

# Wollongong Local Planning Panel Assessment Report | 20 February 2020

<b>WLPP No.</b>	Item No. 2
<b>DA No.</b>	DA-2019/1155
<b>Proposal</b>	Residential – demolition of existing dwelling and construction of dual occupancy and Subdivision - Torrens title - two lots
<b>Property</b>	31 Olympic Boulevarde, Port Kembla
<b>Applicant</b>	DeBu Studios
<b>Responsible team</b>	City Centre Major Development Team (RW)

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Local Planning Panel - Advice

The proposal has been referred to Local Planning Panel for **advice** pursuant to Clause 2.19(1)(c) of the Environmental Planning and Assessment Act 1979. Pursuant to Clause 4 of the Wollongong City Council Submission Policy adopted on 25 June 2018, the proposal is of significant community interest as identified by Council's General Manager and Director Planning + Environment.

#### Proposal

The proposal is for demolition of the existing dwelling and construction of a dual occupancy and Torrens subdivision.

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a *dual occupancy (detached)* and is permissible in the zone with development consent.

#### Consultation

The proposal was notified in accordance with Council's Notification Policy and received nine (9) submissions which are discussed at section 1.4 of this report.

The application has been internally referred to Council's Development Engineers, Geotechnical Engineer, Environmental Officer and Landscape Architect who have recommended suitable conditions of consent.

#### Main Issues

The main issues are:

- Submissions
- Variations to WDCP 2009
- Geotechnical issues
- View sharing

## RECOMMENDATION

It is recommended that the application be approved subject to the recommended conditions in attachment 5.

## **1 APPLICATION OVERVIEW**

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### **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
- State Environmental Planning Policy (Coastal Management) 2018

#### Local Environmental Plans

- Wollongong Local Environmental Plan (WLEP) 2009

#### Development Control Plans

- Wollongong Development Control Plan (WDCP) 2009

#### Other policies

- Wollongong City-Wide Development Contributions Plan 2018

### **1.2 DETAILED DESCRIPTION OF PROPOSAL**

The proposal comprises the following:

#### Site preparation

- Demolition of existing 3 storey dwelling and associated retaining wall structures
- No tree removal is proposed. The existing row of Norfolk Island pine trees are to be retained and protected during works
- Earthworks associated with excavation for sub-basement garage for rear dwelling

#### Works / Construction / building details

- Dwelling 1 is two storeys and comprises a double garage, 3 bedrooms and bathroom/laundry, with master bedroom and combined kitchen/dining/living on the first floor
- Dwelling 2 is three storeys, comprising double garage/entry/laundry on the basement level, four bedrooms on the ground floor (including a teenage retreat with separate access), and combined kitchen/living/dining on the upper floor
- A landscaped area, including a deep soil zone is proposed in the north-eastern corner of the site
- Torrens subdivision of the dual occupancy is also proposed.

#### Traffic, parking and servicing

- Parking spaces are provided for each dwelling in the form of a double garage with internal dimensions of 6m x 6m each.
- Access is proposed via a common driveway crossover with a width of 5.5m that forks into two separate driveways
- Waste collection from the kerb is proposed. Due to the site's narrow frontage, minimum required driveway width and position partly in the head of a cul-de-sac, the waste collection is more challenging than a standard lot however is achievable

### 1.3 BACKGROUND

- DA-2019/7 – Demolition of dwelling and construction of multi dwelling housing and 3 lot strata subdivision – withdrawn 13/3/19.
- PL-2018/111 - A pre-lodgement was held regarding a multi-dwelling housing development. The main issues discussed were development departure to site width, retention of the Norfolk Island pine trees and multiple variations to Wollongong DCP 2009. Although the current application is for a dual occupancy, the concerns raised in the pre-lodgement meeting as relevant to the proposal are satisfactory resolved as part 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 31 Olympic Boulevarde, Port Kembla and the title reference is Lot 21 DP 1019031. The subject site is the southernmost site on the cul-de-sac, closest to the coast. The site has an irregular shape, with a street frontage of 14.34m at the front boundary, increasing to 41.93m at the rear (the southern boundary line is skewed). The site has a fall of approximately 10m from the south-eastern corner to the north-east. There are a row of 5 Norfolk Island pine trees along the southern boundary. The site adjoins a public reserve to the south and overlooks Port Kembla swimming pool (local heritage item) and Port Kembla beach.

Adjoining development is as follows:

- North: Two storey dwelling (29 Olympic Boulevarde)
- East: single dwelling (32 Griffiths Avenue)
- South: public reserve, Port Kembla pool and Port Kembla beach
- West: Olympic Boulevarde, with public reserve leading to swimming pool on the other side of the cul-de-sac

An aerial photo of the site and zoning map forms attachment 1.

#### Property constraints

- Council records identify the land as being located within the Coastal zone (Coastal Use and Coastal Environment) however is not identified as being affected by coastal hazards (geotechnical risk or inundation).

There are no restrictions on the title.

### 1.5 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. Revised plans were received on 20 January 2020 to address a number of issues raised by Council. The scope of changes were minor and did not require re-notification in accordance with Schedule 3(3) of Council's Community Participation Plan (came into effect post lodgement) which states:

*3. Minor amendments to undetermined Development Applications which are, in the opinion of Council, unlikely to impact any adjoining property.*

Nine (9) submissions were received and the issues identified are discussed below.

**Table 1: Submissions**

Concern	Comment
1. Contrary to R2 Low Density residential zone	Dual occupancies are a permitted use in the R2 Low Density Zone under Wollongong LEP 2009.
2. Site does not achieve the minimum 15m site width required for dual occupancy developments	The site's frontage is 14.24m which does not achieve the minimum 15m site width required under Wollongong DCP 2009. The 15m site width is achieved approximately 1m back from the front boundary line. The applicant has submitted a variation request which is discussed in Part 2.3.1 of this report.
3. The development does not meet the objectives of Part 4.1 Number of Storeys	<p>Part 4.1 of Chapter B1 Residential Development sets a two (2) storey height limit in the R2 zone. The rear dwelling ('Dwelling 2') is three (3) storeys in height however is below the maximum permitted building height of 9m, having a proposed maximum height of 8.2m.</p> <p>The applicant has submitted a variation request which has been assessed having regard to the objectives of Part 4.1 and in consideration of the proposed design and the specific site circumstances. Supporting this variation will not compromise the objectives being met. The variation is discussed in Part 2.3.1 of this report.</p>
<p>4. - Rear setback is non-compliant</p> <p>- Non-compliant rear setback pushes Dwelling 2 further back which makes it appear even higher</p>	<p>Part 4.1 of Chapter B1 Residential Development also requires development within the 8m rear setback to be limited to single storey, so as to not adversely impact on the amenity of the adjoining property.</p> <p>Proposed Dwelling 2 has a 1.885m setback to the rear boundary and is two (2) storeys therefore not complying with the single storey requirement within 8m of the rear boundary.</p> <p>The applicant has submitted a variation request which is discussed in Part 2.3.1 of this report.</p> <p>To comply with the 8m rear setback, the first floor could be pushed further towards the west so that it sits directly over the 'teenage retreat'/Bed 3 and Bed 4 on the lower floor. Although this would result in a compliant setback, it is considered this built form outcome would result in Dwelling 2 being more visually dominant as viewed from the street and the adjoining properties and public spaces. Given the slope of the site and the topography of the surrounding sites, the proposed position of the first floor is considered to be a better design response as it steps up the site and provides good articulation (as can be seen in the South Elevation plan drawing 304 in Attachment 2).</p>
5. Built form concerns	The development complies with the floor space ratio and building height development standards under



Concern	Comment
<ul style="list-style-type: none"> <li>- inappropriate building scale, form and detail</li> <li>- large bulky form</li> <li>- not sympathetic to scenic, aesthetic and cultural heritage qualities of the natural environment</li> <li>- out of character with the street</li> </ul>	<p>WLEP 2009. Although the development involves variations to WDCP2009 with regard to the number of storeys and rear setbacks, the proposed design reasonably responds to the constraints of the site, including its irregular shape, the slope of the site and the significant trees along its southern boundary.</p> <p>The bulk of each dwelling is mitigated by staggered setbacks and the use of balconies and terraces, which avoids the appearance of high solid walls.</p> <p>The position of the dwellings on the site takes into account the Norfolk Island pine trees and conditions are recommended to ensure the trees are retained and protected as part of the development.</p> <p>Olympic Boulevarde is currently characterised by single dwelling houses of varying ages, styles and sizes. The visual appearance of the development is not out of character with the existing and likely future character and is considered to be a less visually domineering development than the existing three (3) storey dwelling on the site.</p>
6. Overdevelopment of the site	<p>The site is relatively large and is 41.933m wide along the rear boundary. Given the site width achieves the minimum 15m at the front building alignment, the site is considered capable of accommodating a dual occupancy development.</p> <p>The proposed development does not exceed the maximum FSR or height requirements and neither dwellings are excessive in size. The development does involve variations to WDCP 2009 which are discussed later in this report. These variations are considered capable of support given the relevant objectives are met. The dual occupancy is not considered an overdevelopment of the site.</p>
7. View impacts	<p>The proposal will result in some loss of views from the adjoining northern property noting that the existing dwelling is setback in the rear portion of the site.</p> <p>The current controls require a minimum 6m front setback. Dwelling 1 has a front setback of over 10m to address view sharing. A detailed assessment of view impacts is discussed after the submissions table.</p>
8. Insufficient on-site parking given both dwellings have 4 bedrooms	<p>Dwellings over 125sqm in area require 2 on-site car spaces which have been provided in the form of a double garage for each dwelling. It is acknowledged that the site is located at the head of the cul-de-sac and that the street experiences demand for on-street parking given the site's proximity to Port Kembla pool and beach during peak periods. However, there is no</p>

Concern	Comment
	<p>requirement for visitor parking for dual occupancy development or additional parking for developments in cul-de-sacs. The proposal satisfies the minimum car parking requirements for residents under Wollongong DCP 2009.</p>
<p>9. Traffic congestion in Olympic Boulevarde will worsen</p>	<p>The application has been considered by Council's Development Engineer who has not raised any concerns over the traffic impacts from an additional dwelling on the site.</p>
<p>10. Proposed development similar in scale to previous multi dwelling housing development</p>	<p>A previous development application was lodged seeking approval for a multi dwelling housing development (DA-2019/7), however this application was withdrawn. The current application is for a dual occupancy development which is assessed on its merits against the relevant controls for this form of development.</p>
<p>11. Existing three (3) storey home is out of character for the street</p>	<p>The existing 3 storey dwelling on the site does appear larger than surrounding dwellings, noting that it has a height of approximately 10m to the parapet and extends the majority of the side width.</p> <p>The proposed development is considered a more site responsive design and is lower in scale, height and not as visually imposing.</p>
<p>12. Approval of the application will set an undesirable precedent</p>	<p>The proposed dual occupancy is a permitted land use in the R2 Low Density zone. The proposal involves variations to some controls under WDP2009 that have been assessed based on the submitted design and having regard to the site specific circumstances and characteristics. Any development applications for similar development will equally be assessed on their own merits and against the relevant development standards and controls. In this regard, approval of the current application will not set an undesirable precedent.</p>
<p>13. Concern that retaining wall on rear boundary may be damaged by demolition and construction works.</p>	<p>The subject site currently has a number of retaining located at the rear of the site, including on the rear boundary. The submitted plans indicate demolition of an existing retaining wall (located approximately 2.4m from the rear boundary – refer site plan and section plan in attachment 2). The rear garage wall will act as a new retaining wall to engineering details.</p> <p>The existing retaining wall on the rear boundary is proposed to remain in situ. Suitable conditions are recommended on the consent regarding earthworks and retaining walls as outlined in attachment 5.</p>

Concern	Comment
14. Concerns over stability and potential damage to adjoining properties as a result of the development	<p>Although steeply sloping, the subject site is not identified as unstable land, however the adjoining public reserve to the south of the site is, as are some upslope properties to the east of the site.</p> <p>The proposal has been reviewed by Council's Geotechnical Engineer who notes that slope instability has occurred in the surrounding area. The site is located where the underlying soil profile consists of deep dune sand known to be at least 6m in depth and in close proximity to Sydney Water infrastructure.</p> <p>Given the proposed excavation associated with the proposed development and the soil profile, the development will require specific geotechnical advice and supervision during works.</p> <p>It is also recommended that where approval is granted, a staged consent be issued requiring geotechnical supervision during earthworks, drainage and retaining wall construction, with the construction of the dwellings being carried out following satisfactory completion of the earthworks, requiring endorsement by the geotechnical consultant prior to construction of the dwellings commencing.</p> <p>The recommended geotechnical conditions are included in attachment 5.</p>

#### Assessment of View impacts

The submissions received as part of the public notification process included concerns regarding view loss created by the development, which is discussed below.

The site is located at the southern end of Olympic Boulevarde, which is a cul-de-sac and adjoins a public reserve. The site has two directly adjoining neighbours, being 29 Olympic Boulevarde to the north and 32 Griffiths Avenue to the rear (east). 30 Griffiths Avenue is located to the north-eastern corner of the site with no directly adjoining boundary. Views to the coast, Port Kembla beach and Port Kembla pool are available to some sites in the vicinity of the development in addition to distant escarpment views.

Figure a below shows an aerial photo (subject site indicated in blue) and surrounding properties that are referred to in the assessment of view loss:



**Figure a: aerial photo showing location of adjoining/surrounding sites**

The existing dwelling is located at the rear of the subject site which enables the adjoining property to the north (29 Olympic Boulevard) to have coastal views across the subject site. The proposed development will impact these views. A view analysis carried out by the applicant forms attachment 3.

The Land and Environment Court has set a Planning Principle to assess view sharing based on the court case *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. This planning principle has adopted a four-step assessment which will be used to evaluate view loss arising from the proposed development.

#### ***Step 1 – Assessment of views to be affected***

The views to be affected are coastal views to the south, including views to Port Kembla beach and Port Kembla pool. Water views, particularly a water view in which the interface between the land and water is visible are highly valued. Some loss of these valuable views will occur as a result of the proposed development.

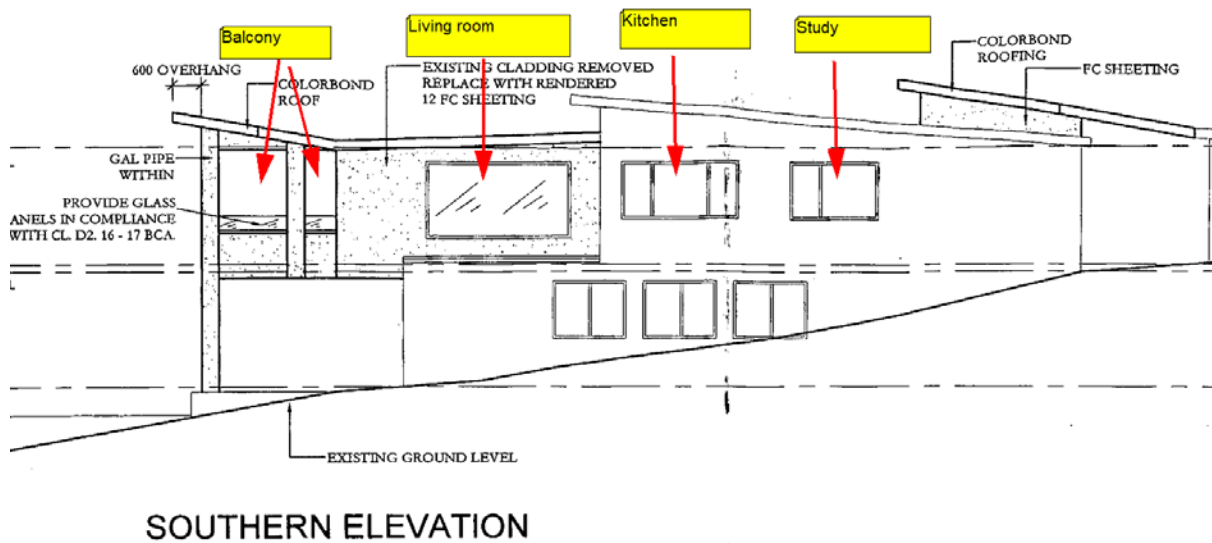
Existing views also include views to the public reserve and the Norfolk Island pine trees on the subject site. Distant westerly views towards the escarpment will not be affected by the development as the properties to the east (30 & 32 Griffiths Street) of the site are located substantial higher than the subject site.

#### ***Step 2 – What part of the property are the views obtained?***

*Note: A site inspection from the affected property was carried out by the assessing officer in February 2019 as part of the assessment of DA-2019/7 for multi dwelling housing. The photos taken have been used to assess view impacts for the current application given that adjoining property remains the same.*

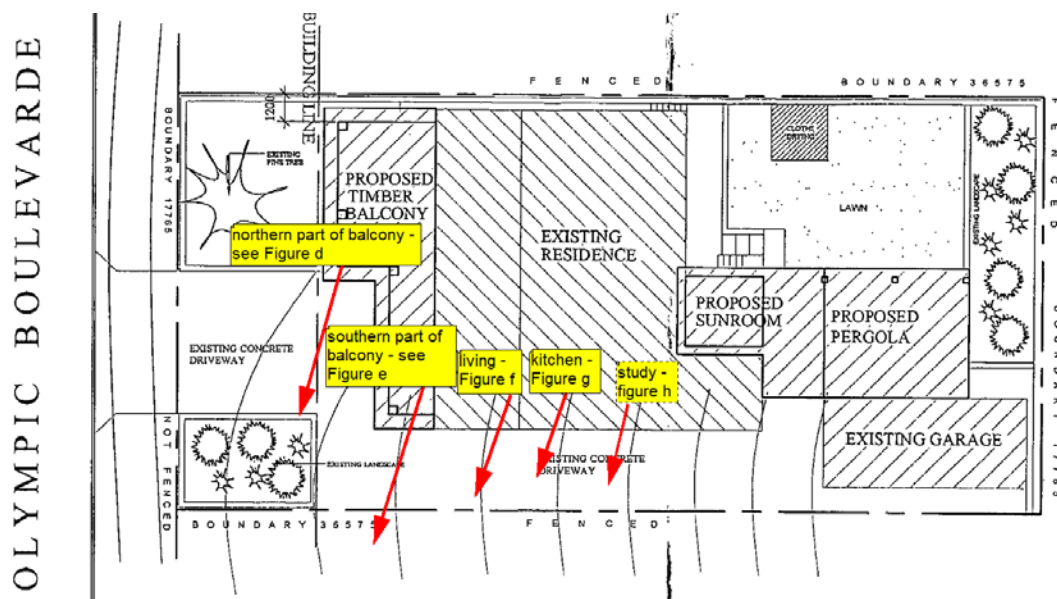
#### **29 Olympic Boulevard**

Coastal views from 29 Olympic Boulevard are available from the front balcony of the dwelling as well as from windows on the dwelling's southern elevation at first floor level which include the lounge room, kitchen and a study. These windows have views to the ocean, including the land-water interface.



**Figure b: Southern elevation of 29 Olympic Boulevard showing room uses**

29 Olympic Boulevard has a front setback of 6.5m-8.5m to its balcony and approximately 11m to the front façade of the dwelling. A site plan indicating location that the photos were taken from is shown in Figure c below:



**Figure c: Site plan of 29 Olympic Blvd indicating where photos were taken from**

From the front balcony, views of Port Kembla Beach, Port Kembla pool and distant escarpment views are available. From the northern part of the balcony (see Figure d below), these views are obtained partly across the front boundary and partly across the side boundary and will largely be unaffected by the development.





**Figure d: View from northern part of balcony (closer to front boundary)**

The southern portion of the balcony as shown in Figure e below will retain most of the existing coastal views, including the land-water interface noting that the proposed setback of Dwelling 1 will encroach approximately 1m forward of the existing retaining wall on the subject site which can be seen below.



**Figure e: view from southern corner of balcony**

A large living room window allows views of Port Kembla beach and the subject site's Norfolk Island pine trees from a sitting and standing position, as seen in Figure f below. These views are largely available across the side boundary between the sites. Some ocean views will be lost, particularly from sitting position however the majority of views to Port Kembla beach (including the land-water interface) and pool will be retained.



**Figure f: living room window facing south**

Similar views are available from the kitchen window from a standing position, including views over the hard stand area and retaining walls on the subject site (Figure g below). The majority of coastal views looking out from the south facing kitchen window will be lost as a result of the development, however access to the living room window from the kitchen will afford some views and outlook from the kitchen.



**Figure g: Views from kitchen window looking south across the subject site**

The study has partial coastal views and views of the existing dwelling across the side boundary as shown in Figure h below. These views will be lost given the window's location further towards the middle of the site.





**Figure h: Views from study window looking south across the subject site**

#### 32 Griffiths Ave

32 Griffiths Ave is the adjoining eastern neighbour to the rear of the subject site. This property sits higher than the subject site as shown in the applicant's view impact assessment in attachment 3 and in Figure i below (ground level of RL 26 at the front boundary sloping down to between RL 20 and RL 22 at the common boundary with the subject site). As proposed Dwelling 2 is slightly lower than the existing dwelling with a smaller footprint, no adverse view impacts are anticipated, noting that distant southern and western views will be retained.



**Figure i: 32 Griffiths Ave (tops of trees behind dwelling are the trees on the subject site)**

#### 30 Griffiths Ave

30 Griffiths Ave is situated to the north-east of the site but does not share a boundary with the subject site. This property also sits above the subject site and would currently have views to the south-west, noting that a large Norfolk Island pine tree on the adjoining site at 32 Griffiths Ave may partially obstruct views to the south. A recent addition includes a first floor attic above the garage which can be seen below. The approved finished floor level of the attic was RL28.03 which is approximately 3m above the highest point of proposed Dwelling 2 (RL 25.208) and over 6m above proposed Dwelling 1.



A balcony addition to the rear of this dwelling was approved under the same application with a finished floor level of RL 25.09. Due to the elevated position of 30 Griffiths Ave, no adverse view impacts are anticipated.



**Figure j: 30 Griffiths Ave (note large Norfolk Island pine to the left of the dwelling is situated on 32 Griffiths St and the tops of the Norfolk Island pine trees further left are on the subject site)**

### ***Step 3 – Assess the extent of the impact***

For 29 Olympic Boulevard, the extent of the impact could be assessed as moderate to severe given that some existing complete coastal views will be lost (i.e. from the kitchen) which includes the land-water interface of Port Kembla beach. Some coastal views from the living room and balcony areas will be lost as a result of the development, however some will also be retained given the 10m setback of Dwelling 1 on the subject site.

For 30 and 32 Griffiths Ave, the impact on views is considered negligible given the relative topography of the site and these upslope properties.

### ***Step 4 – Assess the reasonableness of the proposal that is causing the impact***

The development will result in a significant loss of coastal views from 29 Olympic Boulevard. Most of the views that will be lost or affected are currently obtained across the side boundary due to the siting of the subject existing dwelling at the rear of the site.

Although the proposed development involves non-compliances to the minimum site width, number of storeys and rear setbacks, these variations alone do not contribute to view loss. The siting of the development includes a front setback of over 10m for Dwelling 1 that exceeds the allowable 6m front setback. The increased front setback limits the view loss and permits view sharing. It is noted that a two storey dwelling could be constructed on the site under Complying development that is built 900mm from the side boundary with a 6m front setback. This scenario would lead to a greater degree of view loss than the proposed dual occupancy development.

In order to reduce the coastal view loss, the development would need to limit the footprint of any new building to reflect the siting of the existing dwelling on the site. Given the existing controls, this is not considered to be an economical use of the land in a planning sense. The development as proposed is a development form that is permitted in the R2 Low Density zone and is of a scale within what is permitted under Wollongong LEP 2009. The proposed dual occupancy allows for the efficient

use of the land in order to achieve the development potential available under the current development standards.

The proposed development will lead to a loss of coastal views for residents of 29 Olympic Boulevard, however coastal views will still be available from the balcony and some coastal views from the living room. Since the view loss is not directly attributable to the variations sought as part of the development, and since the proposed siting of the buildings promotes view sharing across the side boundary, overall the proposal is considered reasonable with regard to the view impacts.

## **1.6 CONSULTATION**

### **1.6.1 INTERNAL CONSULTATION**

Council's Landscape, Environment and Development Engineering Officers reviewed the application and provided satisfactory referrals subject to appropriate conditions of consent. These conditions are included in attachment 5.

The application has been assessed regarding geotechnical issues and found to be satisfactory subject to appropriate conditions of consent. It has been noted that the site is located where the underlying soil profile consists of deep dune sand known to be at least 6m in depth and in close proximity to Sydney Water infrastructure. These site conditions require a specific retaining wall design based on geotechnical advice. The recommendation included a two-stage consent, being Stage 1 for earthworks under geotechnical supervision and Stage 2 for the construction of the dwellings. The recommended conditions and staged consent are included in attachment 5.

### **1.6.2 EXTERNAL CONSULTATION**

None required

## **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION**

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

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

Council records do not indicate any historic use that would contribute to the contamination of the site and the land is not identified as being contaminated on Council mapping. There are earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

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

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets. The BASIX certificate was issued no earlier than 3 months before the date on which the development application was lodged.

#### **2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018**

##### **Division 3 Coastal environment area**

The entire lot is identified as being within the Coastal Environment Area. Clause 13 (1) Development on land within the coastal environment area:

Regarding Clause (a), the proposed development is the demolition of an existing dwelling and the construction of a detached dual occupancy on an established residential lot. Roof water for the development will in part be captured for reuse and onsite detention is proposed before connection to the existing stormwater drainage system. No native vegetation is proposed to be removed. The proposed development is not expected to cause an adverse impact on the environment

Regarding 1(b), the proposed development is located back from the coastline edge and would not be expected to cause an adverse impact on natural coastal processes

With regard to 1(c), due to the proposed use of erosion and sediment controls during demolition, excavation and construction, roof water in part being captured for reuse, the proposed onsite detention and connection to the existing stormwater drainage system, it is unlikely that the water quality of the nearby ocean would be adversely impacted

Regarding 1(d), the proposed development would not be expected to cause an adverse impact on marine vegetation, native vegetation and fauna and their habitats, any undeveloped headlands or the nearby rock platforms

Clause 13 (2) Development on land within the coastal environment area:

The proposed development is designed, sited and managed to avoid or minimise impacts referred to in subclause (1).

#### **Division 4 Coastal use area**

Clause 14 Development on land within the coastal use area:

The proposal is further considered to be of appropriate bulk, scale and size.

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

The proposal will not cause increased risk of coastal hazards on the site or other land.

#### Clause 16 Development in coastal zone generally - coastal management programs to be considered

##### *Wollongong Coastal Zone Management Plan*

The draft Wollongong Coastal Zone Management Plan was certified on 20 December 2017 and gazetted on 9 March 2018. The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act, any certified CZMP continues in force until 2020. As such, the Wollongong CZMP is a matter for consideration in the assessment of this development application.

A review of Council's associated CZMP mapping identifies the site as not impacted by coastal inundation, coastal geotechnical risk or reduced foundation capacity at the 2010, 2050 and 2100 timeline.

No adverse impact on the coastal environment is anticipated as a result of the proposed development. No impacts on the development are expected as a result of coastal processes.

#### **2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009**

##### Clause 1.4 Definitions

**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.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

Note.

Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**residential accommodation** means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
- (b) boarding houses,
- (c) **dual occupancies,**

(d) dwelling houses,  
(e) group homes,  
(f) hostels,  
(g) multi dwelling housing,  
(h) residential flat buildings,  
(i) rural workers' dwellings,  
(j) secondary dwellings,  
(k) semi-detached dwellings,  
(l) seniors housing,  
(m) shop top housing,  
but does not include tourist and visitor accommodation or caravan parks.

## **Part 2 Permitted or prohibited development**

### Clause 2.2 – zoning of land to which Plan applies

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

### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

The proposal is satisfactory with regard to the above objectives as a dual occupancy will provide for a range of housing types within the low density environment.

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

### *3 Permitted with consent*

*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 categorised as a **dual occupancy (detached)** as described above and is permissible in the zone with development consent.

### Clause 2.6 Subdivision—consent requirements

Torrens subdivision is proposed under the current application.

### Clause 2.7 Demolition requires development consent

Demolition of the existing dwelling and ancillary structures are proposed under the current application, thereby satisfying the provisions of this clause.

## **Part 4 Principal development standards**

### Clause 4.1 Minimum subdivision lot size

The minimum lot size required under this clause is 449sqm. Both resultant Torrens lots achieve this as follows:

Proposed Lot 1 - 497.3sqm

Proposed Lot 2 – 530sqm

#### Clause 4.3 Height of buildings

The proposed building height of 8.2m does not exceed the maximum of 9m permitted for the site.

#### Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: 0.5:1

Site area: 1027.3m<sup>2</sup>

GFA: 442.25m<sup>2</sup>

FSR:  $442.25 / 1027.3 \text{ m}^2 = 0.43:1$  - complies

Following subdivision, the development results in the following compliant FSR:

- Proposed Lot 1:  $193.6\text{sqm}/497.3\text{sqm}=0.38:1$
- Proposed Lot 2:  $248.65\text{sqm}/530\text{sqm} = 0.47:1$

### **Part 5 Miscellaneous provisions**

#### Clause 5.10 Heritage conservation

The site has views over Port Kembla Olympic pool which is a local heritage item under Schedule 5 of the LEP (item no. 6431). The proposed development is of an acceptable scale and located a distance of approximately 50m from the pool therefore a heritage impacts assessment is not required. It is noted that the existing Norfolk Island pine trees located on the subject site contribute to the visual backdrop to the pool and these trees will be retained as part of the development. The proposed development is not considered to result in adverse impacts on the significance of this item and the objectives of this clause are satisfied.

### **Part 7 Local provisions – general**

#### Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewage services. Suitable conditions are recommended so these services meet any additional demands from the development.

#### Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the proposed excavation works are not likely to lower the water table below 1m AHD on adjacent Class 4 land. Standard conditions of consent are recommended in this regard.

#### Clause 7.6 Earthworks

The proposal comprises earthworks and excavation associated with construction of both dwellings. All requirements under subclause 3 have been considered, noting specific conditions are recommended to address issues relating to drainage patterns, soil stability and geotechnical issues, excavation, effects on existing and likely amenity of adjoining properties, potential impacts on the existing trees on the site and waste management. The objectives of this clause are satisfied.

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

Nil

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

#### **2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009**

Attachment 4 to this report is an assessment of the proposed development against the relevant chapters of WDCP2009. Detailed commentary on variation are discussed below:

## CHAPTER A1 – INTRODUCTION

### 8 Variations to development controls in the DCP

#### Chapter B1 Residential Development

##### Part 4.1 Number of storeys

The maximum number of storeys in the R2 Low Density Residential zone is two (2) storeys.

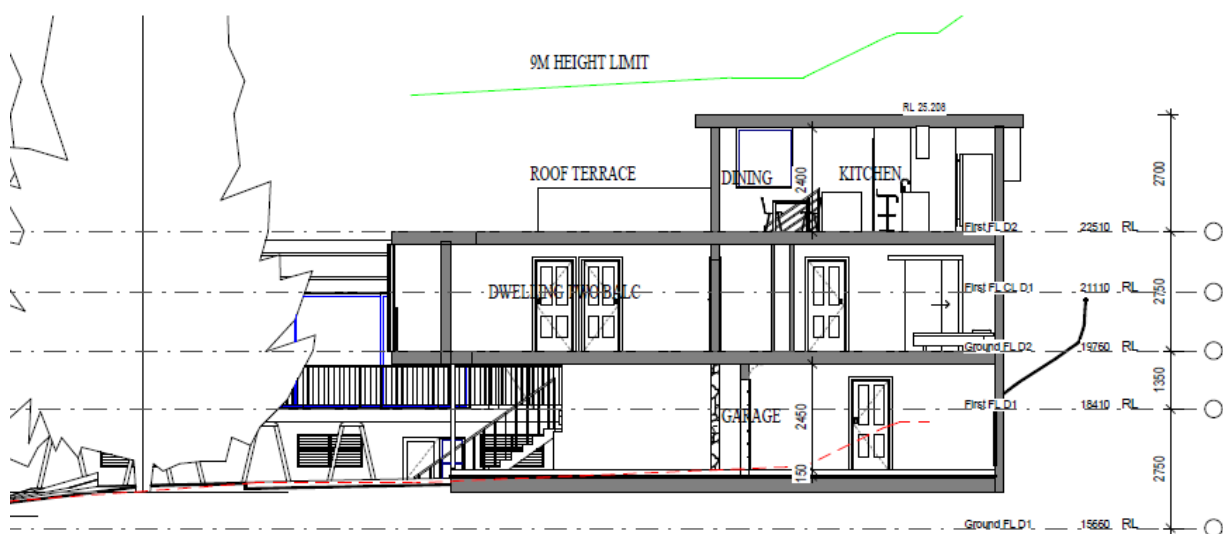
This requirement generally reflects the maximum height limit of 9m under the Wollongong LEP 2009, but goes on to say:

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

The objectives of this part are:

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

Proposed Dwelling 1 complies with Part 4.1 as it is two storeys and achieves an 8m setback to the rear boundary. Dwelling 2 is three storeys in part with a rear setback of 1.885m as shown in section plan below:



It is noted that the variation statement contends that the two (2) storey requirement under Part 4.1 is not a development control, but rather a general guide to what scale of development the 9m height

allowance under the LEP would commonly permit. The submission notes this requirement is within the general comments rather than under Part 4.1.2 Development Controls. Notwithstanding this, the 2 storey restriction has been applied as a development control and a variation has been sought.

A variation request has been provided in accordance with Chapter A1 with the following rationale provided to support the proposed development (summarised):

- The proposed 3 storey dwelling replaces an existing 3 storey dwelling but with a lower height and reduced footprint than the existing dwelling. This will reduce the impacts on the rear neighbouring property, which sits significantly higher than the subject site.
- The 3 storey design incorporates a garage and entrance that is recessed 7.5m beneath the upper levels and has a highly recessive appearance. Due to the topography of the site the lower floor is a sub-basement design.
- The 3 storey dwelling will have the appearance of a 1-2 storey dwelling from the rear.
- As viewed from Olympic Boulevard, the 3 storey component does not have an excessive visual bulk (also noting cul-de-sac location, no adjoining residential dwellings to the south-west or opposite and is screened by Norfolk Island pine trees)
- Dwelling 2 will have an improved internal amenity as a result of the 3 storey design
- The design of the development addresses the topographic constraints without any unreasonable impact on neighbours
- The current application is an improved design outcome for the property.
- The proposed development remains compliant with the objectives of the control

#### Comments

Dwelling 2 is located at the rear of the site in a similar position as the existing three (3) storey dwelling. The applicant's variation request has been considered and the following issues are relevant:

- The non-compliant dwelling is located towards the rear of the site.
- Dwelling 2's lowest level comprises a garage, laundry, lift and stairs. The façade of this storey is setback a further 7m-7.5m from the levels above. The dwelling will still appear as a three (3) storey building from the street, however the lower floor will be visually recessive and appear less bulky than the existing dwelling on the site.
- The site slopes towards the front of the site and the garage floor will be sub-basement, not visible from the rear boundary and barely perceivable from the adjoining public reserve (refer southern elevation plan).
- Dwelling 2 is located over 15m from the adjoining property to the north (29 Olympic Boulevard) which mitigates the visual impact of the three (3) storey-built form. As part of the garage is below existing ground level, not all of the basement level will be visible (refer northern elevation)
- The upper floor of Dwelling 2 comprises the open plan kitchen/living/dining with large terrace areas. The internal areas are also setback towards the rear of the site.
- The overall height of Dwelling 2 is below the 9m height limit at 8.2m and is lower than the existing dwelling house (indicated as 10m building height to top of parapet under BA-1994/1908).
- The three (3) storey built form will not lead to overshadowing or view impacts on adjoining properties noting that the site adjoins a public reserve to the south and the adjoining site to the east is elevated above the subject site between 2m-7m.

Given the site circumstances and proposed design of Dwelling 2, the proposed variation to the maximum two (2) storey requirement satisfies the objectives of Part 4.1 and is supported in this instance.

Part 4.1 also requires:

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

Although Dwelling 1 achieves the 8m rear setback, proposed Dwelling 2 is setback 1.885m from the rear boundary for which a variation is sought. The applicant's justification for varying the 8m rear setback requirement, as it relates to the amenity of adjoining properties is provided below (summarised):

- the dwelling presents as single or two storeys as viewed from the rear due to the topography of the land
- Dwelling 2 is positioned proximate to the existing 3 storey dwelling, with a reduced overall height and a significantly reduced footprint for the 3 storey component
- The view analysis provided shows the proposed roof line of Dwelling 2 sits below the lowest window sill of the neighbouring rear property (32 Griffiths St) allowing for a consistent outlook from the site
- There will be no impact on adjoining properties by way of overshadowing or overlooking as a result of the proposed setbacks to the upper levels

#### Comments

The 8m rear setback is a requirement to protect the amenity of adjoining properties. The main aspects of amenity include overshadowing, overlooking, visual bulk and views. These impacts are addressed below:

- The proximity of Dwelling 2's upper floor will not result in overlooking (window sill of highlight kitchen window is lower than lowest window sill of adjoining rear neighbour)
- The shadow diagrams indicate that in midwinter the adjoining eastern property will receive some additional shadowing, however the minimum requirements for 3 hours sunlight access to living areas and private open space would not be compromised.
- The adjoining property to the east sits higher than the subject site, therefore no additional visual or view impacts are anticipated. It is likely that the development would have potential for a greater impact if the bulk of the upper floor were pushed further away from the rear boundary
- Given Dwelling 2 is located 15m from the northern boundary, the reduced setback has minimal visual impact.

Given there are no significant amenity impacts of Dwelling 2's reduced rear setback, a variation to this requirement is considered acceptable in this instance.

#### Part 4.21 Dual Occupancy – Minimum site width

Part 4.21.2 states:

*A minimum site width of 15 metres is required for a dual occupancy development. Site width shall be measured for the full width of the site, perpendicular to the side property boundaries. Variations may be granted for irregular shaped blocks or where development can demonstrate compliance with privacy, solar access, private open space, visual amenity, built form, car parking and landscaping requirements.*



The objectives of part 4.21 are:

- (a) *To permit dual occupancy developments upon sites which are of sufficient size to accommodate the required building envelope, car parking, private open space, landscaping and other requirements, whilst maintaining the amenity of surrounding residential development and the streetscape character of the locality.*
- (b) *To allow for development of sites only where the land is not significantly constrained by flood, geotechnical or other environmental hazards.*

The proposed development is on an irregular shaped allotment with a 14.34m front boundary width, extending out to over 41m at the rear of the site. The applicant has submitted a variation statement addressing this requirement. The variation statement justifies the non-compliance as follows (paraphrased):

- The site is irregular in shape
- The extent of the variation is 660mm and relates to the front 1m (approximately) of the site, which contains landscaping and driveway works only
- At the front building line of Dwelling 1, the site width is approximately 21.5m
- The majority of the site achieves the minimum 15m width requirement
- The site has 2 adjoining residential neighbours and adjoins a public reserve to the south
- The site's unique shape, orientation and topography, as well as the siting of the development ensures that there will be no increased impact on the character of the area or the amenity of adjoining properties as a result of the minor variation.
- The front setback of Dwelling 1 has been increased from the permitted 6m to 10m to accommodate view sharing.
- The development achieves the objectives of this part as follows:
  - The site is a large allotment, with an area of 1027.3sqm and achieves compliant setbacks, parking, private open space, landscaping and does not result in unreasonable impacts on the amenity of adjoining properties.
  - The site is not constrained by flood or environmental factors that would render the site unsuitable for the scale of development.

The applicant's variation statement has been considered and is considered reasonable noting that the extent of variation is minor (660mm for 1m depth of the site) and does not in itself lead to additional impacts on adjoining properties or streetscape character. The DCP allows for variations to irregular shaped lots, which the subject site can be categorised as. As the objectives of Part 4.21 are met, a variation to the site width is supported in this instance.

## **CHAPTER B1 – RESIDENTIAL DEVELOPMENT**

A compliance table under this chapter forms attachment 4. Issues of relevance to the development and submissions requiring more discussion are outlined below:

### Part 4.16 view sharing

The objectives of this part are:

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

## Development controls

1. *Visual impact assessment should include an:*
  - (a) *Assessment of views likely to be affected.*
  - (b) *Assessment of what part of the property the views are obtained from.*
  - (c) *Assessment as to the extent of the potential view loss impact.*
  - (d) *Assessment as to the reasonableness of the proposal causing the potential view loss impact.*
2. *A range of view sharing measures shall be considered for incorporation into the design of a building including:*
  - (a) *Appropriate siting of the building on the land so as to provide a strip of land, unencumbered with structures, down one side of the dwelling. This strip of land must be a minimum width of 3m or 25% of the lot width whichever is the greater.*
  - (b) *A reduced view corridor width may be accepted, where it is located adjacent to a view corridor on the adjacent site, subject to the combined width having a minimum of 4m.*
  - (c) *Appropriate placement of the bulk of the building on a site.*
  - (d) *Provision of greater separation between buildings, where necessary to retain view corridors.*
  - (e) *Articulation within the buildings design.*
  - (f) *Careful selection of roof forms and slope.*
  - (g) *Placement of vents, air conditioning units, solar panels and similar structures in locations which will not restrict views.*

### Comments

An assessment of the view impacts is discussed earlier in this report to address the requirement for a visual impact assessment under point 1 of Part 4.16. Regarding the view sharing measures outlined in point 2 above, the following comments are relevant:

2. *A range of view sharing measures shall be considered for incorporation into the design of a building including:*
  - (a) *Appropriate siting of the building on the land so as to provide a strip of land, unencumbered with structures, down one side of the dwelling. This strip of land must be a minimum width of 3m or 25% of the lot width whichever is the greater.*

#### Comment

Dwelling 1 is located 1.5m from the northern boundary which does not achieve the 3m or 25% width of unencumbered land - refer point b.

- (b) *A reduced view corridor width may be accepted, where it is located adjacent to a view corridor on the adjacent site, subject to the combined width having a minimum of 4m.*

#### Comment

The adjoining site to the north (29 Olympic Boulevard) has a setback to the common boundary of 3m to accommodate the driveway therefore the 4m view corridor is achieved. Both 32 Griffith Ave (to the rear) and 29 Olympic Boulevard benefits from this view corridor.

- (c) *Appropriate placement of the bulk of the building on a site.*

#### Comment

The buildings are appropriately placed on the site taking in the site constraints and the view sharing opportunities.

- (d) *Provision of greater separation between buildings, where necessary to retain view corridors.*

Comment

Requiring an increased side setback of Dwelling 1 to the northern boundary may reduce the extent of view loss across the side boundary from 29 Olympic Boulevard. However, the increased front setback is considered a more appropriate design response to promote view sharing between the site and the most affected neighbour to the north (10m front setback instead of the minimum 6m)

- (e) *Articulation within the buildings design.*

Comment

The buildings are well articulated as viewed from the street and the public reserve. The northern elevation adopts a more solid defensive façade which could benefit from additional articulation; however, this is not considered a significant issue that would necessitate a redesign.

- (f) *Careful selection of roof forms and slope.*

Comment

The roofs of both dwellings are flat which promotes view sharing.

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

Comment

No structures indicated on plans that would restrict views.

Based on the assessment of view impacts under Part 1.4 of this report and discussion under Part 4.16(2), the objectives of this part are satisfied.

#### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$1,200,000 and a levy of 1% is applicable under this plan as the threshold value is \$100,000.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

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

### Context and Setting:

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

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

In response to the first question, matters such as overshadowing, privacy concerns, bulk scale and setbacks are relevant. The development will not result in unreasonable overshadowing of adjoining properties. The development is within the allowable height and FSR for the site. Neighbouring dwellings will additionally still receive the 3 hours of sunlight required by the DCP.

In regard to the visual impact, the development is considered to be largely in harmony with the surrounding buildings and character of the street. The area is characterised by low density residential developments.

Despite the variation to the number of storeys, the lower level of Dwelling 2 is visually recessive, and the scale of the development as viewed from the street is comparable to other developments in the locality.

In summary, the proposal has been assessed with regard to the amenity impacts from the development, the zoning, permissible height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the local area.

### Access, Transport and Traffic:

Vehicle access to the site is via a shared driveway with rights of carriageway. The development will not lead to unacceptable access or traffic issues.

### Public Domain:

No adverse impacts on the public domain are envisaged.

### Utilities:

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

### Heritage:

No heritage items will be impacted by the proposal.

### Other land resources:

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

### Water:

The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption.

Soils:

The proposed development is not expected to have negative impacts on soils and suitable conditions are recommended regarding potential acid sulfate soils, excavation, geotechnical matters and sediment control.

Air and Microclimate:

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

Flora and Fauna:

There is no vegetation removal proposed and landscaping required for the development is satisfactory.

Waste:

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

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

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

Natural hazards:

There are no natural hazards affecting the site that would prevent the proposal. Conditions to manage geotechnical impacts have been recommended as outlined in Attachment 5.

Technological hazards:

There are no technological hazards affecting the site that would prevent the proposal. Council records list the site as acid sulphate soil affected

Safety, Security and Crime Prevention:

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

Social Impact:

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

Economic Impact:

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

Site Design and Internal Design:

The application does not involve any departures from development standards however does involve variations to Council's development control plans as outlined above. On balance, the design is considered responsive to the site constraints. A condition is proposed that all works are to be in compliance with the Building Code of Australia.

Construction:

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

Cumulative Impacts:

The proposal is not expected to have any negative cumulative impacts.

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

### Does the proposal fit in the locality?

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

### Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal. The site attributes include the irregular shaped allotment, the slope of the site and the Norfolk Island pine trees along the site's southern boundary. All these site attributes have been reasonably responded to in the design of the development.

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

Refer Part 1.4.

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

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

## **3 CONCLUSION**

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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 proposed development is consistent with the zoning and applicable development standards under WLEP 2009. A number of variations are sought in relation to Wollongong DCP 2009, including site width number of storeys and setbacks. The variations have been adequately justified by the applicant and assessed against the relevant objectives and found to be worthy of support in the circumstances.

Internal referrals are satisfactory (subject to conditions) and submissions have been considered in the assessment of the application. The proposed dual occupancy development has reasonably responded to the site constraints, retains existing significant trees and has sited the development to promote view sharing while still realising the development potential of the site as envisaged by the applicable planning controls.

## **4 RECOMMENDATION**

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It is recommended that the development application be approved subject to the recommended conditions of consent outlined in attachment 5.

## **5 ATTACHMENTS**

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- 1 Aerial photo and WLEP 2009 zoning map
- 2 Plans
- 3 Applicant's view analysis
- 4 Wollongong DCP 2009 compliance table
- 5 Recommended conditions

## Attachment 1: Aerial photo and WLEP 2009 zoning map



Figure a : Aerial photo

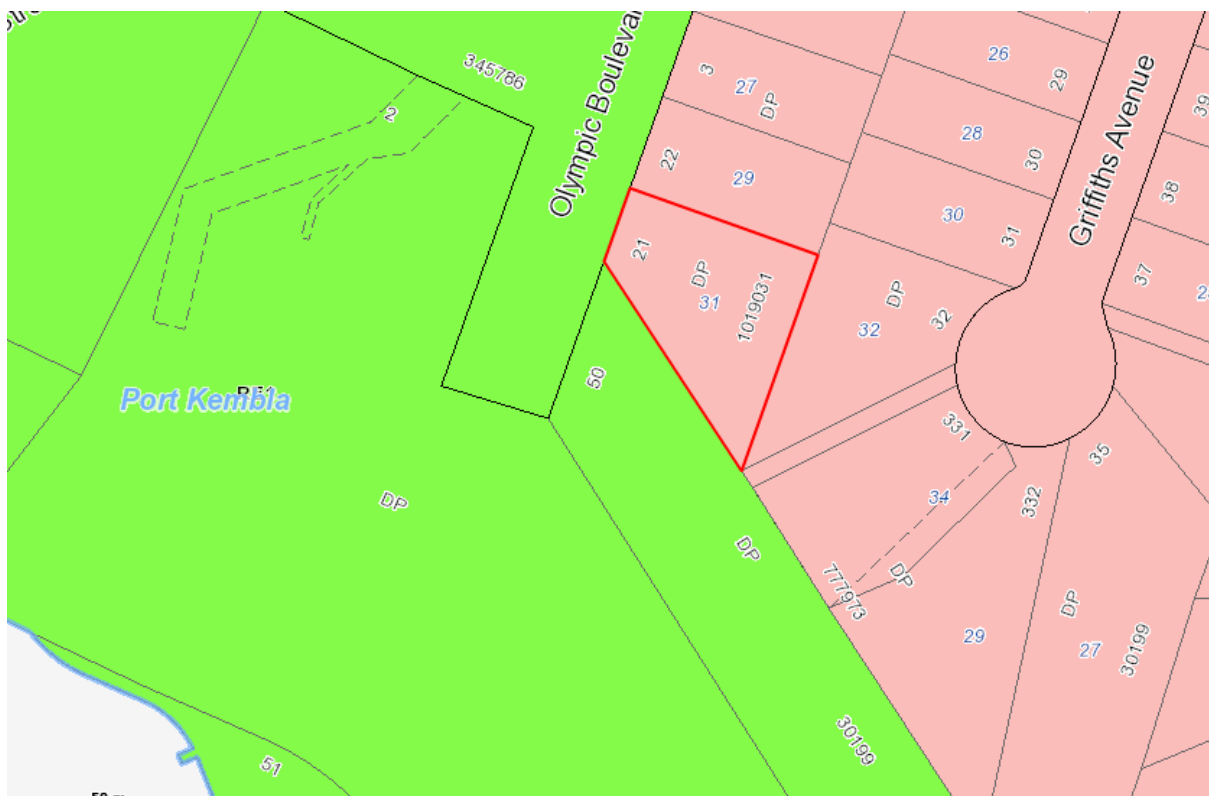
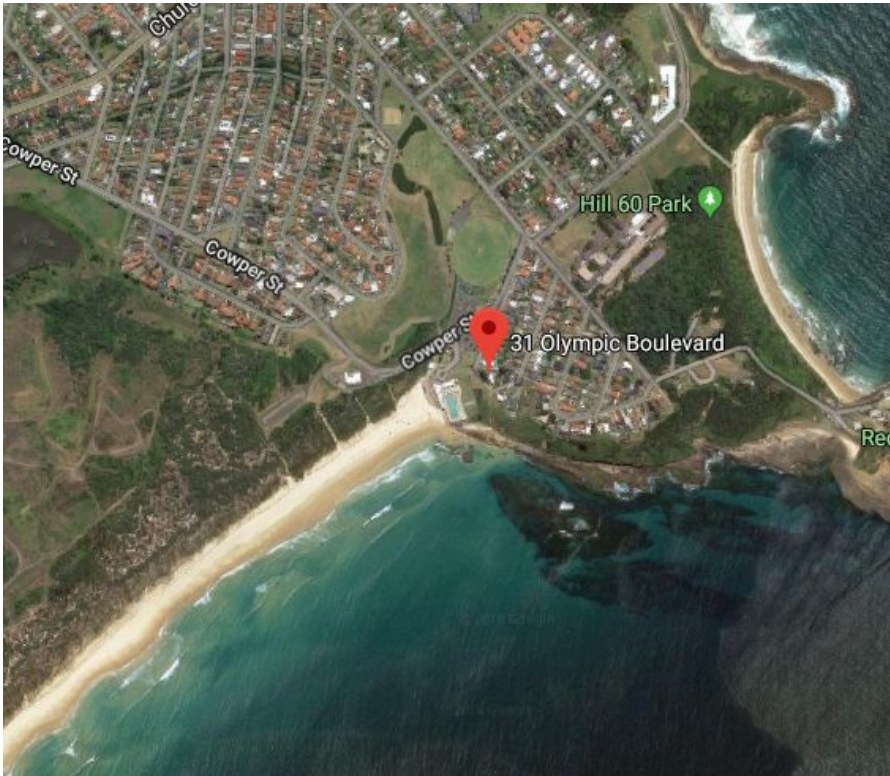


Figure b: WLEP 2009 zoning map



LOCATION PLAN

NOT TO SCALE

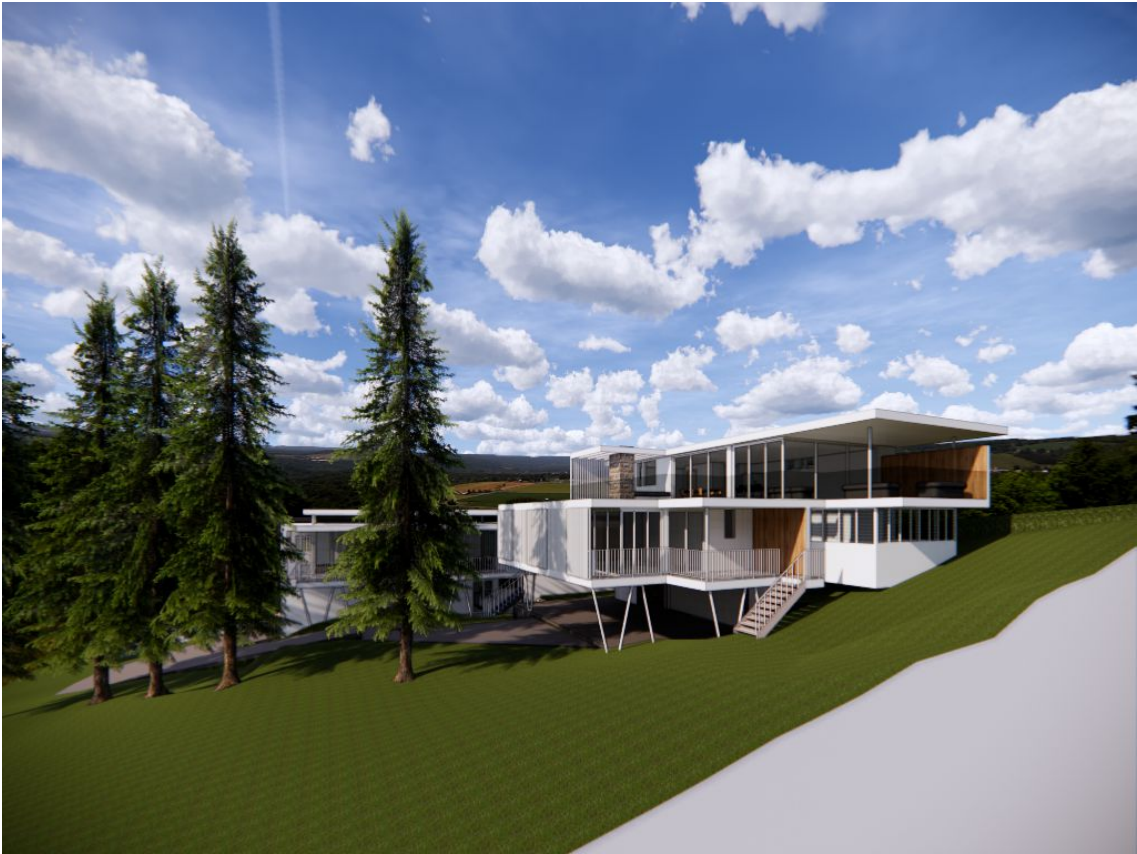


PERSPECTIVES

NOT TO SCALE



STREET ASPECT



SOUTHERN ASPECT

PROJECT INFORMATION

SHEET LIST

100	TITLE SHEET
101	SITE ANALYSIS
102	SITE PLAN-Rev B
103	SITE MANAGEMENT PLAN
109	BASIX SCHEDULE
110	BASIX SCHEDULE
111	DEMOLITION PLAN
112	SUBDIVISION PLAN
201	GROUND FLOOR PLAN D1-Rev B
202	FIRST FLOOR PLAN D1-Rev B
205	BASEMENT FLOOR PLAN D2 - Rev B
206	GROUND FLOOR PLAN D2- Rev B
207	FIRST FLOOR PLAN D2- Rev B
301	WEST ELEVATION-Rev B
302	NORTH ELEVATION-Rev B
303	EAST ELEVATION-Rev B
304	SOUTH ELEVATION-Rev B
305	MATERIALS AND FINISHES
401	SECTION 1-1 Rev B
402	SECTION 2-2
403	SECTION 3-3 - Rev B
404	SECTION 4-4 - Rev B
501	WINDOW SCHEDULE - D1
502	WINDOW SCHEDULE - D1
503	WINDOW SCHEDULE D1
505	WINDOW SCHEDULE - D2
506	WINDOW SCHEDULE - D2
601	SHADOW DIAGRAM Dec 21st
602	SHADOW DIAGRAM June 21st
701	VIEW CORRIDOR ASSESSMENT
702	VIEW CORRIDOR ASSESSMENT

DEVELOPMENT APPLICATION

LOT & ZONE

LOT 21 DP 1019031

ADDRESS

31 OYLIMPIC BOULEVADE PORT KEMBLA

DESCRIPTION

Demolition of Existing Dwelling,  
Construction of a

title: TITLE SHEET

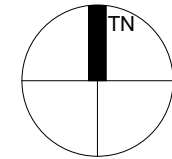
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA

job description:  
Demolition of Existing Dwelling, Construction of a

for: FLORO

no:  
143

100



Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION

DEBU STUDIOS

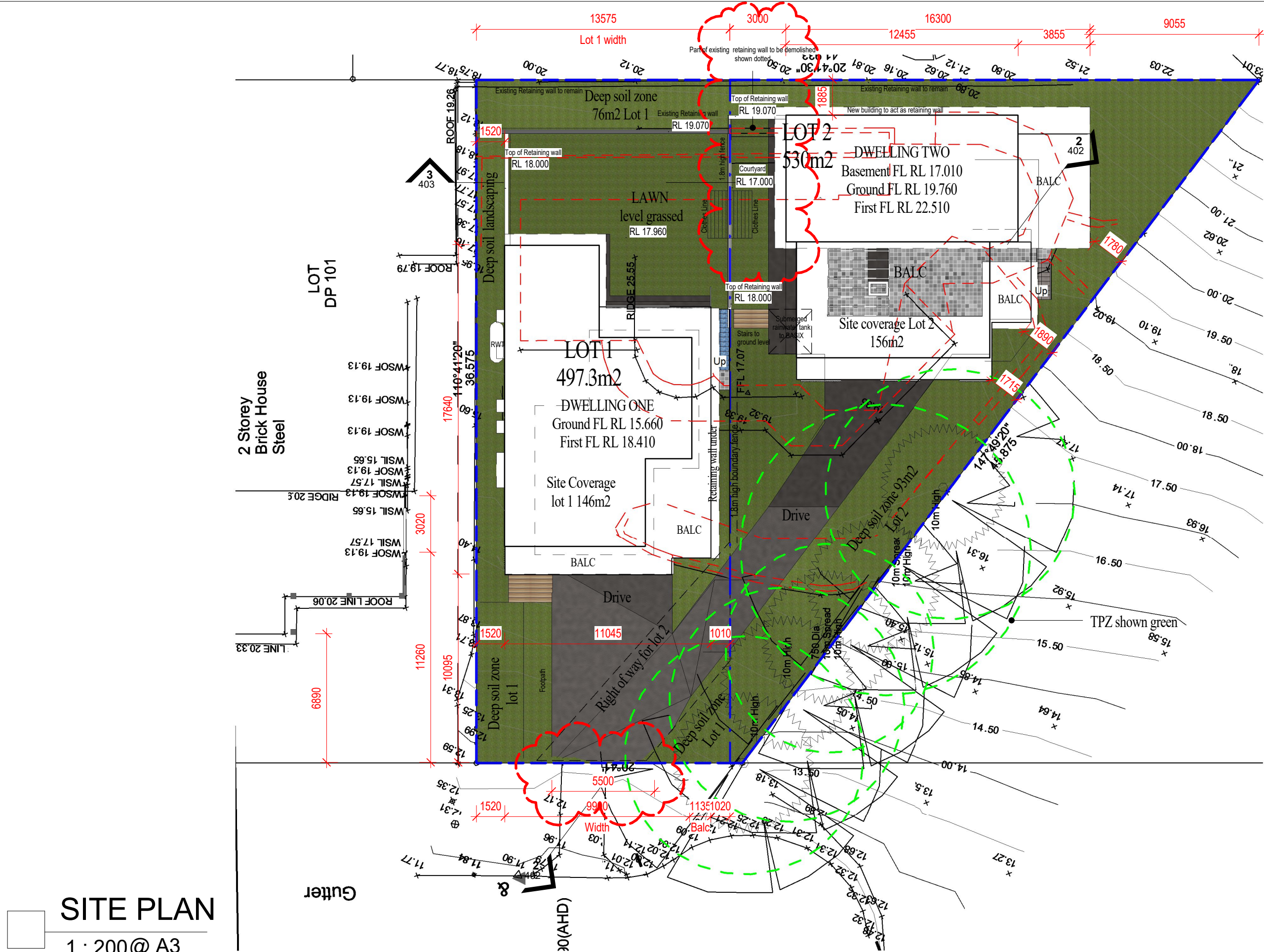
BUILDING DESIGN  
PROJECT MANAGEMENT

M 0416 411 094 E info@debustudios.com.au W debustudios.com.au

legend:

- extent of timber structures
- extent of demolished structures
- existing dwelling in elevation
- existing structures in plan
- extent of existing dwelling in site plan
- extent of additions in site plan






DEVELOPMENT DATA		
SITE AREA		1027.3m <sup>2</sup>
FLOOR SPACE		
ALLOWABLE	Lot 1 248.65m <sup>2</sup>	Lot 2 265m <sup>2</sup>
PROPOSED	Lot 1 193.6m <sup>2</sup>	Lot 2 260.7m <sup>2</sup>
LANDSCAPE AREA		
REQUIRED	Lot 1 99.46m <sup>2</sup>	Lot 2 106m <sup>2</sup>
PROPOSED	Lot 1 196m <sup>2</sup>	Lot 2 268m <sup>2</sup>
PRIVATE OPEN SPACE		
REQUIRED	20m <sup>2</sup>	
PROPOSED	20>m <sup>2</sup>	
IMPERVIOUS AREA		
TOTAL ADDITIONAL	OSD proposed	
DESIGN STATEMENT		
All aspects of the building have been designed to meet all BCA regulations,in particular:		
part 3.13 - Termite Risk Management		
part 3.6 - Glazing		
part 3.7.2- Smoke Alarms		
part 3.8.1- Wet Areas		
part 3.8.2- Light		
part 3.8.5- Ventilation		
part 3.9.1 Stair Construction		
The builders and/or tradesmens are to refer to all BCA regulations for the entirety of the construction build.		
If there are any discrepancies throughout the plans, we encourage the builder to contact the designer to confirm, and any necessary adjustments can be made.		



DEVELOPMENT APPLICATION

Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED



**DEBU STUDIOS**

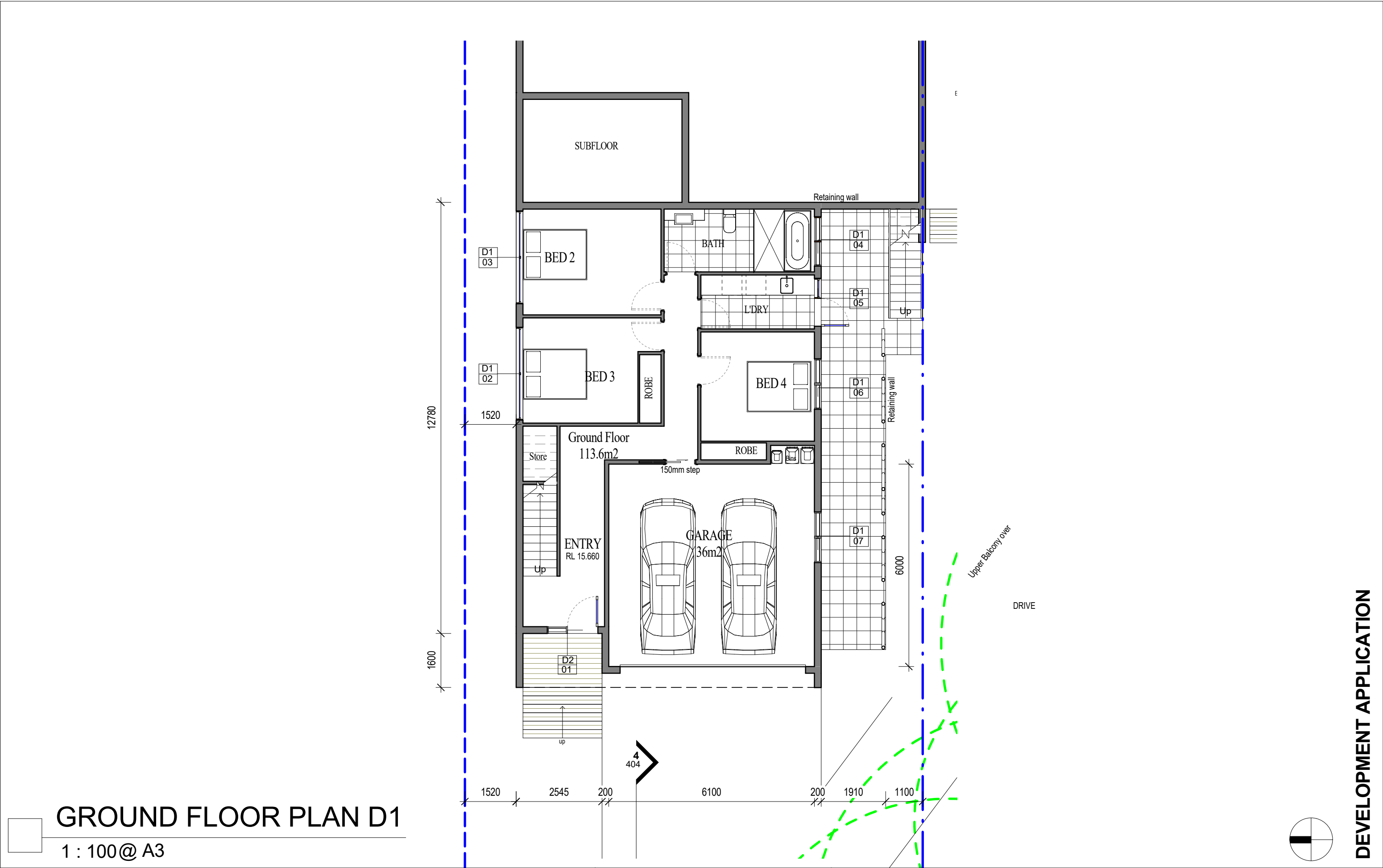
BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094 Ert@debustudios.com.au Wd@debustudios.com.au

legend:

- extent of timber structures
- extent of demolished structures
- existing dwelling in elevation
- existing structures in plan
- extent of existing dwelling in site plan
- extent of additions in site plan

title: SITE PLAN-Rev B	
address: 31 OYLYMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	
for: FLORO	no: 143



Revision				title: GROUND FLOOR PLAN D1-Rev B	
A	01-08-19	JE	DEVELOPMENT APPLICATION	address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED	job description: TORRENS TITTLE DUAL OCCUPANCY	
				for: FLORO	no: 143

DEBU STUDIOS

BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094 Eir@debus.com.au W@debus.com.au

legend:

extent of timber structures

extent of demolished structures

existing dwelling in elevation

existing structures in plan

extent of existing dwelling in site plan

extent of additions in site plan

title: GROUND FLOOR PLAN D1-Rev B

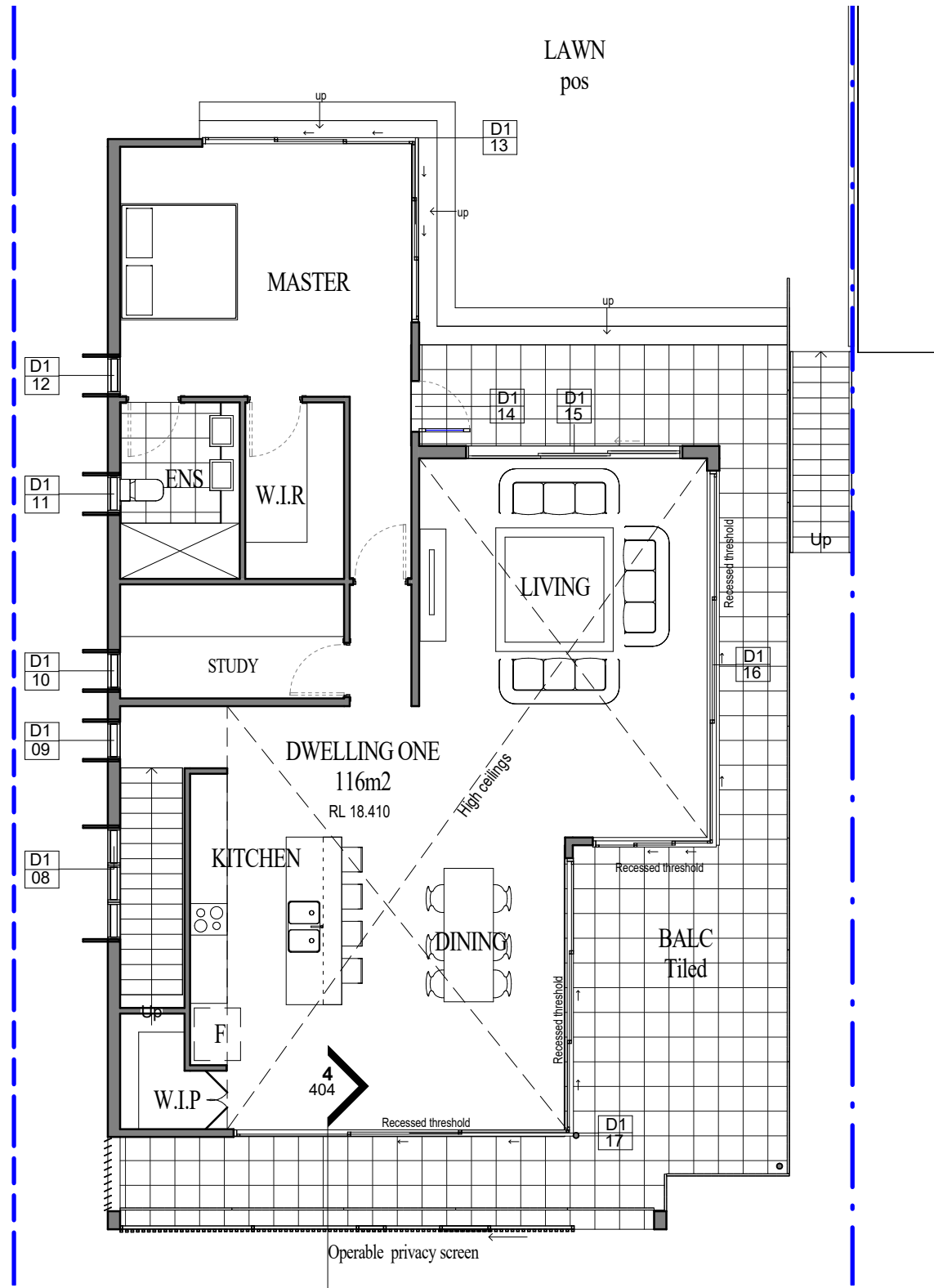
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA

job description: TORRENS TITTLE DUAL OCCUPANCY

for: FLORO

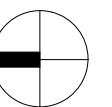
no: 143

201



# FIRST FLOOR PLAN D1

1 : 100@ A3



DEVELOPMENT APPLICATION

Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED

DEBU STUDIOS

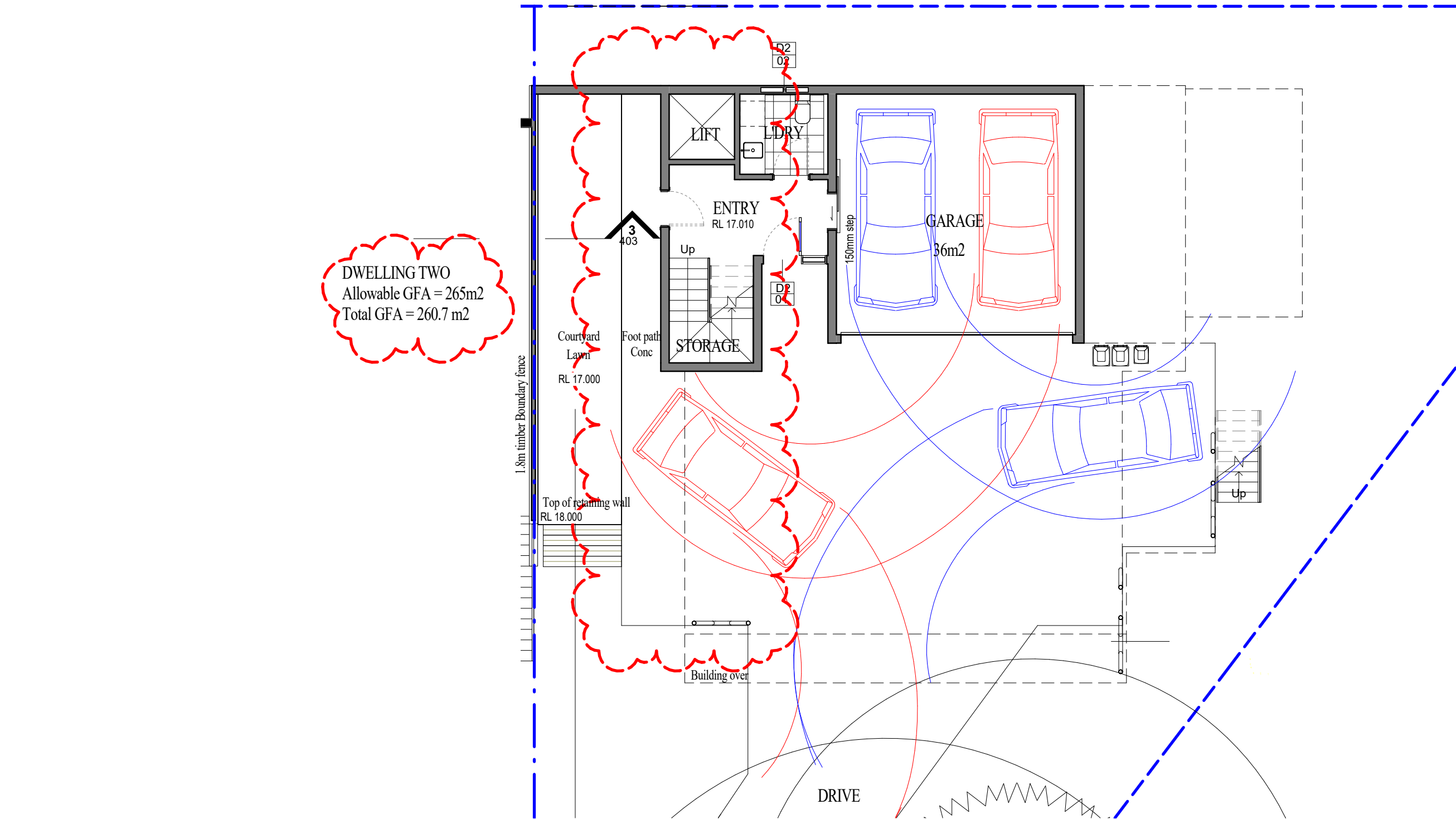
BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094 Eir@debus.com.au Web@debus.com.au

legend:
<div></div> extent of timber structures
<div></div> extent of demolished structures
<div></div> existing dwelling in elevation
<div></div> existing structures in plan
<div></div> extent of existing dwelling in site plan
<div></div> extent of additions in site plan

title: FIRST FLOOR PLAN D1-Rev B	
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	202
for: FLORO	
no: 143	





DWELLING TWO  
Allowable GFA = 265m2  
Total GFA = 260.7 m2

# GARAGE FLOOR PLAN D3

1 : 100@ A3

Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED

DEBU STUDIOS

BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094 Eir@debus.com.au Web@debus.com.au

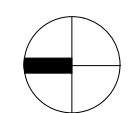
legend:
<div></div> extent of timber structures
<div></div> extent of demolished structures
<div></div> existing dwelling in elevation
<div></div> existing structures in plan
<div></div> extent of existing dwelling in site plan
<div></div> extent of additions in site plan

title: BASEMENT FLOOR PLAN D2 - Rev B	
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	205
for: FLORO	
no: 143	




DWELLING TWO  
Allowable GFA = 265m<sup>2</sup>  
Total GFA = 247.7 m<sup>2</sup>

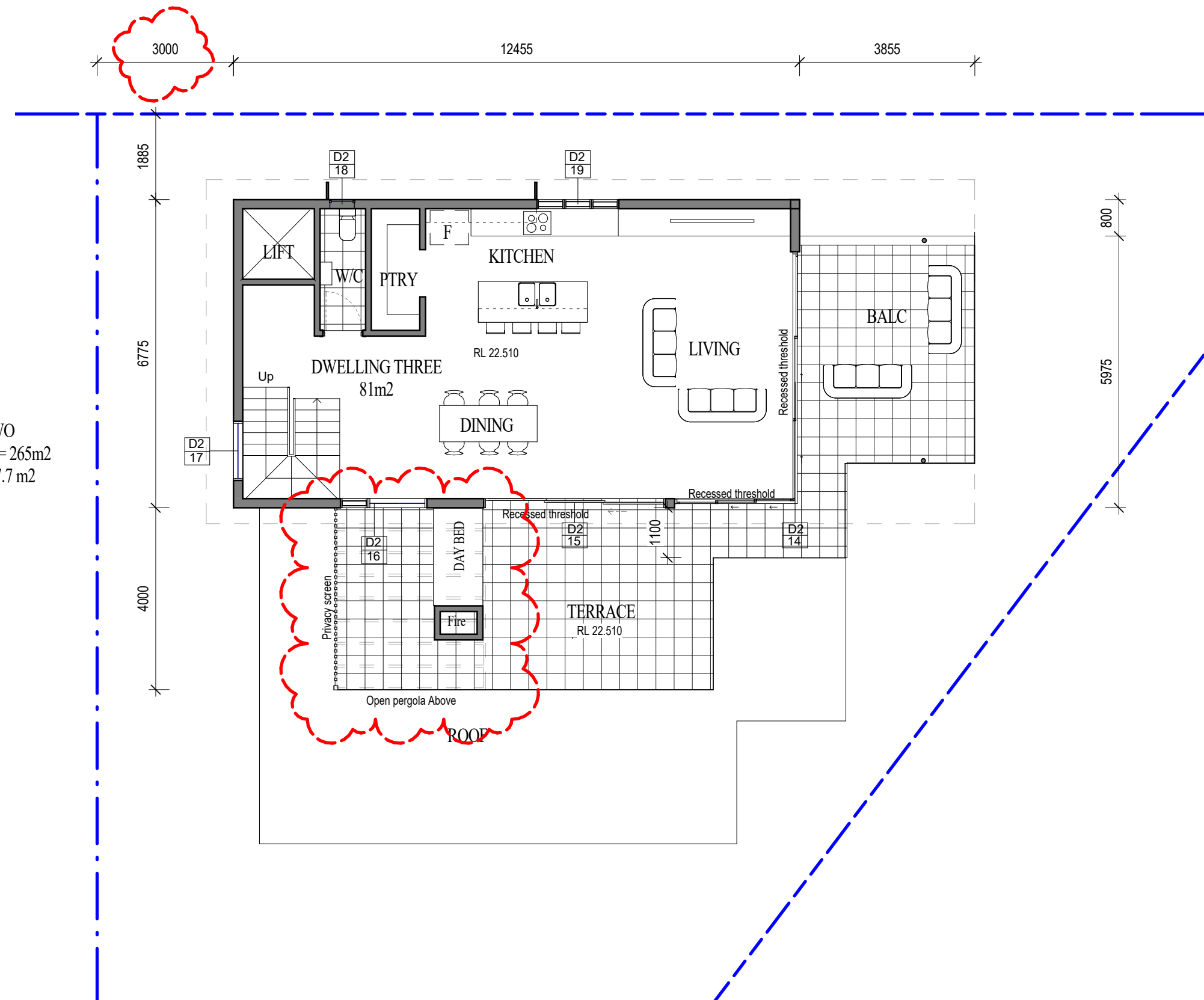
 LOWER FLOOR D3  
1 : 100@ A3



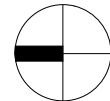
DEVELOPMENT APPLICATION

Revision				 BUILDING DESIGN PROJECT MANAGEMENT M0416411094 Eri@debus.com.au Wd@debus.com.au		title: GROUND FLOOR PLAN D2- Rev B	
date	drawn by	issue notes				address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
A	01-08-19	JE	DEVELOPMENT APPLICATION			job description: TORRENS TITTLE DUAL OCCUPANCY	206
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED			for: FLORO	
						no: 143	

DWELLING TWO  
Allowable GFA = 265m2  
Total GFA = 247.7 m2









 **FIRST FLOOR PLAN D3**  
1 : 100@ A3



DEVELOPMENT APPLICATION

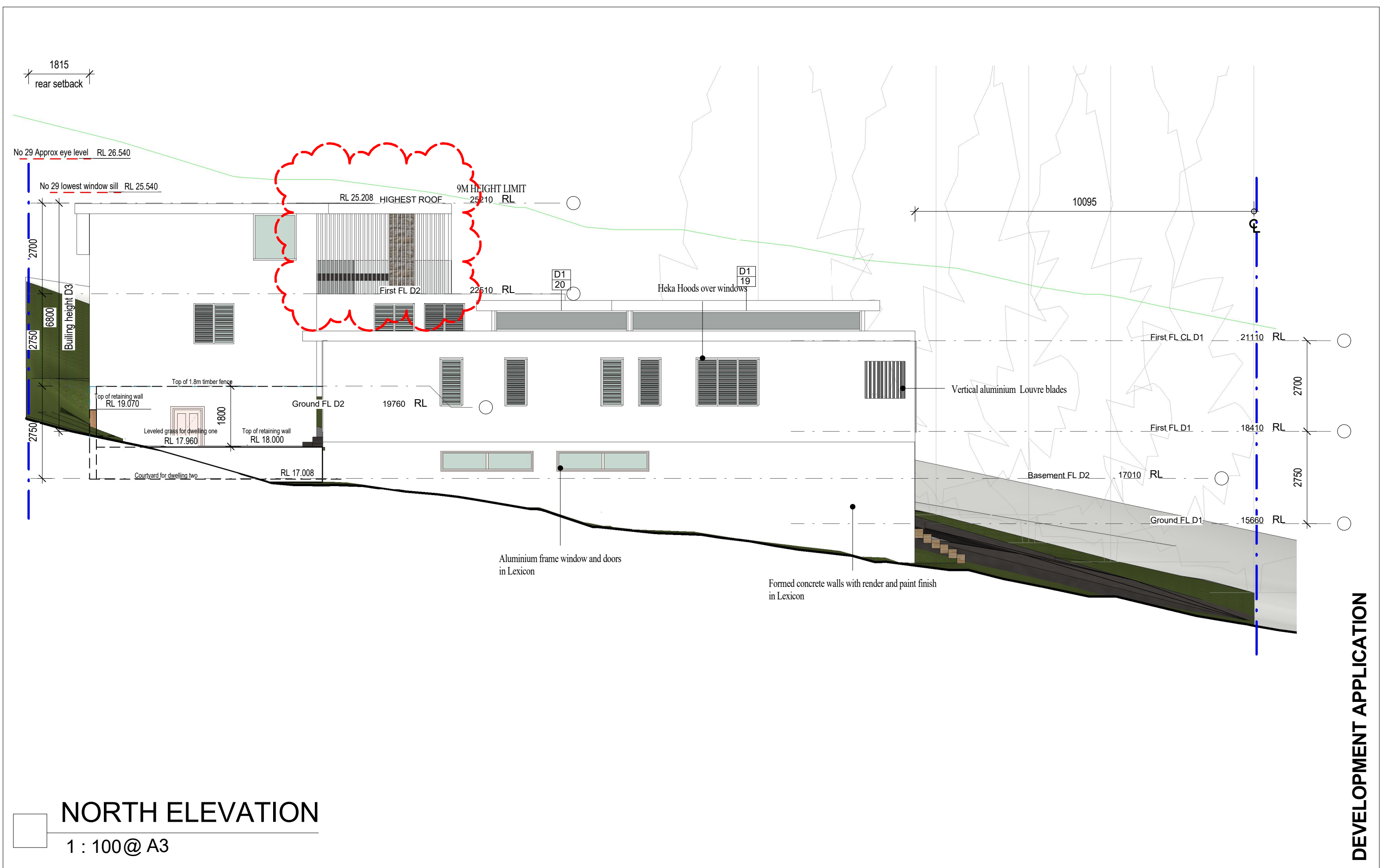
Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED

**DEBU STUDIOS**  
BUILDING DESIGN  
PROJECT MANAGEMENT  
M0416411094 [Enf@debus.com.au](mailto:Enf@debus.com.au) [www.debus.com.au](http://www.debus.com.au)

- legend:
-  extent of timber structures
  -  extent of demolished structures
  -  existing dwelling in elevation
  -  existing structures in plan
  -  extent of existing dwelling in site plan
  -  extent of additions in site plan

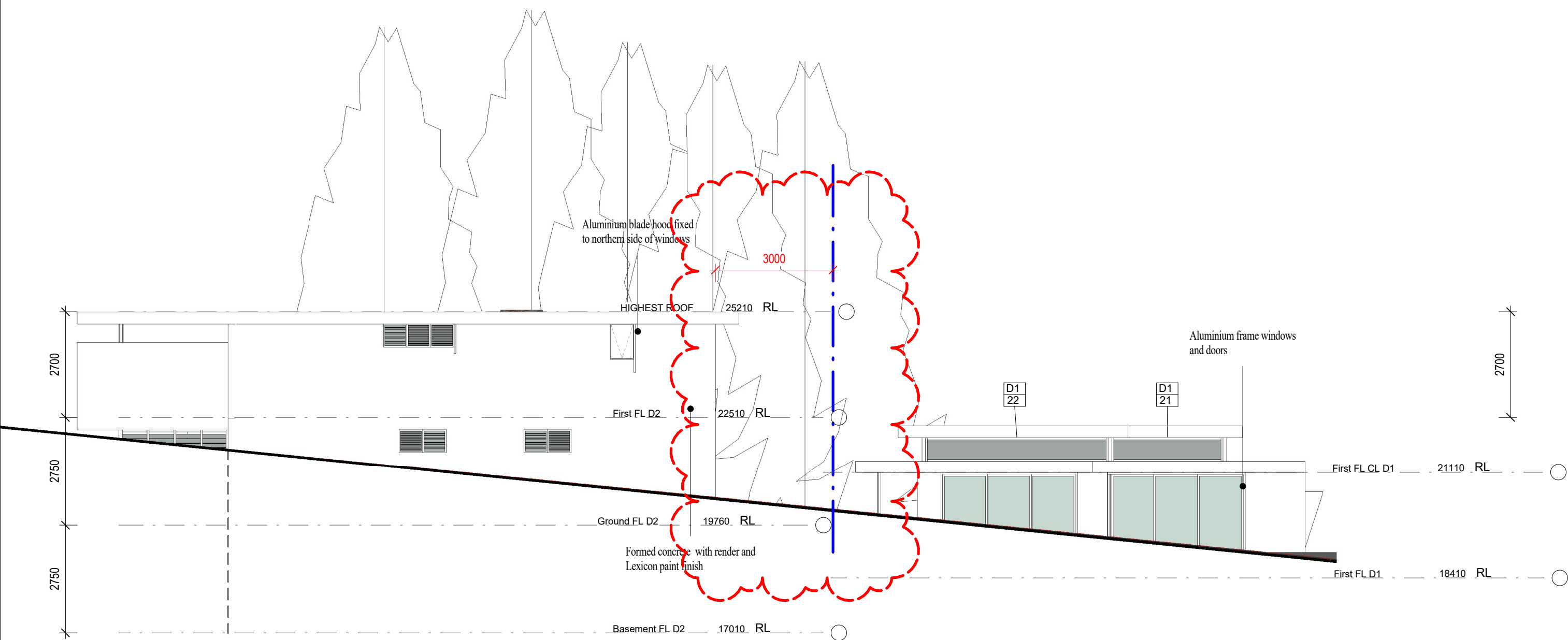
title: FIRST FLOOR PLAN D2- Rev B	
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	207
for: FLORO	
no: 143	





Revision	date	drawn by	issue notes	<div><div><div>DEBU STUDIOS</div><div>BUILDING DESIGN PROJECT MANAGEMENT</div></div><div>M0416411094 Eir@debus.com.au Web@debus.com.au</div></div>	legend: <div><div></div> extent of timber structures <div></div> extent of demolished structures <div></div> existing dwelling in elevation <div></div> existing structures in plan <div></div> extent of existing dwelling in site plan <div></div> extent of additions in site plan</div>	title: NORTH ELEVATION-Rev B	
A	01-08-19	JE	DEVELOPMENT APPLICATION		address: 31 OYLIMPIC BOULEVADE PORT KEMBLA		
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED		job description: TORRENS TITTLE DUAL OCCUPANCY		
					for: FLORO	no: 143	
					302		











 **EAST ELEVATION**  
1 : 100@ A3

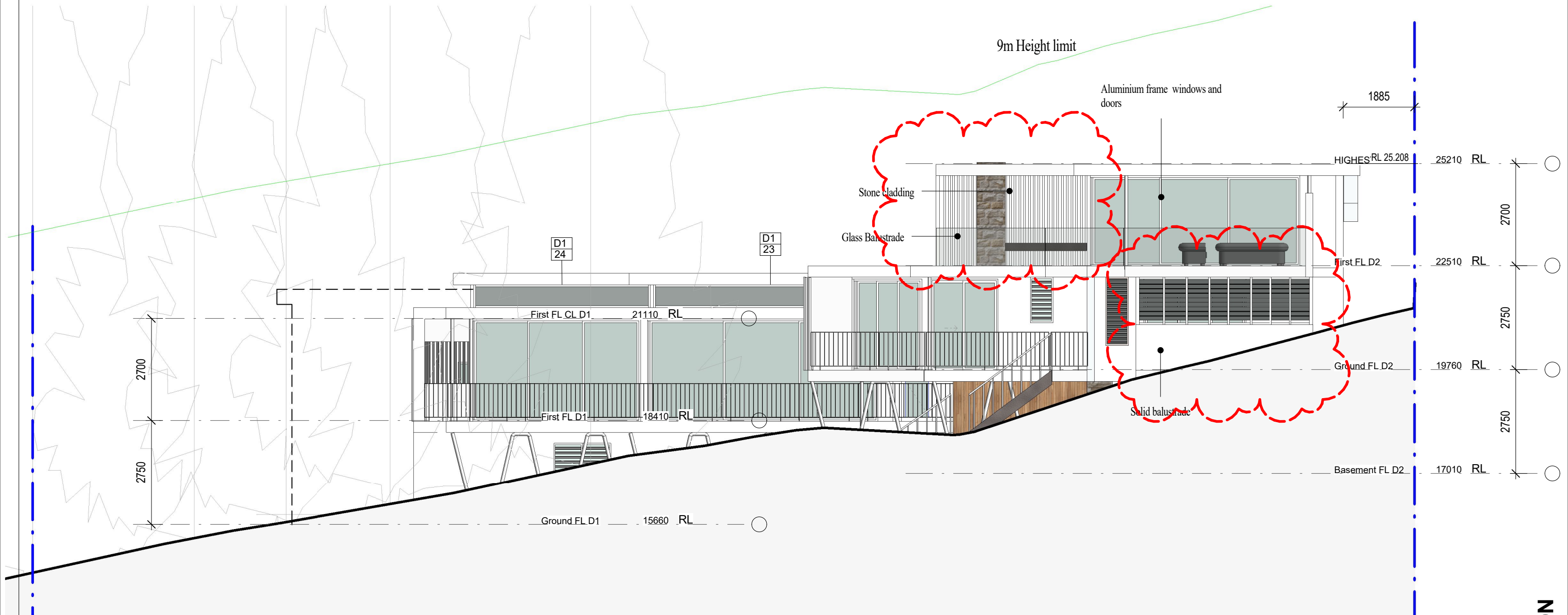
DEVELOPMENT APPLICATION

Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED

**DEBU STUDIOS**  
BUILDING DESIGN  
PROJECT MANAGEMENT  
M0416411094 Eir@debus.com.au Web@debus.com.au

legend:
 extent of timber structures
 extent of demolished structures
 existing dwelling in elevation
 existing structures in plan
 extent of existing dwelling in site plan
 extent of additions in site plan

title: <b>EAST ELEVATION-Rev B</b>	
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
job description: <b>TORRENS TITTLE DUAL OCCUPANCY</b>	<b>303</b>
for: <b>FLORO</b>	
no: 143	



# SOUTH ELEVATION

1 : 100@ A3

Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED

DEBU STUDIOS

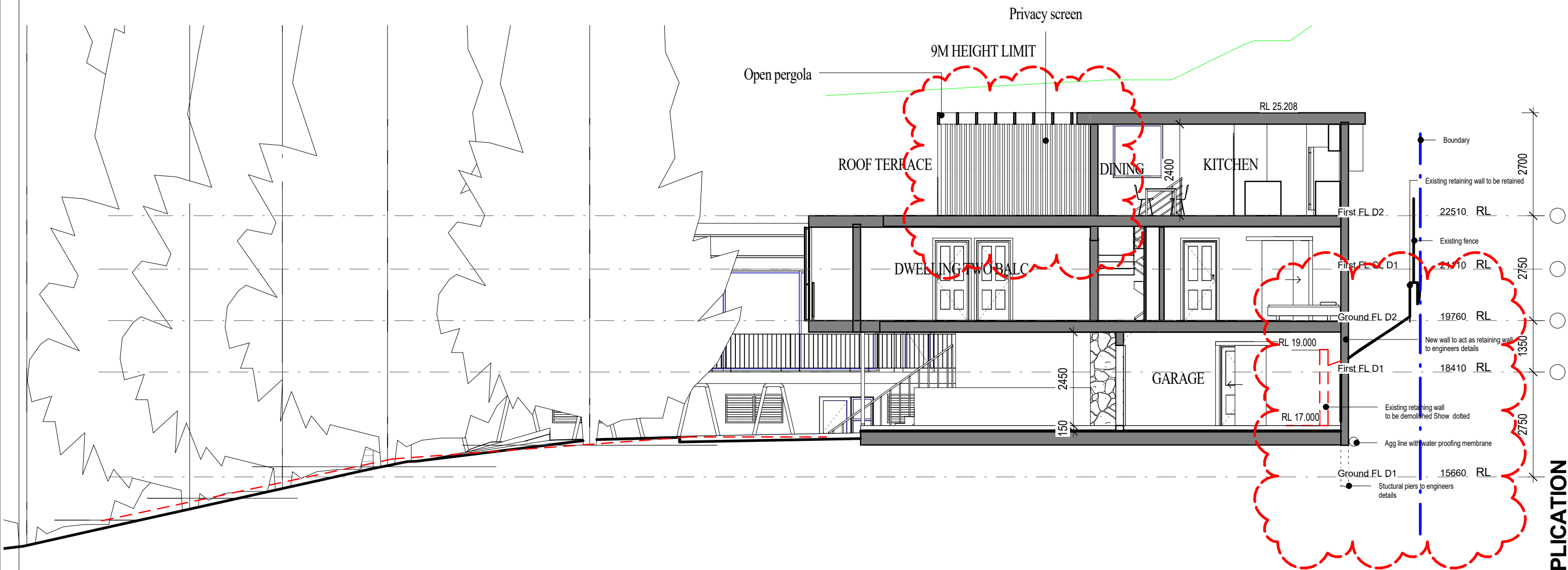
BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094 Eir@debus.com.au Web@debus.com.au

legend:
<div>extent of timber structures</div>
<div>extent of demolished structures</div>
<div>existing dwelling in elevation</div>
<div>existing structures in plan</div>
<div>extent of existing dwelling in site plan</div>
<div>extent of additions in site plan</div>

title: SOUTH ELEVATION-Rev B		
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA		
job description: TORRENS TITTLE DUAL OCCUPANCY		304
for: FLORO	no: 143	

DEVELOPMENT APPLICATION



DEVELOPMENT APPLICATION

Section 1-1  
1 : 100@ A3

Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED

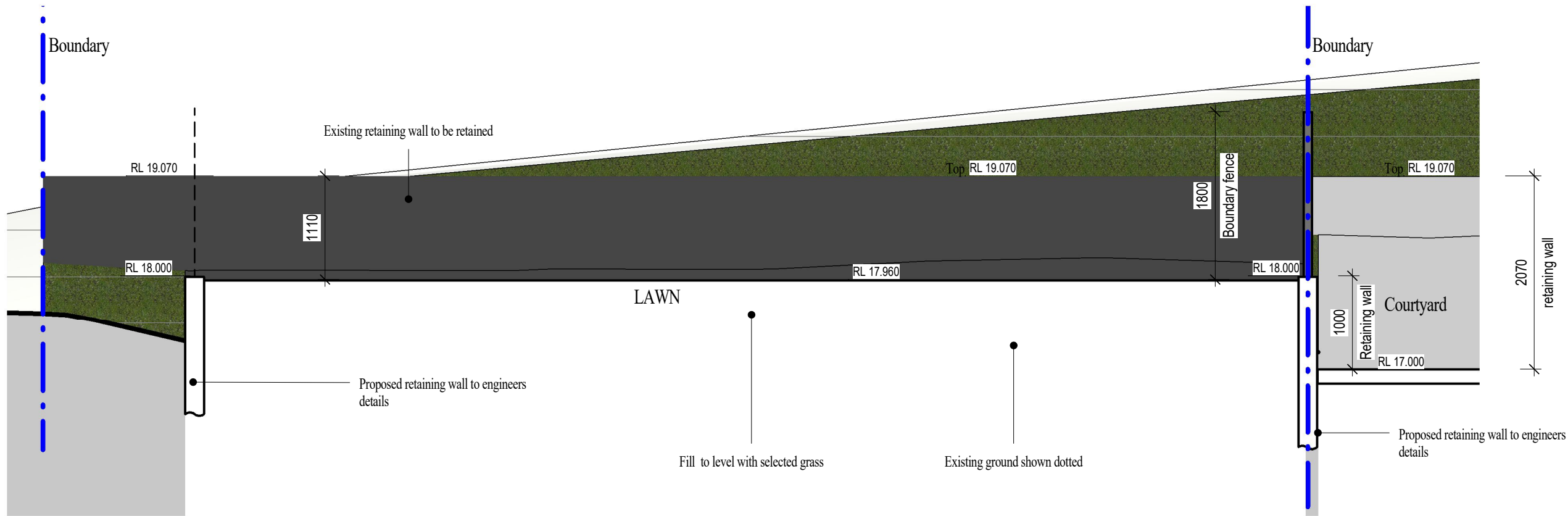
DEBU STUDIOS

BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094 Eir@debus.com.au W@debus.com.au

- legend:
- extent of timber structures
  - extent of demolished structures
  - existing dwelling in elevation
  - existing structures in plan
  - extent of existing dwelling in site plan
  - extent of additions in site plan

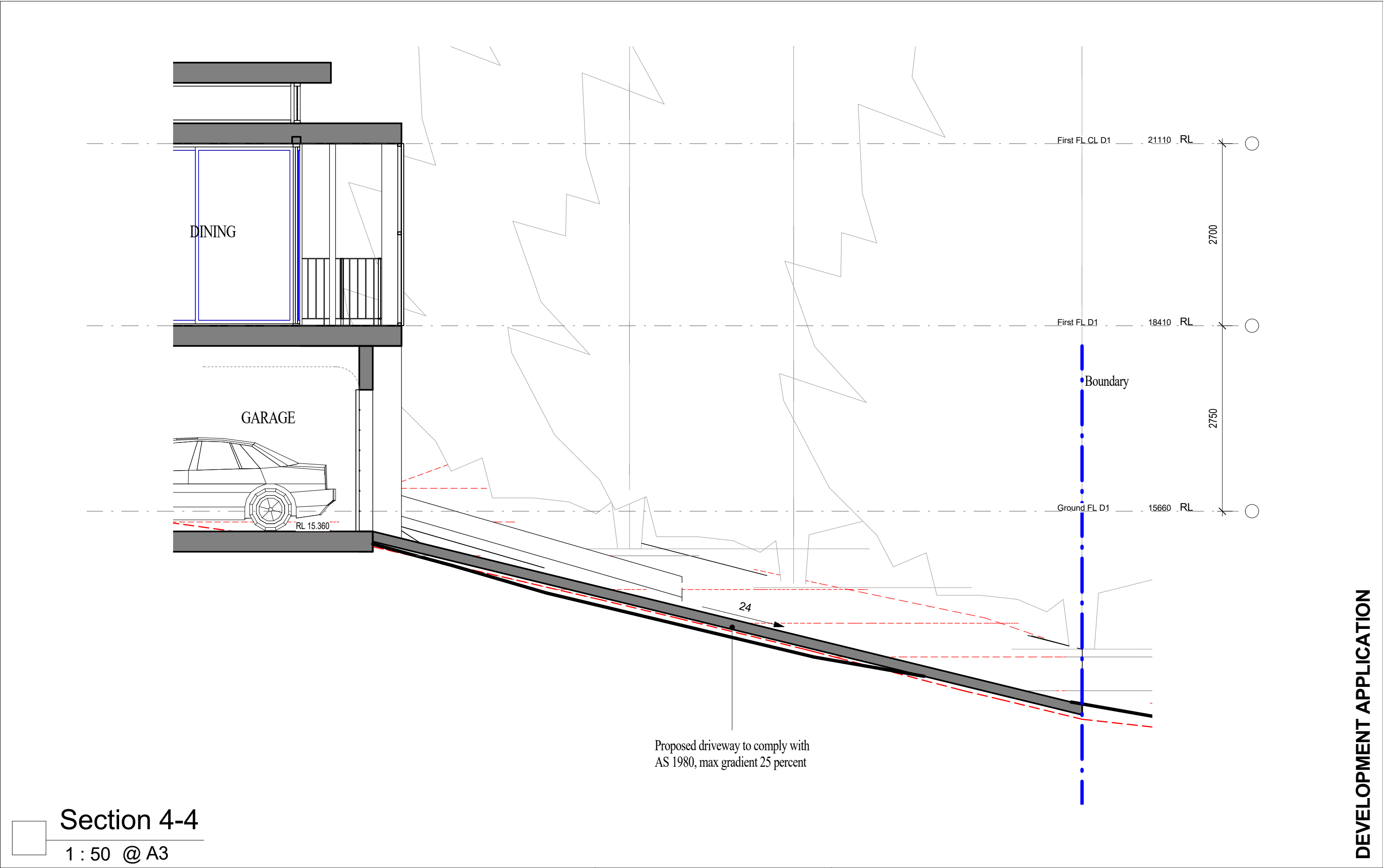
title: SECTION 1-1 Rev B	
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	401
for: FLORO	
no: 143	




Section 3-3

1 : 50 @ A3




Revision	date	drawn by	issue notes	<div><div><div></div><div>DEBU STUDIOS</div><div>BUILDING DESIGN PROJECT MANAGEMENT</div></div><div>M0416411094 Eir@debus.com.au Web@debus.com.au</div></div>	<div>legend:</div> <div><div></div> extent of timber structures</div> <div><div></div> extent of demolished structures</div> <div><div></div> existing dwelling in elevation</div> <div><div></div> existing structures in plan</div> <div><div></div> extent of existing dwelling in site plan</div> <div><div></div> extent of additions in site plan</div> <div>title: SECTION 3-3 - Rev B</div>		
A	01-08-19	JE	DEVELOPMENT APPLICATION			address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED			<div>job description:</div> <div>Demolition of Existing Dwelling, Construction of a</div>	403
						<div>for: FLORO</div> <div>no: 143</div>	



**Section 4-4**  
1 : 50 @ A3

Revision	date	drawn by	issue notes	<div><div><div><div>DEBU STUDIOS</div><div>BUILDING DESIGN PROJECT MANAGEMENT</div></div></div><div>M0416411094 Eir@debustudios.com W@debustudios.com</div></div> <div><div>legend:</div><div><div> extent of timber structures</div><div> extent of demolished structures</div><div> existing dwelling in elevation</div><div> existing structures in plan</div><div> extent of existing dwelling in site plan</div><div> extent of additions in site plan</div></div></div> <div><div>title: SECTION 4-4 - Rev B</div><div>address: 31 OYLIMPIC BOULEVADE PORT KEMBLA</div><div><div>job description: Demolition of Existing Dwelling, Construction of a</div><div>for: FLORO</div><div>no: 143</div></div><div>404</div></div>
A	01-08-19	JE	DEVELOPMENT APPLICATION	
B	20-01-20	JE	ADDITIONAL INFORMATION REQUESTED	



		
SANDSTONE CLADDING	Vertical timber cladding	VIVID WHITE
Garage walls	Balcony walls	Windows & Doors
Retaining walls	Entrys	Balcony screens
		paint finish
		Balustrade
		Roof Fasica



REAR ASPECT DWELLING 1



STREET ASPECT



SOUTHERN ASPECT DWELLING 2, DWELLING 1 IN BACKGROUND



WESTERN ASPECT DWELLING 2



OVERVIEW OF BOTH DWELLINGS

Revision	date	drawn by	issue notes	<div><div>DEBU STUDIOS</div><div>BUILDING DESIGN PROJECT MANAGEMENT</div><div>M041641104   <a href="mailto:Enf@debus.com.au">Enf@debus.com.au</a>   <a href="http://www.debus.com.au">www.debus.com.au</a></div></div>	legend: <div><div></div> extent of timber structures <div></div> extent of demolished structures <div></div> existing dwelling in elevation <div></div> existing structures in plan <div></div> extent of existing dwelling in site plan <div></div> extent of additions in site plan</div>	title: MATERIALS AND FINISHES	
A	01-08-19	JE	DEVELOPMENT APPLICATION			address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
						job description: TORRENS TITTLE DUAL OCCUPANCY	305
						for: FLORO	

no: 143



DEMOLITION & ASBESTOS REMOVAL  
CONTRACTORS DETAILS

COMPANY LEVARN DEMOLITIONS  
ADDRESS 32 JARDINE STREET FAIRY MEADOW  
PHONE NUMBER 0421961908  
LICENSE NUMBER AD206653  
DETAILS Levarn demolitions will be hired to demolish the existing dwelling, pergolas and concrete areas

MATERIALS

The existing structure is made up of timber and fibro cladding, metal roof sheeting, timber wall, floor and roof frames with brick and concrete piers as the sub floor construction.

The fibro cladding has a potential to be asbestos and will be disposed of correctly by a license contractor, all demolition is to be done with safe work methods in mind to mitigate dust exposure to neighbouring dwellings, materials are to be recycled where practically possible and the site to be left clear of any concrete, paved roofed areas to a safe site to proceed with the proposed constructions.

all demolition methods and procedures are to be in accordance to AS 2601-2001

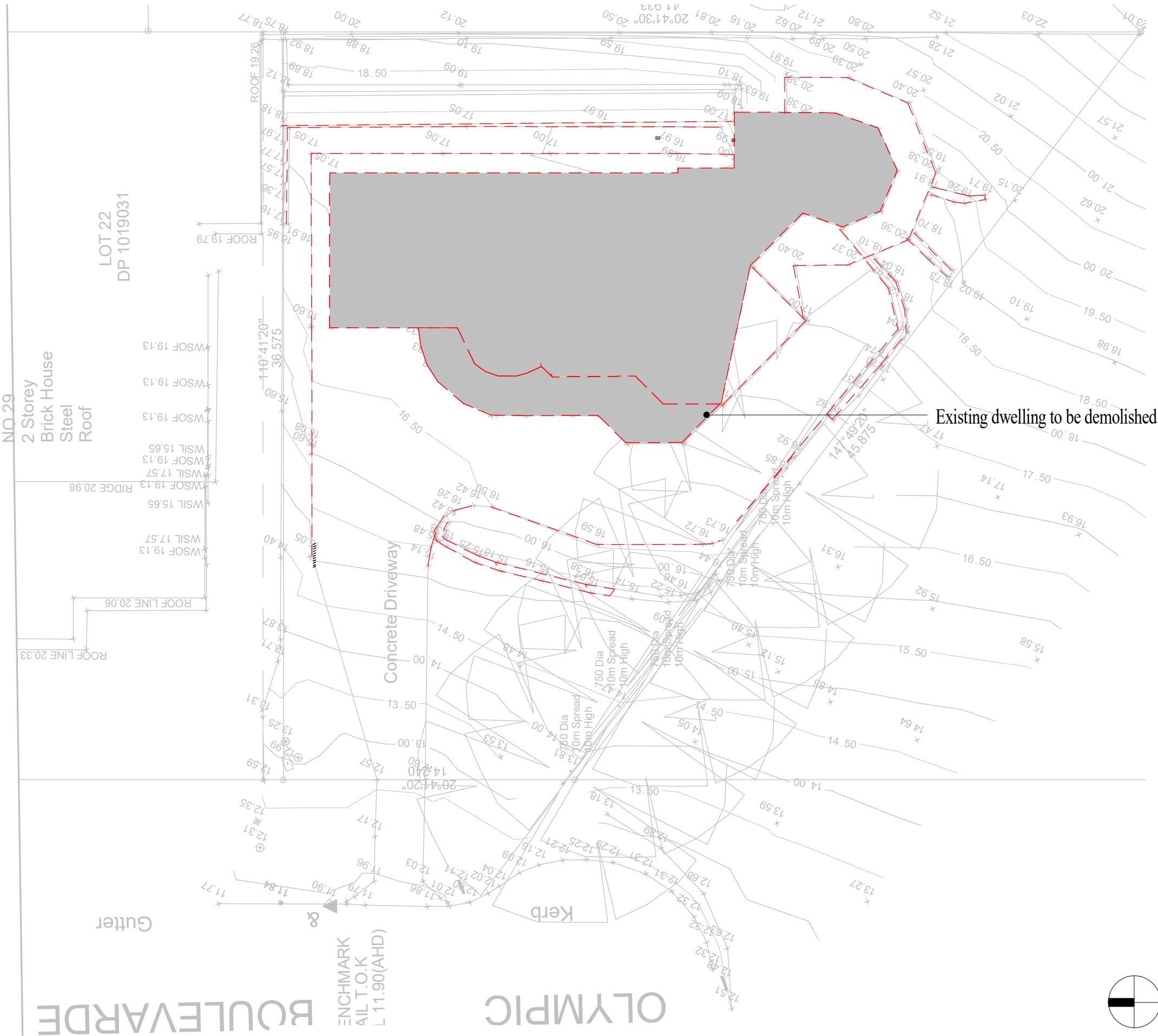
EQUIPMENT

All appropriate equipment necessary such as jack hammers and mechanical machinery to complete the proposed demolition are to be used with safe work methods and reduce any noise where possible.

WORK HOURS

All demolition work hours are limited by council to the following hours

Monday to Friday: 7am to 5pm  
Saturday: 8am to 4pm  
Sundays and public holidays have no permission for demolition work



DEMOLITION PLAN

1 : 200@ A3







Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION



**DEBU STUDIOS**

BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094 Eri@thustubs.com.au Wdustubs.com.au

legend:
 extent of timber structures
 extent of demolished structures
 existing dwelling in elevation
 existing structures in plan
 extent of existing dwelling in site plan
 extent of additions in site plan

title: DEMOLITION PLAN	
address: 31 OYLMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	
for: FLORO	no: 143
111	





# SUBDIVISION PLAN

1 : 200@ A3

BOULEVARDE

BENCHMARK  
NAIL T.O.K  
RL 11.90(AHD)

Gutter

Revision	date	drawn by	issue notes
A	01-08-19	Author	DEVELOPMENT APPLICATION

DEBU STUDIOS

BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094    [Enr@debus.com.au](mailto:Enr@debus.com.au)    [www.debus.com.au](http://www.debus.com.au)

legend:

extent of timber structures

extent of demolished structures

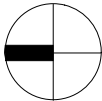
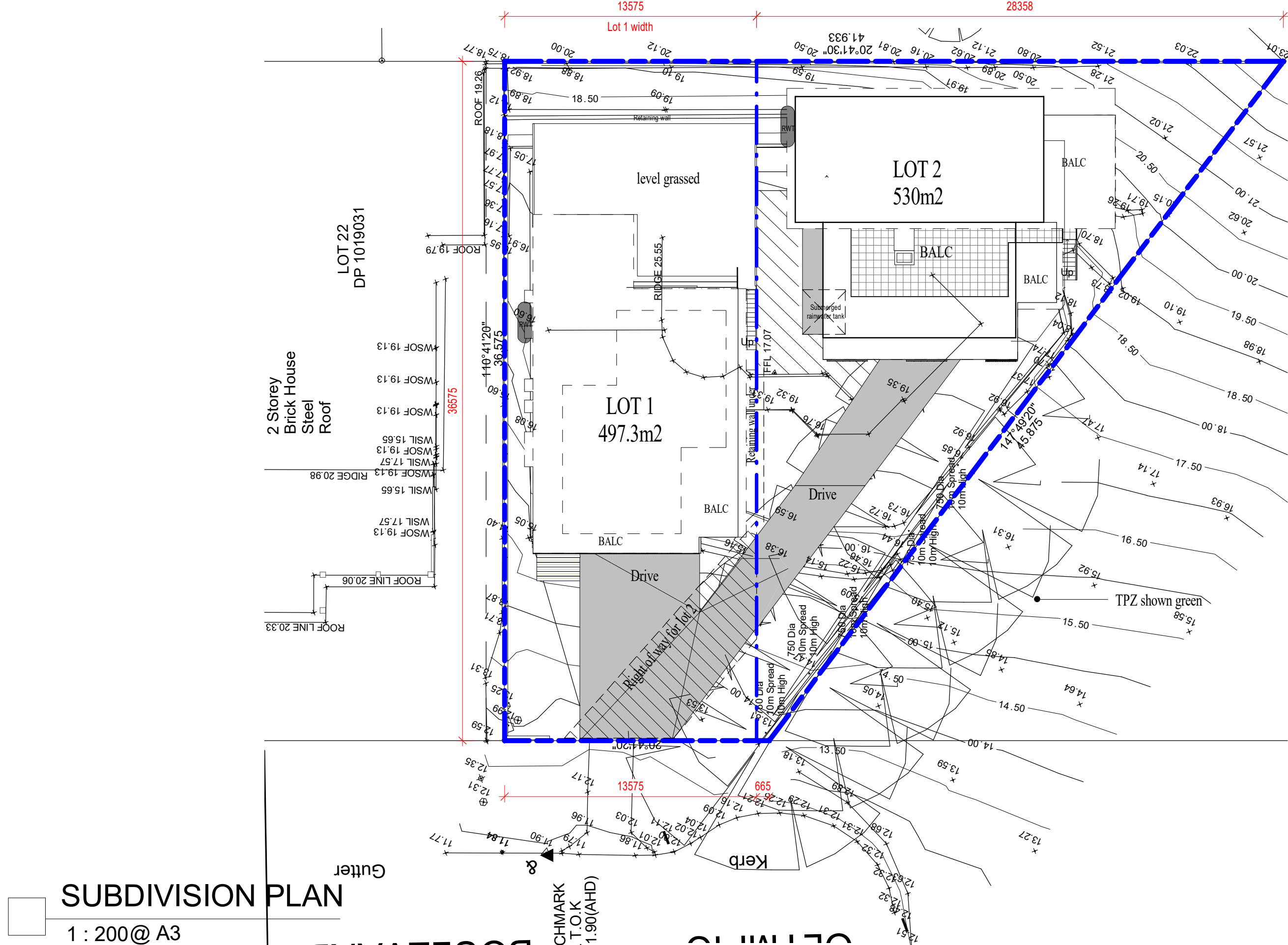
existing dwelling in elevation

existing structures in plan

extent of existing dwelling in site plan

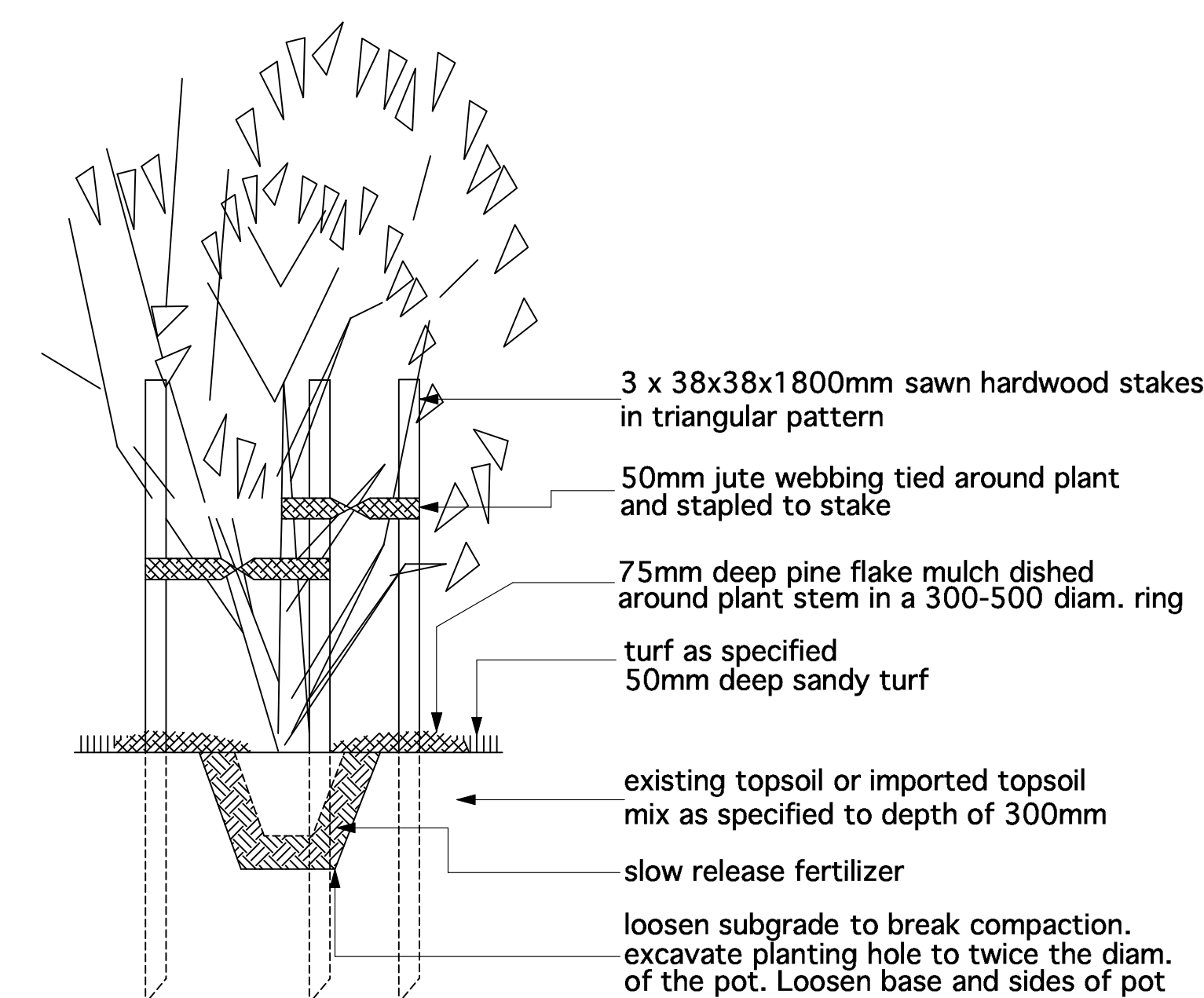
extent of additions in site plan

title: SUBDIVISION PLAN	
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	112
for: FLORO	
no: 143	



DEVELOPMENT APPLICATION





45 - 150 litre pot size  
TREE PLANTING DETAILS

## PLANTING DETAILS

- 1- PLANT MATERIAL. Shall be pest and disease free and of correct shape and form. Plants should be well advanced in the growing container but not potbound.
- 2- STAKING Shall be hardwood timber stakes measuring 38x38x1800mm, three stakes per tree. Jute webbing or similar should be used to fix tree species to the stakes.
- 3- MULCHING. Is to be placed in all areas of planting to a depth of 75mm. Mulch should be of 25mm river stones, decorative gravel or similar. A consistent depth of mulch is to be maintained for a period of 12 months following initial landscape installation.

## MAINTENANCE PROGRAMME

- 4- WATERING. Planted areas shall be watered regularly to ensure continuous and healthy growth. Water shall be frequently applied in the initial period following planting to the extent that healthy plant growth continues and establishment is rapid. Water shall be made available to all new plantings on as need basis, this is a climate dependant variable.
- 5- TURF. If required should be quality kikuyu, buffalo or varietal couch grass that is weed, pest and disease free. Turf shall be maintained at regular intervals with fortnightly cutting in the growing season and monthly cutting in the cool season months for the maintenance period. Cutting height shall ensure that turf is not scalped or damaged by mowing.
- 6- MAINTENANCE PERIOD. Shall be for a period of 12 months commencing from completion of initial landscape works.

## LANDSCAPE PLANTING SCHEDULE

BOTANIC NAME	COMMON NAME	(H) x (W)	SIZE	QTY	STAKING
1 Banksia integrifolia	Coast Banksia	12 m x 6 m	75 litre	3	YES
2 Syzygium smithii 'Firescreen'	Firescreen Lily Pily	3 m x 1.5 m	200 mm	30	NO
3 Correa alba	White Correa	1.5 m x 1.5 m	200 mm	14	NO
4 Westringia fruticosa 'Mundi'	Mundi 'WES05' PBR	0.4 m x 1.2 m	200 mm	19	NO
5 Lomandra longifolia	Mat Rush	1.2 m x 1 m	150 mm	133	NO
6 Callistemon viminalis 'Slim'	Slim 'CV01' PBR	2.5 m x 1.3 m	200 mm	24	NO
7 Corymbia ficifolia 'Wildfire'	Wildfire Dwarf Gum	5 m x 4 m	75 litre	2	YES

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**MARK SPENCE**

ENVIRONMENTAL & LANDSCAPE SERVICES  
B.Env.Sc. (Hons.) Dip.Hort. (Landscape Design)  
Cert. 5 Hort. (Arboriculture). MPLA

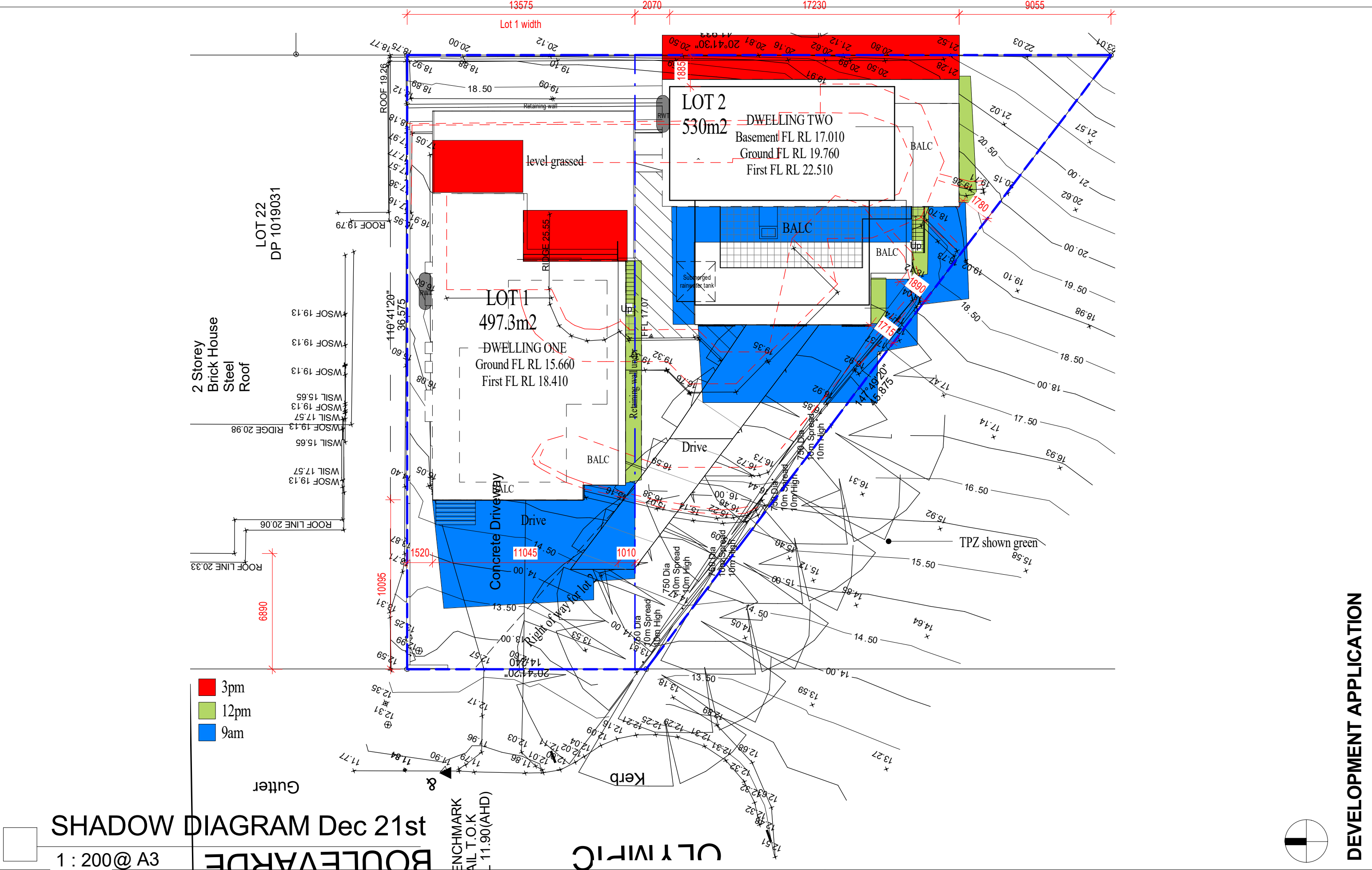
PO Box 739. Wollongong NSW 2520  
Phone: (02) 42273650 / 0421642763  
Email: [markspence@optusnet.com.au](mailto:markspence@optusnet.com.au)

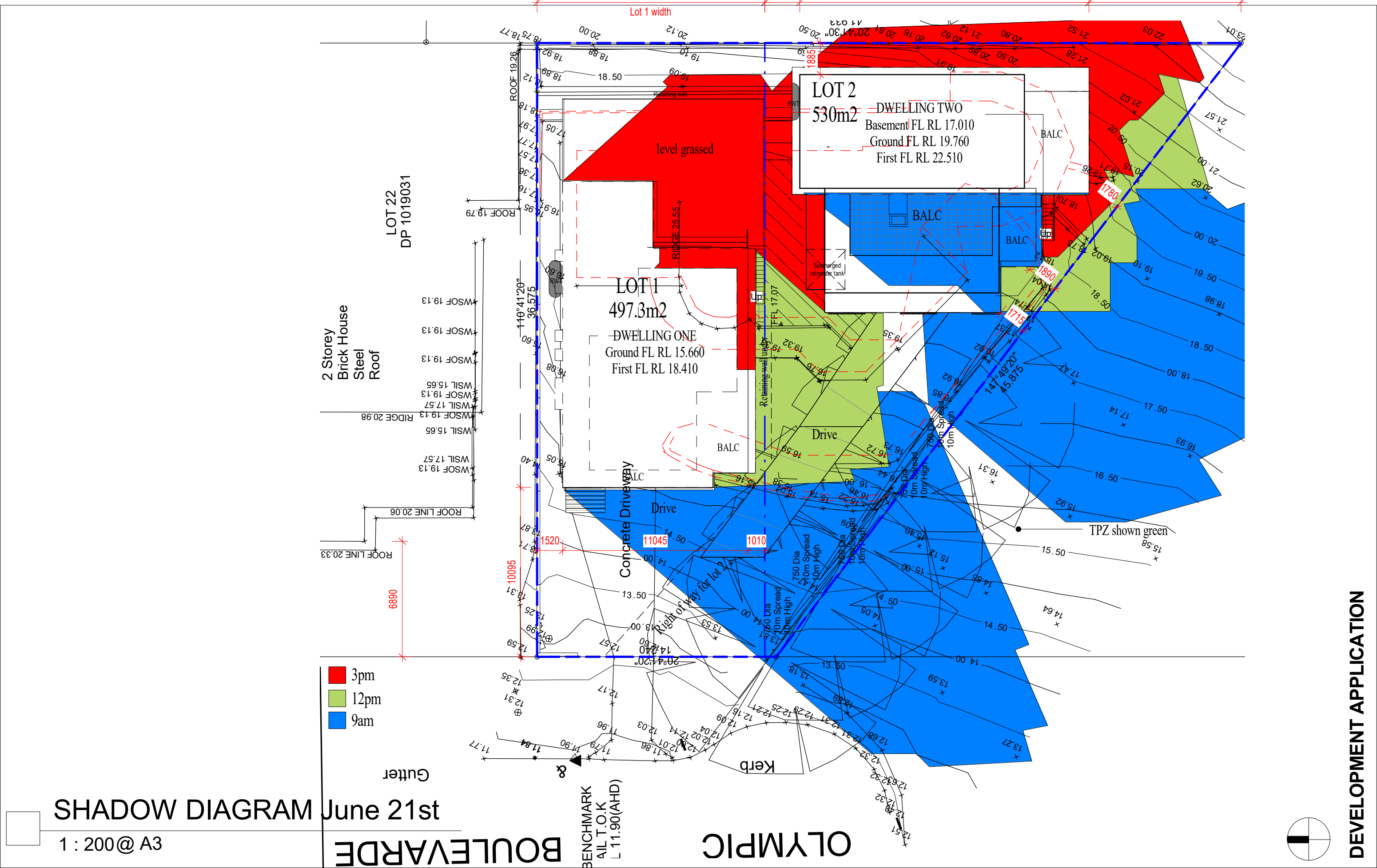
ABN: 18 308 089 059

NO.	DATE	REVISION DETAILS	BY	PROJECT	CLIENT	PROJECT #	MS2018207
A	05/07/19	REVISED LAYOUT	MS	LANDSCAPE DESIGN	DEBU STUDIOS	DWG DATE	05 / 07 / 2019
				ADDRESS		SCALE @ A1	1 : 200
						DRAWN BY	MARK SPENCE
						FILE NAME	MS2019147
						PAGE #	PAGE 1 OF 1

31 OLYMPIC BOULEVARDE, PORT KEMBLA











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THIRROUL NSW 2515

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## View Impact Assessment

### Demolition of Existing Dwelling and Construction of a Detached Dual Occupancy



Lot 21 DP 1019031  
No. 31 Olympic Boulevard, Port Kembla

Prepared by:  
Rebecca Goodman  
Town Planner (*Bach Urb Reg Plan*)

13 August 2019

Under the provisions of Wollongong Development Control Plan 2009, consideration must be given to the impact of the proposed development on existing view lines from neighbouring properties, along with any significant views from public places.

The View Sharing provisions are noted within Chapter B1 – Residential Development, Part 4 – General Residential Controls, Clause 4.16 – View Sharing. The specific objectives of the controls are:

#### ***4.16 View Sharing***

##### ***4.16.1 Objectives***

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

In order to determine whether the view sharing objectives are achieved, Council requires the submission of a Visual Impact Assessment addressing the following provisions:

##### ***1. Visual impact assessment should include an:***

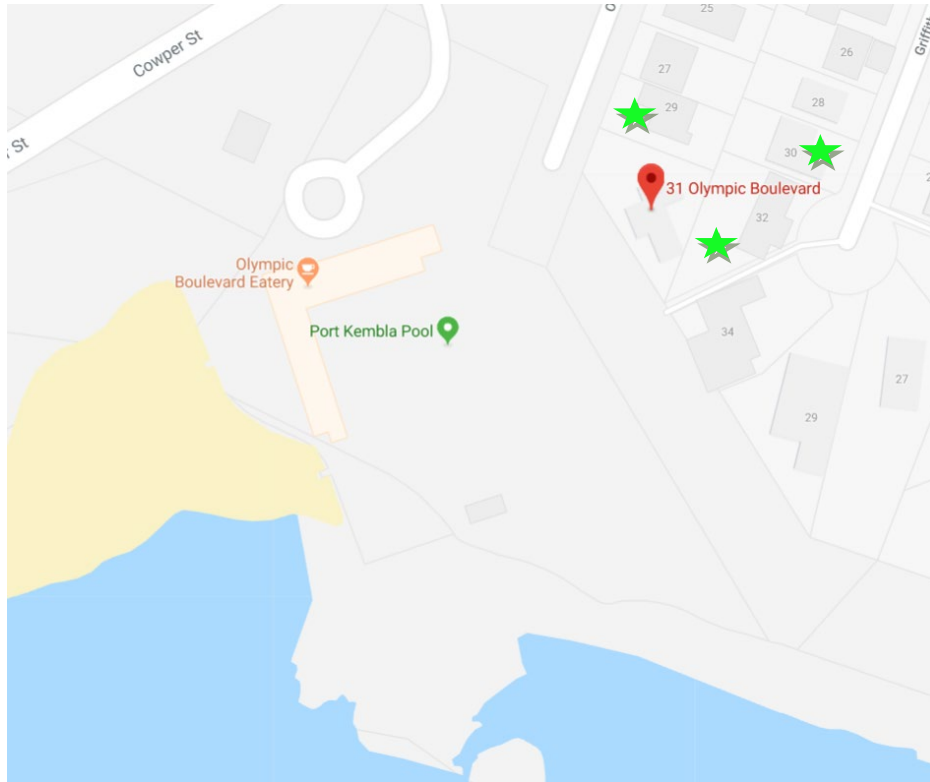
- (a) Assessment of views likely to be affected.*
- (b) Assessment of what part of the property the views are obtained from.*
- (c) Assessment as to the extent of the potential view loss impact.*
- (d) Assessment as to the reasonableness of the proposal causing the potential view loss impact.*

This assessment specifically addresses the above provisions providing a clear indication of any potential impact resulting from the proposed development and whether such impact is considered reasonable.

Due to the unique location of the site and the topography of the area, the proposed development has minimal impact on existing view lines from the nearby properties to the rear, however will result in a partial reduction in the views obtained from the living room of No. 29 Olympic Boulevard. The location of the subject site at the end of a cul-de-sac results in only 2 directly adjoining residential properties. This assessment will focus on potential impact in relation to the following 3 residential properties in addition to surrounding public reserve:

- No. 32 Griffiths Avenue - adjoining rear neighbour;
- No. 30 Griffiths Avenue – located to the north-east of the site with no directly adjoining boundary; and
- No. 29 Olympic Boulevard – adjoining northern side neighbour.





★ Residential properties considered as part of this assessment.

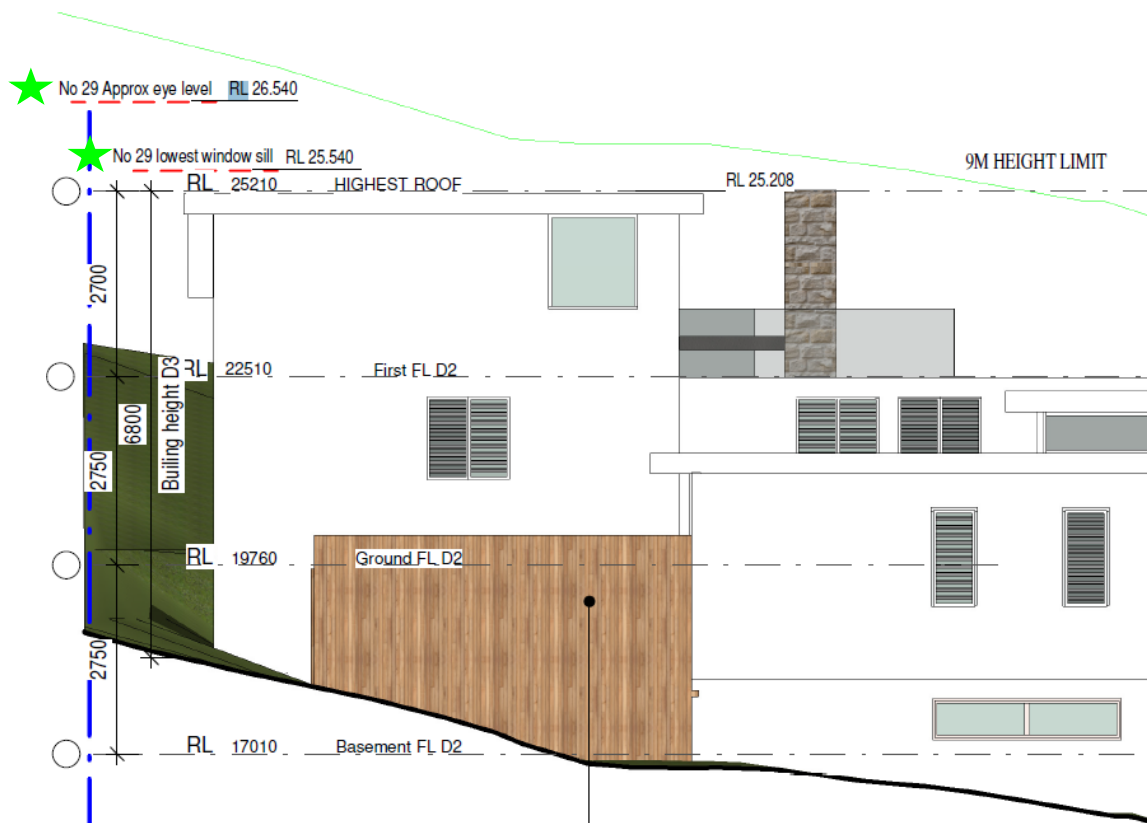
### **No. 32 Griffiths Avenue**



This property directly adjoins the development site to the rear, however sits significantly higher than the subject allotment due to the topography of the area. This can be seen in the attached image where you can see over the mid-section of the dwelling, only the tip of the significant Norfolk Island Pines located on the subject site (the pines directly behind the garage are not the subject trees).

The major areas of consideration in relation to the potential loss of views to No. 32 Griffiths Avenue are:

- There is an existing 3 storey dwelling on the subject site in a similar location to proposed Dwelling 2. Proposed Dwelling 2 will provide a reduced overall bulk toward the rear boundary with a ridge height marginally below the ridgeline of the existing dwelling. The slightly reduced ridge height will remain entirely within the 9m height allowance and will ensure there is no loss of view beyond the existing situation;
- No. 32 Griffiths Avenue maintains significant views over the top of the proposed development in addition to a clear view corridor over its own south-western boundary;
- The topography of the area results in the ridgeline of Proposed Dwelling 2 (RL25.221) remaining below the lowest window sill height of No. 32 Griffiths Avenue (RL25.540) and significantly below the typical standing eye level of persons within the neighbouring dwelling (eye level RL26.54). These levels are depicted on the below plan.



*Northern elevation showing rear boundary line (in blue) and the window sill height and typical eye level for persons within No. 32 Griffiths Avenue to the rear.*

As the proposed development will not result in any loss of view beyond the existing situation for No. 32 Griffiths Avenue, no further assessment is considered necessary in relation to this property.

### **No. 30 Griffiths Avenue**



No. 30 Griffiths Avenue is located to the north-east of the subject site, however does not share a common boundary. The large Norfolk Island Pines shown in the above image block the direct line of sight toward the rear portion of No. 31 Olympic Boulevard from the side elevation of No. 30 Griffiths Ave. Any views obtained toward Proposed Dwelling 1 will not be obstructed as the development sits well below the 9m height limit measured from a significantly lower ground level.

The major view lines from No. 30 Griffiths Ave are noted to be obtained over No. 29 Olympic Boulevard. No loss of view will result from the proposed development. No further assessment is considered necessary in relation to this property.





## No. 29 Olympic Boulevard



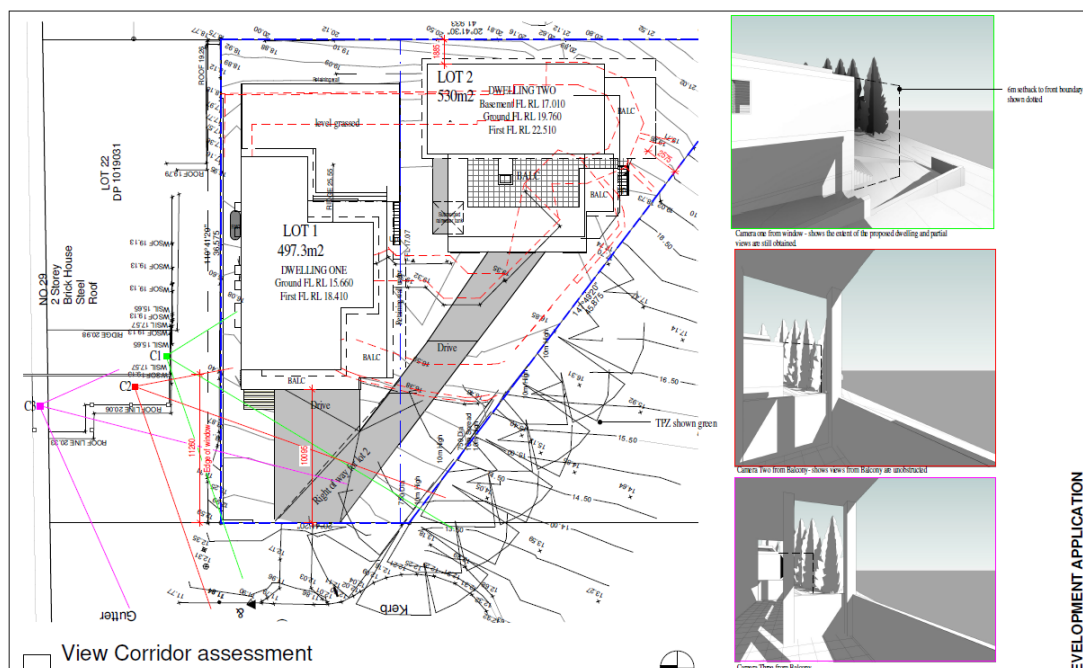
No. 29 Olympic Boulevard directly adjoins the northern side boundary of the subject site. As the proposed development will sit between No. 29 and the ocean there will inevitably be a partial reduction in views across the common side boundary. In order to minimise the potential impact, proposed Dwelling 1 has been setback 10.095m from the front boundary to the balcony, 4m in excess of Council's 6m front setback control that has been afforded to No. 29 and the majority of Olympic Boulevard. This assessment demonstrates the large extent of views that will be retained from No. 29, the reasonableness of the proposed development that results in the partial loss of view, along with the partial loss of view that will be experienced by proposed Dwelling 1 as a result of the increased front setback.

The below diagram depicts the view lines from the following 3 locations:

C1 – relates to the living room window of No. 29 located in the southern side elevation of the dwelling, approximately 11m from the front boundary;

C2 – relates to the south-western view obtained from the southern half of the front balcony;

C3 – relates to the south-western view obtained from the northern half of the front balcony.



A3 version of this plan is provided within the set of architectural plans submitted with the DA.

The images provided on this plan relate to each camera location showing the outline of proposed Dwelling 1 relative to the existing pine trees, surrounding raised embankment and the ocean. The dotted line shows the impact that would be received if Dwelling 1 was located with a front setback of 6.0m as generally permitted by Council.

The above plan demonstrates that the partial loss of view to the south-west does not extend forward of the 2nd pine tree from any of the 3 locations. The below image demonstrates the major views are obtained forward of the pine trees and below the first pine tree, all of which are being retained from the balcony and the living room window. Due to the topography of the public reserve at the end of the cul-de-sac, combined with the location of the trees, there is limited views obtained within this area when compared to the remaining available view. The impact on the overall views obtained is considered to be minimal.



*View to the south-west along Olympic Boulevard*

It is important to remember that the above relates to the views obtained toward the south-west as this is the direction of the water views of most concern. However, it cannot be ignored that the outlook from No. 29 is not restricted to the ocean and beach reserve. No 29 benefits from substantial views to the west and north-west as shown below:



*View to the north-west from the front of No. 29 Olympic Boulevard*

The following considerations should be noted in regard to views retained from No. 29:

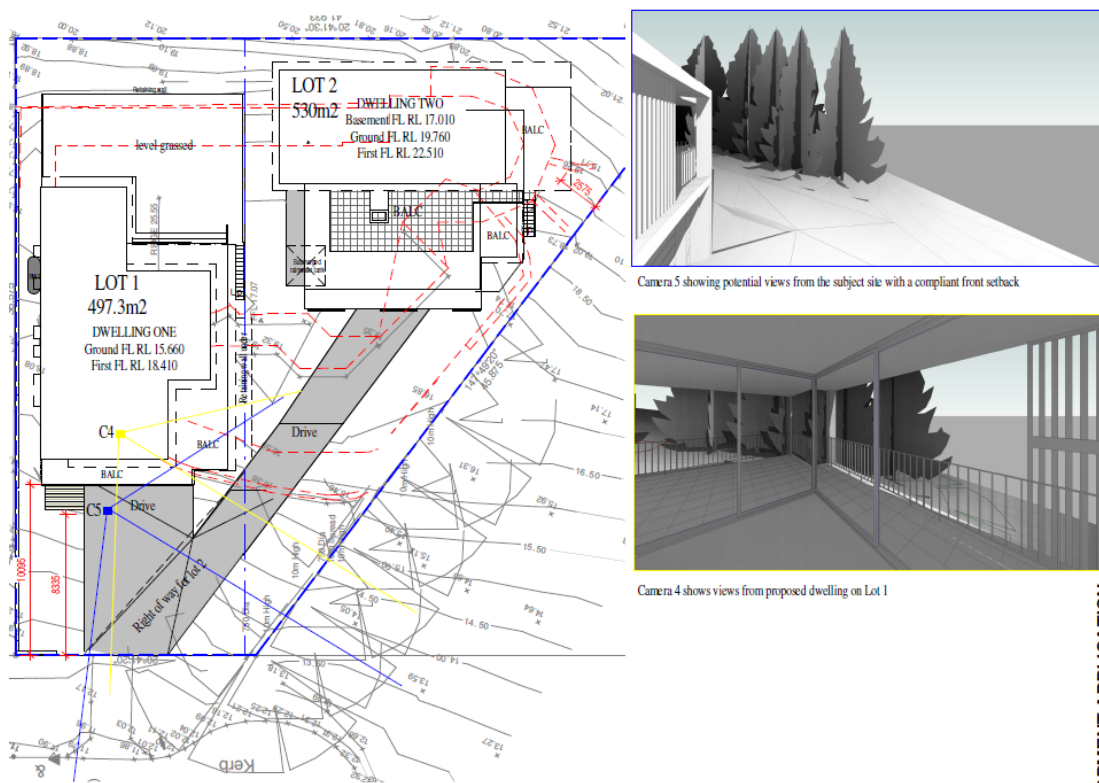
- All views across the front boundary toward Port Kembla Beach Reserve remain available;
- All views from the front elevation of the front balcony toward the south-west and the north-west are retained;
- The majority of views across the common side boundary, over the front setback of No. 31, are retained;

- Any impact on views currently obtained from the dwelling and balcony at No. 29 relates to views across a side boundary toward the 2<sup>nd</sup> pine tree & public reserve at the end of the cul-de-sac. Water views in this direction are already restricted due to the topography of the reserve;
- Views retained from No. 29 include the land/water interface along Port Kembla Beach.

In providing an increased front setback of 10.095m to Proposed Dwelling 1 in order to maximise the views retained by the neighbouring property, Dwelling 1 itself is losing partial views beyond what would be received at a 6m front setback. This is shown in the below plan with the camera angles relating to:

C4 – relates to views obtained from the dining room of Proposed Dwelling 1 when sited with a front setback of 10.095m as proposed;

C5 – relates to views obtained from the dining room of Proposed Dwelling 1 if it had been sited with a compliant front setback of 6.0m as per the streetscape;



A3 version of this plan is provided within the set of architectural plans submitted with the DA.

The increased front setback reduces the extent of land/water interface that is visible from the dining room of the proposed dwelling. A greater restriction on views from the internal living space than what will result for the neighbouring property at No. 29. As can be seen, the central line of sight from C4 (internal of Dwelling 1) extends through the 3<sup>rd</sup> pine tree, as opposed to the central line of sight from C1 (living room of No.29) which extends through the 2<sup>nd</sup> pine tree.



### **Tenacity Consulting v Warringah Council [2004]**

The Planning Principles set in the NSW Land and Environment Court in relation to view sharing are outlined in *Tenacity Consulting v Warringah Council [2004]* and provide the following four (4) steps for assessment of views:

***The first step is the assessment of views to be affected.*** Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The view obtained from No. 29 is noted to be 'water view in which the interface between land and water is visible' however the view that is being impacted upon is not the significant land/water interface along Port Kembla Beach. Rather it relates to views obtained toward the water that are already obscured by the Norfolk Island Pines and the raised public reserve. The highest quality views have been retained.

***The second step is to consider from what part of the property the views are obtained.*** For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The impacted view is obtained across a common side boundary with the development site sitting between No. 29 and the end of the cul-de-sac. As the impact on views is not the result of the height of the building, rather a front setback, the potential impact will not be altered whether it is from a standing or sitting position. It is noted in the previous Development Application on this site that the objection prepared on behalf of No. 29 stated, in response to the fact the impacted views are obtained across a side boundary, that:

*'This statement is misleading. The most significant views are obtained over the front corner of the site through the front boundary of the development site.'*

In order for the view to be obtained across the front boundary of the development site, the line of sight from the neighbouring property would first have to cross the side boundary. The development is proposed on a site having a common side boundary with No. 29. The proposed dwelling on this side neighbouring property is setback 10.095m (6m in previous application). It is difficult to understand how the location of this dwelling could be interpreted in any manner other than potentially impacting 'a view obtained over a side boundary'.

***The third step is to assess the extent of the impact.*** This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

The view of most concern is noted to be the view from the living room window of No.29 which is located in their southern side elevation. Proposed Dwelling 1 has been sited with an increased front setback of 10.095m to minimise the loss of view and this approach has managed to maintain the predominant view line to Port Kembla Beach including the water/land interface. The extent of view to be lost is not considered to form a significant component of the outlook from the living room at No. 29 and could be described as minor in the overall context of the available views. A minor impact is considered a very reasonable outcome given the location of the subject living room window.

It is noted that significant views continue to be obtained from the entire front balcony across the front setback of both No. 29 & No. 31 Olympic Boulevard. The front balcony provides a far lesser front setback than proposed Dwelling 1 resulting in No.29 maintaining a greater view than the development site, despite the development site being located closer to the beach reserve.

*The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.*

The proposed development relates to a dual occupancy development, however due to the irregular shape of the allotment and large site area, Dwelling 2 results in no impact on views obtained from any surrounding properties. This assessment therefore focuses on the potential impact of Dwelling 1 which provides a:

- compliant front setback of 10.095m, well exceeding Council's requirements and the predominant front setback within Olympic Boulevard;
- compliant side & rear setbacks;
- compliant overall height, being well below the permitted 9m;
- compliant Floor Space Ratio both pre and post subdivision;
- casts no shadow over No. 29 Olympic Boulevard;
- results in no loss of privacy to any neighbouring property;
- maintains the scale of a single dwelling house, remaining on a lot area of 497.3m<sup>2</sup> after subdivision;
- provides and bulk and scale in keeping with, or lesser than, surrounding dwellings.

It would be difficult to suggest that the design and siting of Proposed Dwelling 1 is not a reasonable proposal in this instance. It would also be difficult to suggest that the overall dual occupancy development was unreasonable when both Dwelling 1 and Dwelling 2 maintain the density of typical dwelling houses on allotments that exceed Council's minimum lot size for standard subdivision. Dwelling 2 provides a far lesser scale than the existing dwelling location on the site and the above is considered to demonstrate that the siting of Dwelling 2 has not resulted in an unreasonable siting for Dwelling 1.

The proposal is considered to be most reasonable for the site and the partial loss of view for No. 29 is the result of the highly reasonable siting of Dwelling 1. It is not considered to be justified to require any design modifications to retain any further views from No. 29.

In determine the 'reasonableness' of the proposed, consideration has been given to the below quote from a recent assessment undertaken by Wollongong Council regarding impact on neighbours. The incorporation of such quotes is not an approach RG Town Planning would commonly take however feels very strongly about in this instance. This quote related to the retention of solar access, as opposed to views, hence the reference to orientation, however the underlying principle of the statement is of direct relevance to the current proposal:

*It is considered inequitable that the development potential of a lot to the north of an existing development should be constrained or inhibited because that existing development, through site constraints or for other reasons was sited where adjoining development with compliant setbacks could demonstrably and adversely affect amenity.*

This comment formed part of an assessment that clearly indicated an existing dwelling, such as the existing neighbouring dwelling at No. 29 Olympic Boulevard, at the time it was constructed should have been designed and sited in a manner that would not be impacted upon by a compliant development on the adjoining site. The assessment provides that it would be inequitable that the development potential of a site (such as No. 31 Olympic Boulevard) should be constrained or inhibited because of the chosen design of the adjoining dwelling. It is important to note the above quote was not referencing an existing recent dwelling, rather a dwelling constructed some time ago under previous development controls as is anticipated to be the case with No. 29.

In this instance proposed Dwelling 1 provides a 10.095m front setback to the balcony and 11.26m to the façade of the dwelling, over 4m in excess of Council's requirements. This setback is proposed to address views from a living room window in a side elevation that is considered to be inappropriately sited without consideration of future development on the adjoining site. This increased front setback impacts on the available views from proposed Dwelling 1, however has been agreed to by the landowner in order to reduce the concerns of their neighbours. It is difficult to ignore that No. 29 have not afforded such compromise to No. 27 Olympic Boulevard, rather entirely blocked their line of sight toward the water up to the 6m front setback. It would seem that No. 29 wins from all angles with limited regard to surrounding properties. Their northern elevation is highly defensive and clearly obstructs views, there was a clear design choice to provide a full width balcony to the front elevation rather than incorporate the living room at the front of the site, and now views are sought to be maintained from the entire balcony and living room window which is (by choice) located >11m from the front boundary when it was permitted to be constructed at 6m.

The proposed front setback and overall bulk and scale of Dwelling 1 is considered to provide an outcome that is beyond equitable and should be accepted as an extremely generous compromise.

### **Impact on View from Public Land**

Council's DCP requires developments to ensure that they '*protect and enhance significant view corridors from public places*'. The below aerial image demonstrates that the site is located within direct proximity to the Port Kembla Beach Reserve. The nature of the topography results in the significant views in this area being from the public land at the front of the subject site, looking west toward Port Kembla Beach.

Existing views from the Beach Reserve looking east toward the subject site will be enhanced through the provision of contemporary building designs that are better suited to the coastal environment than the existing bulky dwelling. While the development is proposed as a dual occupancy, following subdivision each dwelling will remain on an allotment that exceeds the maximum subdivision lot size, resulting in a density in keeping with standard contemporary dwelling houses.

Griffiths Avenue maintains a walkway from the end of the cul-de-sac to the public reserve which will remain unobstructed by the proposed development.

There is considered to be no detrimental impact on any views from public land as a result of this development.



## **Conclusion**

The development has been designed following a thorough Site Analysis to determine the most appropriate scale and siting for the proposed dwellings. As a result, the built form will complement the character of the area with minimal impact on existing views obtained from surrounding residential properties or the public reserve.

The siting of the existing dwelling toward the rear of the site is considered out of keeping with the character of the area and has for many years resulted in No. 29 Olympic Boulevard obtaining views beyond what would typically be anticipated for the site. The minor loss of view will relate to the current line of sight across the common side boundary and will not be the result of an unreasonable development proposal. The development provides a front setback far beyond Council's 6m control and far beyond what has been required for any other dwelling along Olympic Boulevard. The building height and side setbacks are in keeping with the character of the street are most appropriate for the site.

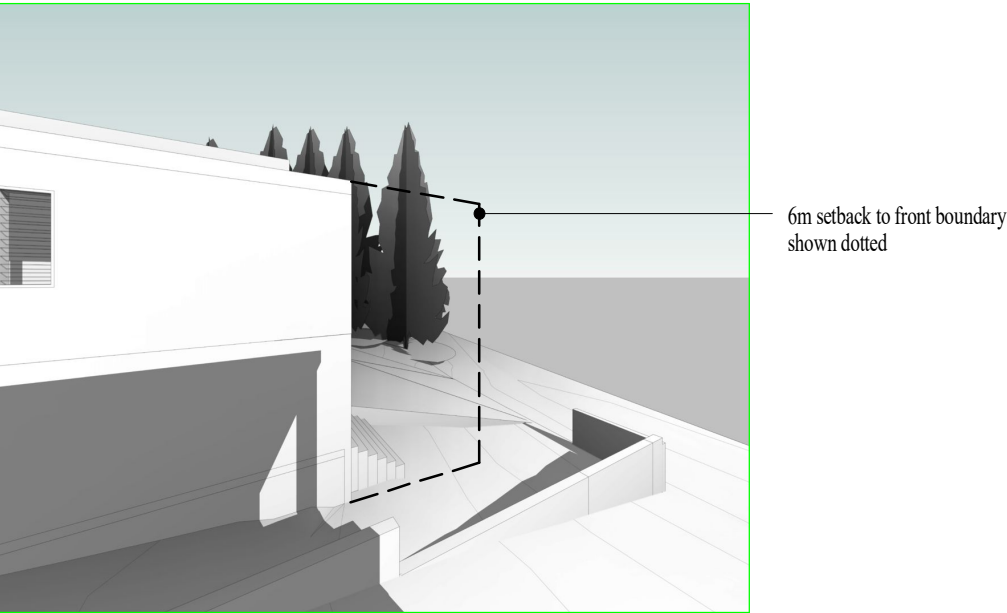
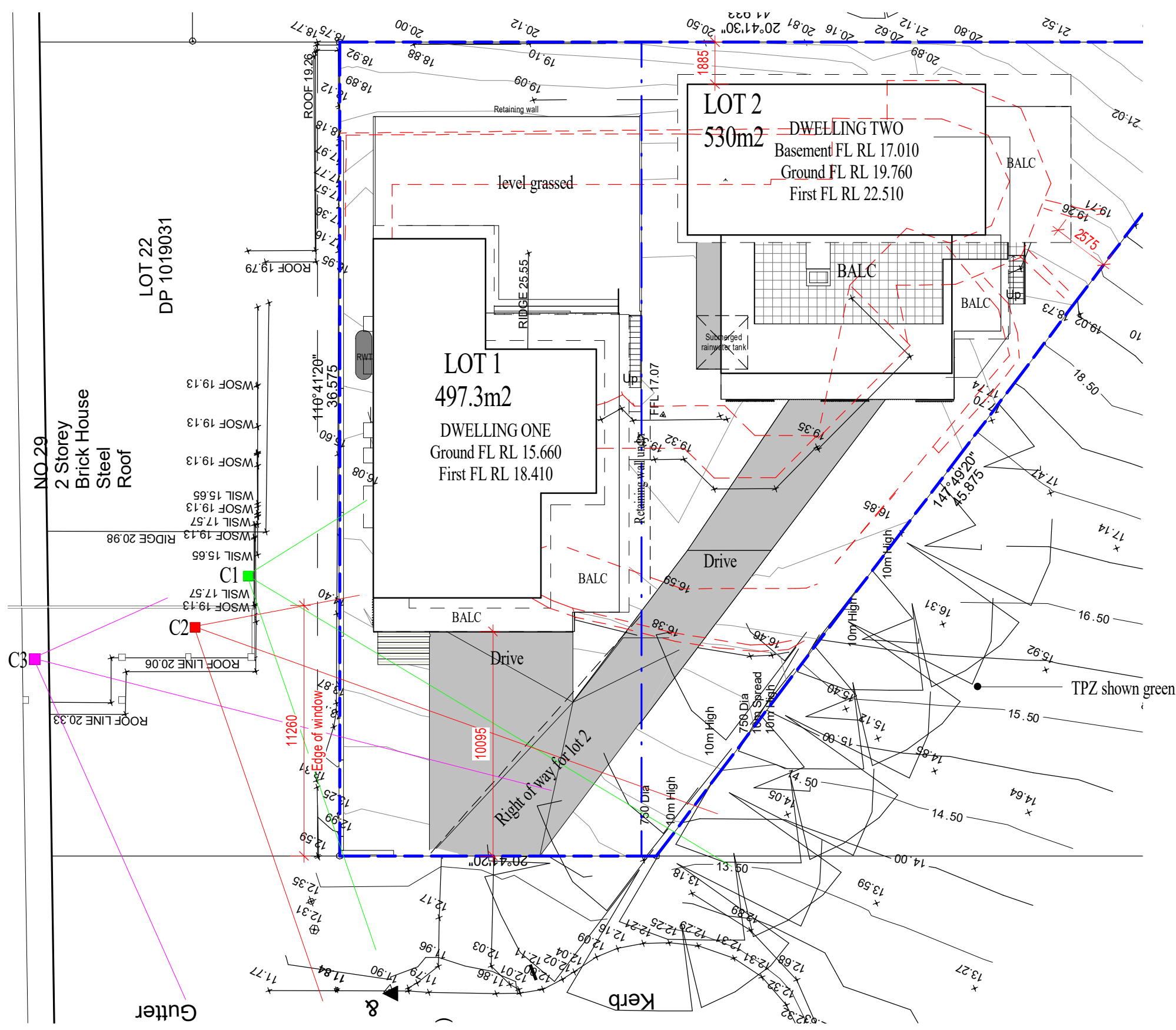
In this instance the development is considered to achieve the objectives of the View Sharing provisions within Wollongong DCP 2009 and achieves the planning principles set by the NSW Land & Environment Court via *Tenacity Consulting v Warringah Council [2004]*. The development is appropriately designed and most suitable for the site in this instance.

Should you have any questions or require further clarification in relation to this assessment please contact the undersigned on M: 0401 443 566.

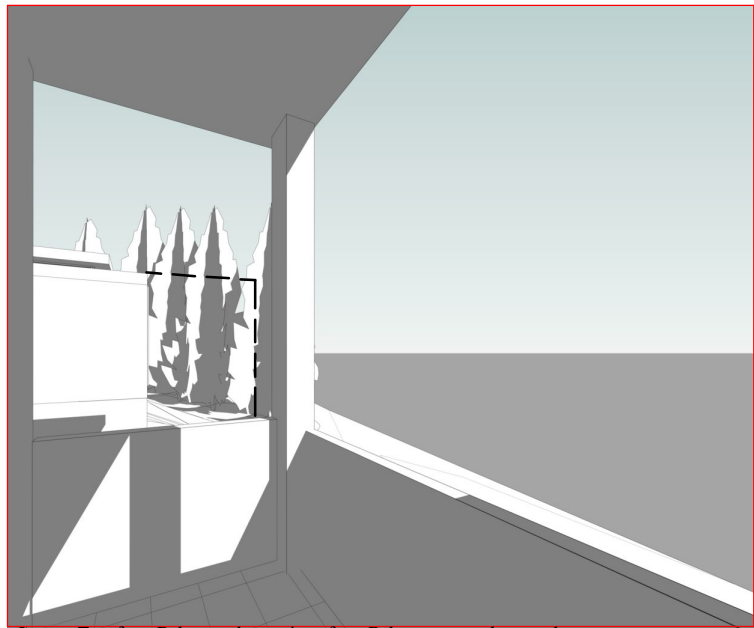


Rebecca Goodman  
Town Planner  
*Bach. Urb. Reg. Plan.*

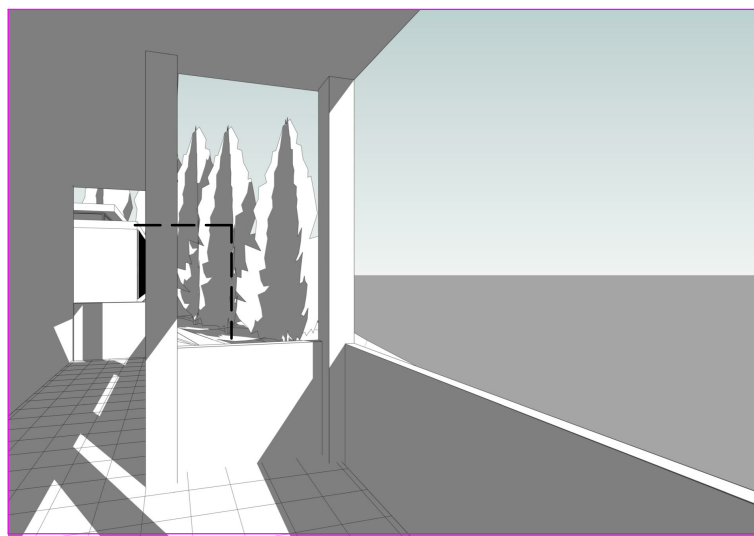




Camera one from window - shows the extent of the proposed dwelling and partial views are still obtained.



Camera Two from Balcony- shows views from Balcony are unobstructed



Camera Three from Balcony

View Corridor assessment

1 : 200@ A3

Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION

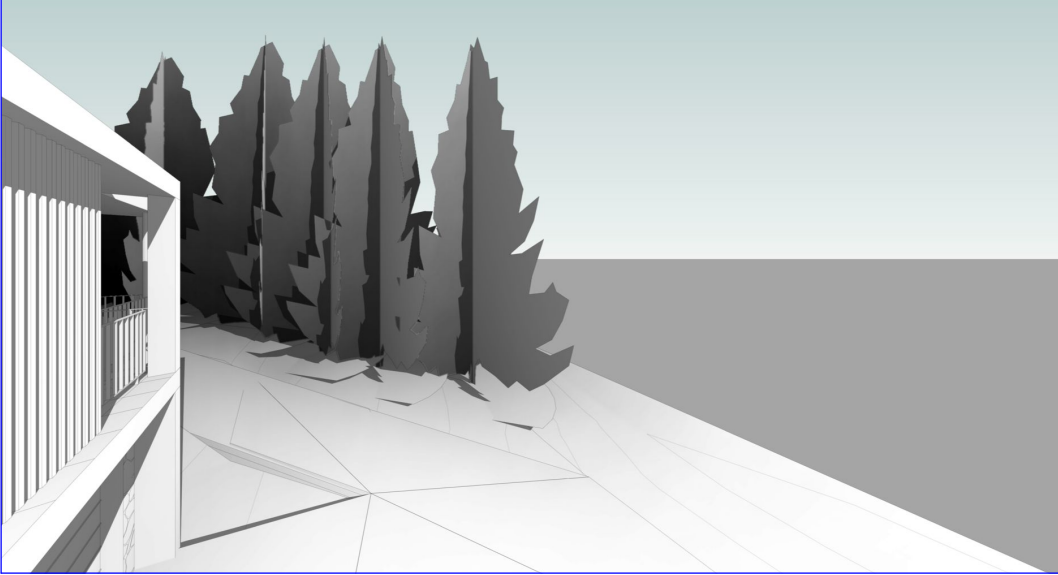
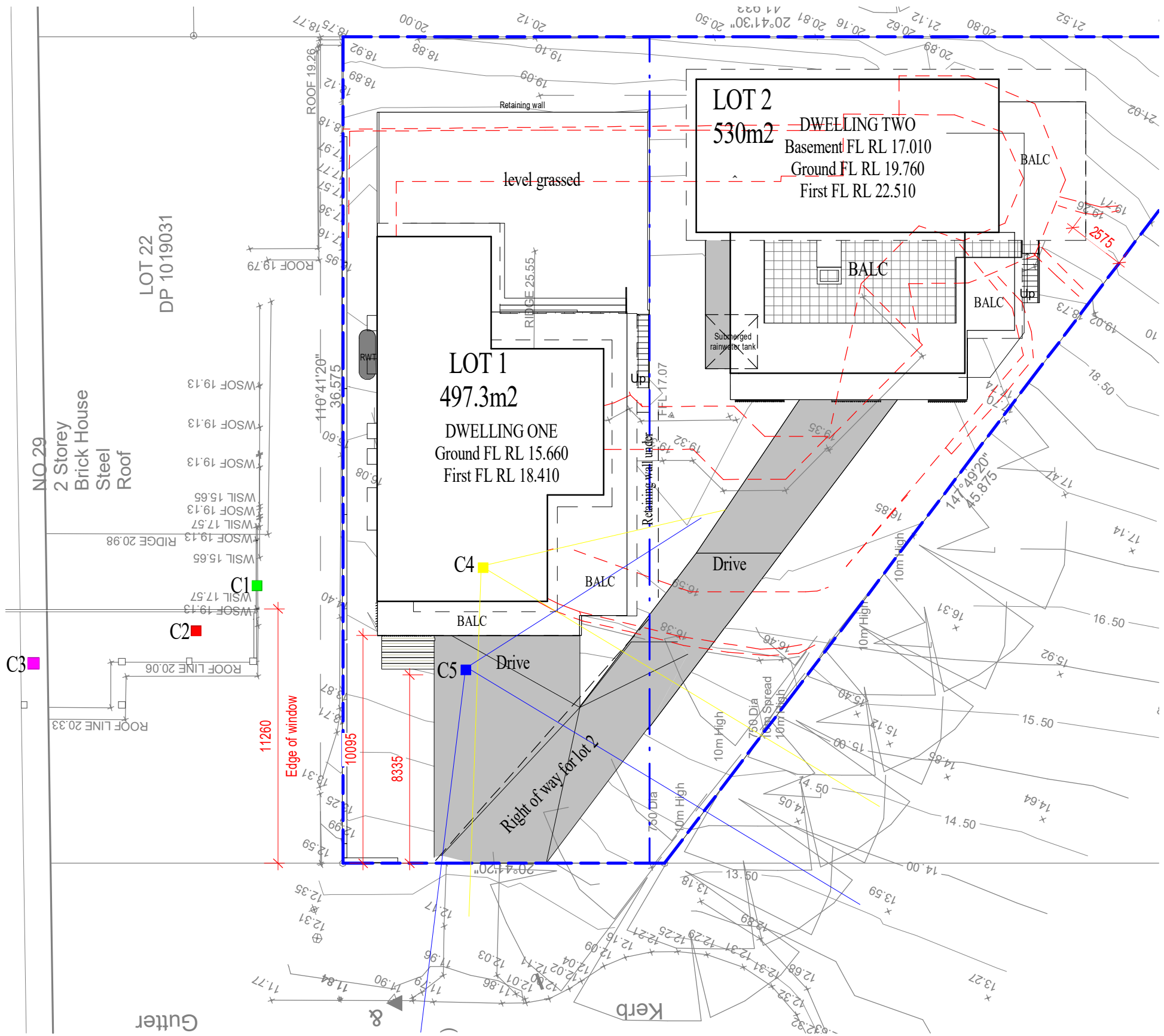
DEBU STUDIOS

BUILDING DESIGN  
PROJECT MANAGEMENT

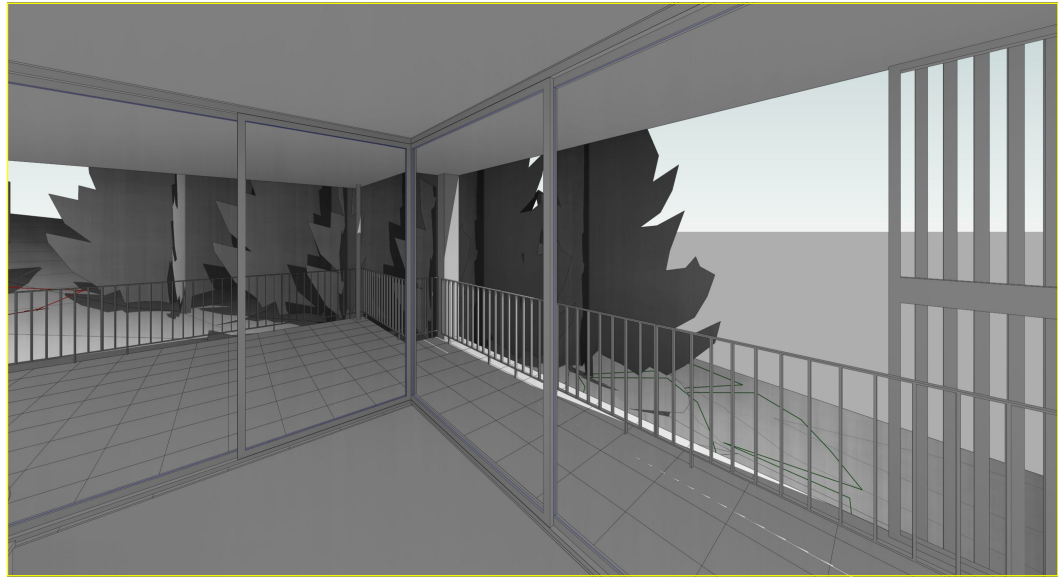
M0416411094    [Enr@debus.com.au](mailto:Enr@debus.com.au)    [Web.debus.com.au](http://Web.debus.com.au)

- legend:
- extent of timber structures
  - extent of demolished structures
  - existing dwelling in elevation
  - existing structures in plan
  - extent of existing dwelling in site plan
  - extent of additions in site plan

title: VIEW CORRIDOR ASSESSMENT	
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	701
for: FLORO	
no: 143	



Camera 5 showing potential views from the subject site with a compliant front setback



Camera 4 shows views from proposed dwelling on Lot 1

# View Corridor assessment Cont

1 : 200@ A3

Revision	date	drawn by	issue notes
A	01-08-19	JE	DEVELOPMENT APPLICATION

DEBU STUDIOS

BUILDING DESIGN  
PROJECT MANAGEMENT

M0416411094    [Enr@debus.com.au](mailto:Enr@debus.com.au)    [Web.debus.com.au](http://Web.debus.com.au)

legend:
<div></div> extent of timber structures
<div></div> extent of demolished structures
<div></div> existing dwelling in elevation
<div></div> existing structures in plan
<div></div> extent of existing dwelling in site plan
<div></div> extent of additions in site plan

title: VIEW CORRIDOR ASSESSMENT	
address: 31 OYLIMPIC BOULEVADE PORT KEMBLA	
job description: TORRENS TITTLE DUAL OCCUPANCY	702
for: FLORO	
no: 143	

## Attachment 4 Wollongong DCP 2009 compliance table

### CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

### CHAPTER B1 – RESIDENTIAL DEVELOPMENT

#### 4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<b>4.1 Maximum Number of Storeys</b>		
<ul style="list-style-type: none"> <li>R2 2 storeys / 9m height limit</li> <li>Two storey components to be setback 8m from rear boundary</li> </ul>	<p>Dwelling 2 is 3 storeys - Variation sought</p> <p>Dwelling 2 has a 1.885m rear setback - Variation sought</p> <p>Dwelling 1 is 2 storeys and is setback over 8m from rear boundary.</p>	<p>No for Dwelling 2 – variation sought</p> <p>Yes, for Dwelling 1</p>
<b>4.2 Front Setbacks</b>		
<ul style="list-style-type: none"> <li>6m front setback</li> <li>5.5m to garages</li> <li>Any secondary dwelling shall be setback behind the front building alignment of the principal dwelling</li> </ul>	<p>Dwelling 1 has a minimum 10.095m front setback (balcony) and 11.26m to front façade.</p> <p>N/A – no secondary dwelling proposed</p>	<p>Yes</p>
<b>4.3 Side and Rear Setbacks</b>		
<ul style="list-style-type: none"> <li>Min 900mm setback</li> <li>3m for walls in excess of 7m</li> <li>Walls in excess of 8m in length may not be considered for a variation to side setbacks</li> </ul>	<p><i>Dwelling 1</i></p> <ul style="list-style-type: none"> <li>minimum 1010mm side setback with no walls exceeding 7m in height</li> <li>8m rear setback</li> </ul> <p><i>Dwelling 2</i></p> <ul style="list-style-type: none"> <li>the northern wall exceeds 7m in height, however, achieves the minimum required 3m side setback to the proposed internal boundary line</li> <li>minimum side setback of 1.715m to southern boundary</li> </ul>	<p>Yes</p> <p>Yes</p>

<ul style="list-style-type: none"> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>- minimum 1.885m rear setback (refer variation regarding 8m rear setback for two storey component)</li> </ul> <p>Only bedroom windows of Dwelling 1 face the adjoining northern neighbour at ground level. On the first floor, windows are limited to bedrooms, study and the stairwell and do not present significant overlooking opportunities. A privacy screen on the northern side of the first floor balcony is proposed and the minimal width at this point does not raise privacy concerns.</p>	
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<p><u>4.4 Site coverage</u></p> <p>2. The maximum site coverage for a dwelling, dual occupancy, and combined maximum coverage for a principle dwelling and secondary dwelling, is as follows:</p> <p>40% of lot area is lot has an area of at least 900sqm</p> <p>4. Where a two lot Torrens Title subdivision is proposed for dual occupancy development, the site coverage for each dwelling must be less than or equal to the maximum site coverage as specified above.</p>	<p>Site area is 1027.3sqm</p> <p>Maximum site coverage = 410.9sqm</p> <p>Proposed site coverage = 302sqm (29%) – complies</p> <p><i>Proposed Lot 1</i></p> <p>146/497.3 = 29.36% - complies</p> <p><i>Proposed Lot 2</i></p> <p>156/530 = 29.43% - complies</p>	<p>Yes</p>
<p><u>4.5 Landscaped Area</u></p> <p>‘Landscaped area’ is a permeable surface capable of growing trees, shrubs, groundcover and/or lawn and does not include any building, structure or hard paved area.</p> <p>2. lot area greater than 900sqm – 210sqm + 40% of the site area &gt;900sqm landscaped area</p> <p>Min. 50% behind building line</p> <p>Front setback to have 1.5m wide landscape bed and 1 x semi mature tree</p>	<p>Site area is 1027.3sqm</p> <p>210 + 50.92 = 260.92sqm (25.4%) minimum landscaped area required.</p> <p>423sqm landscaped area proposed – complies (41%)</p> <p>Yes</p> <p>Existing Norfolk Island palms are partly within front setback and achieve this requirement. No need for additional tree.</p>	<p>Yes</p>
<p><u>4.6 Private Open Space</u></p> <p>A 24m<sup>2</sup> area of private open space must be directly accessible from the living areas of each proposed dwelling and have a minimum width of 4m and be no steeper than 1:50</p> <p>POS 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 POS areas will not be impacted upon by existing or future complying dwelling on adjoining lots.</p>	<p><i>Dwelling 1</i></p> <p>24sqm POS area in rear yard, also proposes balconies facing south and the street</p> <p><i>Dwelling 2</i></p> <p>24sqm area provided in the form of a balcony. Although not at ground level, given site’s proximity and views to the coast, and separation from adjoining sites, this is considered a reasonable location for the POS area.</p> <p>POS areas for both dwellings are located behind the front building line</p>	<p>Yes</p>
<p><u>4.7 Solar Access</u></p>		



3 hours of sunlight to living rooms and 50% of POS areas for neighbouring dwellings.	Shadow diagrams submitted that indicate neighbouring dwellings will not be affected by the development and will achieve minimum solar access requirements.	Yes
<u>4.8 Building Character and Form</u>		
<p>1. The design, height and sitting of a new development must respond to its site context taking into account both natural and built form features of the locality.</p> <p>2. Large bulky forms are to be avoided, particularly in visible locations. The use of extended terraces, balconies, sun shading devices and awnings will help reduce the apparent bulk of buildings.</p> <p>3. New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. New innovative contemporary building designs may also be permitted, where, in the opinion of Council, the development will not result in an adverse impact upon the streetscape or residential amenity of that locality, as compared to a more traditional design.</p> <p>4. All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. On corner allotments, the development should address the street on both frontages.</p> <p>5. The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted. Note: Utility windows include windows for toilets, bathrooms, laundries etc which are small and / or translucent and hence, are not permitted within the front elevation of a dwelling.</p> <p>6. Where garages are proposed on the front elevation they must be articulated from the front façade.</p>	<p>The site slopes towards the rear with an existing 3 storey dwelling positioned in the rear portion of the site. The siting of Dwelling 2 seeks to utilise the existing level building platform, but with a reduced footprint. The siting of Dwelling 1 proposes an increased front setback (10.095m where a 6m setback is permitted). The increased setback is intended to minimise the loss of existing views from the adjoining northern site (29 Olympic Boulevard).</p> <p>Both dwellings are well articulated and considered appropriately placed on the site in order to minimise impacts on adjoining properties and retain the significant Norfolk Island pine trees along the southern boundary.</p> <p>The three (3) storey form of Dwelling 2 is well articulated and appears less visually bulky than the existing dwelling house. Despite there not being other 3 storey dwellings in the vicinity, the design and siting of the development is considered compatible with the character of the immediate area.</p> <p>Both dwellings have their frontages and entries facing the street</p> <p>Garages do not dominate the front façade of the dwellings.</p> <p>No fencing proposed.</p>	Yes

<p>10. Fences in the front building line should be predominately constructed in transparent fence materials, allowing for visual connection between the dwelling and the street.</p> <p>11. Where the garage door addresses the street, they must be a maximum of 50% of the width of the dwelling.</p> <p><u>4.9 Fences</u></p>	<p>The garage to Dwelling 1 slightly exceeds the 50% maximum width of the dwelling, however upper floor balcony provides reasonable visual relief.</p>	
<p><u>4.10 Car parking and Access</u></p> <ul style="list-style-type: none"> <li>2 spaces required for dwellings &gt;125sqm</li> </ul>	<p>No fencing proposed, aside from 1.8m high boundary fence on the proposed internal boundary line between Lot 1 and Lot 2 - complies.</p>	<p>Yes, subject to conditions.</p>
<p><u>4.11 Storage Facilities</u></p> <p>Minimum storage volume – 10m<sup>3</sup></p> <p>Minimum storage area – 5m<sup>2</sup></p>	<p>Both dwellings require 2 spaces. 1 car spaces are provided in the form of a double garage for each dwelling.</p> <p>Conditions will be imposed regarding driveway width, driveway grade and manoeuvrability for Dwelling 2 as recommended by Council's Development Engineer.</p>	<p>Yes, subject to conditions</p>
<p><u>4.12 Site Facilities</u></p> <ul style="list-style-type: none"> <li>Letterboxes, satellites, air clothes drying, and air conditioning facilities to be situated appropriately.</li> </ul>	<p>Adequate storage provided within floor plan</p> <p>Satisfactory</p>	<p>Yes</p>
<p><u>4.13 Fire Brigade Servicing</u></p> <ul style="list-style-type: none"> <li>Must comply with Australian Standard AS2419.1 and Fire and Rescue NSW <i>Code of Practice – Building Construction – NSWFB Vehicle Requirements</i>.</li> </ul>	<p>Access for fire brigade servicing is adequate</p>	<p>Yes</p>
<p><u>4.14 Services</u></p> <ul style="list-style-type: none"> <li>Water, sewerage, gas, underground electricity, and telephone services to be</li> </ul>	<p>Suitable conditions recommended to provide servicing to meet the needs of the development</p>	<p>Yes</p>

provided in proposal in planning and design stage.

#### 4.15 Development near the coastline

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

2. Any development near coastal foreshore areas is to be sited and designed so to be protected from long term coastal erosion.

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

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

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

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

>10m from cliff top

Sufficiently separated from coastal foreshore noting public reserve to the south

Geotechnical conditions are included in the recommended conditions in attachment 5.

The site is irregular in shape and adjoins a public reserve to the south. Dwelling 2 has a minimum setback to the southern boundary of 1.715m and the encroachment is limited to corners of the dwelling. Given the existing Norfolk Island pine trees and skewed southern boundary, this minor encroachment does not reduce any public view corridors.

It is noted that the front setback exceeds the minimum 6m requirement and existing view corridors will not be affected along Olympic Boulevard.

No specific view corridor identified.

Yes

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

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

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

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

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

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

(g) Colour schemes are to incorporate a mix of finishes drawn from colours found in the natural environment of the coastline. This does

The dwellings are of a modest scale, covered outdoor living areas and consistent with the desired future character as discussed under Chapter D1.

Both dwellings appear articulated from public areas.

Flat roof forms proposed

No elevation exceeds 16m

The materials and finishes propose sandstone cladding, vertical timber cladding and Colorbond.

The main glazed areas face south and the Norfolk Island pine trees which will limit reflectivity.

The colour palette comprises earthy materials and white

not however preclude the use of colour highlights on façade elements. Colour schemes in visually exposed areas must be recessive (i.e. backdrop colour or darker) to allow the development to blend with the coastal landscape.

facades. The white is not a recessive colour, however, will be partly screened by the trees required to be retained on the site. Conditions could be imposed requiring a more natural colour if required.

#### 4.16 View sharing

View sharing is discussed in detail in Part 2.3.1 and Part 1.4 of the report

Yes

#### 4.17. Retaining walls

- Max height of 600mm within 900mm setback from side/rear boundary
- Max height of 1m if wall setback >900mm from side/rear boundary
- Any retaining wall over 1m must be designed by an engineer
- Within areas of suspected/known slope instability, Council may require geotechnical report

Retaining walls are proposed as follows:

- to the rear of Dwelling 1 <1m in height

- to the north of Dwelling 2 with 1m height

Given the site's potential geotechnical issues, the earthworks and retaining walls require advice from a geotechnical input as part of the earthworks stage of the development (discussed further in the body of the report.

Yes, subject to conditions

#### 4.18 Swimming pools and spas

NA – no pools or spas proposed.

NA

#### 4.19 Development near railway corridors and major roads

NA

NA

#### 4.20 Additional controls for semi-detached dwellings-alterations and additions

NA

NA

#### 4.21 Additional controls for Dual Occupancies minimum site width

- 15m minimum site width

The front boundary of the site is 14.34m, therefore not meeting the minimum 15m site width. A variation is sought to this

No variation sought –



	requirement as discussed in the body of the report.	
<u>4.22 Additional controls for Dual Occupancies –building character and form</u>		
1. On corner allotments, the dual occupancy development must address the street on both frontages. The garage and / or carport for each dwelling must be placed on each street frontage, at the furthest point of the site, from the intersection.	NA	NA
2. Where garages are proposed on the front elevation they must be articulated from the front façade of the dual occupancy dwelling(s).	Both garages are articulated from the front façade through staggered setbacks and balcony areas above.	Yes
3. Any external alterations and additions to a dual occupancy dwelling must be compatible in design, roof configuration and building materials with the other adjoining dwelling in the original dual occupancy development.	NA – new dual occupancy proposed	NA
4. Existing garages and outbuildings can not be used as a dual occupancy - second dwelling unless it can be demonstrated that the structure complies with the relevant provisions of the Building Code of Australia.	NA	NA
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u>		
1. 50% landscaped area must be deep soil zone (DSZ).	50% of the required landscape area= 130sqm.  The proposed DSZ is primarily located along the southern boundary to retain the existing Norfolk Island pine trees. This DSZ is 105sqm in area. The development also proposes a second area of DSZ in the north-eastern corner of the site of approximately 47sqm.  Proposed DSZ area is 152sqm - complies	Yes
2. DSZ may be located in any position on the site, subject to this area having a minimum dimension of 3m. DSZ must be located outside the minimum private open space area.	Both areas of DSZ achieve the minimum 3m dimension.	

3. No structures, basement carparking, driveways, hard paving, decks, balconies or drying areas are permitted within the DSZ	DSZ areas do not have any structures within the nominated areas
4. DSZ to be densely planted with trees and shrubs	Existing Norfolk Island pine trees satisfies this. DSZ in north-eastern area capable of complying.

## CHAPTER B2 – RESIDENTIAL SUBDIVISION

Approval is sought for the Torrens subdivision of the dual occupancy to create Lot 1 (497.3sqm) and Lot 2 (530sqm). Due to the irregular shaped lot, the frontage of proposed Lot 2 to Olympic Boulevard is narrow being 665mm, and therefore relies on Rights of Carriageway in order to provide legal means of access over Lot 1 to Lot 2. Despite both lots achieving the minimum lot size, the access arrangements and narrow frontage of proposed Lot 2 is specific to the development sought under the current application. Therefore, it is recommended that the occupation certificates for the dwellings be obtained prior to the subdivision certificate which will ensure the built form outcome is known prior to the 2 lots being created.

Council's Development Engineer has assessed the application under this chapter and not raised concern with the proposed lot layout.

## CHAPTER D1 – CHARACTER STATEMENTS

### Port Kembla & Spring Hill

The existing character as relevant to the residential precincts has a character identified as:

*The eastern residential precincts of Port Kembla have experienced the replacement of some older dwelling stock with new contemporary two storey dwelling-houses as well as some medium density housing, particularly for properties with expansive views along the coastline and / or towards the Five Islands.*

The desired future character is identified in this chapter as:

*It is expected that redevelopment of the residential areas of the Port Kembla area will also occur in the future. As the demand for beach side properties or properties with water views continues to increase, it is anticipated that the desire for affordable housing within proximity to the beach will encourage increased population growth within the Port Kembla area. Contemporary architectural style is envisaged for new dwellings, in proximity to Port Kembla beach as well as major alterations and additions occurring to the existing dwelling stock.*

The proposed development is considered to be consistent with the existing and desired future character for the locality as the dwellings are of a contemporary architectural style and of a comparable bulk and scale to the surrounding locality.

## CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The development provides for habitable rooms and balconies facing the street and does not raise any safety or security issues.

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

Two (2) car spaces are provided for each dwelling which meets the minimum parking requirements under this chapter. Double garages are proposed for both dwellings that achieve the minimum dimensions of 6m x 6m.

Access to the site is via a 5.5m wide driveway at the front boundary, which has been conditioned by Council's Development Engineer. Rights of carriageway will be required as part of the Torrens Subdivision to provide legal means of access to proposed Lot 2 over proposed Lot 1.

### **CHAPTER E6: LANDSCAPING**

A landscape plan prepared in accordance with the requirements of this chapter has been submitted. Landscaping as part of the development is proposed within the front, rear and side setbacks, with the main landscape feature being the retention of the Norfolk Island pines along the southern boundary. The proposal is generally consistent with the relevant controls relating to landscaping as provided in this Chapter. It is noted that Council's Landscape officer found the proposal satisfactory subject to conditions.

### **CHAPTER E7: WASTE MANAGEMENT**

Site Waste Minimisation and Management Plan for the demolition and construction phase provided and considered satisfactory. Suitable conditions are recommended.

With regard to ongoing waste collection, the two dwellings will use Council's kerbside collection. The site has a narrow frontage, proposes a 5.5m wide driveway and is located partly within the head of the cul-de-sac. This presents some challenges for waste collection above a typical residential lot. Notwithstanding these site circumstances, there appears to be sufficient space for 4 bins to be placed on the northern side of the driveway on collection days (approximately 4m). The width of the largest domestic waste bin (240l) under Appendix 3 is 580mm so on this basis, a width of 3m is acceptable.

### **CHAPTER E12 GEOTECHNICAL ASSESSMENT OF SLOPE INSTABILITY**

The subject site is not identified as being unstable. Given the submissions raised in the public exhibition period identified potential instability risk, the application was referred to Council's Geotechnical division in accordance with Part 4.1(1)(e) of this chapter. Given the site is located where the underlying soil profile consists of deep dune sand and may be affected by Sydney Water infrastructure, geotechnical conditions have been recommended, including staging of the development to carry out the earthworks under geotechnical supervision. Subject to appropriate conditions, the development satisfies the objectives of this chapter.

### **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater for the development will connect to the kerb. The application was referred to Council's Stormwater Engineers and no concerns were raised, and appropriate conditions recommended to be imposed on the consent. It is considered that the proposed development satisfies the objectives this chapter.

### **CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION**

An arborist report was submitted with the application to address the potential impacts of the development on the existing Norfolk Island pine trees. This report was considered by Council's landscape officer and found satisfactory. Suitable conditions regarding tree retention and protection during works have been included in the recommended conditions in attachment 4.

### **CHAPTER E18 THREATENED SPECIES**

The site is identified as having potential habitat for green and golden bell frog (GGBF). Council's Environment Officer has noted that historically, GGBF's may have dispersed over the site however the subject site has not been identified as being part of a possible movement corridor or a site for possible

habitat creation. Conditions of consent have been recommended in the event that GGBF are encountered during works.

#### **CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT**

Conditions of consent are recommended in regard to appropriate management during demolition and disposal of hazardous materials including asbestos.

#### **CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL**

Conditions of consent are recommended in regard to appropriate sediment and erosion control measures to be in place during works.

## Attachment 5 – Recommended conditions

### Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Job No 143 Drawing 102-B, 201-B, 202-B, 205-B to 207-B, 301-B to 304-B, 401-B, 403-B and 404-B dated 20 January 2020 and 111-A, 112-A and 402-A dated 1 August 2019 prepared by DeBu Studios and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

### General Matters

#### 2 **Staging**

The development is to be carried out in stages as outlined below:

Stage 1: Demolition of dwelling house.

Stage 2: Earthworks including excavation, earthworks and drainage works and retaining wall construction.

Stage 3: Construction of the dwellings.

#### 3 **Geotechnical**

- a A dilapidation report is required for all structures located within the zone of influence of the proposed earthworks as determined by a geotechnical consultant.
- b All excavations need to be supported during and after construction particularly to protect adjoining property with nearby existing development.
- c Retaining wall design is not to include anchors extending on to adjoining property without the written consent of the adjoining property owners.
- d All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.
- e No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by a geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.

#### 4 **Building Work - Compliance with the Building Code of Australia**

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

#### 5 **Construction Certificate**

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

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

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.

#### 6 **Occupation Certificate**

An Occupation Certificate must be issued by the Principal Certifier prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifier must be satisfied that the requirements of section 6.9 of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

#### 7 **Tree Retention**



The developer shall retain the existing tree(s) indicated on the Landscape Plan, Mark Spence, Issue A, dated 5 July 2019 and Arboricultural Impact Assessment Report prepared by Allied Trees dated August 2019 consisting of tree(s) numbered 1,2,3,4 and 5.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373-2007.

All tree protection measures are to be installed in accordance with Australian standard AS4970-2009 Protection of Trees on development Sites.

All recommendations in the Arboricultural Impact Assessment by Allied Trees dated August 2019 page no. **10-19** are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

### **Conditions Specifically Relating to Stage 1: Demolition**

- 8 Demolition works under this Stage are limited to above ground demolition works. Any excavation and/or earthworks associated with the demolition of the dwelling must be carried out as part of Stage 2.

9 **Demolition Works**

The demolition of the existing dwelling shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

10 **Demolition Notification to Surrounding Residents**

Demolition must not commence unless at least two (2) days written notice has been given to adjoining residents of the date on which demolition works will commence.

11 **Consultation with SafeWork NSW – Prior to Asbestos Removal**

A licensed asbestos removalist must give written notice to SafeWork NSW at least five (5) days before licensed asbestos removal work is commenced.

12 **Contaminated Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

### **Conditions Specifically Relating to Stage 2: Earthworks**

13 **Geotechnical Requirements**

This stage of the development is to comply with the following geotechnical requirements:

- a An earthworks plan is to be developed by a geotechnical consultant prior to start of earthworks including advice of excavation retention in deep dune sand.
- b Retaining wall designs are to be reviewed by Sydney Water to ensure foundation systems are not within proximity to trunk sewer main tunnels.
- c All recommendations of the geotechnical consultant in their geotechnical report commissioned for Geotechnical Condition 3d are to be accommodated in the earthworks plan.
- d The earthworks plan may require modification in light of any subsequent geotechnical reports commissioned to address unforeseen geotechnical conditions encountered during the Stage 1 works.

- e Due to the sensitivity of the site to changing geotechnical conditions, all work must be undertaken with Level 1 geotechnical supervision as defined in Australian Standard AS3798 Guidelines for Earthworks for Commercial and Residential Developments.
- f At the completion of the site preparation earthworks, the geotechnical consultant is to prepare a works-as-executed report detailing encountered geotechnical conditions and how the works addressed these conditions so that the residual geotechnical constraints can be accommodated within the structural designs for the dwelling. These structural designs are to be confirmed or amended by the structural engineer based on the works-as-executed geotechnical report.

### **Conditions Specifically Relating to Stage 3: Construction of Dwellings**

#### **14 Construction of Dwellings**

Once the remedial works are complete and the structural designs have been endorsed by the geotechnical consultant that all known residual geotechnical constraints based on the works-as-executed geotechnical report have been accommodated in the designs, construction can then commence on the dwellings.

### **Conditions Relating to All Stages**

#### **Prior to the Issue of the Construction Certificate**

#### **15 Driveway Construction**

Driveway surface under the canopy of existing trees shall be permeable and must be laid as per all recommendations in the Arboricultural Impact Assessment by Allied Trees dated August 2019 page no. 10-19.

#### **16 Driveway Long-section**

To verify that vehicular access will comply with Council's requirements, a scaled long section of each proposed driveway, from kerb and gutter at the point of access to the proposed garage floor level must be submitted with the Construction Certificate and shall include:

- a existing natural surface levels,
- b proposed grades and finished surface levels of the driveway,
- c preliminary details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.

No part of each driveway must have grades exceeding Council's standards. As such, the long sections shall be taken along the critical path, i.e. the side of the driveway that will have the steepest grades.

#### **17 Vehicle Manoeuvrability**

The driveway for Lot 2 must include sufficient hard stand area and aisle width for a B85 vehicle (Australian Standard classification). All car parking spaces must be able manoeuvre on site to enter and leave the site in the forward direction, without the need to make more than a three-point turn. These requirements shall be reflected on the Construction Certificate plans.

#### **18 Flows from Adjoining Properties**

Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels

#### **19 Present Plans to Sydney Water**

Approved plans must be submitted online using Sydney Water Tap, available through [www.sydneywater.com.au](http://www.sydneywater.com.au) to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

The Principal Certifier must ensure that Sydney Water has issued an approval receipt prior to the issue of a Construction Certificate.

Visit [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for further information.

#### **20 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current**

relevant Australian Standard AS2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

21 **Gradients of Ramps and Driveways as per AS 2890.1**

All driveways shall be constructed with a maximum vertical alignment as shown in Council's standard drawings. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

Gradients of ramps and access driveways within the site must be provided in accordance with the current relevant Australian Standard AS2890.1 - Off Street Car Parking. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway. This requirement must be reflected on the Construction Certificate plans.

22 The edge of the driveway must be provided with a hob or dish drain to prevent surface water flows from entering the adjoining property. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.

23 The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- a a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- b the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
- c driveway surface under the canopy of existing trees shall be permeable and must be laid as per all recommendations in the Arboricultural Impact Assessment by Allied Trees dated August 2019 page no. 10-19.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

24 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifier prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

25 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate.

26 **Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

- a Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

27 **Stormwater Connection to Kerb**

Connection across footways shall be by means of one or two (maximum), sewer grade UPVC pipe(s), 100mm diameter pipes with a continuous downslope gradient to the kerb. Connection to the kerb shall be made with a rectangular, hot dipped galvanised mild steel weephole(s) shaped to suit the kerb profile, with each weephole having the capacity equal to a 100mm diameter pipe. Alternatively, a maximum of two 150mm x 100mm hot dipped galvanised steel pipes may be used across footways, with the 150mm dimension being parallel to the road surface to suit the kerb profile.

- 28     **Property Addressing Policy Compliance**  
Prior to the issue of any construction certificate, the developer must ensure that any site addressing complies with Council's **Property Addressing Policy** (as amended). Where appropriate, the developer must also lodge a written request to Council's **Infrastructure Systems & Support – Property Addressing** ([propertyaddressing@wollongong.nsw.gov.au](mailto:propertyaddressing@wollongong.nsw.gov.au)), for the site addressing prior to the issue of the construction certificate. Please allow up to 3-5 business days for a reply. Enquiries regarding property addressing may be made by calling 4227 8660.
- 29     **Council Footpath Reserve Works – Driveways and Crossings**  
All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.  
  
All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Details and locations are to be shown on the Construction Certificate Plans.
- 30     **Driveway Width**  
The driveway crossover within Council's Road reserve is to be a maximum of 5.5 metres wide. This requirement shall be reflected on the Construction Certificate plans.
- 31     **Engineering Plans and Specifications - Retaining Wall Structures Greater than 1m**  
The submission of engineering plans and supporting documentation of all proposed retaining walls greater than 1m to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer and based on geotechnical advice. The required engineering plans and supporting documentation shall include the following:
- 1     A plan of the wall showing location and proximity to property boundaries;
  - 2     An elevation of the wall showing ground levels, maximum height of the wall, materials to be used and details of the footing design and longitudinal steps that may be required along the length of the wall;
  - 3     Details of fencing or handrails to be erected on top of the wall;
  - 4     Sections of the wall showing wall and footing design, property boundaries, subsoil drainage and backfill material. Sections shall be provided at sufficient intervals to determine the impact of the wall on existing ground levels. The developer shall note that the retaining wall, subsoil drainage and footing structure must be contained wholly within the subject property;
  - 5     The proposed method of subsurface and surface drainage, including water disposal. This is to include subsoil drainage connections to an inter-allotment drainage line or junction pit that discharges to the appropriate receiving system;
  - 6     The assumed loading used by the engineer for the wall design.
  - 7     Flows from adjoining properties shall be accepted and catered for within the site. Finished ground and top of retaining wall levels on the boundary shall be no higher than the existing upslope adjacent ground levels.
- 32     **Development Contributions**  
Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan, a monetary contribution of \$12,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.  
  
This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online (Full payment only)	<a href="http://www.wollongong.nsw.gov.au/applicationpayments">http://www.wollongong.nsw.gov.au/applicationpayments</a> Your Payment Reference: 1167752	<ul style="list-style-type: none"> <li>• Credit Card</li> </ul>
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Bank Cheque</li> </ul>
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council (Personal or company cheques are not accepted)		

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

### 33 **Dilapidation Report Prior to Construction**

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the Construction Certificate.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of a Construction Certificate.

### **Prior to the Commencement of Works**

#### 34 **Appointment of Principal Certifier**

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

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

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

#### 35 **Residential Building Work – Compliance with the Requirements of the Home Building Act 1989**

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



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

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

### 36 **Sign – Supervisor Contact Details**

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

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

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

### 37 **Temporary Toilet/Closet Facilities**

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

Each toilet provided must be:

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

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

### 38 **Structural Engineer's Details**

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifier, prior to the commencement of any works on the site. The structural details must make reference to the works-as-executed geotechnical report.

### 39 **Enclosure of the Site**

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

40 **Temporary Sediment Fences**

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

41 **All-weather Access**

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

42 **Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures**

Prior to the commencement of any demolition, excavation or construction works, the supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the arborist's recommendations and relevant conditions of this consent.

43 **Certification from Arborist - Adequate Protection of Trees to be Retained**

A qualified arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal Certifier is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

44 **Works in Road Reserve - Minor Works**

Approval, under Section 138 of the Roads Act must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing or any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of this development.

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

- a All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".
- b Any existing damage within the immediate work area or caused as a result of the work/occupation, must also be restored with the final works.

45 **Tree Protection**

Prior to commencement of any work on the site, including any demolition, all trees not approved for removal as part of this consent that may be subjected to impacts of this approved development must be protected in accordance with Section 4 of the Australian Standard Protection of Trees on Development Sites (AS 4970-2009).

Tree protection zones must be established prior to the commencement of any work associated with this approved development.

No excavation, construction activity, grade changes, storage of materials stockpiling, siting of works sheds, preparation of mixes or cleaning of tools is permitted within Tree Protection Zones.

**During Demolition, Excavation or Construction**

46 **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the land must be piped to Council's existing stormwater drainage system.

47 **No Adverse Run-off Impacts on Adjoining Properties**

The design and construction of the development shall ensure there are no adverse effects to adjoining properties, as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

48 **Restricted Hours of Construction Work**

The developer must not carry out any work, other than emergency procedures, to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Saturday, without the prior written consent of the Principal Certifier and Council. No work is permitted on public holidays or Sundays.

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

- a the variation in hours required (length of duration);
- b the reason for that variation (scope of works);
- c the type of work and machinery to be used;
- d method of neighbour notification;
- e supervisor contact number;
- f any proposed measures required to mitigate the impacts of the works.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent, including but not limited to, the Protection of the Environment Operations Act 1997.

49 **Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

- a encroach onto the adjoining properties, and
- b adversely affect the adjoining properties with surface run-off.

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

51 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**

The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).

52 **Asbestos Waste Collection, Transportation and Disposal**

Asbestos waste must be prepared, contained, transported and disposed of in accordance with SafeWork NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this type of waste. A receipt must be retained and submitted to the Principal Certifier, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.

53 **Provision of Waste Receptacle**

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

54 **BASIX**

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

A relevant BASIX Certificate means:

- A BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Environmental Planning & Assessment Act 1979, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.”

55 **Open Excavations - Green and Golden Bell Frogs**

Where excavations/trenches are left open during the night, then they shall be closely inspected by the site supervisor for green and golden bell frogs prior to work starting on the proceeding day.

**Note:** The “Have you seen a green and golden bell frog?” brochure produced by the NSW Department of Environment and Climate Change (2008) is available from [www.environment.nsw.gov.au/resources/threatenedspecies/ggbfbro08326.pdf](http://www.environment.nsw.gov.au/resources/threatenedspecies/ggbfbro08326.pdf), <http://www.environment.nsw.gov.au/publications/pubs2008.htm> (look under July), or by telephoning 131 555.

56 **Stop Work - Green and Golden Bell Frogs**

If green and golden bell frogs are found at any time during the demolition, excavation or construction phases of the development, work shall cease immediately and the find shall be reported to Environment Line (telephone 131 555).

57 **Excess Excavated Material – Disposal**

Excess excavated material shall be classified according to the NSW Environment Protection Authority’s Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.

58 **Provision of Taps/Irrigation System**

The provision of common taps and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be implemented in accordance with the approved Landscape Plan.

**Prior to the Issue of the Occupation Certificate**

59 **Dilapidation Report Post Construction**

A Dilapidation Report detailing the current structural condition of adjoining buildings, infrastructure and roads following construction of the development shall be prepared and endorsed by a qualified structural engineer. Any damage to public and private infrastructure items which is caused by the developer shall be repaired to the satisfaction of the Principal Certifier prior to the issue of an Occupation Certificate. The report shall be submitted to the satisfaction of the certifying authority prior to issue of the final Occupation Certificate.

A copy of the report is to be forwarded to Council and the owners of adjoining properties prior to the issue of the final Occupation Certificate.

60 **BASIX**

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

61 **Completion of Landscape Works**

The completion of the landscaping works as per the final approved Landscape Plan is required prior to the issue of Occupation Certificate.

## **Prior to the Issue of the Subdivision Certificate**

### **62 Occupation Certificate prior to Subdivision certificate**

The Occupation Certificate for the dwellings approved under this consent must be issued prior to issue of the Subdivision Certificate.

### **63 Section 88B Instrument**

The submission of a Final Section 88B Instrument to Council/Principal Certifying Authority, which incorporates (but is not necessarily limited to) the following restrictions, easements and covenants, where applicable:

- a Existing easements and restrictions as to use;
- b easement for services;
- c easement for drainage including encroaching pipes;
- d right of access over proposed Lot 1 and benefiting proposed Lot 2.

### **64 88B Instrument Easements/Restrictions**

Any easements or restrictions required by this consent must nominate Wollongong City Council as the authority to vary, modify or release/extinguish the easements or restrictions. The form of the easement(s) or restriction(s) created as a result of this consent must be in accordance with the standard format for easements and restrictions as accepted by NSW Land Registry Services.

### **65 Final Documentation Required Prior to Issue of Subdivision Certificate**

The submission of the following information/documentation to the Principal Certifier, prior to the issue of a Subdivision Certificate:

- a Completed Subdivision Certificate application form and fees in accordance with Council's fees and charges;
- b Certificate of Practical completion from Wollongong City Council or an accredited Principal Certifier (if applicable);
- c Administration sheet prepared by a registered surveyor;
- d Section 88B Instrument covering all necessary easements and restrictions on the use of any lot within the subdivision;
- e Final plan of Subdivision prepared by a registered surveyor plus one (1) equivalent size paper copies of the plan;
- f Original Subdivider/Developer Compliance Certificate pursuant to Section 73 of the Water Board (Corporatisation) Act 1994 from Sydney Water;
- g Original Notification of Arrangement from an Endeavour Energy regarding the supply of underground electricity to the proposed allotments;
- h Original Compliance Certificate from Telstra or another Telecommunications Service Provider which confirms that the developer has consulted with the Provider with regard to the provision of telecommunication services for the development.
- i Payment of section 94 fees (Pro rata) (if applicable).