

# Wollongong Local Planning Panel Assessment Report | 23 March 2021

<b>WLPP No.</b>	Item 3
<b>DA No.</b>	DA-2021/35
<b>Proposal</b>	Multi-Dwelling Housing - demolition of existing dwelling house, tree removal, construction of three (3) attached townhouses and associated site works
<b>Property</b>	15 Seaview Terrace NSW THIRROUL 2515 Lot 1 DP 5776452
<b>Applicant</b>	A Team Developments
<b>Responsible Team</b>	Development Assessment and Certification - City Wide Team (KR)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

---

#### Reason for consideration by Local Planning Panel

The proposal has been referred to Local Planning Panel for **Determination** pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is the subject of 10 or more unique submissions by way of objection.

#### Proposal

The proposal is for Multi-Dwelling Housing - demolition of existing dwelling house, tree removal, construction of three (3) attached townhouses and associated site works.

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to the Wollongong Local Environmental Plan 2009. The proposal is categorised as **multi-dwelling housing** and is permissible in the zone with development consent. Tree removal is ancillary works to facilitate the development and as such is also permissible. Demolition is permitted pursuant to Clause 2.7 of the Wollongong Local Environmental Plan 2009.

#### Consultation

The proposal was exhibited in accordance with the Community Participation Plan 2019. Thirteen submissions were received following notification. The issues identified are discussed at section 1.5 of this report.

#### Internal

Details of the proposal were referred to Council's Development Engineering, Geotechnical Engineering and Landscaping Officers for assessment. Satisfactory referral advice, comments and/or recommended conditions were provided in each instance. Assessment considerations of internal groups as relates to relevant Chapters of the WDCP 2009 are presented at section 2.3.1 of this report.

#### Main Issues

- Variation requests regarding the side setback control Chapter B1 Clause 5.4.1(1) and retaining wall control Clause 4.17 of WDCP2009.
- Issues raised in submissions.

#### RECOMMENDATION

DA-2021/35 be approved subject to conditions provided at Attachment 3.

## **1 APPLICATION OVERVIEW**

---

### **1.1 PLANNING CONTROLS**

The following planning controls apply to the proposal:

#### Relevant Acts of Legislation:

- Biodiversity Conservation Act 2016

#### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004

#### Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

#### Other policies

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

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

The application comprises the following:

- Demolition of the dwelling house and tree removal;
- Construction of multi dwelling housing comprising three (3) attached townhouses and associated carparking, drainage and landscaping; and
- Access is via a driveway off Seaview Terrace. Car parking is provided in a double garage for each unit and one visitor parking space.
- Bicycle and bin storage is provided within each garage.

### **1.3 BACKGROUND**

- DA-2020/1105 Multi-dwelling housing - demolition of existing dwelling house, tree removals, construction of four (4) townhouses and associated siteworks – Withdrawn 30 November 2020.

No pre-lodgement meeting was held for the proposal.

#### Customer service actions:

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

### **1.4 SITE DESCRIPTION**

The site is located at 15 Seaview Terrace Thirroul 2515 and the title reference is Lot 1 DP 577652. The site is 1,052sqm in area and occupied by a single dwelling house. There are several trees and shrubs on the site.

The site is regular shape and slightly sloping with a crossfall from west to east of 2m.

A drainage easement runs along the eastern boundary.

The locality is characterised by low density residential properties.

### Property constraints

Council records identify the land as being impacted by the following constraints/easements on title:

- Unstable land.
- Easement for drainage – 2.5m wide along eastern boundary.



**Figure 1: Aerial photograph**



*Photo 1: Existing dwelling on site to be demolished*



*Photo 2: View of street Seaview Terrace – view to east*



*Photo 3: View of rear yard towards north*



*Photo 4: View to neighbouring property No. 13 Seaview Terrace – eastern side*



*Photo 5: View to neighbouring property No. 17 Seaview Terrace – western side*

**Figure 2: Site Photos**

## 1.5 SUBMISSIONS

The proposal was exhibited in accordance with the Community Participation Plan 2019 and notified between 14 – 29 January 2021. The application received 13 submissions. The issues raised in the submissions are summarised below:

**Table 1: Submissions**

Concern	Comment
<p>1. Traffic:</p> <ul style="list-style-type: none"><li>• Narrow one way street</li><li>• No footpath</li><li>• Bin collection</li><li>• Access to Palm Grove</li><li>• Vehicle manoeuvrability</li></ul>	<p>The application has been assessed by Council’s Traffic Officer and found to be satisfactory. No concerns are raised regarding the location or access arrangements.</p> <p>The site is 20m wide and able to accommodate bins for the addition of 2 additional dwellings.</p> <p>The proposal provides the required aisle width in the driveway to ensure vehicles can enter and exit the site in a forward motion.</p>
<p>2. Landscape:</p> <ul style="list-style-type: none"><li>• Driveway planting unrealistic</li><li>• Tree removal</li></ul>	<p>Council’s Landscape Officer has assessed the proposal and has not raised any concerns with the landscaping proposed along the driveway.</p> <p>Council’s Landscape Officer has assessed the proposal and has no objections to the removal of 8 trees with 7 to be retained. Conditions will be imposed for compensatory planting to replace the trees to be removed.</p>
<p>3. Character:</p> <ul style="list-style-type: none"><li>• Bulky dwelling - Not in keeping with homes in the area</li><li>• Should be a duplex only</li><li>• Flat roof not in keeping with the area</li></ul>	<p>The proposal complies with maximum 0.5:1 floor space ratio and maximum 9m height controls.</p> <p>The contemporary design is not considered to adversely impact on the character of the locality.</p> <p>The skillion roof design is considered appropriate for the development as it would reduce the bulk and scale of the dwellings.</p> <p>The site is over 18m wide and is permitted for multi dwelling development.</p>
<p>3. Amenity:</p> <ul style="list-style-type: none"><li>• Overshadowing</li><li>• Overlooking</li></ul>	<p>The proposal complies with solar access requirements for adjoining properties.</p> <p>The proposal is not anticipated to result in overlooking. Living rooms on the first floor have been designed with highlight windows and balcony for Unit 3 has been designed with a privacy screen.</p>
<p>4. Drainage</p>	<p>Council’s Stormwater Engineer has assessed the proposal and is satisfied.</p>

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Council's Development Engineer Geotechnical Engineer and Landscape Officer have reviewed the application and are satisfied. Conditions of consent were recommended and are included in the consent.

### 1.6.2 EXTERNAL CONSULTATION

None required.

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

---

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

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

#### NSW BIODIVERSITY CONSERVATION ACT 2016

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

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

The proposal involves clearing of 0.04 hectares and the site is located in a R2 Zone. The proposal does not trigger the requirement for a biodiversity offset scheme as the proposal involves clearing less than 0.25 hectares in a R2 Zone.

The site is not identified as being of high biodiversity value on the Biodiversity Values Map.

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

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

##### 7 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).*

A desktop audit of the subject site revealed there is no previous history of land uses that could be considered to present as a contamination risk. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7. The site is therefore considered suitable for the proposed development.

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

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

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

#### 2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

##### Clause 1.4 Definitions

**multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

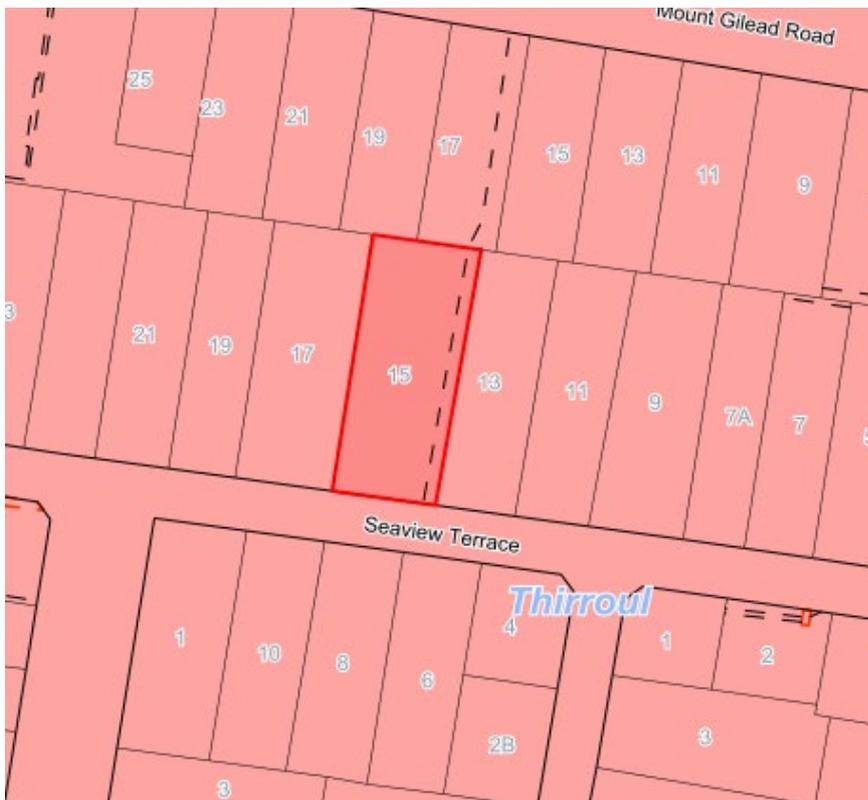
Note—

Multi dwelling housing is 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 R2 Low Density Residential.



**Figure 3: WLEP 2009 zoning map**

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives. The proposal will provide additional housing in a low density residential area.

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

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

The proposal is categorised as a multi-dwelling housing as defined above and is permissible in the zone with development consent.

Clause 2.7 Demolition requires development consent

Demolition is permitted with consent.

**Part 4 Principal development standards**

Clause 4.3 Height of buildings

The proposed building height of 6.8m does not exceed the maximum of 9m permitted for the site.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.5:1
Site Area:	1,052sqm
GFA Unit 1:	GF (116.2-36) + FF 98.7 = 178.9Sqm
GFA Unit 2:	GF (115.2-36) + FF 88.9 = 168.1
GFA Unit 3:	GF (111.6-36) + FF 86 = 161.6Sqm
FSR:	508.6/1052 = 0.48:1 complies

Note: Does not include stair void on first floor level.

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

##### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services and can be readily extended to service the development.

##### Clause 7.6 Earthworks

Earthworks to prepare the site for residential development are considered minor and are acceptable in this circumstance. The earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

##### Clause 7.14 Minimum site width

The site is over 20m which complies with the minimum 18m width required for multi-dwelling housing.

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

None.

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

##### 2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

#### **CHAPTER A1 – INTRODUCTION**

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

##### Issue (e.g. setbacks)

##### *(a) The control being varied;*

Chapter B1 Clause 5.4 side and rear setbacks. The applicants Variation Statement is provided at Attachment 2.

##### *(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

In R2 Zones, the minimum side and rear setback is 0.8 x ceiling height or this is to increase to 1 x ceiling height where there is a window to a living room or a balcony at first floor level or above.

A minor variation is sought for the Unit 3 ground floor living room which is required to have a setback of 2.72m however is setback 2.5m. The living room on Unit 1 also encroaches into the side setback as it is required to be 5.9m however it is setback 5.12m.

##### *(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of Clause 5.4.1 is to:

1) To provide adequate setbacks from boundaries and adjoining dwellings to retain privacy levels, views, sunlight and daylight access and to minimise overlooking.

- 2) To provide appropriate separation between buildings to achieve the desired urban form.
- 3) To optimise the use of land at the rear of the property and surveillance of the street at the front of the property.
- 4) To minimise overshadowing of adjacent properties and private or shared open space.

The applicant is seeking a variation on the side setback on the following grounds:

Minor variations sought. Highlight window provided to living room of Unit 1 and 3 which would minimise impact to amenity of adjoining property.

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

The variations are considered to be minor. The proposed highlight window would limit overlooking and privacy impact to the adjoining property. The variation is considered capable of support.

#### 4.17. Retaining walls

Issue (e.g. setbacks)

*(a) The control being varied;*

Chapter B1 Clause 4.17 Retaining Walls. The applicants Variation Statement is provided at Attachment 2.

*(b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and*

A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary.

The proposed retaining wall along the western boundary adjacent to the driveway ranges in height from 300mm to 2.5m.

The applicant is seeking a variation on the height of the western retaining wall on the following grounds:

- The site is sloping;
- The retaining wall is necessary to level out the ground floor of the dwellings and improve site amenity;
- The retaining wall is setback 1.5m from the boundary;
- The retaining wall is aesthetically pleasing and
- The retaining wall would have minimal visual impact.

*(c) Demonstrate how the objectives are met with the proposed variations; and*

The objectives of Clause 4.17 is to:

*(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.*

*(b) To guide the design and construction of low height aesthetically pleasing retaining walls.*

*(c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall.*

*(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.*

The proposal is consistent with the objectives:

A condition will be imposed to ensure the retaining wall is designed by an engineer to ensure it is structurally sound.

The retaining wall is considered aesthetically pleasing as it is low in height at the front of the site where it would be more visible, is well setback from the boundary and incorporates landscaping to soften the retaining wall and driveway.

*(d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.*

The proposed retaining wall exceeds the maximum height controls however it is considered appropriate for a sloping site. The ground floor of the dwellings are close to natural ground level and there is a crossfall in the site which has necessitated excavation for the driveway. The proposed setback of the retaining wall allows for landscaping which would ensure minimal adverse impact when viewed from the street. The variation is considered capable of support.

## 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. A BASIX certificate has been submitted as required by SEPP BASIX.

## CHAPTER B1 – RESIDENTIAL DEVELOPMENT

### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<p><u>4.9 Fences</u></p> <ul style="list-style-type: none"> <li>All fences are to be constructed to allow the natural flow of stormwater drainage or runoff.</li> <li>Maximum 1.2 high front fence and 1.8m dividing fence.</li> </ul>	<ul style="list-style-type: none"> <li>1.2m and 1.8m front fences proposed. A condition will be imposed for any front fence not to exceed 1.2m in height.</li> <li>1.8m dividing fences proposed which complies.</li> <li>All fences are to be constructed to allow the natural flow of stormwater drainage or runoff.</li> </ul>	Condition
<p><u>4.11 Storage Facilities</u></p> <p>Storage must be provided as follows:</p> <ul style="list-style-type: none"> <li>Two bedroom 8m<sup>3</sup> or 4m<sup>2</sup></li> <li>Three or more bedrooms 10m<sup>3</sup> or 5m<sup>2</sup></li> </ul>	<p>All units are 3 bedroom and comply with minimum storage requirements of 5m<sup>2</sup> which is provided in either dedicated storage rooms, robes and garage storage.</p>	Yes

4.12 Site Facilities

- Letterboxes to be provided in accessible location.
- Locate ancillary structures away from street frontage, in a position where they will not become a skyline feature and adequately setback.
- All dwellings to be provided with clothes drying facilities that are accessible and screened from public view with high degree of solar access.
- Air conditioning units to be located so as not to be visible from the street.

Letterboxes are provided adjacent to the driveway along the site frontage which is considered satisfactory.

Yes

Bin storage is provided within garages to limit view from public areas.

All dwellings are provided with a clothes drying line in areas that will receive adequate solar access (east or north facing) and with limited visibility from the street.

Clothes drying for Unit is located within the deep soil zone. A condition will be imposed for the clothes drying to be relocated to the eastern side and for details to be shown on the Construction Certificate plans.

4.13 Fire Brigade Servicing

<https://www.fire.nsw.gov.au/page.php?id=9259>

- Dwellings must be located within 60m of a fire hydrant or the required distance as required by Australian Standard AS2419.1.

The site is able to be serviced by the Fire Brigade.

Yes

4.14 Services

- Water, sewerage, gas, underground electricity and telephone are to be provided to the proposed development by the developer in accordance with Council and servicing authority requirements.
- Developments must be connected to a reticulated sewerage scheme.

The is already serviced.

Yes

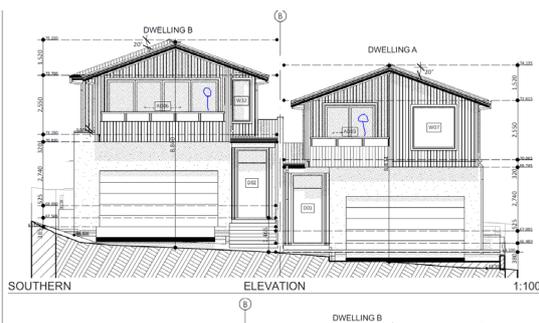
4.16 View sharing

- View Impact Assessment may be required.
- View sharing measures.

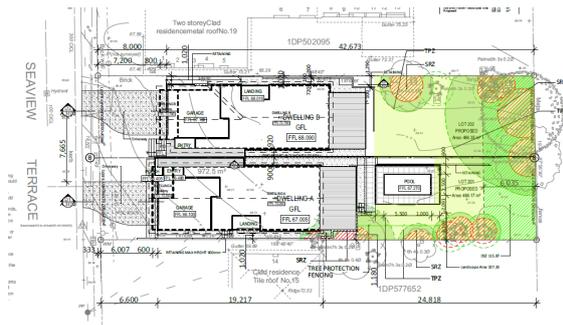
The proposal is not considered to adversely affect views from the adjoining properties.

Yes

It is noted a dual occupancy development has recently been approved on the adjoining site to the West No. 17 Seaview Terrace (referred to as Dwelling A and B). The primary living areas of the dual occupancy are oriented to face the rear however there is a second living room and balcony located at



**Approved front elevation DA-2020/1089 at 17 Seaview Terrace**



**Approved Site Plan DA-2020/1089 at 17 Seaview Terrace**

the front of the first floor of each Dwelling A and B facing the street which may enjoy ocean views. It is noted that the adjoining property is elevated above the subject site by approximately 2m.

The first floor level of Dwelling A and B on the adjoining property is located at RL 70.065 and RL 71.150 and the first floor level of Unit 1 on the subject site is proposed at RL 67.8 and ridge height is at RL 66.6. Views would therefore be maintained over the rooftop of the proposal when viewed from the adjoining property No. 17. It is further noted:

- the dual occupancy at No. 17 has not been designed to maximise views in an easterly direction as the easternmost Dwelling A is staggered slightly forward of Dwelling B which may obstruct views from Dwelling B.
- Any views from Dwelling A and B on the adjoining property would be across the subject site and
- the proposed development at the subject site has observed a compliant 6m front building line, is separated by a driveway and has been designed with a low pitched roof and compliant height.

It is further noted that no objections were received from the adjoining property No. 17 Seaview Terrace.

**4.17. Retaining walls**

- Maximum height of retaining walls: 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

A retaining wall is proposed to retain the driveway that is setback more than 900mm however exceeds the maximum 1m height. A variation has been considered

Variation sought has previously discussed.

or embankment is setback greater than 900mm from any side or rear boundary.	and supported as discussed in Chapter A1.
<ul style="list-style-type: none"> <li>Any retaining wall over one metre to be designed by an Engineer.</li> </ul>	A low height retaining wall is proposed along the rear of Unit 3 which complies.

## 5.0 Attached dwellings and multi -dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width Requirement</u> <ul style="list-style-type: none"> <li>Minimum 18m for multi-dwelling housing</li> </ul>	The site is over 20m which complies with the minimum 18m width required for multi-dwelling housing.	Yes
<u>5.2 Number of Storeys</u> <ul style="list-style-type: none"> <li>R2 Zone – 2 storeys</li> </ul>	The site is located in a R2 Zone and two storeys is proposed which complies.	Yes
<u>5.3 Front Setbacks</u> <ul style="list-style-type: none"> <li>6m</li> <li>Balconies, front courtyard fences and other building extrusions may be setback up to 900mm closer.</li> </ul>	Minimum 6m required. 6.2m proposed which complies.	Yes

#### 5.4 Side and Rear Setbacks

- Min 0.8 x ceiling height or 1.0 x ceiling height where balconies and windows of living areas face the rear boundary at first floor level or above.

	Required	Proposed	Comply
<b>Unit 1:</b>			
East GF:	2.9-3.5 x 0.8 = 2.5-2.8	2.5-2.8	Yes
East FF:	Living 5.9 x 1 =5.9 WC 5.7 x 0.8 = 4.6	5.12  4.6	No*  Yes
West GF:	2.6 x 0.8 = 2.08	7.0	Yes
West FF	5.3 x 1 = 5.3	6.48	Yes
<b>Unit 2:</b>			
East GF:	2.9 x 0.8 = 2.3	2.5	Yes
East FF	5.74 x 0.8 = 4.6	4.62	Yes
West GF:	2.7 x 0.8 =2.16	6.2	Yes
West FF:	5.3 x 1 = 5.3	5.3	Yes
<b>Unit 3:</b>			
East GF	Living 3.4 x 0.8 = 2.72	2.5	No*
East FF:	Bed 6.3 x 0.8 = 5.04	5.08	Yes
East FF balcony:	6.9 x 0.8 (screen) =5.5	5.5	Yes
West GF:	2.8 x 0.8 =2.24	6.3	Yes
West FF:	5.5 x 0.8 =4.4	6.2	Yes
North GF:	4.2 x 1		

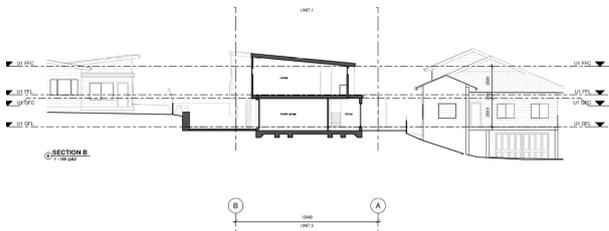
	= 4.2	6.2	Yes
North FF:	Bed 5.7 x 0.8 = 4.56	6.0	Yes
	Balcony 6.7 x 1 = 6.7	6.8	Yes

\*A variation is sought as detailed in this report - see Chapter A1 WDCP 2009

5.5 Building Character and Form

The building character and form is considered to respond to the streetscape character. The dwellings are two storey and similar height to the two adjoining dwellings as shown in the plan below. The skillion roof design is not considered to be out of character with the area and would reduce bulk and scale of the dwellings compared to a pitched roof.

Yes



Entrance of Unit 1 is visible from the street. The design of Unit 1 with living room and balcony at the front allows for passive surveillance to the street.

The garages face onto the internal driveway and do not dominate the built form.

5.6 Access / Driveway Requirements

- The number of driveways should be minimised.
- The driveway is designed so that all vehicles can enter and exit the site in a forward motion.
- The driveway and crossover comply with minimum 3-4m crossover width and 3m driveway.

One driveway proposed off Seaview Terrace.

Yes

All vehicles can enter and exit in a forward motion.

5.9m crossover proposed. A condition will be imposed for maximum 5.5m crossover which is acceptable for a double driveway.

<p><u>5.7 Car Parking Requirements</u></p>	<ul style="list-style-type: none"> <li>• Car parking must be located behind the building line.</li> <li>• Car parking must comply with Chapter E3.</li> </ul>	<p>All car parking is located behind the building line.</p> <p>Parking complies with the requirements in Chapter E3. Each dwelling is over 110sqm and provides two parking spaces in a double garage. One visitor space is proposed which complies with minimum 0.2 per unit.</p>	<p>Yes</p>
<p><u>5.8 Landscaping Requirements</u></p>	<ul style="list-style-type: none"> <li>• Minimum 30% landscaped area</li> <li>• Minimum of two semi mature medium to large trees to be provided in the landscaped area/deep soil zone.</li> <li>• 1.5m landscaped bed required along side and rear boundaries.</li> <li>• Landscaping to be integrated with drainage.</li> <li>• Retain existing trees where possible.</li> <li>• Street trees.</li> </ul>	<p>34% landscaped area provided. Does not includes GF POS.</p> <p>More than two trees provided within the deep soil zone.</p> <p>1.5m landscape strip provided along boundaries</p> <p>There does not appear to be any conflict between the landscape and drainage plans.</p> <p>Some trees are being retained as per the Arborist Report.</p> <p>Condition for one street tree to be installed.</p>	<p>Yes</p>
<p><u>5.9 Deep Soil Planting</u></p>	<ul style="list-style-type: none"> <li>• Minimum 15% deep soil zone required.</li> <li>• Minimum dimension 6m.</li> <li>• No structures within the deep soil zone.</li> <li>• Deep soil zone shall be densely planted with trees and shrubs.</li> </ul>	<p>Deep soil zone provided along rear – 6m dimension.</p> <p>Pathway to rear of Unit 3 is within the DSZ. Condition for pathway to be permeable surface.</p> <p>Minor retaining wall provided within deep soil zone. No concerns raised by Council’s Landscape Officer.</p> <p>DSZ is densely planted.</p>	<p>Yes</p>
<p><u>5.10 Communal Open Space</u></p>	<ul style="list-style-type: none"> <li>• Communal open space required where there is more than 10 dwellings.</li> </ul>	<p>N/A</p>	<p>N/A</p>

5.11 Private Open Space

<ul style="list-style-type: none"> <li>Private open space must be provided for each dwelling within an attached dwelling development in the form of a balcony, courtyard, terrace and/or roof garden.</li> <li>Minimum dimension of 4 metres x 5 metres, separated from boundaries by 1.5m landscaped bed.</li> <li>At least 70% of the dwellings within a multi dwelling housing development must receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.</li> <li>Private open space areas (courtyards) must not extend forward of the front building setback by greater than 900mm.</li> <li>Private open space should be sited in a location, which provides privacy, solar access, and pleasing outlook and has a limited impact upon adjoining neighbours.</li> <li>Design private open spaces so that they act as direct extensions of the living areas of the dwellings they serve.</li> <li>Screen private open space where appropriate to ensure privacy.</li> </ul> <p>Balconies:</p> <ul style="list-style-type: none"> <li>The primary balconies must not address side setbacks.</li> <li>The balcony must have a minimum area of 8m<sup>2</sup> open space and a minimum width of 2 metres.</li> </ul>	<p>POS provided for each dwelling in the form of a balcony for Unit 1 and 2 and ground level courtyard for Unit 3 all with minimum dimensions 4m x 5m. Secondary POS provided for Unit 1 and 2 in the form of ground level courtyard and balcony for Unit 3.</p> <p>Satisfactory as demonstrated in the submitted shadow diagrams.</p> <p>No balconies extend forward of the building line.</p> <p>POS are located to ensure solar access and minimal impact on neighbourhood amenity.</p> <p>Each POS is located directly from the living areas.</p> <p>Privacy screens are provided to Unit 3 on both GF and FF to protect the amenity of neighbouring property.</p> <p>POS for Unit 1 and 2 is in the form of a balcony and they both address the driveway rather than side boundaries.</p> <p>Balconies for Unit 1 and 2 are 4m x 5m as they are the primary POS.</p> <p>Balconies are located so as to ensure sufficient solar access.</p>	<p>Yes</p>
--	---	------------

- Balconies must be designed and positioned to ensure sufficient light can penetrate into the building at lower levels.
- The total combined area of all balconies in a building must not exceed 25% of the building floor space.
- Individual balcony enclosures are not supported. Balcony enclosures must form part of an overall building façade design treatment and should not compromise the functionality of a balcony as a private open space area

Complies.

Balconies are not enclosed.

#### 5.12 Solar Access Requirements

- Windows to living rooms of adjoining dwellings must receive 3 hours of sunlight between 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 sunlight between 9.00am and 3.00pm on June 21.
- The primary balcony of at least 70% of the dwellings within a multi dwelling housing development shall receive a minimum of three hours of direct sunlight between 9.00am and 3.00pm on June 21.
- Windows to north facing living rooms for each of the subject dwellings in the development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.
- At least 50% of the private open space area for each of the subject dwellings in the

The site is oriented north/south and the shadow diagram demonstrates overshadowing to western neighbouring property in the morning period and to the eastern neighbouring property in the afternoon period in mid winter however both neighbouring properties would receive the minimum 3 hours required to living areas and POS.

The orientation of living areas and POS does ensure solar access requirements are exceeded.

Shadow diagram demonstrates more than 3 hours to each living room in mid winter.

Shadow diagram demonstrates more than 3 hours to 50% of each primary POS in mid winter.

Yes

development must receive at least 3 hours of sunlight between 9.00am and 3.00pm on 21 June.		
<u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u>		
<ul style="list-style-type: none"> <li>Applies to more than 10 dwellings.</li> </ul>	N/A	N/A
<u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u>		
Applies to more than 6 dwellings.	N/A	N/A
<u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u>	See Chapter E2.	

## CHAPTER D1 – CHARACTER STATEMENTS

### Thirroul

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

Residential development in Thirroul should remain low density in nature and medium density near Thirroul village centre. The site is not located within close proximity to Thirroul town centre however the proposal for 3 unit multi dwelling development is considered to be low density in nature and in keeping with the area.

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	A condition will be imposed for appropriate lighting to be installed to ensure safety at night.	Yes
<u>3.2 Natural surveillance and sightlines</u>	Unit 1 is designed with a living room and balcony addressing the street which would assist passive surveillance.	Yes
<u>3.3 Signage</u>	N/A	Yes
<u>3.4 Building design</u>	Design details minimal area for entrapment.	Yes

**CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT****6 Traffic impact assessment and public transport studies**6.1 Car Parking and Traffic Impact Assessment Study

A traffic impact assessment was not required for the development.

**7 Parking demand and servicing requirements**DEVELOPMENT TYPE

A multi dwelling unit with GFA more than 110sqm requires two parking spaces. A double garage is provided per unit which complies.

Visitor parking is required at a rate of 0.2 for each unit. One space is provided which complies.

Motorbike parking is required at a rate of 1 space per 15 units. Due to the low number of units no motorcycle space is required in this instance. Council's Traffic Officer is satisfied with the development. It is noted that the garages are oversized and provide opportunity for motorcycle parking within the garage storage space if required.

Bicycle parking is required for one space. Each garage provides bicycle storage which exceeds the minimum requirement.

Exemptions**8 Vehicular access**

Driveway grades and sight distances comply.

**9 Loading / unloading facilities and service vehicle manoeuvring**

The development complies with AS 2890.2.

Waste servicing will occur from the kerb.

**10 Pedestrian access**

The proposal is satisfactory with regard to pedestrian access into the site and along the frontage.

**11 Safety & security (Crime Prevention through Environmental Design) measures for car parking areas**

The proposal is satisfactory with regard to the principles of CPTED.

**CHAPTER E6: LANDSCAPING**

A Landscape Plan has been submitted as required by this Chapter. Council's Landscape Officer has assessed the proposal and is satisfied.

**CHAPTER E7: WASTE MANAGEMENT**

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

**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.

**CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater is proposed to be disposed of to a proposed OSD and disposal to the existing stormwater system in Seaview Terrace. The site is burdened by a 2.5m wide drainage easement via the rear property however the proposal does not propose to utilise the easement. Council's stormwater

engineer has reviewed the proposal with respect to the provisions of this chapter and is satisfied and has recommended conditions of consent.

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

The proposal involves removal of 8 trees. 7 trees are to be retained. An Arborist Report has been submitted as required by this Chapter. Council's Landscape Officer has assessed the proposal and is satisfied. Compensatory planting and tree protection conditions will be imposed.

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

The proposal involves minor earthworks to prepare the site for residential development which is considered consistent with this Chapter.

#### **CHAPTER E20 CONTAMINATED LAND MANAGEMENT**

See SEPP 55 comments – Section 2.1.1.

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

The proposal involves demolition of the existing dwelling and ancillary structures. Appropriate conditions are provided at Attachment 3.

#### **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.

##### **2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019**

The estimated cost of works is approximately \$1.3 million and a 1% levy is applicable under this plan as the threshold value is \$200,000.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

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

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

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Submissions raised following notification would not preclude the development.
- Internal referrals are satisfactory subject to appropriate conditions of consent

Context and Setting:

The proposal is considered to be in context with the setting of the area. The area is characterised by low density residential properties, with the predominant housing in the area in the form of single dwellings. However some older housing stock is being replaced with dual occupancy and multi dwelling housing developments.

The proposed development involves demolition of an older style dwelling on a large 1,052sqm, 20m wide block. The site is considered suitable for multi dwelling development as it meets the minimum 18m site width required for multi dwelling development and the dimensions allow for generally compliant multi dwelling development with only a minor variation to side setback requirements which have been considered and supported as discussed in this report. The proposal provides reasonable separation to neighbouring properties and would not have an adverse impact on the amenity impact to adjoining properties in terms of privacy and overshadowing.

The proposal complies with the maximum floor space ratio and height controls in WLEP 2009. The bulk and scale of the development is considered to result in minimal impact on the streetscape and the character of the area.

Access, Transport and Traffic:

The proposal complies with access and parking requirements. Council's Development Engineering Officer has assessed the proposal and is satisfied.

Public Domain:

The development is not expected to impact on the public domain.

Utilities:

The proposal is not expected to place unreasonable demand on utilities supply.

Heritage:

The site is not located in proximity to any heritage items.

Other land resources:

The proposal is not expected to impact upon valuable land resources.

Water:

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

The proposal is not expected to have unreasonable water consumption.

Soils:

The proposed excavation is not expected to result in negative impact on soils.

Air and Microclimate:

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

Flora and Fauna:

The proposal involves the removal of eight (8) trees due to poor form and/or conflicts with the siting of the development. An Arborist Report was submitted with the application. The trees to be removed are Tibouchina, Chinese Magnolia, Christmas Bush, Jacaranda, Camelia, Crepe Myrtle, Frangipani and Tree A is an exempt species.

Council's Landscape Officer has reviewed the application and is satisfied with the proposed tree removal subject to compensatory planting. Conditions are imposed for fauna management during removal.

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 expected to have unreasonable energy consumption. A BASIX Certificate has been submitted.

Noise and vibration:

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

Natural hazards:

There are no natural hazards identified on site that would preclude the proposed development.

Technological hazards:

There are no technological hazards identified on site that would preclude the proposed development.

Safety, Security and Crime Prevention:

There are no concerns with regard to safety and security.

Social Impact:

The proposal is not expected to result in negative 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 WLEP 2009 development standards. The application identifies variations to the side setback and retaining wall controls in Chapter B1 Clause 5.4.2(1) and Clause 4.17 which have been considered and supported as detailed in this report.

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 would be attached to any consent granted that all works are to be in compliance with the National Construction Code/Building Code of Australia.

Cumulative Impacts:

Considering the matters outlined in this report, the proposal is considered unlikely to result in adverse cumulative impacts.

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

### Does the proposal fit in the locality?

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

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See Section 1.5.

## **2.9 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 and is considered to be in the public interest.

## **3 CONCLUSION**

---

This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies. The proposed multi dwelling housing is permitted in the R2 Zone and the site is considered suitable for the development. The proposal does not result in any departures to the Wollongong Local Environmental Plan 2009 and only results in minor variation to the side setback and retaining wall controls in the Wollongong Development Control Plan 2009 which have been considered and supported as detailed in this report.

All internal referrals are satisfactory.

The proposal is considered acceptable with regard to the likely impacts on the amenity of the neighbourhood and character of the area. Some of the issues raised in submissions though technically unresolved are not considered to warrant redesign or refusal of the application. The proposal is considered supportable in its current form.

## **4 RECOMMENDATION**

---

DA-2021/35 be **approved** subject to conditions of consent contained in Attachment 3.

## **5 ATTACHMENTS**

---

- 1 Plans and Shadow Diagrams
- 2 Applicant's Variation Statements – Side Setback and Retaining Walls
- 3 Conditions

**LEGEND**

- Landscape areas, total = 408.1m<sup>2</sup> (39%)
- Deep soil zone areas, total = 170.1m<sup>2</sup> (16%)
- Proposed level (AHD)
- Unit entry



**1 SITE PLAN**  
1 : 150 @A2

note: site plan to be read in conjunction with survey, and other consultant drawings. Easement located in line with grid B.

**general notes**

1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if reissued, document is uncontrolled. © Copyright Good Build Group Pty Ltd

Drawings in accordance with BASIX Certificate No.: 1139542M

15 Seaview Terrace, Thirroul, NSW  
Urbanlux

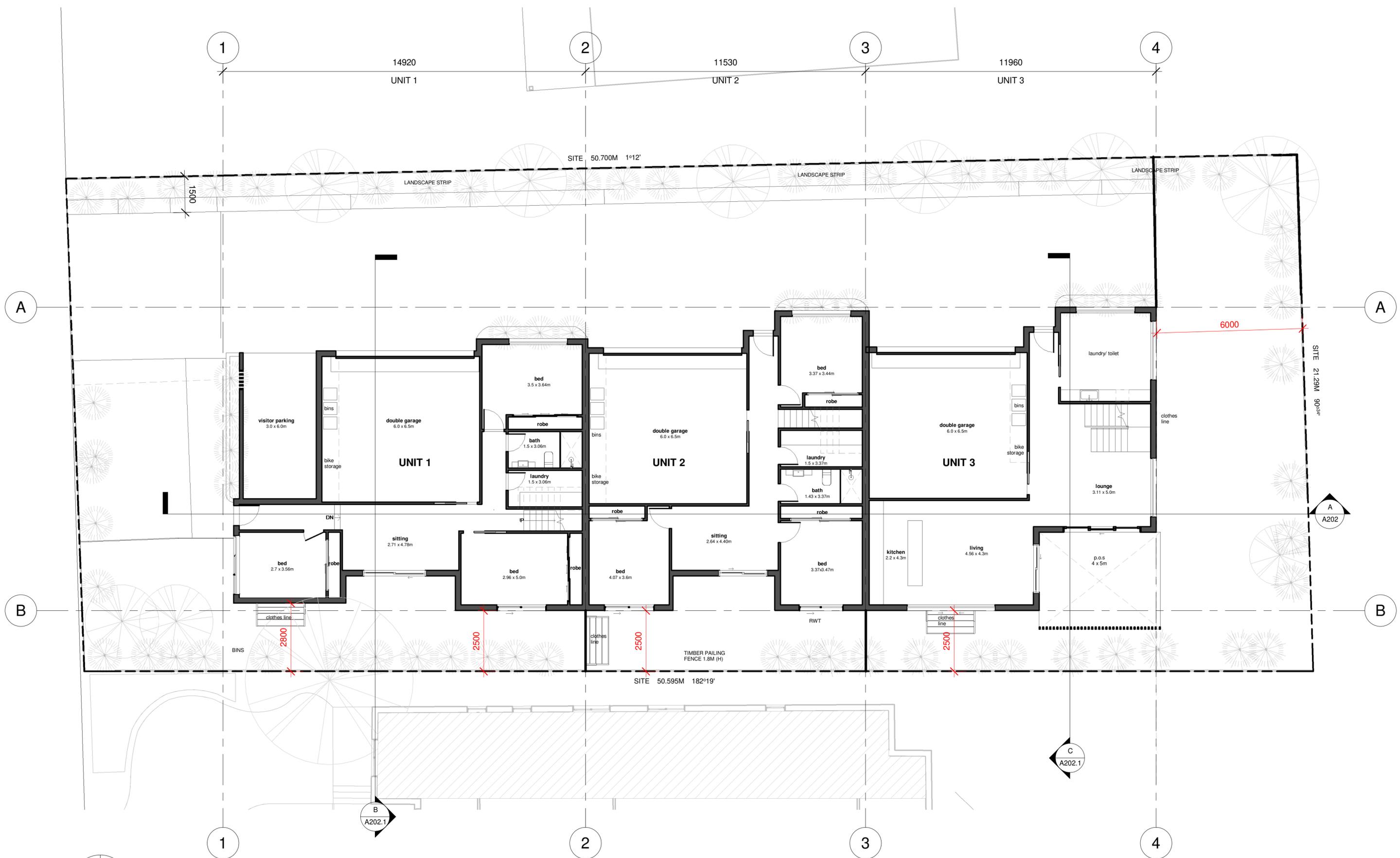
As indicated / A2

revision | issued  
drawn by  
checked by

B | 08.03.2021  
SP  
EM

site plan

A100



1 **PROPOSED GROUND FLOOR PLAN**  
1 : 100 @A2

general notes

1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if reissued, document is uncontrolled. © Copyright Good Build Group Pty Ltd

Drawings in accordance with  
BASIX Certificate No.: 1139542M



**1 PROPOSED FIRST FLOOR PLAN**  
1 : 100 @A2

general notes

1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if reissued, document is uncontrolled. © Copyright Good Build Group Pty Ltd

Drawings in accordance with  
BASIX Certificate No.: 1139542M

15 Seaview Terrace, Thirroul, NSW  
Urbanlux

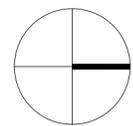
1 : 100 / A2

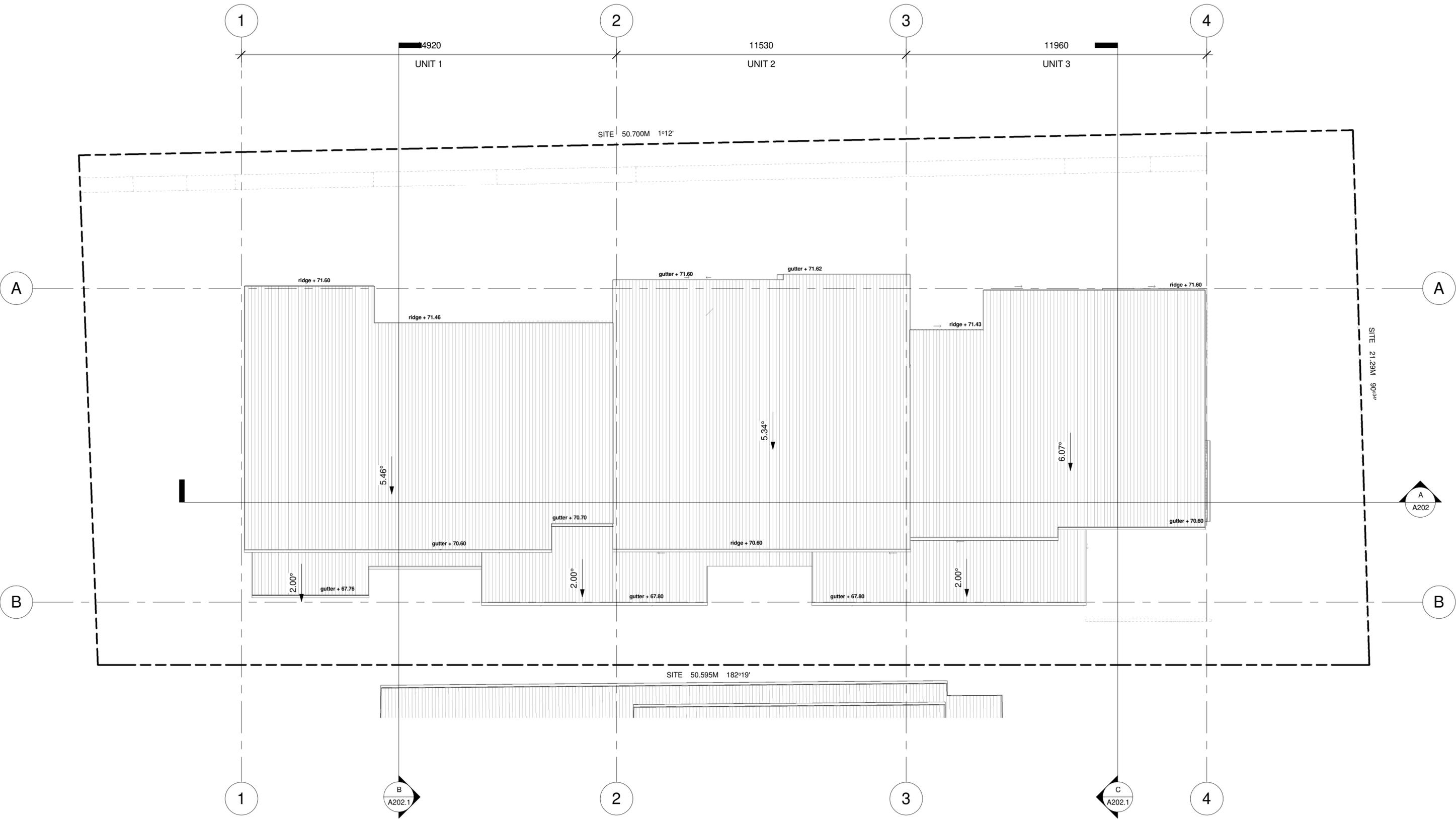
revision | issued  
drawn by  
checked by

B | 08.03.2021  
SP  
EM

first floor plan

A102



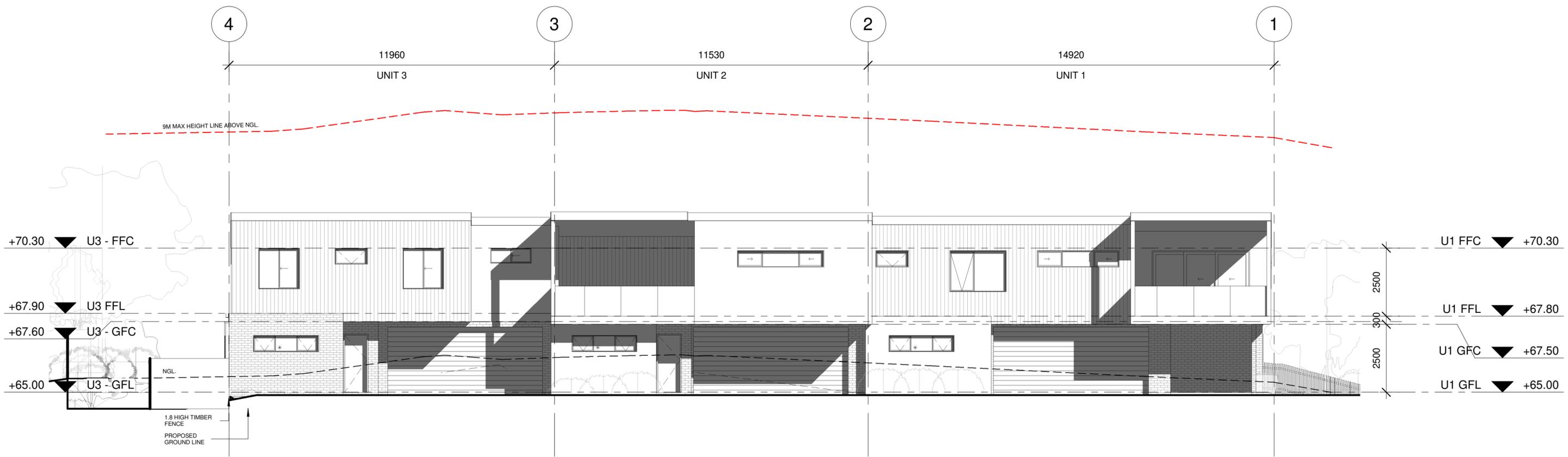


**1 ROOF PLAN**  
1 : 100 @A2

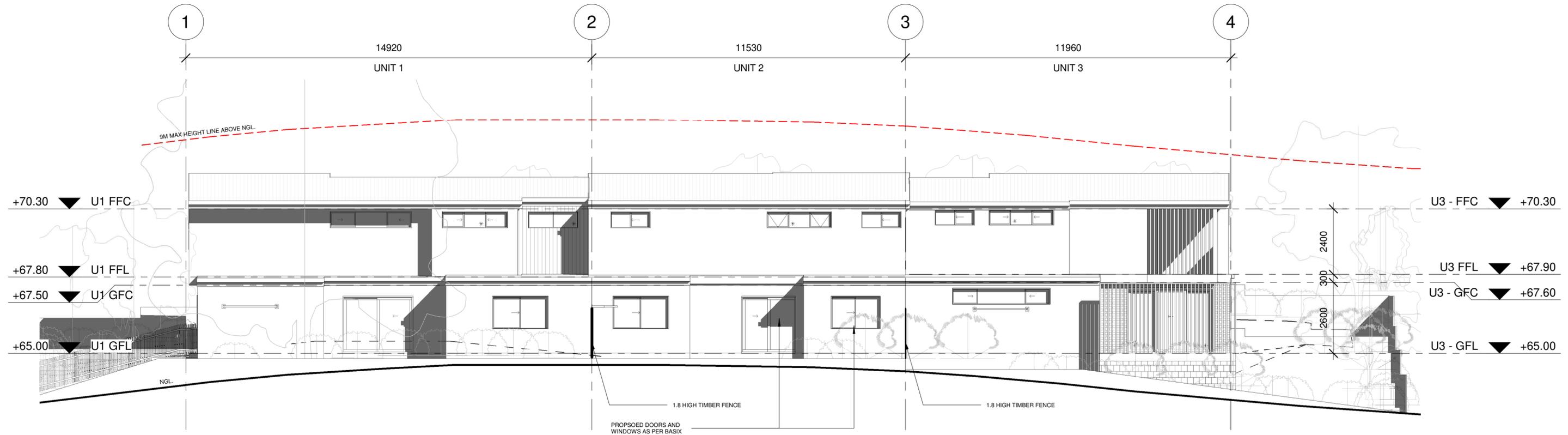
general notes

1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if issued, document is uncontrolled. © Copyright Good Build Group Pty Ltd

Drawings in accordance with  
BASIX Certificate No.: 1139542M



1 WEST ELEVATION  
1 : 100 @A2

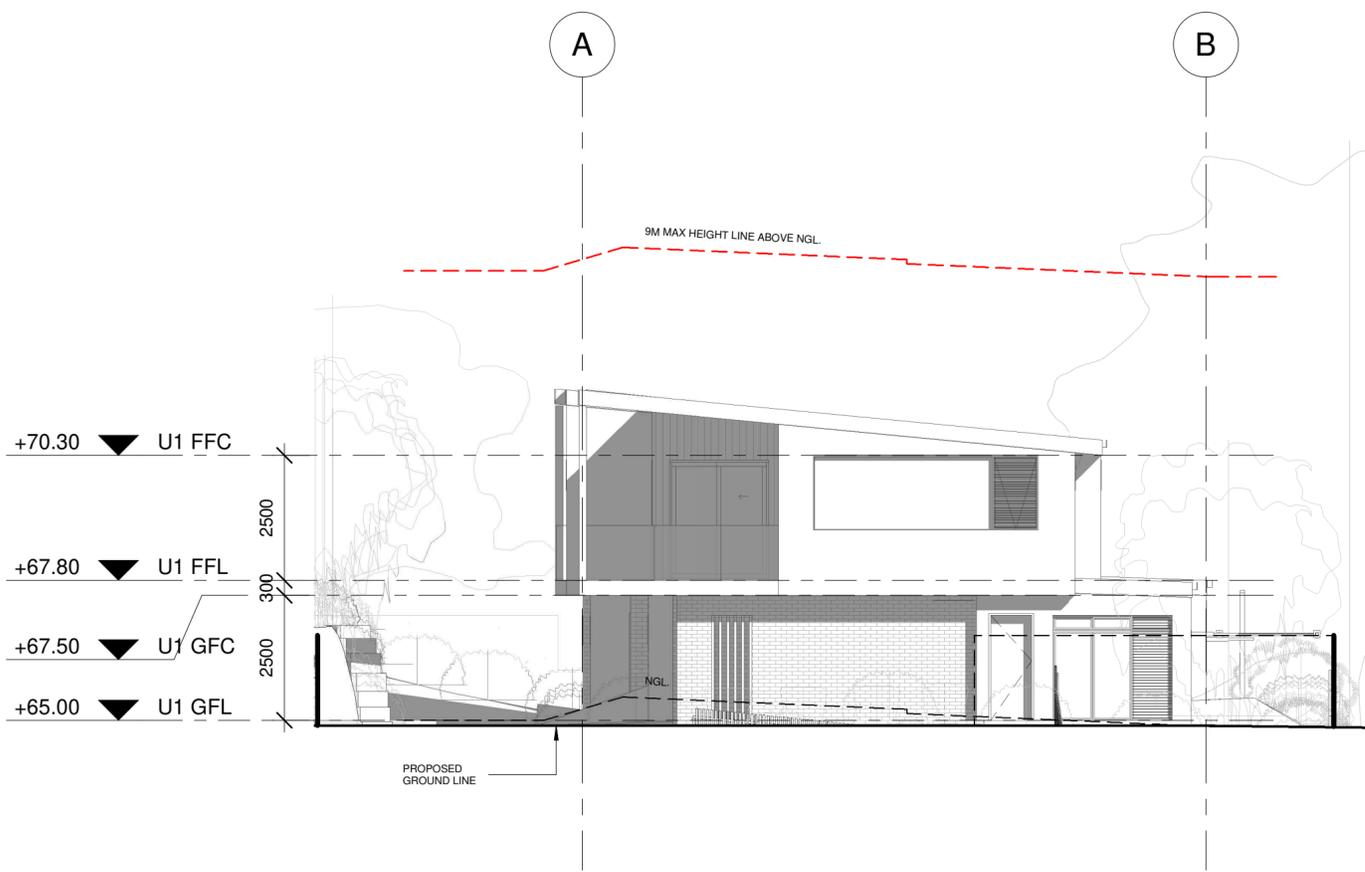


2 EAST ELEVATION  
1 : 100 @A2

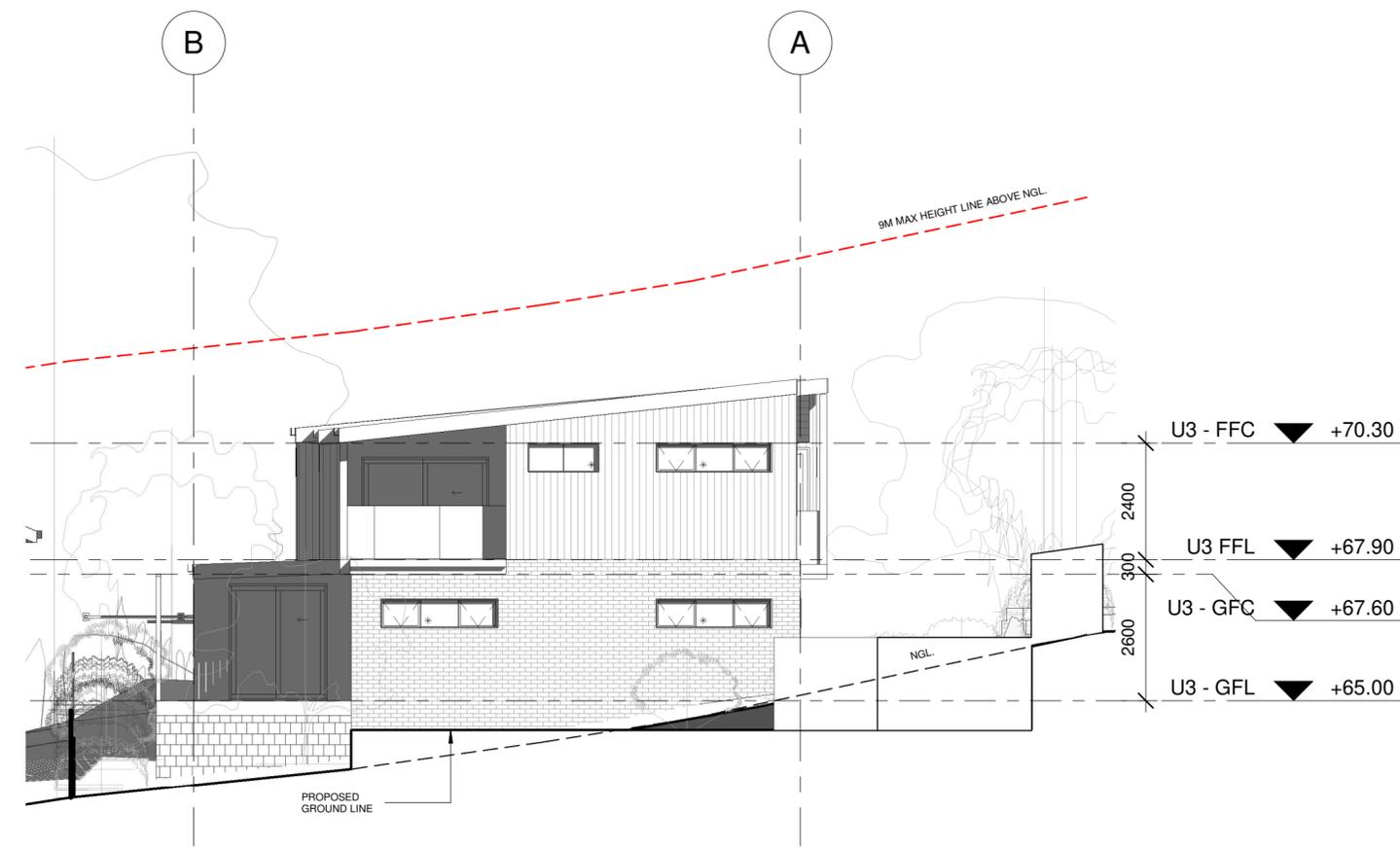
general notes

1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if reissued, document is uncontrolled. © Copyright Good Build Group Pty Ltd

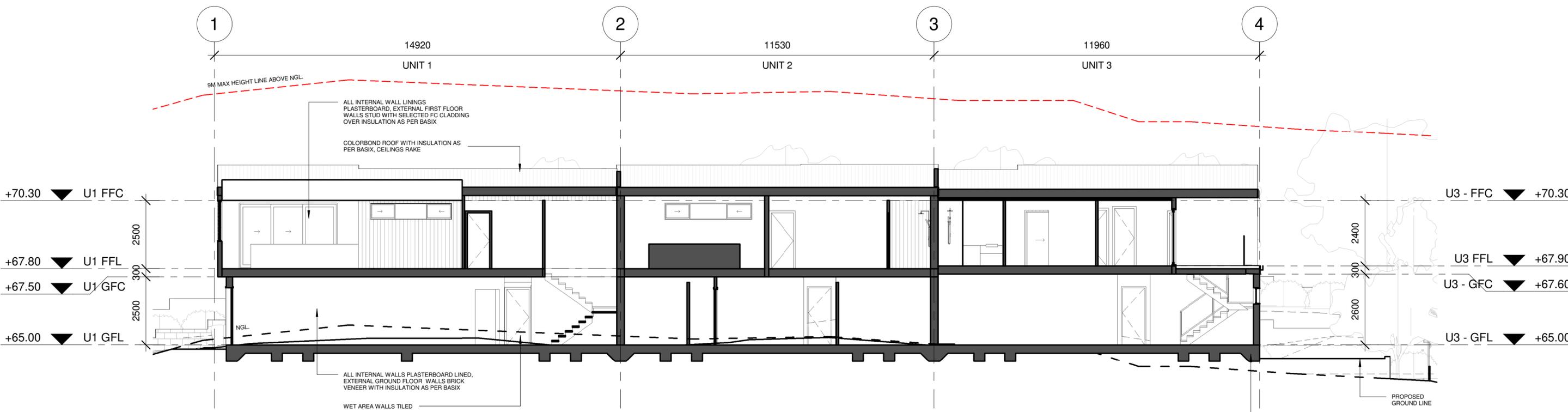
Drawings in accordance with  
BASIX Certificate No.: 1139542M



**1 SOUTH ELEVATION**  
1 : 100 @A2



**2 NORTH ELEVATION**  
1 : 100 @A2

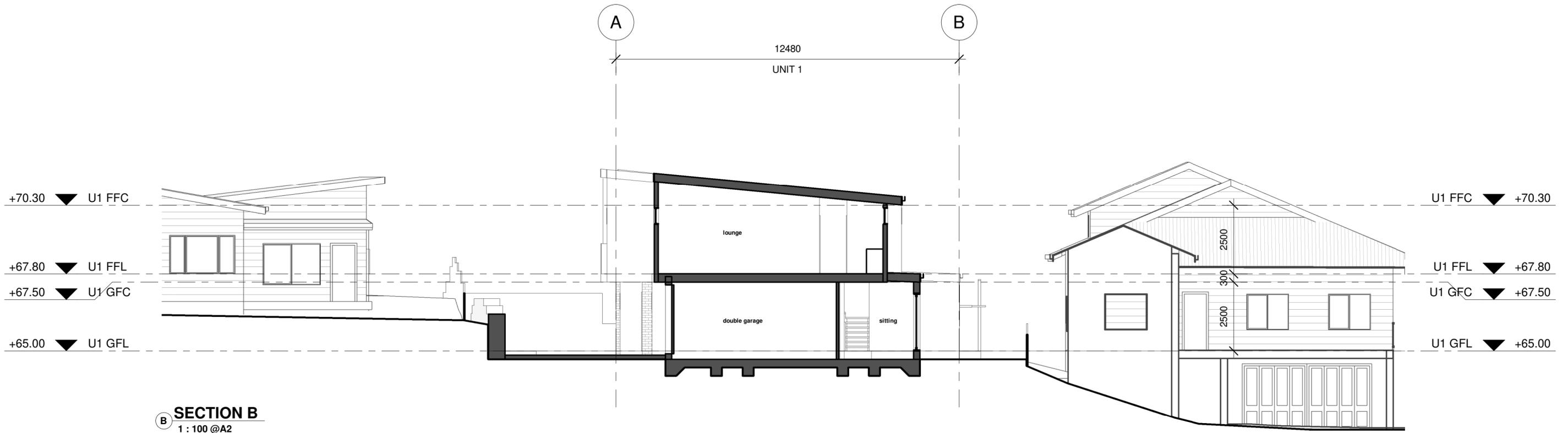


**A SECTION A**  
1 : 100 @A2

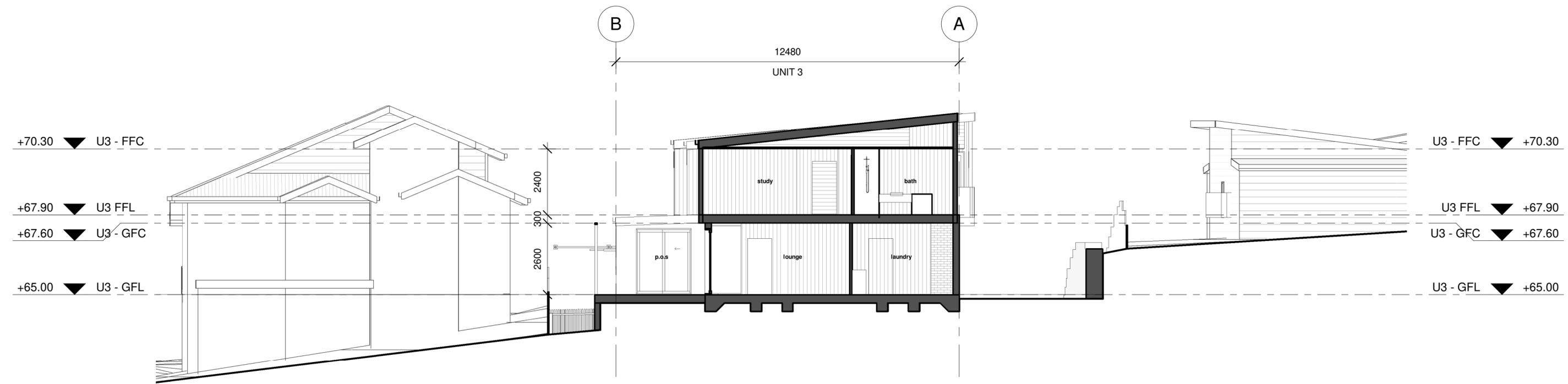
general notes

1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if reissued, document is uncontrolled. © Copyright Good Build Group Pty Ltd

Drawings in accordance with  
BASIX Certificate No.: 1139542M



**B SECTION B**  
1 : 100 @A2



**C SECTION C**  
1 : 100 @A2

general notes

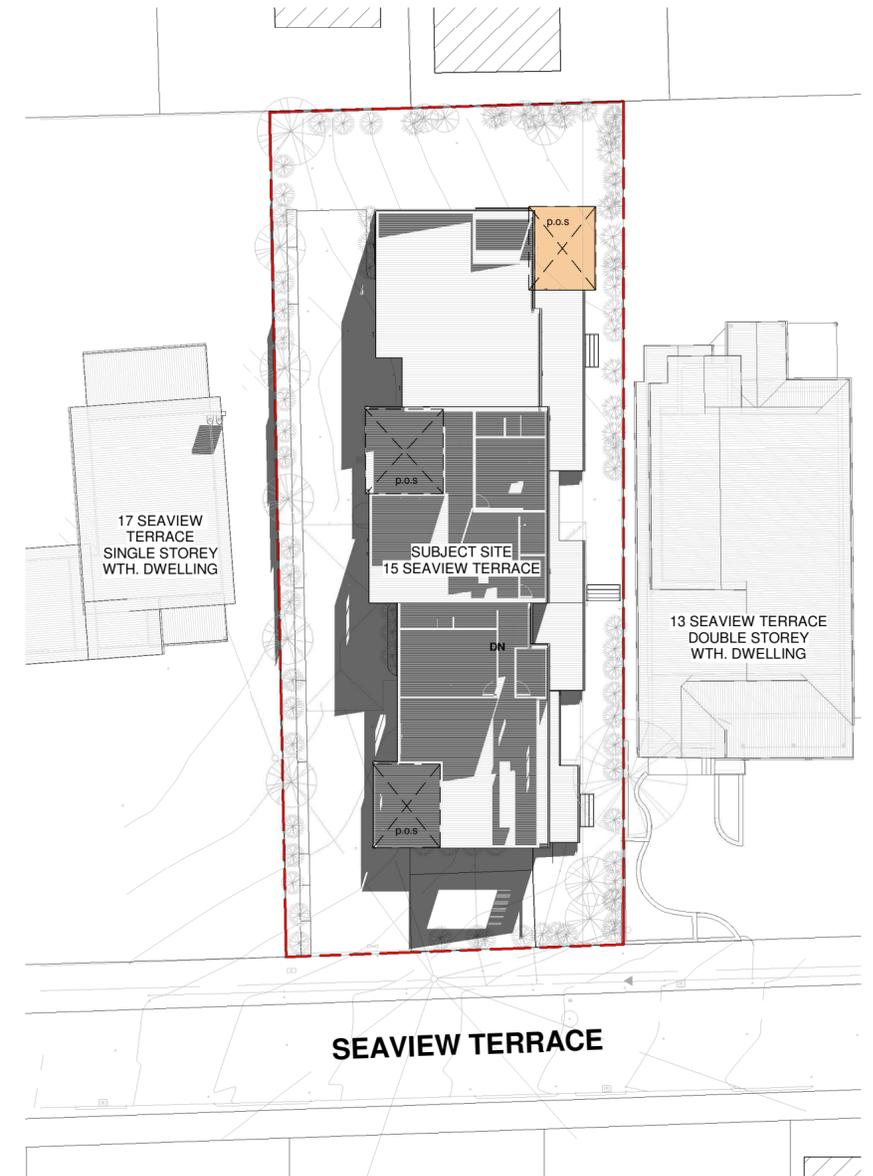
1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if reissued, document is uncontrolled. © Copyright Good Build Group Pty Ltd



1 9 AM - SHADOW ANALYSIS - 21ST OF JUNE  
1 : 300 @A2



2 10 AM - SHADOW ANALYSIS - 21ST OF JUNE  
1 : 300 @A2



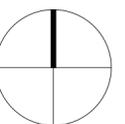
3 11 AM - SHADOW ANALYSIS - 21ST OF JUNE  
1 : 300 @A2

general notes

1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if reissued, document is uncontrolled. © Copyright Good Build Group Pty Ltd

Drawings in accordance with  
BASIX Certificate No.: 1139542M

legend  p.o.s area received sunlight



shadow analysis



GOOD BUILD GROUP  
info@goodbuildgroup.com.au  
www.goodbuildgroup.com

15 Seaview Terrace, Thirroul, NSW  
Urbanlux

As indicated / A2

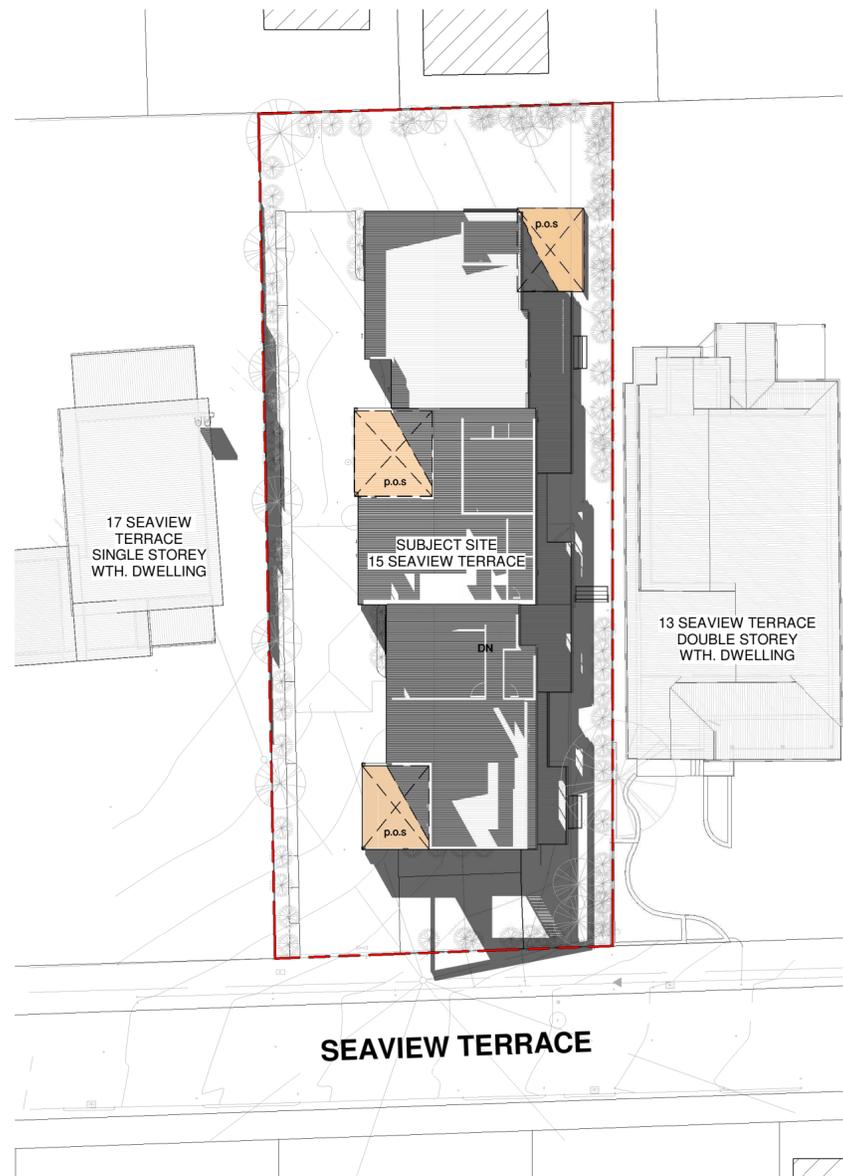
revision | issued  
drawn by  
checked by

B | 08.03.2021  
SP  
EM

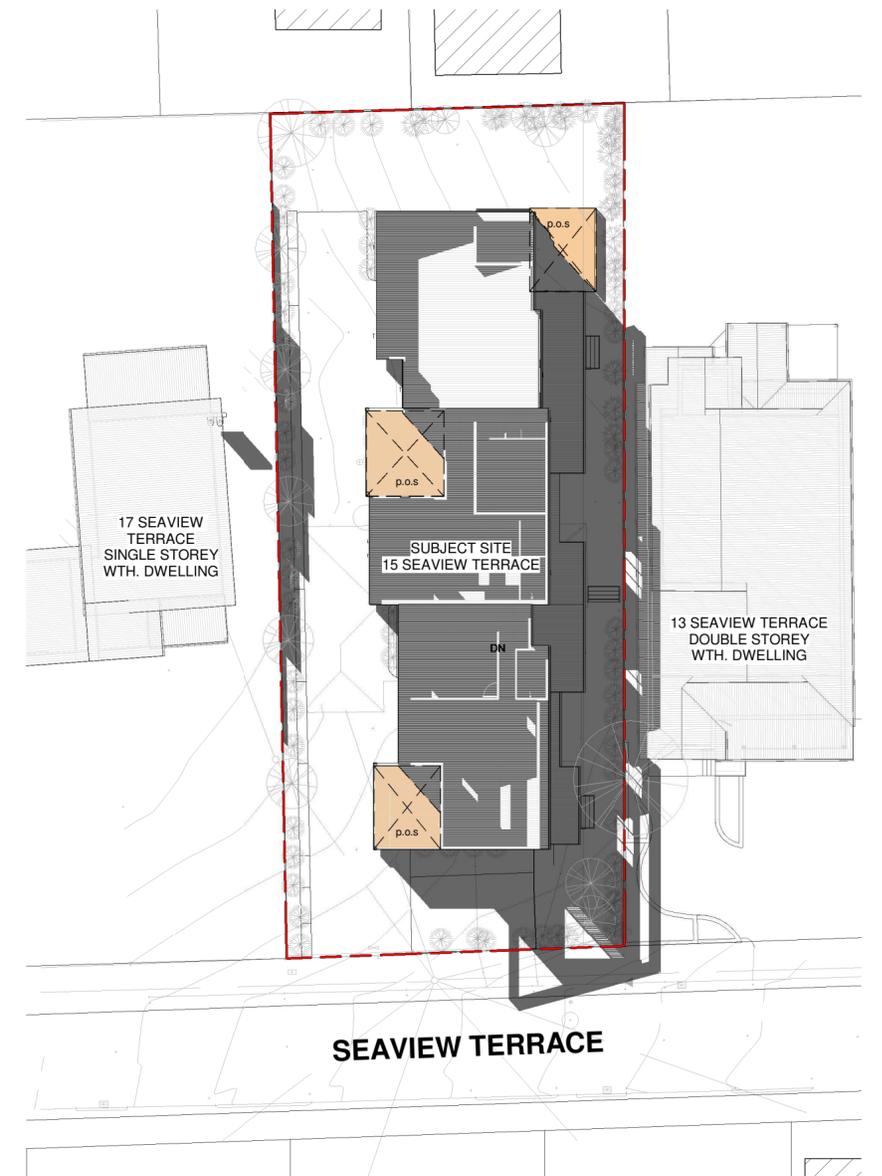
A205



2 1PM - SHADOW ANALYSIS - 21ST OF JUNE  
1 : 300 @A2



1 2PM - SHADOW ANALYSIS - 21ST OF JUNE  
1 : 300 @A2

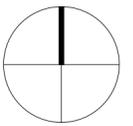


3 3PM - SHADOW ANALYSIS - 21ST OF JUNE  
1 : 300 @A2

general notes

1. comply with all relevant current Australian Standards.
2. comply with the current Building Code of Australia.
3. comply with all council requirements.
4. comply with all authorities' requirements.
5. use figured dimensions only.
6. do not scale from documents.
7. if a discrepancy exists in the documents notify the construction manager of project designer immediately.
8. confirm existing conditions, dimensions and levels on site prior to the commencement of work.
9. documents to be read in conjunction with all relevant consultants' drawings.
10. if reissued, document is uncontrolled. © Copyright Good Build Group Pty Ltd

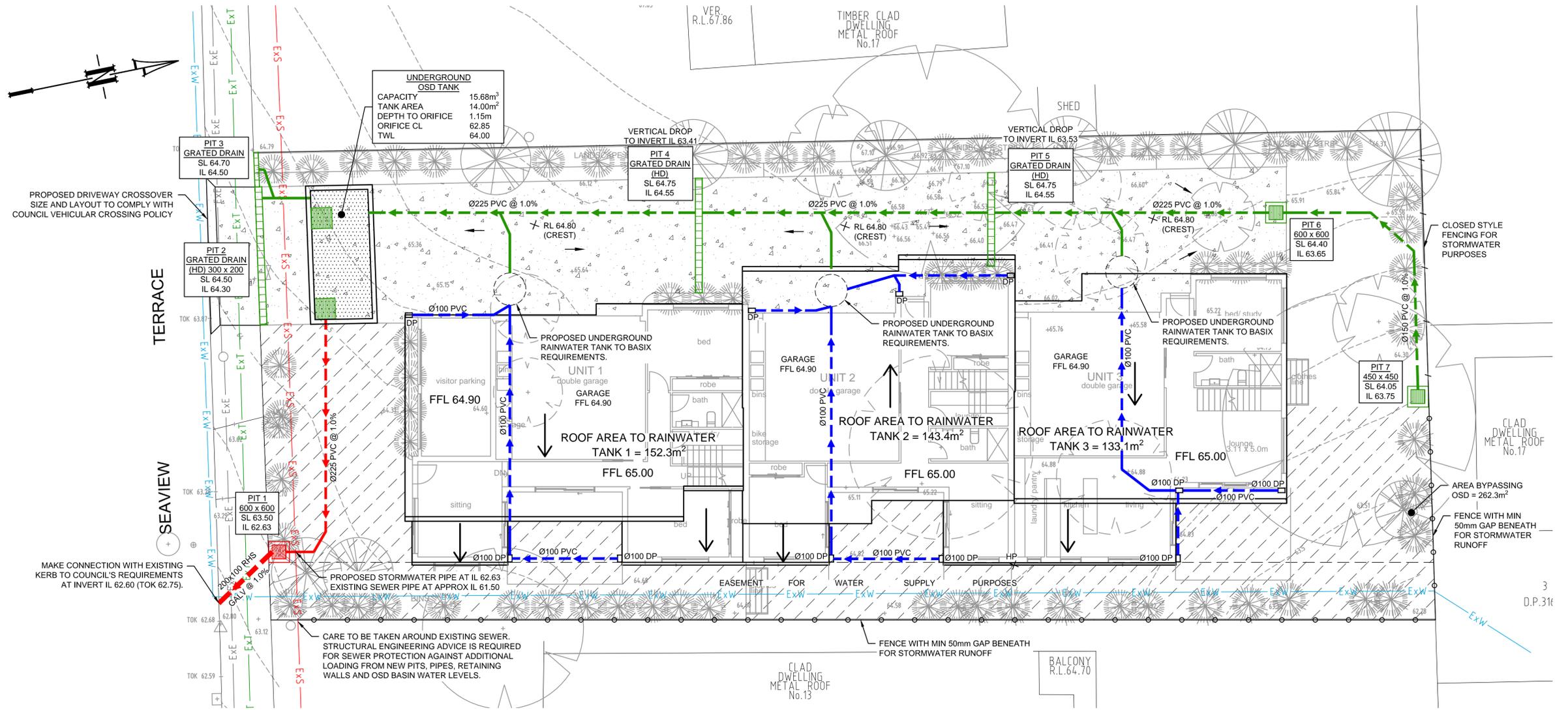
legend  p.o.s area received sunlight



shadow analysis

**LEGEND**

- PROPOSED STORMWATER BYPASSING OSD
- PROPOSED STORMWATER DRAINING TO RWT
- PROPOSED STORMWATER DRAINING TO OSD
- EXISTING SEWER MAIN (FROM RECORDS)
- EXISTING WATER (FROM RECORDS)
- EXISTING POWER (FROM RECORDS)
- EXISTING TELSTRA (FROM RECORDS)
- GUTTER DOWNPIPE
- ROOF SLOPE
- RAINWATER OUTLET
- Ø300 CLEANING EYE
- RAINWATER TANK
- UNDERGROUND RAINWATER TANK
- SURFACE FLOW ARROWS
- DESIGN SURFACE LEVEL
- EXISTING SURFACE LEVEL
- PROPOSED OSD STORAGE
- ROOF AREA TO RAINWATER TANK
- AREA BYPASSING OSD
- TILED AREA
- TREES TO BE RETAINED
- TREES TO BE REMOVED



**GROUND FLOOR PLAN**  
SCALE 1:100

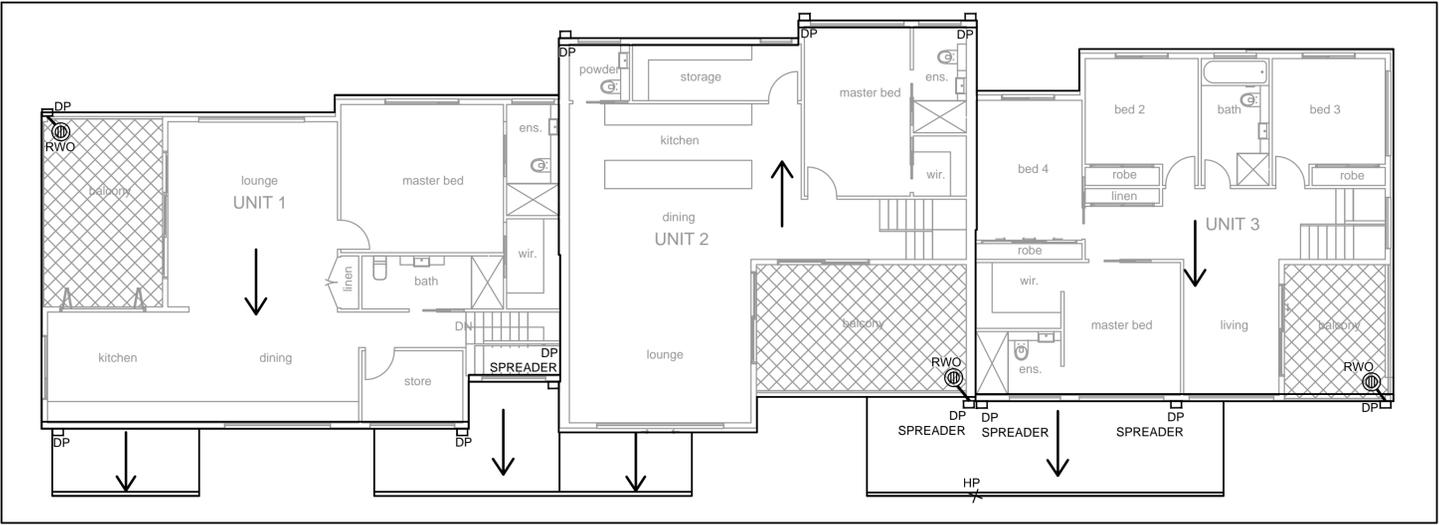
**GENERAL NOTES**

1. ALL LINES ARE TO BE Ø90 uPVC 1.0% GRADE UNLESS NOTED OTHERWISE. CHARGED LINES TO BE SEWERGRADE & SEALED.
2. EXISTING SERVICES LOCATIONS SHOWN INDICATIVE ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS.
3. ALL PIPES TO HAVE MIN 150mm COVER IF LOCATED WITHIN PROPERTY.
4. ALL PITS IN DRIVEWAYS TO BE 450x450 CONCRETE AND ALL PITS IN LANDSCAPED AREAS TO BE 450x450 PLASTIC.
5. PITS LESS THAN 600mm DEEP MAY BE BRICK, PRECAST OR CONCRETE.
6. ALL BALCONIES AND ROOFS TO BE DRAINED AND TO HAVE SAFETY OVERFLOWS IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
7. ALL EXTERNAL SLABS TO BE WATERPROOFED.
8. ALL GRATES TO HAVE CHILD PROOF LOCKS.
9. ALL DRAINAGE WORKS TO AVOID TREE ROOTS.
10. ALL DPs TO HAVE LEAF GUARDS.
11. ALL EXISTING LEVELS TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION.
12. ALL WORK WITHIN COUNCIL RESERVE TO BE INSPECTED BY COUNCIL PRIOR TO CONSTRUCTION.
13. COUNCIL'S ISSUED FOOTWAY DESIGN LEVELS TO BE INCORPORATED INTO THE FINISHED LEVELS ONCE ISSUED BY COUNCIL.
14. ALL WORK SHALL BE IN ACCORDANCE WITH B.C.A. AND A.S.3500.3.
15. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR LANDSCAPING.
16. CARE TO BE TAKEN AROUND EXISTING SEWER. STRUCTURAL ADVICE IS REQUIRED FOR SEWER PROTECTION AGAINST ADDITIONAL LOADING FROM NEW PITS, PIPES, RETAINING WALLS AND OSD BASIN WATER LEVELS.
17. ALL WALLS FORMING THE DETENTION BASINS SHALL BE CONSTRUCTED WHOLLY WITHIN THE PROPERTY BOUNDARIES OF THE SITE BEING DEVELOPED.
18. OSD WARNING SIGN AND SAFETY FENCING SHALL BE PROVIDED TO ABOVE GROUND OSD STORAGE AREA IN ACCORDANCE WITH COUNCIL REQUIREMENTS.
19. ENSURE THAT NON FLOATABLE MULCH IS USED IN DETENTION BASINS, ie. USE DECORATIVE ROCK MULCH OR EQUIVALENT.
20. ALL PIPES IN BALCONIES TO BE Ø65 uPVC CAST IN CONCRETE SLAB. CONTRACTOR TO PROVIDE A BREAK / OPEN VOID IN RAIL / BALLUSTRADE FOR STORMWATER EMERGENCY OVERFLOW. ALL ENCLOSED AREAS/PLANTER BOXES TO BE FITTED WITH FLOOR WASTES & DRAINED TO OSD DOWNPIPES TO BE CHECKED BY ARCHITECT & PLUMBER PRIOR TO CONSTRUCTION.
21. THE OSD BASIN / TANK IS TO BE BUILT TO THE CORRECT LEVELS & SIZE AS PER THIS DESIGN. ANY VARIATIONS ARE TO BE DONE UNDER CONSULTATION FROM OUR OFFICE ONLY. ANY AMENDMENTS WITHOUT OUR APPROVAL WOULD RESULT IN ADDITIONAL FEES FOR REDESIGN AT OC STAGE OR IF A SOLUTION CANNOT BE FOUND, RECONSTRUCTION IS REQUIRED UNDER THE CONTRACTOR'S EXPENSES.

**PIPES NOTE:**  
 Ø65 PVC @ MIN 1.0%  
 Ø90 PVC @ MIN 1.0%  
 Ø100 PVC @ MIN 1.0%  
 Ø150 PVC @ MIN 1.0%  
 Ø225 PVC @ MIN 0.5%  
 Ø300 PVC @ MIN 0.4%  
**UNLESS NOTED OTHERWISE**

**RAINWATER TANK NOTE:**  
 RAINWATER RE-USE AS SPECIFIED BY BASIX CERTIFICATE TO OUTDOOR TAPS AND/OR TOILETS AND/OR WASHING MACHINE.

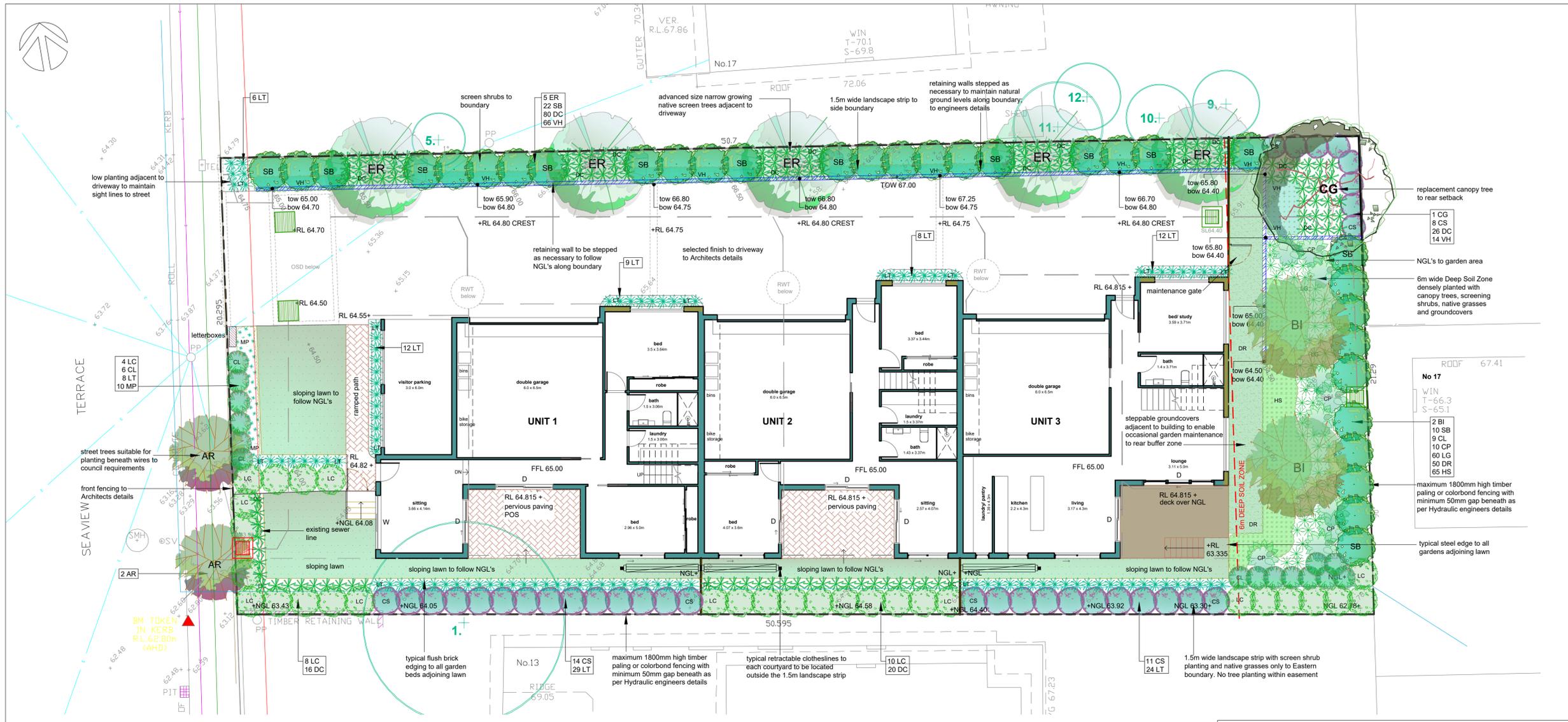
**ROOF NOTE:**  
 IT IS CONTRACTOR'S RESPONSIBILITY TO ENSURE MINIMUM 30 TO 40MM OF PONDING IS ACHIEVED OVER THE RAINWATER OUTLETS BY GRADING CATCHMENTS' SURFACES AT MINIMUM 0.5% FALL FOR PAVED SURFACES AND MINIMUM 1% FALL FOR OTHER SURFACES.



**LEVEL 1 PLAN**  
SCALE 1:100

NOT FOR CONSTRUCTION

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">A</td> <td style="width: 50%;">ISSUE FOR DEVELOPMENT APPLICATION</td> <td style="width: 10%; text-align: center;">18/12/2020</td> <td style="width: 10%; text-align: center;">JTF</td> <td style="width: 10%; text-align: center;">JSF</td> </tr> <tr> <td style="font-size: 8px;">Issue</td> <td style="font-size: 8px;">Description</td> <td style="font-size: 8px;">Date</td> <td style="font-size: 8px;">Design</td> <td style="font-size: 8px;">Checked</td> </tr> </table>	A	ISSUE FOR DEVELOPMENT APPLICATION	18/12/2020	JTF	JSF	Issue	Description	Date	Design	Checked	<p>Verification By: Dr. Anthony Hasham (NFER)</p> <p><b>INNOCON</b>          PHONE : 02 9188 4485          MOBILE : 0403 160 810          FAX : 02 9188 4486          EMAIL : david@innocn.com.au          WEB : www.innocn.com.au</p>	<p>Council <b>Wollongong City Council</b></p>	<p>Scale 0 2 4 6m SCALE 1:100 @ A1</p>	<p><b>AUSTRALIAN CONSULTING ENGINEERS.</b>          AUSTRALIAN CONSULTING ENGINEERS.          P.T.Y. LTD - A.C.N. 084 059 941          LEVEL 4, 470 CHURCH STREET NORTH PARRAMATTA NSW 2150          PH: (02) 9763 1500 FX: (02) 9763 1915          EMAIL: info@aceeng.com.au</p>	<p>Project <b>15 SEAVIEW TERRACE, THIRROUL PROPOSED RESIDENTIAL DEVELOPMENT STORMWATER CONCEPT PLANS DEVELOPMENT APPLICATION</b></p>	<p>Drawing Title <b>STORMWATER CONCEPT PLAN</b></p> <table border="1" style="width: 100%; border-collapse: collapse; font-size: 8px;"> <tr> <td>Scale</td> <td>A1</td> <td>Project No.</td> <td>200421</td> <td>Dwg. No.</td> <td>101</td> <td>Issue</td> <td>A</td> </tr> </table>	Scale	A1	Project No.	200421	Dwg. No.	101	Issue	A
A	ISSUE FOR DEVELOPMENT APPLICATION	18/12/2020	JTF	JSF																				
Issue	Description	Date	Design	Checked																				
Scale	A1	Project No.	200421	Dwg. No.	101	Issue	A																	



### Legend

- Drying area
- Selected decking
- Pervious Brick paving
- Turf
- Existing trees to be retained
- Typical steel garden edge
- Stormwater lines and pits
- Retaining walls

LANDSCAPE PLAN 1:100

PLANT SCHEDULE						
SYMBOL	SPECIES	No.	Pot Size	Mat. Hgt.	Stake	COMMON NAME
	<i>Corymbia gummifera</i>	1	25ltr	10m+	yes	Red Bloodwood
	<i>Banksia integrifolia</i>	2	25ltr	8m	yes	Coast Banksia
	<i>Elaeocarpus reticulatus</i>	5	75ltr	7m	yes	Blueberry Ash
	<i>Acmena 'Red Head'</i>	2	5ltr	5m	no	Lilly Pilly
	<i>Syzygium 'Backyard Bliss' (hedged)</i>	32	5ltr	2-3m	no	Magenta Cherry
	<i>Callistemon 'Slim'</i>	33	5ltr	2.5m	no	Slim Callistemon
	<i>Leptospermum 'Cardwell'</i>	22	5ltr	2m	no	Lemon Scented Tea Tree
	<i>Crinum pendunculatum</i>	10	150mm	1.2m	no	Crinum Lily
	<i>Callistemon 'Little John'</i>	15	150mm	1m	no	Dwarf Bottlebrush
	<i>Dianella caerulea 'Breeze'</i>	142	150mm	0.5m	no	Flax Lily
	<i>Lomandra 'Great White'</i>	60	150mm	0.5m	no	Variiegated Lomandra
	<i>Lomandra longifolia 'Tanika'</i>	108	150mm	0.5m	no	Dwarf Mat Rush
	<i>Dichondra repens</i>	50	150mm	g/cover	no	Native Kidney Plant
	<i>Hibbertia scandens</i>	65	150mm	g/cover	no	Yellow Guinea Vine
	<i>Myoporum parvifolium</i>	10	150mm	g/cover	no	Creeping Boobialla
	<i>Viola hederacea</i>	80	150mm	g/cover	no	Native Violet
	Sapphire Buffalo Turf					

**DISCLAIMER**  
Every effort is made to ensure the accuracy of these documents, however they should be thoroughly checked before being issued to any other persons or authority or used for construction purposes. Any inaccuracies, omissions or discrepancies should be referred back to Zenith Landscape Designs immediately.

These drawings may be printed in whole. The drawings and parts thereof remain the intellectual property of Zenith Landscape Designs and may not be used in part or whole for any other purpose without the prior permission of Zenith Landscape Designs.

**NOTES**  
1. Vehicular pavement, fencing and built structure details shall be to Architect's specification.  
2. All surface and sub-surface drainage requirements shall be to Engineers details.  
3. Numeric dimensions should be taken in preference to scaling.  
4. All dimensions should be checked on-site prior to commencing construction.  
5. Contractors shall verify the location of all site features prior to commencing works.  
6. Soil testing has not been undertaken as part of the preparation of this design; Contractors shall determine the need for soil testing prior to any planting works.  
7. A search of underground services has not been undertaken as part of the preparation of this design; it is recommended that Contractors contact DIAL BEFORE YOU DIG ON 1100 prior to commencing any works.  
8. This plan is to be read in conjunction with the architectural and engineering plans.  
9. It is recommended that an approved root barrier be installed to manufacturers recommendations to all tree planting in the vicinity of structures, walls and hard pavement areas.  
10. Common mass planted beds will require a fully automated irrigation system which is to be designed and installed by an irrigation consultant prior to planting.

B	REVISED ARCHITECTURAL DESIGN: NEW DA	21.12.2020
A	REVISED ARCHITECTURAL DESIGN: NEW DA	16.12.2020
Rev. no.	Description:	Date:
ARBORIST:	ALLIED TREE CONSULTANCY	
SURVEY:	JRK SURVEYS	
HYDRAULIC:	ACE	
ARCHITECT:	GOOD BUILD GROUP	
CLIENT:	A TEAM DEVELOPMENT P/L	

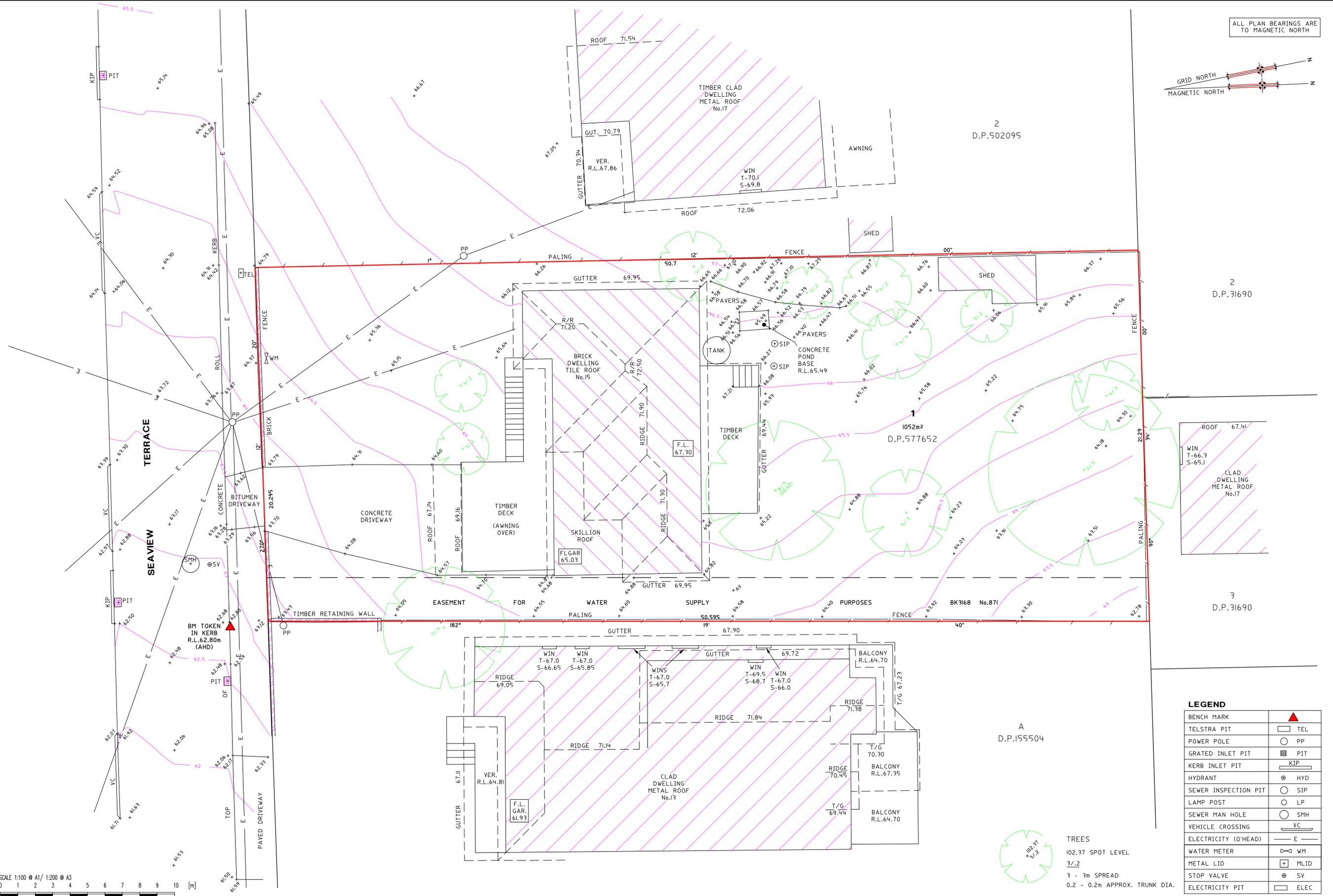
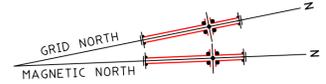
Ph: 9545 5200 info@zenithlandscapes.com.au

## 15 SEAVIEW TERRACE THIRROUL

TITLE: LANDSCAPE PLAN  
STATUS: DA SCALES: 1:100  
DRAWN: MAG SHEET: 1 OF 2 REVISION:  
CHECKED: MFG DRAWING NO: 20-4248 L01 B  
DATE: 08.09.2020



ALL PLAN BEARINGS ARE TO MAGNETIC NORTH



2  
D.P.502095

2  
D.P.31690

1  
1052m<sup>2</sup>  
D.P.577652

3  
D.P.31690

A  
D.P.I55504

LEGEND	
BENCH MARK	▲
TELSTRA PIT	TEL
POWER POLE	PP
GRATED INLET PIT	PIT
KERB INLET PIT	KIP
HYDRANT	⊕ HYD
SEWER INSPECTION PIT	○ SIP
LAMP POST	○ LP
SEWER MAN HOLE	○ SMH
VEHICLE CROSSING	VC
ELECTRICITY (O'HEAD)	E
WATER METER	⊕ WM
METAL LID	⊕ MLID
STOP VALVE	⊕ SV
ELECTRICITY PIT	ELEC

TREES  
102.37 SPOT LEVEL  
3/2  
3 - 3m SPREAD  
0.2 - 0.2m APPROX. TRUNK DIA.

SCALE 1:100 @ A1/ 1:200 @ A3  
0 1 2 3 4 5 6 7 8 9 10 [m]

**JRK SURVEYS PTY LTD COPYRIGHT STATEMENT**  
THE SURVEY INFORMATION SHOWN IN THIS PLAN REMAINS THE COPYRIGHT OF JRK SURVEYS PTY LTD. THIS PLAN SHALL ONLY BE USED FOR THE PURPOSES FOR WHICH IT HAS BEEN COMMISSIONED. UNAUTHORISED USE OF THIS DOCUMENT IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF JRK SURVEYS PTY LTD IS PROHIBITED. AUTHORISED USE SHALL INDICATE THAT JRK SURVEYS PTY LTD ARE THE SOURCE OF THE SURVEY DATA.

THIS IS THE PLAN REFERRED TO IN MY LETTER REF:  
  
BRYAN SOUTHALL  
REGISTERED SURVEYOR  
SURVEYOR ID No. 8250

**NOTES**  
1. NO INVESTIGATION OF UNDERGROUND SERVICES OR BUILDING FOOTINGS HAS BEEN UNDERTAKEN IN PREPARATION OF THIS SURVEY.  
2. ORIGIN OF LEVELS PM48883 R.L.68.4m (AHD) BY SCIMS, DATED 28TH APRIL 2020.  
3. TREE SIZES ARE ESTIMATES ONLY.  
4. DATE OF SURVEY 29TH APRIL 2020 & 8TH JULY 2020.  
5. UPDATED 7TH SEP 2020

www.1100.com.au  
**DIAL1100**  
BEFORE YOU DIG

UNDERGROUND SERVICES SEARCH SHOULD BE UNDERTAKEN PRIOR TO ANY EXCAVATION TAKING PLACE UPON THE SITE

TITLE:  
**SITE ANALYSIS SURVEY OVER LOT 1 IN D.P.577652 BEING No. 15 SEAVIEW TERRACE THIRROUL**

**JRK SURVEYS**  
SURVEYING.COM.AU  
LAND SURVEYORS info@surveying.com.au  
Wollongong (HQ) (02) 4284 9922  
Engadine (02) 9548 1338  
Petersham (02) 9572 9044  
Kingsford (02) 9663 1832

CLIENT:	GOOD BUILD GROUP PTY LTD	NOTES:	0.5m CONTOURS
LEVEL DATUM:	A.H.D.	SURVEY BY:	B.S. / J.K.
DRAWING No.	20-095P3	SCALE	1:100@A1 1:200@A3
SHEET	1	SHEETS	1
DATE:	7TH SEP 2020		

---

## Design Variation Statement – 15 Seaview Terrace, Thirroul

---

### Retaining wall

The retaining wall is inline with the Wollongong councils DCP objectives as it is non evasive and aesthetically pleasing as runs with the natural slope of the land. The visual impact from the street is minimal as the peak of the retaining wall is in the middle / end of the site not the beginning of the site. The retaining wall is necessary to level out the ground floor living areas of all three dwellings and increases the amenity of the site incredibly. There is a steep slope in the block and the retaining wall finishes 1.5m from the western side setback, we believe as stated in 4.17.3 a variation should be given considering the circumstances.

#### 4.17.2 Objectives

1. (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.
2. (b) To guide the design and construction of low height aesthetically pleasing retaining walls.
3. (c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall.
4. (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.

#### 4.17.3 Development Controls

1. A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than:
  1. (a) 600mm at any distance up to 900mm setback from any side or rear boundary; or
  2. (b) 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary.

Note: 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.

## Townhouse 3 – Kitchen / Dining room window

The highlight window in the kitchen / dining is at 1.8m high and it necessary for natural light and ventilation. This window does not pose any privacy issues to neighbouring properties.

### 5.4.2 Development Controls

2. *Council may only consider granting a variation to the setback requirements where the following can be demonstrated to Council's satisfaction:*
  - (a) *The siting of the building satisfies the setback objectives; and*
  - (b) *Windows which are located on the side or rear boundary are primarily provided for natural light or ventilation purposes. This would include highlight windows with a minimum 1.7m sill, fixed obscure glass windows, glass bricks or windows with fixed louvres; and*

## Attachment 3

### DRAFT CONDITIONS FOR: DA-2021/35

#### For Office use Only – Do Not mail

1 Approved Plans and Specifications to be inserted by Council.

#### General Matters

##### 2 **Geotechnical**

- All work is to be in accordance with the geotechnical recommendations contained in the report dated 31 August 2020 by Southern Geotechnics and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- Foundation systems are to be designed for Class P soils with all footings to be founded at least 0.3m within the underlying very stiff natural clay as recommended by the geotechnical consultant.
- Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.

##### 3 **Building Work - Compliance with the Building Code of Australia**

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

##### 4 **Construction Certificate**

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

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

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

##### 5 **Mailboxes**

The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. The developer must install minimum two (2 No.) reflective paint house number on face of kerb along street frontage of the property to assist emergency services/ deliveries/ visitors.

##### 6 **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.

##### 7 **Tree Management**

The developer shall retain existing trees indicated on Concept Landscape Plan by Zenith Dwg. No. 20-4248 L02 Issue B dated 21 December 2020 consisting of tree numbered 1, 5, 9, 10, 11, 12 and 18. Total number: seven (7 No.).

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS 4970-2009 Protection of Trees on development Sites.

Recommendations in arborist's report Ref. No. D4137 dated September 2020 by Allied Tree Consultancy Author Geoff Beisler & Warwick Varley to be implemented including and not restricted to: establishing Tree Protection Zones (TPZs), project arborist being present during work within Structural Root Zones (SRZs) and supervising work within TPZs, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZs, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, transplanting, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

The developer shall transplant tree numbered 4, 8 and 15. Total number: three (3 No.) to an appropriate location on site by an experienced and qualified contractor.

The developer shall remove existing trees numbered 2, 3, 6, 7, 13, 14, 17 and A (a *Grevillea robusta*) Total number: eight (8 No.).

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

#### **8 Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels. The above requirements must be clearly shown on Construction Certificate plans prior to the release of the Construction Certificate.

#### **9 Present Plans to Sydney Water**

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

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

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

#### **10 Endeavour Energy Requirements**

The submission of documentary evidence from Endeavour Energy to the PC is required confirming that satisfactory arrangements have been made with Endeavour Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

**Note:** Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

#### **11 Telecommunications**

The submission of documentary evidence from an approved telecommunications carrier to the PC confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

#### **12 Obscure Glazing for all Bathroom and WC Windows**

The bathroom and WC windows for each dwelling in the development shall be frosted or opaque glass. This requirement shall be reflected on the Construction Certificate plans.

#### **13 Fencing**

The development is to be provided with fencing and screen walls at full cost to the applicant/developer as follows:

- a where a screen wall faces the road, pedestrian walkway, reserve or public place that wall shall be constructed of the same brickwork as that used in the external wall of the building;
- b front fence maximum height 1.2m.

- c rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8metre high brick, timber lapped and capped, palisade or colorbond fences;
- d any new fences or screens constructed on the site shall be of a type that will not obstruct the free flow of surface runoff from adjoining properties and be compatible with stormwater drainage requirements;
- e comply with the principles in Appendix 4 of Planning for Bush Fire Protection 2019 (PBP 2019), Standards for Asset Protection Zones (NSW Rural Fire Service) and recommendations included in any Bushfire Assessment reports; and;
- f fencing is to suit character of local area.

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

- 14 In order to reduce the opportunities for “hiding places” the proposed landscaping must:

- a use shrubs/plants which are no higher than 1 metre.
- b the type of trees proposed must have a sufficiently high canopy, when fully grown, so that pedestrian vision is not impeded.

This requirement shall be reflected on the Construction Certificate plans.

- 15 The development shall provide suitable light spillage mitigation measures within the development to mitigate against any adverse light spillage impacts upon surrounding properties. This requirement shall be reflected on the Construction Certificate plans. The implementation of the approved light spillage mitigation measures is required prior to the use or occupation of the development.

16 **Car parking and Access**

The development shall make provision for a total of 7 car parking spaces including 1 visitor space. 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.

- 17 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

18 **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.

19 **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.

20 **Water/Wastewater Entering Road Reserve**

Provision shall be made for a minimum 200mm wide grated box drain along the boundary of the property at the vehicular crossing/s to prevent surface water entering the road reserve. This requirement shall be reflected on the Construction Certificate plans.

### Landscaping

The submission of a final Landscape Plan to the PC, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a planting of indigenous plant species typical of the Illawarra Region such as: *Syzygium smithii* (formerly *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Brachybiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species for the Thirroul area may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;
- b a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees;
- d any proposed hard surface under the canopy of an existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations;
- e the developer shall ensure that proposed planting is child friendly and must **not** include any of the types of plants listed below: **i)** plants known to produce toxins; **ii)** plant with high allergen properties; **vi)** any weed or potential weed species;
- f no street tree planting;
- g with limited existing open space consideration be given for incorporating 'green walls' with the use of trellis and climbing plants trained over to make use of bare vertical walls and fencing along boundary between Units 1, 2 and 3;
- h each unit to have tree planting incorporated into planting proposal in rear yards. Suggested species *Waterhousea floribunda* 'Sweeper'.
- i where turf is proposed adjacent to built structures and garden beds the applicant shall install a 110mm wide brick mowing edge with concrete footing to minimise maintenance; and;
- j any fill material should not cover topsoil. Topsoil shall be removed, stockpiled, ameliorated and replaced over any fill material to a minimum depth of 100mm.
- k the path to the rear of Unit 3 is to be designed to be permeable.
- l the drying area for Unit 3 to be outside of the deep soil zone and to be consistent with the Ground Floor Plan.
- m deep soil zone shall be provided along the rear, 6m deep, and densely planted with trees and shrubs.

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

- 22 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the PC prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 23 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the PC prior to release of the Construction Certificate.

### 24 Tree Protection Measures

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.

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

## 25 **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.

## 26 **Pier and Beam Footings Adjacent to any Drainage Easement**

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900 mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural Engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

## 27 **Property Addressing Policy Compliance**

Prior to the issue of any Construction Certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing ([propertyaddressing@wollongong.nsw.gov.au](mailto:propertyaddressing@wollongong.nsw.gov.au))**, for the site addressing prior to the issue of the Construction Certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.

## 28 **Street Trees**

The developer must address the street frontage by planting one 200 litre container size street tree, in accordance with AS 2303:2018 Tree stock for landscape use. Street trees are to be installed in accordance with Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. 'Dial Before You Dig' must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and staking installed to the satisfaction of WCC Manager of Works. Staking is to consist of min. 3 x

2400 x 50 x 50mm hardwood stakes driven min 600mm into firm ground. Hessian webbing is to be utilised to secure plant stock to industry standard.

These requirements shall be reflected on the Construction Certificate plans and any supporting documentation.

29 **Sizing of Drainage**

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

30 **Stormwater Drainage Design**

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, prepared by Australian Consulting Engineers, Reference No. 200421, issue A, dated 18 December 2020.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

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

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

- a Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- b The detailed design of the development must ensure that post development flows to Seaview Terrace are equal to or less than the pre development flows in the 5 and 100 year storm event.
- c The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- d The OSD facility shall incorporate a minimum 600mm x 600mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- e Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP 2009.

- f Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- g Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the Occupation Certificate:
  - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - Identification number DA-2021/35;
  - Any specialist maintenance requirements.
- h Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP 2009.

32 **Designated Overland Flow Paths**

Details of each overland flow path 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.

33 **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.

34 **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.

35 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$13,460.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

<b>METHOD</b>	<b>HOW</b>	<b>PAYMENT TYPE</b>
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1298323	<ul style="list-style-type: none"><li>• Credit Card</li></ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"><li>• Cash</li><li>• Credit Card</li><li>• Bank Cheque</li></ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at [www.wollongong.nsw.gov.au](http://www.wollongong.nsw.gov.au)

### **Prior to the Commencement of Works**

#### **36 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.

#### **37 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.

38 **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.

39 **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.

40 **Enclosure of the Site**

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

41 **Demolition Works**

The demolition of the existing dwelling and ancillary structures 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.

42 **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.

43 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

44 **Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

45 **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.

46 **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.

47 **Tree Protection Implementation**

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

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

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

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

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

49 **Dilapidation Report**

The developer shall submit a Dilapidation Report recording the condition of the existing streetscape, street trees and adjoining reserve prior to work commencing and include a detailed description of elements and photographic record.

50 **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.

- 51 **Protection of Public Infrastructure**  
Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.  
  
Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.  
  
Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.
- 52 **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**
- 53 **Avoidance of Cruelty and Harm to Fauna**  
During tree removal works, all care shall be taken to avoid harm to protected fauna or deliberate cruelty to animals.
- 54 **Injured Fauna**  
In the event any native fauna are injured during tree removal works, then the NSW Wildlife Information, Rescue and Education Service (WIRES) shall be contacted for assistance (phone 1300 094 737).
- 55 **Flows from Adjoining Properties**  
Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 56 **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.
- 57 **Prohibition of any Encroachment into Drainage Easement**  
No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.
- 58 **Tree Protection and Management**  
The developer shall ensure that any exposed trees roots are adequately protected. Should existing hard surfaces be required to be removed from under the canopy of an existing tree, measures must be taken to protect exposed roots. Immediately following the removal of a hard surface, a protective layer of hessian and 10 mm depth of damp washed river sand must be placed on exposed root zone. This protective layer must be maintained until the new surface is installed. Any damage inflicted on a tree shall be treated by an approved arborist at the developer's expense.

- 59 **Copy of Consent to be in Possession of Person carrying out Tree Removal**  
The applicant must ensure that any person carrying out tree removal is in possession of this development consent and the approved landscape plan, in respect to the vegetation which has been given approval to be removed in accordance with this consent.
- 60 **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.
- 61 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".
- 62 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.
- 63 All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 64 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**  
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).
- 65 **Asbestos Waste Collection, Transportation and Disposal**  
Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this this type of waste. A receipt must be retained and submitted to the PC, and a copy submitted to Council (in the event that Council is not the PC), prior to commencement of the construction works.
- 66 **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.

67 **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.”

68 **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

69 **Screen Planting**

To mitigate impact to adjoining dwellings a continuous hedge is to be established along the eastern and western side boundaries for the length of property boundary. Recommended species: *Callistemon viminalis* ‘Slim’, *Photinia glabra* Rubens, *Viburnum tinus*, *Syzygium australe* Aussie Southern, *Syzygium*, ‘Resilience’, *Viburnum odoratissimum* Dense Fence or *Waterhousea floribunda* Sweeper. Minimum spacing 1000mm. Minimum pot size 5 lt.

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

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

70 A Section 73 Certificate must be submitted to the PC prior to occupation of the development.

71 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council’s M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information must be submitted to the PC prior to the issue of the final Occupation Certificate.

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

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

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

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

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

73 **Retaining Wall Certification**

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

74 **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.

75 **Compensatory Planting**

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, ten (10 No.) 200 litre container advanced mature plant stock shall be placed within the property boundary of the site in appropriate locations. The suggested species are to be selected from the following list: *Elaeocarpus reticulatus* Blueberry ash, *Livistona australis* Cabbage palm tree, or *Brachybiton acerifolius* Illawarra Flame Tree. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. Installation of compensatory planting is required prior to the issue of Occupation Certificate.

76 **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.

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

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

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

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

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

79 **Completion of Landscape Works**

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

**Operational Phases of the Development/Use of the Site**

80 **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.

81 Privacy Screens as approved must be maintained, fit for purpose, for the life of the development.

82 All vehicles must enter and exit the site in a forward direction.