

# Wollongong Local Planning Panel Assessment Report | 1 May 2019

<b>WLPP No.</b>	Item 2
<b>DA No.</b>	RD-2018/533/A
<b>Proposal</b>	Residential - dual occupancy and Subdivision - Strata title - two (2) lots
<b>Property</b>	Lot 12 DP 1188169 7A Cochrane Road, THIRROUL
<b>Applicant</b>	Plannex Environmental Planning
<b>Responsible Team</b>	Development Assessment and Certification – City Wide Team (NA)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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

The proposal has been referred to the WLPP for **determination** pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, as the application is the subject of 10 or more unique submissions by way of objection.

#### Proposal

The application seeks a review of determination for the refusal of DA-2018/533 proposing the construction of an attached dual occupancy with associated on site car parking, landscaping and subsequent strata subdivision.

#### Permissibility

The proposed dual occupancy and strata subdivision are permissible in the R2 Low Density Residential zone under Wollongong Local Environmental Plan (WLEP) 2009.

#### Exhibition

The proposal was notified in accordance with Wollongong Development Control Plan 2009 (WDCP 2009) and received 14 submissions. Amended plans were submitted and further notification of the amended plans resulted in four submissions being received. The concerns raised in the submission are discussed at section 1.5 of this report.

#### Consultation

The proposal has been referred to Council's Stormwater, Traffic, and Subdivision Officers with conditionally satisfactory referral advice provided in each instance.

#### Main Issues

The main issues arising from the assessment process are:

- Two storey dwellings on a battle-axe allotment
- Overshadowing

## RECOMMENDATION

It is recommended that Review of Determination RD-2018/533/A be determined by way of approval subject to conditions as identified at **Attachment 6**.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Coastal Management) 2018
- SEPP (Building Sustainability Index: BASIX) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2018

### 1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the construction of a two (2) storey attached dual occupancy and subsequent two (2) lot strata subdivision.

The dwellings have been designed to be positioned in the centre of the property, with the driveway and double garage areas on the south western elevation.

The proposal involves the removal of one (1) Frangipani tree on the south eastern corner of the property.

### 1.3 BACKGROUND

The development history of the site is as follows:

Application No	Description	Date	Decision
<u>7 Cochrane Road</u>			
DA-2011/1294	Subdivision - torrens title - two (2) residential lots and demolition of existing garage	3/07/2013	Approved
DA-2011/1294/A	Subdivision - torrens title - two (2) residential lots and demolition of existing garage - modification to extend lapsing period for one (1) year	4/02/2013	Rejected
DA-2011/1294/B	Subdivision - torrens title - two (2) residential lots and demolition of existing garage - modification to extend lapsing period for one (1) year	4/02/2013	Rejected
DA-2011/1294/C	Subdivision - torrens title - two (2) residential lots and demolition of existing garage Modification C - to extend lapsing period for one (1) year - activation of consent	3/07/2013	Approved
CS-2013/17	Subdivision - torrens title - two (2) residential lots and demolition of existing garage	7/01/2014	Approved

DC-2014/23	Driveway crossing	20/01/2014	Approved
CS-2013/17/A	Subdivision - torrens title - two (2) residential lots and demolition of existing garage	30/05/2014	Approved
SC-2014/73	Subdivision – torrens title – two (2) residential lots	16/10/2014	Approved
<u>7A Cochrane Road</u>			
PL-2017/54	Proposed dual occupancy	1/06/2017	Completed
DA-2017/980	Residential - dual occupancy and Subdivision - strata title - two (2) lots	18/10/2017	Withdrawn
DA-2018/533	Residential - dual occupancy and Subdivision - Strata title - two (2) lots	7/9/2018	Refused (WLPP)

#### Previous Application history – DA-2018/533

DA-2018/533 was lodged in May 2018 for the construction of a dual occupancy development and subdivision. There were a number of matters that remained unresolved within the proposal, including bulk/form and design issues. The application was reported to the Wollongong Local Planning Panel on 5 September 2018 for advice as the proposal was considered to be of significant community interest in accordance with Council resolution dated 25 June 2018 and Part 4 of the draft Wollongong City Council Submissions Policy. WLPP recommended refusal of the application, and the application was determined by way of refusal on 7 September 2018. The Council's WLPP Report as presented to the WLPP meeting on 5 September 2018 and WLPP advice for DA-2018/533 is included at **Attachment 5**.

#### Current Request for Review of Determination application RD-2018/533/A history:

The subject request for review of determination RD-2018/533/A was lodged on 1 February 2019. The plans included the following amendments as described in Statement of Environmental Effects to the previously abovementioned refusal:

- Unit 1 ground floor rear setback increased from 3.24m to 4.5m, and Unit 1 ground floor reconfigured to accommodate increased setback
- Second living area deleted from Unit 1 first floor level and bedroom 3 moved
- Unit 1 dining room windows made opaque
- Unit 2 garage setback increased from 500mm to 900mm
- Unit 2 first floor rear setback increased from 7.16m to 8m
- Unit 2 first floor setback to south-western boundary reduced from 3.56m to 2.72m
- Unit 2 ground floor length reduced by 400mm
- Total landscaped area increased to 123.9m<sup>2</sup> (previously 121m<sup>2</sup>); and
- Deep soil zone landscaping increased to 60.2m<sup>2</sup> (previously 40.7m<sup>2</sup>)

The application was notified from 5 February to 20 February 2019. Fourteen submissions were received objecting to the proposal, triggering referral of the proposal to WLPP for determination.

It was noted that the request for review could not be determined within the legislative timeframe given both outstanding assessment matters and the requirement to refer the proposal to the Wollongong Local Planning Panel (WLPP) for determination.

The applicant subsequently lodged a Class 1 appeal against the refusal of DA-2018/533 in the NSW Land and Environment Court, which has also enabled the ongoing assessment and determination of RD-2018/533/A.

The applicant was advised that the proposal had substantive issues relating to overshadowing and two storey construction on a battle-axe allotment. In response, the applicant submitted amended plans on 18 March 2019 with the following alterations:

- lowering the level of the gutter along the eastern side of the ground floor roof;
- lowering the level of the gutter along the eastern side of the first floor roof; and
- cutting back the broader eave at the first floor level, where the bathroom is recessed behind the main wall line.

These plans were re-notified from 20 March 2019 to 4 April 2019, and four submissions objecting to the revised plans were received.

#### Customer service actions:

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

### **1.4 SITE DESCRIPTION**

The site is located at 7A Cochrane Road, Thirroul and the title reference Lot 12 DP 1188169. The site is a battle-axe allotment currently vacant, although a shipping container was noted on the site at the time of inspection.

The lot has access to Cochrane Road and slopes from the south west to the north-west corner with a cross fall of approximately 2m.

In total, the development site has an area of 584m<sup>2</sup> (deposited plan and survey). Vehicular access is obtained from Cochrane Road by an existing 3m wide access handle that was previously constructed during the subdivision of the original lot.

The site is surrounded by a mix of residential properties including single dwelling houses and multi-dwelling housing developments. The immediate adjoining property to the south west, No. 7 Cochrane Road, is a two storey dwelling house. The adjoining development to the south east is multi-dwelling housing consisting of five (5) villas and to the north-north west, a two storey townhouse development. The local character of the area is a mix of low and medium density residential development.

#### Property constraints

- Acid Sulfate Soils – Class 5
- Uncategorised Flood Risk Precinct
- SEPP Coastal Use Zone
- Filled affected land

The site is identified as being affected by a stormwater easement, restriction on the use of land and a positive covenant for on-site stormwater detention system.

Easements to drain water are 1 and 3.055 meters wide are located along the NW side boundary for the benefit of Lot 11, the adjoining property south west of the site No. 7 Cochrane Road. The Restriction on the use of land relates to the on-site stormwater detention system and a positive covenant for on-site stormwater detention system relates to the land owner being responsible for the upkeep and regular maintenance of the OSD system. It is noted the subject site also benefits from an existing easement to drain water wide located on adjoining rear property on Lot 67 DP 862606 (SP 52969) known as 11 Cochrane Road.



**Figure 2:** Aerial photograph (2018)

### 1.5 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising from 5 to 20 February 2019, during which 14 submissions were received. Following the submission of amended plans, the application was further notified from 20 March to 4 April 2019. Four submissions were received.

The issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
<p>1. <u>Proposal is an overdevelopment of the site</u></p>	<p>The proposal is compliant with floor space ratio and building height maximums. Boundary setbacks are compliant, as is the provision of landscaped areas.</p>
<p>2. <u>Inconsistency with Chapter B1 of WDCP 2009</u></p> <ul style="list-style-type: none"> <li>• Clause 4.1</li> </ul> <p>The two storey proposal on a battle-axe lot is inconsistent with the clause resulting in adverse impacts on adjoining properties such as overshadowing and privacy impacts.</p>	<p>The application has been considered against the objectives of the Clause in detail at <b>Attachment 2</b>.</p> <p>Amendments were made to the proposal to generally maintain existing solar access to adjoining</p>

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- Clause 4.3 Side and Rear Setbacks of Chapter B1  
The proposal is not compliant with side boundary setbacks

- Clause 4.4 Site coverage  
The site coverage is non-compliant.

The battle-axe handle should not be included as site area.

- Clause 4.7 Solar Access

The development will result in adverse overshadowing impacts on the adjoining properties.

The adjoining lot does not receive sunlight until midday, which is when the proposed dwelling overshadows the private open space and main living areas of the adjoining dwelling. The adjoining dwelling will be shadowed completely by 3pm.

existing properties between the hours of 9am to around 1pm. Further, the majority of windows overlooking side boundaries are those with high sill heights servicing bedrooms.

Overall, it is considered that the proposal is not contrary to the objectives and the two storey component is capable of support.

The proposal is compliant with all side and rear boundary setbacks.

The proposed site coverage does not exceed the maximum permissible being 50% of the site area.

For the purposes of site coverage calculation, site area is defined as the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan. As such, the battle-axe handle is not excluded from the definition of site area.

The calculations for site coverage are included at **Attachment 2**.

It is noted that the proposal will cause overshadowing of the adjoining development to the south east in the afternoon hours. The proposal was amended to ensure there were no impacts on solar access to these properties from 9am to 12pm, and only minor impacts until 1pm.

The controls require three hours of continuous sunlight to living and private open space areas of adjoining properties, and it is considered that the proposal is

	<p>compliant with this Clause.</p> <p>Additional detailed discussion and analysis regarding overshadowing is at <b>Attachments 2 and 4</b> respectively.</p>
<ul style="list-style-type: none"> <li>• Clause 5.4.2 Setback</li> </ul> <p>The concerns raised relate to setbacks for multi-unit dwellings whereby setbacks should be 2.19m.</p>	<p>This clause is contained within Section 5 of Chapter B1 of WDCP 2009, applicable to multi-dwelling housing development. The proposal is for a dual occupancy.</p>
<ul style="list-style-type: none"> <li>• Clause 4.10 Car parking and Access</li> </ul> <p>The width of the driveway is non-compliant and should be increased.</p>	<p>The driveway is an existing structure, approved and constructed under the previous development application for the subdivision of the original site. Increases to width along the handle are not possible due to existing property boundaries.</p>
<p>3. <u>Landscaping</u></p> <p>Inappropriate landscaping in deep soil will exacerbate overshadowing to adjoining property</p>	<p>The larger trees proposed in the deep soil zone are Bangalow Palms and Lillipillys of a variety that grow to 2.5-3m in height (Cherry Surprise)</p> <p>The nature of the landscaped form of the Bangalow palm is such that the narrow trunk with discrete foliage area would not be expected to adversely impact on adjoining properties by way of overshadowing.</p> <p>Concerns relating to the Lilly Pillys are noted and a condition is recommended to ensure that the Lilly Pillys are not planted within the 1500mm setback to the south eastern boundary.</p>

**1.6 CONSULTATION**

1.6.1 INTERNAL CONSULTATION

Council’s Stormwater, Subdivision and Traffic Officers have reviewed the application submission and provided satisfactory referral comments. Conditions of consent were recommended in each instance.

1.6.1 EXTERNAL CONSULTATION

None required

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

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

**7 Contamination and remediation to be considered in determining development application**

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site, with the properties being used for residential purposes since prior to 1961. Minor earthworks are proposed as part of the development and the proposal does not comprise a change of use. The lot was created in the subdivision application in DA-2011/1294 for a residential use, and as such it is considered that the site is suitable for its proposed use.

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

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

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

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The site is within the Coastal Environment Area and the Coastal Use Area. The proposal addressed the aims and objects of Clause 13 and 14 of the SEPP Coastal Management 2018.

An assessment of the development against the aims and matters for consideration of the policy are provided below.

Clause 13 – Coastal Environment Area

Development on land within the coastal environment area

Matter	Comment
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:	The development would not be expected to result in adverse impacts on the attributes of the NSW coast.
(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	It is considered that the development will not have an adverse impact in this regard. The proposal involves stormwater disposal to connect into an existing system, and does not allow for dispersion into the hydrological cycles of the local environment.

(b) coastal environmental values and natural coastal processes,	It is considered that the development will not have an adverse impact in this regard.
(c) the water quality of the marine estate (within the meaning of the <i>Marine Estate Management Act 2014</i> ), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	The development would not be expected to result in any impacts on water quality, with stormwater and runoff being directed into existing stormwater systems.
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	The development is not within close proximity to the coast, and as such does not come into contact with marine vegetation, or undeveloped headlands and rock platforms. The proposal is not expected to have adverse impacts on native vegetation and fauna or their habitats.
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The development would not result in adverse impacts on public or beach areas.
(f) Aboriginal cultural heritage, practices and places,	The development would not be expected to result in adverse impacts on aboriginal cultural heritage, practices or places.
(g) the use of the surf zone.	The development would not be expected to result in adverse impacts on the surf zone due to its distance from the marine environment.
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:	
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The development is considered to be designed and sited so as to avoid adverse impacts referred to in subclause (1)
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	No adverse impacts are expected from the development.
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	No adverse impacts are expected from the development.

Comment:

The proposal is considered to be generally consistent with the matters for consideration in Clause 13 of the Coastal Management SEPP 2018.

Clause 14 – Coastal Use Area

Development on land within the coastal use area:

<i>Matter</i>	<i>Comment</i>
(1) Development consent must not be granted to	

development on land that is within the coastal use area unless the consent authority:	
(a) has considered whether the proposed development is likely to cause an adverse impact on the following:	
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	The proposal is not within proximity to beach access; as such no impact is expected.
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposal will not cause overshadowing, wind funnelling or the loss of views from public places to foreshores.
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	The proposal is not expected to detrimentally affect coastal views.
(iv) Aboriginal cultural heritage, practices and places,	The proposal is not expected to impact on Aboriginal cultural heritage values, practices or places.
(v) cultural and built environment heritage, and	It is considered that the proposal will not impact upon the cultural and built environmental heritage of the area.
(b) is satisfied that:	
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	It is considered that the proposal has been designed and sited to avoid adverse impacts referred to in paragraph (a)
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal is not expected to impact on or be affected by any coastal processes or hazards.
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	No adverse impacts are expected from the development.
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	No adverse impacts are expected from the development.

#### Comment

The application is considered to be generally consistent with the clause 14 matters for consideration.

#### 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.

The proposal is not expected to cause an increased risk of coastal hazards on the 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.

The proposal has been considered against the coastal management plan applicable to the land (Wollongong Coastal Zone Management Plan). The proposal is not affected by any coastal impacts or risks.

### **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 is not impacted by coastal inundation, coastal geotechnical risk or reduced foundation capacity at the 2010/ 2015/2100 timelines.

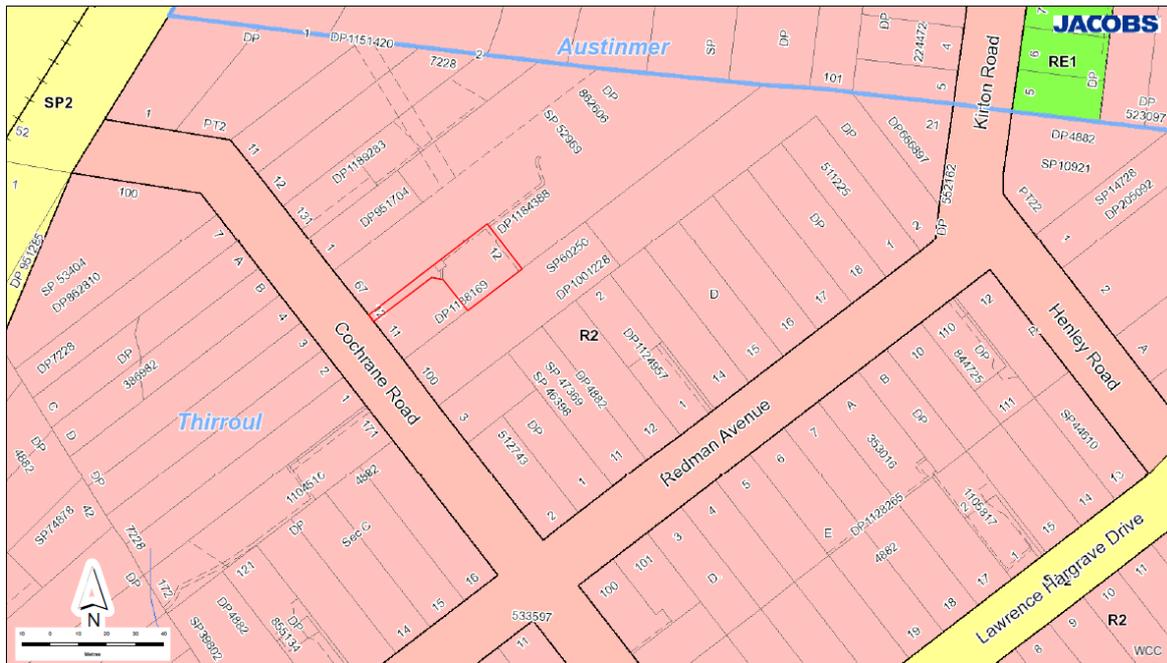
The proposal is not considered likely to result in adverse impacts on the coastal environment and it is considered to be unlikely that coastal processes will adversely impact on the development. The proposal is therefore considered satisfactory with regard to the aims outlined in Clause 3 of this policy and the matters outlined for consideration.

#### **2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

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

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

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



**Figure 3:** WLEP 2009 zoning map

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal would be considered satisfactory with regard to the above objectives as it would provide for additional housing opportunities.

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

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

The proposal is categorised as **Dual occupancy** as defined below and is permissible in the zone with development consent.

Clause 1.4 Definitions

**dual occupancy** means a dual occupancy (attached) or a **dual occupancy (detached)**.

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

**Subdivision** is not specifically defined within the Plan. Clause 4B of the Act however defines the ‘subdivision of land’ as the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:

- by conveyance, transfer or partition, or
- by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition.

The proposal includes strata title subdivision which falls within this definition.

Clause 2.6 Subdivision—consent requirements

Land may be subdivided, but only with development consent. Consent for strata subdivision is sought as part of the subject application.

**Part 4 Principal development standards**

Clause 4.1 Minimum subdivision lot size

The proposal seeks the strata subdivision after the construction of the dual occupancy development and this clause does not apply under subclause (4)(a).

Clause 4.3 Height of buildings

The proposed building height of 7.85m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	<b>0.5:1</b>	
Site area:	584m <sup>2</sup>	
GFA:	<b>Unit 1</b>	
	GFA	119.46m <sup>2</sup>
	<b>Unit 2</b>	
	GFA	148.74m <sup>2</sup>
	<b>Total GFA</b>	268.2 m <sup>2</sup>
FSR:	0.46:1	

The proposal does not exceed the maximum permissible floor space ratio for the land.

**Part 7 Local provisions – general**

Clause 7.1 Public utility infrastructure

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

Clause 7.3 Flood planning area

The site is identified to be flood affected in an uncategorised flood risk precinct. The application was accompanied by a flood study and the application was reviewed by Council’s Stormwater Officer who provided conditionally satisfactory referral advice.

The proposed levels are above the 1 in 100 and PMF flood extents. The proposal is therefore not expected to unreasonably impact on flood behaviour, or result in an increased flood risk to adjoining properties.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulfate soils management plan is not required in accordance with the requirements of this clause.

Clause 7.6 Earthworks

The proposal would require minor excavation into the site in relation to general construction of the dwellings. It is not anticipated that the earthworks will have an adverse impact on the environmental functions and processes, neighbouring properties or features on surrounding land.

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

Nil

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

### 2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009. Compliance tables can be found at **Attachment 2** to this report. The development proposes two storey construction on a battle-axe lot. A variation request statement with justification has been provided by the applicant in accordance with clause 8 of Chapter A1 of WDCP 2009 and is included at **Attachment 3**. The variation has been assessed and is considered to be capable of support in this instance.

### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2018)

The estimated cost of works is \$600,000 and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

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

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

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

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

The proposal does not involve demolition.

93 Fire safety and other considerations

Not applicable as there is no change of use proposal.

94 Consent authority may require buildings to be upgraded

Not applicable.

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

### Context and Setting:

The locality immediately surrounding the site is comprised of a mix of residential developments, ranging from single residential dwellings to multi dwelling developments. Battle-axe allotments are not uncommon in the area, and this pattern of development is likely to continue where large existing allotments, common in the vicinity, provide sufficient land area for further development. In addition, a number of the battle-axe allotments in the immediate of the vicinity of the proposal contain two storey dwellings.

The plans under review include amendments to both the ground and first floors that have marginally reduced the bulk of the building, whilst scale remains relatively unchanged, albeit in context with surrounding development. Further, all required setbacks have been achieved by the proposal.

The development will result in overshadowing of the development to the south east, however amendments to the plan ensure that solar access is not impacted on between 9am and 12pm midwinter.

The proposal has been assessed with regard to the amenity impacts from the development, the

zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

Access, Transport and Traffic:

The development provides for the required number of car parking spaces and adequate manoeuvring within the site. The development is considered not to result in an adverse impact on the traffic movement and access to the site. Council's Traffic Engineer has no objections to the proposed access arrangements subject to conditions included at **Attachment 6**.

Public Domain:

The proposal is not envisaged to adversely impact the public domain.

Utilities:

The proposal would not be envisaged to place an unreasonable demand on utilities supply.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal would not be envisaged to impact upon a valuable land resources.

Water:

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

The proposal would not be envisaged to have unreasonable water consumption, and a BASIX certificate has been provided indicating that the proposal achieves water targets.

Soils:

The proposal is not envisaged to adversely affect the soil quality of the land. The site is affected by acid sulfate soils Class 5 however due to the nature of the proposal, does not require the preparation of an acid sulfate management plan.

Air and Microclimate:

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

Flora and Fauna:

The proposal will involve the removal of one Frangipani. No significant flora and fauna are affected by the proposal. A landscape plan has been submitted with the application, and is considered to be acceptable. The proposed landscaping will provide an improved landscaped setting and the location of the deep soil zones will also assist in ameliorating the visual impacts of the proposed built form.

Waste:

Conditions included at **Attachment 6** require an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal would not be expected to have unreasonable energy consumption. A BASIX certificate has been provided for the proposal.

Noise and vibration:

Noise and vibration impacts are likely to occur during the demolition, excavation and construction phases, however these impacts are expected to be relatively short term in duration. A range of conditions are recommended for imposition to minimise nuisance during demolition and

construction.

Natural hazards:

Whilst there are no natural hazards affecting the site that would prevent the proposal, Council records indicate the site as being uncategorised flood affected. The application was accompanied by a flood study, and the application was reviewed by Council's Stormwater Officer who provided conditionally satisfactory referral advice.

The proposal is considered to not create an adverse impact on the catchment, and the proposal will be constructed above the 1 to 100 year flood planning levels.

Technological hazards:

Council records list the site as acid sulfate soil affected. The site is affected by Class 5 acid sulfate soils however the proposal does not trigger the requirement for an acid sulfate management plan.

Safety, Security and Crime Prevention:

The proposal does not raise concerns in relation to safety or crime prevention.

Social Impact:

The proposal would not be envisaged to result in negative social impacts.

Economic Impact:

The proposal would not be envisaged to result in negative economic impacts.

Site Design and Internal Design:

The application seeks consent for two storey construction on a battle-axe allotment, and a variation justification statement has been provided in this regard. Further discussion regarding this matter can be found at **Attachment 2**.

The development is considered to respond to site constraints and attributes.

Construction:

Conditions of consent could be recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation and demolition.

A condition is proposed to ensure that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The development is considered to be consistent with the amenity of the neighbourhood and also consistent with surrounding development. There are not expected to be cumulative impacts arising from the proposal.

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

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to result in negative impacts on the amenity of the locality.

Are the site attributes conducive to development?

The existing site constraints do not prevent the proposal.

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

See section 1.5 of this report.

## **2.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

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

## **3 CONCLUSION**

---

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

Subdivisions and dual occupancies are permissible with consent in the R2 land use zone pursuant to the WLEP 2009. The proposal does not result in exceptions to development standards.

The development proposes two storey construction on a battle-axe allotment. A variation request statement with justification has been provided by the applicant in accordance with clause 8 of Chapter A1 of WDCP 2009. The variation is considered to be capable of support in this instance as discussed within section 2.3.1 of this report.

The design of the development is appropriate with regard to the controls outlined in the Wollongong DCP 2009, and it is considered that proposal under review has responded to those matters raised by the Wollongong Local Planning Panel in their consideration of DA-2018/533.

Some issues raised in the public submissions have been resolved by the applicant in the submission of amended plans/additional information. Any unresolved issues are not considered sufficient to warrant refusal of the application.

All internal and external referrals are satisfactory and there are no outstanding issues.

It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

## **4 RECOMMENDATION**

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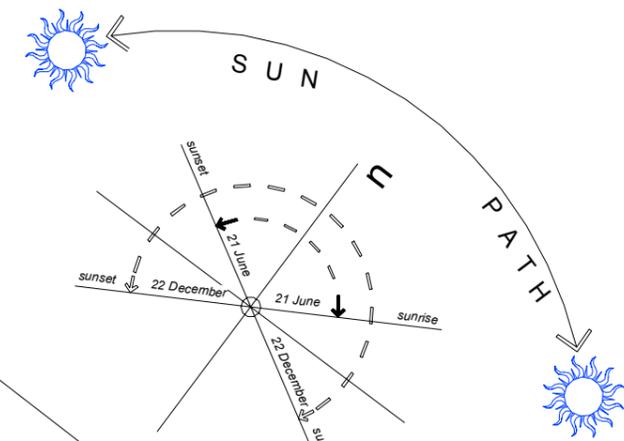
It is recommended that the application for Review of Determination RD-2018/533/A be approved pursuant to Section 8.4 of the Environmental Planning & Assessment Act 1979 subject to the conditions provided at **Attachment 6**.

## **5 ATTACHMENTS**

---

- 1 Plans
- 2 Compliance table for Wollongong Development Control Plan 2009
- 3 WDCP Variation Request Statement
- 4 Solar Access Assessment by Council
- 5 Council's WLPP Report dated 5 September 2018 and WLPP advice in relation to DA-2018/533
- 6 Conditions

[Click on the red line above for link to previous report](#)



OCEAN 400m  
 SHOPS 500m  
 SCHOOL 800m  
 LIBRARY 1KM

# Site Analysis

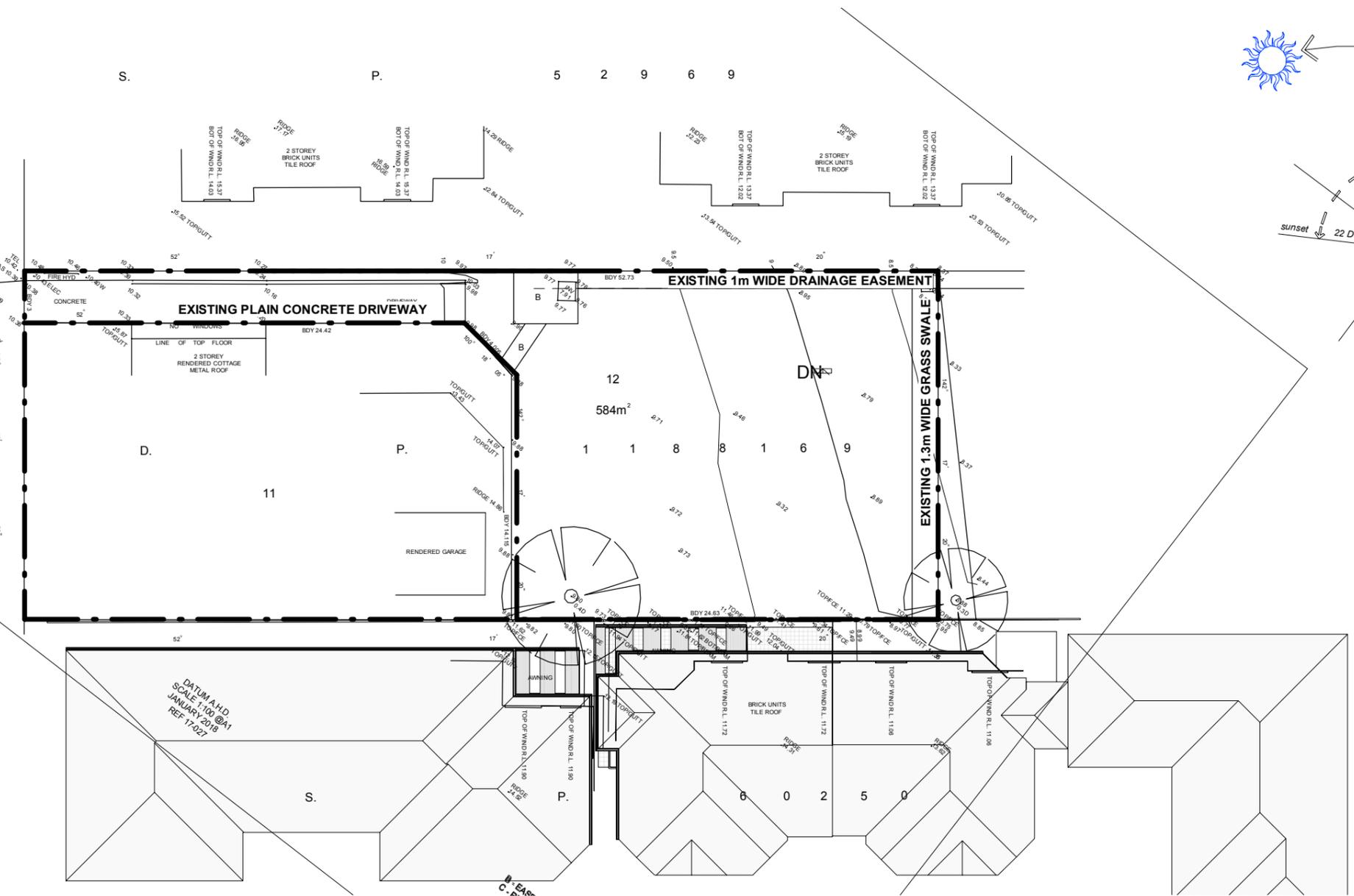
1

1 : 300

NO THROUGH ROAD  
 LOW VEHICLE ROAD

COCHRANE ROAD

NOTES:  
 THIS PLAN IS FOR INFORMATION ONLY  
 AND DOES NOT CONSTITUTE A CONTRACT  
 OR A GUARANTEE OF ANY KIND  
 THE CLIENT IS ADVISED THAT THE  
 DESIGNER HAS NOT CONDUCTED A  
 SURVEY OF THE SITE AND THE  
 DIMENSIONS SHOWN ON THIS PLAN  
 ARE APPROXIMATE AND SHOULD BE  
 VERIFIED BY A SURVEYOR  
 BEFORE CONSTRUCTION  
 THE DESIGNER ACCEPTS NO  
 LIABILITY FOR ANY DAMAGE OR  
 LOSS OF ANY KIND ARISING FROM  
 THE USE OF THIS PLAN  
 THE DESIGNER'S SERVICES HAVE BEEN MADE AVAILABLE AT THE REQUEST OF THE CLIENT AND THE CLIENT IS ADVISED THAT THE DESIGNER IS NOT A REGISTERED ARCHITECT OR ENGINEER



AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

**GENERAL NOTES:**  
 - Dimensions in preference to scale  
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 - Wind Rating refer to framing manufacturer's specification

**DRAWING: SITE ANALYSIS**  
**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

**JOB No.: 00172017**  
**DATE: 14.03.19**  
**DRAWN: J.HARB**  
**SCALE: As indicated**

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**PAGE No.: SH-01**





Gross Building Area		
Name	Area	Comments

U1 Ground Floor	91 m <sup>2</sup>	Unit 1
U1 First Floor	72 m <sup>2</sup>	Unit 1
163 m <sup>2</sup>		

U2 Ground Floor	121 m <sup>2</sup>	Unit 2
U2 First Floor	76 m <sup>2</sup>	Unit 2
197 m <sup>2</sup>		

360 m <sup>2</sup>		
--------------------	--	--

Landscape area	
Site Area(including handle)	584m <sup>2</sup>
Landscape area	63.7m <sup>2</sup>
Deep soil zone	60.2m <sup>2</sup>
<b>Total</b>	<b>123.9m<sup>2</sup> (21.2%)</b>

**1** Ground Floor Plan  
1 : 100

AMENDMENTS:		
No:	DATE:	COMMENTS:

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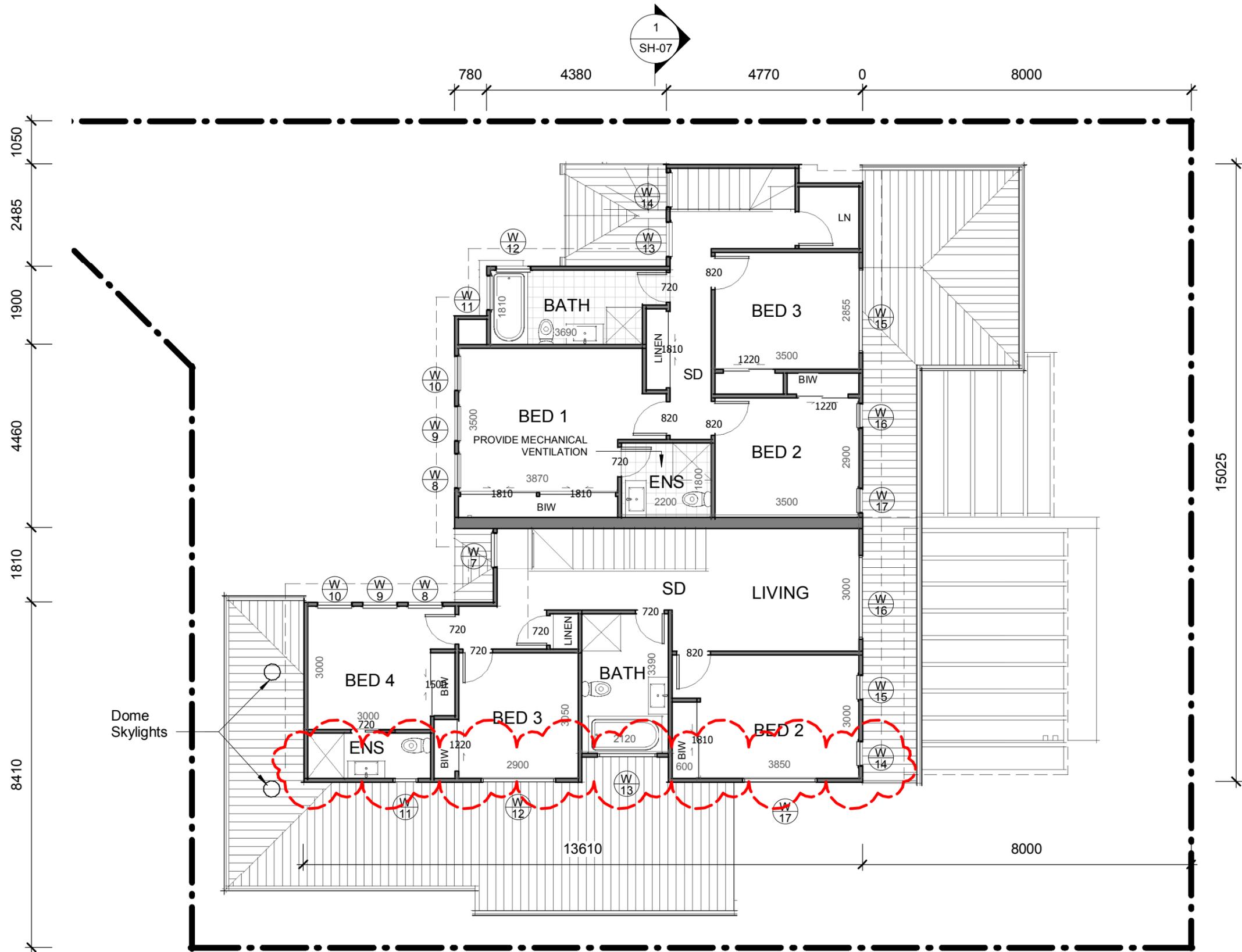
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**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

**JOB No.: 00172017**  
**DATE: 14.03.19**  
**DRAWN: J.HARB**  
**SCALE: 1 : 100**

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**PAGE No.: SH-03**



1

# First Floor Plan

1 : 100

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

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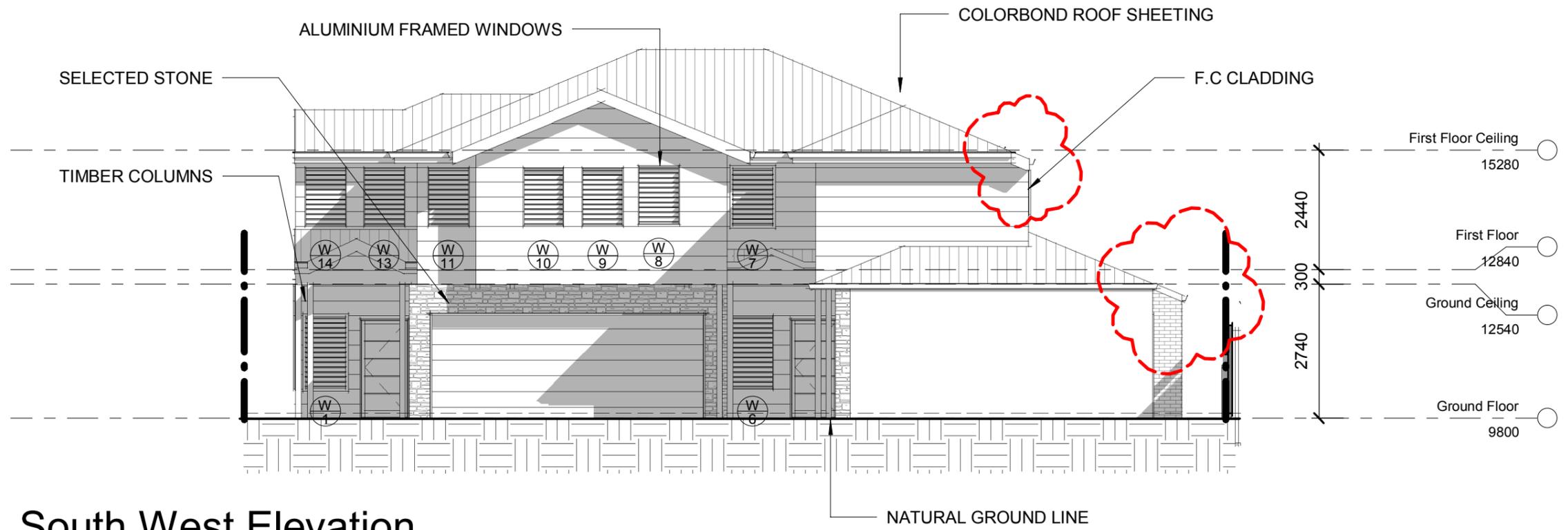
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**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

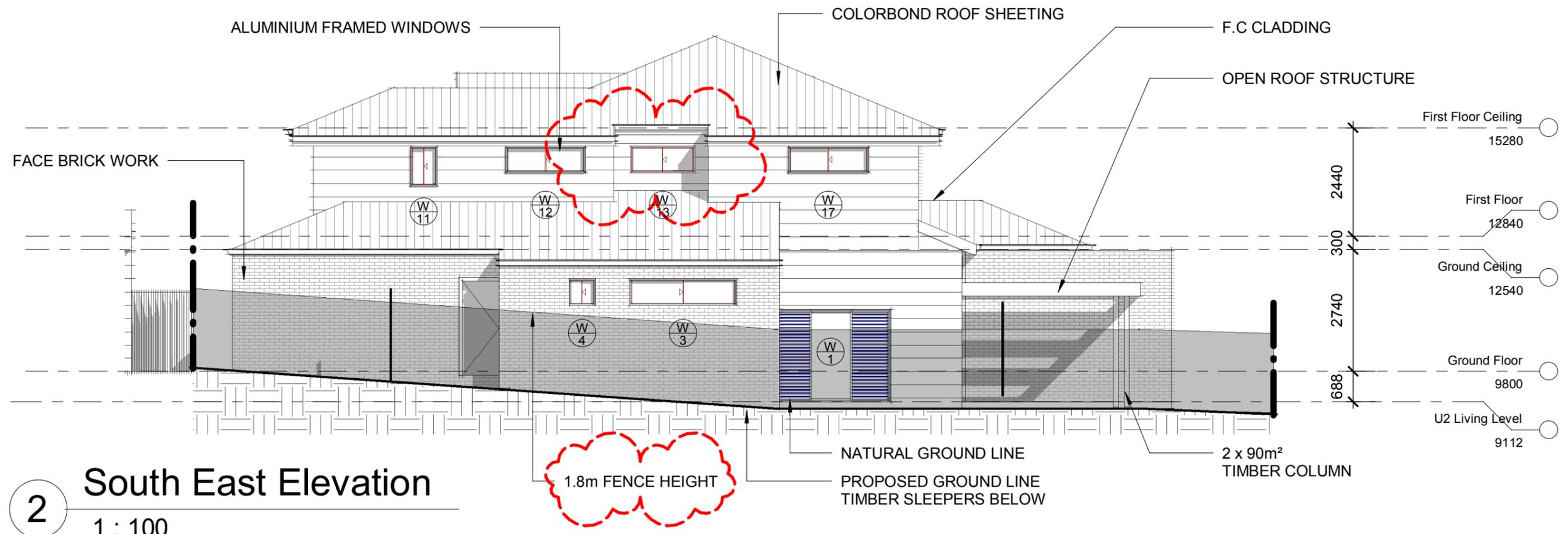
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1 South West Elevation  
1 : 100



2 South East Elevation  
1 : 100

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

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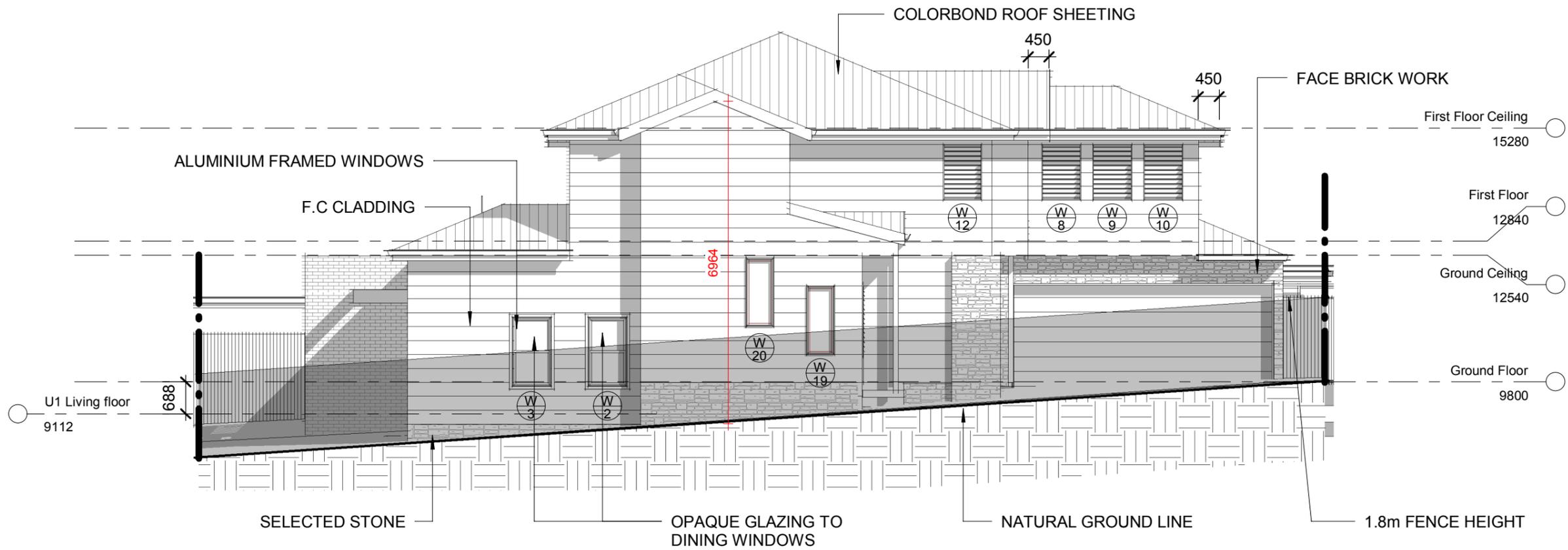
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**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

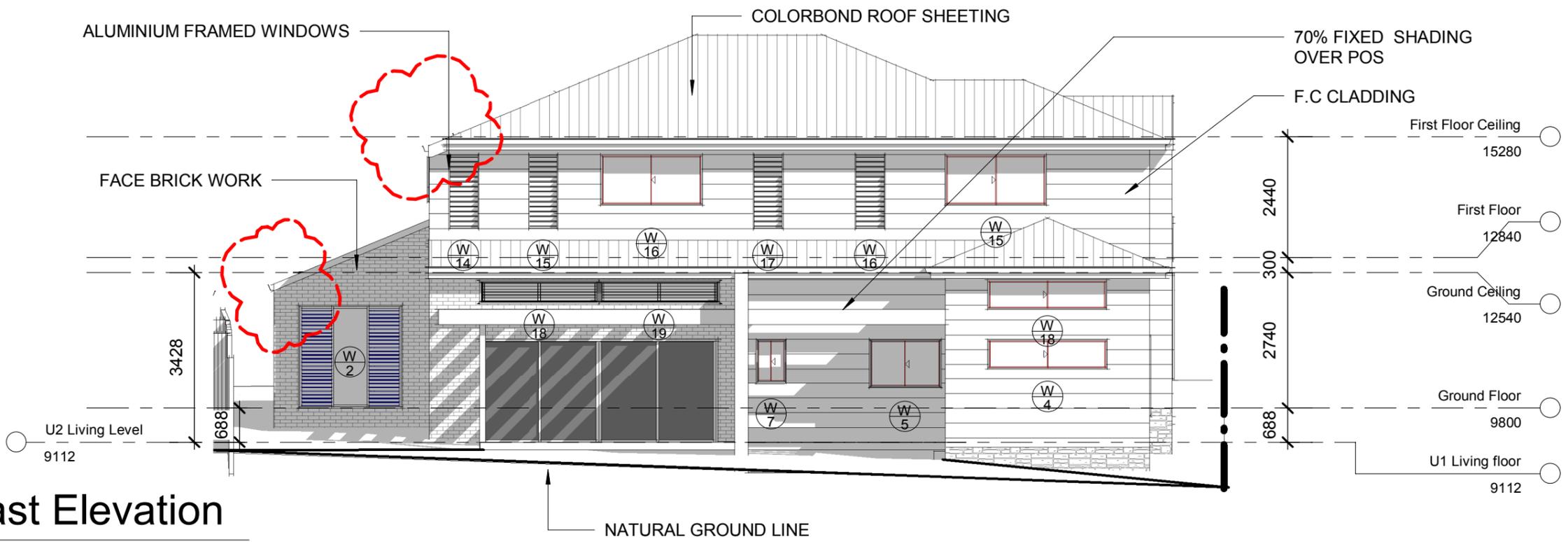
**JOB No.: 00172017**  
**DATE: 14.03.19**  
**DRAWN: J.HARB**  
**SCALE: 1 : 100**

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**1** North West Elevation  
1 : 100



**2** North East Elevation  
1 : 100

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

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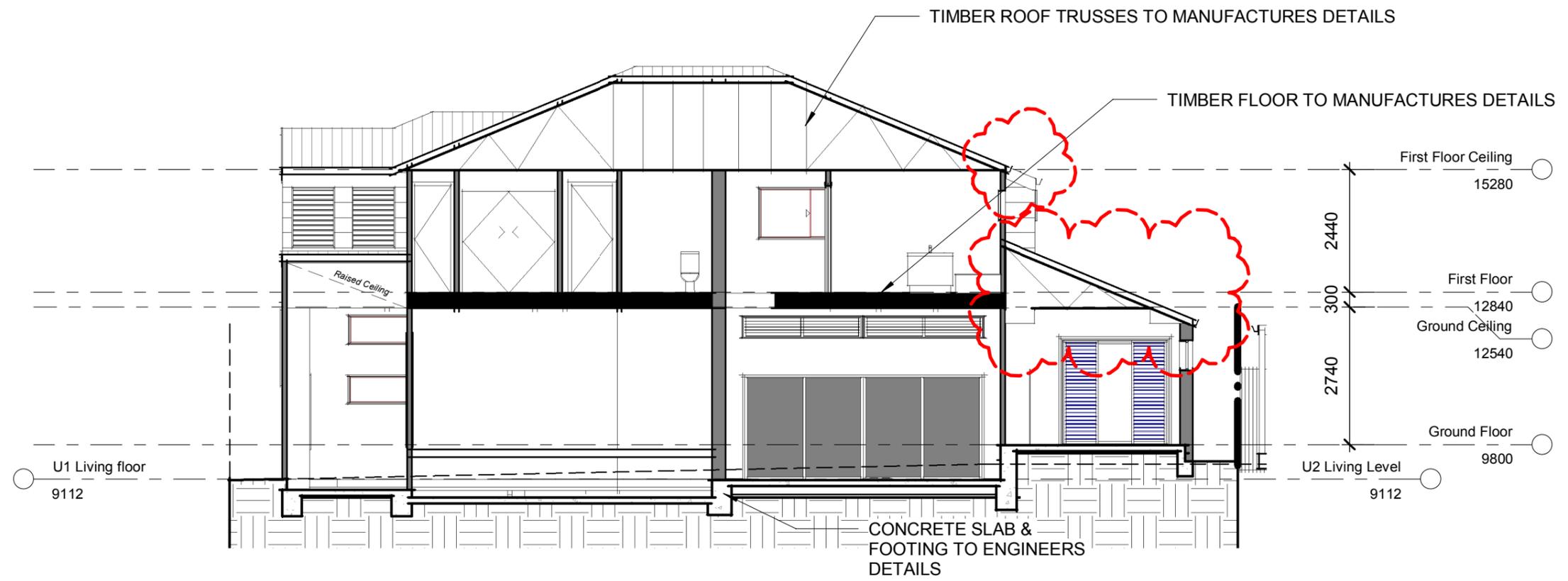
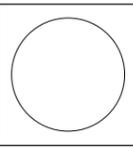
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**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

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**DATE: 14.03.19**  
**DRAWN: J.HARB**  
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**1** Section AA  
1 : 100

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No:	DATE:	COMMENTS:	

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**DRAWING: SECTION**

**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**

**SUBJECT: DEVELOPMENT APPLICATION**

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**JOB No.: 00172017**

**DATE: 14.03.19**

**DRAWN: J.HARB**

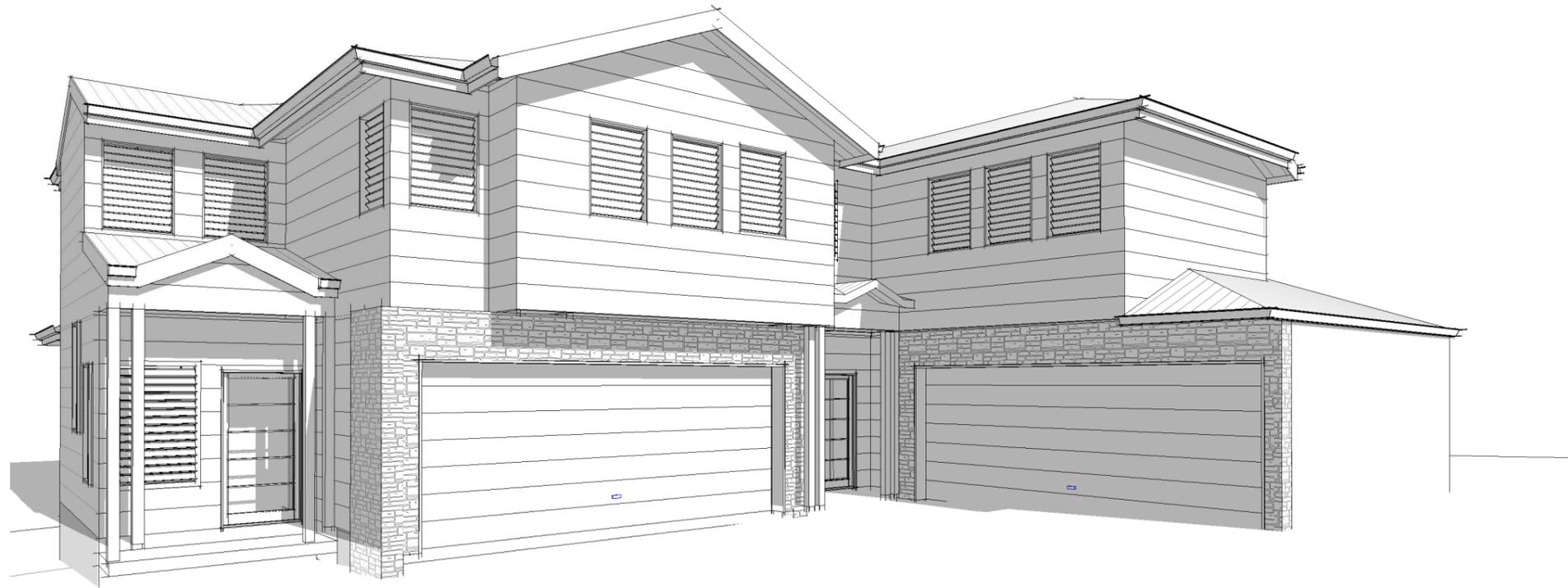
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1 3D View 1



2 3D View 2

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

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**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

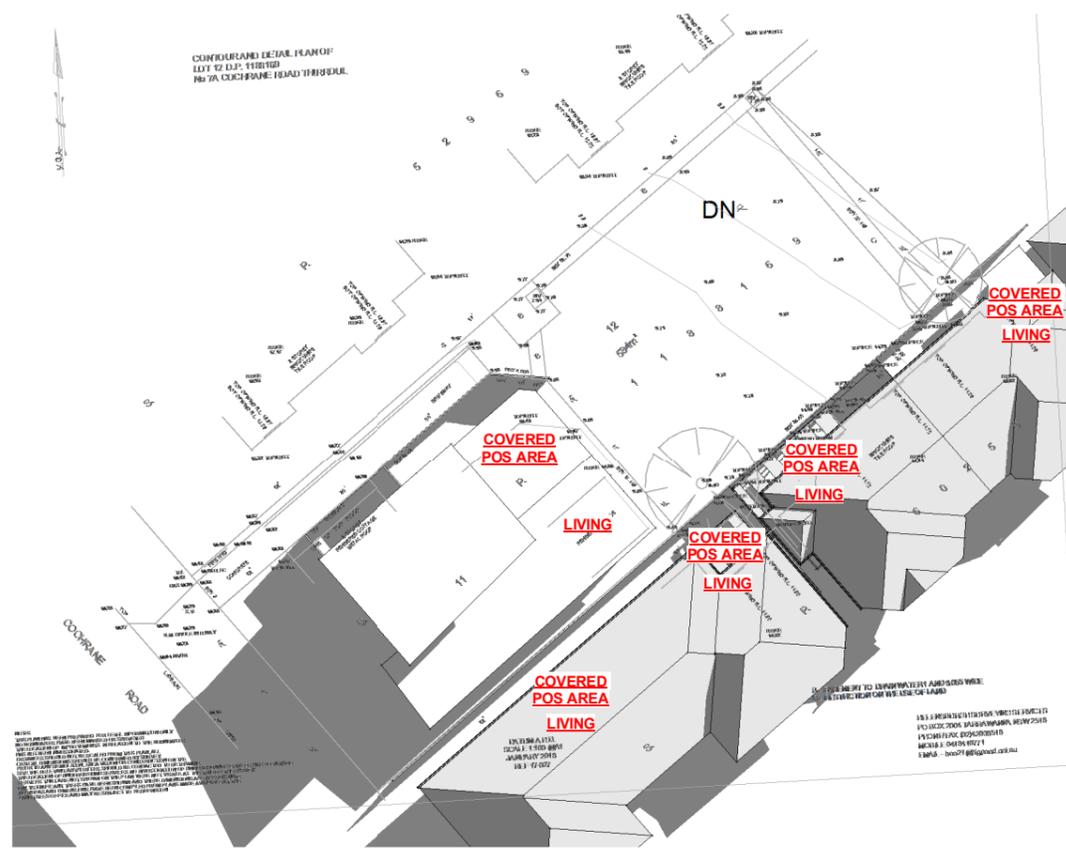
**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

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**SCALE:**

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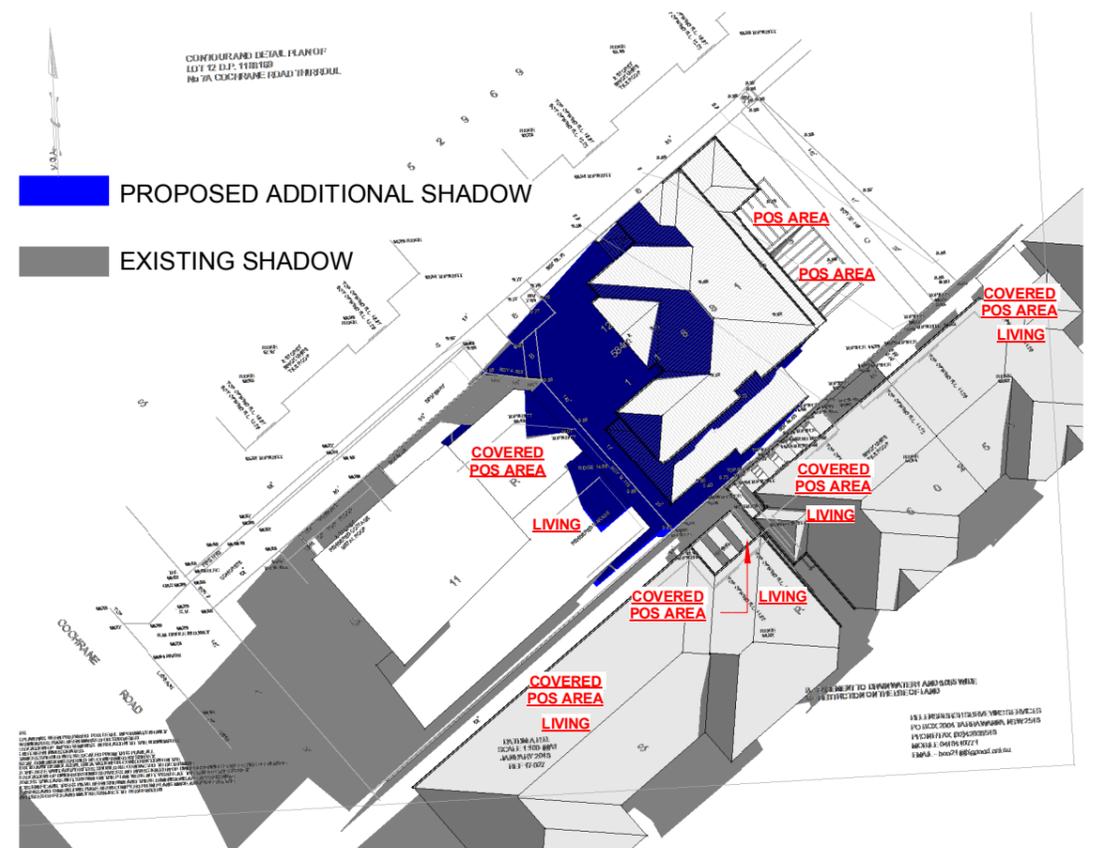






**1 PRE-DEVELOPMENT 9AM SHADOW**

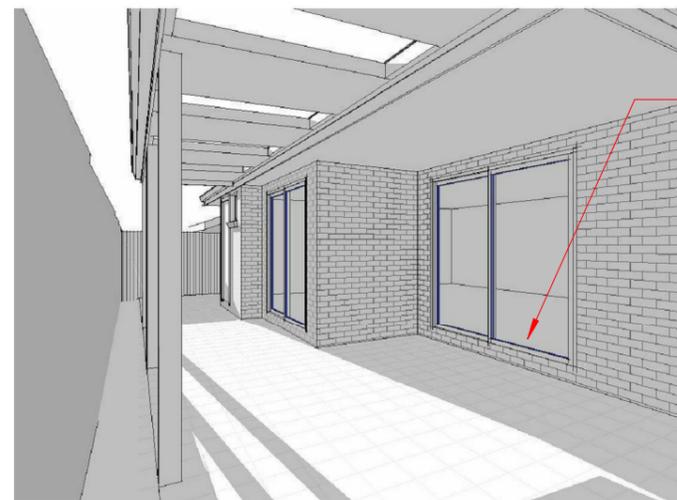
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**2 POST-DEVELOPMENT 9AM SHADOW**

1 : 500

**PRE-DEVELOPMENT - ADJOINING DWELLING**



9am SHADOW

No solar access into living areas due to self shadowing by pergola. POS has less than 50% solar access and is reduced by existing fence and pergola - can be improved by removing pergola.

**POST-DEVELOPMENT- ADJOINING DWELLING**



9am SHADOW

No impact from proposed development

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

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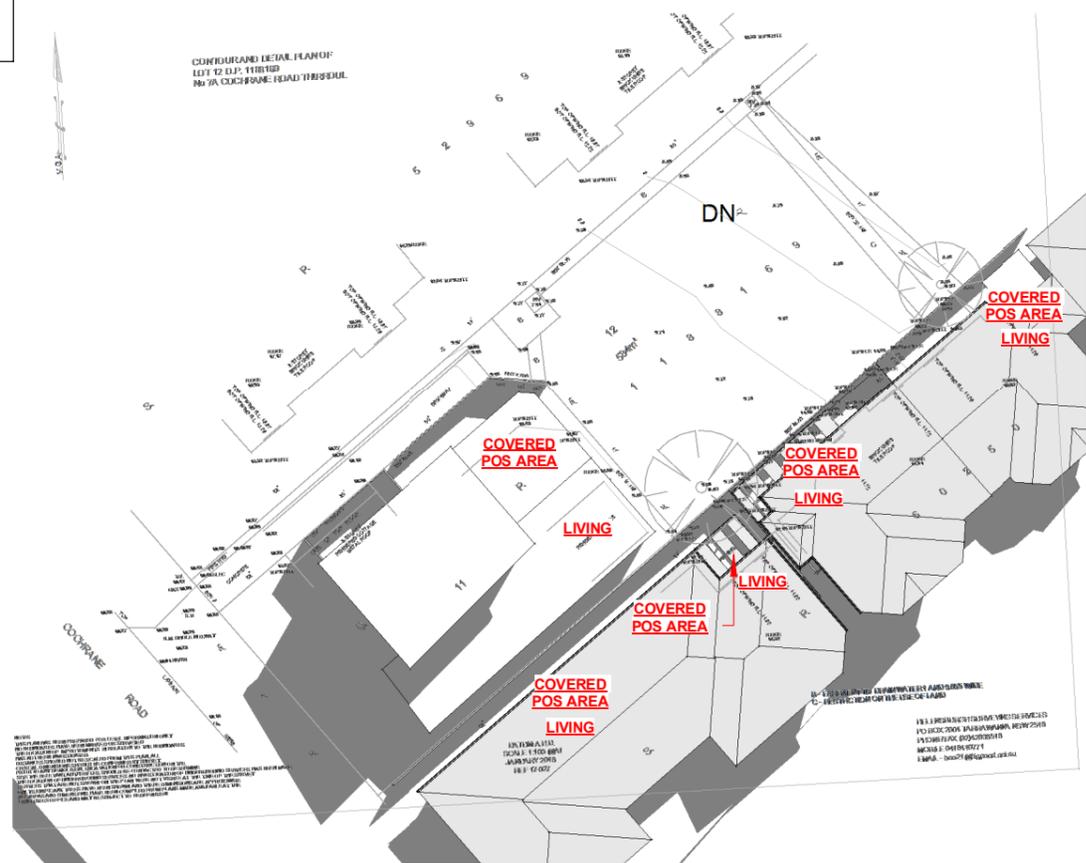
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**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
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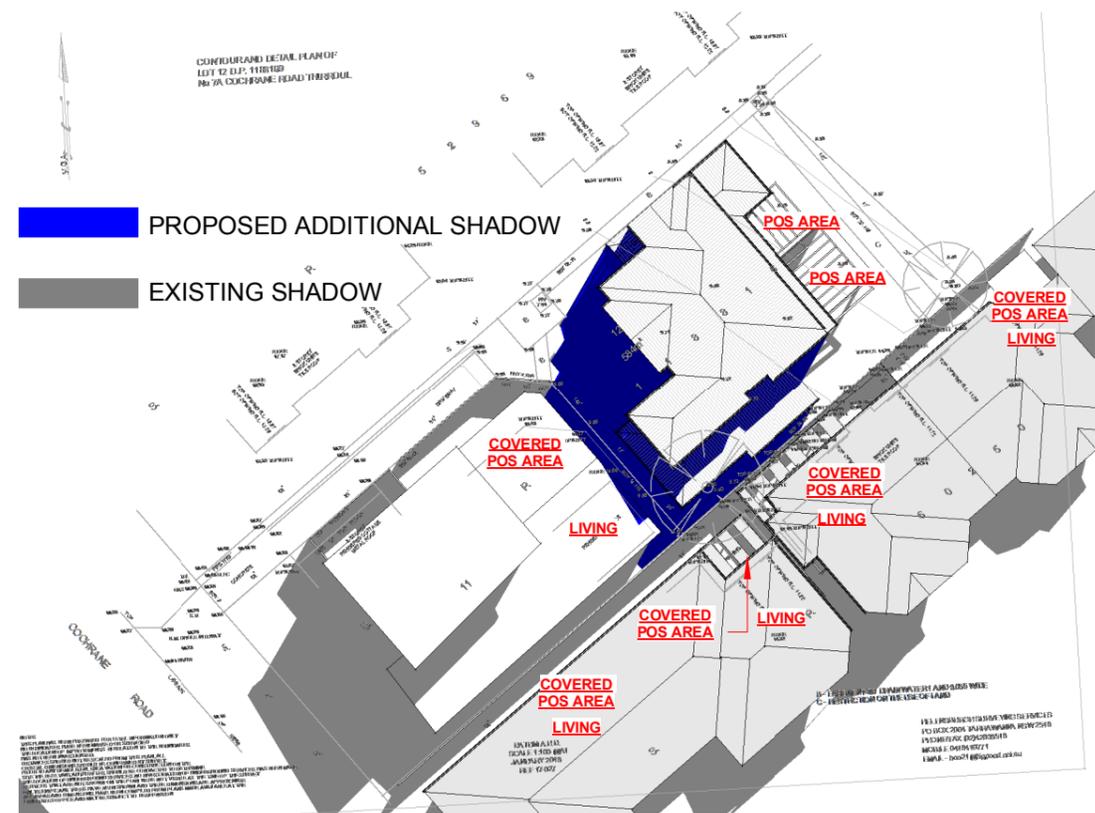
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**DATE: 14.03.19**  
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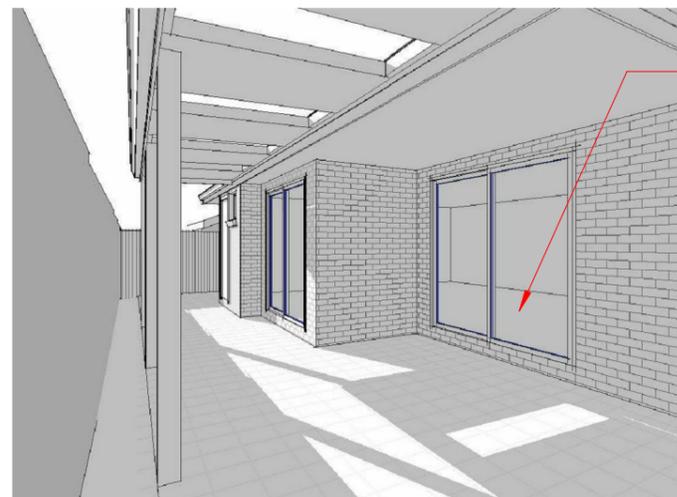


1 PRE-DEVELOPMENT 10AM SHADOW  
1 : 500



2 POST-DEVELOPMENT 10AM SHADOW  
1 : 500

**PRE-DEVELOPMENT - ADJOINING DWELLING**



10am SHADOW

No solar access into living areas due to self shadowing by pergola. POS has less than 50% solar access and is reduced by existing fence and pergola - can be improved by removing pergola.

**POST-DEVELOPMENT - ADJOINING DWELLING**



10am SHADOW

No impact from proposed development

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

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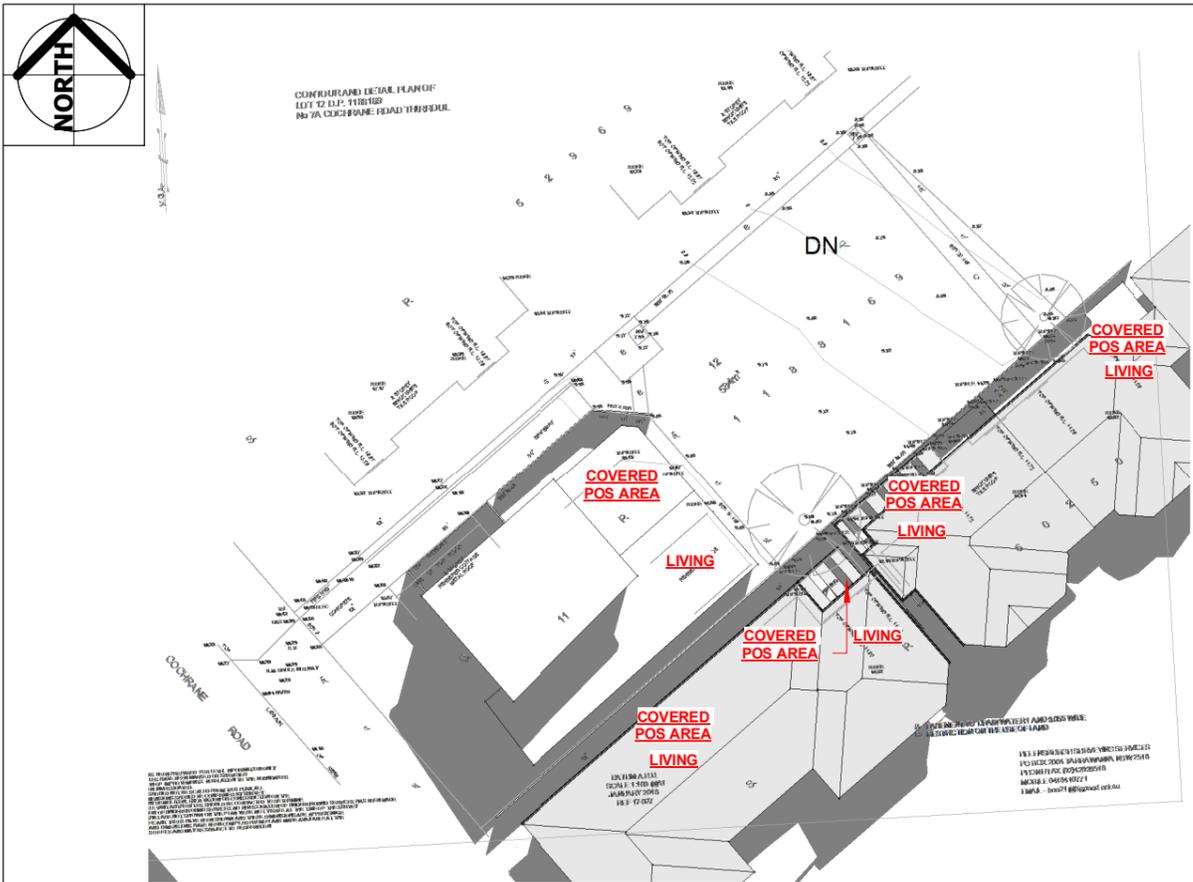
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**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
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**JOB No.: 00172017**  
**DATE: 14.03.19**  
**DRAWN: J.HARB**  
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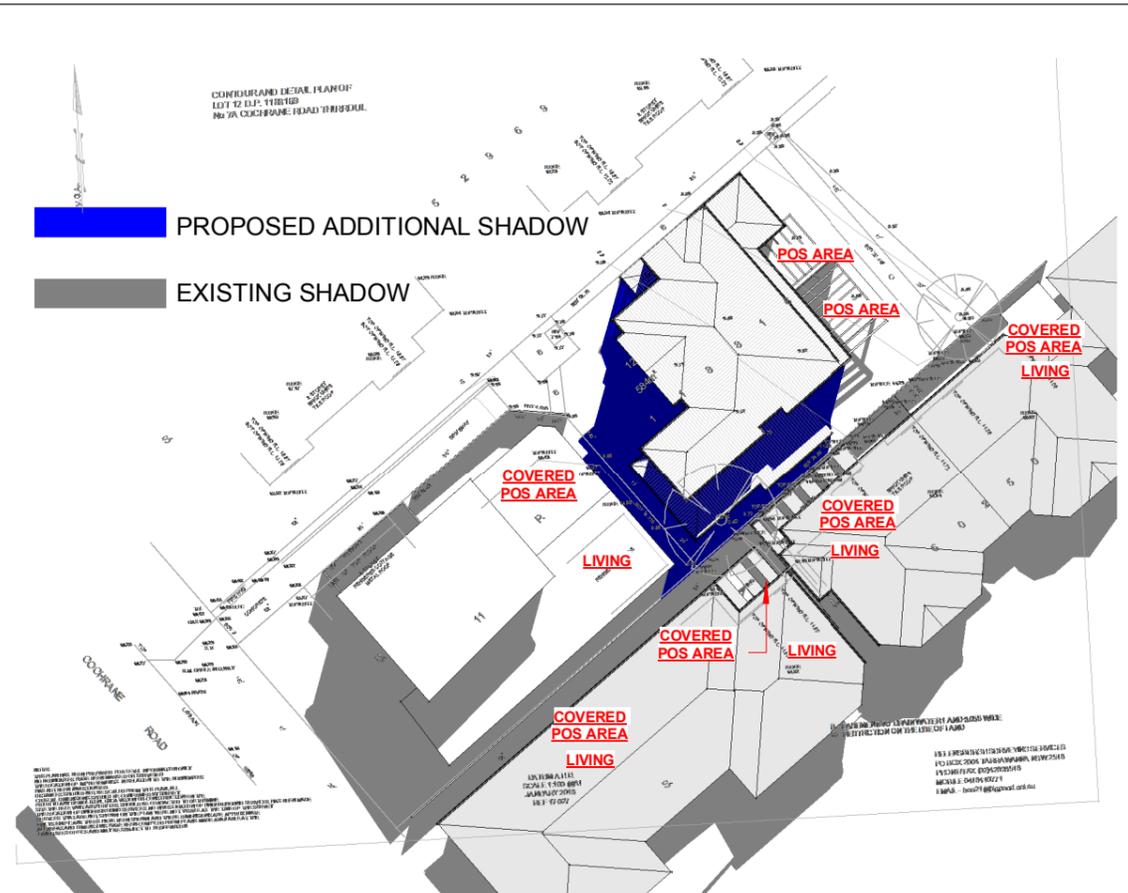
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# 1 PRE-DEVELOPMENT 11AM SHADOW

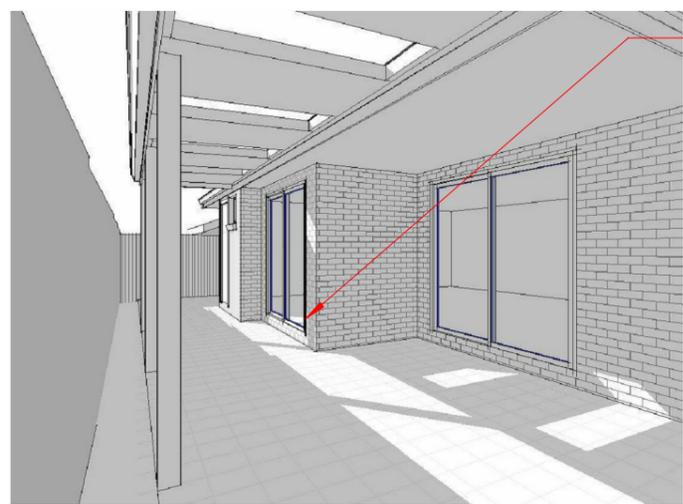
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# 2 POST-DEVELOPMENT 11AM SHADOW

1 : 500

## PRE-DEVELOPMENT - ADJOINING DWELLING



11am SHADOW

Minimal solar access into living areas due to self shadowing by pergola. POS has less than 50% solar access and is reduced by existing fence and pergola - can be improved by removing pergola.

## POST-DEVELOPMENT- ADJOINING DWELLING



11am SHADOW

No impact from proposed development

AMENDMENTS:		
No:	DATE:	COMMENTS:

**DWN:**  
**GENERAL NOTES:**  
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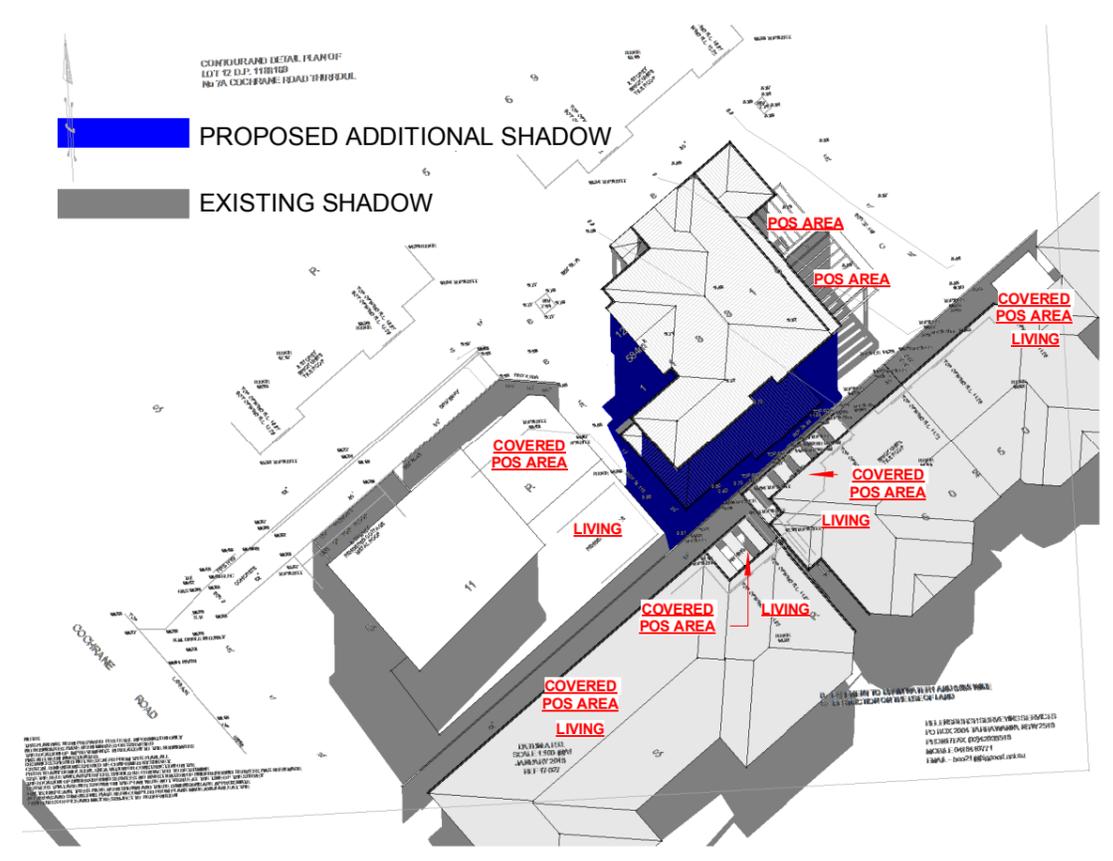
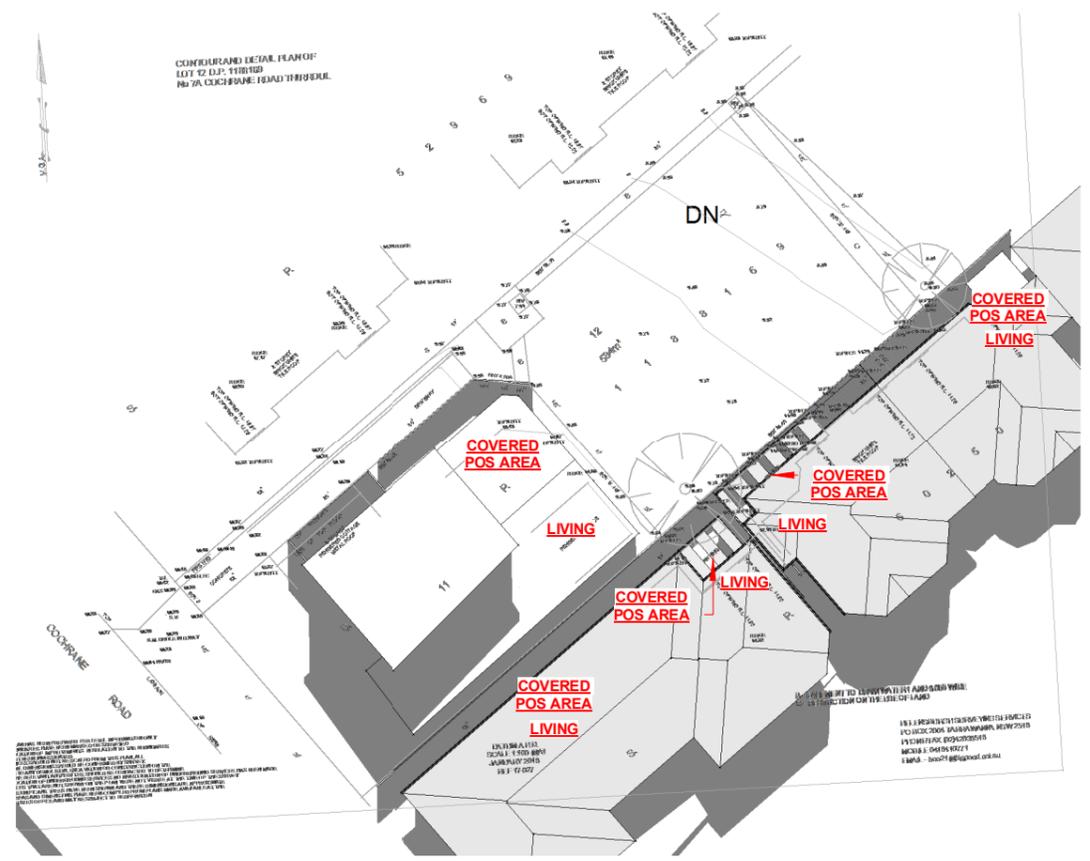
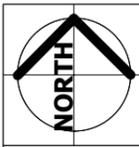
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**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

**JOB No.: 00172017**  
**DATE: 14.03.19**  
**DRAWN: J.HARB**  
**SCALE: 1 : 500**

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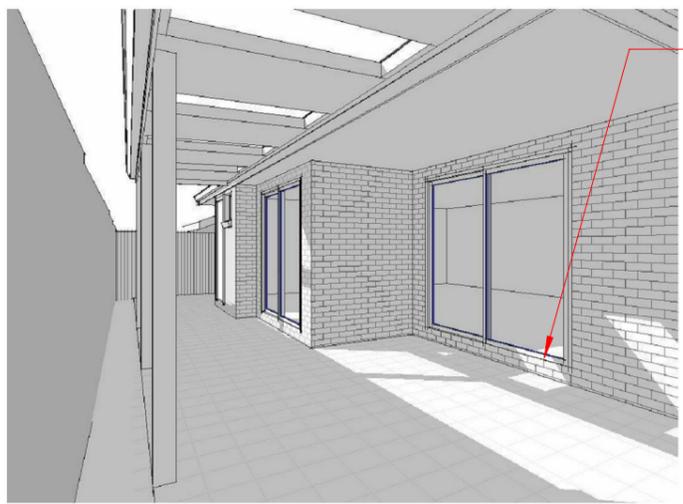
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**PAGE No.: SH-13**



**1** PRE-DEVELOPMENT 12PM SHADOW  
1 : 500

**2** POST-DEVELOPMENT 12PM SHADOW  
1 : 500

**PRE-DEVELOPMENT - ADJOINING DWELLING**



12pm SHADOW

Increased solar access into living areas but could be dramatically improved if no self shadowing. POS has less than 50% solar access and is reduced by existing fence and self shadowing - can be improved by removing pergola.

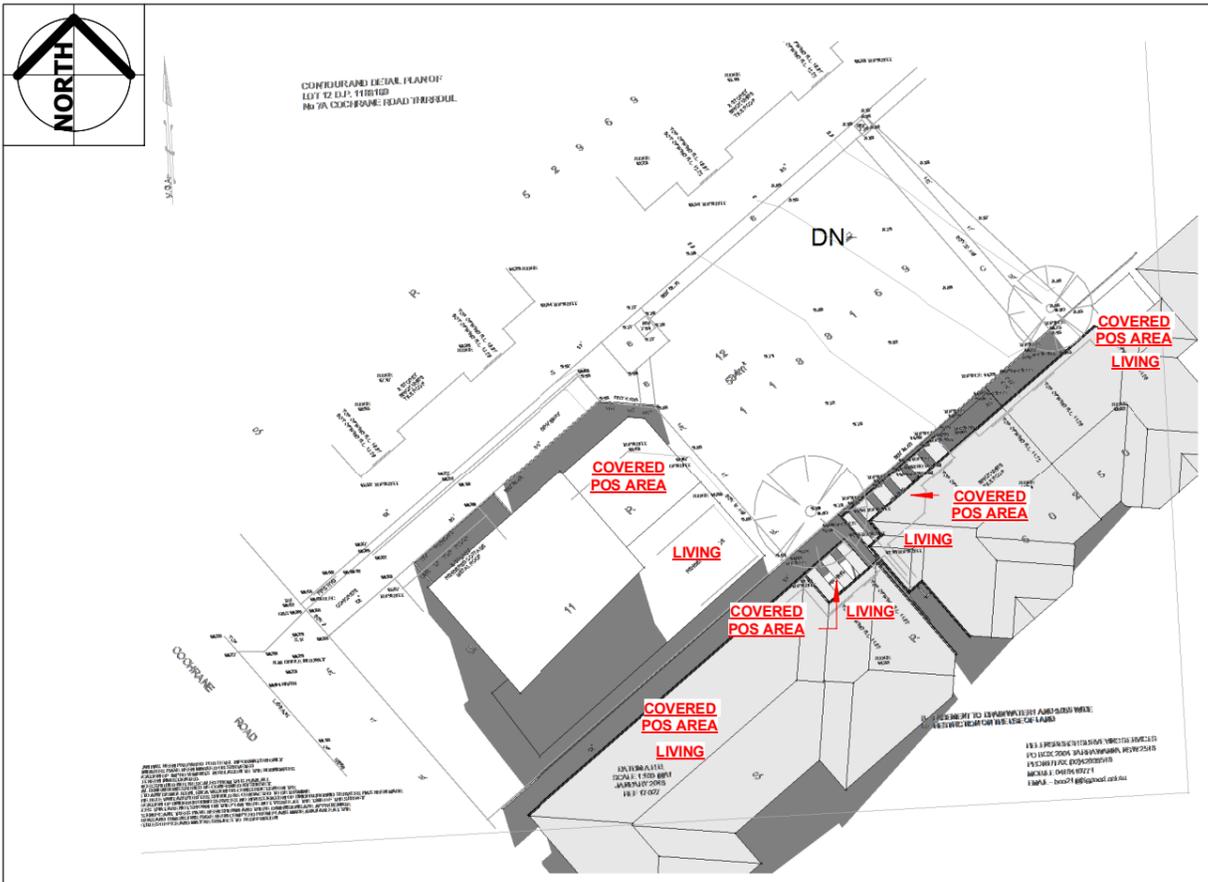
**POST-DEVELOPMENT- ADJOINING DWELLING**



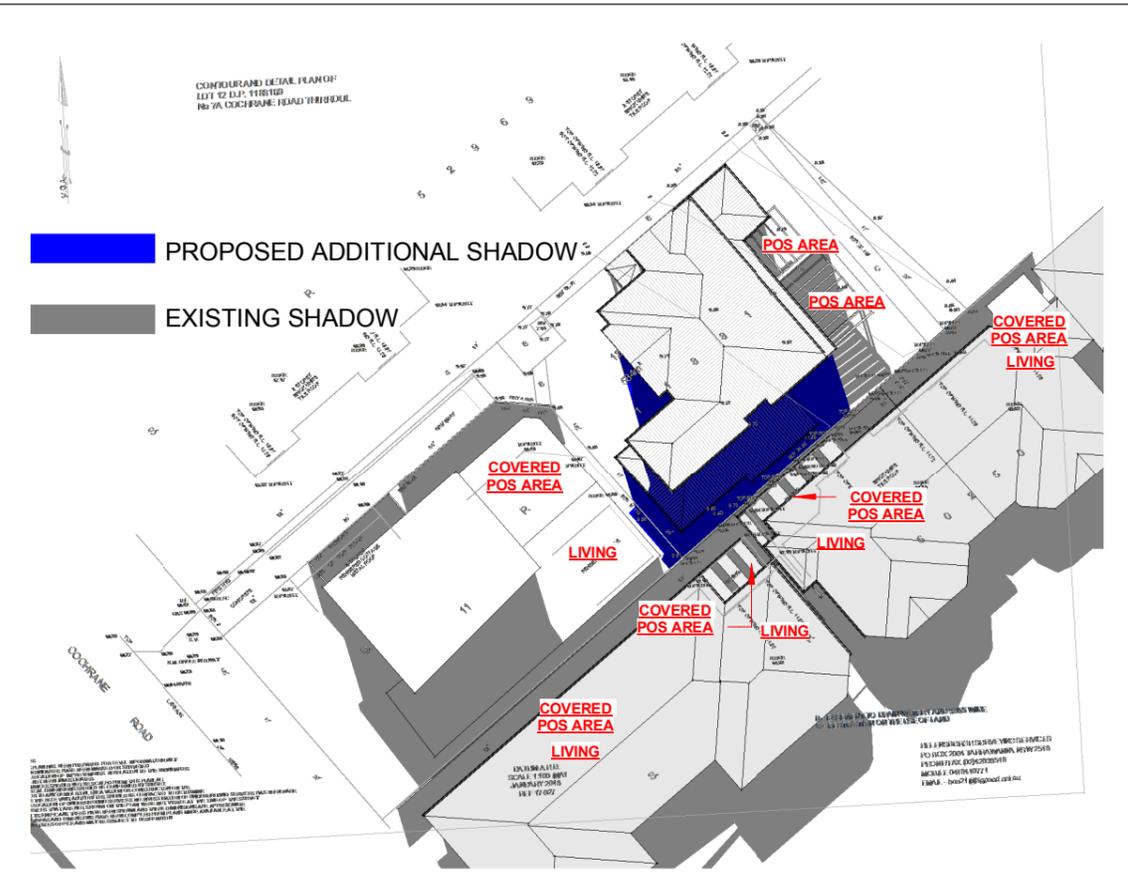
12pm SHADOW

No impact from proposed development

<b>AMENDMENTS:</b>		<b>GENERAL NOTES:</b> - Dimensions in preference to scale - All ground lines are approximate - Window & Door sizes as shown - Nominal - All work to be carried out in accordance with Local Council Codes, the B.C.A., Australian Standards and any relevant authorities - Wind Rating refer to framing manufacturer's specification	<b>DRAWING: 12pm SHADOWS PRE &amp; POST DEVELOPMENT</b> <b>PROJECT: PROPOSED DUAL OCCUPANCY &amp; STRATA SUBDIVISION</b> <b>SUBJECT: DEVELOPMENT APPLICATION</b>	<b>CLIENT: L. STIPCEVIC</b> <b>SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515</b>	<b>JOB No.: 00172017</b> <b>DATE: 14.03.19</b> <b>DRAWN: J.HARB</b> <b>SCALE: 1 : 500</b>	 ABN: 37 164 783 108 PH: 4295 4433 Suite 14, 2 Memorial Dr, Shellharbour City Center © 2014 JIH BUILDING DESIGN PTY LTD	 <b>PAGE No.:</b> <b>SH-14</b>
No:	DATE:						

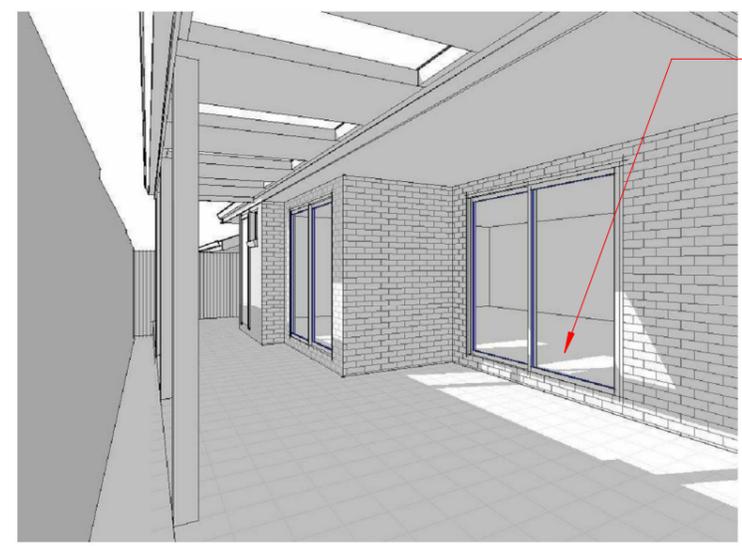


1 PRE-DEVELOPMENT 1PM SHADOW  
1 : 500



2 POST-DEVELOPMENT 1PM SHADOW  
1 : 500

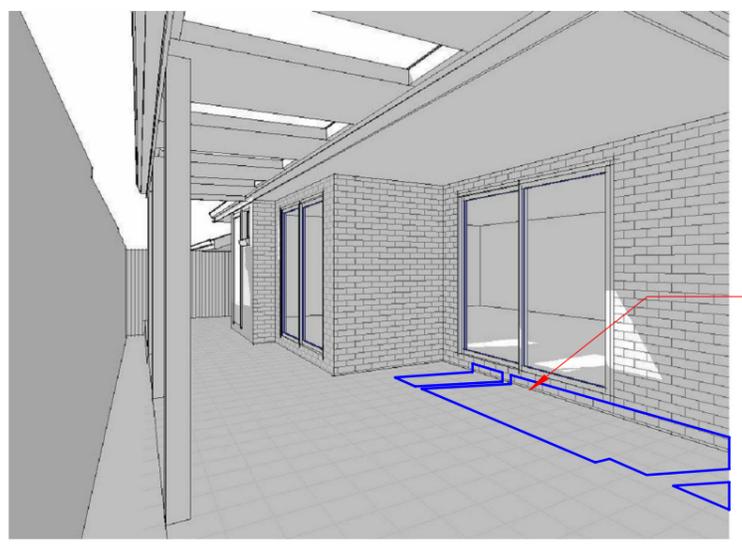
**PRE-DEVELOPMENT - ADJOINING DWELLING**



Increased solar access into living areas but could be dramatically improved if no self shadowing. POS has less than 50% solar access and is reduced by existing fence and self shadowing - improved if compliant.

1pm SHADOW

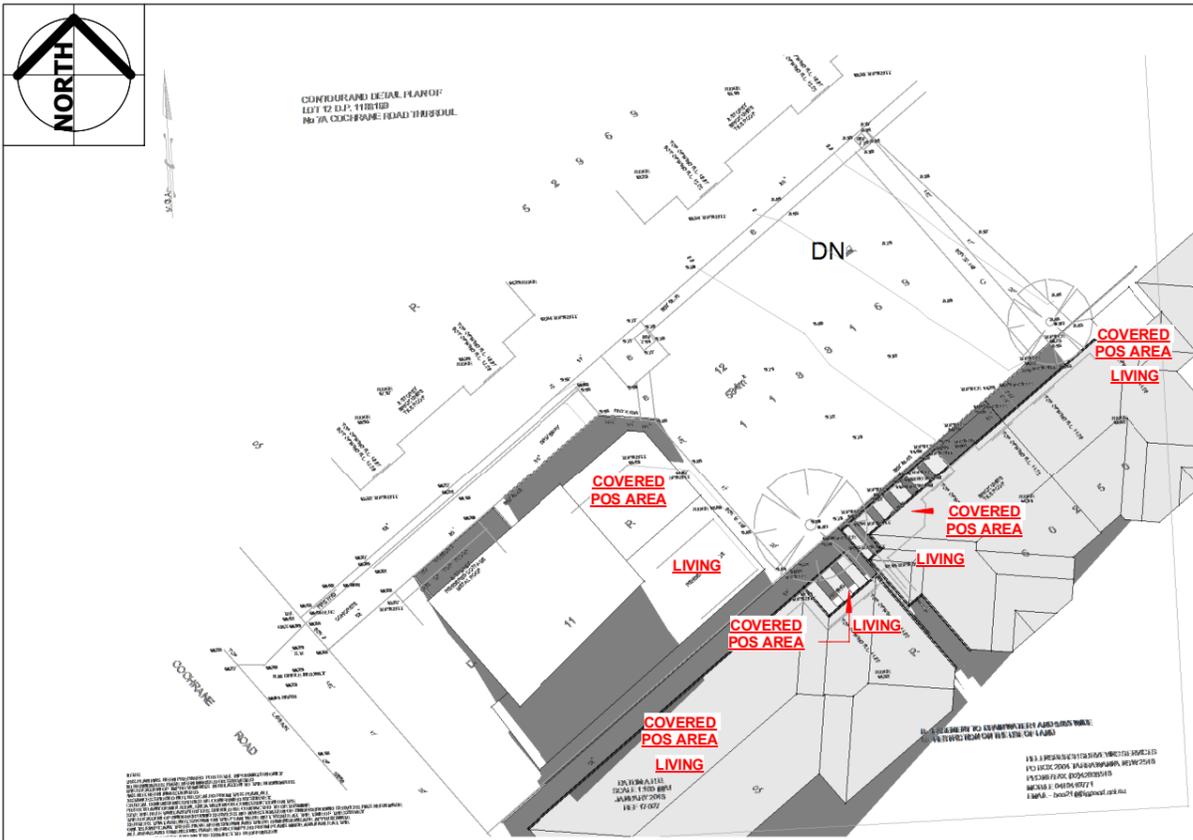
**POST-DEVELOPMENT- ADJOINING DWELLING**



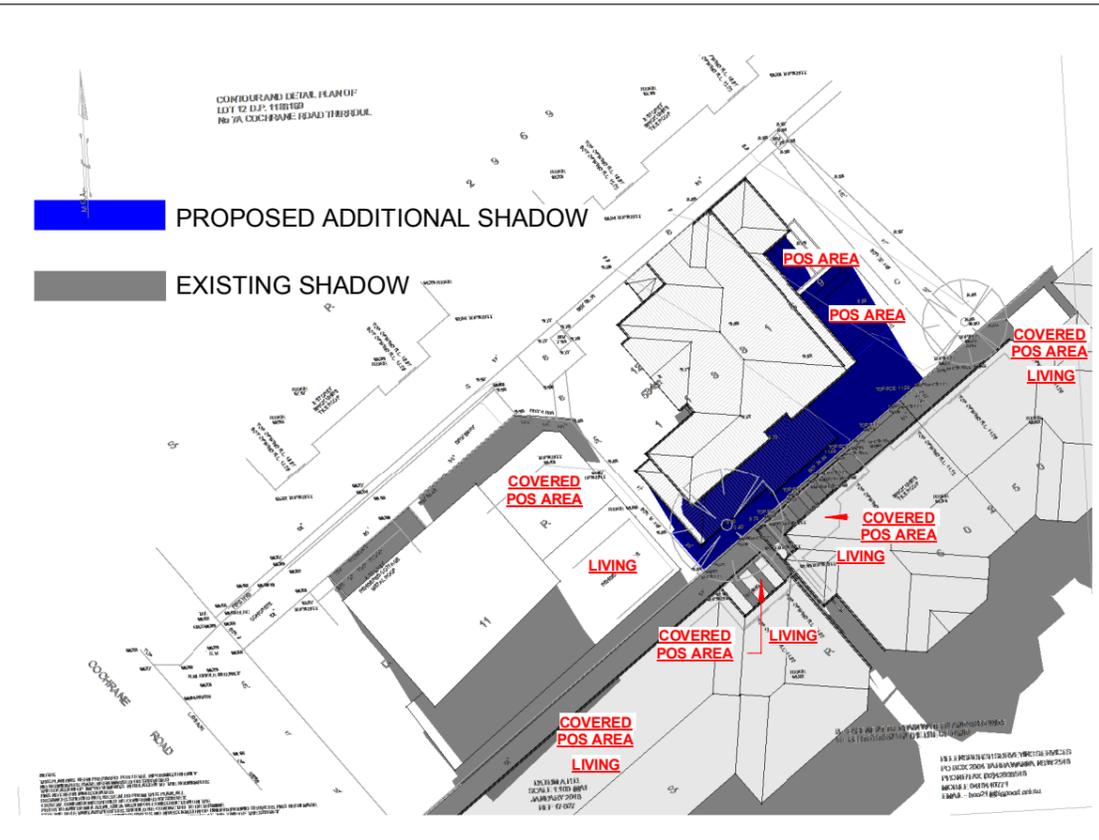
Minor impact from proposed development onto POS only. POS is overshadowed by fence & pergola - improved if compliant.

1pm SHADOW

<b>AMENDMENTS:</b> No: DATE: COMMENTS:		<b>DWN:</b> GENERAL NOTES: - Dimensions in preference to scale - All ground lines are approximate - Window & Door sizes as shown - Nominal - All work to be carried out in accordance with Local Council Codes, the B.C.A., Australian Standards and any relevant authorities - Wind Rating refer to framing manufacturer's specification	<b>DRAWING:</b> 1pm SHADOWS PRE & POST DEVELOPMENT <b>PROJECT:</b> PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION <b>SUBJECT:</b> DEVELOPMENT APPLICATION	<b>CLIENT:</b> L. STIPCEVIC <b>SITE:</b> LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515	<b>JOB No.:</b> 00172017 <b>DATE:</b> 14.03.19 <b>DRAWN:</b> J.HARB <b>SCALE:</b> 1 : 500	 ABN: 37 164 783 108 PH: 4295 4433 Suite 14, 2 Memorial Dr, Shellharbour City Center © 2014 JIH BUILDING DESIGN PTY LTD	 <b>PAGE No.:</b> SH-15
(Empty cells for amendments)							

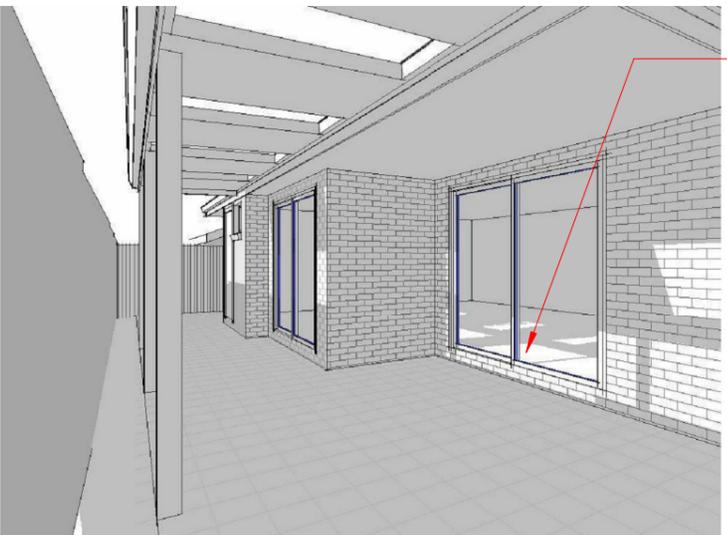


1 PRE-DEVELOPMENT 2PM SHADOW  
1 : 500



2 POST-DEVELOPMENT 2PM SHADOW  
1 : 500

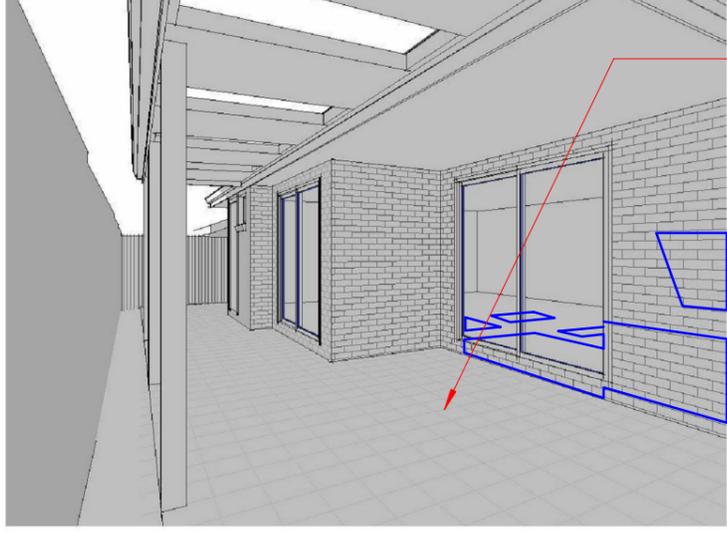
**PRE-DEVELOPMENT - ADJOINING DWELLING**



2pm SHADOW

Increased solar access into living areas but could be dramatically improved if no self shadowing. POS has less than 50% solar access and is reduced by existing fence and self shadowing - improved if compliant.

**POST-DEVELOPMENT- ADJOINING DWELLING**



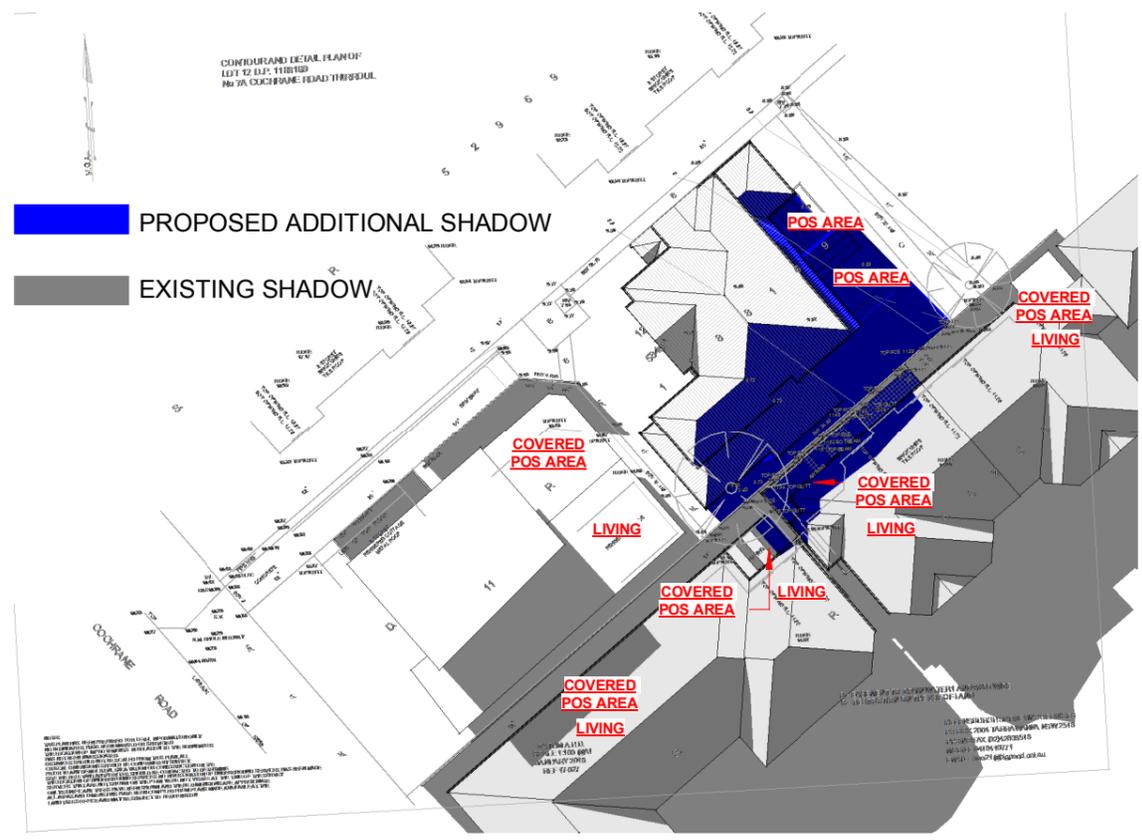
2pm SHADOW

Reduced solar access into living areas but could be dramatically improved if no self shadowing. POS is entirely overshadowed by fence & pergola - improved if compliant.

<b>AMENDMENTS:</b> No: DATE: COMMENTS:		<b>DWN:</b> GENERAL NOTES: - Dimensions in preference to scale - All ground lines are approximate - Window & Door sizes as shown - Nominal - All work to be carried out in accordance with Local Council Codes, the B.C.A., Australian Standards and any relevant authorities - Wind Rating refer to framing manufacturer's specification	<b>DRAWING:</b> 2pm SHADOWS PRE & POST DEVELOPMENT <b>PROJECT:</b> PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION <b>SUBJECT:</b> DEVELOPMENT APPLICATION	<b>CLIENT:</b> L. STIPCEVIC <b>SITE:</b> LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515	<b>JOB No.:</b> 00172017 <b>DATE:</b> 14.03.19 <b>DRAWN:</b> J.HARB <b>SCALE:</b> 1 : 500	 ABN: 37 164 783 108 PH: 4295 4433 Suite 14, 2 Memorial Dr, Shellharbour City Center © 2014 JIH BUILDING DESIGN PTY LTD	 <b>PAGE No.:</b> SH-16
(Empty cells for amendments)							

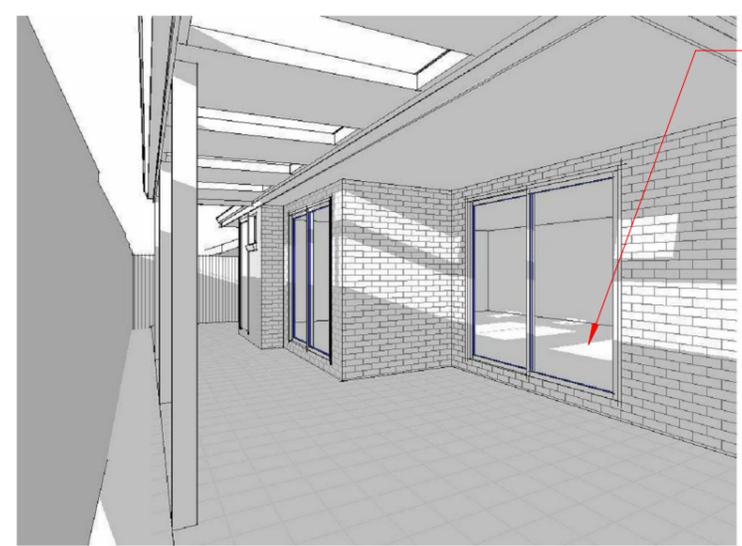


**1** PRE-DEVELOPMENT 3PM SHADOW  
1 : 500



**2** POST-DEVELOPMENT 3PM SHADOW  
1 : 500

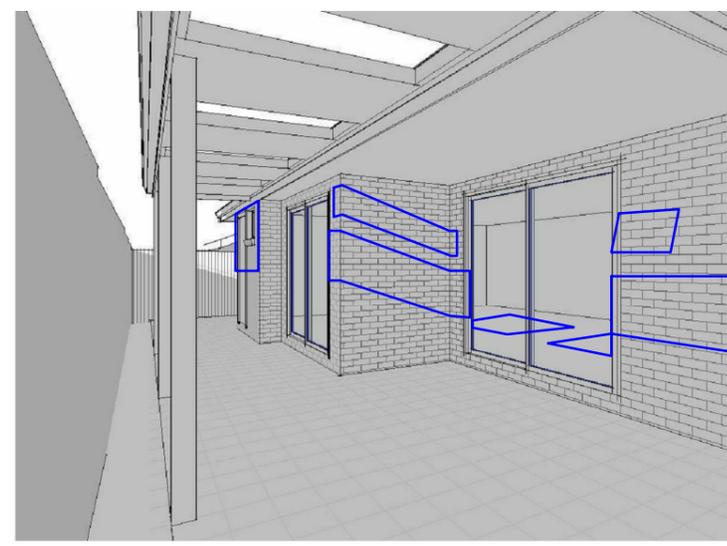
**PRE-DEVELOPMENT - ADJOINING DWELLING**



Increased solar access into living areas but could be dramatically improved if no self shadowing. POS has less than 50% solar access and is reduced by existing fence and self shadowing - improved if compliant.

3pm SHADOW

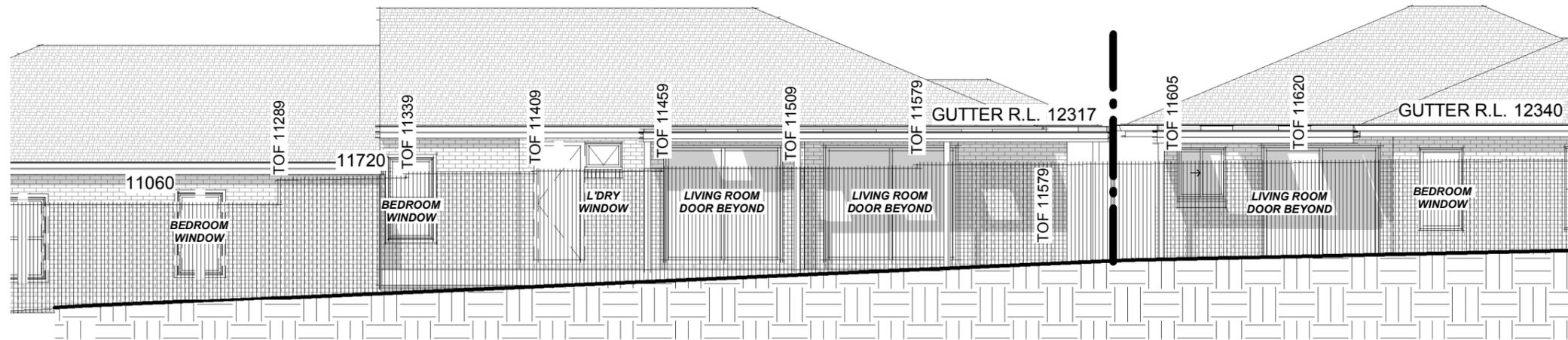
**POST-DEVELOPMENT- ADJOINING DWELLING**



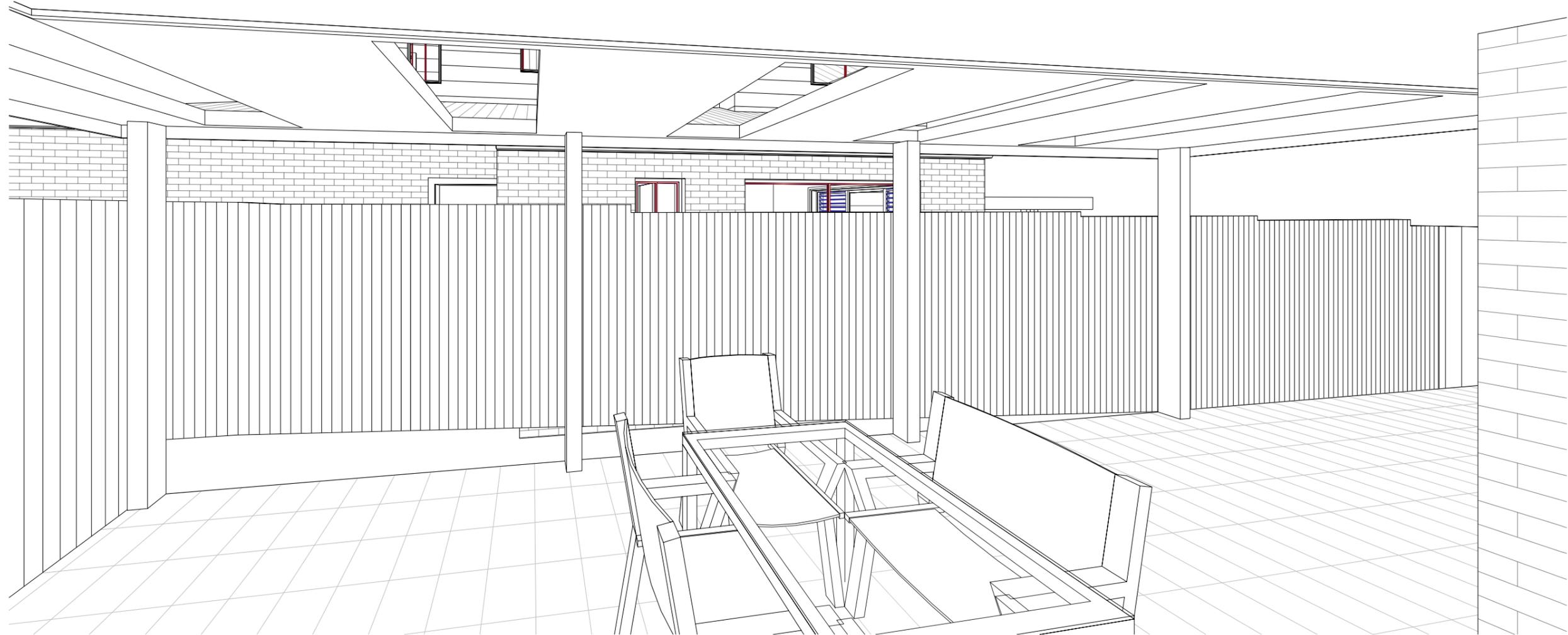
Reduced solar access into living areas but could be dramatically improved if no self shadowing. POS is entirely overshadowed by fence & pergola - improved if compliant.

3pm SHADOW

<b>AMENDMENTS:</b> No: DATE: COMMENTS:		<b>DWN:</b> GENERAL NOTES: - Dimensions in preference to scale - All ground lines are approximate - Window & Door sizes as shown - Nominal - All work to be carried out in accordance with Local Council Codes, the B.C.A., Australian Standards and any relevant authorities - Wind Rating refer to framing manufacturer's specification	<b>DRAWING:</b> 3pm SHADOWS PRE & POST DEVELOPMENT <b>PROJECT:</b> PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION <b>SUBJECT:</b> DEVELOPMENT APPLICATION	<b>CLIENT:</b> L. STIPCEVIC <b>SITE:</b> LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515	<b>JOB No.:</b> 00172017 <b>DATE:</b> 14.03.19 <b>DRAWN:</b> J.HARB <b>SCALE:</b> 1 : 500	 ABN: 37 164 783 108 PH: 4295 4433 Suite 14, 2 Memorial Dr, Shellharbour City Center © 2014 JIH BUILDING DESIGN PTY LTD	 <b>PAGE No.:</b> SH-17
(Empty cells for amendments)							



**1** ADJACENT DWELLING(S) ELEVATION  
1 : 100



**2** ADJACENT COURTYARD PERSPECTIVE

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

**GENERAL NOTES:**  
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 - All ground lines are approximate  
 - Window & Door sizes as shown - Nominal  
 - All work to be carried out in accordance with Local Council Codes, the B.C.A., Australian Standards and any relevant authorities  
 - Wind Rating refer to framing manufacturer's specification

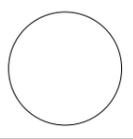
**DRAWING: ADJACENT DWELLING(S) ELEVATION**  
**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

**JOB No.: 00172017**  
**DATE: 14.03.19**  
**DRAWN: J.HARB**  
**SCALE: 1 : 100**

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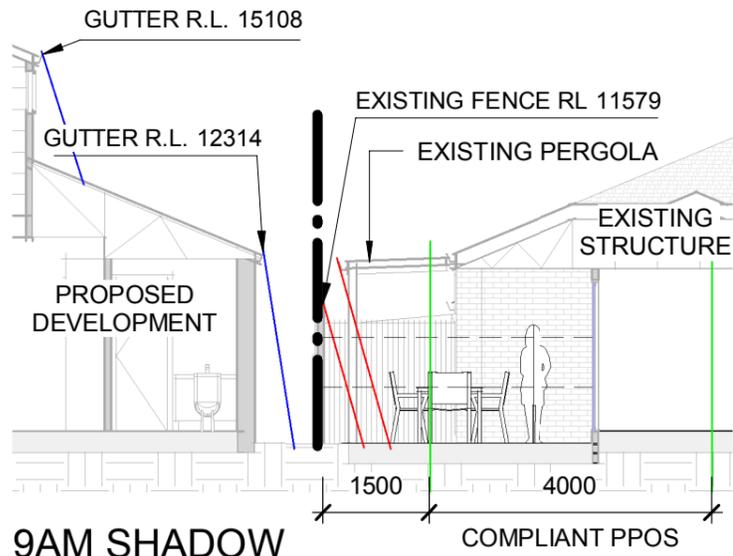
**bda**  
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**PAGE No.: SH-18**



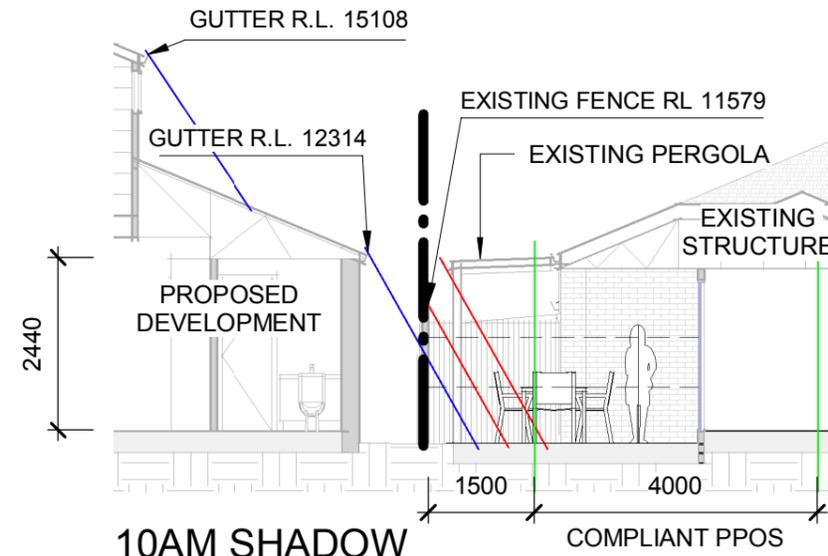
**RED LINES:** INDICATE EXISTING FENCE & STRUCTURE SHADOWS FROM ADJOINING PROPERTIES

**BLUE LINES:** INDICATE PROPOSED ADDITIONAL SHADOWS

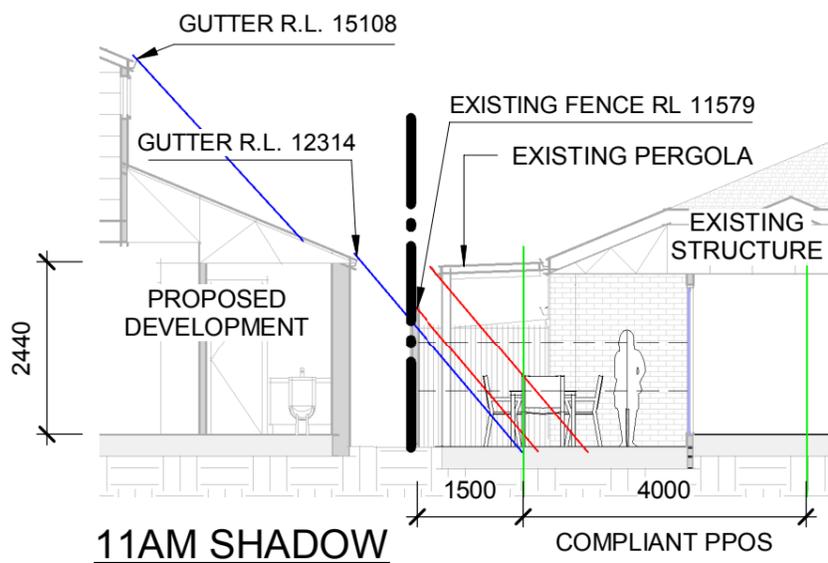
**GREEN LINES:** EXISTING PPOS NON-COMPLIANT WITH DCP.  
**PURPLE LINES:** INDICATE A COMPLIANT PPOS SETBACK



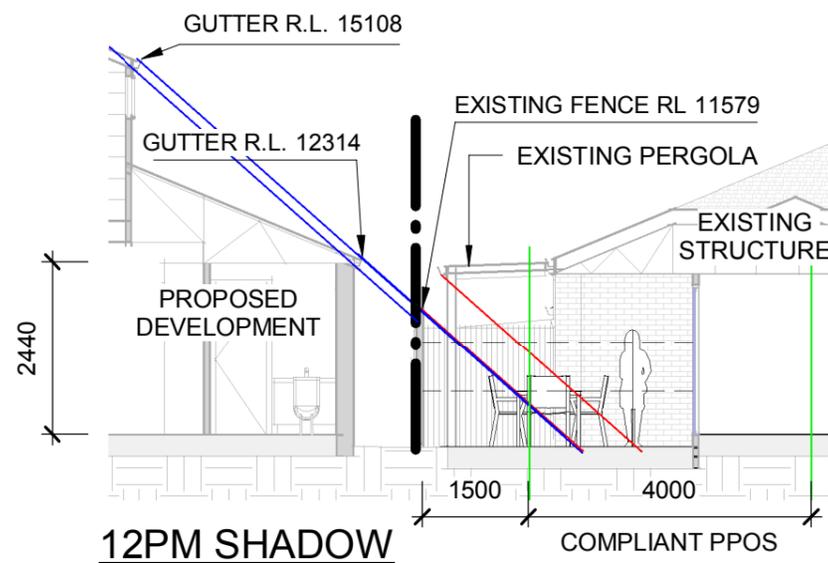
**9AM SHADOW**



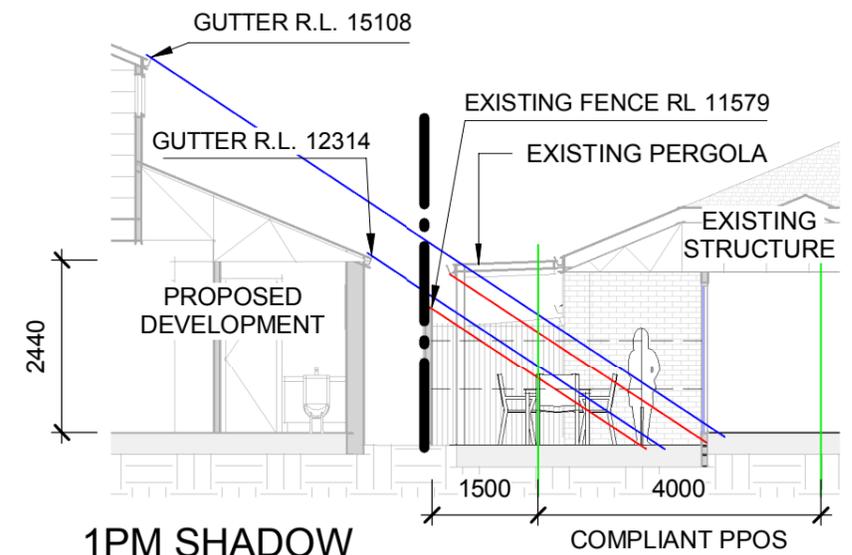
**10AM SHADOW**



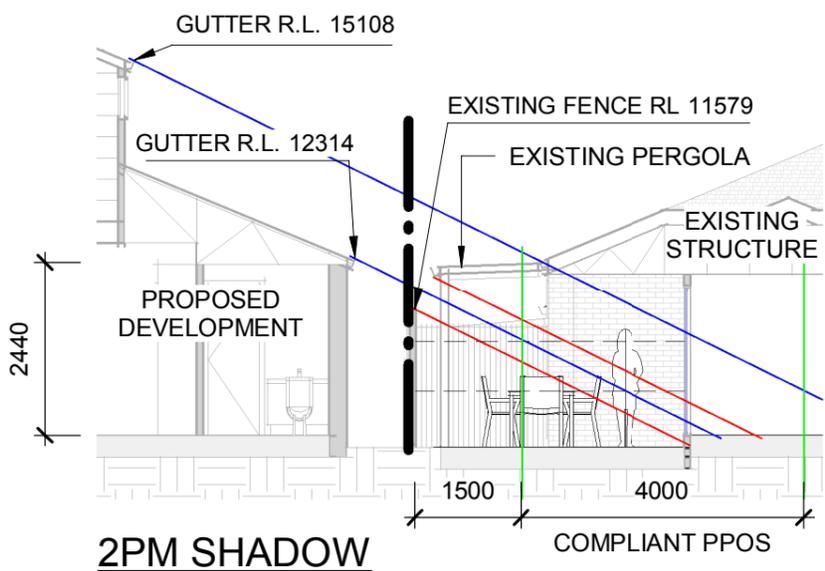
**11AM SHADOW**



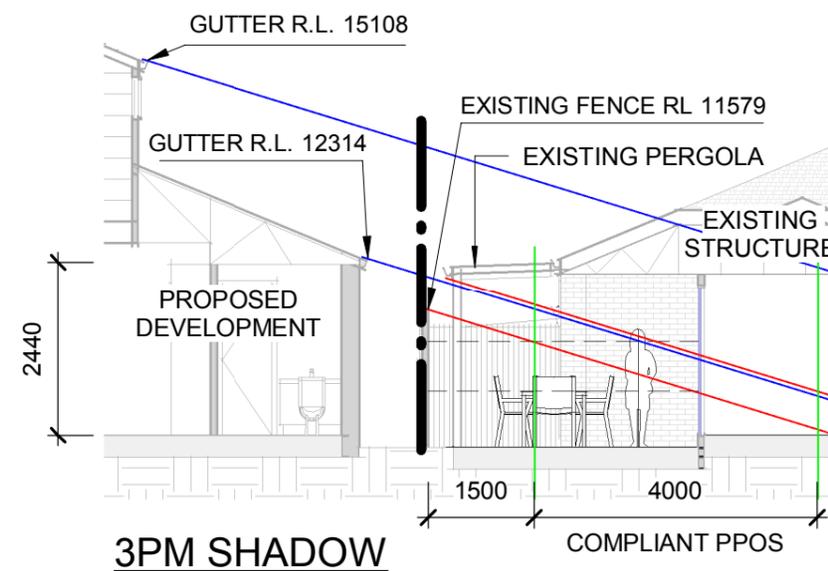
**12PM SHADOW**



**1PM SHADOW**



**2PM SHADOW**



**3PM SHADOW**

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

**GENERAL NOTES:**  
 - Dimensions in preference to scale  
 - All ground lines are approximate  
 - Window & Door sizes as shown - Nominal  
 - All work to be carried out in accordance with Local Council Codes, the B.C.A., Australian Standards and any relevant authorities  
 - Wind Rating refer to framing manufacturer's specification

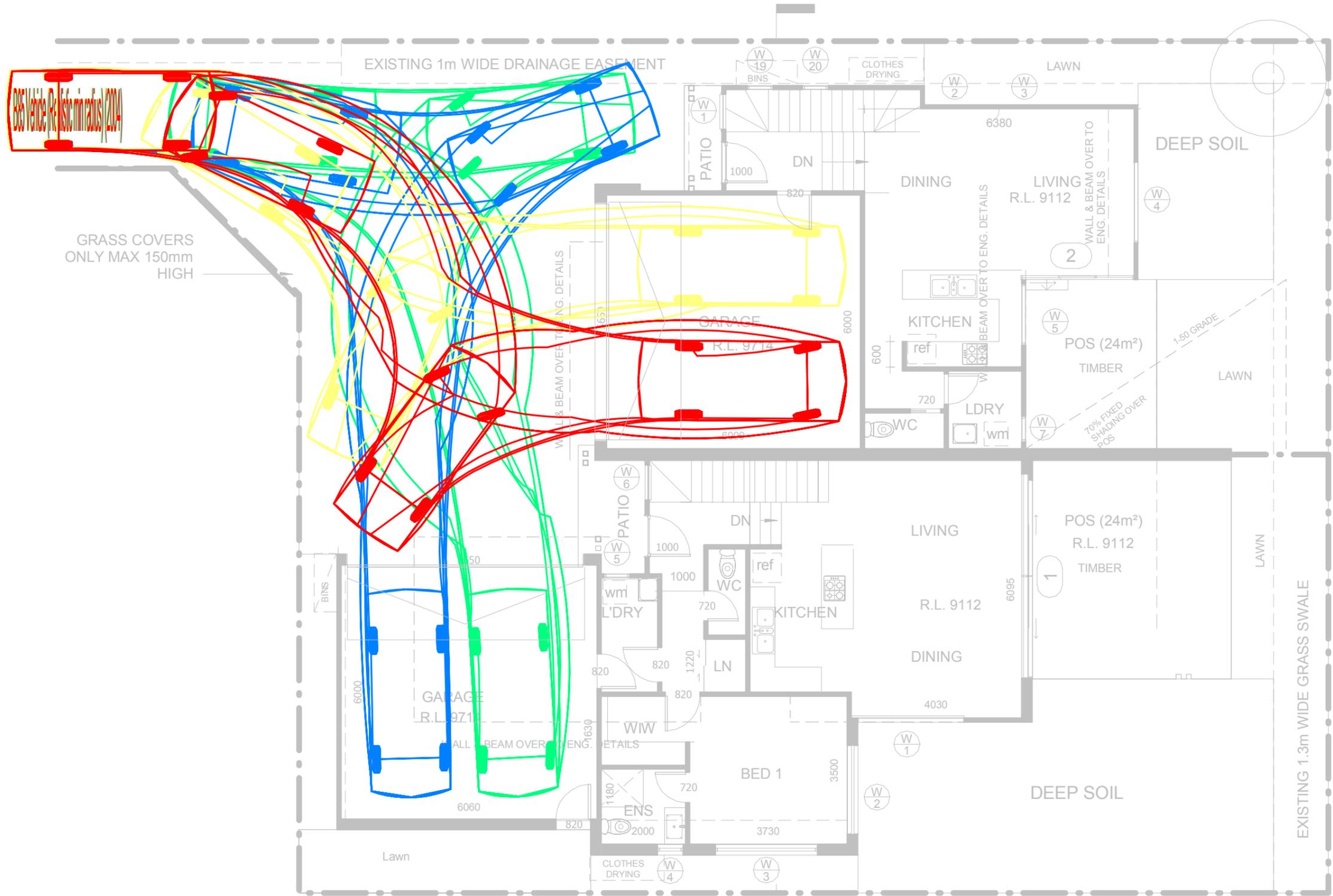
**DRAWING: SECTIONAL SHADOWS**  
**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

**JOB No.: 00172017**  
**DATE: 14.03.19**  
**DRAWN: J.HARB**  
**SCALE: 1 : 100**

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**1** VEHICLE SWEEP PATHS  
1 : 100

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

**GENERAL NOTES:**

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- Window & Door sizes as shown - Nominal
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- Wind Rating refer to framing manufacturer's specification

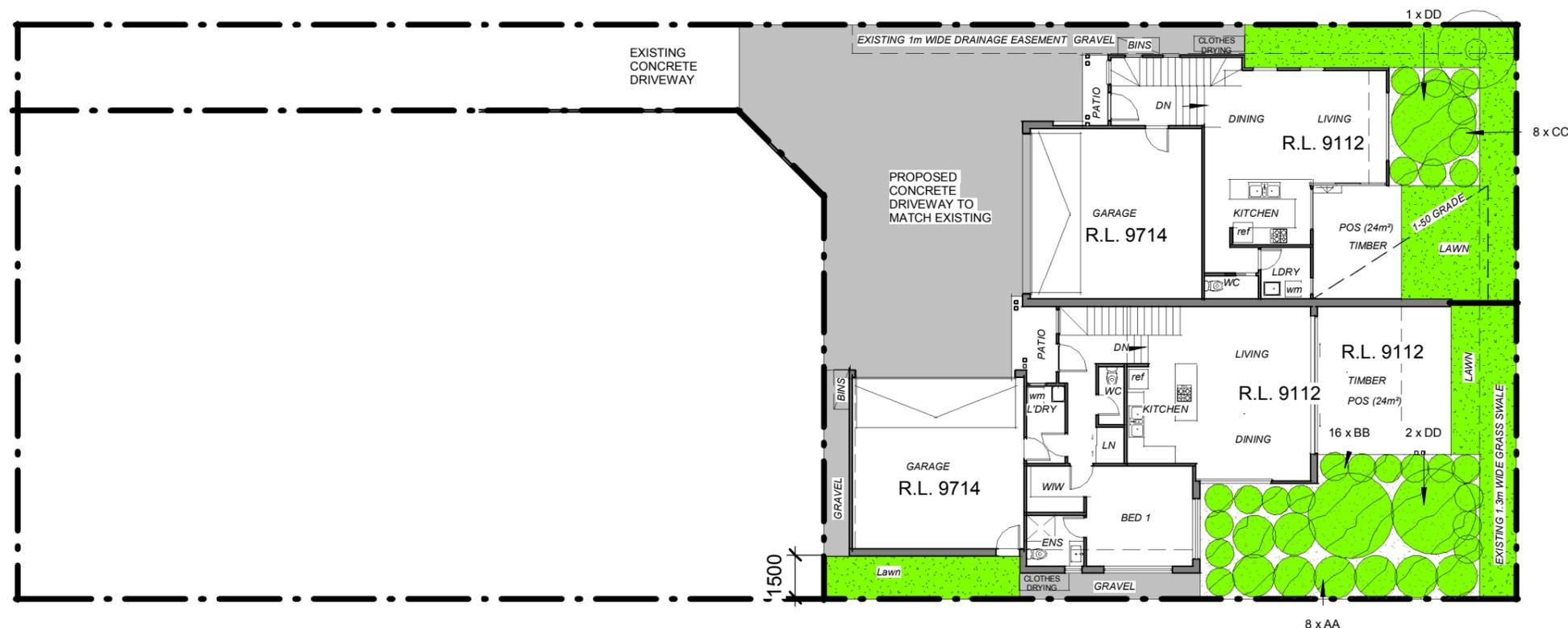
**DRAWING: VEHICLE SWEEP PATHS**  
**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

**JOB No.: 00172017**  
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**DRAWN: J.HARB**  
**SCALE: 1 : 100**

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1

# CONCEPT LANDSCAPE PLAN

1 : 200

## LANDSCAPE PLANTING SCHEDULE

BOTANIC NAME	COMMON NAME	H X W	SIZE	STAKING
AA <i>Acmena smithii</i>	Cherry Surprise Lily Pily	2.5 m x 1.5 m	200 mm	NO
BB <i>Lomandra hystrix</i>	Mat Rush	1.5 m x 1.5 m	200 mm	NO
CC <i>Doryanthes excelsa</i>	Gynea Lily	1.5 m x 1.2 m	200 mm	NO
DD <i>Archontophoenix cunninghamiana</i>	Balgallow Palm	8 m x 3.5 m	45 litre	YES

### MAINTENANCE PROGRAMME

- 1- PLANT MATERIAL. Shall be pest and disease free and of correct shape and form. Plants should be well advanced
- 2- STAKING Shall be hardwood timber stakes measuring 38x38x1200mm, three stakes per tree. Jute webbing or similar
- 3- MULCHING. Is to be placed in all areas of planting to a depth of 75mm. Mulch should be of shredded cypress pine flake or similar. A consistent depth of mulch is to be maintained for a period of 12 months following

### PLANTING DETAILS

- in the growing container but not potbound.
  - should be used to fix tree species to the stakes.
  - initial landscape installation.
  - 4- WATERING. Planted areas shall be watered regularly to ensure continuous and healthy growth. Water shall be frequently applied in the initial period following planting to the extent that healthy plant growth continues and establishment is rapid. Water shall be made available to all new plantings on as need basis, this is a climate
  - 5- TURF. If required should be quality kikuyu, buffalo or varietal couch grass that is weed, pest and disease free. Turf shall be maintained at regular intervals with fortnightly cutting in the growing season and monthly cutting in the cool season months for the maintenance period. Cutting height shall ensure that turf is not scalped or damaged by mowing.
  - 6- MAINTENANCE PERIOD. Shall be for a period of 12 months commencing from completion of initial landscape works.
- dependant variable.

AMENDMENTS:			DWN:
No:	DATE:	COMMENTS:	

**GENERAL NOTES:**

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**DRAWING: LANDSCAPE PLAN**  
**PROJECT: PROPOSED DUAL OCCUPANCY & STRATA SUBDIVISION**  
**SUBJECT: DEVELOPMENT APPLICATION**

**CLIENT: L. STIPCEVIC**  
**SITE: LOT 12, DP 1188169, 7A COCHRANE ROAD, THIRROUL, NSW, 2515**

**JOB No.: 00172017**  
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**DRAWN: J.HARB**  
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## **Attachment 2: WDCP 2009 compliance table**

### **CHAPTER A1 – INTRODUCTION**

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

##### **Chapter B1 – Clause 4.1 Number of Storeys**

Clause 4.1.2(1) of Chapter B1 states:

*Dwelling houses on battleaxe allotments are restricted to 1 storey unless it can be demonstrated that the proposed development achieves the objectives in Clause 4.1.1 and complies with the maximum height maps in the LEP.*

Council generally applies the above control to all single dwelling and dual occupancy developments on battle-axe allotments. As such, a variation justification statement was requested in support of the development as it proposes two storey construction.

The applicant contends that the two storey component of the proposal does not constitute a variation as the proposed development is categorised as a “dual occupancy” containing two dwellings, not a “dwelling house”. The relevant definitions from the standard instrument are as follows:

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

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

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

Regardless, a merit based assessment of the proposal against the objectives of the Clause has been carried out. The variation is considered to be justified and capable of support. See considerations at Chapter B1 Residential Development table below.

### **CHAPTER A2: ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP.

Generally speaking, the proposal could be considered to be consistent with the principles of Ecologically Sustainable Development.

### **CHAPTER B1 – RESIDENTIAL DEVELOPMENT**

#### **4.0 General Residential controls**

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b><u>4.1 Maximum Number of Storeys</u></b>		
<ul style="list-style-type: none"><li>Dwelling houses on battle-axe allotments are restricted to one storey unless it can be demonstrated that the proposal achieves the objectives in Clause 4.1.1 and complies with the maximum height limit.</li></ul>	The dual occupancy proposes two storey construction across both Units.	No refer to considerations below
<ul style="list-style-type: none"><li>In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey so as not to adversely impact</li></ul>	Unit 1 and unit 2 achieve an 8 metre first floor setback from the rear boundary	

on the amenity of the adjoining property

- Landscaping may be required within the side and rear setback to mitigate the visual impact of the building form from adjoining properties

Landscaping, including the proposed deep soil zones, is proposed adjoining the side boundary and also within the rear setback.

#### **Justification for Number of Storeys Variation:**

Council requested a formal variation justification statement in response to the proposed two storey construction on the battle-axe allotment, and a copy of the applicant's statement is provided at **Attachment 3**.

The following provides a consideration of the proposal against the Clause objectives:

- a) *To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.*

The development is proposed on a battle-axe allotment and the dual occupancy is setback approximately 28 metres from Cochrane Road. As such, the built form is removed from the streetscape and as such has very little impact or ability to integrate with the streetscape. The proposed building is not dissimilar to many other developments in the area, both of recent construction and those that are well established. Two of the four properties adjoining the subject site contain significant two storey developments.

Further, there are multiple examples of two storey dwellings constructed or approved on lots in the immediate of the proposal. In this regard, the proposal is in context with the surrounding residential characteristics of the area, and does not adversely impact on the overall visual amenity of the area.

- b) *To minimise the potential for overlooking on adjacent dwellings and open space areas.(sic)*

Upper storey windows generally service bedrooms and bathrooms. Unit 2 contains a first floor living room that is oriented toward the rear boundary with an 8 metre setback. The Unit 2 bedroom windows addressing the south eastern boundary are located 1500mm from floor level, and all bathroom windows addressing side boundaries are opaque construction. Further, the existing pergola structures located on the adjoining development provide some measure of privacy should any overlooking be capable of occurring.

The design of the first floor for Unit 1 does not permit any overlooking to the side boundary, and bedroom windows for this unit that face the rear boundary have a setback of 8 metres.

- c) *To ensure that development is sympathetic to and addresses site constraints.*

The site is affected by flooding and as such, must achieve minimum floor levels. The development achieves these levels without the need for a significantly raised ground floor, being constructed close to "on grade". It is considered that the proposal appropriately responds to the site constraints.

- d) *To encourage split level stepped building solutions on steeply sloping sites.*

The site is not a steeply sloping site. There is some fall toward the rear of the site, and each dwelling is constructed to step down to the living areas,

following the topography of the site.

- e) *To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.*

It is considered that the greatest impacts arising from the proposal on the visual amenity of adjoining residences are those from the ground floor which is located 1050mm and 900mm from the side boundaries. The first floor construction is generally located centrally on the site, and where the first floor of Unit 1 approaches the north western side boundary, the proposal limits that wall length and utilises articulation to break up the bulk.

The first floor of Unit 2 is located 4035mm from the south eastern side boundary.

- f) *To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.*

Ancillary structures not proposed.

- g) *To ensure appropriate correlation between the height and setbacks of ancillary structures.*

Ancillary structures not proposed.

- h) *To encourage positive solar access outcomes for dwellings and the associated private open spaces.*

The proposed dual occupancy and its private open space areas achieve compliant solar access.

The proposal impacts on solar access to units 3 and 5 at No 5 Cochrane Road, to the south east. A solar access assessment is provided at **Attachment 4**. The assessment indicates that whilst the proposal does reduce the current solar access into those properties in the afternoon, it does not impact on solar access before 12pm. Further, given the existing structures on the adjoining property, and in particular the orientation of the lots, the solar access impacts are considered to be acceptable in this instance.

Overall, it is considered that the proposal is consistent with the objectives of the Clause, and the proposed two storey dual occupancy is capable of support given the circumstances.

#### 4.2 Front Setbacks

- Infill development sites require a minimum setback of 6m from the front boundary property

The subject site is a battle-axe allotment and as such, the proposal exceeds the minimum setback

Yes

#### 4.3 Side and Rear Setbacks

- Walls must be setback at least 900mm from any side or rear property boundary and eaves/gutters must be setback at least 450mm from the side and rear property boundaries.

The proposal has the following boundary setbacks:

##### Unit 1 -

North-west: 1050mm

North-east (rear): 4500mm

South-West: 7000mm

Yes

- Walls (including gable ends and parapets) that exceed 7 metres overall height must

be setback at least 3 metres from the side and rear boundaries.

Unit 2:

North-east (rear): 8000mm

South-east: 900mm

South-West: 7000mm

There are no walls exceeding 7m in overall height

4.4 Site coverage

- The maximum site coverage for a dual occupancy 50% of the area of the lot, if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup>.

The maximum site coverage for the subject site is 292m<sup>2</sup>. The proposal has a site coverage of 220m<sup>2</sup>, or 38%.

Yes

4.5 Landscaped Area

- Significant trees are to be maintained on the site.
- The minimum landscaped area for the site is 20% or 116m<sup>2</sup>
- At least 50% of the landscaped area must be located behind the building line to the primary road boundary.
- Landscaped areas must be integrated with the drainage design. The location of drainage lines, pits and detention areas should not conflict with landscaped areas including proposed and existing trees.
- For development proposing a dwelling, a minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within the landscape area. This tree is to be planted at least 3m from any existing or proposed dwelling or structure present onsite. No additional tree is required for a secondary dwelling.
- Dual occupancy development requires:
  - (a) a minimum of 1.5 metre wide landscape strip within the front setback for the majority of the site width (excluding the driveway). This area must be mulched and planted with appropriate trees, shrubs and/or groundcovers. A minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within this landscape bed.

One frangipani is proposed for removal. This is an exotic species and it is considered that the plantings proposed for the deep soil zones adequately compensate for its removal.

Yes

The site provides for 120.5m<sup>2</sup> of landscaped area, exceeding the minimum requirement of 116m<sup>2</sup>.

Two 45 litre pot size Bangalow Palms are proposed for the deep soil zone of Unit 2.

The front setback on the battle-axe handle is taken up by driveway and a landscaping strip cannot be provided in this instance.

(b) second semi mature small to medium tree (minimum pot size 45L) is to be provided onsite in the landscaped area or deep soil zone, planted at least 3m from any existing or proposed dwelling, building or structure on the lot.

4.6 Private Open Space

- A 24m<sup>2</sup> area of private open space must be directly accessible from the living areas of each proposed dwelling and have a minimum width of 4 metres and be no steeper than 1:50.
- Private open spaces and private courtyards should not be located on side boundaries or front yard. Variations may be permitted where the private open space is sufficiently setback as to ensure that the private open space will not be impacted upon by existing or future complying dwellings on adjoining lots.
- Private open space must be defined through the use of planting, fencing, or landscape features.
- Private open space shall be screened where necessary to ensure privacy between dwellings in a dual occupancy and secondary dwellings.
- Private open space areas including balconies and decks must not extend forward of the front building line by greater than 900mm.
- Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area.

4.7 Solar Access

- Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June.
- At least 50% of the private open space areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21.
- Dwellings should be designed to maximise

Private open spaces areas have been provided with minimum 24m<sup>2</sup> directly accessible from each living room. The POS areas have a minimum width of 4 metres.

POS is proposed in the rear yards, and the POS areas are constructed close to existing ground level

A separating wall provides privacy between the dual occupancy POS areas, and is defined generally by construction and landscaping.

Site facilities such as clothes lines etc are located outside of the POS areas.

Yes

Shadow diagrams were provided in support of the proposal.

The diagrams indicate that the proposal does not create any additional shadow to the adjoining properties at No 5 Cochrane Road from 9am to 12pm. In this regard, it is considered that the adjoining private open space areas

Yes

natural sunlight to main living areas and the private open space.

achieve compliant solar access. It is noted that during these hours, 50% of the private open space areas do not achieve sunlight, however this is an existing situation, and is not made worse by the proposal.

The living areas of Units 2 and 3 – specifically the kitchen/dining area of Unit 2, and the dining/living area of Unit 3 – also receive three hours of continuous solar access between the hours of 10am and 1pm. It is noted that the extent of solar access to these living areas is also impacted by the existing pergolas off each of the units, with clear roof sheeting allowing limited sunlight into these rooms.

The proposed dwelling receives compliant solar access to its private open spaces and living areas.

#### 4.8 Building Character and Form

- The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction.
- Large bulky forms are to be avoided, particularly in visible locations. The use of extended terraces, balconies, sun shading devices and awnings will help reduce the apparent bulk of buildings.
- New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. New innovative contemporary building designs may also be permitted, where, in the opinion of Council, the development will not result in an adverse impact upon the streetscape or residential amenity of that locality, as

Due to the location on a battle-axe allotment, the proposal has very little street presence or interaction with the streetscape. The limited façade that is visible along the access handle is the entry to proposed Unit 1, which assists with way finding for visitors to the site.

The development does not propose excessive amounts earthworks, with cut and fill both below 500mm.

Noting the proposal's compliance with height and floor space ratio controls, it remains a significant structure on the lot, extending from boundary to boundary across the site and achieving only minimum (compliant) side boundary setbacks along the north-west/south-east axis. The

Yes

- compared to a more traditional design.
- Where garages are proposed on the front elevation they must be articulated from the front façade.

revisions made to the proposal for consideration under the current assessment include a reduction in the area of the first floor and thus increasing the rear boundary setback for the upper level. There has also been a small reduction in the ground floor footprint to enable the Unit 2 garage to achieve a 900mm boundary setback, and an increased rear boundary setback for the ground floor of Unit 2.

The design of the proposal is consistent with other development in the vicinity, being two storey construction with a masonry ground and clad first floors and a pitched roof.

The garages are both articulated from the front façade.

#### 4.9 Fences

The site is already fenced and the application does not propose new fencing.

Not applicable

#### 4.10 Car parking and Access

- The provision of car parking shall be as follows:
  - (a) 1 space per dwelling with a gross floor area of less than 125m<sup>2</sup>
  - (b) 2 spaces per dwelling with a gross floor area of 125m<sup>2</sup> or greater
- Garages must be setback a minimum of 5.5m from the front property boundary.
- The minimum internal dimensions for a double garage shall be 6 metres (depth) x 6 metres (width).
- Driveways shall be separated from side boundaries by a minimum of 1 metre.
- Driveways shall have a maximum cross-over width of 3 metres.

Each dwelling requires and proposes two car parking spaces.

The garages exceed 5.5m from the front property boundary

Each garage achieves the minimum internal dimensions of 6 metres x 6 metres

The driveway is existing and is three metres wide. The existing driveway does not achieve a one metre side boundary setback, however was approved and constructed under the previous development application for subdivision.

Landscaping in the driveway area has been removed from the current proposal to ensure on site manoeuvring does not

Yes

<p><u>4.11 Storage Facilities</u></p> <ul style="list-style-type: none"> <li>•</li> </ul>	<p>adversely impact on landscaped areas.</p> <p>The proposal provides adequate storage facilities within the dwellings.</p>	
<p><u>4.12 Site Facilities</u></p>	<p>The current location of the proposed clotheslines is not considered to be practical and further impacts on adjoining property owners. Conditions of consent are recommended for the relocation of the clotheslines to a more appropriate position on site within the rear portion of the yards and away from the side boundaries, as well as for the provision of suitable site facilities.</p>	<p>Yes</p>
<p><u>4.13 Fire Brigade Servicing</u></p>	<p>There is an existing fire hydrant within the site located towards the front boundary. Fire brigade servicing will remain as per existing arrangements.</p>	<p>Yes</p>
<p><u>4.14 Services</u></p>	<p>The site is serviced by utilities that can be augmented as required for the proposed development.</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p>	<p>The proposal is not located in close proximity to the coastline.</p>	<p>Not applicable</p>
<p><u>4.16 View sharing</u></p>	<p>The adjoining properties to the south east currently obtain views to the escarpment. The proposal impacts on the views obtained by Units 2 and 5 at No 5 Cochrane Road. A view sharing assessment is detailed below.</p>	

**Visual Assessment**

A visual assessment has been undertaken giving consideration to the planning principles identified in Tenacity v Warringah Council [2004] in relation to impacts on views from adjoining properties,

specifically Units 2 and 3 at No 5 Cochrane Road.

**Step 1: assessment of views that the proposal will affect.**

The views to be impacted are partial land views of the escarpment. Due to the presence of existing vegetation and structures on the site, including pergolas and boundary fencing, the views from the living areas and private open space areas are generally retained within a narrow strip of viewing corridor.

**Step 2: consider how reasonable it is to expect to retain these views.**

It is considered that a limited view of the escarpment may be possible for Units 2 and 3 from the living areas between the gap of the existing boundary fence and the top of the windows, in a sitting or standing position and a potential limited view from the private open space in a standing position.

However, the views are obtained directly across the side boundary, making them difficult to retain.

**Step 3: assess the extent of the impact.**

There is a total view loss from the living areas and private open space for these units, however in considering the quality of the view to be lost, the view loss is considered to be minor to moderate.

**Step 4: assess the reasonableness of the proposal that is causing the impact.**

It is considered that the proposal is generally consistent with the objectives and controls of WDCP 2009. Removal of the second storey is unlikely to result in view retention as the impacts are likely even with single storey construction.

Overall it is considered that whilst there will be view loss experienced by adjoining properties, there is inherent difficulty in protecting these views as they are obtained across the side boundaries and it is likely that even a single storey proposal would impact on the view corridor. As such, the view loss has been assessed as minor to moderate and in the circumstances it is considered that the application is capable of support in this regard.

<u>4.17. Retaining walls</u>	No retaining walls are proposed.	Not applicable
<u>4.18 Swimming pools and spas</u>	The proposal does not include a swimming pool or spa	Not applicable
<u>4.19 Development near railway corridors and major roads</u>	The site is not located in close proximity to the railway corridor or classified road.	Not applicable
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>	Not applicable	Not applicable
•		
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>		
<ul style="list-style-type: none"> <li>A minimum site width of 15 metres is required for a dual occupancy development. Site width shall be measured for the full width of the site, perpendicular to the side property boundaries. Variations may be granted for</li> </ul>	The site has a width of approximately 20.115 metres across the developable area of the site.	Yes

irregular shaped blocks or where development can demonstrate compliance with privacy, solar access, private open space, visual amenity, built form, car parking and landscaping requirements.

4.22 Additional controls for Dual Occupancies –building character and form

- Where garages are proposed on the front elevation they must be articulated from the front façade of the dual occupancy dwelling(s).

The garages are articulated from the front façade of the building.

Yes

4.23 Additional Controls for Dual Occupancy’s – Deep Soil Zones

- A minimum of half of the landscaped area must be provided as a deep soil zone. The deep soil zone may be located in any position on the site, subject to this area having a minimum dimension of 3m. The deep soil zone must be located outside the minimum private open space required.
- The siting of the deep soil zone shall be determined following a Site and Context Analysis to investigate whether this area should be located:
  - (a) At the rear of the site to allow for separation from adjacent dwellings and to provide a corridor of vegetation; or
  - (b) Elsewhere within a site to allow for retention of significant trees and attain maximum access to sunlight.
- No structures, basement carparks, driveways, hard paving, decks, balconies or drying areas are permitted within the deep soil zone.
- The deep soil zone shall be densely planted with trees and shrubs. Where the development is to be strata titled, the deep soil zone may be retained within the common property or allocated to an individual unit entitlement, where such dwelling is directly adjacent.

A minimum deep soil zone of 58m<sup>2</sup> is required to be provided. 58.6m<sup>2</sup> (calculated by Council) is proposed, achieves a minimum dimension of three metres and is located outside of the private open space.

Yes

The deep soil zones are proposed to be densely planted.

**CHAPTER B2 – RESIDENTIAL SUBDIVISION**

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4 Types of Residential Subdivison</u>	The development proposes strata title subdivision. The application has satisfied the submission requirements.	Yes
<u>5 Subdivision design - topography, natural landform &amp; significant vegetation</u>	It is considered that the proposed subdivision takes into account the site constraints and will have minimal impact on the significant features of the site in this circumstance.	Yes
<u>6 Subdivision lot layout – aspect &amp; solar access orientation</u>	<p>The strata lots reflect the proposed built form and natural boundaries between each proposed dwelling. The lots have north east facing rear yards, and building orientations that ensure that living areas capable of receiving sufficient access.</p> <p>It is considered that the proposed subdivision lot layout satisfies the objectives of clause 6 subdivision lot layout – aspect and solar access orientation in this circumstance.</p>	Yes
<u>7 Minimum allotment size requirements</u>	The minimum allotment size for subdivision under Clause 4.1 does not apply to strata subdivision as identified by 4.1(4)(a)	NA
<u>Lot width &amp; depth requirements</u>	Not relevant to strata lots	NA
<u>9 Battle-axe allotments</u>	Not applicable – the parent lot is an existing battle-axe allotment however the provisions of this Clause are not applicable to further division of the land by strata subdivision	NA
<u>10 Building envelopes</u>	Not applicable as the subdivision occurs following construction of the built form	NA

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b><i>Clauses 11 to 32 inclusive are not applicable as proposal is a two lot infill strata subdivision and does not constitute a major subdivision to which those requirements are applicable</i></b>		
<u>33 NSW fire brigade access - fire hydrants</u>	It is considered that the subject site can be adequately serviced by fire fighting vehicles in this circumstance.	Yes
<u>34 Bush fire protection</u>	The site is not identified as being bushfire prone land.	NA
<u>35 Stormwater drainage (including water sensitive urban design infrastructure)</u>	The proposed development satisfies the objectives of Council's stormwater drainage controls in this circumstance.	Yes
<u>36 Riparian land management</u>	Not applicable	NA
<u>37 Servicing arrangements</u>	Services are available to the site. It is considered that the proposed subdivision satisfies the objectives of Chapter B2 Clause 37 Servicing Arrangements in this circumstance. Conditions shall be imposed on the consent to ensure that servicing arrangements are to Council's and the servicing authorities requirements.	Yes
<u>38 Monetary contributions towards the provision of public services and amenities</u>	A condition for S7.12 development contributions shall be imposed on the consent as a result of the construction of the dual occupancy.	Yes
<u>39 Road Naming</u>	Not applicable	NA
<u>40 Street numbering</u>	A condition is recommended in regards to street numbering.	Yes

## **CHAPTER D1 – CHARACTER STATEMENTS**

### Thirroul

The proposal is considered to be consistent with the existing and desired future character for the locality. The immediate area is characterised by a mix of dwelling styles, including more traditional weatherboard clad dwellings and more recently constructed two storey dwellings and multi dwelling housing with contemporary design.

The proposed development is well articulated, and is consistent with other two storey development occurring on battle-axe allotments in the vicinity.

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

Two car parking spaces per dwelling are required and provided in the form of a double garage for each dwelling. Access, parking and manoeuvring has been considered by Council's Traffic Engineer as conditionally satisfactory.

## **CHAPTER E6: LANDSCAPING**

Landscaping is considered to be consistent with the requirements of the Chapter. The landscaped areas proposed satisfy numerical controls and the deep soil zones are densely planted and well located to assist in reducing the overall impacts of the built form. Species selection is considered to be appropriate in the deep soil zones.

## **CHAPTER E7: WASTE MANAGEMENT**

A Site Waste Minimisation and Management Plan was provided and is considered to be acceptable.

## **CHAPTER E13 FLOODPLAIN MANAGEMENT**

The proposal was referred to Council's Stormwater Engineer who found the proposal to be conditionally satisfactory. The relevant minimum floor levels are achieved by the proposal, and the proposal is considered to be consistent with the requirements of this Chapter.

## **CHAPTER E14 STORMWATER MANAGEMENT**

The proposal was referred to Council's Stormwater Engineer who found the proposal to be conditionally satisfactory in this regard. The proposal is considered to be consistent with the requirements of this Chapter.

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

One Frangipani tree adjoining the south eastern boundary is proposed to be removed. This is considered to be acceptable. Additional plantings of semi mature trees are required in accordance with landscaping controls for dual occupancy development.

## **CHAPTER E19 EARTHWORKS**

The proposal would require minor excavation into the site in relation to general construction of the dwellings. It is not anticipated that the earthworks will have an adverse impact on the environmental functions and processes, neighbouring properties or features on surrounding land.

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

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

# Plannex Environmental Planning

Our Ref 2017.038  
Your Ref RD-2018/533/A

Phone: 0407 545 712

P.O. Box 239  
FIGTREE NSW 2525

16 April 2019

The General Manager  
Wollongong City Council  
Locked Bag 8821  
WOLLONGONG DC NSW 2500

**Attention:- Nicole Ashton**

Dear Nicole

**Review of Determination  
Development Application No. RD-2018/533/A  
Residential – Dual Occupancy and Strata Title Subdivision  
Lot 12 DP 1188169 No.7A Cochrane Road, Thirroul**

I refer to the above mentioned application for review of Council's previous refusal and to your email of 11<sup>th</sup> April 2019.

You have expressed the view that *"I consider that the application requires a variation justification statement for the two storey variation proposed under Cl 4.1 of Chapter B1 of WDCP 2009"*. It is noted that the provision of clause 4.1.2 of Chapter B1 you are referring to is in the following terms:-

1. *Dwelling houses on battleaxe allotments are restricted to 1 storey unless it can be demonstrates [sic] that the proposed development achieves the objectives in Clause 4.1.1 and complies with the maximum height maps in the LEP.*

As the planning control refers specifically to "**dwelling houses**" and as "**dwelling houses**" are a separate and distinct form of development to a "**dual occupancy**", it has always been (and remains) my position that the planning control (as drafted) does not apply to the development proposal. As the planning control does not apply, there is no requirement to seek a variation to its provisions. This position is consistent with the approach adopted by Council in its assessment of DA-2017/971 for the construction of a two-storey attached dual occupancy at No.22A Robson Street, Corrimal – which was granted consent on 8<sup>th</sup> August 2017, without any variation to sub-clause 4.1.2(1) of WDCP 2009.

However, in the interests of progressing my client's request, and without conceding the point, I have prepared the following variation request for Council's consideration.

For a detailed site analysis, refer to the Statement of Environmental Effects (Rev A) dated May 2018.

## **1.0 PLANNING CONTROL TO BE VARIED**

Clause 4.1.2 (1) of Chapter B1 of WDCP 2009 provides that "*dwelling houses on battleaxe allotments are restricted to 1 storey unless it can be demonstrated [sic] that the proposed development achieves the objectives in Clause 4.1.1 and complies with the maximum height maps in the LEP*".

The subject site is a battle-axe allotment and the proposed development involves the erection of a two-storey building containing a dual occupancy on the site.

## **2.0 OBJECTIVES OF THE PLANNING CONTROL**

The objectives of the planning controls in clause 4.1 of Chapter B1 of WDCP 2009 are stated in sub-clause 4.1.1 as:-

- a) *To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.*
- b) *To minimise the potential for overlooking on adjacent dwellings and open space areas.*
- c) *To ensure that development is sympathetic to and addresses site constraints.*
- d) *To encourage split level stepped building solutions on steeply sloping sites.*
- e) *To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.*
- f) *To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.*
- g) *To ensure appropriate correlation between the height and setbacks of ancillary structures.*
- h) *To encourage positive solar access outcomes for dwellings and the associated private open spaces.*

### 3.0 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Subsection 4.15(3A) of the Environmental Planning and Assessment Act, 1979, advocates the flexible application of the provisions set by development control plans, as follows:-

#### (3A) *Development control plans*

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards – is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards – is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*
- (c) may consider those provisions only in connection with the assessment of that development application.*

*In this subsection, **standards** include performance criteria.*

Consistent with subsection 4.15(3A)(b) of the Act, clause 8 of Chapter A1 of WDCP 2009 enables Council to consider variations to the provisions of that DCP, subject to the submission of a variation statement for Council's consideration. This submission has been prepared to facilitate Council's consideration of the proposed variation.

### 4.0 JUSTIFICATION IN SUPPORT OF THE VARIATION

Sub-clause 4.1.2(1) of Chapter B1 limits the height of dwelling houses on battle-axe allotments to one-storey unless it can be demonstrated that:-

- the proposed development achieves the objectives in clause 4.1.1; and
- the proposed development complies with the maximum height maps under Wollongong LEP 2009.

Turning to the height issue firstly, the subject site is affected by a maximum building height of 9m under clause 4.3 of Wollongong LEP 2009. The proposed building has a maximum overall height of 7.85m and is compliant with the maximum height development standard.

The development proposal has been reviewed having regard to each of the objectives in clause 4.1.1, as follows:-

Objective	Comment
a) <i>To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area</i>	The proposed development is occurring on a battle-axe allotment and will not be clearly evident within the streetscape. Notwithstanding this, the proposed building has a domestic scale and character which is compatible with the generally low density nature of the immediate neighbourhood – which does include two-storey townhouses on the neighbouring property to the west and north.
b) <i>To minimise the potential for overlooking on adjacent dwellings and open space areas.</i>	The development has been designed with its primary living and private open space areas at ground floor level. First floor level windows are windows to bedrooms and wet areas. There are no first floor level balconies proposed.
c) <i>To ensure that development is sympathetic to and addresses site constraints.</i>	The site is not heavily constrained and the development proposal has been designed to have regard to the location of existing easements, the potential impacts of flooding, and the need to be mindful of its neighbours in terms of solar access and privacy.
d) <i>To encourage split level stepped building solutions on steeply sloping sites.</i>	Whilst the site is not considered to be steeply sloping, the ground floor level of both dwellings incorporates a 688mm step down from the entry level to the main living level to better follow the natural fall of the land and to keep the living areas at the rear of the dwelling as low as possible to avoid potential overlooking of neighbours.
e) <i>To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.</i>	The proposed dual occupancy is a highly articulated building and incorporates variable setbacks to the side and rear boundaries; increased first floor level setbacks from the rear and south-eastern side boundaries; variation in its roofline; and variation in external finishing materials, textures and colours. All of these facets combine to provide a building of appropriate form and scale which will not have a detrimental impact on the visual amenity of its neighbours.
f) <i>To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.</i>	Not applicable as there are no ancillary structures proposed.

Objective	Comment
g) <i>To ensure appropriate correlation between the height and setbacks of ancillary structures.</i>	Not applicable as there are no ancillary structures proposed.
h) <i>To encourage positive solar access outcomes for dwellings and the associated private open spaces.</i>	A detailed solar access analysis has been undertaken. The analysis demonstrates that the proposed development will not create any additional shadowing of the neighbouring dwellings to the south-east and their POS areas until after 12pm on 21 <sup>st</sup> June.

As it has been demonstrated that the proposed development will achieve the objectives of clause 4.1.1 and that the proposal complies with the maximum 9m building height development standard, it is considered that the proposal can be granted consent by Council despite consisting of a two-storey development on a battle-axe allotment.

## 5.0 CONCLUSION

Clause 8 of Chapter A1 of WDCP 2009 enables Council to consider variations to the planning controls contained within the DCP and advises that variations will be considered on a case by case basis, and subject to Council's consideration of a variation statement.

This submission, together with supporting plans and documentation, has demonstrated that the development proposal will achieve the objectives of the planning control (as outlined in clause 4.1.1 of Chapter B1). Accordingly, Council is asked to be flexible in the application of the single storey height limit – as required by sub-section 4.15(3A)(b) of the Act – and allow the development proposal.

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As an aside to the above variation request, in order to avoid doubt about the application of the provisions of clause 4.1.2(1) and to ensure consistency in the interpretation of the clause, Council should take steps to amend the wording of the clause to reflect the policy intent, rather than relying on a very loose (and questionable) interpretation of the term "*dwelling house*".

Yours sincerely



Glenn Debnam BTP (UNSW) RPIA  
**Town Planner**  
**Director**

**Attachment 4 - Solar Access Assessment by Council**

	<b>Unit 2 No 5 Cochrane Road</b>		
	<u>Pre development</u>	<u>Post development</u>	<u>Post development solar access considered to be achieved</u>
9am	Angle of sun not sufficient to achieve solar access into kitchen/dining room; POS area achieves solar access	Situation unchanged	POS – yes Living – no
10am	Limited solar access into kitchen/dining room; (limited solar access to bedroom); POS area achieves solar access	Situation unchanged	POS – yes Living – yes
11am	Solar access into kitchen/dining room; (solar access to bedroom); POS area achieves solar access	Situation unchanged	POS – yes Living – yes
12pm	Solar access into kitchen/dining room; (solar access to bedroom); POS area achieves solar access	Situation unchanged	POS – yes Living – yes
1pm	Solar access into kitchen/dining room; POS area achieves solar access	Loss of POS solar access	POS – no Living – yes
2pm	Solar access into kitchen/dining room; Solar access to POS area	Some solar access returned to dining room; Loss of solar access to POS (which may be the result of existing fence)	POS – no Living – yes
3pm	Solar access into kitchen/dining	Solar access into dining	POS – no Living – yes

	<b>Unit 3 No 5 Cochrane Road</b>		
	<u>Pre development</u>	<u>Post development</u>	<u>Post development solar access considered to be achieved</u>
9am	Angle of sun not sufficient to achieve solar access into living room or dining room; POS area achieves solar access - approximately 50%	Situation unchanged	POS – yes Living – no
10am	Minor solar access to dining room; existing roof prevents solar access to living room; POS area achieves solar access - less than 50%	Situation unchanged	POS – yes Living – yes (oblique angle, increasing over the hour)
11am	Solar access to dining room; existing roof prevents solar access to living room; POS area achieves solar access - less than 50%	Situation unchanged	POS – yes Living – yes
12pm	Solar access to dining room; solar access becoming available to living room via skylights in pergola structure; POS area achieves solar access - less than 50%	Situation unchanged	POS – yes Living – yes
1pm	Solar access to dining room; solar access achieved to living room via skylights in pergola structure; POS area achieves solar access - less than 50%	Some loss of solar access to dining room; loss of POS solar access	POS – no Living – yes
2pm	Solar access to dining room; Solar access to living room; No solar access to POS	Loss of solar access to dining room, living room and POS	POS – no Living – no
3pm	Solar access to dining room;	Loss of solar access to dining room, living room	POS – no

	Solar access to living room; No solar access to POS	and POS	Living – no
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## Attachment 5

### ADVICE

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

DATE OF HEARING	5 September 2018
PANEL MEMBERS	Alison McCabe (Chair), Scott Lee, Robert Montgomery, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 5 September 2018 opened at 5:00pm and closed at 7.50pm.

#### MATTER

DA-2018/533, Lot 12 DP 1188169, 7A Cochrane Road, Thirroul.

#### PUBLIC SUBMISSIONS

The Panel was addressed by one (1) submitter who raised issues regarding:

- Loss of solar access and amenity to the unit adjoining to the east.
- Questioned Floor Space Ratio calculations and permissibility

The Panel also heard from the applicant, who addressed the matters raised in the officer's report and matters raised by the submitter. In response to a question from the Panel he confirmed that he would be prepared to hold further discussion with Council planners in relation to design aspects. The Panel also heard from the Applicant's solar access consultant.

#### PANEL CONSIDERATION AND ADVICE

The Panel considered the matters listed in the Council's officer's report, and the material presented at meetings and the matters observed at site inspections.

The Panel is of the view that the current application would warrant refusal. However it is considered that any development of the site should:

- Result in a reduction of bulk and scale
- Should comply with all setback controls and landscape requirements.
- Any two storey form should provide greater setbacks and improved landscape setting.
- A reduced second storey element across the site should achieve a reduction in bulk and scale and improve amenity impacts to adjoining land.
- Improve the manoeuvring areas to stay clear of any landscape area.

#### Voting

The voting in respect of this matter was 4/0.

## Attachment 6 -Conditions

### Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing No. 00172017 – SH-00, SH-02 to SH-07 and SH-10 dated 14 March 2019 prepared by JIH Building Designs 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 an Accredited Certifier prior to work commencing.  
  
A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.  
  
**Note:** The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.
- 4 **Occupation Certificate**  
An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority 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 **Site facilities**  
Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature.
- 6 **Mailboxes**  
The developer must install mailboxes along street frontage of the property boundary in accordance with Australia Post Guidelines. Prominent house numbers are to be displayed, with a minimum number size of 150 mm in height for each number and letter in the alphabet. Site addressing shall comply with Council's Property Addressing Policy (as amended).

### Prior to the Issue of the Construction Certificate

- 7 **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 Certifying Authority 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.

**8 Endeavour Energy Requirements**

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

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

**9 Telecommunications**

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

**10 Muted Bushland Tones – External Finishes**

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted bushland tones. In this regard white, light or bright colours are not permissible.

**11 Obscure Glazing for all Bathroom and WC windows**

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

**12 External Clothes Drying Facilities**

External clothes drying facilities shall be relocated away from side boundaries and placed in the rear yard of each dwelling outside of the private open space area.

**13 Car Parking and Access**

The development shall make provision for a total of 4 car parking spaces. This requirement shall be reflected on the Construction Certificate plans. Any change in the above parking numbers shown on the approved DA plans shall be dealt with via a section 96 modification to the development. The approved parking spaces shall be maintained to the satisfaction of Council, at all times.

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

- a the Sweet Cherry Lilly Pillies proposed in the deep soil zone for Unit 2 shall be located a minimum of 1500mm from the side boundary. Plantings to the deep soil zone within 1.5 metres from the side boundary shall be limited to Mat Rush and/or Gynea Lily;
- b a schedule of proposed plantings, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes. The final landscaping plan shall reflect the planting schedule and locations shown on the Concept Landscape Plan dated 14 March 2019 prepared by JIH Building Designs, except where amended elsewhere in this condition;
- c the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- d 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 Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.**

16 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.

17 **Pier and Beam Footings Adjacent to any Drainage Easement**

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

18 **Stormwater Drainage Design**

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

- a Be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept drainage plan by Optima Consulting Engineers, Drawing No. OCE12795/C01/DA/C, issue C dated 23/01/2019.
- b Include details of the method of stormwater disposal. Stormwater from the development shall be piped to the existing on-site stormwater disposal 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.

19 **Flood Level Requirements**

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

- a Habitable floor levels must be constructed at a minimum of RL 8.90 metres AHD.
- b Any portion of the building or structure below RL 8.90 metres AHD should be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.
- c The proposed dwellings shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including RL 8.90 metres AHD.

20 **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$6,000.00 (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: 1077355	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

### Prior to the Commencement of Works

#### 21 Appointment of Principal Certifying Authority

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

- a) Appoint a Principal Certifying Authority (PCA) 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 Certifying Authority must determine when inspections and compliance certificates are required.

#### 22 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 Certifying Authority 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.

23 **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 Certifying Authority 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.

24 **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.

25 **Enclosure of the Site**

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

26 **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.

27 **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.

28 **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- (a) Digging or disruption to footpath/road reserve surface;
- (b) Loading or unloading machinery/equipment/deliveries;
- (c) Installation of a fence or hoarding;
- (d) Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- (e) Pumping stormwater from the site to Council's stormwater drains;
- (f) Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- (g) Construction of new vehicular crossings or footpaths;
- (h) Removal of street trees;
- (i) Carrying out demolition works.

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

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifying Authority to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

### **During Demolition, Excavation or Construction**

30 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

31 **Survey Report for Floor Levels, Setbacks and Height**

A Survey Report by a registered surveyor must be submitted to the Principal Certifying Authority verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum. A survey report by a registered surveyor must also be submitted at frame stage verifying overall height and setbacks at each level comply with the approved plans under this consent.

32 **No Adverse Run-off Impacts on Adjoining Properties**

The design 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.

33 **Prohibition of any Encroachment into Drainage Easement**  
No part of the structure, including footings, eaves and gutter overhang shall encroach into the easement to drain water/drainage easement.

34 **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 Certifying Authority and Council. No work is permitted on public holidays or Sundays.

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

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

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

35 **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.

36 **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.

37 **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.”

38 **Flood Compatible Materials – Electrical**

All power service (metering) equipment, power outlets, switches etc. shall be located above RL 8.90 metres AHD. All electrical wiring installed below this level should be suitable for continuous underwater immersion and should contain no fibrous components. Earth leakage circuit breakers shall also be installed. Any equipment installed below or partially below RL 8.90 metres AHD should be capable of disconnection by a single plug and socket assembly.

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

39 A Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

40 **BASIX**

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority 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.

41 **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**

42 **Occupation Certificate Prior to Subdivision Certificate**

An Occupation Certificate for the dwelling/s must be issued prior to the release of the Subdivision Certificate. A copy of the Occupation Certificate shall be lodged to Council with the subdivision certificate application.

43 **Existing Easements**

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

44 **Existing Restriction as to Use**

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

45 **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.

46 **Encroaching Services**

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

47 **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.

48

**Final Documentation Required Prior to Issue of Subdivision Certificate**

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

- 48.1 Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- 48.2 Original Construction Certificates and approved drawings (where issued by an accredited Private Certifying Authority);
- 48.3 Certificate of Practical completion from Wollongong City Council or an accredited Private Certifying Authority (if applicable);
- 48.4 Administration sheet prepared by a registered surveyor;
- 48.5 Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- 48.6 Final plan of Subdivision prepared by a registered surveyor plus four (4) equivalent size paper copies of the plan;
- 48.7 Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- 48.8 Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- 48.9 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.
- 48.10 Payment of section 94 fees (Pro rata) (if applicable).

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

49

**Loading/Unloading Operations/Activities**

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.