

Wollongong Local Planning Panel Assessment Report | 14 August 2019

WLPP No.	Item No. 3
DA No.	DA-2019/598
Proposal	Residential - demolition of dwelling and construction of dwelling house and swimming pool
Property	19 Coledale Avenue, COLEDALE NSW 2515 Lot 1 DP 995894
Applicant	Mr Alejanddro Carlos Urena Sandoval
Responsible Team	Development Assessment & Certification – City Wide Planning Team (MB)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Local Planning Panel

The proposal has been referred to the Wollongong Local Planning Panel **for determination** pursuant to Section 3 of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the application involves a departure to Clause 4.4 of Wollongong Local Environmental Plan 2009 (WLEP 2009) being the floor space ratio, by greater than 10%.

Proposal

Demolition of the existing dwelling and construction of a new dwelling house with swimming pool.

Permissibility

The proposed dwelling house with swimming pool is a permissible use in the E4 Environmental Living zone.

Consultation

The proposal was notified in accordance with Council's Notification Policy and 4 submissions were received. Three submissions by way of objection and one of support. The submitters were then notified of an amendment to improve the southern elevation. All the submissions received are discussed at Section 1.5 of the assessment report.

Council's Geotechnical and Development Engineers have reviewed the application submission and provided satisfactory referral comments.

Main Issues

The main issues arising from the development assessment process are:

- Exception to Development Standard of Clause 4.4 Floor Space Ratio of the Wollongong Local Environmental Plan 2009.
- Two variations to Wollongong Development Control Plan 2009 (WDCP2009) have been sought and relate to number of storeys and view sharing controls.

These issues are considered to have been satisfactorily addressed, as discussed throughout the report.

RECOMMENDATION

Development Application DA-2019/598 be **approved**, subject to the conditions contained in **Attachment 7**.

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the proposal:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP (Coastal Management) 2018
- 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 2018

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

1.2 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

- Demolition of the existing dwelling.
- Construction of a two storey dwelling above semi basement carparking
- Third storey top level contains the master bedroom, walk in wardrobe, ensuite and a rear deck.
- The lower level provides for a double garage, laundry, storage area, toilet and gym.
- The main entrance to the house is on the southern side of the dwelling accessed at street level via a footpath. This level contains three bedrooms, a bathroom, kitchen, family and living areas. A deck overlooking the ocean is accessed from the living area.
- A plunge pool, terrace and decking are proposed in the rear yard.

1.3 BACKGROUND

The development history of the site is as follows:

Application	Description	Application Type	Decision
BA-1974/1440	Dwelling and Garage	Building Application	Approved
DA-2000/1997	Rear Deck	Development Application	Approved
DA-2004/152	Erection of roof over existing first floor deck	Development Application	Approved
PL-2019/36	Demolition of existing dwelling and construction of a new dwelling and swimming pool	Pre-lodgement meeting	Completed

A pre-lodgement meeting was held 16 April 2018 for a similar proposal. It is considered that the matters identified within the pre-lodgement meeting notes have been addressed as part of the subject DA submission.

Customer service actions:

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

Application history:

The subject development application was lodged on 13 June 2019 and notified from 20 June – 4 July 2019. The proposed development was considered generally compliant but for matters relating to amenity for adjoining residents. The applicant redesigned the proposal and resubmitted plans and documentation. The southern wall was reduced in height and windows with potential to overlook were removed. Screening was added to the proposal to mitigate potential overlooking impacts.

Following the submission of amended plans and additional information, the submitters were contacted for further comment, which is discussed at section 1.5. Following review of the additional information, the design amendments are considered a more appropriate response to the site and its surrounds.

This report has been prepared following review of the most recent additional information submission.

1.4 SITE DESCRIPTION

The site is located at 19 Coledale Avenue, COLEDALE NSW 2515 and the Title reference is Lot 1 DP 995894. The site is regular in shape and falls from the street toward the rear of the lot. The site contains an existing double storey dwelling with garden areas. The rear boundary adjoins a Crown reserve and Coledale Rock Platform.

The streetscape in the immediate vicinity is characterised by low density residential dwellings. Dwellings are generally one to two storeys with two dwellings along Coledale Avenue containing a three storey component at the rear. The dwelling to the south is a modest single storey dwelling in original condition.

Surrounding development consists of low density residential development.



Figure 1: Aerial view (2018)

Property constraints

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

- Unstable land
- Acid sulphate soils (class 5)
- Foreshore Building Line
- Coastal Hazard: Geotechnical risk

There are no restrictions on the title.

1.5 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. Four submissions were received. One by way of support and three by way of objection (one objector having two local properties) on Lawrence Hargrave Drive. The issues identified are discussed below in Table 1.

Table 1: Submissions

Concern	Comment
1. Third Storey component	<p>The proposal is permissible on the land under the Wollongong Local Environmental Plan 2009 (WLEP).</p> <p>The proposed residential dwelling house development is permissible in the zone and complies with maximum height as required under WLEP 2009 and WDCP 2009.</p> <p>Three storey development is not precluded in the E4 zone as exists for the R2 zone. The third storey component is proposed for a portion of the upper level of the building. A partial basement level has lowered the overall building height to 7.89 metres, which in this instance is considered an acceptable outcome.</p>
2. Streetscape	<p>A contemporary coastal design is proposed, which is acceptable taking into account recent similar developments. The floor space ratio exceedance is acceptable as outlined at clause 4.6 WLEP 2009. The existing dwellings in this street generally exceed the 0.3:1 FSR requirement and are not necessarily coastal themed. On balance, the proposal is considered not unreasonable development in relation to the streetscape character as outlined at Section 2.3.1.</p>
3. Amenity impacts to neighbouring properties: <ul style="list-style-type: none">• Overshadowing• Privacy• Visual bulk, form, scale in this location	<p>The proposal has been amended to address matters raised in respect to bulk and privacy/overlooking. However, the neighbouring submitters to the south are not satisfied that the changes address the matters raised. It is however, noted that the amended design has reduced the height of the southern wall and removed the high windows that may have afforded viewing across/into the neighbouring site. Frosted glass window changes have also been made. Screening has been provided to mitigate overlooking impacts. As a result the proposal is considered reasonable development in relation to the amenity impacts as</p>

Concern	Comment
	discussed throughout the report.
	Solar diagrams have been submitted by the applicant to demonstrate compliance as outlined at 2.3.1.
4. Excavation <ul style="list-style-type: none"> Environmental impact in E4 zone 	<p>Although the proposal may appear to lack environmental initiatives, the development has been assessed against ESD principles and requirements of Chapter A2 of WDCP 2009 as compliant and what could reasonably be anticipated in this instance.</p> <p>The existing dwelling on the site has footings including an edge beam that extend a minimum of 600mm below ground level. The excavation required to build the partial basement area is considered no greater an impact than that required to excavate the footings/foundations and concrete slab of the existing dwelling on site.</p>
5. Inconsistent with requirements of WLEP 2009 and WDCP 2009 <ul style="list-style-type: none"> Zone objectives not met Variation to floor space ratio not supported precedent 	<p>Height is compliant. Three storey development is not precluded in the E4 zone as exists for the R2 zone. It is considered that the objectives of zoning for the E4 zone have been met as outlined in the report.</p> <p>A variation to floor space ratio has been sought and addressed under WLEP 2009 clause 4.6 as outlined within the report and is capable of support.</p> <p>Two variations to WDCP are sought as outlined in section 2.3.1 below and capable of support.</p>

Some of the issues identified in submissions received whilst technically unresolved are considered to have been adequately addressed by way of design changes or conditions of consent.

1.6 CONSULTATION

1.6.1 INTERNAL CONSULTATION

Council's Development and Geotechnical engineers have reviewed the application and provided satisfactory referral comments. Conditions of consent were recommended in each instance.

1.6.1 EXTERNAL CONSULTATION

None required.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

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

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

7 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.*

A review of Council records does not indicate any previous historic use that would contribute to the contamination of the site. There is no evidence of the land being used for any purpose other than residential and the development does not propose a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

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

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

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

2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The proposal is for the demolition of the existing dwelling-house and construction of a new dwelling house, which is considered suitable for the site as it relates well with the surrounding area and nearby residential dwelling-houses. The design of the dwelling is compatible with other development in the locality. The dwelling has been designed to be less intrusive into the landscape than the existing dwelling. The design incorporates an upper level that permits viewing across the roof top on the northern side. The proposal has a maximum height of 7.084 metres. The double garage component, which is on the front setback is partially underground.

The proposal is considered to have minimal impact on the amenity of the coastal foreshore. The proposed dwelling has been designed to fit within the existing building envelope. The works are not envisaged to have an adverse impact on solar access or views from public places to the foreshore.

The site forms part of a stretch of existing residential developed land. The proposed works are considered to be compatible with the bulk and scale of surrounding development. It is considered the proposal would have minimal impact on the visual amenity and scenic quality of the coast.

The proposal is not expected to have an adverse impact on ecosystems within the surrounding environment. The proposal would have minimal cumulative impact on the coastal catchment given the proposal is for redevelopment which is considered to be consistent with the building footprint of the existing dwelling. The proposal will not affect public access to or along the coastal foreshore.

The application does not propose any alterations to the effluent disposal from the lot. The site has an existing connection to the sewer. The backwash from the proposed pool will drain to a holding tank which will be connected to the existing line in accordance with Sydney Water Requirements. As such, no untreated runoff will discharge to the sea.

The site is known to be affected by Geotechnical Coastal Hazards. Council's Geotechnical Engineer has assessed the proposal in reference to the impact of coastal processes on the site and geotechnical constraints and found it to be conditionally satisfactory.

Part 2 Development controls for coastal management areas

Division 2 Coastal vulnerability area

12 Development on land within the coastal vulnerability area

Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that:

- (a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and
- (b) the proposed development:
 - (i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and
 - (ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and
 - (iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and
- (c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.

Division 3 Coastal environment area

13 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.

Division 4 Coastal use area

14 Development on land within the coastal use area

- (1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
 - (ii) overshadowing, wind funneling 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.

Division 5 General

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

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

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

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

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

Comment

A review of the SEPP's mapping extents identifies the subject site as being located within the (c) the coastal environment area and, (d) the coastal use area.

The proposal is not likely to cause increased risk of coastal hazards on the site or other land. Council's Geotechnical Engineer has provided conditionally satisfactory referral advice.

Development in the coastal zone and the relevant provisions of Council's certified coastal management program that applies to the land has been taken into consideration (below).

NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan

The NSW Coastal Management Act 2016 came into force on 3 April 2018. Under the Act any existing certified CZMP's continue in force until 2020. A review of Council's associated CZMP coastal hazard mapping extents identifies that a portion of the subject site toward the north and the east is impacted by coastal geotechnical risk.

Comment

The proposed development is generally within the same footprint as the existing dwelling on site. Minimal adverse impact on the coastal environment and coastal use is anticipated as a result of the proposed development. Matters at Parts 3, 4, 5 of SEPP Coastal Management (2018) have been assessed as satisfactory. The proposal is therefore, considered acceptable with regard to the aims outlined in clause 3 of this policy and the matters outlined for consideration.

2.1.4 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Clause 1.4 Definitions

The proposal is categorised as a Dwelling House with swimming pool and is permissible in the zone with development consent.

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

swimming pool means an excavation, structure or vessel:

(a) that is capable of being filled with water to a depth of 300 millimetres or more, and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the Swimming Pools Act 1992 not to be a swimming pool for the purposes of that Act.

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 E4 Environmental Living.

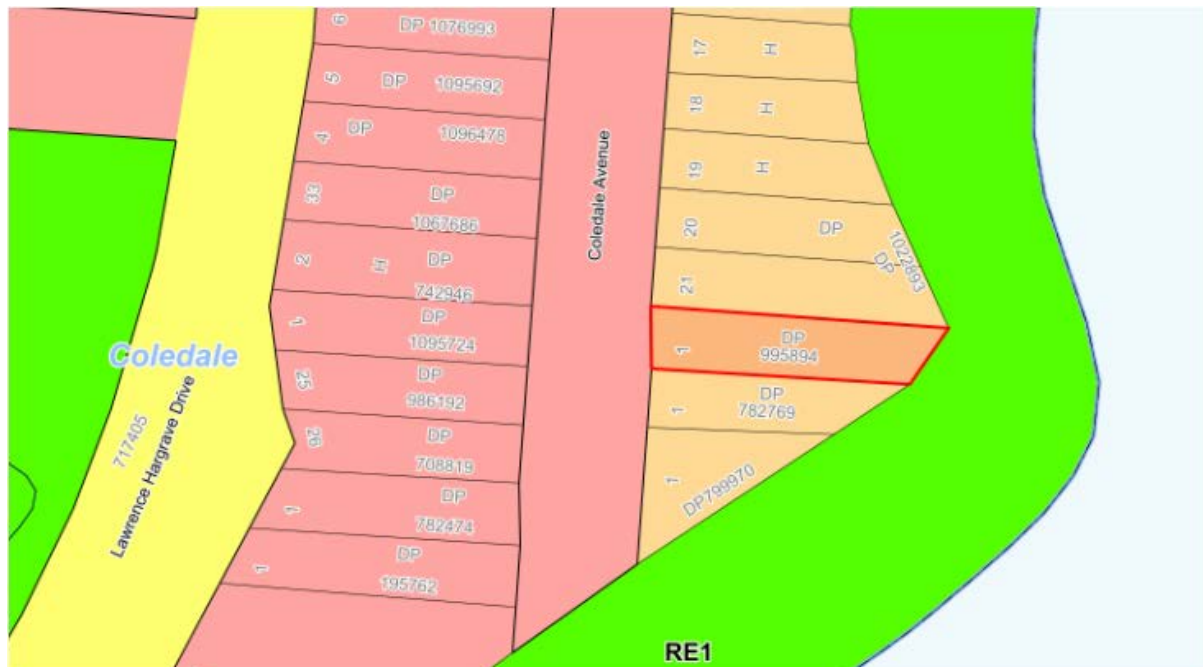


Figure 2: WLEP 2009 zoning map

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 proposal is considered satisfactory with regard to the above objectives as the proposed demolition of the existing dwelling and construction of a coastal themed dwelling is considered to preserve aesthetic values in this location.

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

*Bed and breakfast accommodation; Business identification signs; Community facilities; **Dwelling houses**; Environmental facilities; Environmental protection works; Home-based child care; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Roads; Secondary dwellings; Tank-based aquaculture*

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

Clause 2.7 Demolition requires development consent

Consent for the demolition of the existing dwelling house and foundations are sought as part of the subject application.

Part 4 Principal development standards

Clause 4.3 Height of buildings

The proposed building height of 7.084 metres does not exceed the maximum of 9.0 metres permitted for the site.

Clause 4.4 Floor space ratio

Maximum FSR permitted for the zone: **0.3:1**

Site area: 476.9 m²

FSR: $217.51/476.9 \text{ m}^2 = \mathbf{0.46:1}$ - 12.3% exceedance

GFA: Lower Ground Floor less 36m² garage: 46.89

Ground Floor: 122.42

Upper Floor: 48.20

Total: 217.51

(Checked with Trapeze software)

Clause 4.6 Exceptions to development standards

WLEP 2009 clause 4.6 proposed development departure assessment	
Development departure	Clause 4.4 Floor Space Ratio
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	Justification as provided by applicant at Attachment 3 .

that there are sufficient environmental planning grounds to justify contravening the development standard.	Justification as provided by applicant at Attachment 3 .
4.6 (4) (a) Consent authority is satisfied that:	
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. Compliance to the development standard is considered to be unreasonable and unnecessary in the circumstances of this case as stated at Attachment 3.</p> <p>The exception is capable of support in this case for the following reasons:</p> <p>A review of approvals in Coledale Avenue in E4 zone and the schedule at Attachment 6, suggests the FSR development standard has largely been abandoned. 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 circumstance of this case as the FSR for this street is variable. The proposed departure will enable the construction of a dwelling and whilst exceeding the FSR, has a lower FSR than the current dwelling. It is also lower than the 0.5:1 requirement for the adjacent R2 zone. The written request has adequately addressed the matters required to be addressed under subclause (3)".</p>
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>The statement demonstrates that the proposed development will be in the public interest because it is consistent with the objectives of the standard as follows:</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>The requested departure from the development standard will not hinder the attainment of the objectives specified in section 5(a)(i) and (ii) of the EP&A Act.</p> <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>
the concurrence of the Secretary has been obtained.	Referral to the Department of Planning is not required (Planning Circular PS 18-003 issued 21 February 2018) as the LPP assumes the Secretary's concurrence.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

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

Clause 7.5 Acid Sulfate Soils

The proposal is identified as being affected by class 5 acid sulphate soils. An acid sulphate soils management plan is not required; however, appropriate conditions of consent are recommended in this regard.

Clause 7.6 Earthworks

The proposal comprises excavation for the removal of existing 600mm edge beam, footings and partial basement garage. 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 proposal is located within the foreshore building line as indicated in **Figure 3**. A portion of the plunge pool and deck are proposed within the area of the Foreshore Building Line, similar to the existing dwelling encroachment. Swimming pools and terrace can be granted consent under (2)(c) provided the requirements of point (3) are met.

Consideration of point (3):

Council is satisfied the proposal achieves the objectives of the zone and is compatible with the surrounding area and has no adverse impact on drainage, natural processes and surrounding uses. The appearance of the proposed encroachment structure is compatible with the surrounding area, and is unlikely to generate conflicts between, people using open space areas or the waterway, and does not impede continuous public access along the foreshore due to the location of the site. It is also unlikely be an adverse impact on the amenity or aesthetic appearance of the foreshore.



Figure3: Foreshore Building Line

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

None

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

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A1 – INTRODUCTION

8 Variations to development controls in the DCP

4.1 Maximum Number of Storeys

In the E4 zone the number of storeys acceptable will be dependent on the surrounding development, the future desired character of the area, the impacts that the proposed development has on solar access, privacy, visual amenity and overshadowing.

The variation has been justified at **Attachment 3**.

Comment

The proposed dwelling is generally compliant with desired future character, impact on solar access, privacy, visual amenity and overshadowing requirements. In taking into consideration the reasons for the variation and the objectives of the clause, the variation is considered to be capable of support in this case.

4.16.2(a) View sharing

The proposal does not meet the numerical requirement in that a 3 metre or 25% of the total width of the site, whichever is the lesser is not strictly provided.

The variation has been justified at **Attachment 3**.

Comment:

There are no views currently available from the street to the beach due to the location of the existing dwelling. The public views are accessible from the each end of Coledale Avenue. Given the size, design and location of the existing dwelling on site, the proposal is not considered to have an increased impact on views currently available in the area. The proposed dwelling has been designed to retain a low overall height despite the three storey component and enables viewing across the roof.

In taking into consideration the reasons for the variation and the nature of surrounding properties, the variation is considered to be capable of support in this case.

2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2018

The estimated cost of works is \$1 500 000.00 and a levy is applicable under this plan.

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

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

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

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

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Not applicable

94 Consent authority may require buildings to be upgraded

Not applicable

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

There are not expected to be adverse environmental impacts on either the natural or built environments or adverse social or economic impacts in the locality as a result of the proposal.

This is demonstrated through the following:

- The proposal is generally compliant with regard to the applicable planning controls as detailed in the body of this report.
- Submissions received following notification have been assessed and amended plans were submitted to address amenity matters.
- Internal referral advice is satisfactory subject to appropriate conditions of consent.

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

Does the proposal fit in the locality?

The proposed dwelling house with swimming pool is considered appropriate with regard to the zoning of the site and is not expected to have negative 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

The application was notified and four submissions were received. Three submissions were way of objection and one in support. The matters raised have been addressed as Section 1.3 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 is therefore, considered to be in the public interest.

3 CONCLUSION

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

The application contained a detailed submission addressing Clause 4.6 (3) of WLEP2009 'Exceptions to development standards' in relation to Floor Space Ratio, which has been considered and is capable of support. The applicant also supplied a detailed submission for two variations to Chapter B1 of WDCP 2009 as relates to clause 4.1 – Number of Storeys and clause – 4.16 View Sharing, both having been considered and are capable of support .


No adverse internal referral matters were raised, and there are no outstanding issues.

4 RECOMMENDATION

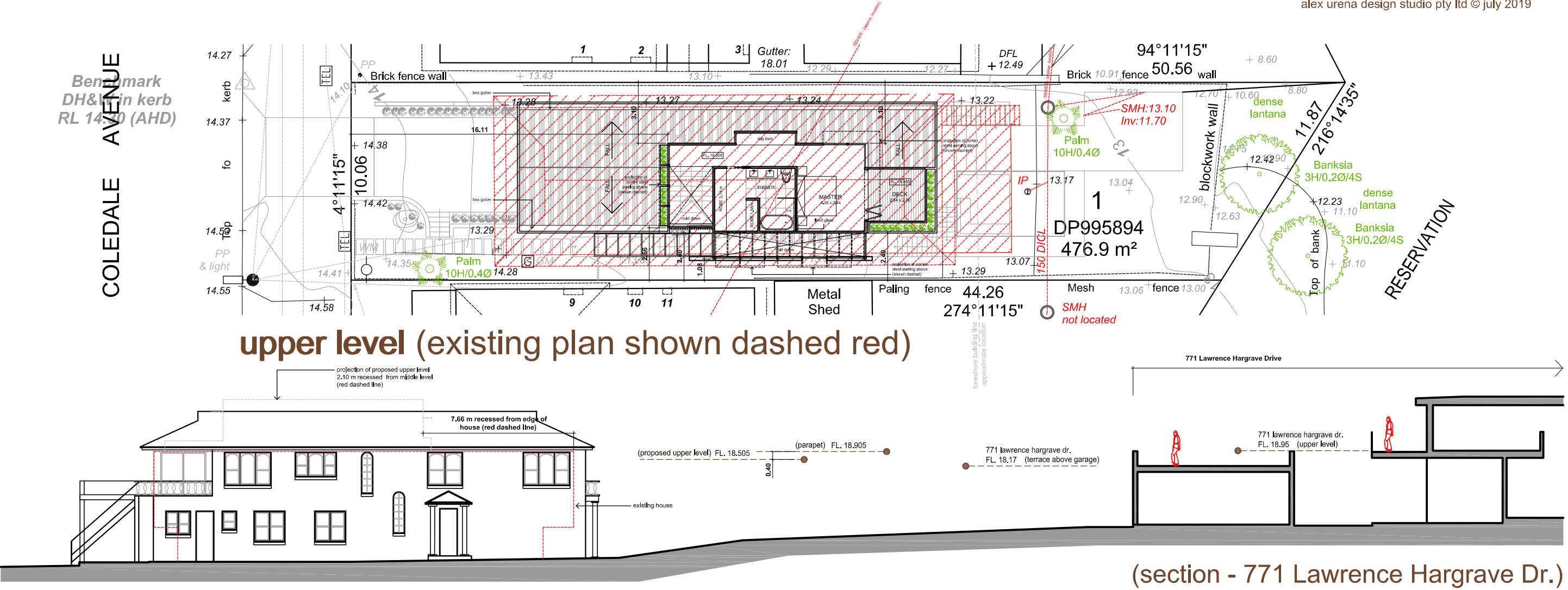
It is recommended that the development application be approved subject to the conditions contained in **Attachment 7**.

5 ATTACHMENTS

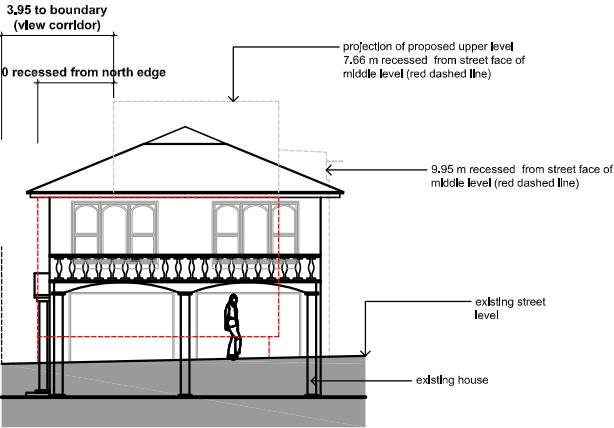
- 1 Visual Impact Assessment
- 2 Architectural Plans
- 3 Clause 4.6 'Exceptions to Development Standards' Statement
- 4 Wollongong Development Control Plan 2009 Assessment
- 5 Variation Statement for Clause 4.1 and Clause 4.16 of Chapter B1 WDCP 2009
- 6 Schedule of FSR exceedances in Coledale Avenue
- 7 Conditions

project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 07 of 22
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alex urena design studio pty ltd © july 2019



N elevation (existing & proposed)



W elevation

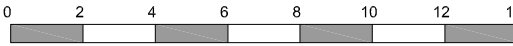



existing street view



proposed street view

visual impact
assessment
COLEDALE AVE. RESIDENCE
scale 1:200



project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 08 of 22
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original image by kramer photography

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.

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

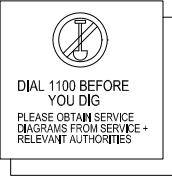
SITE SURVEY:
BOUNDARIES, CONTOURS, LEVELS TO AHD & SERVICES BY DENNIS SMITH SURVEYS - PROJECT No. 11929-1 DATE 02/11/2018 (AMENDED 03/05/2019)

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

GEOTECH:
GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019118a DATE 15/04/2019


DRAINAGE & STORMWATER:
DRAINAGE PLANS & DETAILS BY INGLIS ENGINEERING PTY LTD JOB No. 2019045 ISSUE DATE 27.05.2019
ALL DRAINAGE, DOWNPIPES, RUNOFF, STORMWATER & DRIVEWAY DETAILS TO ENGINEER DRAWINGS

TOWN PLANNING:
STATEMENT OF ENVIRONMENTAL EFFECTS, CONTEXT, PLANNING POLICIES AND VARIATIONS (INCL. RELEVANT APPENDICES) BY SITE PLUS PTY LTD (ANNE TREZISE)



visual impact
assessment
COLEDALE AVE. RESIDENCE
not to scale



project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 09 of 22
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original images from kramer photography (top) and fletchers real estate (bottom)

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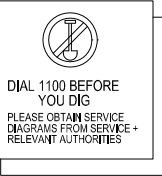
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visual impact
assessment
COLEDALE AVE. RESIDENCE
not to scale



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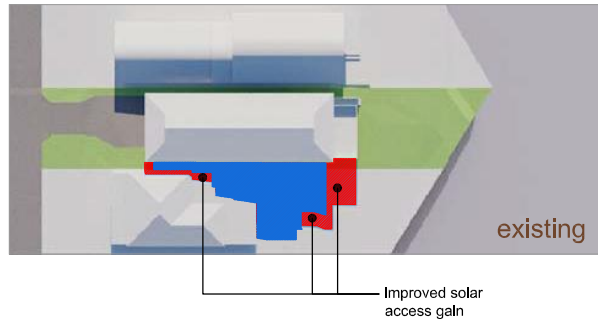
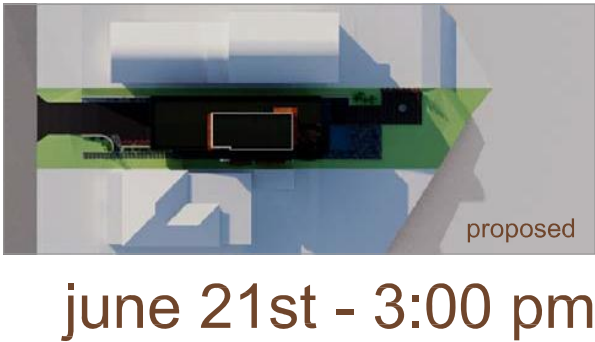
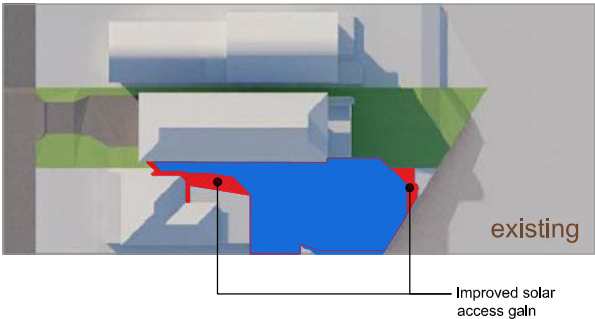
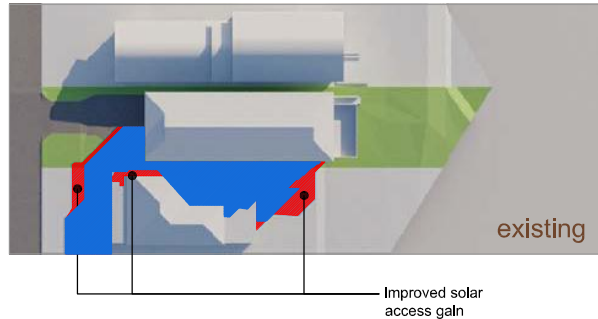
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original images from fletchers real estate




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LEGEND	
	EXISTING SHADOW
	PROPOSED SHADOW

visual impact
assessment
COLEDALE AVE. RESIDENCE
not to scale



project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 01 of 22
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image google maps - not to scale

DRAWING SCHEDULE

DEVELOPMENT APPLICATION

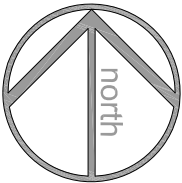
DA 01 of 22	location & site photos
DA 02 of 22	survey plan
DA 03 of 22	site analysis
DA 04 of 22	site plan
DA 05 of 22	lower & middle ground levels @ 1:200
DA 06 of 22	upper level @ 1:200
DA 07 of 22	visual impact plans & elevations
DA 08 of 22	visual impact montage
DA 09 of 22	visual impact montage
DA 10 of 22	visual impact montage & shadows
DA 11 of 22	demolition plan
DA 12 of 22	lower ground level
DA 13 of 22	middle ground level
DA 14 of 22	upper level
DA 15 of 22	section A & section A (driveway)
DA 16 of 22	W & S elevations
DA 17 of 22	E & N elevations
DA 18 of 22	3D renders
DA 19 of 22	window schedule & shadow diagrams
DA 20 of 22	schedule of finishes
DA 21 of 22	landscape concept plan
DA 22 of 22	waste management plan



existing dwelling - view from coledale ave.



proposed dwelling - view from coledale ave.




location & site photos

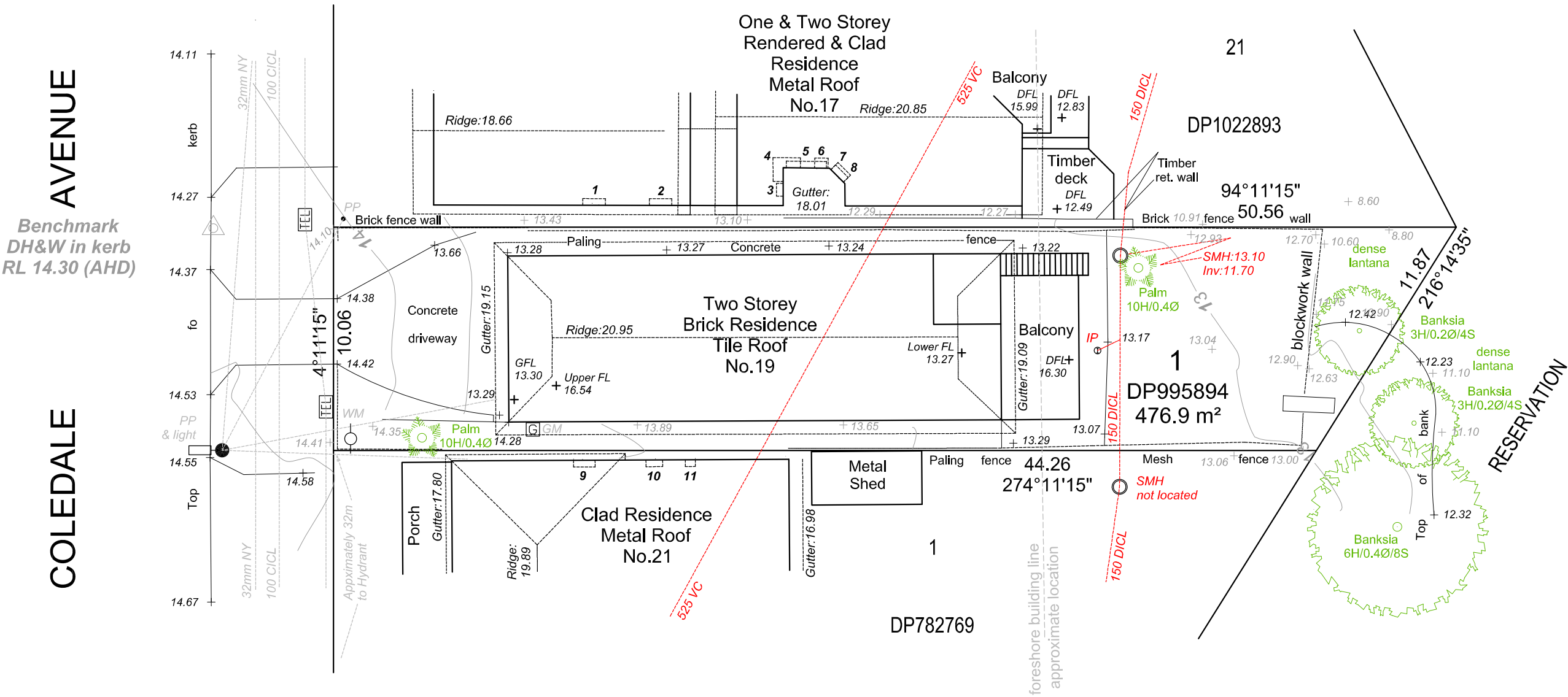
COLEDALE AVE. RESIDENCE

scale 1:200



project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 0 may 2019	sheet: DA: 02 of 22
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CONSTRUCTION NOTES:

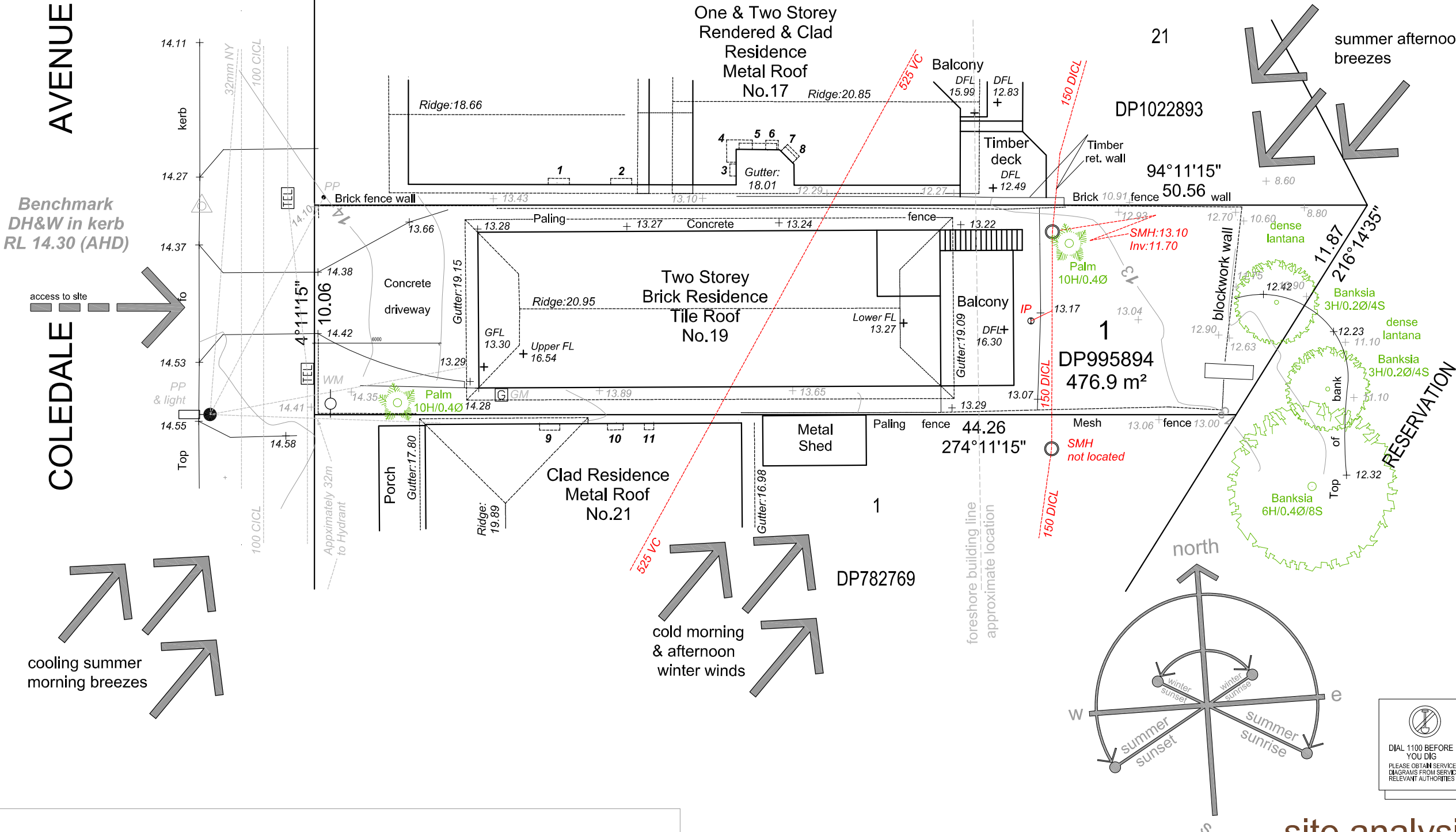
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survey plan
COLEDALE AVE. RESIDENCE
scale 1:200

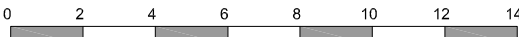



sheet:
DA: 03 of 22

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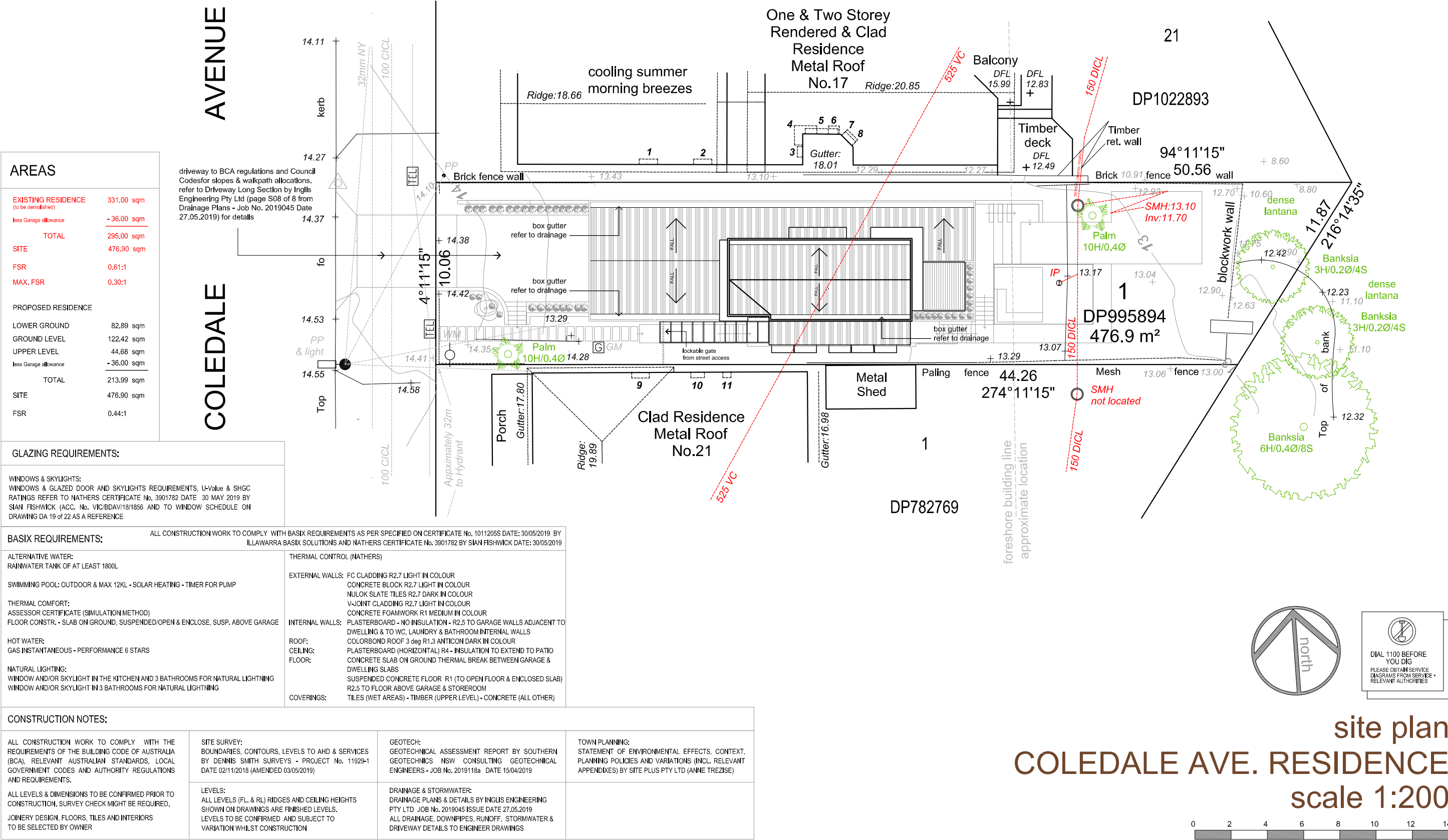



site analysis
COLEDALE AVE. RESIDENCE
scale 1:200



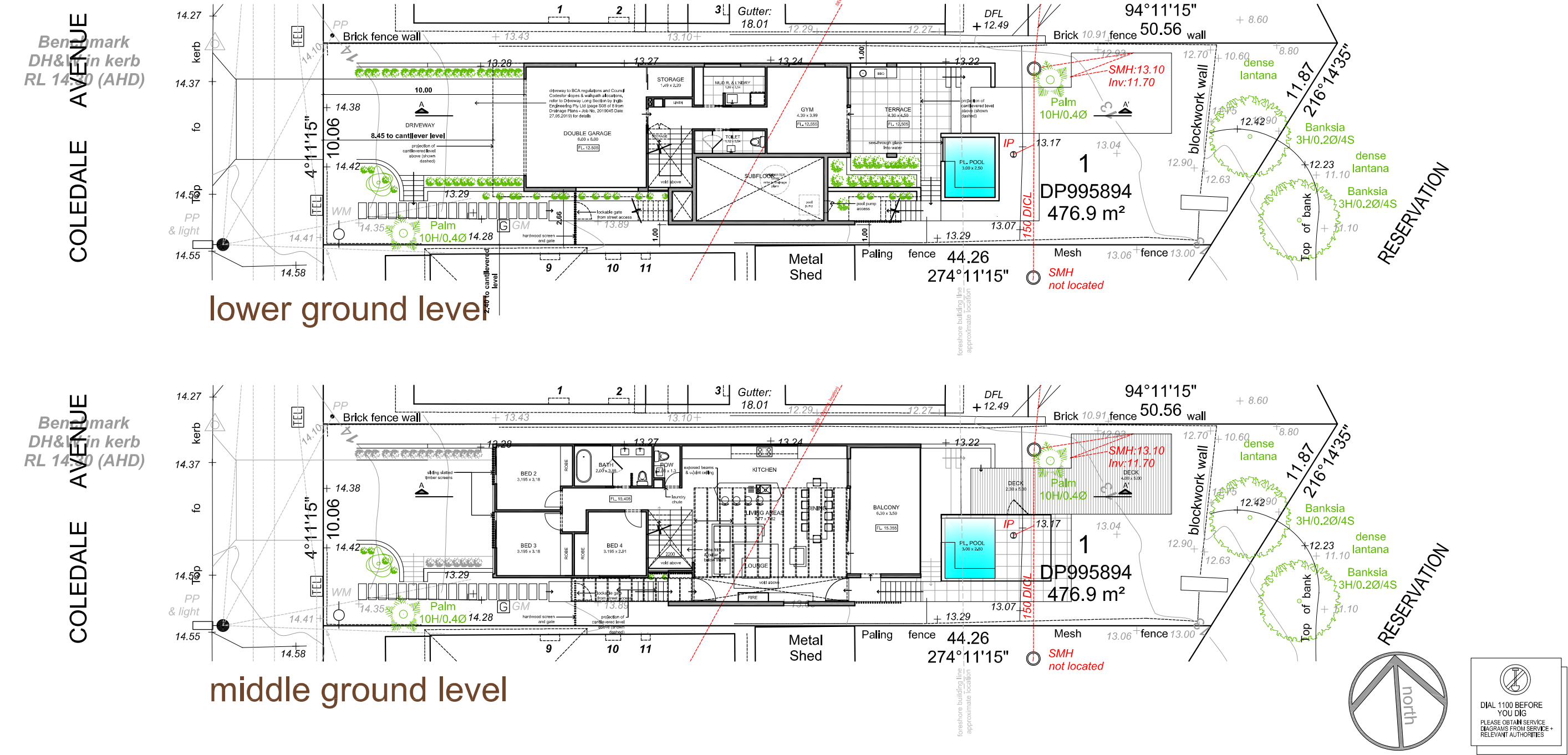
project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 bdag ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 04 of 22
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project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDA Membership No.1313-13	 ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 05 of 22
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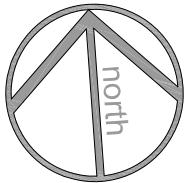
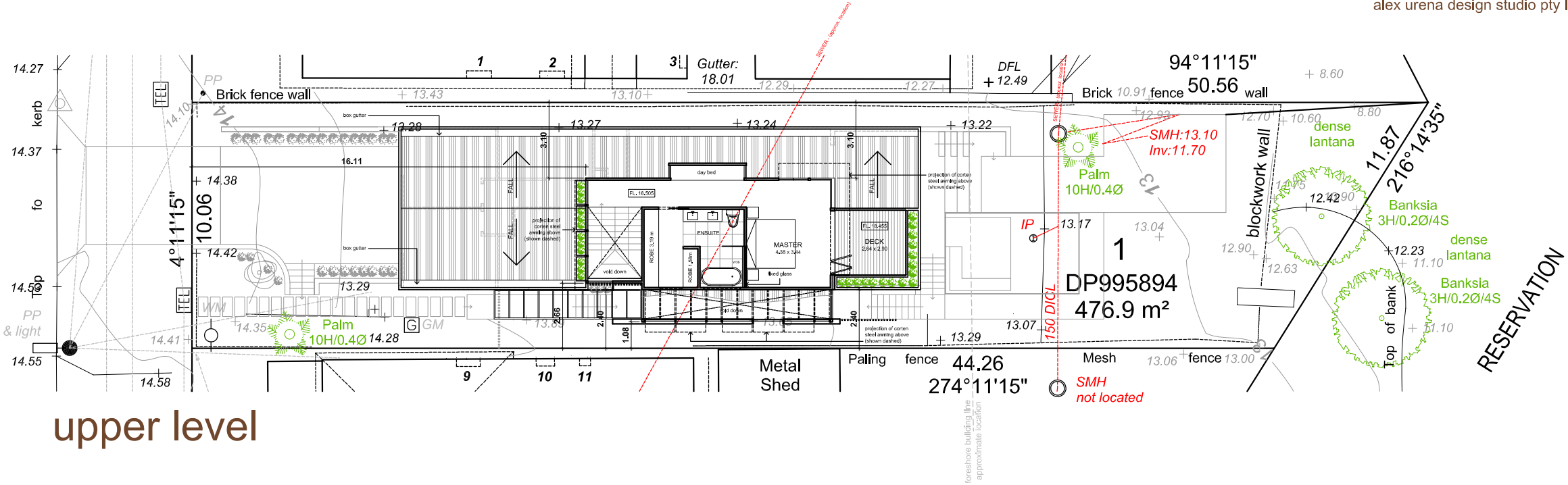
CONSTRUCTION NOTES:				LEGEND	
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	LEVELS: ALL LEVELS (FL. & RL) RIDGES AND CEILING HEIGHTS SHOWN ON DRAWINGS ARE FINISHED LEVELS. LEVELS TO BE CONFIRMED AND SUBJECT TO VARIATION WHILST CONSTRUCTION	DRAINAGE & STORMWATER: DRAINAGE PLANS & DETAILS BY INGLIS ENGINEERING PTY LTD JOB No. 2019045 ISSUE DATE 27.05.2019 ALL DRAINAGE, DOWNPIPES, RUNOFF, STORMWATER & DRIVEWAY DETAILS TO ENGINEER DRAWINGS			





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COLEDALE AVENUE
Bench mark
DH&M in kerb
RL 14.50 (AHD)



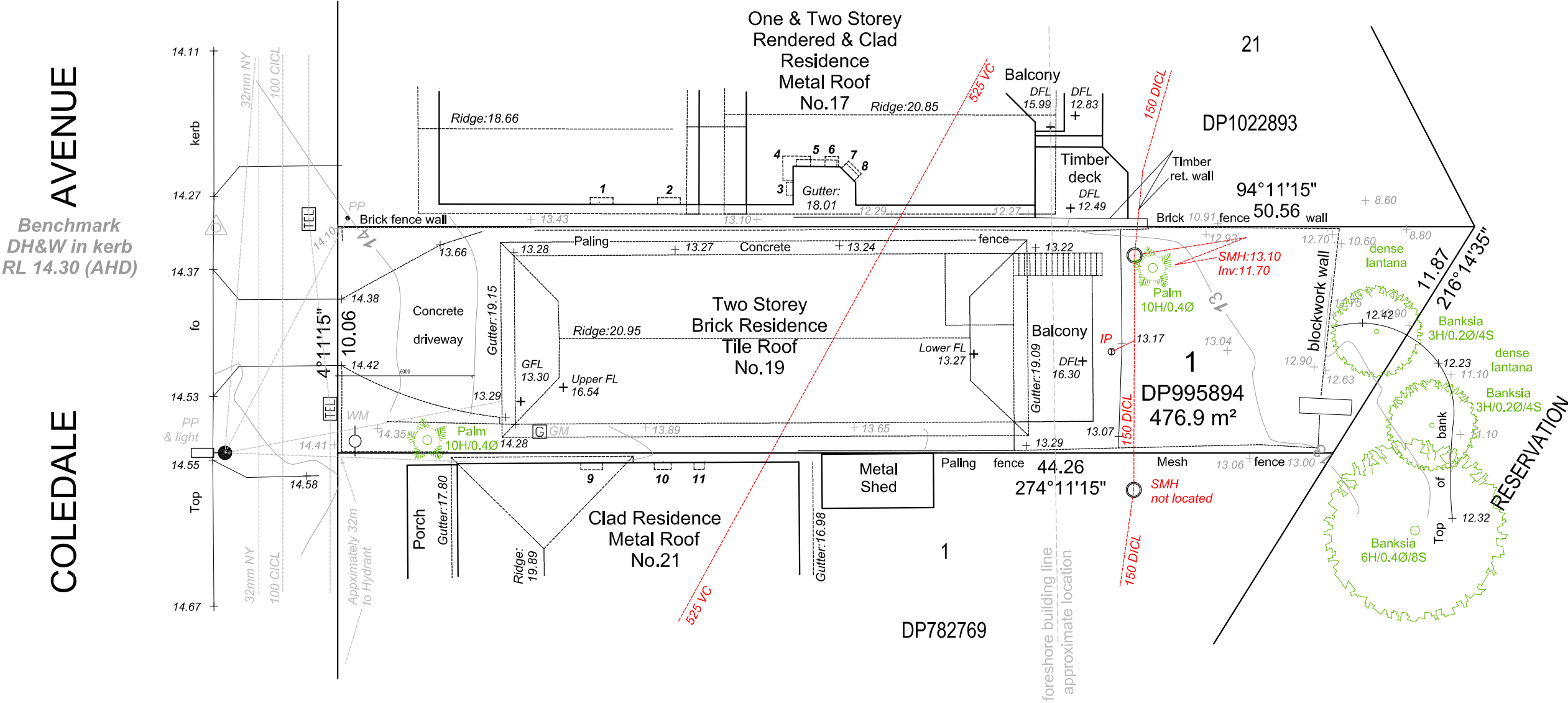
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upper level
COLEDALE AVE. RESIDENCE
scale 1:200



project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 bdag ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 0 may 2019	sheet: DA: 11 of 22
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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 ABESTOS 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.

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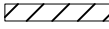
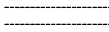
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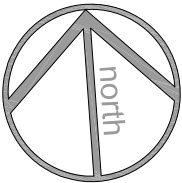
GEOTECH:
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LEGEND

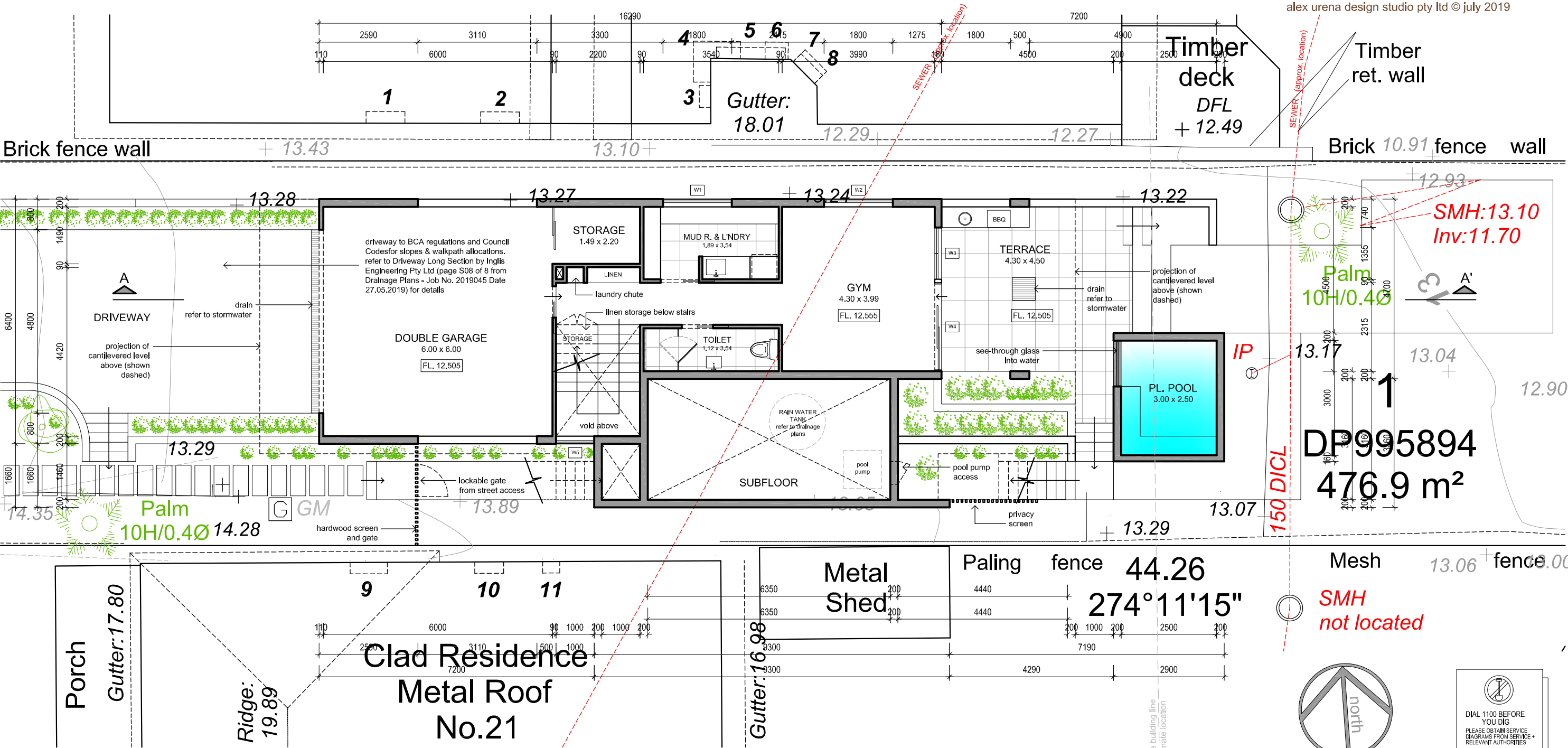
-  EXISTING
-  EXISTING CONSTRUCTION TO BE DEMOLISH/REMOVE



demolition plan
COLEDALE AVE. RESIDENCE
scale 1:200



project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 12 of 22
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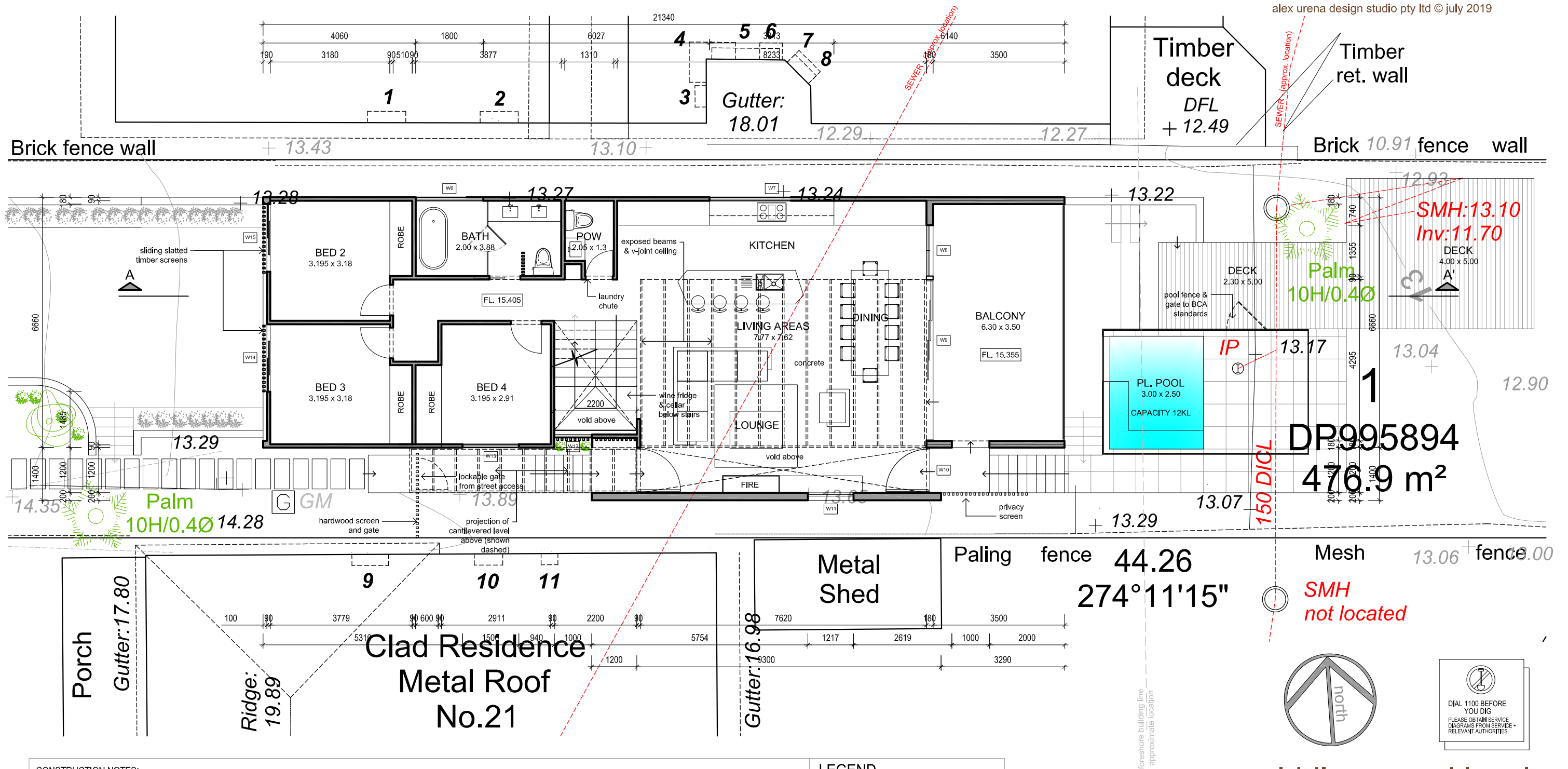
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LEGEND

NEW WALLS
VOS VERIFY ON SITE

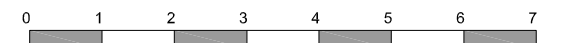



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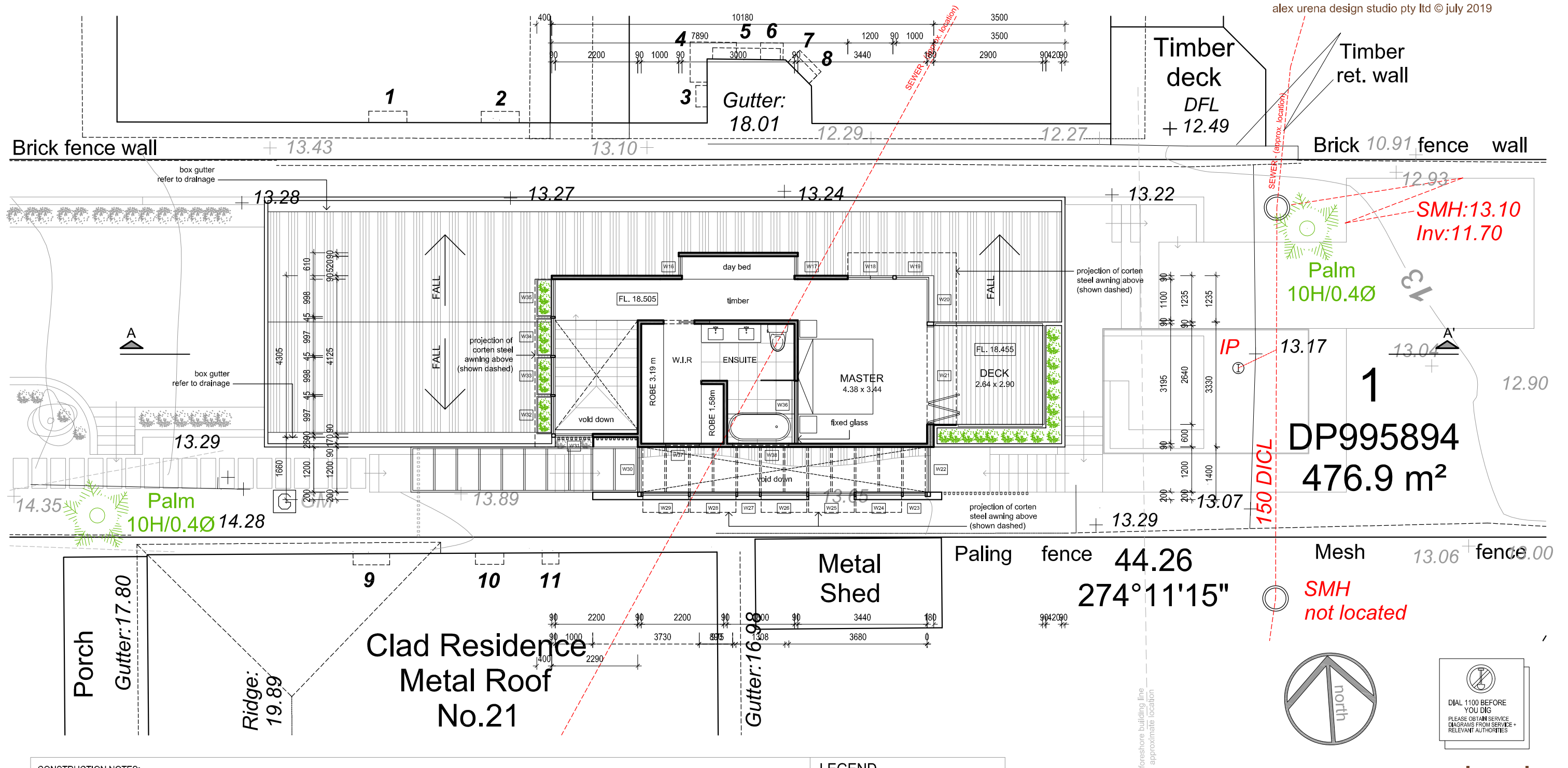



CONSTRUCTION NOTES:				LEGEND
<p>ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.</p> <p>ALL LEVELS & DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION. SURVEY CHECK MIGHT BE REQUIRED.</p> <p>JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER</p>	<p>SITE SURVEY: BOUNDARIES, CONTOURS, LEVELS TO AHD & SERVICES BY DENNIS SMITH SURVEYS - PROJECT No. 11929-I DATE 02/11/2018 (AMENDED 03/05/2019)</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>GEOTECH: GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019118a DATE 15/04/2019</p> <p>DRAINAGE & STORMWATER: DRAINAGE PLANS & DETAILS BY INGLIS ENGINEERING PTY LTD JOB No. 2019045 ISSUE DATE 27.05.2019 ALL DRAINAGE, DOWNPIPES, RUNOFF, STORMWATER & DRIVEWAY DETAILS TO ENGINEER DRAWINGS</p>	<p>TOWN PLANNING: STATEMENT OF ENVIRONMENTAL EFFECTS, CONTEXT, PLANNING POLICIES AND VARIATIONS (INCL. RELEVANT APPENDIXES) BY SITE PLUS PTY LTD (ANNE TREZISE)</p>	<div>  NEW WALLS </div> <div>  VOS </div> <div>  NEW WALLS </div> <div>  VERIFY ON SITE </div>

middle ground level
COLEDALE AVE. RESIDENCE
scale 1:100

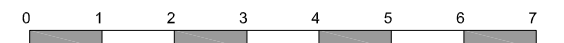


project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval	 ACCREDITED BUILDING DESIGNER	date: REV. 3 july 2019	sheet: DA: 14 of 22
			BDAA Membership No.1313-13			



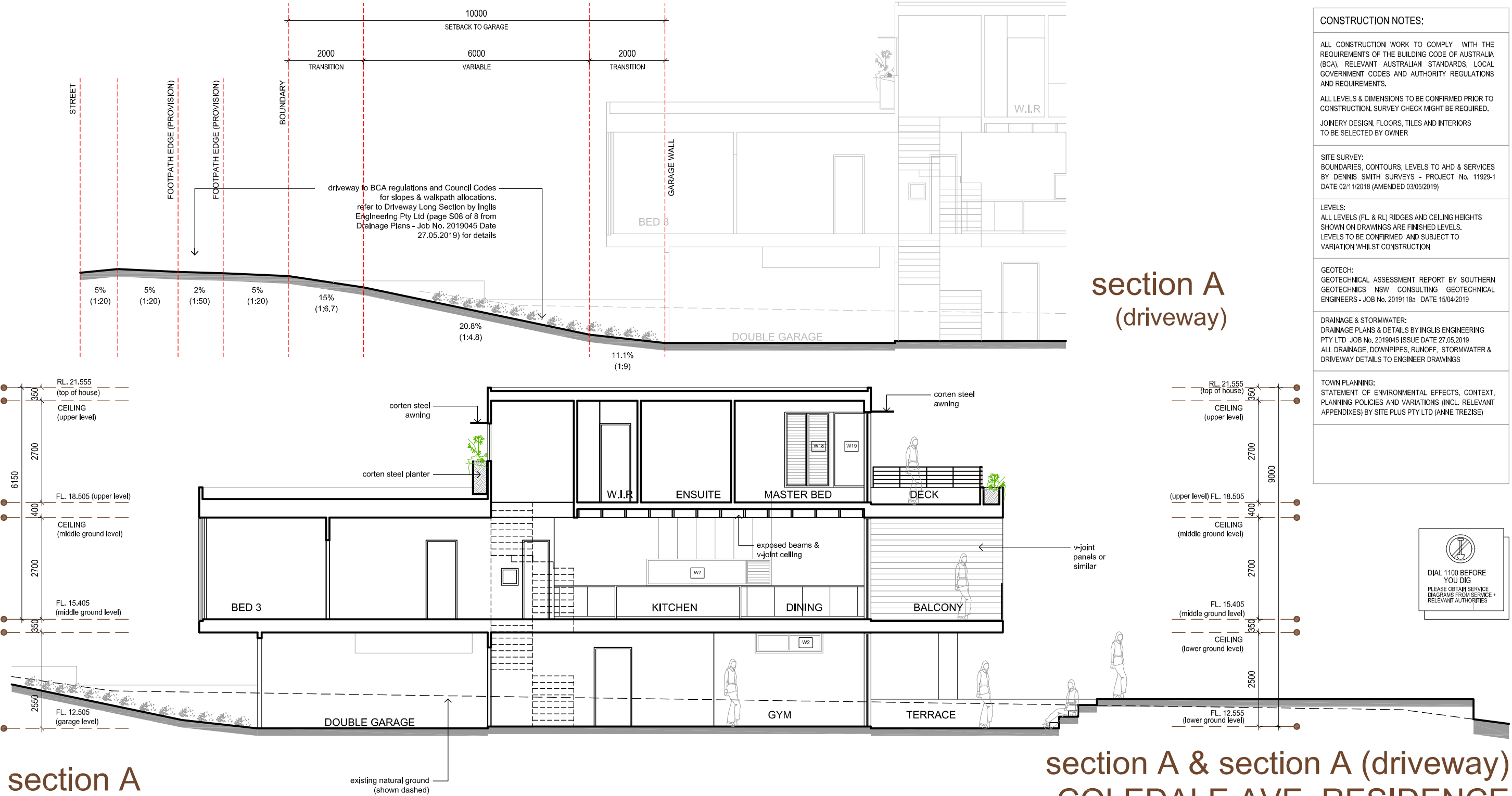
CONSTRUCTION NOTES:				LEGEND
<p>ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS.</p> <p>ALL LEVELS & DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION. SURVEY CHECK MIGHT BE REQUIRED.</p> <p>JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER</p>	<p>SITE SURVEY: BOUNDARIES, CONTOURS, LEVELS TO AHD & SERVICES BY DENNIS SMITH SURVEYS - PROJECT No. 11929-1 DATE 02/11/2018 (AMENDED 03/05/2019)</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>GEOTECH: GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019118a DATE 15/04/2019</p> <p>DRAINAGE & STORMWATER: DRAINAGE PLANS & DETAILS BY INGLIS ENGINEERING PTY LTD JOB No. 2019045 ISSUE DATE 27.05.2019 ALL DRAINAGE, DOWNPIPES, RUNOFF, STORMWATER & DRIVEWAY DETAILS TO ENGINEER DRAWINGS</p>	<p>TOWN PLANNING: STATEMENT OF ENVIRONMENTAL EFFECTS, CONTEXT, PLANNING POLICIES AND VARIATIONS (INCL. RELEVANT APPENDIXES) BY SITE PLUS PTY LTD (ANNE TREZISE)</p>	<div>  <p>NEW WALLS</p> </div> <div> <p>VOS</p> <p>VERIFY ON SITE</p> </div>

upper level
COLEDALE AVE. RESIDENCE
scale 1:100



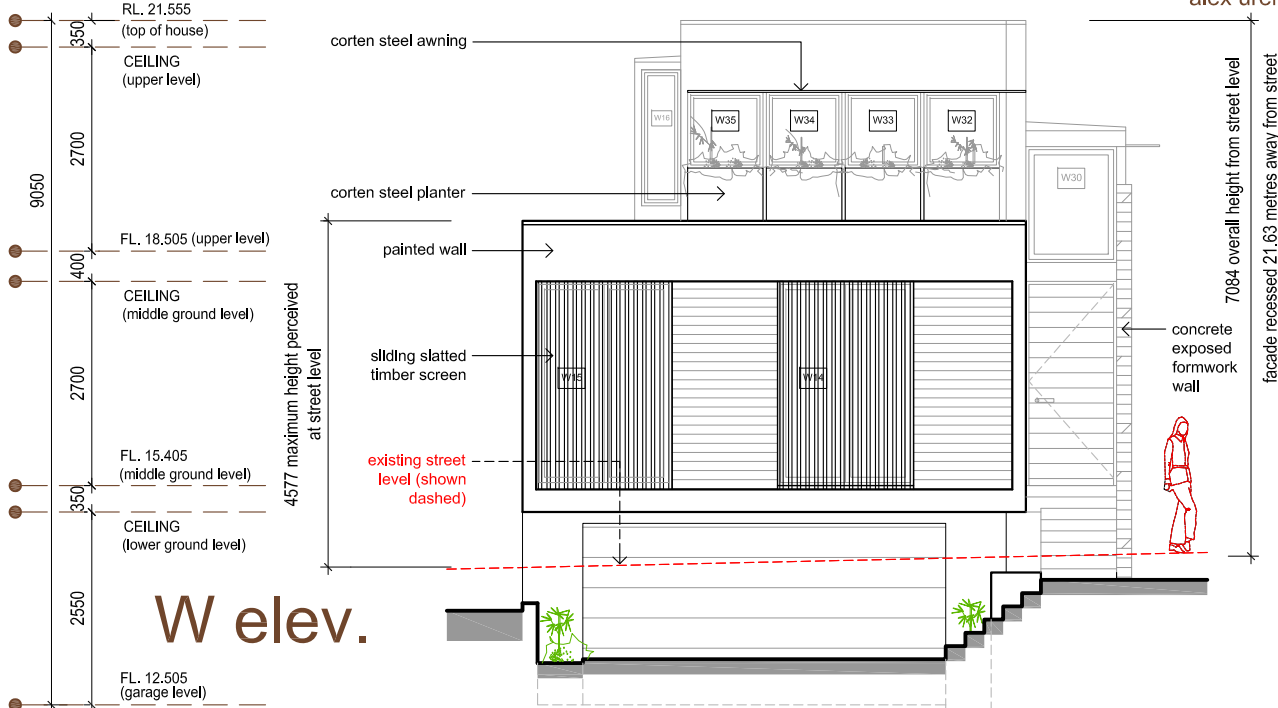
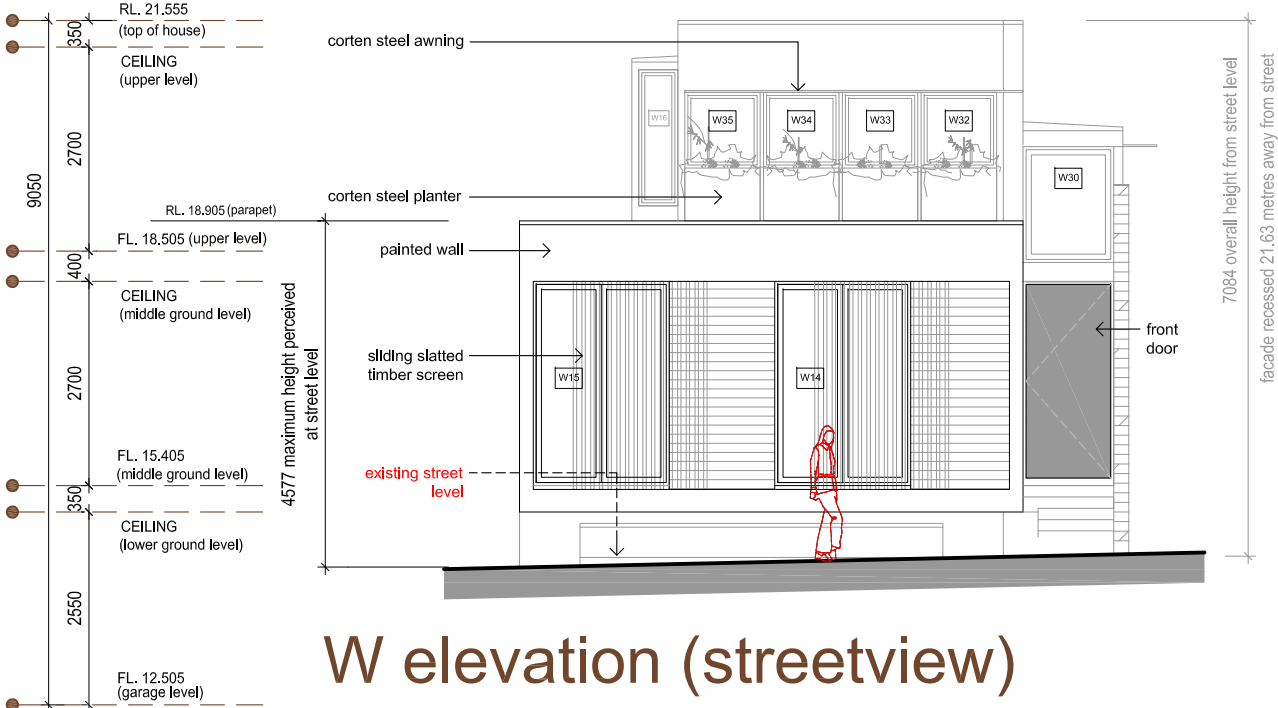
project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	<div><div>bdag</div><div>ACCREDITED BUILDING DESIGNER</div><div>ACRED No. 6243</div></div>	date: REV. 3 july 2019	sheet: DA: 15 of 22
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project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDA Membership No.1313-13	 ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 16 of 22
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CONSTRUCTION NOTES:

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

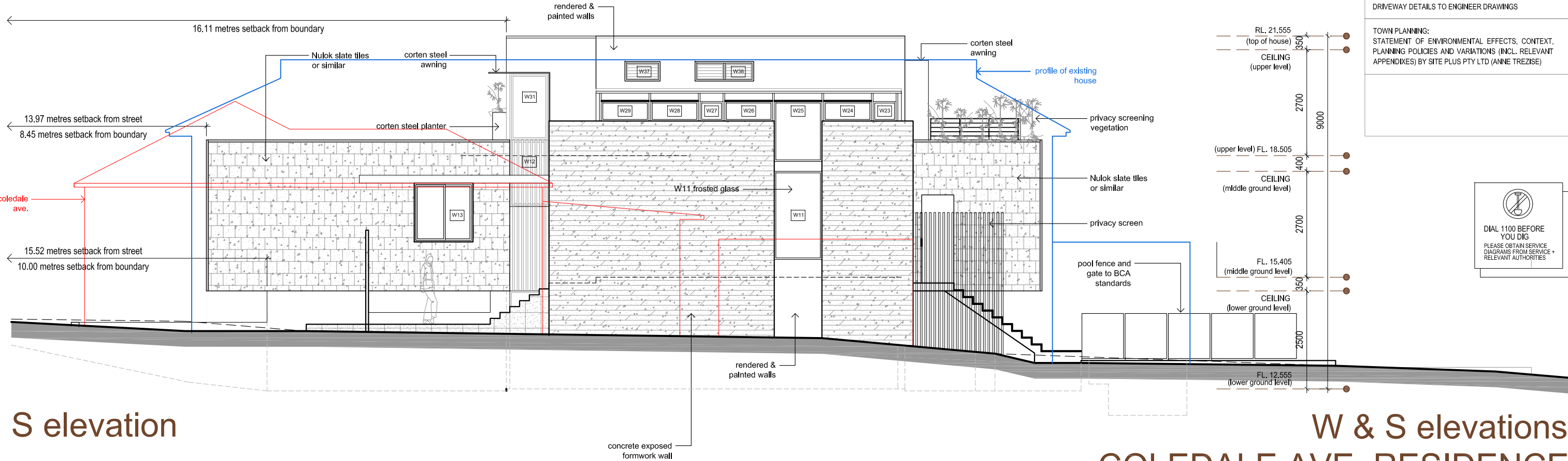
SITE SURVEY: BOUNDARIES, CONTOURS, LEVELS TO AHD & SERVICES BY DENNIS SMITH SURVEYS - PROJECT No. 11929-1 DATE 02/11/2018 (AMENDED 03/05/2019)

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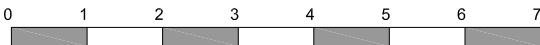
GEOTECH: GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019118a DATE 15/04/2019


DRAINAGE & STORMWATER: DRAINAGE PLANS & DETAILS BY INGLIS ENGINEERING PTY LTD JOB No. 2019045 ISSUE DATE 27.05.2019 ALL DRAINAGE, DOWNPIPES, RUNOFF, STORMWATER & DRIVEWAY DETAILS TO ENGINEER DRAWINGS

TOWN PLANNING: STATEMENT OF ENVIRONMENTAL EFFECTS, CONTEXT, PLANNING POLICIES AND VARIATIONS (INCL. RELEVANT APPENDIXES) BY SITE PLUS PTY LTD (ANNE TREZISE)

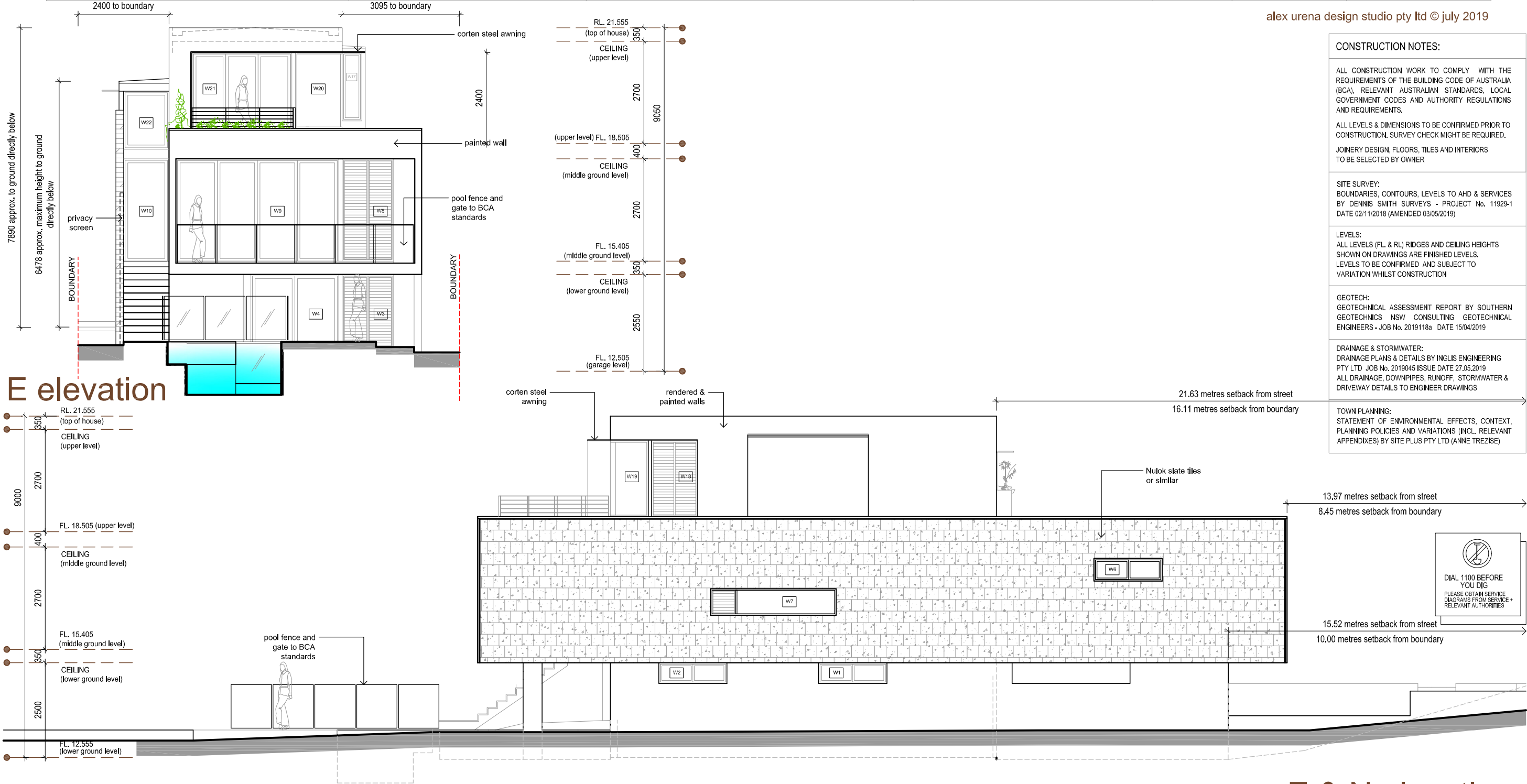


W & S elevations
COLEDALE AVE. RESIDENCE
scale 1:100




project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 17 of 22
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E & N elevations
COLEDALE AVE. RESIDENCE
scale 1:100



project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 18 of 22
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3D renders
COLEDALE AVE. RESIDENCE
not to scale



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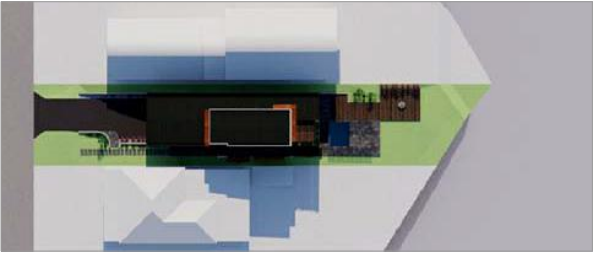
Window Schedule - Refer to NATHERS CERTIFICATE 3901782
Date 30 May 2019 by Sian Fishwick (Acc. No. VIC/BDV/18/1856)

NO.	BASIX	DESCRIPTION	HEAD HEIGHT	DESCRIPTION	TYPE	O	U-VALUE	SHGC
W1	W1	ASW 550x1800	2500	SLIDING WINDOW	SINGLE GLAZED, CLEAR, ALUM	N	6,4	0,63
W2	W2	ASW 550x1800	2500	SLIDING WINDOW	DOUBLE GLAZED, CLEAR, ALUM	N	4,6	0,49
W3	W3	ALW 2500x1355	2500	LOUVERS	SINGLE GLAZED, CLEAR, ALUM	E	6,1	0,64
W4	W4	ASD 2500x2355	2500	SLIDING DOORS	DOUBLE GLAZED, ENERGY TECH, ALUM	E	3,2	0,56
W5	W5	AFW 550x1000	2500	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	2,4	0,64
W6	W6	ASW 600x1800	2400	SLIDING WINDOW	SINGLE GLAZED, CLEAR, ALUM	N	6,4	0,63
W7	W7	AFW 700x3313	1600	SIDE FIXED - SIDE LOUVERS	SINGLE GLAZED, ENERGY TECH, ALUM	N	4,5	0,54
W8	W8	ALW 2700x1355	2700	LOUVERS	SINGLE GLAZED, ENERGY TECH, ALUM	E	4,5	0,54
W9	W9	ASD 2700x4295	2700	SLIDING DOORS	DOUBLE GLAZED, ENERGY TECH, ALUM	E	3,2	0,56
W10	W10	AHD 2700x1200	2700	HINGED DOOR	DOUBLE GLAZED, ENERGY TECH, ALUM	E	3,4	0,47
W11	W11	AFW 2250x1218	2700	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	2,4	0,64
W12	W12	AFW 1680x1000	3480	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	2,4	0,64
W13	W13	ASW 1500x1500	2400	SLIDING WINDOW	DOUBLE GLAZED, CLEAR, ALUM	S	4,6	0,49
W14	W14	ASD 2700x1800	2700	SLIDING DOORS	DOUBLE GLAZED, CLEAR, ALUM	W	4	0,6
W15	W15	ASD 2700x1800	2700	SLIDING DOORS	DOUBLE GLAZED, CLEAR, ALUM	W	4	0,6
W16	W16	AFW 1800x520	2400	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	W	3,3	0,65
W17	W17	AFW 1800x520	2400	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	E	3,3	0,65
W18	W18	ALW 2000x1200	2400	LOUVERS	SINGLE GLAZED, CLEAR, ALUM	N	6,1	0,64
W19	W19	AFW 2000x1000	2400	FIXED CORNER WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	N	3,3	0,65
W20	W20	AFW 2000x1235	2400	FIXED CORNER WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	E	3,3	0,65
W21	W21	ASD 2400x2640	2400	SLIDING DOORS	DOUBLE GLAZED, CLEAR, ALUM	E	4	0,6
W22	W22	AFW 2250x1200	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	E	3,3	0,65
W23	W23	ALW 1218x586	2100	FIXED WINDOW	SINGLE GLAZED, CLEAR, ALUM	S	6,1	0,64
W24	W24	AFW 1218x1218	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	3,3	0,65
W25	W25	AFW 2250x1218	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	3,3	0,65
W26	W26	AFW 1218x1218	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	3,3	0,65
W27	W27	ALW 1218x586	2100	FIXED WINDOW	SINGLE GLAZED, CLEAR, ALUM	S	6,1	0,64
W28	W28	AFW 1218x1218	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	3,3	0,65
W29	W29	AFW 1218x1218	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	3,3	0,65
W30	W30	AFW 2250x1200	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	W	3,3	0,65
W31	W31	AFW 1680x1000	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	S	2,4	0,64
W32	W32	AFW 1000x997	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	W	2,4	0,64
W33	W33	AFW 1000x997	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	W	2,4	0,64
W34	W34	AFW 1000x997	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	W	2,4	0,64
W35	W35	AFW 1000x997	2100	FIXED WINDOW	DOUBLE GLAZED, ENERGY TECH, ALUM	W	2,4	0,64
W36		AFW 1000x1675	2100	FIXED WINDOW	SINGLE CLEAR, ALUM	-	-	-
W37		ALW 500x900	2400	LOUVERS	SINGLE GLAZED, CLEAR, ALUM	S	6,1	0,64
W38		ALW 500x1500	2400	LOUVERS	SINGLE GLAZED, CLEAR, ALUM	S	6,1	0,64

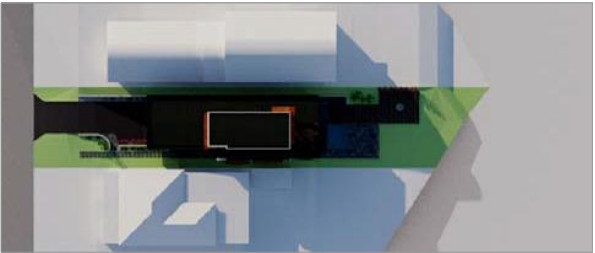
ALL INFORMATION TO BE VERIFIED ON SITE PRIOR TO ORDERING AND CONSTRUCTION - ALL WINDOWS TO AS 2047
<p>BASIX REQUIREMENTS</p> <p>APPLICANT MUST INSTALL THE WINDOWS GLAZED DOORS AND SHADING DEVICES DESCRIBED IN THE TABLE, IN ACCORDANCE WITH THE BASIX CERTIFICATE. THE DWELLING MAY HAVE 1 SKYLIGHT (<0.7SQM) AND UP TO 2 WINDOWS/DOORS (0.7 SQM) WHICH ARE NOT LISTED IN THE TABLE EXCEPT WHERE GLASS IS 'SINGLE CLEAR' OR 'SINGLE TONED'. EACH WINDOW MUST HAVE A U VALUE NO GREATER THAN LISTED AND SHGC + OR - 10% OF THAT LISTED, CALCULATED IN ACCORDANCE WITH NFRC CONDITIONS.</p>
<p>WHERE POSSIBLE MANUFACTURES STANDARD SIZES SHOULD BE USED AND APPROVED BY BUILDER/OWNER PRIOR TO SIGNING. POWDERCOATED COLOUR TO BE SELECTED BY OWNER, SUPPLIED WITH SECURITY SCREENS (FLY SCREENS) TO BE SELECTED BY OWNER, KEY AND LOCK. FURNITURE TO BE SELECTED BY OWNER. THE BUILDER/CONTRACTOR MUST REPORT ALL DISCREPANCIES TO THE DESIGNER TO AMEND (FIX) PRIOR TO SIGNING AND CONSTRUCTION COMMENCING. WHERE DISCREPANCIES HAVE NOT BEEN REPORTED OR AMENDED, BUILDER/CONTRACTOR WILL BE HELD RESPONSIBLE FOR ALL DETAILS. SHOULD FURTHER DETAILS BE NEEDED, THE BUILDER/CONTRACTOR SHALL OBTAIN DETAILS PRIOR TO SIGNING OF CONTRACT. FAILURE TO ADHERE TO THESE CONDITIONS, THE BUILDER/CONTRACTOR NULLIFIES ANY RIGHT TO CLAIM FOR A VARIATION, DUE TO INTERPRETATION OF DOCUMENTATION. BUILDER/OWNER TO APPROVE PRIOR TO CONSTRUCTION.</p>



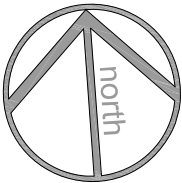
june 21st - 9:00 am



june 21st - 12:00 noon



june 21st - 3:00 pm



window schedule & shadow diagram
COLEDALE AVE. RESIDENCE
not to scale



CONSTRUCTION NOTES:

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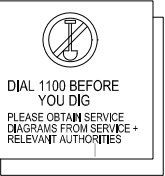
SITE SURVEY:
BOUNDARIES, CONTOURS, LEVELS TO AHD & SERVICES BY DENNIS SMITH SURVEYS - PROJECT No. 11929-1 DATE 02/11/2018 (AMENDED 03/05/2019)

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GEOTECH:
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DRAINAGE & STORMWATER:
DRAINAGE PLANS & DETAILS BY INGLIS ENGINEERING PTY LTD JOB No. 2019045 ISSUE DATE 27.05.2019
ALL DRAINAGE, DOWNPIPES, RUNOFF, STORMWATER & DRIVEWAY DETAILS TO ENGINEER DRAWINGS

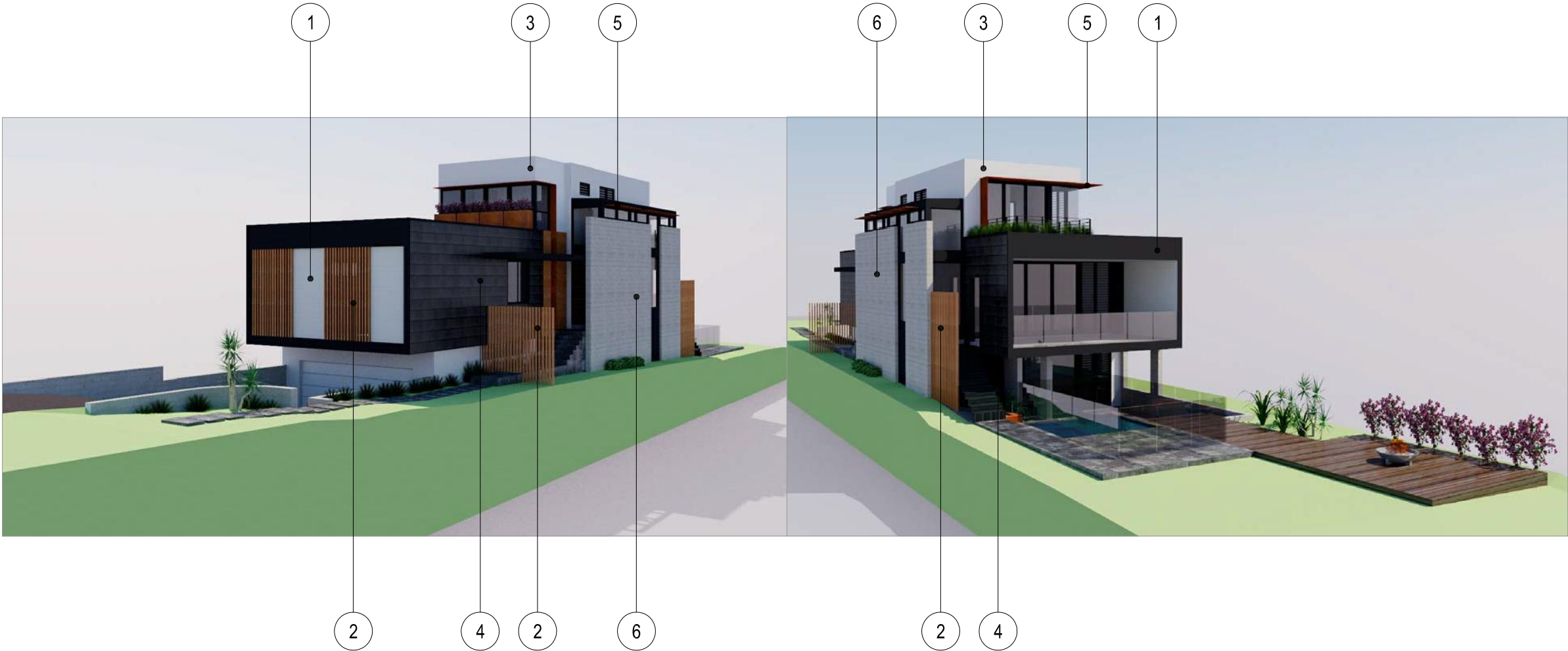
TOWN PLANNING:
STATEMENT OF ENVIRONMENTAL EFFECTS, CONTEXT, PLANNING POLICIES AND VARIATIONS (INCL. RELEVANT APPENDICES) BY SITE PLUS PTY LTD (ANNE TREZISE)



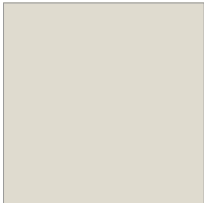
DIAL 1100 BEFORE YOU DIG
PLEASE OBTAIN SERVICE DIAGRAMS FROM SERVICE + RELEVANT AUTHORITIES

project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 bdag ACCREDITED BUILDING DESIGNER	date: REV. 3 july 2019	sheet: DA: 20 of 22
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1 Painted Wall
WHITE OR SIMILAR



2 Timber Screen
HARDWOOD



3 V-Joint Cladding
WHITE OR SIMILAR



4 Slate Tile
NULOK BLACK SLATE OR SIMILAR



5 Corten Awning
NATURAL CORTEN OR SIMILAR



6 Concrete Formwork
EXPOSED CONCRETE OR SIMILAR



* COLOUR SAMPLES ARE REFERENTIAL ONLY FOR THE PURPOSE OF THIS DA AND NOT LINKED TO AN SPECIFIC BRAND OR PROVIDED

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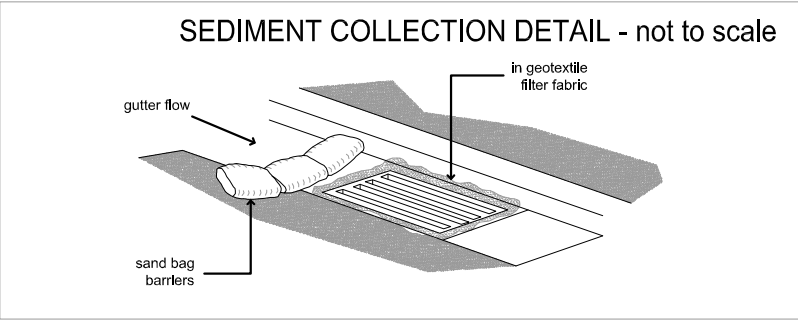
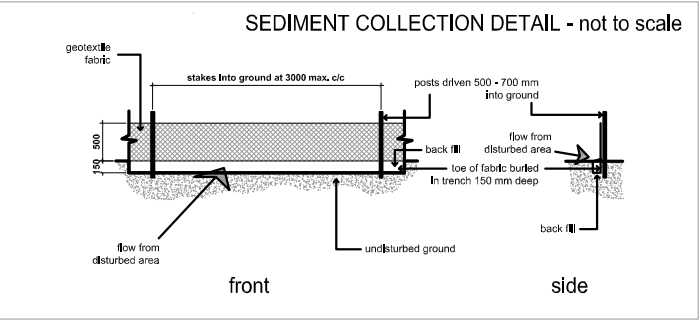
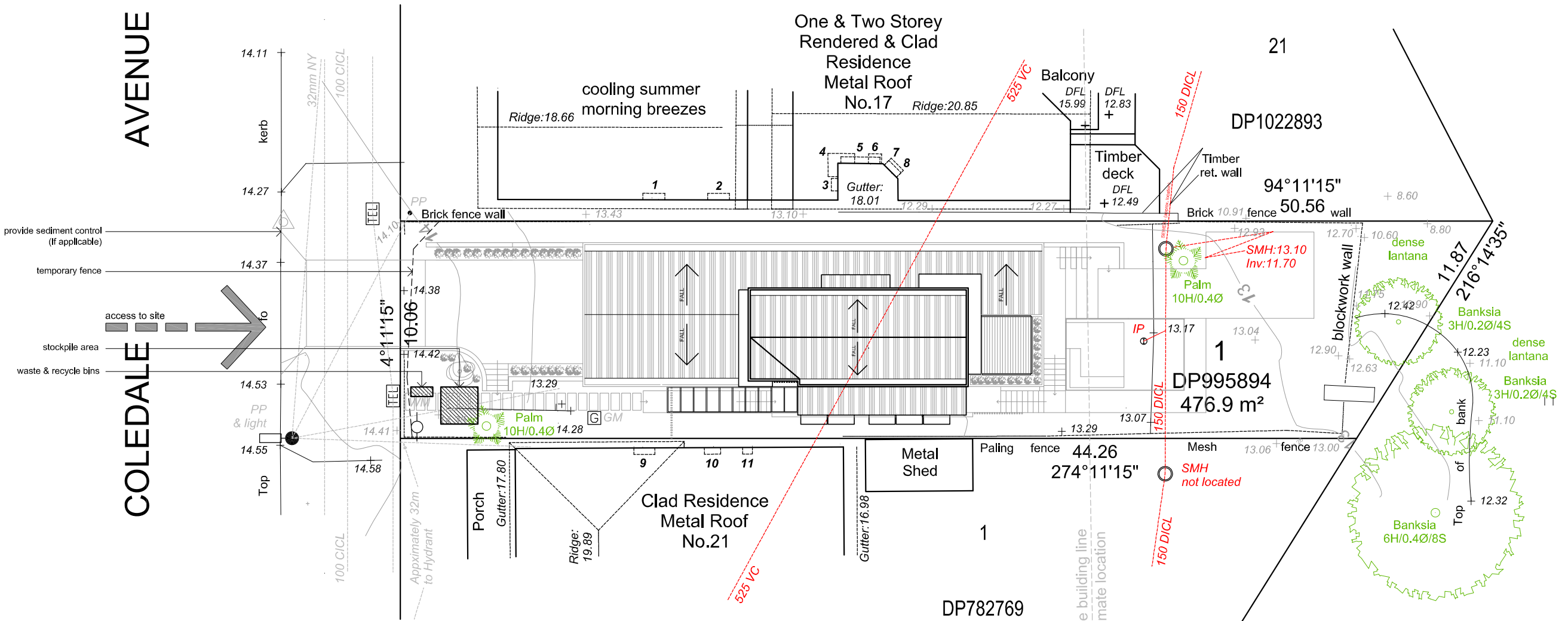


schedule of finishes
COLEDALE AVE. RESIDENCE
scale 1:100



project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 bdag ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: DA: 22 of 22
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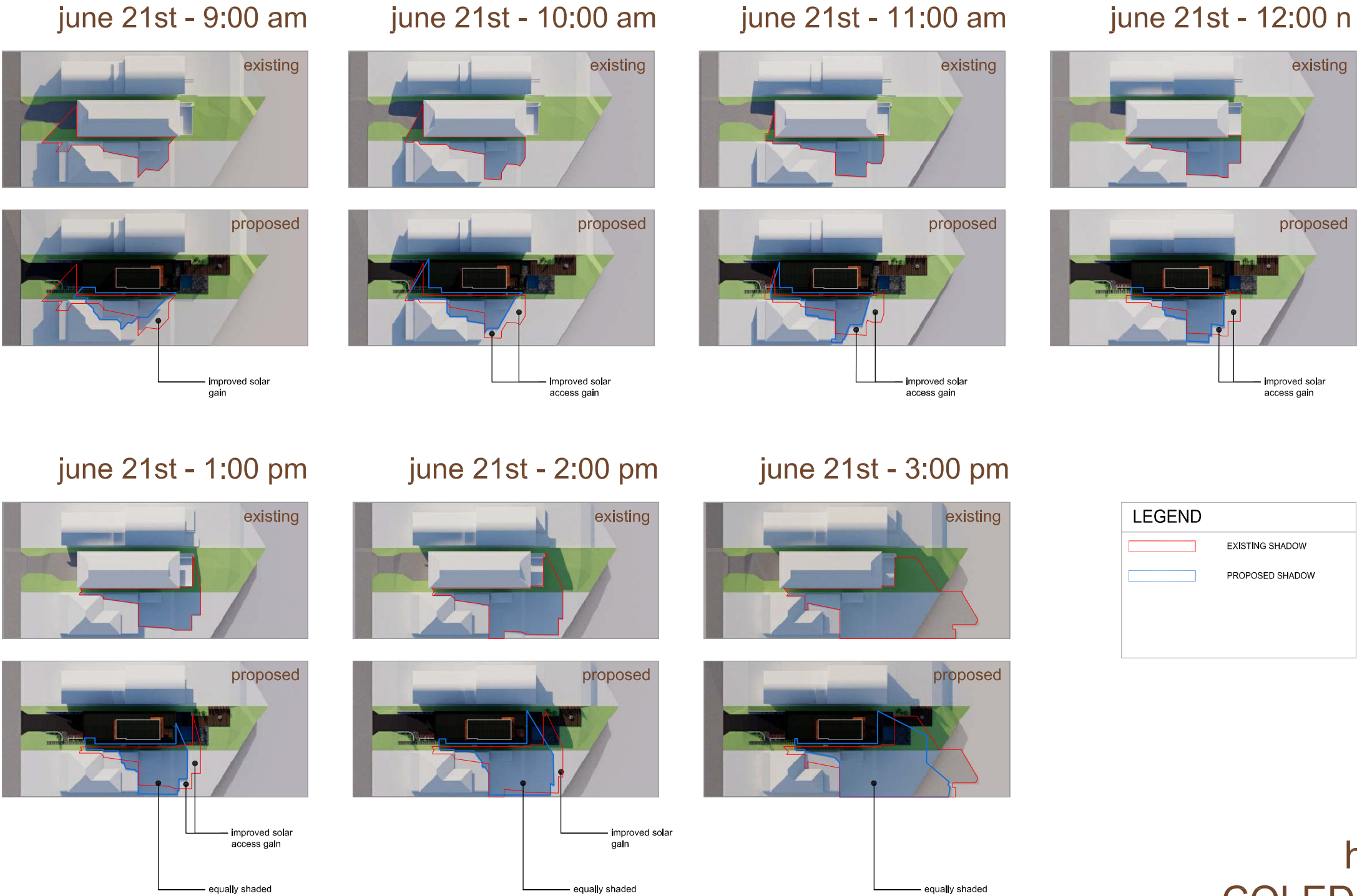
CONSTRUCTION NOTES:			
ALL CONSTRUCTION WORK TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), RELEVANT AUSTRALIAN STANDARDS, LOCAL GOVERNMENT CODES AND AUTHORITY REGULATIONS AND REQUIREMENTS. ALL LEVELS & DIMENSIONS TO BE CONFIRMED PRIOR TO CONSTRUCTION. SURVEY CHECK MIGHT BE REQUIRED. JOINERY DESIGN, FLOORS, TILES AND INTERIORS TO BE SELECTED BY OWNER	SITE SURVEY: BOUNDARIES, CONTOURS, LEVELS TO AHD & SERVICES BY DENNIS SMITH SURVEYS - PROJECT No. 11929-1 DATE 02/11/2018 (AMENDED 03/05/2019) 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	GEOTECH: GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019118a DATE 15/04/2019 DRAINAGE & STORMWATER: DRAINAGE PLANS & DETAILS BY INGLIS ENGINEERING PTY LTD JOB No. 2019045 ISSUE DATE 27.05.2019 ALL DRAINAGE, DOWNPIPES, RUNOFF, STORMWATER & DRIVEWAY DETAILS TO ENGINEER DRAWINGS	TOWN PLANNING: STATEMENT OF ENVIRONMENTAL EFFECTS, CONTEXT, PLANNING POLICIES AND VARIATIONS (INCL. RELEVANT APPENDICES) BY SITE PLUS PTY LTD (ANNE TREZISE)

waste management plan COLEDALE AVE. RESIDENCE scale 1:200




project: coledale avenue - Coledale	for: james WRIGHT minerva McKELL WRIGHT	at: lot 1 - DP 995894 19 Coledale Ave. Coledale NSW 2515	design: alejandro urena sandoval BDAA Membership No.1313-13	 bdag ACCREDITED BUILDING DESIGNER ACRED No. 6243	date: REV. 3 july 2019	sheet: Add: 01 of 01
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alex urena design studio pty ltd © july 2019



LEGEND



EXISTING SHADOW



PROPOSED SHADOW

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

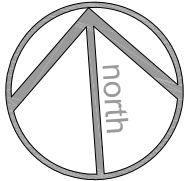
SITE SURVEY:
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DATE 02/11/2018 (AMENDED 03/05/2019)

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


GEOTECH:
GEOTECHNICAL ASSESSMENT REPORT BY SOUTHERN GEOTECHNICS NSW CONSULTING GEOTECHNICAL ENGINEERS - JOB No. 2019118a DATE 15/04/2019

DRAINAGE & STORMWATER:
DRAINAGE PLANS & DETAILS BY INGLIS ENGINEERING PTY LTD. JOB No. 2019045 ISSUE DATE 27.05.2019
ALL DRAINAGE, DOWNPIPES, RUNOFF, STORMWATER & DRIVEWAY DETAILS TO ENGINEER DRAWINGS

TOWN PLANNING:
STATEMENT OF ENVIRONMENTAL EFFECTS, CONTEXT, PLANNING POLICIES AND VARIATIONS (INCL. RELEVANT APPENDIXES) BY SITE PLUS PTY LTD (ANNE TREZISE)



north



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DESIGNED	D. TARLINTON
DRAWN	DMT
APPROVED	 David Tarlinton BE HONS (CIVIL) FIE Aust CPENG RPEQ NER Director/Principal Engineer

STATUS APPROVED FOR CONSTRUCTION			
DATUM N/A	DATE 03.05.19	SCALE 1:200 @ A3	
JOB NO. 2019045	SHEET S04	OF 8	REV 1

- EXISTING STREET FORMATION DOES NOT ALLOW FOR KERB AND GUTTER DISPOSAL OF STORMWATER FROM THE SITE.
- STORMWATER DISPOSAL VIA AN INTERALLOTMENT DRAINAGE PIPELINE OR EASEMENT IS NOT AVAILABLE.
- STORMWATER DISPOSAL VIA AN AN ABSORPTION SYSTEM IS NOT SUITABLE (SHALLOW BEDROCK).
- A "LEVEL SPREADER" SYSTEM IS PROPOSED TO DISPERSE STORMWATER DRAINAGE WITHOUT ADVERSELY IMPACTING ON DOWNSLOPE PROPERTIES.
- PEAK FLOWS AND FLOW VOLUME WILL BE REDUCED DUE TO THE MIN. 5,000L RAINWATER TANK STORAGE CONNECTED TO ALL ROOF AREAS.

IN ACCORDANCE WITH WOLLONGONG CITY COUNCIL DCP CHAPTER E14: STORMWATER MANAGEMENT CLAUSE 11.3.12(7), A ZERO SETBACK FROM THE BOUNDARY HAS BEEN ADOPTED FOR THE LEVEL SPREADER AS THE DOWNSLOPE PROPERTY IS A PUBLIC RESERVE.

LEVEL SPREADER 2000 LONG
RL 12.40 m AHD
IL 11.80 m AHD
DISCHARGE TO TRANSPIRATION DISPOSAL
SYSTEM "LEVEL SPREADER" TO COUNCIL
SATISFACTION. INVERT TO BE CONFIRMED ON
SITE. REFER DETAIL. MAINTAIN CLEAR OVERLAND
FLOW PATH TO THE REAR OF THE PROPERTY.
TOTAL INFLOW INTO TRANSPIRATION SYSTEM:
 $Q_{10} = 9.0 \text{ L/S}$

NOTE:

1. REFER SHEET 5 FOR LOWER GROUND FLOOR DRAINAGE LAYOUT.
2. ALL PIPES 100Ø @ 1% MINIMUM UNLESS NOTED OTHERWISE.
3. STORMWATER DRAINAGE PIPES AND DOWNPIPES UPSTREAM OF WATER STORAGE TANKS TO BE SOLVENT WELD JOINTED uPVC PIPES.
4. ROOF GUTTER AND DOWN PIPE PROFILES TO BE CONFIRMED BY ARCHITECT. REFER ROOF WATER NOTES ON SHEET 1 FOR MINIMUM SIZE REQUIREMENTS.
5. FW DENOTES - FLOOR WASTE TO GARDEN DECK. DECK DRAINAGE MUST COMPLY WITH AS 3500.3 AND BE FITTED WITH APPROPRIATE OVERFLOW DEVICES IN CASE OF FLOOR WASTE BLOCKAGE.
6. PLANTER BOX DRAINAGE BY OTHERS.
7. THE DEVELOPER MUST COMPLY WITH ALL REQUIREMENTS OF THE BASIX REPORT.

APPENDIX F
Variation to FSR Justification
19 Coledale Avenue, Coledale
19111 – May 2019



Variation to FSR Justification

19 Coledale Avenue, Coledale

PREPARED FOR

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Figure 2	Comparison of Building Mass Between Existing and Proposed Dwelling
Figure 3	Aerial View of Subject Site
Figure 4	Comparison Between Proposed and Existing Street View

TABLES

Table 1	Comparison of FSR
---------	-------------------

1.0 INTRODUCTION

1.1 General

The site is zoned E4 Environmental Living which has a Floor Space Ratio (FSR) of 0.3:1

The development has a proposed FSR of 0.45:1 and consequently 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).

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.

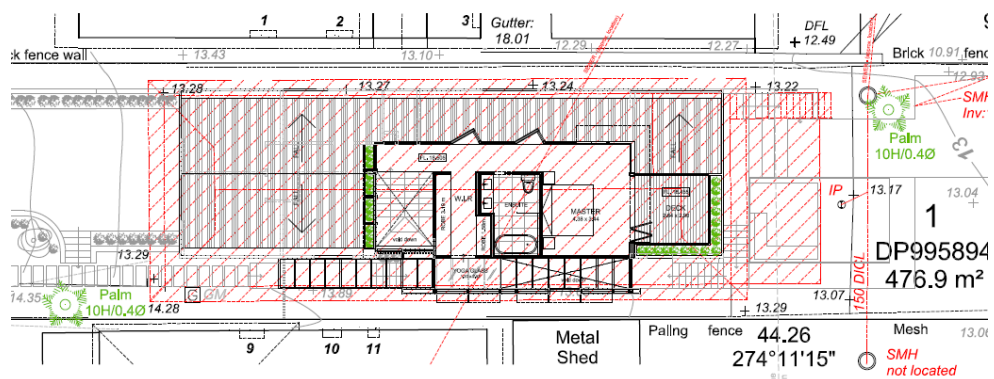
The following addresses each of the standards as follows;

- (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 replace an existing dwelling which has a floor space ratio of 0.61:1, with a dwelling which has an FSR of 0.45:1. Consequently, approval of this proposal will mean that the development is more compatible with the FSR applying in this zone.

Figure 1 shows a comparison in size of the footprint between the existing and proposed dwellings. The footprint of the existing dwelling is shown hashed in red and the footprint of the proposed dwelling is outlined in black. Consequently the new building will result in a smaller footprint.

Figure 1 Comparison of Existing and Proposed Building Footprints



Source: Alex Urena Design Studio

Figure 2 is a comparison view of the northern elevation showing the extent of the existing dwelling and the extent of the proposed dwelling. The proposed building mass is shown outlined in red. Again, this figure shows that the mass of the proposed dwelling will be less than the existing dwelling.

Figure 2 Comparison of building mass between existing and proposed dwelling



Source: Alex Urena Design Studio

Figure 3 is an aerial view of the dwellings along Coledale Avenue. The subject site is identified and the aerial view shows that the setbacks from the front and rear of the property generally aligns with development along Coledale Avenue, particularly with developments to the north of the site. It is evident from this aerial that the extent of the eastern or western elevation will not protrude beyond existing alignments.

Figure 3 Aerial View of subject site



Source: Google Maps

Subject site with approximate extent of eastern elevation shown dashed.

Figure 4 is a photograph of the existing dwelling within the streetscape and a photomontage of the proposed dwelling. It is considered that the proposed dwelling is consistent with what has been recently constructed on the adjacent property to the north.

Figure 4 Comparison between proposed and existing street view



proposed street view



existing street view

Source: Alex Urena Design Studio

According to Build Search:

The Average new house size being build is 233m² in square meters. This size has not varied significantly in the past 20 years. (<https://buildsearch.com.au/house-size>)

If this average house size (of Build Search) includes a double garage, then the gross floor area (GFA) would reduce to 229m².

The GFA of the proposed dwelling is 216.43m², which is marginally smaller than the average house size. Consequently, the size of the dwelling for which approval is sought is not 'large' by current standards.

(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 one dwelling will replace

another dwelling. Accordingly, there is no likely change in vehicle or pedestrian traffic which might access the site nor is there any increase in demand on other existing infrastructure as a consequence of this proposal.

(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 81PA to determine FSR of developments along the eastern side Coledale Avenue.

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	Constructed in 1960's	
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	
19 – existing	0.61:1	
19 - proposed	0.45:1	
21	0.4:1 (not constructed)	D09/915
23	0.49:1	

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.

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

There are two objectives for the E4 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 physical and visual access to and from primary public areas are not impeded by this development. Nor does the proposed development impact on any ecological or scientific values of the site.

The primary quality of the area is its proximity to the Ocean and its foreshore and how this area is used and enjoyed by members of the public.

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.

As the site is elevated approximately 12.5m above sea level, the capacity for the development to impact on users of the beach and the rock pool is considered to be minimal. Similarly, the southern views from the cul-de-sac are not impacted by the proposed development. Consequently, the proposed development is not considered to contravene the objectives of the zone.

Furthermore, the proposed development will not result in an adverse impact on the amenity of the area through traffic generation or demand in infrastructure.

It is also evident that this replacement building has been designed to minimise the bulk and scale of the building through its placement on the site, the lowering of the garage and setting the top level back from the street whilst, as much as possible, maintaining amenity to the adjoining properties. Indeed Figure 1.1 shows a comparison in setback on the site between the existing and proposed dwellings, and the setbacks that are provided by the adjoining properties which also contributes to minimising its bulk and scale. This outcome is also achieved in that the proposed colours and materials break up the façade of the new dwelling and therefore give it a more intimate scale, this also has the effect of providing a greater interest to the elevations.

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.

The proposed variation will enable the construction of a dwelling and whilst exceeding the FSR, has a lower FSR than the current dwelling. Not only is the proposed FSR lower than the current dwelling on the site at 0.61:1, it is significantly lower and is proposed at 0.45:1.

The proposed development also has a lower FSR than many other houses that have been constructed along Coledale Avenue.

It is considered the variation to FSR will not result in any additional infrastructure demands nor will it impact on the objectives for the E4 zone.

ATTACHMENT 4: WDCP 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.

Overall, the proposed development has been considered against the provisions of WDCP (2009) and found to be acceptable in this case.

CHAPTER B1 – RESIDENTIAL DEVELOPMENT

This chapter contains residential development controls for dwelling-houses and applies to all residential zoned land within the City of Wollongong Local Government Area (LGA) including E4 Environmental Living.

4.0 General Residential controls

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Maximum Number of Storeys</u>	7.89 metres Three storeys	Yes No - discussed at A1.
<u>4.2 Front Setbacks</u>	Front setback: 8.45 metres Garage setback: 10 metres	Yes Yes
<u>4.3 Side and Rear Setbacks</u>	North side: 1 metre South side: 1 metre No walls greater than 7 metres in height No wall greater than 8 metres in length Balconies and windows have been designed to minimise overlooking (screen condition for Bed 1 deck).	Yes Yes Yes Yes Yes
<u>4.4 Site coverage</u>	Maximum 50% of the area of the lot, if the lot has an area of at least 450m ² but less than 900m ² . Lot area = 476.92 less 50% = 238.46m ² minimum required. Provided: 327.35 m ² or 31.4%	Yes
<u>4.5 Landscaped Area</u>	Lot area = 476.9m ² 20% required = 95.38m ² with 47.69m ² required behind the building line.	Yes

<p><u>4.6 Private Open Space</u></p>	<p>Total provided: 177.63 m²</p> <p>Behind the building line: 143.14m²</p> <p>24m² of POS is provided at the rear of the site. In addition, the rear deck area provides an area of POS accessible from living areas.</p>	<p>Yes</p>
<p><u>4.7 Solar Access</u></p>	<p>The lot has an east/west orientation. The proposed dwelling is three storeys in height with a maximum height of 7.89 metres.</p> <p>Shadow diagrams have been provided indicating overshadowing from the proposal slightly less at times than current overshadowing by the existing dwelling on the site.</p> <p>The plans on file for the neighbouring property show the windows to the living rooms are not located on the northern elevation. Areas of private open space in the rear yard of the adjoining residential property receive at least 3hrs continuous sunlight on June 21. It is noted that shadows fall slightly further across the rear deck from 11am than is currently experienced and slightly less before 11am.</p> <p>The proposed development maximises internal solar access to living areas and achieves solar access to private open space despite being overshadowed by the existing dwelling to the north.</p> <p>The proposal is considered to be satisfactory in this instance.</p>	<p>Yes</p>
<p><u>4.8 Building Character and Form</u></p>	<p>The contemporary building design has been themed to complement the coastal surroundings. The overall maximum height of the dwelling at 7.89 metres is considered reasonable despite the third storey component. The third storey master bedroom component of the building is positioned to the southern side to achieve solar access and to maximise view sharing opportunities for dwellings to the west as outlined in the Visual Impact Assessment (VIA) (Attachment 1).</p>	<p>Yes</p>

	<p>There is passive surveillance provided to the street. The proposed dwelling adequately addresses the street frontage with a clearly defined entry along the side of the garage at street level. It is noted that the entry is located to the side of the existing dwelling; however, the entry portico has a solid wall facing the boundary. The proposed double garage is articulated on the front façade. It is located generally below street level behind the front building line and is not considered a dominant feature. It is considered the design and siting of the proposed dwelling responds adequately to the site context and sympathetic to the established and evolving residential area.</p>	
<u>4.9 Fences</u>	None proposed as part of this application.	N/A
<u>4.10 Car parking and Access</u>	<p>The dwelling contains a double garage as required. The garage has been designed at a lower level to minimise the impact on the surrounding streetscape.</p> <p>Council's Development Engineer has reviewed the proposal and provided satisfactory referral advice subject to the imposition of relevant conditions.</p>	Yes
<u>4.11 Storage Facilities</u>	The development contains required areas of storage.	Yes
<u>4.12 Site Facilities</u>	There are adequate areas on the site to locate site facilities.	Yes
<u>4.13 Fire Brigade Servicing</u>	Established neighbourhood with existing fire brigade servicing.	Yes
<u>4.14 Services</u>	Services have been connected and can be augmented for the proposed dwelling house.	Yes
<u>4.15 Development near the coastline</u>	The development is setback at least 10m from the beach or cliff top and somewhat protected from long term coastal erosion. A Geotechnical Report has been provided and reviewed by	Yes

	<p>Council's Geotechnical Engineer. Conditions have been recommended.</p> <p>There is an existing public view corridor provided at each end of the street. Due to the narrow site width (10.06 metres) the applicant has provided a numerically compliant view corridor across the top of the dwelling. The dwelling is of a contemporary Australian coastal style. Colour schemes and reflective finishes are included in conditions at Attachment 7. As such, it is considered that the requirements of this clause have been met.</p>	
<u>4.16 View sharing</u>	<p>The maximum height of dwelling is measured at 7.89 metres. The dwellings located each side of the proposal enjoy views to the ocean across rear boundaries.</p> <p>The proposal includes a Visual Impact Assessment plans to address view sharing. This is included as part of Attachment 1. At present, the large two storey dwelling on the site does restrict viewing for affected properties to the west, which is addressed at Attachment 5.</p> <p>Due to the narrow site width (10.06 metres) and the existing dwelling house footprint, the applicant has sought a variation to point 2(a), being a 3 metre wide or 25% site width side setback as outlined at DCP Chapter A1.</p> <p>The potential view loss impact and the view sharing opportunities have been demonstrated in the VIA. Furthermore, as the new dwelling is less bulky at the upper level than the existing dwelling it is considered that existing distant views will be maintained and likely to be enhanced. As such, it is considered that view sharing has been achieved.</p>	<p>Yes</p> <p>No - discussed at A1.</p>
<u>4.17. Retaining walls</u>	<p>Retaining walls are proposed as part of the dwelling house. Conditions imposed.</p>	Yes
<u>4.18 Swimming pools and spas</u>	<p>Swimming/plunge pool details have been provided to address requirements of this clause. Appropriate conditions will be imposed.</p>	Yes

CHAPTER D1 – CHARACTER STATEMENTS

The character statements focus on the future, and recommendations are likely to differ from what exists in neighbourhoods and suburbs currently.

Coledale

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 individually designed dwelling house has a coastal theme and maintains view sharing opportunities across the top of the dwelling. Materials and roof form are consistent with the desired future character for Coledale. The proposal is considered satisfactory with the requirements of this Chapter.

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

Car parking for two cars is provided in a compliant double garage. Access is provided by a driveway to Coledale Avenue.

CHAPTER E6: LANDSCAPING

The application provides adequate areas of landscaping, which meet requirements of this Chapter for residential dwelling houses.

CHAPTER E7: WASTE MANAGEMENT

A Site Waste Minimisation and Management Plan has also been provided in accordance with this chapter.

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

The application has been reviewed by Council's Development Engineer in relation to stormwater drainage matters. Appropriate conditions have been recommended.

CHAPTER E19 EARTHWORKS (LAND RESHAPING WORKS)

Excavation to provide a partial basement level will be required. The site will also require excavation to remove the existing edge beam/footings and concrete slab. The proposed excavation is considered to be reasonable in this instance. Council's Geotechnical Engineer has reviewed the application and provided conditions.

CHAPTER E21 DEMOLITION AND HAZARDOUS BUILDING MATERIALS MANAGEMENT

The proposal involves demolition of existing structures on site and a demolition plan has accordingly been provided. Conditions of consent are recommended relating to appropriate measures to be in place during works.

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 G
Number of Storeys- Justification
19 Coledale Avenue, Coledale
19111 – May 2019



Number of Storeys

Justification for a Variation to Number of Storeys

19 Coledale Avenue, Coledale

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FIGURES

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Figure 2	Height Comparison in Height of Existing and Proposed Dwellings
Figure 3	Approval at 21 Coledale Avenue D2009/915
Figure 4	Approval at 21 Coledale Avenue D91/240
Figure 5	Street Elevation Comparison of Dwellings

TABLES

Table 1	Objectives at the Two Storey Limits
---------	-------------------------------------

1.0 INTRODUCTION

1.1 Number of Storeys

The Development Control Plan (DCP) aims to allow flexibility in the application of such development controls to promote innovation and design excellence. Council may consider variations to the requirements of the DCP in certain circumstances. Variation to the development control will be considered on a case by case basis and will only be considered where written justification is provided to the satisfaction of Council, that the objectives of the development control have been achieved.

For a variation to be granted, the matters in Clause 8 of Chapter A1 of Wollongong Development Control Plan.

1. The variation statement must address the following points:
 - 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

There are no specific Chapters or requirements applying to development on land zoned E4 within the Wollongong Development Control Plan.

Clause 4.1 of Wollongong Development Control Plan however applies to housing on land zoned residential. The provisions relating to development on land zoned R2 Low Density Residential have been applied. A portion of the development is more than two storeys and so a justification has been provided requesting this variation.

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

The proposed has a semi-basement level, a ground floor and a top floor. Effectively the proposal presents as a two storey building.

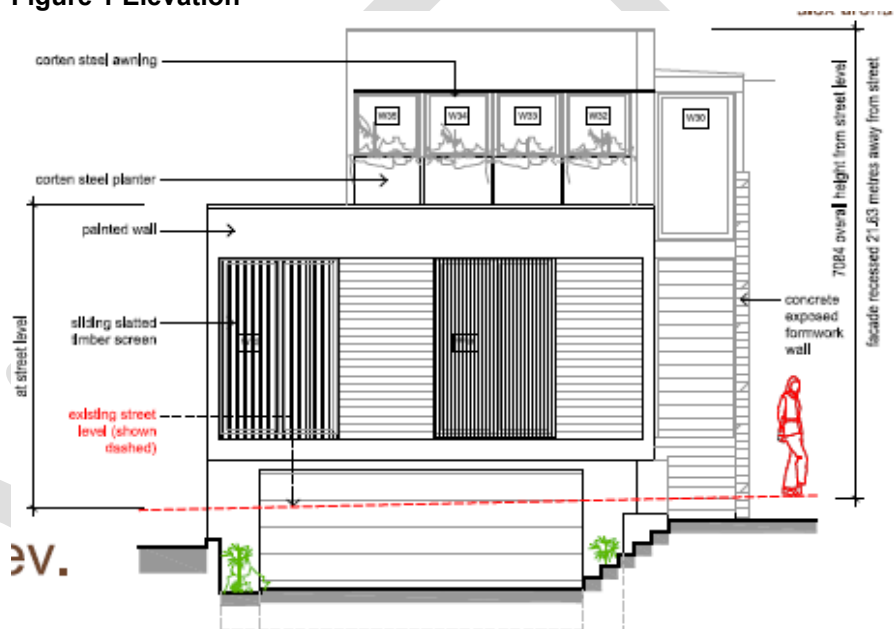
The top floor has a gross floor area of 47.12m², the ground floor has a gross floor area of 122.42m².

It is evident from these figures that the proposed top floor is less than half the floor area of the main living area.

This floor is also set back 16.11m from the front boundary. This is a significant setback and has the effect of ensuring the additional storey does not dominate the streetscape.

Furthermore, the proposed lower ground floor is 795mm lower than the existing garage level and on average 1.9m lower than the street level. This means that the impact to the streetscape is effectively the equivalent of a two storey building. This can be seen in Figure 1 of the west elevation which shows the image of a person walking along the street. This image clearly shows the existing natural ground level and the impact from the street is the equivalent of a two storey building. The red dashed line is the existing street level.

Figure 1 Elevation



Source: Alex Urena - Designer

Figure 2 shows the impact of the difference in height between the existing and proposed dwelling from the western and northern elevations respectively. From the northern elevation it is evident that the third storey (21.555 RL) is only marginally higher than the existing ridgeline (20.95) which represents a difference of 605mm. (See Sheet 7 of the architectural plans for full details.)

Figure 2 Height Comparison in Height of Existing and Proposed Dwellings



Source: Alex Urena Architectural Plans

The variation is being proposed because the site is constrained by a sewer line which traverses the rear portion of the site and it is not possible to construct beyond this line. The design of the dwelling has taken into account the existing structure, development in the street and the adjoining properties and the proposal is considered to be the most sympathetic outcome in balancing these differing elements.

These outcomes include:

- A smaller building footprint;
- A lower FSR;
- A marginal increase in roof height; and
- A garage floor lower than the existing garage floor level to minimise the impact of bulk on the street scape.

Essentially whilst the proposal does seek a variation to this control, the variation is actually sought to minimise the impact on adjoining residents and the streetscape.

1.4 Demonstrate how the objectives are met with the proposed variations

The objectives of the two storey limit are described in Table 1.1.

Table 1.1 The objectives of the two storey limit

Objective	Comment
Column 1	Column 2
To encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.	Figure 1 shows the impact to the street scape is essentially reflective of a two storey building because the garage is set below the natural ground level. The third storey has been setback a considerable distance from the front boundary so that it does not dominate the streetscape. This is also assisted by the provision of the view corridor along the northern boundary which further mitigates this impact. This is shown on sheet 07, 08, 09 and 10 of the architectural plans which clearly show that the impact of the third storey has been designed to minimise impact on the streetscape.

<p>To minimise the potential for overlooking on adjacent dwellings and open space areas.</p>	<p>The adjoining property to the north is essentially a new construction and is of a size which is commensurate with the average size dwelling. A balcony can be accessed from the bedroom however it is set back approximately 4.4m from the northern boundary.</p> <p>The adjoining property to the south is an older building and it has a smaller footprint than most of the dwellings along Coledale Avenue. The eastern extent of the bedroom walls aligns with a metal shed which has been constructed on this property so there is limited opportunity for views to extend into the yard from this area. The balcony is setback 2.4m from the boundary and screening landscaping is provided along the southern boundary of the deck which not only further increases the setback, it also restricts the visual accessibility into this site.</p> <p>Furthermore, this floor will be used as the Master Bedroom. Consequently this room does not constitute a 'public place' and its use will be for the owners of the house. However, it is likely that when the room is not being used for sleeping, it is most likely to be uninhabited with "living" happening on the floor below. Accordingly, it is suggested the opportunity for overlooking is effectively minimal both through the times when the bedroom is being used and by the fact that the room's use is effectively limited to the parents.</p>
<p>To ensure that development is sympathetic to and addresses site constraints.</p>	<p>The primary site constraint is the width and size of the site. A logical floor plan has been developed which is commensurate with the size of current dwellings, however this effectively average size dwelling cannot be accommodated within the parameters of the DCP without a variation. It is considered that the proposed solution is sympathetic with existing and anticipated future development.</p> <p>The site is also constrained by a sewer line to the east which has further limited design opportunities nevertheless the design rationale has been developed so that there is a minimal impact on adjoining properties by trying to limit the eastern and western extent of this building .</p>
<p>To encourage split level stepped building solutions on steeply sloping sites.</p>	<p>The site is not steeply sloping, however the design of the house has lowered the garage below existing ground level to further minimise the impact on the street.</p>
<p>To encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.</p>	<p>The proposed building is considered to be more sympathetic to the existing and future development along Coledale Avenue than the existing dwelling. The adjoining residences have limited windows along the common property boundary so there is little opportunity for the visual amenity of residents within these buildings to be affected.</p>
<p>To ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.</p>	<p>The ancillary' structures are the plunge pool and decking area and these will not visually dominate the dwelling</p>
<p>To ensure appropriate correlation between the height and setbacks of ancillary structures.</p>	<p>The height and setback of the deck and plunge pool are considered appropriate for the site.</p>
<p>To encourage positive solar</p>	<p>Sheet 10 of the architectural plans shows a comparison between</p>

access outcomes for dwellings and the associated private open spaces.

the shadow cast by the existing dwelling and the proposed dwelling. In viewing these plans, it is considered that the impact of the proposed development will, overall, have less shadow impact on the adjoining property to the south than the existing dwelling, which is a beneficial outcome.

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

Plate 1 shows an aerial view of Coledale Avenue from the east. It is evident that effectively three storey development along the rear of Coledale Avenue has been approved, which is seen from the public places of the Coledale rock pool and beach area. The approval of this proposal will not create a precedent for the area.

Furthermore, the proposed development has been designed to minimise its impact by lowering the garage floor and by restricting its building envelope. This has resulted in a building which effectively presents to Coledale Avenue as a two storey building. The height of the building from the existing ground level to the top of the third floor is actually 7.89m, which is one metre lower than the 9m permitted in a 2(a) Low Density Residential zone.

On this basis, it is considered that the proposed development has less impact by incorporating a “third” floor, rather than a redevelopment which might result in a less sensitive two storey development.

In addition, given it is the master bedroom which is proposed for the top floor, any impacts on privacy are considered to be minimal as most ‘living’ will occur where the lounge, dining and kitchen spaces are located on the level below.

Plate 1 Aerial view of three storey development along Coledale Ave



Source: Alex Urena Design Studio

The shadow diagrams show the improved solar gain for the adjoining property to the south. It is likely that in the future this site will be redeveloped and if so would more likely support a dwelling which is more in line with newer developments along Coledale Ave. It is also likely that any new or renovated house would extend further to the east and consequently could further improve the solar access to the house. Figures 3 and 4 are of two separate approvals which were granted in 2009 and 1991 respectively for this site. The plans which were submitted, and approved, demonstrate the proposition that future development on the site is likely to extend eastward and consequently would achieve increased solar gain.

Figure 3 Approval at 21 Coledale Avenue D2009/915

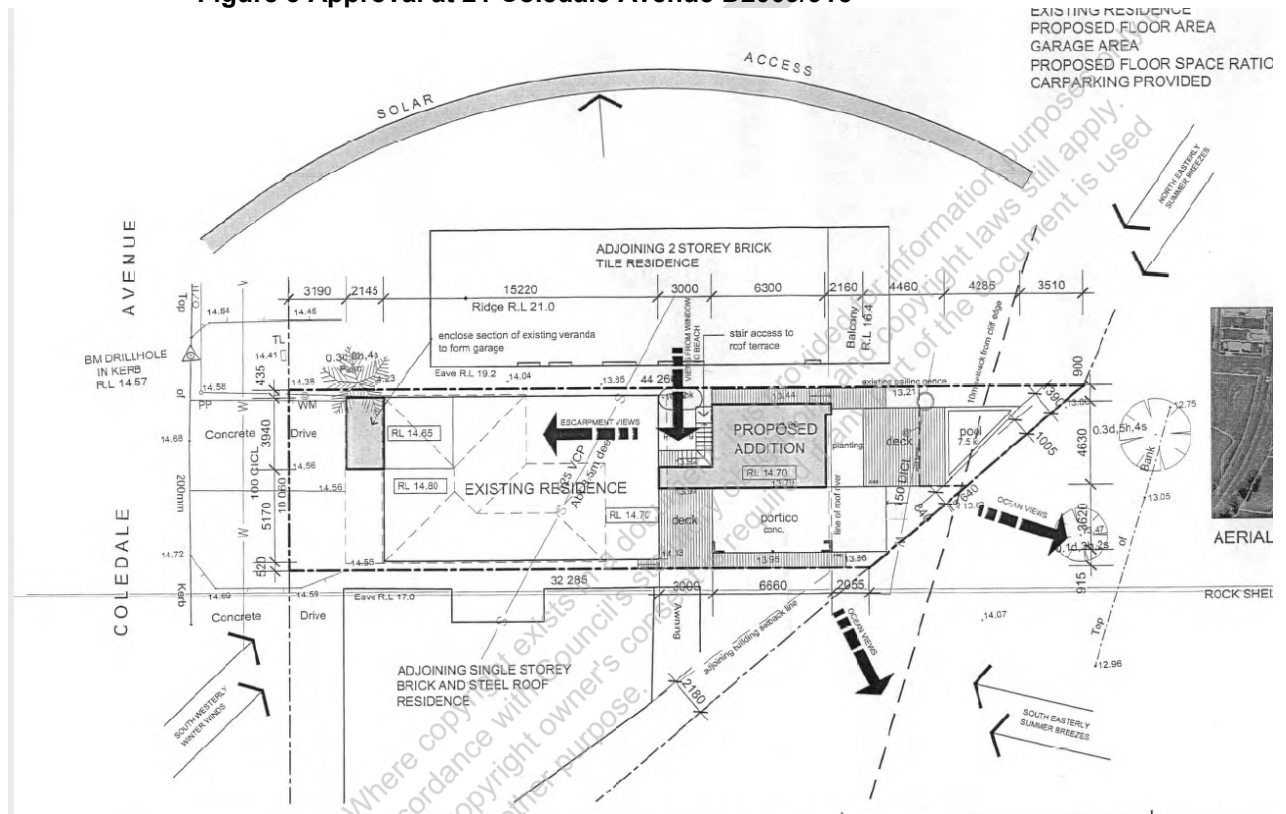
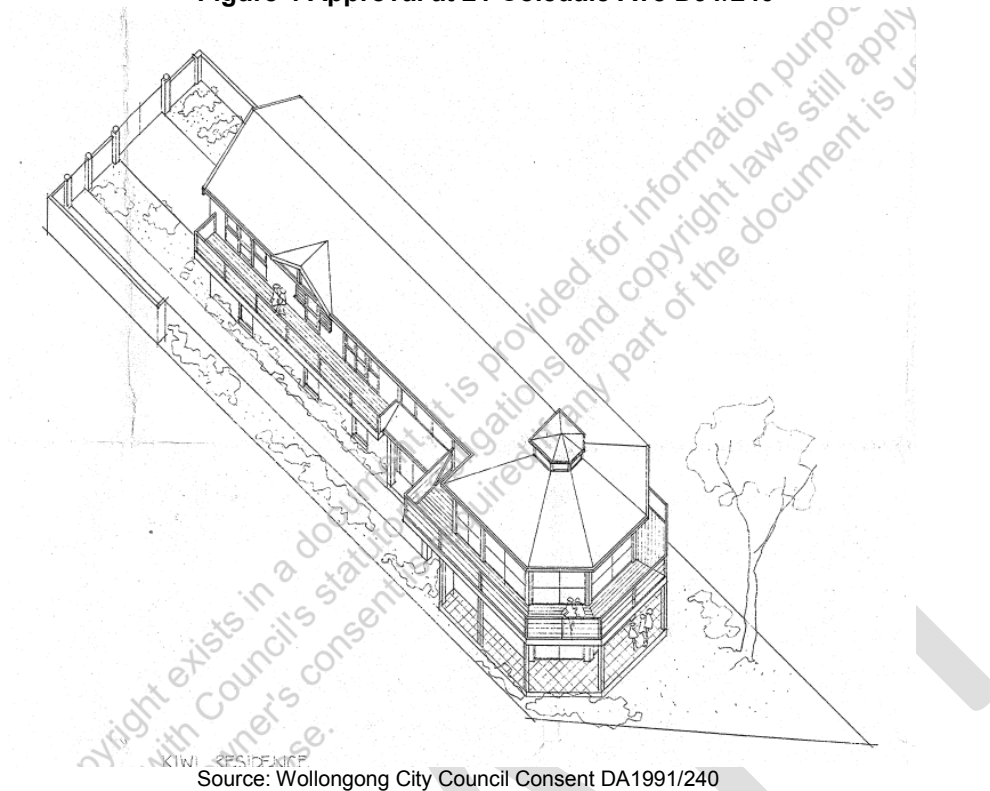


Figure 4 Approval at 21 Coledale Ave D91/240



Source: Wollongong City Council Consent DA1991/240

1.6 Conclusion

The variation is justified in that the proposed development has sought to minimise the overall impact of the development by lowering the garage floor as much as feasible and to set back the top floor from the street scape as much as is practicable. This has resulted in a building which effectively presents as a two storey development to the streetscape as shown in Figure 5 which is a comparison between the existing and proposed impact.

Figure 5 Street Elevation comparison of Dwellings



Source: Alex Urena Architectural Plans



proposed street view

COLEDALE

The use of the top floor as a bedroom means that any perceived impacts of overlooking or privacy are minimal as this is effectively a private space and most living will occur on the floor below where the kitchen, lounge and dining room are located.

The aerial photograph in Plate 1 (above) shows that effectively three storey elements have been approved over time along Coledale

Avenue, consequently a precedent is not created through this variation.

DRAFT

APPENDIX H
Demolition of Existing Dwelling
Construction of a Dwelling
View Sharing
19 Coledale Avenue, Coledale
19111 – May 2019



View Sharing

Demolition of an Existing Dwelling and
Construction of a Dwelling,

19 Coledale Avenue, Coledale

PREPARED FOR

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Figure 1	Footprint of No. 771 Lawrence Hargrave Drive
Figure 2	Comparison of Floor levels between subject site and dwelling opposite

TABLES

Table 1.1	The objectives of view sharing
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1.0 INTRODUCTION

1.1 View Sharing

For a variation to be granted, the matters in Clause 8 of Chapter A1 of Wollongong Development Control Plan (DCP) must be considered.

1. The variation statement must address the following points:

- 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

Chapter 4.16 of the DCP requires consideration of view.

Specifically, clause 4.16.2 (2) (a) states that:

Appropriate siting of the building on the land so as to provide a strip of land, unencumbered with structures, down one side of the dwelling. This strip of land must be a minimum width of 3m or 25% of the lot width whichever is the greater.

To assist in understanding the impact of this view loss, a visual impact assessment is required to assess the following.

This control is the same as is provided in Clause 4.15 of the DCP which also requires the provision of a view corridor for developments along the Coast. This justification also satisfies this requirement.

- a) *Assessment of views likely to be affected.*

The existing dwelling does not provide a view corridor so there is no additional loss in view as a consequence of this proposal.

The views likely to be affected are of the dwelling houses along the western side of Coledale Avenue and most particularly the dwelling at No 771 Lawrence Hargrave Drive (No 771) which is opposite the site.

Some of the dwellings along the western side of Coledale Avenue have been re-developed. These new designs (including No 771) have constructed a double garage along their rear boundary line, with a two storey dwelling behind. The construction of the garage along the rear

boundary significantly impedes the views to the Ocean from the ground level.

Limited views are available for people travelling along Coledale Avenue.

b) Assessment of what part of the property the views are obtained from.

Views are obtained from the west to the east along the northern boundary of the property. Views along the southern boundary are obstructed by a palm tree.

Plate 1 shows the view from ground level outside the house opposite which is (No. 771). Plate 2 shows a closer view available from the front boundary.

Plate 1 – Existing Dwelling from 771 Lawrence Hargrave Drive



Subject
Site

Source: Alex Urena

Plate 2 – Closer view to Ocean from Street



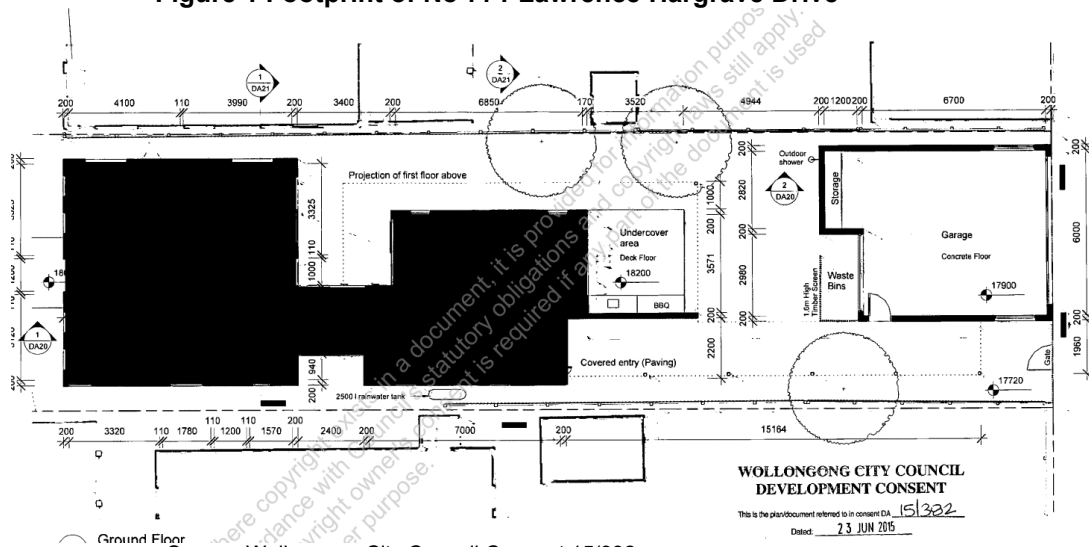
Source: Alex Urena

In redeveloping No. 771 the designer has sought to obtain views by constructing a two storey dwelling behind the garage with the views being obtained from the second storey with garages along the Coledale Street frontage. This trend of having garages along the western side of Coledale Avenue is evident as shown in Plate 3 and it is a reasonable proposition that when other sites are developed along the western side of Coledale Avenue, these living areas will also be elevated to obtain views.

The footprint of No 771 is shown in Figure 1. It is evident from this footprint and Plate 3 that the major views obtained by this dwelling are from the second floor as the garage blocks out the majority of the view at the ground level.

The second floor of the dwelling at No 771 is RL18.950. The floor level where the 3m wide view corridor is proposed has an RL of 18.505 and the top of the parapet is 18.905 RL. This means that views will be available from the second floor of this building to the ocean views beyond, where the prime living areas appear to be.

Figure 1 Footprint of No 771 Lawrence Hargrave Drive



Source: Wollongong City Council Consent 15/332

Plate 3 – No 771 Lawrence Hargrave Drive

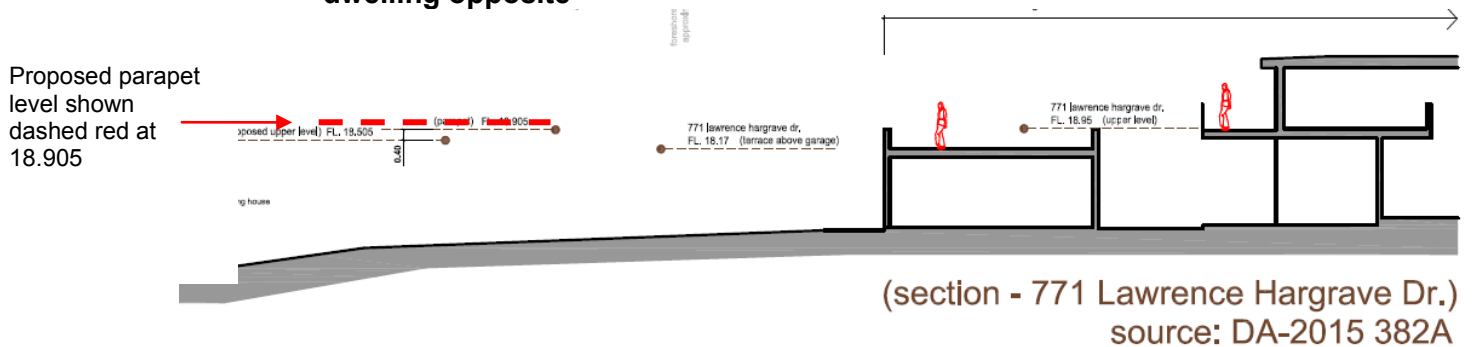


Dwelling
opposite
site - No
771

Source: SitePlus

Figure 2 shows a cross-section showing the relative heights of No. 771 and the subject site.

Figure 2 Comparison of Floor levels between subject site and dwelling opposite



Source: Alex Urena

c) Assessment as to the extent of the potential view loss impact

It is considered that the proposed development will increase the views available particularly from the living areas of No 771.

The single storey dwelling at No 773 has a garage constructed along the rear boundary which would impede visual access to the Ocean.

It is considered there is no additional view loss currently experienced by pedestrians or motorists travelling along Coledale Avenue with the construction of the new development.

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

The proposed development will actually create a view corridor where one does not currently exist. This view corridor is located at an RL of 18.905 where residents opposite will enjoy the benefit of from their second storey living rooms at 18.95 RL.

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

The site has a total width of 10.06m. To comply with this requirement and to provide a 900mm setback on the alternate boundary would mean that the permitted width of the house would be 6.16m. This width would then need to incorporate stairs and circulation space which would effectively reduce the practical living width to 5m. This is obviously very narrow and does not permit a functional dwelling layout by today's standards.

It is also noted that the existing dwelling, or any of the recently constructed dwellings along Coledale Avenue have narrow lots and none of these have been required to comply with this requirement.

Presumably this is because it has been recognised that given the width of these sites, the provision of this view corridor does not allow the construction of a viable dwelling house on the site which would 'fit' the current character of the area.

1.4 Demonstrate how the objectives are met with the proposed variations

The objectives of view sharing are described in Table 1.1.

Table 1.1 The objectives of view sharing

Objective	Comment
Column 1	Column 2
To encourage view sharing from adjoining or nearby properties, public places, and new development.	<p>View sharing is provided for this development above RL 18.905 where it can be functionally sustained in the building design. The main view point which is obtained from this view corridor is from the dwelling opposite (No. 771 Lawrence Hargrave Drive).</p> <p>The approved plans for a recently constructed dwelling at No. 771 has a garage located on the Coledale Avenue frontage and the dwelling behind this garage. The dwelling relies on views over the roof of the garage and has been designed accordingly. The floor level of the second storey at No. 771 is 18.95 and the parapet of the subject site is 18.905 , consequently residents from this dwelling will be able to enjoy views which were previously unavailable.</p> <p>The other houses along the western side of Coledale Avenue which are elevated above the garage also have some benefit of this view corridor.</p> <p>There are no view corridors provided by either adjoining dwelling or recently approved proposals along Coledale Avenue.</p>
To protect and enhance significant view corridors from public places.	<p>The 'public place' from which the view is obtained is Coledale Avenue, which is a cul-de-sac. The street in this context is likely to afford glimpses of views as residents travel to their respective homes. As the site is located toward the end of the street, the likelihood of this being a significant view for the majority of residents is unlikely.</p> <p>Significantly, the view which is available at the southern end of the cul-de-sac dominates the viewer's attention because it provides sweeping views to the south over Coledale beach . This view is shown in Plate 7 below and in the context of this dominating and significant view is available, any view corridor through the subject site realistically diminishes in significance by comparison.</p> <p>This proposal has no impact on this sweeping view (over land zoned RE1) at the southern end of this Avenue. It is likely that people looking at this site would be viewing it to appreciate its architecture rather than seeking a view to the Ocean beyond.</p> <p>It is considered that the people who are enjoying views of the escarpment from the beach area will not be impacted by the construction of this house.</p>
To encourage the siting and	The public area, as stated previously, is from the street and

design of new buildings which open up significant views from public areas.

consequently people will be travelling along the street rather than looking for an opportunity of repose.

The design of the building has opened up a view corridor which can be functionally used by the residents at No. 771.

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

The existing building does not provide the required view corridor to the Ocean and as it has been built essentially for the full width of the site so any views are limited. The proposed development includes a view corridor which will be of benefit particularly to the residents opposite the site. This is because the proposed development effectively removes about a quarter of this roof line which allows views to the ocean above a RL of 18.905. This means that rooms on the second floor from the dwelling opposite (which have a finished floor level of RL18.95) have better views of the Ocean.

The provision of a view corridor on the ground level has minimal benefit as any views front houses opposite are obscured by the construction of garages along their rear boundaries.

1.6 Justification for Variation

There are no view corridors provided by the existing dwelling. The views available to the Ocean from the street are of the ocean and the horizon. More expansive views of the Ocean will be available when the proposed dwelling is constructed through the provision of this view corridor where site lines are available above RL18.905. This is of primary benefit to the residents at No. 771 with some benefit to the residents to the south. If the property to the north of No. 771 is redeveloped reflecting a similar style of construction by having living areas on the second floor, then it is likely that the residents of this property would also benefit from the proposed view corridor.

The view corridor which is made available to the residents of 771 is significantly greater than is currently available. The provision of a view corridor at ground level is of little benefit as a newly constructed garage impedes any view.

A comparison of views available is shown in Plates 4 – 6 show the views created by the proposed dwelling and those obscured by the existing dwelling. It is evident from these Plates that a significant benefit is now available to these residents along the western side of Coledale Avenue.

Plate 4 – View Directly Opposite



Source: Alex Urena

Plate 5 View Looking South East



Source: Alex Urena

Plate 6 View Looking North East



Source: Alex Urena

It is also evident from being on site that the dominant view is that at the end of the cul-de-sac which has sweeping views of Coledale Beach and the coastline south. It is considered that the availability of this view dominates any viewing by the public in the street and that any other view corridors are essentially secondary in nature in comparison with this view.

Plate 7 View from Coledale Ave Cul de sac



Source : Google Maps

Attachment 6 - Schedule of FSR exceedances in Coledale Avenue

Coledale Avenue FSR Street Comparative Table									
Application No	Address	Type	Date approved	Approved by	FSR	Zone	Other variations	Miscellaneous	
DA-2010/1487	1 Coledale Avenue, Coledale	New dwelling - Two storey residential dwelling-house and demolition of existing dwelling-house	27/01/2011	IHAP	0.45:1	E4	Existing FSR 0.60:1	LEP2009	
DA-2005/1512	3 Coledale Avenue, Coledale	Alterations and additions	2/03/2006	Council	0.76:1	E4			
DA-2009/1619	5 Coledale Avenue, Coledale	Alterations and additions	18/05/2010	Delegated Authority	0.68:1	E4	Existing FSR 0.66:1	Mod DA-2009/1619/A. Approved 29 November 2010. Alteration to roof line and relocation of windows and doors. LEP 1990	
	7 Coledale Avenue, Coledale	No records in electronic system		Unknown		E4			
DA-2014/1473	9 Coledale Avenue, Coledale	Demolition of existing dwelling and construct new dwelling house with attached secondary dwelling	23/12/2015	LEC	0.67:1	E4		Bulk, overshadowing, solar, street character	
DA-1997/528	11 Coledale Avenue, Coledale	Dwelling	10/12/1997	Assumed delegated authority	0.54:1	E4			
DA-2005/1867	13 Coledale Avenue, Coledale	Dwelling	8/06/2006	Council	0.64:1	E4	FSR & Height	Councillors involved in meeting with objectors and outcomes Modification A & B	
DA-2001/2190	15 Coledale Avenue, Coledale	Tri level dwelling	30/07/2002	Council	0.58:1	E4	Height	Council	
DA-2001/2193	17 Coledale Avenue, Coledale		23/07/2002	Council	0.44:1	E4			
BA-1974/1440	19 Coledale Avenue, Coledale	Dwelling and garage	5/07/1974	Unknown	Unknown	E4		FSR calculated from old plans not included additional large garage.	
DA-2009/915	21 Coledale Avenue, Coledale	Alteration and additions	27/11/2009	IHAP	0.40:1	E4		LEP 2009	

ATTACHMENT 7: CONDITIONS

Approved Plans and Specifications

- 1 The development shall be implemented substantially in accordance with the details and specifications set out on Drawing sheet 11-0 dated May 2019 and 04-3 to 06-3, 10-3 and 12-3 to 17-3 dated July 2019 prepared by Alex Urena Design Studio Pty Ltd and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

- 2 **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.
- 3 **Construction Certificate**
A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

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

Note: The certifying authority must cause notice of its determination to be given to the consent authority, and to the council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in clause 142 (2) of the Environmental Planning and Assessment Regulation 2000.
- 4 **Occupation Certificate**
An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority 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 15 April 2019 and supplementary letter dated 31 May 2019 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 dwelling and pool to be founded on the sandstone bedrock and for the retaining walls 2m within the underlying sandstone bedrock as recommended by the geotechnical consultant.
 - c A generic design for the pool is not appropriate for this site. A site specific concrete design is required for geotechnical constraints such as lateral earth pressures which can affect the integrity of the structure. The structural designer of the pool needs to make reference to the site geotechnical constraints as described in the geotechnical report.
 - d All surface water from the pool surrounds should be piped away from the site.
 - e A subsoil drain needs to be installed under the pool with gravity outlet to maintain equilibrium soil moisture conditions.
 - f All stormwater and wastewater is to be taken away from the building envelope by means as recommended by the geotechnical consultant. There is to be no in-ground absorption.
 - g 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.

Prior to the Issue of the Construction Certificate

6 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 Certifying Authority 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.

7 Gradients of Ramps and Driveways as per AS 2890.1

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

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

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

9 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 to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate. The retaining walls shall be designed by a suitably qualified and experienced civil and/or structural engineer. 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 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 and footing structure must be contained wholly within the subject property;
- e The proposed method of subsurface and surface drainage, including water disposal;
- f Reinforcing and joining details of any bend in the wall at the passing bay of the accessway;
- g The assumed loading used by the engineer for the wall design.
- h 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.

10 Stormwater Drainage Design

A detailed drainage design for the development must be submitted to and approved by the Principal Certifying Authority 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.
- b Include details of the method of stormwater disposal. All stormwater from the development, including driveway areas and garage lower ground level, must be piped to a transpiration system at the rear.

- c 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.
- d 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.

11 Council Footpath Reserve Works – Driveways and Crossings

All redundant vehicular crossings and laybacks rendered unnecessary by this development must be reconstructed to normal kerb and gutter or existing edge of carriageway treatment to match the existing. The verge from the back of kerb to the boundary must be removed and the area appropriately graded, topsoiled and turfed in a manner that conforms with adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards. All alterations of public infrastructure where necessary are at the developer's expense.

All new driveway laybacks and driveway crossings must be designed in accordance with Wollongong City Council Standards. Details and locations are to be shown on the Construction Certificate Plans.

12 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.

13 Stormwater Disposal System

All stormwater from the development shall be discharged to a suitable transpiration system located a minimum of 3 metres from all side property boundaries, not including that to adjoining public reserve. The system shall be designed by a suitably qualified engineer in accordance with Council's 'Domestic Stormwater Drainage Systems' fact sheet. All overflow from the system shall be orientated parallel to the contours of the land to ensure the stormwater discharge will be dispersed in a way that replicates natural overland flow. These requirements shall be reflected on the Construction Certificate plans.

14 Pump System

A pump system shall be provided in association with the detailed drainage design for the site to cater for stormwater from a prolonged/extreme storm event entering the garage and lower ground level. Water extracted from the garage level must be pumped to a pit inside the property boundary and then gravity fed to the level spreader outlet. The pump system shall be designed by a suitably qualified and experienced civil engineer and reflected on the Construction Certificate plans and supporting documentation.

15 Basement Waterproofing

Full engineering details of the proposed wall around the garage shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. These shall include construction details indicating that no ingress of stormwater is possible into the lower ground level other than from sub-soil drainage, vehicle wash water and runoff from the driveway. This applies to any proposed openings such as doors, ventilation or access stairways.

16 **Low Reflective External Finishes**

To ensure the development is compatible with the surrounding environment, colours and finishes are to be muted tones and of low reflective qualities. In this regard, bright colours are not permissible. This requirement is to be reflected on the Construction Certificate plans.

17 **Obscure Glazing for all Bathroom and WC Windows**

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

18 **Schedule of External Building Materials/Finishes**

The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) together with a sample board and an A4 or A3 sized photograph of the sample board shall be submitted for the separate approval of the Principal Certifying Authority, prior to the release of the Construction Certificate.

19 **Structures Adjacent to Driveway**

Any proposed structures adjacent to the driveway shall comply with the requirements of the current relevant Australian Standard AS2890.1 (figure 3.2 and 3.3) to provide for adequate pedestrian and vehicle sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

20 **Fixed screening**

Fixed screening minimum 1800 mm high shall extend the entire width of the upper rear balcony on the southern elevation. This screening shall be retained and maintained for the life of the development. This requirement is to be reflected on the Construction Certificate plans.

21 **Contributions**

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979 and the Wollongong City-Wide Development Contributions Plan (2018), a monetary contribution of \$15,000.00 (subject to indexation) must be paid to Council towards the provision of public amenities and services, prior to the release of any associated Construction Certificate.

This amount has been calculated based on the estimated cost of development and the applicable percentage rate.

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

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

Where:

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

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

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

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

The following payment methods are available:

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 1122893	• Credit Card
In Person	Wollongong City Council Administration Building - Customer Service Centre Ground Floor 41 Burelli Street, WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE BANK CHEQUE PAYABLE TO: Wollongong City Council		

A copy of the Wollongong City-Wide Development Contributions Plan (2018) and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

Prior to the Commencement of Works

22 Appointment of Principal Certifying Authority

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

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

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

23 Residential Building Work – Compliance with the Requirements of the Home Building Act 1989

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

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

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

24 Sign – Supervisor Contact Details

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

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

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

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 Certifying Authority, 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 Certifying Authority. No building work is to commence until the fence is erected.

28 **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.

29 **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.

30 **Tree Protection**

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

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

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

31 **Works in Road Reserve - Minor Works**

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

The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, five (5) days prior to the works within the road reserve are intended to

commence. The Applicant is responsible for the restoration of all Council assets within the road reserve which are impacted by the works/occupation. Restoration must be in accordance with the following requirements:

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

32 **Survey Report – Siting of Development within Property Boundaries**

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifying Authority to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of works.

33 **Support for Neighbouring Buildings**

This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

34 **Dilapidation Report**

The developer shall submit a Dilapidation Report recording the condition of the adjoining properties prior to work commencing and include a detailed description of elements and photographic record.

35 **Demolition Works**

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

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. 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.

36 **Demolition Notification to Surrounding Residents**

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

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

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

During Demolition, Excavation or Construction

38 **Restricted Hours of Construction Work**

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

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

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

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

39 **Excavation/Filling/Retaining Wall Structures**

Any proposed filling on the site must not:

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

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

41 **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.

42 **BASIX**

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

A relevant BASIX Certificate means:

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

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

All stormwater runoff for the land must be piped to a level spreader at the rear.

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

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.

45 **Survey Report for Floor and Levels**

A Survey Report must be submitted to the Principal Certifying Authority verifying that each floor and ridge level accords with the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

- 46 Drains, gutters, access ways and roadways must be maintained free of sediment and any other material.
- 47 The building site must be kept free of rubbish at all times. All refuse capable of being wind blown must be kept in a suitable waste container.
- 48 All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.
- 49 Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.
- 50 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by a Licensed Asbestos Removalist**
The removal of any asbestos material must be carried out by a licensed asbestos removalist if over 10 square metres in area of non-friable asbestos, or if any type of friable asbestos in strict accordance with SafeWork NSW requirements (<http://www.safework.nsw.gov.au>).
- 51 **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 Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.
- 52 **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.
- 53 **Excess Excavated Material – Disposal**
Excess excavated material shall be classified according to the NSW Environment Protection Authority's Waste Classification Guidelines – Part 1: Classifying Waste (2014) prior to being transported from the site and shall be disposed of only at a location that may lawfully receive that waste.
- 54 **Reserve Access**
No access through the reserve to the site or storage of equipment or materials in the reserve is permitted during demolition or construction.

Prior to the Issue of the Occupation Certificate

- 55 **BASIX**
A final occupation certificate must not be issued unless accompanied by the BASIX Certificate applicable to the development. The Principal Certifying Authority must not issue the final occupation certificate unless satisfied that selected commitments have been complied with as

specified in the relevant BASIX Certificate. NOTE: Clause 154B of the Environmental Planning and Assessment Regulation 2000 provides for independent verification of compliance in relation to certain BASIX commitments.

56 **Drainage**

The developer must obtain a certificate of Hydraulic Compliance (using Council's M19 form) from a suitably qualified civil engineer, to confirm that all stormwater drainage works have been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans and certification must satisfy all the stormwater requirements stated in Chapter E14 of the Wollongong DCP2009. This information must be submitted to the Principal Certifying Authority prior to the issue of the final Occupation Certificate.

57 **Retaining Wall Certification**

The submission of a certificate from a suitably qualified and experienced structural engineer or civil engineer to the Principal Certifying Authority 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 Certifying Authority.

58 **Level Spreader Certification**

The submission of a certificate from a suitably qualified and experienced civil engineer to the Principal Certifying Authority is required, prior to the issue of the Occupation Certificate or commencement of the use. This certification is required to verify that the level spreader stormwater disposal system has been constructed in accordance with the Construction Certificate plans approved by the Principal Certifying Authority.

59 **Site Facilities**

Site facilities, such as air-conditioning units, satellite dishes and other ancillary structures are to be adequately setback from neighbouring properties, located away from the street frontage and not in a place where they are a skyline feature. The house number must be displayed in a prominent position and the mailbox installed in accordance with Australia Post Guidelines. Site addressing shall comply with Council's **Property Addressing Policy** (as amended).

60 **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.