

Wollongong Local Planning Panel Assessment Report | 14 November 2019

WLPP No.	Item 1
DA No.	DA-2019/874
Proposal	Residential - four (4) semi detached dwellings and Subdivision - Torrens title - four (4) lots
Property	6 Bulwarra Street, KEIRAVILLE NSW 2500
Applicant	PDC Planners
Responsible Team	Development Assessment and Certification - City Wide Team (BL)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

The proposal has been referred to Wollongong Local Planning Panel (WLPP) for **determination** pursuant to Part 2(b) of Schedule 2 of the Local Planning Panels Direction as the application is the subject of 10 unique submissions by way of objection.

Proposal

The proposal as submitted is for the construction of four (4) semi-detached dwellings with Torrens title subdivision four (4) lots.

Permissibility

The site is zoned R2 - Low Density Residential pursuant to Wollongong Local Environmental Plan 2009 (WLEP 2009). Semi-detached dwellings are a permissible use in the zone with development consent.

However, Council is of the view that the most apt characterisation of the development as presented is “multi dwelling housing” being four (4) dwellings on what is currently one lot of land and as such, the current characterisation of the development by the proponent is not supported.

Consultation

The proposal was exhibited in accordance with Appendix 1 of Wollongong Development Control Plan 2009 (WDCP 2009), notified between the 29 August 2019 and 19 September 2019. Ten (10) unique submissions were received during this period. It is noted that three (3) pro-forma submissions were received that have been counted as one (1) submission as per Council's Notification policy.

The submissions received are discussed within section 1.5 of the assessment report.

Internal

Details of the proposal were referred to Council's Landscape and Development Engineering Officers for assessment.

- Satisfactory referral advice and recommended conditions were provided from Council's Landscape Officer.
- Unsatisfactory referral advice was provided from Council's Development Engineering Officer.

Main Issues

The main issues arising from the development assessment process are:

WLEP 2009

- Clause 1.2 – Aims of plan (2). The development is considered to be inconsistent with regard to:
 - (a) to provide a framework for land use management;*
 - (c) to encourage a range of housing choices consistent with the capacity of the land;*
 - (g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure.*
- Clause 2.3 - Zone objectives and Land Use Table – Incorrect characterisation of the development.
- Clause 4.4 - Floor Space Ratio (FSR) non-compliance.
- Clause 4.6 – Exceptions to development standards – no submission.

WDCP 2009

Chapter B1 – Residential Development

- Clause 4.2 - Front setback non-compliance.
- Clause 4.5 – Landscape and drainage design compatibility unresolved.
- Clause 4.8 - Undesirable outcome with regard to building character and form.
- Clause 4.10 – Insufficient car parking and access arrangements.

Chapter B2 – Residential Subdivision

- A detailed assessment of the subdivision design with regard to Chapter B2 is incomplete as the development characterisation is considered to be unresolved.

Chapter E3 – Car Parking, Access, Servicing/loading Facilities and Traffic Management

- A detailed assessment of the car parking, access and traffic management with regard to Chapter E3 is incomplete as the development characterisation is considered to be unresolved.

Chapter E14 – Stormwater Management

- A detailed assessment of the stormwater management with regard to Chapter E14 is incomplete as the development characterisation is considered to be unresolved.

Chapter D1 – Character Statement (Keiraville)

- The development is considered to be inconsistent with the desired future character of the locality.

Recommendation

DA-2019/874 be **Refused** subject to the reasons identified within section 4 of this report.

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan 2009 (WLEP 2009)

Development Control Plans:

- Wollongong Development Control Plan 2009 (WDCP 2009)

Other policies

- Wollongong City-Wide Development Contributions Plan 2018

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal as submitted comprises a semi-detached dwelling development with two pairs of dwellings (total 4) as detailed below:

- Removal of three (3) trees
- Construction of four (4) two storey semi-detached dwellings and Torrens title subdivision into four (4) lots.
- Unit 1 and 2 contain three (3) bedrooms with entrances and driveway access/car parking to Attunga Street. One single garage is provided for each dwelling.
- Unit 3 and 4 contain three (3) bedrooms with entrances to Attunga Street and driveway access/car parking to Bulwarra Street. A single space carport is provided for Unit 4 and one open hard stand car parking space is provided for Unit 3.
- Bin storage is allocated in a separate area on each allotment and bin collection is proposed along the street frontage.

Note: *“Demolition of existing structures on the land will occur by way of CDC and by a private certifier”* as outlined in the Statement of Environmental Effects (SEE).

1.3 BACKGROUND

Application	Status
BA-1957/520, Dwelling & Garage	Approved
BA-1968/2750, Garage	Approved
BA-1969/2816, Additions to Dwelling	Approved
BA-1970/1640, Additions	Approved
BA-1988/3224, Carport	Approved
PL-2019/68, Semi detached dwellings and four (4) lot Torrens title subdivision	Completed
DA-2019/874, Residential - four (4) semi detached dwellings and Subdivision - Torrens title - four (4) lots	Current application under assessment

A Pre-lodgement meeting (PL-2019/68) was held for four (4) semi-detached dwellings and four (4) lot Torrens title subdivision with the following summary of advice provided:

A review of the concept plans highlights a number of key concerns with the development. The design at this stage is considered to result in an overdevelopment of the site and needs to be reduced in scale in order to be considered as a future development application. The key concerns relate to:

- *Floor Space Ratio*
- *Building Character and Form*
- *Amenity of private open space*
- *Setbacks*
- *Access and car parking*

Upon a review of the proposal, it is recommended that a further pre-lodgement meeting may be appropriate.

In consideration of the matters outlined above, the cumulative adverse impacts lead to the conclusion that the current design results in an overdevelopment of the site. It is recommended that the scale of the development is reduced and consideration is given to reducing the total number of dwellings to three. Should the development be designed with attached dwellings it will be required to address Sections 4 and 5 of WDCP 2009 and be presented as 'multi dwelling'.

A follow up pre-lodgement meeting was not requested by the proponent prior to lodgement of the current application.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 6 Bulwarra Street, KEIRAVILLE NSW 2500 and the title reference is Lot 68 DP 38660.

The site is a corner allotment with a 24.385m street frontage to Bulwarra Street and a 25.37m street frontage to Attunga Street. The land has a fall of approximately 4m from the northern side boundary to the southern street boundary (Bulwarra Street).

Directly adjoining the site to the north is a single storey dwelling and to the east is a two storey dwelling. The immediate locality is characterised by low density residential development.

Sensitive boundaries

The site is identified as having two sensitive boundaries, one to the north adjoining No.7 Attunga Street and one to the east adjoining No.4 Bulwarra Street.

- The living areas and private open space (POS) for No.7 Attunga Street adjoin the northern side boundary of the subject property.
- The living areas of No.4 Bulwarra Street are oriented to the south east and the POS is situated in the north eastern corner of the site which are positioned away from the boundary shared with the subject property.

Property constraints

- There are no known constraints identified within Council records.
- There appears to be no restrictions on the Title.

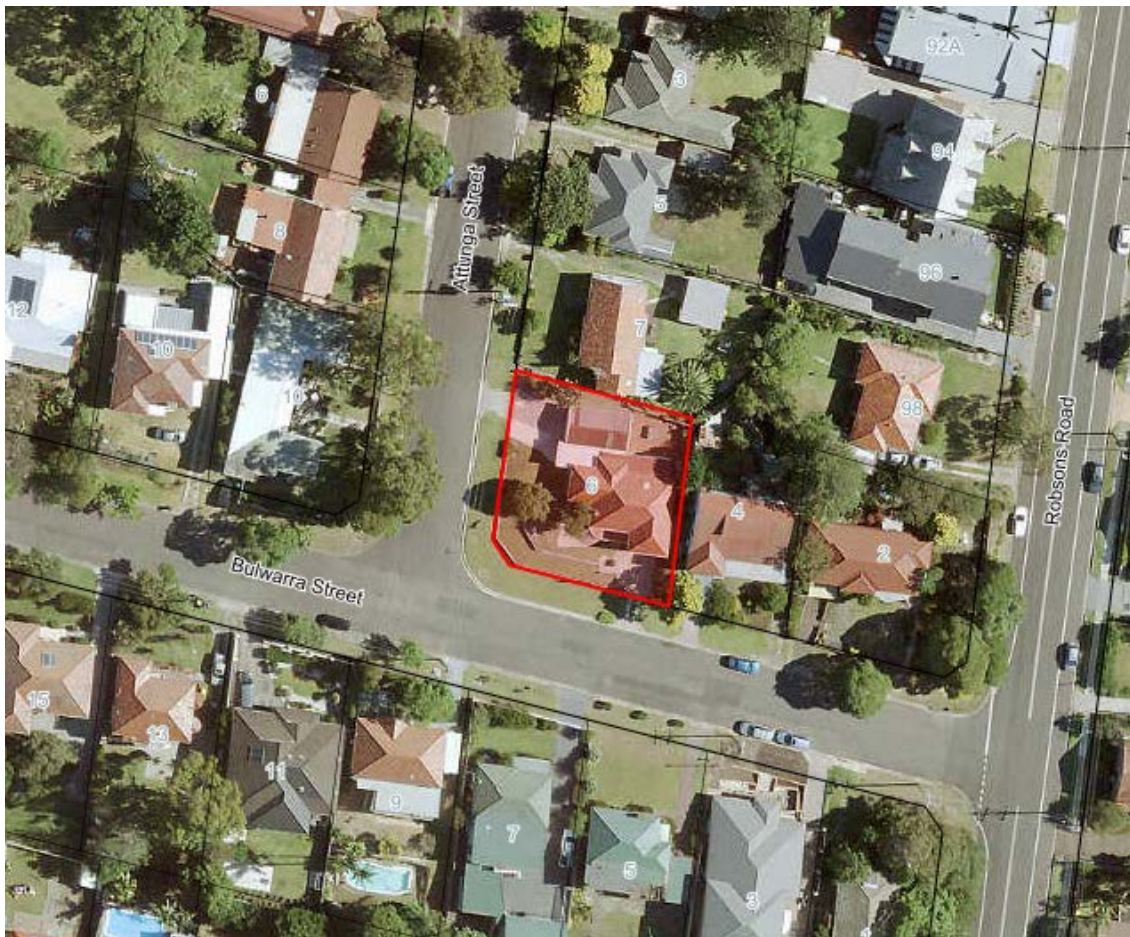


Figure 1: Aerial photograph



Figure 2: WLEP 2009 zoning map

1.5 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. A total of ten (10) unique submissions were received. It is noted that three (3) pro-forma submissions were received which have been counted as one (1) submission as per Council's Notification policy.

The issues identified are discussed below.

Table 1: Submissions

Concern	Comment
1. Car Parking, Traffic and Access <ul style="list-style-type: none"> • Insufficient parking for dwellings and no visitor parking • Extra car movements/traffic creating access and safety issues for surrounding residents • Increasing pressure for on-street parking demand 	<p>Council's position is that the proposed characterisation of the development as "semi-detached dwellings" is an attempt to circumvent the controls for "multi dwelling housing" in which further car parking provisions per dwelling, visitor parking and further controls regarding access arrangements are imposed. The application as proposed is therefore recommended for refusal with regard to car parking, traffic and access arrangements.</p>
2. Storage <ul style="list-style-type: none"> • Insufficient storage within units • Insufficient storage for bins • Likely that occupants will use garage for storage therefore having adverse effects upon on-street parking 	<p>An assessment of the proposal indicates that sufficient storage has been provided within each unit in the form of overhead storage within garages and under stair storage where applicable for each lot.</p> <p>Bin storage has been appropriately provided along the side boundary for Lots 1 – 3. Bin storage has been provided within the carport area for Lot 4.</p> <p>Whilst the concern regarding the potential use of garages for storage has been considered, Council is unable to speculate on the future use of these areas. Adequate storage has been provided that achieves relevant development controls.</p>
3. Overdevelopment <ul style="list-style-type: none"> • Overdevelopment of site • Out of character with surrounding residential area • Unlikely to comply with Council controls 	<p>Council's position is that the proposed characterisation of the development as "semi-detached dwellings" is an attempt to circumvent the controls for "multi dwelling housing" and as such, results in an undesirable outcome and overdevelopment of the site. As a result, it is of a large scale with less site provisions to support the development. The application is therefore recommended for refusal in this regard.</p>
4. Scale of development <ul style="list-style-type: none"> • The scale of the development should be reduced with less number of units 	<p>Refer to discussion regarding item 3 above.</p>
5. Noise and health issues <ul style="list-style-type: none"> • Extra noise impacts with potential introduction of extra university students • Extra noise not compatible with once 	<p>The development assessment process considers the form of proposed development and potential impacts in the context of the surrounding environment. Council is unable to speculate on future occupants of the development as proposed.</p> <p>However, concerns with excessive late night noise and</p>

Concern	Comment
<p>quiet area</p> <ul style="list-style-type: none"> Health impacts upon surrounding residential due to excessive noise from late night parties Health concerns with rubbish left on neighbouring properties from student parties 	<p>accessing/leaving rubbish on adjoining private properties from neighbours/students could be raised as a civil matter with Police if/when the activity occurs.</p>
<p>6. Development should only be a single dwelling</p> <ul style="list-style-type: none"> Previous Council controls allowed only single houses to be built on this side of Robsons Road 	<p>The applicable land zoning and permitted development uses are contained within WLEP 2009. Refer to section 2.1.3 of the report for assessment.</p>
<p>7. Developer profit at expense of residents</p>	<p>Whilst the concern raised has been noted, profit and financial feasibility of a development are not matters of consideration in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.</p>

Table 2: Number of concerns raised in submissions

Concern	1	2	3	4	5	6	7
Frequency	10	4	8	3	4	2	4

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Development Engineering Officer

Council's Development Engineering has reviewed the application, providing an unsatisfactory referral with the following comments provided:

A detailed assessment of the design has not been undertaken as a threshold issue has been identified. The proposal has been discussed with Council's Development Engineering Manager, who has advised that the proposal to subdivide the land prior to the construction of dwellings cannot be supported because it is considered contrary to the requirements of WLEP 2009. However, further consideration would be given to an amended proposal to construct dwellings first, and then subdivide following issue of an occupation certificate, under Clause 4.1(4C) of the Wollongong LEP2009. Any such proposal would need to satisfy all of the relevant design requirements for multi dwelling housing (incl. access, car parking, waste servicing, landscaping, etc.).

Assessments against B2 – Residential Subdivision, Chapter E3 – Car Parking, Access, Servicing/Loading Facilities and Traffic Management and Chapter E14 – Stormwater Management are incomplete as the characterisation of the development is considered to be unresolved.

Landscape Officer

Council's Landscape Officer has reviewed the application and provided a satisfactory referral subject to conditions.

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

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

(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 no significant earthworks proposed and the proposal does not comprise a change of use.

The site is therefore considered suitable for the proposed development and consistent with the assessment considerations of Clause 7 of SEPP 55.

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 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 1.2 – Aims of plan (2)

The development is not considered to be consistent with the aims of WLEP 2009 as identified below:

(a) to provide a framework for land use management,

The development is not considered to be consistent with the framework of land use management within WLEP 2009 as Council is of the view that the most apt characterisation of the development as presented is “multi dwelling housing” being four (4) dwellings on what is currently one lot of land.

(c) to encourage a range of housing choices consistent with the capacity of the land,

Whilst the development provides for further housing choices, the development is not considered to be appropriate with regard to the capacity of the land. The development as presented appears to be an attempt to circumvent the “multi dwelling housing” controls and as such, results in an undesirable outcome and overdevelopment of the site.

(g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,

The development is not considered to be consistent with the constraints of the land as a range of non-compliances and unresolved matters are identified with the application.

Clause 1.4 Definitions

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling

Clause 2.2 – zoning of land to which Plan applies

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

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

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

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; 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 is not considered to be an appropriate characterisation of development as it appears to be an attempt to circumvent the “multi dwelling housing” controls and as such, results in an undesirable outcome and overdevelopment of the site. As a result, it is of a large scale with less site provisions to support the development.

Council is of the view that the most apt characterisation of the development as presented is “multi dwelling housing” being four (4) dwellings on what is currently one lot of land and as such, the current characterisation of the development is not supported.

The development is not considered to be consistent with the objectives of the zone, as circumventing the controls for “multi dwelling housing” to enable a development of a large scale with less site requirements is not responsive to the surrounding residential environment.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

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

(a) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,

(b) to ensure lots are of a sufficient size and shape to accommodate development.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land:

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 1989.

(4A) In calculating the area of any lot resulting from a subdivision of land, if the lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included.

(4B) This clause does not apply in relation to the subdivision of land for the purpose of erecting an attached dwelling or a semi-detached dwelling in a residential zone.

(4C) This clause does not apply in relation to the subdivision of land in a residential zone on which there is an existing dual occupancy or multi dwelling housing.

The minimum allotment size for the site under Clause 4.1 of WLEP 2009 is 449m². The proposed four (4) lot Torrens title subdivision results in the following lots:

- Lot 1: 192.98m²
- Lot 2: 192.98m²
- Lot 3: 182.31m²
- Lot 4: 187.73m²

Therefore the areas of all lots are less than the minimum allotment size of 449m² as specified under Clause 4.1 of WLEP 2009.

The SEE submitted with the proposal outlines that the development can rely upon (4B) to enable subdivision:

Upon completion of the development, and due to the subdivision of the site occurring concurrently with the construction of the dwellings, each of the four dwellings will be situated on their own lot of land. They will each be attached to only one other dwelling.

The development must be characterised as “semi-detached dwellings” in order to rely upon 4B. As such, the proposal must rely on subdivision occurring prior to construction in order to achieve a dwelling that is on its own lot of land as per the definition.

The development as currently presented is four (4) dwellings on one lot and is considered to be more appropriately characterised as “multi dwelling housing” which does not enable application of 4B (rather 4C). Furthermore, Council’s Development Engineering Manager has advised that the proposal to subdivide the land prior to the construction of dwellings to permit “semi-detached dwellings” is not supported.

Clause 4.3 Height of buildings

The proposed maximum building height of approximately 8.3m does not exceed the maximum of 9 permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:	0.5:1 (378m² maximum GFA)	
Lot 1	192.98m²	
	Ground Floor	67.65m ²
	First Floor	51.14m ²
	Exclusions	- 18m ² (garage)
	GFA	= 100.8m
	FSR	= 100.8/192.98 = 0.52:1
Lot 2	192.98m²	
	Ground Floor	67.65m ²
	First Floor	51.14m ²
	Exclusions	- 18m ² (garage)
	GFA	= 100.8m ²
	FSR	= 100.8/192.98 = 0.52:1
Lot 3	182.31m²	
	Ground Floor	44.03m ²

	First Floor	51.09m ²
	GFA	= 95.1m ²
	FSR	= 95.1/182.31 = 0.52:1
Lot 4	187.73m²	
	Ground Floor	44.03m ²
	First Floor	53.07m ²
	GFA	= 97.1m ²
	FSR	= 97.1/187.73 = 0.52:1

Note: Stairs included on all floors within FSR calculation as per GFA definition.

Note: If the development was presented as “multi dwelling housing” (excluding subdivision) the FSR would also be non-compliant at **0.52:1** (GFA 393.8m²).

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and**
- (e) any basement:**
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and**
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and**
- (h) any space used for the loading or unloading of goods (including access to it), and**
- (i) terraces and balconies with outer walls less than 1.4 metres high, and**
- (j) voids above a floor at the level of a storey or storey above.**

It is acknowledged that the application submission has included legal advice in relation to the interpretation of the GFA definition as relates to the calculation of FSR with reference to *Dwyer v Sutherland Shire Council [2018] NSWLEC 1543* which has been considered as part of the assessment.

Council's position regarding the interpretation of gross floor area (GFA) in relation to assessing the development against Clause 4.4 of WLEP 2009 is such that voids above stairs within each of the proposed dwellings are to be counted toward GFA. Stairs are not a floor, so subclause (j) does not apply to the vertical space above stairs.

In this regard, the approach taken in *Dwyer v Sutherland Shire Council [2018] NSWLEC 1543* does not appear to have had regard to the wording of subclause (j) of the definition of GFA. The only

subclause in the definition of GFA which allows an exclusion relating to stairs is (d), and stairs within dwellings are not 'common' so (d) does not apply in this context.

Note: Stairs in each dwelling are not an area of common vertical circulation as they are unable to be accessed by all occupants of the development in a common arrangement.

An example of stairs utilised as an area for common vertical circulation are within a residential flat building where all occupants share the common stairs for access to each individual unit.

The development is therefore non-compliant with regard to FSR for each lot proposed as "semi-detached dwellings" or "multi dwelling housing".

Clause 4.6 Exceptions to development standards

In consideration of Clause 4.4, the development is considered non-compliant with regard to FSR for each lot proposed. No Clause 4.6 submission has been received by the proponent that requests an exception to a development standard.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development site is already serviced by electricity, water and sewage services.

A condition could be imposed requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site prior to Construction Certificate.

Clause 7.6 Earthworks

The proposal comprises earthworks relating to the construction of the buildings, infrastructure and landscaping. It is considered that the cut and fill is balanced across the site.

The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or features 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 B1 – RESIDENTIAL DEVELOPMENT

The proposed development as "semi-detached dwellings" has been assessed against the applicable controls of Chapter B1 of WDCP 2009 and found to be unsatisfactory/unresolved with regard to:

- Clause 4.2 – Front Setback
- Clause 4.5 – Landscape and drainage design compatibility
- Clause 4.8 – Building Character and Form
- Clause 4.10 – Car Parking & Access

It is noted that no variation requests have been submitted regarding non-compliances where applicable.

A full compliance table is provided at **Attachment 3** to this report.

Note: Whilst the development has been assessed as "semi-detached dwellings", Council is of the view that the most apt characterisation of the development as presented is "multi dwelling housing" being four (4) dwellings on what is currently one lot of land.

It is acknowledged that an assessment of the development against Part 5 – Attached Dwellings and Multi Dwelling Housing controls would introduce further controls and development requirements that the current development would be unable to achieve. This would be likely to reduce the development yield to three (3) dwellings in order to accommodate all site requirements.

CHAPTER B2 – RESIDENTIAL SUBDIVISION

A detailed assessment of the subdivision design against Chapter B2 is incomplete. Council's Development Engineering Manager has advised that the proposal to subdivide the land prior to the construction of dwellings to permit "semi-detached dwellings" is not supported which is discussed within section 1.6 of the report. The development is considered to be unresolved with regard to Chapter B2.

CHAPTER D1 – CHARACTER STATEMENTS

Keiraville

Existing Character

Keiraville is set in a natural amphitheatre on the foothills of the Illawarra escarpment, below Mount Keira. Keiraville is home to the University of Wollongong, which is the main tertiary academic centre for the Illawarra Region. The suburb is in relative close proximity to Wollongong City Centre and is serviced by major road network links such as the Southern Freeway and Mount Ousley Road. It is also serviced by regular bus services to and from the city centre.

Keiraville has a natural leafy setting and is characterised by a mix of housing types, including detached dwelling-houses on varied residential lot sizes as well as boarding-houses, villas, townhouses and walk up residential flat buildings. The detached dwelling-houses are predominantly single storey to two storey in height and are of a face brick or weatherboard construction with tiled hipped roof forms.

Desired Future Character

Keiraville will remain a leafy suburb with a mix of housing types ranging from detached dwelling-houses, boarding-houses, villas, townhouses and some residential flat buildings. In this regard, additional medium density developments are likely to occur within reasonable walking distance to the University of Wollongong, especially in residential precincts directly to the east and south of the Wollongong Botanic Gardens.

It is acknowledged that the desired future character of Keiraville involves a mix of low and medium density housing to increase housing choice. The subject site is within walking distance and is serviced by close public transport links to Wollongong University.

However, the proposal being "semi-detached dwellings" results in the development circumventing the "multi dwelling housing" controls which is considered to be an undesirable outcome. As a result, it is of a large scale with less site provisions to support the development and is considered to set an undesirable precedent. This is likely to create inconsistency with existing development of a similar scale and the desired future character for the locality.

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The design and layout of the development provides casual surveillance opportunities to the street and throughout the site. No concerns are raised regarding safety or security.

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

The review by Council's Development Engineering Officer is incomplete with regard to Chapter E3 as the development characterisation is considered to be unresolved. Refer to comments within Section 1.6 of the report.

It is noted that the car parking arrangement for Lot 3 & 4 raises significant concerns. Under the current proposal, vehicles may park forward of the carport and open hard stand car parking space

(setback 3m and 200mm respectively) and overhang the road reserve of Bulwarra Street, obstructing pedestrian flow and resulting in safety impacts and loss of amenity which is not supported.

The development is considered to be unresolved with regard to Chapter E3.

CHAPTER E6: LANDSCAPING

A landscape concept plan has been submitted as part of the application. The provisions of Chapter E6 have been considered and found satisfactory by Council's Landscape Officer.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided as part of the application. Conditions could be recommended with regard to waste management.

CHAPTER E14: STORMWATER MANAGEMENT

The review by Council's Development Engineering Officer is incomplete with regard to Chapter E14 as the development characterisation is considered to be unresolved. Refer to comments within Section 1.6 of the report.

CHAPTER E17: PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The proposal involves the removal of 3 trees located within the site. This has been assessed by Council's Landscape Officer with satisfactory comments and conditions provided.

CHAPTER E19: EARTHWORKS

The proposal comprises earthworks relating to the construction of the dwellings, associated infrastructure and landscaping. It is considered that the cut and fill is appropriately balanced across the site.

The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or features surrounding land.

CHAPTER E22: SOIL EROSION AND SEDIMENT CONTROL

Conditions could be recommended with regard to appropriate sediment and erosion control measures to be in place during works.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is >\$100,000, (\$990,000) and a levy of 1% is applicable under this plan as the threshold value is \$100,000. However, the application is recommended for refusal.

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

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

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

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

N/A

93 Fire safety and other considerations

N/A

N/A

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

Context and Setting:

The proposal is considered to be incorrectly characterised as “semi-detached dwellings” with regard to Clause 2.3 of WLEP 2009 and as such, the development is not considered to be satisfactory with regard to the context and setting of the site.

Access, Transport and Traffic:

Car parking, access and traffic are considered to be unresolved. The design results in the potential for vehicles to overhang the road reserve along Bulwarra Street, obstructing pedestrian flow and resulting in safety impacts and loss of amenity.

Public Domain:

The proposal is not considered to be conducive the site and would set an undesirable precedent for development within the local area. The cumulative impact of similar development would likely have an adverse impact upon the public domain of the area.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.

Heritage:

The site is not located in the visual catchment of any nearby heritage items.

Other land resources:

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

Water:

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

The proposal would not be envisaged to have unreasonable water consumption.

Soils:

The soil profile could be acceptable for the construction of the proposed development.

Air and Microclimate:

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

Flora and Fauna:

The proposal would not be expected to have negative impacts on flora and fauna.

Energy:

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

Noise and vibration:

A condition could be imposed to minimise nuisance during any construction works.

Natural hazards:

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

Technological hazards:

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

Safety, Security and Crime Prevention:

The proposal would not be envisaged to result in additional opportunities for criminal or antisocial behaviour.

Social Impact:

It is expected that there would not be adverse social impact associated with the proposed development.

Economic Impact:

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

Site Design and Internal Design:

The proposal results in non-compliances relating to regard to FSR, front setbacks, building character and form and car parking/access arrangements as relates to WLEP 2009 and WDCP 2009 which have not been appropriately addressed by the development proposal if characterised both as semi-detached dwellings or multi dwelling housing. The site and internal design are therefore considered to be unsatisfactory.

Cumulative Impacts:

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

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

Does the proposal fit in the locality?

The development and associated issues as proposed is considered to set an undesirable precedent. Therefore the proposal is not considered to be appropriate for the locality.

Are the site attributes conducive to development?

There are no known site constraints that would prevent the proposal.

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

Details of the proposal were publicly exhibited in accordance with Appendix 1 of the Wollongong Development Control Plan (WDCP) 2009. Ten (10) submissions were received during the notification period. A detailed discussion on submissions received is provided at section 1.5.

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

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

3 CONCLUSION

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

- The proposal is not considered to be an appropriate characterisation of development as it appears to be an attempt to circumvent the “multi dwelling housing” controls and as such, results in an overdevelopment of the site.
- The following issues with the proposal remain unresolved:

WLEP 2009

- Clause 1.2 – Aims of plan (2). The development is considered to be inconsistent with regard to:
 - (a) to provide a framework for land use management,*
 - (c) to encourage a range of housing choices consistent with the capacity of the land,*
 - (g) to ensure that development is consistent with the constraints of the land and can be appropriately serviced by infrastructure,*
- Clause 2.3 - Zone objectives and Land Use Table – Incorrect characterisation of the development
- Clause 4.4 - Floor Space Ratio (FSR) non-compliance.
- Clause 4.6 – Exceptions to development standards – no submission.

WDCP 2009

Chapter B1 – Residential Development

- Clause 4.2 - Front setback non-compliance.
- Clause 4.5 – Landscape and drainage design compatibility unresolved.
- Clause 4.8 - Undesirable outcome with regard to building character and form.
- Clause 4.10 – Insufficient car parking and access arrangements.

Chapter B2 – Residential Subdivision

- A detailed assessment of the subdivision design with regard to Chapter B2 is incomplete as the development characterisation is considered to be unresolved.

Chapter E3 – Car Parking, Access, Servicing/loading Facilities and Traffic Management

- A detailed assessment of the car parking, access and traffic with regard to Chapter E3 is incomplete as the development characterisation is considered to be unresolved.

Chapter E14 – Stormwater Management

- A detailed assessment of the stormwater management with regard to Chapter E14 is incomplete as the development characterisation is considered to be unresolved.

Chapter D1 – Character Statement (Keiraville)

- The development is considered to be inconsistent with the desired future character of the locality.
- The internal referral from Councils Development Engineering Officer has provided unsatisfactory advice and the application is not supported.
- Council’s Landscape Officer has provided satisfactory referral advice.

It is considered the proposed development has not been designed appropriately given the constraints and characteristics of the site and has the potential to result in significant adverse impacts. The development as proposed is considered to be an overdevelopment of the site and has the potential to set an undesirable precedent. Approval of the development would not be considered to be in the public interest.

4 RECOMMENDATION

The Development 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 Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

Having regard to the above information, the application is considered to be unsatisfactory and is recommended for **refusal** subject to 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 the proposal fails to demonstrate consistency with the provisions of the Wollongong Local Environmental Plan 2009:
 - Clause 1.2: Aims of Policy (2);
 - Clause 2.3: Zone objectives and Land Use Table (characterisation of development);
 - Clause 4.4: Floor Space Ratio;
 - Clause 4.6: Exceptions to development standards – no submission.
- 2 Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered the proposal fails to demonstrate consistency and/or remains unresolved with the provisions of the Wollongong Development Control Plan 2009:
 - Chapter B1: Residential Development;
 - Chapter B2: Residential Subdivision;
 - Chapter E3: Car Parking, Access, Servicing/Loading Facilities and Traffic Management;
 - Chapter E14: Stormwater Management;
 - Chapter D1: Character Statement (Keiraville).
- 3 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate the likely impacts of the development will not be adverse.
- 4 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate that the site is suitable for the development.
- 5 Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, it is considered that having regard for public submissions, the development is unsuitable with respect to:
 - Parking, access and traffic impacts;
 - Scale and overdevelopment of the site.
- 6 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979, it is considered that approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.

5 ATTACHMENTS

- 1 Plans
- 2 PDC Legal Opinion & Mecone Planning Review Advice
- 3 Compliance table for Chapter B1 of Wollongong Development Control Plan 2009

5.6

Average star rating

NATIONWIDE HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

Certificate no.: 0004086270

Assessor Name: Simon Faulks

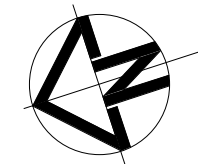
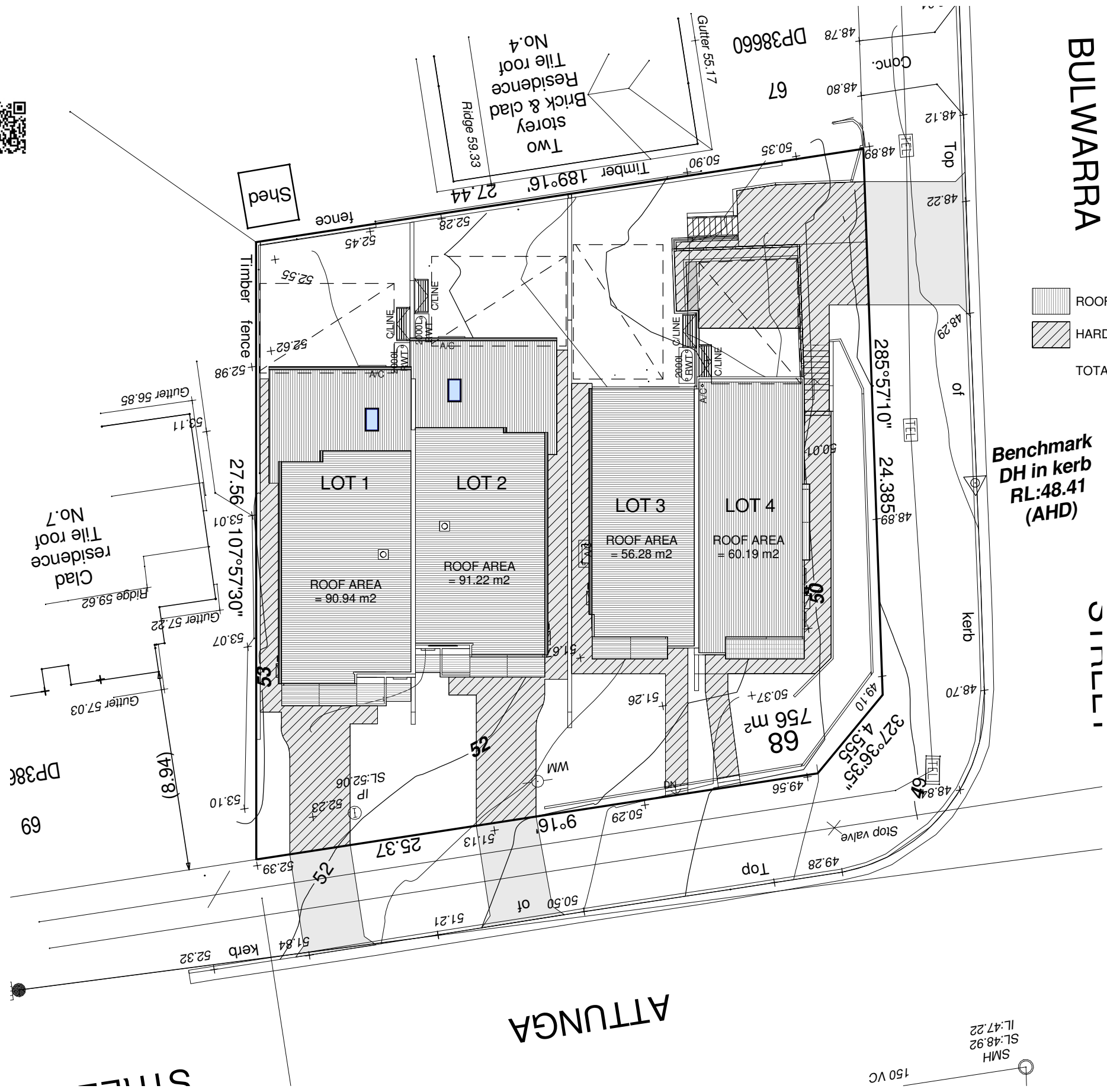
Accreditation no.: 101492

Certificate date: 06 August 2019

Dwelling Address: 6 Bulwarra Street
Keiraville, NSW
2500



www.nathers.gov.au



ROOF PLAN



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500

LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 200 @ A3 **JOB NO:** 060BUL

ISSUE
K

SHEET NO.
3 / 29

5.6

Average star rating

NATIONWIDE

HOUSE

ENERGY RATING SCHEME

www.nathers.gov.au

Certificate no.:

0004086270

Assessor Name:

Simon Faulks

Accreditation no.:

101492

Certificate date:

06 August 2019

Dwelling Address:

6 Bulwarra Street
Keiraville, NSW
2500

www.nathers.gov.au



LEGEND

 BINS

 COMPOST BIN

 CLOTHES LINE

 24m2 PRVATE
OPEN SPACE
MIN 4m WIDE

 RAINWATER TANK

 LETTER BOX

ABSASustainable by Design

HERO Assessments completed within the accreditation period are part of the ABSA quality audit system

Accreditation Period 01/04/19 - 30/10/2019

Assessor Name Simon Faulks

Assessor Number 101492

Assessor Signature

This Accredited Assessor is qualified to provide HERO Assessments and has agreed to follow the ABSA Code of Practice

WOLLONGONG SITE CALCULATIONS LOT 1	
GROUND FLOOR (EX. EXTERNAL WALLS & GARAGE UP TO 18 SQ.M)	49.65 m ²
FIRST FLOOR (EX. EXTERNAL WALLS & STAIR VOID)	46.84 m ²
GROSS FLOOR AREA	96.49 m ²
SITE AREA	192.98 m ²
TOTAL LANDSCAPE AREA (EX. AREAS < 1.5m WIDE)	
LANDSCAPE AREA (MIN. 38.6m2)	
<600 SQ.M - 20%	34.25 %
600-900 SQ.M = 120 SQ.M + 30% OF SITE AREA > 600 SQ.M	
> 900 SQ.M = 210 SQ.M + 40% OF SITE AREA > 900 SQ.M	
LANDSCAPE AREA (BEHIND BUILDING LINE - MIN 10% OF SITE AREA - 19.298 m ²)	43.26 m ²
FLOOR SPACE RATIO (MAX 0.5:1)	
	0.5000 :1
SITE COVERAGE (EX. UNENCLOSED BALCONIES, DECKS, PERGOLAS AND THE LIKE)	
	73.03
SITE COVERAGE %	
55% LOTS < 450 SQ.M	
50% LOTS > OR EQUAL TO 450 SQ.M	37.84 %
40% LOTS > OR EQUAL TO 900 SQ.M	

WOLLONGONG SITE CALCULATIONS LOT 2	
GROUND FLOOR (EX. EXTERNAL WALLS & GARAGE UP TO 18 SQ.M)	49.65 m ²
FIRST FLOOR	46.84 m ²
GROSS FLOOR AREA	96.49 m ²
SITE AREA	192.98 m ²
TOTAL LANDSCAPE AREA (EX. AREAS < 1.5m WIDE)	
LANDSCAPE AREA (MIN. 38.6m2)	
<600 SQ.M - 20%	34.02 %
600-900 SQ.M = 120 SQ.M + 30% OF SITE AREA > 600 SQ.M	
> 900 SQ.M = 210 SQ.M + 40% OF SITE AREA > 900 SQ.M	
LANDSCAPE AREA (BEHIND BUILDING LINE - MIN 10% OF SITE AREA - 19.298 m ²)	42.84 m ²
FLOOR SPACE RATIO (MAX 0.5:1)	
	0.5000 :1
SITE COVERAGE (EX. UNENCLOSED BALCONIES, DECKS, PERGOLAS AND THE LIKE)	
	73.26
SITE COVERAGE %	
55% LOTS < 450 SQ.M	
50% LOTS > OR EQUAL TO 450 SQ.M	37.96 %
40% LOTS > OR EQUAL TO 900 SQ.M	

WOLLONGONG SITE CALCULATIONS LOT 3	
GROUND FLOOR (EX. EXTERNAL WALLS & GARAGE UP TO 36 SQ.M)	44.03 m ²
FIRST FLOOR (EX. EXTERNAL WALLS & STAIR VOID)	47.09 m ²
GROSS FLOOR AREA	91.12 m ²
SITE AREA	182.31 m ²
TOTAL LANDSCAPE AREA (EX. AREAS < 1.5m WIDE)	
LANDSCAPE AREA (MIN. 36.46m2)	
<600 SQ.M - 20%	39.52 %
600-900 SQ.M = 120 SQ.M + 30% OF SITE AREA > 600 SQ.M	
> 900 SQ.M = 210 SQ.M + 40% OF SITE AREA > 900 SQ.M	
LANDSCAPE AREA (BEHIND BUILDING LINE - MIN 10% OF SITE AREA - 18.231 m ²)	47.75 m ²
FLOOR SPACE RATIO (MAX 0.5:1)	
	0.5000 :1
SITE COVERAGE (EX. UNENCLOSED BALCONIES, DECKS, PERGOLAS AND THE LIKE)	
	46.27 m ²
SITE COVERAGE %	
55% LOTS < 450 SQ.M	
50% LOTS > OR EQUAL TO 450 SQ.M	25.38 %
40% LOTS > OR EQUAL TO 900 SQ.M	

WOLLONGONG SITE CALCULATIONS LOT 4	
GROUND FLOOR (EX. EXTERNAL WALLS & GARAGE UP TO 36 SQ.M)	44.03 m ²
FIRST FLOOR (EX. EXTERNAL WALLS & STAIR VOID)	49.07 m ²
GROSS FLOOR AREA	93.10 m ²
SITE AREA	187.73 m ²
TOTAL LANDSCAPE AREA (EX. AREAS < 1.5m WIDE)	
LANDSCAPE AREA (MIN. 37.55m2)	
<600 SQ.M - 20%	34.12 %
600-900 SQ.M = 120 SQ.M + 30% OF SITE AREA > 600 SQ.M	
> 900 SQ.M = 210 SQ.M + 40% OF SITE AREA > 900 SQ.M	
LANDSCAPE AREA (BEHIND BUILDING LINE - MIN 10% OF SITE AREA - 18.773 m ²)	36.69 m ²
FLOOR SPACE RATIO (MAX 0.5:1)	
	0.496 :1
SITE COVERAGE (EX. UNENCLOSED BALCONIES, DECKS, PERGOLAS AND THE LIKE)	
	53.56 m ²
SITE COVERAGE %	
55% LOTS < 450 SQ.M	
50% LOTS > OR EQUAL TO 450 SQ.M	28.53 %
40% LOTS > OR EQUAL TO 900 SQ.M	

NOTE:
DRIVEWAYS TO BE COLOURED
CONCRTE (MONUMENT OR SIMILAR)

Site Plan

Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500

LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P DATE: 28.06.19
SCALE: 1 : 200 @ A3 JOB NO: 060BUL

ISSUE
K

SHEET NO.
4 / 29

LEGEND	
AJ -	BRICK ARTICULATION JOINT
B.1200-	BENCH & LENGTH
C.T.-	COOKTOP
D.W.-	DISHWASHER
F.W.-	FLOOR WASTE
HWU-	HOT WATER UNIT
LOH-	LIFT OFF HINGES
MWS-	MICROWAVE SPACE
MH-	MANHOLE
MRS LDR-	MIRROR SLIDING DOOR
REF-	REFRIGERATOR SPACE
R.H.-	RANGE HOOD
S-	SMOKE DETECTOR
UPC-	UPRIGHT COOKER
UBO-	UNDERBENCH OVEN
V1200-	VANITY & LENGTH
W.O.-	WALL OVEN
W.M.-	WASHING MACHINE SPACE
1200 SQ. SET -	SQUARE SET OPENING AT 2400 HIGH.
75 S/D -	STEPDOWN IN SLAB

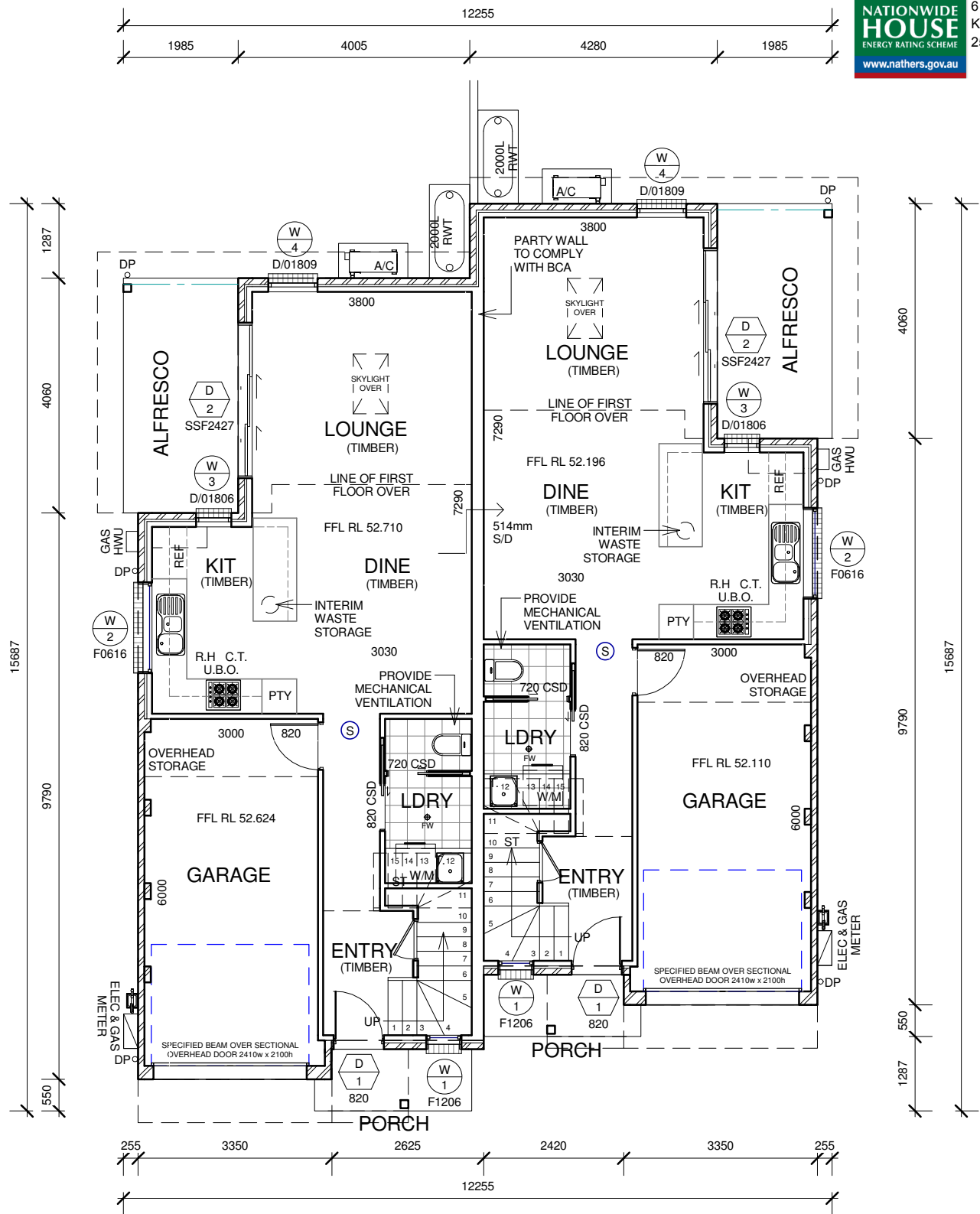
GENERAL NOTES

- ALL CONSTRUCTION TO CONFORM TO B.C.A AND AUSTRALIAN STANDARDS.
- WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED.
- LOCATION OF SERVICES ARE APPROXIMATE ONLY, AND SUBJECT TO SITE CONDITIONS AS DETERMINED BY BUILDER.

- SMOKE DETECTOR
- EXHAUST FAN
- LIFT OFF HINGES

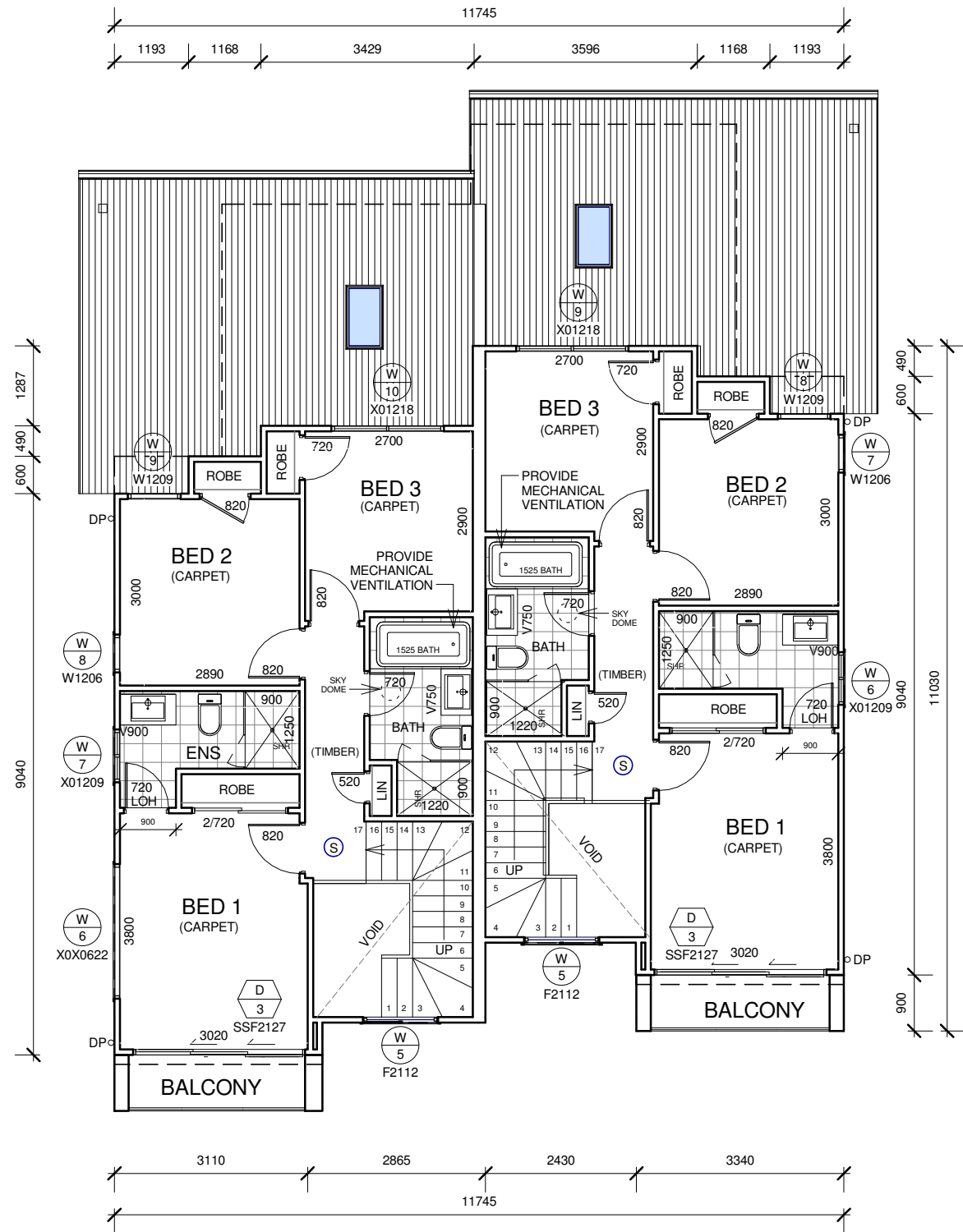
AREA SCHEDULE

LOT 1	
GROUND FLOOR	53.62 m ²
ALFRESCO	8.01 m ²
GARAGE	19.56 m ²
PORCH	2.75 m ²
FIRST FLOOR	56.85 m ²
BALCONY	3.04 m ²
	143.83 m ²
LOT 2	
GROUND FLOOR	53.50 m ²
ALFRESCO	8.08 m ²
GARAGE	19.56 m ²
PORCH	2.75 m ²
FIRST FLOOR	56.78 m ²
BALCONY	3.11 m ²
	143.78 m ²



LOT 1 & 2 GROUND FLOOR

Certificate no.: 0004086270
 Assessor Name: Simon Faulks
 Accreditation no.: 101492
 Certificate date: 06 August 2019
 Dwelling Address: 6 Bulwarra Street, Keiraville, NSW 2500



LOT 1 & 2 FIRST FLOOR

Lot 1 & 2 Ground/First Floor



Suite 14, 41 Market Street
 Wollongong NSW 2500
 PH: 42283664

CLIENT
 ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
 NO. 6 BULWARRA STREET,
 KEIRAVILLE 2500

LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

ISSUE
K

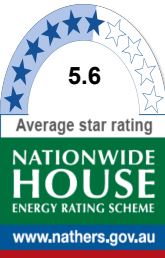
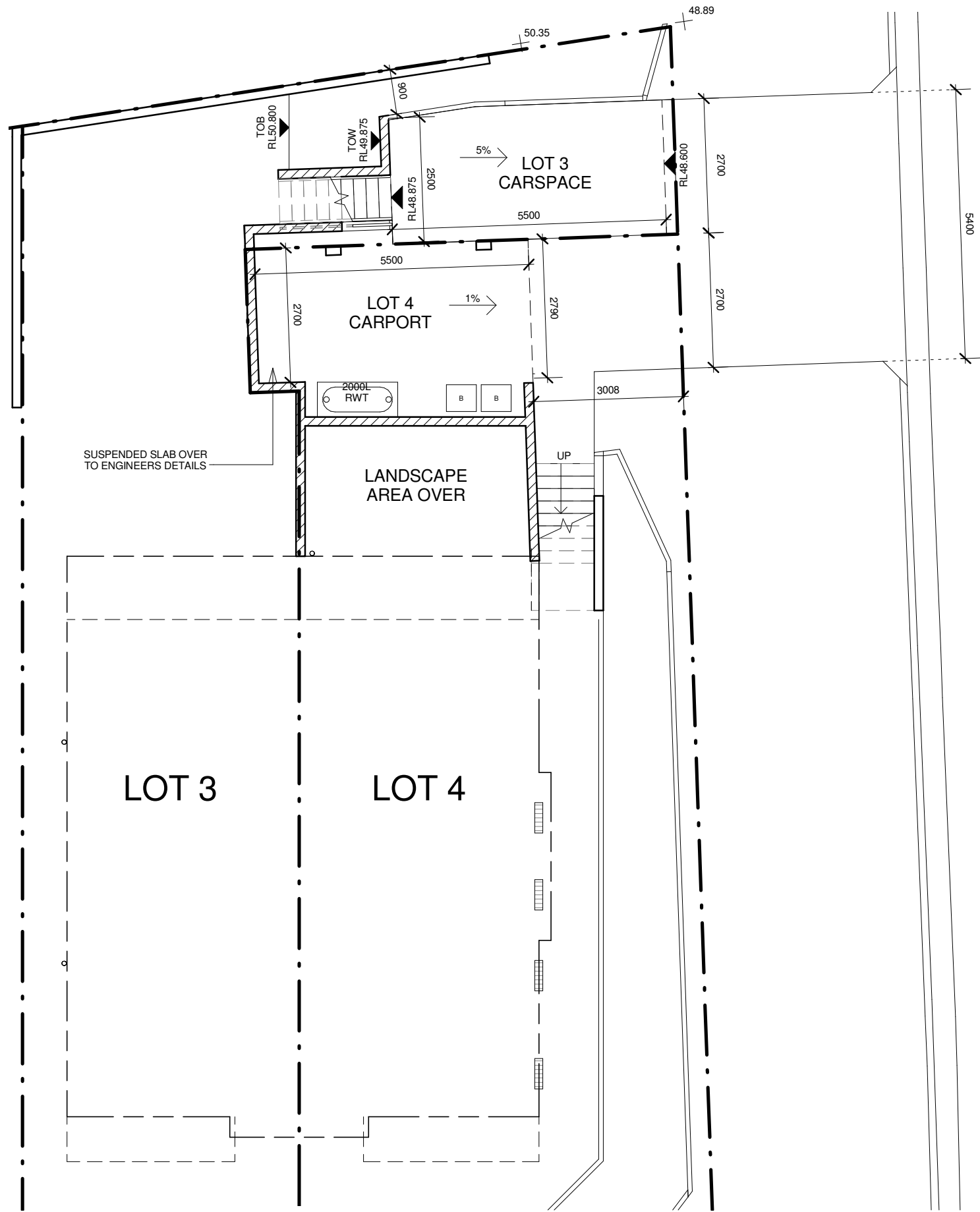
SHEET NO.
5 / 29

LEGEND	
AJ -	BRICK ARTICULATION JOINT
B.1200-	BENCH & LENGTH
C.T.-	COOKTOP
D.W.-	DISHWASHER
F.W. -	FLOOR WASTE
HWU-	HOT WATER UNIT
LOH-	LIFT OFF HINGES
MWS-	MICROWAVE SPACE
MH-	MANHOLE
MRS LDR-	MIRROR SLIDING DOOR
REF-	REFRIGERATOR SPACE
R.H.-	RANGE HOOD
Ⓢ-	SMOKE DETECTOR
UPC-	UPRIGHT COOKER
UBO-	UNDERBENCH OVEN
V1200-	VANITY & LENGTH
W.O.-	WALL OVEN
W.M.-	WASHING MACHINE SPACE
1200 SQ. SET -	SQUARE SET OPENING AT 2400 HIGH.
75 S/D -	STEPDOWN IN SLAB

GENERAL NOTES

- ALL CONSTRUCTION TO CONFORM TO B.C.A AND AUSTRALIAN STANDARDS.
- WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED.
- LOCATION OF SERVICES ARE APPROXIMATE ONLY, AND SUBJECT TO SITE CONDITIONS AS DETERMINED BY BUILDER.

Ⓢ	SMOKE DETECTOR
⊕	EXHAUST FAN
LOH	LIFT OFF HINGHES



Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019

Dwelling Address:
6 Bulwarra Street
Keiraville, NSW
2500

www.nathers.gov.au



LOT 3 & 4 CARPORT



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500

LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

ISSUE
K

SHEET NO.

6 / 29

LEGEND	
AJ -	BRICK ARTICULATION JOINT
B.1200-	BENCH & LENGTH
C.T.-	COOKTOP
D.W.-	DISHWASHER
F.W.-	FLOOR WASTE
HWU-	HOT WATER UNIT
LOH-	LIFT OFF HINGES
MWS-	MICROWAVE SPACE
MH-	MANHOLE
MRSLDR-	MIRROR SLIDING DOOR
REF-	REFRIGERATOR SPACE
R.H.-	RANGE HOOD
Ⓢ-	SMOKE DETECTOR
UPC-	UPRIGHT COOKER
UBO-	UNDERBENCH OVEN
V1200-	VANITY & LENGTH
W.O.-	WALL OVEN
W.M.-	WASHING MACHINE SPACE
1200 SQ. SET -	SQUARE SET OPENING AT 2400 HIGH.
75 S/D -	STEPDOWN IN SLAB

GENERAL NOTES

- ALL CONSTRUCTION TO CONFORM TO B.C.A AND AUSTRALIAN STANDARDS.
- WRITTEN DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED.
- LOCATION OF SERVICES ARE APPROXIMATE ONLY, AND SUBJECT TO SITE CONDITIONS AS DETERMINED BY BUILDER.

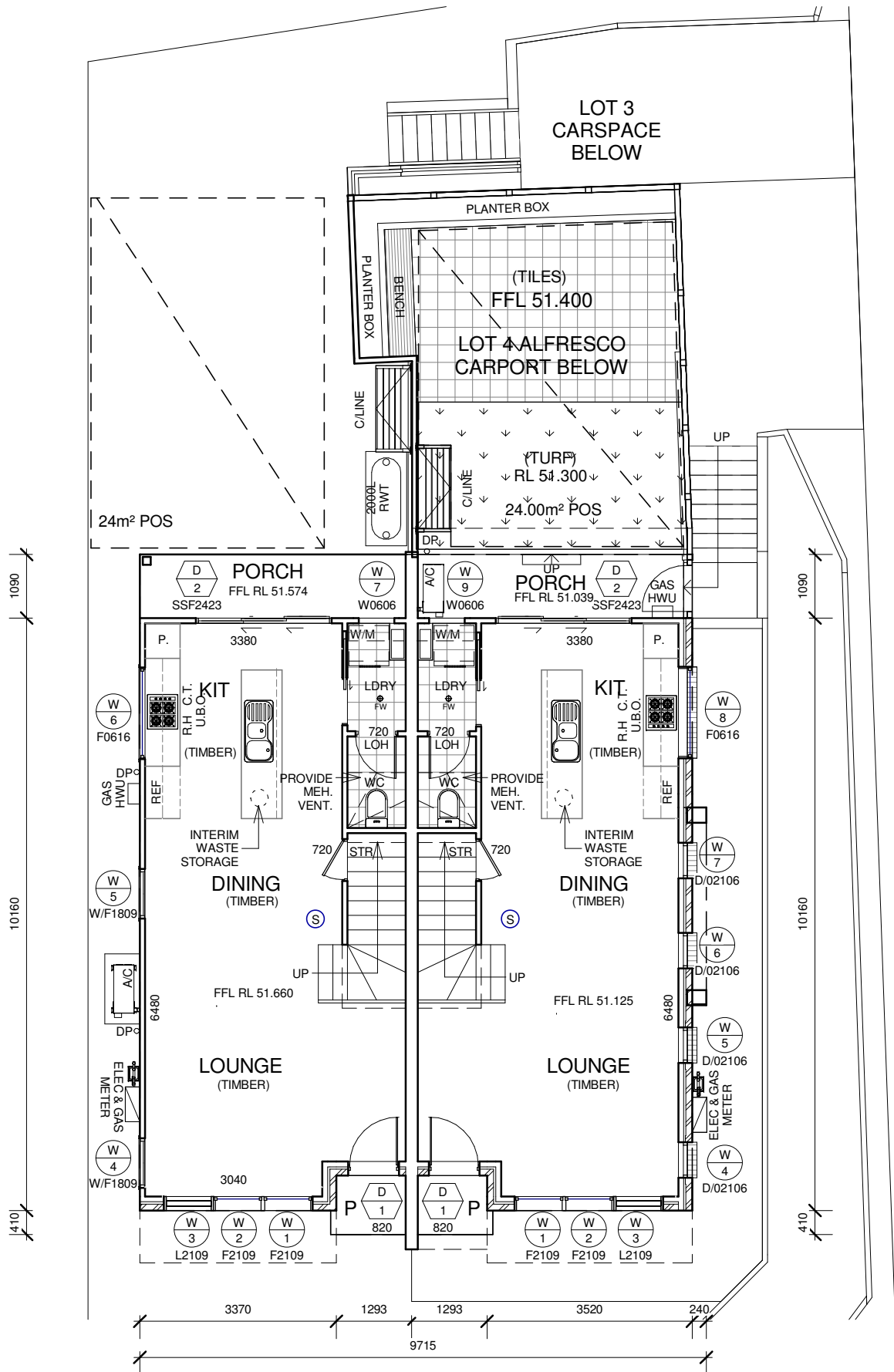
- Ⓢ SMOKE DETECTOR
- ⊕ EXHAUST FAN
- LOH LIFT OFF HINGES

AREA SCHEDULE.

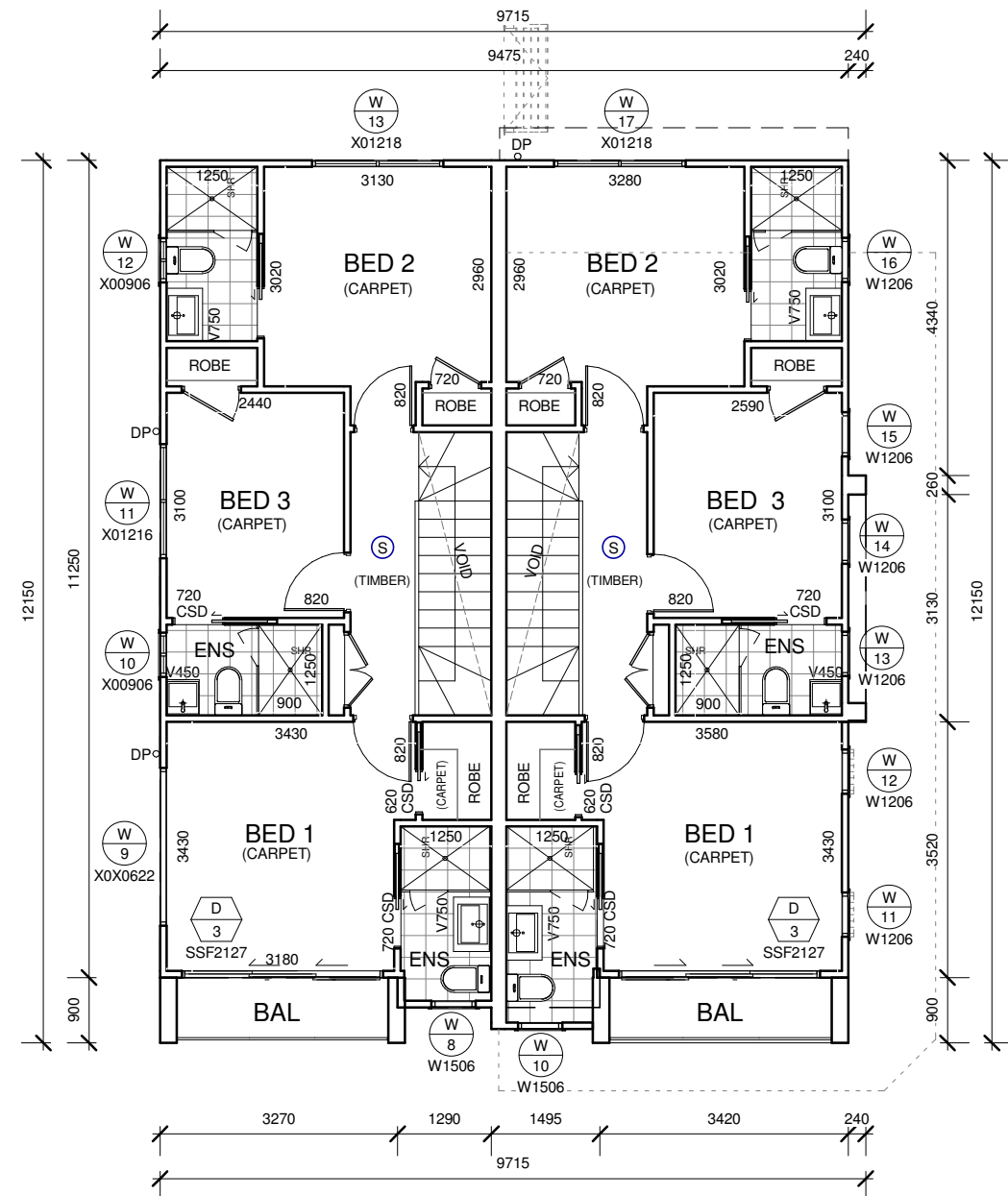
LOT 3	
GROUND FLOOR	46.24 m ²
PORCH	1.84 m ²
ALFRESCO	4.97 m ²
FIRST FLOOR	53.19 m ²
BALCONY	2.98 m ²
	109.22 m ²

AREA SCHEDULE.

LOT 4	
GROUND FLOOR	48.58 m ²
PORCH	1.84 m ²
ALFRESCO	5.13 m ²
FIRST FLOOR	55.13 m ²
BALCONY	3.10 m ²
	113.78 m ²



LOT 3 & 4 GROUND FLOOR



LOT 3 & 4 FIRST FLOOR

Lot 3 & 4 Ground/First Floor



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500

LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

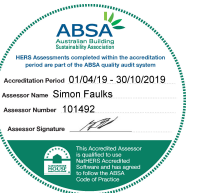
DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

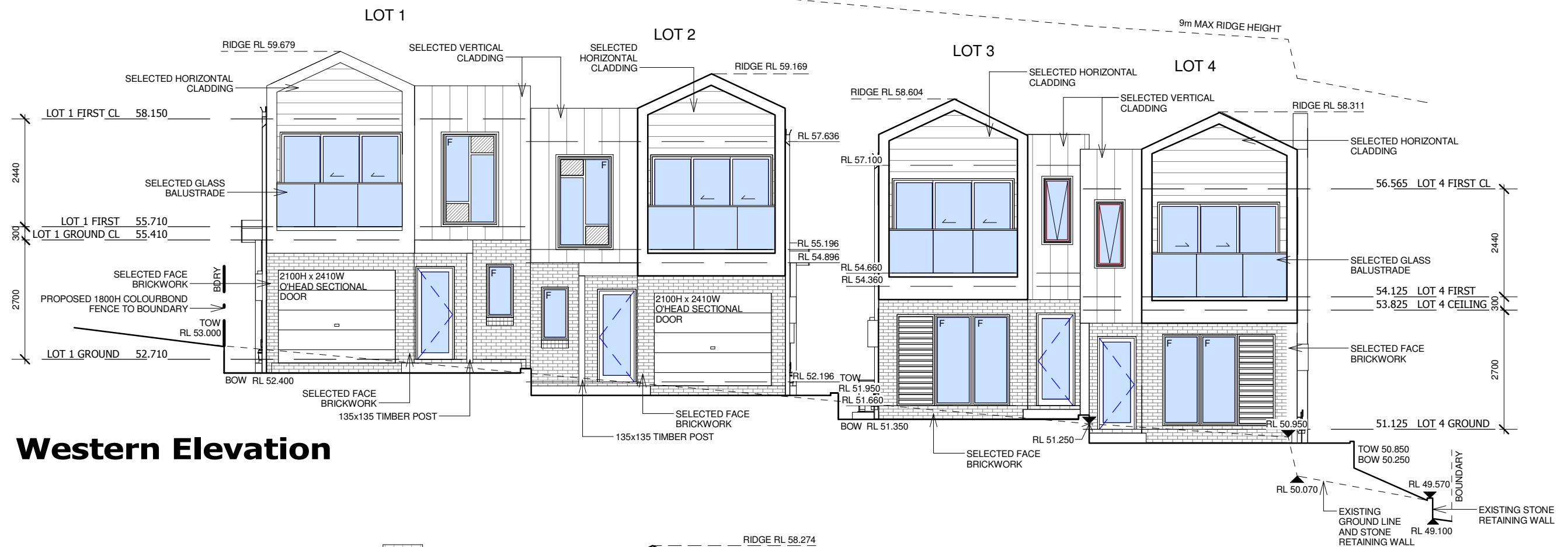
ISSUE
K

SHEET NO.
7 / 29

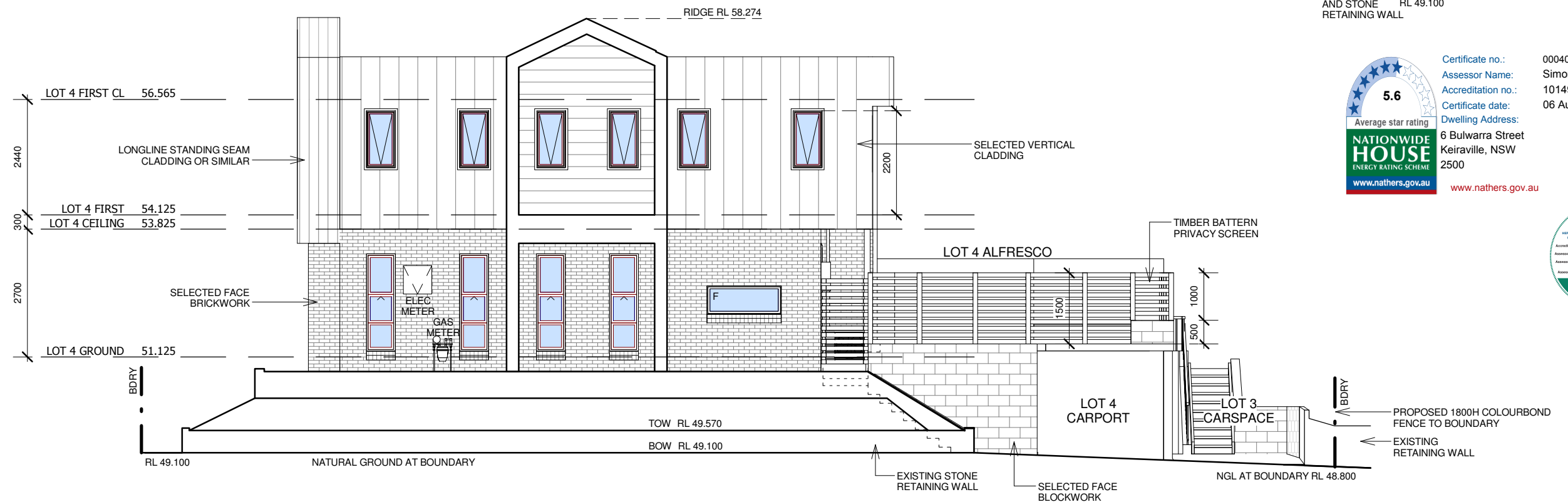


Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019
Dwelling Address: 6 Bulwarra Street
Keiraville, NSW 2500
www.nathers.gov.au

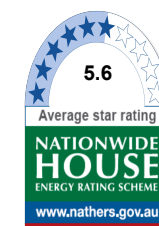




Western Elevation



Southern Elevation



Certificate no.: 0004086270
 Assessor Name: Simon Faulks
 Accreditation no.: 101492
 Certificate date: 06 August 2019
 Dwelling Address: 6 Bulwarra Street Keiraville, NSW 2500
www.nathers.gov.au



Front Elevations



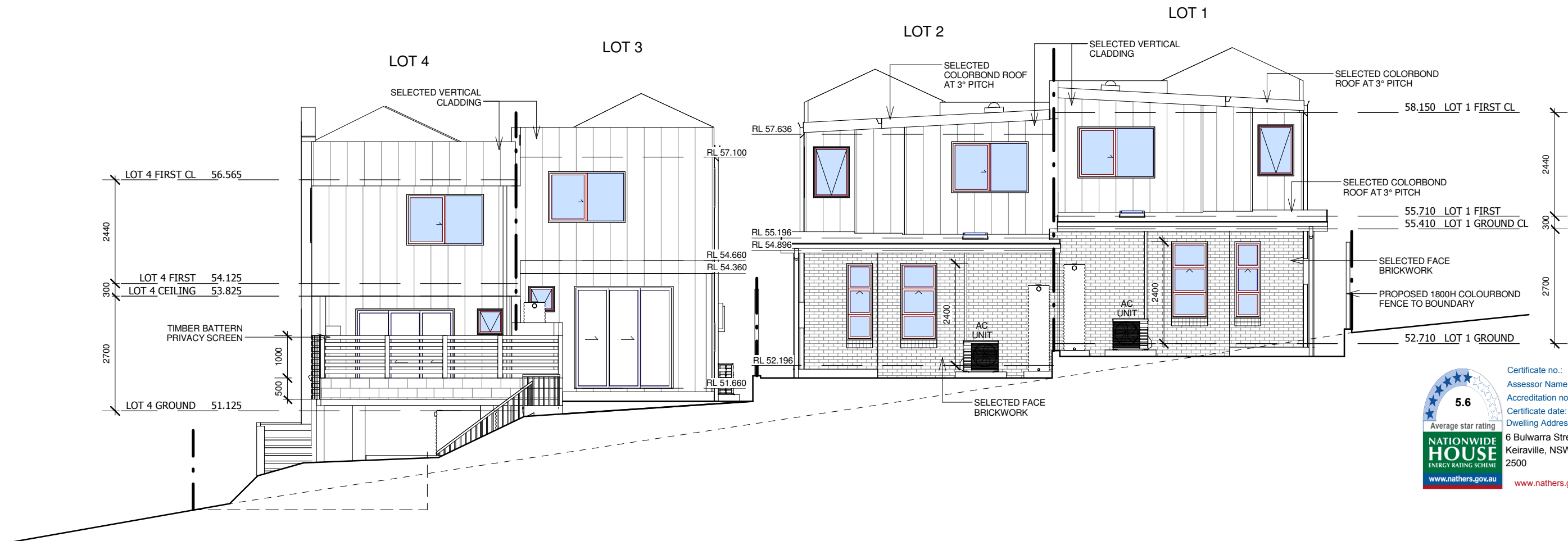
Suite 14, 41 Market Street
 Wollongong NSW 2500
 PH: 42283664

CLIENT
 ASSURANCE HOLDINGS NO. 3 PTY LTD
SITE
 NO. 6 BULWARRA STREET,
 KEIRAVILLE 2500
 LOT 68 DP 38660

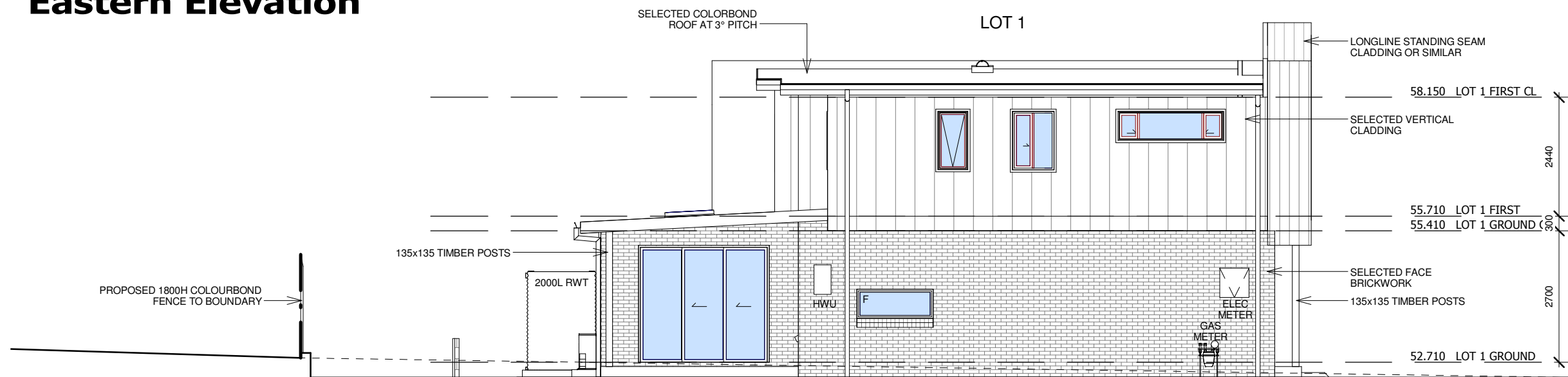
COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

ISSUE
K
SHEET NO.
8 / 29



Eastern Elevation



Northern Elevation



Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019
Dwelling Address: 6 Bulwarra Street Keiraville, NSW 2500

www.nathers.gov.au



ELEVATIONS



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

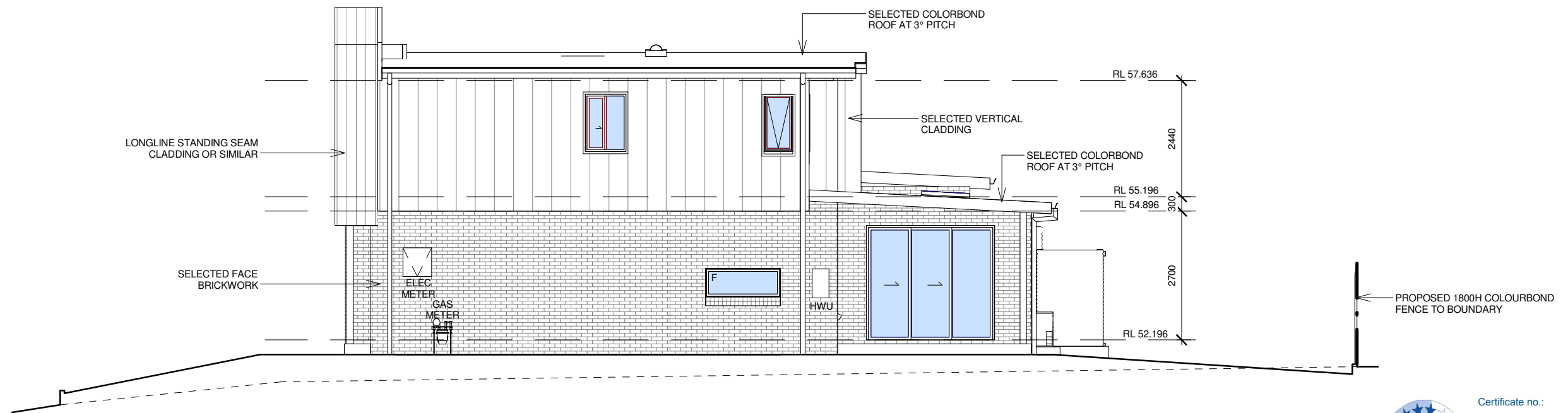
SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500
LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1:100 @ A3 **JOB NO:** 060BUL

ISSUE
K

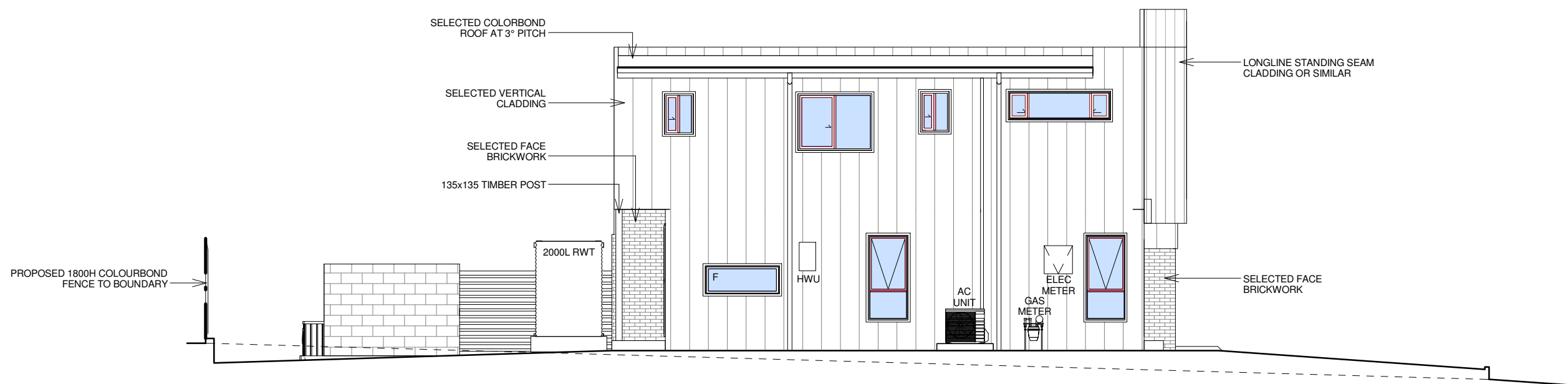
SHEET NO.
9 / 29



Southern Elevation (Internal Lot 2)



Certificate no.: 0004086270
 Assessor Name: Simon Faulks
 Accreditation no.: 101492
 Certificate date: 06 August 2019
 Dwelling Address: 6 Bulwarra Street
 Keiraville, NSW
 2500
www.nathers.gov.au



Northern elevation (Internal Lot 3)

ELEVATIONS



Suite 14, 41 Market Street
 Wollongong NSW 2500
 PH: 42283664

CLIENT
 ASSURANCE HOLDINGS NO. 3 PTY LTD
SITE
 NO. 6 BULWARRA STREET,
 KEIRAVILLE 2500
 LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

ISSUE
K

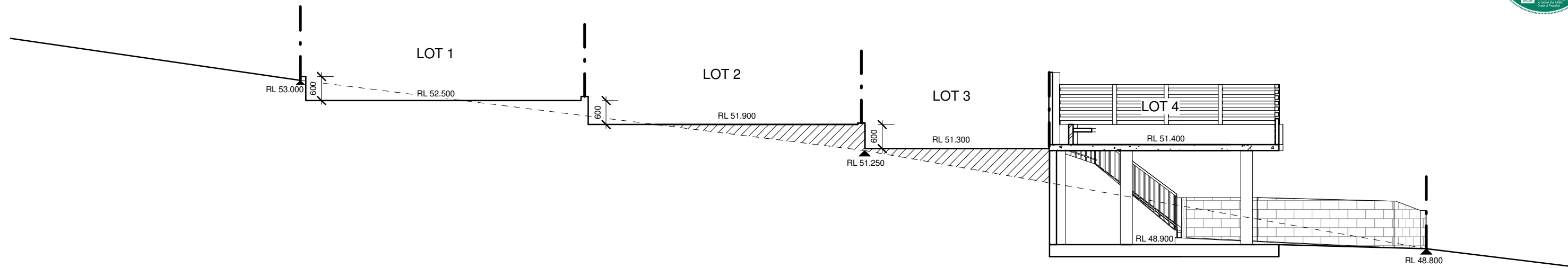
SHEET NO.
10 / 29



1 Section 1
1 : 100

Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019
Dwelling Address: 6 Bulwarra Street, Keiraville, NSW 2500

www.nathers.gov.au



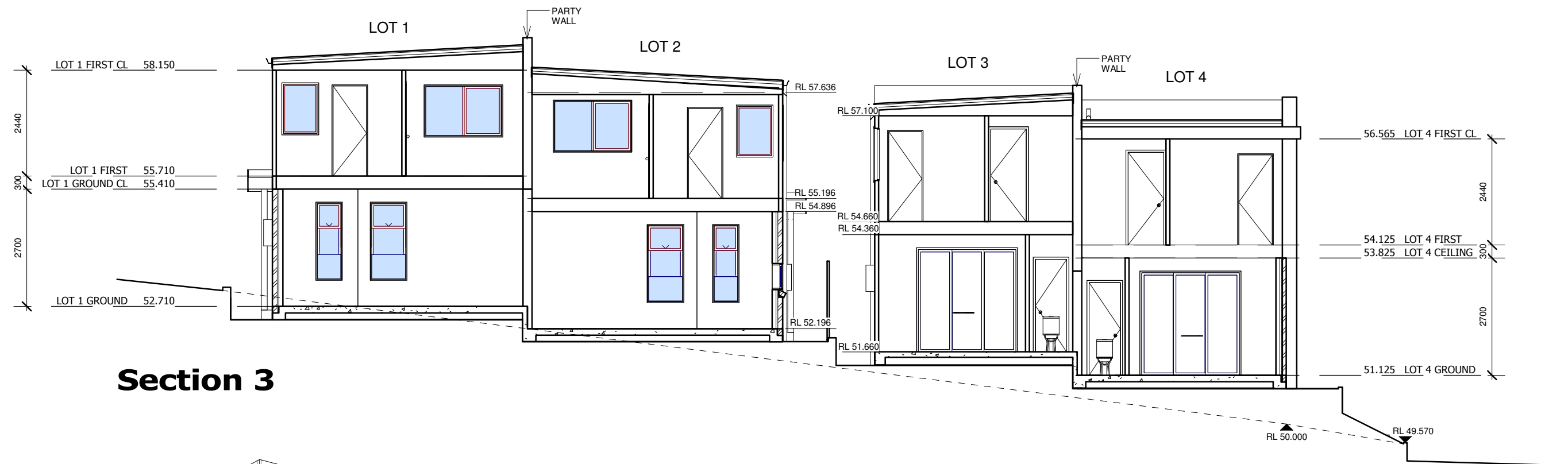
2 Section 2
1 : 100

SECTIONS

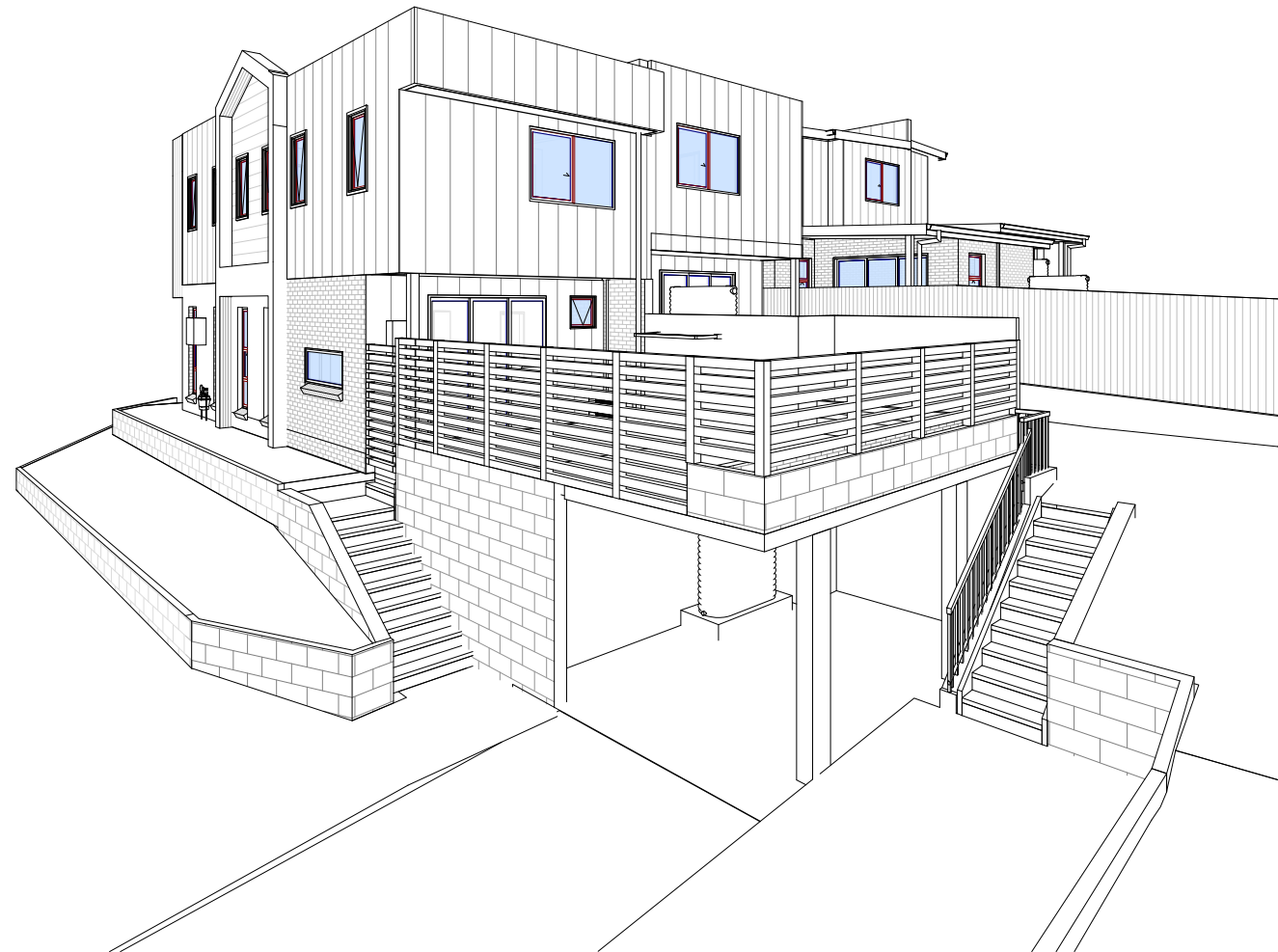


Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT ASSURANCE HOLDINGS NO. 3 PTY LTD		COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORSIED BY SUSTAINABLE BY DESIGN PTY LTD		ISSUE <div>K</div>
SITE NO. 6 BULWARRA STREET, KEIRAVILLE 2500 LOT 68 DP 38660				SHEET NO. <div>11 / 29</div>
		DRAWN: S.R.P	DATE: 28.06.19	
		SCALE: 1 : 100 @ A3	JOB NO: 060BUL	



Section 3



Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019
Dwelling Address: 6 Bulwarra Street
Keiraville, NSW 2500
www.nathers.gov.au



SECTIONS



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500
LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

ISSUE
K

SHEET NO.
12 / 29



Certificate no.: 0004086270
 Assessor Name: Simon Faulks
 Accreditation no.: 101492
 Certificate date: 06 August 2019
 Dwelling Address: 6 Bulwarra Street
 Keiraville, NSW 2500



CONCEPT COLOUR SCHEDULE



Suite 14, 41 Market Street
 Wollongong NSW 2500
 PH: 42283664

CLIENT
 ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
 NO. 6 BULWARRA STREET,
 KEIRAVILLE 2500

LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

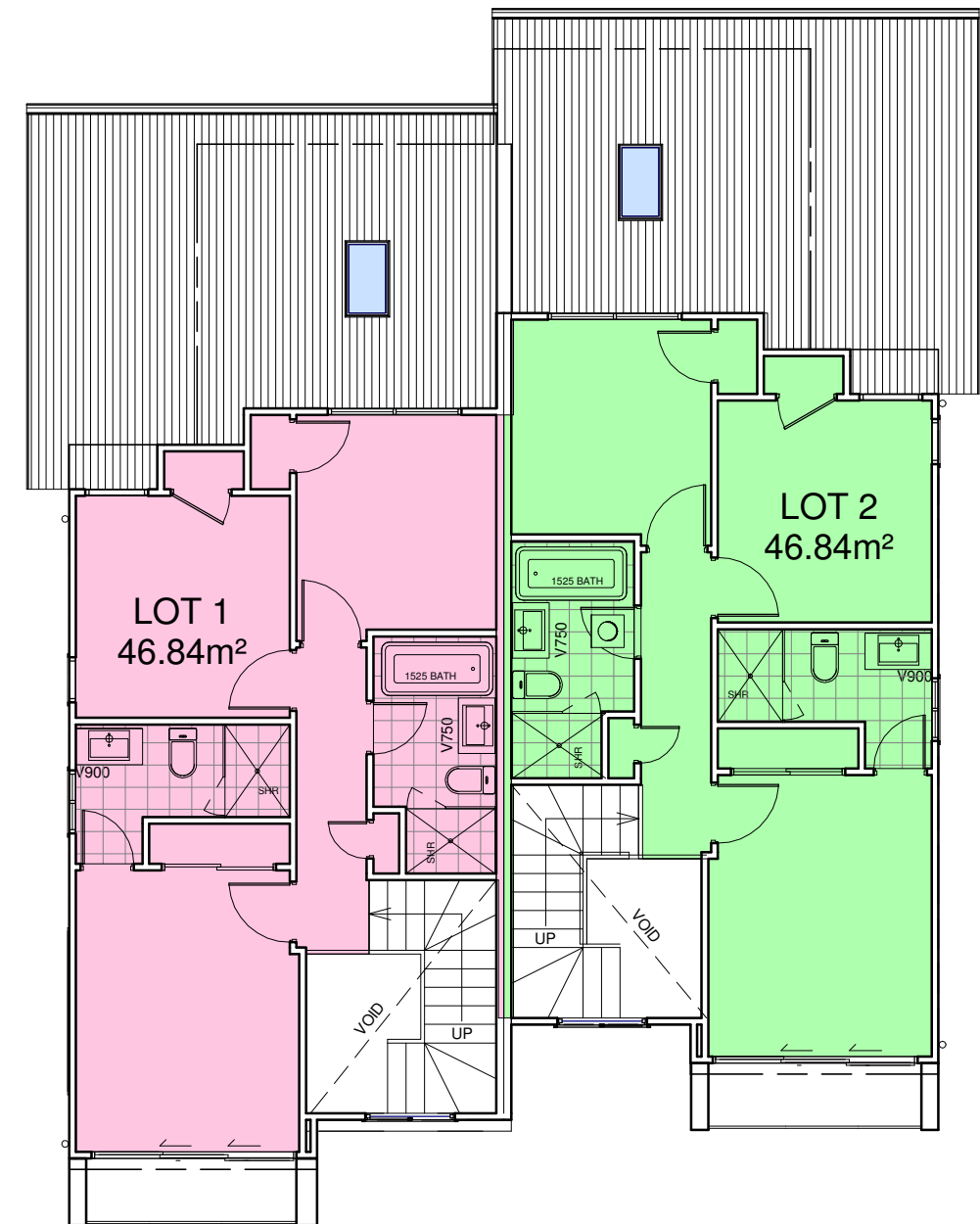
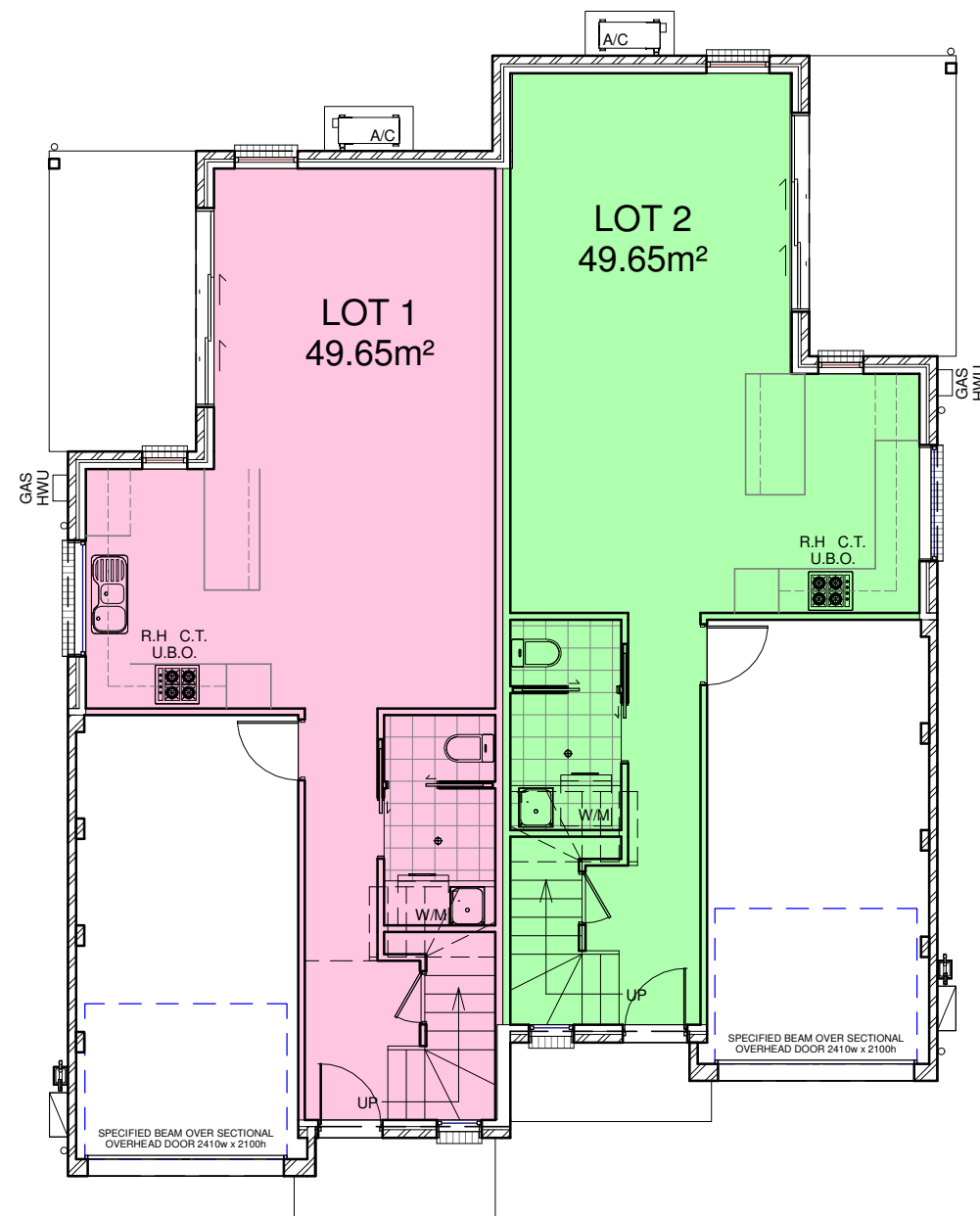
DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

ISSUE
K

SHEET NO.
14 / 29



Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019
Dwelling Address: 6 Bulwarra Street
Keiraville, NSW 2500
www.nathers.gov.au



GFA PLANS - LOT 1 & 2



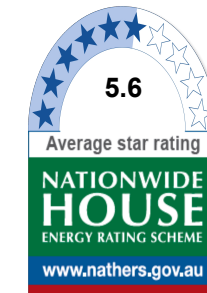
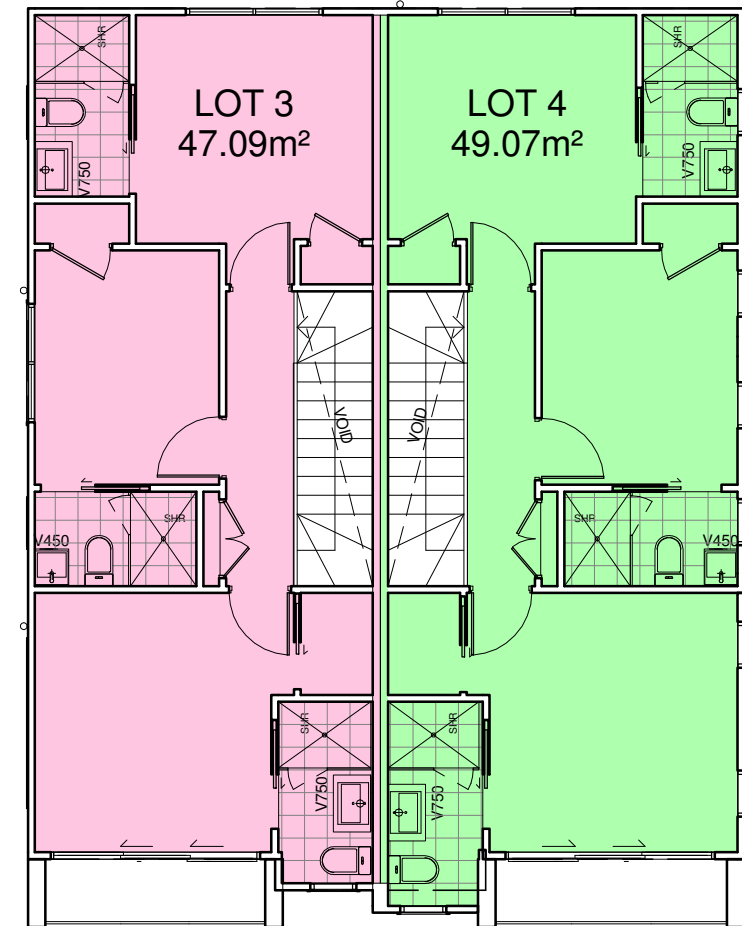
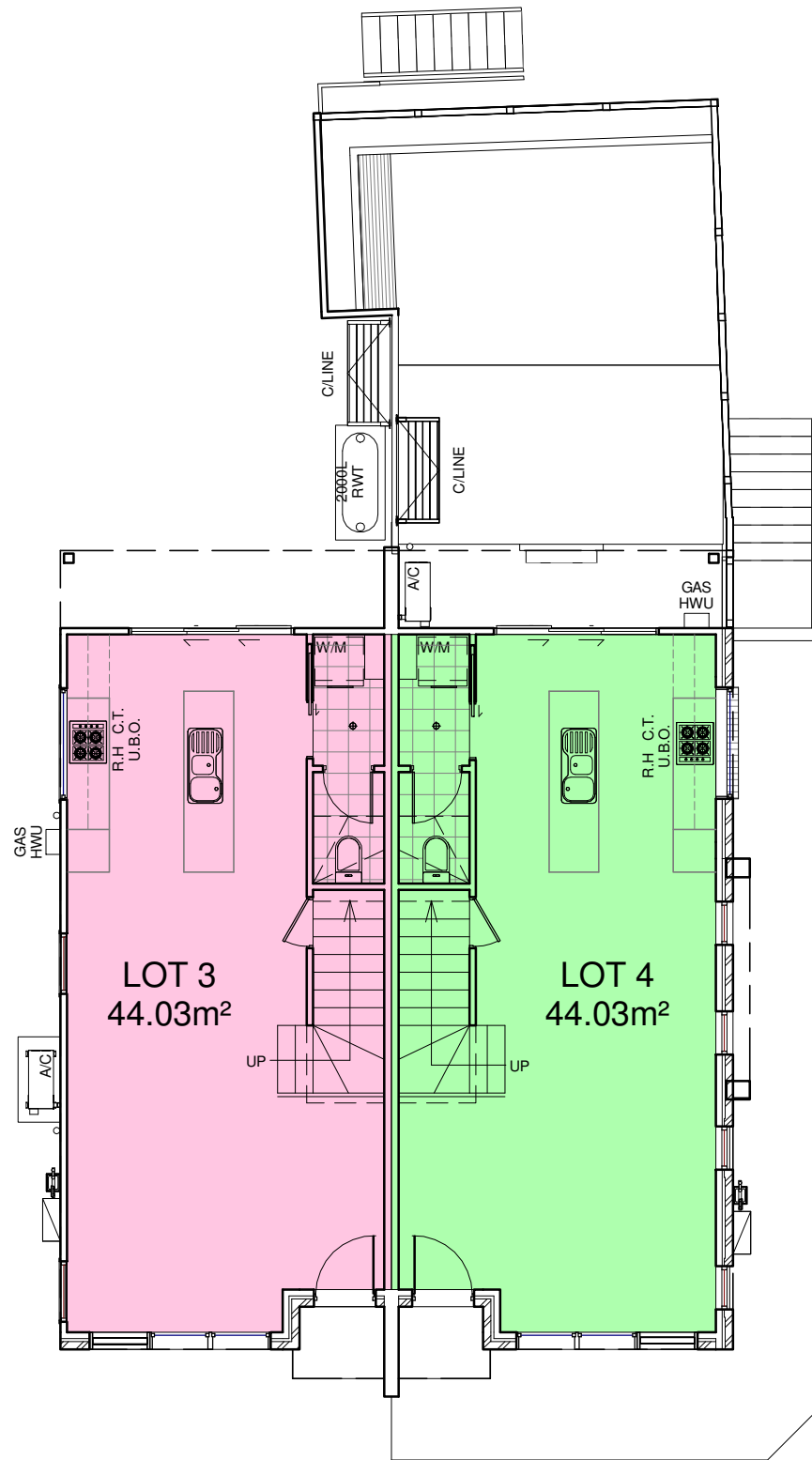
Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD
SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500
LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

ISSUE
K
SHEET NO.
17 / 29



Certificate no.: 0004086270
 Assessor Name: Simon Faulks
 Accreditation no.: 101492
 Certificate date: 06 August 2019
 Dwelling Address: 6 Bulwarra Street
 Keiraville, NSW
 2500
www.nathers.gov.au



GFA PLANS - LOT 3 & 4



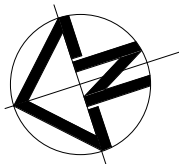
Suite 14, 41 Market Street
 Wollongong NSW 2500
 PH: 42283664

CLIENT
 ASSURANCE HOLDINGS NO. 3 PTY LTD
SITE
 NO. 6 BULWARRA STREET,
 KEIRAVILLE 2500
 LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1:100 @ A3 **JOB NO:** 060BUL

ISSUE
K
SHEET NO.
18 / 29



SUBDIVISION PLAN



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500

LOT 68 DP 38660

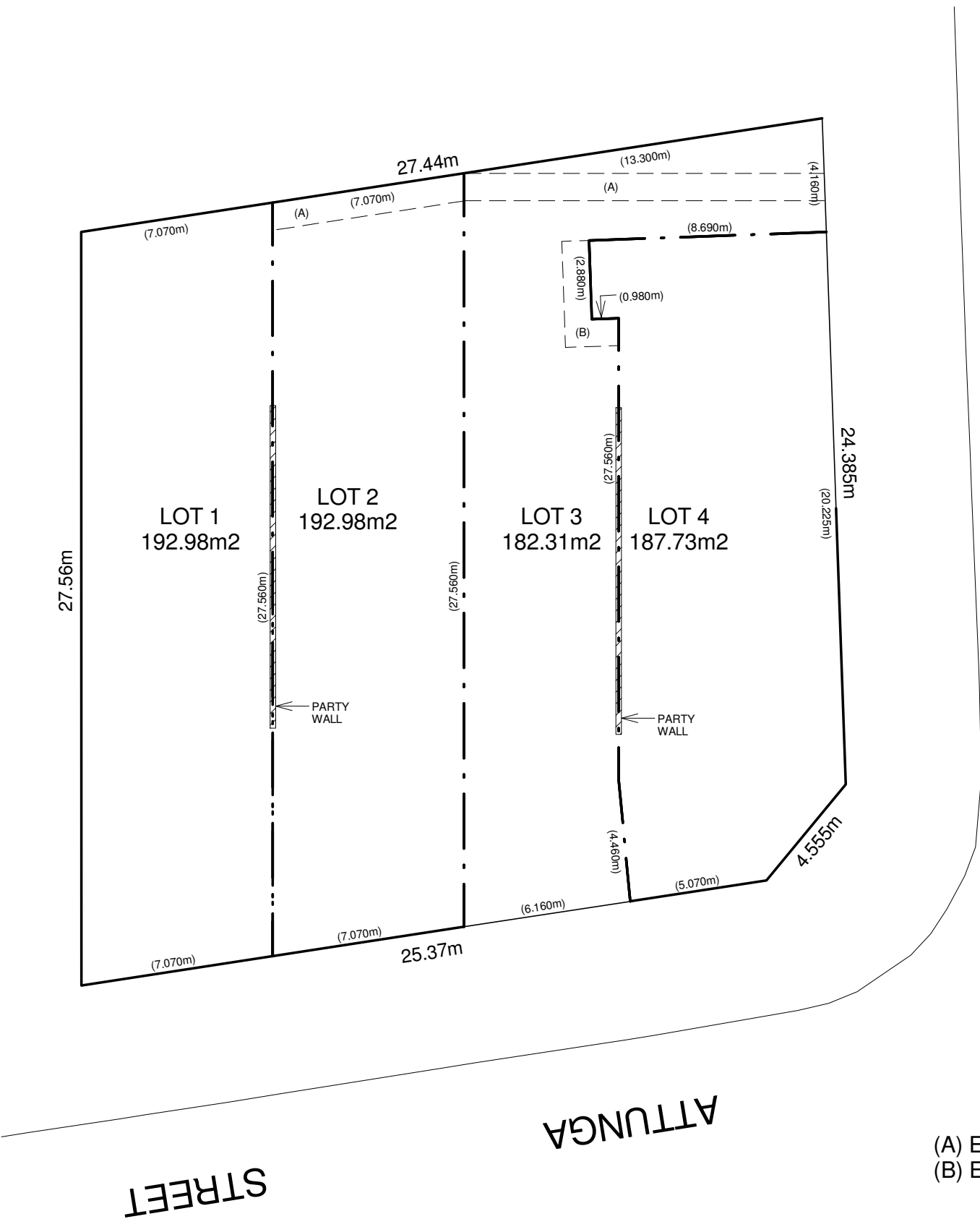
COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19

SCALE: 1 : 200 @ A3 **JOB NO:** 060BUL

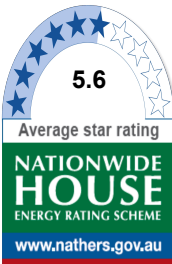
ISSUE
K

SHEET NO.
19 / 29

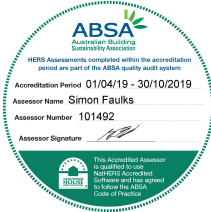


(A) EASEMENT TO DRAIN WATER 1.0m WIDE
(B) EASEMENT FOR ACCESS & MAINTENANCE 1.0m WIDE

TORREN TITLE	
LOT 1 =	192.98m2
LOT 2 =	192.98m2
LOT 3 =	182.31m2
LOT 4 =	187.73m2
TOTAL =	756.00m2

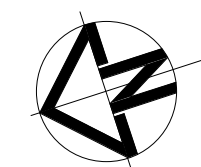


Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019
Dwelling Address: 6 Bulwarra Street
Keiraville, NSW 2500
www.nathers.gov.au





Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019
Dwelling Address: 6 Bulwarra Street
Keiraville, NSW
2500
www.nathers.gov.au



9am Mid-Winter Shadow Diagrams



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500

LOT 68 DP 38660

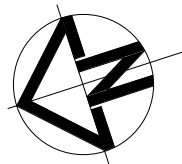
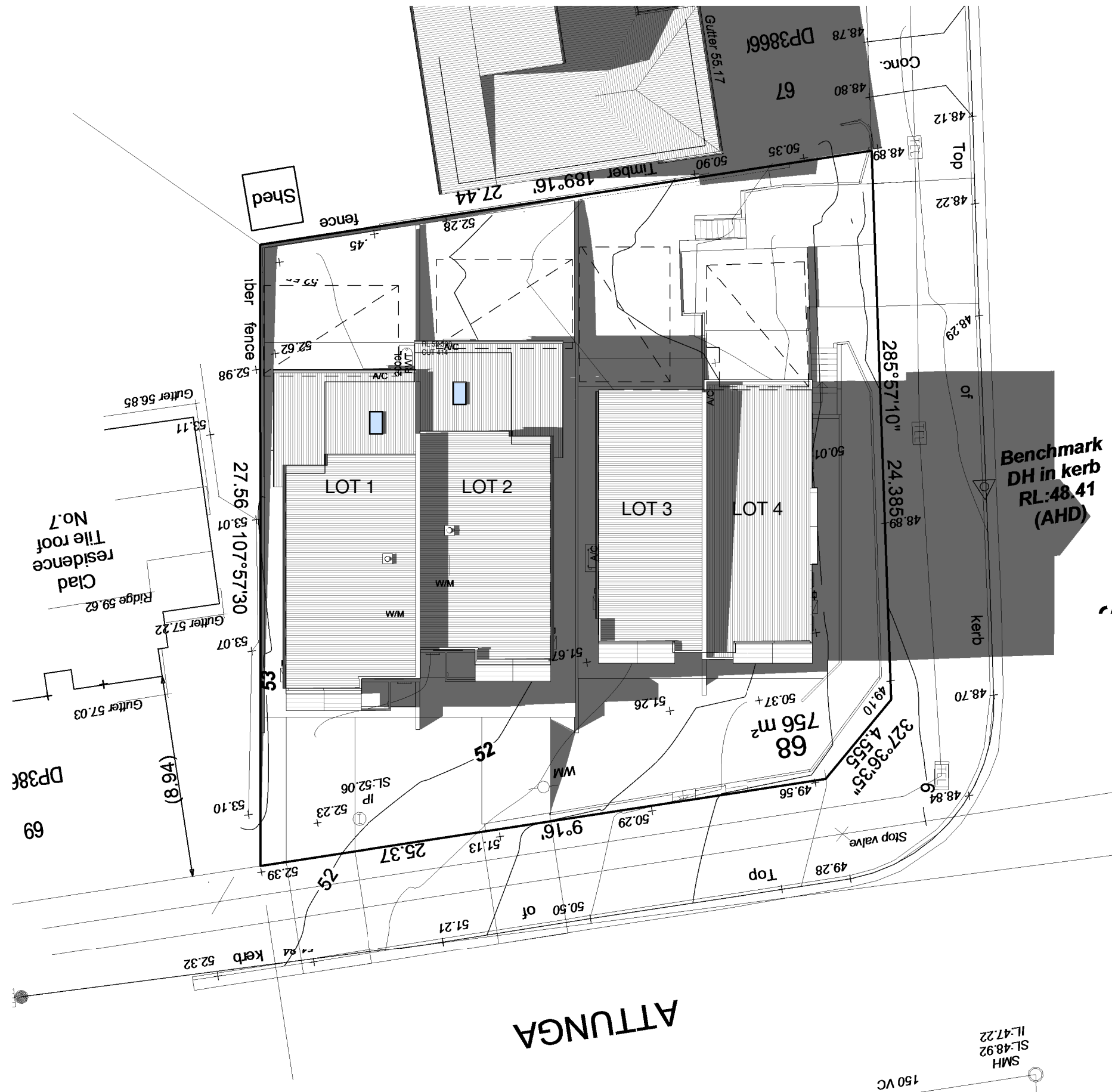
COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P
DATE: 28.06.19

SCALE: 1 : 200 @ A3
JOB NO: 060BUL

ISSUE
K

SHEET NO.
21 / 29



11am Mid-Winter Shadow Diagrams



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500

LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY SUSTAINABLE BY DESIGN PTY LTD

DRAWN: S.R.P **DATE:** 28.06.19
SCALE: 1:200 @ A3 **JOB NO:** 060BUL

ISSUE
K

SHEET NO.
23 / 29



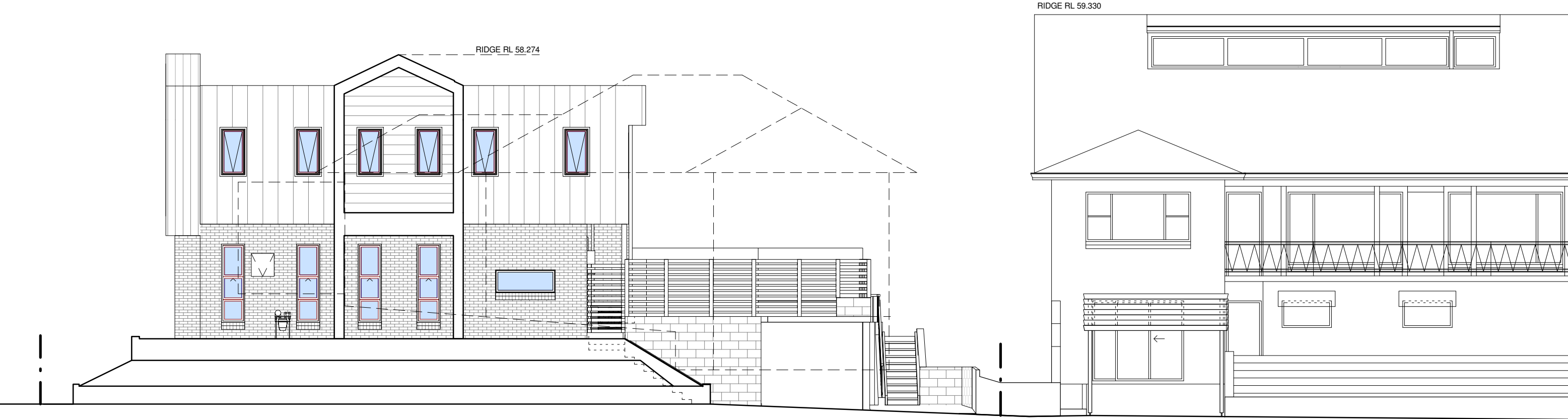
Certificate no.: 0004086270
Assessor Name: Simon Faulks
Accreditation no.: 101492
Certificate date: 06 August 2019
Dwelling Address:
6 Bulwarra Street
Keiraville, NSW
2500

www.nathers.gov.au



PROPOSED DEVELOPMENT

EXISTING DWELLING



Bulwarra Streetscape

EXISTING DWELLING

PROPOSED DEVELOPMENT



Attunga Streetscape

STREETSCAPE



Suite 14, 41 Market Street
Wollongong NSW 2500
PH: 42283664

CLIENT
ASSURANCE HOLDINGS NO. 3 PTY LTD

SITE
NO. 6 BULWARRA STREET,
KEIRAVILLE 2500

LOT 68 DP 38660

COPYRIGHT IN THIS DOCUMENT IS OWNED BY SUSTAINABLE BY DESIGN PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1968 AND IS INTENDED FOR USE ONLY AS AUTHORSIED BY SUSTAINABLE BY DESIGN PTY LTD

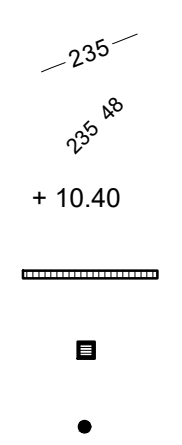
DRAWN: S.R.P **DATE:** 10.10.19

SCALE: 1 : 100 @ A3 **JOB NO:** 060BUL

ISSUE
L

SHEET NO.
30 / 30

LEGEND



EXISTING CONTOURS

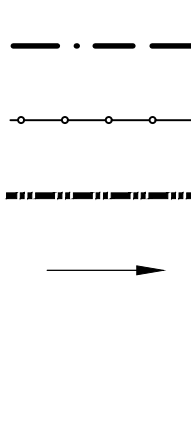
SURFACE LEVEL

NEW SURFACE LEVEL

200 WIDE GRATED DRAIN

NEW 350SQ STORMWATER PIT

DOWN PIPE



BOUNDARY

SILT STOP FENCE

NEW STORMWATER PIPE

SURFACE GRADING

NOTE: CONNECT DOWNPIPES TO WATER TANK AS PER BASIX REQUIREMENTS.

NOTE: ALL PIPES TO BE 100Ø uPVC LAID AT GROUND SLOPE, 2% MINIMUM, CAPACITY=11.5l/s U.N.O.

PIT SCHEDULE							
PIT	SIZE	SURFACE LEVEL	INVERT LEVEL	Q ₁₀ OUT (l/s)	OUTLET PIPE Ø	OUTLET PIPE %	CAPACITY OUT (l/s)
P1	600x600	52.40	51.40	6.2	150mm	6.4	59.8
P2	350x350	51.85	51.35	6.2	150mm	1	23.7
P3	600x600	51.80	50.80	11.2	150mm	6.8	61.9
P4	350x350	51.25	50.75	14.7	150mm	1	23.7
P5	600x600	51.20	48.30	19.9	150mm	1.9	33
P6	600x600	48.80	48.20	24.5	150mm	3.4	43.8
P7	350x350	51.85	51.40	5	100mm	1	23.5
P8	350x350	51.30	51.40	3.5	100mm	1	23.5
P9	350x350	49.00	48.55	4.4	100mm	10	25

PROVIDE SEDIMENT CONTROL FENCE TO DOWNSTREAM SIDE OF SITE FOR DURATION OF WORKS.

CONSTRUCT NEW KERB OUTLET IN ACCORDANCE WITH WOLLONGONG COUNCIL STANDARDS.

RAINWATER TANK OVERFLOW TO DISCHARGE TO BULWARRA STREET AT IL 48.02. PROVIDE KERB CONNECTION TO WOLLONGONG COUNCIL STANDARDS.

**Benchmark
DH in kerb
RL:48.41
(AHD)**

DOWNPIPES CONNECTED TO RAINWATER TANKS IN ACCORDANCE WITH BASIX REQUIREMENTS. TYPICAL.

PIPE RAINWATER TANK OVERFLOW TO PIPELINE WITHIN EASEMENT. TYPICAL. DISCHARGE TO BULWARRA STREET.

EASEMENT TO DRAIN WATER 1 WIDE.

architect
Sustainable By Design
Ph 02 4228 3664
Job No 060BUL
Date 28.06.19

survey

job no. 19123

dwg no. C2

datum AHD scale 1:200 U.N.O.

drawn D. Tenhave DipCCD

review R. Tenhave MIEAust CPEng NER

b DEVELOPMENT APPLICATION 22.07.19

a DEVELOPMENT APPLICATION 18.07.19

issue description date

CONCEPT STORMWATER PLAN
PROPOSED SUBDIVISION
6 BULWARRA STREET
KEIRAVILLE
C/- ASSURANCE HOLDINGS No 3

T 02 4285 4899 F 02 4285 4900
info@detomdesign.com.au
www.detomdesign.com.au
po box 119 corrimal nsw 2518
suite 7 83-85 railway street corrimal





24 May 2019

Your Ref: AH No 3
Our Ref: ADK:CE:19/0793

The Manager
Assurance Holdings No. 3 Pty Ltd
PO Box 63
KEIRAVILLE NSW 2500

Dear Directors,

RE: ADVICE REGARDING CHARACTERISATION OF PROPOSED DEVELOPMENT AT 6
BULWARRA STREET, KEIRAVILLE | LOT 68 DP 38660 | SEMI-DETACHED
DWELLINGS

1. I refer to our recent correspondence in relation to the proposed development (**the Development**) at 6 Bulwarra Street, Keiraville, also known as Lot 68 DP 38660 (**the Property**).
2. I am instructed to advise you on how the development should be correctly characterised under the *Wollongong Local Environmental Plan 2009 (WLEP)*.
3. I have reviewed the plans for the proposed development that you have provided to me as well as the WLEP and various other materials I consider to be relevant to the assessment.

Site and Proposal

4. The Property is an irregular shaped lot located on the corner of Bulwarra Street and Attunga Street, Keiraville.
5. The Property is zoned R2 Low Density Residential for residential purposes under the WLEP 2009. Development in the immediate locality generally comprises single detached dwellings between 1 and 2 storeys in height.



Planning Development Commercial Lawyers
Level 2, 73 Church Street, Wollongong NSW 2500
Suite 1, Level 2, 144 Junction Street, Nowra NSW 2541
PO Box 214 Wollongong NSW 2520
ABN 64 612 774 848

Liability limited by a scheme approved under Professional Standards Legislation
Legal practitioners employed by Planning Development Commercial Lawyers are members of the scheme.

6. The proposal is for the **concurrent** construction of four new double storey dwellings and subdivision of the land into four lots. Each allotment of land will contain a dwelling. The intention is for the subdivision element of the proposal to be completed prior to the issue of an occupation certificate for the new dwellings.
7. The dwellings on Lot 1 and Lot 2 are to be positioned such that they share a common wall on the adjoining boundary. Similarly, the dwellings on Lot 3 and Lot 4 also share a common wall along the adjoining boundary, as per the plans.
8. The concurrent construction and subdivision of certain dwellings is permitted under the WLEP. Clause 4.1 of the WLEP governs minimum lot sizes. Subclause 4B states that the clause **does not apply** in relation to the subdivision of land '*for the purpose of erecting an attached dwelling or a semi-detached dwelling in a residential zone*' [emphasis added].
9. This exception indicates that it was the legislator's intention to distinguish between the subdivision of land for the purpose of attached and semi-detached dwellings and the subdivision of other types of residential accommodation.
10. Importantly, the subclause specifically identifies development whereby subdivision *is for the purpose* of erecting a semi-detached dwelling. It follows that the subdivision of land for semi-detached dwelling housing is clearly permissible where the dwellings have not yet been constructed.
11. In other words, the subdivision of semi-detached dwellings should not be limited to circumstances where the dwellings have already been constructed. The concurrent construction and subdivision of such dwellings is expressly permitted under the WLEP.

Types of Residential Accommodation

12. The WLEP provides at least five (5) types of residential accommodation which should be considered as part of this assessment. They are:
 - a) Attached dwellings;
 - b) Dual occupancies;
 - c) Multi dwelling housing;
 - d) Residential flat buildings; and
 - e) Semi-detached dwellings.

13. Each of the above-listed land uses are permitted with consent in Zone R2 Low Density Residential. Each of these land use terms are defined in the Dictionary of the WLEP.

Attached Dwellings

14. “Attached dwelling” is defined in the WLEP as follows:

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

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

15. In relation to (a), although the proposal includes four dwellings, each dwelling will be attached to **no more than one** other dwelling. The proposal does not satisfy this criterion and therefore cannot be characterised as attached dwellings.

Dual Occupancy

16. “Dual occupancy” is defined in the Dictionary to the WLEP to include two types. They are as follows:

Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of dual occupancy—see the definition of that term in this Dictionary.

Dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of dual occupancy—see the definition of that term in this Dictionary.

17. The proposed development cannot be described as either type of dual occupancy because there are four (4) dwellings and each pair of dwellings will not be located on one lot of land.

18. Rather, subdivision of the lot is proposed such that each dwelling will be situated on its own lot of land.

Multi dwelling housing

19. “Multi dwelling housing” is defined in the Dictionary to the WLEP as follows:

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

Note. Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.

20. Each of the four dwellings proposed are to have their own lot of land. Therefore, the development cannot be said to constitute multi dwelling housing.

Residential flat building

21. “Residential flat building” is defined in the Dictionary to the WLEP as follows:

Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of residential accommodation— see the definition of that term in this Dictionary.

22. The development consists of more than one building, each containing less than three (3) dwellings, and therefore does not satisfy the criterion of a residential flat building.

Semi-detached dwelling

23. “Semi-detached dwelling” is defined in the Dictionary to the WLEP 2009 as follows:

Semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of residential accommodation—see the definition of that term in this Dictionary.

24. The proposed development includes four dwellings, each on its own lot of land. Each dwelling will be attached to only one other dwelling.

25. Accordingly, the proposed development clearly falls within the definition of semi-detached dwellings.
26. Development applications for semi-detached dwellings and Torrens Title subdivision of the site have been accepted by the Court.
27. In *Andonovski v Inner West Council* [2018] NSWLEC 1668 the subject development application was for the partial demolition of an existing building to allow for alterations and additions to provide for two semi-detached dwellings, and the Torrens Title Subdivision of the site.
28. In considering whether the development achieved the objectives of the development standard and the zoning, Senior Commissioner Dixon stated:

The development is also consistent with the objectives of the R2 Low Density Residential zone. It replaces an out-dated dwelling with 2 high quality semi- detached dwellings which assist in providing for the housing needs of the community; and meets the needs of the residents (respectively, zone objectives 1 and 2 which are relevant in this case).

29. The proposed development achieves the objectives of the zone in which it is located and is expected to have a positive contribution to the Keiraville area by providing affordable and diverse housing alternatives.

Characterisation

30. In *Australians for Sustainable Development Inc v Minister for Planning* [2011] NSWLEC 33, Justice Biscoe stated that characterisation must be determined objectively (*Warriewood Properties Pty Ltd v Pittwater Council* [2010] NSWLEC 215 at [45]) and in a common sense and practical way (*Chamwell, at [45]*).
31. In applying the principles of characterisation objectively, it is our view that the proposed development should be characterised as semi-detached dwellings.

Summary of Advice

32. In summary, based on our analysis and the information before us, we advise as follows:
 - a. Viewed objectively, the proposal is properly characterised as semi-detached dwellings;

- b. Semi-detached dwellings are a permissible use within the zone in which the development is located;
- c. The concurrent construction and subdivision of semi-detached dwellings is expressly permitted under the WLEP; and
- d. The development is of a type that is consistent with the objectives of the zone and should be supported by Council.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alex Kelly', written in a cursive style.

Alex Kelly
Director and Lawyer
Accredited Specialist - Planning & Environment Law

Office: (02) 4288 0150
Email: alex@pdclawyers.com.au



28 July 2019

Your Ref: PL-2019/68
Our Ref: ADK:CE:19/0793

The General Manager
Wollongong City Council
41 Burelli Street
WOLLONGONG NSW 2500

By email: council@wollongong.nsw.gov.au

Dear General Manager

RE: ASSURANCE HOLDINGS NO. 3 PTY LTD | APPLICATION OF GROSS FLOOR
 AREA CONTROLS | 6 BULWARRA STREET, KEIRAVILLE | LOT 68 DP38660

1. My client is the registered proprietor of 6 Bulwarra Street, Keiraville also known as Lot 68 DP 38660 (**the Property**).
2. Recently, my client attended a pre-lodgment meeting with Wollongong City Council (**Council**). I refer to the meeting minutes, specifically Council's comments regarding the calculation of floor space ratio (**FSR**).
3. Council alleges that the gross floor area (**GFA**) has been incorrectly calculated in two respects:
 - a. The common walls (i.e. the wall shared by the dwelling on lot 1 and the dwelling on lot 2, and the wall shared by the dwelling located on lot 3 and the dwelling on lot 4) should be properly identified as 'internal walls' and therefore should have been included in the GFA calculation; and
 - b. Clause 4.4(d) **does not** apply because the staircases in dwelling 1 and dwelling 2 (**the stairs**) are *not an area of common vertical circulation as they are unable to be accessed*



Planning Development Commercial Lawyers
Level 2, 73 Church Street, Wollongong NSW 2500
Suite 1, Level 2, 144 Junction Street, Nowra NSW 2541
PO Box 214 Wollongong NSW 2520
ABN 64 612 774 848

Liability limited by a scheme approved under Professional Standards Legislation
Legal practitioners employed by Planning Development Commercial Lawyers are members of the scheme.

by all occupants of the development in a common arrangement. Therefore, the whole of the staircase should be included in the calculation of the GFA.

4. On these grounds the Council concludes that the GFA does not comply with Clause 4.4 of the Wollongong Local Environmental Plan 2009 (**WLEP**) and requests that it be reduced accordingly.
5. With respect to the common walls, my client agrees that they are not external walls and should therefore be included in the FSR calculations. My client intends to amend the plans to include the common walls shared by each pair of semi-detached dwellings in the GFA calculation.
6. With regards to the stairs, I consider Council's position to be incorrect for the reasons outlined below.

Site and Proposal

7. The Property is an irregular-shaped lot located on the corner of Bulwarra Street and Attunga Street, Keiraville.
8. The Property is zoned R2 Low Density Residential for residential purposes under the WLEP 2009. Development in the immediate locality generally comprises single detached dwellings between 1 and 2 storeys in height.
9. The proposal is for the concurrent construction of four (4), new, two-storey semi-detached dwellings and subdivision of the land into four (4) lots. Each allotment of land will contain a dwelling. The intention is for the subdivision element of the proposal to be completed prior to the issue of an occupation certificate for the new dwellings.
10. The dwellings on Lot 1 and Lot 2 are to be positioned such that they share a common wall on the adjoining boundary. Similarly, the dwellings on Lot 3 and Lot 4 also share a common wall along the adjoining boundary, as per the plans submitted as part of the pre-lodgment application.

Clause 4.4

11. The Dictionary of the WLEP defines gross floor area as follows:

Gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls

separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and*
- (b) habitable rooms in a basement or an attic, and*
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,*

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and*
- (e) any basement:*
 - (i) storage, and*
 - (ii) vehicular access, loading areas, garbage and services, and*
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) any space used for the loading or unloading of goods (including access to it), and*
- (i) terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) voids above a floor at the level of a storey or storey above.*

12. Council is correct in concluding that subclause (d) does not apply on the basis that the stairs are not an *'area for common vertical circulation'*.
13. However, given the shape and position of the staircases, our client has properly identified / labelled the area above the stairs at the first floor as a *'void'*, on the plans provided to Council.
14. The Dictionary provides that GFA is to be measured at a height of 1.4 metres above the floor. Subclause (j) operates to exclude voids above a floor at the level of a storey from the calculation of GFA.

15. On that basis, my client has included only the floor area of the stairs at ground floor level in calculating the GFA. In other words, my client has excluded the 'void' at first floor level (i.e. at a height of 1.4m above the first floor level) from the GFA calculation.
16. Therefore, the preliminary question is whether the area above the staircase is correctly identified as a 'void'.

Calculation of GFA

17. In *Dwyer v Sutherland Shire Council* [2018] NSWLEC 1543 (**Dwyer**), the Court was asked to consider whether the area or 'void' formed above stairs leading to an attic and studio on the third floor of a dwelling was to be included in the calculation of GFA. In her decision, Commissioner Bish stated at [59] [emphasis added]:

*Therefore, in answer to the key contention of Council of whether the area above the attic/garage stairs is not a void and should be included in the GFA, I disagree. I consider that the areas above the stairs in the primary dwelling leading to the attic and in the garage leading to the studio form a void, and **should not be** included in the GFA for the purposes of calculating FSR.*

18. Consistent with this decision, my client has correctly characterised the area above the staircase as a void. It follows that this area should not be included in the GFA for the purpose of calculating the FSR.

Conclusion

19. Subclause (j) of the definition of GFA in the WLEP operates to exclude voids above a floor at the level of a storey from the GFA calculation.
20. My client has correctly characterised the area above the stairs as a void and has rightfully excluded that area from the GFA for the purposes of calculating the FSR.
21. In order to avoid confusion, I am instructed that the plans have been updated to include shading which clearly indicates which stairs have been included in the calculation of GFA.

Yours sincerely



Alex Kelly
Director and Lawyer
Accredited Specialist - Planning & Environment Law



Office: (02) 4288 0150
Email: alex@pdclawyers.com.au

24 October 2019

Alex Tarasenko
Director
Trinity Development Advisors

By email: alex@trinityadvisors.com.au

Planning Advice – 6 Bulwarra Street, Keiraville

This Planning Advice Report has been prepared for Mr. Alex Tarasenko (client) in order to provide a review of the opinions of Wollongong City Council and Planning Development Commercial Lawyers (PDC) regarding DA-2019/874, in particular the two key issues of gross floor area (GFA) and land use characterisation. This advice also considers the overall merits of the DA.

1.0 Background

- The site is located on the corner of Bulwarra Street and Attunga Street, Keiraville, and is legally defined as Lot 68 DP38660.
- DA-2019/874 seeks approval for subdivision of the site into four Torrens title allotments and construction of two pairs of semi-detached dwellings (four dwellings total), with one dwelling per allotment.
- On 8 October 2019, Council informed the proponent that it does not support the application for the following two key reasons:
 - The development is best characterised as multi dwelling housing and should be redesigned to comply with the controls for multi dwelling housing; and
 - The area above the stairs in the first floor of each dwelling must be counted towards GFA.

2.0 Gross Floor Area

- On 24 May 2019, PDC provided advice on GFA measurement. PDC's opinion is that the areas above the stairs constitute "voids above a floor at the level of a storey or storey above" as per subclause (j) of the definition of GFA in *Wollongong Local Environmental Plan 2009* (WLEP), and therefore these areas can be excluded from GFA calculations. PDC cites the Commissioner's analysis in *Dwyer v Sutherland Shire Council [2018] NSWLEC 1543* to support their opinion.
- The key text from the Dwyer case is:

I agree with Mr Minto that the area created above the stairs that leads to the attic and studio is a void, and should be excluded from the GFA (and FSR) calculation. There is no floor above the upper (3rd) level stairs to the ceiling, and

therefore a void is created. This approach is consistent with exclusion (j) in the definition of GFA, in the SSLEP 2015, as follows:

but excludes:

...

(j) voids above a floor at the level of a storey or storey above.

- In an email to the proponent dated 12 August 2019, Council confirmed that it concurred with PDC's position. Then, in its 8 October correspondence, Council reversed its opinion on the basis that "Stairs are not a floor, so subclause (j) does not apply to the vertical space above stairs".
- We find PDC's position to be reasonable, and we agree that the Commissioner's analysis in the Dwyer case is applicable to the subject DA.
- Furthermore, PDC's approach is consistent with the approach adopted in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP)—see diagrams at cl. 3B.10, 3B.23, 3B.35 of the Codes SEPP. An extract from cl. 3B.10 is provided below:



- Admittedly the Codes SEPP does not apply to the subject DA. However, the SEPP's diagrams nevertheless provide useful supporting evidence. The SEPP's definition of GFA features an exclusion clause for void spaces using the same language as WLEP, and presumably the SEPP's GFA diagrams represent the State's best interpretation of that void exclusion clause.

3.0 Land Use

- On 24 May 2019, PDC provided advice on land use characterisation. PDC's opinion is that the development is best characterised as two pairs of semi-detached dwellings given that each dwelling will be attached to only one other dwelling and each dwelling will be on its own lot of land. WLEP's definition of semi-detached dwellings is as follows:

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

- In its 8 October correspondence, Council posits that the most apt characterisation of the development is multi dwelling housing. WLEP's definition of multi dwelling housing is as follows:

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

- Council's correspondence provides no detailed justification for their position or any direct response to PDC's 24 May advice.
- We agree with PDC that the most apt characterisation of the development is two pairs of semi-detached dwellings. The DA is for both subdivision and construction, and the final outcome will be one dwelling per lot. Multi dwelling housing involves multiple dwellings on the same lot and therefore is not an apt characterisation.
- We further agree with PDC that cl. 4.1(4B) of WLEP, extracted below, expressly allows for subdivision to occur prior to construction of semi-detached dwellings:

(4B) This clause does not apply in relation to the subdivision of land for the purpose of erecting an attached dwelling or a semi-detached dwelling in a residential zone.

- Based on the wording of (4B), it appears the intention of the clause is to provide for subdivision prior to the erection of the semi-detached dwellings.
- Council can impose a condition to the consent requiring the land to be subdivided prior to CC or OC. Under this approach, **at no point would there be multiple occupied dwellings on a single lot** and the development could not be characterised as multi dwelling housing. Notably, Council endorsed this approach in its pre-DA minutes dated 14 May 2019.

Council policy

- Our review of Council's DA tracking website indicates that Council's current approach is not uncommon. There are multiple approved DAs where development is characterised as construction of an attached dual occupancy (i.e., two attached dwellings on one lot) on a single lot followed by subdivision. In these DAs the land use characterisation does not consider the concurrently proposed subdivision; instead, the dwellings are assessed as being located on a single lot.
- However, Council has not been consistent in its approach. The client has identified multiple cases where Council has issued consents for semi-detached and attached dwellings where land use characterisation considers the concurrently proposed subdivision, including DA 2011/577, DA 2011/589, DA 2012/405 and DA 2010/424. In these DAs the dwellings are assessed as each being on its own lot despite subdivision being proposed as part of the application.

NSW Case Law

- Our brief review of NSW Case Law has revealed no cases where this particular issue was in question. However, we have identified multiple cases involving an application for subdivision and construction where the land use characterisation took subdivision into account. In these cases land use characterisation was not raised as an issue. Two examples include *Marrickville Development No.3 Pty Ltd v Inner West Council* [2019] NSWLEC 1132 and *Bellconnen Pty Ltd v Manly Council* [2008] NSWLEC 1226.
- *Marrickville Development No.3 Pty Ltd v Inner West Council* [2019] NSWLEC 1132 involved an appeal of the deemed refusal by Inner West Council of a development application (DA2017/00562) for demolition of an existing dwelling and construction of two semi-detached dwelling houses plus subdivision at 81 Station Street, Newtown.
- *Bellconnen Pty Ltd v Manly Council* [2008] NSWLEC 1226 involved an appeal relating to a development application for the demolition of an existing building (used as a convalescent home) and the construction of four new dwellings in the form of two pairs of two-storey semi-detached buildings plus subdivision at 28 Alexander Street, Manly.
- Neither case expressly considers land use characterisation nor provides any indication that development should be characterised without consideration of concurrently proposed subdivision. As such, it can be inferred that land use characterisation which takes into account concurrently proposed subdivision is legitimate.
- On the other hand, we have identified other court cases where land use characterisation did not take into account the concurrently proposed subdivision, and land use characterisation was not raised as an issue. In the context of the subject DA, this indicates that Council's position may be a legitimate alternative; however, this does not indicate that Council's position should be preferred, nor does it remove our clients ability to proceed with the land use characterisation proposed under WLEP.

Small Lot Housing within the Growth Centres

- The approach taken within the North West and South West Growth Centres, as detailed within the Blacktown Growth Centre Precincts DCP (see 'Subdivision Approval Process'), is to require a dwelling design 88B restriction to be placed on the relevant lots to ensure only the approved dwelling can be constructed on the land as approved by the subdivision.
- This approach allows for subdivision below the minimum lots size, as permitted by the relevant EPI to occur prior to construction of the dwelling, while also ensuring the lot cannot be developed for any other purpose than the dwelling approved by Council at the time the subdivision was considered.
- The Precincts DCP states, "*Subdivision of land creating residential lots less than 225m² or lots less than 9m wide shall include a dwelling design as part of the subdivision development application. The dwelling design is to be included on the S88B instrument attached to the lot.*"

4.0 Merits of DA

- The development complies with key controls in WLEP:
 - The development is permitted with consent in the zone (whether characterised as semi-detached dwellings or multi-dwelling house).

- The height complies with the 9m maximum, and the FSR complies with the 0.5:1 maximum.
 - There is no applicable minimum lot size (pursuant to cl. 4.1(4B) of WLEP.
- The development generally complies with key built form controls in Wollongong Development Control Plan (WDCP) 2019:
 - Each dwelling has a maximum of two storeys.
 - Primary front setbacks comply with the 6m minimum (except for minor porch encroachment at Lot 2, which could be readily rectified if required).
 - Secondary front setback complies with the 3m minimum.
 - Garage setbacks comply with the 5.5m minimum.
 - Carport at the rear of Lot 4 complies with the minimum 3m front setback for a secondary street (pursuant to Chapter B1 Clauses 4.2.2.2(c) and 4.10.2.2).
 - Side setbacks comply with the 900mm minimum.
 - Rear setbacks comply with the 900mm for the ground floor and 8m for the first floor.
 - Site coverage complies with the 55% maximum.
 - Landscaped area complies with the 20% minimum and at least 50% is located behind the building line to the primary road boundary.
 - Private open space complies with the 24sqm minimum.
 - The development causes no unacceptable overshadowing impacts.
- The surrounding area is dominated by 1-2 storey detached dwelling houses and multi-dwelling development. It is considered the development is consistent with the desired built form of the area as envisioned by the planning controls, being permitted with consent in the zone and generally consistent with key DCP controls.
- Please note that Mecone has not conducted a detailed review of the plans against all relevant controls.

5.0 Conclusion and Recommendation

- We consider that the proposal overall has planning merit, being consistent with WLEP controls and generally consistent with key WDCP built form controls.
- We agree with PDC regarding GFA calculation and land use characterisation, and we believe there is a strong chance the Land and Environment Court would also agree with PDC if the application were appealed.
- We recommend meeting with Council to discuss their stance regarding cl. 4.1(4B) of WLEP and to present them with examples of cases where they have characterised land use in the same manner as proposed by the subject DA.

If you would like to discuss the consents of this letter, please do not hesitate to contact me on 0405 505 228 or gsedgmen@mecone.com.au.

Kind Regards,

A handwritten signature in black ink, appearing to read 'G Sedgmen', written in a cursive style.

Georgia Sedgmen
Associate Director

Attachment 3 – Compliance Table

WDCP 2009 - Chapter B1 - Semi Detached Dwellings

Note: If considered in relation to the multi dwelling housing controls, further non-compliances against controls would likely result.

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Maximum Number of Storeys</u>		
<ul style="list-style-type: none">R2 Low Density – 9m and 2 storeys	Maximum 9m and 2 storeys	Yes
<ul style="list-style-type: none">R2 Low Density - Rear 8m setback single storey	Single storey within rear 8m setback	Yes
<u>4.2 Front Setbacks</u>		
<u>Primary street frontage</u>		
<ul style="list-style-type: none">Minimum 6m setback from the front property boundary to the front facade of the building	5.134m to Lot 4 upper floor balcony	No
<ul style="list-style-type: none">Garages and carports minimum 5.5m setback from primary street frontage	Lot 1 & 2 garage setback greater than 5.5m	Yes
<p>Note: The primary street frontage as presented by the proponent is Attunga Street. However, as per the definition within WDCP 2009, the primary street is identified as the shortest frontage where an allotment has two or more frontages to the public road; which is Bulwarra Street. However, in consideration of the minor difference in frontage width (985mm), the established building lines and the location of surrounding development along both street frontages, Attunga Street is considered appropriate to be nominated as the primary street frontage.</p>		
<u>Secondary street frontage</u>		
<ul style="list-style-type: none">Secondary street building line 3m	3.008m	Yes
<ul style="list-style-type: none">Garages minimum 5.5m setback from primary street frontage	No garages positioned on secondary street frontage (Bulwarra Street)	Yes
<u>4.3 Side and Rear Setbacks</u>		
<ul style="list-style-type: none">Walls must be setback at least 900mm from any side or rear property boundary and eaves/gutters must be setback at least 450mm	Greater than 900mm setback from side and rear boundaries provided for all dwellings. Eave and gutters greater than 450mm.	Yes
<ul style="list-style-type: none">Walls (including gable ends and	Walls less than 7 metres in height	Yes

<p>parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.</p>		
<ul style="list-style-type: none"> • Detached single storey garages/outbuildings must be setback at least 500mm from a side or rear boundary, unless constructed of masonry, in which case a lesser setback may be considered. 	<p>No detached garages/outbuildings proposed.</p>	<p>N/A</p>
<ul style="list-style-type: none"> • All balconies and windows of habitable rooms (excluding bedrooms) within a proposed dwelling-house or secondary dwelling must be designed to minimise any direct overlooking impact upon any adjoining property. 	<p><u>Northern elevation</u> On the ground floor of the Lot 1 dwelling, a kitchen window and lounge room glass sliding doors face toward No.7 Attunga Street. However, the existing levels have been lowered and as such, the window and door are fully screened by the 1.8 metre boundary fence.</p> <p>The windows on the upper level that face toward No.7 are from bedrooms (one highlight window with a sill height of 1.6m and one narrow awning window) and an ensuite (frosted window) which are considered to be low use areas that do not raise overlooking concerns.</p> <p><u>Eastern elevation</u> The ground floor level of the Lot 1 and 2 dwellings contain two narrow windows from the kitchen and lounge room.</p> <p>The ground floor level of the Lot 3 and 4 dwellings contain a sliding glass door leading from the kitchen and a small laundry utility window.</p> <p>The upper floor level windows of Lots 1 – 4 all face from bedrooms which are considered to be low use areas that do not raise overlooking concerns.</p> <p>Given the notable setback from the boundary (ranging from 6.469 to approximately 10 metres) and landscape design with screen planting along the rear eastern boundary, no concerns are raised to adverse overlooking potential to the rear</p>	<p>Yes</p>

	property No.4 Bulwarra Street.	
<u>4.4 Site coverage</u>		
<ul style="list-style-type: none"> The maximum site coverage for a dwelling, 55% of the area of the lot, if the lot has an area of less than 450m² 	<p><u>Lot 1</u> 87/192.98 45%</p> <p><u>Lot 2</u> 87/192.98 45%</p> <p><u>Lot 3</u> 57/182.31 31.3%</p> <p><u>Lot 4</u> 80/187.73 *Including predominately enclosed carport 42.6%</p>	Yes
<u>4.5 Landscaped Area</u>		
<ul style="list-style-type: none"> Minimum landscaped area 20% 	<p><u>Lot 1</u> 62.8/192.98 32.5%</p> <p><u>Lot 2</u> 65.8/192.98 34%</p> <p><u>Lot 3</u> 69.6/182.31 38.2%</p> <p><u>Lot 4</u> 42.9/187.73 22.8%</p>	Yes
<ul style="list-style-type: none"> At least 50% of the landscaped area must be located behind the building line to the primary road boundary. 	Greater than 50% positioned behind front building line	Yes
<ul style="list-style-type: none"> Landscaped areas must be integrated with the drainage design. 	Drainage design review is incomplete by Councils Development Engineering Officer to establish compatibility.	Unresolved
<ul style="list-style-type: none"> Minimum of one (1) semi mature small to medium evergreen or deciduous 	A number of significant trees proposed in landscape design. Assessed by Council's Landscape	Yes

tree (minimum pot size 45 litre) is to be provided within the landscape area. To be planted at least 3m from any existing or proposed dwelling or structure present onsite.

Officer and found to be satisfactory.

4.6 Private Open Space

a) A 24m² area of private open space must be directly accessible from the living areas of each proposed dwelling and have a minimum width of 4 metres and be no steeper than 1:50.

POS of 24m² provided for each dwelling that is directly accessible from living areas with a minimum width of 4m and no steeper than 1:50.

Yes

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

POS appropriately located in rear yard for Lots 1 – 4.

Yes

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

POS defined by 1.5m privacy fence and screen planting.

Yes

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

Whilst the development does not relate to a dual occupancy or secondary dwelling, screening is provided

Yes

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

The POS does not extend forward of the front building line on each street frontage.

Yes

f) Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area.

Appropriate service areas and rainwater tanks are provided outside of POS

Yes

4.7 Solar Access

- Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June
- At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and

Adequate solar access retained to living rooms and POS of adjoining properties.

Yes

3.00pm on June 21.		
<ul style="list-style-type: none"> Shadow diagrams are required for 9.00am, 12:00pm and 3.00pm for the 21 June winter solstice period for two storey dwellings. 	Shadow diagrams provided.	Yes
<ul style="list-style-type: none"> Dwellings should be designed to maximise natural sunlight to main living areas and the private open space. 	<p>The Lot 1 dwelling is considered to be appropriately designed to enhance solar access with living room windows oriented north and east.</p> <p>The lot 3 and 4 dwellings contain living room windows facing east and west (ground floor are open plan living areas) and as such, they receive morning and afternoon sunlight.</p> <p>Lot 2 is the most disadvantaged due to its orientation (living rooms and alfresco face south east) however, some morning sunlight is available and a skylight is also provided within the living room which is unshadowed from 9am to 12pm on June 21.</p> <p>The POS for each lot receives a minimum of 50% area of solar access between 9am and 12pm on June 21.</p>	Yes
4.8 Building Character and Form		
<ul style="list-style-type: none"> The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction. <p>Large bulky forms are to be avoided, particularly in visible locations. The use of extended terraces, balconies, sun shading devices and awnings will help reduce the apparent bulk of buildings.</p>	<p>The scale of the development and size of the dwellings in consideration of the available site area results in the built form being massed/sited closer to the secondary street frontage (Bulwarra Street) to accommodate all required elements of the development.</p> <p>As a result, the Lot 3 and 4 car parking is a dominant feature closely located to the secondary street boundary which creates a number of issues relating to the non-compliant crossover width, access issues for occupants and encouraging cars to park across the road reserve which raises safety/access concerns.</p> <p>The development is not considered to be appropriate with regard to the scale of the built form and positioning on the site.</p>	No
<ul style="list-style-type: none"> New dwelling-houses within 	The development is considered to be a	

<p>established residential areas should be sympathetic with the existing character of the immediate locality. New innovative contemporary building designs may also be permitted, where, in the opinion of Council, the development will not result in an adverse impact upon the streetscape or residential amenity of that locality, as compared to a more traditional design.</p>	<p>contemporary design which is not consistent with the immediately adjoining properties (traditional designs) however; it is compatible with newly constructed development within the locality which is reflective of a mix of contemporary and traditional designs.</p>	<p>Yes</p>
<ul style="list-style-type: none"> All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. On corner allotments, the development should address the street on both frontages. 	<p>No dwelling entry has been provided to address Bulwarra Street contrary to the requirements for corner allotments. It is acknowledged that the siting/massing of the development close to the secondary street with a minimal setback restricts design opportunities.</p>	<p>No</p>
<ul style="list-style-type: none"> The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted. Note: Utility windows include windows for toilets, bathrooms, laundries etc. which are small and / or translucent and hence, are not permitted within the front elevation of a dwelling. 	<p>No blank walls or utility windows along Bulwarra Street or Attunga Street frontages.</p>	<p>Yes</p>
<ul style="list-style-type: none"> Where garages are proposed on the front elevation they must be articulated from the front façade. 	<p>The Lot 1 and 2 garages are setback behind front façade elements.</p>	<p>Yes</p>
<ul style="list-style-type: none"> Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling. 	<p>The lot 1 and 2 garages are less than 50% of dwelling width.</p>	<p>Yes</p>
<p><u>4.9 Fences</u></p> <ul style="list-style-type: none"> Dividing fences between the front building line and the rear property boundary must be a maximum of 1.8 metres in height. 	<p>New 1.8m high timber boundary fence proposed.</p>	<p>Yes</p>
<p><u>4.10 Car parking and Access</u></p> <ul style="list-style-type: none"> The provision of car parking shall be as: 1 space for less than 125m² GFA 2 spaces for greater than 125m² GFA Carports must be setback behind the front building line of the dwelling. 	<p>Dwellings less than 125m². One space provided for each dwelling in the form of garage, carport and hard stand space.</p> <p>The lot 4 carport is setback 3.008m from the secondary street frontage. The lot 4 dwelling setback along the secondary street frontage ranges from</p>	<p>Yes</p> <p>No</p>

	<p>3.008m to 3.412m. As such, the carport is not setback behind the front building line of the Lot 4 dwelling.</p> <p>The design also results in the potential for vehicles to overhang the road reserve along Bulwarra Street, obstructing pedestrian flow and resulting in safety impacts and loss of amenity.</p>	
<ul style="list-style-type: none"> Garages must be setback a minimum of 5.5m from the front property boundary. 	Lot 1 and 2 garages setback greater than 5.5m.	Yes
<ul style="list-style-type: none"> Where garage door openings face a road they shall be a maximum of 50% of the width of the dwelling. 	Garage door openings are less than 50% width of dwelling.	Yes
<ul style="list-style-type: none"> The car parking spaces may be an open hard stand space, driveway, carport or a garage, whether attached to or detached from the dwelling. 	Two single garages, one carport and one hard stand space provided.	Yes
<ul style="list-style-type: none"> The minimum dimension for a single car parking space shall be 5.5 metres x 2.6 metres where unenclosed. 	<p>Lot 3 hard stand parking space 5.5m x 2.5m.</p> <p>It is also acknowledged that the design of the hard stand parking space (with a 200mm setback from the Bulwarra Street boundary) results in the parked car blocking access to the stairs that lead to the rear POS/dwelling of Lot 3. It is likely that a car would be parked further back across the road reserve (outside of the site) to provide adequate area for occupants to access the stairs</p>	No
<ul style="list-style-type: none"> The minimum internal dimensions for a single garage shall be 6 metres (depth) x 3 metres (width) 	Single garages 6m x 3m.	Yes
<ul style="list-style-type: none"> Driveways shall be separated from side boundaries by a minimum of 1 metre 	1m from northern side boundary.	Yes
<ul style="list-style-type: none"> Driveways shall have a maximum cross-over width of 3 metres. 	<p>Cross over width 2.7m along Attunga Street.</p> <p>The cross over width is 5.4m along Bulwarra Street. It is acknowledged that there is an inadequate setback of the car parking to enable tapering of the driveway cross-over.</p>	Yes No

<p><u>4.11 Storage Facilities</u></p> <ul style="list-style-type: none"> Three or more bedrooms storage volume 10m³ and storage area 5m² 	<p>Appropriate storage provided in the form of overhead storage within garages and under stair storage where applicable for each lot.</p>	<p>Yes</p>
<p><u>4.12 Site Facilities</u></p> <ul style="list-style-type: none"> Letterbox to be provided Air conditioning, satellites and open air clothes drying facilities to be appropriately located 	<p>Appropriate facilities provided.</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>Noted. To remain as existing.</p>	<p>Yes</p>
<p><u>4.14 Services</u></p> <ul style="list-style-type: none"> Encourage early consideration of servicing requirements 	<p>Existing services available to site.</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p> <ul style="list-style-type: none"> Must minimise built intrusions into coastal landscape Retain views to the ocean from roads and public spaces Maintain buildings consistent with coastal character 	<p>Site not located along coastal foreshore</p>	<p>N/A</p>
<p><u>4.16 View sharing</u></p> <ul style="list-style-type: none"> To protect and enhance view sharing, significant view corridors A range of view sharing measures to be considered for building design 	<p>No significant views in proximity of site that would be affected by the proposed development.</p>	<p>N/A</p>
<p><u>4.17. Retaining walls</u></p> <ul style="list-style-type: none"> 600mm at any distance up to 900mm setback from any side or rear boundary 1 metre, if the toe of the retaining wall or embankment is setback greater than 900mm from any side or rear boundary. Any retaining wall over 1 metre to be designed by an engineer. 	<p>Retaining walls along northern and eastern side boundaries maximum 600mm in height.</p> <p>All other retaining walls on site are less than 1 metre in height and setback greater than 900mm from side and rear boundaries.</p>	<p>Yes</p>