

Wollongong Local Planning WLPP Assessment Report | 12 December 2018

WLPP No.	Item No. 3
DA No.	DA-2018/848
Proposal	Residential – Demolition of existing structures and construction of multi dwelling housing – four (4) townhouses
Property	Lot 10 DP 1107164, 11 Catherine Street, Gwynneville
Applicant	ADM Architects
Responsible Team	Development Assessment and Certification - City Centre Team (RW)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning WLPP (WLPP) - Determination

The application was reported to the WLPP on 26 September 2018 where the WLPP determined to defer the application for the applicant to provide amended plans and for the matter to be reported to a subsequent WLPP meeting. The amended plans were received by council on 9 November 2018.

Proposal

The application was lodged on 13 July 2018 and is for demolition of the existing dwelling house and ancillary structures and construction of multi dwelling housing (4 townhouses).

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as *multi dwelling housing* and is permissible in the zone with development consent.

Consultation

The amended plans were notified in accordance with Council's Notification Policy and did not receive any further submissions (two submissions, including a letter of support were received for the original proposal).

Main Issues

The main issues raised by the WLPP were:

- Design of Unit 1 – streetscape and amenity issues
- Protection of significant tree on adjoining land
- Location of visitor parking space

RECOMMENDATION

It is recommended that the application be conditionally approved by way of deferred commencement consent for creation of the drainage easement, subject to the recommended conditions at Attachment 7.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City-Wide Development Contributions Plan (2018)

1.2 DETAILED DESCRIPTION OF PROPOSAL

The amended development is still for 4 townhouses which involves the creation of an easement over Council land to the rear of the site. The main design changes made resulting from the September WLPP meeting are:

- Relocation of the visitor car space behind the front building line
- Design changes to Unit 1 to address the street
- Providing direct pedestrian and vehicle access to Unit 1
- Reduction in size of units 2 and 3

1.3 BACKGROUND

The application was referred to WLPP on 26 September 2018. The WLPP deferred the application for the applicant to respond to the following matters (paraphrased):

- *Whether the driveway could be relocated to align with the stormwater easement and minimise impacts on the significant tree;*
- *Unit 1 needs to properly address the street in terms of streetscape character, address and passive surveillance;*
- *Unit 1 internal amenity is unacceptable and needs to take advantage of the northern aspect;*
- *Visitor car space within the front setback creates amenity and streetscape impacts and conflicts with entry to Unit 1;*
- *Gradient of the driveway in the vicinity of Units 2 and 3 impacts on pedestrian access to the front entrances.*

A full copy of the WLPP determination forms attachment 3.

The response to the WLPP commentary is outlined below.

- *Whether the driveway could be relocated to the eastern boundary, so as to align with stormwater easement and to minimise impact on the significant tree located near the western boundary.*

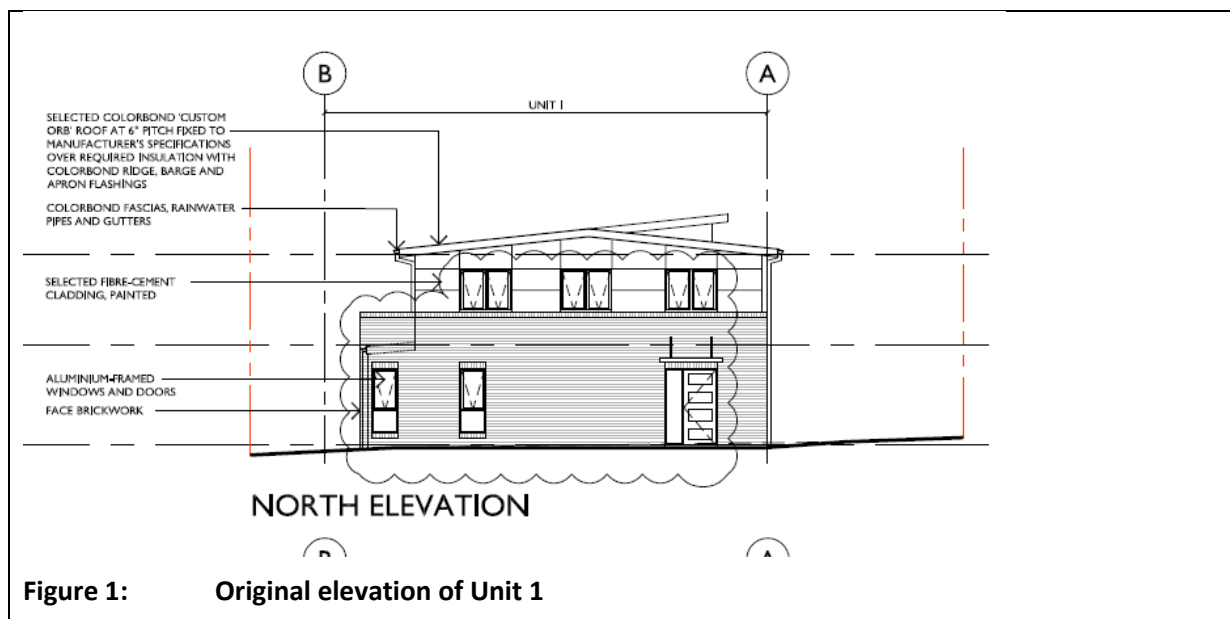
The amended design retains the driveway on the western side of the site. The applicant has provided the following justification for this layout:

- The stormwater easement is not on the subject property. It only connects into the subject property. Therefore, its location is inconsequential to the proposed layout.
- The stormwater lines from Unit 1 and 2 drain to Catherine Street and would conflict with the tree protection zone if the proposal is mirror reversed. Refer stormwater concept plans by Jones Nicholson.
- The driveway on the eastern side would result in the building envelope of Unit 1 being located far closer to the tree than currently proposed. The amended proposal (& in particular the redesign of Unit 1) increases the setback between the tree and the proposed building envelope and associated driveway.
- Relocating the driveway to the eastern side would result in the POS of each unit being located closer to the adjoining 2 storey building (which is also 600mm closer to the boundary than the single storey building along the eastern side). This would result in greater overshadowing of the POS.
- For the above mentioned reasons, it is the proponent's preference and opinion that in this instance it is reasonable and appropriate for the POS to remain along the eastern side and the driveway along the western side.

Planner's comment

The applicant's justification is considered reasonable based on the site conditions and adjoining development, particularly regarding the solar access and potential impacts on the significant tree.

- *The need for Unit 1 to properly address the street in terms of streetscape character, address and passive surveillance*





The amended design presents as a single dwelling with a clear front entrance, identifiable address and opportunities for passive surveillance.

-
- Figure 3: Original floor plan of Unit 155

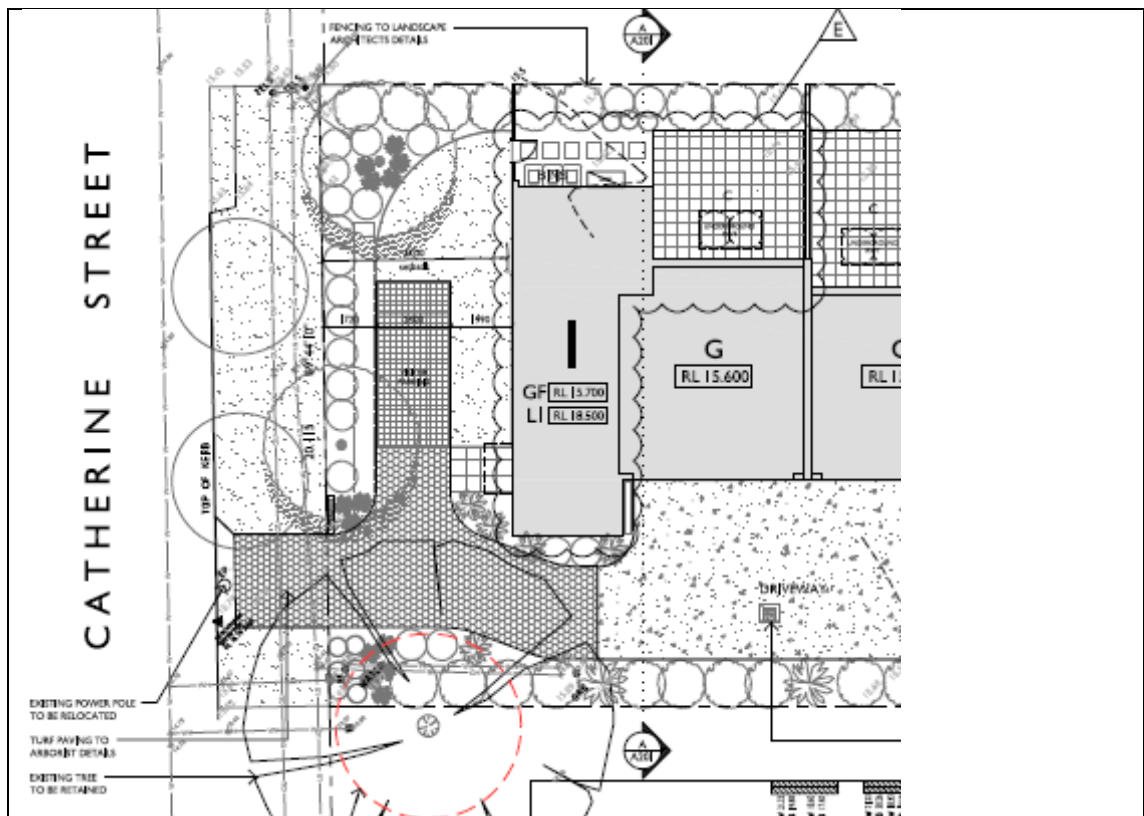


Figure 5: Original site layout with visitor space within front setback

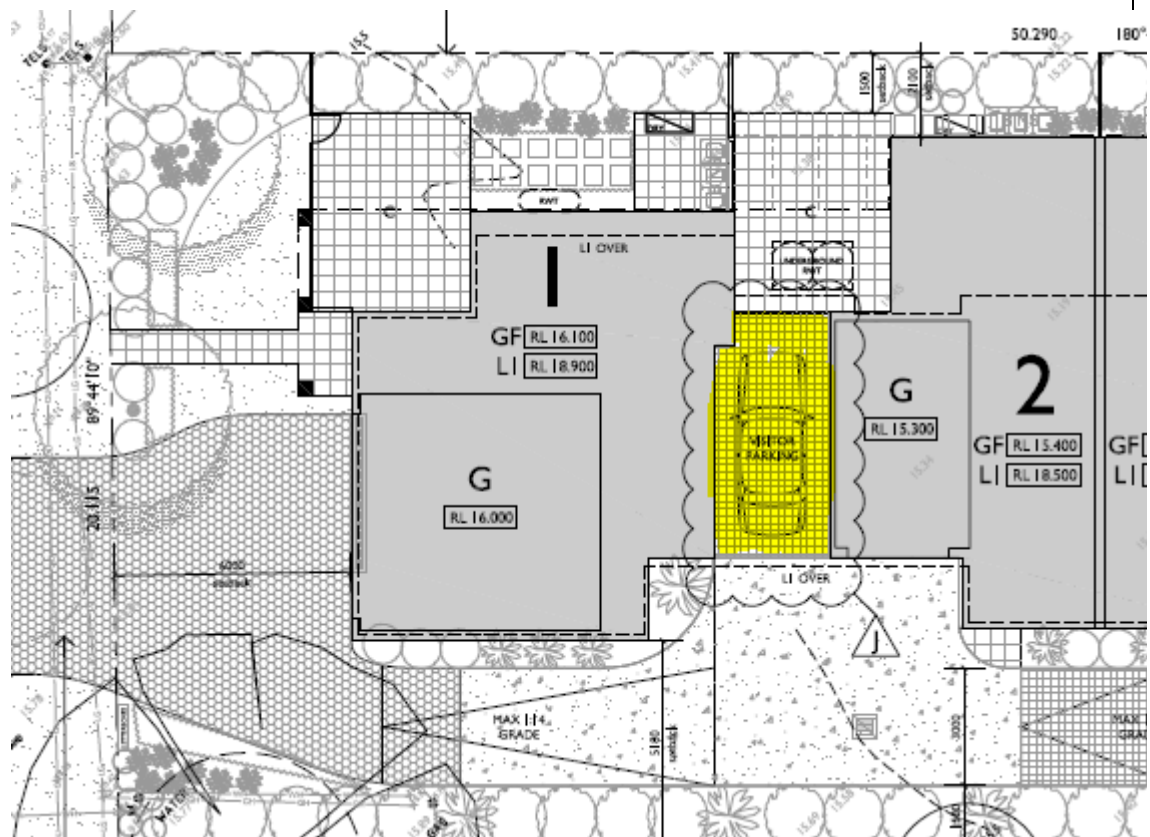


Figure 6: Proposed site layout – visitor car space proposed between Units 1 and 2

Planner's comment

The amended design provides access to a double garage for unit 1 with the common driveway access to the west. Although this results in a relatively large area of hard surfaces, the pedestrian access to Unit 1 has been separated to avoid conflict. The location of the visitor car space is not obvious to first time visitors, and could easily be adopted by the residents of the Unit 2, therefore suitable signage to identify this space as a visitors' space is recommended. A condition for the visitor space to be part of common property and separated from Unit 2's private open space area by way of a solid wall is also recommended.

Given the driveway to Unit 1's double garage and the driveway servicing the rear units is shared, a condition is also recommended for the driveway in front of Unit 1's garage to be kept clear at all times and not used for stack parking (to maintain adequate vehicle access and sightlines).

- *The gradient of the driveway in the vicinity of units 2 and 3 which directly impacts on the pedestrian access to their front entries*

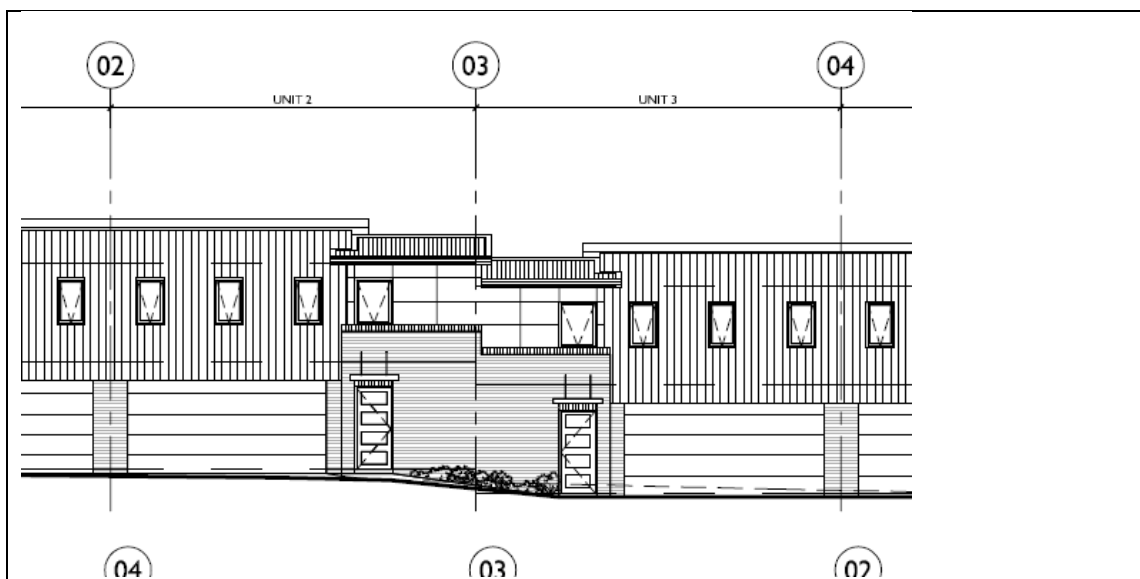


Figure 7: Original design showing 1:8 grade change between Unit 2 and Unit 3's entrances

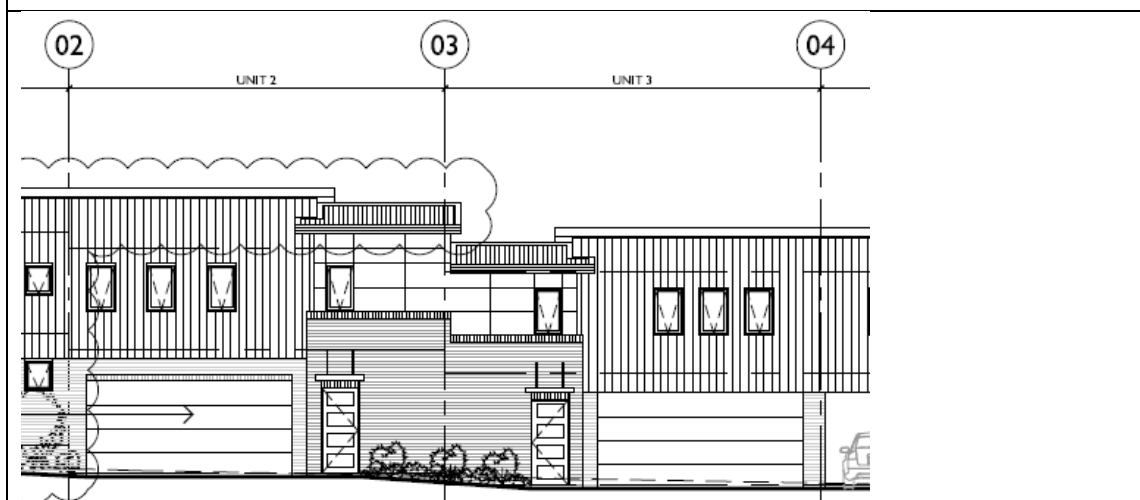


Figure 8: Proposed level change between Units 2 and 3 with reduced 1:14 grade between Unit 1 and Unit 2

Planner's comment

The change in level between Units 2 and 3 has reduced from a 600mm difference to 300mm (i.e. from 1:8 to 1:14). The proposed level change is not considered to compromise suitable pedestrian access to these units. It is noted that satisfying the garage levels adjacent to these pedestrian entries results in the driveway gradient in front of these units.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 11 Catherine Street, Gwynneville and the title reference is Lot 10 DP 1107164. The site currently has a single storey dwelling, garage and carport, accessed off the driveway on the eastern side of the site. The site is rectangular in shape, with a width of 20.115m, a depth of 50.27m and has a fall of 1m from front to rear.

Adjoining development is as follows:

- North: mix of residential uses including townhouses, older residential flat buildings and single dwellings
- East: single storey building containing eight (8) flats (NB no development consent for flats)
- South: Senior Citizens Centre (Council owned property at 192 Gipps Rd)
- West: 1970s residential flat building containing eight (8) units.

The locality is characterised by a mix of residential densities and ages, comprising single dwellings, multi dwelling housing and 'walk up' flat buildings. The zoning to the south of the site is B1 Neighbourhood Centre.

An aerial photo and zoning map of the site form attachment 1 to this report.

Property constraints

Council records identify the land as being impacted by acid sulphate soils. Suitable conditions are recommended to address this constraint, included in attachment 7.

There are no restrictions on the title.

1.5 SUBMISSIONS

The amended plans were re-notified from 9 November 2018 – 28 November 2018 in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. No further submissions were received.

The original development proposal resulted in two (2) submissions being received. The main issue was the existing condition of the fence and landscaping adjacent to the side boundary. These matters remain capable of being addressed through conditions of consent.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Landscape Architect

Council's Landscape officer and Development Engineer have reviewed the amended design and given satisfactory referrals. Conditions of consent were recommended and are included in attachment 7.

1.6.2 EXTERNAL CONSULTATION

Endeavour Energy

Comments from Endeavour Energy were received on 29 August 2018, outlining requirements for connection of load and relocation of the existing power pole. These comments were forwarded to the applicant as requested by Endeavour Energy. It is noted that the amended design no longer requires relocation of the power pole.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

No change – refer original assessment report in attachment 4.

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

No change – refer original assessment report in attachment 4.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

No change – refer original assessment report in attachment 4.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Except where outlined below, the original assessment as reported to the September WLPP meeting remains relevant (refer attachment 4).

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 6.92m 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

Site area: 1012m²

GFA: 470m²

FSR: $470\text{m}^2/1012\text{m}^2 = 0.46:1$

The proposed development complies with the maximum 0.5:1 FSR.

*NB – the design/location of the visitor car space contributes to the bulk of the building. Although not fully enclosed, inclusion of this 16m² into the gross floor area calculations results in 0.48:1 FSR which still complies with the maximum 0.5:1 permitted.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. A full compliance table updated to reflect the amended plans forms attachment 5 to this report and no variations are sought in association with the amended design.

2.3.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2018)

The estimated cost of works is >\$100,000 (\$913,000) and a levy of 1% is 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)

No change – refer original assessment report in attachment 4.

2.6 SECTION 4.15(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

Repealed.

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

There are not expected to be adverse environmental impacts on either the natural or built environments. There are also not expected to be any adverse social or economic impacts in the locality. The amended proposal optimises the northern aspect of Unit 1, allows passive surveillance and provides an improved streetscape and internal amenity. The amended design is satisfactory with regard to the applicable planning controls as detailed in the body of this report. Submissions raised following notification would not preclude the development. Internal and external referrals are satisfactory subject to appropriate conditions of consent

2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR 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.

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

No further submissions received.

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

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

3 CONCLUSION

This application has been assessed as satisfactory 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 WLPP raised concerns with the design of the development on 26 September 2018. The applicant has responded to the WLPP's commentary by relocating the visitors' car space so that it is now located behind the building line. Unit 1 has also been redesigned to address the street, promote passive surveillance and to take advantage of the northern orientation.

Further justification to retain the location of the driveway on the western boundary has been provided by the applicant, which is primarily based on maximising solar access to the dwellings. As a result of the changes to Unit 1, the design of the driveway has changed so that it is further away from the existing significant tree.

The amended design is considered to adequately address the WLPP's concerns and is an improved design response to the site characteristics and therefore capable of receiving support.

4 RECOMMENDATION

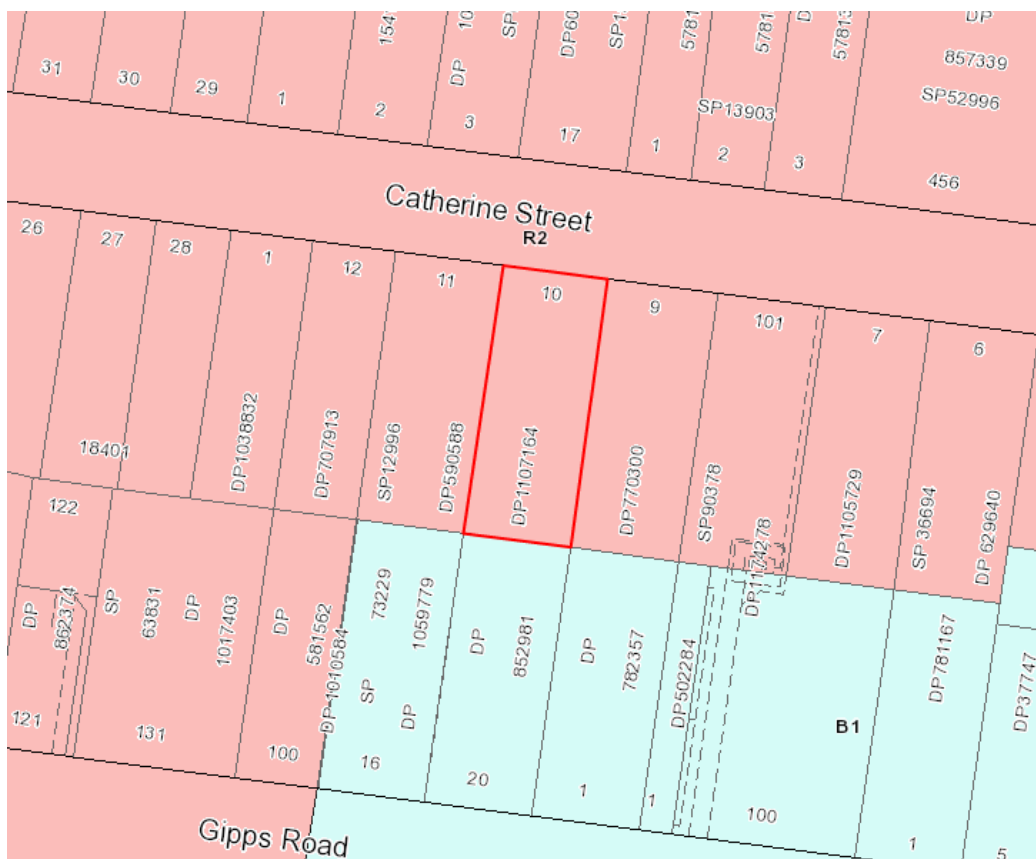
It is recommended development DA-2018/848 be approved by way of a deferred commencement consent requiring the creation of the drainage easement and subject to the imposition of appropriate conditions of consent as outlined in attachment 7.

4 ATTACHMENTS

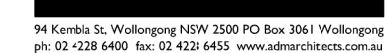
- 1 Aerial photo and Wollongong Local Environmental Plan 2009 zoning map
- 2 Plans
- 3 Wollongong Local Planning WLPP (WLPP) Determination and Commentary from 26 September 2018
- 4 Assessment report considered at 26 September 2018 WLPP meeting
- 5 Updated compliance table for Wollongong Development Control Plan 2009
- 6 Council Meeting minutes agreeing to creation of easement over Council land
- 7 Recommended conditions of consent

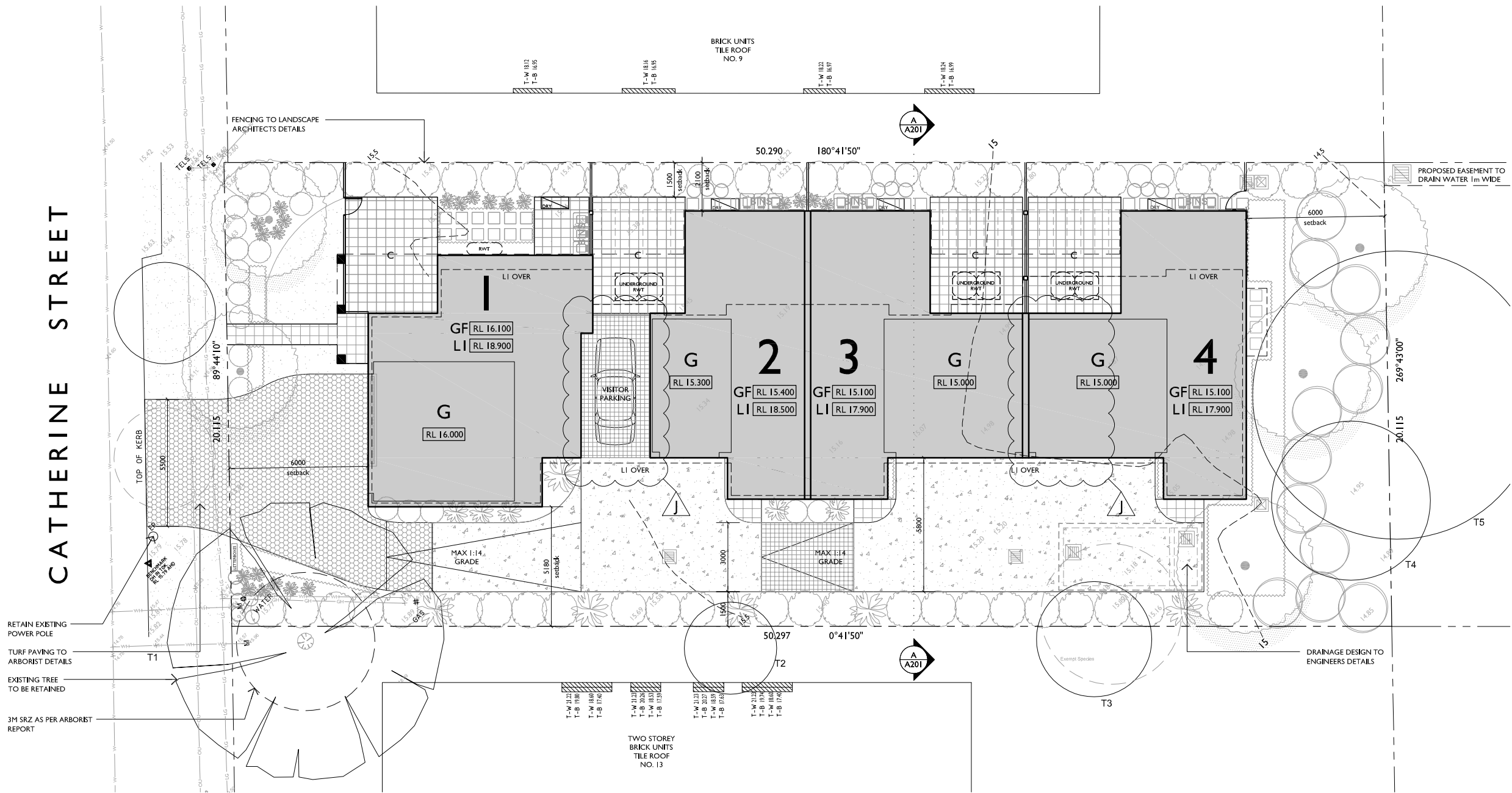
[Click on the red line above for link to previous WLPP Report](#)

Attachment 1: Aerial photo and zoning map under Wollongong Local Environmental Plan 2009



ISSUE	DATE	DESCRIPTION
A	10.07.18	ISSUE FOR DEVELOPMENT APPLICATION
B	03.09.18	RE-ISSUED FOR DA
C	17.09.18	RE-ISSUED FOR DA
D	08.11.18	RE-ISSUED FOR DA
E	04.12.18	RE-ISSUED FOR DA





SITE PLAN

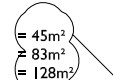

REFER TO CIVIL ENGINEER'S DOCUMENTATION FOR STORMWATER COLLECTION & ALL EXTERNAL SURFACE LEVELS.

REFER TO LANDSCAPE ARCHITECTS DOCUMENTATION FOR ALL PAVING & PLANTING DETAILS.

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F	08.11.18	RE-ISSUED FOR DA
G	16.11.18	RE-ISSUED FOR DA
I	29.11.18	RE-ISSUED FOR DA
J	04.12.18	RE-ISSUED FOR DA

NOT FOR CONSTRUCTION

GFA BREAKDOWN		
UNIT 1		
GROUND	= 45m ²	
LEVEL 1	= 83m ²	
TOTAL	= 128m ²	
UNIT 2		
GROUND	= 47m ²	
LEVEL 1	= 63m ²	
TOTAL	= 110m ²	
UNIT 3		
GROUND	= 47m ²	
LEVEL 1	= 63m ²	
TOTAL	= 110m ²	
UNIT 4		
GROUND	= 46m ²	
LEVEL 1	= 76m ²	
TOTAL	= 122m ²	
OVERALL GFA		
TOTAL	= 470m ²	



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For

KOSTOVSKI & BLAZEVSKEI

Title
DEVELOPMENT APPLICATION
SITE PLAN

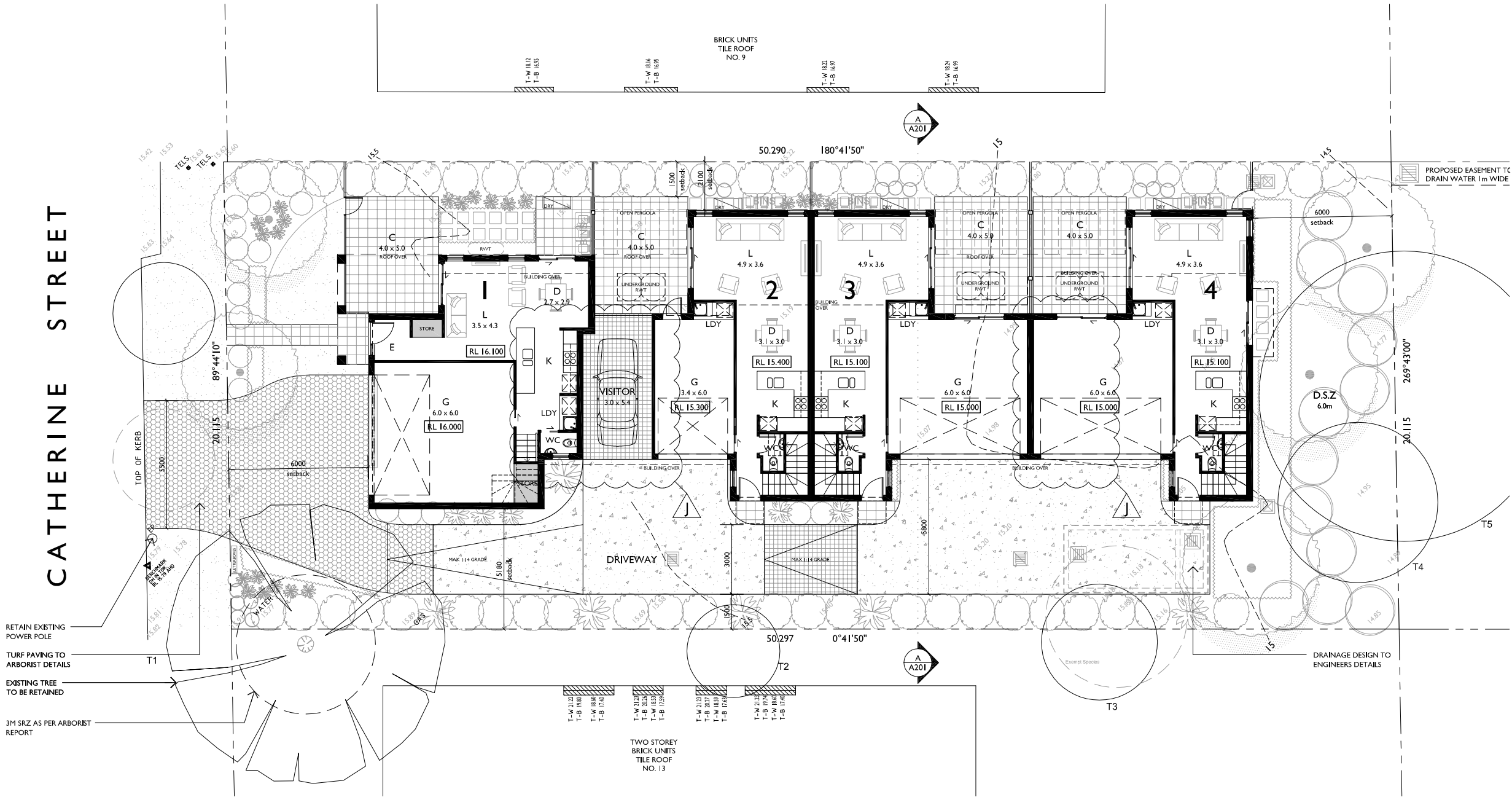
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Project No. 2017-35	Drawing No. A-100
	Issue J

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KOSTOVSKI & BLAZEVSki

Title
DEVELOPMENT APPLICATION
GROUND FLOOR PLAN

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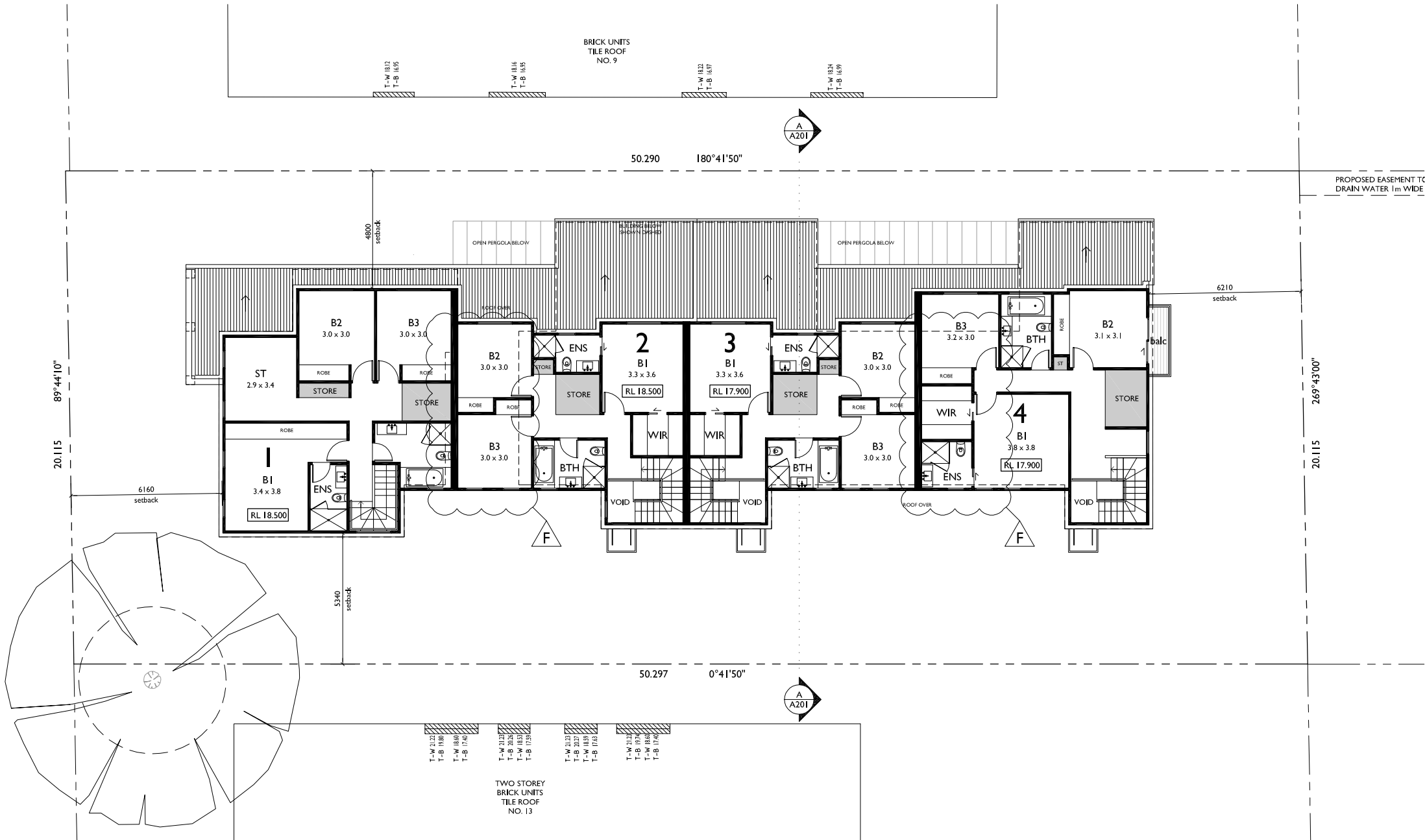
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GROUND FLOOR PLAN

CATHERINE STREET



LEVEL 1 FLOOR PLAN

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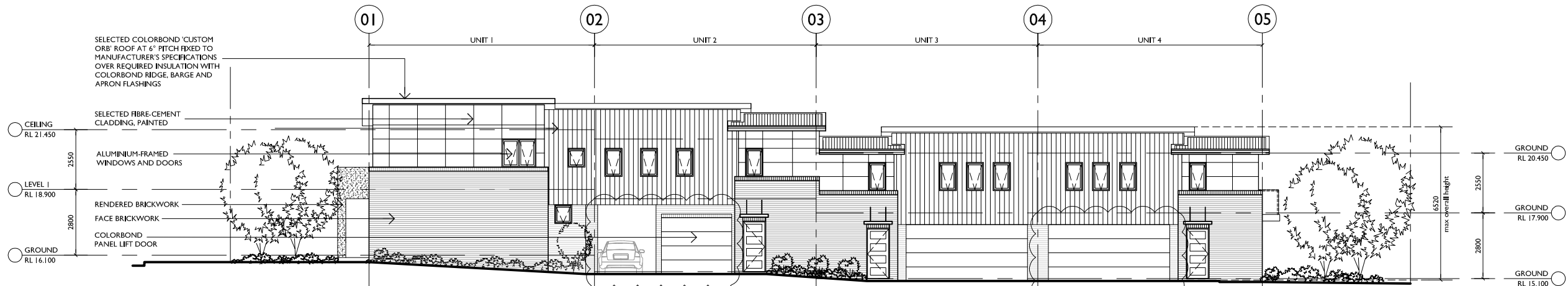
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LEVEL 1 FLOOR PLAN

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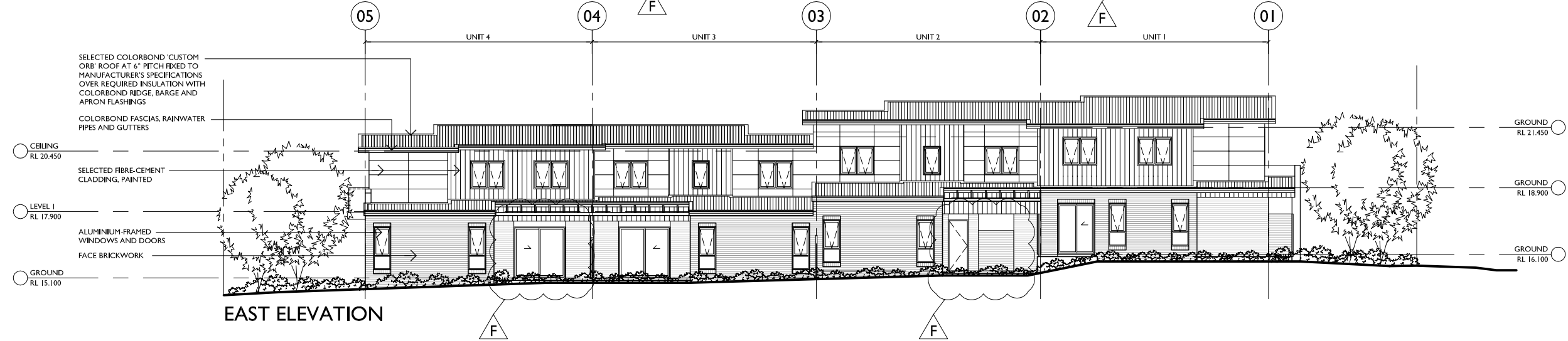
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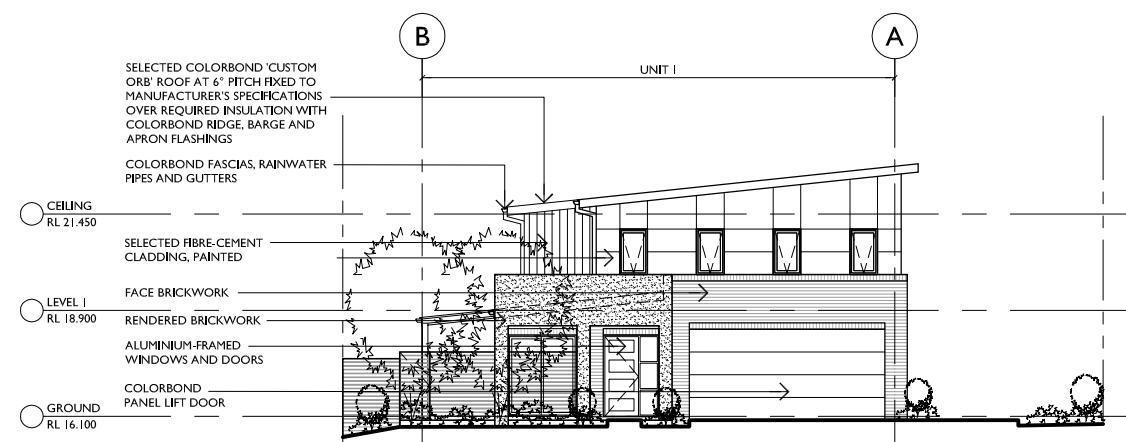
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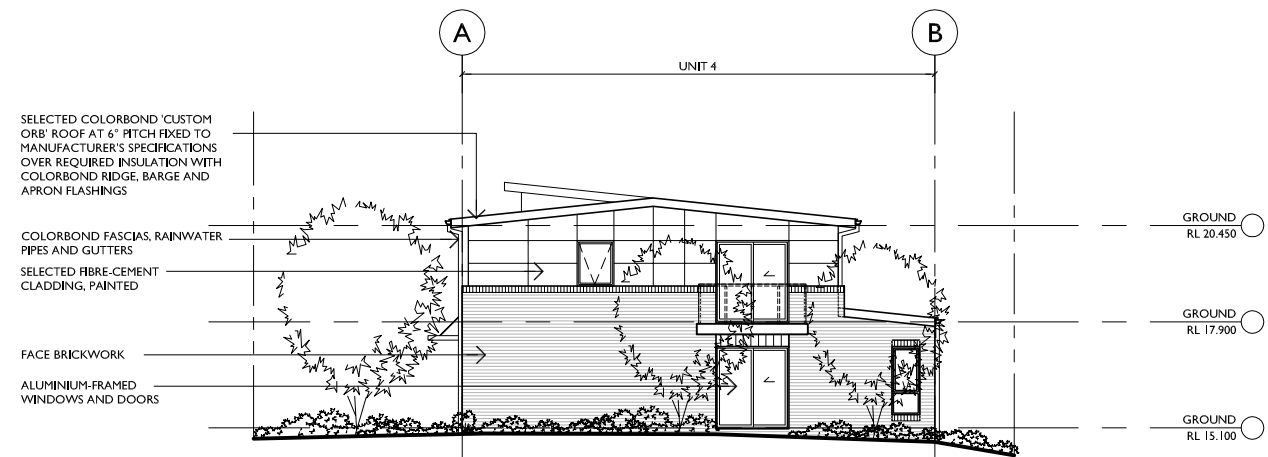
WEST ELEVATION



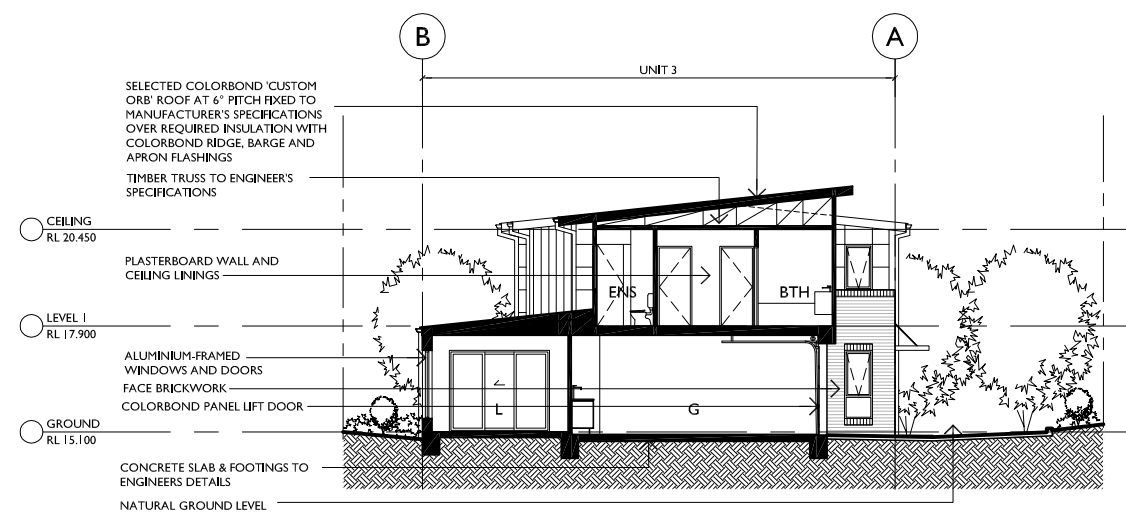
EAST ELEVATION



NORTH ELEVATION



SOUTH ELEVATION



SECTION AA

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KOSTOVSKI & BLAZEVSki

Title
DEVELOPMENT APPLICATION
ELEVATIONS & SECTION

Scale
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Date
DECEMBER 2018

Drawn
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Project No.
2017-35

Drawing No.
A-201

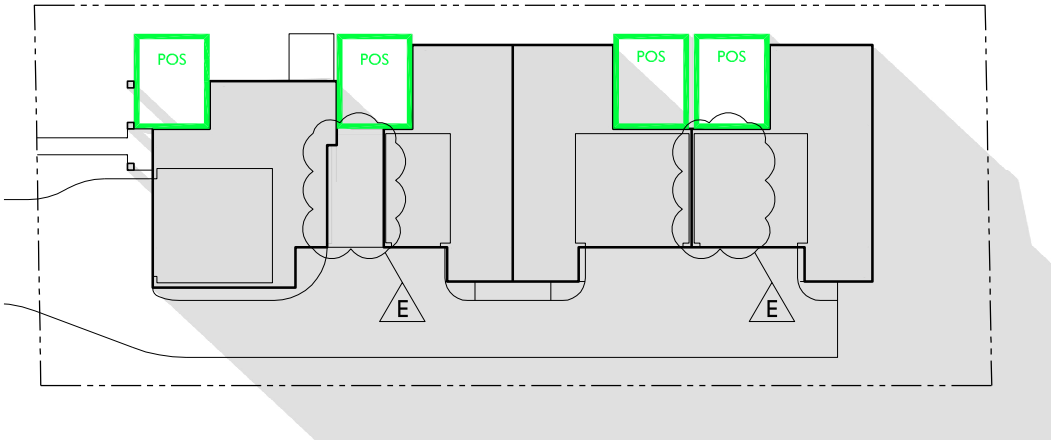
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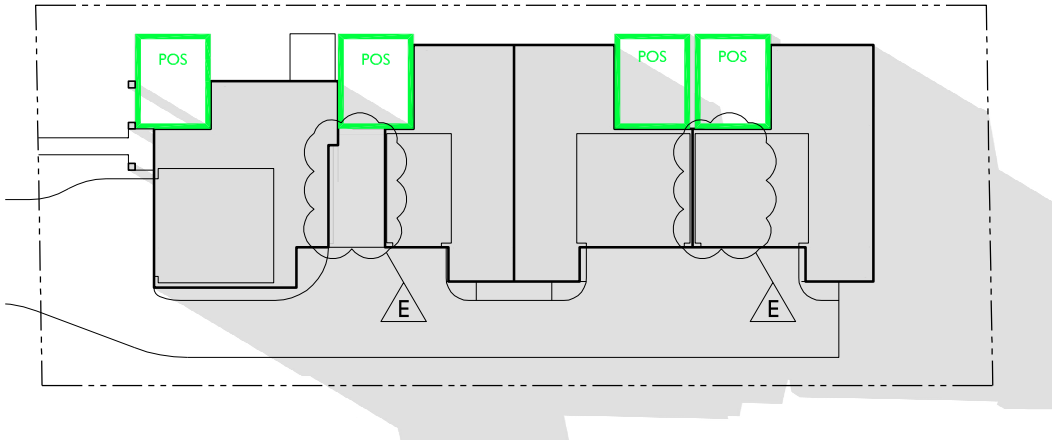
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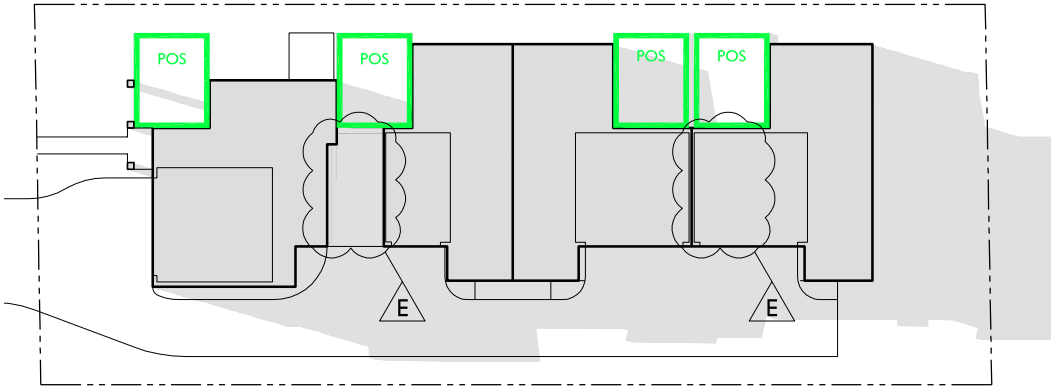
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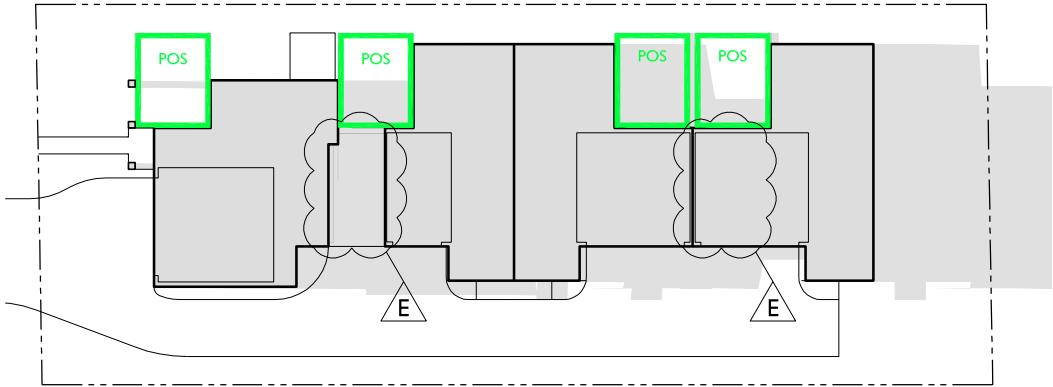
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11:00am



12:00pm



SOLAR ACCESS STUDY - 21ST OF JUNE

POS INDICATES LOCATION OF PRIVATE OPEN SPACES

adm

ARCHITECTS

94 Kembla St, Wollongong NSW 2500 PO Box 3061 Wollongong
ph: 02 4228 6400 fax: 02 4228 6455 www.admarchitects.com.au

Project
PROPOSED RESIDENTIAL DEVELOPMENT
At
11 CATHERINE STREET
GWYNNEVILLE
For
KOSTOVSKI & BLAZEVSКИ

Title DEVELOPMENT APPLICATION SOLAR ACCESS STUDY		
Scale NTS	Date DECEMBER 2018	
Drawn MC SP DQ	Checked ADM	
Project No. 2017-35	Drawing No. A-303	Issue E

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a NOMINATED ARCHITECT- The nominated Architect for ADM Projects (Australia) Pty Ltd T/AS ADM Architects is Angelo Di Martino ARB No.7608

ISSUE	DATE	DESCRIPTION
A	10.07.18	ISSUE FOR DEVELOPMENT APPLICATION
B	12.09.18	RE-ISSUED FOR DA
C	17.09.18	RE-ISSUED FOR DA
D	08.11.18	RE-ISSUED FOR DA
E	19.11.18	RE-ISSUED FOR DA

NOT FOR CONSTRUCTION



9am



12pm



3pm



SHADOW ANALYSIS - 21ST OF JUNE



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Project
PROPOSED RESIDENTIAL DEVELOPMENT
At
11 CATHERINE STREET
GWYNNEVILLE
For

KOSTOVSKI & BLAZEVSki

Title
DEVELOPMENT APPLICATION
SHADOW ANALYSIS

Scale	Date
NTS	NOVEMBER 2018

Drawn	Checked
MC SP DQ	ADM

Project No.	Drawing No.	Issue
2017-35	A-301	E

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COLOUR & MATERIALS SCHEDULE
TYPICAL ELEVATION

1

DARK GREY
BRICK WORK

2

LIGHT GREY
CLADDING

3

MEDIUM GREY
PANEL CLADDING

4

COLORBOND
TIMBER LOOK
FRONT &
GARAGE DOORS

5

GREY
ROOFING, DOWNPIPES &
GUTTERS

6

ALUMINIUM
WINDOW & DOOR FRAMES

7

CLEAR GLAZING

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ISSUE	DATE	DESCRIPTION
A	10.07.18	ISSUE FOR DEVELOPMENT APPLICATION
B	08.11.18	REISSUED FOR DA

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ph: 02 4228 6400 fax: 02 4228 6455 www.admarchitects.com.au

Project
PROPOSED RESIDENTIAL DEVELOPMENT
At
11 CATHERINE STREET
GWYNNEVILLE
For

KOSTOVSKI & BLAZEVSКИ

Title
DEVELOPMENT APPLICATION
COLOUR & MATERIALS SCHEDULE

Scale	Date	
NTS	NOVEMBER 2018	
Drawn	Checked	
MC SP DQ	ADM	
Project No.	Drawing No.	Issue
2017-35	A-302	B



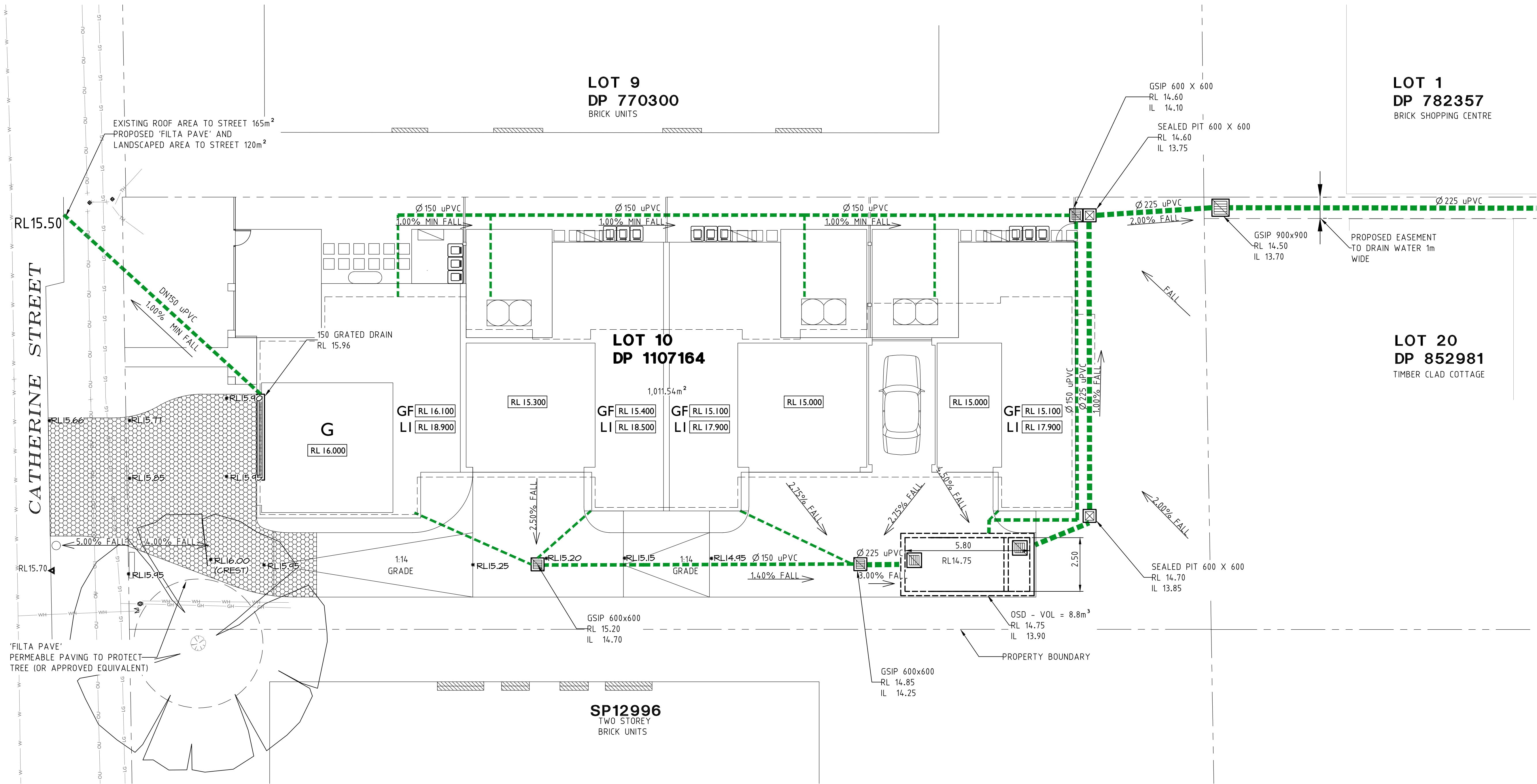
DATE.29.05.18

DEVELOPMENT SUMMARY

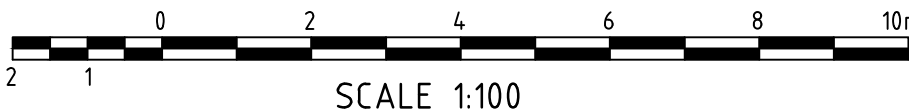
SITE AREA	1012m ²
PERMISSIBLE FSR	0.5 : 1
PERMISSIBLE GFA	506m ²
3 BED AT 126.5m ² /UNIT	
LANDSCAPE	
REQUIRED 30% OF SITE	304m ²
PROVIDED	315m ²

LEGEND

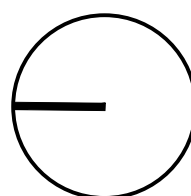
PROPOSED FINISHED SURFACE LEVEL *RL15.95



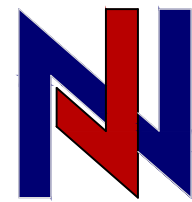
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P3	20.06.18	DJ	ISSUED FOR INFORMATION	P6	15.11.18	DJ	ISSUED FOR DEVELOPMENT APPROVAL
P2	13.06.18	DJ	ISSUED FOR INFORMATION	P5	12.11.18	DJ	ISSUED FOR DEVELOPMENT APPROVAL
P1	06.06.18	DJ	ISSUED FOR INFORMATION	P4	11.07.18	DJ	ISSUED FOR DEVELOPMENT APPROVAL
AMDT	DATE	BY	DESCRIPTION	AMDT	DATE	BY	DESCRIPTION



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SUTHERLAND - WOLLONGONG - GOLD COAST - GOULBURN - PICTON

DESIGN : DJ
DRAWN : DJ
DATE : JUNE 18
DRG SIZE : A1
SCALE : NTS
PROJECT MGR : SF

**CIVIL DESIGN
STORMWATER
LAYOUT PLAN**

PROPOSED RESIDENTIAL
DEVELOPMENT
11 CATHERINE STREET,
LOT 10 1107164
DANIEL KOSTOVSKI

18020026
C02 P6

CIVIL • STRUCTURAL • BUILDING SERVICES

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	26 September 2018
PANEL MEMBERS	Robert Montgomery (Chair), Susan Hobley, Brendan Randles, Patricia McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 26 September 2018 opened at 5:00pm and closed at 6.28pm.

MATTER DETERMINED

DA-2018/848, Lot 10 DP 1107164, 11 Catherine Street, Gwynneville NSW 2500 (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by one (1) submitter who raised concern about possible damage to the boundary fence and possible damage to his driveway during the process of tree root removal.

The Panel also heard from the applicant's Architect, Town Planner and the Owner of the land. The Panel asked a number of questions and made comments in respect of concerns about the following matters:

- Whether the driveway could be relocated to the eastern boundary, so as to align with stormwater easement and to minimise impact on the significant tree located near the front western boundary
- The need for unit 1 to properly address the street in terms of streetscape character, address and passive surveillance.
- The unacceptable internal amenity resulting from the failure to take advantage of the northern aspect available to unit 1.
- The amenity and streetscape impacts arising from providing the visitor space within the front setback. Also the main entry to unit 1 conflicts with the reversing manoeuvre required for the visitors space raising safety concerns.
- The gradient of the driveway in the vicinity of units 2 and 3 which directly impacts on the pedestrian access to their front entries.

PANEL CONSIDERATION AND DECISION

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

The Panel determined to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*. The purpose of the deferral is to allow the applicant to respond to the matters raised in the commentary above by way of amended design plans which address the matters detailed in the commentary above. The matter will need to be reported to a subsequent Panel meeting.

The decision was unanimous.

REASONS FOR THE DECISION

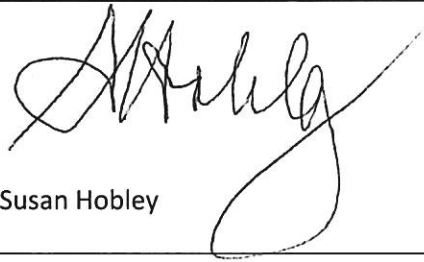
The reasons for the decision of the Panel were:

- The design as presented does not optimise its streetscape, address, internal amenity and environmental performance.
- The applicant should be afforded the opportunity to amend the design to improve its internal and external amenity and to comply with Part 5.7.2 (1) of the WDCP2009.

PANEL MEMBERS



Robert Montgomery
(Chair)



Susan Hobley



Brendan Randles



Patricia McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2018/848
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures and construction of multi dwelling housing - four (4) townhouses
3	STREET ADDRESS	Lot 10 DP 1107164, 11 Catherine Street, Gwynneville NSW 2500
4	APPLICANT	ADM Architects
5	REASON FOR REFERRAL	Under Clause 1(a) of Schedule 2 clause 1 (a) of the Local Planning Panels Direction of 1 March 2018, the development involves the creation of an easement over the downstream property which is Council owned land (Seniors Citizen Centre at 192 Gipps Road, Gwynneville).
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Wollongong Local Environment Plan 2009 Wollongong City-Wide Development Contributions Plan (2018) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 – Provisions of AS 2601 relating to demolition works. Coastal zone management plan: Not applicable – site is outside coastal zone The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report dated 26 September 2018 Written submissions during public exhibition: Two (2) including One (1) letter of support Verbal submissions at the public meeting: One (1)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 26 September 2018 Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Robert Montgomery (Chair), Susan Hobley, Brendan Randles, Patricia McBride (Community Representative) <u>Council assessment staff</u>: Pier Panozzo, Rebecca Welsh
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report

ATTACHMENT 5: COMPLIANCE TABLE FOR WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

Controls/objectives	Comment	Compliance
4.4 Site coverage	NA- applies to single dwellings, dual occupancies and secondary dwellings	N/A
4. Fences		
<ul style="list-style-type: none"> Fences must be constructed to allow natural flow of stormwater or runoff. 	The site is not flood affected.	Yes, subject to conditions
<ul style="list-style-type: none"> Fences within front and secondary building lines should be mainly constructed of transparent fence materials. 	No details of fencing proposed – capable of being conditioned to comply.	
<ul style="list-style-type: none"> Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height 	No retaining walls proposed	
4.10 Car parking and Access		
<ul style="list-style-type: none"> Car parking spaces may be open hard stand space, driveway, carport or a garage. 	Refer chapter E3 for parking rates for multi dwelling housing	Yes
<ul style="list-style-type: none"> Garage door facing roads—not greater than 50% of the width of the dwelling. 	7 resident spaces required which are provided in the form of double/single garages. 1 visitor space is required and is now provided behind the building line between Unit 1 and Unit 2.	
<ul style="list-style-type: none"> Carports must be setback behind the front building line. 		
<ul style="list-style-type: none"> Garages must be setback min of 5.5 from front boundary. 	Unit 1 has its garage doors directly face the street	
<ul style="list-style-type: none"> Driveways shall be separated from side boundaries by a minimum of 1m. 	NA	
<ul style="list-style-type: none"> Driveways shall have a max cross-over width of 3m. 	6m setback to Unit 1 garage –complies Minimum 1.5m setback from side boundaries 5.5m crossover width - satisfactory	
4.11 Storage Facilities		
<ul style="list-style-type: none"> 3 bedroom- 10m³ storage volume to 5m² storage area 	Each townhouse has a dedicated 10m ³ storage area to allow for adequate provision of storage.	Yes
4.12 Site Facilities		
<ul style="list-style-type: none"> letterboxes in an accessible location 	Capable of being conditioned to comply.	Yes, subject to conditions
<ul style="list-style-type: none"> air-con, satellite dishes and other ancillary 		

structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback

4.13 Fire Brigade Servicing		
<ul style="list-style-type: none"> All dwellings located within 60m of a fire hydrant 	Existing hydrant located 20m to the west of the site	Yes, subject to conditions
4.14 Services		
<ul style="list-style-type: none"> Encourage early consideration of servicing requirements 	Can be conditioned	Yes, subject to conditions
4.15 Development near the coastline		
	NA	NA
4.16 View sharing		
<ul style="list-style-type: none"> To protect and enhance view sharing, significant view corridors A range of view sharing measures to be considered for building design 	No unreasonable view impacts are anticipated from the development given the building height is well below the maximum 9m height and slopes towards the north-east.	Yes
4.17 Retaining walls		
<ul style="list-style-type: none"> To ensure well designed retaining walls that are structurally sound Maximum height of 600mm at any distance up to 900mm setback from side or rear boundary Maximum 1m height where the toe of the retaining wall is setback greater than 900mm Retaining walls over 1m in height to be designed by structural engineer 	No retaining walls proposed	NA
4.18 Swimming pools and spas		
	Not applicable	NA
4.19 Development near railway corridors and major roads		
<p>The objectives are:</p> <ul style="list-style-type: none"> To ensure that development near rail corridors and major roads are protected from noise and vibration To ensure development does not affect the operation or rail corridors or their safety To ensure compliance with the SEPP Infrastructure. 	The site does not adjoin a rail corridor or major road.	NA

5.0 Attached dwellings and multi -dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
5.1 Minimum Site Width Requirement	Site achieves a minimum	Yes

Minimum 18m site width required for multi-dwelling development as measured for the full width of the site, perpendicular to the side boundaries. This control may be varied for irregular shaped lots are where the development meets the requirements of setbacks, private open space, visual amenity, solar access, built form and landscaping.

Within R1 and R3 zones, development must not create an isolated lot

site width of 20.115m along front boundary.

NA – isolated lot provisions do not apply to the R2 Low Density Residential zone

5.2 Number of Storeys

R2 low density residential zone – maximum two storeys

All dwellings are 2 storeys

Yes

5.3 Front Setbacks

A minimum 6m front setback to the front façade of the building is required.

The front setback to Townhouse 1 is 6m – satisfactory.

Yes

Balconies, front courtyard fences and other building extrusions may be set back up to 900mm closer.

The entry porch to Townhouse 1 is forward of the 6m setback with an entry porch at 4.8m front – minor 300mm encroachment which is considered acceptable as it provides articulation and represents a small portion of Unit 1's elevation.

Minor variation

5.4 Side and Rear Setbacks

Side and Rear Boundary Setbacks Attached and Multi-Dwelling Development		
Zone	Minimum side and rear setback	Minimum side and rear setbacks where balconies or windows of living areas face the rear boundary at first floor level or above
All zones	1.5m	1.5m
R2 Low Density Residential Zone	0.8 x ceiling height	1.0 x ceiling height

Side setbacks

Eastern boundary

Yes

Ground floor

2.5m ceiling height = min. 2.1m setback required. 2.1m setback proposed to lounge rooms - complies

First floor

5.4m ceiling height = min 4.3m setback required (no upper floor living areas). 4.8m minimum setback proposed to bedrooms –

	<p>complies</p> <p>Western boundary</p> <p><i>Ground floor</i></p> <p>5.3m setback proposed (driveway on western side) – complies.</p> <p><i>First floor</i></p> <p>5.67m proposed - complies</p> <p><i>Rear setbacks</i></p> <p>6.1m rear setback proposed – complies with minimum 5.4m. Balcony of rear townhouses’ bedroom 2 faces deep soil zone however satisfies rear setback requirement of 5.4m.</p>	
<p><u>5.5 Building Character and Form</u></p> <p>Objectives</p> <p>(a) To design residential development to respond to the streetscape character. The Site and Context Analysis must inform the development proposal.</p> <p>(b) To complement and enhance the visual character of the street and neighbourhood through appropriate building scale, form and detail.</p> <p>(c) To reduce the visual dominance of garages as viewed from the street.</p> <p>(d) To promote high quality architectural design that is contemporary and innovative.</p> <p>(e) To ensure corner sites are developed as visually significant elements to promote a strong and legible character.</p> <p>(f) To provide an identifiable and desirable street address to each building and dwelling.</p> <p>(g) To define the street edge by creating a clear transition between private and public spaces along the street frontage.</p> <p>(h) To allow for outlook and surveillance towards the street and the public domain.</p>		
	<p>All dwellings are two storeys. The front townhouse has been redesigned to present as a single dwelling and provides outlook and surveillance towards the street.</p> <p>The entrances to the dwellings are visible from the street to provide casual surveillance of the common driveway areas and the public domain.</p> <p>The development complements the existing character of the street</p>	Yes
<p><u>5.6 Access / Driveway Requirements</u></p> <p>Objectives</p> <p>(a) To provide adequate and safe vehicular access to all dwellings.</p> <p>(b) To encourage driveways to be provided from lanes or</p>		
	<p>A single driveway access is proposed on the western side of the site</p>	Yes

<p>secondary streets instead of major roads or primary street frontages, where such alternate access is available.</p>	<p>which will enable adequate sight distances.</p>	
<p><i>i. Controls</i></p> <p>(b) Provide driveways to parking areas from lanes and secondary streets rather than the primary road or street, wherever practicable.</p> <p>(c) The number of access points to a development must be kept to a minimum.</p> <p>4 – 6m maximum cross over width</p>	<p>The common driveway is shared with the driveway access servicing Unit 1's double garage. To enable sufficient manoeuvrability and sight distances, a condition is recommended that the paved area in front of Unit 1's garage is not permitted to be used for vehicle parking at any time.</p> <p>A 5.5m driveway crossover width is proposed which has been supported by Council's Traffic engineer.</p>	
<p><u>5.7 Car Parking Requirements</u></p> <p>In accordance with Part E3 of WDCP</p> <p>1 car parking space per dwelling (<70m²) or</p> <p>1.5 car parking spaces per dwelling (70-110m²) or</p> <p>2 car parking spaces per dwelling (>110m²),</p> <p>plus 0.2 car parking spaces per dwelling for visitors</p>	<p><i>Resident spaces</i></p> <p>70-110m² = 2x units (3 spaces)</p> <p>>110m² = 2 units (4 spaces)</p> <p><i>Visitor spaces</i></p> <p>0.2 x 4 units = (0.8) 1 space</p> <p>TOTAL required = 8 spaces</p> <p>Total provided = 8 (7 resident + 1 visitor).</p> <p>Visitor space located between Units 1 and 2 (requiring 1.5 spaces each)</p>	<p>Yes</p>
<p><u>5.8 Landscaping Requirements</u></p> <p>30% landscaped area required</p> <p>Min. landscape width 1.5m</p>	<p>Site area = 1012m²</p> <p>Min. 30% = 304 m²</p> <p>318m² landscaped area provided (excluding</p>	<p>Yes</p>

	areas <1.5m wide) (31%)	
<p><u>5.9 Deep Soil Planting</u></p> <p>15% site area required</p> <p>Minimum DSZ dimension 6m.</p> <p>Located centrally to allow overlooking, or at rear of site or elsewhere so as to retain maximum existing vegetation.</p> <p>The deep soil zone may be located in any position on the site, other than forward of the building line, subject to this area having a minimum dimension of 6m.</p> <p>No structures, basement car parks, driveways, hard paving, decks, balconies or drying areas are permitted within the deep DSZ.</p> <p>DSZ must be a continuous area</p>	<p>Site area = 1012m²</p> <p>Min. 15% =152m²</p> <p>Deep soil zone with 6m depth is proposed along rear boundary – complies</p> <p>Drainage infrastructure extend into deep soil zone adjacent to eastern boundary however deep soil zone area meets the objective given it covers the rear portion of the site and retains existing trees.</p>	Yes
<p><u>5.10 Communal Open Space</u></p> <p>Required for development with more than 10 dwellings</p>	Not required as 4 dwellings proposed	NA
<p><u>5.11 Private Open Space</u></p> <p>POS must be provided for each unit, whether as ground floor courtyard or upper floor balcony.</p> <p>If ground level, minimum dimension 4 x5m and separated from boundary by 1.5m landscaping.</p> <p>If balcony, minimum 8m² and minimum dimension 2m</p> <p>Primary balcony must not address side setbacks</p> <p>Minimum 70% of all primary POS must achieve minimum 3hrs solar access</p> <p>POS should be sited in location which provides privacy, solar access and pleasing outlook and has a limited impact on adjoining neighbours.</p> <p>POS should be direct extension of living areas.</p> <p>Balconies must constitute maximum 25% of the building floor space.</p>	<p>POS provided to each unit in the form of ground floor courtyards with minimum dimensions of 4m x 5m with 1.5m wide landscaping between POS and eastern side boundary.</p> <p>The private open space of Units 1, 2 and 4 achieve 3 hours solar access (=70%) - complies</p> <p>All POS are located as a direct extension off living areas.</p> <p>Clothes lines indicated as being outside POS areas</p>	Yes
<u>5.12 Solar Access Requirements</u>		

1. Windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 9.00am and 3.00pm on 21 June.	Given the north-south orientation of the site, the shadow diagrams indicate that the development will overshadow the adjoining western property (flat building) between 9am and 11am and the adjoining eastern site in the afternoon. Adequate solar access will be maintained to both adjoining properties.	Yes
2. At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of sunlight between 9.00am and 3.00pm on June 21.		
3 The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.	No balconies proposed as primary POS – refer Part 5.11 for assessment of solar access to private open space areas	
4. Windows to north facing living rooms for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.	Windows to north facing living rooms of Townhouse 1 will receive 3 hours sunlight access.	
5. At least 50% of the private open space area for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.	Townhouses 1, 2 and 4 receive at least 3 hours sunlight to 50% of their POS areas (refer solar access study in Attachment 2).	
6. Shadow diagrams will be required for hourly intervals between 9.00 am and 3.00 pm for the 21 June winter solstice period which show the extent of overshadowing upon dwellings and rear private open space areas of adjoining dwellings. In certain cases, Council may require additional hourly interval shadow diagrams for the equinox period where it is necessary to determine the full extent of overshadowing upon the dwelling and / or private open space area of an adjoining property.	The adjoining western block of flats has their balconies facing the street which will not be overshadowed by the development. The adjoining eastern site will receive shadowing in the afternoon however no units have a defined areas of private open space and the rear of the site contains open car parking.	
<u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u>	NA – these controls relate to MDH containing more than 10	NA

	<p>dwelling. Only 4 dwellings proposed.</p>	
<p><u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u></p>	<p>NA – 4 dwellings proposed.</p>	<p>NA</p>
<p><u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u></p> <p>Required to comply with Chapter E2</p>	<p>Good internal surveillance within the site from habitable rooms having a view of internal driveway.</p> <p>Passive surveillance over front of site gained from Townhouse 1 facing the street and the rear townhouse having a view of the deep soil zone area.</p>	<p>Yes</p>

CHAPTER D1: CHARACTER STATEMENTS

Gwynneville's existing character is low to medium density residential suburb which includes a small retail village centre on Gipps Road. The desired future character identifies the suburb as retaining a low to medium density character, with new medium density housing around North Wollongong railway station, Wollongong University and TAFE. The subject site is well located for medium density housing and meets the desired future character under this chapter.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Control/objective	Comment	Compliance
3.1 Lighting	Can be conditioned for suitable lighting to be provided for common areas	Yes
3.2 Natural surveillance and sightlines	Natural surveillance of internal driveway areas provided by habitable windows and entrances. Natural surveillances of the street is available through balconies and living areas facing the street.	Yes
3.4 Building design	The front dwellings have their living areas oriented towards the street. This provides good casual surveillance of the public domain and common areas within the site. Entrances to the front dwellings are located at the front which provides additional activity and surveillance within the site.	Yes
3.5 Landscaping	Low level landscaping within the front setback will	Yes

allow for visibility to/from the site from the street.

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

The provisions of this chapter have been considered by Council and found satisfactory. The development provides for adequate parking to meet the requirements of this chapter (7 resident spaces and 1 visitor car space) as outlined in Part 5.7 of Chapter B1 above). Vehicular access to the site is via a shared driveway servicing the front dwelling's double garage, and the rear dwellings. Subject to the requirement for no vehicles to park in front of Unit 1's double garage, adequate manoeuvrability within the site is available. No objection was raised to the revised driveway design from Council's Development Engineer. A condition is recommended requiring that no vehicles park in front of the double garage at any time (this would restrict manoeuvrability and site access).

The location of the visitor parking is between Units 1 and 2 and suitable signage is recommended.

With regard to waste servicing, the site has sufficient width to accommodate the bins on collection day without occupying more than 50% of the site's frontage.

Council's Development Engineer has assessed the proposal as satisfactory, subject to conditions.

CHAPTER E6: LANDSCAPING

The provisions of this chapter have been considered by Council and found satisfactory. A revised landscape plan has been provided for the proposed development that meets the requirements for multi dwelling housing. Suitable conditions are recommended on the consent as outlined in Attachment 7.

CHAPTER E7: WASTE MANAGEMENT

The provisions of this chapter have been considered by Council and found satisfactory. A Site Waste Minimisation and Management Plan has been provided and suitable conditions for the disposal and handling of waste recommended to be imposed on the consent. Waste generated from the development post construction will be collected from Catherine Street.

CHAPTER E14 STORMWATER MANAGEMENT

A revised concept drainage plan has been submitted to Council in accordance with the provisions of this chapter which is included as part of Attachment 2. The rear of the site will drain to an inter-allotment drainage easement through the Council owned property at 192 Gipps Street, Gwynneville. On-site detention is also required.

The proposal has been found satisfactory by Council's Stormwater Engineers and appropriate conditions of consent will be imposed on the consent. A deferred commencement consent is recommended requiring creation of the drainage easement prior to the consent becoming operational (refer Attachment 7). It is noted that Council agreed to the easement burdening 192 Gipps Road, Gwynneville in favour of 11 Catherine Street at the Council meeting on 11 December 2017 (refer Attachment 6)

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The provisions of this chapter have been considered by Council and found satisfactory. The development involves the removal of one (1) tree which is an exempt species. Council's Landscape Officer has considered the submitted Arborist Report and agrees with the recommendations, particularly regarding the protection measures required for the significant tree on the adjacent western site. The design of the driveway has been revised during the course of the assessment to locate it outside the structural root zone of this tree. Also, permeable paving in the vicinity of the tree is proposed to minimise impacts on the tree. This approach has been supported by Council's Landscape Officer and Development Engineer.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

The provisions of this chapter have been considered by Council and found satisfactory. Conditions of consent are recommended in regard to appropriate demolition and asbestos management control measures to be in place during demolition works.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

The provisions of this chapter have been considered by Council and found satisfactory. Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

Attachment 6 – Council Meeting minutes agreeing to creation of easement over Council land

ITEM 21 - PROPOSED GRANT OF EASEMENT TO DRAIN WATER OVER LOT 20 DP 852981 NO 192 GIPPS ROAD, GWYNNEVILLE

The following staff recommendation was adopted as part of the Block Adoption of Items (refer Minute No 165).

COUNCIL'S RESOLUTION -

- 1 Council approve the grant of an Easement to Drain Water 1m wide over Lot 20 DP 852981 No 192 Gipps Road, Gwynneville, being the Wollongong Senior Citizens Centre and Wollongong Workshop Theatre, in favour of Lot 10 DP 1107164 No 11 Catherine Street, Gwynneville, as shown on the attachment to this report.
- 2 Council accept the payment in the amount of \$54,000 (GST free) from the owner of Lot 10 DP 1107164 No 11 Catherine Street, Gwynneville as compensation for the grant of the easement.
- 3 The creation of the easement be subject to approval of the applicant's development application for the redevelopment of his property at No 11 Catherine Street, Gwynneville and payment by him of all costs in the creation of the easement.
- 4 Approval be granted to affix the Common Seal of Council to the survey plan, Section 88B Instrument and any other documentation required to give effect to this resolution.

Attachment 7 - Recommended Conditions

Consent has been granted for **deferred commencement**.

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

- (i) **The Development Consent shall not operate until Council has been satisfied as to the following matters:**
 - a **Creation of Drainage Easement**
Documentary evidence must be provided demonstrating that the 1m wide inter-allotment drainage easement over Lot 20 DP 852981 (192 Gipps Road, Gwynneville) has been created.
- (ii) 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.
- (iii) 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 Development Consent are:

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 2017-35 Drawings A-100-J, A-101-J, A-102-F, A-201-F dated 4 December 2018 and A-302-B dated 8 November 2018 prepared by ADM Architects 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 **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.
- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

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

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.
- 4 **Mailboxes**
The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

5 **Maintenance of Access to Adjoining Properties**

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

6 **Occupation Certificate**

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

7 **Tree Retention**

The developer shall retain the existing tree(s) indicated on the Landscape Plan, Ochre Landscape Architects, issue B dated 15 November 2018 and/or Arborist report prepared by Allied Trees dated June 2018 consisting of tree(s) numbered 1, 2, 3, 4 and 5.

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 AS4790-2009 Protection of Trees on development Sites.

All recommendations in Arborist's Report by Allied Trees dated June 2018 pages no. 8 to 14 to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering.

8 **Street Tree Removal**

The developer shall remove the existing street trees.

Tree removal costs are to be borne by developer. The removal of trees, including stumps, is to be carried out by suitably qualified tree contractor. This contractor must be appropriately insured to indemnify Council against any loss or damage incurred during the above works. They must also have appropriate WH&S policies and procedures (including traffic control) to ensure that works are carried out in a safe manner and in accordance in Council's own WH&S policies.

The developer must apply for (and be granted) permission under section 138 of the roads act to work within the road reserve. Tree removal must be carried out to the satisfaction of WCC Manager of Works.

Prior to the Issue of the Construction Certificate

9 **Section 73 Compliance Certificate**

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

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

The Notice of Requirements must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

10 **Endeavour Energy Requirements**

The submission of documentary evidence from Endeavour Energy to the Principal Certifying Authority 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.

11 **Telecommunications**

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

12 **Car Parking and Access**

The development shall make provision for a total of 8 car parking spaces (comprising 7 resident car spaces and 1 visitor's car space). 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.

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

14 The car parking areas and internal access roads shall be separated from the landscaped bays by means of a kerb or concrete dwarf wall. All kerbs required to act as wheel stops shall have a maximum height of 100 mm above ground. These details shall 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 The parking of vehicles in front of Unit 1's double garage is not permitted at any time. This area is to remain clear at all times to ensure adequate access and sightlines are provided for vehicle access to and from the site. Suitable signage must be provided on the site to identify this area of the driveway as 'No parking at any time'. This requirement shall be reflected on the Construction Certificate plans.

17 Suitable signage must be provided to clearly identify the location of the visitor car space and identify that it is for visitor parking only. This requirement shall be reflected on the Construction Certificate plans.

18 A solid masonry wall must be provided to separate the visitor car space from Unit 2's private open space area. The wall must be full height to minimise any noise and amenity impacts on the occupants of Unit 2. This requirement shall be reflected on the Construction Certificate plans.

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

20 **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.

- 21 The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- a 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;
 - b 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
 - c the driveway proposed under the canopy of existing tree 1 as described in submitted arborist report prepared by Allied Tree Consultancy dated June 2018 shall be permeable equal to 'Filtapave' 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.

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

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

23 **Tree Protection and Management**

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

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
- b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.

24 **Dust Suppression Measures**

The submission of details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development to the Principal Certifying Authority, prior to issue of the Construction Certificate.

25 **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 \$9,130.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1009418	<input type="checkbox"/> Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<input type="checkbox"/> Cash <input type="checkbox"/> Credit Card <input type="checkbox"/> 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

26 **Payment of S7.12 Levy**

Prior to release of any associated construction certificate the certifier must ensure that the S7.12 levy has been paid in full. In this regard the certifier must submit to Council, with the construction certificate documentation, receipts which will specify whether the levy has been paid by cash or bank cheque.

27 **Property Addressing Policy Compliance**

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

28 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development is two *Callistemon viminalis* 200 litre container size, in accordance with AS 2303:2015 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x 2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

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

29 **Roofwater Drainage**

All roof gutters and downpipes shall be designed to cater for a 1 in 100 year ARI storm event in accordance with the current version of AS 3500.3 - Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe sizes and downpipe locations shall be reflected on the Construction Certificate plans.

30 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The detailed 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 Jones Nicholson , Job No 18020026, Rev P6, dated 15/11/2018.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the street stormwater pit.
- 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.

31 **On-Site Stormwater Detention (OSD) Design**

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 12.2.4 of Chapter E14 of the Wollongong DCP2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 12.2.6 and 12.5.4 of Chapter E14 of the Wollongong DCP2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2018/848.
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

32 **Designated Overland Flow Paths**

Details of each overland flow path located on the site shall be provided with the detailed drainage

design. Each overland flow path shall be capable of catering for the 1 in 100 year storm event flows from the contributing catchment area, and where required, direct these flows to the on-site stormwater detention facility. The overland flow path shall be free of any vegetation and/or structures that are likely to impede natural overland flow, or make provision for such obstructions, so there will be no adverse stormwater impacts upon the subject land and adjoining properties. Full Manning's calculations shall be provided on the capacity of each overland flow path. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

33 **Council Footpath Reserve Works**

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

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

34 **Fencing**

The development is to be provided with side and rear boundary fencing at full cost to the developer as follows:

- a rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped or colorbond fences.

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

Prior to the Commencement of Works

35 **Appointment of Principal Certifying Authority**

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

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

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

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

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

- a in the case of work to be done by a licensee under that Act:
 - i has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
 - ii is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b in the case of work to be done by any other person:
 - i has been informed in writing of the persons name, contact address details and owner-builder permit number; and

- ii has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

37 **Sign – Supervisor Contact Details**

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

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

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

38 **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.

39 **Structural Engineer's Details**

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

40 **Enclosure of the Site**

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

41 **Demolition Works**

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

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any

road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

42 **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.

43 **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.

44 **Contaminated 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.

45 **Waste Management**

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

46 **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.

47 **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.

48 **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 Certifying Authority 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.

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

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

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

50 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility

easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

51 **Relocation of State Survey Marks**

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

52 **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.

53 **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.

54 **Protection of Public Infrastructure**

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

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

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

During Demolition, Excavation or Construction

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

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

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

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

The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in

respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.

57 **Restricted Hours of Construction Work**

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

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

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

Note: The developer is advised that other legislation may control the activities for which Council has

granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

58 **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>).

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

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

60 **Acid Sulfate Soils**

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

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

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

61 **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.

62 **Excess Excavated Material – Disposal**

Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste

63 **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.”

64 **Provision of Taps/Irrigation System**

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

65 **Pipe Connections**

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

66 **Mature Plant Stock**

In accordance with the tree species identified on the landscape plan, five (5) x 200 litre container mature plant stock shall be placed in appropriate locations within the property boundary of the site, including the deep soil zone.

Prior to the Issue of the Occupation Certificate

67 **Drainage**

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

68 **Restriction on Use – On-site Detention System**

The applicant must create a restriction on use under the Conveyancing Act 1919 over the on-site detention system. The following terms must be included in an appropriate instrument created under the Conveyancing Act 1919 for approval of Council:

“The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior consent in writing of the authority benefited. The expression ‘on-site stormwater detention system’ shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

Name of the authority having the power to release, vary or modify the restriction referred to is Wollongong City Council.”

The instrument, showing the restriction, must be submitted to the Principal Certifying Authority for endorsement prior to the issue of the final Occupation Certificate and the use of the development.

69 **BASIX**

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

70 **Positive Covenant – On-Site Detention Maintenance Schedule**

A positive covenant shall be created under the Conveyancing Act 1919, requiring the property owner(s) to undertake maintenance in accordance with the Construction Certificate approved On-Site Stormwater Detention System and Maintenance Schedule (application number to be referenced).

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

71 **On-Site Detention – Structural Certification**

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifying Authority is required prior to the issue of the final Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

72 **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

73 **Deep Soil Zone to be Maintained**

The deep soil zone area approved by this consent is required to be retained as part of the development and must be maintained as a deep soil zone area at all times.

The deep soil area is defined as follows:

An area of the site that is not to be built upon, or underneath, thereby leaving an area of deep, soft soil for substantial deep-rooted vegetation, natural vegetation and natural drainage.