

Wollongong Local Planning Panel Assessment Report | 1 Aug 2018

WLPP No.	Item No. 3
DA No.	DA-2017/1316
Proposal	Residential - demolition of existing dwelling houses and construction of five (5) townhouses
Property	178-180 Lawrence Hargrave Drive, THIRROUL NSW 2515 Lot 2 DP 329046 and Lot A DP 392508
Applicant	Develop My Land
Responsible Team	Development Assessment & Certification – City Wide Planning Team (JS + VL)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

The proposal has been referred to the WLPP pursuant to part 2 of Schedule 2 of the Local Planning Panels Direction, as the Development Application is considered contentious development, having received more than 10 unique submissions by way of objection.

Proposal

The proposal seeks consent for the demolition of the existing structures and the construction of multi dwelling housing comprising five townhouses with associated on site car parking, landscaping and servicing.

Permissibility

The proposed demolition and construction of multi dwelling housing is permissible in the R2 Low Density Residential zone of the Wollongong Local Environmental Plan (WLEP) 2009.

Consultation

The proposal was notified in accordance with Council's Notification Policy and originally received 10 submissions. Following the submission of amended plans and additional information, the proposal was renotified on two occasions. A further seven (7) submissions were received during the second round of notification and 27 received during the third round. The submissions received are discussed at section 1.5.

The proposal has been referred to Council's Stormwater, Traffic, Landscape and Community Safety Officers and the NSW RMS, with conditionally satisfactory referral advice provided in each instance.

Main Issues

The main issues arising from the development assessment process are:-

- Character of the area
- Floor Space Ratio Exceedance – WLEP 2009
- Three storey height
- View impact
- Privacy

Conclusion

This application has been assessed having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is considered that the applicant has not provided adequate justification for the variations sought to WDCP 2009 as relates to maximum number of storeys and deep soil zone width. The proposal

also continues to exceed the 0.5:1 Floor Space Ratio maximum for the site, despite being identified on several occasions, with no clause 4.6 exception request statement provided.

Internal referrals from Councils Stormwater, Traffic, Community Safety and Landscape have returned with satisfactory advice. Concerns have been raised by Councils Environment Officer with regard to potential contamination. The RMS have advised no objections to the proposed development.

Several matters including those identified within submissions remain unresolved.

It is not considered that the proposed development has been designed appropriately given the constraints and characteristics of the site, is inconsistent with the existing and desired future character of the locality and has the potential to result in significant adverse impacts on the amenity of the surrounding area.

RECOMMENDATION

Development Application DA-2017/1316 be determined by way of refusal for the reasons as identified at Attachment 7.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Infrastructure) 2007
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP No. 71 – Coastal Protection
- SEPP (Building Sustainability Index: BASIX) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong Section 94a Development Contributions Plan (section 7.12 of EP&A Act 1979)

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the demolition of the two dwelling houses and ancillary structures and the construction of five x three bedroom dwellings and associated car parking, landscaping and infrastructure works. Each dwelling is proposed over three floors, with lift access between the floors for each dwelling.

The units have been designed to be positioned on the north eastern side of the property, with the driveway and garage areas on the south western elevation. The development proposes two units with frontage to Lawrence Hargrave Drive and three with access from the internal driveway area. On Site Detention (OSD) is proposed within the driveway, and a deep soil zone is proposed to the rear of the site.

The proposal involves the removal of seven (7) trees and the retention of four (4) trees at the rear of the property in their original position. The transplanting of five (5) Kentia Palm trees to the deep soil zone of the site is also proposed.

The application makes reference to the amalgamation of the sites, which could be addressed via conditions should consent be granted.



Figure 1: Lawrence Hargrave Drive Perspective

1.3 BACKGROUND

The development history of the site is as follows:

Application No	Description	Date	Decision
<u>178 Lawrence Hargrave Drive</u>			
BA-1980/2428	Additions	29/8/1980	Approved
<u>180 Lawrence Hargrave Drive</u>			
DA-2015/763	Residential - retaining wall	11/9/2015	Approved
CC-2015/97	Residential - retaining wall	16/3/2016	Withdrawn
PC-2016/891	Residential - retaining wall	11/9/2015	Approved

No pre-lodgement meeting was held for the proposal.

It should be noted that a final Occupation Certificate has not been provided to Council in relation to the retaining wall – via PC-2016/891, despite being raised with the applicant. Council were advised on 7 May 2018 that the final OC was imminent; however this is yet to be provided.

Customer service actions:

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

Application history:

The subject development application was lodged on 12 October 2017 and notified from 27 October – 15 November 2017. The applicant was provided with a request to withdraw the application on 9 April 2018, with concerns in relation to floor space ratio and height exceedance, number of storeys, side and rear setbacks, landscaping, deep soil planting, private open space, solar access, site facilities, view sharing, retaining walls and fencing, CPTED principles, plan discrepancies, BASIX considerations, geotechnical concerns, stormwater, traffic, landscape and RMS comments identified.

Following the submission of amended plans and additional information, the proposal was renotified from 18 May – 6 June 2018. Following review of the additional information and submissions received, a further request to withdraw the application was provided on 12 June, with concerns in

relation to Floor Space Ratio, site facilities, view sharing, number of storeys, side and rear setbacks, built character and form, car parking, landscaping, deep soil planting, private open space, plan discrepancies, BASIX considerations and landscape matters were identified.

Following receipt of this information, the proposal was renotified, from 2 July – 16 July 2018.

This report has been prepared following review of the most recent additional information submission.

1.4 SITE DESCRIPTION

The site is located at 178-180 Lawrence Hargrave Drive, Thirroul and the title references are Lot 2 DP 329046 and Lot A DP 392508. The site is comprised of two lots, each with a dwelling house and ancillary structures.

Both lots have direct frontage to Lawrence Hargrave Drive and slope from the north east to the south west. Together, the sites have a cross fall of approximately 6m from the north eastern corner of the site to the south western corner. To the south west of the site, there is a timber retaining wall of varying height separating the site from 182 Lawrence Hargrave Drive, which sits approximately 2m lower than the subject site.

Combined, the sites are generally regular in shape with the exception of an angular frontage to Lawrence Hargrave Drive for Lot A. In total, the development site has an area of 1355m² by survey.

The sites are surrounded by a mix of residential properties including single dwelling houses, battle-axe allotments and other multi dwelling housing developments. The local character of the area is characterised by a mix of residential properties.

Property constraints

- Acid Sulfate Soils – Class 5
- Flood Risk Precinct
- Coastal zone

There are no restrictions on the title of Lot 2.

Lot A is identified as being affected by covenants 551496 and 464365. No information has been provided as to what the covenants affecting the site entail.

The Lot A is benefited by an easement for drainage 1 wide which traverses the rear property boundary of 182 Lawrence Hargrave Drive, and discharges to an open channel.



Figure 2: Aerial photograph (2016)

1.5 SUBMISSIONS

The application notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising, on three occasions, as per the below.

27 October – 15 November 2017	10 submissions
18 May – 6 June 2018	7 submissions
2 July – 16 July 2018	27 submissions

The issues identified are discussed below.

Table 1: Submissions

Concern	Comment
<p>1. Variation to 3 storey limit and height</p> <p>The controls relating to height and number of storeys have been strictly enforced on surrounding properties and should not be varied in this case.</p> <p>The development exceeds the 9m height limit for the zone.</p> <p>The scale of the development when viewed from properties to the south and view from Lawrence Hargrave Drive will be significantly larger as a result of the 3 storeys proposed.</p> <p>The variation to the 3 storey control would not satisfy the WDCP 2009 objectives.</p> <p>The development would also result in a variation to the required 8m rear setback for development in the R2 zone.</p> <p>Permitting the subject development will set a precedent for</p>	<p>Comments are noted. See further discussion regarding the consideration of the requested variation to the maximum number of storeys at section 2.3.1 below.</p> <p>The proposal does not exceed the 9m height limit for the zone.</p>

further inappropriate developments across the LGA.

The site is very clearly within the R2 zone, well away from any adjoining higher density zone, and as such, the controls for that zone should be enforced.

The arguments presented for other developments already exceeding the 3 storeys are not appropriate. Many of these developments were constructed before the current controls were put in force. Many of the examples given would not be granted consent today, and we should not continue to allow inappropriate developments because some exist already.

There is no appropriate justification for exceeding the 3 storey limit.

2. Character of the area

The development would be out of character with the surrounding area. The scale and size is not in keeping with the surrounding environment.

The development proposal would not be in the public interest.

The proposed finishes are also out of character with the area, and contribute to the dominating feel of the development.

The proposal is an overdevelopment of the site.

The DA mistakenly refers to the site as being medium density, this is not the case and the low density controls need to be applied.

The subject development is within the catchment of the Austinmer Railway Station and Moore Street, items of environmental heritage. The development is out of character with these items.

Comments noted. See further consideration and discussion in this regard at Chapter D1 at Attachment 2 to this report.

The subject development site is not considered to be within the visual catchment of the heritage items within Austinmer, and would not be expected to result in impacts on the heritage significance of those items if constructed.

3. View loss

The submitted visual impact assessment does not address the requirements of WDCP 2009.

The design of the development, with boxes and other fins protruding out from the building would only add to view loss concerns. The footprint of the building has not considered existing view lines.

The submitted view sharing analysis uses only one measure of building height, but due to the design, there are varying roof heights across the site. The accuracy of the view sharing assessment is questioned.

The View sharing assessment does not consider the impact of the development on views from public places.

Comments noted.

Consideration with regard to view sharing is provided at Attachments 5 and 6 to this report.

4. Drainage and Flooding

The drainage from the site is proposed to be directed across the rear property boundary of the adjoining property and into

Councils Stormwater Engineer has reviewed the application submission. Additional information was provided and

<p>a culvert, which is known to already be affected by flood.</p> <p>The additional runoff from the development will only add to the existing flooding issues in the area.</p> <p>The upstream catchment for the design of the subject development has been underestimated.</p> <p>Flash flooding has occurred in this area and will only be exacerbated by the increased runoff from the development.</p>	<p>has been reviewed, and demonstrates that the proposed development is higher than the 1 in 100 and PMF flood levels for the area. The on-site detention (OSD) basin has been designed to limit the flows from the site to the culvert (Kellys Creek) to the predeveloped state, therefore not resulting in any greater impact to flooding than exists downstream. The drainage plan is considered satisfactory, subject to conditions.</p>
<p>5. Overlooking</p> <p>The design and height of the development would result in direct overlooking to adjoining properties, resulting in a loss of privacy and amenity.</p> <p>Most of the windows and large balcony areas are proposed on the southern elevation, overlooking several smaller, lower density developments.</p> <p>The landscaping proposed would not address privacy concerns. The proposed planter boxes cannot be considered to provide for the long term survival of trees and could be replanted or removed by future owners.</p> <p>The balcony areas proposed on the southern elevation would allow for direct looking into surrounding properties, and also result in increased noise impacts emanating from these areas.</p>	<p>Comments noted. See further discussion regarding overlooking within Chapter B1 of WDCP, at Attachment 2.</p>
<p>6. Traffic and Parking</p> <p>The car parking proposed on site is inadequate.</p> <p>Additional cars accessing Lawrence Hargrave Drive and turning in and out of the site will only exacerbate existing traffic issues, and could result in an increased risk of accidents.</p> <p>The road alignment at this point, limited visibility and the speed that people drive down the hill from the north would result in increased potential for accidents if additional traffic movements are permitted.</p>	<p>The proposed development provides for the required number of car parking spaces for residents and visitors, pursuant to Schedule 2 of Chapter E3 of WDCP 2009. Councils Traffic Officer and the RMS have also considered the proposal with regard to access to the site and traffic impacts, and have raised no objection.</p>
<p>7. Contamination</p> <p>The rear of the site designated on plans to be a 'deep soil zone' is known to have been filled in the past with builders waste and asbestos. When the retaining wall between 180 and 182 Lawrence Hargrave Drive was constructed, asbestos and other waste had to be removed from the site.</p> <p>The submitted Construction Waste Management Plan indicates that excavated material is to be 'distributed on site' which raises concern as to the amount of material to be</p>	<p>See assessment against SEPP 55 below at section 2.1.1. Given the expected contamination of the site, a preliminary assessment report and detailed site investigation would be required.</p>

excavated and the resultant levels on the site if this was to be spread. The known uncontrolled filling of the land should also be considered when allowing for the spreading of materials on site.

Any material excavated from the site should be tested, given a waste classification and disposed of according to EPA guidelines.

8. Instability

There was no Geotechnical Engineers report exhibited. The land contains a significant amount of fill and the ability for the land to hold the proposed development is questioned.

The timber retaining wall on the common boundary of 178 and 176 Lawrence Hargrave Drive was not constructed to withstand the loadings of the proposed development. The wall has not been appropriately waterproofed, and is already bowing and splitting in places.

An engineer's report on the stability of the existing wall, and ability for it to withstand the additional loadings of the development should be submitted.

A geotechnical report was provided and has been reviewed by Councils Geotechnical Officer, with conditions recommended.

Structural certification for the existing wall has been provided which requires the piercing of the development to levels below the zone of influence of the existing wall. Concerns remain with regard to the impact of the construction period on the structural integrity of the existing wall.

9. Overshadowing

Due to the size of the development, it would result in significant overshadowing of surrounding properties, which would not comply with WDCP 2009 controls.

Comments noted. See further discussion regarding overshadowing within Chapter B1 at Attachment 2.

With respect to concerns raised regarding the overshadowing of properties in Henley Street, the shadow diagrams submitted demonstrate the existing overshadowing impact of that development on those properties. It is considered no additional unreasonable overshadowing of those properties would occur as a result of the development.

10. Sustainability

The NatHERS rating on the building is too low. The proposed development is environmentally and aesthetically unsound.

The application submission included a BASIX report which demonstrates that the development meets BASIX targets. Conditions could be imposed in this regard.

11. Signage

No signage or yellow line marking should be provided within the site. Mailboxes should be discrete.

Comments noted. Definition of the visitor parking area and mailbox positioning in accordance with Australia Post Guidelines would be addressed via conditions.

12. Fencing	Comments noted. Fencing replacement can be undertaken pursuant to the Dividing Fences Act 1991.
It is unclear if the existing fence is proposed to be retained as part of the development. The only reason for its replacement would be for the purpose of the development, and the developer should therefore pay.	

Notification Round	1	2	3	4	5	6	7	8	9	10	11	12
Round 1	7	1	4	8	5	7	2	3	3	1	1	
Round 2	2	3	3	2	3	3		1	1			1
Round 3	23	11	7	7	4	7	1	1	4			

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

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

1.6.1 EXTERNAL CONSULTATION

Roads and Maritime Services

The proposal was referred to the RMS pursuant to clause 101 of SEPP (Infrastructure) 2007 given the development site is located on Lawrence Hargrave Drive. Works are proposed within the road reserve as part of the development, consisting of the relocation of a power pole, and the development proposes a densification of residential development adjoining a classified road. The RMS provided comment on the development on 31 May 2018 advising no objections to the proposed development, subject to conditions. This response could form part of any consent granted.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

7 Contamination and remediation to be considered in determining development application

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

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site, with the properties being used for residential purposes since prior to 1961.

Submitters have however indicated that the development site has been filled in the past and that asbestos fill was uncovered throughout the construction of the retaining wall separating 180 and 182 Lawrence Hargrave Drive. This has been discussed with the Environment Officer who has reviewed the site history and the submissions received, and has indicated that a preliminary site investigation and likely a detailed site investigation would be required, should any development of the site be supported.

There is evidence of several sheds being located across the sites between the 1950's to 1990's, and the potential for asbestos contamination resulting from the demolition of these sheds would be required to be considered.

Earthworks are proposed as part of the development; however the proposal does not comprise a change of use.

The application submission did not provide for consideration of any SEPP 55 matters.

Based on the information at hand, it is unclear as to whether the land is contaminated, and additional investigations would be required to demonstrate compliance with SEPP 55, namely that the site is suitable, or could be made suitable for the proposed development.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 101 Development with frontage to classified road

This clause requires that Council give consideration to the operation and function of the road and traffic noise.

The subject development proposes a single driveway access to Lawrence Hargrave Drive. There is no opportunity to gain access via another road in this case. Additional traffic volumes on Lawrence Hargrave Drive as a result of the proposed development would be considered minimal. A condition could have been recommended addressing traffic noise and structures adjacent to the driveway not obstructing sight lines.

Given the proposal does involve ancillary works within the road reserve area; the proposal was referred to the RMS for comment. The RMS provided comment on the development on 31 May 2018 advising no objections to the proposed development, subject to conditions. This response could form part of any consent granted.

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

Under Clause 7 of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 a person must not clear any vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.

Clause 9 of Part 3 indicates that this Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.

The subject site is zoned R2 Low Density Residential, a non-rural area. It is considered that the vegetation proposed to be removed is vegetation declared by a development control plan, WDCP 2009 Chapter E17 Preservation and Management of Trees and Vegetation, to which Part 9 would apply.

Council's Landscape Officer has reviewed the application submission. Conditionally satisfactory referral advice was received and conditions specify trees to be removed, trees to be retained, tree protection and management and compensatory plantings.

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

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX

Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

2.1.5 STATE ENVIRONMENTAL PLANNING POLICY NO. 71 COASTAL PROTECTION

Clause 21 of SEPP (Coastal Management) 2018 states that the former planning provisions continue to apply (and this policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy in relation to land to which this policy applies. SEPP (Coastal Management) 2018 commenced on 3 April 2018. Given the lodgement date of 12 October 2017 of the subject application, SEPP 71 and clause 5.5 of WLEP 2009, being the former planning provisions with regard to development in the coastal zone, are therefore considered to apply to the subject application.

Despite the site being within the coastal zone, the submitted application did not address the provisions of this policy.

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

2 Aims of Policy

<i>Aim</i>	<i>Comment</i>
<i>a) to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and</i>	The development would not be expected to result in adverse impacts on the attributes of the NSW coast.
<i>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</i>	The development would not impact public access to the coastal foreshore.
<i>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</i>	The development would not provide for new opportunities for access to the coastal foreshore.
<i>d) to protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and</i>	The development would not be expected to result in any impacts on items of Aboriginal cultural heritage, or Aboriginal places.
<i>e) to ensure that the visual amenity of the coast is protected, and</i>	The development would not be considered to result in an adverse impact on the visual amenity of the coast.
<i>f) to protect and preserve beach environments and beach amenity, and</i>	The development would not be considered to result in adverse impacts on the beach area.
<i>g) to protect and preserve native coastal vegetation, and</i>	The development would not be expected to result in adverse impacts on coastal vegetation.
<i>h) to protect and preserve the marine environment of New South Wales, and</i>	The development would not be expected to result in adverse impacts on the marine environment.

<i>i) to protect and preserve rock platforms, and</i>	The development would not be expected to result in adverse impacts on rock platforms.
<i>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</i>	The development is not considered contrary to the principles of ESD.
<i>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</i>	As discussed throughout this report, the bulk and scale of the development is not considered appropriate for the location.
<i>l) to encourage a strategic approach to coastal management.</i>	The development is not considered inconsistent with regard to general coastal management.

8. Matters for consideration

The matters for consideration are the following:

<i>Matter</i>	<i>Comment</i>
<i>(a) the aims of this Policy set out in clause 2,</i>	The proposal is not expected to have any unreasonable negative impacts on the coastal environment and is generally consistent with the objectives outlined in Clause 2, with the exception of the bulk and scale of the development being appropriate for the location.
<i>(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,</i>	The proposal will not affect access to the coastal foreshore.
<i>(c) opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,</i>	The development site would not provide for any new opportunities for access to the foreshore.
<i>(d) the suitability of development given its type, location and design and its relationship with the surrounding area,</i>	The proposed development is not considered suitable for the site, being inconsistent with the surrounding area, as demonstrated throughout this report.
<i>(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,</i>	The proposal is not expected to detrimentally affect the coastal foreshore.
<i>(f) the scenic qualities of the New South Wales coast, and means to protect and improve</i>	The proposal is not expected to impact on the scenic values of the NSW coast.

<i>these qualities,</i>	
<i>(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,</i>	No significant flora or fauna are affected by the proposal.
<i>(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</i>	There are not expected to be negative impacts on fish or marine vegetation and their habitats as a result of the development.
<i>(i) existing wildlife corridors and the impact of development on these corridors,</i>	No wildlife corridors would be impacted by the proposal.
<i>(j) the likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,</i>	The proposal is not expected to impact on or be affected by any coastal processes or hazards.
<i>(k) measures to reduce the potential for conflict between land-based and water-based coastal activities,</i>	The proposal is not expected to result in any conflicts between land and water based coastal activities.
<i>(l) measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,</i>	The proposal is not expected to impact on any items of cultural importance.
<i>(m) likely impacts of development on the water quality of coastal waterbodies,</i>	The proposal is not expected to impact on the water quality of any coastal waterbodies.
<i>(n) the conservation and preservation of items of heritage, archaeological or historic significance,</i>	No items of heritage, archaeological or historic significance are affected by the proposal.
<i>(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,</i>	Not applicable.
<i>(p) only in cases in which a development application in relation to proposed development is determined:</i>	
<i>(i) the cumulative impacts of the proposed development on the environment, and</i>	The development would not be expected to result in cumulative impacts on the coastal environment.
<i>(ii) measures to ensure that water and energy usage by the proposed development is efficient.</i>	The proposal will not result in excessive energy or water usage. BASIX considerations are outlined at 2.1.4 above.

Conclusion

The application not considered to be consistent with objective (k) and matter for consideration (d) with regard to the bulk and scale of the development, and suitability of the development for the site, given the continued exceedance of the FSR control and three storey development built form.

2.1.6 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned R2 Low Density Residential, as demonstrated by Figure 3 below.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

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

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

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

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

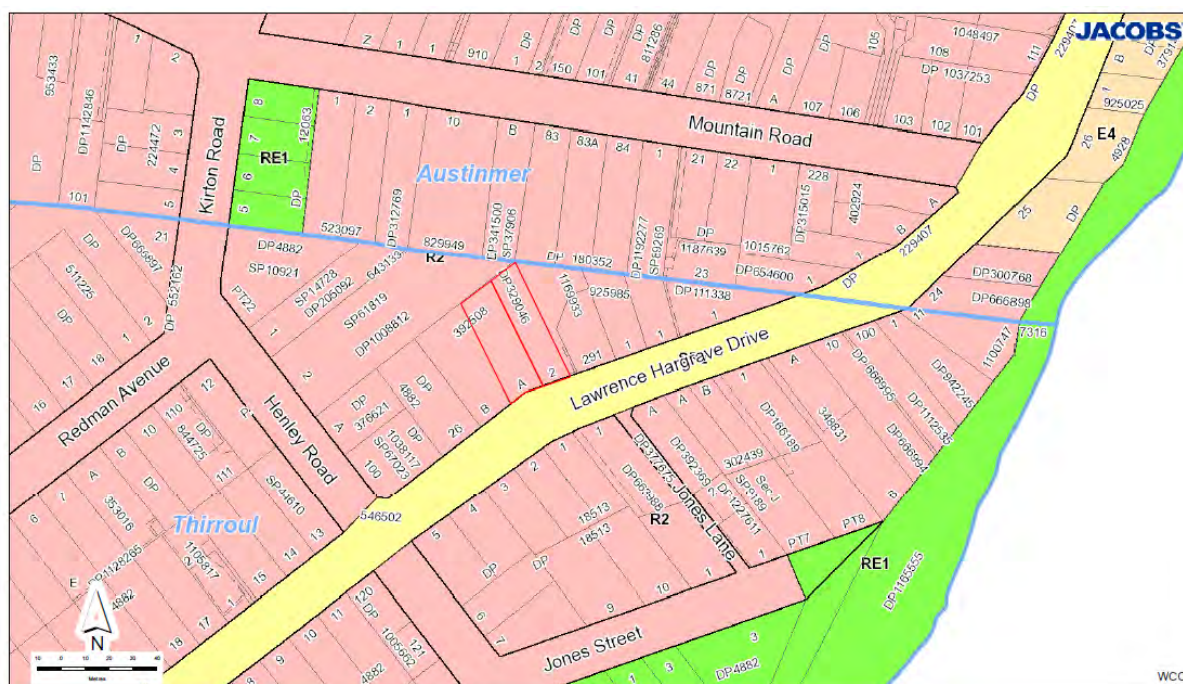


Figure 3: WLEP 2009 zoning map

Clause 1.4 Definitions

Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Clause 2.7 Demolition requires development consent

Consent for the demolition of the existing dwelling houses and ancillary structures is sought as part of the subject application. Conditions could be recommended in this regard to manage such works.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 8.73m does not exceed the maximum of 9m permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.5:1	
Site area:	1355 m ²	
GFA:	Ground	246
	Level 1	287
	Level 2	352
	Exclusions	(4x36 + 1x33) =177
	GFA	708
FSR:	708/1355 m ² = 0.52:1	

The proposal exceeds the FSR maximum for the site.

*Note: given the proposed courtyard entries are proposed to be enclosed to a height of 1.5m, these areas have been included as part of the GFA calculations pursuant to the definition of the GFA which states that GFA is to be measured at a height of 1.4m.

Furthermore, the proposed stacked garage for Unit 1 has dimensions of 11x3m only, and as such only 33sqm of this area has been excluded. Further discussion is provided at Chapter B1 below regarding the proposed garage arrangements and the garbage bin storage and rainwater tanks which encroach on the garage areas of Units 3, 4 and 5, and the garbage bin storage for Unit 2.

Clause 4.6 Exceptions to development standards

No exception request has been submitted, despite the FSR exceedance being raised on several occasions.

Part 5 Miscellaneous provisions

Clause 5.5 Development within the coastal zone (now repealed)

As discussed at section 2.1.5 above, the savings provisions within the SEPP (Coastal Management) 2018 require that the previous provisions apply to development lodged but not determined prior to 3 April 2018. As such, this clause continues to apply, in conjunction with SEPP 71 as the previous provisions to the now in force SEPP (Coastal Management) 2018.

<i>(1) The objectives of this clause are as follows:</i>	
<i>(a) to provide for the protection of the coastal environment of the State for the benefit of both present and future generations through promoting the principles of ecologically sustainable development,</i>	The proposal is not envisaged to prevent the long term protection of the coastal environment.

<p><i>(b) to implement the principles in the NSW Coastal Policy, and in particular to:</i></p> <p><i>(i) protect, enhance, maintain and restore the coastal environment, its associated ecosystems, ecological processes and biological diversity and its water quality, and</i></p> <p><i>(ii) protect and preserve the natural, cultural, recreational and economic attributes of the NSW coast, and</i></p> <p><i>(iii) provide opportunities for pedestrian public access to and along the coastal foreshore, and</i></p> <p><i>(iv) recognise and accommodate coastal processes and climate change, and</i></p> <p><i>(v) protect amenity and scenic quality, and</i></p> <p><i>(vi) protect and preserve rock platforms, beach environments and beach amenity, and</i></p> <p><i>(vii) protect and preserve native coastal vegetation, and</i></p> <p><i>(viii) protect and preserve the marine environment, and</i></p> <p><i>(ix) 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</i></p> <p><i>(x) ensure that decisions in relation to new development consider the broader and cumulative impacts on the catchment, and</i></p> <p><i>(xi) protect Aboriginal cultural places, values and customs, and</i></p> <p><i>(xii) protect and preserve items of heritage, archaeological or historical significance.</i></p>	<p>The proposal is not expected result in impacts with regard to the protection, maintenance or restoration of the coastal environment and associated processes, diversity and water quality.</p> <p>The proposal is not expected to result in impacts with regard to the protection of the natural, cultural, recreational and economic attributes of the coast.</p> <p>The development would not be expected to result in any direct impacts on the NSW Coastline.</p> <p>The development would not result in impacts on coastal vegetation.</p> <p>The site is not located in the immediate vicinity of any known Aboriginal places or items of heritage or archaeological significance.</p>
<p><i>(2) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority has considered:</i></p>	
<p><i>(a) existing public access to and along the coastal foreshore for pedestrians (including persons with a disability) with a view to:</i></p> <p><i>(i) maintaining existing public access and, where possible, improving that access, and</i></p> <p><i>(ii) identifying opportunities for new public access, and</i></p>	<p>No changes to the public access to the foreshore are proposed as part of the subject application.</p>
<p><i>(b) the suitability of the proposed development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account:</i></p> <p><i>(i) the type of the proposed development and any associated land uses or activities (including compatibility of any</i></p>	<p>The proposal is considered unsuitable for the site based on the information submitted, as discussed throughout this report. Concerns are raised with regard to the location and bulk and scale of the proposed structure and inconsistency with the character of the surrounding area.</p>

<p><i>land-based and water-based coastal activities), and</i></p> <p><i>(ii) the location, and</i></p> <p><i>(iii) the bulk, scale, size and overall built form design of any building or work involved, and</i></p>	<p>The application submission has not adequately demonstrated that the development would not result in adverse impacts on the surrounding area and its scenic quality.</p>
<p><i>(c) the impact of the proposed development on the amenity of the coastal foreshore including:</i></p> <p><i>(i) any significant overshadowing of the coastal foreshore, and</i></p> <p><i>(ii) any loss of views from a public place to the coastal foreshore, and</i></p>	<p>The development would not be expected to result in direct impacts on the amenity of the coastal foreshore.</p>
<p><i>(d) how the visual amenity and scenic qualities of the coast, including coastal headlands, can be protected, and</i></p>	<p>The development would not be expected to result in direct impacts on the scenic quality of the coast.</p>
<p><i>(e) how biodiversity and ecosystems, including:</i></p> <p><i>(i) native coastal vegetation and existing wildlife corridors, and</i></p> <p><i>(ii) rock platforms, and</i></p> <p><i>(iii) water quality of coastal waterbodies, and</i></p> <p><i>(iv) native fauna and native flora, and their habitats,</i></p> <p><i>can be conserved, and</i></p>	<p>The development would not be expected to result in direct impacts on biodiversity ecosystems.</p>
<p><i>(f) the cumulative impacts of the proposed development and other development on the coastal catchment.</i></p>	<p>The proposal would not be expected to result in adverse cumulative impacts on the coastal catchment.</p>
<p><i>(3) Development consent must not be granted to development on land that is wholly or partly within the coastal zone unless the consent authority is satisfied that:</i></p>	
<p><i>(a) the proposed development will not impede or diminish, where practicable, the physical, land-based right of access of the public to or along the coastal foreshore, and</i></p>	<p>The proposal is not considered likely to result in change in the way people access the public foreshore, given the grade of the site.</p>
<p><i>(b) if effluent from the development is disposed of by a non-reticulated system, it will not have a negative effect on the water quality of the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</i></p>	<p>Effluent disposal is available via connection into the existing reticulated system.</p>
<p><i>(c) the proposed development will not discharge untreated stormwater into the sea, or any beach, estuary, coastal lake, coastal creek or other similar body of water, or a rock platform, and</i></p>	<p>The proposal will not result in the discharge of untreated stormwater into the sea.</p>
<p><i>(d) the proposed development will not:</i></p> <p><i>(i) be significantly affected by coastal hazards, or</i></p>	<p>The proposed development is not considered likely to be impacted by coastal hazards.</p>

<p><i>(ii) have a significant impact on coastal hazards, or</i></p> <p><i>(iii) increase the risk of coastal hazards in relation to any other land.</i></p>	
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Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The existing site improvements are already serviced by electricity, water and sewage services.

Clause 7.3 Flood planning area

The proposed development has been considered by Council's Stormwater Engineer. The Engineer has advised that the proposed levels are above the 1 in 100 and PMF flood extents. The OSD has been designed to limit flow rates and discharge to the easement. The proposal is therefore not expected to unreasonably impact on flood behaviour, or result in an increased flood risk to adjoining properties.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. Given the proximity of the development to adjoining class 3 and 4 soils, and the excavations of 2+ metres, an acid sulfate soils management plan would be required in accordance with the requirements of this clause. It is considered that this could however have been managed via a condition of consent.

Clause 7.6 Earthworks

The proposal would require excavation into the site to provide for the proposed car parking arrangement. The earthworks themselves are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features surrounding land. Conditions could have been recommended to manage impacts.

Clause 7.14 Minimum site width

The site has a width of more than 27m in the majority and a depth of more than 45m which is greater than the minimum dimension requirement of 18m for multi dwelling housing developments. All new development works are contained to the area of the site which achieves a width of more than 18m as required by this clause.

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

SEPP (Coastal Management) 2018

As discussed at 2.1.5 above, SEPP (Coastal Management) 2018 came into force on 3 April 2018. Clause 21 of SEPP (Coastal Management) 2018 states that the former planning provisions continue to apply (and this policy does not apply) to a development application lodged, but not finally determined, immediately before the commencement of this Policy in relation to land to which this policy applies. SEPP (Coastal Management) 2018 commenced on 3 April 2018. Given the lodgement date of 12 October 2017 of the subject application, SEPP 71 and clause 5.5 of WLEP 2009, being the former planning provisions with regard to development in the coastal zone, are therefore considered to apply to the subject application.

Despite not being a proposed instrument, it is considered that consideration of the now in force SEPP (Coastal Management) 2018 is relevant in this case.

Maps published with the SEPP indicate the land is located in an overlapping Coastal Environment area and Coastal Use area, as demonstrated by Figure 4 below.

Division 3 clause 13 applies to coastal environment areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on vegetation, marine life and water quality, vegetation, Aboriginal heritage and community access. The development is designed, sited and will be managed to avoid an adverse impact referred to in subclause 1. All matters detailed in subclause 1 and 2 are considered satisfactory.

Division 4 clause 14 applies to coastal use areas. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on safe public access, overshadowing, wind funnelling, loss of views, visual amenity, Aboriginal heritage and cultural and built environment heritage. The development is designed, sited and will be managed to avoid an adverse impact referred to in subclause 1. All matters detailed in clause 1 and 2 are considered satisfactory.

Division 5 includes general provisions for development in the coastal zone. Clause 16 applies to development in the coastal zone generally and states that development consent must not be granted to development on land within the coastal zone (other than land to which clause 13 applies) 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. As detailed elsewhere within this report, due to its location, the proposal is not expected to increase the risk of coastal hazards on the subject land or any other land.



Figure 4: Coastal Environment Area Mapping, Coastal Management SEPP Mapping 2018

A review of Council's associated CZMP coastal hazard mapping extents identifies that the subject site is not impacted by any coastal geotechnical risk or inundation constraint.

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 unsatisfactory. A full compliance table is provided at Attachment 2 to this report and variation requests are discussed below:

8 Variations to development controls in the DCP

The proposal seeks variations to WDCP 2009 as relates to number of storeys and deep soil zone size. Variation request statements have been provided to address each non-compliance. The request statements are not considered to have been prepared in accordance with the requirements of part 8 of Chapter A1, with the request statement for the maximum number of storeys referring to clause 4.6 of the WLEP 2009, and the incorrect control and objectives. Notwithstanding, the variation requests submitted are provided at Attachment 3 to this report.

The following outlines Council's consideration of the requested variations against the requirements of the DCP;

Chapter B1: Residential Development

Part 5.2 Number of storeys

Part 5.2.2.1 require that development in the R2 Low Density Residential Zone be a maximum of two storeys. The subject development seeks consent for three storeys for a portion of the development, with a basement/lower ground floor garage proposed for each unit, above the ground floor main living areas and first floor bedrooms.

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement incorrectly identifies the control being varied as 4.1, which also relates to Number of Storeys, but for dwelling houses and dual occupancies only. The control assumed to be varied is 5.1.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The applicant has provided a plan, provided at Figure 5 below which demonstrates the extent of the variation.</p> <p>The variation is requested on the basis that the site cross fall enables the location of the garages and driveway as presented and leads to the cutting in of the basement arrangement. The applicant has stated that the development would not result in an exceedance of the WLEP 2009 9m height limit, and would not result in unreasonable overshadowing of the adjoining properties.</p> <p>The statement also indicates that the variation relates to only a small portion of Units 3-5, with the extent of three storey development for Units 1 and 2 being larger.</p> <p>The statement indicates that the variation should be permitted as the building does not appear on any elevation to be three storeys in height, and the design</p>

	has sympathetically utilised varying elevational forms and planter boxes and varying setbacks to mitigate any negative impacts relating to the bulk and scale.
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 encourage buildings which integrate within the existing streetscape and the desired future character for the area.</i> b) <i>To minimise the potential impacts of overshadowing and overlooking on adjacent dwellings and open space areas.</i> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u></p> <p>The development is not considered to be consistent with the existing streetscape, and the desired character of the area. See comments at Chapter D1 regarding consistency of the development with the Character Statement for Thirroul.</p> <p>Despite the design of Units 3, 4 and 5 including minimal areas of technical three storey development, a considerable amount of the floor area of Unit 2 is three storeys. It is considered that a design for the site could be presented which did not result in areas of three storeys.</p> <p>The design presented is also not considered to have minimised the potential for overshadowing and overlooking. The elevations and sections (Figure 6) provided clearly demonstrate that the proposal presents from the southwest as a three storey development. The design also proposes south west facing balconies for Units 2-5. Units 3, 4 and 5 are proposed with the primary POS areas on the northern side of the development, but are also proposed with balcony areas orientated to the south west. Concern was raised as to the privacy implications from this area, however rather than be removed or reduced in size, additional screening has been added to the elevation which presents additional scale to the elevation.</p> <p>The applicant disputes this position, as outlined in the urban context analysis provided at Attachment 4. The three storey development examples are primarily older developments which would have been constructed prior to the number of storeys development controls being imposed. This control has been enforced in the immediate area, notably the property immediately adjoining development to the north. Furthermore, the presentation that the site could be developed more intensively and with greater impacts as a result of the</p>

	Medium Density Housing Code adoption is not considered to be directly relevant, as the adoption of this code has been deferred by a further 12 months in the Wollongong LGA for further consideration.
d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	<u>Council comment:</u> There development is considered likely to result in adverse impacts as a result of the variation if granted.
<p>Comment:</p> <p>The requested variation has been considered and is not supported. The applicant has been advised of this position on two occasions.</p>	

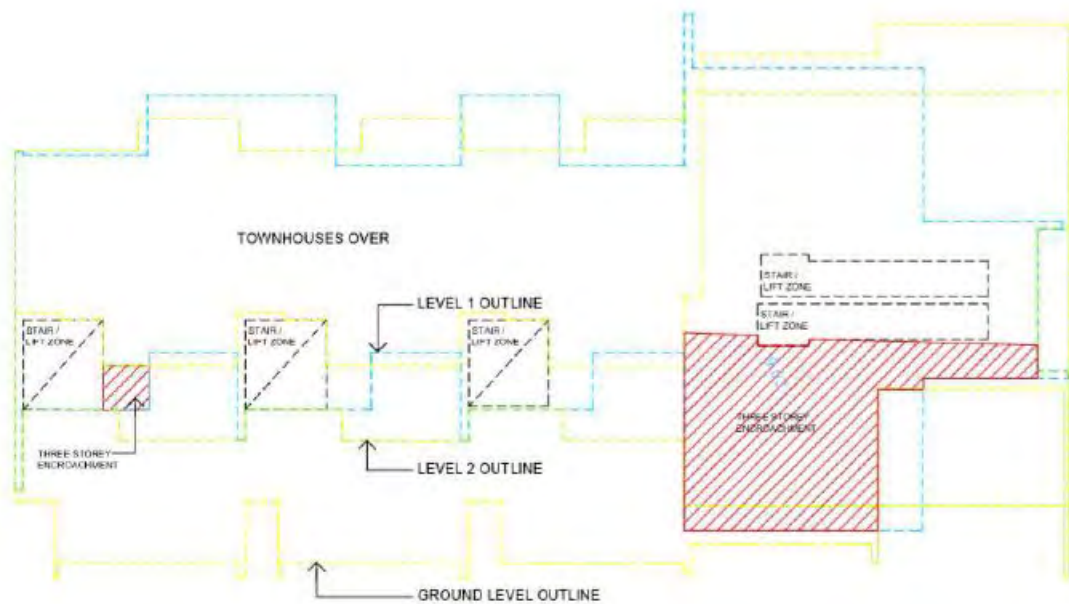


Figure 5: Extent of three storey development demonstrated by applicant



Figure 6: South west elevation

Chapter B1: Residential Development

Part 5.9 Deep Soil Planting

Part 5.9.2.2 requires that a minimum of half of the landscaped area (i.e. 15% of the site) must be provided as deep soil zone where the deep soil zone is not located at the rear of the site, or

alternatively, the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m.

The subject development proposes to locate the deep soil zone to the rear of the site, however seeks a variation to the required 6m minimum width, with the southern extent of the deep soil being only 4.56m wide, due to the angular rear boundary setback and the location of the proposed units and driveway area.

Control	Comment
2. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control to be varied as control 5.9.2.2.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>A plan, provided at Figure 7 below demonstrates the extent of the variation.</p> <p>The variation is requested on the basis that the deep soil zone exceeds the 6m width to the north of the site, maximising the landscape potential to integrate the development and create habitat for native and indigenous planting and bird life. A number of the palms to the rear of the existing development at 178 Lawrence Hargrave Drive are proposed to be transplanted in the deep soil zone.</p> <p>The statement also indicates that the variation relates to only a small portion of the extent of the deep soil zone, with the 5.4sqm of area not achieving the 6m width, being offset by more than 30sqm to the north and west of the development.</p> <p>The statement indicates that the proposed deep soil zone would meet the objectives of the WDCP 2009, and should be considered a singular uniform area extending along the full length of the rear of the site.</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 protect existing mature trees on a site and encourage the planting of additional significant vegetation.</i> b) <i>To encourage the linkage of adjacent deep soil zones on development sites, to provide habitat for native indigenous plants and birdlife.</i> c) <i>To allow for increased water infiltration.</i> d) <i>To contribute to biodiversity.</i> <p>The applicant has indicated that they consider the development consistent with the above objectives.</p> <p><u>Council comment:</u></p> <p>The development is not considered to be consistent with the deep soil zone requirements. The control provides the option for either 15% of the site area, or a continuous 6m wide area along the rear property boundary. The proposed development does not</p>

	<p>achieve either. The subject site and surrounding areas are not considered or mapped to have any special biodiversity value and there is limited connection with similar zones on adjoining properties.</p> <p>The deep soil zone also contains a Sydney water sewer line and stormwater infrastructure, limiting planting in certain areas.</p>
<p>d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.</p>	<p><u>Council comment:</u></p> <p>Considering the requested variation in conjunction with the other non-compliances as outlined throughout this report, the development is considered likely to result in adverse impacts should the variation be granted.</p>
<p><u>Comment:</u></p> <p>The requested variation has been considered and is not supported.</p>	

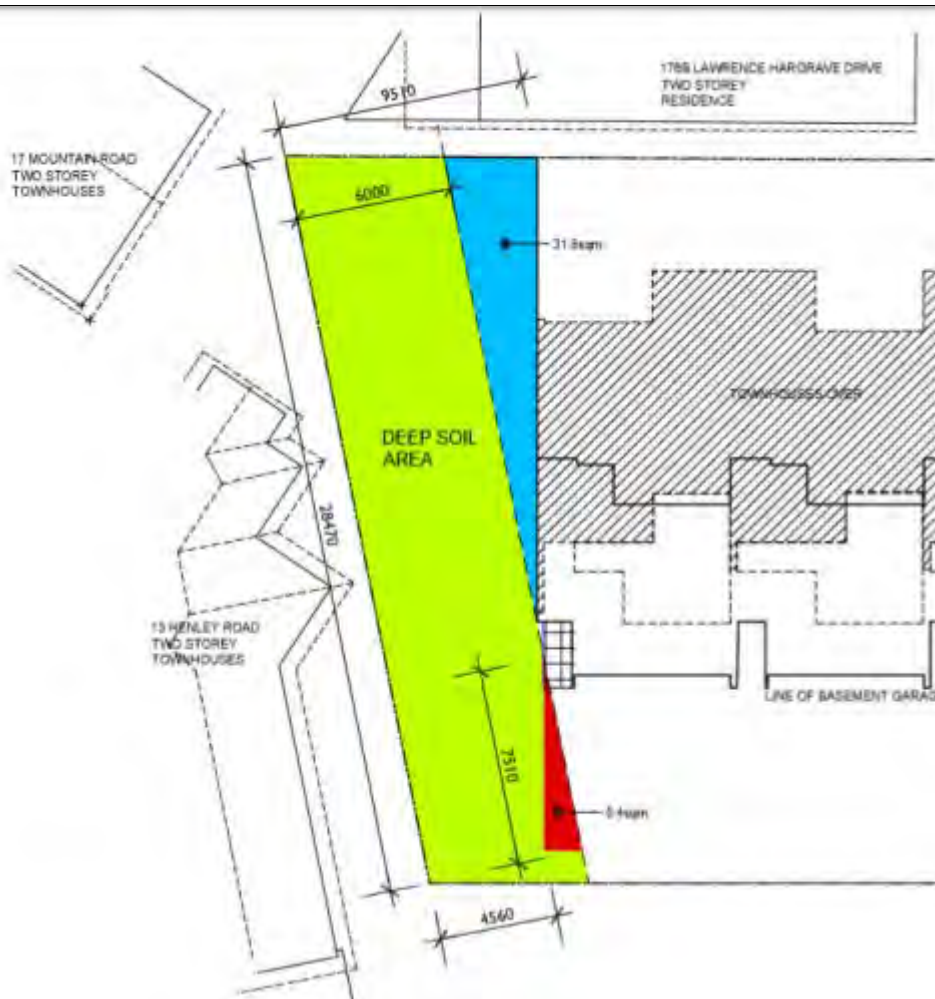


Figure 7: Deep soil zone variation extent

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is >\$100,000 (\$1,557,050.00) and a levy of 1% would therefore be applicable under this plan as the threshold value is \$100,000.

However this is not applicable in this case as the proposed development is recommended for refusal

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

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

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

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

Conditions of consent could be recommended with regard to demolition.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable

2.6 SECTION 4.15(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

REPEALED

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

Context and Setting:

In regard to the matter of context, the planning principle in Project Venture Developments v Pittwater Council [2005] NSWLEC 191 is relevant in that it provides guidance in the assessment of compatibility. The two major aspects of compatibility are physical impact and visual impact. In assessing each of these the following questions should be asked:

- Are the proposals physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.
- Is the proposals appearance in harmony with the buildings around it and the character of the street?

The locality immediately surrounding the site is comprised of a mix of residential developments, ranging from single residential dwellings to multi dwelling and residential flat building developments. The nearby multi dwelling housing developments are generally older constructions with minimal visibility from the street.

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development will result in overshadowing of the development to the south. Despite the shadow diagrams indicating that the solar access will comply with the requirements of the WDCP 2009, it is considered that this impact is exacerbated by the requested variation to the number of storeys. The development continues to exceed the allowable FSR for the site, and the bulk and scale, particularly when viewed from the south or from Lawrence Hargrave Drive northbound, is considerably larger than any other development in the immediate context of the site. The applicant disputes this position, as outlined in the urban context analysis provided at Attachment 4. The three storey development examples are primarily older developments which would have been constructed prior to the number of storeys development controls being imposed. The example given by the applicant with regard to the impact of the Medium Density Housing Code is not considered relevant, given the adoption of this code has been delayed by a further 12 months in the Wollongong LGA for further consideration. The appearance of the development is not

<p>considered to be in harmony with the development potential of surrounding sites.</p> <p>In regard to the visual impact, the development is not considered to be in harmony with the surrounding buildings and character of the street. The area is characterised by a mixture of residential developments. It is likely that more intensive developments will occur in future given the height and FSR maximums for the area, and surrounding single residential dwellings. However, considering the slope of the land and the desire to take advantage of water and escarpment views, it is important to ensure that the development does not set an unreasonable precedent for the development of similar properties in the area.</p> <p>The scale of the development when viewed from the street, particularly traffic travelling north on Lawrence Hargrave Drive is not considered to be in harmony with surrounding developments.</p> <p>In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is not considered to be compatible with the local area.</p>
<p><u>Access, Transport and Traffic:</u></p> <p>The development provides for the required number of car parking spaces and manoeuvring. Councils Traffic Officer and the RMS have considered the development with regard to impacts on the wider traffic network, and raised no objections to the proposal.</p>
<p><u>Public Domain:</u></p> <p>The development is considered likely to result in impacts on the public domain with regard to the bulk and scale.</p>
<p><u>Utilities:</u></p> <p>The proposal would not be envisaged to place an unreasonable demand on utilities supply. The development would require the relocation of a power pole within the road reserve. Conditions could be recommended in this regard.</p>
<p><u>Heritage:</u></p> <p>The site is not located in the visual catchment of any nearby heritage items.</p>
<p><u>Other land resources:</u></p> <p>The proposal would not be envisaged to impact upon any valuable land resources.</p>
<p><u>Water:</u></p> <p>The site is presently serviced by Sydney Water, which could be readily extended to meet the requirements of the proposed development.</p> <p>The proposal would not be envisaged to have unreasonable water consumption.</p>
<p><u>Soils:</u></p> <p>Concerns have been raised with regard to contamination as discussed throughout this report.</p>
<p><u>Air and Microclimate:</u></p> <p>The proposal would not be expected to result in negative impact on air or microclimate.</p>
<p><u>Flora and Fauna:</u></p> <p>Conditions could be recommended with regard to tree removal. Councils Landscape Officer has considered the proposed development and raised no objection to the development subject to conditions.</p>

Waste:

A condition could be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.

Energy:

The proposal would not be expected to have unreasonable energy consumption.

Noise and vibration:

A condition could be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

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

Council records list the site as uncategorised flood affected. Following further investigation by the applicant and Councils Stormwater Officers, it was concluded that the proposed development is above the 1 in 100 and PMF flood levels. The flood hazard notation would not prohibit the development of the site.

Technological hazards:

Council records list the site as acid sulphate soil affected. It is considered that conditions could be recommended to address this matter, requiring the neutralisation of any excavated material from the site.

Safety, Security and Crime Prevention:

Concerns as to the entrances to Units 3, 4 and 5, being inset into the property and not directly visible from the street or driveway area remain.

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

The application results in a departure from the Wollongong Local Environmental Plan 2009 development standard with regard to maximum Floor Space Ratio and Council's development control plan with regard to maximum number of storeys and deep soil zone requirements. Concerns with regard to the encroachment of garbage storage and rainwater tanks on the required car parking area, the entrance treatment to those units off the driveway and potential site contamination remain outstanding.

Construction:

Conditions of consent could be recommended in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

A condition would be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

Considering the matters outlined throughout this report, the proposal is considered likely to result in adverse cumulative impacts.

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

Does the proposal fit in the locality?

The proposal is not considered appropriate and is considered to have the potential to result in 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.

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

See section 1.5 of this report.

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

The application is considered likely to result in negative impacts on the environment and the amenity of the locality. The proposal is considered inappropriate with consideration to site constraints, contrary to the relevant planning controls and in the current form, approval would not be considered to be in the public interest.

3 CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

It is considered that the applicant has not provided adequate justification for the variations sought to WDCP 2009 as relates to maximum number of storeys and deep soil zone width. The proposal also continues to exceed the 0.5:1 Floor Space Ratio maximum for the site, despite being identified on several occasions, with no clause 4.6 exception request statement provided.

Internal referrals from Councils Stormwater, Traffic, Community Safety and Landscape have returned with satisfactory advice. Concerns have been raised by Councils Environment Officer with regard to potential contamination. The RMS have advised no objections to the proposed development.

Several matters including those identified within submissions remain unresolved.

It is not considered that the proposed development has been designed appropriately given the constraints and characteristics of the site, is inconsistent with the existing and desired future character of the locality and has the potential to result in significant adverse impacts on the amenity of the surrounding area.

4 RECOMMENDATION

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

Having regard to the above information, the application is considered to be unsatisfactory and is recommended for **refusal** for the following reasons:

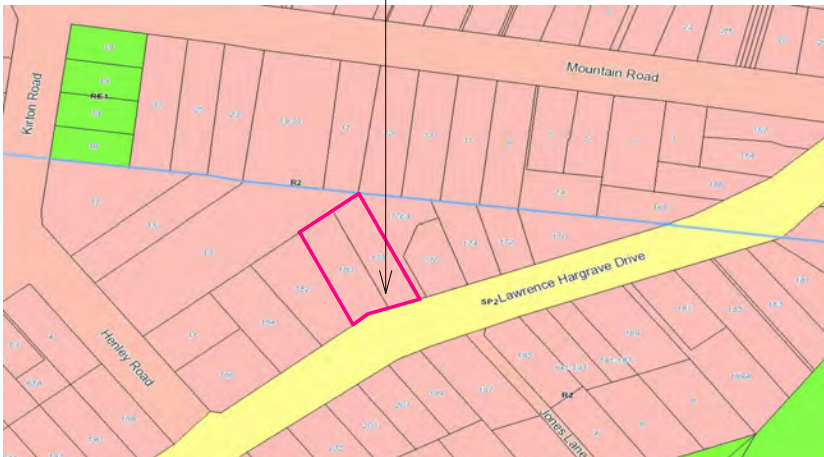
1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate consistency with:
 - State Environmental Planning Policy No. 55 – Clause 7; and
 - State Environmental Planning Policy No. 71
2. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009:

- Clause 4.4 Floor Space Ratio; and
 - Clause 4.6 Exceptions to development standards.
3. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009:
 - Chapter B1: Residential Development;
 - Chapter D1: Character Statements;
 - Chapter E2: Crime Prevention Through Environmental Design;
 - Chapter E7: Waste Management; and
 - Chapter E20: Contaminated Land Management.
 4. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the likely impacts of the development will not be adverse.
 5. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the site is suitable for the development
 6. Pursuant to the provisions of Section 4.15 (1)(d)&(e) of the Environmental Planning and Assessment Act, 1979, it is considered that having regard for the relevance of submissions received and in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.

5 ATTACHMENTS

1	Plans
2	Compliance table for Wollongong Development Control Plan 2009
3	WDCP Variation Request Statements
4	Urban Context Analysis
5	Applicants Visual Impact Assessment
6	Council Visual Impact Assessment
7	Reasons for Refusal

EXISTING SITE



ZONING MAP

R2 - LOW DENSITY RESIDENTIAL

EXISTING SITE



FSR MAP

0.5 : 1 ALLOWED

EXISTING SITE



BUILDING HEIGHT MAP

9 METRE LIMIT

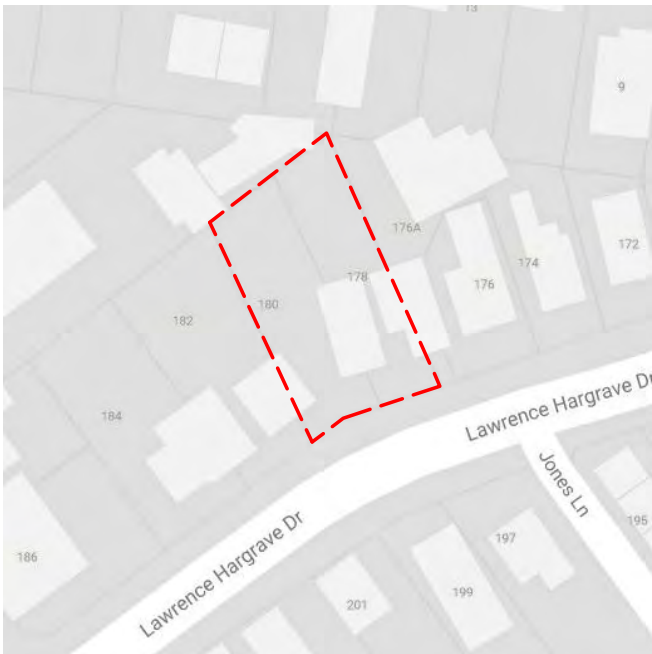


FIGURE / GROUND MAP

178-180 LAWRENCE HARGRAVE DRIVE, THIRROUL



STREET VIEW - 2016

178-180 LAWRENCE HARGRAVE DRIVE, THIRROUL

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Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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Legend:			
RB01 RENDERED BRICKWORK	S STONEWORK	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	



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Web: <http://www.designworkshop.com.au>
Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT: HUGHES RESIDENTIAL DEVELOPMENT
ADDRESS: LOT A DP392508 + LOT 2 DP329046
178 - 180 LAWRENCE HARGRAVE DRIVE,
THIRROUL
DRAWING NAME: DCP ANALYSIS

DATE: MAR 16
DRAWN: NT
SCALE:
QA: RG

PROJECT No.1392
DWG No. **01 V**



CONTEXT

NO SCALE

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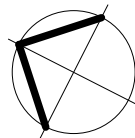
Legend:

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RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW	T	TIMBER FLOORS
FB01	FACE BRICKWORK	DP	DOWNPipes	OB	OBSCURE WINDOW	CT	CERAMIC TILES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW	CPT	CARPET
BL	BLOCKWORK	D	DOOR	SK	SKYLIGHT	PC	POLISHED CONCRETE
CL01	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD	SP	FEATURE SCREENING
CL02	CLADDING	SLD	SLIDING DOOR	LV	LOUVRES		
RW	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK		



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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT: HUGHES
RESIDENTIAL DEVELOPMENT
ADDRESS: LOT A DP392508 + LOT 2 DP329046
178 - 180 LAWRENCE HARGRAVE DRIVE,
THIRROUL
DRAWING NAME: SURROUNDING CONTEXT

DATE: MAR 16
DRAWN: NT
SCALE: NO
SCALE
QA: RG

PROJECT No.1392
DWG No. **02 V**



LOCAL CONTEXT & ANALYSIS

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REF.	DATE	AMENDMENT
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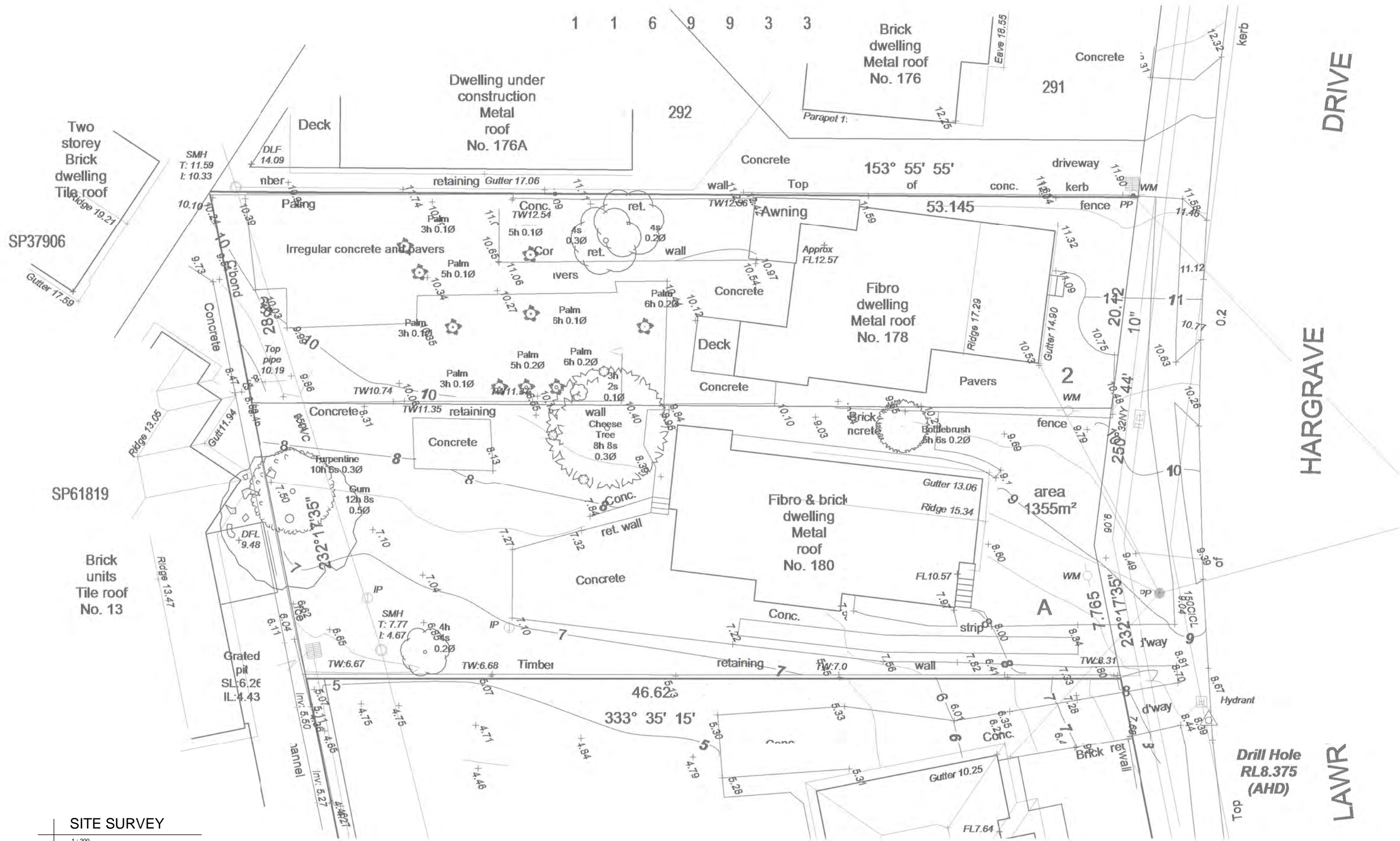
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RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
FW	FIXED WINDOW	OB	OBSCURE WINDOW
AW	AWNING WINDOW	SK	SKYLIGHT
WH	WINDOW HOOD	LV	LOUVRES
LV	LOUVRES	RWT	RAINWATER TANK



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Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.	1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	NT	DWG No.	03 V
DRAWING NAME:	LOCAL CONTEXT	SCALE:	NTS	QA:	RG



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V	27.06.2018	ADDITIONAL INFORMATION

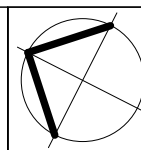
DISCLAIMER
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Legend:	S	SLW	P
RB01 RENDERED BRICKWORK	STONEWORK	SLIDING WINDOW	POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	

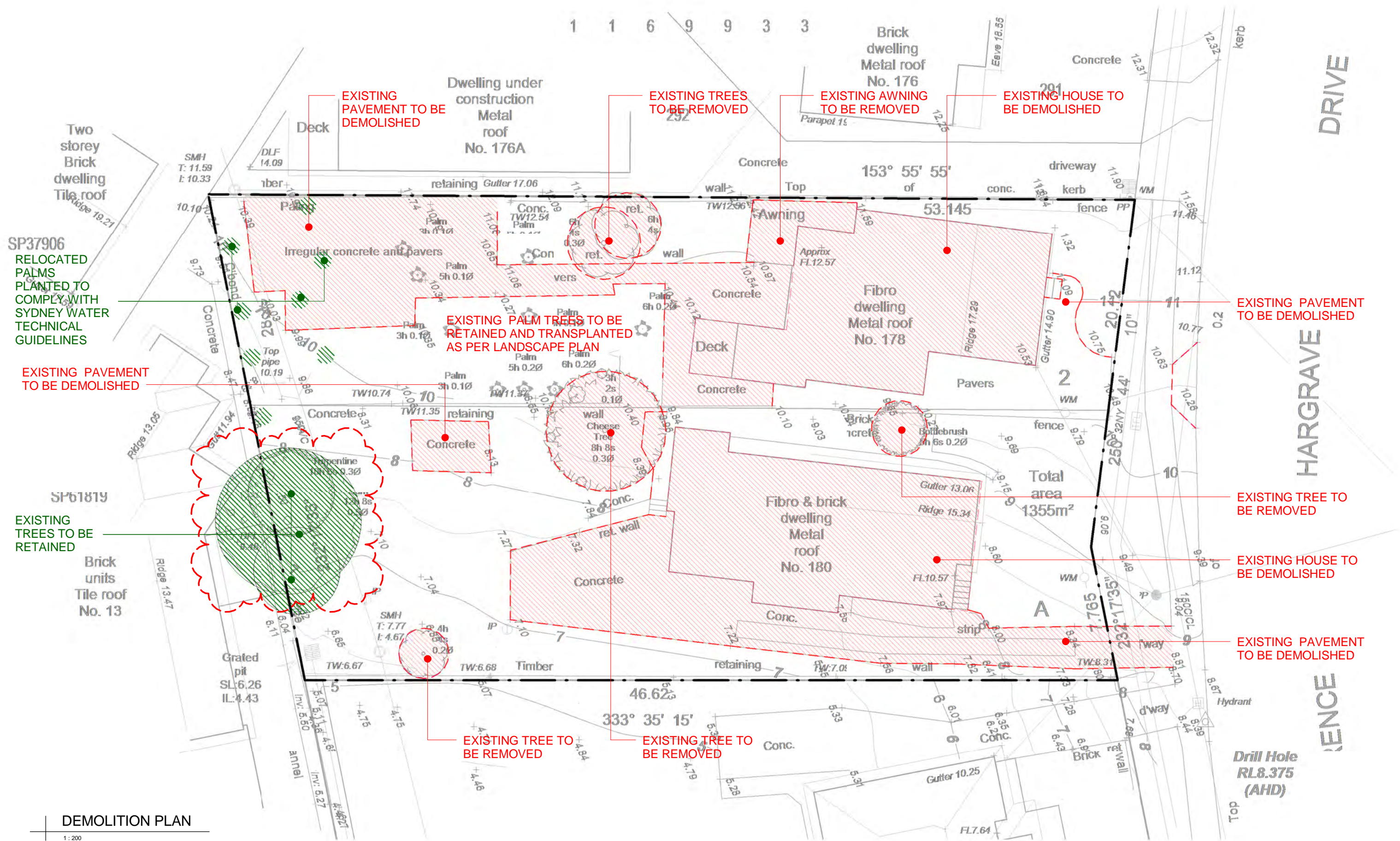


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CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.1392
ADDRESS:	LOT A DP392508 & LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	JN,SG,HD	DWG No. 04 V
DRAWING NAME:	SITE SURVEY	SCALE:	1 : 200	
		QA:	RG	



DEMOLITION PLAN

1 : 200

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V	27.06.2018	ADDITIONAL INFORMATION

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Legend:

RB01	RENDERED BRICKWORK	S	STONEWORK	SLW	SLIDING WINDOW	P	POST
RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW	T	TIMBER FLOORS
FB01	FACE BRICKWORK	DP	DOWNPipes	OB	OBSCURE WINDOW	CT	CERAMIC TILES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW	CPT	CARPET
BL	BLOCKWORK	D	DOOR	SK	SKYLIGHT	PC	POLISHED CONCRETE
CL01	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD	SP	FEATURE SCREENING
CL02	CLADDING	SLD	SLIDING DOOR	LV	LOUVRES		
RW	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK		



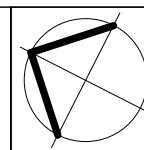
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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT
ADDRESS:	LOT A DP392508 & LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME:	DEMOLITION PLAN

ADDITIONAL INFORMATION

DATE:	MAR 16	PROJECT No.	1392
DRAWN:	NT, TN	DWG No.	05 V
SCALE:	1 : 200		
QA:	RG		



SITE + ROOF PLAN

1 : 200

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REF.	DATE	AMENDMENT
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Legend:

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RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	



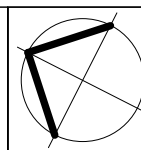
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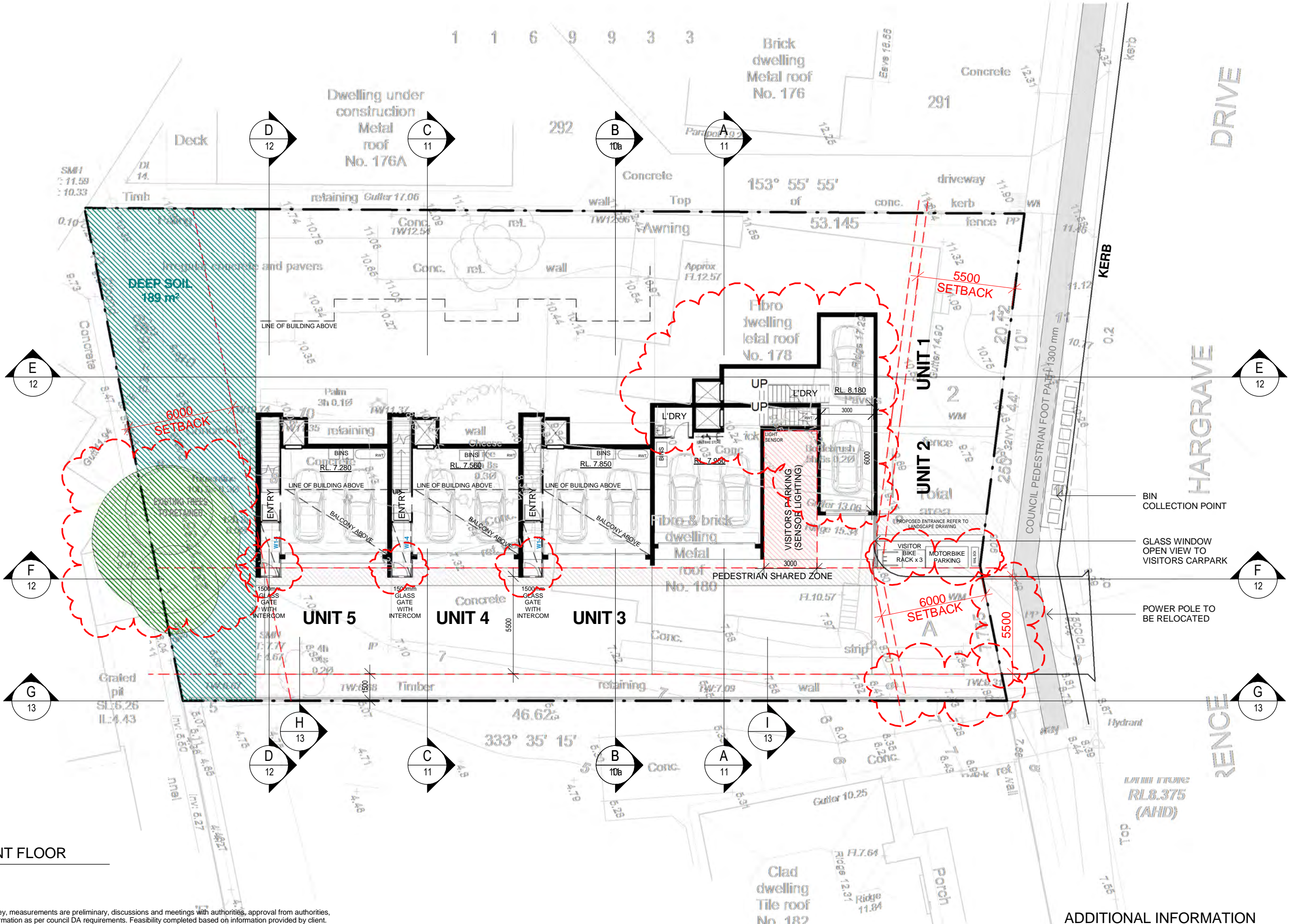
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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.1392
ADDRESS:	LOT 4 DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	JN,SG,HD,TN	DWG No. 06 V
DRAWING NAME:	SITE AND ROOF PLAN	SCALE:	1 : 200	
		QA:	RG	

ADDITIONAL INFORMATION



BASEMENT FLOOR

1 : 200

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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

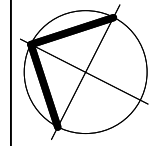
DISCLAIMER
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Legend:	
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RB02	RENDERED BRICKWORK
FB01	FACE BRICKWORK
FB02	FACE BRICKWORK
BL	BLOCKWORK
CL01	CLADDING
CL02	CLADDING
RW	RETAINING WALL
S	STONEWORK
R	ROOF
DP	DOWNPipes
TB	TIMBER BATTENS
GD	GARAGE DOOR
SLD	SLIDING DOOR
BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW
FW	FIXED WINDOW
OB	OBSCURE WINDOW
AW	AWNING WINDOW
SK	SKYLIGHT
WH	WINDOW HOOD
LV	LOUVRES
RWT	RAINWATER TANK
P	POST
T	TIMBER FLOORS
CT	CERAMIC TILES
CPT	CARPET
PC	POLISHED CONCRETE
SP	FEATURE SCREENING



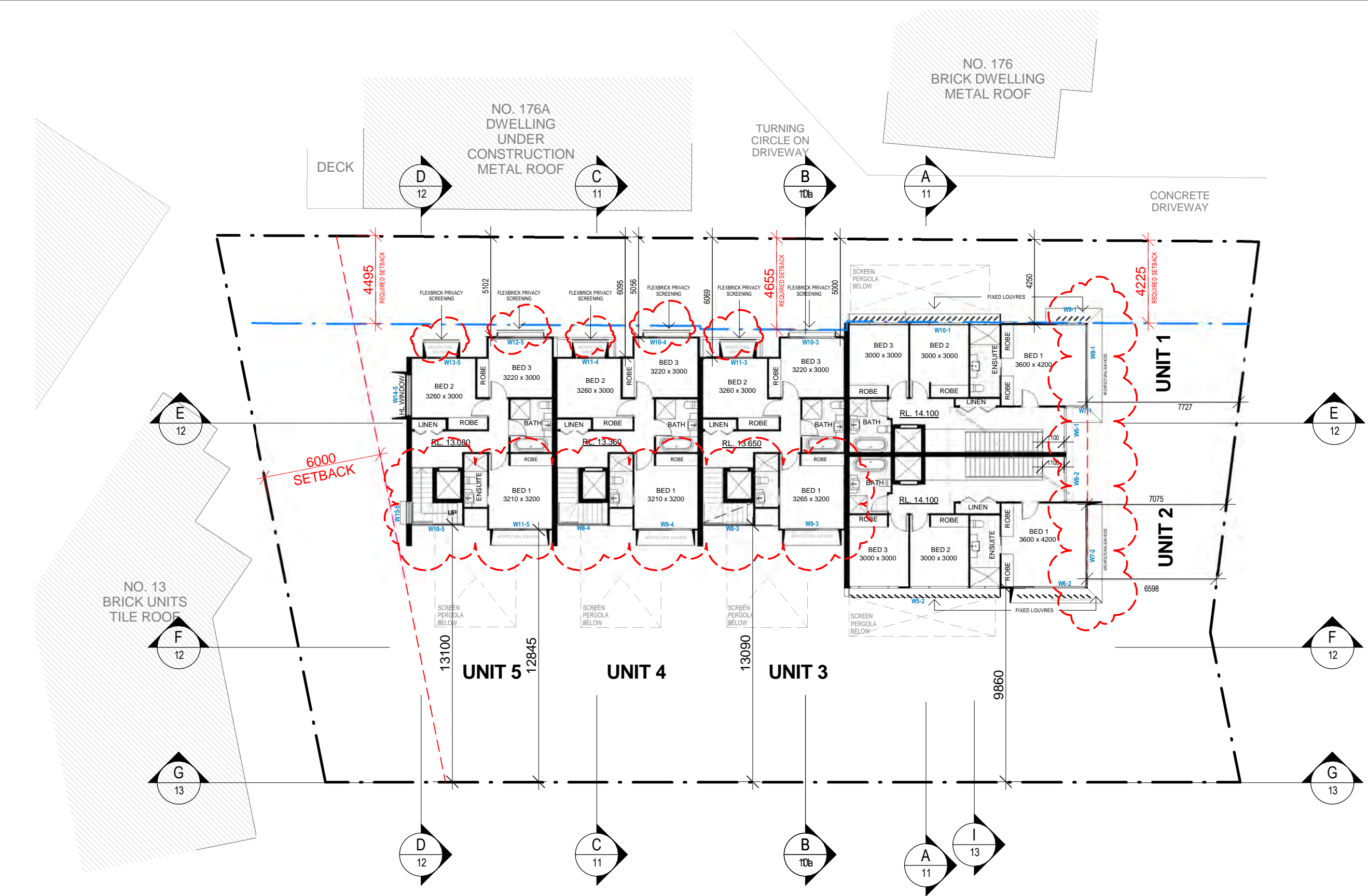
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Email: info@designworkshop.com.au
Web: http://www.designworkshop.com.au
Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	JN,SG,HD,TN	DWG No. 07 V
DRAWING NAME:	BASEMENT FLOOR PLAN	SCALE:	1 : 200	
		QA:	RG	

ADDITIONAL INFORMATION



FIRST FLOOR

1 : 200

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REF.	DATE	AMENDMENT
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Legend:

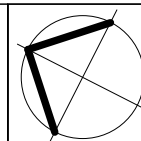
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RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW	T	TIMBER FLOORS
FB01	FACE BRICKWORK	DP	DOWNPipes	OB	OBSCURE WINDOW	CT	CERAMIC TILES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW	CPT	CARPET
BL	BLOCKWORK	D	DOOR	SK	SKYLIGHT	PC	POLISHED CONCRETE
CL01	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD	SP	FEATURE SCREENING
CL02	CLADDING	SLD	SLIDING DOOR	LV	LOUVRES		
RW	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK		



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Nominated Architect: Robert Gizzi (Reg. 8286)

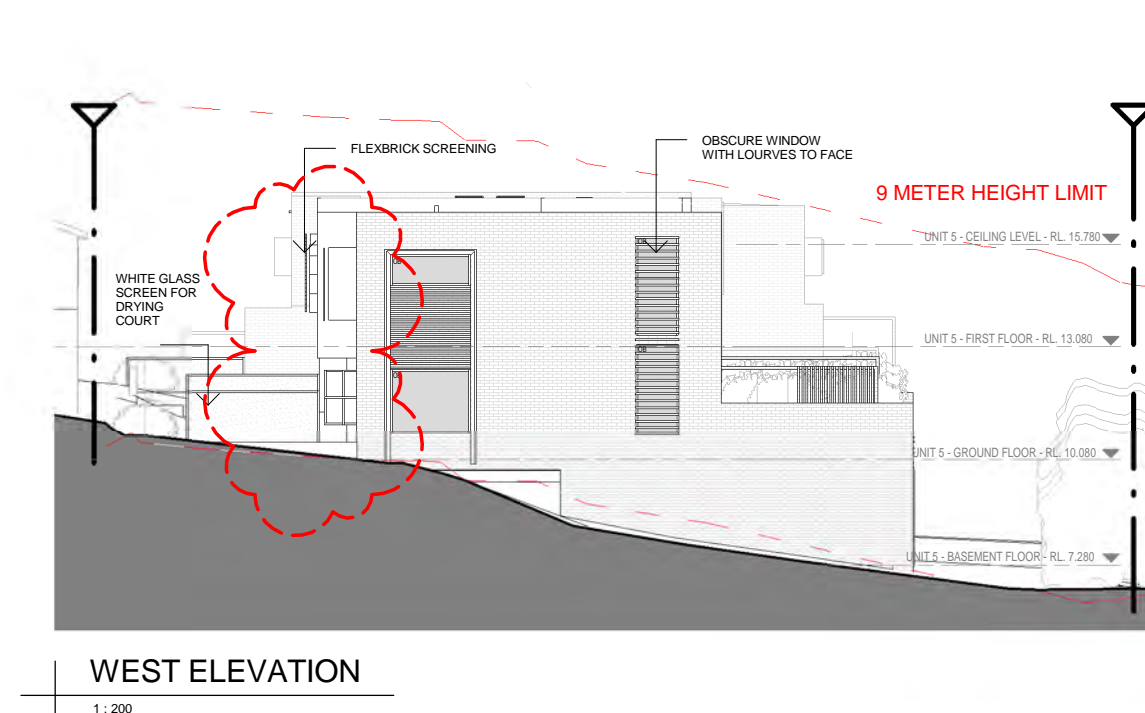
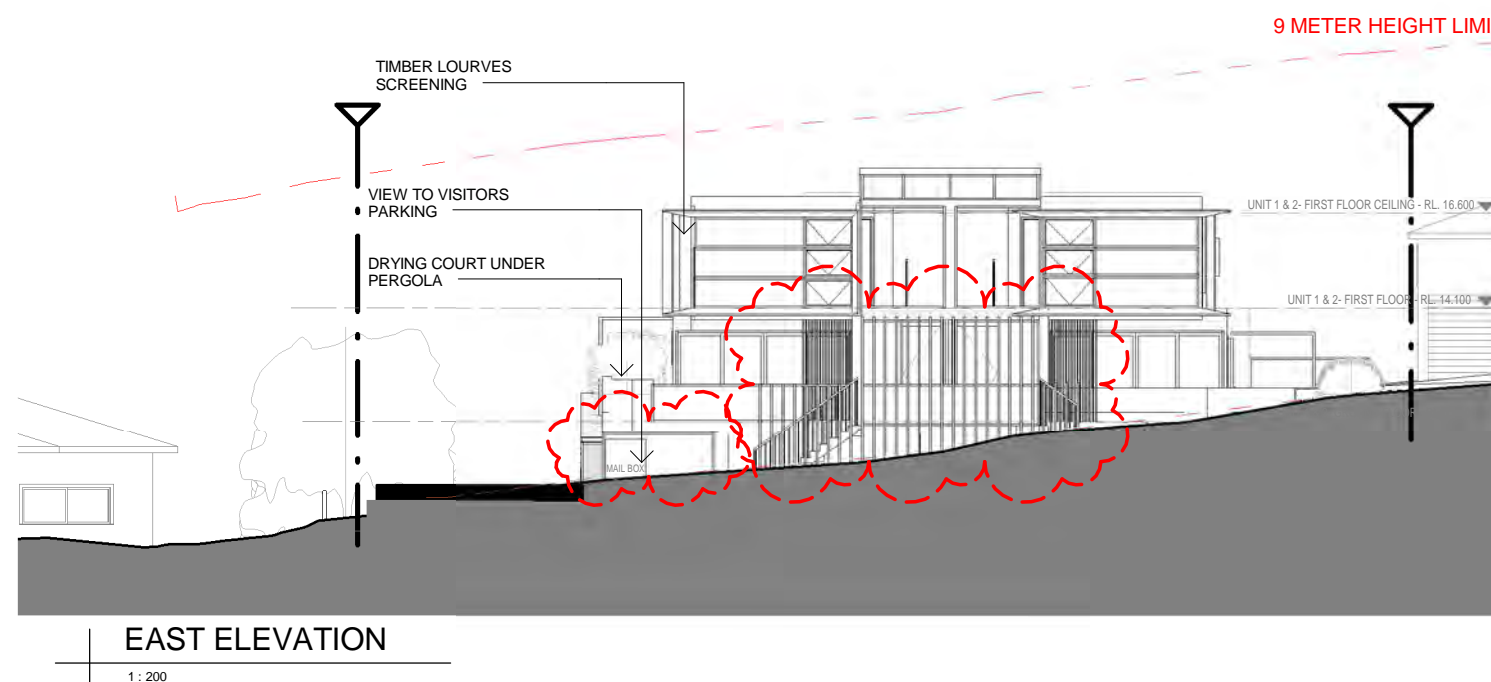


CLIENT: HUGHES RESIDENTIAL DEVELOPMENT
ADDRESS: LOT A DP392508 + LOT 2 DP329046
178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: FIRST FLOOR PLAN

ADDITIONAL INFORMATION

DATE: MAR 16
DRAWN: JN,SG,HD,TN
SCALE: 1 : 200
QA: RG

PROJECT No.1392
DWG No. 09 V



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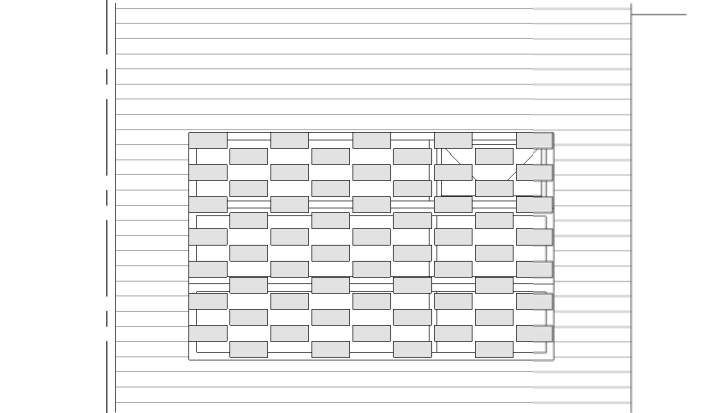
REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

Legend:					
RB01 RENDERED BRICKWORK	S STONEWORK	SLW SLIDING WINDOW	P POST		
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS		
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES		
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET		
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE		
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING		
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES			
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK			

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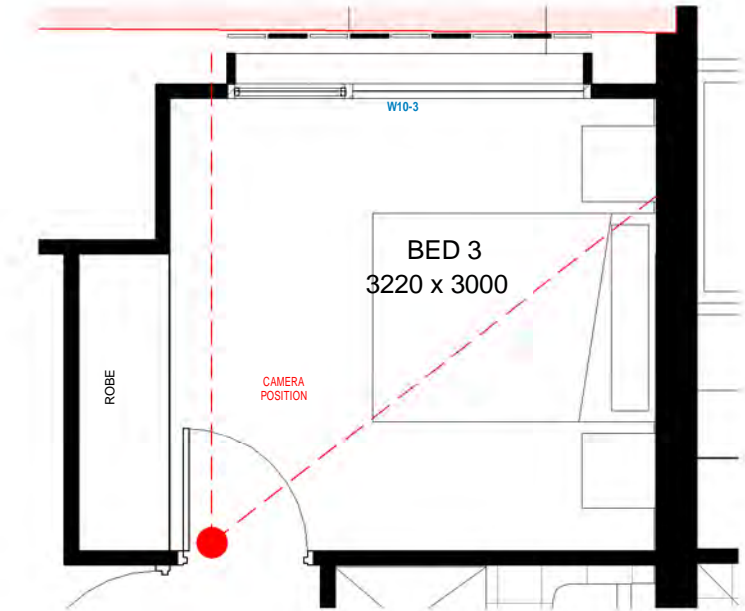
Email: info@designworkshop.com.au
Web: <http://www.designworkshop.com.au>
Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	JN,SG,HD,TN	DWG No. 10 V
DRAWING NAME:	ELEVATION	SCALE:	1 : 200	
		QA:	RG	



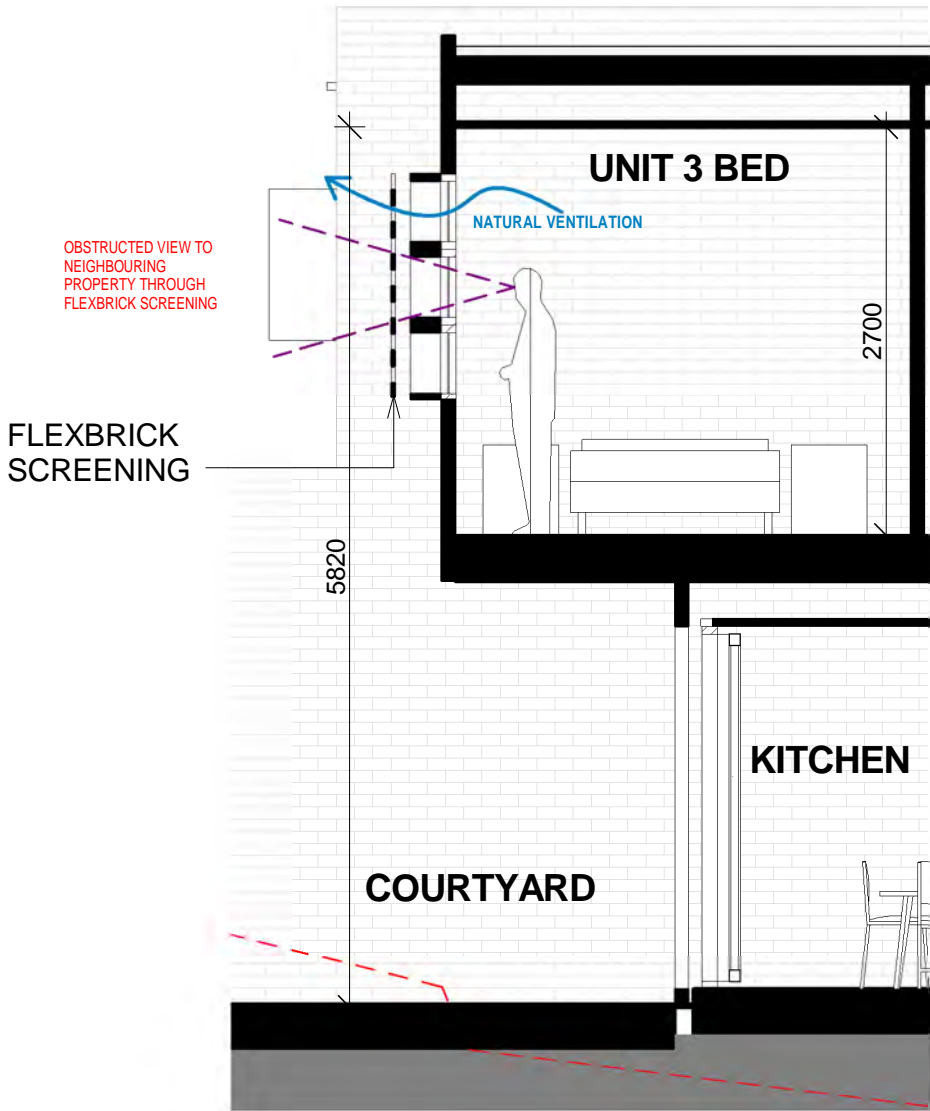
A - FLEXBRICK SCREENING DETAILS

1 : 50



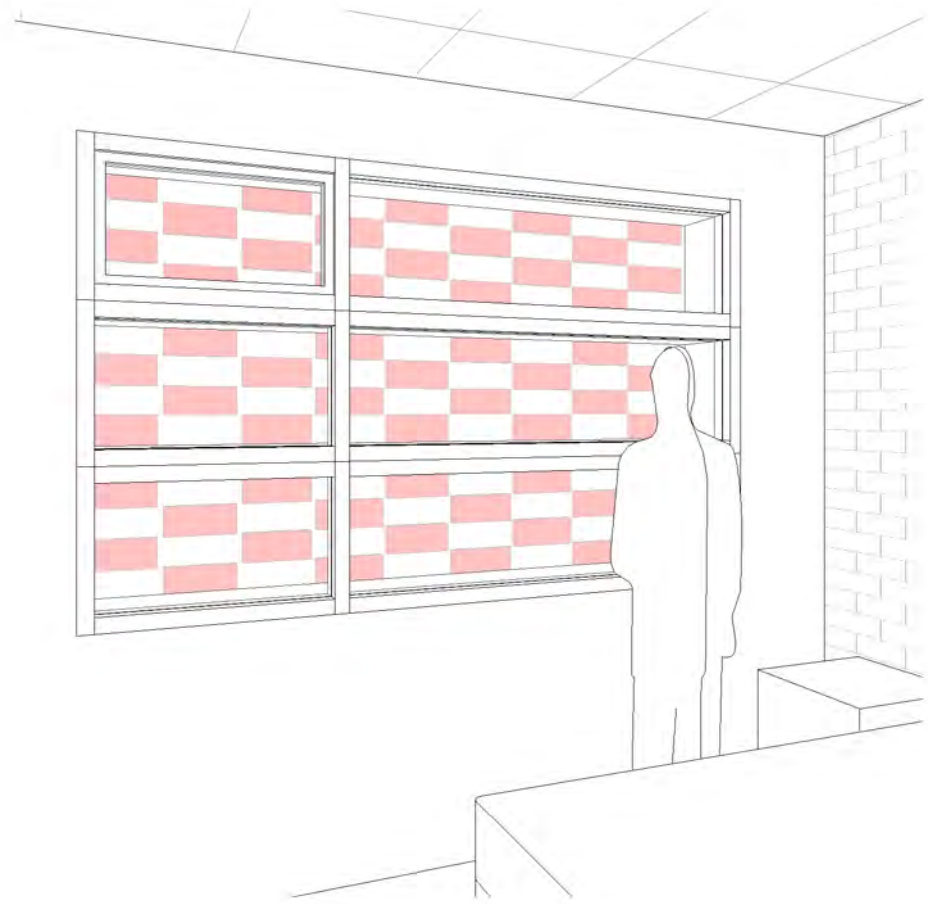
FIRST FLOOR

1 : 50

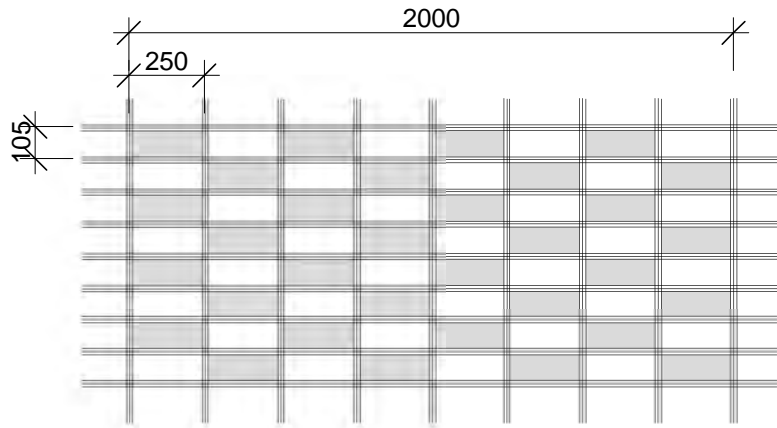


B - FLEX BRICK SECTION DETAILS

1 : 50



VIEW FROM BEDROOM



TECHINICAL FLEXBRICK DETAIL

1 : 25

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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

Legend:			
RB01	RENDERED BRICKWORK	S	STONEWORK
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPipes
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
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OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		



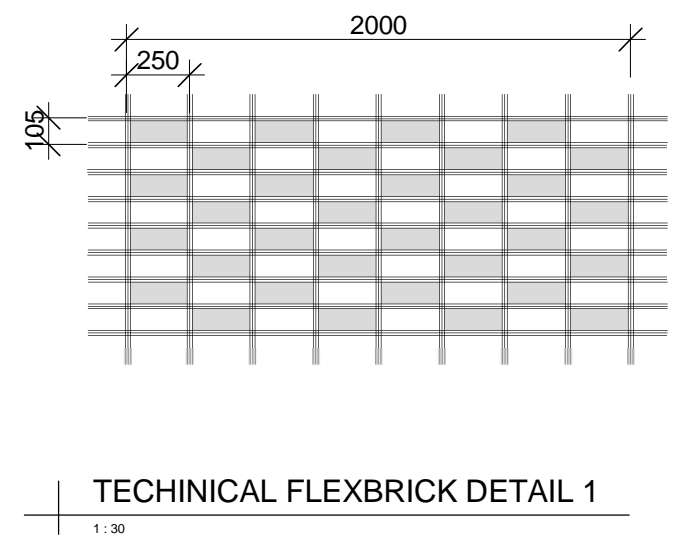
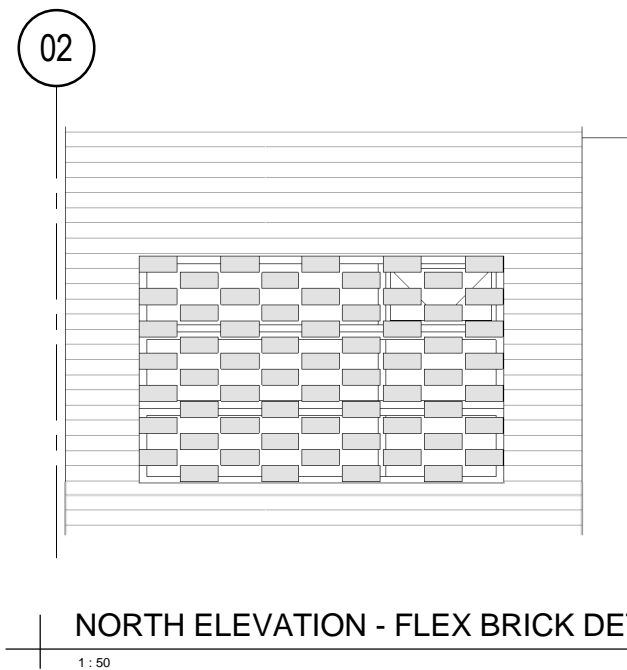
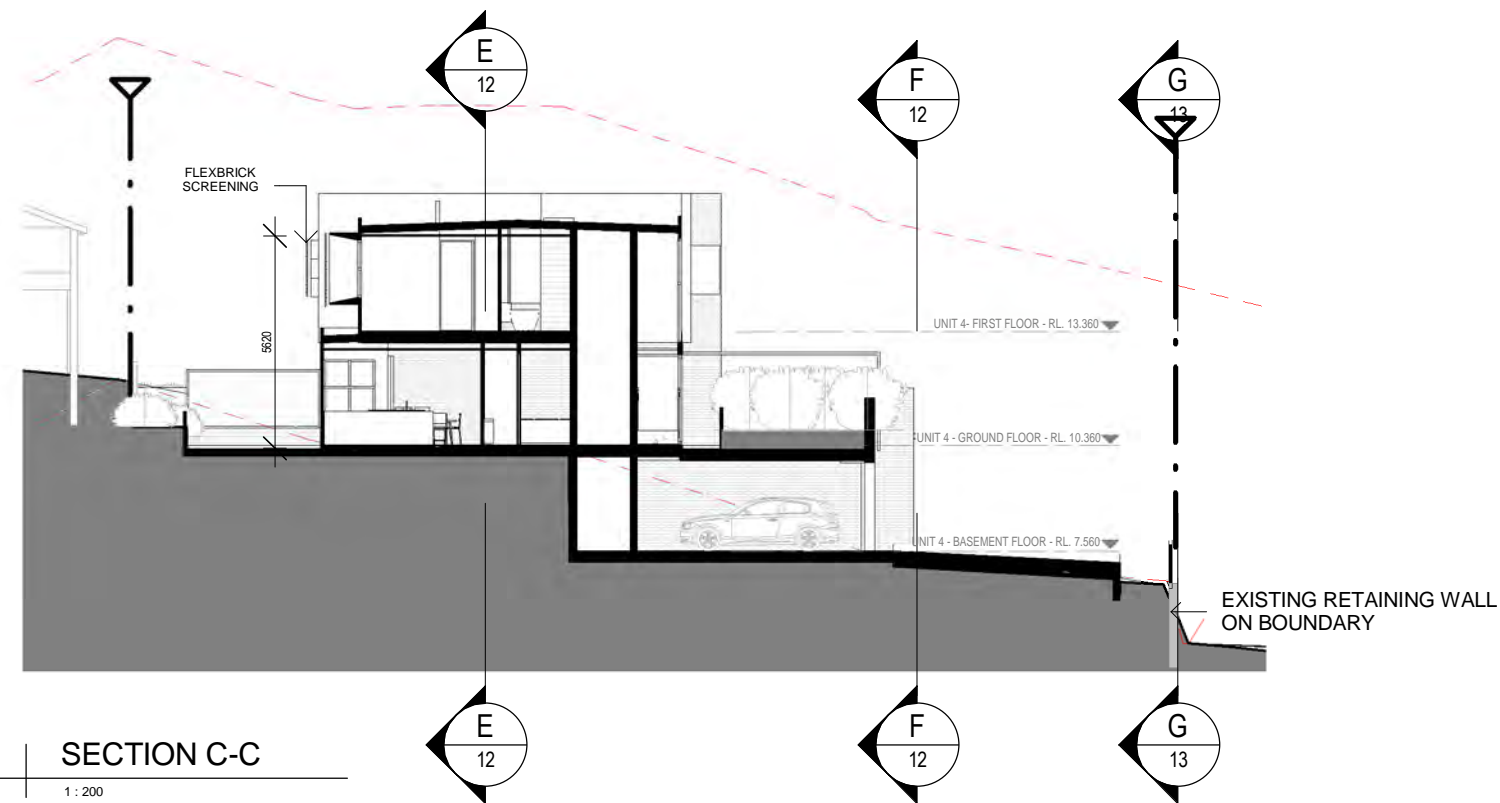
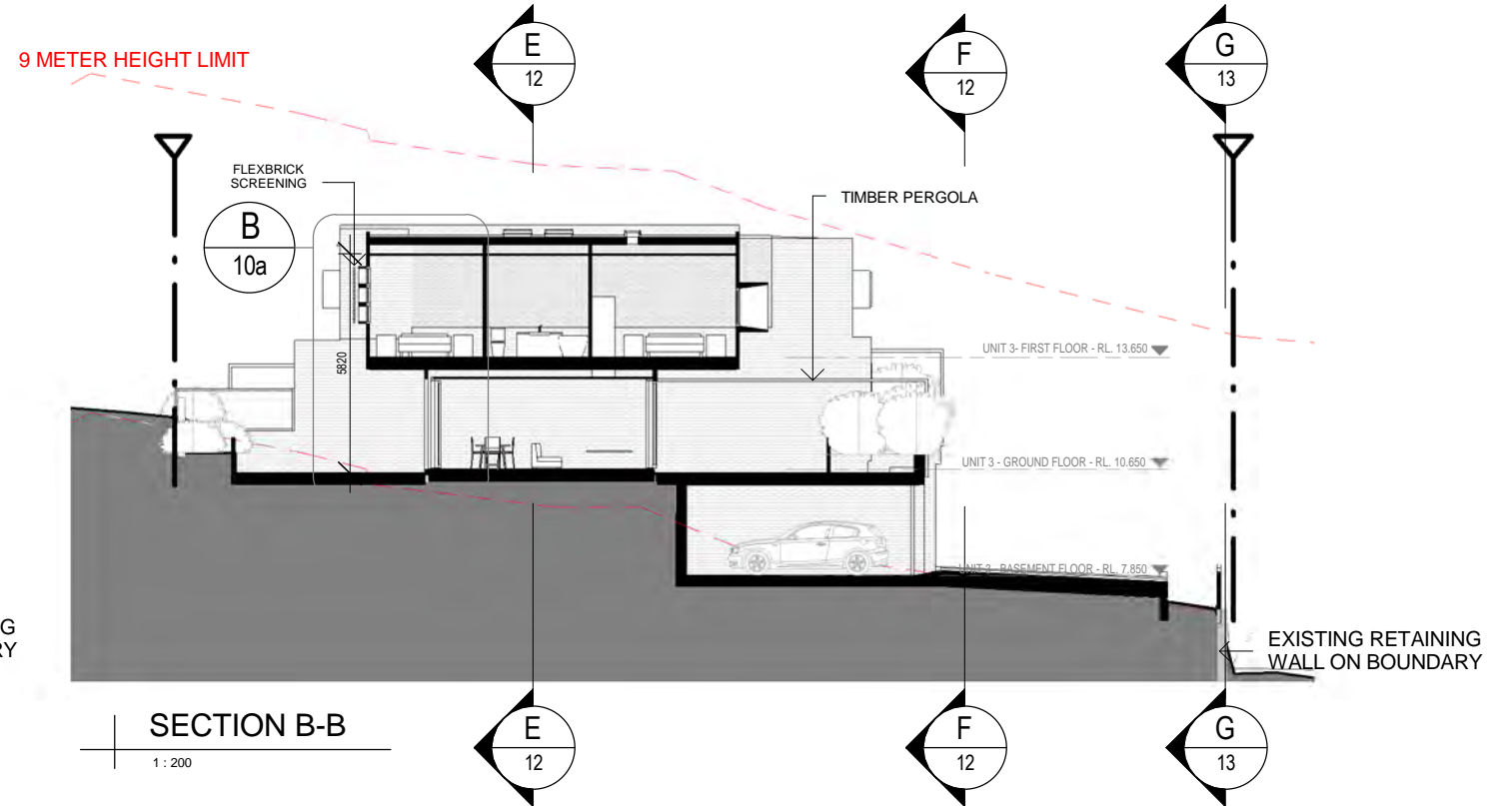
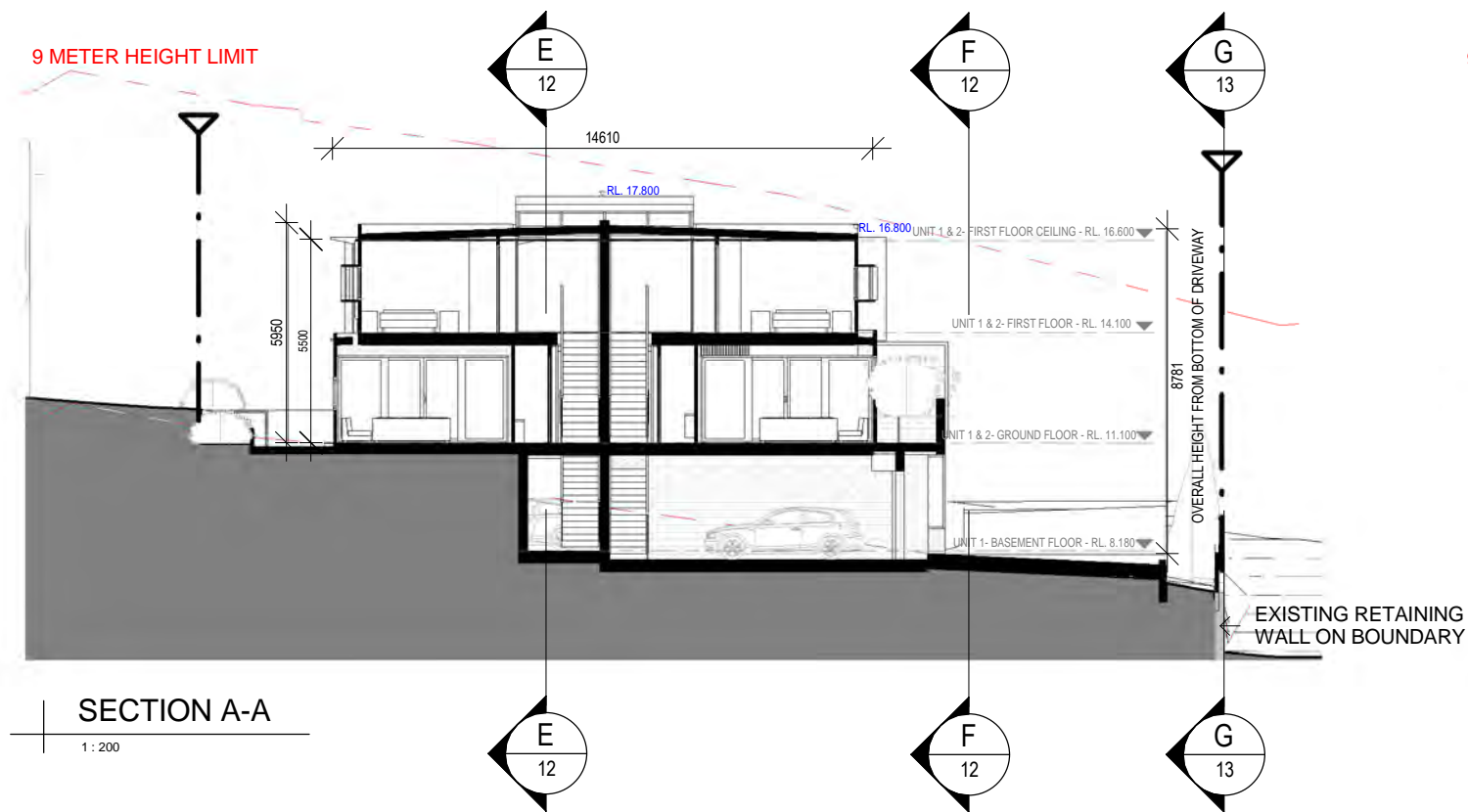
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Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT: HUGHES RESIDENTIAL DEVELOPMENT
ADDRESS: LOT A DP392508 + LOT 2 DP329046
178 - 180 LAWRENCE HARGRAVE DRIVE,
THIRROUL
DRAWING NAME: FLEX BRICK DETAILS

DATE: MAR 16
DRAWN: TN
SCALE: As indicated
QA: RG

PROJECT No.1392
DWG No. 10a V



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V	27.06.2018	ADDITIONAL INFORMATION

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Legend:			
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RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		

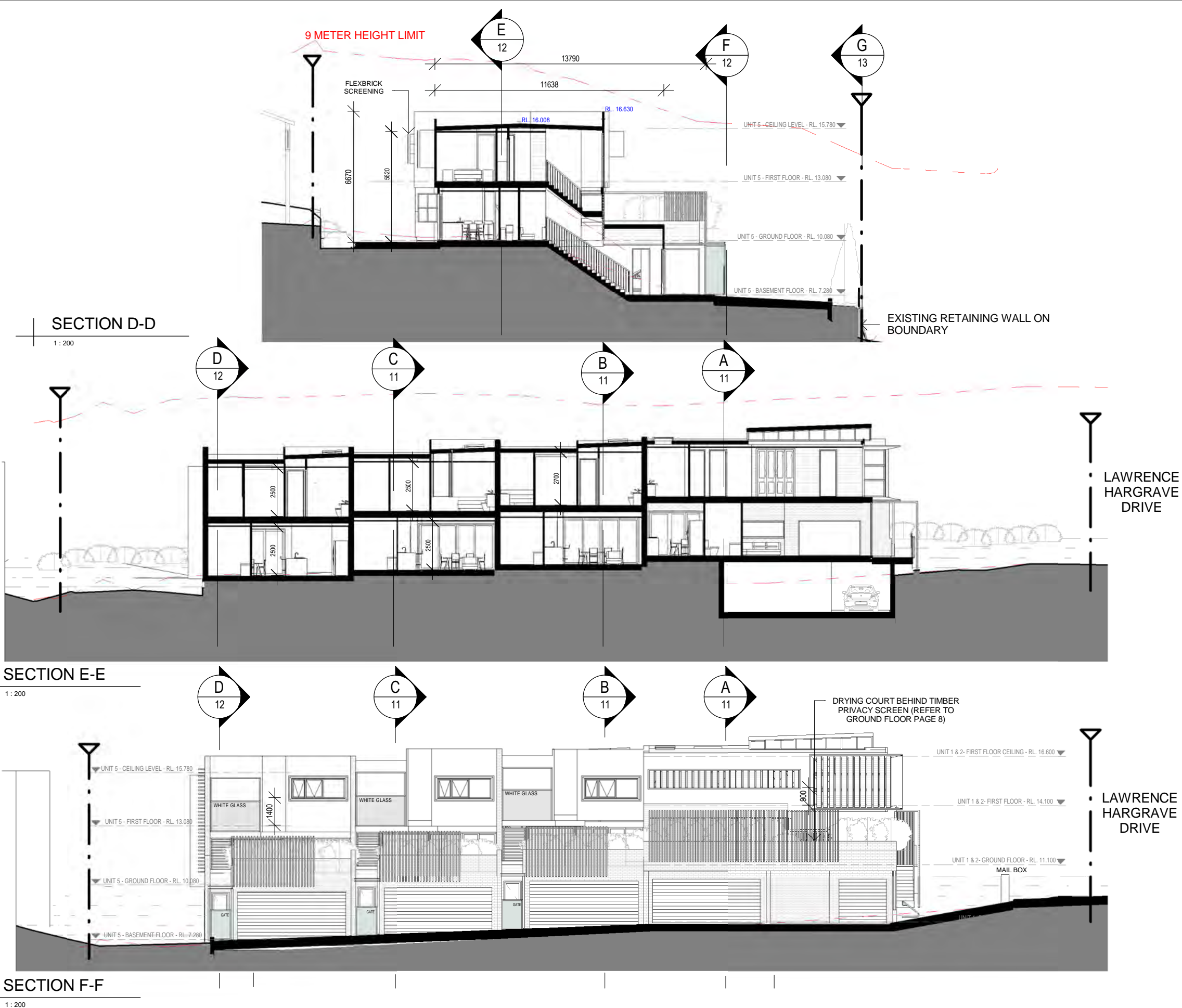


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Email: info@designworkshop.com.au
Web: <http://www.designworkshop.com.au>
Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.	1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	JN,SG,HD,TN	DWG No.	11 V
DRAWING NAME:	SECTIONS	SCALE:	As indicated		
		QA:	RG		



DISCLAIMER
Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

DISCLAIMER
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Legend:			
RB01	RENDERED BRICKWORK	S	STONework
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		

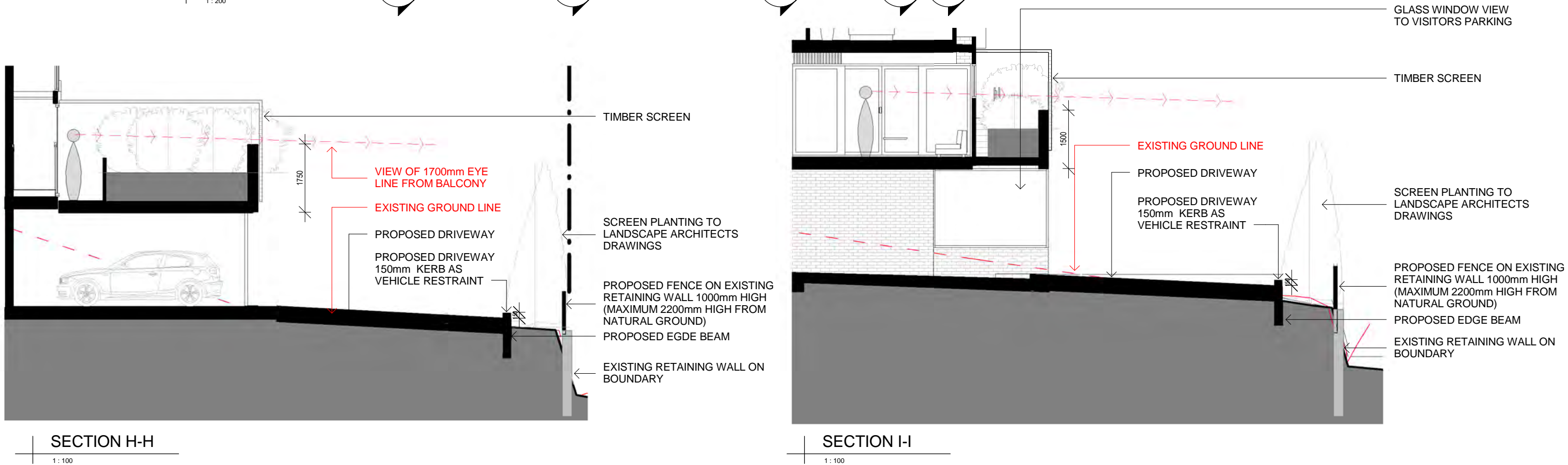
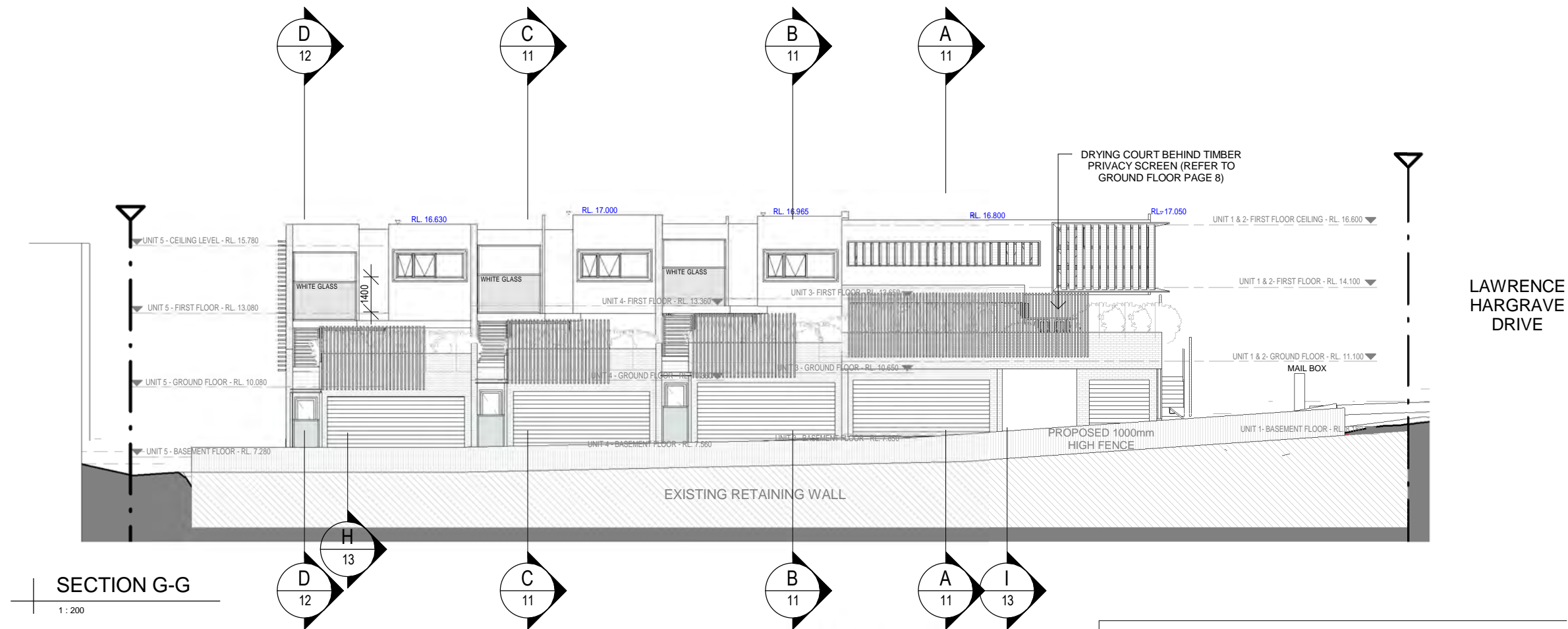


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Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.	1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	NT, TN	DWG No.	12 V
DRAWING NAME:	SECTIONS	SCALE:	1 : 200	QA:	RG

ADDITIONAL INFORMATION



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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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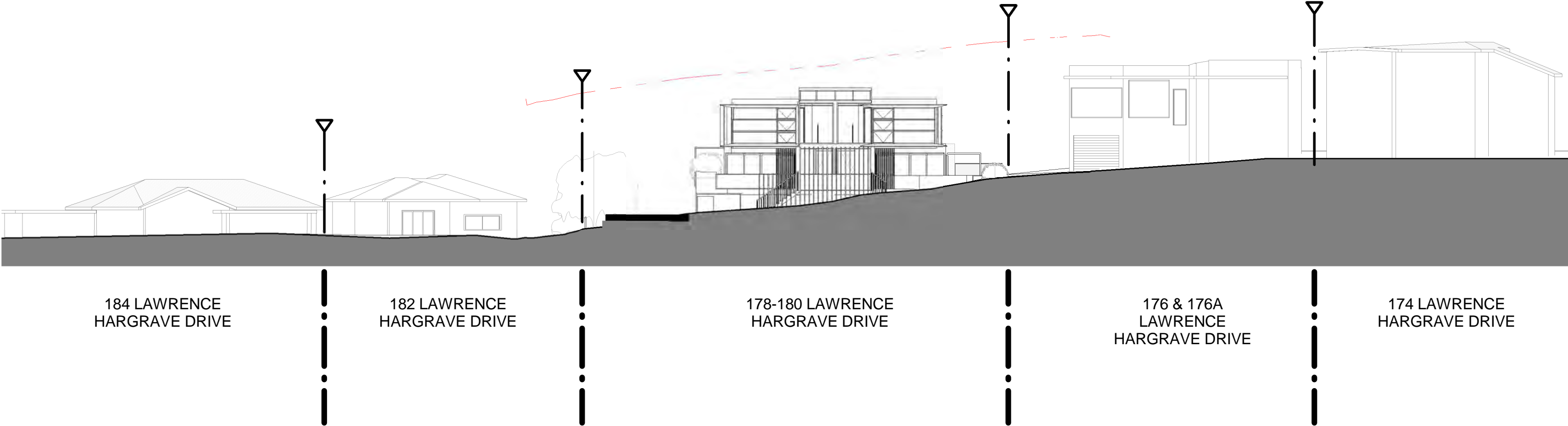
Legend:			
RB01	RENDERED BRICKWORK	S	STONEWORK
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		



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Web: <http://www.designworkshop.com.au>
Nominated Architect: Robert Gizzi (Reg. 8286)

CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.1392
ADDRESS:	LOT 1 DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	NT, TN	DWG No. 13 V
DRAWING NAME:	SECTIONS	SCALE:	As indicated	
		QA:	RG	



184 LAWRENCE
HARGRAVE DRIVE

182 LAWRENCE
HARGRAVE DRIVE

178-180 LAWRENCE
HARGRAVE DRIVE

176 & 176A
LAWRENCE
HARGRAVE DRIVE

174 LAWRENCE
HARGRAVE DRIVE

STREETSCAPE

1 : 250

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ADDITIONAL INFORMATION

REF. V	DATE 27.06.2018	AMENDMENT ADDITIONAL INFORMATION	Legend: RB01 RENDERED BRICKWORK RB02 RENDERED BRICKWORK FB01 FACE BRICKWORK FB02 FACE BRICKWORK BL BLOCKWORK CL01 CLADDING CL02 CLADDING RW RETAINING WALL S STONEWORK R ROOF DP DOWNPIPES TB TIMBER BATTENS D DOOR GD GARAGE DOOR SLD SLIDING DOOR BFD BI-FOLD DOOR SLW SLIDING WINDOW FW FIXED WINDOW OB OBSCURE WINDOW AW AWNING WINDOW SK SKYLIGHT WH WINDOW HOOD LV LOUVRES RWT RAINWATER TANK P POST T TIMBER FLOORS CT CERAMIC TILES CPT CARPET PC POLISHED CONCRETE SP FEATURE SCREENING	DWA DESIGN WORKSHOP AUSTRALIA	Wollongong 81a Princes Highway, Fairy Meadow Tel: (02) 4227 1661 P.O. Box 3091, Balgownie NSW 2519 Sydney Suite 704, 31 Market Street, Sydney Email: info@designworkshop.com.au Web: http://www.designworkshop.com.au Nominated Architect: Robert Gizzi (Reg. 8286)	CLIENT: HUGHES RESIDENTIAL DEVELOPMENT ADDRESS: LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL DRAWING NAME: STREETSCAPE	DATE: MAR 16 DRAWN: NT,TN SCALE: 1 : 250 QA: RG	PROJECT No.1392 DWG No. 14 V
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S - JUN 9AM

1 : 400



S - JUN 9.30AM

1 : 400



S - JUN 10AM

1 : 400

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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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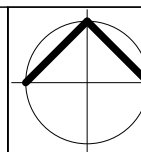
Legend:

RB01	RENDERED BRICKWORK	S	STONWORK	SLW	SLIDING WINDOW	P	POST
RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW	T	TIMBER FLOORS
FB01	FACE BRICKWORK	DP	DOWNPipes	OB	OBSOLETE WINDOW	CT	CERAMIC TILES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW	CPT	CARPET
BL	BLOCKWORK	D	DOOR	SK	SKYLIGHT	PC	POLISHED CONCRETE
CL01	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD	SP	FEATURE SCREENING
CL02	CLADDING	SLD	SLIDING DOOR	LV	LOUVRES		
RW	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK		



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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	NT	DWG No. 15 V
DRAWING NAME:	SHADOWS - WINTER	SCALE:	1 : 400	
		QA:	RG	



S - JUN 10.30AM

1 : 400



S - JUN 11AM

1 : 400



S - JUN 11.30AM

1 : 400

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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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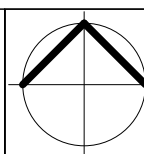
Legend:			
RB01	RENDERED BRICKWORK	S	STONWORK
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPipes
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		

P	POST
T	TIMBER FLOORS
CT	CERAMIC TILES
CPT	CARPET
PC	POLISHED CONCRETE
SP	FEATURE SCREENING



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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT	No.1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROOL	DRAWN:	NT	DWG	No. 16 V
DRAWING NAME:	SHADOWS - WINTER	SCALE:	1 : 400	QA:	RG



S - JUN 12NOON

1 : 400



S - JUN 12.30PM

1 : 400



S - JUN 1PM

1 : 400

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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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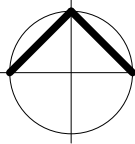
Legend:			
RB01	RENDERED BRICKWORK	S	STONEWORK
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPipes
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		

P	POST
T	TIMBER FLOORS
CT	CERAMIC TILES
CPT	CARPET
PC	POLISHED CONCRETE
SP	FEATURE SCREENING



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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT: HUGHES RESIDENTIAL DEVELOPMENT
ADDRESS: LOT A DP392508 + LOT 2 DP329046
178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: SHADOWS - WINTER

DATE: MAR 16
DRAWN: NT
SCALE: 1 : 400
QA: RG

PROJECT No.1392
DWG No. 17 V



S - JUN 1.30PM

S - JUN 2PM

S - JUN 2.30PM

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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

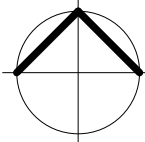
DISCLAIMER
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Legend:					
RB01	RENDERED BRICKWORK	S	STONEWORK	SLW	SLIDING WINDOW
RB02	RENDERED BRICKWORK	R	ROOF	FW	FIXED WINDOW
FB01	FACE BRICKWORK	DP	DOWNPipes	OB	OBSCURE WINDOW
FB02	FACE BRICKWORK	TB	TIMBER BATTENS	AW	AWNING WINDOW
BL	BLOCKWORK	D	DOOR	SK	SKYLIGHT
CL01	CLADDING	GD	GARAGE DOOR	WH	WINDOW HOOD
CL02	CLADDING	SLD	SLIDING DOOR	LV	LOUVRES
RW	RETAINING WALL	BFD	BI-FOLD DOOR	RWT	RAINWATER TANK



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Web: <http://www.designworkshop.com.au>
Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT: HUGHES RESIDENTIAL DEVELOPMENT
ADDRESS: LOT A DP392508 + LOT 2 DP329046
178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME: SHADOWS - WINTER

DATE: MAR 16
DRAWN: Author
SCALE: 1 : 400
QA: Checker

PROJECT No.1392
DWG No. **18 V**



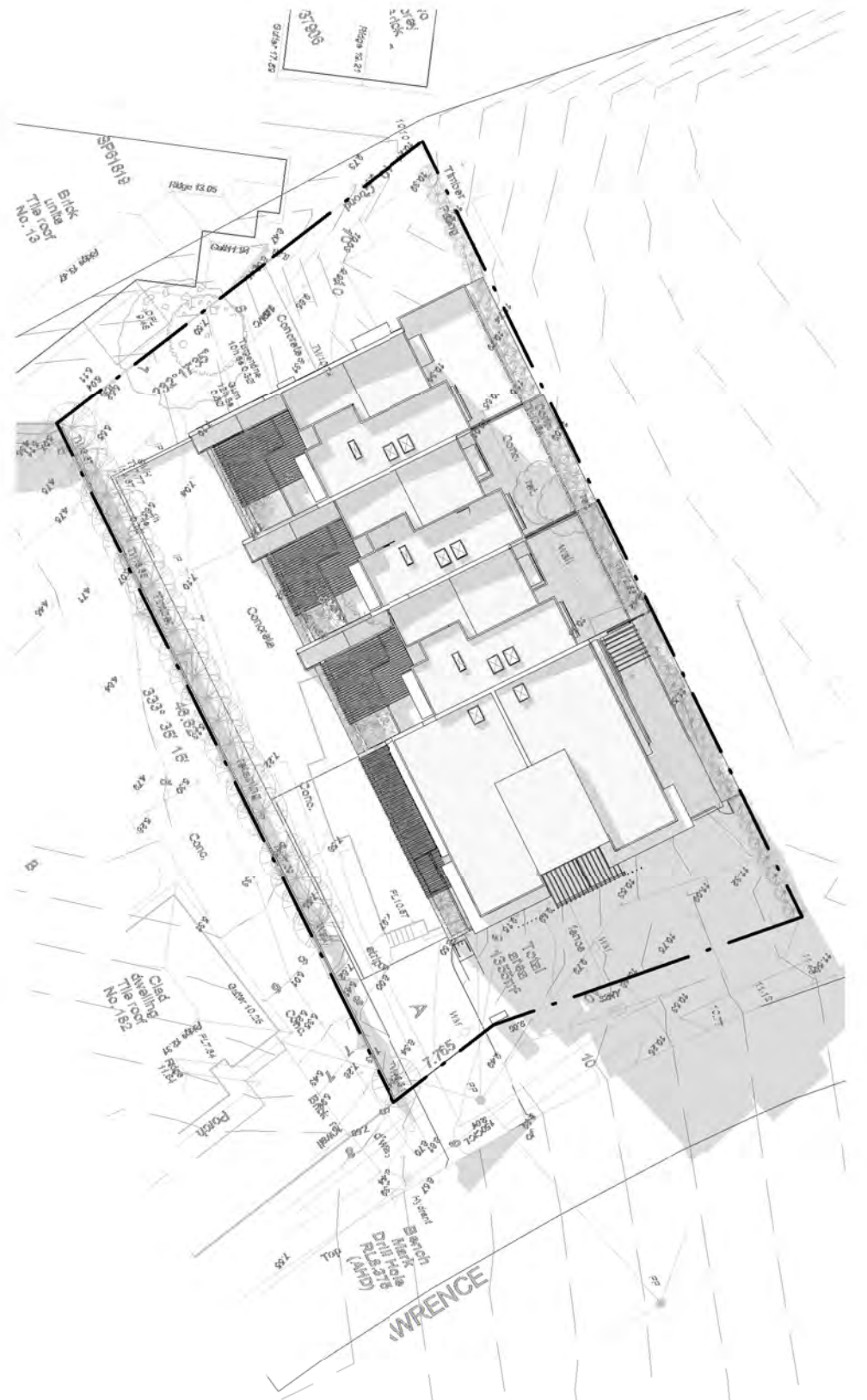
S - JUN 3PM

1 : 400



S - JUN 3.30PM

1 : 400



S - JUN 4PM

1 : 400

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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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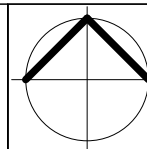
Legend:

RB01 RENDERED BRICKWORK	S STONEWORK	SLW SLIDING WINDOW	P POST
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW	T TIMBER FLOORS
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW	CT CERAMIC TILES
FB02 BLOCKWORK	TB TIMBER BATTENS	AW AWNING WINDOW	CPT CARPET
BL BLOCKWORK	D DOOR	SK SKYLIGHT	PC POLISHED CONCRETE
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD	SP FEATURE SCREENING
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES	
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK	



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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.	1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	Author	DWG No.	19 V
DRAWING NAME:	SHADOWS - WINTER	SCALE:	1 : 400	QA:	Checker



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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

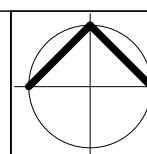
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Legend:			
RB01	RENDERED BRICKWORK	S	STONEWORK
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPipes
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		



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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT: HUGHES
RESIDENTIAL DEVELOPMENT

ADDRESS: LOT A DP392508 + LOT 2 DP329046
178 - 180 LAWRENCE HARGRAVE DRIVE,
THIRROUL

DRAWING NAME: SHADOWS - SUMMER

DATE: MAR 16

DRAWN: NT

SCALE: 1 : 400

QA: RG

PROJECT No.1392

DWG No. **20 V**



OVERLAPING SHADOWS - JUNE 9am

1 : 400



OVERLAPING SHADOWS - JUNE 9.30am

1 : 400



OVERLAPING SHADOWS - JUNE 10am

1 : 400

**RED DASHED LINE INDICATES
EXISTING SHADOWS**

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Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

REF. DATE AMENDMENT
V 27.06.2018 ADDITIONAL INFORMATION

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Legend:

RB01 RENDERED BRICKWORK	S STONEWORK	SLW SLIDING WINDOW
RB02 RENDERED BRICKWORK	R ROOF	FW FIXED WINDOW
FB01 FACE BRICKWORK	DP DOWNPIPES	OB OBSCURE WINDOW
FB02 FACE BRICKWORK	TB TIMBER BATTENS	AW AWNING WINDOW
BL BLOCKWORK	D DOOR	SK SKYLIGHT
CL01 CLADDING	GD GARAGE DOOR	WH WINDOW HOOD
CL02 CLADDING	SLD SLIDING DOOR	LV LOUVRES
RW RETAINING WALL	BFD BI-FOLD DOOR	RWT RAINWATER TANK

P POST
T TIMBER FLOORS
CT CERAMIC TILES
CPT CARPET
PC POLISHED CONCRETE
SP FEATURE SCREENING



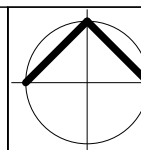
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Web: <http://www.designworkshop.com.au>
Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL
DRAWING NAME:	SHADOWS - WINTER (OVERLAPPING)

ADDITIONAL INFORMATION

DATE:	MAR 16
DRAWN:	NT
SCALE:	1 : 400
QA:	RG

PROJECT No.	1392
DWG No.	21 V



OVERLAPING SHADOWS - JUNE 10.30am

1 : 400



OVERLAPING SHADOWS - JUNE 11am

1 : 400



OVERLAPING SHADOWS - JUNE 11.30am

1 : 400

RED DASHED LINE INDICATES
EXISTING SHADOWS

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V	27.06.2018	ADDITIONAL INFORMATION

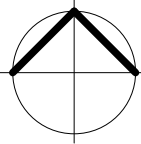
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Legend:			
RB01	RENDERED BRICKWORK	S	STONework
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		



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Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT: HUGHES
RESIDENTIAL DEVELOPMENT
ADDRESS: LOT A DP392508 + LOT 2 DP329046
178 - 180 LAWRENCE HARGRAVE DRIVE,
THIRROUL
DRAWING NAME: SHADOWS - WINTER (OVERLAPPING)

DATE: MAR 16
DRAWN: NT
SCALE: 1 : 400
QA: RG

PROJECT No.1392
DWG No. 22 V



OVERLAPING SHADOWS - JUNE 12noon

1 : 400



OVERLAPING SHADOWS - JUNE 12.30pm

1 : 400



OVERLAPING SHADOWS - JUNE 1pm

1 : 400

**RED DASHED LINE INDICATES
EXISTING SHADOWS**

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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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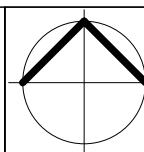
Legend:			
RB01	RENDERED BRICKWORK	S	STONEWORK
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
RWT	RAINWATER TANK		

P	POST
T	TIMBER FLOORS
CT	CERAMIC TILES
CPT	CARPET
PC	POLISHED CONCRETE
SP	FEATURE SCREENING



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Web: <http://www.designworkshop.com.au>
Nominated Architect: Robert Gizzi (Reg. 8286)



CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.	1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	NT	DWG No.	23 V
DRAWING NAME:	SHADOWS - WINTER (OVERLAPPING)	SCALE:	1 : 400		
		QA:	RG		



OVERLAPING SHADOWS - JUNE 1.30pm

1 : 400



OVERLAPING SHADOWS - JUNE 2pm

1 : 400



OVERLAPING SHADOWS - JUNE 2.30pm

1 : 400

RED DASHED LINE INDICATES
EXISTING SHADOWS

DISCLAIMER
Subject to: full site survey, measurements are preliminary, discussions and meetings with authorities, approval from authorities, relevant consultant information as per council DA requirements. Feasibility completed based on information provided by client. All parking and ramps to traffic engineers details.

REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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Legend:			
RB01	RENDERED BRICKWORK	S	STONEWORK
RB02	RENDERED BRICKWORK	R	ROOF
FB01	FACE BRICKWORK	DP	DOWNPipes
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
OB	OBSCURE WINDOW	AW	AWNING WINDOW
SK	SKYLIGHT	WH	WINDOW HOOD
LV	LOUVRES	LV	LOUVRES
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CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT	No.1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	NT	DWG	No. 24 V
DRAWING NAME:	SHADOWS - WINTER (OVERLAPPING)	SCALE:	1 : 400	QA:	RG



OVERLAPING SHADOWS - JUNE 3pm

1 : 400



OVERLAPING SHADOWS - JUNE 3.30pm

1 : 400

RED DASHED LINE INDICATES
EXISTING SHADOWS

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REF.	DATE	AMENDMENT
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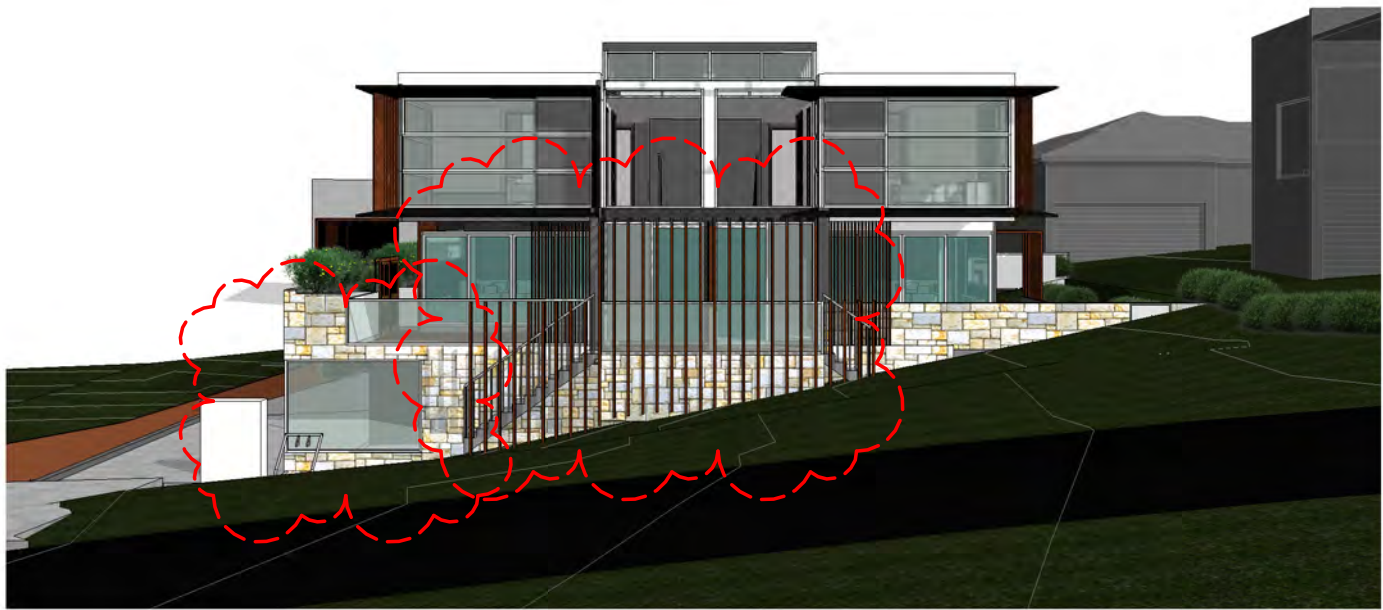
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FB01	FACE BRICKWORK	DP	DOWNPIPES
FB02	FACE BRICKWORK	TB	TIMBER BATTENS
BL	BLOCKWORK	D	DOOR
CL01	CLADDING	GD	GARAGE DOOR
CL02	CLADDING	SLD	SLIDING DOOR
RW	RETAINING WALL	BFD	BI-FOLD DOOR
SLW	SLIDING WINDOW	FW	FIXED WINDOW
FW	FIXED WINDOW	OB	OBSOLETE WINDOW
AW	AWNING WINDOW	SK	SKYLIGHT
WH	WINDOW HOOD	LV	LOUVRES
RWT	RAINWATER TANK		
P	POST		
T	TIMBER FLOORS		
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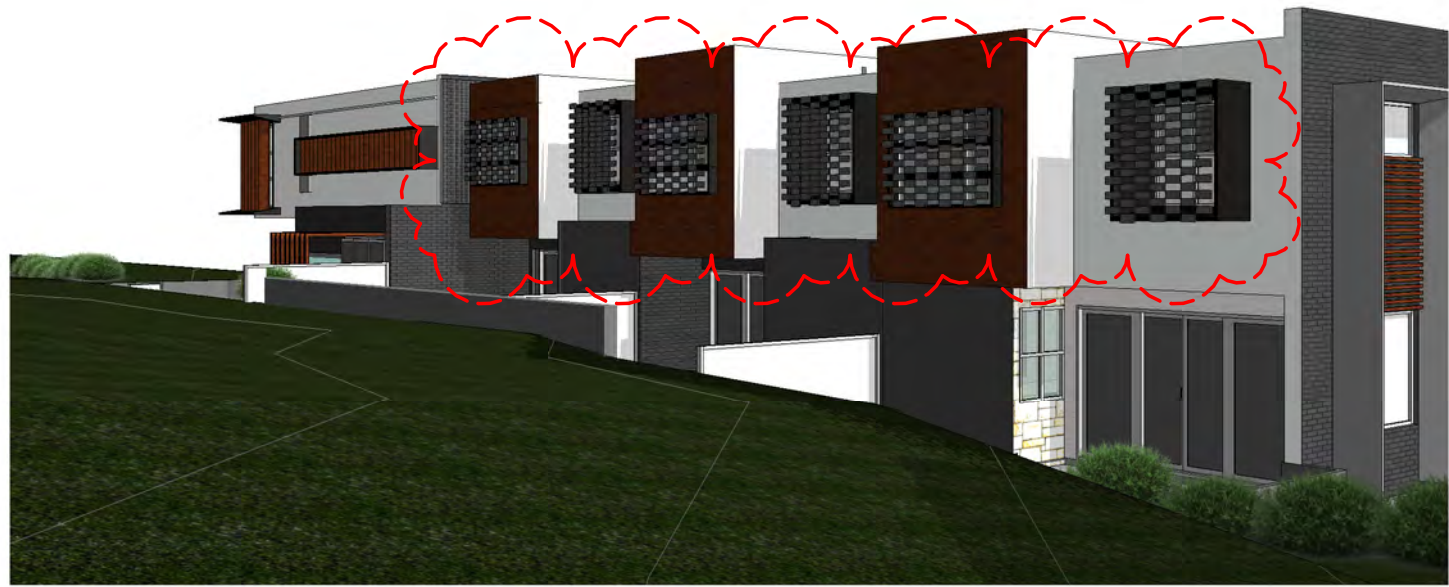
CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.	1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	NT	DWG No.	25 V
DRAWING NAME:	SHADOWS - WINTER (OVERLAPPING)	SCALE:	1 : 400		
		QA:	RG		



VIEW 1



VIEW 2



VIEW 3



VIEW 4

DISCLAIMER
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REF.	DATE	AMENDMENT
V	27.06.2018	ADDITIONAL INFORMATION

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CLIENT:	HUGHES RESIDENTIAL DEVELOPMENT	DATE:	MAR 16	PROJECT No.	1392
ADDRESS:	LOT A DP392508 + LOT 2 DP329046 178 - 180 LAWRENCE HARGRAVE DRIVE, THIRROUL	DRAWN:	NT, TN	DWG No.	28 V
DRAWING NAME:	PERSPECTIVES	SCALE:			
		QA:	RG		

ADDITIONAL INFORMATION

Attachment 2: WDCP 2009 compliance table

CHAPTER A2: ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

CHAPTER B1: RESIDENTIAL DEVELOPMENT

This Chapter applies to all residentially zoned land in the LGA. Section 4 provides general residential controls which apply to all dwelling houses, dual occupancies, secondary dwellings, ancillary structures and semi-detached dwellings. Section 5 provides controls that must also be taken into consideration for development for the purposes of Multi-Dwelling Housing.

4. General Residential controls

Controls/objectives	Comment	Compliance
4.11 Site Facilities	<p>Adequate provision has been made for site facilities. While outdoor clothes drying facilities for Units 1, 3, 4 and 5 are to be located on the side and front setback, these areas are proposed to be adequately screened and not expected to result in unreasonable impacts on the amenity of the adjacent properties.</p> <p>Outdoor clothes drying for Unit 2 was identified as a concern as part of Councils additional information request. Additional details have been provided which demonstrate that a clothes line is proposed beneath screening, on the southern side of the development. The submitted shadow diagrams demonstrate that this area would not receive any sunlight on June 21, and therefore is not considered to be consistent with this control.</p>	No.
4.12 Fire Brigade Servicing	A condition could be recommended in this regard.	Condition
4.13 Services	The site has access to existing utility services. Draft conditions could be recommended with regard to services.	Yes
4.15 View sharing	<p>Due to the bulk and scale, and design presented, the proposal is expected to result in impacts on existing view corridors. The applicants Visual Impact Assessment is provided at Attachment 5, and Councils Visual Impact Assessment is provided at Attachment 6.</p> <p>It is concluded that the proposal would result in an unreasonable impact on views, and therefore would not be considered to comply with this control.</p>	No. See view sharing assessment at Attachment 6.
4.16. Retaining walls	The maximum height of the proposed retaining walls, external to the building are proposed to be 1.05m, 1.5m from property boundary. Conditions could be recommended with regard to the construction and	Yes.

	<p>certification of the proposed walls.</p> <p>The remaining walls are identified on plan as existing. Structural certification for the existing timber retaining wall separating 180 and 182 Lawrence Hargrave Drive has been provided, despite an OC for the works not being issued.</p>	
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5 Attached dwellings and multi - dwelling housing

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>5.1 Minimum Site Width Requirement</u>	<p>The two sites have a minimum width of more than 27m.</p> <p>Consolidation of the two lots could be recommended via condition.</p>	Yes
<u>5.2 Number of Storeys</u>	<p>The proposal has a maximum of three storeys and a variation request has been submitted in this regard as discussed at Chapter A1. Considering the requested variation on balance with the other matters identified throughout this report, the variation is unable to be supported in this case.</p>	No – variation requested but not supported
<u>5.3 Front Setbacks</u>	<p>The proposal observes a 6.m minimum front setback. The entrance and stairs to Unit 2 are proposed to encroach approximately 5.5m from the front property boundary as permitted by this clause.</p>	Yes
<u>5.4 Side and Rear Setbacks</u>	<p>The WDCP 2009 control requires that the minimum side and rear setback within the R2 zone for Multi Dwelling Housing be 0.8 x ceiling height. The setbacks to the northern elevation have been increased as part of additional information, and are now considered to comply.</p>	Yes
<u>5.5 Building Character and Form</u>	<p>This control requires that the building be articulated with visual interest and a mix of high quality materials. The development would be considered to meet these requirements.</p> <p>This control also requires that entrances be visible at eye level from the street and well lit. Concerns were raised as part of the assessment with regard to the entrances to Units 3, 4 and 5 and the visitors car parking site which were proposed to be tucked within the design of the development and were not able to be identified from the street or driveway.</p> <p>As part of additional information submission, glass gates are proposed to enclose the entries to Units 3, 4 and 5 to allow for identification of each entry from the driveway, whilst assumedly, not intending to result in any additional FSR. The visitors' car parking space is proposed to be viewed from the street via a glass panel in the front stone wall.</p> <p>Concerns remain as to the appropriateness of the mitigation measures proposed, with a more appropriate design being with formal dwelling entries and a small portico area being</p>	No.

	<p>proposed for Units 3, 4 and 5, and the blockwork wall further reduced to open up the visibility to the visitor's car parking space from the street. This has been raised with the applicant on a number of occasions, but is not considered to have been appropriately resolved.</p> <p>Concerns have also been raised with regard to overlooking and privacy concerns between the development and surrounding properties. The applicant has proposed a range of screening measures, including flex brick screening on the majority of windows on the northern elevation and slatted privacy screens and planter boxes along the balcony areas of units 2-5.</p> <p>The flex brick design is not considered to integrate with the character of the streetscape, and it is considered that a more appropriate design could mitigate the potential for privacy issues without requiring such intensive screening.</p> <p>The proposed screening of the south facing balcony areas is also not considered appropriate. As the majority of these balcony areas are not the primary private open space areas, and would receive minimal sunlight throughout the year, it is not considered that these areas are a necessary component of the development, and add unnecessarily to the scale of the development.</p>	
<u>5.6 Access / Driveway Requirements</u>	<p>The proposal is considered to meet the design requirements of driveways by providing only one access point to the site, locating the driveway in a reasonable position, with sufficient landscaping and being of appropriate dimensions.</p> <p>The proposed driveway location does require the relocation of a power pole, which has been considered and forms part of the proposed works.</p> <p>Adequate manoeuvring areas have been provided to enable a forward exit from the site from all car parking spaces.</p> <p>Council's Traffic Officer has reviewed the application and has provided conditionally satisfactory referral advice.</p> <p>The crossover width of the driveway has been extended to 5.5m to allow two vehicles to pass. This is considered to minimise impacts of only one car being able to exit/enter the site at a time.</p> <p>The current footpath alignment has been accounted for in the design.</p>	Yes
<u>5.7 Car Parking Requirements</u>	<p>See Chapter E3 comments below. The development provides for the required number of car parking spaces.</p> <p>Council's Traffic Officer has reviewed the application and has provided conditionally satisfactory referral advice.</p> <p>Concerns however are raised with regard to the dimensions provided for Unit 1 car parking, and the proposed bin storage</p>	No.

	and rainwater tanks which are indicated within the car parking areas of Units 2, 3, 4 and 5, encroaching on the minimum car parking space dimensions.	
<u>5.8 Landscaping Requirements</u>	<p>30% of the site is proposed to be landscaped.</p> <p>The proposal incorporates a minimum 1.5m landscaped buffer along the side and rear property boundaries which is to be appropriately planted to mitigate any potential privacy and acoustic impacts to the adjoining properties.</p> <p>Council's Landscape Officer has reviewed the application and provided conditionally satisfactory referral advice.</p>	Yes
<u>5.9 Deep Soil Planting</u>	The proposal seeks a variation to the minimum required width of 6m for the deep soil zone when provided for the full extent of the rear property boundary, as discussed at Chapter A1. A variation request has been submitted in this regard. Considering the requested variation on balance with the other matters identified throughout this report, the variation is unable to be supported in this case.	No – variation requested but not supported.
<u>5.10 Communal Open Space</u>	As the proposal is for the construction of 5 dwellings only, this clause does not apply.	N/A
<u>5.11 Private Open Space</u>	<p>Each dwelling is provided with a minimum 20m² courtyard, separated from the property boundaries by a minimum 1.5m landscaping buffer. 80% of the proposed dwellings' Private Open Space (POS) will receive more than 3 hours of continuous sunlight between 9am and 3pm on June 21st as required by this clause.</p> <p>The primary POS areas are proposed on the northern side of the development to take advantage of solar access. The location of the formal POS areas is not considered inappropriate.</p> <p>The proposed balcony areas to Units 2-5 are not supported. With the exception of Unit 2, these areas are not proposed as the primary POS areas, and therefore not a required component of the design. The positioning of these balcony areas, being orientated towards the side property setbacks, and appearing as several separate balcony enclosures due to the extensive screening proposed.</p> <p>The location and design of the primary POS areas are considered to be acceptable in this instance, however concerns with regard to the additional balcony areas remain.</p>	No.
<u>5.12 Solar Access Requirements</u>	<p>The submitted shadow diagrams identify that due to the slope of the land and the proposed layout of the units, the proposal would be expected to result in overshadowing of the property to the immediate south between 9am and 11am. By 12pm, the shadow is not indicated to affect the existing dwelling or surrounds.</p> <p>Despite the proposal technically providing 3 hours of sunlight</p>	Yes

	<p>to the POS and living areas of the adjoining property on June 21, it is considered that if the application was redesigned to comply with the two storey control, this impact would be further reduced.</p> <p>80% of the POS areas within the proposed development would receive 3 hours of direct sunlight on June 21, between 10am and 1pm.</p>	
<u>5.13 Additional Control for Multi Dwelling Housing - Dwelling Mix and Layout</u>	Due to the number of dwellings proposed (<10), this clause does not apply.	N/A
<u>5.14 Additional Control for Multi Dwelling Housing - Adaptable Housing</u>	Due to the number of dwellings proposed (<10), this clause does not apply.	N/A
<u>5.15 Additional Control for Multi Dwelling Housing – Crime Prevention through Environmental Design</u>	See Chapter E2 below.	See E2 below.

CHAPTER D1: CHARACTER STATEMENTS

Thirroul:

Existing Character:

Thirroul residential area is characterised by a mix of single storey to two storey dwelling-houses including a number of circa 1920's and 1930's weatherboard and corrugated iron roofed bungalows. The coastal strip of Thirroul including along Lawrence Hargrave Drive contains a mix of single storey weatherboard and fibro dwellings and new contemporary dwellings and some medium density townhouses and walk up residential flat buildings. New hinterland subdivisions on the foothill slopes of the escarpment contain new contemporary split – level and two storey dwelling styles with weatherboard or rendered brick wall construction and pitched, sloping flat or curved roofline forms.

Desired Future Character:

Residential development will remain primarily low density in nature. Some restricted medium density within close vicinity to the Thirroul village centre and the railway station is envisaged. Any new housing must be sympathetic with the existing Thirroul village built form and streetscape, particularly in older areas with weatherboard houses, pitched roofs and wide eaves. Environmental zones will be retained close to the escarpment to further maintain the strong village character of Thirroul. Any dwellings should be designed to minimise the scale and bulk of the development through well articulated building forms. The siting, height and design of new dwellings is critical to maximise view sharing opportunities for neighbouring properties. The roof forms for dwellings especially within the eastern part of Thirroul should be designed to maximise view sharing opportunities for rear neighbouring dwellings and hence, should be either sloping flat or gently pitched only. There should also be generous eaves to decrease the need for air conditioning. 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. New dwellings should provide small to medium trees, wherever possible, taking into account view sharing opportunities. Individually designed dwellings with weatherboard, rendered or colourbond facades

with lightly coloured finishes and sloping flat, curved or gently pitched rooflines are preferred for properties along the coastal strip.

New dwellings on sloping sites should be stepped down the slope with suspended floors and decks, to minimise the disturbance of the natural contours of the site and any such new dwelling should be designed to fit below the tree canopy line. Where front or rear facades of new dwellings are likely to be higher than neighbouring dwellings, the screening of balconies and additional setbacks may be necessary, to minimise any potential privacy or amenity impacts. Balconies should be lightly framed in steel and / or timber finishes, rather than of brick or masonry construction.

The proposed development is not considered to be consistent with the future desired character of the suburb. The development is not considered to have been designed to minimise the scale and bulk of the development, and has not given adequate regard to view sharing opportunities. The development site is sloping and the design of the development is not considered to step down the slope and minimise disturbance to existing natural contours of the site, with the development being cut into the slope of the site to propose a basement type car parking arrangement.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

<i>Control/objective</i>	<i>Comment</i>	<i>Compliance</i>
<u>3.1 Lighting</u>	Entry access points to Units 3, 4 and 5 are off the driveway. Concerns have been raised with regard to the lighting of these entrances, and conditions could be imposed in this regard.	Yes
<u>3.2 Natural surveillance and sightlines</u>	Concerns have been raised with regard to the proposed entrances off the driveway area to units 3, 4 and 5, with the front doors being proposed to be inset into the site and not being visible from the street or driveway area. The applicant has proposed a glass enclosure around each entrance area as a way of mitigating concerns regarding view sharing and sightlines. Concerns remain as to the appropriateness of this design in mitigating concerns raised, and it is considered that the main front entry door to each unit should be proposed to be off the driveway area, with a small portico area proposed to ensure that the entrance was clearly identifiable.	No.
<u>3.3 Signage</u>	The proposal does not include any signage	N/A
<u>3.4 Building design</u>	<p>The building design is not considered to be consistent with the existing and desired future character of the surrounding area, as discussed at Chapter D1 above.</p> <p>Concerns are raised with regard to the entrances to the units proposed off the driveway area, as discussed throughout this report, as the entrances would provide for hidden recesses in the building design, potentially creating an area of entrapment and/or concealment. The visitor car parking space is also proposed to be in a basement type arrangement, beneath Unit 1, with limited visibility from the street. The applicant has proposed a glass insert in the front blockwork wall in response to concerns raised, however it is considered that the extent of the wall could be further reduced to open up visibility to the visitors' car parking area.</p>	No.
<u>3.5 Landscaping</u>	Landscaping proposed is considered appropriate. Conditions could be recommended in this regard.	Yes
<u>3.6 Public open space and parks.</u>	There is no public open space proposed or required.	N/A
<u>3.7 Community facilities</u>	There are no community facilities located within the development as proposed.	N/A
<u>3.8 Bus stops and taxi ranks</u>	The site is located in an existing residential suburb in reasonable proximity to Thirroul town centre. There are several bus stops located in the vicinity of the development.	Yes

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

Multi dwelling housing

	Rate	Calculation	Required	Provided	Compliance
<i>Car parking</i>					
Resident:	1 space per dwelling <70sqm 1.5 spaces per dwelling 70-110sqm 2 spaces per dwelling >110sqm	0 0 2 x 5	10	10	Yes
Visitor:	0.2 per dwelling	0.2 x 5	1	1	Yes
<i>Bicycle Parking:</i>	1 bicycle space per 3 dwellings (residents) and 1 bicycle space per 12 dwellings (visitor)	3/5 5/12	3 (rounded)	3+	Yes
<i>Motorcycle Parking:</i>	1 motorcycle space per 15 dwellings	5/15	1 (rounded)	1	Yes

Councils Traffic Officer has assessed the proposal and provided conditionally satisfactory referral advice.

Pursuant to part 7.7 of this Chapter, Unit 1 is proposed with car parking in a stacked arrangement. The spaces have been located to not have impacts on the common manoeuvring areas.

Whilst Councils Traffic Officer has raised no objection to the development, as discussed at Chapter B1, part 5.7, concerns are raised with regard to the dimensions provided for Unit 1 car parking, and other uses encroaching on the minimum car parking space dimensions of Units 2, 3, 4 and 5. These matters also relate to the floor space ratio calculations, as discussed at section 2.1.6 of the report.

CHAPTER E6: LANDSCAPING

Council's Landscape Officer has assessed the proposal and provided conditionally satisfactory referral advice.

CHAPTER E7: WASTE MANAGEMENT

Council's Traffic Officer has assessed the proposal against the requirements of this Chapter. A Site Waste Minimisation and Management Plan was submitted with the application and waste servicing arrangements are considered to be satisfactory.

Garbage storage is proposed within the garage area of Units 2, 3, 4 and 5. It is unclear from the submitted plans where the garbage storage area for Unit 1 is proposed, however it is considered that there is adequate room within the car parking area to provide for bin storage if required. Street collection is considered appropriate in this instance.

A site waste minimisation and management plan formed part of the application submission.

Concerns are raised with regard to the submitted plan which indicates that no excavated material is to leave the site. A considerable amount of excavation is proposed to provide for the car parking areas and lift and stairwell areas from the basement/lower ground floor area. It is unclear where on site this material will be redistributed to. Concerns are also raised with regard to the material to be excavated and whether it could be contaminated, as discussed at SEPP 55. Additional reporting and testing would be required to support the proposed works, including a preliminary site investigation and detailed site investigation, should the development of the site be pursued.

Any waste removed from the site would be required to be given a waste classification and disposed of appropriately. This could be conditioned for. Conditions would also be recommended with regard to the management of Acid Sulfate Soils on the site.

CHAPTER E13: FLOODPLAIN MANAGEMENT

The subject site is identified as uncategorised flood hazard affected.

A review of the concept drainage plan reveals that the proposed site is not within the 100 year ARI or Probable Maximum Flood (PMF) extents. The site levels are above the adjacent flood levels and therefore it is unlikely that this site will be flood affected. The proposal has also been designed to not result in any additional flood affectation on properties downstream.

CHAPTER E14: STORMWATER MANAGEMENT

Council's Stormwater Officer, has assessed the proposal against the requirements of this Chapter. A stormwater concept plan and land survey information were submitted with the application and are considered to be satisfactory. The drainage from the site is proposed to be directed to an OSD tank beneath the south western corner of the driveway area. This OSD has been designed to limit the flows from the site to the predeveloped state. The OSD is then proposed to drain to a 1 metre easement for drainage of water through adjoining lot B before discharging to a concrete channel known as Kellys Creek.

Conditions could have been recommended in this regard.

CHAPTER E19: EARTHWORKS (LAND RESHAPING WORKS)

The proposal would require excavation into the site to provide for the proposed car parking arrangement. The earthworks themselves are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features surrounding land. Conditions could be recommended to manage impacts.

CHAPTER E20: CONTAMINATED LAND MANAGEMENT

The submitted demolition plan indicates the removal of the all existing site structures and surfaces. Concern has been identified with regard to the potential contamination of the site. Based on the information at hand, it is unclear as to whether the land is contaminated, and additional investigations would be required to demonstrate compliance with SEPP 55, namely that the site is suitable, or could be made suitable for the proposed development, as discussed at section 2.1.1 of the report.

CHAPTER E21: DEMOLITION AND ASBESTOS MANAGEMENT

The submitted demolition plan indicates the removal of the all structures on the site. Conditions could be recommended in this regard.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

Conditions could be recommended in this regard.

APPENDIX 2

VARIATION TO DEVELOPMENT CONTROLS DEVELOPMENT APPLICATION FOR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT

178-180 LAWRENCE HARGRAVE DRIVE THIRROUL

VARIATION UNDER CLAUSE 4.6 WOLLONGONG LOCAL ENVIRONMENT PLAN 2009

The objectives of this clause are as follows:

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

A variation is permitted if it can be demonstrated that:

- *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

WOLLONGONG DEVELOPMENT CONTROL PLAN 2009 DEVELOPMENT CONTROL

4.1 NUMBER OF STOREYS

Objectives of the planning control:

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

Planning control

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 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.

Response:

The subject site has a cross fall of approx. 4m. The proposed design has addressed the site constraints and located the driveway access to all units on the lower portion of the block parallel to the south-western boundary adjoining 182 Lawrence Hargrave Drive.

The location of the driveway as proposed enables garaged carparking accessed from the driveway underneath each townhouse with the minimum setback to the garages 7.5m from the south-western property boundary, as a result a small section of the building being three storeys.

As demonstrated in figure 1, the variation seeks to allow a small area of the overall footprint to be three storeys.

Unit 2 has a portion of the garage located below the habitable floor levels above.

The level 1 plan has an increased setback of 8.8m to the south-western boundary and a raised planter at level 1 to provide a visual break on the elevation.

As demonstrated in the perspective views submitted as part of this application, the building does not appear on any elevation to be three storeys in height and the design of the development has sympathetically utilised varying elevational forms, raised planting beds and varying setbacks to mitigate any negative impacts relating to bulk and scale of the development resulting in an attractive visual form with a variety of living spaces.

The variation will not impact on overshadowing or visual amenity of the surrounding residences as demonstrated in the attached shadow analysis plans.

Existing development located at 191-193 Lawrence Hargrave Thirroul located to the eastern side of Lawrence Hargrave Drive in close proximity to the proposed development is three storey (refer to attached image), the minor encroachment would not constitute a departure in character within the local area

The resultant variation to the number of storeys meets the objectives of the planning control, the building does not exceed the maximum building height according to Wollongong LEP 2009 and the variation will not impact on the required solar access to neighbouring residences. The building integrates with the streetscape as it presents as a two-storey building to the streetscape.

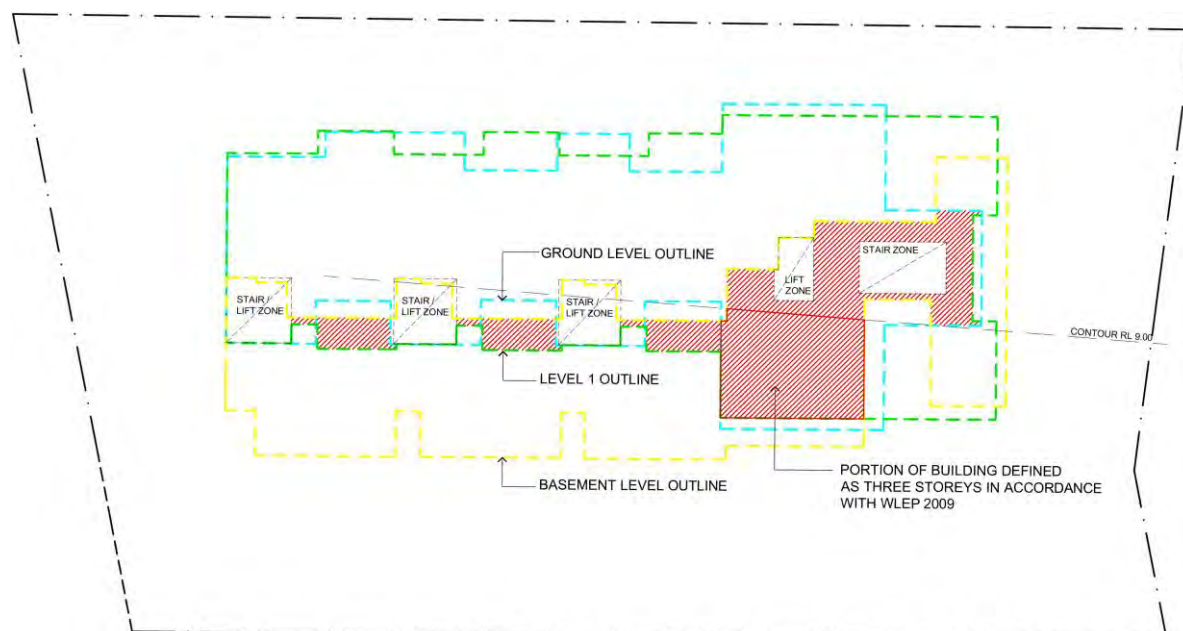


Figure 1. Three Storey encroachment



Image 1. Three storey existing development at 191-193 Lawrence Hargrave Drive.

5.9 DEEP SOIL PLANTING

Objectives of the planning control:

- *To protect existing mature trees on a site and encourage the planting of additional significant vegetation.*
- *To encourage the linkage of adjacent deep soil zones on development sites, to provide habitat for native indigenous plants and birdlife.*
- *To allow for increased water infiltration.*
- *To contribute to biodiversity.*

Planning control 5.9.2.2

A minimum of half of the landscaped area (i.e. 15% of the site) must be provided as a deep soil zone, where the deep soil zone is not located at the rear of the site. The deep soil zone may be located in any position on the site, other than forward of the building line, subject to this area having a minimum dimension of 6m. Alternatively, the deep soil may extend along the full length of the rear of the site, with a minimum width of 6m. The area of deep soil planting must be continuous to ensure that the deep soil planting area is a singular uniform area and is not fragmented.

Response:

The proposal has a small encroachment into the minimum 6m deep soil area to the rear of the proposed development (refer to **figure 2**) .

As demonstrated the encroachment occurs to the western end. The 6m wide deep soil is maintained and exceeded for the area that adjoins the building.

The proposed deep soil zone is exceeds 6m in width to the north of the subject site where it adjoins the neighbouring residences at 17 Mountain Road and 176A Lawrence Hargrave Drive maximising landscaping potential to integrate the development and also create habitat for native and indigenous

planting and bird life. A number of the palms located in the rear yard of 178 Lawrence Hargrave Drive will be relocated into the deep soil zone.

The deep soil zone will meet the objectives of the DCP and should be considered a singular uniform area extending along the full length of the rear of the site.

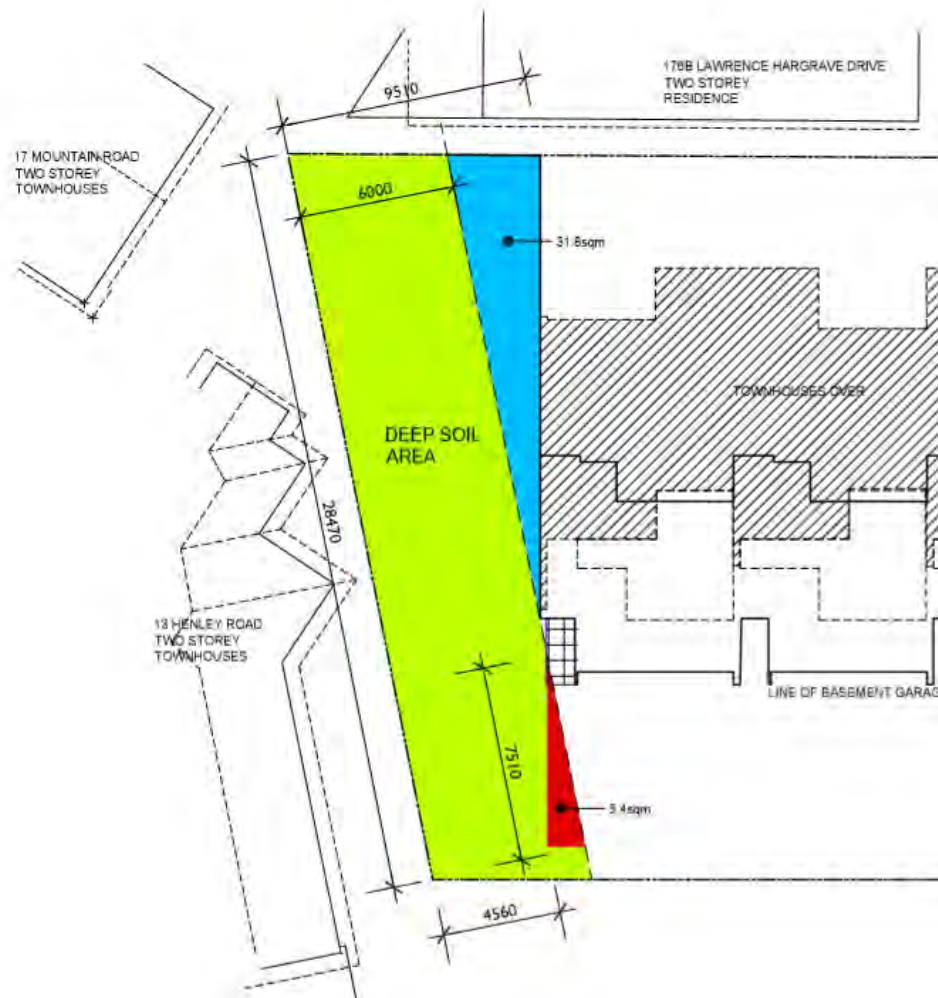


Figure 2 Deep Soil Zone

The proposal has a deep soil area of 14% slightly under the DCP requirement of 15%. The overall landscape area makes up 31% of the site which is 1% more than required. The landscaped area to the front of the property is certainly capable of supporting tree growth and trees have been shown in this area on the landscape plan. For technical reasons this area is not considered deep soil but in essence it fulfils the objectives of the DCP by providing the space and soil depth to support the growth of trees.

Urban Context Analysis

178-180 Lawrence Hargrave Drive

Thirroul, NSW

June 2018

Prepared By:



Contents:

- Statement
- Urban Context Investigation Plan 1 of 4
- Urban Context Investigation Photos 2 of 4
- Urban Context Investigation Photos 3 of 4
- Urban Context Investigation Photos 4 of 4
- Urban Context Plan
- Complying Development Plan
- Complying Development Sections

20/6/2018

Jessica Saunders
Development Project Officer
Wollongong City Council
41 Burelli Street Wollongong

Dear Ms. Saunders,

Re. Council concerns regarding the bulk and character of proposed development at 178-180 Lawrence Hargrave Drive, Thirroul.

In a recent letter from Council dated 12 June 2018 several concerns were raised regarding the proposed development at 178-180 Lawrence Hargrave Drive, Thirroul (DA-2017/1316).

Council referred to the 'bulk' of the development and considered that the proposed development was an 'overdevelopment' of the site and 'would not integrate with the streetscape or desired character of the area'.

The plan and photos on the following pages analyse the urban context of the area surrounding the proposed development site. This analysis supports the visual form of the development as it is compatible with the general urban framework in the area.

There are many examples of buildings near the proposed development site that are three storeys and many examples of two storey buildings with similar setbacks and visual form.

In the area immediately surrounding the proposed development, topography has a major impact on how bulky and visually prominent buildings appear. It was noted that buildings located on a crest or near the toe of a slope had more of a visual impact than buildings located in areas of consistent slope.

The proposed development complies with planning control requirements for building height. It includes a 6m setback from Lawrence Hargrave Drive, a 7.5m setback from the property's southern boundary, a 4.5m setback from the northern boundary and a setback to the rear boundary of over 6m.


The proposed development will be significantly screened when approached from the south. The setback along the southern boundary contains a planted area of large screening shrubs. Within the 6m setback from the street frontage is an area densely planted with native plants of varying height. Planting on the south facing terraces also soften and screen the proposed building.

When approached from the north, the proposed development is set down at a level lower than street level and lower than many of the surrounding buildings. This combined with the 6m landscaped setback from the street reduces the visual prominence of the building significantly.

Upon analysing the surrounding urban context, it is apparent that the proposed development has precedence and is in fitting with the character of the surrounding area. The proposed development is setback from boundaries more generously than many similar buildings in the area. It's location part way down a slope (and at a slightly lower level than the road) further reduces its bulk and visual prominence.

We have also considered the bulk and scale of the proposed development in relation to draft SEPP (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) which is to be introduced on the 6th of July this year. Please refer to the final two pages of this document that show in plan, elevation and section what a complying development could look like under the proposed amendments to the code. The proposed development will have a significantly reduced impact on the street compared to a complying development under the SEPP. Furthermore, the proposed side setbacks of 7.5m and 4m are significantly more than the SEPP requirement of 1.5m.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Hughes', followed by a horizontal line.

Steve Hughes
Director
Cert 4. BA. DipLD. MSc Proj. Man.





1. 4 Henley Rd. Visually prominent building occupies much of block. Building 30m long.



2. 17 Henley Rd. Three storey building. This building is significantly larger than the subject proposal



3. 186 Lawrence Hargrave Dr. Visually prominent building at toe of slope.



4. 199 Lawrence Hargrave Dr. Building opposite proposed development with comparable character although this building is likely to be more visually prominent as there is no landscape



5. 195 Lawrence Hargrave Dr. Visually prominent building with minimal setbacks. This building is more prominent etc.



6. 193 Lawrence Hargrave Dr. Three storey building with a larger scale and bulk compared to the subject development.



7. 177 Lawrence Hargrave Dr. Three storey building.



8. 173 Lawrence Hargrave Dr. Three storey building that is visually prominent



9. 172 Lawrence Hargrave Dr. Visually prominent building effectively more than two storeys with raised ground floor.



10. 162 Lawrence Hargrave Dr. Visually prominent building on crest. The building is a single dwelling more than 30m long



11. 2a Mountain Rd. Three storey building on crest located in a visually prominent location.



12. 2e Mountain Rd. Building on battle-axe block occupying most of block. The building is 3 storey.



13. 6 Mountain Rd. Three storey building.



14. 8 Mountain Rd. Three storey building located next door to 6 Mountain Road.



15. 10 Mountain Rd. Building presenting as three storeys.



16. 17 Mountain Rd. Drive and building configuration as per proposed development. Less setback than proposed with a visual mass significantly larger than subject development.



17. 19-21 Mountain Rd. Three storey buildings with similar drive configuration to proposed. Visual mass significantly greater than subject development.



18. 19-21 Mountain Rd. Three storey building. Visual mass significantly greater than subject development.



19. 223-225 Lawrence Hargrave Drive.
4 storey building.



20. 204 Lawrence Hargrave Dr.
Visually prominent building. Minimal setback.



21. 154 Lawrence Hargrave Dr. Visually prominent building on a crest.



22. 152 Lawrence Hargrave Dr. Visually prominent building on a crest.



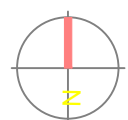
LEGEND



PROPOSED DEVELOPMENT



DWELLING OF SIMILAR SCALE CURRENTLY BEING
CONSTRUCTED ON A SINGLE LOT



URBAN CONTEXT PLAN - building footprint comparison

PROPOSED MULTI DWELLING DEVELOPMENT 178-180 LAWRENCE HARGRAVE DRIVE THIRROUL

Develop My Land

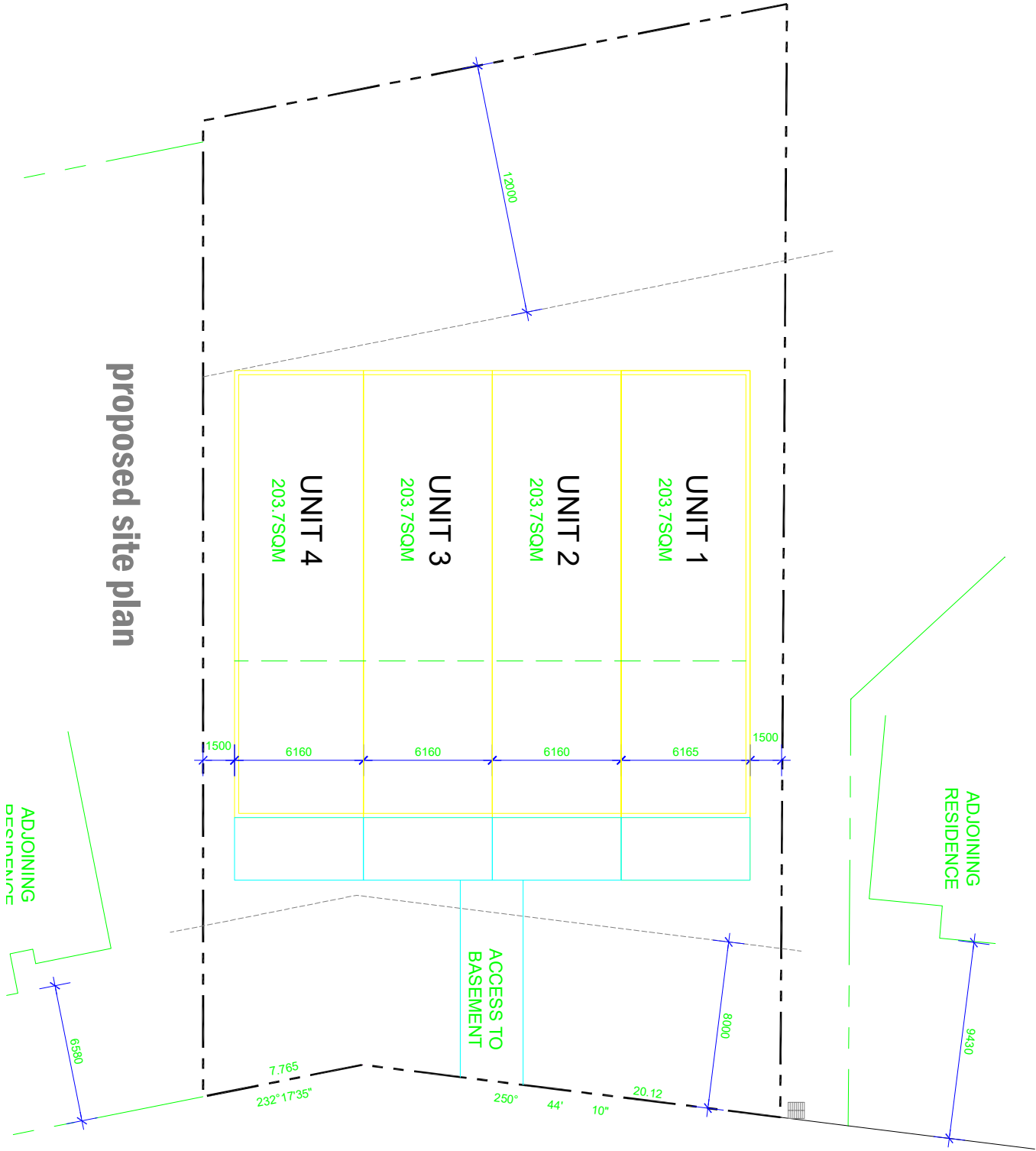
. management . consultancy . landscape architecture . urban design .

PO Box 119, Thirroul, NSW, 2515. Tel. 0449 255488 e. steve@developmyland.com.au



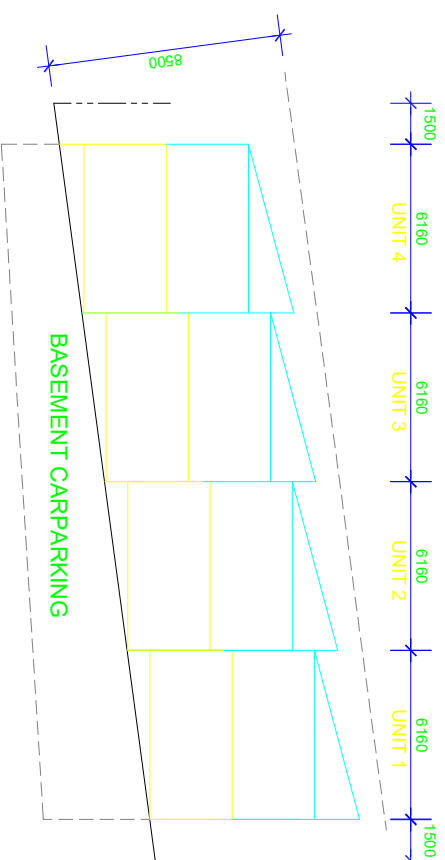


COMPLYING DEVELOPMENT - LOW RISE MEDIUM DENSITY
PROPOSED MEDIUM DENSITY DEVELOPMENT 178-180 LAWRENCE HARGRAVE DRIVE THIRROUL

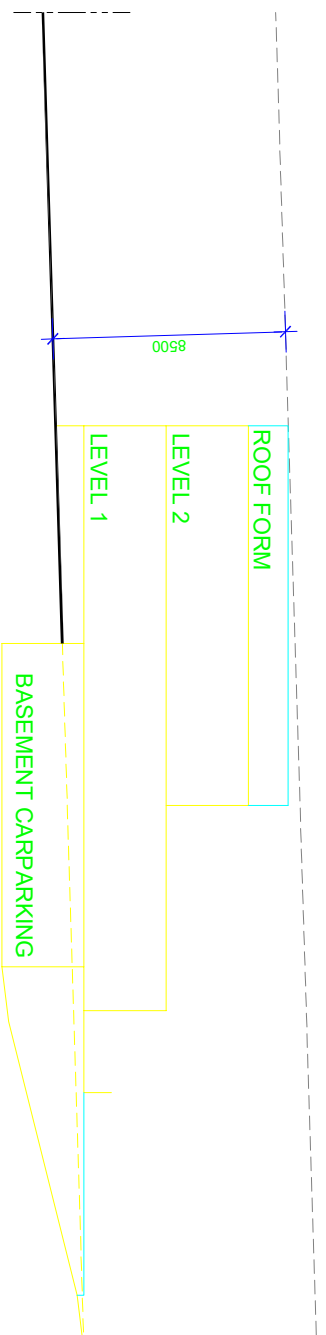


proposed site plan





proposed streetscape massing



proposed site section

COMPLYING DEVELOPMENT - LOW RISE MEDIUM DENSITY
PROPOSED MEDIUM DENSITY DEVELOPMENT 178-180 LAWRENCE HARGRAVE DRIVE THIRROUL





7/5/2018

View Sharing assessment for a proposed multi dwelling development at 178 -180 Armagh Parade Thirroul

This report has been prepared in support of a development application for a proposed 5 unit multi dwelling development at 178-180 Lawrence Hargrave Drive Thirroul. Section 4.16 Wollongong City Council development control plan chapter B1: residential development requires view sharing to be considered. The DCP states:

4.16 View Sharing

4.16.1 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.*

4.16.2 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 roof forms and slope.*
- (g) Placement of vents, air conditioning units, solar panels and similar structures in locations which will not restrict views.*

Introduction.

The proposal is seeking approval to construct a multi dwelling development across 2 lots that currently have a dwelling on each lot. A site assessment has determined that a number of adjacent dwellings located to the north and north west of the site may have impacted views from their properties as a result of constructing the proposed dwellings in accordance with the design plan submitted as part of this development application. The assessment was undertaken with the benefit of a site inspection and assisted by drone photographs taken as close as practically possible to windows that may be affected by the proposed development. Where trees prevented access to window locations a drone photograph was taken along the view line as close as possible to the subject window. The dwellings identified for assessment were:

7/13 Henley Road
8/13 Henley Road
13 Mountain Road
15 Mountain Road
4/17 Mountain Road
176 Lawrence Hargrave Drive
176A Lawrence Hargrave Drive

Assessment of impact

This document should be read in conjunction with drawing numbers DML17/010/VS-01 titled View Sharing Analysis 1 of 3, DML17/010/VS-02 titled View Sharing Analysis 2 of 3 and DML17/010/VS-03 titled View Sharing Analysis 3 of 3 prepared by Develop My Land. These drawings identify the properties potentially impacted by the proposed development of 178-180 Lawrence Hargrave Drive Thirroul.

The proposed development has been designed with a parapet level of 16.156m

Drawing number DML17/010/VS-02 shows an outline of the proposed development with the existing dwellings at numbers 176 & 176A Lawrence Hargrave Drive located behind as well as 4/17 Mountain Road with units 7 and 8/13 Henley Road located to the side. Numbers 13 and 15 Mountain Road have not been shown as they are hidden from view by 176 and 176A Lawrence Hargrave Drive.

Impact on views

The proposed development has no significant impact on current views that are available across the subject property from any existing dwelling that abuts the above described subject property. Controls related to 'View Sharing' are outlined in Part 4.16 of Chapter B1 of the DCP are responded to in this document. The current views afforded to neighbouring properties are a mix of short foreground views restricted by vegetation or other structures such as buildings and more distant views to the south towards the escarpment as well as partial ocean views often filtered by existing vegetation.

Regardless of whether and to what extent certain trees will be removed as a consequence of the proposed development, this assessment has been prepared with regard to the existing views enjoyed by the affected land owners and how that view will change.

As part of the requested information we have prepared additional drawings numbered DML17/010/VS-04, DML17/010/VS-05, DML17/010/VS-06, DML17/010/VS-07, titled '*View Sharing Analysis: 178 – 180 Lawrence Hargrave Drive*'. Drawing DML17/010/VS-02 which was previously submitted has been updated for this submission. Drawings DML17/010/VS-01 and

DML17/010/VS-03 were previously submitted and have been resubmitted as part of this package. These drawings provide a visual assessment of the impact on neighbouring views.

In order to assess the impact on existing views, the case of *Tenacity Consulting v Waringah* [2004] NSWLEC 140, and the decision of Roseth SC, at [26]-[30] is referred.

The position taken in *Tenacity* accords with Chapter B1 of Wollongong DCP. Accordingly, Council must observe four (4) important steps in its assessment of view loss and view sharing when considering whether to approve the proposed development:

1. *Assess the views affected*

Roseth SC determined that water views are valued more highly than land views, and whole views valued more highly than partial views, particularly where the interface between the ocean and the land is unobscured.

In this case, as illustrated from the view sharing analysis drawings provided to Council, the existing views afforded from the potentially affected properties are of little significance. Of those properties affected with ocean views most have minor ocean glimpses whilst two have more expansive views neither of which are whole or have an interface with unobscured land. Both of these views remain largely unchanged.

The impact on views afforded cannot be considered significant as they are 'partial views' at best with only minor changes to the extent or composition of view.

2. *From what part of the property the views are obtained*

Drawing DML16003/VS-02 identifies that the following views from habitable rooms are potentially impacted:

176A Lawrence Hargrave Drive. There are no views afforded from habitable rooms. Nevertheless Council has requested that views from the deck at the rear of the property are considered. Views in a generally south-westerly direction towards the escarpment are afforded. A screen fence obscures views when sitting, views are afforded when standing only. There will be a minor impact upon these views as a result of the construction of the proposed development. A total of 19.5 percent of the view will be impacted. This impact is considered to be reasonable.

176 Lawrence Hargrave Drive. A lounge room (source realestate.com.au) of this property is potentially affected by the proposed development. There are two windows in this room that may be affected whilst a third window looking towards the ocean will be unaffected. Due to the window size the viewer can be sitting or standing to experience any potential impact. The existing dwelling on 178 Lawrence Hargrave Drive is constructed very close to the boundary with 176 Lawrence Hargrave Drive. This building will be demolished and the proposed development will be constructive with a setback of more than 4 m which will improve the sense of space. Distant views to the South West will be impacted as a result of the additional story. Overall the impact on views is considered to be minimal and reasonable.

13 Mountain Road. A habitable room has potential views from this dwelling however views are obscured from the dwelling by 176A Lawrence Hargrave Drive. There is no impact on views from this dwelling.

15 Mountain Road. A habitable room on the first floor of this property is potentially affected. The room in question is a lounge room (source realestate.com.au) that looks across the roof of 176A Lawrence Hargrave Drive in the foreground and then across the subject site. The roof level of the proposed development (16.93m) is below the ridge line of 176A Lawrence Hargrave Drive (19.255m). There is a screen balustrade to the balcony off this room that obscures views for those

seated therefore the change in view is visible when standing only. Therefore there is minimal impact on the view and is considered minimal and therefore reasonable.

Unit 4/17 Mountain Road. Views are afforded across the subject site from a dining area (source realestate.com.au). Glimpse views of the ocean are visible above the rooftop of 178 and 180 Lawrence Hargrave Drive although this view is effectively screened by existing vegetation. Longer distance views of the escarpment are afforded and will remain unaffected. Glimpse views are not considered to be significant. The removal of trees along the northern edge of the proposed site will improve ocean views from the unit. The change in view will be experienced by seated and standing viewers. It is considered that there will be a minimal net effect as a result of the proposed development which is considered reasonable.

Unit 7/13 Henley Road. Views are afforded towards the subject site from a living area, dining area and kitchen (source realestate.com.au). Glimpse views of the ocean are not possible as the floor level of this single-storey dwelling is at approximately 6m and Lawrence Hargrave Drive is at a level of approximately 9 m. Furthermore, colour bond fencing and trellis along the rear boundary of this property obscures views. Possible views are only visible if standing due to boundary fencing obscuring views for seated viewers. These views are further obstructed by the occurrence of a garden shed located in 182 Lawrence Hargrave Drive. It is considered that there will be no impact on views as a result the proposed development.

Unit 8/13 Henley Road. This property is afforded glimpse views of the ocean although the views are obscured by existing trees and the dwellings located at 178 and 180 Lawrence Hargrave Drive. Nevertheless assuming there are no trees a number of habitable rooms have potential views, specifically a bedroom, the kitchen and dining area and the lounge room (source realestate.com.au). The floor level of 9.5 is equal to the same level as the entrance driveway to 180 Lawrence Hargrave Drive. As can be seen from the drone photograph it is not possible to get clear ocean views. The view from this unit will potentially be improved as the proposed development benefits from a building setback of 7.5 m which will effectively open up views for this unit from the kitchen and dining area as the existing dwelling at 180 Lawrence Hargrave Drive is set back 4m from the side boundary thereby restricting views. A view with a more south-westerly aspect is afforded from the bedroom. There will be no impact on this view. It is considered that there will be a negligible or beneficial impact on views as a result of the proposed development which is considered reasonable.

3. Extent of the impact

The maximum loss of view from any habitable rooms of the affected properties is **7%**. A site inspection is recommended to the reader to enable a full understanding of the impact on views from this location, as well as the minor impact caused to neighbouring properties. The impact is visually represented by the additional drawings prepared as part of this submission of further information, together with the elevation drawings, which illustrate how the two structures correspond to each other.

4. Assess reasonableness of proposal causing impact

The site is currently occupied by two old dwellings that are at the end of their useful life. Any redevelopment of the land, which reasonably responds to the objectives of relevant controls and the contours of the land, would have an impact on the views afforded to the potentially impacted dwellings. It is also worth considering the impact of an individual dwelling on each lot or a row of 4 townhouses directly addressing Lawrence Hargrave Drive as complying development under the draft multi dwelling SEPP due to be released on 6 July 2018. Either scheme would result in dwellings with side setbacks considerably less than the proposed development (900 mm for an individual dwelling or 1.5 m for multi dwelling). The impact on neighbouring dwellings which would

be considered to be acceptable under the complying development codes would be significantly greater than the proposed development.

The proposal has considered the views of adjacent dwellings. Important views are protected whilst some views (excluding the side windows of 176 Lawrence Hargrave Drive) are impacted in a minor way that is not considered significant. Some views are improved (8/13 Henley Road). Overall the impacts are considered reasonable.

The reasonableness of the proposal is informed by the built form of the proposed development as well as the reasonableness of the variations sought, which are dealt with in more detail below as well as in the SEE.

The considerations in *Tenacity* should also be considered in tandem with the decision in *Davies v Penrith City Council* [2013] NSWLEC 1141 where the Court reiterated the planning principle at [121]:

Revised planning principle: criteria for assessing impact on neighbouring properties

The following questions are relevant to the assessment of impacts on neighbouring properties: How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?

As outlined above, the proposal causes a loss of no more than 7% of the existing view. The proposal creates no impact insofar as solar access or privacy is concerned. The proposal creates no overlooking as a consequence of its construction and the extent to which the affected neighbours have access to views, 93% of those views are retained.

1. *How reasonable is the proposal causing the impact?*

Please refer to item 4 under the *Tenacity* considerations.

How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?

In addition to the reasons outlined above, any development carried out on this site, which was consistent with the existing character of the surrounding area would likely have the same impact or increased impact (see commentary re complying development).

2. *Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*

The design is consistent with the existing character of the area and other development in the area.

The design corresponds to its environment as well as the contours of the land.

The elevations and other drawings prepared as part of the application show that the dwelling will largely comply with the visual objectives of this clause.

The design is not unreasonable, having regard to its built form. There is nothing unconventional about the design which has the effect of causing unreasonable impacts on views.

3. *Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

The SEE prepared as part of the application includes variations to the number of storeys and width of deep soil zone. The proposed building complies with height controls and the variation for deep soil zone has no impact on views. The reasons for this are articulated in detail in the SEE.

The development is therefore considered reasonable.

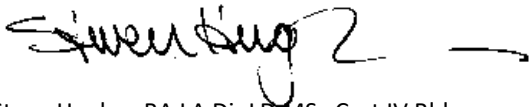
In light of the points raised in response to each of the four (4) steps in *Tenacity*, as well as the considerations in *Davies*, it is clear that the proposed development can be considered reasonable as a consequence of the minor impact it appears to have on neighbouring property. Not only is the impact minor, but the views that it impacts are generally insignificant and obscured by vegetation.

In general, the impacted views from neighbouring properties are not significant and should be considered 'partial views' at best. When viewed from 15 and 17 Mountain Road the proposed development roofline is below the ridge height of 176A Lawrence Hargrave Drive. The views from Unit 4/17 Mountain Road and 8/13 Henley Road are obscured by existing vegetation and will be retained with minor impact. The view from 7/13 Henley Road will remain unchanged or improve. The view from the deck of 176A Lawrence Hargrave Drive will remain with minor impact and the view from 176 Lawrence Hargrave Drive will remain unchanged from the front of the property whilst side oblique views will be impacted although a proposed increased setback compared to existing will improve the sense of space. The reasonableness of the proposal and its consideration of view sharing is informed by the built form of the proposed dwelling

It is of note that the proposed development benefits from significant side setbacks (minimum 4m and 7.5m) considerably in excess of what a detached dwelling or dual occupancy would be required to comply with (900mm).


It is respectfully suggested that the minor impact on views as a result of the proposed development is considered reasonable.

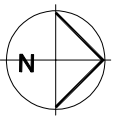
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Steve Hughes BA LA DipLD MSc Cert IV Bldg.
Director



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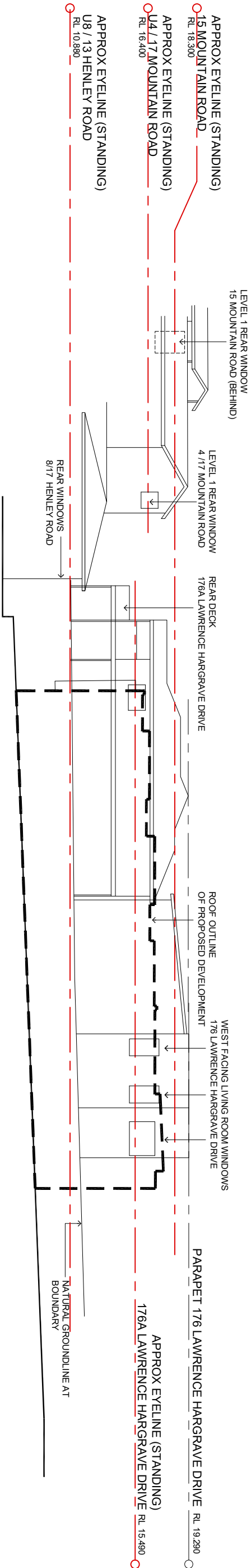


PRELIMINARY
NOT FOR CONSTRUCTION

Develop My Land



management · consultancy · landscape architecture · urban design
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PROJECT: 178-180 Lawrence Hargrave Drive THIRROUL NSW				
Drawing Name: VIEW SHARING ANALYSIS 2 OF 3		Job No. DWL 17/010	Dwg No VS-02	
CLIENT: Illawarra Property Holdings Pty Ltd		Scale	Date 04.05.18	Rev B
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Land</div><div><div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></d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IMAGE 1

VIEW FROM REAR DECK 176A LAWRENCE HARGRAVE DRIVE

The image shows the existing view from the rear deck of 176A Lawrence Hargrave Drive. This view will be maintained over the subject site post development (as indicated on dwg VS-01) with only minimal impact.



IMAGE 2

VIEW FROM FIRST FLOOR 15 MOUNTAIN ROAD

The image shows that the roof of 176A Lawrence Hargrave Drive has an overall ridge height of RL 19.255. It will obscure the proposed development from view as the overall building height of the proposed development at RL 16.930 is lower.



IMAGE 3

VIEW FROM REAR BOUNDARY 178 LAWRENCE HARGRAVE DRIVE ADJOINING 13 HENLEY ROAD

The image indicates the existing views achieved from 8/13 Henley Road. Existing buildings and vegetation currently obstruct views over the subject site. Transplanting of palms within proposed deep soil zone will maintain similar screening between properties.



IMAGE 4

VIEW FROM UNIT 4 / 17 MOUNTAIN ROAD

The image indicates the existing view from the upper level of 4/17 Mountain Road. The one window with views over the subject site has a tree obscuring views the drone was unable to take a photograph from window due to the location of the tree. Partial obstruction of this view will occur post development, however, the proposed roof has a parapet height lower than standing viewing height from the window of unit 4. North eastern views from this window will be increased post construction due to view corridor created by increased boundary setback and vegetation removal



IMAGE 5

VIEW FROM ROOF EXISTING BUILDING 178 LAWRENCE HARGRAVE DRIVE

The image demonstrates that the residences at 15 & 13 Mountain Road do not have windows located higher than the roof lines of the existing residences at 176 & 176B Lawrence Hargrave Drive. The proposed building hproposes a parapet height at RL 16.930 significantly lower than the ridge levels of adjacent residences at 176 & 176A. Therefore views to the proposed development from 13 & 15 Mountain Road will be screened to a large extent by 176 & 176A



IMAGE 6

VIEW FROM ROOF EXISTING BUILDING 180 LAWRENCE HARGRAVE DRIVE TOWARDS 13 HENLEY ROAD

The image demonstrates the location of windows at units 7 & 8 13 Henley Road which view the site. Views to the south east over the subject site are obstructed by vegetation. View capability should not be impacted as trees are proposed to be retained. There is some potential for increased views post construction due to the view corridor increase and removal of the existing residence along the proposed driveway



IMAGE 7

VIEW FROM REAR BOUNDARY 180 LAWRENCE HARGRAVE DRIVE ADJOINING 7/13 HENLEY ROAD

The image demonstrates the view capacity from the rear windows at 7/13 Henley Road looking over subject site towards Lawrence Hargrave Drive. View corridor will be increased post construction due to demolition of house and setback of units from south eastern boundary.

date			issue	amendment	legend
03.05.18			A	ISSUED FOR DEVELOPMENT APPROVAL	
PRELIMINARY NOT FOR CONSTRUCTION					

PROJECT:
176-180 Lawrence Hargrave Drive THIRROUL NSW

Drawing Name:
VIEW SHARING ANALYSIS

3 OF 3

Job No.
DWL 17/010

Dwg No
VS-03

CLIENT:
Illawarra Property Holdings Pty Ltd

Scale

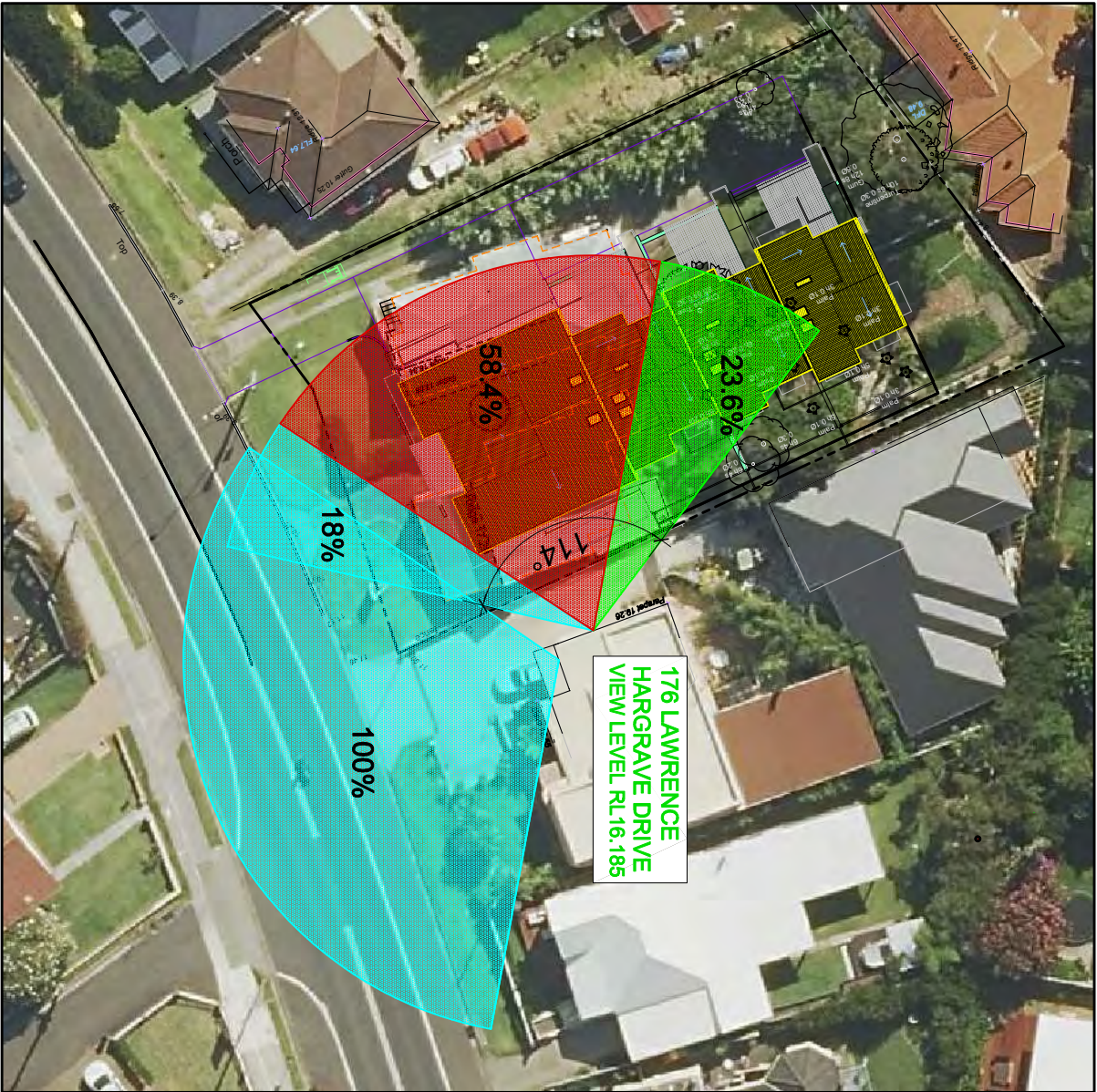
Date
04.05.18

Rev
A

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VIEW IMPACT

176 LAWRENCE HARGRAVE DRIVE THIRROUL LEVEL 1 LIVING & DINING ROOM WINDOWS

The viewing level has been ascertained at 1.4m above floor level.
58.4% of the current view range to the west will be impacted by the proposal.
23.6% of the view is currently obscured by the established vegetation located to the rear of the dwelling at 178 Lawrence Hargrave Drive.
The extensive south facing views from the living room are not impacted by the proposal



VIEW IMPACT

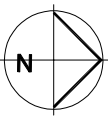
176a LAWRENCE HARGRAVE DRIVE THIRROUL LEVEL 1 REAR DECK

The viewing level has been ascertained at 1.4m above deck level.
The views from the deck are to the west and 19.5% of the current view range will be impacted by the proposal.
11% of the available view range is currently obscured by vegetation located to the rear of the dwelling at 178 Lawrence Hargrave Drive.

LEGEND

- VIEWS AVAILABLE NOT IMPACTED BY PROPOSED DEVELOPMENT
- VIEWS CURRENTLY IMPACTED BY VEGETATION ON 178 & 180 LAWRENCE HARGRAVE DRIVE
- VIEWS IMPACTED BY PROPOSED DEVELOPMENT
- VIEWS INCREASED BY PROPOSED DEVELOPMENT

date	issue	amendment	legend
26.06.18	A	ADDITIONAL INFORMATION	

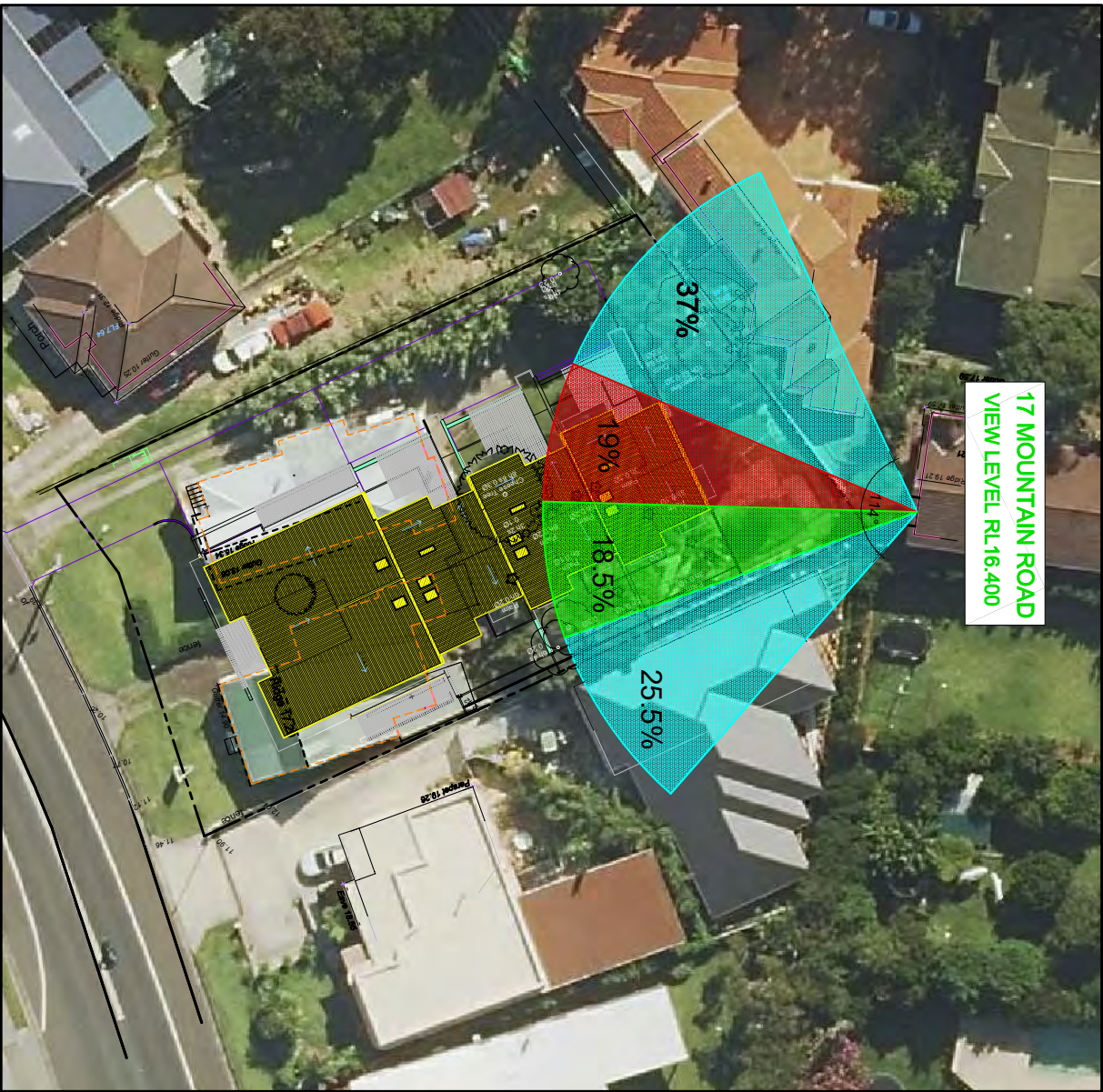


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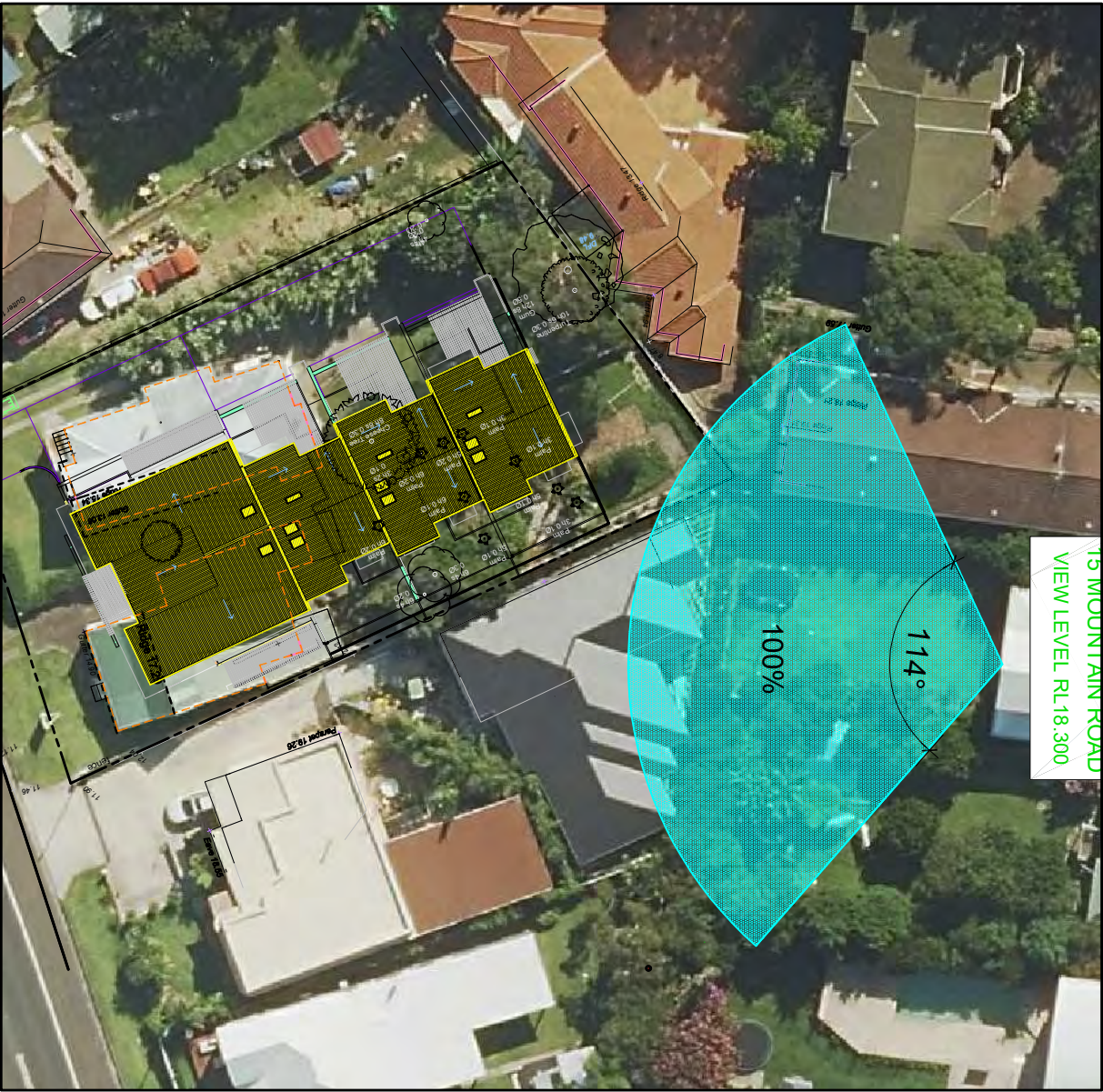
PROJECT: 176-180 Lawrence Hargrave Drive THIRROUL NSW	Drawing Name: VIEW IMPACT ANALYSIS	Job No. DWL 17/010	Dwg No VS-04
CLIENT: Illawarra Property Holdings Pty Ltd	Scale	Date 04.06.18	Rev A



VIEW IMPACT

4/17 MOUNTAIN ROAD AUSTINMER LEVEL 1 DINING ROOM WINDOW

The viewing level has been ascertained at 1.4m above floor level (the window has a 1m high sill).
19% of the current view range will be impacted by the proposal.
18.5% of the view range is currently obscured by the established vegetation located to the rear of the dwelling at 178 Lawrence Hargrave Drive



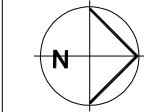
VIEW IMPACT

15 MOUNTAIN ROAD AUSTINMER LEVEL 1 FAMILY ROOM WINDOW

The viewing level has been ascertained at 1.4m above floor level. The proposed development is obscured by the roof form of 176A Lawrence Hargrave Drive. (Refer to revised dwg VS02 which locates this window).
As a result the views afforded to this property remain unchanged by the proposal

LEGEND

- VIEWS AVAILABLE NOT IMPACTED BY PROPOSED DEVELOPMENT
- VIEWS CURRENTLY IMPACTED BY VEGETATION ON 178 & 180 LAWRENCE HARGRAVE DRIVE
- VIEWS IMPACTED BY PROPOSED DEVELOPMENT
- VIEWS INCREASED BY PROPOSED DEVELOPMENT



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date	issue	amendment	legend
26.06.18	A	ADDITIONAL INFORMATION	

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PROJECT:	Job No.	Dwg No
178-180 Lawrence Hargrave Drive THIRROUL NSW	VIEW IMPACT ANALYSIS	VS-05
2 OF 4	DRAWN 17/0/10	
CLIENT:	Scale	Date
Illawarra Property Holdings Pty Ltd		04.06.18
		Rev: A



VIEW IMPACT

13 MOUNTAIN ROAD AUSTINMER DINING ROOM WINDOW

The viewing level has been ascertained at 1.4m above floor level.
The proposed development is obscured by the roof form of 176A
Lawrence Hargrave Drive and the adjoining residence at 15
Mountain Road.
As a result the views afforded from this property remain unchanged
by the proposal.



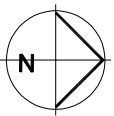
VIEW IMPACT

8/13 HENLEY ROAD THIRROUL LEVEL 1 DINING ROOM WINDOW & DECK

The viewing level has been ascertained at 1.4m above floor level.
The views afforded from this window and deck will have an increased viewing
capacity post development due to the increased western side setback.
24.2% of views are currently obscured by the established vegetation located to
the rear of the dwelling at 178 Lawrence Hargrave Drive

LEGEND

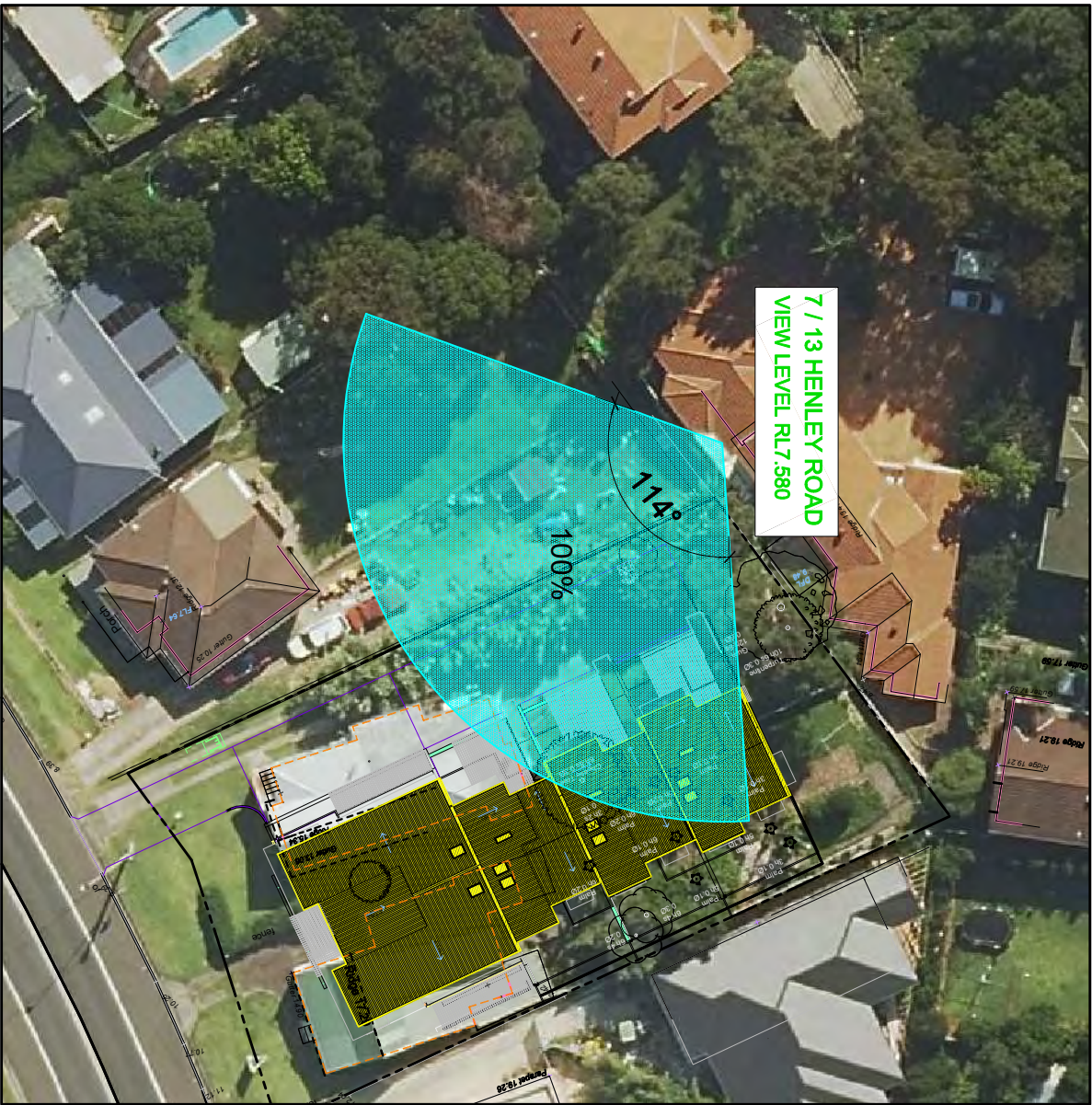
- VIEWS AVAILABLE NOT IMPACTED
BY PROPOSED DEVELOPMENT
- VIEWS CURRENTLY IMPACTED BY VEGETATION
ON 178 & 180 LAWRENCE HARGRAVE DRIVE
- VIEWS IMPACTED BY PROPOSED
DEVELOPMENT
- VIEWS IMPACTED BY PROPOSED
DEVELOPMENT



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date	issue	amendment	legend
26.06.18	A	ADDITIONAL INFORMATION	

Develop My Land management, consulting, landscape architecture, urban design PO Box 129, Thornhill NSW 2115, Tel: 0493 254988, e: develop@myland.com.au	PROJECT: 178-180 Lawrence Hargrave Drive THIRROUL NSW
Drawing Name: VIEW IMPACT ANALYSIS 3 OF 4	Job No. DWL 17/010 Dwg No VS-06
CLIENT: Illawarra Property Holdings Pty Ltd	Scale Date 04.06.18 Rev A



VIEW IMPACT

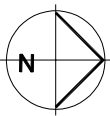
7/13 MOUNTAIN ROAD AUSTINMER DINING ROOM WINDOW

The viewing level has been ascertained at 1.4m above floor level.
This residence is located at a significantly lower level than the subject site. (Approx RL 6.18).
A 1.8m high courtyard fence and lattice screen on the boundary of the unit ensure that no views are affected by the proposal as the unit currently has no views over the subject site.

LEGEND

- VIEWS AVAILABLE NOT IMPACTED BY PROPOSED DEVELOPMENT
- VIEWS CURRENTLY IMPACTED BY VEGETATION ON 178 & 180 LAWRENCE HARGRAVE DRIVE
- VIEWS IMPACTED BY PROPOSED DEVELOPMENT
- VIEWS INCREASED BY PROPOSED DEVELOPMENT

amendment			legend
date	issue		
26.06.18	A	ADDITIONAL INFORMATION	

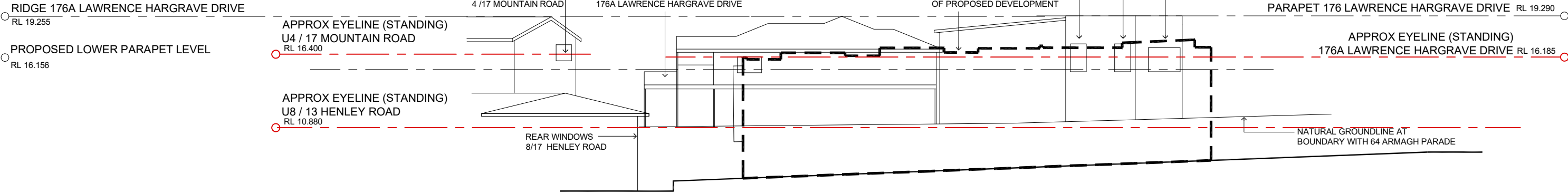


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PROJECT:		Job No.	Dwg No
Drawing Name:	VIEW IMPACT ANALYSIS		
4 OF 4		DWL 17/010	VS-07
CLIENT:	Illawarra Property Holdings Pty Ltd	Scale	Date
			04.06.18
			Rev: A



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date	issue	amendment	legend
03.05.18	A	ISSUED FOR DEVELOPMENT APPROVAL	

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IMAGE 1

VIEW FROM REAR DECK 176A LAWRENCE HARGRAVE DRIVE

The image shows the existing view from the rear deck of 176A Lawrence Hargrave Drive. This view will be maintained over the subject site post development (as indicated on dwg VS-01) with only minimal impact.



IMAGE 2

VIEW FROM FIRST FLOOR 15 MOUNTAIN ROAD

The image shows that the roof of 176A Lawrence Hargrave Drive has an overall ridge height of RL 19.255. It will obscure the proposed development from view as the overall building height of the proposed development at RL16.930 is lower.



IMAGE 3

VIEW FROM REAR BOUNDARY 178 LAWRENCE HARGRAVE DRIVE ADJOINING 13 HENLEY ROAD

The image indicates the existing views achieved from 8/13 Henley Road. Existing buildings and vegetation currently obstruct views over the subject site. Transplanting of palms within proposed deep soil zone will maintain similar screening between properties.



IMAGE 4

VIEW FROM UNIT 4 / 17 MOUNTAIN ROAD

The image indicates the existing view from the upper level of $\frac{4}{17}$ Mountain Road. The one window with views over the subject site has a tree obscuring views the drone was unable to take a photograph from window due to the location of the tree. Partial obstruction of this view will occur post development, however, the proposed roof has a parapet height lower than standing viewing height from the window of unit 4. North eastern views from this window will be increased post construction due to view corridor created by increased boundary setback and vegetation removal



IMAGE 5

VIEW FROM ROOF EXISTING BUILDING 178 LAWRENCE HARGRAVE DRIVE

The image demonstrates that the residences at 15 & 13 Mountain Road do not have windows located higher than the roof lines of the existing residences at 176 & 176B Lawrence Hargrave Drive. The proposed building hproposes a parapet height at RL16.930 significantly lower than the ridge levels of adjacent residences at 176 & 176A. Therefore views to the proposed development from 13 & 15 Mountain Road will be screened to a large extent by 176 & 176A



IMAGE 6

VIEW FROM ROOF EXISTING BUILDING 180 LAWRENCE HARGRAVE DRIVE TOWARDS 13 HENLEY ROAD

The image demonstrates the location of windows at units 7 & 8 13 Henley Road which view the site. Views to the south east over the subject site are obstructed by vegetation. View capability should not be impacted as trees are proposed to be retained. There is some potential for increased views post construction due to the view corridor increase and removal of the existing residence along the proposed driveway



IMAGE 7

VIEW FROM REAR BOUNDARY 180 LAWRENCE HARGRAVE DRIVE ADJOINING 7/13 HENLEY ROAD

The image demonstrates the view capacity from the rear windows at 7/13 Henley Road looking over subject site towards Lawrence Hargarve Drive. View corridor will be increased post construction due to demolition of house and setback of units from south eastern boundary.

PRELIMINARY
NOT FOR CONSTRUCTION

date	issue	amendment
03.05.18	A	ISSUED FOR DEVELOPMENT APPROVAL

legend

Develop My Land

management . consultancy . landscape architecture . urban design .
PO Box 119, Thirroul, NSW, 2515. Tel: 0449 255488 e: steve@developmyland.com.au



PROJECT:
178-180 Lawrence Hargrave Drive THIRROUL NSW

Drawing Name:
VIEW SHARING ANALYSIS
3 OF 3

Job No.
DML 17/010

Dwg.No
VS-03

CLIENT:
Illawarra Property Holdings Pty Ltd

Scale

Date
04.05.18

Rev.
A

Attachment 6: View Sharing Assessment

The Wollongong Development Control Plan 2009 (WDCP 2009) applies to the land in the Wollongong LGA. Chapter B1 *Residential Development* contains residential development controls for dwelling-houses. Section 4 of this Chapter provides general development controls which apply residential development within urban areas.

Part 4.16 of Chapter B1 entitled View Sharing provides objectives and controls for view sharing. An extract of Part 4.16 of Chapter B1 is provided below.

4.16 View Sharing

4.16.1 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.

4.16.2 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.

An assessment of the proposal with regard to the above is provided below.

4.16 View Sharing

Several submissions have been received relating to view loss from adjoining properties, and from nearby public places. An objective of 4.15 is to encourage view sharing between adjoining or nearby properties and new development. The following provides an assessment of view sharing against the principles laid out by Senior Commissioner Roseth SC in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140.

Figure 8 below demonstrates the location of the properties discussed in relation to the proposed development.



Figure 8: Surrounding Properties

Step 1: assessment of views that the proposal will affect

4/17 Mountain Road

Unit 4/17 Mountain Road relates to the rear unit in the multi dwelling housing development on Mountain Road which adjoins the site to the north west.

The views available from the subject site currently are of the rear yards and vegetation within the subject site, residential development in Thirroul, vegetation and glimpses of McCauleys Beach in the distance. The existing view is demonstrated by Figure 9 below.



Figure 9: Existing view from dining/living room window of 4/17 Mountain Road

15 Mountain Road

15 Mountain Road is currently comprised of a two storey dwelling house, constructed in 2012. Rumpus rooms and balcony areas have been designed to provide for a view over Thirroul residential development and the escarpment area, with beach views expected in the distance.

176A Lawrence Hargrave Drive

176a Lawrence Hargrave Drive relates to a single storey dwelling house located in a battle-axe arrangement to the immediate north of the subject site. The dwelling was constructed in 2015. The maximum height of the roofline of the development at this site, due to the slope of the land, sits higher than the development site with the roofline of the existing dwelling at 176a being 19.885RL, exceeding the maximum height of the roofline of the development of 17.8mRL. Notwithstanding, the FFL of the deck and main living areas is 13.086RL.

The views available from the subject site are demonstrated by Figures 10 and 11 below, being of vegetation and the escarpment area.



Figure 10: Existing view from dining/living room window of 176a Lawrence Hargrave Drive

The deck/POS area views are demonstrated by Figure 11 below



Figure 11: Existing view from deck/ POS of 176a Lawrence Hargrave Drive

176 Lawrence Hargrave Drive

176 Lawrence Hargrave Drive is currently comprised of a split level, two storey residential dwelling house. The dwelling has existed on the site since prior to 1961 in the same general footprint, with the sunroom area appearing to be enclosed in the 1970's.

The views available from the subject site are demonstrated by Figures 12 - 15 below. The views encompass ocean glimpses and Thirroul residential development to the south east, around to the foothills and escarpment to the west. The escarpment view would be considered whole view in accordance with the Tenacity Planning Principals.



Figure 12: Existing view from the sunroom of 176 Lawrence Hargrave Drive



Figure 13: Existing view from the sunroom of 176 Lawrence Hargrave Drive



Figure 14: Existing view from dining room of 176 Lawrence Hargrave Drive



Figure 15: Existing view from POS area of 176 Lawrence Hargrave Drive

182 Lawrence Hargrave Drive

182 Lawrence Hargrave Drive is currently comprised of a single storey residential dwelling house. Alterations and additions are currently being undertaken to the existing house to provide for a new master bedroom and living area and outdoor POS area, at the same RL as the existing floor level, with a hardstand car parking area beneath, to the rear of the existing dwelling house.

The views available from the subject site are of the escarpment and vegetation to the west of the development, the existing timber retaining wall and existing dwelling on the development site.

The outlook from the deck POS area currently under construction is demonstrated by Figures 16 and 17 below.



Figure 16: View/outlook from POS area of 182 Lawrence Hargrave Drive



Figure 17: View/outlook from POS area of 182 Lawrence Hargrave Drive

184 Lawrence Hargrave Drive

184 Lawrence Hargrave Drive is currently comprised of a single storey residential dwelling house.

The views available from the subject site would be similar to that of 182, with the view towards the subject site currently comprising the existing improvements, and vegetation and escarpment to the west.

8/13 Henley Road

8/13 Henley Road is currently comprised of a two storey townhouse, with garage area on the lower floor and the main living areas and bedrooms on the upper floor. Despite being two storeys, the development sits lower than the existing dwelling houses at 178 and 180 Lawrence Hargrave Drive, and would not be expected to be able to view further than Lawrence Hargrave Drive. There is also a significant amount of vegetation on the rear boundary of the development site which would further obscure any view.

Step 2: consider from what part of the property the views are obtained

4/17 Mountain Road

Views are currently available from the first floor dining room window. The view is currently available from both a sitting and standing position, and is obtained from a north/south orientation, generally from the rear to the front of the property. The approximate view extent is demonstrated by Figure 18 below.



Figure 18: Approximate view corridor extent from 4/17 Mountain Road in the context of the development.

15 Mountain Road

The views from 15 Mountain Road would be from the ground and first floor rumpus room and balcony areas, from sitting and standing areas. The view would be expected to be obtained over the existing development at 176a Lawrence Hargrave Drive, and hence the proposed development, with the roofline proposed lower than the ridge height of this development, would not be envisaged to result in any increased view loss.

176A Lawrence Hargrave Drive

Views are currently available from the ground floor dining/living room window and POS area. The living/dining room window is the only window on this elevation. The sill height is 1.5m, and the POS area has privacy screening to a height of 1.5m also. The elevation of 176a is provided at Figure 19 below.

Given the high sill height and existing screening, the existing views are available from a standing position only.

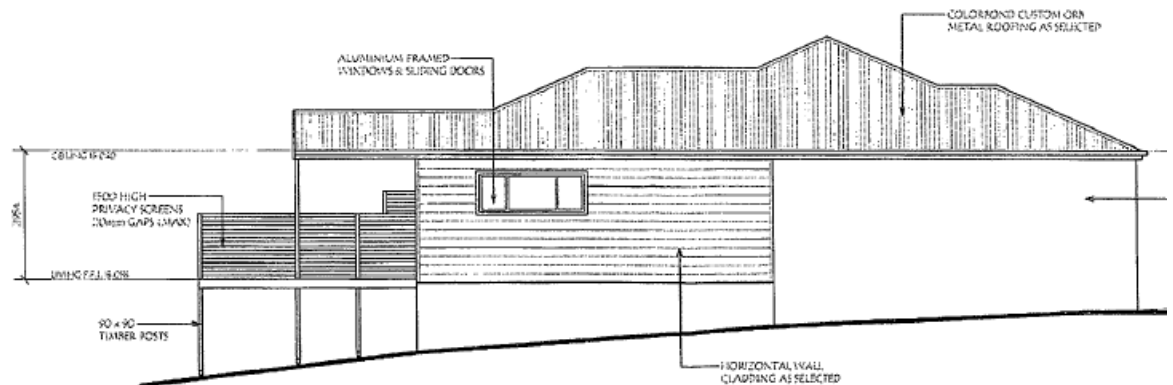


Figure 19: south western elevation of dwelling at 176a Lawrence Hargrave Drive.

176 Lawrence Hargrave Drive

Views are currently available from the first floor living/sun room window, dining room window and limited views from the POS area. The views are available from both a sitting and standing position. The view is available over a side property boundary. The approximate view extents are demonstrated by Figure 20 below.



Figure 20: Approximate view extents from 176 Lawrence Hargrave Drive in the context of the development.

182 Lawrence Hargrave Drive

Views will be available from the ground floor (but elevated) POS area. These views would be available from a sitting and standing position.

184 Lawrence Hargrave Drive

Views are currently available from the rear yard area.

8/13 Henley Road

There would not be expected to be any significant view available which would be impacted by the proposed development.

Step 3: assess the extent of the impact

4/17 Mountain Road

The property is comprised of a two storey townhouse with rumpus and utility areas on the ground floor and the main kitchen, living and dining area, and bedrooms on the first floor. The main living area also has a west orientated window which leads to a small balcony, however there is limited view from this position due to the surrounding vegetation.

The level of the dining room window is approximately 16.2RL. The view would be available from a sitting and standing position. A person standing at this window would be expected to have a view from approximately 16.4RL at approximately 1.5m high. The height of the roofline of proposed Unit 5 is approximately 16.7RL, and would therefore result in a restriction of the existing view corridor, likely removing the ocean glimpses currently

available due to the angle of the proposed development and scale of the western elevation proposed. Further, the extent of the existing view corridor is limited by the existing palm trees, as demonstrated by Figure 9 above. These trees are proposed to be transplanted to the deep soil zone closer to the subject window, further limiting the views available.

Resultant views would likely be minimal. The development would therefore be considered to result in a severe impact.

15 Mountain Road

The view would be expected to be obtained over the existing development at 176a Lawrence Hargrave Drive, and hence the proposed development, with the roofline proposed lower than the ridge height of this development, would not be envisaged to result in any increased view loss.

176A Lawrence Hargrave Drive

The views from the dining/living and POS area are the only significant views available from the subject site. Views to the north are limited due to surrounding development and plantings.

The sill height and top of the privacy screening to the POS area is at 14.586RL, with the top window sill being at approximately 15.386RL. The proposed development extent on the site ends in generally the same position of the dining room window.

The POS area view is available across the area that is proposed to be the deep soil zone. View loss in this area would result from the transplanting of the existing palms on the site, and additional vegetation. The view loss to the POS area would be considered minor.

The dining/living room window corresponds with the location of proposed Unit 5.

The RL height of the top of the roofline of Unit 5 is 16.68RL, with a significant 2m x 2m window proposed from 13.78RL to 15.78RL, exceeding the height of the top and bottom sill of the dining room window.

Whilst the development is proposed to be setback more than 5m in this location, it is expected that the proposal would result in an impact on the views currently available and demonstrated by Figure 10 above. The remaining view would be of the very top of the escarpment only, over the proposed development.

Despite the setback of the development, the significant scale of the window proposed immediately adjacent to this property and the further scale of the proposed flexi brick screening system over the window leads to the conclusion that the extent of the impact is considered to be severe.

176 Lawrence Hargrave Drive

176 Lawrence Hargrave Drive enjoys substantial views, extending from the ocean to the escarpment. The primary view from the main living room and dining room are that of the Thirroul residential area and escarpment, over the roofline of the existing dwelling at 178 Lawrence Hargrave Drive, as demonstrated by Figures 21 and 22 below. The view expected to be impacted would be of the escarpment, which is considered to be a significant view.

The highest point of the ridge height of the existing dwelling has been surveyed at 17.29RL.

The proposed ridge height of Units 1 and 3 which generally align with the dwelling at 176 is 17.25RL, extending to 17.8RL over the entrance areas of Units 1 and 2. The 17.25RL is not dissimilar to the existing ridge height of 17.29RL; however the existing dwelling reaches this height for one roof pitch only. The proposed development extends for more than 35m across the length of the site with minimal relief.

The proposed front setback of the development is only 1.2m greater than the existing dwelling at 178.

The impact would therefore be similar to that demonstrated by Figures 21 -23 below



Figure 21: expected development impact from living room of 176 Lawrence Hargrave Drive



Figure 22: expected development impact from living room of 176 Lawrence Hargrave Drive



Figure 23: expected development impact from dining area 176 Lawrence Hargrave Drive



Figure 24: expected development impact from POS area at 176 Lawrence Hargrave Drive

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

In considering how reasonable it is to expect to retain the existing view, the following is considered:

- The proposal seeks a variation to the maximum number of storeys for development permitted in the R2 zone.
- The proposal exceeds the 0.5:1 FSR maximum for the subject site.
- The proposal seeks a variation to the minimum width of the deep soil zone.
- The proposal seeks to transplant several established palm trees.

The Principles provided in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 require the consideration of whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. Part of the applicants' response to concerns regarding view sharing include a presentation that the development that would be permitted pursuant to the Medium Density Housing Code would result in much greater impacts than the proposed development. This position is not considered appropriate justification as to the resultant impacts, as in the applicants' submission, the development potential would likely be 4 units and the setback to the rear would be significantly greater. Furthermore the adoption of this code in the Wollongong LGA has been deferred by 12 months to allow for additional consideration of the impacts of such policy in this area.

The applicant has been advised on two occasions that concerns remain with regard to the bulk, siting and design of the proposed development and the potential resultant impacts on surrounding properties. The responses received have not resulted in any significant change in the design of the building, only the incorporation of mitigation measures such as additional screening mechanisms and plantings, which further add to the bulk and scale of the development and have the potential to result in further impacts than the floor area itself.

The principles provided also make specific reference to compliance with building height. In this regard, it is stated that the height limit is a maximum and that it does not entitle the applicant to a building envelope to that height over the whole site. Whilst various screening components are proposed throughout the development, a more reasonable design may negate the need for such screening and result in a more appropriate built form outcome.

Consideration of revised Planning Principle in *Davies v Penrith City Council* [2013] NSWLEC 1141:

SC Moore provided for a revised planning principle with regard to the assessment of the impact of a development on neighbouring properties, as per the below:

The following questions are relevant to the assessment of impacts on neighbouring properties:

- *How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained?*

In this regard, it is considered that the development has the potential to result in a significant impact on the amenity of adjoining properties, namely 182, 184 and 176 Lawrence Hargrave Drive. The development will result in significant overshadowing and overlooking potential to properties downslope, and potential amenity and privacy impacts to 176 Lawrence Hargrave Drive.

With regard to how much will be retained, there will be limited amenity to the POS area of 182 Lawrence Hargrave Drive with regard to privacy, and more than half of the day will be overshadowed as a result of the development. Impacts to 176 will be due to view loss and also the use of the outdoor POS areas.

- *How reasonable is the proposal causing the impact?*

See Step 4 above.

- *How vulnerable to the impact is the property receiving the impact? Would it require the loss of reasonable development potential to avoid the impact?*

It is noted that the existing improvements on the subject development site will likely require redevelopment in the near future. It is however considered that a more appropriate and compliant design for the site would provide for lesser impacts to the neighbouring properties. This could be by reducing the floor areas of the units proposed, or the number of units proposed and complying with controls restricting the number of storeys, creating greater articulation in the design and response to the site contours.

- *Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent while reducing the impact on neighbours?*

It is considered that a better design for the development could mitigate some of the impacts arising. The amount of floor space permitted is dependent on the appropriateness of the design, amongst other matters. In this case, it is not considered that an exception to the maximum FSR would be supported, given the resulting impacts.

- *Does the proposal comply with the planning controls? If not, how much of the impact is due to the non-complying elements of the proposal?*

The proposal exceeds the maximum floor space ratio for the site and requests a variation to the maximum number of storeys permitted in the zone. It is considered that these matters contribute to the bulk and scale of the development, and therefore the resultant impacts.

View sharing conclusion

The impacts arising from the proposal on views from 4/17 Mountain Road, 176a, 176 and 182 Lawrence Hargrave Drive are considered under this assessment to be severe. Impacts to 15 Mountain Road and 184 Lawrence Hargrave Drive would be considered negligible to minor. The sloping nature of the site has been considered, along with the difference in levels, lot layouts, and existing development.

Whilst it is acknowledged that the subject development site is comprised of two older dwelling houses and that redevelopment of the property is imminent, it is considered that any development needs to provide for a reasonable degree of compliance with LEP and DCP controls, as well as consider the context of the area within which the development is proposed. In this regard, threshold matters of FSR and maximum number of storeys remain non-compliant.

In conclusion, it is considered that the proposed multi dwelling housing development would not provide for reasonable view sharing opportunities and therefore, the proposal is not considered to comply with the controls of Part 4.16 of Chapter B1 of WDCP 2009.

Attachment 7: Reasons for refusal

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate consistency with:
 - State Environmental Planning Policy No. 55 – Clause 7; and
 - State Environmental Planning Policy No. 71
2. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009:
 - Clause 4.4 Floor Space Ratio; and
 - Clause 4.6 Exceptions to development standards.
3. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009:
 - Chapter B1: Residential Development;
 - Chapter D1: Character Statements;
 - Chapter E2: Crime Prevention Through Environmental Design;
 - Chapter E7: Waste Management; and
 - Chapter E20: Contaminated Land Management.
4. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the likely impacts of the development will not be adverse.
5. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the site is suitable for the development
6. Pursuant to the provisions of Section 4.15 (1)(d)&(e) of the Environmental Planning and Assessment Act, 1979, it is considered that having regard for the relevance of submissions received and in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.