

# DETERMINATION AND STATEMENT OF REASONS

## WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	29 March 2022
PANEL MEMBERS	Sue Francis (Chair), Glenn Falson, Larissa Ozog, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 29 March 2022 opened at 5:00pm and closed at 5:36pm.

### MATTER DETERMINED

DA-2021/1325 - Lot 152 DP 36592, 5 Pamela Street, Corrimal (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

There were no submitters and the Panel heard from the applicant.

### 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 proposed development is permissible with consent and is well designed having regard to the shape of the site.
- The Panel asked the applicant if he was aware of and understood the terms of the Deferred Commencement conditions relating to the stormwater easement and the necessity to erect the buildings prior to subdivision. The applicant confirmed he understood these conditions.
- Subject to the proposed conditions, the proposal is satisfactory having regard to any environmental considerations.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended by the email to the Panel dated 28 March 2022 as below:

The development application has been determined by granting deferred commencement consent subject to the following conditions:

(i) The Development Consent shall not operate until Council has been satisfied as to the following matters:

a Drainage Works within Council Land

A detailed design for the proposed drainage works within Council's Land, including pit and pipeline connecting the drainage system to Council's existing underground drainage system in Lot C DP 36592, shall be prepared by a suitably qualified civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with the Concept Stormwater Management Plan by ROC Engineering Design, 20337 C01, Revision 4, dated 31.01.2022 and shall include the following:

- i Levels and details of all existing and proposed infrastructure/services such as pits, public utilities, poles, fencing, stormwater drainage, shall extend a minimum of 5 metres beyond the limit of works.
  - ii Engineering details of the proposed pit and pipe stormwater drainage system within Council's land, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
  - iii All new drainage pits shall be in accordance with the current version of Wollongong City Council's Engineering Standard Drawings. The proposed pit in Council's road reserve must not conflict with any existing or proposed vehicular accessway.
  - iv Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
  - v All construction must be in accordance with the requirements of Council's Subdivision Code.
  - vi Evidence that the above requirements have been met must be detailed on the engineering drawings. The detailed design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager.
- b The applicant must apply in writing to Council's Statutory Property team requesting the grant of an easement for the above drainage. The following will apply:
- i The applicant is to pay Council's application fee for the proposed easement. In accordance with Council's Fees and Charges. Currently our 2021/22 Fees and Charges fee is \$2,295.00 and includes the valuation fee);
  - ii If Council agrees to the easement, the applicant must pay compensation to Council for the grant of the proposed easement, as determined by a Certified Practising Valuer;
  - iii The applicant is responsible for all costs in relation to the creation of the easement, including all survey, plan lodgement and registration fees and all legal costs, and any other costs that may be incurred in relation to the proposed easement;
  - iv The grant of the easement is subject to the approval of the development application for the proposed development; and
  - v The grant of the easement is subject to formal Council resolution.
- (ii) The developer must satisfy Council, within 12 months of the date shown on the top of this consent, that the matters specified in condition number (i) have been complied with. Failure to satisfy Council within that time period will lapse this development consent.
- (iii) If compliance with the matters contained in condition number (i) results in a substantial variation to the development approved deferred commencement, a new development application must be submitted.

Once Council is satisfied that the matters contained in condition number (i) have been complied with and the developer has been notified in writing of such compliance, the following conditions shall apply in respect of the approved development:

#### Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on the following plans

Site Plan A03-C dated 4 February 2020 prepared by Illawarra Design Company

Draft Subdivision Plan A04-A dated 11 December 2020 prepared by Illawarra Design Company

Dwelling Floor Plan A08-A dated 11 December 2020 prepared by Illawarra Design Company

Elevations A09-A dated 11 December 2020 prepared by Illawarra Design Company

Elevations A10-A dated 11 December 2020 prepared by Illawarra Design Company

Sections A11-P1 dated 11 December 2020 prepared by Illawarra Design Company

Garage Details A12-A dated 11 December 2020 prepared by Illawarra Design Company

Driveway Section – Detached Garage A14-A dated 5 November 2021 prepared by Illawarra Design Company

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.

#### 5 Tree Removal

This consent permits the removal of trees numbered 1,2 and 3 as numbered and described in submitted Arboricultural Impact Assessment Report prepared by Allied Tree Consultancy. No other trees shall be removed without prior written approval of Council.

#### 6 Tree Retention

The developer shall retain the existing tree(s) as numbered and described in Arboricultural Impact Assessment report prepared by Allied Trees dated May 2021 consisting of tree(s) numbered 5,6,7 and 8.

All recommendations in the Arboricultural Impact Assessment by Allied Trees dated May 2021 page no. 10-14 are to be implemented including and not restricted to: excavation of portion of the trench with hand tools within the structural root zones of trees 4,5,7 and 8 ,remedial tree pruning noting

that any roots greater than 20mm that require cutting shall have the presence of the project arborist, after completion of excavation works and backfilling of trench, irrigation and soil conditioner shall be used over the area of the tree protection zone of each trees.

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

7 Pit detail

Design detail of how the 600x900 will be constructed and how the impacted sections of the 450mm diameter pipe will be repaired. The pit is to be constructed to Council's specifications. This detail is to be submitted to Council to the satisfaction of Council's Development Engineering Manager.

8 Flows from Adjoining Properties

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

9 Present Plans to Sydney Water

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

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

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

10 Gradients of Ramps and Driveways as per AS 2890.1

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

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

11 The edge of the driveway must be provided with a hob or dish drain to prevent surface water flows from entering the adjoining property. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.

12 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

13 Details of Proposed Pit and Pipeline

Details of the proposed connecting pipeline to the Proposed pit, within the existing drainage system shall be provided in conjunction with the detailed drainage design for the site. Connection is to be made in accordance with Wollongong City Council Standard Drawings. This requirement shall be reflected on the Construction Certificate plans and supporting documentation

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

- a a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

- b the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- c any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

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

- 15 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.
- 16 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.
- 17 The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, three (3) 100 litre container mature plant stock shall be placed in appropriate locations within the property boundary of the site. The suggested species are *Elaeocarpus reticulatus*. Details are to be shown on the plans submitted with the Construction Certificate.

18 Tree Protection and Management

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

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

19 Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m

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

- a A plan of the wall showing location and proximity to property boundaries;
- b An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c Details of fencing or handrails to be erected on top of the wall;
- d Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;

- f The assumed loading used by the engineer for the wall design.
- g Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

20 Property Addressing Policy Compliance

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

21 Sizing of Drainage

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

22 Stormwater Drainage Design

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with Concept Stormwater Management Plan by ROC Engineering Design, 20337 C01, Revision 4, dated 31.01.2022.
- b Include details of the method of stormwater disposal. Stormwater from the development must be piped to Council's existing stormwater drainage system.
- c Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.
- d Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

23 On-Site Stormwater Detention (OSD) Design

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

- Must be prepared by a suitable qualified engineer in accordance with Chapter E14 of the Wollongong DCP 2009.
- Must include details of the Site Storage Requirement (SSR) and Permissible Site Discharge (PSD) values for the site in accordance with Section 10.2.4 of Chapter E14 of the Wollongong DCP2009.
- The OSD facility must be designed to withstand the maximum loadings occurring from any combination of traffic (with consideration to residential and heavy vehicles), hydrostatic, earth, and buoyancy forces. Details must be provided demonstrating these requirements have been achieved.
- The OSD facility shall incorporate a minimum 600/900mm x 600/900mm square lockable grate for access and maintenance purposes, provision for safety, debris control screen, and a suitably graded invert to the outlet to prevent ponding.
- Must include discharge control calculations (i.e. orifice/weir calculations) generally in accordance with Section 10.2.6 and 10.4.4 of Chapter E14 of the Wollongong DCP2009.
- Details of the orifice plate including diameter of orifice and method of fixing shall be provided.
- Must include details of a corrosion resistant identification plaque for location on or close to the OSD facility. The plaque shall include the following information and shall be installed prior to the issue of the subdivision certificate:
  - The structure is an OSD facility, being part of the stormwater drainage network, and is not to be tampered with.
  - Identification number [DA-2021/1325];
  - Any specialist maintenance requirements.
- Must include a maintenance schedule for the OSD system, generally in accordance with Chapter E14 of the Wollongong DCP2009.

#### 24 Council Footpath Reserve Works – Driveways and Crossings

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Any redundant linemarking such as 'marked parking bays' are adjusted/removed at the developer's expense by a Council recognised contractor with the relevant insurances. Details and locations are to be shown on the Construction Certificate Plans.

#### 25 Drainage Works within Council Road Reserve

A detailed design for the proposed drainage works within Council's road reserve and/or Council Land, including pit and pipeline connecting the inter-allotment drainage system to Council's existing underground drainage system in Lot C DP 36592, shall be prepared by a suitably qualified civil engineer in accordance with the relevant Council engineering standards. The design plans shall be generally in accordance with Concept Stormwater Management Plan by ROC Engineering Design, 20337 C01, Revision 4, dated 31.01.2022 and shall include the following:

- a Levels and details of all existing and proposed infrastructure/services such as kerb and gutter, public utility, pits, poles, fencing, stormwater drainage, adjacent road carriageway and footpath levels, and shall extend a minimum of 5 metres beyond the limit of works.

- b Engineering details of the proposed pit and pipe stormwater drainage system within Council's road reserve, including a hydraulic grade line analysis and longitudinal section of the proposed system showing calculated flows, velocity, pits, pipe size/class, grade, inverts and ground levels. Each proposed pit must be constructed generally in accordance with Wollongong City Council's Engineering Standard Drawings.
- c All new drainage pits shall be in accordance with the current version of Wollongong City Council's Engineering Standard Drawings. The proposed pit in Council's road reserve must not conflict with any existing or proposed vehicular accessway.
- d Where any adjustments to public utilities are proposed the applicant shall submit documentary evidence that they have the consent of the owner of the public utility authority.
- e All construction must be in accordance with the requirements of Council's Subdivision Code.

Evidence that the above requirements have been met must be detailed on the engineering drawings. The detailed design and supporting documentation shall be submitted to and approved by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate.

## 26 Development Contributions

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$3,850.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1395906	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		



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

27 Construction Management Plan

A Construction Management Plan (CMP) is to be prepared and submitted to the Principal Certifier prior to the issue of the Construction Certificate. The CMP must detail site access and storage of materials and demonstrate that access and manoeuvring within Pamela Street will not be impacted during works.

Prior to the Commencement of Works

28 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.

29 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.

30 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.

### 31 Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

### 32 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.

### 33 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.

### 34 Demolition Works

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.

### 35 Temporary Sediment Fences

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the

site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

36 All-weather Access

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

37 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.

38 Certification from Arborist - Adequate Protection of Trees to be Retained

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifier is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

39 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.

40 Tree Protection

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

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

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

## During Demolition, Excavation or Construction

### 41 Flows from Adjoining Properties

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

### 42 Piping of Stormwater to Existing Stormwater Drainage System

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

### 43 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.

### 44 Copy of Consent to be in Possession of Person carrying out Tree Removal

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

### 45 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.

### 46 Excavation/Filling/Retaining Wall Structures

Any proposed filling on the site must not:

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

47 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".

48 Asbestos Waste Collection, Transportation and Disposal

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifier), prior to commencement of the construction works.

49 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.

50 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."

51 Provision of Taps/Irrigation System

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

Prior to the Issue of the Occupation Certificate

52 Drainage

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage and on-site detention works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifier prior to the issue of the final Occupation Certificate.

53 Restriction on use – On-site Detention System

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

"The registered proprietor of the lot burdened must not make or permit or suffer the making of any alterations to any on-site stormwater detention system on the lot(s) burdened without the prior

consent in writing of the authority benefited. The expression 'on-site stormwater detention system' shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to those structures.

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

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

54 Retaining Wall Certification

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

55 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.

56 Positive Covenant – On-Site Detention Maintenance Schedule

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

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

57 On-Site Detention – Structural Certification

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

58 Completion of Landscape Works

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

Prior to the Issue of the Subdivision Certificate

59 Occupation Certificate Prior to Subdivision Certificate

An Occupation Certificate for the dwellings must be issued prior to the release of the Subdivision Certificate for the Torrens Title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the subdivision certificate application.<sup>60</sup> Existing Easements

All existing easements must be acknowledged on the final subdivision plan.

61 Existing Restriction as to Use

All existing restriction on the use of land must be acknowledged on the final subdivision plan.

62 Encroaching Pipes

A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a works as executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.

63 Encroaching Services

A minimum one (1) metre wide easement for services must be created over any encroaching utility service.

64 Section 88B Instrument

The submission of a Final Section 88B Instrument to Council/Principal Certifier, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

- a Easement for services;
- b easement for drainage;
- c restriction-as-to-user over the 'on-site stormwater detention system' which prohibits its alteration and/or removal;
- d positive covenant that requires maintenance to be in accordance with the Construction Certificate approved On-Site Detention System and Maintenance Schedule – (DA-2021/1325);
- e rights of access;
- f restriction as to user defining minimum floor levels for any lots which have any part of the lot below the 1% AEP flood level + 0.5 metres freeboard. Habitable floor levels are to be set at the 1% AEP flood level + 0.5 metres freeboard. The PMF flood level for each lot is to be documented. The subdivision certificate application must include the flood level extents plan and tabulated levels (1% AEP and PMF) for each lot as conditioned in this development consent;
- g restriction as to user over sub-surface drainage pipes contained within the building area of allotments;

65 88B Instrument Easements/Restrictions





Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by the Land and Property Information Office.

66 Final Documentation Required Prior to Issue of Subdivision Certificate

The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:

1. Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
2. Certificate of Practical completion from Wollongong City Council or an accredited Principal Certifier (if applicable);
3. Administration sheet prepared by a registered surveyor;
4. Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;

5. Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
6. Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
7. Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
8. Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
9. Payment of section 94 fees (Pro rata) (if applicable).

PANEL MEMBERS	
 Sue Francis (Chair)	 Glenn Falson
 Larissa Ozog	 Bernard Hibbard (Community Representative)



SCHEDULE 1		
1	DA NO.	DA-2021/1325
2	PROPOSED DEVELOPMENT	Residential - Dual Occupancy and Subdivision - torrens title - two lots
3	STREET ADDRESS	5 Pamela Street, CORRIMAL
4	APPLICANT	Melissa Graham – Illawarra Design Company
5	REASON FOR REFERRAL	Schedule 2(1) of the Local Planning Panels direction of 30 June 2020 – creation of a stormwater easement over Council land.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>· Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong Section 94A Development Contributions Plan</li> <li>· Draft environmental planning instruments: N/A</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Planning agreements: N/A</li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: N/A</li> <li>· Coastal zone management plan: N/A</li> <li>· The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>· The suitability of the site for the development</li> <li>· Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>· The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>· Council assessment report dated 29 March 2022</li> <li>· Written submissions during public exhibition: Nil</li> <li>· Verbal submissions at the public meeting: Nil</li> <li>· Amended conditions set received by the Panel on 28 March 2022</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection – 29 March 2022. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Glenn Falson, Larissa Ozog, Bernard Hibbard (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Nigel Lamb</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report