

Wollongong Local Planning Panel Assessment Report | 27 April 2022

WLPP No.	Item No 3
DA No.	DA-2021/1282
Proposal	Residential – Conversion of existing dual occupancy into a single dwelling house and the construction of a new dwelling house to create a dual occupancy and Subdivision - Torrens title - two (2) lots
Property	8 Bellebrae Avenue, MOUNT OUSLEY NSW 2519 Lot 28 DP 33926
Applicant	Illawarra Drafting and Developments
Responsible Team	Development Assessment and Certification – City Centre Planning Team (VD)
Prior WLPP Meeting	N/A

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP) - Advice

The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(c) of the Environmental Planning and Assessment Act 1979. The proposal has been referred to the WLPP for advice pursuant to Council's draft Local Submissions Policy as the application is the subject of 6 or more unique submissions by way of objection.

Proposal

The proposal seeks consent for the conversion of an existing dual occupancy into a single dwelling and the construction of an additional dwelling to create a detached dual occupancy development with two lot Torrens title subdivision.

Permissibility

Dual Occupancy and subdivision are permissible in the R2 Low Density Residential zone.

Consultation

The proposal was exhibited in accordance with Council's Community Participation Plan 2019. A total of nine submissions were received during this period. The submissions received are discussed in section 1.5 of the report.

The proposal has been referred to Council's Development Engineering Officer who provided a satisfactory referral subject to conditions.

Main Issues

The main issues arising from the development assessment process are:

- Variations to WDCP 2009 controls at Chapter B1 setbacks and minimum subdivision lot depth.
- Traffic and noise concerns raised in the submissions.

RECOMMENDATION

Development Application DA-2021/1282 be **approved** subject to the conditions contained in **Attachment 4**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP Resilience and Hazards 2021
- SEPP (Building Sustainability Index: BASIX) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2021
- Wollongong Community Participation Plan 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal is for the conversion of an existing dual occupancy into a single dwelling and the construction of an additional dwelling to create a detached dual occupancy development with two lot Torrens title subdivision

Conversion of existing approved dual occupancy into a single dwelling

The approval issued under consent DA-1984/690 is to be converted into a single dwelling house under this application. The current approved plans show a self-contained one-bedroom dwelling on the lower level and another separate dwelling comprising three bedrooms on the upper level of the building.

The internal door has been reinstated to allow for internal access between the lower and upper floor. The proposed conversion plans are outlined in Sheet No. 15 in **Attachment 2** along with a full set of architectural plans for the development.

The garage at the ground level is proposed to remain along with laundry and bathroom facilities. An additional smaller bedroom is proposed converting the dwelling into a 5-bedroom house. The living area and kitchen area is also proposed.

It is recommended that a condition be imposed prohibiting the use of the lower level to be used as a separate dwelling. A condition is also proposed that DA-1984/690 be surrendered

Construction of new dwelling to create dual occupancy development

A new dwelling is proposed to the rear of the existing dwelling with a frontage to the right of way located to the rear of the site. The new dwelling is split level in design with a double garage and bedroom located on the lower floor level and a further three bedrooms along with living/dining and private open space located on the upper level.

Subdivision into 2 separate lots

Torrens title subdivision of the new dual occupancy is proposed with the following lot areas:

Proposed Lot 1 (fronting Bellebrae Avenue): 493.8sqm

Proposed Lot 2 (proposed rear lot): 467.7sqm

1.3 BACKGROUND

The development history of the site is as follows:

Application No	Description	Date
DA-1984/690	Convert Dwelling to Duplex	Approved 8/1/1985
DA-2018/616,	Subdivision - Torrens title - two (2) residential lots	Refused 8/10/2018

Customer service actions:

There are no outstanding customer service requests of relevance to the development, at the time of preparing this report.

1.4 SITE DESCRIPTION

The property is described as Lot 28 DP 33926 which is located at 8 Bellebrae Ave, Mt Ousley. The site has an area of 961.5sqm and is located on the northern side of Bellebrae Ave.

The property is a long trapezoidal shape with a primary street frontage of 20.115m, rear 19.725m and sides 48.4m and 50.3m.

The site slopes downwards from the street frontage to the rear of the property to the north. The site is located in a residential area comprising of single and double storey dwelling houses.

Access to the existing dual occupancy is from Bellebrae Avenue and the site is also benefited from an existing right of way to the rear of the site.

To the east and the west, the site is adjoined by residential development comprising detached dwellings. To the north, the site is adjoined by a public reserve and watercourse.

There is no significant vegetation existing on the site.

An aerial photograph of the site is found in **Attachment 1**.

Property constraints.

A small part of the northern end of the site is medium flood risk.

There site is serviced by a right of way easement located to the rear of the site. There are no restrictions on the title which would preclude this development

1.5 SUBMISSIONS

The proposal was exhibited in accordance with the Community Participation Plan 2019. A total of nine submissions were received during this period.

Table 1: Submissions

Concern	Comment
1. The existing house is already a dual occupancy development making this DA a multi-unit development.	Consent is sought for the conversion of the approved dual occupancy into a single dwelling house under this application. Thereby making this application a dual occupancy development. A condition is proposed that DA-1984/690 be surrendered.
2. Concerns over loss of privacy and solar access	The proposal has been designed with minimal privacy impacts. The windows on the eastern elevation comprise highlight

	<p>bedroom windows and obscured bathroom/ensuite windows. There is no direct overlooking anticipated onto the adjoining property to the east.</p> <p>To the west, a further setback is proposed of 5.7m from this boundary with the provision of landscaping and deep soil planting. There are no privacy impacts anticipated along this boundary.</p> <p>Shadow diagrams have been submitted demonstrating that solar access can be maintained to adjoining living areas and private open space areas in accordance with the provisions of Chapter B1.</p>
3. Traffic and noise concerns with increased use of the rear laneway.	<p>The application proposes one additional dwelling, and this is not considered to significantly exacerbate noise impacts to the surrounding neighbourhood. Dual occupancy developments along with multi-unit developments are permissible in R2 Low Density Zones.</p> <p>Concerns were raised that the existing garage is non-functional and cannot be used as a garage. The Applicant advises that the garage is functional, however the current occupants choose to use the garage for storage purposes.</p>
4. Flooding concerns.	<p>An assessment has been carried out by Council's Development Engineer and found to be satisfactory and in accordance with Council's policies.</p> <p>The application will have stormwater drainage systems discharging into the OSD facility and then through the level spreader. The proposed design is in accordance with Section 9, Chapter E14, WDCP 2009.</p>
5. Noncompliance with planning controls	<p>An outline of compliance with relevant planning controls is provided in this report. Variations to the rear setback height limit and subdivision lot depth is requested and discussed in this report.</p>
6. Emergency access and maintenance concerns	<p>Emergency access will be via the existing road or right of way depending on the type</p>

	of emergency vehicle required to access the site.
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1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Development Engineering Officer has provided a satisfactory referral and conditions have been received.

1.6.2 EXTERNAL CONSULTATION

None required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY 55 55 – REMEDIATION OF LAND

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. The site is therefore considered suitable for the proposed development with regard to clause 7 of this policy subject to conditions.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (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. Conditions are recommended in this regard.

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

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

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

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

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

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

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

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

(a) by conveyance, transfer or partition, or

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

Part 2 Permitted or prohibited development

Clause 2.2 – Zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives.

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

*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 described above and is permissible in the zone with development consent. Subdivision of land is proposed for both phases and is permissible with consent pursuant to clause 4.1.

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 dwelling has a height of 7.356m complying with the 9m height limit for this site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.5:1
Site area:	961.5m ²
Dwelling on front lot with existing dwelling Proposed site area: 493.8sqm	Total GFA: 238sqm/493.8sqm 0.48:1 – complies
Dwelling on proposed rear lot Proposed site area: 467.7sqm	Total GFA: 183sqm/467.7sqm 0.39:1 – complies
Total GFA	421sqm/961.5sqm
FSR	0.44:1 complies

The proposal is compliant.

Part 5 Miscellaneous provisions

Clause 5.21 Flood planning

The sites are identified as being flood hazard affected. Council's Development Engineer has assessed the application and has not raised any objections subject to conditions.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The existing site is serviced by electricity, water and sewage services. It is expected that these services will be capable of augmentation to meet the needs of the development. Conditions are recommended in this regard requiring evidence from the relevant authorities prior to the issue of the Construction Certificate.

Clause 7.6 Earthworks

The proposal requires earthworks. The earthworks are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features of surrounding land.

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

Draft Environment SEPP

The Explanation of Intended Effect for the Environment SEPP was on exhibition from 31 October 2017 until the 31 January 2018.

This consolidated SEPP proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 9.1 Local Planning Directions where appropriate.

The SEPP was made on 1 March 2022 (SEPP (Biodiversity and Conservation) 2021). and is not considered relevant to the proposal.

Draft Remediation of Land SEPP

The Explanation of Intended Effect for the Remediation of Land SEPP and the Managing Land Contamination guidelines were exhibited between 25 January 2018 and 13 April 2018.

The proposed SEPP: provides a state-wide planning framework for the remediation of land requires consent authorities to consider the potential for land to be contaminated when determining development applications clearly lists the remediation works that require development consent introduces certification and operational requirements for remediation works that can be undertaken without development consent.

The SEPP was made on 1 March 2022 (SEPP (Resilience and Hazards) 2021). The new SEPP directly transfers the provisions of SEPP55 which have been considered in this report.

Draft Design and Place SEPP

The Secretary has emphasised that, for the purposes of section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the draft proposed Design and Place State Environmental Planning Policy (DP SEPP) 2021 is not notified to any consent authorities. The draft DP SEPP is therefore not a mandatory matter for consideration under the Act. The Minister has recently announced that the SEPP is to be abandoned.

Draft Housing SEPP

Public exhibition of the Housing SEPP Explanation of Intended Effect was exhibited between 29 July and 9 September 2020. The NSW Housing Strategy: Housing 2041 is the NSW Government's plan to meet the State's housing needs over the next 20 years. The Housing SEPP will support delivery on this strategy by driving the development of affordable and diverse housing

The SEPP was made on 1 March 2022 (SEPP (Housing) 2021) and is not considered relevant to the proposal.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. Minor variations to Chapters B1 and B2 are addressed below. The full table of compliance can be found at Attachment 3 to this report

Chapter B1 – Clause 4.1	
Control	Comment
The variation statement must address the following points:	
The control being varied; and	In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.
The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	The proposal has a rear setback of 6.105m for the second storey component which is 1.895m less than the required 8m. The Applicant claims that the site slopes steeply towards the rear of the property and a split-level design is required to make use of the slope and require minimal cut and fill. The Applicant further claims that there is a small portion of the dwelling being two storeys and that the proposal has been designed to minimise the bulk of the building by using the slope of the site.

Demonstrate how the objectives are met with the proposed variations; and	<p><u>The objectives of Development Control 4.1 – Number of Storeys are</u></p> <ul style="list-style-type: none"> • <i>To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.</i> • <i>To minimise the potential for overlooking on adjacent dwellings and open space areas.</i> • <i>To ensure that development is sympathetic to and addresses site constraints.</i> • <i>To encourage split level stepped building solutions on steeply sloping sites.</i> • <i>To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.</i> • <i>To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.</i> • <i>To ensure appropriate correlation between the height and setbacks of ancillary structures.</i> • <i>To encourage positive solar access outcomes for dwellings and the associated private open spaces.</i> <p>As the dwelling is located to the rear of the site along the right of way there is minimal impact upon the streetscape. The proposal has been designed to minimise overlooking onto adjoining properties to the east and west through highlight windows to the east and obscure glazing. The deep soil zone along the side property boundary will also provide a buffer and increased privacy to the west. As per the objectives, a split-level design has been adopted and solar access to adjoining private open spaces has been maintained.</p> <p>Therefore, the proposal is considered to be consistent with the objectives outlined above.</p>
Demonstrate that the development will not have additional adverse impacts as a result of the variation	There are no additional impacts anticipated by way of visual, overshadowing or privacy impacts as a result of the second storey component of this proposal. The design of the dwelling adequately responds to the slope of the site. There are not any significantly impacts anticipated to occur as a result of the second storey component.
Comment: The requested variation has been considered and is supported in this case, for the reasons outlined above	

Chapter B2 Subdivision - Clause 6.3	
Control	Comment
The variation statement must address the following points:	
The control being varied; and	<p>Clause 6.3 Lot width and depth</p> <p>4) The minimum depth for a residential allotment should be at least 25 metres</p>

The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	Proposed Lot 1 has a depth of 22.7m on the eastern side and 27.9m on the western side. Proposed Lot 2 has a depth of 25.3m on the eastern side and 22.4m on the western side.
Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of Clause 6.3 Lot width and depth are:</p> <p><i>e) To ensure residential lots are designed to provide sufficient lot width and depth, to cater for a suitable range of dwelling styles having regard to any site constraints or environmental qualities of that land.</i></p> <p><i>f) To ensure residential lots in low density residential areas provide sufficient site area to cater for detached dwelling-houses with sufficient rear private open space which gains appropriate sunlight access during mid-winter.</i></p> <p>The proposed lot depths are considered to meet the above objectives as the development can cater for the existing and proposed dwelling house. There is also sufficient area for the provision of private open space which gains solar access.</p>
Demonstrate that the development will not have additional adverse impacts as a result of the variation	The controls are to ensure that a suitable building envelope can be accommodated on proposed subdivided allotments. As the proposed allotments will accommodate an existing dwelling as well as a new dwelling to form part of the dual occupancy, there are no concerns with the variation. As the site is irregular in shape, the lot depths achieve 25m on at least one side for both lots.
Comment: The requested variation has been considered and is supported in this case, for the reasons outlined above	

2.3.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2021

The estimated cost of works is >\$100,000 (\$396,000) and a levy of 1% is applicable under this plan as the value of the development is greater than \$100,000.

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

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

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

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

No demolition is proposed. The site is not mapped as being within the Coastal Zone.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

Context and Setting:

The proposal has been assessed with regard to the amenity impacts from the development, the zoning, height and FSR for the land, and existing and future character of the area, and is not considered to be incompatible with the context and setting or existing and future desired character of the local area.

Concern has been raised over the location of the dual occupancy development from a right of carriageway. However, it is not uncommon for developments with a right of carriageway to have more than one dwelling on the property. It is envisaged that an additional dwelling will not significantly increase noise or traffic impacts along this access road.

Matters such as such as overshadowing, privacy concerns, bulk, scale and setbacks are relevant. The variation requests have been assessed and supportable in this instance as the departures will not create significant impacts. The development will not result in unreasonable overshadowing of any adjoining property, or the development potential of any nearby site. Attempts have been made through the design to minimise any privacy impacts. Overall, the development is suitable in the context and setting of the immediate area.

Access, Transport and Traffic:

The development provides for the required number of car parking spaces and adequate manoeuvring areas. Council's Development Engineer has considered the proposal with regard to impacts on the wider traffic network and raised no objections.

Public Domain:

The development is considered to be acceptable in relation to bulk and scale and the public domain.

Utilities:

The proposal would not be envisaged to place an unreasonable demand on utilities supply.

Heritage:

The site is not impacted by heritage items.

Other land resources:

The proposal would not be envisaged to impact upon valuable land resources.

Water:

The site is presently serviced by Sydney Water, which is expected to be capable of extension to meet the requirements of the proposed development. The proposal would not be envisaged to have unreasonable water consumption.

Soils:

There is no impact on soils.

Air and Microclimate:

The proposal would not be expected to result in negative impacts on air or microclimate.

Flora and Fauna:

The site is not identified within Council's land information system as being known to contain any threatened fauna species or habitat.

Waste:

A condition is recommended requiring that an appropriate receptacle be in place for any waste generated during the construction. On street collection is proposed for the dwelling.

Energy:

The proposal would not be envisaged to have unreasonable energy consumption. See BASIX considerations at section 2.1.2 above.

Noise and vibration:

There are no anticipated noise or vibration impacts.

Natural hazards:

Council records list the site as affected by flood impacts. Officers have reviewed the application and made satisfactory comment in relation to flooding/stormwater matters. Conditions are provided.

Technological hazards:

The site is not affected by any technological hazard which would result in adverse impacts on the development.

Safety, Security and Crime Prevention:

This application would not be expected to result in greater opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal would not be envisaged to result in negative social impacts.

Economic Impact:

The proposal would not be envisaged to result in negative economic impacts.

Site Design and Internal Design:

The proposal does seek variations to development controls relating to rear setback for upper storey along with lot depth requirements. These requests have been considered and are considered capable of support in this instance, as discussed at section 2.3.1 above.

Landscaping requirements, deep soil zone and vehicular manoeuvring have been accounted for in the site layout. Internal design is considered acceptable. Overall, the site and building design is considered acceptable.

Construction:

Conditions are recommended in relation to construction impacts for hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding. A condition is proposed that all works are to be in compliance with the National Construction Code.

Cumulative Impacts:

The proposal is not expected to result in negative cumulative impacts

Ecologically Sustainable Development Considerations

The proposed development is not considered to be inconsistent with ESD principles, a BASIX Certificate has been issued for the development.

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

Does the proposal fit in the locality?

The design of the proposal is considered an appropriate response to the site constraints and is not expected to result in increased adverse impacts on the character of the locality or amenity of adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See section 1.5 above.

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

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

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

Minor variations are proposed to controls contained in WDCP 2009 in relation to lot depth and rear setback. These variations are minor, and it is considered that the objectives of the controls are satisfied. All relevant internal referrals are conditionally satisfactory.

Submissions have been considered and some of the issues raised are considered to be adequately addressed either through design or by way of conditions.

It is considered that the proposed development has been designed suitably given the characteristics of the site. The proposal is not inconsistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

4 RECOMMENDATION

Development Application DA-2021/1282 be **approved**, subject to the conditions contained in **Attachment 4**.

5 ATTACHMENTS

- 1 Aerial Photograph and WLEP 2009 zoning map
- 2 Architectural Plans
- 3 WDCP 2009 Compliance Table
- 4 Draft conditions of consent

Attachment 1: Zoning Map and Aerial Photograph

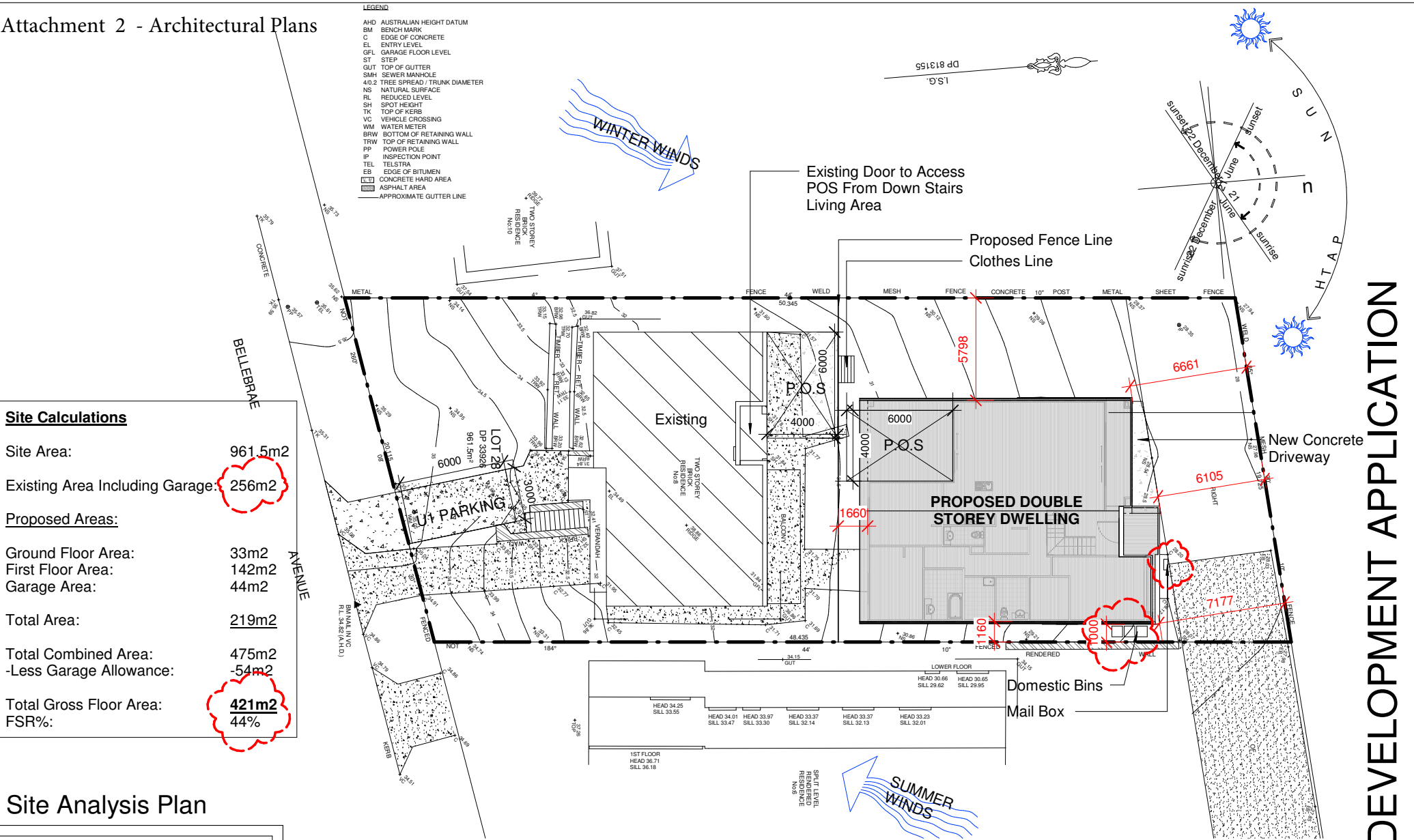


Figure 1: WLEP 2009 Zoning Map



Figure 2: Aerial Photograph

Attachment 2 - Architectural Plans



DEVELOPMENT APPLICATION

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Illawarra
Drafting
A division of SF Business Group

PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

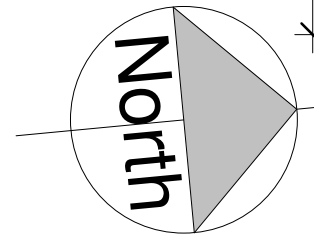
Project number:	IS1201-21	Scale:	1 : 200	Sheet Number: SH-02
Date:	11/03/2022	For:		
Drawn by:	I.SOUSOU	Address: 8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926		
Designed by:	I.SOUSOU			

Notes

SA Smoke detector to Aust. standards.

Note:

All internal doors to be 2340 high



Ground Floor Plan

Note: Use figured dimensions only. DO NOT SCALE.
The builder shall verify all dimensions prior to actual commencement of any earthworks of building construction. These drawings shall be read in conjunction with any relevant Engineer's details and drawings. Illawarra Drafting accepts no responsibility for errors in construction or misinterpretation of drawings. All timber framing sizes shall comply with AS 1684 "Nation Timber Framing Code". All construction works shall comply with provisions of the Building Code of Australia. The roof style is diagrammatic only and need to be designed by roof manufacturer prior to construction, all roof framing and any required beams are to be specified by roof manufacturer.

MOBILE: 0403 716 339
EMAIL:
issasousou_@hotmail.com
ABN: 75 828 056 040

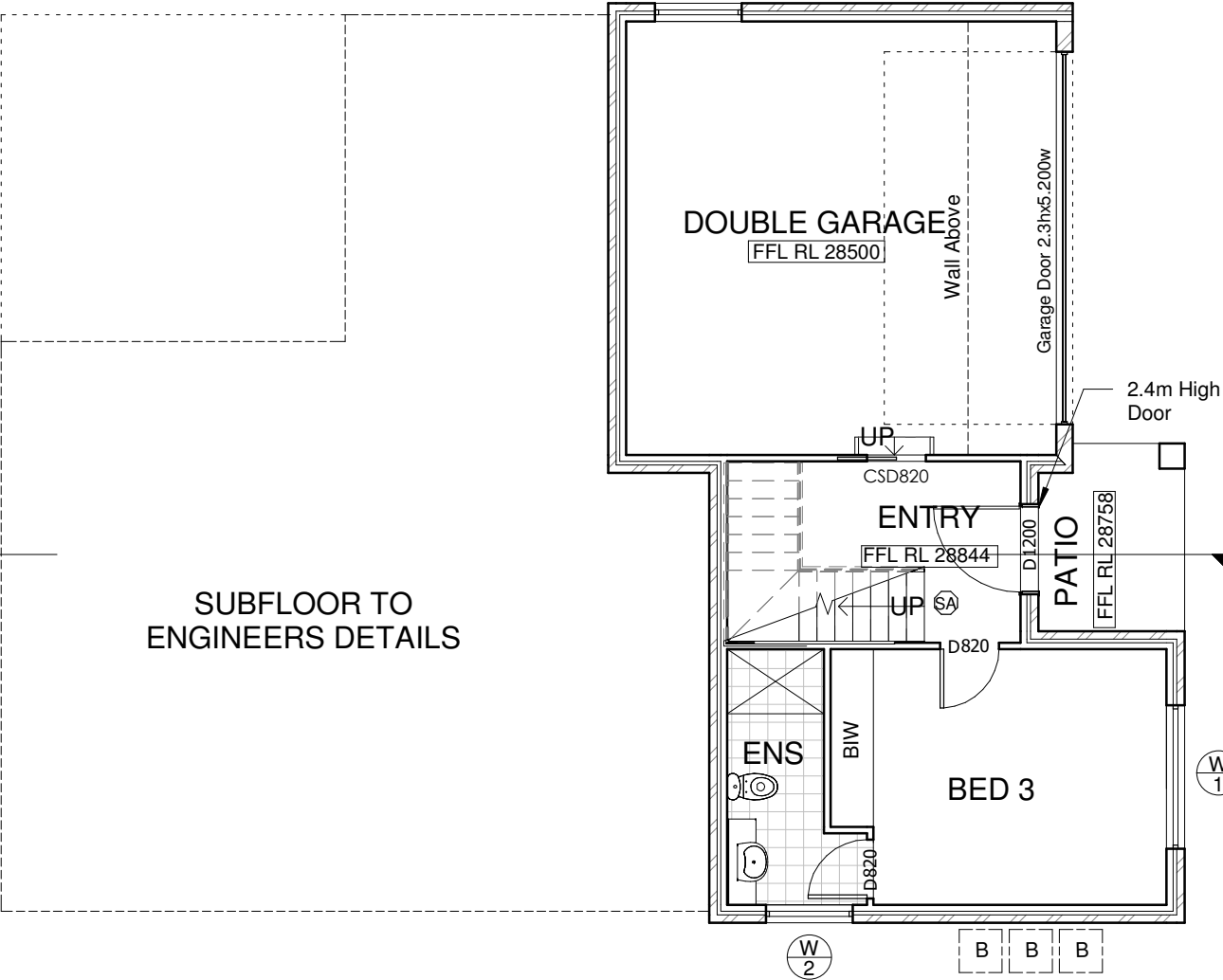
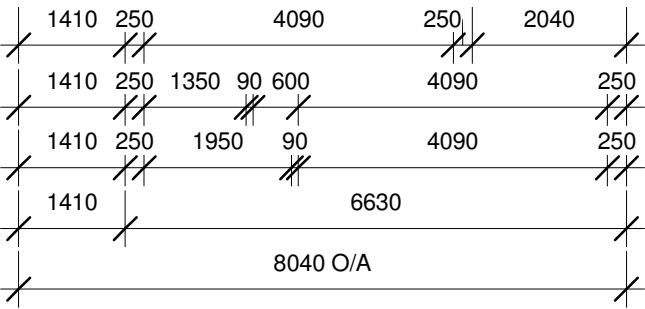
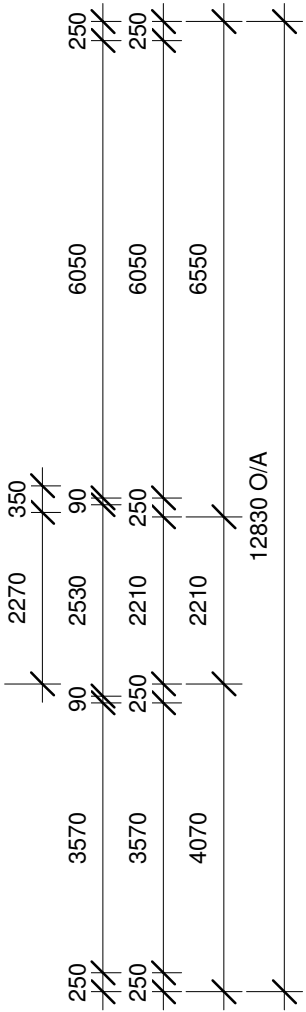
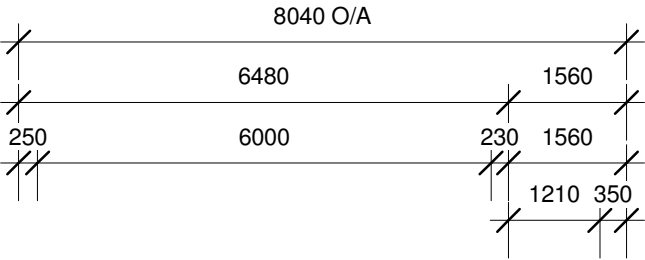
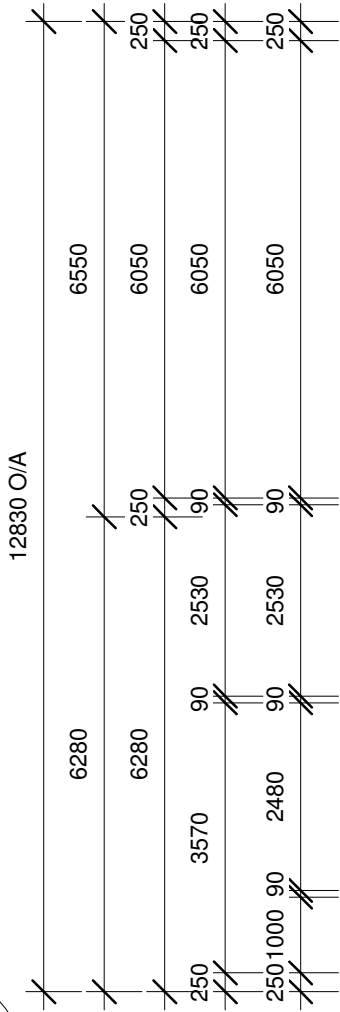
Illawarra
Drafting

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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

Project number:	IS1201-21	Scale:	1 : 100
Date:	25/10/2021	For:	
Drawn by:	I.SOUSOU	Address:	8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926
Designed by:	I.SOUSOU		

Sheet Number:
SH-03



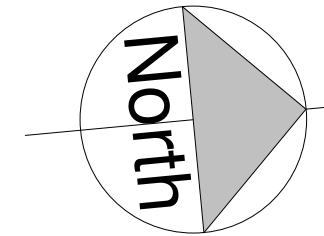
DEVELOPMENT APPLICATION

Notes

SA Smoke detector to Aust. standards.

Note:

All internal doors to be 2340 high



First Floor Plan

Note: Use figured dimensions only. DO NOT SCALE. The builder shall verify all dimensions prior to actual commencement of any earthworks of building construction. These drawings shall be read in conjunction with any relevant Engineer's details and drawings. Illawarra Drafting accepts no responsibility for errors in construction or misinterpretation of drawings. All timber framing sizes shall comply with AS 1684 "Nation Timber Framing Code". All construction works shall comply with provisions of the Building Code of Australia. The roof style is diagrammatic only and need to be designed by roof manufacturer prior to construction, all roof framing and any required beams are to be specified by roof manufacturer.

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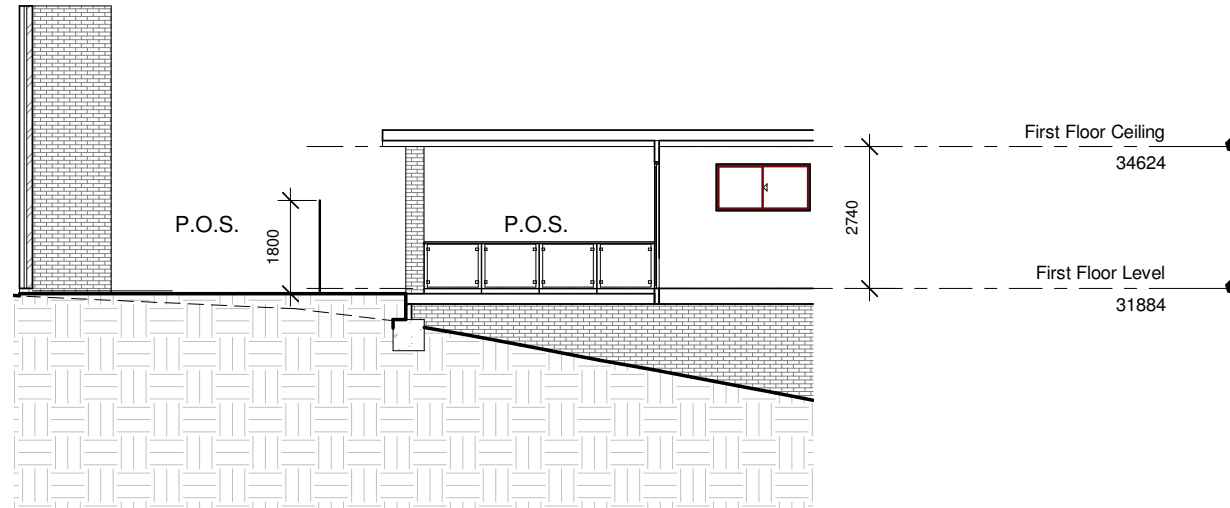
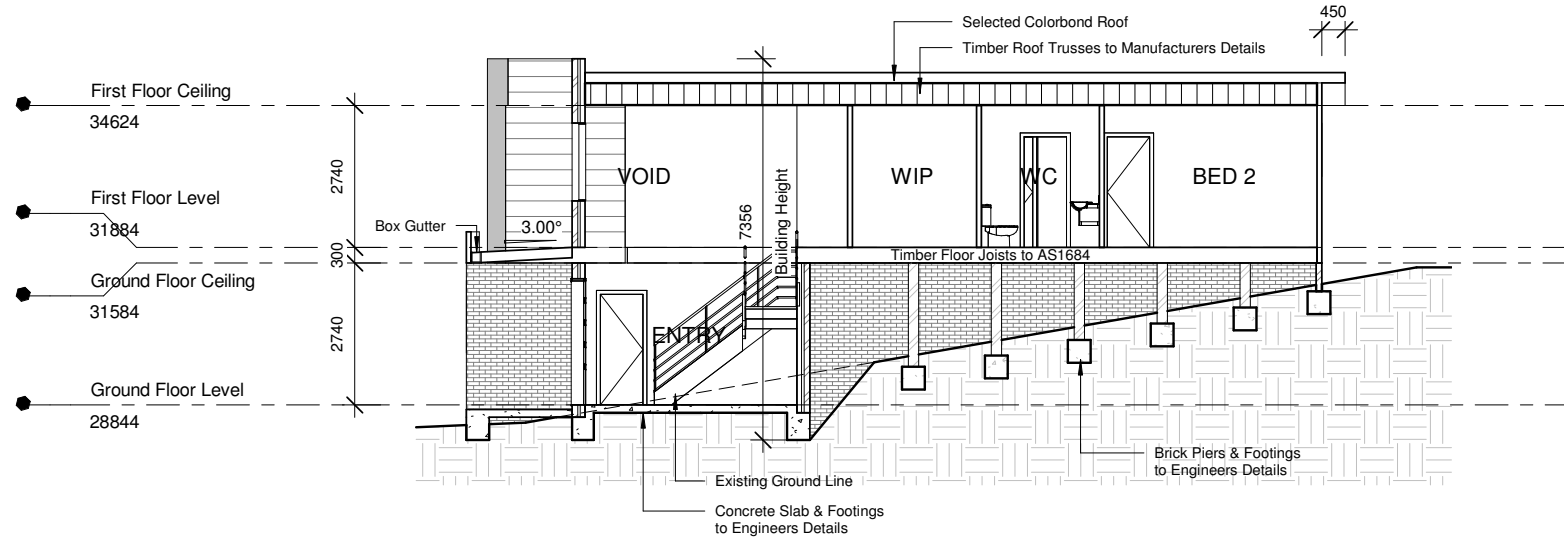
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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

Project number:	IS1201-21	Scale:	1 : 100
Date:	25/10/2021	For:	
Drawn by:	I.SOUSOU	Address:	8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926
Designed by:	I.SOUSOU		

Sheet Number:
SH-04





Section

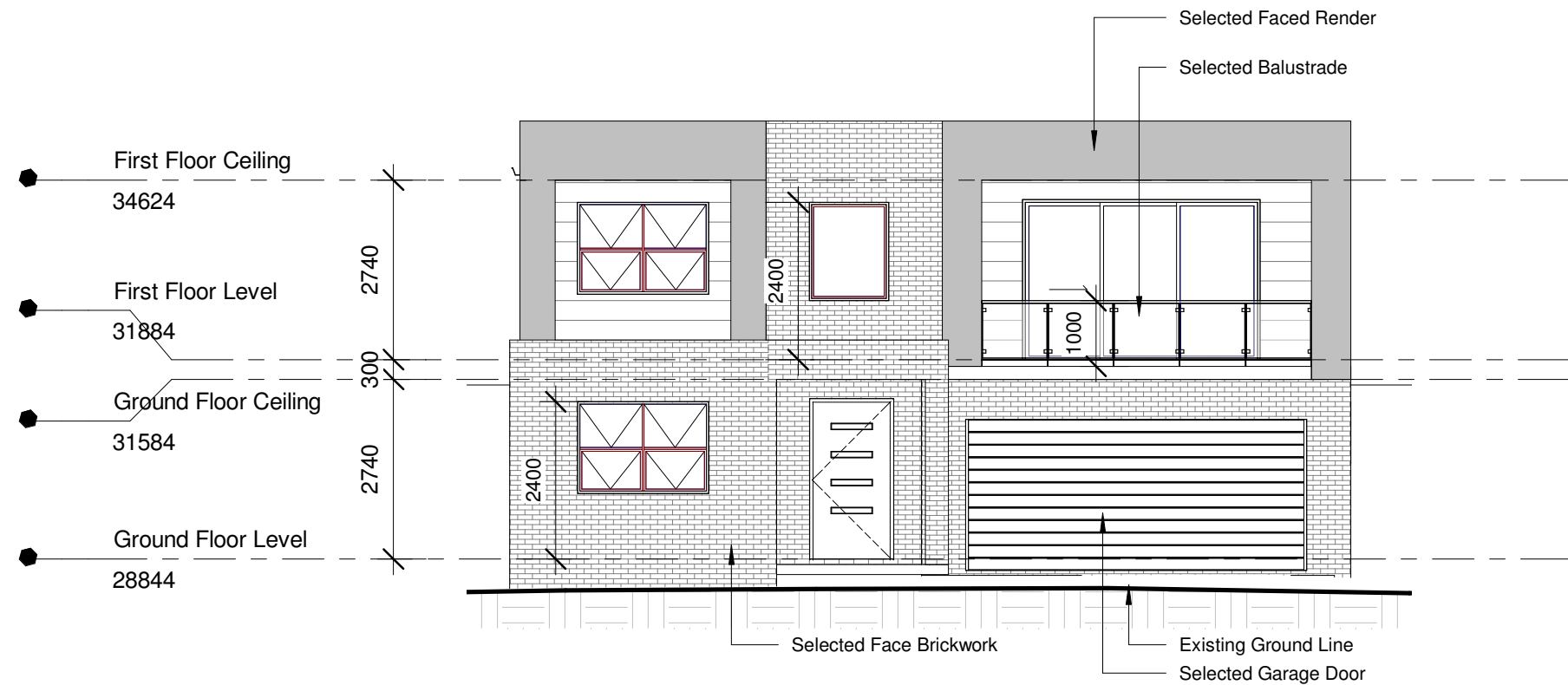
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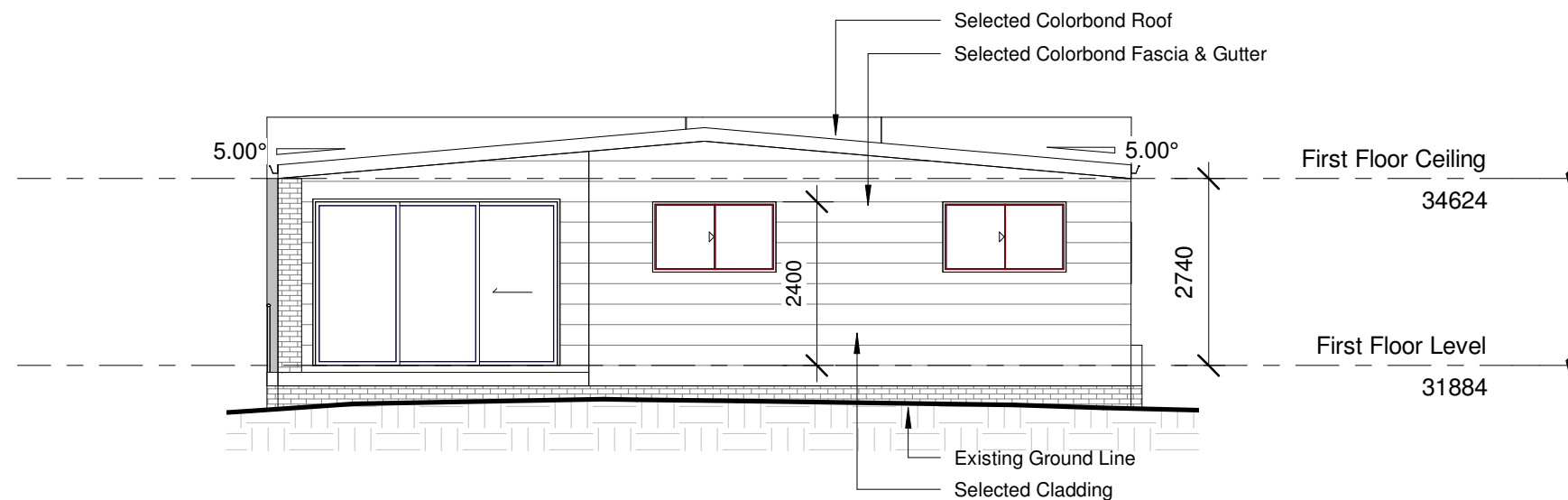
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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

Project number:	IS1201-21	Scale:	1 : 100	Sheet Number: SH-05
Date:	02/03/2022	For:		
Drawn by:	I.SOUSOU	Address:	8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926	
Designed by:	I.SOUSOU			



1 North Elevation
1 : 100



2 South Elevation
1 : 100

North & South Elevations

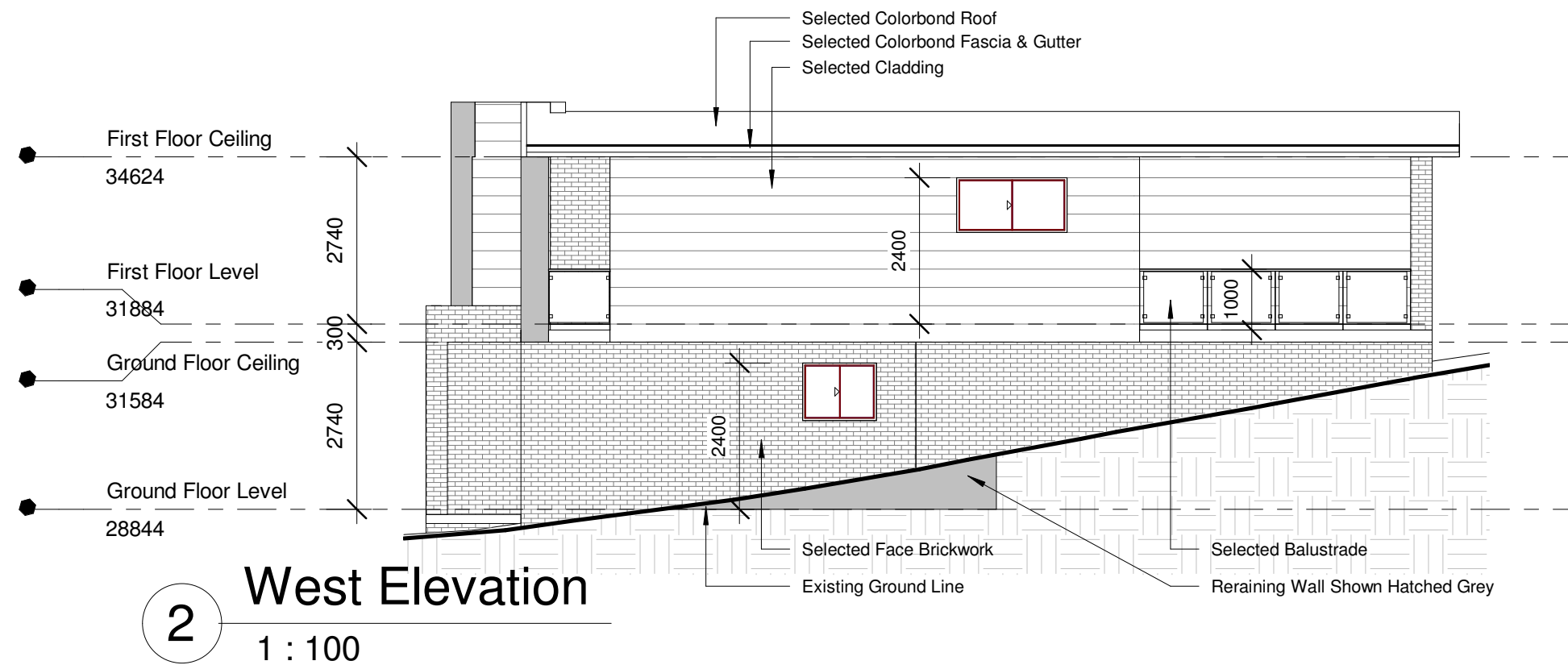
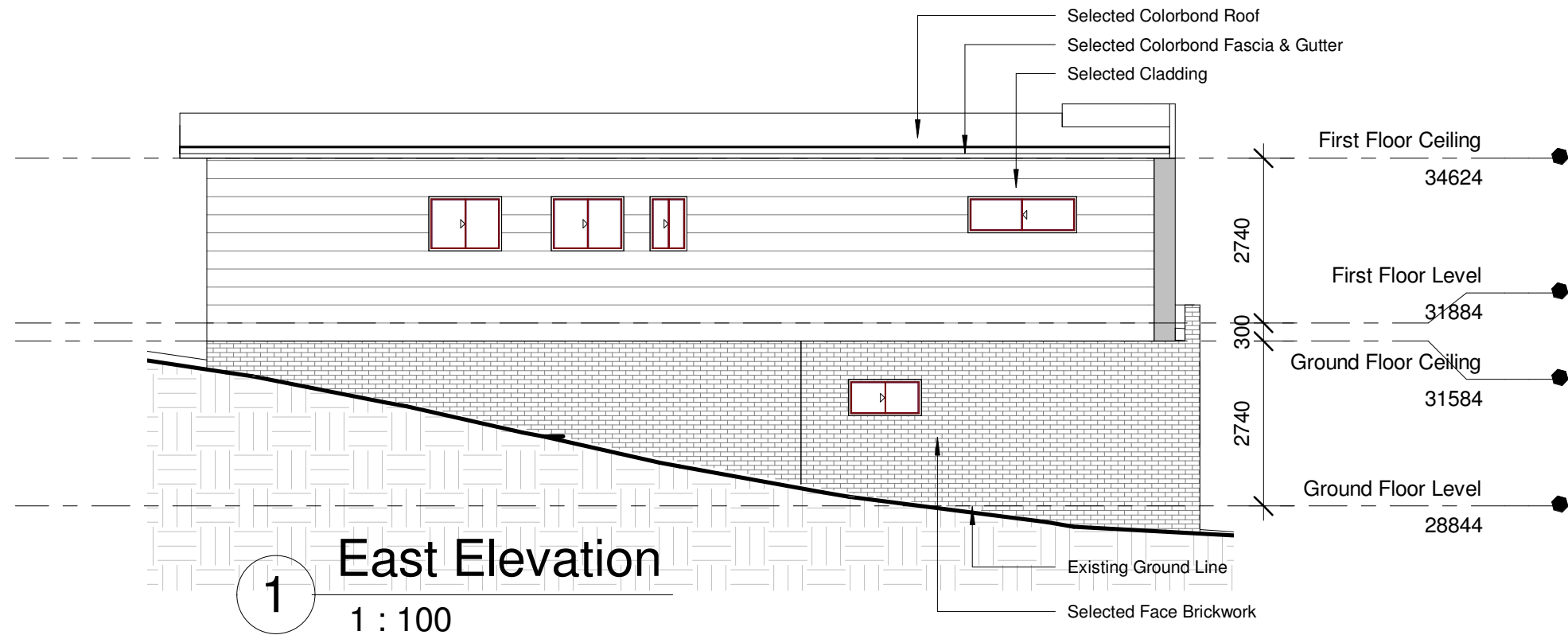
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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

Project number:	IS1201-21	Scale:	1 : 100	Sheet Number: SH-06
Date:	25/10/2021	For:		
Drawn by:	I.SOUSOU	Address: 8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926		
Designed by:	I.SOUSOU			



East & West Elevations

Note: Use figured dimensions only. DO NOT SCALE.
The builder shall verify all dimensions prior to actual commencement of any earthworks of building construction. These drawings shall be read in conjunction with any relevant Engineer's details and drawings. Illawarra Drafting accepts no responsibility for errors in construction or misinterpretation of drawings. All timber framing sizes shall comply with AS 1684 "Nation Timber Framing Code". All construction works shall comply with provisions of the Building Code of Australia. The roof style is diagrammatic only and need to be designed by roof manufacturer prior to construction, all roof framing and any required beams are to be specified by roof manufacturer.

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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE
SUBDIVISION

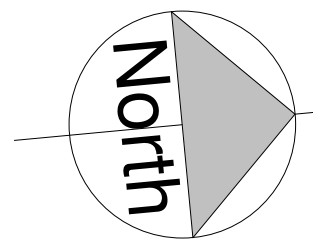
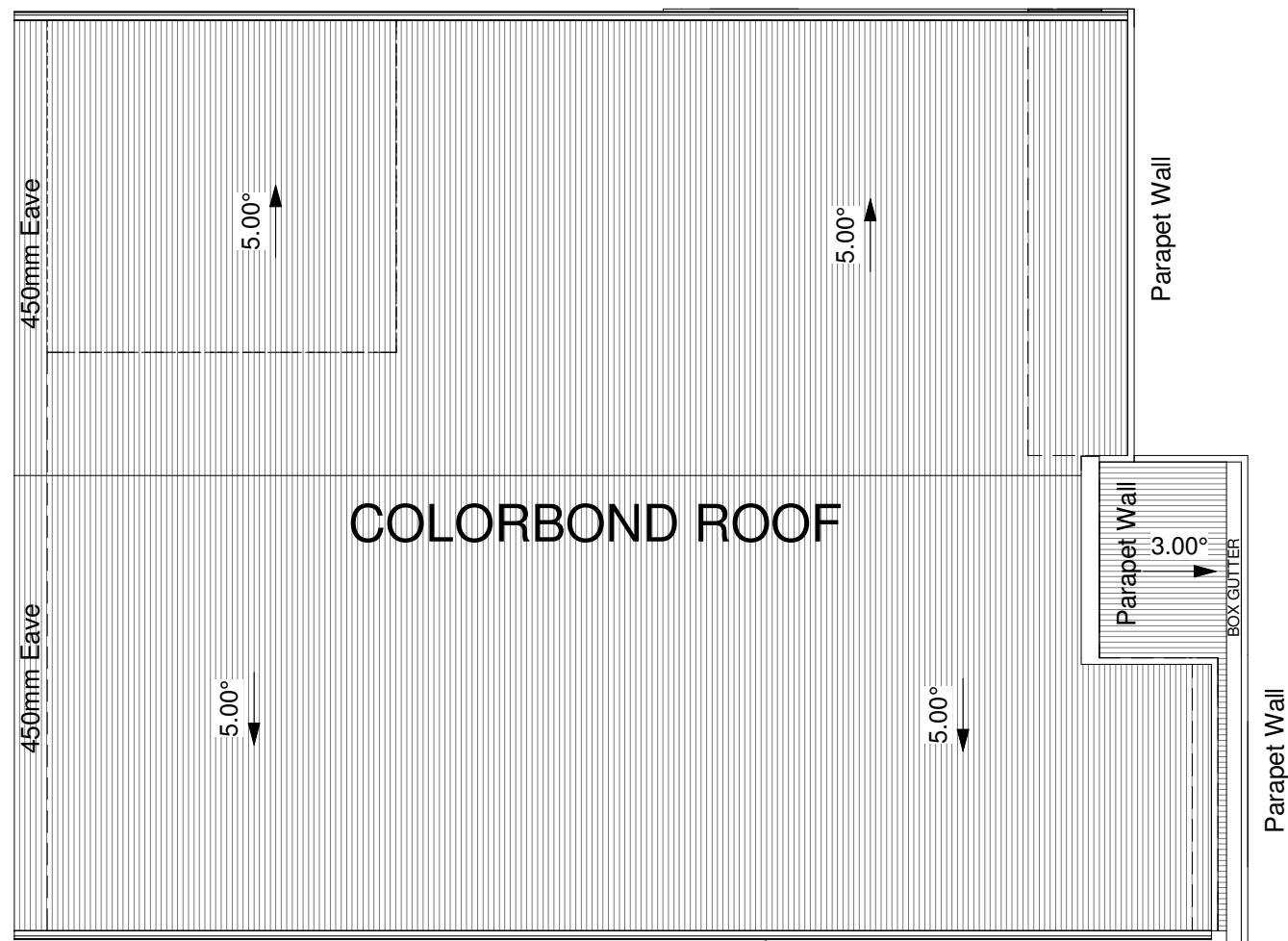
Project number:	IS1201-21	Scale:	1 : 100	Sheet Number: SH-07
Date:	25/10/2021	For:		
Drawn by:	I.SOUSOU	Address:	8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926	
Designed by:	I.SOUSOU			

DEVELOPMENT APPLICATION

Notes

Ⓟ All Downpipes to AS/ NZ standards and connected to stormwater as to civil engineers details.

Arrows show direction of fall



Roof Plan

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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

Project number:	IS1201-21	Scale:	1 : 100	Sheet Number: SH-08
Date:	25/10/2021	For:		
Drawn by:	I.SOUSOU	Address: 8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926		
Designed by:	I.SOUSOU			

LEGEND

AHD AUSTRALIAN HEIGHT DATUM
 BM BENCH MARK
 C EDGE OF CONCRETE
 EL ENTRY LEVEL
 GFL GARAGE FLOOR LEVEL
 ST STEP
 GUT TOP OF GUTTER
 SMH SEWER MANHOLE
 4/0.2 TREE SPREAD / TRUNK DIAMETER
 NS NATURAL SURFACE
 RL REDUCED LEVEL
 SH SPOT HEIGHT
 TK TOP OF KERB
 VC VEHICLE CROSSING
 WM WATER METER
 BRW BOTTOM OF RETAINING WALL
 TRW TOP OF RETAINING WALL
 PP POWER POLE
 IP INSPECTION POINT
 TEL TELSTRA
 EB EDGE OF BITUMEN
 CONCRETE HARD AREA
 ASPHALT AREA
 APPROXIMATE GUTTER LINE

DP 813155
 I.S.G.

FSR Calculations

LOT 1 Site Area: 493.8m²

U1 Areas

Total Floor Area: 256m²
 -Less Garage Allowance: -18m²

Total Gross Floor Area: **238m²**
 FSR%: **48%**

LOT 2 Site Area: 467.7m²

U2 Areas

Total Floor Area: 219m²
 -Less Garage Allowance: -36m²

Total Gross Floor Area: **183m²**
 FSR%: **39%**

Torrens Title Subdivision

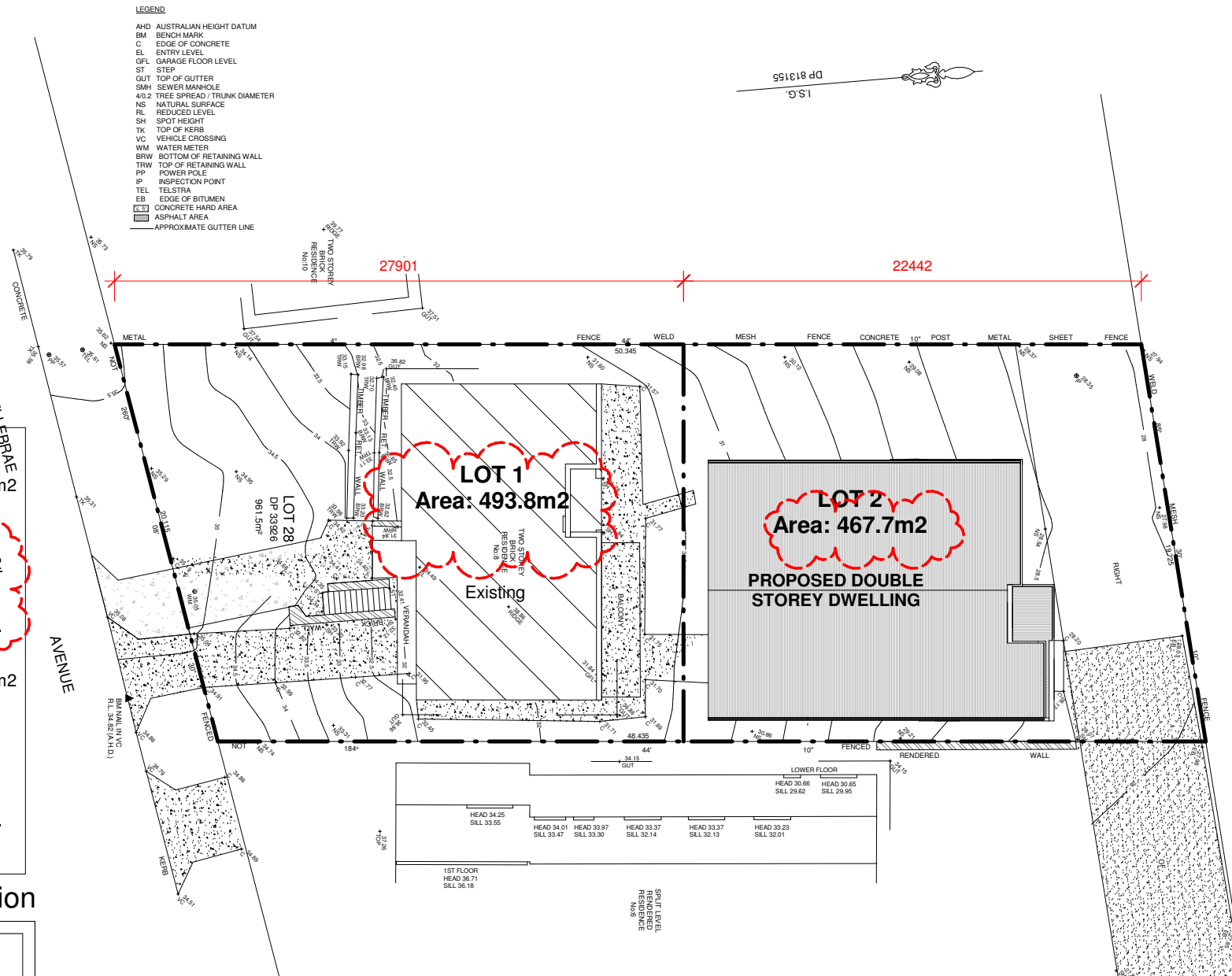
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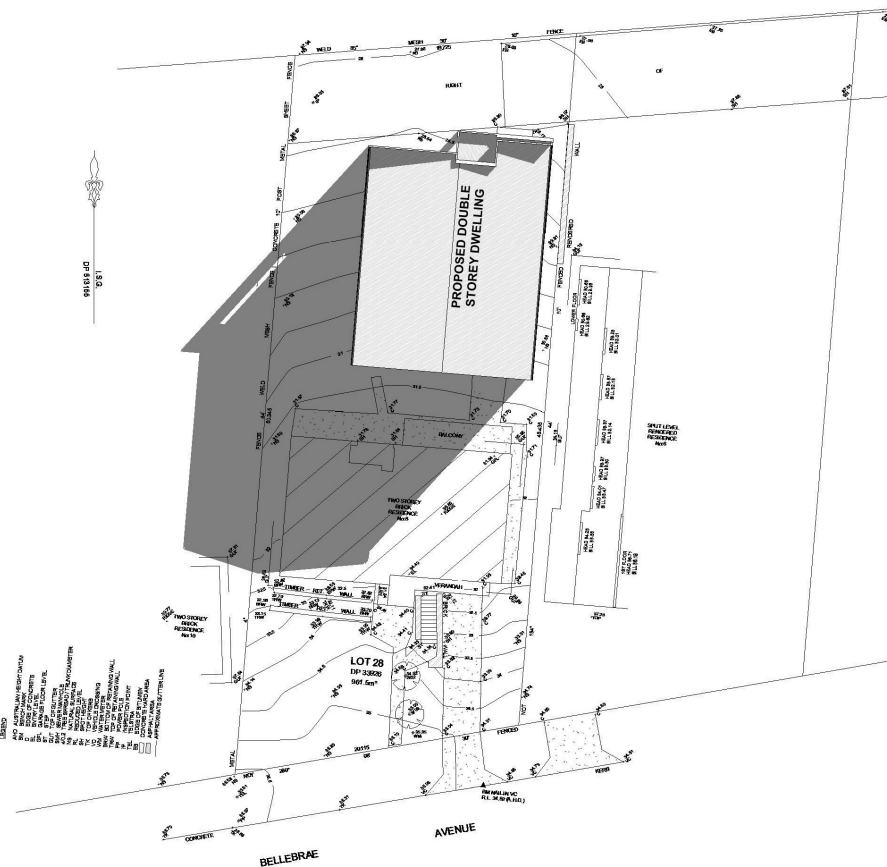
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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

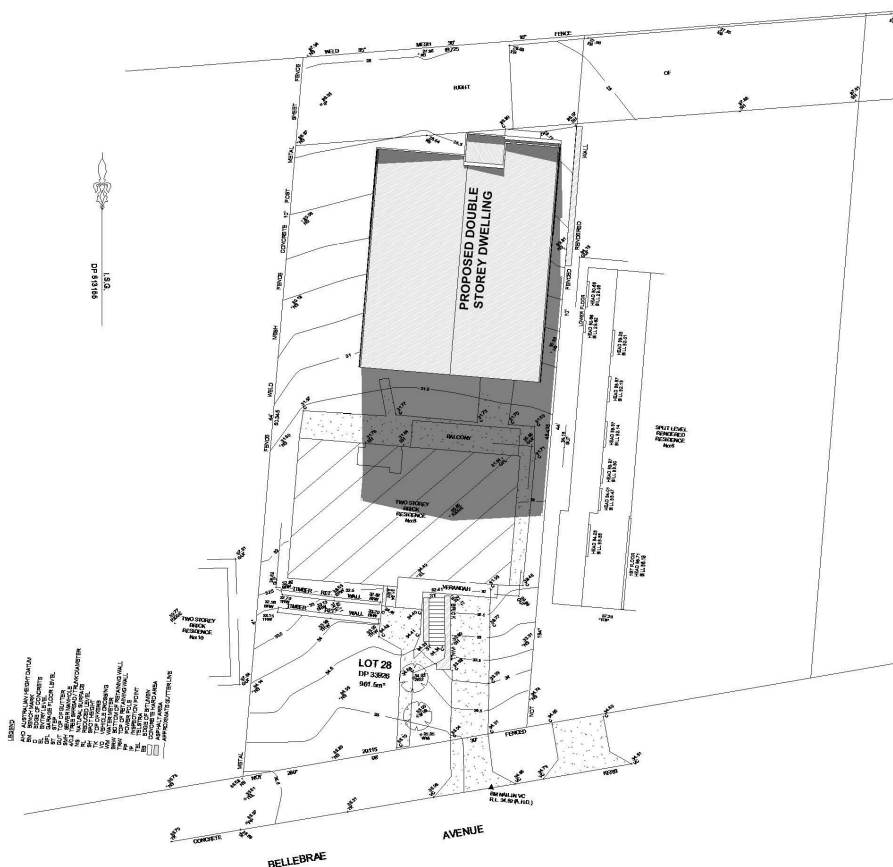
Project number:	IS1201-21	Scale:	1 : 200	Sheet Number: SH-09
Date:	02/03/2022	For:		
Drawn by:	I.SOUSOU	Address:8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926		
Designed by:	I.SOUSOU			



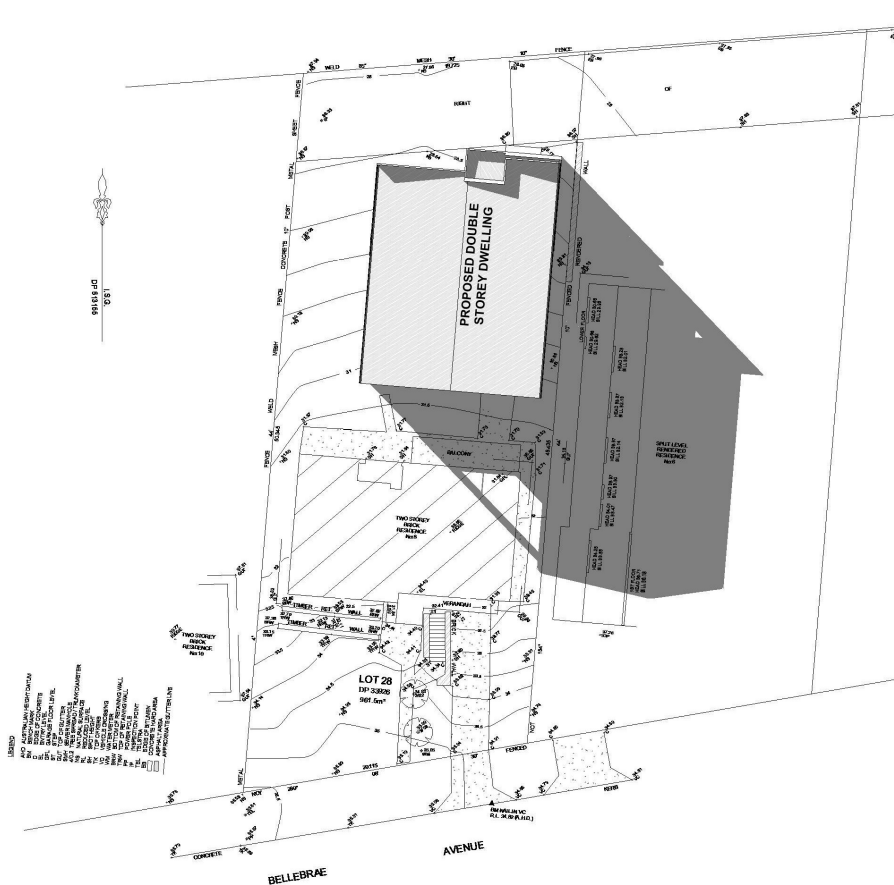
DEVELOPMENT APPLICATION



9am 21 June



12pm 21 June



3pm 21 June

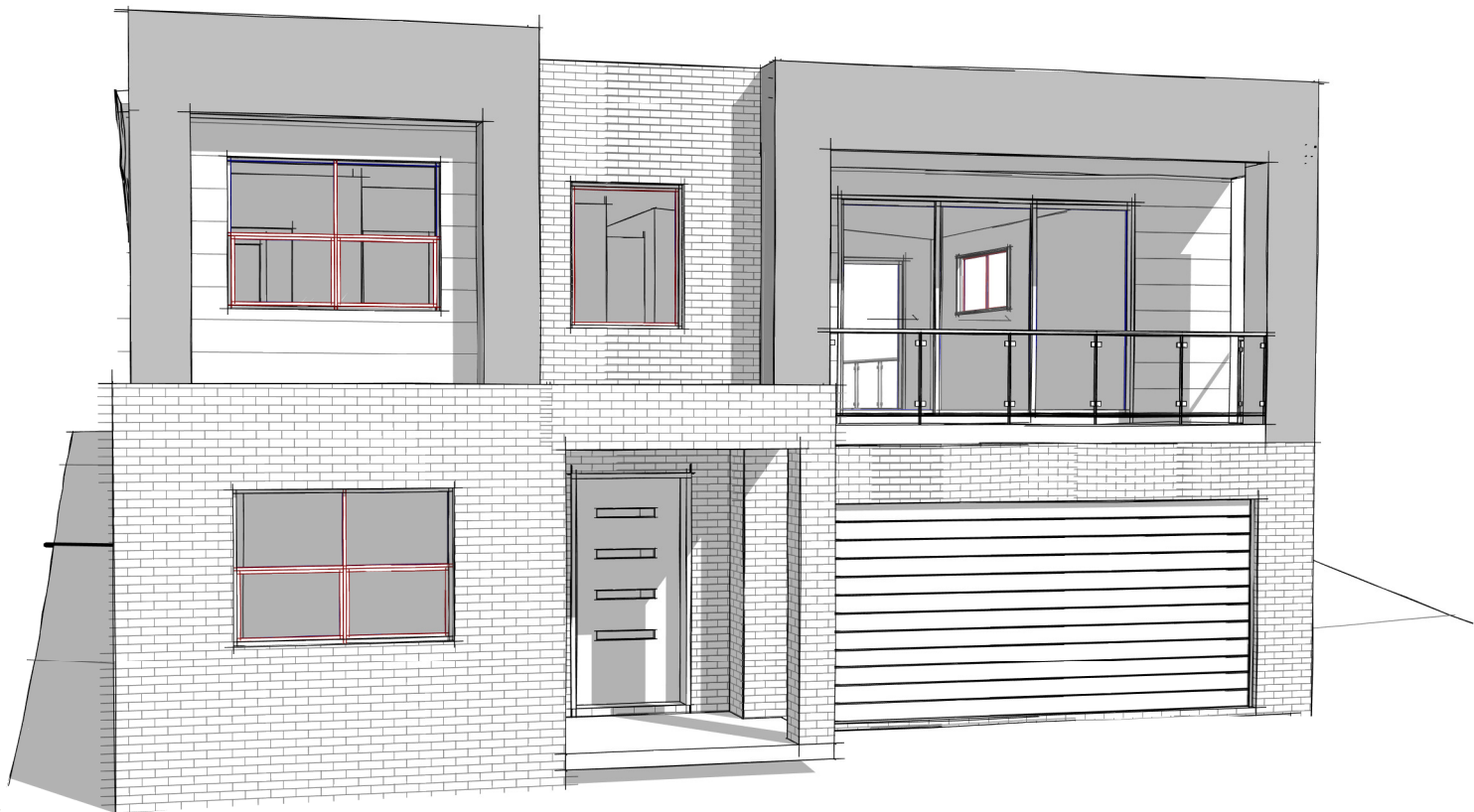
Shadow Diagrams

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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION			
Project number:	IS1201-21	Scale:	Sheet Number: SH-11
Date:	25/10/2021	For:	
Drawn by:	I.SOUSOU	Address:8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926	
Designed by:	I.SOUSOU		



3D Perspectives

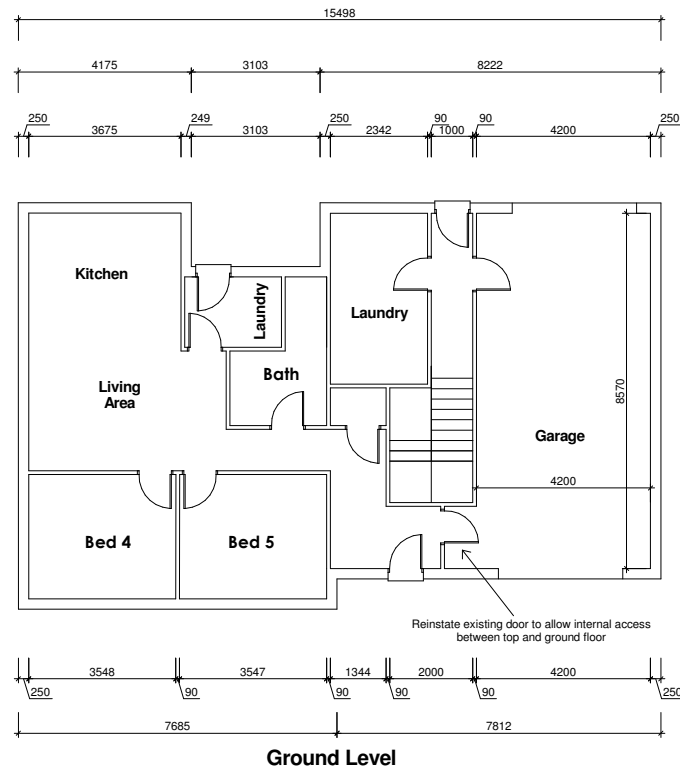
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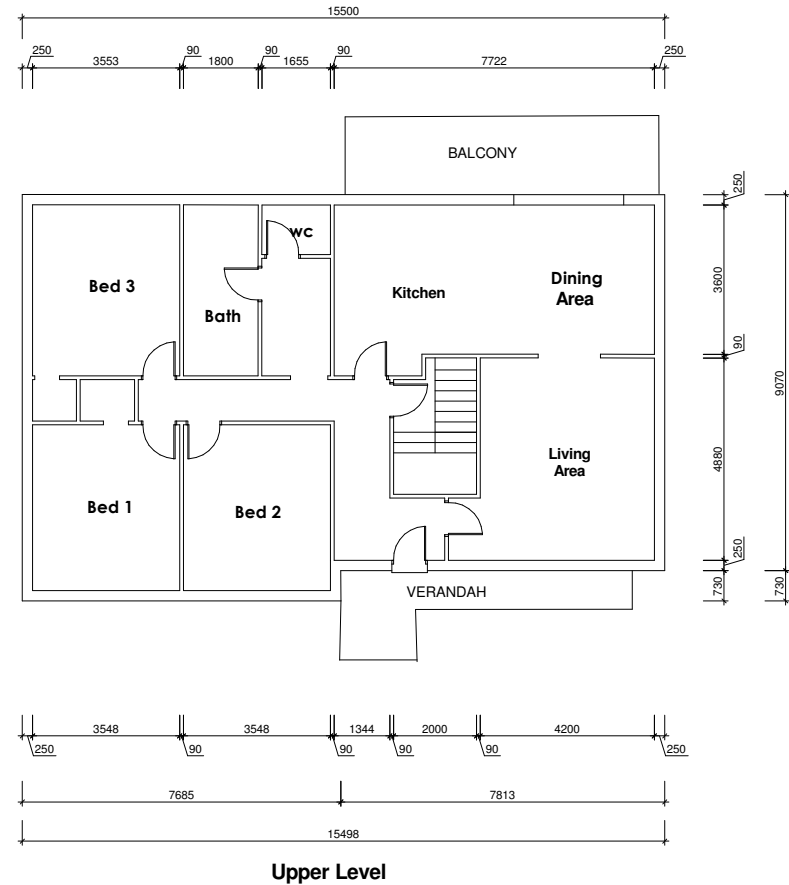
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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

Project number:	IS1201-21	Scale:	Sheet Number: SH-12
Date:	25/10/2021	For:	
Drawn by:	I.SOUSOU	Address:8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926	
Designed by:	I.SOUSOU		



Reinstate existing door to allow internal access between top and ground floor



Existing Floor Plans

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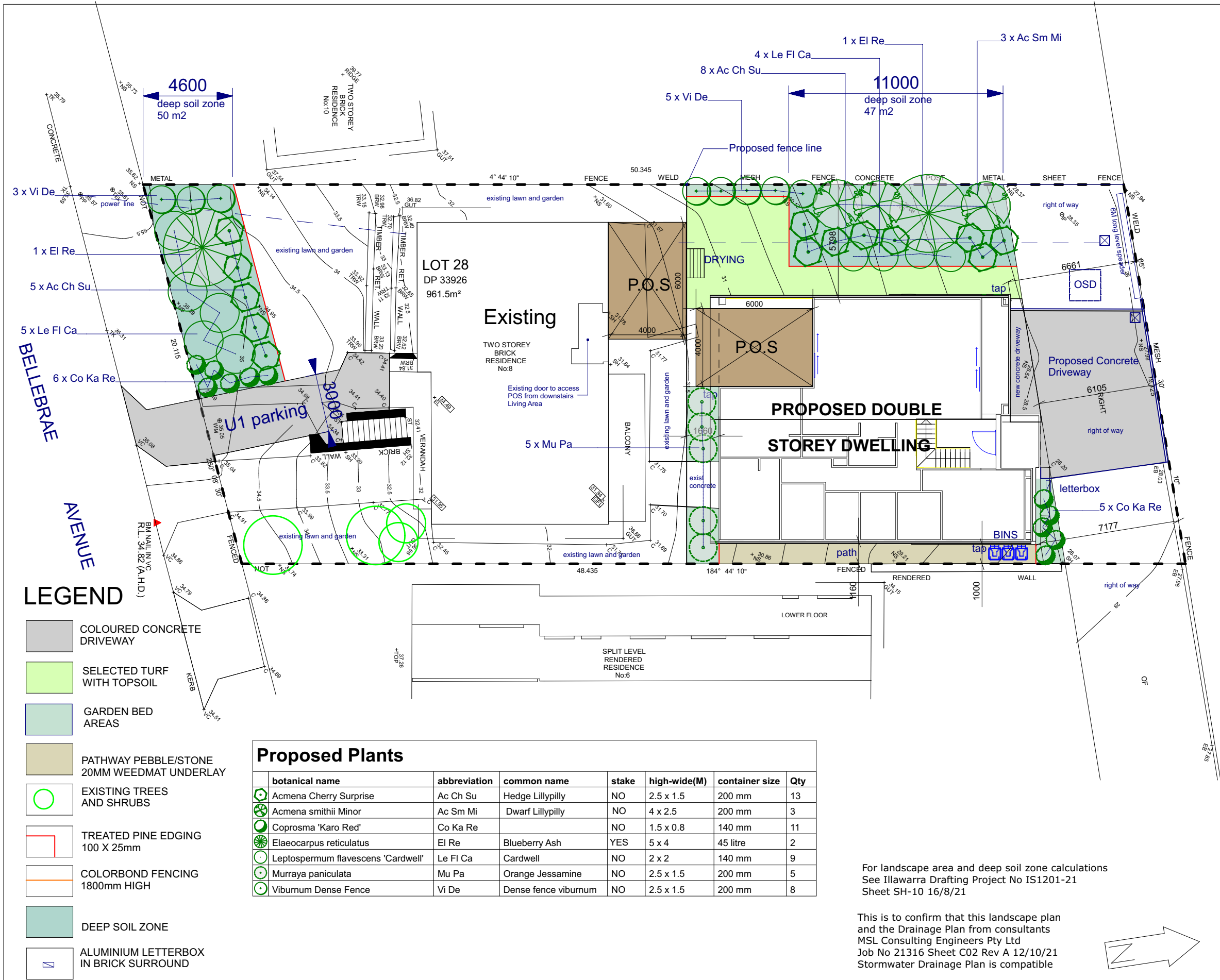
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PROPOSED DOUBLE STOREY DWELLING & TORRENS TITLE SUBDIVISION

Project number:	IS1201-21	Scale:	1 : 125	Sheet Number: SH-15
Date:	02/03/2022	For:		
Drawn by:	Author	Address:8 BELLEBRAE AVENUE, MOUNT OUSLEY LOT 28 IN DP 133926		
Designed by:	Checker			

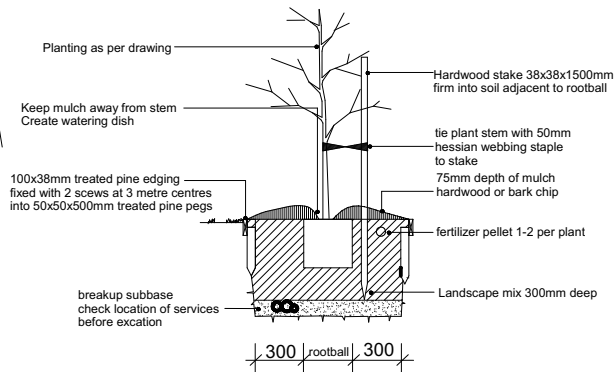
DEVELOPMENT APPLICATION



Proposed Plants							
	botanical name	abbreviation	common name	stake	high-wide(M)	container size	Qty
	Acmena Cherry Surprise	Ac Ch Su	Hedge Lillypilly	NO	2.5 x 1.5	200 mm	13
	Acmena smithii Minor	Ac Sm Mi	Dwarf Lillypilly	NO	4 x 2.5	200 mm	3
	Coprosma 'Karo Red'	Co Ka Re		NO	1.5 x 0.8	140 mm	11
	Elaeocarpus reticulatus	Ei Re	Blueberry Ash	YES	5 x 4	45 litre	2
	Leptospermum flavescens 'Cardwell'	Le Fl Ca	Cardwell	NO	2 x 2	140 mm	9
	Murraya paniculata	Mu Pa	Orange Jessamine	NO	2.5 x 1.5	200 mm	5
	Viburnum Dense Fence	Vi De	Dense fence viburnum	NO	2.5 x 1.5	200 mm	8

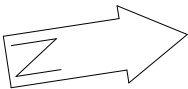
SPECIFICATION NOTES
SERVICES
The contractor is to establish the location of all services before commencing work on the site. Ensure that planting is the recommended distances away from all services. Keep clear all service lids, vents and hydrants.
LANDSCAPE MIX
All mixes shall comply with Australian Standards and be purchased from an approved supplier. Ensure components are fully mixed prior to placement.
IMPORTED SOIL
Shall meet AS 2223-1978 'General Purpose Soils', a friable sandy loam of pH 5.5-6.0
EDGING
Shall generally be 100x38mm treated pine edging as shown on the construction details
MULCH
Mulch is to be 50-75mm, hardwood or bark chip or equal and to be placed so as not to contact with the plant stems
PLANT MATERIAL
All plants supplied shall conform to the species as scheduled. They are to be vigorous, healthy, well established, hardened off, disease free and of a consistent form characteristic of that species
Ensure a healthy root system.
All plants are to be well watered immediately prior to planting. Note: the contractor is to check plant numbers before submitting a tender.
STAKING
Generally stakes shall be 25x25mm hardwood 1200mm long, placed prior to planting. If tying is required it shall be 50mm hessian webbing or equivalent, fixed to stakes. For 15 litre stock and larger two 38x38mm by 1500mm stakes are to be installed until plant is established.
TURF
Turf is to be supplied from an approved grower and shall be kikuyu/ buffalo, unless otherwise specified.

LANDSCAPE MAINTENANCE PROGRAM
Plant establishment and maintenance period shall commence at the date of practical completion. The required period being 52 weeks.
The landscape contractor shall maintain the works during this period to the satisfaction of Council. Maintenance shall mean the care and maintenance of the landscape works by acceptable horticultural practices as well as rectifying any defects that become apparent.
This shall include but is not limited to, as and when required, watering, mowing, rubbish removal, fertilizing, reseeding, weeding, pest and disease control, staking and tying, replanting, pruning, top dressing, reinstating mulch surfaces and maintaining the site in a neat and tidy condition.



For landscape area and deep soil zone calculations
See Illawarra Drafting Project No IS1201-21
Sheet SH-10 16/8/21

This is to confirm that this landscape plan and the Drainage Plan from consultants MSL Consulting Engineers Pty Ltd Job No 21316 Sheet C02 Rev A 12/10/21 Stormwater Drainage Plan is compatible



1. PLANTING DETAIL nts



Attachment 3- WDCP 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

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
4.1 Maximum Number of Storeys		
<ul style="list-style-type: none"> Dwellings on battle-axe are restricted to 1 storey unless objectives of clause are achieved Landscaping may be required within the side and rear setbacks to mitigate the visual impact of built form 	Two storeys is proposed within 8m of rear setback.	Variation requested.
4.2 Front Setbacks		
	No change	N/A
4.3 Side and Rear Setbacks		
<ul style="list-style-type: none"> 900mm from side or rear boundaries Walls more than 7m in height setback 3m Balconies and windows designed to minimise direct overlooking 	<p>The dwellings are setback more than 900mm from the side and rear boundaries.</p> <p>There are no walls greater than 7m in height less than 3m from side or rear boundaries.</p>	Yes
4.4 Site coverage		
<ul style="list-style-type: none"> Maximum site coverage of 50% 	<p>Lot 1- proposed- 146sqm (29%)</p> <p>Lot 2- proposed – 197sqm (42%)</p>	Yes
4.5 Landscaped Area		
<ul style="list-style-type: none"> Significant trees to be maintained 120m² + 30% of area >600m² 50% of landscaped area behind building line Landscaping to be integrated with drainage 1.5m wide landscape strip in front setback with 1 45L small to medium tree planted Additional tree planted elsewhere on the site 	<p>Lot 1- proposed – 199sqm</p> <p>Lot 2- proposed- 107sqm</p> <p>There are no significant trees located on the site.</p> <p>Minimum 50% is provided behind the front building line.</p> <p>The front setback is appropriately landscaped.</p> <p>Suitable conditions relating to landscaping will be included on the consent</p>	Yes
4.6 Private Open Space		
<ul style="list-style-type: none"> 24m² POS per dwelling 	Minimum 24sqm POS areas have been provided for each dwelling.	Yes

<ul style="list-style-type: none"> • Not located on side boundaries except where sufficiently setback • clotheslines and other site facilities to be provided outside POS 	There is adequate space outside the minimum POS area for site facilities including clotheslines.	
4.7 Solar Access		
<ul style="list-style-type: none"> • Shadow diagrams required • 3 hours continuous sunlight to neighbouring sites between 9am and 3pm on 21 June • Dwellings designed to maximum natural light into living areas and POS 	Shadow diagrams submitted showing that adjoining dwellings can achieve 3hrs sunlight to living areas and private open space areas.	Yes
4.8 Building Character and Form		
<ul style="list-style-type: none"> • Respond to site context • Large bulky forms avoided • New dwellings to be sympathetic to existing character 	The dual occupancy is considered to adequately respond to site constraints and is sympathetic with the existing neighbourhood character and is of an appropriate bulk and scale.	Yes
4.9 Fences		
<ul style="list-style-type: none"> • All fences to be constructed to allow natural flow of stormwater drainage • Dividing fences to have maximum height of 1.8m 	There is existing boundary fencing on the site. No changes have been shown on the submitted plans.	Yes
4.10 Car parking and Access		
<ul style="list-style-type: none"> • 2 parking spaces required per dwelling with GFA more than 125m² otherwise 1 space required • Internal single garage dimensions are minimum 6m by 3m • Minimum single car space dimension is 5.5m X 2.6m • Carports to be setback behind the front building line of a dwelling • Minimum 5.5m front setback for garages • Driveways to be separated from side boundaries by 1m • Maximum crossover width of 3m 	<p>A double garage is proposed for the rear dwelling with access from the existing right of carriageway.</p> <p>No objection to this arrangement has been received from Council's Development Engineer.</p>	Yes
4.11 Storage Facilities		
<ul style="list-style-type: none"> • 10m³ or 5m² bulky goods storage to be provided for each dwelling 	Suitable storage areas are provided in both dwellings.	Yes
4.12 Site Facilities		
<ul style="list-style-type: none"> • Site facilities to be provided in suitable locations on site for each dwelling 	There is adequate space on site for site facilities to be provided.	Yes
4.13 Fire Brigade Servicing		
<ul style="list-style-type: none"> • Each site to be 60m from fire hydrant 	Condition	Condition

4.14 Services		
<ul style="list-style-type: none"> Development to be appropriately serviced 	The development is within an established residential area and is expected to be appropriately serviced. A condition will be included to ensure a compliance certificate is obtained from Sydney Water.	Yes
4.18 Swimming Pools	N/A	
4.21 Additional controls for Dual Occupancies minimum site width		
<ul style="list-style-type: none"> Minimum site width of 15m 	The site is more than 15m wide.	Yes
4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones		
<ul style="list-style-type: none"> Half required landscape area to be provided as deep soil zones Deep soil zones to have minimum dimensions of 3m Appropriate densely planting free of structures, hard paving and the like 	Deep soil zone is provided along the front and the rear side boundary of the site with a dimension of 3m.	Yes

CHAPTER B2 – RESIDENTIAL SUBDIVISION

The controls in this Chapter predominantly relate to large scale Torrens title subdivision.

Council's Development Engineer raised no concern regarding the proposal, subject to suitable conditions.

A variation to Lot Depth requirements within this Chapter is discussed within the report.

CHAPTER D1 – CHARACTER STATEMENTS

Mount Ousley

The proposal is consistent with the existing and desired future character for the locality as the development consists of the addition of new dwelling stock that is sympathetic in design with surrounding low density residential housing.

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

7 Parking demand and servicing requirements

The proposed dwelling has a gross floor area (GFA) greater than 125sqm. Therefore, two car parking space per dwelling are required. The new dwelling is serviced by a double car garage and the proposed dimensions comply with Council's requirements.

The proposed dwelling will have vehicular and pedestrian access via an existing right of carriageway connected to Foothills Road. The application has been referred to Council's Development Engineer and conditions have been provided.

CHAPTER E6: LANDSCAPING

The proposed development is considered acceptable with regard to the objectives and controls in Chapter E6 of the DCP. Conditions will be imposed in relation to maintenance and implementation of landscape works.

A landscape concept plan was submitted with the application. Appropriate planting is proposed within the front and rear setbacks. Adequate deep soil zones areas have been included.

Suitable conditions relating to landscaping have been recommended.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter. Appropriate conditions relating to waste management and minimisation will be included on the consent.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The site is identified as being flood affected. Council's Development Engineer has reviewed the proposal with respect to the provisions of this chapter and Clause 5.21 of WLEP 2009 and has recommended conditions of consent.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed via OSD facility and level spreader as detailed in the drainage plans. Council's Development Engineer has reviewed the proposal with respect to the provisions of this chapter and has recommended conditions of consent.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

No trees are required to be removed for this development.

Attachment 4: DRAFT CONDITIONS FOR: DA-2021/1282

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 1S1201-21 Drawing sheet SH02 dated 11 March 2022, SH-05, SH-09 and SH-15 dated 2 March 2022 and SH03, SH04 and SH06 to SH-08 dated 25 October 2022 dated prepared by Illawarra Drafting 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 a Registered Certifier prior to work commencing.

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

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

- 4 **Occupation Certificate**

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

- 5 **Conversion to Single Dwelling House**

This consent authorises the conversion of the existing dual occupancy (approved duplex at 8 Bellebrae Avenue, Mount Ousley) into a single dwelling house. Under no circumstances can the building continue to operate as dual occupancy.

- 6 **Surrender of Development Consent**

Existing development consent for the duplex approved under DA- 1984/690 is to be surrendered as part of this approval.

Prior to the Issue of the Construction Certificate

- 7 **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 PC 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.

- 8 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 AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

- 9 **Structures Adjacent to Driveway**

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

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

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

11 **Landscaping**

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the PC, prior to the release of the Construction Certificate.

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

13 **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.

14 **Stormwater Drainage Design**

A detailed drainage design for the development must be submitted to and approved by the PC prior to the release of the Construction Certificate. The detailed design is to form part of the Construction Certificate drawings. The detailed drainage design must satisfy the following requirements:

- a be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by MSL Consulting Engineers P/L (job no: 21316, rev: A, dated: 12 October 2021).
- b include details of the method of stormwater disposal. Stormwater from the development must be discharged into the level spreader.
- 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 **Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a Habitable floor levels must be constructed at a minimum of RL 28.57 metres AHD.

- b Garage floor levels must be constructed at a minimum of RL 300mm above finished adjacent ground.
- c Any portion of the building or structure below RL 28.57 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- d The proposed dwelling shall be designed to withstand the forces of floodwater, debris and buoyancy up to RL 28.99metres AHD.

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

The design and details of the OSD system must be provided in conjunction with the detailed drainage design and approved by the PC prior to the release of the Construction Certificate. The OSD design and details must satisfy the following requirements:

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong 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 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 10.2.6 and 10.5.4 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-2021/1282;
 - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

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 other increases in ground surface levels on the site within the floodplain are permitted unless an equivalent compensatory volume is removed from the floodplain within the confines of the site. This requirement shall be reflected on the Construction Certificate plans.

18 **Council Footpath Reserve Works – Driveways and Crossings**

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

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

19 **Dilapidation Survey**

A dilapidation survey and report shall be submitted to the PC.

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 PC prior to the issue of a Certificate of Practical Completion for Subdivision works.

20 **Fire Hydrants**

All lots must be adequately serviced by a fire hydrant. The fire hydrant must be provided in accordance with the *Fire Hydrants for Minor Residential Development, Version 2 dated 1 September 2016 produced by NSW Fire & Rescue*. The fire hydrant(s) must be shown on the Construction Certificate plans.

21 **Level Spreader Design**

All stormwater from the development shall be discharged to a suitable level spreader system located a minimum of five (5) metres from any buildings. The system shall be designed by a suitably qualified engineer in accordance with Council's 'Domestic Stormwater Drainage Systems' fact sheet. The overflow level from the level spreader shall be orientated parallel to the contours of the land to ensure the stormwater discharge will be dispersed in a way that replicates natural overland flow. The design of the level spreader shall also take into account, recommendations made by a suitably qualified and experienced practising Geotechnical Engineer for the subject site. These requirements shall be reflected on the Construction Certificate plans.

22 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$3,960.00 (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:

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1391408	<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 (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

Prior to the Commencement of Works

23 Appointment of PC

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

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

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

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

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

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

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

25 **Sign – Supervisor Contact Details**

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

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

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

26 **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.

27 **Structural Engineer's Details**

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

28 **Enclosure of the Site**

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

29 **Public Liability Insurance**

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the PC and Council (in the event that Council is not the PC) prior to the commencement of any such works in any road reserve or public reserve area.

30 **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.

31 **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.

32 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the PC which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

33 **Relocation of State Survey Marks**

In accordance with Surveying and Spatial Information Regulations, 2017 a person must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor General. In this regard any proposed construction work that may affect a State Survey Mark cannot be undertaken until a registered surveyor is engaged to arrange its relocation, in accordance with the requirements of the NSW Land Registry Services.

34 **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.

35 **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.

During Demolition, Excavation or Construction

36 **Survey Report for Floor Levels**

A Survey Report shall be submitted to the PC verifying that each ground floor level accords with the floor levels as approved under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective ground floor level of the building. Where a timber/steel frame supports the floor, the survey shall be undertaken after the piers have been installed and prior to the laying of the bearers/joists and installation of the wall frames for each respective ground floor level of the building. All levels shall relate to Australian Height Datum.

37 **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater from the development must be discharged into the level spreader.

38 **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.

39 **Restricted Hours of Construction Work**

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

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

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

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

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

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

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

Any proposed filling on the site must not:

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

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

42 **Provision of Waste Receptacle**

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

43 **BASIX**

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

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."

Prior to the Issue of the Occupation Certificate

44 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and

certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the PC prior to the issue of the final Occupation Certificate.

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

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

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

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

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

46 **BASIX**

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

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

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

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

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

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

49 **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.

50 **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the PC is required, prior to the issue of the final Occupation Certificate and commencement of use.

This report is required to verify that the dwelling can withstand the forces of floodwater, debris and buoyancy up to and including the PMF flood level plus freeboard being RL 28.99 metres AHD or greater.

51 **Level Spreader Certification**

The submission of a certificate from a suitably qualified and experienced civil engineer to the PC is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify that the level spreader stormwater disposal system has been constructed in accordance with the Construction Certificate plans approved by the PC.

Prior to the Issue of the Subdivision Certificate

52 **Existing Easements**

All existing easements must be acknowledged on the final subdivision plan.

53 **Existing Restriction as to Use**

All existing restriction on the use of land must be acknowledged on the final subdivision plan.

54 **Encroaching Services**

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

55 **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.

56 **88B Instrument Easements/Restrictions**

Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

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

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

- 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 a PC (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 (for Torrens subdivision) or Original Supply Offer (for Strata subdivision) from an Endeavour Energy regarding the supply of 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.
- i Payment of section 94 fees (Pro rata) (if applicable).

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.