

# Wollongong Local Planning Panel Assessment Report | 1 May 2019

<b>WLPP No.</b>	Item No. 3
<b>DA No.</b>	DA-2018/1355
<b>Proposal</b>	Residential - demolition of existing dwelling and construction of a new dwelling in an existing dual occupancy
<b>Property</b>	1 Taronga Avenue MANGERTON
<b>Applicant</b>	Suellen Knight
<b>Responsible Team</b>	Development Assessment and Certification - City Centre Team (BH)

## ASSESSMENT REPORT AND RECOMMENDATIONS

### Executive Summary

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#### Reason for consideration by Independent Hearing and Assessment Panel - Determination

The proposal has been referred to Local Planning Panel for determination pursuant to clause 4(c) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018 as the development involves demolition of a heritage item.

#### Proposal

The proposal comprises the demolition of existing locally listed heritage dwelling under WLEP2009 which forms part of an existing dual occupancy development and construction of a new two storey dwelling.

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. Dual Occupancy's are permissible with development consent.

#### Consultation

The application was lodged on 29 October 2018 and there were no submissions received at the conclusion of the notification period.

#### Main Issues

The main issues arising from the assessment process are:-

- Demolition of Heritage Item
- Impact on street trees

The proposal does not depart from the applicable development standards and is satisfactory with regard to the applicable planning controls.

#### RECOMMENDATION

It is recommended the proposal be approved subject to the draft conditions at **Attachment 4**.

## 1 APPLICATION OVERVIEW

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### 1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal seeks consent for:

- Demolition of an existing heritage listed two storey dwelling on the western part of the site.
- Construction of a new two storey dwelling to form a dual occupancy development.

The existing single storey dwelling on the eastern part of the site will be retained.

### 1.2 BACKGROUND

#### Development history

Application	Description	Approval Date
TMO-2007/416	Remove 1x Tree	Aug 1 2007
DA-1996/109	Extensions	Apr 22 1996
BA-1995/1319	Dual Occupancy - DA95/154	Aug 11 1995
DA-1995/154	Dual Occupancy	May 8 1995
BA-1962/1802	Additions	Aug 22 1962
BC-1956/171	Tool & Fowl Shed	Mar 21 1956
BC-1955/815	Dwelling & Carport	Sep 14 1955

A Prelodgement meeting for the subject proposal was held on 7 May 2018.

#### Customer service actions

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

### 1.3 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

#### 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
- Planning for Bushfire Protection 2006

### 1.4 SITE DESCRIPTION

The site is located at 1 Taronga Avenue Mangerton and the title reference is Lot 59 DP 21053.

The site is on the south-eastern corner of the intersection of Taronga Avenue and Heaslip Street. It is regular in shape and has a frontage of 43.59m to Heaslip Street and 13.11 m to Taronga Avenue. The site area is 684.50m<sup>2</sup> and it has a minor fall toward Heaslip Street and a fall of approximately 3m towards Targonga Avenue.

To the east of the site in Heaslip Street is a single storey dwelling which fronts Kirala Avenue. To the south of the site in Taronga Avenue is a two storey dwelling.

The locality is characterised by low density housing in a treed setting.

#### Property constraints

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

- Bushfire
- Heritage

There are no restrictions on the title.

## **1.5 SUBMISSIONS**

The application was notified between 8 - 23 November 2018 in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. No submissions were received following the notification.

## **1.6 CONSULTATION**

### **1.6.1 INTERNAL CONSULTATION**

#### **Landscape Architect**

Council's Landscape Officer has supported the removal of one street tree to allow for the construction of a new driveway and initially raised concerns regarding the potential for the new dwelling to impact the root system of one of the other street trees. To address this, the applicant was required to have root mapping undertaken by a suitably qualified arborist. This was subsequently provided and a satisfactory referral has now been provided. Specific conditions have been recommended in relation to certain documentation to be made on the plans and changing tree numbers so that they are consistent between architectural plans and the arborists report.

#### **Heritage Officer**

Council's Heritage Officer has reviewed the application and following provision of a Heritage Impact Statement given a satisfactory referral. It is noted that prior to the lodgement of the development application the applicant had been in discussions with Council regarding the removal of the heritage listing if the item from WLEP 2009. Appropriate conditions relating to photographic recording of the dwelling before demolition have been recommended.

Whilst the National Trust requested that the final Heritage Impact Statement (HIS) be re-referred for comment, Council's Heritage officer is satisfied that the final HIS is adequate given the history of the site and the independent assessment that Council has had undertaken on the heritage listing.

#### **Bushfire Officer**

Council's bushfire officer has reviewed the Bushfire Report prepared by APZA Services in accordance with the provisions of Planning for Bushfire Protection 2006. He considers that the finding of the report (BAL- Low) are correct and appropriate conditions for maintenance of the whole of the subject site as an Inner Protection Zone.

### **Development Engineering Officer**

The application has been assessed in regard to traffic, stormwater and subdivision matters and found to be satisfactory. Conditions of consent were recommended and are included in the draft conditions (Attachment 4).

### **1.6.2 EXTERNAL CONSULTATION**

#### The National Trust of Australia (NSW - Illawarra Shoalhaven Regional Branch)

The National Trust have advised that there is no requirement to have the subject dwelling removed from the heritage listing prior to demolition. It was further noted that the Assessment of Heritage Significance was still a 'draft' version although a final version has since been provided to Council.

The Trust acknowledges the subject building, in its original state, was a rare example of the 'Modern' style of architecture in Wollongong, emulating the work of contemporary Australian architects such as Seidler, Archer and Boyd. Later additions, and the approval of dual occupancy in the mid-1990's has diminished its status as an exemplary example of the Modernist style.

Council's Heritage officer is satisfied that the final HIS is adequate given the history of the site and the independent assessment that Council obtained on the heritage listing.

#### Illawarra Historical Society & Museum

The Illawarra Historical Society have advised that whilst the property is an interesting example of 1960's domestic architecture, it is not unique. The Society does not oppose redevelopment and suggested a condition of consent require the owners to document the existing building before demolition. This condition is proposed.

## **2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SECTION 4.15 EVALUATION**

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### **Section 4.14 of the Act**

#### 4.14 Consultation and development consent—certain bush fire prone land

See discussion at section 1.6.1 above and 2.6.1 below.

### **2 2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

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

Council records do not indicate any historic use that would contribute to the contamination of the site. The records show that site has been historically occupied by residential land uses and accordingly the proposal does not comprise a change of use. No concerns are raised in regard to contamination.

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

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

## 2.4.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Part 2 Permitted or prohibited development

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

The zoning map identifies the land as being zoned R2 Low Density Residential. An extract of the zoning map is provided at **Attachment 2** to this report.

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

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

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

The proposal is categorised as a **Dual occupancy** as defined below and is permissible in the zone with development consent.

#### Clause 1.4 Definitions

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

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

### Part 4 Principal development standards

#### Clause 4.3 Height of buildings

The proposed building height of 7.998m does not exceed the maximum of 9m permitted for the site.

The proposal does not alter the existing building height.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area: 684.5 m<sup>2</sup>

GFA: Proposed 212.64m<sup>2</sup> + Existing 85m<sup>2</sup> = 297.64m<sup>2</sup>

FSR:  $297.64\text{m}^2 \div 684.5\text{m}^2 = 0.43:1$

### Part 5 Miscellaneous provisions

#### Clause 5.10 Heritage conservation

##### *(2) Requirement for consent*

*Development consent is required for any of the following:*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
- (i) a heritage item,*
  - (ii) an Aboriginal object,*
  - (iii) a building, work, relic or tree within a heritage conservation area,*

The proposal seeks consent for demolition of a heritage item and construction of a replacement dwelling to maintain the dual occupancy development on the site. Subdivision is not proposed. The existing dwelling is listed as an item of local heritage significance (Item No. 6279) under Wollongong Local Environmental Plan 2009.

The application was referred to the National Trust and Illawarra Historical society who support the demolition of the item. Council's Heritage officer also supports the demolition and has advised that prior to lodgement of the DA the applicant had been in discussion with Council's Heritage staff with the aim of removing the heritage listing of the dwelling. Council's heritage officer has advised that as the listing is local significance' demolition can be approved prior to removal of the heritage listing.

## **Part 7 Local provisions – general**

### Clause 7.1 Public utility infrastructure

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

## **2.5 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

Not applicable

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

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

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory, and there are no variations proposed. The full table of compliance can be found at Attachment 4 to this report.

### **2.6.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018**

The estimated cost of works is \$400,000 and a levy of 1% is applicable under this plan.

## **2.7 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 under S7.4 which affect the development.

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

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

Conditions of consent are recommended with regard to demolition.

### 93 Fire safety and other considerations

Not applicable

### 94 Consent authority may require buildings to be upgraded

Not applicable

## **2.9 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.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- No submissions were received following notification.
- Internal and external referrals (including National Trust and Illawarra Historical Society) are satisfactory subject to appropriate conditions of consent

### Context and Setting:

The proposed dual occupancy development is considered satisfactory in relation to the context and setting of the site. The existing site is occupied by a dual occupancy and that form of development will remain following demolition of the existing dwelling and construction of a new dwelling. The existing heritage listed dwelling has been considered to have lost its initial heritage value and its replacement with a new dwelling is considered appropriate in this instance.

The proposed new dwelling has minimal impacts on adjoining properties and is consistent with the residential character of the immediate environment. The retention of significant street trees assists in retaining the character of the existing streetscape.

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

### Does the proposal fit in the locality?

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

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

The application was notified in accordance with the requirements of the Wollongong DCP 2009 Appendix 1: Public Notification and Advertising Procedures. This comprised notification letters being sent to adjacent and adjoining land owners/ occupiers.

No submissions were received.

## **2.12 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. The requirement to

document the existing heritage listed dwelling prior to demolition will contribute to the public interest by making it available to the public.

### **3 CONCLUSION**

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The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979. The proposed development is permissible with consent and is consistent with the applicable provisions of Wollongong LEP 2009. The design of the development is appropriate with regard to the controls outlined in Wollongong DCP 2009.

All concerns raised in initial internal referrals in respect to potential impact of footings and drainage works on street trees along the Heaslip Street frontage of the site have been resolved and Heritage assessment has supported the demolition of the heritage listed dwelling.

The proposal is considered to be satisfactory subject to appropriate conditions being imposed.

### **2 RECOMMENDATION**

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There being no outstanding concerns, it is recommended that DA-2018/1355 be approved subject to appropriate conditions of consent provided at Attachment 4.

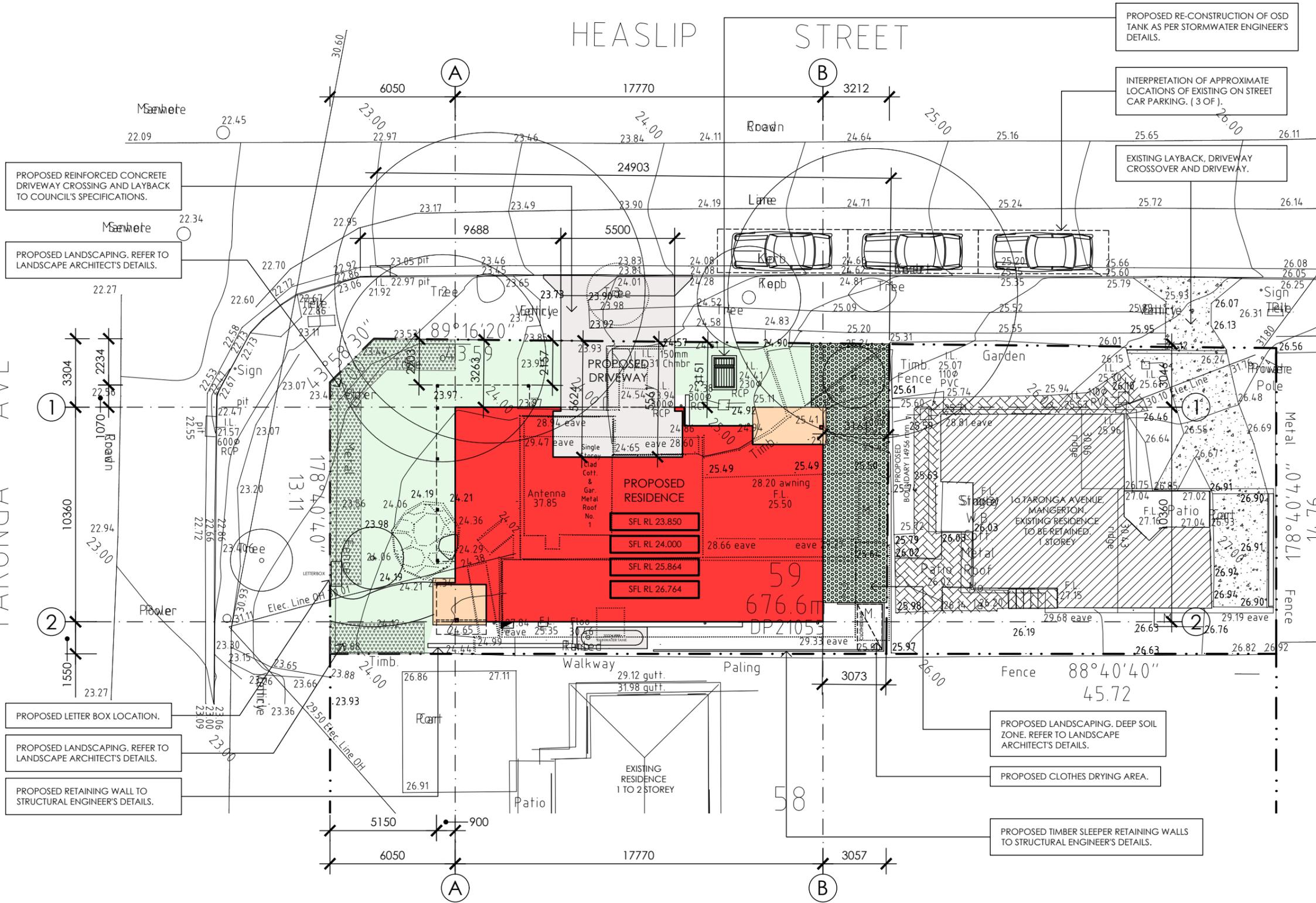
### **3 ATTACHMENTS**

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- 1 Plans
- 2 Aerial photograph and WLEP 2009 zoning map
- 3 Wollongong DCP 2009 Assessment
- 4 Draft conditions

TARONGA AVE

HEASLIP STREET



PROPOSED RE-CONSTRUCTION OF OSD TANK AS PER STORMWATER ENGINEER'S DETAILS.

INTERPRETATION OF APPROXIMATE LOCATIONS OF EXISTING ON STREET CAR PARKING. ( 3 OF ).

EXISTING LAYBACK, DRIVEWAY CROSSOVER AND DRIVEWAY.

PROPOSED REINFORCED CONCRETE DRIVEWAY CROSSING AND LAYBACK TO COUNCIL'S SPECIFICATIONS.

PROPOSED LANDSCAPING. REFER TO LANDSCAPE ARCHITECT'S DETAILS.

PROPOSED LETTER BOX LOCATION.

PROPOSED LANDSCAPING. REFER TO LANDSCAPE ARCHITECT'S DETAILS.

PROPOSED RETAINING WALL TO STRUCTURAL ENGINEER'S DETAILS.

PROPOSED LANDSCAPING. DEEP SOIL ZONE. REFER TO LANDSCAPE ARCHITECT'S DETAILS.

PROPOSED CLOTHES DRYING AREA.

PROPOSED TIMBER SLEEPER RETAINING WALLS TO STRUCTURAL ENGINEER'S DETAILS.

COUNCIL DEVELOPMENT DATA

SITE AREA (LOT A & LOT B) :	684.50 sqm
FLOOR SPACE RATIO :	0.5 : 1
ALLOWABLE FLOOR AREA :	341.72 sqm

PROPOSED DEVELOPMENT - LOT A & LOT B

SITE AREA - PROPOSED LOT A :	404.64 sqm
SITE AREA - PROPOSED LOT B :	278.86 sqm

PROPOSED DEVELOPMENT - LOT A

PROPOSED RESIDENCE :	
GROUND FLOOR AREA :	54.90 sqm
FIRST FLOOR AREA :	144.22 sqm
TOTAL PROPOSED FLOOR AREA :	199.12 sqm
GARAGE AREA :	40.23 sqm
STORAGE AREA :	9.29 sqm
TOTAL ALLOWABLE FSR :	0.5 : 1
TOTAL PROPOSED FSR :	0.29 : 1

SITE COVERAGE :

ALLOWABLE MAXIMUM SITE COVERAGE (55% of the lot)	222.55 sqm
PROPOSED SITE COVERAGE (39% of the lot)	157.82 sqm

LANDSCAPED AREA :

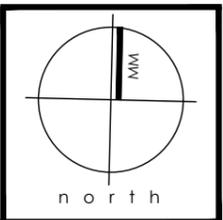
MINIMUM LANDSCAPED AREA	80.93 sqm
PROPOSED LANDSCAPED AREA	165.79 sqm

DEEP SOIL ZONE :

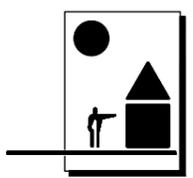
MINIMUM DEEP SOIL ZONE AREA	40.46 sqm
PROPOSED DEEP SOIL ZONE AREA	40.82 sqm

PRIVATE OPEN SPACE :

MINIMUM PRIVATE OPEN SPACE AREA	24.00 sqm
PROPOSED PRIVATE OPEN SPACE AREA	37.09 sqm



Revision	Date	Description
A	09.09.18	DA Issue

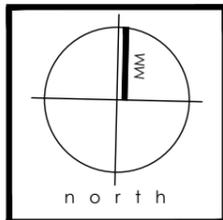
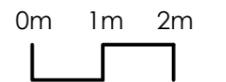
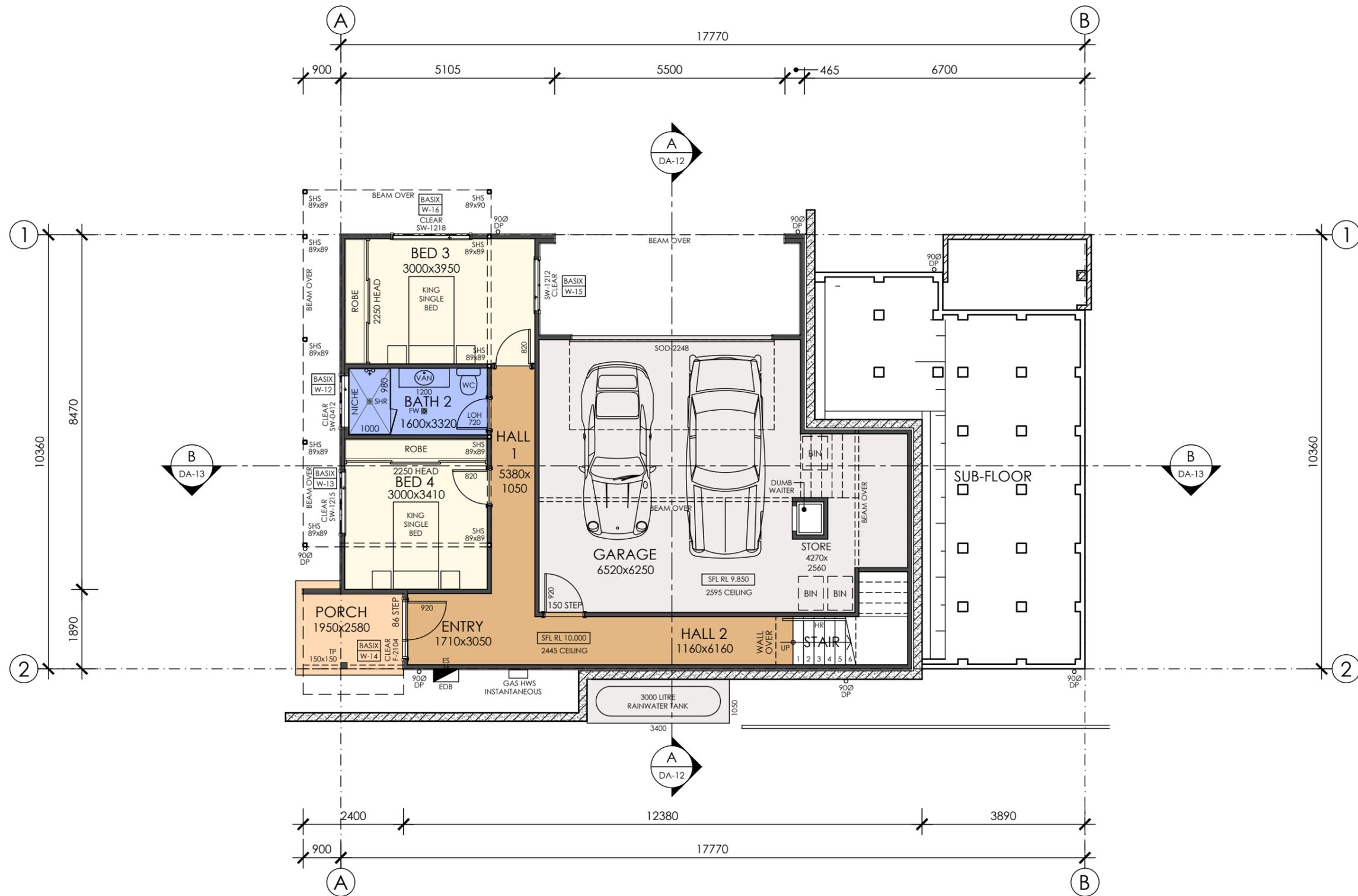


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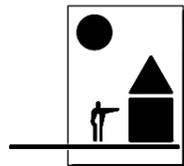
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for  
Ms S Knight  
at  
Lot 59, DP 21053, 1 Taronga Avenue,  
Mangerton, NSW, 2500

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PROPOSED SITE PLAN  
  
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Sheet No : 4 of 18

Drawing No :  
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Revision :  
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Revision	Date	Description
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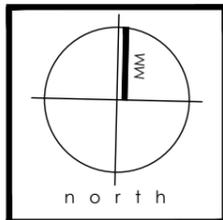
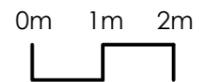
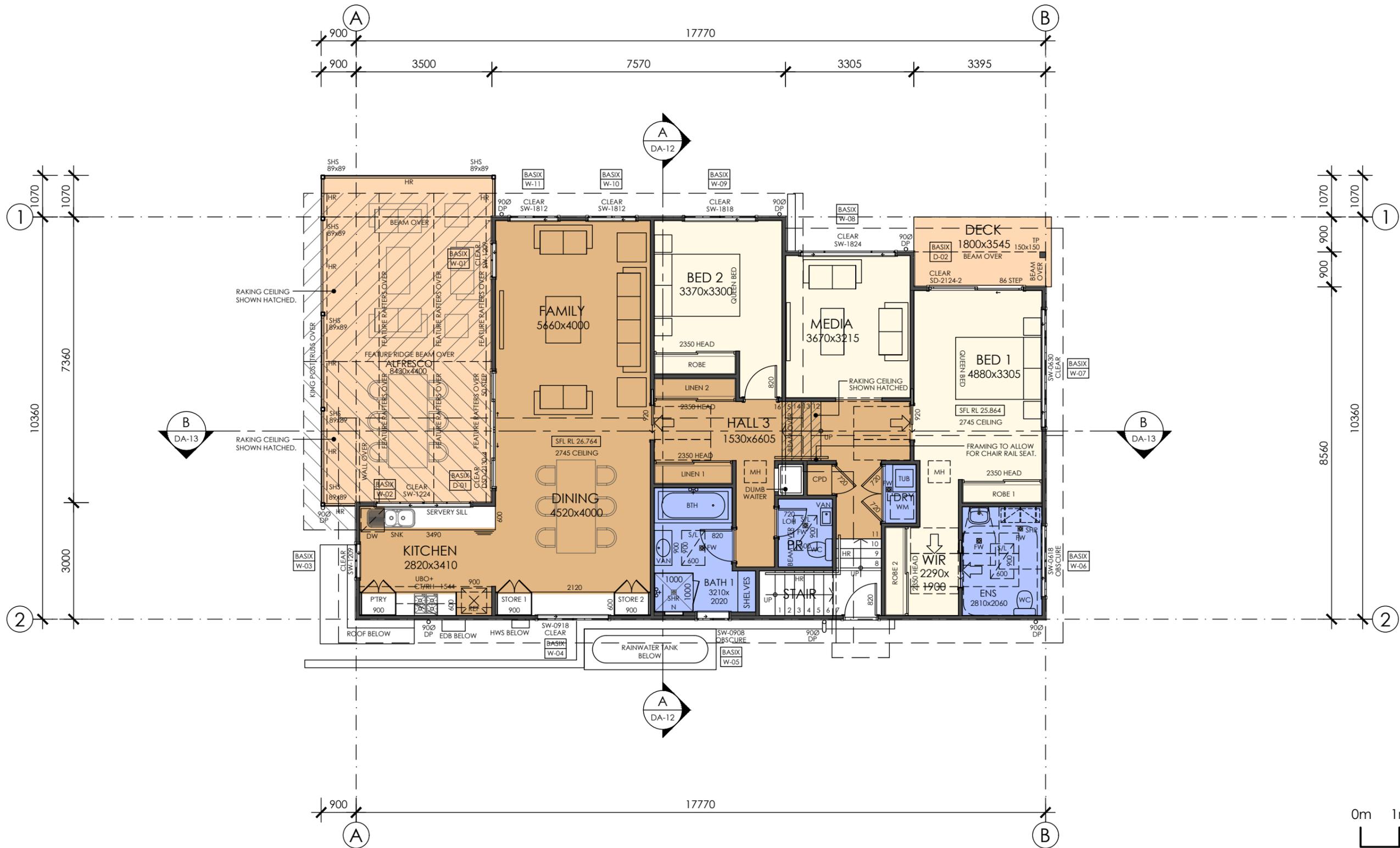
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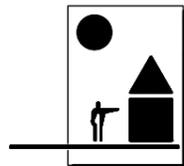
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PROPOSED GROUND FLOOR PLAN

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Drawing No : DA-05
Revision : A



Revision	Date	Description
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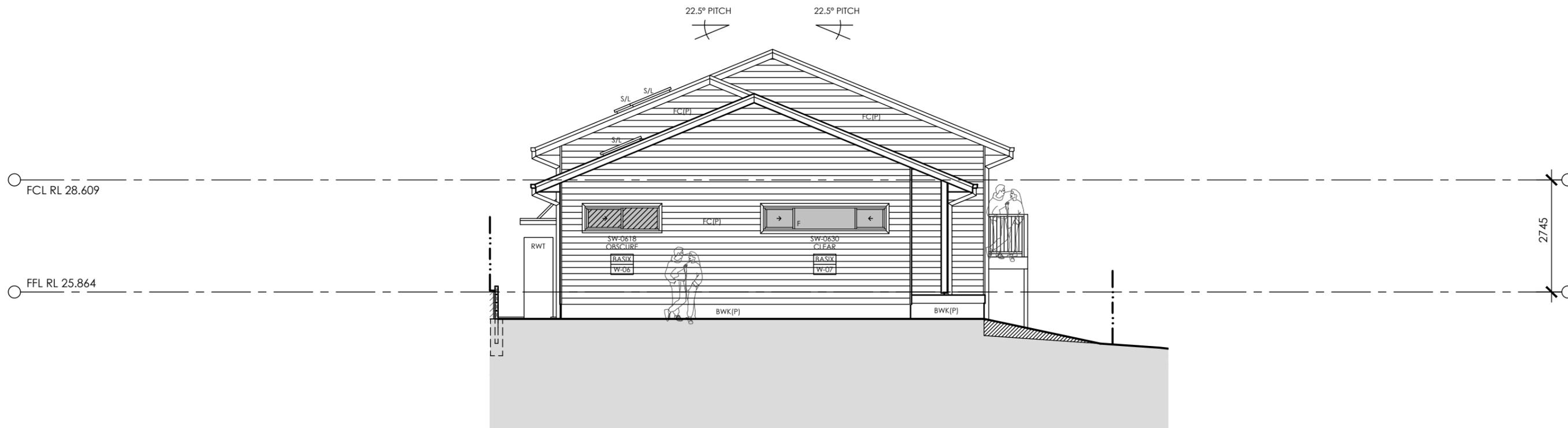
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Title : DEVELOPMENT APPLICATION ISSUE  
PROPOSED FIRST FLOOR PLAN

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Revision : A

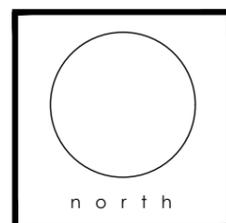


**01 EAST ELEVATION**

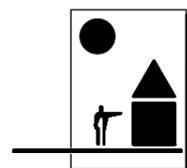
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**ELEVATIONS LEGEND**

- (CB) COLORBOND FINISH
- (P) PAINT FINISH
- A/C AIR CONDITIONER
- BG BOTTLED GAS
- CR CEMENT RENDER
- EDB ELEC DISTRIBUTION BOARD
- F FIXED GLASS
- FB FACE BRICKWORK
- FC FIBRE CEMENT
- HWS HOT WATER SYSTEM
- LPG LIQUEFIED PETROLEUM GAS
- RS ROOF SHEETING
- RT ROOF TILES
- RWT RAINWATER TANK
- S/L SKY LIGHT
- SOD SECTIONAL OVERHEAD DOOR
- ST SKY TUBE
- TB TIMBER BEAM
- TP TIMBER POST
- WB WEATHER BOARD



Revision	Date	Description
A	09.09.18	DA Issue



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 EAST ELEVATION

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 Date : 9th Sept 2018

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Revision :  
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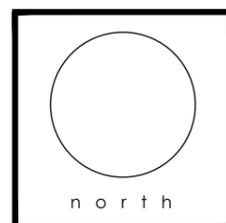


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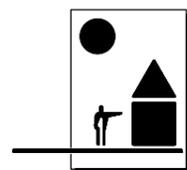
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ELEVATIONS LEGEND

- (CB) COLORBOND FINISH
- (P) PAINT FINISH
- A/C AIR CONDITIONER
- BG BOTTLED GAS
- CR CEMENT RENDER
- EDB ELEC DISTRIBUTION BOARD
- F FIXED GLASS
- FB FACE BRICKWORK
- FC FIBRE CEMENT
- HWS HOT WATER SYSTEM
- LPG LIQUEFIED PETROLEUM GAS
- RS ROOF SHEETING
- RT ROOF TILES
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- S/L SKY LIGHT
- SOD SECTIONAL OVERHEAD DOOR
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Revision	Date	Description
A	09.09.18	DA Issue



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Title : DEVELOPMENT APPLICATION ISSUE  
WEST ELEVATION

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Date : 9th Sept 2018

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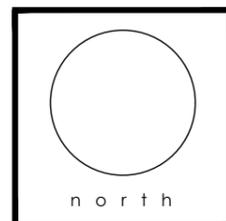
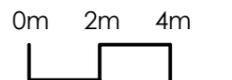
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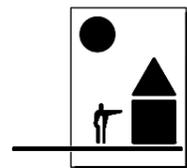
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**ELEVATIONS LEGEND**

- (CB) COLORBOND FINISH
- (P) PAINT FINISH
- A/C AIR CONDITIONER
- BG BOTTLED GAS
- CR CEMENT RENDER
- EDB ELEC DISTRIBUTION BOARD
- F FIXED GLASS
- FB FACE BRICKWORK
- FC FIBRE CEMENT
- HWS HOT WATER SYSTEM
- LPG LIQUEFIED PETROLEUM GAS
- RS ROOF SHEETING
- RT ROOF TILES
- RWT RAINWATER TANK
- S/L SKY LIGHT
- SOD SECTIONAL OVERHEAD DOOR
- ST SKY TUBE
- TB TIMBER BEAM
- TP TIMBER POST
- WB WEATHER BOARD



Revision	Date	Description
A	09.09.18	DA Issue



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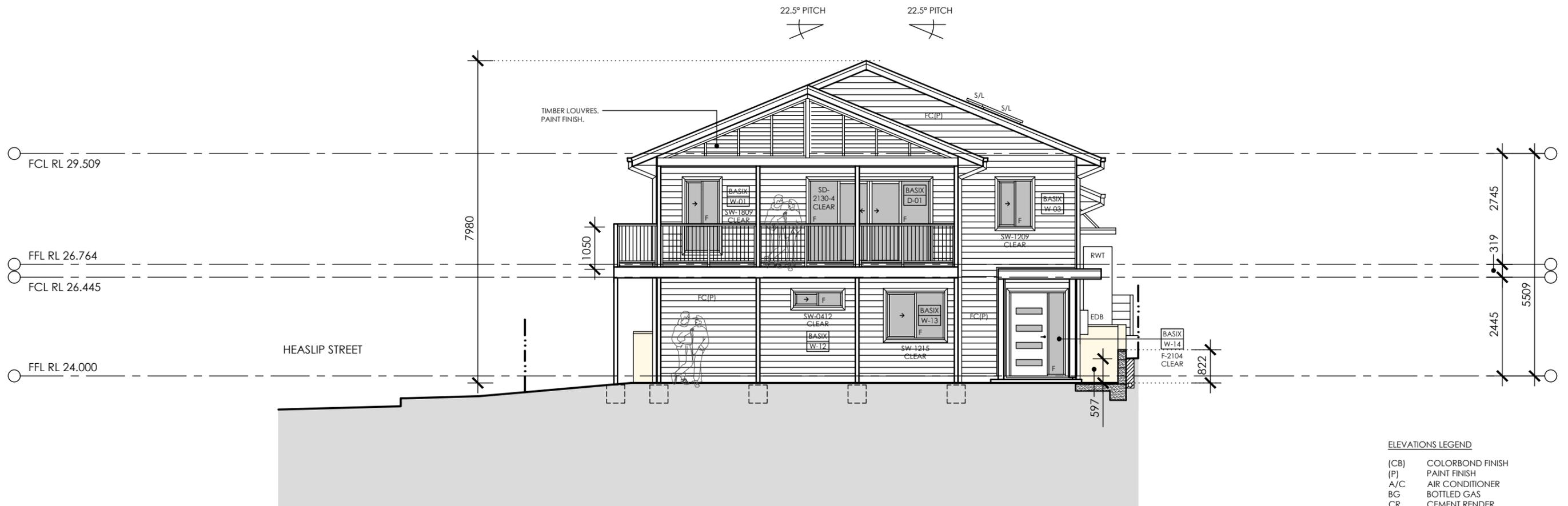
Project : PROPOSED RESIDENCE  
for  
Ms S Knight  
at  
Lot 59, DP 21053, 1 Taronga Avenue,  
Mangerton, NSW, 2500

Title : DEVELOPMENT APPLICATION ISSUE  
**SOUTH ELEVATION**

Scale : 1:100@A3  
Date : 9th Sept 2018

Drawn by : TV  
Sheet No : 9 of 18

Drawing No :  
DA-09  
Revision :  
A

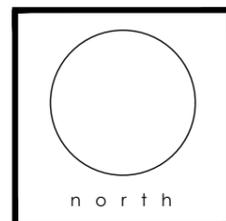
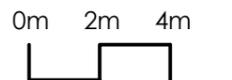


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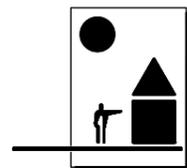
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ELEVATIONS LEGEND

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- (P) PAINT FINISH
- A/C AIR CONDITIONER
- BG BOTTLED GAS
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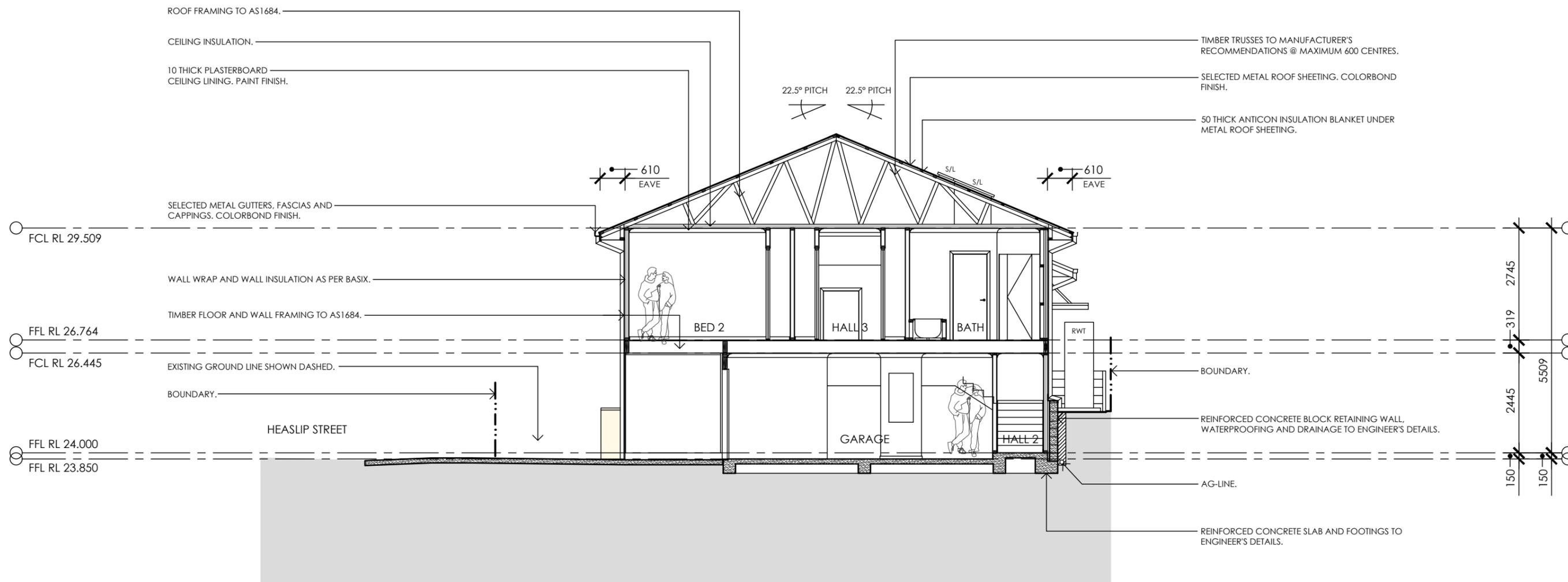
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Lot 59, DP 21053, 1 Taronga Avenue,  
Mangerton, NSW, 2500

Title : DEVELOPMENT APPLICATION ISSUE  
WEST ELEVATION

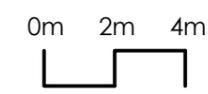
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Sheet No : 8 of 18

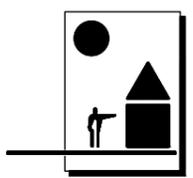
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Revision :  
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Revision	Date	Description
A	09.09.18	DA Issue

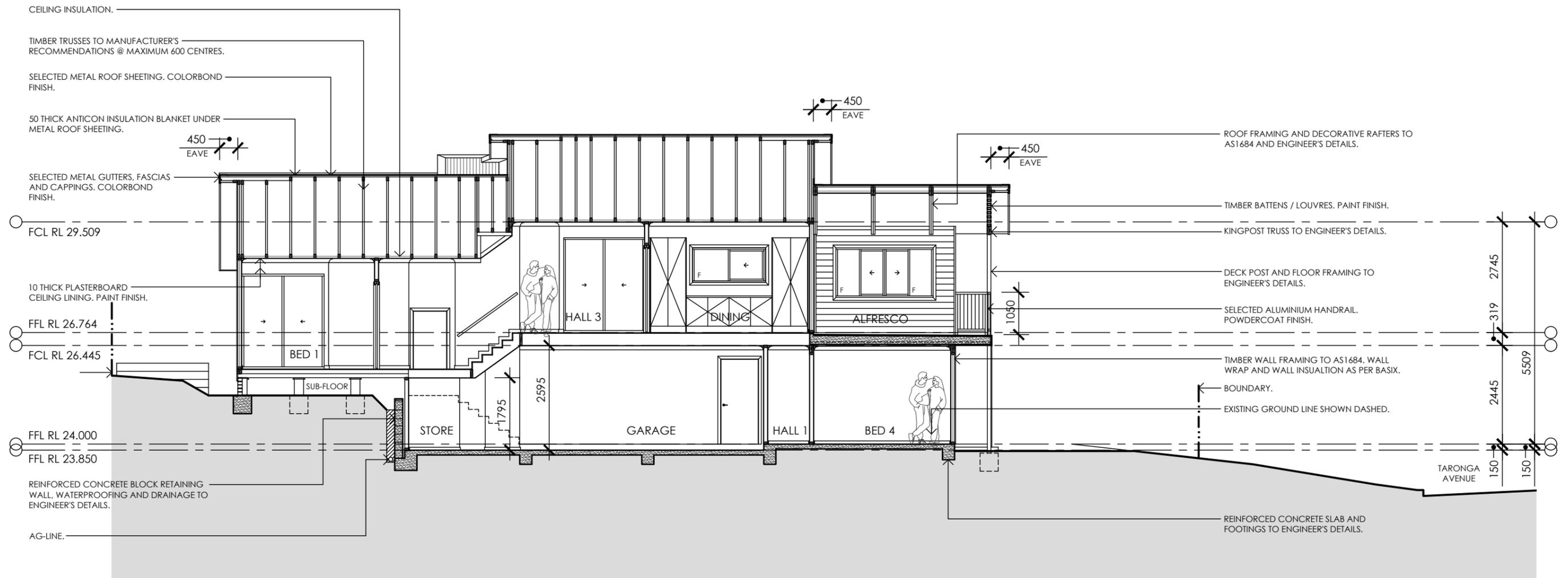


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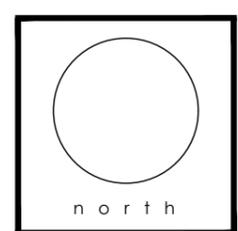
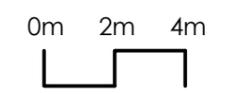
Project : PROPOSED RESIDENCE  
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Title : DEVELOPMENT APPLICATION ISSUE  
CROSS SECTION AA  
Scale : 1:100@A3  
Date : 9th Sept 2018  
Drawn by : TV  
Sheet No : 12 of 18

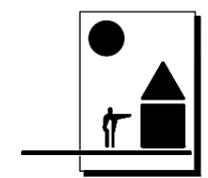
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DA-12  
Revision :  
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**01** CROSS SECTION BB  
SCALE 1:100@A3



Revision	Date	Description
A	09.09.18	DA Issue



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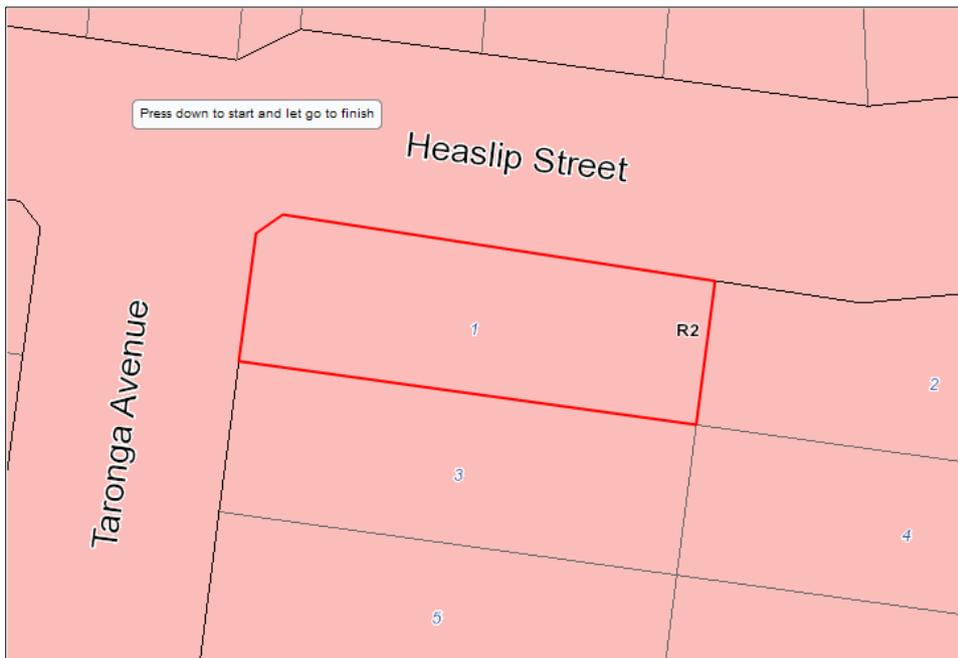
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Sheet No : 13 of 18

Drawing No :  
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Revision :  
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**ATTACHMENT 2 – Aerial Photograph and Zoning Map**



**Figure 1 - Aerial Photo**



**Figure 2 - Extract from WLEP 2009 Zoning map**

## ATTACHMENT 3 – WDCP2009 ASSESSMENT TABLE

### Chapter B1 – Residential Development

<b>Controls/objectives</b>	<b>Comment</b>	<b>Compliance</b>
<p><u>4.1 Maximum Number of Storeys</u></p> <ul style="list-style-type: none"> <li>R2 max height of 9m or two storey</li> <li>Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties</li> <li>In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey</li> </ul>	<p>Proposed height is 7.98m.</p> <p>2 storeys only</p> <p>Second Storey rear setback not applicable (corner lot and replacement of existing dwelling)</p>	Yes
<p><u>4.2 Front Setbacks</u></p> <ul style="list-style-type: none"> <li>6m</li> <li>3m - Secondary Street</li> <li>5.5m - Garages</li> </ul>	<p>6.05m primary frontage</p> <p>3.26m secondary frontage</p> <p>5.5m garage</p>	Yes
<p><u>4.3 Side and Rear Setbacks</u></p> <ul style="list-style-type: none"> <li>Wall Setback: 0.9m min</li> <li>Eave Setback: 0.45m</li> <li>Rear Setback 0.9m</li> </ul>	<p><u>Side Setbacks</u></p> <p>South 1.55m (wall) 0.9m (eave)</p>	Yes
<p><u>4.4 Site Coverage</u></p> <ul style="list-style-type: none"> <li>50% of the area of the lot, if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup>.</li> </ul>	<p>Site area = 684.5m<sup>2</sup></p> <p>Site cover = 242.88m<sup>2</sup> (35.8%)</p>	Yes
<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> <li>lot area from 600m<sup>2</sup> to 900m<sup>2</sup> = 120m<sup>2</sup> + 30% of the site area &gt; 600m<sup>2</sup> landscaped area</li> <li>50% behind the building line to the primary road</li> <li>Integrated with drainage design</li> <li>Dual occupancy requires 1.5m min landscape strip within the front setback for the majority of site width (excluding driveway)</li> </ul>	<p><u>120 + 0.3 x 84.5 = 145m<sup>2</sup></u></p> <p><u>Provided = 263m<sup>2</sup></u></p> <p>Corner site – not reasonable to expect 50% behind building line</p> <p>A 1.5m strip has been provided within the front setback.</p>	<p>Yes</p> <p>Acceptable</p> <p>Yes</p>

<p><u>4.6 Private Open Space</u></p> <ul style="list-style-type: none"> <li>• 24m<sup>2</sup> of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.</li> <li>• Not to be located on side boundaries or front yards without variation.</li> </ul>	<p><u>Existing Dwelling:</u> &gt;24m<sup>2</sup></p> <p><u>Proposed Dwelling:</u> 32m<sup>2</sup> (7.3m x 4.4m) provided on first floor deck which is accessed from living area.</p>	<p>Yes</p>
<p><u>4.7 Solar Access Requirements</u></p> <ul style="list-style-type: none"> <li>• Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.</li> <li>• At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.</li> </ul>	<p>Different parts of the adjoining southern lot will be overshadowed throughout the day.</p> <p>The proposal replaces an existing two storey dwelling and the extent of overshadowing is considered acceptable. Private open space areas of adjoining dwelling are only minimally affected</p>	<p>Yes</p>
<p><u>4.8 Building Character and Form</u></p> <ul style="list-style-type: none"> <li>• Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context</li> <li>• New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</li> <li>• All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.</li> <li>• Where garages are proposed on the front elevation they must be articulated from the front façade.</li> </ul>	<p>The proposed design and scale is acceptable given the applicable planning controls, context of the area and surrounding structures.</p>	<p>Yes</p>
<p><u>4.9 Fences</u></p> <ul style="list-style-type: none"> <li>• Fences must be constructed to allow natural flow of stormwater or runoff.</li> <li>• Fences within front and secondary building lines should be mainly constructed of transparent fence materials.</li> <li>• Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height</li> </ul>	<p>NO fencing is proposed.</p>	<p>N/A</p>

<p><u>4.10 Car parking and Access</u></p> <ul style="list-style-type: none"> <li>• 1 space per dwelling with a GFA of less than 125m<sup>2</sup></li> <li>• 2 spaces per dwelling with a GFA of greater than 125m<sup>2</sup></li> <li>• Carports must be setback behind the front building line.</li> <li>• Driveways shall be separated from side boundaries by a minimum of 1m.</li> <li>• Driveways shall have a max cross-over width of 3m.</li> </ul>	<p><u>Existing Dwelling</u> GFA&lt;125 = 1 space proposed</p> <p><u>Proposed Dwelling</u> GFA&gt;125 = 2 spaces proposed</p> <p>All garages to be located behind the front building line.</p> <p>Driveway crossover width 5.5m acceptable for access to double garage.</p>	<p>Yes</p>
<p><u>4.11 Storage Facilities</u></p> <ul style="list-style-type: none"> <li>• 3 bedroom- 10m<sup>3</sup> storage volume to 5m<sup>2</sup> storage area</li> </ul>	<p>Acceptable storage provided</p>	<p>Yes</p>
<p><u>4.12 Site Facilities</u></p> <ul style="list-style-type: none"> <li>• letterboxes in an accessible location</li> <li>• 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</li> </ul>	<p>Site facilities in appropriate location.</p>	<p>Yes</p>
<p><u>4.13 Fire Brigade Servicing</u></p> <ul style="list-style-type: none"> <li>• All dwellings located within 60m of a fire hydrant</li> </ul>	<p>No details of fire hydrant servicing provided, may be conditioned as required.</p>	<p>Yes</p>
<p><u>4.14 Services</u></p> <ul style="list-style-type: none"> <li>• Encourage early consideration of servicing requirements</li> </ul>	<p>Site is already serviced.</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p> <ul style="list-style-type: none"> <li>• Must minimise built intrusions into coastal landscape</li> <li>• Retain views to the ocean from roads and public spaces</li> <li>• Maintain buildings consistent with coastal character</li> </ul>	<p>Impacts on coastline are considered to be negligible.</p>	<p>Yes</p>
<p><u>4.16 View sharing</u></p>		
<ul style="list-style-type: none"> <li>• To protect and enhance view sharing, significant view corridors</li> <li>• A range of view sharing measures to be</li> </ul>	<p>Views through the site will be affected, but to an acceptable degree.</p>	<p>Yes</p>

considered for building design		
<u>4.17. Retaining walls</u>		
<ul style="list-style-type: none"> <li>To ensure well designed retaining walls that are structurally sound</li> </ul>	No significant retaining walls are required.	Yes
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>		
<ul style="list-style-type: none"> <li>A minimum site width of 15 metres is required for a dual occupancy development.</li> <li>Provide sites adequate for buildings, car parking, POS, landscaping</li> <li>Sites must not be significantly constrained by flood, geotechnical or other environmental hazards</li> </ul>	Adequate width provided	Yes
<u>4.22 Additional controls for Dual Occupancies –building character and form</u>		
<ul style="list-style-type: none"> <li>Controls for corner allotments</li> <li>Controls for garages proposed on the front elevation</li> <li>Design compatibility between each dual occupancy in relation to alterations and additions</li> </ul>	The development is acceptable with regard to building character and form.	Yes
<u>4.23 Deep Soil Zone</u>		
<ul style="list-style-type: none"> <li>A minimum of half of the landscaped area must be provided as a deep soil zone. The deep soil zone may be located in any position on the site, subject to this area having a minimum dimension of 3m.</li> <li>The deep soil zone shall be densely planted with trees and shrubs. Where the development is to be strata titled, the deep soil zone may be retained within the common property or allocated to an individual unit entitlement, where such dwelling is directly adjacent.</li> </ul>	<p>Required Landscaped Area = 145m<sup>2</sup>  50% of 145m<sup>2</sup> = 72.5m<sup>2</sup>  Deep Soil zone provided exceeds 72.5m<sup>2</sup></p> <p>Landscape plan indicates appropriate planting of deep soil zone.</p>	Yes

## CHAPTER D1 – Character Statements

The proposal is considered to be consistent with the existing and desired future character for the locality, and will provide a housing choice that is of a density and scale that is appropriate in the context of the zoning and surrounding development.

### **Chapter E3: Car parking, access, servicing/loading facilities and traffic management**

Appropriate car parking is provided and conditions of consent imposed requiring some minor modifications to comply with Australian Standards.

### **Chapter E6: Landscaping**

A landscape plan prepared by Peter Phillips Landscape Architecture has been submitted which satisfies the requirements of Chapter B1 and E6 with regard to landscaping and is considered to be satisfactory.

### **Chapter E7: Waste Management**

Site Waste Minimisation and Management Plan provided

### **Chapter E11 Heritage Conservation**

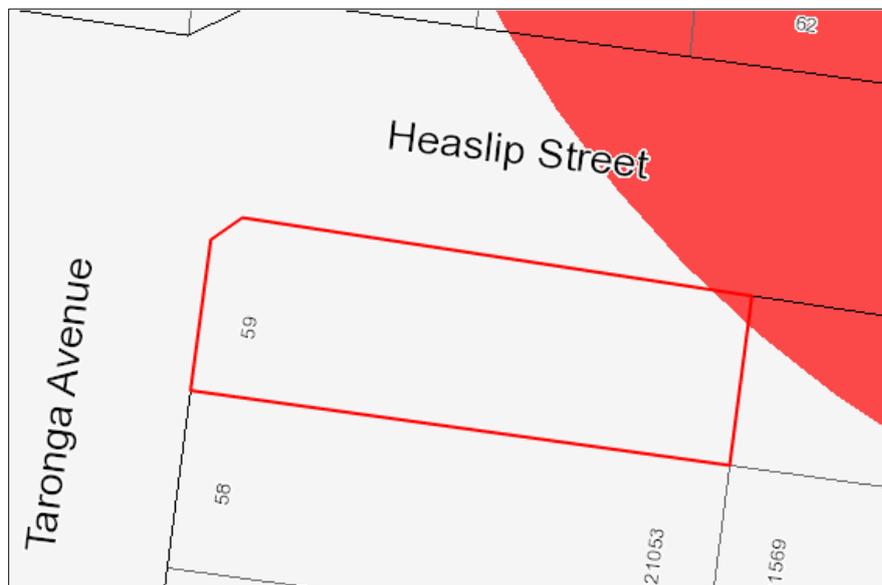
The application was referred to the National Trust and the Illawarra Historical Society who support demolition of the heritage listed dwelling. Council's Heritage officer is also supportive noting that the applicant has been in negotiation with Council in relation to removing the dwelling from the list of Items of Environmental Heritage under WLEP 2009. AS the item is of local significance it can be demolished prior to having its listing removed from the LEP.

### **Chapter E14 Stormwater Management**

A Drainage Plan prepared by MSL Consulting Engineers has been submitted with the application. Council's Stormwater Engineer has assessed the plan and found it to be satisfactory subject to conditions.

### **Chapter E16 Bushfire Management**

The subject site is only marginally affected by Bushfire as indicated in the following map extract.



**Figure 1 - Bushfire Affectation (WLEP 2009)**

Council's bushfire officer has reviewed the Bushfire Report prepared by APZA Services in accordance with the provisions of Planning for Bushfire Protection 2006. He considers that the findings of the report (BAL- Low) are correct and appropriate conditions for maintenance of the whole of the subject site as an Inner Protection Zone. Bushfire provisions are adequately addressed.

### **Chapter E17 Preservation And Management of Trees and Vegetation**

Council's landscape officer has accepted removal of one street tree and following provision of root mapping is satisfied that impact on other trees can be suitably addressed by conditions of consent retained by impositions of suitable conditions of consent.

### **Chapter E19 Earthworks (Land Reshaping Works)**

The proposed development requires minimal excavation and it is considered that the development will have minimal impact on the surface water drainage of the site. It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E19 Earthworks (Land Reshaping Works).

### **Chapter E21 Demolition And Hazardous Building Materials Management**

Demolition of existing dwelling is proposed. Conditions of consent are proposed pertaining to asbestos management.

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

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

## ATTACHMENT 4 – Draft Conditions of Consent

### Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing DA-04-A to DA-06-A and DA-08-A to DA-13-A dated 9 September 2018 prepared by Thunder Design Studio 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 **Heritage - Photographic Recording**

Prior to the commencement of works the existing building is to be documented through a photographic recording prepared in accordance with the NSW Heritage Branch Guidelines. A copy of the recording is to be provided to Council's Heritage Staff for written approval prior to the commencement of works. A copy of the final recording is to be provided to Wollongong.

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

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

#### 4 **Construction Certificate**

A Construction Certificate must be obtained from Council or 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.

#### 5 **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.

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

The Developer shall retain the existing street trees consisting of trees numbered 1, 2 and 4 as numbered within the Aboricultural Impact Report provided by Truth About Trees, submitted to Council on 3 April 2019.

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

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

All recommendations within the Aboricultural Impact Report provided by Truth About Trees, submitted to Council on 3 April 2019., are to be implemented including and not restricted to:

remedial tree pruning, deadwood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered 3, 5, 6, and 7 as indicated on the Aboricultural Impact Report provided by Truth About Trees, submitted to Council on 3 April 2019. No other trees shall be removed without prior written approval of Council.

**7 Street Tree Removal**

The Developer shall remove the existing street tree numbered 3, indicated within the Aboricultural Impact Report provided by Truth About Trees, submitted to Council on 3 April 2019.

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 Council Manager of Development Engineering.

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

**8 Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on construction certificate plans prior to the release of the construction certificate.

**9 Present Plans to Sydney Water**

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

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

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

**10** 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.

**11 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.

**12** 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.

13 **Bushfire Hazard Management- Bushfire Asset Protection Zones**

The site is classified within a bushfire hazard area and hence, the development requires the creation of an Inner Protection Zone for the whole of the site. The Inner Protection Zone shall be maintained in perpetuity.

The proposed strategies/measures for the Inner Protection Zone shall be reflected on the Construction Certificate site plan and supported by appropriate documentation indicating the exact measures to be employed for the zone, prior to the release of the Construction Certificate.

The bushfire mitigation strategies shall be in accordance with the joint NSW Rural Fire Service and Department of Planning, Infrastructure and Natural Resources current edition of "Planning For Bushfire Protection" and any specific requirements of the NSW Rural Fire Service and the findings and recommendations contained in the Bushfire Assessment Report prepared by APZA Services and dated 11 September 2018 (except where amended by any specific requirements of the NSW Rural Fire Service).

14 **Compliance with Findings and Recommendations of the Bushfire Impact Assessment Report**

The findings and recommendations contained in the Bushfire Hazard Assessment Report dated 11 September 2018 prepared by APZA Services shall be implemented and maintained, except where amended by other conditions of this consent.

The bush fire construction requirements for BAL - Low Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' as recommended in the Bushfire Hazard Assessment Report dated 11 September 2018 prepared by APZA Services shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. The required engineering plans and supporting documentation shall include the following:

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal;
- f Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- g The assumed loading used by the engineer for the wall design.
- h Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

16 **Roof Water Connection to Kerb**

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

17 **Property Addressing Policy Compliance**

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

18 **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, being the Stormwater Drainage Plan, Job no. 18193, Drawing no. C02, Revision B, by MSL Consulting Engineers, dated 23 August 2018.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

19 **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 The proposed OSD system must provide the same storage and flow rate outcomes as the existing OSD system for the site in the 5 and 100 year storm events. Details of the existing/proposed volumes (5 and 100yr), contributing catchment area and flow rates (5 and 100 yr) must be clearly shown on construction certificate plans prior to the release of the construction certificate.
- 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-2018/1355 or reference to the previous application that created the original OSD system.
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

**20 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.

- 21** The submission of final revised plans to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final revised construction plans shall address the following requirements:
- a All existing plans and documents relating to the trees shall be amended to use the numbering system provided within the Aboricultural Impact Report provided by Truth About Trees, submitted to WCC on 3 April 2019. This is to ensure consistency across reports and plans, and to ensure that the trees and their requirements for protection are adequately addressed.
  - b The existing OSD pit is to be modified and expanded its current location to meet project requirements. If the new OSD exceeds the old OSD in size, the expansion shall occur

south of the existing OSD, not towards the existing street trees. A note is to be added to the drainage plan "Arborist supervision will be required during demolition and reconstruction of the pit".

- c A note on all relevant plans stating "The demolition of the existing driveway must be done under the direct supervision of an AQF level 5 Arborist". The plans are also to indicate trunk protection in accordance with AS4970 to ensure that no accidental mechanical damage can occur. Tree protection measures will be required for trees 1, 2 and 4, this will include tree protection fencing, ground protection measures and trunk protection.
- d Trees numbered 3, 5, 6 and 7 are to be shown to be removed.
- e Piers for the dwelling adjacent to Tree 1 are to be hand-dug and located away from any significant tree roots. A note shall be shown on the relevant plans and sections to say "Any excavation associated with the subfloor structures must be done under the direct supervision of an AQF level 5 Arborist".
- f The plans are to be amended to remove any strip footings on the north east corner of the dwelling, only pier footings are to be located in this area. The subfloor brickwork denoted BWK on the elevations is to be deleted as this will require strip footings to support the skin of brickwork. If the applicant desires the subfloor to be enclosed, fibre cement sheeting or another suitable light weight material can be utilised.

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

## 22 **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.

23 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.

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

## 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 \$4,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1047587	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

#### Prior to the Commencement of Works

##### 26 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.

##### 27 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.

**28 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.

**29 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.

**30 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.

- 31 **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.
- 32 **Temporary Sediment Fences**  
Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.
- 33 **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.
- 34 **Bushfire – Inner Protection Area in accordance with the Recommendations of the Bushfire Impact Assessment Report**  
As indicated in the Bushfire Hazard Assessment Report dated 11 September 2018 prepared by APZA Services at the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
- 35 **Works in Road Reserve - Minor Works**  
Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.  
  
The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:
- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
  - b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.
- 36 **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.
- 37 **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.

#### **During Demolition, Excavation or Construction**

##### **38 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.

##### **39 Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal 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.

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

Any proposed filling on the site must not:

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

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

##### **42 Provision of Waste Receptacle**

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

##### **43 BASIX**

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

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

44 **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>).

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

The 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.

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

46 **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.

47 **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.

48 **Retaining Wall Certification**

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

49 **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.

50 **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.

51 **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.

52 **Bushfire – Compliance Certificate**

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

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

53 **Maintenance of Inner Protection Area**

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

- There shall be minimal fine fuel at ground level which could be set alight by a bushfire.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
  - no part of the tree overhangs within two (2) metres of any building.
  - the canopy is discontinuous such that tree crowns are separated by a minimum of 10 metres where the APZ adjoins tall open forest, open forest or low open forest.
  - the canopy is discontinuous such that tree crowns are separated by a minimum of five (5) metres where the APZ adjoins woodland or other vegetation type.

- they are smooth barked species or, if rough barked, shall be maintained free of decorticating bark and other ladder fuels (rough barked species are not encouraged).
- a well-watered and maintained vegetable garden may be located within the IPA.
- no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection".
- the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.