 94.22	TO BE REMOVED
⊙ B	PALM	AHD 95.16	TO BE REMOVED.
⊙ C	PALM.	AHD 93.62	TO BE REMOVED.

**WC APZ 352**

**PUBLIC RESERVE.**  
LOT 2 DP. 617042.

**EARTHWORKS AREA FOR**  
PA-2019/359246 CONDITION 51  
TOILET, BINS, SITE DELIVERIES, STORAGE  
EXCAVATION AND LEVELS

3. AMENDED 10-8-2021 - REMOVE BR 3 FROM EASEMENT DUE TO STDAEY WATER  
2. AMENDED 17-7-2021 - CONTOURS (CON. 51) DA 2019/359246.  
1. AMENDED 17-7-2021. TITLE / TB & T3 DESCRIPTION.

**TREE LOCATION PLAN**  
SCALE: 1-200 mm.

DES No. DATE SCALE DRAWN  
05/12 NOV 1-200 T.SWITAJ  
2020 A2

**T&C DESIGN CONSULTANTS**  
P.O. BOX 117, WOLLONGONG 2520 NSW  
NB. 0421 6799 86.

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

NOTE: DO NOT SCALE FROM DRAWINGS - CHECK ALL DIMENSIONS ON-SITE WHILE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL, STATUTORY REGULATIONS - BUILDER TO CHECK ALL DIMENSIONS, SETBACKS, LEVELS, GEO-TECH & BAL RATINGS OF EXTERNAL MATERIALS & IMPLEMENT FULLY STURMWER 2 & STRUCTURAL ENGINEERS DETAILS.

4 LOT 24.

6 LOT 23

8 LOT 22





LOT 35  
FLOOR AHD 96.80

PATHWAY EASTMENT  
6.0m WIDE

**T8**

AHP	93.80
DBH	0.435
SRZ	2.37
TPZ	5.22

**5 SECTION.**

**4 SECTION.**

**3 SECTION.**  
SCALE: 1:100mm.

**2 SECTION.**  
NOTE: T3, T4 TO BE REMOVED.

**1 SECTION.**  
SCALE: 1:100mm.

**T6**

AHP	94.05
DBH	0.40
SRZ	1.72
TPZ	4.80

**T5**

AHP	94.22
DBH	0.153
SRZ	1.72
TPZ	2.00

**T1**

AHP	93.40
DBH	0.885
SRZ	3.45
TPZ	10.60

**T7**

AHP	95.99
DBH	0.89
SRZ	3.63
TPZ	10.68

**T10**

AHP	89.28
DBH	1.100
SRZ	3.69
TPZ	13.20

**10 SECTION OF FENCE**

**7 SECTION OF FENCE**  
SEE DRG 6/12

**8 SECTION OF FENCE**  
SEE DRG 6/12.

**9 SECTION OF FENCE**  
SEE DRG 6/12

**6 SECTION THRU WALKWAY.**  
SCALE: 1:20mm.  
SEE DRG 6/12.

**SECTION 1-5**  
**Fence details 6-10**

PROJECT  
SWITAJ RESIDENCE

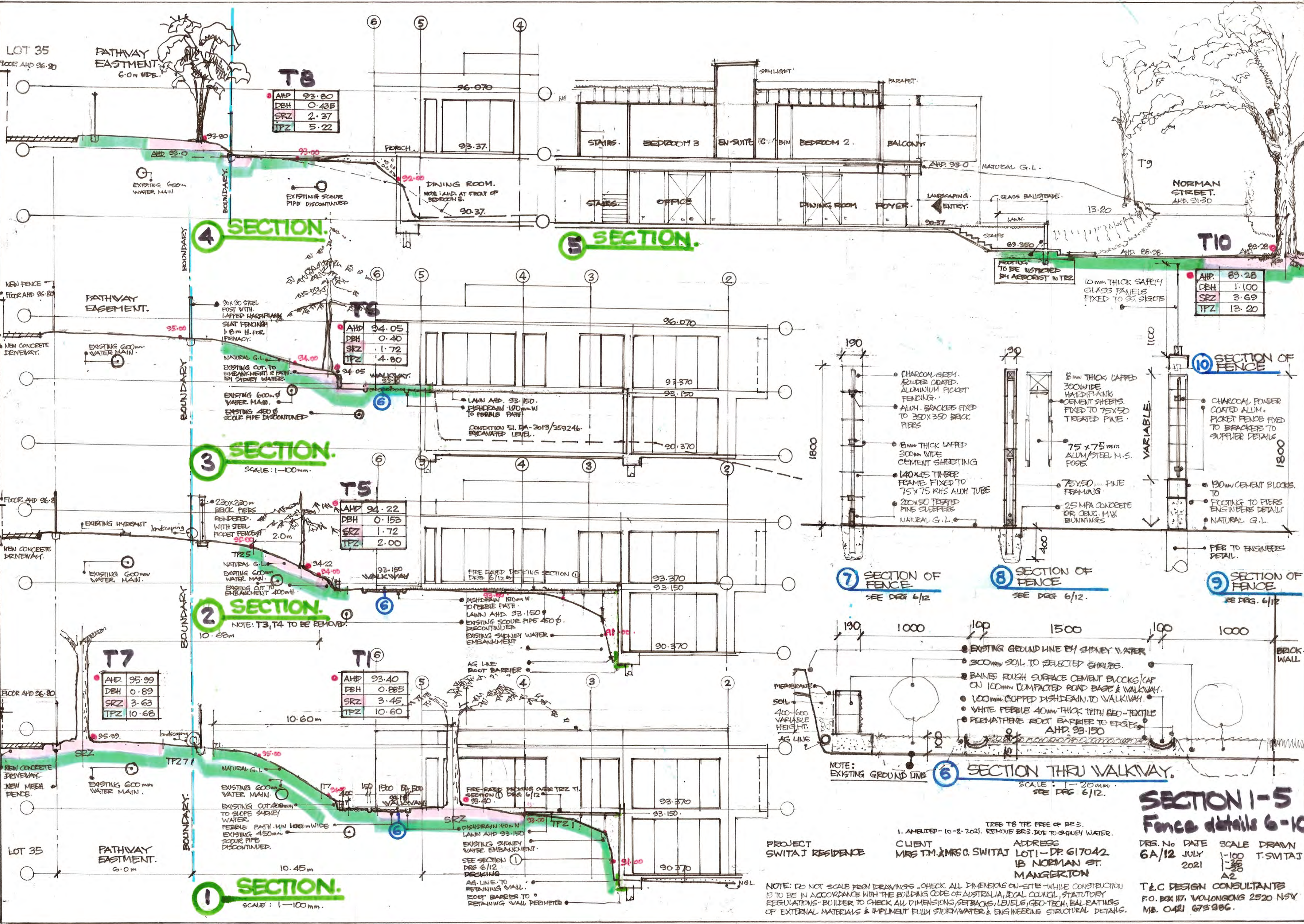
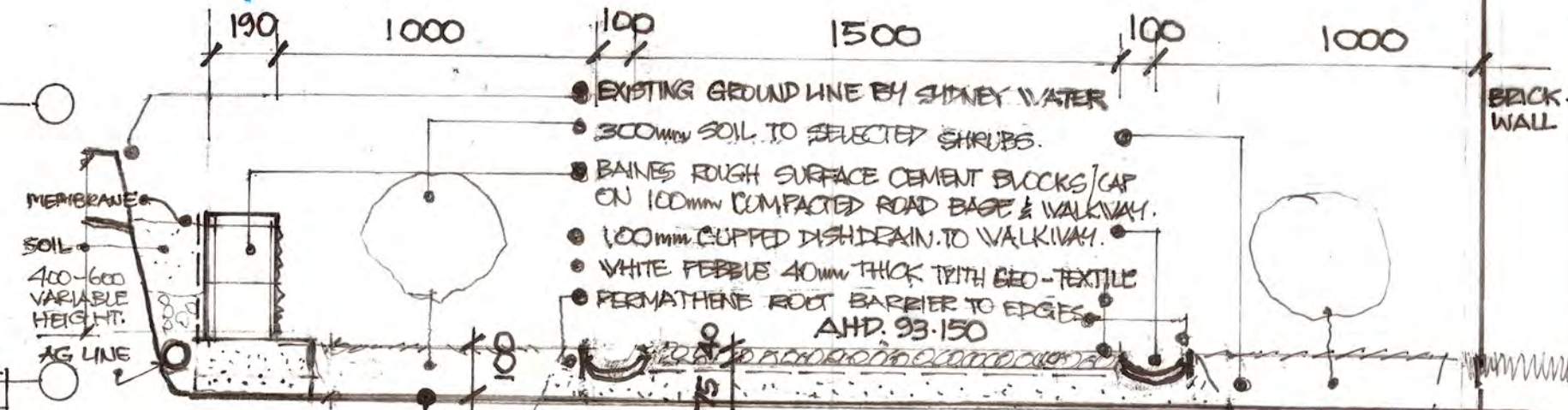
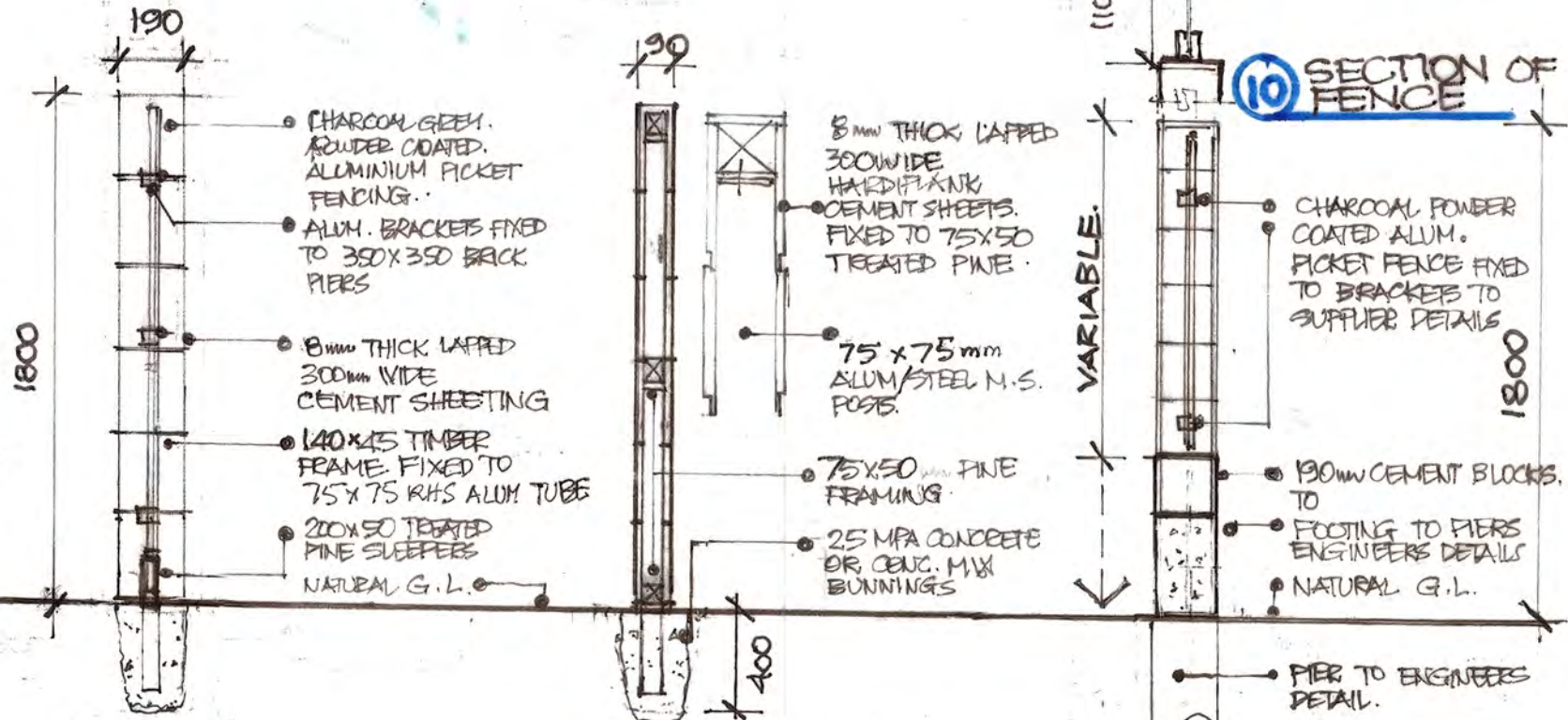
CLIENT  
MRS T.M. & MRS C. SWITAJ

ADDRESS  
LOT 1 - DP 617042  
18 NORMAN ST.  
MANGERTON

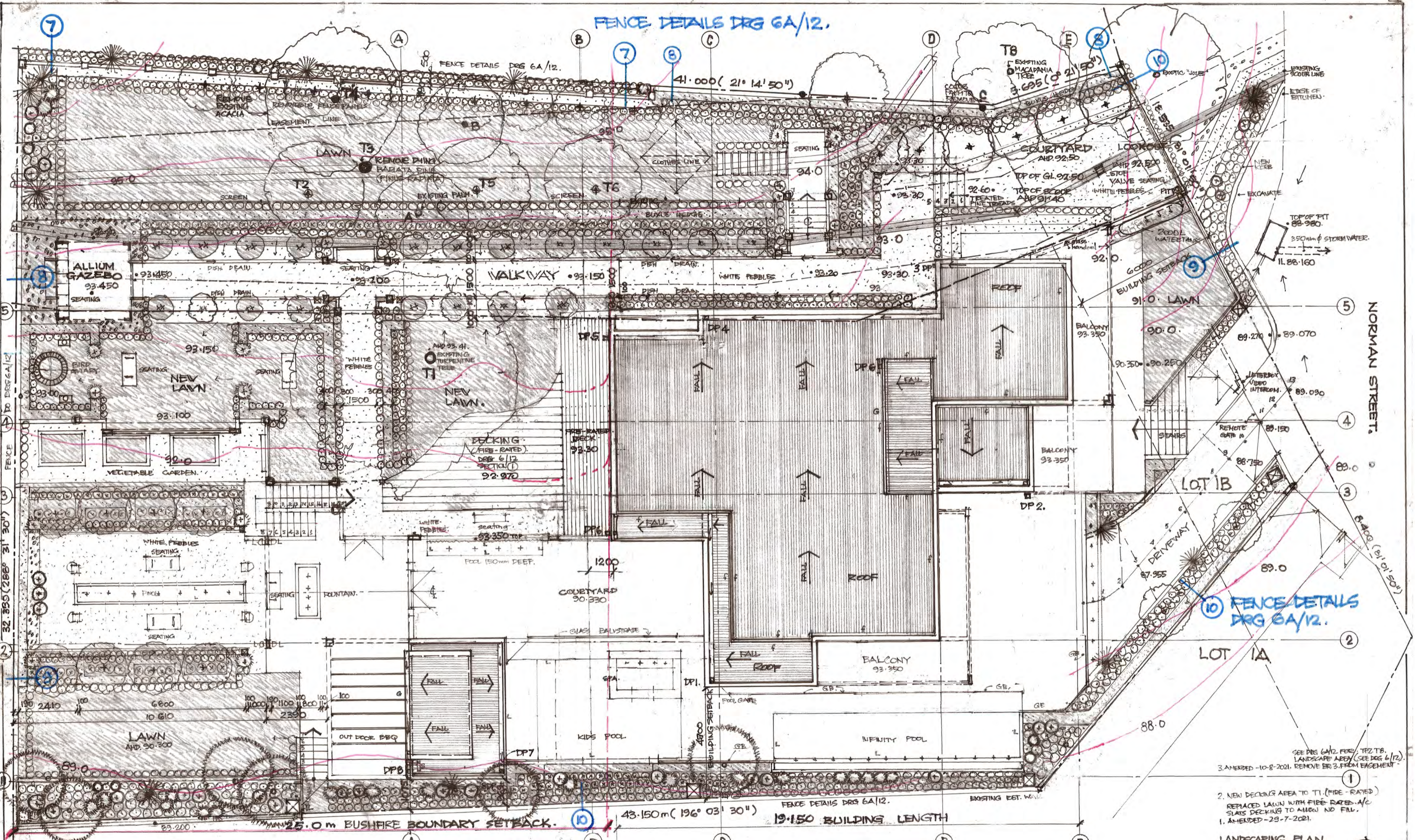
DRG. No DATE SCALE DRAWN  
6A/12 JULY 1:100 T.SWITAJ  
2021 1:30  
A2

T & C DESIGN CONSULTANTS  
P.O. BOX 117, VOLONGONG 2520 NSW  
MB. 0421 675986.

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



FENCE DETAILS DRG 6A/12.



COUNCIL LANDSCAPING	PROPOSED LANDSCAPING
1. 900m <sup>2</sup> > 20% + 40%	455.72m <sup>2</sup>
2. 50% BEHIND 6m BUILDING ALIGNMENT	228m <sup>2</sup>
3. 50% BEHIND BUILDING LINE	86.5m <sup>2</sup>
4. HARD LANDSCAPING	-
5. BUILDING AREA	233.40m <sup>2</sup>
6. 50% OF 6m AREA (21m <sup>2</sup> )	60.73m <sup>2</sup>
7. ROOF AREA (BE BAL) - HARD LANDSCAPING	24.95m <sup>2</sup>
1. PROPOSED GROSS LANDSCAPING	971.55m <sup>2</sup>
2. 50% BEHIND 6m BUILDING ALIGNMENT	865m <sup>2</sup>
3. POOL AREA	64.46m <sup>2</sup>
4. HARD LANDSCAPING	269.6m <sup>2</sup>
5. BUILDING AREA (NET)	233.40m <sup>2</sup>
6. 6.0m FRONTAGE	121.45m <sup>2</sup>
7. 6.0m FRONTAGE 50%	70.81m <sup>2</sup>

LANDSCAPE LEGEND	
WHITE PEBBLES	FICUS MICROCARPA HILII (LOWY POP-PIVARF IN POT)
BUXUS 'BORWOOD' HEDGE	FENCIL PINE (GLAUCA) CUPRESSUS SEMPERVIRENS
LAWN	SNO FOZAM (WHITE F) PRUNUS SUBHIRTELLA
BLOCKWORK OR BLOCKWORK	BUXUS (TOPIARY) CONE
EXISTING TREES	GARPEIA (WHITE F) AUGUSTA FLORIDA
TREES TO BE REMOVED (T3, T4, ABC)	HYDRANGEA (WHITE F) ARBORESCENS
DIAPY CORNUS FLORIDA 'DOGWOOD'	
CYCADS	
PANDICED (WHITE F) HYDRANGEA	
POPPON DABLIA 'SNO FLAKE' (P)	
CLIVIAS	
CANDYTUT 'SNOW CONE' (W.F)	
IBERIS SEMPERVIRENS	
JASMINE STAR	
JASMINEAE (WHITE F) ON LATTICE & FRAME	
LAVERDEK (PURPLE F) LAVANDULA	
ALLIUM (WHITE F/PURPLE)	
MONOCOTYLEDONOUS	
GREVILLEA - NED KELLY	
ANTHEKA DICKSONIA FERNS	
CYATHA AUSTRALIS (TREE FERN)	
BIRDS NEST FERN (ASPENUM NADIS)	
KAUGAROO PAW	

PROJECT: SMITAJ RESIDENCE  
 CLIENT: MRTM & MRS C. SWITAJ  
 ADDRESS: LOT 1 - DP 617042, 1B NORMAN ST., MANGERTON.

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

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

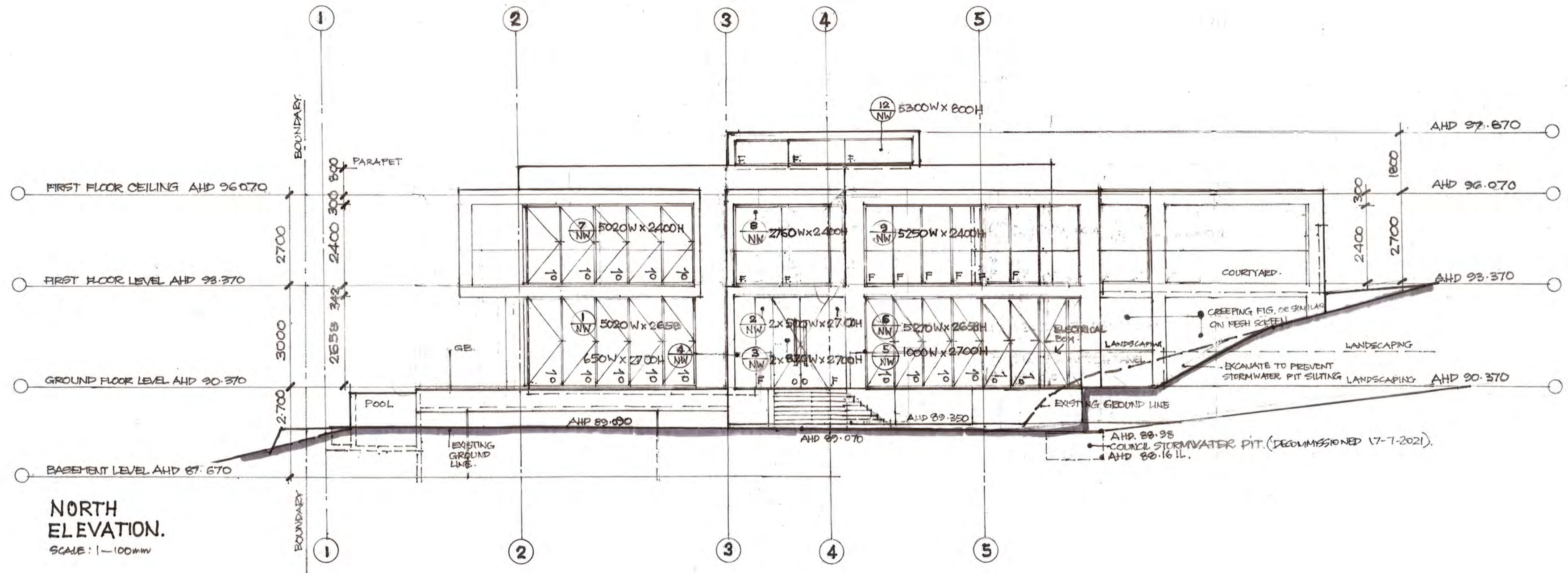
DRG NO: 07/12  
 DATE: NOV 2020  
 SCALE: 1-100  
 DRAWN: T. SWITAJ

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

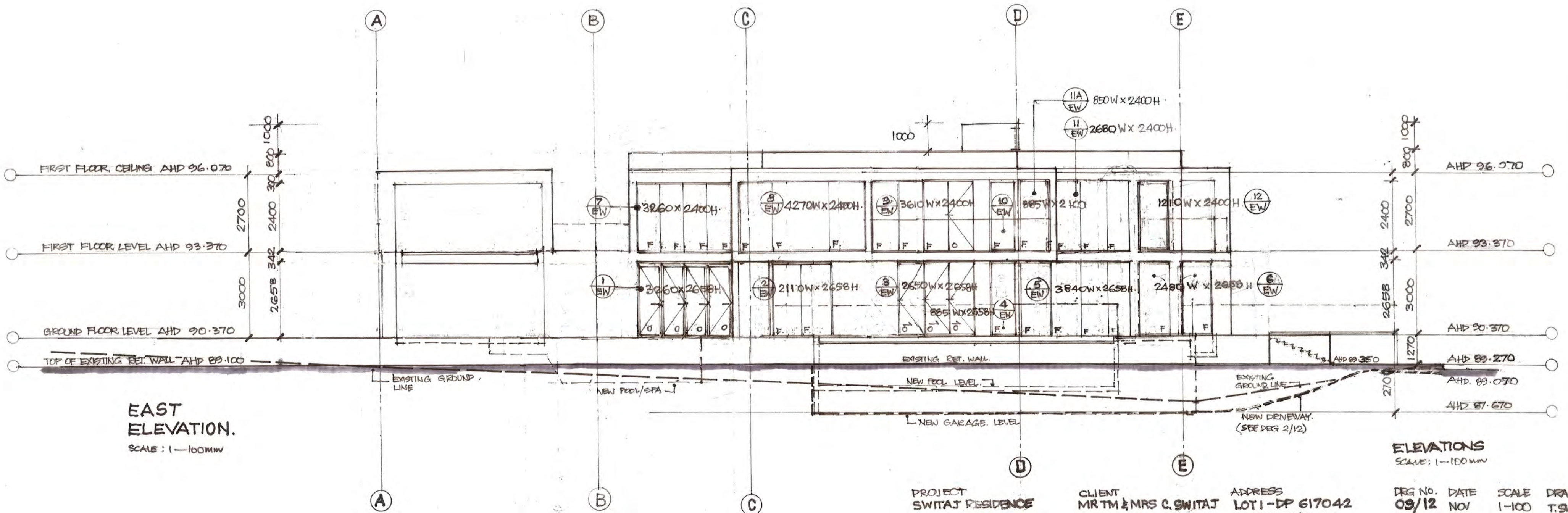
FENCE DETAILS DRG 6A/12.

3. AMENDED - 10-8-2021. REMOVE BR 3 FROM EASEMENT
2. NEW DECKING AREA TO T1 (FIRE-RATED) REPLACED LAWN WITH FIRE-RATED A/C SLATS DECKING TO ALLOW NO FALL.
1. AMENDED - 29-7-2021.





**NORTH ELEVATION.**  
SCALE: 1-100mm



**EAST ELEVATION.**  
SCALE: 1-100mm

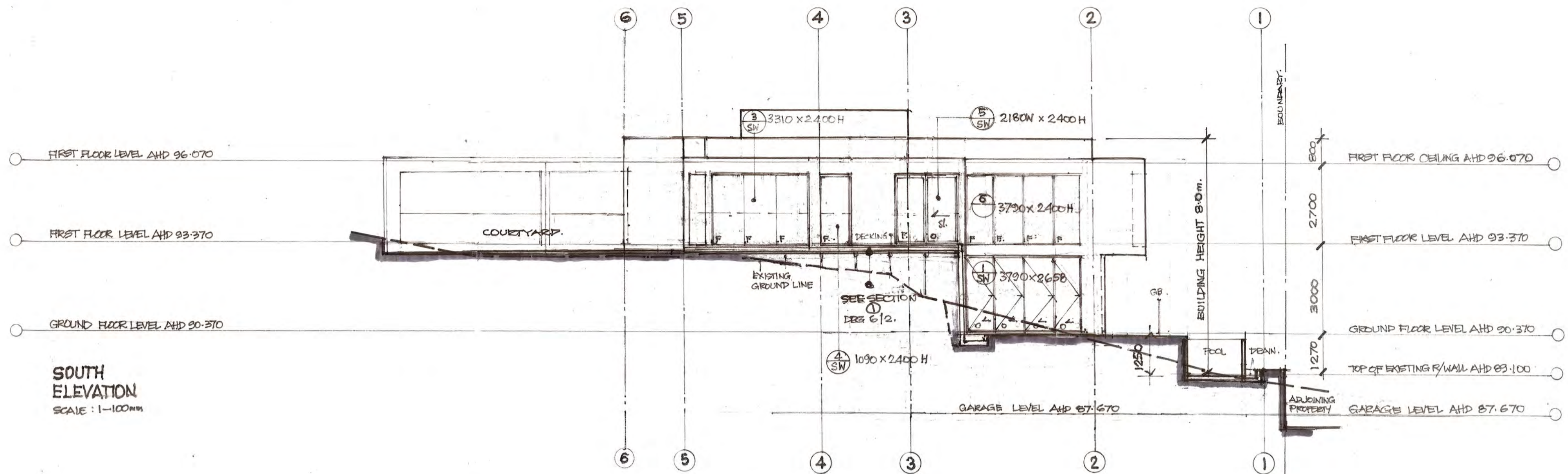
**ELEVATIONS**  
SCALE: 1-100mm

PROJECT: SWITAJ RESIDENCE  
 CLIENT: MR TM & MRS C. SWITAJ  
 ADDRESS: LOT 1 - DP 617042, 1B NORMAN ST., MANGERTON  
 DRG NO.: 09/12  
 DATE: NOV 2020  
 SCALE: 1-100  
 DRAWN: T. SWITAJ  
 A2

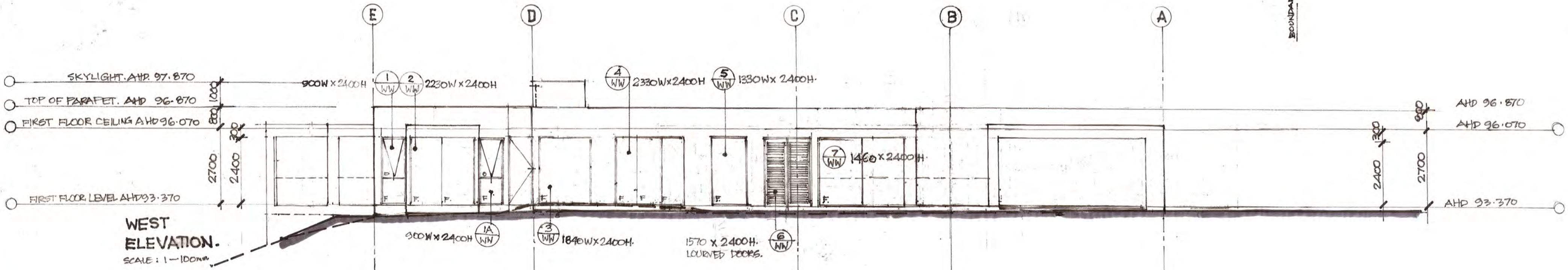
NOTE: DO NOT SCALE FROM DRAWINGS - CHECK ALL DIMENSIONS ON-SITE WHILE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL, STATUTORY REGULATIONS - BUILDER TO CHECK ALL DIMENSIONS, SETBACKS, LEVELS, GEO-TECH, BAL RATINGS OF EXTERNAL MATERIALS & IMPLEMENT FULLY STORMWATER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

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

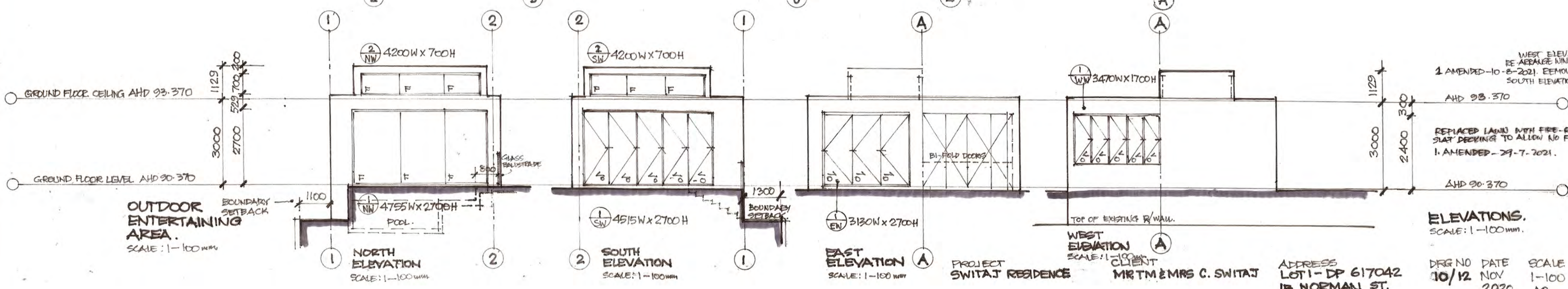
ADJUST W 11A TO EAST ELEVATION.  
 1. AMENDED - 10-8-2021 REMOVE BR 3 AND W/S.



**SOUTH ELEVATION**  
SCALE: 1-100mm



**WEST ELEVATION**  
SCALE: 1-100mm



**OUTDOOR ENTERTAINING AREA**  
SCALE: 1-100mm

**NORTH ELEVATION**  
SCALE: 1-100mm

**SOUTH ELEVATION**  
SCALE: 1-100mm

**EAST ELEVATION**  
SCALE: 1-100mm

**WEST ELEVATION**  
SCALE: 1-100mm

**ELEVATIONS**  
SCALE: 1-100mm

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

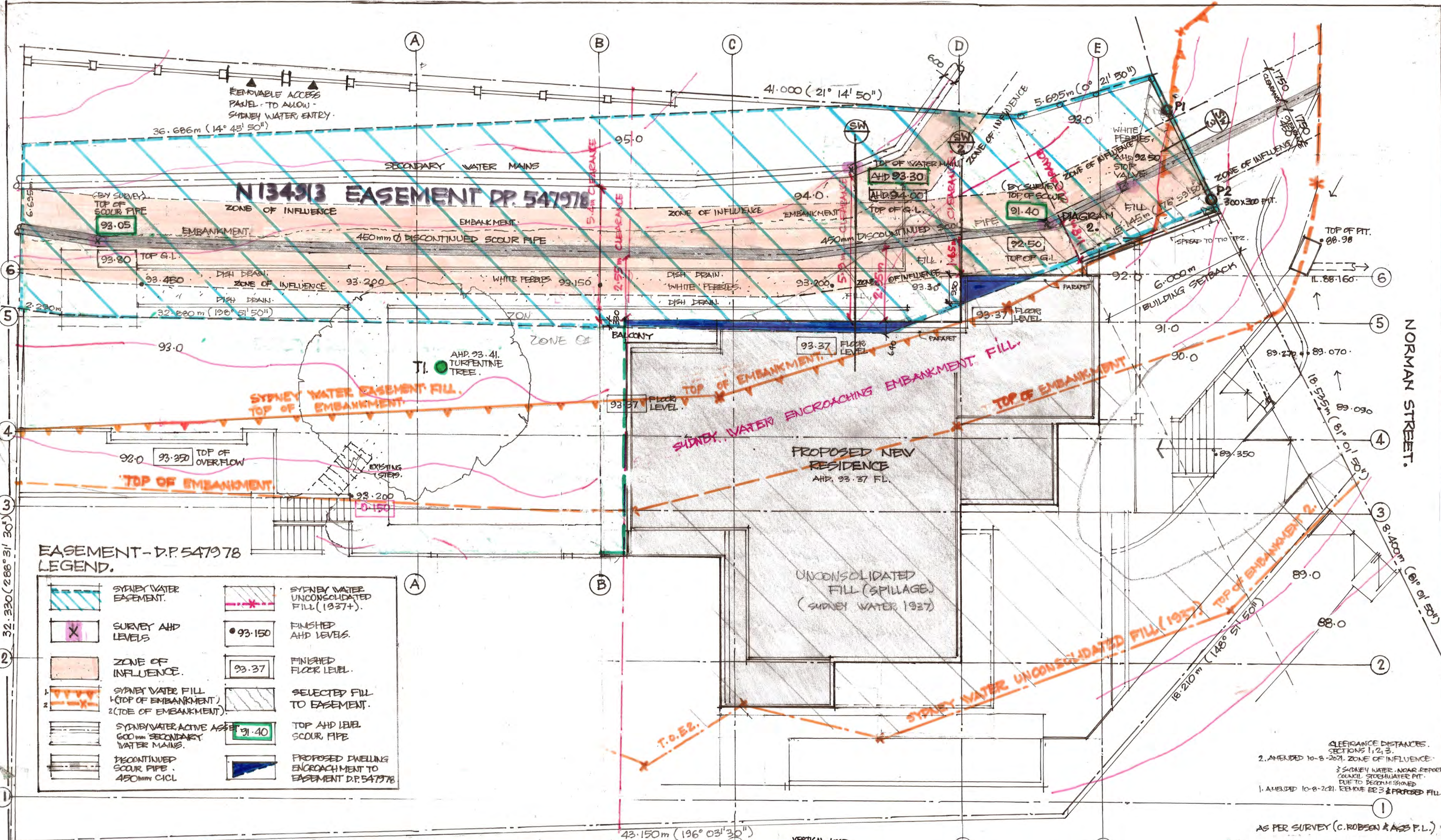
NOTE: DO NOT SCALE FROM DRAWINGS - CHECK ALL DIMENSIONS ON-SITE. WHILE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING CODES OF AUSTRALIA, LOCAL COUNCIL, STATUTORY REGULATION - BUILDER TO CHECK ALL DIMENSIONS, SETBACKS, LEVELS, GEO-TECH, BAL RATINGS OF EXTERNAL MATERIALS & IMPLEMENT FULLY STORMWATER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

WEST ELEVATION PLETD SW. RE ARRANGE WINDOWS TO BE 2.  
1 AMENDED - 10-8-2021. REMOVE BR 3 ON SOUTH ELEVATION/EXTEND COURTYARD.

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

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

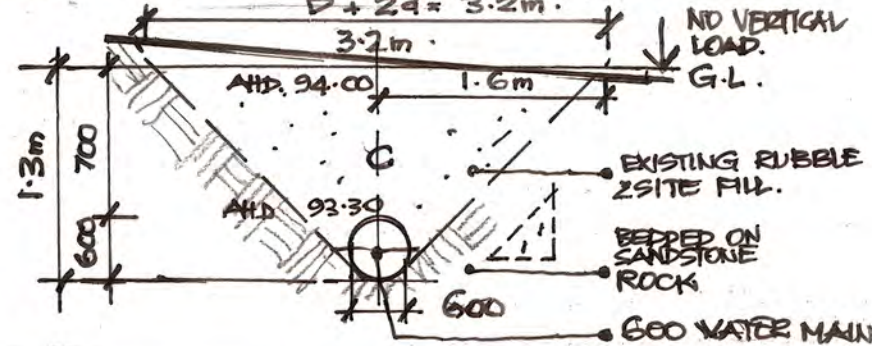
T&C DESIGN CONSULTANTS  
P.O. BOX 117, WOLLONGONG 2520 NSW  
MB: 0421 67 99 86



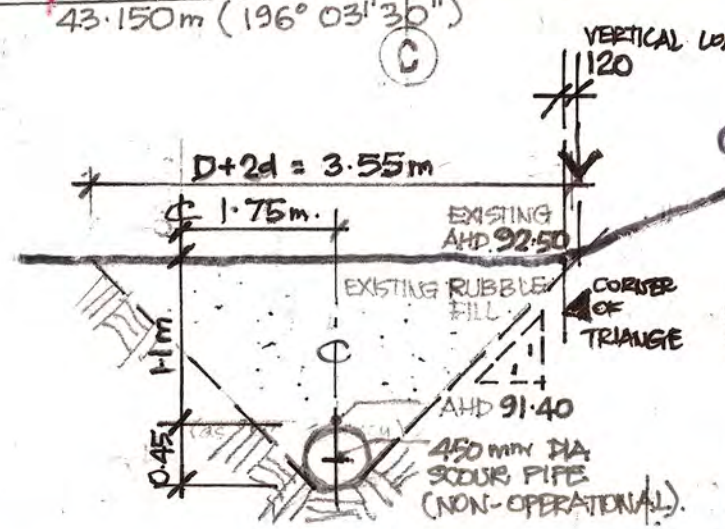
**EASEMENT - D.P. 547978  
LEGEND.**

	SYDNEY WATER EASEMENT.		SYDNEY WATER UNCONSOLIDATED FILL (1937+).
	SURVEY AHD LEVELS		FINISHED AHD LEVELS.
	ZONE OF INFLUENCE.		FINISHED FLOOR LEVEL.
	SYDNEY WATER FILL (TOP OF EMBANKMENT) 1 (TOE OF EMBANKMENT) 2		SELECTED FILL TO EASEMENT.
	SYDNEY WATER ACTIVE ASSET 600mm SECONDARY WATER MAINS.		TOP AHD LEVEL SCOUR PIPE
	DISCONTINUED SCOUR PIPE 450mm CI CL.		PROPOSED DWELLING ENCROACHMENT TO EASEMENT D.P. 547978

**1. ZONE OF INFLUENCE for 600mm CI CL WATER MAIN PIPE**



**2. ZONE OF INFLUENCE for 450mm SCOUR PIPE**



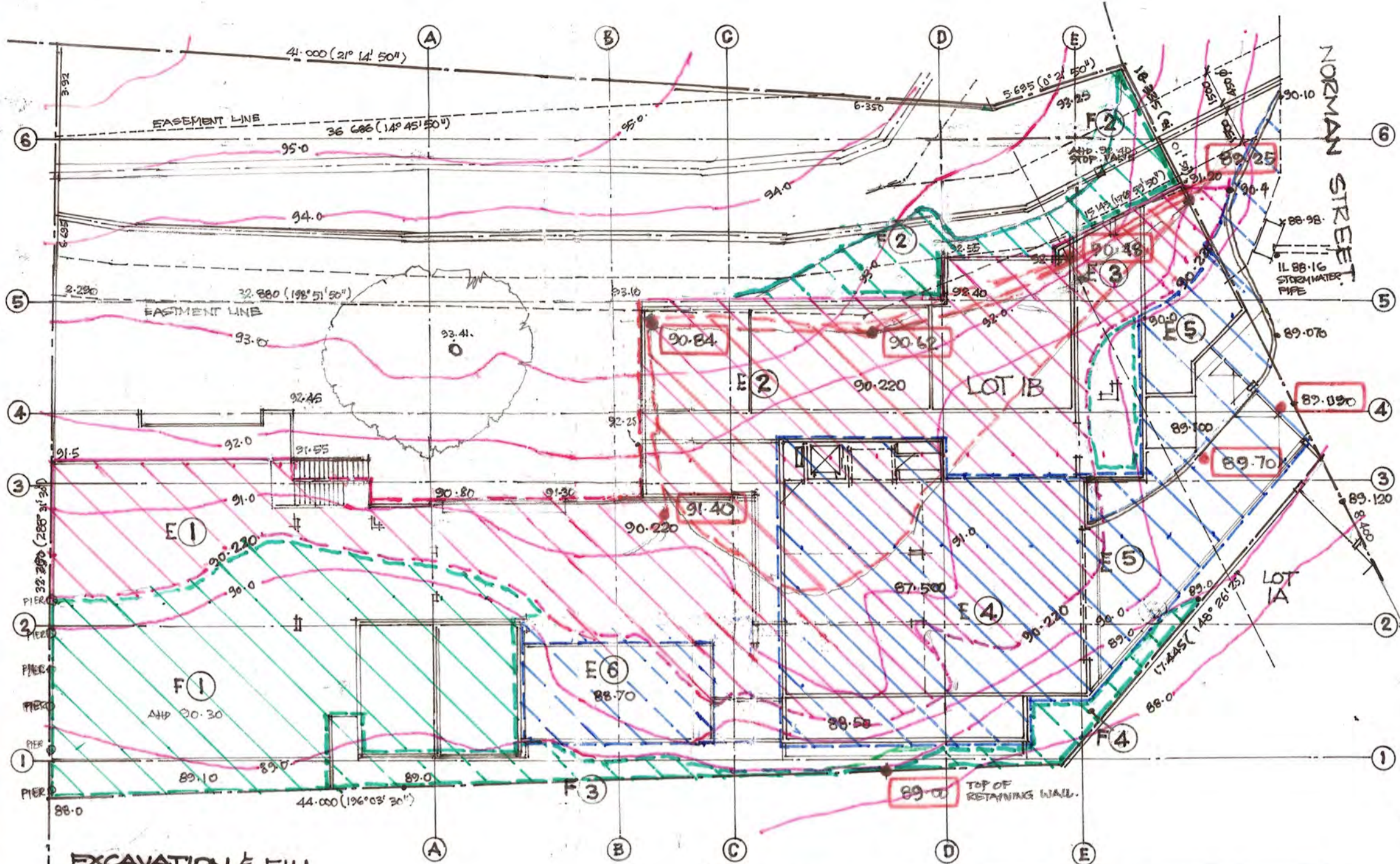
**2. BUILDING ON EASEMENT D.P. 547978. SCALE: 1:100mm.**

DRG No. DATE SCALE DRAWN  
11/12 NOV 1:100 T. SWITAJ  
2020 A2  
T & C DESIGN CONSULTANTS  
P.O. BOX 17 WOLLONGONG 2520. NSW.  
MB: 0421 6799 86.

CLIENT MR. TM. & MRS O. SWITAJ  
ADDRESS LOT 1 - DP. 617042 1B NORMAN ST. MANGERTON.  
NOTE: DO NOT SCALE FROM DRAWINGS - CHECK ALL DIMENSIONS ON-SITE, WHILE CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, LOCAL COUNCIL, STATUTORY REGULATIONS - BUILDER TO CHECK ALL DIMENSIONS SETBACKS LEVELS, GEO-TECH, BAL RATINGS OF EXTERNAL MATERIALS & IMPLEMENT FULLY STORMWATER & STRUCTURAL ENGINEERS DETAILS.

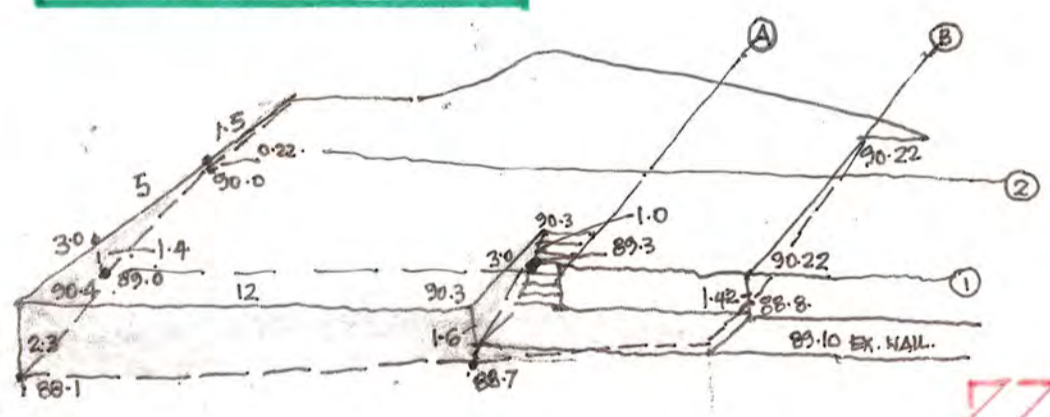
NORMAN STREET.



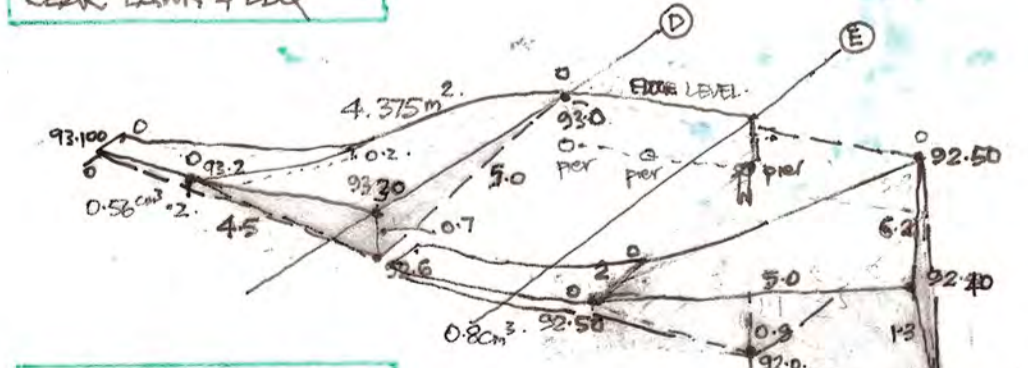


**EXCAVATION & FILL PLAN.**  
SCALE: 1:200mm

**STAGE III  
FILL AS REQUIRED.**

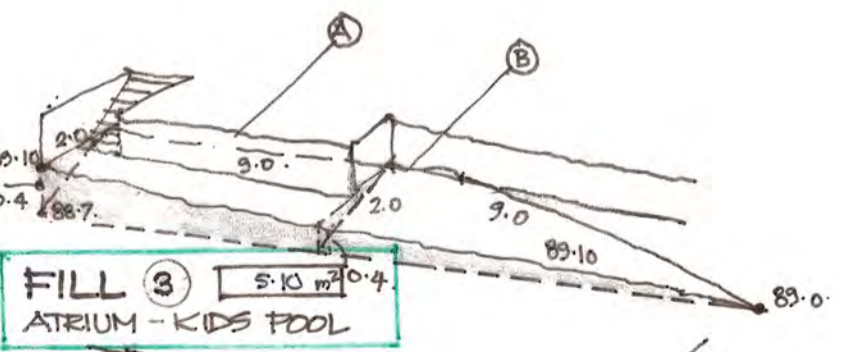


**FILL 1** 193.82 m<sup>2</sup>  
REAR LAWN & BBQ

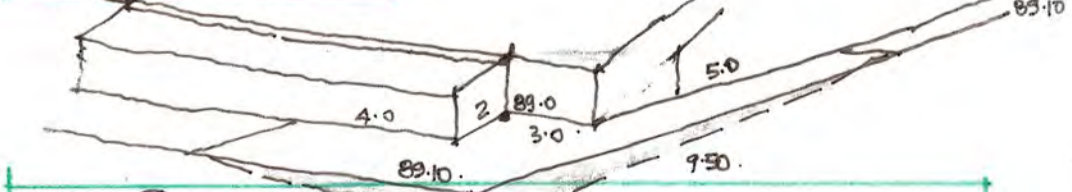


**FILL 2** 16.44 m<sup>2</sup>  
BEDROOM 3 - LOCKST

EXCAVATION & FILL SCHEDULE.			
No.	EXCAVATION.	AREA	TOTAL cm <sup>3</sup>
1	REAR LAWN & BBQ	E1	48.79 cm <sup>3</sup>
2	GROUND FLOOR	E2	307.81 cm <sup>3</sup>
3	FRONT DINING/LAWN	E3	103.00 cm <sup>3</sup>
4	GARAGE	E4	311.74 cm <sup>3</sup>
5	DRIVEWAY, POOL.	E5	58.59 cm <sup>3</sup>
6		E6	20.00 cm <sup>3</sup>
			<b>649.93 cm<sup>3</sup></b>
1	SITE FILL	F1	247.19 cm <sup>3</sup>
2	REAR LAWN & BBQ	F2	52.15 cm <sup>3</sup>
3	BEDROOM 3	F3	5.10 cm <sup>3</sup>
4	POOL.	F4	9.00 cm <sup>3</sup>
5	LAP POOL	F5	75.00 cm <sup>3</sup>
	LANDSCAPING		
	RECYCLE		
			<b>388.44 m<sup>3</sup></b>
	REMOVAL OF FILL	FR1	461.49 cm <sup>3</sup>
	REMOVAL OF FILL	FR2	157.59 cm <sup>3</sup>
	CONDITION E1, DA-2019/350246	FR2	
	CONDITION E1, DA-2019/350246	FR2	
	BALANCE OF FILL TO REMOVE.	FR1	303.90 cm <sup>3</sup>



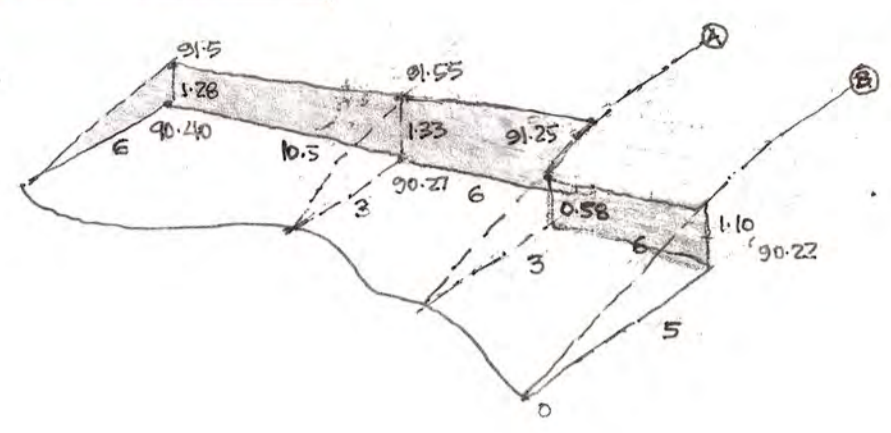
**FILL 3** 5.10 m<sup>2</sup>  
ATRIUM - KIDS POOL



**FILL 4** 9.0 m<sup>2</sup>  
LAP POOL - GARAGE ENTRY.

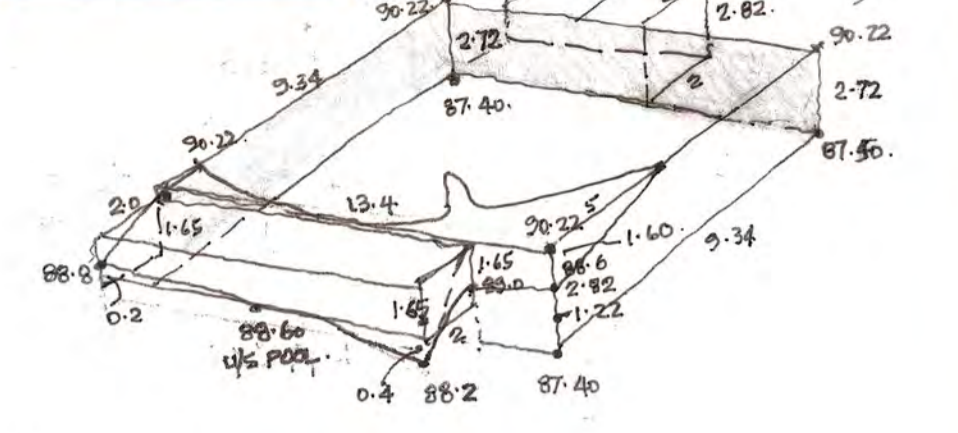
**FILL 5** RECYCLE SOIL FOR LANDSCAPING 75.00 cm<sup>3</sup>

**STAGE I  
EXCAVATION**

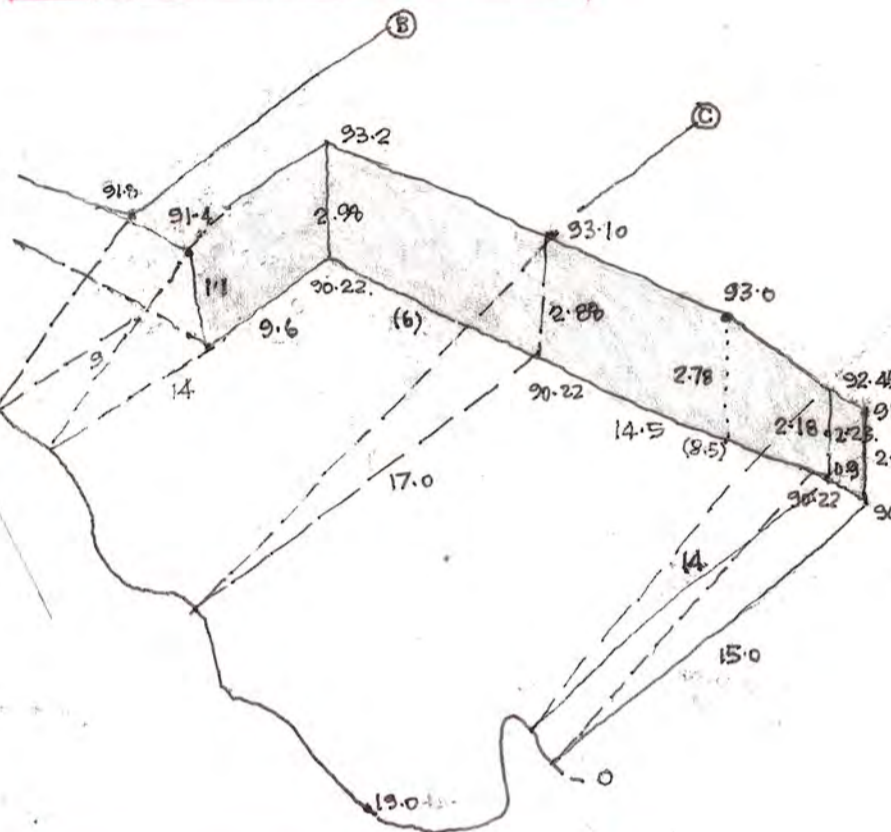


**EXCAVATION 1** 48.79 m<sup>2</sup>  
REAR LAWN

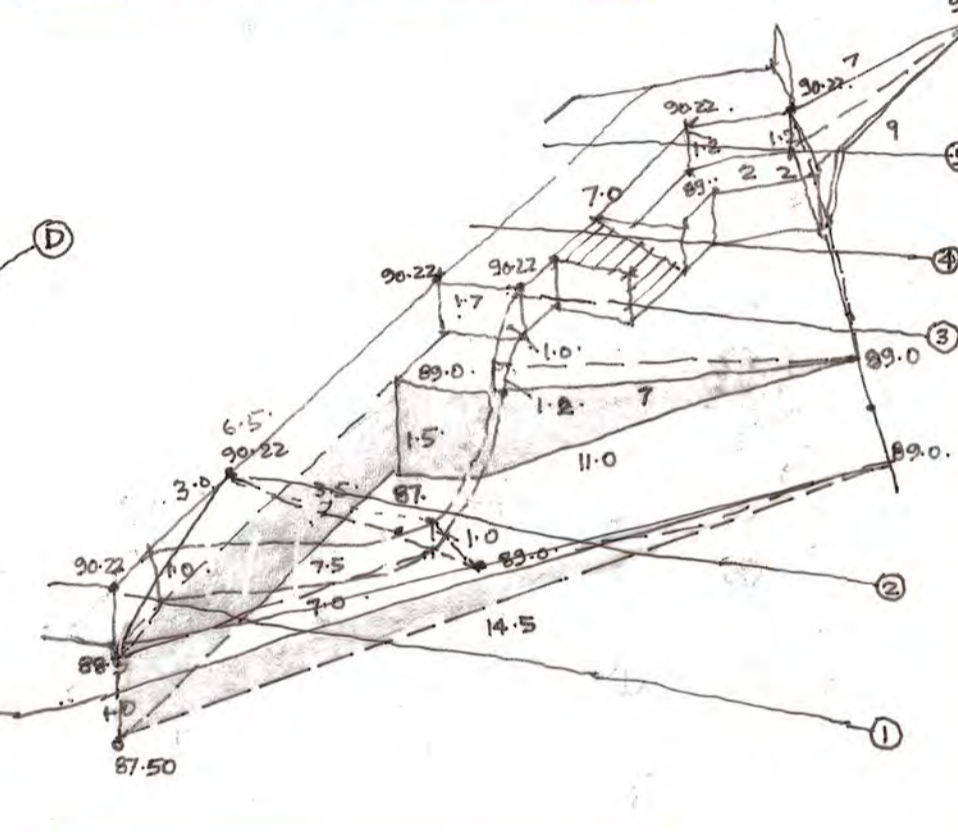
**STAGE II  
EXCAVATION**



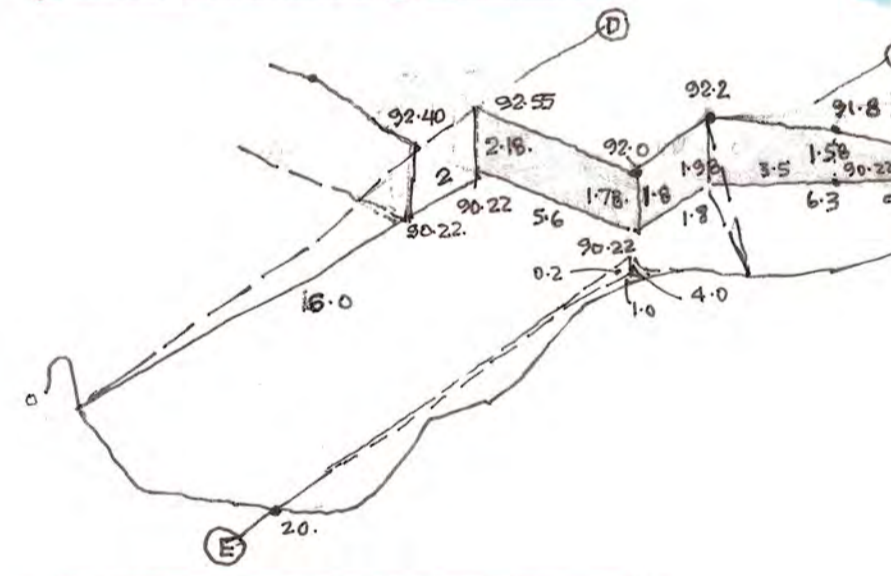
**EXCAVATION 4** 311.74 m<sup>2</sup>  
GARAGE & WORKSHOP & STORE ROOM.



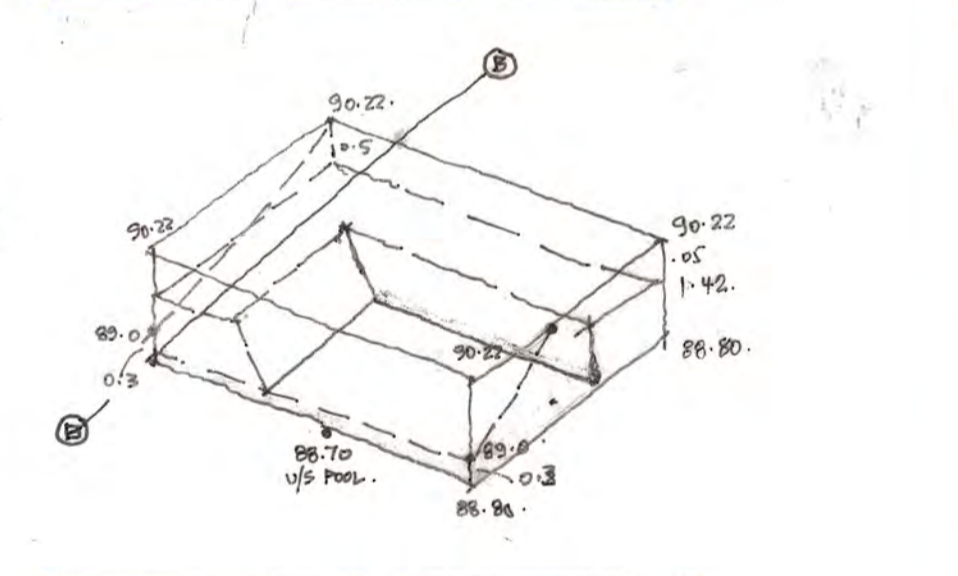
**EXCAVATION 2** 307.81 cm<sup>3</sup>  
KITCHEN - CELLAR - OFFICE



**EXCAVATION 5** 58.59 m<sup>2</sup>  
DRIVEWAY



**EXCAVATION 3** 103.0 m<sup>2</sup>  
REMOVAL DINING - TERRACE



**EXCAVATION 6** 30.0 m<sup>2</sup>  
KIDS POOL

- ADD 1.36 cm<sup>3</sup> OF FILL DUE TO STORMWATER & SURFACE WATER.
- AMENDED 10-8-2021 ADD FILL TO FRONT COURTYARD.
- AMENDED 17-7-2021 - CONDITION E1, DA-2019/350246 EXCAVATION/REMOVE TERRACE FROM NORMAN STREET.
- AMENDED 17-7-2021. REDUCED FILL TO TB TPZ (2) FILL.

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



PROJECT  
**SWITAJ RESIDENCE**

CLIENT  
**MRTM & MRS C. SWITAJ**

ADDRESS  
**LOT 1 - DP 617042  
101 NORMAN ST.  
MANGERTON**

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

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

**T&C DESIGN CONSULTANTS**  
PO BOX 117, WOLLONGONG 2520. NSW  
MB. 0421 6793 86

## Attachment 5 – Draft consent

The development application has been determined by granting deferred commencement consent subject to the following conditions:

- A The Development Consent shall not operate until Council has been satisfied as to the following matters:**
- a Out of Scope Building Approval**  
The proposal must meet Sydney Water requirements for building adjacent to Sydney Water Assets. This requires the developer to submit an Out of Scope Building Approval application via a Water service Coordinator and obtain approval from Sydney Water.
  - b Survey Plan**  
A survey plan for the site prepared by a registered surveyor is to be prepared clearly identifying the site boundaries, building footprint, location and top and bottom of all retaining walls, Sydney Water easement, stormwater drainage, and location of trees on and adjoining the site required to be protected by this consent.
  - c Construction Management Plan**  
A Construction Management Plan is to be prepared and submitted to the Principal Certifier and Council prior to the issue of the Construction Certificate. The plan must include but not be limited to traffic management, stormwater and erosion control, dust minimisation, project construction methodology, materials handling such as concrete pumping and placement and loading zones.
- B** The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent.
- C** If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

**Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:**

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

### Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on the following plans  
Location & Site Plan S001/3 v3 dated 10 October 2021 prepared by T & C Design Consultants  
Basement Floor Plan 02/12 dated 10 October 2021 prepared by T & C Design Consultants  
Ground Floor Plan 03/12 v1 dated 17 July 2021 prepared by T & C Design Consultants  
First Floor Plan 04/12 v3 dated 10 October 2021 prepared by T & C Design Consultants  
Tree Location Plan 05/12 v3 dated 10 October 2021 prepared by T & C Design Consultants  
Retaining Walls Levels to TPZ, SRZ Arborist Details 06/12 v4 dated 10 October 2021 prepared by T & C Design Consultants  
Section 1-5 6A/12 dated July 2021 prepared by T & C Design Consultants  
Landscape Plan Roof Drainage Plan 07/12 dated November 2020 prepared by T & C Design Consultants  
Elevations 09/12 dated November 2020 prepared by T & C Design Consultants  
Elevations 10/12 dated November 2020 prepared by T & C Design Consultants



Excavation and Fill Plan 12/12 dated November 2020 prepared by T & C Design Consultants and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

## **General Matters**

### **2 Geotechnical**

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 29 January 2021 by Terra Insight and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- c Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
- d All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.
- e Any cuts or fills greater than 0.6m are to be structurally retained in compliance with the geotechnical advice.

### **3 Building Work - Compliance with the Building Code of Australia**

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

### **4 Construction Certificate**

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

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

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

### **5 Occupation Certificate**

An Occupation Certificate must be issued by the 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.

### **6 Tree Retention / Removal**

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

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

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

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

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

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

### **7 Fence Footing Type Western Boundary**

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

### **8 Photovoltaic panels**

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

### **9 Basement car park**

The basement car park is to be rearranged to swap the space identified as workshop with the car space identified as G1 on the Basement Floor Plan 01/12 to facilitate manoeuvring.

### **10 Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The 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](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

### **11 Section 73 Compliance Certificate**

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

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

**The Notice of Requirements must be submitted to the Principal Certifier prior to issue of the Construction Certificate.**

### **12 Endeavour Energy Requirements**

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

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

### **13 Telecommunications**

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

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

### **15 Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes,

retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

16 A final Landscape Plan is to be prepared prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

a planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.

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

b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and

d any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

e Removal of the proposed kerb and gutter in Norman Street road reserve adjacent to the front property boundary.

f Removal of the retaining wall to the front property boundary (see Section 9 of Section 1-5 Fence details 6-10 6A12 dated July 2021 prepared by T&C Design Consultants) and replacement with a fence that complies with Wollongong Development Control Plan 2009, Chapter B1 section 4.9.

g Fencing running along the western boundary is to be open palisade type fencing.

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

17 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.

18 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.

19 **Tree Protection and Management**

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

a Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.

b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.

c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

20 **Property Addressing Policy Compliance**

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

21 **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the Principal Certifier.

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

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

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

22 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$9,750.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

<b>METHOD</b>	<b>HOW</b>	<b>PAYMENT TYPE</b>
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1305216	<ul style="list-style-type: none"><li>• Credit Card</li></ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"><li>• Cash</li><li>• Credit Card</li><li>• Bank Cheque</li></ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building,

41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

### **Prior to the Commencement of Works**

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

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

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

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

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

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

#### **25 Sign – Supervisor Contact Details**

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

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

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

26 **Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a a standard flushing toilet; and
- b connected to either:
  - i the Sydney Water Corporation Ltd sewerage system or
  - ii an accredited sewage management facility or
  - iii an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

27 **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.

28 **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.

29 **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.

30 **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.

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

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

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

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

33 **Dilapidation Report**

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

34 **Dilapidation Report**

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

35 **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, 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.

**36 Tree Protection**

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

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

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

**During Demolition, Excavation or Construction**

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

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

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

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

**39 Restricted Hours of Construction Work**

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

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

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

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

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

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

40 **Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

- a encroach onto the adjoining properties, and
- b adversely affect the adjoining properties with surface run-off.

41 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".

42 **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.

43 **BASIX**

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

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."

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

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

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

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

45 **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.

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

46 **Existing Easements**

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

47 **Existing Restriction as to Use**

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

48 **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.

49 **Encroaching Services**

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

50 **88B Instrument Easements/Restrictions**

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

51 **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 an accredited Principal 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).

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

52 **Backwash of Swimming Pool Water**

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

53 **Swimming Pool Filtration Motor**

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

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

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

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

54 **Swimming Pool – Discharging Water**

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

The pool excavations are not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.



## NSW RURAL FIRE SERVICE

Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

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

**ATTENTION:** Kathy Nicolis

Date: Friday 2 July 2021

Dear Sir/Madam,

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

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

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

#### **Asset Protection Zones**

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

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

#### **Construction Standards**

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

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

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

1

#### **Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### **Street address**

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

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

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

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

**Water and Utility Services**

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

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

**General Advice - Consent Authority to Note**

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

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

Yours sincerely,

Nika Fomin  
Manager Planning & Environment Services  
Built & Natural Environment



NSW RURAL FIRE SERVICE

# BUSH FIRE SAFETY AUTHORITY

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

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

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

**Nika Fomin**

Manager Planning & Environment Services  
Built & Natural Environment

Friday 2 July 2021