

Wollongong Local Planning Panel Assessment Report | 4 September 2019

WLPP No.	Item 2
DA No.	DA-2019/501
Proposal	Residential – demolition of existing dwelling and all associated structures and new dwelling house, retaining walls, swimming pool, terrace, front fence and driveway
Property	61 Lawrence Hargrave Drive, AUSTINMER, NSW, 2515 Lot 2 DP 1119139
Applicant	Elmwood Homes Pty Ltd
Responsible Team	Development Assessment and Certification – Building and Certification Team (TB)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (Advice)

The proposal has been referred to the WLPP for **review** pursuant to clause 4 of the Wollongong Local Planning Panel Draft Submissions Policy, as the Development Application is deemed to be of significant community interest through written notification by both the General Manager and the Director Planning and Environment.

Proposal

The proposal is for the demolition of the existing dwelling and associated structures and the construction of a new dwelling house, retaining walls, swimming pool, terrace, front fence and driveway.

Permissibility

The site is zoned R2 Low Density Residential pursuant to the Wollongong Local Environmental Plan 2009. The proposal is categorised as a dwelling house and is permissible in the zone with development consent.

Consultation

The Development Application was exhibited in accordance with DCP2009 Appendix 1: Public Notification and Advertising. Six (6) submissions were received opposing the proposed development, however the submissions were from four (4) members of the same family who live at the same residential address adjoining the subject property. As such the submissions are considered as one (1) submission.

Main Issues

The main issue is View Sharing.

RECOMMENDATION

It is recommended that DA-2019/501 be approved subject to the draft conditions provided in Attachment 5.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other Policies:

- Wollongong Section 94A Development Contributions Plan 2018

1.2 BACKGROUND

The development history for the site is as follows:

Application	Description	Application Type	Decision
BA-1968/1365	Addition to make flats	Building Application	Approved – 6 August 1986
DA-2006/1191	Boundary adjustments – 3 lots	Development Application	Approved – 30 August 2006
SC-2007/74	Boundary adjustments – 3 lots	Subdivision Certificate	Approved – 8 May 2008

No pre-lodgement meeting was held for the proposal.

Customer service actions

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

1.3 SITE DESCRIPTION

The site is located at 61 Lawrence Hargrave Drive, WOMBARRA and the title reference is Lot 2 DP 1119139. The site has an area of 688.5m² and currently contains a two storey dwelling house and associated retaining walls.

The site is irregular in shape and has a fall of 7.91m from the front to rear.

Adjoining development is as follows:

- North: an existing two-storey dwelling
- East: partially adjoins a property consisting of a two-story dwelling, and Little Austinmer Lane
- South: partially adjoins a property consisting of a two-story dwelling, and Little Austinmer Lane
- West: Lawrence Hargrave Drive

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

Property constraints

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

- Acid Sulfate Soils – Class 5
- Coastal Hazard – Geotechnical risk

Easements

These restrictions relate to:

- Land excludes minerals & is subject to rights to mine – covenant A963729
- Land excludes minerals & is subject to rights to mine – covenant B485592
- Right of Footway 1m wide

88b Restrictions

The site is not burdened by any 88b restrictions

There are no existing infrastructures that may conflict with the proposed driveway location.



Figure 1: Aerial photograph

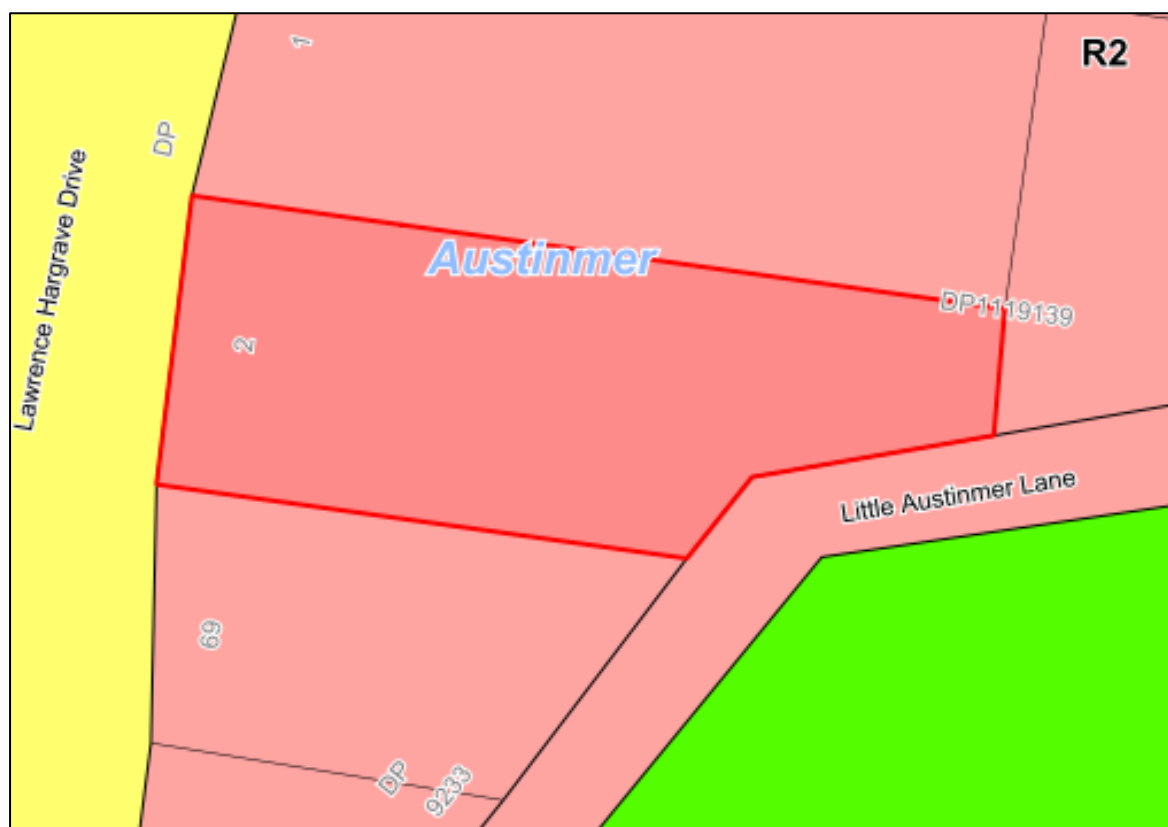




Figure 3: Site photograph(s)

1.4 SUBMISSIONS

The Development Application was exhibited in accordance with DCP2009 Appendix 1: Public Notification and Advertising. Six (6) submissions were received opposing the proposed development; however the submissions were from four (4) members of the same family who live at the same residential address adjoining the subject property. As such the submissions are considered as one (1) submission. The issues identified are discussed below:

Table 1: Submissions

Concern	Comment
1. View Sharing	This matter has been discussed in detail in Section 2.3.1 of this report. See <i>Clause 4.16 – View Sharing</i> of WDCP2009 Compliance Table for the View Impact Analysis undertaken
2. Overall height and setback of the proposed dwelling	The wall on the northern elevation does not exceed 7m in height and therefore is not required to be setback 3m from the side boundary.
3. Positioning of the air-conditioning unit	The proposed position of the air-conditioning unit is located adjacent to the existing garage of No. 59 and not near any existing living room or bedroom windows. The proposed location is considered to be appropriate in minimising the impact to the amenity of the adjoining properties.
4. Right of way width inaccurately shown	A title search of Lot 2 DP1119139 shows an existing right of footway 1m wide. All proposed structures under this application are considered to be outside of this area, with the proposed retaining wall setback 1.608m from the rear boundary line and the proposed swimming pool setback 2.278m from the rear boundary line. No changes are proposed to the existing right of footway.

1.5 CONSULTATION

1.5.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral.

Conditions of consent were recommended and are included in the recommended draft conditions provided in Attachment 5.

1.5.2 EXTERNAL CONSULTATION

None required

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

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. There are no major earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination.

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 (Cert. No.995569S dated 2 May 2019) 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 (COASTAL MANAGEMENT) 2018

Aims of Policy

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

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

Division 1 Coastal wetlands and littoral rainforests area

- 10 Development on certain land within coastal wetlands and littoral rainforests area
- 11 Development on land in proximity to coastal wetlands or littoral rainforest

Division 2 Coastal vulnerability area

- 12 Development on land within the coastal vulnerability area

Division 3 Coastal environment area

- 13 Development on land within the coastal environment area

Division 4 Coastal use area

- 14 Development on land within the coastal use area

Division 5 General

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

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

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

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

17 Hierarchy of development controls if overlapping

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

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

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

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

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

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

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

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

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

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

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

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

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Dwelling house means a building containing only one dwelling.

A dwelling house is permitted with consent in the R2 Zone.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

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

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

The proposal is categorised as a **dwelling house** as defined below and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 7.81 metres does not exceed the maximum of 9 metres permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5 : 1

Site area: 688.5m²

Gross floor area: 339.5m²

FSR provided: 0.49:1

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 7.5 Acid Sulfate Soil

The proposal is identified as being affected by Class 5 acid sulfate soils. As the works are less than those described under table to subclause 7.5(2) of WLEP 2009, an acid sulfate soils management plan is not required.

Standard condition 4.070 may apply for smaller projects such as dwelling houses, swimming pools, carports etc. which may involve excavation into acid sulfate soils (Classes 4-5).

Clause 7.6 Earthworks

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

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 - INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. The proposed development includes three (3) variations to Chapter B1 – Residential Development, and is addressed below:

8 Variations to development controls in the DCP:

Clause 4.9 – Fences

Control	Comment
The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control being varied as Clause 4.9 of Chapter B1 of WDCP2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation is a front boundary fence measured at 1.46m from the existing ground level at the highest point.</p> <p>The variation is requested so that the proposed fence can be constructed at 1.2m from the existing ground level on the northern end, however due to the natural slope of the land, will result in the fence being 1.46m above existing ground level on the southern end. The fence is considered to necessary to provide privacy and improved amenity to the property as it is located on the busy Lawrence Hargrave Drive.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none">a) <i>To allow for the physical separation of properties for resident privacy,</i>b) <i>To define boundaries between public and private land,</i>c) <i>To enhance the usability of private open space areas / courtyards,</i>d) <i>To ensure that the design, heights and materials of fencing are appropriately selected,</i>e) <i>To ensure that fencing design and location complements the building design, enhance the streetscape and complement the objectives of passive surveillance of the lot,</i>

	<p>f) To ensure that the design allows for casual surveillance of the lot,</p> <p>g) To ensure that clear lines of sight are maintained for motorists and pedestrians to and from the lot,</p> <p>h) To provide suitably fencing to improve the acoustics and visual privacy for residential properties fronting major (busy) roads, where appropriate sight line distances can be maintained.</p> <p><u>Council comment:</u></p> <p>a) The proposed fence consists of predominantly transparent material and is considered to comply with all other development controls of Clause 4.9.</p> <p>b) The site where the fence is located is not flood affected.</p> <p>c) Clause 4.9.1.19 of Ch B1 of WDCP allows consideration of a variation to a front fence overall height.</p> <p>d) The height of the fence is considered to be acceptable in the location as it provides privacy and improved amenity for the proposed dwelling, due to the location of Lawrence Hargrave Drive.</p> <p>e) It is considered that the proposal maintains a clear line of sight for pedestrians and motorists.</p> <p>f) A condition has been recommended to ensure that any gate is to open inwards so to not obstruct the Council road reserve.</p>
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<p><u>Council comment:</u></p> <p>The development is not considered to result in adverse impacts as a result of the variation.</p>
<p>Comment:</p> <p>The requested variation is considered capable of support.</p>	

Clause 4.17 – Retaining Walls

Control	Comment
The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control being varied as Clause 4.17 of Chapter

	B1 of WDCP2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation is retaining walls measured at 1.23m to 1.79m above existing ground level, at the front of the property, and retaining walls measured at 1.12m above existing ground level at the proposed driveway entry.</p> <p>The variation is requested due to the slope of the land. The site slopes approximately 8m from the NW to the SE, therefore retaining walls are required in increase the usability of the site and to allow for landscaping.</p> <p>In regard to the retaining walls proposed at the driveway entry, they will create a space for bin storage that does not impact the existing streetscape of Little Austinmer Lane.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> a) <i>To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity and overlooking impacts upon adjoining properties,</i> b) <i>To guide the design and construction of low height aesthetically pleasing retaining walls,</i> c) <i>To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall,</i> d) <i>To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.</i> <p><u>Council comment:</u></p> <ul style="list-style-type: none"> a) The proposed retaining walls are considered to not impact on the privacy and amenity to adjoining properties, as they are excavation and are located at the front of the dwelling. b) Proposed walls a tiered to reduce the height and impact of the walls. c) A condition has been recommended for the retaining walls to be wholly within the property and to be designed by a suitably qualified engineer.

d) Demonstrate that the development will not have additional impacts as a result of the variation.	<u>Council comment:</u> The development is not considered to result in adverse impacts as a result of the variation.
Comment: The requested variation is considered capable of support.	

Clause 4.18 – Swimming Pools and Spas

Control	Comment
The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control being varied as Clause 4.18 of Chapter B1 of WDCP2009.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation is the proposed coping around the swimming pool is 600mm wide and is 1.3m above ground level, at the highest point.</p> <p>The variation is requested to ensure compliance with clause 4.18.2.16 to allow for a minimum 50% of the perimeter of the pool to accessible for rescue purposes.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <ul style="list-style-type: none"> a) <i>To ensure that swimming pools meet relevant safety standards and meet user needs,</i> b) <i>To ensure swimming pools and spas are sited and designed to maintain the amenity of the surrounding residential neighbourhood.</i> <p><u>Council comment:</u></p> <ul style="list-style-type: none"> a) At the highest point, the pool coping is 1.3m above ground level and is reduced to 550mm above ground level. b) The proposed swimming pool is adjacent to a public road and public beach, therefore does not impact on the amenity or overlooking in to any private dwelling or P.O.S c) A condition has been recommended for the swimming pool barrier to comply with AS1926.1
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<u>Council comment:</u> The development is not considered to result in adverse impacts as a result of the variation.

Comment:

The requested variation is considered capable of support.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

Controls/objectives	Comment	Compliance
<u>4.1 Maximum Number of Storeys</u> R2 max height of 9m or two storey Ancillary structures – 1 storey In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.	Storeys: 2 storeys proposed Height: 7.81m The proposal has been assessed against the relevant objectives and considered satisfactory	Yes
<u>4.2 Front Setbacks</u> Infill 6m min but less dependent on street character Garages and carports 5.5m min	Front setback: 6.711m Garage setback: 5.506m from Little Austinmer Lane The proposal has been assessed against the relevant objectives and considered satisfactory	Yes
<u>4.3 Side and Rear Setbacks</u> Wall Setback: 0.9m min Eave Setback: 0.45m Rear Setback 0.9m	The wall on the northern elevation does not exceed 7m in height and therefore is not required to be setback 3m from the side boundary. Northern side: 997mm & 1.457m Southern side: 2.02m Rear: 3.182m & 12.093m (existing rear lane behind allotment) Eave: >450mm The proposal has been assessed against the relevant objectives and considered satisfactory.	Yes

4.4 Site Coverage

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

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

Site Area (sqm): 688.5m²

Site Coverage (%): 37.5%

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

Yes

4.5 Landscaped Area

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

50% behind the building line to the primary road

Site Area (sqm): 688.5m²

Landscaped Area (sqm): 205.33m²

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

Yes

4.6 Private Open Space

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

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

The proposed private open space is located at the rear of the proposed dwelling and has been assessed against the relevant objectives and is considered satisfactory.

Yes

4.7 Solar Access Requirements

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

At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs

Shadow diagrams were provided by the applicant for 9am, 12pm and 3pm for 21 June.

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

Yes

<p>continuous sunlight between 9.00am - 3.00pm on June 21.</p> <p>Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings.</p>		
<p><u>4.8 Building Character and Form</u></p> <p>Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context</p> <p>New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</p> <p>All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.</p> <p>Where garages are proposed on the front elevation they must be articulated from the front façade.</p>	<p>The proposal is considered to respond to the existing character and the desired future character of the area.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.9 Fences</u></p> <p>Fences must be constructed to allow natural flow of stormwater or runoff</p> <p>Fences within front and secondary building lines should be mainly constructed of transparent fence materials</p> <p>Any fence or related retaining wall within the front setback from the primary frontage must be a max 1.2m in height</p>	<p>Proposed fence height is 1.46m at the highest point</p> <p>Variation request submitted. Variation assessment considered satisfactory.</p> <p>Refer to the above table for assessment of the proposed variation in accordance with clause 8 of Chapter A1.</p>	<p>Yes (Variation)</p>
<p><u>4.10 Car parking and Access</u></p> <p>1 space per dwelling with a GFA of less than 125m²</p> <p>2 spaces per dwelling with a GFA of</p>	<p>The proposed garage provides two off-street car parking spaces, and is setback 5.506m from the boundary line to allow for stacked carparking without impeding pedestrian</p>	<p>Yes</p>

<p>greater than 125m²</p> <p>Car parking spaces may be open hard stand space, driveway, carport or a garage.</p> <p>Garage door facing roads—not greater than 50% of the width of the dwelling.</p> <p>Carports must be setback behind the front building line.</p> <p>Garages must be setback min of 5.5 from front boundary.</p> <p>Driveways shall be separated from side boundaries by a minimum of 1m.</p> <p><u>4.11 Storage Facilities</u></p> <p>Storage must be provided in accordance with:</p> <ul style="list-style-type: none"> • Three or more bedrooms 10m³ (storage volume) & 5m² (storage area) <p><u>4.12 Site Facilities</u></p> <p>letterboxes in an accessible location</p> <p>air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback</p> <p><u>4.13 Fire Brigade Servicing</u></p> <p>All dwellings located within 60m of a fire hydrant</p>	<p>access.</p> <p>The garage dimensions can comply with AS2890.1</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>Adequate storage facilities are incorporated in the development.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>The letter box is considered to be in an accessible location from Lawrence Hargrave Drive.</p> <p>All other site facilities are considered to be in adequate positions.</p> <p>Hydrant located in road reserve out the front of 56 Lawrence Hargrave Drive, Austinmer</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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4.14 Services

Encourage early consideration of servicing requirements

Services are available.

Yes

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

4.15 Development near the coastline

Must minimise built intrusions into coastal landscape

Retain views to the ocean from roads and public spaces

Maintain buildings consistent with coastal character

It is considered that the proposal is adequately setback from the beach to reduce the potential risk of instability and long term coastal erosion. A Geotechnical Report was lodged and was included in the referral to Council's Geotechnical Engineers for comment.

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral.

Conditions of consent were recommended and are included in the recommended draft conditions provided in Attachment 5.

The proposal does not impact the views of the ocean from any public roads or public spaces.

It is considered that the proposed design of the dwelling is consistent with the coastal character as identified in this clause.

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

Yes

4.16 View Sharing

To protect and enhance view sharing, significant view corridors

A range of view sharing measures to be considered for building design

View Impact Analysis (from No. 59 Lawrence Hargrave Drive, AUSTINMER)

➤ Step One: Assessment of views that the proposed development will affect:

The first step requires assessment of the views that the proposed development will affect. In this step, whole views are valued more highly than partial views and a water view in which the interface between land and water is more valuable than one to which is obscured.

No. 59 Lawrence Hargrave Drive currently enjoys views of Little Austinmer Beach across the

southern property boundary and over the adjoining properties rear yard (adjoining property no.61). See photos below, which demonstrate the views currently enjoyed from various locations throughout the dwelling and deck:



Views from kitchen windows:



Views from dining room window:



Views from sunroom/living room windows:



Views from deck:

➤ Step Two: Consider how reasonable is to expect to retain these views:

The second step is to consider how reasonable it is to expect to retain these views. It is not considered reasonable in this instance that the '*complete*' view from the kitchen windows and dining room window can be retained. The key reason for this is due to the alignment of the existing houses with these particular windows of No. 59 being approximately 15 to 18 metres from the rear boundary, which could be considered the middle of the site, and the views being across a *side* property boundary. The Tenacity Consulting v Warringah Council Planning Principles state that the expectation to retain side views is often unrealistic. It is also considered that the site of No. 61 is underdeveloped, consisting of large front and rear setbacks.

The proposed dwelling house and associated structures are not considered to be unreasonable development. The proposed development is located within an R2 Low Density Residential Zone which permits residential development up to a maximum height of 9.0m, under the Wollongong Local Environmental Plan 2009.

Additionally, Wollongong Council's development controls allow for a rear setback for single storey development to be setback a minimum of 900mm from the rear boundary, and for a second storey to be setback a minimum of 8m from the rear boundary, in accordance with Clause 4.1 and 4.3 of Chapter B1 of the Wollongong Development Control Plan 2009. The proposed rear setback to the second storey portion of the development is 13.89m, which exceeds the controls and the proposed height of the dwelling is 7.81m which is under the maximum height of the development standards.

The views currently enjoyed by No. 59 have been possible due to the underdevelopment of the site at No. 61. The permissibility of residential development up to a maximum height of 9m within R2 zoning and a minimum rear setback of 8m, it could be foreseen that inevitably the views from No. 59 could be greatly impacted should No. 61 be developed to its full potential.

Since the site inspection to consider the view impact, the plans have been amended so that the second storey privacy screen has been removed, and that the balcony width reduced from 1.8m to 1.2m to allow for views to be retained over the balustrade.

It should be noted that there are no agreements or covenants of other similar instruments that restricts the height or setbacks of any development carried out on No. 61.

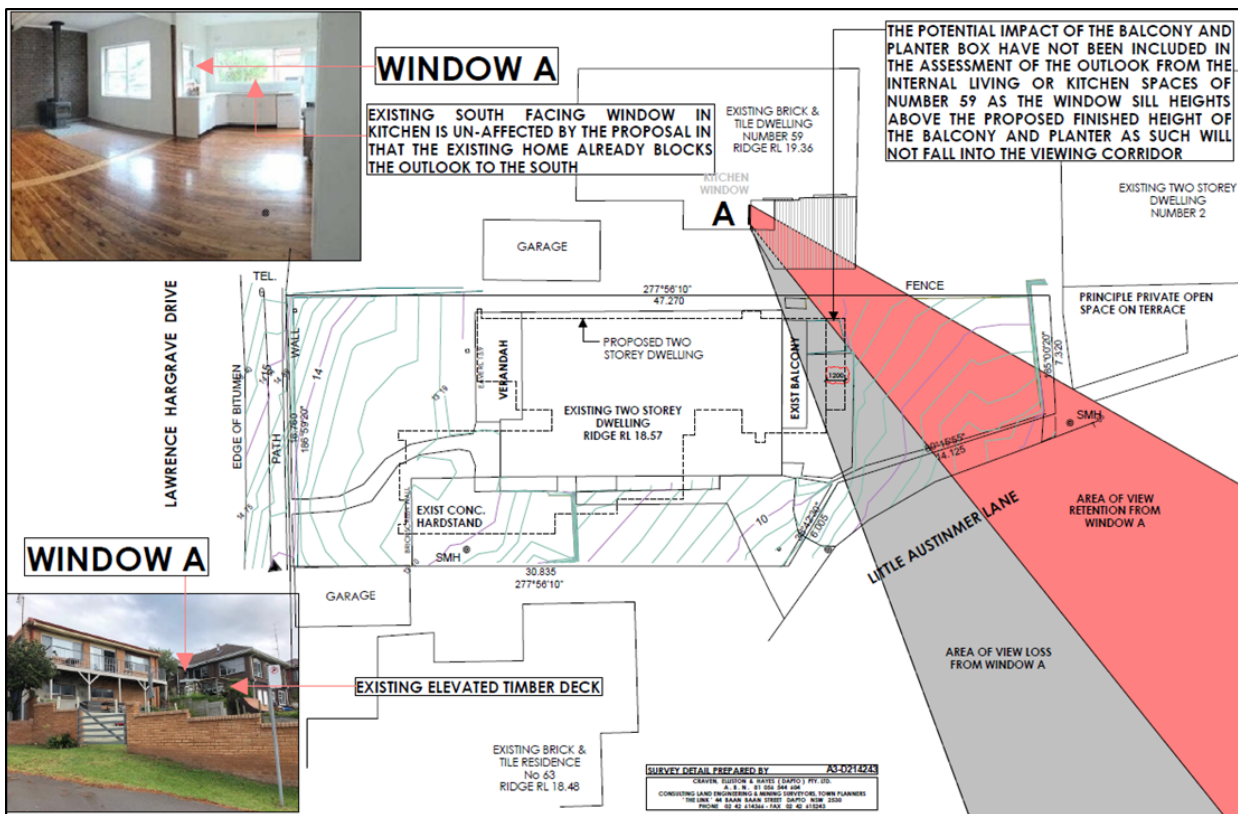
Council also considers that the existing dwelling of No. 59 has the provision to extend the dwelling or deck out towards the rear of the property to obtain more views.

For these stated reasons, the proposed development is considered reasonable development.

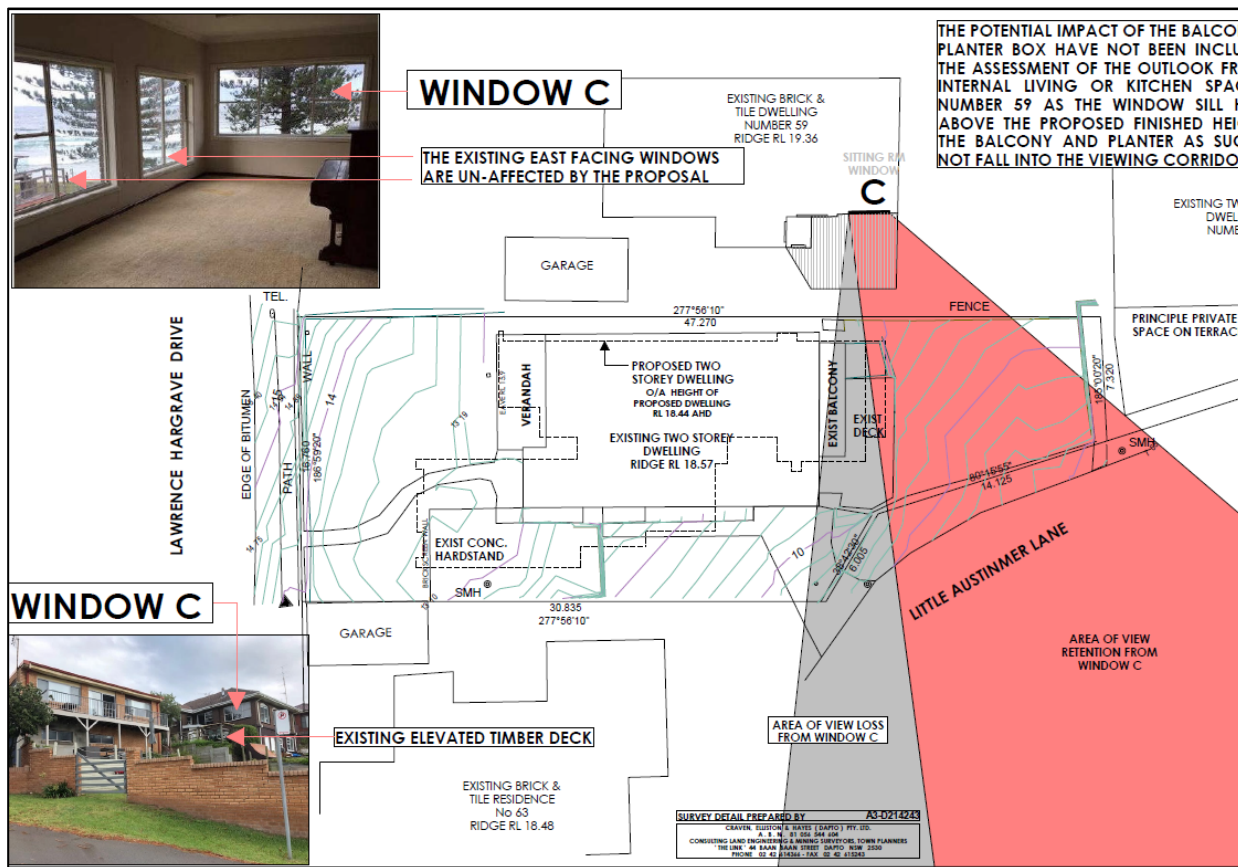
➤ Step Three: Assess the extent of the impact:

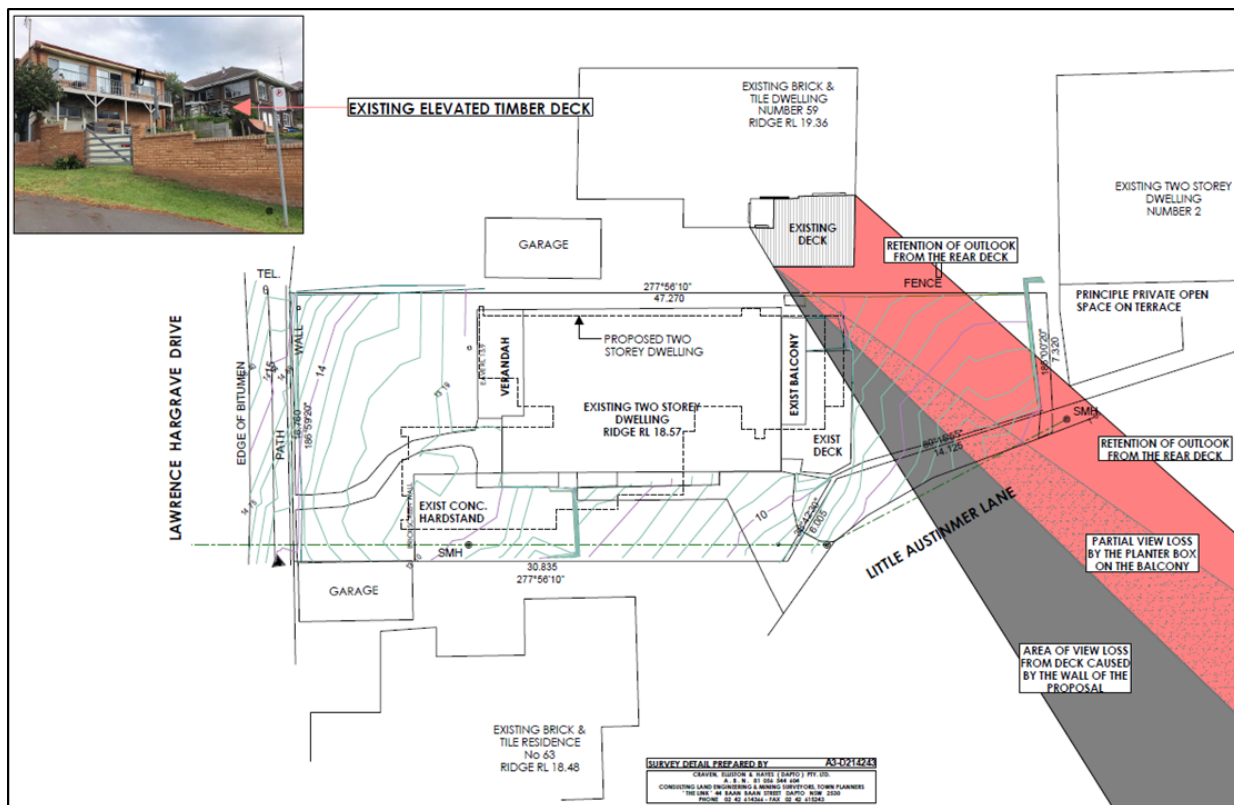
The Tenacity Principles state the assessment of the impact of the proposal should be undertaken for the whole property, not just the views that are affected. The impact on views from living areas is more significant than from bedrooms or service areas. In this instance, the design of No. 59 has been focused around the coastal views to the south from the kitchen, dining room, sunroom/living room and deck. The following images show an approximate outline of the proposed development and its approximate impact on views from No. 59. It should be noted that the approximate placement and height of the staff was measured prior to the amendment made on the plans that identify the reduced width of the balcony and the removal of the privacy screen. The images below are an **estimate** to the height and location of the amended balcony and dwelling, and do not include the single storey portion of the dwelling.





The plans below were provided by the applicant to demonstrate the view impact from the development to No. 59.





In this instance, using the above view analysis the view impact is considered to be ***'moderate'***. This is due to the main view being impacted is from a service area, and views being partially maintained from the dining room and partially maintained or not impacted from the sunroom/living room and deck.

➤ **Step Four: Assess the reasonableness of the proposed development:**

The proposal seeks a variation to the Wollongong Development Control Plan (WDCP) 2009, relating to the setback of retaining walls, height of the swimming pool and the height of the front boundary fence. These variations have been considered against the objectives of the WDCP and are supported in this instance. The proposal is compliant with regard to the height and FSR controls of the Wollongong Local Environmental Plan (WLEP) 2009.

In terms of the WDCP2009 non-compliance, recent planning circulars released by the State Government advise that the purpose of development controls is to provide guidance in local planning decision making, whereby the Local Environmental Plan is the primary instrument to guide development. In this case, no variations to LEP controls are sought, with the proposal being well below the maximum permitted height and FSR for the site. The proposal is not considered unreasonable.

As mentioned previously, the plans have since been amended so that the second storey privacy screen has been removed, and that the balcony width reduced from 1.8m to 1.2m to allow for views to be retained over the balustrade.

It should also be recognised that the development proposed is not out of character with the surrounding locality.

<u>4.17. Retaining walls</u>	<p>Variation request submitted with application. Variation assessment considered to meet relevant objectives and considered satisfactory.</p> <p>Refer to the above table for assessment of the proposed variation in accordance with clause 8 of Chapter A1.</p>	<p>Yes (Variation)</p>
<u>4.18 Swimming Pools and Spas</u>	<p>Variation request submitted with application. Variation assessment considered to meet relevant objectives and considered satisfactory.</p> <p>Refer to the above table for assessment of the proposed variation in accordance with clause 8 of Chapter A1</p>	<p>Yes (Variation)</p>
<u>4.19 Development near railway corridors and major roads</u>	<p>The subject site is not located adjacent to a railway corridor and/or a major road</p>	<p>Yes</p>
<p>Ensure development near rail corridors and major roads are protected from vibration</p> <p>Ensure development does not affect operations or safety</p> <p>Comply with SEPP Infrastructure</p>		

CHAPTER D1 – CHARACTER STATEMENTS

Clause 3.13 – Austinmer

The proposal is considered to be consistent with the existing and desired future character for the locality. Austinmer should retain its low density leafy seaside character and any new residential development should not dominate the scenic environmental quality of the coastal strip and forested escarpment.

Dwellings should be generally one to two storeys in height and be designed to retain the nature attributes of the immediate locality.

Any new dwellings or major alterations and additions to existing dwellings should be designed to minimise the scale and bulk of the development through well-articulated building forms. Individually designed dwellings with weatherboard or Colorbond facades with lighted coloured or light or mid grey finishes are preferred for properties along the coastal strip. The rooflines for dwellings along the coastal strip may either be flat, curved or gently pitched; depending upon existing view sheds from neighbouring properties.

In some cases, split-level or varied setbacks for two storey dwellings and sloping flat or gently pitched roof forms may be necessary, to maximise view sharing opportunities for neighbouring dwellings.

The impact of upper storeys of a dwelling should also be minimised through a combination of additional front and side setbacks from the ground floor of the dwelling and the selective use of balconies and verandahs.

Balconies should be lightly framed in steel and / or timber finishes, rather than of brick or masonry construction.

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

The proposed driveway access is considered to comply with AS2890.1 with the garage floor level proposed to be 9.66m AHD and the curb level 8.92m AHD.

CHAPTER E7: WASTE MANAGEMENT

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

CHAPTER E8 ONSITE SEWAGE MANAGEMENT SYSTEMS

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

CHAPTER E9 HOARDINGS AND CRANES

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

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to coastal hazard site stability and the suitability of the site for the development. Appropriate conditions have been recommended and are imposed on the draft consent.

CHAPTER E14 STORMWATER MANAGEMENT

The site is located within an OSD concession zone; therefore an OSD is not required. Stormwater disposal can be connected to Little Austinmer Lane at the rear of the site. Conditions have been imposed on the draft consent to ensure that the stormwater for the land is piped to the existing street kerb and gutter located at Little Austinmer Lane.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

The proposal includes the demolition of the existing dwelling and associated structures. Conditions have been imposed on the draft consent to ensure that the demolition is carried out in accordance with any relevant Australian Standards and the requirements of the SafeWork NSW and that any hazardous materials are correctly handled and disposed off-site.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions have been imposed on the draft consent in regard to appropriate sediment and erosion control measures to be in place during works.

2.3.2 WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2018)

The estimated cost of works is >\$100,000 (\$877, 000.00) and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

The proposal has been assessed against this plan and a contribution fee of \$8,770.00 applies to the proposal.

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

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

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

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

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

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

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

Clause 93 - Fire Safety and Other Considerations

Not applicable

Clause 94 - Consent Authority May Require Buildings to Be Upgraded

Not applicable

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

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

This is demonstrated through the following:

- The proposal is satisfactory with regard to the applicable planning controls as detailed in the body of this report.
- Internal referrals are satisfactory subject to appropriate conditions of consent.

Context and Setting:

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

Access, Transport and Traffic:

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

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

Public Domain:

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

Utilities:

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

Heritage:

No known heritage items will be impacted by the proposal.

Other Land Resources:

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

Water:

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

Soils:

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

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

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

Air and Microclimate:

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

Flora and Fauna:

Refer to Chapter E17 of this report.

Waste:

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

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

Energy:

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

Noise and vibration:

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

Natural Hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

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

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

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

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

Construction:

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

Cumulative Impacts:

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

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

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

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

The Development Application was exhibited in accordance with DCP2009 Appendix 1: Public Notification and Advertising. Six (6) submissions were received opposing the proposed development; however the submissions were from three (3) members of the same family who live at the same residential address adjoining the subject property. As such the submissions are considered as one (1) submission. The concerns raised have been addressed in Section 1.4 of this report.

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

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

3 RECOMMENDATION

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

It is recommended that DA-2019/501 be approved subject to the draft conditions provided in Attachment 5.

4 ATTACHMENTS

1. Architectural Plans
2. View Impact Analysis
3. Statement of Environmental Effects & Variation Statements
4. Title Search
5. Draft Conditions of Consent



NEW FRONT FENCE WITH HORIZONTAL BATTENS AND SOLID BASE. REFER TO SHEET 14 FOR DETAILS

REMOVE EXISTING FENCE

2020 GARAGE SETBACK

LAWRENCE HARGRAVE DRIVE

EDGE OF BITUMEN
16.760
186°59'20"

BM DRILL HOLE
RL 13.94 (A.H.D.)

NEW FRONT FENCE AS PER THE DETAIL SHOWN ON THE CONCEPT LANDSCAPE PLAN PREPARED BY ATC. SIDE RETURNS TO BE SOLID BRICKWORK

EXISTING PRINCIPLE PRIVATE OPEN SPACE

6 711
SETBACK

2 X 5000 LITRE RAINWATER TANKS LOCATED WITHIN THE SUBFLOOR AREA. REFER TO THE STORMWATER MANAGEMENT PLAN PREPARED BY DAVRON ENGINEERING FOR STORMWATER DESIGN

LINE OF CORE FILLED CONCRETE BLOCK RETAINING WALL UNDER PROPOSED BUILDING. HEIGHT OF EXCAVATION WITHIN THE BUILDING FOOTPRINT IS APPROX 3.3m. REFER TO ENGINEERS DETAILS

POWER
POLE

NEW FRONT FENCE AS PER THE DETAIL SHOWN ON THE CONCEPT LANDSCAPE PLAN PREPARED BY ATC. SIDE RETURNS TO BE SOLID BRICKWORK

PRIVATE POLE

TEL.

GARDEN BED AT 14.065 AHD

GARDEN BED AT 14.665 AHD

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GARAGE

47.270

277°56'10"

SERVICE COURT
RL 12.89 AHD

CLOTHES LINE

UPPER FLOOR LEVEL
RL 13.04 AHD

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LINE OF CORE FILLED CONCRETE BLOCK RETAINING WALL UNDER PROPOSED BUILDING. HEIGHT OF EXCAVATION WITHIN THE BUILDING FOOTPRINT IS APPROX 3.3m. REFER TO ENGINEERS DETAILS

HATCHED AREA INDICATES THE EXISTING DWELLING, BALCONY AND DECK THAT IS TO BE DEMOLISHED

EXISTING BRICK & TILE DWELLING
NUMBER 59
RIDGE RL 19.36

1457
SETBACK TO WALL

997
SETBACK TO WALL

NEW 1800 HIGH BOUNDARY FENCE

EXISTING PRINCIPLE PRIVATE OPEN SPACE

EXISTING ELEVATED DECK

13890
SETBACK TO UPPER LEVEL

PROPOSED PRINCIPLE PRIVATE OPEN SPACE
6m X 4m = 24m²

SEDIMENT CONTROL BARRIER -
REFER TO SHEET 1A FOR DETAILS

LOT 2
DP 1119139
688.5 m²

EXISTING TWO STOREY DWELLING
NUMBER 2

MASONRY RETAINING WALL TO CONTAINED FILLED LAWN AREA. MAX HEIGHT 0.8m. REFER TO ENGINEERS DETAILS

EXISTING PRINCIPLE PRIVATE OPEN SPACE ON TERRACE

EXISTING ELEVATED DECK

EXISTING RETAINING WALL & PEDESTRIAN ACCESS FROM No. 59

1350
SETBACK TO POOL

2278 SETBACK TO POOL

LAMINATED CLEAR GLASS POOL FENCING AND GATES - REFER TO SHEET 2 FOR DETAILS

REMOVE EXISTING BRICK BOUNDARY FENCE AND PROVIDE LANDSCAPING AS PER THE CONCEPT LANDSCAPE PLAN PREPARED BY ATC

STABILISED CONSTRUCTION EXIT/ENTRY. REFER TO SHEET 1A FOR DETAILS

REMOVE THE EXISTING DRIVEWAY AND PROVIDE A NEW COLOURED CONCRETE DRIVEWAY. REFER TO DRIVEWAY DETAILS FOR SETOUT AND DESIGN LEVELS

CENTRAL WASTE COLLECTION POINT & REFUSE BIN WITH LOCKABLE LID

MASONRY RETAINING WALL AROUND BIN ENCLOSURE AND ALONG DRIVEWAY. MAX HEIGHT 1.0m REFER TO ENGINEERS DETAILS

LINE OF CORE FILLED CONCRETE BLOCK RETAINING WALL UNDER PROPOSED BUILDING. HEIGHT OF EXCAVATION WITHIN THE BUILDING FOOTPRINT IS APPROX 3.3m. REFER TO ENGINEERS DETAILS

EXISTING FLAT ROOF SINGLE STOREY ELEMENT

SURVEY DETAIL PREPARED BY
A3-D214243
CRAVEN, ELLISTON & HAYES (DAPTO) PTY. LTD.
A. B. N. 81 056 544 604
CONSULTING LAND ENGINEERING & MINING SURVEYORS TOWN PLANNERS
"THE LINK" 44 BAAH BAAH STREET DAPTO NSW 2530
PHONE 02 42 614366 - FAX 02 42 615243

NOTE:
1. CONTOUR INTERVAL 0.2m MINOR AND 1m MAJOR
2. ONLY VISIBLE SERVICES HAVE BEEN SURVEYED REFER TO DIAL BEFORE YOU DIG
3. BOUNDARY POSITIONS ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED BY A CADASTRAL SURVEY
4. A TITLE SEARCH HAS NOT BEEN DONE TO DETERMINE ANY AFFECTING EASEMENTS OR RESTRICTIONS
5. DATUM LEVEL PM 17222 (A.H.D.)

the sydney design company pty limited
building designers & project management services
m: 0428 944 455 e: sydneydesign@bigpond.com.au
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BUILDERS LIC. No. 177038C - P 02 4283 3439 - F 02 4283 3439

SITE PLAN - PROPOSED WORKS
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	1
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:200
Council CC Issue	Ref No 704/2018
Design	BJ Curtis
Const. Issue	Drawn BJ Curtis
Issue	D

CONTRACT ENDORSEMENT - THIS DOCUMENT IS RELIED UPON AND FORMS PART OF THE CONTRACT DOCUMENTS REFERRED TO AS PLANS IN CLAUSE 1 OF THE HOME BUILDING CONTRACT



LOT 2
DP 1119139
688.5 m²

POWER POLE

LAWRENCE HARGRAVE DRIVE

TRAFFIC NOISE

TRAFFIC NOISE

TRAFFIC NOISE

SIGNIFICANT OVERLOOKING ISSUES
FROM DWELLING OPPOSITE

BM DRILL HOLE
RL 13.94 (A.H.D.)

PRINCIPLE
PRIVATE
OPEN SPACE

EXISTING BRICK &
TILE RESIDENCE
No 63
RIDGE RL 18.48

EXISTING FLAT ROOF
SINGLE STOREY ELEMENT

SURVEY DETAIL PREPARED BY **A3-D214243**
CRAVEN, ELLISTON & HAYES (DAPTO) PTY. LTD.
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5. DATUM LEVEL PM 17222 (A.H.D.)

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HOMES
9 GLENHAVEN STREET, WOONONA NSW 2517
BUILDERS LIC. No. 177038C - P 02 4283 3439 - F 02 4283 3439

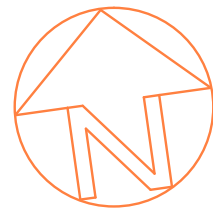
SITE PLAN - SITE ANALYSIS PLAN
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	1C
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:200
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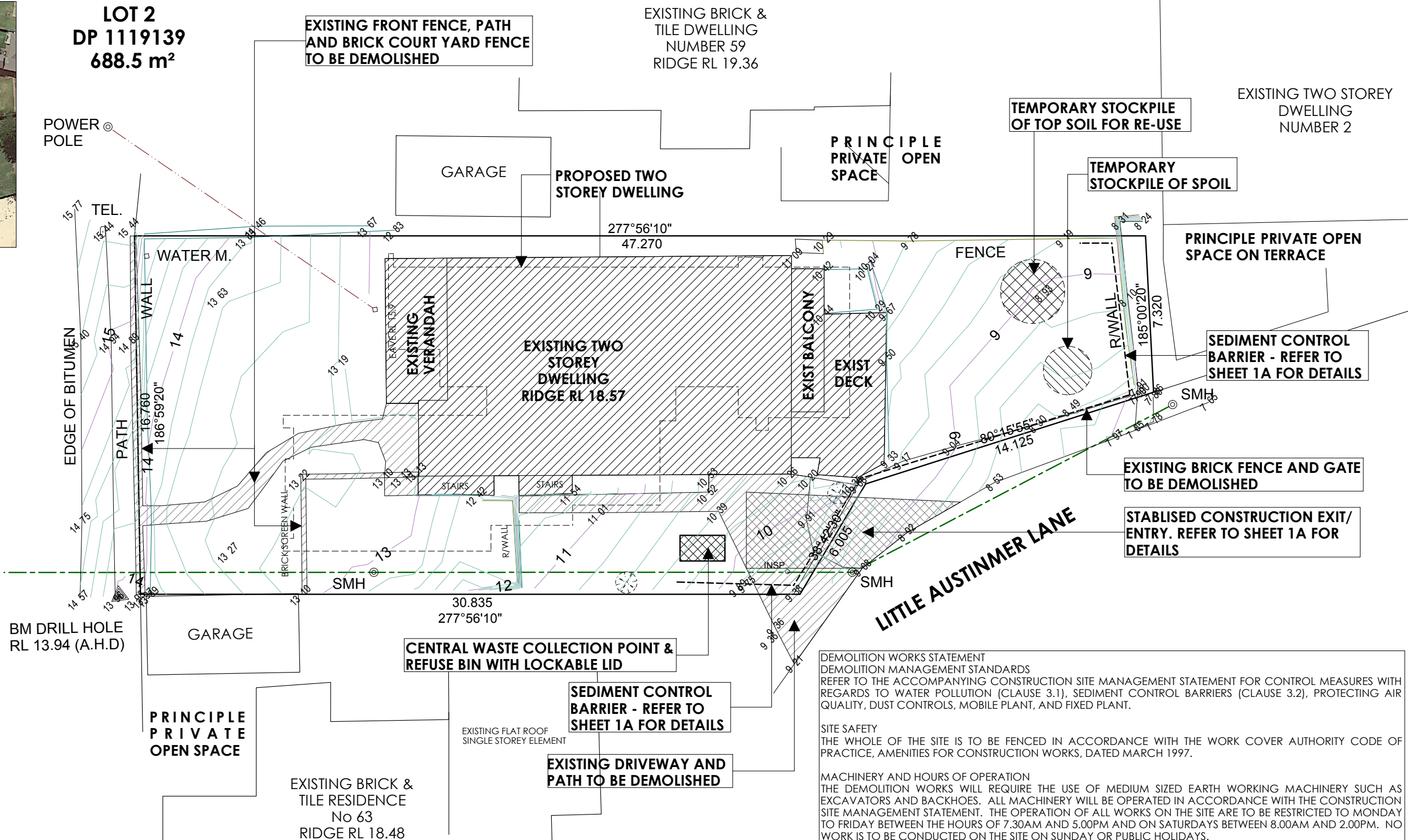
CLIENT INITIAL DATE

ELMWOOD HOMES



LOT 2
DP 1119139
688.5 m²

LAWRENCE HARGRAVE DRIVE



DEMOLITION WORKS STATEMENT
DEMOLITION MANAGEMENT STANDARDS
REFER TO THE ACCOMPANYING CONSTRUCTION SITE MANAGEMENT STATEMENT FOR CONTROL MEASURES WITH REGARDS TO WATER POLLUTION (CLAUSE 3.1), SEDIMENT CONTROL BARRIERS (CLAUSE 3.2), PROTECTING AIR QUALITY, DUST CONTROLS, MOBILE PLANT, AND FIXED PLANT.

SITE SAFETY
THE WHOLE OF THE SITE IS TO BE FENCED IN ACCORDANCE WITH THE WORK COVER AUTHORITY CODE OF PRACTICE, AMENITIES FOR CONSTRUCTION WORKS, DATED MARCH 1997.

MACHINERY AND HOURS OF OPERATION
THE DEMOLITION WORKS WILL REQUIRE THE USE OF MEDIUM SIZED EARTH WORKING MACHINERY SUCH AS EXCAVATORS AND BACKHOES. ALL MACHINERY WILL BE OPERATED IN ACCORDANCE WITH THE CONSTRUCTION SITE MANAGEMENT STATEMENT. THE OPERATION OF ALL WORKS ON THE SITE ARE TO BE RESTRICTED TO MONDAY TO FRIDAY BETWEEN THE HOURS OF 7.30AM AND 5.00PM AND ON SATURDAYS BETWEEN 8.00AM AND 2.00PM. NO WORK IS TO BE CONDUCTED ON THE SITE ON SUNDAY OR PUBLIC HOLIDAYS.

WASTE DISPOSAL
ALL DEMOLITION WASTE MATERIALS ARE TO BE TRANSPORTED IN ACCORDANCE WITH THE EPA REQUIREMENTS AND THE LOADING AND UNLOADING OF ALL MATERIALS, ESPECIALLY HAZARDOUS MATERIALS SUCH AS ASBESTOS IS TO BE CONDUCTED IN ACCORDANCE WITH THE WORK COVER AUTHORITY CODES OF OPERATION AND STANDARDS.

SURVEY DETAIL PREPARED BY **A3-D214243**
CRAVEN, ELLISTON & HAYES (DAPTO) PTY. LTD.
A. B. N. 81 056 544 604
CONSULTING LAND ENGINEERING & MINING SURVEYORS, TOWN PLANNERS
'THE LINK' 44 BAAN BAAN STREET DAPTO NSW 2530
PHONE 02 42 614366 - FAX 02 42 615243

NOTE:
1. CONTOUR INTERVAL 0.2m MINOR AND 1m MAJOR
2. ONLY VISIBLE SERVICES HAVE BEEN SURVEYED REFER TO DIAL BEFORE YOU DIG
3. BOUNDARY POSITIONS ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED BY A CADASTRAL SURVEY
4. A TITLE SEARCH HAS NOT BEEN DONE TO DETERMINE ANY AFFECTING EASEMENTS OR RESTRICTIONS
5. DATUM LEVEL PM 17222 (A.H.D.)

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building designers & project management services
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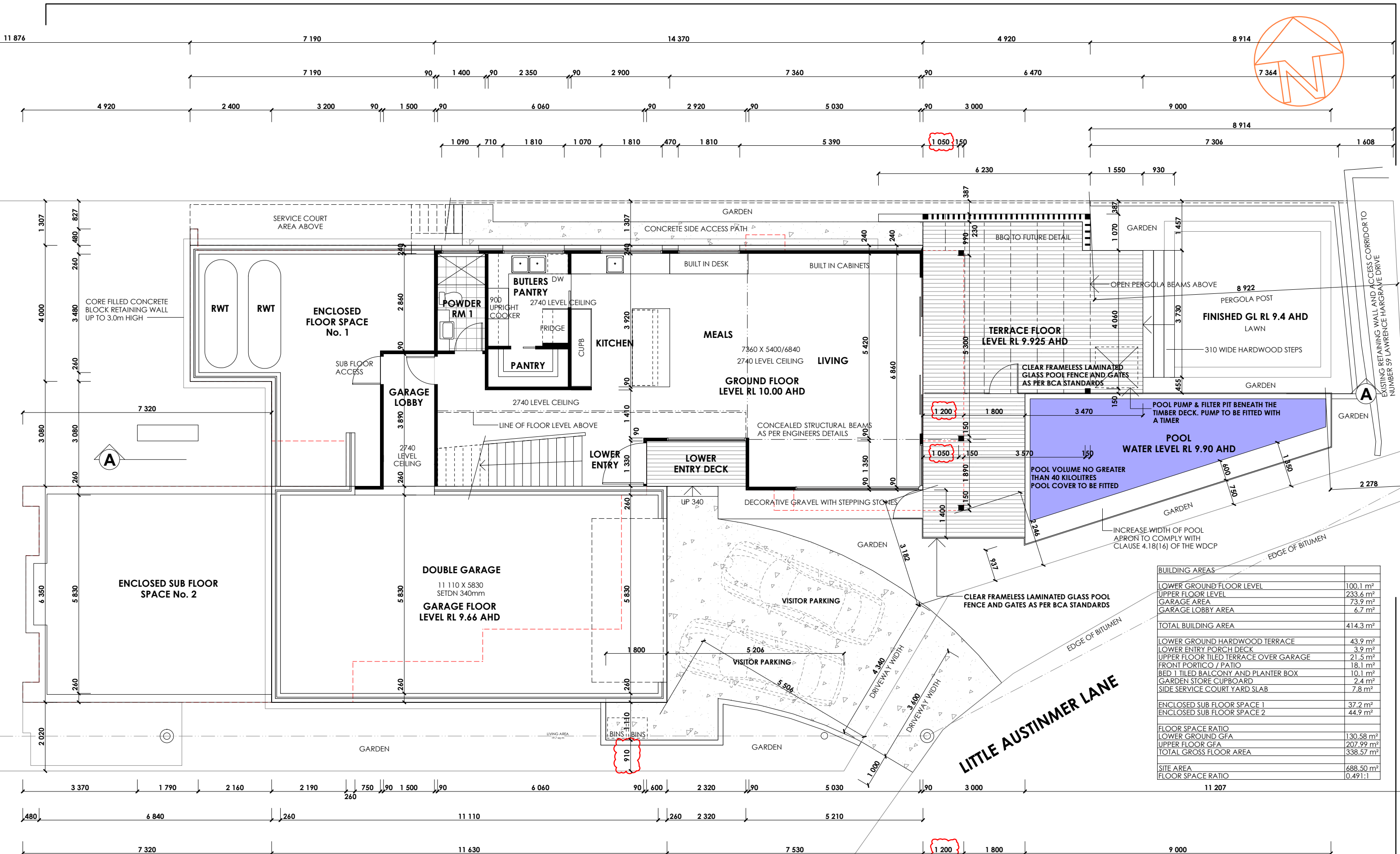
SITE PLAN - PROPOSED DEMOLITION WORKS
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	1F
Tender Acceptance	
14.03.2019	
Council DA Issue	
08.05.2019	Scale 1:200
Council CC Issue	Ref No 704/2018
Design	BJ Curtis
Const. Issue	Drawn BJ Curtis
Issue	D

CONTRACT ENDORSEMENT - THIS DOCUMENT IS RELIED UPON AND FORMS PART OF THE CONTRACT DOCUMENTS REFERRED TO AS PLANS IN CLAUSE 1 OF THE HOME BUILDING CONTRACT

CLIENT INITIAL DATE

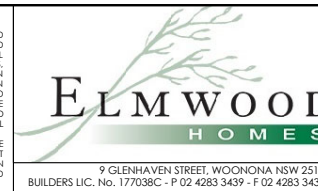
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BUILDING AREAS	
LOWER GROUND FLOOR LEVEL	100.1 m ²
UPPER FLOOR LEVEL	233.6 m ²
GARAGE AREA	73.9 m ²
GARAGE LOBBY AREA	6.7 m ²
TOTAL BUILDING AREA	414.3 m ²
LOWER GROUND HARDWOOD TERRACE	43.9 m ²
LOWER ENTRY PORCH DECK	3.9 m ²
UPPER FLOOR TILED TERRACE OVER GARAGE	21.5 m ²
FRONT PORTICO / PATIO	18.1 m ²
BED 1 TILED BALCONY AND PLANTER BOX	10.1 m ²
GARDEN STORE CUPBOARD	2.4 m ²
SIDE SERVICE COURT YARD SLAB	7.8 m ²
ENCLOSED SUB FLOOR SPACE 1	37.2 m ²
ENCLOSED SUB FLOOR SPACE 2	44.9 m ²
FLOOR SPACE RATIO	
LOWER GROUND GFA	130.58 m ²
UPPER FLOOR GFA	207.99 m ²
TOTAL GROSS FLOOR AREA	338.57 m ²
SITE AREA	688.50 m ²
FLOOR SPACE RATIO	0.491:1

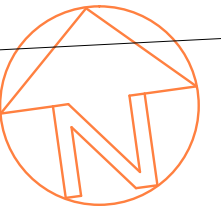
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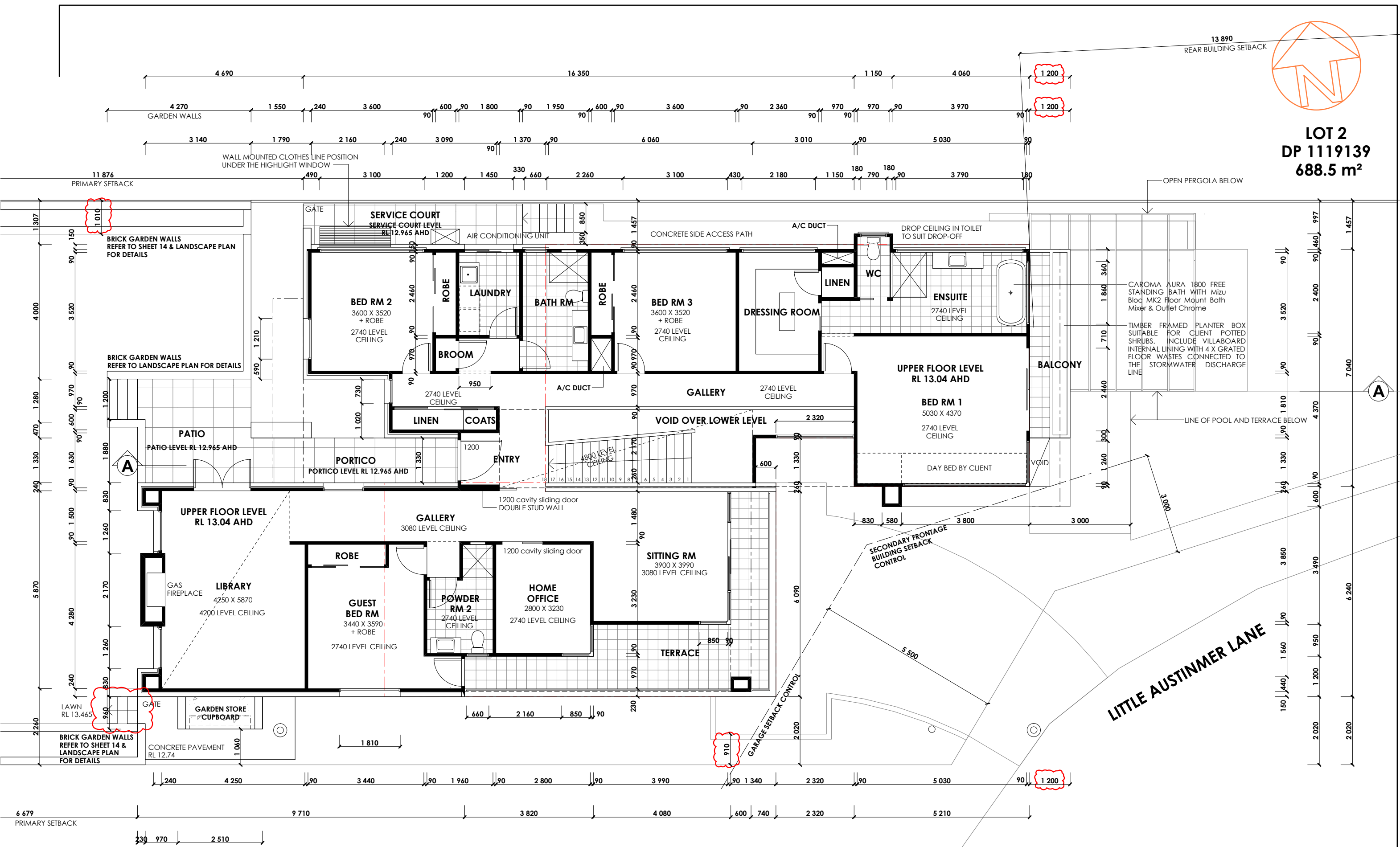


LOWER GROUND FLOOR PLAN
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	2
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:100
Council CC Issue	Ref No 704/2018
Design	BJ Curtis
Const. Issue	Drawn BJ Curtis
Issue	D



LOT 2
DP 1119139
688.5 m²



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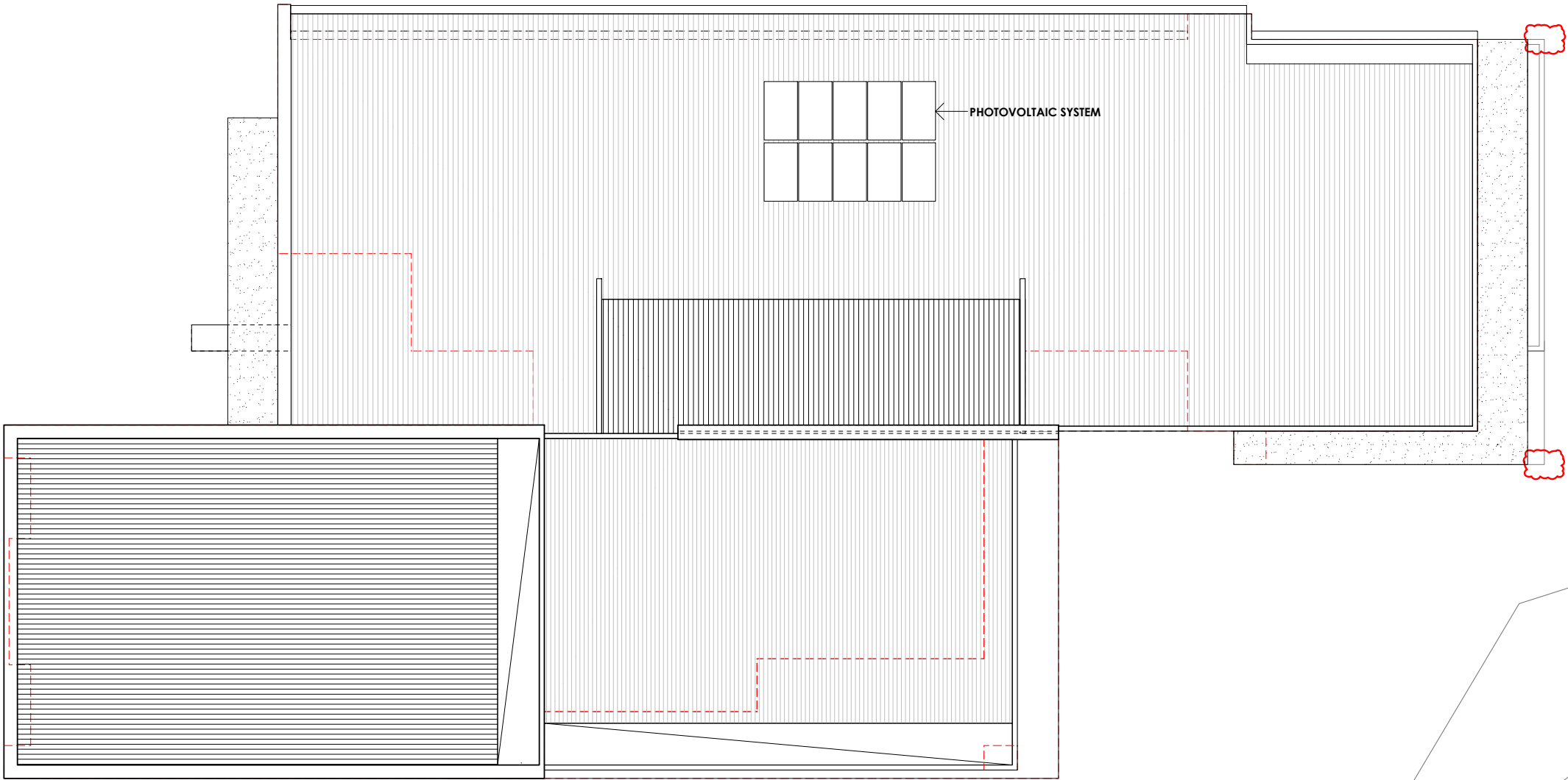
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UPPER FLOOR LEVEL PLAN
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	3
Tender Acceptance	
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01.08.2019	
Scale	1:100
Ref No	704/2018
Design	BJ Curtis
Const. Issue	BJ Curtis
Issue	D



LOT 2
DP 1119139
688.5 m²



LITTLE AUSTINMER LANE

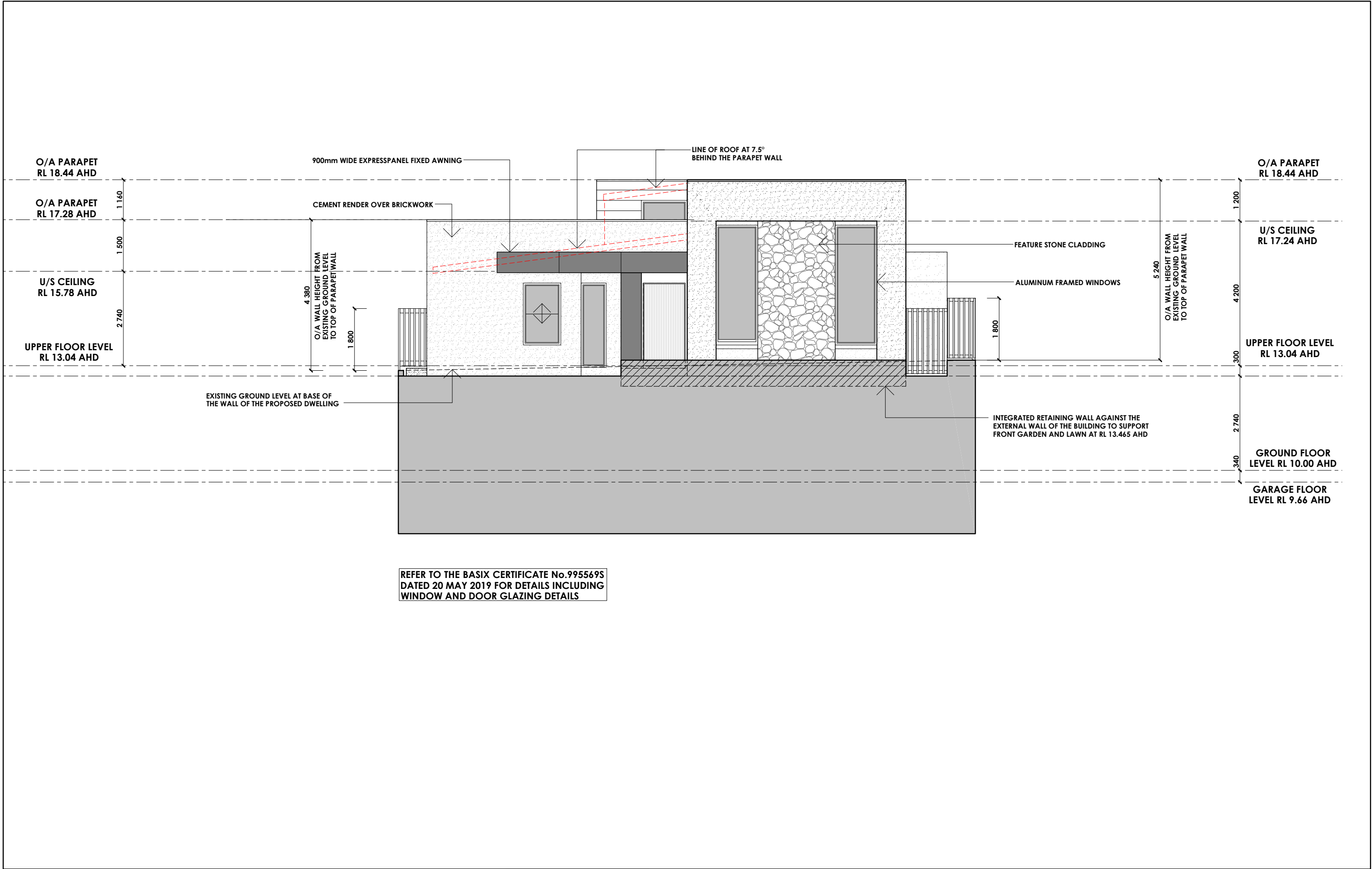
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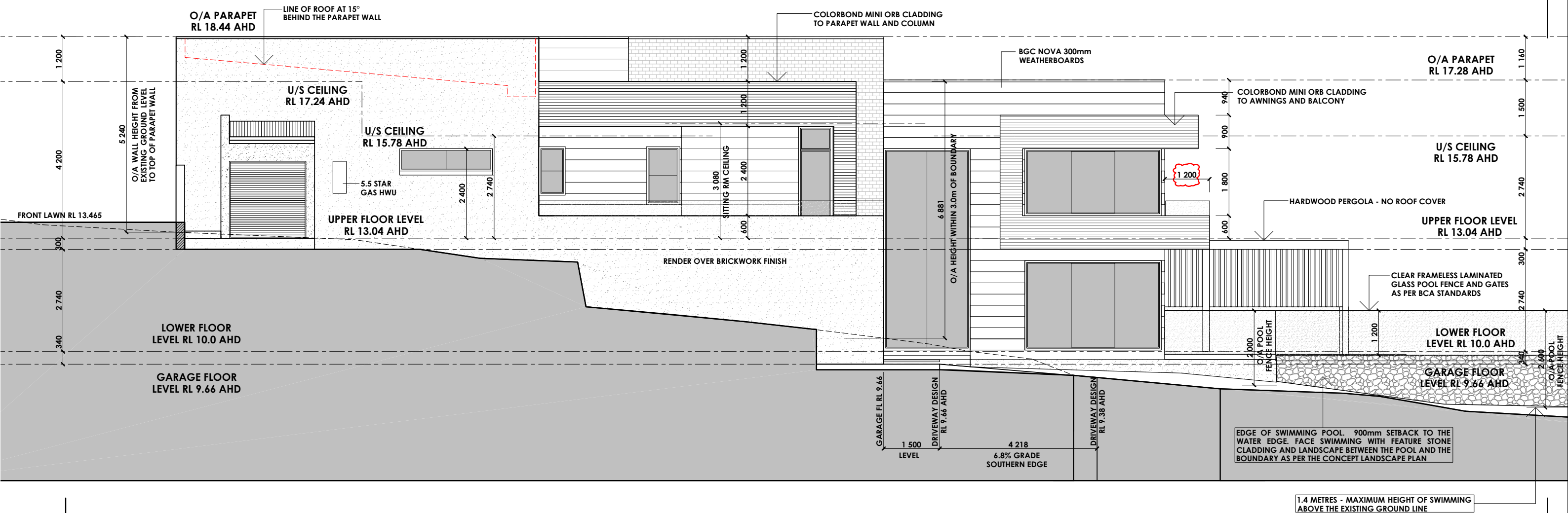
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ROOF PLAN
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	4
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:100
Council CC Issue	Ref No 704/2018
Design	BJ Curtis
Const. Issue	Drawn BJ Curtis
Issue	D





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DATED 20 MAY 2019 FOR DETAILS INCLUDING
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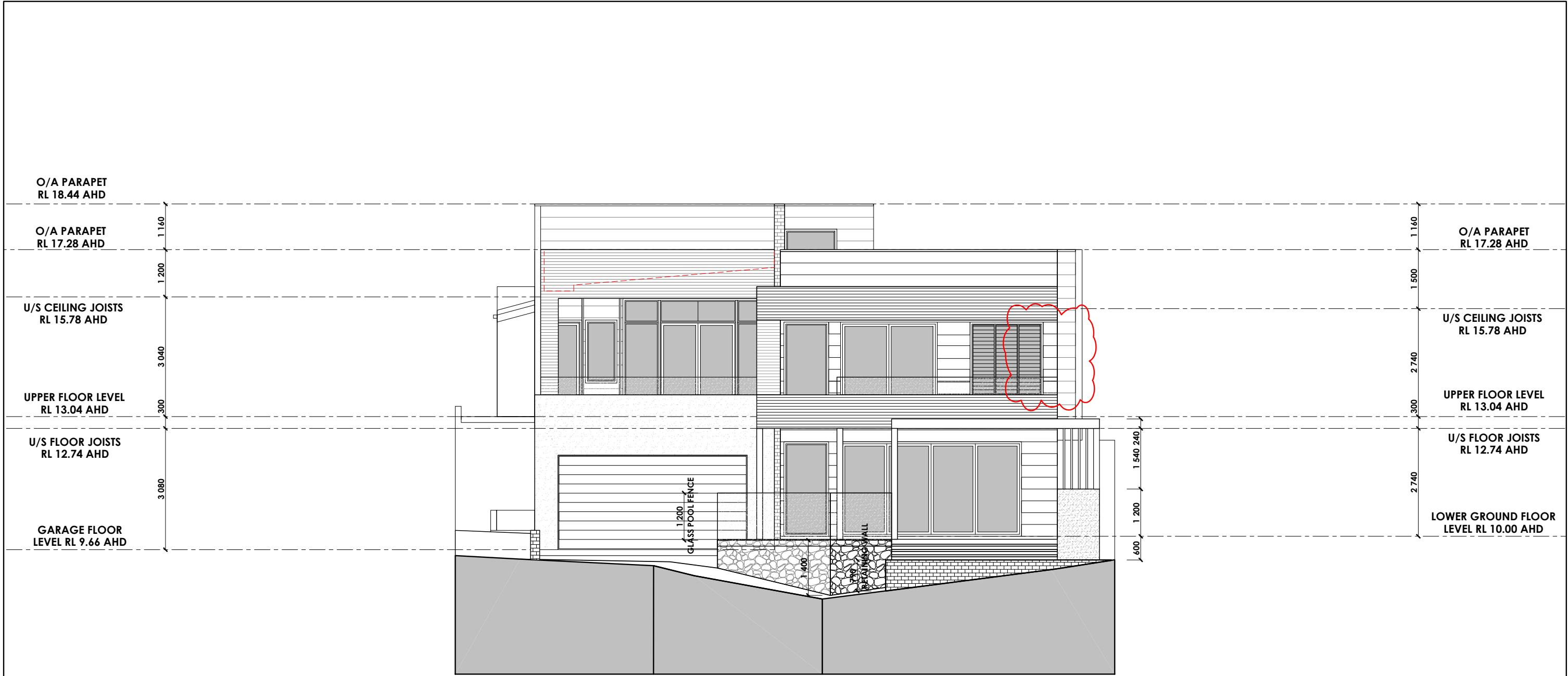
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SOUTHERN SIDE ELEVATION
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	6
Tender Acceptance	
14.03.2019	
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01.08.2019	Scale 1:100
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Issue	D



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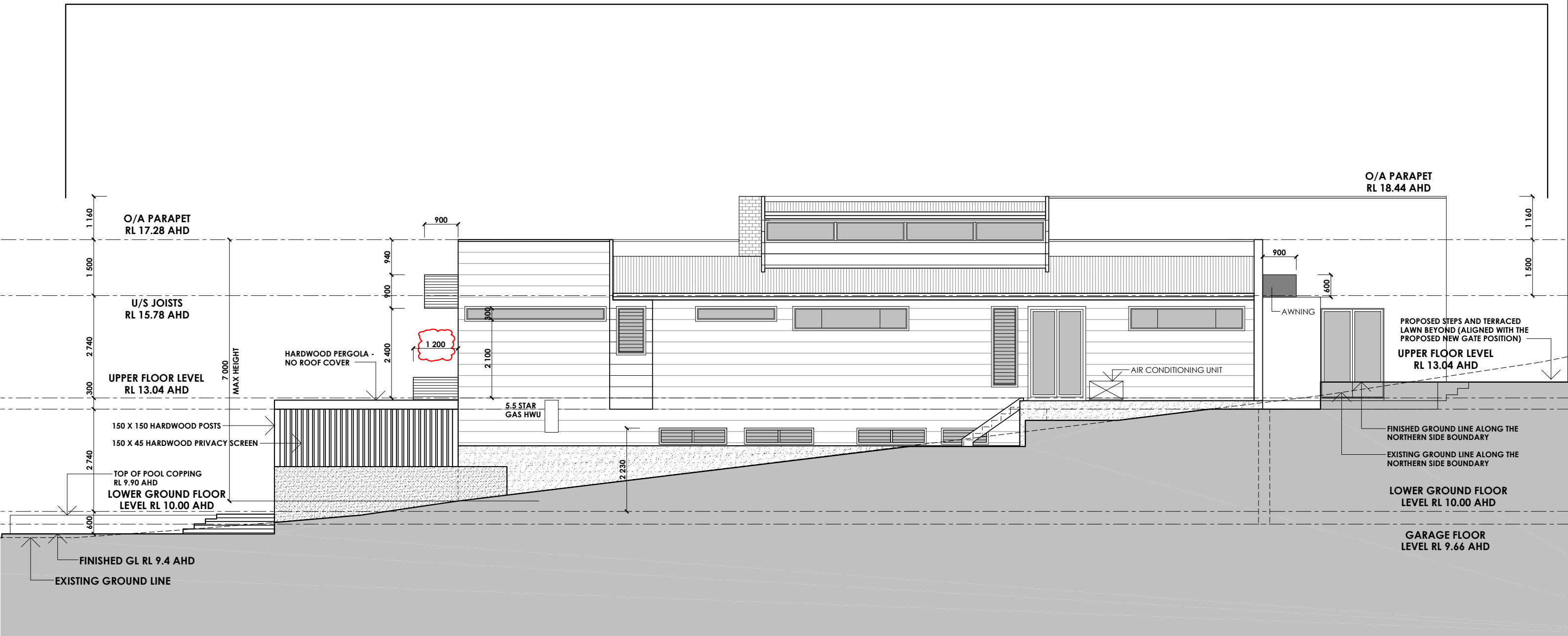
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EASTERN REAR ELEVATION
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	7
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:100
Council CC Issue	Ref No 704/2018
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Const. Issue	Drawn BJ Curtis
	Issue D



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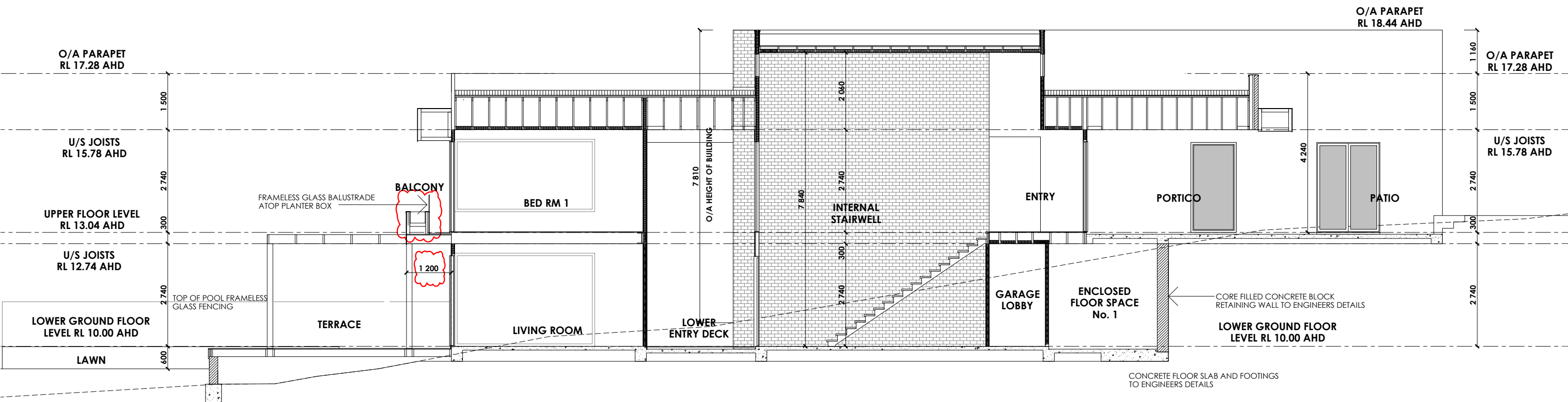
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NORTHERN SIDE ELEVATION
PROPOSED DWELLING
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Concept Issue	Sheet Number
08.01.2019	8
Tender Acceptance	
14.03.2019	
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01.08.2019	Scale 1:100
Council CC Issue	Ref No 704/2018
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Const. Issue	Drawn BJ Curtis
	Issue D



CROSS SECTION A - A

BASIX COMMITMENTS

WATER
MINIMUM 5000L RAINWATER TANK COLLECTING 276sqm OF ROOFWATER CONNECTED TO TOILETS, WM COLD WATER POINT AND AT LEAST ONE GARDEN TAP and a TAP THAT IS LOCATED WITHIN 10 METRES OF THE SWIMMING POOL. CONNECT OVERFLOW TO KERB TO LITTLE AUSTINER LANE
4 STAR RATED SHOWER HEADS (>6 but <= 7.5 litres/min)
4 STAR RATED TAPS THROUGHOUT
4 STAR DUAL FLUSH TOILET/S CISTERNS

SWIMMING POOL
POOL CAPACITY NOT TO EXCEED 40 KILOLITRES
THE POOL MUST BE FITTED WITH A POOL COVER
THE POOL MUST BE LOCATED OUTDOORS
THE POOL MUST BE FITTED WITH A GAS HEATING SYSTEM
POOL PUMP MUST BE FITTED WITH A TIMER

THERMAL COMFORT
LOWER FLOOR LEVEL
SLAB ON GROUND - NO ADDITIONAL INSULATION
UPPER FLOOR LEVEL
SUSPENDED TIMBER FRAMED ABOVE ENCLOSED SUB FLOOR - R0.60 INSULATION (R1.3 INCLUDING CONSTRUCTION)
FRAMED SUSPENDED TIMBER FRAMED ABOVE HABITABLE ROOMS - NO ADDITIONAL INSULATION
FRMAED SUSPENDED TIMVER FRAMED ABOVE GARAGE - NO ADDITIONAL INSULATION

WEATHERSEALS TO EXTERNAL HINGED DOORS AND THE INTERNAL HINGED ACCESS TO GARAGE

WALLS
R1.86 (OR R2.40 INCLUDING CONSTRUCTION) INSULATION TO EXTERNAL BRICK VENEER WALLS - EXCLUDES GARAGE
R2.0 (OR R2.4 INCLUDING CONSTRUCTION) INSULATION TO EXTERNAL TIMBER FRAMED WEATHERBOARD WALLS - EXCLUDES GARAGE
INTERNAL WALL SHARED WITH GARAGE - CAVITY BRICKWORK WITH NO ADDITIONAL INSULATION

ROOF & CEILING
R4.5 CEILING INSULATION (EXCLUDES GARAGE)
55mm INSULATION BLANKET UNDER ROOF COVER
LIGHT SOLAR ABSORPTANCE <0.475

INSULATION AROUND THE INTERNAL DOWNLIGHTS MUST BE INSTALLED IN ACCORDANCE WITH NCC AND RELEVANT AUSTRALIAN STANDARDS.

BASIX COMMITMENTS

WINDOWS & SLIDING DOORS
NORTH FACING
GENERALLY U-VALUE 5.4; SHGC 0.522 - 0.638; ALUM SINGLE HI-TSOL LOW-E EXCEPT FOR THE VOID HI-LITE AND LIBRARY SLIDING DOOR - U-VALUE 3.1; SHGC 0.243 - 0.297; ALUM THERMALLY BROKEN DOUBLE (AIR) LO-TSOL LOW-E CLEAR

EAST FACING
GENERALLY U-VALUE 3.1; SHGC 0.243 - 0.297; ALUM THERMALLY BROKEN DOUBLE (AIR) LO-TSOL LOW-E CLEAR EXCEPT FOR THE ENSUITE & GUEST BED RM - U-VALUE 5.6; SHGC 0.324 - 0.396; ALUM SINGLE LO-STOL LOW-E

SOUTH FACING
GENERALLY U-VALUE 3.1; SHGC 0.243 - 0.297; ALUM THERMALLY BROKEN DOUBLE (AIR) LO-TSOL LOW-E CLEAR EXCEPT FOR THE GUEST BED RM & POWDER RM - U-VALUE 5.6; SHGC 0.324 - 0.396; ALUM SINGLE LO-STOL LOW-E

WEST FACING
GENERALLY U-VALUE 3.1; SHGC 0.243 - 0.297; ALUM THERMALLY BROKEN DOUBLE (AIR) LO-TSOL LOW-E EXCEPT FOR THE HALLWAY - U-VALUE 3.6; SHGC 0.486 - 0.594; ALUM THERMALLY BROKEN DOUBLE (AIR) CLEAR AND BED RM 2 - U-VALUE 5.6; SHGC 0.369 - 0.451; ALUM SINGLE LO-STOL LOW-E

ENERGY
GAS COOKTOP & ELECTRIC OVEN
WELL VENTILATED FRIDGE SPACE
PERMANENT OUTDOOR CLOTHES LINE - BY CLIENT
5.5 STAR GAS CONTINUOUS FLOW HOT WATER UNITS X 2

LIGHTING
LED DOWNLIGHTS THROUGHOUT & ENERGY EFFICIENT LIGHTING TO THE GARAGE WITH INSULATION AROUND THE INTERNAL DOWNLIGHTS BEING INSTALLED IN ACCORDANCE WITH NCC AND RELEVANT AUSTRALIAN STANDARDS.

HEATING & COOLING
IF INSTALLED 3 PHASED EER 3.5 - 4.0 DUCTED AIR CONDITIONING WITH ZONING AS PER THE BASIX CERTIFICATE

VENTILATION
DUCTED RANGEHOOD TO KITCHEN WITH MANUAL ON/ OFF SWITCH
DUCTED EXHAUST FAN TO BATHROOM WITH MANUAL ON /OFF SWITCH
DUCTED EXHAUST FAN TO POWDER ROOM WITH MANUAL ON OFF SWITCH (UNIT) OR NATURAL VENTILATION

ALTERNATIVE ENERGY
INSTALL A PHOTOVOLTAIC SYSTEM WITH A MINIMUM CAPACITY TO GENERATE AT LEAST 1.5 PEAK Kw

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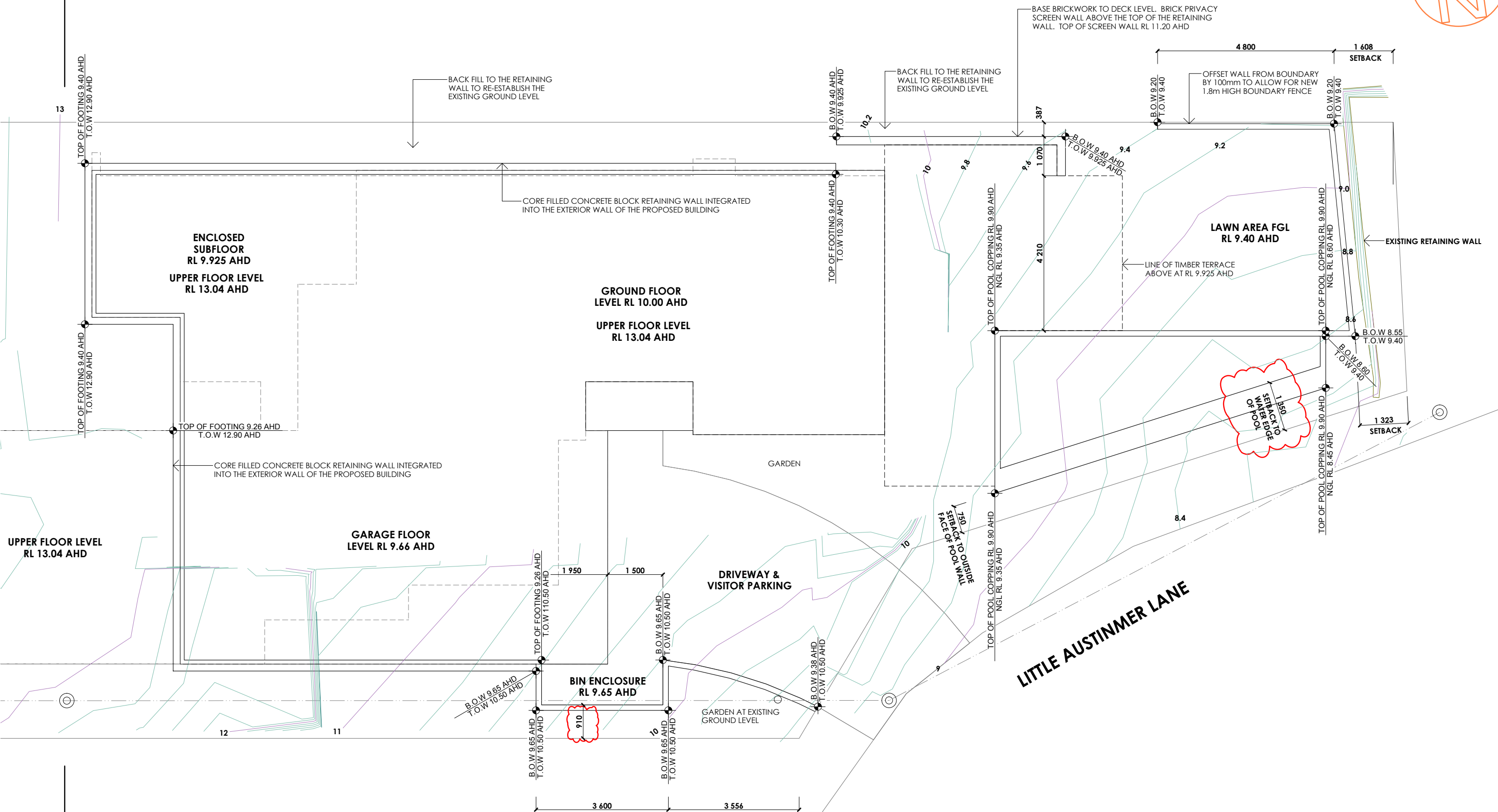
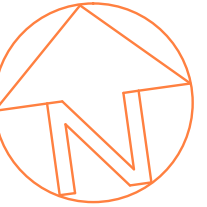
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SECTION & BASIX COMMITMENTS
PROPOSED DWELLING
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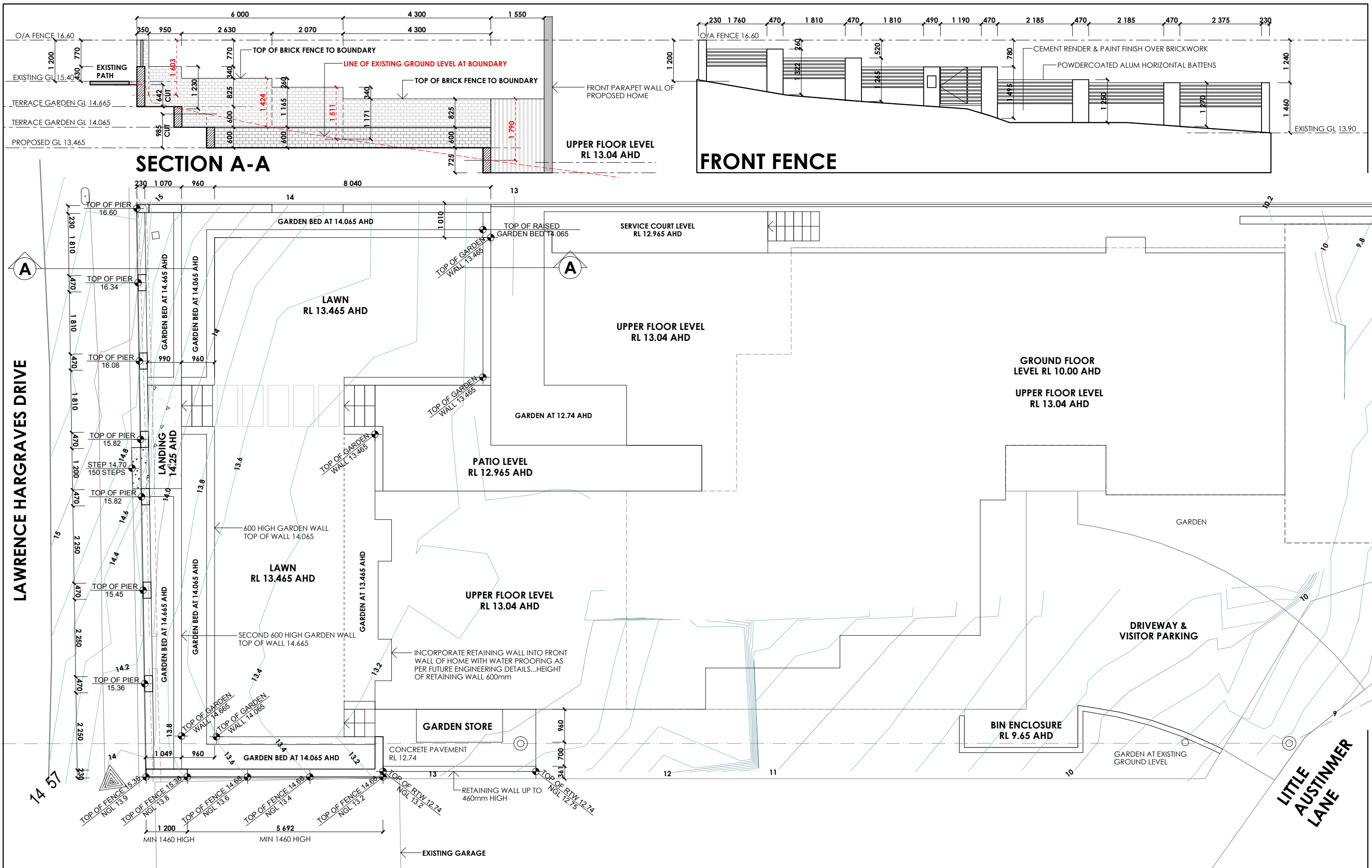
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BUILDERS LIC. No. 177038C - P 02 4283 3439 - F 02 4283 3439

LOWER LEVEL RETAINING WALL DETAILS
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	13
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:100
Council CC Issue	Ref No 704/2018
Design	BJ Curtis
Const. Issue	Drawn BJ Curtis
Issue	D



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UPPER LEVEL RETAINING WALL AND FRONT FENCE DETAILS
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINER NSW 2515

Concept Issue	Sheet Number
08.01.2019	14
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:100
Council CC Issue	Ref No 704/2018
Design	BJ Curtis
Const. Issue	Drawn BJ Curtis
Issue	D

Attachment 2

WINDOW A

EXISTING SOUTH FACING WINDOW IN KITCHEN IS UN-AFFECTED BY THE PROPOSAL IN THAT THE EXISTING HOME ALREADY BLOCKS THE OUTLOOK TO THE SOUTH

EXISTING BRICK & TILE DWELLING NUMBER 59 RIDGE RL 19.36

THE POTENTIAL IMPACT OF THE BALCONY AND PLANTER BOX HAVE NOT BEEN INCLUDED IN THE ASSESSMENT OF THE OUTLOOK FROM THE INTERNAL LIVING OR KITCHEN SPACES OF NUMBER 59 AS THE WINDOW SILL HEIGHTS ABOVE THE PROPOSED FINISHED HEIGHT OF THE BALCONY AND PLANTER AS SUCH WILL NOT FALL INTO THE VIEWING CORRIDOR

EXISTING TWO STOREY DWELLING NUMBER 2

PRINCIPLE PRIVATE OPEN SPACE ON TERRACE

AREA OF VIEW RETENTION FROM WINDOW A

AREA OF VIEW LOSS FROM WINDOW A

WINDOW A

EXISTING ELEVATED TIMBER DECK

EXISTING BRICK & TILE RESIDENCE No 63 RIDGE RL 18.48

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VISUAL IMPACT ASSESSMENT EXISTING OUTLOOK

WINDOW A - NUMBER 59

PROPOSED DWELLING

K & S HYARE

61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	A
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:200
Council CC Issue	Ref No 704/2018
Design	BJ Curtis
Const. Issue	Drawn BJ Curtis
Issue	D

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CLIENT INITIAL DATE

ELMWOOD HOMES

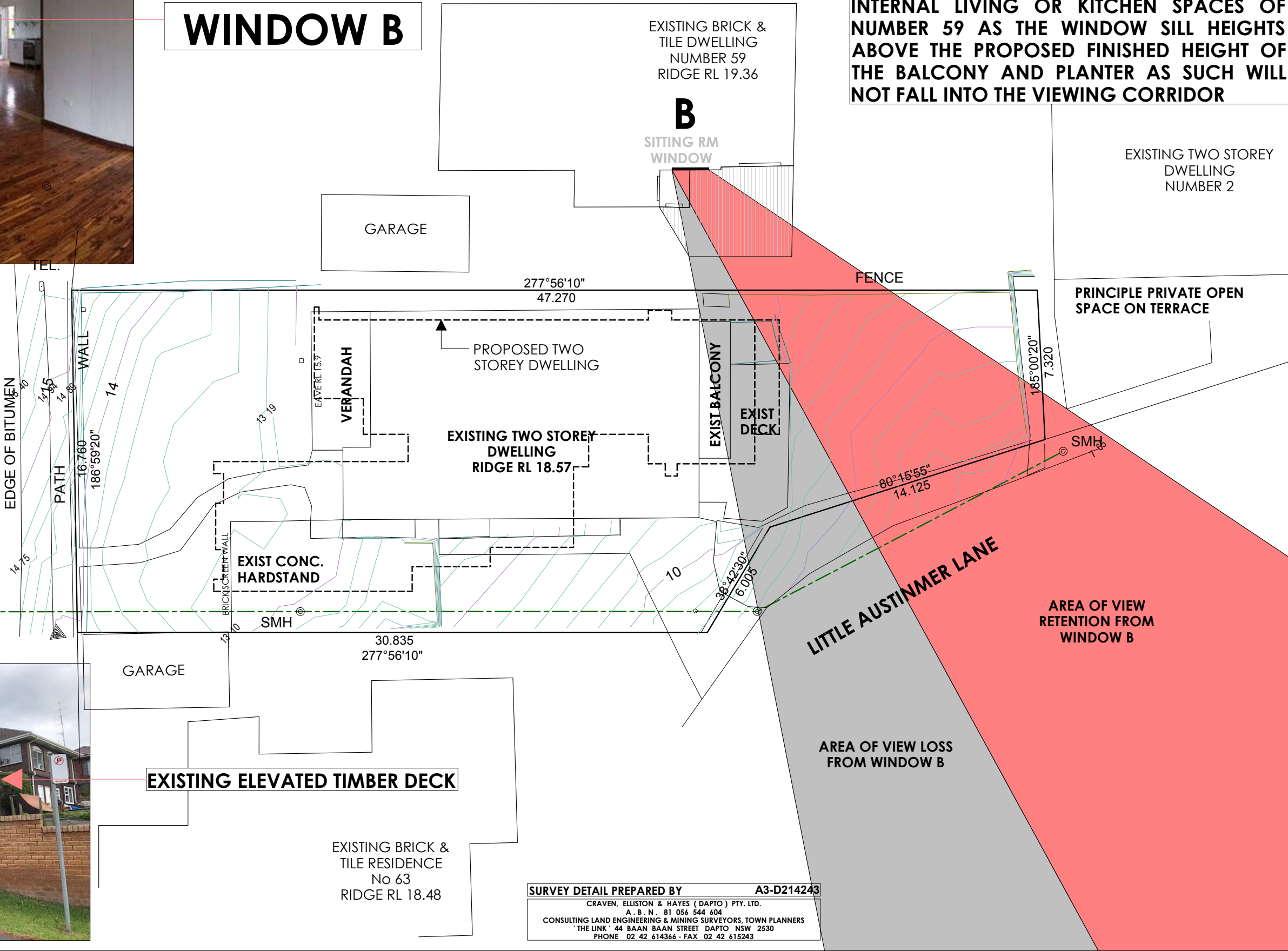


WINDOW B

WINDOW B



EXISTING ELEVATED TIMBER DECK



THE POTENTIAL IMPACT OF THE BALCONY AND PLANTER BOX HAVE NOT BEEN INCLUDED IN THE ASSESSMENT OF THE OUTLOOK FROM THE INTERNAL LIVING OR KITCHEN SPACES OF NUMBER 59 AS THE WINDOW SILL HEIGHTS ABOVE THE PROPOSED FINISHED HEIGHT OF THE BALCONY AND PLANTER AS SUCH WILL NOT FALL INTO THE VIEWING CORRIDOR

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VISUAL IMPACT ASSESSMENT EXISTING OUTLOOK
WINDOW B - NUMBER 59
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	B
Tender Acceptance	
14.03.2019	
Council DA Issue	
01.08.2019	Scale 1:200
Council CC Issue	Ref No 704/2018
Design	BJ Curtis
Const. Issue	Drawn BJ Curtis
Issue	D

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CLIENT INITIAL ELWOOD HOMES DATE



WINDOW C

THE EXISTING EAST FACING WINDOWS ARE UN-AFFECTED BY THE PROPOSAL

EXISTING BRICK & TILE DWELLING
NUMBER 59
RIDGE RL 19.36

SITTING RM
WINDOW
C

THE POTENTIAL IMPACT OF THE BALCONY AND PLANTER BOX HAVE NOT BEEN INCLUDED IN THE ASSESSMENT OF THE OUTLOOK FROM THE INTERNAL LIVING OR KITCHEN SPACES OF NUMBER 59 AS THE WINDOW SILL HEIGHTS ABOVE THE PROPOSED FINISHED HEIGHT OF THE BALCONY AND PLANTER AS SUCH WILL NOT FALL INTO THE VIEWING CORRIDOR

EXISTING TWO STOREY DWELLING
NUMBER 2

PRINCIPLE PRIVATE OPEN SPACE ON TERRACE

LAWRENCE HARGRAVE DRIVE

TEL.
EDGE OF BITUMEN
PATH
WALL
14.75
14.15
14.08
14
16.760
186°59'20"

GARAGE

277°56'10"
47.270

PROPOSED TWO STOREY DWELLING
O/A HEIGHT OF
PROPOSED DWELLING
RL 18.44 AHD

EXISTING TWO STOREY DWELLING
RIDGE RL 18.57

EXIST CONC.
HARDSTAND

SMH

30.835
277°56'10"

GARAGE

EXIST BALCONY

EXIST DECK

FENCE

185°00'20"
7.320

80°15'55"
14.125

LITTLE AUSTINMER LANE

AREA OF VIEW
RETENTION FROM
WINDOW C

AREA OF VIEW LOSS
FROM WINDOW C

WINDOW C



EXISTING ELEVATED TIMBER DECK

EXISTING BRICK & TILE RESIDENCE
No 63
RIDGE RL 18.48

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VISUAL IMPACT ASSESSMENT EXISTING OUTLOOK
WINDOW C - NUMBER 59
PROPOSED DWELLING
K & S HYARE
61 LAWRENCE HARGRAVE DR AUSTINMER NSW 2515

Concept Issue	Sheet Number
08.01.2019	C
Tender Acceptance	
14.03.2019	
Council DA Issue	
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CLIENT INITIAL DATE

ELMWOOD HOMES



Statement of Environmental Effects

17th May 2019





Statement of Environmental Effects pursuant to Wollongong City Council Local Environmental Plan 2009 and Wollongong Development Control Plan 2009 to demolish an existing dwelling and construct a two storey private dwelling house, a driveway, front fencing, a swimming pool, a pergola and associated retaining walls pursuant to Council's residential development controls

at

Lot 2 Deposit Plan 1119139

61 Lawrence Hargrave Drive

Austinmer NSW 2515

Updated 22.08.2019 – pages 30& 32 - highlighted text in blue

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2.2	Site Description
2.3	Existing Use
2.4	Surrounding Development
2.5	Streetscape
3.0	THE PROPOSED DEVELOPMENT
3.1	Description of the Development
4.0	COMPLIANCE WITH DEVELOPMENT CONTROLS
4.1	SEPP 55 - Remediation of Land
4.2	SEPP 71 – Coastal Protection
4.3	Wollongong City Council LEP 2009
4.4	Wollongong Development Control Plan 2009
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5.0	STATEMENT OF ENVIRONMENTAL EFFECTS
5.1	General
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5.4	Suitability of the Site for Development
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CONCLUSION

VISUAL IMPACT ASSESSMENT – page 54 & 55

1.0 INTRODUCTION

This statement has been prepared to accompany a development application and associated architectural drawings for the demolition of an existing dwelling and the construction of detached two storeys dwelling a driveway, front fencing, a swimming pool, a pergola and associated retaining walls pursuant to Council's residential development controls

This statement provides information about the proposed development site, and the key planning issues, particularly with regard to compliance, are addressed.

That discussion, in combination with a summary assessment of the proposal against the heads of consideration in s97C of the Environmental Planning and Assessment Act, represents the required Statement of Environmental Effects.

2.0 THE SITE & ITS LOCATION



2.1 Location

The subject site is located on the eastern side of Lawrence Hargrave Drive

The subject site has a primary street frontage to Lawrence Hargrave Drive and a secondary street frontage to Little Austinmer Lane.

2.2 Site Description

The subject sites legal description is Lot 2 Deposit Plan 1119139. The site has a total area of 688.5m².

The subject site has a primary frontage of 16.76m to Lawrence Hargrave Dr, a secondary frontage boundary length totally 20.130m to Little Austinmer Lane, a depth pf 47.27m along the northern boundary, and a length of 30.835m to the southern boundary and a boundary length of 7.32m along the eastern boundary

2.3 Zoning

The subject site is zoned R2 Low Density Residential under the Wollongong Local Environmental Plan 2009.

2.4 Restrictions, easements and the like

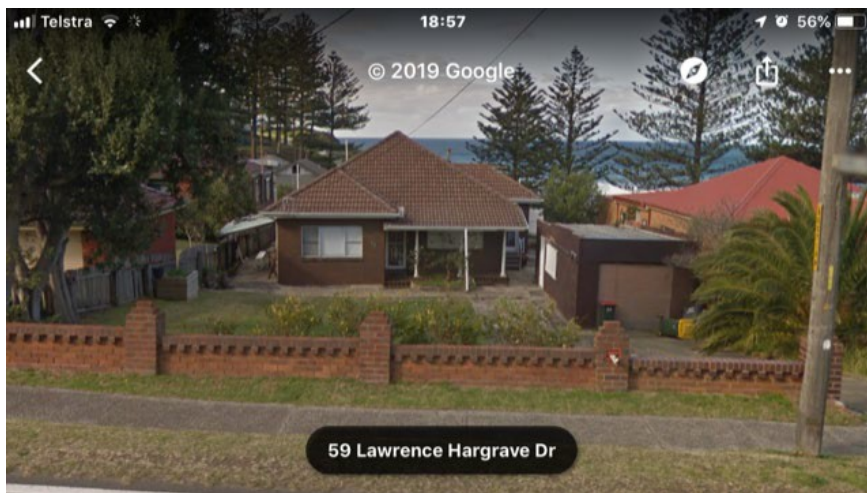
There are no restrictions as to the use of the land that would prevent the construction of the proposed home.

2.4 Existing Use

The subject site currently contains a two storey brick and tile dwelling with a single garage under the rear of the home. The current use is residential

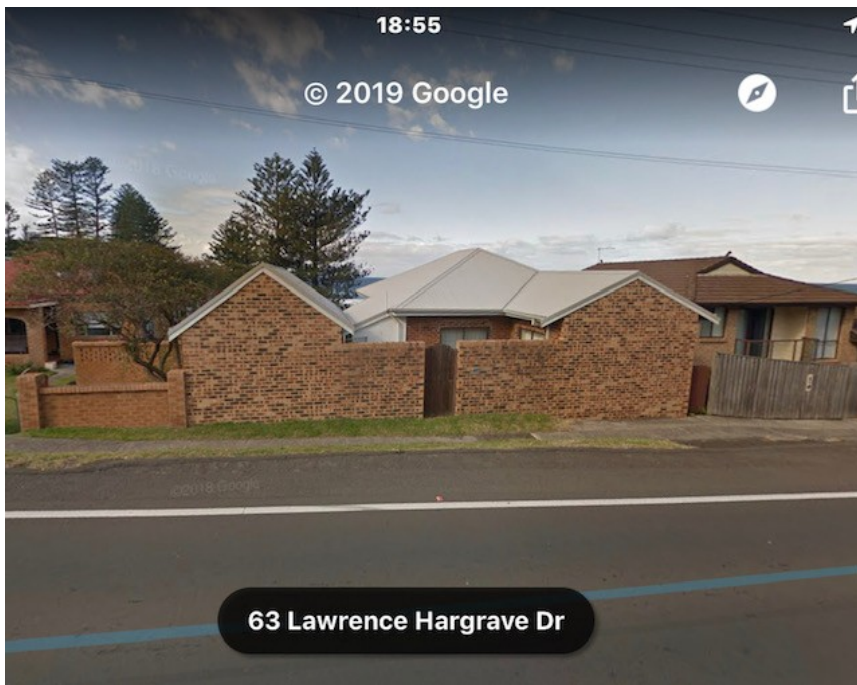
2.5 Surrounding Development

The surrounding development is largely dominated by older single level or newer two storey private dwelling houses



The property to the immediate north is known as number 59 Lawrence Hargrave Drive. This property contains a two storey brick and tile dwelling home with a detached garage located at the front of the home.

The home features an elevated timber deck at its southeast rear corner. The deck overlooks onto the rear garden area of the subject site



The property to the immediate south of the subject site is known as 63 Lawrence Hargrave Drive and contains a two storey brick and tile dwelling with an outbuilding located in the northwest front corner of the site. The outbuilding has a zero boundary to the subject site and the primary frontage boundary of this site.

The home includes a private open space between the detached garage and the home and orientates to the west. The private open space is located within the primary building setback area.



The rear yard of the subject site is taken up with a concrete hardstand area and driveway with minimal landscape areas

The property to the immediate east of the subject site contains a two storey architecturally designed dwelling. This dwelling features a private elevated deck above a double garage which is located on the southwest corner of the dwelling. The private elevated deck features a solid privacy wall between the deck and the subject site. Additional private open space is provided at ground level along the subject site's southern boundary and at the eastern end of the subject site. These spaces cannot be viewed from the subject site

2.6 Streetscape

The locality is currently going through a re-development phase with a number of architecturally designed new freestanding dwelling being recently completed. These new dwellings feature

Detached two storey brick and tile with the occasional colorbond roofed private dwelling homes dominate the locality. The dominating exterior finish is generally face brickwork and traditional hip roof lines, some with feature gables

3.0 THE PROPOSED DEVELOPMENT

The proposal seeks approval to demolish the existing two storey dwelling house, the existing front fence, external paths and stairs and the driveway, and construct a new detached two storey dwelling house, a new driveway, a new front fence with side returns, a swimming pool, a timber deck with a pergola over and associated retaining walls pursuant to Council's residential development controls

3.1 Description of the proposal

The two storey private dwelling house shall contain 4 Bedrooms, 4 Bathrooms, open plan Living & Dining area, a Kitchen with a Butler's Pantry, a Laundry, a Library, a Sitting Room and a double attached Garage with internal storage. The proposal includes a swimming pool, a timber Terrace with open pergola above, retaining walls and a new front fence to Lawrence Hargraves Drive

4.0 COMPLIANCE WITH DEVELOPMENT CONTROLS

4.1 State Environmental Planning Policy No 55—Remediation of Land

Object of this Policy

- (1) *The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) *In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*
 - (a) *by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) *by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*
 - (c) *by requiring that a remediation work meet certain standards and notification requirements.*

Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*
- (4) *The land concerned is:*
 - (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

A Contaminated Land Management Statement pursuant to Part E General Controls – Environmental Controls has been prepared and accompanies this statement.

4.2 State Environmental Planning Policy No 71—Coastal Protection

Aims of Policy

(1) *This Policy aims:*

- (a) *to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and*
- (b) *to protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (c) *to ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and*
- (d) *to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and*
- (e) *to ensure that the visual amenity of the coast is protected, and*
- (f) *to protect and preserve beach environments and beach amenity, and*
- (g) *to protect and preserve native coastal vegetation, and*
- (h) *to protect and preserve the marine environment of New South Wales, and*
- (i) *to protect and preserve rock platforms, and*
- (j) *to manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and*
- (k) *to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and*
- (l) *to encourage a strategic approach to coastal management.*

Matters for consideration

The matters for consideration are the following:

- (a) *the aims of this Policy set out in clause 2,*
- (b) *existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,*

Not applicable as no public access exists through the site

- (c) *opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,*
Access via public roadway exists and no new public access is necessary

- (d) *the suitability of development given its type, location and design and its relationship with the surrounding area,*
As discussed further in this statement the proposal is appropriate for the location

- (e) *any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,*
Given the subject site location and orientation of the site it is unlikely that the proposal will have any adverse impacts upon the foreshore area, nor will the proposed dwelling cause any view loss from the public areas

- (f) *the scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*
We say the scenic qualities will not be adversely affected by the proposal

- (g) *measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*
Not applicable as the subject site is not within a Threatened Species Conversation Area

- (h) *measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats*
Not applicable as the subject site is not within a within a Fisheries Management Zone

(i) existing wildlife corridors and the impact of development on these corridors,

Not applicable as the subject site is not located within an existing wildlife corridor and is unlikely to have any adverse impacts

(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

The subject site is located well back from the water and it is unlikely that the proposal will have any adverse impacts

(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,

It is unlikely that the proposal is maintaining the current residential use and as such it is unlikely to affect any land-based and water-based coastal activities

(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

Not applicable as the subject site is not located within a cultural place

(m) likely impacts of development on the water quality of coastal waterbodies,

It is unlikely the proposal will have any adverse impacts on the water qualities given the use of the proposal

(n) the conservation and preservation of items of heritage, archaeological or historic significance,

Not applicable as the subject site is not located within a heritage, or archaeological or historic conservation area

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

Not applicable

(p) only in cases in which a development application in relation to proposed development is determined:

(i) the cumulative impacts of the proposed development on the environment, and

(ii) measures to ensure that water and energy usage by the proposed development is efficient.

As set out further in this statement we conclude that the proposed development will not have any adverse impacts on the environment, and measures to re-use and conserve water and energy usage has been addressed in the design and complies with the Basix Targets

4.3 Wollongong Local Environmental Plan 2009 (WLEP 2009)

The Plan is known as the Wollongong Local Environmental Plan 2009. The Plan aims to make local environmental planning provisions for land in Wollongong in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

The particular aims of this Plan are as follows:

- (a) to provide a framework for land use management,*
- (b) to encourage economic and business development to increase employment opportunities,*
- (c) to encourage a range of housing choices consistent with the capacity of the land,*
- (d) to improve the quality of life, the social well-being & amenity of residents, business operators, workers & visitors,*
- (e) to conserve and enhance remnant terrestrial, aquatic and riparian habitats, native vegetation and fauna species,*
- (f) to conserve and enhance heritage,*
- (g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,*
- (h) to ensure that significant landscapes are conserved, including the Illawarra Escarpment, Lake Illawarra, the drinking water catchment and the coastline.*

Zoning

The subject site is zoned R2 Low Density Residential. The proposed development is permitted with consent within this zone

Minimum subdivision lot sizes

- (1) The objectives of this clause are as follows:*
 - (a) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,*
 - (b) to ensure lots are of a sufficient size and shape to accommodate development.*
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.*
 - (4A) In calculating the area of any lot resulting from a subdivision of land, if the lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included.*
 - (4B) This clause does not apply in relation to the subdivision of land for the purpose of erecting an attached dwelling or a semi-detached dwelling in a residential zone.*
 - (4C) This clause does not apply in relation to the subdivision of land in a residential zone on which there is an existing dual occupancy or multi dwelling housing.*

The subject site has a site area of 688.5m². The subject site complies with the development control in terms of the minimum lot area control of 449m².

Building Height

(1) The objectives of this clause are as follows:

- (a) to establish the maximum height limit in which buildings can be designed and floor space can be achieved,*
- (b) to permit building heights that encourage high quality urban form,*
- (c) to ensure buildings and public areas continue to have views of the sky and receive exposure to sunlight.*

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

The overall heights of the proposed dwellings are detailed on the accompanying architectural drawings.

The proposed maximum height of the proposed home topmost part of the roof to the natural ground level directly below is 7.810 (refer to sheet 9) and the maximum wall height is 7.0metres (refer to sheet 8 – northeast rear corner)

Floor Space Ratio

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate correlation between the size of a site & the extent of any development on that site,*
- (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,*
- (c) to ensure buildings are compatible with the bulk and scale of the locality.*

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define floor space ratio,*
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:*
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and*
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and*
 - (iii) require community land and public places to be dealt with separately.*

(2) Definition of "floor space ratio"

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or*
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.*

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,*
- (b) community land or a public place (except as provided by subclause (7)).*

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included. The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered. For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) Existing buildings

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) Covenants to prevent "double dipping"

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) Covenants affect consolidated sites - If:

(a) a covenant of the kind referred to in subclause (9) applies to any land (affected land), and

(b) proposed development relates to the affected land and other land that together comprise the site of the proposed development, the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) Definition

In this clause, public place has the same meaning as it has in the Local Government Act 1993.

The Floor Space Ratio development control is 0.5:1.

The site area is 688.5m² (by title)

The GFA calculations are as follows:

Lower Floor Level – refer to sheet 2a for calculations	130.58m ²
Upper Floor Level – refer to sheet 3a for calculations	207.99m ²
Total Gross Floor Area – GFA	338.57m²
Total Site Area	688.5m ²
Floor Space Ratio - FSR	0.49:1

Refer to sheets 2A & 3A for calculation details.

The proposed development complies with the development controls

Exceptions to development standards

(1) The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

(5) In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*

-
- (c) any other matters required to be taken into consideration by the Director- General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
- (c) clause 5.4,
- (ca) clause 4.2A, 6.1 or 8.3.
- (8A) (Repealed)

Not applicable as no exceptions to the development standards are proposed

4.4 Wollongong Development Control Plan (DCP) 2009 – 14th December 2016

Chapter A2: Ecologically Sustainable Development

Introduction

Council encourages the application of ecologically sustainable development (ESD) for all development in the Wollongong local government area. Ecologically sustainable development, as defined by the Environmental Planning and Assessment Act 1979, requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

The precautionary principle—namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment,*
- *an assessment of the risk-weighted consequences of various options,*
- *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*

polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,

the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,

environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

The State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 mandates provisions relating to reduced consumption of mains-supplied potable water, reduction of greenhouse gases emissions and improved thermal comfort for all residential development. Council encourages applicants to go beyond the minimum BASIX requirements for their development.

Objectives

Through the application of ESD, development should be sited, designed and constructed taking into consideration the principles of ESD, and comply with the following objectives.

- *Greenhouse gas emissions will be reduced.*
- *Potable water use will be reduced.*
- *Development can adapt to climate change*
- *Waste will be reduced.*
- *Recycling of waste and use of products from recycled sources will be increased.*
- *Energy that is used will be renewable and low carbon.*
- *Indoor environmental quality is improved.*
- *The environmental impacts from building materials will be reduced through reduction, reuse and recycling of materials, resources and building components.*
- *Biodiversity values are improved.*

Council also encourages the application of an environmental building rating tool e.g. Green Star or NATHERS, to document and demonstrate the environmental performance of a proposed development

Sustainability Principles

Taking into consideration the site and context analysis, the principles of passive solar design should be used to refine the design and siting of the development. Passive solar design involves designing a development for the local climate, orientating to achieve good passive solar heating in winter and cooling in summer, insulating, glazing and considering the thermal mass of construction materials.

Council encourages the use of the most efficient water and energy appliances and systems, natural ventilation, efficient heating and cooling systems and renewable energy in order to minimise greenhouse gas emissions resulting from the development.

The development must aim to maintain, conserve and enhance indigenous species, populations and ecological communities present prior to, during and post construction. Consideration should also be given to:

as acting as insulation, improving

- *air quality, enhancing biodiversity and reducing stormwater runoff The use of local indigenous species to enhance wildlife corridors and contribute to the amenity of the area*
- *Maintaining and enhancing existing vegetation. Landscaped areas should aim to enhance existing wildlife corridors onsite and adjacent to the site, and may include the preservation and reuse of topsoil*
- *The use of deciduous trees to provide shade in summer and allow sunlight infiltration during winter.*
- *Increasing landscaped areas to enable water infiltration and decrease hard surfaces.*
- *For larger developments, the incorporation of green roofs and walls is encouraged. Green roofs and walls assist in the regulation of the buildings temperature, as well.*

Careful analysis and selection of building materials can result in improvements to the thermal comfort and long term efficiency of the development. The embodied energy of construction materials should be considered when selecting building materials and during construction. Embodied energy includes all the energy associated with mining and processing of materials, manufacturing, transportation and eventual delivery of the product.

Development Controls

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP. The Land Use based DCP chapters, for example B1 Residential Development, B3 Mixed Use Development, B5 Industrial Developments, and B6 Development in the Illawarra Escarpment, relay objectives relating to the application of ESD, for example energy efficiency, maximising retention of significant remnant trees and other vegetation, and encouraging innovative housing design. These DCP chapters include development controls relating to landscaping, deep soil zones, building character and form, adaptable and universally designed housing.

Chapter B2: Residential Subdivision and D16 West Dapto Urban Release Area include objectives and development controls which aim to ensure subdivisions are designed to take into account the principles of ecological sustainable development. They include focus on lot orientation for future solar efficiency and walkability.

The DCP chapter includes development controls relating to subdivision design, lot layout, provision for street tree planting and stormwater drainage.

Chapter D13 Wollongong City Centre Precinct includes objectives relating to the application of ESD, as well as provisions relating to energy and water efficiency and conservation for non-residential developments.

The proposed development complies with the aims and objectives of the Development Control Plan. Details of the compliance with the aims and objects are detailed below within this Statement and as detailed on the architectural drawings

Chapter B1: Residential Development

The DCP contains residential development controls for dwelling-house, secondary dwelling, semidetached dwelling, dual occupancy, attached dwelling, multi-dwelling housing (villas and townhouses), residential flat building developments in standard residential zones. The DCP applies to all residential zoned land within the City of Wollongong Local Government Area (LGA.) including E4 Environmental Living. Section 4 of the DCP provides general development controls which apply to the erection of all dwelling-house, dual occupancy, secondary dwelling, ancillary structures and semi detached dwellings within urban areas. Section 5 provides controls for Attached dwellings and Multi-dwelling housing. Section 6 provides controls for Residential Flat Buildings.

Chapter B1 of the DCP should be read in conjunction with the relevant LEP and Part A, any relevant Part D and Part E chapter including E7 Waste Management, E14 Stormwater Management, E15 Water Sensitive Urban Design, E13 Floodplain Management, E19 Earthworks (Land Re-Shaping Works), E22 Soil and Sediment Control.

The key objectives of Chapter B1 of the DCP are:

- (a) To ensure a high standard of residential development within the City of Wollongong LGA.*
- (b) To encourage new residential development that is sympathetic to the existing streetscape and neighbourhood character of a particular locality.*
- (c) To encourage residential development that reflects the desired future character of individual suburbs within the Wollongong City LGA.*
- (d) To manage residential development in order to maximise the retention of significant remnant trees and other natural features in particular localities.*
- (e) To encourage innovative housing design and energy efficient housing which embraces the highest possible architectural, environmental and amenity standards.*
- (f) To promote residential development that achieves the principles of ecologically sustainable development.*
- (g) To encourage a mix of housing forms within the city to assist in achieving urban consolidation initiatives particularly in localities close to business centres and railway stations and to assist in providing housing affordability.*
- (h) To ensure that Crime Prevention through Environmental Design (CPTED) principles are holistically embraced in the design of any residential development.*

For the definitions of the following terms as applied in the DCP refer to the relevant LEP.

- a) Attached dwelling, b) Dual occupancy, c) Dwelling, d) Dwelling-house, e) Multi dwelling housing, f) Residential flat building, g) Secondary dwelling (also refer to the Affordable Housing SEPP), h) Semi-detached dwelling.*

General residential controls - Number of Storeys

The maximum building height is set by the Local Environmental Plans generally

- a) R2 Low Density Residential Zones permit a maximum height of 9m – a maximum of 2 storeys*

The proposed dwelling has an overall maximum height of 7.810m and is a two storey dwelling house

- b) R3 Medium Density Residential Zones permit a maximum of height of 13m a maximum 3 storeys.*

The number of storeys acceptable will be dependant on the surrounding development, the future desired character of the area, the impacts that the proposed development has on solar access, privacy, visual amenity and overshadowing.

Not applicable

Objectives

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

We say the proposal complies with the objective. We say the proposal is in keeping with the character of the streetscape and will add to the quality of the locality

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

The proposal has been designed to maintain the current privacy value of the site and the immediate sites that surround the proposal. At no point will there be any adverse impacts upon the adjoining properties in terms of overlooking onto sensitive areas

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

The proposal complies with the residential development controls and no variation to the controls are proposed. We say the proposal is sympathetic and satisfies the sites constraints

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

The proposal has been designed to step with the slope of the site in that the proposal will appear at the primary frontage to be a single level home with the two storey component of the home being located towards the rear of the site. This stepping of the design down the slope is in keeping with the existing dwelling and the adjoining dwellings either side of the subject site

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

We say the proposal will not have a negative impact on the visual amenity of the adjoining properties. The proposed home has been sited to ensure the adjoining property to the north maintains their outlook to the water and views to the southeast.

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

The proposal complies with the objectives of the DCP. The ancillary structure being a swimming pool is located on the ground floor level and has been designed to integrate with the overall style of the proposal

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

The proposal complies in that the height of the pool and the setbacks comply with the objectives and controls of the DCP

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

Winter shadow diagrams have been prepared and we say the proposal will not have any adverse impacts

Development Controls

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

Not applicable, the subject site is not a battle-axe allotment

2. Ancillary structures are restricted to 1 storey unless it can be demonstrated that the proposed development achieves the objectives in Clause 4.1.1 and complies with the maximum height maps in the LEP.

Not applicable, no ancillary structures other than the swimming pool are proposed

3. *Habitable roof space may provide additional habitable area only when the height of the building does not exceed the maximum building heights specified in the relevant LEP.*

Not applicable as no habitable areas are proposed within the roof space

4. *In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.*

The proposal complies with this control. The rear building setback to the two storey wall of the proposal is 13.89metres with the open balcony being sited at 12.093metres from the rear boundary

5. *Landscaping may be required within the side and rear setbacks to mitigate the visual impact of the building form from adjoining properties.*

There are adequate areas with the side and rear building setbacks for the provision of future landscaping and screen planting. It is unlikely that the proposal will have any adverse impacts given the design features highlight windows where no adequate screen landscaping is possible

Front Setbacks

Objectives

- (a) To reinforce the existing character of the street and locality by acknowledging building setbacks.*
- (b) To ensure that buildings are appropriately sited, having regard to site constraints.*
- (c) To ensure building setbacks are representative of the character of the area.*
- (d) To provide for compatibility in front setbacks to provide unity in the building line.*
- (e) To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.*
- (f) To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).*

4.2.2 Development Controls

1. *The following setback requirements apply from the primary street frontage to the front facade of the building:*

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

The proposal complies with the residential development control. The proposed primary building setbacks varying from 6.711 metres at the southwest front corner to 11.86metres at the northwest front corner of the home

- 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).*

Not applicable as the proposal complies with the 6.0metre setback control

- 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.*

Not applicable. The garage is located on the secondary building setback, and complies with the 5.5 metres control

- d) Greenfield sites require a minimum setback of 4m (excluding garages and carports which must be setback at least 5.5 metres).*

Not applicable

2. Corner allotments

(a) Infill development sites require a minimum setback of 6m, or

(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).

(c) Secondary building line must be setback a minimum of 3 metres, except for garages which must be setback at least 5.5 metres from the property boundary on the secondary road.

The subject site is not a corner site, however by definition the site does have a secondary street frontage at the rear of the site, being Little Austinmer Lane.

As stated above the primary building setback from Lawrence Hargrave Drive

The secondary building setback from Little Austinmer Lane also complies with the development controls. The proposed dwelling will be sited 3.182 metres at the southeast rear corner of the proposed home. The proposed setback is greater than the setback to the existing two storey dwelling.

The setback to the garage from the secondary street frontage is 5.506 metres and complies with the development controls

The proposal includes the swimming pool within the rear yard and within the setback area of the secondary frontage. Discussion regarding the swimming pool and its design, location and compliance with the DCP is detailed later within this statement

3. Any secondary dwelling shall be setback behind the front building alignment of the principal dwelling.

Not applicable, no secondary dwelling is proposed

Side and Rear Setbacks

Objectives

- (a) To create a consistent pattern of building separation along streets.*
- (b) To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.*
- (c) To ensure that buildings are appropriately sited having regard to site constraints.*
- (d) To control overshadowing of adjacent properties and private or shared open space.*
- (e) To ensure improved visual amenity outcomes for adjoining residences.*

Development Controls

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

The proposed building setbacks comply with Council's development controls. The northern side setbacks vary from 997mm to 1.457 metres. The southern side boundary setbacks vary from 1.060 metres (Garden Store) to 2.020 metres (main wall of the proposed building)

The rear boundary setbacks vary 12.093 metres (balcony planter box) to 13.89 metres (rear wall of the building), and the rear setback to the open Pergola above the ground floor Terrace is 8.922 metres and the rear setback to the at Terrace is 7.429 metres.

The proposed side and rear building setbacks are detailed on sheet 1 – The Site Plan, sheet 2 – Lower Floor Plan and sheet 3 – Upper Floor Plan

- 2. Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.*

Not applicable, none of the proposed walls shall exceed 7.0 metres in height. The maximum wall height, being at the northeast rear corner of the building is 7.0 metres and complies with the development control as the wall height above the existing ground level does not exceed 7.0 metres

- 3. Freestanding garages or outbuildings with habitable roofspaces or second storey must be setback at least 900mm from a side or rear property boundary.*

Not applicable

- 4. Detached single storey garages/outbuildings must be setback at least 500mm from a side or rear boundary, unless constructed of masonry, in which case a lesser setback may be considered in accordance with the criteria for variations stated below.*

Not applicable

- 5. 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.*

The proposal complies with the development control. The proposal incorporates a narrow balcony off the rear of the home at the Upper Floor Level. The northern end of the Balcony incorporates a vertical hardwood timber privacy screen to ensure there is no adverse impacts to the existing neighbouring property

All windows in the habitable room along either side of the home are high set or high light windows thus minimising any direct overlooking upon the adjoining properties

6. Walls in excess of 8m in length may not be considered for a variation to side setbacks.

Not applicable as no variation to the building setbacks are proposed

7. The side and rear setback controls may only be varied where the following is demonstrated to Council's satisfaction:

(a) The objectives of 4.4.1 are met.

(b) The walls and footings are located wholly on the subject land.

(c) There are no windows facing the adjoining property that enable overlooking.

(d) Walls provide articulation so as to not impact the amenity of adjoining dwellings.

(e) Landscaping is appropriately provided to screen development.

Not applicable as no variation to the side and rear boundary setbacks are proposed

Site Coverage

Objectives

- To limit the building footprint and ensure adequate provision is made for landscaped areas, deep soil zones, permeability and private open space.
- To control site density.
- To minimise adverse impacts arising from large dwellings and ancillary structures on the amenity of adjoining and adjacent properties

Development Controls

Site coverage is defined in accordance with Wollongong LEP 2009 and means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- any basement,
- any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- any eaves,
- unenclosed balconies, decks, pergolas and the like.

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

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

For dual occupancy development, maximum site coverage for both dwellings combined must be less than or equal to that specified based on lot area above.

Total Site Area	688.5m ²
Maximum Site Coverage permitted	344.25m ²
Total Site Coverage – refer to sheet 1C for calculations	258.26m² or 37.5%

Refer to sheet 1D for site coverage calculations.

Where a two lot Torrens Title subdivision is proposed for dual occupancy development, the site coverage for each dwelling must be less than or equal to the maximum site coverage as specified above.

Not applicable, no subdivision is proposed

Landscaped Area

Part E – General Controls – Design Controls Chapter E6: Landscaping

Landscaped Area definition

Means a part of a site used for growing plants, grasses and trees, which does not include any building, structure or hard paved area and which is no less than 1.5m measured in any direction. The landscaped area consists of any part of the site which is not occupied by any building, basement or hard surface such as driveways, parking areas or paved areas of courtyards, decks, balconies or terraces. The landscaped area may also include landscaping on a podium, where that section of the podium is less or equal to than 1.2 metres in height and the minimum soil standards below of this chapter of DCP (clause 6.4.2) are achieved.

Objectives

To preserve & retain existing mature native vegetation & encourage the planting of additional significant vegetation.

(b) To encourage the linkage of habitat corridors along the rear of sites.

(c) To allow for increased water infiltration and minimise urban run-off.

(d) To facilitate pleasant views from within dwellings and backyard settings.

(e) To reduce privacy and amenity impacts at the rear of residential properties.

Development Controls

Significant trees are to be maintained on the site.

There are no significant trees on the site subject.

The minimum landscaped area required is based on lot size as outlined below. 'Landscaped area' is a permeable area capable of growing trees, shrubs, groundcovers and / or lawn and does not include any building, structure or hard paved area.

- lot area less than 600m² - 20% landscaped area
- lot area from 600m² to 900m² – 120m² + 30% of the site area > 600m² landscaped area
- lot area greater than 900m² - 210m² + 40% of the site area > 900m² landscaped area.

The Total Site	688.50m ² .
The minimum landscape area required	146.55m ² .
The Landscape Area proposed	205.33m².

Refer to sheet 1D for the overall landscape area calculations

At least 50% of the landscaped area must be located behind the building line to the primary road boundary. Landscaped areas must be integrated with the drainage design. The location of drainage lines, pits and detention areas should not conflict with landscaped areas including proposed and existing trees.

Landscape area proposed	205.33m ² .
Landscape area forward of the primary building line	100.56m ² .
Landscape area behind the primary building line	104.77m² or 51%

Refer to sheet 1D for the landscape area calculations. The proposal complies with the development controls.

For development proposing a dwelling, a minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within the landscape area. This tree is to be planted at least 3m from any existing or proposed dwelling or structure present onsite. No additional tree is required for a secondary dwelling.

A minimum of 1 semi mature tree will be planted in accordance with the development control by the client at the completion of the construction works. Refer to the Landscape Concept Plan prepared by A Total Concept Landscape Architects

Dual occupancy development requires:

- *a minimum of 1.5 metre wide landscape strip within the front setback for the majority of the site width (excluding the driveway). This area must be mulched and planted with appropriate trees, shrubs and/or groundcovers. A minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within this landscape bed.*
- *second semi mature small to medium tree (minimum pot size 45L) is to be provided onsite in the landscaped area or deep soil zone, planted at least 3m from any existing or proposed dwelling, building or structure on the lot.*

Not applicable – the proposal is not a dual occupancy development

Private Open Space

Objectives

- (a) To ensure that private open spaces are large enough to accommodate a range of uses and are accessible and connected to indoor spaces.*
- (b) To ensure that private open space is suitably located taking into account existing and potential surrounding development.*
- (c) To minimise amenity impacts to neighbours.*
- (d) To ensure functionality of the private open space area by reducing overlooking, overshadowing and amenity impacts onto / from adjoining properties, through the provision of appropriate buffer screen planting around the perimeter of the open space area, where necessary.*
- (e) To protect existing trees & other vegetation in the immediate locality which contribute to the natural setting of the site.*

Development Controls

1. Private open space must be provided in accordance with the following requirements:

- a) A 24m² 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.*

The private open space complies with the control. The position of the space shall be located within the Terrace area on the lower floor level and is directly accessible from the internal living area.

- b) Private open spaces and private courtyards should not be located on side boundaries or front yard. Variations may be permitted where the private open space is sufficiently setback as to ensure that the private open space will not be impacted upon by existing or future complying dwellings on adjoining lots.*

The position of the private open complies with the controls as it is not located in the front yard or primary setback area, nor is the private open space located on the side boundary. The proposed private open has been located within the Terrace at the rear of the proposed dwelling. The private open space has been located to maximise the solar access and sunlight for the future occupants and is located well clear of any sensitive areas of the existing adjoining properties

c) Private open space must be defined through the use of planting, fencing, or landscape features.

The private open space shall be defined by the Terrace and future landscaping works as per the concept landscape design prepared by A Total Concept Landscape Architects

d) Private open space shall be screened where necessary to ensure privacy between dwellings in a dual occupancy and secondary dwellings.

Not applicable, the proposal is NOT a dual occupancy or secondary dwelling project

e) Private open space areas including balconies and decks must not extend forward of the front building line by greater than 900mm.

Not applicable, the private open space has been located at the rear of the site and not within the front building line or primary frontage

f) 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.

The location of bins, clothes lines and rainwater tanks are located outside of the private open spaces.

The location of the clothesline is indicated on the accompanying plans. The clothesline shall be located within the service court which is located outside of the laundry on the northern side of the proposed dwelling

The position of the waste and recycling bins are indicated on the accompanying plans. The bins shall be located adjacent to the garage on the southern side of the proposed home. The bins will be concealed from the secondary street frontage by way of a screen fence. The proposal complies with the controls

g) Secondary dwellings will be required to provide private open space with a minimum area of 24m².

Not applicable

Solar Access

Objective

- (a) To minimise the extent of loss of sunlight to living areas of adjacent dwellings and private open space areas of adjoining properties.*
- (b) To maximise solar access into living rooms and private open space of dwellings in the subject development.*

Development Controls

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

The proposal shall comply with the development control. Winter shadow diagrams have been prepared.

The lower level living area will receive adequate via the rear glass doors and the highlight windows along the northern elevation of the proposed home

The secondary living area being the Library which is located on the upper floor level will receive adequate sunlight via the patio doors located on the northern wall of the Library and the large windows on the western front elevation

- 2. 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.*

A winter shadow diagram has been prepared. The existing adjoining private open spaces to the properties to the north and to the east of the subject site will be unaffected by the proposal

The adjacent property to the south, number 63 will be affected by overshadowing onto the existing principle private open space at 9am on the 21st June but by midday on the 21st June the shadow of the proposed dwelling will not overshadow the principle private open space

The proposal complies with the development controls

- 3. 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.*

The accompanying shadow diagram indicates the shadow of the proposed dwelling on the 21st June at 9am, 12noon and at 3pm. Indicating hourly intervals is not necessary as the diagram indicates compliance with the controls

- 4. Dwellings should be designed to maximise natural sunlight to main living areas and the private open space.*

The accompanying shadow diagram indicates that the internal living area within the proposed dwelling will receive adequate sunlight, and the private open space at the rear of the home will also receive adequate sunlight on the 21st of June

Building Character and Form

Objectives

- (a) To ensure that development responds to both its natural and built context.
- (b) To design residential development that responds to the existing character and the future character of the area.
- (c) To ensure building design contributes in to the locality through a design that considers building scale, form, articulation and landscaping.
- (d) To encourage colour schemes that are of similar hues and tones to that within the streetscape.
- (e) To ensure buildings address the primary street frontage via entry doors and windows.
- (f) To ensure that dwellings provide appropriate passive surveillance of public spaces and street frontage.
- (g) To ensure that ancillary structures are not the dominate feature of built form.

Development Controls

1. The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction.

The proposed new home has been designed to suit the topographical features of the site and to minimise the extent of the excavations and/or fill.

All excavations shall be retained using integrated retaining walls within the external footprint of the proposed dwelling. At no point shall the excavations that exceed 1.0 metre in depth extend beyond the footprint of the dwelling

2. Large bulky forms are to be avoided, particularly in visible locations. The use of extended terraces, balconies, sun shading devices and awnings will help reduce the apparent bulk of buildings.

The proposal complies with this control.

3. New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. New innovative contemporary building designs may also be permitted, where, in the opinion of Council, the development will not result in an adverse impact upon the streetscape or residential amenity of that locality, as compared to a more traditional design.

The proposal complies with this control. The proposed new home has been designed to reflect the character of the newer developments within the locality and in our opinion complies with the development controls

4. All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. On corner allotments, the development should address the street on both frontages.

The proposed development complies with this development control. The front door to the home is visible from Lawrence Hargraves Drive. Access to the front door shall be via a new path and new entrance within the new front fence

The secondary frontage also features a second access door labelled Lower Entry on the accompanying plans. The proposal complies with the development controls

5. *The appearance of blank walls or walls with **only** utility windows on the front elevation will not be permitted. Note: Utility windows include windows for toilets, bathrooms, laundries etc which are small and / or translucent and hence, are not permitted within the front elevation of a dwelling.*

The proposal complies with this control as no utility windows or blanket walls face the either the primary or the secondary frontage.

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

The proposed Garage has been located on the secondary frontage and complies with the above control

7. *Additions to an existing dwelling-house must be compatible in terms of design, roof configuration and materials with the existing dwelling, unless the existing part of the dwelling is also upgraded to be sympathetic with the design, roof configuration and materials of the new addition.*

Not applicable

8. *Any secondary dwelling shall be designed and constructed of external building materials and colour finishes which are sympathetic to the principal dwelling.*

Not applicable

9. *Existing garages and outbuildings must not be used as a secondary dwelling, except where the required Development Application is supported with appropriate evidence which proves that the structure complies with the relevant provisions of the Building Code of Australia.*

Not applicable

10. *Fences in the front building line should be predominately constructed in transparent fence materials, allowing for visual connection between the dwelling and the street.*

The proposal includes a new front fence and gate entrance to the primary frontage. The design of the fence and the position of the new gate together with the access path within the property provides for the visual connection to the street

11. *Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling.*

The proposal complies with the development controls.

Fences

Objectives

- (a) To allow for the physical separation of properties for resident privacy.*
- (b) To define the boundaries between public and private land.*
- (c) To enhance the usability of private open space areas / courtyards.*
- (d) To ensure that the design, heights and materials of fencing are appropriately selected.*
- (e) To ensure that fencing design and location complements the building design, enhance the streetscape and complement the objectives of passive surveillance*
- (f) To ensure that the design allows for casual surveillance of the lot.*
- (g) To ensure that clear lines of sight are maintained for motorists and pedestrians to and from the lot.*
- (h) To provide suitable fencing to improve the acoustic and visual privacy for residential properties fronting major (busy) roads, where appropriate slight line distances can be maintained.*

Development Controls

1. All fences are to be constructed to allow the natural flow of stormwater drainage or runoff. Fences must not significantly obstruct the free flow of floodwaters and must be constructed so as to remain safe during floods and not obstruct moving debris. Fences must not be constructed of second hand materials without the consent of Council.

The subject site is not located in a flood prone area and all new fencing shall be constructed from new materials

2. Fences within the front and secondary building lines should be predominantly constructed in transparent fence materials, allowing visual connection between the dwelling and the street.

Details of the proposed fencing along the primary frontage are included on Sheet 14 of the architectural documents. The proposed fencing shall replace an existing solid brick fence that ranges from approx 1.5m to 1.7m in height. The new fence shall include brick piers with a base brick section and horizontal alum powdercoated battens spaces 30mm apart between above between the piers. We say the proposed fencing is predominately transparent and will allow a visual connection between the proposed home and the streetscape

The proposal includes fencing within the secondary building line largely in the form of a glass pool fence atop to the proposed pool coping

3. Any fence and associated retaining wall within the front setback area from the primary road frontage must be a maximum 1.2 metres in height, above existing ground level. Where the front fence is located on the front property boundary line, the height of the fence is to be measured above the existing ground level of the adjacent footpath or verge.

The proposed new fencing [generally](#) complies with the development control. Details of the new fencing is contained within the concept landscape design drawings [and on sheet 14 of the architectural drawings](#)

As stated above the proposed new front fence shall replace an existing solid brick fence and will be largely transparent in accordance with the development controls. We say the minor non-compliance in terms of the height of the fence is acceptable for the following reasons:

- provide for a visually pleasing fence line that follows the topographical features of the street frontage boundary
- provide a visually balance in the transition between 900mm high height of number 59 and the solid gable brick wall of the garage and 2000mm high solid fence of number 63

4. Front fences must be open for at least 50% of the upper 2/3 of the area of the fence. Any brick or other solid portion of the fence above 600mm must not be more than 250mm wide.

[The proposed fencing within the secondary frontage complies](#)

5. All front fences must be designed to ensure the safety of all pedestrians using any adjacent public footpath, including children and people with a visual disability. Metal spike picket infill pickets or sharply shaped timber pickets will not be permitted.

The proposal complies

6. Front and return fences should reflect the design of the residential building, wherever practicable.

The proposal complies

7. Front and return fences should be designed of materials which are compatible with other fences within the immediate streetscape, wherever practicable.

The proposal complies

8. Side fences on corner blocks shall be a maximum of 1.2 metres in height within the front setback area (ie up to the front alignment of the dwelling) from the primary road frontage and shall be a maximum of 1.8m in height for the remainder of the secondary road frontage (ie behind the front building alignment).

The proposal complies.

9. Dividing fences between the front building line and the rear property boundary must be a maximum of 1.8 metres in height.

The proposal complies

10. A fence or a fence and an associated retaining wall on a sloping site may be stepped, provided the height of each step is not more than:

(a) 1.6 metres above the existing ground level, if it is located within a setback area from a primary road, or

(b) 2.2 metres above the existing ground level for side or rear fences, behind the front building line.

The proposal complies. Details of the proposed fencing are indicated on sheet 14

11. The height and design of any proposed fence on top of a retaining wall must be included in the consideration of the overall height of the fence and retaining wall.

The proposal complies

12. Fences which exceed the maximum fence heights above will only be considered in exceptional circumstances where Council is of the opinion that the variation is reasonable in the circumstances. For example, the erection of a higher front fence for a property fronting a major arterial road, in order to improve the privacy or amenity of the property. In such cases, any fence will be required to be well articulated and landscaped with appropriate planting, to help soften the visual impact and improve the streetscape appearance of the fence.

The proposed front fencing complies with the controls. The proposed fence does exceed the height development controls and for the reasons noted previously we have said the non-compliance is necessary largely for visual reasons.

The subject site is located on a major arterial road and for this reason alone we would say the style and design of the fence is appropriate.

13. Fences must be constructed of timber, metal, lightweight materials or masonry. Fences in bush fire prone areas shall be of a metal or masonry construction only.

The proposed fencing complies with the development control

14. Front and return fences are not to be of a timber paling, Colorbond, or chain wire mesh design.

The proposal complies, the side return fencing shall be masonry

15. When the trunk of a significant tree exists within the location of a proposed fence, then the fence must be designed around the tree or an application made to Council for the proposed removal of the tree (ie in which case Council will assess whether or not the tree removal is appropriate based upon the assessment criteria contained in Chapter E17: Preservation and Management of Trees and Vegetation).

Not applicable

16. Fences within a floodway or high-risk flood precinct are not permitted except for security/permeable / open style safety fences of a design approved by Council.

Not applicable

17. All fences are to be at or upslope of the foreshore building line and shall be of an open, permeable steel style to maintain views to / from the water body.

Not applicable

18. Any gates associated with the front fence should open inwards so as to not obstruct the road reserve.

The proposal complies

19. Fencing must be in keeping with the streetscape.

The proposal complies

Car parking and Access

Objectives

- (a) To provide car parking for residents.
- (b) To ensure that there is adequate provision for vehicular access and manoeuvring.
- (c) To minimise the impact of garages upon the streetscape.

Development Controls

1. The provision of car parking shall be as follows:

- (a) 1 space per dwelling with a gross floor area of less than 125m²
- (b) 2 spaces per dwelling with a gross floor area of 125m² or greater

Provision for two (2) off street carparking spaces shall be provided in the form of a double garage

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

Not applicable, no carports are proposed

3. Garages must be setback a minimum of 5.5m from the front property boundary.

The proposal complies with the development controls

4. Where garage door openings face a road they shall:

- (a) Be a maximum of 50% of the width of the dwelling.

The proposal complies with the development controls.

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.

The proposal complies with the development controls

6. The minimum dimension for a single car parking space shall be 5.5 metres x 2.6 metres where unenclosed. The minimum dimension for double car parking space shall be 6 metres x 6 metres, unenclosed.

Not applicable, both of the carparking spaces are to be within an enclosed garage

7. 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).

The proposed garage is 5.830 metres wide x 11.110 metres deep. The width of the garage does not comply with the development standard however the internal width of the garage does comply with the Australian Standards

Clause 2.4 Design of Parking Modules of the Australian Standard AS/NZS 2890.1 sets out the minimum design requirements for carparking modules or spaces. The Standard specifies that a single private or residential carparking spaces must be 5.4m in depth and a minimum of 2.4m in width.

To calculate the depth of a carparking space clause 2.4.1 (a)(i) applies. One must add an additional 0.6m of length thus an overall length of 6.0m is required. The proposed length or depth of the garage complies with this clause.

To calculate the width of the carparking space Clause 2.4.1 (b)(ii) applies. The minimum width of a carparking space is 2.4m wide. One then must add 0.3m if there is a wall or other obstruction that restrict door opening. Therefore, a double carparking space must be 4.8m (2 spaces) plus 0.6m (for the obstruction on either side of the combined space) resulting in an overall minimum width of 5.4m for a double carparking space within a structure

We seek Council's support to allow a variation to the development standard in accordance with Section 8 of Chapter A1 of WDCP 2009.

8. The siting of ancillary buildings, extensions and swimming pools associated with a dwelling-house shall not reduce the number of on site parking spaces behind the building line to less than one.

Not applicable

9. Driveways shall be separated from side boundaries by a minimum of 1 metre.

The proposal complies with the above control

10. Driveways shall have a maximum cross-over width of 3 metres.

The proposed driveway width at the edge of the bitumen of Little Austinmer Lane is 3.60 metres and increases 4.340 metres wide at the secondary frontage.

We say the proposed driveway width will have no adverse impacts on the streetscape or on street carparking as Little Austinmer lane is sign posted as a "No Standing" area and as such on-street carparking is not permitted.

The additional width of the cross over will allow for visitors to park on the driveway in front of the garage given the restriction to on-street carparking at along Little Austinmer Lane and Lawrence Hargraves Drive

11. Dual Occupancy - Access for a rear dwelling must be provided by a dedicated access corridor attached to the same ownership of the rear property. A right of carriageway over the front public road frontage lot in favour of the rear lot will generally not be supported, except where, in the opinion of Council, this access arrangement would provide a more functional arrangement and not pose any adverse impact upon the amenity or streetscape character of the locality.

Not applicable

Storage Facilities

Objective

(a) To provide accessible storage for larger household items that cannot be readily accommodated within dwellings.

Development Controls

1. Storage must be provided in accordance with the following minimum requirements:

<i>Dwelling</i>	<i>Storage Volume</i>	<i>Storage Area</i>
<i>Studio/1 bedroom</i>	<i>6m³</i>	<i>3m²</i>
<i>Two bedroom</i>	<i>8m³</i>	<i>4m²</i>
<i>Three or more bedrooms</i>	<i>10m³</i>	<i>5m²</i>

Adequate storage areas are incorporated into the design. The proposal exceeds Council's controls

Site Facilities

Objectives

(a) To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive.

Development Controls

1. Provide letterboxes for all residential dwellings in a location, which is accessible. Where a development involves two or more dwellings letterboxes should be grouped in one location adjacent to the main entrance to the development. Letterboxes must be secure and large enough to accommodate articles such as newspapers. In developments involving two or more dwellings they should be integrated into a wall where possible and be constructed of materials that are aligned with the appearance of the building.

The proposal complies with the above controls. A new letterbox shall be incorporated into the new front fence along Lawrence Hargraves Drive

2. Locate satellite dish telecommunication antennae, air conditioning units and any ancillary structures:

(a) Away from the street frontage;

(b) In a position where such facilities will not become a skyline feature at the top of any building; and

(c) Adequately setback from the perimeter wall or roof edge of buildings.

No antennae, dish or ancillary structures are proposed within the front or secondary building setbacks. Future items shall be installed in accordance with the development controls

The proposal will include a ducted reverse cycle air conditioning unit. It is proposed that the air conditioning motor be located within the Service Court on the norther side of the proposed home.

3. All dwellings must be provided with open air clothes drying facilities that are easily accessible and which are screened from the public domain and communal open spaces. Clothes drying areas must have a high degree of solar access. Clothes drying areas must not be located between the building line and a public road or accessway, unless adequately screened.

The proposal complies with the above controls...the position of the clothesline is indicated on the accompanying drawings – refer to sheet 3 – Upper Floor Plan

4. Air conditioning units shall be located so that they are not visible from the street or other public places.

As stated previously the air conditioning motor will be located within the side service court area

Fire Brigade Servicing

Objective

(a) To ensure that all dwellings can be serviced by fire fighting vehicles.

Development Controls

1. All dwellings particularly dual occupancy and dwellings on battle axe allotment must be located within 60m of a fire hydrant, or the required distance as required by Australian Standard AS2419.1. Provision must be made so that Fire and Rescue NSW vehicles can enter and leave the site in a forward direction where:

- a) Fire and Rescue NSW cannot park their vehicles within the road reserve due to the distance of hydrants from dwellings and/or restricted vehicular access to hydrants; and*
- b) The site has an access driveway longer than 15m.*

2. For developments where a fire brigade vehicle is required to access the site, vehicular access, egress and manoeuvring must be provided on the site in accordance with the Fire and Rescue NSW Code of Practice – Building Construction - NSWFB Vehicle Requirements.

The proposal complies with the above controls. Reticulated water supplies exist within the roadway and the subject site is located within 60 metres to a hydrant point.

Services

Objective

(a) To encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced.

Development Controls

- 1. Applicants shall contact service authorities early in the planning stage to determine their requirements regarding conduits, contributions, layout plans, substations and other relevant details.*
- 2. Consideration shall be given to the siting of any proposed substation during the design stage, to minimise its visual impact on the streetscape. Any required substation must not be located in a prominent position at the front of the property.*
- 3. 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.*
- 4. Developments must be connected to a reticulated sewerage scheme.*
- 5. Where a reticulated scheme is not available, an on-site sewage management system will be required in accordance with the On-site Sewage Management System chapter in Part E of the DCP. The full details of the proposed on-site sewage management system must be provided with the Development Application. A section 68 approval will also be required under the Local Government Act 1993 in these instances.*

The subject site is serviced by water, sewer, electricity, telephone and natural gas. The proposal complies with the development controls

Development near the Coastline

Objectives

- (a) To minimise built intrusions into the coastal landscape.
- (b) To protect property from the threat of coastal hazards and land instability.
- (c) To retain views to the ocean from roads and public spaces.
- (d) To facilitate buildings that are consistent with a coastal character.

Development Controls

All development must be setback at least 10m from a beach or cliff top to reduce the potential risk of instability and long term coastal erosion. In some instances, restricted building zones indicated on the Deposited Plan for an allotment of land will also need to be considered when siting buildings on the site.

The subject site is separated from the beach by a public road. Reference to the subject site's location is made in the accompanying Geotechnical Engineers report

Any development near coastal foreshore areas is to be sited and designed so to be protected from long term coastal erosion. (Note: A Geotechnical Report will be required which confirms that the structural adequacy of the development near a coastal foreshore area from any long term coastal erosion effects. The Geotechnical Report must be prepared in accordance with the requirements contained in the Geotechnical chapter in Part E of the DCP).

A geotechnical Engineers report has been prepared and accompanies this application. The proposal complies with the development controls

Development on land with frontage to natural features including the ocean, a clifftop, beach or public open space fronting the ocean is to be sited so as to provide a minimum side boundary setback from any building(s) or structures of 3 metres or 25% of the total width of the site, whichever is the lesser. This setback is required in order to provide a public view corridor and is to be unencumbered with any structures or significant vegetation that restricts public views through the site to the relevant coastal feature.

Not applicable. The subject site does not front onto a natural feature, the ocean, clifftop, beach or a public space.

In the circumstances where there is an existing public view corridor specifically provided on immediately adjoining land, then development may be provided with a reduced setback, subject to the combined corridor on the immediately adjoining sites be no less than 4 metres in width and unencumbered with any structures and significant vegetation.

Not applicable, the subject site is not subject to an existing public view corridor

Buildings within the coastal zone are to incorporate the following design features:

Development should generally be designed in a contemporary Australian coastal style which incorporates elements such as varied roof lines, a modest scale, lightweight materials where appropriate, wide eaves and covered outdoor living areas, and consistent with the desired future character outlined for the relevant suburb or locality as contained in Character Statements in Part A of the DCP.

The proposal complies with the above control

Consideration is to be given to the appearance of buildings from all public areas. Buildings are to be well articulated by the use of such features as indentations, off-set wall alignments, shading devices, balconies, window openings, awnings, and a mix of external materials and/or colours.

The proposal complies with the development controls

Skillion and/or peaked roofforms with overhangs, which bring the roof line down towards the earth and therefore blend with the landscape, are preferred on sites adjacent to coastal foreshores.

Buildings must not incorporate an unbroken horizontal elevation of more than 16 metres in length. Elevations are to be broken up by building articulation and/or variation in external colours and materials.

Buildings shall be designed to utilise a composite of construction materials (such as a combination of masonry, glass, timber, weatherboard cladding and powder coated metal). The preferred roofing material is corrugated metal sheeting similar to "Colorbond®".

In most instances the use of low-reflective materials will be required although this may vary in circumstances where a building seeks to echo the existing character of part of a neighbourhood (as reflected in the desired future character statement contained in Part A of the DCP). The use of curtain wall glazing and large expanses of framed glass will not be permitted in the vicinity of main roads in order to minimise reflectivity impacts.

Colour schemes are to incorporate a mix of finishes drawn from colours found in the natural environment of the coastline. This does not however preclude the use of colour highlights on façade elements. Colour schemes in visually exposed areas must be recessive (i.e. backdrop colour or darker) to allow the development to blend with the coastal landscape.

The proposal incorporates all of the above elements and desired character of the locality

View Sharing

Objectives

- (a) To encourage view sharing from adjoining or nearby properties, public places, and new development.*
- (b) To protect and enhance significant view corridors from public places.*
- (c) To encourage the siting and design of new buildings which open up significant views from public areas.*

Development Controls

1. Visual impact assessment should include an:

- (a) Assessment of views likely to be affected.*
- (b) Assessment of what part of the property the views are obtained from.*
- (c) Assessment as to the extent of the potential view loss impact.*
- (d) Assessment as to the reasonableness of the proposal causing the potential view loss impact.*

2. A range of view sharing measures shall be considered for incorporation into the design of a building including:

- (a) Appropriate siting of the building on the land so as to provide a strip of land, unencumbered with structures, down one side of the dwelling. This strip of land must be a minimum width of 3m or 25% of the lot width whichever is the greater.*
- (b) A reduced view corridor width may be accepted, where it is located adjacent to a view corridor on the adjacent site, subject to the combined width having a minimum of 4m.*
- (c) Appropriate placement of the bulk of the building on a site.*
- (d) Provision of greater separation between buildings, where necessary to retain view corridors.*
- (e) Articulation within the buildings design.*
- (f) Careful selection of roofforms and slope.*
- (g) Placement of vents, air conditioning units, solar panels and similar structures in locations which will not restrict views.*

A detailed site analysis has been undertaken – refer to sheet 1C. The site analysis has identified the adjoining properties, location of existing decks and private open spaces.

The site analysis has identified the existing viewing corridors from the elevated deck to the property to the north of the subject site. We say the proposal will have little or no adverse impact on the existing outlook enjoyed by the occupants of this adjoining property.

The proposed rear wall of the new home will be positioned approx 1.2m beyond the line of the existing homes rear balcony and will as a result in a minor reduction of the outlook from the adjoining property to north however it is considered that the existing outlook from the adjoining property is further to the southeast rather than directly south and as such the critical outlook from the adjoining property's elevated deck and internal living areas onto the beach and surf will be un-affected by the proposed development

A Visual Impact Assessment has been prepared and incorporated at the end of this statement. Detailed Visual Impact Assessment plans have also been prepared and accompany this statement

We say no other property will be affected by the proposal

Retaining Walls

General

The provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 identify certain retaining walls which do not require the formal lodgement of a Development Application and may be approved through a Complying Development Certificate. However, if the proposed retaining wall does not comply with the maximum height or minimum setback dimensions off side or rear property boundaries, as set out in SEPP (Exempt and Complying Development Codes) 2008, then the lodgement of a Development Application with Council is necessary and must be in compliance with the requirements mentioned below.

Objectives

- (a) To ensure that retaining walls are structurally sound and are located to minimise any adverse stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties.*
- (b) To guide the design and construction of low height aesthetically pleasing retaining walls.*
- (c) To ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall.*
- (d) To ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.*

Development Controls

1. A retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than:

- (a) 600mm at any distance up to 900mm setback from any side or rear boundary; or*
 - (b) 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary.*
- Council may consider a variation to the abovementioned maximum height / depth of a retaining wall, in cases where the subject site is steeply sloping and the proposed retaining wall is setback more than 1 metre from any side or rear common property boundary. Additionally, appropriate structural design details will be required and in some cases appropriate landscape buffer screen planting may be required, where necessary.*

Apart from the excavation to create the lower ground floor level and the adjacent garage no other significant retaining is proposed.

The excavation to create the lower ground floor level and garage area shall be contained within the footprint of the proposed dwelling house and be supported by an integrated core filled concrete block wall with the existing ground line along the northern and southern elevations shall be reinstated to the current levels

A minor amount of excavation and filling is proposed beyond the footprint of the proposed dwelling house. The locations of the proposed excavations and filling are:

- Service Court on the northern side of the proposed dwelling house where the height of the excavation is approximately 0.4 metres with contained will being approximately 0.3 metres. These works shall be supported by an Engineers designed retaining wall that is incorporated into the landscaping works
- Garbage Bin enclosure on the southern side of the proposed dwelling house where the depth of the excavation is approximately 1.08 metres to within 0.910metres of the southern side boundary. The excavation shall be supported by an Engineers designed retaining wall
- Garden Store on the southern side of the proposed dwelling house where the depth of the excavation within 0.9 metres of the side boundary will be approximately 0.42 metres deep. The excavation shall be supported by an Engineers designed retaining wall
- Front Yard within the primary frontage where the proposal incorporates a terracing effect of the front yard which will result in a level lawn area and external perimeter raised masonry garden walls with offset terraced garden beds. The maximum depth of the excavation will be approximately 1.08 metres deep at the northwest front corner and the maximum depth of fill will be 0.26 metres near the Garden Store on the southern elevation. As with all of the excavations or filed areas, the excavations and filed areas will be supported by a masonry garden retaining walls designed by an Engineer
- Rear Yard, southeast rear corner between the proposed pool and the existing retaining wall where a retaining wall shall contain up to 0.79 metres of fill – see sheet 7 for location. The proposed fill area will be supported by a masonry retaining garden wall designed by an Engineers

Generally, the height of the proposed retaining walls that are located external of the building footprint comply with the Council's development controls in terms of the height of the walls with some minor non-compliance with the positions of the retaining walls from the property boundaries. We say these non-compliance offsets from the boundaries are minimal and will not have any adverse impacts on the adjoining properties

Refer to Sheets 13 & 14 for details of the locations and heights of the proposed retaining walls

2. Any retaining wall over a meter in height must be designed by an Engineer.

The proposal will comply with the development control. Engineering details will be prepared and submitted for approval with the construction certificate

3. Within areas of suspected slope instability or subject to known slope instability, Council may also require a report prepared by a suitably qualified geotechnical and structural engineer relating to the proposed retaining wall. Council will assess the suitability of any retaining within these areas, based upon the findings and recommendations contained in the report.

A Geotechnical Engineers report has been prepared and Council's M11 form completed and endorsed by a Geotechnical Engineer

4. To limit the overall height impact, terracing of retaining walls is required, limiting the maximum vertical rise of a retaining wall to 1 metre, with a minimum horizontal setback of 1 metre.

The proposed horizontal setback of the front yard retaining walls comply with the development controls. Details of the proposed terraced retaining / garden walls are indicated on the concept landscape design plan

5. Any retaining wall with a vertical height exceeding 1 metre in any one vertical rise must be supported by appropriate justification demonstrating how the proposal meets the objectives above.

As noted previously a minor variation to the control in terms of the height of the retaining walls beyond the building footprint are detailed. The extent of the non-compliance is minimal at 80mm and in our opinion is appropriate given the overall integrated of the construction of the new home and the proposed landscaping works

6. Balustrading will be required in accordance with the Building Code of Australia, to ensure the safety of the public, where the retaining wall adjoins a public place and where there is a change in level greater than 1 metre to the surface beneath.

Not applicable

7. Open window face type retaining walls must not be permitted within 1.5 metres of an adjoining property boundary. These include crib block and similar type walls that permit the free flow of solid material through the wall.

Not applicable

8. A fence and any associated retaining wall located within the setback area from a primary road shall be restricted to:

(a) A maximum 1.2 metre height above existing ground level, and

(b) An open style for at least 50 per cent of the upper 2/3 of the area of the fence, and

(c) Any brick or other solid portion of the fence above 600mm being not more than 250mm wide.

The proposed front fencing complies with the development controls

9. The fence or the fence and associated retaining wall on a sloping site may be stepped, provided the height of each step is not more than:

(a) 1.6 metres above existing ground level if it is located within a setback area from a primary road, or

(b) 2.2 metres above existing ground level for side or rear boundaries (where it is behind the front building line).

The proposed front fencing complies with the development controls.

10. Adequate provision must be made for the proper disposal of surface and subsurface drainage associated with the erection of the walls. The method of disposal must be approved by Council and could include:

- (a) The connection of sub-surface drainage from the retaining wall to the street gutter.
- (b) Disposal via properly constructed absorption trench/es on the property containing the retaining wall designed and located in accordance with Council's Fact Sheet on Domestic Stormwater Drainage Systems.
- (c) Disposal via piped or channelled drainage easement/s.
- (d) Other means as determined by Council.

Consideration and if necessary provision shall be made within the design of the retaining walls and associated works. These shall be incorporated into the engineering design and submitted for approval with the construction certificate

11. All surface and sub-surface drainage must not discharge directly onto other adjoining properties unless a drainage easement has been created. Council's Fact Sheet on Retaining Walls provides further information regarding the construction of retaining walls.

The retaining walls shall include appropriate sub soil drainage systems that will be connected to the kerb

Swimming Pools and Spas

4.18.1 Objective

To ensure that swimming pools meet relevant safety standards and meet user needs.

To ensure swimming pools and spas are sited and designed to maintain the amenity of the surrounding residential neighbourhood.

4.18.2 Development Controls

Ancillary development comprising a swimming pool and / or spa for private use must be located on land:

- a) *That contains an existing dwelling, or a dwelling is constructed on the land at the same time the swimming pool and / or spa is constructed.*
- b) *Behind the building line of a primary road setback.*

The proposed swimming pool shall be constructed in conjunction with the proposed dwelling house and not be located within the primary road setback

For corner sites or where a property has two road frontages, the location of the swimming pool or spa is not to be in the primary frontage.

The proposed swimming pool shall be located within the secondary road frontage and as such complies with the development control

Where a swimming pool or spa is proposed between the building façade and the secondary road frontage, appropriate landscape buffer screen planting will be required within the pool enclosure, behind the child resistant barrier, (i.e. so as not to affect the performance of the child resistant barrier) surrounding the pool enclosure.

The proposal features screen landscaping between the pool and the secondary frontage boundary. Details of the proposed landscaping are shown on the concept landscape plan that accompanies this application

Where a boundary fence is proposed to form part of the pool fence and it adjoins a public road the fence must be 1.8m high.
The proposed swimming pool shall be constructed above ground. The pool shall be a concrete pool and the external walls of the pool that are visible from the secondary frontage will be clad with a decorative stone.

The pool fence will be placed atop of the pool coping and be setback from the secondary frontage boundary by 750mm.

The height of the pool coping will range from 0.8 metres to 1.40 metres above the existing ground line. Landscaping between the swimming pool and the secondary frontage boundary will soften the visual appearance of the swimming pool. The overall height of the clear glass pool fencing atop the pool coping will range from 2.0 metres to 2.6 metres

We say given the proposed swimming pool's position and location in relationship to the adjoining properties the overall height of the solid element of the pools decorative clad structure together with the clear glass pool atop will not have any adverse visual impacts on the streetscape and will ensure the occupants of the proposed dwelling house can continue to take advantage of the uninterrupted outlook to the beach whilst maintaining a level of privacy without have an impact on the adjoining properties

A swimming pool or spa must not be located:

Over an easement or restricted building zone.

Within a zone of influence of a public sewer main.

Within a zone of influence of a public drainage pipe.

Within a riparian buffer zone

Without appropriate approval by the relevant authority or person benefiting from the easement of covenant.

The proposed swimming pool is clear of all services and complies with the development controls

The swimming pool water line or spa water line must have a setback of at least 900mm from any side or rear boundary. The proposed setback from the secondary frontage boundary is 1350mm and complies with the development controls

Any decking around a swimming pool or spa must not be more than 600mm above ground level (existing).

A timber deck is proposed along the northern side of the proposed swimming pool. The height of the deck is no more than 600mm above the existing ground line, and complies with the development control

Coping around a swimming pool must not be more than:

1.4m above ground level (existing), and

300mm wide if the coping is more than 600mm above ground level (existing).

The maximum height of the proposed swimming pool above the existing ground level is 1.4 metres at the southeast rear corner of the pool. The proposed design level for the top of the swimming pool is RL 9.90 AHD and the existing ground level directly below the highest point of the swimming pool is RL 8.5 AHD – refer to sheets 6 & 7. The pool coping has been increased to 600mm wide along the secondary frontage side of the pool

Any in-ground swimming pool or spa should be constructed so that the top edge of the swimming pool / spa is as close as possible to the existing ground level. On sloping sites, this may require excavation on the high side of the site, in order to ensure minimal out of ground exposure of the swimming pool at the low side.

The proposed swimming pool does not comply with this control. The intent of the pool design is to maintain a level link between the proposed timber deck Terrace, being the principle private open space and the proposed swimming. The proposed height of the pool above the existing ground level complies with the development controls

Water from paved areas must not be discharged to any watercourse.

Integrated drainage will be provided to ensure any water from the paved areas is connected to the stormwater system

Overflow paths must be provided to allow for surface flows of water in paving areas around the pool and shall not be directed or connected at any point onto the adjoining property.

Integrated drainage will be provided to ensure any water from the paved areas is connected to the stormwater system to prevent overflow onto the adjoining properties

Discharge and/or overflow pipe(s) from the swimming pool and filtration unit are:

To be discharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.

In the case of land within Rural / non-urban or Environmental Protection zones having an area greater than 1000m², to incorporate disposal pits located a minimum of 3m from any property boundary except where on-site disposal is not recommended in a geotechnical report prepared for the land or for the development.

Not to discharge water to any watercourse.

The proposed swimming pool will be connected in accordance with the development controls, being the discharge from the pool's filter will be connected to the existing sewer

Pool excavations are not to conflict with the position of any stormwater drainage trench or line (including any inter-allotment drainage line), the position of which must be ascertained and shown on the site plan before pool excavation commences.

The subject site does not have any inter-allotment drainage lines nor an absorption trench

A swimming pool must be surrounded by a child resistant barrier complying with the requirements of the Swimming Pools Act 1992 (and Regulations) and the appropriate Australian Standard as referenced by the Building Code of Australia.

A pool fence is proposed in accordance with the swimming pools act and the BCA

The wall of a residential building may form part of the child restraint barrier so long as the wall contains no openable door, window or other opening through which access may at any time be gained to the swimming pool.

No openable window is located within the pool fenced area

A minimum of 50% of the perimeter of a pool must be accessible for rescue purposes.

The proposed swimming pool complies with this control as more than 50% of the pool's perimeter will be accessible for rescue. **The pool coping along the secondary frontage edge has been increased to 600mm wide as per the Australian Standards**

A spa pool is not required to be surrounded by a child resistant barrier provided that the spa pool is covered or secured by way of a child-safe structure (eg door, lid, grill or mesh) that is fastened to the spa pool by a child-resistant device, at all times, when the spa pool is not in actual use.

Not applicable

Structures such as tool sheds garages, barbeques, clotheslines or other like structures not appurtenant to a swimming pool must be located outside the fenced pool enclosure.

The proposal complies with the development control

The pool pump / filter must be located as far away as practicable from any adjoining dwelling and should be enclosed in an acoustic enclosure / structure.

The proposed swimming pump and filter system will be beneath the timber deck Terrace with access through the top of deck or via a hinged step design. Details of the position of the pump and filter will be submitted with the construction certificate application

Development Near Railway Corridors and Major Road

4.19.1 Objectives

To ensure that development near rail corridors and major roads are protected from noise and vibration.

To ensure development does not affect the operation of rail corridors or their safety.

To ensure compliance with the SEPP Infrastructure.

4.19.2 Development Controls

Development immediately adjacent to rail corridors needs to take into consideration the provisions of the SEPP Infrastructure under clause 85. Council may require referring the development application to the Rail Authority.

Not applicable as the subject site is not located adjacent to or near a railway corridor

Council must consider the provisions of the NSW Department of Planning's "Development near Rail Corridors and Busy Roads – Interim Guideline dated December 2008 for any development on land in or immediately adjacent to a rail corridor where it:

Is likely to have an adverse effect on rail safety, or

Involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or

Involves the use of a crane in air space above any rail corridor.

Any excavation within 25m of the rail corridor.

Not applicable as the subject site is not located adjacent to or near a railway corridor

Excavation in, above or adjacent to rail corridors may also be referred to the Rail Authority and must be in accordance with clause 86 and the NSW Department of Planning's "Development near Rail Corridors and Busy Roads – Interim Guideline dated December 2008

Not applicable as the subject site is not located adjacent to or near a railway corridor

Impacts of rail and road noise or vibration on non-rail development must also be considered under clause 87 of the SEPP Infrastructure.

The subject site is not located adjacent to or near a railway corridor however the subject site does have a primary frontage to Lawrence Hargrave Drive

We say the design of the proposed home together with the window design as per the basix certificate will ensure the occupants of the new dwelling house will be unaffected by any potential traffic noise

Additional controls for semi-detached dwellings – alterations and additions

Not applicable

Additional Controls for Dual Occupancy's - Minimum Site Width

Not applicable

Additional Controls for Dual Occupancy's - Building Character and Form

Not applicable

Additional Controls for Dual Occupancy's – Deep Soil Zone

Not applicable

Waste Management

Objectives

(a) To provide appropriately located, sized and accessible waste storage facilities.

(b) To provide access arrangements for waste collection vehicles that meet recognised design standards

Development Controls

Compliance with the Waste Management Chapter contained in Part E of the DCP.

The location of the internal and external household waste and recycling bins are indicated on the accompanying architectural drawings – refer to the floor plan details for the location of waste & recycling bins.

A detailed construction waste management plan and statement has been prepared and forms part of this statement and details if the construction waste management plan is shown on the accompanying drawings – refer to sheet 1A.

Stormwater Drainage

Objectives

(a) To provide for the controlled flow of stormwater drainage from residential developments and subdivisions.

(b) To minimise stormwater run-off volumes..

(c) To reduce peak run-off flows from sites into Council's stormwater drainage system.

(d) To minimise the potential impacts of new development and infill redevelopment in areas affected by local overland stormwater run-off or flooding such that no increase in stormwater peak flows occur downstream.

(e) To minimise the impact of development on water quality in water courses or other water bodies.

(f) To minimise the drainage infrastructure cost of development, where practicable.

(g) To encourage water quality treatment, water recycling or re-use, in order to minimise adverse water quality impacts upon receiving waters.

Development Controls

- 1. Stormwater disposal shall be in accordance with the requirements of the Stormwater Management chapter in Part E of the DCP.*
- 2. Larger residential developments shall incorporate appropriate water sensitive urban design measures as per the requirements of Chapter E15: Water Sensitive Urban Design in Part E of the DCP.*

A detailed stormwater management plan has been prepared by a Davron Engineering. This management plan accompanies this application. The proposal complies with the development controls

Onsite Detention/Retention of Stormwater

A detailed stormwater management plan has been prepared by Davron Engineering and forms part of supporting documents with the application. The proposal complies with the development controls

Floodplain Management

Not applicable

Land Re-Shaping Works (Cut and Fill Earthworks)

Objectives

- (a) To encourage development which follows the natural contours of the land, to minimise the extent of cut and fill required on a site.*
- (b) To ensure that building design is appropriate for site conditions.*
- (c) To protect the stability and privacy of adjoining properties.*

Development Controls

- 1. The provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 permits certain excavation work on sloping sites which does not require the formal lodgement of a Development Application and which may be approved through a Complying Development Certificate, issued by a Principal Certifying Authority (PCA). However, if the proposed excavation work does not comply with the maximum depth or maximum retaining wall or unprotected embankment setback dimensions from the external wall of the dwelling house or ancillary development under SEPP (Exempt and Complying Development Codes) 2008, then the lodgement of a Development Application with Council is necessary.*

Not applicable

- 2. All land re-shaping works (cut and fill earthworks) should be minimised.*

As previously stated, the proposal will require an excavation approximately 3.3 metres deep. This excavation will be contained within the building footprint of the home and has been identified within the attached Geotechnical Engineers report as being suitable for the subject site. The excavation will be supported by an Engineers designed core filled concrete block retaining wall. Minor cutting and filling beyond the building footprint have been addressed previously in this statement

- 3. A maximum of 600 mm of cut and/or 600mm of fill will generally be permitted.*

As previously stated, the proposed excavations beyond the building footprint have been addressed. Two minor excavations that exceed the maximum 600mm control are proposed, these are around the front yard and the garbage bin enclosure

4. Excavations in excess of 600mm within the confines of the building may be permitted to allow for basement garages, non-habitable rooms or similar construction.

Generally, the proposed excavation within the building footprint comply in that the excavations that exceed to 600mm within the confines of the building footprint are within the sub floor area or the garage.

It is noted that the excavation adjacent to the Butler's Pantry and the lower level Powder Room and to some extent the Kitchen exceed the 600mm, we say the proposal is acceptable as the alternative would be construction a retaining wall up to 600mm high along the boundary with a 600mm high integrated retaining wall against the external wall of the building....whilst this will technically comply with Council's policy the excavation along the boundary in close proximity to existing structures on the adjoining property may cause structural instability at a later date

5. Where walls are designed as retaining walls, waterproofing and drainage details directing water away from the building, must be submitted to Council.

Engineering details incorporating waterproofing and drainage will be submitted with the construction certificate

6. Proposed cut or fill works must not compromise structures on the subject land or adjacent land or undermine the overall stability of the land.

Appropriate measures will be taken to ensure the proposed dwelling house will not have any impact on the adjoining properties

7. Further, any cut or fill works must not impede the drainage characteristics of adjoining land and must not interfere with neighbouring properties or existing vegetation which is required to be retained.

The reinstatement of the existing ground level along the northern and southern elevations of the proposed dwelling house will ensure the existing drainage characteristics and the minimal vegetation is unaffected by the proposal

8. Battered slopes must be graded at no steeper than 1:2 (vertical: horizontal), to the natural ground level, unless the foundation strata of the area permit otherwise, and Council is satisfied with the overall stability of the ground. A slope of 1:4 is recommended for mowing purposes.

Not applicable as all earthworks will be retained

9. All fill applied should be Virgin Excavated Natural Material (VENM) as defined by the NSW Department of Environment and Climate Change.

Any material imported onto the site shall comply

10. Adequate measures must be made to ensure public safety, especially where excavation is located close to a public place or where it exceeds one metre in depth.

Suitable measures shall be taken to ensure the public safety and the safety of the contractors during the construction works

11. Stormwater must not be redirected or concentrated onto adjoining properties.

Suitable measures will be undertaken by the builder to ensure no stormwater is redirected or concentrated onto the adjoining properties. This may include constructing earth formed drainage barriers to prevent stormwater runoff

12. Within areas subject to slope instability or suspected to be subject to slope instability, Council may require a geotechnical and structural engineer's report relating to the proposed structure. Council will assess the stability of any cut or fill works within these areas dependent upon the recommendations contained in these reports.

A geotechnical engineers report has been prepared and supports the proposed design. The report accompanies this statement

Soil Erosion and Sediment Control

Objectives

(a) To minimise site disturbance during construction.

(b) To implement erosion and sediment controls to minimise potential adverse impacts during construction works.

Development Controls

All soil erosion and sediment control measures shall comply with the Soil Erosion and Sediment Control chapter in Part E of the DCP.

Details of the proposed method of sediment control are shown on concept stormwater plan, sheet 1 and sheet 1A of the accompanying architectural drawings, and methods to reduced soil erosion are contained within the site management statement that forms part of this statement.

4.5 Development Compliance Table

WOLLONGONG LEP 2009

CHAPTER A2	ECOLOGICALLY SUSTAINABLE DEVELOPEMENT		COMPLIES
LAND USE ZONE R2 LOW DENSITY RESIDENTIAL		PROPOSAL PERMITTED	COMPLIES
MINIMUM LOT SIZES	449M ²	SUBJECT SITE 688.5M ²	COMPLIES
BUILDING HEIGHT	9M	7.81M	COMPLIES
FLOOR SPACE RATIO	CONTROL 0.5:1	0.49:1	COMPLIES
HERITAGE	NOT APPLICABLE		N/A
BUSHFIRE PRONE LAND	NOT APPLICABLE		N/A
FLOOD RISK	NOT APPLICABLE		N/A
CHAPTER B1			
GENERAL RESIDENTIAL CONTROL			
4.1 - NUMBER OF STOREYS	MAX 2 STOREYS	2 STOREY PROPOSED	COMPLIES
4.2 - FRONT SETBACKS	PRIMARY 6.0M	6.711M TO 11.86M	COMPLIES
	SECONDARY 3.0M	3.182M	COMPLIES
	GARAGE 5.5M	5.506M	COMPLIES
4.3 - SIDE & REAR	0.9M WALL HEIGHT LESS 7.0M	0.997M MIN	COMPLIES
	3.0M WALL HEIGHT OVER 7.0M		N/A
	8.0M REAR TWO STOREY	13.89M	COMPLIES
4.4 - SITE COVERAGE	50%	37.5%	COMPLIES
4.5 - LANDSCAPE AREA	146.55M ²	205.33M ²	COMPLIES
4.6 - PRIVATE OPEN SPACE	24M ² & 4M MIN WIDTH		COMPLIES
4.7 - SOLAR ACCESS	3 HOURS SUNLIGHT ADJACENT BUILDINGS		COMPLIES
4.8 - BUILDING CHARACTER & FORM			COMPLIES
4.9 - FENCES			COMPLIES
4.10 - CARPARKING		2 SPACES	COMPLIES
	5.5M MINIMUM SETBACK		COMPLIES
	MAX 50% OF BUILDING WIDTH		COMPLIES
	OPEN CARSTAND FOR SECOND VEHICLE		N/A
	SINGLE GARAGE 3.0M X 6.0M		N/A
	DOUBLE GARAGE 6.0M X 6.0M		VARIATION
	DRIVEWAY SEPARATION		COMPLIES
4.11 - STORAGE	DRIVEWAY CROSSOVER	3.6M	VARIATION
	10 CUBIC METRES		COMPLIES
4.12 - SITE FACILITIES	5M ²		COMPLIES
	LETTERBOXES		COMPLIES
	CLOTHES DRYING		COMPLIES

4.13 - FIRE BRIGADE	WITHIN 60M OF HYDRANT	COMPLIES
4.14 - SERVICES		
WATER		COMPLIES
SEWERAGE		COMPLIES
ELECTRICITY		COMPLIES
GAS		COMPLIES
TELEPHONE		COMPLIES
4.15 - COASTLINE DEVELOPMENT		COMPLIES
4.16 - VIEW SHARING		COMPLIES
4.17 - RETAINING WALLS		COMPLIES
4.18 - SWIMMING POOLS & SPAS	NOT APPLICABLE	COMPLIES
4.19 - DEVELOPMENT NEAR		
RAILWAY CORRIDORS ETC	REFERRAL TO RMS	COMPLIES
4.20 - ADDITIONAL CONTROLS FOR SEMI DETACHED HOUSINGS ETC		N/A
4.21 - ADDITIONAL CONTROLS FOR DUAL OCCUPANCY		N/A
4.22 - ADDITIONAL CONTROLS FOR DUAL OCCUPANCY		N/A
4.23 - ADDITIONAL CONTROLS FOR DUAL OCCUPANCY		N/A

5.0 STATEMENT OF ENVIRONMENTAL EFFECTS

5.1 GENERAL

When assessing the development application, Council has to consider it in relation to the matters listed in s79C of the Environmental Planning and Assessment Act. The matters relevant to this proposal are considered below.

5.2 STATUTORY COMPLIANCE

The proposal responds to the relevant aims and objectives of the LEP. The proposed development is of such scale, that the proposal is in character with the surrounding developments and suitable for this location.

5.3 LIKELY IMPACTS

5.3.1 Context and Setting

Scenic qualities and features of the landscape are unlikely to be affected by this proposal. The proposal is consistent with residential land use and character of the locality. The scale form, character density and design of the development are appropriate in its context. The proposal is consistent with previous land uses and activities in the locality. With regard to potential impact on adjoining properties:

- there will be no significant adverse effects
- shadowing impacts on adjoining properties are not affected by this proposal
- visual and acoustic privacy has been addressed in site layout and landscaping & there are no likely noise sources
- there are no apparent impact on views or vistas.

5.3.2 Access, Transport and Traffic

It is not envisaged that the proposal will generate any increase on traffic demand. The site is accessible to a neighbourhood shopping centre and public transport services & adequate carparking spaces will be provided within the development.

5.3.3 Public Domain

No adverse increase in the use of public recreational facilities is envisaged by the proposed development. Adequate public open space exists in the immediate vicinity of the development site.

5.3.4 Utilities

Standard utilities such as water, sewer, electricity and telephone services currently exist to the site. The existing services in the immediate area are adequate for the proposed development.

5.3.5 Heritage

The subject site is not located in a Heritage Conservation Area.

5.3.6 Water

Water needs for the proposed development are confined to normal residential uses. The re-use of roof waters and water saving devices have been allowed for and are detailed on the accompanying plans and Basix certification. Water supply sources will be reticulated water and tank water. There will be no adverse impact on drainage, ground water or ground water quality.

5.3.7 Soils

The proposed development is unlikely to have any adverse impact on soil conservation.

5.3.8 Air and Microclimate

The proposed development is unlikely to have an adverse impact on the air and microclimate of the locality.

5.3.9 Flora and Fauna

The proposed development is unlikely to have an adverse impact on the flora and fauna. An Arborist Report has been prepared and accompanies the application. It is concluded in the report that the proposed development will not have any adverse impacts

5.3.10 Waste

Provisions exist for recycling and garbage bin storage.

5.3.11 Social Impact

There will be few social impacts from this development apart from an improvement in the range of housing choices in the locality. There is a significant social infrastructure in existence in the local area, sufficient enough to cater for the needs of the proposed development.

5.3.12 Cumulative Impacts

It is unlikely that the proposed development will have a cumulative impact on the locality.

5.4 SUITABILITY OF THE SITE FOR DEVELOPMENT

The site is suitable for the proposed development. There will be no adverse impact on the adjoining properties, transport needs and other services in the locality. Air quality is unaffected and no hazardous land uses are generated by or nearby to the development.

5.5 SUBMISSIONS

There are no known submissions relating to the proposed development.

5.6 PUBLIC INTEREST

Approval of the proposed development will not jeopardise the public interest.

6.0 CONCLUSION

It is concluded the proposed development satisfy the aims and objectives of the development control plan and the resulting development will not have any adverse impacts.

Visual Impact Assessment

Development Controls

Visual impact assessment should include an:

- *Assessment of views likely to be affected.*
- *Assessment of what part of the property the views are obtained from.*
- *Assessment as to the extent of the potential view loss impact.*
- *Assessment as to the reasonableness of the proposal causing the potential view loss impact.*

The subject site and that of the sites immediately adjacent the subject site has outlook to Little Austi Beach to the south east. Of critical importance in this outlook is that of the breaking surf and sand on Little Austi Beach together with a distant outlook over the water to the southeast

The subject site also enjoys a distant outlook to the south due to the position of the neighbouring dwelling on number 63 Lawrence Hargrave Drive.

Number 59 Lawrence Hargrave Drive does not enjoy the same outlook to the south as does the subject site largely due to the existing Norfolk Pine trees on the opposite side of Little Austinmer Lane

Detailed analysis has been undertaken on the potential impacts the proposal may have on the adjoining property to the north being number 59 Lawrence Hargrave Drive.

Consideration has been given to number the existing outlook from number 57 Lawrence Hargrave drive and we have concluded that the position of the proposed dwelling house will not have any impact on number 57 Lawrence Hargrave Drive given that the proposed rear building setback is greater than that of number 59 Lawrence Hargrave Drive

Consideration has also been given to the adjoining property to the south being number 63 Lawrence Hargrave Drive. We have concluded that there are no impacts as the views from this property are either directly east or to the south.

Consideration has also been given to the existing home at the rear of the subject site. This home is known as number 2 Little Austinmer Lane. We find that the proposal will not have any impacts on the views or outlooks currently enjoyed by the occupants of number 2 Little Austinmer Lane

Further consideration has also been given to the existing properties opposite the subject site and we have concluded that none of these properties will be impacted by the proposal given the significant height differences between the subject property and the properties opposite

In conclusion we find that only number 59 Lawrence Hargrave Drive will be in a minor way impacted by the proposal.

Detailed Visual Impacts Assessments have been undertaken on the likely impacts the proposal may have on the existing dwelling at number 59 Lawrence Hargrave Drive. These Visual Impacts Assessments are attached to this statement – refer to the architectural drawings numbered sheet A, sheet B, sheet C and Sheet D

The Visual Impact Assessments identifies the windows on the adjoining property that will be in some minor way impacted by the proposal. The Visual Impact Assessments include interior photos from number 59 and exterior photos of number 59 that identify the windows subject to the assessment.

An assessment has also been undertaken on the potential view loss from the elevated deck at number 59 Lawrence Hargrave Drive. Whilst the deck does not meet with the definition of the principle private open space under the WDCP it is where the occupants of number 59 do entertain. The proposal will have a greater impact on the view loss directly to the south however the more significant outlook to the southeast being Little Austi Beach is unaffected by the proposal

In conclusion we say the proposal will have some minor impacts on the view loss from number 59 Lawrence Hargrave Drive however the impacts are not significant and the most significant outlook being to the Little Austi Beach is un-affected by the proposal



FOLIO: 2/1119139

SEARCH DATE	TIME	EDITION NO	DATE
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26/8/2019	12:36 PM	7	8/9/2018

NO CERTIFICATE OF TITLE HAS ISSUED FOR THE CURRENT EDITION OF THIS FOLIO.
CONTROL OF THE RIGHT TO DEAL IS HELD BY WESTPAC BANKING CORPORATION.

LAND

LOT 2 IN DEPOSITED PLAN 1119139
AT AUSTINMER
LOCAL GOVERNMENT AREA WOLLONGONG
PARISH OF SOUTHEND COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1119139

FIRST SCHEDULE

KARMVEER SINGH HAYARE
SANJEET KAUR HAYARE
AS JOINT TENANTS (T AI778160)

SECOND SCHEDULE (8 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 A963729 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO
MINE AFFECTING THE PART SHOWN SO INDICATED IN THE
TITLE DIAGRAM
- 3 B485592 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO
MINE AFFECTING THE PART SHOWN SO INDICATED IN THE
TITLE DIAGRAM
- 4 A963729 COVENANT AFFECTING THE PART SHOWN SO BURDENED IN
THE TITLE DIAGRAM.
- 5 B485592 COVENANT AFFECTING THE PART SHOWN SO BURDENED IN
THE TITLE DIAGRAM.
- 6 AI207868 RIGHT OF FOOTWAY 1 WIDE AFFECTING THE PART
DESIGNATED (R) IN PLAN WITH AI207868
- 7 AI778162 MORTGAGE TO WESTPAC BANKING CORPORATION
- 8 AI778161 MORTGAGE TO INVESTEC PROFESSIONAL FINANCE PTY LTD

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

ATTACHMENT 4 – Draft Conditions of Consent

Approved Plans and Specifications

- 1) The development shall be implemented substantially in accordance with the details and specifications set out on Drawing No. 1, 1F, 2, 3, 4, 5, 6, 7, 8, 9, 13 & 14 Issue D dated 1 August 2019 prepared by Elmwood Homes and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

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

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The certifying authority must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4) **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.
- 5) **Geotechnical**
 - a) All work is to be in accordance with the geotechnical recommendations contained in the report dated 15 May 2019 by Terra Insight and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
 - b) Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying weathered bedrock or as recommended by the geotechnical consultant.
 - c) Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
 - d) All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

Prior to the Issue of the Construction Certificate

- 6) **Present Plans to Sydney Water**
Approved plans must be submitted online using Sydney Water Tap, available through www.sydneywater.com.au to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.
The Certifying Authority must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.
Visit www.sydneywater.com.au or telephone 13 20 92 for further information.

7) **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**

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

- a) A plan of the wall showing location and proximity to property boundaries;
- b) An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
- c) Details of fencing or handrails to be erected on top of the wall;
- d) Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
- e) The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
- f) The assumed loading used by the engineer for the wall design.
- g) Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.

8) **Development Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$8,770.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

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

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1114574	<ul style="list-style-type: none"> Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre	<ul style="list-style-type: none"> Cash Credit Card

	Ground Floor 41 Burelli Street, WOLLONGONG	• Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

Prior to the Commencement of Works

9) Appointment of Principal Certifying Authority

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

- a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
- b) Notify Council in writing of their intention to commence work (at least two days' notice is required).

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

10) Residential Building Work – Compliance with the Requirements of the Home Building Act 1989

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

- a) in the case of work to be done by a licensee under that Act:
 - i) has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name, contact address details and owner-builder permit number; and
 - ii) has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the specific person or licensed contractor is the holder of an insurance policy issued for the purposes of that Part of the Act is, for the purposes of this condition, sufficient evidence that the person has complied with the requirements of that Part of the Act.

11) Sign – Supervisor Contact Details

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

- a) Stating that unauthorised entry to the work site is not permitted;
- b) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and

- c) Showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

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

12) **Temporary Toilet/Closet Facilities**

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

Each toilet provided must be:

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

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

13) **Structural Engineer's Details**

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

14) **Enclosure of the Site**

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

15) **Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

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

16) **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least 2 days written notice has been given to adjoining residents of the date on which demolition works will commence.

17) **Consultation with SafeWork NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

18) **Temporary Sediment Fences**

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

19) **All-weather Access**

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

- 20) **Application for Occupation, Use, Disturbance or Work on Footpath/Roadway**
Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:
- a) Digging or disruption to footpath/road reserve surface;
 - b) Loading or unloading machinery/equipment/deliveries;
 - c) Installation of a fence or hoarding;
 - d) Stand mobile crane/plant/concrete pump/materials/waste storage containers;
 - e) Pumping stormwater from the site to Council's stormwater drains;
 - f) Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
 - g) Construction of new vehicular crossings or footpaths;
 - h) Removal of street trees;
 - i) Carrying out demolition works.

During Demolition, Excavation or Construction

- 21) **Piping of Stormwater to Existing Stormwater Drainage System**
Stormwater for the land must be piped to the existing street kerb and gutter.
- 22) **Restricted Hours of Construction Work**
The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifying Authority and Council. No work is permitted on public holidays or Sundays.
- Any request to vary these hours shall be submitted to the **Council** in writing detailing:
- a) the variation in hours required (length of duration);
 - b) the reason for that variation (scope of works);
 - c) the type of work and machinery to be used;
 - d) method of neighbour notification;
 - e) supervisor contact number;
 - f) any proposed measures required to mitigate the impacts of the works.
- Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.
- 23) **Excavation/Filling/Retaining Wall Structures**
Any proposed filling on the site must not:
- a) Encroach onto the adjoining properties, and
 - b) Adversely affect the adjoining properties with surface run-off.
- 24) **Retaining Walls – Cut and Fill Retained**
All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V.
- The proposed retaining walls, including footings and drainage lines, must be wholly contained within the property boundaries.
- 25) **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<<http://www.safework.nsw.gov.au>>).
- 26) **Asbestos Waste Collection, Transportation and Disposal**
Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy

submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.

27) **Acid Sulfate Soils**

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) by the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

28) **Provision of Waste Receptacle**

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

29) **BASIX**

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A (2) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- a) A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- b) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- c) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

30) **Swimming Pool Barriers**

The swimming pool shall be provided with child-resistant barriers, prior to the placement of water in the pool, in accordance with Section 7 of the Swimming Pools Act 1992 and Australian Standards AS1926. The barrier shall be installed to the satisfaction of the Principal Certifying Authority.

31) **Warning Notice**

A warning notice complying with Clauses 10 and 11 of the Swimming Pools Regulation 2008 is to be displayed in a prominent position in the immediate vicinity of the swimming pool as required by Section 17 of the Swimming Pools Act 1992, prior to the filling of the pool with water.

Prior to the Issue of the Occupation Certificate

32) **BASIX**

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

Operational Phases of the Development/Use of the Site

33) **Gate Open Inwards**

The front gate must not swing open forward of the front boundary and obstruct the footpath to pedestrians.

34) **Backwash of Swimming Pool Water**

The discharge of water from the pool should only be carried out after chlorine levels in the water have been depleted. Swimming pool water should not be discharged to a watercourse.

35) **Swimming Pool Filtration Motor**

The operation of the swimming pool filtration motor shall be restricted to the following hours of operation:

Monday to Saturday 7.00 am to 8.00 pm

Sundays and Public Holidays 8.00 am to 8.00 pm

The equivalent continuous noise level ($L_{Aeq (15min)}$) of the swimming pool filtration motor shall not exceed 5dB(A) above the background noise level ($L_{A90 (15 min)}$) at the most affected point(s) along any boundary of the property.

36) **Swimming Pool – Discharging Water**

Discharge and/overflow pipe from the swimming pool and filtration unit must be connected to the sewer where available. All backwash water from the filtration unit is to be similarly disposed.

The pool excavations are not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.