

# Wollongong Local Planning Panel Assessment Report | 13 July 2021

WLPP No.	Item 1
DA No.	DA-2021/337
Proposal	Residential – alterations and additions, swimming pool and deck
Property	13 Jennifer Crescent, Thirroul Lot 67 DP 219982
Applicant	Mrs L R Talbot
Responsible Team	Development Assessment and Certification – Building and Certification Team (GH)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

#### Reason for consideration by Local Planning Panel – Advice

The proposal has been referred to the WLPP for advice pursuant to clause 2 (a) of Schedule 2 of the Local Planning Panel Direction as the development application is subject of six or more unique submissions by way of objection.

#### Proposal

The proposal is for the construction of alterations and additions to the dwelling, a swimming pool, and a deck.

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to the Wollongong Local Environmental Plan (WLEP) 2009. The proposal is permissible in the zone with development consent.

#### Consultation

The application was notified in accordance with the Wollongong Community Participation Plan 2019. In response five submissions were received.

This proposal was assessed and found to be unsatisfactory with regard to the significant impact the proposal was expected to have on adjoining properties. The applicant was advised that the application would not be supported and was invited to withdraw the application.

As an alternative the applicant chose to submit revised plans for consideration. These are addressed in this report.

Revised plans were renotified, in response to renotification six submissions have been received. These are discussed in Section 1.4 of this report

#### Internal:

The land is identified as Flood Affected and the proposal was referred to Council's Development Engineers for review. Council's Development Engineer advises the additions are outside the flood risk category and no objections are raised with regard to flooding. No flood related conditions would be applicable.

#### Recommendation

It is recommended that DA-2021/337 be REFUSED for the following reasons.

1. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the development is inconsistent with the provisions of the Wollongong Development Control Plan 2009, Chapter B1 (Residential Development) Clause 4.8, (Building Character and Form), with regard to the height and location of the deck.

2. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the development is inconsistent with the provisions of the Wollongong Development Control Plan 2009, Chapter B1 (Residential Development), Clause 4.18 (Swimming Pools and Spas), with regard to the decking around the swimming pool exceeding 600mm above ground level.
3. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the development is inconsistent with the provisions of the Wollongong Development Control Plan 2009, Chapter B1 (Residential Development), Clause 4.18 (Swimming Pools and Spas), with regard to the coping of the swimming pool, which is elevated above ground level, exceeding 300mm in width.
4. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the development is inconsistent with the provisions of the Wollongong Development Control Plan 2009, Chapter B1 (Residential Development), Clause 4.18, with regard to the swimming pool not being constructed at or close to ground level.
5. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the elevated deck and swimming pool will have an adverse impact upon the amenity of the occupants of the adjoining premises.
6. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the site is not suitable for the proposed development.
7. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

## 1. APPLICATION OVERVIEW

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### PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP – BASIX 2004
- SEPP - Koala Protection 2020

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

### BACKGROUND

The development history for the site is as follows:

Application	Description	Application Type	Decision
BA 1998/935	Garage	Building Application	Approved 16/6/1998
DA 2006/449	Additions to dwelling	Development Application	Approved 6/7/2006
CC 2006/137	Additions to dwelling	Construction Certificate	Approved 17/10/2006 –
DA 2021/337 (current application)	Alterations and Additions, swimming pool and deck	Development Application	<i>Referred to WLPP</i>

A pre-lodgement meeting was NOT 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 at 13 Jennifer Crescent Thirroul (Lot 67, DP 219982)

The site is situated on southern side of Jennifer Crescent and on the outside of a significant corner.

The site has an area of 700.7 m<sup>2</sup> and has a fall of approximately 3.25 metres from front boundary (NW corner) to rear boundary (SE corner).

The site currently contains a single storey dwelling and a detached garage or granny flat (see comments in Submissions section of this report).







Figure 3: WLEP 2009 Zoning Map

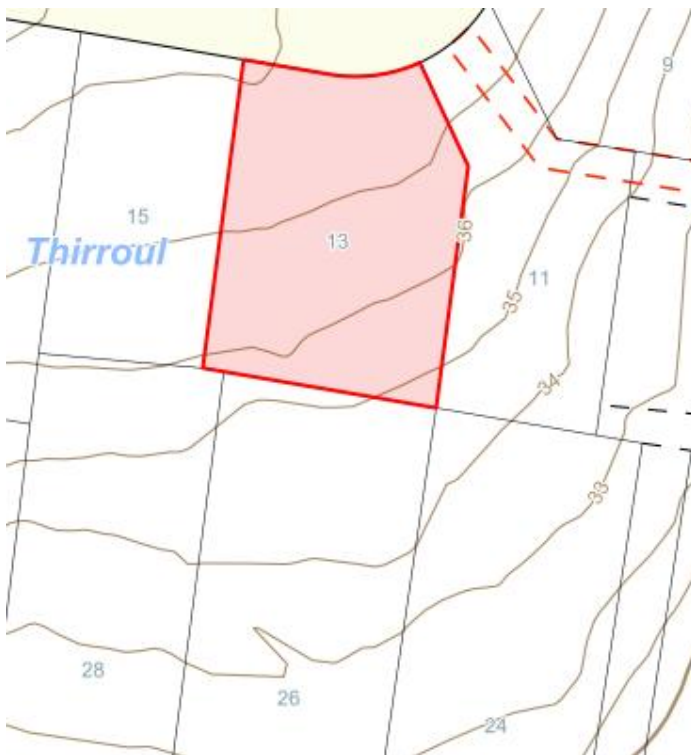


Figure 4: Site contours and house numbers from GIS

Site contours are consistent with levels on survey provided

(JRK Survey dated 13 July 2020)

#### 1.4 SUBMISSIONS

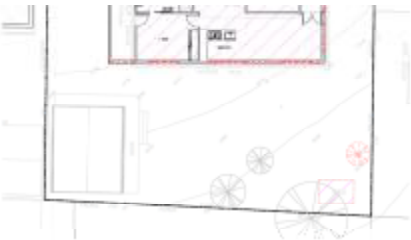

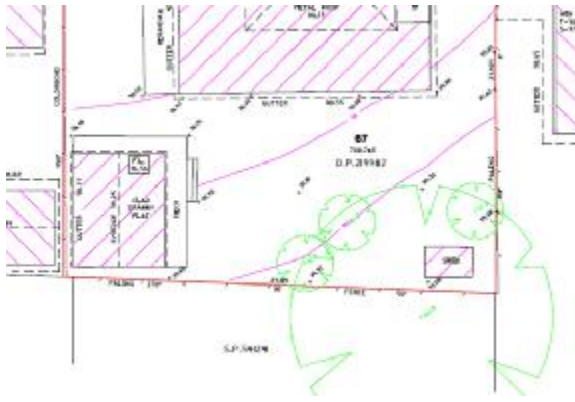
The application was notified in accordance with the Wollongong Community Participation Plan 2019. In response five submissions were received. A letter was sent to the applicant advising the application would not be supported and recommending that the application be withdrawn.

The applicant elected to submit revised plans which were subsequently renotified. In response to renotification six submissions were lodged objecting to the proposal.

Matters of concern are listed and addressed below

(The applicant has submitted a response in regard to Submissions. This is included in Attachment 4)

Concerns raised in Submissions	Comment
<p><b>Impact on Health</b></p> <p>As a person with multiple sclerosis I spend a considerable amount of time in bed due to my disability.</p> <p>I have been quarantined at home with only my back yard as an oasis for most of the last year. The lack of natural sunlight which will be caused by the development will make my confinement even more difficult to endure.</p> <p>Development will be to a height where it will overlook my garden and block sunlight into my bedroom and backyard.</p>	<p>The deck will be from 1.4m to 1.5m from the common boundary.</p> <p>The floor of the elevated deck, which will be at RL 37.10, will be up to 2.1 metres above the adjoining ground level (35.0).</p> <p>(For levels of the adjoining yard area refer to Site contours in Figure 4 )</p> <p>Shadow diagrams show that there will be significant shading to this side caused by the development after 2pm 21<sup>st</sup> June.</p> <p>The affected dwelling also causes shading to this area earlier in the day.</p>
<p><b>Shading of adjoining properties</b></p>	<p>Shadow diagrams for 21<sup>st</sup> June have been provided.</p> <p>These verify that the proposal will not be the cause of shading to the adjoining properties for greater than 3 hrs in a 6 hr period between 9am and 3pm.</p> <p>Some adjoining areas will receive less than 3 hours of sunlight as a combined result of existing structures on the adjoining properties, trees, and the proposed works.</p>
<p><b>Overlooking/loss of privacy</b></p>	<p>Adjoining properties at the rear and Eastern side are lower than the subject property.</p> <p>Site contours indicate that natural ground level of the area of open space between the dwelling at rear and the common boundary, and between the eastern dwelling and the common boundary, are at RL 35.0.</p> <p>This is 2.1 metres below the floor level of the proposed deck (RL 37.10).</p> <p>The area of open space at rear has been excavated below natural ground level (see Site photos).</p> <p>The deck will be min 3.7m from the rear boundary.</p> <p>The deck will be min 1.4m from the side boundary.</p> <p>The deck is an outdoor entertainment area with swimming pool and is off a living room of the dwelling.</p> <p>The size is suitable for groups of people.</p> <p>1.7m tall persons congregating on the deck would stand up to 3.8m above the natural ground level of adjoining properties at only 3.7m from the common boundary.</p>

	<p>They would have a significant overlooking impact on the adjoining properties</p>
<p>Noise from persons on the deck</p>	<p>The deck is an outdoor entertainment area with swimming pool and is off a living room. The living room will open onto the deck via wide double sliding doors (approx. 3.9 m openable width)</p> <p>The design, size and location is suitable for groups of people to congregate and socialise.</p> <p>The elevated nature of the outdoor entertainment area would have significant acoustic impacts on adjoining properties.</p> <p>Plans indicate that slatted walls, containing open arches, will surround the deck.</p> <p>These would not provide visual or acoustic barriers.</p> <p><i>If any enclosure of the deck to protect the acoustic amenity of adjoining properties were to be considered then both design and materials would need to be assessed for acoustic performance.</i></p>
<p>Trees not shown on plans</p>  	<p>Aerial photos (Figure 1) show the location of significant trees on or affecting the property.</p> <p><i>Trees are shown on the Site plan however the size of the trees affecting the SE corner as shown on plan is understated and misleading.</i></p> <p>Compare the trees shown on Plan to an aerial photo of the same area opposite.</p> <p>The Site plan also shows the tree as significantly smaller than as shown on the Survey dated July 2020 from where other information on the site plan is taken.</p>  <p>Excerpt from JRK Survey showing tree location</p>

Stormwater drainage	Appropriate conditions could be imposed on any development consent regarding disposal of stormwater requiring stormwater to be drained to a disposal system designed by a suitably qualified engineer and complying with Council's Stormwater Drainage requirements.
Information in submission is misleading.  Deck has not been dropped as much as claimed.	The revised SEE accompanying revised plans states "The height of the deck, pool and roof have been lowered by 1.3 metres...." (SEE (revised) Introduction p 1)  The original eaves roof RL (S side) was 41.47 and the floor of the deck and pool was 37.9.  The revised eaves RL is 40.17 - <i>Roof lowered by 1.3m</i>  The revised deck and pool is 37.1 - <i>Deck and swimming pool have been lowered 0.8 metre only – not 1.3m.</i>
The scale of the structures reduces other people's amenity and privacy	Noted
Photos provided with the SEE are misleading and Council should not rely on information contained in compliance report.	Council assessment is based on survey levels, inspection, and dimensioned plans.
Understand they want to walk out to the pool but it impacts on the amenity of other people.  The structure should be much lower and an inground pool would work better.	Noted
The wooden deck without underfloor or wall insulation (sound attenuation?) will cause noise and impact adjoining properties.	Noted
They would need to severely prune the existing trees to accommodate a structure of this size	The SEE (p17) states that no vegetation is proposed for removal as part of the application.  The proposed deck is 4 metres from the rear boundary.  It may extend within the canopy area of the large tree. It is not considered unreasonable if this necessitates some trimming of the tree in this area.
Height should be reduced another 500mm and rear setback should be a consistent minimum of 4m	Noted
Granny Flat  Plans show a garage at the rear of the property.  This has been a granny flat for at least 5 years.	The initial set of plans, and a survey report submitted with the application, describes a detached building as a granny flat.  This structure was approved as a garage (BA 1998/935). There is no record of an approval for a granny flat.

	<p>After this matter was raised with the applicant revised plans were lodged which describe this building as a garage.</p> <p>The building is separate to the dwelling, deck, and pool.</p> <p>The matter of an unauthorised granny flat will be referred to Council's Regulation and Enforcement officers for investigation and action as considered appropriate.</p>
No off-street parking at this address.	There is adequate space on site in front of the "garage" to park at least two vehicles in accordance with DCP requirements.

## 1.5 CONSULTATION

### 1.5.1 INTERNAL CONSULTATION

#### Development Engineering

The land is identified as Flood Affected and the proposal was referred to Council's Development Engineers for review.

Council's Development Engineer advises the additions are outside the flood risk category and no objections are raised with regard to flooding. No flood related conditions would be applicable.

## 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.*

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 (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

The aforementioned certificate is dated no earlier than 3 months of the lodgement of this application.

### 2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (Koala Habitat Protection) 2020

The Koala SEPP only applies to development applications considered by councils on land over 1 hectare in size or on land if it is included in an approved Council Koala Plan of Management. The lot size is less than one hectare and Council does not have an approved Koala Plan of Management for the land at the time of preparing this report. As such, no further consideration of this SEPP is required.

### 2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

#### 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 proposal is defined as a dwelling house and ancillary development which is permissible within the zone.

#### Part 4 Principal development standards

##### Clause 4.3 Height of buildings

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

##### Clause 4.4 Floor Space Ratio

The proposed floor space ratio is significantly less than the maximum floor space ratio (0.5:1)

#### 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 identified as flood affected. Council's Development Engineer advises the additions are outside the flood risk category and no objections are raised with regard to flooding.

##### Clause 7.5 Acid Sulfate Soil

Property is not impacted by this provision.

##### Clause 7.6 Earthworks

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

##### Clause 7.7 Foreshore Building Line

Property is not impacted by this provision.

##### Clause 7.8 Illawarra Escarpment Area Conservation

Property is not impacted by this provision.

##### Clause 7.9 Airspace Operations

Property is not impacted by this provision.

##### Clause 7.10 Development in Areas Subject to Airport Noise

The proposal is not located on land which exceeds the ANEF contour 20 or is development which does not involve regular human habitation.

Clause 7.16 Tallawarra Power Stations Buffer Area

Property is not impacted by this provision.

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

N/A

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

2.2.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1

Variations to development controls in the DCP

The Statement of Environmental Effects (SEE) lodged with revised plans assesses the application as complying with relevant DCP requirements.

A copy of the SEE is included in Attachment 2

CHAPTER B1 : RESIDENTIAL DEVELOPMENT		
4.0 GENERAL RESIDENTIAL CONTROLS		
CONTROLS/OBJECTIVES	COMPLIANCE	COMMENT
4.1 MAXIMUM NUMBER OF STOREYS		
Rear 8m of block in R2 zone - Single Storey	Yes	The development is within 8m of the rear boundary and is single storey
4.2 FRONT SETBACKS		
	No change	-
4.3 SIDE AND REAR SETBACKS		
Wall Setback: 900mm	Yes	-
Eave Setback: 450mm	Yes	-
Balconies & windows not to overlook adjoining properties	No	The proposed deck is up to 1.9m above GL (ground level) and 2.1m above GL of adjoining properties. It will overlook adjoining properties
SITE COVERAGE		
Max 50% of the area of the lot, if the lot has an area of at least 450sqm but less than 900sqm	Yes	Coverage less than 50%

4.5 LANDSCAPED AREA		
Lot 600sqm-900sqm = 120 + 30% of the site area >600sqm	Yes	Landscaped area exceeds 330m2
PRIVATE OPEN SPACE		
Min 24m <sup>2</sup> directly accessible from living areas	Yes	
4.7 SOLAR ACCESS REQUIREMENTS		
<p>Windows to adjoining living rooms to achieve 3hrs of continuous sunlight between 9am - 3pm on 21 June.</p> <p>At least 50% of the private open areas of adjoining properties must receive at least 3hrs continuous sunlight between 9am - 3pm on June 21.</p> <p>Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two (2) storey dwellings.</p>	Yes	<p>Shadow diagrams for 21st June have been provided.</p> <p>These verify that the proposal will not be the cause of shading to the adjoining properties for greater than 3 hrs in a 6 hr period between 9 and 3pm.</p> <p>Some adjoining areas will receive less than 3 hours of sunlight as a combined result of existing structures on the adjoining properties, trees, and the proposed works.</p>
4.8 BUILDING CHARACTER AND FORM		
Designed to suit natural landform	No	<p>The property has a fall of approx. 3.25m from front to rear.</p> <p>Whereas the floor level of the dwelling is close to ground level at the front it is elevated at the rear.</p> <p>A deck across the rear of the dwelling will be at the same level as the floor of the dwelling and be up to 1.8m above GL at that point.</p> <p>This then steps down 0.8m to the pool area and larger deck area extending a further 4.77m to the rear. This will stand up to 1.9m above GL at that point.</p> <p><i>This is significantly higher than ground level and this design would be more suitable on a site with a significantly lesser gradient.</i></p>



		<i>For the landform of this property an outdoor entertainment area would be more appropriate at or close to ground level.</i>
<b>4.9 FENCES</b>		
	NA	<p>No changes to fencing proposed as part of application.</p> <p>Plans show a 1.2m glazing barrier around the pool area which would negate the need for any modifications to boundary fencing to satisfy pool fencing requirements.</p>
<b>4.10 CAR PARKING AND ACCESS</b>		
	NA	<p>The proposal does not impact on parking requirements.</p> <p>There is adequate off street parking irrespective of whether "garage" is included.</p> <p>(See separate notes in Submissions regarding "garage")</p>
<b>4.11 STORAGE FACILITIES</b>		
	NA	The proposal does not alter existing storage requirements
<b>4.12 SITE FACILITIES</b>		
	Yes	Facilities satisfactory
<b>4.13 FIRE BRIGADE SERVICING</b>		
	Yes	Existing
<b>4.14 SERVICES</b>		
	Yes	Services are available
<b>4.15 DEVELOPMENT NEAR THE COASTLINE</b>		
	NA	-

4.16 VIEW SHARING		
	Yes	The proposal does not impact significant views.
4.17 RETAINING WALLS		
	na	Retaining walls not proposed
4.18 SWIMMING POOLS AND SPAS		
Decking around a pool to be no higher than 600mm above existing ground level.	No	Decking associated with pool will be from 1.29m to 1.9m above existing ground level.
Pool coping must be not more than 300mm wide if the coping is more than 600mm above existing ground level	No	<p>The elevated pool is surrounded by deck 1000mm wide across the outer edge and 1000mm wide along one side.</p> <p>Whereas a 300mm wide coping prevents or severely restricts people from standing on the coping a 1 metre wide coping will encourage people to stand in that area.</p> <p>The other side of the pool adjoins the 6 metre wide deck area</p>
Inground pool coping to be as close as possible to ground level	No	<p>The pool is elevated 1.47m above ground level.</p> <p>The pool is not constructed as a typical above ground pool where there is no, or a very limited, deck area and which is accessed from ground level.</p> <p>The proposal elevates the whole of the pool surround 1.47m above ground level in a location where it will have a significant impact on adjoining properties.</p>
4.19 DEVELOPMENT NEAR RAILWAY CORRIDORS AND MAJOR ROADS		
	Na	-
PART E – GENERAL (CITY WIDE) CONTROLS		

COMPLIANCE		COMMENT
CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT		
	Na	No change to parking or access See separate comments in submissions regarding garage
CHAPTER E6: LANDSCAPING		
	Yes	-
CHAPTER E7: WASTE MANAGEMENT		
	Yes	Relevant conditions can be imposed
CHAPTER E8 – ON-SITE SEWAGE MANAGEMENT SYSTEMS		
	Yes	Service Available
CHAPTER E9: HOARDINGS AND CRANES		
	Yes	Relevant conditions can be imposed
CHAPTER E10: ABORIGINAL HERITAGE & CLAUSE 5.10 OF THE WLEP 2009		
	na	The site is not upon a known Aboriginal Heritage site.
CHAPTER E11: HERITAGE CONSERVATION & CLAUSE 5.10 OF THE WLEP 2009		
	na	The site is not located adjacent to, within the vicinity of, identified as or within a known heritage conservation and heritage item.
CHAPTER E12: GEOTECHNICAL ASSESSMENT		
	na	The site is not impacted by this provision.
CHAPTER E13: FLOODPLAIN MANAGEMENT & CLAUSE 7.3 OF THE WLEP 2009		
	Yes	The land is identified as Flood Affected. The proposal was referred to Council's Development Engineers for review. Council's Development Engineer advises the additions are outside the flood risk category and

		no objections are raised with regard to flooding.
CHAPTER E14: STORMWATER MANAGEMENT		
	Yes	Relevant conditions can be imposed
CHAPTER E16: BUSHFIRE MANAGEMENT		
	na	Not in bushfire prone land
CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION & CLAUSE 5.9 OF THE WLEP 2009		
	No	SEE states that no vegetation is proposed for removal.
CHAPTER E18: THREATENED SPECIES		
	Na	Property is not impacted by this provision.
CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)		
	yes	Earthworks not proposed
CHAPTER E20: CONTAMINATED LAND MANAGEMENT		
	na	Property is not identified as contaminated land
CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT		
	yes	Minor demolition works only associated with changes to openings at rear of dwelling
CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL		
	Yes	Relevant conditions can be imposed
CHAPTER E23: RIPARIAN LAND MANAGEMENT		
	na	-
PART D – LOCALITY BASED DCP'S		

Character Statement Thirroul	Yes	<p>The proposal does not conflict with the Desired Future Character statement which specifically refers to “new dwellings”.</p> <p>Concerns regarding impact on adjoining properties are addressed elsewhere in this report</p>
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## 2.2.2 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.

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

There are no planning agreements entered into or any draft agreement offered to enter into under S93F which affect the development.

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?

A condition can be attached to any consent regarding demolition.

Clause 93 - Fire Safety and Other Considerations

Not applicable

Clause 94 - Consent Authority May Require Buildings to Be Upgraded

Not applicable

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

There are expected to be significant adverse impacts on adjoining properties from the proposed development.

Context and Setting:

The development is not consistent with the amenity of the neighbourhood and is not considered to be consistent with the surrounding development. The pool and deck will be elevated to an extent where it will impact on adjoining properties.

Access, Transport and Traffic:

No changes are proposed to access.

Public Domain:

The development is not considered to be consistent with the amenity of the locality, the development is 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. The development will be subject to the requirements of SEPP BASIX. This is discussed separately in this report.

#### Soils:

Concerns are not raised regarding soils or geotechnical matters.

#### Air and Microclimate:

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

#### Flora and Fauna:

Concerns are not raised regarding impact fauna.

Minimal impact on trees is envisaged and concerns are not raised in this regard.

#### 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. The development will be subject to the requirements of the SEPP BASIX. This is discussed separately in this report.

#### Noise and vibration:

Concerns have been expressed from adjoining owners regarding noise impacts from the proposal. The elevated nature of the pool and deck, and the proximity to the property boundaries, is such that the use of the pool and deck is likely to have an adverse acoustic impact on nearby properties.

#### 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 negative safety impacts.

#### Social Impact:

The proposal is expected have a negative social impact.

#### Economic Impact:

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

#### Site Design and Internal Design:

The development has not been designed to meet with the requirements of Council's DCP relating to site design and height as noted in the assessment table above.

The height of the pool and deck is not considered appropriate.

The development is likely to have an adverse impact on the adjoining properties.

Construction:

Construction of the development could comply with the provisions of the Building Code of Australia(NCC).

Cumulative Impacts:

The development would have a detrimental impact upon the amenity of the area.

#### SECTION 4.15(1)(c) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

##### Does the proposal fit in the locality?

The proposal is not considered inappropriate with regard to the zoning of the site however it is expected to have a negative impact on the amenity of the adjoining properties.

##### Are the site attributes conducive to development?

The site is not considered to be appropriate for this development. The design would suit a property with significantly lesser gradient. An outdoor entertainment area and pool on this property should be at or close to existing ground level to minimise the impact on adjoining properties.

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

The application was notified in accordance with the Wollongong Community Participation Plan 2019. In response five submissions were received.

Revised plans have subsequently been lodged with Council. These were renotified. In response to renotification six submissions have been received. These are discussed earlier in this report.

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

The proposal is expected to have unreasonable impacts on the amenity of the locality and is therefore not considered to be in the public interest.

### 3. RECOMMENDATION

---

This application has been assessed 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.

It is recommended that the application be refused for the following reasons.

1. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the development is inconsistent with the provisions of the Wollongong Development Control Plan 2009, Chapter B1 (Residential Development) Clause 4.8, (Building Character and Form), with regard to the height and location of the deck.
2. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the development is inconsistent with the provisions of the Wollongong Development Control Plan 2009, Chapter B1 (Residential Development), Clause 4.18 (Swimming Pools and Spas), with regard to the decking around the swimming pool exceeding 600mm above ground level.
3. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the development is inconsistent with the provisions of the Wollongong Development Control Plan 2009, Chapter B1 (Residential Development), Clause 4.18 (Swimming Pools and Spas), with regard to the coping of the swimming pool, which is elevated above ground level, exceeding 300mm in width.

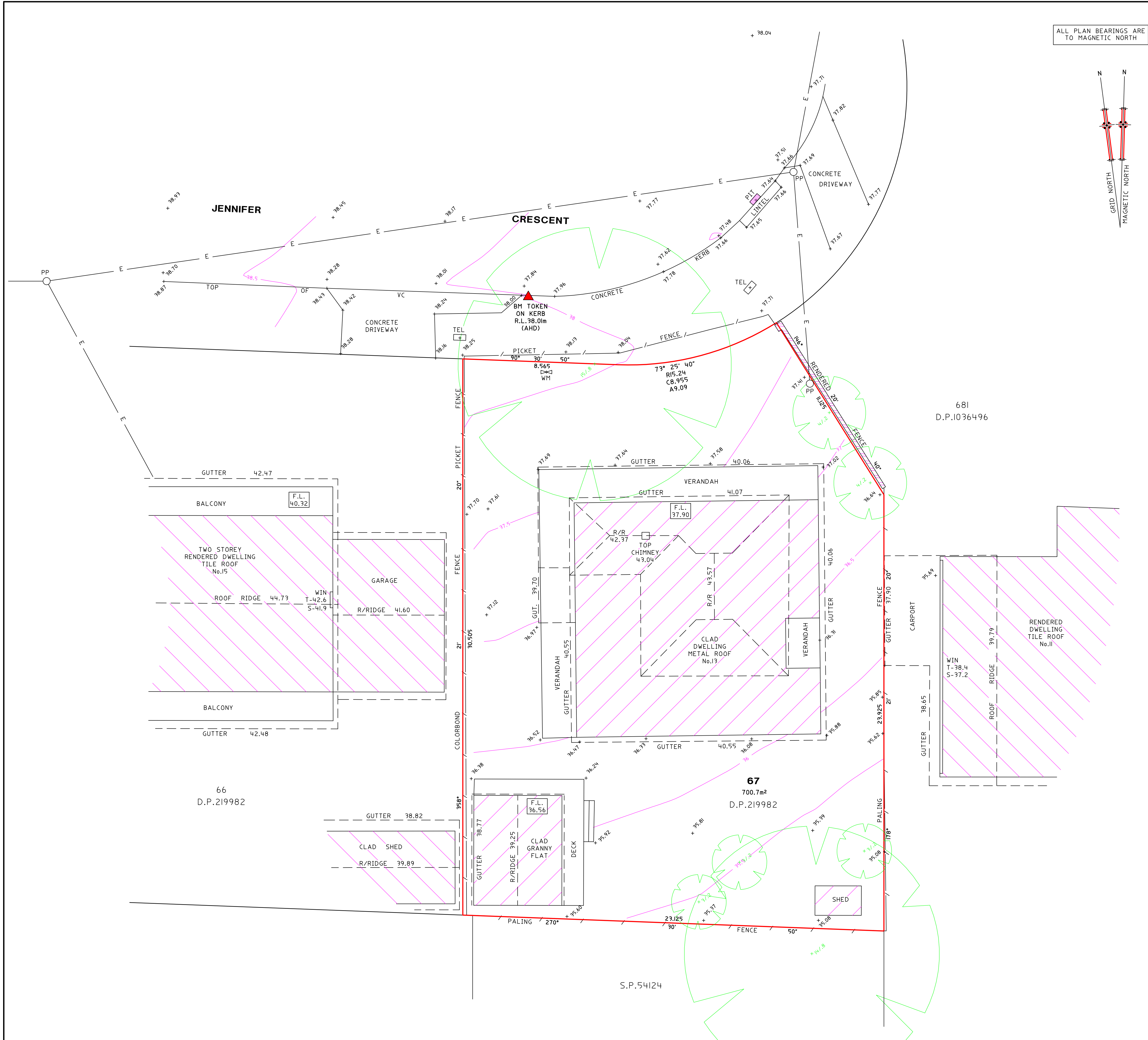
4. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the development is inconsistent with the provisions of the Wollongong Development Control Plan 2009, Chapter B1 (Residential Development), Clause 4.18, with regard to the swimming pool not being constructed at or close to ground level.
5. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the elevated deck and swimming pool will have an adverse impact upon the amenity of the occupants of the adjoining premises.
6. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, it is considered that the site is not suitable for the proposed development.
7. Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

#### 4. ATTACHMENTS

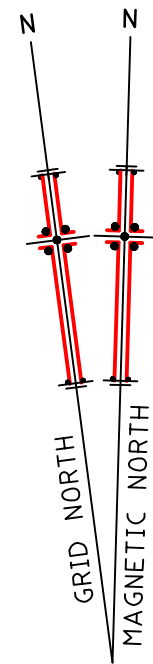
---

- 1 Architectural Plans
- 2 Statement of Environmental Effects (Revised)
- 3 Site photographs taken by Council officer
- 4 Submission lodged on behalf of application in response to submissions (applicant had obtained copies of submissions via GIPA)
- 5 Comment regarding applicant's response to Submissions



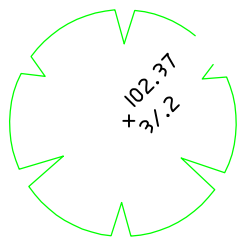


ALL PLAN BEARINGS ARE  
TO MAGNETIC NORTH



#### LEGEND

BENCH MARK	
TELSTRA PIT	
POWER POLE	
GRATED INLET PIT	
KERB INLET Lintel	
VEHICLE CROSSING	
ELECTRICITY (O'HEAD)	
WATER METER	



TREES  
102.37 SPOT LEVEL  
3/2  
3 - 3m SPREAD  
0.2 - 0.2m APPROX. TRUNK DIA.

SCALE 1:100 @ A1/ 1:200 @ A3  
0 1 2 3 4 5 6 7 8 9 10 [m]

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#### NOTES

1. NO INVESTIGATION OF UNDERGROUND SERVICES OR  
BUILDING FOOTINGS HAS BEEN UNDERTAKEN IN THE  
PREPARATION OF THIS SURVEY.
2. ORIGIN OF LEVELS PM7199 R.L.42.642m (AHD) BY SCIMS.  
DATED 6TH JULY 2020.
3. TREE SIZES ARE ESTIMATES ONLY.
4. DATE OF SURVEY 7TH JULY 2020.



UNDERGROUND SERVICES SEARCH SHOULD  
BE UNDERTAKEN PRIOR TO ANY EXCAVATION  
TAKING PLACE UPON THE SITE

THIS IS THE PLAN  
REFERRED TO IN MY LETTER  
REF:20-161PI

*Bryan Southall*

BRYAN SOUTHALL  
REGISTERED SURVEYOR  
SURVEYOR ID No. 8250

TITLE:

**SITE ANALYSIS SURVEY OVER  
LOT 67 IN D.P.219982  
BEING No. 13 JENNIFER CRESCENT  
THIRROUL**

**JRK SURVEYS**  
SURVEYING.COM.AU

LAND SURVEYORS info@surveying.com.au

Wollongong (HQ) (02) 4284 9922 Petersham (02) 9572 9044  
Engadine (02) 9548 1338 Kingsford (02) 9663 1832

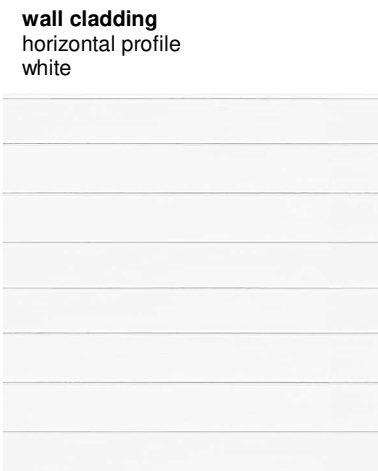
CLIENT: GOODBUILD GROUP PTY LTD

LEVEL DATUM: A.H.D. NOTES: 0.5m CONTOURS

SURVEY BY: B.S. DRAWN BY: B.S./L.S.

DRAWING No.	SCALE	SHEET	DATE:
20-161P1	1:100@A1 1:200@A3	I OF I SHEETS	19TH JULY 2020

SHEET NUMBER	SHEET NAME
A100	COVER
A102	SITE PLAN
A103	EXISTING AND DEMOLITION FLOOR PLAN
A104	EXISTING AND DEMOLITION ELEVATIONS
A105	PROPOSED FLOOR PLANS
A106	PROPOSED ROOF PLAN
A107	PROPOSED EAST ELEVATION
A108	PROPOSED ELEVATIONS
A109	SECTIONS
A110	SHADOW ANALYSIS 9AM
A111	SHADOW ANALYSIS 10AM
A112	SHADOW ANALYSIS 11AM
A113	SHADOW ANALYSIS 12PM
A114	SHADOW ANALYSIS 1PM
A115	SHADOW ANALYSIS 2PM
A116	SHADOW ANALYSIS 3PM
A117	DOOR & WINDOW SCHEDULES
A118	ARTIST IMPRESSION



- notes
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landscape designer

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structural engineer

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www.goodbuildgroup.com

client

project address  
13 Jennifer Crescent, Thirroul NSW

drawn by HD	checked by EM
----------------	------------------

scale / A2	project ID project ID Project Number
---------------	---

sheet name  
**COVER**

drawing number  
**A100**





site analysis

site boundary

existing built form

existing demolished / removed

solar access

hot winds

cold wind

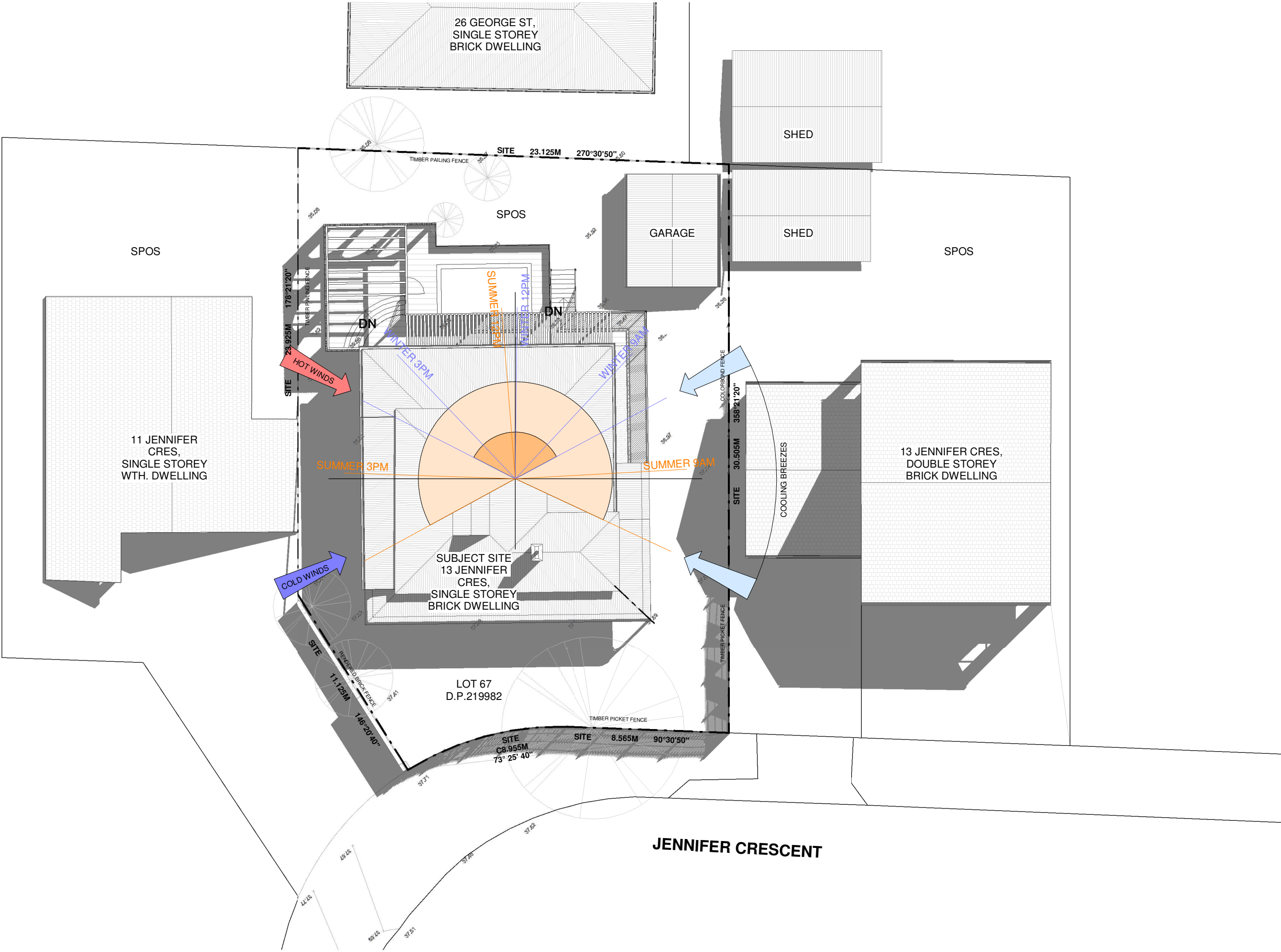
cool breezes

Total site area 700.7m2

allowable FSR = 0.5:1  
allowable GFA = 350.35m²

proposed FSR = 0.24:1  
proposed GFA = ground floor = 167.6m²

Area analysis Schedule		
Name	Area	%
1. Ground Floor	167.6 m²	23.9%
2. Garage	29.7 m²	4.2%
3. Existing Verandah	52.8 m²	7.5%
3. Existing Verandah	4.7 m²	0.7%
4. Proposed Deck	72.2 m²	10.3%
5. Proposed Pool	11.1 m²	1.6%
6. Landscape	362.6 m²	51.8%
	700.7 m²	



1 SITE PLAN  
1 : 200 @A2

- notes
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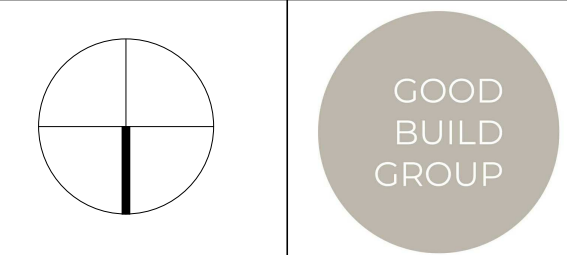
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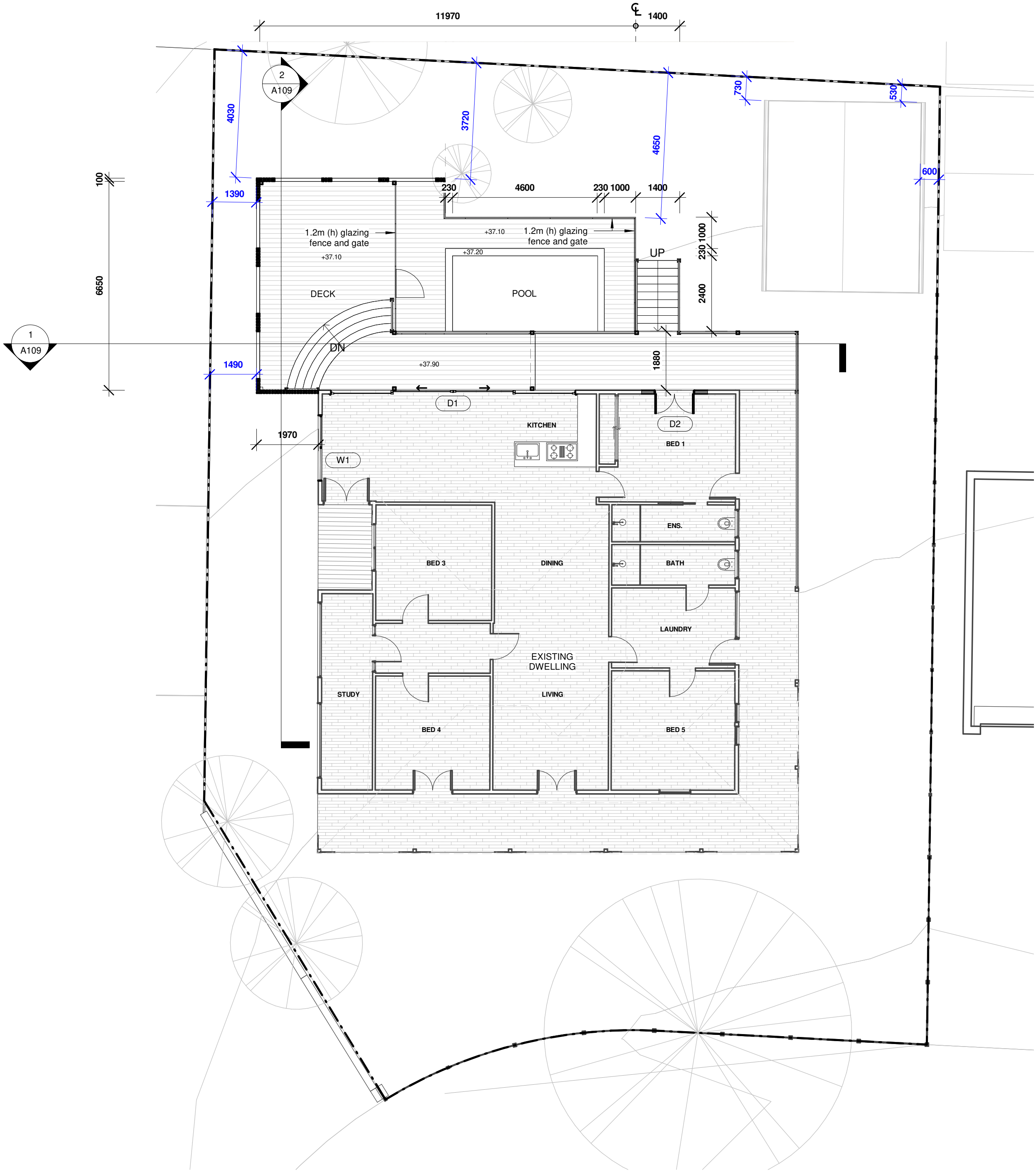
scale	project ID
1 : 200 / A2	project ID Project Number

sheet name	SITE PLAN
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drawing number	A102
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Area analysis Schedule		
Name	Area	%
1. Ground Floor	167.6 m <sup>2</sup>	23.9%
2. Garage	29.7 m <sup>2</sup>	4.2%
3. Existing Verandah	52.8 m <sup>2</sup>	7.5%
3. Existing Verandah	4.7 m <sup>2</sup>	0.7%
4. Proposed Deck	72.2 m <sup>2</sup>	10.3%
5. Proposed Pool	11.1 m <sup>2</sup>	1.6%
6. Landscape	362.6 m <sup>2</sup>	51.8%
Site area	700.7 m <sup>2</sup>	



**1 PROPOSED GROUND FLOOR PLAN**  
1 : 100 @A2

notes

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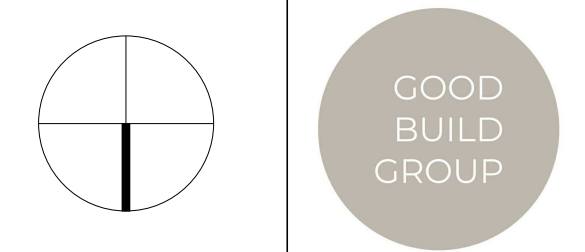
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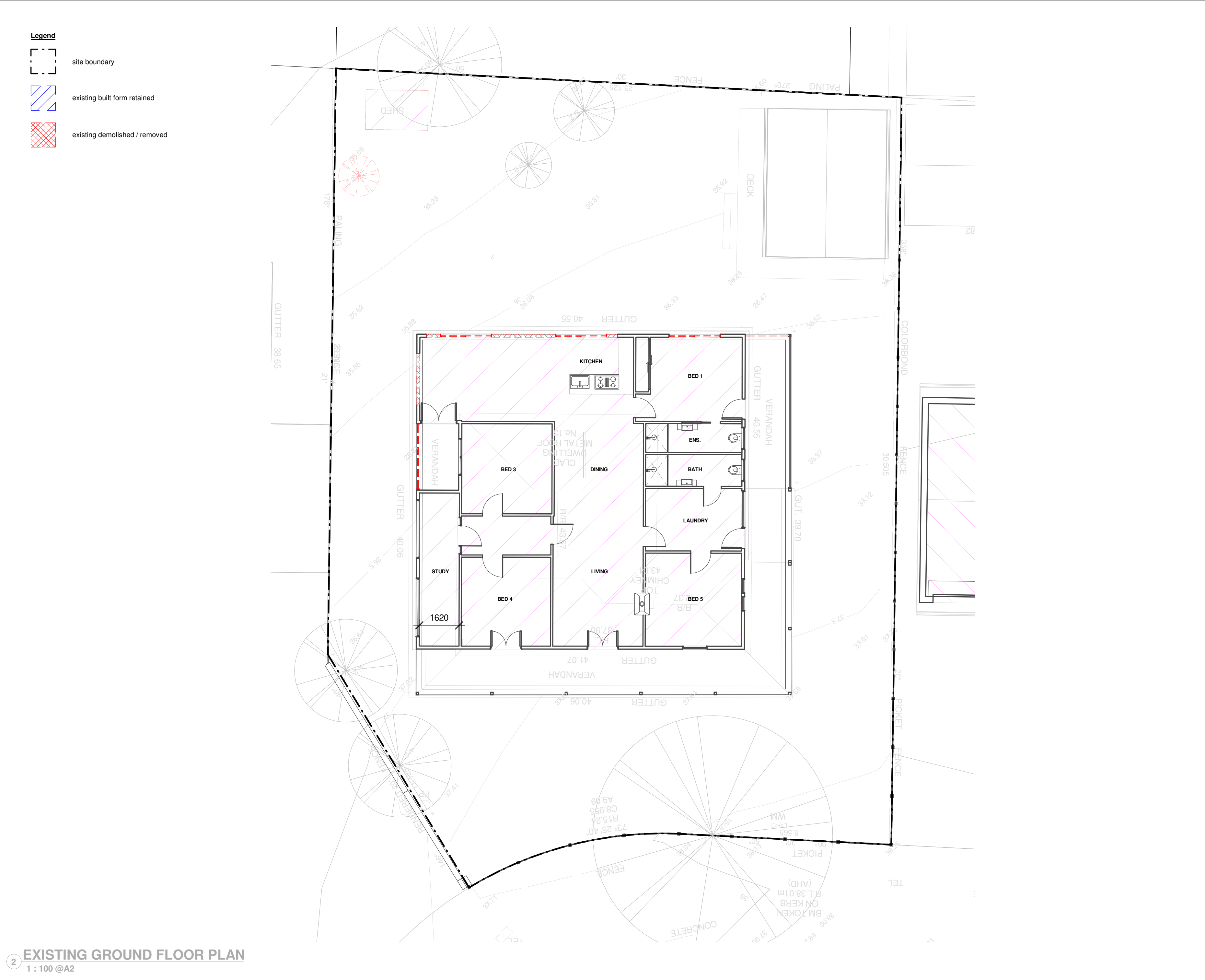
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**PROPOSED FLOOR PLANS**

drawing number

**A105**





notes

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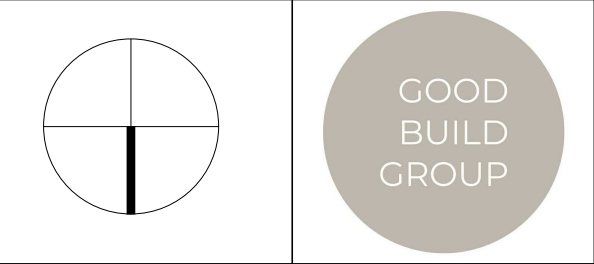
project address  
13 Jennifer Crescent, Thirroul NSW

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HD	EM

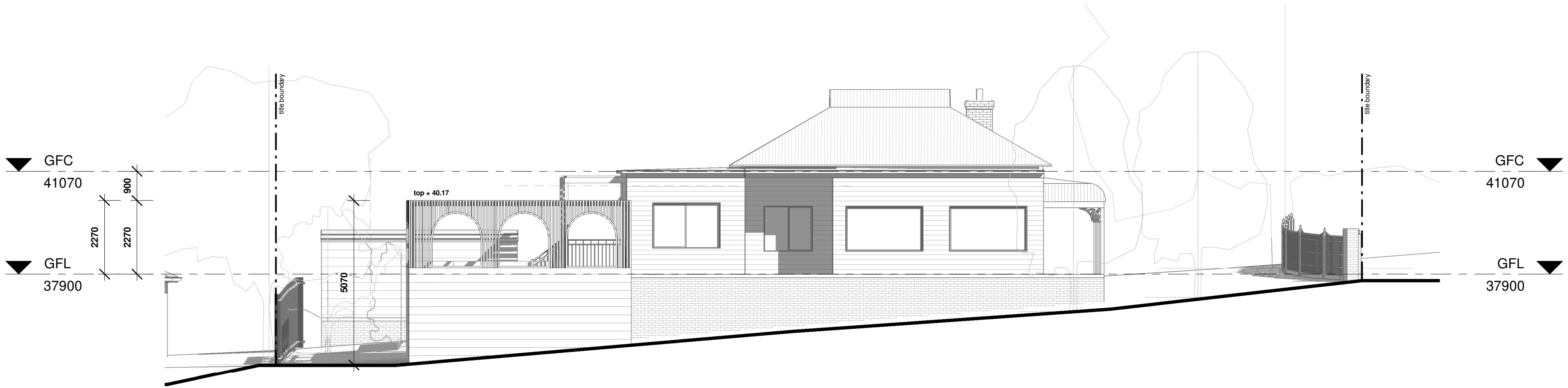
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1 : 100 / A2	project ID Project Number

sheet name  
**EXISTING AND DEMOLITION FLOOR PLAN**

drawing number  
**A103**







1 **PROPOSED SOUTH ELEVATION**  
1 : 100 @A2



2 **PROPOSED NORTH ELEVATION**  
1 : 100 @A2

notes

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HD	EM

scale	project ID
1 : 100 / A2	project ID Project Number

sheet name

**PROPOSED EAST ELEVATION**

drawing number

**A107**



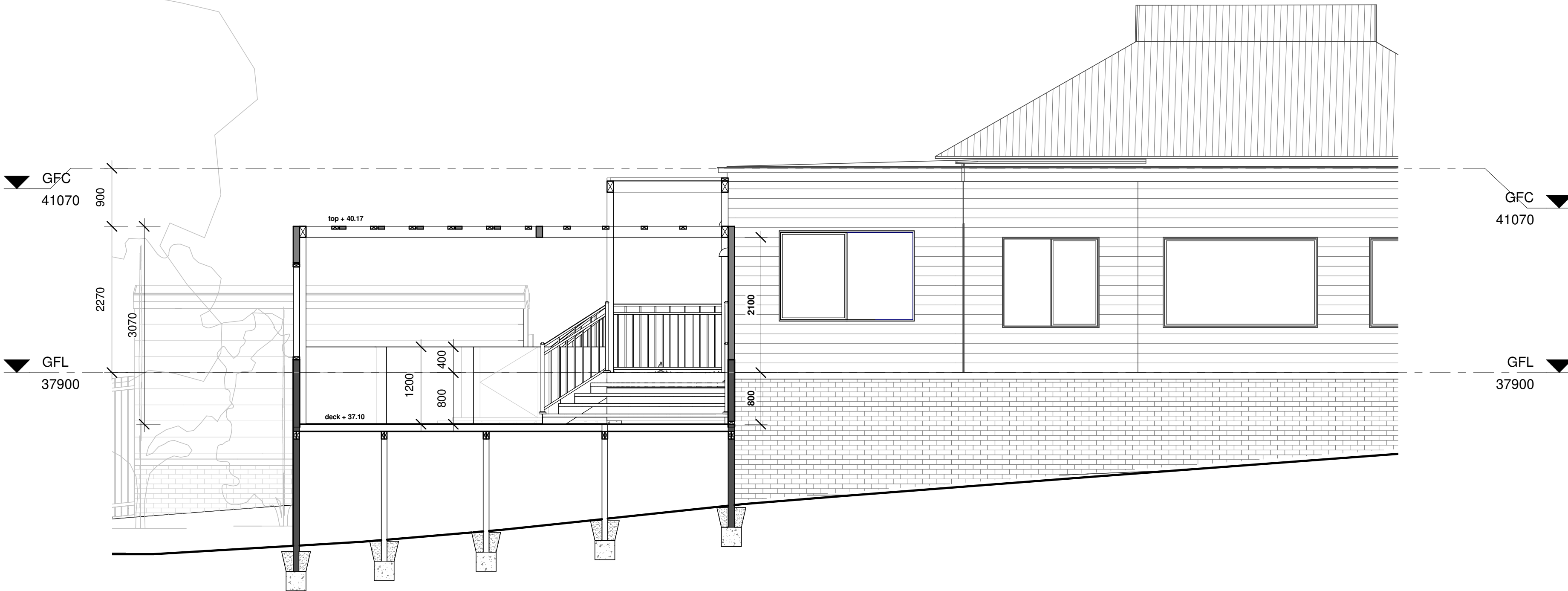
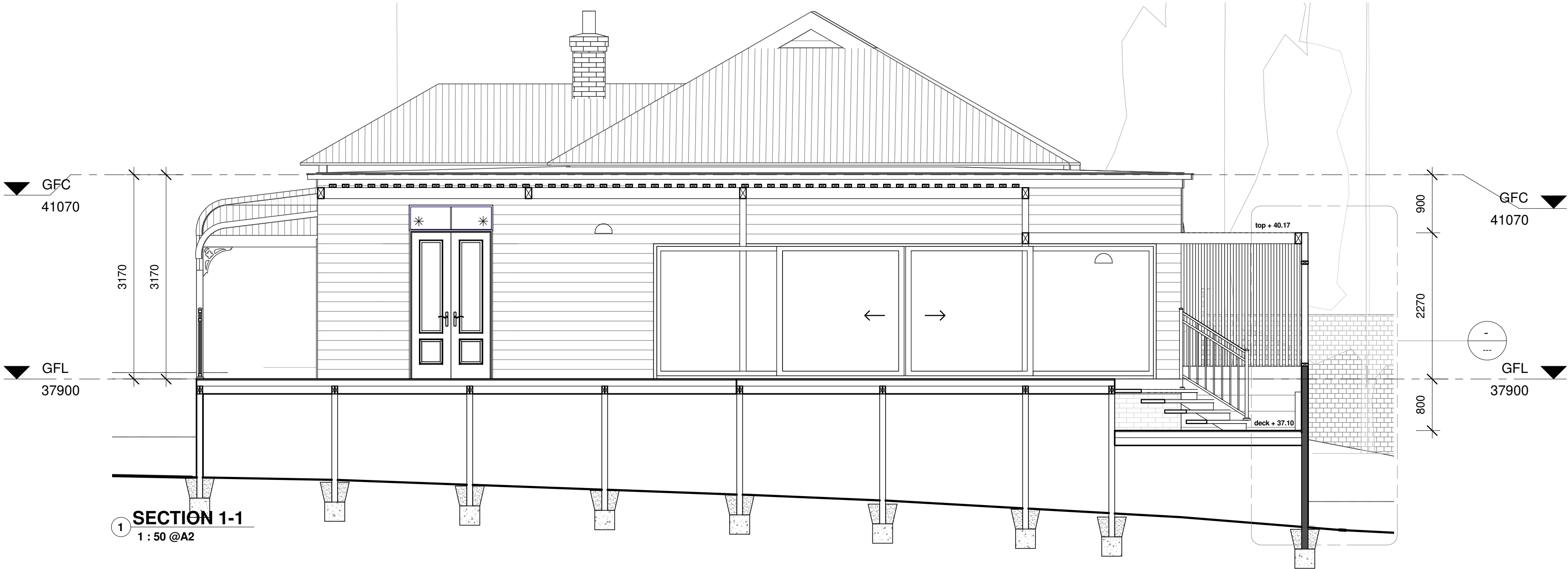


1 **PROPOSED WEST ELEVATION**  
1 : 100 @A2



2 **PROPOSED EAST ELEVATION**  
1 : 100 @A2

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building designer <b>GOOD BUILD GROUP Pty Ltd</b> info@goodbuildgroup.com.au www.goodbuildgroup.com	
client	
project address 13 Jennifer Crescent, Thirroul NSW	
drawn by HD	checked by EM
scale 1 : 100 / A2	project ID project ID Project Number
sheet name <b>PROPOSED ELEVATIONS</b>	
drawing number <b>A108</b>	
	<div>GOOD BUILD GROUP</div>



- notes
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HD

checked by  
EM

scale  
1 : 50 / A2

project ID  
project ID Project Number

sheet name  
**SECTIONS**

drawing number  
**A109**





Legend



site boundary



existing demolished / removed

GFC  
41070

GFL  
37900

GFC  
41070

GFL  
37900

2 EXISTING SOUTH ELEVATION  
1 : 100 @A2

GFC  
41070

GFL  
37900

GFC  
41070

GFL  
37900

3 EXISTING NORTH ELEVATION  
1 : 100 @A2

GFC  
41070

GFL  
37900

GFC  
41070

GFL  
37900

4 EXISTING WEST ELEVATION  
1 : 100 @A2

notes

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scale

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project ID

project ID Project Number

sheet name

**EXISTING AND DEMOLITION  
ELEVATIONS**

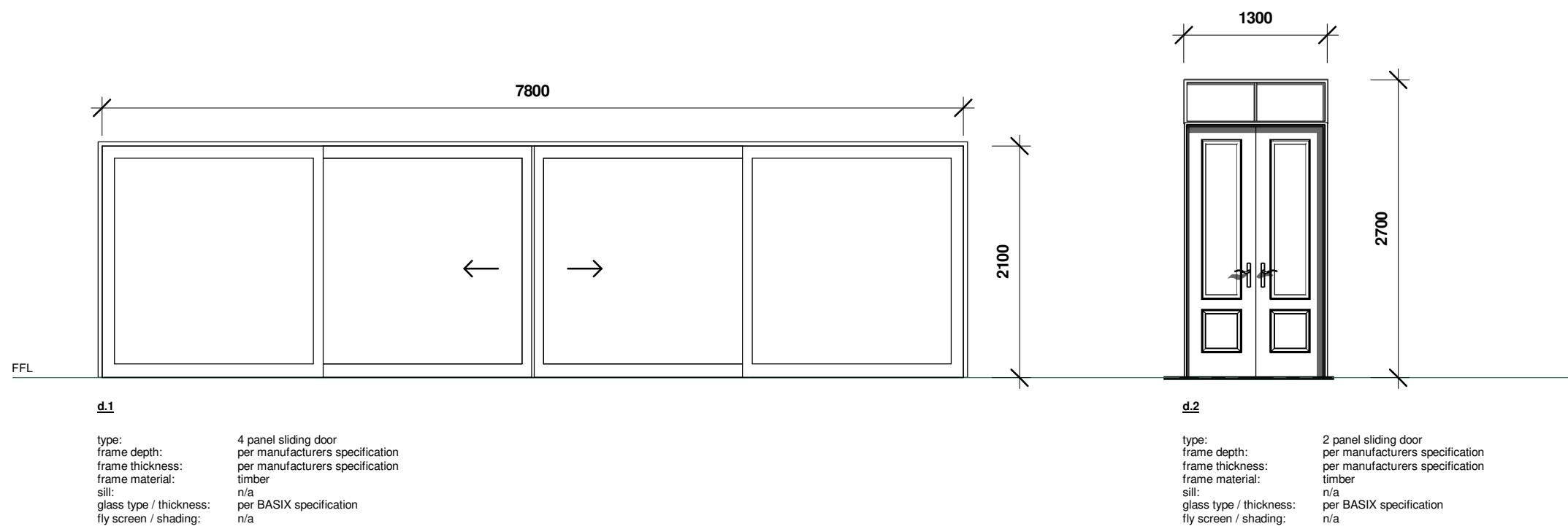
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GROUP

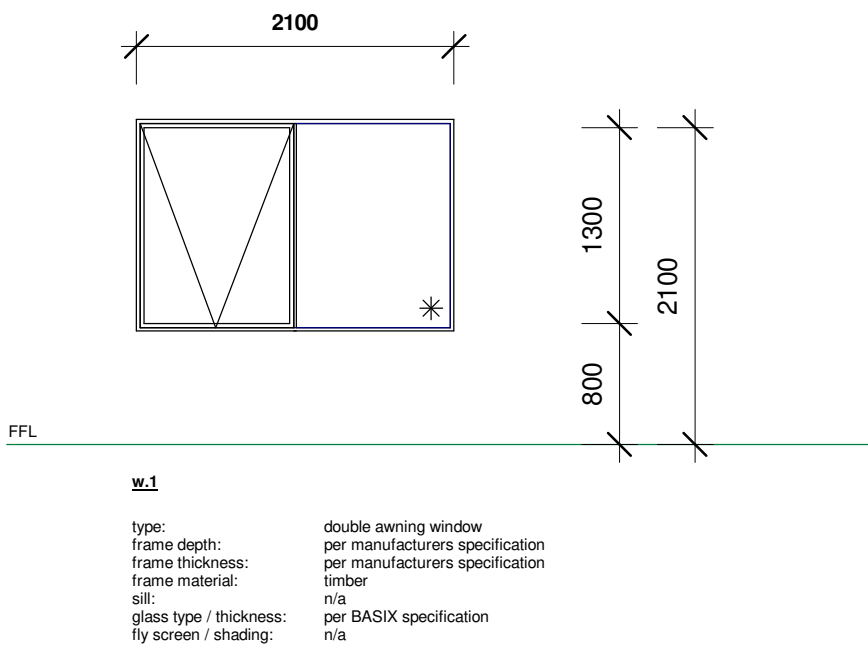
door schedule

1 : 50



window schedule

1 : 50



- notes
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project address  
13 Jennifer Crescent, Thirroul NSW

drawn by Author	checked by Checker
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scale 1 : 50 / A2	project ID project ID Project Number
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sheet name  
**DOOR & WINDOW SCHEDULES**

drawing number  
**A117**



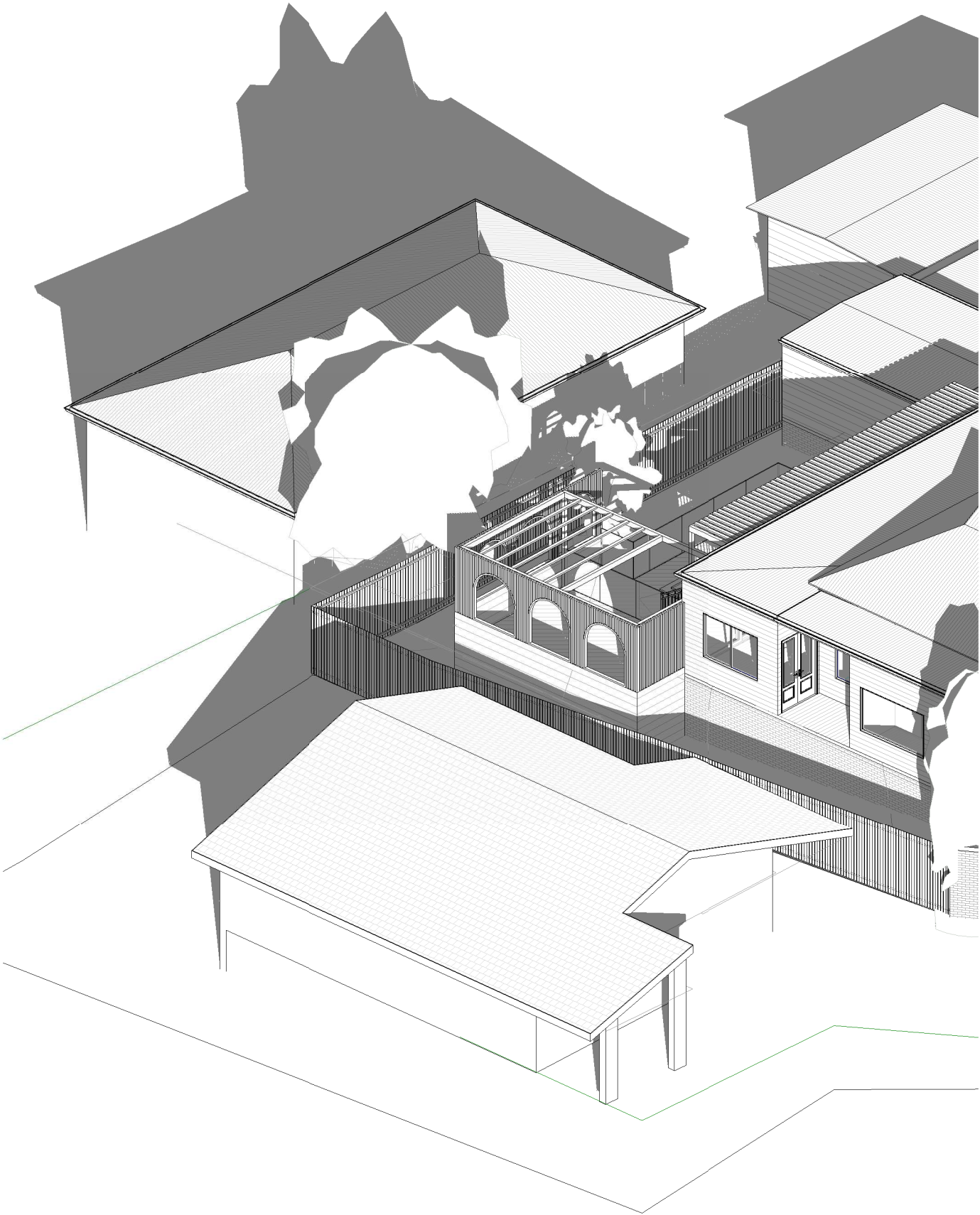




shadow analysis



shadow areas cast by the proposed development



**1 SHADOW ANALYSIS 9AM- 21ST OF JUNE**  
1 : 200 @A2

- notes
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drawn by

HD

checked by

EM

scale

1 : 200 / A2

project ID

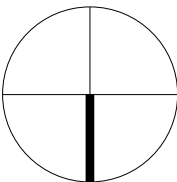
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sheet name

**SHADOW ANALYSIS 9AM**

drawing number

**A110**

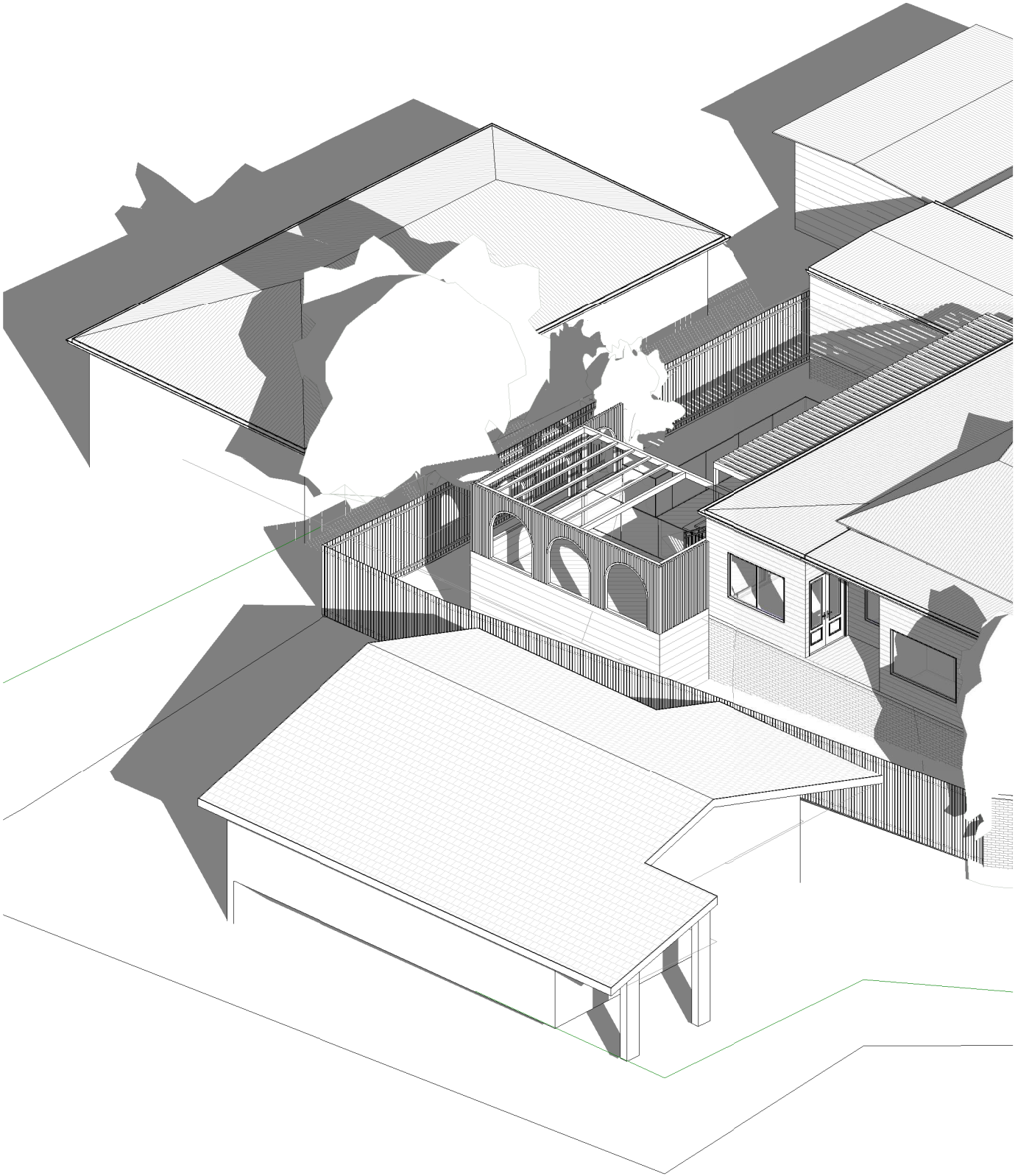




shadow analysis



shadow areas cast by the proposed development



- notes
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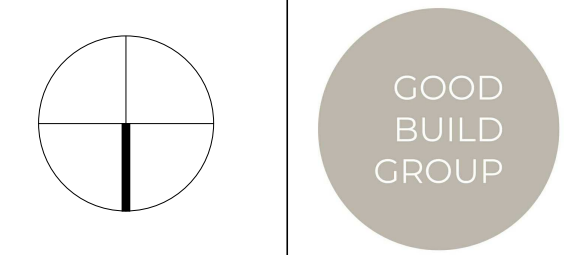
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scale  
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project ID  
project ID Project Number

sheet name  
**SHADOW ANALYSIS 10AM**

drawing number  
**A111**

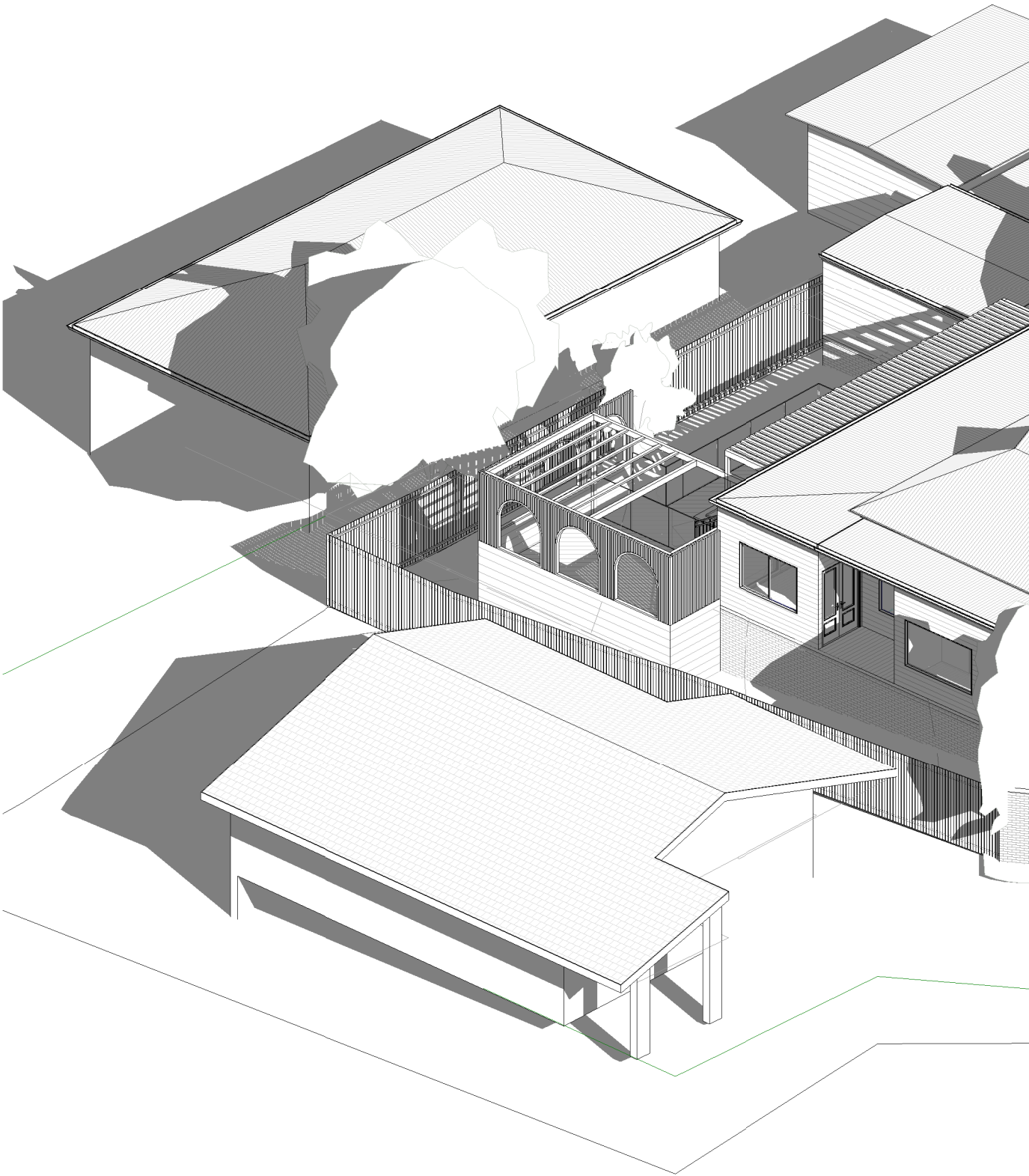




shadow analysis



shadow areas cast by the proposed development



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drawn by

HD

checked by

EM

scale

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project ID

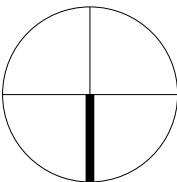
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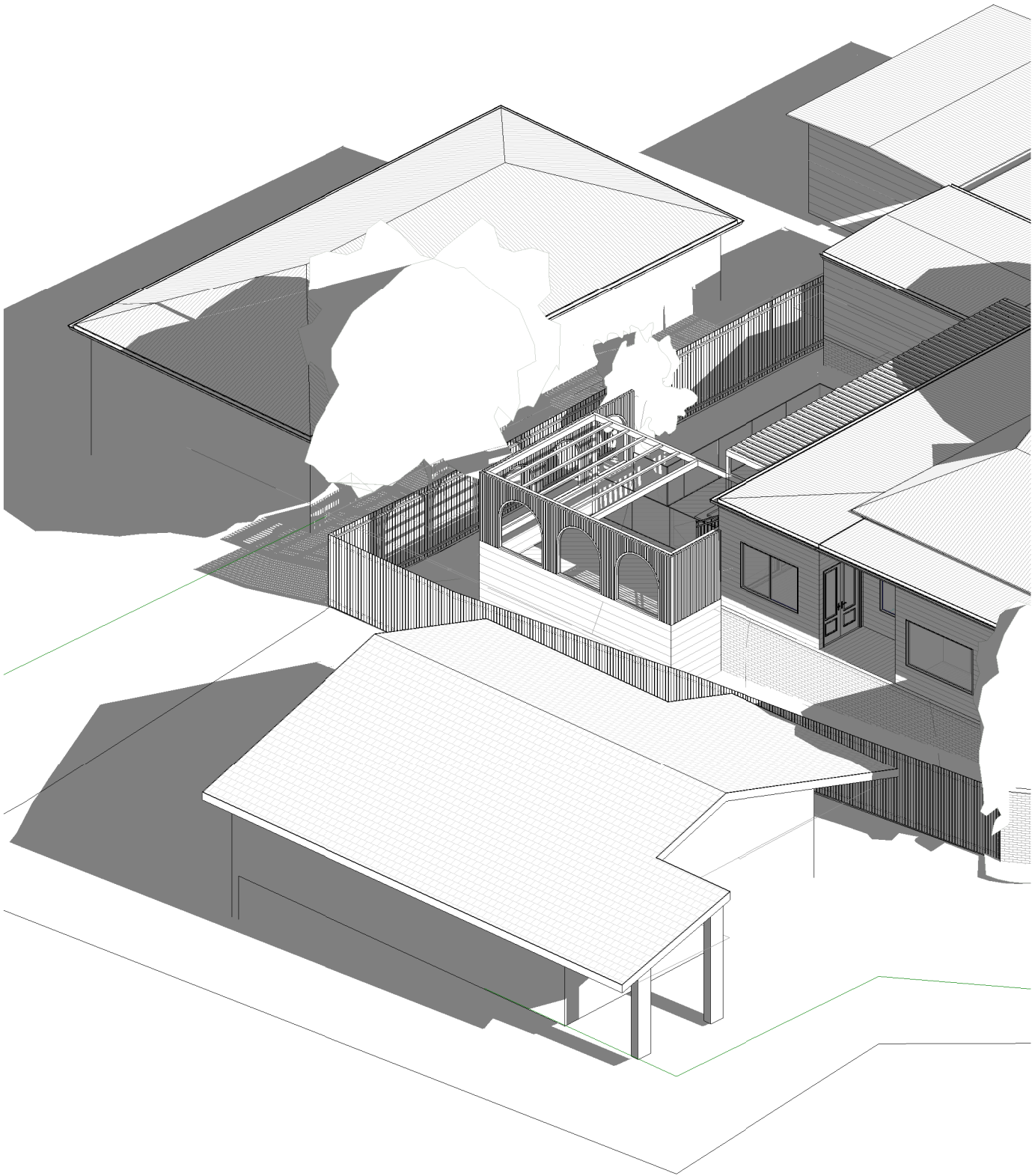
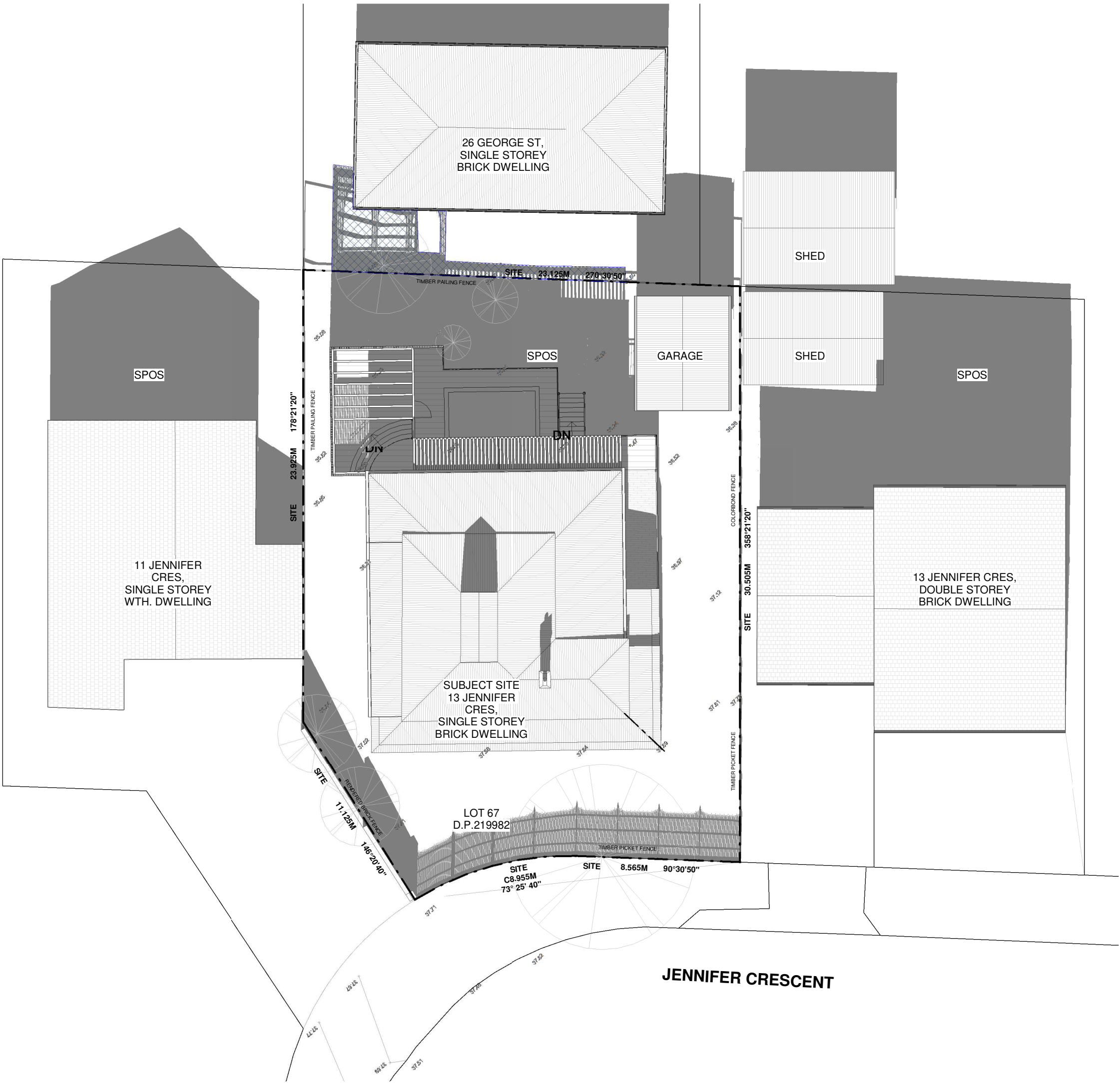




shadow analysis



shadow areas cast by the proposed development



- notes
1. comply with all relevant current Australian Standards.
  2. comply with the current Building Code of Australia.
  3. comply with all council requirements.
  4. comply with all authorities' requirements.
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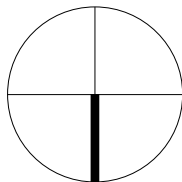
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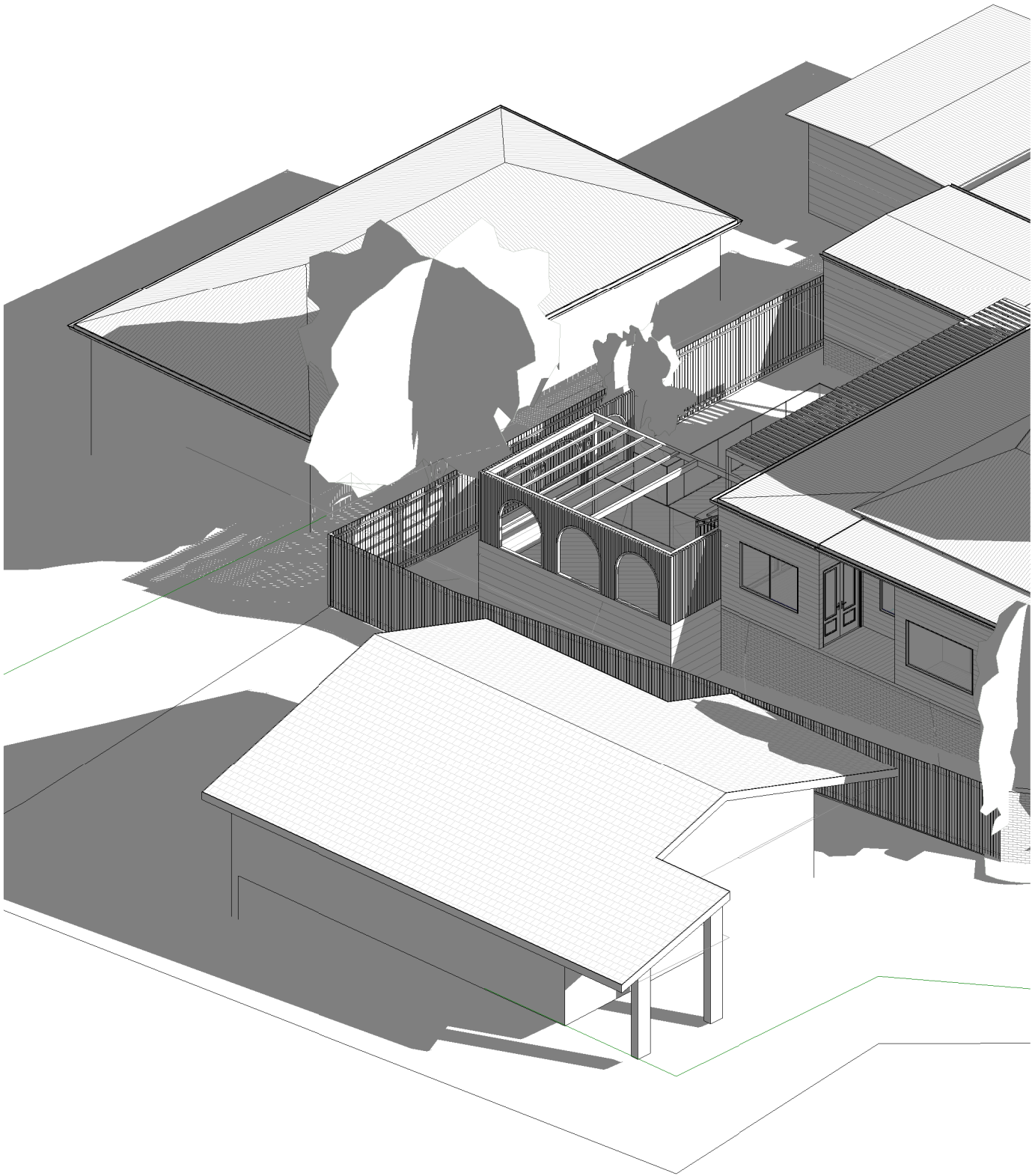




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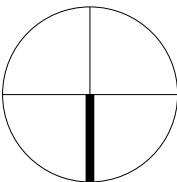
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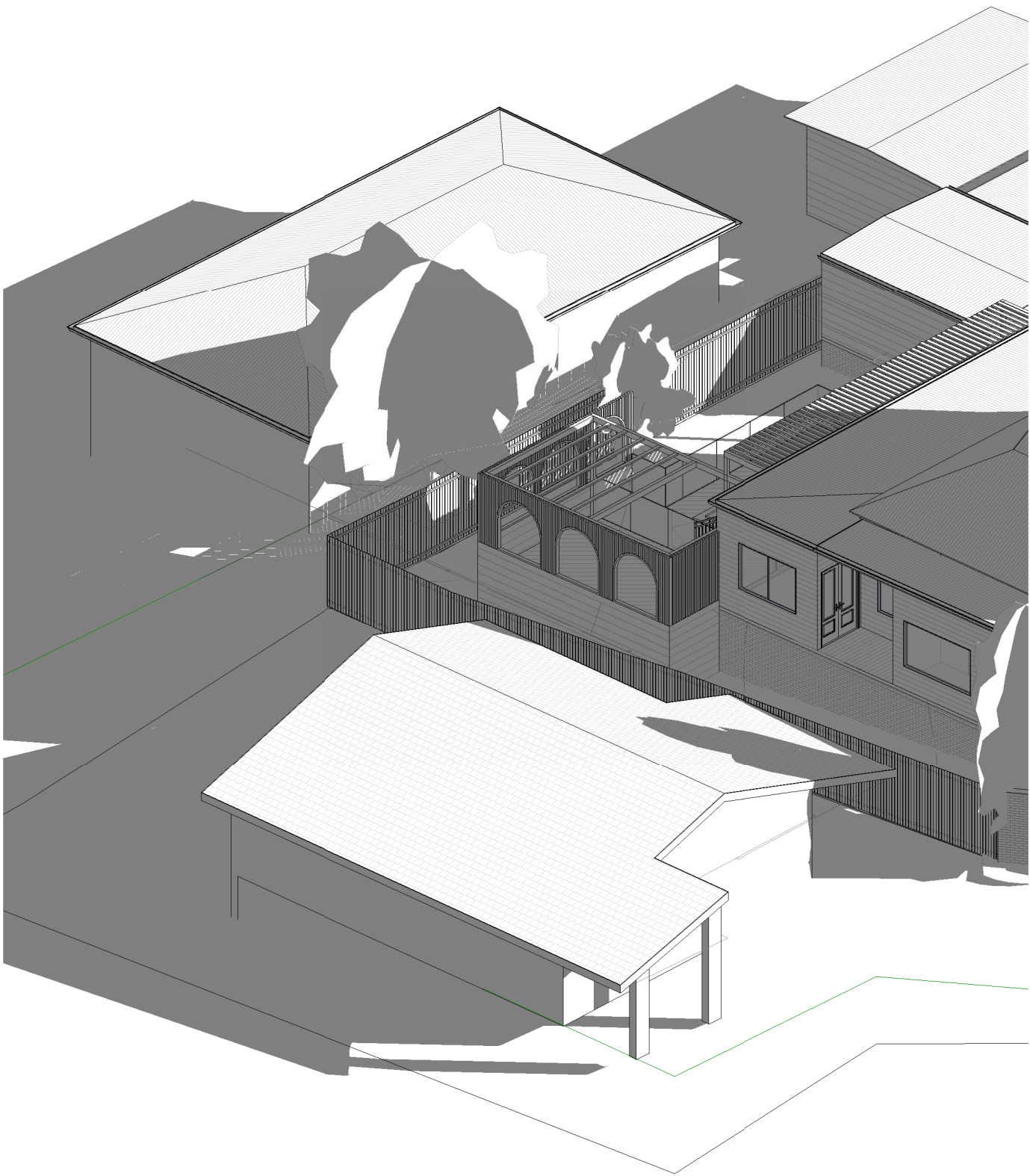




shadow analysis



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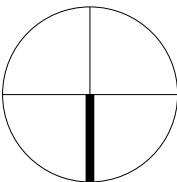
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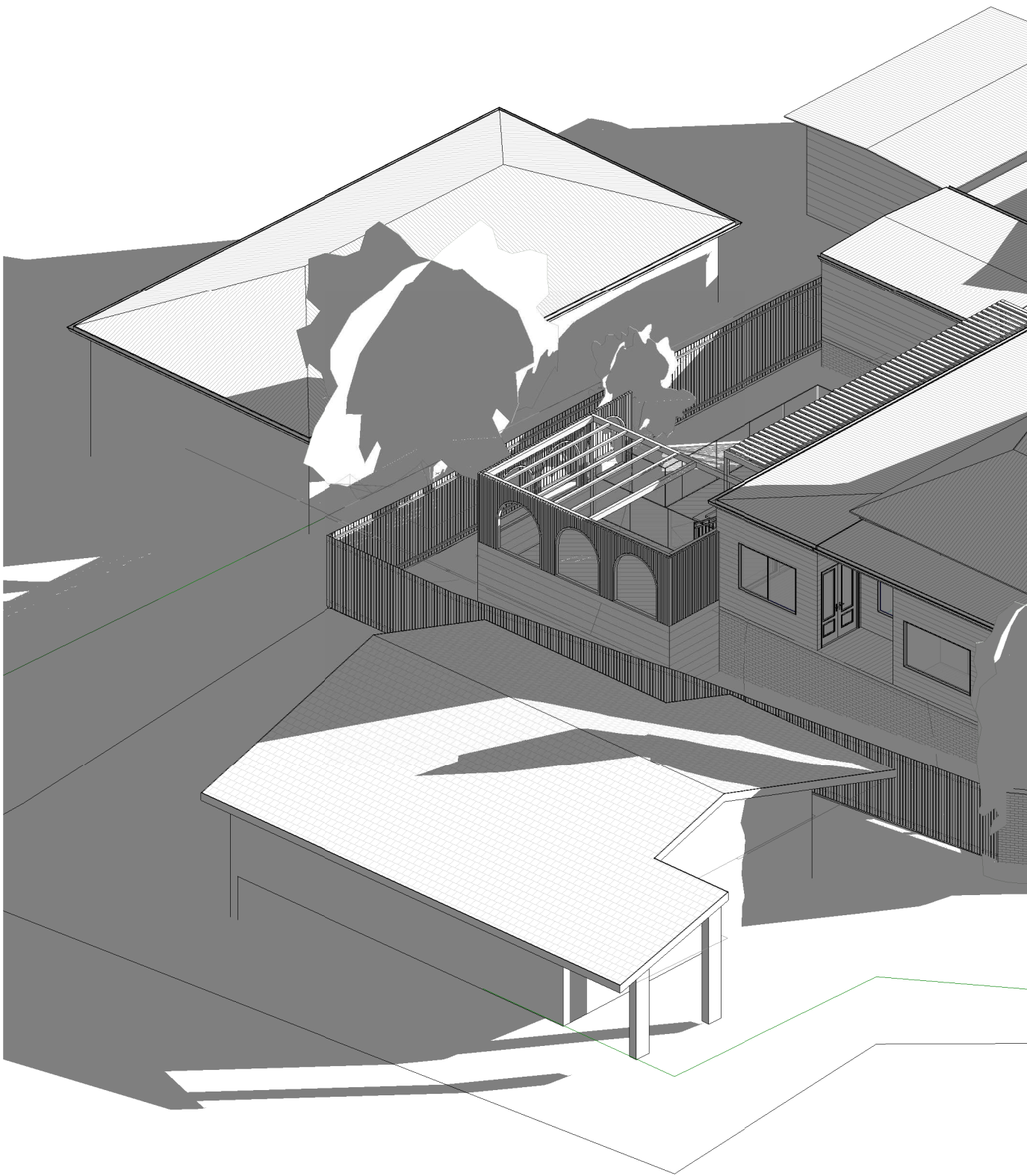
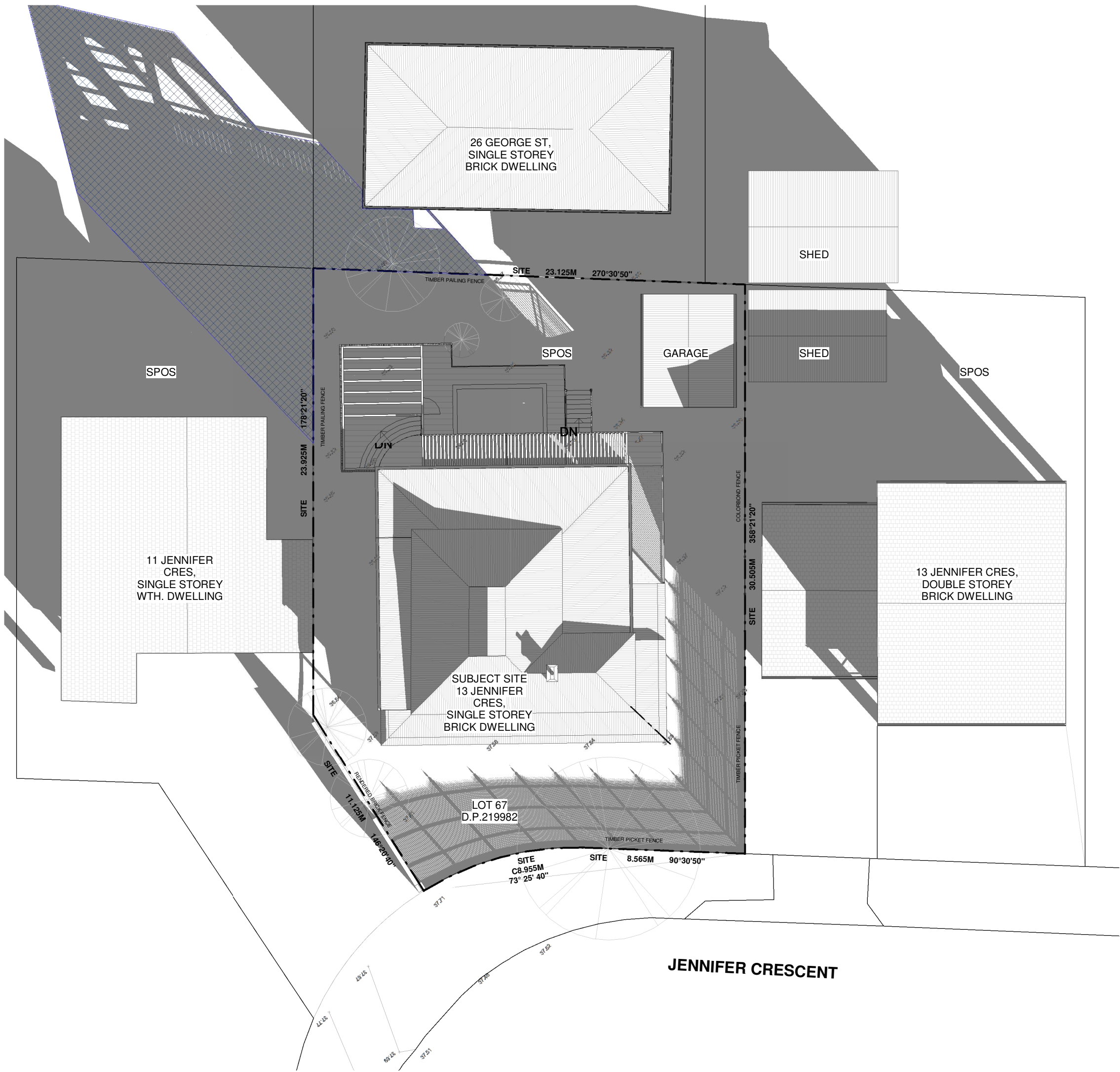




shadow analysis



shadow areas cast by the proposed development



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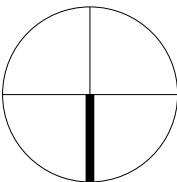
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drawing number

**A116**



**SHADOW ANALYSIS 3PM- 21ST OF JUNE**

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HOUSE OF PLANNING

# STATEMENT OF ENVIRONMENTAL EFFECTS

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## ALTERATIONS AND ADDITIONS

13 Jennifer Crescent, Thirroul  
LOT 67 DP 219982



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# 1 INTRODUCTION

---

This Statement of Environmental Effects (SEE) has been prepared for the owners, Rick and Lee Talbot, of 13 Jennifer Crescent, Thirroul for a development application the site, Lot 67 DP 219982. This proposal seeks consent for alterations and additions to the rear of the building including reinstating the wrap around verandah at the rear, and adding a small deck with roof and a swimming pool.

The subject property is zoned R2 – Low Density Residential under the Wollongong Local Environmental Plan 2009 (WLEP 2009). The proposal complies with the relevant provisions of the WLEP 2009 and is generally compliant with the provisions of the Wollongong Development Control Plan 2009 (WDCP 2009).

The purpose of this SEE is to address the planning issues associated with the development proposal and specifically to assess the likely impact of the development on the environment in accordance with the requirements of Section 4.15 of the Environmental Planning & Assessment 1979 (EP&A Act).

The current DA, being DA-2012/337 was lodged on 29 March 2021. Following a letter from Wollongong City Council dated 07 May 2021, the following changes were made to the design to mitigate the impacts of the proposal on the surrounding properties, and to address the issues raised in public submissions.

- The overall size of the proposed works have been reduced in size
- The side and rear setback have been increased substantially to minimise impacts on surrounding properties
- The pool has been reorientated and positioned closer to the existing dwelling to create a larger setback to the rear boundary
- The height of the deck, pool and roof have been lowered by 1.3 metres to reduce the impacts and step down the site, better integrating with the slope of the site
- The deck has been moved to avoid the existing trees, with no trees now proposed for removal
- A BASIX certificate has been provided.

Public submissions have been address in Section 6.1 below.

## 2 SITE ANALYSIS

---

### 2.1 The Site

The subject site, being Lot 67 DP 219982 at 13 Jennifer Crescent, Thirroul is a large (701m<sup>2</sup>) irregular shaped lot located on the southern side of Jennifer Crescent.



*Figure 1 Site Location shown on the north western side of 151-161 Corrimal Street (Source – Sixmaps)*

The dwelling was originally an 1890s farmhouse featuring wide wrap around bullnose verandahs, high ceilings and stained glass front doors. Over time, the rear verandah was altered, with the current owner now seeking to reconstruct the rear verandah in addition to a deck and swimming pool.

## 2.2 Surrounding Context

The site is located on the western side of Thirroul. It is located at the southern side of Jennifer Crescent, with the closes intersection being Virginia Terrace. Land adjacent to the site comprises:

**To the north:** Jennifer Crescent, with single and double storey dwellings on higher elevations.



*Figure 2 View to the north west of Jennifer Crescent*

**To the south:** 28 George Street with approved DA-2019/595 for four dwellings with basement parking. This multi dwelling development is in the final stages of construction. 26 George Street consisting a dual occupancy, with the rear dwelling constructed close to the boundary of the subject site. 24 George Street consists a single dwelling with swimming pool at the rear.



*Figure 3 View of 26 George Street from the subject site*



*Figure 4 View of 28 George Street from the subject site*



**To the east:** Single storey dwelling with a dwelling on a battle-axe allotment further east



*Figure 5 View of 11 Jennifer Crescent from subject site. Existing mature vegetation obscures most of the garden from view. Carport view from subject site, standing on the existing verandah*

**To the west:** Large two storey dwelling.



View of two storey dwelling to the west at 15 Jennifer Crescent

## 2.3 Development History

A search of Wollongong Council's Development Application Tracking System has identified the following Development Applications for 13 Jennifer Crescent, Thirroul:

Application	Proposal	Status
BA-1998/935	Garage	Approved
DA-2006/449	Additions to dwelling house	Approved
DA-2021/337	Alterations and additions, swimming pool and deck	Current DA

## 3 DESCRIPTION OF THE PROPOSAL

---

### 3.1 PROPOSED DEVELOPMENT

This Development Application seeks consent for the following alterations and additions to the existing dwelling as follows

- Reinststate verandah to the rear of the dwelling
- Construct a deck at the rear of the dwelling, stepping down from the dwelling
- Above ground pool at the rear of the dwelling
- Minor changes to rear of the dwelling to connect to the verandah including adding doors and updating windows

The modifications are shown below on an extract from the architectural designs from *Good Build Group*.



*Figure 6 Interpretation of proposed pool and deck area.*

Note the render above is based on the original design, with the design now stepped down.

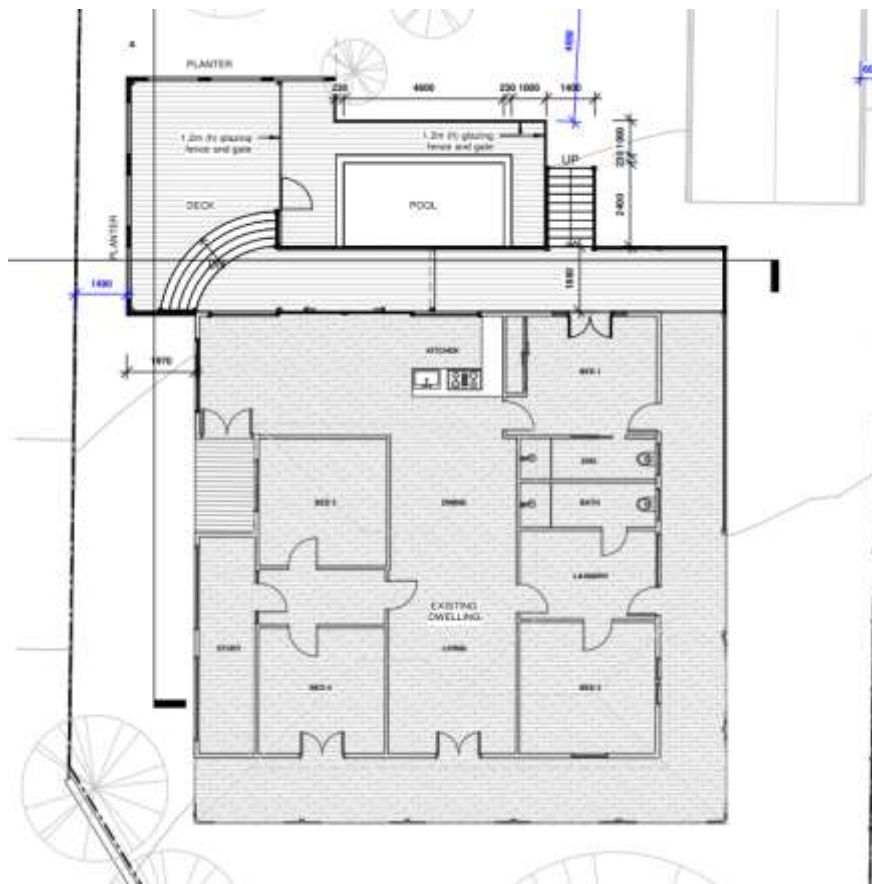


Figure 7 Extract of proposed ground floor plan Good Build Group

The development does not increase the gross floor area of the dwelling, but creates an outdoor verandah and deck. The design has considered the natural slope of the site, with the proposed deck stepping down the block. The deck and roof will be substantially lower than the dwelling, with only a side glimpse visible from the street, if at all visible. The east west slope of the block in addition to the south west slope means the western side of the deck is elevated between 0.8m and 1.8m from existing ground level, with the eastern side elevated approximately 1.9m at the south eastern corner.

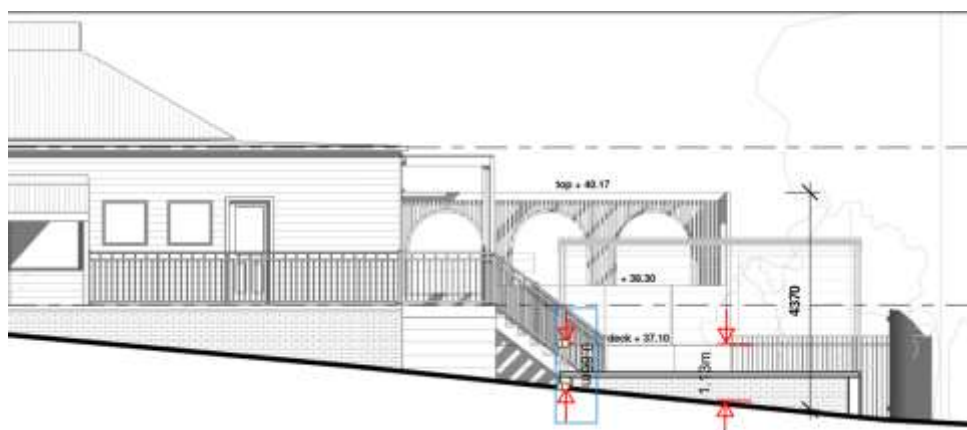


Figure 8 Northern Elevation extract from

This type and height of elevated deck is commonplace around Thirroul and other suburbs with an undulating landscape, and is responsive to the topography of the site. Minimal earthworks will be required, retaining the natural fall of the land.





*Figure 9 Elevated deck at 6 Mason Street Thirroul (single storey dwelling)*



*Figure 10 Elevated deck 14-16 Old Coast Road, Stanwell Park*



*Figure 11 Elevated deck at 3 Coast Street, Thirroul*



*Figure 12 Elevated deck at 44 Fords Road Thirroul*



*Figure 13 Elevated deck (no roof) 19 George St Thirroul*



*Figure 14 66 Elevated deck Lachlan Street Thirroul*

The height of the deck is consistent with old and new development in Thirroul, and has due consideration to the constraints of the site.



The rear and side setbacks is consistent with dwellings and ancillary development in the area.

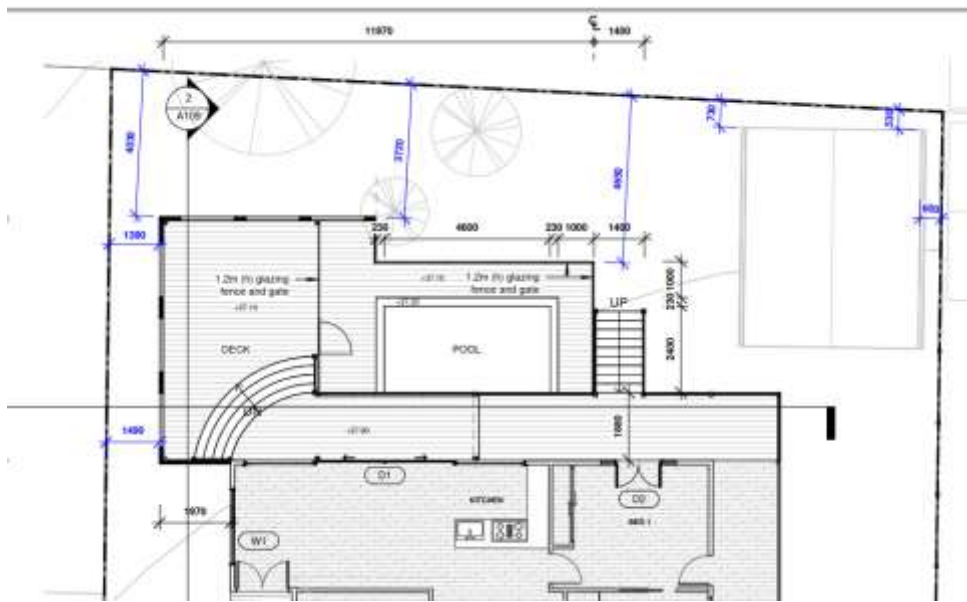


Figure 15 Site Plan showing side and rear setbacks

A rear setback of between 3.3m and 4.6m has been proposed, with a side setback of 1.4m or greater.



Figure 16 Aerial of general area from Nearmap

A snapshot of the immediate area shows the extent of the minimal setbacks in the area, with the proposed works providing setbacks far in excess of all the highlighted dwellings in the above Figure. This does not include those with swimming pools and sheds at the rear boundary, with the majority along Jennifer Crescent having this type of ancillary development. The proposal is consistent with both the immediate streetscape and wider area.

The small “plungie pool” is designed with minimal works required. It will sit on a concrete slab, mainly above ground, similar to the image below. This design works well on a sloped block, with minimal works required to position the pool onsite. The figure below shows an example of the pool.



Figure 17 Plungie pool

## 4 PLANNING ASSESSMENT

### 4.1. State Environmental Plans

#### 4.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

This State Environmental Planning Policy (SEPP) was gazetted on 28 August 1989 and applies to the whole State. The policy establishes planning controls for the remediation of contaminated land and requires an investigation to be made if land contamination is suspected.

Clause 7 outlines contamination and remediation to be considered in determining development applications. Specifically Clause 7(3) and (4) states that:-

“(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).”

The site has been used for residential purposes for many years, and the proposed works are minor. Based on this desktop assessment, the subject site is considered to be suitable for development.

#### 4.1.4 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

No clearing is proposed as part of this application.

## 4.2 Wollongong Local Environmental Plan 2009

The Wollongong Local Environmental Plan 2009 (WLEP 2009) is the principal planning instrument that governs all development within the Wollongong LGA. The objectives and provisions of the Plan that relate to the proposed development are discussed below.

### 4.2.1 Land Use Zoning

The subject site is zoned R2 – Low Density Residential under the WLEP 2009. The objectives of the R2 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 proposed development achieves the objectives of the R2 zone improving the connectivity of the indoor and outdoor private open space, and retaining the existing dwelling as a functional family home.

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; Home businesses; Home industries; 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

A dwelling is permitted with consent in this zone.

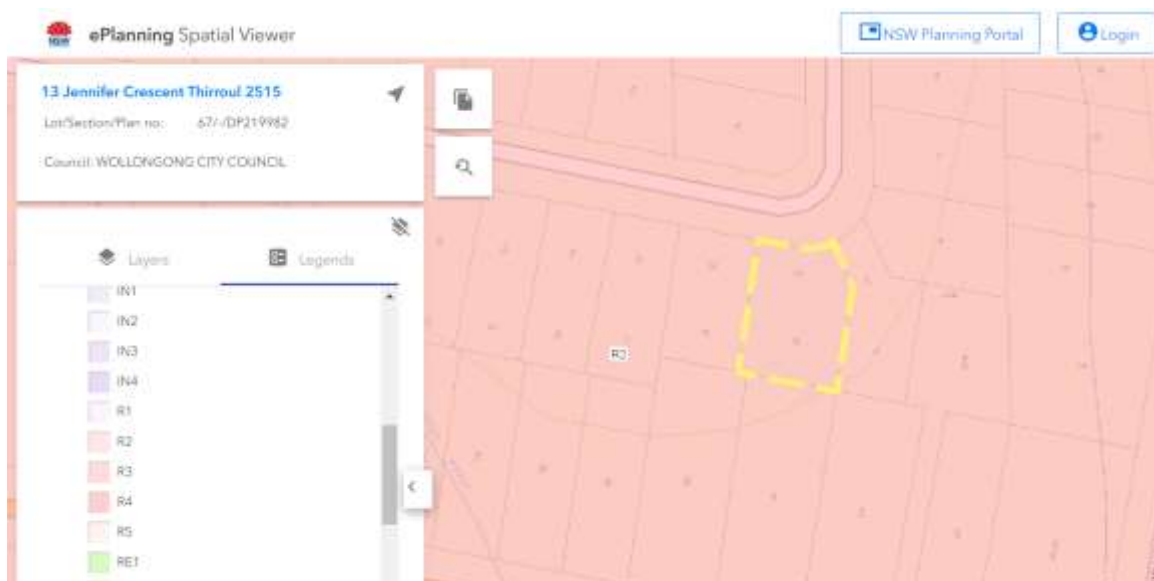


Figure 18 LEP Zoning Map (Source – Planning Portal)



#### 4.2.2 Height of Buildings

Clause 4.3 requires that the height of a building on any land is not to exceed the maximum height shown for the land of the Height of Buildings Map. The site is subject to a maximum building height of 9m as shown on the Height of Buildings Map below. The maximum proposed height of the roof of the deck is 5.07m at the highest point, with the majority around the 4.5m height above existing ground level.

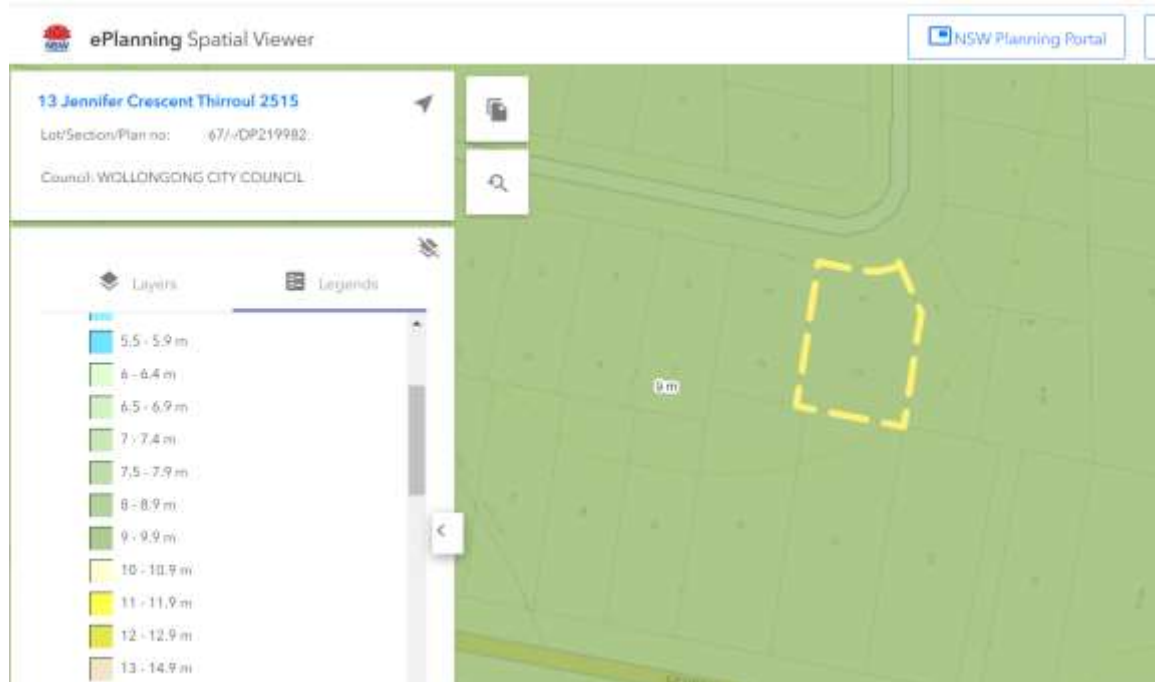


Figure 19 LEP Height Map (Source – Planning Portal)

#### 4.2.4 Floor Space Ratio

Clause 4.4 requires that the maximum floor space for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map. There is changes to the existing FSR.

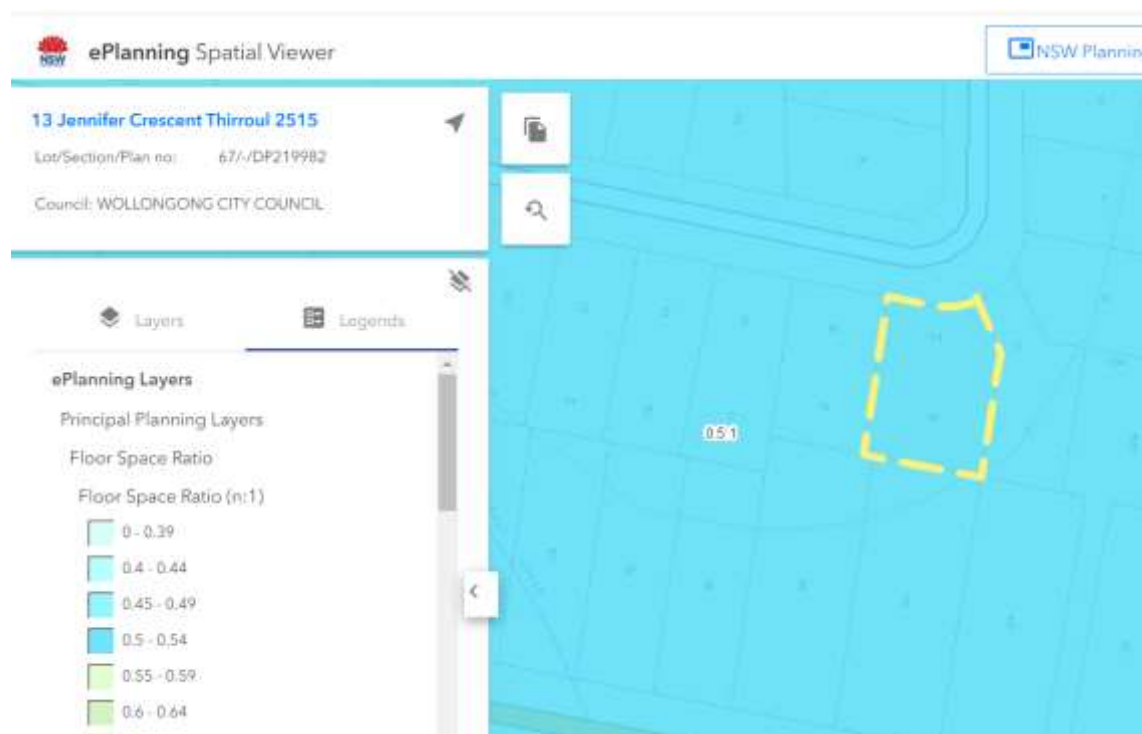


Figure 20 Floor Space Ratio Map (Source – Planning Portal)

There are no mapped heritage items in the vicinity of the development.

The Wollongong Development Control Plan 2009 (WDCP 2009) provides objectives, advice and controls to facilitate development in the Wollongong LGA. According to the Environmental Planning and Assessment Act 1979, the principal purpose of a development control plan is to provide guidance to facilitate development that is permissible under the relevant planning instrument and achieves the objectives of land zones.

The alterations and additions are minor in nature and will have minimal impact. No trees are proposed for removal.

No changes are proposed to the building access at the entrance to the Clubhouse.

The proposal will provide an improved terrace area at the front of the building with would improve passive surveillance to the carpark area.

The site currently contains at grade car parking spaces, which will be unchanged by the current proposal. There is no increase in GFA. Therefore, are no requirements for additional parking from the proposed works.

*Table 1 DCP Compliance Table*

## **Chapter B1 – Residential Development**

property.		
<p><b>4.2 Front Setbacks</b></p> <p><i>The following setback requirements apply from the primary street frontage to the front facade of the building:</i></p> <p><i>a) Infill development sites require a minimum setback of 6m from the front property boundary, or</i></p> <p><i>b) Less than 6 metres where the prevailing street character permits and the future desired character of the area is not prejudiced. Reduced setbacks must be demonstrated through a Site and Context Analysis (Chapter A.1 cl.11.1).</i></p> <p><i>c) Garages and carports must be setback a minimum of 5.5 metres to enable a vehicle to park or stand in front of the garage or carport.</i></p>	<p>There are no proposed changes to the front setback, with the proposed development behind the current building line.</p>	<p>Yes</p>
<p><b>4.3 Side and Rear Setbacks</b></p> <p><i>The minimum side and rear setbacks is measured as 0.9m, with walls exceeding 7m in height setback 3m</i></p> <p><i>All balconies and windows of habitable rooms (excluding bedrooms) within a proposed dwelling-house or secondary dwelling must be designed to minimise any direct overlooking impact upon any adjoining property.</i></p>	<p>A minimum 0.9m side and rear boundary setback is required, for walls not exceeding 7m in height.</p> <p>A side setback of 1.39m has been proposed and a rear setback of 3.27m has been proposed.</p>	<p>Yes</p>
<p><b>4.4 Site Coverage</b></p> <p><i>The maximum site coverage for a dwelling, dual occupancy, and combined maximum coverage for a principle dwelling and secondary dwelling, is as follows:</i></p> <p><i>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>.</i></p>	<p>The site coverage is 336m<sup>2</sup> which is 48% of the lot, <i>including</i> the deck and verandahs. The deck and verandahs are not enclosed which reduces the site coverage to 197m<sup>2</sup> which is 28% of the site.</p>	<p>Yes</p>
<p><b>4.5 Landscaped Area</b></p> <p><i>The minimum landscaped area required is based on lot size as outlined below. 'Landscaped area' is a permeable area capable of growing trees,</i></p>	<p>150.2m<sup>2</sup> of landscaped area is required, with 362.6m<sup>2</sup> provided.</p>	<p>Yes</p>

<p>shrubs, groundcovers and / or lawn and does not include any building, structure or hard paved area.</p> <p>j) lot area from 600m<sup>2</sup> to 900m<sup>2</sup> – 120m<sup>2</sup> + 30% of the site area &gt; 600m<sup>2</sup> landscaped area</p> <p>At least 50% of the landscaped area must be located behind the building line to the primary road boundary.</p>	<p>Over 50% of the landscaped area has been located behind the building line.</p>	
<p><b>4.6 Private Open Space</b></p> <p>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.</p> <p>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.</p>	<p>Over 24m<sup>2</sup> of private open space (POS) has been provided with the proposed deck allowing accessibility from the living areas.</p>	<p>Yes</p>
<p><b>4.7 Solar Access</b></p> <p>At least 50% of the private open 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.</p> <p>Shadow diagrams are required for 9.00am, 12:00pm and 3.00pm for the 21 June winter solstice period for two storey dwellings. In certain circumstances where the extent of solar impacts is uncertain hourly intervals may be required. Additional hourly interval shadow diagrams for the equinox period may be necessary to determine the full extent of overshadowing upon the dwelling and / or private open space area of an adjoining property.</p> <p>Dwellings should be designed to maximise natural sunlight to main living areas and the private open space.</p>	<p>The private open space of adjoining dwellings will still receive at least 3 hours of continuous sunlight between the hours of 9am and 3pm on June 21.</p>	<p>Yes</p>
<p><b>4.8 Building Character and Form</b></p> <p>1. The design, height and siting</p>	<p>1. The design, height and siting of the proposed dwellings respond to the topography of the site, with minimal, if any, cut and fill</p>	<p>Yes</p>

<p><i>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.</i></p>	<p>required. The height is in keeping with the streetscape, with the proposed deck stepped down behind the existing dwelling.</p>	
<p><b>4.9 Fences</b></p> <p><i>All fences are to be constructed to allow the natural flow of stormwater drainage or runoff.</i></p>	<p>No new fencing is proposed</p>	<p>Yes</p>
<p><b>4.10 Car Parking and Access</b></p> <p><i>1. The provision of car parking shall be as follows:</i></p> <p><i>(b) 2 spaces per dwelling with a gross floor area of 125m<sup>2</sup> or greater</i></p> <p><i>4. Where garage door openings face a road they shall:</i></p> <p><i>(a) Be a maximum of 50% of the width of the dwelling.</i></p> <p><i>5. The car parking spaces may be an open hard stand space, driveway, carport or a garage, whether attached to or detached from the dwelling.</i></p> <p><i>6. The minimum internal dimensions for a single garage shall be 6 metres (depth) x 3 metres (width). The minimum internal dimensions for a double garage shall be 6 metres (depth) x 6 metres (width).</i></p> <p><i>9. Driveways shall be separated from side boundaries by a minimum of 1 metre.</i></p>	<p>No changes to carparking or access arrangements are proposed.</p>	<p>Yes</p>
<p><b>4.14 Services</b></p> <p><i>Water, sewerage, gas, underground electricity and telephone are to be provided to the proposed development by the developer in accordance with Council and servicing authority requirements.</i></p>	<p>The site is located within an existing urban area and is connected to existing utilities.</p>	<p>Yes</p>
<p><b>4.18 Swimming Pools</b></p> <p>6. The setback from side and rear boundary must be at least 900mm</p> <p>7. Any decking around a swimming pool must not be more than 600mm above ground level</p>	<p>6. Setbacks in excess of 600mm have been proposed</p> <p>7. Decking of more than 600mm has been proposed as an above ground pool is proposed. However, the pool has been setback substantially from the boundaries. Minimizing impacts to the surrounding</p>	<p>Yes</p> <p>Yes</p>

9. Any in-ground pool must should be constructed as close as possible to existing ground level	<p>dwellings, thus meeting the objectives of 4.18</p> <p>An inground pool has not been proposed, with this control not applicable. The above ground pool will sit on the ground, with the base of the pool not elevated above the ground</p>	N/A
<p><b>Chapter E14 – Stormwater Management</b></p> <p>10.1.2 Developments to which OSD does not apply</p>	<p>Development that increased the impervious surface area by less than 100m<sup>2</sup></p> <p>Less than 100m<sup>2</sup> of increase permeable area is proposed</p> <p>Stormwater drainage can be suitably designed for the small addition and can be conditioned as part of the consent if appropriate.</p>	Yes

## 4.4. The Likely Impacts of That Development

### 4.4.1 Context and Setting

The site is currently occupied by the 1890's old dairy farm house., which as had some updates over the years. It is in a residential area, with a mixture of single dwellings, dual occupancies and multi dwellings.

### 4.4.2 Access and Traffic

#### Access

The subject site has vehicle access from Jennifer Crescent. No changes are proposed to the access.

#### Traffic

No additional traffic is expected from the small-scale alterations and additions.

### 4.4.3 Public Domain

The proposed development will have no impact on the public domain. The rear deck addition will be set down below the building height.

### 4.4.4 Utilities

The site is serviced by existing water, sewer, telecommunications and electricity infrastructure.

### 4.4.5 Air and Microclimate

The proposed development will not have a measurable impact on air quality.

### 4.4.6 Flora and Fauna

The proposed development will not result in the loss of any critical habitat, or any endangered or threatened flora or fauna. No vegetation is proposed for removal as part of this application.

#### 4.4.7 Natural Hazards

The subject site is not known to be subject to any natural hazards.

#### 4.4.8 Safety, Security and Crime Prevention

The proposed development will not result in an increased level of risk in crime or safety issues than would normally be expected in this locality.

#### 4.4.9 Social Impact in the Locality

The proposed development will not disadvantage nor displace any particular socio-economic group. It does not have the potential to adversely affect the community structure, community values or beliefs. The proposal would approve the amenity of the old house to incorporate a private open space easily accessible from the existing dwelling.

#### 4.4.10 Impacts to surrounding properties

##### Privacy and Overlooking

The design of the deck, verandah and pool has been done with due consideration for the privacy of both the neighbours and the existing residents.

##### Impacts to the east

The deck has been setback from eastern side boundary approximate 1.5metres, with screen proposed to further prevent overlooking. The small elevated archways have been proposed to allow sunlight to filter through at the openings, but are small in scale and not designed to overlook. The setback allows vegetation and hedging to be planted which will act as a privacy buffer once established. Existing vegetation which is not proposed for removal already acts as an effective privacy buffer.



*Figure 21 View of 11 Jennifer Crescent from the garden*





Figure 22 Existing trees to remain at east and south boundaries

The footprint of the proposed addition is small in scale, with only a small area going beyond the rear of the building at 11 Jennifer Crescent (approximately 3m length). The majority of the garden at 11 Jennifer Crescent will be unaffected by the proposal.

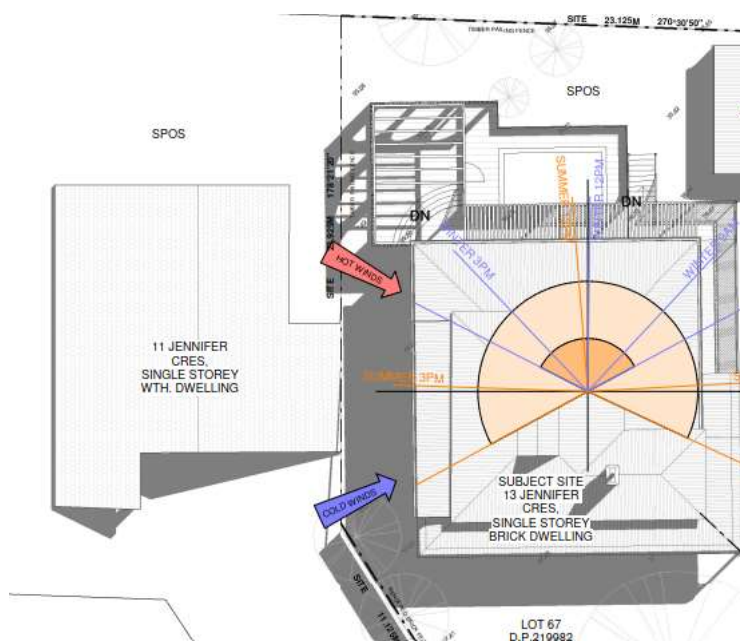


Figure 23 Existing Dwelling and proposed additions in relation to 11 Jennifer Crescent

The elevated design also offers privacy to the adjacent dwelling, with the carport roof of 11 Jennifer Crescent blocking any overlooking. The photo below was taken from the existing verandah adjacent to 11 Jennifer

Crescent, and no windows can be seen. The dwelling at 11 Jennifer Crescent is completely private from this elevated angle.



*Figure 24 View of 11 Jennifer Crescent from the existing verandah on the eastern side of the dwelling*

The pool has been designed to be located away from the boundary, towards the middle of the existing dwelling to avoid any overlooking and to provide privacy. The pool is approximately 8m from the boundary of 11 Jennifer Crescent.

#### Impacts to the south

The proposed deck is setback approximately 4m from the rear boundary. In this 4m are two mature trees which will be retained, plus a large mature tree at 26 George Street, which provide privacy and prevent overlooking.



*Figure 25 Large trees to be retained*

A roofed area at 26 George Street rendered overlooking of the side near impossible, with the elevated deck having no impact on the privacy.



*Figure 26 View of 26 George Street from the subject site*



*Figure 27 View of garage/shed and tree from the subject site, looking over the fence at 26 George Street*

#### To the west

The proposed additions are located over 9m from the western boundary, with the neighboring property unaffected by the development. There may be some overlooking of the proposed pool from 15 Jennifer Crescent to the subject site, which is quite common in suburban residential areas. Back yard pools are popular in the street, with many dwellings benefiting from such ancillary development, with overlooking of these pools, usually minimally setback from rear fences, typical.





#### Solar Impacts

There are minimal solar impacts from the small scale development. The private open space of adjoining dwellings will still receive at least 3 hours of continuous sunlight between the hours of 9am and 3pm on June 21.

Additionally, the roofs constructed almost to the boundary at the neighbouring properties at 11 Jennifer Crescent and 29 George Street already reduce the solar opportunities of these properties, with the proposed development causing little further loss of solar.



*Figure 28 View to 11 Jennifer Crescent and 26 George Street from the proposed site*

The design has had regard for solar amenity, with the archways at the top providing suitable opening to allow sunlight through, without being large enough to prevent privacy.

#### 4.4.13 Cumulative Impacts

Updating the tired terrace area and façade of the Clubhouse is likely to have a positive cumulative impact.

## 5. SUITABILITY OF THE SITE FOR THE ENVIRONMENT

The proposed addition design is modest in scale and will fit in the locality. The combined deck, pool and verandah are approximate 80m<sup>2</sup> in total size. The design has considered the sloping site and designed the deck and pool to minimise the impact on the surrounding area, and requires minimal earthworks and changes to the existing grades.

Overall the site attributes are considered to be conducive to the development.

## 6. PUBLIC INTEREST

The proposal is to further utilise existing well-serviced private recreation area. The small-scale alterations and additions to the clubhouse are permissible within the zone and will contribute to the viability and activation of the locality. There is no reason to believe this proposal is contrary to the public interest.




## 6.1 Public Submissions

The table below discussed the submissions received for the DA whilst on public exhibition. There were 5 submissions in total, with two submitted on behalf of one resident.

*Table 2 Response to Submissions*

From	Issues raised	Response
Bradon Ellem	Height	The height has been reduced by approximately 1.3m
	Run off	Stormwater can be appropriately designed and can be conditioned as part of the DA conditions
	Outdoor room	A deck, verandah and pool are proposed, not dissimilar in size to many others around Thirroul and all through the Illawarra. The deck is open on the sides and not enclosed. The setbacks have been increased, following submissions raised.
	Precedent	As discussed in Section 3 above, elevated decks are commonplace in Thirroul and other suburbs with sloping sites. It could not set a precedent as there are already so many existing elevated decks and large balconies
Erin Winslett	Lack of privacy and solar impacts	<p>The design has been reduced in scale and height following the submission, to try to mitigate loss of privacy and solar to the adjacent properties. Privacy has been discussed in Section 4.4.12 above.</p> <p>The loss of solar access to the property to the east from the proposed addition is very small in scale and limited to a small portion at the rear south east corner between 1pm and 3pm on June 21<sup>st</sup>. There is no overshadowing between 9am and 12pm on June 21<sup>st</sup> in any part of the lot at 11 Jennifer Crescent.</p>

		 <p>Area impacted by overshadowing shown in red from proposed development at worst affected time, being 3pm on June 21<sup>st</sup></p>
	Noise impacts	<p>The proposed deck, verandah and pool are for domestic use only. It is in a residential area, with noise levels expected to be similar to any other property in the area. Backyard decks and pools are common in the area.</p> <p>Most decks do not have walls on the sides, with walls added to the design to provide additional privacy for the neighboring properties to the east and south. The archways are small in size, and high on the wall so as not to impact on privacy, but to still allow sunlight though. The deck is at RL37.1 with the windows proposed at RL38.3 and above. A blank wall with no opening would not be consistent with the development in the area and would present as bulkier in scale. The existing landscaping and future landscaping will provide a further buffer.</p>
Patricia Donaldson	Height Run off Noise	<p>The height has been reduced significantly from the originally lodged application</p> <p>The pool will be engineered appropriately to have no run off impacts</p> <p>The deck is similar in size and scale to many decks in the area, and for domestic use only. The pool has been repositioned towards the middle of the site, to further appease neighbours and mitigate any potential noise issues.</p>
RMB Lawyers on behalf of	Number of storeys	<p>The proposed additions are single storey only. The height has been reduced by approximately 1.3 metres in consideration of submissions. The deck has now been stepped down from the existing dwelling.</p>



		access this area.
	Solar access	The structure has been reduced in size to further reduce solar impacts. It is compliant with the DCP controls.
	Trees	The proposed structure has been redesigned to retain all trees



**Site photos - 13 Jennifer Cres Thirroul**



Street view of dwelling at 13 Jennifer Cres



View along Western side of 13 Jennifer Cres

- “Garage”/Granny flat at rear
- Note gradient to rear and height above ground level of existing verandah along West side of dwelling.





View along Eastern side of 13 Jennifer Cres.

- Note height of existing floor level above ground level.
- Note ground level on 13 Jennifer Cres is higher than adjoining property



Rear of 13 Jennifer from 26 George St at rear (over fence photo)





Rear of 13 Jennifer from East side of dwelling at 26 George St (rear)



View of POS at property at rear. Taken from standing position showing rear of dwelling at 13 Jennifer over fence, also tree.

The dwelling at 13 Jennifer Cres is currently approximately 10.5m from boundary fence.

The proposed deck is to be 4m only from fence and elevated 2.1 metres above existing GL (which would be at least 600mm higher than the excavated paving level of the POS area)






Taken from West side of 26 George St (rear) showing “Garage”/granny flat adjoining fence also rear of dwelling at 13 Jennifer Cres



Aerial photo from GIS

## ATTACHMENT 4

Submissions	Items raised	Response
Carol Roderick	Pool height Privacy	<p>The pool is a partial in ground pool, and has been lowered substantially from the original application.</p> <p>It is thought that Ms Roderick lives at 24 George St. There is a setback of over 16m from the pool at 24 George St to the rear fence, and over 20m to the dwelling, making it hard to see how the current proposal would impact on their privacy.</p> 

The top of the pool height is approximately 1m off existing ground level, lower than a standard above ground pool which is common in the area.



*Cross section of proposed pool*

Above ground pools are common in the area and are often closer or adjacent to the rear boundary






*Approved above ground pool at 23A Soudan St, Thirroul*

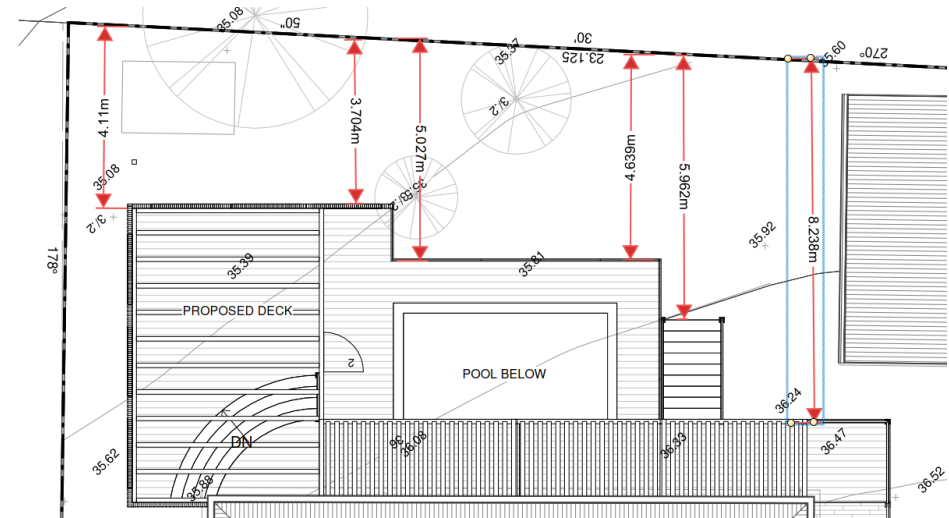


*Above ground pool at 18 Jennifer Crescent, Thirroul*



		<p>Additionally, large trees near the boundary of 13 Jennifer Crescent would create a buffer.</p>  <p><i>Facing south east from 13 Jennifer Crescent – taken from an elevated view</i></p>
Bradon Ellem	<p>Decks rarely overlook neighbours</p> <p>Changes seem to “find a way around objections rather than take them seriously”</p> <p>Deck has not been dropped as much as claimed</p> <p>Photos taken from ground level</p>	<p>Elevated decks are common in the area, particularly on sloped block. The rear setback provided varies in size due to the angle of the boundary, but is over 5m for the majority of the site, minimising overlooking. This is consistent with the area. Upper level decks and balconies are also commonplace in the area to take in the vistas. Elevated decks in the rear setback have less overlooking issues than decks in side setbacks, both of which are common in the area.</p> <p>Over the total width of 17m, the setbacks from the rear boundary are as follows:</p> <p>3.7m to 4m setback for a width of 4m</p> <p>4m to 5m setback for a width of 8m</p>

Over 8m setback for a width of 5m




*Variable rear setbacks with dimensions shown above*

The deck has been reduced in height through a combination of dropping the floor level of the deck and the ceiling height. The drop in height refers to the overall height of the structure. As part of this, the following changes were made –

- Overall drop in height of 1.3m
- Increase in setbacks – both side and rear
- The pool repositioned as recommended in a submission
- Redesigned to retain all trees
- Deck reduced to approximately 30m<sup>2</sup>, excluding pool area, with approximately 20m<sup>2</sup> useable excluding steps.

The objections have been taken seriously, and the owner and designer have worked together to minimise the impact and try to take on board the

		<p>suggestions. Major design changes were made, and the design was greatly compromised to accommodate neighbours concerns. We strongly disagree with the suggestion that they were “not taken seriously”.</p> <p>The photos were taken from both on ground and elevated positions, with most taken from elevated positions.</p> <p>We are unsure where Mr Ellem resides or if he is personally impacted by the proposal. He is not know to the owners, and not thought to be an immediate neighbour.</p>
Brendan and Susan Stolk	<p>Claimed inaccuracies in SEE –</p> <ul style="list-style-type: none"> <li>• Side and rear setback have not been increased substantially</li> <li>• Inconsistencies with quoted setbacks</li> <li>• Height not reduced by 1.3m</li> <li>• No trees now proposed for removal – claim made by “the building group in a bid to push through their application at any cost”</li> </ul> <p>No underfloor or wall insulation to reduce noise Deck 1.9-2m above ground level Photos not an accurate representation Photos do not capture French doors to kitchen</p> <p>Other decks don’t overlook neighbours</p> <p>Height should be no more than 1m-1.4m off ground level Rear setback should be 4m Fencing of 1.8m should be provided by owners of 13 Jennifer Crescent</p>	<p>Setbacks have increased substantially.</p> <p><u>Side Setbacks</u> The eastern setback has increased from 0.6m-0.8m to 1.39-1.49m, or approximately double what was previously proposed.</p> <p><u>Rear Setback</u> The rear setback, at the shortest point, has increased from 1.9m to 3.7m, and increase of 95% or almost double what was previously proposed. These are substantial increases.</p> <p>The differences in the rear setbacks is as the setback is not contiguous throughout due to the angle of the rear boundary, as shown above. The setback would be as per approved plans.</p> <p>Overall height has dropped by 1.3m, with this reduction achieved by lowering the ground level and the ceiling height.</p> <p>No tree removal is proposed. We are unsure who “the building group” Mr and Mrs Stolk refer to is. This proposal is for an outdoor area for an existing dwelling owned by Mr and Mrs Talbot and inhabited by themselves and their 4 children. There is no current plans to sell to a developer or building group or further develop the site.</p>

	<p>The owners are prepared to look at measures to attenuate noise if required, including insulation.</p> <p>The photos are an accurate representation, from the perspective of 13 Jennifer Crescent, with photos taken from an elevated position in addition to at ground level. We did not access private property at 26 George St, and cannot show photos of 13 Jennifer Crescent from their perspective.</p> <p>A photo showing the French doors were not included as part of the SEE as we could not see them from the perspective of where the deck is proposed. The photo below shows the French doors from the rear western corner behind the existing shed, standing elevated on a ladder and looking directly in from the boundary. When taken from any position (elevated or on the ground) within the proposed footprint, the French doors could not be seen.</p>  <p><i>Elevated photo taken from behind the shed at 13 Jennifer Crescent looking to the south east</i></p>
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*French doors and windows at 26 George Street taken from boundary at 13 Jennifer Crescent from an elevated position.*

The rear setback is between 3.7m and 4m for approximately 4m of the width of the site due to the angle of the rear boundary. The owner is willing to accommodate a 4m setback and reduce their deck footprint to further accommodate Mr and Mrs Stolk.

#### Impacts to the south

The proposed deck is setback from the rear boundary, with two mature trees in this setback which will be retained, plus a large mature tree at 26 George Street, which provide privacy and help prevent overlooking.



*Large trees to be retained – taken from an elevated position at the rear of the existing dwelling*



A roofed area at 26 George Street rendered overlooking of the side near impossible, with the elevated deck having no impact on the privacy.

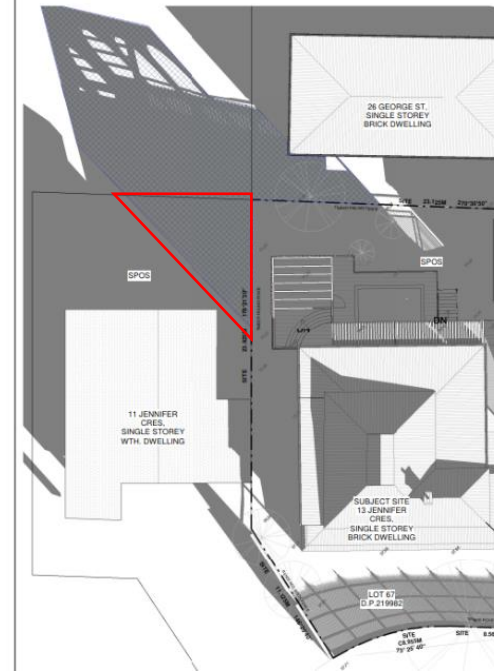


*View of 26 George Street from the subject site – taken from ground level*



*View of garage/shed and tree from the subject site, looking over the fence at 26 George Street – taken from an elevated position*

Patricia Donaldson	<p>Overlooks neighbours, particularly 26 George St</p> <p>Photos not a true reflection</p> <p>Reorientation of pool does not help</p> <p>Proposal is for an entertainment area extending from the existing house to rear boundary</p> <p>“Only a matter of time” before trees are removed</p> <p>26 George Street already suffered from townhouses at 28 George Street</p>	<p>Whilst we don't believe that Ms Donaldson lives at 26 George St, and will not be affected personally by the development, we will respond to her concerns.</p> <p>The photos are a true reflection of 26 George Street from 13 Jennifer Crescent. They were taken from ground level and from an elevated position to try to get an accurate reflection of the impact. We did not access private property at 26 George St, and cannot show photos of 13 Jennifer Crescent from their perspective.</p> <p>The proposal does not extend to the rear boundary.</p> <p>There is no tree removal proposed.</p> <p>The townhouses at 28 George Street are in no way connected with the current proposal, and were approved on their own merit through Council's DA process.</p>
Erin Winslett	<p>Overlooking bedroom and backyard – arches open to bedroom window and backyard</p> <p>Overshadowing</p> <p>Established trees in south eastern property boundary not shown in plans</p> <p>Stormwater disposal plan</p>	<p>The design has been reduced in scale and height following the submission, to try to mitigate loss of privacy and solar to the adjacent properties. Privacy has been discussed in Section 4.4.12 above.</p> <p>The loss of solar access to the property to the east from the proposed addition is very small in scale and limited to a small portion at the rear south east corner between 1pm and 3pm on June 21<sup>st</sup>. There is no overshadowing between 9am and 12pm on June 21<sup>st</sup> in any part of the lot at 11 Jennifer Crescent.</p>



*Area impacted by overshadowing shown in red from proposed development at worst affected time, being 3pm on June 21st*

The proposed deck, verandah and pool are for domestic use only. It is in a residential area, with noise levels expected to be similar to any other property in the area. Backyard decks and pools are common in the area.

Most decks do not have walls on the sides, with walls added to the design to provide additional privacy for the neighbouring properties to the east and south. The archways are small in size, and high on the wall so as not to impact on privacy, but to still allow sunlight though. The deck is at RL37.1 with the windows proposed at RL38.3 and above. A blank wall with no opening would not be consistent with the development in the area and would present as

bulkier in scale. The existing landscaping and future landscaping will provide a further buffer. The owner is willing to add privacy screens to the archways if this would appease the privacy concerns of Ms Winslett.

Impacts to the east

The deck has been setback from eastern side boundary approximate 1.5metres, with screen proposed to further prevent overlooking. The small elevated archways have been proposed to allow sunlight to filter through at the openings, but are small in scale and not designed to overlook. The setback allows vegetation and hedging to be planted which will act as a privacy buffer once established. Existing vegetation which is not proposed for removal already acts as an effective privacy buffer.



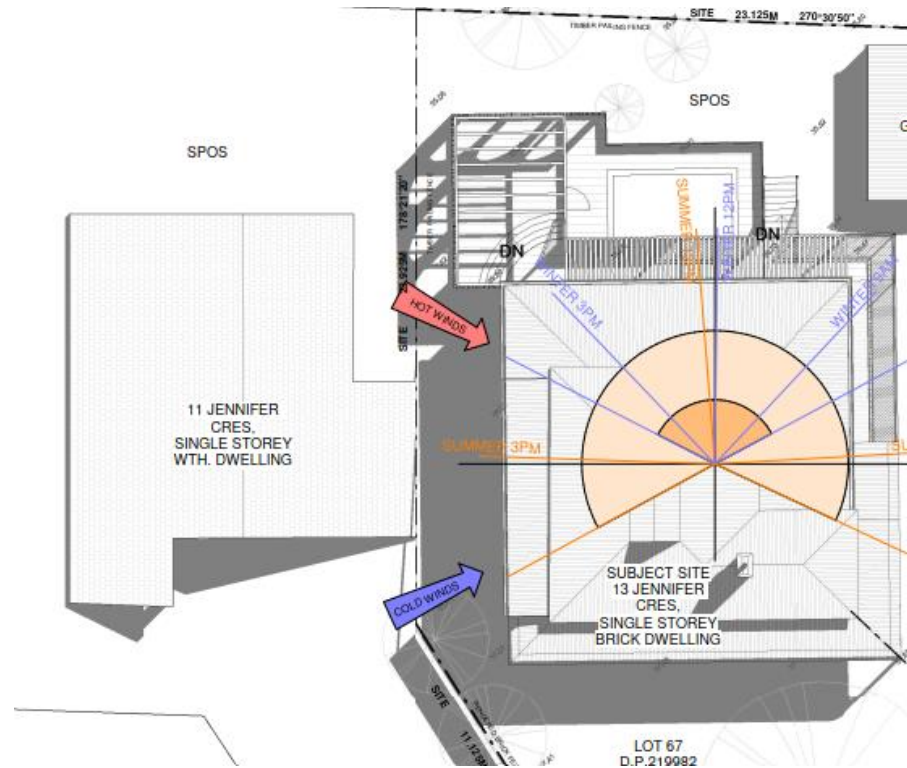
*View of 11 Jennifer Crescent from the garden*





*Existing trees to remain at east and south boundaries. Photo taken from an elevated position looking south east.*

The footprint of the proposed addition is small in scale, with only a small area going beyond the rear of the building at 11 Jennifer Crescent (approximately 3m length). The majority of the garden at 11 Jennifer Crescent will be unaffected by the proposal.



*Existing Dwelling and proposed additions in relation to 11 Jennifer Crescent*

The elevated design also offers privacy to the adjacent dwelling, with the carport roof of 11 Jennifer Crescent blocking any overlooking. The photo below was taken from the existing verandah adjacent to 11 Jennifer Crescent,



and no windows can be seen. The dwelling at 11 Jennifer Crescent is completely private from this elevated angle.

*View of 11 Jennifer Crescent from the existing verandah on the eastern side of the dwelling*

The pool has been designed to be located away from the boundary, towards the middle of the existing dwelling to avoid any overlooking and to provide privacy. The pool is approximately 8m from the boundary of 11 Jennifer Crescent.





## **Attachment 5**

### **Comment regarding applicant's response to Submissions**

The applicant has submitted a response to submissions received following notification of the revised plans subject of this report. This response is provided in Attachment 4

The following comments are made with regard to some issues raised in that response.

**Major design changes were made, and the design was greatly compromised to accommodate neighbours' concerns.**

*The initial design was such that the design, if approved would have had an even greater impact on adjoining properties.*

*The submission of an initial very inappropriate design is not justification for the approval of an inappropriate design (albeit a revised proposal).*

**The pool is partially in ground pool and has been lowered substantially from the original application...Above ground pools are common in the area and are often closer or adjacent to the rear fence.**

*The original pool height was higher and would have had even greater impact. This is not justification for the current design.*

*Above ground pools are commonly approved.*

*Typically, an above ground pool has a base at or a little below ground level and with walls above ground with either no, or only a very limited deck area adjoining such that persons around the pool congregate at ground level.*

*The DCP controls the height of decking around a swimming pool (maximum height 600mm above ground level) so as to avoid amenity issues.*

*Where an adjoining elevated deck is considered by Council it is only after careful consideration of any potential impact on the amenity of adjoining properties.*

*The current proposal is for a pool significantly higher than ground level and with the area around the pool also raised significantly higher than ground level. Essentially this would be the equivalent of raising the ground level by that amount.*

*This cannot be considered in the same manner as a typical above ground pool.*

*Aerial photos of other pools are provided by the applicant.*

**Elevated decks are common in the area, particularly on sloped block. The rear setback provided varies in size due to the angle of the boundary but is over 5m for the majority of the site, minimising overlooking. This is consistent with the area. Upper level decks and balconies are also commonplace in the area to take in the vistas. Elevated decks in the rear setback have lesser overlooking issues than decks in side setbacks, both of which are common in the area.**

*Refer setback dimensions on Drawing A105(Floor Plans) – Over a distance of 12 metres the rear setback is 4030mm, 3720mm & 4650mm. It is not over 5m for the majority of the site.*

*Council must consider the potential impact of development on the amenity of adjoining properties. Site photos show the potential impact of an elevated deck on the adjoining properties.*

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