

Wollongong Local Planning Panel Assessment Report | 1 December 2020

WLPP No.	Item 1
DA No.	DA-2020/1157
Proposal	Residential – construction of carport in existing dual occupancy development
Property	17 Birch Crescent, EAST CORRIMAL NSW 2518 Lot 144 DP 659755, Lot 100 DP 877156
Applicant	Tasman Design
Responsible Team	Development Assessment and Certification – Building and Certification Team (TB)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel - Determination

The proposal has been referred to the WLPP **for determination** pursuant to clause 1 (c) of Schedule 2 of the Local Planning Panel Direction as the development for which the land owner is a member of council staff who is principally involved in the exercise of Council's functions under the Environmental Planning and Assessment Act 1979.

Proposal

The proposal is for the construction of a double carport in an existing dual occupancy residence.

Permissibility

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

Consultation

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

Internal:

Details of the proposal were referred to Council's Development Engineering Team for assessment. Satisfactory referral advice and comments were provided.

Recommendation

It is recommended that DA-2020/1157 be approved subject to the conditions in Attachment 4.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP – Coastal Management 2018

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other Policies:

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

1.2 BACKGROUND

The development history for the site is as follows:

Application	Description	Application Type	Decision
DA-1979/629	Addition to Existing Flats	Development Application	Refused – 8 October 1978
BA-1980/2142	Additions	Building Application	Withdrawn – 3 June 1980
DA-1980/411	Additions	Development Application	Approved – 3 July 1980
DA-2017/98	Alterations and Additions	Development Application	Approved – 14 March 2017
DA-2017/98/A	Modification A to amend condition 5 (a) to have a floor level of RL 3.71 AHD	Development Application	Approved – 6 July 2017
CC-2017/56	Alterations and Additions	Construction Certificate	Approved – 13 July 2017
CC-2020/69	Carport	Construction Certificate	Under assessment – pending determination of DA-2020/1157

1.3 No pre-lodgement meeting was held for the proposal.

Customer Service Actions:

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

1.2 SITE DESCRIPTION

The site is located on a corner allotment with a frontage 17 Birch Crescent, EAST CORRIMAL and the title reference is Lot 144 DP 659755 and Lot 100 DP 877156. The secondary road frontage is

Connaghan Avenue and is where the proposed carport is accessed. The site has a combined area of 874.9m² and currently contains an existing dual occupancy residence.

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

Adjoining development is as follows:

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

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

Property Constraints:

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

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

Easements

The site is not burdened by any easements.

88b Restrictions

The site is not burdened by any 88b restrictions.

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



Figure 1: Aerial Photograph



Figure 2: WLEP 2009 Zoning Map

1.3 SUBMISSIONS

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

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Development Engineering

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

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

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

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

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY – COASTAL MANAGEMENT 2018

Aims of Policy

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

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

Division 1 Coastal wetlands and littoral rainforests area

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

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

Division 2 Coastal vulnerability area

12 Development on land within the coastal vulnerability area

Division 3 Coastal environment area

13 Development on land within the coastal environment area

Division 4 Coastal use area

14 Development on land within the coastal use area

Division 5 General

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

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

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

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

17 Hierarchy of development controls if overlapping

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

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

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

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

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

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

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

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

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

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

Minimal adverse impacts on the development are expected as a result of coastal processes

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

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

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

Part 2 Permitted or prohibited development

Clause 2.2 – Zoning of land to which the Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

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

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

The proposal is categorised as **development ancillary to a dual occupancy** as defined above and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

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

Clause 4.4 Floor Space Ratio

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

Part 7 Local Provisions - General

Clause 7.1 Public Utility Infrastructure

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

Clause 7.3 Flood Planning Area

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

Clause 7.5 Acid Sulfate Soil

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

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

Clause 7.6 Earthworks

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

Clause 7.7 Foreshore Building Line

The site is identified as being within the foreshore building line, however the proposal is fully located outside of the area mapped as the foreshore building line. Therefore, the proposal is considered to be acceptable in regard to Clause 7.7 of the WLEP.

2.2 SECTION 4.15 1(a)(ii) ANY PROPOSED INSTRUMENT

N/A

2.3 SECTION 4.15 1(a)(iii) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

Clause 4.2 Front Setback

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

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

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

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

Eave Setback: 0.45m min

Rear Setback: 0.9m min

4.4 Site Coverage

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

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

The proposed carport does not increase the overall site coverage

N/A

4.5 Landscape Area

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

50% behind the building line to the primary road

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

N/A

4.6 Private Open Space

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

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

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

N/A

4.7 Solar Access Requirements

Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.

At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.

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

Yes

4.8 Building Character and Form

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

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

Yes

The proposal has been assessed against the relevant objectives and

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

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

CHAPTER D1 – CHARACTER STATEMENTS

Clause 3.19 – East Corrimal

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

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

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

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

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

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

CHAPTER E7: WASTE MANAGEMENT

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

CHAPTER E8: ONSITE SEWAGE MANAGEMENT SYSTEMS

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

CHAPTER E9: HOARDINGS AND CRANES

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

CHAPTER E13: FLOODPLAIN MANAGEMENT

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

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

CHAPTER E14: STORMWATER MANAGEMENT

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

CHAPTER E16: BUSHFIRE MANAGEMENT

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

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

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

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

CHAPTER E22 SOIL EROSION

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

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2019

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

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

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

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

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

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

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

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

Clause 93 - Fire Safety and Other Considerations

Not applicable

Clause 94 - Consent Authority May Require Buildings to Be Upgraded

Not applicable

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

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

Context and Setting:

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

Access, Transport and Traffic:

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

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

Public Domain:

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

Utilities:

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

Heritage:

No known heritage items will be impacted by the proposal.

Other Land Resources:

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

Water:

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

Soils:

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

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

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

Air and Microclimate:

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

Flora and Fauna:

Refer to Chapter E17 of this report.

Waste:

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

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

Energy:

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

Noise and vibration:

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

Natural Hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

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

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

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

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

Construction:

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

Cumulative Impacts:

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

2.7 SECTION 4.15(1)(c) THE SUITABILITY OF THE SITE FOR DEVELOPMENTDoes the proposal fit in the locality?

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

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

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

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

1. CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

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

All relevant internal referrals are satisfactory.

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

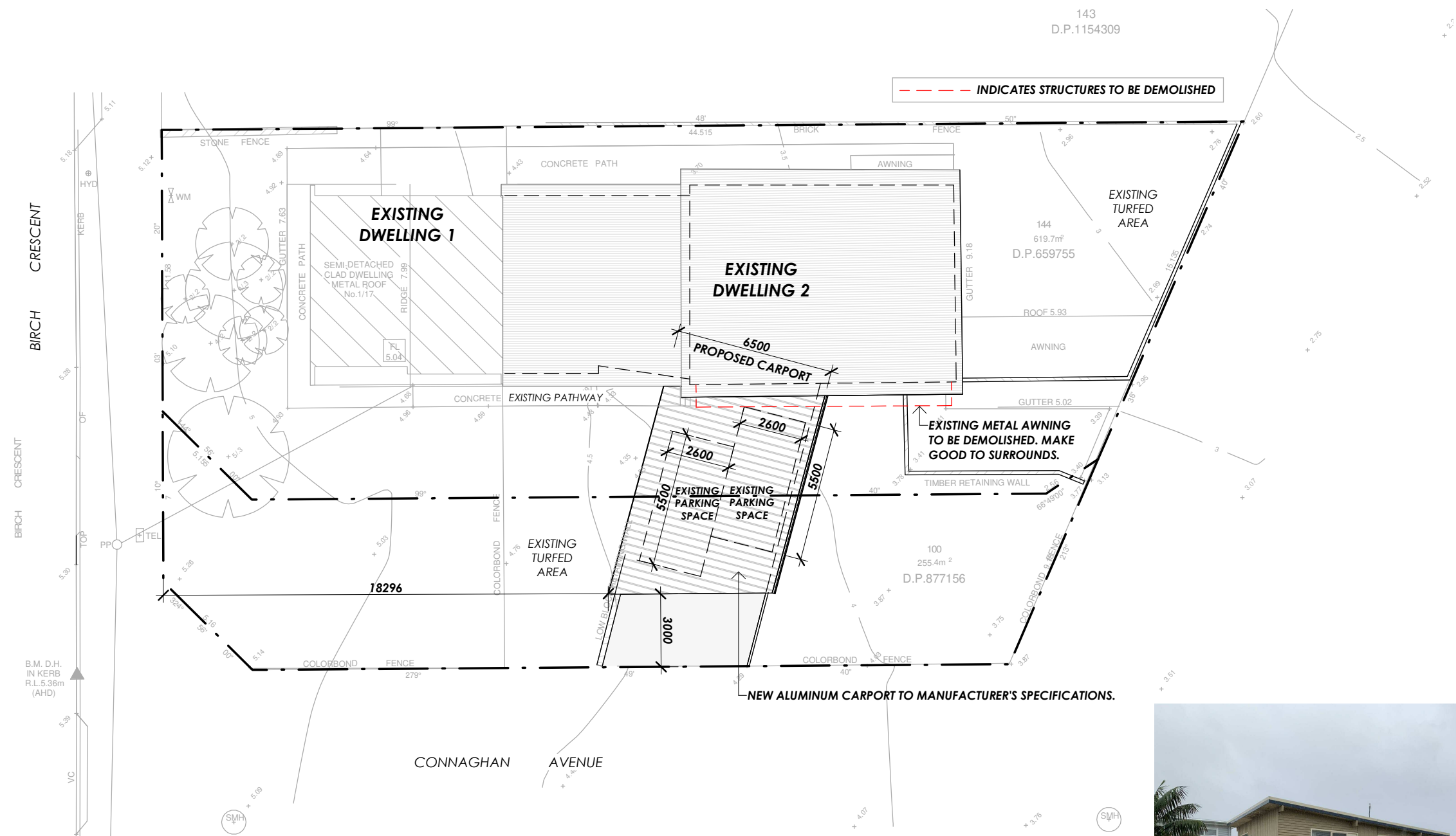
2. RECOMMENDATION

It is recommended that DA-2020/1157 be approved and subject to conditions contained in Attachment 4.

3. ATTACHMENTS

1. Architectural Plans
2. Statement of Environmental Effects
3. Variation Statements
4. Draft Conditions of Consent

ATTACHMENT 1

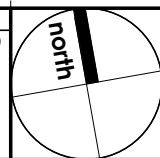
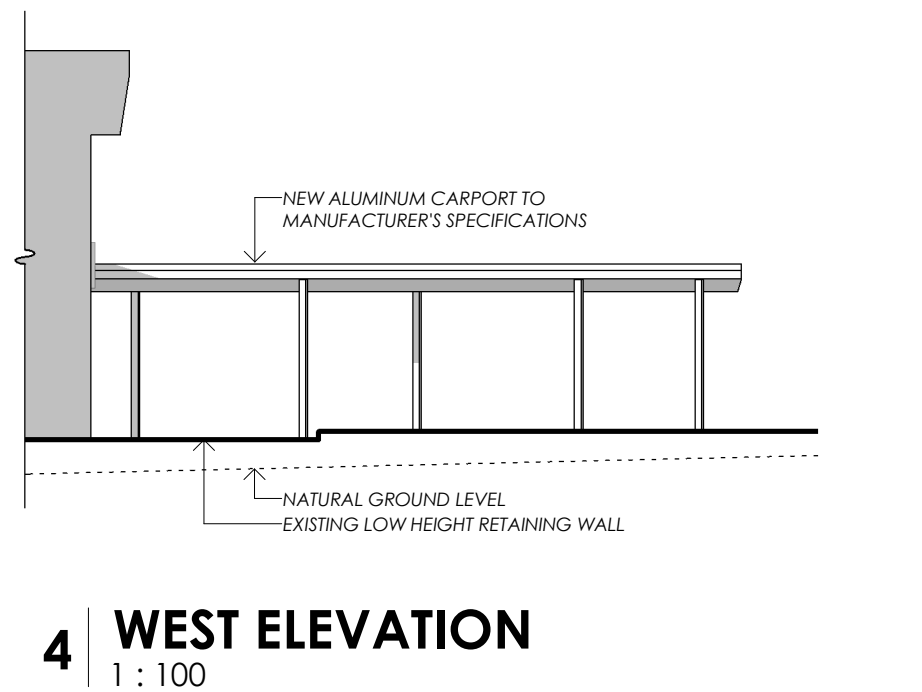
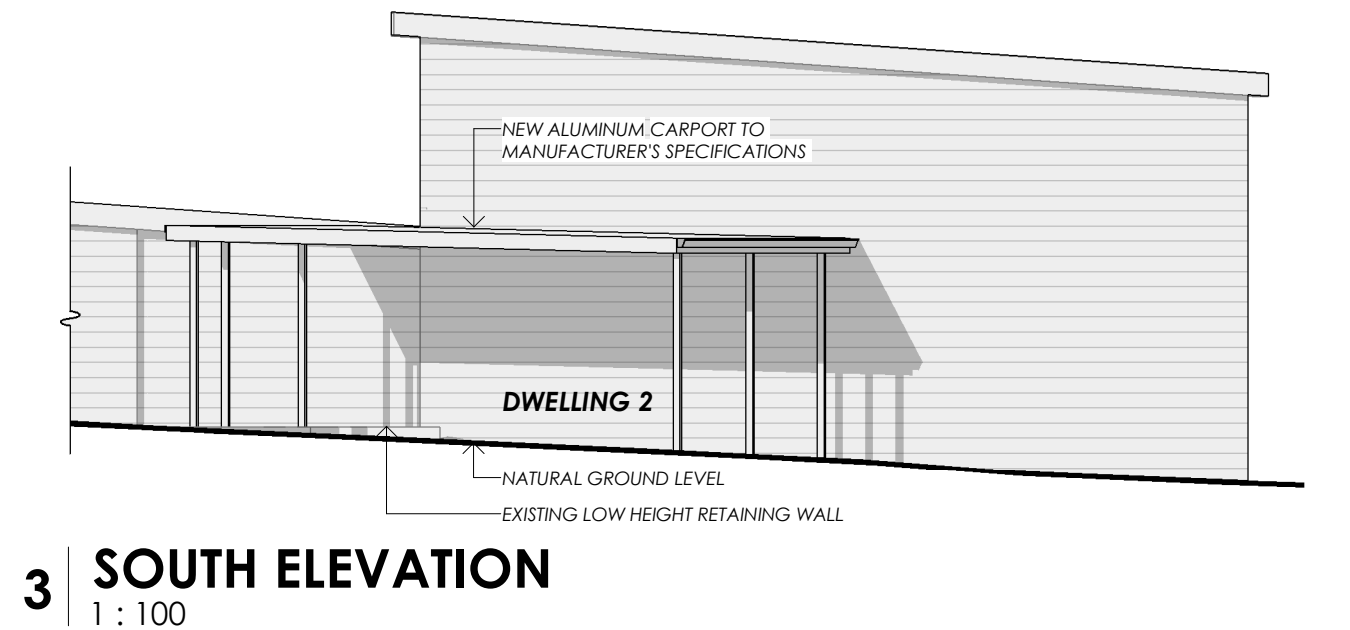
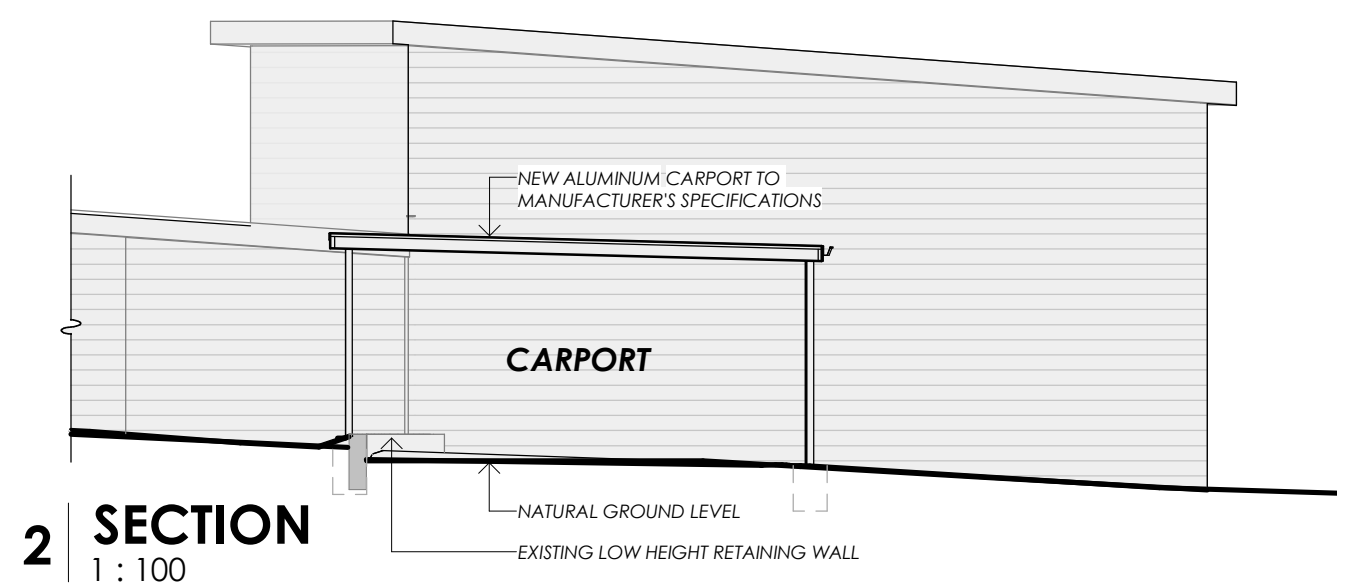
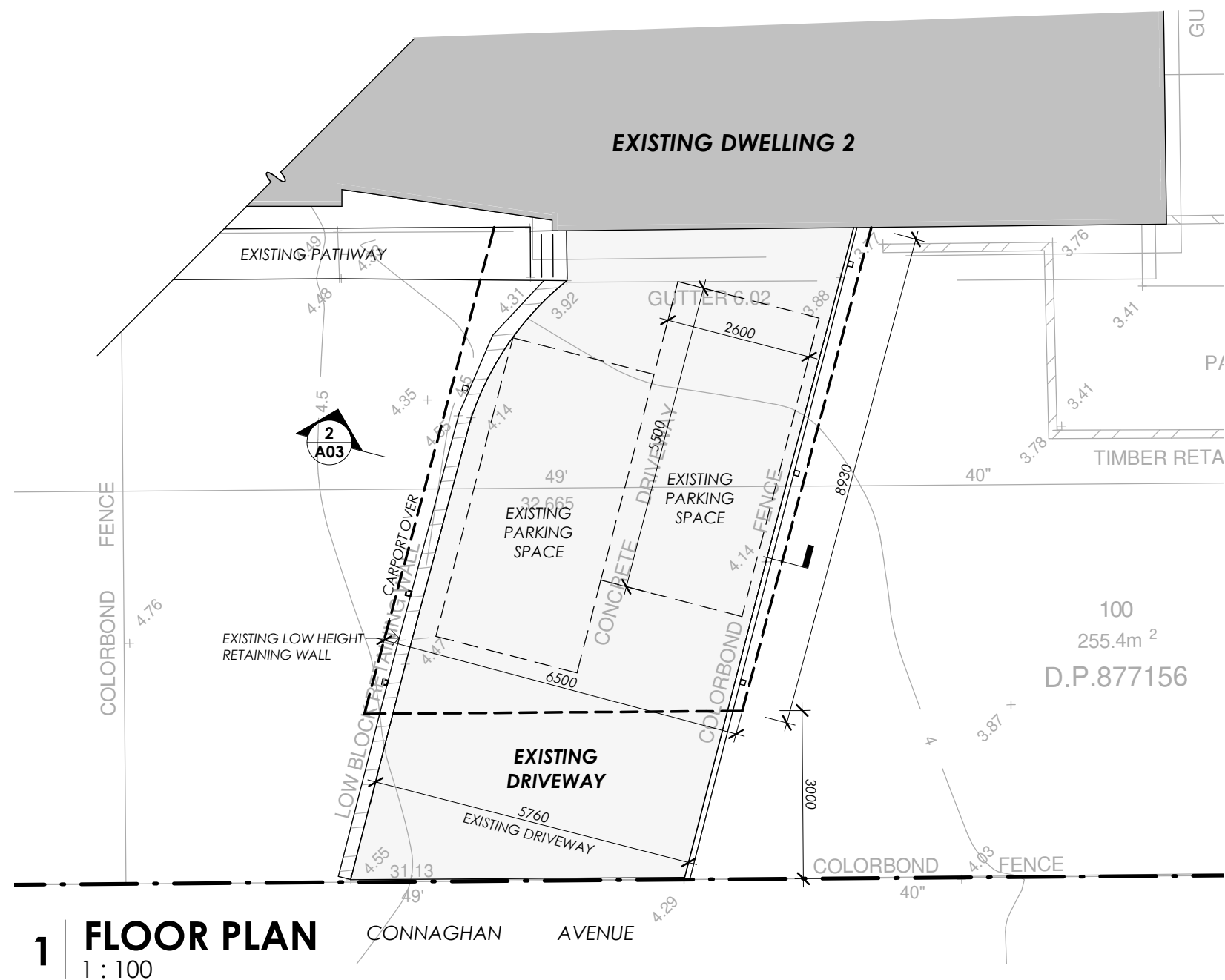


1 | SITE PLAN / SITE ANALYSIS PLAN
1 : 200



PROPOSED SITE AT 2/17 BIRCH CRESCENT EAST CORRIMAL

tasman design		suite 3 / 10 beverley ave warilla po box 137 warilla 2528	ph (02) 42972199 ABN 83 075 099 795	issue A Development Application & Construction Certificate Issue	date 02.10.20		project PROPOSED CARPORT	DA / CC			
<p>This plan is to be read in conjunction with all other consultants and statutory plans. That is, surveys, deposited plans, engineering plans, landscaping plans and relevant council approvals. It is the builder's responsibility to cross check both existing site conditions and proposed site conditions, the location of both existing and proposed buildings prior to work commencing. All dimensions are in millimeters unless otherwise noted. All dimensions shall be site checked prior to commencement of construction. Any obvious work required but not specified on the plan or on the specification is understood to be included. All construction shall be in conformity with the Building Code of Australia. This plan remains the property of Tasman Design Group and is subject to Australian copyright laws ©.</p>							address 2/17 BIRCH CRESCENT EAST CORRIMAL LOT 100 DP877156 & LOT 144 DP659755	date 02/10/20	job no 20200133	issue A	sheet no. A02
				client STEVENS	drawn DB		scale @ A3 1 : 200	no of sheets 3			
				sheet title SITE PLAN & SITE ANALYSIS PLAN							





p 4297 2199 f 4296 6523
Suite 3/10 Beverley Ave Warilla

PO Box 137 Warilla NSW 2528
www.tasmandesign.com.au

STATEMENT OF ENVIRONMENTAL EFFECTS

PROJECT

Proposed Carport

SITE

2/17 Birch Crescent, East Corrimal
Lot 100 DP 877156 Lot 144 DP 659755

CLIENT

Stevens

ISSUE DATE

September 2020

OUR REF

20200133 Stevens - SEE.docx

1.0 INTRODUCTION

Tasman Design has been engaged by the owners of 2/17 Birch Crescent East Corrimal to prepare a Statement of Environmental Effects to accompany a Development Application and Construction Certificate for the proposed carport.

2.0 THE SITE

There is an existing two storey brick and clad dual occupancy occupying the site. The site has a steady slope to the eastern side of the site.



2.1 Aerial View

2.0 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The subject site is zoned **R2** under the *Wollongong Local Environmental Plan 2009*.

The proposed carport also complies with the 9m building height restriction.

Building height = 3.45m

Floor space ratio = N/A

3.0 WOLLONGONG RESIDENTIAL DEVELOPMENT PLAN DCP

DCP Clause	Title	Comments	Status
4.1	Maximum Number of storeys	The existing house is double storey, with the proposed carport having a maximum height of 3.45m	✓
4.2	Front Setback	Secondary Setback (East) = 3.0m	✓
4.3	Side & Rear setback	Side (North) Setback = N/A Rear (East) Setback = 10.112m Side (west) Setback = 18.296m	✓ ✓ ✓
4.4	Landscaped Area	All landscaping is existing	✓
4.6	Solar Access	The proposed carport does not affect the existing solar access.	✓
4.7	Building Character and Form	The proposed carport fits in with the existing street scape.	✓
4.8	Fences	Existing to remain.	✓
4.9	Car parking and Access	Car parking is existing.	✓
Chapter E14	Stormwater Management	Connect new downpipes to existing stormwater network.	✓
Chapter E7	Waste Management	A site waste minimisation and management plan are attached with this application.	✓
Chapter E16	Bushfire Management	The subject site is not bushfire affected as per the council maps.	✓

STATEMENT OF ENVIRONMENTAL EFFECTS

Stevens

2/17 Birch Crescent, East Corrimal Lot 100 DP 877156 Lot 144 DP 659755

DCP Clause	Title	Comments	Status
Chapter E13	Floodplain Management	The subject site is indicated as flood affected, however the proposed carport is an open structure and construction from flood compatible materials.	✓



Thursday, 19th November 2020

Our ref: 20200133 Stevens

Att: Wollongong City Council
Locked Bag 8821
Wollongong DC NSW 2500

**RE: PROPOSED CARPORT
2/17 Birch Crescent East Corrimal
Lot 144 in DP 659755**

To whom it may concern,

DCP Clause 4.10

Carports must be setback behind the front building line of the dwelling. Council may consider a variation to this control for carports that are compatible with the design of the dwelling in instances where an existing streetscape includes carports within the front setback or a site is too steep for driveway access to the front building line.

DCP Clause 4.2

1. c) Garages and carports must be setback a minimum setback of 6m from the frontage to the facade of the building.
2. c) Secondary building line must be setback a minimum of 3 metres, except for a garage which must be setback at least 5.5m from the property boundary on the secondary road.

We ask that the above variation to the code be accepted for the following reasons.

- The proposed garage is setback 3.0m from the secondary boundary as well as being setback 18.29m from the front setback on Birch Crescent.
- The proposed carport provides cover for the two existing parking spaces as indicated on the provided architectural plans.
- The proposed carport is set behind the existing building line addressing Birch crescent.
- The proposed carport is compatible with the existing street scape and does not affect any neighbouring properties.
- Connaghan Avenue is only utilised by the dwelling itself and the neighbouring property to the south.

I trust the provided information is satisfactory, however please don't hesitate to contact myself if you require any further information.

A handwritten signature in blue ink that reads 'Blake Williams'.

Blake Williams

tasman design
4297 2199
blake@tasmandesign.com.au

Attachment 4 – Draft Conditions of Consent

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No 20200133 Drawing A02-A and A03-A dated 2 October 2020 prepared by Tasman Design and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

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

Note: The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

- 5 **Bushfire Attack Level (BAL)**
New construction shall comply with the requirements for Section 3 and 5 (BAL 12.5) Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' and section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bushfire Areas' as appropriate.

The construction requirements for BAL 12.5 Australian Standard AS3959-2018 'Construction of buildings in bush fire-prone areas' and section 7.5 of 'Planning for Bush Fire Protection' or the applicable version (as prescribed by the current National Construction Code) of NASH Standard 'National Standard Steel Framed Construction in Bushfire Areas' as appropriate shall be reflected on the Construction Certificate plans and supporting documentation for the endorsement of the Principal Certifier prior to the issue of the Construction Certificate.
- 6 **Present Plans to Sydney Water**
Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

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

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

Prior to the Commencement of Works

7 **Appointment of Principal Certifier**

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

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

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

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

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

- a in the case of work to be done by a licensee under that Act:
 - i has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
 - ii is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b in the case of work to be done by any other person:
 - i has been informed in writing of the person's 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.

9 **Sign – Supervisor Contact Details**

Before commencement of any work, a sign must be erected in a prominent, visible position:

- a stating that unauthorised entry to the work site is not permitted;
- b showing the name, address and telephone number of the Principal Certifier for the work; and
- c showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

10 **Structural Engineer's Details**

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

11 **Enclosure of the Site**

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

12 **Demolition Works**

The demolition of the existing awning shall be carried out in accordance with Australian Standard AS 2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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

13 **Temporary Sediment Fences**

Temporary sediment fences (e.g. haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

14 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the Roads Act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

During Demolition, Excavation or Construction

15 **Asset Protection Zones**

At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 7.4 and Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

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

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

17 **Restricted Hours of Construction Work**

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

Allowable construction activity noise levels must be within the limits identified in the NSW EPA Interim Construction Noise Guidelines (ICNG) July 2009. ICNG are also applied for blasting, rock hammer and drilling, external plant and equipment.

<https://www.environment.nsw.gov.au/resources/noise/09265cng.pdf>

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

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

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

18 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.

19 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.

Reasons

The reasons for the imposition of the conditions are:

- 1 To minimise any likely adverse environmental impact of the proposed development.
- 2 To ensure the protection of the amenity and character of land adjoining and in the locality.
- 3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
- 4 To ensure the development does not conflict with the public interest.