

Wollongong Local Planning Panel Assessment Report | 25 July 2018

WLPP No.	Item 3
DA No.	DA-2014/547/B
Proposal	Residential - Alterations and Additions (to dwelling) Modification B – new art studio and minor changes to lower level and elevations
Property	13A Paterson Road, Coalcliff
Applicant	Ron Dyak
Responsible Team	Development Assessment and Certification - City Wide Team (SG)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) pursuant to Councils resolution of 25 June 2018, and part 1(d) of the draft Wollongong City Council Submissions Policy as the application has been made under Section 4.55 and is the subject of five or more unique submissions.

The draft Submissions Policy is currently on exhibition. In accordance with Councils resolution of 25 June 2018, in the interim, the draft policy is to be applied with the subject application being referred to the Panel for development advice.

Proposal

The modification seeks approval for reconfiguration of the first floor of the existing dwelling approved under Modification A and the addition of new private art studio on the upper floor. The new art studio proposed on the upper floor includes an external staircase, deck and landscaped area.

Permissibility

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

Exhibition

Details of the proposal were publicly exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan (WDCP) 2009. Numerous submissions were received however eight (8) unique submissions were collated. Following the receipt of revised plans the proposal was renotified to the submitters. Numerous submissions were received from the second notification however twelve (12) unique submissions were collated including one (1) of support and three (3) new submissions. The issues identified are discussed at section 1.5 of this report.

Main Issues

The main issues are

- View impacts, privacy and change of character
- Variations to WDCP 2009 including the number of storeys on battle-axe allotments and the rear setback to two storey element.

RECOMMENDATION

That approval be granted to DA-2014/647/B, subject to the conditions provided at Attachment 4.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

State Environmental Planning Policies:

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other Policies:

- Wollongong Development Contributions Plan

1.2 PROPOSAL

The modification request was lodged on 29 November 2017 and proposes alterations and additions to the existing dwelling to reconfigure the first floor approved in DA-2014/547/A and the addition of an art studio on the upper floor directly above this area above. The works associated with the kitchen and deck area approved in modification A have not yet been undertaken.

Revised architectural drawings are provided at Attachment 1.

Built form changes

First Floor Plan

- Reconfiguration of the first floor area to the rear includes change from a reading area to an office, relocation of laundry and inclusion of linen closet, reconfiguration of deck, kitchen and dining areas.

Upper Floor Plan

- New Upper Floor – art studio added
- An additional 42m² of Gross Floor Area (GFA) is included as a result of the new upper floor art studio.
- The new art studio proposed on the upper floor includes an external staircase, deck and landscaped area.

Elevations

Southern elevation

- Change to first floor window configuration.
- Inclusion of new roof form and external staircase with screening.

East elevation

- Inclusion of new upper floor, deck and landscape terrace.

North elevation

- Deck reconfigured on plan and location changed with kitchen. Windows associated with kitchen reconfigured.

- Two windows on first floor reconfigured and two windows removed.
- Inclusion of Deck and Landscaped terrace.

West elevation

- Deck reconfigured on plan and location changed with kitchen.
- Windows and doors reconfigured.
- First floor roof form changed
- Change to materials- extend face brick and replace clad with painted fibre cement sheeting
- Inclusion of upper floor and external stair

Comment

Additional GFA (33m²) to the upper floor area has been recessed into the existing roof form. Whilst visible to adjoining properties only a small percentage of the upper level addition will be visible from the street.

The relocation of the deck to a more central area to the rear of the dwelling affords greater amenity for occupants and reduces potential privacy and noise impacts on adjoining sites.

Section 4.55 (previously S.96) Modification of consents-generally

The proposal is considered to be a section 4.55 modification. The application was lodged as a S96 (1A) now replaced as a S4.55 (1A) however as a result of the submissions and additional minor impacts as a result of the addition component Council has assessed the application as a Section 4.55 (2).

- (2) Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

The modification as requested is considered to be substantially the same development as follows:

- The categorisation of the development will not change
- The change in FSR is considered minor and under maximum for the site
- No increase in development yield
- Minor increase in scale

- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

Not applicable

- (c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Details of the proposal were publicly exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan (WDCP) 2009. Numerous submissions were received however eight (8) unique submissions were collated. Following the receipt of revised plans the proposal was renotified to the submitters. Numerous submissions were received from the second notification however twelve (12) unique submissions were collated including one (1) of support and three (3) new submissions.

The modification has been exhibited in accordance with Council's notification policy.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Considerations of the submissions received are presented in Section 1.5 below.

1.3 BACKGROUND

Application	Description	Application Type	Decision	Decision Date
PL-2017/163	Residential - alterations and additions	Pre Lodgement Application	Completed	Oct 31 2017
PC-2015/773	Residential - alterations and additions	Private Certifier Application	Approved	Jul 8 2015
DA-2014/547/A	Residential - alterations and additions - Modification A - to floor plan and addition of windows	Development Application	Approved	Jul 13 2015
DA-2014/547	Residential - alterations and additions	Development Application	Approved	Jun 17 2014
BA-1996/1065	Single Storey Weatherboard Dwelling	Building Application	Approved	Mar 13 1997

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 13A Paterson Road, Coalcliff and the title reference is Lot 540DP 856643.

The site is a battle axe configuration. The driveway slopes steeply from Paterson Road to the west of the lot. The site contains an existing dwelling house and vegetation. Applications for alteration and additions have been approved since 2014. A portion of the works, for the sunroom and balcony, associated with modification DA-2014/547/A have been undertaken the dining and deck area have not been undertaken and are sought to be modified under DA-2014/547/B.

The street scene in the immediate vicinity is characterised by low density residential development predominantly of double storey construction though noted within the streetscape are single, split level and three storey dwellings. The site is in close proximity to the coastal foreshore area which includes a park, rock pool and nearby Coalcliff beach.



Figure 1: Aerial photograph

Property constraints

- unstable land
- bushfire
- acid sulfate soils - Class 5
- 88b restriction for
 - Easement for gutter overhang
 - Right of Carriageway
- Council records identify the land as being located within the Coastal zone. No impacts are expected on the coastal environment as a result of the development. The site is mapped as within the Littoral Rainforest Buffer.

1.5 SUBMISSIONS

The application was exhibited in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. The first notification dated 6 December 2017 received numerous submissions however were collated as eight (8) unique submissions. As a result of revised plans a second notification dated 11 April 2018 was sent to submitters and eleven (11) submissions were received including three (3) additional submissions comprising of two (2) of concern and one (1) of support. The issues identified are discussed below.

<p>1. Plans</p> <ul style="list-style-type: none"> - The proposed upper floor exceeds height controls and is three storeys. - Plans are not clear and do not clearly indicate the proposal and are inconsistent. 	<p>Revised plans to clarify approved works and new works were requested, submitted and re-notified. The proposal is not considered three storeys as per the definition of the Appendix 1 of the WDCP2009. The proposed building height is well below the maximum height limit of 9metres for the zone.</p> <p>The shadow diagrams were revised as a result of additional information request and the March equinox included. The</p>
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<ul style="list-style-type: none"> - The shadow diagrams provided are unclear. - Exceeds FSR. - Concern the space is not going to be utilised to store art and the potential for use as separate accommodation for air b-n-b. 	<p>shadow diagrams are considered an appropriate reflection of existing shadows and additional shadows produced as result of the modification.</p> <p>The Floor space ratio is not considered to exceed the 0.50:1 maximum for the site. FSR calculations have been calculated though Council's digital planning system (Trapeze) utilised for plan reviews.</p> <p>The application is being considered as an addition to a single dwelling. A condition of consent restricting use of dwelling is included in the recommended conditions of consent.</p>
<p>2. <u>Policy Departures</u></p> <ul style="list-style-type: none"> - The proposal departs from the WLEP 2009. - The proposal is not compliant with the DCP. Variation requests not suitably justified. - Timing of initial notification - Original Development Application should not have been approved. 	<p>There is not departure from Council's standard instrument WLEP2009 however there are two departures from Council's WDCP2009 requested.</p> <p>The proposal does seek two variations to Council's policy and the variations are further discussed below at 2.31.</p> <p>The application was exhibited in accordance with Council's notification policy. An extension period to the notification was enabled due to the holiday period.</p> <p>The assessment of this application is in relation to the proposed modification. The application history is listed above in Section 1.3.</p>
<p>3. <u>Solar Access Reduced</u></p>	<p>As noted above revised shadow diagrams were submitted. The adjoining dwellings receive the minimum 3 hour solar access required as per WDCP 2009. The areas of concern raised in submissions were primarily back yards. Due to lot shape and configuration most blocks are long, have an east to west orientation with a minimum of 15m width making them susceptible to overshadowing. Additional areas of POS are available on adjoining lots that are not impacted as a result of additional overshadowing from the proposed modification.</p>
<p>4. <u>Amenity Impacts</u></p>	<p>Further discussed in view loss, privacy & noise and character below.</p>
<p>5. <u>View Loss</u></p>	<p>A view impact assessment has been provided by the applicant (Attachment 3) to the report. Council officers have also undertaken a view impact assessment based on view sharing principles which is included in section 2.31 of the report.</p>
<p>6. <u>Character</u></p> <p>The proposal will change the character of the area.</p> <ul style="list-style-type: none"> - overdevelopment - not minor development - bulk and scale - materials used 	<p>The proposed development has been assessed with regards to relevant planning controls and is supported in this instance. The proposed development is considered to be consistent with the future character of Coalcliff and is consistent with the objectives of the R2 zone in which the future built form will be located. Notably change will occur in the Coalcliff area and the proposed modification detail is still considered typical of a dwelling and low density.</p> <p>The proposed total addition to the GFA is 42sqm (9sqm first</p>

	<p>floor and 33m2 art studio) is not considered substantial.</p> <p>Whilst the shape of the additions could potentially be viewed as bulky the existing dwelling limits design alternatives. The statement noted the design proposes a minimum ceiling height and minimal roof pitch to reduce overall height and to minimise impacts.</p> <p>The concern raised with materials proposed on the southern side has been replaced with fibre cement cladding.</p>
<p>7. Privacy</p> <p>Privacy and noise implications from the addition and rear stairs.</p>	<p>Revised plans were submitted after concern was raised in regard to privacy impacts. Screening of the external stair area is included on the plans.</p> <p>A sight line analysis/ diagram was submitted with revised plans. The setback from the northern boundary was increased to 5.5m from the external walls of the upper floor, the deck area recessed further and landscaping incorporated into the deck area. The property adjacent to the northern boundary did not submit a concern upon 2nd notification and as such the privacy concerns initially raised regarding this lot are considered resolved.</p> <p>Noise generated from this size of residential development is not considered significant or to likely produce excess noise within a residential environment.</p>
<p>8. Vegetation</p> <ul style="list-style-type: none"> - Existing vegetation not sufficient - Impacts of existing vegetation 	<p>The existing vegetation is well established and provides notable separation between lots and dwellings.</p> <p>The height of the existing vegetation is not considered significant. Concerns relating to the maintenance is likely a civil matter.</p>
<p>9. Social and economic impacts</p> <ul style="list-style-type: none"> - Reduction in property values. 	<p>The likelihood and causation of devaluation is subjective and of limited relevance to a planning assessment consideration.</p> <p>Minor residential development is not considered a significant social impact on an area zoned for residential purposes.</p>

Table of submissions

First Notification

<u>Issue No.</u>	1	2	3	4	5	6	7	8	9
<u>Frequency</u>	6	6	4	2	4	4	8	2	1

Second Notification

<u>Issue No.</u>	1	2	3	4	5	6	7	8	9
<u>Frequency</u>	6	5	4	2	9	3	9	2	2

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Not required.

1.6.2 EXTERNAL CONSULTATION

Not required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

7 Contamination and remediation to be considered in determining development application

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

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. There are minor earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7. No changes have been sought in the modification request that impact the assessment carried out against the SEPP in the original consent and as such it is considered clause 7 matters are satisfied.

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

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

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

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

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT)

2018

3. Aims of Policy

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

(a) managing development in the coastal zone and protecting the environmental assets of the coast, and

(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and

(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

Division 1 Coastal wetlands and littoral rainforests area

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

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

Division 2 Coastal vulnerability area

12 Development on land within the coastal vulnerability area

Division 3 Coastal environment area

13 Development on land within the coastal environment area

Division 4 Coastal use area

14 Development on land within the coastal use area

Division 5 General

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

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

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

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

18 Hierarchy of development controls if overlapping

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

(a) the coastal wetlands and littoral rainforests area,

(b) the coastal vulnerability area,

- (c) the coastal environment area,
- (d) the coastal use area.

A review of the SEPP's mapping extents identifies the subject site as being located within the (a) buffer littoral rainforest area, coastal environment area and coastal use area.

Division 1 clause 11 applies to development on land in proximity to coastal wetlands or littoral rainforest. Consent must not be granted unless the consent authority has considered matters set out in subclause 1 and 2. These matters include impacts on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest. 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 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 3- SEPP Coastal Management Mapping 2018 – littoral Rainforest Buffer, Coastal Environment Area Mapping, Coastal use Area

http://webmap.environment.nsw.gov.au/PlanningHtml5Viewer/?viewer=SEPP_CoastalManagement

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

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

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

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

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

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

Dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of residential accommodation—see the definition of that term in this Dictionary.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

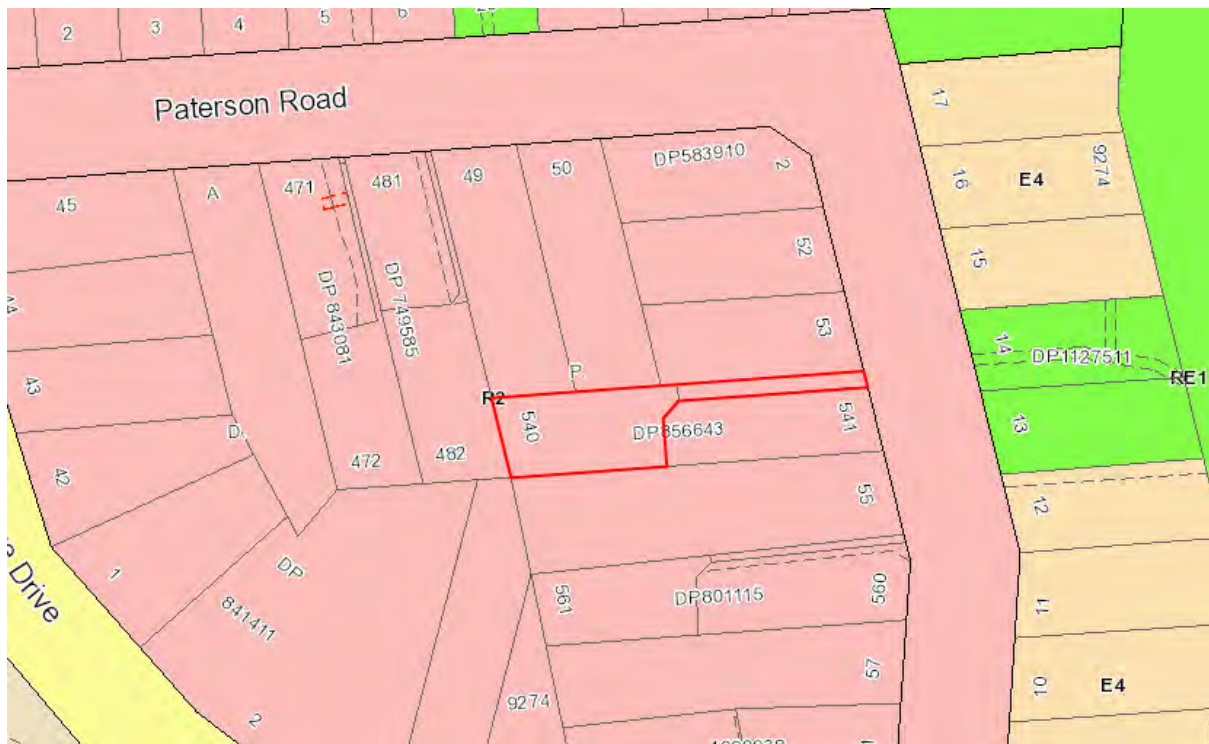


Figure 2: WLEP 2009 zoning map

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

It is considered that the proposed alterations and additions to the dwelling house are generally satisfactory with regards to the above objectives for Zone R2 Low Density Residential.

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

ZONE R2 Low Density Residential permitted uses:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; **Dwelling houses**; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; 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; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals

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

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 6.53m, to the upper floor addition, does not exceed the maximum building height of 9m permitted for the site. The proposed addition is 1.7m above the existing roof ridge height.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.50:1

Site area: 566.1 m²

GFA approved Mod A: 188m²

Additional GFA: 33m² (upper) 9m² (first) = 41m²

FSR: $229\text{m}^2/566.1\text{m}^2 = 0.40.5:1$

The proposed floor space ratio does not exceed the maximum permissible for the site.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The subject site is already serviced by public utilities.

Clause 7.6 Earthworks

The proposal involves minor earthworks to facilitate the proposed development. The site is noted In Council system as having geotechnical constraints. A geotechnical report and recommendations were submitted on the lodgement of this modification and the original application DA-2014/547. The conditions relating to the original consent are still considered applicable to this modification. The proposed modification is located within the previously approved building footprint. It is considered that the earthworks will have minimal detrimental impact on environmental functions and processes, neighbouring uses and features of the surrounding land.

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

None applicable

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

The proposed alterations and additions seeks variations to Section 4.0 General Residential Controls of Chapter B1 Residential Development including cl. 4.1.2.1 two storeys on battle-axe allotments and cl.4.1.2.4 the rear setback the upper floor addition.

A variation statement, prepared in accordance with clause 8, has been submitted and is presented in Attachment 4. An assessment of the variation requests is included below in Chapter B1 Residential Development.

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 is considered to be consistent with the principles of Ecologically Sustainable Development.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

The alterations and additions sought in the modification request do not significantly impact the assessment carried out in the original consent. The assessment table below relates to the assessment of the modification relating to this application.

4.0 General Residential Controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Maximum Number of Storeys</u>	See variation comments below.	See variation comments below.
<u>4.2 Front Setbacks</u>	Existing no proposed changes.	Existing
<u>4.3 Side and Rear Setbacks</u>		
<ul style="list-style-type: none"> • Wall Setback: 0.9m min • Walls exceeding 7m overall height min 3m • Eave Setback: 0.45m • Rear Setback 0.9m 	<p>RHS (north) – variable</p> <p>900mm to green roof</p> <p>3m to deck</p> <p>5.5m to external wall of art studio.</p> <p>LHS (south) – 900mm</p> <p>Rear</p> <p>Ground –variable</p> <p>- 1.9m to external stair</p> <p>- 2.1m to deck</p> <p>-2.9m to 3.2m to kitchen</p> <p>Upper - upper floor has a variable setback of 4.5m to 6.6m</p> <p>See variation comments below.</p>	See variation comments below.
<u>4.4 Site coverage</u>		
<ul style="list-style-type: none"> • 50% of the lot area of the lot, if the lot has an area of at least 450m² but less than 900m² 	Site coverage is considered satisfactory 169m ² noting the areas of deck including covered decks are not included.	Satisfactory

<u>4.5 Landscaped Area</u>	There is a small addition of landscaping adjacent to the upper floor deck. Landscaping previously considered no significant changes to landscaping proposed.	Satisfactory
<u>4.6 Private Open Space</u>	Existing in the form of a deck. The modification includes the relocation of the deck.	Satisfactory
<u>4.7 Solar Access</u>	<p>Submissions were received in relation to loss of sunlight associated with the proposed development. As a result Council sought additional information. Amended winter solstice shadow diagrams were submitted and autumn solstice diagrams were also submitted. Upon review it is noted additional shadows are generated as a result of the proposed upper floor however the minimum hourly access to POS areas is still achieved on all properties in question.</p> <p>Adequate solar access is considered demonstrated to adjoining residences in accordance with the policy.</p>	Satisfactory
<u>4.8 Building Character and Form</u>	The proposal is considered generally compliant with its natural and built context. Noting the existing constraints as a result of the lot configuration and existing siting of the dwelling. The addition is limited in visibility from Paterson Road and design consideration given to articulating the addition into the existing roof form to limit the height. The shape and form of the addition is noted as similar to the design of the existing sunroom and balcony on the first floor adjoining the eastern boundary.	Satisfactory
<u>4.9 Fences</u>	Existing no proposed changes.	Existing

<u>4.10 Car parking and Access</u>	Existing no proposed changes.	Existing
<u>4.11 Storage Facilities</u>	Storage is included in the additions on the upper floor of the development proposal.	Satisfactory
<u>4.12 Site Facilities</u>	Existing no proposed changes.	Existing
<u>4.13 Fire Brigade Servicing</u>	Existing no proposed changes.	Existing
<u>4.14 Services</u>	Existing services available to the site. The roof associated with the upper level art studio incorporates solar panels.	Existing
<u>4.15 Development near the coastline</u>	The site while in a coastal area the dwelling is not considered within close proximity to the coastal foreshore area. The dwelling is sited over 125m from the commencement of the sand and rock platform.	Satisfactory
<u>4.16 View sharing</u>	Submissions were received in relation to loss of view associated with the proposed development. An assessment of view loss against the view sharing principles is provided below.	Yes, detailed view impact analysis below.
<u>4.17. Retaining walls</u>	Not applicable to this modification	N/A
<u>4.18 Swimming pools and spas</u>	Not applicable to this modification	N/A
<u>4.19 Development near railway corridors and major roads</u>	Not applicable to this modification	N/A
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>	Not applicable to this modification	N/A

<u>4.21 Additional controls for Dual Occupancies minimum site width</u>	Not applicable to this modification	N/A
<u>4.22 Additional controls for Dual Occupancies –building character and form</u>	Not applicable to this modification	N/A
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u>	Not applicable to this modification	N/A

Variation Requests - 4.1 Number of Storeys

1. A variation is sought with respect to the number of storeys permissible on battle-axe allotments.

Clause 4.1.2.1.3 limits dwelling houses on battle-axe lots to single storey.

The variation request relates to two storey development on battle axe allotments. The existing dwelling is already two storeys to the front of the site. Submissions have raised concern with the proposal being three storeys the proposal is considered two storeys in accordance with Council's definition within Appendix 1 Definitions of the DCP.

There are numerous two storey dwellings in the vicinity of this dwelling including two storey dwellings on battle axe lots to the south and west of the site.

The design is considered to suitably address the objectives relating to this control.

A Variation justification statement in accordance with Clause 8 Chapter A1 of WDCP 2009 has been submitted. A copy is provided at Attachment 2. The variation is supported in this instance.

2. A variation is sought with respect to the rear setback of the upper floor.

Clause 4.1.2.4 limits development within 8m of the rear setback to single storey.

The variation request relates to the setback of the upper floor addition to the rear boundary. The upper floor has a variable setback of 4.5m to 6.6m from the rear allotment boundary. The design has endeavoured to reduce impact on adjoin lots through recessing the addition by lowering the existing roof, minimal upper level (art studio) ceiling height, minimal roof pitch, limiting widows, sill height of windows, northern side setback of 3m to deck and 5.5m to art studio, inclusion of landscape planting.

A Variation justification statement in accordance with Clause 8 Chapter A1 of WDCP 2009 has been submitted. A copy is provided at Attachment 2. The variation is supported in this instance.

4.15 View sharing

The applicant submission included a view impact analysis. A copy is provided at Attachment 3. Whilst the development is not expected to impact on views from public places, submissions were received relating to view loss from adjoining properties.

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*.

1. View Assessment from No 259 Lawrence Hargrave Drive:

- Assessment of views to be affected

The current view corridor available to No.259 Lawrence Hargrave Drive (LHD) consists of distant escarpment views to the north and water/horizon interface views the East. Views through the rear of the site are severely impeded by vegetation on the site and vegetation on adjoining and adjacent lots to the rear.

- From what part of the property views are obtained

The existing view is gained toward the rear of the site noted as the POS area. The existing views are impeded by vegetation to the rear of No.259 and vegetation on adjoining and adjacent lots. The views of the water/horizon interface to the north/east of the site are obtained across numerous lot boundaries (approximately 6).

- The extent of the impact

The proposed dwellings will obscure a portion of the existing easterly views which are currently obtained over numerous property boundaries. However partial views will still likely be available to the south east.

In considering the extent of view loss for No.259 LHD the impact is considered minor to moderate though highly susceptible to impact from any built form or vegetation growth on the adjoining and adjacent lots.

2. View Assessment from 261 Lawrence Hargrave Drive:

- Assessment of views to be affected

The current view available to No.261 LHD consists of views to the escarpment to the North, partial views to Coalcliff beach and partial views of the water and horizon interface to the East. The existing views are impeded by vegetation to the rear of No.261 and vegetation on adjoining and adjacent lots.

- From what part of the property views are obtained

The existing view is gained toward the rear of the site noted as the POS area. The existing views are impeded by vegetation to the rear of No.261 and vegetation on adjoining and adjacent lots. The views of the water/horizon interface to the north/east of the site are obtained across numerous lot boundaries (approximately 5).

- The extent of the impact

The proposal is expected to impede existing views of the escarpment to the North. The views of the water to the East are considered highly susceptible. The existing partial view is severely impeded already by existing roofs and vegetation. There is no impact on existing views to escarpment and beach (sand) foreshore area. In considering the extent of view loss for No.261 Station Street the impact is considered minor to moderate though highly susceptible and significantly impeded.

3. View Assessment from 265 (263 -267) Lawrence Hargrave Drive:

- Assessment of views to be affected

The views available to No.265 LHD consist of views of the escarpment, water and pine trees from the rear of the site. The views of the pine trees and water to the north/east of the site are obtained across numerous lot boundaries.

- From what part of the property views are obtained

The existing views are gained from the rear of the site including the rear deck and backyard. As the site consists of two allotments views are afforded from numerous areas of No.265 LHD. The submitter has concerns with view loss from rear facing rooms which include bedrooms. It is noted the existing views are partially impeded by vegetation on adjoining and adjacent lots.

- The extent of the impact

The proposal will impede a portion of the existing views of the water and pine trees to the north/east however partial views of these areas will still be available. The site in question is separated by approximately 50m. The existing views are considered susceptible to view loss and in considering the extent of view loss for No.265 LHD is considered minor. There are substantial views of the water, horizon, pine trees and escarpment that will be retained.

4. View Assessment from 269 Lawrence Hargrave Drive:

Assessment of views to be affected

The views available to No.269 LHD consist of views of the escarpment, pine trees, water and horizon from the rear of the site. The views of the pine trees and water to the north/ east of the site are obtained across several lot boundaries (approximately 4).

- From what part of the property views are obtained

The existing views are gained from the rear (backyard) of the site. The distance from rear of the dwelling at No.269 LHD to the boundary of 13A Paterson Rd is approximately 50m. As the site consists of two allotments views are afforded from numerous areas of No.265 LHD.

- The extent of the impact

The proposal will impede a portion of the existing views of the pine trees and the distant escarpment to the north/east however significant views will be available from the rear of the site. The existing views are considered susceptible to view loss and in considering the extent of view loss for No.269 LHD is considered minor. There are substantial views of the water, horizon, pine trees and escarpment that will be retained.

5. A comprehensive View Impact Assessment was not undertaken on the following sites though view impacts were considered as noted below:

- No.22 Paterson Road situated on the coastal foreshore area of Paterson Road. View impact concerns relate to the escarpment. Existing 180 degree views of the escarpment available. Majority of views retained, obtained over multiple lot boundaries and as such view sharing principles are considered achieved.
- No.11 Paterson Road adjoins the site to the south. Views of the escarpment are available from numerous other areas on the site and are already obtained over numerous lot boundaries. It is noted no current consent or application in Councils system and therefore claims of view loss from future development (dwelling) to the rear makes it difficult to consider potential impacts. The width of the proposed development is approximately 4m in width and therefore views to the escarpment will be available as such view sharing principles are considered achieved.
- No.9A Paterson Road is situated to the south of the site. Views of the escarpment are available from numerous other areas on the site and are already obtained over numerous lot boundaries. The width of the proposed development is approximately 4m in width and therefore views to the escarpment will be available as such view sharing principles are considered achieved.

- iv. No.13 Paterson Road raised concerns about view loss to the escarpment from existing on-site vegetation. View loss as a result of the proposed alterations and additions is not considered likely.
- v. No.25A Paterson Road raised concern with outlook though it is unclear what views if any would be impeded. It is noted No.25A Paterson Road is a two storey dwelling on a battle-axe allotment. From review of Council's mapping and approved plans associated with the construction of the dwelling. The upper living area is unlikely to be affected by the proposed development as it is situated between the lot boundaries of No. 13 and No.15 Paterson Road. Any views already impeded are likely as a result of No.15 and No.17. The balcony adjoining this living room is orientated to the east and is likely to retain any existing views.

View Sharing Conclusion:

The impacts arising from the proposal on views from the rear dwellings at No.259, No.261 LHD are considered, under this assessment, to be minor /moderate; noting both properties gain these views over numerous lot boundaries and the existing views are highly susceptible to impact.

The impacts arising from the proposal on views from the rear dwellings at No. 265 and No.269 LHD are considered, under this assessment, to be minor; noting that both properties will retain significant water and escarpment views.

The proposal is therefore considered to achieve the principles of view sharing.

CHAPTER D1 – CHARACTER STATEMENTS

Coalcliff

Chapter D1 indicates that Coalcliff will remain a low density coastal suburb. The proposed development is a permissible use in the R2 zone is considered low density and reasonably satisfies controls. The proposal is not considered to be inconsistent with the existing and desired future character for the locality.

CHAPTER E6: LANDSCAPING

Minimal changes proposed to the existing landscaping. An additional garden space is proposed on the upper floor.

CHAPTER E7: WASTE MANAGEMENT

Site Waste Minimisation and Management Plan provided.

CHAPTER E16 BUSHFIRE MANAGEMENT

The site is noted as Bushfire Prone Land on Council's mapping layer. A self-assessment bushfire report was submitted with the application. The original development application DA-2014/547 included a bushfire report from a BPAD accredited officer. The BAL identified was low 12.5 and suitably conditioned in consent. Condition 6 of the original consent is still considered relevant and any alterations and additions would need to comply with these requirements.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

The site is noted in Council's system as unstable land. A geotechnical report was submitted with the application. The original DA-2014/547 included the submission of a geotechnical report. Condition 14 of the original consent is still considered relevant and any alterations and additions would need to comply with these requirements.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

Any demolition works would need to comply with BCA requirements. Condition 11 of the original consent is still considered relevant and any alterations and additions would need to comply with these requirements.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Condition 16 of the original consent is still considered relevant and any alterations and additions would need to comply with these requirements.

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works is >\$100,000 (\$394,944) and a levy of 1% is applicable under this plan as the threshold value is \$100,000. It is noted S94A fees have already been paid on the original value of works. The levy has been applied to the additional \$127470 cost of work estimate and the difference has been calculated and appropriately conditioned.

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 have been included in the original consent and are still considered relevant to any modification.

The Government Coastal Policy only applies to the offshore component of the coastal zone, extending three nautical miles seaward from the open coast high water mark.

93 Fire safety and other considerations

No proposed change of building use.

94 Consent authority may require buildings to be upgraded

Considered by PCA.

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:

The proposal has been assessed with regard to the amenity impacts from the development, the zoning and existing and future character of the area, and is considered to be compatible with the local area. The development is comparable to other developments in the locality.

Access, Transport and Traffic:

There will be minimal adverse impact on the access, transport or traffic for the surrounding area as a result of the proposed development.

Public Domain:

There will be minimal adverse impact on the public domain as a result of the proposed development.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are able to be augmented to service the proposed new lots.

Heritage:

Heritage items are not expected to be adversely impacted by the proposal. No Aboriginal objects are known to exist upon the site.

Other land resources:

The proposal is considered to contribute to orderly development of the site and is not envisaged to impact upon any valuable land resources.

Water:

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

Soils:

There will be minimal adverse impacts on the soils of the subject site or surrounding area as a result of the proposed development.

Air and Microclimate:

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

Flora and Fauna:

The proposal is not expected to have negative impact on flora or fauna.

Waste:

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

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A condition will 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.

The site is identified within Council's land information record system as being located within a bushfire prone land area due to proximity to vegetation. The BAL has been previously identified as low (12.5) and existing conditions relating to bushfire are included in Attachment 4.

Technological hazards:

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

Council records list the site as being unstable land affected. Geotechnical conditions were included in the previous consent and still considered relevant to this modification.

Safety, Security and Crime Prevention:

This application does not promote greater opportunities for criminal or antisocial behaviour.

Social Impact:

Adverse social impacts are not expected.

Economic Impact:

The proposal is not expected to create negative economic impact.

Site Design and Internal Design:

The application does not result in any departures from development standards as outlined above.

The application proposes two variations to WDCP 2009 – number of storeys on battle – axe allotment and rear setback for two storey dwellings. The variation requests have been considered and are discussed above at 2.3.1.

Construction:

Conditions of consent relating to the original approval 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 are still considered relevant to any modification.

Cumulative Impacts:

The proposal is not expected to have negative 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 considered appropriate with regard to the zoning of the site. Neighbour submissions refer to an inevitable change in the character of the area as a result of the proposal; however this is generally in keeping with the planning policies that apply to the area. Approval of the development is not expected to result in significant adverse impacts on the environment or development in the locality.

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

Eleven submissions (objections and one of support) have been received and are discussed above in section 1.5.

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

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

3 CONCLUSION

The application has been assessed having regard to Section 4.55 and Heads of Consideration under Section 4.15(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 and found to be generally satisfactory.

The modification request is considered to satisfy section 4.55(2) as the development proposal is considered to be substantially the same as the development for which consent was original granted and is considered to be of minimal environmental impact.

The modification request does not result in exceptions to development standards however does result in two (2) variations to Council's development controls as discussed above at 2.3.1 which are supported.

Some of the issues raised in submissions though technically unresolved are considered to be adequately addressed either through design or by proposed conditions of consent. Any remaining issues are not considered sufficient to warrant refusal of the application.

It is considered that the modification request can be supported given the nature and characteristics of the site and is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

4 RECOMMENDATION

It is recommended DA-2014/547/B be approved subject to conditions provided at Attachment 4.

5. ATTACHMENTS

- 1 Plans
- 2 Variation Justification Statements- WDCP 2009
- 3 View Impact Assessment (by applicant)
- 4 Conditions of Consent

designed by:

RON DYAK

drafting services provided by:

alexureñaDESIGNSTUDIO

ATTACHMENT 1 - PLANS

www.alexurena.net

project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: REV. 1 MARCH 2018	sheet: S96: 01 of 15
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ADDITIONAL INFORMATION

DRAWING SCHEDULE

DEVELOPMENT APPLICATION

Section 96

ALL CONSTRUCTION WORK TO COMPLY WITH BASIX REQUIREMENTS AS PER SPECIFIED ON CERTIFICATE No. A184010_03 DATE: 17/11/2017
INSULATION: SUSPENDED FLOOR - OPEN SUBFLOOR (FRAMED R0.7); ADDITIONAL INSULATION R0.8 (down) (or R1:50 INCLUDING CONSTRUCTION) SUSPENDED FLOOR - ENCLOSED SUBFLOOR (FRAMED R0.7); ADDITIONAL INSULATION R0.60 (down) (or R1:30 INCLUDING CONSTRUCTION) FLOOR ABOVE EXISTING DWELLING OR BUILDING: NIL EXTERNAL WALL (FRAMED & CLAD): R1.30 (or R1.70 INCLUDING CONSTRUCTION) FLAT CEILING PITCH ROOF: CEILING (R1.94(up) ROOF: 50mm FOIL BACKED POLYSTYRENE BOARD MEDIUM SOLAR ABSORPTANCE 0.475 - 0.70 FLAT CEILING FLAT ROOF (FRAMED: CEILING (R0.93(up) ROOF: 50mm FOIL BACKED POLYSTYRENE BOARD MEDIUM SOLAR ABSORPTANCE 0.475 - 0.70
WINDOWS & SKYLIGHTS: WINDOWS & GLAZED DOOR AND SKYLIGHTS REQUIREMENTS, U-Value & SHGC RATINGS REFER TO WINDOW SCHEDULE ON DRAWING Sec 14 of 14 & BASIX CERTIFICATE FROM THIS APPLICATION

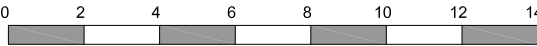
- Sec96 01 of 15 REV 1
- Sec96 02 of 15 REV 1
- Sec96 03 of 15 REV 1
- Sec96 04 of 15 REV 1
- Sec96 05 of 15 REV 1
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- Sec96 07 of 15 REV 1
- Sec96 08 of 15 REV 1
- Sec96 09 of 15 REV 1
- Sec96 10 of 15 REV 1
- Sec96 11 of 15 REV 1
- Sec96 12 of 15 REV 1
- Sec96 13 of 15 REV 1
- Sec96 14 of 15 REV 1
- Sec96 15 of 15 REV 1

- drawing schedule & BASIX notes
- site plan (approved & proposed)
- existing ground level (approved & proposed)
- existing ground level
- first floor (approved & proposed reconfigured first floor)
- proposed reconfigured first floor
- upper floor (proposed new art studio & approved)
- proposed upper floor
- proposed sections
- S elevation (approved & proposed)
- E elevation (approved & proposed)
- N elevation (approved & proposed)
- W elevation (approved & proposed)
- window schedule
- shadow diagrams

drawing schedule & BASIX notes

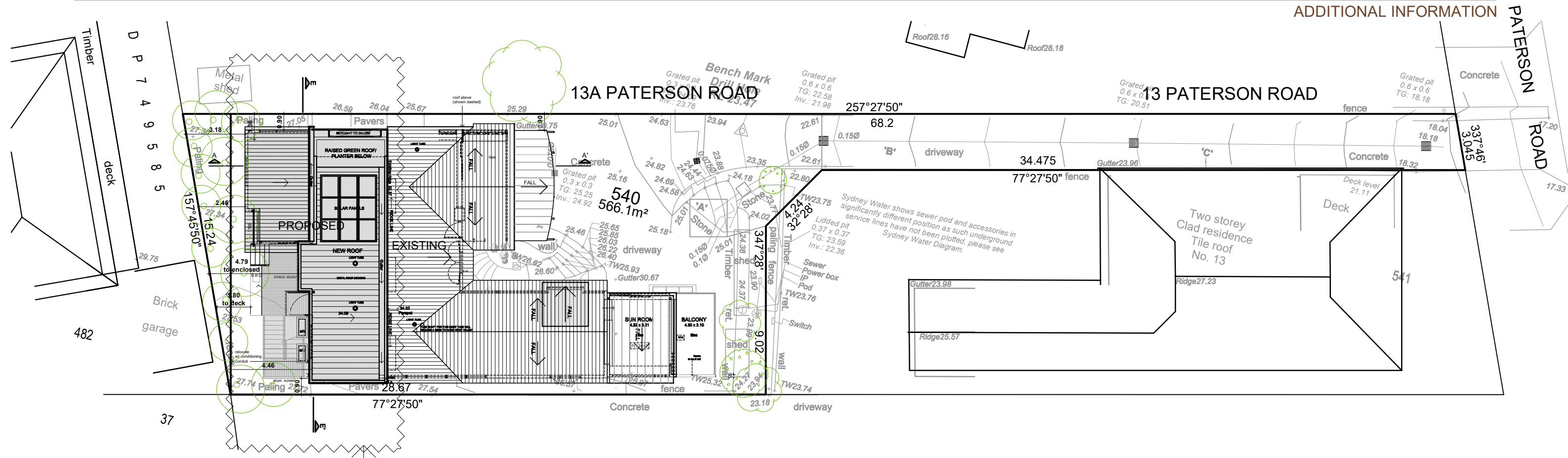
DYAK RESIDENCE

not to scale



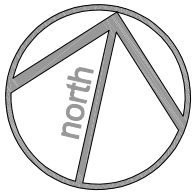
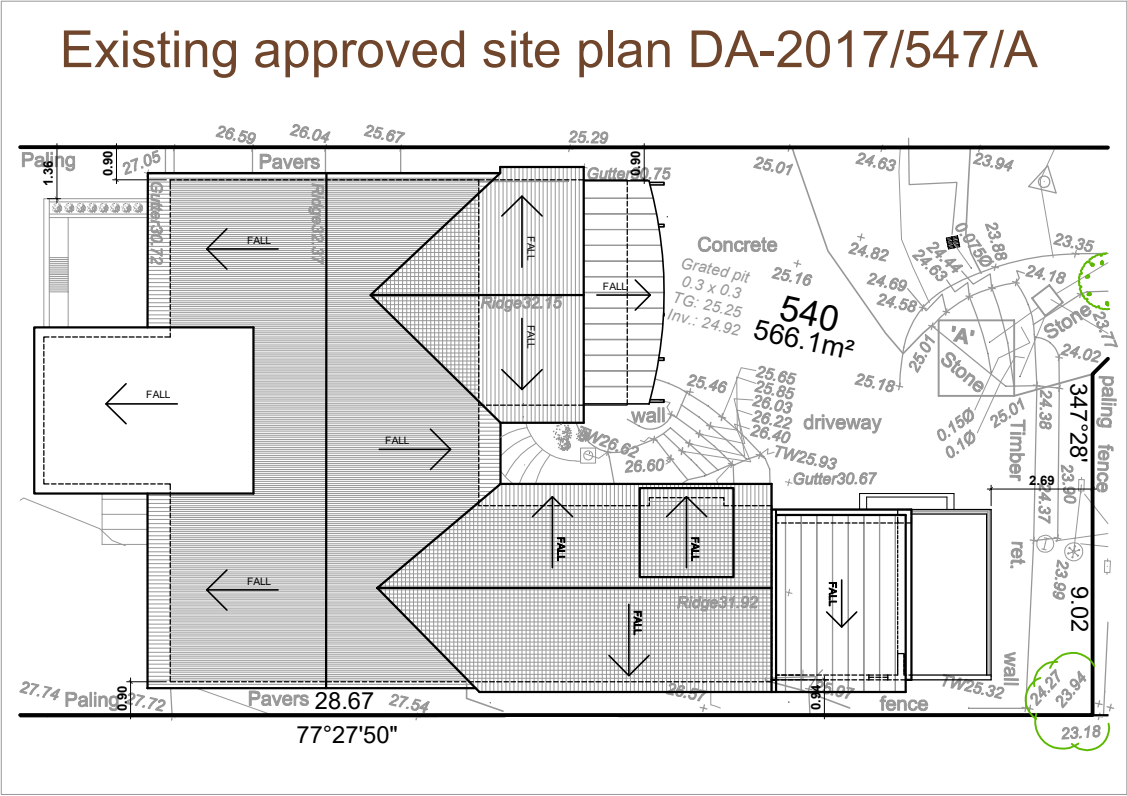
project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: REV. 1 MARCH 2018	sheet: S96: 02 of 15
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ADDITIONAL INFORMATION

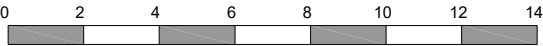


AREAS	approved Sec96 2017/547/A	SECTION 96
AFTER ADDITIONS		
GROUND LEVEL	28.95 sqm	28.95 sqm
FIRST FLOOR	161.79 sqm	168.63 sqm
UPPER FLOOR	00.00 sqm	33.40 sqm
TOTAL	190.74 sqm	230.98 sqm
SITE	464.22 sqm	464.22 sqm
RENOVATED RESIDENCE	190.74 sqm	230.98 sqm
FLOOR SPACE RATIO	0.41:1	0.49:1
MAX. F. SPACE RATIO	0.50:1	0.50:1

MINOR AMENDMENTS TO FIRST FLOOR LAYOUT.
NEW UPPER FLOOR ABOVE



site plan (approved
& proposed)
DYAK RESIDENCE
scale 1:200

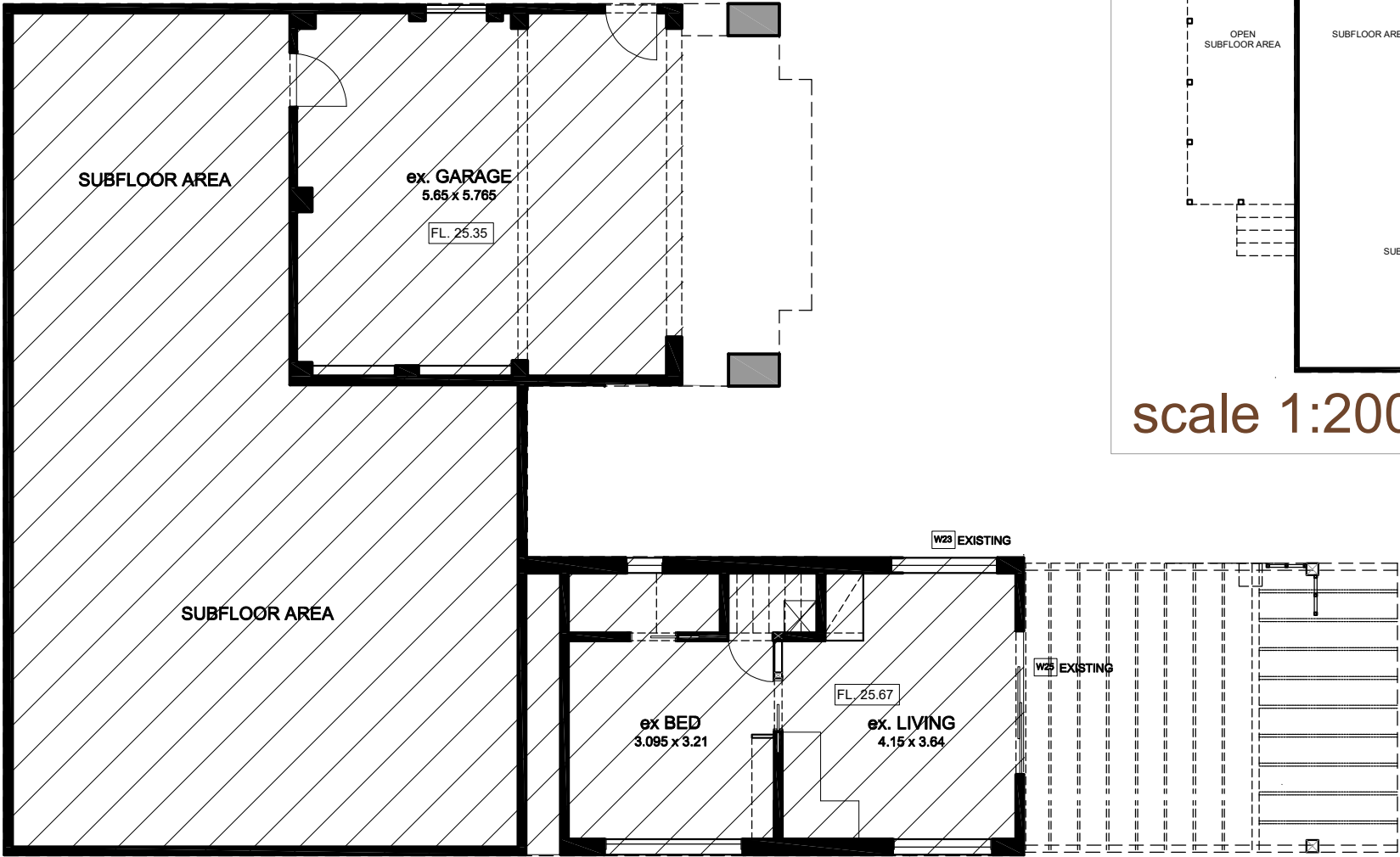


CONSTRUCTION NOTES:		
ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.	SURVEY: CONTOUR INFORMATION OBTAIN FROM DENNIS SMITH SURVEYS DRAWING P.R. 10595 DATE 13/11/2013.	BUSHFIRE: BAL LEVELS TO BUSHFIRE REPORT BY ECOLOGICAL AUSTRALIA No. 14GOSBUS-077 DATE 24 APRIL 2014 - UPDATED (SELF ASSESSED) NOVEMBER 2017
ALL LEVELS TO BE CONFIRMED PRIOR TO CONSTRUCTION JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER	LEVELS: ALL LEVELS (FL. & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION	GEOTECH: GEOTECH REPORT BY SOUTHERN GEOTECHNICS - CONSULTING GEOTECHNICAL ENGINEERS REPORT No. 201481 - UPDATED NOVEMBER 2017

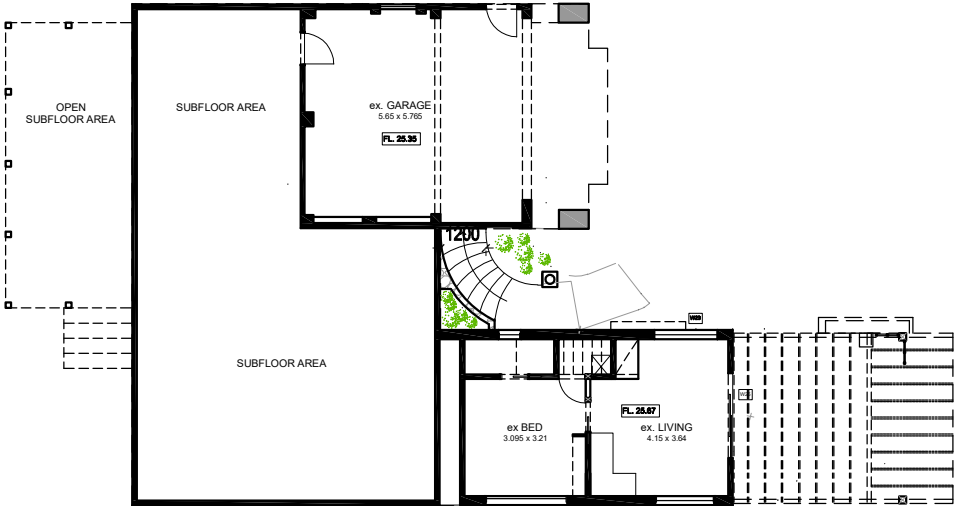
project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: REV. 1 MARCH 2018	sheet: S96: 03 of 15
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ADDITIONAL INFORMATION

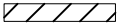



NO PROPOSED
CHANGES

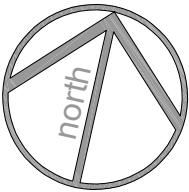


Existing approved ground level DA -2014/547/A

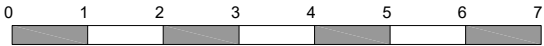


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CONSTRUCTION NOTES:			LEGEND
ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.	SURVEY: CONTOUR INFORMATION OBTAIN FROM DENNIS SMITH SURVEYS DRAWING P.R. 10595 DATE 13/11/2013.	BUSHFIRE: BAL LEVELS TO BUSHFIRE REPORT BY ECOLOGICAL AUSTRALIA No. 14GOSBUS-077 DATE 24 APRIL 2014 - UPDATED (SELF ASSESSED) NOVEMBER 2017	 EXISTING
ALL LEVELS TO BE CONFIRMED PRIOR TO CONSTRUCTION	LEVELS: ALL LEVELS (FL. & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION	GEOTECH: GEOTECH REPORT BY SOUTHERN GEOTECHNICS - CONSULTING GEOTECHNICAL ENGINEERS REPORT No. 201481 - UPDATED NOVEMBER 2017	 EXISTING WALLS
JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER			 NEW WALLS
			 VOS VERIFY ON SITE



Existing ground level
DYAK RESIDENCE
scale 1:100

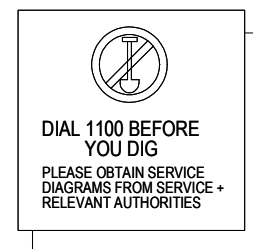





drafting services provided by:

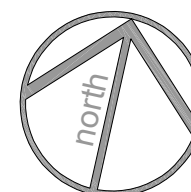
alexureña  DESIGNSTUDIO

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ADDITIONAL INFORMATION



CONSTRUCTION NOTES:		LEGEND	
<p>ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.</p> <p>ALL LEVELS TO BE CONFIRMED PRIOR TO CONSTRUCTION</p> <p>JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER</p>	<p>SURVEY: CONTOUR INFORMATION OBTAIN FROM DENNIS SMITH SURVEYS DRAWING P.R. 10595 DATE 13/11/2013.</p>	<p>BUSHFIRE: BAL LEVELS TO BUSHFIRE REPORT BY ECOLOGICAL AUSTRALIA No. 14GOSBUS-077 DATE 24 APRIL 2014 - UPDATED (SELF ASSESSED) NOVEMBER 2017</p>	<div>  EXISTING </div> <div>  EXISTING WALLS </div> <div>  NEW WALLS </div> <div> VOS </div> <div> VERIFY ON SITE </div>
	<p>LEVELS: ALL LEVELS (FL. & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION</p>	<p>GEOTECH: GEOTECH REPORT BY SOUTHERN GEOTECHNICS - CONSULTING GEOTECHNICAL ENGINEERS REPORT No. 201481 - UPDATED NOVEMBER 2017</p>	

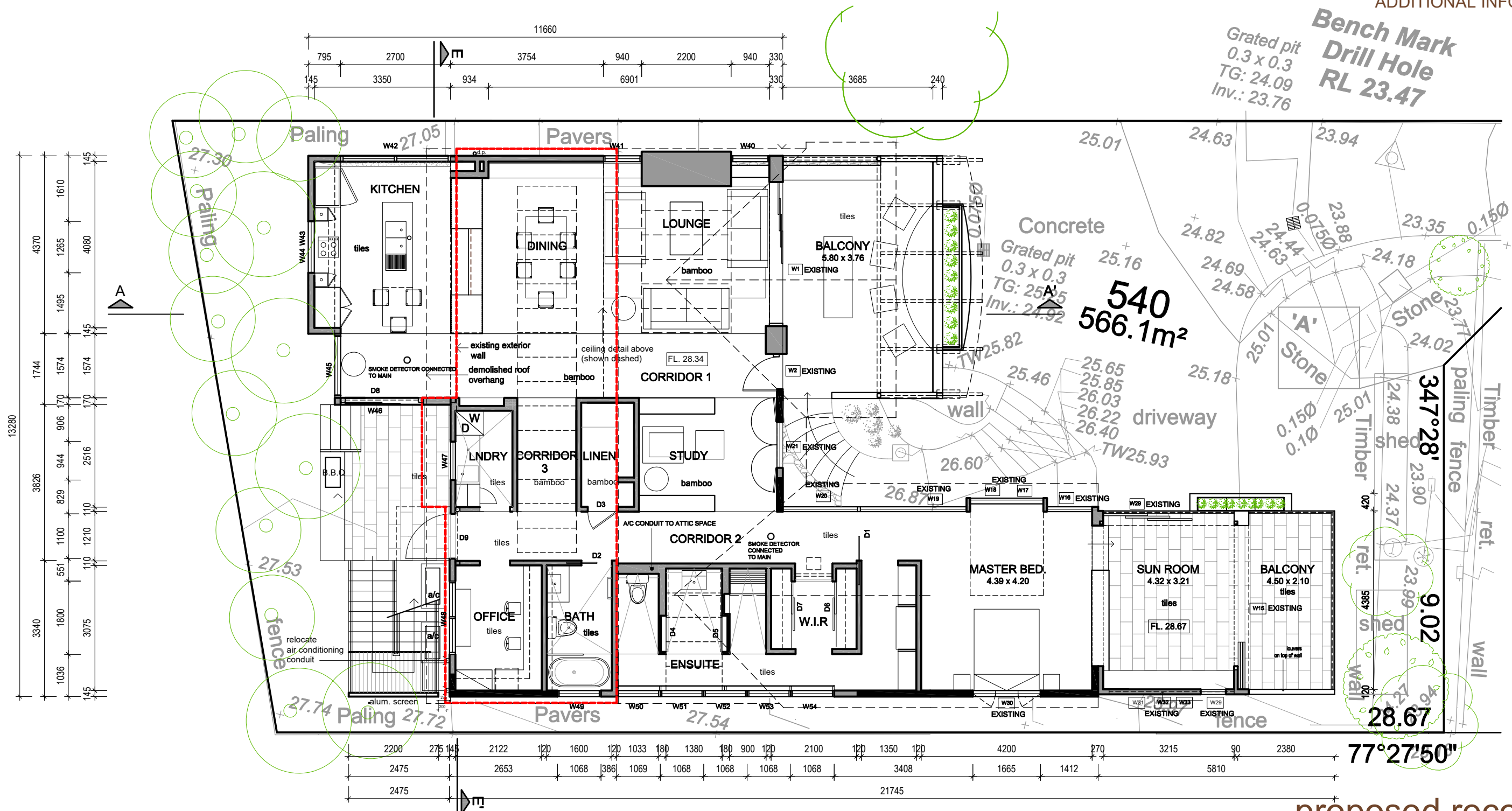


existing ground level
DYAK RESIDENCE
scale 1:100



project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: REV. 1 MARCH 2018	sheet: S96: 06 of 15
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ADDITIONAL INFORMATION



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ALL LEVELS TO BE CONFIRMED PRIOR TO CONSTRUCTION

JOINERY DESIGN, FLOORS, TILES AND INTERIORS
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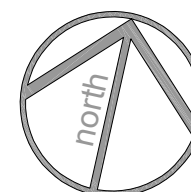
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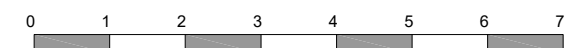
GEOTECH:
GEOTECH REPORT BY SOUTHERN GEOTECHNICS -
CONSULTING GEOTECHNICAL ENGINEERS
REPORT No. 201481 - UPDATED NOVEMBER 2017

LEGEND

	EXISTING
	EXISTING WALLS
	NEW WALLS
VOS	VERIFY ON SITE



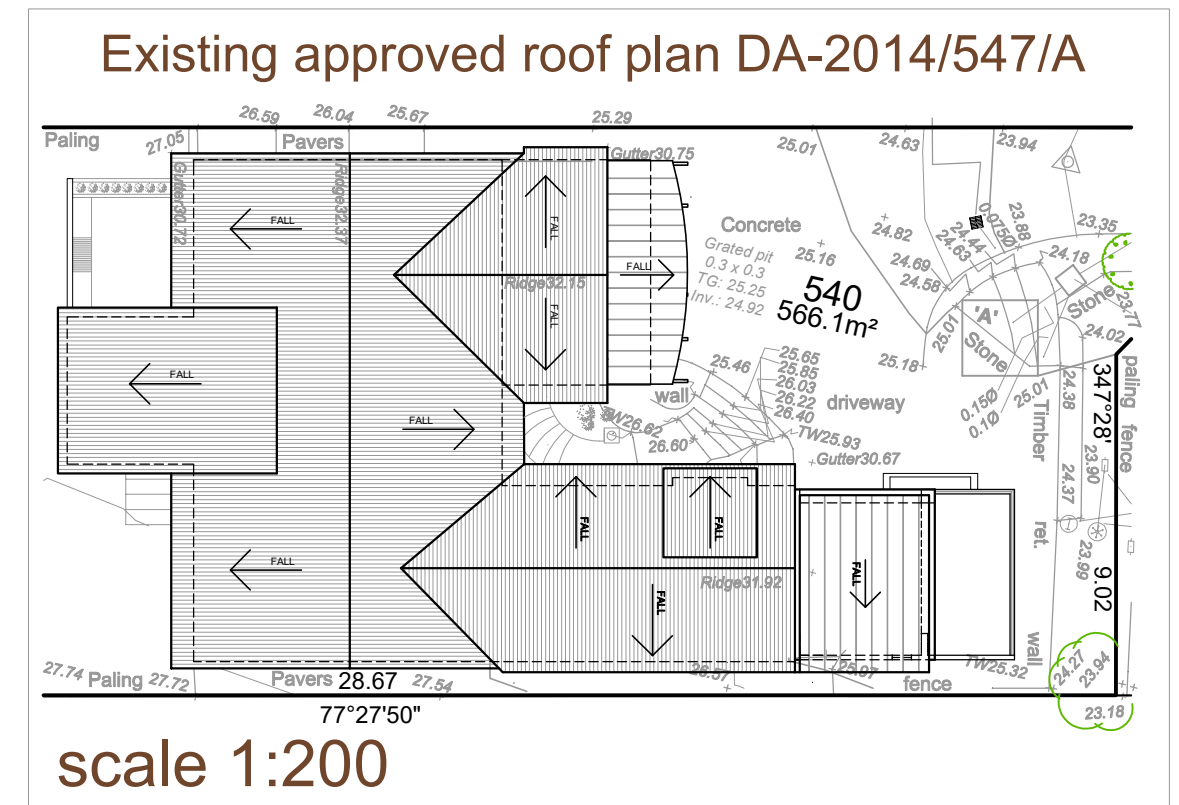
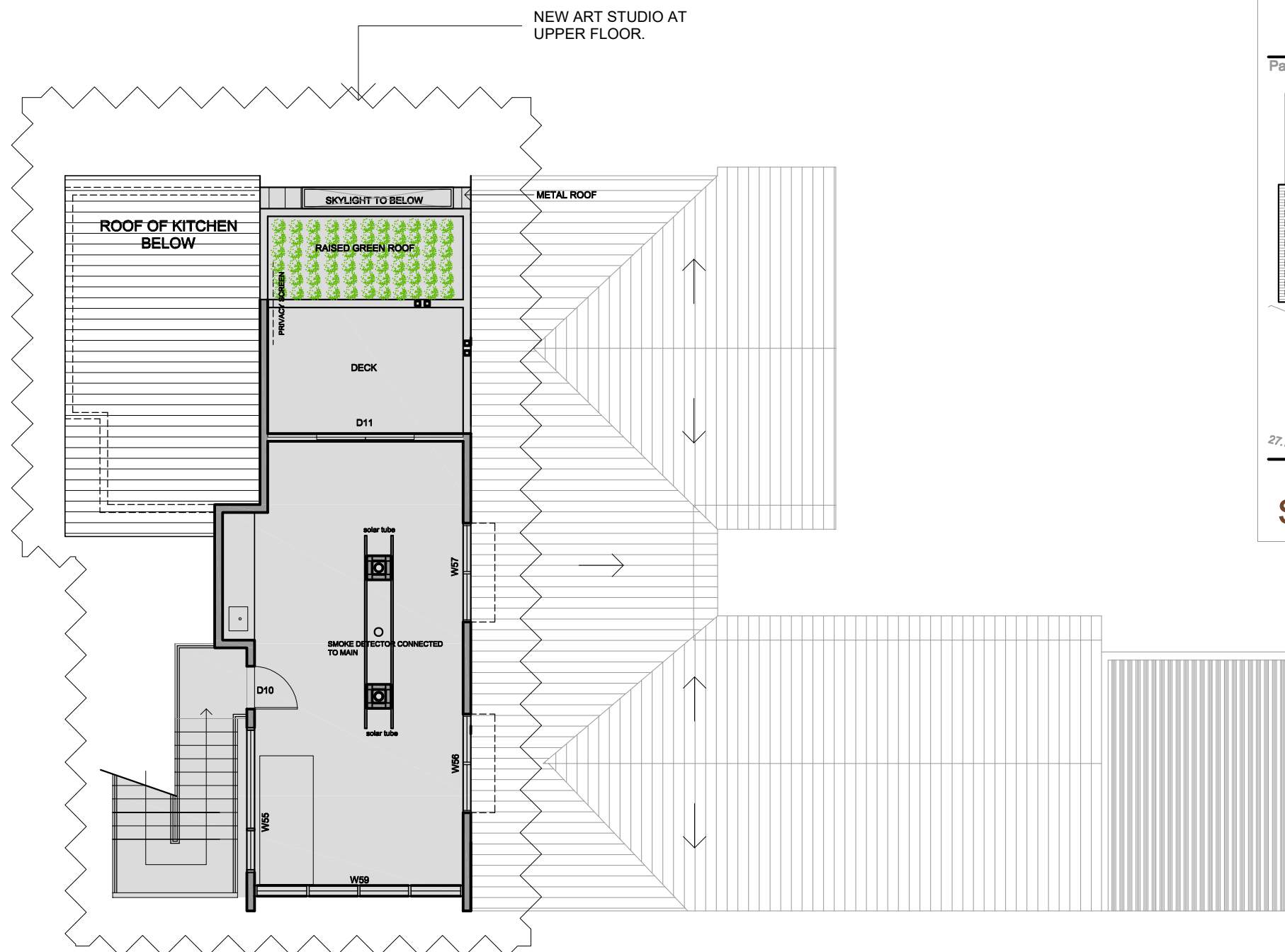
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YOU DIG**
PLEASE OBTAIN SERVICE
DIAGRAMS FROM SERVICE +
RELEVANT AUTHORITIES



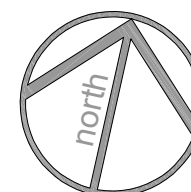
proposed reconfigured
first floor
DYAK RESIDENCE
scale 1:100




project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: REV. 1 MARCH 2018	sheet: S96: 07 of 15
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ADDITIONAL INFORMATION



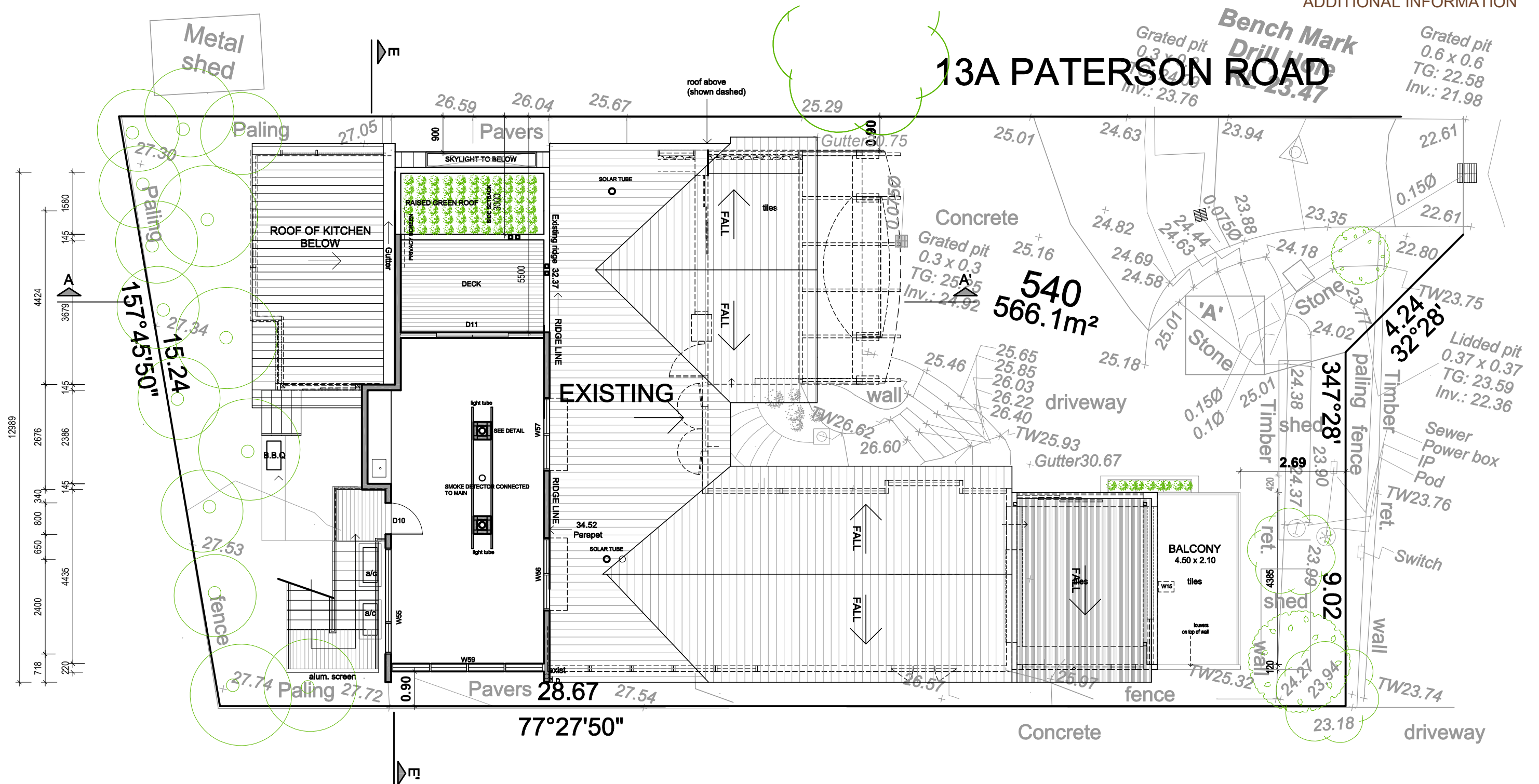
upper floor proposed new art studio
& approved
DYAK RESIDENCE
scale 1:100



CONSTRUCTION NOTES:			LEGEND	
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			<p>VOS</p>	<p>VERIFY ON SITE</p>

project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: REV. 1 MARCH 2018	sheet: S96: 08 of 15
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ADDITIONAL INFORMATION



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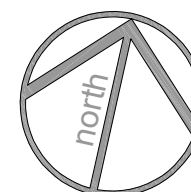
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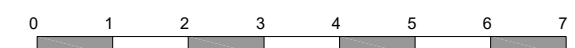
GEOTECH:
GEOTECH REPORT BY SOUTHERN GEOTECHNICS -
CONSULTING GEOTECHNICAL ENGINEERS
REPORT No. 201481 - UPDATED NOVEMBER 2017

LEGEND

	EXISTING
	EXISTING WALLS
	NEW WALLS
VOS	VERIFY ON SITE

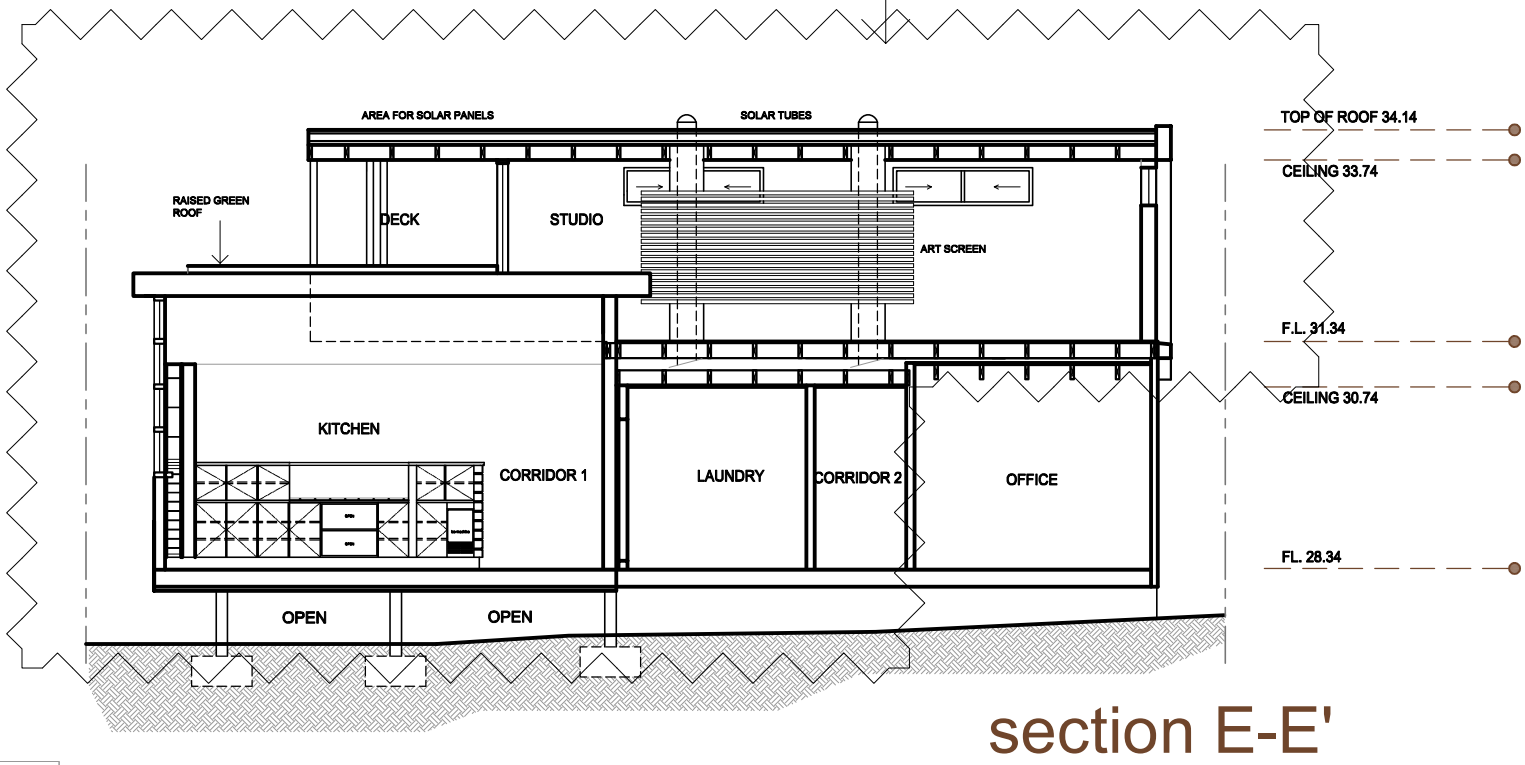
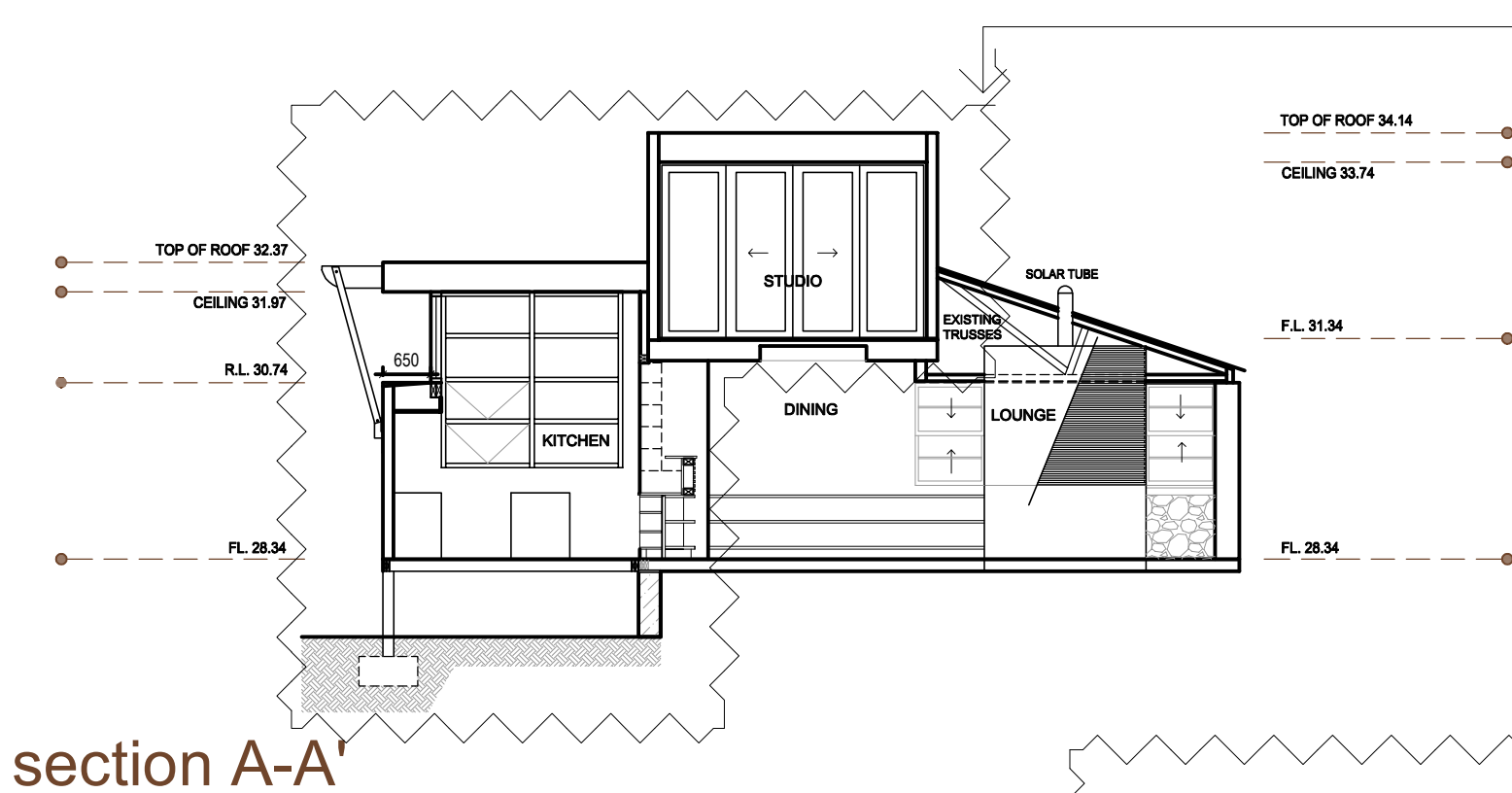


proposed upper floor
DYAK RESIDENCE
scale 1:100



project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: REV. 1 MARCH 2018	sheet: S96: 09 of 15
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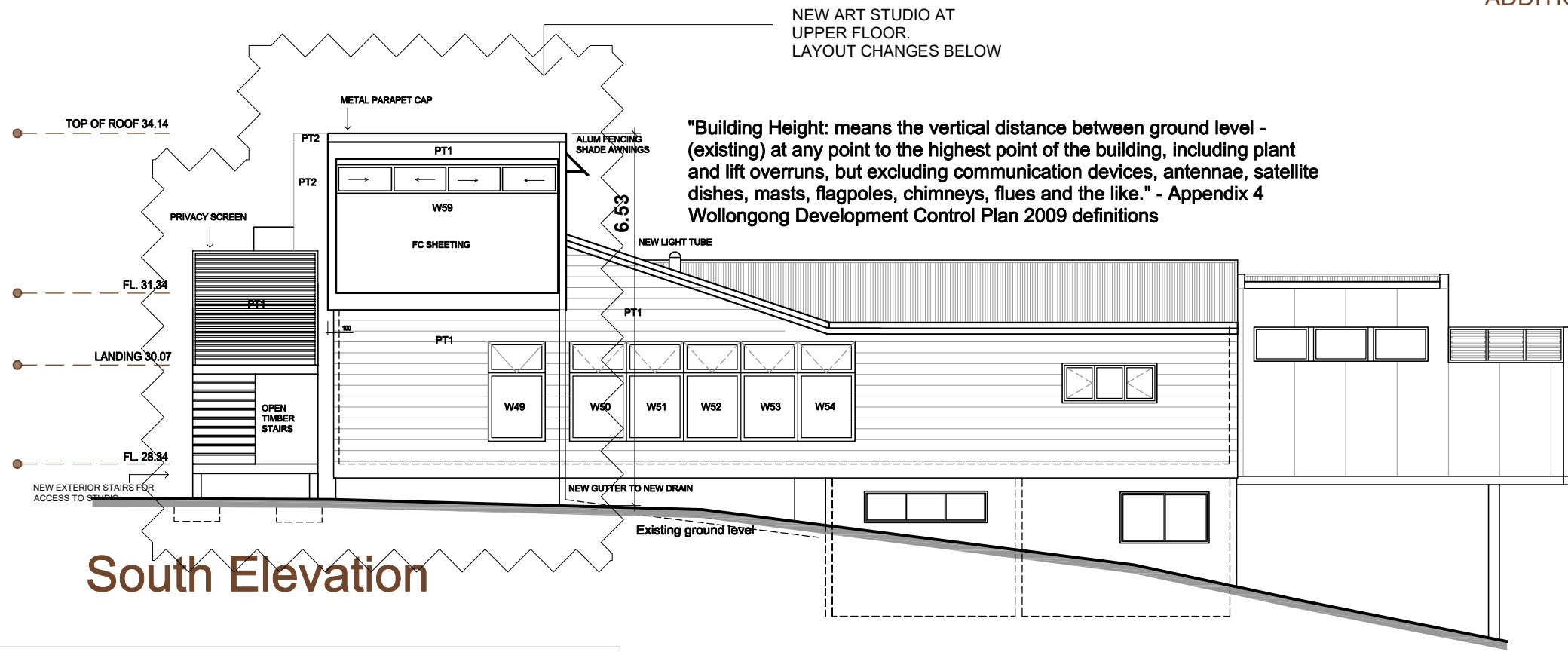
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PLEASE OBTAIN SERVICE DIAGRAMS FROM SERVICE + RELEVANT AUTHORITIES

proposed sections
DYAK RESIDENCE
scale 1:100



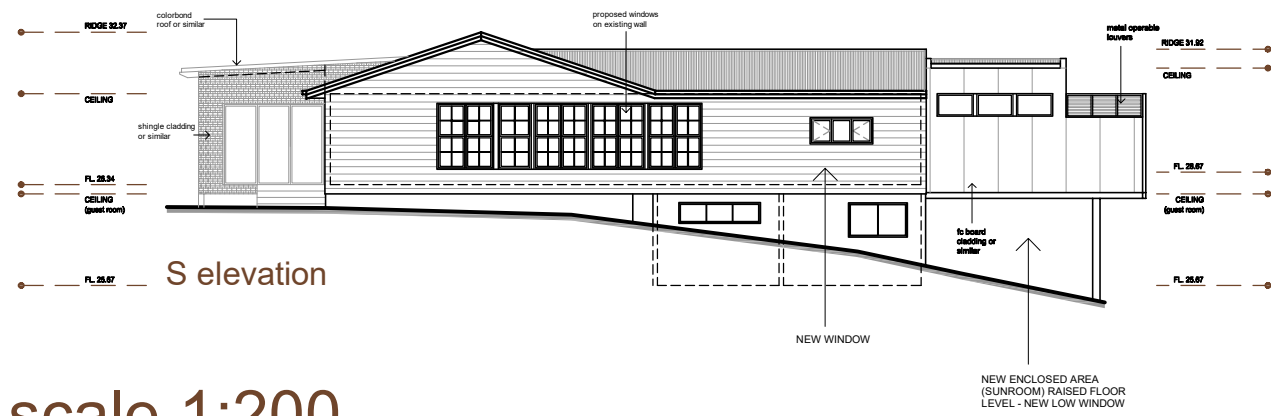
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ADDITIONAL INFORMATION



South Elevation

Existing approved south elevation DA-2014/547/A

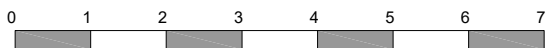


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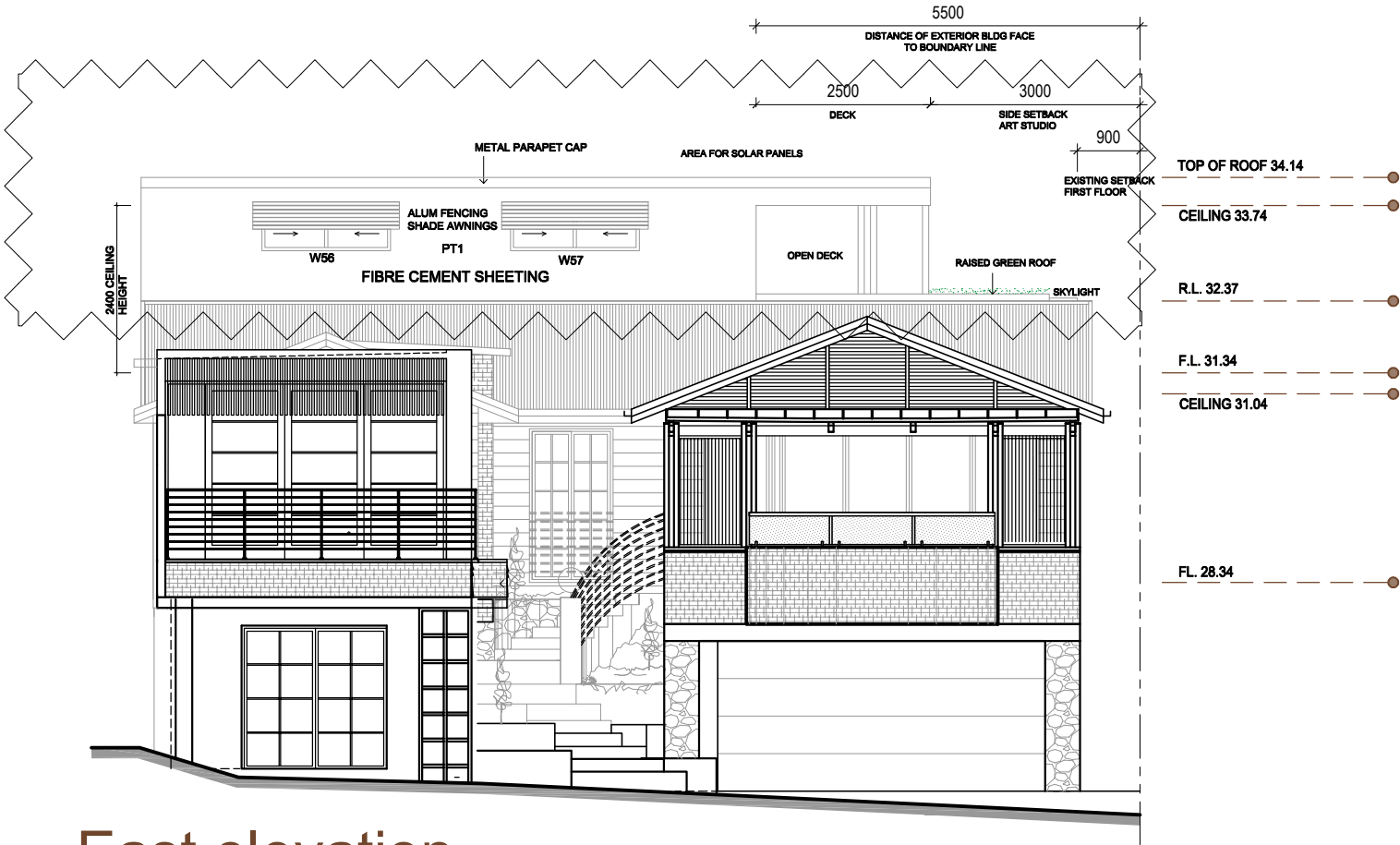


S elevation (approved & proposed)
DYAK RESIDENCE
scale 1:100



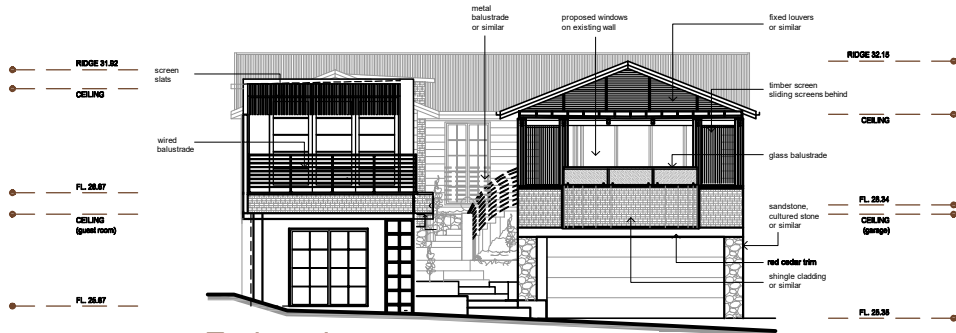
project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: REV. 1 MARCH 2018	sheet: S96: 11 of 15
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ADDITIONAL INFORMATION



East elevation

Existing approved east elevation DA-2014/547/A



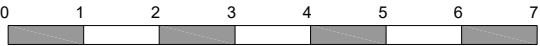
E elevation

scale 1:200

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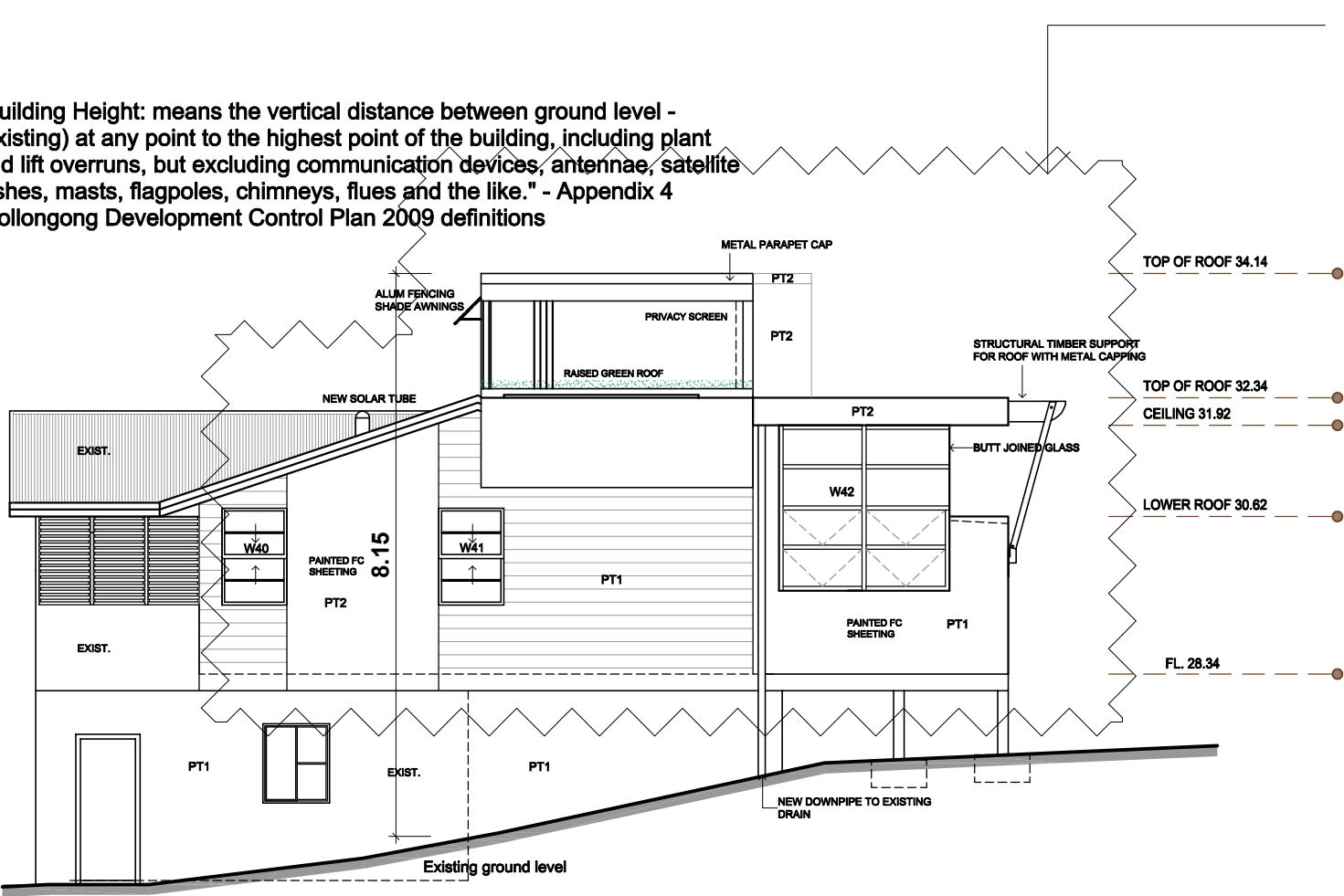
E elevation (approved & proposed)
DYAK RESIDENCE
scale 1:100



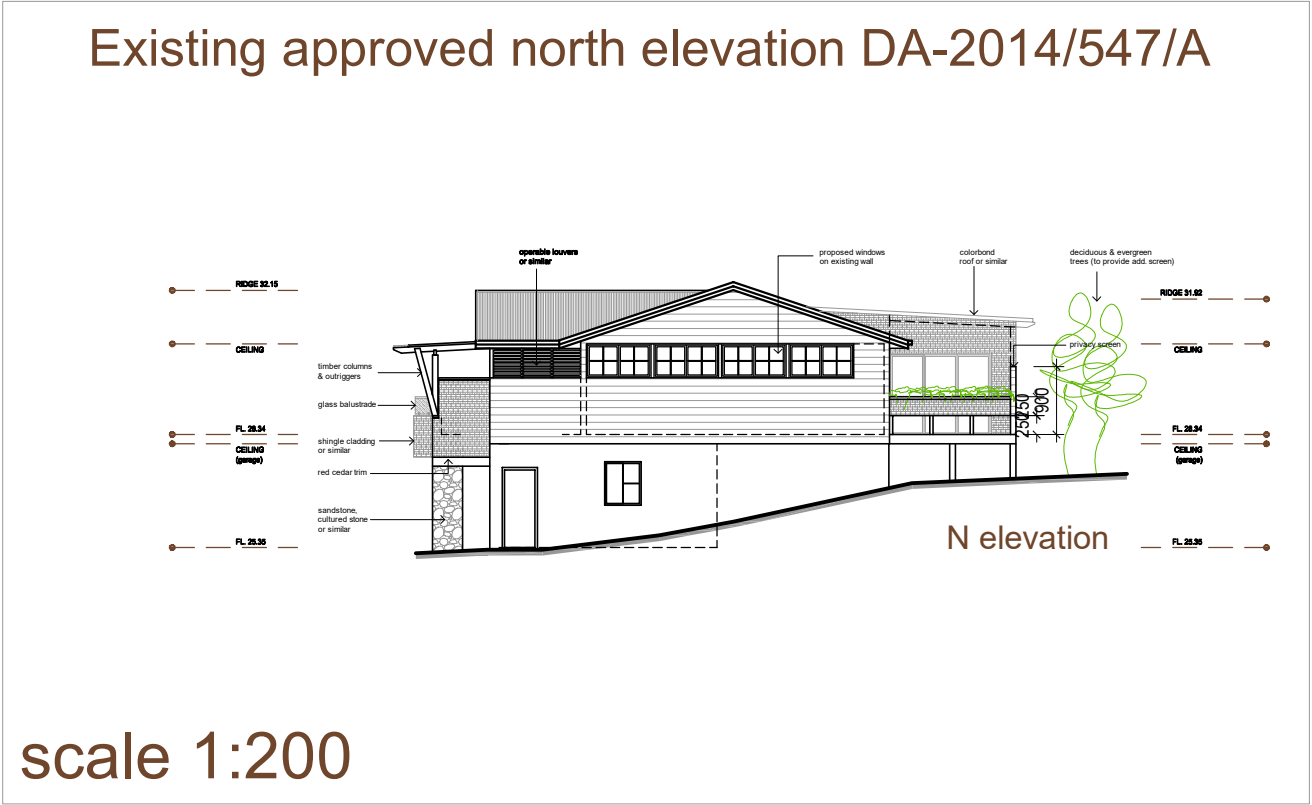
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ADDITIONAL INFORMATION

"Building Height: means the vertical distance between ground level - (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like." - Appendix 4 Wollongong Development Control Plan 2009 definitions



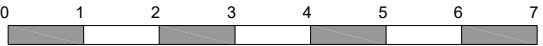
NEW ART STUDIO AT
UPPER FLOOR.
LAYOUT CHANGES BELOW



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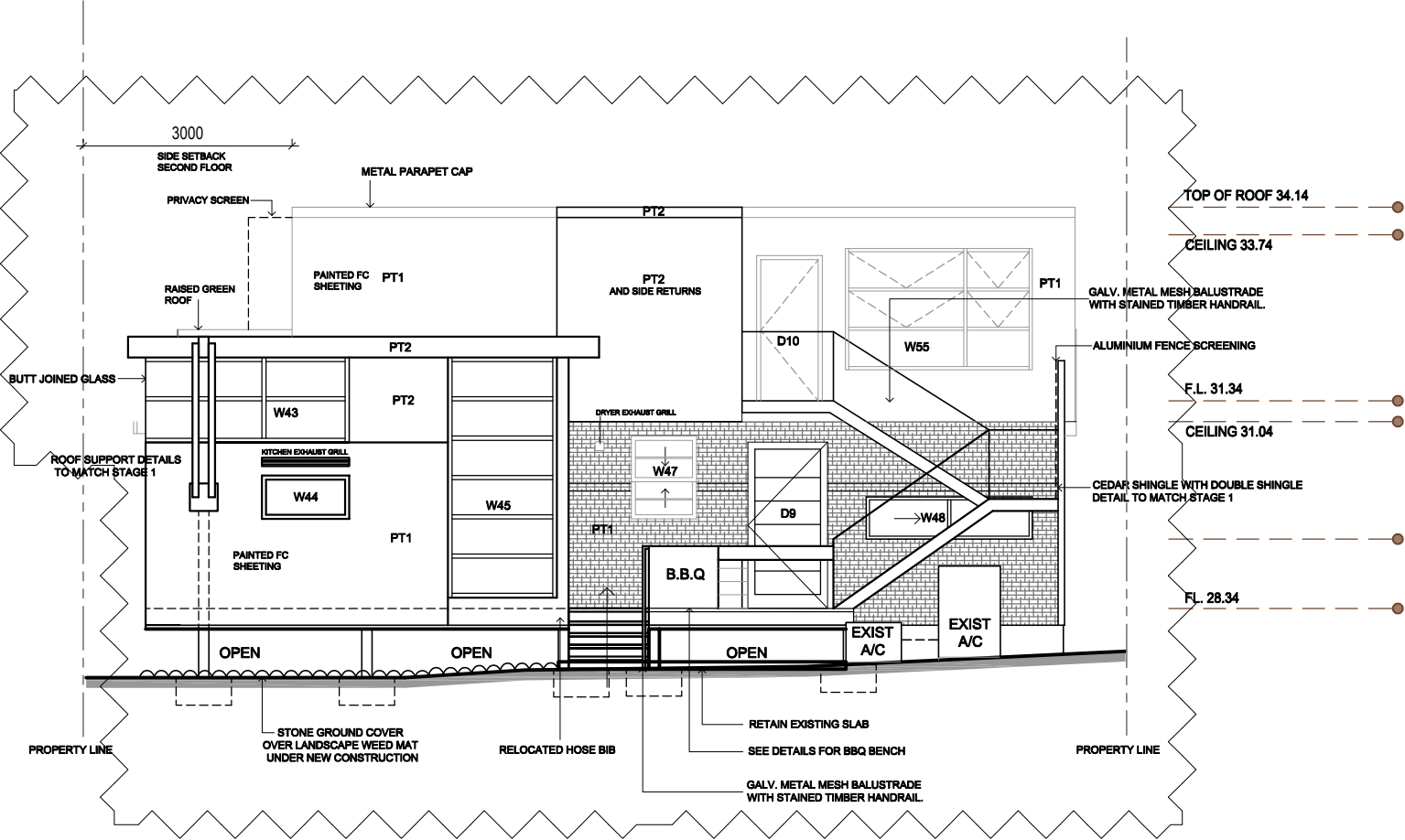


N elevation (approved & proposed)
DYAK RESIDENCE
scale 1:100



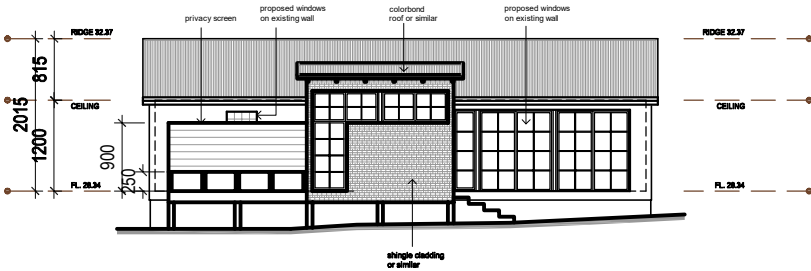
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ADDITIONAL INFORMATION



West Elevation

Existing approved west elevation DA-2014/547/A



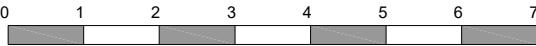
W elevation

scale 1:200

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W elevation (approved & proposed)
DYAK RESIDENCE
scale 1:100

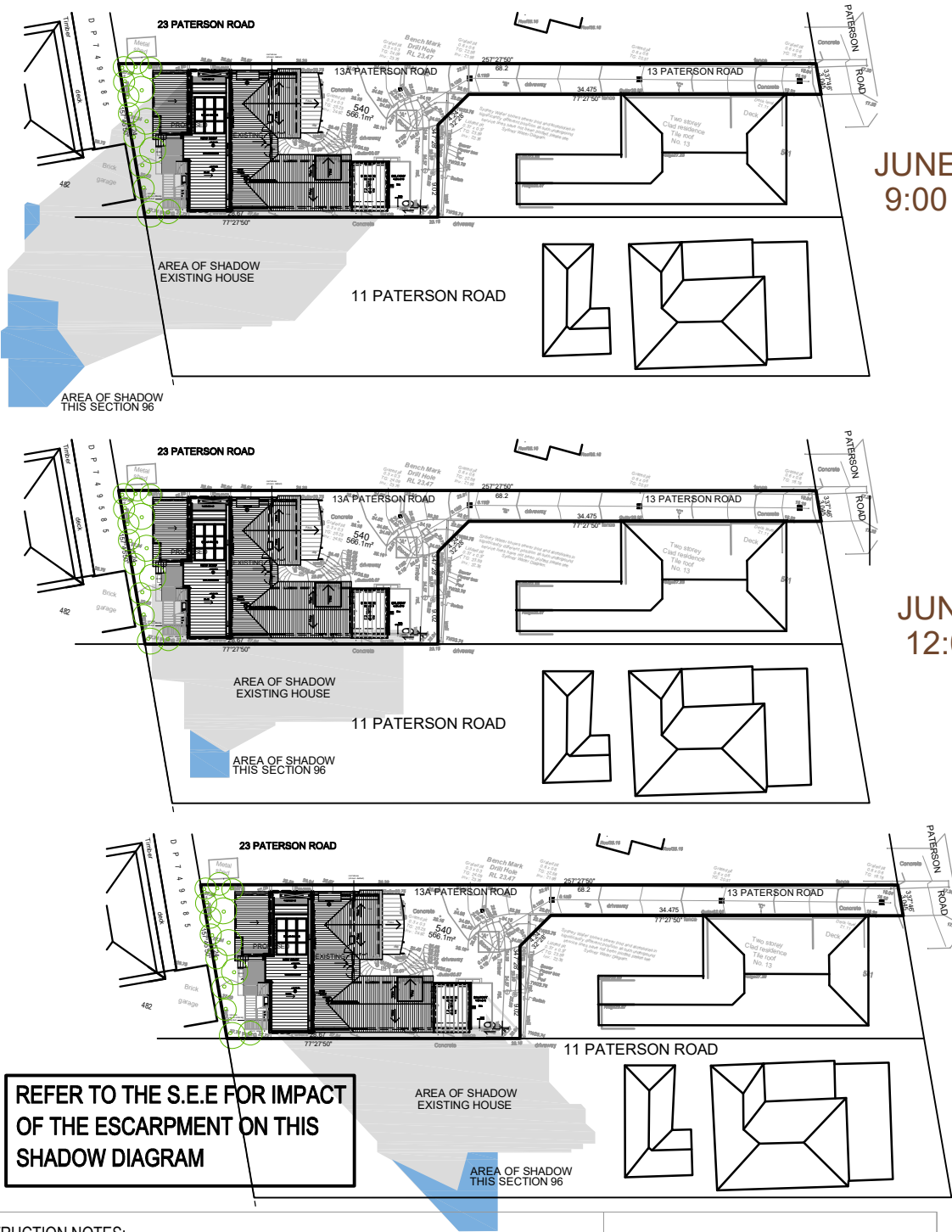


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ADDITIONAL INFORMATION

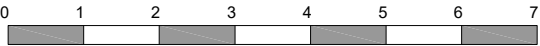
WINTER SOLSTICE SHADOWS

AUTUMN EQUINOX SHADOWS



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shadow diagrams
DYAK RESIDENCE
not to scale





Site Plus Pty Ltd ABN 73 104 315 095

HEAD OFFICE - WOLLONGONG

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28th March 2018

Project: 18111

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

Dear Sir,

**Re: Development Application 2014/547/B Residential Alterations and Additions
Lot 540 DP856643 Paterson Road, Coalcliff NSW 2508**

Development consent was granted for alterations and additions to an existing dwelling on 17 June 2014 and subsequently modified. On 17 November 2017 an application for a further modification to the consent was sought.

Modification (B) was placed on exhibition and a number of submissions objecting to the proposed development were received.

Council wrote to the applicant on 7th March 2018 outlining a number of matters which are required to be addressed in the continued assessment of the application. Site Plus Pty Ltd (SitePlus) has been engaged by the applicant to assist in responding to Council's request for additional information, including seeking a variation under Sections 4.1.2(1) and 4.1.2(4) of Chapter B1 of Council's Development Control Plan (DCP).

Background**DA 2014/547**

In June 2014 a development application was lodged seeking consent for alterations and additions to the existing dwelling. The proposal is summarised as follows:

- Internal alterations to the floor plan of the existing dwelling as shown in blue in Figure 1
- Construction of a balcony to the master bedroom (eastern elevation)
- An increase to the size of the balcony accessed from the lounge room (eastern elevation)
- Alternate stair arrangement providing access to the front door (eastern elevation)
- The construction of a deck and dining room along the western elevation.

Figure 1 shows the increase of the building footprint for the upper level which is shown in grey. The area which is coloured grey and outlined in red, has approval but has not yet been constructed.

The ground floor plan for this development includes an existing garage bedroom and living room and subfloor area.

Figure 1 Footprint of Development Consent 2014/517

The figure is a detailed architectural footprint plan for development consent 2014/517. It shows a large rectangular building footprint divided into several rooms: Kitchen (4.9 x 6.8), Lounge (4.5 x 6.8), Dining (4.5 x 6.8), Entry (4.5 x 6.8), Study (4.5 x 6.8), Living (4.5 x 6.8), Bath (4.5 x 6.8), and a Deck (3.1 x 5.0). The building is surrounded by various materials: Paving, Concrete, Grated pit (0.3 x 0.3), Stone, Timber, and Fence. Dimensions are provided for various areas, including a total area of 540 square meters and a driveway area of 566.1m². The plan also includes details for gutters (Gutter 30.75, Gutter 30.67) and walls (TW25.82, TW25.62, TW25.93, TW25.21, TW25.32).

Alterations and Additions, Lot 540 DP856643 Paterson Road, Coalcliff
Ron Dyak
Site Plus Pty Ltd Project 18111 March 2018

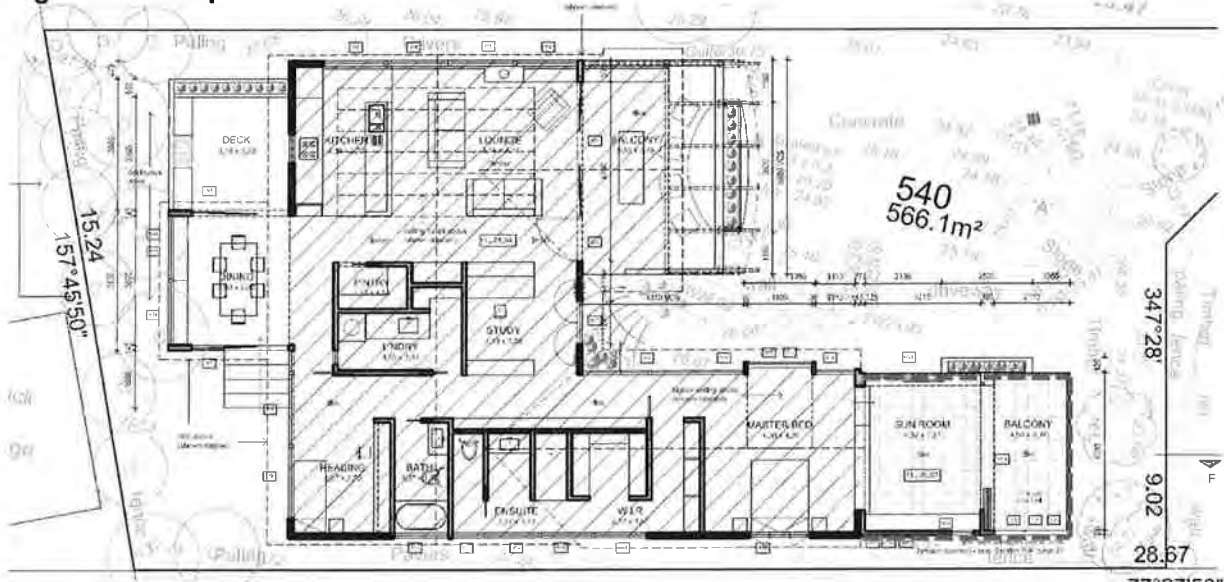
DA 2014/547/A

An application to amend the consent was lodged with Council on 19th June 2015 and approved on 13th July 2015.

The amendment was to enclose a portion of the main bedroom's balcony and to convert it into a sunroom, windows were also introduced to the master bedroom.

This modification for the upper level is shown in Figure 2. The portion of the area subject to the modification is shown outlined in red. This modification has been constructed.

Figure 2 Development Consent 2014/547/A



Source: Alex Urena Design Studio - Designed by Ron Dyak

DA 2014/547/B

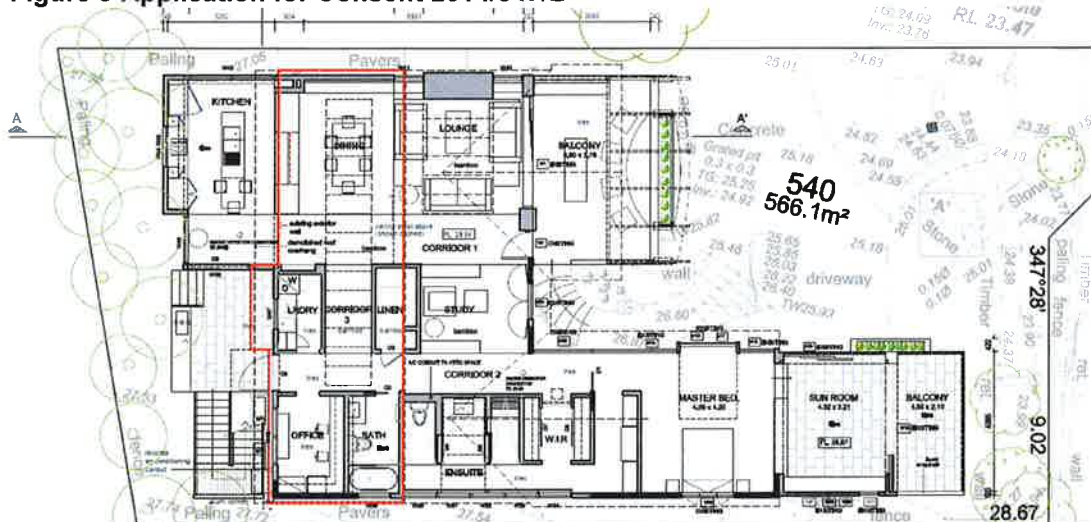
The owner of the site attended a pre-lodgement meeting on 18th October 2017 to discuss further modifications to the approved plans. The modifications were described in the pre-lodgement notes as consisting of 'the reconfiguration of and extension to the existing ground floor and the addition of a second floor to the rear of the existing dwelling'.

Essentially the modification involved:

- alternating the locations of the dining room and kitchen.
- re-positioning the location of the rear deck.
- construction of a second floor to accommodate the owner's art collection. The area outlined in red shows the footprint of the studio above.
- a minor increase in the length of the building along the northern boundary (150mm).

The proposed development is shown in Figure 3.

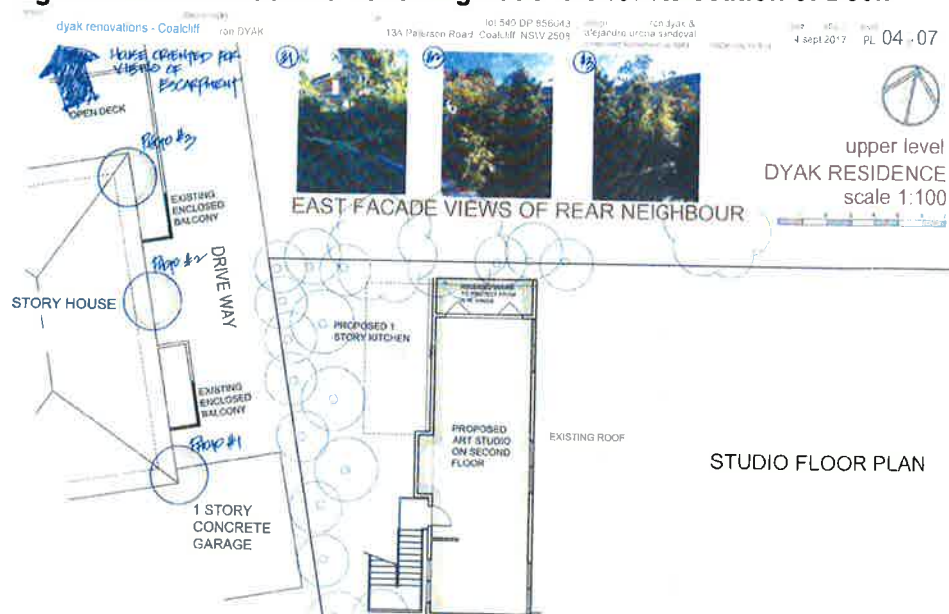
Figure 3 Application for Consent 2014/547/B



Source: Alex Urena Design Studio - Designed by Ron Dyak

Figure 4 is an extract of a ground floor plan. It shows the location of the garage and deck on the adjoining property and line of development above. The rationale for re-positioning the deck is that it respects the privacy of the rear neighbour as their deck would have been adjacent in the currently approved configuration.

Figure 4 Ground Floor Plan showing Rationale for Relocation of Deck



Source: Client plans presented for Pre-lodgement meeting

The modification was placed on exhibition and a number of objections to the proposal were received resulting in advice from Council.

Amended Plans – DA 2014/547/B

Council wrote to the applicant on 7th March and requested information on a number of matters. In viewing the submissions and having further regard to Council's policies and regulations, the applicant has amended the modification by reducing the length of the studio. This also complies with Clause 4.16 of Chapter B1 of the DCP with regard to view sharing in that a 3m view corridor is provided along the (northern) boundary of the property.

Figure 5 is an extract of the amended plans and shows the reduction in the length of the studio. Full details of the modified plan are attached to this submission. The dotted red line shows the provision of the 3m view corridor.

[illegible]

Council Advice

Council Comment

Response

Council Comment

Response

building height (or height of building) means:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Sheet 10 of 15 shows the height at 6.58 which is due to the natural grade of the land.

Council Comment

Additional shadows to be indicated preferably colour coded.

Dwelling at No.11 should be indicated on shadow diagrams.

Solstice and Equinox can be provided to support the demonstration of Solar access.

Response

Sheet 15 of 15 shows revised shadow diagrams as a result of the proposal. The area which is shaded blue shows the additional shadow which is cast by the proposed studio. It is evident from viewing these plans that the studio represents a minor increase in shadow when compared with the shadow from the main portion of the existing dwelling.

Council Comment

Overlooking has been raised as an issue from the proposed art studio from the proposed balcony on the northern boundary and from the rear stairs and landing.

Overlooking analysis from these areas shall be provided. Section with sight lines may assist with this.

Response

Sliding doors are proposed along the northern boundary of the studio which opens onto a deck area. The deck area is screened along the western elevation with fibro cement exterior wall to ensure that there is no capacity for overlooking to the west. Additionally a privacy screen has been placed at the balcony edge for further privacy screening to 27A Paterson Rd. Along the northern elevation is a raised green roof. This green roof has a multifunction in that it:

- provides a 3m setback from the northern boundary to provide a visual corridor; and
- prevents access to the northern most portion of the roof to prevent overlooking
- Provides an ecologically sound insulating solution to a roof.

Attachment B is an overlooking analysis.

A privacy screen is provided to the rear stairs and landing to minimise any perceived impact of privacy issues (See sheet 10). It is also noted that the landing and stairs will not constitute an area where people will pause and so is not considered a viewing area.

Council Comment

Visual impact assessment to be provided as per cl.4.16 of Chapter B1. Please ensure the objectives and controls in cl. 4.16.2 are addressed.

Response

A visual impact assessment has been prepared and is included in Attachment C.

Council Comment

Impacts on amenity notably overshadowing, view loss, solar access and overlooking.

Response

Additionally no western windows have been located on the western façade adjacent to the house at 27A Paterson Rd. The boundary between 13A and 27A has been heavily landscaped with Blueberry Ashes Bamboo.

Shadow diagrams have been provided as described above (Sheet 15) and consequently address solar access.

View loss is discussed in the visual impact assessment.

Overlooking - it is evident in viewing the plans that extensive consideration has been given to remove the issue of overlooking. This has included the privacy screen along the landing of the external stairs, provision of a privacy screen along the western elevation of the deck adjacent to the studio and the inclusion of a raised green roof along the northern boundary which prevents physical access and consequently overlooking as described previously.

Due to the steep grade of the entry drive and the 3 metre view corridor at the north end of the building, there is minimal impact on streetscape as can be seen in Figure 6.

Figure 6 Photo of Site Access



Source: Client

Council Comment

- *Visual impact assessment to be provided as per cl.4.16 of Chapter B1. Please ensure the objectives and controls in cl. 4.16.2 are addressed.*

Response

A visual assessment has been undertaken and is located in Appendix C of this document.

Council Comment

A variation to the DCP and impacts of Clause 8 of Chapter A1 is required

Response

The following section responds to this requirement.

Variation to Development Control Plan (DCP)

A variation to the DCP requires the following criteria to be addressed:

- (a) The control being varied; and
- (b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and
- (c) Demonstrate how the objectives are met with the proposed variations; and
- (d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.

The following responds to this criteria

a) The control being varied

Chapter B1 of the Development Control Plan – Residential Development sets out Council's controls with regard to number of storeys.

Clause 4.1.2 (1) states that:

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

Clause 4.1.2 (4) states that

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

The proposal incorporates a second storey and in the process breaches both controls. However, both controls are designed to achieve the same outcome. Clause 4.1.2 (4) (requiring an 8m setback) is designed primarily for standard sites ie lots which do not constitute battleaxe lots. Given that the desired outcome for both controls is the same, the rationale for justifying the variation is consistent between both controls. On some matters, additional comment is provided with regard to the setback requirement of 8m from the rear boundary.

b) The extent of the proposed variation and the unique circumstances as to why the variation is requested;

The owners of the site have an extensive artwork collection. Whilst artworks are displayed in the house, the owners have found that placing particular artworks in an area especially set aside for viewing enables them to more fully appreciate those pieces. Similarly, the process of accessing and entering the studio promotes a different frame of mind and separates the appreciation and contemplation of the pieces from the constant utilitarian requirements and functions of a house. Simply put, the owners are able to enjoy the peace and solitude of their art in a studio environment which heightens the enjoyment and appreciation than is otherwise available in the house.

Similarly, if the artworks are retained in the main dwelling, they tend to become 'lost' rather than a piece which is intentionally viewed and considered, having the studio also enables the rotation of artworks between the studio and the house.

The applicant is also intending to paint from this studio when time allows and when he retires.

The location of the studio permits natural light to enter the studio from all sides and consequently enables better viewing of the pieces, rather than an addition which has limited solar access.

In order to minimise the extent of the variation, the applicant has proposed a flat roof and kept the floor to ceiling height to the minimum permitted by the Building Code of Australia (BCA). Two storeys are permitted in the zone, UV light will be internally controlled and as discussed previously, height is defined in the LEP. The height permitted in this zone is 9m, and the applicant complies with this height limit. Similarly the length of the studio has been reduced by 3m as described previously.

c) Demonstrate how the objectives are met with the proposed variations.

The objectives for Clause 4.1.1 are discussed below in Table

Objective	Comment re Clause 4.1.2(1) – Battleaxe Lot	Comment Clause 4.1.2(4) – 8m rear setback
Column 1	Column 2	Column 3
To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.	<p>It is considered the proposed addition will have no adverse impact on the streetscape.</p> <p>The site is a battleaxe lot and as such visual access is limited to the width of the driveway. In addition, the slope of the driveway effectively limits visual access in that site lines are largely terminated by the existing built form.</p> <p>It is suggested that the streetscape is dominated by those dwellings which have frontage to Paterson Road and visual access to the subject site is limited.</p>	It is considered the variation to the 8m rear setback will have no impact on this objective
To minimise the potential for overlooking on adjacent dwellings and open space areas.	<p>The second floor has been designed with windows having a sill height of 1750 mm above FFL. This ensures that there is no capacity to overlook neighbours to the south or east from the studio.</p> <p>Windows are provided on the western elevation from the studio however the primary view available from these windows is the garage roof on the adjoining property and consequently privacy is not impacted.</p> <p>Sliding doors are proposed along the northern boundary of the studio which open onto a deck area. The deck area along the western elevation has a privacy screen to ensure that there is no capacity for overlooking to the west. Along the northern extent of the deck area is a green roof. This green roof has a</p>	The rear setback variation is ameliorated through the same design principles as described in column 2

Objective	Comment re Clause 4.1.2(1) – Battleaxe Lot	Comment Clause 4.1.2(4) – 8m rear setback
Column 1	Column 2	Column 3
	<p>multi-function in that it:</p> <ul style="list-style-type: none"> • provides a 3m setback from the northern boundary to provide a visual corridor; • prevents access to the northern most portion of the roof to prevent overlooking; and • provides an ecologically sensitive solution to a metal roof. <p>Privacy to the east will be no more affected or impacted than views currently obtained from the existing building. This is because the views available from this deck area will be distance views to the ocean and horizon line.</p>	
To ensure that development is sympathetic to and addresses site constraints.	<p>The site has a fall of approximately 3.5m from the western boundary to the fence dividing 13 and 13A Patterson Road.</p> <p>A dwelling had been constructed on the site and consent has been given for alterations and additions to that dwelling.</p> <p>The constraints of the site have been accommodated in the design of the addition in that the studio has been:</p> <ul style="list-style-type: none"> - set behind the existing ridge line, - have included extensive privacy controls 	<p>Consent has been granted for the construction of a deck and dining room within the 8m setback and as it is at ground level does not require a variation.</p> <p>Consideration was given to the construction of the studio on the proposed deck area, however it was considered that having articulation to the built form along the rear boundary at ground level provided greater amenity to the area rather than increase the massing at ground level.</p>
To encourage split level stepped building solutions on steeply sloping sites.	The development incorporates split level design.	The development incorporates split level design.
To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.	<p>Attachment D shows longitudinal sections from the subject site to some of the adjoining properties to the west.</p> <p>The longitudinal sections were obtained from the Nearmap website which plots the distance between and slope between two points. It is</p>	

Objective	Comment re Clause 4.1.2(1) – Battleaxe Lot	Comment Clause 4.1.2(4) – 8m rear setback
Column 1	Column 2	Column 3
	evident from Attachment D that the ground level of the buildings to the west which have been plotted are higher than the ceiling level of the proposed addition. Further discussion on views is located in Attachment C.	
To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.	There are no ancillary structures proposed and so is not applicable	As column 2
To ensure appropriate correlation between the height and setbacks of ancillary structures.	This is not applicable as no ancillary structures are proposed	As column 2
To encourage positive solar access outcomes for dwellings and the associated private open spaces.	The shadow diagrams show the extent of additional shadow cast by the proposed studio. The additional impact is most evident on 21 st June at 9.00 where the longest shadow is cast on No 269 Lawrence Hargrave Drive. This is the backyard shown in Figure 5. Whilst this area does constitute private open space, it's distance from the house indicates that it is more likely to form a backdrop rather than the primary place for outdoor activities.	This property is also long sloping property which narrows towards the northern boundary. The impact on No 269 is considered to have a minimal impact because it is likely that any future additions or development is more likely to be located in an area of the site where its width is more conducive to development and adjacent to the existing house.

d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.

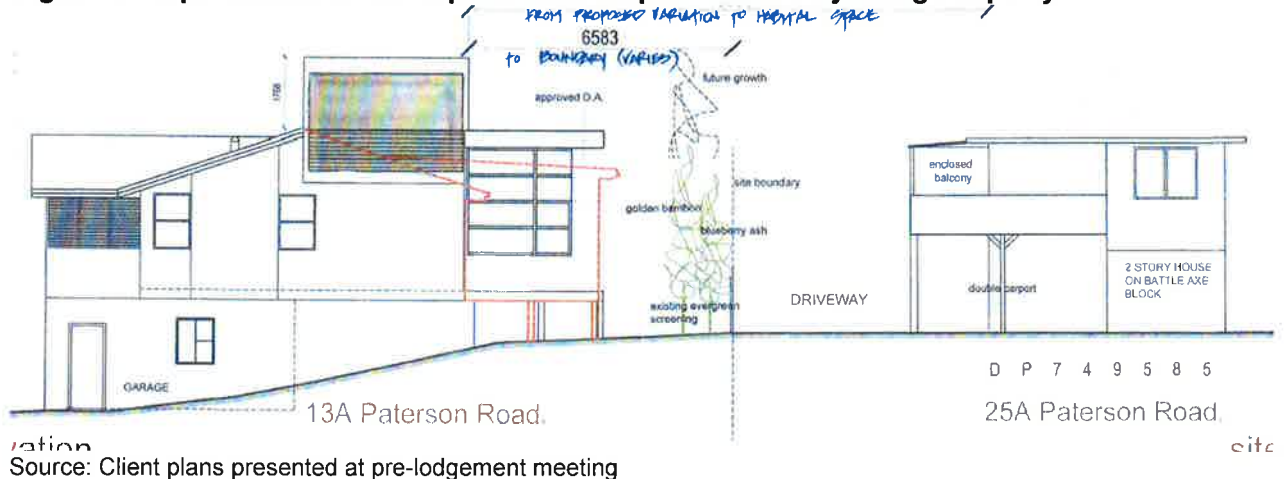
- *Examples of other dwellings within the street with two storey elements within the 8m setback*
- *Examples of two storey development on battle-axe allotments*

Attachment E shows is a plan detailing where variations have been given and the type of variation. It shows that Coalcliff is an area which is undergoing change. The granting of this consent will not result in a precedent being set.

The property owner immediately adjoining the subject site to the west is screened from the development by extensive planting of bamboo and blueberry ashes and therefore there is no

additional loss of view. Figure 6 shows the relative impact on the adjoining neighbour to the west and were plans presented at the pre-lodgement meeting held with Council on 18th October 2017.

Figure 6 Representation of Proposed Development and Adjoining Property



Conclusion

Our client has an extensive art collection which is best displayed in a separate studio. In preparing plans for a second storey addition, considerable thought has been given to ways to mitigate adverse impacts on adjoining properties or the amenity of the area. The plans that have been prepared now represent a reduction in the size of the studio but privacy screens and structures have been incorporated in the design to ensure that the issues of privacy raised by residents are addressed.

It is considered that ample justification and information has been provided to warrant a variation to the DCP to enable the proposal to proceed.

Yours faithfully

Anne Trezise

Enclose

- Attachment A – Amended plans
- Attachment B – Overlooking Analysis - North Boundary
- Attachment C – Visual Assessment
- Attachment D – Longitudinal Sections
- Attachment E – Variants to Rear Setbacks
- Attachment F – Two Storey Battlaxe Houses

APPENDIX E

Variants to Rear Setbacks

project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road, Coalcliff, NSW 2508	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: MARCH 2018	
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ADDITIONAL INFORMATION

Paterson Road Coalcliff
EXAMPLES OF OTHER DWELLINGS WITH
TWO STORY ELEMENTS WITHIN THE 8m
SETBACK

52A PATERSON ROAD
two story house with less than 8 metre rear
setback

19 PATERSON ROAD
two story house with less than 8 metre rear setback

15 PATERSON ROAD
three story house with less than 8 metre rear setback - new
construction

25A PATERSON ROAD
two story house on a battle-ax block with less than 8 metre rear
setback

27A PATERSON ROAD
two story house on a battle-ax block with less than 8 metre rear setback

9A PATERSON ROAD
two story house on a battle-ax block with less than 8 metre rear setback

19 PATERSON ROAD (LEFT) WITH REAR SETBACK
OF LESS THAN 4m



VARIANTS TO REAR SETBACK
DYAK RESIDENCE
not to scale



APPENDIX F

Two Storey Battleaxe Houses

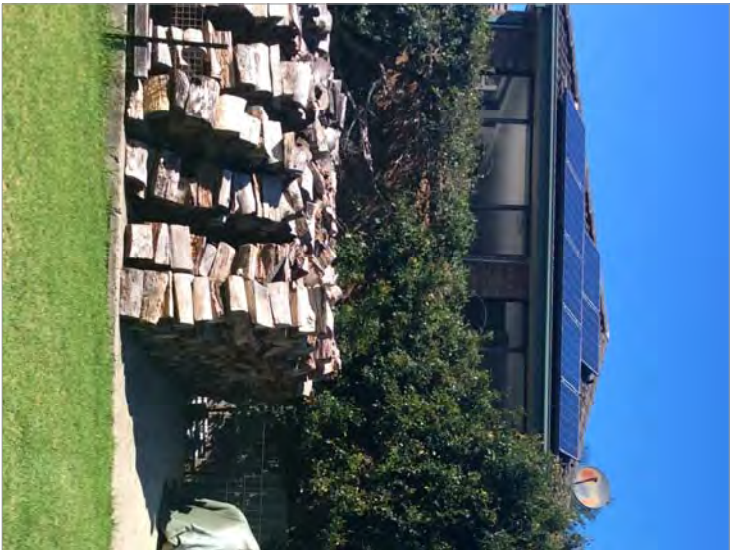
project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: 13A Paterson Road. Coalcliff. NSW 2508	lot 540 DP 856643	design: ron dyak drafting: nicholas payne (for Alex Urena Design Studio)	date: MARCH 2018	
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ADDITIONAL INFORMATION

EXAMPLES OF TWO
STORY DEVELOPMENT
ON BATTLE-AXE ALLOTMENTS

COALCLIFF

- 9A PATERSON ROAD
- 25A PATERSON ROAD
- 27A PATERSON ROAD
- 52B PATERSON ROAD



WOMBARRA

- 18B MONASH STREET
- 28B MONASH STREET
- 127B MORRISON AVENUE
- 38B BROADRIDGE STREET

9A PATERSON ROAD - COALCLIFF
BATTLE-AXE BLOCK



25A PATERSON ROAD - COALCLIFF
BATTLE-AXE BLOCK

COLEDALE

- 50B SQUIRES CIRCLE
- 764 LAWRENCE HARGRAVE DRIVE
- 13B PARK AVENUE
- 15B PARK AVENUE



52B PATERSON ROAD - COALCLIFF
BATTLE-AXE BLOCK
RECENTLY APPROVED VARIATION

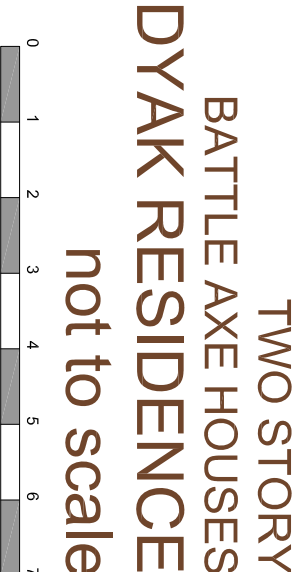


50B SQUIRES CIRCLE - COLEDALE
BATTLE-AXE BLOCK
RECENTLY APPROVED VARIATION

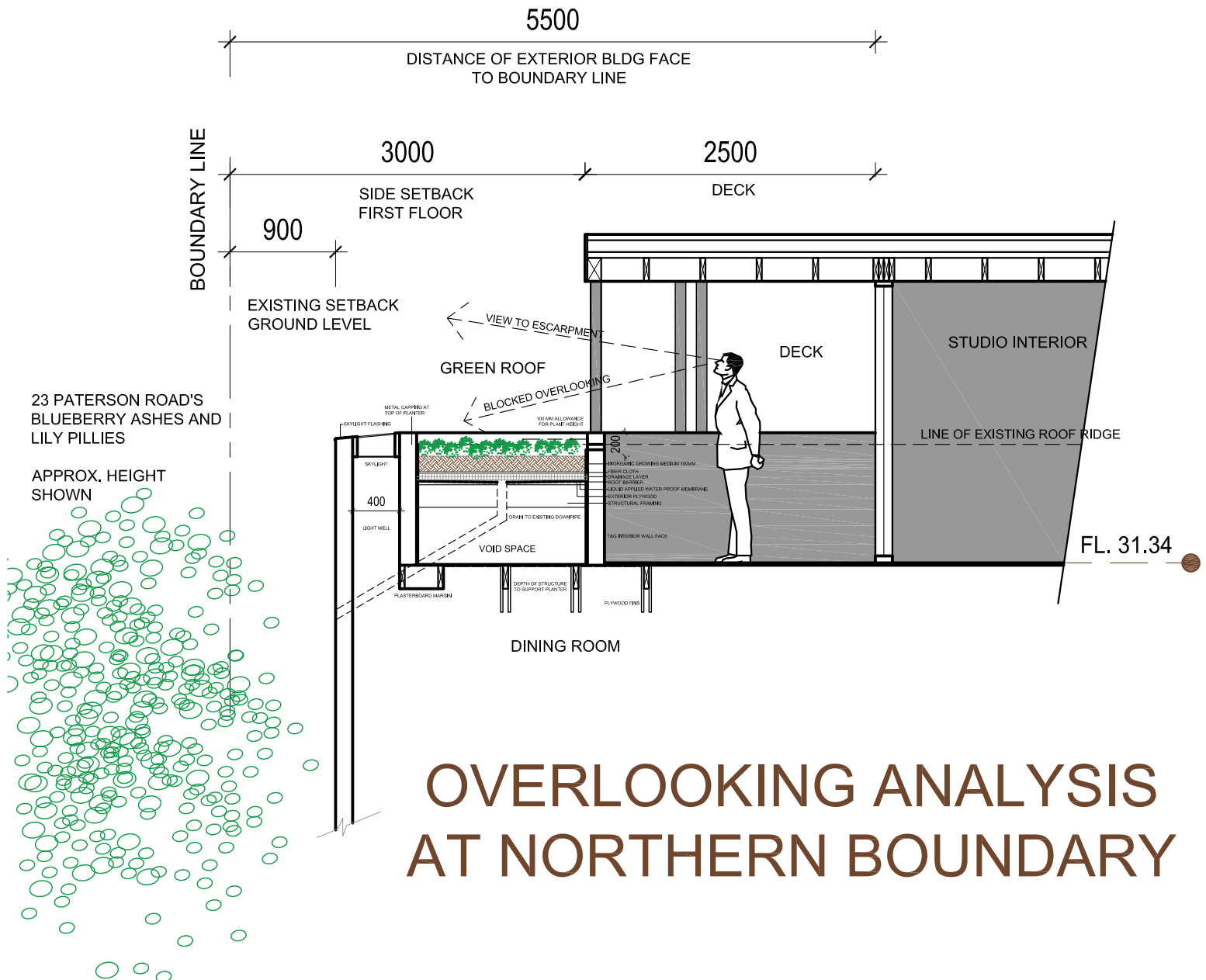


CURRENT VIEW OF WEST ELEVATION OF
13A PATERSON ROAD

The proposed design objective is to renovate the existing one story west elevation of 13A Paterson Road into a more interesting facade while maintaining the privacy of the neighbors.



ATTACHMENT B



OVERLOOKING ANALYSIS AT NORTHERN BOUNDARY

scale 1:50

project: (Section 96) dyak renovations - Coalcliff	for: ron DYAK	at: lot 540 DP 856643 13A Paterson Road. Coalcliff. NSW 2508	date: REV. 1 MARCH 2018
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ADDITIONAL INFORMATION

VISUAL IMPACT ASSESSMENT
Proposed Renovations – Section 96 Submission
13A Paterson Road, Coalcliff
Project No 18111– March 2018



siteplus

VISUAL IMPACT ASSESSMENT

Proposed Renovations – Section 96 Submission

13A Paterson Road, Coalcliff

PREPARED FOR

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Document Tracking

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Rev No.	Author	Author			Approved		
		Name	Signature	Date	Name	Signature	Date
A	Draft Visual Assessment	KM/AT		Mar 2018	VM		Mar 2018
B	Client Issue	KM/AT		Mar 2018	VM		Mar 2018
C	Final Visual Assessment	KM/AT		Apr 2018	VM		April 2018

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FIGURES

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FIGURE 2.1	View Point Locations
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FIGURE 2.10	Photograph showing view 259 Lawrence Hargrave Drv
FIGURE 2.11	Aerial image showing proposed new art studio in relation to existing neighbouring properties
FIGURE 2.12	Photograph showing property at 9A Paterson Rd
FIGURE 2.13	Photograph showing view towards property at 27 Paterson Rd
FIGURE 2.14	Photograph showing view towards properties at 21 & 23 Paterson Rd
FIGURE 2.15	Photograph showing view towards 13A Paterson Rd from bus stop on Paterson Rd
FIGURE 2.16	Photograph showing view towards east from bus stop on Paterson Rd
FIGURE 2.17	Regional Context Overview

TABLES

TABLE 2.1	Viewpoint Location Details
TABLE 2.2	
TABLE 2.3	

APPENDIX

APPENDIX A	Additional Photos Provided by Client
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The objectives of the visit were:

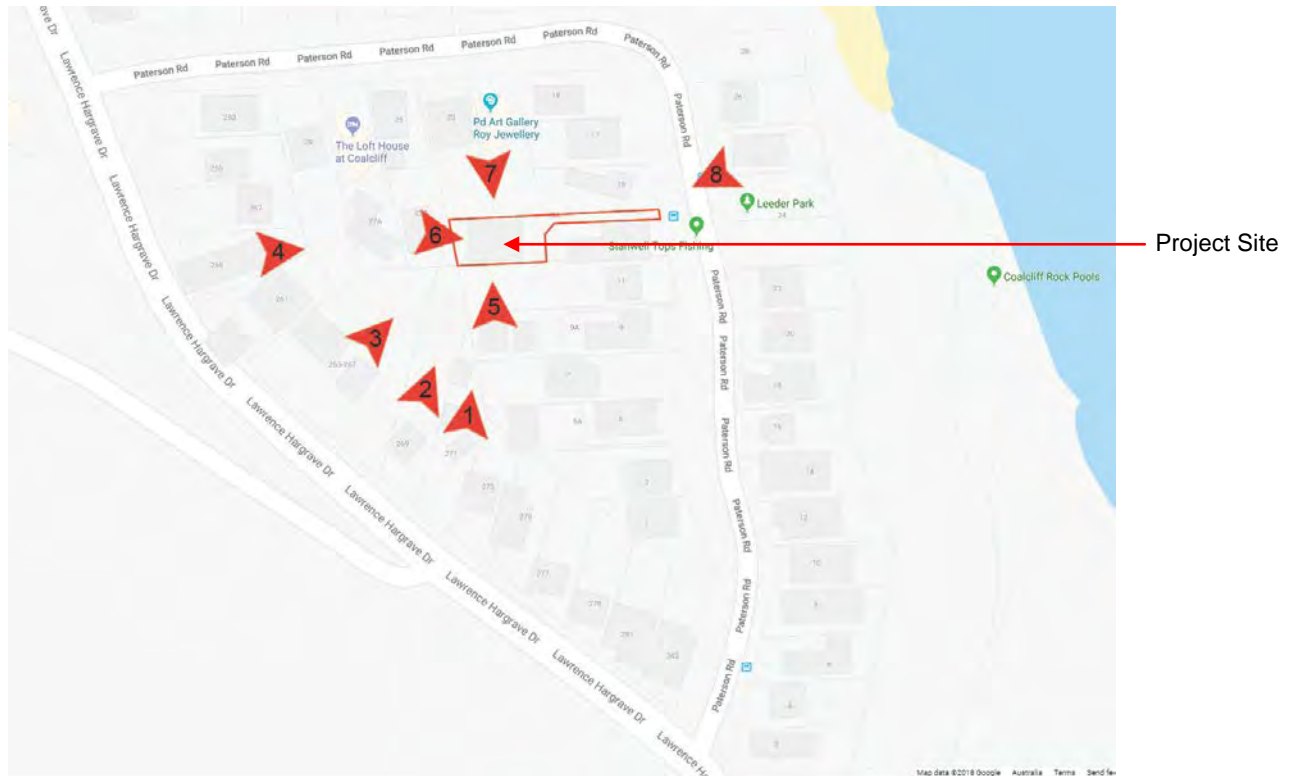
- Examination of existing landform, elevations and characteristics surrounding the site.
- Identification of existing locations (viewpoints) from where the proposed additions to the existing dwelling can be seen.
- Gathering of photographs to show from where the proposed 2nd storey could and could not be seen to assist in the assessment process. These photographs are shown as figures 2.2 – 2.13.

During the site visit, Siteplus identified that the proposed additions to the dwelling are most visible from neighbouring residential properties. Siteplus was unable to access the neighbouring properties to take photos of the actual view. Therefore, it was determined to take photos of the properties which views are most likely to be affected by the proposed renovations. It was also determined to include photomontages, photos obtained from Wollongong City Council under the Government Information (Public Access) Act 2009 and aerial images to assess the potential view impact.

2.0 VISUAL IMPACT ASSESSMENT

2.1 Viewpoint Locations

Figure 2.1 View Point Locations



Source: www.maps.google.com.au & Siteplus 2018

Table 2.1 Viewpoint Location Details

Viewpoint Location Details	
Viewpoint Location	Direction of view
1 – 271 Lawrence Hargrave Drive	North
2 - 269 Lawrence Hargrave Drive	North East
3 - 267 – 268 Lawrence Hargrave Drive	North East
4 – 259 Lawrence Hargrave Drive	East
5 – 9A Paterson Road	North
6 – 27 Paterson Road	East
7 – 21/23 Paterson Road	South
8 – View from opposite 15 Paterson Road	South West

2.2 Viewpoint Images

Figure 2.2 – Aerial photograph showing view paths from 267-268, 269 & 271 Lawrence Hargrave Drive



Source: Real Estate Sale Website of 269 Lawrence Hargrave Drive & Ron Dyak & Siteplus

2.2.1 Viewpoints 1 & 2

Figure 2.3 – Photograph showing properties at 269 and 271 Lawrence Hargrave Drive



Source: Siteplus 2018

Figure 2.3 shows 269 and 271 Lawrence Hargrave Drive. This photo was taken from the backyard of the subject site. The photograph identifies that 269 Lawrence Hargrave Drive will have

a clear view of the proposed 2nd storey addition. 271 Lawrence Hargrave Drive will have a similar view towards the proposed addition but this view will be filtered through a stand of mature trees.

Figure 2.4 – Aerial image showing subject property indicating proposed 2nd storey and location of viewpoint for photomontage



Source: Real Estate Sale Website of 269 Lawrence Hargrave Drive & Ron Dyak

Figure 2.4 identifies the location of the proposed art studio in relation to neighbouring properties.

Figure 2.5 – Image showing view of subject property indicating proposed 2nd storey from 269 Lawrence Hargrave Drive



Source: Real Estate Sale Website of 269 Lawrence Hargrave Drive & Ron Dyak

Figure 2.5 shows a photomontage which indicates the view towards the art studio from 269 Lawrence Hargrave Drive.

Views from 267-268, 269 and 271 Lawrence Hargrave Drive will be affected by the proposed development. As there is no access to neighbouring properties it is assumed that the views from 267-268 Lawrence Hargrave Drive and 271 Lawrence Hargrave Drive are fairly similar to the view from 269 Lawrence Hargrave Drive. However, viewpoints 267-268 Lawrence Hargrave Drive and 271 Lawrence Hargrave Drive will have a more filtered view towards the proposed 2nd storey addition through existing vegetation.

The proposed additions to the building will be visible from these properties and the views will be slightly altered. However, the loss of view is minimal as the residents will look over the proposed 2nd storey towards the escarpment.

Figure 2.6 – Aerial image and elevation profile 269 Lawrence Hargrave Drive



Approximate ground level at 269 Lawrence Hargrave Drive is 35.4

Proposed top of roof line at 13A Paterson Road is 34.14

Source: <https://www.nearmap.com.au/>

Figure 2.6 & figure 2.7 show the elevation profile between 269, 271 Lawrence Hargrave Drive and 13A Paterson Road. The ground floor level at 269 and 271 Lawrence Hargrave Drive is approximately 35.4. The proposed top of roof level at 13A Paterson Road is 34.14. This indicates that viewers from 269 and 271 Lawrence Hargrave Drive will look over the proposed 2nd storey addition.

Figure 2.7 – Aerial image and elevation profile 271 Lawrence Hargrave Drive



Source: <https://www.nearmap.com.au/>

2.2.2 Viewpoint 3

Figure 2.8 – Image showing view from 267-268 Lawrence Hargrave Drive



Location of proposed 2nd storey addition of 13A Paterson Road

Source: Wollongong City Council

Figure 2.8 shows the view towards the ocean from the verandah of 267-268 Lawrence Hargrave Drive. It indicates that the residents will be able to see the proposed 2nd storey addition. However, their current view towards the ocean will not be affected.

Figure 2.9 – Aerial image and elevation profile 267-268 Lawrence Hargrave Drive



Approximate ground level at 267-268 Lawrence Hargrave Drive is 35.0

Proposed top of roof line at 13A Paterson Road is 34.14

Source: <https://www.nearmap.com.au/>

Figure 2.9 shows the elevation profile between 267-268 Lawrence Hargrave Drive and 13A Paterson Road. The ground floor level at 267-268 Lawrence Hargrave Drive is approximately 35.0. The proposed top of roof level at 13A Paterson Road is 34.14. This indicates that viewers from 267-268 Lawrence Hargrave Drive will look over the proposed 2nd storey addition.

2.2.3 Viewpoint 4

Figure 2.10 – Photograph showing view 259 Lawrence Hargrave Drive



View from
verandah of
259 Lawrence
Hargrave Drive

Source: Wollongong City Council

The image shows the view from the verandah of 259 Lawrence Hargrave Drive towards the East. Existing vegetation and building structures obscure the view towards the ocean. The proposed 2nd storey addition will blend in with existing structures and will be screened by existing vegetation. Therefore, it will have a minimal impact on the view from this location. (NB the street address used reflects the advice contained in Council documents, it is more likely to reflect the street address of 271 Lawrence Hargrave Drive).

2.2.4 Viewpoint 5

Figure 2.11 – Aerial Image showing proposed new art studio in relation to existing neighbouring properties.

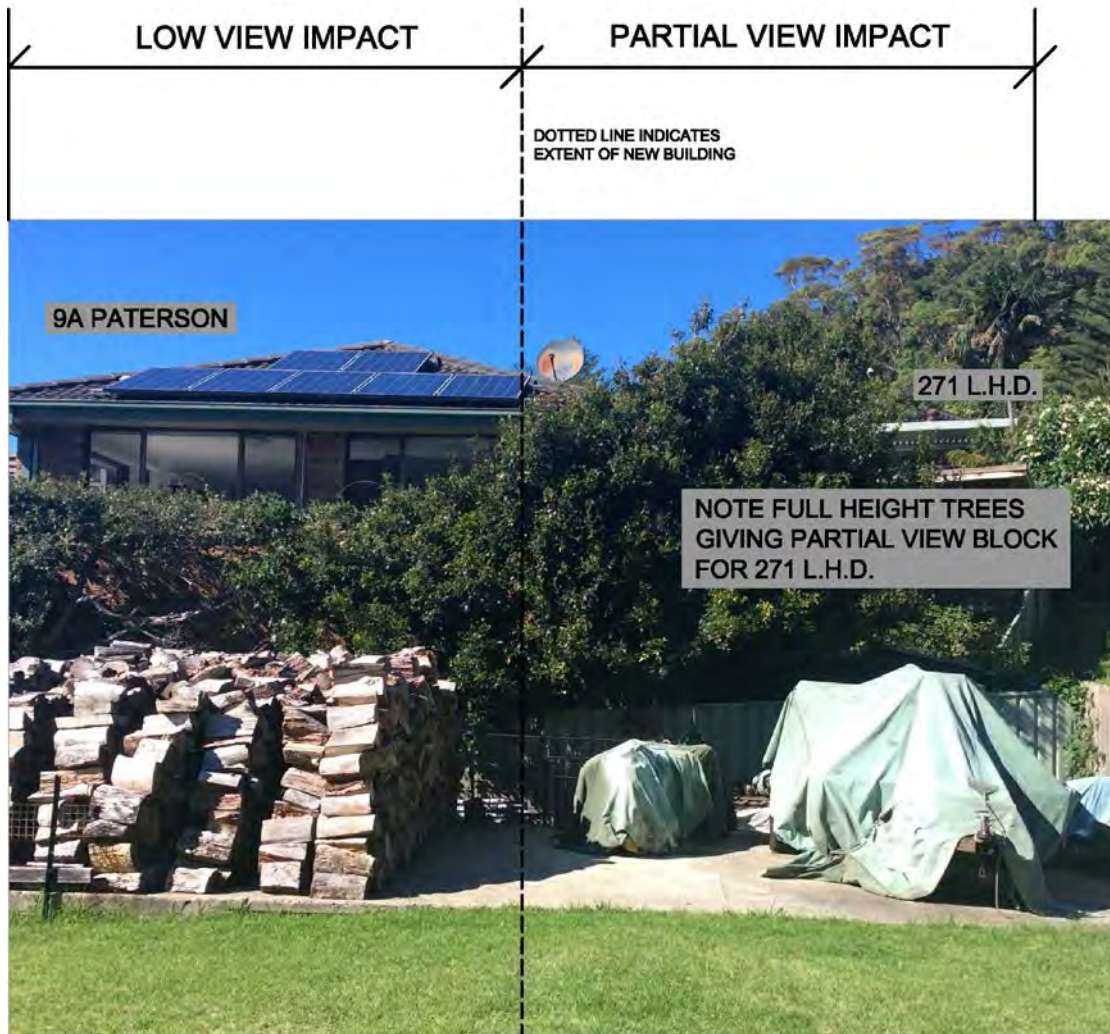


Dotted line indicates extent of new building projected to 9A Paterson Road and 271 Lawrence Hargrave Drive

Source: Real Estate Sale Website of 269 Lawrence Hargrave Drive & Ron Dyak

This image shows that residents of 9A Paterson Road will be able to see the 2nd storey addition. However, the art studio doesn't align with any of the windows at 9A Paterson Road. The residents will still be able to enjoy the views towards the escarpment.

Figure 2.12 – Photograph showing property at 9A Paterson Road



Source: Ron Dyak

Figure 2.12 shows the property at 9A Paterson Road and 271 Lawrence Hargrave Drive in the background. The windows along the northern side of 9A Paterson Road will allow views towards the proposed art studio. The proposed art studio will, however, have a minor impact on the residents view towards the escarpment. This image also shows that there is a stand of mature trees filtering the view from 271 Lawrence Hargrave Drive towards the proposed art studio.

2.2.5 Viewpoint 6

This image shows that views from 27 Paterson Road towards the proposed additions to the subject property will be screened and filtered by mature vegetation.

Figure 2.13 – Photograph showing view towards property at 27 Paterson Road



27
Paterson
Road

Source: Siteplus 2018

2.2.6 Viewpoint 7

Figure 2.14 – Photograph showing view towards properties at 21 & 23 Paterson Road



Source: Siteplus 2018

This image shows that views from 21 & 23 Paterson Road towards the proposed additions to the subject property will be screened and filtered by mature vegetation.

2.2.7 Viewpoint 8

Figure 2.15 – Photograph showing view towards 13A Paterson Road from bus stop on Paterson Road



Location of
proposed
new art
studio

Source: Siteplus 2018

Figure 2.15 shows that a very small portion of the 2nd storey addition will be seen from this viewpoint on Paterson Road. The view will not be impacted as the proposed addition will blend in with the existing building form.

Figure 2.16 shows the view towards the east from the same viewpoint. It is more likely that visitors or passers-by will enjoy the view towards the ocean rather than looking towards 13A Paterson Road.

Figure 2.16 – Photograph showing view towards east from bus stop on Paterson Road



Source: [www. www.google.com.au/maps](http://www.google.com.au/maps)

2.3 Clause 4.16 View Sharing

Council has requested that the visual analysis be provided as per cl 4.16 of Chapter B1 of the Development Control Plan (DCP).

Table 2.2

Objective	Comment
To encourage view sharing from adjoining or nearby properties, public places, and new development.	There are no public places from which a view is obtained which would be impacted by this proposal. Viewpoints 1 – 8 in figures 2.3 – 2.16 and describe the impact of views from adjoining properties.
To protect and enhance significant view corridors from public places.	There are no significant view corridors from public places that would be impacted by the proposed alterations and additions. This is illustrated by Figure 2.17 which shows the site in the context of the locality. It also shows that Leeder Park is essentially the only public place which is in close proximity to the site. However, the distance of the park and the orientation of the view is such that there would be no reasonable impact as a consequence of this development.
To encourage the siting and design of new buildings which open up significant views from public areas.	This proposal does not constitute a new building, it is an alteration and addition to an existing building. Furthermore, this building does not impact on any public spaces which might benefit from an alteration to the design.

Figure 2.17 Regional Context Overview



Source: www.nearmap.com.au & Siteplus 2018

- | | |
|----------------------------|----------------------------|
| 1. Coalcliff Train Station | 5. Rock Pool |
| 2. Coke Works | 6. Lawrence Hargrave Drive |
| 3. Project Site | 7. Seacliff Bridge |
| 4. Leeder Park | |

Clause 4.16.2 Describes the controls which apply to view sharing. These are described in Table 2.3.

Table 2.3

Control	Comment
1. Visual impact assessment should include an:	
(a) Assessment of views likely to be affected.	Views that are likely to be affected were assessed in parts 2.1 <i>Viewpoint Locations</i> and 2.2 <i>Viewpoint Images</i> of this report.
(b) Assessment of what part of the property the views are obtained from.	<p>It is anticipated that views would be obtained from a range of places from adjoining properties and these could range from bathroom windows to decks and living areas. The views from primary living areas are given greater weight than a laundry window.</p> <p>Most of the photographs in this assessment are showing views from deck/garden areas. These images are shown in part 2.2 <i>Viewpoint Images</i>.</p>
(c) Assessment as to the extent of the potential view loss impact.	<p>The extent of the potential view loss impact was assessed in part 2.2 <i>Viewpoint Images</i>.</p> <p>The proposed additions and alterations to 13A Paterson Road will have a minimal impact in significant views towards the escarpment and ocean.</p>
(d) Assessment as to the reasonableness of the proposal causing the potential view loss impact.	The potential view loss impact is minimal therefore the reasonableness of the proposal is acceptable for the area.
2. A range of view sharing measures shall be considered for incorporation into the design of a building including:	This control assumes that the site is vacant. In this instance, the existing dwelling will be retained and the development is for alterations and additions. However, a 3m strip has been incorporated along the northern boundary on the second floor, which complies with this requirement.
(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.	Not applicable
(c) Appropriate placement of the bulk of the building on a site.	The 2 nd storey addition is intended to be an art studio. Therefore, it is placed appropriately on the site as it requires natural light. The lighting would not be even if

	placed on ground level.
(d) Provision of greater separation between buildings, where necessary to retain view corridors.	A 3m separation is provided along the northern boundary of the studio to provide a view corridor.
(e) Articulation within the buildings design.	<p>The proposal is for additions to an existing building. Articulation is provided within this context in that the building is set back 3m from the northern boundary in order to provide a view corridor.</p> <p>The addition is also narrow so it provides articulation to the buildings.</p>
(f) Careful selection of roof forms and slope.	A flat roof has been provided to lessen height and provide possibility for neighbours to view over the top of the studio.
(g) Placement of vents, air conditioning units, solar panels and similar structures in locations which will not restrict views.	Solar panels have been located at the northern end of the building.

3.0 CONCLUSION

The visual impact assessment has been prepared by Site Plus Pty Ltd (Siteplus) on behalf of Ron Dyak for proposed alterations and additions to an existing residential dwelling at Lot 540 DP 856643 Paterson Road, Coalcliff. The assessment process was supported by the examination of:

- Aerial photography,
- Council's contour maps,
- Photomontages and a
- Detailed field inspection.

Locations with opportunities for views to the site were examined in relation to the existing character and the ability of the area to absorb the proposed development.

There are very little opportunities to see the site from public places in the local surrounds. One of the only public areas from where the addition to the existing dwelling could be seen would be from a bus stop on Paterson Road (opposite 15 Paterson Road).

Significant views of the site are limited to the immediate locality. The 2nd storey addition would be most visible from adjacent residential properties to the west.

It would be possible to visually integrate the proposed additions and alterations into the existing surrounds. There is lots of existing vegetation that would help to screen the second storey from adjacent properties. The proposed additions to the existing dwelling were designed and placed to minimize impact on neighbouring properties views. The utilization of recessive colours and visually harmonious materials in the proposed additions would further ameliorate the potential visual impact.

It is considered that the scale of the proposed renovations is in keeping with the existing character of the area. The existing landscape character has the ability to absorb the proposed additions to the dwelling. The visual impact of the completed renovations is likely to be minimal.

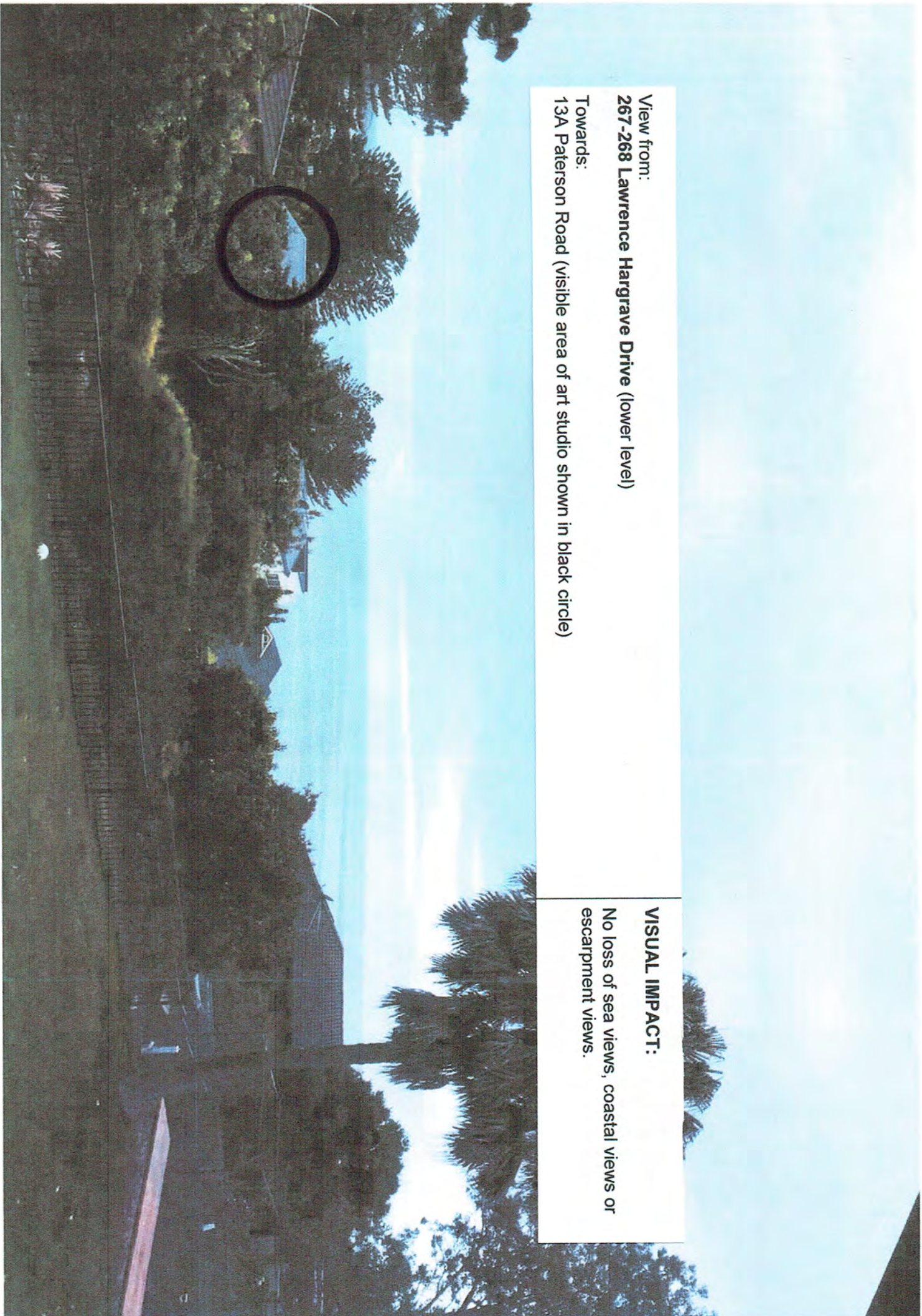
APPENDIX A

Additional Photos Provided by Client

View from:
267-268 Lawrence Hargrave Drive (lower level)

Towards:
13A Paterson Road (visible area of art studio shown in black circle)

VISUAL IMPACT:
No loss of sea views, coastal views or
escarpment views.



View from:
267-268 Larwence Hargrave Drive (upper level)

Towards:
13A Paterson Road (visible area of art studio shown in black circles)

VISUAL IMPACT:
No loss of sea views, coastal views or
escarpment views.





View from:
269 Lawrence Hargrave Drive (center of deck)

Towards:
13A Paterson Road (visible area of art studio shown in black circle)

VISUAL IMPACT:

No loss of sea views, coastal views or
escarpment views.

(See photomontage Fig . 2.5)





View from:
Existing roof of 13A Paterson Road (north end)

Towards:
17 Paterson Road (shown white roof)

Viewpoint: Looking northeast from exterior door location of proposed art studio.

The blue tape marking indicates the beginning of the green roof/planter

VISUAL IMPACT:

No overlooking.

Note: the finished floor of the art studio is 1030mm below the shown existing ridgeline.



View from:
Existing roof of 13A Paterson Road (north end)

Towards:
17 Paterson Road (shown white roof)

Viewpoint: Looking northeast from end of deck at location of proposed art studio.

The blue tape marking indicates the beginning of the green roof/planter's parapet wall.

VISUAL IMPACT:

No overlooking.

Note: the finished floor of the art studio is 1030mm below the shown existing ridgeline.

View from:

Existing roof of 13A Paterson Road (north end)

Towards:

23 Paterson Road (shown orange terracotta tile roof)

Viewpoint:

Looking north from exterior door location of proposed art studio—5.50 m setback from the boundary line

The blue tape marking indicates the beginning of the green roof/planter. The tape measures a 3 meter setback from the property boundary.

See **Appendix B** for drawing section.

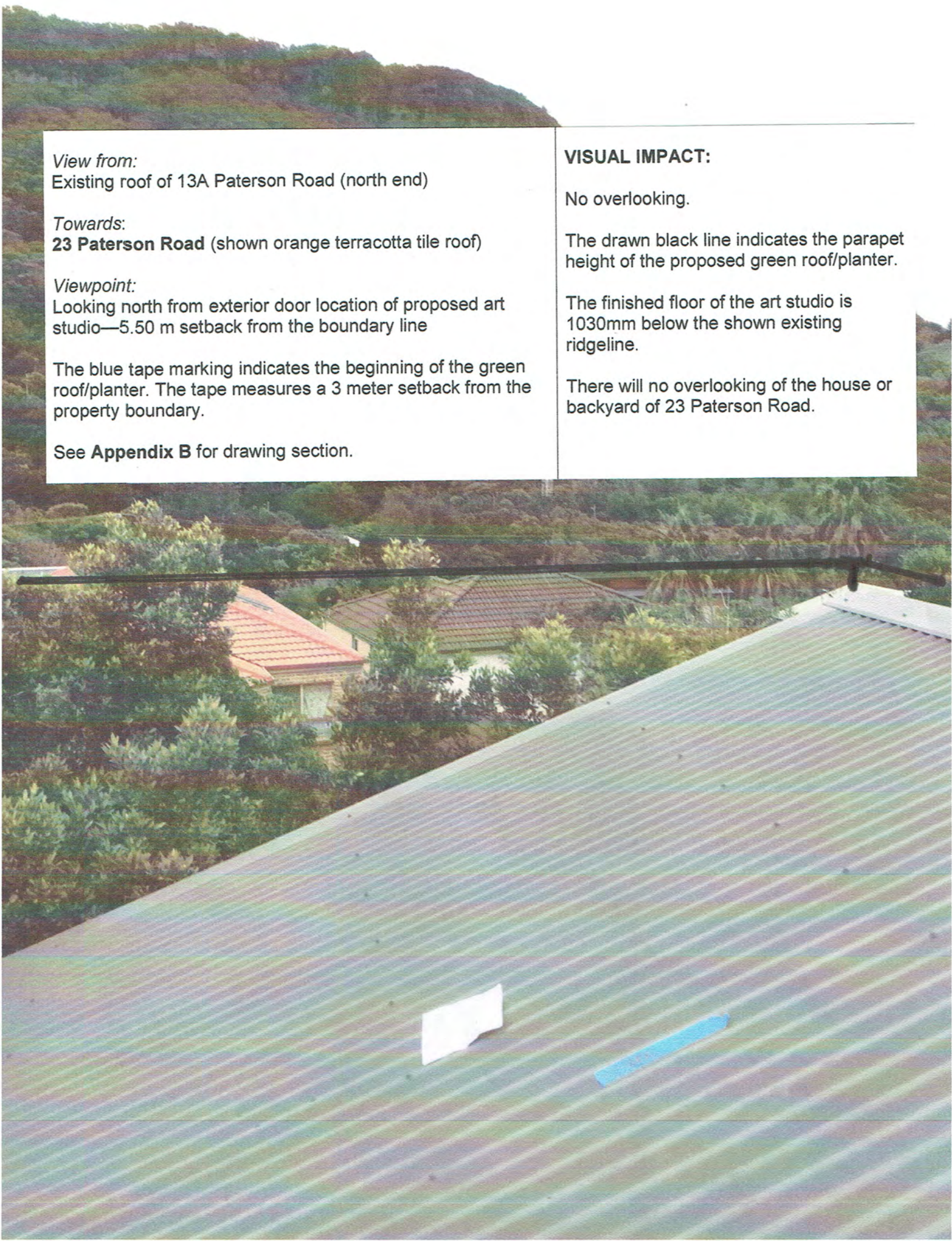
VISUAL IMPACT:

No overlooking.

The drawn black line indicates the parapet height of the proposed green roof/planter.

The finished floor of the art studio is 1030mm below the shown existing ridgeline.

There will no overlooking of the house or backyard of 23 Paterson Road.



APPENDIX D

Longitudinal Sections

267 - 268 Lawrence Hargrave Drive



Proposed top of
roof line at 13A
Paterson Rd is
34.14

Existing ground
line

271 Lawrence Hargrave Drive



source: <https://www.neatmap.com.au/>

Proposed top of
roof line at 13A
Paterson Rd is 34.14
Existing Ground Line

269 Lawrence Hargrave Drive



source: <https://www.reamrtp.com.au/>

Proposed top of
roof line at 13A
Paterson Rd is
34.14

Existing Ground
Line

ATTACHMENT 4 – RECOMMENDED CONDITIONS FOR

DA-2014/547/B Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing sheet 02-1, 04-1 to 06-1 and 08-1 to 13-1 dated March 2018 prepared by Alexurena Designstudio and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder. The plans and specifications approved by this Modification supersede plans and specifications previously approved where there are any inconsistencies.

Modification A

The development shall be implemented substantially in accordance with the details and specifications set out on Sheet No. 01 to 09 Rev 1 dated June 2015 prepared by Alexurena Designstudio and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

Original Consent

The development shall be implemented substantially in accordance with the details and specifications set out on Drawing Sheet No .DA 01 to 13 May 2014 prepared by Alexurena Designstudio and any details on the application form except as amended by the conditions specified and imposed hereunder.

General Matters

2 Construction Certificate

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

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

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

3 Building Work - Compliance with the Building Code of Australia

All building work must be carried out in compliance with the provisions of the Building Code of Australia.

4 Occupation Certificate

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

Prior to the Issue of the Construction Certificate

5 Present Plans to Sydney Water

Approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web

site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

6 Compliance with Findings and Recommendations of the Bushfire Impact Assessment Report

The findings and recommendations contained in the Bushfire Hazard Assessment Report No 14gosbus-0077 dated 24 April 2014 prepared by Eco Logical shall be implemented and maintained, except where amended by other conditions of this consent.

7 Smoke Alarms

Smoke alarms designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency shall be installed in the building in accordance with Part 3.7.2 of the Building Code of Australia (Housing Provisions). The location of smoke alarms shall be shown on plan prior to the issue of the construction certificate.

8 Section 94A Levy Contribution

The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Wollongong City Council Section 94A Development Contributions Plan.

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of 1% of the cost of development (Contribution may be increased to 2% within the City Centre in accordance with Clause 1 of the Plan) amounting to \$2,670.00 shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 105.6. The following formula for indexing contributions is to be used:

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

Where

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

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation

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

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 614854	<ul style="list-style-type: none">• Credit Card
In Person	Wollongong City Council Administration Building Customer Service Centre Ground Floor 41 Burelli Street WOLLONGONG	<ul style="list-style-type: none">• Cash• Credit Card• Bank Cheque

PLEASE MAKE CHEQUES PAYABLE TO: Wollongong City Council
(Personal Cheques not accepted)

A copy of the Wollongong City Council Section 94A Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

The reason for Section 94A is to provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council.

8A **Section 94A Contributions (Additional)**

Pursuant to Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong Section 94A Development Contributions Plan, an additional monetary contribution of \$1236.46 (subject to indexation), as a result of the additional cost of works relating to the addition, must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate. Noting the total monetary contribution to be paid is \$3,949.44 minus any development contribution already paid.

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

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

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

Where:

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

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

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

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website – Catalogue No. 6401.0 - Consumer Price Index, Australia. The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 614854	<input type="checkbox"/> Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<input type="checkbox"/> Cash <input type="checkbox"/> Credit Card <input type="checkbox"/> Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

A copy of the Wollongong Section 94 Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

Added—Modification B

Prior to the Commencement of Works

9 Appointment of Principal Certifying Authority

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

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

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

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

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

10.1 in the case of work to be done by a licensee under that Act:

- 10.1.1 has been informed in writing of the licensee's name, contractor license number and contact address details (in the case of building work undertaken by a contractor under the Home Building Act 1989); and
- 10.1.2 is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989; or

10.2 in the case of work to be done by any other person:

- 10.2.1 has been informed in writing of the persons name, contact address details and owner-builder permit number; and
- 10.2.2 has been given a declaration signed by the property owner(s) of the land that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989 and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

11 Demolition Works

The demolition of the existing internal walls and windows and ground floor living area shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the NSW WorkCover Authority.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of

the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

12 Sign – Supervisor Contact Details

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

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

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

13 Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

- 13.1 a standard flushing toilet; and
- 13.2 connected to either:
 - 13.2.1 the Sydney Water Corporation Ltd sewerage system or
 - 13.2.2 an accredited sewage management facility or
 - 13.2.3 an approved chemical closet.

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

14. Structural Engineer's Details

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

15 Enclosure of the Site

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

16 Temporary Sediment Fences

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

17 All-weather Access

An all-weather stabilised access point must be provided to the site to prevent sediment leaving the site as a result of vehicular movement. Vehicular movement should be limited to this single access way.

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

Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and/or vehicular

traffic flows requires Council consent under Section 138 of the Roads Act 1993. An application must be submitted and approved by Council prior to the works commencing where it is proposed to carry out activities such as, but not limited to, the following:

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

During Demolition, Excavation or Construction

19 Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to Council's existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain permission from Council's Works Division.

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

21 Excavation/Filling/Retaining Wall Structures

Any proposed filling on the site must not:

- 21.1 encroach onto the adjoining properties, and
- 21.2 adversely affect the adjoining properties with surface run-off.

- 22 All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H: 1V and comply with Council's "Policy for Development on Sloping Sites".

23 Provision of Waste Receptacle

The developer must provide an adequate receptacle to store all waste generated by the development, pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and re-usable materials.

24 BASIX

All the commitments listed in each relevant BASIX Certificate for the development must be fulfilled in accordance with Clause 97A(2) of the Environmental Planning & Assessment Regulation 2000.

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000."

25 Restricted Hours of Work (domestic residential scale i.e. single dwellings)

The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Friday and 8.00 am to 4.00 pm Saturday, without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays or Sundays.

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

- a the variation in hours required;
- b the reason for that variation;
- c the type of work and machinery to be used.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that consistent with the Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction ($L_{Aeq}(15 \text{ min})$) must not exceed the background noise level ($L_{A90}(15 \text{ min})$) plus 10 dB(A), and a $L_{Aeq}(15 \text{ min})$ of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

25A Survey Report for Building Height

A Survey Report must be submitted to the Principal Certifying Authority verifying that the ridge height level accords with the ridge height levels as per the approved plans under this consent being R.L. 34.14 metres Australian Height Datum. The survey shall be undertaken after the framework has been completed and prior to the fixing of cladding and roof sheeting. All levels shall relate to Australian Height Datum.

Added—Modification B

Prior to the Issue of the Occupation Certificate

26 BASIX

A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

Conditions Resulting from Modification Request

Operational Phases of the Development/Use of the Site

27 Use

No other approval is given or implied.

Modification B

28 Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site.

Modification B