

Wollongong Local Planning Panel Assessment Report | 3 December 2021

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| WLPP No. | Addendum Report to WLPP Item 1 - 1 December 2020 |
| DA No. | DA-2020/1157/A |
| Proposal | Residential – construction of carport in existing dual occupancy development MODIFICATION A – Delete Condition 5a to consolidate the existing lots |
| Property | 17 Birch Crescent, EAST CORRIMAL NSW 2518 Lot 144 DP 659755, Lot 100 DP 877156 |
| Applicant | Kyrn Stevens |
| Responsible Team | Development Assessment and Certification – Building and Certification Team (TB) |
| Prior WLPP Meeting | Conditional consent was issued following the WLPP meeting of 1 December 2020 |

ADDENDUM REPORT

This report should be read in conjunction with the Council Assessing Officer's reports as presented to Wollongong Local Planning Panel on the 1 December 2020.

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the WLPP **for determination** pursuant to Direction 2 of the Local Planning Panels Direction as the application proposes an amendment to a condition of development consent that was imposed by the Panel.

Proposal

The proposal is to delete Condition 5a of the consent in relation to consolidating the two existing lots prior to the issue of the Construction Certificate. The approved development is for the construction of a carport in an existing dual occupancy development. The carport is located over the boundaries of the existing lots.

Permissibility

The site is zoned R2 Low Density Residential and RE1 Public Recreation pursuant to the Wollongong Local Environmental Plan (WLEP) 2009. The proposal is fully within the R2 Low Residential zone and is categorised as development that is ancillary to a dual occupancy and is permissible in the zone with development consent. Modification of the proposal is hence permissible.

Consultation

The application did not require notification in accordance with the Wollongong Participation Plan 2019.

Internal:

Details of the proposal were referred to Council's Development Engineering Team for assessment. Satisfactory referral advice and comments were provided. The application was also discussed with Wollongong City Council's Legal Counsel regarding the condition of consent.

Recommendation

It is recommended that DA-2020/1157/A be **approved** subject to the amended conditions in Attachment 3.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

Proposal

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Notification and Submissions

The application did not require notification in accordance with the Wollongong Participation Plan 2019.

Modification

The application is considered to be a S4.55(2) as the development to which the consent as modified relates is substantially the same development as the development to which consent was originally granted. The proposed modification does not alter the categorisation of the approved development and is satisfactory with regard to the zoning and applicable planning controls.

Planning Controls

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP – Coastal Management

2018 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

No variations are proposed to WLEP2009 or WDCP2009 as a result of the modification request.

Issues

The proposed carport is located over the boundaries of the two existing allotments.

1.2 DETAILED DESCRIPTION OF PROPOSAL

Modification is proposed to delete Condition 5a imposed by the Local Planning Panel at the meeting of 1 December 2020.

5a. Consolidate Existing Lots

The existing two lots shall be consolidated prior to the issue of the Construction Certificate. Evidence of registration shall be provided to the Certifier.

The applicant has requested for the condition to be deleted from the consent, as the costs incurred from consolidating the lots make the construction of the carport financially unviable. A copy of the applicant's modification request is provided in Attachment 1.

1.3 SECTION 4.55 MODIFICATION OF CONSENTS – GENERALLY

(2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

1.4 APPROVED DEVELOPMENT BACKGROUND

The approved development relates to the construction of a carport in an existing dual occupancy development. The original application was lodged on 23 October 2020 and approved on 1 December 2020.

The application sought a variation to Clause 4.2 of Chapter B1 of the WDCP 2009 in regard to the setback of the development from the boundary of the secondary road frontage. The application was provided with adequate justification and the variation was considered and supported.

Statutory Considerations

DA-2020/1157 was submitted and assessed based on the construction of a new carport.

The application was assessed in accordance with the matters considered under Section 4.15 of the EP&A Act, WLEP 2009 and the WDCP 2009.

Conditional consent was issued under Section 4.16 of the EP&A Act following the meeting of 1 December 2020.

1.5 ASSESSMENT

The applicant's request for modification states,

"I have already spent some \$2,500 on draftsman and council fees. The cost for consolidation of the lots (Lot 144 DP 659755, Lot 100 DP 877156) has been quoted at \$3,500 bringing preconstruction cost to some \$6,000. This will effectively double the estimated \$6,000 carport construction cost making it financially untenable. I believe this condition is disproportionate to

the size of the development, onerous and bureaucratic overreach for the size of the development - a carport. I fully support development application processes, for example in this case to ensure the carport does not fall down or blow over, but feel the requirement to consolidate the lots would be more appropriate if a larger development for the site was on foot such as a major extension to the current building envelope or demolition and construction of a new dwelling/s. This is a minor development, and there are no heritage or environmental impacts associated with this it."

The matter of removing Condition 5a was informally discussed with the WCC Legal Counsel regarding the request of removing the condition from a legal perspective. It was conferred that there is not a legal reason identified as to why the lots would need to be consolidated prior to the issue of the Construction Certificate, as following the construction of the carport, the two lots would be used and owned by the same person.

It is also considered that the smaller of the two lots is approximately 255m² in area, is irregular in shape and considered too narrow to be practically sold and used as a separate residential lot for residential development, following the construction of the carport.

1.6 RECOMMENDED CONDITION OF CONSENT

It is recommended that Condition 5a be deleted from the modified consent (see Attachment 3 for the Draft Conditions of Consent).

1.7 BACKGROUND

The development history for the site is as follows:

| Application | Description | Application Type | Decision |
|--------------|--|--------------------------|----------------------------|
| DA-1979/629 | Addition to Existing Flats | Development Application | Refused – 8 October 1978 |
| BA-1980/2142 | Additions | Building Application | Withdrawn – 3 June 1980 |
| DA-1980/411 | Additions | Development Application | Approved – 3 July 1980 |
| DA-2017/98 | Alterations and Additions | Development Application | Approved – 14 March 2017 |
| DA-2017/98/A | Modification A to amend condition 5 (a) to have a floor level of RL 3.71 AHD | Development Application | Approved – 6 July 2017 |
| CC-2017/56 | Alterations and Additions | Construction Certificate | Approved – 13 July 2017 |
| DA-2020/1157 | construction of carport in existing dual occupancy development | Development Application | Approved – 1 December 2020 |
| CC-2020/69 | Carport | Construction Certificate | Withdrawn – 23 June 2021 |

No pre-lodgement meeting was held for the proposal.

Customer Service Actions:

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

1.8 SITE DESCRIPTION

The site is located on a corner allotment with a frontage 17 Birch Crescent, EAST CORRIMAL and the title reference is Lot 144 DP 659755 and Lot 100 DP 877156. The secondary road frontage is Connaghan Avenue and is where the proposed carport is accessed. The site has a combined area of 874.9m² and currently contains an existing dual occupancy residence.

The site consists of two residential lots and is irregular in shape and has a fall of 2.5m from the SW corner to the NE corner of the site.

Adjoining development is as follows:

- North: an existing dual occupancy
- East: Recreational walking/bike track and lagoon
- South: Connaghan Avenue
- West: Birch Crescent

The locality is characterised by a mix of single and two-storey residential dwellings and is considered as low-density residential development.

Property Constraints:

Council records list the site as being affected by the following constraints:

- Foreshore Area – LEP 2009
- Acid Sulfate Soils – Class 1, 3 & 5
- Bushfire Prone – Affected
- Flood Risk Precinct Classification under Review

Easements

The site is not burdened by any easements.

88b Restrictions

The site is not burdened by any 88b restrictions.

There is no existing infrastructure that may conflict with the vehicular access.



Figure 1: Aerial Photograph



Figure 2: WLEP 2009 Zoning Map

1.9 SUBMISSIONS

The application did not require notification in accordance with the Wollongong Participation Plan 2019.

1.10 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Development Engineering

Council's Development Engineering Team have reviewed the application and have provided a satisfactory referral.

The flood information indicates that the proposed location of the carport is outside of the flood affected area, therefore no conditions were recommended.

Legal Counsel

The matter of removing Condition 5a was informally discussed with the WCC Legal Counsel regarding the request of removing the condition from a legal perspective. It was conferred that there is not a legal reason identified as to why the lots would need to be consolidated prior to the issue of the Construction Certificate, as following the construction of the carport, the two lots would be used and owned by the same person.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

Overall, the proposed changes have been considered against the provisions of WDCP (2009) and found to be acceptable in this case. Matters are either unchanged from the approved development or satisfactory given the scope of modification as requested.

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 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 previous land uses does not indicate any historic use that would contribute to the contamination of the site. The requirements of clause 7 are considered as satisfied.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY – COASTAL MANAGEMENT 2018

Aims of Policy

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

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

Division 1 Coastal wetlands and littoral rainforests area

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

11 Development on land in proximity to coastal wetlands or littoral rainforest

Division 2 Coastal vulnerability area
12 Development on land within the coastal vulnerability area

Division 3 Coastal environment area
13 Development on land within the coastal environment area

Division 4 Coastal use area
14 Development on land within the coastal use area

Division 5 General

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

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

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

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

17 Hierarchy of development controls if overlapping

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

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

A review of the SEPP's mapping extents identifies the site as being SEPP – Coastal Management (whole of lot) affected.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

On 30 October 2017, Council endorsed the final draft of the Wollongong Coastal Zone Management Plan for resubmission to the NSW Minister for Environment for certification. The draft Plan was certified on 20 December 2017.

At the Council meeting of 19 February 2018, Council resolved that the certified final draft be adopted. Council's Notice was published in the NSW Gazette No 25 of 9 March 2018 and a community briefing on the implications arising from Council adopting and gazetting the plan have been undertaken.

The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act any existing certified CZMP's continue in force until 2020.

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site and specifically the building envelope is not impacted by coastal inundation, coastal geotechnical risk or reduced foundation capacity at the 2010, 2015 or 2100 timeline.

Note refer to Chapter E12 controls for risk management for coastal geotechnical risk/ reduced foundation capacity management and Chapter E13 controls for coastal inundation.

Minimal adverse impact on the coastal environment is anticipated as a result of the proposed development. Minimal adverse impacts on the development are expected as a result of coastal processes

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

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other but does not include a secondary dwelling.

Part 2 Permitted or prohibited development

Clause 2.2 – Zoning of land to which the 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 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 **development ancillary to a dual occupancy** as defined above and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 3.45 metres does not exceed the maximum of 9 metres permitted for the site.

Clause 4.4 Floor Space Ratio

The proposal does not increase the gross floor area of the development.

Part 7 Local Provisions - General

Clause 7.1 Public Utility infrastructure

The development is or will be serviced by electricity, water and sewage services

Clause 7.3 Flood Planning Area

The subject site is flood affected. The Collins Creek 2019 flood study indicates that the proposed location of the carport is located outside of the of the flood affected area. No conditions or requirements are required.

Clause 7.5 Acid Sulfate Soil

The proposal is located within the area identified as being affected by Class 3 acid sulfate soils. As the works are less than those described under table to subclause 7.5(2) of WLEP 2009, an acid sulfate soils management plan is not required.

Standard condition 4.070 applies for smaller projects such as dwelling houses, swimming pools, carports etc which may involve excavation into acid sulfate soils.

Clause 7.6 Earthworks

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

Clause 7.7 Foreshore Building Line

The site is identified as being within the foreshore building line, however the proposal is fully located outside of the area mapped as the foreshore building line. Therefore, the proposal is considered to be

acceptable in regard to Clause 7.7 of the WLEP. SECTION 4.15 1(a)(ii) ANY PROPOSED INSTRUMENT

N/A

2.2 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 Clause 4.2 Front Setback

| Control | Comment |
|---|---|
| The variation statement must address the following points: | |
| a) The control being varied; and | The variation request statement identifies the control being varied as Clause 4.2 of Chapter B1 of WDCP2009, which requires garages and carports to be setback at least 5.5m from the property boundary on the secondary road. |
| b) The extent of the proposed variation and the unique circumstance as to why the variation is requested; and | <p>The extent of the variations is the carport setback 3.0m from the secondary front boundary.</p> <p>The variation is requested and is identified in Attachment 3 and includes the following:</p> <ul style="list-style-type: none"> a) The proposed carport is setback 3.0m from the secondary boundary as well as being setback 18.29m from the front setback on Birch Crescent. b) The proposed carport provides cover for the two existing parking spaces as indicated on the provided architectural plans. c) The proposed carport is set behind the existing building line addressing Birch crescent. d) The proposed carport is compatible with the existing street scape and does not affect any neighbouring properties. e) Connaghan Avenue is only utilised by the dwelling itself and the neighbouring property to the south. |
| c) Demonstrate how the objectives are met with the proposed variations; and | <p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> a) <i>To reinforce the existing character of the street and locality by acknowledging building setbacks.</i> b) <i>To ensure that buildings are appropriately sited, having regard to site constraints.</i> c) <i>To ensure building setbacks are representative of the character of the area.</i> d) <i>To provide for compatibility in front setbacks to provide unity in the building line.</i> e) <i>To ensure that setbacks do not have a detrimental effect on streetscape or view</i> |

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| | <p><i>corridors.</i></p> <p>f) <i>To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).</i></p> <p><u>Council comment:</u></p> <p>a) The proposed carport is setback 3.0m from the secondary road frontage, which complies with the development controls required for secondary building lines.</p> <p>b) The existing carparking which services the site is an existing hardstand area, in which will remain. The proposal is for a carport over the existing carparking for the site.</p> <p>c) It is considered that the proposed setback will not have a detrimental effect on the streetscape and will not impede pedestrian access.</p> |
| d) Demonstrate that the development will not have additional impacts as a result of the variation. | <p><u>Council comment:</u></p> <p>The development is not considered to result in adverse impacts as a result of the variation.</p> |
| <p><u>Comment:</u></p> <p>The requested variation is considered capable of support.</p> | |

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

| <i>Controls/objectives</i> | <i>Comment</i> | <i>Compliance</i> |
|---|---|----------------------------|
| <p><u>4.1 Maximum Number of Storeys</u></p> <p>R2 max height of 9m or two storeys</p> <p>Battle axe allotments - 1 storey</p> <p>Ancillary structures – 1 storey</p> | <p>R2 Zone – ancillary development proposed as 1 storey</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory</p> | <p>Yes</p> |
| <p><u>4.2 Front Setbacks</u></p> <p>Secondary building line must be setback a minimum of 3 metres, except for garages and carports which must be setback at least 5.5m from the property boundary on the secondary road</p> | <p>Front setback to secondary road frontage: 3.0m</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory</p> | <p>Yes (Variation)</p> |
| <p><u>4.3 Side and Rear Setbacks</u></p> <p>Wall Setback: 0.9m min</p> | <p>Rear Setback: approx. >10m</p> <p>Eave Setback: >0.45m</p> | <p>Yes</p> |

Eave Setback: 0.45m min

Rear Setback: 0.9m min

4.4 Site Coverage

The maximum site coverage for a dwelling, dual occupancy, and combined maximum coverage for a principle dwelling and secondary dwelling, is as follows:

- 55% of the area of the lot, if the lot has an area less than 450m²
- 50% of the area of the lot, if the lot has an area of at least 450m² but less than 900m²
- 40% of the area of the lot, if the lot has an area of at least 900m²

4.5 Landscape Area

Minimum Required 20% permeable area capable of growing trees, shrubs, groundcover and/or lawn.

50% behind the building line to the primary road

4.6 Private Open Space

24m² of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.

Not to be located on side boundaries or front yards without variation.

4.7 Solar Access Requirements

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.

4.8 Building Character and Form

Where garages are proposed on the front elevation they must be articulated from the front façade.

The proposed carport does not increase the overall site coverage

N/A

The proposed carport does not affect existing landscape area, as the carport is located over an existing hardstand area

N/A

The proposed carport does not affect the existing private open space of the dual occupancy

N/A

The proposal has been assessed against the relevant objectives and considered satisfactory

Yes

The proposed carport is located behind the front building line and is accessed from the secondary road frontage

Yes

The proposal has been assessed against the relevant objectives and

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|---|--|-----|
| | considered satisfactory | |
| <u>4.9 Fences</u> | | |
| | Fences not proposed under this application | N/A |
| <u>4.10 Carparking and Access</u> | | |
| Car parking spaces may be open hard stand space, driveway, carport or a garage. Carports must be setback behind the front building line. Garages must be setback min of 5.5 from front boundary. | The proposed carport is behind the front building line and is setback 3.0m from the secondary road frontage | Yes |
| <u>4.11 Storage Facilities</u> | | |
| Storage must be provided in accordance with: Three or more bedrooms 10m ³ (storage volume) & 5m ² (storage area) | The proposed carport does not affect the existing storage facilities of the dual occupancy | N/A |
| <u>4.12 Site Facilities</u> | | |
| 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 | The proposed carport does not affect the existing site facilities of the dual occupancy | N/A |
| <u>4.13 Fire Brigade Servicing</u> | | |
| All dwellings located within 60m of a fire hydrant | Hydrant located in road reserve outside of No. 17 Birch Street The proposal has been assessed against the relevant objectives and considered satisfactory | Yes |
| <u>4.14 Services</u> | | |
| Encourage early consideration of servicing requirements | Services are available The proposal has been assessed against the relevant objectives and considered satisfactory | Yes |
| <u>4.15 Development near Coastline</u> | | |
| Must minimise built intrusions into coastal landscape Retain views to the ocean from roads and public | The proposed carport is outside of the area mapped as 'Foreshore Area' It is considered that the proposal is adequately setback and open in | Yes |

| | | |
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| spaces Maintain buildings consistent with coastal character | design to not impact the views of the lagoon from any public roads or public spaces The proposal has been assessed against the relevant objectives and considered satisfactory | |
| <u>4.16 View Sharing</u> To protect and enhance view sharing, significant view corridors | No significant view corridors will be impeded by the proposed carport. The carport is adequately setback and is open in design which provides availability to maintain views to the east The proposal has been assessed against the relevant objectives and considered satisfactory | Yes |
| <u>4.17 Retaining Walls</u> | No retaining walls are proposed or required under this application No changes to the existing retaining wall proposed | N/A |
| <u>4.18 Swimming Pools and Spas</u> | No swimming pools or spa proposed under this application | N/A |
| <u>4.19 Development near Railing Corridors or Major Roads</u> Ensure development near rail corridors and major roads are protected from vibration Ensure development does not affect operations or safety Comply with SEPP Infrastructure | The subject site is not located adjacent to a railway corridor and/or a major road | Yes |

CHAPTER D1 – CHARACTER STATEMENTS

Clause 3.19 – East Corrimal

The proposal is considered to be consistent with the existing and desired future character for the locality. East Corrimal is a small beachside residential suburb with a mix of housing types, though mainly single storey detached brick and weatherboard dwellings. East Corrimal also contains the Corrimal Beach tourist park. East Corrimal adjoins Bellambi Lagoon Nature Reserve, Towradgi Creek riparian corridor and has access to Corrimal Beach via Corrimal Beach Park.

The future character of East Corrimal will generally consist of low-density residential housing. Medium density housing in the form of townhouse development will be encouraged in close proximity to Corrimal

railway station, especially the residential precinct bounded by the railway line to the west, Rothery Road to the north, Pioneer Road to the east and Augusta Street to the south.

Within the low-density residential area of East Corrimal, the replacement of some older dwelling stock is likely to occur with new two storey dwellings. Any new dwelling should be individually designed with a coastal architectural theme and constructed of either a weatherboard or rendered brickwork construction, preferably with pitched (dutch gable or hipped) roofline forms. However, sloping flat roofline forms may be required in circumstances where view sharing opportunities for neighbouring dwellings are appropriate.

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

The proposed driveway access is existing and is considered to comply with AS2890.1.

CHAPTER E7: WASTE MANAGEMENT

Site Waste Minimisation and Management Plan provided. The proposal includes the demolition of the existing dwelling and associated structures. Conditions have been imposed on the draft consent to ensure that Waste Management is carried out to Council's Waste Management specification.

CHAPTER E8: ONSITE SEWAGE MANAGEMENT SYSTEMS

The subject site is serviced by an existing approved sewer system.

CHAPTER E9: HOARDINGS AND CRANES

The proposal will require security fencing around the perimeter of the site. Conditions have been imposed on the draft consent for the site to be enclosed with a suitable security fence to prohibit unauthorised access.

CHAPTER E13: FLOODPLAIN MANAGEMENT

Council's Development Engineering Team have reviewed the application and have provided a satisfactory referral.

The flood information indicates that the proposed location of the carport is outside of the flood affected area, therefore no conditions were recommended.

CHAPTER E14: STORMWATER MANAGEMENT

Stormwater can be connected to the existing method of disposal. Conditions have been imposed on the draft consent to ensure that the stormwater from the proposed carport is connected to the existing method of disposal.

CHAPTER E16: BUSHFIRE MANAGEMENT

The proposal has been supported by a Bushfire Assessment Report prepared by the applicant and Council is satisfied that the findings and recommendations meet the objectives and the requirements of 'Planning for Bushfire Protection' 2019 and AS3959.

While the proposed carport is located more than 200m from the area mapped as a bushfire threat, the northern elevation of the existing dual occupancy is captured within the bushfire buffer zone and is considered to be a rating of BAL 12.5. A condition for the proposed carport to be constructed to the requirements of BAL 12.5 has been imposed due to the requirements of 'Planning for Bushfire Protection' 2019 which outlines that all structures attached to a dwelling impacted by a bushfire threat to not be below a rating of BAL 12.5.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

The proposal includes the removal of an existing metal awning which is connected to the existing Unit 2. Conditions have been imposed to ensure the removal of the structure is carried out in accordance with any relevant Australia Standard and the requirements of the SafeWork NSW.

CHAPTER E22 SOIL EROSION

It is considered that the proposed development satisfies the objectives of this Chapter. Appropriate conditions are included in this regard.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

The plan applies to all land within the local government area of Wollongong City Council excluding the commercial core of the city centre and Horsley.

The development is exempt from the policy as the cost of construction is \$100,000 or less.

2.4 SECTION 4.15(1)(a)(iia) 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 S93F which affect the development.

2.5 SECTION 4.15(1)(a)(iv) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

Clause 92 - What Additional Matters Must a Consent Authority Take into Consideration in Determining a Development Application?

- 1 For the purposes of section 4.15 (1) (a) (iv) of the Act, the following matters are prescribed as matters to be taken into consideration by a consent authority in determining a development application:
 - a in the case of a development application for the carrying out of development:
 - i in a local government area referred to in the Table to this clause, and
 - ii on land to which the Government Coastal Policy applies, the provisions of that Policy,
 - b in the case of a development application for the demolition of a building, the provisions of AS 2601.

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

Outside the Sydney region the coastal zone extends from approximately 1km inland of any coastline, bay, estuary, lake or lagoon out to the 3 nautical mile extent of NSW state waters.

Clause 93 - Fire Safety and Other Considerations

Not applicable

Clause 94 - Consent Authority May Require Buildings to Be Upgraded

Not applicable

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

There are not likely to be significant adverse impacts from the proposed development. The scale of the development as viewed from the street is comparable to other developments in the locality.

Context and Setting:

The development is consistent with the amenity of the neighbourhood and is considered to be consistent with the surrounding development.

Access, Transport and Traffic:

Access to the site will be via an approved driveway to Council's formed roadway which adjoins Council's Local Road.

The development is considered not to result in an adverse impact on the traffic movement and access to the site.

Public Domain:

The development is considered to be consistent with the amenity of the locality, the development is not considered to result in a significant impact on the public domain.

Utilities:

The allotment is presently serviced by a potable water connection, sewer and electricity. The proposal is not envisaged to place an unreasonable demand on the utility supply.

Heritage:

No known heritage items will be impacted by the proposal.

Other Land Resources:

The proposal is not envisaged to impact upon any valuable land resources.

Water:

The proposal is not considered to result in unreasonable water consumption. Where applicable the development will be subject to the requirements of the SEPP for BASIX. This is discussed separately in this report.

Soils:

The soil profile is considered to be acceptable for the construction of the proposed building.

Should the development require the preparation of structural details for footings/piers/slabs the engineer will investigate the foundation material and design the structural details in accordance with AS2870.

Where applicable a condition will be imposed requiring the details to be submitted to the PCA prior to work commencing.

Air and Microclimate:

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

Flora and Fauna:

Refer to Chapter E17 of this report.

Waste:

A waste removal contractor will remove all domestic wastes from the site. Construction wastes will be removed by the builder during construction. Council will require recycling of appropriate materials.

The development is residential and is serviced by Council waste collection service for the collection and removal of putrescibles, green waste and recyclables.

Energy:

The proposal is not envisaged to have unreasonable energy consumption. Where applicable the development will be subject to the requirements of the SEPP for BASIX. This is discussed separately in this report.

Noise and vibration:

There are no noise or vibration issues affecting the site that would prevent the proposed development.

Natural Hazards:

Refer to property constraints section of this document and relevant chapters of the DCP.

Technological hazards:

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

Safety, Security and Crime Prevention:

The proposal is not expected to create any negative safety impacts. The aims and objectives of the safer by design principles have been addressed.

Social Impact:

The proposal is not expected to create any negative social impact.

Economic Impact:

The proposal is not expected to create any negative economic impact.

Site Design and Internal Design:

The development has been designed to meet with the requirements of Council's DCP relating to site design, height, bulk, scale and setbacks.

The development does not result in an adverse impact on the adjoining lots or the public domain.

Construction:

Construction of the development will not create any significant impact and will comply with the provisions of the Building Code of Australia.

Cumulative Impacts:

The development does not result in any detrimental impact upon the amenity of the area.

2.7 SECTION 4.15(1)(c) THE SUITABILITY OF THE SITE FOR DEVELOPMENTDoes 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 did not require notification in accordance with the Wollongong Participation Plan 2019.

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

1. CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.55(2) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Pursuant to clause 2.3 of WLEP 2009, ancillary development to dual occupancies is permissible under the R2 Low Density Residential zone with development consent. The proposal is not considered to be inconsistent with the zone objectives.

All relevant internal referrals are satisfactory.

It is considered that the proposed development is not inconsistent with the existing and desired future character of the locality and is unlikely to result in adverse impacts on the amenity of the surrounding area.

2. RECOMMENDATION

It is recommended that DA-2020/1157/A be approved and subject to conditions contained in Attachment 3.

3. ATTACHMENTS

1. Applicant's Modification Request
2. Panel Recommendations on 1 December 2020 meeting
3. Draft Conditions of Consent

Attachment 1

6/10/2021

Modification Statement DA-2020/1157

To Whom it May Concern,

I am seeking the removal of the following condition from the DA Consent:

5a) Consolidate Existing Lots

The existing two lots shall be consolidated prior to the issue of the Construction Certificate. Evidence of registration shall be provided to the Certifier.

I have already spent some \$2,500 on draftsman and council fees. The cost for consolidation of the lots (Lot 144 DP 659755, Lot 100 DP 877156) has been quoted at \$3,500 bringing pre-construction cost to some \$6,000. This will effectively double the estimated \$6,000 carport construction cost making it financially untenable.

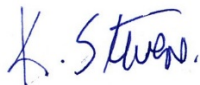
I believe this condition is disproportionate to the size of the development, onerous and bureaucratic overreach for the size of the development - a carport.

I fully support development application processes, for example in this case to ensure the carport does not fall down or blow over, but feel the requirement to consolidate the lots would be more appropriate if a larger development for the site was on foot such as a major extension to the current building envelope or demolition and construction of a new dwelling/s.

This is a minor development, and there are no heritage or environmental impacts associated with this it.

Thank you for your consideration.

Regards,



Mr Kyrn Stevens
2/17 Birch Cres
East Corrimal NSW 2518

Attachment 2

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

| | |
|------------------------------|--|
| DATE OF DETERMINATION | 1 December 2020 |
| PANEL MEMBERS | Robert Montgomery (Chair), Sue Hobley, Helena Miller, Edger du Bois (Community Representative) |

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 1 December 2020 opened at 5:00pm and closed at 5:54pm.

MATTER DETERMINED

DA-2020/1157 – Lot 144 DP 659755, Lot 100 DP 877156, 17 Birch Crescent, East Corrimal (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

Nil

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel concurs with the officer's assessment and recommendation.
- The additional condition requiring consolidation of the two existing lots is appropriate to avoid encroachments and any future confusion in relation to two separate lots.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following additional condition:

- The existing two lots shall be consolidated prior to issue of Construction Certificate. Evidence of registration shall be provided to the Certifier.

PANEL MEMBERS



Robert Montgomery
(Chair)



Sue Hobley



Helena Miller



Edger du Bois
(Community Representative)

| SCHEDULE 1 | | |
|------------|-----------------------------------|--|
| 1 | DA NO. | DA-2020/1157 |
| 2 | PROPOSED DEVELOPMENT | Construction of carport in existing dual occupancy development |
| 3 | STREET ADDRESS | 17 Birch Crescent, EAST CORRIMAL |
| 4 | APPLICANT | Tasman Design |
| 5 | REASON FOR REFERRAL | The proposal has been referred to the WLPP for determination pursuant to clause 1 (c) of Schedule 2 of the Local Planning Panel Direction as the development for which the land 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. |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy – Coastal Management 2018 ○ Wollongong Local Environment Plan 2009 • Wollongong Section 94A Development Contributions Plan • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>. • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development |
| 7 | MATERIAL CONSIDERED BY THE PANEL | <ul style="list-style-type: none"> • Council assessment report dated 1 December 2020 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: Nil |
| 8 | SITE INSPECTIONS BY THE PANEL | Site inspection 1 December 2020. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Sue Hoblely, Helena Miller, Edger du Bois (Community Representative) ○ <u>Council assessment staff</u>: Tamika Bridge, Darren Burke |
| 9 | COUNCIL RECOMMENDATION | Approve |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |

Attachment 3: Draft Conditions for DA-2020/1157

Consent has been granted subject to the following conditions:

Approved Plans and Specifications

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on Drawing No. A02 & A03 Issue A dated 2 October 2020 prepared by Tasman Design and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2) **Building Work - Compliance with the Building Code of Australia**

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

- 3) **Construction Certificate**

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

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

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

- 4) **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier 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.

Prior to the Issue of the Construction Certificate

- 5a) ***DELETED – DA-2020/1157/A***

- 5) **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.

Prior to the Commencement of Works

- 6) **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.

- 7) **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.

8) **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 Principal Certifier 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.

9) **Structural Engineer’s Details**

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

10) **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.

11) **Demolition Works**

The demolition of the existing awning 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.

12) **Temporary Sediment Fences**

Temporary sediment fences (e.g. 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.

13) **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.

During Demolition, Excavation or Construction

14) **Piping of Stormwater to Existing Stormwater Drainage System**

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

15) **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.

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.

16) **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.

17) **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.