

Wollongong Local Planning Panel Assessment Report | 7 December 2021

WLPP No.	Item No. 3
DA No.	DA-2021/103
Proposal	Designated Development - Residential - demolition of dwelling house and construction of new dwelling house and swimming pool
Property	603 Lawrence Hargrave Drive Wombarra Lot 16 DP 5998
Applicant	Gyles Deacon
Responsible Team	Development Assessment and Certification - City Wide Team (KR)

ADDENDUM REPORT

This report should be read in conjunction with the Council Assessing Officer's report as presented to Wollongong Local Planning Panel on the 6 October 2021 at Attachment 4.

1 BACKGROUND AND SUMMARY

This matter was reported to the WLPP meeting for determination on 6 October 2021.

The application was referred to the Local Planning Panel for determination pursuant to clause 2.19 (1)(a) of the Environmental Planning and Assessment Act 1979 for the following reasons:

- Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is contentious development as it subject to more than ten (10) unique submissions by way of objection, and
- Under Schedule 2 Clause 4 (a) of the Local Planning Panels Direction, the proposal is Designated Development as the works are located within the mapped Littoral Rainforest Area pursuant to the SEPP (Coastal Management) 2018.

A copy of the Panel's recommendation from the 6 October meeting is included at Attachment 1. The Panel determined to defer the development application to allow the applicant an opportunity to address the following:

- *Setback of the garage from the northern side boundary to comply with the DCP controls.*
- *The applicant is to provide a swept path analysis demonstrating vehicular manoeuvring into and out of the proposed double garage can be achieved within the confines of the existing easement.*
- *Compliance of the side setbacks of the first floor are to comply with Council's DCP Chapter B1 Clause 4.3.*
- *The compliance of the proposed retaining walls with Council's DCP Chapter B1 clause 4.17. This should be informed by geotechnical and structural engineering methodology which deals with construction, drainage and fence stability.*
- *A supplementary arborist report be provided that considers the littoral rainforest plantings on the neighbouring property to the north in relation to the proposal.*
- *Further consideration be given to relocation and attenuation of noise from the swimming pool and sewer pumps away from the northern boundary to mitigate impacts on neighbours.*

Proposal

The proposal is for Designated Development - Residential - demolition of dwelling house and construction of new dwelling house and swimming pool.

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

Permissibility

The site is zoned E4 Environmental Living pursuant to the Wollongong Local Environmental Plan 2009. The proposal is categorised as a dwelling-house and ancillary swimming pool and is permissible in the zone with development consent. Demolition is permitted pursuant to Clause 2.7 of the WLEP 2009.

Planning Controls

The following planning controls apply to the proposal:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000

State Environmental Planning Policies:

- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (BASIX) 2004
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Infrastructure) 2007

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2020 (section 7.12 of EP&A Act 1979)
- Wollongong Community Participation Plan 2019

An assessment of the amended proposal against the relevant planning controls is provided in Section 2 of this report.

For original assessment refer to Council Assessing Officer's report as presented to Wollongong Local Planning Panel on the 6 October 2021 at Attachment 4.

2 ACTIONS FOLLOWING THE WLPP RECOMMENDATIONS

Submission of amended plans/additional information

The applicant submitted amended plans and additional information in response to the issues raised by the Panel including:

- Architectural plans – Site, Floor, Elevations, Sections and pool details (amended setbacks, retaining wall and pool pump)
- Swept path analysis – B85 and B99 vehicle

- Geotechnical Report
- Arborist Report

The amended plans/additional information are provided in Attachment 2.

The amended proposal may be summarised as follows:

- Lower garage setback increased to comply with minimum 900mm from northern side boundary to comply with the DCP controls.
- Swept path analysis submitted demonstrating vehicular manoeuvring into and out of the proposed double garage can be achieved within the confines of the existing easement.
- Side setback of master bedroom amended to comply with Council's DCP Chapter B1 Clause 4.3.
- Retaining wall on the southern side amended to comply with Council's DCP Chapter B1 clause 4.17. Geotechnical Report also amended due to amended plans.
- Arborist Report amended to include consideration of the littoral rainforest plantings on the neighbouring property to the north.
- Swimming pool and sewer pumps relocated to mitigate impacts on neighbours. Pump proposed to be enclosed in an acoustic enclosure to protect the amenity of the neighbours.

Consultation

The amended proposal was publicly exhibited between 26 October to 9 November 2021 and three (3) objections were received. Council also received two (2) letters in support. The issues raised in the submissions have been considered below:

Issue	Comment
<p>The issues raised in the submissions were:</p> <ul style="list-style-type: none"> • Relocation of the pool pump will impact southern neighbouring properties – pool pump should be relocated centrally within the lot. 	<p>The applicant has amended the proposal whereby the pool pump has been relocated centrally and housed in an acoustic enclosure.</p>
<ul style="list-style-type: none"> • Swept paths are based on a B85 vehicle. A swept path should be done for a B99 vehicle or conditions for vehicles limited to 4.8m in length. 	<p>The applicant originally submitted swept path analysis for B85 vehicle however in response to the Objectors concerns the applicant has since submitted a swept path analysis for a B99 vehicle. The swept path analysis shows that the B99 vehicle (largest anticipated vehicle in the Australian Fleet) can manoeuvre within the existing access easement without encroaching/impacting on neighbouring properties. Council's Traffic Officer has reviewed the information and is satisfied.</p>
<ul style="list-style-type: none"> • Access to driveway 601 should remain unimpeded during construction. 	<p>The existing right of access legally requires the driveway to remain unimpeded to ensure access</p>

	is available at all times to both properties 601 and 603 Lawrence Hargrave Drive.
<ul style="list-style-type: none"> Building height – loss of views. 	The building height complies with the requirements of WLEP 2009 and WDCP 2009. It is noted the WLPP did not raise any issues in relation to building height in the previous meeting 6 October 2021.

Internal Referrals

Details of the amended proposal were referred to Council's Landscape, Geotechnical, Development Engineering and Traffic Officer, all of whom were satisfied with the amended proposal.

Consultation of the proposal as presented to Wollongong Local Planning Panel on the 6 October 2021 is outlined in the Council Assessing Officer's Report.

External Referrals

None required.

3 ASSESSMENT OF ADDITIONAL INFORMATION SUBMITTED BY THE APPLICANT IN RESPONSE TO ISSUES RAISED BY THE WLPP

Council's Assessing Officer has reviewed the Panel's recommendations from the 6 October WLPP meeting and the Applicant's response to the issues raised and provides the following comments.

POINT 1:

- Setback of the garage from the northern side boundary to comply with the DCP controls.*

Comment:

The lower garage setback to the northern boundary has been increased from nil to 900mm. The proposal now complies with Clause 4.3 of Chapter B1 WDCP 2009 which requires walls must be setback at least 900mm from any side or rear property boundary.

This matter is considered to resolved.

POINT 2:

- The applicant is to provide a swept path analysis demonstrating vehicular manoeuvring into and out of the proposed double garage can be achieved within the confines of the existing easement.*

Comment:

A swept path analysis, prepared by SitePlus, has been submitted which demonstrates both a B85 and B99 vehicle can manoeuvre and enter and exit a forward direction within the bounds of the existing easement.

Council's Traffic Officer has reviewed the swept paths and confirmed that the swept path analysis has been carried out as per the relevant traffic engineering guidelines, which show that the B99 vehicle

(largest anticipated vehicle in the Australian Fleet) can manoeuvre within the existing access easement without encroaching/impacting on neighbouring properties.

This matter is considered to be resolved.

POINT 3:

- *Compliance of the side setbacks of the first floor are to comply with Council's DCP Chapter B1 Clause 4.3.*

Comment:

The setback of master bedroom ensuite to the northern site boundary has been increased to comply with minimum 3m setback for walls that exceed 7m in height as required in Clause 4.3 of Chapter B1 WDCP 2009.

This matter is considered to be resolved.

POINT 4:

- *The compliance of the proposed retaining walls with Council's DCP Chapter B1 clause 4.17. This should be informed by geotechnical and structural engineering methodology which deals with construction, drainage and fence stability.*

Comment:

The retaining wall on the southern side has been removed. The southern external wall is proposed to retain existing ground. The Geotechnical Report has been amended to address the amended plans. Council's Geotechnical Engineer has assessed the amended proposal and is satisfied.

This matter is considered to be resolved.

POINT 5:

- *A supplementary arborist report be provided that considers the littoral rainforest plantings on the neighbouring property to the north in relation to the proposal.*

Comment:

An Arborist Report has been prepared to consider the impact of the proposed development on 6 trees within the neighbouring property to the north. The Arborist has advised that the proposed masonry wall with strip footings (to support the proposed lawn terrace) could result in severance to the tree roots. The Arborist has recommended the masonry wall be replaced with a fence design with timber or steel posts to minimise ground disturbance. All excavation for pier holes is to be undertaken utilising hand tools to be supervised by project Arborist.

The plans have been amended to replace the proposed masonry wall with a post and rail fencing.

A new condition has also been imposed for excavations for the fence to comply with the recommendations of the Arborist Report and certification from Arborist that adequate protection of trees to be retained.

63 *Excavations for the proposed fence on the northern boundary is to comply with the recommendations of the Arboricultural Statement prepared by Tree and Landscape Consultants dated 14 October 2021.*

64 *Certification from Arborist that 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.

This matter is considered to be resolved.

POINT 6:

- *Further consideration be given to relocation and attenuation of noise from the swimming pool and sewer pumps away from the northern boundary to mitigate impacts on neighbours.*

Comment:

The pool pump has been relocated to a central location to be the greatest distance from both neighbouring properties. The pool pump is also proposed to be enclosed with an acoustic enclosure to protect the amenity of the neighbouring properties. A condition (No. 10) has already been imposed requiring the pool pump to be enclosed in an acoustic enclosure.

This matter is considered to be resolved.

ADDITIONAL CONDITIONS

Due to the location of the proposal and potential for impact upon traffic movement, on street car parking availability and / or pedestrian safety, it was considered necessary to add a condition for a preliminary Construction Traffic Management Plan to be submitted prior to the issue of the CC.

- 26 A preliminary Construction Traffic Management Plan, prepared in accordance with Clause 6.2 of Chapter E3 Wollongong Development Control Plan 2009, is required to be submitted prior to the release of the Construction Certificate.

Council's Landscape Officer also recommended adding a condition in relation to podium planting and completion of landscape works prior to OC which will be added to the consent.

65 *Podium Planting*

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage.

All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.

If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.

71 *Completion of Landscape Works*

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

CONCLUSION

At the WLPP meeting of 6 October 2021, the Panel determined to defer the development application to allow the applicant an opportunity to address a number of concerns as described in Section 1 of this report.

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

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

RECOMMENDATION

DA-2021/103 be approved subject to the conditions contained in Attachment 3 of this report.

ATTACHMENTS

- 1 WLPP recommendations from 6 October 2021 meeting
- 2 Architectural plans, swept path analysis and Arborist Report
- 3 Revised Draft Conditions of Consent
- 4 Original Council Assessing Officer's WLLP Report as presented to WLPP meeting on 6 October 2021.

[Click on red line above for link to previous report](#)

Attachment 1

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	6 October 2021
PANEL MEMBERS	Stephen Davies (Chair), Steven Layman, Glenn Falson, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 6 October 2021 opened at 5:00pm and closed at 6:18pm.

MATTER DETERMINED

DA-2021/103 - Lot 16 DP 5998, 603 Lawrence Hargrave Drive, Wombarra (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by three submitters.

The Panel heard from the applicant and their representatives.

PANEL CONSIDERATION AND DECISION

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

The Panel determined to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, to enable the applicant to reconsider the design of the proposal with particular regard to:

- Setback of the garage from the northern side boundary to comply with the DCP controls.
- The applicant is to provide a swept path analysis demonstrating vehicular manoeuvring into and out of the proposed double garage can be achieved within the confines of the existing easement.
- Compliance of the side setbacks of the first floor are to comply with Council's DCP Chapter B1 Clause 4.3.
- The compliance of the proposed retaining walls with Council's DCP Chapter B1 clause 4.17. This should be informed by geotechnical and structural engineering methodology which deals with construction, drainage and fence stability.
- A supplementary arborist report be provided that considers the littoral rainforest plantings on the neighbouring property to the north in relation to the proposal.
- Further consideration be given to relocation and attenuation of noise from the swimming pool and sewer pumps away from the northern boundary to mitigate impacts on neighbours.

The Panel considers that the consequence of the above matters is a reconsideration of the design approach in relation to the constraints of the site.

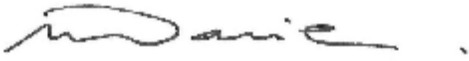

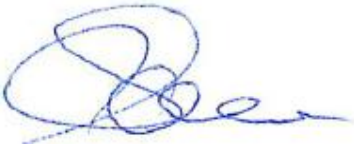

The decision was unanimous.

REASONS FOR THE DECISION

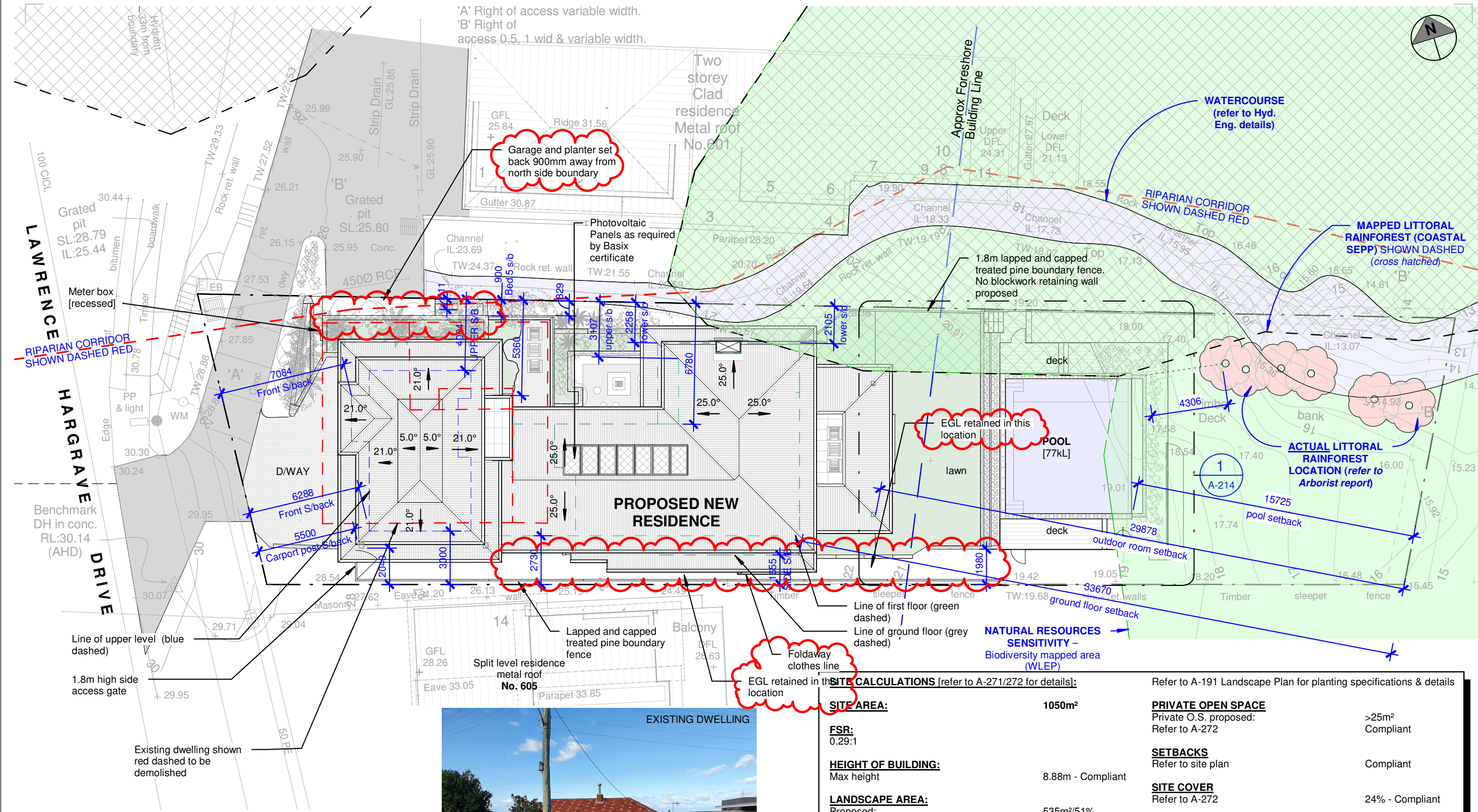
The reasons for the decision of the Panel were:

- The site is for a new dwelling and pool in an environmentally sensitive foreshore location.
- The non-compliance with Council's DCP controls.
- The potential impact on neighbouring properties.
- Insufficient engineering and arboricultural details to determine the application.

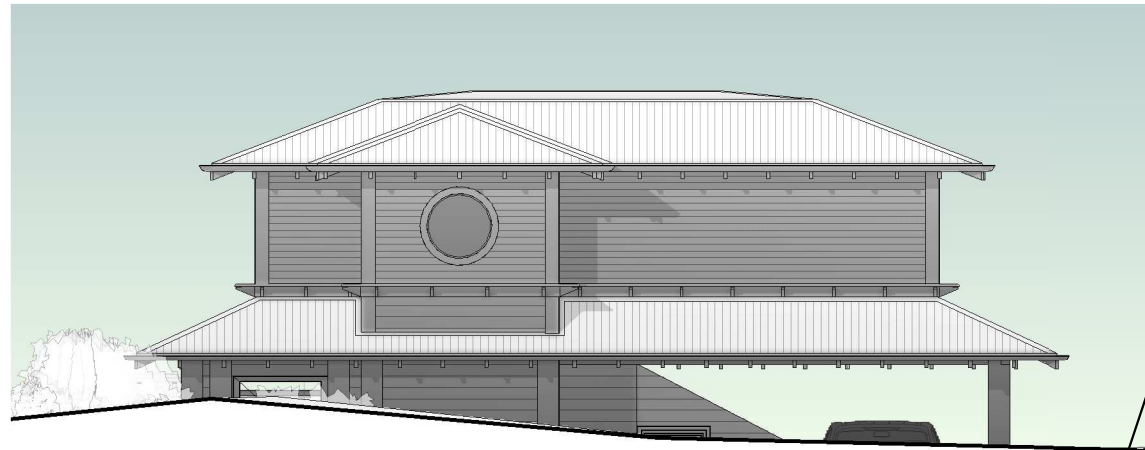
The applicant is to provide the additional information within twenty-eight days after which neighbour notification should occur for a period of fourteen days. Upon which, the matter is to be referred back to the Panel.

PANEL MEMBERS	
 Stephen Davies (Chair)	 Steven Layman
 Glenn Falson	 Tina Christy (Community Representative)

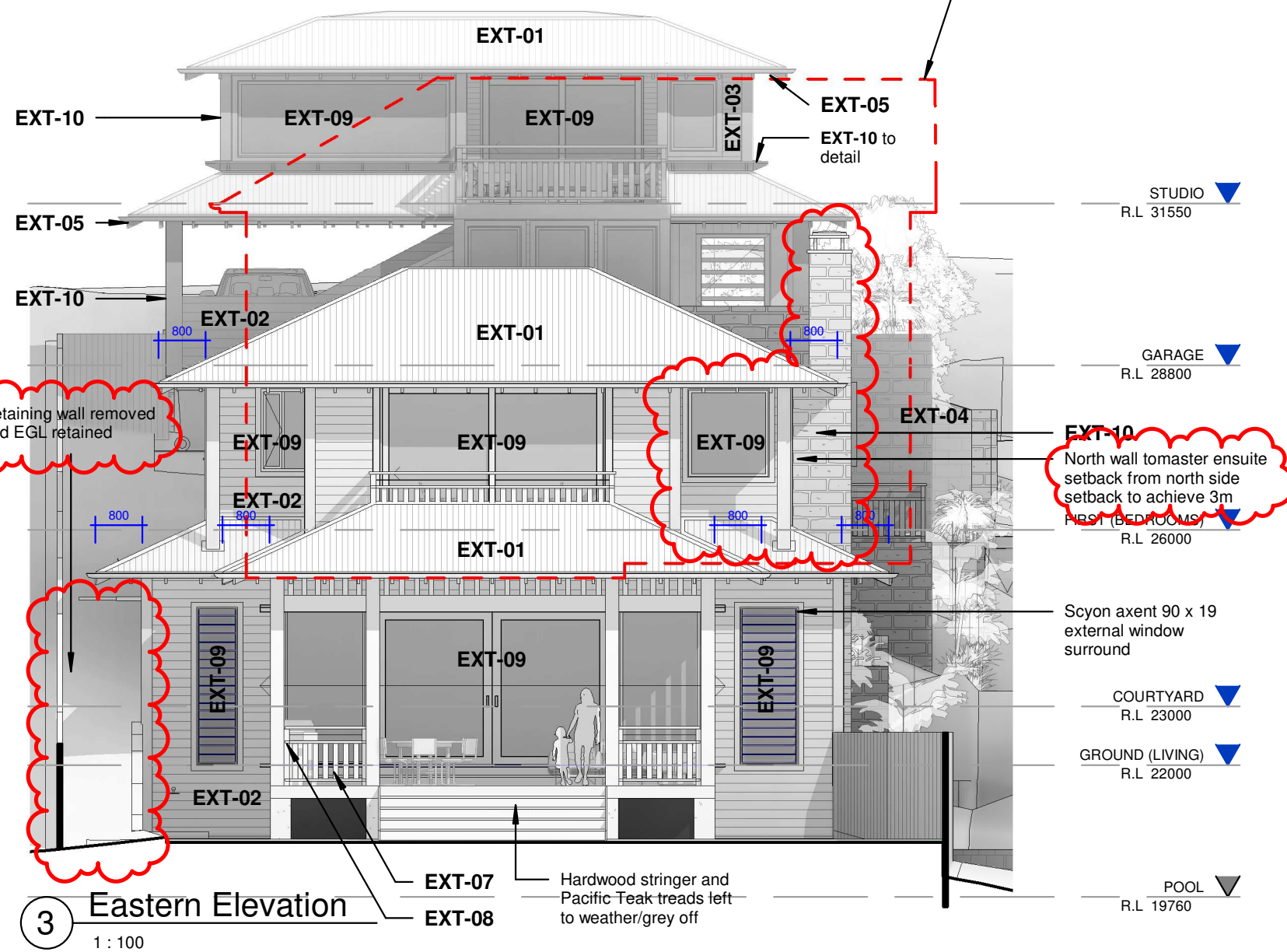
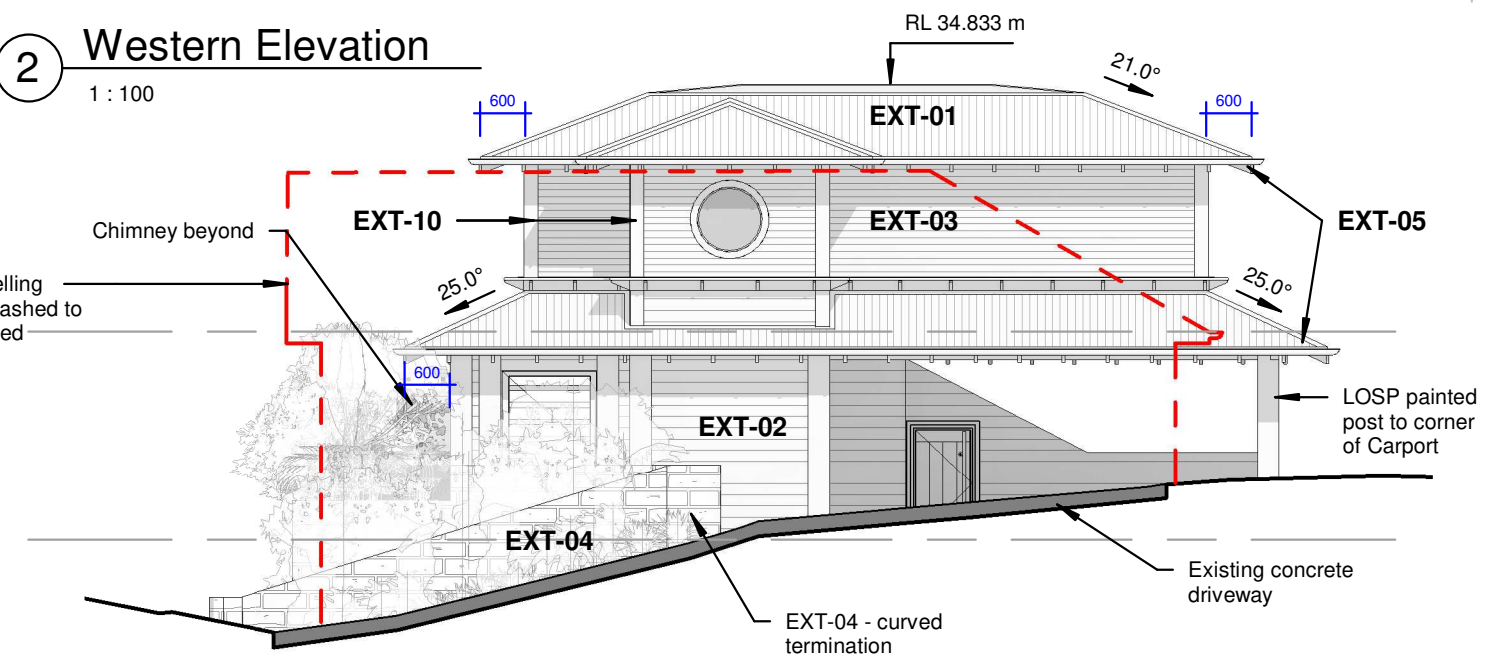
SCHEDULE 1		
1	DA NO.	DA-2021/103
2	PROPOSED DEVELOPMENT	Designated Development - Residential - demolition of dwelling house and construction of new dwelling house and swimming pool
3	STREET ADDRESS	603 Lawrence Hargrave Drive Wombarra
4	APPLICANT	Gyles Deacon
5	REASON FOR REFERRAL	<ul style="list-style-type: none"> Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is contentious development as it subject to more than ten (10) unique submissions by way of objection, and Under Schedule 2 Clause 4 (a) of the Local Planning Panels Direction, the proposal is Designated Development as the works are located within the mapped Littoral Rainforest Area pursuant to the SEPP (Coastal Management) 2018.
6	RELEVANT MANDATORY CONSIDERATIONS	<p>The following planning controls apply to the proposal:</p> <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulations 2000 <p>State Environmental Planning Policies:</p> <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (BASIX) 2004 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Infrastructure) 2007 <p>Local Environmental Planning Policies:</p> <ul style="list-style-type: none"> Wollongong Local Environmental Plan (WLEP) 2009 <p>Development Control Plans:</p> <ul style="list-style-type: none"> Wollongong Development Control Plan (WDCP) 2009 <p>Other policies</p> <ul style="list-style-type: none"> Wollongong City-Wide Development Contributions Plan 2020 (section 7.12 of EP&A Act 1979) Wollongong Community Participation Plan 2019 The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report dated 6 October 2021 Written submissions during public exhibition: First round 15 objections and 1 letter in support and Second round 14 objections and 5 letters in support. Verbal submissions at the public meeting: Three
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 6 October 2021. Attendees:</p> <ul style="list-style-type: none"> <u>Panel members</u>: Stephen Davies, Steven Layman, Glenn Falson, Tina Christy (Community Representative) <u>Council assessment staff</u>: Kristy Robinson
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report



1 Street Elevation
1 : 100



2 Western Elevation
1 : 100



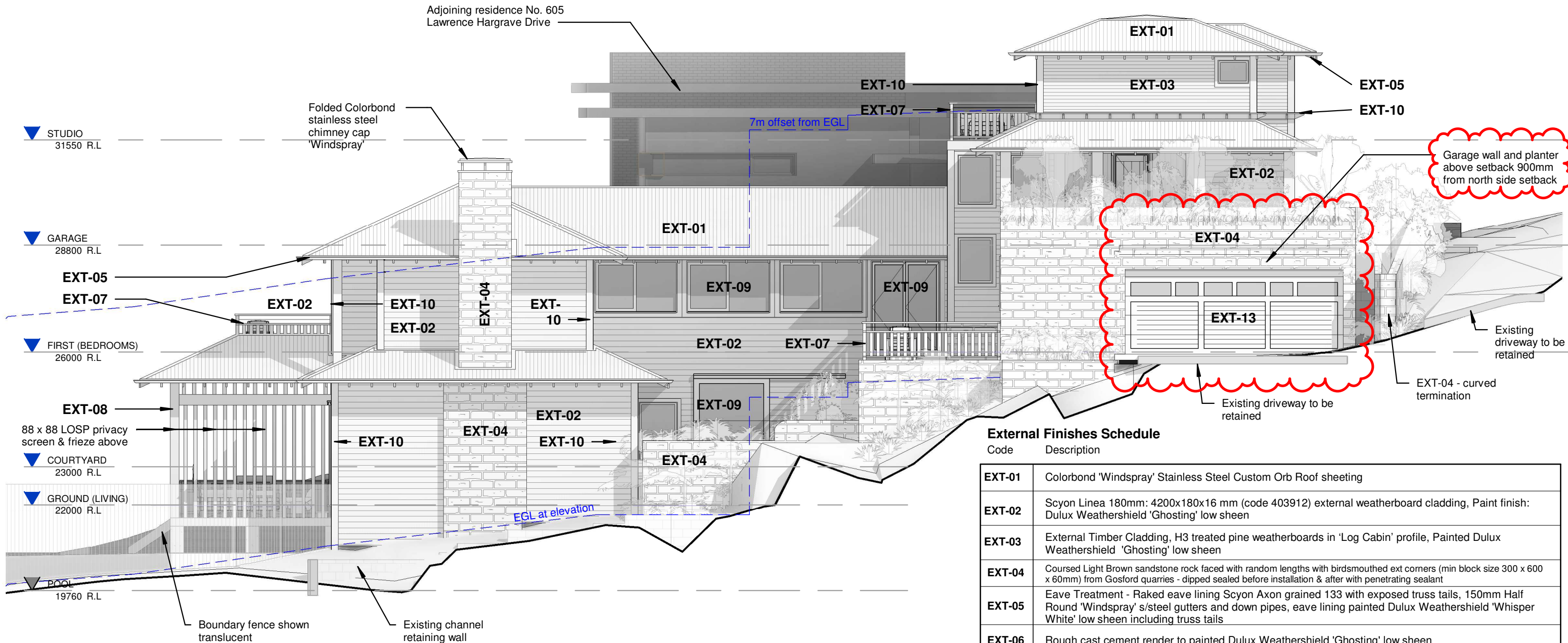
External Finishes Schedule

Code	Description
EXT-01	Colorbond 'Windspray' Stainless Steel Custom Orb Roof sheeting
EXT-02	Scyon Linea 180mm: 4200x180x16 mm (code 403912) external weatherboard cladding, Paint finish: Dulux Weathershield 'Ghosting' low sheen
EXT-03	External Timber Cladding, H3 treated pine weatherboards in 'Log Cabin' profile, Painted Dulux Weathershield 'Ghosting' low sheen
EXT-04	Coursed Light Brown sandstone rock faced with random lengths with birdsmouthed ext corners (min block size 300 x 600 x 60mm) from Gosford quarries - dipped sealed before installation & after with penetrating sealant
EXT-05	Eave Treatment - Raked eave lining Scyon Axon grained 133 with exposed truss tails, 150mm Half Round 'Windspray' s/steel gutters and down pipes, eave lining painted Dulux Weathershield 'Whisper White' low sheen including truss tails
EXT-06	Rough cast cement render to painted Dulux Weathershield 'Ghosting' low sheen
EXT-07	Timber balustrade painted Dulux 'Whisper White' with 138 x 42mm Design Pine hand rail, 4.0mm 7x7 lay 316 stainless steel wire with 316 stainless steel turnbuckles, 62 x 18mm Design Pine slats, 66X42 Design Pine mid rail rebated & 66X42 Design Pine bottom rail
EXT-08	Timber posts clad in LOSP pine and painted Dulux Weathershield 'Whisper White' low sheen
EXT-09	Aluminum framed windows (fixed, breezway 152mm louvres, casement) and sliding/bi-fold doors in marine grade powder coating - colour to match 'Whisper White'
EXT-10	190 x 35 birdsmouthed timber external corners and banding at sill board detail - Painted Dulux Weathershield 'Whisper White' low sheen
EXT-11	100 x 100 x 50 'Endicott' Cobblestone driveway finish from Eco Outdoor
EXT-12	140 x 20 Pacific Teak timber decking, domed top, concealed fixed - Mortlock timber
EXT-13	Western red cedar panelift garage door with translucent acrylic panel inserts, Dulux Weathershield 'Whisper White' paint finish

NOTE: All colour's to be confirmed and signed off prior to purchase of painting or coating finished surfaces

No.	Description	Date
7	Revised for Council Resubmission	15.10.2021
6	For Client Review	14.10.2021
5	For Client Review	14.10.2021
4	Garage and Master Setback	13.10.2021
3	Wollongong Council DA submission	21.01.2021
2	Amended as per client requests	14.07.2020
1	Internal Review #2	30.06.2020

Scale @ A3	1 : 100
603 Lawrence Hargrave Drive, Wombarra, NSW	Dwg Number A-301
Issue	7
Print Date & Time	2021-10-19 6:06:26 PM



1 Northern Elevation
1 : 100

External Finishes Schedule

Code	Description
EXT-01	Colorbond 'Windspray' Stainless Steel Custom Orb Roof sheeting
EXT-02	Scyon Linea 180mm: 4200x180x16 mm (code 403912) external weatherboard cladding, Paint finish: Dulux Weathershield 'Ghosting' low sheen
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EXT-05	Eave Treatment - Raked eave lining Scyon Axon grained 133 with exposed truss tails, 150mm Half Round 'Windspray' s/steel gutters and down pipes, eave lining painted Dulux Weathershield 'Whisper White' low sheen including truss tails
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EXT-13	Western red cedar panel lift garage door with translucent acrylic panel inserts, Dulux Weathershield 'Whisper White' paint finish

NOTE: All colour's to be confirmed and signed off prior to purchase of painting or coating finished surfaces

7	Revised for Council Resubmission	15.10.2021
6	For Client Review	14.10.2021
5	Client Review	14.10.2021
4	Amendments & additional info submitted in response to council letter dated 03.05.2021	31.05.2021
3	Wollongong Council DA submission	21.01.2021
2	Amended as per client requests	14.07.2020
1	Internal Review #2	30.06.2020
No.	Description	Date

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603 Lawrence Hargrave Drive, Wombarra, NSW	Dwg Number A-302
	Issue 7
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Walter Barda Design
architecture
landscape
interiors

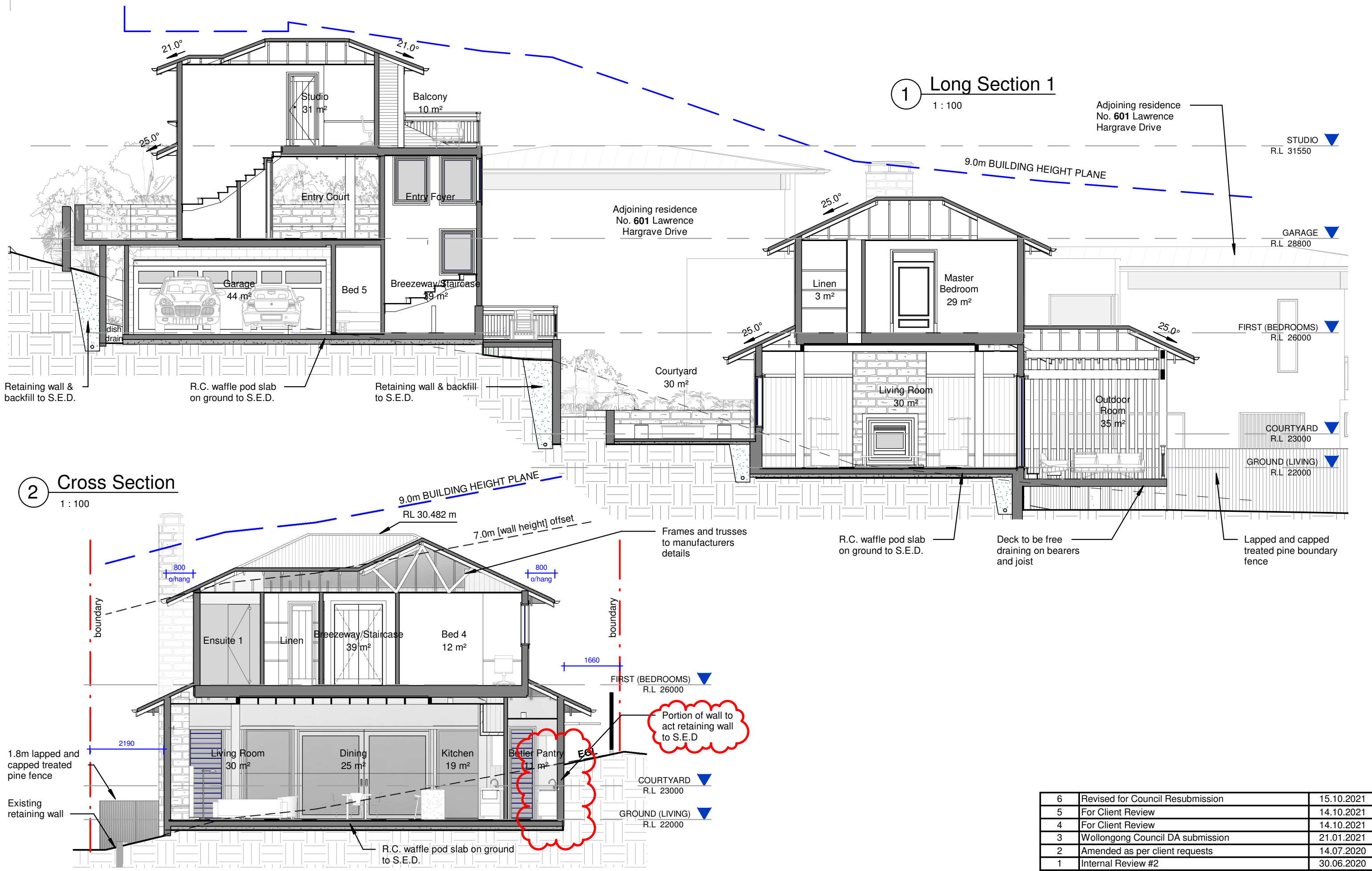
2.04 13-15 Wentworth Avenue Sydney NSW 2000
PO Box 398 Darlinghurst NSW 1300
www.walterbardadesign.com ABN: 48 072 136 513
Office: 02 9360 2340 Facsimile: 02 9360 2324

New Residence Victoria & Gyles Deacon
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Project Number	2020_07	Project Status	DEVELOPMENT APPLICATION
Sheet			Northern Elevation

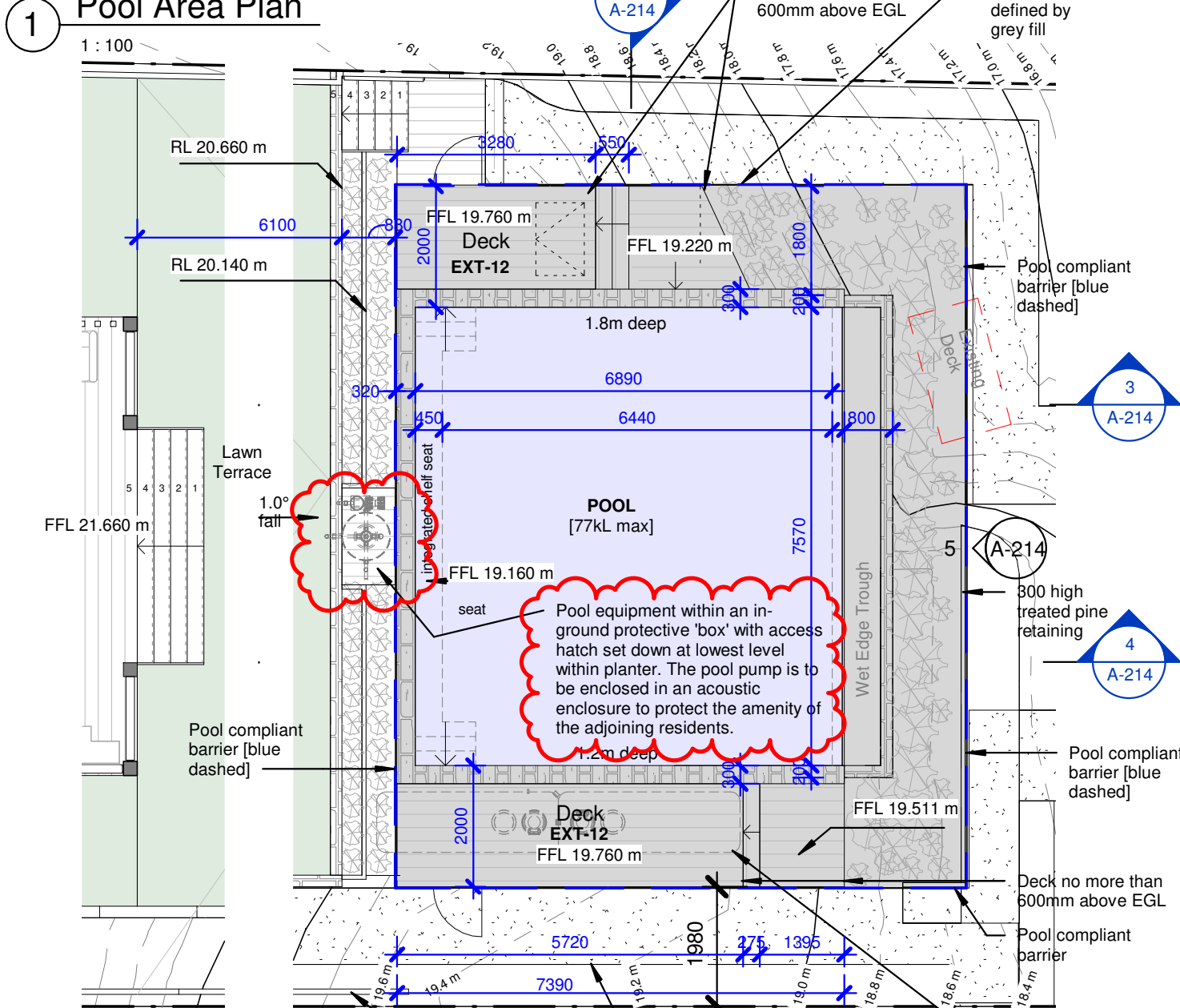
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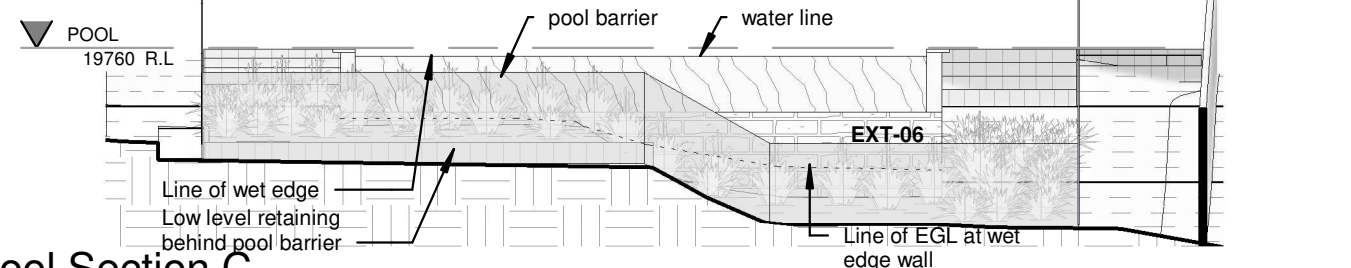
6	Revised for Council Resubmission	15.10.2021
5	For Client Review	14.10.2021
4	For Client Review	14.10.2021
3	Wollongong Council DA submission	21.01.2021
2	Amended as per client requests	14.07.2020
1	Internal Review #2	30.06.2020
No.	Description	Date

Pool Area Plan



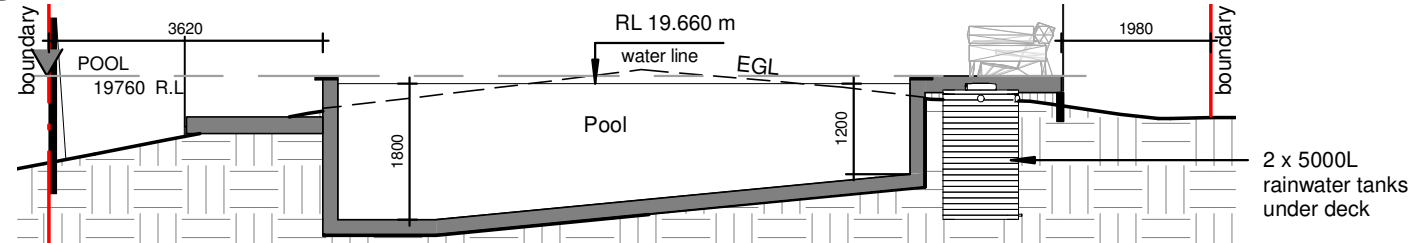
Pool Elevation

1 : 100



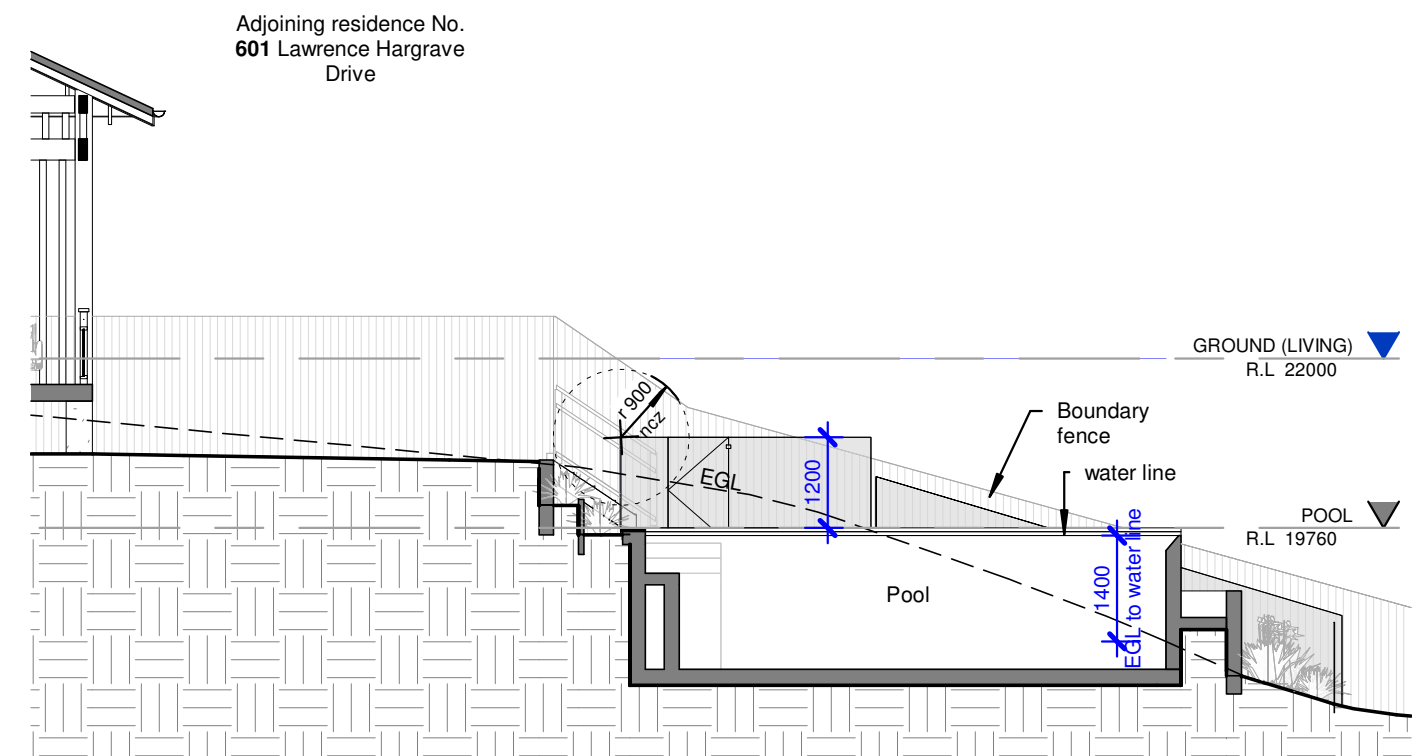
Pool Section C

1 : 100



Pool Section A

1 : 100

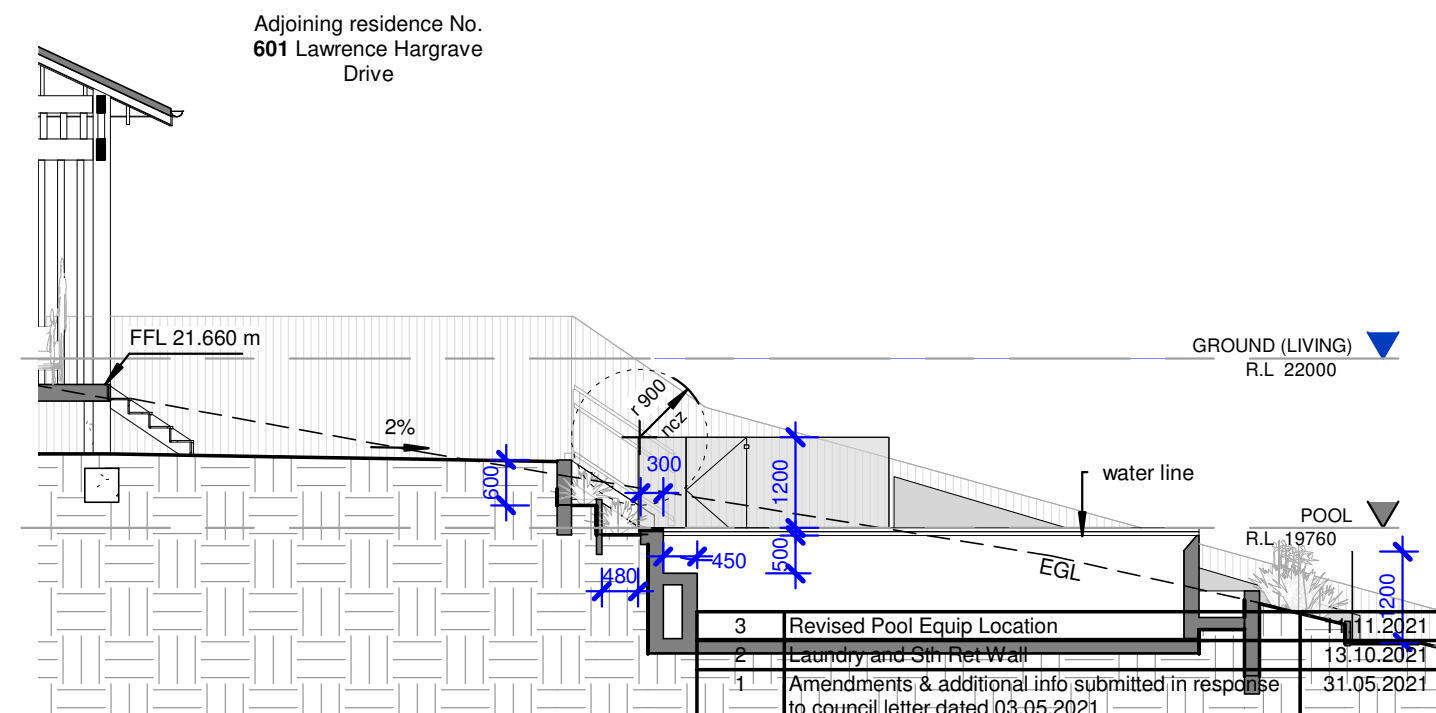


WDCP CLAUSE 4.18.2 NOTE:

The proposal allows for greater than 70% of the pool perimeter to be accessible for rescue purposes [western pool coping greater than 300mm]

Pool Section B

1 : 100



Walter Barda Design
architecture
landscape
interiors

2.04 13-15 Wentworth Avenue Sydney NSW 2000
PO Box 398 Darlinghurst NSW 1300
www.walterbardadesign.com ABN: 48 072 136 513
Office: 02 9360 2340 Facsimile: 02 9360 2324

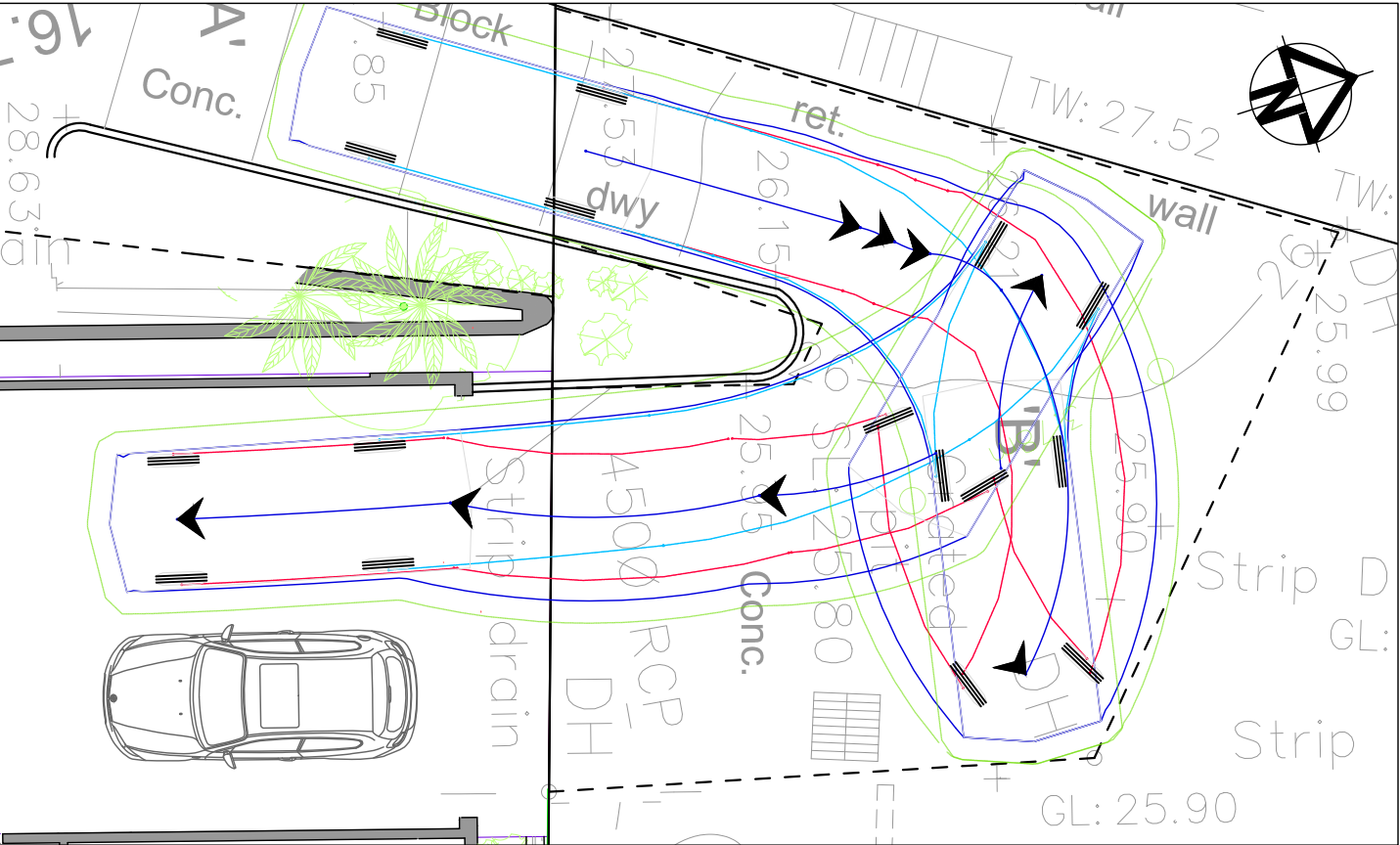
New Residence
Victoria & Gyles Deacon

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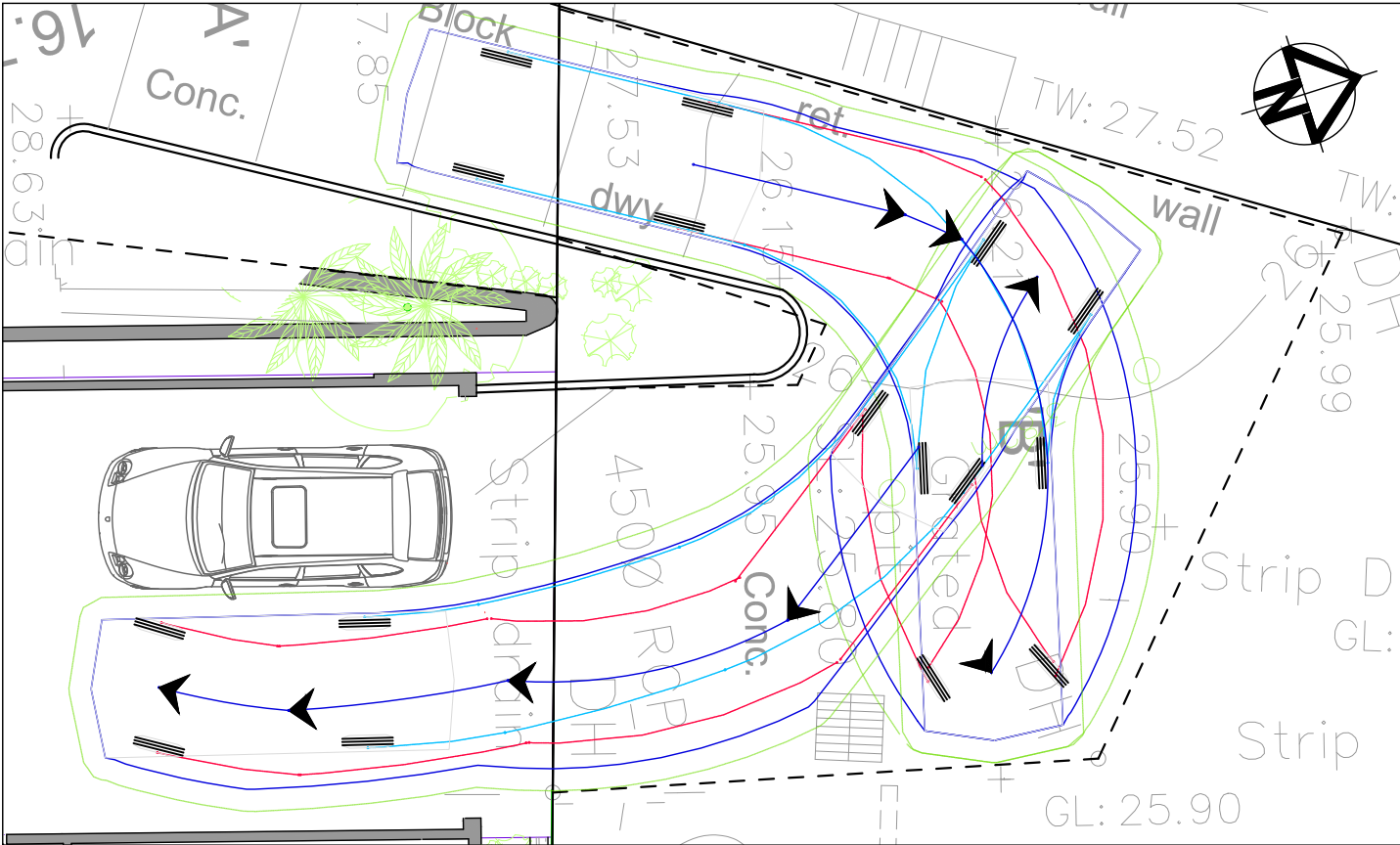
Project Number	2020_07	Project Status	DEVELOPMENT APPLICATION
Sheet	Pool Details		

No.	Description	Date
3	Revised Pool Equip Location	11.10.2021
2	Laundry and Stn Ret Wall	13.10.2021
1	Amendments & additional info submitted in response to council letter dated 03.05.2021	31.05.2021
Scale @ A3 1 : 100		
603 Lawrence Hargrave Drive, Wombarra, NSW		Dwg Number A-214
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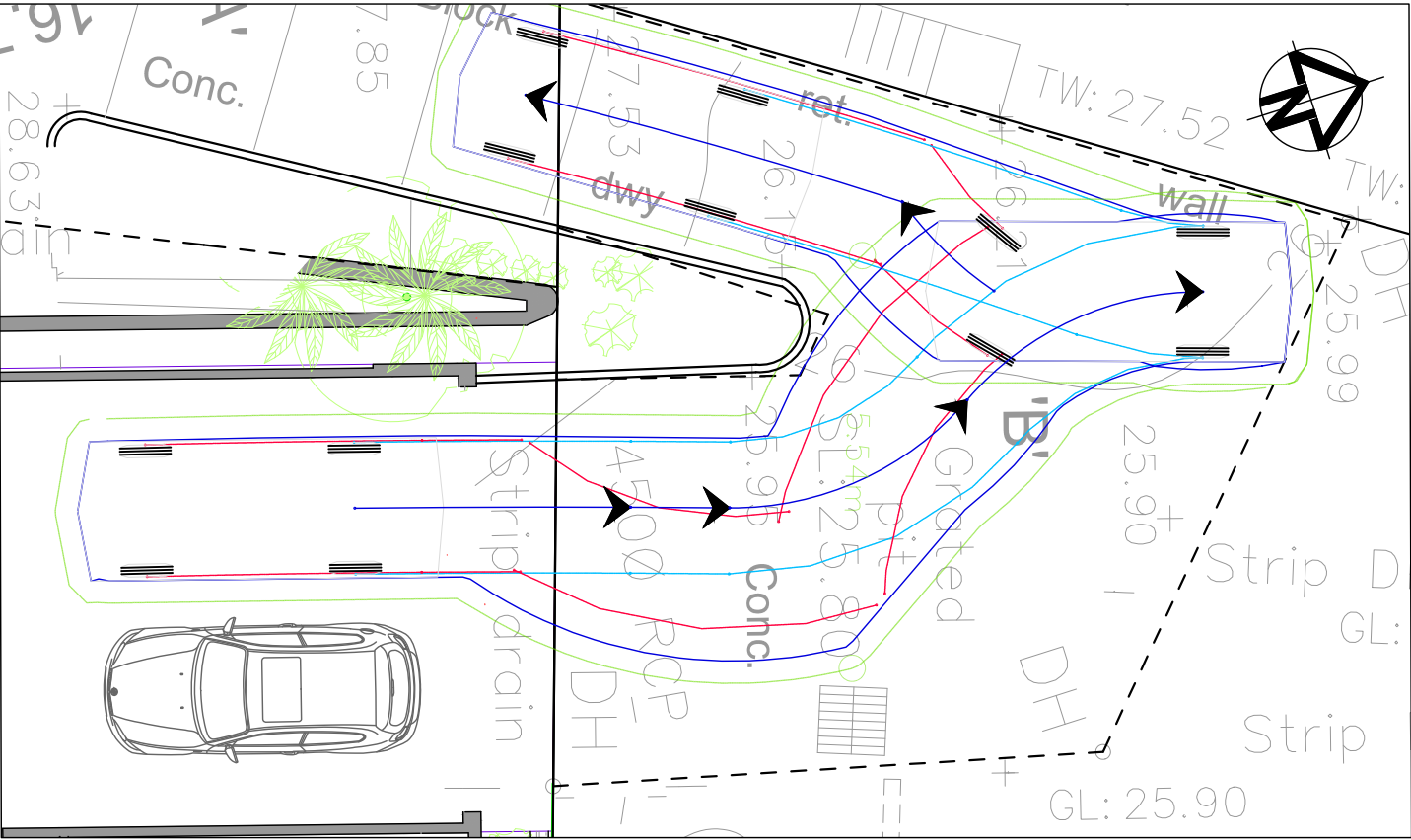
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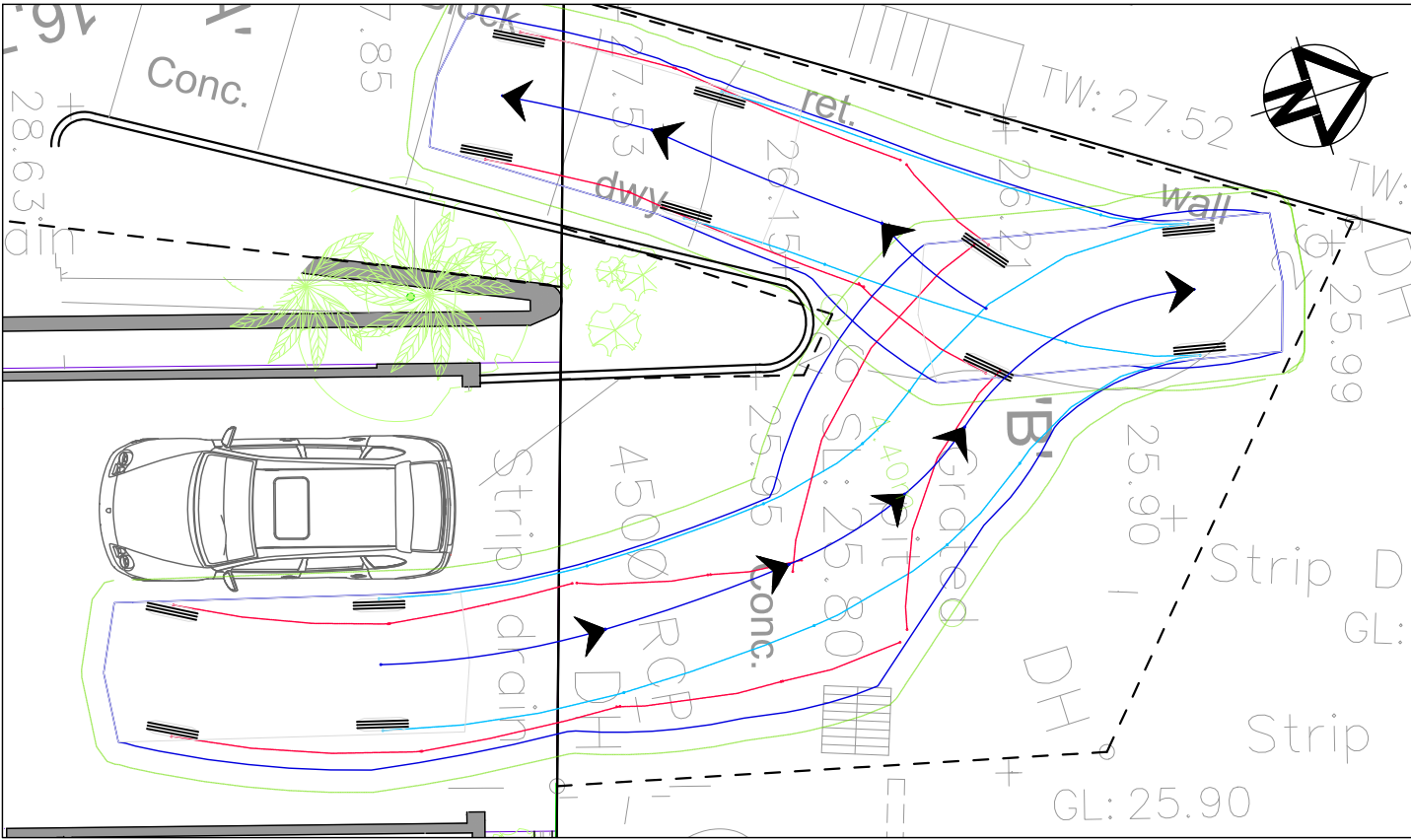
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SCALE 1:200



B85 SWEPT PATH - LEFT SIDE FORWARD ENTRY
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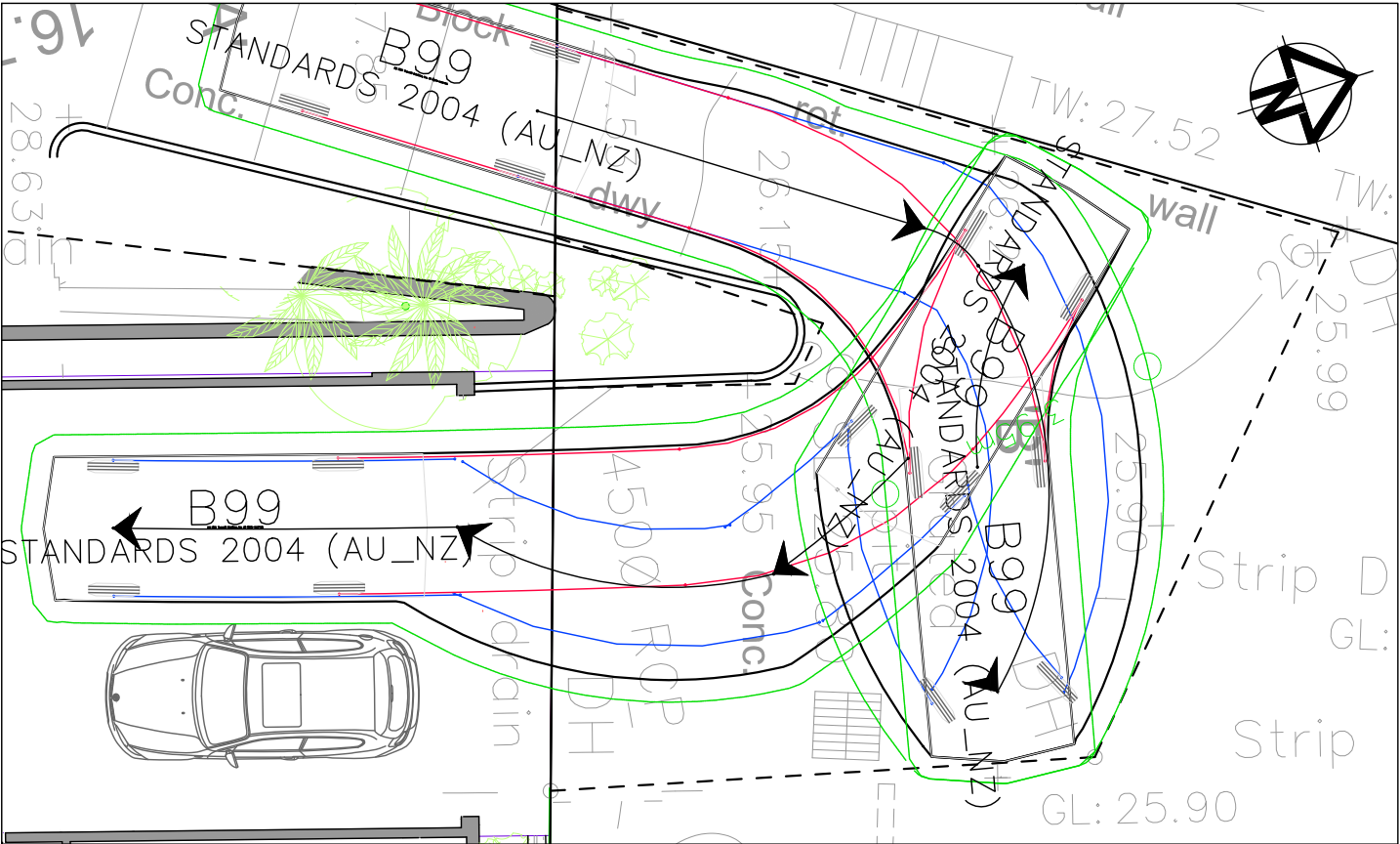


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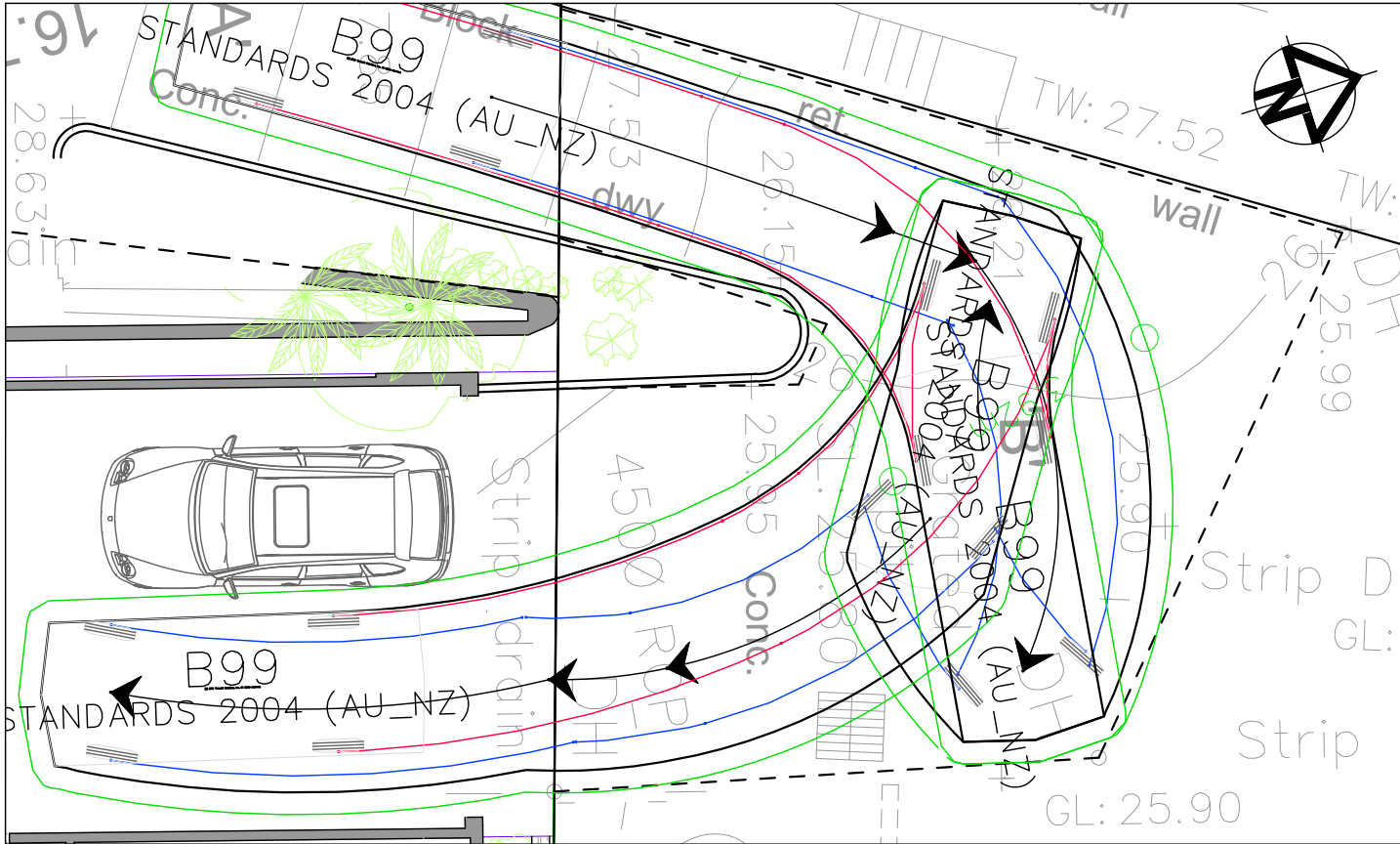


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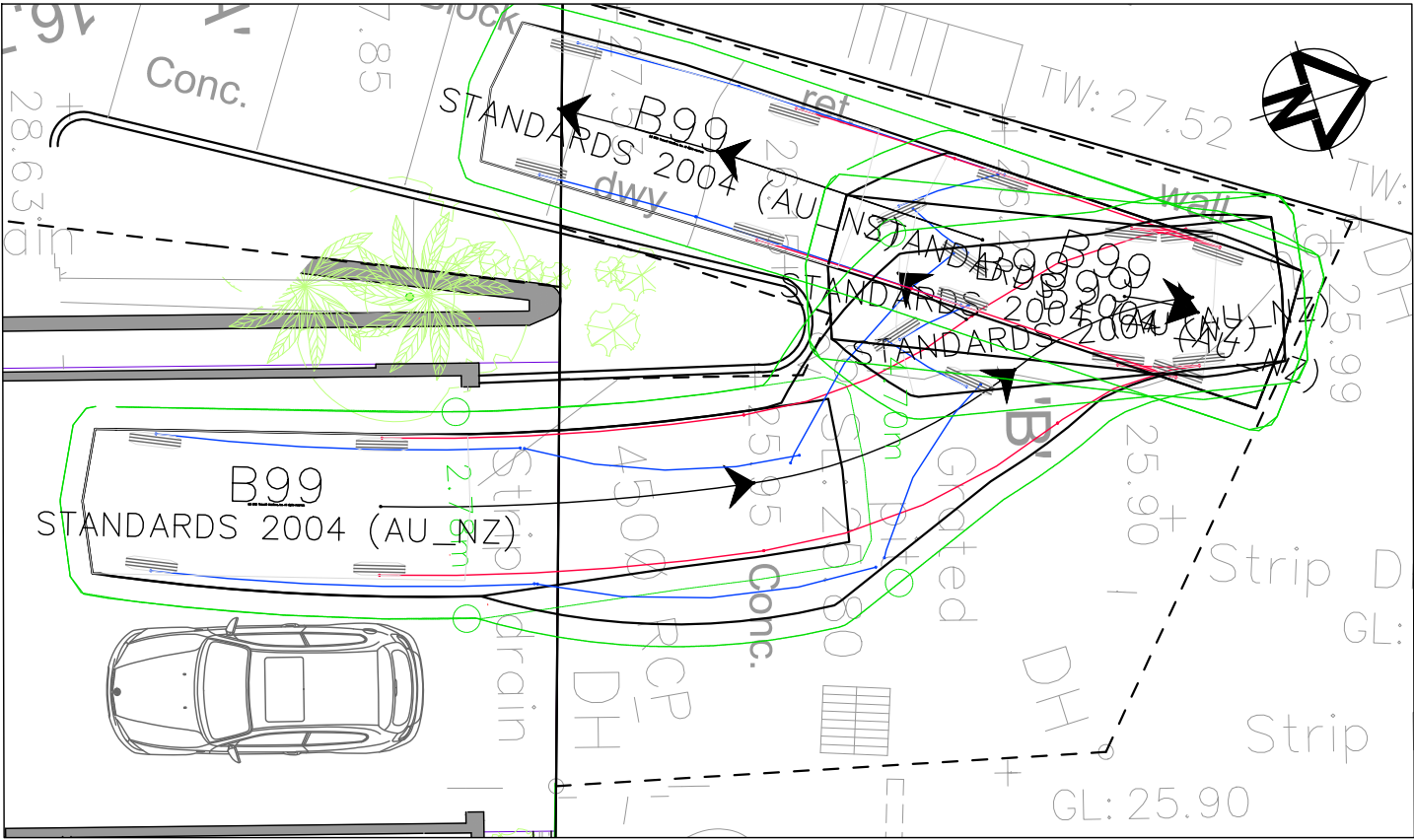
REV A B C	DESCRIPTION		DRN	APP	DATE	<div><div><div></div><div></div></div><div>siteplus</div><div>Site Plus Pty Ltd ABN 73 104 315 095</div><div>engineering landscape design survey planning management</div></div>	WETHERILL PARK OFFICE 345 Kelra Street Wollongong NSW 2500 Suite 104, Level 1 447 Victoria Street Wetherill Park NSW 2164 T 61 2 4227 4233 E info@siteplus.com.au	HEAD OFFICE PO Box 5104 Wollongong NSW 2500 T 61 2 4227 4233 F 61 2 4227 4133 E info@siteplus.com.au	Height Datum	A.H.D.	Client Title	DEACON	Dwg Title	603 LAWRENCE HARGRAVE DRIVE, WOMBARRA CIVIL ENGINEERING DESIGN SWEPT PATH PLAN	Ref & Dwg No		
	ISSUED FOR DEVELOPMENT APPLICATION								Drawn	JD					20124.DA.C02		
	AMENDED IN CONSISTENCY WITH ARCHITECTURALS								Designed	JD					Sheet No		
	AMENDED TO ARCHITECTURAL PLANS								Checked	DN					Scale		
		Approved	DN	Dwg Status		DEVELOPMENT APPLICATION		Local Authority		WOLLONGONG		Date					
												08/20					
												Rev					
												C					
												A3					



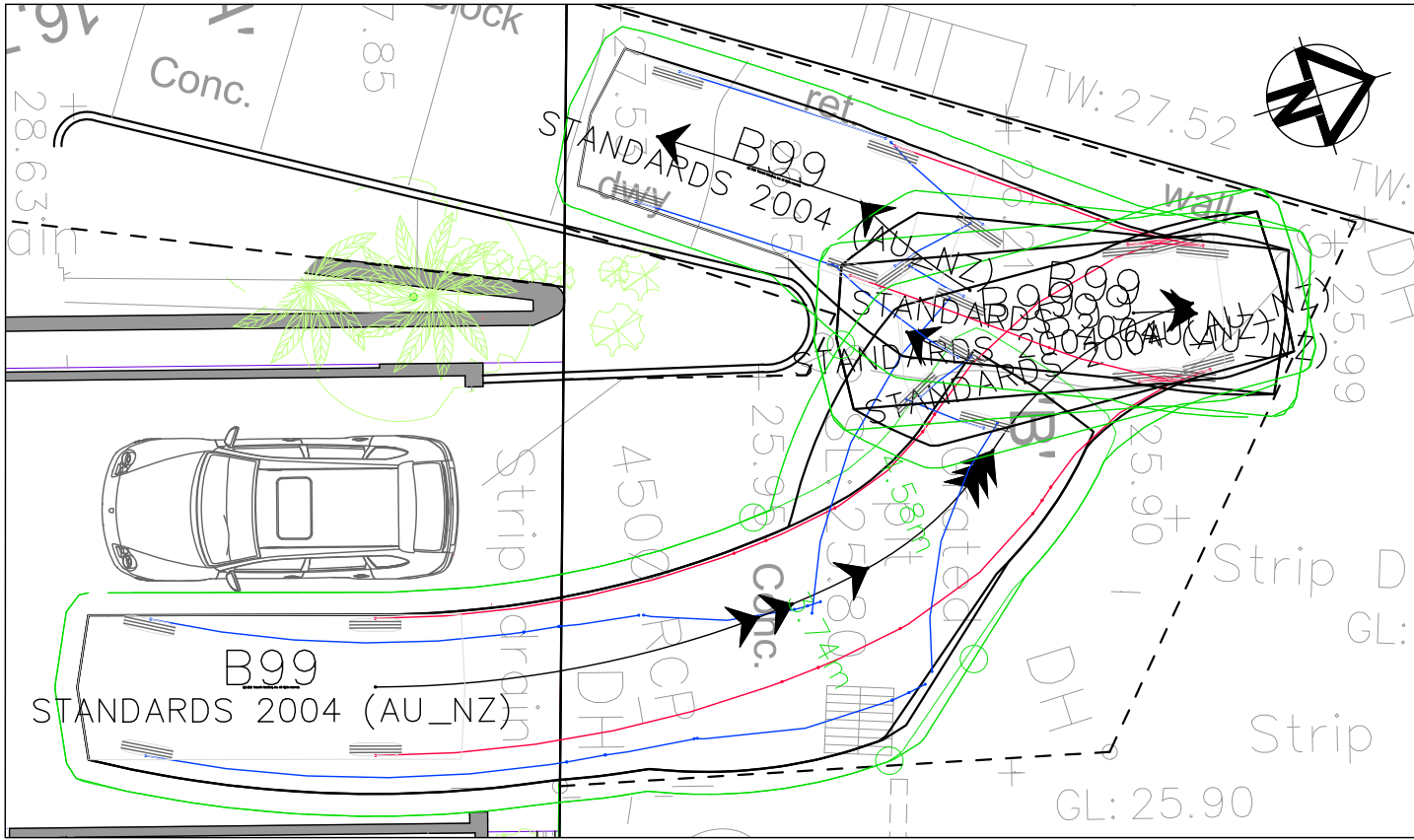
B99 SWEEP PATH - RIGHT SIDE FORWARD ENTRY
SCALE 1:200





B99 SWEEP PATH - LEFT SIDE FORWARD ENTRY
SCALE 1:200



B99 SWEEP PATH - RIGHT SIDE REVERSE EXIT
SCALE 1:200



B99 SWEEP PATH - LEFT SIDE REVERSE EXIT
SCALE 1:200

REVISIONS	No.	DESCRIPTION	DRN	APP	DATE	 Site Plus Pty Ltd ABN 73 104 315 095  engineering landscape design survey planning management	WETHERILL PARK OFFICE		HEAD OFFICE		Height Datum	Client Title		Dwg Title	Ref & Dwg No		
	A	ISSUED FOR DEVELOPMENT APPLICATION	JD	DN	13/08/20		Suite 104, Level 1		345 Kelso Street		Drawn	DEACON		603 LAWRENCE HARGRAVE DRIVE,	20124.DA.C03		
	B	AMENDED IN CONSISTENCY WITH ARCHITECTURALS	JD	DN	09/11/20		447 Victoria Street		Wollongong NSW 2500		Designed	----		WOMBARRA	Sheet No		
	C	AMENDED TO ARCHITECTURAL PLANS	JD	DN	01/06/21		Wetherill Park NSW 2164		Wollongong NSW 2520		Checked	----		CIVIL ENGINEERING DESIGN	Sheet 03 of 01		
							T 61 2 4227 4233		T 61 2 4227 4133		Approved	DEVELOPMENT APPLICATION		Scale	1:200		
							E info@siteplus.com.au		E info@siteplus.com.au			Local Authority		SWEPT PATH PLAN 2	Date	Rev	
												WOLLONGONG			08/20	C	A3



TREE & LANDSCAPE CONSULTANTS

Site Analysis, Arboricultural Assessments

INSTITUTE OF AUSTRALIAN
CONSULTING ARBORICULTURISTS



MANAGING URBAN TREES ®

Peter A Richards

Dip. Hort. (Arboriculture-AQF5)

Member IACA, Member LGTRA, Member ISA

P.O Box 50

Padstow 2211 N.S.W.

Mobile

0418 277 379

Email

talc2@optusnet.com.au

14th October 2021

Victoria & Gyles Deacon

603 Lawrence Hargrave Drive
Wombarra NSW

Our reference: 5190S

Arboricultural Statement:

603 Lawrence Hargrave Drive
Wombarra NSW

The site was inspected in regard to a proposed retaining wall adjoining trees identified within the attachment as numbers 1,2,3,4,5 & 6 :

- *The initial design proposed a masonry wall with continual strip footings. This could result in severance of roots from the subject trees.*
- *The preferred approach would be to utilise a simple fence design supported by posts being timber or steel. This option will reduce disturbance of ground near to the subject trees allowing placement of post holes away from any roots that may be encountered. All excavation for pier holes is to be undertaken utilising hand tools to be supervised by the Project Arborist.*

Please contact us on 0418277379 if you require further information.

Peter Richards

Tree & Landscape Consultants

Attachment A

Tree Locations



Attachment 3 – REVISED DRAFT CONDITIONS FOR: DA-2021/103

For Office use Only – Do Not mail

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 2020_07 Drawing A-211-8 and A-214-3 dated 11 November 2021 and A-101-7, A-212-7, A-213-7, A-301-7 to A-303-7, A-311-6 and A-312-6 dated 15 October 2021 prepared by Walter Barda Design 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 Tree Removal

This application does not approve the removal of any native trees. A separate development application, or tree management permit application shall be submitted to Council if native trees are proposed to be removed.

3 Geotechnical

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 15 June 2020 by Terra Insight.
- b A supplementary geotechnical report is required which:
 - i Assesses the existing pavement condition including photos of Lawrence Hargrave Drive across the full frontage of the proposed development;
 - ii Assesses the potential impact of the proposed development on the short and long term impact on the performance of the pavement of Lawrence Hargrave Drive;
 - iii Identifies appropriate measures to manage any potential impacts from the proposed development; and
 - iv Makes recommendations for the design of any temporary or permanent structures, drainage treatments, slope management or excavations required to manage the potential impact to Lawrence Hargrave Drive from the development.

Stage 1 Site Remediation – including all earthworks, drainage and retaining wall construction
This work is to comply with the following conditions:

- a An earthworks plan is to be developed by the geotechnical consultant prior to start of earthworks.
- b All recommendations of the geotechnical consultant in their geotechnical report dated 15 June 2020 are to be accommodated in the earthworks plan.
- c The earthworks plan may require modification considering any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the Stage 1 works.
- d Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with geotechnical supervision.
- e There is to be no unsupported excavations with all cuts to be immediately supported by retaining wall construction.
- f At the completion of the remedial works, the geotechnical consultant is to prepare a works-as-executed (WAE) report detailing encountered geotechnical conditions and how the remedial works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the dwelling. These structural designs

are to be confirmed or amended by the structural engineer based on the WAE geotechnical report.

Stage 2 Construction of the Dwelling and Pool

Once the remedial works are complete and the structural designs have been endorsed by the geotechnical consultant that all known residual geotechnical constraints based on the WAE geotechnical report have been accommodated in the designs, construction can then commence on the dwelling and pool.

- a 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.
- b Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
- c All stormwater and wastewater are to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.
- d A generic design for the pool is not appropriate for this site. A site-specific design is required for the hillside land where geotechnical constraints such as lateral earth pressures due to soil creep can affect the integrity of the structure. The structural designer of the pool needs to refer to the site geotechnical constraints as described in the geotechnical report.
- e All surface water from the pool surrounds should be piped away from the site.
- f A subsoil drain needs to be installed under the pool with gravity outlet to maintain equilibrium soil moisture conditions.
- g 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.

4 Transport for NSW (TfNSW)

Requirements issued by TfNSW dated 16 March 2021 as attached shall form part of this Notice of Determination.

5 Building Work - Compliance with the Building Code of Australia

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

6 Construction Certificate

A Construction Certificate must be obtained from Council or 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.

7 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.

Prior to the Issue of the Construction Certificate

8 Landscape Plan

The Landscape plan is to be revised as follows:

- a No planting or other landscaping works are to occur within the Littoral Rainforest or existing native vegetation area on the site.
- b No mulching is to occur within the native vegetation on site.

- c The following species are to be REMOVED from the landscape plan entirely: *Miscanthus Sinensis* and *Raphiolepis indica*.

This requirement shall be reflected on the Construction Certificate plans and the final landscape plan.

9 **Additional Window Western Elevation**

One (1) additional window to be provided on the upper level of the western elevation to ensure no blank facade. Details are to be provided on the Construction Certificate plans.

10 **Pool Pump Enclosure**

The pool pump is to be enclosed in an acoustic enclosure to protect the amenity of the adjoining residents.

11 **Present Plans to Sydney Water**

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

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

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

12 **Muted Bushland Tones – External Finishes**

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible.

13 **Low Reflective External Finishes**

Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings. The driveway is to be finished in dark earth tones.

14 **Car parking and Access**

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

15 **Gradients of Ramps and Driveways as per AS 2890.1**

All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS 2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

16 **Structures Adjacent to Driveway**

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

17 **Water/Wastewater Entering Road Reserve**

Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

- 18 **Details of Proposed Pit and Pipeline**
Details of the proposed connecting pipeline to the Council pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation.
- 19 **Landscaping**
The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifier, prior to the release of the Construction Certificate.
- 20 **Compliance with Findings and Recommendations of the Bush Fire Impact Assessment Report**
The findings and recommendations contained in the Bushfire Report dated 31 July 2020 prepared by Bushfire Planning services shall be implemented and maintained, except where amended by other conditions of this consent.
- 21 **Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre**
The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:
- a A plan of the wall showing location and proximity to property boundaries;
 - b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
 - c Details of fencing or handrails to be erected on top of the wall;
 - d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
 - e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
 - f The assumed loading used by the engineer for the wall design.
 - g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 22 **Stormwater Drainage Design**
A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:
- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by Sit Plus, Reference No. 20124.DA.C01, issue Rev C, dated August 2020.
 - b Include details of the method of stormwater disposal. Stormwater from the development must be piped to natural watercourse.
 - c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all

stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

23 **Drainage to the Natural Watercourse**

A minimum 150mm diameter, PVC Class SN4 inter-allotment drainage pipeline shall be provided to drain all lots to the natural watercourse within the subject property.

24 **Scour Protection**

All stormwater outlets, watercourses, and surface flow paths (including swales, channels, and other dedicated overland flow paths) must be treated with appropriate scour/erosion protection measures designed in accordance with good engineering practice based on calculated 1 in 100 year ARI flow velocities.

All scour protection measures and headwall structures within the watercourse shall be designed and constructed to match existing surface levels to ensure that there will be no change in flooding behaviour. All stormwater outlets shall be orientated in the direction of natural flow of the receiving watercourse.

The outlet scour protection is to be in accordance with Guidelines for Outlet Structures prepared by the Office of Water dated July 2012. The final details of the proposed scour protection measures shall be reflected on the Construction Certificate plans.

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

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off.

26 **Construction Traffic Management Plan**

A preliminary Construction Traffic Management Plan, prepared in accordance with Clause 6.2 of Chapter E3 Wollongong Development Control Plan 2009, is required to be submitted prior to the release of the Construction Certificate.

Prior to the Commencement of Works

27 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$15,820.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1303297	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

28 Appointment of Principal Certifier

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

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

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

29 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.

30 **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.

31 **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.

32 **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.

33 **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.

34 **Demolition Notification to Surrounding Residents**

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

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

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

36 **Roof Dust**

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

37 **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.

38 **All-weather Access**

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

39 **Tree Protection and Management**

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

- a installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- b installation of Tree Protection Fencing - a one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3-strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area.

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

40 **Notification to Council of any Damage to Council's Infrastructure**

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

41 **Asset Protection Zones**

In perpetuity, the property around the dwelling shall be managed as an Asset Protection Zone as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones' for the following distances:

- As an Inner Protection Area (IPA) to the northern, western and southern boundaries and for a distance of 16m to the eastern boundary, measured from the dwelling, to ensure the Littoral Rainforest EEC is retained.

42 **Works in Road Reserve - Minor Works**

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

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

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

43 **Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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

44 **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

45 **New Information/Unexpected Finds**

In the event that demolition and/or construction works cause the generation of odours or the uncovering of previously unidentified contaminants or hazardous materials, works must immediately cease and the Principal Certifier and Council (in the event that Council is not the Principal Certifier) must be notified in writing within seven (7) days and an appropriately qualified environmental consultant appointed to undertake an assessment of the potential contaminant and works required to make the site safe from potential human health and environmental harm.

46 **Demolition Materials - Disposal**

All demolition materials not being reused on-site shall be disposed of only at a recycling or waste management facility that may lawfully receive that waste.

47 **PCB Containing Electrical Equipment**

If any metal cased capacitors are found during demolition works that were previously identified or unidentified they shall be treated as containing Polychlorinated Biphenyls (PCBs). Details on storing, conveying and disposing of PCB material or PCB wastes can be found in *Polychlorinated Biphenyls Management Plan*, Environmental Protection & Heritage Council, Revised Edition April 2003.

48 **Synthetic Mineral Fibre (SMF) Materials**

All SMF containing materials must be removed in accordance with the National Standard for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:1004 (1990)] and the National Code of Practice for the Safe Use of Synthetic Mineral Fibres [National Occupational Health and Safety Commission:2006 (1990)].

49 **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.

50 **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.

51 **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.

52 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".

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

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

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

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

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

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

56 **Lead Based Paint**

To prevent contamination of the soil and human health risks associated with lead dust, safeguards must be used when removing flaking paint or sanding paint surfaces that are suspected to contain lead.

57 **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.

58 **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.”

59 **Swimming Pool Barriers**

The swimming pool shall be provided with child-resistant barriers, prior to the placement of water in the pool, in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standards AS 1926. The barrier shall be installed to the satisfaction of the Principal Certifier.

60 **Warning Notice**

A warning notice complying with Clauses 10 and 11 of the Swimming Pools Regulation 2008 is to be displayed in a prominent position in the immediate vicinity of the swimming pool as required by Section 17 of the Swimming Pools Act 1992, prior to the filling of the pool with water.

61 **Water and Utilities**

Water, electricity and gas are to comply with Section 7 of ‘Planning for Bush Fire Protection 2019’.

62 **Survey Certificate**

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

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

63 Excavations for the proposed fence on the northern boundary is to comply with the recommendations of the Arboricultural Statement prepared by Tree and Landscape Consultants dated 14 October 2021.

64 **Certification from Arborist that 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.

65 **Podium Planting**

All podium planting areas are to have a waterproofing membrane that can provide a minimum 10 year warranty on product. Protective boarding is to be installed to protect membrane from damage. All podium planting areas to be provided with an adequate drainage system connected to the stormwater drainage system. The planter box is to be backfilled with free draining planter box soil mix.

If selected mulch is decorative pebbles/gravel, the maximum gravel pebble size is 10mm diameter.

Prior to the Issue of the Occupation Certificate

66 Retaining Wall Certification

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

67 Swimming Pool Barriers

The swimming pool shall be provided with child-resistant barriers, prior to the placement of water in the pool, in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standards AS 1926. The barrier shall be installed to the satisfaction of the Principal Certifier and prior to the issue of an Occupation Certificate.

68 Warning Notice

A warning notice complying with Clauses 10 and 11 of the Swimming Pools Regulation 2008 is to be displayed in a prominent position in the immediate vicinity of the swimming pool as required by Section 17 of the Swimming Pools Act 1992, prior to the filling of the pool with water and prior to the issue of an Occupation Certificate.

69 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.

70 Bush Fire – Compliance Certificate

A Compliance Certificate shall accompany any Occupation Certificate for Bush Fire construction works as have been completed, verifying that the development has been constructed in accordance with the relevant Bush Fire Attack Level (BAL) requirements of the Development Consent and Construction Certificate.

71 Completion of Landscape Works

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

Operational Phases of the Development/Use of the Site

72 Use of Studio

The studio is not permitted to be used as a self-contained or secondary dwelling.

73 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.

74 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.

75 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.

76 **Loading/Unloading Operations/Activities**

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

77 **Maintenance of Inner Protection Area**

The Inner Protection Area must be maintained, at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas;
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2m above the ground;
 - the canopy is discontinuous such that tree canopies should be separated by 2 to 5m;
 - they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
 - create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
 - shrubs should not be located under trees;
 - shrubs should not form more than 10% ground cover;
 - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
 - no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection".
 - the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.



Transport
for NSW

Our ref: STH05/01129/02
Contact: Rachel Carocci
Your ref: DA-2021/103 (CNR-17827)

16 March 2021

Kristy Robinson
Wollongong City Council
BY EMAIL: krobinson@wollongong.nsw.gov.au; records@wollongong.nsw.gov.au

**DEVELOPMENT APPLICATION DA-2021/103– LOT 16 DP 5998, 603 LAWRENCE HARGRAVE DRIVE,
WOMBARRA – CONSTRUCTION OF NEW DWELLING AND POOL (CNR-17827)**

Dear Kristy

Transport for NSW refers to your correspondence dated 4 February 2021 regarding the subject development application (DA).

TfNSW has completed an assessment of the DA, based on the information provided and focussing on the impact to the state road network. TfNSW notes for this DA:

- The key state road is Lawrence Hargrave Drive;
- The DA proposes the demolition of existing dwelling, and construction of new dwelling and swimming pool. It also proposes to utilise the existing driveway to the site; and
- The proposed access arrangements shown in Attachment 1.

Having regard for the above, TfNSW will not object to the DA subject to the conditions outlined in Attachment 2 being included in the conditions of development consent.

TfNSW highlights that in determining the DA under Part 4 of the *Environmental Planning and Assessment Act, 1979*, it is the consent authority's responsibility to consider the environmental impacts of any road works which are ancillary to the development. This includes any works which form part of the proposal and/or any works which are deemed necessary to include as requirements in the conditions of development consent. Depending on the level of environmental assessment undertaken to date and nature of the works, the consent authority may require the developer to undertake further environmental assessment for any ancillary road works.

Upon determination of this matter, it would be appreciated if Council could send a copy of the Notice of Determination to development.southern@rms.nsw.gov.au.

Yours faithfully

Hayley Sarvanandan
A/Team Leader
Land Use Southern
Regional and Outer Metro, Southern

Transport for NSW
Level 4, 90 Crown St, Wollongong NSW 2500 | PO Box 477, Wollongong NSW 2520 | ABN 18 804 239 602

1 of 3

See attached concept design titled Attachment 1

Prior to the issuing of the Construction Certificate, the developer must:

1. Council must be satisfied that the developer's geotechnical report considers the impact of the proposed development on the short term or long term impact on the performance of the pavement of Lawrence Hargrave Drive and identifies appropriate measures to manage any potential impacts from the proposed development. These measures must be implemented to the satisfaction of Council. The report must consider the design of any temporary or permanent structures, drainage treatments, slopes, or excavations within the subject development site. The report must include photos of Lawrence Hargrave Drive showing the existing pavement condition across the full frontage of the development and be prepared by a suitably qualified person.

Note: TfNSW has concerns with known slope stability issues in the area and the potential for construction activities to activate slips. This can, and has resulted in significant impacts to the State road network (Lawrence Hargrave Drive). For example, residential construction activities on Lawrence Hargrave Drive have recently created settlement issues and longitudinal cracking on the road.

2. Demonstrate to the satisfaction of Council the post development storm water discharge from the subject site, if going into the Lawrence Hargrave Drive drainage system, does not exceed the pre-development application discharge.

Prior to commencing works within the road reserve, the developer must:

1. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

Notes:

- For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

Prior to the issuing of the Occupation Certificate, the developer must:

1. Formally execute the proposed right of way arrangement by way of a Section 88B Instrument under the Conveyancing Act, 1919 to legally benefit and burden the relevant lots.