

Wollongong Local Planning Panel Assessment Report | 21 May 2020

WLPP No.	Item No. 1
DA No.	DA-2019/1206
Proposal	Residential - alterations and additions to existing dwelling house and construction of new dwelling house to create dual occupancy and Subdivision - Torrens title - two (2) lots
Property	23 Guest Avenue, FAIRY MEADOW Lot 27 DP 26939
Applicant	Illawarra Design Company
Responsible Team	Development Assessment and Certification - City Centre Team (HK)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

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 & Assessment Act 1979. The application is captured by Clause 1(a) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018 as the application proposes works on Council owned land including an easement for drainage.

Proposal

The application seeks consent for alterations and additions to an existing dwelling house and the construction of a new dwelling house at the rear of the allotment to create a detached dual occupancy development. This is followed by a Torrens title subdivision to create two lots in a battle-axe configuration. The proposal is integrated development.

Permissibility

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

Consultation

The proposal was notified in accordance with Council's Notification Policy and there were two (2) submissions received in relation to the proposal, the contents of which are discussed at Section 2.9 of this report.

Main Issues

- The application is **integrated development** with the NSW Natural Resources Access Regulator;
- The proposal will require a stormwater easement through Council land to the rear of the site;
- Tree protection;
- The proposal involves the following variations to the provisions of Chapter B1 of Wollongong Development Control Plan (DCP) 2009:-
 - two storey elements within 8m of the rear boundary;
 - slight shortfall in landscaped area provision within proposed Lot 2 (due to overhanging building elements); and

- the access handle width for the battle-axe allotment does not satisfy the minimum access width requirement.

These variations are discussed in detail below.

RECOMMENDATION

It is recommended that the application be granted a deferred commencement consent contained at Attachment 3.

1 APPLICATION OVERVIEW

PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land
- SEPP (Basix) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (DCP) 2009

Other policies

- Wollongong City Development Contributions Plan 2019

DETAILED DESCRIPTION OF PROPOSAL

The proposal is for a detached dual occupancy and subdivision.

The proposed rear dwelling proposes to discharge stormwater via an OSD system. This will require the creation of an easement through the adjoining Council owned community land (Lot 12 DP 210948 - classified as park) into an existing watercourse. The creation of the easement will require the exchange of monetary compensation which will be subject of a separate formal valuation.

Specific details of the proposal are as follows:

Registration of Easement/ Deferred commencement

- Registration of the easement (over Council land to the rear) with NSW Land Registry Services. If the development is supported, a deferred commencement consent will need to be issued requiring the registration of the easement prior to the issue of an operational consent.

Site preparation

- Minor earthworks for footings and landscaping.
- Four (4) trees to be removed; two of these are located central to the site and are exempt from the requirement for consent to remove due to their size. The remaining two are conifers located in the front setback.

Works / Construction / building details

- Construction of a two storey dwelling to the rear of the existing dwelling
- Minor extension and alterations to the existing dwelling
- Each dwelling will contain 3 bedrooms, two bathrooms, laundry, and living/dining areas
- Creation of a stormwater system and easement through Council-owned land to provide for drainage to the nearby watercourse.
- Private open space areas are proposed for both dwellings, each with access from the internal living areas of the dwellings.
- A landscape concept plan has been submitted for the site which provides for landscape planting to the boundaries and forward of the building line.

Traffic, parking and servicing

- Carparking is to be provided for the new dwelling within a double garage. A single open hardstand car space is proposed to service the existing dwelling at the front of the site. Landscaping is proposed in front of this space to screen it from the street frontage.
- Vehicular access to both dwellings to be obtained via a shared driveway (being the existing driveway) located adjacent to the eastern boundary of the site. there is sufficient manoeuvring area provided to ensure that vehicles can turn and exit the site in a forward direction.

BACKGROUND

Development History

The development history for 23 Guest Avenue, Fairy Meadow is as follows:-

- BC-1990/623, PVC-Clad Cottage together with PVC- Clad and Fibro Garage.
- TMO-2018/445, Remove 2 trees
- DA-2018/760, Residential - dual occupancy (detached) - withdrawn

Pre-lodgement Meetings

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

SITE DESCRIPTION

The site is located at 23 Guest Avenue, Fairy Meadow and the title reference is Lot 23 DP 26939. The site is irregular in shape with a fall of 2.59m from north to south across the length of the allotment.

The site is located on the southern side of Guest Avenue near the head of the cul-de-sac and as such as an irregular frontage.

Adjoining development is as follows:

- East: single storey multi-dwelling housing comprising of 4 dwellings.
- South: Council-owned park land.
- West: single storey cottage.

Development in the immediate neighbourhood comprises generally single storey detached dwellings. The site and neighbouring land is zoned R2 Low Density Residential while the reserve to the rear is zoned RE1 Public Recreation.

An aerial photograph and zoning extract form **Attachment 2** to this report.

Property constraints

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

- **Flooding:** the site is identified as being located within a Low-Medium Flood Risk Precinct, being within the Fairy Cabbage Tree Catchment). Council's Stormwater Officer has reviewed the application in this regard and did not raise any concerns subject to conditions which are included in the draft consent. The proposal does not represent an increased risk to life or property in regards to flooding.

There are no restrictions on the title that would preclude the development.

SUBMISSIONS

The application was notified in accordance with Council’s Community Participation Plan 2019. This included a notification letter to the properties identified in the below map as well as a notice in the local newspaper.



Figure 1: Notification map

At the conclusion of the notification period, there were two (2) submissions received, and the issues identified are summarised and discussed below:-

Concern	Comment
1 Material lodged with the DA includes a reference to a pool, but no pool is identified on the plans.	This is a transcription error in the application. No pool is proposed.
2 Parking on the street will be worsened during the construction period. It was suggested that workers use Anama Street and a back entrance to the site be used.	Off-street parking is available for public use. The transport of building materials through public land at the rear presents risks to the public and vegetation within the reserve. Any parking issues that may arise during construction will be temporary in nature.
3 Lack of visitor parking	Dual occupancies do not require on-site visitor parking under the DCP.
4 Request that council conduct works in the creek bed to rectify earthworks conducted in the 1980s.	This is outside the scope of this application.
5 Request that an easement be created in the same manner as DA-2018/177 and an enquiry if the application will be referred to the relevant state agencies.	The application has received the same treatment as DA-2018/177, in accordance with the relevant legislation. An easement will be required to be registered and conditions are recommended for imposition in relation to this issue. The proposal has been treated as integrated development and the Natural Resources Access Regulator has issued its General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity

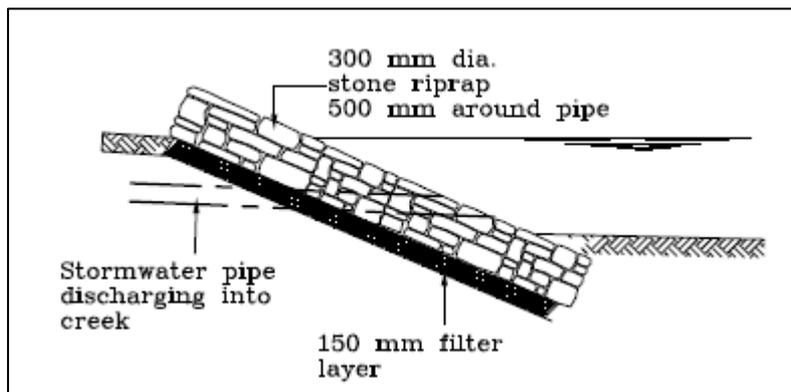
Concern	Comment
	approval under the Water Management Act 2000 (WM Act). the GTAs are included in the draft consent.
6 That trees 1, 2, 3 and 4 be protected.	The identified trees will not be removed as part of this application. An arborist report has been supplied and reviewed by Council's Landscape Officer. No concerns are raised subject to implementation of the arborist's recommendation and conditions of consent provided by Council.
7 Concern that the trees will result in invasive roots which will cause damage to the sewer line; and	Historical aerial images reveal that the former vegetation in the back yard was quite established and about 5m wide. This would indicate either a small tree or substantial shrub.
8 Concern that they may have to maintain shrubs overhanging their fence line.	<p>Due to the age of the objector's building it is likely that it used clay pipes susceptible to invasion by plant roots by larger shrubs.</p> <p>The application has been reviewed by Council's Landscape Officer. No concerns have been raised regarding the proposed plant species being known for invasive root systems. However, by conditioning the requirement for smaller hedging shrubs, both concerns around maintenance and the likelihood of root invasion are diminished.</p> <p>Conditions of consent will require that a 500mm root barrier be installed along the fence line to discourage root growth towards the objector's property and to provide additional protection to infrastructure. The amenity of the new dual occupancy and the existing unit block should not be compromised by the complete removal of shrubbery along the eastern boundary.</p> <p>On balance, the installation of a root barrier and conditioning that only particular species be planted should achieve an appropriate outcome and help address the objector's concerns.</p>
9 Error in the landscape schedule not identifying a proposed plant species	Council's Landscape Officer has provided conditions including a list of suitable species as above. A new landscape plan will be required prior to the issue of the construction certificate.

CONSULTATION

INTERNAL CONSULTATION

Council's Stormwater Engineer, Landscape Architect, Development Engineering Officer, BCA and Statutory Property Officers have reviewed the application and provided satisfactory referrals. Conditions of consent have been recommended and are included in the draft conditions which form **Attachment 3** to this report. This includes the requirement for a deferred commencement condition in relation to the creation of an easement over Council land.

The easement across Council land has been specifically located to avoid the removal of or impact on significant vegetation which is shown on the site and drainage plans. The engineering works required include a 150mm diameter pipe from the property to the watercourse and a rip trap outlet to the creek bank (see extract from drainage plan below):



EXTERNAL CONSULTATION

Natural Resource Access Regulator

The application is integrated development, requiring a Controlled Activity Approval under the NSW Water Management Act 2000 from the Natural Resource Access Regulator (NRAR). The application is proposing to drain into riparian land and conduct works with this land to establish a drainage system. The NRAR has provided General Terms of Approval which are included in the draft conditions which form **Attachment 3** to this report.

The watercourse to the rear of the site is identified as riparian land under Chapter E23 of WDCP2009. However, Clause 2 states that among other things the chapter does not apply to the erection of a dwelling-house or dual occupancy building. However, it is considered that the development still satisfies the objectives of this chapter as discussed at **Attachment 4**.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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. The proposal does not comprise a change of use and no concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of Clause 7 of the SEPP.

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.

WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Dwelling: Means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

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

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

Residential accommodation means a building or place used predominantly as a place of residence, and includes.....

(c) dual occupancies

Subdivision is not specifically defined within the Plan. Clause 4B of the Act however defines the 'subdivision of land' as 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 effected:

- by conveyance, transfer or partition, or
- 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 first objective in that it will provide for the housing needs of the community within a low-density residential environment. The scale of the development is appropriate for the site when considered with regard to the relevant provisions of the LEP and the desired future character statement for the area. The second objective is not relevant to the proposal.

The land use table permits the following uses in the zone:-

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Centre-based child care facilities; 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; Oyster aquaculture; Places of public worship; Pond-based aquaculture; 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; Tank-based aquaculture; Veterinary hospitals

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

Clause 2.6 Subdivision—consent requirements

Consent for the subdivision of the dual occupancy is sought under the provisions of this clause.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The minimum allotment size for the subdivision of the subject site under Clause 4.1 is 449m². 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 maximum building height of 7m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

<u>Site area:</u>	708.9 m ²
Lot A area	351.9 m ²
Lot B area	357 m ²
Total GFA:	268.6 m ²
Existing dwelling GFA:	101 m ²
Proposed dwelling GFA:	167.60 m ²
FSR Pre-Subdivision:	0.37:1
FSR: Lot A	0.47:1
FSR: Lot B	0.29:1

The FSR is compliant with Clause 4.4 over both the existing and proposed lot areas.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The site is already serviced by electricity, water and sewerage services which can readily be extended to service the dual occupancy development.

Clause 7.4 Riparian lands

The watercourse to the rear of the site is identified as being riparian land on the Riparian Land Map. The proposed drainage works have been considered with regard to the objectives and provisions of this clause and no concerns are raised.

Clause 7.6 Earthworks

The proposal involves minor earthworks to facilitate the proposed development. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

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

None.

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

WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

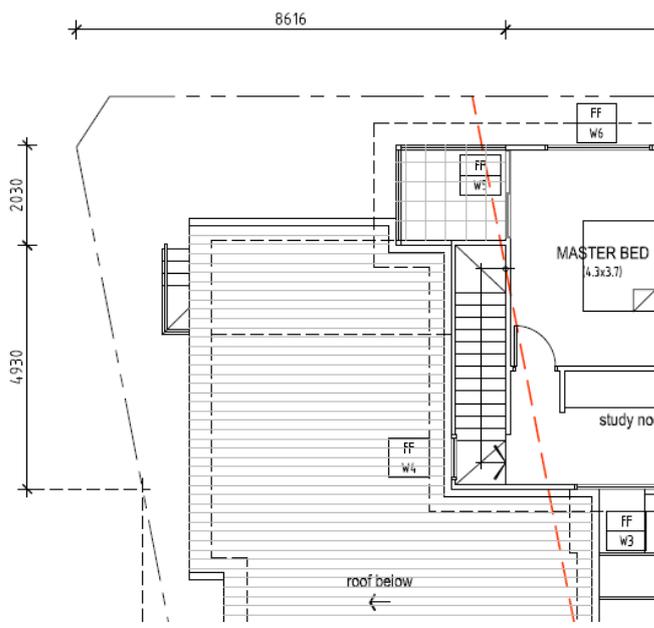
Variations to controls in the DCP are addressed below, with the remainder of the compliance tables being contained in **Attachment 4**.

CHAPTER A1 – INTRODUCTION

Clause 8 - Variations to development controls in the DCP

1. Chapter B1 – Clause 4.1.2 (4) (rear setback to two storey component)

Chapter B1 – Clause 4.1.2 (4)	
Clause 4.1.2 (4) states “In R2 Low Density Residential zones, where development occurs within the 8m rear setback the <i>development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property</i> ”.	
A variation request statement has been submitted in accordance with the requirements of part 8 of Chapter A1. The following outlines Council’s consideration of the requested variation against the requirements of the DCP.	
Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The control being varied is Clause 4.1.2 (4) of chapter B1 of WDCP 2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	Extent of the proposed variation: The application proposes a two-storey building 6m from the rear boundary of the site. The red line on the below plan extract depicts the location of the 8m setback from the rear boundary. The area of encroachment contains a staircase and a small second storey balcony which will include privacy screening on both sides.

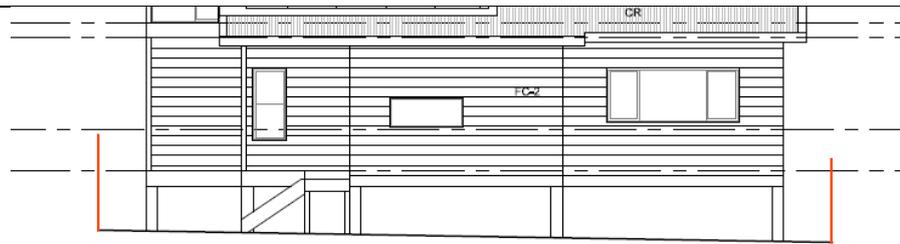
	 <p>Unique circumstances:</p> <p>There is no residential property to the rear of the site with the site adjoining a public park.</p>
<p>c) Demonstrate how the objectives are met with the proposed variations; and</p>	<p>The objectives of the control are as follows:</p> <p>a) To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.</p> <p>Comment: the proposed development will maintain the visual amenity of the area and integrate with the streetscape and setting of the site. Despite the non-compliant rear setback to the first floor, the development will not compromise the amenity of neighbouring properties or the public reserve to the rear of the site.</p> <p>b) To minimise the potential for overlooking on adjacent dwellings and open space areas.</p> <p>The second storey balcony proposed will have a privacy screen fixed to its western edge to prevent overlooking in that direction. There are no second storey windows proposed within the portion of the building that encroaches into the rear setback. The overlooked area of public space is not frequently used however it may benefit from the additional passive surveillance this development will offer.</p> <p>c) To ensure that development is sympathetic to and addresses site constraints.</p> <p>It is considered the dwelling responds to its constraints and the surrounding development. The bulk of the second storey complies with the control. The minor encroachments are not likely to result in adverse impacts.</p>

	<p>d) To encourage split level stepped building solutions on steeply sloping sites.</p> <p>The site is not steeply sloping, however the use of pier footings to minimise tree impacts is also a satisfactory response for the sloping site.</p> <p>e) To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.</p> <p>No view loss or visual amenity impacts are expected at this location</p> <p>f) To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.</p> <p>N/A</p> <p>g) To ensure appropriate correlation between the height and setbacks of ancillary structures.</p> <p>N/A.</p> <p>h) To encourage positive solar access outcomes for dwellings and the associated private open spaces.</p> <p>Overshadowing impacts are negligible.</p>
<p>a) Demonstrate that the development will not have additional adverse impacts as a result of the variation</p>	<ul style="list-style-type: none"> • The variation proposed is relatively minor and is unlikely to result in any negative impacts on the amenity of the development or adjoining sites. • The building is well below the maximum building height limit for the site. • The non-complaint building elements are not considered to burden or preclude any future development on the adjoining lots.
<p>Planner Comment:</p> <p>The applicant has provided sufficient justification for the variation sought. The variation is unlikely to give rise to unreasonable impacts and is considered to be consistent with the objectives of the controls despite the non-compliance.</p>	

2. Chapter B1 – Clause 4.5.2(2) (landscaped area control)

<p>Chapter B1 – Clause 4.5.2 (2)</p>
<p>Clause 4.5.2 (2) states “The minimum landscaped area required is based on lot size as outlined below. ‘Landscaped area’ is a permeable area capable of growing trees, shrubs, groundcovers and / or lawn and does not include any building, structure or hard paved area.</p> <p>i) lot area less than 600m² - 20% landscaped area</p> <p>j) lot area from 600m² to 900m² – 120m² + 30% of the site area > 600m² landscaped area</p> <p>k) lot area greater than 900m² - 210m² + 40% of the site area > 900m² landscaped area.”</p> <p>A variation request statement has been submitted in accordance with the requirements of part 8 of Chapter A1. The following outlines Council’s consideration of the requested variation against the requirements of the DCP:-</p>

Control	Comment
2. The variation statement must address the following points:	
d) The control being varied; and	The control being varied is Clause 4.5.2 (2) of Chapter B1 of WDCP 2009
e) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>Extent of the proposed variation:</p> <p>The proposed Lot 2 will have less than the minimum required 20% landscaped area (shortfall of approximately 8.6m²). This results from the floor of the dwelling overhanging an exposed area of soil which prevents a full 1.5m portion from being included in the landscaped area calculations.</p> <p>Unique circumstances:</p> <p>1 The application is benefited by its unique location. It has quiet vegetated parkland immediately to its rear boundary and a large recreational green space across its road. The future occupant's greenspace amenity will unlikely to be changed by this variation.</p>
f) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <p>a) To preserve and retain existing native trees and vegetation and encourage the planting of additional native vegetation.</p> <p>No significant vegetation will be removed as part of this application.</p> <p>The landscape concept plan makes provision for planted gardens along most of the perimeter of the site which will improve the relationship of the development with neighbouring developments and offers some screening and softening of the development as well as offer some improved opportunities for habitat on site.</p> <p>In addition to that provided on the landscape plan, four x 100L trees will be conditioned to be planted between the existing dwelling and the northern and western boundary in addition to the three trees proposed. Two (2) street trees will also be required.</p> <p>Outcomes for vegetation planting are more than satisfactory and are not diminished as a result of this variation.</p> <p>b) To encourage the linkage of habitat corridors along the rear of sites.</p> <p>The application proposes planted gardens along the full length of its rear boundary including a deep soil zone. Shrubs and plantings are also proposed along the side boundaries. This level of planting is not required for compliance with landscape area control but is considered an improved ecological outcome which responds to its site context.</p> <p>c) To allow for increased water infiltration and minimise urban run-off.</p> <p>The level of water infiltration and urban runoff is not expected to be made worse by this variation. Most of the proposed rear dwelling is raised on piers, leaving this area available for surface runoff absorption and reducing groundwater impacts from footings.</p>



d) To facilitate pleasant views from within dwellings and backyard settings.

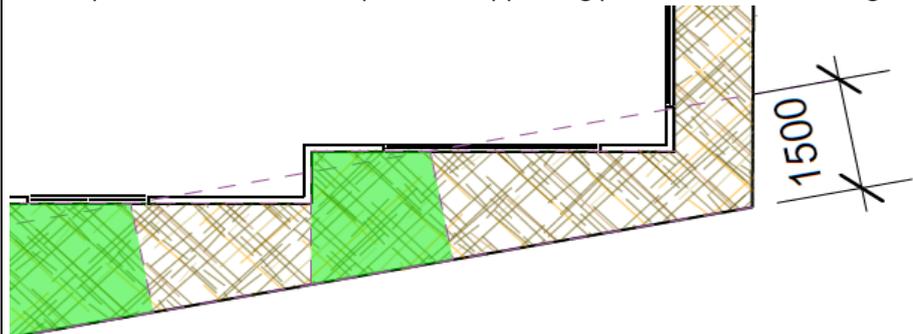
Views from within the dwelling or backyard are not likely to be impacted by the variation. The site is benefited from the unique position of having a vegetated park adjacent to its rear boundary containing significant trees and vegetation which will offer a pleasant outlook from both dwellings. This will be supplemented by the additional site landscaping proposed.

e) To reduce privacy and amenity impacts at the rear of residential properties.

2 Privacy impacts are not expected as a result of this variation. The area of parkland to the rear will benefit from a degree of passives surveillance that this design provides. Sufficient landscape screening is proposed to boundaries to offer some screening of neighbours.

b) Demonstrate that the development will not have additional adverse impacts as a result of the variation

- Consideration have been given to the degree that the application complies with controls such as site coverage and FSR, before and after subdivision. The variation to the landscaped area requirement for this lot only is not considered to be an indicator of over development.
- The application is only technically non-compliant as two building elements overhang areas of planted soil which may allow it to otherwise be considered landscape area as shown below. These areas of the dwelling are raised on piers by approx. 1.2 to 1.4m, leaving the soil exposed to the air and capable of supporting plant life while allowing for



water infiltration and reducing urban runoff.

- An alternative complaint-built form could be achieved. However, the extra design complexity, and reduced internal amenity may not justify a redesign given the objectives are satisfied. Compliance would not result in added plant life or extra outdoor amenity.
- The application complies with the landscaped area controls prior to subdivision.

	<ul style="list-style-type: none"> The variation is relatively minor and is unlikely to result in a negative amenity outcome for the proposed lot and surrounding locality.
<p><i>Comment:</i></p> <p>The applicant has provided sufficient justification for the variation sought. The variation proposed is minor and is unlikely to give rise to any adverse impacts. The development is considered to be consistent with the objectives of the controls despite the technical non-compliance.</p>	

3. Chapter B2 – Clause 9.2 (5) & (6) (access handle width)

Chapter B2 – Clause 9.2 (5) & (6)	
<p>Clause 9.2 (5) requires, “the minimum access corridor width for a battle axe allotment shall be 5 metres with a minimum road pavement width of 3 metres for the entire length of the access handle.”</p> <p>Clause 9.2 (6) requires, “A 1 metre wide landscaping strip shall be provided along each side of the required 3 metre wide road pavement. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers.”</p> <p>The following outlines Council’s consideration of a variation against the requirements of the DCP.</p>	
Control	Comment
3. The variation statement must address the following points:	
g) The control being varied; and	The control being varied is Clause 9.2 (5) & (6) of Chapter B2 of WDCP 2009
h) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>Extent of the proposed variation:</p> <p>The following variations are requested to the above controls:</p> <ul style="list-style-type: none"> The access width is 2.9m wide at its narrowest point which will result in reduced to no landscaping along some sections of the driveway adjacent to the existing dwelling. <p>Unique circumstances:</p> <ul style="list-style-type: none"> Demolition of the existing dwelling would be required in order to achieve compliance with this control. The driveway is existing and currently services a garage in the rear yard. The lack of landscaping between the driveway and the side boundary is the existing configuration.
i) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <p>a) To encourage conventional residential subdivisions with direct public road access, rather than a series of battle axe allotments one behind each other, in order to maintain the residential amenity and character of the locality.</p> <p>The overall subdivision layout is in keeping with the intentions of Council’s controls and will maintain the streetscape character of the</p>

	<p>area. Only one battle-axe allotment is proposed. The available landscape area to the front of the existing dwelling will suitably address the street.</p> <p>b) To minimise the potential adverse streetscape and amenity impacts upon the locality arising from a number of battle axe lots sharing a common access corridors. Part B – Land Use Based Planning Controls Chapter B2: Residential Subdivision Wollongong Development Control Plan 2009 9</p> <p>Only one battle-axe lot is proposed.</p> <p>c) To ensure each battle axe lot has a sufficient site area with a suitable building envelope to accommodate a range of different dwelling styles, in order to minimise any potential amenity or privacy impacts upon adjoining residential properties.</p> <p>Site width is satisfactory, no issues with the building envelope as demonstrated by the dwelling design proposed. The design of the rear dwelling will ensure that there are minimal amenity and privacy impacts.</p> <p>d) To ensure each battle axe lot has a sufficient site area to provide satisfactory on-site parking with suitable vehicular access and manoeuvring areas.</p> <p>At its narrowest point the access driveway width is marginally under the required 3m. The applicant has adjusted the existing dwelling’s eaves to provide 4 metres vertical clearance to allow for a medium rigid vehicle to use the accessway should it be required (e.g furniture/ removalist vehicles). This is in accordance with the recommendations of Council’s Engineering Manager.</p> <p>The rear dwelling provides for 2 parking spaces and adequate turning areas for the use of each allotment. The variations to the access handle dimensions will not have any impact on the development’s ability to achieve the objectives of the controls in this instance.</p> <p>It should be noted that variations to these clauses are normally granted where the demolition of an existing approved dwelling would otherwise be required to facilitate compliance. No objections are normally raised to such variations subject to there being sufficient room to allow a medium rigid vehicle to use the driveway.</p>
<p>c) Demonstrate that the development will not have additional adverse impacts as a result of the variation</p>	<p>The variation is relatively minor and is unlikely to result in any negative amenity outcomes within the site or the general locality.</p> <p>The access arrangements are functional and sufficient vehicular access and manoeuvring will be available to both dwellings.</p>
<p>Planner Comment:</p> <p>Insistence on compliance with these controls would require the demolition of the existing dwelling which is not warranted given the minor nature of the variations sought. The variations have been considered on merit and are supported in this case, as outlined above.</p>	

WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The estimated cost of works is \$550,000 and a levy of 1% is applicable under this plan.

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.

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

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

The proposal involves demolition and as such the provisions of AS2601-1991 must be considered in the determination of this application. Conditions of consent are recommended with regard to demolition including the requirement for compliance with AS2601.

Clause 93 Fire safety and other considerations

Not applicable – The applicant is not seeking approval for change of use or change in building classification. This clause applies to development where there is a change of building use and where there is no rebuilding, alteration, enlargement or extension of an existing building.

This proposal includes building works; therefore Clause 94 of the Environmental Planning & Assessment Regulation 2000 instead applies.

Clause 94 Consent authority may require buildings to be upgraded

Conditions will be provided to improve the fire safety of the existing dwelling building. The upgrade work shall be carried out in accordance with the National Construction Code Series (BCA) Volume 2. Location of smoke alarms to be installed in the existing dwelling in accordance with Part 3.7.5 of the National Construction Code Series (BCA) Volume 2.

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 with the exception of the variations which are discussed above. The variations sought have been considered on merit and are supported in this instance;
- The concerns raised in neighbour's submissions would not preclude the development and have been dealt with by conditions where appropriate; and
- Internal and external referrals are satisfactory subject to appropriate conditions of consent.

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.

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

Discussed above in Section 1.5 of this report.

SECTION 4.15(1)(E) THE PUBLIC INTEREST

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

3 CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the provisions of the relevant Environmental Planning Instruments discussed in this report, specifically Wollongong LEP and DCP and all relevant Council policies. The proposed development is permissible with consent and is consistent with the zone objectives and the provisions of applicable planning controls. There are proposed variations in respect of WDCP2009 which have been justified by the applicant and are supportable in this instance.

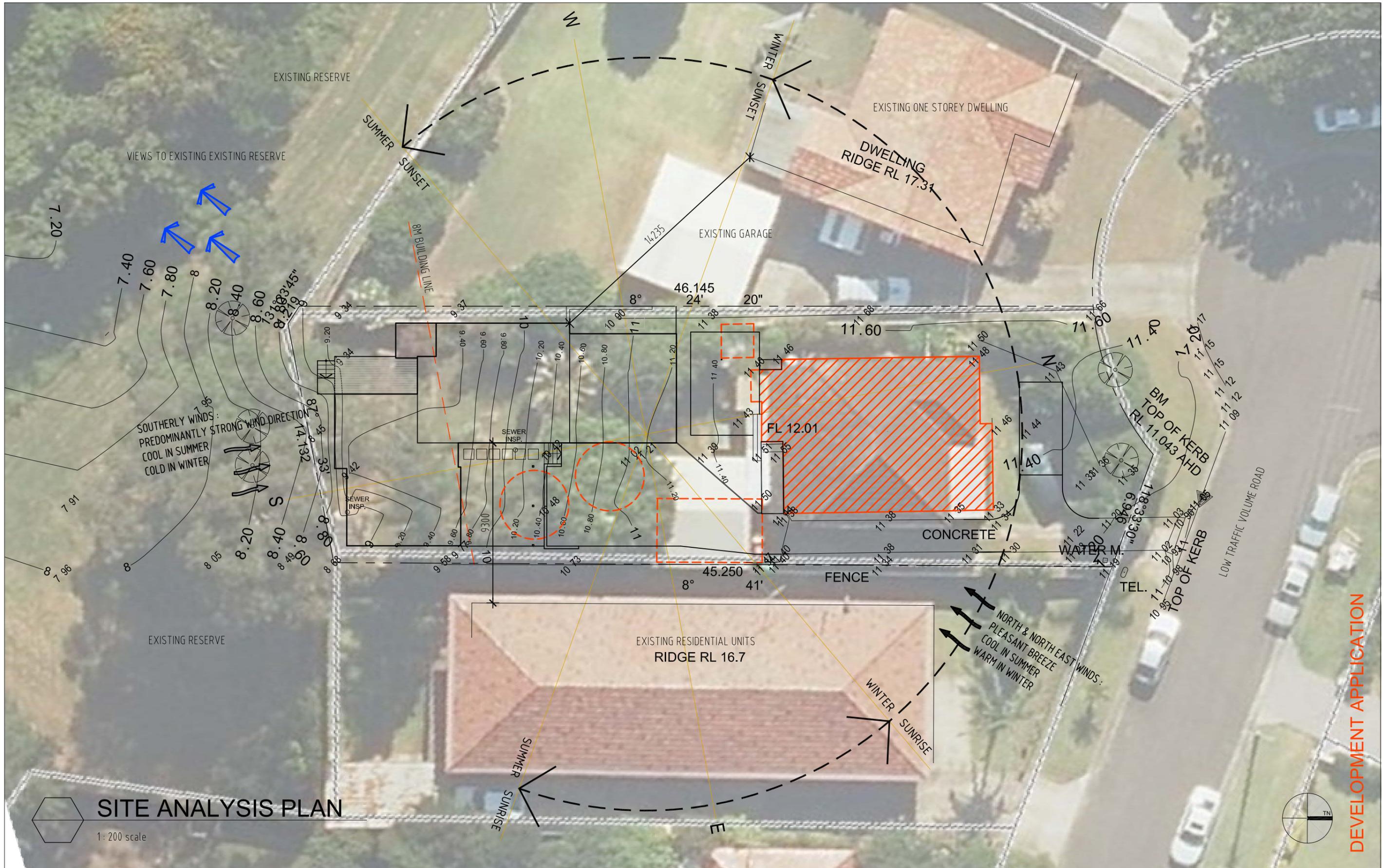
Internal and external referrals were satisfactory and the concerns raised in submissions have been considered and where appropriate, conditions of consent are recommended to resolve/ mitigate concerns. The social, environmental and economic impacts of the development have been assessed and no concerns are raised.

4 RECOMMENDATION

It is recommended that DA-2019/1206 be granted a deferred commencement consent pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act 1979 subject to conditions. the deferred commencement conditions pertain to the requirement to register the drainage easement over the neighbouring Council land.

5 ATTACHMENTS

- 1 Plans
- 2 Aerial photograph of the site and locality, zoning extract and site photographs
- 3 Draft conditions
- 4 WDCP 2009 compliance tables



SITE ANALYSIS PLAN

1:200 scale

DEVELOPMENT APPLICATION

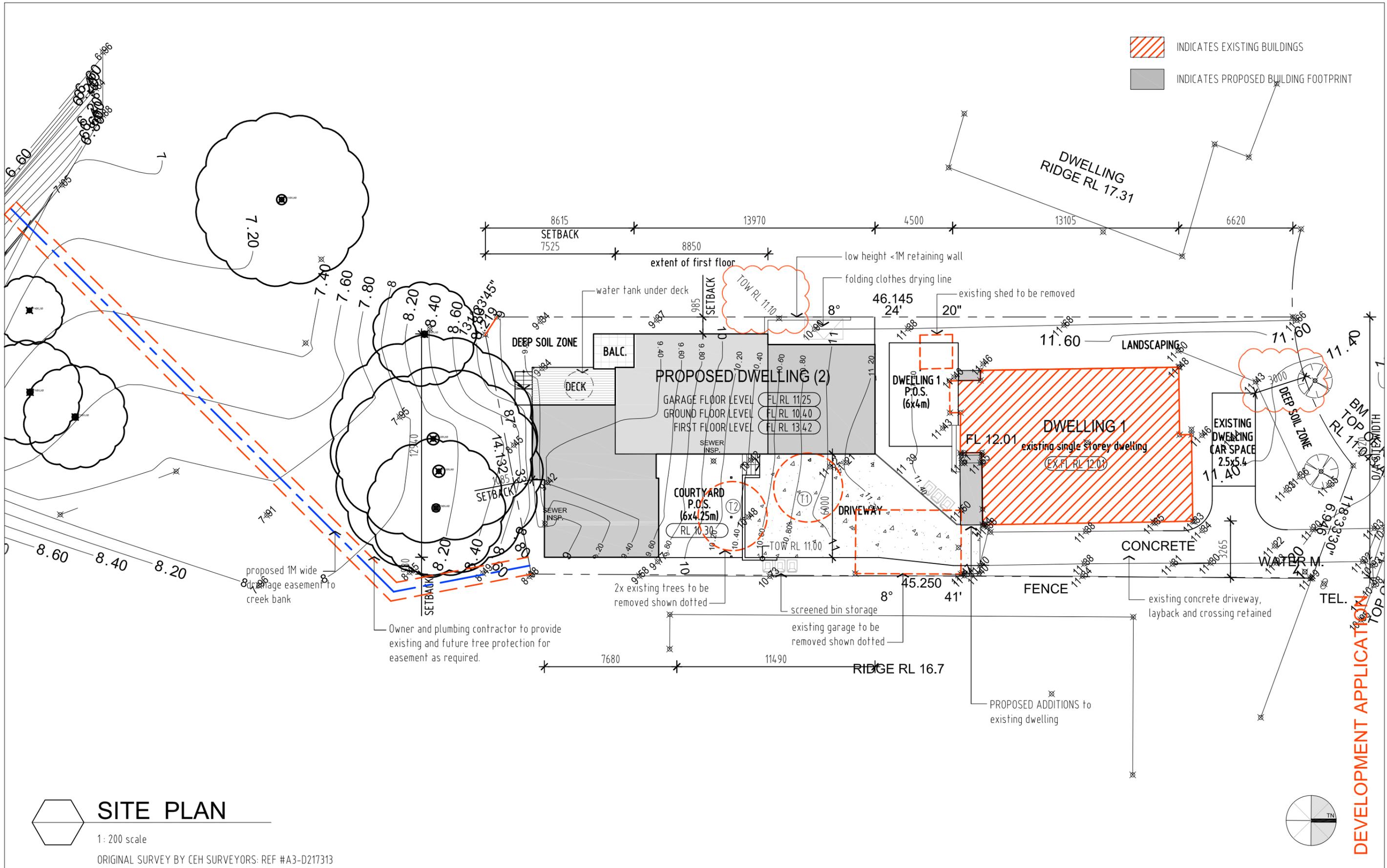
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TITLE:	SITE ANALYSIS PLAN		
PROJECT:	PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)		
ADDRESS:	23 GUEST AVENUE, FAIRY MEADOW		

ISSUE TYPE:	DA	JOB No:	893	DRAWING No:	101
SCALES:	(A3) 1:200	REVISION:	A		
DATE:	AUG. 2019				



 INDICATES EXISTING BUILDINGS
 INDICATES PROPOSED BUILDING FOOTPRINT

SITE PLAN

1: 200 scale

ORIGINAL SURVEY BY CEH SURVEYORS: REF #A3-D217313

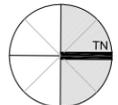
REV :	DATE :	DESCRIPTION :
A	21.10.2019	development application
B	13.12.2019	minor revisions, notes added, DA issue
C	06.02.2020	easement notes added, DA issue
D	12.03.2020	easement notes added, DA issue
E	24.03.2020	easement notes added, DA issue

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TITLE : SITE PLAN
PROJECT : PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)
ADDRESS : 23 GUEST AVENUE, FAIRY MEADOW

ISSUE TYPE : DA	JOB No : 893	DRAWING No :
SCALES : (A3) 1:200	REVISION : E	102
DATE : AUG. 2019		

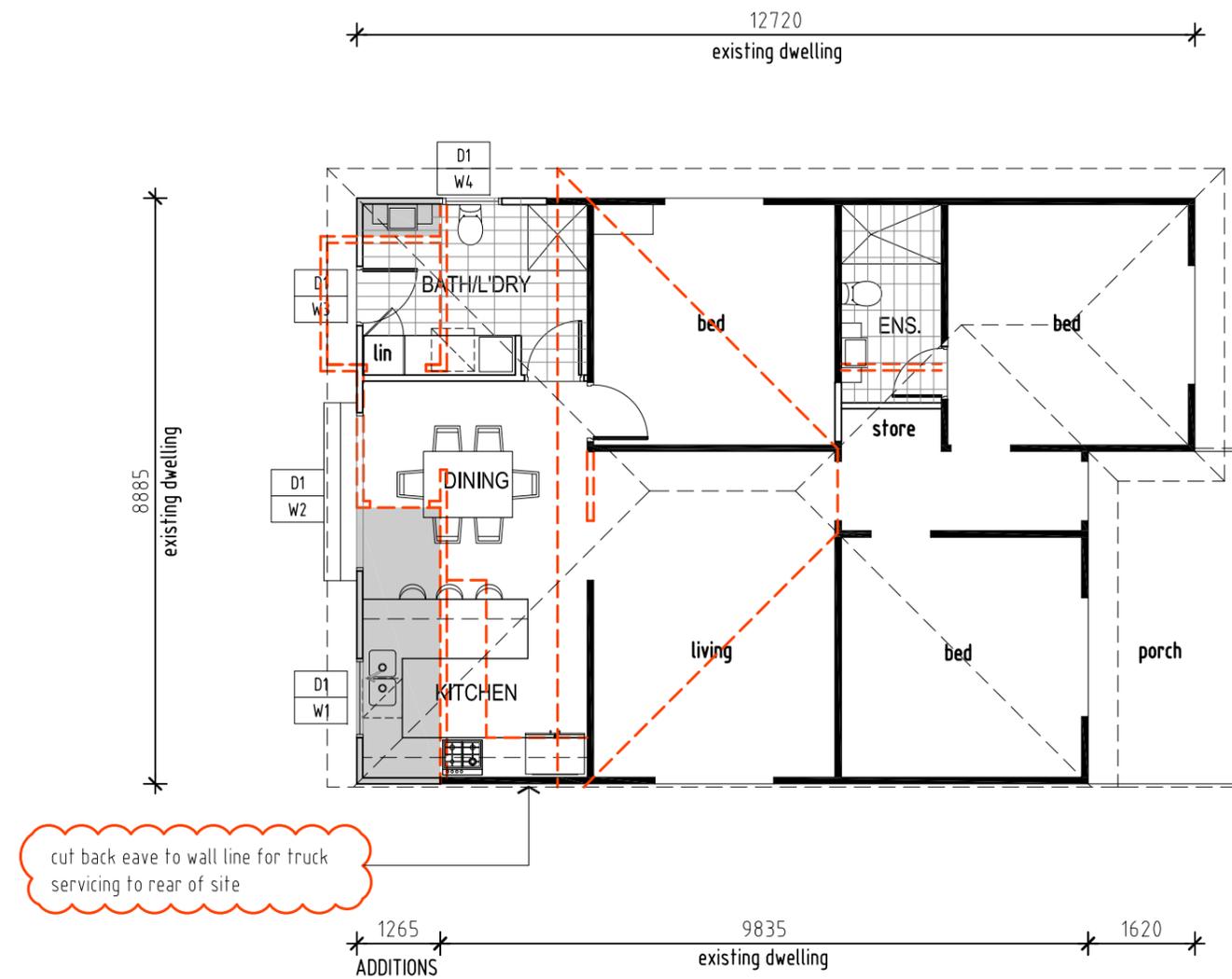


DEVELOPMENT APPLICATION

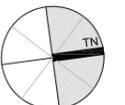


BUILDING NOTES :

-  INDICATES EXISTING WALLS
-  INDICATES EXISTING WALLS TO BE REMOVED
-  INDICATES EXTENT OF ADDITIONS
-  - -



FLOOR PLAN - DWELLING 1
1 : 100 scale



DEVELOPMENT APPLICATION

ISSUE :	DATE :	DESCRIPTION :
A	21.10.2019	development application
B	06.02.2020	notes added, DA issue

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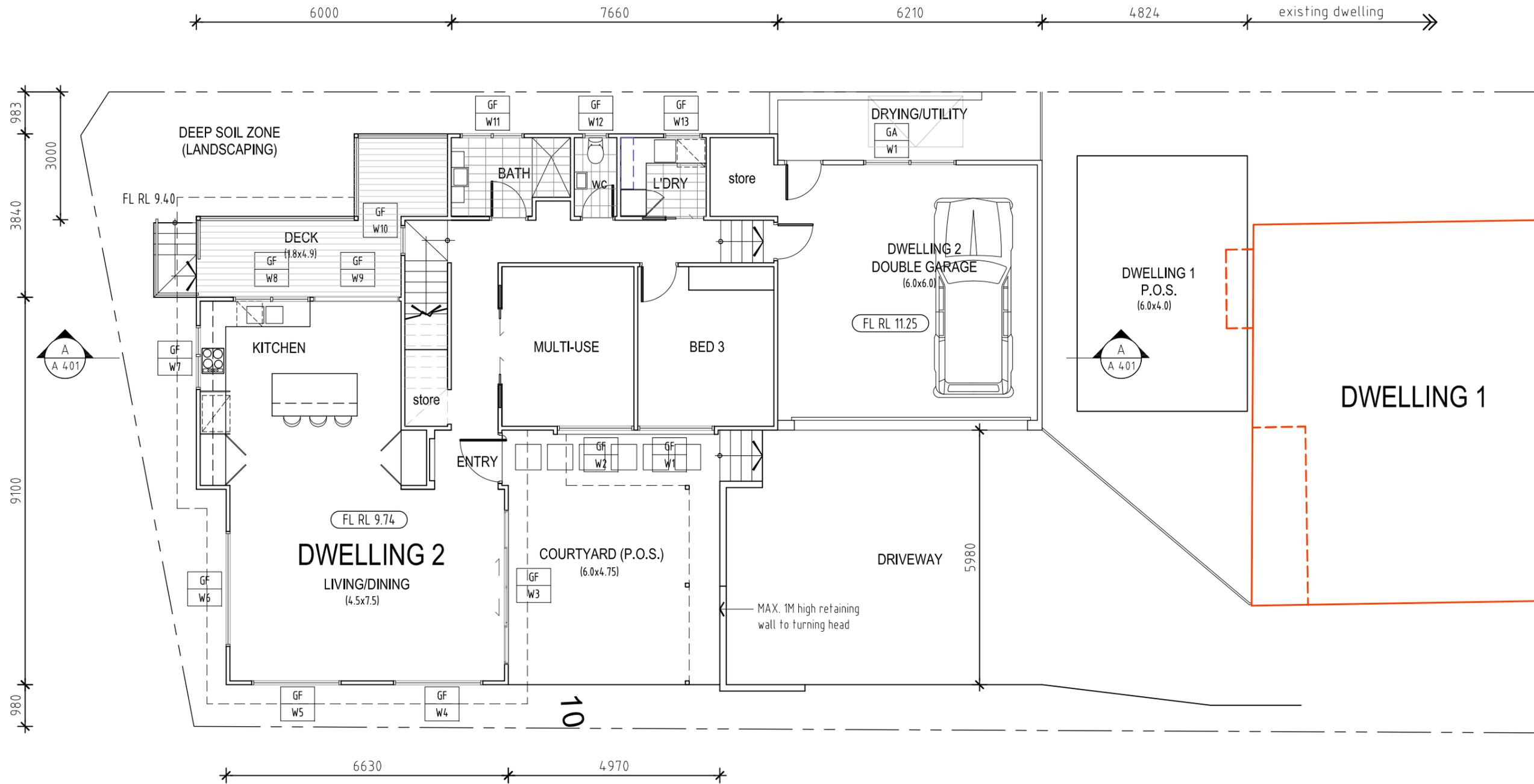
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PROJECT : PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)
ADDRESS : 23 GUEST AVENUE, FAIRY MEADOW

ISSUE TYPE: DA
 SCALES : (A3) 1:100
 DATE : AUG. 2019

JOB No : 893
 REVISION : B

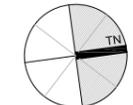
DRAWING No : 201





GROUND FLOOR PLAN - DWELLING 2

1:100 scale



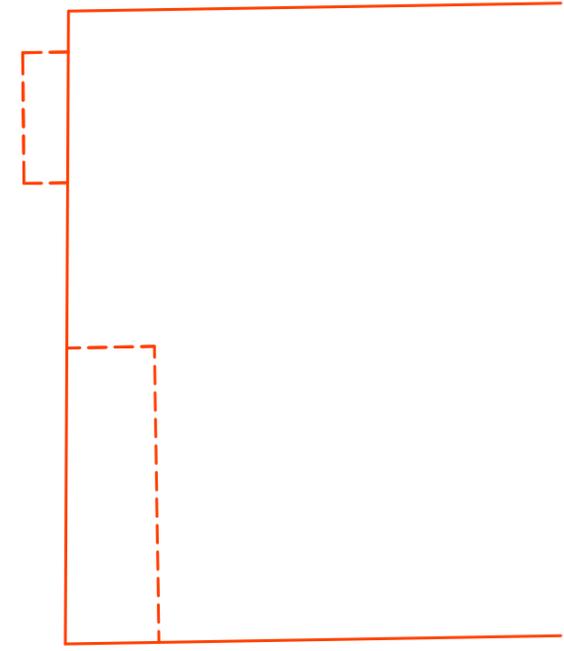
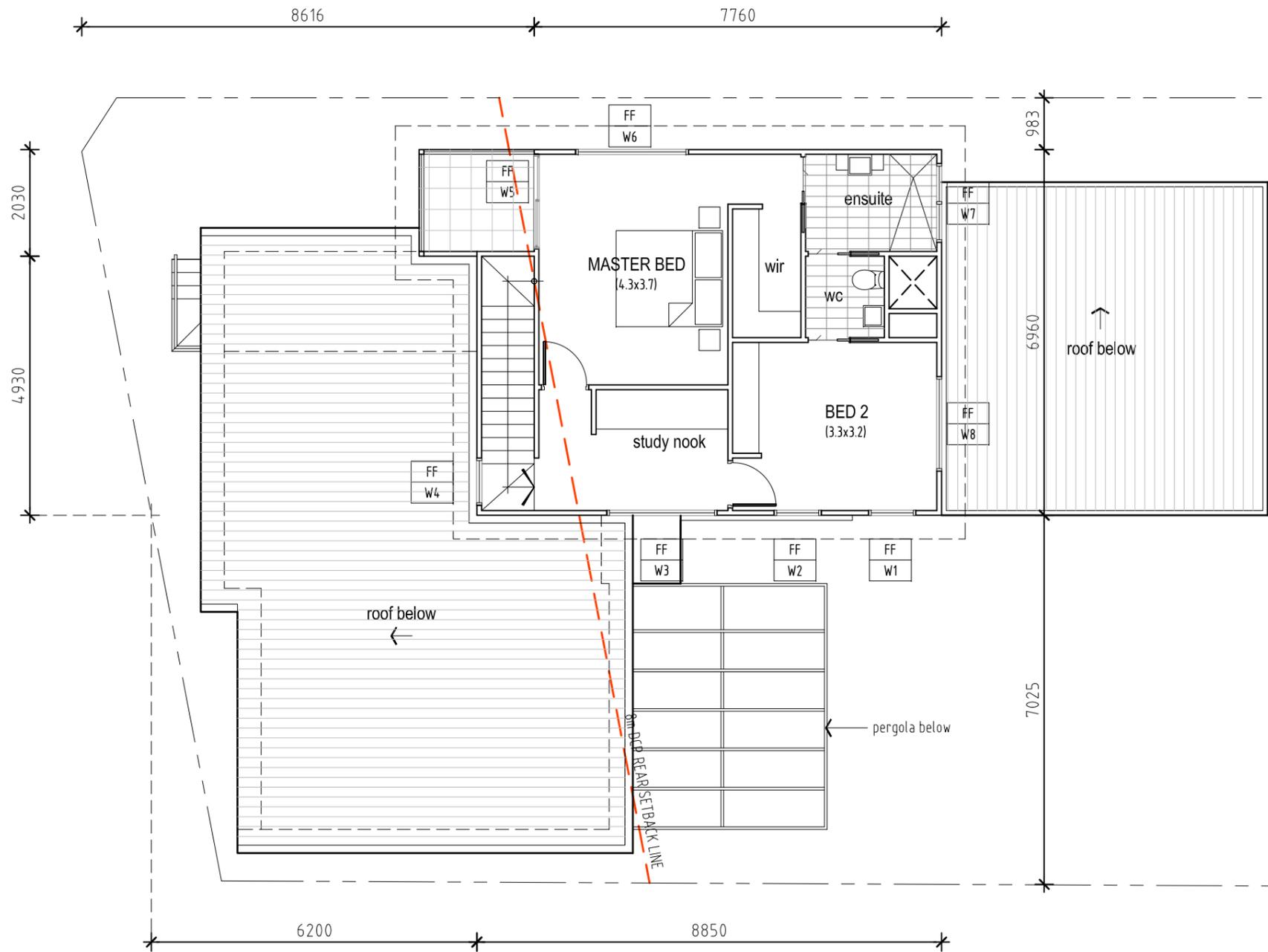
DEVELOPMENT APPLICATION

ISSUE:	DATE:	DESCRIPTION:
A	21.10.2019	development application

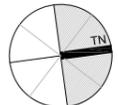
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TITLE: GROUND FLOOR PLAN - DWELLING 2		0m 1 2 2.5 5	
PROJECT:	PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)	ISSUE TYPE:	DA
ADDRESS:	23 GUEST AVENUE, FAIRY MEADOW	JOB No:	893
		REVISION:	A
		SCALES:	(A3) 1:100
		DATE:	AUG. 2019
		DRAWING No:	202



FIRST FLOOR PLAN - DWELLING 2
1:100 scale



DEVELOPMENT APPLICATION

ISSUE :	DATE :	DESCRIPTION :
A	21.10.2019	development application

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TITLE : FIRST FLOOR PLAN - DWELLING 2

PROJECT : PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)

ADDRESS : 23 GUEST AVENUE, FAIRY MEADOW

ISSUE TYPE: DA

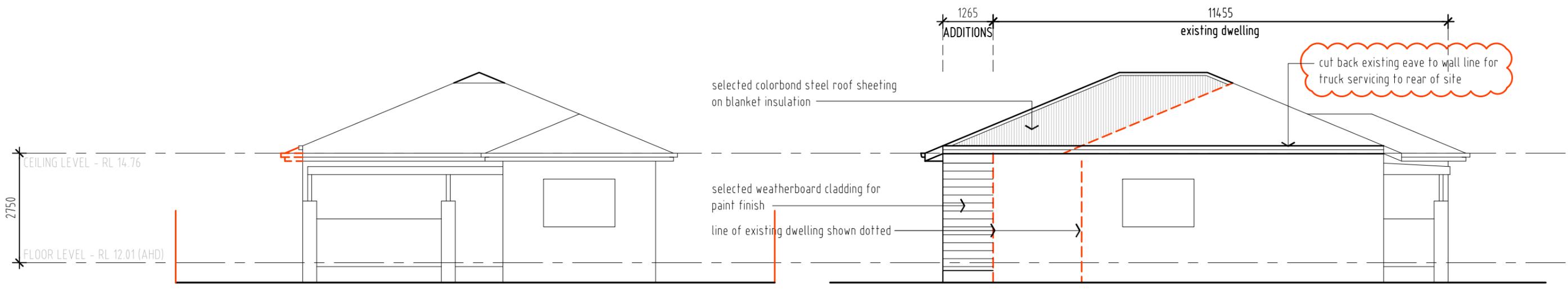
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DATE : AUG. 2019

JOB No : 893

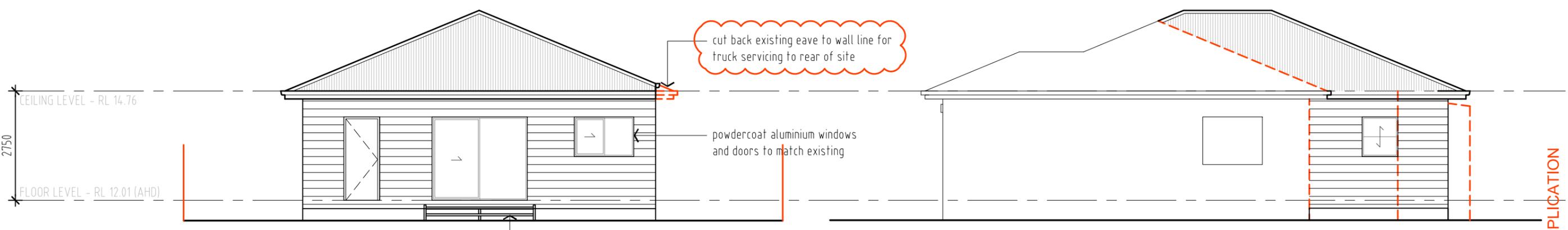
REVISION : A

DRAWING No : 203



NORTH ELEVATION
STREET ASPECT
1:100 scale

EAST ELEVATION
1:100 scale



SOUTH ELEVATION
1:100 scale

WEST ELEVATION
1:100 scale

DEVELOPMENT APPLICATION

ISSUE	DATE	DESCRIPTION
A	21.10.2019	development application
B	06.02.2020	notes added, DA issue

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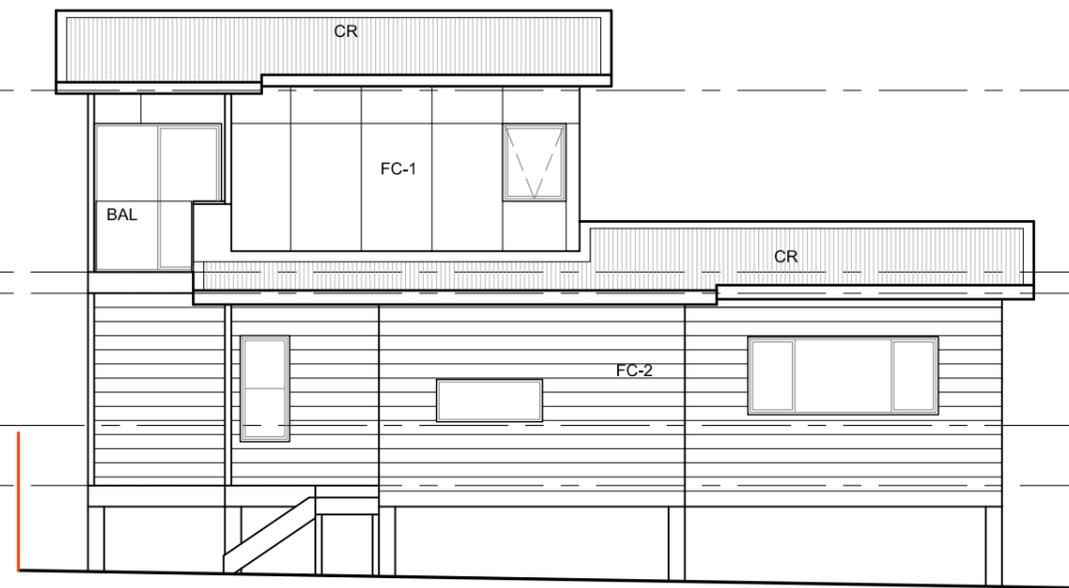
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TITLE: DWELLING 1 ELEVATIONS
PROJECT: PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)
ADDRESS: 23 GUEST AVENUE, FAIRY MEADOW

ISSUE TYPE: DA
JOB No: 893
REVISION: B
DATE: AUG. 2019
DRAWING No: 301



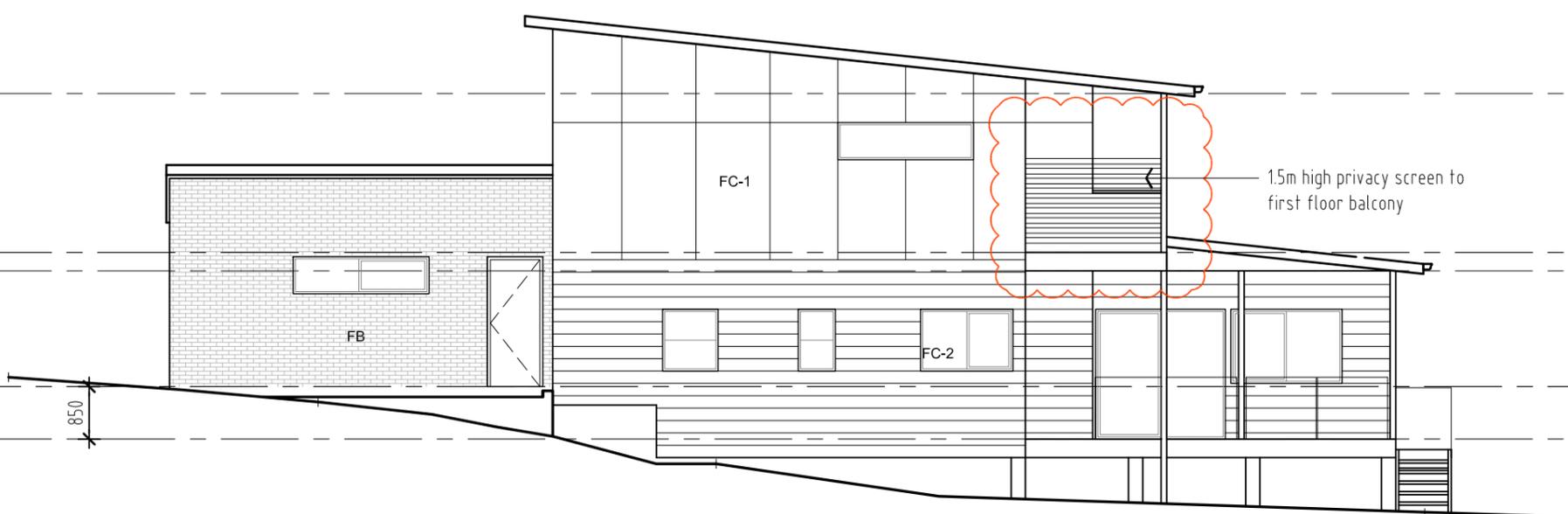
CEILING LEVEL - RL 15.99
 2570
 300
 FIRST FLOOR LEVEL - RL 13.42
 CEILING LEVEL - RL 13.12
 2720
 GARAGE FLOOR LEVEL - RL 11.25 (AHD)
 LOWER GROUND FLOOR LEVEL - RL 10.40 (AHD) 850



SOUTH ELEVATION
 REAR YARD ASPECT
 1: 100 scale

- FINISHES LEGEND**
- AW Aluminium Framed Windows and Doors (Colour TBA)
 - BAL Clear glass balustrade
 - CR Colorbond Roofing (COLORBOND Customorb colour TBA)
 - FB face brick (Colour TBA)
 - GD Lift up garage door (Colour TBA)
 - FC-1 Fibre cement sheet cladding (Scyon matrix or similar)
 - FC-2 Fibre cement weatherboard cladding (colour TBA)

CEILING LEVEL - RL 15.99
 2570
 300
 FIRST FLOOR LEVEL - RL 13.42
 CEILING LEVEL - RL 13.12
 2720
 GARAGE FLOOR LEVEL - RL 11.25 (AHD)
 LOWER GROUND FLOOR LEVEL - RL 10.40 (AHD) 850



WEST ELEVATION
 1: 100 scale

DEVELOPMENT APPLICATION

ISSUE	DATE	DESCRIPTION
A	21.10.2019	development application
B	16.02.2019	privacy screen added, DA issue

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TITLE: DWELLING 2 ELEVATIONS

PROJECT: PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)

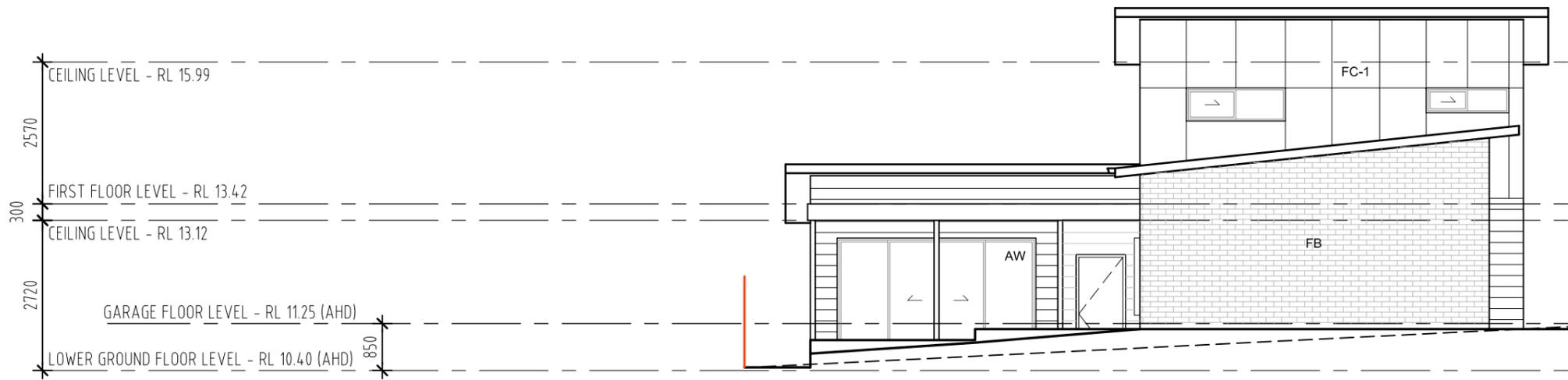
ADDRESS: 23 GUEST AVENUE, FAIRY MEADOW

ISSUE TYPE: DA
 SCALE: (A3) 1:100
 DATE: AUG. 2019

JOB No: 893
 REVISION: B

DRAWING No: 302



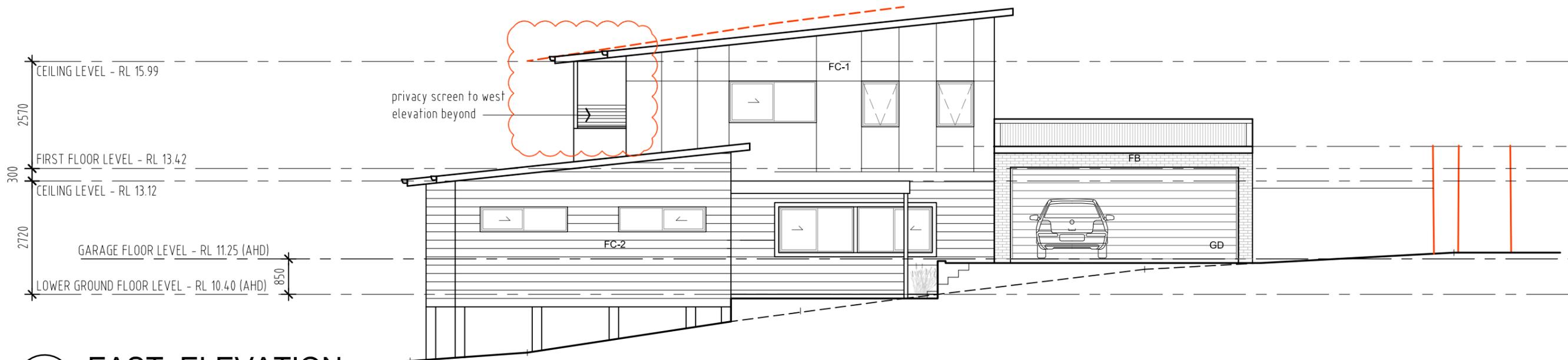


NORTH ELEVATION
DRIVEWAY ASPECT

1: 100 scale

FINISHES LEGEND

- | | | |
|--|--|---|
| AW Aluminium Framed Windows and Doors
(Colour TBA) | FB face brick (Colour TBA) | FC-1 Fibre cement sheet cladding
(Scyon matrix or similar) |
| BAL Clear glass balustrade | GD Lift up garage door
(Colour TBA) | FC-2 Fibre cement weatherboard cladding
(colour TBA) |
| CR Colorbond Roofing
(COLORBOND Customorb colour TBA) | | |



EAST ELEVATION

1: 100 scale

DEVELOPMENT APPLICATION

ISSUE :	DATE :	DESCRIPTION :
A	21.10.2019	development application
B	16.02.2019	privacy screen added, DA issue

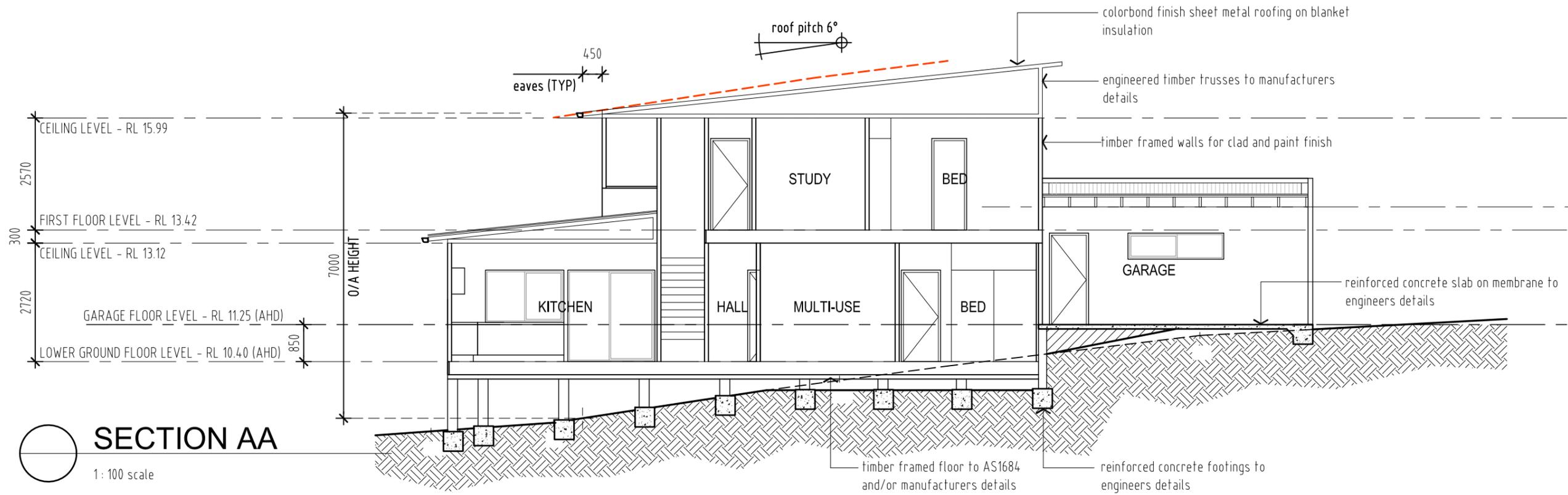
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TITLE : DWELLING 2 ELEVATIONS
PROJECT : PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)
ADDRESS : 23 GUEST AVENUE, FAIRY MEADOW

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ISSUE TYPE: DA	JOB No: 893	DRAWING No: 303
SCALES: (A3) 1:100	REVISION: B	
DATE: AUG. 2019		



DEVELOPMENT APPLICATION

ISSUE :	DATE :	DESCRIPTION :
A	21.10.2019	development application

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TITLE : SECTIONS

PROJECT : PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)

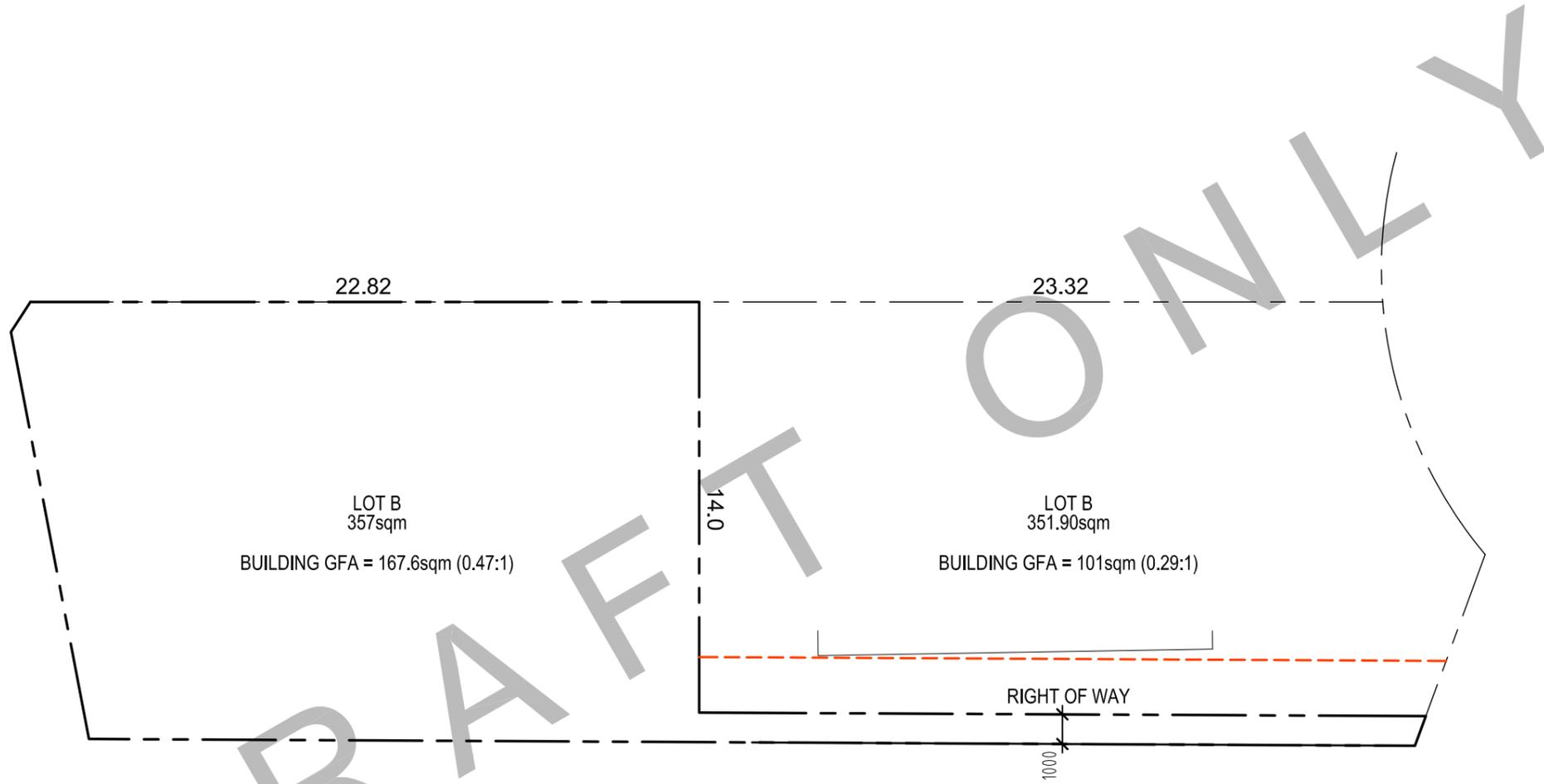
ADDRESS : 23 GUEST AVENUE, FAIRY MEADOW

ISSUE TYPE: DA
 SCALE: (A3) 1:100
 DATE: AUG. 2019

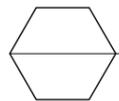
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DRAWING No: 401



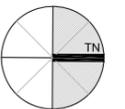


DRAFT ONLY



DRAFT SUBDIVISION PLAN

1: 200 scale



DEVELOPMENT APPLICATION

REV :	DATE :	DESCRIPTION :
A	21.10.2019	development application

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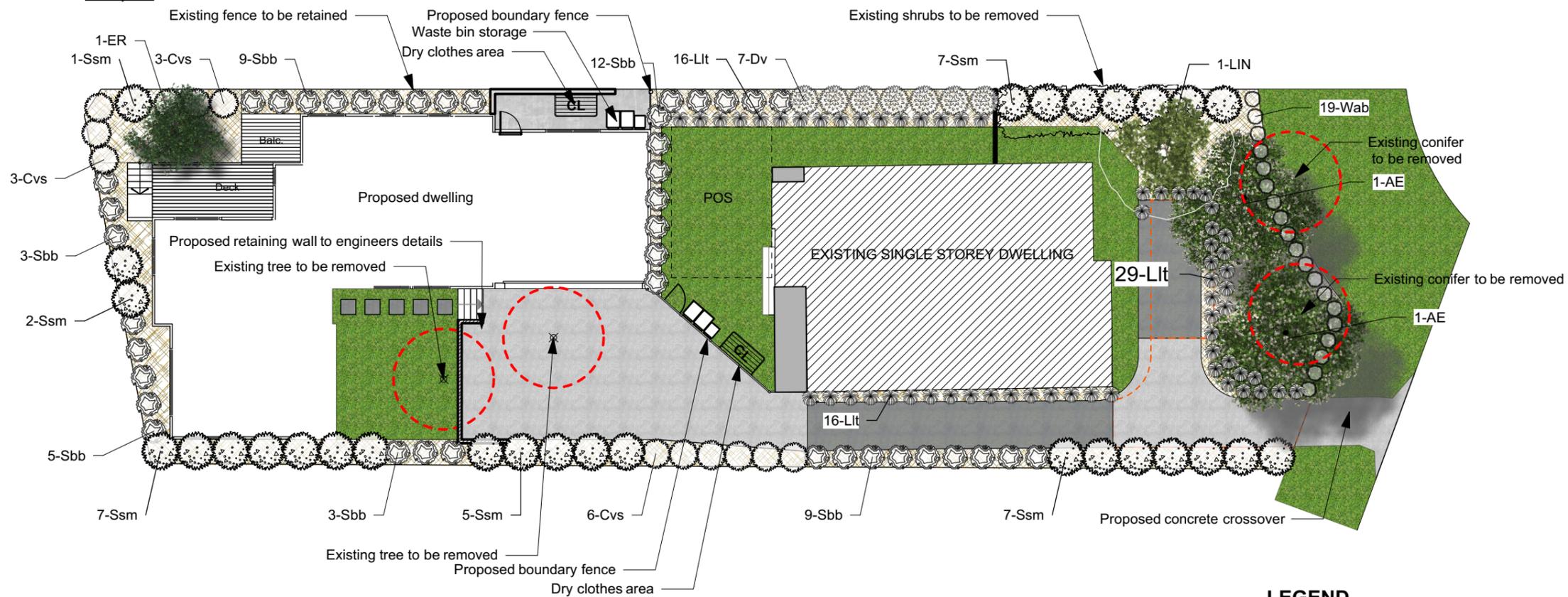
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TITLE : DRAFT SUBDIVISION PLAN			
PROJECT : PROPOSED DUAL OCCUPANCY (SECOND DWELLING TO EXISTING)	ISSUE TYPE: DA	JOB No : 822	DRAWING No :
ADDRESS : 23 GUEST AVENUE, FAIRY MEADOW	SCALES : (A3) 1:200	REVISION : A	105
		DATE : AUG. 2019	

Site plan



Indicative Planting Schedule

ID	Common Name	Botanical Name	Scheduled Size	Mature Height	Mature Spread
Trees					
AE	Red Ash	Alphitonia excelsa	45Lt	10 - 15m	3.5 - 6m
ER	Blueberry Ash	Elaeocarpus reticulatus	75Lt	5 - 10m	3.5 - 6m
LIN	Crepe Myrtle	Lagerstroemia indica 'Natchez'	75Lt	5 - 8m	10 - 15m
Shrubs					
Cvs	Slim Bottlebrush	Callistemon viminalis 'Slim'	200mm	3m	1.3m
Dv	Purple Hopseed Bush	Dodonaea viscosa 'Purpurea'	200mm	3 - 5m	2.0 - 3.5m
Sbb	Lilly Pilly	Syzygium 'Backyard Bliss'	200mm	3m	1m
Wab	Coastal Rosemary	Westringia 'Aussie Box'	200mm	0.8m	0.8m
Grasses					
Lit	Spiny-headed mat rush	Lomandra longifolia 'Tanika'	140mm	0.45 - 0.6m	0.6 - 0.9m

LEGEND

-  EXISTING TREES TO BE REMOVED
-  PLAIN CONCRETE
-  COLORED CONCRETE
-  PROPOSED TURF AREAS
-  EXISTING TURF AREAS
-  GARDEN AREAS
-  WASTE BIN STORAGE
-  CLOTHES DRYING AREA

1 12/4/18 Issue for development application FV

ISSUE	DATE	ISSUE NOTE	BY

REVISION	DATE	REVISION NOTE	BY

NOTES

PROJECT
Proposed dual occupancy development

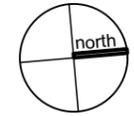
ADDRESS
23 GUEST AVE, FAIRY MEADOW, NSW

CLIENT
IDC - Illawarra Design Company

DRAWING
Landscape Concept Plan



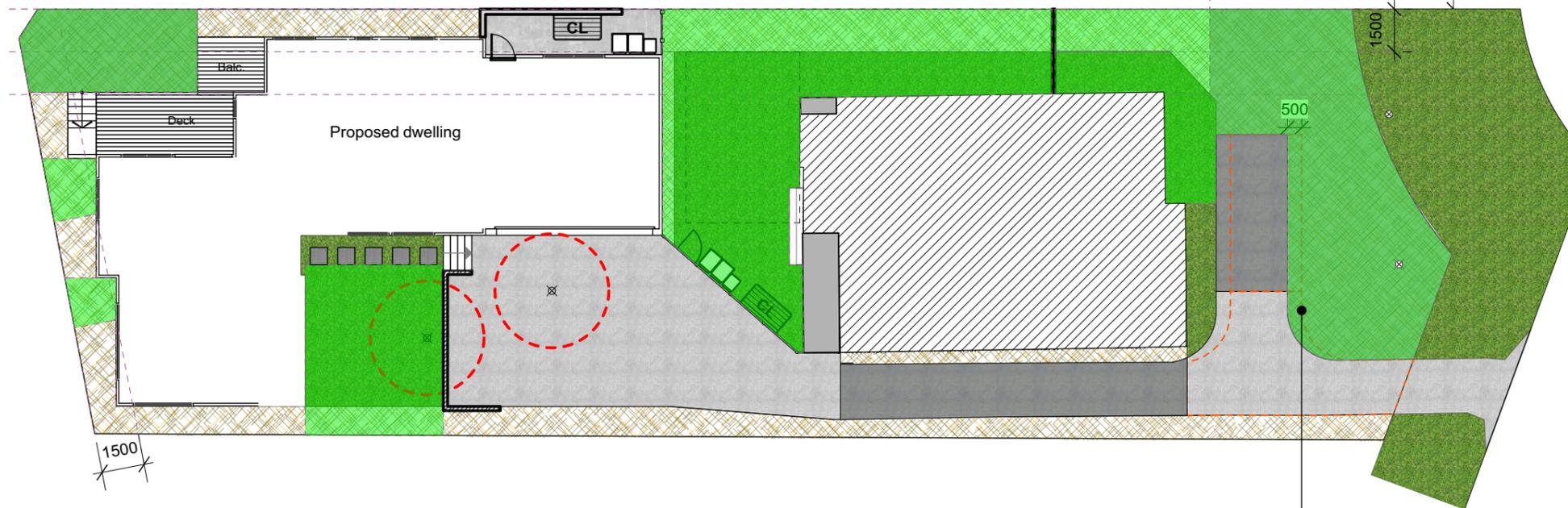
www.captivatedesign.com.au
(02) 4232 1191
info@captivatedesign.com.au
Level 1, 44 Manning Street,
Kiama NSW 2533



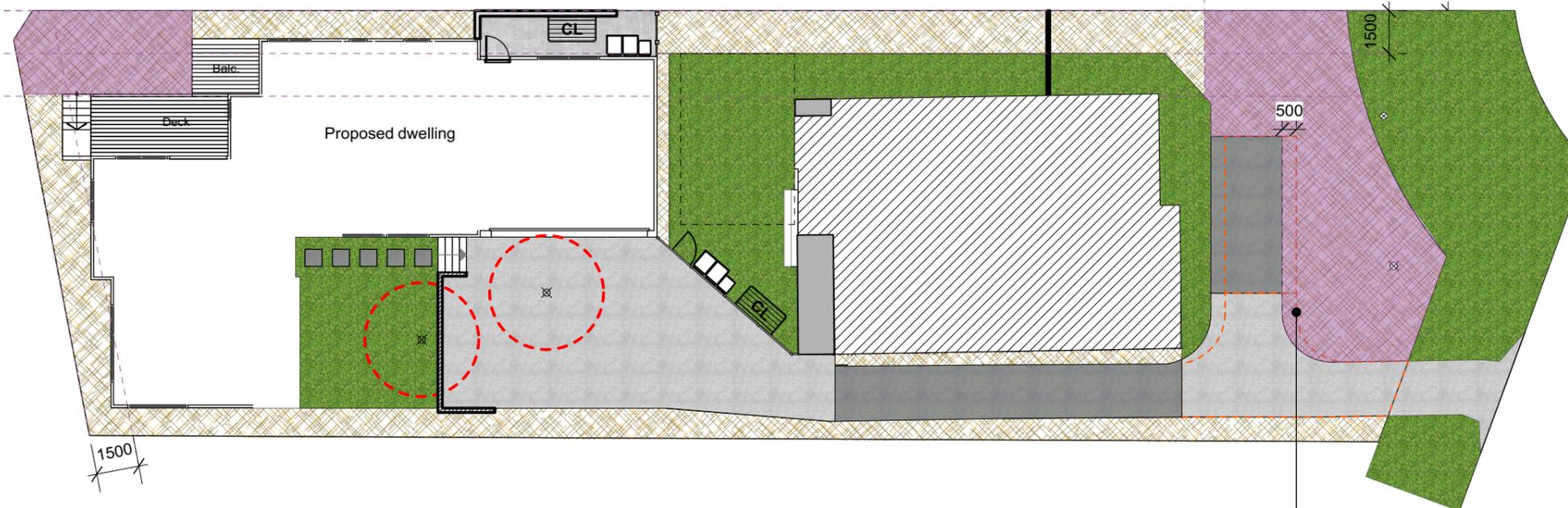
For Development Application Only

PROJECT #	1449	DWG STATUS	A
DWG DATE	12/04/18	CAD FILE NAME	1449-Landscape_v2019_v2020.vw
PLOT DATE	12/04/18	DWG #	REVISION X
ORIGINAL SHEET SIZE	A3	DA-1449/1	
SCALE @ A3	1:200		
DRAWN	FV	CHKD	RC
			OF 1

1 Landscape calculation
Scale: 1:200



Proposed parking area relocated to comply with deep soil zone requirement



Proposed parking area relocated to comply with deep soil zone requirement

Landscape calculations	
Site area : 708m ²	
Landscape area required :152.4m ²	
Deep soil zone required :76.2m ²	
Landscaped area	210.7m ²
Deep soil zone	77.69 sq m

- LEGEND**
- EXISTING TREES TO BE REMOVED
 - PLAIN CONCRETE
 - COLORED CONCRETE
 - PROPOSED TURF AREAS
 - EXISTING TURF AREAS
 - GARDEN AREAS
 - WASTE BIN STORAGE
 - CLOTHES DRYING AREA
 - LANDSCAPED AREA
 - DEEP SOIL ZONE

1 12/4/18 Issue for development application FV

ISSUE	DATE	ISSUE NOTE	BY

REVISION	DATE	REVISION NOTE	BY

NOTES

PROJECT

Proposed dual occupancy development

ADDRESS

23 GUEST AVE, FAIRY MEADOW, NSW

CLIENT

IDC - Illawarra Design Company

DRAWING

Landscape calculation



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Kiama NSW 2533

PROJECT #	1449	DWG STATUS	A
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DWG DATE	12/04/18	CAD FILE NAME	1449-Landscape_v2019_v2020.vw
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PLOT DATE	12/04/18	DWG #	REVISION
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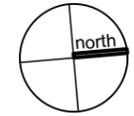
ORIGINAL SHEET SIZE	A3
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SCALE @ A3	1:200
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DRAWN	FV	CHKD	RC
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DA-1449/2

OF 1



For Development Application Only

MASONRY NOTES:

- M1- All workmanship and materials shall be in accordance with AS3700.
M2- The design strength of masonry shall be:

Exposure Classification to AS3600	Brick Compressive Strength (MPa)	Brick Salt Resistance Grade	Durability Classification of Built In components	Mortar Mix	
				GP Portland Cement:Lime:Sand	f'c(MPa)
A1/A2	5	General Purpose	R3 (Galvanised)	1.0:1.0:6.0	2.8
B1	5			1.0:1.0:6.0	2.8
B2	5	Expose	R4 (Stainless)	1.0:0.5:4.5	2.8

- M3- All masonry walls supporting concrete slabs and beams shall have a slip joint comprising of two layers of galvanized steel in between the concrete and masonry.
M4- All masonry walls supporting or supported by concrete floors shall be have vertical joints located to match any control construction joints in the concrete.
M5- Do not construct any masonry walls on suspended slabs until the slab formwork has been stripped and de-propped.
M6- Non load bearing masonry walls shall be separated from concrete slab or beam above by 20 mm thick compressible filler.
M7- Provide vertical control joints at 8 meters maximum centers, and 4 meters maximum from corners in masonry walls, and between new & existing brickwork. The joint shall have expansion joint ties and suitably sealed with a mastic sealant.
M8- Masonry retaining wall are to be back filled with either of the following material:
-Coarse grained soil with low silt content
-Residual soil containing stones
-Fine silty sand
-Granular materials with low clay content

BLOCKWORK NOTES:

- B1- All workmanship and materials shall be in accordance with AS3700
B2- Reinforced concrete blockwork shall comply with the following, UNO:
-Blocks: Minimum 10 MPa unconfined compressive strength conforming to AS4455.
-Mortar: 1.0:1.0:6.0 ratio of cement : lime : sand : UNO
-Blocks shall be either 'H' or Double-U configuration.
-provide cleanout holes at the base of the wall & rod core holes to remove excess mortar
-Core filling shall be 20 MPa concrete with maximum 10mm aggregate size with a maximum slump of 120 ±20mm.
-Minimum cover of 55mm from the outside of the blockwork.
B3- Blockwork retaining walls are to be back filled with either of the following material:
-coarse grained soil with low silt content
-Residual soil containing stones
-Fine silty sand
-Granular materials with low clay content
B4- No admixtures shall be used to the mortar mix or the core fill mix without prior written consent from the engineer.
B5- Provide vertical joints at 10m max centres generally and 5m max from corners or as specified in the BCA
B6- Provide cleanout holes at base and rod core holes to remove protruding mortar.
B7- Core filling concrete to be f'c= 15MPa Slump= 200mm, Aggregate= 10mm
B8- Grout shall be placed in lifts of 1200mm Max, compact with poker vibrator, allow time to settle between lifts.
B9- Flexible masonry anchors must be in at every fourth (4h) course.
B10- Wall ties to be built in a flexed to the timber frame 200 side of the Expansion Joint at every (3rd) course.
B11- Site maintenance is the responsibility of the home owner.

TIMBER NOTES:

- T1- All timber design, construction and material to be to AS1720.1 and AS1720.2.
T2- AS1684 shall be applied to domestic construction in sheltered locations.
T3- Softwood to be minimum grade F7 or MGP10 U.N.O. Hardwood to be minimum grade F11.
T4- All bolts in timber construction to be minimum M16 U.N.O. Bolt holes to be drilled exact size. Washers under heads and nuts to be at least 2.5 times bolt diameter.
T5- Timber dimensions on the finished width and thickness to be:
Seasoned Softwood +5, -0mm
Unseasoned Softwood >F7+3, -3mm
less than or equal to F7+2, -4mm
Seasoned Softwood +2, -0mm
Unseasoned Softwood +3, -3mm (see also clause 1.6.2 in AS2082)
T6- All timber joint and notches are to be 100mm minimum away from loose knots, severe sloping grain, gum veins or other minor defects.

STRUCTURAL STEEL NOTES:

- S1- All Work and Materials to be in accordance with AS 4100
S2- Unless noted otherwise
a. Use 10mm thick gusset ,fin and end plates welded all round.
b. All welds 6mm continuous fillet.
c. All bolts 20 mm dia. UNO
d. All bolts including holding down bolts are to be hot dip galvanized.
e. All fillet welds to be category GP UNO
f. Butt weld all flanges at end plates and at all mitre cuts .Butt weld all stiffener plates to flanges only.
g. All connections to have a minimum of 2 bolts.
h. Studs fabricated to AS1554.2
All shear studs (composite slab to steel) grade 410 MPa.
All threaded studs (steel to steel) grade 380 MPa.
S3- Butt welds where shown on drawings shall be complete penetration butt welds to AS1554.
S4- Bolting categories are identified on the drawings in the following manner.
4.6/S Commercial bolts of grade 4.6 snug tightened.
8.8/S high strength bolts of grade 8.8 snug tightened.
8.8/TB high strength bolts of grade 8.8 fully tensioned to AS4100 as a bearing type joint.
8.8/TF high strength bolts of grade 8.8 fully tensioned to AS4100 as a friction type joint with faying surfaces left uncoated.
Note: Grade 8.8 bolts are NOT to be welded.
S5- Chip all welds free of slag.
S6- Provide temporary bracing to maintain stability of steelwork during construction.
S7- Do not grout under base plates until first level steelwork is plumb and fixed by welding or bolting.
S8- All Structural Steel shall have a surface treatment in accordance with AS2312:2002. Generally internal steel should be wire brush cleaned and painted with a suitable paint. External steel should be galvanized or applied with a suitable paint in accordance with manufactures specification (usually sand blast clean surface treatment) and guaranteed for a minimum of 10 years.
S9- Concrete encased steelwork shall be wrapped with WS wire @ 150 centres with min 50 cover U.N.O.
S10- The contractor shall provide all cleats and drill all holes necessary for fixing members whether detailed on plans or not.
S11- All holding down bolts shall be hot dip galvanized. Other bolts to receive same surface treatment as adjacent steelwork.
S12- Minimum yield stress of steel beam/columns is 300 MPa.

FRAMING AND BRACING NOTES:

- TF1- Roof - Diagonal speed bracing throughout roof, screw fix to each purlin and securely fasten to top plate/beam at ends.
TE2- Stud walls - Strap top & bottom plate to a minimum of every second stud secure floor plate to slab below with m16 anchors or secure every second stud to floor bearers below
TF3- Masonry walls - Fasten top plate to brickwork using roof straps similar to brunswick mfa22 at a minimum of 1200mm spacing anchored 10 courses down. Provide straps each side of all openings provide additional hold downs as detailed
TF4- Vertical bracing - Provide vertical bracing in accordance with AS1684, provide additional vertical bracing where shown and as detailed on these drawings.

DRAINAGE NOTES:

- D1- All levels are in (m) and to AHD Datum.
All levels are shown as spot levels and/or contours.
D2- Runoff is calculated using Rational Formula with time of concentration of 5 min. and 100 year ARI. Rainfall Intensity is 297 mm/hr.
D3- Drainage design complies with AS3500.
D4- All drainage pipes are to be min. 100 mm dia. with min. 1% fall UNO.
D5- Ensure all drainage pipeline have min. 100 mm cover from the top of the pipe to the finished ground level or to the underside of the concrete driveway.
Any pipelines that have less than 100mm cover to the underside of the concrete driveway/slab must be galvanized steel pipeline.
D6- Basix commitments shall be complied with for both the rainwater tank size and connection of dp to the tanks ensuring minimum area of roof is connected to the rainwater tank as specified in Basix certificate.
D7- OSD (Onsite Detention Basin) Where provided shall be kept clean of all rubbish and green waste that may fall into the basin. The basin should be checked by the owner every 6 months by removing the lockable grate and cleaning and checking both parts of the basin. pipes should never be allowed to be blocked.
D8- Overflow pipes form the rainwater tanks are to be stormwater system.
D9- Finished surface levels are shown as **45.25**
D10- Pipeline from down pipes (dp) to rainwater tank are shown as _____
D11- Pipeline from rainwater tanks, pits, OSD etc. which are discharging into Council stormwater system or watercourse are shown as _____

POOL NOTES:

- P1- 1. All pool fences and gates to be installed is per BCA requirements.
P2- 2. All pool fences and gates must isolate the pool room the dwelling and other structures.
P3- 3 No doors can open into the pool area.
P4- 4.All windows that open into the pool area must have Crimsafe mesh installed to prevent entry and comply with AS1926.1-2007.
P5- 5. If a boundary fence is used as a pool fence. it must have a minimum height of 1.8m.
P6- 6. provide minimum 900mm no climb zone around pool boundary fence inside and out.
P7- 7. The filter box is to be minimum 900mm from boundary fence and housed in a sound proof enclosure.

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			DRAWN S.A.H.	DATUM A.H.D
			CHECKED	SCALE 1:100
			DATE 04/2018	SHEET OF 1 5
			JOB No. 18/048	REVISION 2

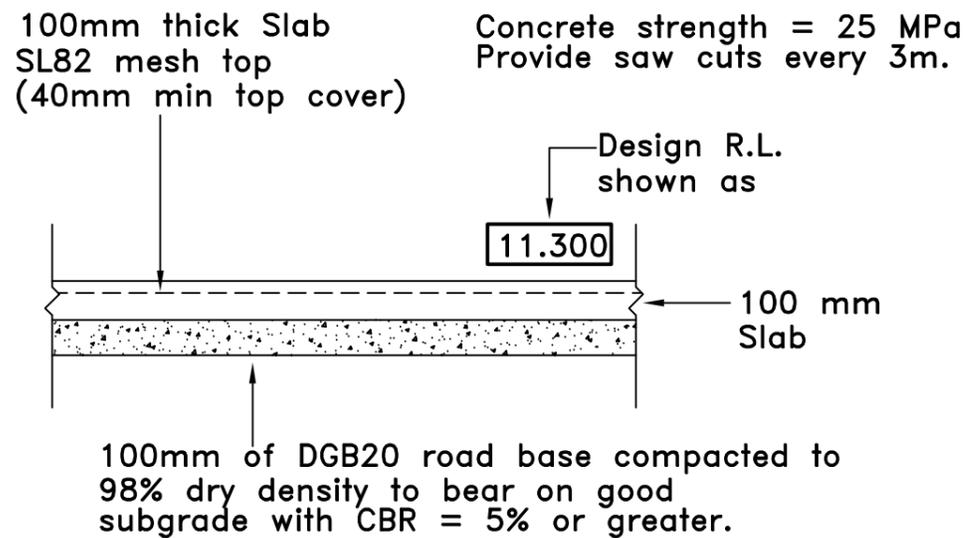
**DRAINAGE PLAN FOR
23 GUEST AVENUE
FAIRY MEADOW**

OSD – DATA & CALCULATIONS

File		FACTORS	VALUE
Site Area (m ²)	432	F1 ₅	1.043
Tributary Area (m ²)	319	F1 ₁₀₀	1.035
Existing Impervious Area (m ²)	42	F2	1.125
Developed Impervious Area (m ²)	259	I ₁ ⁵⁰	105
STEP 1			
PSD ₅ (=F1x2.67xArea/10000xI ₁ ⁵⁰) (l/s)	10.50		
PSD ₁₀₀ (=F1x2.67xArea/10000xI ₁ ⁵⁰) (l/s)	18.21	STEP 1	
SSR ₅ (=F3x2.25xPSD ₅ /F2) (m ³)	1.54	F3	0.174
SSR ₁₀₀ (=F3x2.25xPSD ₁₀₀ /F2) (m ³)	2.67	F4	0.422
STEP 2			
PSD ₅ (=F2x2.67xArea/10000xI ₁ ⁵⁰) (l/s)	10.06		
PSD ₁₀₀ (=F2x4.67xArea/10000xI ₁ ⁵⁰) (l/s)	17.60	STEP 2	
SSR ₅ (=F3x2.25xPSD ₅ /F2) (m ³)	0.34	F3	0.040
SSR ₁₀₀ (=F3x2.25xPSD ₁₀₀ /F2) (m ³)	0.59		

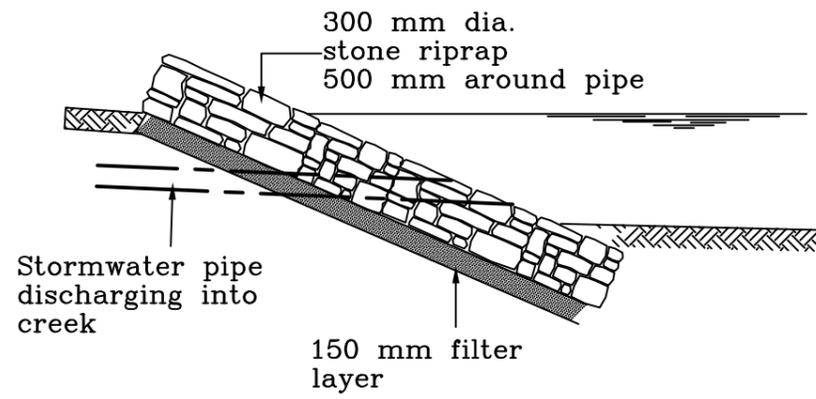
OROFICE PLATE	VALUE	
$Q = C A \sqrt{(2gh)}$ (l/s)	10.06	
C	0.6	
A = Area (sq. mm) => dia.	5278	Adopt orifice 82 dia.
5 Year head (mm)	514	Q = 10.06 l/s
100 Year head (mm)	922	Q = 13.48 l/s
WEIR FLOW		
Q (l/s)	4.12	17.60 – 13.48 = 4.12
HW (mm)	20	
L (mm)	900	
C	1.7	
$Q = CLH^{1.5}$	4.33	OK

FINAL SSR (STEP1–STEP2)	VALUE	
SSR ₅ (= 1.54 – 0.34) (m ³)	1.20	Final SSR is STEP 1 – STEP 2.
SSR ₁₀₀ (= 2.67 – 0.59) (m ³)	2.08	
FINAL PSD		
PSD ₅ (=F2x2.67xArea/10000xI ₁ ⁵⁰) (l/s)	10.06	Final PSD is PSD for STEP 2.
PSD ₁₀₀ (=F2x4.67xArea/10000xI ₁ ⁵⁰) (l/s)	17.60	



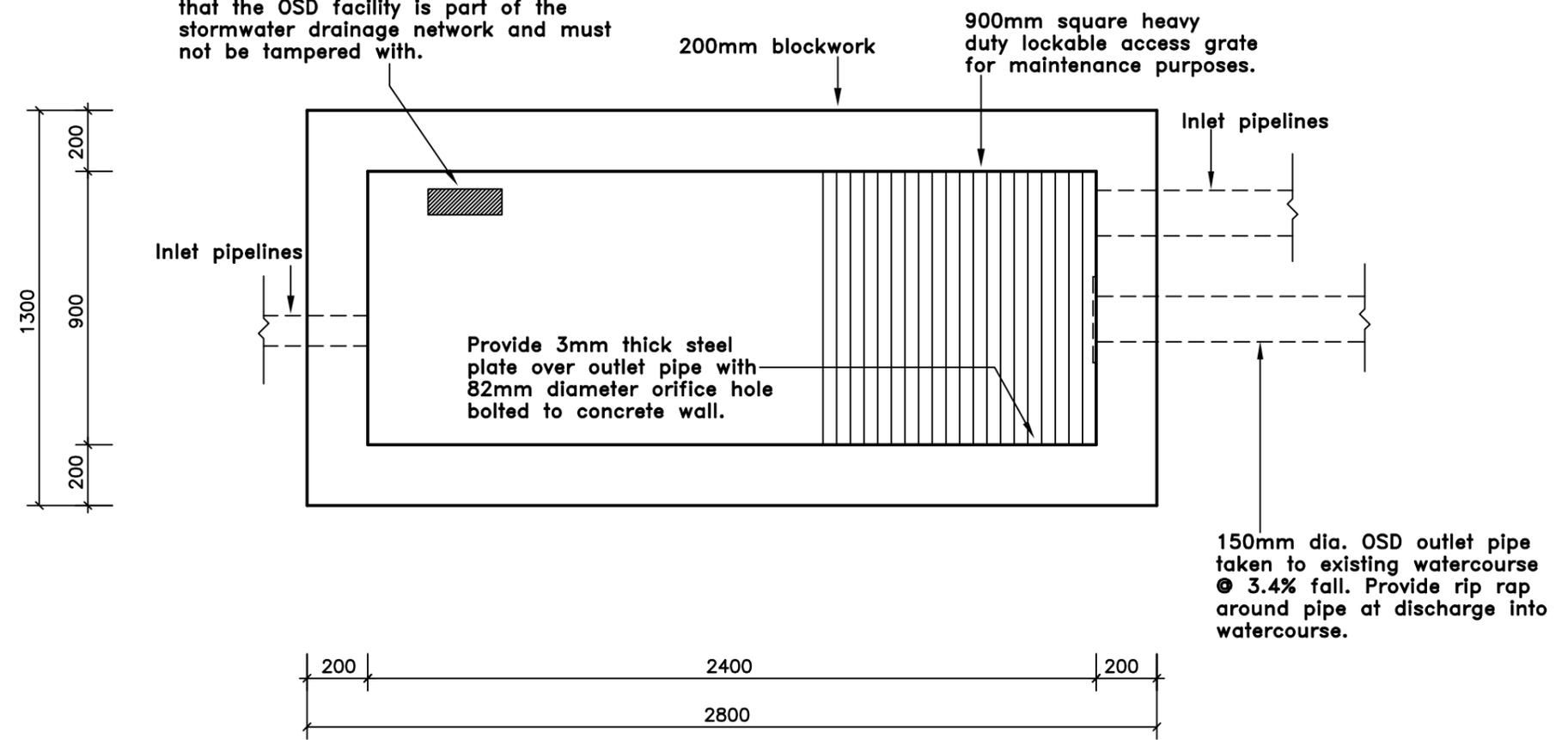
CONCRETE PAVEMENT DETAIL

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			JOB No. 18/048	REVISION 2



RIPRAP SECTION

Corrosion resistant identification plaque that states DA number & that the OSD facility is part of the stormwater drainage network and must not be tampered with.



OSD PIT PLAN
Scale 1:20

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			CHECKED	SCALE 1:20
			DATE 04/2018	SHEET OF 4 5
			JOB No. 18/048	REVISION 2
DRAINAGE PLAN FOR 23 GUEST AVENUE FAIRY MEADOW				

OSD MAINTENANCE SCHEDULE

MAINTENANCE	FREQUENCY	PERFORMED BY	PROCEDURE
Inspect & remove any blockage of orifice	Six monthly	Owner	Remove debris screen and clean/remove any blockages from orifice plate
Inspect debris screen & clean	Six monthly	Owner	Remove debris screen and clean/remove any debris
Inspect base of OSD pit & remove any sediment/sludge	Six monthly	Owner	Clean and remove all sediment and sludge at the base of the OSD pit
Inspect steel grate for damage or blockage	Six monthly	Owner	Check steel grate to ensure no damage and clean any blockages
Inspect storage areas & remove debris/litter/mulch likely to block screens/grates	Six monthly	Owner	Clean and remove debris/litter/mulch from the base of the OSD pit
Check attachment of orifice plate to wall of pit (gaps less than 5mm)	Six monthly	Owner	Check that steel orifice plate is bolted to the concrete wall with less than 5mm gap
Check if orifice diameter is correct and retains sharp edge	Six monthly	Owner	Measure orifice hole diameter is correct and retains a sharp edge
Check attachment of screen to wall of pit	Six monthly	Owner	Check that debris screen is correctly attached to the concrete wall with less than a 5mm gap
Check debris screen for corrosion	Six monthly	Owner	Check debris screen for any signs of corrosion and replace if required
Inspect overflow grate weir and clean any blockage	Six monthly	Owner	Inspect overflow weir for damage and clean out any debris/blockages

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			DATE 04/2018	SHEET 5 OF 5
			JOB No. 18/048	REVISION 2

**DRAINAGE PLAN FOR
23 GUEST AVENUE
FAIRY MEADOW**

Site Photographs



Figure 2: The existing dwelling viewed from the street



Figure 4: Public trees to be protected – at the rear of the subject lot



Figure 5: The rear of the site



Figure 6: Looking at the rear of the site from the adjoining parkland

Attachment 3 – Draft Conditions

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

- (i) **The Development Consent shall not operate until Council has been satisfied as to the following matters:**
 - a The developer must obtain a minimum one (1) metre wide easement to drain stormwater over Lot 12 DP 210948 and into the watercourse for the purpose of stormwater disposal and outlet protection to benefit Lot 27 DP 26939. The easement must encompass the full extent of the proposed pipe, outlet, and scour protection measures. Evidence that the easement has been registered with NSW Land Registry Services must be submitted to Council.
- (ii) The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent.
- (iii) If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

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

Natural Resources Access Regulator (NRAR)

Pursuant to Section 91A (3) of the Water Management Act 2000 – Controlled Activity Approval – General Terms of Approval issued by NRAR dated 2 March 2020 shall form part of this Notice of Determination – Attachment 1.

Conditions imposed by Council as part of this Integrated Development Consent are:

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No 893 Drawing 102-E dated 24 March 2020, 302-B and 303-B dated 16 February 2020, 201-B and 301-B dated 6 February 2020 and 202-A, 203-A, 401-A and 105-A dated 21 October 2019 prepared by Illawarra Design Company and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.

- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

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

Note: The 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.

4 **Mailboxes**
The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet.

5 **Tree Management**
The developer shall retain existing trees in Council Reserve indicated on Site Plan by idc Dwg. No. 102 Issue E dated 24 March 2020 and on Plan 1 in arborist's report Ref. No. D3529.1 dated March 2020 by Allied Tree Consultancy Author Warwick Varley consisting of tree numbered 1, 2, 3, 4, 5, 6, 7, 8 and 9. Total number: nine (9 No.).

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

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

Recommendations in arborist's report to be implemented including and not restricted to: establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

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

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

Prior to the Issue of the Construction Certificate

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

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

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

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

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

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

- 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), 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 **Building Code of Australia - Fire Safety Upgrade**

The following information will be required to be detailed on the plans or supporting documentation to the accredited certifier, prior to the issue of the Construction Certificate. This condition relates to fire safety upgrade considerations under Clause 94 of the Environmental Planning & Assessment Regulation 2000 and relate to the existing dwelling. The upgrade work shall be carried out in accordance with the National Construction Code Series (BCA) Volume 2.

Location of smoke alarms to be installed in the existing dwelling in accordance with Part 3.7.5 of the National Construction Code Series (BCA) Volume 2.
- 12 **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**

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

 - a A plan of the wall showing location and proximity to property boundaries;
 - b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
 - c Details of fencing or handrails to be erected on top of the wall;
 - d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
 - e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
 - f The assumed loading used by the engineer for the wall design.
 - g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 13 **Sizing of Drainage**

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

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

 - a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions

listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by ADD Design and Consulting, Reference No. 18/049, Sheets 1 to 5, revision 2, dated April 2018.

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

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

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 12.2.4 of Chapter E14 of the Wollongong DCP2009.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 900mm x 900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 12.2.6 and 12.5.4 of Chapter E14 of the Wollongong DCP2009.
- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the occupation certificate:
 - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
 - Identification number DA-2019/1206.
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

16 **Stormwater Disposal**

Stormwater from the development shall be piped to the watercourse via the easement to drain water benefiting the subject allotment. The stormwater outlet shall be oriented in the direction of flow of the receiving watercourse and treated with appropriate scour/erosion protection measures in accordance with good engineering practice. Details of the stormwater disposal pipe, outlet, and scour protection shall be prepared by a suitably qualified civil engineer. Evidence that these requirements have been satisfied shall be reflected on the Construction Certificate plans and supporting documentation prior to the release of the Construction Certificate.

- 17 **Site Filling**
Filling on the site being within the floodplain shall be restricted to within the proposed building footprint and ramped areas immediately adjacent to the garage only. No wholesale filling of the site within the floodplain is permitted. This requirement shall be reflected on the Construction Certificate plans.
- 18 **Car parking and Access**
The development shall make provision for a total of three (3) car parking spaces. This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.
- 19 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.
- 20 **Structures Adjacent to Driveway**
Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.
- 21 **Landscaping**
The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachychiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species for the Fairy Meadow area may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
 - b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
 - c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
 - d any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.
 - e to mitigate plant root growth into the adjacent eastern site, the developer shall install a 500mm depth root barrier along the eastern site boundary to manufacturers' recommendations; and;
 - f the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below:
 - i plants known to produce toxins;
 - ii plant with high allergen properties;
 - iii any weed or potential weed species.
 - g The final landscape plan must still be in general accordance with the submitted landscape plan identified as Drawing NoDA-1449/1- A dated 12 March 2018 by Captivate Design. It must be consistent with the stamped site plan identified in condition 1 of this consent and updated to be in accordance with any other condition contained within this consent.

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

- 22 **Screen Planting**
To mitigate impact to adjoining dwelling a continuous hedge is to be established along eastern and western boundaries for the length of property boundary.
- Recommended species:
- i *Syzygium australe* "Select Form"
 - ii *Syzygium luehmannii* x *S.wilsonii* "Cascade"
- Minimum spacing 900mm.
- Minimum pot size 25 lt.
- A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.
- 23 **Compensatory Planting**
The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, two (2 No.) 75 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. This is to be in addition to proposed trees listed on the submitted landscape plan identified as Drawing No DA-1449/1- A dated 12 March 2018 by Captivate Design. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Livistona australis* Cabbage palm tree, or *Brachybotan acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. Installation of compensatory planting is required prior to the issue of Occupation Certificate.
- 24 **Street Trees**
The Developer must address the street frontage by installing street tree planting. The number and species for this development one *Flindersia australis* or *Glochidion ferdinandii* 200 litre container size, in accordance with AS 2303:2018 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Development Engineering. 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 to be supplied to the Principle Certifying Authority.
- 25 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 26 **External Clothes Drying Facilities**
In the event that external clothes drying facilities are proposed, full details of the screening and the location of these facilities shall be reflected on the Construction Certificate plans and the final landscape plan.
- 27 **Landscape Maintenance Program**
The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.
- 28 **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 removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

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

29 **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the Principal Certifier.

The dilapidation survey and report shall accurately reflect the condition of existing public and private infrastructure in the adjacent street(s) fronting the lots.

The report shall outline measures for the protection of existing public and private infrastructure during the works.

Any damage to infrastructure items and relics which is caused by the developer shall be repaired to the satisfaction of the Principal Certifier prior to the issue of the Occupation Certificate

30 **Accessway Design**

A concrete driveway and accessway must be provided to the rear allotment to the following standards:

- a A 3.0 metre clear width where practical, with landscaped or turf strips either side where practical;
- b A minimum of 150mm thick, with a minimum 25MPa compressive strength after 28 days; and
- c Reinforced with a minimum SL72 mesh from the kerb for the full length of the access corridor underlain by a minimum 75 mm thickness of DGS20 compacted to 95% of modified density.
- d All accessways must be designed so that they have a minimum clearance of 4.5 metres from any overhanging eaves and obstructions within the approximately 3 metre wide access.
- e Provision for the utility servicing of the rear/battleaxe lots with the installation of service conduits or provision of a minimum 0.5 metre wide unformed strip.

Drainage over the accessway must be contained in a kerb or central dish and conveyed to a public road or piped drainage system. Details of the accessway, including long-section, cross-sections, typical cross-sections and the effect on adjoining land must be provided with the Construction Certificate.

31 **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 \$5,500.00 (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 (Full payment only)	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1170456	<ul style="list-style-type: none"> • Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> • Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan 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

32 Balcony Privacy Screen

A privacy screen shall be fixed to the western edge of the first floor balcony of the rear dwelling to prevent overlooking towards the western neighbour.

Prior to the Commencement of Works

33 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.

34 Appointment of Principal Certifier

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

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

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

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

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

- a in the case of work to be done by a licensee under that Act:
 - i has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
 - ii is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b in the case of work to be done by any other person:
 - i has been informed in writing of the persons name, contact address details and owner-builder permit number; and
 - ii has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

36 **Sign – Supervisor Contact Details**

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

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

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

37 **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.

38 **Structural Engineer's Details**

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

39 **Enclosure of the Site**

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

40 **Waste Management**

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie

or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

41 **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.

42 **Demolition Works**

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

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

43 **Site Management Program – Sediment and Erosion Control Measures**

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

44 **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.

45 **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.

46 **Tree Protection Implementation**

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

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

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

47 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

48 **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.

49 **Survey Report – Siting of Development within Property Boundaries**

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifier to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

During Demolition, Excavation or Construction

50 **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.

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

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

52 **Restricted Hours of Construction Work**

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

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.

53 **Minimise Nuisance**

The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

54 The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

55 The building site must be kept free of rubbish at all times.

56 **Dust Suppression Measures**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

- 57 **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.
- 58 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".
- 59 **Safe Excavations**
If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:
- a must preserve and protect the adjoining building from damage; and
 - b if necessary, must underpin and support the building in an approved manner; and
 - c must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.
- 60 All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.
- 61 All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 62 **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>).
- 63 **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 Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.
- 64 **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."
- 65 **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.
- 66 **Flood Compatible Materials – Electrical**
All power service (metering) equipment, power outlets, switches etc. shall be located above RL 10.18 metres AHD. All electrical wiring installed below this level should be suitable for

continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below RL 10.18 metres AHD should be capable of disconnection by a single plug and socket assembly.

67 **Fences**

Any new fences constructed on the site and located in the floodplain shall be of a type that will not obstruct the free flow of floodwaters and not cause damage to surrounding land in the event of a flood.

Prior to the Issue of the Occupation Certificate

68 **Root Barrier Eastern Site Boundary**

To mitigate plant root growth into the adjacent eastern site, the developer shall install a 500mm depth root barrier shall be installed along the eastern site boundary to manufacturers' recommendations. Root barrier to be a continuous HDPE (High Density Polyethylene) minimum 1mm thick.

69 **Smoke Alarms**

Prior to the issue of an Occupation Certificate smoke alarms must be installed within the existing dwelling in accordance with Part 3.7.5 of the National Construction Code Series (BCA) Volume 2.

70 **Drainage**

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

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

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

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

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

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

72 **Retaining Wall Certification**

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

73 **BASIX**

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

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

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

75 **On-Site Detention – Structural Certification**
The submission of a certificate from a suitably qualified practising civil and/or structural engineer to the Principal Certifier is required prior to the issue of the Occupation Certificate. This certification is required to verify the structural adequacy of the on-site detention facility and that the facility has been constructed in accordance with the approved Construction Certificate plans.

76 **Structural Soundness Certification**
The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the development can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard, Probable Maximum Flood (PMF) or Probable Maximum Flood (PMF) plus freeboard being RL 11.13 metres AHD or greater.

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

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

79 **Arborist Verification – Street Tree Installation**
Prior to the issue of Occupation Certificate, the developer must supply certification in the form of a report, including photographic evidence, from an AQF Level 5 Arborist to the Principal Certifier and Wollongong City Council to verify:

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

Prior to the Issue of the Subdivision Certificate

80 **Occupation Certificate Prior to Subdivision Certificate**
An Occupation Certificate for the dwelling/s 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.

81 **Existing Easements**
All existing easements must be acknowledged on the final subdivision plan.

82 **Existing Restriction as to Use**
All existing restriction on the use of land must be acknowledged on the final subdivision plan.

83 **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.

84 **Encroaching Services**

A minimum one (1) metre wide easement for services must be created over any encroaching utility service.

85 **Section 88B Instrument**

The submission of a Final Section 88B Instrument to Council/Principal Certifier, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

- a Easement for services;
- b easement for drainage;
- c drainage easement over overflow paths;
- d restriction as to user which prohibits the erection of buildings or other structures on the site unless an 'on-site stormwater detention system' has been constructed;
- e restriction-as-to-user over the 'on-site stormwater detention system' which prohibits its alteration and/or removal;
- f positive covenant that requires maintenance to be in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule – DA-2019/1206
- g rights of access;
- h rights of carriageway;
- i restricted building zone over any 1% AEP flood inundation area of a natural watercourse which prohibits the erection of structures, fences, pools, ancillary buildings, the placement of fill and the planting of trees;
- j restriction as to user which defines a restricted building zone;
- k restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level. This shall be accompanied by the 1% flood profile of the natural watercourse with superimposed lot boundary location;
- l restriction as to user over any filled lots which stipulates that footings must be designed by a suitably qualified civil and/or structural engineer;
- m restriction as to user over sub-surface drainage pipes contained within the building area of allotments;
- n minimum floor levels.

86 **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 the NSW Land Registry Services.

87 **Final Documentation Required Prior to Issue of Subdivision Certificate**

The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Certificate of Practical completion from Wollongong City Council or an accredited Principal Certifier (if applicable);
- c Administration sheet prepared by a registered surveyor;
- d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
- f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;

- g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- h 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.

Operational Phases of the Development/Use of the Site

88 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 Principal Certifier for approval prior to release of the Construction Certificate.

DRAFT



Contact: Natural Resources Access Regulator
Phone: 1800 633 362
Email: nrar.enquiries@nrar.nsw.gov.au

Our ref: IDAS1121941
GTA113102
Your ref: DA2019/1206
CNR:A-3487, CNR-3091 1576914074

2/3/2020

Wollongong City Council
Sent via email

Attention: Development Assessment

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2019/1206
Description: Controlled Activity - Works on Waterfront land
Location: 23 GUEST AVENUE FAIRY MEADOW 2519

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

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

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

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

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

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

- of any legal challenge to the consent.

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

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

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

Application forms are available from the NRAR website at:

<https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>

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

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

Yours Sincerely



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

Reference Number:	GTA113102
Issue date of GTA:	2/3/2020
Type of Approval:	Controlled Activity
Location of work/activity:	23 GUEST AVENUE FAIRY MEADOW 2519
DA Number:	DA2019/1206
LGA:	Wollongong City Council

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

Condition Number	Details
------------------	---------

Design of works and structures

GT0009	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
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Erosion and sediment controls

GT0006	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.

Plans, standards and guidelines

GT0002	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
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GT0023	Rehabilitation and maintenance <i>Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).</i>
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Attachment 4 – Wollongong Development Control Plan (DCP) 2009 Compliance Table

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP. Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

Note: the below table only addresses the applicable controls relevant to this application.

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>4.1 Maximum Number of Storeys</u></p> <ul style="list-style-type: none"> Dwellings on a battle-axe lot are limited to two storeys unless it meets the LEP height limit and satisfies the objectives of 4.1.1 R2 max height of 9m or two storeys Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey 	<p>Proposed dwelling: Two storeys; 7m Existing dwelling: height unchanged.</p> <p>It is considered that the proposal satisfies the objectives of the clause. Consideration has been given to the proposal using greater than the minimum side and rear setbacks, window form and placement to limit overlooking, the degree the site is below the maximum building height, its unique site circumstances with public owned parkland on its rear boundary and its compliance the solar access controls.</p> <p>Max height = 7m</p> <p>No concerns are raised in regard to the built form. Window placement and selection reduces potential overlooking to the adjoining properties.</p> <p>It is recommended that a condition be imposed requiring the second storey balcony on the rear dwelling to be fitted with privacy screening on its western elevation.</p> <p>Non-complaint: the 2 storey component of the rear dwelling into the 8m setback from the rear boundary. Refer to consideration under Chapter A1.</p>	<p>Yes</p> <p>No, variation sought</p>
<p><u>4.2 Front Setbacks</u></p>		

<ul style="list-style-type: none"> Infill 6m min; but less is allowed dependent on street character Garages and carports 5.5m min 	<p>Unit 1: No change</p> <p>Unit 2: Setback behind the existing dwelling</p> <p>The proposed garage is setback behind the existing dwelling</p>	<p>Yes</p>
<p><u>4.3 Side and Rear Setbacks</u></p>		
<ul style="list-style-type: none"> Walls must be setback at least 900mm from any side or rear property boundary 	<p>No change for the existing dwelling:</p> <p>Proposed dwelling:</p> <p>Side - West 0.985m and East 0.96m</p> <p>Rear - 1.085m</p>	<p>Yes</p>
<ul style="list-style-type: none"> Walls that exceed 7 metres overall height must be setback at least 3 metres from side and rear boundaries. Eaves/gutters must be setback at least 450mm from the side and rear property boundaries. 	<p>No walls exceed 7m in height</p> <p>450mm eaves proposed; setbacks to boundaries are 535mm to the west, 510mm to the east and 450mm to the rear.</p>	<p>Yes</p>
<ul style="list-style-type: none"> All balconies and windows of habitable rooms (excluding bedrooms) within a proposed dwelling-house or secondary dwelling must be designed to minimise any direct overlooking impact upon any adjoining property. 	<p>Complies: Screening on the western side of the balcony will be conditioned to limit overlooking.</p> <p>Window selection and placement is appropriate.</p> <p>No public submissions raised concerns in regards to privacy impacts.</p>	<p>Yes</p>
<p><u>4.4 Site coverage</u></p>		
<ul style="list-style-type: none"> The maximum site coverage for a dwelling is <ul style="list-style-type: none"> 50% of the area of the lot if the lot has an area of at least 450m². but less than 900m². 55% of the area of the lot, if the lot has an area less than 450m². For dual occupancy development, maximum site coverage for both dwellings combined must be less than or equal to that specified based on lot area above. Where a two lot Torrens Title subdivision is proposed for dual occupancy; the site coverage for each 	<p>Site area = 708.9m²</p> <p>Max coverage = 50% or 354.45sqm</p> <p>Proposed site coverage = 38.28% (271.4sqm)</p> <p>Complies</p> <p>Lot 1 site coverage - 117.31m² or 33.33%</p>	<p>Yes</p>

dwelling must be less than or equal to the maximum site coverage as specified above.

Lot 2 site coverage - 153m² or 46.0%

Complies

4.5 Landscaped Area

- Significant trees are to be maintained on the site.
- The minimum landscaped area required is 210m² + 40% of the lot area > 900 m²

4 trees are proposed for removal. These include 2 larger conifers at the front of the site. The landscape plan provides for replacement landscaping and conditions are recommended for some additional tree planting

Variation sought in relation to landscaped area for proposed Lot 2.

Required= 152.4 m²
Proposed = 210.7 m²

Post subdivision:

Lot 1: Required = 70.38 m²

Proposed = 152.96 m²

Lot 2 : Required = 66.5 m²

Proposed = 57.9 m²

Approx. 146.34m² is proposed behind the building line.

The application has been reviewed by Council's Landscape and Stormwater Officers and is satisfactory. The stormwater and landscape plans are compatible.

Landscape beds provided as required to most of the perimeter of the site.

Provided via deep soil zone.

- 50% behind the building line to the primary road boundary
- Landscaped areas must be integrated with the drainage design. The location of drainage lines, pits and detention areas should not conflict with landscaped areas including proposed and existing trees.
- A minimum of 1.5 metre wide landscape strip within the front setback for the majority of the site width (excluding the driveway). This area must be mulched and planted with appropriate trees, shrubs and/or groundcovers. A minimum of one (1) semi-mature small to medium evergreen or deciduous tree (minimum pot size 45 litre).

4.6 Private Open Space

- 24sqm of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.
- Not to be located on side boundaries or front yards. Variations may be permitted where the private open space is sufficiently setback as to ensure that the private open space will not be impacted upon by existing or

Both POS areas are compliant with relevant controls.

Yes

Appropriate locations proposed

<p>future complying Dwellings on adjoining lots.</p> <ul style="list-style-type: none"> Private open space must be defined through the use of planting, fencing, or landscape features. Space shall be provided for clothes lines and waste/recycling bins and rainwater tanks behind the front building line but outside of the private open space area. 	<p>Complies; POS area is readily identifiable and defined.</p> <p>Complies</p> <p>The plans indicate appropriate locations for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space areas.</p>	
<p><u>4.7 Solar Access</u></p>	<p>Complies. The provided shadow diagrams indicate that no windows on any adjoining dwellings will be overshadowed by the proposal.</p> <p>Complies</p> <p>Satisfactory given the site topography. North-facing living areas and POS is provided.</p> <p>Solar access is complaint and satisfies the objectives of the controls. The site benefits from having a north to south orientation, resulting in most shadowing being directed to the rear.</p>	<p>Yes</p>
<p><u>4.8 Building Character and Form</u></p>	<p>The application uses pier footing to reduce cut and fill and reduce potential damage to the trees on adjoining land.</p> <p>The design is not considered to be bulky. Irrespective of this, its location on a battle-axe lot behind the existing dwelling will assist in limiting impacts on the streetscape.</p> <p>N/A; however the dwelling's entrance is intuitively located to any visitor.</p>	<p>Yes</p>

4.9 Fences

No changes to boundary fencing proposed. Fencing could be undertaken pursuant to the *Dividing Fences Act 1991* and the *Exempt and Complying Development codes*.

Yes

4.10 Car parking and Access

- 2 spaces per dwelling with a GFA of greater than 125m²
- Car parking spaces may be open hard stand space, driveway, carport or a garage.
- Garages setback a minimum 5.5m from the front boundary.
- Min internal dimensions; single 6 x 3m; double 6 x 6m

One (1) space for the front dwelling and two (2) spaces provided for rear dwelling; complies.

Yes

Unit 1 will have a hard stand area in the front setback and the rear dwelling will have an attached double car garage.

Dimensions and setbacks comply

- Driveways shall be separated from side boundaries by 1m

Existing driveway is non-compliant with less than 1m setback from the side boundary. This variation is discussed above in relation to Chapter A1 of the DCP and is supported in this instance

No,
variation
sought

Compliance could only be achieved with the demolition or partial demolition of the existing dwelling which is not warranted.

- Driveways shall have max cross over width of 3m
- Garages facing the road frontage shall be a minimum 50% the width of the dwelling.

Existing crossover will be maintained

Yes

N/A. The garage is located at the rear

4.11 Storage Facilities

- 3 bedroom- 10m³ storage volume to 5m² storage area

Complies; several dedicated storage areas are proposed. They both meet the numerical requirements and are large enough to provide accessible storage for larger household items that cannot be readily accommodated within the dwellings.

Yes

4.12 Site Facilities

<ul style="list-style-type: none"> • Letterboxes in an accessible location • All dwellings must have open air clothes drying facilities that are easily accessible and which are screened from the public domain and communal open spaces. Clothes drying areas must have a high degree of solar access. Clothes drying areas must not be located between the building line and a public road or access way, unless adequately screened. 	<p>Conditioned</p> <p>Complies</p>	<p>Yes</p>
<p><u>4.13 Fire Brigade Servicing</u></p>		
<ul style="list-style-type: none"> • All dwellings located within 60m of a fire hydrant. • NSW fire service can access and manoeuvre on the site. 	<p>Complies.</p>	<p>Yes</p>
<p><u>4.14 Services</u></p>		
<ul style="list-style-type: none"> • Encourage early consideration of servicing requirements 	<p>The site is already serviced; it is expected that some augmentation to existing utilities will be required to facilitate the proposed development. Conditions can be imposed in this regard.</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p>		
<p><u>4.16 View sharing</u></p>	<p>N/A</p>	<p>N/A</p>
<ul style="list-style-type: none"> • To protect and enhance view sharing, significant view corridors • A range of view sharing measures to be considered for building design 	<p>View impacts are not expected due to the site location and topography.</p>	<p>Yes</p>
<p><u>4.17. Retaining walls</u></p>		
<p><u>4.18 Swimming pools and spas</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>4.19 Development near railway corridors and major roads</u></p>		
<p><u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u></p>	<p>N/A</p>	<p>N/A</p>
<p><u>4.21 Additional controls for Dual Occupancies minimum site width</u></p>		

<ul style="list-style-type: none"> • A minimum site width of 15 metres is required for a dual occupancy development. 	<p>Site width varies slightly across the site but is predominantly 15m for its full length.</p>	<p>Yes</p>
<p><u>4.22 Additional controls for Dual Occupancies –building character and form</u></p>		
<ul style="list-style-type: none"> • Controls for garages proposed on the front elevation – articulation 	<p>Complies</p>	<p>Yes</p>
<p><u>4.23 Additional Controls for Dual Occupancy’s – Deep Soil Zones</u></p>		
<ul style="list-style-type: none"> • A minimum of half of the landscaped area must be provided as a deep soil zone. 	<p>Required= 76.2 m² Provided= 77.69 m²</p>	<p>Yes</p>
<ul style="list-style-type: none"> • The deep soil zone shall be densely planted with trees and shrubs. 	<p>Complies</p>	
<ul style="list-style-type: none"> • The siting of the deep soil zone shall be determined following a site and context analysis to investigate whether this area should be located: 	<p>The location of the deep soil zone is acceptable as:-</p>	
<ul style="list-style-type: none"> a) At the rear of the site to allow for separation from adjacent dwellings and to provide a corridor of vegetation; or 	<ul style="list-style-type: none"> • The site currently has two large trees in the front setback which screen the front yard from view. A deep soil zone in this location will produce a similar outcome. The existing trees will be removed and replaced with more appropriate species with street trees also conditioned to be planted. The proposed deep soil zone in the front also has the additional benefit of screening the proposed hardstand car space from the street. • The rear boundary is shared with community owned park land, limiting the possibility of habitat linkage at the rear. • Four additional trees will be conditioned to be planted along the western boundary near the existing dwelling, further satisfying the deep soil zone objectives. 	
<ul style="list-style-type: none"> b) Elsewhere within a site to allow for retention of significant trees and attain maximum access to sunlight 		
<ul style="list-style-type: none"> • No structures, basement carparks, driveways, hard paving, decks, balconies or drying areas within the deep soil zone. 		

CHAPTER B2 – RESIDENTIAL SUBDIVISION

Controls/objectives	Comment	Compliance
<i>Note: table only discusses applicable controls relevant to this application.</i>		
<p><u>5 Subdivision design - topography, natural landform & significant vegetation</u></p> <ul style="list-style-type: none"> • Topography/landform taken into consideration 	<p>The proposal is for a single Torrens title subdivision of a dual occupancy.</p>	<p>Yes</p>
<p><u>6 Subdivision lot layout – aspect & solar access orientation</u></p> <ul style="list-style-type: none"> • North south axis lots preferred. • Lots should be rectangular shaped. 	<p>The proposed subdivision does not change the aspect of the existing lot street frontage. The two (2) lots are generally rectangular shaped. Aspect and solar access are considered suitable for the site and support energy efficiency opportunities.</p>	<p>Yes</p>
<p><u>7 Minimum allotment size requirements</u></p> <ul style="list-style-type: none"> • As per Lot Size Map; minimum 300m² 	<p>Permissible pursuant to cl.4.1(4C) of the LEP as dual occupancy development forms part of the application and the dual occupancy will be completed at the time of release of the Subdivision Certificate.</p> <p>WLEP minimum lot size does not apply where there is an existing dual occupancy.</p>	<p>Satisfactory</p>
<p><u>9 Battle Axe allotments</u></p> <ul style="list-style-type: none"> • The minimum allotment size requirement for battle-axe lots shall be in accordance with the relevant LEP and accompanying Lot Size Map, excluding the site area required for the battle-axe lot access handle. • The minimum lot width for a battle-axe allotment shall be 15 metres as measured at the front building line (ie exclusive the access handle). The 15 metre minimum lot width requirement for battle axe lots is set at 6 metres from the end of the battle axe handle (ie within the main building portion of the site). • A maximum of two (2) battle-axe allotments will be permitted behind a allotment which has direct frontage to 	<p>N/A; as per Cl.4.1 (4C) of WLEP 2009.</p> <p>Complies: Battle axe lot is 15m in width</p> <p>One battle-axe allotment only proposed</p>	<p>Satisfactory</p>

a dedicated public road in the proposed subdivision. Under no circumstances will Council favourably consider any subdivision proposal involving a series of battle-axe lots, one behind each other.

- All battle-axe allotments must have direct access to a dedicated public road, through the provision of an access handle attached to each battle-axe lot or via a shared access corridor (ie maximum of two (2) lots may share a common access corridor).
- The minimum access corridor width for a battle axe allotment shall be 5 metres with a minimum road pavement width of 3 metres for the entire length of the access handle.
- A 1 metre wide landscaping strip shall be provided along each side of the required 3 metre wide road pavement. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers.
- Each battle axe access corridor must have capacity for vehicular turning facilities and two (2) onsite parking spaces must be provided for each battle axe lot.
- The maximum gradient for any access way required for a battle axe lot subdivision should be 25%.
- Stormwater drainage on driveways must be contained in kerbs or a central dish and conveyed to the Council stormwater drainage system via the public road.

13 Cut and fill land re-shaping works

37 Servicing arrangements

Complies; access handle connects to a public road. Right of carriage way to be registered – conditions are recommended to this effect.

Variation proposed - refer to Chapter A1 discussion above

Variation proposed - refer to Chapter A1 discussion above

Complies; two parking spaces are proposed for the dwelling on the battle-axe lot.

Appropriate stormwater drainage arrangements are proposed.

Minor cut and fill pertaining to the creation of a level building platform only proposed.

Conditions will be imposed regarding site servicing.

Yes

Yes

38 Monetary contributions towards the provision of public services and amenities

A levy will be applied as required by the Wollongong City Wide Development Contributions Plan 2019.

Yes

CHAPTER D1 – CHARACTER STATEMENTS

Fairy Meadow

The proposal is considered to be consistent with the existing and desired future character for the locality.

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

A complaint number of car parking spaces has been provided as discussed under Chapter B1 above. Compliance with relevant standards can be achieved and conditions of consent are recommended in this regard.

Adequate vehicular manoeuvring is available within the site; all vehicles will be able to turn and leave the site in a forward direction. It is noted that, while the provided turning diagram appears to demonstrate a conflict between vehicle manoeuvring and the retaining wall, the application has been reviewed by Council's Development Engineer who has advised that a complaint turning circle can be achieved.

CHAPTER E6: LANDSCAPING

Council's Landscape Architect has reviewed the application with regard to the provisions of this chapter of the DCP and has advised that it is satisfactory. The number of shrubs and groundcovers proposed is considered more than satisfactory. Further, four 100L trees will be conditioned to be planted between the existing dwelling and the northern and western boundary in addition to the three proposed. Two street trees will also be required. It is considered that the development satisfies the objectives of this chapter and the landscape plan is satisfactory subject to conditions of consent.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided as required. Suitable waste storage and servicing arrangements are proposed.

Conditions relating to waste management during construction are included in the draft conditions.

CHAPTER E13: FLOODPLAIN MANAGEMENT

The site is identified as being located within a low-medium flood risk precinct. A flood study and concept stormwater plan have been provided. Council's Stormwater Engineer has reviewed the proposal with respect to the provisions of this chapter and Clause 7.3 of WLEP 2009 and has advised that the proposal is satisfactory subject to recommended conditions which are included in the list at **Attachment 3**.

CHAPTER E14: STORMWATER MANAGEMENT

Council's Development Engineer has reviewed the proposal with respect to the provisions of this chapter and has advised that the proposal is satisfactory subject to recommended conditions which are included in the list at **Attachment 3**.

CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Council's Landscape Officer has reviewed the application. Their assessment has considered the controls and objectives of this chapter and its relationship to the landscape controls of Chapter B1,

the provided arborist report and the proposed drainage plan. No concerns are raised in relation to adverse tree impacts. Conditions of consent are recommended which will include the requirement for an arborist to be on site during relevant works and excavation methods will be restricted as per the arborist's recommendations.

No concerns have been raised regarding the trees to be removed, which include two small exempt trees central to the site and two trees identified as conifers in the front setback. Compensatory planting for the conifers is conditioned. These plantings will be selected from a range of native species more appropriate for the area. Additionally, two street trees are conditioned to be planted to further compensate the streetscape for the loss of the Conifers.

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

The proposal involves excavations related to footings, minor site levelling and for the creation of the stormwater drainage system. These are not considered major earthworks for the purposes of this chapter and are not likely to impact on adjoining sites. No concerns are raised in relation to the matters for consideration outlined in this chapter or Clause 7.6 of the LEP.

CHAPTER E21: DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The application involves partial demolition of the existing dwelling house to complete the alterations and additions. A demolition plan has been prepared. No concerns are raised subject to conditions of consent.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

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

CHAPTER E23: RIPARIAN LAND MANAGEMENT

The watercourse to the rear of the site is identified as riparian land. However Clause 2 states that this Chapter of the DCP does not apply to:-

- a) The erection of a dwelling-house or dual occupancy building, or*
- (b) Alterations and additions to an existing dwelling-house or dual occupancy building, or*
- (c) Ancillary buildings or facilities associated with an existing dwelling-house or dual occupancy development (which are either activities requiring development consent, exempt development or complying development) adjacent to any river, lake or estuary, but excluding any facility proposed to be carried out in, on or directly over the bed of any river, lake or estuary."*

As such the requirements of this chapter do not apply. However, it is considered that the development still satisfies the objectives of this chapter being:

- (a) Protect urban creeks and riparian corridors from further degradation and improve their environmental function.*

The design of the stormwater infrastructure will protect the creek from scour and further degradation and not reduce environmental function.

- (b) Conserve, enhance and protect existing native riparian vegetation and associated habitat.*

The proposed drainage infrastructure has been located to minimise any vegetation disturbance.

- (c) Protect and enhance viability of endangered ecological communities and threatened species populations listed under the Threatened Species Conservation Act 1995.*

Mapping does not indicate that the corridor contains endangered or threatened species.

(d) Restore and rehabilitate degraded, fragmented and modified riparian corridors where possible.

NRAR has provided General Terms of Approval which are included in the draft conditions.

(e) Maintain and enhance the stability of the bed and bank of a watercourse and protect assets from accelerated rates of erosion.

The design of the stormwater infrastructure will protect the creek from scour.

(f) Enhance the aesthetic qualities and educational values of the local creek landscape.

Except for the scour protection, the proposed drainage infrastructure will be located underground.

(g) Ensure riparian management is compatible with, and does not adversely affect, floodplain risk management objectives in urban areas.

The application has been reviewed as satisfactory by Council's Stormwater Engineer.

(h) Protect water quality.

Water quality from the system is not expected to impact water quality.

(i) Protect and enhance any cultural heritage values of the riparian corridors.

Mapping does not indicate that the corridor contains heritage items.