

Wollongong Local Planning Panel Assessment Report | 8 March 2022

WLPP No.	Item No.1
Integrated DA No.	DA-2021/796
Proposal	Residential – alterations and additions to dwelling, and swimming pool
Property	Lot 16 DP 285763 2 Weaver Terrace, Bulli NSW 2516
Applicant	PRD Architects
Responsible Team	Development Assessment & Certification Team - Building and Certification Team (EF)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) for **determination** pursuant to Section 2 of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, as the Development Application is the subject of 10 or more unique submissions by way of objection.

Proposal

The proposal is for alterations and additions to a dwelling house and a swimming pool.

Permissibility

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

Exhibition

The application was notified in accordance with the Wollongong Community Participation Plan 2019 and received Sixteen (16) submissions. The Sixteen (16) submissions received are discussed at section 1.5 of this report.

Consultation

The Development Application required the following external referral:

- Endeavour Energy

The external referral has been completed and conditions have been recommended.

Main Issues

The main issues arising from the assessment process are:

- Concerns raised during notification.
- Building character and form.
- The proposed dwelling exceeds the maximum permissible 0.50:1 Floor Space Ratio (FSR) permissible for the site, as prescribed by Clause 4.4 of Council's Wollongong Local Environmental Plan 2009.

Recommendation

It is recommended that DA-2021/796 be Refused for the following reasons:

1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development exceeds the maximum

permissible Floor Space Ratio (FSR) of 0.50:1 as prescribed by Part 4.4 – Floor Space Ratio, Wollongong Local Environmental Plan 2009, and is contrary to the objectives of this clause, as:

- a) The proposal does not provide an appropriate correlation between the size of the site and the extent of the development on the site,
 - b) The bulk and scale of the proposed development is not compatible with the locality.
2. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the bulk and scale of the proposed development is inconsistent with the objectives of the Wollongong Development Control Plan 2009, Chapter B1 *Residential Development*, Clause 4.8 – Building Character and Form.
 3. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the significant bulk and scale of the proposed development is inconsistent with the desired future character of Bulli, as prescribed by Wollongong Development Control Plan 2009, Chapter D1 *Character Statements*, of Clause 3.15 – Bulli.
 4. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in bulk and scale and would likely adversely impact upon the amenity of the locality.
 5. Pursuant to the provisions of Section 4.15(1)(d) & (e) of the Environmental Planning and Assessment Act 1979, it is considered that with the submissions received in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

1. APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007
- SEPP (Coastal Management) 2018
- SEPP (Koala Habitat Protection) 2021

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Other policies

- Wollongong City Wide Development Contributions Plan 2021
- Wollongong Community Participation Plan 2019

1.2 PROPOSAL

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

1.3 BACKGROUND

Application No.	Description	Determination Date	Decision
PC-2003/30530	Temporary Sales Officer	11/04/2003	Approved
DA-2005/915	Two storey dwelling	03/01/2007	Approved
PC-2011/862	Two storey dwelling	16/11/2011	Approved
DA-2021/796 (current application)	Alterations and additions to dwelling and swimming pool		<i>Referred to WLPP</i>

No pre-lodgement meeting was undertaken with Council prior to the lodgement of the subject application.

Customer service actions

There are no outstanding customer service requests that would preclude the development.

1.4 SITE DESCRIPTION

The site is located at Lot 16 DP 285763, 2 Weaver Terrace, BULLI NSW 2516.

The subject site is located on the north side of Weaver Terrace, north west of Bulli town centre. The site currently contains an existing two (2) storey dwelling located on the eastern portion of the large site. The site is irregular in shape and has an area of 1201m² and a frontage of 42m to Weaver Terrace.

The site is prominently located on the Bulli Coast and adjoins a Council reserve at the rear of the site leading to McCauley's Beach.

Property constraints

Council records identify the land as being affected by the following constraints:

- Acid Sulfate Soils – Class 5
- Filled Land - Affected

Easements

These restrictions relate to:

- Easement to Drain Water 3 Wide
- Easement for Underground Cables 1 Wide
- Easement for Services 1 Wide and Variable
- Right of Footway 0.6 Wide
- Right of Footway 2 Wide

88b Restrictions

These restrictions relate to:

- No dividing fence shall be erected unless it is erected without expense to Stockland,
- No dividing fence shall be erected on any lot burdened to divide it from adjoining public space land unless it is of the open type (stainless steel wire strands or other as approved by Council of the City of Wollongong on further application, of uniform design throughout the subdivision and no greater than one (1) metre in height,
- No structure than fencing no greater than one (1) metre in height shall be erected on any lot burdened within five (5) metres of the common boundary with Lot 1 DP 231244,
- Footings and foundations,
- The Point Design Guidelines,
- No building shall be erected or permitted to remain over the land indicated as "easement to drain water",
- Any dwelling erected on any lot hereby burdened shall address the adjoining open space by way of design, fenestration, and dwelling entry treatments,
- No lot hereby burdened shall be subdivided to create additional lots,
- No more than one (1) dwelling shall be erected on any lot hereby burdened,
- No structure other than fencing shall be constructed closer to Hill Street than the closest existing structures on the West side of Hill Street, and no fencing shall be erected on any lot burdened unless it is constructed in such a colour and material as approved by the Council and no greater than one (1) metre in height,
- No structure other than fencing shall be erected on any lot hereby burdened within three metres (3m) of the property boundaries of Lot 1,
- No dwelling shall be erected or permitted to remain on the land burdened unless such dwelling provides 3 (three) car parking spaces within the boundaries of the individual lots hereby burdened. The 3 (three) car parking spaces are inclusive of any car parking space provided within a garage erected on the subject land. At least one of these car parking spaces must be provided in the front yard and be accessible to visitors.



Figure 1: Aerial photograph



Figure 2: WLEP 2009 zoning map

1.5 SUBMISSIONS

The Integrated Development Application was exhibited in accordance with WDCP2009 Appendix 1: Public Notification and Advertising. Sixteen (16) submissions were received in response to Council’s exhibition of the application. Fifteen (15) submissions opposing the proposed development and one (1) submission received in support of the proposal. Of the fifteen (15) submissions received eight (8) of the submissions were from three (3) households.

Concern	Comment
1. Building Character and Form	Refer to the DCP compliance table in Section 2.3.1 of this report the proposal has been assessed against the requirements and objectives of

	<p>Clause 4.8 – Building Character and Form of Chapter B1 of Council’s DCP2009 and considered unsatisfactory.</p> <p>Council considers that the design of the proposed development:</p> <ul style="list-style-type: none"> • does not respond to both its natural and built context, • the development does not respond to the existing character and the future character of the area, • the building design does not contribute to the locality through a design that considers building scale.
2. Floor Space Ratio	<p>Council’s assessment of the application confirms that the proposed development exceeds the maximum permissible FSR of 0.50:1 for the site. The proposed development proposes an FSR of 0.53:1, which is an exceedance of 6%. Council does not support the proposed FSR.</p> <p>Refer to Section 2.1.5 of this report assessment of floor space ratio and assessment of <i>Clause 4.6 – Exception to development standards</i>.</p>
3. Character of Bulli	<p>Clause 3.15 of Chapter D1 of Council’s DCP2009 states that the desired future character of Bulli should retain its relatively low density residential suburban character with some limited multi-dwelling housing opportunities within a short walking distance (i.e. 400 – 600 metres) to Bulli railway station.</p> <p>Dwellings within the eastern coastal part of Bulli should be designed to minimise the scale and bulk of the development through well-articulated forms.</p> <p>It is considered that the design, bulk and scale of the proposed development does not meet the desired future character of Bulli.</p>
4. View Sharing	<p>Refer to View Impact Analysis in Section 2.3.1 of this report. The proposal has been assessed against the requirements of Clause 4.16 – View Sharing of Chapter B1 of Council’s DCP2009.</p>
5. Use of Dwelling	<p>The proposed development is for alterations and additions to a dwelling house. The proposal does not propose to increase the density of the site or change the use of the existing dwelling.</p>
6. Site Coverage	<p>Refer to the DCP compliance table in Section 2.3.1 of this report. The proposal has been assessed against the requirements of Clause 4.4 – Site Coverage of Chapter B1 of Council’s DCP2009 and does not exceed 40% site coverage.</p>
7. Landscaping	<p>In the event of a development consent being issued for the site, relevant conditions would be imposed on the development restricting the type of planted landscaping on the site.</p>

TABLE 2: NUMBER OF CONCERNS RAISED IN SUBMISSIONS

Issue	1.	2.	3	4.	5.	6.	7.
No.	10	11	8	9	3	2	4

Submissions from public authorities – Nil

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Not applicable.

1.6.2 EXTERNAL CONSULTATION

Department	Response
Endeavour Energy	Satisfactory – Conditions imposed. The application was referred to Endeavour Energy under Clause 45 of the SEPP (Infrastructure) 2007, who provided a satisfactory response and recommended relevant conditions be imposed on the development consent. See attached referral correspondence, Attachment 4.

1.6.3 REFERRAL TO WOLLONGONG LOCAL PLANNING PANEL (WLPP)

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) for **determination** pursuant to Section 2 of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, as the Development Application is the subject of 10 or more unique submissions by way of objection.

2. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

Council's records indicate that the subject property is identified as Contaminated Land – Affected. A Site Audit Statement was provided at subdivision stage and as such no further requirements are applicable in relation to this development application.

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

SEPP BASIX applies to the development.

In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Certificate (BASIX Certificate No. A395346 dated 8 July 2021) has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Clause 45 of the SEPP (Infrastructure) 2007 is applicable to the proposed development.

Clause 45 – Determination of development applications – other applications

- 1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following –
 - a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
 - b) development carried out –
 - i. within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or
 - ii. immediately adjacent to an electricity substation, or

- iii. within 5m of an exposed overhead electricity power line,
 - c) installation of a swimming pool any part of which is –
 - i. within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or
 - ii. within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,
 - d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.
- 2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must –
- a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and
 - b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The application was referred to Endeavour Energy under Clause 45 of the SEPP (Infrastructure) 2007, who provided a satisfactory referral and recommended relevant conditions be imposed on the development consent.

2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

3. Aims of Policy

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

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

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

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

Division 1 Coastal wetlands and littoral rainforests area

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

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

Division 2 Coastal vulnerability area

12 Development on land within the coastal vulnerability area

Division 3 Coastal environment area

13 Development on land within the coastal environment area

Division 4 Coastal use area

14 Development on land within the coastal use area

Division 5 General

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

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

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

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

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 site as being SEPP – Coastal Management (whole of lot) affected.

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

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

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

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

The *Coastal Management Amendment Act 2021* commenced on 1 November 2021, to give coastal councils until 31 December 2023 to implement their CZMPs. By effect this enables a continuation of the current certified CZMP whilst Council undertakes further studies and community consultation for a transition to a new Coastal Management Plan.

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

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

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

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

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

2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 1 Preliminary

Clause 1.4 Definitions

dwelling house means a building containing only one dwelling.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal would be considered generally satisfactory with regard to the above objectives as it would provide for the housing needs of the community within a low density residential environment. However, due to the bulk and scale of the proposal, in addition to the exceedance of the maximum permissible FSR applicable to the site, the application is not supported.

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

*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; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals*

The proposal remains categorised as dwelling house and is permissible in the zone with development consent.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 7.1 metres does not exceed the maximum of 9 metres permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.50:1

FSR calculated: $638.7/1201.3 = 0.53:1$

Exceeds 0.50:1 by 6%

Clause 4.6 Exceptions to development standards

The subject development application seeks an exception to the floor space ratio development standard. A Clause 4.6 Statement has been submitted addressing the exception. Council's consideration of the exception is provided below:

Development Departure	Clause 4.4 Floor space ratio WLEP 2009
Is the planning control in question a development standard?	Yes
4.6(3) Written request submitted by an applicant contains a justification:	
(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	<p>No</p> <p>In summary, the applicant's written justification relies on compliance with each development standard is unreasonable or unnecessary because the underlying objective of purpose of the standard is not relevant to the development irrespective of the non-compliance, and accordingly justifies the variation.</p>
(b) That there are sufficient environmental planning grounds to justify contravening the development standard.	<p>No</p> <p>The applicants' written request has noted the following environmental planning grounds that justify the departure:</p> <ul style="list-style-type: none"> • The proposal will provide a reduction of local traffic volumes and numbers in the locality given that the proposal is to extend the existing residence rather than erect an additional residence, and therefore not multiplying the resident numbers and vehicle volumes. • The development is for alterations and additions to an existing dwelling house in a low density area, the development will not have noise impacts beyond that expected of a residential home. • The site is generally orientated south-west to north-east, with shadows from the proposed development being to the front of the development, not having an effect on the neighbouring dwellings and their private open space for more than 3 hours at a time. • The proposal does not change the overall height of 7.1 metres of the existing dwelling and is less than the maximum permissible overall building height of 9 metres. • The alterations and additions will be augmented and connected to the existing infrastructure. The alterations and additions will not put undue load on the existing infrastructure.
4.6 (4)(a) Consent authority is satisfied that:	
i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	The applicant's written request is considered not to have adequately addressed the matters required to be demonstrated by (3).
ii. the proposed development will be in the public interest because it is	<p>The proposed development is not considered to be in the public interest, as the proposed development is not consistent with the objectives of Clause 4.4 of WLEP2009.</p> <p>The objectives of clause 4.4 are as per the following:</p>

<p>consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,</p> <p>(b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,</p> <p>(c) to ensure buildings are compatible with the bulk and scale of the locality.</p> <p>The proposal is inconsistent with these objectives, as the proposal is not considered to provide an appropriate correlation between the size of the site and the extent of the proposed development on the site, given the significant bulk and scale of the proposed development.</p> <p>The subject site, having a site area of 1201.3m², allows for a maximum permissible gross floor area of 600.65m², excluding an additional 36m² for providing required car parking facilities in accordance with Clause 4.10 of Chapter B1 of Council's DCP2009.</p> <p>600.65m² of gross floor area is considered more than adequate to provide facilities and services to meet the day to day needs for residents of a single dwelling.</p> <p>The objectives of the R2 zone are as per the following:</p> <ul style="list-style-type: none"> • <i>To provide for the housing needs of the community within a low density residential environment.</i> • <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i> <p>The development is not considered inconsistent with the above objectives, as outlined below:</p> <ul style="list-style-type: none"> • The proposed development is for a single residential dwelling • The development is suitably located with regard to public transport, schools and recreation areas, all located within walking distance from the site. <p>Although the proposal is for alterations and additions to a single residential dwelling, the building character and form is considerably excessive.</p>
<p>4.6 (4)(b) the concurrence of the Planning Secretary has been obtained.</p>	
<p>On the 21 May 2014, the Planning Secretary returned their concurrence to Council in relation to development applications that contravene development standards up to 10% numerical non-compliance.</p>	

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The subject site is already serviced by public utilities.

Clause 7.2 Natural Resource Sensitivity – Biodiversity

The site is not identified as being affected by “Natural Resource Sensitivity – Biodiversity” on the Natural Resource Sensitivity – Biodiversity Map.

Clause 7.4 – Riparian Lands

The site is not identified in the Riparian Land Map as containing “riparian land”.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulfate soils. An acid sulfate soils management plan is not required as minimal excavation is proposed.

Clause 7.6 Earthworks

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

Clause 7.7 Foreshore Building Line

The proposal is identified as being subject a foreshore building line. The proposal has been assessed against clause 7.7 of the WLEP2009 and is considered acceptable.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 - INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009 and found to be satisfactory. The proposed development includes one (1) variation to Chapter B1 – Residential Development, and is addressed below:

8 Variations to development controls in the DCP

Clause 4.18 – Swimming Pools and Spas

Control	Comment
1. The variation statement must address the following points:	
a) The control being varied; and	A variation request was not submitted with the application. The control being varied is Clause 4.18 of Chapter B1 of Council’s DCP2009, which requires any decking around a swimming pool or spa must not be more than 600mm above ground level (existing).
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	The extent of the variation being sought is demonstrated on the proposed plans. The deck associated with the swimming pool will have a maximum height above ground level (existing) of 950mm

	The unique circumstances as to why the variation is requested relate to the topography of the site, noting that the backyard drops away towards the rear of the site to the public reserve.
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <p><i>a) To ensure that swimming pools meet relevant safety standards and meet user needs.</i></p> <p><i>b) To ensure swimming pools and spas are sited and designed to maintain the amenity of the surrounding residential neighbourhood.</i></p> <p>The applicant has not provided a variation statement addressing the above objectives.</p> <p><u>Council comment:</u></p> <p>The design and siting of the proposed swimming pool is considered to maintain the amenity of the surrounding residential neighbourhood.</p> <p>The swimming pool is located behind the primary building frontage.</p> <p>The swimming pool water line is setback >900mm from the property boundaries.</p> <p>A swimming pool safety barrier is to be provided in accordance with AS1928.</p> <p>The lot directly adjoining the rear of the site is a Council owned community land and will not be impacted by the minimal height above ground level (existing) of the deck surrounding the pool.</p>
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<p><u>Council comment:</u></p> <p>The development is not considered to result in adverse impacts as a result of the variation.</p>
<p>Comment:</p> <p>The variation is considered capable of support.</p>	

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

An assessment of the proposed application has been undertaken against the controls of Chapter B1 below:

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Number of Storeys</u>		
<ul style="list-style-type: none"> <i>R2 max height of 9m or two storey</i> 	Storeys: 2	Yes
<ul style="list-style-type: none"> <i>Ancillary structures – 1 storey</i> 	Max Height: 7.1m	

<ul style="list-style-type: none"> • <i>Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties</i> • <i>In R2 Low Density Residential zones, where development occurs within 8m rear setback the development is limited to single storey</i> 	<p>Two (2) storey portion of proposed addition setback 8m from rear boundary.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	
<p><u>4.2 Front Setbacks</u></p> <ul style="list-style-type: none"> • <i>Infill 6m min but less dependent on street character</i> • <i>Garages and carports 5.5m min</i> • <i>Greenfield sites 4m min</i> 	<p>Dwelling: 5.96m Garage: 6.317m</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes
<p><u>4.3 Side and Rear Setbacks</u></p> <ul style="list-style-type: none"> • <i>Wall Setback: 900mm min</i> • <i>Eave Setback: 450mm min</i> • <i>Rear Setback: 900mm min</i> 	<p>East Side: 3.22m West Side: 2.4m Eaves: >450mm</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes
<p><u>4.4 Site Coverage</u></p> <ul style="list-style-type: none"> • <i>55% of the area of the lot, if the lot has an area less than 450m²</i> • <i>50% of the area of the lot, if the lot has an area of at least 450m² but less than 900m²</i> • <i>40% of the area of the lot, if the lot has an area of at least 900m²</i> 	<p>Site Area = 1201.3m² Site Coverage = <40%</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes
<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> • <i>Minimum Required 20% permeable area capable of growing trees, shrubs, groundcover and/or lawn.</i> • <i>50% behind the building line to the primary road</i> • <i>Integrated with drainage design</i> • <i>Dual occupancy requires 1.5m min landscape strip within the front setback for the majority of site width (excluding driveway)</i> 	<p>Site Area = 1201.3m² Landscaped Area = >330m²</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	Yes
<p><u>Clause 4.6 Private Open Space</u></p>		

<ul style="list-style-type: none"> • <i>24m² of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.</i> • <i>Not to be located on side boundaries or front yards without variation.</i> 	<p>Private open space >24m².</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.7 Solar Access Requirements</u></p>		
<ul style="list-style-type: none"> • <i>Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.</i> • <i>At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.</i> • <i>Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings.</i> 	<p>Shadow diagrams provided for Winter Solstice – June 21st, at 9am, 12pm and 3pm.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.8 Building Character and Form</u></p>		
<ul style="list-style-type: none"> • <i>Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context</i> • <i>New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.</i> • <i>All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.</i> • <i>Where garages are proposed on the front elevation they must be articulated from the front façade.</i> 	<p>The proposal has been assessed against the relevant objectives and considered unsatisfactory. The design of the proposed development:</p> <ul style="list-style-type: none"> • does not respond to both its natural and built context, • the development does not respond to the existing character and the future character of the area, • the building design does not contribute to the locality through a design that considers building scale. 	<p>No</p>
<p><u>4.9 Fences</u></p>		
<ul style="list-style-type: none"> • <i>Fences must be constructed to allow natural flow of stormwater or runoff.</i> • <i>Fences within front and secondary building lines should be mainly constructed of transparent fence materials.</i> • <i>Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height</i> 	<p>1200mm high swimming pool safety barrier (fencing).</p> <p>Relevant conditions would be imposed on any development consent.</p>	<p>Yes</p>
<p><u>4.10 Car parking and Access</u></p>		
	<p>GFA>125m²</p>	<p>Yes</p>

<ul style="list-style-type: none"> • 1 space per dwelling with a GFA of less than 125m² • 2 spaces per dwelling with a GFA of greater than 125m² • Car parking spaces may be open hard stand space, driveway, carport or a garage. • Garage door facing roads—not greater than 50% of the width of the dwelling. • Carports must be setback behind the front building line. • Garages must be setback min of 5.5 from front boundary. • Driveways shall be separated from side boundaries by a minimum of 1m. • Driveways shall have a max cross-over width of 3m. 	<p>Three (3) car garage provided.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	
<p><u>4.11 Storage Facilities</u></p> <ul style="list-style-type: none"> • Studio/1 bedroom- 6m³ storage volume to 3m² storage area • 2 bedroom- 8m³ storage volume to 4m² storage area • 3 bedroom- 10m³ storage volume to 5m² storage area 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.12 Site Facilities</u></p> <ul style="list-style-type: none"> • Letterboxes in an accessible location • Air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory and is capable of complying.</p>	<p>Yes</p>
<p><u>4.13 Fire Brigade Servicing</u></p> <ul style="list-style-type: none"> • All dwellings located within 60m of a fire hydrant 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.14 Services</u></p> <ul style="list-style-type: none"> • Encourage early consideration of servicing requirements 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>Services are available.</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p>		

- *Must minimise built intrusions into coastal landscape*
- *Retain views to the ocean from roads and public spaces*
- *Maintain buildings consistent with coastal character*

The subject site is located on land with frontage to a public open space fronting the ocean.

Yes

The site is located immediately adjacent to an existing public view corridor, which combined with the proposed building setback, will provide a view corridor on the immediately adjoining site with a width greater than 4 metres and unencumbered with any structures and significant vegetation. Refer to below image:



Clause 4.16 View Sharing

- Is impact of view loss acceptable?*
- Tenacity Consulting v Waringah, Roseth, SC (2004)*

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

Submissions were received from three (3) specific properties in relation to view sharing, being:

- 6 Weaver Terrace, Bulli
- 4 Hill Street, Bulli
- 8 Somerville Street, Bulli
- 8A Somerville Street, Bulli

It is noted that the subject site is located immediately adjacent to a significant unencumbered view corridor on the adjoining site to the east of the subject property, which is community land owned by Wollongong City Council.

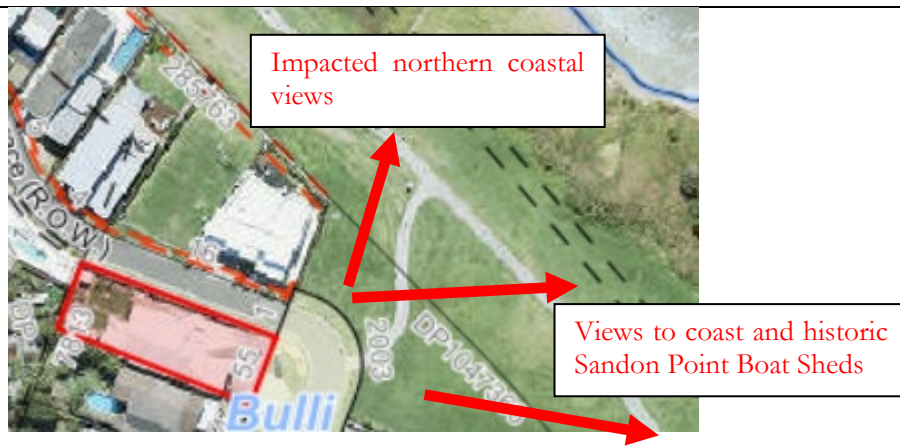
The following is a breakdown of the view impact assessment of each of the abovementioned properties:

- 6 Weaver Terrace, Bulli



- a) The proposed development will impact on ocean views over the eastern property boundary of 6 Weaver Terrace. It is noted that no.6 does not have an existing view of the historic Sandon Point Boat Sheds due to the existing dwelling at no.2 Weaver Terrace.
- b) The views are from the first floor bedroom and ground floor internal/external living areas of the dwelling at no.6 Weaver Terrace. It is noted that the expectation to retain views across a side boundary, such as in this instance is unrealistic. This is particularly relevant in this instance due to the considerable rear boundary setback of the existing dwelling at no.6 Weaver Terrace.
- c) Noting that the extent of the view loss is considered for the whole of the property, not just for the view that is affected the extent of the view loss is considered minor, due to the unobstructed coastal and escarpment views which will be retained to the north and north-east of the dwelling.
- d) Noting that the impact on the views from no.6 Weaver Terrace are not solely the result of the proposed development departure, it is considered unreasonable to expect to retain the current easterly views across the side boundary shared with no.2 Weaver Terrace. It is also noted that the first floor of the proposed 'addition' is setback a minimum of 8m from the rear property boundary in accordance with the prescriptive controls of Clause 4.1 of Chapter B1 of Council's DCP2009.

- 4 Hill Street, Bulli



- a) The proposed development will have minimal impact on the views from 4 Hill Street will be a portion of the ocean/land interface to the north of the 4 Hill Street currently viewed from the rear veranda off the main bedroom of the property. The finished floor level of the first floor main bedroom and associated veranda located on the north-western corner of the dwelling have an FFL of 23.819 metres AHD, compared to the maximum RL of the proposed addition being approximately 22.9 metres AHD. This indicates that the majority of the northerly views from the rear veranda off the main bedroom of the property to the north will slightly obscured.

The views from the main living areas and outdoor verandas located on the first floor looking towards Sandon Point and the historic Sandon Point Boat Sheds will be wholly maintained.

- b) The views from the first floor main bedroom and associated veranda are viewed over the secondary frontage of 4 Hill Street, across Weaver Terrace and over the current vacant portion of the site at 2 Weaver Terrace.
- c) The extent of the view impact is considered minor considering the existing finished floor level of the first floor bedroom and associated deck is sited above the maximum overall RL of the proposed development. It is also noted that the view corridors from the main living areas will not be impacted, specifically the views to the historic Sandon Point Boat Sheds will not be impacted by the proposed development.
- d) The proposed development is considerably below the maximum permissible overall building height of 9 metres above ground level (existing) applicable to the zone and is a maximum of two (2) storeys. Although the proposed development incorporates a development departure to Clause 4.4 – Floor Space Ratio of WLEP2009, this does not increase the potential minor view impacts on no.4 Hill Street.

- 8 Somerville Street, Bulli



- a) The proposed development will impact on existing partial ocean views from both the ground floor living room, first floor lounge room and deck. Noting that the existing water views do not include the interface between land and water.
 - b) The views from no.8 Somerville Street are views across the rear property boundary, 3 Weaver Terrace, Weaver Terrace (R.O.W) and 2 Weaver Terrace. The expectation to retain the views currently enjoyed through the vacant portion of 2 Weaver Terrace is considered unreasonable as the site is not currently developed to its potential, and a fully compliant addition would impact on existing views.
 - c) The extent of the view impact is considered moderate from the ground floor living area. The extent of the view impact from the first floor lounge room and deck is considered minor, as the FFL of the first floor at no.8 Somerville Street is 23.52 metres AHD which is approximately 620mm above the maximum RL of the proposed addition at no.2 Weaver Terrace, being approximately 22.9 metres AHD.
 - d) The proposed development is considerably below the maximum permissible overall building height of 9 metres above ground level (existing) applicable to the zone and is a maximum of two (2) storeys. Although the proposed development incorporates a development departure to Clause 4.4 – Floor Space Ratio of WLEP2009, this does not increase the potential minor view impacts on no.4 Hill Street.
- 8A Somerville Street, Bulli



- a) The proposed development will impact on existing partial ocean views from both the ground floor living room and first floor master bedroom towards the ocean. Noting that the existing water views do include the interface between land and water.
- b) The views from no.8A Somerville Street are views across the northern side property boundary over 8 Somerville Street, 3 Weaver Terrace, Weaver Terrace (R.O.W) and 2 Weaver Terrace. The expectation to retain the views currently enjoyed through the vacant portion of 2 Weaver Terrace is considered unreasonable as the site is not currently developed to its potential, and a fully compliant addition would impact on existing views.
- c) The extent of the view impact is considered moderate from the ground floor living area. The extent of the view impact from the first floor master bedroom and deck is considered minor, as the FFL of the first floor at no.8A Somerville Street is 23.60 metres AHD which is approximately 700mm above the maximum RL of the proposed addition at no.2 Weaver Terrace, being approximately 22.9 metres AHD.
- d) The proposed development is considerably below the maximum permissible overall building height of 9 metres above ground level (existing) applicable to the zone and is a maximum of two (2) storeys. Although the proposed development incorporates a development departure to Clause 4.4 – Floor Space Ratio of WLEP2009, this does not increase the potential minor view impacts on no.4 Hill Street

<p><u>4.17. Retaining walls</u></p> <ul style="list-style-type: none"> <i>To ensure well designed retaining walls that are structurally sound</i> 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>Retaining wall max. height 600mm.</p>	<p>Yes</p>
<p><u>4.18 Swimming pools and spas</u></p> <ul style="list-style-type: none"> <i>To ensure relevant safety standards meet user's needs.</i> <i>To ensure site and design maintain the amenity of the area</i> 	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p> <p>Swimming pool located behind line of primary setback.</p> <p>Pool water line setback >900mm from property boundaries.</p> <p>Decking around pool max 950mm above ground level (existing). No variation request submitted within SEE for variation to this prescriptive control.</p> <p>Swimming pool safety barrier to be provided in accordance with AS1928.</p> <p>Refer to above table for assessment of proposed variation in accordance with cl.8 of Chapter A1.</p>	<p>Yes (Variation)</p>
<p><u>4.19 Development near railway corridors and major roads</u></p>		

<ul style="list-style-type: none"> • <i>Ensure development near rail corridors and major roads are protected from vibration</i> • <i>Ensure development does not affect operations or safety</i> • <i>Comply with SEPP Infrastructure.</i> 	The subject site is not located adjacent to a railway corridor and/or a major road.	n/a
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CHAPTER D1: CHARACTER STATEMENTS

Clause 3.15 – Bulli

Bulli should retain its relatively low density residential suburban character with some limited multi-dwelling housing opportunities within a short walking distance (i.e. 400 – 600 metres) to Bulli railway station.

Dwellings within the eastern coastal part of Bulli should be designed to minimise the scale and bulk of the development through well-articulated forms.

It is considered that the design, bulk and scale of the proposed development does not meet the desired future character of Bulli.

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

A three (3) car garage has been provided attached to the dwelling house. The proposed driveway grades are capable of complying with Australian Standard AS 2890.1

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been submitted. The proposal has been assessed against the relevant objectives and considered satisfactory. Conditions would be imposed on any development consent in regard to waste management and asbestos removal.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater generated from the proposed integrated development is to be connected to the existing inter-allotment drainage easement located along the rear boundary of the site. A condition would be imposed on any development consent requiring connection to the existing system.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

No tree removal is proposed and/or required as part of the proposed development.

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

The proposed works involve demolition works. Conditions would be imposed on any development consent in regards to demolition and asbestos removal.

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

Conditions in relation to soil and erosion control have been imposed on the development consent.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN (2021)

The proposal has been assessed against this plan and a contribution fee of \$17,900.00 applies to the proposal.

2.4 SECTION 4.15(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 7.4 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?

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

The site is located on land to which a Government Coastal Policy applies.

93 Fire safety and other considerations

Not applicable.

94 Consent authority may require buildings to be upgraded

Not applicable.

2.6 SECTION 4.15 1(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

None applicable.

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

<p><u>Context and Setting:</u> The proposed development is located within a low density residential area and is permissible with development consent, however, it is considered that the proposed development is inconsistent with the surrounding context and setting.</p>
<p><u>Access, Transport and Traffic:</u> Access to the site is from Weaver Terrace. The development is considered not to result in an adverse impact on the traffic movement and access to the site.</p>
<p><u>Public Domain:</u> There will be adverse impact on the public domain as a result of the proposed development.</p>
<p><u>Utilities:</u> The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.</p>
<p><u>Heritage:</u> No known heritage items will be impacted by the proposal.</p>
<p><u>Other land resources:</u> The proposal is not considered to contribute to orderly development of the site, however, it is not envisaged to impact upon any valuable land resources.</p>
<p><u>Water:</u> The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption.</p>
<p><u>Soils:</u> There will be no adverse impacts on the soils of the subject site or surrounding area as a result of the proposed development.</p>

Air and Microclimate:

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

Flora and Fauna:

There is no significant vegetation removal proposed and/or required.

Waste:

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

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.

Technological hazards:

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

Safety, Security and Crime Prevention:

This application does not result in opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not expected to create negative social impacts.

Economic Impact:

The proposal is not expected to create negative economic impacts.

Site Design and Internal Design:

The site is located within an R2 Low Density Residential Zone, and under Clause 4.4 of Council's WLEP2009 a maximum floor space ratio of 0.50:1 is applicable to the site. The proposed development has an FSR of 0.54:1, which exceeds the maximum development standard by 8%. Council has concluded that the proposed development is contrary to the objectives of Clause 4.4 of WLEP2009, and that there is not an appropriate correlation between size of the site and the extent of the proposed development on the site, and also that the proposed development is not compatible with the bulk and scale of the locality.

Construction:

Conditions of consent are applicable in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding. A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Cumulative Impacts:

The proposal is expected to have a negative cumulative impact, as it would promote similar undesired developments in the area.

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

Does the proposal fit in the locality?

The proposed development is considered permissible with regard to the zoning of the site with development consent, however the design of the proposed development is expected to have negative impacts on the amenity of the locality and adjoining developments.

Are the site attributes conducive to development?

The site is located within an R2 Low Density Residential Zone, and under Clause 4.4 of Council's WLEP2009 a maximum floor space ratio of 0.50:1 is applicable to the site. The proposed development has an FSR of 0.53:1, which exceeds the maximum development standard by 6%. Council has concluded that the proposed development is contrary to the objectives of Clause 4.4 of WLEP2009, and that there is not an appropriate correlation between size of the site and the extent of the proposed development on the site, and also that the proposed development is not compatible with the bulk and scale of the locality.

It is concluded that the subject site is not suitable for the proposed development.

2.9 SECTION 4.15 (D) SUBMISSIONS

Refer to Section 1.5 of this report.

2.10 SECTION 4.15 1(E) THE PUBLIC INTEREST

The application is expected to have unreasonable impact on the amenity of the locality. It is considered inappropriate with consideration to the zoning and the character of the area and is therefore considered not to be in the public interest.

3. CONCLUSION

This application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of WLEP 2009 and all relevant Council DCPs, Codes and Policies.

All referrals have been completed and there are no outstanding issues.

The proposed development is permitted in the R2 Low Density Residential Zone with development consent pursuant to WLEP 2009. The application request does involve an exception to development standard, specifically to Clause 4.4 – Floor Space Ratio of WLEP2009, which has been considered and is not supported.

Some of the issues raised in submissions, though technically unresolved, are considered to be adequately addressed through design of the proposal. The predominant issue raised throughout the submissions relating to building character and form, and also FSR, are considered appropriate grounds for refusal of the application.

It is considered that the proposed application has not been designed appropriately given the nature and characteristics of the site and is likely to result in significant adverse impacts on the character and amenity of the surrounding area.

4. RECOMMENDATION

It is recommended that the development application be refused subject to the reasons contained in Attachment 4.

5. ATTACHMENTS

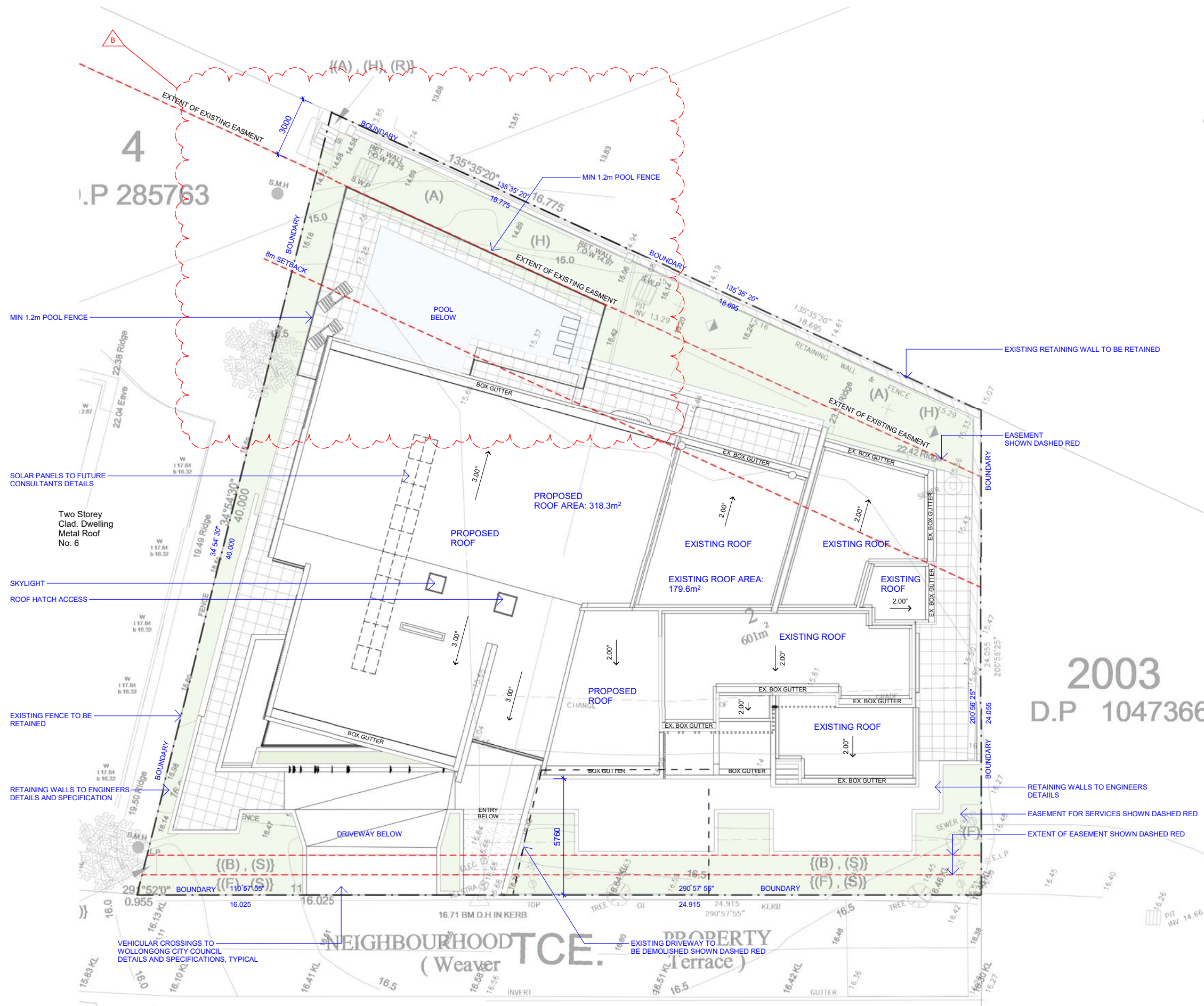
1. Architectural Plans
2. Applicant GFA Calculations
3. Clause 4.6 – Exception to Development Standards
4. Draft Refusal

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NOT FOR CONSTRUCTION
 DEVELOPMENT APPLICATION



AMENDMENTS	No.	Revision Description	Date	BY:
	A	ISSUED FOR DEVELOPMENT APPLICATION	01.07.2021	PRD
	B	ISSUED FOR ADDITIONAL INFORMATION	29.11.2021	PRD



4
 .P 285763

2003
 D.P 1047366

CONTRACTOR TO INSPECT SITE TO DETERMINE LOCATION AND EXTENT OF ALL EXISTING STRUCTURES AND IMPROVEMENTS AFFECTED BY THE PROPOSED WORKS PRIOR TO DEMOLITION AND CONSTRUCTION. ALL DIMENSIONS TO BE CHECKED ONSITE PRIOR TO CONSTRUCTION.

DA DRAWINGS HAVE BEEN PREPARED BASED ON PREVIOUSLY APPROVED CC DRAWINGS ONLY

1 SITE/ROOF PLAN
 1 : 100

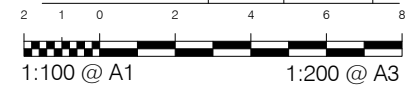
Project:
PROPOSED ALTERATIONS & ADDITIONS TO EXISTING RESIDENCE
 2 WEAVER TERRACE, BULLI/ LOT 16 DP285763

Client:
MARK SWINNERTON & MARNIE PHILLIPS



Title:
SITE PLAN/ ROOF PLAN

Date: 29.11.2021	Job No: 20-01	Dwg: DA-06	Rev:
Scale: As indicated			



STORMWATER
 REFER TO ATB CONSULTING ENGINEER'S STORMWATER DRAWINGS FOR DETAILS AND SPECIFICATIONS

LANDSCAPING
 REFER TO NICHOLAS BRAY LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS AND SPECIFICATIONS

BASIX/NATHERS
 THIS DRAWING TO BE READ IN CONJUNCTION WITH BASIX/NATHERS REPORT PREPARED BY E-PLANNING

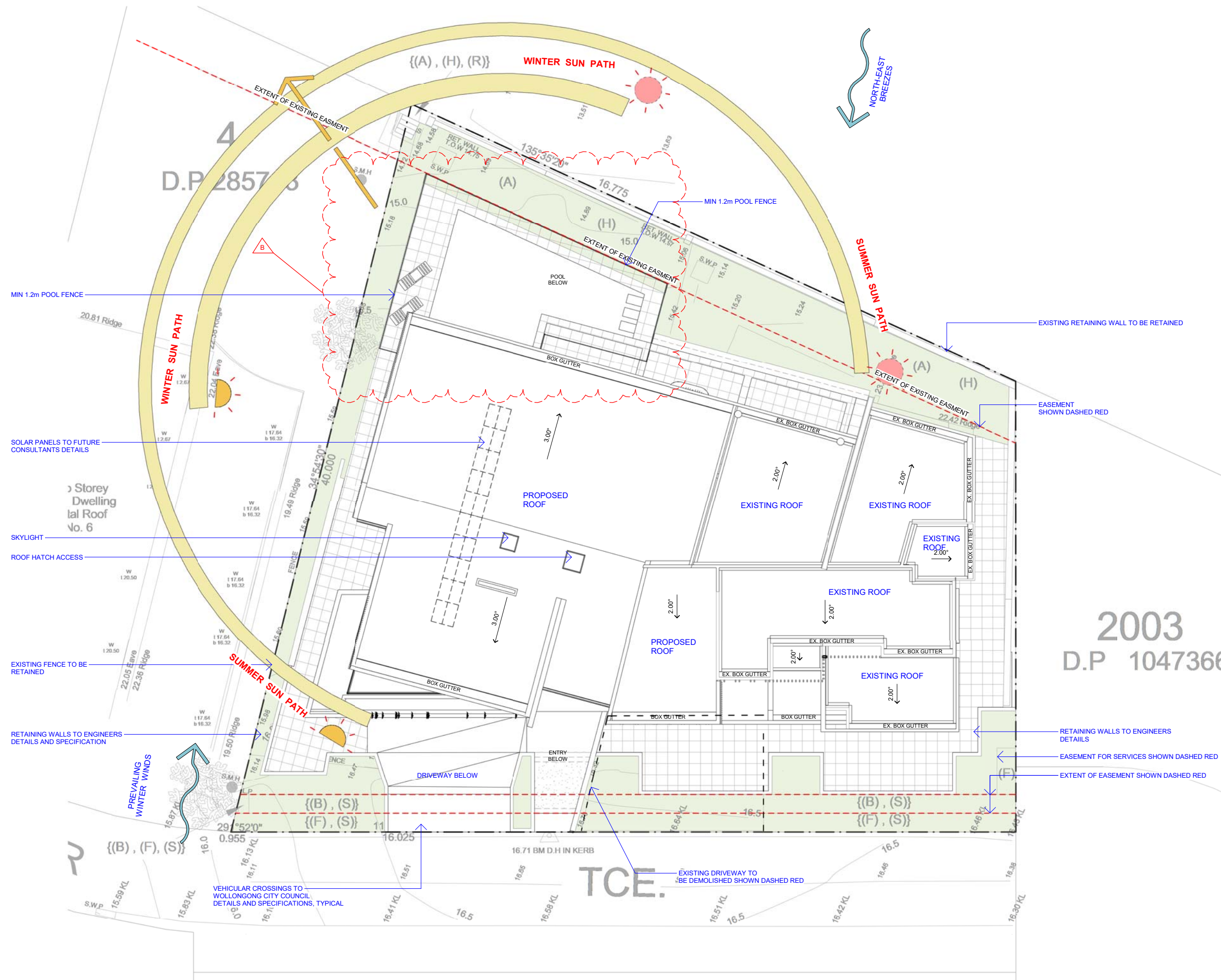
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 DEVELOPMENT APPLICATION



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2003
D.P 1047366

Project:
PROPOSED ALTERATIONS & ADDITIONS TO EXISTING RESIDENCE 2 WEAVER TERRACE, BULLI/ LOT 16 DP285763

Client:
MARK SWINNERTON & MARNIE PHILLIPS



Title:
SITE ANALYSIS PLAN

Date: 29.11.2021	Job No: 20-01	Dwg: DA-04	Rev:
Scale: 1:100			

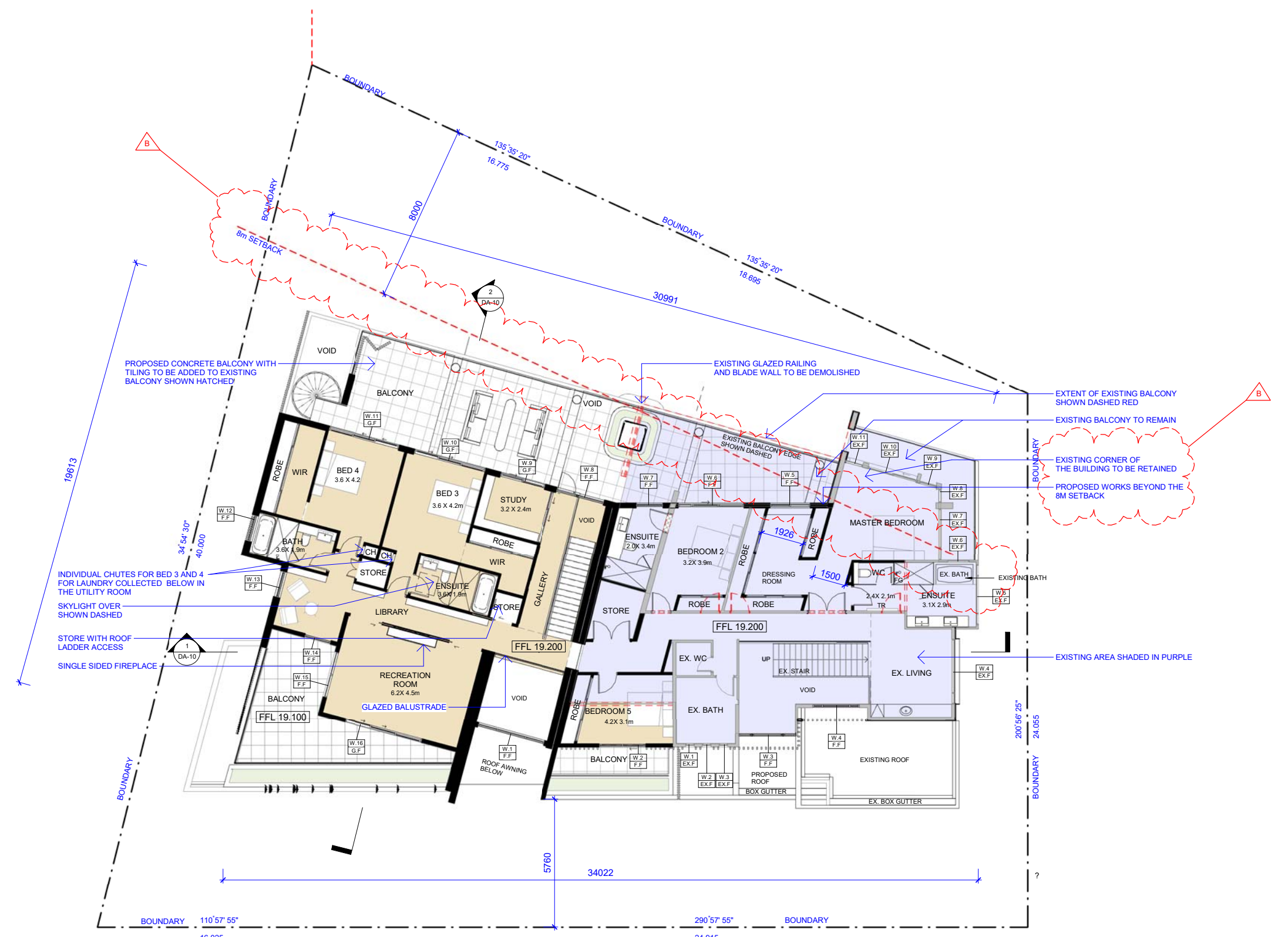


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- EXISTING WALLS AND WINDOWS TO BE RETAINED
- NEW PROPOSED WALL
- DEMOLISHED WALL WITH NEW PROPOSED DOOR, WINDOW OR OPENING
- DEMOLISHED WALL / DOOR / WINDOW
- PROPOSED LANDSCAPE
- EX. EXISTING
- EXISTING AREA
- PROPOSED AREA

CONTRACTOR TO INSPECT SITE TO DETERMINE LOCATION AND EXTENT OF ALL EXISTING STRUCTURES AND IMPROVEMENTS AFFECTED BY THE PROPOSED WORKS PRIOR TO DEMOLITION AND CONSTRUCTION. ALL DIMENSIONS TO BE CHECKED ONSITE PRIOR TO CONSTRUCTION.

DA DRAWINGS HAVE BEEN PREPARED BASED ON PREVIOUSLY APPROVED CC DRAWINGS ONLY

1 FIRST FLOOR PLAN
 1 : 100

STORMWATER
 REFER TO ATB CONSULTING ENGINEER'S STORMWATER DRAWINGS FOR DETAILS AND SPECIFICATIONS

LANDSCAPING
 REFER TO NICHOLAS BRAY LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS AND SPECIFICATIONS

BASIX/NatHERS
 THIS DRAWING TO BE READ IN CONJUNCTION WITH BASIX/NatHERS REPORT PREPARED BY E-PLANNING

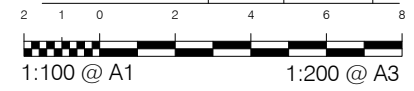
Project:
PROPOSED ALTERATIONS & ADDITIONS TO EXISTING RESIDENCE
 2 WEAVER TERRACE, BULLI/ LOT 16 DP285763

Client:
MARK SWINNERTON & MARNIE PHILLIPS



Title:
PROPOSED FIRST FLOOR PLAN

Date: 29.11.2021	Job No: 20-01	Dwg: DA-09	Rev:
Scale: As indicated			



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NOT FOR CONSTRUCTION

DEVELOPMENT APPLICATION

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4
D.P 285763

2003
D.P 1047366

- EXISTING WALLS AND WINDOWS TO BE RETAINED
- NEW PROPOSED WALL
- DEMOLISHED WALL WITH NEW PROPOSED DOOR, WINDOW OR OPENING
- DEMOLISHED WALL / DOOR / WINDOW
- PROPOSED LANDSCAPE
- EX. EXISTING
- EXISTING AREA
- PROPOSED AREA

CONTRACTOR TO INSPECT SITE TO DETERMINE LOCATION AND EXTENT OF ALL EXISTING STRUCTURES AND IMPROVEMENTS AFFECTED BY THE PROPOSED WORKS PRIOR TO DEMOLITION AND CONSTRUCTION. ALL DIMENSIONS TO BE CHECKED ONSITE PRIOR TO CONSTRUCTION.

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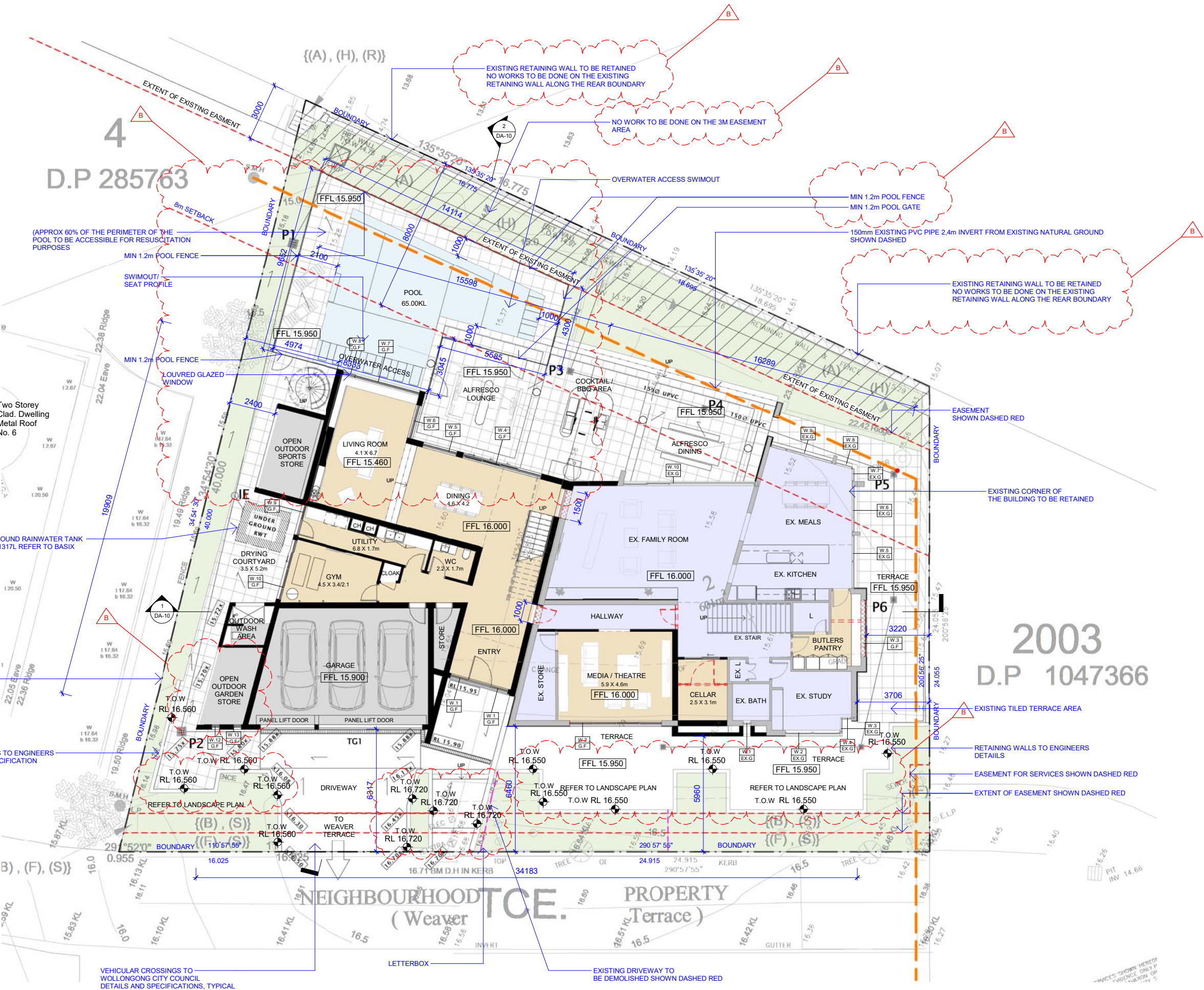
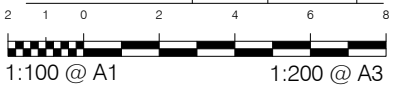
Project:
PROPOSED ALTERATIONS & ADDITIONS TO EXISTING RESIDENCE
2 WEAVER TERRACE, BULLI LOT 16 DP285763

Client:
MARK SWINNERTON & MARNIE PHILLIPS



Title:
PROPOSED GROUND FLOOR PLAN

Date: 29.11.2021	Job No:	Dwg:	Rev:
Scale: As indicated	20-01	DA-08	



1 GROUND FLOOR PLAN
1: 100

STORMWATER
REFER TO ATB CONSULTING ENGINEER'S STORMWATER DRAWINGS FOR DETAILS AND SPECIFICATIONS

LANDSCAPING
REFER TO NICHOLAS BRAY LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS AND SPECIFICATIONS

BASIX/NATHERS
THIS DRAWING TO BE READ IN CONJUNCTION WITH BASIX/NATHERS REPORT PREPARED BY E-PLANNING

29/11/2021 5:05:18 PM











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NOT FOR CONSTRUCTION
 DEVELOPMENT APPLICATION

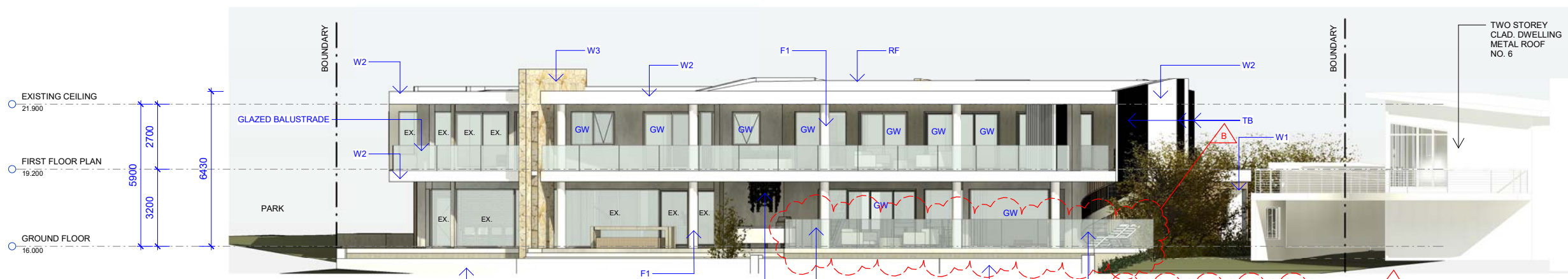
AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	01.07.2021	PRD	
B	ISSUED FOR ADDITIONAL INFORMATION	29.11.2021	PRD	

FINISHES SCHEDULE:

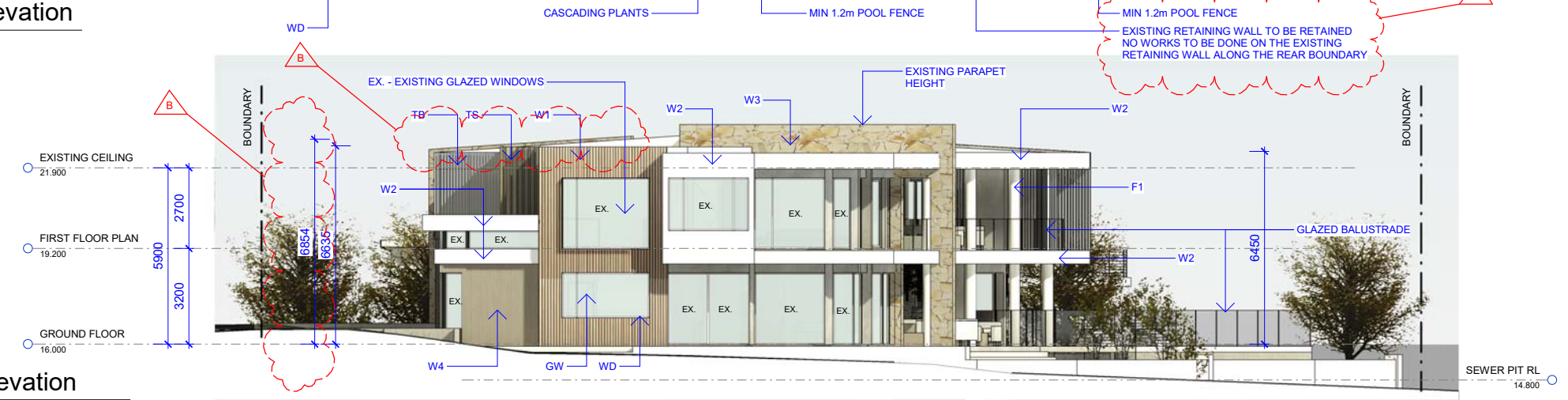
EXTERNAL

 <p>W1 TS</p> <p>DECOWOOD - ALUMINIUM TIMBER LOOK - SPOTTED GUM OR SIMILAR FINISH</p>	 <p>W2 F1</p> <p>DULUX "VIVID WHITE" PAINTED FINISH OR SIMILAR FINISH</p>
 <p>W3</p> <p>ECO OUTDOOR - "CRACKBACK" SANDSTONE WALL CLADDING OR SIMILAR FINISH</p>	 <p>W4</p> <p>EQUITONE (LINES) - LT60 OR SIMILAR FINISH</p>
 <p>W5</p> <p>COLORBOND - BASALT MATT PAINT FINISH OR SIMILAR FINISH</p>	 <p>WD</p> <p>POWDERCOAT COLOUR - ALUMINIUM WINDOW AND DOOR FRAMES TO MATCH EXISTING COLOUR</p>
 <p>TB</p> <p>DULUX "VIVID WHITE" PAINTED FINISH OR SIMILAR FINISH</p>	 <p>RF</p> <p>TO MATCH EXISTING ROOF COLOUR OR SIMILAR FINISH</p>
 <p>SKY</p> <p>"SKY GLASS" EXTERIOR GLAZED BALUSTRADE OR SIMILAR</p>	 <p>GW</p> <p>"GLASS" EXTERIOR GLAZED WINDOWS AND SLIDING DOORS TO MATCH EXISTING COLOUR</p>

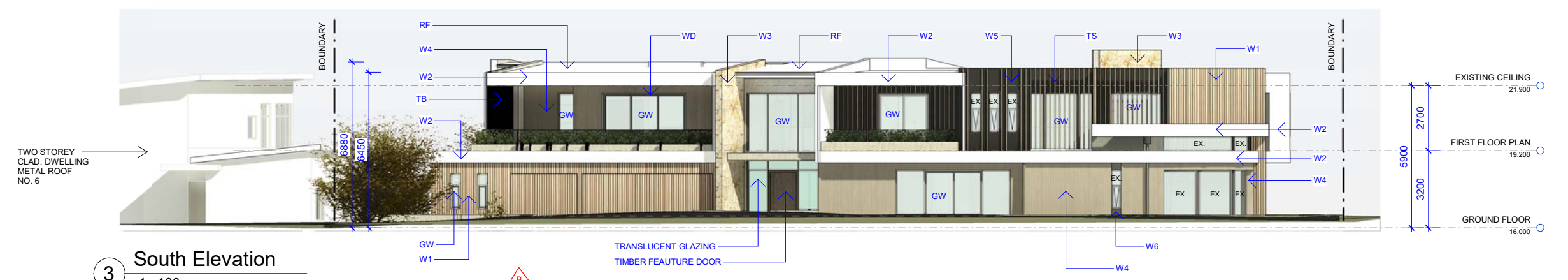
NOTE: DOWNPIPES TO MATCH WALL COLOUR



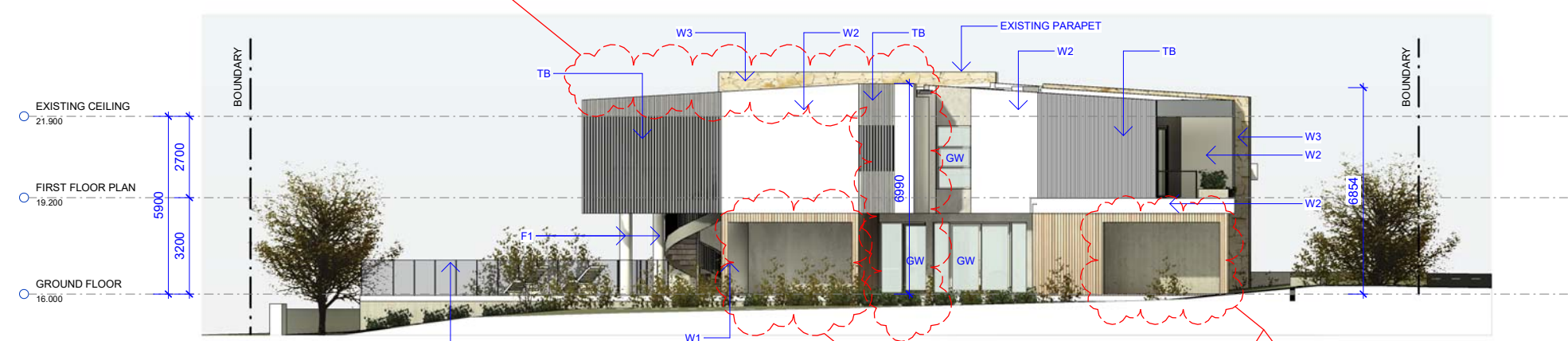
1 North Elevation
 1 : 100



2 East Elevation
 1 : 100



3 South Elevation
 1 : 100



4 West Elevation
 1 : 100

STORMWATER
 REFER TO ATB CONSULTING ENGINEER'S STORMWATER DRAWINGS FOR DETAILS AND SPECIFICATIONS

LANDSCAPING
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BASIX/natHERS
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CONTRACTOR TO INSPECT SITE TO DETERMINE LOCATION AND EXTENT OF ALL EXISTING STRUCTURES AND IMPROVEMENTS AFFECTED BY THE PROPOSED WORKS PRIOR TO DEMOLITION AND CONSTRUCTION. ALL DIMENSIONS TO BE CHECKED ONSITE PRIOR TO CONSTRUCTION.

DA DRAWINGS HAVE BEEN PREPARED BASED ON PREVIOUSLY APPROVED CC DRAWINGS ONLY

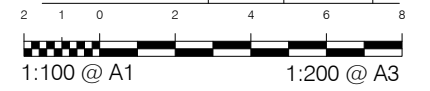
Project:
PROPOSED ALTERATIONS & ADDITIONS TO EXISTING RESIDENCE
 2 WEAVER TERRACE, BULLI/ LOT 16 DP285763

Client:
MARK SWINNERTON & MARNIE PHILLIPS



Title:
PROPOSED ELEVATIONS

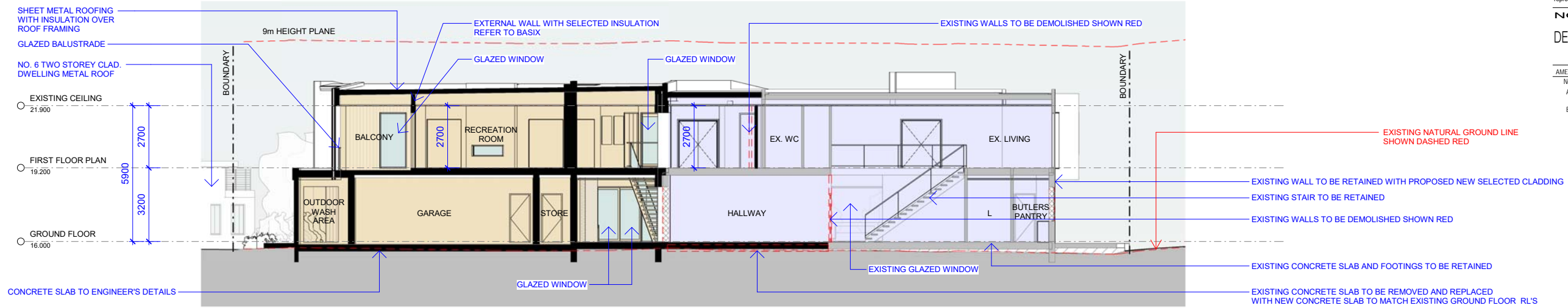
Date: 29.11.2021	Job No: 20-01	Dwg: DA-12	Rev:
Scale: As indicated			



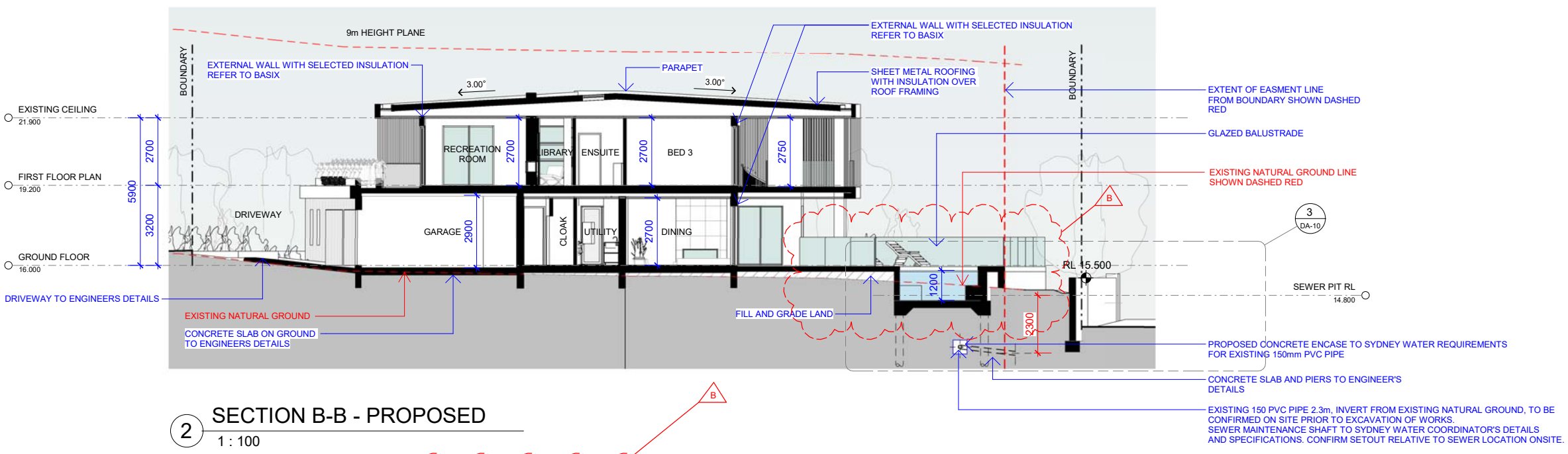
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NOT FOR CONSTRUCTION
DEVELOPMENT APPLICATION

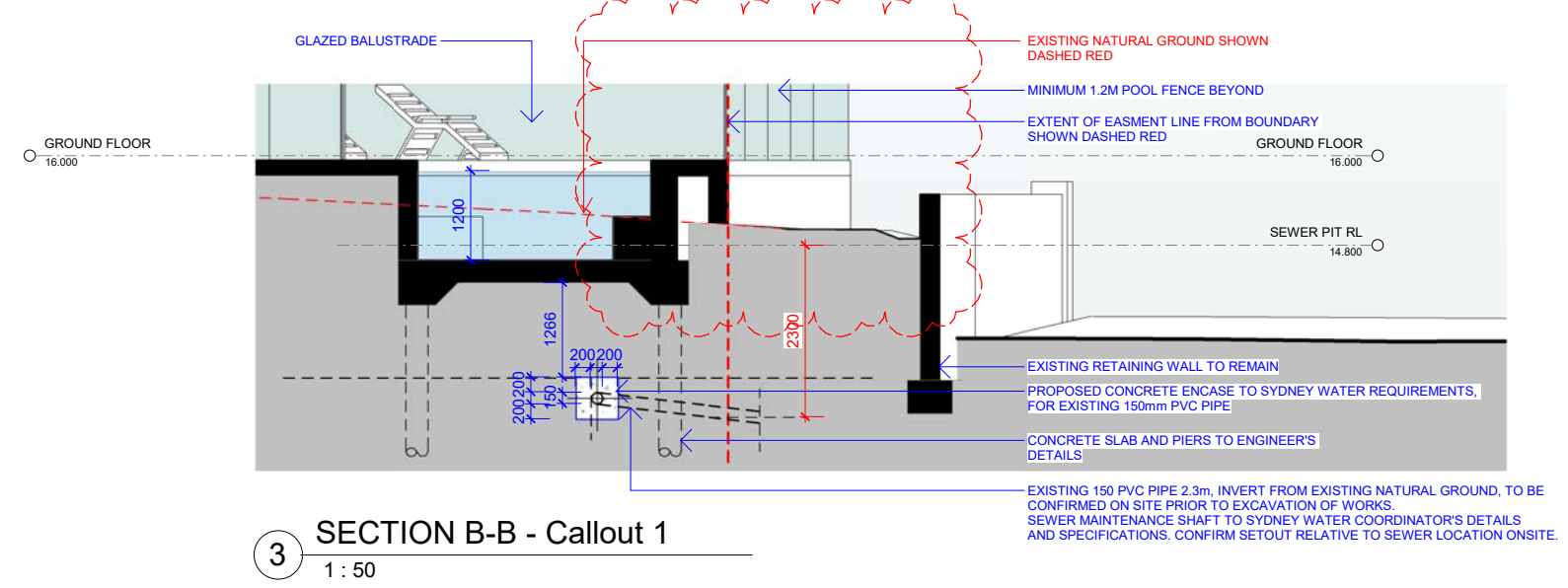
AMENDMENTS	No.	Revision Description	Date	BY:
A	ISSUED FOR DEVELOPMENT APPLICATION	01.07.2021	PRD	
B	ISSUED FOR ADDITIONAL INFORMATION	29.11.2021	PRD	



1 SECTION A-A - PROPOSED AND EXISTING
1 : 100



2 SECTION B-B - PROPOSED
1 : 100



3 SECTION B-B - Callout 1
1 : 50

- EXISTING WALLS AND WINDOWS TO BE RETAINED
- NEW PROPOSED WALL
- DEMOLISHED WALL WITH NEW PROPOSED DOOR, WINDOW OR OPENING
- DEMOLISHED WALL / DOOR / WINDOW
- EX. EXISTING
- EXISTING AREA
- PROPOSED AREA

Project:
PROPOSED ALTERATIONS & ADDITIONS TO EXISTING RESIDENCE
2 WEAVER TERRACE, BULLI/ LOT 16 DP285763

Client:
MARK SWINNERTON & MARNIE PHILLIPS



PROPOSED SECTIONS

Date: 29.11.2021	Job No: 20-01	Dwg: DA-10	Rev:
Scale: As indicated			



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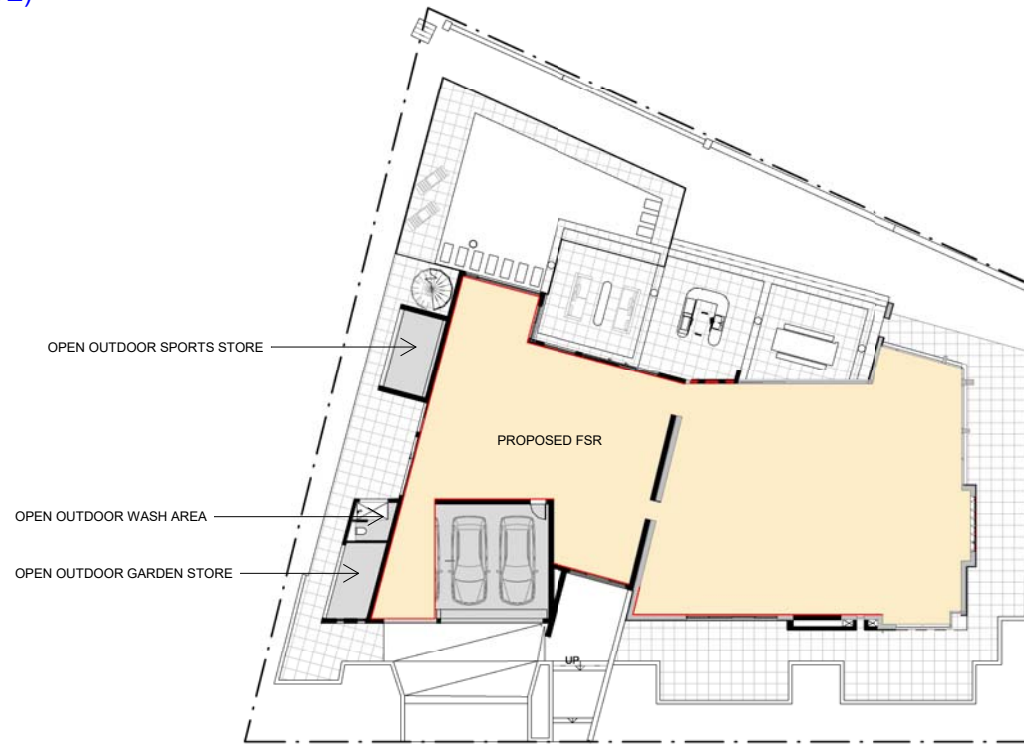
ATTACHMENT 2

NOT INCLUDING STORES (OPEN TO OUTSIDE)

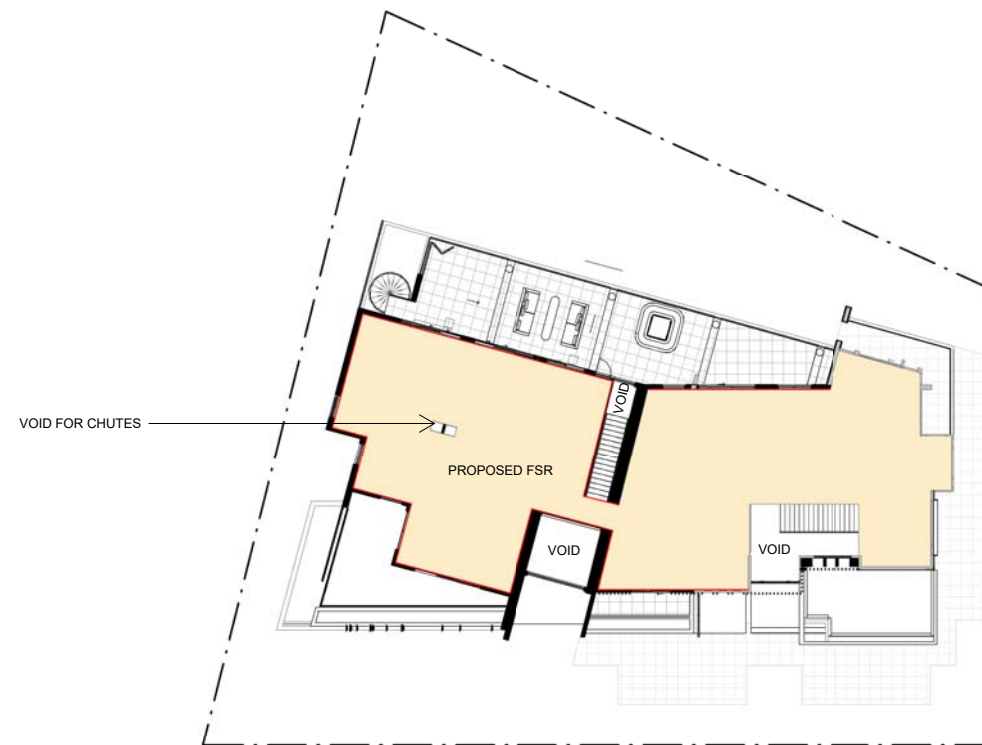
PROPOSED GROUND FLOOR = 350.0M²

PROPOSED FIRST FLOOR = 288.7M²

= 638.7M²



1 GROUND FLOOR FSR
1 : 200



2 FIRST FLOOR FSR
1 : 200

SITE AREA
 LOT 2 DP285763 (EXISTING SITE): 601.1m²
 LOT 3 DP285763 (PROPOSED SITE): 600.2m²
 TOTAL: 1201.3m²

FSR ALLOWED: 600.65m²

FSR CALCULATIONS:

PROPOSED FSR (TOTAL)

TOTAL PROVIDED - 638.7m²

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NOT FOR CONSTRUCTION
 DEVELOPMENT APPLICATION

AMENDMENTS	No.	Revision Description	Date	BY:
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	B	ISSUED FOR ADDITIONAL INFORMATION	29.11.2021	PRD

Project:
PROPOSED ALTERATIONS & ADDITIONS TO EXISTING RESIDENCE
 2 WEAVER TERRACE, BULLI/ LOT 16 DP285763

Client:
MARK SWINNERTON & MARNIE PHILLIPS



Title:
FSR AND SITE COVERAGE CALCULATION PLAN

Date: 29.11.2021	Job No:	Dwg:	Rev:
Scale: As indicated	20-01	DA-05	



CLAUSE 4.6 WRITTEN REQUEST

The Proposal: *Alterations and Additions to an existing dwelling house and inground swimming pool*

Project Address: *Lot 16, DP 285763 No. 2 Weaver Terrace, BULLI 2516*

E *Planning*

TOWN & SOCIAL PLANNING | NatHERS & BASIX
COUNCIL APPROVALS | BUILDING REGULATIONS

ACCOUNTABILITY

WE ARE RESPONSIBLE FOR
OUR DECISIONS

EXCELLENCE

WE ALWAYS STRIVE
TO BE THE BEST

INTEGRITY

WE ACT ETHICALLY

PASSION

WE LOVE WHAT
WE DO

REPORT INTRODUCTION

This report serves as a written Clause 4.6 variation to vary the maximum floor space ratio development standard applying to the proposed “Alterations and Additions to an existing dwelling house and inground pool” within the subject site of Lot: 16 DP: 285763 No. 2 Weaver Terrace, Bulli, 2516.

Development proposals need to be prepared with reference to development standards in all relevant environmental plans. These plans have been prepared and are consistently implemented to ensure appropriate and sensitive development of the Wollongong Local Government Area.

Compliance with the development standards is usually necessary to ensure that the objectives are achieved. Where an applicant proposes to vary a development standard within Wollongong Local Environmental Plan 2009 (WLEP 2009), Council should not consider the variation unless a written Clause 4.6 Variation is included.

This submission should be read in conjunction with the statement of environmental effects, architectural plans prepared by PRD Architects and sub consultant’s reports.

1. What is the name of the environmental planning instrument that applies to the land?

The name of the environmental planning instrument that applies to the land is the Wollongong Local Environmental Plan 2009 (WLEP 2009).

2. What is the zoning of the land and what are the objectives of the zone?

Under WLEP 2009, the land is identified as *R2 Low Density Residential*. The Objectives of the R2 Low Density Residential zone are:

- *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.*

3. Identify the Development Standard to which this Clause 4.6 Variation applies?

The Development Standard to which this Clause 4.6 Variation applies is **4.4 Floor Space Ratio** contained within *WLEP 2009* which states:

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

4. What are the objectives of the development standard?

The objectives of this clause are to:

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

5. What is the numeric value of the development standard in the environmental planning instrument?

The FSR permitted by Wollongong Local Environmental Plan 2009 (WLEP 2009) is 0.5:1. The proposed development shows an FSR of 0.53:1 (638.70sqm) and is therefore not compliant with the Wollongong Local Environmental Plan 2009 (WLEP2009) for such a development.

6. How do the existing and proposed numeric values relate to the development standard? What is the percentage variation (between your proposal and the environmental planning instrument)?

Floor space Ratio		
FSR Permitted(m2)	FSR Proposed(m2)	Percentage Variation
0.5:1 (600.65m2)	0.53:1(638.70sqm)	6%

7. How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

The NSW Land and Environment Court in *Four2Five Pty LTD v Ashfield Council* [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in *Wehbe v Pittwater Council* [2007] NSWLEC 827. The court provided five tests as follows:

Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard.

Test 2: The underlying object or purpose of the standard is not relevant to the development and compliance is unnecessary.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone:

Additionally, of note, in the judgment in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 the Chief Judge upheld the Commissioner's approval of large variations to height and FSR controls on appeal. He noted that under clause 4.6, the consent authority (in that case, the Court) did not have to be directly satisfied that compliance with the standard was unreasonable or unnecessary, rather that the applicant's written request adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary.

In this regard, this written request establishes and adequately addresses the matters in clause 4.6(3)(a) that compliance with each development standard is unreasonable or unnecessary because the underlying objective of purpose of the standard is not relevant to the development irrespective of the non-compliance, and accordingly justifies the variation pursuant to the Test 1 outlined in *Wehbe*, as follows.

(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,

The NSW Land and Environment Court in *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191, considered *Scale and density in the context of the surrounding area* and formed the following planning principle: *Compatibility in the urban environment*.

The planning principles provides: The most apposite meaning in an urban design context is *capable of existing together in harmony*. *Compatibility* is thus different from *sameness*. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

In order to test whether a proposal is compatible with its context, two questions should be asked.

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites*

Response: In relation to the physical impacts, consideration is given to noise, overlooking, overshadowing and constraining development potential which can be assessed with relative objectivity (as was applied in this principle). The proposal will provide a reduction of local traffic volumes and numbers in the locality given that the proposal is to extend the existing residence rather than erect an additional residence and therefore not multiplying the resident numbers and vehicle volumes.

The development is for alterations and additions to an existing dwelling house in a low density area. The development will not have noise beyond that expected of a residential nature. Overlooking impacts are mitigated by highlight windows and privacy screens where applicable. The site is generally orientated south - west to north – east with shadows from the proposed alterations and additions being to the front of the development (Weaver Terrace) not having an affect on the neighbouring dwellings and their private open space for more than 3 hours at the time.

- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

Response: The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by **building height, setbacks and landscaping**. In special areas, such as conservation areas, **architectural style and materials** are also contributors to character. As this site is not located within a conservation area the test is applied to **building height, setbacks and landscaping**.

The principle provides that *Buildings do not have to be the same height to be compatible*. The alterations and additions are consistent with the existing building height. The Height permitted by Wollongong Local Environmental Plan 2009 (WLEP2009) is 9.0 meters. The proposal does not change the overall height of the building and is less than 9.0 metres (7.10m) in height and therefore satisfies this Part of the Wollongong Local Environmental Plan 2009 (WLEP2009) for such a development. The height is consistent with the neighbouring dwellings and dwellings of a two storey nature along the streetscape.

The principle notes front and rear setbacks are an important element of urban character and determine the rhythm of building and void. While it may not be possible to reproduce the rhythm exactly, new development should strive to reflect it in some way. The development does not propose a change to the front setback of the existing dwelling and the alterations and additions are consistent with the existing dwelling.

Landscaping is also an important contributor to urban character. The development will be landscaped to the front, rear and side elevations. In the most common sense, the Commissioner provides that most people “experience the urban environment without applying the kind of analysis described above” and simply moving around a city is enough for a person to respond to their surroundings and like in the planning principle a streetscape elevation is provided as a plates throughout this document that shows that if simply taking a walk in this neighbourhood there is little chance that with the alterations and additions that this development would be seen “out of context” and therefore within a compatible **Scale and density in the context of the surrounding area**.

(b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,

The maximum development density and intensity of land use has been established above. The alterations and additions will be augmented and connected to the existing infrastructure. The alterations and additions will not put undue load on the existing infrastructures.

(c) *to ensure buildings are compatible with the bulk and scale of the locality.*

Site analysis is the foundation of good design and is used as an initial source of information upon which to base the design and configuration of development taking account of all environmental constraints and opportunities, as they relate to the unique features of the site and nearby land.

Objectives:

- *Identify the constraints and opportunities for the development of the site.*
- *Provide an understanding of how the development relates to the site.*
- *Identify the capability and suitability of the site for development.*

The scope of the site analysis is addressed:

i) contours, slope and north point;

Response: These matters have been identified and addressed on the supporting documents, with the site generally orientated south west to north east. Refer to Survey plan.

ii) existing landscaping and vegetation;

Response: There is no significant landscaping or vegetation of note.

iii) existing buildings and structures;

Response: The site currently contains an existing two (2) storey dwelling of brick render, cladding and stone features with a skillion roof to the left of the site and vacant land to the left.

iv) location of windows and other openings on adjoining buildings;

Response: Details of this nature are discussed below, with the submission capable of satisfying Councils development controls.

v) roads, access points, parking, and traffic management devices and the like;

Response: These matters have been identified and addressed with the site having access from Weaver Terrace. Refer to Architectural plans.

vi) linkages; open space networks, pedestrian/cycle paths and the like;

Response: There are no definable pedestrian / cycle pathways.

vii) easements, services, existing infrastructure and utilities;

Response: Services have been identified. Refer to Survey plan.

viii) hydraulic features, drainage lines, water features, drainage constraints, and the like;

Response: These matters have been identified. There are no constraints or restrictions that are detrimental to the proposal.

ix) *Acoustic*

Response: An acoustic report is not required.

x) *natural hazards (e.g. flooding, bushfire);*

Response: The site is not identified as being affected natural hazards.

xi) *solar orientation, overshadowing prevailing winds;*

Response: These matters have been identified in more detail with the submission.

xii) *views and vistas to, from and within the site;*

Response: There are no significant views to or from the site that will be diminished with the construction of the new development. Given the Lot orientations, building forms and orientations and that Weaver Terrace is a cul-de-sac, there would be extremely limited ability of impacting detrimentally on the views to or from the site.

xiii) *Building Structures NCC (BCA)*

Response: The proposal can achieve compliance with the relevant sections of the NCC (BCA).

xiv) *a streetscape analysis;*

Response: The development will appear as a two (2) storey dwelling from the street, as it does currently. The Weaver Terrace streetscape and Bulli context will not unduly be affected by the proposed development.

xv) *special environmental features such as threatened species habitat, endangered ecological communities and wetlands;*

Response: The site is not identified as containing special environmental features or the like.

Based on the above, the proposal has the capability and is suitable for the site. The proposal is reflective of current and future development approvals and building structures in the area.

In relation to Test 4: *The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.*

In this regard, the following developments have been granted by Wollongong City Council for the same variation:

Application Number & Address	Proposal	Variation
DA-2020/842 50 Armagh Parade THIRROUL NSW 2515	Residential - alterations and additions	8.17%
DA-2020/290	Residential - multi dwelling housing - demolition of existing dwelling, tree removals and construction of	9.5%

342-344 Lawrence Hargrave Drive THIRROUL NSW 2515	three (3) attached 3 storey dwellings over basement parking area	
DA-2019/88 157 Lawrence Hargrave Drive AUSTINMER NSW 2515	Residential - demolition works, alterations and additions to existing dwelling and construction of a new secondary dwelling and garage	7% exceedance
DA-2019/598 19 Coledale Avenue COLEDALE NSW 2515	Residential - demolition of dwelling and construction of dwelling house and swimming pool	0.3 required and 0.46 provided. Exceedance of 52%
DA-2019/5 2/757 Lawrence Hargrave Drive COLEDALE NSW 2515	Residential - demolition of carport, alterations and additions to existing dwelling house and construction of a detached garage	9.6% departure
DA-2019/1374 4 Spring Street MOUNT KEIRA NSW 2500	Use of alterations and additions to dwelling house and front fence	33sqm - 9% exceedance.
DA-2018/699 11 Northcote Street COLEDALE NSW 2515	Residential - alterations and additions	9.28% deviation from the standard
DA-2018/641 23 Seddon Street FIGTREE NSW 2525	Residential - alterations and additions	Maximum FSR of 0.50:1 under Clause 4.4 of WLEP 2009 exceeded by <10%
DA-2017/1372 122 Pioneer Road EAST CORRIMAL NSW 2518	Residential - alterations and additions	FSR 0.52:1 with maximum FSR of 0.5:1
DA-2017/1448 51 Gooyong Street MOUNT KEIRA NSW 2500	Residential - dwelling house, swimming pool and tree removal	<10%
DA-2017/1585 31A Langson Avenue FIGTREE NSW 2525	Residential - dual occupancy (attached) and Subdivision - Torrens title - two (2) residential lots	Permitted FSR - 0.5:1 Approved FSR - 0.61:1
DA-2017/603 5 Southspur CORDEAUX HEIGHTS NSW 2526	Residential - alterations and additions	Required FSR 0.3:1, approved FSR 0.4:1
DA-2017/925 1 Harbord Street THIRROUL NSW 2515	Residential - demolition of existing dwelling, construction of dual occupancy and swimming pool and Subdivision - Strata title - two (2) lots	Maximum FSR permitted: 0.5:1 Approved FSR: 0.57:1
DA-2017/939 31 Kingsley Drive LAKE HEIGHTS NSW 2502	Residential - alterations and additions	FSR 0.51:1 where maximum FSR is 0.5:1

Thus, deeming strict compliance with the floor space ratio is unwarranted in the circumstances of this particular case.

8. 11. How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act. (now Section 1.3)

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

Strict compliance does not at all hinder the attainment of the objects specified in the Act.

9. Is the development standard performance based control? Give details.

Yes, the development standard is a performance based control as outlined above in that the objective of the control is achieved.

10. Would strict compliance with the standard, in your particular case, would be unreasonable or unnecessary? Why?

Yes. The reasons have been canvassed under heading 8 above. In addition, little difference would result if full compliance was made.

11. Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.

Yes. Considering that the development achieves the objectives of the land use zone, and furthermore achieves a satisfactory level of compliance with the other applicable State and Council Planning Policies, the proposal is meritorious and the contravention of the development standard is justified. The contravention of the development standard allows for a better amenity and design outcome to be realised for the site and development than what would be achieved if strict compliance was to be enforced.

Report Conclusion

Having regard to the assessment of the proposal and Clause 4.6 Variation to Development Standard, it is considered that the proposed development achieves the objectives of the land use zone; strict compliance with the numerical component of the development standard is unnecessary and unreasonable in these circumstances and there are sufficient environmental planning grounds to justify contravening the development standard.

For the reasons outlined within this request, the subject variation is worthy of Council's support.

Sincerely

EPlanning Pty Ltd

B Cotten

Barry Cotten MPIA CPP

Mobile: 0437 804079

- **END** -

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ATTACHMENT 4

The application has been determined by **refusing of consent**.

The reasons for the refusal of the proposed development are:

1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development exceeds the maximum permissible Floor Space Ratio (FSR) of 0.50:1 as prescribed by Part 4.4 – Floor Space Ratio, Wollongong Local Environmental Plan 2009, and is contrary to the objectives of this clause, as:
 - a) The proposal does not provide an appropriate correlation between the size of the site and the extent of the development on the site,
 - b) The bulk and scale of the proposed development is not compatible with the locality.
2. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the bulk and scale of the proposed development is inconsistent with the objectives of the Wollongong Development Control Plan 2009, Chapter B1 *Residential Development*, Clause 4.8 – Building Character and Form.
3. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the significant bulk and scale of the proposed development is inconsistent with the desired future character of Bulli, as prescribed by Wollongong Development Control Plan 2009, Chapter D1 *Character Statements*, of Clause 3.15 – Bulli.
4. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in bulk and scale and would likely adversely impact upon the amenity of the locality.
5. Pursuant to the provisions of Section 4.15(1)(d) & (e) of the Environmental Planning and Assessment Act 1979, it is considered that with the submissions received in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.