

# Wollongong Local Planning Panel Assessment Report | 1 June 2021

<b>WLPP No.</b>	Item 1
<b>DA No.</b>	DA-2020/805
<b>Proposal</b>	Residential - dual occupancy and tree removal
<b>Property</b>	56-64 Asquith Street, AUSTINMER NSW 2515 Lot A DP 369644
<b>Applicant</b>	Mrs Lisa Joan Hughes
<b>Responsible Team</b>	Development Assessment and Certification – City Wide Planning Team (MB)

## ADDENDUM REPORT

This report should be read in conjunction with the Council Assessing Officer's report as presented to Wollongong Local Planning Panel on the 2 March 2021 at Attachment 5.

### 1 BACKGROUND AND EXECUTIVE SUMMARY

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

The proposal was referred to the WLPP for determination pursuant to Part 3 of Schedule 2 of the Local Planning Panels Direction, as the application involved an exception to a development standard at Clause 4.3 of WLEP 2009, contravening the 9 metre height limit requirement by more than 10% (16.5%).

However, the design has been amended and the height limit exceedance is now less than 10% (9.44%). This has been achieved by reducing the ceiling and ridge levels. The proposal is referred back to the Panel for **advice** as Council can consider the height departure under assumed concurrence, however, the matter is returned to the Panel for completeness.

#### Background

This matter was reported to the WLPP meeting on 2 March 2021. A copy of the Panel's deferment and statement of reasons is included at Attachment 1. The Panel determined to defer the development application to allow the applicant an opportunity to address the issues raised by the Panel as follows:

#### REASONS FOR THE DECISION

- The application cannot be finalised (other than by refusal) without the concurrence of the NSW Rural Fire Service. The Panel notes that the RFS issued a request for information on 1 March 2021, which the applicant has received. Accordingly, the deferral is to provide the applicant with an opportunity to respond to the RFS request. The response is to be provided to Council within twenty-one (21) days.*
- Until bushfire matters are resolved to the satisfaction of the RFS, it is unknown whether a redesign will be required and whether this will create additional impacts particularly in relation to biodiversity.*
- The Panel notes that there appear to be some inconsistencies between information shown on the survey plans and on the site and landscape plan, in particular relating*

*to the top of the bank of the watercourse and its relationship to the dwelling footprint.*

- *The Panel is of the view that the submission pursuant to clause 4.6 of WLEP 2009 does not provide sufficient justification to vary the maximum height limit. Should the application proceed, a complete and fully justified written submission in accordance with clause 4.6 should be submitted.*

### **Proposal**

The proposal seeks consent for the construction of a second dwelling to create a dual occupancy and includes the removal of two trees.

### **Permissibility**

Dual Occupancy is permissible in the R2 Low Density Residential zone.

### **Consultation**

The proposal was exhibited twice in accordance with the Community Participation Plan 2019. The first exhibition period resulted in a total of four (4) submissions. Following the WLPP meeting the application was amended to reduce the building height and to provide a supplementary bushfire report, and these plans and documents were re-notified. No further submissions were received following this round of notification.

The original proposal was referred to Council's Geotechnical, Development, Landscape and Environment Officers', with conditionally satisfactory referral advice provided.

The additional information was re-referred to Council's Environment officer who provided satisfactory referral advice in relation to biodiversity/environmental impacts. Details of the additional information were not referred to other internal Council Officers as the reduction in building height and the amended bushfire report did not impact the satisfactory responses received previously.

The original proposal was externally referred to NRAR as Integrated Development pursuant to clause 4.47 (EP&A Act 1979) as development requiring a Controlled Activity approval under the Water Management Act 2000. Satisfactory advice has been provided with GTA's. The amended proposal was not required to be referred to NRAR as the amendments did not impact the satisfactory response received previously.

The application was referred to the NSW Rural Fire Service (RFS) pursuant to Division 4.14 of the Environmental Planning and Assessment Act 1979. A certificate was provided by a qualified consultant, which recommended a performance solution. As such, the application was referred to NSW Rural Fire Service. Unsatisfactory referral advice was received dated 1 March 2021. On the submission of further information by the applicant to the RFS, conditionally satisfactory referral advice was provided 28 April 2021.

For original assessment refer to Council Assessing Officer's report as presented to Wollongong Local Planning Panel on the 2 March 2021 at Attachment 5.

### **Conclusion**

It is the Council's Assessing Officer's view that the applicant has addressed the reasons for deferral. The application contained a detailed submission addressing Clause 4.6 (3) of WLEP2009 'Exceptions to development standards' in relation to Maximum Height, which has been considered and is capable of support.

It is considered the proposed development has been designed appropriately given the constraints and characteristics of the site.

## Recommendation

DA-2020/805 be approved subject to the conditions contained in Attachment 4 of this report.

## 2 APPLICANT'S RESPONSE TO THE WLPP RECOMMENDATIONS

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The applicant has provided amended plans and additional information in response to the matters raised by the Panel including:

- Architectural plans – Elevations, Sections, Survey, height reduced to less than 10%
- Revised Clause 4.6 submission
- Supplementary bushfire report

## 3 COUNCIL'S ASSESSING OFFICER'S COMMENTS

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### Matters Raised by the Panel:

Council's Assessing Officer has reviewed the Panel's recommendations from the 2 March WLPP meeting and the Applicant's response to the issues raised and provides the following comments.

### **REASONS FOR THE DECISION**

- *The application cannot be finalised (other than by refusal) without the concurrence of the NSW Rural Fire Service. The Panel notes that the RFS issued a request for information on 1 March 2021, which the applicant has received. Accordingly, the deferral is to provide the applicant with an opportunity to respond to the RFS request. The response is to be provided to Council within twenty-one (21) days.*

#### Comment:

The response from the Applicant was received within 21 days and uploaded to the Planning Portal for further assessment by the NSW Rural Fire Service. A response was received from the NSW RFS 28 April 2021.

- *Until bushfire matters are resolved to the satisfaction of the RFS, it is unknown whether a redesign will be required and whether this will create additional impacts particularly in relation to biodiversity.*

#### Comment:

Bushfire matters have been resolved to the satisfaction of the RFS and no changes to the building footprint or the design were required. There are no greater impacts to biodiversity than assessed in the first instance.

- *The Panel notes that there appear to be some inconsistencies between information shown on the survey plans and on the site and landscape plan, in particular relating to the top of the bank of the watercourse and its relationship to the dwelling footprint.*

#### Comment:

A Survey - Bank Detail plan has been provided to address inconsistency in information between the survey plan, the site plan and the landscape plan in relation to top of bank and its relationship to the dwelling footprint. There are no changes to the footprint of the building and the advice provided by Council's Development Engineer and NRAR remain relevant.

- *The Panel is of the view that the submission pursuant to clause 4.6 of WLEP 2009 does not provide sufficient justification to vary the maximum height limit. Should the application*

*proceed, a complete and fully justified written submission in accordance with clause 4.6 should be submitted.*

Comment:

The revised clause 4.6 submitted is considered to provide improved justification for the height exceedance – see Attachment 3.

It is the Council's Assessing Officer's view that the applicant has addressed the Panel's reasons for deferral. Any outstanding issues are not considered to warrant refusal of the application and/or would be addressed by conditions of consent.

**Consultation**

Public Notification

The amended proposal was re-exhibited. No submissions were received.

Internal Referrals

The additional information was re-referred to Council's Environment officer who provided satisfactory referral advice in relation to biodiversity impacts.

Details of the additional information were not referred to Council's Development, Landscape or Geotechnical Officers as the reduction in building height and the amended bushfire report did not impact the satisfactory responses received previously.

External Referrals

The amended proposal was not required to be referred to NRAR as the amendments did not impact the satisfactory response received previously.

The application was referred to the NSW Rural Fire Service (RFS) pursuant to Division 4.14 of the Environmental Planning and Assessment Act 1979. A certificate was provided by a qualified consultant, which recommended a performance solution. Unsatisfactory referral advice was received dated 1 March 2021. On the submission of further information by the applicant, the RFS provided conditionally satisfactory referral advice dated 28 April 2021.

**CONCLUSION**

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At the WLPP meeting of 2 March 2021, the Panel determined to defer the development application to allow the applicant an opportunity to address concerns as described in Section 1 of this report.

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

It is therefore considered that the proposed development with WLEP departure of less than 10% is capable of support and is appropriate given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character and amenity of the surrounding area, providing for the orderly development of land in the locality.

## RECOMMENDATION

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DA-2020/805 be approved subject to the conditions contained in Attachment 4 of this report.

## ATTACHMENTS

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- 1 WLPP recommendations from 2 March 2021 meeting
- 2 Amended Plans and Supplementary Bushfire Report dated 14 March 2021
- 3 Applicant's revised Clause 4.6, Council 4.6 evaluation table and DCP compliance table
- 4 Conditions
- 5 Original Council Assessing Officer's WLPP Report as presented to WLPP meeting on 2 March 2021.

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

## DETERMINATION AND STATEMENT OF REASONS

### WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	2 March 2021
<b>PANEL MEMBERS</b>	Robert Montgomery (Chair), Scott Lee, Helena Miller, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 2 March 2021 opened at 5:00pm and closed at 6:07pm.

#### MATTER DETERMINED

DA-2020/805 - Lot A DP 369644, 56-64 Asquith Street, Austinmer (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by one submitter.

The Panel heard from the applicant.

#### PANEL CONSIDERATION AND DECISION

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

The Panel determined to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The application cannot be finalised (other than by refusal) without the concurrence of the NSW Rural Fire Service. The Panel notes that the RFS issued a request for information on 1 March 2021, which the applicant has received. Accordingly, the deferral is to provide the applicant with an opportunity to respond to the RFS request. The response is to be provided to Council within twenty-one (21) days.
- Until bushfire matters are resolved to the satisfaction of the RFS, it is unknown whether a redesign will be required and whether this will create additional impacts particularly in relation to biodiversity.
- The Panel notes that there appear to be some inconsistencies between information shown on the survey plans and on the site and landscape plan, in particular relating to the top of the bank of the watercourse and its relationship to the dwelling footprint.
- The Panel is of the view that the submission pursuant to clause 4.6 of WLEP 2009 does not provide sufficient justification to vary the maximum height limit. Should the application proceed, a complete and fully justified written submission in accordance with clause 4.6 should be submitted.

The application should be referred back to the Panel for determination.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Scott Lee
 Helena Miller	 Tina Christy (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/805
2	PROPOSED DEVELOPMENT	Residential - dual occupancy and tree removal
3	STREET ADDRESS	56-64 Asquith Street, AUSTINMER NSW 2515 Lot A DP 369644
4	APPLICANT	Lisa Joan Hughes
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to Part 3 of Schedule 2 of the Local Planning Panels Direction, as the application involves an exception to a development standard at Clause 4.3 of WLEP 2009, contravening the 9 metre height limit requirement by more than 10% (16.5%).
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>Wollongong Local Environment Plan 2009</li> <li>Wollongong City-Wide Development Contributions Plan 2020 (Section 7.12 of EP&amp;A Act 1979)</li> <li>Wollongong Community Participation Plan 2019</li> <li>Planning for Bush Fire Protection 2019 (PBP 2019)</li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li>Wollongong Development Control Plan 2009</li> </ul> </li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report dated 2 March 2021</li> <li>Written submissions during public exhibition: four</li> <li>Verbal submissions at the public meeting: one</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 2 March 2021. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Robert Montgomery (Chair), Scott Lee, Helena Miller, Tina Christy (Community Representative)</li> <li><u>Council assessment staff</u>: Maria Byrne, John Wood</li> </ul>
9	COUNCIL RECOMMENDATION	Defer
10	DRAFT CONDITIONS	Attached to the council assessment report



# AUSTRALIAN BUSHFIRE CONSULTING SERVICES



0438 668 203



wayne@australianbushfire.com.au



australianbushfire.com.au



ABN 23 622 676 493  
PO Box 212 Berowra Heights 2082

Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

14<sup>th</sup> March 2021  
Ref 19-279

Attn: Maria Byrne

**RE: BUSH FIRE HAZARD ASSESSMENT - ADDITIONAL INFORMATION  
56-64 ASQUITH STREET AUSTINMER NSW - DA 2020/805 (CNR-12299)**

Dear Maria,

I refer to the New South Wales Rural Fire Services (NSW RFS) request for additional information on this project (NSW RFS Ref DA20210216000605-Original-1). The nature of the NSW RFS requested information is to address purported vegetation to the east of the development site and provide more clarity on the management of the allotment to the west, or alternatively demonstrate that the 29 kW/m<sup>2</sup> threshold is not breached to both aspects. The RFS request is as follows:

*Vegetation to the east of the proposed development has been classified as remnant forest with an effective slope of 23.9 degrees downslope. In accordance with Section A1.4 of PBP 2019, slopes in excess of 20 degrees downslope require a detailed performance assessment taking into consideration the flame length. A performance assessment is required demonstrating the APZs required to achieve 29kW/m2 can be accommodated within the property boundaries.*

*Vegetation to the west of the proposed development has been classified as a forest hazard with an effective slope of 0 degrees to upslope. In accordance with Table A1.12.2 of PBP 2019, a 24 metre APZ is required to achieve 29kW/m2. The required APZ extends outside of the property boundary over Lot 27 Sec 1 DP 13284. Further information is requested demonstrating the rear of Lot 27 Sec 1 DP 13284 can be used for the purposes of an APZ for the life of the development.*

The property to the west was inspected and it was found to be managed to a satisfactory standard up to the rear of the existing shed which is at a point 22.5 metres southwest of the proposed new dwelling. At this point the vegetation is on a steep upslope to the south (> 20 degrees) and a steep upslope to the west (approx. 17 degrees or more). The intent of the submitted bushfire assessment assumed this steep area immediately south of the shed was included within the design fire modelling all-inclusive as the "southern" aspect. For clarity, an additional fire model is now provided demonstrating an assessment of the area as a forest hazard from the rear of the shed and extending westward as follows:

Vegetation slope:	17 degrees upslope (fire modelling capped at 10 degrees to accord with the NSW RFS internal policy of upslope fire modelling)
Site slope:	12 degrees upslope
Vegetation type:	NSW Formations: Wet Sclerophyll Forests NSW Classes: North Coast Wet Sclerophyll Forests Plant Community Type: Blackbutt - Turpentine - Bangalay moist open forest on sheltered slopes and gullies, southern Sydney Basin Bioregion

## NSW RFS Comprehensive Vegetation Fuel Loads

22/35.98 t/ha surface/total

FFDI 100

Elevation of receiver: Set at default for worst case scenario

Flame width Design fire modelling assumes a fire from width 50 metres either side of the receiver totaling 100 metres. In this instance the view of a fire front is restricted and offset from the dwelling footprint, however to avoid further debate the assumed fire width of 100 metres has been maintained in the model as compliance with 29 kW/m<sup>2</sup> threshold is achieved regardless of a reduction of fire front width.

Asset Protection Zone: 22.5 metres

Radiant heat impact 19.21 kW/m<sup>2</sup>

Flame length check 12.92 metres check OK

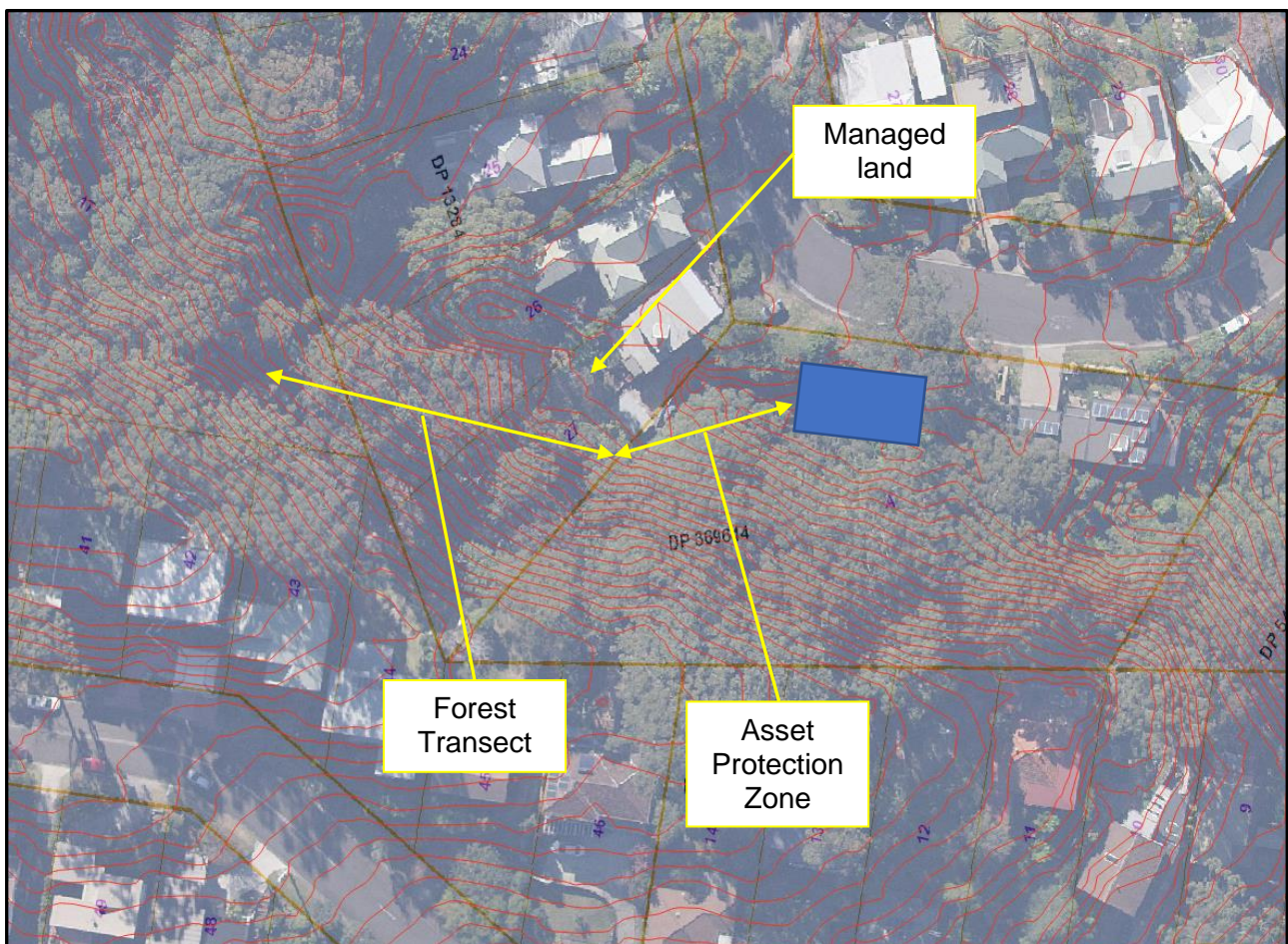
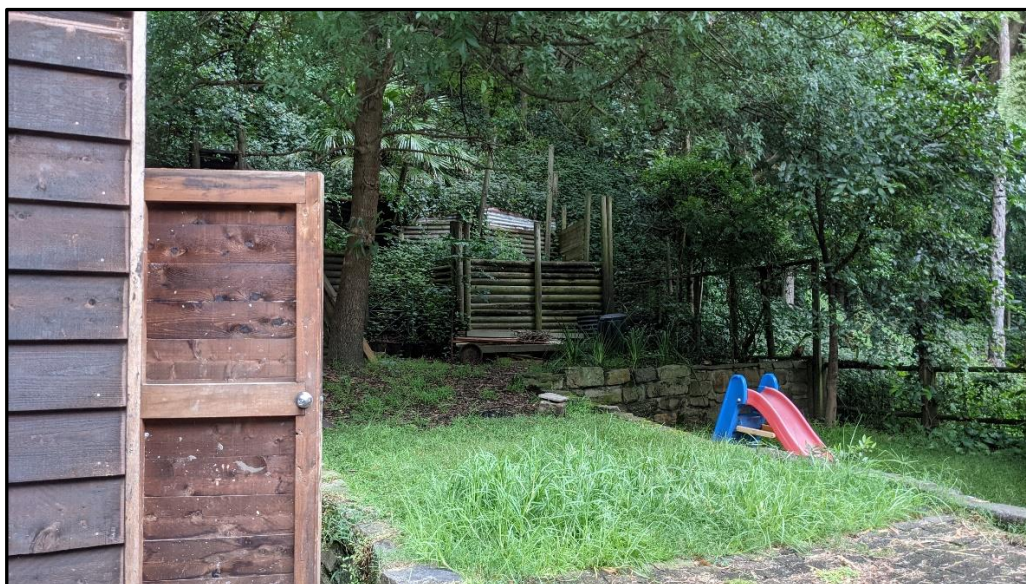


Image 01: Aerial image showing 1 metre contours and forest transect



Photograph 01: View southwest within the western neighboring allotment taken northwest of the shed



Photograph 02: View southeast within the western neighboring allotment taken west of the shed



Photograph 03: View south within the western neighboring allotment taken west of the shed



## NBC Bushfire Attack Assessment Report V4.1

AS3959 (2018) Appendix B - Detailed Method 2

Print Date: 14/03/2021

Assessment Date: 14/03/2021

Site Street Address: 56-64 Asquith Street, Austinmer

Assessor: Please Enter Your Name; Please Enter Company Name

Local Government Area: Wollongong

Alpine Area: No

### Equations Used

Transmissivity: Fuss and Hammins, 2002

Flame Length: RFS PBP, 2001/Vesta/Catchpole

Rate of Fire Spread: Noble et al., 1980

Radiant Heat: Drysdale, 1985; Sullivan et al., 2003; Tan et al., 2005

Peak Elevation of Receiver: Tan et al., 2005

Peak Flame Angle: Tan et al., 2005

Run Description: West

### Vegetation Information

Vegetation Type: North Coast WSF (Shrubby)

Vegetation Group: Wet Sclerophyll Forests (Shrubby)

Vegetation Slope: 10 Degrees

Vegetation Slope Type: Upslope

Surface Fuel Load(t/ha): 22

Overall Fuel Load(t/ha): 35.98

Vegetation Height(m): 1.4

Only Applicable to Shrub/Scrub and Vesta

### Site Information

Site Slope: 12 Degrees

Site Slope Type: Upslope

Elevation of Receiver(m): Default

APZ/Separation(m): 22.5

### Fire Inputs

Veg./Flame Width(m): 100

Flame Temp(K): 1090

### Calculation Parameters

Flame Emissivity: 95

Relative Humidity(%): 25

Heat of Combustion(kJ/kg) 18600

Ambient Temp(K): 308

Moisture Factor: 5

FDI: 100

### Program Outputs

Level of Construction: BAL 29

Peak Elevation of Receiver(m): 10.43

Radiant Heat(kW/m2): 19.21

Flame Angle (degrees): 61

Flame Length(m): 12.92

Maximum View Factor: 0.303

Rate Of Spread (km/h): 1.32

Inner Protection Area(m): 12

Transmissivity: 0.833

Outer Protection Area(m): 11

Fire Intensity(kW/m): 24616

The vegetation to the east was extensively inspected in this review. No bushfire hazard or remnant vegetation with effective fire runs on 23.9 degrees downslope was found during this site specific and targeted review. Indeed, research uncovered that the area to the east is in fact conditioned to be an asset protection zone as part of conditions for development consent for the neighbouring property (66 Asquith Street Austinmer DA-2011/568).

An indicative plan showing approved asset protection zones is included below.

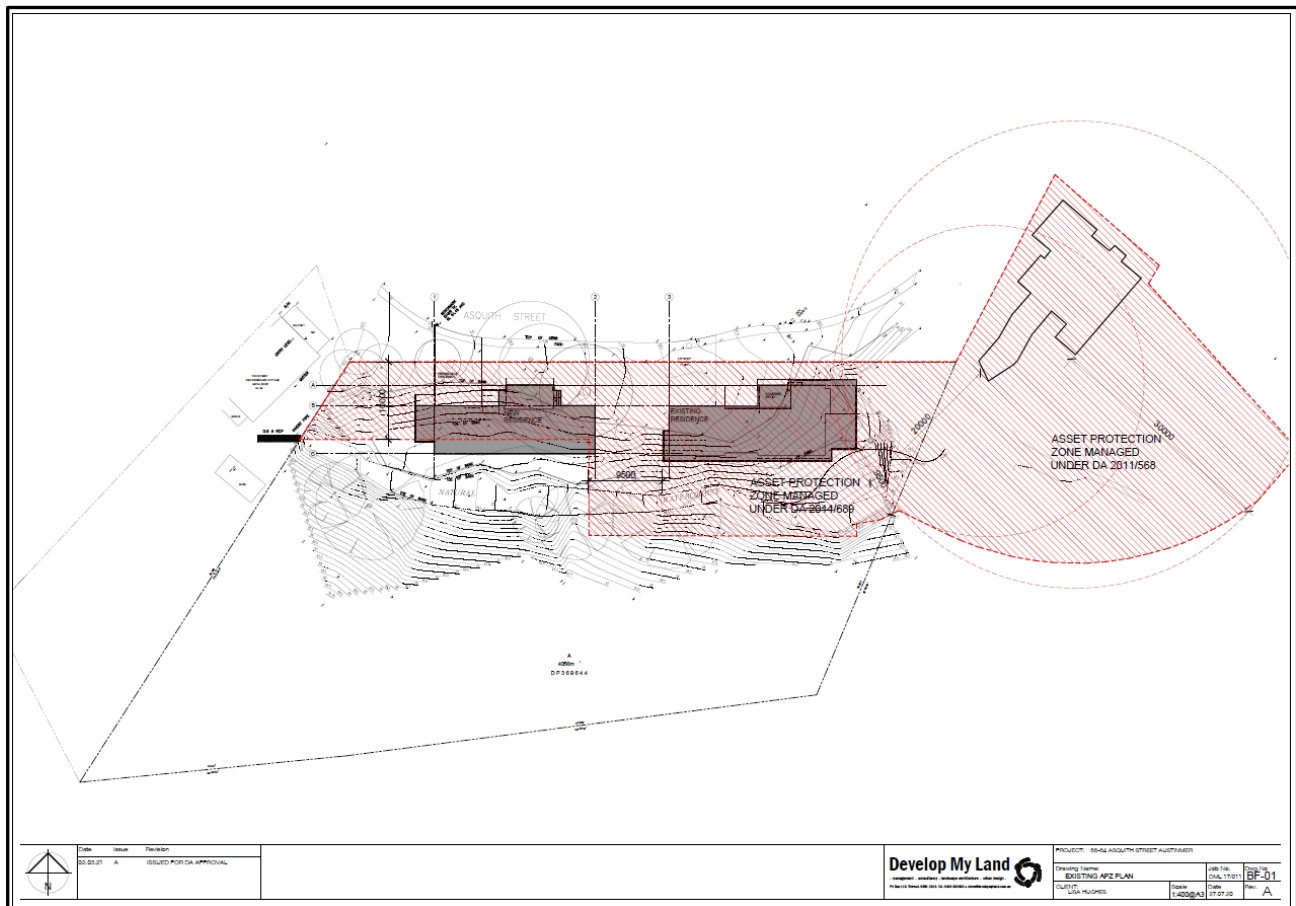
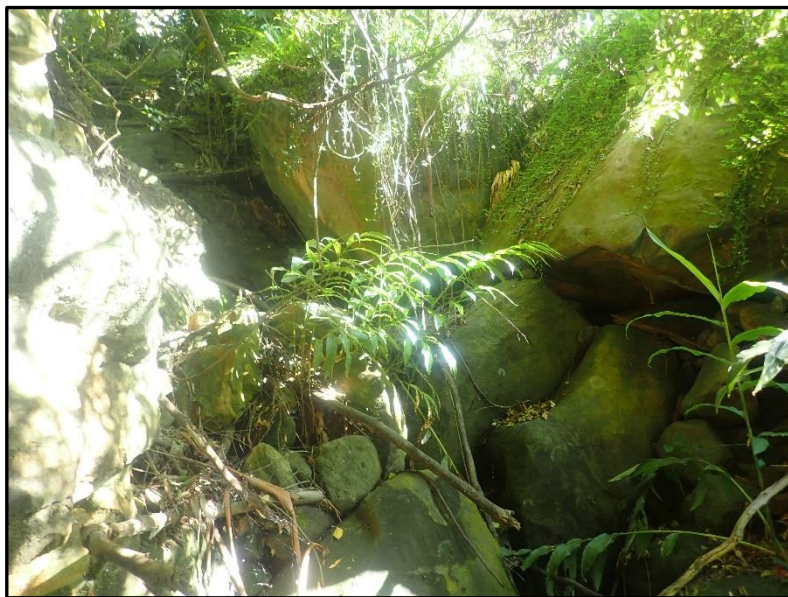


Image 02: Plan showing existing DA conditioned APZs within 66 & 56-64 Asquith Street Austinmer

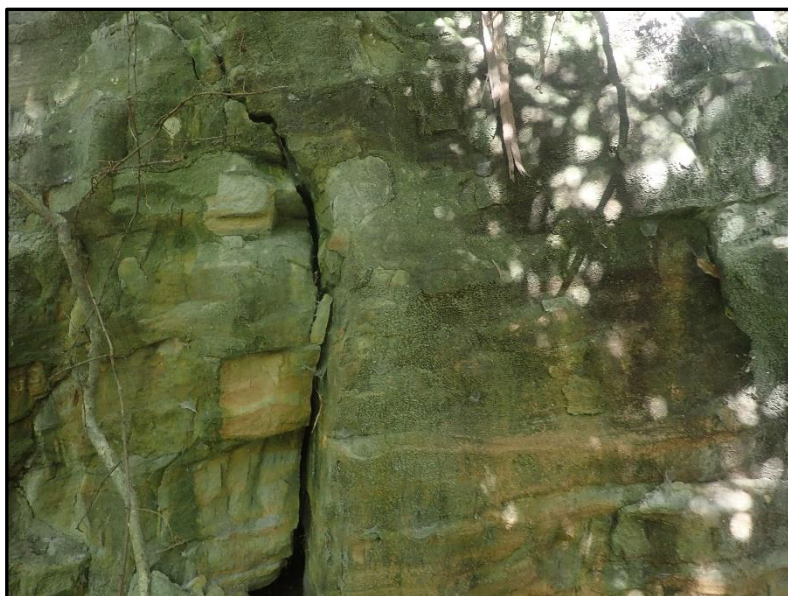
Regardless of consent requirements the area was inspected, and it was discovered that although there was weedy overgrowth in some areas the understorey included a shed, paving, decks and building materials. The steeper area was in fact a rocky outcrop that functions as a sheer drop / waterfall, into Hicks Creek. There were no available ground fuels to burn, the ground fuels consisted of rocks only.

The nearest area of intact remnant vegetation was found to be in a slightly east-southeast direction and is located approx. 50 metres east-southeast from the building footprint. The slope within this area was 4-6 degrees downslope within 66 Asquith Street, increasing to 8-10 degrees downslope further east with 72-74 Asquith Street & 38 Balfour Street. Given the terrain and steep upslopes on the southern side of Hicks Creek any downslope is not considered to be entirely an effective slope and the gradient in a southern direction must be considered in assessing fire behaviour.

Regardless of any further debate on slope, it is noted that there is an available separation distance of approximately 50 metres east of the proposed dwelling to any potential fire path towards the proposed building envelope. Acknowledging the NSW RFS assessment of a "remnant" hazard, even if the slope was considered to be up to 20 degrees downslope, Table A1.12.2 would indicate that the 29 kW/m<sup>2</sup> threshold is not breached to the eastern aspect. I re-iterate no effective slopes of 23.9 degrees downslope as reported within the NSW RFS preliminary assessment were identified. It is not known if the NSW RFS undertook a site specific assessment in providing their review and I am available to meet the NSW RFS onsite to further clarify this. However, it is hoped the following photographic evidence is sufficient for the NSW RFS to finalize their determination.



Photograph 04: View west taken east of the subject site



Photograph 05: View west taken east of the subject site



Photograph 06: View south taken east of the subject site



Photograph 07: View northeast taken east of the subject site



Photograph 08: View southeast taken east of the subject site



Photograph 09: View north taken east of the subject site



Photograph 10: View west towards the subject site taken east of the subject site



Photograph 11: Drone image taken north of the subject site



Photograph 12: View southeast taken east of the subject site



Photograph 13: View north taken east of the subject site

I trust this additional information is sufficient to forward to NSW RFS and enable them to finalise their review in favour of this development application. A site inspection would allay any residual concerns and I make myself available for a site meeting if necessary.

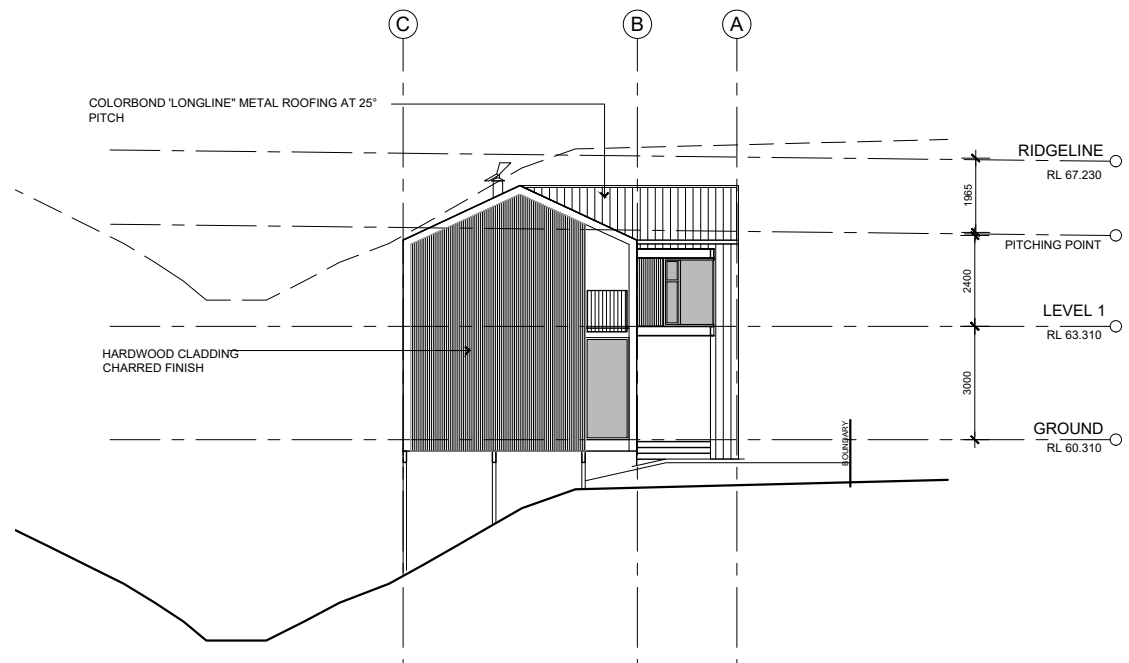
Should you have any additional questions or require further clarification please do not hesitate to contact me.

Australian Bushfire Consulting Services

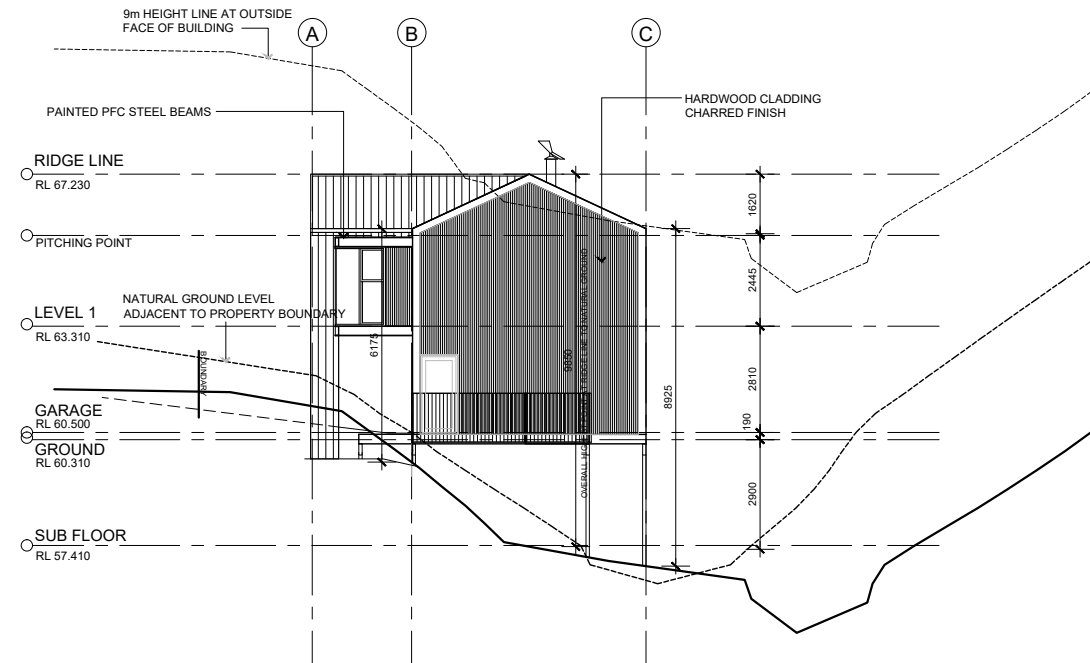


**Wayne Tucker**

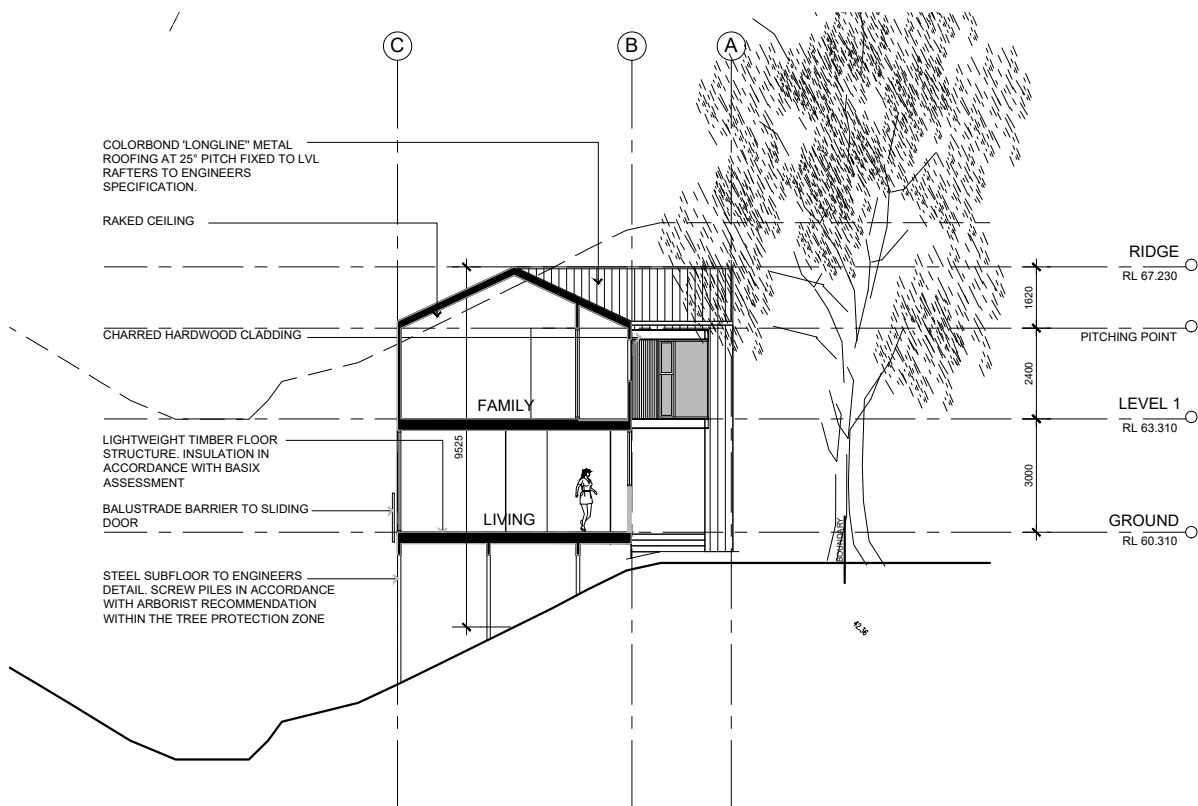
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G. D. Design in Bushfire Prone Areas.  
Certificate IV Fire Technology  
Ass Dip Applied Science  
FPA Australia BPAD Level 3 Accredited Practitioner  
BPAD Accreditation No. BPAD9399



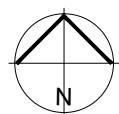
EAST ELEVATION



WEST ELEVATION



SECTION A-A

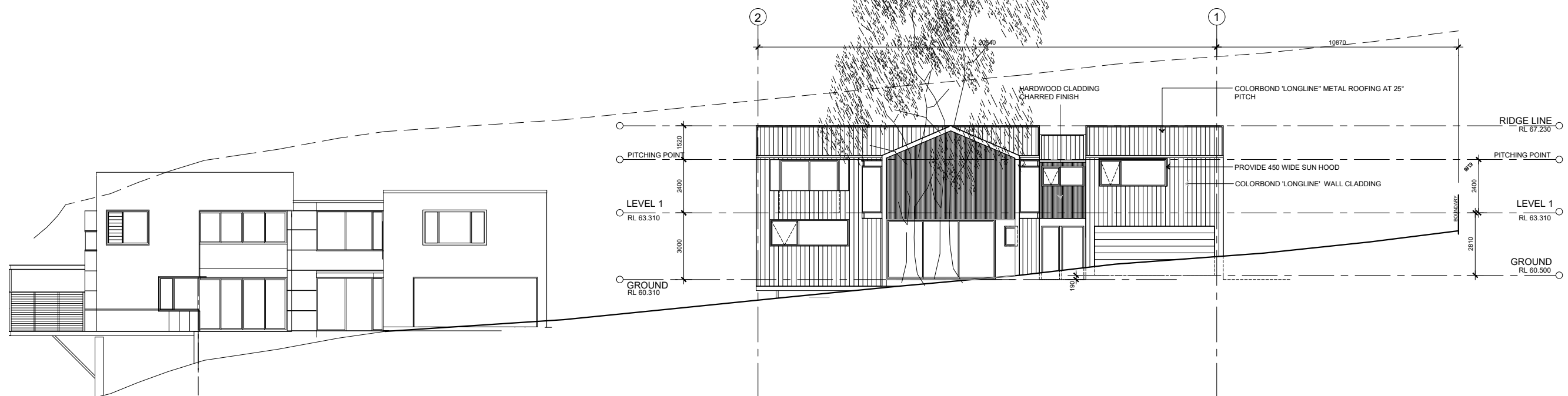


Date	Issue	Revision
27.07.20	A	DEVELOPMENT APPLICATION
07.10.20	B	DEVELOPMENT APPLICATION

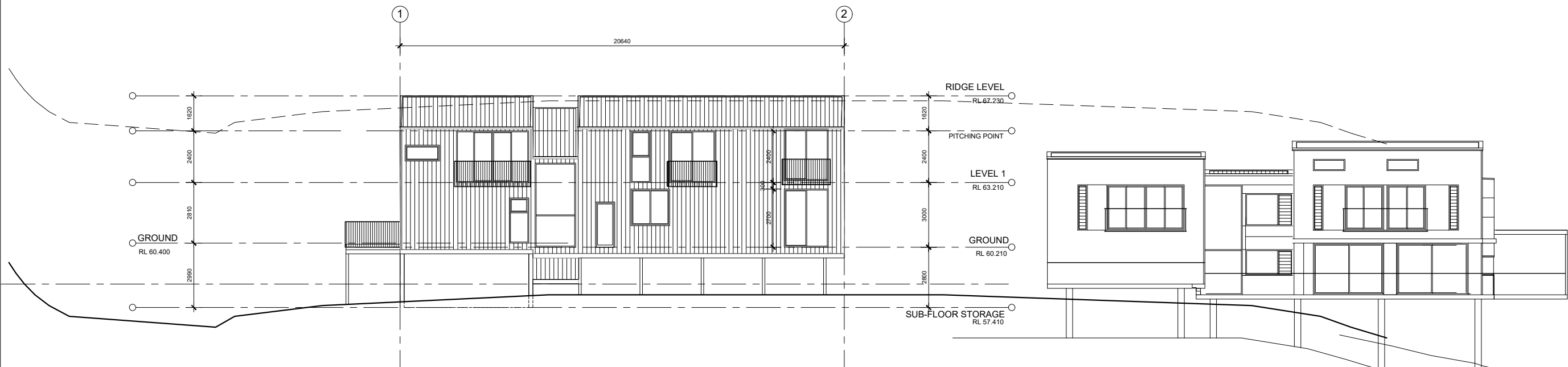
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PO Box 119, Thirroul, NSW, 2515. Tel. 0449 255488 e. [stave@developmyland.com.au](mailto:stave@developmyland.com.au)



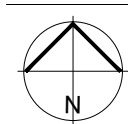
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CLIENT: LISA HUGHES	Scale 1:200@A3	Date 27.07.20	Rev. B



NORTH ELEVATION



SOUTH ELEVATION



Date	Issue	Revision
27.07.20	A	DEVELOPMENT APPLICATION
07.10.20	B	DEVELOPMENT APPLICATION

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 PO Box 119, Thornhill, NSW, 2515. Tel. 0449 255488 e. stave@developmyland.com.au



PROJECT: 56-64 ASQUITH STREET AUSTINMER

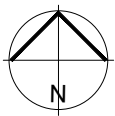
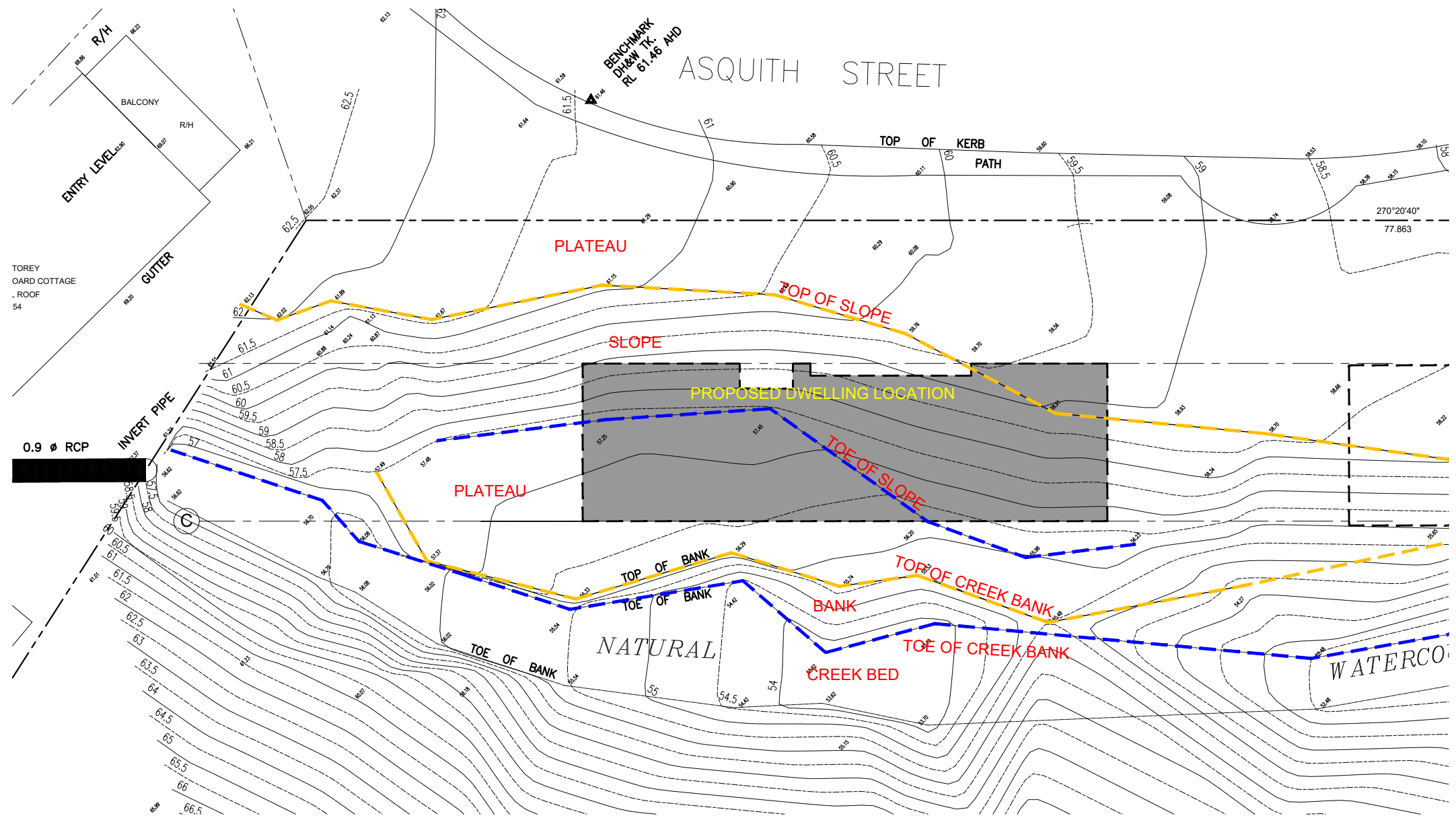
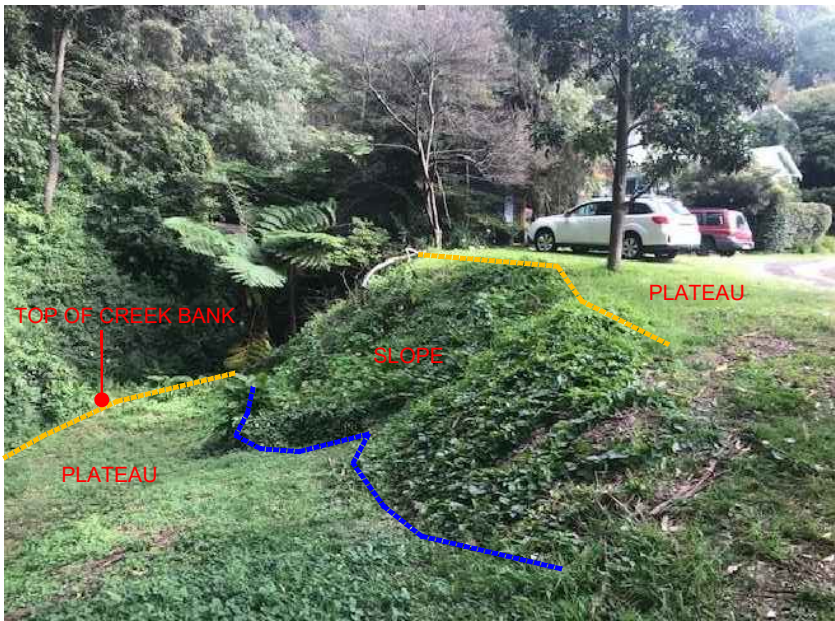
Drawing Name: UNIT 2  
 NORTH & SOUTH ELEVATIONS

CLIENT:  
 LISA HUGHES

Scale  
 1:200@A3

Job No.  
 DML 17/011  
 Date  
 27.07.20

Dwg No  
**A-06**  
 Rev.  
**B**



Date	Issue	Revision
03.05.21	A	ISSUED FOR DEVELOPMENT APPROVAL

**Develop My Land**  
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PO Box 119, Thirroul, NSW, 2515. Tel. 0449 255488 e. stave@developmyland.com.au



PROJECT: 56-64 ASQUITH STREET AUSTINMER		
Drawing Name: BANK DETAIL	Job No. DML 17/011	Dwg No. A-09
CLIENT: LISA HUGHES	Scale 1:200@A3	Date 27.07.20
		Rev. A

## Attachment 3 – WDCP 2009 Assessment

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development. Satisfactory BASIX Certificates were submitted as part of this application.

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b>4.1 Maximum Number of Storeys</b>		
<ul style="list-style-type: none"><li>R2 – maximum 9 metres + 2 storeys</li></ul>	Existing dwelling – Height: 10.5 metres No. of storeys: Two (2)	No but exception to development standard supported under DA-2014/689
	Proposed Dwelling – Height: 9.85 metres No. of storeys: Two (2)	No but exception sought (less than 10%) as outlined at clause 4.6 within the report.
<b>4.2 Front Setbacks</b>		
<ul style="list-style-type: none"><li>Dwellings 6m</li><li>Garages 5.5m</li><li>Lesser if consistent with street character</li></ul>	Existing dwelling has a front building setback of 3m and a garage setback of 5.6m.	No, variation accepted under DA-2014/689
	Proposed dwelling front setback: 3m	No, variation sought.
	A variation is sought and capable of support as discussed in the report at A1.	See Chapter A1 in report.
	Garage setback: 5.6 metres	Yes
<b>4.3 Side and Rear Setbacks</b>		
<ul style="list-style-type: none"><li>900mm to side and rear boundaries</li><li>Windows of habitable rooms and balconies positioned to reduce overlooking</li></ul>	Proposed dwelling - W. side setback: >10m	Yes
	E. side setback to exist dwelling: approx. 9 metres	
	Rear setback: > 8 metres	

#### 4.4 Site coverage

<ul style="list-style-type: none"> <li>40% of the area of the lot, if the lot has an area of at least 900m<sup>2</sup></li> </ul>	<p>Proposed site coverage permitted 40%</p> <p>Site area - 4056 less 286.04 = 3769.96m<sup>2</sup> therefore 7% site coverage</p>	Yes
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#### 4.5 Landscaped Area

<ul style="list-style-type: none"> <li>Lot area greater than 900m<sup>2</sup> - 210m<sup>2</sup> + 40% of the site area &gt; 900m<sup>2</sup> landscaped area.</li> </ul>	<p>The minimum landscaped area required for the site is 1472.4m<sup>2</sup>.</p> <p>An area of approximately 3700m<sup>2</sup> is available for landscaping, which is compliant.</p>	Yes
<ul style="list-style-type: none"> <li>Minimum 50% behind building line</li> </ul>	<p>Minimum 50% is provided behind the front building line</p>	
<ul style="list-style-type: none"> <li>2 semi-mature trees planted on site more than 3m from any structure</li> </ul>	<p>The front setback is appropriately landscaped.</p> <p>Suitable conditions relating to landscaping will be included on the consent as recommended by Council's Landscape Architect.</p>	

#### 4.6 Private Open Space

<ul style="list-style-type: none"> <li>24m<sup>2</sup> per dwelling – 4m x 6m</li> </ul>	<p>An area of POS is provided for the existing dwelling in the form of a deck and a variation to the required size of 24m<sup>2</sup> is sought and capable of support.</p>	No – variation sought See A1 in report
<ul style="list-style-type: none"> <li>Facilities provided outside minimum POS</li> </ul>		
<ul style="list-style-type: none"> <li>Positioned away from side boundaries</li> </ul>	<p>24m<sup>2</sup> POS is provided within the front setback for the proposed dwelling. A variation is sought and can be supported in this instance. There are no structures impeding either POS.</p>	No – variation sought See A1 in report

#### 4.7 Solar Access

<ul style="list-style-type: none"> <li>Windows to living rooms/POS of neighbouring sites to receive at least 3 hours direct sunlight between 9am and 3pm on 21 June</li> </ul>	<p>Shadow diagrams and associated drawings have been submitted which demonstrate required solar access is achieved.</p> <p>The proposed dwelling is designed to provide northerly solar access to living areas.</p>	Yes  Yes
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#### 4.8 Building Character and Form

<ul style="list-style-type: none"> <li>Design responds to surrounding context</li> <li>Appropriate bulk and scale</li> </ul>	<p>The proposed dwelling responds to site constraints, sympathetic with the existing neighbourhood character and of an appropriate bulk and scale. The design of the new dwelling is consistent with contemporary coastal design in the area.</p> <p>The dwelling incorporates a front door that addresses the street. The garage door width is less than 50%.</p>	Yes
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#### 4.9 Fences

<ul style="list-style-type: none"> <li>Dividing fences to 1.8m high</li> <li>Front fence to 1.2 m high and constructed in transparent fence materials</li> </ul>	<p>Front fence of 1.2 metres proposed which is located 1.5 metres from the front boundary to ensure minimal impact on existing trees. Condition imposed in relation to fencing.</p>	Yes
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#### 4.10 Car parking and Access

<ul style="list-style-type: none"> <li>2 parking spaces required per dwelling with GFA more than 125m<sup>2</sup> otherwise 1 space required</li> </ul>	<p>Two (2) parking spaces are required for both dwellings.</p> <p>The existing dwelling contains the required two spaces.</p>	Yes
<ul style="list-style-type: none"> <li>Minimum 5.5m setback from front property boundary</li> </ul>	<p>The proposed dwelling contains two spaces in the form of a compliant double garage.</p>	Yes
<ul style="list-style-type: none"> <li>Driveways shall be separated from side boundaries by a minimum of one metre</li> </ul>	<p>The front garage setback is 5.5m and the driveway separation width is compliant.</p>	Yes
<ul style="list-style-type: none"> <li>Maximum driveway crossover width of 3m</li> </ul>	<p>A variation is sought to the maximum driveway crossover. The variation is capable of support and discussed in the report at A1.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	No – variation sought See A1 in report

#### 4.11 Storage Facilities

<ul style="list-style-type: none"> <li>10m<sup>3</sup> or 5m<sup>2</sup> of storage to be provided</li> </ul>	<p>Appropriately sized storage areas for larger items shown on plans.</p>	Yes
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#### 4.12 Site Facilities

<ul style="list-style-type: none"> <li>Site facilities to be appropriately located</li> </ul>	<p>Site facilities such as clothes lines etc have been shown on the plans in suitable locations. Site facilities condition.</p>	Yes
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#### 4.13 Fire Brigade Servicing

- |   |  |     |
|---|--|-----|
| • All dwellings located within 60m of hydrant | Established neighbourhood with existing fire servicing | Yes |
|---|--|-----|

#### 4.14 Services

- |  |  |     |
|--|--|-----|
| • Ensure residential development can be appropriately serviced | The site is already serviced. A condition will be included on the consent requiring a compliance certificate from Sydney Water to be obtained. | Yes |
|--|--|-----|

#### 4.16 View Sharing

- |   |   |     |
|---|---|-----|
| • To protect and enhance view sharing, significant view corridors | The proposed development will not impact any significant views. | Yes |
|---|---|-----|

#### 4.17 Retaining Walls

- |   |   |     |
|---|---|-----|
| • Maximum retaining wall height of 600mm setback up to 900mm from side or rear boundary | No retaining walls proposed greater than 600mm in height and/or 900mm from a side boundary. | Yes |
|---|---|-----|

#### 4.21 Additional controls for Dual Occupancies minimum site width

- |                           |   |     |
|---------------------------|---|-----|
| • 15m site width required | 4056m <sup>2</sup> site with a site width greater than the required 15 metres | Yes |
|---------------------------|---|-----|

#### 4.22 Additional controls for Dual Occupancies –building character and form

- |  |   |     |
|--|---|-----|
| • Garages on the front elevation must be articulated from the front facade | The garage facing the street is articulated from the front facade | Yes |
|--|---|-----|

#### 4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones

- |   |   |     |
|---|---|-----|
| • Half required landscaped area to be provided as deep soil zone with a minimum dimension of 3m                             | Landscaped area required is 1472.4m <sup>2</sup> . Half is required as DSZ. Therefore, the minimum required deep soil zone for the lot is 736.2m <sup>2</sup> . | Yes |
| • Appropriate dense planting with trees and shrubs  | The lot contains an existing natural treed area, which meets the requirements of this clause. No  |     |
| • No structures, carparks, driveways, hard paving, decks balconies or drying areas are permitted within the deep soil zone. |   |     |

- Deep soil zones to have minimum dimensions of 3m structures are contained within the deep soil zone.



No concern has been raised by Council's Landscape Architect subject to the recommended conditions.

## CHAPTER D1 – CHARACTER STATEMENTS

The proposal is consistent with the existing and desired future character of Austinmer as the proposed development consists of a detached dwelling house to form a dual occupancy, while retaining a low density residential character. The new dwelling is consistent with other contemporary building design in the suburb.

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

### 7 Parking demand and servicing requirements

	<i>Rate</i>	<i>Calculation</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
Car parking	2 spaces per dwelling with a gross floor area of more than 125m <sup>2</sup>	Existing (>125m <sup>2</sup> )	2	2	Yes
		New Dwelling 2 (>125m <sup>2</sup> )	2	2	Yes

The proposal has been assessed against the relevant objectives and controls of this chapter and is considered satisfactory. Council's Development Engineer has reviewed the application and has provided satisfactory referral advice.

## CHAPTER E6: LANDSCAPING

A landscape plan was submitted in accordance with the requirements of this Chapter. The proposal was reviewed by Council's Landscape Officer who provided a satisfactory referral, subject to recommended conditions of consent.

## CHAPTER E7: WASTE MANAGEMENT

It is considered that the proposed development satisfies the objectives of this chapter. Conditions will be imposed on the consent to ensure that Waste Management is carried out to Council's Waste Management specification during construction.

The design is capable of providing suitable waste storage and servicing arrangements for the disposal of ongoing domestic waste behind the front building line, screened from public view.

## CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. No concerns were raised, and conditions recommended.

#### **CHAPTER E13 FLOODPLAIN MANAGEMENT**

Council's Development Engineer has reviewed the application in relation to flood impacts on the site and provided conditionally satisfactory referral advice.

#### **CHAPTER E14 STORMWATER MANAGEMENT**

Council's Development Engineer has reviewed the proposal with respect to the provisions of this chapter and has recommended conditions of consent.

#### **CHAPTER E16 BUSH FIRE MANAGEMENT**

The site is mapped as bushfire affected. An amended bushfire report was provided following unsatisfactory advice from the Rural Fire Service. This advice was forwarded to the Rural Fire Service with an inspection undertaken by the RFS and concurrence for the application was received dated 28 April 2021.

#### **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

An Arboricultural Impact Assessment Report prepared by Allied Tree Consultancy dated June 2020 and the Ecological Constraints and Opportunities Report prepared by Lodge Environmental dated 24 September 2020 have been provided in relation to management and preservation of trees. Council's Landscape and Environment officers' have both visited the site and reviewed the documentation. Two (2) trees will require removal and eleven (11) trees identified in the portion of the site of the proposed dwelling are to be retained. Satisfactory referral advice was received and conditions specifying the trees to be removed, compensatory planting, and tree protection and management provided. Council's Environment officer reviewed the amended bushfire report together with the NSW Rural Fire Service and subsequently provided satisfactory advice.

#### **CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)**

It is considered that the proposed development will have minimal impact on the surface water drainage of the site and satisfies the objectives of this Chapter.

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

Conditions shall be imposed on the consent to minimise the impacts of the proposed works on the environment.

#### **CHAPTER E23: RIPARIAN LAND MANAGEMENT**

The application has been reviewed by Council's Environment Officer in relation to the requirements of this chapter. Conditionally satisfactory referral advice has been received. The application was also referred to NRAR and General terms of Approval have been issued for the development and will form consent conditions.

# DEVELOPMENT APPLICATION FOR DUAL OCCUPANCY RESIDENTIAL DEVELOPMENT

**56-64 ASQUITH STREET AUSTINMER NSW 2515**

## **1.0 INTRODUCTION**

This statement seeks an exemption to a development standard prescribed by the Wollongong *Local Environmental Plan 2009 (LEP)*.

The exception to the Development Standard is sought under Clause 4.6 of the *Wollongong Local Environment Plan 2009*.

***The objectives of this clause are as follows:***

- a. *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b. *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

This statement is provided to justify a variation to **Clause 4.3 – Height of buildings** in accordance with Clause 4.6 of the Wollongong Local Environment Plan 2009 as the application of this requirement is considered unreasonable or unnecessary for this particular development.

## **2.0 DESCRIPTION OF THE DEVELOPMENT**

The development application seeks approval for a dual occupancy development on a parcel of land zoned R2 Low density residential. The proposal seeks to retain the existing house located to the east of the site and construct a new detached residence complementary in design and materials to the west of the existing building. The site area is 4056sqm. The proposal has been designed and sited appropriately to minimise impact on the amenity of neighbouring properties or the existing residence.

Development approval DA2014/689 was determined in September 2014 for the residence located currently on the subject site and nominated in this application as Unit 1. This approval sought a variation to Clause 4.3 Height of Buildings with a maximum building height of 10.5m. This application was assessed by the Independent Hearing and Assessment Panel (IHAP). The variation to Clause 4.3 – Height of Buildings was supported for this application.

## **3.0 VARIATION TO CLAUSE 4.3 HEIGHT OF BUILDINGS**

Subclause 4.3(2) states: *‘The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map’* The height of buildings map for the subject site stipulates a maximum height of 9m.

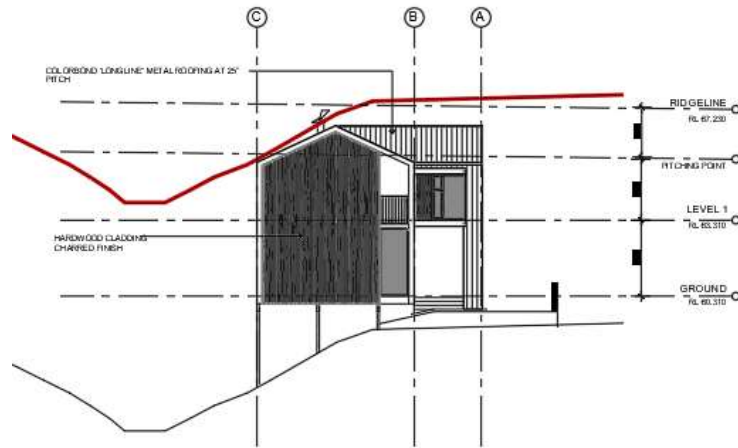
WLEP 2009 defines building height as meaning the *‘vertical distance from ground level (existing) to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like’*.

This proposal seeks a maximum building height measured in metres from natural ground to the highest point in the building of 9.85m this represents a variation of 9.44% as a result of the rear of the house being located on a steeply sloping bank which requires the rear of the building to be elevated on steel posts.

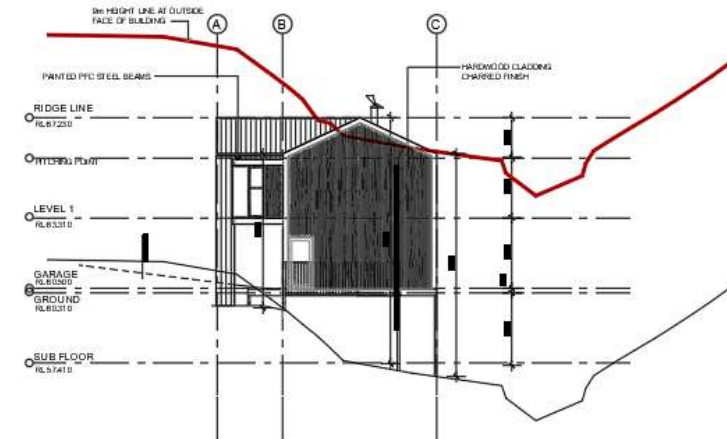
The development standard sought to be varied in this instance is the maximum building height requirement of 9 metres as identified under **Clause 4.3 – Height of Buildings** in the *LEP*. This request is consistent with the variation granted for unit 1 which similarly had to be located on columns due to the terrain.

The site consists of a narrow level bench, varying in width adjoining the street frontage with Asquith Street and then a steep bank sloping to the south to a lower plateau adjoining the watercourse bank located approximately 6m below street level. And on the southern side of the watercourse a steep incline that rises to the rear property boundary approximately 20m above street level. This steep topographic gully causes the 9m height plane to be exceeded as a result of giving a street address of the building to the street at pavement level. The dwelling will appear as a 2-storey dwelling to the street with an effective height of 7.85m at the highest point of ridge to natural ground.

<b>Contravention of Clause 4.3 Building Height – WLEP 2009</b>	
<b>Clause 4.6 Exception development standards to</b>	<b>Response</b>
<p><b><i>The objectives of this clause are as follows:</i></b></p> <p>a. <i>to provide an appropriate degree of flexibility in applying certain development standards to particular development,</i></p> <p>b. <i>to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</i></p>	<p>Flexibility is sought for the application of the maximum allowable height control contained in clause 4.3 of WLEP 2009.</p> <p>The particular circumstances for this are as follows:</p> <ul style="list-style-type: none"> <li>• The site has a topography characterised by a level plateau adjoining Asquith Street and a steep decline southward down to a watercourse located approximately 5.3m below the proposed ground level. The land then steeply inclines from the watercourse towards the southern property boundary some 20 metres higher adjoining properties located on Hill Street. The natural ground level at the rear boundary directly behind the proposed building location is approximately 18.8m above the proposed ridge height of unit 2. This type of terrain prevails west of the railway line in Austinmer particularly in Asquith Street and Hill Street. The relationship between the proposal and the topography of the site is demonstrated in <b>figures 1 -3</b> below. The 9m height plane mapping the terrain is indicated in red.</li> <li>• The height of the building when viewed from Asquith Street measured from proposed ground level to ridge line is 7.69m. The ground level has been located as close as practicable to natural ground and generally is located beneath the level of the street. This is the viewpoint that should be considered when assessing the perceived bulk and scale of the proposal. The house when viewed from the street has a rising tree covered backdrop.</li> <li>• The proposed contravention of the development standard equates to a variation of 9.44% for a small section of the building, however this is of minor significance in the context of the development and the nature of adjoining development. It should be noted that the section requested for variation does not exceed other parts of the building that comply. The variation is a result of the terrain dropping away from the street and the columns required effectively becoming longer to accommodate the undulation in the topography. See Figures 1 – 3 below.</li> </ul>



**Figure 1**  
Eastern elevation demonstrating topography and 9m LEP height maximum line



**Figure 2**  
Western elevation demonstrating topography and 9m LEP height maximum line.



**Figure 3**  
Northern elevation demonstrating the view from the street and 9m LEP height maximum line.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a

written request from the applicant that seeks to justify the contravention of the development standard by demonstrating-	
(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>This table provides the written justification for a development that contravenes the height of buildings development standard.</p> <p>The proposed dwelling has been designed appropriately given the nature and characteristics of the site. The development is considered low scale being two storeys above natural ground and presents a high level of finish to the dominant facades and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.</p> <p>Particular to this proposed development, the variation sought for the proposed building height will not have a significant impact on the visual impact of the proposal when viewed from the streetscape due to the height variation being sought only for the rear of the building which cannot be seen from the street. The section of the dwelling that requires a variation has the same ridge height as the rest of the building which complies.</p>
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<p>There are sufficient planning grounds to justify contravening the building height development standard as it relates to the proposed variation as it meets the following criteria:</p> <ul style="list-style-type: none"> <li>• There will be no unacceptable adverse environmental impacts as a result of the proposed development and the outcome will not result in a negative impact in relation to visual impact, loss of views, loss of privacy or overshadowing of adjoining properties considering both existing and future allowable development.</li> <li>• The proposal is considered to be satisfactory having regard for other provisions of the WLEP2009 and the relevant chapters of WDCP2009</li> <li>• The proposed bulk and scale of this development is considered appropriate for this location and will not detrimentally affect the visual appearance of the area with the location of the variation being sought in this instance being towards the rear.</li> <li>• The area of the dwelling that requires variation does not increase the visual impact of the dwelling when viewed from the street,</li> </ul>
<b>(4)</b> Development consent must not be granted for development that contravenes a development standard unless—	
(a) the consent authority is satisfied that— (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	This variation statement is provided for Councils consideration in support of the justification for varying development standards by subclause (3).
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and  <b>Objectives of Clause 4.3 of the LEP</b>	<p>The proposed exceedance of the overall allowable height of 9m is considered to be in the public interest as it meets the objectives of development standard 4.3 of WLEP 2009 as:</p> <ul style="list-style-type: none"> <li>• The development is consistent with adjoining development including existing development on the subject site and provides consistency in design and urban character</li> <li>• All surrounding buildings continue to maintain views of sky and exposure to sunlight</li> <li>• The development will be of a consistent high standard of design as demonstrated in the existing approved residence and are considered to be appropriate for the setting.</li> </ul>

<ul style="list-style-type: none"> <li>• <i>to establish the maximum height limit in which buildings can be designed and floor space can be achieved,</i></li> <li>• <i>to permit building heights that encourage high quality urban form,</i></li> <li>• <i>to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.</i></li> </ul> <p><b>Objectives of the R2 Low Density Residential Zone</b></p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a low-density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul>	<p>The provision of a high-quality dual occupancy residential development sited on a large parcel of residential land provides for low density residential accommodation in accordance with the objectives of the zone in a sought-after location and established residential area. The siting of the residence has taken into consideration surrounding low density development as well as the specific site constraints and the implementation of the VMP will be a major improvement to the creek line and riparian corridor.</p>
<p>(b) the concurrence of the Planning Secretary has been obtained.</p>	<p>Council will need to consult with the Department of Planning and Infrastructure as to whether the Director Generals concurrence can be assumed in this respect to the variation of a development standard.</p>
<p><b>(5)</b> In deciding whether to grant concurrence, the Planning Secretary must consider—</p>	
<p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and</p>	<p>The contravention of this development standard does not raise any matter of significance for state or regional environmental planning</p>
<p>(b) the public benefit of maintaining the development standard, and</p>	<p>There is no public benefit in strictly maintaining the development standard in this instance as there are no identifiable adverse impacts in allowing the variation in the allowable 9m height limit. The provision of quality housing within areas that are zoned appropriate for low density residential use is in the public benefit. This site is a particularly large land holding and the advantages in regard to vegetation management of the riparian corridor as a result of this development progressing will be a positive public benefit.</p>
<p>(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.</p>	<p>A flat roof has been avoided as experience has shown (from ownership of the existing flat roof dwelling on site) that leaf litter gathers on the roof. The proposed dwelling has a pitched roof to avoid this problem and benefit from better orientation of the proposed solar panels. Otherwise it is considered that there are no other matters for consideration before granting concurrence.</p>

## **5.0 CONCLUSION**

In accordance with the provisions of *Clause 4.6 – Exceptions to Development Standards* of the *LEP*, formal objection is hereby made to the strict compliance with the maximum building height standard for this dual occupancy application. This review of the matters for consideration has demonstrated that under the Clause “...*compliance with the development standard is unreasonable or unnecessary in the circumstances of the case..*”

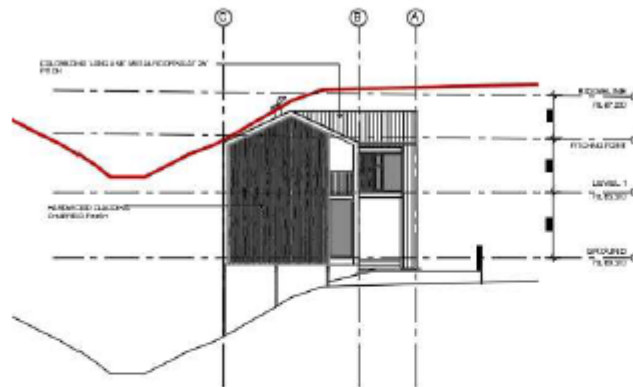
The variation is limited to a small portion to the rear of the proposed building out of public view and unavoidable due to the steeply sloping topography of the site and strict compliance with the numerical building height is unwarranted given these circumstances.

We therefore request that Council support a variation to the 9m height control contained in clause 4.3(2) – Building Height of the WLEP 2009 to allow an overall maximum building height of 9.85m for the proposed dual occupancy development.

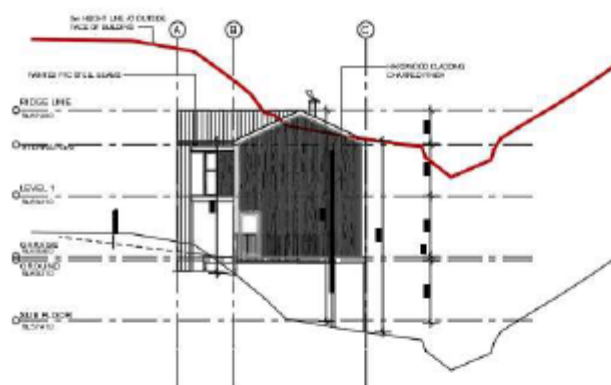
#### Clause 4.6 Exceptions to development standards

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 4.3 of WLEP 2009, the maximum building height permissible for the site is 9 metres. The proposed height of 9.85 metres exceeds the maximum by 0.85metre (9.44%).
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Justification as provided by applicant at <b>Attachment 3</b> .
that there are sufficient environmental planning grounds to justify contravening the development standard.	Justification as provided by applicant at <b>Attachment 3</b> .
4.6 (4) (a) Consent authority is satisfied that:	
the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The particular circumstances for this are as follows:</p> <ul style="list-style-type: none"> <li>• The site has a topography characterised by a level plateau adjoining Asquith Street and a steep decline southward down to a watercourse located approximately 5.3m below the proposed ground level. The land then steeply inclines from the watercourse towards the southern property boundary some 20 metres higher adjoining properties located on Hill Street. The natural ground level at the rear boundary directly behind the proposed building location is approximately 18.8m above the proposed ridge height of unit 2. This type of terrain prevails west of the railway line in Austinmer particularly in Asquith Street and Hill Street. The relationship between the proposal and the topography of the site is demonstrated in figures 1 -3 below. The 9m height plane mapping the terrain is indicated in red.</li> <li>• The height of the building when viewed from Asquith Street measured from proposed ground level to ridge line is 7.69m. The ground level has been located as close as practicable to natural ground and generally is located beneath the level of the street. This is the viewpoint that should be considered when assessing the perceived bulk and scale of the proposal. The house when viewed from the street has a rising tree covered backdrop.</li> </ul>

- The proposed contravention of the development standard equates to a variation of 9.44% for a small section of the building, however this is of minor significance in the context of the development and the nature of adjoining development. It should be noted that the section requested for variation does not exceed other parts of the building that comply. The variation is a result of the terrain dropping away from the street and the columns required effectively becoming longer to accommodate the undulation in the topography. See Figures 1 – 3 below.



**Figure 1**  
Eastern elevation demonstrating topography and 9m LEP height maximum line



**Figure 2**  
Western elevation demonstrating topography and 9m LEP height maximum line.



**Figure 3**  
Northern elevation demonstrating the view from the street and 9m LEP height maximum line.

The proposed dwelling has been designed appropriately given the nature and characteristics of the site. The development is considered low scale being two storeys above natural ground and presents a high level of finish to the

	<p>dominant facades and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.</p> <p>Particular to this proposed development, the variation sought for the proposed building height will not have a significant impact on the visual impact of the proposal when viewed from the streetscape due to the height variation being sought only for the rear of the building which cannot be seen from the street. The section of the dwelling that requires a variation has the same ridge height as the rest of the building which complies.</p> <ul style="list-style-type: none"> <li>• There will be no unacceptable adverse environmental impacts as a result of the proposed development and the outcome will not result in a negative impact in relation to visual impact, loss of views, loss of privacy or overshadowing of adjoining properties considering both existing and future allowable development.</li> <li>• The proposal is considered to be satisfactory having regard for other provisions of the WLEP2009 and the relevant chapters of WDCP2009</li> <li>• The proposed bulk and scale of this development is considered appropriate for this location and will not detrimentally affect the visual appearance of the area with the location of the variation being sought in this instance being towards the rear.</li> <li>• The area of the dwelling that requires variation does not increase the visual impact of the dwelling when viewed from the street</li> </ul>
the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<p>The proposed exceedance of the overall allowable height of 9m is considered to be in the public interest as it meets the objectives of development standard 4.3 of WLEP 2009 as:</p> <ul style="list-style-type: none"> <li>• The development is consistent with adjoining development including existing development on the subject site and provides consistency in design and urban character</li> <li>• All surrounding buildings continue to maintain views of sky and exposure to sunlight</li> <li>• The development will be of a consistent high standard of design as demonstrated in the existing approved residence and are considered to be appropriate for the setting.</li> </ul> <p>The provision of a high-quality dual occupancy residential development sited on a large parcel of residential land provides for low density residential accommodation in accordance with the objectives of the zone in a sought-after location and established residential area. The siting of the residence has taken into consideration surrounding low density development as well as the specific site constraints and the implementation of the VMP will be a major improvement to the creek line and riparian corridor.</p>
the concurrence of the Secretary has been obtained.	Referral to the Department of Planning is not required (Planning Circular PS 18-003 issued 21 February 2018) as the LPP assumes the Secretary's concurrence.

## ATTACHMENT 4

The development proposed is integrated development and approval is required from the approval body listed below:

### **Natural Resources Access Regulator (NRAR)**

General Terms of Approval issued by Natural Resources Access Regulator under the Water Management Act 2000 – Controlled Activity Approval dated 21 January 2021 as attached shall form part of this Integrated Development Consent.

### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No DML 17/011 Drawing A-01-C and A-03-C dated 9 February 2021, A-04-B, A-06-B and A-07-B dated 7 October 2020 and A-02-B dated 1 October 2020 prepared by Develop My Land and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

### **General Matters**

#### **2 Geotechnical**

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 12 November 2013 by AW Geotechnical; any subsequent reports and letters from the consultant and supplementary geotechnical information required to address unanticipated conditions encountered during construction.
- b Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- c Provision is to be made in the construction for relevening should minor differential movements occur within the footings.
- d All stormwater and wastewater are to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.
- e The structural designs for all foundations are to be endorsed by the geotechnical consultant that all known site geotechnical constraints have been accommodated in the designs.
- f All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

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

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

#### **4 Construction Certificate**

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

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

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

#### **5 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. The developer must install minimum two (2 No.) reflective paint house number on face of kerb along street frontage of the property to assist emergency services/ deliveries/ visitors.

6 **Occupation Certificate**

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

The developer shall retain existing trees indicated on Site & Landscape Plan by DML Dwg. No. A-01 Issue A dated 27 July 2020 consisting of tree numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and 13. Total number: eleven (11 No.).

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS 4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's reports Ref. No. D4013 dated June 2020 by Allied Tree Consultancy Authors Geoff Beisler & Warwick Varley and **Resi** Testing by UTM Ref. No. 22135 dated 21 May 2020 to be implemented including and not restricted to: screw piles, excluding footings from SRZs, passive irrigation system for tree 2 and 3 establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall remove existing trees numbered 1 and 4. Total number: two (2 No.) No other trees shall be removed without prior written approval of Council.

8 **Vegetation Management Plan Reporting**

The property owner(s) must submit annual reports on the progress of the implementation of the Vegetation Management Plan (VMP) prepared by Lodge Environmental Pty Ltd dated 18 May 2021 to Council's City Strategy Division until the end of the maintenance period as specified in the VMP. Reports will be due within 14 days of 1 July each year.

**Prior to the Issue 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 PC 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 **Fencing**

The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:

- a any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements; and;
- b comply with the principles in Appendix 5 of Planning for Bush Fire Protection 2006 and Standards for Asset Protection Zones (NSW Rural Fire Service) and consider PBP 2018.
- c fencing to suit character of local area.

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

11 **Landscaping**

The submission of a final Landscape Plan to the PC, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species for the Austinmer area may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
- d any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations; and;
- e the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species.

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

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

- 13 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 PC prior to release of the Construction Certificate.

14 **Compensatory Planting**

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, two (2 No.) 25 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Livistona australis* Cabbage palm tree, or *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

15 **Tree Protection Measures**

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 PC prior to release of the Construction Certificate.
- b Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

The submission of a final Site Plan to the PC indicating required tree protection fencing is required, prior to the release of the Construction Certificate.

16 **Compliance with Findings and Recommendations of the Bushfire Impact Assessment Report and the NSW Rural Fire Service**

The recommendations of the NSW Rural Fire Service letter dated 28 April 2021 as attached to this consent form consent conditions.

The findings and recommendations contained in the Bushfire Hazard Assessment Report Ref 19-279 dated 14 March 2021 prepared by Wayne Tucker Australian Bushfire Consulting shall be implemented and maintained, except where amended by other conditions of this consent.

17 **Bushfire Attack Level (BAL)**

New construction shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS 3959-2018 'Construction of buildings in bush fire-prone areas' and section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bushfire Areas' as appropriate.

The construction requirements for BAL 29 Australian Standard AS 3959-2018 'Construction of buildings in bush fire-prone areas' and section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bushfire Areas' as appropriate shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the PC prior to the issue of the Construction Certificate.

18 **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.

19 **Street Trees**

The developer must address the street frontage by installing street tree planting. The number and species for this development is one (1 No.) *Elaeocarpus reticulatus* Blueberry Ash 200 litre container size, in accordance with AS 2303:2018 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.

20 **Sizing of Drainage**

All roof gutters, downpipes, pits, and pipelines draining roof areas and other impervious surfaces with no deliberate overflow path to the on-site stormwater detention (OSD) facility, shall be designed to cater for a 1 in 100 year ARI storm event in accordance with AS 3500.3 – Plumbing and Drainage (Stormwater Drainage). Details of gutter/downpipe/pipeline sizes and locations shall be reflected on the Construction Certificate plans

21 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the PC 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 Concept Stormwater Plan, Job no. DML 17/011, Drawing no. SW-01, Revision B, by Develop My Land, dated 27 July 2020.

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

## 22 **On-Site Stormwater Detention (OSD) Design**

The developer must provide 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 PC 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 10.2.4 of Chapter E14 of the Wollongong DCP 2009.
- 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 appropriate access to the orifice plate for 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 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.
- 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-2020/805;
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

## 23 **Site Filling**

No wholesale filling of the site within the floodplain is permitted. This requirement shall be reflected on the Construction Certificate plans.

## 24 **Council Footpath Reserve Works – Driveways and Crossings**

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the

existing. The verge from the back of kerb to the boundary must be restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

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

25 **Scour Protection**

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

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

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

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

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

27 **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.

28 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$4,519.07 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1253201	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

#### Prior to the Commencement of Works

#### 29 Appointment of PC

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

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

The PC must determine when inspections and compliance certificates are required.

#### 30 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 PC 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.

31 **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 PC 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.

32 **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.

33 **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 PC, prior to the commencement of any works on the site.

34 **Enclosure of the Site**

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

35 **Temporary Sediment Fences**

Temporary geotextile fabric sediment fences must be correctly installed on the site, prior to the commencement of any excavation or construction works in accordance with "Managing Urban Stormwater: Soils and Construction", 4<sup>th</sup> edition, Landcom, 2004. The temporary sediment fences shall be maintained throughout the entire excavation and construction phases of the development and until the site has become stabilised (includes landscaping).

36 **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.

37 **Tree Protection Implementation**

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

- a installation of Tree Protection Fencing - Protective fencing shall be 1.8 m cyclone chainmesh fence, with posts and portable concrete footings;
- b mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch;
- c irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

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

38 **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.

39 **Bushfire – Inner Protection Area**

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

40 **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.

41 **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.

42 **Tree Protection**

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

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

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

43 **Tree Removal**

Before removing the trees approved for removal under this development consent, the tree removalist must closely inspect the trees for native vertebrate fauna occupation, and if occupied by

native vertebrate fauna, then the tree removalist must contact the NSW Wildlife Information, Rescue and Education Service (WIRES) for advice (phone 1300 094 737).

44 **Sediment Control Measures**

Sediment-laden runoff from the site shall be controlled at all times subsequent to commencement of construction works. Sediment control measures shall be maintained at all times and checked for adequacy at the conclusion of each day's work, and after any rain event of 10mm or more.

**During Demolition, Excavation or Construction**

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

The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has been given approval to be removed in accordance with this consent.

46 **Acid Sulphate 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.

47 **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 PC and Council. No work is permitted on public holidays or Sundays.

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

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

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

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

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

48 **Site Management**

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

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

- 49 Drains, gutters, access ways and roadways must be maintained free of sediment and any other material. Gutters and roadways must be swept/scraped regularly to maintain them in a clean state.
- 50 Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.
- 51 **Excavation/Filling/Retaining Wall Structures**  
Any proposed filling on the site must not:
- a encroach onto the adjoining properties, and
  - b adversely affect the adjoining properties with surface run-off.
- 52 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V.
- 53 **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.
- 54 **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.”
- 55 **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.
- 56 **No Adverse Run-off Impacts on Adjoining Properties**  
The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.  
Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.
- 57 **Fences**  
Any new fences constructed on the site and located in the flood plain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.
- 58 **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.

- 59     **Avoidance of Cruelty and Harm to Fauna**  
During tree removal works, all care shall be taken to avoid cruelty and harm to fauna.
- 60     **Injured Fauna**  
In the event any native fauna are injured during tree removal works, then the NSW Wildlife Information, Rescue and Education Service (WIRES) shall be contacted (telephone 1300 094 737) for assistance.
- 61     **Vegetative Waste**  
Vegetative waste shall be disposed of lawfully.
- 62     **Implementation of the Vegetation Management Plan**  
The Vegetation Management Plan prepared by prepared by Lodge Environmental Pty Ltd dated 18 May 2021 is implemented in full.
- 63     **Site Management**  
Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:
- a         Does not spill onto the road pavement and  
        b         is not placed in drainage lines or watercourses and cannot be washed into these areas.
- 64     Any waste material or construction material accidentally or otherwise spilled, tracked or placed on the road or footpath area during construction without the prior approval of Council's Regulation and Enforcement Division shall be immediately swept up, or immediately removed by "dry" methods. Collected material shall be disposed of in a way that prevents its mobilisation. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.
- 65     Drains, gutters, access ways and roadways must be maintained free of sediment and any other material.
- 66     **Dust Suppression Measures**  
Activities occurring during the excavation and construction phases of the development must be carried out in a manner that will minimise the generation of dust.
- 67     **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.

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

- 68     **Survey Certificate**  
The submission of a Survey Certificate to the Principal Certifying Authority confirming:
- the set out of the boundaries of the site,
  - actual siting of the buildings and
  - siting levels comply with the approved plans and documents
- 69     **BASIX**  
An Occupation Certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The PC 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     **Bushfire Hazard Asset Protection Zone Infill Development**  
An Asset Protection Zone (APZ) must be provided to the subject land with the entire property being maintained as an Inner Protection Area (IPA) which must surround all built assets of the development and must be maintained during construction of the development. The PC must ensure that the performance of the APZ shall not be negated by actions within the immediate curtilage of the buildings prior to the issue of the Occupation Certificate. The IPA must be in

accordance with 'Maintenance of IPA at all times' as defined in 'Operational Phase of the Development'.

71 **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.

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.

73 **Completion of Landscape Works on Council Owned or Controlled Land**

The Developer must complete all landscape works required within Council's road reserve, or other Council owned or controlled land, in accordance with the conditions of this consent. The total cost of all such landscape works shall be fully borne by the Developer and any damage to Council's assets shall be the subject of restoration works sufficient to restore the asset to its previous state and configuration previous to the commencement of works. Evidence that this requirement has been met must be satisfied prior to the issue of the Occupation Certificate.

74 **Arborist Verification – Street Tree Installation**

Prior to the issue of Occupation Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the PC and Wollongong City Council to verify:

- The tree stock complies with AS 2203:2018 Tree Stock for Landscape Use
- The tree pits have been constructed and the trees installed in accordance with the requirements of the Wollongong City Council City Centre Public Domain Technical Manual and arboricultural best practice.

75 **Drainage**

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

76 **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 PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

77 **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 PC for endorsement prior to the issue of the Occupation Certificate and the use of the development.

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

The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the PC is required prior to the issue of the 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.

79 **Implementation of Vegetation Management Plan**

Certification from a suitably qualified and experienced bush regenerator to verify that works to implement at least the establishment phase of the Vegetation Management Plan (VMP) prepared by Lodge Environmental Pty Ltd dated 18 May 2021 have been carried out in accordance with the VMP must be provided to the principal certifier before the issue of the final Occupation Certificate.

80 **Positive Covenant – Vegetation Management Plan**

A positive covenant shall be created under the Conveyancing Act 1919 requiring the property owner(s) to carry out works described in the Vegetation Management Plan prepared by Lodge Environmental Pty Ltd dated 18 May 2021.

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

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

81 **Site Facilities**

Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature. The house number must be displayed in a prominent position and the mailbox installed in accordance with Australia Post Guidelines. Space shall be provided for clothes lines and waste/recycling bins for the both dwellings behind the front building line but outside of the private open space area.

82 **Loading/Unloading Operations/Activities**

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

83 **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. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas;
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:
  - tree canopy cover should be less than 15% at maturity;

- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- the canopy is discontinuous such that tree canopies should be separated by 2 to 5m;
- they are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- no part of a tree shall be closer to a power line than the distances set out in the current edition of “Planning for Bush Fire Protection”.
- the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

84

### **Bushfire – Maintenance of Landscaping**

The landscaping and the site 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. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- 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.
- Climbing species are avoided to walls and pergolas;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2m above the ground;
- Trees are smooth barked species or, if rough barked, shall be maintained free of decorticated bark and other ladder fuels (rough barked species are not encouraged);
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- No part of a tree shall be closer to a power line than the distances set out in the current edition of “Planning for Bush Fire Protection”.
- The use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.



**Natural Resources  
Access Regulator**

Contact: Natural Resources Access Regulator  
Phone: 1800 633 362  
Email: [nrar.enquiries@nrar.nsw.gov.au](mailto:nrar.enquiries@nrar.nsw.gov.au)

Our ref: IDAS1128540  
Your ref: DA-2020/805

21 January 2021

General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Attention: Maria Byrne

Uploaded to the ePlanning Portal

Dear Sir/Madam

**Re: IDAS1128540 - Integrated Development Referral – General Terms of Approval**  
**Dev Ref: DA-2020/805**  
**Description: Proposed Dual Occupancy development including tree removal**  
**Location: 56-64 Asquith Street Austinmer. Lot A DP369644**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

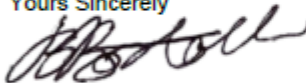
A completed application form must be submitted to NRAR together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:  
<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For

**Alison Collaros**  
**Manager Licensing & Approvals**  
**Water Regulatory Operations**  
**Natural Resources Access Regulator**



## General Terms of Approval

for proposed development requiring approval under s89,  
90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1128540
Issue date of GTA:	21 January 2021
Type of Approval:	Controlled Activity
Location of work/activity:	58-64 Asquith Street Austinmer. Lot A DP369644
Waterfront Land:	Hicks Creek
DA Number:	DA-2020/805
LGA:	Wollongong City Council

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
GT0009	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0002	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA-2020/805 provided by Council to Natural Resources Access Regulator.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.</p>
GT0005	<p>A. The application for a controlled activity approval must include the following plan(s):</p> <ol style="list-style-type: none"><li>1. Final construction plans;</li><li>2. Detailed stormwater outlet design plans;</li><li>3. Erosion and sediment control plans;</li></ol> <p>B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <a href="https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities">https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities</a>.</p>



## NSW RURAL FIRE SERVICE

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Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

Your reference: (CNR-12299) DA-2020/805  
Our reference: DA20210216000605-CL55-1

**ATTENTION:** Maria Byrne

Date: Wednesday 28 April 2021

Dear Sir/Madam,

**Development Application**  
**s4.14 - Infill - Dual Occupancy**  
**56 - 64 ASQUITH ST AUSTINMER NSW 2515, (none)**

I refer to your correspondence dated 12/04/2021 seeking advice regarding bush fire protection for the above Development Application in accordance with Clause 55(1) of the *Environmental Planning and Assessment Regulation 2000*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

### General Conditions

1. The advice provided is in recognition the existing dwelling onsite is subject to Council approval DA-2014/689.

### Asset Protection Zones

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

2. At the commencement of building works, and in perpetuity, the area around the dwelling shall be managed as outlined within section 7.4 and Appendix 4 of *Planning for Bush Fire Protection 2019* and the NSW Rural Fire Service's document *Standards for Asset Protection Zones* as follows:

- East and South East Directions: Inner Protection Area (IPA) for a minimum distance of 30 metres;
- South Direction: IPA for a minimum distance of 7 metres; and,
- West and South West Directions: IPA for a minimum distance of 17 metres or the property boundary (whichever comes first).

**Construction Standards**

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

3. New construction shall comply with section 3 and section 7 (BAL 29) *Australian Standard AS3959-2018 Construction of buildings in bush fire-prone area* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and as amended by section 7.5 of *Planning for Bush Fire Protection 2019*.
4. The existing dwelling is required to be upgraded to improve ember protection, unless already constructed to a relevant standard. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

**Water and Utility Services**

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

5. The provision of water, electricity and gas services to comply with section 7.4 of *Planning for Bush Fire Protection 2019*.

**Landscaping Assessment**

*The intent of measures is for landscaping. To achieve this, the following conditions shall apply:*

6. All landscaping within the site shall comply with the principles of Appendix 4 of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Peter Dowse on 1300 NSW RFS.

Yours sincerely,

Bradley Bourke  
Team Leader, Dev. Assessment & Planning  
Planning and Environment Services