

Wollongong Local Planning Panel Assessment Report | 9 August 2022

WLPP No.	Item No. 3
DA No.	DA-2021/1355
Proposal	Residential - demolition works, removal of two trees, alterations to existing dwelling, construction of an additional dwelling to form a dual occupancy and Subdivision - Torrens title - two (2) lots
Property	18 Seaview Crescent Stanwell Park
Applicant	MJD Design & Drafting
Responsible Team	Development Assessment and Certification - City Wide Team (NA)
Prior WLPP meeting	N/A

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP) - Determination

The proposal has been referred to Local Planning Panel pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is considered to be contentious development, having received 11 unique submissions.

Proposal

The proposal is for the removal of two trees, partial demolition of, and alterations to, the existing dwelling, construction of a new dwelling to form a dual occupancy and subsequent torrens title subdivision.

Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009 (WLEP 2009). The proposal is categorised as a dual occupancy and is permissible in the zone with development consent. Demolition and subdivision may be carried out with consent on the land under WLEP 2009.

Consultation

The proposal was notified on two occasions in accordance with Council's Notification Policy. Eleven (11) submissions were received following the first notification, and five (5) were received following the second notification. The issues raised are further discussed at section 1.5 of the assessment report.

The proposal was referred to Council's Development and Geotechnical Engineers who provided satisfactory referrals subject to conditions.

The proposal is Integrated Development, requiring a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997. The proposal was referred to the NSW Rural Fire Service (NSW RFS) who issued a Bush Fire Safety Authority subject to General Terms of Approval on 10 January 2022.

The subject site is located in a Priority Sewerage Program (PSP) area and was referred to Sydney Water under Section 78 of the Sydney Water Act 1994. A conditionally satisfactory referral response was received.

Main Issues

The main issues are

- Matters raised in public submissions

- View impacts
- Proposed variations to development controls- front building setback and lot depth

RECOMMENDATION

Development Application DA-2021/1355 be approved subject to the conditions contained in Attachment 6.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP (Resilience and Hazards) 2021
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Building Sustainability Index: BASIX) 2004

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan (WDCP) 2009

Other policies

- Wollongong City-Wide Development Contributions Plan 2021
- Wollongong Community Participation Plan 2019
- Planning for Bush Fire Protection 2019

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal is for the partial demolition and alterations and additions to the existing dwelling on the site, construction of a new dwelling to create a dual occupancy and subsequent Torrens Title subdivision of the dual occupancy.

The development comprises the following:

Site preparation

- Demolition – demolition of northern section of existing Dwelling 2
- Tree removal- removal of one Acacia and one Melaleuca tree. A tree stump is also proposed to be removed
- Earthworks – excavation works for Dwelling 1 garage, and minor earthworks to achieve building platform levels

Works / Construction / building details

Dwelling 1 (new dwelling)

- Two storey dwelling with three bedrooms and two living areas
- Covered terrace at ground and alfresco area at first floor at southern side of dwelling

Dwelling 2 (existing dwelling)

- Two storey dwelling with three bedrooms and two living areas
- Covered outdoor area at ground and terrace at first floor at southern side of dwelling

Traffic, parking and servicing

- Dwelling 1: Double garage, with access off Seaview Crescent
- Dwelling 2: Double garage with access off right of carriageway from Seaview Crescent
- Waste servicing as per existing arrangements, collection off Seaview Crescent

1.3 BACKGROUND

The site has the following development history:

Application Number	Description	Decision	Decision Date
DA-1999/6363	Garage	Approved	23-Sep-1999
DA-2015/1490	Residential - demolition of existing garage and construction garage	Approved	07-Dec-2015
PC-2016/247	Residential - demolition of existing garage and construction garage	Approved	26-Feb-2016
DA-2018/417	Residential - alterations and additions	Approved	30-May-2018
PC-2018/1285	Residential - alterations and additions	Approved	07-Aug-2018
PL-2021/23	Modifications to existing dwelling to allow for second dwelling with possibility for torrens title subdivision TEAMS MEETING 31/3/21 - 10 AM	None	01-Apr-2021
DA-2021/1355	Residential - demolition works, alterations to existing dwelling, construction of an additional dwelling to form a dual occupancy and Subdivision - Torrens title - two (2) lots	Subject application	

Prelodgement meeting PL-2021/23 was held for the proposed development. The proposal as submitted was generally as per that considered in the prelodgement meeting.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at No 18 Seaview Crescent Stanwell Park and the title reference is Lot 501 DP 1001779. The site has frontage to Seaview Crescent, however the existing dwelling obtains vehicular access over an existing right of carriageway adjoining the subject site. The right of carriageway services a number of dwellings located on the point at the convergence of Seaview Crescent, Park Parade and Hillside Crescent .

The site is generally regular in shape and has a fall of 8m from the northern corner to the southern corner. The existing dwelling currently has a setback from Seaview Crescent of approximately 9 metres. The front setback is well landscaped and the site frontage has a gabion basket type retaining wall with a stormwater drainage channel located directly in front on the road reserve.

The area is characterised by low density residential development including large single dwellings and dual occupancy developments, in a well landscaped setting. There is a significant road reserve on the eastern side of Seaview Crescent that is heavily vegetated, restricting the view to the properties to the east.

The site is in very close proximity to the Stanwell Park lagoon, reserve and beach, and enjoys unrestricted views from the front portion of the site over the road reserve to this area.

Property constraints

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

- Unstable land: the proposal was referred to Council's Geotechnical Engineer who provided a conditionally satisfactory referral response
- Bushfire: the NSW RFS have issued a Bush Fire Safety Authority subject to General Terms of Approval with respect to the proposed development
- Right of access and easement for services – the lot benefits from a Right of access and easement for services over the adjoining land to the south
- Acid Sulfate Soils Class 5

1.5 SUBMISSIONS

The application was notified in accordance with Council's Community Participation Plan 2019 from 29 November 2021 to 1 December 2021. Eleven (11) unique submissions were received.

Following the submission of amended and additional information, the amended proposal was notified from 23 June 2022 to 7 July 2022. Five (5) unique submissions were received following the second notification.

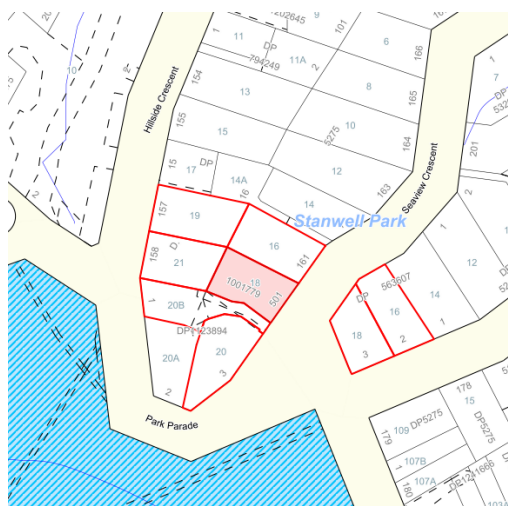


Figure 1: Notification extents – notification from 23 June 2022 to 7 July 2022

The issues raised following both notifications are discussed below.

Table 1: Submissions

Concern	Comment
1. Subdivision	The land is proposed to be subdivided following the issue of an Occupation Certificate for the dual occupancy. As such, and in accordance with Clause 4.1(4C), minimum subdivision lot size is not applicable in this circumstance. However, merit assessment of the proposal indicates that lots are of a sufficient size and shape to accommodate the proposed development.
• Lots do not meet minimum lot size	
• Lots are not consistent with subdivision objectives	
• Creates additional battle axe style lots	Whilst the proposal creates a battle-axe type allotment at the rear of the site, overall the development will not result in more than two battle-axe lots behind the allotment with street frontage, which is consistent with the development controls of Chapter B2.

Concern	Comment
	<p>Similarly, as the built form for the subdivided lots is known, the proposed variation to lot depth is not considered to be significant. The application submission demonstrates that the proposed lots provide for sufficient area to achieve a generally compliant dwelling design and its associated private open space areas, landscaped areas and parking and vehicular access. The proposed subdivision is considered to satisfy the objectives of Chapter B2 of WDCP 2009.</p>
<p>2. Traffic and parking impacts</p> <ul style="list-style-type: none"> • conflicts due to primary route to Stanwell Park beach/parks • impacts of limited street parking • limited access on bushfire prone land 	<p>The existing parking and traffic pressures experienced in Stanwell Park are acknowledged, particularly in the vicinity of the park, lagoon and beach areas. It is noted that these pressures are generally seasonal and are also more significant over weekends, and holiday periods.</p> <p>Regardless, the local road network is considered to be capable of servicing the very minor increase in vehicular movements that would be proposed by the one additional dwelling in the area.</p> <p>Parking impacts by the proposal are considered to be close to negligible. WDCP 2009 requires two parking spaces per dwelling, and the proposal is compliant through the provision of a double garage for each dwelling. Whilst WDCP 2009 has no requirement for visitor parking in association with dual occupancy development, it is noted that the new dwelling has sufficient setback and driveway area to provide stacked visitor parking if required.</p> <p>The new driveway has been limited to a 3 metre width to ensure that there has been a loss of only one on street parking space in association with the development, assuming that parking currently occurs on the reduced width verge at the front of the proposed development. This is considered to be acceptable and reflects driveway/on street parking outcomes commensurate with a single dwelling.</p> <p>As there is dual occupancy/subdivision occurring on bush fire prone land, the NSW RFS has provided a Bush Fire Safety Authority with respect to the proposal. The NSW RFS did not raise any access issues as being of concern. It is noted that the existing dwelling has a legal right of access via the right of carriageway, and this access is not being intensified.</p>
<p>3. Visual impact</p> <ul style="list-style-type: none"> • area already subject to high density/adds to congestion of area in a low density area • proposal will dominate when view 	<p>The area does not exceed the land density provisions applicable to R2 Low Density Residential zoned land.</p> <p>Due to slope of the street and the similar size of existing dwellings constructed along Seaview Crescent, the</p>

Concern	Comment
<p>from surrounding lower street network</p> <ul style="list-style-type: none"> • change to character of street/out of character with established family home on larger lots • roof line increases in height compared with existing and not working with contours • scale is excessive • impacts on streetscape 	<p>proposal is unlikely to dominate the streetscape when viewed from lower Seaview Crescent/Park Parade, as the view will encompass large dwellings that sit higher in visual catchment at this location.</p> <p>There are a number of subdivided and battle axe allotments in the vicinity of the proposal. Further the development standards and controls applicable to the land allow for dual occupancy developments to be constructed at the same floor space ratios to single dwellings, thus maintaining the continued low density character of the area.</p> <p>The scale of the development is similar to other large dwellings in the vicinity and the proposal is generally compliant with applicable development controls. The proposed variation to the front building setback control does not impact on the overall the scale of the proposal.</p> <p>The proposal is not considered to adversely impact the streetscape. A well landscaped setback will be maintained, which is consistent with other development in the area.</p>
<p>4. Right of carriageway</p> <ul style="list-style-type: none"> • additional dwelling adding to congestion 	<p>The proposal does not change the existing vehicular arrangements with respect to the access to the site via the right of carriageway. The rear dwelling will continue to utilise its right of carriageway over the existing driveway, and the proposed new dwelling will gain access directly from Seaview Crescent.</p>
<p>5. Lack of notification</p>	<p>A submission was received expressing concerns about not being notified of the proposed development. The submitter was subsequently advised that notification was carried out in accordance with the Community Participation Plan 2019. The submitter was notified of the amended plans in the second course of notification.</p>
<p>6. Proposal will result in three dwellings, as existing garage at front has AirBNB over</p>	<p>The existing garage referred to is on the adjoining allotment to the north. The proposed development is for a dual occupancy only.</p>
<p>7. Building setbacks</p> <ul style="list-style-type: none"> • front setback non compliance- adds to feeling of increased density • too close to rear boundary 	<p>The proposed new dwelling encroaches into the front building setback of 6 metres by 1.213 metres, for an area of 1.46m² at the first floor level. A variation justification statement was provided and is further discussed below in Section 2.4.1. The proposed encroachment is supported in this instance.</p> <p>WDCP 2009 identifies that only single storey development is permissible within 8 metres of the rear boundary. It is noted that the number of storeys in proximity to the rear boundary is an existing non</p>

Concern	Comment
	<p>compliance and the external configuration of this part of the existing dwelling remains generally unchanged under the proposal.</p>
<p>8. Privacy impacts</p>	<p>The first floor decks have been provided with 1.8m high privacy screening along their western elevation, which will reduce overlooking toward Nos 20A and 20B Seaview Crescent. In addition, 1.2m high directional louvred balustrading is to be provided to the south facing first floor terraces which will reduce privacy impacts to the lower No 20 Seaview Crescent.</p> <p>The proposed northern clerestory windows on Dwelling 1 have the potential for privacy impacts both to and from the adjoining property. It is anticipated that window furnishings will be provided to the windows similar to the partial block out blinds provided to the clerestory windows on the existing windows.</p> <p>Existing vegetation is to be generally maintained along the northern boundary of the subject site, will assist in maintaining existing levels of privacy. The adjoining property has an elevated private open space area and as such, there is limited ability to ensure total privacy between properties.</p>
<p>9. View impacts</p>	<p>A View Impact Assessment was provided in support of the amended proposal, in association to a decrease in roof height for Dwelling 1. This is further discussed at Attachments 4 and 5. It is considered that the View Impact Assessment provides a reasonable assessment of the impacts on views by the proposed development and that the view loss, ranging from minor to moderate, is acceptable in the circumstances.</p>
<p>10. Solar access impacts</p>	<p>Shadow diagrams have been provided with the application submission. The diagrams indicate that there is minor overshadowing of adjoining properties No 21 Hillside Crescent, No 20B Seaview Crescent and No 20 Seaview Crescent. However due to the orientation of the lots, the impacts are not considered to be significant and the proposal does not adversely impact on solar access to adjoining properties to the extent that they will not receive 3 hours of solar access midwinter.</p>
<p>11. Creation of undesirable precedent</p>	<p>Development applications are subject to merit assessments, which consider the development controls and the circumstances of the proposal. The development proposes two minor variations to development controls that, in the circumstances, are not considered to erode the applicable development standards and controls nor adversely impact on the surrounding area.</p>

Concern	Comment
12. Landscaping <ul style="list-style-type: none"> • Compliance with landscape controls • loss of landscaped setback and no sufficient replacement 	<p>A number of matters were initially raised with the applicant with respect to landscaped areas.</p> <p>The revised plans subsequently provided have been assessed and the proposal meets all landscaping requirements contained within WDCP 2009.</p>
13. Impacts of excavation adjoining boundary	A geotechnical report was provided in support of the application and further reviewed by Council's geotechnical engineer. Conditions have been recommended that are consistent with good construction practice, requiring support of excavations and the provision of a dilapidation report for No 16.
14. Status of existing shed	The proposed shed in the rear corner of the site is to be removed.
15. Landscaping	<p>The landscaped area proposed for the dual occupancy meets the requirements of WDCP 2009. Further torrens title subdivision of the land will result in an uneven distribution of landscaping across the site area, and this is not uncommon with dual occupancy development.</p> <p>There are no new plantings of Kentia Palms or slender bamboo proposed under the revised landscape plan.</p>

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Geotechnical Engineer

Council's Geotechnical Officer has reviewed the application and has provided a satisfactory referral. Conditions of consent were recommended and are included in the consent. Council's Geotechnical Officer notes that competent Scarborough Sandstone exists at a relatively shallow depth at the site, from which the risk of slope instability is assessed as low.

Development Engineering Officer

The application has been assessed in regard to traffic, stormwater and subdivision matters and found to be satisfactory. Conditions of consent were recommended and are included in the consent.

1.6.2 EXTERNAL CONSULTATION

Rural Fire Service

The proposal was referred to the NSW Rural Fire Service under Section 100B of the Rural Fires Act 1997. A Bush Fire Safety Authority subject to General Terms of Approval was issued on 10 January 2022.

Sydney Water

The application was referred to Sydney Water under Section 78 of the Sydney Water Act 1994, as Stanwell Park is located within a Priority Sewerage Program (PSP) area, and the pressure sewerage system has a limited number of connections due to the system's design capacity.

Sydney Water provided a conditionally satisfactory referral response on 25 July 2022.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

The proposed development does not trigger the clearing thresholds for the land, and the site is not identified as being of high biodiversity value on the Biodiversity Values Map. As such, a Biodiversity Development Assessment Report is not required and the proposal does not trigger the requirement for a biodiversity offset scheme.

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

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

Chapter 2 Coastal Management

The site is located on land to which this Chapter applies and is identified as being within the Coastal Use and Coastal Environment areas under the Coastal Management maps.

Part 2.2 Development controls for coastal management areas

Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

- (1) *Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (a) *the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
 - (b) *coastal environmental values and natural coastal processes,*
 - (c) *the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
 - (d) *marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*
 - (e) *existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - (f) *Aboriginal cultural heritage, practices and places,*
 - (g) *the use of the surf zone.*

The proposed development is not expected to impact on any of the matters listed above.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) *Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:*
- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*

- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
- (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores,*
- (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands,*
- (iv) *Aboriginal cultural heritage, practices and places,*
- (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
 - (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised—the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

The proposed development is not considered to adversely impact on the matters listed above.

Division 5 General

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

The proposed development is not likely to cause increased risk of coastal hazards on the subject land or any other land.

2.13 Development in coastal zone generally- coastal management programs to be considered

A review of Council's Coastal Zone Management Plan coastal hazard mapping extents identifies that the subject site, and specifically the building envelope, is not impacted by coastal inundation, coastal geotechnical risk or reduced foundation capacity at any of the 2010/ 2015/2100 timelines.

Minimal adverse impact on the coastal environment is anticipated as a result of the proposed development, and similarly, minimal adverse impacts on the development are expected as a result of coastal processes

The proposal is therefore considered satisfactory with regard to the aims outlined in clause 2.1 of this Chapter and the matters outlined for consideration.

Chapter 4 Remediation of Land

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. The site is therefore considered suitable for the proposed development with regard to clause 4.6 of this policy.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 4 Koala habitat protection 2021

The SEPP applies to the Wollongong Local Government Area, identified as being in the South Coast koala management area.

4.10 Development assessment process—other land

Consent can be issued for development on the subject land if Council is satisfied that the land is *not* core koala habitat.

core koala habitat means—

- (a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or
- (b) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.

The land has not been assessed by a suitably qualified and experience person as being highly suitable koala habitat, and Council has no record of the presence of koalas on the site currently or within the previous 18 years. The proposal does not include the removal of significant native vegetation or identified feed trees listed in Schedule 3. As such, the land is not considered to be core koala habitat and consent is able to be granted for the proposed development in this regard.

2.1.3 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.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

Demolition: In relation to a building means wholly or partly destroy, dismantle or deface the building.

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.

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

Subdivision of land for the purposes of the Environmental Planning & Assessment Act 1979, means the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be affected: (a) by conveyance, transfer or partition, or (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation use or disposition.

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 the dual occupancy provides for housing diversity in the Stanwell Park area and also provides for the housing needs of the community.

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

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Centre-based child care facilities; Community facilities; **Dual occupancies**; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; 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; Tank-based aquaculture; Veterinary hospitals*

The proposal is categorised as a **dual occupancy** as defined above and is permissible in the zone with development consent.

Clause 2.6 Subdivision—consent requirements

The land may be subdivided with consent. The application proposes torrens title subdivision of the dual occupancy.

Clause 2.7 Demolition requires development consent

Demolition requires consent. The application seeks consent for demolition for part of the existing dwelling.

Part 4 Principal development standards

Clause 4.1 Minimum subdivision lot size

The minimum allotment size for the subdivision of the subject site under Clause 4.1 is 449m². However, Clause 4.1(4C) stipulates that this clause does not apply in relation to the subdivision of land in a residential zone on which there is an “existing” dual occupancy. In *Currey v Sutherland SC & Anor* [2003] NSWCA 300, the Court of Appeal heard a challenge brought to a consent that permitted dual occupancy and, in that case, strata subdivision, where such subdivision was not permitted unless the dual occupancy was first “created”. The Court rejected an argument that the one consent could not deal with both elements in turn.

In relation to the requirement that a dual occupancy development first be “existing”, Council’s approach via conditions is to require the dual occupancy to first receive an Occupation Certificate before a Subdivision Certificate can be issued. The completion of the dual occupancy results in an “existing” dual occupancy on the site. This is Council’s consistent approach, and the consent has been conditioned to ensure this sequencing of development.

Clause 4.3 Height of buildings

The proposed building height of 7.5 m 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: Existing site	638 m ²
Proposed Lot 1	346.86m ²
Proposed Lot 2	291.24m ²

GFA:	
Unit 1	169.04 m ²
Unit 2	143.97 m ²
FSR:	313.02/638= 0.49:1
Existing Lot:	169.04/346.86= 0.49:1
Proposed Lot 1:	143.97/291.24 = 0.49:1
Proposed Lot 2:	

The proposal does not exceed the maximum floor space ratio at each phase of development.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewerage services. A condition has been recommended requiring approval from the relevant authorities for the connection of electricity, water and sewerage to service proposed dual occupancy and subdivided lots.

Clause 7.5 Acid Sulfate Soils

The site is identified as being affected by Class 5 acid sulphate soils. An acid sulphate soils management plan is not required as the proposal is not likely to lower the water table on nearby Class 3 land. A condition in relation to Acid Sulfate Soils is recommended for inclusion on the consent.

Clause 7.6 Earthworks

The proposal requires earthworks. The earthworks are not expected to result in unreasonable impacts on environmental functions and processes, neighbouring properties or the features of surrounding land.

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

None applicable.

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

The development has been assessed against the relevant chapters of WDCP 2009 and found to be satisfactory. Minor variations to Chapters B1 and B2 are addressed below. The full table of compliance can be found at Attachment 3 to this report.

Chapter B1 4.2 Front setbacks	
<p>Clause 4.2 requires infill development to provide a minimum front setback of 6m, or less than 6 metres where the prevailing street character permits and the future desired character the area is not prejudiced.</p> <p>A variation request statement has been submitted in accordance with the requirements of part 8 of Chapter A1. The following outlines Council's consideration of the requested variation against the requirements of the DCP:</p>	
Control	Comment
1. The variation statement must address the following points:	

a) The control being varied; and	The variation request statement identifies the control sought to be varied, being 4.2 of Chapter B1 of the WDCP.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The proposed new dwelling encroaches into the front building setback of 6 metres by 1.213 metres, for an area of 1.46m² at the first floor level</p> <p>The applicant details that the proposed Dwelling 1 is skewed in relation to the front boundary and provides an articulated façade, with the majority of the building setback 6.68m to the front boundary. Further, that a built form parallel with the front boundary would have resulted in worse view sharing outcomes, as the orientation of the dwelling in this manner reduces the easterly extent of the building.</p> <p>The applicant notes that a garage with room over that adjoins the subject site has a zero setback. This, as well as the reduced “side” boundary setback at No 20 Seaview, results in a prevailing street character that does not strictly reflect a consistent 6m front boundary setback.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <p>(a) To reinforce the existing character of the street and locality by acknowledging building setbacks.</p> <p>(b) To ensure that buildings are appropriately sited, having regard to site constraints.</p> <p>(c) To ensure building setbacks are representative of the character of the area.</p> <p>(d) To provide for compatibility in front setbacks to provide unity in the building line.</p> <p>(e) To ensure that setbacks do not have a detrimental effect on streetscape or view corridors.</p> <p>(f) To ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).</p> <p>The variation request states that the variation is a minor encroachment, and is consistent with the prevailing street character, and is therefore permitted under 4.2(b).</p>
d) Demonstrate that the development will not have additional adverse impacts as a	No significant impacts are expected as a result of the variation sought. The façade is well articulated and provides an improved development outcome as compared with the

result of the variation.	application of the 6m control across the building frontage.
<p>Comment:</p> <p>The requested variation has been considered and is supported in this case. It is considered the proposed encroachment into the 6m front setback is minor and will not be visually obtrusive when viewed from Seaview Crescent.</p> <p>Whilst the prevailing street character is generally dwellings set back 6 metres from the front boundary, the alignment of Seaview Crescent results in the dwellings having a staggered appearance. Further, the adjoining structures that are located within the 6 metre building setback also provide a level of interruption to that prevailing street character.</p> <p>In and of itself, that part of the proposed dwelling that encroaches into the setback is not expected to be distinctive. When viewed from the street, the presence of adjoining structures within the front setback further assist to reduce the impact of the encroachment.</p> <p>As such, it is considered that the proposed variation can be supported.</p>	

Chapter B2 6.3 Lot width and depth	
Clause 6.3 requires a minimum lot depth for residential allotments of 25 metres.	
Control	Comment
2. The variation statement must address the following points:	
a) The control being varied; and	The variation request statement identifies the control sought to be varied, being 6.3(4) of Chapter B2 of the WDCP.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The lots have the following proposed lot depths:</p> <p>Proposed Lot 1: 14.3m/21.5m</p> <p>Proposed Lot 2: 17.1m/12.344m</p> <p>The existing lot shape is irregular and this is reflected in the above variable depths. The site is also wider than is standard, with a width of approximately 20.8 metres.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <p>(e) To ensure residential lots are designed to provide sufficient lot width and depth, to cater for a suitable range of dwelling styles having regard to any site constraints or environmental qualities of that land.</p> <p>f) To ensure residential lots in low density residential areas provide sufficient site area to cater for detached dwelling-houses with sufficient rear private open space which gains appropriate sunlight access during mid-winter.</p>

	<p>The lots are sufficient to provide for acceptable built form outcomes with sufficient landscaped area, vehicular access and parking and private open space areas.</p> <p>The proposal satisfies the objectives of Council's boundary setback controls.</p>
d) Demonstrate that the development will not have additional adverse impacts as a result of the variation.	No significant impacts are expected as a result of the proposal and variation sought, as the impacts have been given due consideration in the assessment of the dual occupancy built form.
<p>Comment:</p> <p>The requested variation has been considered and is supported in this case.</p>	

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN

Wollongong City-Wide Development Plan - City Wide

The Wollongong City-Wide Development Contributions Plan applies to the subject property. This Plan levies a contribution based on the estimated cost of development. The proposed cost of development is \$550 000 and therefore a levy of \$5500 applies.

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)

6 Determination of BASIX development

BASIX applies to both dwellings in the development.

61 Additional matters that consent authority must consider

Conditions of consent are recommended with regard to demolition.

62 Consideration of fire safety

The proposal is not for a change of use.

63 Considerations for erection of temporary structures

Not applicable.

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

Context and Setting:

The proposal has been assessed with regard to the amenity impacts from the development, the zoning, height and FSR for the land, and existing and future character of the area, and is considered to be compatible with the context and setting, and the existing and future desired character of the local area. Matters such as such as overshadowing, density, privacy concerns, bulk, scale and setbacks are relevant.

Concerns were raised in relation to development density and building scale, however the proposal is a low density development within a low density residential setting. Further, the development is of a similar scale to surrounding development and is not expected to have a dominant visual impact in the area.

The variation request for an encroachment into the front building setback has been assessed and is considered to be supportable in this instance as the departure will not create significant impacts. The development will not result in unreasonable overshadowing of adjoining properties, nor adversely impact upon the development potential of any nearby site. Privacy impacts have also been minimised through design.

Overall, the development is suitable in the context and setting of the area.

Access, Transport and Traffic:

Concerns relating to existing traffic and parking pressures were raised in submissions. These concerns are acknowledged, however the additional dwelling being proposed will have minimal impact on these pressures which primarily arise from visitors to the area attempting to obtain access to the recreational areas.

The proposal satisfies development controls relating to the required number of parking spaces, as well as the manoeuvring and driveway controls. The proposed new driveway has been limited to a width of three metres to ensure at least one on street parking space is retained at the property frontage.

Council's Development Engineer has considered the proposal in relation to the abovementioned matters and has not raised any concerns, providing a conditionally satisfactory referral response.

Public Domain:

The development is considered to be acceptable in relation to bulk and scale and the public domain.

Utilities:

The proposal is not envisaged to place an unreasonable demand on utilities supply.

Heritage:

No heritage items will be impacted by the proposal.

Other land resources:

The proposal is not envisaged to impact upon 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:

Impacts on soils are not expected.

Air and Microclimate:

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

Flora and Fauna:

Three trees are proposed for removal, one of which is a stump, one of which has poor form and the last located within the proposed Dwelling 1 driveway area. Removal of the trees is considered to be acceptable, subject to the provision of compensatory planting as conditioned.

The site is not identified in Council's records as containing threatened fauna species or habitat.

Waste:

A condition is recommended to ensure that an appropriate receptacle be in place for any waste generated during the construction.

Ongoing waste collection post development can occur via on street collection.

Energy:

The proposal is not envisaged to have unreasonable energy consumption.

Noise and vibration:

A mandatory condition has been attached to the consent granted in relation to noise minimisation during any construction, demolition, or works.

Natural hazards:

Council records list the site as bushfire affected. The proposal was referred to the NSW Rural Fire Service who provided General Terms of Approval. The bush fire does not preclude the proposed development.

Technological hazards:

Council records list the site as unstable land affected. A geotechnical report was provided with the application submission and reviewed by Council's Geotechnical Officer. The risk of slope instability is noted as being low. Recommended conditions are included in the consent.

Safety, Security and Crime Prevention:

This application is unlikely to result in greater opportunities for criminal or antisocial behaviour.

Social Impact:

The proposal is not considered likely to result in negative social impacts

Economic Impact:

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

Site Design and Internal Design:

The proposal seeks variations to the front setback and proposed lot depths. The proposed variations are considered to be supportable in this instance.

Landscaping requirements, deep soil zone and vehicular access have been accounted for in the site layout, and as such, the internal design is considered acceptable.

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 and demolition.

Cumulative Impacts:

The proposal is not expected to have 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 the character of the locality, and the proposal is not considered to adversely impact on surrounding amenity. Whilst the proposal impacts on adjoining development with respect to view sharing, the minor to moderate impact in this regard is considered to be reasonable.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

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

See Sections 1.5 and 1.6 above.

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

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

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section 54.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009.

The proposed variations to building setback and lot depth are considered to be of minor impact, with the development satisfying the relevant objectives in this regard. All internal and external referrals responses are conditionally satisfactory.

Submissions have been considered and the some of the issues raised adequately addressed through design or conditioning. The proposal is considered to be consistent with the existing and desired future character of the locality and is unlikely to result in significant adverse impacts on the amenity of the surrounding area.

4 RECOMMENDATION

Development Application DA-2021/1355 be approved, subject to the conditions contained in Attachment 6.

5 ATTACHMENTS

- 1 Aerial photograph and WLEP zoning map
- 2 Architectural Plans
- 3 WDCP Compliance Table
- 4 View Impact Analysis by RG Town Planning
- 5 View Impact Assessment by Council
- 6 Draft Conditions

ATTACHMENT 1: Aerial photograph, WLEP zoning map



Figure: Aerial photograph

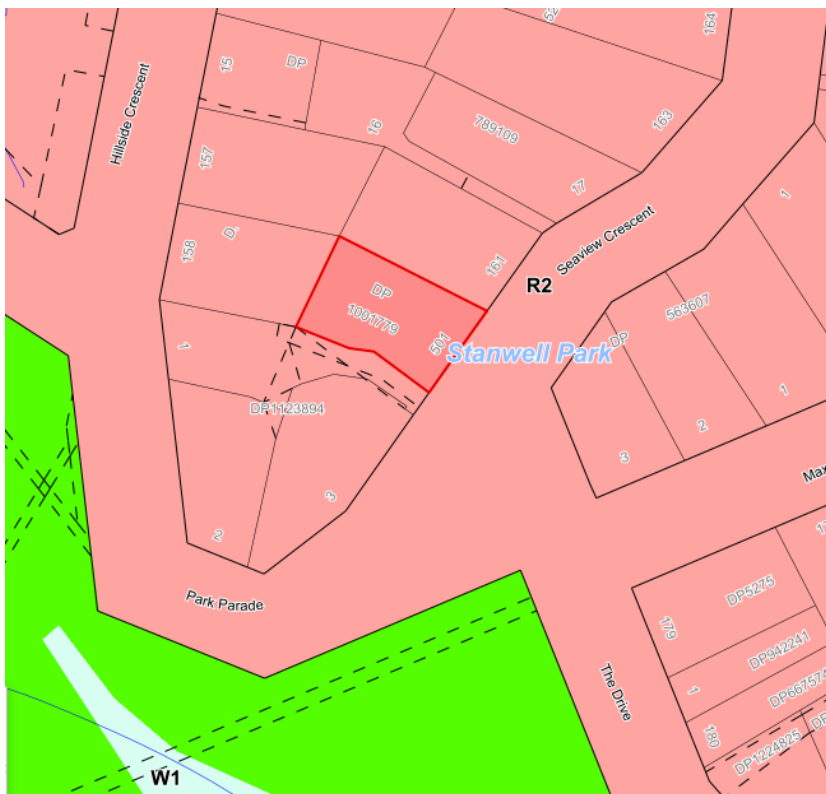


Figure: WLEP 2009 zoning map

REV	DATE	DRN	DESCRIPTION	APP
1	21/08/2021	MJD	PLANS ISSUED FOR D.A APPROVAL	

19 HILLSIDE CRES. STANWELL PARK
SINGLE + DOUBLE STORY
BRICK AND TILE ROOF RESIDENCE

18 SEAVIEW CRES. STANWELL PARK
Lot: 501 Lot: - D.P: 1001779

TOTAL SITE AREA:	(LOT: 501 D.P. 1001779)	638.10	m ²
TOTAL SITE AREA:	(LOT: 1)	346.86	m ²
TOTAL SITE AREA:	(LOT: 2)	291.24	m ²

AREAS - EXIST. DWELLING

EXISTING RESIDENCE:	151.58	m ²
EXISTING GARAGE:	44.01	m ²
EXISTING POOL:	-	m ²
EXISTING DECK AREAS:	48.21	m ²
EXISTING HARDSTAND:	55.74	m ²
EXISTING TOTAL FLOOR AREA:	151.58	m ²
EXISTING TOTAL BUILT AREA:	291.77	m ²
EXISTING TOTAL DEEP SOIL AREA:	346.33	m ²

AREAS - UNIT 1

GROUND FLOOR:	48.94	m ²
FIRST FLOOR:	116.39	m ²
PROPOSED GARAGE:	36.54	m ²
TOTAL (INCL. GARAGE):	201.87	m ²
DECK AREA / ALFRESCO (GROUND)	17.09	m ²
DECK AREA / ALFRESCO (FIRST)	17.09	m ²
UNCONDITIONED AREA:	22.88	m ²
CONDITIONED AREA	146.55	m ²
TOTAL BUILT AREA (INCL. GARAGE):	135.10	m ²

AREAS - UNIT 2

GROUND FLOOR:	36.52	m ²
FIRST FLOOR:	96.62	m ²
GARAGE:	44.73	m ²
TOTAL (INCL. GARAGE):	177.87	m ²
DECK AREA / ALFRESCO (GROUND)	13.97	m ²
DECK AREA / ALFRESCO (FIRST)	27.71	m ²
UNCONDITIONED AREA:	17.87	m ²
CONDITIONED AREA	124.06	m ²
TOTAL BUILT AREA (INCL. GARAGE):	147.16	m ²

EXISTING F.S.R	(EXIST. FLOOR AREA / SITE AREA)	23.8%
PROPOSED F.S.R	(PROPSD. FLOOR AREA / SITE AREA)	48.8%

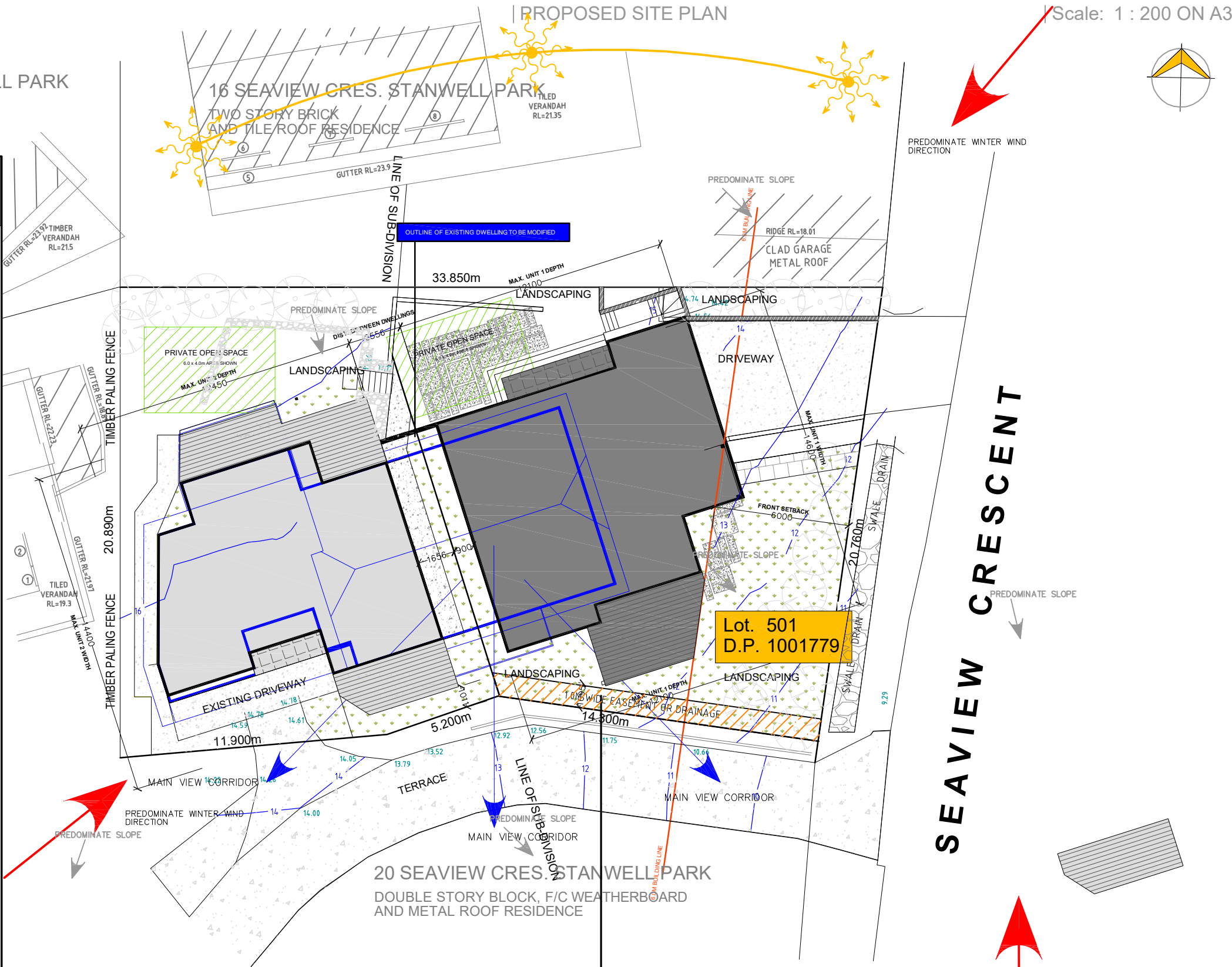
- DENOTES AREA TO CHANGE/ADDITIONAL AREA
- DENOTES AREA TO BE DEMOLISHED

REFER TO UNIT WINDOW SCHEDULE FOR INDIVIDUAL
WINDOWS SIZING AND SPECIFICATION

GENERAL NOTES
1. REFER TO ARCHITECTURAL PLANS DEVELOPED BY - M.J.D. DESIGN + DRAFTING
2. INFORMATION PROVIDED ON PLANS BASED ON PLANS AND INFORMATION PROVIDED BY OWNER
3. REFER TO STRUCTURAL ENGINEERS DETAILS AND SPECIFICATIONS FOR ALL STRUCTURAL WORKS
4. REFER TO ACCOMPANYING BASIX CERTIFICATE
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IMPORTANT
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NOTE: ALL DIMENSIONS ARE INDICATIVE ONLY AND NEED TO BE CONFIRMED PRIOR TO CONSTRUCTION



PROPOSED PARTIAL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF DWELLING:
AT: 18 SEAVIEW CRESCENT STANWELL PARK. (Lot: 501 D.P: 1001779)
PROPOSAL WILL SEE THE PARTIAL DEMOLITION OF THE EXIST. CLAD AND TILED DWELLING TO
FORM A SEPARATE UNIT AND THE CONSTRUCTION OF A SEPARATE DWELLING ON SITE. THE
NEW CONSTRUCTION WILL BE KNOWN AS 18 + 18A SEAVIEW CRESCENT STANWELL PARK.
THE NEW UNIT WILL BE CONSTRUCTED TO COMPLIMENT THE EXISTING DWELLING AND BOTH
UNITS WILL HAVE DOUBLE GARAGES.
LANDSCAPING WILL BE MODIFIED AND IMPROVED AS A RESULT OF THE PROPOSED CONSTRUCTION
A NEW DRIVEWAY ACCESS IS APPLIED FOR FOR UNIT 1 WHILST VEHICLE ACCESS FOR UNIT 2
WILL REMAIN AS EXISTING ALL CONSTRUCTION WILL BE IN ACCORDANCE WITH
ALL CONSTRUCTION WILL BE IN ACCORDANCE WITH THE REQUIRED BAL OF 29

ALL PROPOSED CONSTRUCTION TO BE
BUILT IN ACCORDANCE TO RELEVANT
CODES AND MUST BE CONSTRUCTED
TO MEET A BAL 29 AS PER
AS3959-2009

CAMPBELL

18 Seaview Cres STANWELL PARK

C.D. D.A. C.C.

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21 AUGUST 2021

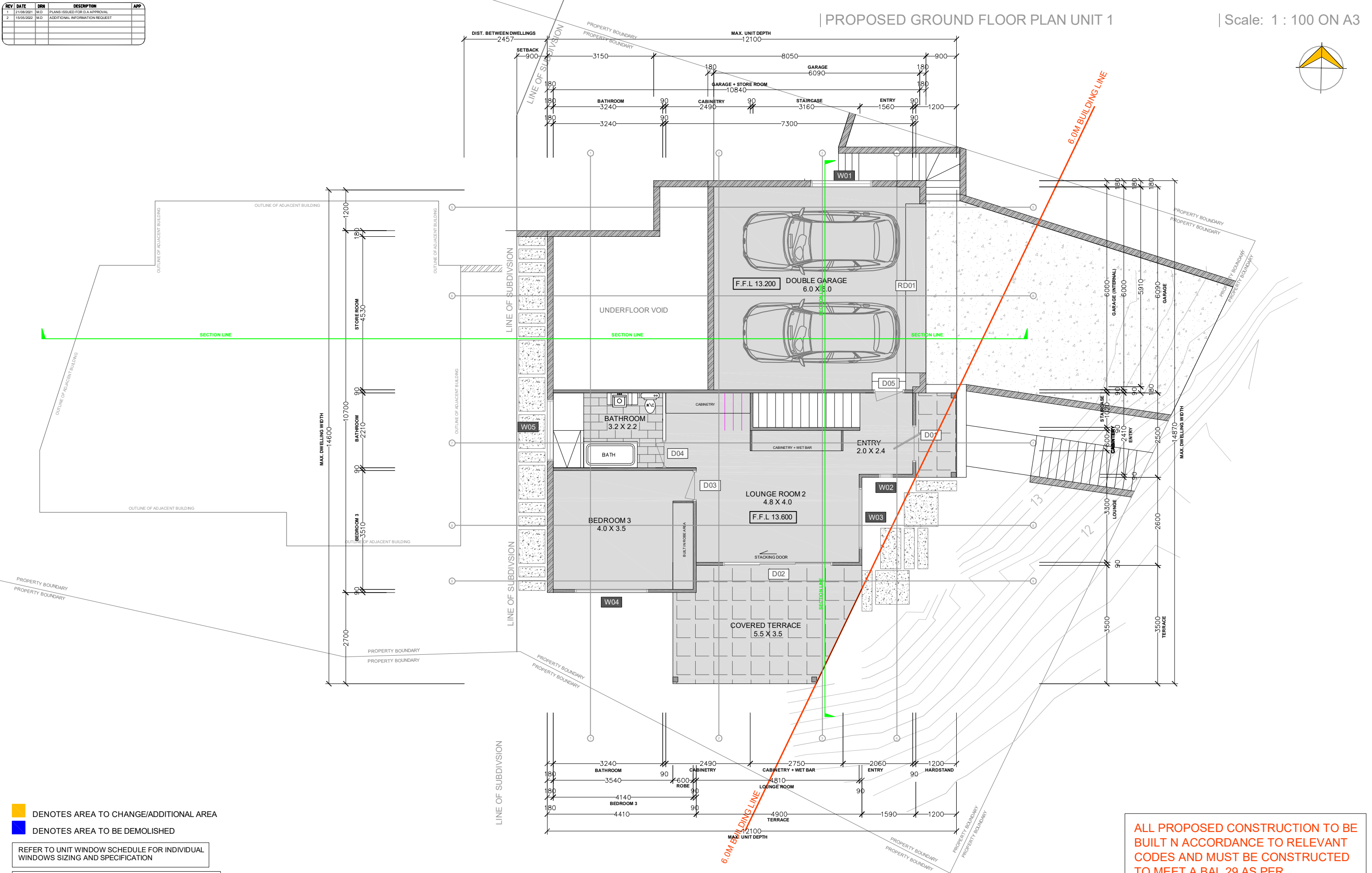
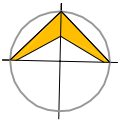
SHEET: 01 OF 23

MJD
DESIGN + DRAFTING

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1	21/08/2021	MJD	PLANS ISSUED FOR D.A APPROVAL	
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PROPOSED GROUND FLOOR PLAN UNIT 1

Scale: 1 : 100 ON A3



■ DENOTES AREA TO CHANGE/ADDITIONAL AREA
■ DENOTES AREA TO BE DEMOLISHED

REFER TO UNIT WINDOW SCHEDULE FOR INDIVIDUAL WINDOWS SIZING AND SPECIFICATION

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NOTE: ALL DIMENSIONS ARE INDICATIVE ONLY AND NEED TO BE CONFIRMED PRIOR TO CONSTRUCTION

CAMPBELL

18 Seaview Cres STANWELL PARK



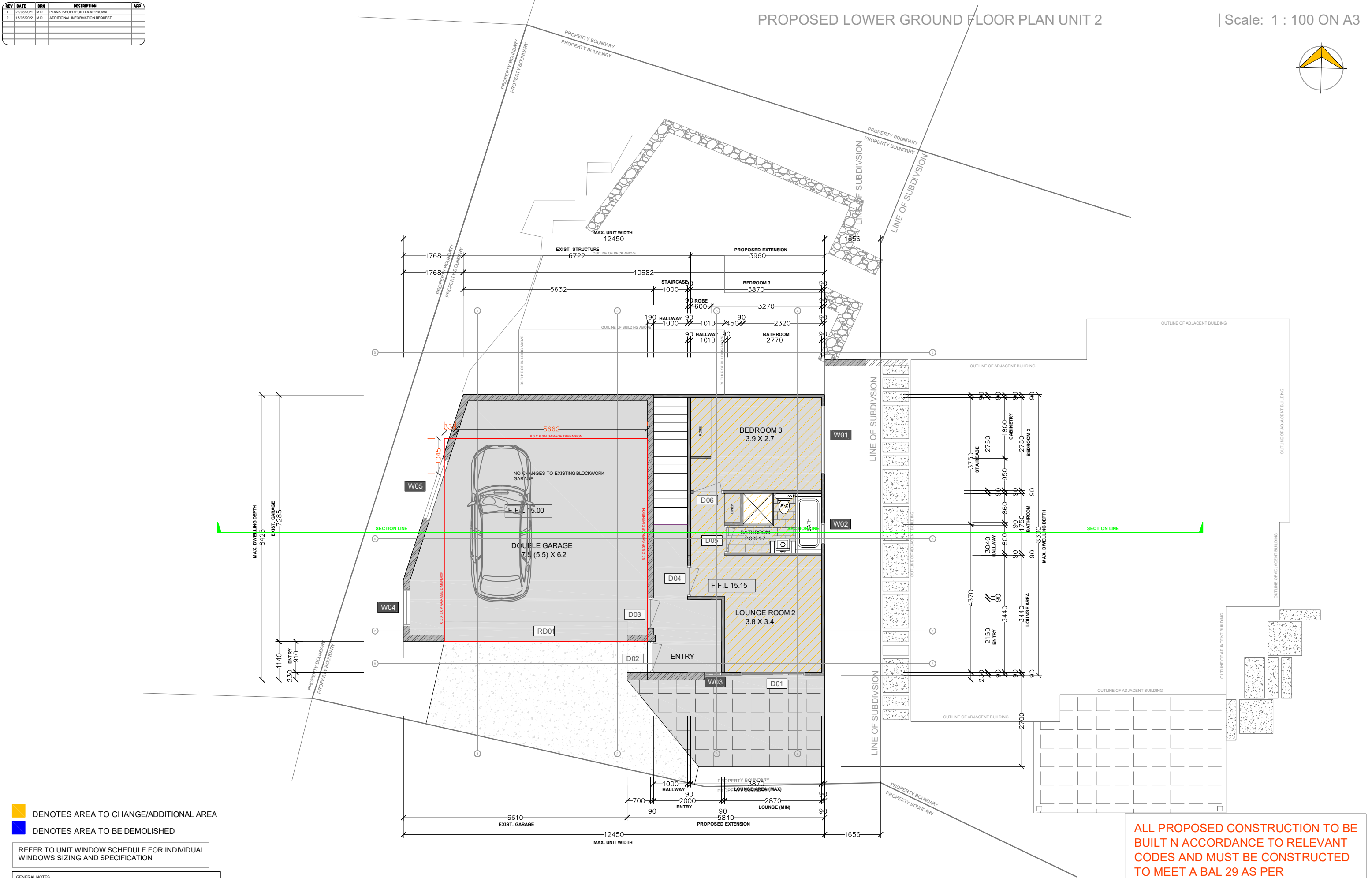
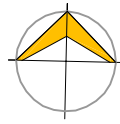
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1	21/08/2021	MJD	PLANS ISSUED FOR D.A APPROVAL	
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PROPOSED LOWER GROUND FLOOR PLAN UNIT 2

Scale: 1 : 100 ON A3



■ DENOTES AREA TO CHANGE/ADDITIONAL AREA
■ DENOTES AREA TO BE DEMOLISHED

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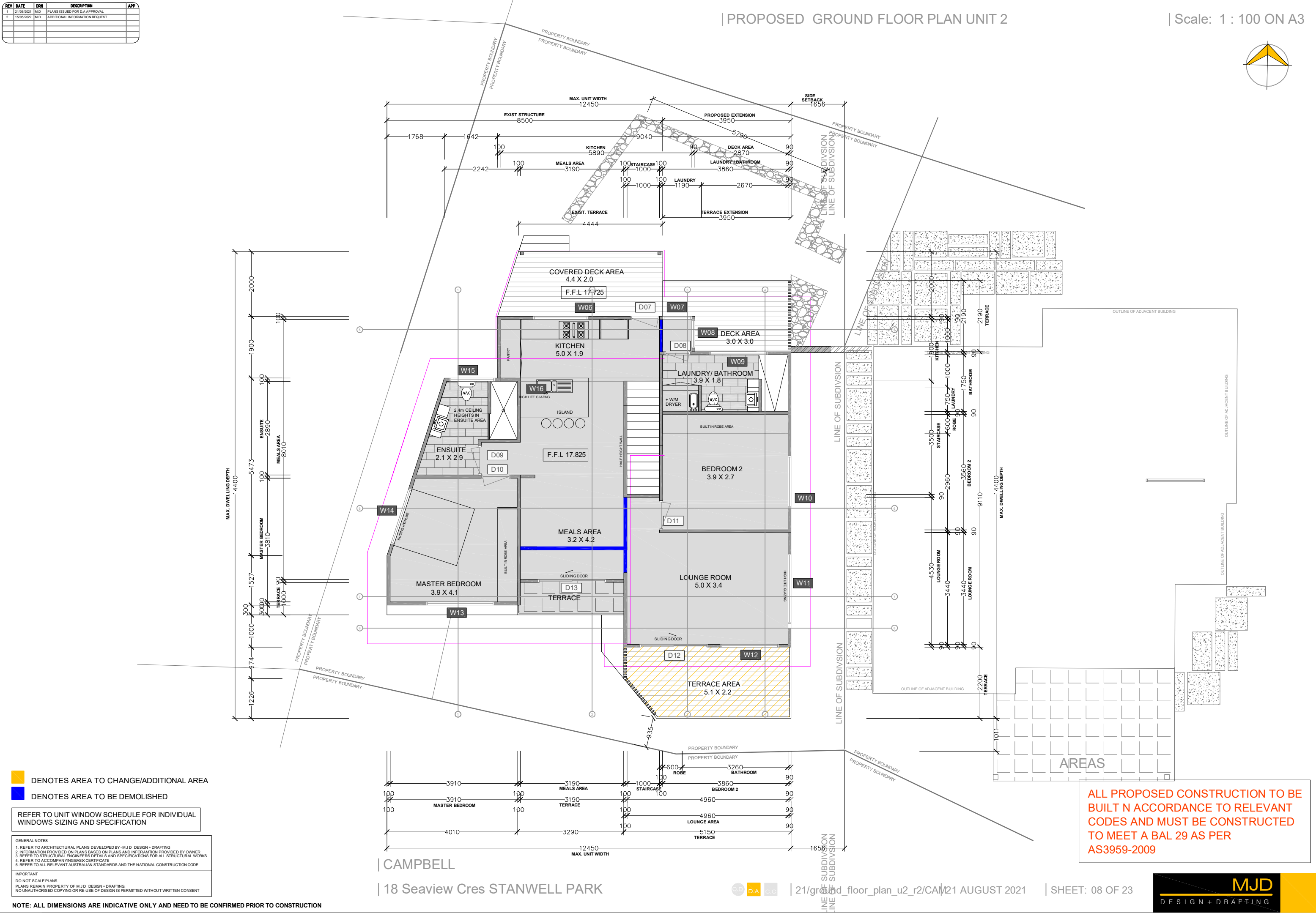
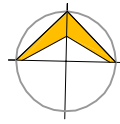
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PROPOSED GROUND FLOOR PLAN UNIT 2

Scale: 1 : 100 ON A3



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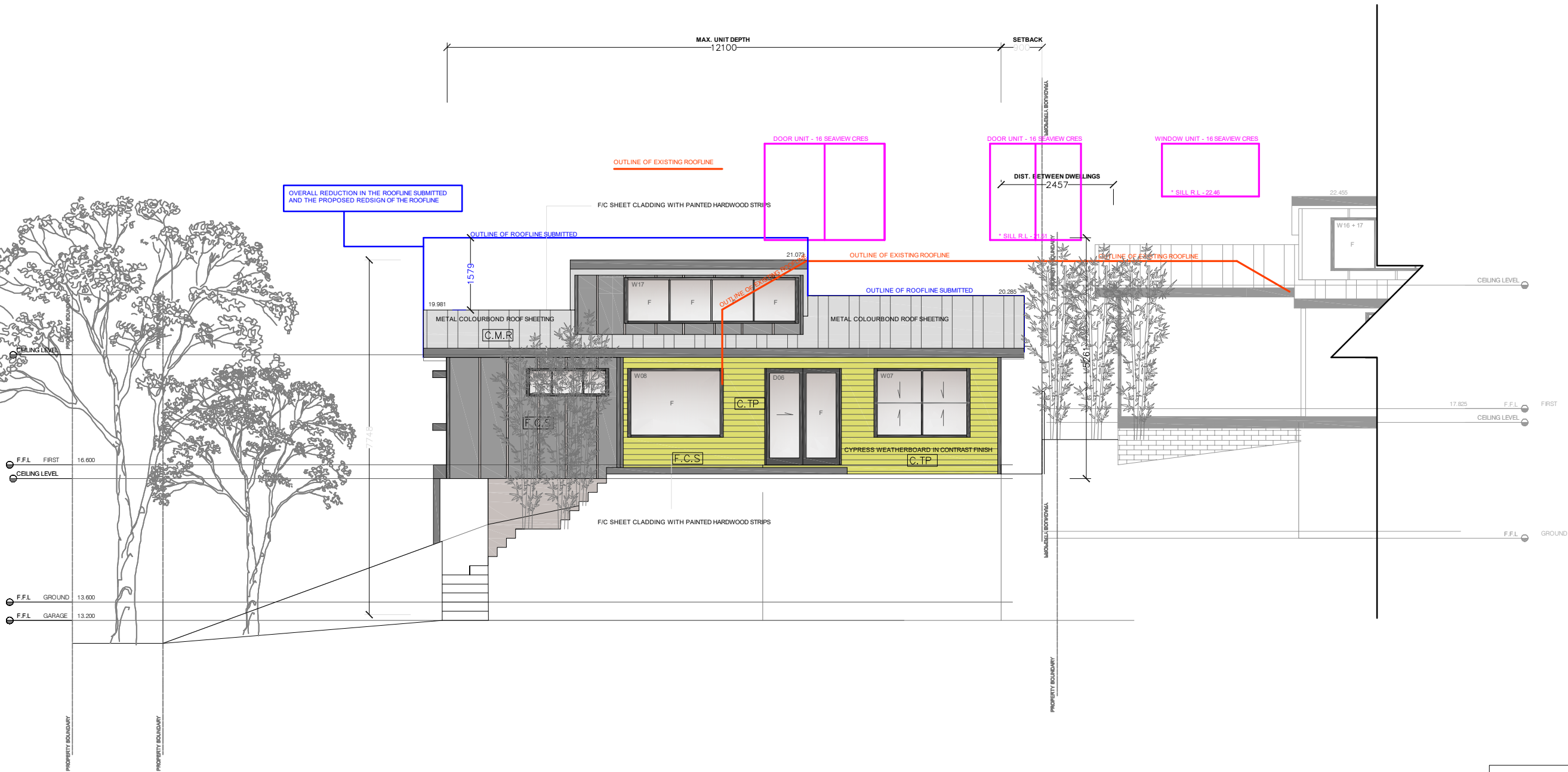
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PROPOSED NORTH ELEVATION UNIT 1

Scale: 1 : 100 ON A3



ALL PROPOSED CONSTRUCTION TO BE BUILT IN ACCORDANCE TO RELEVANT CODES AND MUST BE CONSTRUCTED TO MEET A BAL 29 AS PER AS3959-2009

- DENOTES NEW GLAZING
- DENOTES EXISTING GLAZING

REFER TO UNIT WINDOW SCHEDULE FOR INDIVIDUAL WINDOWS SIZING AND SPECIFICATION

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SCHEDULE OF FINISHES

ELEMENT.	MATERIAL	COLOUR
METAL ROOF	COLOURBOND TRIMCLAD	WOODLAND GREY
FASCIAS AND GUTTERS	COLOURBOND	WOODLAND GREY
WALL DETAIL 1	CYPRESS PINE	TO MATCH EXISTING
WALL DETAIL 2	SELECTED FIBRESHEETING	DULUX RODHAM
WINDOWS	METAL (ALUMINIUM)	WHITE

T.T.R	TERRACOTTA TILE ROOF
F.C.S	FIBRE CEMENT SHEETING
F.C.B	FIBRE CEMENT WEATHERBOARD
F.BR	FACE BRICK/BLOCKWORK
REN	BRICKWORK/BLOCKWORK RENDERED
C.M.R	COLOURBOND METAL ROOFING, FASCIA AND DOWNPIPES
C.TP	CYPRESS TIMBER PANNELLING

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18 Seaview Cres STANWELL PARK



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21 AUGUST 2021

SHEET: 04 OF 23



NOTE: ALL DIMENSIONS ARE INDICATIVE ONLY AND NEED TO BE CONFIRMED PRIOR TO CONSTRUCTION


REV	DATE	DRN	DESCRIPTION	APP
1	21/08/2021	M.D	PLANS ISSUED FOR D.A APPROVAL	
2	15/05/2022	M.D	ADDITIONAL INFORMATION REQUEST	


PROPOSED EAST ELEVATION UNIT 1

| Scale: 1 : 100 ON A3



ALL PROPOSED CONSTRUCTION TO BE
BUILT IN ACCORDANCE TO RELEVANT
CODES AND MUST BE CONSTRUCTED
TO MEET A BAL 29 AS PER
AS3959-2009

 DENOTES NEW GLAZING

 DENOTES EXISTING GLAZING

REFER TO UNIT WINDOW SCHEDULE FOR INDIVIDUAL
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SCHEDULE OF FINISHES

ELEMENT.

METAL ROOF
FASCIAS AND GUTTERS
WALL DETAIL 1
WALL DETAIL 2
WINDOWS

MATERIAL

COLOURBOND TRIMCLAD
COLOURBOND
CYPRESS PINE
SELECTED FIBRESHEETING
METAL (ALUMINIUM)

COLOUR

WOODLAND GREY
WOODLAND GREY
TO MATCH EXISTING
DULUX RODHAM
WHITE

T.T.R	TERRACOTTA TILE ROOF
F.C.S	FIBRE CEMENT SHEETING
F.C.B	FIBRE CEMENT WEATHERBOARD
F.BR	FACE BRICK/BLOCKWORK
REN	BRICKWORK/BLOCKWORK RENDERED
C.M.R	COLOURBOND METAL ROOFING, FASCIA AND DOWNPIPES
C.TP	CYPRESS TIMBER PANELLING

| CAMPBELL

| 18 Seaview Cres STANWELL PARK

C.D. D.A. C.C.

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21 AUGUST 2021



| SHEET: 05 OF 23

MJD
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 DENOTES NEW GLAZING
 DENOTES EXISTING GLAZING

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IMPORTANT
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SCHEDULE OF FINISHES

ELEMENT.	MATERIAL	COLOUR
METAL ROOF	COLOURBOND TRIMCLAD	WOODLAND GREY
FASCIAS AND GUTTERS	COLOURBOND	WOODLAND GREY
WALL DETAIL 1	CYPRESS PINE	TO MATCH EXISTING
WALL DETAIL 2	SELECTED FIBRESHEETING	DULUX RODHAM
WINDOWS	METAL (ALUMINIUM)	WHITE

T.T.R	TERRACOTTA TILE ROOF
F.C.S	FIBRE CEMENT SHEETING
F.C.B	FIBRE CEMENT WEATHERBOARD
F.BR	FACE BRICK/BLOCKWORK
REN	BRICKWORK/BLOCKWORK RENDERED
C.M.R	COLOURBOND METAL ROOFING, FASCIA AND DOWNPIPES
C.TP	CYPRESS TIMBER PANELLING

| CAMPBELL

| 18 Seaview Cres STANWELL PARK

REV	DATE	DRN	DESCRIPTION	APP
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2	19/05/2022	MJD	ADDITIONAL INFORMATION REQUEST	

| PROPOSED NORTH ELEVATION UNIT 2

| Scale: 1 : 100 ON A3



ALL PROPOSED CONSTRUCTION TO BE BUILT N ACCORDANCE TO RELEVANT CODES AND MUST BE CONSTRUCTED TO MEET A BAL 29 AS PER AS3959-2009

- DENOTES NEW GLAZING
- DENOTES EXISTING GLAZING

REFER TO UNIT WINDOW SCHEDULE FOR INDIVIDUAL WINDOWS SIZING AND SPECIFICATION

GENERAL NOTES
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C.T.P	CYPRESS TIMBER PANELLING

| CAMPBELL

| 18 Seaview Cres STANWELL PARK



| 21/north_elev_u2_r2/CAM

| 21 AUGUST 2021

| SHEET: 09 OF 23





NOTE: ALL DIMENSIONS ARE INDICATIVE ONLY AND NEED TO BE CONFIRMED PRIOR TO CONSTRUCTION

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C.T.P	CYPRESS TIMBER PANELLING

| CAMPBELL

| 18 Seaview Cres STANWELL PARK

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| 21 AUGUST 2021

| SHEET: 10 OF 23

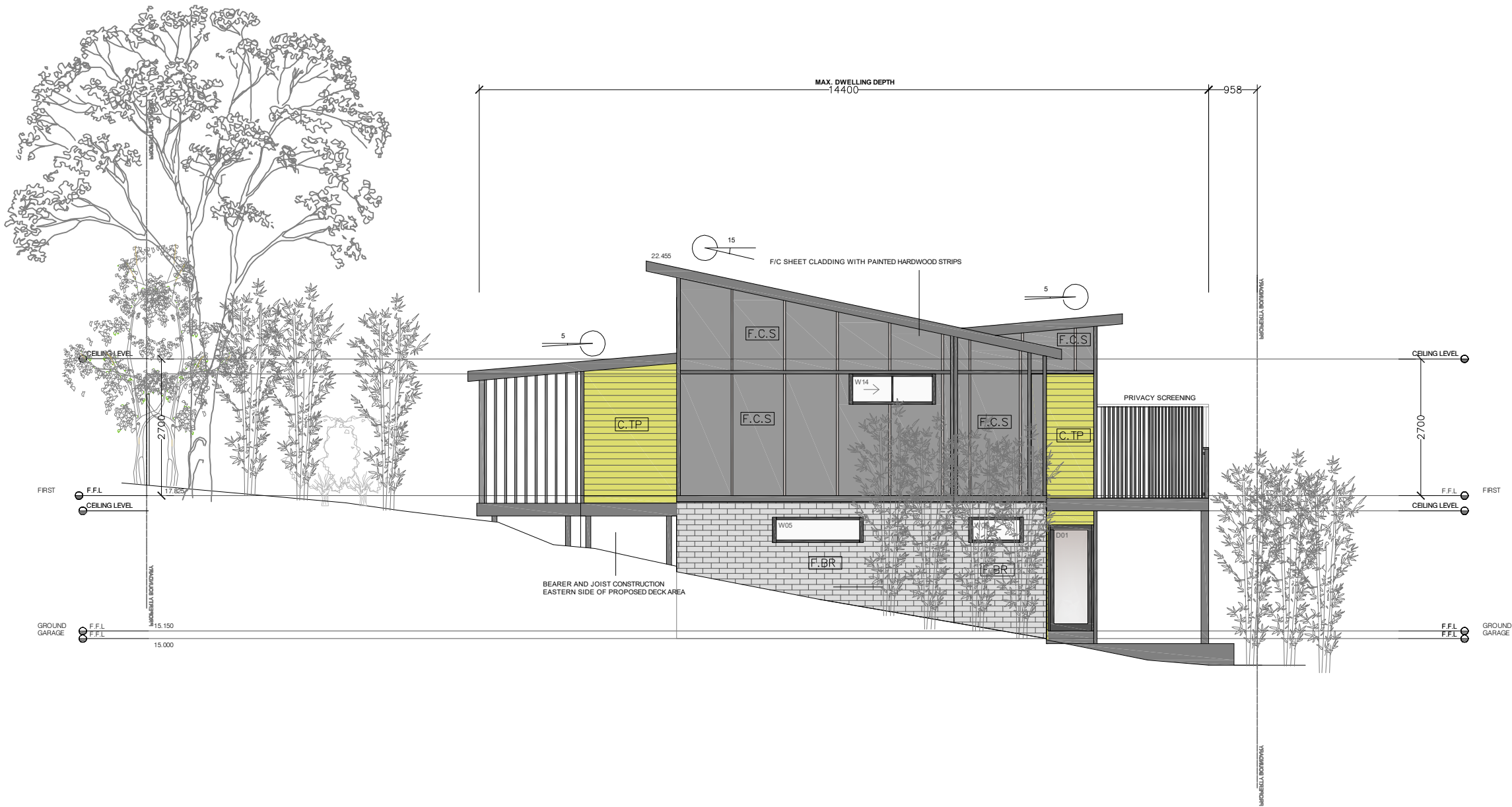
MJD
DESIGN + DRAFTING



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| PROPOSED WEST ELEVATION UNIT 2

| Scale: 1 : 100 ON A3



-  DENOTES NEW GLAZING
-  DENOTES EXISTING GLAZING

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| CAMPBELL

| 18 Seaview Cres STANWELL PARK



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| 21 AUGUST 2021

| SHEET: 11 OF 23

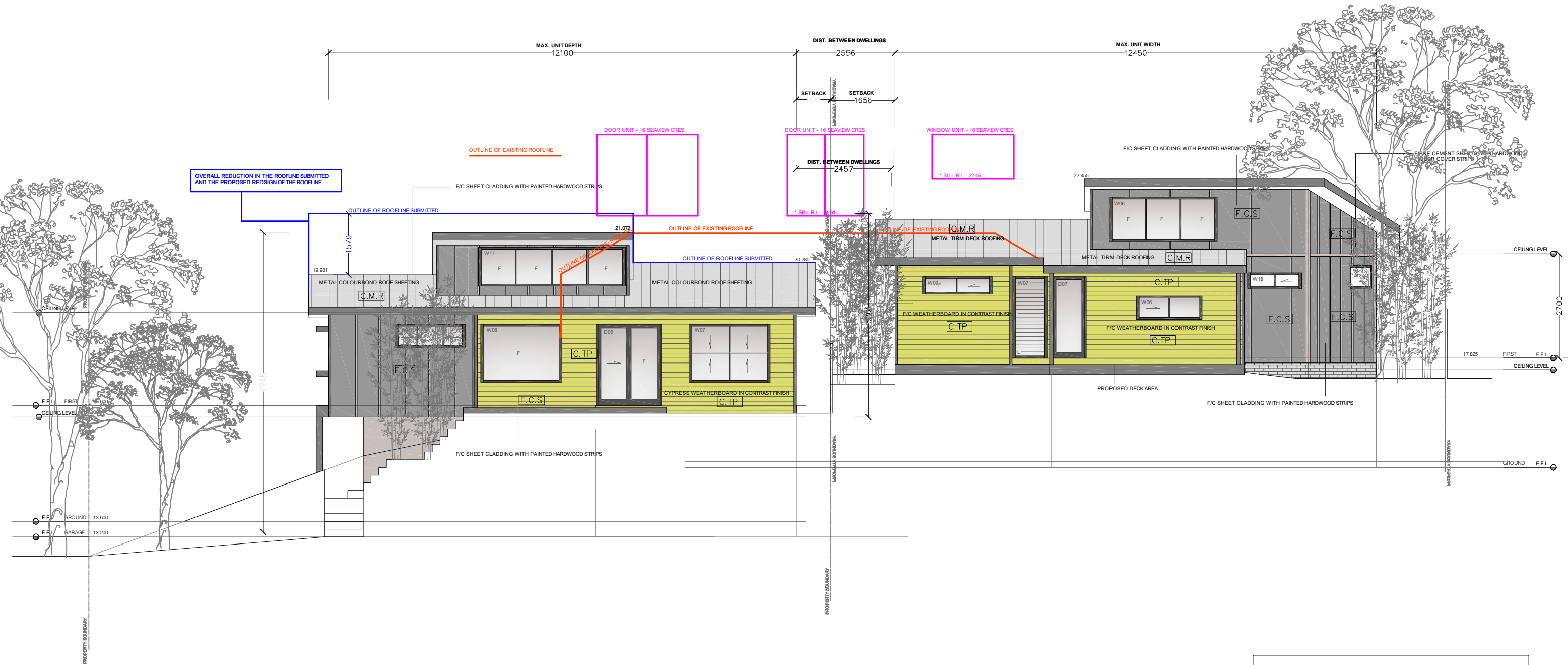


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| OVERALL NORTH ELEVATION

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| CAMPBELL

| 18 Seaview Cres STANWELL PARK

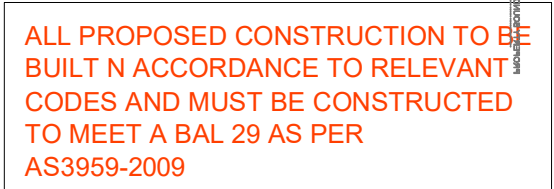
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| 21 AUGUST 2021

| SHEET: 12 OF 23

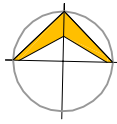
PROPOSED OVERALL SOUTH ELEVATION | Scale: 1 : 100 ON A3



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18 SEAVIEW CRES. STANWELL PARK

Lot: 501 Lot: - D.P: 1001779

TOTAL SITE AREA:	(LOT: 501 D.P. 1001779)	638.10	m ²
TOTAL SITE AREA:	(LOT: 1)	346.86	m ²
TOTAL SITE AREA:	(LOT: 2)	291.24	m ²

AREAS - EXIST. DWELLING

EXISTING RESIDENCE:	151.58	m ²
EXISTING GARAGE:	44.01	m ²
EXISTING POOL:	-	m ²
EXISTING DECK AREAS:	48.21	m ²
EXISTING HARDSTAND:	55.74	m ²
EXISTING TOTAL FLOOR AREA:	151.58	m ²
EXISTING TOTAL BUILT AREA:	291.77	m ²
EXISTING TOTAL DEEP SOIL AREA:	346.33	m ²

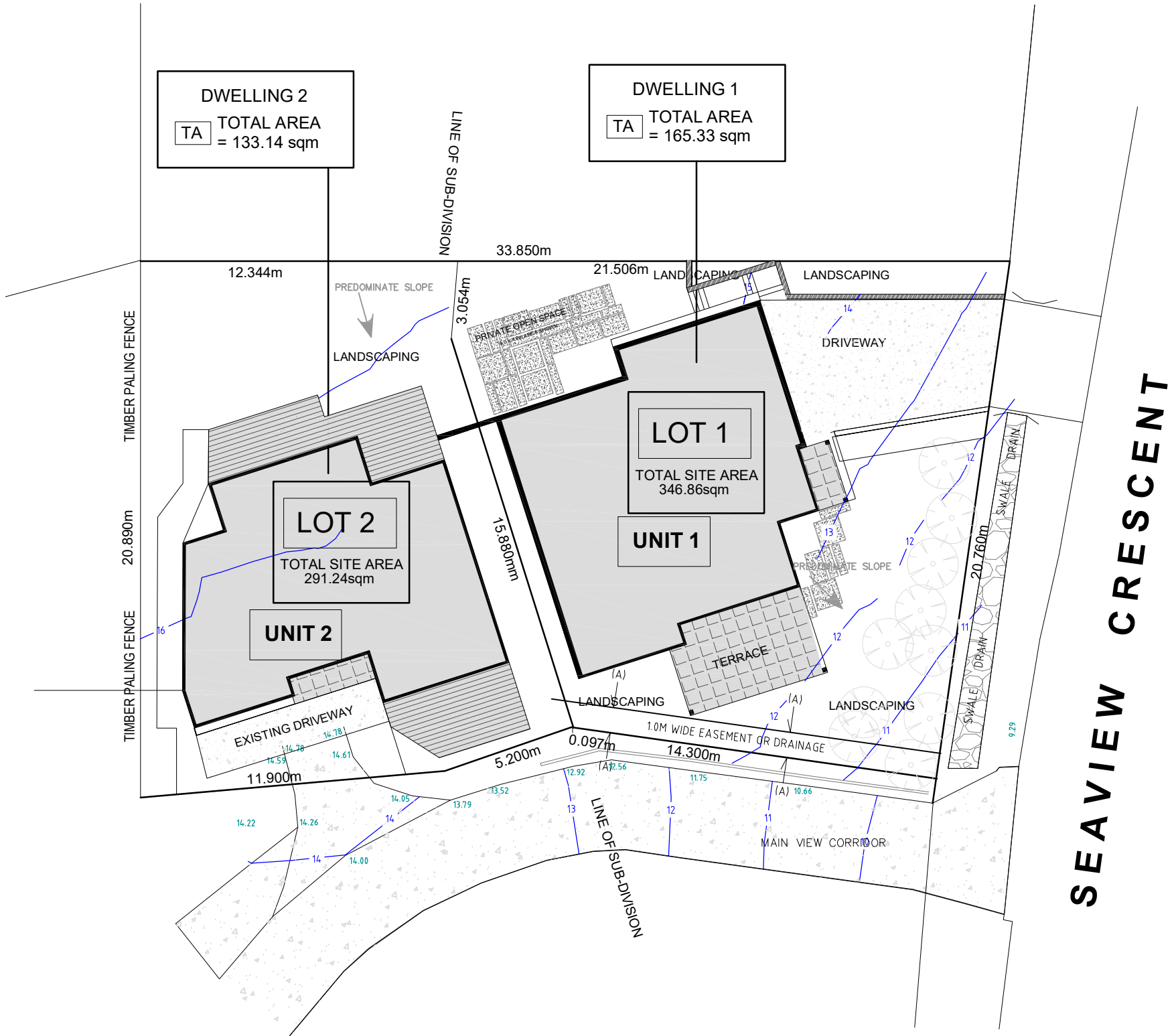
AREAS - UNIT 1

GROUND FLOOR:	48.94	m ²
FIRST FLOOR:	116.39	m ²
PROPOSED GARAGE:	36.54	m ²
TOTAL (INCL. GARAGE):	201.87	m ²
DECK AREA / ALFRESCO (GROUND)	17.09	m ²
DECK AREA / ALFRESCO (FIRST)	17.09	m ²
UNCONDITIONED AREA:	22.88	m ²
CONDITIONED AREA	146.55	m ²
TOTAL BUILT AREA (INCL. GARAGE):	135.10	m ²

AREAS - UNIT 2

GROUND FLOOR:	36.52	m ²
FIRST FLOOR:	96.62	m ²
GARAGE:	44.73	m ²
TOTAL (INCL. GARAGE):	177.87	m ²
DECK AREA / ALFRESCO (GROUND)	13.97	m ²
DECK AREA / ALFRESCO (FIRST)	27.71	m ²
UNCONDITIONED AREA:	17.87	m ²
CONDITIONED AREA	124.06	m ²
TOTAL BUILT AREA (INCL. GARAGE):	147.16	m ²

EXISTING F.S.R	(EXIST. FLOOR AREA / SITE AREA)	23.8%
PROPOSED F.S.R	(PROPSD. FLOOR AREA / SITE AREA)	48.8%



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LEGEND (EXISTING)

	property boundary
	existing trees to be removed subject to Council approval. refer to LP02 for details
	existing trees to be retained & protected. refer to LP02 for details
	tree protection zone (TPZ)
	existing screening Bamboo (b) and Tiger Grass (t) to be retained
	existing screening Kenita Palm (k) to be retained
	extent of existing mass planting areas. supplement planting only. refer to plant schedule
	existing concrete pavement to be retained
	timber decking to be retained
	rock filled Gabion retaining walls to be retained
	timber retaining wall to be retained
	masonry retaining wall to be retained
	turf grass to be retained
	stormwater inlet pit to be retained

LEGEND (PROPOSED)

	proposed tree planting. refer to plant schedule
	proposed Sago Palm planting. refer to plant schedule
	proposed screen/hedge planting. refer to plant schedule
	extent of existing mass planting areas. supplement planting only. refer to plant schedule
	extent of new mass planting areas. refer to plant schedule
	accent planting. refer to plant schedule
	proposed RL top of wall RL bottom of wall RL
	stairs
	extent of steel garden edging
	proposed 1.2m high interallotment fence
	proposed 1.8m boundary fence
	gate to match fence type
	proposed new timber decking
	extent of unit sandstone paving; random cut stone
	proposed masonry retaining wall
	proposed gabion retaining wall
	clothes drying

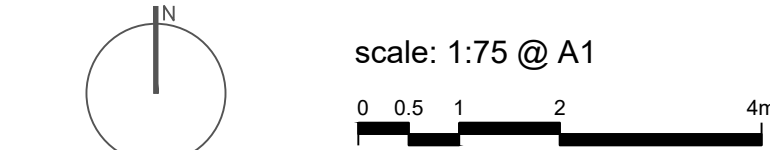
CONSTRUCTION NOTES FOR IPA (BUSHFIRE) COMPLIANCE

- Gravel mulch only to garden beds. No wood mulch.
- Follow design as documented to ensure compliance.
- Maintain landscape as outlined in the guidelines

Issue	Comments	Date
A	preliminary for client / architect review	20.04.22
B	LP04 draft for client / architect review	22.04.22
C	final draft for client / architect review	26.04.22
D	FOR DA APPROVAL	27.04.22
E	FOR DA APPROVAL	30.04.22
F	FOR DA APPROVAL	11.05.22
G	FOR DA APPROVAL	25.07.22

EXISTING LANDSCAPE (RIGHT OF ACCESS EASEMENT):

- Generally all hard and soft landscaping is to be retained and protected.
- Maintain all existing natural ground levels and drainage.
- Maintain existing timber palisade retaining wall.
- Retain the existing Bamboo s privacy screening.
- Retain the existing Tiger Grass.
- Allow for a services corridor to the North with the property boundary of Unit 01.
- Provide only soft landscaping in this zone.



Location of all services is to be carried out by all contractors prior to commencement of works. Phone DialBefore-YouDig Ph: 1100. Refer plans by Architect, Engineers & Surveyors for other working drawings. These drawings are to be read in conjunction with relevant specifications & details. It is the responsibility of the contractor to notify R+M Landscape Architecture of any contradiction within the plans & receive appropriate direction prior to construction works. Final advice is to be determined on site and at the direction of the superintendent or site supervisor. Plans are copyright to R+M Landscape Architecture

Paul & Wilma Campbell

Architect:



Landscape Architect:

R+M Landscape Architecture
p. 0405 122 234
a. landscaperarchitecture@rebekahandmark.com.au
c. mark.santangelo@RLA.AILA



Project:
18 SEAVIEW CRESCENT
STANWELL PARK NSW
Drawing Title:
LANDSCAPE PLAN

Date:
Apr 2022
Scale:
1:75 @ A1

Drawing Number:
LP03

Issue:
G



UNIT 01 EXISTING REAR GARDEN WORKS:

- Generally all hard and soft landscaping is to be retained and protected.
- Reverse drainage over paved area to grade away from new dwelling.
- Provide a grated channel drain as shown and connect to stormwater.
- Natural ground levels otherwise are to remain unchanged
- Maintain all existing concrete block retaining walls.
- Remove perforated blocks proud of the existing ground line (North) to reclaim garden bed and existing Bamboo between the wall and neighbour.
- Retain existing Bamboo privacy screening on the boundary.
- Replace existing sandstone crazing with new sandstone (cutstone) paving as shown.

UNIT 02 EXISTING REAR GARDEN WORKS:

- Maintain all existing planted areas.
- Maintain all existing natural ground levels and drainage.
- Maintain all existing Gabion retaining walls and steps.
- Retain existing Bamboo privacy screening on the boundaries.
- Replace existing turf with paving.
- Remove the existing shed N-W corner. Replace with planting.
- Add a small evergreen tree in deep soil zone (per DCP).
- Existing deck to be retained, and extended East as shown.

proposed new tree planting as per Wollongong DCP:
01 x *Banksia serrata*

01 Sago Palm
01 White Correa
01 Mexican Lily
underplant Creeping Boobialla
EXTEND gabion wall as shown

EXTEND blockwork wall in line with existing
01 Sago Palm
18 STAIRS (185mm riser/ 265mm treads)

08 Dwarf Heath Banksia
14 Seascape Lomandra
retain existing Kentia Palm

proposed new tree planting
as per Wollongong DCP:
01 x *Cupaniopsis anacardioides*

SEAVIEW CRESCENT ROAD RESERVE WORKS:

- Generally all hard and soft landscaping is to be retained.
- Shorten the existing Gabion retaining wall to accommodate the new driveway and entry path to Unit 01.
- Pipe stormwater (swale) under new driveway and access path.
- Decommission existing path / stair access (S-E) to the road.
- Provide a new access path and stairs to the road aligned with the new proposed front door of Unit 01)

NOTE: Civil engineer and Council to confirm all work above.

ATTACHMENT 3: WDCP 2009 Compliance Tables

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. The proposal is also supported by BASIX certificates for each of the dwellings.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Maximum Number of Storeys</u>		
<ul style="list-style-type: none">Max 9m / 2 storey in R2 zone	Each dwelling is two storeys and compliant with the maximum building height applicable to the land.	Yes
<ul style="list-style-type: none">In R2 Low Density Residential zones, where development occurs within the 8m rear setback the development is limited to single storey, so as to not adversely impact on the amenity of the adjoining property.	The existing dwelling is greater than one storey within 8 metres of the rear boundary, however this is an existing variation.	No, however existing structure
<ul style="list-style-type: none">Landscaping may be required within the side and rear setbacks to mitigate the visual impact of the building form from adjoining properties.	Landscaping has been proposed around the boundaries of the site. In addition, there is significant northern boundary landscaping in place that has not been identified for removal.	Yes
<u>4.2 Front Setbacks</u>		
<ul style="list-style-type: none">6m front setback	A variation to the 6m front setback is proposed and has been supported by a variation justification statement as discussed at Chapter A1, Section 2.4.1 of Assessment Report.	No, variation supported refer to considerations at Chapter A1, Section 2.4.1 of Assessment Report
<u>4.3 Side and Rear Setbacks</u>		
<ul style="list-style-type: none">Minimum 900mm	The proposal exceeds 900mm setbacks complies.	Yes
<u>4.4 Site coverage</u>		
55% (lot area <450m ²) 50% (450m ² to 900m ²)	Total site coverage: 231.48/632= 38% Proposed Lot 1: 130.68/346.86= 38% Proposed Lot 2: 100.8/291.24= 35%	Yes
<u>4.5 Landscaped Area</u>		
<ul style="list-style-type: none">lot area from 600m² to 900m² – 120m² + 30% of the site	Existing allotment: Required: 131.4m ²	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
area > 600m ² landscaped area	Proposed: 134.35m ²	
<ul style="list-style-type: none"> At least 50% of the landscaped area must be located behind the building line to the primary road boundary. 	Greater than 50% of landscaped area located behind building line	
<ul style="list-style-type: none"> Landscaped areas must be integrated with the drainage design. The location of drainage lines, pits and detention areas should not conflict with landscaped areas including proposed and existing trees. 	The drainage plan does not conflict with the proposed landscaping. A condition has been recommended to ensure that certification indicating that the landscaping and drainage are compatible is provided at Construction Certificate stage.	Yes, condition
<ul style="list-style-type: none"> a minimum of 1.5 metre wide landscape strip within the front setback for the majority of the site width (excluding the driveway). This area must be mulched and planted with appropriate trees, shrubs and/or groundcovers. A minimum of one (1) semi mature small to medium evergreen or deciduous tree (minimum pot size 45 litre) is to be provided within this landscape bed. second semi mature small to medium tree (minimum pot size 45L) is to be provided onsite in the landscaped area or deep soil zone, p 	<p>A 1.5m wide landscape strip is provided for the majority of the site width.</p> <p>The landscaping plan indicates the provision of a tree (Tuckeroo) in the landscaped area at the front of the new dwelling, and a Banksia in the landscaped area of the rear dwelling.</p> <p>In addition, an additional tree is required to be provided as compensatory planting for the proposed tree removals.</p>	Yes
<u>4.6 Private Open Space</u>		
<ul style="list-style-type: none"> 24m² minimum POS area, minimum 4m dimension 	<p>Dwelling 1 has a POS area of approximately 31m²</p> <p>Dwelling 2 has a POS area of approximately 41m².</p> <p>Each has a minimum 4 metre dimension. Although irregular in shape, the POS areas are capable of providing for a range of uses.</p>	yes
<ul style="list-style-type: none"> should not be located on side boundaries or front yard defined through the use of planting, fencing, or landscape features. 	The POS areas are located along the northern boundary of the site. Whilst this is a side boundary location, the POS areas are screened by existing vegetation which is to be retained	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> screened where necessary 	The POS areas are generally screened by existing bamboo located along the northern boundary.	Yes
<ul style="list-style-type: none"> must not extend forward of the front building line by greater than 900mm. 	The POS areas do not extend forward of the building line.	Yes
<ul style="list-style-type: none"> Space shall be provided for clothes lines and waste/recycling bins and rain water tanks behind the front building line but outside of the private open space area. 	Site facilities are located outside of the required POS areas.	Yes
<u>4.7 Solar Access</u>		
<ul style="list-style-type: none"> Windows to living rooms of adjoining dwellings must receive at least 3 hours continuous sunlight, between hours of 9.00am and 3.00pm on 21 June. At least 50% of the private open areas of adjoining residential properties must receive at least 3 hours of continuous sunlight, between hours of 9.00am and 3.00pm on June 21. 	Shadow diagrams have been provided with the application submission. The diagrams indicate that there is minor overshadowing of adjoining properties No 21 Hillside Crescent, No 20B Seaview Cres and No 20 Seaview Crescent. However due to the orientation of the lots, the impacts are not considered to be significant and the proposal does not adversely impact on solar access to adjoining properties to the extent that they will not receive 3 hours of solar access midwinter.	Yes
<u>4.8 Building Character and Form</u>		
<ul style="list-style-type: none"> The design, height and siting of a new development must respond to its site context taking into account both natural and built form features of that locality. The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction. 	The proposed development is considered to respond to the site context. The new dwelling has a lower level excavated into the sloping site and the excavation is largely contained to the building footprint.	Yes
<ul style="list-style-type: none"> Large bulky forms are to be avoided, particularly in visible locations 	The proposal is not considered to be a large or bulky form. The dwellings are well articulated, with broken roof forms and balcony/terrace areas to break up the facades.	Yes
<ul style="list-style-type: none"> New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. 	The proposal is consistent with the character of the immediate locality which contains large, contemporary coastal dwellings, many with skillion roofs and terrace areas to maximise views.	

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<ul style="list-style-type: none"> All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. 	The new dwelling has a front entry that is clearly identifiable from the street.	Yes
<ul style="list-style-type: none"> The appearance of blank walls or walls with only utility windows on the front elevation will not be permitted. 	The proposal provides a well fenestrated and satisfactory street address.	Yes
<ul style="list-style-type: none"> Where garages are proposed on the front elevation they must be articulated from the front façade. 	The garages are articulated from the facades.	Yes
<ul style="list-style-type: none"> Fences in the front building line should be predominately constructed in transparent fence materials, allowing for visual connection between the dwelling and the street. 	There are no fences proposed in the front building line.	NA
<ul style="list-style-type: none"> Where the garage door addresses the street they must be a maximum of 50% of the width of the dwelling. 	The garage doors do not exceed 50% of the width of the dwellings.	Yes
<u>4.9 Fences</u>		
<ul style="list-style-type: none"> Various. 	There is no fencing proposed in association with the development. Standard conditioning in relation the provision of fencing has been recommended.	Condition
<u>4.10 Car parking and Access</u>		
<p>The provision of car parking shall be as follows:</p> <p>(a) 1 space per dwelling with a gross floor area of less than 125m²</p> <p>(b) 2 spaces per dwelling with a gross floor area of 125m² or greater</p>	Each dwelling requires the provision of two car parking spaces. These have been provided in the form of a double garage for each dwelling.	Yes
Garages must be setback a minimum of 5.5m from the front property boundary.	The garages are setback 5.5 metres from the front boundary.	Yes
garage door openings to be a maximum of 50% of the width of the dwelling.	Garage door openings do not exceed 50% of the width of each dwelling.	Yes
6m x 6m minimum for double garages	<p>The proposed new garage achieves the minimum dimensions of 6m by 6m.</p> <p>The existing garage now associated with Unit 2 has an irregular shape. The proposal was considered by Council's Development</p>	Yes

Controls/objectives	Comment	Compliance
	<p>Engineer who provided the following comments with respect to the garage:</p> <p><i>The proposed garage for Unit 2 is irregular in shape within minor encroachments within the 6 by 6m envelope to accommodate the side set back splay of the property boundary. The proposed design is considered appropriate noting minimum car/parking space dimensions for AS2890, that some areas are oversized and the existing irregular lot shape.</i></p> <p>As such, garage dimensions are considered to be acceptable.</p>	
Driveways shall be separated from side boundaries by a minimum of 1 metre.	The proposed new driveway off Seaview Crescent is located greater than 1 metre from the side boundary.	Yes
Driveways shall have a maximum cross-over width of 3 metres.	The new driveway has a cross over of 3 metres.	Yes
<u>4.11 Storage Facilities</u>		
<ul style="list-style-type: none"> 10m³ / 5m² 	Sufficient storage is provided within each dwelling	Yes
<u>4.12 Site Facilities</u>		
<ul style="list-style-type: none"> To ensure that site facilities (such as clothes drying, mail boxes, recycling and garbage disposal units/areas, screens, lighting, storage areas, air conditioning units, rainwater tanks and communication structures) are effectively integrated into the development and are unobtrusive 	Site facilities appear to be appropriately located within the site. A condition has been recommended to ensure that site facilities are appropriately located.	Yes
<u>4.13 Fire Brigade Servicing</u>		
ensure that all dwellings can be serviced by fire fighting vehicles.	Each dwelling is capable of being serviced by the NSW Fire Brigade.	Yes
<u>4.14 Services</u>		
<ul style="list-style-type: none"> encourage early consideration of servicing requirements, to ensure that all residential development can be appropriately serviced. 	A condition is recommended to ensure site servicing for the dual occupancy and subdivided lots.	Yes, condition
<u>4.15 Development near the coastline</u>		
N/A	The site is not located on land with frontage to a cliff top, ocean, beach or public open space.	NA

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.16 View sharing</u>		
	<p>The proposed development impacts on views currently obtained from the adjoining property located at No 16 Seaview Crescent.</p> <p>A View Impact Analysis was provided by the applicant at Council's request. This can be found at Attachment 4. Further, a View Impact Assessment by Council can be found at Attachment 5.</p> <p>Council considers that whilst there will be a minor to moderate impact on views from the adjoining property, the assessment indicates that the proposal provides for sufficient view sharing.</p>	Yes
<u>4.17. Retaining walls</u>		
	<p>There are a number of retaining walls proposed in addition to existing retaining walls on the site.</p> <p>The proposed new retaining walls located outside of the dwellings are generally less than one metre in height and located off the boundaries, as shown on the landscape plan.</p> <p>New retaining infrastructure is not be permitted in the road reserve in association with this application. A condition has been recommended in this regard.</p>	Yes
<u>4.18 Swimming pools and spas</u>		
N/A		Not applicable
<u>4.19 Development near railway corridors and major roads</u>		
N/A		Not applicable
<u>4.20 Additional controls for semi-detached dwellings-alterations and additions</u>		
N/A		Not applicable
<u>4.21 Additional controls for Dual Occupancies minimum site width</u>		
Minimum 15m site width	The site has a width of 20.76 metres	Yes
<u>4.22 Additional controls for Dual Occupancies –building character and form</u>		
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	<p>The proposal is not located on a corner allotment.</p> <p>The proposed garage is articulated from the façade of the new dwelling.</p>	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
the furthest point of the site, from the intersection.		
<u>4.23 Additional Controls for Dual Occupancy's – Deep Soil Zones</u>		
A minimum of half of the landscaped area must be provided as a deep soil zone. The deep soil zone may be located in any position on the site, subject to this area having a minimum dimension of 3m. The deep soil zone must be located outside the minimum private open space required.	The proposal requires 75m ² of deep soil zone overall. There is approximately 60m ² located within the existing front setback, and approximately 24m ² located in the rear of the site. The DSZ sits outside of required POS.	Yes
The deep soil zone shall be densely planted with trees and shrubs. Where the development is to be strata titled, the deep soil zone may be retained within the common property or allocated to an individual unit entitlement, where such dwelling is directly adjacent.	The deep soil zone is unable to be densely planted as that would conflict with the requirements of the NSW RFS requirements for an inner protection area. The proposed landscaping in the DSZ is considered to be adequate as proposed.	Yes, condition

CHAPTER B2 – RESIDENTIAL SUBDIVISION

The proposal seeks consent for the torrens title subdivision of the dual occupancy and as such the majority of controls within this Chapter would not strictly apply to the proposed development. Notwithstanding, an assessment against the primary controls is provided below for reference.

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>6 Subdivision design - topography, natural landform & significant vegetation</u>		
	The subdivision is considered to have adequate regard to the natural topography of the site. The siting of the proposed development and subsequent development is considered appropriate as evidenced by the assessment against Chapter B1 above.	Yes
<u>6.1 Subdivision lot layout – aspect & solar access orientation</u>		
	The aspect and solar access of the proposed lots is considered acceptable.	Yes
<u>6.2 Minimum allotment size requirements</u>		
	There are no minimum lot size requirements for the subdivision of an existing dual occupancy.	Yes

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>6.3 Lot width & depth requirements</u>		
	The lot width and depth proposed are considered satisfactory, noting that the lot depths do not achieve the required 25 metres for each allotment. The variation to the development control is considered to be supportable in this instance.	No, variation supported, refer to considerations at Chapter A1, Section 2.4.1 of Assessment Report
<u>6.4 Battle-axe lots</u>		
	<p>The development results in the creation of a battle axe allotment at the rear.</p> <p>The proposal does not result in greater than 2 battle axe allotments behind the allotment with direct road frontage.</p> <p>The battle axe allotment has access to the public road via an existing shared access corridor over which the lot already has a right of carriageway.</p>	Yes
<u>6.5 Building envelopes</u>		
	Satisfactory – demonstrated by compliant dwellings on each site	Yes

CHAPTER D1 – CHARACTER STATEMENTS

Stanwell Park

The proposal is considered to be consistent with the existing and desired future character for the locality as it provides for a low density development located within a well vegetated and landscaped environment.

The proposal is flat roofed and well articulated with the use of balconies to further break up the façade. The proposal is of lightweight construction, and reflects the coastal theme of the area.

With respect to likely impacts, screening is provided to the balconies to maintain privacy to adjoining properties. A View Impact Assessment has been carried out against the proposed development that indicates the development adequately considers view sharing, with the panoramic view of escarpment, foothills, beach and ocean maintained for the adjoining uphill property.

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

Each dwelling has an area of greater than 125m², and is therefore required to provide two car parking spaces for each dwelling. These are provided in the form of double garages.

Dwelling 2 contains the existing garage, and access is gained over a right of carriageway from Seaview Crescent.

The new Dwelling 1 obtains vehicular access directly off Seaview Crescent, at the northern end of site frontage. The driveway grades are capable of complying with Council's maximum internal gradings for driveways.

CHAPTER E6: LANDSCAPING

The proposed development is considered acceptable with regard to the objectives and controls in Chapter E6 of the DCP. A landscape concept plan was submitted with the application. Appropriate

planting is proposed within the front and rear setbacks however the deep soil zones are required to be densely planted.

Conditions have been recommended in relation to landscaping matters including maintenance and implementation of landscape work, the provision of compensatory planting and required amendments to the final landscape plan.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has been provided in accordance with this chapter. The proposal also involves demolition of part of the existing dwelling and a demolition plan has accordingly been provided.

Appropriate conditions relating to waste management and demolition have been included on the consent.

CHAPTER E12 GEOTECHNICAL ASSESSMENT

The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development. Council's Geotechnical Engineer considers that the recommendations of the submitted geotechnical report are adequate for the proposed development and a condition is recommended reflecting this.

CHAPTER E14 STORMWATER MANAGEMENT

Stormwater is proposed to be disposed of to the dish drain located at the front of the property. Council's Development Engineer has reviewed the proposal with respect to the provisions of this chapter and has recommended conditions of consent.

CHAPTER E16 – BUSHFIRE MANAGEMENT

The proposal was referred to the NSW Rural Service as Integrated Development. General Terms of Approval and a Bush Fire Safety Authority were provided on 10 January 2022.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

The removal of two trees is proposed in association with the proposed development:

- Tree T3 is a three metre high wattle, and in poor condition
- Tree T4 is a Melaleuca that is four metres high, however is located within three metres of Dwelling 1, in the proposed driveway area

Tree T5 is also identified on the landscape plan for removal, and it is noted that this tree is a stump.

There is no objection to the removal of these trees, subject to the provision of compensatory planting as recommended in the conditions.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

Demolition of part of the existing dwelling is proposed. Given the likely age of the oldest part of the existing dwelling, it is possible that material containing asbestos is present. Conditions have been recommended to address the removal of any hazardous material.

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.



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View Impact Analysis

Residential - demolition works, alterations to existing dwelling, construction of an additional dwelling to form a dual occupancy & Torrens Title Subdivision



Lot 501 DP 1001779
No. 18 Seaview Crescent, Stanwell Park

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

9 May 2022

This report relates to a proposed dual occupancy development at No. 18 Seaview Crescent, Stanwell Park. Under the provisions of Wollongong Development Control Plan 2009, consideration must be given to the impact of a proposed development on existing view lines from neighbouring properties, along with any significant views from public places.

The subject development site is located in close proximity to Stanwell Park beach reserve and contains an existing dwelling house on a residential allotment. The site benefits from a view corridor to the south-east toward Stanwell Park beach. A view corridor across the subject site is also available to the benefit of the adjoining property to the north, No. 16 Seaview Crescent. As the proposed development will impact on the existing view available to No. 16, consideration of Council's view sharing principles is required.

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 View Impact Analysis 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.*

Following neighbour notification and an initial review of the Development Application, Council has noted the anticipated impact on views and requested the following additional information within their letter dated 25 March 2022:

It is noted that the development as proposed will result in a loss of view to the adjoining uphill neighbour. This occurs from all rooms located along the upper southern elevation of the dwelling at No 16 Seaview Cr, most notably from the lounge room and deck area located at the front of that dwelling. The loss of view arises primarily from the skillion roof that has been pitched so as to provide large clerestory windows along the northern elevation, presumably to maximise solar access to the proposal.

It is considered that changes to the roof pitch would result in improved view sharing outcomes for the adjoining property. The roof should be changed to provide for increased view sharing with the adjoining property in this regard.

A View Impact Assessment is required to be provided by the applicant.

In relation to view impacts, Council's specifically requests the following two (2) processes to occur:

1. Modification to the skillion roof with clerestory windows to the northern elevation

Following neighbour notification and prior to receipt of Council's letter, the landowner acknowledged the concerns raised by their neighbour in relation to view impact and began working to find an alternate roof form for Dwelling 1. Amended plans have been prepared with a notably reduced roof form and this report is based on the modified design prepared by MJD Design & Drafting. To the front of Dwelling 1 the roof form has been reduced by 1.579m to the easternmost skillion roof and by 487mm to the central skillion roof incorporating northern highlight windows. The below image is provided in the updated set of plans and demonstrates:

- the modified roof form submitted for consideration;
- blue line indicating the roof form on the original DA plans;
- red line indicating the roof line of the existing dwelling as a reference point;
- purple doors/windows relate to the surveyed level of the southern openings of the adjoining dwelling at No. 16.

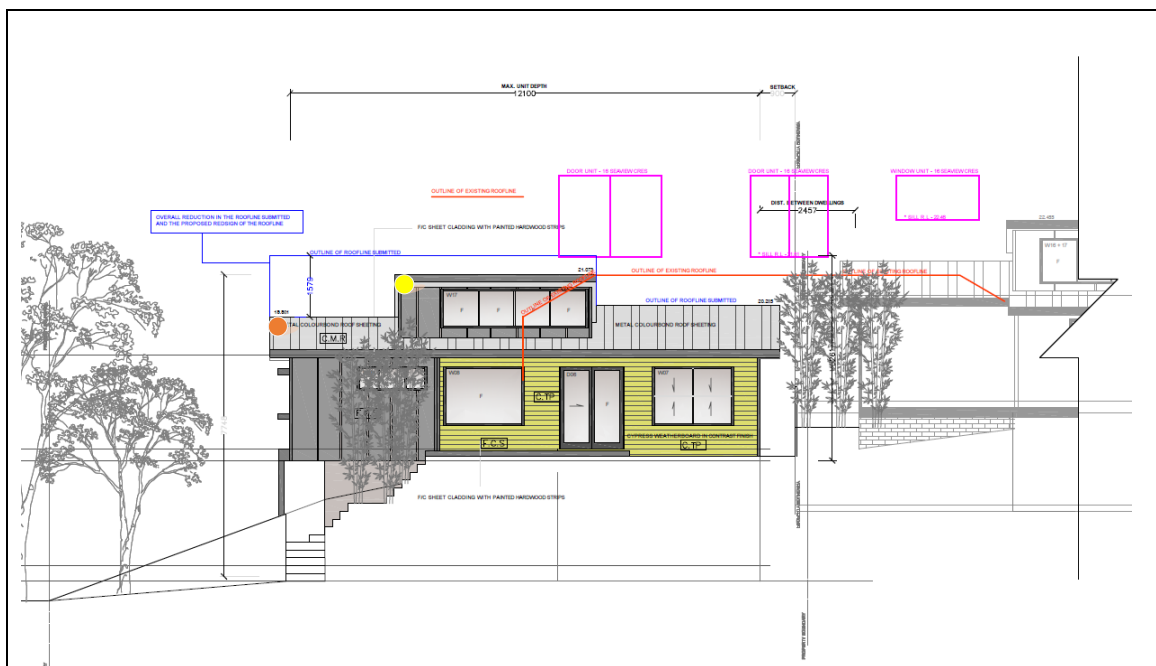


Figure 1 – Northern Elevation of Dwelling 1 showing amended roof form.

The original and modified dwelling design provides a reduced overall height through the use of excavation to allow the ground floor of Dwelling 1 to sit within the landform and by maintaining relatively low wall and ridge heights, particularly when compared to many surrounding developments. The maximum ridge height above existing ground level at the points marked by orange and yellow dots are:

- Front skillion – 7.031m at south-eastern corner; and
- Middle skillion – 5.392m at north-eastern corner.

The northern elevation presents as a single storey dwelling, with the entire built form maintaining an extremely modest overall building height.

As noted in Figure 1, the proposal as modified results in a reduced roof form to the front of Dwelling 1. The development maintains a reduced ridgeline through the middle of the site and maintains a new corridor of 2.373m through the centre of the site between the proposed dwellings.

Figure 1 is best used as a reference point when considering photos of existing available views from No. 16 later in this report, specifically noting:

- the highest roof form for Dwelling 1 (central skillion with north facing highlight windows) is now in alignment with the ridgeline of the existing dwelling (shown in red). However, the highest point of the new skillion will sit 5m north of the existing ridgeline, notably reducing the effective roof height as viewed from No. 16;
- the highest skillion roof to the centre of Dwelling 1 commences where the existing ridge ends and its hip commences;
- the lower, frontmost portion of roof to Dwelling 1 has a ridgeline in close alignment with the front wall height of the existing dwelling, where the hip pitches upward toward the ridgeline. This roof form incorporates its highest point marginally to the south of the existing ridgeline, slightly increasing its effective height. However, the impact will remain well below that of the existing dwelling's ridge and below the level of the middle skillion.

2. Provide an assessment of View Impacts on No. 16 Seaview Crescent

As requested by Council, this assessment specifically addresses view impacts experienced by No.16 Seaview Crescent against the 'View Sharing' provisions of Wollongong DCP 2009, providing a clear indication of the impact resulting from the proposed development and whether such impact is considered reasonable.

Due to limitations on attending the neighbouring property at the time this report commenced, this assessment has been prepared utilising the following data:

- Site Survey;
- Architectural Plans – original design and current modified plan;
- Site Inspection undertaken from the street, beach reserve and surrounding area;
- 3D render prepared and located utilising survey data;
- View lines and calculations (provided in Appendix B) demonstrating how the level of impact has been determined for the purpose of this report. These calculations take into account, as best possible, the survey levels of the subject & adjoining sites, sitting and standing heights, angle the photo was taken etc.
- Photographs of existing views obtained from within No. 16 taken by Council.

With the consent of the landowners of No. 16, Council provided several photographs that were taken during their inspection of the neighbouring property. These photographs were clearly labelled by Council with images taken from the dining room, kitchen, lounge room, front balcony and side balcony from both a sitting and standing position. Each photo benefits from suitable built form reference points within No. 16 Seaview Crescent and the development site to give a clear indication of the location the photo was taken and are considered to give a fair representation of the existing outlook from No. 16. The use of these images provided by Council enables consistency between this report and Council's assessment. While each location within the adjoining dwelling will be addressed, Council has acknowledged the area of most relevance relates to the lounge room and balcony which are the primary living areas located to the front of the dwelling. This assessment will place its primary focus on these areas with the modified roof form significantly improving the view impacts from each area.

Following review of the information available, determination of the likely level of impact on views and allowance of a margin for error, it is the opinion of RG Town Planning Pty Ltd that it was unnecessary to proceed to erect surveyed height poles in this instance. The site has many surveyed site features to assist in determining the likely view impacts and to assist in overlaying the 3D render provided.

Assessment of View Sharing Provisions - Wollongong DCP 2009

Chapter B1 – Residential Development

Clause 4.16 – View Sharing

Clause 4.16.2.1

(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.

The below image shows the location of the development site, sitting between No. 16 Seaview Crescent and Stanwell Park beach. In order to determine the views likely to be affected by the proposed development, we must first understand the siting and context of each site:



Figure 2 - Location of No. 16 & 18 Seaview Crescent

No. 18 Seaview Crescent, Stanwell Park - Subject Development Site

The development site is located within a slightly irregular residential subdivision pattern within close proximity to Stanwell Park Beach Reserve. With a primary frontage to Seaview Crescent the site has a total land area of 638.1m² representing a fairly typical residential allotment size for this area. The site contains an existing dwelling house sited toward the rear of the site, with vehicular access via a right-of-way over the adjoining property to the south. The land has a cross-fall to the front south-eastern corner of the site, sloping downward toward the beach reserve.



Fig. 3 - Aerial View of No. 18 Seaview Cres, Stanwell Park – outlined in red.

No. 16 Seaview Crescent – adjoining side neighbour to the north

This property is a standard residential allotment with a primary street frontage to Seaview Crescent and contains a dwelling and secondary dwelling. The southern side boundary of this property adjoins the development site and the existing dwelling benefits from a views across their side boundary, over No. 18 Seaview Crescent to Stanwell Park beach in the south-east and Mount Mitchell to the south-west.

The sloping topography of the area and desire to benefit from water views results in the irregular siting of many surrounding dwellings. The dwelling at No.16 Seaview Crescent is sited toward the rear of the site and contains living rooms and a balcony with an open style balustrade along the southern side elevation, at first floor level. While this design is unlikely to be supported under current development controls without privacy measures such as solid/louvred balustrades, it is understood to be an approved dwelling design (noting a 2010 DA relating to alterations and creation of a secondary dwelling). Without having viewed the approved plans, *RG Town Planning* is working on the reasonable assumption that the dwelling in question at No. 16 is constructed in accordance with this approval.

The existing siting of No. 16 & No. 18 Seaview Crescent is best demonstrated in Figures 4 & 5 below relating to an aerial image (Fig.5) taken from Stanwell Park beach looking north-west toward the properties. Figure 4 identifies the location the photo was taken from in context to the sites.

A firm was engaged to prepare a 3D architectural render of the proposed development over the same image taken from Stanwell Park beach. The 3D render was placed over the image utilising survey levels of the existing dwelling, RL's of No. 16, along with RL's of the proposed rooflines. The 3D image provided is shown below in Figure 6 and provides a representation as to where the new development will be located in relation to No. 16. As this image is taken from the beach it demonstrates the extent to which the existing and proposed dwellings impact upon the openings in the southern elevation of No. 16.



Fig. 4 – Location image in Fig.5 & Fig.6 is taken from.

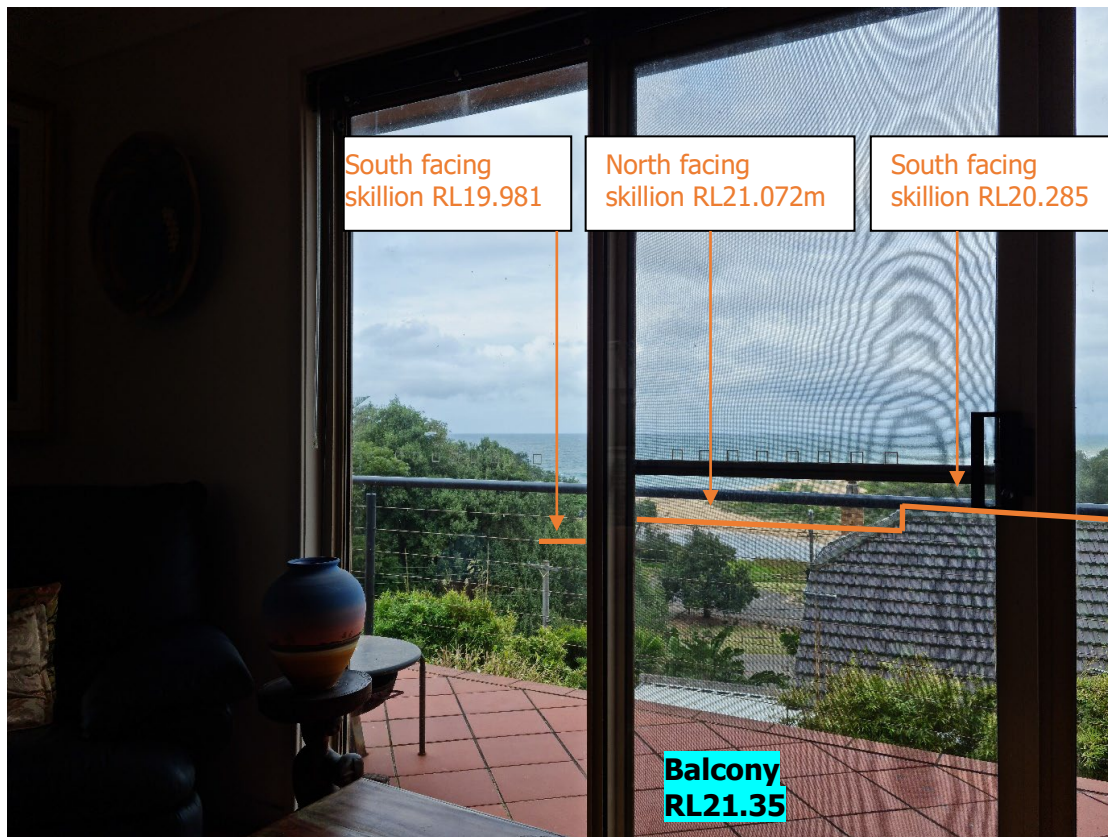


Fig. 5 – location of No. 16 & 18 Seaview Cres as viewed from beach.



Fig.6 – 3D render of proposed development, sited using survey levels of existing built features of the subject and adjoining sites.

Figure 8 - Lounge Room – Sitting Position looking south-east



- Indicative roofline of proposed Dwelling 1 shown in orange (refer Appendix B for method of calculation and placement);
- Retention of all existing views above and marginally below the top balustrade, including horizon, frontal dune and existing land/water interface along the beach;
- Loss of view toward the lagoon and beach carpark/reserve in the foreground;
- Southern outlook will be unchanged over the rear portion of Dwelling 1;
- High level of view retention is considered to be achieved, noting the view in this image is obtained from a sitting position, over a side boundary.

Figure 9 - Lounge – Standing looking south.



- Indicative roofline of proposed Dwelling 1 & Dwelling 2 shown in orange (refer Appendix B for method of calculation and placement);
- Retention of all views toward Mount Mitchell and the escarpment beyond, with the only impact in this direction resulting in the new roof form obscuring the beach amenities block and some vegetation toward the rear of the frontal dune;
- Retention of views of the horizon and existing land/water interface along the beach;
- Retention of view toward the lagoon and beach reserve in the foreground;
- Southern outlook will be retained over the rear portion of development;
- High level of view retention is considered to be achieved, noting the view in this image is obtained from a standing position, over a side boundary

Figure 10 - Lounge – Standing looking south-east.



- Indicative roofline of proposed Dwelling 1 shown in orange (refer Appendix B for method of calculation and placement);
- Retention of views of the lagoon, horizon and existing land/water interface along the beach;
- Minor loss of outlook relates to beach carpark in the foreground which is not considered to form part of the significant view in question;
- High level of view retention is considered to be achieved, noting the view in this image is obtained from a standing position, over a side boundary

Figure 11 - Front Deck – Sitting looking south-east



- Indicative roofline of proposed Dwelling 1 shown in orange (refer Appendix B for method of calculation and placement);
- Retention of the horizon and existing land/water interface along the beach;
- Retention of views toward the frontal dune, Mount Mitchell and the Illawarra escarpment beyond;
- Partial retention of lagoon as it approaches the beach;
- Partial loss of view toward the lagoon and beach carpark/reserve in the foreground;
- Southern outlook will be marginally increased over the rear portion of Dwelling 1 where the ridgeline will be reduced in height (shown on right side of image). No notable view to be gained from this perspective;
- High level of view retention is considered to be achieved, noting the view in this image is obtained from a sitting position, over a side boundary;
- Uninterrupted views of the lagoon, beach and ocean will remain from the eastern end of the balcony at No. 16.

Figure 12 - Front Deck – Standing looking south



- Indicative roofline of proposed dwellings shown in orange (refer Appendix B for method of calculation and placement);
- Retention of all views toward Mount Mitchell with the only impact in this direction resulting in the new roof form obscuring the beach kiosk and amenities building;
- High level of view retention is considered to be achieved, noting the view in this image is obtained from a standing position, over a side boundary

Figure 13 - Front Deck – Standing looking south-east



- Indicative roofline of proposed Dwelling 1 shown in orange (refer Appendix B for method of calculation and placement);
- Retention of the lagoon, horizon and existing land/water interface along the beach;
- Retention of views toward Mount Mitchell and the Illawarra escarpment beyond;
- Southern outlook will be marginally increased over the rear portion of Dwelling 1 where the ridgeline will be reduced in height (shown on right side of image). No notable view to be gained from this perspective;
- Only impact relates to beach carpark which is considered a general outlook and not a 'view' that warrants protection;
- High level of view retention is considered to be achieved, noting the view in this image is obtained from a standing position, over a side boundary

View Impacts from Dining Room, Kitchen & Side Balcony

The above images relate to the primary view impacts requiring consideration. Appendix A provides additional images of existing views obtained from the remaining areas of the southern elevation of No. 16 Seaview Crescent, including the Dining Room, Kitchen and the southern side balcony. Each of these areas are located toward the middle to rear portion of the site, obtaining views across a side boundary through the middle of the development site at No. 18. The location of these viewpoints is best identified in Figure 6 above.

Given the location of these additional viewpoints, their line of sight over a side boundary and the high level of views retained from the lounge room and front deck, it would be highly reasonable for the development to proceed regardless of the level of impact on the dining, kitchen and side balcony. A severe or devastating impact from these areas would not seem an unreasonable outcome.

However, to the contrary, the development allows for a high level of views to be retained from each of these areas. This is predominantly due to the high level of articulation and low roof form proposed. The images provided in Appendix A, when considered in context to the assessment of the lounge and front deck above, are found to demonstrate that the level of impact will not be unreasonable in this instance. As such, a full assessment of each image has not been provided.

These images demonstrate that all views toward Mount Mitchell and a notable water view will remain available from all areas of the dwelling. This includes the land/water interface along the beach, with impacts on views largely relating to the lagoon area in the foreground and the frontal dune. However, reasonable lagoon views will remain available from the front balcony from both a sitting and standing position with full views of the lagoon anticipated to be retained from the easternmost portion of the balcony. The major impact on views will be from areas located further toward the rear of the neighbouring dwelling, predominantly from a sitting position. The extent of view loss from all areas is found to be minimal in the overall context of the available views.

The level of water views retained is considered to be substantial for a view obtained across a side boundary, well exceeding many previous view sharing outcomes. The 3D render in Figure 6 demonstrates that the reduced roof form proposed within this development, allows for No. 16 to retain far greater views than properties further north have been afforded.

Clause 4.16.2.1

(d) Assessment as to the reasonableness of the proposal causing the potential view loss impact.

The proposed development relates to a dual occupancy development on a standard residential allotment with a primary frontage to Seaview Crescent of 20.76m and a total land area of 638.1m². The size of the allotment, existing right-of-way for access to the rear dwelling and the siting of the existing dwelling results in this site being most suitable for a dual occupancy proposal. This area of Stanwell Park is progressing through an urban renewal/development phase, with dual occupancy and secondary dwelling proposals becoming increasingly apparent.

The dwelling remains substantially below the 9m height allowance. While the landowner has willingly agreed to lower the roof form to the front of Dwelling 1 to reduce the impact on views, both the original and proposed dwelling heights are considered to be most reasonable. The original roof height in the area of the clerestory windows was a maximum of 5.879m, with the modified design now providing a maximum height of 5.392m. The height above natural ground for Dwelling 1, in the 3 main areas of consideration in relation to views, are shown in Figure 14 below:

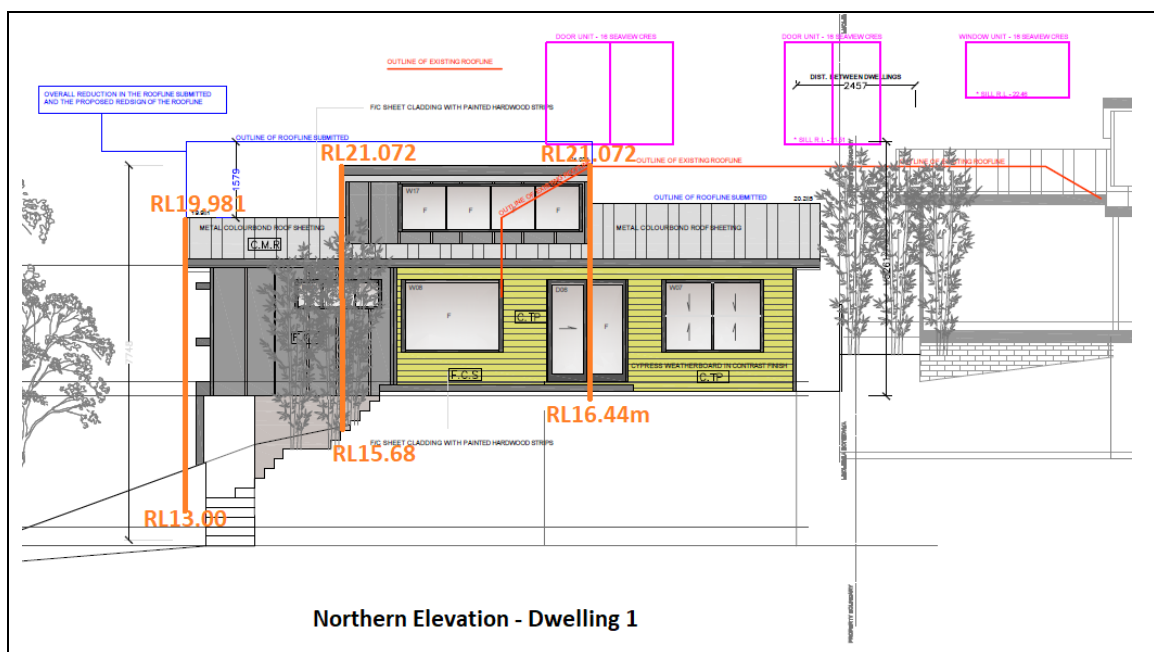


Figure 14 – North Elevation showing height from key ridge points to existing ground level directly below.

The proposed dwelling heights are considered extremely modest for a sloping site in this area and well below the height of many surrounding and directly adjoining dwellings. The purpose of the clerestory windows is to provide light into the dwelling and to gain northern solar access, ensuring a high level of energy efficiency as encourage by the solar access objectives within Wollongong Development Control Plan 2009. A high degree of consideration has been given to appropriately integrating the dwelling within the landform and streetscape while minimising impacts on neighbours.

The development complies with the 0.5:1 floor space ratio, 50% site coverage and incorporates a large compliant landscaped area. While some minor variations are sought in order to accommodate site constraints and the existing built form, the only variation with a potential impact on views is the minor variation to the 6m front setback. However, due to the irregular shape of the allotment and siting of the dwellings within this area, it is found that the proposed siting of Dwelling 1 will have a lesser impact on views than a dwelling with a compliant 6m front setback across the entire front façade. The variation relates to one corner of the first floor of Dwelling 1, at the southern end of the front façade. The proposed front setback to the remainder of the façade exceeds the minimum allowance, with the greatest front setback proposed being adjacent to the northern boundary and No. 16 Seaview Crescent. Once the angle of the existing view is taken into account, it is found that the front setback variation would have a negligible impact on view impacts.

The proposed development is considered to be a typical form of development for the R2 Low Density Residential Zone and has been designed with a high degree of consideration toward the site constraints. The revised roofline to Dwelling 1 significantly improves the views retained from the northern neighbour. The development is found to be a highly reasonable proposal with fair consideration given to impacts on the neighbouring properties.

Water views, including the land/water interface are retained to a high level from No.16 Seaview Crescent. The level of impact has been summarised below under the principles established within *Tenacity Consulting v Warringah Council*:

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. 16 Seaview is noted to include a 'water view in which the interface between land and water is visible' along with the existing view toward Mount Mitchell. The overall view is acknowledged to be a significant view.

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 toward the ocean and Mount Mitchell is obtained entirely across the side boundary of No. 16 Seaview Crescent due to the existing dwelling having a balcony and first floor living rooms extending along the length of its southern side elevation. The views are currently obtained from a standing and sitting position from the front balcony, lounge room, dining room and a standing position in the kitchen. While many areas will have some level of impact on existing views, in several locations the impact is found to be minimal. As acknowledged by Council, while all areas must be considered, the area requiring greatest assessment is the front balcony and the lounge room located to the front of the dwelling at first floor level. These areas have been considered from both a standing and sitting position.

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.

Views have been considered from both a sitting and standing position throughout the dwelling and it is found that a high level of views have been maintained from all areas. This is partially due to the large extent of views currently available. The most significant impact will be partial loss of views to the lagoon in the foreground. The dwelling will continue to benefit from a large water view, including the land/water interface along the beach, along with the entire existing view to Mount Mitchell and

the Illawarra Escarpment beyond. The view retained is in the vicinity of an 180° outlook and remains to be a highly regarded view.

Considering the view impact in context to the quality of views remaining, the extent of the impact would be considered minor.

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 view loss is the practical result of a reasonable development of the site. The allotment is a suitable site for a dual occupancy development and the development has been sited and designed with a high degree of consideration toward an initial site analysis. The reduced roof form proposed on the amended plans notably improves the outcome for the adjoining neighbour in relation to views.

The view loss is not resulting from any non-compliant element of the development. While a variation is requested to the front setback, the variation relates to the south-eastern corner of the front façade which does not play any significant role in the loss of views due to the siting of the subject and adjoining dwellings. If a compliant 6m front setback was applied consistently across the entire front façade, the northern end of the façade would have a far greater impact than the current proposal. The proposed front setback of 8.5m to the northern end of the front façade, combined with the slightly reduced front setback to the southern end of the façade, will result in an improved view sharing outcome beyond that of a compliant proposal.

The overall design is found to be of a high quality and most suitable for the site. The high level of articulation, varied roof forms, building separation and architectural features ensure a quality appearance as viewed from the neighbouring properties.

It is considered reasonable to propose a dual occupancy development on this particular site, being a residential area of demand in close proximity to Stanwell Park beach, local services and public transport. The design is considered to be skilful in maintaining a high level of views for the northern neighbour while achieving suitably amenity for occupants and a high-quality street appeal. It is not considered that a more skilful design would result in a lesser impact without compromising the quality of the development.

Given the entire view is obtained across a side boundary and a significant view will be retained, the minor impact on the existing available view is considered to be a highly reasonable outcome in this instance.

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 emerging character of the area with minimal impact on existing views obtained from surrounding residential properties.

The siting of the first floor balcony and living areas of the northern neighbour creates difficulty in designing a reasonable development on the subject site without some level of impact. The existing level of view currently available is due to the irregular siting of the existing dwelling at No.18 toward the rear of the site, opening a large view corridor across the front of the site. The minor loss of view from No. 16 Seaview Crescent will relate to the current line of sight across their side boundary and will not be the result of an unreasonable development proposal.

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.

APPENDIX A

Photos from No. 16 Seaview Crescent

Photo 1 dining standing



Photo 2 dining standing



Photo 3 dining standing



Photo 4 kitchen sink standing



Photo 5 kitchen sink standing



Photo 6 dining room sitting



Photo 7 lounge sitting



Photo 8 lounge sitting



Photo 9 lounge standing



Photo 10 lounge standing



Photo 11 deck sitting



Photo 12 deck sitting



Photo 13 deck standing



Photo 14 deck standing



Photo 15 deck standing



Photo 16 Deck immediately outside kitchen standing



Photo 17 Deck immediately outside kitchen standing



APPENDIX B

Method of Calculating View Impacts
relating to photos from No. 16 Seaview

Photo 1 dining standing



- 6 tiles @ ridge is 1m (measure on site) use this to estimate new ridge location above or below existing.
- 6 tiles = $\frac{6 \times 85\text{mm}}{0.85\text{mm}} = 1\text{m}$
 $0.85\text{mm} = 0.1\text{m}$.
- Use existing ridge as test. The LOS of NW ridge is 1.1m higher at existing house ridge = $1.1 \times 0.85\text{mm} = 9.35\text{mm}$ ✓
- SE ridge of U2 shows 700mm higher than existing ridge = $7 \times 0.85 = 6\text{mm}$
- SE ridge length is 6.4m - nothing to scale off @ equal distance - use 1.37m existing ridge length as conservative guide. 70mm = 9.6m, 10mm = 0.6m
 $\frac{6.4}{1.37} = 6.144\text{m}$ say 6m.
- ridge of U1 South (west) is 200mm (LOS) lower at exist ridge. & is 5.5 wide
 $5.5\text{m} = \frac{5.5}{1.37} \approx 4\text{m}$

Photo 8 lounge sitting



sitting height $R_2 \approx 22.4m$

- at same distance away as new highest eave U1 used to scale width of 52m eave.

Photo 9 lounge standing



- U2 S ridge ^{60S} 700 higher @ existing ridge 6 tiles = 1m
- Use existing ridge to estimate eave lengths 6 tiles = 9.6m 1m = 0.67m
- SE ridge U2 = 6.4m \approx 4m.
- LOS U1 South (W) eave is 300mm lower than existing ridge \approx 5.5m long

Photo 10 lounge standing



- LOS of UZ South (W) eave @ existing ridge is 200 lower. Eave is 5.5m long.
 $5.5 / 1.67 = 3.3\text{cm}$.
- ~~the~~ LOS for UZ North eave & US South (E) eave is same for standing & 900mm below existing ridge @ ridge line. The combined eave is a 8.4 long however South (E) eave is primarily tucked behind N eave @ this angle

Photo 11 deck sitting



- LOS of UZ S(W) eave is 300mm below existing ridge @ the ridge (see E elevation with LOS shown) $5.5\text{m} = 4\text{cm}$.
- LOS of UZ N eave is 650mm below existing ridge. $(5.2\text{m} = 40\text{cm})$ (make 5cm long to be conservative).

Photo 13 deck standing



LDS Eave is 700 above exist Roofline @ ridge. 7mm = 1mm sealing off tiles
 49 cm above ridge. Eave is 6.4 long. 8 tiles long is 1900
 $(6.4m / 1.8m) = 3.55 \times 8 = 28$ tiles.

Photo 14 deck standing



ATTACHMENT 5 – Council View Impact Assessment

Whilst the development has no impact on views from public places, the proposal results in a loss of view from the adjoining property at No 16 Seaview Crescent. Following preliminary assessment of the submitted plans and consideration of the submissions received, a request for additional information was provided to the applicant that included the following items:

6. It is noted that the development as proposed will result in a loss of view to the adjoining uphill neighbour. This occurs from all rooms located along the upper southern elevation of the dwelling at No 16 Seaview Cr, most notably from the lounge room and deck area located at the front of that dwelling. The loss of view arises primarily from the skillion roof that has been pitched so as to provide large clerestory windows along the northern elevation, presumably to maximise solar access to the proposal.

It is considered that changes to the roof pitch would result in improved view sharing outcomes for the adjoining property. The roof should be changed to provide for increased view sharing with the adjoining property in this regard.

7. A View Impact Assessment is required to be provided by the applicant.

The applicant subsequently provided amended plans and a View Impact Analysis in response to the request. The following provides an assessment of view sharing against the principles laid out by Senior Commissioner Roseth SC in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140.

Assessment of views to be affected

The current view corridor available to No 16 Seaview Terrace consists of distant escarpment views to the south west, distant views of the southern area of Stanwell Park Beach and near views encompassing Stanwell Park lagoon (Hargreaves Creek), Stanwell Park Beach and the Pacific Ocean to the south/south east.

The view is a whole panoramic view made up of escarpment and foothills lands, Stanwell Park Beach and lagoon and the Pacific Ocean, and includes the interface between these elements. As such, the view is considered to be significant. The view impacts occur largely in the lower part of that panorama, affecting views to the lagoon area.

From what part of the property views are obtained, and the extent of the impact

The adjoining dwelling at No 16 Seaview Terrace contains the kitchen, dining and lounge rooms along its southern side at the first floor. There is also a large first floor terrace at the front of the dwelling that wraps around the southern elevation of the dwelling. These areas currently access views over the shared side boundary between Nos 16 and 18 Seaview Terrace. It is noted that views over side boundaries are harder to protect, however the topography of the land and the location of the views to the south allow for considered design on adjoining land to maximise view sharing.

- Impacts arising from Proposed Dwelling 2

Proposed Dwelling 2 is comprised of the existing dwelling on site following its alterations and additions and is located at the rear of the subject site. The existing dwelling on the subject site has a lower roof form that is proposed to be removed as part of the alterations and additions to that dwelling. The approximately 5 metre wide portion of roof proposed to be attached to Dwelling 2 that is replacing the existing lower roof form sits slightly higher than the existing roof, and will impact upon views of vegetation on the southern side of the Lagoon from the kitchen, dining, lounge room and southern deck. The extent of the impact by Dwelling 2 is considered to be minor here as the view loss represents only a small portion of the overall vegetation/escarpment views when viewing to the south east.

- Impacts arising from Proposed Dwelling 1

Proposed Dwelling 1 has the greater impact on views from the adjoining property as a result of part of the new construction occurring in the front setback of the existing dwelling where there is currently no built form. There is a loss of Lagoon view from the lounge in the sitting and standing positions and

from the deck in a sitting position. Views are also impacted from a sitting position in the dining room. The view loss from Dwelling 1 is considered to be minor to moderate.

The View Impact Analysis dated 9 May 2022 and prepared by RG Town Planning provides a series of photographs indicating the proposed new roof line, determined through calculation using the structure on the site as a reference point. In addition, surveyed height poles will be also provided for the consideration of the Panel.

The relevant photographs from the View Impact Analysis have been used below to provide detail as where the views are obtained from the adjoining dwelling at No 16 Seaview, and the extent of the impact when considered against the information provided in the View Impact Analysis, for the front terrace and lounge room.

Table 1: Front terrace, both sitting and standing







 <p>Front terrace sitting – viewing S</p> <p>Moderate view loss of lagoon in lower view</p>	 <p>Front terrace standing – viewing SW</p> <p>Minor view loss of part of vegetation located on southern side of Lagoon area</p>
	 <p>Front terrace standing – viewing S</p> <p>Minor loss of view of car parking area and foreground vegetation that is primarily located on subject site</p>
<p>Comment: the view loss from the terrace is considered to be moderate as the view of the lagoon from the seated position is obscured by the proposal. The view of the lagoon is considered to be a significant component of the overall view.</p>	

Table 2: Lounge room, both sitting and standing

	
<p>Lounge room sitting – viewing S</p> <p>Moderate view loss of lagoon in lower view</p>	<p>Lounge standing – viewing SW</p> <p>Minor view loss of part of vegetation on southern side of Lagoon</p>
	 <p>Lounge standing – viewing S</p> <p>Minor loss of view of car parking area and some foreground vegetation</p>
<p>Comment: the view loss from the lounge room is considered to be moderate as the view of the lagoon from the seated position is obscured by the proposal. Again, the view of the lagoon is considered to be a significant component of the overall view.</p>	

Similar analysis for the kitchen and dining rooms was not provided in the View Impact Assessment, however an indication of the views available from those locations and commentary on the likely extent of view loss is provided below, with the red outline indicating the general area of impact.

Table 3: Dining room, both sitting and standing






 <p>A photograph taken from a seated position in a dining room, looking out through a large window. The view shows a landscape with greenery and a body of water in the distance. A red rectangular box highlights a specific area of the view, likely the lagoon/beach/ocean interface.</p>	 <p>A photograph taken from a standing position in a dining room, looking out through a window. The view shows a landscape with greenery and a body of water in the distance. A red rectangular box highlights a specific area of the view, likely the lagoon/beach/ocean interface.</p>
<p>Dining room sitting – viewing S</p> <p>Moderate loss of lagoon/beach/ ocean interface view</p>	<p>Dining room standing – viewing SW</p> <p>Minor loss of view of part of vegetation above existing lower roof</p>
<p></p>	 <p>A photograph taken from a standing position in a dining room, looking out through a window. The view shows a landscape with greenery and a body of water in the distance. A red rectangular box highlights a specific area of the view, likely the lagoon/beach/ocean interface.</p> <p>Dining room standing – viewing S/SE</p> <p>Minor/moderate loss of lagoon/beach/ ocean interface view</p>
<p>Comment: the view loss from the dining room is considered to be minor to moderate. The limited view of the lagoon/beach/ocean interface from the seated and standing positions is impacted by the proposal.</p>	

Table 4: Kitchen, both sitting and standing

	
<p>Kitchen standing – viewing S/SE</p> <p>Minor view loss towards southern side of Lagoon and towards vegetation located on opposite side of Seaview Terrace</p> <p>Marginal additional areas of viewing likely to occur centrally arising from the lower roof height of the western portion of roof for Dwelling 1.</p>	<p>Kitchen standing – viewing SW</p> <p>Minor view loss towards southern side of Lagoon</p>
<p>Comment: the view loss from the kitchen is considered to be minor. Views from this room are obtained by standing, and due to the location of the kitchen at the rear of the No 16, current views are obtained over the existing bamboo/roof area. Impacts related mostly to views of vegetation and do not result in a break in the panorama.</p>	

The overall extent of view loss arising from the proposed development is considered to be minor to moderate.

The reasonableness of the development

The proposal is compliant with Wollongong Local Environmental Plan 2009 and Wollongong Development Control Plan 2009 in terms of building height, number of storeys, side boundary setbacks and floor space ratio. The development includes a proposal to vary the front building setback, where the proposed new dwelling encroaches into the front building setback of 6 metres by 1.213 metres, for an area of 1.46m² at the first floor level. The proposed variation has a negligible impact on the overall view loss from each viewing point as the encroachment only obscures the view of a small amount of vegetation located on the opposite site of Seaview Crescent.

View sharing conclusion

The impacts arising from the proposal on views enjoyed from No 16 Seaview Crescent are considered by this assessment to be minor to moderate, noting that in consideration of the whole view available to No 16, view retention significantly exceeds the view loss arising. The adjoining property will retain nearby beach and ocean views, as well as distant beach and escarpment views, and the escarpment to ocean panorama when viewed from No 16 Seaview Crescent is also maintained. The proposal is generally compliant with the development standards and controls applicable to the land, with the exception of a minor front building line encroachment that does not significantly contribute to view loss. In conclusion, it is considered that the proposed dual occupancy at No 18 Seaview Crescent achieves sufficient view sharing with No 16 Seaview Terrace, and can be supported.

ATTACHMENT 6 – Draft Conditions

DRAFT CONDITIONS FOR: DA-2021/1355

Consent has been granted subject to the following conditions:

NSW Rural Fire Service - Rural Fires Act 1997

Pursuant to s100B - authorisation under the Rural Fires Act 1997 - General Terms of Approval issued by NSW Rural Fire Service dated 10 January 2022 as attached shall form part of this Notice of Determination.

1. Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
01	1	Proposed Site Plan	MJD Design & Drafting	21 August 2021
02	2	Proposed Ground Floor Plan Unit 1	MJD Design & Drafting	15 May 2022
03	2	Proposed First Floor Plan Unit 1	MJD Design & Drafting	15 May 2022
07	2	Proposed Lower Ground Floor Plan Unit 2	MJD Design & Drafting	15 May 2022
08	2	Proposed Ground Floor Plan Unit 2	MJD Design & Drafting	15 May 2022
04	2	Proposed North Elevation Unit 1	MJD Design & Drafting	15 May 2022
05	2	Proposed East Elevation Unit 1	MJD Design & Drafting	15 May 2022
06	2	Proposed South Elevation Unit 1	MJD Design & Drafting	15 May 2022
09	2	Proposed North Elevation Unit 2	MJD Design & Drafting	15 May 2022
10	2	Proposed South Elevation Unit 2 – Version 3	MJD Design & Drafting	15 May 2022
11	2	Proposed West Elevation Unit 2	MJD Design & Drafting	15 May 2022
12	2	Overall North Elevation	MJD Design & Drafting	15 May 2022
13	2	Proposed Overall South Elevation	MJD Design & Drafting	15 May 2022
20	1	BASIX Schedule Unit 1	MJD Design & Drafting	21 August 2021
21	1	BASIX Schedule Unit 2	MJD Design & Drafting	21 August 2021
23	2	Proposed Torrens Title Sub Division Plan	MJD Design & Drafting	15 May 2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

General Conditions

2. Construction Certificate

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 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 Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

3. 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.

4. Tree Retention/Removal

This consent permits the removal of trees numbered T3, T4 and T5 as indicated on the Landscape Plan LP03 Issue G dated April 2022 prepared by R+M Landscape Architecture. No other trees shall be removed without prior written approval of Council.

5. Site Facilities

Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature. The house number must be displayed in a prominent position and the mailbox installed in accordance with Australia Post Guidelines.

Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature. The house number must be displayed in a prominent position and the mailbox installed in accordance with Australia Post Guidelines.

6. Comply with Geotechnical Report

The applicant must carry out all recommendations contained in the geotechnical report Ref: TERRA21-371.Rep1. Rev1 dated 14 September 2021 and prepared by Terra Insight in order to ensure the structural design will incorporate the site geotechnical constraints to achieve the acceptable risk level as defined by Wollongong Development Control Plan 2009.

7. Sydney Water

Requirements issued by Sydney Water dated 25 July 2022 as attached shall form part of this Notice of Determination.

8. Development Contributions

In accordance with Section 4.17(1)(h) of the Environmental Planning and Assessment Act 1979 and the Wollongong City Wide Development Contributions Plan (2021), a monetary contribution of \$5,500.00 (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 proposed cost of development and the applicable percentage levy rate.

The contribution amount will be indexed quarterly until the date of payment using Consumer Price Index; All Groups, Sydney (CPI) based on the formula show in the Contributions Plan.

To request an invoice to pay the contribution amount go www.wollongong.nsw.gov/contributions and submit a contributions enquiry. The following will be required:

- Application number and property address.
- Name and address of who the invoice and receipt should be issue to.
- Email address where the invoice should be sent.

A copy of the Contributions Plan and accompanying information is available on Council's website www.wollongong.gov.au.

9. Existing Retaining Wall located within Road Reserve

This consent does not give approval for the existing retaining wall located within the road reserve.

Before the Issue of a Construction Certificate

10. Engineering Plans and Specifications - Retaining Wall Structures Greater than One (1) Metre

The submission of engineering plans and supporting documentation of all proposed retaining walls greater than one (1) metre to the Principal Certifier 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. The required engineering plans and supporting documentation shall include the following:

- a. A plan of the wall showing location and proximity to property boundaries;
- b. 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;
- c. Details of fencing or handrails to be erected on top of the wall;
- d. 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;
- e. 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;
- f. The assumed loading used by the engineer for the wall design.
- g. 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.

11. Pier and Beam Footings Adjacent to any Drainage Easement

Buildings and structures (including brick fences) adjacent to easements shall be supported on pier and beam footings outside the easement. The base of the piers shall be a minimum 900mm below ground level and shall extend below the invert level of the drainage pipelines within the easement. Structural Engineers details are required detailing the size and levels of the existing drainage pipelines and the design levels for the base of the piers adjacent to the easement.

12. No Adverse Runoff Impacts on Adjoining Properties

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater runoff.

13. 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. The above requirements must be clearly shown on Construction Certificate plans prior to the release of the Construction Certificate.

14. Present Plans to Sydney Water

Approved plans must be submitted online using Sydney Water Tap, available through 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 or telephone 13 20 92 for further information.

15. Utilities and Services

Before the issue of the relevant Construction Certificate, the applicant must submit the following written evidence of service provider requirements to the Certifier:

- a. a letter of consent from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity
- b. a response from Sydney Water as to whether the plans proposed to accompany the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c. other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

16. Obscure Glazing for all Bathroom and WC Windows

The bathroom and WC windows for each dwelling in the development shall be frosted or opaque glass. This requirement shall be reflected on the Construction Certificate plans.

17. Fencing

The development is to be provided with fencing and screen walls at full cost to the applicant/developer. Rear and side property boundaries (behind the building line) and private rear courtyards are to be provided with minimum 1.8 metre high brick, timber lapped and capped or colorbond fences.

This requirement is to be reflected on the Construction Certificate plans.

18. 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 AS 2890.1: 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.

19. Structures Adjacent to Driveway

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS 2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

20. Depth and Location of Services

The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

21. Final Landscape Plan Requirements

The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall be generally consistent with Landscape Plan LP03 Issue G dated 25 July 2022 prepared by R+M Landscaping, and shall address the following additional 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. Existing bamboo along the northern boundary shall be protected during construction and retained.

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

22. Certification for Landscape and Drainage

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.

23. Landscape Maintenance Plan

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.

24. Compensatory Plantings

The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, one (1) 100 litre container mature plant stock shall be placed in the general location of existing tree T3 proposed for removal. The suggested species is *Tristaniopsis laurina*, or similar tree that is likely to remain at shrub height. Details are to be shown on the plans submitted with the Construction Certificate.

25. 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 Certifier prior to release of the Construction Certificate.
- b. Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifier prior to release of the Construction Certificate.
- c. Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75mm thick 100% recycled hardwood chip/leaf litter mulch.
- d. Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the Arborist's recommendations.

26. 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 (Council@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 (02) 4227 7111.

27. Driveway Width

The driveway crossover within Council's road reserve is to be 3 metres wide. This requirement shall be reflected on the Construction Certificate plans.

28. Dilapidation Report

Before the issue of a Construction Certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of No 16 Seaview Crescent, to the satisfaction of the Certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the Certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

29. Louvred Balustrading to First Floor Terrace/Alfresco Areas

The louvres in the balustrading provided to the southern first floor terrace/alfresco areas shall be angled in a south-east/north-west direction. This shall be shown on plan prior to the issue of the Construction Certificate.

30. Proposed Retaining Walls in the Road Reserve

That part of the new retaining walls located in the road reserve and on the southern side of the new driveway and pathway from Seaview Crescent shall be removed from the plan. Any stabilisation of excavations in the road reserve required as a result of the driveway and pathway construction shall occur using battered slopes with a gradient of no greater than 2H:1V. This shall be shown on plan prior to the issue of the Construction Certificate.

Before the Commencement of Building Work

31. 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.

32. Appointment of Principal Certifier

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

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days notice is required).

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

33. Home Building Act Requirements

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 (not being the Council) has given the Council written notice of the following information -

- a. In the case of work for which a principal contractor is required to be appointed -
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act,
- b. In the case of work to be done by an owner-builder -
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifier for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

34. Signs On Site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a. showing the name, address and telephone number of the Principal Certifier for the work, and
- b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c. stating that unauthorised entry to the worksite is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

35. 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.

- a. Each toilet provided must be:
- b. a standard flushing toilet; and
- c. 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.

36. 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.

37. 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.

38. Demolition Works

The demolition of the existing shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of 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.

39. 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.

40. 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.

41. Waste Management

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 reusable materials.

42. Public Liability Insurance

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifier and Council (in the event that Council is not the Principal Certifier) prior to the commencement of any such works in any road reserve or public reserve area.

43. Site Management Program - Sediment and Erosion Control Measures

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

44. 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.

45. 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.

46. Sediment Control Measures

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

47. Notification to Council of any Damage to Council's Infrastructure

Council must be notified in the event of any existing damage to any of Council's infrastructure including, but not limited to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development prior to the commencement of work. Adequate protection must be provided to Council infrastructure prior to work commencing and during the construction period. Any damage to Council's assets shall be restored in a satisfactory manner prior to the issue of the Occupation Certificate.

48. Site Management, Pedestrian and Traffic Management (Where Works are Proposed in or from a Public Road Reserve)

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's Manager Regulation and Enforcement for approval is required, prior to works commencing on the site. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of the latest versions of Australian Standard AS 1742: Traffic Control Devices for Works on Roads and the TfNSW Traffic Control at Worksites Manual.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- a. proposed ingress and egress points for vehicles to/from the construction site;
- b. proposed protection of pedestrians, adjacent to the construction site;
- c. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;

- e. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- f. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- g. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance the latest versions of the TfNSW Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS 1742: "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- h. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by a Registered Certifier in Civil Engineering; and
- i. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

49. Adjustment to Public Utility Service

The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifier which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to any works commencing on site.

50. Bush Fire - Inner Protection Area

At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined within Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

51. 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.

While Building Work is Being Carried Out

52. Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by Class 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter Acid Sulfate Soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) be the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly

distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

53. Piping of Stormwater to Existing Stormwater Drainage System

Stormwater for the land must be piped to the swale drain located in Seaview Crescent, generally in accordance with the Drainage Plan Revision 2 dated 15 May 2022 prepared by MJD Design & Drafting.

54. 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.

55. 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.

56. Compliance with the Building Code of Australia (BCA)

Building work must be carried out in accordance with the requirements of the BCA.

57. Shoring and Adequacy of Adjoining Property

If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense -

- a. Protect and support the building, structure or work from possible damage from the excavation, and
- b. Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

58. Survey Report

The submission of a survey report by a registered Land Surveyor to the Principal Certifier is required, prior to the work proceeding beyond each of the following respective stages so as to guarantee that each stage of the development is completed in accordance with the approved plans:

- a. slab formwork;
- b. walls and completed eaves/gutter/fascia/gables.

59. Copy of Consent in the Possession of Person carrying out Tree Removal

The Developer/Applicant must ensure that any person carrying out tree removal is in possession of this development consent and/or the approved landscape plan, in respect to the tree(s) which has/have been given approval to be removed in accordance with this consent.

60. Hours of Work

The Principal Certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7:00am to 5:00pm on Monday to Saturday.

The Principal Certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Any variation to the hours of work requires Council's approval.

Any request to vary the approved 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; and
- 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*.

61. Site Management

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

- a. Does not spill onto the road pavement and
- b. is not placed in drainage lines or watercourses and cannot be washed into these areas.

62. Building Operations Not to Discharge Pollutants

Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.

63. 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.

64. Cut and Fill Retained

All proposed cut and filling works must be adequately retained with all battered slopes being no steeper than 2H:1V.

65. 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 (<https://www.safework.nsw.gov.au>).

66. Asbestos Clearance Certificate

The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by SafeWork NSW. A Clearance Certificate to certify that the site area is free of asbestos is to be submitted to Council by a licensed asbestos assessor within 14 days of the completion of renovations (or prior to the Occupation Certificate being issued).

67. 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 Certifier), prior to commencement of the construction works.

68. Building Site to be Kept Free of Rubbish

The building site must be kept free of rubbish at all times. All refuse capable of being wind blown must be kept in a suitable waste container.

Before the Issue of an Occupation Certificate

69. Retaining Wall Certification

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify the structural adequacy of the retaining walls and that the retaining walls have been constructed in accordance with plans approved by the Principal Certifier.

70. Section 73 Certificate

A Section 73 Certificate must be submitted to the Principal Certifier prior to occupation of the development/release of the plan of subdivision.

71. 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.

72. Bush Fire Compliance Certificate

A Compliance Certificate shall accompany any Occupation Certificate for Bush Fire construction works as have been completed, verifying that the development has been constructed in accordance with the relevant Bush Fire Attack Level (BAL) requirements of the Development Consent and Construction Certificate.

Occupation and Ongoing Use

73. Loading/Unloading Operations/Activities

All loading/unloading operations are to take place at all times wholly within the confines of the site or within the road reserve under an approved traffic control plan.

74. Maintenance of Inner Protection Area

The Inner Protection Area must be maintained, at all times as follows:

- There shall be minimal fine fuel at ground level which could be set alight by a bush fire. Leaves and vegetation debris should be removed.
- Use of non combustible ground surfaces such as gravel roads, paved areas, in-ground pools, etc is acceptable.
- Lawn areas shall be maintained low cut and clear.
- Areas under fences, fence posts, gates and trees shall be raked and kept clear of fine fuel.
- Gutters, roofs and roof gullies shall be kept free of leaves and other debris.
- Verandahs, decks, carports, etc shall not be used to store combustible materials and shall be kept free of leaves and other debris.
- Areas within courtyards shall be maintained free of leaves and other debris.
- Climbing species are avoided to walls and pergolas.
- Reticulated or bottle gas services shall be installed and maintained in accordance with AS 1596.
- Gas cylinder relief valves shall be directed away from the building and away from any hazardous materials such as firewood, etc.
- Trees may be retained within the IPA where:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of two (2) metres above the ground;
- the canopy is discontinuous such that such that tree canopies should be separated by two (2) to five (5) metres;
- they are smooth barked species or, if rough barked, shall be maintained free of decorticating bark and other ladder fuels (rough barked species are not encouraged);
- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards a building should be provided;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- no part of a tree shall be closer to a power line than the distances set out in the current edition of "Planning for Bush Fire Protection 2019"
- the use of local native plants with features that minimise the extent to which they contribute to the spread of bush fires is encouraged within the above constraints.

Before the Issue of a Subdivision Certificate

75. Occupation Certificate Prior to Subdivision Certificate

An Occupation Certificate for the dwelling/s must be issued prior to the release of the Subdivision Certificate for the Torrens title subdivision. A copy of the Occupation Certificate shall be lodged to Council with the Subdivision Certificate application.

76. Existing Restriction as to Use

All existing restriction on the use of land must be acknowledged on the final subdivision plan.

77. Existing Easements

All existing easements must be acknowledged on the final subdivision plan.

78. Encroaching Pipes

A minimum one (1) metre wide easement to drain water shall be created over any encroaching drainage pipes.

For all drainage easements proposed over the subject lots, a Works-As-Executed/survey plan of all stormwater drainage within the site is to be submitted with the Subdivision Certificate Application to confirm this.

79. Encroaching Services

A minimum one (1) metre wide easement for services must be created over any encroaching utility service.

80. Section 88B Instrument

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

- a. Easement for services;
- b. easement for drainage;
- c. easement for encroachment;
- d. rights of access.

81. 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.

82. 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 a 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;
- 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 Development Contribution fees (Pro rata) (if applicable).



NSW RURAL FIRE SERVICE

Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500

Your reference: (CNR-32166) DA-2021/1355
Our reference: DA20211205005326-Original-1

ATTENTION: Nicole Ashton

Date: Monday 10 January 2022

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
18 SEAVIEW CRESCENT STANWELL PARK NSW 2508, 501//DP1001779

I refer to your correspondence dated 01/12/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

Asset Protection Zones

The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the commencement of building works or the issue of a subdivision certificate, whichever comes first, the entire site must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
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www.rfs.nsw.gov.au

- leaves and vegetation debris should be removed regularly.

2. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Water and Utility Services

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available,
- all above-ground water service pipes external to the building are metal, including and up to any taps,
- where practicable, electrical transmission lines are underground,
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
- connections to and from gas cylinders are metal,
- polymer-sheathed flexible gas supply lines are not used, and
- above-ground gas service pipes are metal, including and up to any outlets.

For any queries regarding this correspondence, please contact Emma Jensen on 1300 NSW RFS.

Yours sincerely,

Anna Jones
Supervisor Development Assessment & Plan
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
18 SEAVIEW CRESCENT STANWELL PARK NSW 2508, 501//DP1001779
RFS Reference: DA20211205005326-Original-1
Your Reference: (CNR-32166) DA-2021/1355

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Anna Jones

Supervisor Development Assessment & Plan
Built & Natural Environment

Monday 10 January 2022

25 July 2022

Our Ref: 200858

Nicole Ashton
Wollongong City Council
Nashton@wollongong.nsw.gov.au

RE: Development Application DA-2021/1355 at 18 Seaview Crescent, Stanwell Park

Thank you for notifying Sydney Water of DA-2021/1355 at 18 Seaview Crescent, Stanwell Park, which proposes alterations and additions to an existing dwelling to facilitate the construction of a secondary dwelling. Sydney Water has reviewed the application based on the information supplied and provides the following comments to assist in planning the servicing needs of the proposed development.

Water Servicing

- Potable water servicing should be available via a DN100 CICL watermain (laid in 1955) on Seaview Crescent.
- Amplifications, adjustments, and/or minor extensions may be required.

Wastewater Servicing

- Wastewater servicing should be available via a DN75 wastewater main (laid in 2004) on Seaview Crescent
- Amplifications, adjustments, and/or minor extensions may be required.
- Detailed servicing requirements will be provided at the Section 73 stage.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Further advice and requirements for this proposal are in Attachment 1. If you require any further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "K. Leitch", with a stylized flourish at the end.

Kristine Leitch
Commercial Growth Manager
City Growth and Development, Business Development Group
Sydney Water, 1 Smith Street, Parramatta NSW 2150

Attachment 1

Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

Sydney Water recommends developers apply for Building Plan approval early as in some instances the initial assessment will identify that an Out of Scope Building Plan Approval will be required.

Out of Scope Building Plan Approval

Sydney Water will need to undertake a detailed review of building plans:

1. That affect or are likely to affect any of the following:
 - Wastewater pipes larger than 300mm in size
 - Pressure wastewater pipes
 - Drinking water or recycled water pipes
 - Our property boundary
 - An easement in our favour
 - Stormwater infrastructure within 10m of the property boundary.
2. Where the building plan includes:
 - Construction of a retaining wall over, or within the zone of influence of our assets
 - Excavation of a basement or building over, or adjacent to, one of our assets
 - Dewatering – removing water from solid material or soil.

The detailed review is to ensure that:

- our assets will not be damaged during, or because of the construction of the development
- we can access our assets for operation and maintenance
- your building will be protected if we need to work on our assets in the future.

The developer will be required to pay Sydney Water for the costs associated with the detailed review.

Tree Planting

Certain tree species placed in close proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Sydney Water requires that all proposed or removed trees and vegetation included within the proposal adhere to the specifications and requirements within Section 46 of the Sydney Water Act (1994) and [Diagram 5 – Planting Trees within our Technical guidelines – Building over and adjacent to pipe assets](#). Please note these guidelines include more examples of potential activities impacting our assets which may also apply to your development.

If any tree planting proposed breaches our policy, Sydney Water may need to issue an order to remove every tree breaching the act, or directly remove every tree breaching the Act and bill the developer or Council for their removal.