

# Wollongong Local Planning Panel Assessment Report | 17 December 2020

WLPP No.	Item No.1
DA No.	DA-2020/1106
Proposal	Residential – demolition of garage and construction of garage and construction of dwelling house to create detached dual occupancy and Subdivision – Torrens title – two lots
Property	149 Lakeview Parade, Primbee
Applicant	Kate Kerr
Responsible Team	Development Assessment and Certification - City Centre Team (CB)
Development cost	\$400,000
Lodgement date	12 October 2020
Prior WLPP meeting	NA

## ASSESSMENT REPORT AND RECOMMENDATION

### **Executive Summary**

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

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal is captured by Clause 1(c) as the application is for a member of staff who is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.

#### **Proposal**

The proposal is for the demolition of a garage and three (3) outbuildings, the removal of nine (9) small trees and the construction of a dual occupancy development comprising a detached garage, detached single storey dwelling, a boundary retaining wall; and a two (2) lot Torrens title subdivision.

#### **Permissibility**

The site is zoned R2 Low Density Residential pursuant to the Wollongong Local Environmental Plan 2009. The proposal is categorised as a dual occupancy and is permissible in the zone with development consent.

#### **Consultation**

The proposal was notified in accordance with Council's Notification Policy and did not receive any submissions.

#### **Main Issues**

The main issues identified during the assessment process:

- Lot width less than 15 metres (see report below for discussion)
- Reduced garage setback (see report below for discussion)
- Stacked parking for existing dwelling (see report below for discussion)
- Laneway waste disposal (see attachment 4 for discussion)

#### **RECOMMENDATION**

It is recommended that DA-2020/1106 be approved, subject to conditions provided at Attachment 5.

## **1 APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

#### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Coastal Management) 2018
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Koala Habitat Protection) 2019

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan 2009

#### Other policies

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

## **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises the following:

#### Demolition

- Demolition of a single detached garage, and three (3) outbuildings
- Removal of nine (9) small trees

#### Construction

- Construction of new single storey three-bedroom detached dwelling, a single detached garage, hard stand parking space and retaining wall (maximum height 500mm)
- Dwelling construction materials consist of brick and clad walls with sheet metal roofing
- Garage construction materials are clad walls and sheet metal roofing
- Earthworks and landscaping

#### Subdivision

- 2 lot Torrens title subdivision (total site area of 830m<sup>2</sup>) consisting of:
  - Proposed Lot 3651 449.2m<sup>2</sup> in area
  - Proposed Lot 3652 380.8m<sup>2</sup> in area

No changes are required to the existing dwelling.

## **1.3 BACKGROUND**

The table below includes the development approvals that are relevant to the subject property and the current application:

Application Number	Description	Decision	Decision Date
BA-1973/1154	Garage	Approved	25/05/1973

TMO-2020/32	Remove 2 trees	Approved	22/01/2020
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No pre-lodgement meeting was held for the proposal.

#### Customer service actions

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

#### **1.4 SITE DESCRIPTION**

The site is located at 149 Lakeview Parade, Primbee and the title reference are Lot 365 DP 9753. The lot is irregular in shape with an area of 830m<sup>2</sup>. A moderate slope, varying from 12.3m AHD to 1.9m AHD, falls down towards Lakeview Parade. Vehicular access is achieved both from Lakeview Parade and a rear laneway.

The property contains a two-storey detached brick dwelling with a tiled roof, an attached single metal carport, a single detached fibro garage (for rear laneway access), four outbuildings, retaining walls and a single Pebble Crete driveway. Separate entrances provide access to each floor of the existing dwelling. The ground floor contains a bedroom, family room, bathroom and a room labelled as a kitchenette which only contains a bench, fridge, sink and cupboards, no cooking facilities. A condition of consent is recommended to ensure that the existing building remains a Class 1A single dwelling only. Adjoining development consists of single and double storey detached residences.

The site is located about 160 metres from Lake Illawarra and enjoys water views to the lake.

#### Property constraints

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

- Acid sulphate soils: Class 5
- Flooding: The site is identified as being located within a low and medium flood risk precinct.
- Threatened species – Green and Golden Bell Frog. The threatened species has been identified in nearby areas. However, presence of the species is not recorded on this property. Standard conditions recommended in this regard at numbers 55 and 56.
- Coastal Hazard(s): The site is identified as being impacted by coastal geotechnical risk. Council's Geotechnical Officer reviewed the application and did not raise any concerns with regards to geotechnical risk.

There are no restrictions on the title.

#### **1.5 SUBMISSIONS**

The application was notified in accordance with Council's Community Participation Plan 2019 from 21 October to 4 November 2020. No submissions were received following the notification.

#### **1.6 CONSULTATION**

##### **1.6.1 INTERNAL CONSULTATION**

Council's Development Engineer, Geotechnical Engineer and Landscape Officer have reviewed the application and given satisfactory referrals. Conditions of consent are recommended and included in this consent.

##### **1.6.2 EXTERNAL CONSULTATION**

None required.

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

#### **NSW BIODIVERSITY CONSERVATION ACT 2016**

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1 hectare minimum lot size).

Native vegetation is not proposed for removal. Therefore, no further consideration is required.

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

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. Minor earthworks are proposed, and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

#### **2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (KOALA HABITAT PROTECTION) 2019**

The City of Wollongong is identified within Schedule 1 as land to which this Policy applies. Wollongong is located within the South Coast Koala Management Area.

Part of the subject site is mapped as being within the Koala Development Application Mapped area pursuant to the SEPP Maps. Council does not have an approved Koala Plan of Management for the land at the time of preparing this report and as such, clause 9 of the SEPP is required to be considered.

The site and any adjoining land in the same ownership have an area of less than 1ha and therefore the clause does not apply to the subject development.

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

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

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

#### **2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

##### **Part 2 Development controls for coastal management areas**

###### **Division 1 Coastal wetlands and littoral rainforests area**

Not applicable

## **Division 2 Coastal vulnerability area**

Not applicable

## **Division 3 Coastal environment area**

The site is located within the Coastal Environment and Coastal Use area.

Division 3 clause 13 applies to coastal environment areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on vegetation, marine life and water quality, vegetation, Aboriginal heritage and community access. The application proposes alterations to an existing dwelling house. The site is an already highly disturbed area with minimal earthworks proposed to provide new footings and retaining walls. The application is not likely to have any impact on the matters described under clause 1(a) to (e) and (g). In regard to subclause (f), refer to section 1.6.1 above.

The site does not contain or adjoin an aboriginal heritage item. Nor is it in a heritage conservation area. There are no direct impacts in this regard.

## **Division 4 Coastal use area**

Division 4 clause 14 applies to coastal use areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on safe public access, overshadowing, wind funnelling, and loss of views, visual amenity, Aboriginal heritage and cultural and built environment heritage. The development can be managed (via conditions) to avoid an adverse impact referred to in subclause 1, subclause 2 is not applicable.

Coastal access arrangements will be unchanged by the proposal. The proposal will not overshadow the foreshore or the adjoining public open space. No significant wind funnelling impacts are expected. View from public places to the foreshore are not considered to be significantly impacted. With regard to (b) (i), the development is designed to minimise adverse amenity impacts on the surrounding public land. With regard to (c) there will be a minor increase in bulk and scale when viewed from the surrounding public lands and coastal environment.

## **2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

### Clause 1.4 Definitions

**Demolition:** In relation to a building means wholly or partly destroy, dismantle or deface the building.

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

Note— Dual occupancies are a type of residential accommodation—see the definition of that term in this Dictionary.

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

Note—Dual occupancies (detached) are a type of dual occupancy—see the definition of that term in this Dictionary.

**Subdivision of land** for the purposes of the Environmental Planning & Assessment Act 1979, means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be affected:

(a) by conveyance, transfer or partition, or

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

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

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

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

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

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

#### **Permitted with consent**

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

The proposal is categorised as a **dual occupancy** as described above and is permissible in the zone with development consent. Garage construction, demolition and tree removal are ancillary works to facilitate the proposal and consequently are also permissible.

### Clause 2.7 Demolition requires development consent

Demolition of a building or work may only be carried out with development consent. Demolition of existing structures on the land is proposed.

## **Part 4 Principal development standards**

### Clause 4.1 Minimum subdivision lot size

It is noted that Lot 3652, with an area of 380.8m<sup>2</sup>, is less than the minimum lot size specified by the Lot Size Map of 449m<sup>2</sup>. The minimum allotment size for the subdivision of the subject site under Clause 4.1 is 449m<sup>2</sup>. However, Clause 4.1(4C) stipulates that this clause does not apply in relation to the subdivision of land in a residential zone on which there is an “existing” dual occupancy. In *Currey v Sutherland SC & Anor [2003] NSWCA 300*, the Court of Appeal heard a challenge brought to a consent that permitted dual occupancy and, in that case, strata subdivision, where such subdivision was not permitted unless the dual occupancy was first “created”. The Court rejected an argument that the one consent could not deal with both elements in turn. There is no issue with a single development application seeking consent for both dual occupancy and Torrens subdivision, so long as the sequencing via the conditions is appropriately controlled. In relation to the requirement that a dual occupancy development first be “existing”, Council’s approach via conditions is to require the dual occupancy to first receive an occupation certificate before a subdivision certificate can be issued. In order to receive an occupation certificate, the dual occupancy is considered “existing”. This is Council’s consistent approach. The application is satisfactory subject to a consent condition that an Occupation Certificate is issued for the dual occupancy prior to the release of the Subdivision Certificate. This ensures that the dual occupancy is completed prior to subdivision; therefore, the subdivision will be of an “existing” dual occupancy.

### Clause 4.3 Height of buildings

The proposed rear dwelling height of 6.4m and garage height of 4.601m does not exceed the maximum of 9m permitted for the site.

The proposal does not alter the existing front dwelling height.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area: Whole Site: 830 m<sup>2</sup>

Lot 3651 (front): 449.2m<sup>2</sup>

Lot 3652 (rear): 380.8m<sup>2</sup>

GFA: Whole Site:

169.563 (front buildings) + 109.784 (rear buildings) =  
279.347m<sup>2</sup>

Lot 3651:

64.062 (ground floor)+ 101.591 (first floor) + 3.91 (shed) =  
169.563m<sup>2</sup>

Lot 3652:

108.64 (dwelling) + 1.144 (garage minus parking) =  
109.784m<sup>2</sup>

FSR: Whole Site

279.347/830m<sup>2</sup> = 0.337:1

Lot 3651

169.563/449.2m<sup>2</sup> = 0.378:1

Lot 3652

109.784/380.8m<sup>2</sup> = 0.289:1

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

##### Clause 7.1 Public utility infrastructure

The proposal has been assessed against Clause 7.1 of WLEP 2009 and it is considered that the subject site is already serviced by public utilities which can be augmented to service the new proposal.

##### Clause 7.3 Flood planning area

The site is identified as being located within a low and medium flood risk precinct. The proposed works are located wholly outside flood affected land. Council's Development Engineer has assessed the application in this regard and has not raised any objections. No specific flood related conditions were recommended.

##### Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the proposed works do not exceed 5 m below the natural ground surface and the watertable is unlikely to be lowered by more than 1 metre. The standard condition is recommended in this instance.

##### Clause 7.6 Earthworks

Earthworks associated with the proposal are considered minor, reflective of normal residential construction and thus acceptable in this circumstance. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

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

None applicable.

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

### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

#### **CHAPTER A1 – INTRODUCTION**

A full assessment against relevant WDCCP 2009 Chapters can be found in the compliance tables at attachment 4. Variations are discussed below.

#### **8 Variations to development controls in the DCP**

Three (3) variations to the provisions of Chapter B1 of the DCP are proposed in relation to garage front setbacks, driveway separation, and dual occupancy site width. The variation requests are considered justified and are supportable as follows.

##### **Front Setbacks**

The front setback for the rear lot garage is 952mm which is non-compliant with the minimum 5.5m requirement for garages [cl 4.2.2.1c & cl 4.10.2.3]. It is noted that the rear of the current lot will be transformed into the front property boundary for Lot 3652 following subdivision. The garage replaces a previously approved garage (BA-1973/1154) in a similar location, with a current setback of approximately 555mm off the laneway boundary. The laneway is bordered by a number of Lakeview Parade rear garages including No's 131, 133, 135, 137, 139, 141 & 151. The laneway streetscape is characterised by garages with minimal boundary setbacks, high fencing and limited pedestrian usage. Having regard to the above circumstances, the variation is supported in this instance. The variation is not considered to have a considerable impact on the surrounding area, and is generally consistent with the relevant objectives of the control as outlined below:

##### **Chapter B1: 4.1 Side and Rear Setbacks**

- a To reinforce the existing character of the street and locality by acknowledging building setbacks*

The existing laneway streetscape is atypical, dominated by high fencing and detached garages with minimal boundary setbacks as this location is the rear setback for the majority of properties bordering the laneway. For example, the garage boundary setback for No. 137 & 141 Lakeview Parade is a zero lot setback & for neighbouring No. 151 Lakeview Parade the garage boundary setback is 1.5m. In this regard, the proposal is consistent with the surrounding streetscape character.

- b To ensure that buildings are appropriately sited, having regard to site constraints*

The most significant site constraints affecting the property are that it is affected by flooding and coastal geotechnical risk. The garage is located wholly outside the flood affected portion of land and Council's Geotechnical Engineer holds no concerns regarding geotechnical risk. No tree removal is required to facilitate construction.

- c To ensure that building setbacks are representative of the character of the area*

It is considered that the reduced front setback of the rear lot garage, in combination with the new hard stand parking space, is generally consistent and representative of the character of the streetscape.

- d To provide for compatibility in front setbacks to provide unity of the front building line*

Please refer to comments addressing objective a. The variable laneway street setbacks include a significant number of properties with non-compliant boundary

setbacks which ensures that the proposed garage front setback is generally compatible with the front building line of the laneway

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

Visual amenity to neighbouring residences is consistent with the streetscape, will not adversely impact upon view corridors and the new garage will provide an updated design reflecting a contemporary coastal style.

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

The rear lot dwelling requires the provision of one (1) parking space in accordance with DCP requirements. The design exceeds minimum requirements with two parking spaces in total; one garage parking space and one adjacent hard stand space. The application was accompanied with swept path diagrams demonstrating that vehicles are capable of safely manoeuvring into both parking spaces in accordance with AS2890.

#### Car Parking and Access

The driveway separation of 950mm between the southern side boundary and garage is marginally non-compliant with the minimum required setback of 1 metre (cl 4.10.2.9). This is a minor non-compliance which is not considered to have a considerable impact on the surrounding area, and is generally consistent with the relevant objectives of the control as outlined below:

#### **Chapter B1: 4.10 Car Parking Access**

- a *To provide car parking for residents*

Refer to f above.

- b *To ensure that there is adequate provision for vehicular access and manoeuvring*

See comments for objective a.

- c *To minimise the impact of garages upon the streetscape*

The proposed garage is a single garage located near a laneway that is characterised by garages with minimal boundary setbacks, high fencing and limited pedestrian usage. It is considered that the amenity impacts posed by the design is acceptable in this instance.

#### Additional Controls for Dual Occupancies Minimum Site Width

Narrower along the existing rear boundary, 149 Lakeview Parade, Primbee has a minimum site width of 13.211m. Clause 4.21 requires a minimum 15m width for dual occupancies. The site is irregular in shape with direct street frontage to the front and rear of the lot which widens towards the Lakeview Parade frontage. The width of Lot 3652 in the vicinity of the proposed front building line is about 13.947m which widens to 15.696m at the rear of the new lot to comply with site width provisions. It is considered that the narrow laneway entrance will not obstruct the function of the street including movement, parking, residential amenity, public utility provision and landscaping.

Having regard to the above circumstances, the variation is supported in this instance. The variation is not considered to have a considerable impact on the surrounding area, and is generally consistent with the relevant objectives of the control as outlined below:

#### **Chapter B1: 4.21 Additional Controls for Dual Occupancies - Minimum Site Width**

- a *To permit dual occupancy developments upon sites which are of sufficient size to accommodate the required building envelope, car parking, private open space,*

*landscaping and other requirements, whilst maintaining the amenity of surrounding residential development and the streetscape character of the locality*

The narrow lot width does not unreasonably restrict development as direct vehicular access to the rear lot is achievable via the rear laneway as opposed to a battle-axe handle. Block width expands to 18.435m along Lakeview Parade for this irregular shaped block. The design demonstrates that it is capable of compliance with privacy, solar access, private open space, visual amenity, built form, car parking and landscaping requirements. The proposed subdivision complies with the lot width and depth requirements described in Chapter B2- Residential Subdivision of the DCP.

Additionally, it is considered that the dual occupancy is generally consistent with surrounding residential development in the area.

- b To allow for development sites only where the lands is not significantly constrained by flood, geotechnical or other environmental hazards*

The site is identified as being affected by flooding and coastal geotechnical risk. The application was reviewed by Council's Development and geotechnical engineers who raised no concerns.

### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is \$400,000 and a levy of 1% is applicable under this plan as the threshold value is \$100,000. A search of the 1977/78 aerial maps database confirms that there were houses on the subject properties at this time. Therefore, the 2016 Ministerial Direction regarding Section 94 development contributions does not apply.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- No submissions were received following notification.

- Internal referrals are satisfactory subject to appropriate conditions of consent

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

### Does the proposal fit in the locality?

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

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

The proposal was notified in accordance with Council's Notification Policy and did not receive any submissions.

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

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

## **3 CONCLUSION**

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

The site is zoned R2 Low Density Residential where dual occupancies are a permitted land use with development consent pursuant to the WLEP 2009.

The proposed development aligns with the objectives of the zone and the design of the development is appropriate regarding the controls outlined in these instruments. Three WDCP variations relating to the garage front setback, driveway separation, and dual occupancy lot width are supported in this instance.

Referrals are all satisfactory and no submissions were received.

Overall, it is considered that the proposed development is appropriately designed given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to appropriate conditions of consent at attachment 5.

## **5 ATTACHMENTS**

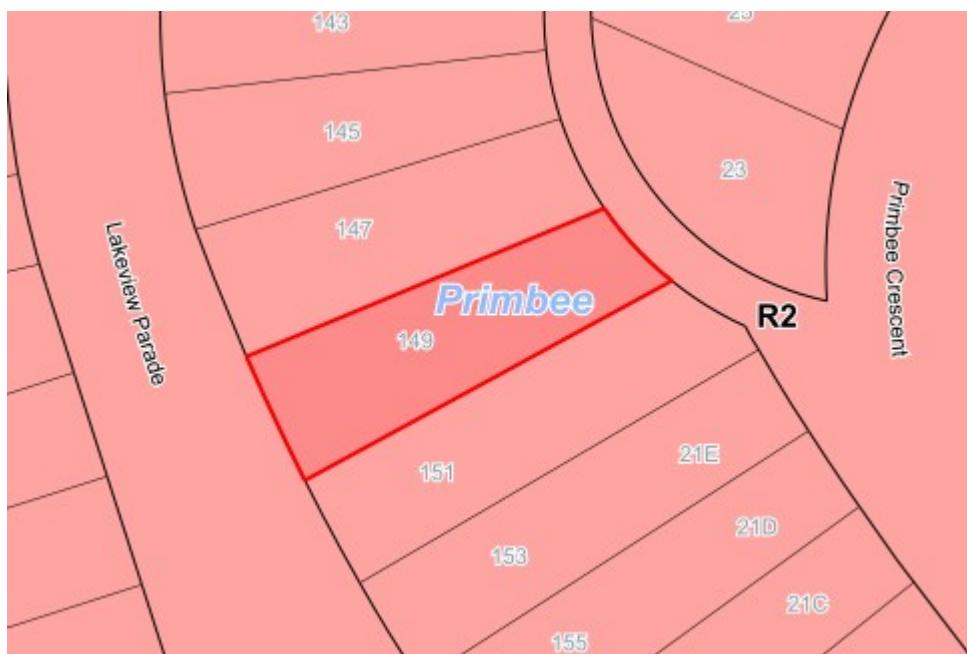
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- 1 Aerial photograph
- 2 Zoning Map
- 3 Plans
- 4 WDCP Assessment
- 5 Draft conditions of consent

**Attachment 1 – Aerial Photograph Map**



**Attachment 2 – Zoning Map**

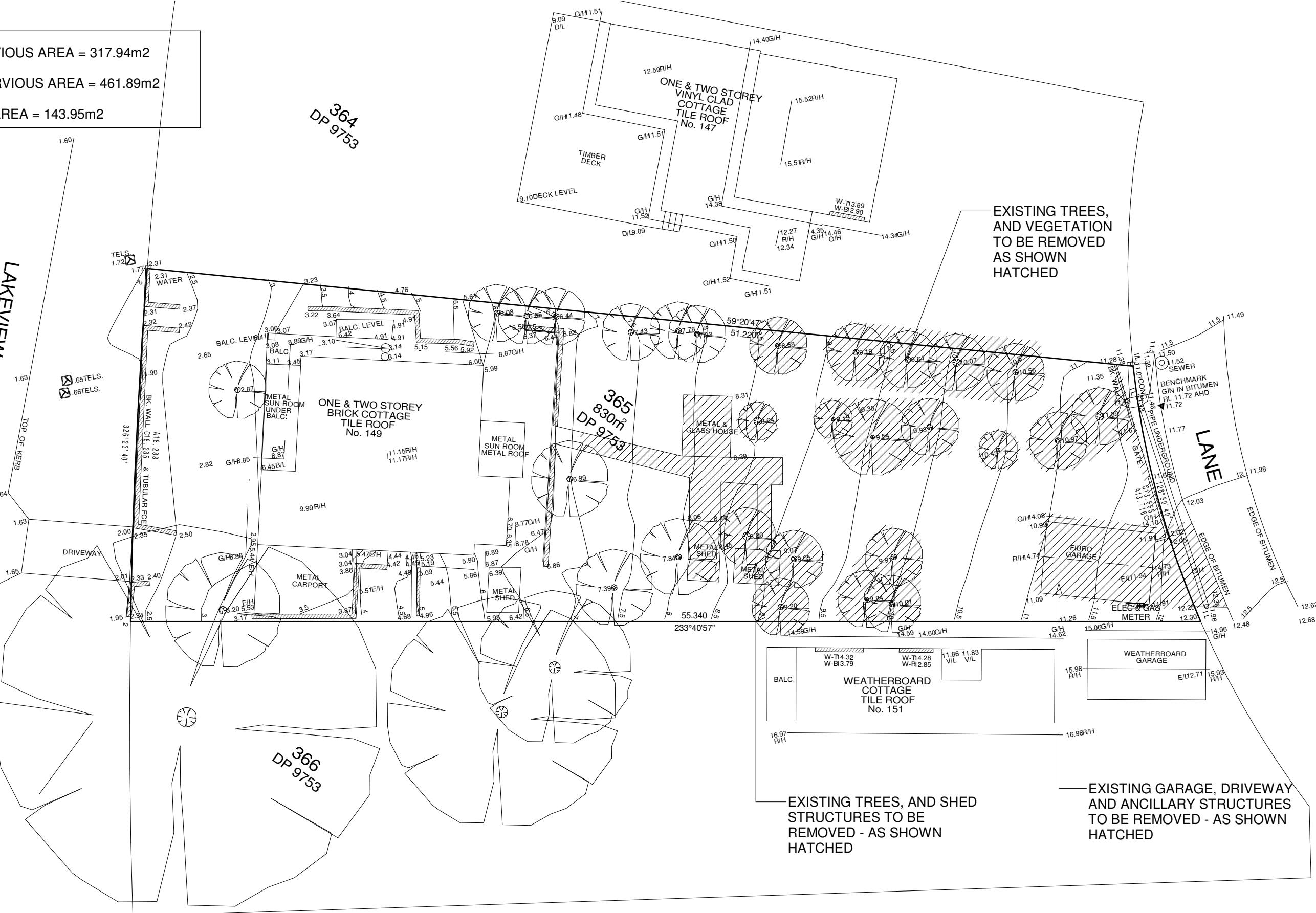


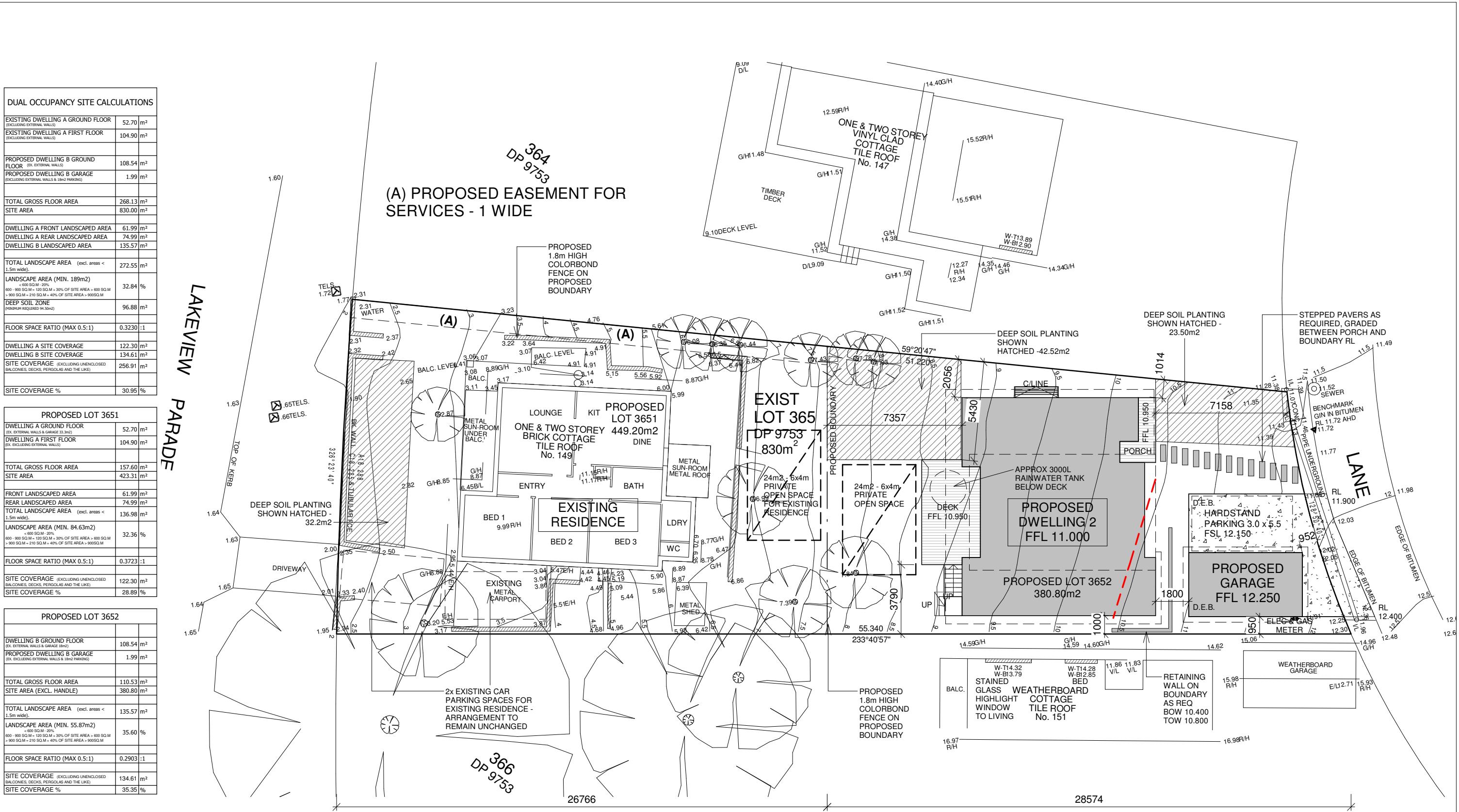
PRE DEVELOPMENT IMPERVIOUS AREA = 317.94m<sup>2</sup>  
 POST-DEVELOPMENT IMPERVIOUS AREA = 461.89m<sup>2</sup>  
 INCREASE IN IMPERVIOUS AREA = 143.95m<sup>2</sup>

364  
DP 9753

▲1.68  
BENCHMARK  
DH IN TOK.  
RL 1.68 AHD

LAKEVIEW PARADE



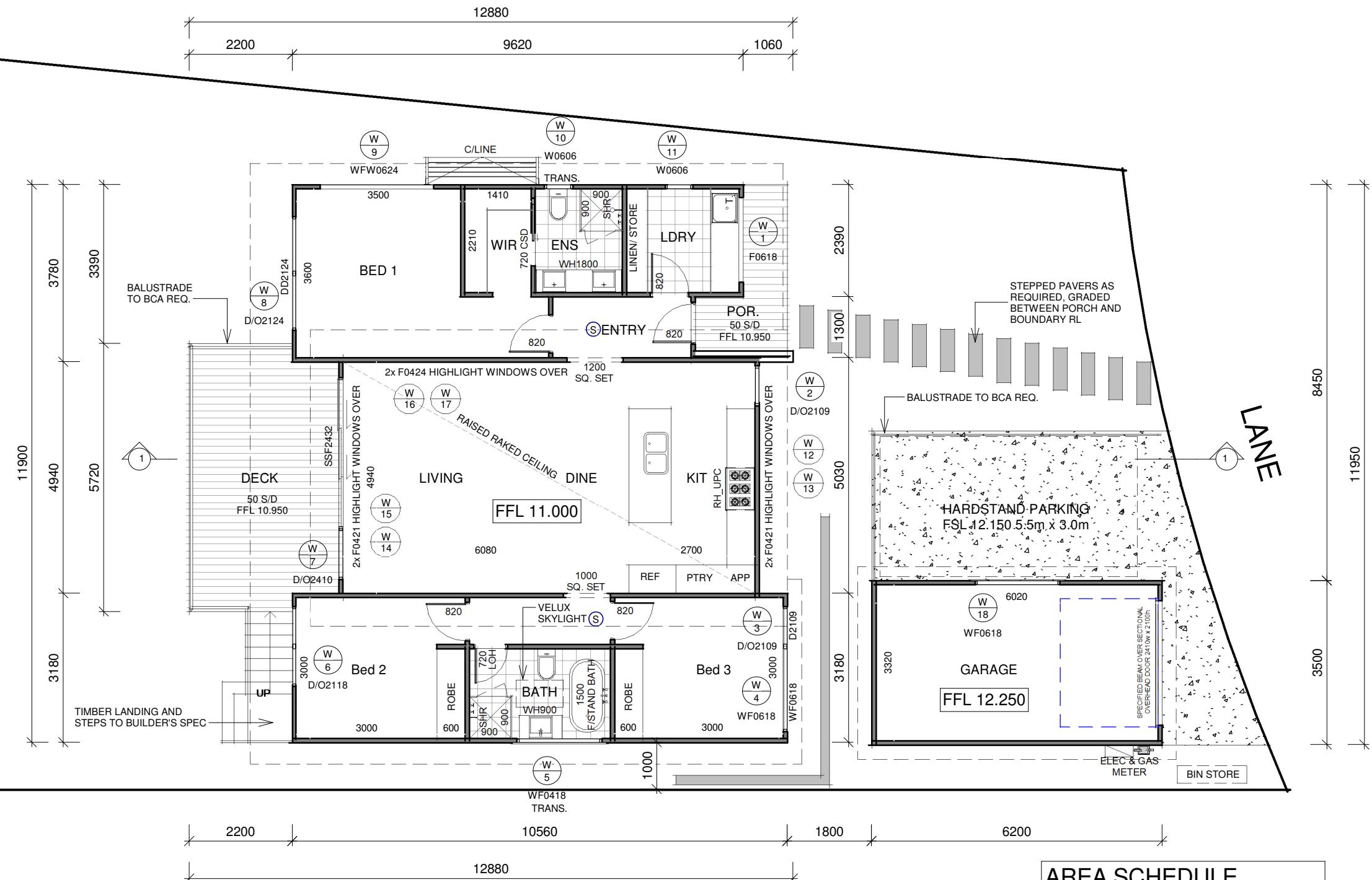


## **GENERAL NOTES**

- ALL CONSTRUCTION TO CONFORM TO B.C.A AND AUSTRALIAN STANDARDS.
  - WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED.
  - LOCATION OF SERVICES ARE APPROXIMATE ONLY, AND SUBJECT TO SITE CONDITIONS AS DETERMINED BY BUILDER.

 SMOKE ALARM  
 EXHAUST FAN  
 LOH LIFT OFF HINGES

<b>BASIX COMMITMENTS</b>	
<b>PROJECT TYPE</b>	
PROJECT TYPE	MULTI-DWELLING HOUSE
<b>NO. BEDROOMS</b>	
	3
<b>SITE DETAILS</b>	
SITE AREA (m <sup>2</sup> )	830
ROOF AREA (m <sup>2</sup> )	117.6
TOTAL AREA OF GRASS LAWN (m <sup>2</sup> )	150
<b>WATER COMMITMENTS</b>	
<b>FIXTURES</b>	
SHOWER HEADS MIN. RATING	4 STAR
TOILET FLUSHING MIN. RATING	4 STAR
KITCHEN TAPS MIN. RATING	4 STAR
BASIN TAPS MIN. RATING	4 STAR
<b>ALTERNATE WATER</b>	
HOT WATER RETICULATION AS PER BASIX	
RAINWATER TANK MIN. SIZE	2000 LITRES
RUNOFF COLLECTION (m <sup>2</sup> )	100
CONNECTED TO W.M. TAP	YES
CONNECTED TO W.C.'S	YES
CONNECTED TO GARDEN TAP	YES
<b>THERMAL COMFORT COMMITMENTS</b>	
AS PER THERMAL ASSESSMENT	
<b>ENERGY COMMITMENTS</b>	
<b>HOT WATER</b>	
GAS INSTANTANEOUS	6 STAR
<b>COOLING SYSTEM</b>	
NO ACTIVE HEATING OR COOLING SYSTEM	
<b>HEATING SYSTEM</b>	
NO ACTIVE HEATING OR COOLING SYSTEM	
<b>VENTILATION</b>	
EXHAUST FANS TO BE INSTALLED;	
AT LEAST ONE BATHROOM	INDIVIDUAL FAN, NOT DUCTED
KITCHEN	INDIVIDUAL FAN, NOT DUCTED
L'DRY	NATURAL VENTILATION ONLY
<b>ARTIFICIAL LIGHTING</b>	
DEDICATED LED OR FLOURO LIGHTS TO;	
AT LEAST 3 BEDROOMS , 2 LIVING AREAS/ DINING ROOMS,	
THE KITCHEN AND HALLWAYS, LAUNDRY, BATH/WCS	
<b>NATURAL LIGHT</b>	
WINDOWS AND / OR SKYLIGHT TO;	
THE KITCHEN	
2 BATHROOMS / TOILETS	
<b>ALTERNATE ENERGY</b>	
NIL	
<b>OTHER</b>	
GAS COOKTOP / ELECTRIC OVEN	
FIXED OUTDOOR CLOTHES LINE	



# GROUND FLOOR

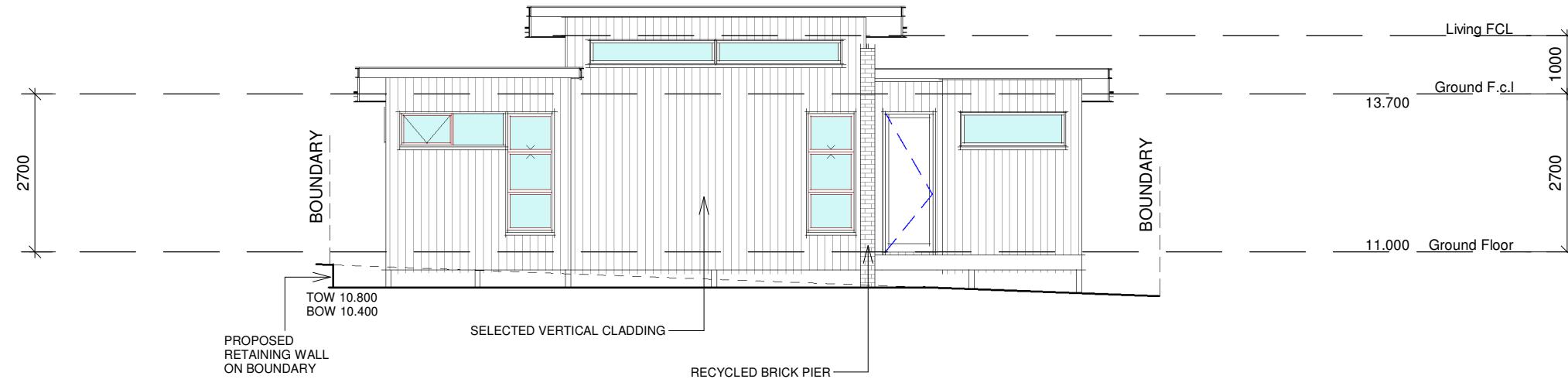
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S.R.P.	29.07.20	PRELIM. CONCEPT SKETCH	A	RIORDAN
S.R.P.	21.08.20	PRELIM. DEVELOPMENT APPLICATION	B	<b>SITE</b>
S.R.P.	20.10.20	COUNCIL REQUESTED INFO	C	149 LAKEVIEW PARADE PRIMBEE 2502
				LOT 365 DP 9753

AREA SCHEDULE	
GROUND FLOOR	112.91 m <sup>2</sup>
GARAGE	21.70 m <sup>2</sup>
PORCH	4.85 m <sup>2</sup>
DECK	17.53 m <sup>2</sup>
TOTAL	156.98 m <sup>2</sup>

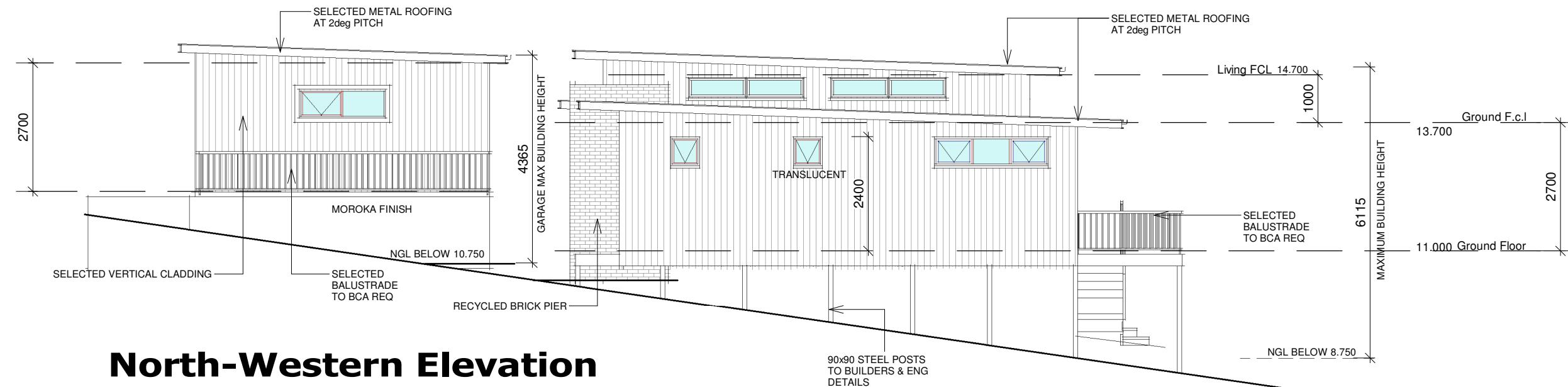
ISSUE NO.  
C

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SHEET NO.  
4/13



## North-Eastern Elevation



## North-Western Elevation

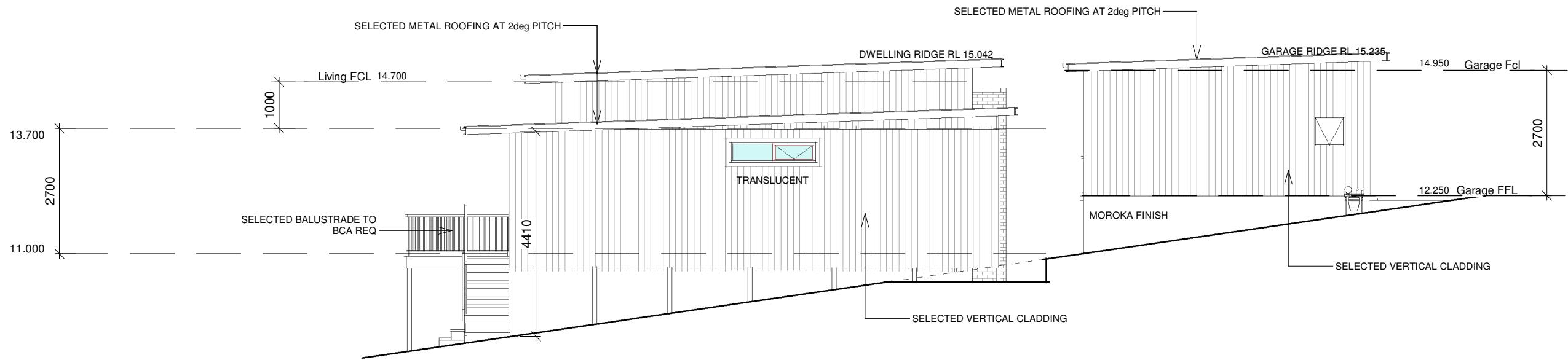
ELEVATION 1

DRAWN	DATE	REVISION	ISSUE	CLIENT
S.R.P.	29.07.20	PRELIM. CONCEPT SKETCH	A	RIORDAN
S.R.P.	21.08.20	PRELIM. DEVELOPMENT APPLICATION	B	SITE
S.R.P.	20.10.20	COUNCIL REQUESTED INFO	C	149 LAKEVIEW PARADE PRIMBEE 2502
				LOT 365 DP 9753

DRAWN: S.R.P  
SCALE: 1 : 100 @ A3  
JOB NO: 149LAK



ISSUE NO.  
C  
SHEET NO.  
5/13



## South-Eastern Elevation



## South-Western Elevation

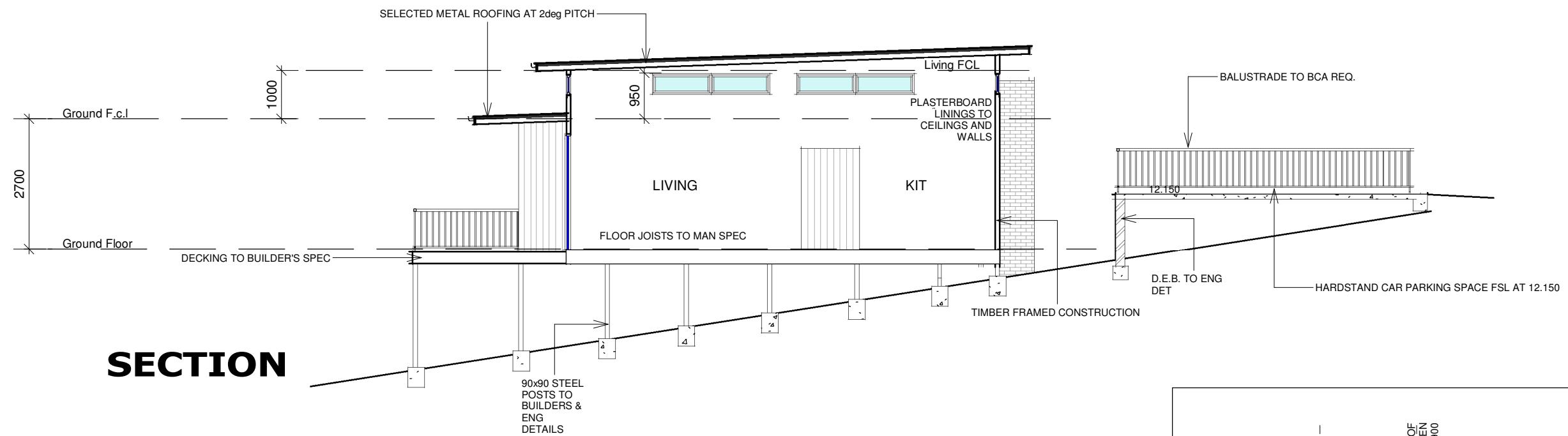
ELEVATION 2

DRAWN	DATE	REVISION	ISSUE	CLIENT
S.R.P.	29.07.20	PRELIM. CONCEPT SKETCH	A	RIORDAN
S.R.P.	21.08.20	PRELIM. DEVELOPMENT APPLICATION	B	SITE
S.R.P.	20.10.20	COUNCIL REQUESTED INFO	C	149 LAKEVIEW PARADE PRIMBEE 2502
				LOT 365 DP 9753

DRAWN: S.R.P  
SCALE: 1 : 100 @ A3  
JOB NO: 149LAK

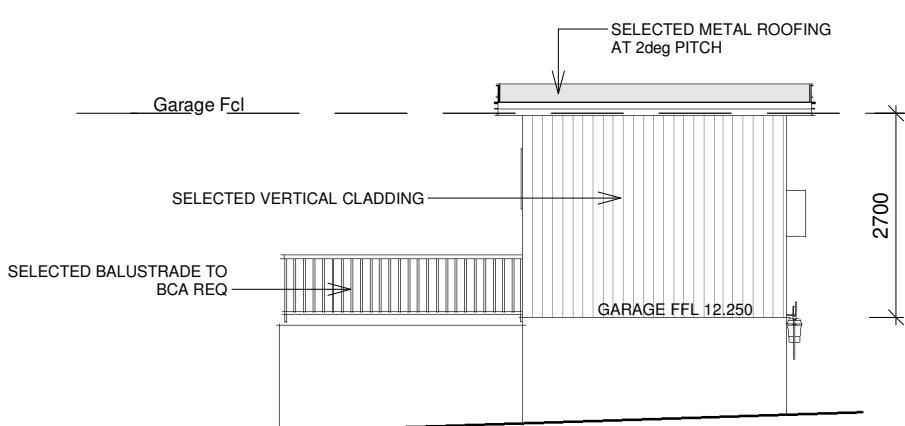
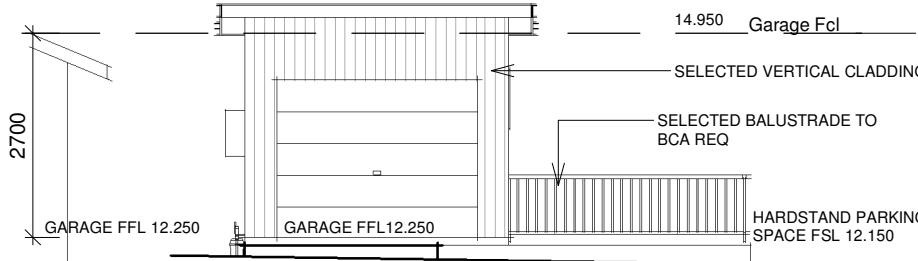
bora  
DEVELOPMENTS

ISSUE NO.  
C  
SHEET NO.  
6/13



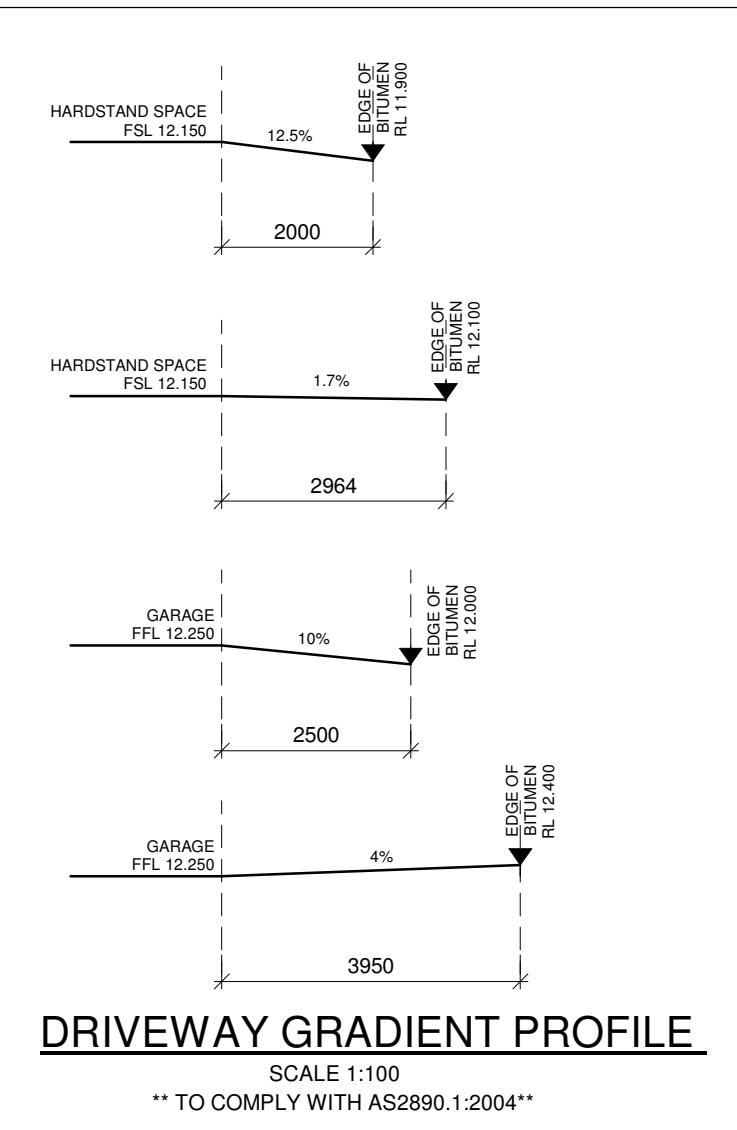
WINDOW SCHEDULE				
No.	HEIGHT	WIDTH	TYPE	COMMENTS
1	600	1810	AWNING	
2	2060	850	DOUBLE HUNG	
3	2060	850	DOUBLE HUNG	
4	600	1810	AWNING	
5	430	1810	AWNING	
6	2060	1810	DOUBLE HUNG	
7	2400	1090	DOUBLE HUNG	
8	2060	2410	DOUBLE HUNG	
9	600	2410	AWNING	
10	600	610	AWNING	TRANSLUCENT
11	600	610	AWNING	
12	430	2150	FIXED	HIGHLIGHT
13	430	2150	FIXED	HIGHLIGHT
14	430	2150	FIXED	HIGHLIGHT
15	430	2150	FIXED	HIGHLIGHT
16	430	2410	FIXED	HIGHLIGHT
17	430	2410	FIXED	HIGHLIGHT
18	600	1810	AWNING	

DOOR SCHEDULE				
No.	HEIGHT	WIDTH	TYPE	COMMENTS
1	2400	820	(CLEAR)	
2	2400	3228		



**Garage North-Eastern Elevation**

**Garage South-Western Elevation**



**SECTION**

DRAWN	DATE	REVISION	ISSUE	CLIENT RIORDAN  SITE 149 LAKEVIEW PARADE PRIMBEE 2502  LOT 365 DP 9753	DRAWN: S.R.P SCALE: 1:100 @ A3 JOB NO: 149LAK	ISSUE NO. C  SHEET NO. 7/13

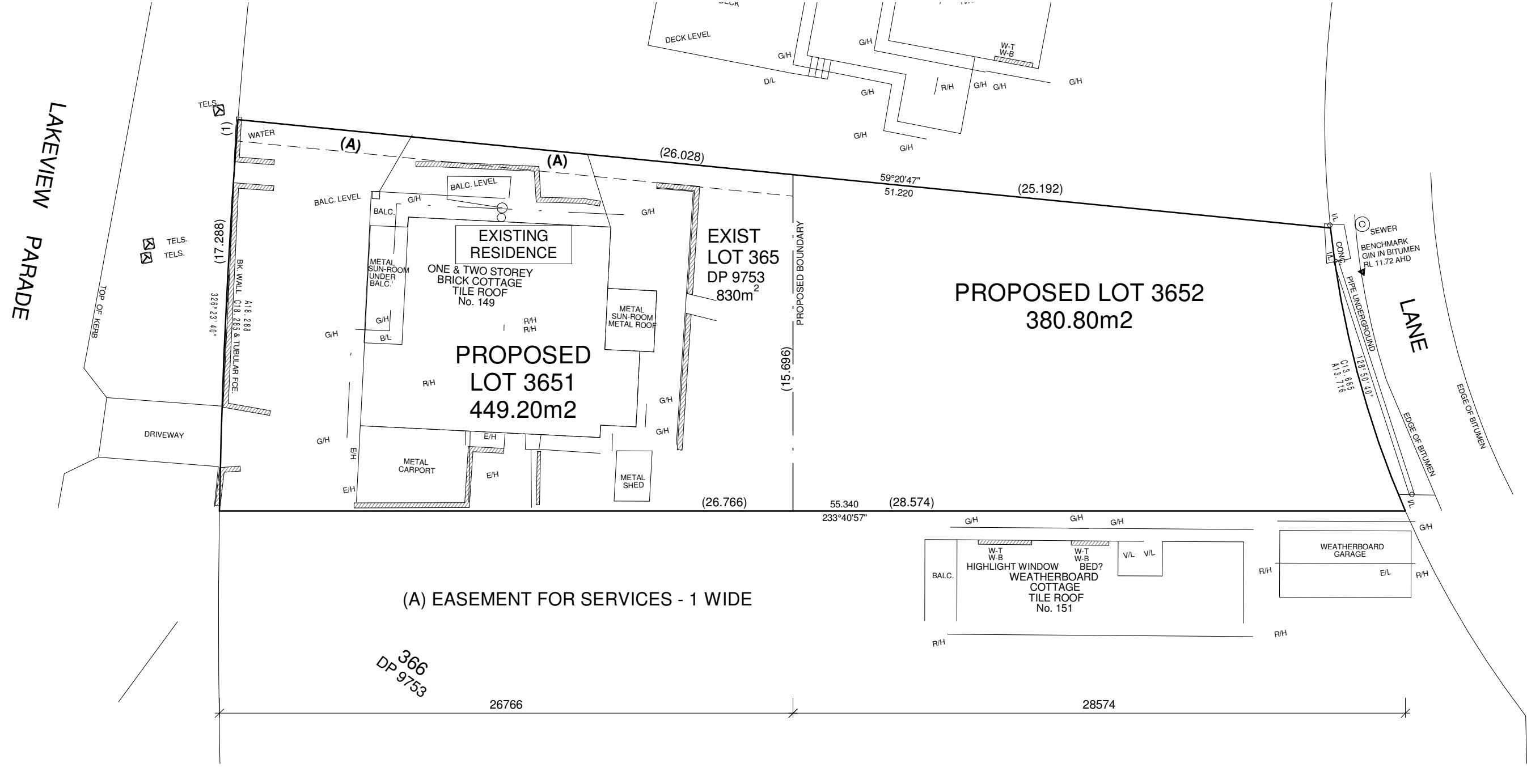
PROPOSED TORRENS TITLE SUBDIVISION

EXISTING LOT 365 - 830m<sup>2</sup>

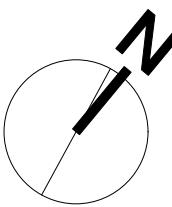
PROPOSED LOT 3651 - 449.20m<sup>2</sup>

PROPOSED LOT 3652 - 380.80m<sup>2</sup>

BENCHMARK  
DH IN TOK  
RL 1.68 AHD



DRAWN	DATE	REVISION	ISSUE	CLIENT	ISSUE NO.
S.R.P.	29.07.20	PRELIM. CONCEPT SKETCH	A	RIORDAN	C
S.R.P.	21.08.20	PRELIM. DEVELOPMENT APPLICATION	B	SITE	
S.R.P.	20.10.20	COUNCIL REQUESTED INFO	C	149 LAKEVIEW PARADE PRIMBEE 2502	
				LOT 365 DP 9753	
				DRAWN: S.R.P	
				SCALE: 1 : 200 @ A3	JOB NO: 149LAK
				bora	DEVELOPMENTS
					SHEET NO. 11/13



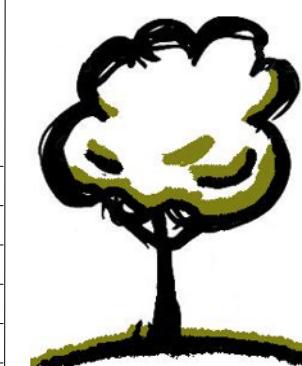
RETAIN EXISTING TREES AS SHOWN  
PLEASE REFER TO DEMOLITION PLAN FOR  
PROPOSED TREE REMOVALS

**(A) PROPOSED EASEMENT FOR  
SERVICES - 1 WIDE**

364  
DP 9753



NO.	DATE	REVISION DETAILS	BY	PROJECT  LANDSCAPE CONCEPT PLAN	CLIENT  BORA DEVELOPMENTS	PROJECT #	MS2020248
						DWG DATE	23 / 09 / 2020
				ADDRESS  149 LAKEVIEW PARADE, PRIMBEE		SCALE @ A3	1 : 200
						DRAWN BY	MARK SPENCE
						FILE NAME	149LAK
						PAGE #	PAGE 1 OF 2



# **MARK SPENCE**

**ENVIRONMENTAL & LANDSCAPE SERVICES**

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ABN: 18 308 089 059

## Attachment 4 – 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

The proposal is for demolition of four outbuildings, including a garage, removal of nine (9) trees and construction of a new dwelling and garage to form a dual occupancy development. Therefore an assessment of the proposal has been undertaken against the provisions of Chapter B1 of WDCP 2009 as detailed below.

Controls/objectives	Comment	Compliance
4.1 Maximum Number of Storeys		
• R2 – maximum 9 metres + 2 storeys	Front Dwelling	Yes
• Limit of single storey development within 8m rear setback	Height: No change No. of storeys: Two (2)	
	Rear Dwelling Height: 6.4m No. of storeys: One (1)	
	Garage Height: 4.601m No. of storeys: One (1)	
	The rear dwelling and garage are single storey buildings. The second storey rear setback for the front dwelling is 12.65m which complies with the provisions of CI 4.1. The proposal has been assessed against the relevant objectives and considered satisfactory.	
4.2 Front Setbacks		
• Dwellings 6m	Front Dwelling	No, variation is considered acceptable
• Garages 5.5m	Front setback: No change	
• Lesser if consistent with street character	Rear Dwelling Front setback: 7.158m	
	Garage Front setback: 952mm	

The proposed garage is non-compliant with minimum front setback requirements (Cl 4.2.2.1c). This variation is supported and discussed further in Section 2.3.1 of the main report.

#### 4.3 Side and Rear Setbacks

- |   |  |     |
|---|--|-----|
| • 900mm to side and rear boundaries   | Front Dwelling   | Yes |
| • Windows of habitable rooms and balconies positioned to reduce overlooking | Side setback: no change either side<br>Rear setback: 6.347 m<br>Eave/gutters setback: >450mm |     |

#### Rear Dwelling

- |   |
|---|
| Side setback: 1m (south east) & 1.014m (north west) |
| Rear setback: 5.177mm                               |
| Eave/gutters setback: >450mm                        |

#### Garage

- |  |
|--|
| Side setback: 950mm (south east) & 8.739m (north west) |
| Rear setback: 19.725m                                  |
| Eave/gutters setback: >450mm                           |

The elevated single dwelling contains raised side windows including laundry, bathroom and bedroom windows. The larger windows along the southwestern elevation consist of two bedroom windows and a living room window. Living room views to surrounding residences will be largely concealed by the semi-enclosed building design, existing vegetation and the location of neighbouring homes. No concerns are held with regards to unreasonable overlooking.

#### 4.4 Site coverage

- |   |                               |     |
|---|-------------------------------|-----|
| • Maximum 50% for each created lot that is greater than 450m <sup>2</sup> and less than 900m <sup>2</sup> | Lot 3651 site coverage: 25.9% | Yes |
|   | Lot 3622 site coverage: 35.7% |     |
|   | Combined site coverage: 30.4% |     |

#### 4.5 Landscaped Area

<ul style="list-style-type: none"> <li>• Lot area less than 600m<sup>2</sup> – 20% landscaped area</li> <li>• Minimum 50% behind building line</li> <li>• 2 semi-mature trees planted on site more than 3m from any structure</li> </ul>	<p>The minimum landscaped area required for Lot 3651 is 89.84m<sup>2</sup> and for Lot 3652 it is 76.16m<sup>2</sup>.</p> <p>Landscaped Area Lot 1: &gt; 89.84m<sup>2</sup> Landscaped Area Lot 2: &gt; 76.16m<sup>2</sup></p> <p>Minimum 50% is provided behind the front building line</p> <p>The front setback is appropriately landscaped.</p> <p>The landscape plan shows 3 semi-mature trees located in appropriate locations.</p> <p>Suitable conditions relating to landscaping will be included on the consent as recommended by Council's Landscape Architect.</p>	Yes
--	--	-----

#### 4.6 Private Open Space

<ul style="list-style-type: none"> <li>• 24m<sup>2</sup> per dwelling – 4m x 6m</li> <li>• Facilities provided outside minimum POS</li> <li>• Positioned away from side boundaries</li> </ul>	<p>24m<sup>2</sup> Private open space (POS) with suitable dimensions are proposed for both lots in their rear yards. The front POS is directly accessible from the sunroom and the rear POS is accessed from the living room/ deck. There are no structures impeding either POS.</p> <p>Council's Landscape Officer has recommended hedging along the rear boundary of Lot 3652 to provide visual definition and screening between the two POS. A 1.8m dividing fence condition is similarly recommended to ensure adequate separation.</p>	Yes
---	---	-----

#### 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>The property most impacted by the development, in terms of reduced solar access, is the southern neighbour at No. 151 Lakeview Parade. The location of the new dwelling is roughly parallel to the location of the southern neighbour's dwelling. Windows facing the subject property include a bathroom window, a bedroom window and a raised (partly concealed rear balcony (See Figure 1).</p> <p>Shadow diagrams and associated drawings have been submitted which demonstrate adequate solar access for the southern neighbour in accordance with the provisions of Clause 4.7.</p>	Yes
--	---	-----



Figure 1: North western elevation of No. 151 Lakeview Parade, Primbee

#### 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>Both dwellings are considered to adequately respond to site constraints, are sympathetic with the existing neighbourhood character and are of an appropriate bulk and scale. The design of the new dwelling is consistent with contemporary coastal design in the area and will largely be concealed from the streetscape of Lakeview Parade by the existing dwelling.</p> <p>The dwellings incorporate a front door that both address the street. The garage door width is less than 50% of the building width in Lot 3652.</p>	Yes
--	---	-----

#### 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>There is existing boundary fencing at 149 Lakeview Parade. As the proposal includes a two lot Torrens subdivision through the centre of the parent lot, a condition for the installation of fencing between the new common boundary is recommended.</p>	Yes
--	--	-----

#### 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> <li>• Minimum 5.5m setback from front property boundary</li> <li>• Driveways shall be separated from side boundaries by a minimum of one metre</li> <li>• Maximum driveway crossover width of 3m</li> </ul>	<p>Two (2) parking spaces are required for the front dwelling and one (1) parking space for the rear.</p> <p>The property contains an existing driveway and carport to service the existing dwelling, collectively providing two parking spaces (one carport space and one hard stand parking space). No changes are proposed to this access arrangement.</p> <p>The existing rear garage is to be demolished and replaced with a new single garage and hard stand parking space off the rear lane to service Lot 3652.</p> <p>The internal dimensions of the garage and hard stand parking space comply with Council size requirements.</p> <p>The front garage setback is less than 5.5m (CI 4.10.2.3) and the driveway separation width of 950mm is non-compliant (CI 4.10.2.9). These variations are supported and discussed further in Section 2.3.1 of the main report.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	No; variations considered acceptable
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#### 4.11 Storage Facilities

• 10m <sup>3</sup> or 5m <sup>2</sup> of storage to be provided	Appropriately sized storage areas are proposed for both dwellings.	Yes
---	--	-----

#### 4.12 Site Facilities

• Site facilities to be appropriately located	Site facilities such as clothes lines etc have been shown on the plans in suitable locations.	Yes
---	---	-----

#### 4.13 Fire Brigade Servicing

• All dwellings located within 60m of hydrant	Council's Development Engineer has assessed the application and recommended the provision of a fire hydrant. Conditions recommended in this regard.	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
• A range of view sharing measures to be considered for building design		

#### 4.17 Retaining Walls

• Maximum retaining wall height of 600mm setback up to 900mm from side or rear boundary	Construction of the new dwelling includes an L-shaped boundary retaining wall along the south eastern boundary of Lot 3652. The maximum height is 500mm and the total length of the wall is about 8.6 metres. The design complies with DCP requirements. Standard condition recommended to ensure that the retaining wall is wholly contained within the subject lot.	Yes
• Maximum retaining wall height of 1 metre setback more than 900mm from side or rear boundary		
• Retaining wall over 1m in height to be designed by an engineer		

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

• 15m site width required	The minimum site width of 13.211 metres which is less than the minimum site width requirements. This variation is supported and discussed further in Section 2.3.1 of the main report..	No, Variation considered acceptable
---------------------------	---	--

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

<ul style="list-style-type: none"> <li>• Garages on the front elevation must be articulated from the front facade</li> </ul>	The detached single garage facing the laneway is satisfactorily articulated and separated from the front dwelling elevation.	Yes
--	--	-----

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

<ul style="list-style-type: none"> <li>• Half required landscaped area to be provided as deep soil zone with a minimum dimension of 3m</li> <li>• Appropriate dense planting with trees and shrubs</li> <li>• No structures, carparks, driveways, hard paving, decks balconies or drying areas are permitted within the deep soil zone.</li> <li>• Deep soil zones to have minimum dimensions of 3m</li> </ul>	<p>The minimum required deep soil zone for Lot 3651 is 44.92m<sup>2</sup> and for Lot 3652 it is 38.08m<sup>2</sup>.</p> <p>Both lots provide suitable deep soil zones which are partly densely planted with trees and shrubs.</p> <p>No structures are contained within the deep soil zone.</p> <p>No concern has been raised by Council's Landscape Architect subject to the recommended conditions.</p>	Yes
--	--	-----

**CHAPTER B2 – RESIDENTIAL SUBDIVISION**

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5 Topography &amp; natural landform</u>	The proposed dual occupancy demonstrates that the site can be developed for this purpose and the subdivision is consistent with the site topography.	Yes

<u>6 Subdivision layout – aspect &amp; solar access orientation</u>	<p>The proposed subdivision does not change the aspect of the existing lot street frontage (north east to south west). The 2 newly created lots are irregular in shape being considerably narrower at the rear.</p> <p>Required min lot size 449m<sup>2</sup>, proposed:</p> <p>Lot 3651: 449.2m<sup>2</sup></p> <p>Lot 3652: 380.8m<sup>2</sup></p> <p>It is noted that Lot 3652 does not comply with the minimum lot size. To address this issue, a condition of consent is recommended to ensure that the occupation certificate for the new dwelling is issued prior to the release of the subdivision certificate. Such a condition ensures compliance with CI 4.1(4C) of the LEP for dual occupancy development.</p> <p>Both lots comply with DCP lot width and depth requirements.</p>	Yes
<u>11 Street Tree Planting</u>	<p>There are no existing street trees adjacent to the site and there is sufficient space on the verge of Lakeview Parade to install a street tree. Street tree condition recommended.</p>	Yes
<u>15 Stormwater Drainage</u>	<p>The proposal was accompanied with a stormwater drainage concept plan showing disposal of stormwater to the street. This information was reviewed by Council's Development Engineer who supported the application subject to recommended conditions of consent.</p>	Yes
<u>17 Servicing Arrangement</u>	<p>Services are available to the site. Appropriate conditions will be attached to any consent issued.</p>	N/A
<u>18 Road Addressing</u>	No details provided.	Can be conditioned.

## CHAPTER D1 – CHARACTER STATEMENTS

The proposal is consistent with the existing and desired future character for the locality as the development consists of two detached brick and clad dwelling houses focused towards the lake, while retaining a low density residential character. No external changes are required to the existing dwelling.

The new dwelling with its brick and clad walls and low pitched skillion roof is consistent with 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	1 space per dwelling with a GFA of less than 125m <sup>2</sup>	Existing (>125m <sup>2</sup> )	Dwelling 2	2	Yes
	2 spaces per dwelling with a gross floor area of more than 125m <sup>2</sup>	New Dwelling 2 (<125m <sup>2</sup> )	1	2	Yes

The proposal has been assessed against the relevant objectives and controls of Clause 7 and is considered satisfactory. Council's Development Engineer has reviewed the application and has provided a satisfactory referral with regards to parking. Condition recommended for driveway and parking to comply with relevant Australian Standard.

### **8 Vehicular access**

Swept path diagrams were submitted with the application which demonstrated adequate manoeuvrability for vehicles entering and leaving rear lot parking spaces.

## **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 that includes the incorporation of screen planting along the rear boundary of Lot 3652, providing definition for the rear POS.

## **CHAPTER E7: WASTE MANAGEMENT**

It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E7 Waste Management. 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.

Waste disposal for the rear lot requires wheeling the bins about 29 metres to Primbee Crescent for collection. This proposal was reviewed in relation to similar developments in the area and is considered acceptable, subject to an appropriate recommended condition.

## **CHAPTER E12 GEOTECHNICAL ASSESSMENT**

The subject property is identified as being affected by coastal geotechnical risk. 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 no conditions recommended.

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The site is identified as being located within a low and medium flood risk precinct. Council's Development Engineer has reviewed the application in this regard and provided a satisfactory referral. No flooding conditions were recommended.

## **CHAPTER E14 STORMWATER MANAGEMENT**

The stormwater concept plan shows disposal for both lots to the existing stormwater system at Lakeview Parade. The proposed subdivision plan shows a 1 metre wide drainage easement adjacent to the north western side of Lot 3651 to facilitate stormwater disposal for the rear lot. Council's Development Engineer has reviewed the proposal with respect to the provisions of this chapter and has recommended conditions of consent.

The property is located within an OSD concession zone and therefore an OSD facility is not required.

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

The applicant seeks the removal of nine small (9) trees generally as shown on the Demolition Plan. It is noted that the Demolition Plan also depicts additional trees/ shrubs that have subsequently been removed. A site inspection conducted on 22 October 2020 identified the nine trees as follows:

2 Bottlebrushes, 3 Murrayas, 1 Crepe Myrtle, 1 Yucca, 1 Orange tree (exempt) and 1 Lemon tree (exempt). They are all located in the rear lot. The application was reviewed by Council's Landscape Officer. Satisfactory referral advice was received and conditions specifying the trees to be removed, compensatory planting, and tree protection and management provided.

## **CHAPTER E18 THREATENED SPECIES**

Property conditions record that the site is impacted by threatened species – Green and Golden Bell Frog. The threatened species has been sighted in nearby areas. However, the species is not specifically recorded for this property. Under these circumstances, standard conditions are recommended for Green and Golden Bell Frogs.

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

The applicant seeks consent for the construction of a single storey dwelling, a single garage and adjacent hard stand parking space, and a retaining wall with a maximum height of 500mm. It is considered that the proposed development will have minimal impact on the surface water drainage of the site and satisfies the objectives of Chapter E19 Earthworks (Land Reshaping Works).

## **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

Demolition of existing outbuildings is required. The garage contains fibro. A Site Waste Minimisation Plan, including waste removal was included in the application submission. Appropriate conditions will be imposed on the consent to minimise impacts and ensure that demolition is carried out to Council's and SafeWork NSW requirements.

## **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.

## **Attachment 5: Draft Conditions of Consent**

### **Approved Plans and Specifications**

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No 149LAK Drawing 2/13-C to 7/13-C and 11-C dated 20 October 2020 prepared by Bora Developments and Project No MS2020248 Drawing page 1 dated 23 September 2020 prepared by Mark Spence 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 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.

#### **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 Use of Existing Building as a Single Dwelling Only**

The existing building on Lot 3651 is approved as a Class 1a (Single Dwelling) only and must not be used or adapted for use as any other building classification including multiple dwellings or boarding houses.

#### **6 Retaining Wall**

The retaining wall for Lot 3652 in its entirety, including footings and subsurface drainage, must be wholly located within the subject property.

#### **7 Deep Soil Zone to be Maintained**

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

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

#### **8 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.

## **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 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.

### **11 Final Landscape Plan**

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 a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- b the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and

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

### **12 Tree Protection and Management**

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

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the PC prior to release of the Construction Certificate.

### **13** 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.

### **14** 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.

### **15 Street Trees**

The developer must address the street frontage on Lakeview Parade by installing street tree planting. The number and species for this development is one (1) Banksia serrata 45 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.

16 **Fencing**

The development is to be provided with fencing at full cost to the developer along the common rear boundary between Lots 3651 and 3652. The fence design shall be a minimum height of 1.8 metre and be constructed of high brick, timber lapped and capped, palisade or Colorbond. 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.

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

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

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

- 1 A plan of the wall showing location and proximity to property boundaries;
- 2 An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- 3 Details of fencing or handrails to be erected on top of the wall;
- 4 Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- 5 The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- 6 The assumed loading used by the engineer for the wall design.
- 7 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.

18 **Driveway Barriers**

Barriers shall be constructed to prevent vehicles from running over the edge of an elevated driveway or parking area. They are required wherever the drop from the edge of the platform exceeds 600mm. Barriers are to comply with Clause 2.4.5.3 of AS 2890.1 and shall be designed structurally for the loading requirements of AS 1170.1. This requirement shall be reflected on the Construction Certificate plans.

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

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

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

20 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and

vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

21 **Fire Hydrant**

All lots must be adequately serviced by a fire hydrant. The fire hydrant must be provided in accordance with the *Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue*. If a hydrant is not available in accordance with the referenced document, then a hydrant must be provided and installed in accordance with the *Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue* and AS2419.1 Fire Hydrant Installations. The fire hydrant(s) must be shown on the construction certificate / subdivision works certificate plans.

22 **Stormwater Connection to Kerb**

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

23 **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, prepared by MSL Consulting Engineers, Reference No. 20244 sheet No C02-A dated 25 September 2020.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to the kerb and gutter.
- 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.

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 **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.

26 **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 \$4,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1271939	<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**

27 **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.

28 **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.

29 **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.

30 **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.

31 **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.

- 32 **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.
- 33 **Temporary Sediment Fences**  
Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.
- 34 **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.
- 35 **Demolition Works**  
All demolition work shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.  
  
No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the PC. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.
- 36 **Demolition Notification to Surrounding Residents**  
Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.
- 37 **Consultation with SafeWork NSW – Prior to Asbestos Removal**  
A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.
- 38 **Contaminated Roof Dust**  
Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.
- 39 **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.
- 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.

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

##### **41 Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council's existing stormwater drainage system being Lakeview Parade.

##### **42 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.

##### **43 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.

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

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

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

##### **45 Prohibition of any Encroachment into Drainage Easement**

No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.

##### **46 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.

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

48 **Acid Sulfate Soils**

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

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

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

49 **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.”

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

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

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

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

52 **Screen Planting**

To mitigate impact to the adjoining dwelling, a continuous hedge is to be established along the rear boundary of lot 3652 for the length of property boundary.

Recommended species:

- i. *Murraya paniculata*,
- ii. *Syzygium australe* "Aussie Southern".

Minimum spacing 900mm.

Minimum pot size 5 lt.

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

53

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

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

54

#### **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.

55

#### **Open Excavations - Green and Golden Bell Frogs**

Where excavations/trenches are left open during the night, then they shall be closely inspected by the site supervisor for green and golden bell frogs prior to work starting on the proceeding day.

**Note:** The “Have you seen a green and golden bell frog?” brochure produced by the NSW Department of Environment and Climate Change (2008) is available from [www.environment.nsw.gov.au/resources/threatenedspecies/ggbfbro08326.pdf](http://www.environment.nsw.gov.au/resources/threatenedspecies/ggbfbro08326.pdf), <http://www.environment.nsw.gov.au/publications/pubs2008.htm> (look under July), or by calling 131 555.

56

#### **Stop Work - Green and Golden Bell Frogs**

If green and golden bell frogs are found at any time during the demolition, excavation or construction phases of the development, work shall cease immediately and the Wollongong Office of Environment and Heritage shall be contacted (telephone 4224 4156).

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

57

#### **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.

58

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, three (3) 100 litre container mature plant stock shall be in an appropriate location within property boundary of the site. The suggested species are *Banksia integrifolia*.

59

#### **Retaining Wall Certification**

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

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

60

#### **Occupation Certificate Prior to Subdivision Certificate**

An Occupation Certificate for the new dwelling must be issued prior to the release of the Subdivision Certificate for the Torrens Title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the Subdivision Certificate application.

61

#### **Fire Hydrant**

A fire hydrant must be available to the subdivision in accordance with the *Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue*. Documentary evidence of compliance with these guidelines is required to be submitted to the PC prior to the issue of the Subdivision Certificate.

- 62 **Existing Easements**  
All existing easements must be acknowledged on the final subdivision plan.
- 63 **Existing Restriction as to Use**  
All existing restriction on the use of land must be acknowledged on the final subdivision plan.
- 64 **Encroaching Pipes**  
A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.  
For all drainage easements proposed over the subject lots, a works as executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.
- 65 **Encroaching Services**  
A minimum one (1) metre wide easement for services must be created over any encroaching utility service.
- 66 **88B Instrument Easements/Restrictions**  
Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.
- 67 **Final Documentation Required Prior to Issue of Subdivision Certificate**  
The submission of the following information/documentation to the PC, prior to the issue of a Subdivision Certificate:
1. Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
  2. Certificate of Practical completion from Wollongong City Council or a PC (if applicable);
  3. Administration sheet prepared by a registered surveyor;
  4. Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
  5. Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
  6. Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
  7. Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
  8. Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
  9. Payment of section 94 fees (Pro rata) (if applicable).
- Operational Phases of the Development/Use of the Site**
- 68 **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.
- 69 **Street Tree Establishment Period**  
The Developer must comply with the terms of an approved landscape maintenance program for a minimum period of 12 months to ensure that all landscape works within Council's road reserve or Council owned or controlled land becomes well established by regular maintenance. The Street Tree Establishment Period shall commence from the issue of the Occupation Certificate.  
The program must include the following elements: watering, weeding, litter removal, mulching, fertilising, tree guard and grate maintenance, and pest and disease control.  
Details of the proposed program must be submitted with the Landscape Plan to the PC for approval prior to release of the Construction Certificate.

**Street Waste Collection**

Council waste bins associated with any future use on Lot 3652 must be wheeled out to a suitable location at the southern end of the unnamed lane off Primbee Crescent for collection by Council's Waste Contractor as per Job No 149LAK drawing 10/13-C dated 20 October 2020 prepared by Bora Developments.

Any future development on Lot 3652 must maintain the approved waste collection arrangement and detail the collection location on the associated development plans.