

Wollongong Local Planning Panel Assessment Report | 20 February 2020

WLPP No.	Item No. 1
DA No.	DA-2019/1176
Proposal	Residential - demolition of existing garage, construction of new garage, garage addition and conversion of garage addition to secondary dwelling - phased development
Property	2 Collins Avenue, Woonona
Applicant	Mr Corey Robinson
Responsible Team	Development Assessment and Certification - City Centre Team (CB)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

The proposal has been referred to Wollongong 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 captured by Clause 1(c) as the owner is a member of Council staff who is principally involved in the exercise of Council's functions under the *Environmental Planning and Assessment Act 1979*.

Proposal

The proposal has two phases but is not staged under the Act. Phase 1 involves the demolition of an existing detached garage and the construction of a new detached garage and garage addition. Phase 2 involves the conversion of the garage addition into a 2 bedroom secondary dwelling.

Permissibility

The site is zoned R2 Low Density Residential pursuant to the Wollongong Local Environmental Plan 2009. Phase 1 of the proposal is categorised as development ancillary to the use of the principal dwelling and is permissible in the zone with development consent. Phase 2 of the proposal is categorised as a secondary dwelling and is a permissible use with development consent in accordance with the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Consultation

The proposal was notified in accordance with Council's Notification Policy and did not receive any submissions.

The proposal was referred to Council's Stormwater, Landscape and BCA Officers who have reviewed the application and provided satisfactory referral comments.

Main Issues

The main issues identified during the assessment process include:

- Non-compliant garage side setback
- Tree management

RECOMMENDATION

It is recommended that DA-2019/1176 be approved, subject to conditions provided at Attachment 4.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development

State Environmental Planning Policies

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Coastal Management) 2018

Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2018

1.2 DETAILED DESCRIPTION OF PROPOSAL

The development is proposed as a phased development as per the following:

Phase 1:

- Retention of existing principal dwelling
- Demolition of existing detached garage while retaining the existing concrete slab
- Removal of ten (10) Lilli Pilli trees
- Construction of new garage and garage addition with cement fibro clad walls and a Colorbond roof
- The garage addition includes the construction of an attached timber deck and timber entry steps
- The new garage will provide one (1) parking space for the principal dwelling and the garage addition will be used as a workshop and for storage

Phase 2:

- Retention of garage
- Conversion of garage addition into a 2 bedroom secondary dwelling
- Changes to the internal configuration of the building
- External changes include removal of an eastern elevation door and timber entry steps

1.1 BACKGROUND

Previous applications relevant to the proposal:

Application	Description	Application Type	Decision	Decision Date
DA-2013/987	Residential – alterations and additions	Development Application	Approved	25 Sep 2013
DA-2013/987/A	Residential – alterations and additions	Development Application	Approved	6 June 2014

	Modification A – to delete laundry addition to garage and relocate proposed laundry within the dwelling			
DA-2013/987/B	Residential – alterations and additions Modification B – reinstate addition to garage for use as garage/ workshop	Development Application	Approved	28 Oct 2016
DA-2017/800	Residential – alterations and additions	Development Application	Approved	25 Aug 2017

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

1.2 SITE DESCRIPTION

The site is located at 2 Collins Ave, Woonona and the title reference is Lot 34 DP 35806. The site is regular in shape, oriented in an east/ west axis, with a total area of 741m². This is a relatively flat site with a slight fall down to the street.

Existing development consists of a single storey clad dwelling with a metal roof and attached rear awning, a detached metal garage, a timber shed, and concrete driveway. Vehicular access is achieved from Collins Avenue.

Adjoining development largely consists of single storey older style homes. The southern neighbour is a two storey dwelling with a detached outbuilding. This property is located between tributaries of Collins Creek.

Property constraints

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

- Flooding – medium risk flood precinct
- Acid sulfate soils – Class 4
- There are no restrictions on the title.

1.3 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser. No submissions were received following the notification.

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Council's Stormwater, landscape and building Officers have reviewed the application and given satisfactory referrals. Conditions of consent were recommended and are included in the consent.

1.4.2 EXTERNAL CONSULTATION

None required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. There are no substantial earthworks proposed and the proposal does not comprise a

change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

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 STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

Phase 2 of this development entails the conversion of the garage addition into a secondary dwelling. Secondary dwellings are permissible under the provisions of this policy.

The applicable clauses from the policy are included and addressed below.

Division 2 Secondary dwellings

19 Definition

In this Division:

development for the purposes of a secondary dwelling includes the following:

- (a) the erection of, or alterations or additions to, a secondary dwelling,*
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

Note.

The standard instrument defines secondary dwelling as follows:

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

20 Land to which Division applies

This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones, but only if development for the purposes of a dwelling house is permissible on the land:

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,***
- (c) Zone R3 Medium Density Residential,*
- (d) Zone R4 High Density Residential,*
- (e) Zone R5 Large Lot Residential.*

The subject property is zoned R2 Low Density Residential.

21 Development to which Division applies

This Division applies to development, on land to which this Division applies, for the purposes of a secondary dwelling and ancillary development (within the meaning of Schedule 1).

22 Development may be carried out with consent

- (1) Development to which this Division applies may be carried out with consent.*
- (2) A consent authority must not consent to development to which this Division applies if there is on the land, or if the development would result in there being on the land, any dwelling other than the principal dwelling and the secondary dwelling.*

(3) A consent authority must not consent to development to which this Division applies unless:

(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and

Complies.

(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area.

The total floor area of the secondary dwelling is 55.18m² which is compliant with the provisions of this clause.

(4) A consent authority must not refuse consent to development to which this Division applies on either of the following grounds:

(a) site area if:

(i) the secondary dwelling is located within, or is attached to, the principal dwelling, or

Complies.

(ii) the site area is at least 450 square metres,

Complies

(b) parking if no additional parking is to be provided on the site.

No additional parking is proposed. However, an additional hard stand parking space is available on the driveway.

(5) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (4).

Noted.

24 No subdivision

A consent authority must not consent to a development application that would result in any subdivision of a lot on which development for the purposes of a secondary dwelling has been carried out under this Division.

It is to be a condition of consent that the development cannot be subdivided.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site identified under this policy as being located within the proximity area for coastal wetlands. The proposed development is small in scale and the site does not have a direct interface with the coastline. No concerns are raised with respect to Divisions 3, 4 or 5 of this policy.

The proposal is not considered likely to have an adverse impact on the biophysical, hydrological or ecological environments, or the quantity or quality of surface and ground water flows to and from the adjacent coastal wetlands.

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

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

“Secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note.

See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.”

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives as it provides the housing needs of the community within a low density residential environment.

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

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; 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; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals

Dwellings are a permitted use in accordance with the provisions of the above land use table. The garage and garage addition is considered to be development ancillary to the use of the Principal Dwelling.

Secondary dwellings are not listed in the land use table however are permitted under SEPP (Affordable Rental Housing) 2009 as detailed above.

Clause 2.7 Demolition requires development consent

The applicant seeks consent for the demolition of the existing garage in accordance with the provisions of Cl 2.7 of the LEP. Standard demolition conditions are recommended.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed garage/ secondary dwelling height of 4.8m 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:	741 m ²
GFA:	Principal Dwelling 188.72m ²
	Shed 14.17m ²
	Garage/
	Secondary Dwelling 56.97m ²
	(including parking requirements)
	Total 259.87m ²
FSR:	259.87/741 m ² = 0.35:1

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services.

Clause 7.3 Flood planning area

The site is flood affected and is identified as medium flood risk. Overland flow has been satisfactorily addressed. All controls of Chapter E13 of the DCP have been complied with, evacuation for the proposed secondary dwelling is satisfactorily addressed with the Principal Dwelling being above the PMF storm event.

Council's Stormwater Engineer has assessed the application in this regard and has not raised any objections. No flooding conditions were recommended.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 4 acid sulphate soils. An acid sulphate soils management plan is not required as the proposed works do not exceed 2 m below the natural ground surface and the watertable is unlikely to be lowered by more than 2 metres. The standard condition is recommended in this instance.

Clause 7.6 Earthworks

The proposal comprises only minimal earthworks associated with garage and secondary dwelling construction on a concrete slab which is considered to be of minor nature which could otherwise be carried out without separate development consent.

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

Not applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variation to development controls in the DCP

Setback less than 500mm from side boundary of garage

The proposal seeks a variation to the minimum side setback requirement of 500mm for a detached garage and a minimum eave side setback of 450mm. For detached garages, the DCP allows for a reduced side setback if masonry construction is used. The proposed southern wall side setback is 373mm and eave setback of 173mm, masonry construction is not proposed. Masonry construction of the southern garage elevation is a requirement to ensure ongoing satisfactory building maintenance. Conditions are recommended to ensure compliance in this regard and that the development is wholly located within the subject property.

Subject to conditions of consent, it is considered that the proposed variation satisfies the objectives of the clause. The relevant objectives of the control are outlined below:

Chapter B1: 4.3 Side and Rear Setbacks

a To create a consistent pattern of building separation along streets.

The garage is set well back from the street at 24.8 metres. The new garage will largely be constructed in the location of the old one. Accordingly, there is minimal change to the existing pattern of building separation along streets.

b To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing

There is no potential for overlooking as the southern garage elevation is a blank wall.

c To ensure that buildings are appropriately sited having regard to site constraints.

The new garage will be located where the old garage is currently sited. Garage location is restricted by the location of the existing principal dwelling and driveway.

d To control overshadowing of adjacent properties and private or shared space.

The single garage is a modest building. Located in close proximity to a neighbouring garage at No. 4 Collins Avenue, the northern elevation of this building is similarly a blank wall. In these

circumstances, it is considered that the overshadowing impacts posed by the garage are minimal.

e To ensure improved visual amenity outcomes for adjoining residences

The proposed garage design is consistent with existing garages in the area, particularly the southern neighbour at No. 4 Collins Avenue. Visual amenity outcomes for this neighbour are acceptable and maintained with the existing bamboo screening along the common property boundary.

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Maximum Number of Storeys</u>		
<ul style="list-style-type: none"> R2 max height of 9m or two storey Ancillary structures one storey In R2 Low density Residential zones, where development occurs within the 8m rear setback, the development is limited to single storey 	The proposed development is single storey with a maximum height of 4.8 metres	Yes
<u>4.2 Front Setbacks</u>		
<ul style="list-style-type: none"> Infill 6m but less dependent on street character Garages and carports 5.5m min 	<p>The front setback of the garage/ secondary dwelling is 24.8 metres.</p> <p>The proposed development is set well back behind the front building alignment of the principal dwelling.</p>	Yes
<u>4.3 Side and Rear Setbacks</u>		
<ul style="list-style-type: none"> Wall side and rear setback: 500mm min for detached garage and 900mm for the secondary dwelling Eave setback: 450mm min Balconies and windows of habitable rooms to minimise direct overlooking to neighbouring property 	<p>Side Setbacks – 373mm (south) & 9.588mm (north)</p> <p>Rear setback – 900mm.</p> <p>This is a single storey building that affords adequate privacy to neighbouring properties.</p>	No- variation considered acceptable
<u>4.4 Site coverage</u>		
Maximum site coverage of 50 per cent if the area of the lot has an area of at least 450m ² but less than 900m ²	Lot size: 741m ² Site coverage: 39.4%	Yes
<u>4.5 Landscaped Area</u>		
<ul style="list-style-type: none"> For lot areas between 600m² to 900m², the required landscaped area is 120m² + 30% of the site area > 600m² 50% of landscaped area behind building line 	<p>Minimum landscaped area: 120 + (0.3 x 141) = 162.3m²</p> <p>Landscaped area provided: >162.3m²</p>	Yes

<ul style="list-style-type: none"> Landscaping to be integrated with drainage 	<p>More than 50 % of the landscaped area is behind the front building line.</p>	
<p><u>4.6 Private Open Space</u></p>		
<ul style="list-style-type: none"> 24m² POS per dwelling must be directly accessible from the living areas; min width of 4m and no steeper than 1:50 Not located on side boundaries or front yards without variation clotheslines and other site facilities to be provided outside POS 	<p>Principle Dwelling: A suitable private open space is provided with the rear timber deck.</p> <p>Secondary Dwelling: A suitable private open space is provided in the rear yard, adjacent to the living/dining room of the secondary dwelling</p>	<p>Yes</p>
<p><u>4.7 Solar Access</u></p>		
<ul style="list-style-type: none"> Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June. At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21. Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings. 	<p>Development is single storey. Neighbouring dwellings achieve prescribed solar access requirements.</p>	<p>Yes</p>
<p><u>4.8 Building Character and Form</u></p>		
<ul style="list-style-type: none"> Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. Where garages are proposed on the front elevation they must be articulated from the front façade. 	<p>The design, height and siting of the garage/ secondary dwelling is considered to respond to its site context. Building design and materials are consistent with the principal dwelling and surrounding residential development.</p>	<p>Yes</p>
<p><u>4.10 Car parking and Access</u></p>		
<ul style="list-style-type: none"> 2 spaces per dwelling with a GFA of greater than 125m² Car parking spaces may be open hard stand space, driveway, carport or a garage. Garage door facing roads—not greater than 50% of the width of the dwelling. Carports must be setback behind the front building line. 	<p>The property contains an existing driveway and single garage.</p> <p>The principal dwelling requires the provisions of two (2) car parking spaces. One (1) space is provided with the single garage and one (1) hard stand parking space is available on the existing driveway.</p> <p>While parking is not a requirement for secondary dwellings under the SEPP (Affordable Rental Housing) 2009,</p>	<p>Yes</p>

<ul style="list-style-type: none"> Garages must be setback min of 5.5 from front boundary. Driveways shall be separated from side boundaries by a minimum of 1m. Driveways shall have a max cross-over width of 3m. 	<p>there is potential to provide one (1) hard stand parking space within the existing driveway in compliance with the provisions of this clause.</p> <p>The proposal has been assessed against the relative objectives and is considered satisfactory.</p>	
<u>4.11 Storage Facilities</u>		
<ul style="list-style-type: none"> 2 bedroom - 8m³ storage volume to 4m² storage area 	<p>The proposed secondary dwelling provides adequate storage in accordance with the requirements of this clause.</p>	Yes
<u>4.12 Site Facilities</u>		
<ul style="list-style-type: none"> letterboxes in an accessible location air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback 	<p>It is considered that the proposal is capable of complying with the provisions of this clause.</p>	Yes
<u>4.13 Fire Brigade Servicing</u>		
<ul style="list-style-type: none"> All dwellings located within 60m of a fire hydrant Hydrant location: 15 Adams Parade 	<p>The proposal has been assessed against the relative objectives and is considered satisfactory.</p>	Yes
<u>4.14 Services</u>		
<ul style="list-style-type: none"> Encourage early consideration of servicing requirements 	<p>The site is serviced by water, electricity, sewerage and the internet</p>	Yes
<u>4.16 View sharing</u>		
<ul style="list-style-type: none"> To protect and enhance view sharing, significant view corridors A range of view sharing measures to be considered for building design 	<p>The proposal has been assessed against the relative objectives and is considered satisfactory.</p>	Yes

CHAPTER D1 – CHARACTER STATEMENTS

The proposal is considered to be consistent with the existing and desired future character for the locality as described in Clause 3.16 Woonona. It is considered that the development compliments the low density residential character of the area which is typified by older style single storey housing. The existing street character is maintained by the development.

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

The proposal satisfies the requirements outlined in Chapter E3: car parking, access, servicing/loading facilities and traffic management. While no additional parking is required, there is potential to supply a hard stand parking space on the existing driveway.

CHAPTER E6: LANDSCAPING

The property contains an established garden and was referred to Council’s Landscape Architect for comment due to potential impacts on existing trees. The proposal was also accompanied with an arborists report which considered the impact on two (2) neighbouring trees at 25 Adams Parade, Woonona. Councils’ Landscape Architect provided a satisfactory referral, subject to recommended conditions of consent.

CHAPTER E7: WASTE MANAGEMENT

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

CHAPTER E13 FLOODPLAIN MANAGEMENT

The property is identified as being located within a medium risk flood precinct. Council's Stormwater Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the consent.

CHAPTER E14 STORMWATER MANAGEMENT

The property slopes gently down towards the street and is not located within an OSD concession zone. However, the impervious area of the site will not increase by more than 100m². Therefore, an OSD facility is not required for this development. The proposal was reviewed by Council's Stormwater Engineer who provided a satisfactory referral, subject to recommended conditions of consent.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The development has potential impact upon two neighbouring trees and an arborists report was submitted to review these impacts. Further, the proposal requires the removal of ten (10) Lilli Pillies on the subject property. The development was reviewed by Council's Landscape Architect, who provided a satisfactory referral, subject to recommended conditions of consent.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The proposal comprises only minimal earthworks associated with slab construction on relatively flat land, which is considered to be minor in nature, and would otherwise be carried out without separate development consent.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The proposal requires the demolition of the existing metal garage and the construction of a new garage in the same location. Standard demolition conditions apply.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$70,000 and a levy is not applicable under this plan as the threshold value is \$100,000.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Not applicable as the proposal entails building works for an existing building.

94 Consent authority may require buildings to be upgraded

Clause 94 applies to this development as building work is proposed for the rebuilding of an existing building where the proposed building work represents more than half the total volume of the building. Council's Building Officer has reviewed the application and given a satisfactory referral. Conditions of consent were recommended and are included in the consent.

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.
- No submissions were received following notification
- Internal referrals are satisfactory subject to appropriate conditions of consent

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 any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. No submissions were received following the notification.

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

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

3 CONCLUSION

This application has been assessed as satisfactory having regard to Section 4.15(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 site is zoned R2 Low Density Residential where development ancillary to a principal dwelling is a permitted land use. Secondary dwellings are not listed in the zone land use table, however, are permitted under SEPP (Affordable Rental Housing) 2009.

The proposed development aligns with the objectives of the zone and the design of the development is appropriate regarding the controls outlined in these instruments. The garage side setback is less than the minimum requirement specified in WLEP 2009 for residential development. A variation statement accompanied the application that satisfactorily justified the variation in this instance.

The proposal was notified in accordance with the provisions of Council policy and no submissions were received. Internal referrals are satisfactory.

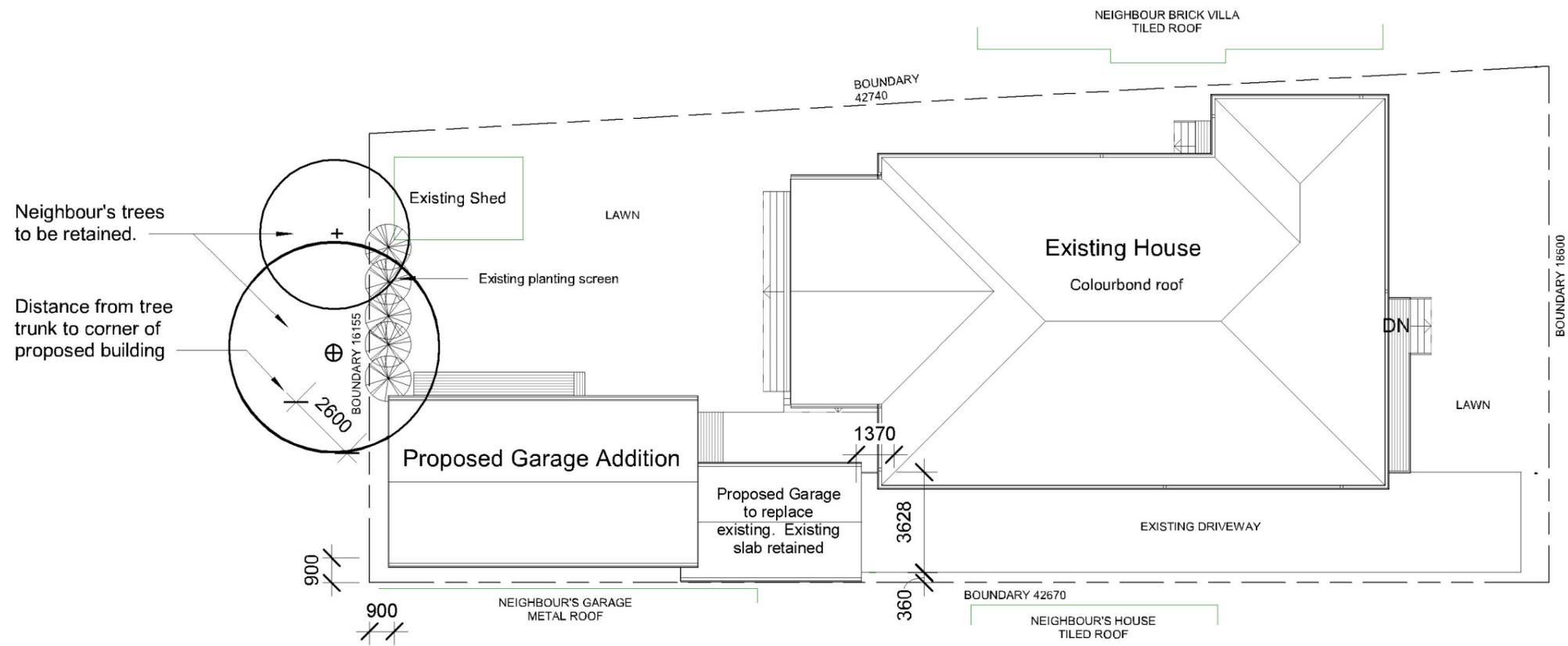
Overall, It is considered that the proposed development is appropriately designed given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the character or amenity of the surrounding area.

4 RECOMMENDATION

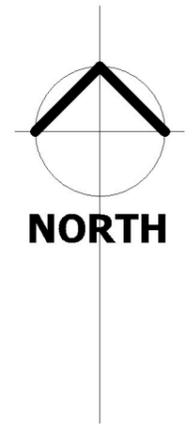
It is recommended that DA-2019/1176 be approved subject to appropriate conditions of consent at attachment 4.

5 ATTACHMENTS

- 1 Plans
- 2 Aerial photograph map
- 3 Zoning map
- 4 Draft conditions of consent



NO 2 COLLINS AVENUE WOONONA



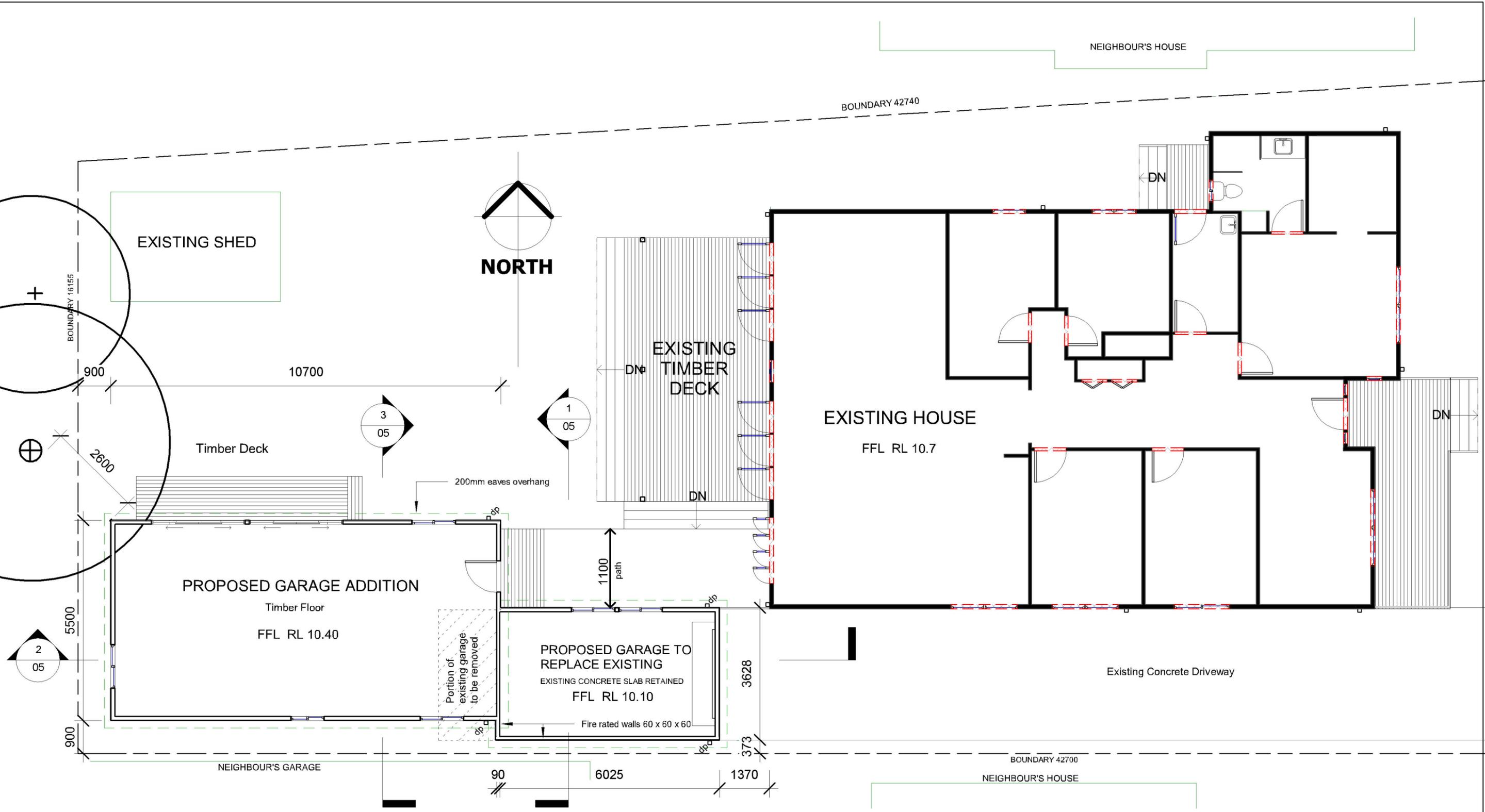
1 Site
1 : 200

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No.	Description	Date

2 Collins Avenue Woonona
Phase 1 - Alterations to existing garage and proposed garage addition

SITE PLAN		
Project number	2019	01
Date	July	
Drawn by	Mr E. Peros	
Checked by	EP	
Scale		1 : 200



1 Garage Floor Level
1 : 100

FLOOR AREA CALCULATIONS:

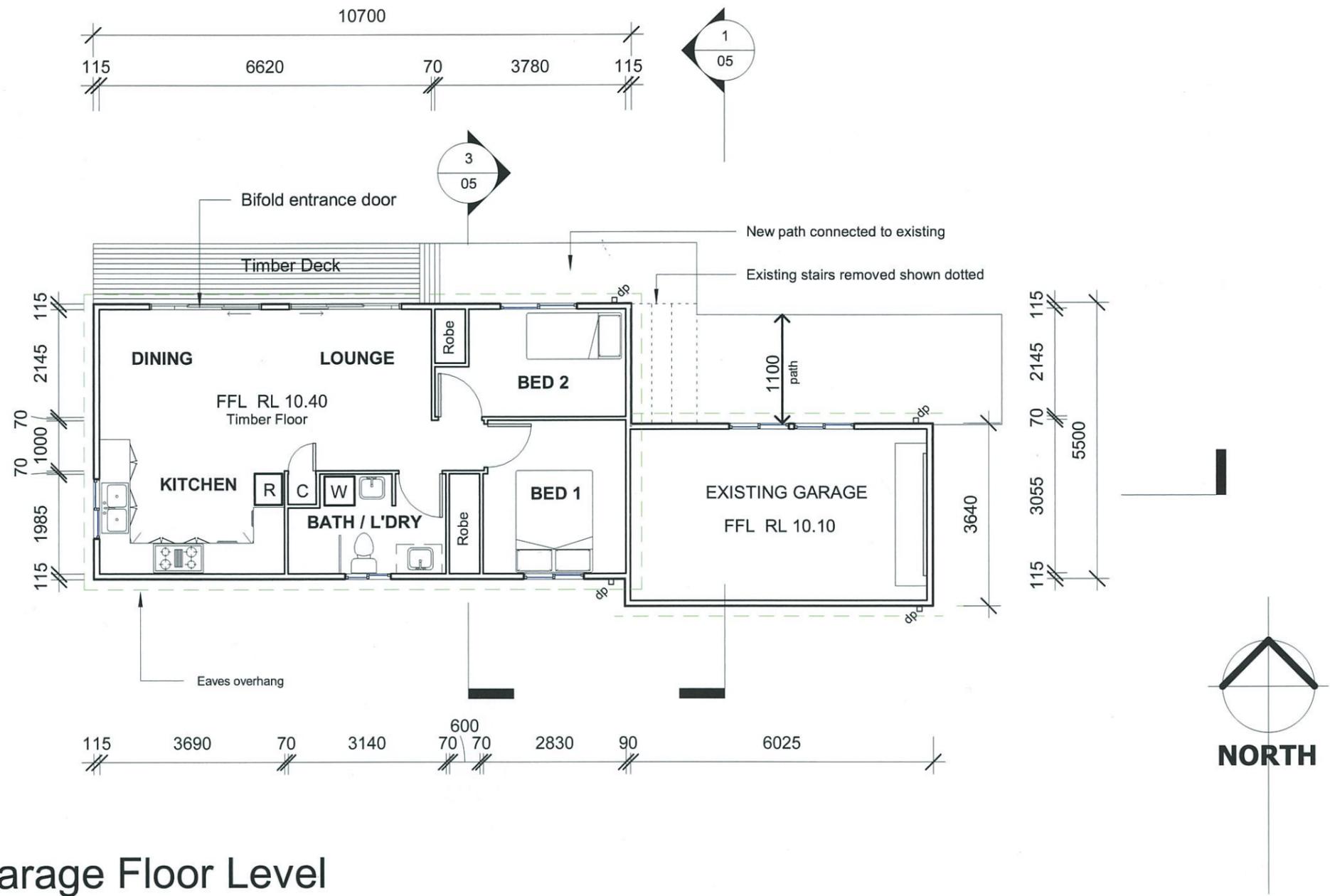
Existing garage;	27.20 m2
Proposed garage addition;	58.85 m2
Portion of existing garage to be demolished;	5.35m2
Total addition;	53.5m2

No.	Description	Date

**2 Collins Avenue
Woonona**
Phase 1 - Alterations to existing garage
and proposed garage addition

FLOOR PLAN

Project number	2019	02
Date	July	
Drawn by	Mr E. Peros	
Checked by	EP	
Scale		1 : 100



1 Garage Floor Level
1 : 100

FLOOR AREA CALCULATIONS:

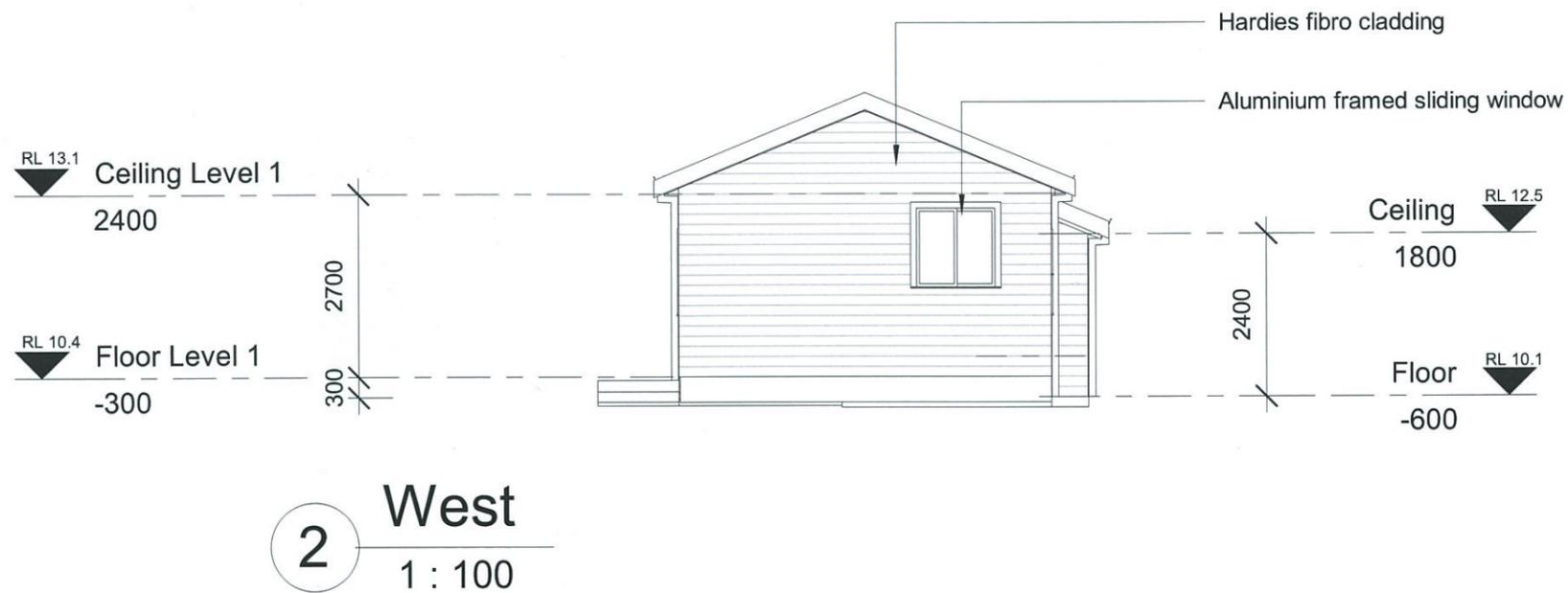
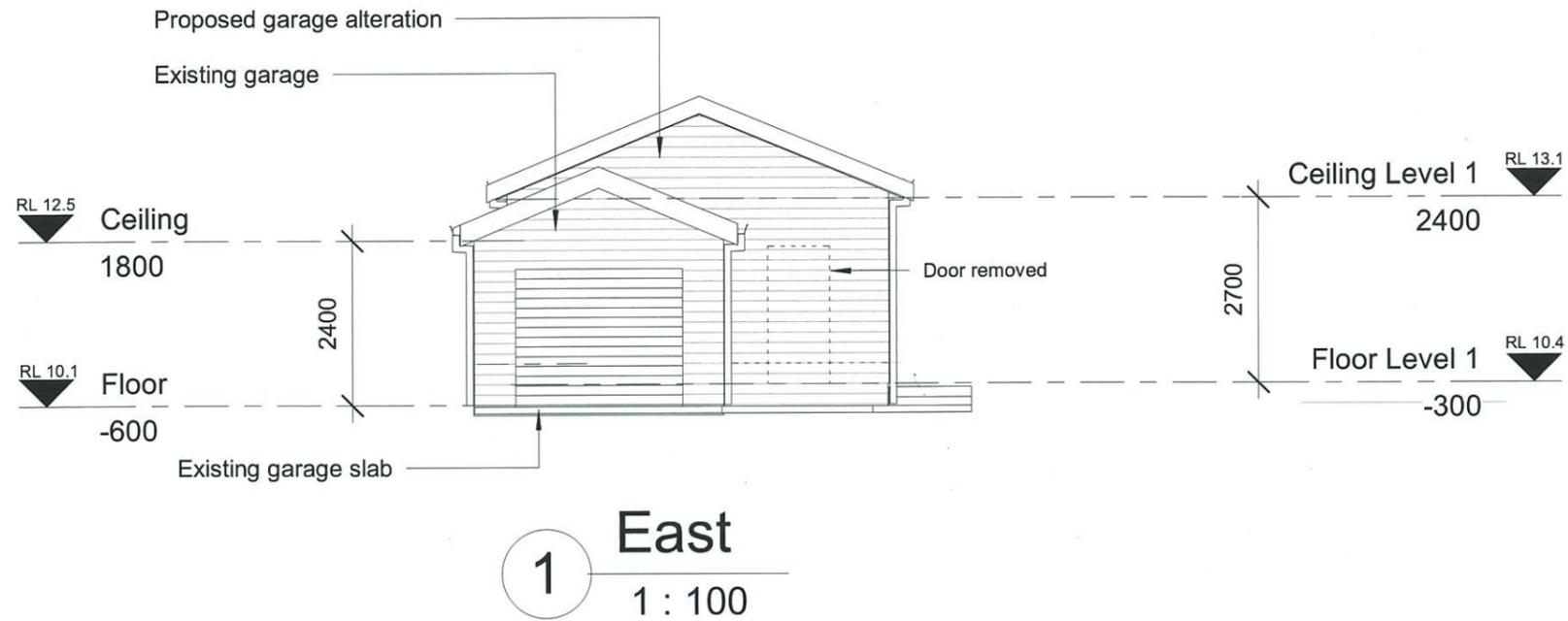
Existing garage;	27.20 m ²
Proposed garage addition;	58.85 m ²
Portion of existing garage to be demolished;	5.35m ²
Total addition;	53.5m ²

No.	Description	Date

**2 Collins Avenue
Woonona**
Phase 2 - Proposed conversion of
garage to secondary dwelling

FLOOR PLAN

Project number	2019	02
Date	July	
Drawn by	Mr E. Peros	
Checked by	EP	
Scale		1 : 100



No.	Description	Date

**2 Collins Avenue
Woonona**

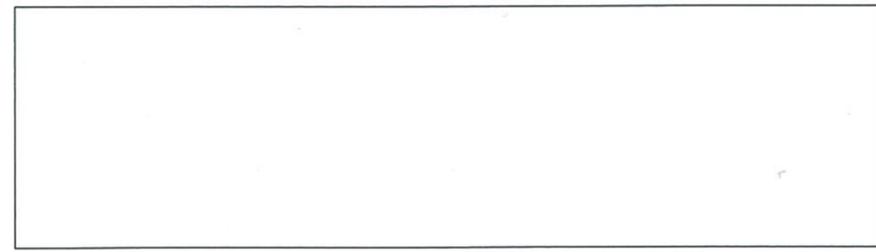
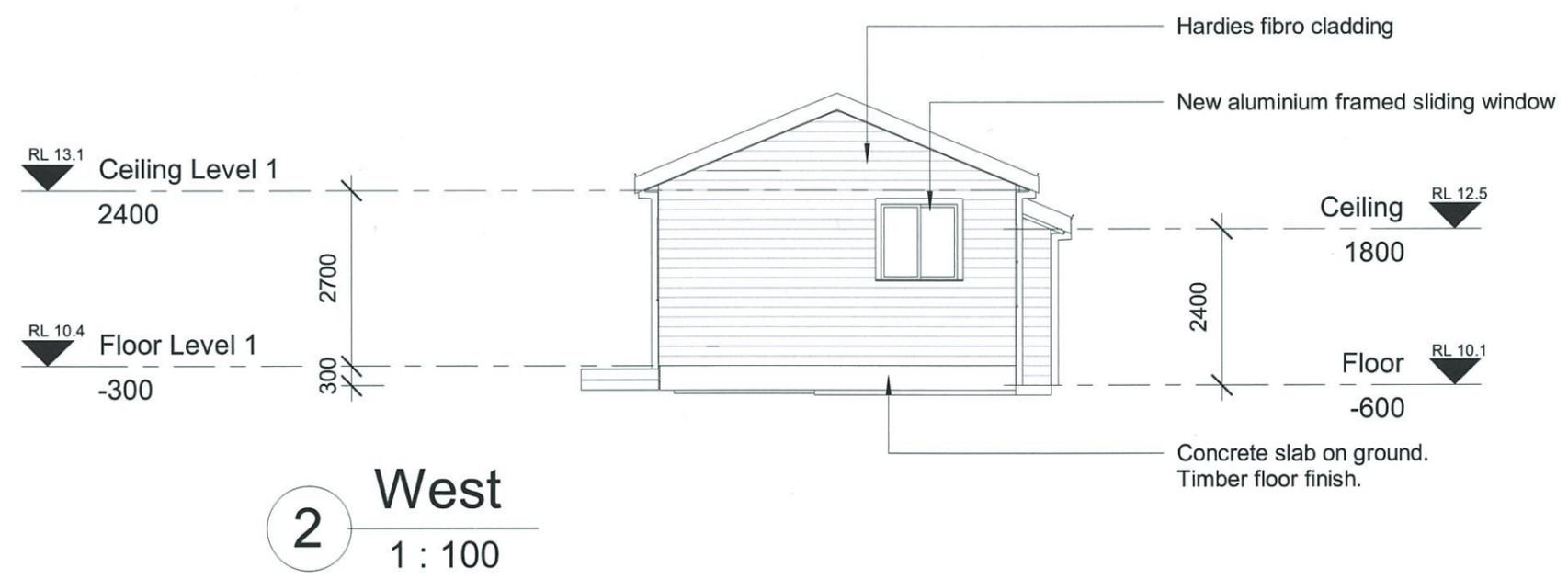
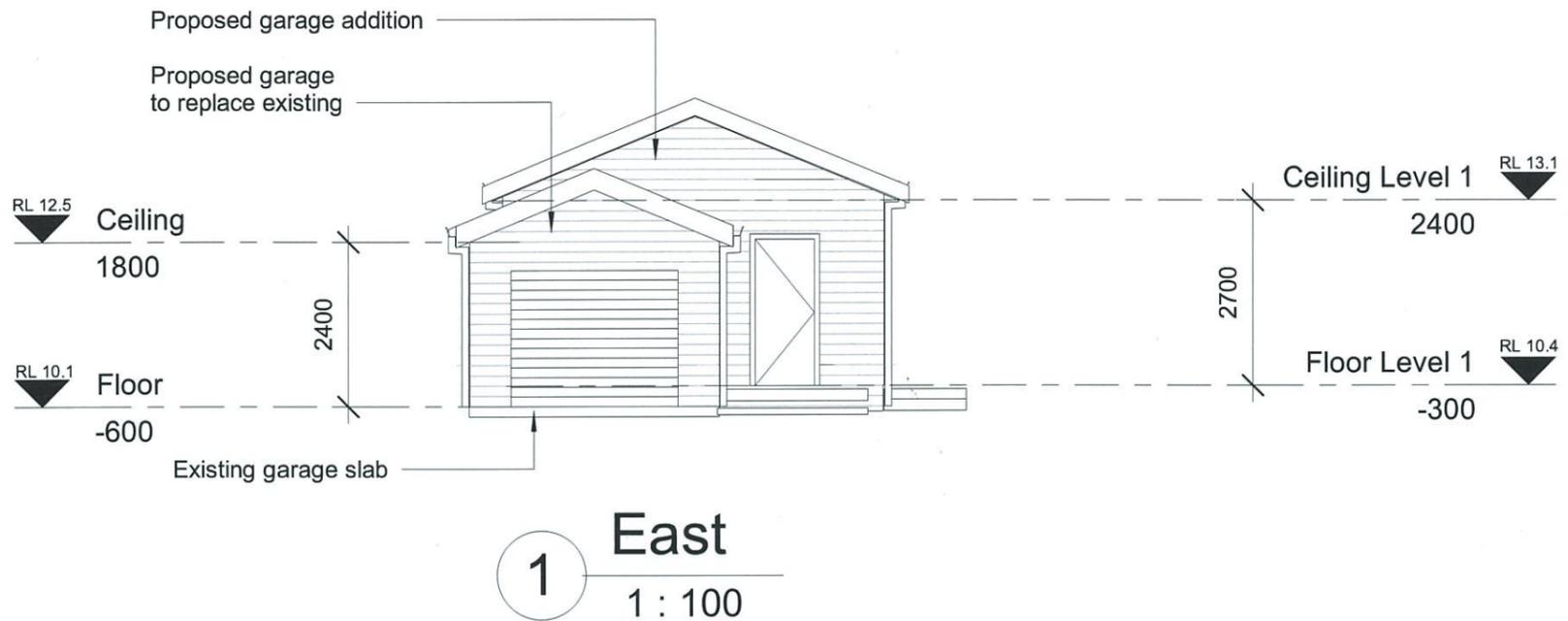
Phase 2 - Proposed conversion of
garage to secondary dwelling

ELEVATIONS

Project number	2019
Date	July
Drawn by	Mr E. Peros
Checked by	EP

04

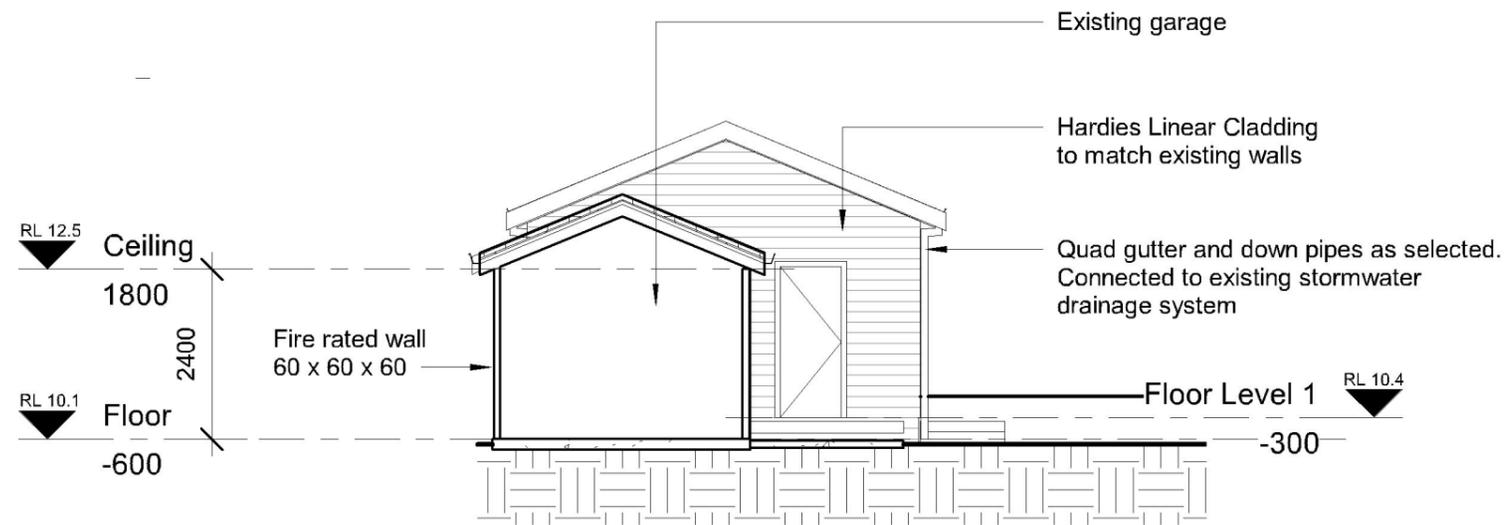
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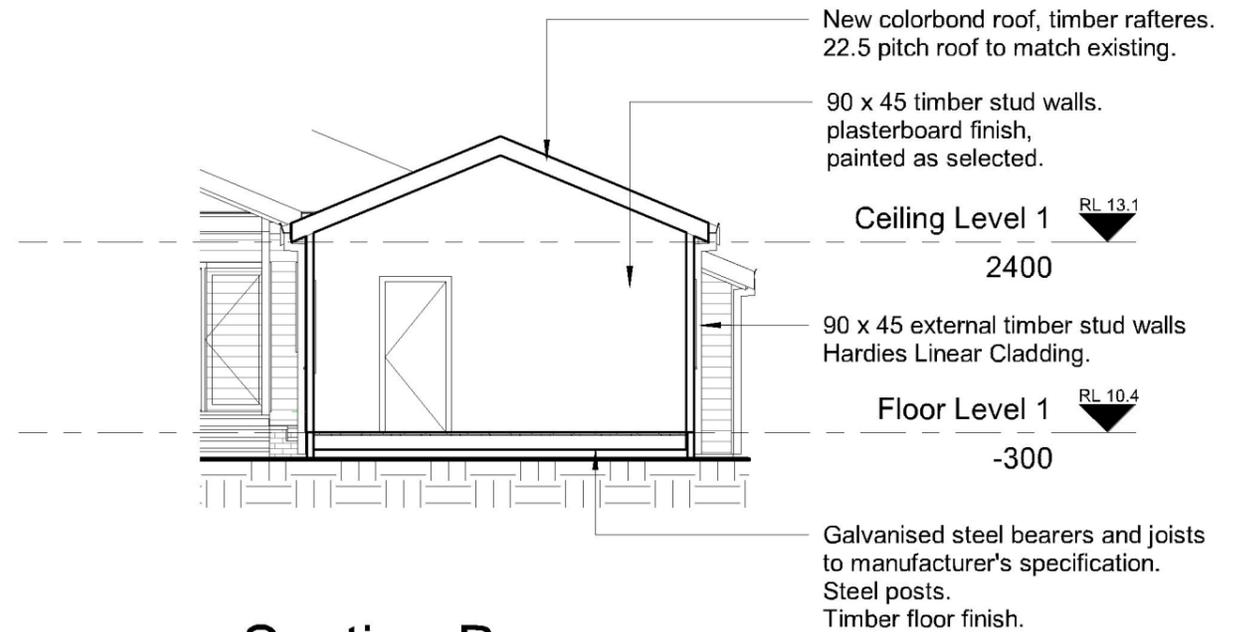
No.	Description	Date

**2 Collins Avenue
Woonona**
Phase 1 - Alterations to existing garage
and proposed garage addition

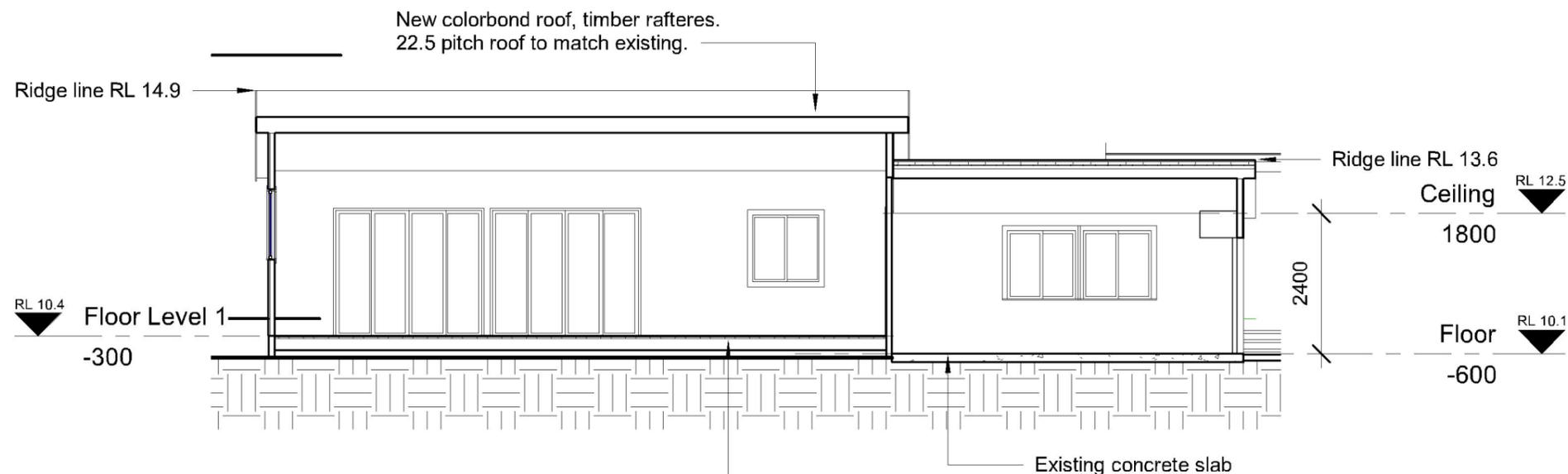
ELEVATIONS		
Project number	2019	04
Date	July	
Drawn by	Mr E. Peros	
Checked by	EP	
Scale		1 : 100



1 Section A
1 : 100



3 Section B
1 : 100



2 Section C
1 : 100

No.	Description	Date

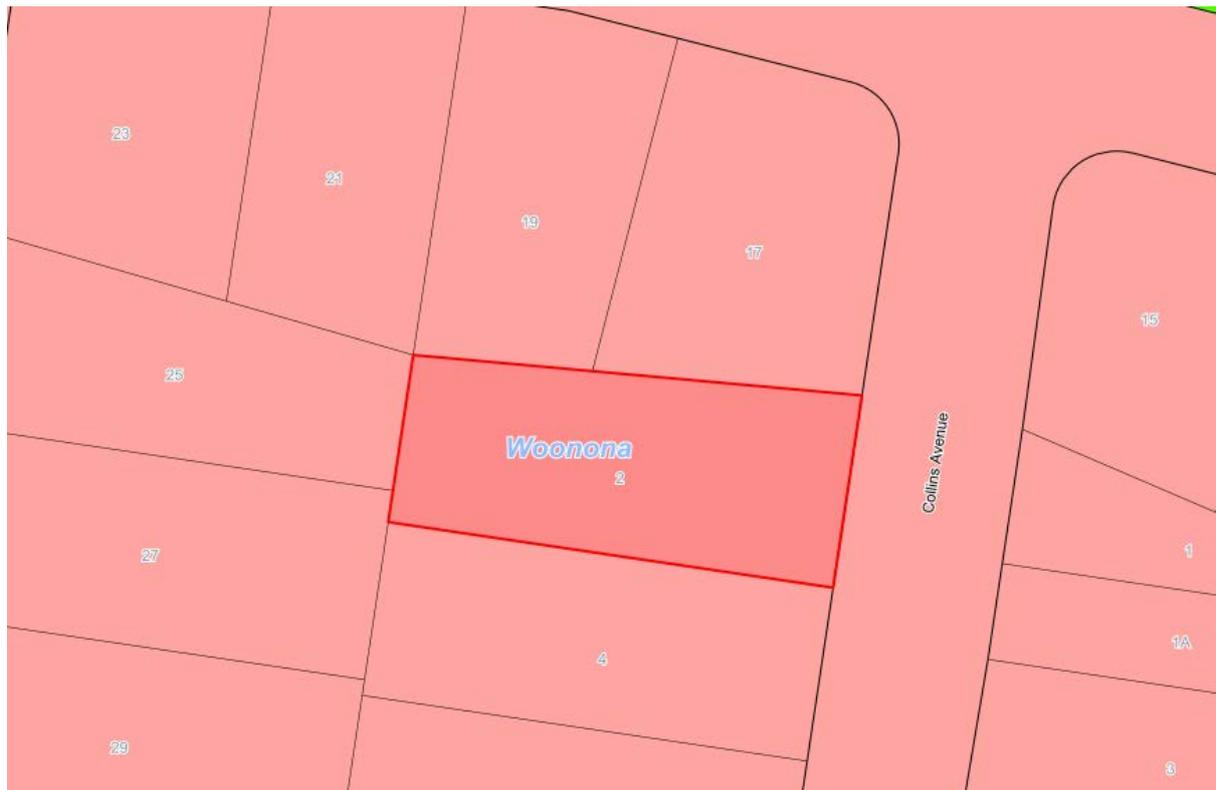
**2 Collins Avenue
Woonona**
Phase 1 - Alterations to existing garage
and proposed garage addition

SECTIONS		05	Scale 1 : 100
Project number	2019		
Date	July		
Drawn by	Mr E. Peros		
Checked by	EP		

Attachment 2: Aerial Photograph Map



Attachment 3: Zoning Map



Attachment 4: Draft Conditions of Consent for DA-2019/1176

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Project No 2019 Drawing Phase 1 – 01 to 05 and Phase 2 – 02 and 04 dated July prepared by Mr E Peros and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2 Phasing of the Development

The design and construction of the development shall be phased in the following order, with each phase wholly completed prior to commencement of the next.

Phase 1	Demolition of existing garage, construction of new garage and garage addition
Phase 2	Conversion of garage addition to secondary dwelling

Separate Construction Certificates and Occupation Certificates shall be applied for each phase of the development where required, with conditions as relevant within this consent to be met in each instance. Phase 2 shall not commence without Phase 1 being first completed.

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 for each phase of the development must be obtained from Council or an Accredited Certifier prior to work commencing.

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

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

5 Occupation Certificate

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

6 Tree Management

The developer shall retain existing trees on adjacent property indicated on Site Plan drawn by Mr. E Peros Dwg. No. 01 dated July 2019 consisting of a *Eucalyptus saligna* Sydney Blue Gum and a *Corymbia maculata* Spotted Gum. Total number: two (2 No.).

This consent permits the removal of existing Lilli Pilli trees from the site within three (3) metres of the approved buildings. This consent also permits the pruning of remaining Lilli Pilli trees within three (3) metres of approved buildings. Any branch or root pruning which has been given

approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

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

Recommendations in arborist's report by David Potts dated 1 Sept 2019 to be implemented including and not restricted to: establishing 6m Tree protection Zone (TPZ), no inground services within TPZ, project arborist being present during work within Structural Root Zone (SRZ) and supervising work within TPZ, site induction with reference to tree protection, referring matters to project arborist, re routing of sub surface utilities to avoid TPZ, hand excavation within TPZ near tree roots, remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, mulching and watering and root hormone application if required. Soil levels within the TPZ must remain the same.

7 **No Subdivision of Land**

Consent is not granted or implied for the subdivision of land to facilitate the construction of the secondary dwelling, the subject of this development consent.

Prior to the Issue of the Construction Certificate

Phase 1:

8 **Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

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

9 **Building Upgrade Requirement**

The entire southern side elevation of the garage shall be constructed of masonry where the setback is less than 500mm from the southern side boundary. This requirement shall be reflected in Construction Certificate plans.

REASON: *This condition has been imposed to satisfy the provisions of Cl 4.3 Side and Rear Setbacks, Chapter B1 – Residential Development of the Wollongong Development Plan 2009.*

10 **Stormwater Connection to Kerb**

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

11 **Tree Protection Measures**

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

- a) Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of

protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

- b) Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.
- c) Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

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

Phase 2:

12 Building Code of Australia-Fire Safety Upgrade

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

- Location of smoke alarms to be installed in the secondary dwelling in accordance with Part 3.7.5 of the National Construction Code Series (BCA) Volume 2.
- Details/specifications demonstrating how the following building elements will be constructed to achieve the required fire resistance level (FRL) and comply the applicable clause as stated below of the National Construction Code Series (BCA) Volume 2:
 - a) Any external wall that is located within the minimum distance to fire source feature in accordance with Part 3.7.2 of the BCA.
 - b) Separating wall between the residential dwelling and Class 10a Garage in accordance with Part 3.7.4 of the BCA.

13 External Clothes Drying Facilities

In the event that external clothes drying facilities are proposed, full details of the screening and the location of these facilities shall be reflected on the Construction Certificate plans.

Prior to the Commencement of Works

14 Appointment of Principal Certifier

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

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

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

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

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

- a) in the case of work to be done by a licensee under that Act:

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

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

16 **Enclosure of the Site**

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

17 **Demolition Works**

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

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

18 **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, 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.

19 **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.

20 **Tree Protection Implementation**

The existing trees which 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.

21 **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.

During Demolition, Excavation or Construction

Both Phases:

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

Stormwater for the land must be piped to the street kerb and gutter.

23 **Restricted Hours of Construction Work**

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

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

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;

- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

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

24 **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.

25 **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.

26 **Acid Sulfate Soils**

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

Phase 1:

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

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifying Authority to ensure that the proposed development is wholly located on the correct allotment and at the approved distances from the boundary.

Phase 2:

28 **BASIX**

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

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

Prior to the Issue of the Occupation Certificate

Phase 1:

29 Compensatory Planting

The developer must make compensatory provision for the Lilli Pilli trees/ established hedge required to be removed as a result of the development. In this regard, six (6 No.) 5 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 *Syzygium australe* ‘Resilience’. A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping. The completion of the compensatory planting is required prior to the issue of the Occupation Certificate.

Phase 2:

30 BASIX

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

31 Prior to the issue of an Occupation Certificate, the following building elements must be constructed to achieve the required fire resistance level (FRL) and comply with Part 3.7 of the National Construction Code Series (BCA) Volume 2 :

- Any external wall that is located within the minimum distance to fire source feature must comply with Part 3.7.2 of National Construction Code Series (BCA) Volume 2:.
- Separating wall between the residential dwelling and Class 10a Garage in accordance with Part 3.7.4 of the BCA.

32 Smoke Alarms

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

33 Termite Management System

Prior to the issue of an Occupation Certificate the secondary dwelling must have been constructed to achieve compliance with Part 3.1.4 of the National Construction Code Series (BCA) Volume 2.