

# Wollongong Local Planning Panel Assessment Report | 19 September 2023

<b>WLPP No.</b>	Item No.1
<b>Integrated DA No.</b>	DA-2023/447
<b>Proposal</b>	Residential – retaining walls and sub floor storage area
<b>Property</b>	Lot 20 DP 233082 20 Greenhill Avenue Figtree NSW 2525
<b>Applicant</b>	P Harris
<b>Responsible Team</b>	Development Assessment & Certification Team - Building and Certification Team (SR)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

#### Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) for **determination** pursuant to Clause 3 of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, for an exception to a development departure to Clause 4.4 Floor Space Ratio in Wollongong Local Environmental Plan (WLEP) 2009 by more than 10%. The proposal seeks a departure of 12.7% to the FSR zoning standard of 0.5:1.

#### Proposal

The proposal seeks consent for the following:

- Construction of retaining walls and concrete floor to create a sub floor storage area within an existing sub floor area

#### Permissibility

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

#### Exhibition

The application was notified in accordance with the Wollongong Community Participation Plan 2019 and no submissions were received.

#### Consultation

The Development Application required the following internal referral:

- Development Engineer - Flooding

The internal referral has been completed and conditions have been recommended.

#### Main Issues

The main issue is:

- The proposed dwelling exceeds the maximum 0.5:1 Floor Space Ratio (FSR) permissible for the site, as prescribed by Clause 4.4 of Council's Wollongong Local Environmental Plan 2009.

#### Recommendation

It is recommended that DA-2023/447 be approved subject to conditions outlined in **Attachment 4**.

## **1. APPLICATION OVERVIEW**

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### **1.1 PLANNING CONTROLS**

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021

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 2022
- Wollongong Community Participation Plan 2019

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal seeks consent for the following:

- Construction of retaining walls and concrete floor to create a sub floor storage area within an existing sub floor area

### **1.3 BACKGROUND**

No relevant history.

No pre-lodgement meeting was undertaken with Council prior to the lodgement of the subject application.

Customer service actions

There are no outstanding customer service requests that would preclude the development.

### **1.4 SITE DESCRIPTION**

The site is located at Lot 20 DP 233082, 20 Greenhill Avenue, Figtree NSW 2525.

The subject site is located on the northern side of Greenhill Avenue. The site currently contains an existing two (2) storey dwelling. The site is regular in shape and has an area of 558.8m<sup>2</sup> and a frontage of 15.24m to Greenhill Avenue.

The area is characterised by low density residential development.

Property constraints

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

- Filled Land
- Flood Affected – Uncategorised Flood Risk Precinct

**Easements**

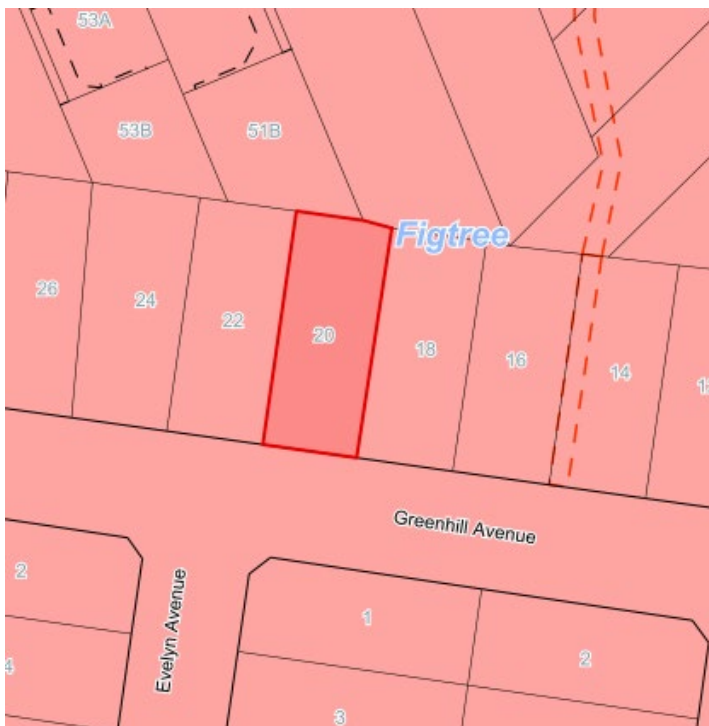
The site is not burdened by any easement.

**88b Restrictions**

The site is not burdened by any 88b restrictions.



**Figure 1: Aerial photograph**



**Figure 2: WLEP 2009 zoning map**

## 1.5 SUBMISSIONS

The Development Application was exhibited in accordance with WDCP2009 Appendix 1: Public Notification and Advertising. No submissions were received.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Department	Response
Development Engineer	Satisfactory – Conditions imposed.  The application was referred to Council’s Development Engineer as the site is flood affected – uncategorised flood risk. A satisfactory response and recommended relevant conditions were provided and these have been included in the consent.

### 1.6.2 EXTERNAL CONSULTATION

Not applicable.

### 1.6.3 REFERRAL TO WOLLONGONG LOCAL PLANNING PANEL (WLPP)

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) for **determination** pursuant to Section 3 of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, as the Development contravenes a development standard imposed by an environmental planning instrument by more than 10% (Clause 4.4 Floor Space Ratio Development Standard in Wollongong LEP 2009).

## 2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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### 2.1 SECTION 4.15(A)(I) ANY ENVIRONMENTAL PLANNING INSTRUMENT

#### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

##### Chapter 2 Coastal Management

SEPP (Resilience and Hazards) 2021 Chapter 2 does not apply to the proposal.

##### 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 subsection (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 subsection (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 potential contamination of the site and the land is not identified as being contaminated on Council's land mapping system. The proposal does not comprise a change of use. No concerns are raised regarding contamination as relates to the intended use of the land and the requirements of clause 4.6.

#### 2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

##### **Chapter 4 Koala Habitat Protection 2021**

This Chapter of the SEPP only applies to development applications considered by councils on land over 1 hectare in size or on land if it is included in an approved council Koala Plan of Management. The lot size is less than one hectare and Council does not have an approved Koala Plan of Management for the land at the time of preparing this report. As such, no further consideration of this SEPP is required.

#### 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

##### **Part 1 Preliminary**

###### Clause 1.4 Definitions

***dwelling house*** means a building containing only one dwelling.

***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.

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

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

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

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

The objectives of the zone are as follows:

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

The proposal would be considered generally satisfactory with regard to the above objectives as it would provide for the housing needs of the community within a low density residential environment.

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

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

The proposal remains categorised as dwelling house and is permissible in the zone with development consent.

#### **Part 4 Principal development standards**

##### Clause 4.3 Height of buildings

The proposed works achieve a height of 2.49 metres which does not exceed the maximum of 9 metres permitted for the site. The overall height of the dwelling remains unchanged (approximately 7.7m).

##### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1 (279.4m<sup>2</sup>)  
 Site area: 558.8m<sup>2</sup>  
 FSR calculated: 315/558.8 = 0.56:1  
 Exceeds 0.50:1 by 35.6m<sup>2</sup>, 12.7%

The proposed FSR for the site does not comply.

##### Clause 4.6 Exceptions to development standards

WLEP 2009 Clause 4.6 proposed development departure assessment	
Development departure	Clause 4.4 Floor Space Ratio 0.5:1 The proposal has a FSR of 0.56:1.
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Yes. The applicant has provided a written request that contains a justification ( <b>Annexure 3.</b> )
that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes, the applicant's request has noted the following environmental planning grounds to justify the departure: <ul style="list-style-type: none"> <li>• The proposal involves the excavation of the sub-floor area under the existing dwelling and installation of retaining walls and concrete floor to provide subfloor storage area</li> <li>• The sub-floor storage area will be non-habitable</li> </ul>

	<ul style="list-style-type: none"> <li>• The area to be developed will be contained within the footprint of the existing dwelling and will not increase the habitable floor area of the existing dwelling</li> <li>• The proposed works will not be visible externally of the existing dwelling as the proposed storage will be in the sub-floor of the existing dwelling</li> <li>• The proposed retaining walls will not extend to the underside of the existing subfloor structure</li> <li>• The proposed works are being undertaken to remove the ingress of water and dampness to the sub-floor area and prevent mould growing under the house</li> </ul>
<p>4.6 (4) (a) Consent authority is satisfied that:</p>	
<p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>The statement submitted by the applicant is considered to have adequately addressed the matters required to be demonstrated, in that compliance to the development standard is unnecessary or unreasonable in the circumstances of the case. In demonstrating that there is sufficient planning grounds the statement appropriately provides reasons that are specific to the site.</p> <p>The objectives of clause 4.4 are as per the following:</p> <p><i>(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,</i></p> <p><i>(b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,</i></p> <p><i>(c) to ensure buildings are compatible with the bulk and scale of the locality.</i></p> <p>The exception is capable of support in this case for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed works are within an existing sub floor area and will not alter the existing height, bulk or scale of the development as perceived from the street and surrounding properties. Appropriate correlation between the size of the site and the extent of development on the site is maintained</li> <li>• The proposed works will not adversely impact on the availability of infrastructure and services to the site</li> <li>• The bulk and scale will be unaltered as viewed from surrounding properties and therefore will remain compatible with the locality</li> </ul> <p>Accordingly, the proposal is deemed to be consistent with the objectives of Clause 4.4 WLEP 2009.</p>

	<p>The objectives of the R2 zone are as per the following:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a low density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul> <p>The development is considered to be consistent with the above objectives, as outlined below:</p> <ul style="list-style-type: none"> <li>• The proposed development is for works to a single residential dwelling</li> <li>• The development is suitably located with regard to public transport, schools and recreation areas</li> </ul> <p>In this instance the proposal will provide improvements to the existing dwelling by providing greater amenity (storage) and improved drainage and will not result in any significant environmental impacts to the streetscape or surrounding properties. The development is consistent with the objectives of the FSR Development Standard and of the R2 zoning.</p> <p>It has been demonstrated that compliance with the standard is both unreasonable and unnecessary in the circumstances of this case. Whilst the proposal exceeds the maximum FSR, the subject works are internal (with the exception of a replacement side door and window) with no change to the bulk and scale of the dwelling, site coverage or boundary setbacks such that it is considered there is no change to the amenity of the area, overshadowing or view sharing. The written request has adequately addressed the matters required to be addressed under subclause (3).</p>
<p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>It is considered that strict numerical compliance with the floor space ratio development standard in the context of the proposal would not result in significant public benefit.</p> <p>The proposal is for a storage area within a sub floor area.</p> <p>The proposal will have no significant impact on the existing external built form of the dwelling or its footprint. The existing dwelling is not considered out of character with the overall bulk and scale of nearby and surrounding residential development in this locality. The proposal will provide improved amenity by allowing for additional storage area. The proposal is not considered to result in traffic generation that would adversely impact the local road network.</p> <p>The proposal as discussed in the report is considered to maintain a reasonable level of amenity for the adjoining and nearby properties.</p> <p>The proposed development will be in the public interest because it is consistent with the objectives of the standard. It provides a form of development which is consistent with the objectives of</p>



	<p>the R2 zone. The proposal will not give rise to detrimental impacts on adjoining residential development.</p> <p>The statement has satisfactorily demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds specific to the site to justify contravening the development standard.</p> <p>On balance, the proposal is considered to be in the public interest.</p>
(b) the concurrence of the Secretary has been obtained.	The WLPP can assume the Secretary's concurrence as the consent authority.

## Part 7 Local provisions – general

### Clause 7.1 Public utility infrastructure

The subject site is already serviced by public utilities.

### Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulfate soils. An acid sulfate soils management plan is not required as minimal excavation is proposed.

### Clause 7.6 Earthworks

The proposed earthworks are exempt under WLEP09 or are of a minor nature.

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

None applicable.

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

### 2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

#### CHAPTER A1 - INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. The proposed development includes one (1) variation to Chapter B1 – Residential Development, and is addressed below:

### 8 Variations to development controls in the DCP

#### Clause 4.17 – Retaining Walls

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	<p>A variation request was not submitted with the application.</p> <p>The control being varied is Clause 4.17 of Chapter B1 of Wollongong DCP 2009, which requires:</p> <p style="padding-left: 40px;">A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than: (a)</p>

	<p>600mm at any distance up to 900mm setback from any side or rear boundary; or (b) 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary.</p> <p>Council may consider a variation to the abovementioned maximum height / depth of a retaining wall, in cases where the subject site is steeply sloping and the proposed retaining wall is setback more than 1 metre from any side or rear common property boundary. Additionally, appropriate structural design details will be required and in some cases appropriate landscape buffer screen planting may be required, where necessary.</p>
<p>b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and</p>	<p>The extent of the variation being sought is demonstrated on the proposed plans. The proposed retaining wall achieves a maximum height of 1.4m and is set back from the boundaries by more than 900mm.</p> <p>The unique circumstances as to why the variation is requested relate to the topography of the site, noting that the site has a steep fall from the front to the rear. The retaining wall will provide site stability within the sub-floor area.</p>
<p>c) Demonstrate how the objectives are met with the proposed variations; and</p>	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> <li>(a) To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties.</li> <li>(b) To guide the design and construction of low height aesthetically pleasing retaining walls.</li> <li>(c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall.</li> <li>(d) To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.</li> </ul> <p><u>Council comment:</u></p> <p>The design and siting of the proposed retaining walls are located to stabilise the site in the area of the sub floor. The retaining walls will not result in any adverse stormwater drainage issues as stormwater drains to an existing pit to the rear of the site and drainage will be improved in the sub floor area as a result of the proposed works.</p>

	<p>As the works are within the existing sub floor area, they will not result in any adverse amenity or visual impacts to adjoining neighbours.</p> <p>Conditions are applied requiring structural engineer details.</p> <p>The retaining walls will stabilise the natural slope and ensure long term integrity.</p>
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<p><u>Council comment:</u></p> <p>The development is not considered to result in adverse impacts as a result of the variation.</p>
<p>Comment:</p> <p>The variation is considered capable of support.</p>	

## CHAPTER B1 – RESIDENTIAL DEVELOPMENT

An assessment of the proposed application has been undertaken against the controls of Chapter B1 below:

### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>4.1 Number of Storeys</u></p> <ul style="list-style-type: none"> <li><i>R2 max height of 9m or two storey</i></li> <li><i>Ancillary structures – 1 storey</i></li> <li><i>Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties</i></li> <li><i>In R2 Low Density Residential zones, where development occurs within 8m rear setback the development is limited to single storey</i></li> </ul>	<p>Storeys: 2</p> <p>Max Height: No change to the overall existing height (Approx 7.7m)</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes
<p><u>4.2 Front Setbacks</u></p> <ul style="list-style-type: none"> <li><i>Infill 6m min but less dependent on street character</i></li> <li><i>Garages and carports 5.5m min</i></li> <li><i>Greenfield sites 4m min</i></li> </ul>	No change	No change
<p><u>4.3 Side and Rear Setbacks</u></p> <ul style="list-style-type: none"> <li><i>Wall Setback: 900mm min</i></li> <li><i>Eave Setback: 450mm min</i></li> <li><i>Rear Setback: 900mm min</i></li> </ul>	<p>East Side: 1.5m</p> <p>West Side: 0.9m</p> <p>Eaves: &gt;450mm</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes

<p><u>4.4 Site Coverage</u></p> <ul style="list-style-type: none"> <li>• 55% of the area of the lot, if the lot has an area less than 450m<sup>2</sup></li> <li>• 50% of the area of the lot, if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup></li> <li>• 40% of the area of the lot, if the lot has an area of at least 900m<sup>2</sup></li> </ul>	No change	No change
<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> <li>• Minimum Required 20% permeable area capable of growing trees, shrubs, groundcover and/or lawn.</li> <li>• 50% behind the building line to the primary road</li> <li>• Integrated with drainage design</li> </ul>	No change	No change
<p><u>Clause 4.6 Private Open Space</u></p> <ul style="list-style-type: none"> <li>• 24m<sup>2</sup> of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.</li> <li>• Not to be located on side boundaries or front yards without variation.</li> </ul>	No change	No change
<p><u>4.7 Solar Access Requirements</u></p> <ul style="list-style-type: none"> <li>• Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.</li> <li>• At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.</li> <li>• Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings.</li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>There would be no significant impact on overshadowing as the works are located in an existing sub floor area.</p>	Yes
<p><u>4.8 Building Character and Form</u></p> <ul style="list-style-type: none"> <li>• Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context</li> <li>• New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</li> <li>• All residential buildings must be designed with building frontages and</li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>The works are located within an existing sub floor area and there will be no adverse impacts in terms of building character and form.</p>	Yes

<p><i>entries clearly addressing the street frontage.</i></p> <ul style="list-style-type: none"> <li>• <i>Where garages are proposed on the front elevation they must be articulated from the front façade.</i></li> </ul>		
<p><u>4.9 Fences</u></p> <ul style="list-style-type: none"> <li>• <i>Fences must be constructed to allow natural flow of stormwater or runoff.</i></li> <li>• <i>Fences within front and secondary building lines should be mainly constructed of transparent fence materials.</i></li> <li>• <i>Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height</i></li> </ul>	N/A	N/A
<p><u>4.10 Car parking and Access</u></p> <ul style="list-style-type: none"> <li>• <i>1 space per dwelling with a GFA of less than 125m<sup>2</sup></i></li> <li>• <i>2 spaces per dwelling with a GFA of greater than 125m<sup>2</sup></i></li> <li>• <i>Car parking spaces may be open hard stand space, driveway, carport or a garage.</i></li> <li>• <i>Garage door facing roads—not greater than 50% of the width of the dwelling.</i></li> <li>• <i>Carports must be setback behind the front building line.</i></li> <li>• <i>Garages must be setback min of 5.5 from front boundary.</i></li> <li>• <i>Driveways shall be separated from side boundaries by a minimum of 1m.</i></li> <li>• <i>Driveways shall have a max cross-over width of 3m.</i></li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>GFA&gt;125m<sup>2</sup></p> <p>Two car spaces are required and there is an existing double garage on the site. No change is proposed to the existing parking arrangement.</p>	Yes
<p><u>4.11 Storage Facilities</u></p> <ul style="list-style-type: none"> <li>• <i>Studio/1 bedroom- 6m<sup>3</sup> storage volume to 3m<sup>2</sup> storage area</i></li> <li>• <i>2 bedroom- 8m<sup>3</sup> storage volume to 4m<sup>2</sup> storage area</i></li> <li>• <i>3 bedroom- 10m<sup>3</sup> storage volume to 5m<sup>2</sup> storage area</i></li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>The proposal results in additional storage for the dwelling.</p>	Yes
<p><u>4.12 Site Facilities</u></p> <ul style="list-style-type: none"> <li>• <i>Letterboxes in an accessible location</i></li> </ul>	The proposal has been assessed against the relevant objectives	Yes

<ul style="list-style-type: none"> <li><i>Air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback</i></li> </ul>	and considered satisfactory and is capable of complying.	
<u>4.13 Fire Brigade Servicing</u> <ul style="list-style-type: none"> <li><i>All dwellings located within 60m of a fire hydrant</i></li> </ul>	The proposal has been assessed against the relevant objectives and considered satisfactory.	Yes
<u>4.14 Services</u> <ul style="list-style-type: none"> <li><i>Encourage early consideration of servicing requirements</i></li> </ul>	The proposal has been assessed against the relevant objectives and considered satisfactory.  Services are available.	Yes
<u>4.15 Development near the coastline</u> <ul style="list-style-type: none"> <li><i>Must minimise built intrusions into coastal landscape</i></li> <li><i>Retain views to the ocean from roads and public spaces</i></li> <li><i>Maintain buildings consistent with coastal character</i></li> </ul>	N/A	N/A
<u>Clause 4.16 View Sharing</u>	There would be no adverse impact on views as the works are within an existing sub floor area.	Yes
<u>4.17. Retaining walls</u> <ul style="list-style-type: none"> <li><i>To ensure well designed retaining walls that are structurally sound</i></li> </ul>	The proposal has been assessed against the relevant objectives and considered satisfactory.  Retaining wall max. height 1.4m located >900mm from boundaries.  The development results in a variation.	Variation satisfactory (refer above to Chapter A1)
<u>4.18 Swimming pools and spas</u> <ul style="list-style-type: none"> <li><i>To ensure relevant safety standards meet user's needs.</i></li> <li><i>To ensure site and design maintain the amenity of the area</i></li> </ul>	N/A	N/A
<u>4.19 Development near railway corridors and major roads</u> <ul style="list-style-type: none"> <li><i>Ensure development near rail corridors and major roads are protected from vibration</i></li> <li><i>Ensure development does not affect operations or safety</i></li> </ul>	N/A	N/A

- *Comply with SEPP Infrastructure.*
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## **CHAPTER D1: CHARACTER STATEMENTS**

### Clause 3.45 – Figtree

The Desired Future Character statement for Figtree states that Figtree will remain a relatively low density leafy residential suburb with only some limited potential for medium density housing in the form of villas or townhouses upon larger amalgamated sites, particularly near the Princes Highway. Any new residential building should be designed with a face brick or rendered brickwork wall construction with pitched roof line forms (including hipped or gable roof forms) recommended.

It is considered that the proposal is consistent with the desired future character of Figtree.

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

There is an existing double garage provided on site and no change is proposed to the existing parking arrangement.

## **CHAPTER E7: WASTE MANAGEMENT**

A Site Waste Minimisation and Management Plan has been submitted. The proposal has been assessed against the relevant objectives and considered satisfactory. Conditions are imposed with regard to waste management.

## **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater generated from the proposed development is to be connected to the existing absorption pit within the site. A condition is imposed requiring connection to the existing stormwater system.

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

No tree removal is proposed and/or required as part of the proposed development.

## **CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT**

The proposed works involve minor demolition works. Conditions are imposed in regard to demolition.

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

Conditions in relation to soil and erosion control have been imposed on the development consent.

### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2021)**

Not applicable as the works are <\$100,000.

### **2.4 SECTION 4.15(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 7.4 which affect the development.

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

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

The application involves demolition and as such the provisions of AS 2601-2001: The Demolition of Structures applies. A condition is attached in this regard.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

**2.6 SECTION 4.15 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT**

None applicable.

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

<p><u>Context and Setting:</u> The proposed development is located within a low density residential area and is permissible with development consent. Further, the proposed development is consistent with the surrounding context and setting.</p>
<p><u>Access, Transport and Traffic:</u> Access to the site is from Greenhill Avenue. The development will not result in an adverse impact on the traffic movement and access to the site.</p>
<p><u>Public Domain:</u> There will be no adverse impact on the public domain as a result of the proposed development.</p>
<p><u>Utilities:</u> The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.</p>
<p><u>Heritage:</u> No known heritage items will be impacted by the proposal.</p>
<p><u>Other land resources:</u> The proposal is not envisaged to impact upon any valuable land resources.</p>
<p><u>Water:</u> The site is presently serviced by Sydney Water. The proposal is not envisaged to have unreasonable water consumption.</p>
<p><u>Soils:</u> There will be no adverse impacts on the soils of the subject site or surrounding area as a result of the proposed development.</p>
<p><u>Air and Microclimate:</u> The proposal is not expected to have negative impacts on air or microclimate.</p>
<p><u>Flora and Fauna:</u> There is no significant vegetation removal proposed and/or required.</p>
<p><u>Waste:</u> A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.</p>



<p><u>Energy:</u></p> <p>The proposal is not envisaged to have unreasonable energy consumption.</p>
<p><u>Noise and vibration:</u></p> <p>Conditions applied regarding construction hours and noise.</p>
<p><u>Natural hazards:</u></p> <p>There are no natural hazards affecting the site that would prevent the proposal.</p>
<p><u>Technological hazards:</u></p> <p>There are no technological hazards affecting the site that would prevent the proposal.</p>
<p><u>Safety, Security and Crime Prevention:</u></p> <p>This application does not result in opportunities for criminal or antisocial behaviour.</p>
<p><u>Social Impact:</u></p> <p>The proposal is not expected to create negative social impacts.</p>
<p><u>Economic Impact:</u></p> <p>The proposal is not expected to create negative economic impacts.</p>
<p><u>Site Design and Internal Design:</u></p> <p>The proposed works are located within the existing building footprint and will not be readily discernible from the streetscape or surrounding properties.</p> <p>The proposal does involve an exception to WLEP 2009 development standard for FSR, as discussed above. The exception is considered to have been adequately justified via the submission of an appropriate justification statement and is capable of support.</p>
<p><u>Construction:</u></p> <p>Conditions of consent are applicable 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.</p>
<p><u>Cumulative Impacts:</u></p> <p>The proposal is not expected to have a negative cumulative impact.</p>

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

### Does the proposal fit in the locality?

The proposal is permitted in the R2 zone and whilst a development standard departure is sought the built form of the development is not considered to be inappropriate with regard to the character of the development in the locality and is not expected to give rise to adverse impacts on the amenity of the locality or adjoining developments.

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

## **2.9 SECTION 4.15 (D) SUBMISSIONS**

No submissions received.

## **2.10 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 and satisfactory with regard to the applicable planning controls. The proposal is considered to be in the public interest.

## **3. CONCLUSION**

---

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies discussed in this report, Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development is permissible with consent and is consistent with the zone objectives. There is a development departure sought in relation to the floor space ratio, Clause 4.4 of WLEP 2009 which has been justified by the applicant as required by Clause 4.6 (3) of WLEP 2009 and is considered capable of support. A variation is proposed in relation to retaining walls, Clause 4.17 WDCP2009, which is supported.

An internal Development Engineer referral was satisfactory. No submissions were received. 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 as it is within the existing building footprint and does not add to the existing bulk and scale.

## **4. RECOMMENDATION**

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It is recommended that the development application be approved, subject to the conditions at **Attachment 4**.

## **5. ATTACHMENTS**

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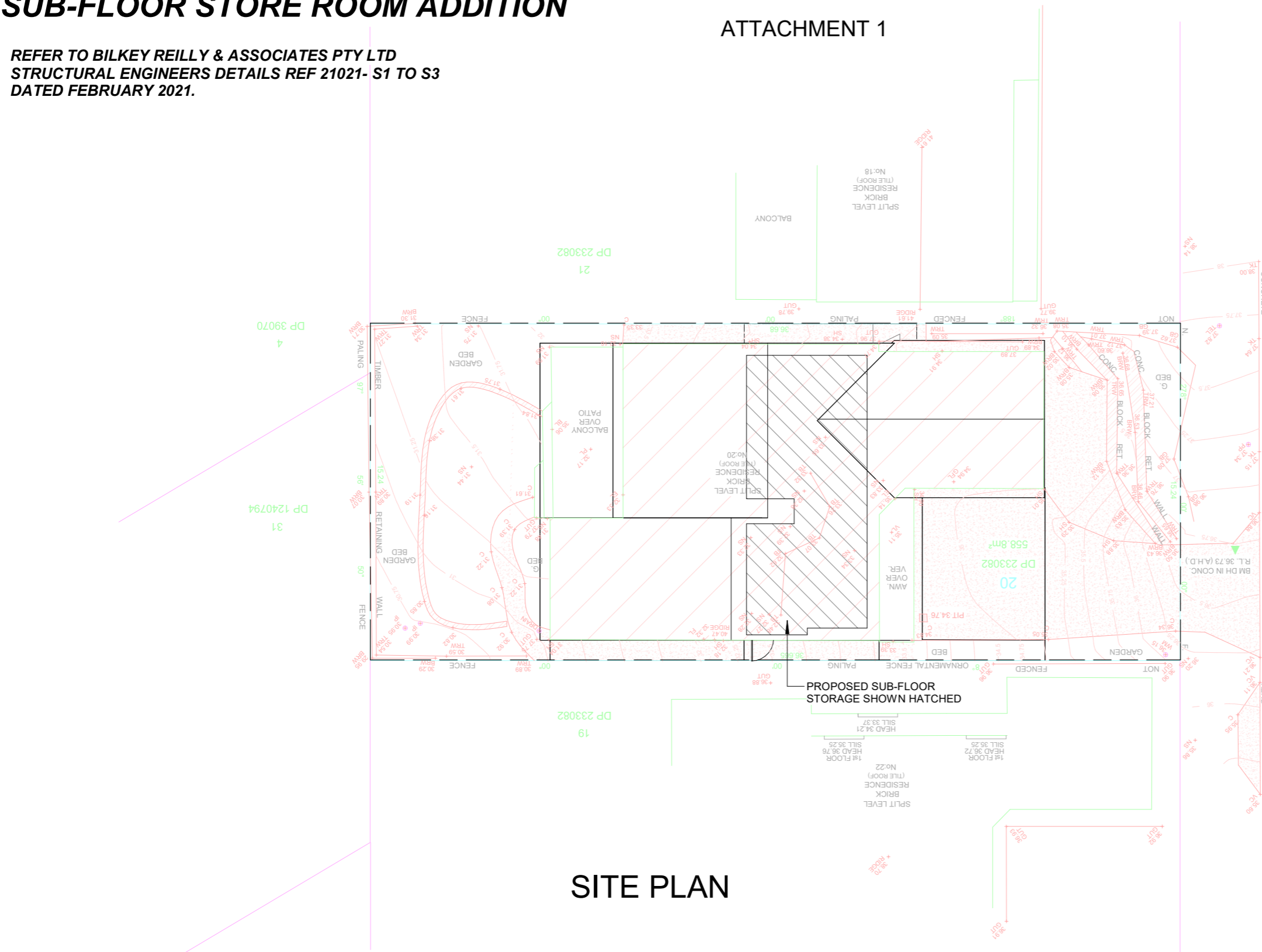
1. Architectural Plans
2. Applicant GFA Calculations
3. Clause 4.6 – Exception to Development Standard
4. Draft Consent

# SUB-FLOOR STORE ROOM ADDITION

REFER TO **BILKEY REILLY & ASSOCIATES PTY LTD**  
**STRUCTURAL ENGINEERS DETAILS REF 21021- S1 TO S3**  
**DATED FEBRUARY 2021.**

## ATTACHMENT 1

Sheet List	
Sheet Number	Sheet Name
23-470-01B	SITE PLAN
23-470-02B	GROUND FLOOR PLAN
23-470-03B	LOWER FLOOR LEVEL
23-470-04B	NORTH & SOUTH ELEVATIONS
23-470-05B	EAST & WEST ELEVATIONS
23-470-06B	SECTION A & B
23-470-07B	SECTION C & D
23-470-08B	AREAS
23-470-09B	PERSPECTIVE



### SITE PLAN

#### PROJECT AREAS (SQM)

SITE AREA	= 558.8
ZONING	R2
ALLOWABLE F.S.R	= 0.5:1 (279.40m <sup>2</sup> )
EXISTING GROUND FLOOR AREA	= 159
EXISTING LOWER FLOOR AREA	= 83
EXISTING GARAGE FLOOR AREA	= 43
EXISTING G.F.A	= 249
EXISTING FLOOR SPACE RATIO	= 0.44:1
PROPOSED SUB-FLOOR STORAGE	= 66



**PROJECT ONE DRAFTING**

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 WEBSITE: [www.projectonedrafting.com.au](http://www.projectonedrafting.com.au)

[peter@projectonedrafting.com.au](mailto:peter@projectonedrafting.com.au)

No.	Description	Date
A	DA ISSUE	01.06.23
B	DA ISSUE - ADD DIMENSIONS	29.06.23

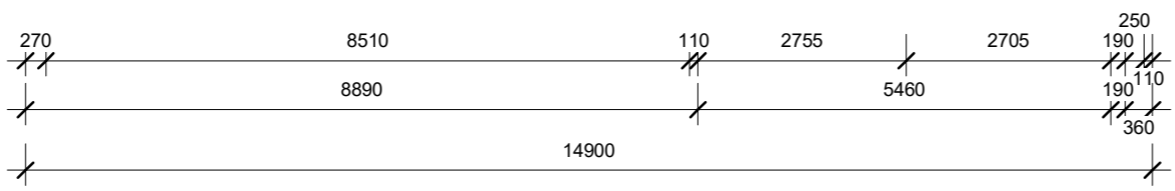
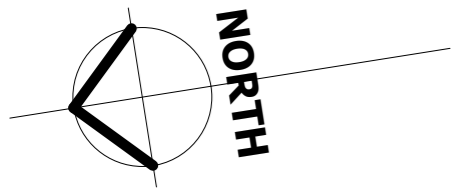
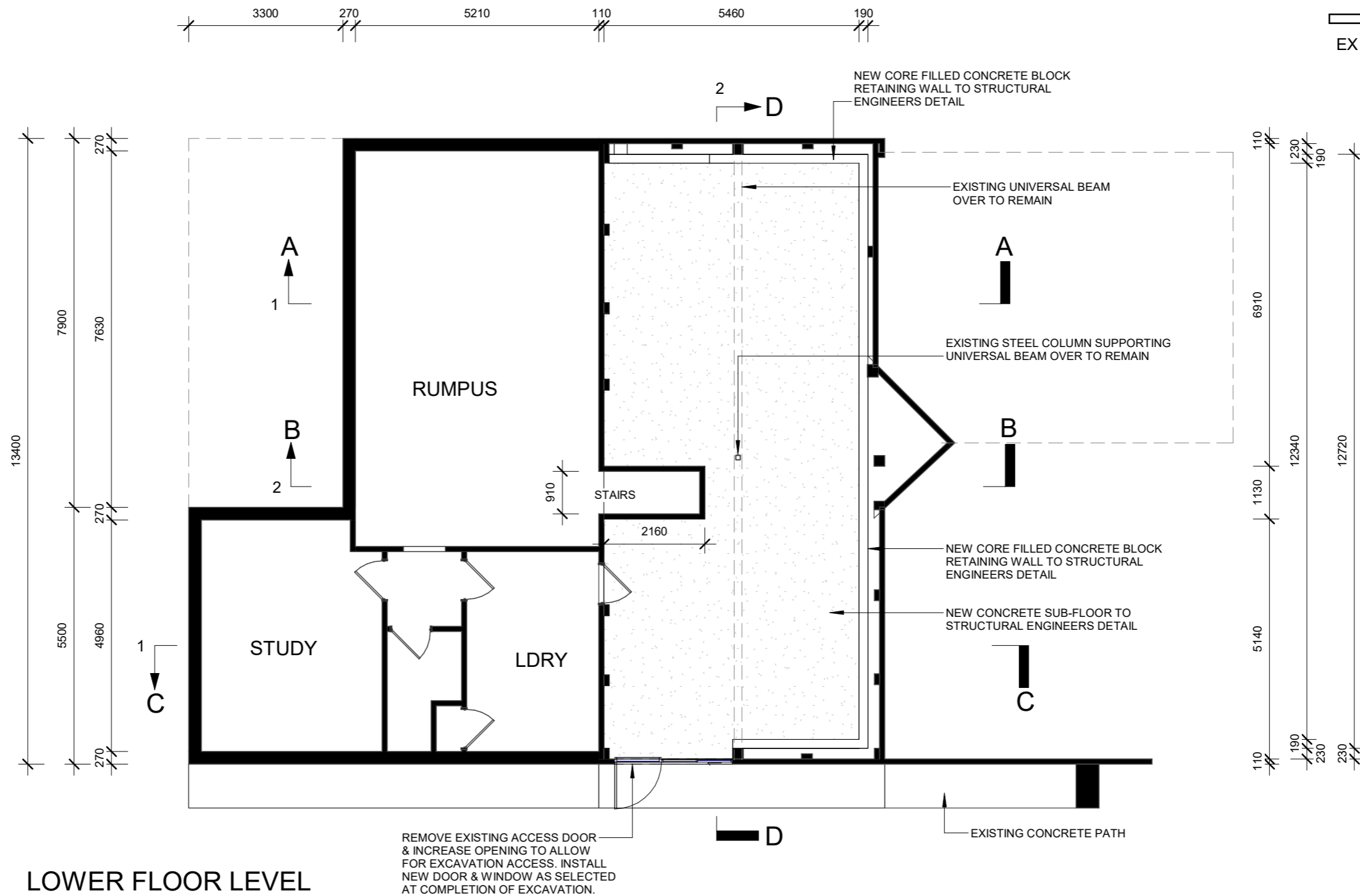
**A Giacon**  
**Lot 20 DP 233082**  
**20 Greenhill Avenue**  
**Figtree 2525**

### SITE PLAN

Project number	23-470	<b>23-470-01B</b>
Date	01.06.23	
Drawn by	PH	
Checked by	Checker	
Scale		1 : 200

**LEGEND**

	Existing walls to remain
	Existing to be demolished
	New core filled block wall
EX	Existing structure to remain



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 WEBSITE: www.projectonedrafting.com.au




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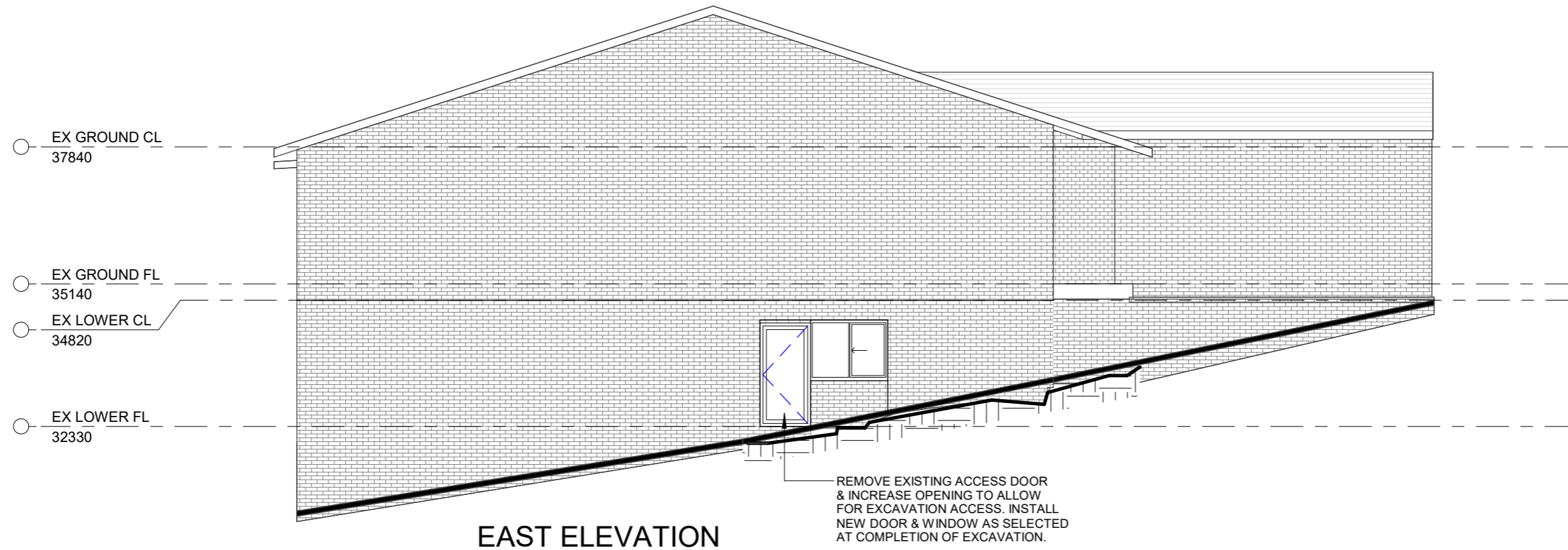
No.	Description	Date
A	DA ISSUE	01.06.23
B	DA ISSUE - ADD DIMENSIONS	29.06.23

**A Giacon**  
 Lot 20 DP 233082  
 20 Greenhill Avenue  
 Figtree 2525

**LOWER FLOOR LEVEL**

Project number	23-470	<b>23-470-03B</b>
Date	01.06.23	
Drawn by	Author	
Checked by	Checker	
Scale		1 : 100

- LEGEND**
-  Existing walls to remain
  -  Existing to be demolished
  -  New core filled block wall
  - EX** Existing structure to remain



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 WEBSITE: www.projectonedrafting.com.au




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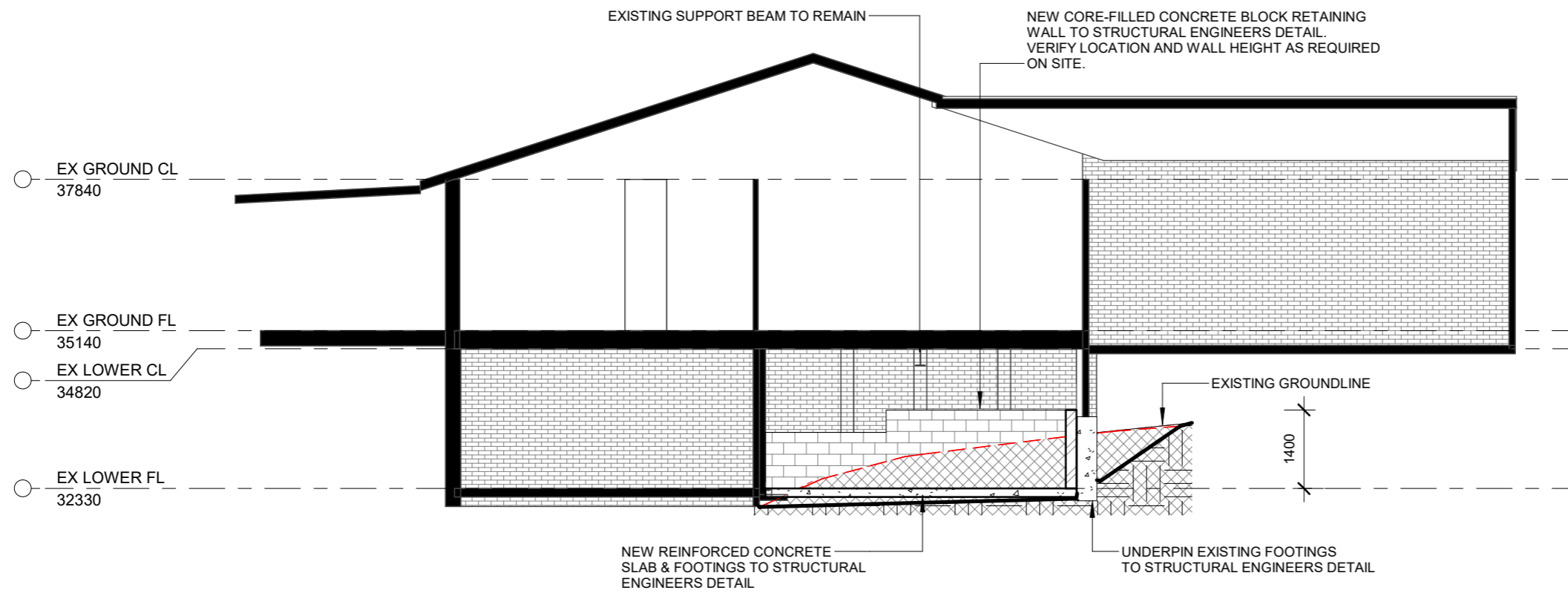
No.	Description	Date
A	DA ISSUE	01.06.23
B	DA ISSUE - ADD DIMENSIONS	29.06.23

**A Giacon**  
 Lot 20 DP 233082  
 20 Greenhill Avenue  
 Figtree 2525

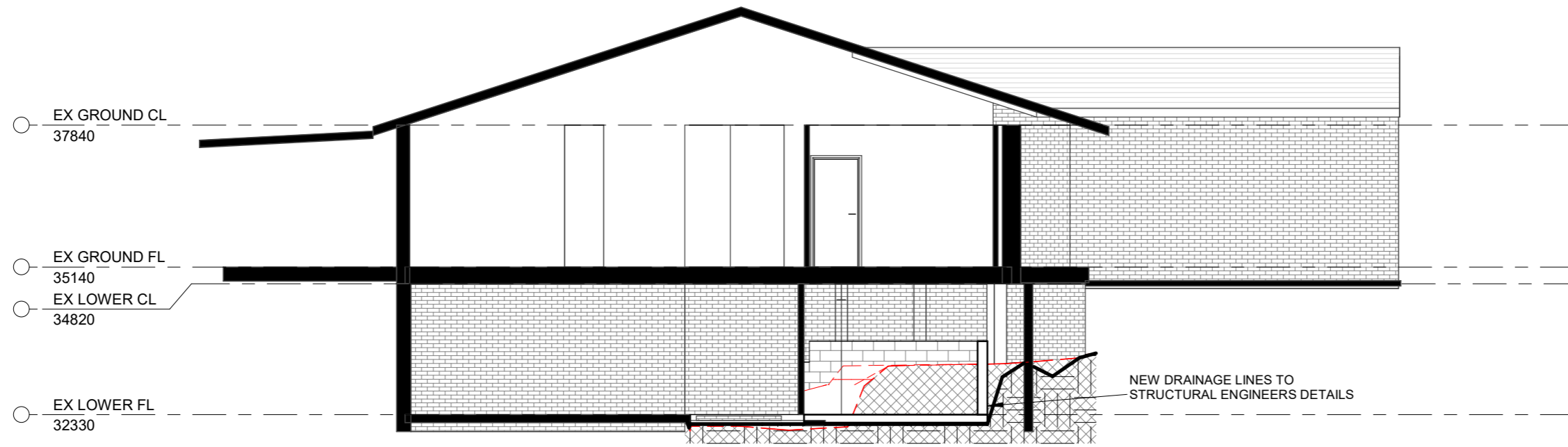
<b>EAST &amp; WEST ELEVATIONS</b>		
Project number	23-470	<b>23-470-05B</b>
Date	01.06.23	
Drawn by	Author	Scale 1 : 100
Checked by	Checker	

**LEGEND**

-  Existing walls to remain
-  Existing to be demolished
-  New core filled block wall
- EX** Existing structure to remain



**SECTION A**



**SECTION B**



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No.	Description	Date
A	DA ISSUE	01.06.23
B	DA ISSUE - ADD DIMENSIONS	29.06.23

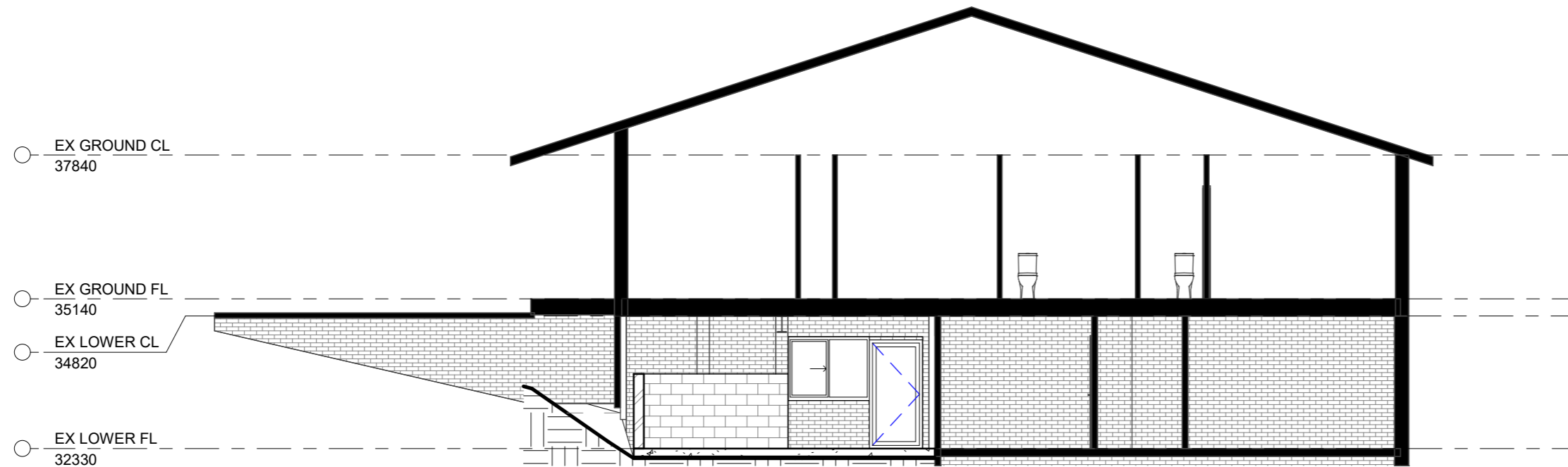
**A Giacon**  
 Lot 20 DP 233082  
 20 Greenhill Avenue  
 Figtree 2525

**SECTION A & B**

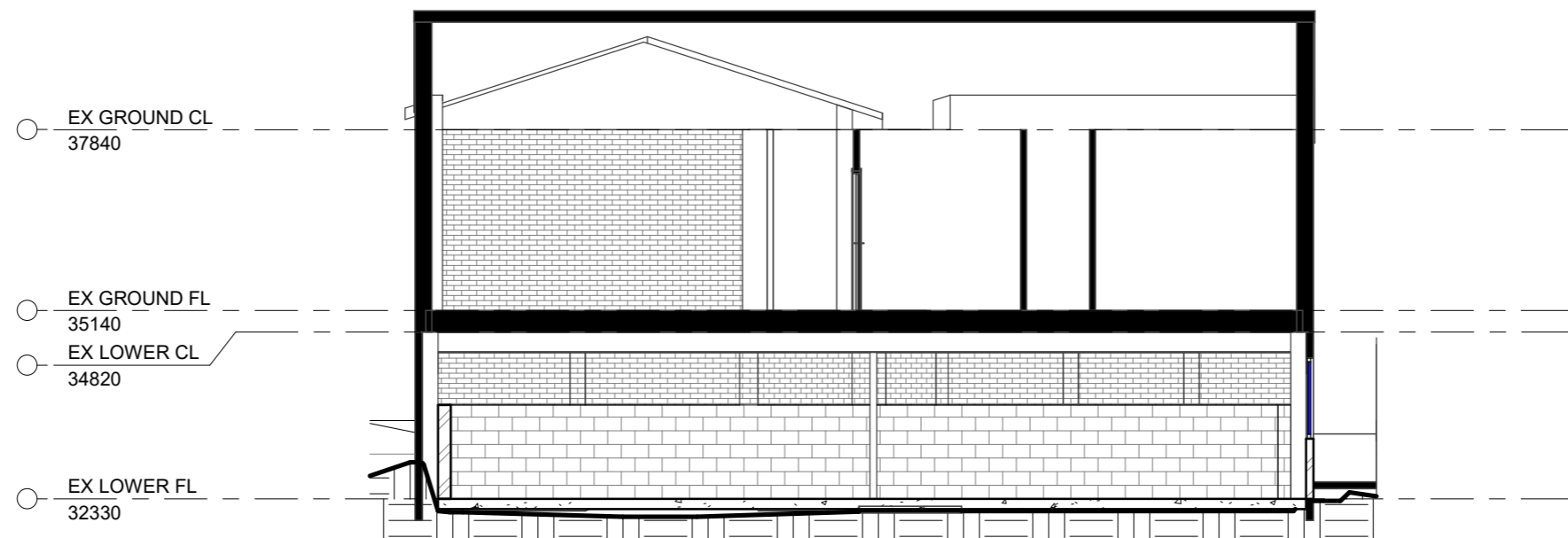
Project number	23-470	<b>23-470-06B</b>
Date	01.06.23	
Drawn by	Author	Scale 1 : 100
Checked by	Checker	

**LEGEND**

-  Existing walls to remain
-  Existing to be demolished
-  New core filled block wall
-  Existing structure to remain



**SECTION C**



**SECTION D**



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[peter@projectonedrafting.com.au](mailto:peter@projectonedrafting.com.au)

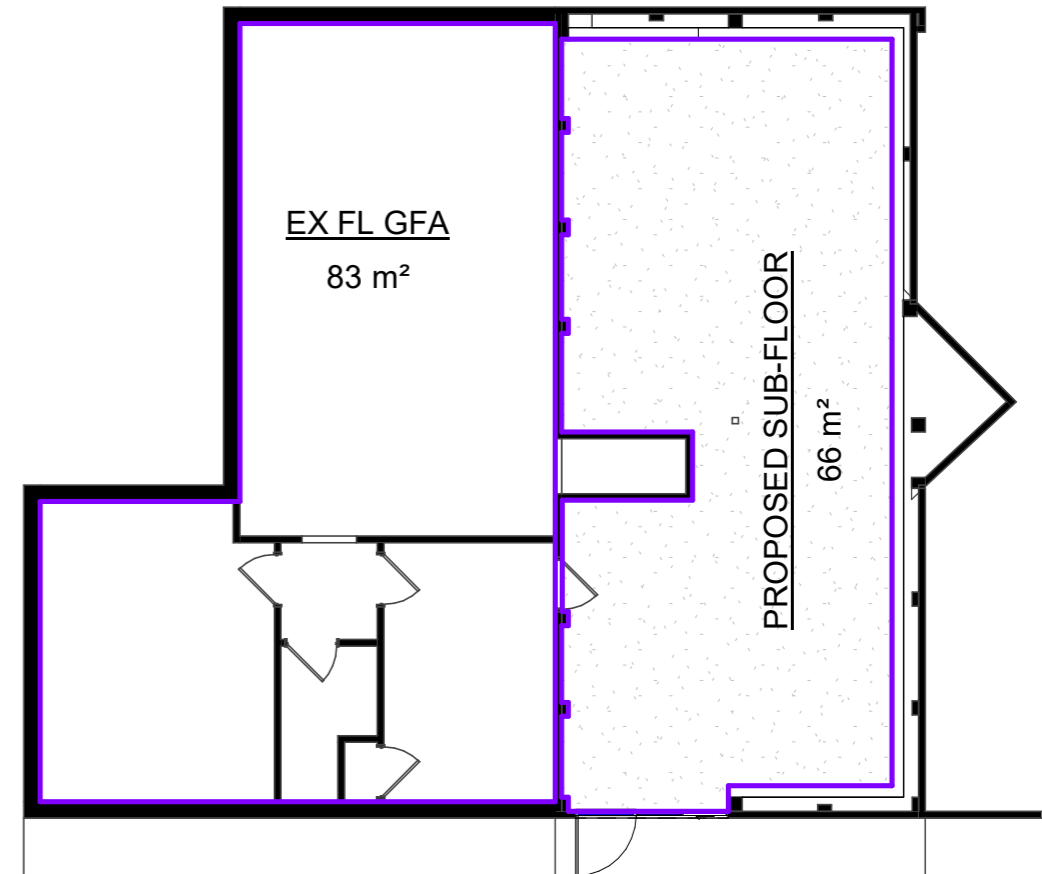
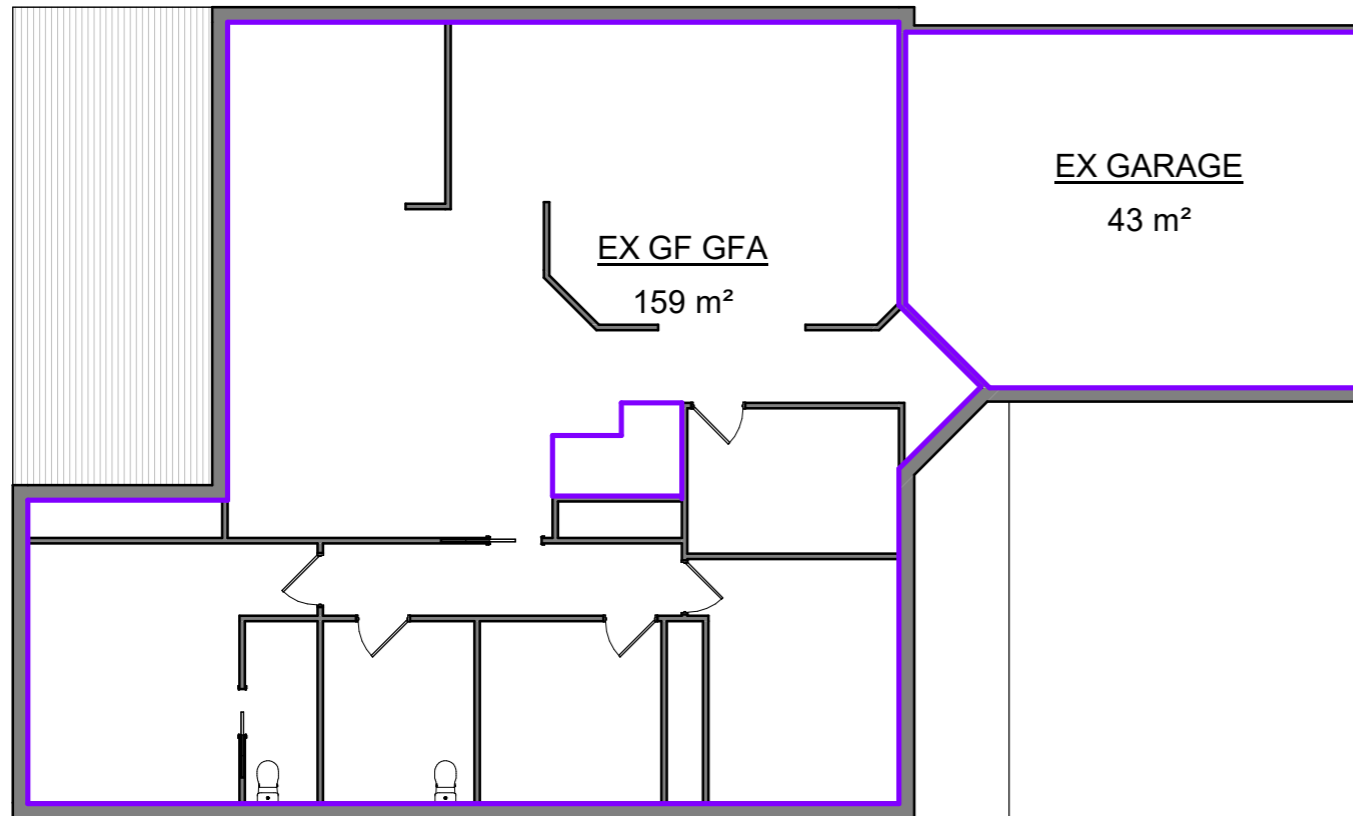
No.	Description	Date
A	DA ISSUE	01.06.23
B	DA ISSUE - ADD DIMENSIONS	29.06.23

**A Giacon**  
 Lot 20 DP 233082  
 20 Greenhill Avenue  
 Figtree 2525

**SECTION C & D**

Project number	23-470	<b>23-470-07B</b>
Date	01.06.23	
Drawn by	Author	Scale 1 : 100
Checked by	Checker	

ATTACHMENT 2



**PROJECT ONE DRAFTING**

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[peter@projectonedrafting.com.au](mailto:peter@projectonedrafting.com.au)

No.	Description	Date
A	DA ISSUE	01.06.23
B	DA ISSUE - ADD DIMENSIONS	29.06.23

A Giacon  
 Lot 20 DP 233082  
 20 Greenhill Avenue  
 Figtree 2525

**AREAS**

Project number	23-470	<b>23-470-08B</b>
Date	01.06.23	
Drawn by	Author	Scale
Checked by	Checker	
		1 : 125



### **ATTACHMENT 3 - 4.6 Exceptions to development standards**

(1) The objectives of this clause are as follows—

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

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
- (b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
- (b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(caa) clause 5.5,

(ca) clause 4.2A, 6.1 or 8.3

**An exception to development standard CI 4.4 of Wollongong LEP 2009**

**Floor Space Ratio is sought for the proposed development.**

**4.4 Floor space ratio**

(1) The objectives of this clause are as follows—

(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

(b) to establish the maximum development density and intensity of land use, taking into

account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,

(c) to ensure buildings are compatible with the bulk and scale of the locality.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Wollongong Local Environmental Plan 2099

Floor Space Ratio Map - Sheet FSR\_12 8450\_COM\_FSR\_012\_020\_20190618

12 Mar 2021 to date Wollongong Local Environmental Plan 2009 (Amendment No 42)

Subject site Floor Space Ratio map indicates a 0.5:1 FSR ratio

Site area = 558.8 sqm

Existing dwelling gross floor area = 249 sqm

Existing Floor Space Ratio = 0.44:1

Proposed sub-floor storage = 66 sqm

If proposed sub-floor storage is included in FSR Calculations the GFA will be

315 sqm which will increase the Floor Space Ratio to 0.56:1.

The area to developed will be contained within the footprint of the existing dwelling and will not increase the habitable floor area of the existing dwelling.

The proposed works will not be visible externally of the existing dwelling as the proposed storage will be in the sub-floor of the existing dwelling.

The proposed retaining walls will not extend to the underside of the existing subfloor structure.

The proposed works are being undertaken to remove the ingress of water and dampness to the sub-floor area and prevent mould growing under the house.

## ATTACHMENT 4 - DRAFT CONDITIONS FOR: DA-2023/447

### For Office Use Only – Do Not Mail

Consent has been granted subject to the following conditions:

#### 1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
23-470-01B	B	Site Plan	Project One Drafting	29/6/2023
23-470-03B	B	Lower Floor Level	Project One Drafting	29/6/2023
23-470-05B	B	East & West Elevations	Project One Drafting	29/6/2023
23-470-06B	B	Section A & B	Project One Drafting	29/6/2023
23-470-07B	B	Section C & D	Project One Drafting	29/6/2023

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

#### General Conditions

#### 2. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

Reason:

To ensure the development is built in accordance with the Building Code of Australia.

#### 3. Construction Certificate

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

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 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 Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason:

To satisfy the requirements of the legislation.

#### **4. Occupation Certificate**

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

Reason:

To satisfy the requirements of the legislation.

#### **Before the Issue of a Construction Certificate**

#### **5. Flood Level Requirements**

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

- a. Any portion of the building or structures up to a minimum of 300mm above finished adjacent ground should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.
- b. The proposed additions shall be designed to withstand the forces of floodwater, debris and buoyancy up to a minimum of 300mm above finished adjacent ground.

Reason:

To comply with Council's Development Control Plan.

#### **6. 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.

Reason:

To comply with Council's Development Control Plan.

#### **7. Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap In, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

Reason:

To satisfy the requirements of the legislation.

#### **8. Structural Engineering Details**

The submission of structural engineering details by a suitably qualified and experienced structural engineer (with appropriate insurance coverage) to the Principal Certifier, prior to the release of the Construction Certificate addressing the following matters:

- a. Footings;
- b. Reinforced concrete slabs;
- c. Retaining walls;
- d. Structural steelwork;
- e. Wall bracing and tie-down requirements;
- f. Underpinning;

- g. The structural engineer, in producing a design is to complement the Geotechnical Engineer's Stability Report to make a clear statement that "any structure designed and erected in accordance with the plans and specifications will achieve the performance requirements described in Clause 1.3 of 2870 (1996) and any other relevant codes and standards."

Reason:

To satisfy the requirements of the legislation and Australian Standards.

## **Before the Commencement of Building Work**

### **9. Appointment of Principal Certifier**

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

- a. appoint a Principal Certifier 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 [2] days' notice is required).

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

Reason:

To satisfy the requirements of the legislation.

### **10. Home Building Act Requirements**

Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. the name and licence number of the principal contractor; and
  - ii. the name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. the name of the owner-builder; and
  - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Reason:

To satisfy the requirements of the legislation.

### **11. Signs On Site**

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

**Note:** This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason:

To satisfy the requirements of the legislation.

## **12. Temporary Toilet/Closet Facilities**

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- a. a standard flushing toilet, and
- b. connected to either:
  - i. the Sydney Water Corporation Ltd sewerage system or
  - ii. an accredited sewage management facility or
  - iii. an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

Reason:

To satisfy the requirements of the legislation.

## **13. Structural Engineer's Details**

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

Reason:

To ensure structural integrity.

## **14. Enclosure of the Site**

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

Reason:

To ensure safety.

## **15. 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 SafeWork NSW.

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

Reason:

To satisfy the requirements of the legislation and Australian Standards.

## **16. Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

Reason:

To advise neighbourhood.

#### **17. Temporary Sediment Fences**

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

Reason:

To protect neighbourhood amenity.

#### **18. All-weather Access**

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single accessway.

Reason:

To protect neighbourhood amenity.

#### **19. 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.

Reason:

To satisfy the requirements of the legislation.

#### **While Building Work is Being Carried Out**

#### **20. Survey Report for Floor Levels**

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

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

#### **21. Excavation Protection and Notification**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the adjoining building from damage; and
- b. if necessary, must underpin and support the building in an approved manner; and



- c. must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

Reason:

To ensure compliance with relevant Standards.

**22. Fences**

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

Reason:

To comply with Council's Development Control Plan.

**23. 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.

Reason:

To comply with Council's Development Control Plan.

**24. Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to the existing drainage system.

Reason:

To ensure all parties are aware of the approved plans and supporting documentation.

**25. Hours of Work**

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved 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; and
- f. any proposed measures required to mitigate the impacts of the works.

**Note:** The developer is advised that other legislation, such as Noise Guidelines for Local Government January 2023, may control the activities for which Council has granted consent, including but not limited to, the *Protection of the Environment Operations Act 1997*.

Reason:

To protect the amenity of the surrounding area.

**26. Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

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

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

**27. Cut and Fill Retained**

All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H:1V.

Reason:

To ensure ongoing protection of the environment and neighbourhood amenity.

**28. 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.

Reason:

To comply with Council's Development Control Plan.

**Before the Issue of an Occupation Certificate**

**29. Structural Soundness Certification**

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

This report is required to verify that the dwelling can withstand the forces of floodwater, debris and buoyancy up to and including the 1 in 100 year flood level plus freeboard being 300mm above finished adjacent ground.

Reason:

To comply with Council's Development Control Plan.

**Reasons**

The reasons for the imposition of the conditions are:

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