

Wollongong Local Planning Panel Assessment Report | 27 April 2022

WLPP No.	Item No. 1
DA No.	DA-2021/640
Proposal	Designated Development - Residential - demolish existing carport and part deck, alterations and additions to south side of existing dwelling including new double garage, new pool and deck extension, replacement pump out (effluent) tank and related landscaping and lot consolidation
Property	Lot 1 & 2 DP 1173706, 347 & 349 Lawrence Hargrave Drive CLIFTON NSW
Applicant	Mr Sam Allen
Responsible Team	Development Assessment & Certification - City Wide Team (AK)
Lodged	3 June 2021

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel – Determination

The proposal has been referred to the Local Planning Panel for **determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 Clause 4 (a) of the Local Planning Panels Direction, as the proposal is designated development. The works are located within the mapped Littoral Rainforest Area pursuant to the SEPP (Resilience and Hazards) 2021.

Proposal

The application seeks consent for the demolition of the existing carport and part deck, alterations and additions to the south side of the existing dwelling including a new double garage, new pool and deck extension, replacement pump out (effluent) tank, landscaping and lot consolidation.

The proposal is considered Designated Development in accordance with Part 2, Division 1, Section 10(2) of the SEPP (Coastal Management) 2018 as works are proposed within an area identified as Littoral Rainforests. As such, the application must be made in accordance with the requirements of Part 4, Division 4.3 (4.10 & 4.12(8)) and associated Regulations 2000. Secretary's Environmental Assessment Requirements (SEARs) must also be obtained in accordance with Schedule 2 of the EP&A Regulations 2000. The form and set out of the EIS must also be prepared in accordance with Schedule 2 of the EP&A Regulations 2000 and the issued SEARs. It is considered that the submitted EIS and supporting information accompanying the development application reasonably contains the form and content requirements as identified in clauses 6 and 7 of Schedule 2 of EP&A Regulation and the matters identified in the issued SEARs.

Permissibility

The proposed works are located wholly within C3 Environmental Management zoned area and is considered permissible in this instance.

Consultation

The application was exhibited in accordance with Council's Community Participation Plan 2019 and no submissions were received following notification.

The proposal has been referred to Council's Landscape, Geotechnical, Environment, and Engineering Officers with conditionally satisfactory and/or no objections advice provided in each instance.

The proposal was referred to the Department of Planning to provide notice of the receipt of Designated Development and the forwarding of submissions received at the conclusion of the exhibition period. No further comments were received.

The proposal was referred to Transport for NSW pursuant to Clause 2.118 of the ISEPP for development with frontage to a classified road. TfNSW provided a satisfactory response letter dated 24 June 2021 raising no objection to the proposal.

The proposal was also to the NSW RFS as the subject land is bushfire prone and a satisfactory response letter dated 13 July 2021 was received subject to conditions of consent. This letter required that all new construction must comply with BAL FZ construction standards of Planning for Bush Fire Protection 2019. As such, this letter was provided to the Applicant to review and discussion with the NSW RFS which was carried out between the parties and based on further detail being provided by the Applicant an amended set of conditions were issued by the NSW RFS in their letter of 22 November 2021 which forms part of the recommended conditions.

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 SEPPs, in particular, SEPP (Resilience and Hazards) 2021, Wollongong Local Environmental Plan 2009, and all relevant Council DCPs, Codes and Policies and found to be satisfactory.

The proposed works relate to an existing dwelling and would not be considered inconsistent with the objectives of the C3 Environmental Management zone.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

RECOMMENDATION

DA-2021/640 be approved subject to the conditions contained in Attachment 6.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Biodiversity Conservation Act 2016 (BC Act)

State Environmental Planning Policies:

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

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

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the demolition of the existing carport and part deck, alterations and additions to the south side of the existing dwelling including a new double garage, new pool and deck extension, replacement pump out (effluent) tank, landscaping and lot consolidation.

1.3 BACKGROUND

DA-2007/1099 for demolition of existing dwelling-house, construction of three storey dwelling-house and proposed boundary adjustment was approved on the subject site on 23 July 2008. Modification A for the removal of a tree to meet bushfire requirements was approved on 4 June 2009. Modification B was then submitted and approved on 16 July 2010 for the reduction and/or removal of certain approved works consistent with what is now constructed onsite. **It should be noted that this new development application now seeks consent for alterations and additions consistent with what was earlier approved in DA-2007/1009 with regards to the garage and lower living spaces.**

The NSW Department of Planning, Industry and Environment (DPIE) has issued Secretary's Environmental Assessment Requirements (SEARs) for the proposal on 17 March 2021. The SEARs outline the requirements to be considered in the preparation of an Environmental Impact Statement (EIS) to be lodged with the development application.

The current application was lodged on 3 June 2021. A pre-lodgement meeting was held for the proposal on 21 October 2020.

Customer service actions

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

1.4 SITE DESCRIPTION

The subject site is located at Lot 1 & 2 DP 1173706, 347 & 349 Lawrence Hargrave Drive CLIFTON NSW and has a frontage to Lawrence Hargrave Drive will fall to the rear cliff edge. The sites also contain a mixture of native and exotic vegetation.

The surrounding area consists of undeveloped cliff lots to the northeast containing a mixture of vegetation, ocean cliffs to the southeast, undeveloped cliff lots to the southwest, and Lawrence Hargrave Drive to the northwest with the South Coast Railway Line beyond.

Property constraints

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

- Unstable land
- Acid sulphate soils - Class 5
- Flood affected – levels undetermined
- Bushfire
- Drainage easement
- Coastal Hazards – Geotechnical risk
- Coastal zone – Littoral Rainforest
- Foreshore Building Line

There are no restrictions on the title that would preclude assessment of the application.



Figure 1: Aerial photograph

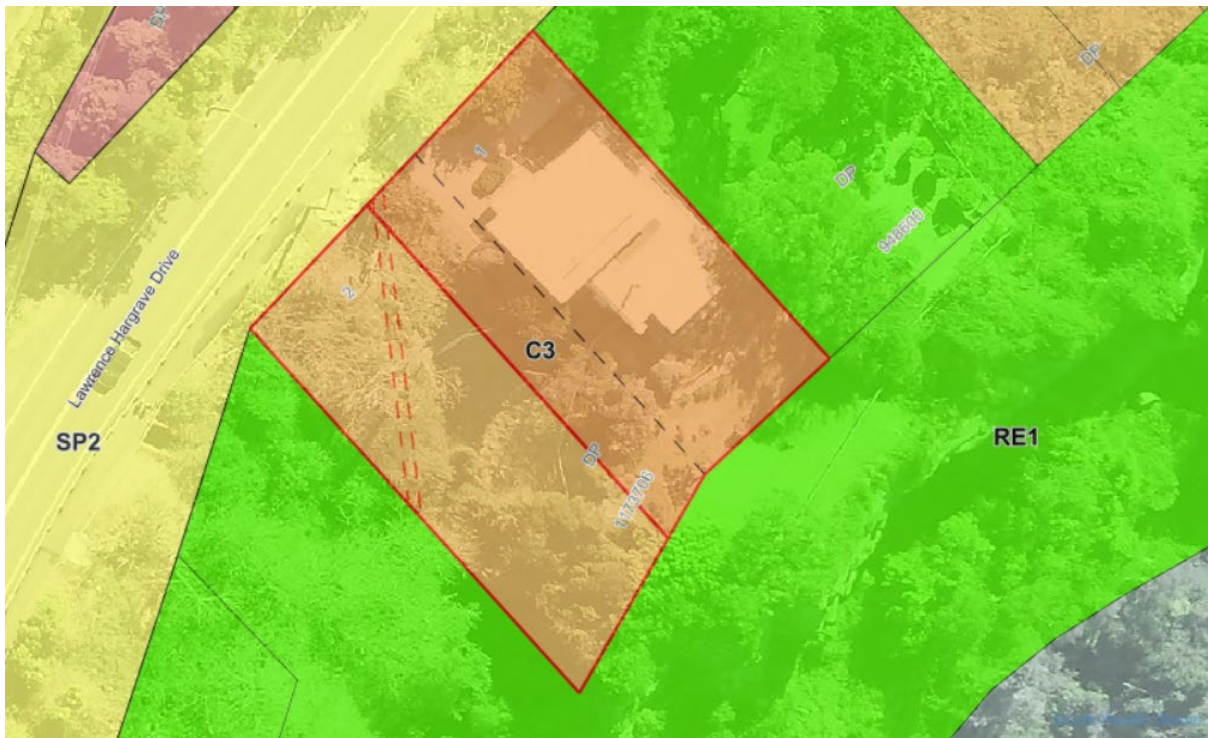


Figure 2: WLEP 2009 zoning map

1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019. No submissions were received following the notification.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Details of the proposal were referred to Council's Geotechnical, Landscape, Environment and Development Engineering Officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance.

1.6.2 EXTERNAL CONSULTATION

Department of Planning, Industry and Environment

The application is identified as designated development and notice of receipt of the application was provided to the Department. In accordance with Section 4.10 of the EP&A Act 1979, the applicant obtained SEARs which outlined the statutory matters that must be included in any EIS. It is considered the application has been prepared in accordance with these requirements and was referred to the Department following lodgement for public exhibition in accordance with Clause 50(6) of the EP&A Regulation 2000. At the conclusion of the exhibition period no submissions were received, and the Department was also notified of this outcome as required by S81 of the Regulations via the Planning Portal process. No further comments were received.

Biodiversity & Conservation Division (DPIE)

In accordance with the SEARs issued the Applicant consulted with the Biodiversity and Conservation Division of DPIE who confirmed in their email correspondence dated 1 April 2021 that the matter was to be dealt with at the local planning level by Wollongong Council regarding biodiversity assessment. As such, Council's Environment Officer has reviewed the application submission and is satisfied subject to conditions.

Transport for NSW (TfNSW)

A referral was sent to TfNSW and a satisfactory response was received on 24 June 2021 and no conditions were imposed.

NSW Rural Fire Service (RFS)

The proposal was also to the NSW RFS as the subject land is bushfire prone and a satisfactory response letter dated 13 July 2021 was received subject to conditions of consent. This letter required that all new construction must comply with BAL FZ construction standards of Planning for Bush Fire Protection 2019. As such, this letter was provided to the Applicant to review and discussion with the NSW RFS which was carried out between the parties and based on further detail being provided by the Applicant an amended set of conditions were issued by the NSW RFS in their letter of 22 November 2021 which forms part of the recommended conditions of consent at Attachment 6.

2 NSW BIODIVERSITY CONSERVATION ACT 2016

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

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

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing an area of native vegetation greater than 0.25 hectares for a minimum lot size of 999m² or by being identified on the Biodiversity Values Map. The current

proposal triggers the BOS as land proposed to be cleared is located on the Biodiversity Values Map. See Figure 4 below.

Consequently, a Biodiversity Development Assessment Report (BDAR) has been prepared by an accredited assessor (Bruce Mullins of Ecoplanning Pty Ltd) dated 21 December 2021 and prepared using the Biodiversity Assessment Method (BAM) (DPIE 2020) has been submitted. The BDAR dated 21 December 2021 has been revised to substantially meet Council's previous requests.

The BDAR has recommended a number of measures to mitigate and manage direct and indirect impacts where possible, including preparation of a Construction Environmental Management Plan, a VMP and appropriate pre-clearance protocols. A VMP has been prepared and submitted.

The BDAR has carried out a serious and irreversible impact assessment on *Chalinolobus dwyeri* (Large-eared Pied Bat). The proposed development is not likely to have serious and irreversible impacts on biodiversity values.

The BDAR has determined the vegetation integrity score for the PCT 910 (Lilly Pilly littoral rainforest) on the subject lots is below 15, therefore, there are no ecosystem credits required to offset the proposal.

However, the BDAR has calculated a total of one (1) species credit for the Large-eared Pied Bat (*Chalinolobus dwyeri*), one (1) species credit for the Little Bent-winged Bat (*Miniopterus australis*), one (1) species credit for the Large Bent-winged Bat (*Miniopterus orianae oceanensis*) and one (1) species credit for the Southern Myotis (*Myotis macropus*) are required to offset the impacts to habitat for these species within the subject land. Appropriate conditions regarding credit retirement and mitigation measures have been applied as conditions of consent relating to species credit retirement, construction site management plan, and vegetation management plan implementation and reporting.

Council Environment Officer has also noted that the footprint of the proposed alterations and additions to the existing dwelling will not extend substantially into the BDAR's mapped area of littoral rainforest, erosion and sediment control measures will be required, and the Bushfire Report prepared by Building Code & Bushfire Hazard Solutions Pty Limited dated 6 May 2021 outlines that no vegetation modification is required to implement asset protection zones and, weed management is also proposed in the asset protection zone area. As such, adverse effects on littoral rainforest areas are not expected.



Figure 4 - Biodiversity Values Map

3 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

DESIGNATED DEVELOPMENT

Section 4.10 of the EP&A Act 1979 states that Designated Development is development that is declared to be Designated Development by an environmental planning instrument or the regulations. Section 10(2) of the SEPP (Coastal Management) 2018 outlines that any works within an area identified as Littoral Rainforest is considered Designated Development.

Section 4.13 of the Act sets out notification requirements for designated development which have been followed in assessment of the subject application. Section 77 of the Regulation states that the consent authority must give written notice of a development application for designated development to such public authorities (other than relevant concurrence authorities or approval bodies) as, in the opinion of the consent authority, may have an interest in the determination of that development application. The NSW Department of Planning, NSW RFS and Transport for NSW were sent referrals for the proposed works.

Sections 78 to 80 of the Regulation include requirements for notification of designated development applications to relevant agencies and the general public. These requirements have been observed. Section 81 of the Regulation requires that the consent authority must, immediately after the relevant submission period, forward to the Director-General a copy of all submissions received in response to the public exhibition of a development application for designated development. In this instance no submissions were received and notified to the Department and referral agencies via the Planning Portal upload process.

Section 4.12 of the EP&A Act states that a development application for State significant development or designated development is to be accompanied by an environmental impact statement prepared by or on behalf of the applicant in the form prescribed by the regulations.

Schedule 2 of the EP&A Regulation relates to environmental impact statements whilst clause 6 & 7 relate to the form and content of the EIS. It is considered that the submitted EIS and supporting information accompanying the development application reasonably contains the form and content requirements as identified in clauses 6 and 7 of Schedule 2 of EP&A Regulation and the matters identified in the issued SEARs.

It is noted that the EIS accompanying the development application was lodged on 3 June 2021, prior to the expiry date of the issued SEARs.

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

3.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 – Coastal Management

2.1 Aim of Chapter

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

2.3 Land to which Chapter applies

This Policy applies to land within the coastal zone.

2.3 Relationship with other environmental planning instruments

- (1) In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.*
- (2) This Policy does not apply to land within the Lease Area within the meaning of State Environmental Planning Policy (Three Ports) 2013.*

Part 2.2 Development controls for coastal management areas

Division 1 Coastal wetlands and littoral rainforests area

2.7 Development on certain land within coastal wetlands and littoral rainforests area

- (1) The following may be carried out on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map only with development consent:*
 - (a) the clearing of native vegetation within the meaning of Part 5A of the Local Land Services Act 2013,*
 - (b) the harm of marine vegetation within the meaning of Division 4 of Part 7 of the Fisheries Management Act 1994,*
 - (c) the carrying out of any of the following:*
 - (i) earthworks (including the depositing of material on land),*
 - (ii) constructing a levee,*
 - (iii) draining the land,*
 - (iv) environmental protection works,*
 - (d) any other development.*

Note. Clause 17 provides that, for the avoidance of doubt, nothing in this Part:

- (a) *permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
 - (b) *permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*
- (2) *Development for which consent is required by subclause (1), other than development for the purpose of environmental protection works, is declared to be designated development for the purposes of the Act.***
- (3) *Despite subclause (1), development for the purpose of environmental protection works on land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map may be carried out by or on behalf of a public authority without development consent if the development is identified in:*
- (a) *the relevant certified coastal management program, or*
 - (b) *a plan of management prepared and adopted under Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993, or*
 - (c) *a plan of management approved and in force under Division 6 of Part 5 of the Crown Lands Act 1989.*
- (4) *A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.*
- (5) *Nothing in this clause requires consent for the damage or removal of a priority weed within the meaning of clause 32 of Schedule 7 to the Biosecurity Act 2015.*
- (6) *This clause does not apply to the carrying out of development on land reserved under the National Parks and Wildlife Act 1974 if the proposed development is consistent with a plan of management prepared under that Act for the land concerned.*

Comment:

The proposed works are located in areas identified as Littoral Rainforest and as such development consent is required in accordance with Clause 10(1). Additionally, as development consent is required Clause 10(2) outlines that development, other than environmental protection works, is declared designated development. Consequently, the application has been lodged as Designated Development and Secretary’s Environmental Assessment Requirements (SEARs) obtained and reviewed as part of the Environmental Impact Assessment (EIS) lodged.

The application has been assessed with regards to the aims of the SEPP and the provisions of Clause 10. Council’s Environment Officer has also reviewed the application with regards to the SEPP, NSW Biodiversity Offsets Scheme (BOS), and NSW Biodiversity Conservation Act 2016 and is satisfied subject to conditions as outlined above at Section 2 – NSW Biodiversity Conservation Act 2016. In relation to Clause 2.7(4) above Council’s Environment Officer has also noted the following sufficient measures have been taken:

Clause 10(4) of SEPP (Coastal Management) 2018 states: “A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.”

The Biodiversity Development Assessment Report (BDAR) prepared by Ecoplaning dated 21 December 2021 has mapped vegetation identified as PCT 910 - Lilly Pilly littoral rainforest of

the southern Sydney Basin Bioregion and South East Corner Bioregion on the subject lots (in a degraded and highly modified condition) which is equivalent to the NSW Biodiversity Conservation Act 2016 listed endangered ecological community Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 listed critically endangered ecological community Littoral Rainforest and Coastal Vine Thickets of Eastern Australia.

For the purposes of the BDAR, native vegetation in asset protection zones is calculated as cleared, although according to the Bushfire Report prepared by Building Code & Bushfire Hazard Solutions Pty Limited dated 6 May 2021 no vegetation modification is required to implement asset protection zones. According to the BDAR, only 0.021 hectares of PCT 910 will be cleared. Most of the BDAR's mapped area of littoral rainforest will be protected from the proposed development as the building footprint of the proposed development only extends into a small area of the BDAR's mapped area of littoral rainforest and erosion and sediment control measures will be required. The BDAR refers to the preparation of a vegetation management plan (VMP) as a management measure and a VMP has been submitted. For the area of PCT 910 in the asset protection zone, the VMP proposes weed management.

Overall, the works proposed within the area identified as Littoral Rainforest are considered minor and will be appropriately offset via recommended conditions of consent in accordance with the Biodiversity Offset Scheme and mitigation works such as implementation of a VMP and associated reporting.

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) coastal environmental values and natural coastal processes,*
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) Aboriginal cultural heritage, practices and places,*
 - (g) the use of the surf zone.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Comment:

All works are proposed within the Coastal Environment Area. The proposed works have been considered against the provisions of Clause 13 and are considered acceptable as no adverse impacts will result. The proposed works have also been assessed by Council's Environment Officer who is satisfied subject to conditions outlined at Attachment 6.

Division 4 Coastal use area

2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

(a) has considered whether the proposed development is likely to cause an adverse impact on the following:

- (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) Aboriginal cultural heritage, practices and places,*
- (v) cultural and built environment heritage, and*

(b) is satisfied that:

- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
- (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Comment:

All works are proposed within the Coastal Use Area. Due to the type and nature of the works it is considered that no adverse impacts will result in relation to access, shadowing, view loss/amenity, heritage matters. The proposed works have also been assessed by Council's Environment Officer who is satisfied subject to conditions outlined at Attachment 6.

Division 5 General

2.12 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

2.13 Development in coastal zone generally—coastal management programs to be considered

Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.

2.14 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

2.15 Hierarchy of development controls if overlapping

If a single parcel of land is identified by this Policy as being within more than one coastal management area and the development controls of those coastal management areas are inconsistent, the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail to the extent of the inconsistency:

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment:

The proposed works have been reviewed in relation to Clauses 2.12 to 2.15 above and is considered acceptable in this instance. It is noted that Clause 18 sets out the hierarchy of development controls when overlapping occurs which is the case in this instance. As a matter of completeness each of the controls above have been considered which are considered satisfactory.

NSW Coastal Management Act 2016, Coastal Management Amendment Act 2021, and Wollongong Coastal Zone Management Plan

The Wollongong Coastal Zone Management Plan (Wollongong CZMP) (BMT WBM 2017) was certified on 20 December 2017 and applies to the coastal zone of the Wollongong Local Government Area which includes this development application site. The *Coastal Management Amendment Act 2021* commenced on 1 November 2021, to give coastal councils until 31 December 2023 to implement their CZMPs. By effect this enables a continuation of the current certified CZMP (20 December 2017) whilst Council undertakes further studies and community consultation for a transition to a new Coastal Management Plan.

The Wollongong CZMP identifies the site as having coastal geotechnical risk, but it does not contain any particular actions for this particular site. A Geotechnical Investigation Report prepared by Alliance Geotechnical dated 8 May 2021 has been submitted with the application. Council's Senior Geotechnical Engineer in their file note dated 24 June 2021 has stated: "The additions and garage are essentially within the same footprint as previously proposed and therefore with acceptable buffer to the nearby protected sea cliff (gully). The proposed pool extends the previous building footprint and is sufficiently remote from the exposed sea cliff."

During the preparation of the architectural and engineering design Council's Geotechnical Section has been consulted and advice considered. It is considered that the proposed development has adequately considered the geotechnical risk for the site and associated coastal hazards.

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 3 of this policy and the matters outlined for consideration.

Chapter 4 - Remediation of Land

4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) The land concerned is—*
 - (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

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. There are no significant earthworks proposed and the proposal does not comprise a change of use. Council's Environment Officer has also reviewed the application and the Consent Authority can be satisfied that no concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of Chapter 4, Clause 4.6.

3.1.2 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

Lawrence Hargrave Drive is a classified road and the proposed development has been assessed against the provisions of the State Environmental Planning Policy (Infrastructure) 2007. In particular, clause 2.118 - Development with frontage to classified road as outlined below:

- (1) The objectives of this clause are—*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

Council's Development Engineer has reviewed the application in relation to the proposed works and any impacts on the road reserve and the road network and is satisfied subject to conditions. A referral has also been sent to TfNSW who was satisfied, and no conditions recommended.

Overall, the application has been considered against the provisions of Clause 2.118 of the SEPP and is considered consistent with the objectives of the control and that the development will maintain practicable and safe vehicle access and that safe and efficient ongoing operation of Lawrence Hargrave Drive will remain.

3.1.3 STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

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

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

3.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

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.

dwelling house means a building containing only one dwelling.

Note—

Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

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 C3 Environmental Management.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

The proposal is satisfactory with regard to the above objectives.

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

Animal boarding or training establishments; Bed and breakfast accommodation; Building identification signs; Business identification signs; Community facilities; **Dwelling houses**; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Forestry; Home-based child care; Home businesses; Home industries; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Secondary dwellings; Tank-based aquaculture

The proposal is categorised as an existing **dwelling house** as defined above and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.2A Erection of dwelling houses on land in certain rural and environmental protection zones

The application proposes alterations and additions to an existing approved dwelling house granted consent via DA-2007/1099 approved on 23 July 2008. As Such, the provisions of Clause 4.2A are considered satisfied.

Clause 4.3 Height of buildings

The proposed building height of the new works is 8.9m which does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.3:1

Site area:	The proposed works are located wholly within Lot 1 DP 1173706 which has a site area of 821.9m ² . It should also be noted that lot consolidation with Lot 2 DP 1173706 is also proposed which would equate to a total site area of 1445m ² .
GFA:	The total GFA for the existing dwelling and the alterations and additions equates to 352.6m ² .
FSR:	352.6/1445 = 0.244:1 which complies.

Clause 4.5 Calculation of floor space ratio and site area

The calculation of floor space ratio with respect to Clause 4.4 has been considered against the provisions of Clause 4.5 and there are no aspects of this clause that would exempt site area from the calculations resulting from the proposed lot consolidation of Lots 1 and 2 of DP 1173706. The proposed development is not prohibited on any subject lands, is not community land or a public place and will not constitute an additional lot, as a result of the proposed lot consolidation, without

significant development. As such, the provisions of Clause 4.5 are considered satisfied in this instance.

Part 5 Miscellaneous provisions

Clause 5.21 Flood planning

The subject lots are identified as being flood affected (levels undetermined). Council's Development Engineering Officer has reviewed the application and is satisfied subject to conditions outlined at Attachment 6.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is already serviced by electricity and water and has an existing approved onsite sewage management system. It is proposed to relocate and enlarge this system as part of this proposal which has been assessed by Council's Environment Officer who is satisfied subject to conditions.

Clause 7.2 Natural resource sensitivity – biodiversity

Council records indicate the site is affected by "Natural Resource Sensitivity – Biodiversity". The application was referred to Council's Environment Officer to assess the likely impacts of the proposal in this regard. No objection was raised and appropriate conditions of consent have been recommended at Attachment 6.

Clause 7.5 Acid Sulfate Soils

The Acid Sulfate Soils Map indicates that the site may be impacted by class 5 acid sulfate soils. However, due to the elevation of the site to surrounding water bodies, and separation from all other classes of acid sulfate soils the provisions of Clause 7.5 are considered satisfactory in this instance.

Clause 7.6 Earthworks

The proposal comprises minor earthworks. These earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land. Council's Geotechnical Officer and Environment Officer have also reviewed the application submission and are satisfied subject to conditions as outlined at Attachment 6.

Clause 7.7 Foreshore building line

The proposal is located within the foreshore building line as outlined below at Figure 5.



Figure 5 - Foreshore Building Line

- (1) *The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.*
- (2) *Development consent must not be granted for development on land in the foreshore area except for the following purposes—*
 - (a) *the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
 - (b) *the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,*
 - (c) *development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoor).*
- (3) *Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—*
 - (a) *the development will contribute to achieving the objectives for the zone in which the land is located, and*
 - (b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
 - (c) *the development will not cause environmental harm such as—*
 - (i) *pollution or siltation of the waterway, or*
 - (ii) *an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or*
 - (iii) *an adverse effect on drainage patterns, and*

(d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and

(e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and

(f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and

(g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore.

The proposed alterations and additions to the dwelling house are located adjoining the boundary of the foreshore building line (FBL). The proposed decks and pool are located within the FBL. However, all of these are permitted by Clause 7.7(2) (a) and (c). All proposed works have been assessed against the provisions of Clause 7.7(3) and are considered satisfactory with the objectives of the zone, appearance, environmental outcomes, access/usage of public foreshore areas, significance of the land, built form outcome with regards to amenity and aesthetic appearance at the foreshore.

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

None applicable.

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

3.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

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

Chapter B1 does not strictly apply to dwelling houses located in C3 – Environmental Management zones. However, chapter B1 has been used as a guide to determine the suitability of the proposal in terms of dwelling design and outcomes. This assessment has not revealed any non-compliances or variations considered unsatisfactory. The Chapter B1 compliance table for dwellings (Part 4) is provided at Attachment 5.

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

Council's Development Engineering Officer has reviewed the application and is satisfied subject to conditions as outlined at Attachment 6.

It is noted that the existing development onsite allows for a vehicle to enter and exit the site in a forward direction onto Lawrence Hargrave Drive. A referral was also sent to TfNSW who confirmed they had no objection to the proposed arrangements onsite. Consequently, the provisions of Chapter E3 are considered satisfied in this instance.

CHAPTER E6: LANDSCAPING

Council's Landscape Officer has reviewed the application and is satisfied subject to conditions as outlined at Attachment 6. Four (4) trees are proposed for removal in relation to landscaping

outcomes. Matters in relation to ecological outcomes are addressed elsewhere in the report by Council's Environment Officer.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter.

CHAPTER E8 ONSITE SEWAGE MANAGEMENT SYSTEMS

The site has an existing approved onsite sewage management system. It is proposed to relocate and enlarge this system as part of this proposal which has been assessed by Council's Environment Officer who is satisfied subject to conditions outlined in Attachment 6.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Appropriate conditions have been recommended which are outlined in Attachment 6.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The subject lots are identified as being flood affected (levels undetermined). Council's Development Engineering Officer has reviewed the application and is satisfied subject to conditions outlined at Attachment 6.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to the existing stormwater system. Council's Development Engineering Officer has reviewed the application and is satisfied subject to conditions outlined at Attachment 6.

CHAPTER E16 – BUSHFIRE MANAGEMENT

The proposal was also to the NSW RFS as the subject land is bushfire prone and a satisfactory response letter dated 13 July 2021 was received subject to conditions of consent. This letter required that all new construction must comply with BAL FZ construction standards of Planning for Bush Fire Protection 2019. As such, this letter was provided to the Applicant to review and discussion with the NSW RFS which was carried out between the parties and based on further detail being provided by the Applicant an amended set of conditions were issued by the NSW RFS in their letter of 22 November 2021 which forms part of the recommended conditions of consent at Attachment 6.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

Four (4) trees are proposed for removal as part of the application which has been reviewed by Council's Landscape and Environment Officers who are satisfied that removal is acceptable in this instance. It should also be noted that these trees were permitted for removal in the original application (DA-2007/1099) footprint but due to a reduction in size remained.

CHAPTER E20 CONTAMINATED LAND MANAGEMENT

See Section 3.1.1 above for details.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Conditions of consent in relation to demolition and hazardous material management have been recommended in the draft conditions outlined at Attachment 6.

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 which are outlined at Attachment 6.

3.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2020

The estimated cost of works is \$618,000.00 and a levy is applicable under this plan.

3.4 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.

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

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

Context and Setting:

The subject site is located in an isolated section of Lawrence Hargrave Drive with no neighbouring residential properties. The directly adjoining surrounds consist of vegetated land and steep gullies. The proposed alterations and additions are considered relatively minor when considered against this context and setting and is satisfactory in this instance.

Access, Transport and Traffic:

The proposal will not have adverse impacts on the access, transport or traffic of the site or surrounding area. TfNSW has also reviewed the application with regards to the frontage to a classified road and has raised no objection.

Public Domain:

Based on the minor nature of the proposal there will be no adverse impact on the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development.

Soils:

The proposal is not expected to have negative impacts on the soils of the subject site or surrounding area.

Air and Microclimate:

The proposal is not expected to have negative impact on air or microclimate.

Flora and Fauna:

Council's Environment Officer has reviewed the submitted BDAR in relation to compliance with the Biodiversity Conservation Act and the NSW Biodiversity Offsets Scheme as the site is identified in the Biodiversity Values Map. Council's Environment Officer is satisfied that the impacts of the proposal are acceptable, appropriately offset via credits and include mitigation strategies. Conditions of consent have been recommended regarding these requirements in Attachment 6.

Four (4) trees are proposed for removal as part of the application which has been reviewed by Council's Landscape and Environment Officers who are satisfied that removal is acceptable in this instance. It should also be noted that these trees were permitted for removal in the original application (DA-2007/1099) footprint but due to a reduction in size remained.

Waste:

A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

Council records list the site as flood affected, bushfire prone and geotechnically unstable. However, these natural hazards have been addressed and are considered acceptable in this instance.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal.

Safety, Security and Crime Prevention:

This application does not result in opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create adverse social impacts.

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The application does not result in any departures from development standards or Council's development control plans as outlined above.

Construction:

Conditions of consent are recommended in relation to construction impacts such as 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 will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The proposal is not expected to have negative cumulative impacts.

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

Does the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See Section 1.3 above.

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

The application is not expected to have 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 is satisfactory with regard to the applicable planning controls. Internal and external referrals are satisfactory subject to appropriate conditions of consent. The proposal is considered to be in the public interest.

4 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 54.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposal is considered supportable in its current form.

5 RECOMMENDATION

DA-2021/640 be approved, subject to the conditions contained in Attachment 6.

6 ATTACHMENTS

- 1 Architectural Plans
- 2 Secretary's Environmental Assessment Requirements (SEARs)
- 3 Environmental Impact Assessment Executive Summary
- 4 Site Photos
- 5 Chapter B1 – Compliance Table
- 6 Conditions of Consent

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Attachment 1 - Architectural Plans

347-349 LAWRENCE HARGRAVE DRIVE, CLIFTON

DEVELOPMENT APPLICATION

DRAWING LIST

SCALE

DA.000COVER SHEETN.T.S.

DA.100SITE + ROOF PLAN1:100

DA.101BASEMENT PLAN1:100

DA.102GROUND FLOOR PLAN1:100

DA.103FIRST FLOOR PLAN1:100

DA.201NORTH-WEST ELEVATION1:100

DA.202SOUTH-WEST ELEVATION1:100

DA.203SOUTH-EAST ELEVATION1:100

DA.301SECTION AA1:100

DA.302SECTION BB1:100

DA.400FINISHES SCHEDULE - ELEVATIONNTS

DA.500SHADOW DIAGRAMS - MID-WINTER1:500

GFA CALCULATIONS

EXISTING

•

GFA (combined)

236.0 sqm

•

BALCONY + TERRACE AREAS

101.0 sqm

•

PARKING (carpark platform)

24.4 sqm

PROPOSED

•

TOTAL GFA

339.7 sqm

•

ADDITIONAL GFA

103.7 sqm

•

ADDITIONAL BALCONY AREA

14.2 sqm

•

PARKING (new garage)

39.3 sqm

•

POOL

27.8 sqm

•

ADDITIONAL POOL TERRACE

47.2 sqm

EXISTING LOT AREAS

•

LOT 1

821.9 sqm

•

LOT 2

623.1 sqm

CONSOLIDATED LOT AREA

•

LOT 1 + LOT 2

1445 sqm

BASIX COMMITMENTS

•

R1.4(up) insulation to all plasterboard ceilings

•

R1.4(up) insulation + 55mm reflective foil backed blanket to all ceilings with roof directly above

•

R0.9(down) or R1.5(including construction) to suspended floor with open subfloor: Concrete

•

No insulation to external cavity brick walls

•

R1.7 insulation to external other/ undecided wall

•

Aluminium-framed single glazing with system specifications (NFRC: Uw=7.63, SHGC=0.75) to all glazing

•

All showerheads to have minimum 3 star rating

•

All toilets to have minimum 3 star rating

•

Kitchen taps to have minimum 3 star rating

•

Basin taps to have minimum 3 star rating

•

Min. 1246L rainwater tank to be installed collecting min. 50sqm of roof area.

•

Min. 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent, or LED lamps.

•

Swimming pool must not have a capacity greater than 41.7 kilolitres

•

Swimming pool must have a pool cover and a pool pump timer

•

Pool heating system: electric heat pump

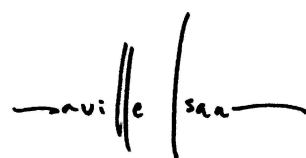
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RevA

IssueIssue for DA

CLIENTTCHA Pty Ltd

ARCHITECTURE



PROJECT

Alterations + Additions

347-349 Lawrence Hargrave Drive,

Clifton NSW

TITLE

Cover Sheet

JOB No.

2030

DRAWING No.

DA.000

REV.

A

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NSW Nominated Architects: S. ISAACS #7929
ABN: 79 124 014 759

P: 02 - 9086 9000
F: 02 - 9086 9001

ARCHITECTURE SAVILLE ISAACS PTY LTD
23a KING GEORGE STREET, McMAHONS POINT, NSW 2060

PROJECT DATE

SEP 2020

ISSUED DATE

APR 2021

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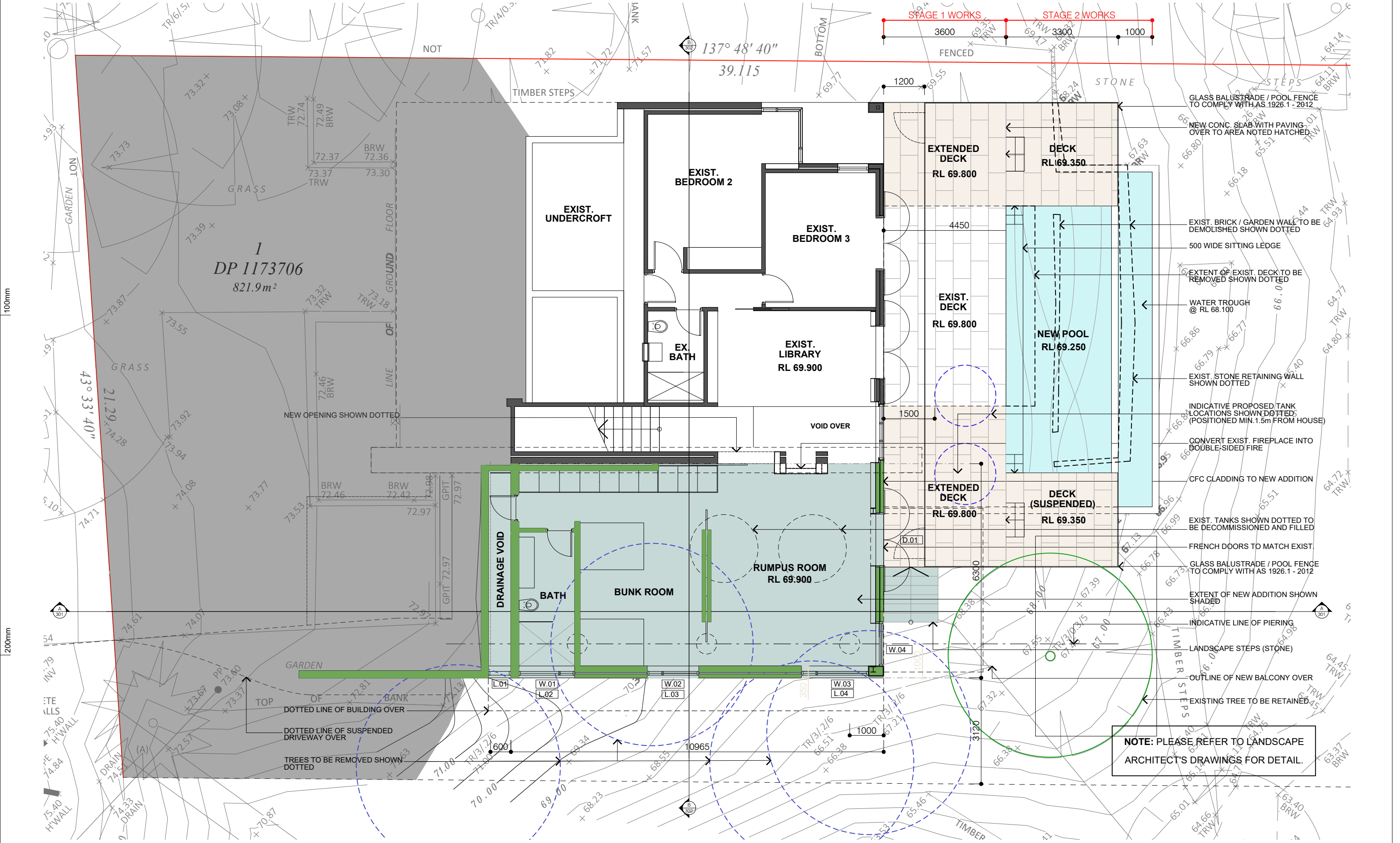
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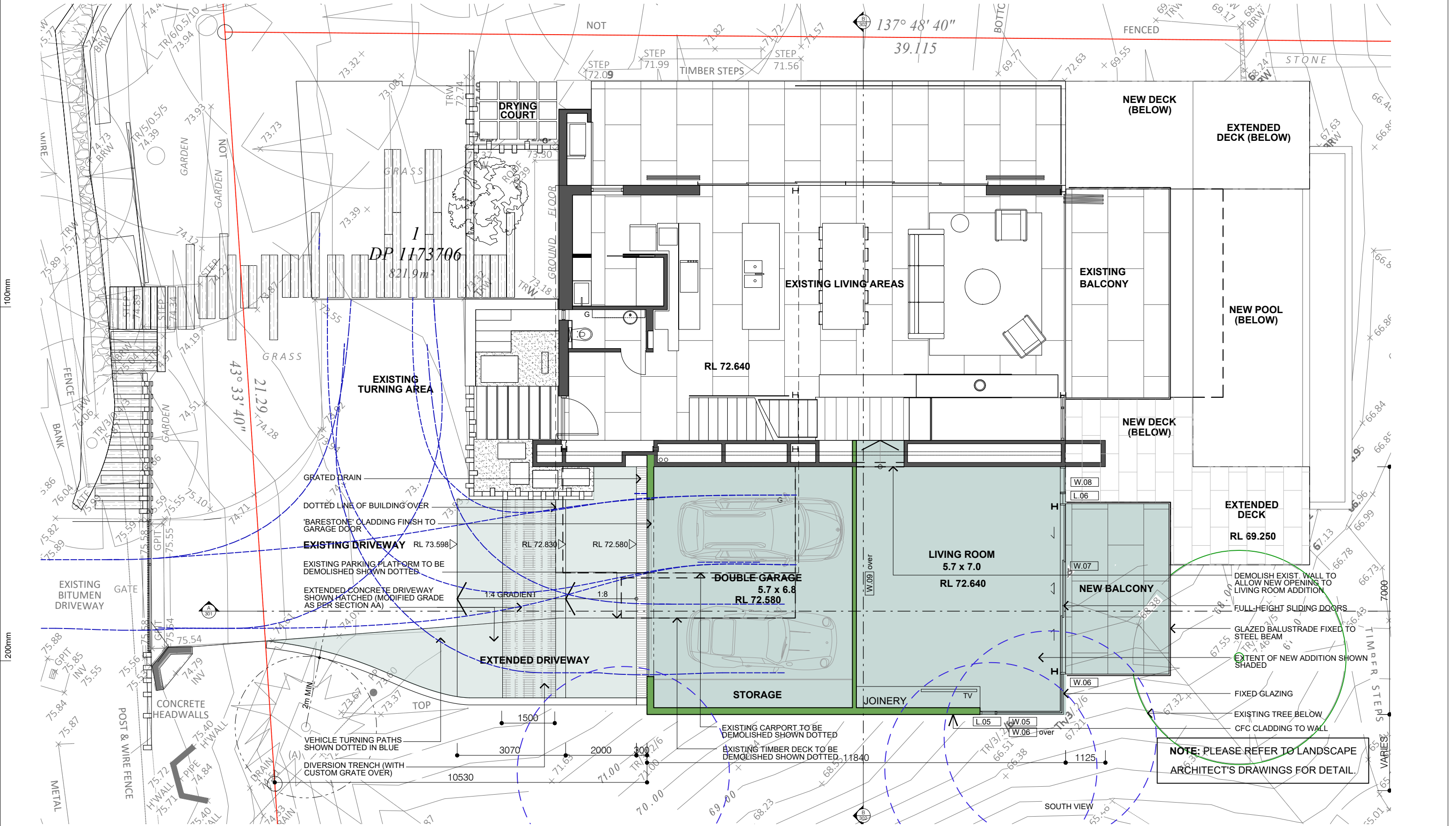
Development Application Issue



Date 30.04.21	Rev A	Issue Issue for DA			CLIENT TCHA Pty Ltd		PROJECT Alterations + Additions 347-349 Lawrence Hargrave Drive, Clifton NSW	TITLE Site + Roof Plan	JOB No. 2030	DRAWING No. DA.100	REV. A
The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.				NSW Nominated Architects: S. ISAACS #7929 F: 02 - 9086 9001	P: 02 - 9086 9000 F: 02 - 9086 9001		ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060	PROJECT DATE SEP 2020	ISSUED DATE APR 2021	SCALE @ A3: 1:100	STATUS Development Application Issue

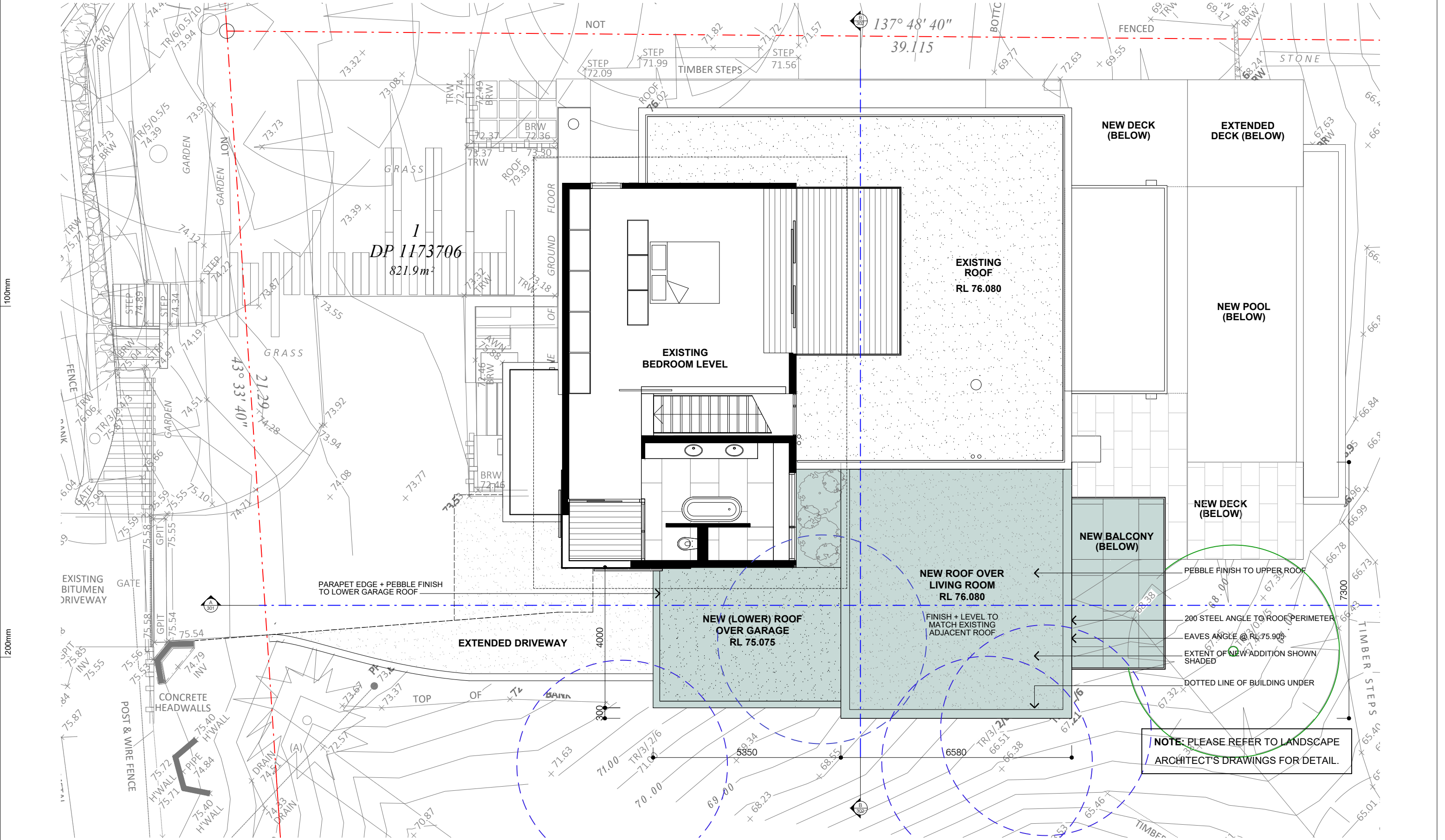


Date 30.04.21	Rev A	Issue Issue for DA			CLIENT TCHA Pty Ltd	ARCHITECTURE	PROJECT Alterations + Additions 347-349 Lawrence Hargrave Drive, Clifton NSW			TITLE Basement Floor Plan JOB No. 2030 DRAWING No. DA.101 REV. A		
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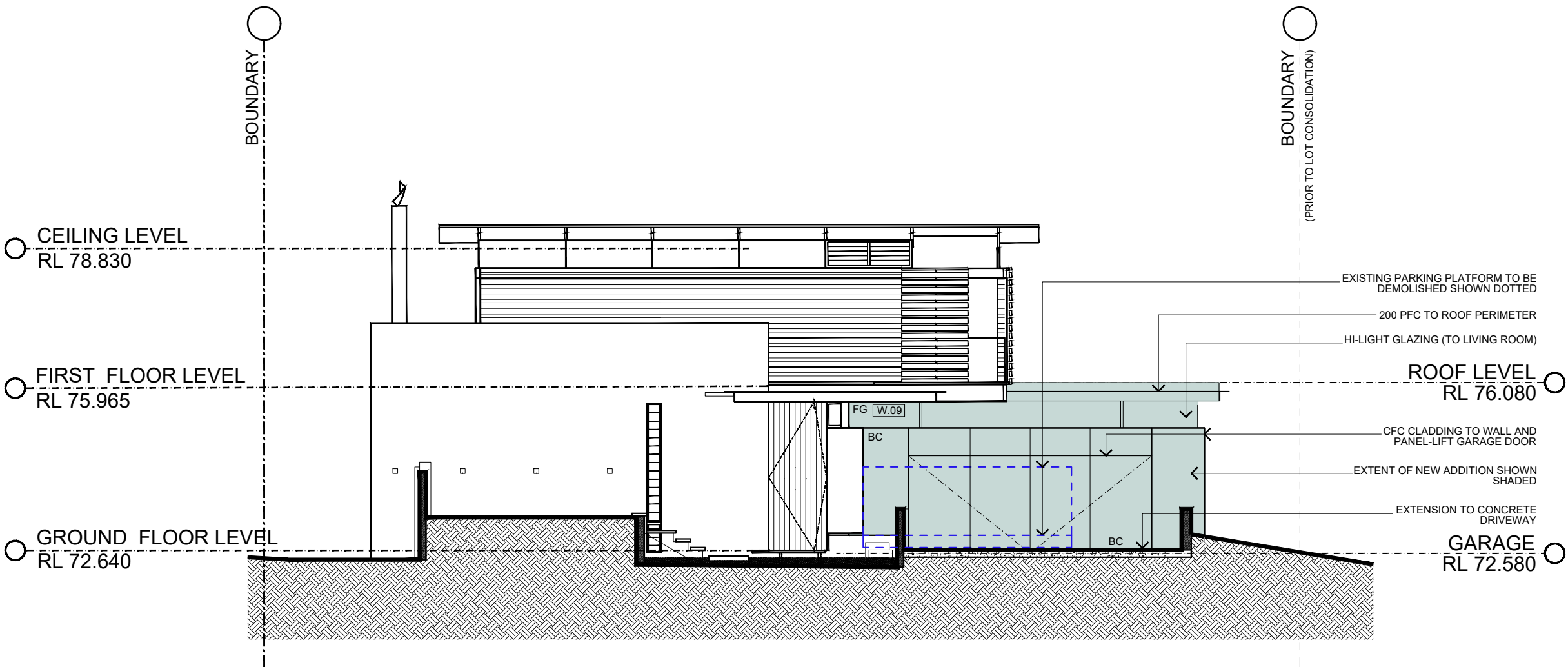
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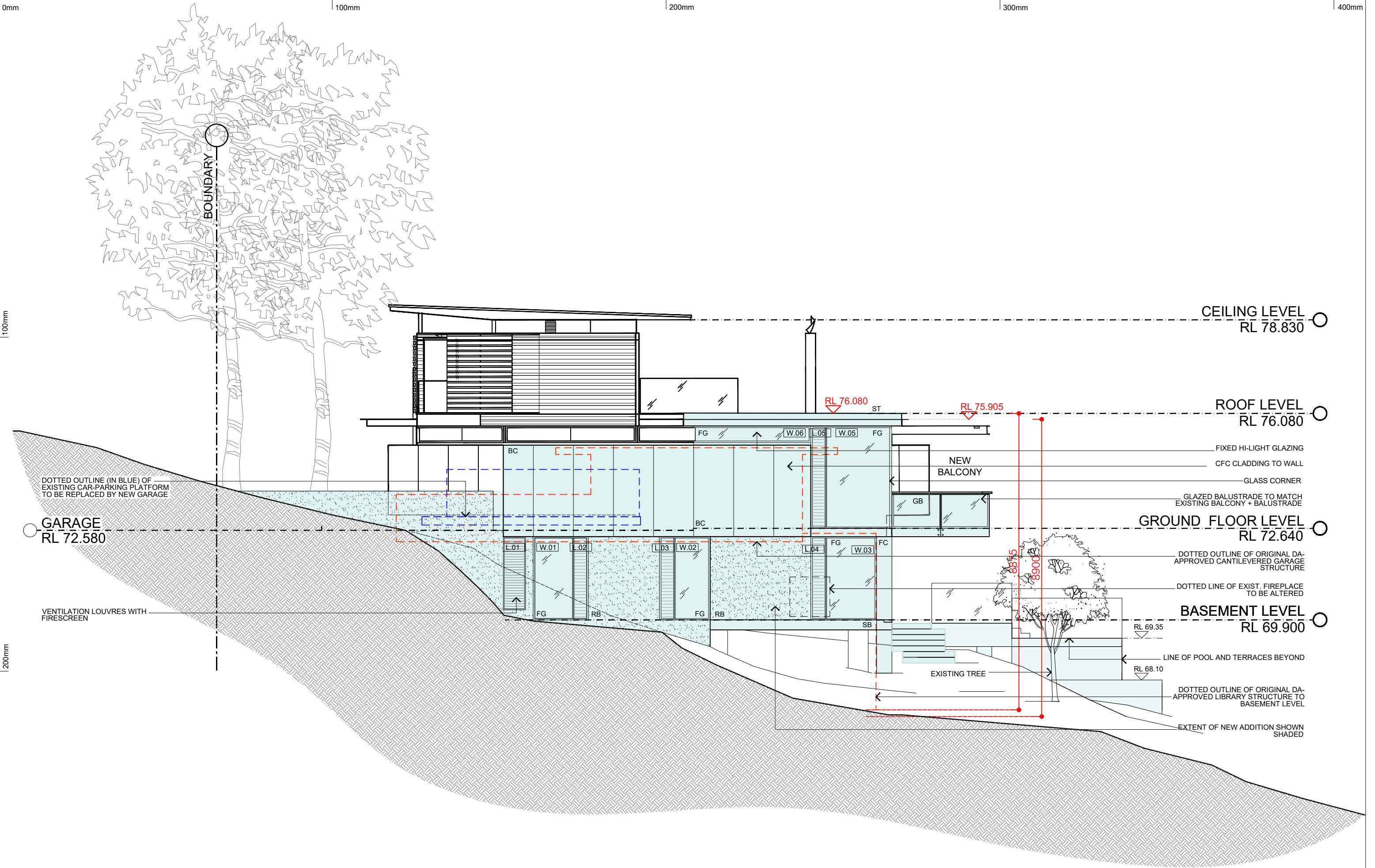
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Date 30.04.21	Rev A	Issue Issue for DA			CLIENT TCHA Pty Ltd		PROJECT Alterations + Additions 347-349 Lawrence Hargrave Drive, Clifton NSW		TITLE Front NW Elevation JOB No. 2030 DRAWING No. DA.201 REV. A		
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Date 30.04.21	Rev A	Issue Issue for DA			CLIENT TCHA Pty Ltd	ARCHITECTURE 	PROJECT Alterations + Additions 347-349 Lawrence Hargrave Drive, Clifton NSW			TITLE Side SW Elevation		REV. A
The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.				NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759	P: 02 - 9086 9000 F: 02 - 9086 9001		ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060	PROJECT DATE SEP 2020	ISSUED DATE JAN 2021	SCALE @ A3: 1:100	STATUS Development Application Issue	

REFER TO LANDSCAPE ARCHITECT'S
DRAWINGS FOR DETAILS

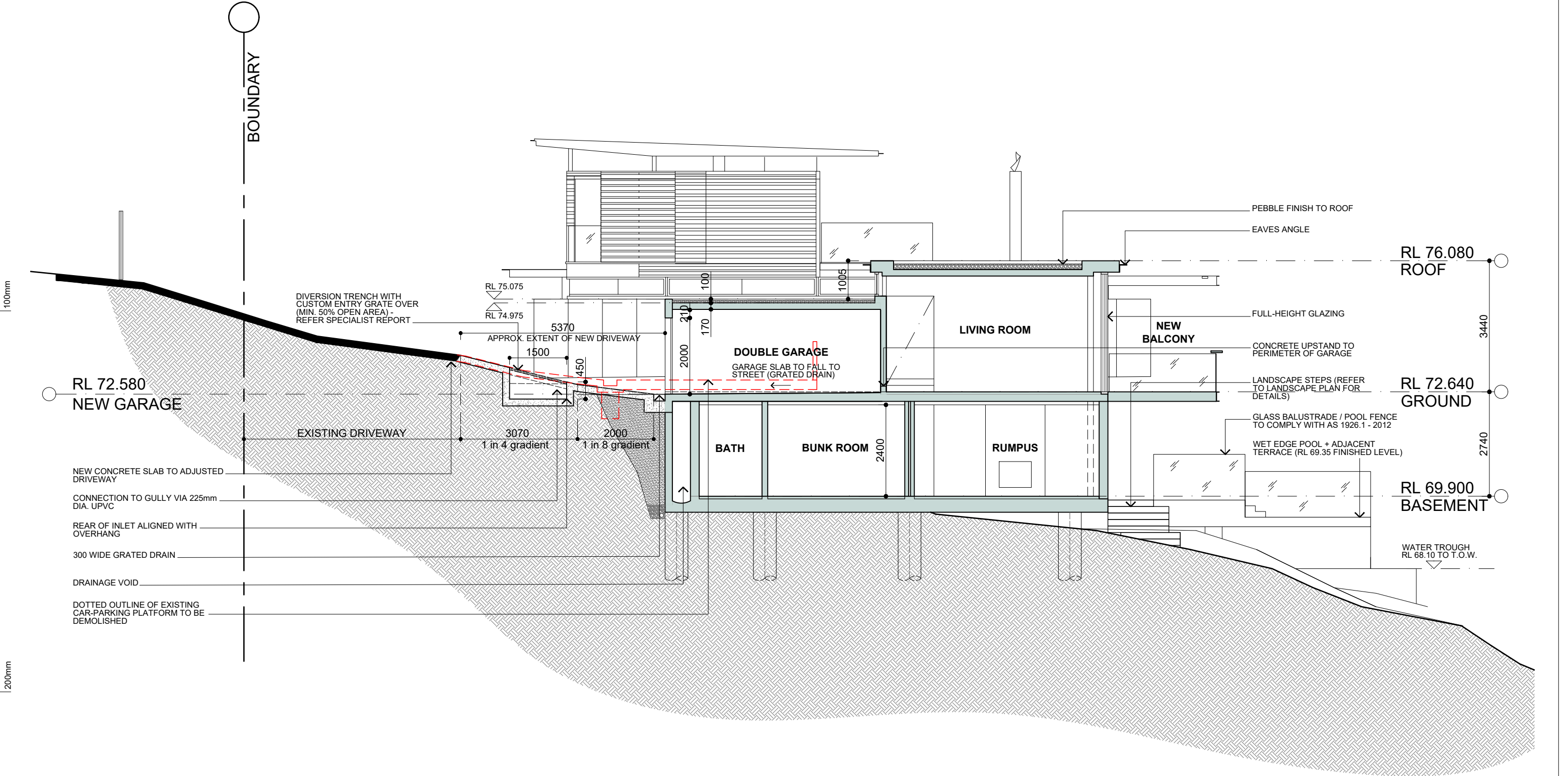
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— EXISTING TREE

Date 30.04.21	Rev A	Issue Issue for DA			CLIENT TCHA Pty Ltd		PROJECT Alterations + Additions 347-349 Lawrence Hargrave Drive, Clifton NSW	TITLE Rear SE Elevation	JOB No. 2030	DRAWING No. DA.203	REV. A
The Architect shall not be liable for any loss or claims whatsoever arising from or in respect of any errors existing or resulting from data howsoever transferred from the computer system of the Architect to systems of the Client or other Consultants. The recipient of the data shall be responsible for checking accuracy and completeness of data received. Any use of the electronic data in part or whole shall be at the user's risk. The CAD files and their contents are solely representations of the project information and cannot be relied upon beyond the representation shown on PDF versions of the drawings as provided by the Architect.				NSW Nominated Architects: S. ISAACS #7929 ABN: 79 124 014 759	P: 02 - 9086 9000 F: 02 - 9086 9001		ARCHITECTURE SAVILLE ISAACS PTY LTD 23a KING GEORGE STREET, McMAHONS POINT, NSW 2060	PROJECT DATE SEP 2020	ISSUED DATE APR 2021	SCALE @ A3: 1:100	STATUS Development Application Issue

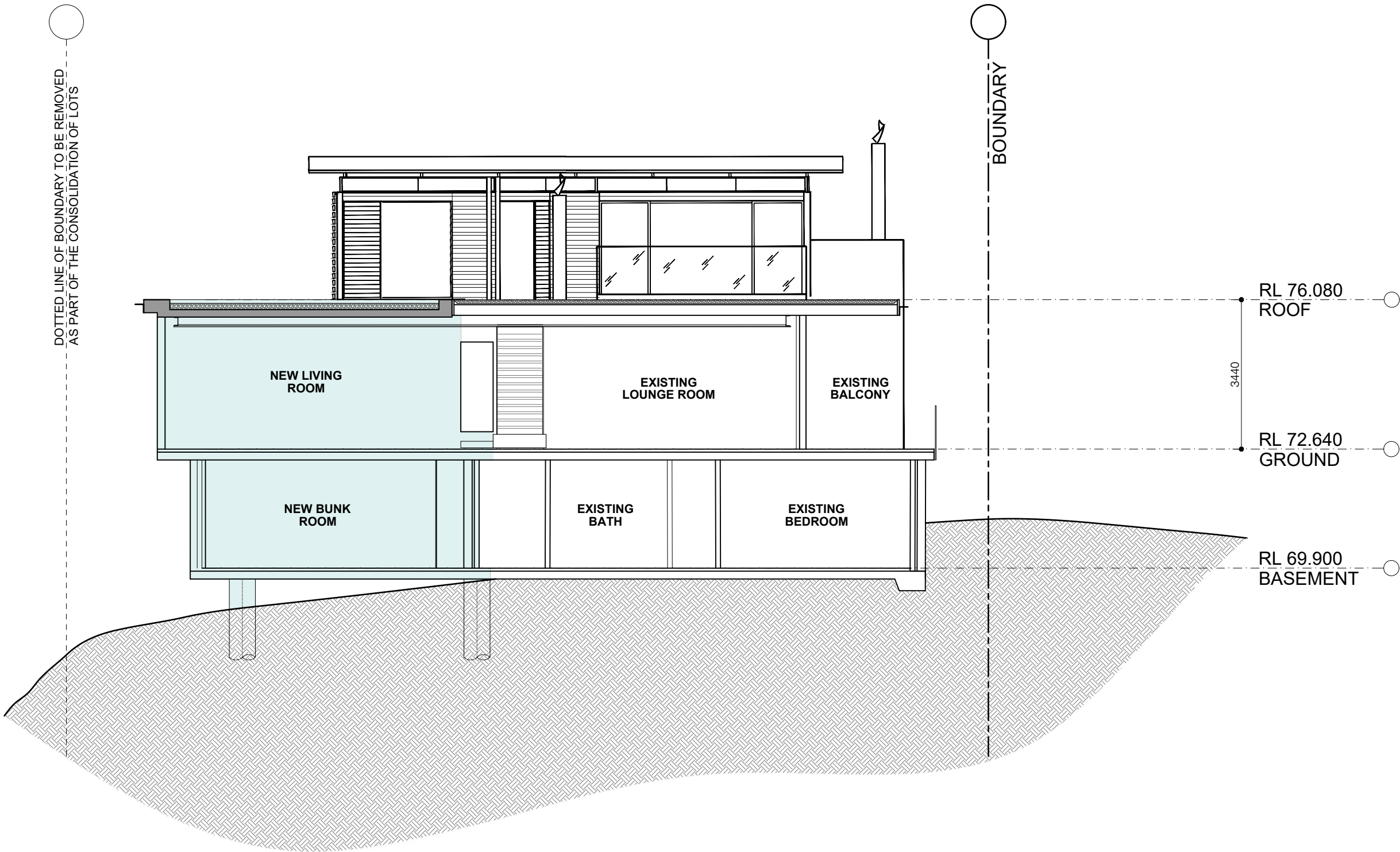
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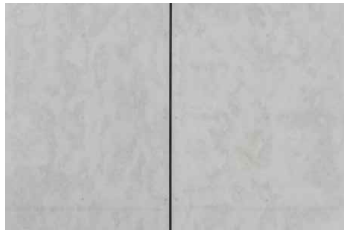


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WALL FINISH 01 - Lightweight



BC | CEMINTEL 'BARESTONE' WALL CLADDING - 'ORIGINAL' COLOUR (to Ground Floor - 'Floating Box')

WALL FINISH 02 - Masonry



RB | RENDER BRICKWORK - WHITE (to Basement Floor - Building Base and Landscape Walls)

STRUCTURE



SB | EXPRESSED STEEL BEAM - GALVANISED FINISH

GLAZING



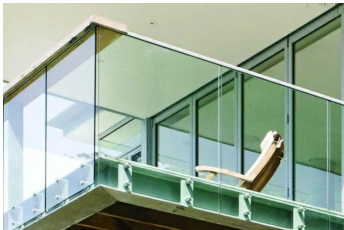
FG | ANODISED ALUMINIUM FRAMED GLAZING

ROOFING



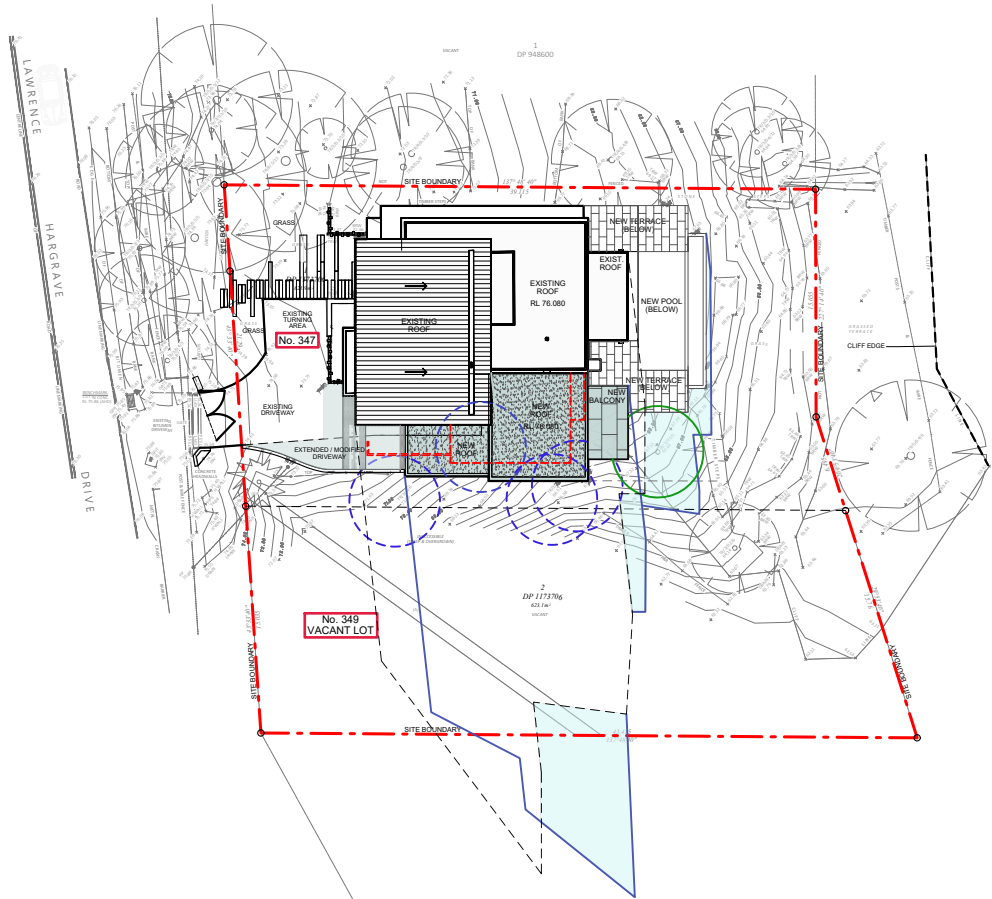
PF | WASHED RIVER PEBBLES TO ROOF BALLAST FINISH

BALUSTRADING

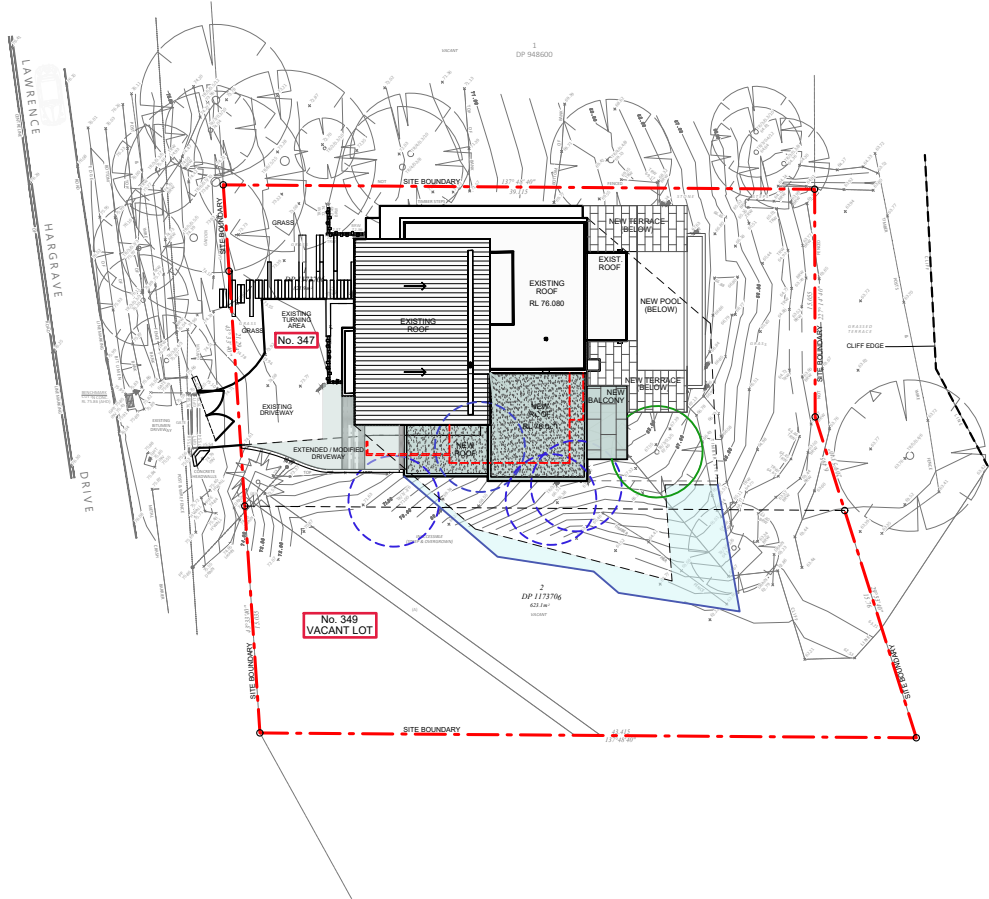


GB | GLASS BALUSTRADE WITH ALUMINIUM CAPPING

100mm

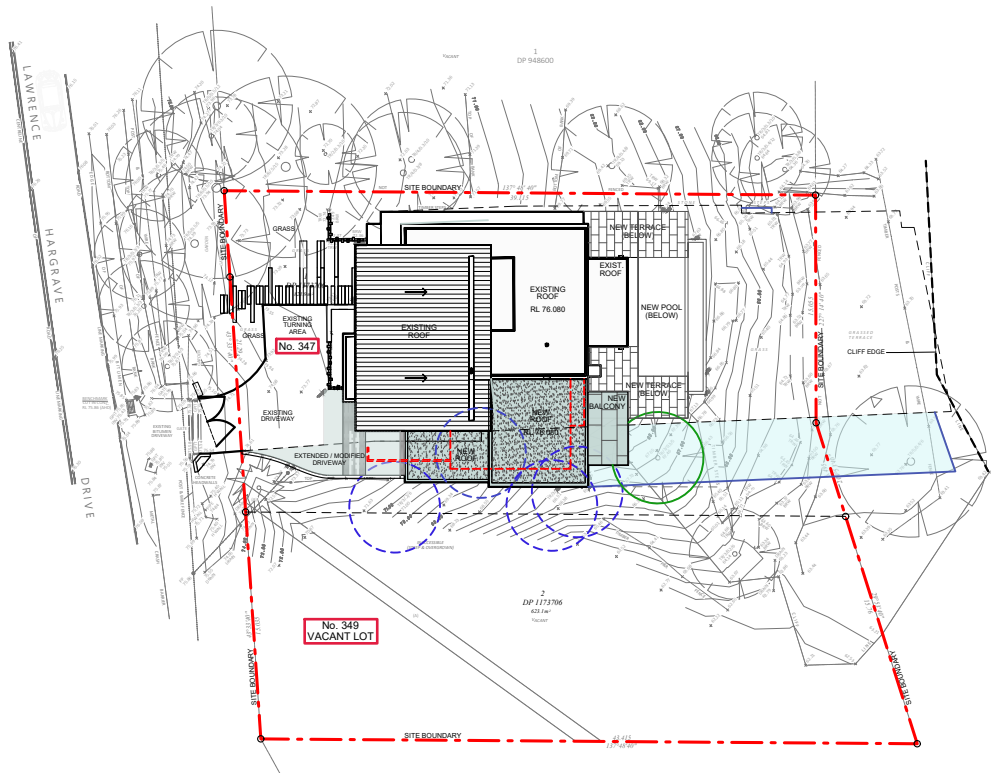


Shadow Diagrams - Mid-winter 9am

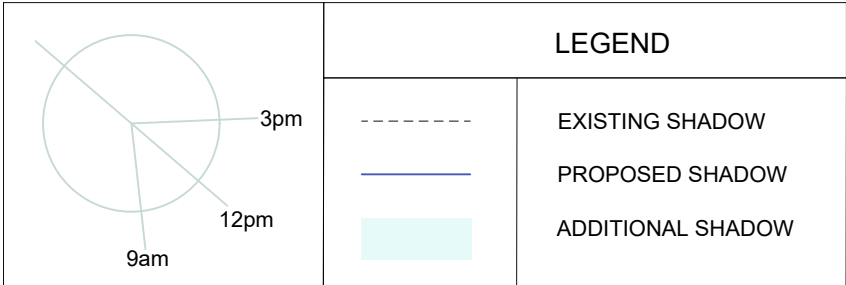


Shadow Diagrams - Mid-winter 12pm

200mm



Shadow Diagrams - Mid-winter 3pm





Planning,
Industry &
Environment

17 March 2021

Ms Meg Levy
Director
Levy Planning Pty Ltd
Suite 67 Level 4
330 Wattle Street
ULTIMO NSW 2007

EF21/231
SEAR 1540

Dear Ms Levy,

**Alterations and Additions to Existing House in a Littoral Rainforest Area
347-349 Lawrence Hargrave Drive, Clifton (Lot 1 & 2 DP1173706) – Wollongong LGA
Planning Secretary's Environmental Assessment Requirements (SEAR) 1540**

I refer to your email of 18 December 2020, seeking the Planning Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the above development proposal. I note your proposal would seek development consent for alterations and additions to the existing dwelling.

These SEARs are issued on the basis that Wollongong City Council has advised your proposal is designated development. Prior to the lodgement of any development application, you should confirm with Council the documents required to support your application.

The Department of Planning, Industry and Environment (the Department) has reviewed the documentation submitted and confirms it has no specific requirements, except that the EIS must address the provisions of *State Environmental Planning Policy (Coastal Management) 2018*. You should ensure your EIS meets the minimum form and content requirements outlined in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

In addition, you should ensure your EIS is prepared in consultation with Wollongong City Council, Environment, Energy and Science Group and any other relevant local, State and Commonwealth government authorities, service providers, community groups and surrounding landowners, and address any issues they raise in the EIS.

If you do not lodge a development application under section 4.12(8) of the *Environmental Planning and Assessment Act 1979* within 2 years of the date of this letter, you must consult with the Planning Secretary in relation to any further requirements for lodgement.

Should you have any further enquiries, please contact Joanna Bakopanos, Planning and Assessment, at the Department on (02) 9274 6387 or joanna.bakopanos@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Ritchie'.

Chris Ritchie
Director
Industry Assessments
as delegate of the Planning Secretary

EXECUTIVE SUMMARY

It is proposed to undertake alterations and additions to an existing split level residential dwelling located at 347 & 349 Lawrence Hargrave Drive (LHD), Clifton.

The proposed development for alterations and additions to be undertaken include the following:

- Demolition of the existing car port;
- Demolition of portion of existing deck, brick wall and retaining wall;
- Extend existing deck to the north east and south west;
- Construction of a rumpus room, bunk room and WC at Basement Level;
- Construction of double garage, living area and balcony at Ground Level;
- Extend driveway;
- Relocation of septic and water to under the deck;
- Construction of a swimming pool to the south (rear) of property; and
- Consolidation of Lot 1 and Lot 2 in Deposited Plan 1173706

The environmental impacts have been assessed by specialist sub Consultants through the preparation of this Environmental Impact Statement (EIS) and are the following:

- The removal of four trees,
- The clearing of 0.03 hectares of disturbed littoral rainforest, and
- The removal of habitat for bats.

The location of the site, and the proposed alterations and additions are also subject to a potential bushfire risk, overland flooding and potential landslip.

The environmental issues have been fully assessed by specialist sub consultants and the following recommendations/mitigations measures are proposed.

Bushfire Assessment	The proposal was reviewed by Building Code & Bushfire Hazard Solutions Pty Ltd and it is recommended that the existing Asset Protection Zone (APZ) be maintained on the site. It is measured to be >23 metres to the northeast, 14 metres to the southwest and >25 metres to the northwest of the site Further, future construction is to be undertaken to BAL level 40 and can be reduced to BAL level 29 (on the northeast elevation). Refer to Annexure 8.
Fauna and Flora Assessment	An Arboricultural Assessment and Ecological Assessment (Biodiversity Development Assessment Report, BDAR) were undertaken by Moore Tree Arboricultural Services and Ecoplanning respectively against the proposal and identified the following: 4 trees are to be removed (3 x small Acacia regrowth and 1 x Privet tree (weed). In addition, 0.03ha of disturbed littoral rainforest is to be cleared to accommodate the new build, (which is located within the existing APZ).

Geotechnical Instability	A Geotechnical Assessment Report prepared by Alliance Geotechnical undertook a Landslip Risk Management assessment in accordance to with the Australian Geo mechanical Society (AGS) Guidelines. It identified that the geotechnical hazards on site are 'Very low to low' in terms of risk to property and "Acceptable' in terms of risk to life. However, in order to manage any issues during construction certain mitigation measures are recommended to ensure that that any potential impacts are minimal, as below. • While groundwater is not anticipated, if very wet conditions are experienced, the soft silty clay at approximately 1.5m depth has the potential to collapse while the pile hole is open. This can be managed by using liners down to 2m. • Excavations deeper than 1.2m may undermine the beams spanning the piles and the existing slab. In this situation unsupported batter slopes may be adopted, if supported by a Structural Engineer. The maximum temporary batter slope recommended, up to 1.2m is 45 degrees. • For the excavation of the septic tank it is recommended to bench down at an angle of 1V:2H. If this is not possible sheet piles may be used or whalers and anchors/props. • The temporary shoring system, or permanent retaining wall should be designed in accordance with AS 4678 or AS 5100. • New footings will be supported by piles in bedrock and should be designed in accordance with AS 2159-2009 Piling – Design and Installation. • Structural foundations should be compacted to a minimum of 100% standard maximum dry density. • Earthquake loading needs to be in accordance with AS1170.4 – 2007. Refer to Annexure 9.
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The proposed alterations and additions will enhance the functionality and aesthetics of the existing residence. All potential environmental issues have been fully assessed and there are minimal environmental impacts associated with the proposal.

The proposed alterations and additions have a negligible impact on surrounding sites due to its unique location and orientation. The site is adjoined by vacant sites to the east and west, a road and rail line to the north and a cliff to the south.

The proposal is consistent and compliant with all relevant State and local planning controls. In addition, mitigation measures and recommendations are proposed prior to, and during the construction process to ensure the safety of the site and broader environment.

Attachment 4 - Site Photos



Photo 1 – Drone photo

Source: Realestate.com



Photo 2 – West elevation existing dwelling (facing LHD)



Photo 3 – Driveway looking west to LHD



Photo 4 – Looking south from driveway to Lot 2 (No 349 LHD vacant lot) and drainage outlet



Photo 5 – Looking west across LHD to drainage outlet



Photo 6 – View from driveway looking north along LHD frontage



Photo 7 – View from driveway looking east (driveway area to be developed & 4 trees removed)



Photo 8 – Underside of existing carport (to be developed)



Photo 9 – Looking NW up to house



Photo 10 – rear elevation of house (proposed pool and deck to east elevation)



Photo 11 – Looking to SE corner of house and Lot 2



Photo 12 – Looking north (from rear deck) to RE1 lands and towards neighbour house No 327 LHD



Photo 13 – Looking north (from rear of dwelling) to RE1 lands & towards house at No 327 LHD



Photo 14 – Looking south (from RE1 block) and towards No 347 LHD (north elevation)



Photo 15 – Looking south (from rear of No 347 LHD)



Photo 15 – Looking east (from RE1 block) and towards NW corner of No 347 LHD



Photo 16 – Looking south (from RE1 block) and across No 347 LHD front yard



Photo 17 – Looking east from balcony of No 347 LHD



Photo 18 – Looking south along coastline from land below No 347 LHD



Photo 19 – View to east elevation of No 347 LHD

Attachment 5 – Chapter B1 Compliance Table

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>
<u>4.1 Maximum Number of Storeys</u> 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.	Not applicable. Not located within R2 zone. No two storey development located within rear setback.
<u>4.2 Front Setbacks</u> 6m front setback	Front setback greater than 6m.
<u>4.3 Side and Rear Setbacks</u> Minimum 900mm	Side and rear setbacks greater than 900mm.
<u>4.4 Site coverage</u> 55% (lot area <450m²) 50% (450m² to 900m²) 40% (>900m²)	Compliant with lot consolidation.
<u>4.5 Landscaped Area</u> 20% landscape area minimum	Landscape areas are compliant.
<u>4.6 Private Open Space</u> 24m² minimum POS area, minimum 4m dimension	Compliant POS is proposed for the single dwelling.
<u>4.7 Solar Access</u> - Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June. - At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21. - Shadow diagrams are required for 9.00am, 12:00pm and 3.00pm for the 21 June winter solstice period for two storey dwellings	No adverse impacts with regards to solar access.
<u>4.8 Building Character and Form</u> - The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction. - Large bulky forms are to be avoided, particularly in visible locations - New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.	The proposed alterations and additions to the existing dwelling are considered sympathetic to the existing built form and general coastal architectural form along Lawrence Hargrave Drive.

Controls/objectives	Comment
<u>4.9 Fences</u> - Various. <u>4.10 Car parking and Access</u> The provision of car parking shall be as follows: (a) 1 space per dwelling with a gross floor area of less than 125m² (b) 2 spaces per dwelling with a gross floor area of 125m² or greater Garages must be setback a minimum of 5.5m from the front property boundary. garage door openings to be a maximum of 50% of the width of the dwelling. 6m x 6m minimum for double garages Driveways shall be separated from side boundaries by a minimum of 1 metre. Driveways shall have a maximum cross-over width of 3 metres. <u>4.11 Storage Facilities</u> 10m³ / 5m² <u>4.12 Site Facilities</u> - To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive <u>4.13 Fire Brigade Servicing</u> ensure that all dwellings can be serviced by fire fighting vehicles. <u>4.14 Services</u> - encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced. <u>4.15 Development near the coastline</u>	No change proposed to fencing. Council's Development Engineer has reviewed the application with regard to car parking and access and is satisfied subject to conditions. TfNSW has also reviewed the application and has raised no objection. Adequate storage facilities have been provided. Adequate site facilities have been provided in appropriate locations. The existing dwelling currently has adequate fire services which can be easily extended to the proposed alterations and additions. The existing dwelling is currently serviced which can be readily extended to the proposed alterations and additions. The proposed alterations and additions, including the deck and pool, have been considered regarding the controls outlined at 4.15. The proposed works are setback greater than 10m to the cliff top, is sited to protect from long-term coastal erosion as confirmed by Council's Geotech Engineer, maintains appropriate view corridors, and incorporates appropriate design features consistent

<i>Controls/objectives</i>	<i>Comment</i>
<u>4.16 View sharing</u>	with other residential built form along Lawrence Hargrave Drive. Due to the lack of neighbours and minor nature of the proposed alterations and additions no adverse view impacts will result.
<u>4.17. Retaining walls</u>	No retaining walls are proposed outside the proposed building envelopes.
<u>4.18 Swimming pools and spas</u>	The proposed swimming pool is considered acceptable and appropriate conditions regarding pool safety, waste and management have been recommended.
<u>4.19 Development near railway corridors and major roads</u>	The application has been referred to TfNSW as the subject site has frontage to a classified road. TfNSW have provided a response raising no objection to the proposed development.
<u>4.20 Additional controls for semi-detached dwellings- alterations and additions</u>	Not applicable.
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>	Not applicable.
<u>4.22 Additional controls for Dual Occupancies – building character and form</u>	Not applicable.
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u>	Not applicable.

Attachment 6 – Conditions

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No 2030 Drawing DA.100-A to DA.103-A, DA.201-A to DA.203-A, DA.301-A and DA.302-A dated 30 April 2021 prepared by Architecture Saville Isaacs Pty Ltd 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 **NSW Rural Fire Service (RFS)**

Pursuant to Section 4.14 of the Environmental Planning and Assessment (EP&A) Act 1979 – requirements imposed by the NSW RFS dated 22 November 2021 as attached shall form part of this Notice of Determination except as amended by the conditions specified and imposed hereunder.

3 **Geotechnical Requirements**

- a All work is to be in accordance with the geotechnical recommendations contained in the report dated 18 May 2021 by Alliance Geotechnical and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b Foundation systems are to be designed for Class P soils with all footings for the additions and pool to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- c Articulation jointing is to be provided between new and existing development or as recommended by the geotechnical consultant.
- d All stormwater and wastewater are to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.
- e A generic design for the pool is not appropriate for this site. A site-specific design is required for the hillside land where geotechnical constraints such as lateral earth pressures due to soil creep can affect the integrity of the structure. The structural designer of the pool needs to refer to the site geotechnical constraints as described in the geotechnical report.
- f All surface water from the pool surrounds should be piped away from the site.
- g A subsoil drain needs to be installed under the pool with gravity outlet to maintain equilibrium soil moisture conditions.
- h All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

4 **Construction Certificate**

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

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

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

5 **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.

6 **Tree Removal**

This consent permits the removal of the four (4) trees as indicated on the Site Plan by Architecture Saville Isaacs Pty Ltd dated April 2021. No other trees shall be removed without prior written approval of Council.

Prior to the Issue of the Construction Certificate

7 Geotechnical Report – Lawrence Hargrave Drive

A supplementary geotechnical report is required which:

- a Assesses the existing pavement condition including photos of Lawrence Hargrave Drive across the full frontage of the proposed development;
- b Assesses the potential impact of the proposed development on the short and long term impact on the performance of the pavement of Lawrence Hargrave Drive;
- c Identifies appropriate measures to manage any potential impacts from the proposed development; and
- d Makes recommendations for the design of any temporary or permanent structures, drainage treatments, slope management or excavations required to manage the potential impact to Lawrence Hargrave Drive from the development.

8 Species Credit Retirement

Prior to issue of the Construction Certificate, the class and number of species credits in Table 1 below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table 2 requirements must be provided to Council prior to the issue of the Construction Certificate.

Table 1 Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Chalinolobus davyeri</i> (Large-eared Pied Bat)	1	Anywhere in NSW
Little Bent-winged Bat (<i>Miniopterus australis</i>)	1	Anywhere in NSW
Large Bent-winged Bat (<i>Miniopterus orianae oceanensis</i>)	1	Anywhere in NSW
<i>Myotis macropus</i> (Southern Myotis)	1	Anywhere in NSW

9 Application to Install and Operate an On-Site Sewage Management System

An Application to Install and Operate an On-Site Sewage Management System shall be submitted to and the installation approved by Council prior to the issue of the Construction Certificate.

10 Construction Site Management Plan

Before the issue of a Construction Certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- protective measures for on-site tree preservation and trees in the adjoining public domain
- plan of proposed demolition materials and construction storage areas;

- address all environmental aspects of the development's demolition and construction phases including erosion and sediment control; dust suppression and noise and waste management.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

11 **Tree Removal**

This consent permits the removal of the four (4) trees as indicated on the Site Plan by Architecture Saville Isaacs Pty Ltd dated April 2021. No other trees shall be removed without prior written approval of Council.

12 **Construction Management Plan**

The submission of a Construction Management Plan is to be submitted to the PC prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties and traffic management of construction vehicles.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- proposed ingress and egress points for vehicles to/from the construction site;
- proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- proposed method of support of any excavation, adjacent to adjoining buildings or structures and the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

13 **Structural Certificate - Live and Dead Loads**

The submission of a Certificate from a suitably qualified and experienced structural engineer confirming that the existing structure will adequately support all additional live and dead loads imposed by the proposed development, is required prior to the release of the Construction Certificate.

14 **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.

15 **Car Parking and Access**

The development shall make provision for a total of two (2) car parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in above parking numbers shown on the approved DA plans shall be dealt with via a section 4.55 modification to the development. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

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

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

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

17 **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.

18 **Tree Protection and Management**

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

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

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

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

- 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.

20 **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.

21 **Designated Overland Flow Paths**

Details of each overland flow path associated with the driveway diversion structure located on the site shall be provided with the detailed drainage design. Each overland flow path shall be capable of catering for the 1 in 100 year storm event flows from the contributing catchment area, and where required, direct these flows to the on-site stormwater detention facility. The overland flow path shall be free of any vegetation and/or structures that are likely to impede natural overland flow, or make provision for such obstructions, so there will be no adverse stormwater impacts upon the subject land and adjoining properties. Full Manning's calculations shall be provided on the capacity of each overland flow path. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.

22 **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.

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

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

24 **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 \$6,180.00 (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: 1344747	• Credit Card

In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• 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

Prior to the Commencement of Works

25 Before Tree Removal

Before the removal of the trees approved for removal under this development consent, the person doing the tree removal must closely inspect the trees for any roosting or nesting native fauna (includes inspecting for drays), and if native fauna are present then the person must contact the NSW Wildlife Information, Rescue and Education Service (WIRES) for advice (telephone 1300 094 737) and ensure the advice is followed.

26 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.

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

Building work involving residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the 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.

28 **Sign – Supervisor Contact Details**

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

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the 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.

29 **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.

30 **Demolition Works**

All demolition works shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the PC. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

31 **Notification to SafeWork NSW**

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

32 **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.

33 **Certification of Structural Adequacy - Building Walls/Structure**

The walls of the building or structure adjoining the easement boundary shall be designed by a suitably qualified engineer to withstand all forces should the easement be excavated to existing pipe invert level. This may require foundations to be designed such that they are set to a minimum of 300 mm below pipe invert level or founded on sound rock. The submission of certification from the structural engineer to the PC is required confirming the structural adequacy of the walls of the building or structure to withstand all forces associated with any excavation of the easement, prior to the commencement of any works.

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

A survey report prepared by a registered surveyor is required to be submitted to the PC 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.

35 **Notification to Council of any Damage to Council's Infrastructure**

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the

construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

36 **Road Occupancy Licence (ROL) from Transport for NSW (TfNSW)**

The developer shall apply for a ROL where construction works impact Lawrence Hargrave Drive from the TfNSW Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow two (2) weeks prior to commencement of work to process the ROL.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the TfNSW Project Manager.

37 **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.

38 **Erosion and Sediment Control Measures**

Erosion and sedimentation control measures are to be established in accordance with the requirements of the Erosion and Sediment Control Plan prepared by ITM Design Pty Ltd.

39 **Tree Protection**

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

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

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

During Demolition, Excavation or Construction

40 **Construction Environment Management Plan Implementation**

All works shall be carried out in accordance with the approved Construction Environment Management Plan.

41 **Avoidance of Harm to Fauna**

During tree removal works, the person doing the works must take all care to avoid harm to protected fauna.

42 **Injured Fauna**

If any native fauna are injured during tree removal, then the person who did the works must contact the NSW Wildlife Information, Rescue and Education Service (WIRES – telephone 1300 094 737), or similar wildlife rescue service or a vet for assistance.

- 43 **Cartridge Filtration System**
A cartridge filtration system shall be installed for the swimming pool to eliminate the need for the disposal of backwash water.
- 44 **Decommissioning of Existing Septic Tank and Collection Well**
The existing septic tank and collection well shall be decommissioned according to NSW Health (2017) Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF).
- 45 **On-site Sewage Management System Installation Certificate**
Upon completion, the installer of the approved on-site sewage management system must submit to Council an Installation Certificate to certify the system was installed as per the approved design and works-as-executed drawings.
- 46 **Implementation of Vegetation Management Plan**
All vegetation management works shall be carried out in accordance with the Vegetation Management Plan prepared by Ecoplan Pty Ltd dated 22 December 2021.
- 47 **Piping of Stormwater to Existing Stormwater Drainage System**
Stormwater for the land must be piped to the existing stormwater system on the lot.
- 48 **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.
- 49 **Protection of Public Places**
If the work involved in the erection or demolition of a building involves the enclosure of a public place or is likely to cause pedestrian/vehicular traffic in a public place to be obstructed or rendered inconvenient, or have the potential for conflict between pedestrians and vehicles:
- a A hoarding or fence must be erected between the work site and the public place;
 - b an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place;
 - c the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in a public place;
 - d safe pedestrian access must be maintained at all times;
 - e any such hoarding, fence or awning is to be removed when the work has been completed.
- 50 **Copy of Consent to be in Possession of Person carrying out Tree Removal**
The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent, in respect to the trees which have been given approval to be removed in accordance with this consent.
- 51 **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.

52 **Site Management**

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

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

53 Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

54 **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.

55 **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."

56 **Swimming Pool Barriers**

The swimming pool shall be provided with child-resistant barriers, prior to the placement of water in the pool, in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standards AS 1926. The barrier shall be installed to the satisfaction of the PC.

57 **Warning Notice**

A warning notice complying with Clauses 10 and 11 of the Swimming Pools Regulation 2008 is to be displayed in a prominent position in the immediate vicinity of the swimming pool as required by Section 17 of the Swimming Pools Act 1992, prior to the filling of the pool with water.

58 **Works to be in Accordance with Erosion and Sediment Control Plan**

All works on the site must be carried out in accordance with the Erosion and Sediment Control Plan prepared by ITM Design Pty Ltd and the Managing Urban Stormwater – Soils and Construction 'Blue Book' for the full duration of works.

All erosion and sedimentation control measures are to be in place, prior to the commencement of any works. Daily maintenance of the erosion and sedimentation control measures is to be undertaken to ensure their effectiveness.

Prior to the Issue of the Occupation Certificate

59 Approval to Operate On-Site Sewage Management System

Prior to the issue of the Occupation Certificate, the installed approved On-Site Sewage Management System shall have a current Approval to Operate issued in accordance with Section 68 of the Local Government Act 1993.

60 Progress with Implementation of Vegetation Management Plan (VMP)

Prior to the issue of the Occupation Certificate, the person implementing the Vegetation Management Plan (VMP) prepared by Ecoplaning Pty Ltd dated 22 December 2021 shall certify that at least the primary weed control of the VMP has been carried out.

61 Lot Consolidation

Prior to the issue of any Occupation Certificate, the two (2) subject Lots, being Lot 1 and 2 DP 1173706 are to be consolidated.

62 Occupation Certificate

An Occupation Certificate must be issued by the 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.

63 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.

64 Bush Fire – Compliance Certificate

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

Operational Phases of the Development/Use of the Site

65 VMP Reporting

Six (6) monthly reports on the progress of the implementation of the Vegetation Management Plan prepared by Ecoplaning Pty Ltd dated 22 December 2021 must be submitted to Council's Environment Planning Manager until the end of the maintenance period and the performance criteria have been met.

66 Loading/Unloading Operations/Activities

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



NSW RURAL FIRE SERVICE

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Your reference: (CNR-23703) DA-2021/640
Our reference: DA20210617002452-CL55-1

ATTENTION: Andrew Kite

Date: Monday 22 November 2021

Dear Sir/Madam,

Development Application
s4.14 - Other - Single Dwelling - Alterations & Additions
347 LAWRENCE HARGRAVE DR CLIFTON NSW 2515, 1//DP1173706

I refer to your correspondence dated 27/10/2021 seeking advice regarding bush fire protection for the above Development Application in accordance with Clause 55(1) of the *Environmental Planning and Assessment Regulation 2000*.

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

Asset Protection Zones

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1. From the commencement of building works, and in perpetuity, the property must be managed as an inner protection area as depicted in red on the Bushfire Constraints Overlay Plan prepared by Building Code & Bushfire Hazard Solutions ref: 210377 Rev C dated 22/11/2021, in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Construction Standards

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

2. The existing dwelling must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.

3. New construction must comply with Section 3 and Section 8 (BAL 40) of Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015)*. New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

4. New and modified deck areas and fencing associated with the new swimming pool must be constructed of non-combustible materials only. Additionally the pool and associated decks must remain unroofed.

Water and Utility Services

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. The provision of all new and modification of any existing services are to comply with Table 7.4a of *Planning for Bush Fire Protection 2019*.

Landscaping Assessment

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

6. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas within 6 metres of the dwelling;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.



Yours sincerely,

Martha Dotter
Supervisor Development Assessment & Plan
Built & Natural Environment

