

Wollongong Local Planning Panel Assessment Report | 13 December 2022

WLPP No.	Item No. 1
DA No.	DA-2022/476
Proposal	Residential - demolition works and tree removal, alterations and additions to existing dwelling
Property	7 Coledale Avenue, Coledale NSW 2515; Lot 1 DP 1280485
Applicant	Alex Urena Design Studio Pty Ltd
Responsible Team	Development Assessment and Certification - City Wide Team – (VL)
Prior WLPP meeting	N/A

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

The proposal has been referred to Local Planning Panel for **determination** pursuant to clause 3, Schedule 2 of the Local Planning Panels Direction for departure to Clause 4.4 Floor Space Ratio in Wollongong Local Environmental Plan (WLEP) 2009 by more than 10%. The proposal seeks a departure of 61%.

Proposal

The proposal seeks consent for the following:

- Demolition of part of the existing dwelling;
- Alterations and additions to the existing dwelling; and
- Tree removal

Permissibility

The site is zoned C4 Environmental Living pursuant to Wollongong Local Environmental Plan (WLEP) 2009. The proposal is categorised as a dwelling house and is permissible in the zone with development consent. Demolition is ancillary works to facilitate the proposal is also permissible.

Consultation

The application was exhibited in accordance with Council's Community Participation Plan 2019 between 9 June to the 23 June 2022 and a total of six (6) submissions were received. The submissions received are discussion at section x of the report.

Additional information was submitted by the applicant to clarify Council's additional information request on 17 October 2022. This information did not change the design of the proposal as lodged. This information was not notified however, is presented as part of the Attachment 1, 5 & 6.

Main Issues

The main issues are:

- Floor space ratio – departure from Clause 4.4 of WLEP 2009
- DCP variations (Chapter B1 of Wollongong DCP 2009) in relation to side setbacks, private open space, and solar access
- View impacts

RECOMMENDATION

DA-2022/476 be approved subject to the conditions outlined at Attachment 8.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- State Environmental Planning Policy (Resilience and Hazards) 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 2022
- Wollongong Community Participation Plan 2019
- Wollongong Coastal Zone Management Plan

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal seeks consent for the following:

- Demolition of part of the existing dwelling and carport;
- Alterations and additions to the existing dwelling including:
 - Addition of upper level (master bedroom, ensuite and balcony)
 - Internal reconfiguration of the lower and middle ground
 - Addition of attached double garage
 - Extension of middle ground rear balcony
 - Extension to the rear of the lower ground and terrace area
- Removal of one (1) tree

1.3 BACKGROUND

Application No.	Description	Decision	Decision Date
DA-1968/107	Flats	Refused	30 May 1960
PL-2020/195	Alterations and additions to existing dwelling	Completed	8 December 2020

No pre-lodgement was held for this specific proposal. The pre-lodgement meeting in 2020 was for a different design.

Customer service actions

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

1.4 SITE DESCRIPTION

The site is located at 7 Coledale Avenue, Coledale NSW 2515 with the Title reference Lot 1 DP 1280485. The lot has a site area of 302.6m² and a two storey dwelling house and carport is currently located onsite. The lot slopes from the street to the rear with a fall of approximately 6m.

To the north of the site is two storey dwelling house with no off-street parking and to the south a two-storey dwelling and secondary dwelling. To the east is grassed foreshore area being Crown Land.

The immediate locality is generally characterised by low density residential development with detached dwelling houses. Along the eastern side of Coledale Avenue are large 2 -3 storey dwelling houses. On the western side of Coledale Avenue comprises of mixed-use development however, primarily single to two storey dwelling properties that front Lawrence Hargrave Drive but with vehicular access to the rear.

Property constraints

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

- Acid sulfate soils – Class 5
- Foreshore building line
- Coastal Hazard(s): Geotechnical risk

There are no restrictions on the Title that preclude assessment of the application.

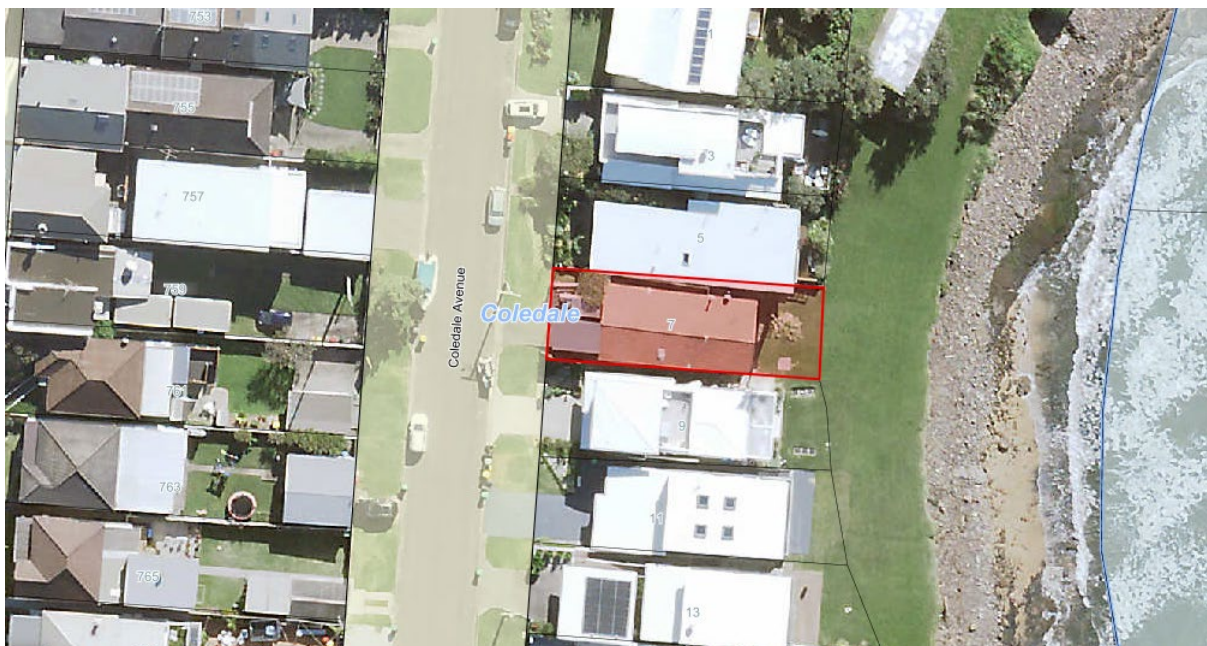


Figure 1: Aerial photograph

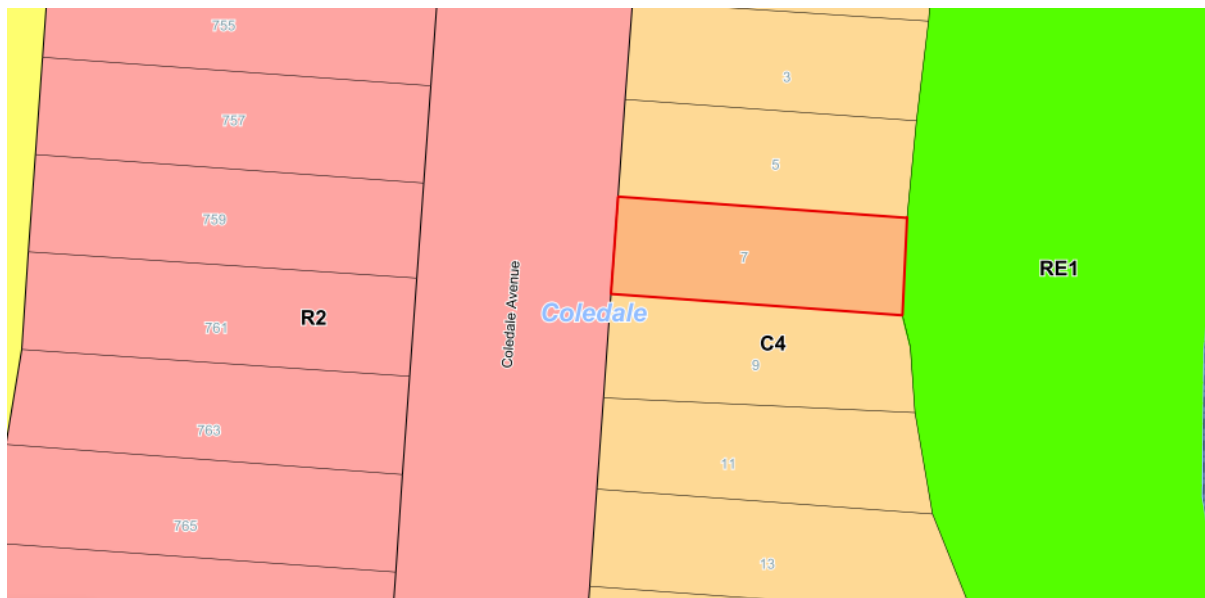


Figure 2: WLEP 2009 zoning map

1.5 SUBMISSIONS

The application was exhibited in accordance with Council’s Community Participation Plan 2019 between 9 June to the 23 June 2022 and a total of six (6) submissions were received.

Amended plans and additional information was submitted by the applicant to clarify Council’s additional information request on 17 October 2022. Only minor changes were made to proposal with the first floor northern elevation living room window (W02) now marked to be opaque and additional screening extended along the sides of the rear terrace and balcony. No other changes were made to the proposal. Additional information submitted also comprised of a further view impact assessment, shadow diagrams and plans clarifying heights and FSR for the proposed development.

This information was not re-notified however, is presented as part of the Attachment 1, 5 and 6.

The issues are discussed below.

Table 1: Submissions

Concern	Comment
1. Height	<p>Concerns are raised that proposed development will exceed the maximum allowable building height for the land of 9m under Clause 4.3 of WLEP 2009.</p> <p>Additional information was submitted by the applicant at Attachment 1 with sections provided of the proposed development. The plans show the height to be a maximum of 9m. Based on this information is it considered the proposal complies with the required building height. Proposed condition 37 requires a survey report confirming approved height limits are not exceeded during construction</p>
2. Floor space ratio	<p>The floor space ratio for the proposed development exceeds the maximum 0.3:1 and concerns that this will have adverse impacts on the amenity and views of adjoining properties.</p>

Concern	Comment
	<p>Additional information was provided to clarify the gross floor area calculations at Attachment 1.</p> <p>The proposal seeks a departure to Clause 4.4 Floor space ratio development standard under WLEP 2009. A Clause 4.6 written request has been submitted by the applicant and is considered capable of support. Refer to section 2.3.1 for further discussion.</p>
3. Wall height and side setback	<p>The proposed upper floor addition will result in a wall height greater than 7m and a 3m side setback has not been provided to the boundaries.</p> <p>The applicant has sought a variation to this control in Chapter B1 of WDCP 2009 and a variation statement has been provided at Attachment 5.</p> <p>The variation is considered capable of support as outlined in section 2.3.1 of the report.</p>
4. View loss	<p>A view assessment was provided by the Applicant within the Statement of Environmental Effects and the additional information response at Attachment 6. It is considered that this assessment and associated plans provide a reasonable assessment of the impacts on views.</p> <p>On balance it is considered that sufficient view sharing is achieved by the nearby properties and the proposal can be supported in this instance as discussed in Attachment 7.</p>
5. Development is 3 storeys	<p>Three storey development is not precluded in the C4 zone as exists for the R2 zone in Chapter B1 of WDCP 2009. The three storey component is proposed for a portion of the upper level of the building. However, the proposal complies within the maximum height as required in WLEP 2009 at 9m maximum.</p>
6. Inconsistent with the objectives of C4 Zone	<p>It is considered that the objectives of the C4 zoning for the site have been met as outlined in the report.</p>
7. Amenity impacts	<p>Concerns are raised that the proposed development will result in adverse amenity impacts on the adjoining and nearby properties.</p> <p>Amenity impacts of the proposed development including view loss, overshadowing, overlooking have been assessed as outlined in this report. On balance it is considered that the proposal maintains a reasonable level of amenity for adjoining and nearby properties that is satisfactory in accordance with the relevant development standards and controls.</p>

Concern	Comment
8. Notification was not carried out accordingly	<p>Concerns were raised that a number of nearby residential properties were not notified of this development application.</p> <p>This development application was notified in accordance with the Wollongong Community Participation Plan 2019 as required.</p>

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Development Engineering Officer

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

Landscape Officer

Council's Landscape Officer has assessed the application submission and satisfactory referral advice was provided. No objection was raised to the removal of the tree. No specific conditions were recommended.

Geotechnical Officer

Council's Geotechnical Officer has assessed the application submission and satisfactory referral advice was provided. Conditions of consent were recommended.

1.6.2 EXTERNAL CONSULTATION

None required

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

2.1 Aim of Chapter

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

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

2.3 Land to which Chapter applies

This Policy applies to land within the coastal zone.

2.3 Relationship with other environmental planning instruments

- (1) In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.*
- (2) This Policy does not apply to land within the Lease Area within the meaning of State Environmental Planning Policy (Three Ports) 2013.*

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.*
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*
 - (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
- (3) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.*

Comment:

All works are proposed within the Coastal Environment Area. The proposed works have been considered against the provisions of Clause 2.10 and are considered acceptable as no adverse impacts will result. The site is not identified to be of Aboriginal cultural heritage significance and the proposal will not impact access to public open space to the foreshore. Stormwater from the development is to

connect to the existing existing stormwater drainage network/outlet to the ocean ledge. This has been reviewed by Council's Development Engineer and no objections subject to recommended conditions.

Division 4 Coastal use area

2.11 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.

(2) This clause does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Comment:

All works are also proposed within the Coastal Use Area. The site is not identified to be a heritage item or of Aboriginal cultural heritage significance and does not provide access for the public to the foreshore/beach. Additional overshadowing from the proposal on the foreshore (public place) is minor if not negligible. The proposal will maintain the side setbacks of the existing dwelling and therefore maintain the view corridors along the side boundaries. The proposed upper floor addition may reduce some views of the ocean when standing on the western side of Coledale Avenue however, is considered to be minimal and acceptable as the proposal does not exceed the maximum allowable height of 9m. The proposal will be similar to the bulk and scale of other dwellings along this section of this foreshore. The proposed works have been considered against the provisions of Clause 2.11 and are considered acceptable as no adverse impacts will result.

Division 5 General

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

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

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

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

2.14 Other development controls not affected

Subject to clause 7, for the avoidance of doubt, nothing in this Part:

- (a) permits the carrying out of development that is prohibited development under another environmental planning instrument, or*
- (b) permits the carrying out of development without development consent where another environmental planning instrument provides that the development may be carried out only with development consent.*

2.15 Hierarchy of development controls if overlapping

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

- (a) the coastal wetlands and littoral rainforests area,*
- (b) the coastal vulnerability area,*
- (c) the coastal environment area,*
- (d) the coastal use area.*

Comment:

The proposed works have been reviewed in relation to Clauses 2.12 to 2.15 above and is considered acceptable in this instance.

NSW Coastal Management Act 2016, Coastal Management Amendment Act 2021, and Wollongong Coastal Zone Management Plan

The Wollongong Coastal Zone Management Plan (Wollongong CZMP) (BMT WBM 2017) was certified on 20 December 2017 and applies to the coastal zone of the Wollongong Local Government Area which includes this development application site. The *Coastal Management Amendment Act 2021* commenced on 1 November 2021, to give coastal councils until 31 December 2023 to implement their CZMPs. By effect this enables a continuation of the current certified CZMP (20 December 2017) whilst Council undertakes further studies and community consultation for a transition to a new Coastal Management Plan.

The Wollongong CZMP identifies the site as being located in a coastal geotechnical risk area. The proposed development has been assessed by Council's Geotechnical Officer who has raised no objection subject to conditions of consent recommended at Attachment 8.

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

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) it has considered whether the land is contaminated, and*

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

Council records do not indicate any historic use that would contribute to the potential contamination of the site and the land is not identified as being contaminated on Council's land mapping system. The proposal does not comprise a change of use. No concerns are raised regarding contamination as relates to the intended use of the land and the requirements of clause 4.6.

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

The proposal is BASIX affected development to which this policy applies. In accordance with Schedule 1, Part 1, 2A of the Environmental Planning and Assessment Regulation 2000, a BASIX Certificate has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

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

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

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

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

dwelling house means a building containing only one dwelling.

Note—

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

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned **C4 Environment Living**.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

The proposed development does not impact adversely on ecological or scientific values of the site. The design incorporates features in keeping with existing dwelling and that will not detract from the character of the coastal area. The proposal is satisfactory with regard to the above objectives.

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

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Child care centres; Community facilities; Dual occupancies; **Dwelling houses**; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home-based child care; Hospitals; Hostels; Information and education facilities; Jetties; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Signage; Veterinary hospitals*

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

Clause 2.7 Demolition requires development consent

Consent is sought for the demolition of the existing structures on the site pursuant to this clause.

Part 4 Principal development standards

Clause 4.3 Height of buildings

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

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone:

0.3:1

Site area = 302.6 sqm; Gross floor area = 146.18 sqm

FSR

= 146.18/302.6

= 0.48:1

The proposed FSR for the site exceeds 0.3:1 and does not comply.

Clause 4.6 Exceptions of development standards

WLEP 2009 Clause 4.6 proposed development departure assessment	
Development departure	Clause 4.4 Floor Space Ratio 0.3:1

	The proposal has a FSR of 0.48:1.
Is the planning control in question a development standard	Yes
4.6 (3) Written request submitted by applicant contains a justification:	
that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	Yes. The applicant's request contains this justification as provided at Attachment 3.
that there are sufficient environmental planning grounds to justify contravening the development standard.	Yes, the applicant's request contains this justification shown at Attachment 3.
4.6 (4) (a) Consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>The statement submitted by the applicant (Attachment 3) is considered to have adequately addressed the matters required to be demonstrated, in that compliance to the development standard is unnecessary or unreasonable in the circumstances of the case. In demonstrating that there is sufficient planning grounds the statement appropriately provides reasons that are specific to the site.</p> <p>The exception is capable of support in this case for the following reasons:</p> <p>A review of other development approvals granted in Coledale Avenue in the C4 zone and the schedule at Attachment 4, have identified circumstances in that specific location have warranted a number of variations rather than strict compliance with the standard.</p> <p>It is noted land with a FSR maximum of 0.3:1 usually corresponds to a minimum lot size is 999sqm for C4 zoned land in WLEP 2009. However, as the site has an existing area of 302.6 sqm it does not meet the minimum lot size presents as a planning anomaly that has been accepted in other locations along the street.</p> <p>The proposed development does not impact adversely on ecological or scientific values of the site. The primary quality of the area is its proximity to the ocean and the foreshore with public access to the ocean and foreshore provided at either end of Coledale Avenue.</p> <p>It has been demonstrated that compliance with the standard is both unreasonable and unnecessary in the circumstances of this case as the FSR for this street is variable. Whilst the proposal exceeds the maximum FSR, the change to the gross floor area is negligible (just under 1sqm) and remains lower than the 0.5:1 requirement for the adjacent R2 zone, proposed at 0.48:1. The</p>

	written request has adequately addressed the matters required to be addressed under subclause (3).
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and	<p>It is considered that strict numerical compliance with the floor space ratio development standard in the context of the proposal would not result in significant public benefit.</p> <p>The proposal is for alterations and additions to the single dwelling house are not considered out of character with the overall bulk and scale of nearby and surrounding residential development in this locality. The proposal will increase the available parking within the site with a double garage. The proposal is not considered to result in traffic generation that would adversely impact the local road network. The proposal as discussed in the report is considered to maintain a reasonable level of amenity for the adjoining and nearby properties. The application has been reviewed by Council's internal referral officers and no objections were raised subject to recommended conditions.</p> <p>The statement demonstrates that the proposed development will be in the public interest because it is consistent with the objectives of the standard. It provides a form of development which is consistent with the objectives of the C4 zone. The proposal will not give rise to detrimental impacts on adjoining residential development.</p> <p>The statement has satisfactorily demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds specific to the site to justify contravening the development standard.</p> <p>On balance, the proposal is considered to be in the public interest.</p>
(b) the concurrence of the Secretary has been obtained.	The WLPP can assume the Secretary's concurrence as the consent authority.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The development is already serviced by electricity, water and sewerage services. A condition will be imposed upon the development consent requiring approval from the relevant authorities for the connection of electricity, water and sewage to service the site.

Clause 7.5 Acid Sulfate Soils

The proposal is identified as potentially being affected by class 5 acid sulfate soils. The site is not within 500mm of adjacent Class 1-4 land that is below 5m AHD, an acid sulfate soils management plan is not required; however appropriate condition has been recommended.

Clause 7.6 Earthworks

The proposal comprises earthworks to facilitate the proposed development. The earthworks are not expected to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features surrounding land.

Clause 7.7 Foreshore building line

The site is identified to be affected by a foreshore building line as indicated in Figure 3. A minor portion of the proposal, bottom step of a set of stairs, is proposed within the area of the foreshore building line. Development consent can be granted for an extension of an existing dwelling pursuant to Clause 7.7(2)(a) provided the requirements of subclause (3) are met.



Figure 3: Foreshore building line

The proposal achieves the objectives of the zone and is compatible with the surrounding area. There is no adverse impact on drainage, natural processes and surrounding uses. The application has been reviewed by Council's Development Engineer and satisfactory referral advice was provided. The appearance of the proposed encroachment structure is compatible within the surrounding area. It is unlikely to generate conflicts between, people using open space areas or the water and does not impede continuous public access along the foreshore due to the location of the site. There also will not be an adverse impact on the amenity or aesthetic appearance of the foreshore.

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

None relevant.

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. A full assessment of the proposal in relation to Chapter B1 of WDCP 2009 is contained at Attachment 2.

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

The proposal seeks a number of variations to the development controls in Chapter B1 Residential Development in WDCP 2009, being:

- Section 4.3 Side Setbacks
- Section 4.6 Private open space
- Section 4.7 Solar access

Section 4.3 Side setbacks

Control sought to be varied

Section 4.3.2.2 requires walls (including gable ends and parapets) that exceed 7m overall height must be setback at least 3m from the side and rear boundaries.

Proposed variation

The wall height of the proposal along the northern elevation is up to 8.145m with a setback of 2.68m to the northern side boundary.

The wall height of the proposal along the southern elevation is up to 7.759m and the setback to the southern boundary is 1.06m.

Applicant's variation statement:

Please refer to the applicant's variation statement in Attachment 5.

Section 4.3.2.7 provides that side setback controls may only be varied where the following is demonstrated to Council's satisfaction:

- (a) The objectives of 4.3.1 are met.*
- (b) The walls and footings are located wholly on the subject land.*
- (c) There are no windows facing the adjoining property that enable overlooking.*
- (d) Walls provide articulation so as to not impact the amenity of adjoining dwellings.*
- (e) Landscaping is appropriately provided to screen development.*

The objectives of 4.3.1 are:

- (a) To create a consistent pattern of building separation along streets.*
- (b) To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.*
- (c) To ensure that buildings are appropriately sited having regard to site constraints.*
- (d) To control overshadowing of adjacent properties and private or shared open space.*
- (e) To ensure improved visual amenity outcomes for adjoining residences.*

Comment:

The proposed setback of the upper level addition maintains the southern side boundary as the existing dwelling and a greater setback to the north to maintain the existing view corridor. The setbacks will not be inconsistent with the pattern for building separation for dwellings along the eastern side of Coledale Avenue.

The upper floor addition will contain a small ensuite window on the northern elevation that will be obscured. Two windows are proposed further along the elevation service the stair well. There will be

no overlooking impacts as these windows would look on to the roof of the adjoining property to the north at No. 5 Coledale Avenue.

No windows are proposed on the southern elevation for this addition. There is a balcony that services the bedroom however, screening is provided along the length of the southern edge to minimise any overlooking to the adjoining southern property at No. 9, where it would look towards a window servicing a stairwell. The proposed upper level balcony is set behind the existing upper terrace (servicing bedroom) at No. 9 Coledale Avenue.

The proposed overshadowing from the upper floor addition (wall height variation) will not adversely impact the solar access received from the living room windows and private open space areas of the adjoining property to the south, at No. 9. It is noted that the 3D Shadow Diagrams at Attachment 1 show that the shadow cast is from the rear extension of the dwelling associated with the balcony and terrace area. The proposal will not cause overshadowing for the adjoining property to the north.

It is also considered on balance that sufficient view sharing is achieved by the nearby properties and the proposal is acceptable in this regard as discussed in Attachment 2 & 7.

Overall, the proposal meets the requirements and objectives of Section 4.3 of Chapter B1 that and it is considered in the circumstances of the case the variation to the wall height can be supported in this instance.

Section 4.6 Private Open Space

Control sought to be varied

The proposal seeks a variation to the minimum width of 4m for the private open space in section 4.6.2.1(a).

Proposed variation

The POS measures 6.9m x 3.49m. The width of 3.49m is less than the required 4m.

Applicant's variation statement:

- *The DCP requires a minimum area of 24m² of private open space (POS) and the proposal complies with this area. The DCP also requires a minimum width of 4m. The width of the deck is greater than 4m (at 6.9m) and has a minimum depth of 3.49m consequently the proposal is compliant with Council's code.*
- *If Council holds the view that the 4m minimum should instead apply to the depth of the balcony rather than its width, then it is considered that a variation is justified as the private open spaces as proposed is large enough to accommodate a range of uses, is accessible and connected to indoor spaces - which aligns with Council's objectives.*
- *Furthermore, location of balconies and decks on adjoining properties informed the depth of the deck so that privacy of adjoining neighbours would not be impinged. This consideration and protection of privacy is also required by Council's policy and so the proposal aligns with this requirement. It is intended to provide additional screening along the edges of these areas to provide further privacy to neighbours.*
- *It is also noted that there is a substantive open area on the lower level which has a deck opening from a ground floor living area and then onto a lawn area below. This area also meets the requirements for private open space in addition to the deck on the middle level so this alternate level is also available for POS.*

The objectives of the control are:

(a) To ensure that private open spaces are large enough to accommodate a range of uses and are accessible and connected to indoor spaces.

(b) To ensure that private open space is suitably located taking into account existing and potential surrounding development.

(c) To minimise amenity impacts to neighbours.

(d) To ensure functionality of the private open space area by reducing overlooking, overshadowing and amenity impacts onto / from adjoining properties, through the provision of appropriate buffer screen planting around the perimeter of the open space area, where necessary.

(e) To protect existing trees and other vegetation in the immediate locality which contribute to the natural setting of the site.

Comment:

The main POS is considered to be the balcony located on the middle ground level as it is adjacent to the main living areas for the dwelling. 24sqm of POS is provided however, the width of the POS is less than 4m, wide.

It is considered that despite the width of the POS areas they will be able to accommodate a range of uses. The extension of the balcony as the POS will be an improvement to the existing dwelling that currently has an area less than 24sqm.

Currently, the 2 adjoining properties first floor rear balconies to the north and south are able to overlook the existing middle ground balcony. With the proposed extension of the balcony, full length screening is proposed for most of the northern and southern edges of the balcony. This is considered to afford the existing residents and adjoining properties to maintain a reasonable level of amenity and may slightly improve the existing situation between the properties.

On balance it is not considered the proposal will result in unacceptable overshadowing on adjoining properties and will not impact or require the removal of trees or vegetation on the site.

It is considered the proposal maintain a similar level of amenity enjoyed by the site and the adjoining properties. In the context of the existing situation, it is considered in the circumstances of the case the variation can be supported in this instance.

Section 4.7 Solar access

Control sought to be varied

Section 4.7.2.1 requires windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.

Proposed variation

The living room windows of the adjoining dwelling at No. 9 Coledale Avenue do not receive at least 3 hours of continuous sunlight between 9am – 3pm on June 21.

Applicant's variation statement:

Please refer to the applicant's variation statement at Attachment 5.

The objectives of the control are:

(a) To minimise the extent of loss of sunlight to living areas of adjacent dwellings and private open space areas of adjoining properties.

(b) To maximise solar access into living rooms and private open space of dwellings in the subject development.

Comment:

Shadow diagrams have been submitted. 2D hourly shadow diagrams from 9am – 3pm and 3D hourly shadow diagrams from 9am – 12pm on June 21. It is noted that from 12pm onwards the properties and associated areas are in shade and hence the 3D shadow diagrams show only 9am-12pm on June 21.

The proposal will overshadow the adjoining property to the south, No. 9 Coledale Avenue.

Living room windows

No. 9 comprises of a dwelling and a secondary dwelling. The secondary dwelling is located on the ground floor and primary dwelling on the first floor. The living room windows are located to the rear of the dwelling on the ground and first floor on the northern elevation.

The living rooms have 2 narrow, full length northern elevation windows each that have external fixed louvre screens as shown in the photo on Attachment 1. Comprising a total of 4 living room windows.

As shown in 3D Shadow diagrams at Attachment 1, the subject dwelling is shown as the house in the centre and No. 9, the adjoining southern dwelling is shown to the left.

Planning Principle

Using the Planning Principles in *The Benevolent Society v Waverley Council* [2010] NSWLEC 1082- at 133-144, a window, door or glass wall to be assessed as being in sunlight, half of its area should be in sunlight.

In addition, to be assessed as being in sunlight, the sun should strike a vertical surface at a horizontal angle of 22.5 degrees or more. (This is because sunlight at extremely oblique angles has little effect.)

Existing Shadows

Based on the principle of the area of a window as being in sunlight. These 4 living room windows currently do not receive 3 hours of continuous sunlight on June 21.

The primary dwelling northern living room windows (first floor) currently receives 1 hour of sunlight from 9am-10am.

The secondary dwelling northern living room windows (ground floor) currently receive 2 hours of continuous sunlight from 9am – 11am on June 21.

Proposed

The shadow diagrams for the proposed development show that amount of sunlight received for these 4 living room windows on the northern elevation will be reduced.

At 9am all windows receive sunlight but by 10am, only 1 window of each living room will receive sunlight.

However, based on the design and treatment of these 4 windows each with a full length fixed external louvre screen (where the louvres as shown in the photo angled downward approximately 45 degrees), it is considered that these windows are unlikely to receive sunlight. As it would appear difficult for the sun to strike the window at a vertical surface a horizontal angle of 22.5 degrees or more to be considered in sunlight due to the fixed position of these louvres on these windows.

Eastern living room windows

Both these living rooms also have sliding doors and windows along the full width of the eastern elevation.

Primary dwelling

The first floor eastern living room windows/sliding doors are associated with the primary dwelling. The existing shadow diagrams show that these windows only receive partial sun at 9am and 10am on June 21. From 11am onwards these windows are wholly in shadow from their own awning over the balcony. The proposed shadow diagrams do not any change to the sunlight received to these windows at 9am and 10am.

Secondary dwelling

The ground floor eastern living room windows/sliding doors are associated with the secondary dwelling. The existing shadows diagrams show partial sunlight received to these windows from 9am – 11am and then in shade by 12pm by the balcony above.

The proposed shadow diagrams show these windows at 9am and 10am show the sunlight received unchanged with the exception if 11am, where the proposal will cast some shadow on the to the edge of the window from the middle ground balcony.

Summary – Living room windows

The additional shadow cast on the adjoining property appears to be from the extension of the middle level rear balcony and associated roof over and extension of part of the dwelling to the rear lower ground level sought in this proposal. The proposed rear extension complies with the relevant development controls and will allow for an increase to the existing private open space (balcony) to comply with the required area in Chapter B1 of WDCP 2009. The proposed roof over the balcony will be consistent with existing roof form. Whilst the proposal seeks a departure from the floor space ratio development standard, the actual change in the total gross floor area is negligible with an addition of less than 1sqm. On balance, while the proposed development will cast additional shadows on the adjoining dwelling to the south on their living room windows, the sunlight retained overall is considered reasonable in the circumstance of the case and as such the variation can be supported in this instance.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2022

The estimated cost of works is \$1,200,000 and a levy is therefore applicable under this plan as the threshold value is \$100,000.00.

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)

Environmental Planning and Assessment Regulation 2021

2 Savings

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation.

‘2000 Regulation’ means the Environmental Planning and Assessment Regulation 2000 as in force immediately before its repeal on 1 March 2022.

6 Determination of BASIX development

A current BASIX Certificate has been supplied for assessment.

61 Additional matters that consent authority must consider

The development proposal involves the demolition of the existing dwelling and associated structures on the site and as such AS2601 - 2001: *The Demolition of Structures* is a prescribed matter for consideration under Clause 92. Demolition practices and procedures will be required to be undertaken in accordance with AS2601 – 2001; conditions of consent will be imposed in this regard.

62 Consideration of fire safety

Not applicable

63 Considerations for erection of temporary structures

Not applicable

64 Consent authority may require upgrade of buildings

Not applicable – existing dwelling and structures on site are proposed for demolition.

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

The key impacts have been discussed largely within this report. Further impacts are discussed below:

Context and Setting:

The applicant's development standard departure in respect to FSR, and variations to wall height, side setback and view sharing controls have been discussed in the report and are considered capable of support. The scale of the development as viewed from the street and foreshore is comparable to other developments in the locality especially along the eastern side of Coledale Avenue.

On balance, the development is considered to provide for reasonable amenity to the occupants and neighbours and is in keeping with the character of the area and compatible with the locality.

Access, Transport and Traffic:

The design and configuration of the vehicular access and car parking arrangements is considered to be acceptable. The proposal will not result in traffic generation that will adversely impact the locality. Council's Development Engineer has provided satisfactory referral advice with recommended conditions.

Public Domain:

The development is not expected to have adverse impact on the public domain. The form of the building is acceptable with regard to the current and desired future character of the area.

Utilities:

The site is currently serviced and minor augmentation of utilities to service the proposed development is expected. Conditions are recommended for imposition in this regard.

Heritage:

There are no nearby heritage items.

Other land resources:

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

Water:

Supply/ consumption – the site is connected to the reticulated water and sewerage system and some augmentation will be required.

Water quality impacts – with the implementation of appropriate soil and water management during construction, it is expected that water quality of downstream watercourses will not be affected.

Soils:

Council records identify the site as containing Class 5 acid sulfate soils, the proposal will not require an acid sulfate soil management plan. With the implementation of appropriate soil and water management during construction, it is expected that soil resources will not be compromised during the course of construction activities.

Air and Microclimate:

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

Flora and Fauna:

The proposed development will not have significant impacts on local flora and fauna. An existing Frangipani tree will be removed from the frontage of the site to accommodate the proposal and the existing Palm at the rear is to be retained. Council's Landscape Officer raised no objection to the tree removal and satisfactory referral advice was provided.

Waste:

Construction waste can be managed via the imposition of appropriate conditions. Bins can be stored in an appropriate location and will be collected from the street frontage.

Energy:

The proposal is not expected to involve unreasonable energy consumption subject to the implementation of the measures identified in the BASIX certificate.

Noise and vibration:

A condition is to be imposed that nuisance be minimised during any construction, demolition, or works.

Natural hazards:

There are no known site constraints that would preclude development of the site.

Technological hazards:

The site is identified to be affected by coastal hazard - geotechnical risk. The application has been reviewed by Council's Geotechnical Engineer in relation to site stability and the suitability of the site for the development subject to recommended conditions.

Safety, Security and Crime Prevention:

The development is not expected to give rise to increased opportunities for criminal and/ or antisocial behaviour.

Social Impact:

There are not expected to be adverse social impacts arising from the proposed development.

Economic Impact:

There are not expected to be adverse economic impacts arising from the proposed development.

Site Design and Internal Design:

The site design, car parking and manoeuvring arrangements proposed are acceptable. All other aspects of the proposal are compliant with applicable controls. The application results in a departure from a development standards and variations to Council's development control plans as discussed within the report.

Construction:

A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.

Construction impacts have the potential to impact on the amenity of the neighbourhood. Conditions are imposed in relation to hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding.

Cumulative Impacts:

The proposal is not expected to have 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 permitted in the C4 zone and whilst a development standard departure and variations to development controls are sought the form of the development is not considered to be inappropriate with regard to the character of the development in the locality and is not expected to give rise to adverse impacts on the amenity of the locality or adjoining developments.

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

Refer to discussion above in Section 1.5 of this report.

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

The application is not expected to have unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and satisfactory with regard to the applicable planning controls. The proposal is considered to be in the public interest.

3 CONCLUSION

The proposed development has been assessed with regard to the relevant prescribed matters for consideration outlined in Section 4.15 of the Environmental Planning & Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies discussed in this report, Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposed development is permissible with consent and is consistent with the zone objectives. There is a development departure sought in relation to the floor space ratio, Clause 4.4 of WLEP 2009 and a number of variations in respect to the WDCP 2009 Chapter B1 which have been justified by the applicant and are considered capable of support

Internal referrals were satisfactory and submissions have been considered. It is considered that the proposed development is unlikely to result in adverse impacts on the character or amenity of the surrounding area, environment and adjoining development.

4 RECOMMENDATION

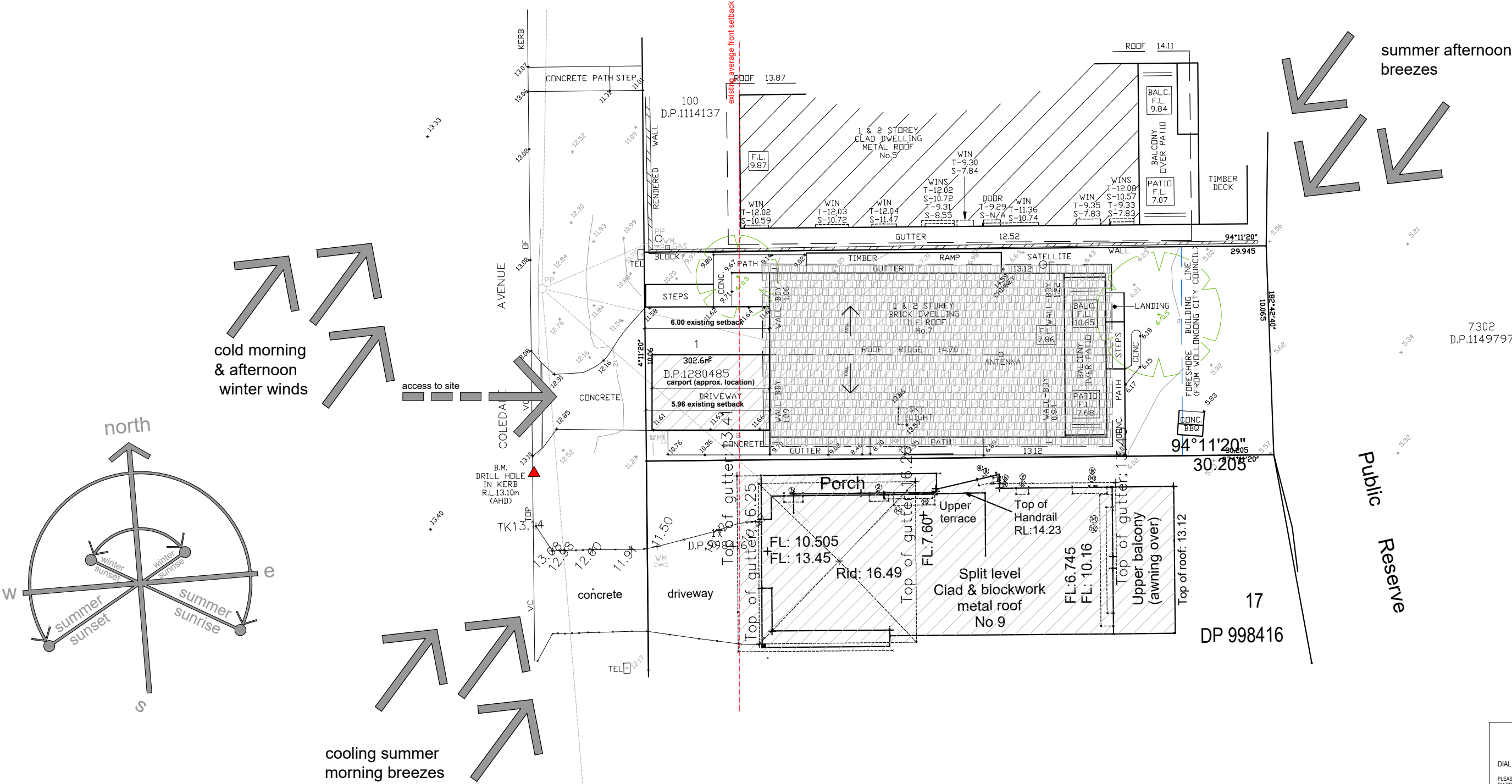
DA-2022/476 be approved subject to the conditions at Attachment 8.

5 ATTACHMENTS

- 1 Plans
- 2 WDCP 2009 compliance table
- 3 Applicant's submission to development departure – Clause 4.4 Floor Space Ratio
- 4 Schedule of FSR Exceedances in Coledale Avenue
- 5 Variation statements
- 6 Applicant View Analysis (SEE) and additional view information
- 7 Council's View impact assessment
- 8 Draft Conditions

project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACRED No. 6243	date: REV. 3 Mar - 2022	sheet: DA: 02 of 20
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CONSTRUCTION NOTES:

ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.

ALL LEVELS & DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION. SURVEY CHECK MIGHT BE REQUIRED.

JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER

SITE SURVEY:
DETAIL SURVEY PLAN, BOUNDARIES, CONTOURS & LEVELS TO AHD BY JRK SURVEYS - DRAWING No. 18-170P1 DATE 12/07/2018 (updated levels by Dennis Smith Surveys Ref. No. 12870 15.11.2021)

LEVELS:
ALL LEVELS (FL. & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION

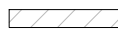
SITE SURVEY:
SOUTH NEIGHBOUR (9 COLEDALE AVE.) SURVEY UPDATE BY DENNIS SMITH SURVEYS REF No. P.R. 12870-1 date 07 march 2022


DRIVEWAY:
DRIVEWAY DESIGN AND LONG SECTION DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 D01-D03 REV. 3 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS

GEOTECH:
GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019139a DATE 10/03/2021 AND GEOTECH LETTER DATE 01.APR.2022

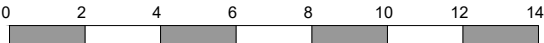
STORMWATER:
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LEGEND

 EXISTING

 VERIFY ON SITE

site analysis
CAMER RENOVATIONS
scale 1:200



project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDA Membership No.1313-13	<div><div>bdaa</div><div>ACCREDITED BUILDING DESIGNER</div><div>ACRED No. 6243</div></div>	date: REV. 3 Mar - 2022	sheet: DA: 03 of 20
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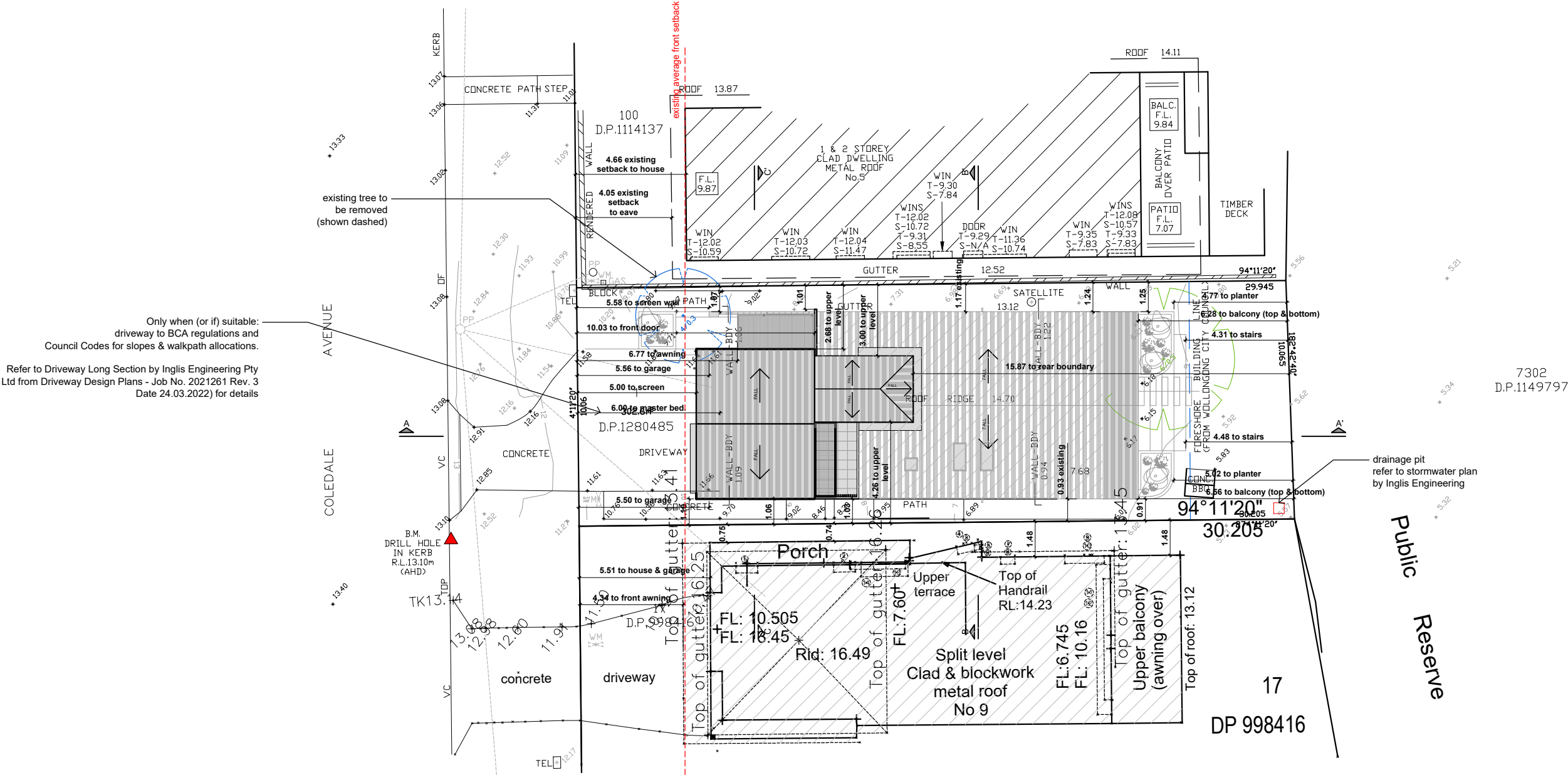
AREAS

EXISTING RESIDENCE	
EXIST. MIDDLE GROUND	101.64 sqm
EXIST. LOWER GROUND	43.73 sqm
TOTAL	145.37 sqm
SITE	
existing FSR	0.48:1
max. permitted FSR	0.30:1

RENOVATED RESIDENCE	
LOWER GROUND LEVEL	61.18 sqm
MIDDLE GROUND LEVEL	93.20 sqm
UPPER LEVEL	27.80 sqm
GARAGE ALLOWANCE	-36.00 sqm
TOTAL	146.18 sqm
SITE	302.60 sqm
FSR	0.48:1
max. permitted FSR	0.30:1

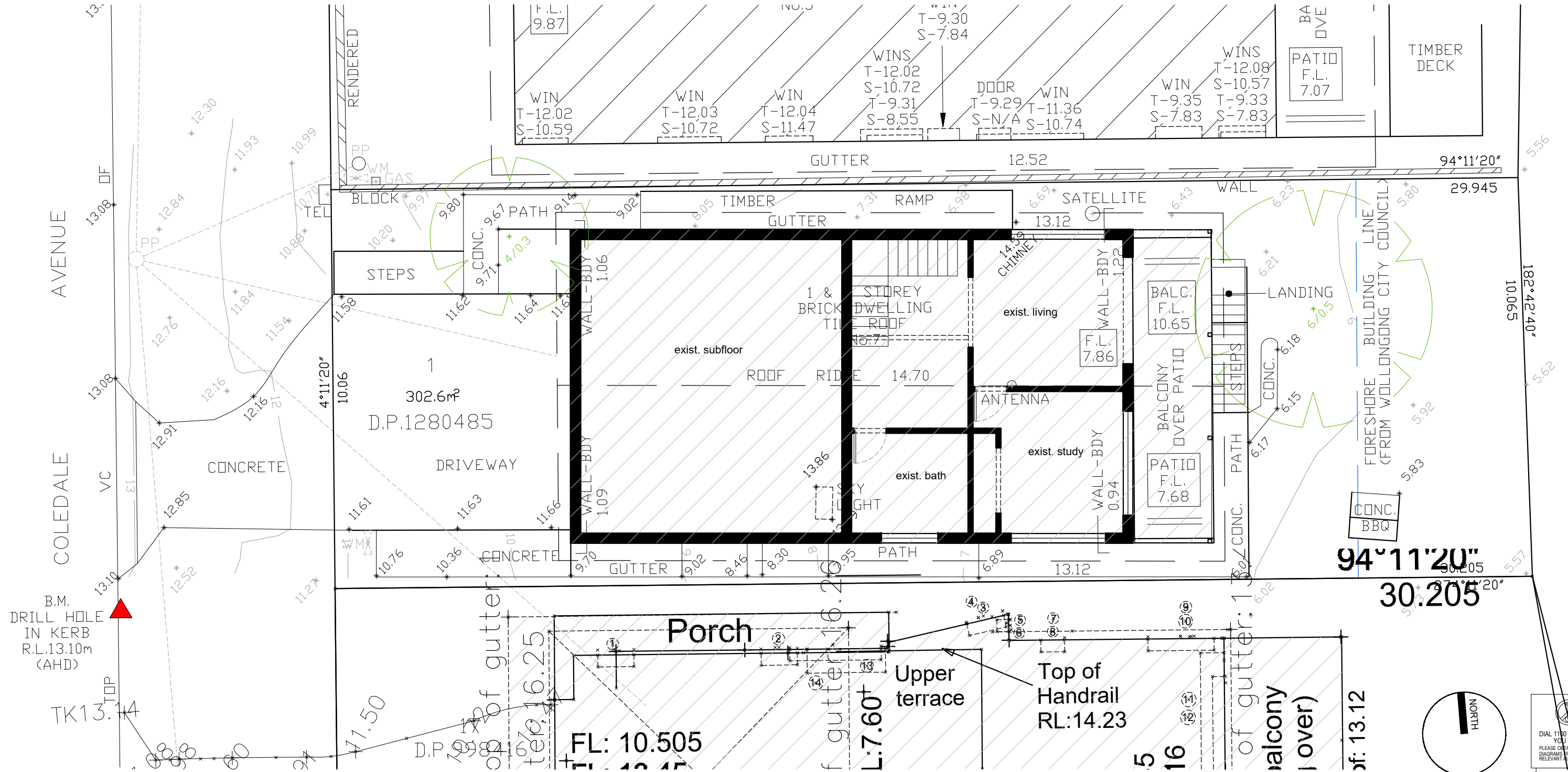
FSR NOTE:
ACKNOWLEDGING THAT THE SITE'S MAXIMUM PERMITTED FSR IS 0.30:1, THE PROPOSAL MAINTAINS THE EXACT FSR CALCULATION AS THE ORIGINAL HOUSE



ALL DWELLINGS WITHIN THE STREET, BOTH RECENTLY AND/OR RENOVATED OVER THE LAST 10 + YEARS HAVE BEEN APPROVED WITH FSR SIGNIFICANTLY ABOVE 0.30:1



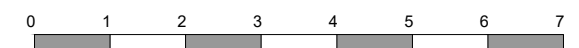
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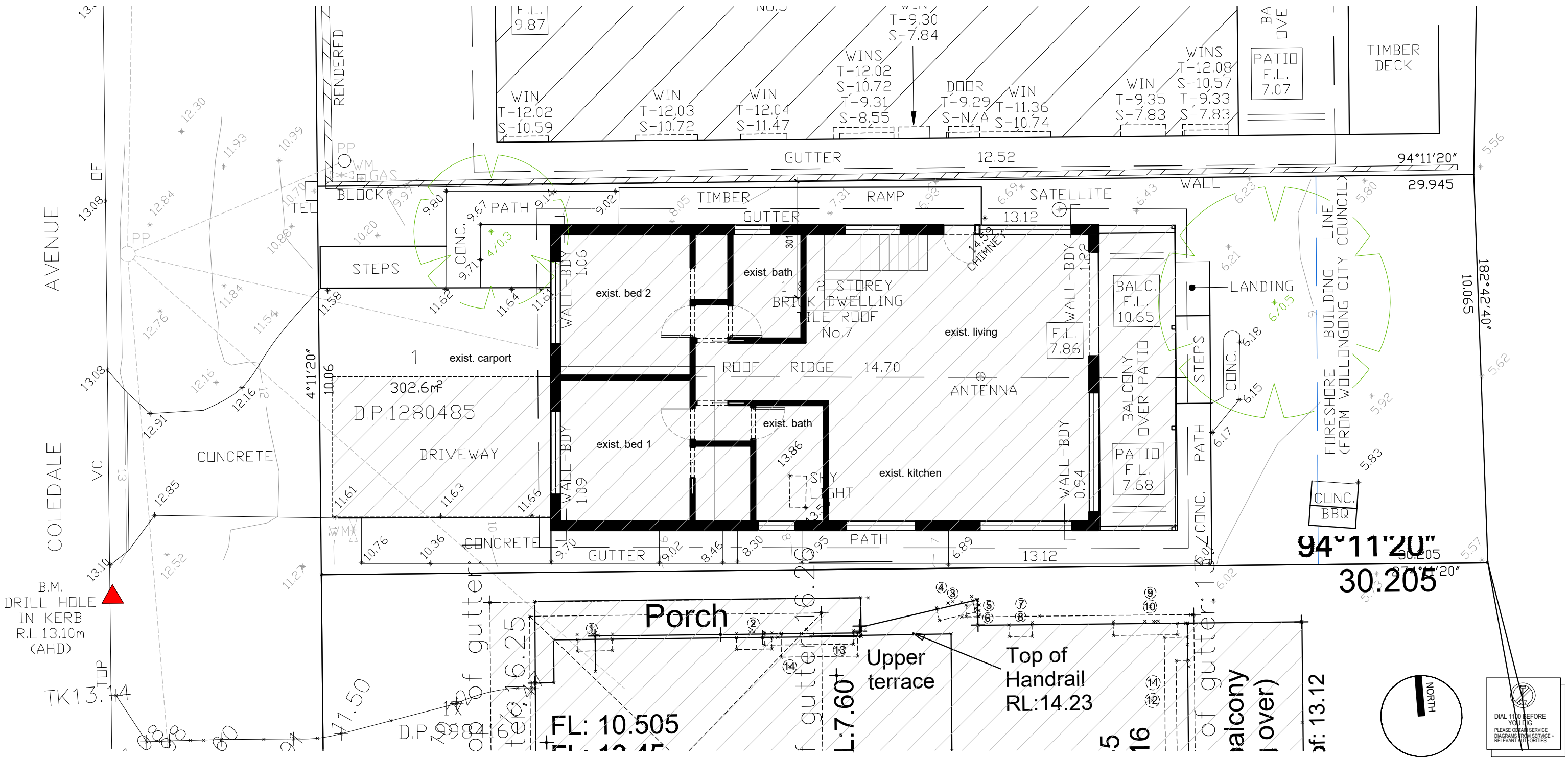
CONSTRUCTION NOTES:				LEGEND	
<p>ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.</p> <p>ALL LEVELS & DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION. SURVEY CHECK MIGHT BE REQUIRED.</p> <p>JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER</p>	<p>SITE SURVEY: DETAIL SURVEY PLAN, BOUNDARIES, CONTOURS & LEVELS TO AHD BY JRK SURVEYS - DRAWING No. 18-170P1 DATE 12/07/2018 (updated levels by Dennis Smith Surveys Ref. No. 12870 15.11.2021)</p> <p>LEVELS: ALL LEVELS (FL. & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION</p>	<p>SITE SURVEY: SOUTH NEIGHBOUR (9 COLEDALE AVE.) SURVEY UPDATE BY DENNIS SMITH SURVEYS REF NO. P.R. 12870-1 date 07 march 2022</p> <p>DRIVEWAY: DRIVEWAY DESIGN AND LONG SECTION DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 D01-D03 REV. 3 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS</p>	<p>GEOTECH: GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019139a DATE 10/03/2021 AND GEOTECH LETTER DATE 01.APR.2022</p> <p>STORMWATER: STORMWATER DRAINAGE DESIGN AND DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 DR01-DR04 REV. 2 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS</p>	 EXISTING	 EXISTING WALLS

existing lower ground
CAMER RENOVATIONS
scale 1:100



project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDA Membership No.1313-13	 BDA ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 Mar - 2022	sheet: DA: 04 of 20
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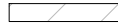
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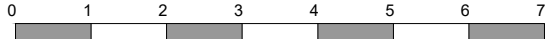
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LEGEND

 EXISTING

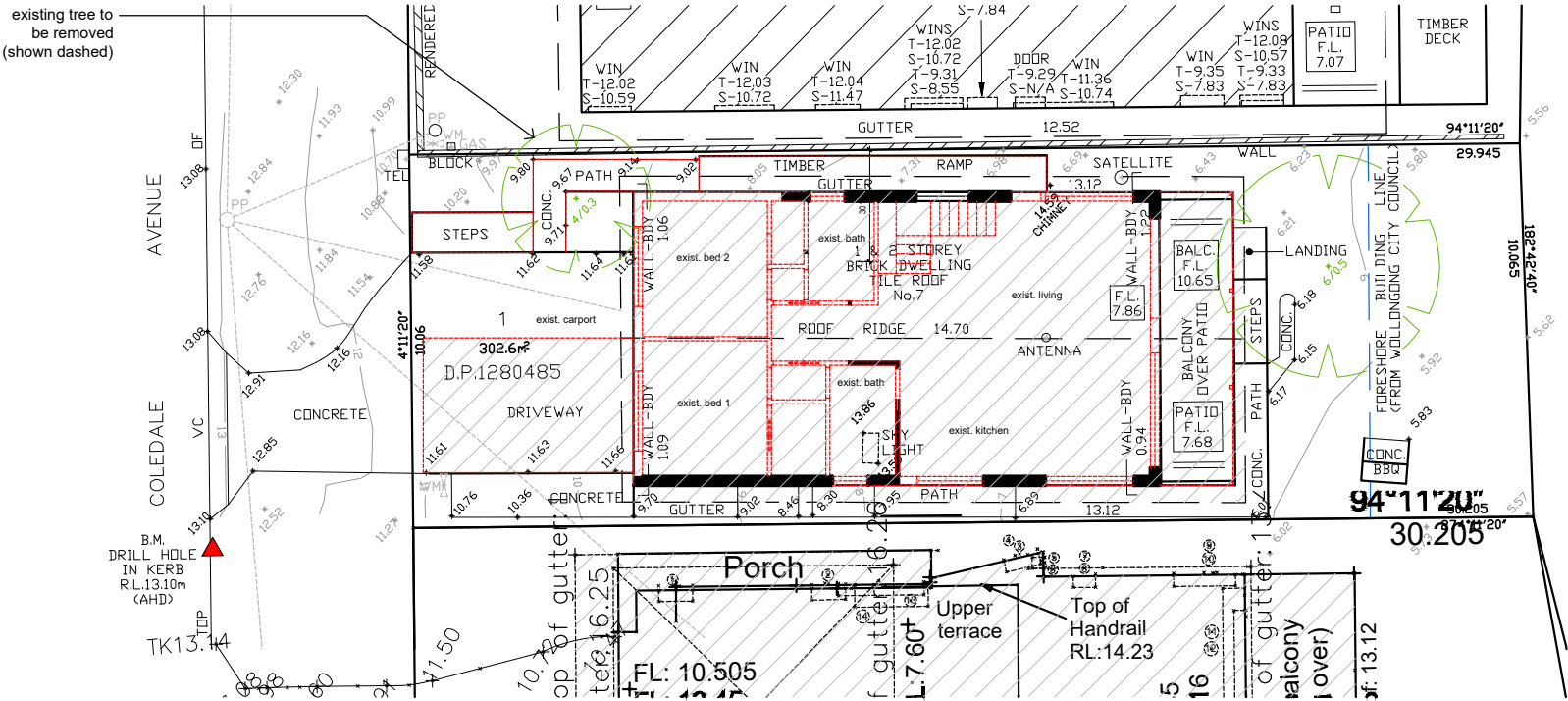
 EXISTING WALLS

existing middle ground
CAMER RENOVATIONS
scale 1:100



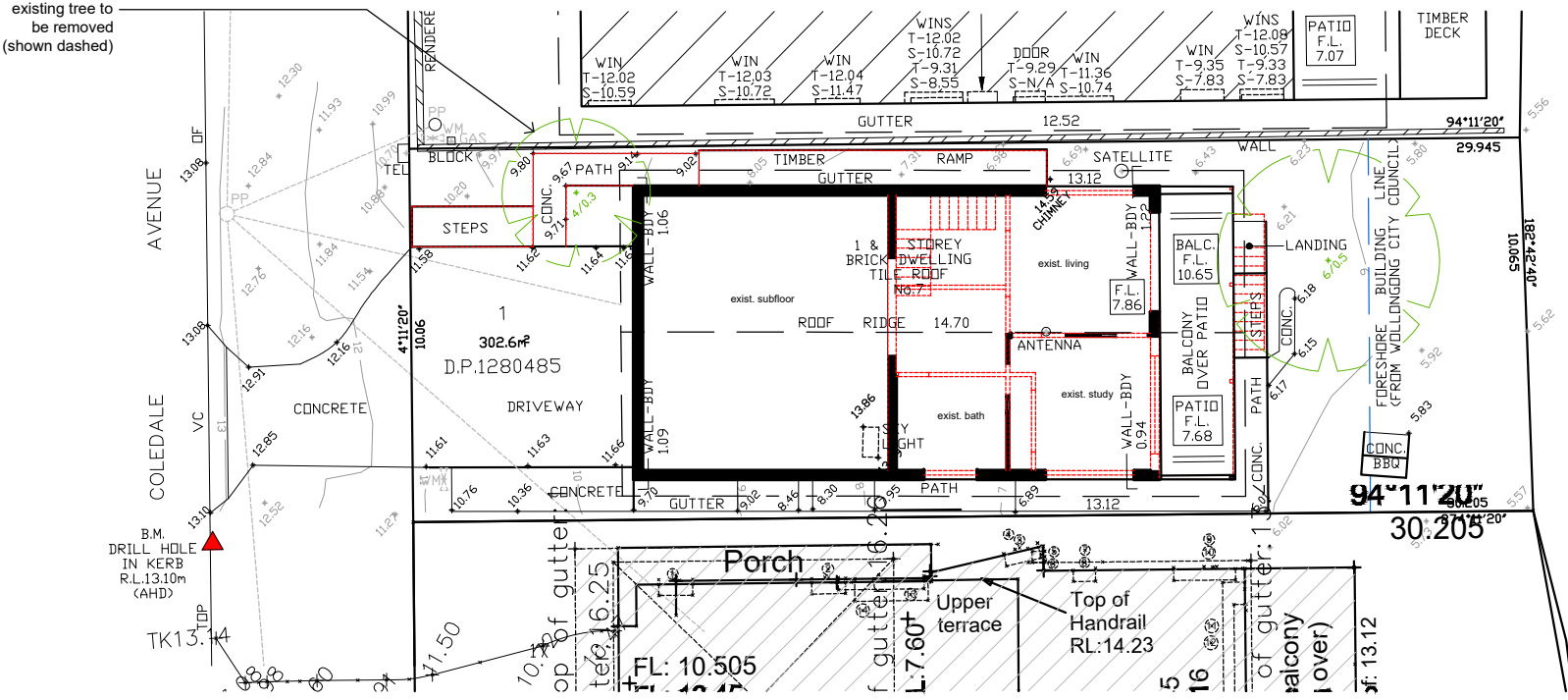
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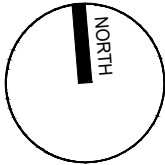


demolition middle ground

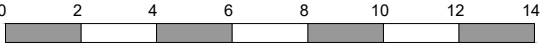
NOTE:
ALL DEMOLISH AND REMOVAL TO AUSTRALIAN STANDARDS, BCA REQUIREMENTS, WORKCOVER GUIDELINES AND ANY OTHER RELEVANT STANDARD, CODE OR GUIDELINE. BUILDER/CONTRACTOR TO INVESTIGATE THE PREMISES FOR THE PRESENCE OR POSSIBLE PRESENCE OF ASBESTOS CONTAINING MATERIAL. WHERE ASBESTOS MATERIAL IS PRESENT, BUILDER/CONTRACTOR TO CONTACT A LICENCED/APPROVED ASBESTOS REMOVAL TRADEPERSON/ CONTRACTOR TO DEVELOP SAFE REMOVAL PROCEDURE AND ASBESTOS REMOVAL. CONTACT THE RELEVANT AUTHORITY THAT RECOMMENDS A LICENCED ASBESTOS REMOVALIST. ALL ASBESTOS DEMOLISH AND REMOVAL TO AUSTRALIAN STANDARDS, BCA REQUIREMENTS, WORKCOVER GUIDELINES AND ANY OTHER RELEVANT STANDARD, CODE OR GUIDELINE.







demolition lower ground



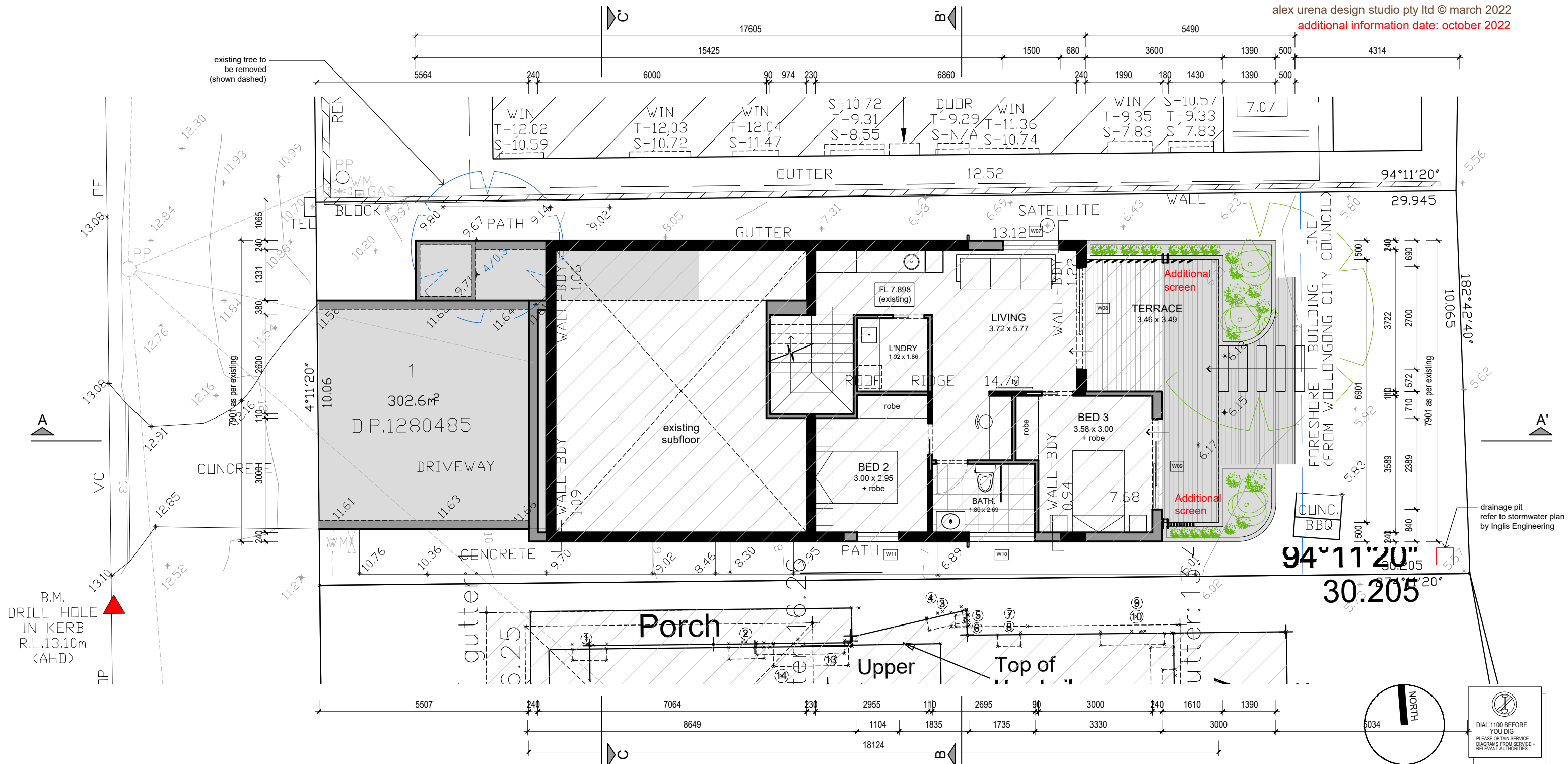
demolition plan
CAMER RENOVATIONS
scale 1:200








CONSTRUCTION NOTES:				LEGEND	
ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS. ALL LEVELS & DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION. SURVEY CHECK MIGHT BE REQUIRED. JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER	SITE SURVEY: DETAIL SURVEY PLAN, BOUNDARIES, CONTOURS & LEVELS TO AHD BY JRK SURVEYS - DRAWING No. 18-170P1 DATE 12/07/2018 (updated levels by Dennis Smith Surveys Ref. No. 12870 15.11.2021)	SITE SURVEY: SOUTH NEIGHBOUR (9 COLEDALE AVE.) SURVEY UPDATE BY DENNIS SMITH SURVEYS REF No. P.R. 12870-1 date 07 march 2022	GEOTECH: GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019139a DATE 10/03/2021 AND GEOTECH LETTER DATE 01.APR.2022	 EXISTING  EXISTING WALLS  EXISTING CONSTRUCTION TO BE DEMOLISH/REMOVE	
	LEVELS: ALL LEVELS (FL & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION	DRIVEWAY: DRIVEWAY DESIGN AND LONG SECTION DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 D01-D03 REV. 3 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS	STORMWATER: STORMWATER DRAINAGE DESIGN AND DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 DR01-DR04 REV. 2 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS		

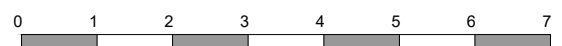
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additional information date: october 2022



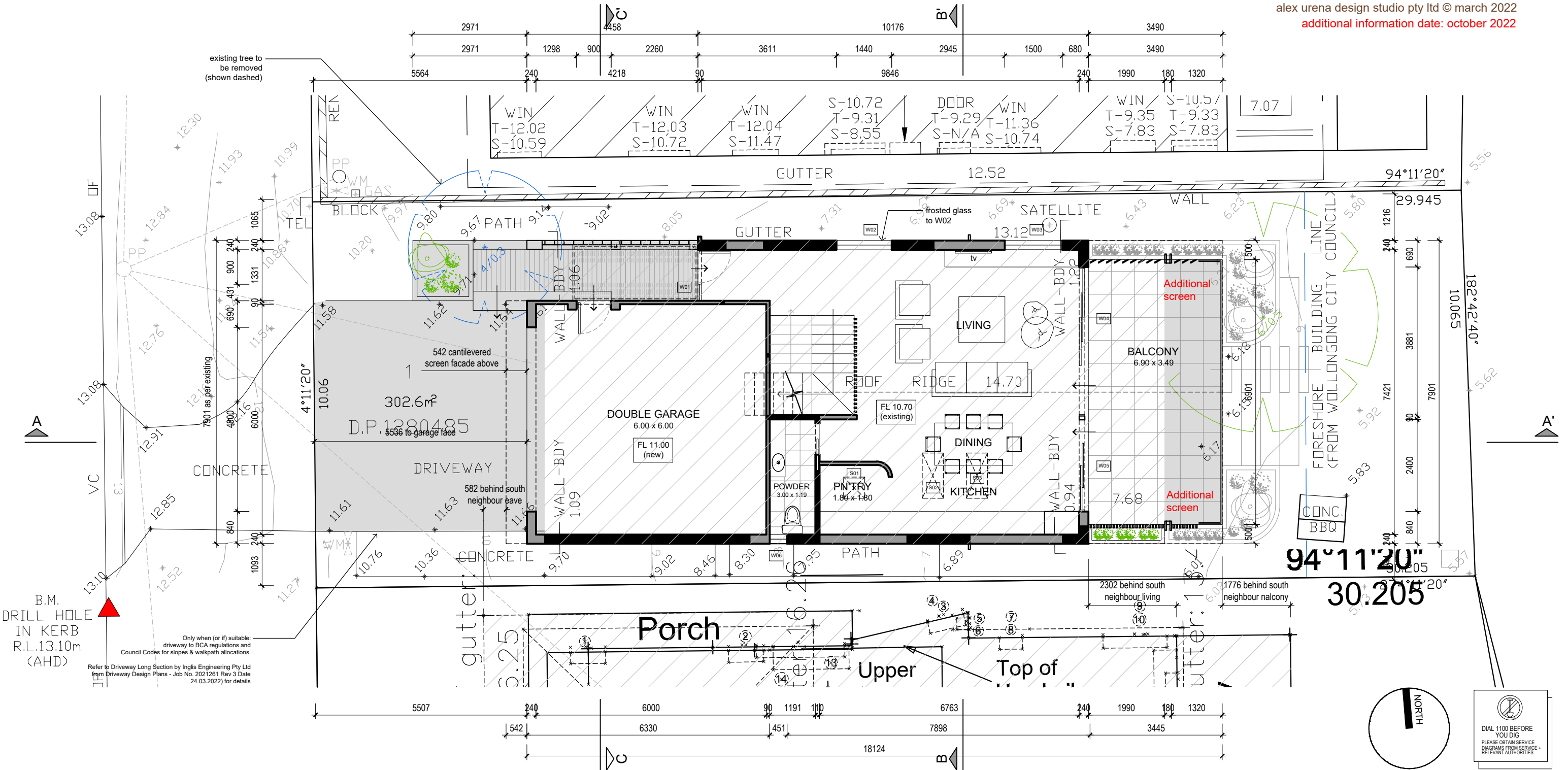
CONSTRUCTION NOTES:				LEGEND	
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				 EXISTING WALLS	EXISTING WALLS
				 PROPOSED WALLS	PROPOSED WALLS
				 PROPOSED NEW WORK	PROPOSED NEW WORK
				 VOS	VERIFY ON SITE

proposed lower ground
CAMER RENOVATIONS
scale 1:100



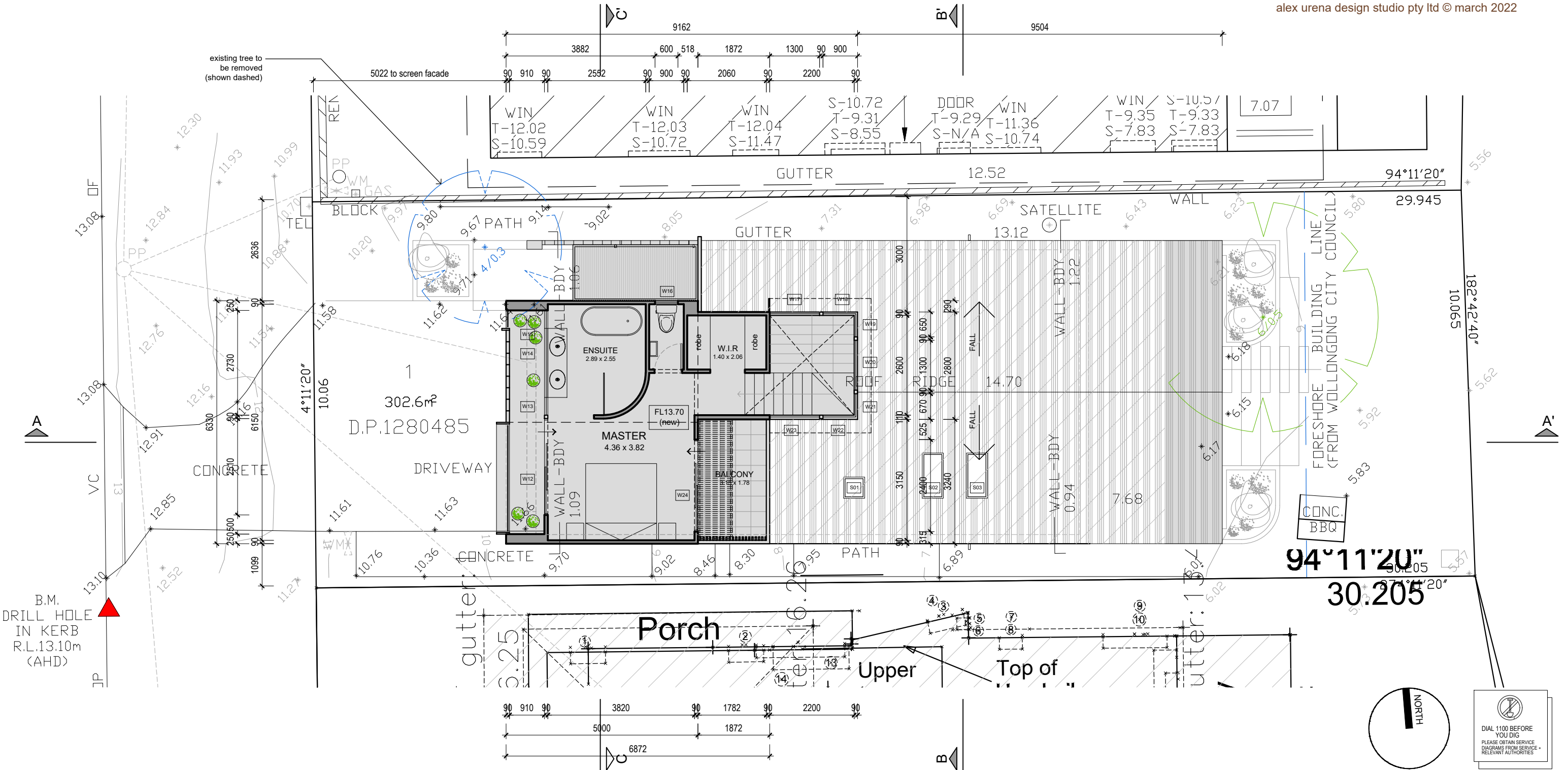
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additional information date: october 2022

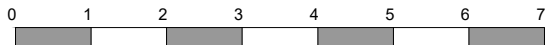



project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDA Membership No.1313-13	 BDA ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 Mar - 2022	sheet: DA: 09 of 20
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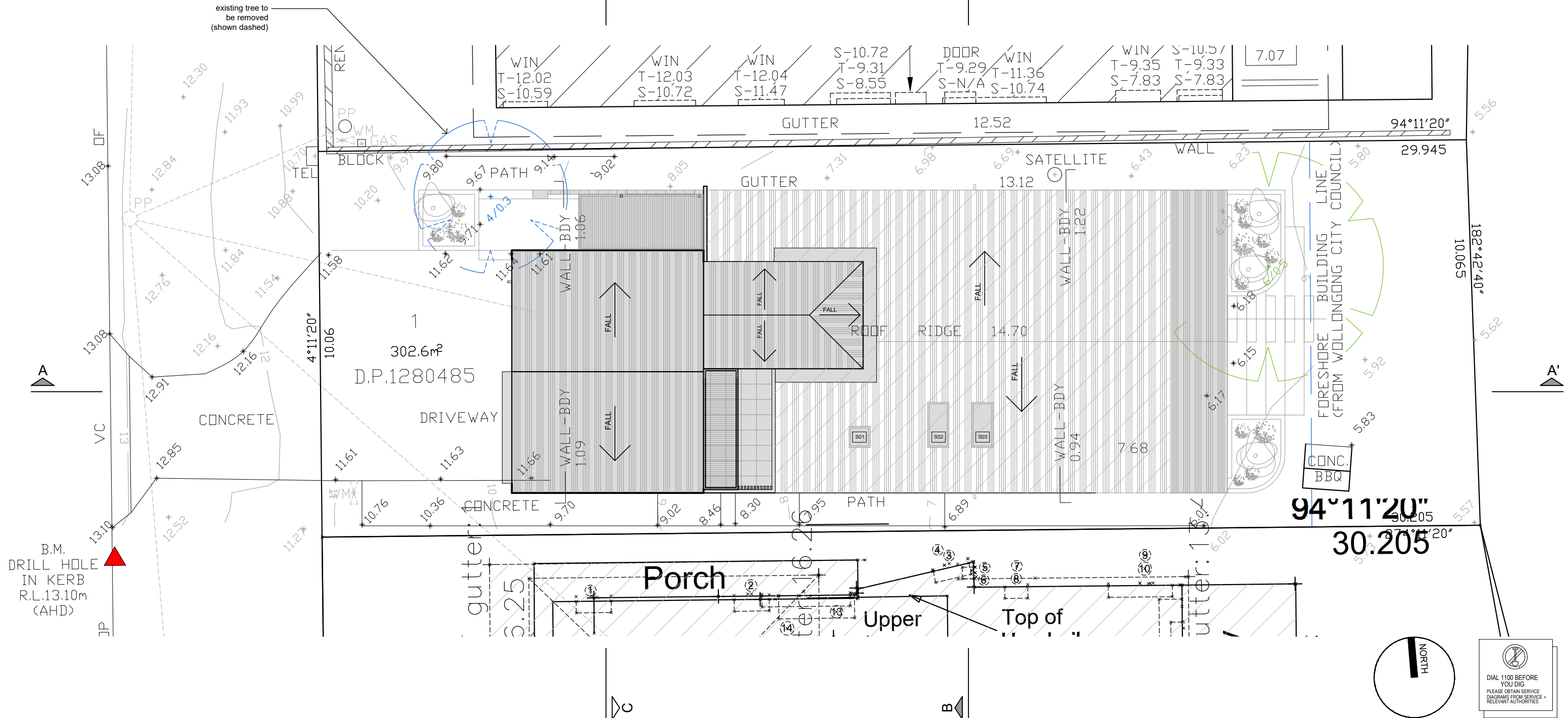




proposed upper level
CAMER RENOVATIONS
scale 1:100



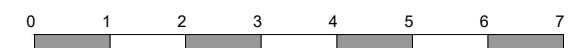
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CONSTRUCTION NOTES:				LEGEND	
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				VOS	VERIFY ON SITE

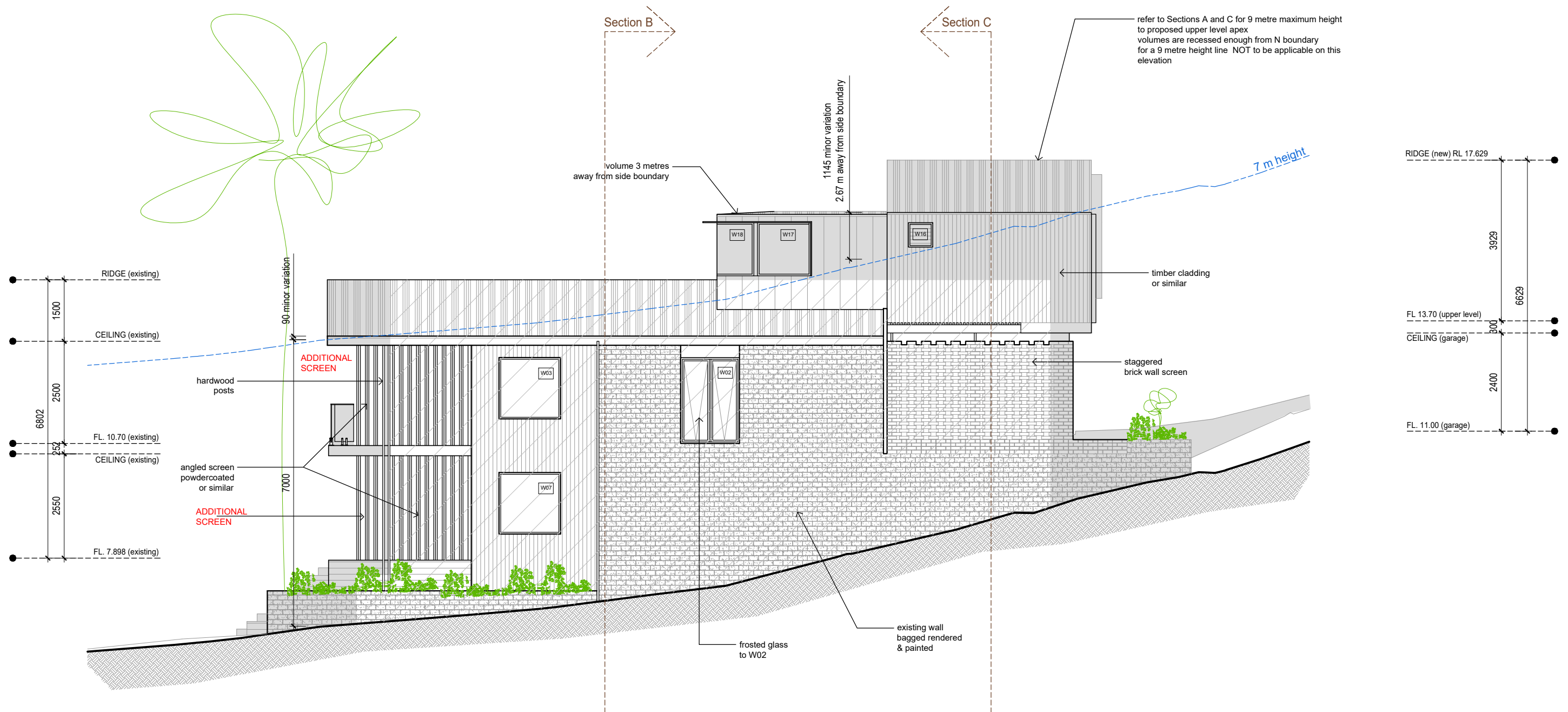
roof plan
CAMER RENOVATIONS
scale 1:100





project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 date: REV. 3 Mar - 2022	sheet: DA: 14 of 20
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additional information date: october 2022



N elevation

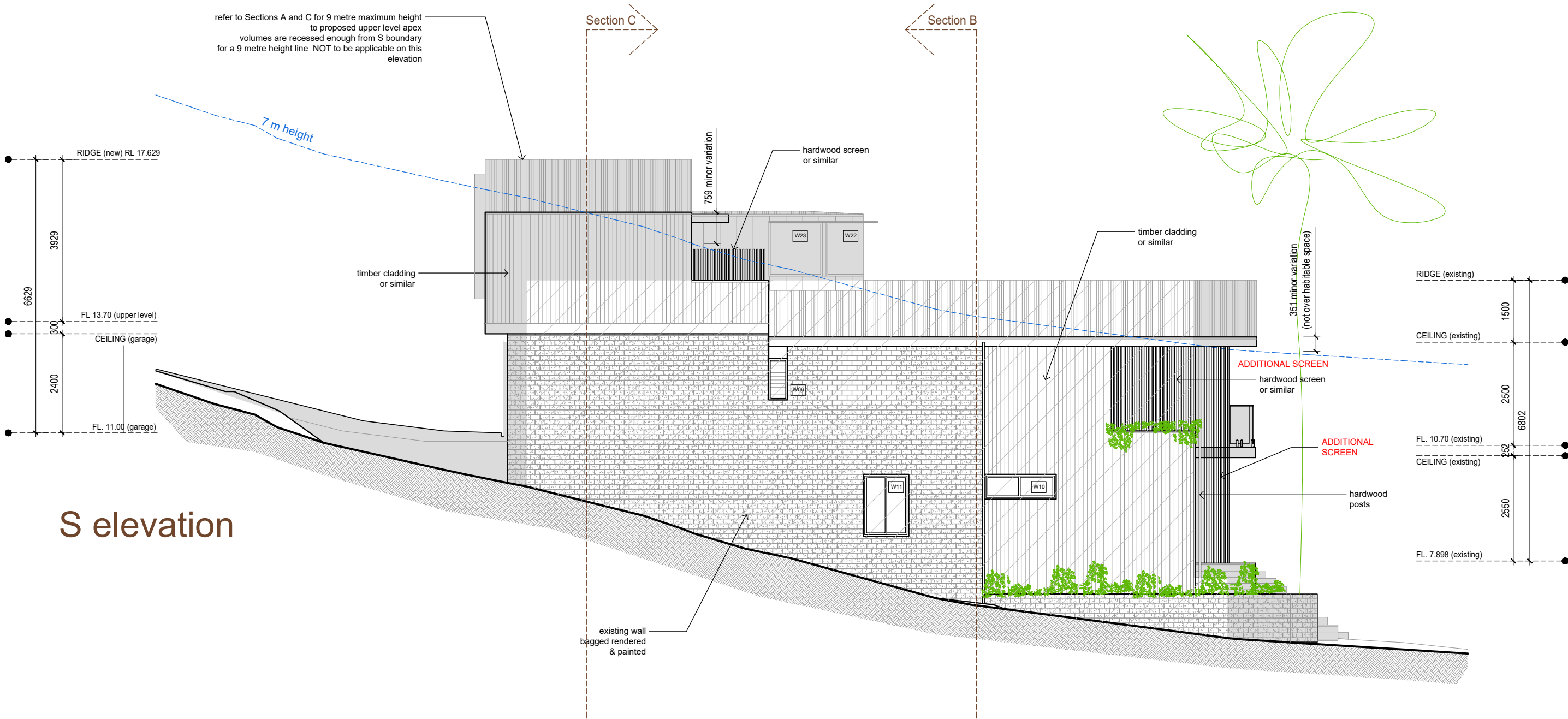
CONSTRUCTION NOTES:				LEGEND	
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					PROPOSED NEW WORK
				VOS	VERIFY ON SITE
	<p>LEVELS: ALL LEVELS (FL. & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION</p>	<p>DRIVEWAY: DRIVEWAY DESIGN AND LONG SECTION DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 D01-D03 REV. 3 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS</p>	<p>STORMWATER: STORMWATER DRAINAGE DESIGN AND DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 DR01-DR04 REV. 2 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS</p>		

N elevation
CAMER RENOVATIONS
scale 1:100



project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	<div><div>bdaa</div><div>ACCREDITED BUILDING DESIGNER</div><div>ACRED No. 6243</div></div>	date: REV. 3 Mar - 2022	sheet: DA: 15 of 20
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additional information date: october 2022



CONSTRUCTION NOTES:

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JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER

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DETAIL SURVEY PLAN, BOUNDARIES, CONTOURS & LEVELS TO AHD BY JRK SURVEYS - DRAWING No. 18-170P1 DATE 12/07/2018 (updated levels by Dennis Smith Surveys Ref. No. 12870 15.11.2021)

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SITE SURVEY:
SOUTH NEIGHBOUR (9 COLEDALE AVE.) SURVEY UPDATE BY DENNIS SMITH SURVEYS REF No. P.R. 12870-1 date 07 march 2022

DRIVEWAY:
DRIVEWAY DESIGN AND LONG SECTION DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 D01-D03 REV. 3 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS

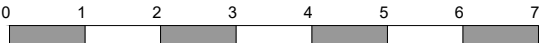
GEOTECH:
GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019139a DATE 10/03/2021 AND GEOTECH LETTER DATE 01.APR.2022


STORMWATER:
STORMWATER DRAINAGE DESIGN AND DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 DR01-DR04 REV. 2 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS

LEGEND

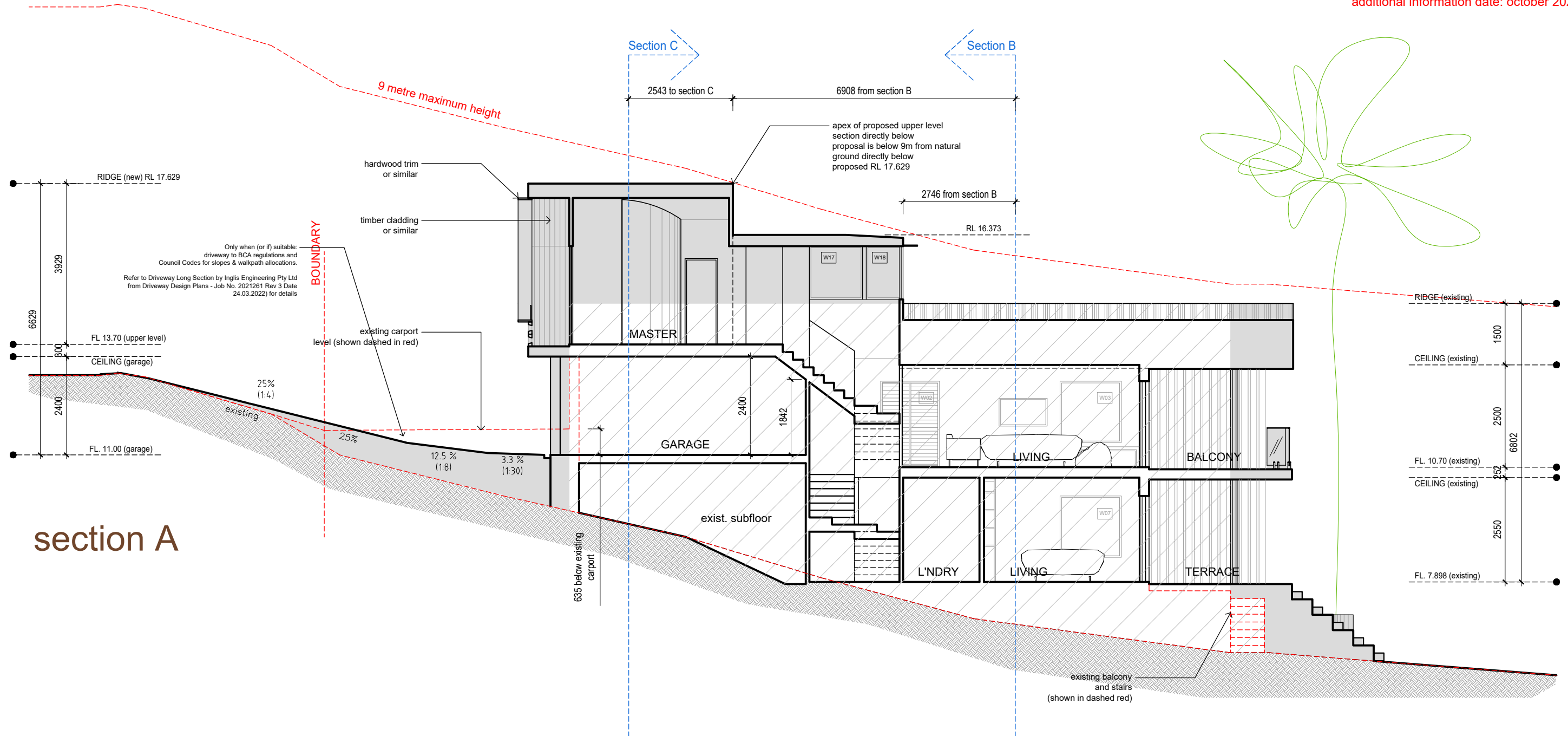
- EXISTING
- PROPOSED NEW WORK
- VOS
- VERIFY ON SITE



S elevation
CAMER RENOVATIONS
scale 1:100



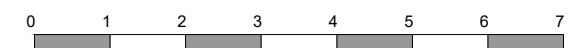
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additional information date: october 2022



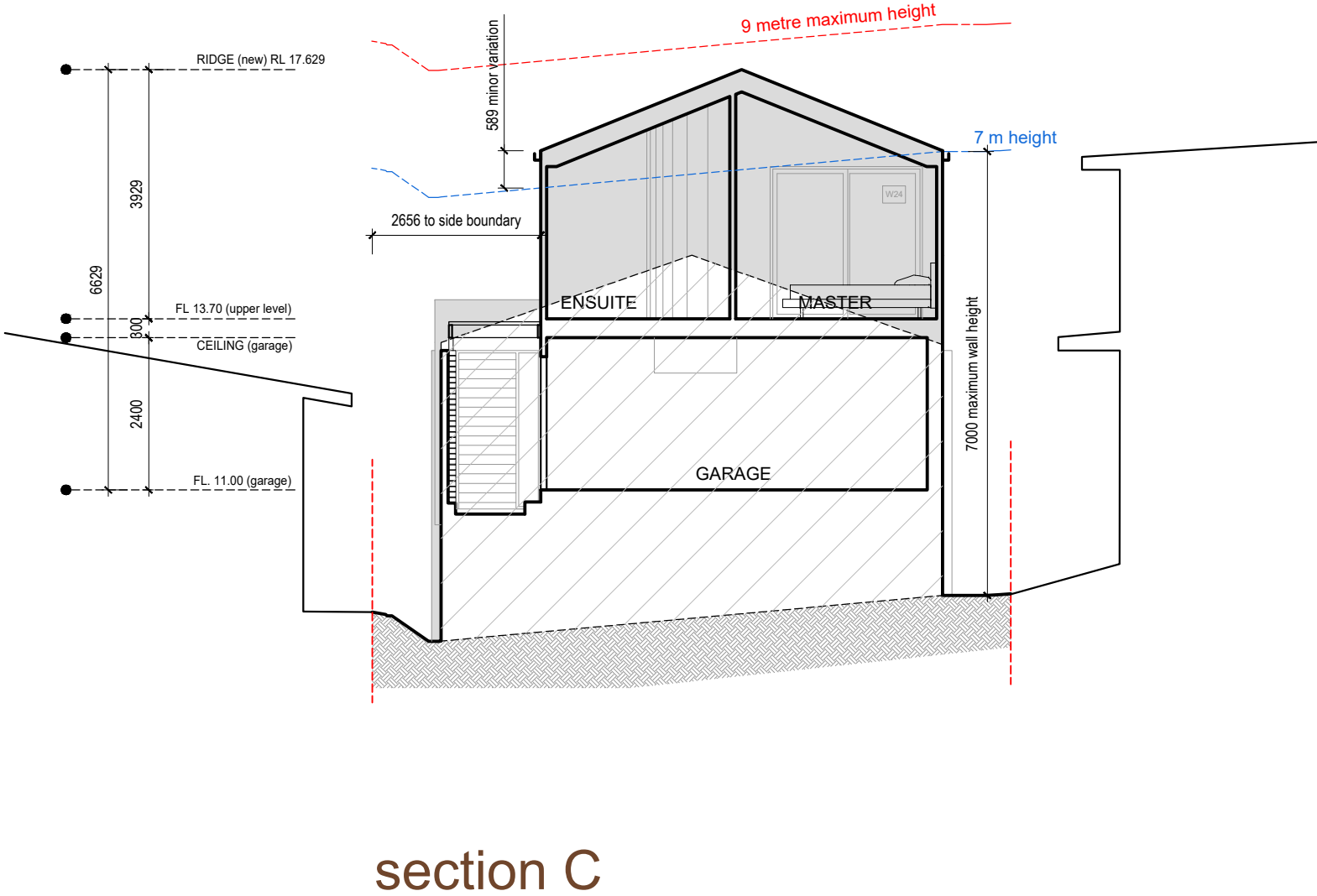
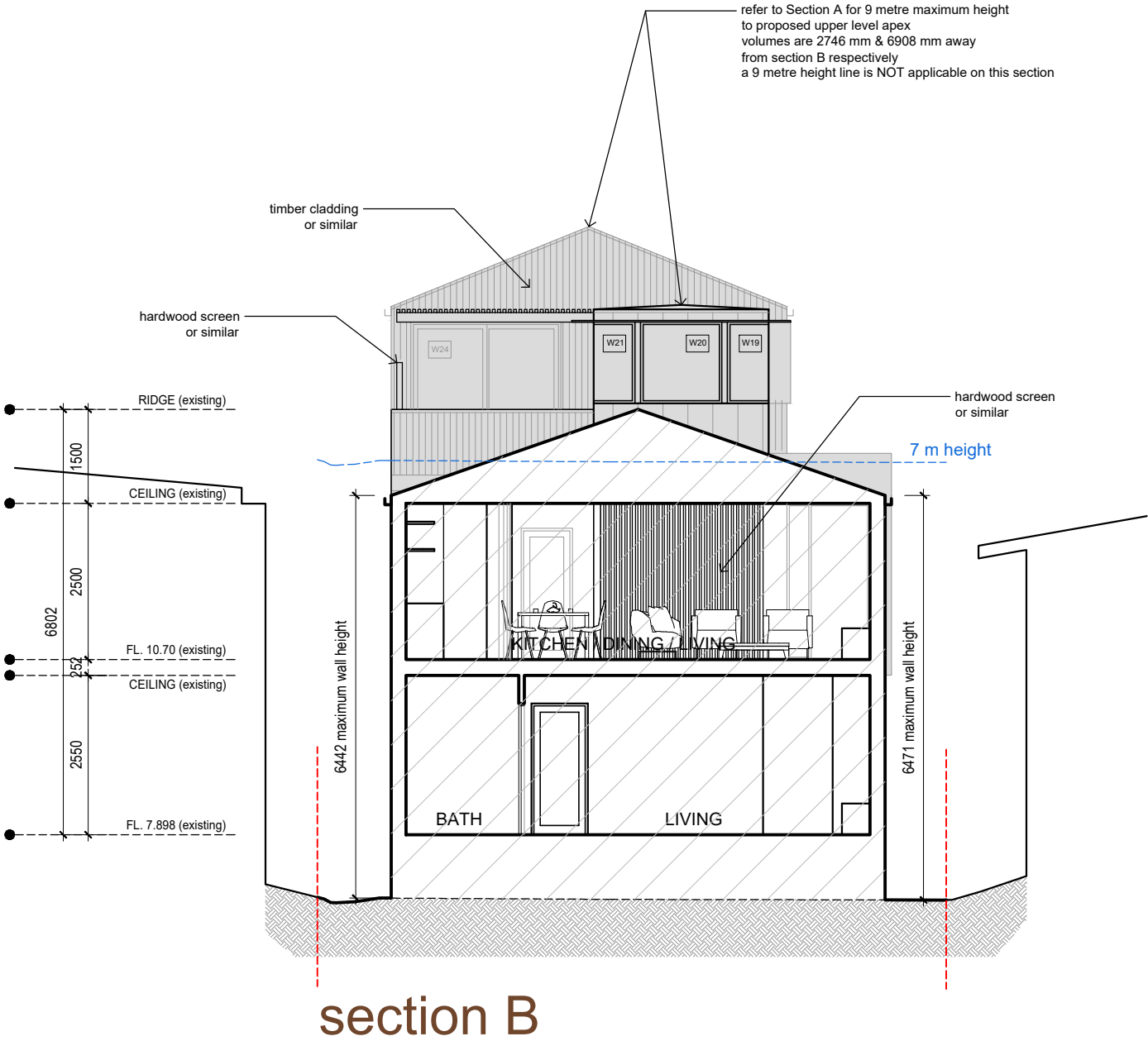
CONSTRUCTION NOTES:				LEGEND	
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				VOS	VERIFY ON SITE

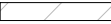

section A
CAMER RENOVATIONS
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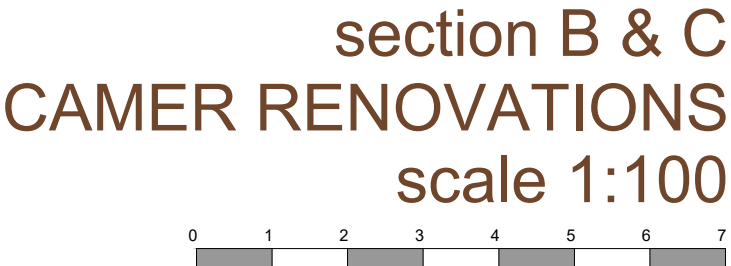


project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 Mar - 2022	sheet: DA: 12 of 20
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additional information date: october 2022

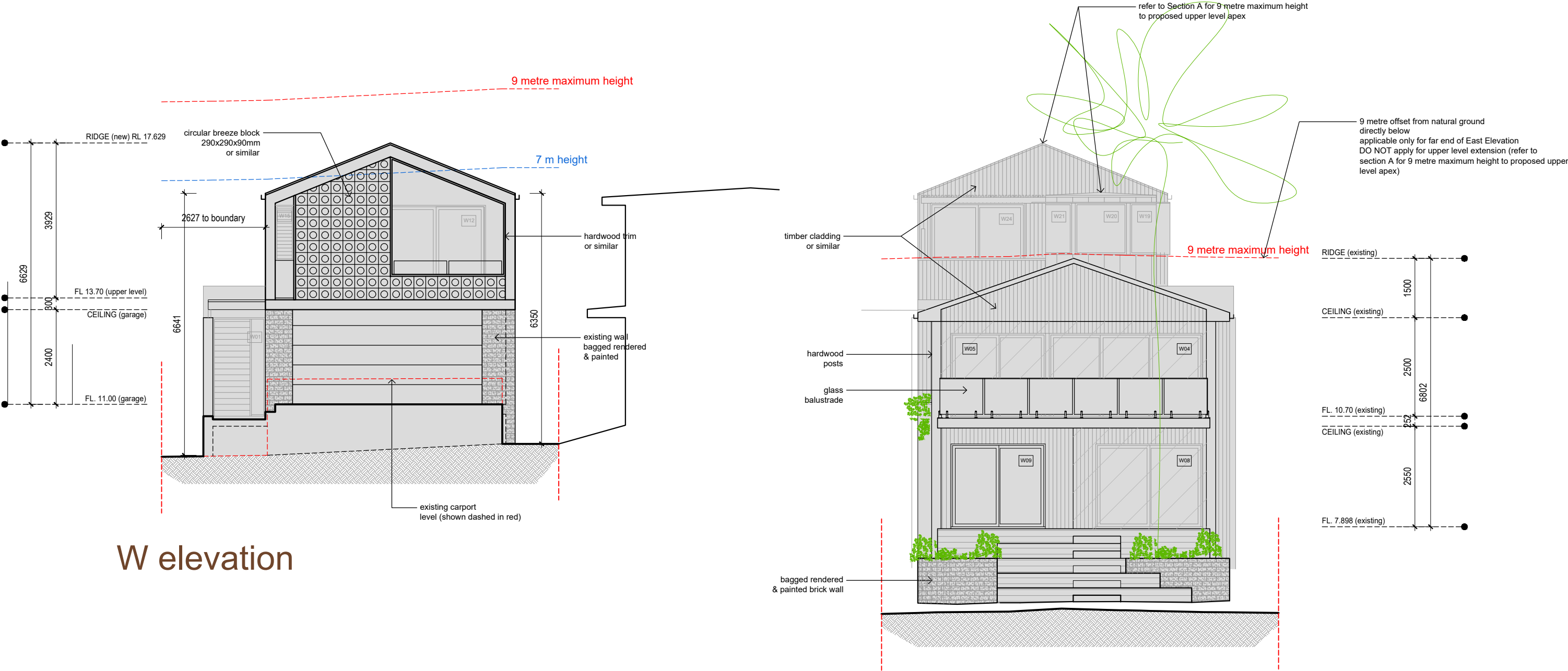


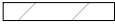

CONSTRUCTION NOTES:				LEGEND	
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				VOS	VERIFY ON SITE



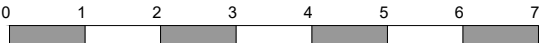
project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDA Membership No.1313-13	 BDA ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 Mar - 2022	sheet: DA: 13 of 20
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additional information date: october 2022



CONSTRUCTION NOTES:				LEGEND	
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JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER				VOS	VERIFY ON SITE

W & E elevation
CAMER RENOVATIONS
scale 1:100

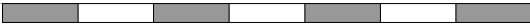



project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: Oct - 2022	sheet: SH: 01 of 03
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shadow diagrams
existing vs proposed
CAMER RENOVATIONS
not to scale

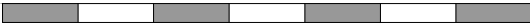


project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: Oct - 2022	sheet: SH: 02 of 03
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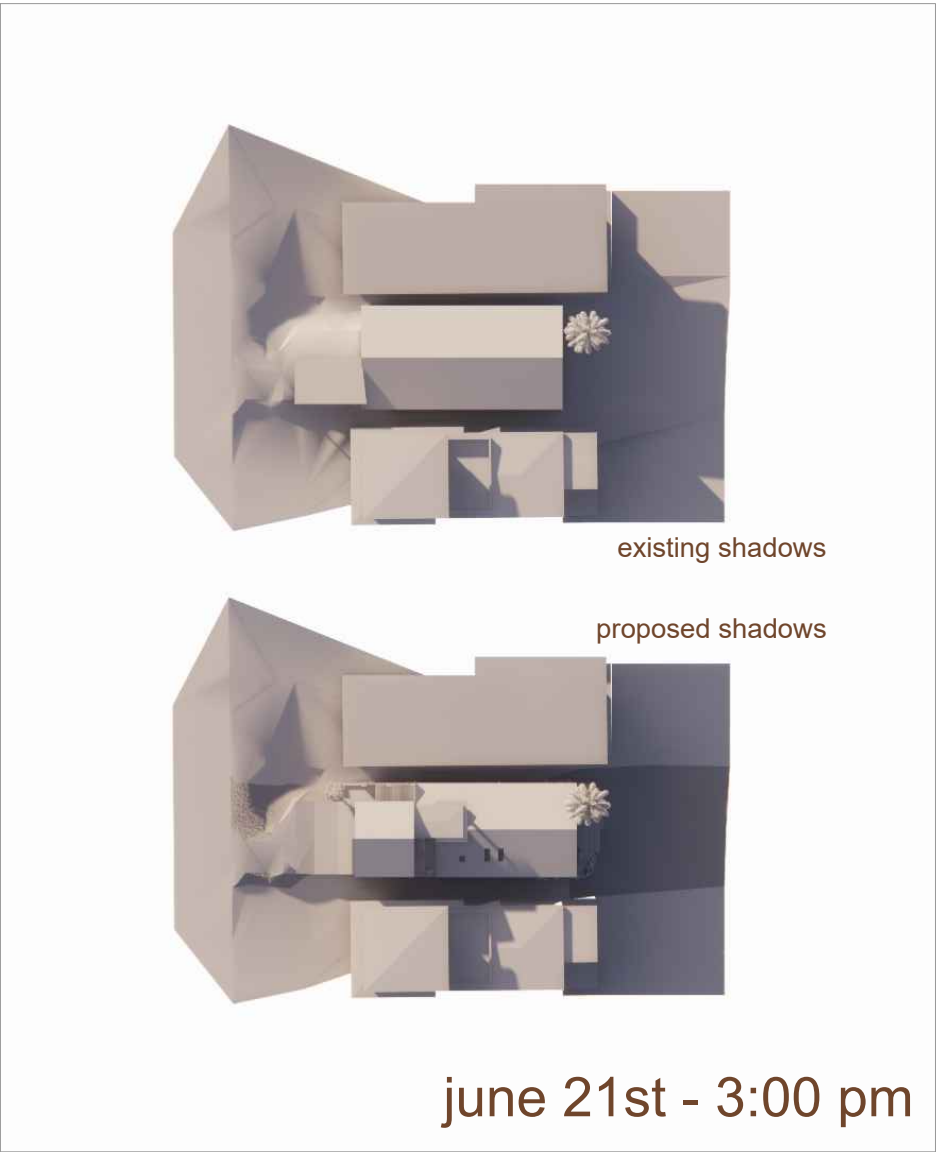


shadow diagrams
existing vs proposed
CAMER RENOVATIONS
not to scale

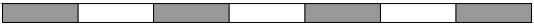


project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACREDITED BUILDING DESIGNER ACRED No. 6243	date: Oct - 2022	sheet: SH: 03 of 03
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shadow diagrams
existing vs proposed
CAMER RENOVATIONS
not to scale



project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	<div><div>bdaa</div><div>ACCREDITED BUILDING DESIGNER</div><div>ACRED No. 6243</div></div>	date: Nov - 2022	sheet: SH: 01 of 01
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living areas rely mostly on east windows for natural light

existing fixed external blinds for privacy already block access to natural light north windows are already shadowed by the blinds

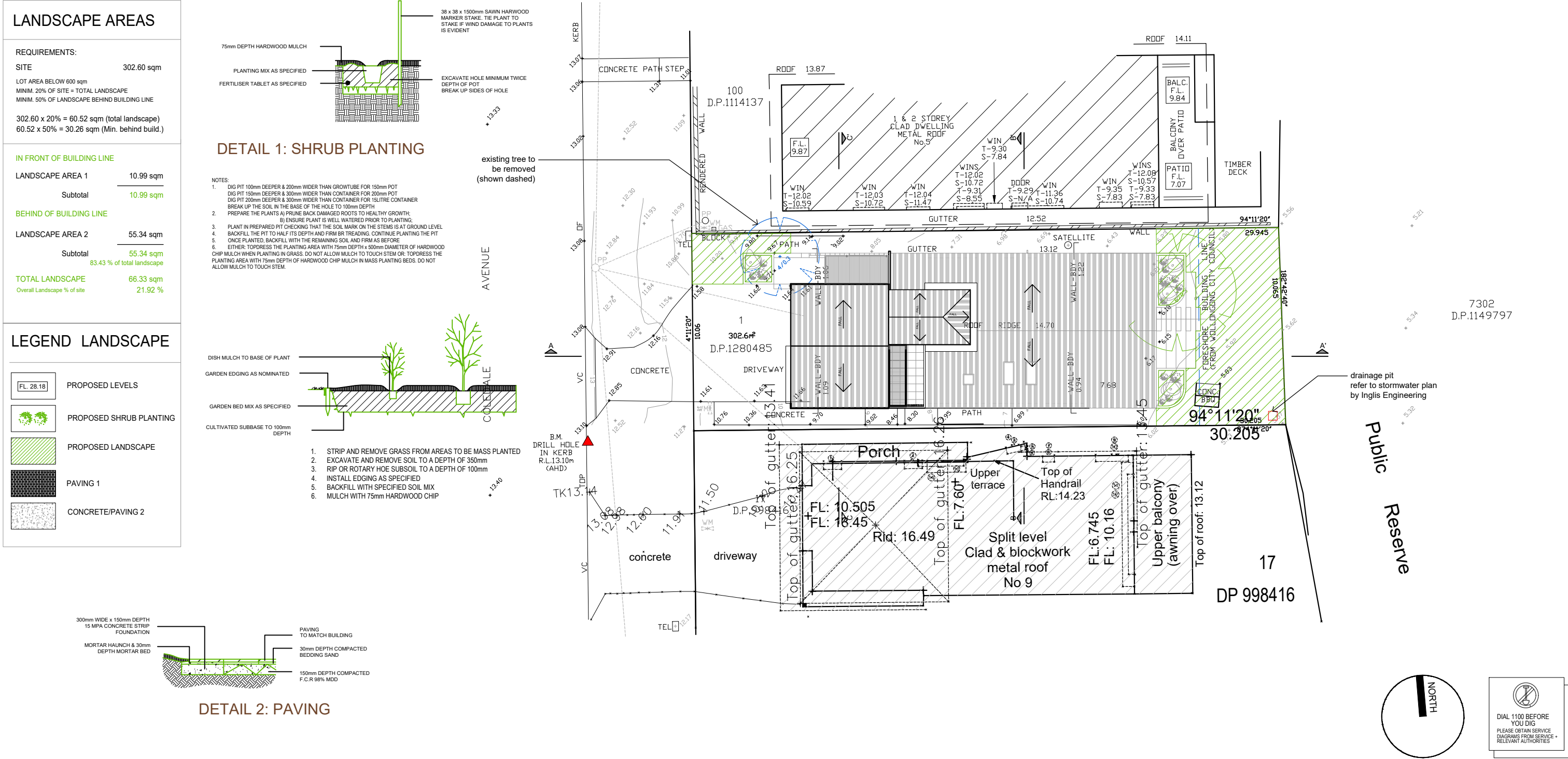


3D shadow diagrams
existing vs proposed
CAMER RENOVATIONS
not to scale



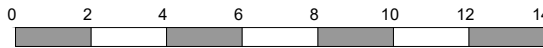
project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDA Membership No.1313-13	 ACRED No. 6243	date: REV. 3 Mar - 2022	sheet: DA: 19 of 20
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CONSTRUCTION NOTES:				LEGEND
ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.	SITE SURVEY: DETAIL SURVEY PLAN, BOUNDARIES, CONTOURS & LEVELS TO AHD BY JRK SURVEYS - DRAWING No. 18-170P1 DATE 12/07/2018 (updated levels by Dennis Smith Surveys Ref. No. 12870 15.11.2021)	SITE SURVEY: SOUTH NEIGHBOUR (9 COLEDALE AVE.) SURVEY UPDATE BY DENNIS SMITH SURVEYS REF No. P.R. 12870-1 date 07 march 2022	GEOTECH: GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019139a DATE 10/03/2021 AND GEOTECH LETTER DATE 01.APR.2022	<div><div>EXISTING</div><div>VOS VERIFY ON SITE</div></div>
ALL LEVELS & DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION. SURVEY CHECK MIGHT BE REQUIRED. JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER	LEVELS: ALL LEVELS (FL. & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION	DRIVEWAY: DRIVEWAY DESIGN AND LONG SECTION DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 D01-D03 REV. 3 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS	STORMWATER: STORMWATER DRAINAGE DESIGN AND DETAILS PREPARED BY INGLIS ENGINEERING - JOB No. 2021261 DR01-DR04 REV. 2 DATE 24.03.2022 - ALL CONSTRUCTION TO ENGINEER DETAILS & SPECIFICATIONS	

concept landscape plan
CAMER RENOVATIONS
scale 1:200

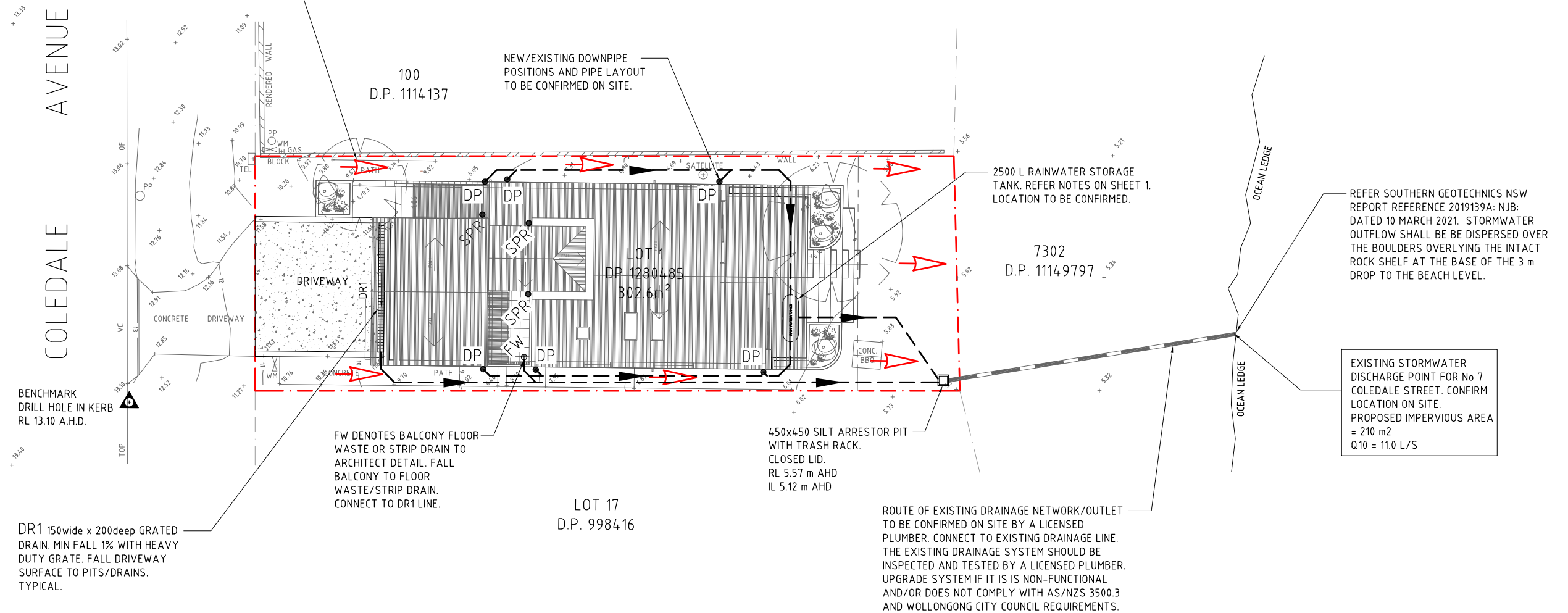


LARGE ARROWS INDICATE LOCATION OF 1 IN 100 YEAR (1% AEP) OVERLAND FLOW PATHS. MAINTAIN MIN. 0.9 m WIDE CLEAR PATH ALONG SIDES OF DWELLINGS FOR OVERFLOW. EXISTING FLOW PATHS TO REMAIN UNCHANGED.

INGLIS ENGINEERING CONFIRMS THAT THE STORMWATER DRAINAGE DESIGN FOR THE PROPOSED DEVELOPMENT IS ADEQUATE FOR THE INTENDED FUNCTION AND COMPLIES WITH OUR INTERPRETATION OF THE RELEVANT REQUIREMENTS OF WOLLONGONG CITY COUNCIL DCP 2009 CHAPTER E14: STORMWATER MANAGEMENT.

ANY CHANGES TO THE DESIGN NOMINATED IN THE REFERENCE DRAWINGS INSTIGATED BY THE PROPERTY OWNER OR ANY NOMINATED CONTRACTORS SHOULD BE REVIEWED AND APPROVED BY A SUITABLY QUALIFIED CIVIL ENGINEER.

THE DESIGN OUTLINED HEREIN IS SUBJECT TO CONFIRMATION OF EXISTING DRAINAGE NETWORK ROUTE AND DISCHARGE POINT BY A LICENSED PLUMBER. MODIFICATION MAY BE REQUIRED.



STORMWATER DRAINAGE PLAN

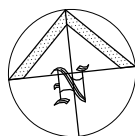
NOTE:

1. ALL PIPES UPSTREAM OF WATER STORAGE TANKS 100Ø UPVC SOLVENT WELD JOINTED PIPES @ 2% MINIMUM UNLESS NOTED OTHERWISE.
2. ALL PIPES DOWNSTREAM OF WATER STORAGE TANKS 150Ø UPVC @ 1% MINIMUM UNLESS NOTED OTHERWISE.
3. SETOUT AND LEVELS TO BE CONFIRMED ON SITE.
4. DP DENOTES DOWNPIPE, SPR DENOTES SPREADER.
5. ROOF GUTTER AND DOWN PIPE PROFILES TO BE CONFIRMED BY ARCHITECT. REFER ROOF WATER NOTES ON SHEET D01 FOR MINIMUM SIZE REQUIREMENTS.



AN UNDERGROUND SERVICES SEARCH SHOULD BE UNDERTAKEN PRIOR TO ANY EXCAVATION TAKING PLACE UPON THE SITE


Rev.	Date	Description	DMT Appd.
2	24.03.22	CONSTRUCTION CERTIFICATE	



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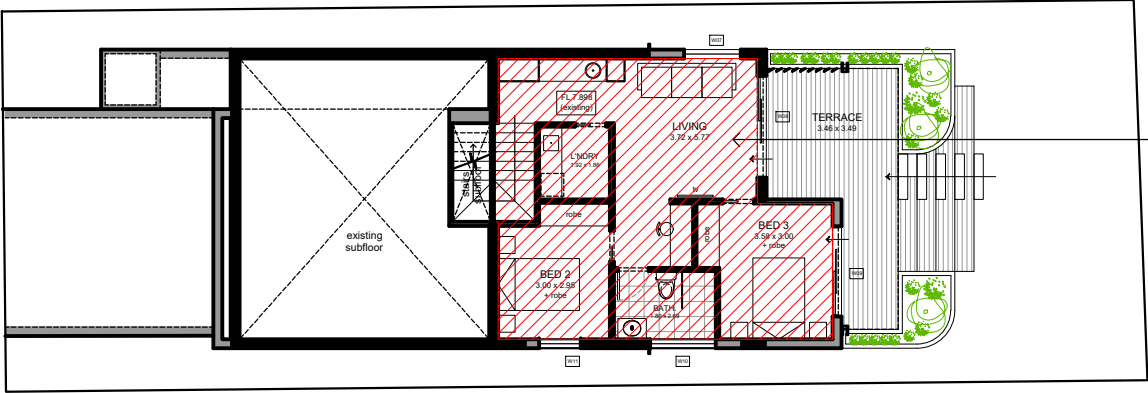


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DESIGNED	D. TARLINTON	CLIENT	PETER AND DONNA CAMER
DRAWN	B.C.	PROJECT	STORMWATER DRAINAGE DESIGN PROPOSED DEVELOPMENT LOT 1 DP 1280485 (#7) COLEDALE AVENUE COLEDALE NSW 2515
APPROVED	 David Tarlinton BE Home (CAB) Plumber Director/Principal Engineer no 0428 192 180		
		STATUS	CONSTRUCTION CERTIFICATE
		DATUM AHD	DATE 22.03.22
		SCALE	1:100-A1, 1:200-A3
		JOB NO.	2021261
		SHEET	DR3 OF 4
		REV	2

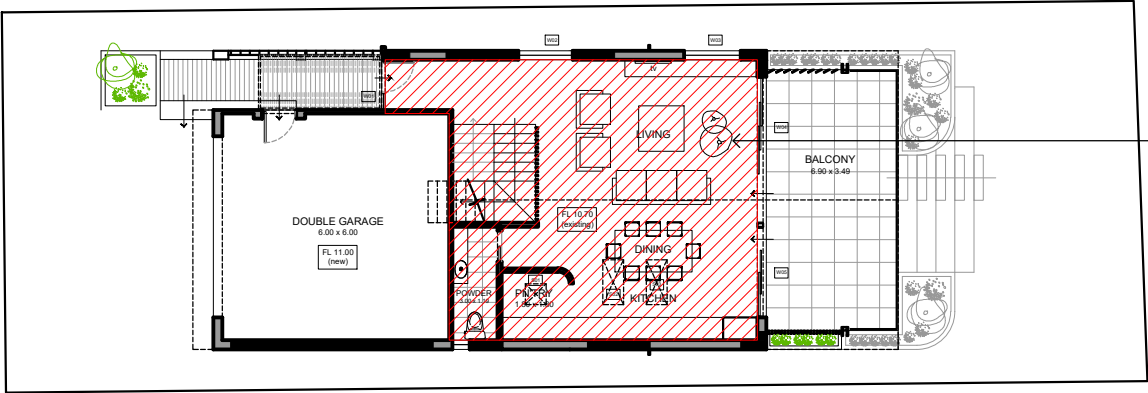
project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: Oct - 2022	sheet: AR: 01 of 01
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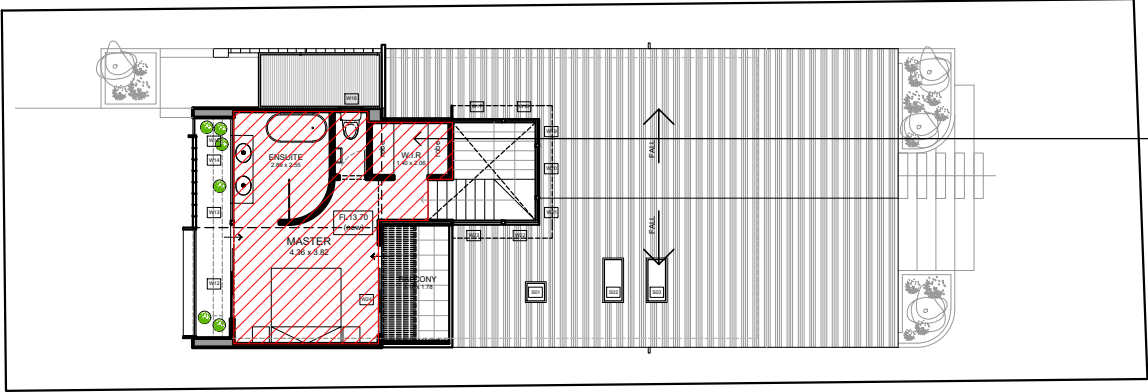
LOWER LEVEL:
AREA CALCULATION SHOWN IN RED
AREA = 58.32 m2

proposed lower ground



MIDDLE LEVEL:
AREA CALCULATION SHOWN IN RED
AREA = 62.92 m2

proposed middle ground



UPPER LEVEL:
AREA CALCULATION SHOWN IN RED
AREA = 27.80 m2

proposed upper level

AREAS

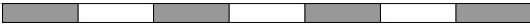
EXISTING RESIDENCE	
EXIST. MIDDLE GROUND	101.64 sqm
EXIST. LOWER GROUND	43.73 sqm
TOTAL	145.37 sqm
SITE	
existing FSR	0.48:1
max. permitted FSR	0.30:1

RENOVATED RESIDENCE	
LOWER GROUND LEVEL	58.32 sqm
MIDDLE GROUND LEVEL	62.92 sqm
UPPER LEVEL	27.80 sqm
TOTAL	149.04 sqm
SITE	
PROPOSED FSR	0.49:1
max. permitted FSR	0.30:1
GARAGE area excluded from FSR	36.00 sqm

FSR NOTE:
ACKNOWLEDGING THAT THE SITE'S MAXIMUM PERMITTED FSR IS 0.30:1, THE PROPOSAL MAINTAINS THE EXACT FSR CALCULATION AS THE ORIGINAL HOUSE

ALL DWELLINGS WITHIN THE STREET, BOTH RECENTLY AND/OR RENOVATED OVER THE LAST 10 + YEARS HAVE BEEN APPROVED WITH FSR SIGNIFICANTLY ABOVE 0.30:1

FSR calculation
CAMER RENOVATIONS
scale 1:200



Attachment 2 – Wollongong DCP 2009 Assessment

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

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

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

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Maximum Number of Storeys</u>		
<ul style="list-style-type: none">The maximum 2 storeys and development with the 8m rear setback is limited to single storey applies to R2 Low Density Residential zones. The proposal is located in an C4 Environmental Living zone. There is no specific control relating to the number of storeys allowable for dwellings within the C4 zone.	The proposal has a maximum height of 9m.	Yes
<u>4.2 Front Setbacks</u>		
<ul style="list-style-type: none">Minimum setback of 6m from the front property boundary, or less than 6m where the prevailing street character permits and the future desired character of the area is not prejudiced. Reduced setbacks must be demonstrated through a Site and Context Analysis (Chapter A.1 cl.11.1).Garages and carports setback has a minimum of 5.5m.	<p>The proposal has a front setback of 5m to the façade of the dwelling.</p> <p>The adjoining dwellings to the north and south are setback 4.66m and 5.51m respectively. The average of these 2 setbacks is 5.085m. It is noted that the remainder of the dwellings on the eastern side of Coledale also appear to have reduced setbacks from the 6m requirement.</p> <p>It is noted that that on the western side of Coledale Avenue there are number of garages located on a almost nil setback.</p> <p>Overall, it is considered the proposed front setback will not be inconsistent with the prevailing street character and the reduced setback can be supported in this instance.</p> <p>Garage 5.5m</p>	Yes
<u>4.3 Side and Rear Setbacks</u>		

<ul style="list-style-type: none"> Walls must be setback at least 900mm from any side or rear property boundary Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries. Eaves 450mm Balconies and windows of habitable rooms designed to minimise any direct overlooking impact. 		<p>No – a variation is sought however, considered acceptable in the circumstances of the case. Refer section 2.3.1 of the report for discussion.</p>
<p><u>Comment:</u></p> <p>The proposed wall height of the dwelling exceeds 7m and less than a 3m side setback has been provided. The variation and impacts associated with the upper floor addition are discussed in section 2.3.1 in the report.</p> <p>The remainder of the dwelling on the middle and lower ground level maintain the existing setback of the dwelling.</p> <p>There is a rear addition to the lower ground level (bedroom 3) that maintains the minimum required setback of 900mm to the southern side boundary.</p> <p>The eaves are setback more than 450mm.</p> <p>The rear middle level balcony and ground floor terrace have full height screens along most of the northern and southern edges to minimise direct overlooking to the adjoining properties.</p> <p>No proposed changes are made to the side setbacks of the middle and lower ground floor however, some changes have been made to the windows on the side elevations.</p> <p>On the south elevation some middle level windows have been removed and one ensuite window. On the lower ground floor will be a bathroom and bedroom window. The bedroom window will correspond to a blank wall and no overlooking will occur.</p> <p>The bathroom and ensuite window will be obscured and not result in overlooking impacts.</p> <p>On the north elevation the existing living room window on the lower ground with be reduced in size. On the middle level there are 2 living room windows. Concerns were raised with W02 with potential overlooking and this window has been amended to be frosted glass. W03 is an existing living room that is proposed to be modified however, will look at a blank wall on the adjoining property at No. 5.</p> <p>Overall, the proposal has been designed to minimise any overlooking of the adjoining properties.</p>		
<p><u>4.4 Site Coverage</u></p>		
<ul style="list-style-type: none"> Maximum site coverage for a dwelling is 55% of the area of the lot, if the lot has an area less than 450sqm. 	<p>The subject lot has a site area of 305.6m² and therefore allow a maximum site coverage of 55%.</p> <p>The proposal has a maximum total site coverage of</p>	<p>Yes.</p>

	approximately 129m ² which results in a maximum site coverage of 42% which complies.	
<u>4.5 Landscaped Area</u>		
<ul style="list-style-type: none"> • Minimum Required 20% on lot area less than 600sqm • permeable area capable of growing trees, shrubs, groundcover and/or lawn. • 50% behind the building line to the primary road • Integrated with drainage design 	<p>The landscape plan provided has been assessed against the relevant controls and is considered acceptable in this instance.</p> <p>Landscape area of 61.12m² is required is provided. Approximately 65sqm is provided and more than 50% located behind the building line.</p> <p>The landscape plan will be conditioned to ensure integration with the drainage design.</p>	Yes.
<u>4.6 Private Open Space</u>		
<ul style="list-style-type: none"> • 24m² of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50. • Not to be located on side boundaries or front yards without variation. 	<p>There is a living area on the lower ground however, this is considered to be a secondary living space as is smaller in area.</p> <p>The main living area for the dwelling is considered to be located on the middle level associated within the dining/kitchen area.</p> <p>The existing rear balcony on middle level would have served as the main private open space that is currently does not comply with the controls of the minimum 24sqm area and 4m width required.</p> <p>The proposal will increase the size of this balcony and private open space for the dwelling however, remains less than 4m wide.</p> <p>Refer to section 2.3.1 of the report for further discussion.</p>	No – a variation is sought however, considered acceptable in the circumstances of the case. Refer section 2.3.1 of the report for discussion
<u>4.7 Solar Access Requirements</u>		

<ul style="list-style-type: none"> • Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June. • At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21. • Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings. 	<p>The living room windows of the adjoining dwelling at No. 9 Coledale Avenue do not receive at least 3 hours of continuous sunlight between 9am – 3pm on June 21. Further discussion is provided at section 2.3.1 of the report at Chapter A1.</p> <p>The proposed shadow diagrams show that the private open space for the primary dwelling, the balcony is considered to maintain its existing access to sunlight POS between 9am - 12pm. As no to minimal shadow will be cast on the POS area between 9am – 12pm. Noting that the existing roof over the balcony will partially overshadow itself from 11am onwards.</p> <p>50% of the private open space for the secondary dwelling at No. 9 located on the ground floor terrace will receive 3 hours of continuous sunlight between 9am and 12pm.</p>	<p>No – A variation is sought and considered in the circumstances of the case can be supported. Refer to section 2.3.1 of the report.</p>
<p><u>4.8 Building Character and Form</u></p>		
<ul style="list-style-type: none"> • Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context • New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality. • All residential buildings must be designed with building frontages and entries clearly addressing the street frontage. • Where garages are proposed on the front elevation they must be articulated from the front façade. 	<p>The design is considered to be generally appropriately sited and designed in a contemporary style which compliments the surrounding streetscape and neighbourhood as a result.</p> <p>Currently the entrance to the dwelling is not visible from the street and located on the side of the dwelling towards the rear.</p> <p>The proposal now provides for an entry that faces the street and the entry point of the dwelling that is more easily identifiable.</p> <p>The width of the garage door is more than 50% of the width of the dwelling however, this is considered difficult to achieve as</p>	<p>Yes - acceptable</p>

	<p>due to the width of the site of 10.06m and provide for two car parking spaces. It is noted that double garage doors that exceed 50% are common along the street and on the western side a number of garages dominant the street with a nil setback.</p> <p>It is considered the design will not detract from the existing character of the area.</p>	
<u>4.9 Fences</u>		
<ul style="list-style-type: none"> Fences must be constructed to allow natural flow of stormwater or runoff. Fences within front and secondary building lines should be mainly constructed of transparent fence materials. Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height 	There is no existing fencing on the site and no fencing is proposed.	NA
<u>4.10 Car parking and Access</u>		
<ul style="list-style-type: none"> 1 space per dwelling with a GFA of less than 125m² 2 spaces per dwelling with a GFA of greater than 125m² Car parking spaces may be open hard stand space, driveway, carport or a garage. Garage door facing roads—not greater than 50% of the width of the dwelling. Carports must be setback behind the front building line. Garages must be setback min of 5.5 from front boundary. Driveways shall be separated from side boundaries by a minimum of 1m. Driveways shall have a max cross-over width of 3m. 	<p>The GFA of the dwelling is more than 125m². A double garage has been provided.</p> <p>The garage is setback 5.5m from the front boundary.</p> <p>The width of the garage door is more than 50% of the width of the dwelling however, this is considered difficult to achieve as due to the width of the site of 10.06m and provide for two car parking spaces. It is noted that double garage doors that exceed 50% are common along the street and on the western side a number of garages dominant the street with a nil setback. It is considered the design will not detract from the existing character of the area.</p> <p>The existing crossover is to remain and is greater than 3m. It is considered this is acceptable</p>	Yes - acceptable

	<p>due to the slope of the land from the road. To enable safe access and manoeuvring to and from the site.</p> <p>Council's Development Engineer has also reviewed the application and is satisfied subject to conditions.</p>	
<u>4.11 Storage Facilities</u>		
<ul style="list-style-type: none"> • Studio/1 bedroom- 6m3 storage volume to 3m2 storage area • 2 bedroom- 8m3 storage volume to 4m2 storage area • 3 bedroom- 10m3 storage volume to 5m2 storage area 	A review of the plans submitted indicates that there is ample space to accommodate storage facilities.	Yes
<u>4.12 Site Facilities</u>		
<ul style="list-style-type: none"> • letterboxes in an accessible location • air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback 	All proposed site facilities are located in accordance with the requirements of clause 4.11.	Yes
<u>4.13 Fire Brigade Servicing</u>		
<ul style="list-style-type: none"> • All dwellings located within 60m of a fire hydrant 	The proposal is located in an established area and has access for firefighting services.	Yes
<u>4.14 Services</u>		
<ul style="list-style-type: none"> • Encourage early consideration of servicing requirements 	The site is already serviced and adequate arrangement arrangements can be made for the proposal.	Yes
<u>4.15 Development near the coastline</u>		
<ul style="list-style-type: none"> • Must minimise built intrusions into coastal landscape • Retain views to the ocean from roads and public spaces • Maintain buildings consistent with coastal character • Development on land with frontage to natural features including the ocean, a 	<p>The proposed development is setback greater than 10m of a beach or cliff top.</p> <p>The application was reviewed by Council's Geotechnical Officer and considered satisfactory subject to conditions.</p>	Yes

<p>cliff-top, beach or public open space fronting the ocean is to be sited so as to provide a minimum side boundary setback from any building(s) or structures of 3 metres or 25% of the total width of the site, whichever is the lesser.</p>	<p>The site has frontage with natural features including the foreshore and ocean views.</p> <p>The width of the site is 10.06m. 25% of the site width is 2.515m.</p> <p>The existing dwelling does not provide a side setback of 2.5m. The existing corridors with the adjoining properties will not amount to the 4m width required. The dwelling currently has a setback of 1m to the north and 0.9m to the south boundary.</p> <p>The side setbacks of the existing dwelling on the lower ground are to remain.</p> <p>The addition of the upper level will provide a 2.68m setback to the northern side boundary, that would comply with the 2.5m despite the remainder of the existing dwelling current setback.</p> <p>This will enable to retain a view corridor for adjoining properties, discussed further in the report with regard to view sharing.</p> <p>It is considered that the extent of the water views maintained from the road is acceptable, refer to Attachment 7 for further discussion.</p> <p>The proposed development is considered to incorporate appropriate design features that will not detract from the character of the coastal zone.</p>	
<p><u>4.16 View sharing</u></p>		
<ul style="list-style-type: none"> • To encourage view sharing from adjoining or nearby properties, public places, and new development. • To protect and enhance significant view corridors from public places. • To encourage the siting and design of new buildings which open up significant views from public areas. 	<p>The proposed development impacts on views currently obtained from a number of properties on the western side of Coledale Avenue, with a Lawrence Hargrave Drive street address.</p>	<p>Yes</p>

	<p>A view assessment was provided by the Applicant in their additional information response (see extract in Attachment 6).</p> <p>Further, a View Impact Assessment by Council can be found at Attachment 7. The view assessment has relied upon the Applicant's view analysis and associated view photos, neighbour photo submission and site inspections.</p> <p>Council considers that whilst there will be a minor to moderate impact on views from these properties, the assessment indicates that the proposal provides for sufficient view sharing for views.</p>	
<u>4.17 Retaining walls</u>		
<ul style="list-style-type: none"> To ensure well designed retaining walls that are structurally sound 	Retaining walls are proposed associated with the planter boxes located at the rear of the terrace. These retaining walls are approximately 1m and setback from the side boundary a minimum of 900mm.	Yes
<u>4.18 Swimming pools and spas</u>		
<ul style="list-style-type: none"> To ensure relevant safety standards meet user's needs. To ensure site and design maintain the amenity of the area 	Not applicable	NA
<u>4.19 Development near railway corridors and major roads</u>		
<ul style="list-style-type: none"> Ensure development near rail corridors and major roads are protected from vibration Ensure development does not affect operations or safety 	Not applicable	NA

CHAPTER D1: CHARACTER STATEMENTS

Existing Character

Coledale is a small seaside village which is characterised by low density residential development. The village contains a mix of one to two storey detached dwelling-houses and includes older style weatherboard cottages and new contemporary coastal themed dwellings. Coledale also contains the historic Coledale railway station, a railway tunnel No. 8 and a number of Norfolk Island Pines along South Coledale Beach and Lawrence Hargrave Drive.

Desired Future Character

Coledale should retain its low density residential village character with predominantly one to two storey detached dwelling-houses envisaged in the village. New dwellings should be individually designed in a coastal theme with either a weatherboard or rendered brick construction and varied sloping flat, dutch gable pitched or curved roof forms encouraged. Light beige or light to mid grey or light to dark blue coloured external wall finishes are preferred. New dwellings should be designed to maximise view sharing opportunities for neighbouring dwellings. This may be achieved by way of staggering of the building form through wider side setbacks on first floor levels and minimising the wall and roofline height of dwellings, wherever possible. The roof line of any new two storey dwelling should be flanked by wide eaves, wherever practicable, to help to improve the overall appearance of the building. The use of extensive windows and lightly framed balconies and verandahs plus a variety of materials and finishes rather than plain masonry walls and balustrades is recommended. All balconies should be designed to minimise any potential amenity or privacy impacts upon the habitable rooms of the dwellings or private courtyard areas of adjoining properties.

The proposed development is a permissible use in the C4 zone. The proposed alterations and additions maintain view sharing opportunities across the top of the dwelling and been designed to minimise privacy impacts on adjoining properties. The design of the proposal is not considered to detract from the character of the locality.

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

The proposal incorporates a double car garage for the dwelling. The application has also been assessed by Council's Development Engineer who is satisfied subject to conditions. It is considered the parking and access arrangements are suitable for this proposal and site and will not adversely affect the safe, efficient and effective use of the site or the local road network.

CHAPTER E6: LANDSCAPING

The applicant has provided a Landscape Concept Plan and the proposal provides adequate areas of landscaping that meets the requirements for a dwelling house.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan provided. The development has been designed to incorporate suitable waste storage and servicing arrangements. It is considered that the proposed development satisfies the objectives of WDCP2009 Chapter E7 Waste Management in this instance.

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. Appropriate conditions have been recommended.

CHAPTER E14 STORMWATER MANAGEMENT

A stormwater concept plan has been submitted. Stormwater from the development is to connect to the existing existing stormwater drainage network/outlet to the ocean ledge. Council's Development Engineer has reviewed the application submission with regards to Chapter E14 WDCP 2009 and is satisfied subject to conditions.

CHAPTER E17 PRESERVATION AND MANAGEMENT OF TREES AND VEGETATION

An existing Frangipani tree is proposed to be removed from the frontage of the site to accommodate the proposal and the existing Palm at the rear is to be retained. Council's Landscape Officer raised no objection to the tree removal and satisfactory referral advice was provided.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

It is considered that the proposal involves earthworks that would not result in adverse impacts on the environment or adjoining properties. The proposal is considered to be satisfactory in this instance.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The proposal involves demolition of existing structures on site and a demolition plan has been provided. Appropriate conditions with regards to contamination and hazardous building materials has been recommended.

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.



Appendix B -Variation Request
Floor Space Ratio
7 Coledale Avenue, Coledale
Planning Plus Project 22103
April 2022
Revised October 2022

Variation to Floor Space Ratio

7 Coledale Avenue,
Coledale

PREPARED FOR

Donna Camer

PREPARED BY

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TABLES

Table 1	Comparison of Floor Space Ratio
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1.0 INTRODUCTION

1.1 General

The site is zoned C4 Environmental Living and the Floor Space Ratio (FSR) permitted is 0.3:1

The development proposes a FSR higher than permitted in the Local Environmental Plan of 0.48:1 and so a variation to the FSR is required.

A request for a variation to a development standard must address Clause 4.6 in the Local Environmental Plan (LEP)

In October 2022, Council requested additional information be provided and that the relevant information pertaining to the variation request to FSR be updated in the original submission. This additional information is provided in red text in this document.

1.2 Clause 4.6

Clause 4.6 of the LEP provides for exceptions to development standards so that a better outcome can be achieved by allowing flexibility in particular circumstances.

The standard for FSR can be varied if it is demonstrated;

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

and the consent authority is satisfied that:

- (c) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case,

Clause 4.4 of the LEP identifies the objectives of FSR and these are to:

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

- (b) to establish the maximum development density and intensity of land use, taking into account the availability of infrastructure to service that site and the vehicle and pedestrian traffic the development will generate,
- (c) to ensure buildings are compatible with the bulk and scale of the locality.

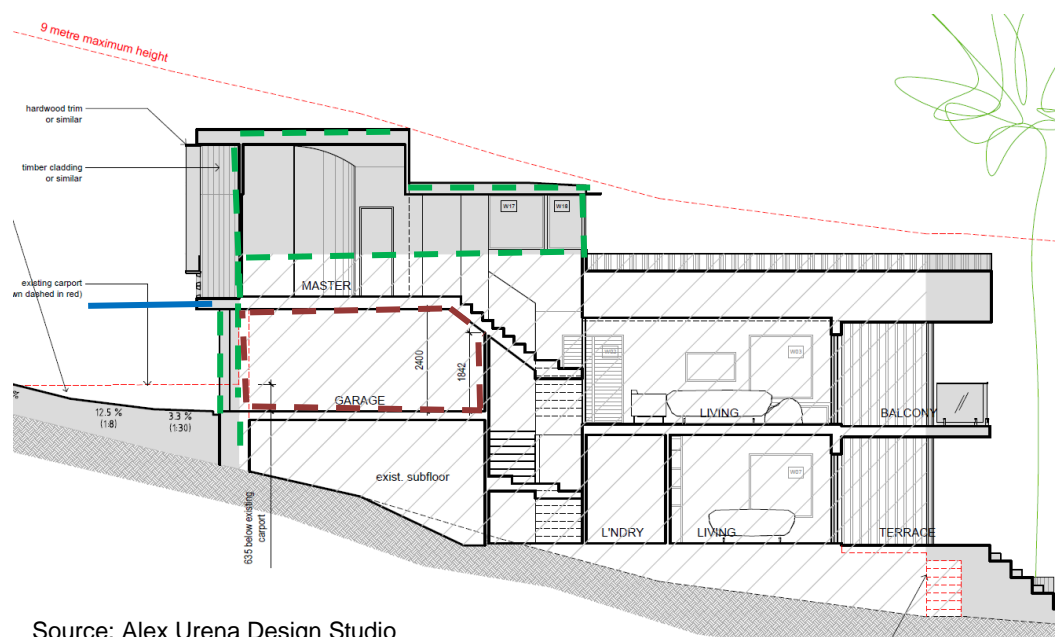
The following addresses each of the standards as follows;

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

The proposed development will involve internal alterations and additions to the buildings. Whilst there will be some change in form of the building, the actual FSR will remain unchanged ie the existing FSR is 0.48 :1 and the proposed FSR will *remain* at 0.48:1. (There will be an increase in gross floor area of 0.81m²). This is most easily understood in viewing a cross-section of the building.

Figure 1 is a cross-section of the building. The areas coloured grey and outlined in green are additions which extend *beyond* the footprint/envelope of the existing building and are identified as gross floor area. The area which is outlined in red shows the garage area which had previously been used as a space for bedrooms. These two bedrooms will be converted to a garage and, as parking required for a proposal is not included in the gross floor area, the alterations are able to be achieved without increasing the FSR. The area shown blue is the approximate location of the existing carport.

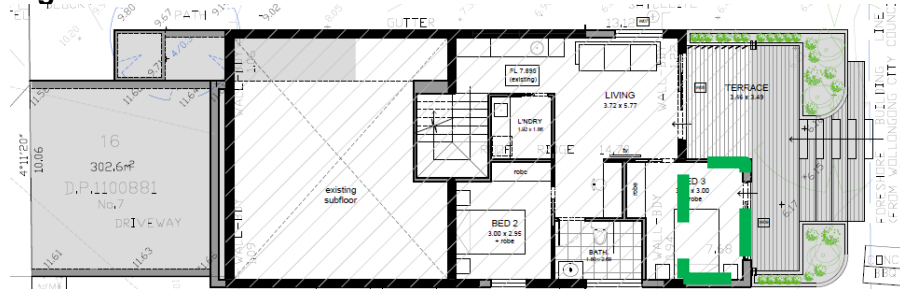
Figure 1 Cross-section



Source: Alex Urena Design Studio

Figure 2 shows the location of bedroom 3 which shows that whilst this room extends slightly beyond the current southern elevation, it does not extend beyond the existing building footprint. The portion of bedroom 3 which extends beyond the eastern wall of the existing building is shown outlined in green and also forms part of the gross floor area.

Figure 2 – Bedroom 3



Bedroom 3
beyond
existing
eastern wall
of the
building

Source: Alex Urena Design Studio

Figure 3 shows the elevation of the existing carport and small storage shed and it is considered it detracts from the overall streetscape. Furthermore, off-street parking is provided for only one (1) vehicle where Council's standard requires two spaces. The modifications proposed achieve this outcome and also allow for the parking of a vehicle in the driveway.

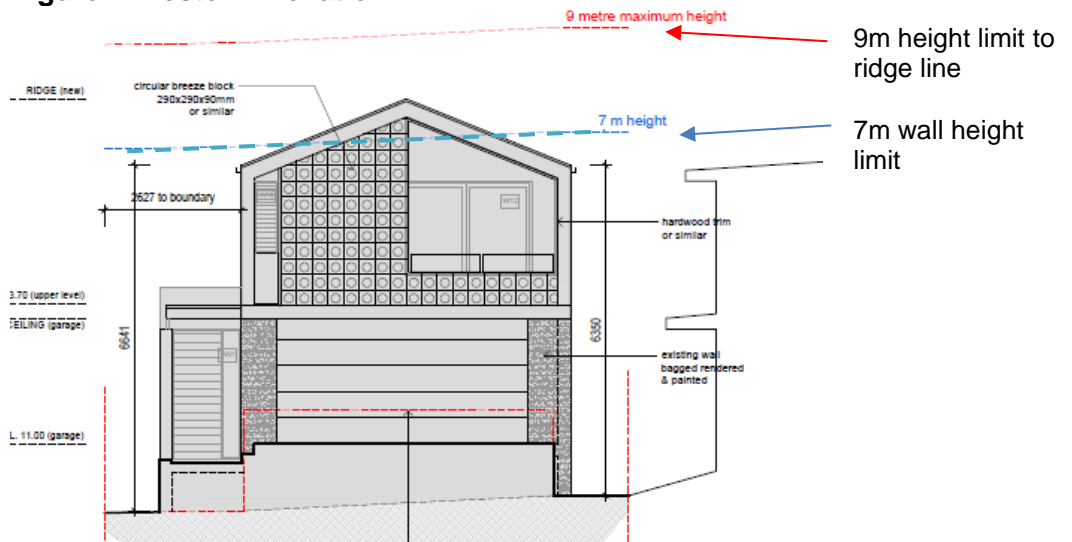
Figure 3 Street View of Subject Property



Source: Google Maps

The proposed presentation to the streetscape is shown in Figure 4. It is evident in viewing this Figure that the proposed addition of the master bedroom is significantly below the permitted 9m height limit, this height limit is shown by the red dashed line. It is also evident that from this elevation that the building is below the 7m wall height limit. Therefore, whilst the more significant impact associated with this development is the introduction of an additional floor for the master bedroom, the presentation to the streetscape is below the parameters set down in the relevant codes and policies.

Figure 4 Western Elevation



Source: Alex Urena Design Studio

Redevelopment and renovation of houses is occurring along Coledale Avenue. Whilst the western side is zoned 2(a) – Low Density Residential and has a higher permitted FSR, the reality in experiencing the difference in FSR between the eastern and western side of the street is unlikely to be perceived as shown in Figures 5 to Figure 8 below.

Figure 5 Western Side of Coledale Avenue - northern end of street



Source: Google Maps

Figure 6 Western Side of Coledale Avenue - southern end of street



Source: Google Maps

Figure 7 Eastern Side of Coledale Avenue - southern end of street



Source: Google Maps

Figure 8 Eastern Side of Coledale Avenue - northern end of street



Source: Google Maps

As stated previously, the above Figures show a variety of development along Coledale Avenue. The level of development that is proposed is considered to be commensurate with other levels of development that has occurred in the area.

Furthermore, as there is no difference in FSR between what currently exists on site and what is proposed, and, given that the proposal is essentially compliant with Council's controls, it is considered there is a correlation between the size of the site and the development that is proposed as well as other development occurring along the street.

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

The density of the proposed development will have no impact on the provision of infrastructure to the site in that there is currently one dwelling on the site and there will remain a single dwelling on the site. Accordingly, there is no likely change in vehicle or pedestrian traffic nor is there any increase in demand on other existing infrastructure as a consequence of this proposal and so the proposal complies with this objective.

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

The figures shown in Table 1 are derived from Council files applied for under GIPA to determine FSR of developments along the eastern side Coledale Avenue where the FSR which applies is 0.3:1.

In October 2022 Council requested revised floor space ratio calculations for the proposed development. Arising from these calculation, the FSR of the proposed additions has been amended to 0.49:1 as shown in the adjusted table below.

Table 1 Comparison of FSR

Street No - Coledale Ave	FSR	Consent
1	0.45:1	D10/1487
3	0.76:1	2005/1512
5	0.72:1	D2009/1619
7	0.48:1 Current FSR 0.49:1 Proposed FSR	
9	0.55:1 (by applicant) 0.7:1 (by Council)	2014/1473 (LEC)
11	0.54:1	D97/528
13	0.64:1	D2005/1867
15	0.51:1	D11/727
17	0.46.5:1	D2001/2193
19	0.45:1	D2019/598
21	unknown	
23	0.49:1	DA2001/2185

Source: Extract from relevant development applications

It is evident from this Table that Council has formed an opinion that the FSR of 0.3:1 is not viable given the regularity of variation to FSR's that have been approved. It is also evident these approvals have been considered acceptable in the context of the locality and other development in the area. Given that this application is commensurate with, or less than, other FSR's that have been granted, then the bulk and scale of this proposal is compatible with other development along the street.

Therefore, given the regularity of these variation to the permitted FSR as shown in this Table, it is clear that the proposal meets the requirements of the *Wehbe v Pittwater Council* (2007) NSWLEC 827 Court case in that it is clearly demonstrated that the:

redevelopment standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

Arising from this, it is unreasonable to apply a standard to this development which has not been consistently applied to other developments in the area.

We note that this variation demonstrates that the proposal meets one of the required elements identified in this court case which are listed below.

- *The underlying objective or purpose is not relevant to the development with the consequences that compliance is unnecessary*
- *the underlying objective or purpose would it be defeated or thwarted if compliance was required with the consequences that compliance is unreasonable*
- *redevelopment standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable*
- *the zoning of particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in that case would be unreasonable or unnecessary*

The continued variation to Council's FSR in this instance and the other approvals that have been granted is a reflection of the size of these sites and is not considered to be a reflection of an overly 'large' house.

The site has an area of 302.6m² which if the FSR were to apply, then the total size of the dwelling would be 90.78m². The actual size of an average size house according to Build Search is 227m², the size of the dwelling proposed is 146m² which demonstrates that the building could not be considered excessive in size.

There are sufficient environmental planning grounds to justify contravening the development standard

There are two objectives for the C4 Environmental Living zone and these are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

It is considered that the proposed development does not contravene either of these objectives. This is because the physical form of the existing building will be retained so the physical footprint of the building will have minimal change. The additional floor as it presents to the streetscape is below the 9m height limit and the 7m wall height limit and provides a view corridor in accordance with Council's requirements. Therefore the aesthetic values that have led to the application of the C4 zone have been accommodated in the design of the proposal. Arising from this, it is considered that there is little opportunity for this development to impact adversely on these values.

Northcote Street at the northern end of Coledale Avenue provides public access to the beach and the rock pool. At the cul-de-sac at the southern end of Coledale Avenue there are sweeping views of the coastline to the south and therefore the primary public views remain unaltered by the development proposed.

The management of stormwater from the site will remain the same which means that there will be no adverse impact on the key fish habitat that is located near the site within the Ocean frontage. (There is minimal increase in impermeable area consequently there is no material impact associated with stormwater management.). Furthermore, the proposed development will not result in an adverse impact on the amenity of the area through traffic generation or demand in infrastructure.

1.3 Variation Justified

It is evident that compliance with the standard is both unreasonable and unnecessary in the circumstance of this case in that variations have been consistently granted along Coledale Avenue and this variation will not cause a precedent. Furthermore, the variation proposed does not represent an increase in FSR from what currently exists on site.

The proposed variation will enable the provision of increased and adequate parking on site, allow for improved access to the building and enable a more coherent and liveable floor plan than the current arrangement.

It is considered the variation to FSR will not result in any additional infrastructure demands nor will it impact on the objectives for the C4 zone.

On this basis, it is considered that the application of the floor space ratio in this instance is unreasonable and unnecessary in the circumstances of the case.

Attachment 4: Schedule of FSR exceedances in Coledale Avenue

Coledale Avenue FSR Comparative Table							
Address	Application No	Development	Date Approved	Approved by	FSR	Planning Instrument	Notes
1 Coledale Avenue	DA-2010/1487	Two storey residential dwelling-house and demolition of existing dwelling-house	1/04/2011	WLPP (formerly IHAP)	0.45:1	WLEP 2009 C4 zone 0.3:1	
3 Coledale Avenue	DA-2005/1512	Alterations and Additions to dwelling	2/03/2006	Delegated Authority	0.76:1	WLEP 1990 7c zone 0.3:1	
5 Coledale Avenue	DA-2009/1619	Alterations and additions to two storey dwelling-house	18/05/2010	Delegated Authority	0.68:1	WLEP 1990 7c zone 0.3:1	Existing exceedance of 0.68:1 – change to FSR in DA-2009/1619 sought
7 Coledale Avenue	Subject Site	No development history			Existing 0.48:1		
9 Coledale Avenue	DA-2014/1473/B	Residential - demolition of existing dwelling and erection of a new dwelling house and attached secondary dwelling Modification B - addition of louvres, minor internal arrangements and increase to GFA	28/04/2021	Delegated Authority	0.6:1	WLEP 2009 C4 zone 0.3:1	Original DA exceedance of 0.59:1 granted by LEC
11 Coledale Avenue	DA-1997/528	Dwelling	10/12/1997	Delegated Authority	0.54:1	WLEP 1990 7c zone 0.3:1	
13 Coledale Avenue	DA-2005/1867	Demolition of dwelling-house and construction of three (3)	8/06/2006	Delegated Authority	0.64:1	WLEP 1990 7c zone 0.3:1	Former Round Table with Councillors

		storey dwelling-house and garage					
15 Coledale Avenue	DA-2001/2190	Demolition of existing dwelling and garage and the construction of a new tri-level dwelling	30/07/2002	Delegated Authority	0.58:1	WLEP 1990 7c zone 0.3:1	
17 Coledale Avenue	DA-2001/2193	Demolition of existing dwelling and construction of a new two storey dwelling	23/07/2002	Delegated Authority	0.44:1	WLEP 1990 7c zone 0.3:1	
19 Coledale Avenue	DA-2019/598	Residential - demolition of dwelling and construction of dwelling house and swimming pool	14/08/2019	WLPP	0.45:1	WLEP 2009 C4 zone 0.3:1	
21 Coledale Avenue	DA-2009/915	Alterations and additions to dwelling-house	27/11/2009	Council	0.4:1	WLEP 2009 C4 zone 0.3:1	DA considered by IHAP then Council
23 Coledale Avenue	DA-2001/2185	Demolition of existing dwelling and garage and construction of new single storey dwelling	25/03/2002	Delegated Authority	0.5:1	WLEP 1990 7c zone 0.3:1	



Appendix C -Variation Request
Wall Height
7 Coledale Avenue, Coledale
Planning Plus Project 22103
April 2022

Variation to Wall Height

7 Coledale Avenue,
Coledale

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2	Client Issue	Anne Trezise		March 2022			
3	Council Issue	Anne Trezise		April 2022			April 2022

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1.6 Conclusion	10

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Figure 2	Northern elevation and extent of encroachment
Figure 3	Sothern elevation and extent of encroachment
Figure 4	3.00pm Shadow at 21 st June
Figure 5	Current Street Elevation
Figure 6	Proposed Street Elevation

1.0 INTRODUCTION

1.1 General

For a variation to be granted, the matters in Clause 8 of Chapter A1 of Wollongong Development Control Plan must be addressed and these matters are:

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

1.2 The Control Being Varied

The introduction to Chapter B1: Residential development states that: *This chapter of the DCP applies to all residential zoned land within the City of Wollongong Local Government Area (LGA) including E4 (now C4) Environmental Living.*

Clause 4.3 of these controls states that:

Walls (including gable ends and parapets) that exceed 7 metres overall height must be setback at least 3 metres from the side and rear boundaries.

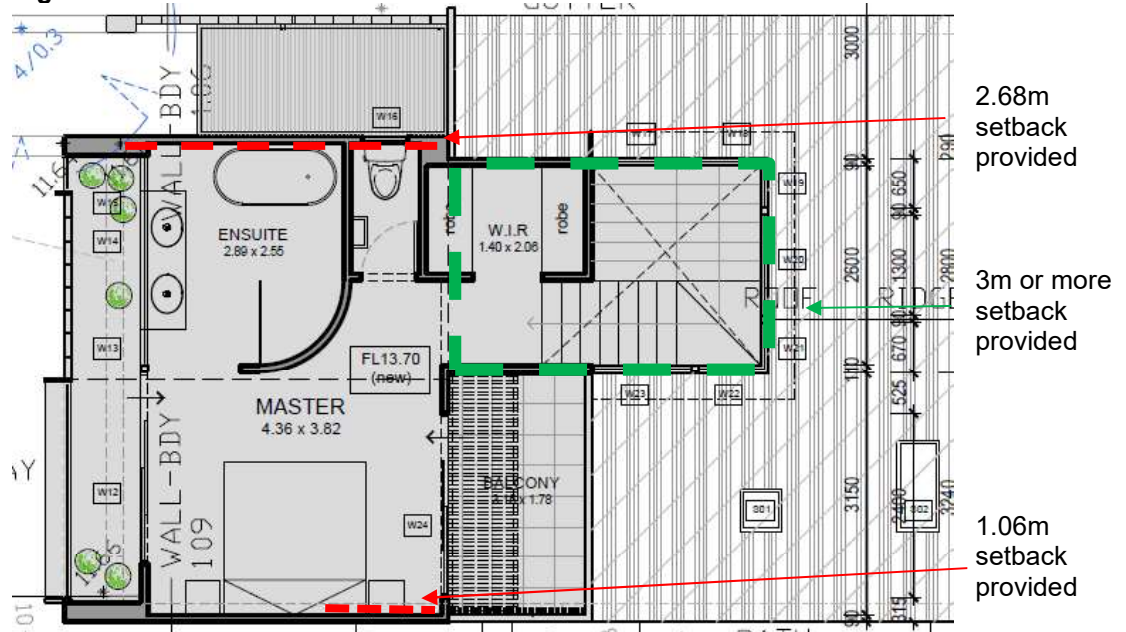
There are small portions of this development where the proposal does not comply with this requirement.

1.3 The extent of the proposed variation and the unique circumstances as to why the variation is requested

The extent of the variations proposed is shown in the following extracts of the architectural plans.

Figure 1 shows the proposed master bedroom. The setback of the upper floor from the northern boundary is 2.68m and 1.06m from the southern boundary. The areas which are coloured red show the approximate extent where the 7m wall height is exceeded and where a 3m setback from the boundary is not provided. The area coloured green shows that a 3m setback is provided.

Figure 1 Floor Plan of Master bedroom

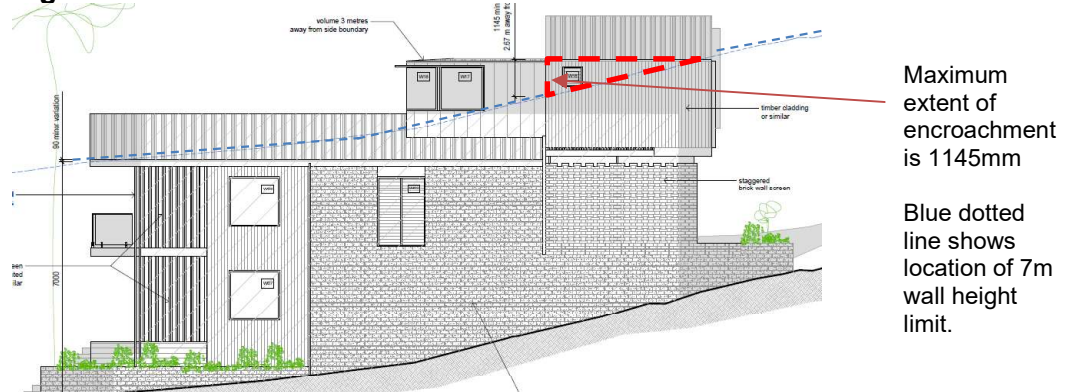


Source: Alex Urena Design Studio

Northern Elevation

The maximum encroachment along the northern boundary is 1145mm and the extent of this encroachment along the northern elevation is shown outlined in red in Figure 2.

Figure 2 Northern Elevation and extent of encroachment

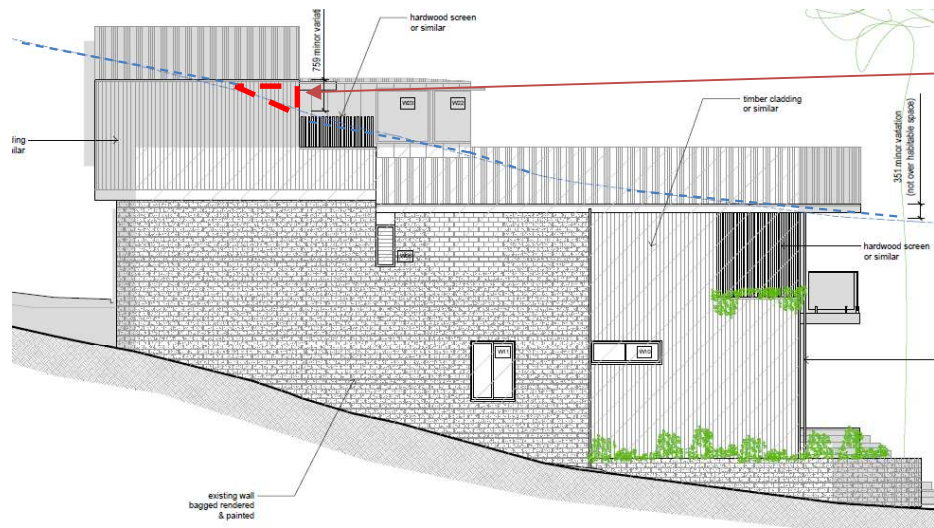


Source: Alex Urena Design Studio

Southern Elevation

The maximum encroachment along the southern boundary is 759mm and the extent of this encroachment along the southern elevation is shown outlined in red in Figure 3.

Figure 3 Southern Elevation extent of encroachment



Maximum extent of encroachment is 759mm.

Blue dotted line shows location of 7m wall height limit.

Source: Alex Urena Design Studio

The blue dotted line shows the 7m height limit and it is evident from viewing these figures that the majority of the development is able to comply with the 7m wall height limit.

Exceptional circumstances apply as the proposal maintains the current building and the renovations adapt to this existing form, therefore the constraints are more restrictive than a new building. Furthermore, the element of non-compliance is reflective of the steepness of the site rather than wall height of the building being excessively tall. Whilst consideration has been given to other options, the application of these solutions is considered to have a greater impact than the option proposed. Furthermore, Figures 2 and 3 show that the development is primarily compliant with the 7m height limit and consequently it is considered that the circumstances of the case are sufficient to support the variation.

1.4 Demonstrate how the objectives are met with the proposed variations

The objectives of the controls for side and rear setbacks are that they:

Objective

(a) To create a consistent pattern of building separation along streets

Comment

Given that the development retains the existing building, there will be no change to the existing pattern of building separation on the ground level. The level where the master bedroom is proposed to be located is setback further from the northern boundary in accordance with Council's policies and is reflective of other development along Coledale Avenue.

Objective

(b) To provide adequate setbacks from boundaries to retain privacy levels and minimise overlooking/overshadowing.

Comment

On the southern boundary there are no windows where the encroachment occurs and consequently there is no impact on privacy arising from this variation.

There is one window on the northern elevation and this is to service a toilet. The window is provided for light and ventilation and viewing out of this window is difficult not only because of the location of the cistern but also because of the height of the window sill.

It is apparent from the shadow diagrams that the dwelling to the south is able to achieve the minimum sunlight requirements.

It is considered that the variation does not have a significant impact on issues of privacy or overshadowing for adjoining owners.

Objective

(c) To ensure that buildings are appropriately sited having regard to site constraints.

Comment

The siting of the building has been pre-determined by retention of the existing structure.

Objective

(d) To control overshadowing of adjacent properties and private or shared open space

Comment

The encroachment on the northern boundary has no capacity to impact on overshadowing on the adjoining property to the north.

The placement of the master bedroom is set closest to the street frontage to minimise any overshadowing impact to the private or shared open space of the adjoining property to the south. Figure 4 shows the eastern extent where shadows are cast from the proposed addition. It is evident from this Figure that there is no adverse overshadowing arising from this additional floor on private or shared open space. The eastern extent of the shadow cast from the upper level is shown outlined in red.

It is noted that as there is an existing building on the site, the majority of shadow that is cast will remain unchanged.

Figure 4 3.00pm Shadow at 21st June



Source: Alex Urena Design Studio

Objective

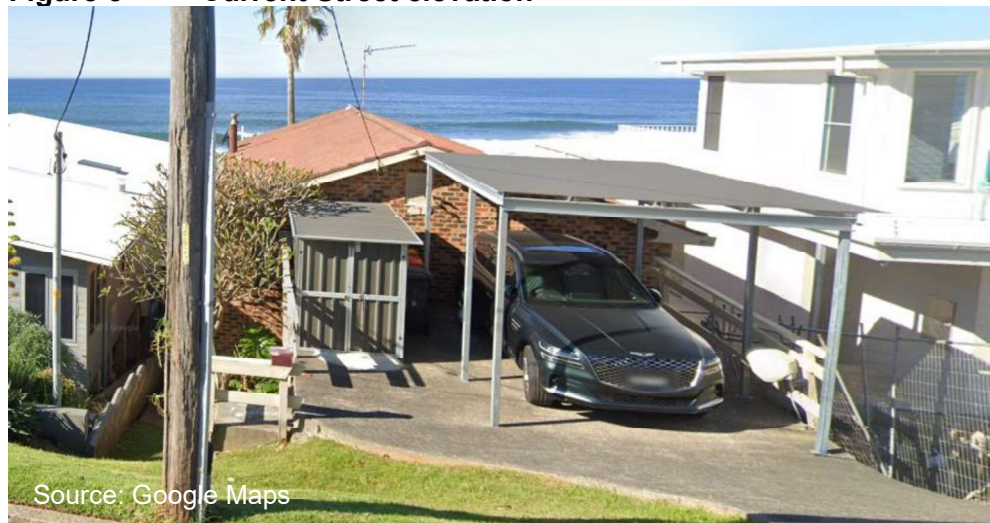
(e) To ensure improved visual amenity outcomes for adjoining residences

Comment

The current street frontage has no opportunity for visual engagement with Coledale Avenue and this is shown in Figure 5.

It is considered the proposed development will result in an improved visual amenity for adjoining neighbours and to the streetscape as shown by the contrast in Figures 5 and 6.

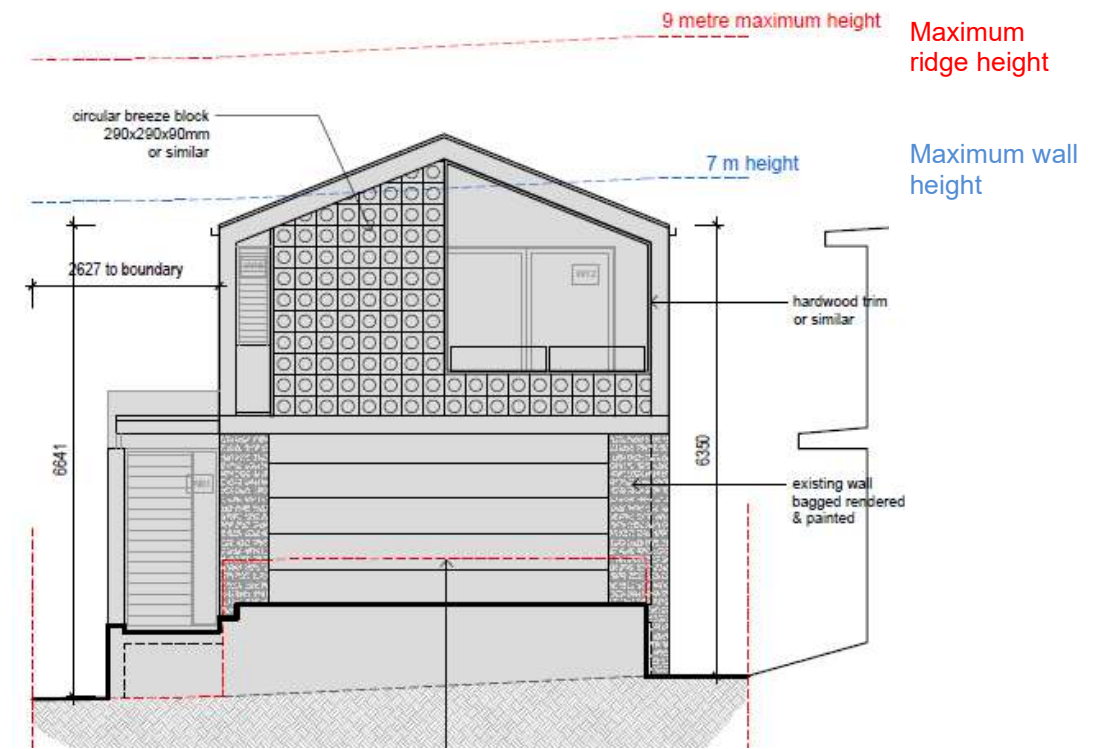
Figure 5 Current Street elevation



Source: Google Maps

It is noted that the blue and red dotted line on the street elevation shows respectively the maximum wall and ceiling height that is permitted as shown in Figure 6. It is evident in viewing this Figure that the presentation to the streetscape is well within the levels permitted by Council's policies

Figure 6 Proposed Street elevation



1.4 Demonstrate that the development will not have additional adverse impacts as a result of the variation

It is considered opportunities to create adverse impacts through overshadowing or impinging privacy as an outcome of this variation area minimal.

The issue of precedence has also been considered however any adverse impact is considered to be mitigated by the fact that from the street frontage the proposal is demonstrably below Council's ridge and wall height limits as shown in Figure 6.

The northern setback has a short fall of 32cm which in the context of the site is considered to be marginal.

The existing wall on the southern boundary is setback 1.06 m and the addition aligns with the existing wall below. To require compliance with this setback standard in this instance is not considered to achieve an outcome

of significant merit which would benefit adjoining neighbours or the streetscape

There are no other impacts which are considered likely to arise from the proposed variation. Consequently, the development proposed is considered to be a logical outcome of the design constraints of the site and the retention of the existing building.

1.6 Conclusion

It is considered there is no adverse impact arising from the proposed variation in regard to the issues of privacy or overshadowing.

The variation that is proposed is based on a logical floor plan which is informed by the retention of the existing dwelling. Furthermore, the presentation to the street scape demonstrably shows that proposal is below Council's requirements with regard to overall height of the building and wall height requirements.

The design results in a significant improvement to the street elevation, improves parking on site and has, essentially, minimal impacts on neighbours. Consequently it is recommended that the variation to this standard be supported.

Figure 7 Eastern Side of Coledale Avenue - southern end of street



Source: Google Maps

Figure 8 Eastern Side of Coledale Avenue - northern end of street



Source: Google Maps

As stated previously, the above Figures show a variety of development along Coledale Avenue. The level of development that is proposed is considered to be commensurate with other levels of development that has occurred in the area.

Furthermore, as there is no difference in FSR between what currently exists on site and what is proposed, and, given that the proposal is essentially compliant with Council's controls, it is considered there is a correlation between the size of the site and the development that is proposed as well as other development occurring along the street.

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

The density of the proposed development will have no impact on the provision of infrastructure to the site in that there is currently one dwelling on the site and there will remain a single dwelling on the site. Accordingly, there is no likely change in vehicle or pedestrian traffic nor is there any increase in demand on other existing infrastructure as a consequence of this proposal and so the proposal complies with this objective.

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

The figures shown in Table 1 are derived from Council files applied for under GIPA to determine FSR of developments along the eastern side Coledale Avenue where the FSR which applies is 0.3:1.

Table 1 Comparison of FSR

Street No - Coledale Ave	FSR	Consent
1	0.45:1	D10/1487
3	0.76:1	2005/1512
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9	0.55:1 (by applicant) 0.7:1 (by Council)	2014/1473 (LEC)
11	0.54:1	D97/528
13	0.64:1	D2005/1867
15	0.51:1	D11/727
17	0.46.5:1	D2001/2193
19	0.45:1	D2019/598
21	unknown	
23	0.49:1	DA2001/2185

Source: Extract from relevant development applications

It is evident from this Table that Council has formed an opinion that the FSR of 0.3:1 is not viable given the regularity of variation to FSR's that have been approved. It is also evident these approvals have been considered acceptable in the context of the locality and other development in the area. Given that this application is commensurate with, or less than, other FSR's that have been granted, then the bulk and scale of this proposal is compatible with other development along the street.

The continued variation to Council's FSR in this instance and the other approvals that have been granted is a reflection of the size of these sites and is not considered to be a reflection of an overly 'large' house.

The site has an area of 302.6m² which if the FSR were to apply, then the total size of the dwelling would be 90.78m². The actual size of an average size house according to Build Search is 227m², the size of the dwelling proposed is 146m² which demonstrates that the building could not be considered excessive in size.

There are sufficient environmental planning grounds to justify contravening the development standard

There are two objectives for the C4 Environmental Living zone and these are:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

It is considered that the proposed development does not contravene either of these objectives. This is because the physical form of the existing building will be retained so the physical footprint of the building will have minimal change. The additional floor as it presents to the streetscape is below the 9m height limit and the 7m wall height limit and provides a view corridor in accordance with Council's requirements. Therefore the aesthetic values that have led to the application of the C4 zone have been accommodated in the design of the proposal. Arising from this, it is considered that there is little opportunity for this development to impact adversely on these values.

Northcote Street at the northern end of Coledale Avenue provides public access to the beach and the rock pool. At the cul-de-sac at the southern end of Coledale Avenue there are sweeping views of the coastline to the south and therefore the primary public views remain unaltered by the development proposed.

The management of stormwater from the site will remain the same which means that there will be no adverse impact on the key fish habitat that is located near the site within the Ocean frontage. (There is minimal increase in impermeable area consequently there is no material impact associated with stormwater management.). Furthermore, the proposed development will not result in an adverse impact on the amenity of the area through traffic generation or demand in infrastructure.

1.3 Variation Justified

It is evident that compliance with the standard is both unreasonable and unnecessary in the circumstance of this case in that variations have been consistently granted along Coledale Avenue and this variation will not cause a precedent. Furthermore, the variation proposed does not represent an increase in FSR from what currently exists on site.

The proposed variation will enable the provision of increased and adequate parking on site, allow for improved access to the building and enable a more coherent and liveable floor plan than the current arrangement.

It is considered the variation to FSR will not result in any additional infrastructure demands nor will it impact on the objectives for the C4 zone.

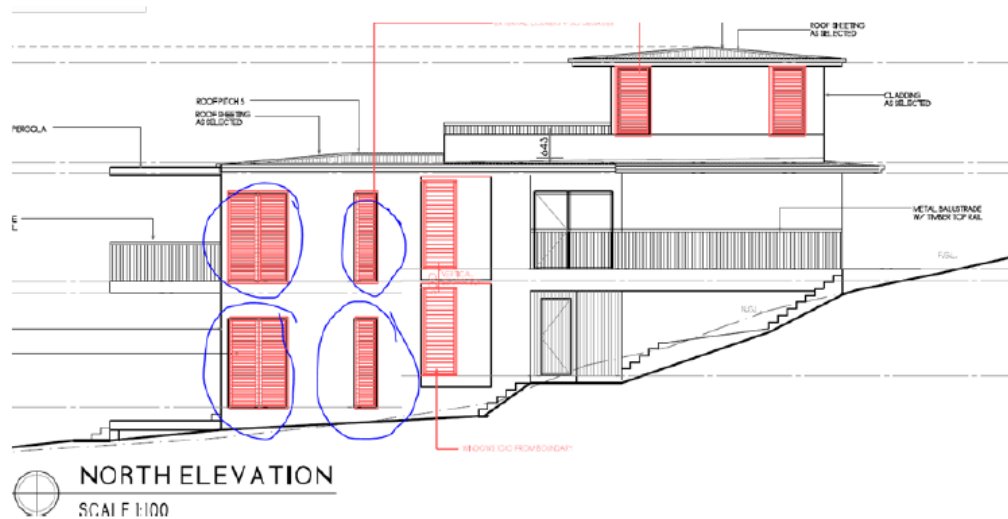
On this basis, it is considered that the application of the floor space ratio in this instance is unreasonable and unnecessary in the circumstances of the case.

Solar Access

Planning Plus (NSW) Pty Ltd (Planning Plus) has been engaged by the owners of the site to assist in responding to a request for additional information from Council resulting from an email dated 28th November 2022.

Specifically further clarification was requested on the shadows cast by the proposed development and potential impact on the adjoining property to the south. Figure 1 is the approved northern elevation of the adjoining property to the south. The windows which are outlined in blue are windows associated with internal living areas.

Figure 1 Northern Elevation of 9 Coledale Avenue – Adjoining Property to the South



Source: DA-2014/1473/B. Wollongong Council

To assist Council further in its assessment, the following elements are brought to Council's consideration;

1 Screening on northern windows to the south

Figure 2 is a photo of fixed screening which is attached externally to the subject windows.

Figure 2 – Fixed Screen on Windows – 9 Coledale Avenue



Source: Alex Urena Design Studio

It is evident from this photograph that permanent and significant shading is provided to these living room windows through the installation of these screens. Advice has been provided that the level of shading within the (internal) rooms arising from these screens is approximately 85% to 90% which is based on the allowance made for a NATHERS Assessment. However in looking at the photo provided, it is our opinion that

the shading provided between the slats would provide even less sunlight to this space. Indeed it is evident from the shadow that is cast in the photograph is 100% shadow from these screens.

2 Eastern Elevation -9 Coledale Avenue

Figure 2 above also shows that the eastern elevation of 9 Coledale Avenue has glazing essentially for the full width of this elevation. This means that as the sun rises in the morning, there is unobstructed solar access through these windows.

It is evident from the shadow diagrams attached that there is no change to shadows cast arising from the proposed development on this eastern elevation. The only shadow that is cast is from the rooves of this site which provide shade protection to these deck areas.

3. Impact of Height Variation on Shadows

Additional shadow diagrams have been provided. These diagrams include the location of the (screened) windows of the northern elevation of No 9 Coledale Avenue.

It is important to note that for each of the time periods selected for the 21st of June the top line of the shadow remains constant between existing and proposed shadows and that no shadow is cast between the top of the windows and the gutter of No 9 Coledale Avenue. This is demonstrated in Figure 3 via the red dotted line. The existing shadows that are cast are in the image on the left and the shadows arising from the proposed development are shown in the image on the right.

Figure 3 Existing and Proposed Shadows at 9am on 21st June



Source: Alex Urena Design Studio

This 'gap' between the existing and proposed buildings is evidence that there is *no* additional adverse shadows that are cast through seeking the variation to the wall height requirement. If there was an additional adverse impact, then shadow would fall where the gap is identified.

4. Development Control Plan Requirements – Solar Access

The shadow diagrams show that there is very little marginal increase in shadow caused by the proposed development. It is noted that the objectives of the Development Control Plan (DCP) with regard to solar access are:

- (a) To minimise the extent of loss of sunlight to living areas of adjacent dwellings and private open space areas of adjoining properties.*
- (b) To maximise solar access into living rooms and private open space of dwellings in the subject development.*

It is considered that the proposal meets these objectives and this is demonstrated in the shadow diagrams.

Furthermore, one of the controls states that adjoining dwellings must receive at least 3 hours of continuous sunlight. It is obvious from the shadow diagrams that there is very little change in margins of solar impact arising from the proposed development.

Shade is already cast by the subject site and the building form of No 9. The addition of shutters to the northern windows significantly impacts on the capacity of the rooms within this building to achieve sunlight. The shutters provide privacy and allow air movement but their intent is to provide privacy and as an outcome removes sunlight from these rooms. Anecdotally, the applicant has been advised verbally that a submission was not lodged by these adjoining property with regard to loss of sunlight.

Furthermore the DCP does not prevent any *change* to the shadow that is cast. From this it is deduced that the DCP recognises that development will have an impact, however if the impact is acceptable the development is at liberty to proceed. Given the installation of the fixed screen shutters, it is considered the capacity of the proposal to impact on sunlight penetration to these rooms where it might significantly impact the quality of life is considered to be marginal.

Private Open Space

d) Section 4.6 Private Open Space

Council has raised concerns regarding the width of the deck on the middle level

Response

The DCP requires a minimum area of 24m² of private open space (POS) and the proposal complies with this area. The DCP also requires a minimum width of 4m. The width of the deck is greater than 4m (at 6.9m) and has a minimum depth of 3.49m consequently the proposal is compliant with Council's code.

If Council holds the view that the 4m minimum should instead apply to the depth of the balcony rather than its width, then it is considered that a variation is justified as the private open spaces as proposed is large enough to accommodate a range of uses, is accessible and connected to indoor spaces - which aligns with Council's objectives.

Furthermore, location of balconies and decks on adjoining properties informed the depth of the deck so that privacy of adjoining neighbours would not be impinged. This consideration and protection of privacy is also required by Council's policy and so the proposal aligns with this requirement. It is intended to provide additional screening along the edges of these areas to provide further privacy to neighbours.

It is also noted that there is a substantive open area on the lower level which has a deck opening from a ground floor living area and then onto a lawn area below. This area also meets the requirements for private open space in addition to the deck on the middle level so this alternate level is also available for POS.

Attachment 6: Applicant View Analysis (SEE) and additional view information

Applicant View Analysis (SEE)

2.2.3 View sharing

There is a requirement within the provisions of the Development Control Plan (DCP) to consider view sharing and to enable public vistas of the ocean to be maintained. The provisions require this view corridor to be 3m or 25% of the width of the block, whichever is the lesser¹. The width of the block is 10.06m and so a setback of 2.5m is required for the upper level. The setback provided is 2.627m. The retention of the existing building prevents the provision of this setback at ground level.

Given that this view corridor must be located along one property boundary, the view corridor has been aligned along the northern boundary of the site in order to have the least impact on views from No 757 Lawrence Hargrave Drive.

Figure 2.6 shows the street elevation of No 757 Lawrence Hargrave Drive and it is apparent from this elevation that the layout of this dwelling has been designed to incorporate Ocean views from the balcony.

¹ The site has a total width of 10.06m. The provision of a 3m setback from one boundary and a 900mm from the other boundary would significantly and deleteriously impact the capacity of the site to be developed pragmatically. Clarifying advice was sought from Council on a similar matter where the width of the site was significantly wider and potentially could result in a view share corridor requirement of say 5m. Council's advice was that the setback requirement would be 25% or 3m whichever was the lesser and consequently this property is considered to comply.

Figure 2.6 No 757 Lawrence Hargrave Drive Elevation



Source: Google Maps

Whilst consideration was given to locating the view corridor along the southern boundary of the site, it appears from the elevation of No 761 Lawrence Hargrave Drive that other structures on the site are already impeding opportunities for views. It also appears that the building has been designed to address the Lawrence Hargrave Drive frontage and less emphasis appears to be given to views of the ocean from this site. If this property is re-developed, then future redesign of this site will be able to incorporate options to obtain ocean views. The view of this building from Coledale Avenue is shown in Figure 2.7.

Figure 2.7 No 761 Lawrence Hargrave Drive



Source: Planning Plus

The property which is most directly impacted by this addition is No 759 Lawrence Hargrave Drive. This is a single storey building and it is considered there will be minimal impact to existing views arising from this site because the building is single storey and does not 'see over' other buildings to obtain any views. Furthermore, as this building is used by the Coledale Fire Brigade, the function of the building is materially

different than the use of the building as a dwelling. Figure 2.8 shows the Coledale Avenue frontage of this building.

Figure 2.8 No 759 Lawrence Hargrave Drive Elevation



Source: Planning Plus

The location of these properties in relation to each other is shown in the street plan shown in Figure 2.9. The subject site is outlined in red and the potentially affected sites are outlined in blue.

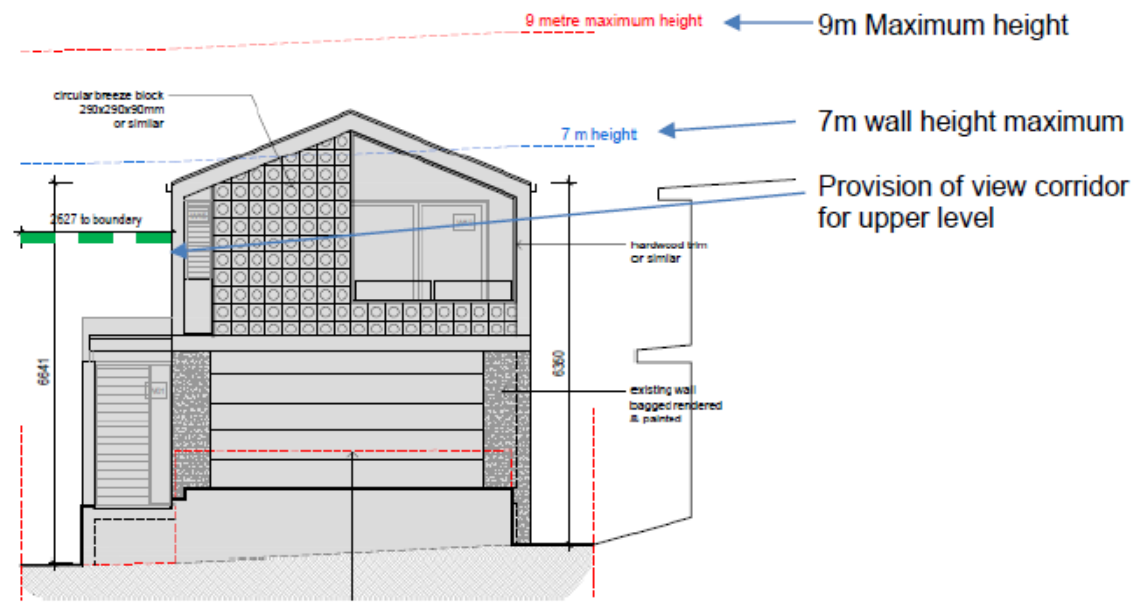
Figure 2.9 Street Plan



Source: Wollongong City Council

Furthermore, the presentation of the dwelling to the Coledale Avenue is compliant with the 9m height limit and the 7m wall height limit as shown in Figure 2.10

Figure 2.10 Proposed Street Elevation



Source: Alex Urena Design Studio

Additional View Information

a) Section 4.16 View sharing

Council has requested additional information regarding visual impact assessment and for the assessment to include properties beyond the three sites nominated in the SEE.

Response

Section 2.2.3 of the SEE describes the impacts on views and Figure 1 below is an extract from the SEE where properties most likely to be affected by the proposal were identified.

Figure 1 Street Plan



No 759 Lawrence Hargrave Drive

No 759 Lawrence Hargrave Drive was identified as the most affected. Given this is a single storey building where there are no views currently obtained or enjoyed by people using this building (Fire brigade) it is considered there will be no impact to (ocean) views arising from this development as the current house subject of this application

largely obscures ocean views. Figure 2 below is a photo of the rear elevation and shows that there are no design features in the construction of the building where views are captured.

Figure 2 - rear elevation of No 759 Lawrence Hargrave Drive



Source:SEE

No 761 Lawrence Hargrave Drive

The following figures utilise photographs taken from various positions associated with No 761 Lawrence Hargrave Drive and they have been obtained from a real estate website.

Figure 3 shows a 'bird's eye view' of the existing views presumably captured by a real estate drone.

Figure 3 Aerial view of 761 Lawrence Hargrave Drive



Source: Domaine Real Estate

Figure 4 is a view from the balcony and the subject site is obscured by a frangipanni tree. This photograph also shows that the roof level of No 5 is approximately level with the handrail of this deck. The top of the pitched roof of the proposed addition appears to be slightly less than the roof level of No 5 which also means that it would be no higher than the level of the hand rail.

Figure 4 View from deck and proposed extension obscured by tree and lower than the hand rail of the deck



Proposed
addition
obscured
by tree

Source: Domaine Real Estate

Figures 5 and 6 are internal views from the dwelling and these photographs show that the extension is on the periphery of the view or not visible.

Figure 5



Area for
proposed
addition

Source: Domaine Real Estate

Figure 6



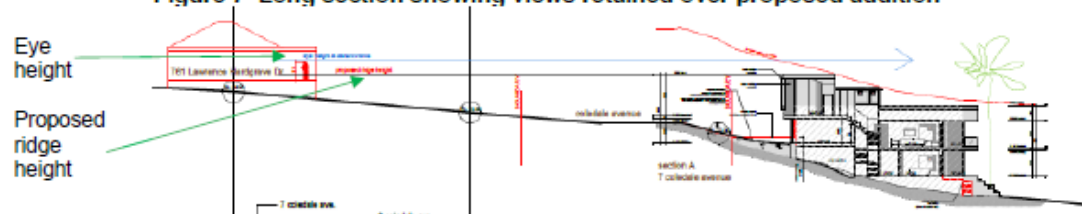
Proposed
extension
not visible

Source: Domaine Real Estate

View Assessment Plans provided by Alex Urena Design Studio shows a long section showing the comparative heights of No 761 Lawrence Hargrave Drive and given the higher contour levels along Lawrence Hargrave Drive it demonstrates that views will be over the roof of the proposed extension. An extract from the view assessment plans is shown in Figure 7.

Given that the floor level of this building (No 761) is approximately between 1.5 and 1.8m above ground level at the rear of the site, any other second storey building along Coledale Avenue will have a finished floor level higher than 1.8m above ground level and consequently the view impact will be even less in that residents will be able to view over the roof of the proposed addition. This is possible because the contours on the western side of Coledale Avenue are higher than they are on the eastern side.

Figure 7 Long section showing views retained over proposed addition



Source: Alex Urena Design Studio

No 759 Lawrence Hargrave Drive

Attachment 1 provides additional advice which shows a series of graphics to assist in the view analysis. Each of the graphics shows:

- a) the current view,

- b) the view showing the proposed addition and
- c) A view distinguishing between the area where there is no change in view loss. The area where the view is 'already lost' is coloured red.

Graphic 1 shows a view from the approximate centre of Coledale Avenue looking south shown as A on Figure 1.

Graphic 2 shows a view from the western side of Coledale Avenue looking east as shown as B on the Figure 1.

Graphic 1 and 2 represent the impact to the view of the public sphere and demonstrate that in the context of person walking or driving along this Avenue, the additional level will no materially change their experience of understanding their proximity to the ocean or the current views available.

Graphics 3 and 4 are taken from the balcony and living room of respectively of No 757 Lawrence Hargrave Drive which is a newly constructed dwelling and has been designed to capture the Ocean views.

It is evident in viewing graphics 3 and 4 that the:

- existing view does not include the foreshore
- expanse of the Ocean's horizon is not impacted by the proposed addition
- impact to the current view *shown in these photographs* is not considered to be a significant impact as the construction is located on the periphery of the view and the most direct views to the ocean remains unchanged.

ATTACHMENT 1

Graphic 1

Graphic 1(a) – Existing Street View looking south down Coledale Avenue from point A



Graphic 1(b) – Proposed Street View looking south down Coledale Avenue



Graphic 1(c) – Proposed Street View looking south down Coledale Avenue – View area compromised

The area shaded red already accounts for an existing built form either on the subject property or the adjoining site which restricts an ocean view.



Graphic 2

Graphic 2(a) – Existing Street View looking east to the Ocean at street level approximately outside the front of 757 Lawrence Hargrave Drive as shown as point B



Subject Site

Graphic 2(b) – Proposed Street View looking east to the Ocean at street level approximately outside the front of 757 Lawrence Hargrave Drive



Subject Site

Graphic 2(c) – Proposed Street View looking south down Coledale Avenue – View area compromised

The area shaded red already accounts for an existing built form either on the subject property or the adjoining site which currently restricts an ocean view.



Subject Site

Graphic 3(a) –Existing View from balcony of No 757 Lawrence Hargrave Drive



Subject Site

Source: Seacliff Planning

Graphic 3(b) – ProposedView from balcony of No 757 Lawrence Hargrave Drive



Subject Site

Source: Seacliff Planning

This view shows a photo montage of the impact of the proposed addition.

Graphic 3(c) Proposed View from balcony of No 757 Lawrence Hargrave Drive – View area currently compromised

The area shaded red already accounts for an existing built form either on the subject property or the adjoining site which currently restricts an ocean view.



Source: Seacliff Planning

Graphic 4(a) –Existing View from living area of No 757 Lawrence Hargrave Drive



Source: Seacliff Planning

Graphic 4(b) – ProposedView from living area of No 757 Lawrence Hargrave Drive



Source: Seacliff Planning

This view shows a photo montage of the impact of the proposed addition.

Graphic 4(c) Proposed View from living area of No 757 Lawrence Hargrave Drive – View area currently compromised

The area shaded red already accounts for an existing built form either on the subject property or the adjoining site which currently restricts an ocean view.

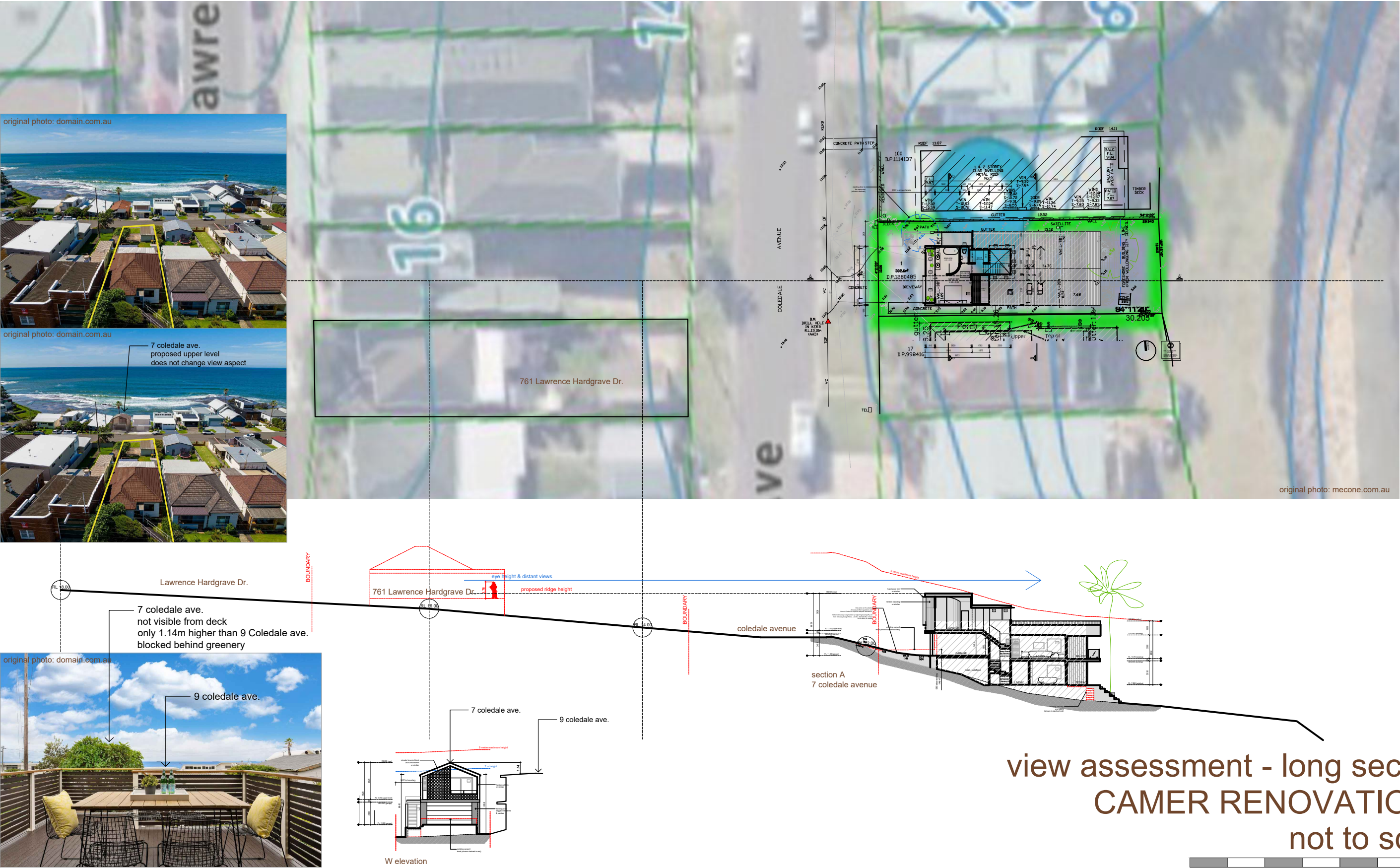


Subject Site

Source: Seacliff Planning

project: camer renovations	for: donna maree CAMER	at: lot 1 - DP 1280485 7 Coledale Ave. Coledale, NSW 2515	design: alejandro urena sandoval BDA Membership No.1313-13	<div><div>bdaa</div><div>ACCREDITED BUILDING DESIGNER</div><div>ACRED No. 6243</div></div>	date: Oct - 2022	sheet: VA: 01 of 01
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alex urena design studio pty ltd © october 2022



Attachment 7: Council's View Impact Assessment

View Impact Assessment

Following a preliminary assessment of the submitted plans, site inspection and consideration of submissions received, a request for additional information was provided to the applicant that included the following items:

a) Section 4.16 View sharing

Only three (3) potential affected properties have been identified in the SEE and are discussed regarding view impacts. However, the SEE has not clearly addressed all the requirements for a visual impact assessment outlined in section 4.16.2.1 of Chapter B1 of WDCP 2009. The assessment potential affected properties need to be expanded to include additional properties on the western side of Coledale Avenue (these properties have Lawrence Hargrave Drive addresses).

Noting that a few of these dwellings have first floor balconies to the rear of their property with potential outlook to the ocean past the subject site. Consideration is to be given to potential section plans of the nearby properties likely to be affected in the context of the proposed dwelling to demonstrate if the view impact if any. This should also include the nature of the use of the windows and balconies of the views are gained on nearby properties and RL heights.

The applicant subsequently provided amended plans and further view analysis in response to this request which is included in Attachment 6 and extracts contained in this assessment below. 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. This view assessment has relied upon the Applicant's view analysis and associated view photos, neighbour photo submission for 763 Lawrence Hargrave Drive, and site inspections.

The principles laid out by Senior Commissioner Roseth SC in *Tenacity Consulting v Warringah Council* (2004) NSWLEC 140 are as follows:

- 26 *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.*
- 27 *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.*
- 28 *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.*

- 29 *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 location of the potentially affected properties with respect to the subject development site is demonstrated by the figure below.



Figure 1: Location plan site and potentially affected properties

In assessing the views that are likely to be affected are the adjoining property to the south, 9 Coledale Avenue, and number of properties across the road to the west with the street address of Lawrence Hargrave Drive. In addition, views that may be gained from the Coledale Avenue.

No. 759 Lawrence Hargrave Drive

This property is the Coledale Fire Station and is a single storey building being used by Fire and Rescue NSW. The rear of the property includes a demountable building. Currently, there are limited water views are obtained from the rear (eastern) window that appears to be associated with a lunch room with a security screen.

Council was recently notified in a letter from the NSW Public Works dated 7 November that alterations and additions are proposed to the existing fire station comprising of additional toilet, shower facilities and locker rooms to the rear of the property where development consent is not required under SEPP (Transport and Infrastructure) 2021 and require to comply with the provisions of Part 5 of the Environmental Planning and Assessment Act 1979. This proposed design will result in only one rear (eastern) window associated with a locker room.

It is considered due the use of the site as a fire station that is that is not an on-duty station, as firefighters are on call, the proposal is not considered to adversely impact the views from the property. It is noted that is the site is to be redeveloped in the future, the design will take into account the site constraints and adjoining development accordingly.



Figure 2: Rear of No. 759 Lawrence Hargrave Drive – Coledale Fire Station

No. 757 Lawrence Hargrave Drive

Existing views



Figure 3 – Existing view from balcony (POS) of No. 757 Lawrence Hargrave Drive looking east



Figure 4 – Existing view from balcony (POS) of No. 757 Lawrence Hargrave Drive looking south east/south



Figure 5 – Existing view from balcony (POS) of No. 757 Lawrence Hargrave Drive looking north east

Proposed views



Figure 6 – Proposed view from balcony (POS) of No. 757 Lawrence Hargrave Drive looking east



Figure 7 – Proposed view from living room of No. 757 Lawrence Hargrave Drive looking east

Step 1: assessment of views that the proposal will affect.

The views from 757 Lawrence Hargrave Drive are water views which include rock platforms to the east, north east and south east/east. To the north east there is also views of the Illawarra escarpment. These views are not considered whole views as these views are obstructed by the roof line and dwellings on properties and some vegetation. It is not considered that these views included icons and as such are not considered to be iconic.

Step 2: consider how reasonable it is to expect to retain these views.

The views from No. 757 to water and rock platforms are obtained from the eastern and southern first floor living room windows and NE, east and south from the associated balcony (POS) predominantly across their rear (eastern) boundary (See Figures 3-5). Views to the south are across a side boundary. These views can be enjoyed in the sitting and standing position with exception of the southern windows for the living room and balcony in a sitting position. The views of the rock platforms may not be visible in certain sitting positions. The view of the escarpment is obtained across the side boundary to the NE from the first floor balcony (See Figure 5). It is noted that it is difficult to retain these side and sitting views.

Step 3: assess the extent of the impact

It is considered that view loss will occur from the balcony and eastern living room windows be associated with some water views including rock platforms that are gained over the roof of the existing dwelling on the subject site in sitting and standing position (See Figure 6 & 7). The remainder of the eastern view and views to the NE and south will be unaffected. The extent of the view impact is considered minor.

Step 4: assess the reasonableness of the proposal that is causing the impact

Despite the wall height variation and a less than 3m setback to the northern boundary (at 2.68m), the design has provided a view corridor on the upper level with the addition and maintain the existing side setbacks for the existing dwelling to allow the opportunity to retain some views across their rear boundaries and the road. The proposal does not exceed the maximum building height of 9m. It is considered a compliant side setback to the north would unlikely change reduce the extent of the proposed view loss. It is considered there is a reasonable level of amenity is maintained for the occupants of the adjacent residential land that the view impact is acceptable allow and the view sharing reasonable in this instance.

No. 761 Lawrence Hargrave Drive

Existing views



Proposed
addition
obscured
by tree

Figure 8a – Existing view from elevated deck (POS) from 761 Lawrence Hargrave Drive – looking east



Figure 8b – Existing view from SE corner of elevated deck (POS) at 761 Lawrence Hargrave Drive – looking east



Figure 8c – Existing view from elevated deck (POS) at 761 Lawrence Hargrave Drive – looking NE



Figure 8d - Existing view from elevated deck (POS) at 761 Lawrence Hargrave Drive – looking SE/E



Figure 9 – Existing view from kitchen window at 761 Lawrence Hargrave Drive looking east



Figure 10a: View from living room window of 761 Lawrence Hargrave Drive looking east (standing)



Figure 10b: View from living room window of 761 Lawrence Hargrave Drive looking east (sitting)

Step 1: assessment of views that the proposal will affect.

The views from 761 Lawrence Hargrave Drive are water views to the east from their eastern kitchen and living room window and; water views to the NE, east and SE from the elevated rear deck. These views are not considered whole views as these views are obstructed by the roof line and dwellings and vegetation. It is noted that the view of the dwelling/site is obscured by the existing tree on No. 761 in a number of positions from the elevated deck and kitchen window. It is not considered that these water views included icons and as such are not considered to be iconic.

Step 2: consider how reasonable it is to expect to retain these views.

The views from No. 761 are obtained from the deck are predominantly across their rear boundary to the east. There are views from the deck to the NE and SE across side boundaries. The views from the deck are primarily enjoyed in a standing position however, some partial water views in a sitting position due to the design of the balustrade for the deck (See Figure 8a).

These views from the kitchen and living room windows are obtained across their rear boundary in a sitting and standing position (See Figure 9-10b).

Step 3: assess the extent of the impact

It is considered that view loss will occur looking east from the SE corner of the deck (See Figure 8b). However, the majority of the water views from the majority of the deck and kitchen window will be unaffected noting the site is generally screened from view by the existing tree on the site and side partial views maintained. View loss will also occur from the living room window in a sitting and standing position. The proposal will block some water views of the were gained over the roof of the existing dwelling on the subject site. It is considered the extent of this view loss is considered moderate.

Step 4: assess the reasonableness of the proposal that is causing the impact

The proposal does not comply with a 3m setback to both side boundaries for a 7m wall height. However, if the proposal had an increased setback to the southern side boundary for the portion that did exceed the 7m wall height, the SE corner of the upper level addition it is considered the view loss would only be marginally less than proposed from both sitting and standing. The proposal does not exceed the maximum building height of 9m. It is considered a compliant side setback to the south would only change reduce the proposed view loss very slightly and with the remainder of the water views from other areas in the house, the view loss is considered acceptable and the view sharing reasonable in this instance.

No. 753 Lawrence Hargrave Drive



Figure 11: Panoramic view from No. 753 first floor balcony (POS) looking east and south east



Figure 12– View from No. 753 first floor balcony looking east



Figure 13 - View from No. 753 living room windows looking east/SE

It is also noted a submission was received from No. 753 Lawrence Hargrave Drive in relation to view loss which has also been reviewed in accordance with the case law outlined above. This property is situated approximately the third property up from directly across the road, NW of the site.

Step 1: assessment of views that the proposal will affect.

The views from 753 Lawrence Hargrave Drive are water views which include rock platforms to the east and south east. These views are not considered whole views as these views are obstructed by the roof line and dwellings on properties and some vegetation. It is not considered that these water views included icons and as such are not considered to be iconic.

Step 2: consider how reasonable it is to expect to retain these views.

The views from No. 753 to water and rock platforms are obtained from first floor eastern living room windows and east and SE from the first floor balcony predominantly across their rear (eastern) boundary. Views to the from the eastern opening of the first balcony are across a side boundary. These views can be enjoyed in the sitting and standing position. The views of the rock platforms are unlikely to be visible from the living room windows.

Step 3: assess the extent of the impact

It is considered that view loss will predominantly occur from the balcony associated with some water views including rock platforms that are gained over the roof of the existing dwelling on the subject site in sitting and standing position (See Figure 11 & 12). The remainder of the eastern view and views to the NE and south will be unaffected. The extent of the view impact is considered to be minor.

Step 4: assess the reasonableness of the proposal that is causing the impact

Despite the wall height variation and a less than 3m setback to the northern boundary (at 2.68m), the design has provided a view corridor on the upper level with the addition and maintain the existing side setbacks for the existing dwelling to allow the opportunity to retain some views across their rear boundaries and the road. The proposal does not exceed the maximum building height of 9m. It is considered a compliant side setback to the north and south boundary for the proposal would unlikely change reduce the extent of the proposed view loss due to angle of the view enjoyed from No. 753 located NW from the site. It is considered there is a reasonable level of amenity is maintained for the occupants of the adjacent residential land that the view impact is acceptable allow and the view sharing reasonable in this instance.

No. 763 Lawrence Hargrave Drive

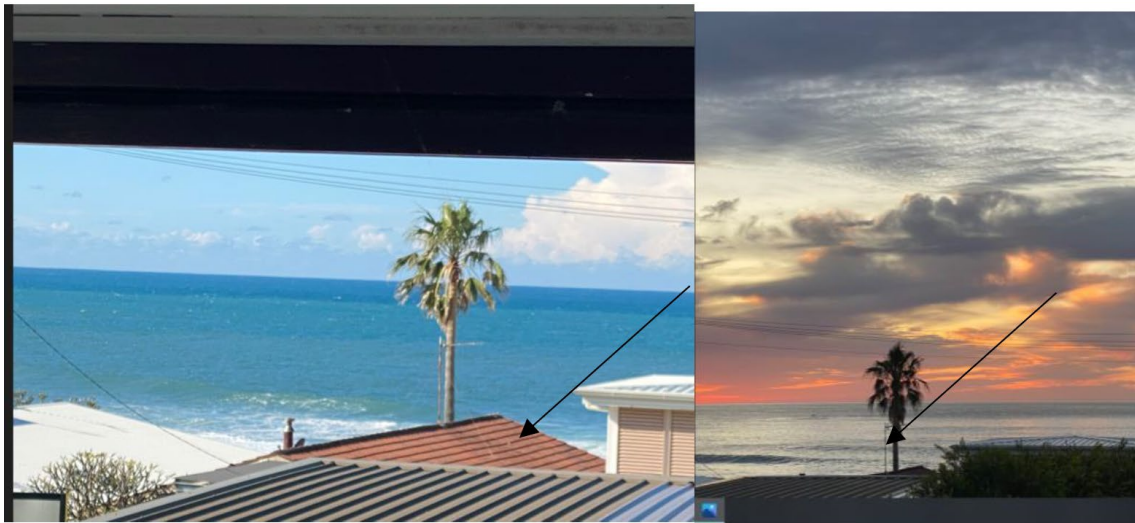


Figure 14 – Views from No. 753 Lawrence Hargrave Drive, looking NE over No. 761 Lawrence Hargrave garage roof



Figure 15 - Views from No. 753 Lawrence Hargrave Drive looking NE

A submission was received in relation to view from No. 763 Lawrence Hargrave Drive which has also been reviewed in accordance with the case law outline above. The views from No. 763 are of the water views to the north east of the elevated deck area. The views obtained from No. 763 from the rear deck area are across the side boundary of the adjoining property to the north, No. 761 and over the roof of their garage and across the road. The water views appear to correspond above the roof of No.5, 7 and 9 Coledale Road. It is noted that the photos of the views in Figure 15 were taken on the elevated deck standing on a chair and it would appear that the photo of Figure 14 may have been taken at a height close the ceiling of the roof over the elevated deck.

Views of the water directly east are limited due to the existing garage on the site located at the front boundary however, water views are visible from the elevated deck through the view corridor between the No. 9 and 11 Coledale Avenue.

With the proposed development compliant with building height in WLEP 2009 and the provision of the view corridor to the northern boundary with the upper floor addition. It is considered views from

No. 763 would be considered difficult to retain in the circumstances across a side of another adjoining property and across the road and that the view loss is acceptable in this instance.

No. 771 Lawrence Hargrave Drive

It is also noted that a submission was received in relation to view loss from No. 771 Lawrence Hargrave Drive. No. 771 is located on the western side of Coledale Avenue, the sixth property south of Coledale Fire Station. The views obtained from No. 771 are across at least four (4) separate side boundaries to water. It is considered unrealistic that views from this property across multiple side boundaries can be maintained to existing. This property would have views directly east and south east from their first floor windows.

9 Coledale Ave



Figure 16: Looking south east from Coledale Avenue, 9 Coledale Ave (right) north elevation



Figure 17: Looking NE from Coledale Avenue, No. 9 Coledale Ave (right)

Step 1: assessment of views that the proposal will affect.

The views from 9 Coledale Avenue are water views and beach interface to the east, north east and south east. Views north and north west are of the Illawarra Escarpment. The views to the Illawarra Escarpment are not considered whole views as it is obstructed by the roof line, dwellings, and vegetation. Whole water views are enjoyed to the east. It is not considered that these water views included icons and as such are not considered to be iconic. The views to the escarpment could be considered an icon and iconic to the locality.

Step 2: consider how reasonable it is to expect to retain these views.

The views from 9 Coledale Avenue to the whole water views are obtained from the upper floor bedroom terrace, living room windows, and associated rear balconies on the ground and first floor to east across the rear boundary.

The views to the Illawarra Escarpment to the north and north west are obtained from the upper floor bedroom terrace and two northern windows serving a stairwell and the top of the stairs to the bedroom. This view is obtained across a side boundary. The view can be enjoyed in a sitting and standing position from the bedroom terrace.

There are no views gained from the northern first and ground floor window from the bedrooms and living areas as they have external full length fixed louvres and also already look towards the southern wall on the dwelling on the subject site.

The views obtained from the deck across their rear boundary to the east, north east and south east in a sitting and standing position.

Step 3: assess the extent of the impact

It is considered that some view loss will occur from the bedroom terrace and window at the top of the stairs this upper bedroom level. There are no living areas located on this upper level. As such, the impact on views, across side boundaries, is considered less significant than those from an approved living space.

No views will be lost to the whole view of the water to the east from the upper floor bedroom terrace, the living room windows and balconies on the ground and first floor. On balance with the nature and range of the views that can be enjoyed from the house that is maintained, the extent of this view loss is considered minor.

Step 4: assess the reasonableness of the proposal that is causing the impact

Despite the wall height variation, the proposal does not exceed the maximum building height of 9m. Views to the north will still be available as the proposed addition is setback approximately in line with the rear wall of the upper floor of No. 9 and the stairwell is setback 4m from the southern boundary. It is considered a compliant side setback to the south and reduced wall height would unlikely change reduce the proposed view loss from the upper floor terrace for No. 9 to the north and therefore the view loss is considered acceptable and the view sharing reasonable in this instance.

Coledale Avenue – street view



Figure 18: View corridor between No. 5 Coledale Avenue (left) and subject site (right) looking east



Figure 19: View corridor between subject site (left) and No. 9 Coledale Avenue looking east



Figure 20: From the western side of Coledale Avenue looking east, subject site (left) and No. 9 Coledale Avenue (right)

It is considered that the existing view corridors between the subject site and two adjoining properties will be maintained with the proposed as the alterations and additions will not extend beyond the existing side setbacks. The proposal will result in view loss of some of the water views above the roofline of the existing dwelling when viewed from the western side of Coledale Avenue. Coledale Avenue does not contain a footpath and main public use and access to the foreshore appears primarily from at the cul-de-sac of Northcote Road located at the northern end of Coledale Avenue. The design has provided a view corridor on the upper level with the addition to the northern side boundary, compliant with the numerical control in section 4.15 of Chapter B1 of WDCP 2009 to allow the opportunity to retain some views from the road. Overall, it is considered the view loss from the public domain is minor and considered acceptable in this instance.

View sharing conclusion

The proposal seeks a development departure to the floor space ratio, side setback and solar access requirements. However, as discussed in the report these variations are on balance considered acceptable and maintain a reasonable level of amenity for the occupants of the dwelling and adjoining/nearby properties. The proposed alterations and additions to the existing dwelling house will maintain the same FSR as existing and is not considered out of character with residential development in the immediate locality in terms of bulk and scale. The proposal does not exceed the maximum building height of 9m.

The design has provided a view corridor on the upper level with the addition and maintain the existing side setbacks for the existing dwelling to allow dwellings on the western side of Coledale Avenue an opportunity to retain some views across their rear boundaries and the road.

The impacts arising from the proposal on views enjoyed from the nearby properties are considered in this assessment to range from negligible to moderate noting the views currently available are not

gained directly from the rear of the subject site that can be difficult to maintain however, it is considered that on balance sufficient view sharing is achieved by the nearby properties and the proposal can be supported in this instance.

Attachment 8 – Draft Conditions

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
DA: 03 of 20	3	proposed site plan	Alex Urena Design Studio	March 2022
DA: 07 of 20	3	proposed middle ground	Alex Urena Design Studio	October 2022
DA: 08 of 20	3	proposed lower ground	Alex Urena Design Studio	October 2022
DA: 09 of 20	3	proposed upper level	Alex Urena Design Studio	March 2022
DA: 10 of 20	3	roof plan	Alex Urena Design Studio	March 2022
DA: 11 of 20	3	section A	Alex Urena Design Studio	October 2022
DA: 12 of 20	3	section B & C	Alex Urena Design Studio	October 2022
DA: 13 of 20	3	W & E elevation	Alex Urena Design Studio	October 2022
DA: 14 of 20	3	N elevation	Alex Urena Design Studio	October 2022
DA: 15 of 20	3	S elevation	Alex Urena Design Studio	October 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. Maintenance of Access to Adjoining Properties

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until

such time as written evidence is submitted to Council or the Principal Certifier indicating agreement by the affected property owners.

4. 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.

5. Geotechnical

- a. All work is to be in accordance with the geotechnical recommendations contained in the report dated 1 April 2022 by Southern Geotechnics and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- b. Foundation systems are to be designed for Class P soils with all footings for the additions to be founded within the underlying weathered bedrock as recommended by the geotechnical consultant.
- c. Articulation jointing is to be provided between new and existing development as recommended by the geotechnical consultant.
- d. All excavations for foundations are to be inspected by the geotechnical consultant and certified that the ground has been suitably prepared for the placement of footings.

6. 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 (2022), a monetary contribution of \$12,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the 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.

Before the Issue of a Construction Certificate

7. Dilapidation Report

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, 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.

8. Gradients of Ramps and Driveways as per AS 2890.1

The driveway shall be constructed with a maximum vertical alignment as shown in Council's Engineering Standard Drawings and Australian Standard AS 2890.1 - Off Street Car Parking. The maximum driveway grade must be no greater than 25 per cent.

The following requirements shall be reflected on the Construction Certificate plans and any supporting documentation:

- a. The potential scraping of the B85 vehicle must be no worse than existing.
- b. Sufficient headroom to the dwelling must be provided, in accordance with Clause 5.3 of Australian Standard AS 2890.1 - Off Street Car Parking.

- c. The dwelling must not be adversely affected by overland stormwater runoff due to changes to the vehicle entry, crossover and/or driveway.
- d. Details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.

9. 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.

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. Stormwater Drainage Design

A detailed drainage design for the development must be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate. The detailed drainage design must satisfy the following requirements:

- a. Be prepared by a suitably qualified Civil Engineer in accordance with Chapter E14 of Wollongong City Council's Development Control Plan 2009, Subdivision Policy, conditions listed under this consent, and generally in accordance with the concept plan/s lodged for development approval, Reference No. 2021261 issue 2 dated 22/03/2022 prepared by Inglis Engineering.
- b. Include details of the method of stormwater disposal. Stormwater from the development must be piped to the existing stormwater drainage network/outlet to the ocean ledge.
- c. The existing stormwater drainage network/outlet is to be confirmed on site by a licenced plumber. Any existing drainage system intended for use must be inspected and tested by a licenced plumber and, if required, upgraded to comply with AS/NZS 3500.3 and Wollongong City Council requirements.
- d. Stormwater outflow must be discharged in accordance with the recommendations of the Southern Geotechnics NSW Report, reference 2019139A, dated 10 March 2021.
- e. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified engineer and be designed to ensure that stormwater

runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties. The plan must indicate the method of disposal of all stormwater and must include rainwater tanks, existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines.

- f. Overflow paths shall be provided to allow for flows of water in excess of the capacity of the pipe/drainage system draining the land, as well as from any detention storage on the land. Blocked pipe situations with 1 in 100 year ARI events shall be incorporated in the design. Overflow paths shall also be provided in low points and depressions. Each overflow path shall be designed to ensure no entry of surface water flows into any building and no concentration of surface water flows onto any adjoining property. Details of each overflow path shall be shown on the detailed drainage design.

12. Council Footpath Reserve Works – Driveways and Crossings

The verge from the back of kerb to the boundary must be restored and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

13. 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.

14. 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.

15. 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.

16. Obscure Glazing for Windows

All bathroom, ensuite windows and W02 on the first floor north elevation in the development shall be frosted or opaque glass. This requirement shall be reflected on the Construction Certificate plans.

17. Landscaping

The submission of a final Landscape Plan will be required in accordance with the requirements of Wollongong City Council DCP 2009 Chapter E6 and the approved Landscape Plan (ie as part of this consent) for the approval by the Principal Certifier, prior to the release of the Construction Certificate.

18. 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.

19. Parking Dimensions

The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS 2890.1, except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

Before the Commencement of Building Work

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. Temporary Toilet/Closet Facilities

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

Each toilet provided must be:

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

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

26. 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.

27. 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.

28. Demolition Works

The demolition of the existing structures and dwelling 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.

29. Notification to SafeWork NSW

The demolition licence holder who proposes demolition of a structure or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure that is at least six (6)

metres in height, involving load shifting machinery on a suspended floor, or involving the use of explosives must notify SafeWork NSW in writing at least five (5) calendar days before the work commences.

30. 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.

31. 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.

32. 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.

33. 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.

34. Vehicular Crossing - Utility Supplier Agreement

Should a proposed vehicular crossing be located where it is likely to disturb or impact upon a utility installation (ie power pole, Telstra pit etc) written confirmation from the affected supplier that they have agreed to the proposed impacts shall be submitted to the Principal Certifier prior to any works commencing on site.

While Building Work is Being Carried Out

35. 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.

36. 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.

37. 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. footing excavation;
- b. slab formwork;
- c. foundation walls;
- d. walls and completed eaves/gutter/fascia/gable;
- e. building on the site.

38. Excavation Protection and Notification

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

- a. Must preserve and protect the adjoining building from damage; and
- b. if necessary, must underpin and support the building in an approved manner; and
- c. must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

39. 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*.

40. Lighting not to cause Nuisance

The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

41. 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.

42. Spillage of Material

Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area without the prior approval of Council's Works Division this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

43. 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>).

44. 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).

45. 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.

46. Acid Sulfate Soils

The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 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) by 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.

47. Provision of Waste Receptacle

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

48. 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.

49. Implementation of BASIX Commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

Before the Issue of an Occupation Certificate

50. Drainage WAE

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved Construction Certificate plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted, as well as certification by a suitably qualified geotechnical engineer that the method of stormwater discharge is in accordance with the recommendations of the Southern Geotechnics NSW Report, reference 2019139A, dated 10 March 2021. These plans shall include levels and locations for all drainage structures and works, finished ground and pavement surface levels and must satisfy all stormwater requirements stated in Chapter E14 of the Wollongong DCP 2009. This information shall be submitted to the Principal Certifier prior to the issue of the Occupation Certificate.

51. 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.

52. 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 Occupation Certificate unless satisfied that selected commitments have been complied with as specified in the relevant BASIX Certificate.

NOTE: Clause 44 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 provides for independent verification of compliance in relation to certain BASIX commitments.

Occupation and Ongoing Use

53. Privacy Screens

Privacy screens located on the first floor rear balcony and ground floor terrace area are to be retained and maintained fit for purpose for the life of the development.

54. Obscure Glazing for Windows

All bathroom, ensuite windows and W02 on the first floor north elevation in the development shall be frosted or opaque glass is to be retained and maintained fit for purpose for the life of the development.

Reasons

The reasons for the imposition of the conditions are:

1. To minimise any likely adverse environmental impact of the proposed development.
2. To ensure the protection of the amenity and character of land adjoining and in the locality.
3. To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure the development does not conflict with the public interest.