

# Wollongong Local Planning Panel Assessment Report | 7 May 2024

<b>WLPP No.</b>	Item No. 2
<b>DA No.</b>	DA-2023/976
<b>Proposal</b>	Residential - demolition of existing dwelling, garage, decking, stairs and hardstand areas and construction of dwelling
<b>Property</b>	63 Lawrence Hargrave Drive, Austinmer NSW 2515
<b>Applicant</b>	House of Planning
<b>Responsible Team</b>	Development Assessment & Certification Team - Building and Certification Team (DA)
<b>Date accepted by Council</b>	12 December 2023

## ASSESSMENT REPORT AND RECOMMENDATION

### Executive Summary

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#### Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to the Wollongong Local Planning Panel (WLPP) for **determination** pursuant to Clause 3, Schedule 2 of the Local Planning Panels Direction for departure to Clause 4.4 Floor Space Ratio in Wollongong Local Environmental Plan (WLEP) 2009 by more than 10%. The proposal seeks a departure of 41%.

#### Proposal

The proposal is for the demolition of existing dwelling and structures and construction of a dwelling house.

#### Permissibility

The site is zoned R2 Low Density Residential pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a dwelling house and is permissible in the zone with Development Consent.

#### Exhibition

The application was notified in accordance with the Wollongong Community Participation Plan 2019 and received two (2) submissions in support of the application. The submissions are discussed at section 1.5 of this report.

#### Consultation

The Development Application required the following internal referral:

- Geotechnical Division

The referral has been completed and conditions have been recommended.

#### Main Issues

The main issues arising from the assessment process are:

- Floor space ratio – departure from Clause 4.4 of WLEP 2009
- Extent of excavation for sub-floor space

#### Recommendation

It is recommended that DA-2023/976 be refused for the reasons detailed in Attachment 5.

## 1 APPLICATION OVERVIEW

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### 1.1 PLANNING CONTROLS

The following planning instruments and policies apply to the development:

State Environmental Planning Policies (SEPP):

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

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (WLEP) 2009

Development Control Plans:

- Wollongong Development Control Plan 2009

Development Contribution Plans:

- WOLLONGONG CITY-WIDE DEVELOPMENT CONTRIBUTIONS PLAN

### 1.2 PROPOSAL

The proposal is for the demolition of existing dwelling, garage, decking, stairs and hardstand areas and construction of dwelling.

### 1.3 BACKGROUND

Application No.	Description	Determination Date	Decision
DA-2022/363	Residential - alterations to existing dual occupancy dwelling including fire safety upgrade	21/07/2022/10/1966	Approved

No pre-lodgement meeting was undertaken with Council prior to the lodgement of the subject application.

#### **Application History**

The subject development application, DA-2023/976, was lodged on 12 December 2023 and proposed 'Residential - demolition of existing dwelling, garage, decking, stairs and hardstand areas and construction of dwelling'. The application was on notification between 18/12/2023 to 23/01/2024.

The application seeks a 41% variation departure from the Floor Space Ratio development standard. A request for additional information requesting the gross floor area be reduced and the sub-floor area be removed to minimise the excavation required.

Amended plans were received in response to this request. However, no changes were made to the gross floor area of the development and the sub-floor area had not been removed.

#### **1.4 SITE DESCRIPTION**

The site is located at Lot 69 DP 9233, 63 Lawrence Hargrave Drive, Austinmer NSW 2515. It is prominently located on the Austinmer Coast and is on the opposite side of Little Austinmer Lane to Little Austinmer Beach.

The subject site is located on the east side of Lawrence Hargrave Drive and has a secondary frontage to Little Austinmer Lane on its western side. It currently contains an existing split level dual occupancy and a detached garage. The site is an irregular shape, has an area of 396m<sup>2</sup>, and a frontage of 15.2m to Lawrence Hargrave Drive and 17.7m to Little Austinmer Lane.

The streetscape in the immediate vicinity is characterised by low density residential development of single and two (2) storey construction. Adjoining development consists of a two (2) storey dwelling to the south and a two (2) storey dwelling to the north.

#### **Property constraints**

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

- Acid Sulfate Soils - Class 5
- Coastal Hazard - Geotechnical risk

#### **Easements**

The site is not burdened by any easements.

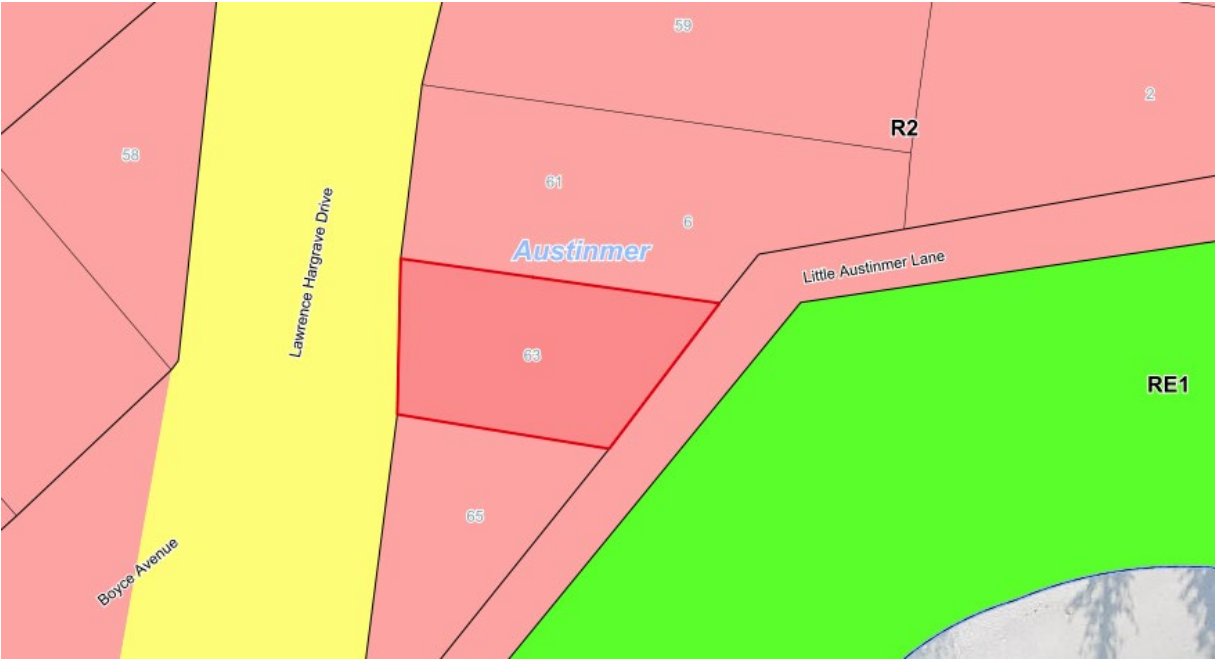
#### **88b Restrictions**

The site is not burdened by any 88b restrictions.

Figure 1: Aerial Image of site and surrounding development



Figure 1: WLEP 2009 zoning map



## 1.5 SUBMISSIONS

The Development Application was exhibited in accordance with WDCP2009 Appendix 1: Public Notification and Advertising. Two (2) were received in response to Council's exhibition of the application. Both these submissions were in support of the proposed development.

## 1.6 CONSULTATION

### 1.6.1 INTERNAL CONSULTATION

Department	Response
Geotechnical	Council's Geotechnical Officer has assessed the application submission and provided conditionally satisfactory advice. See Attachment 6 for referral assessment and recommended conditions.

### 1.6.1 EXTERNAL CONSULTATION

Not applicable

## 2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - SECTION 4.15 ASSESSMENT

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### MATTERS FOR CONSIDERATION - GENERAL

In determining this application, a consent authority is to take into consideration the following matters as are of relevance to the assessment of the development application. These matters are discussed within this report.

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

#### 2.1.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 Chapter 2 Coastal Management

##### 2.1 Aims of Policy

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

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

##### Division 1 Coastal wetlands and littoral rainforests area

2.7 Development on certain land within coastal wetlands and littoral rainforests area

2.8 Development on land in proximity to coastal wetlands or littoral rainforest

##### Division 2 Coastal vulnerability area

2.9 Development on land within the coastal vulnerability area

##### Division 3 Coastal environment area

2.10 Development on land within the coastal environment area

#### Division 4 Coastal use area

##### 2.11 Development on land within the coastal use area

#### Division 5 General

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

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

A geotechnical report was submitted with the application. Council's Geotechnical Officer has assessed the application submission and provided conditionally satisfactory advice.

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

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

See NSW Coastal Management Amendment Act 2021 and Wollongong Coastal Zone Management Plan assessment below.

##### 2.14 Other development controls not affected

Subject to section 2.5, for the avoidance of doubt, nothing in this Part—

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

See NSW Coastal Management Amendment Act 2021 and Wollongong Coastal Zone Management Plan assessment below.

##### 2.15 Hierarchy of development controls if overlapping

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

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

See NSW Coastal Management Amendment Act 2021 and Wollongong Coastal Zone Management Plan assessment below.

## **Assessment**

A review of the SEPP's mapping extents identifies the subject site as being located within the coastal environmental area.

### **NSW Coastal Management Amendment Act 2021 and Wollongong Coastal Zone Management Plan**

On 30 October 2017, Council endorsed the final draft of the Wollongong Coastal Zone Management Plan for resubmission to the NSW Minister for Environment for certification. The draft Plan was certified on 20 December 2017.

At the Council meeting of 19 February 2018, Council resolved that the certified final draft be adopted. Council's Notice was published in the NSW Gazette No 25 of 9 March 2018 and a community briefing on the implications arising from Council adopting and gazetting the plan have been undertaken.

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 31 December 2021.

The Coastal Management Amendment Act 2021 commenced on 1 November 2021, to give coastal councils until 31 December 2023 to implement their CZMPs. By effect this enables a continuation of the current certified CZMP whilst Council undertakes further studies and community consultation for a transition to a new Coastal Management Plan.

Minimal adverse impact on the coastal environment is anticipated as a result of the proposed development.

Minimal adverse impacts on the development are expected as a result of coastal processes

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

## **Chapter 4 Remediation of Land**

### **4.6 Contamination and remediation to be considered in determining development application**

A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. The proposal includes a bulk excavation into the existing slope of the site to facilitate a sub-floor area. The proposal does not comprise a change of use. No concerns are raised in regard to contamination.

#### **2.1.2 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022**

SEPP (SUSTAINABLE BUILDINGS) BASIX applies to the development.

In accordance with the EP&A Regulations and SEPP (SUSTAINABLE BUILDINGS) 2022 a BASIX Certificate (1395272S\_03) has been submitted in support of the application demonstrating that the proposed scheme achieves the BASIX targets.

The aforementioned certificate is dated no earlier than 3 months of the lodgement of this application.

#### **2.1.3 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021**

Whilst the subject site has frontage to Lawrence Hargrave Drive, it is accessed from Little Austinmer Street which is a local road. There are no proposed works within the road reserve of Lawrence Hargrave Drive. Accordingly, there will be no impact on Lawrence Hargrave Drive as a result of the proposal.

## 2.1.4 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

### Chapter 4 Koala Habitat Protection 2021

The Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

#### Assessment

This Chapter of the SEPP only applies to development applications considered by councils on land over 1 hectare in size or on land if it is included in an approved council Koala Plan of Management. The lot size is less than one hectare and Council does not have an approved Koala Plan of Management for the land at the time of preparing this report. As such, no further consideration of this SEPP is required.

## 2.1.5 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

### Part 1 Preliminary

#### Clause 1.4 Definitions

**dwelling house** means a building containing only one dwelling.

**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.

### Part 2 Permitted or prohibited development

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

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

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

The objectives of the zone are as follows:

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

The proposal is generally satisfactory with regard to the above objectives in that it would provide for the housing needs of the community within a low density residential environment. However, due to the exceedance of the maximum permissible FSR applicable to the site, the application is not supported.

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

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

A dwelling house is permissible in the zone with development consent.



**Part 3 Principal Development Standards**

Clause 4.3 - Height of Buildings

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

Clause 4.4 - Floor Space Ratio

Maximum FSR permitted for the zone: 0.50:1  
 GFA: 279.2  
 FSR calculated: 279.2/396= 0.705:1  
 Exceeds 0.50:1 by 41%

The maximum floor space ratio for the zone is 0.5:1. The proposal exceeds the maximum permitted FSR having 0.705:1. The proposed development results in 41 % (81.2m<sup>2</sup>) departure to the development standard under WLEP 2009. The departure to the development standard is not capable of support and regarded as unacceptable.

Clause 4.6 Exceptions to development standards

The subject development application seeks an exception to the floor space ratio development standard. A Clause 4.6 Statement has been submitted addressing the exception. Council’s consideration of the exception is provided below:

WLEP 2009 clause 4.6 proposed development departure assessment	
Development Departure	Clause 4.4 Floor space ratio 0.5:1 The proposal has a FSR of 0.705:1
Is the planning control in question a development standard?	Yes
4.6(3) Written request submitted by an applicant contains a justification:	
(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and	The applicant submitted documentation which was not supported as detailed below under 4.6(4). The applicant’s submission to development departure is within Attachment 3.
(b) That there are sufficient environmental planning grounds to justify contravening the development standard.	No, there are not sufficient environmental planning grounds to justify contravening the development standard. It has been requested that Council consider the following justifications: <ul style="list-style-type: none"> <li>• <i>The noncompliance is largely due the irregular shape and small size of the allotment.</i></li> <li>• <i>The noncompliance produces inconsequential impacts on site and off site, with the additional bulk located at the rear, away from the view from the primary street frontage.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>The additional gross floor area within the dwelling does not compromise compliance with the height control. The small exceedance in gross floor area does not impact on privacy, overlooking or overshadowing of the surrounding dwellings.</i></li> <li>• <i>The noncompliance facilitates more functional habitable spaces and overall increases the residential yield of the site, providing a good outcome for housing stock and diversity.</i></li> <li>• <i>There is precedence in the immediate area to justify the additional FSR. Characteristically, dwellings located along LHD commonly contain non-compliant setbacks, additional storeys and moderately increased FSRs given the steepness and shape of lots.</i></li> </ul>
<p>4.6 (4) The consent authority must keep a record of its assessment carried out under subclause (3).</p>	
<p>i. the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and</p>	<p>The applicant's written request is considered not to have adequately addressed the matters required to be demonstrated by (3).</p>
<p>ii. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p>	<p>The proposed development is not considered to be in the public interest, as the proposed development is not consistent with the objectives of Clause 4.4 of WLEP2009.</p> <p>The objectives of clause 4.4 are as per the following:</p> <p><i>(a) to provide an appropriate correlation between the size of a site and the extent of any development on that site,</i></p> <p><i>(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,</i></p> <p><i>(c) to ensure buildings are compatible with the bulk and scale of the locality.</i></p> <p>The proposal is inconsistent with these objectives, as the proposal is not considered to provide an appropriate correlation between the size of the site and the extent of the proposed development on the site, and also that the proposed development is not compatible with the bulk and scale of the locality.</p> <p>The design is not an anticipated outcome on a site of this nature. It results in excessive cut to accommodate 3 levels within the height plane.</p> <p>The subject site, having a site area of 396m<sup>2</sup>, allows for a maximum permissible gross floor area of 198m<sup>2</sup>,</p>

	<p>excluding an additional 36m<sup>2</sup> for providing required car parking facilities in accordance with Clause 4.10 of Chapter B1 of Council's DCP2009.</p> <p>The additional 81.2m<sup>2</sup> above the development standard is not designed with an efficient use of gross floor area and there has been no attempt to minimise the variation to the development standard.</p> <p>The design consists of a three-storey dwelling house with the third storey having a floor area of 49.1m<sup>2</sup>.</p> <p>The design includes 31.6m<sup>2</sup> of a subfloor storage space included in the calculation of gross floor area. This area does not meet the definition of basement storage in accordance with the WLEP 2009.</p> <p>It has been determined that areas of the sub-floor storage where the existing ground level to be excavated is less than 12.4m AHD is included as gross floor area, as this ground level is greater than 1 metre below the floor level of the storey above, being 13.4m AHD. See attachment 4 showing area of sub-floor included in gross floor area.</p> <p>Additionally, the four (4) bedrooms all have an associated ensuite and three (3) bedrooms have a walk-in robe space. This is considered to be an excessive provision of facilities and services to meet the day to day needs for residents of a single dwelling.</p> <p>The objectives of the R2 zone are:</p> <ul style="list-style-type: none"> <li>• <i>To provide for the housing needs of the community within a low density residential environment.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i></li> </ul> <p>The development is consistent with the above objectives, as outlined below:</p> <ul style="list-style-type: none"> <li>• The proposed development is for a single residential dwelling</li> <li>• The development is suitably located with regard to public transport, schools and recreation areas, all located within walking distance from the site.</li> </ul>
(b) the concurrence of the Secretary has been obtained.	The WLPP can assume the Secretary's concurrence as the consent authority.

**Part 7 Local Provisions - General**

**Clause 7.1 - Public Utility Infrastructure**

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

### Clause 7.5 Acid Sulfate Soil

The proposal is identified as being affected by Class 5 acid sulfate soils. The geotechnical report submitted with the application indicates the construction of the dwelling is not likely to acid sulfate soils. An acid sulfate soils management plan is not required.

### Clause 7.6 Earthworks

The proposed earthworks are considered to comply with the objectives of this clause subject to conditions of any consent.

### Clause 7.7 Foreshore Building Line

Property is not impacted by this provision.

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

N/A

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

### 2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

#### CHAPTER A1 - INTRODUCTION

The development has been assessed against the relevant chapters of WDCP2009. The proposed development includes on three (3) variations to Chapter B1 – Residential Development, which are addressed below:

#### 8 Variations to development controls in the DCP

##### Clause 4.1 – Maximum Number of Storeys

Control	Comment
The variation statement must address the following points:	
a) The control being varied; and	The control being varied is Clause 4.1 of Chapter B1 of Council's DCP2009, which requires a maximum of two (2) storeys within an R2 Low Density Residential Zone.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	The extent of the variation being sought is demonstrated on the proposed plans. The proposed dwelling house proposed consists of three (3) storeys. The unique circumstances as to why the variation is requested relates to the topography of the site and existing surrounding development.
c) Demonstrate how the objectives are met with the proposed variations; and	The objectives of the control are as follows. <i>a) to encourage buildings which integrate within the streetscape and the natural setting whilst maintaining the visual amenity of the area.</i> With context to the site area, the dwelling has a floor space ratio well beyond expected planning outcome for the site and will result in an undesirable outcome in the locality. The proposed third storey contributes to an increase in gross floor area of 49.1m <sup>2</sup> .

	<p><i>b) to minimise the potential for overlooking on adjacent dwellings and open space areas.</i></p> <p>The site has a dual road frontage and reasonable side setbacks are provided with privacy screening to balconies.</p> <p><i>c) to ensure that development is sympathetic to and addresses site constraints.</i></p> <p>The development is not sympathetic and does not address the site constraints. The site is constrained by the land size of 396m<sup>2</sup>. The floor space ratio is well beyond expected planning outcome for the site and will result in an undesirable outcome in the locality.</p> <p><i>d) to encourage split level stepped building solutions on steeply sloping sites.</i></p> <p>The excavation to facilitate the sub-floor area is not consistent with a split-level stepped building solution.</p> <p><i>e) to encourage a built form of dwellings that does not have negative impact on the visual amenity of the adjoining residences.</i></p> <p>There will be no impact to visual amenity of neighbouring dwellings.</p> <p><i>f) to ensure ancillary structures have appropriate scale and are not visually dominant compared to the dwelling.</i></p> <p>No ancillary structures proposed.</p> <p><i>g) To ensure appropriate correlation between the height and setbacks of ancillary structures.</i></p> <p>No ancillary structures proposed.</p> <p><i>h) to encourage positive solar access outcomes for dwellings and the associated private open spaces.</i></p> <p>The proposed dwelling is complies with the solar access development controls.</p> <p><u>Council comment:</u></p> <p>The proposed third storey contributes to an increase in gross floor area of 49.1m<sup>2</sup>, Council considers that the variation meets the does not objectives of this clause when considered in context of site area and the floor space well beyond the development standard. The removal of the third storey would still result in the dwelling having requiring a variation to FSR.</p>
<p>d) Demonstrate that the development will not have additional impacts as a result of the variation.</p>	<p><u>Council comment:</u></p> <p>The development is considered to result in adverse impacts as a result of the variation.</p>
<p>Comment:</p> <p>The variation is not considered capable of support when considered in context of site area and floor space well beyond the development standard.</p>	

**Clause 4.2 – Front Setbacks**

Control	Comment
The variation statement must address the following points:	
a) The control being varied; and	The control being varied is Clause 4.2 of Chapter B1 of Council’s DCP2009, which required infill development sites to have a minimum setback of 6m from the front property boundary.
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation to the 6m requirement being sought is demonstrated on the proposed plans.</p> <p>The site has a dual frontage to both Lawrence Hargrave Dr and Little Austinmer Ln.</p> <p>The proposed front building line setback to Lawrence Hargrave Dr is 3.44 metres.</p> <p>The proposed front building line setback to Little Austinmer Ln is 4.3 metres.</p> <p>The unique circumstances as to why the variation is requested relate to the irregular shape of the lot, front setback of existing structures on the site and building line precedence of surrounding development.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows.</p> <p><i>a) to reinforce the existing character of the street and locality by acknowledging building setbacks.</i></p> <p>The existing character of the street has been adhered to in the proposed dwellings siting. The proposed setback is in line with existing dwellings fronting Lawrence Hargrave Drive in the vicinity.</p> <p><i>b) to ensure that buildings are appropriately sited, having regard to site constraints.</i></p> <p>The site is constrained due to the dual frontages. This aspect results in the front setback non-compliance. However, the building has been suitable sited and is consistent with the existing street character.</p> <p><i>c) to ensure building setbacks are representative of the character of the area.</i></p> <p>The proposed front setback is consistent with the character of Lawrence Hargrave Drive and Little Austinmer Lane.</p> <p><i>d) to provide for compatibility in front setbacks to provide unity in the building line.</i></p> <p>The proposed front setback is consistent with the character of Lawrence Hargrave Drive and Little Austinmer Lane.</p>

	<p><i>e) to ensure that setbacks do not have a detrimental effect on streetscape or view corridors.</i></p> <p>The proposed setback to Lawrence Hargrave Drive is at minimum 3m and further setback from the front boundary than the current dwelling on site. Effects on the streetscape and view corridors will be improved.</p> <p><i>f) to ensure that hard stand areas can be provided in front of garage without imposing on movement corridors (pathways, cycle ways and road reserves).</i></p> <p>The proposed garage is at the rear of the dwelling, addressing Little Austinmer Lane and complaint setback.</p> <p><u>Council comment:</u> Council considers that the variation meets the objectives of this clause.</p>
d) Demonstrate that the development will not have additional impacts as a result of the variation.	<p><u>Council comment:</u> The development is not considered to result in adverse impacts as a result of the variation.</p>
<p>Comment: The variation is considered capable of support.</p>	

#### **Clause 4.17 – Retaining walls**

<b>Control</b>	<b>Comment</b>
1. The variation statement must address the following points:	
a) The control being varied; and	<p>A variation request was not submitted with the application for the retaining wall variation.</p> <p>The control being varied is Clause 4.17 of Chapter B1 of Council's DCP2009, which requires that any retaining wall or embankment should be restricted to a maximum height above or depth below natural ground level of no more than 600mm at any distance up to 900mm setback from any side or rear boundary.</p>
b) The extent of the proposed variation and the unique circumstances as to why the variation is requested; and	<p>The extent of the variation being sought is demonstrated on the proposed plans.</p> <p>A series of retaining walls along the north and south boundary cut into the site to facilitate side access along both sides of the dwelling house are proposed that have a maximum height of 2.4 metres.</p> <p>The unique circumstances as to why the variation is requested relate to the topography of the site.</p>
c) Demonstrate how the objectives are met with the proposed variations; and	<p>The objectives of the control are as follows:</p> <p><i>a) to ensure that retaining walls are structurally sound and are located to minimise any adverse</i></p>

	<p><i>stormwater drainage, visual, amenity or overlooking impacts upon adjoining properties.</i></p> <p><i>b) to guide the design and construction of low height aesthetically pleasing retaining wall</i></p> <p><i>c) to ensure any retaining wall is well designed, in order to achieve long term structural integrity of the wall.</i></p> <p><i>d) to ensure slope stabilisation techniques are implemented to preserve and enhance the natural features and characteristics of the site and to maintain the long term structural integrity of any retaining wall.</i></p> <p>The applicant has not provided a variation statement addressing the above objectives.</p> <p><u>Council comment:</u></p> <p>The design and siting of the proposed retaining walls are considered to have no significant impact on amenity of the adjoining properties.</p> <p>The retaining walls consist mostly of a cut into the site which is not visible from adjoining properties.</p> <p>Any consent would include conditions for the retaining walls to be designed by a qualified engineer and be wholly contained within the subject site, including drainage lines.</p>
<p>d) Demonstrate that the development will not have additional impacts as a result of the variation.</p>	<p><u>Council comment:</u></p> <p>The development is not considered to result in adverse impacts as a result of the variation.</p>
<p><u>Comment:</u></p> <p>The variation is considered capable of support.</p>	

## CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Development controls to improve the sustainability of development throughout Wollongong are integrated into the relevant chapters of this DCP. A Basix Certificate has been submitted with the application. Generally speaking, the proposal is considered to be consistent with the principles of Ecologically Sustainable Development.

### 2.3.2 WOLLONGONG CITY WIDE DEVELOPMENT CONTRIBUTIONS PLAN 2023

The Wollongong City-Wide Development Contributions Plan applies to the subject property. The proposed cost of development\* is over \$200,001 – a levy rate of 1% applies.

The proposal has been assessed against this plan and a contribution fee of \$9,220.00 applies to the proposal.



**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 (1)(a)(iv) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

**Clause 61 - Additional matters that consent authority must consider**

- (a) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.

The application involves demolition and as such the provisions of AS 2601-2001: The Demolition of Structures applies. A condition will be imposed to any consent in this regard.

**Clause 62 - Consideration of fire safety**

Not applicable

**Clause 64 – Consent authority may require upgrade of buildings**

Not applicable

**2.6 SECTION 4.15 1(b) THE LIKELY IMPACTS OF DEVELOPMENT**

<p><u>Context and Setting:</u> The proposed development is located within a low density residential area and is permissible with development consent, however, it is considered that the proposed development is inconsistent with the surrounding context and setting.</p>
<p><u>Access, Transport and Traffic:</u> Access to the site is from Little Austinmer Lane. The development is considered not to result in an adverse impact on the traffic movement and access to the site.</p>
<p><u>Public Domain:</u> There will be adverse impact on the public domain as a result of the proposed development.</p>
<p><u>Utilities:</u> The proposal is not envisaged to place an unreasonable demand on utilities supply. Existing utilities are adequate to service the proposal.</p>
<p><u>Heritage:</u> No known heritage items will be impacted by the proposal.</p>
<p><u>Other land resources:</u> The proposal is not considered to contribute to orderly development of the site, however, it is not envisaged to impact upon any valuable land resources.</p>
<p><u>Water:</u> The site is presently serviced by Sydney Water, which can be readily extended to meet the requirements of the proposed development. The proposal is not envisaged to have unreasonable water consumption.</p>

<p><u>Soils:</u></p> <p>There will be no adverse impacts on the soils of the subject site or surrounding area as a result of the proposed development.</p>
<p><u>Air and Microclimate:</u></p> <p>The proposal is not expected to have negative impacts on air or microclimate.</p>
<p><u>Flora and Fauna:</u></p> <p>There is no significant vegetation removal proposed and/or required.</p>
<p><u>Waste:</u></p> <p>A condition will be attached to any consent granted that an appropriate receptacle be in place for any waste generated during the construction.</p>
<p><u>Energy:</u></p> <p>The proposal is not envisaged to have unreasonable energy consumption.</p>
<p><u>Noise and vibration:</u></p> <p>A condition will be attached to any consent granted that nuisance be minimised during any construction, demolition, or works.</p>
<p><u>Natural hazards:</u></p> <p>There are no natural hazards affecting the site that would prevent the proposal.</p>
<p><u>Technological hazards:</u></p> <p>There are no technological hazards affecting the site that would prevent the proposal.</p>
<p><u>Safety, Security and Crime Prevention:</u></p> <p>This application does not result in opportunities for criminal or antisocial behaviour.</p>
<p><u>Social Impact:</u></p> <p>The proposal is not expected to create negative social impacts.</p>
<p><u>Economic Impact:</u></p> <p>The proposal is not expected to create negative economic impacts.</p>
<p><u>Site Design and Internal Design:</u></p> <p>The site is located within an R2 Low Density Residential Zone, and under Clause 4.4 of Council's WLEP2009 a maximum floor space ratio of 0.50:1 is applicable to the site. The proposed development has an FSR of 0.705:1, which exceeds the maximum development standard by 41%. Council has concluded that the proposed development is contrary to the objectives of Clause 4.4 of WLEP2009, and that there is not an appropriate correlation between size of the site and the extent of the proposed development on the site, and also that the proposed development is not compatible with the bulk and scale of the locality.</p>
<p><u>Construction:</u></p> <p>Conditions of consent are applicable in relation to construction impacts such as hours of work, erosion and sedimentation controls, works in the road reserve, excavation, demolition and use of any crane, hoist, plant or scaffolding. A condition will be attached to any consent granted that all works are to be in compliance with the Building Code of Australia.</p>

Cumulative Impacts:

The proposal is expected to have a negative cumulative impact, as it would promote similar undesired developments in the area.

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

Does the proposal fit in the locality?

The proposed development is permissible within the zone with development consent, however the design of the proposed development is expected to have negative impacts on the amenity of the locality and adjoining developments.

Are the site attributes conducive to development?

The site is located within an R2 Low Density Residential Zone, and under Clause 4.4 of Council's WLEP2009 a maximum floor space ratio of 0.50:1 is applicable to the site. The proposed development has an FSR of 0.705:1, which exceeds the maximum development standard by 41%. The design has not responded to the constraints of the site. The proposed development is contrary to the objectives of Clause 4.4 of WLEP2009, and that there is not an appropriate correlation between size of the site and the extent of the proposed development on the site.

It is concluded that the subject site is not suitable for the proposed development.

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

Refer to Section 1.5 of this report.

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

The application is expected to have unreasonable impact on the amenity of the locality. It is considered inappropriate with consideration to the zoning and the character of the area and is therefore considered not to be in the public interest.

## **3. CONCLUSION**

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This application has been assessed having regard to the Heads of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of WLEP 2009 and all relevant Council DCPs, Codes and Policies.

All referrals have been completed and there are no outstanding issues.

The proposed development is permitted in the R2 Low Density Residential Zone with development consent pursuant to WLEP 2009. The application includes an exception to development standard, specifically to Clause 4.4 – Floor Space Ratio of WLEP2009, which has been considered and is not supported.

The submissions received resulting from the exhibition of the application were in support of the proposed development.

It is considered that the proposed application has not been designed appropriately given the nature and characteristics of the site and is likely to result in significant adverse impacts on the character and amenity of the surrounding area.

#### **4. RECOMMENDATION**

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It is recommended that the development application be refused subject to the reasons contained in Attachment 5.

#### **5. ATTACHMENTS**

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1. Architectural Plans
2. WDCP 2009 Compliance Table
3. Applicant's submission to development departure – Clause 4.4 Floor Space Ratio
4. Council's Gross Floor Area calculation
5. Reasons for Refusal
6. Internal Geotechnical Referral

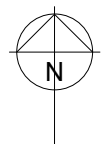
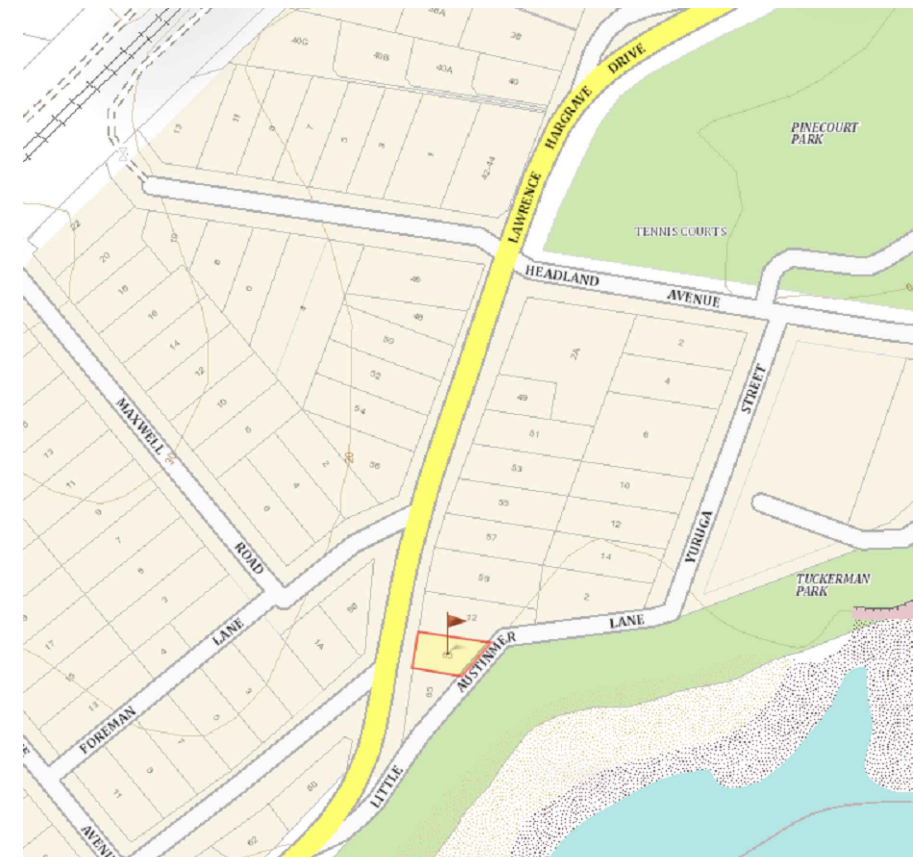
# 63 LAWRENCE HARGRAVE DR., AUSTINMER, NSW 2515 LOT 69 DP 9233

PROPOSED DEVELOPMENT APPLICATION  
FOR A SPLIT-LEVEL DWELLING



## DRAWING LIST

- A0 COVER PAGE
- A1 SITE ANALYSIS PLAN
- A2 PROPOSED SITE PLAN
- A3 GROUND FLOOR PLAN
- A4 LOWER GROUND FLOOR PLAN
- A5 FIRST FLOOR PLAN
- A6 ROOF PLAN
- A7 EAST & WEST ELEVATION
- A8 NORTH & SOUTH ELEVATION
- A9 SECTION THRU 'A' & 'B'
- A10 DRIVEWAY SECTION
- A11 DOOR & WINDOW SCHEDULE
- A12 WINTER SHADOW DIAGRAM
- A13 SITE COVERAGE PLAN
- A14 DEMOLITION PLAN
- A15 LGF FSR COMPUTATION
- A16 BUILDING HEIGHT PLAN
- A17 RETAINING WALL ELEVATION
- A18 BASIX CERTIFICATE



## LOCATION MAP

### AREA CALCULATIONS:

TOTAL SITE AREA : 396.00 SQ.M.  
BUILDABLE AREA : 396 SQ.M. x 50%  
198.00 SQ.M.

### GROSS FLOOR AREA

GROUND FLOOR	128.83m <sup>2</sup>
FIRST FLOOR	38.70m <sup>2</sup>
LOWER GROUND FLOOR	59.37m <sup>2</sup>
(excl. SUB-FLOOR STORAGE)	
PORCH - GF	4.22m <sup>2</sup>
PORCH - LGF	2.86m <sup>2</sup>
BALCONY - GF	11.91m <sup>2</sup>
BALCONY - FF	6.83m <sup>2</sup>
PATIO - GF	6.88m <sup>2</sup>
PATIO - LGF	8.66m <sup>2</sup>
ALFRESCO	32.30m <sup>2</sup>
GARAGE	42.76m <sup>2</sup>

GROSS FLOOR AREA : 343.32m<sup>2</sup>


### FLOOR SPACE RATIO (measured from internal face of external walls)

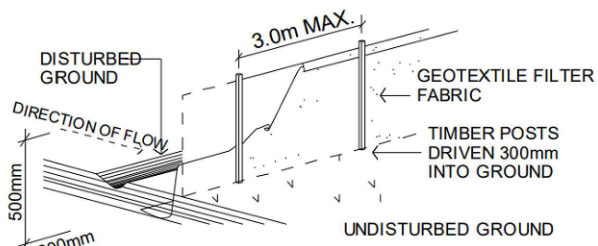
GROUND FLOOR	128.83m <sup>2</sup>
FIRST FLOOR	38.70m <sup>2</sup>
LOWER GROUND FLOOR	63.46m <sup>2</sup>

FLOOR SPACE PROPOSED : 230.99m<sup>2</sup>  
FLOOR SPACE RATIO : 0.583  
EXCESS m<sup>2</sup> FROM ALLOWABLE FSR : 32.99m<sup>2</sup>

LANDSCAPE TOTAL SITE AREA : 396.00 SQ.M.

REQUIRED (15% OF LOT) : 118.80m<sup>2</sup>  
PROVIDED : 122.90m<sup>2</sup>

 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT PROPOSED SPLIT-LEVEL DWELLING OWNER RYAN MORRIS LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER SHEET CONTENTS: AREA CALCULATIONS, LOCATION MAP, DRAWING LIST AMENDMENTS: 1.	GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower lvl R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	A0.0
	PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24		



**SEDIMENT FENCE**  
N.T.S

**SEDIMENT CONTROL NOTES**

1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW.
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILISED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE X 300mm DEEP TRENCH.
4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A 60% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE.
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.

**SOIL EROSION/SEDIMENT CONTROL**

- SEDIMENT FABRIC SUCH AS TERRAAM 100, POLFELT TS 500, BIDUM U24, GEOFAB, ENVIROFENCE OR EQUIVALENT TO BE PROVIDED ON ALL BOUNDARIES AS REQUIRED
- FABRIC IS ATTACHED TO A STRAND WIRE (ORDINARY FENCE WIRE) OR WIRE MESH (14 GAUGE AND 150mm x 150mm OPENING)
- THE LOWER END OF THE FABRIC AND MESH TO BE EMBEDDED 200mm INTO THE GROUND
- FIBER CLOTH TO BE FASTENED SECURELY TO WIRE FENCE WITH TIES SPACED EVERY 600mm
- GENERALLY FOLLOW THE CONTOUR OF THE LAND
- WHEN 2 SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY 150mm AND FOLDED OVER
- POSTS HOLDING THE MESH ARE EITHER STEEL Y OR U TYPE OR 45-50mm HARDWOOD 900-1200mm LONG POSTS. THESE ARE TO BE SPACED 2-3m APART
- STOCK PILES ARE TO BE SET UP WITH SEDIMENT CONTROL DEVICES ON THE LOWER SLOPE
- TEMPORARY BARRIERS CONSTRUCTED FROM TIMBER, SYNTHETIC FABRICS, JUTE, STRAW BALES, BRUSH OR SIMILAR MATERIALS CAN BE USED TO CONTROL AIR CURRENTS AND BLOWING SOIL. THEY SHOULD BE PLACED AT RIGHT ANGLES TO THE PREVAILING WIND AND SPACED AT INTERVALS EQUIVALENT TO ABOUT 15 TIMES THEIR HEIGHT.



WINTER WINDS

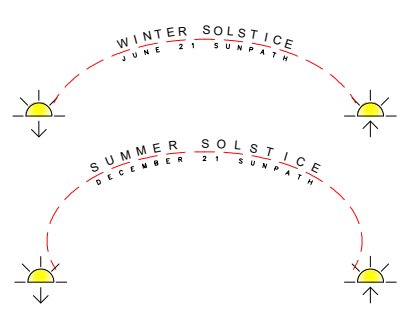
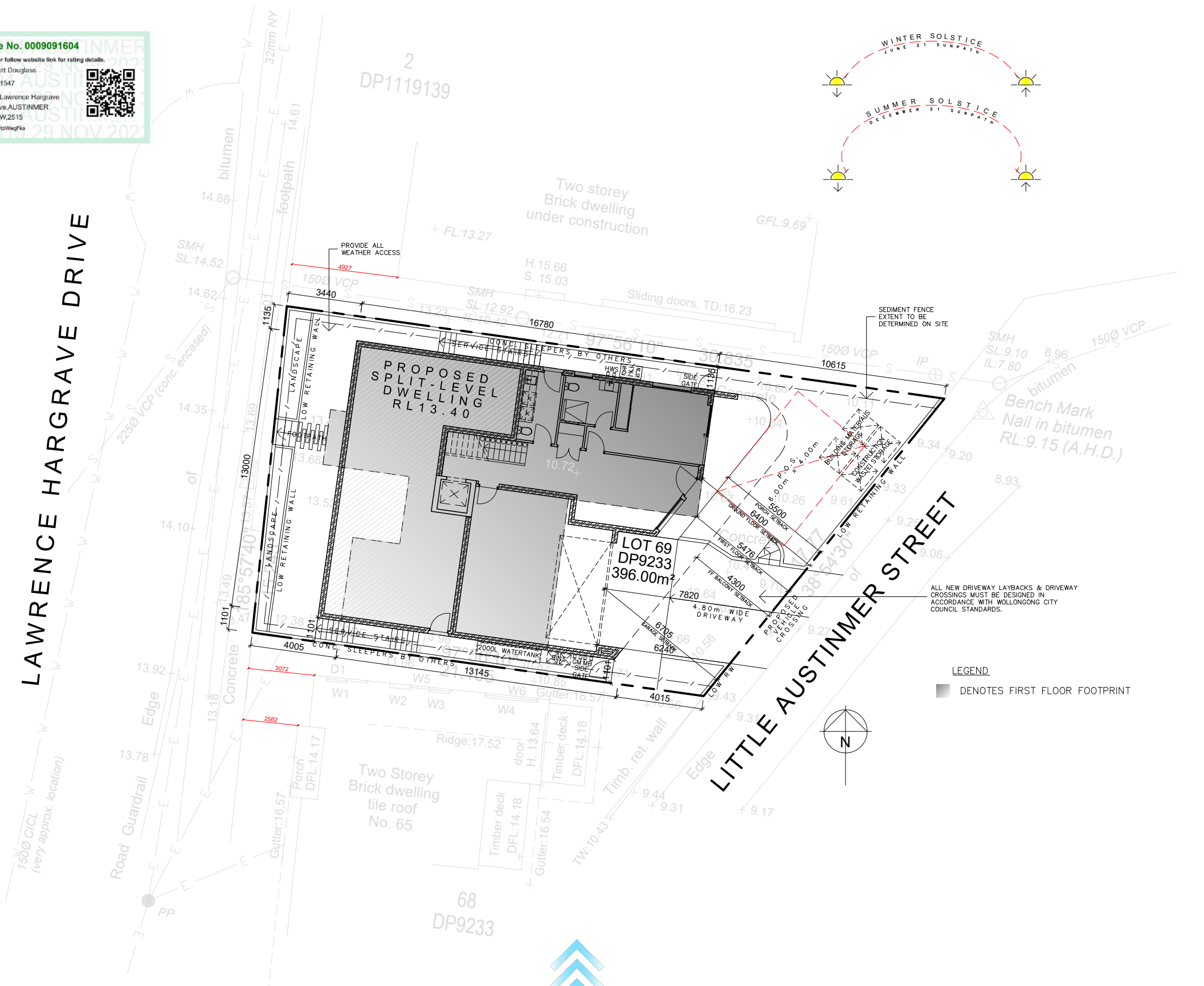


SUMMER WINDS

**Certificate No. 0009091604**  
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Assessor name: Scott Douglass  
Accreditation No. 13/1547  
Property Address: 63 Lawrence Hargrave Drive, AUSTINMER NSW, 2515  
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**LAWRENCE HARGRAVE DRIVE**


**LITTLE AUSTINMER STREET**

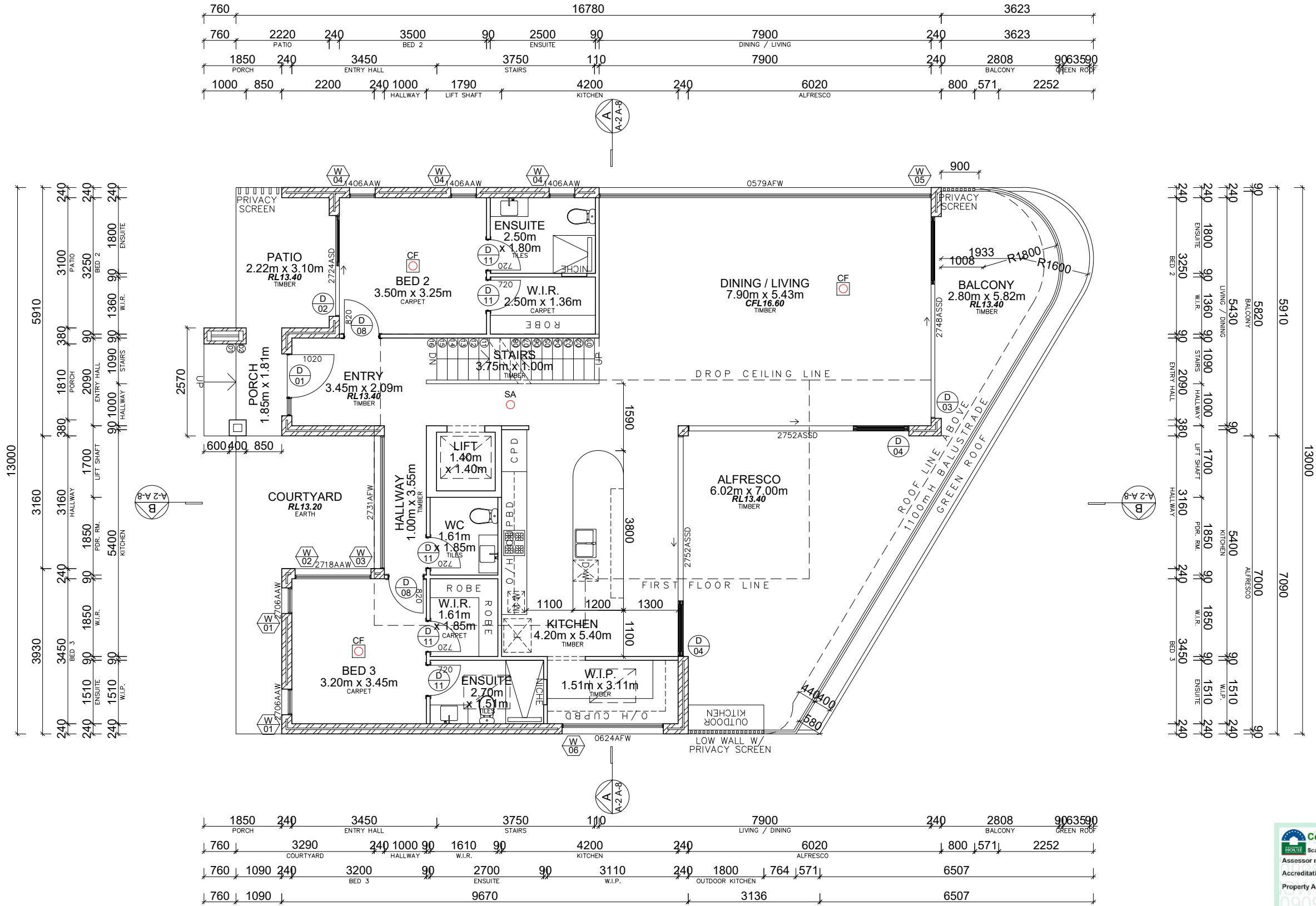
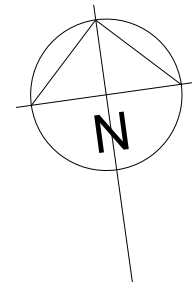


**LEGEND**  
■ DENOTES FIRST FLOOR FOOTPRINT

**SITE ANALYSIS PLAN,  
SITE PLAN, SITE MANAGEMENT PLAN**

01  
A-1 A-1 1:200 @ A3

 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT <b>PROPOSED SPLIT-LEVEL DWELLING</b> OWNER <b>RYAN MORRIS</b> LOCATION <b>63 LAWRENCE HARGRAVE DRIVE, AUSTINMER</b>	GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower lvl R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<b>A0.1</b>  PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24
	SHEET CONTENTS: <b>SITE ANALYSIS PLAN, SITE PLAN, SITE MANAGEMENT PLAN</b> AMENDMENTS: 1.	PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24	



01 | **GROUND FLOOR PLAN**  
A-2-A-2 | 1:100 @ A3

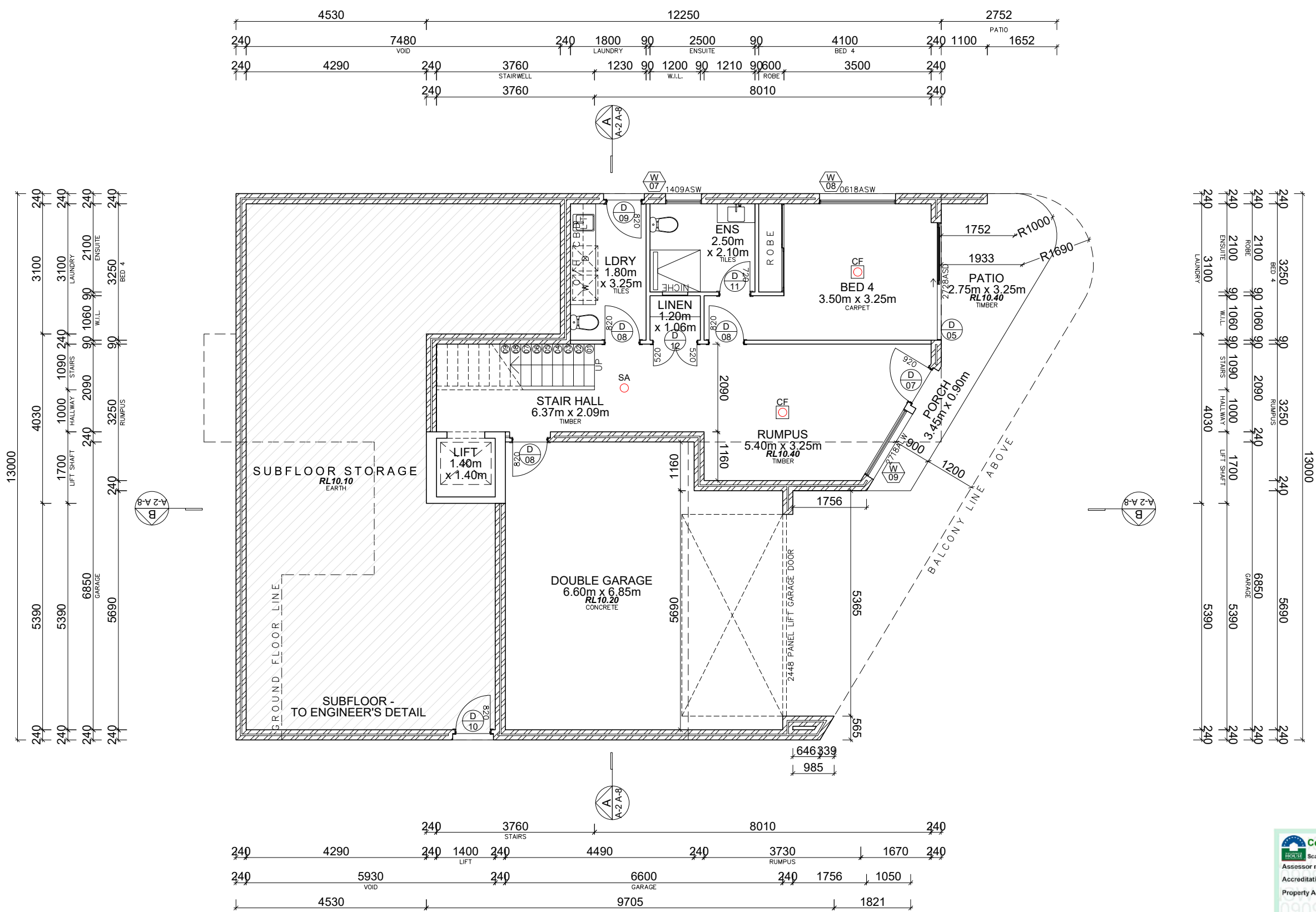
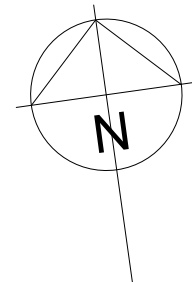
**HOUSE OF PLANNING**  
info@houseofplanning.com.au  
0405 284952

PROJECT  
PROPOSED SPLIT-LEVEL DWELLING  
OWNER  
RYAN MORRIS  
LOCATION  
63 LAWRENCE HARGRAVE DRIVE, AUSTINMER  
SHEET CONTENTS:  
GROUND FLOOR PLAN  
1:100 @ A3  
AMENDMENTS:  
1.

GENERAL NOTES  
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Minimum Foil + R2.5 insulation to lightweight external walls  
R1.5 insulation to walls between house & subfloor  
R1.5 insulation to walls between house & garage  
R5.0 insulation to ceilings( excludes garage)  
R2.0 insulation to ceiling/floor between house & garage  
R2.0 insulation to floor of first floor where it extends past lower lvl  
R2.0 insulation to all internal walls  
Foil + R1.0 insulation blanket to underside of roof

**A0.2**  
PROJECT NO. : 020  
CREATED : 16-10-23  
FINISHED : 25-10-23  
MODIFIED : 13-03-24

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Scan QR code or follow website link for rating details.  
Assessor name: Scott Douglass  
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09091604  
29 NOV 2023  
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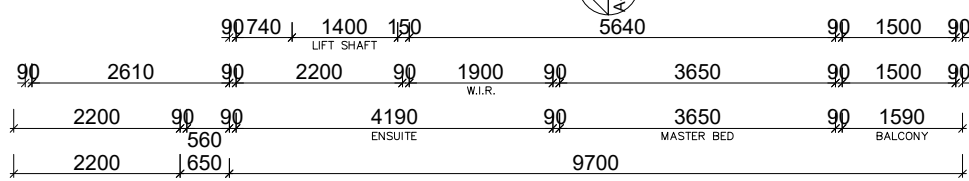
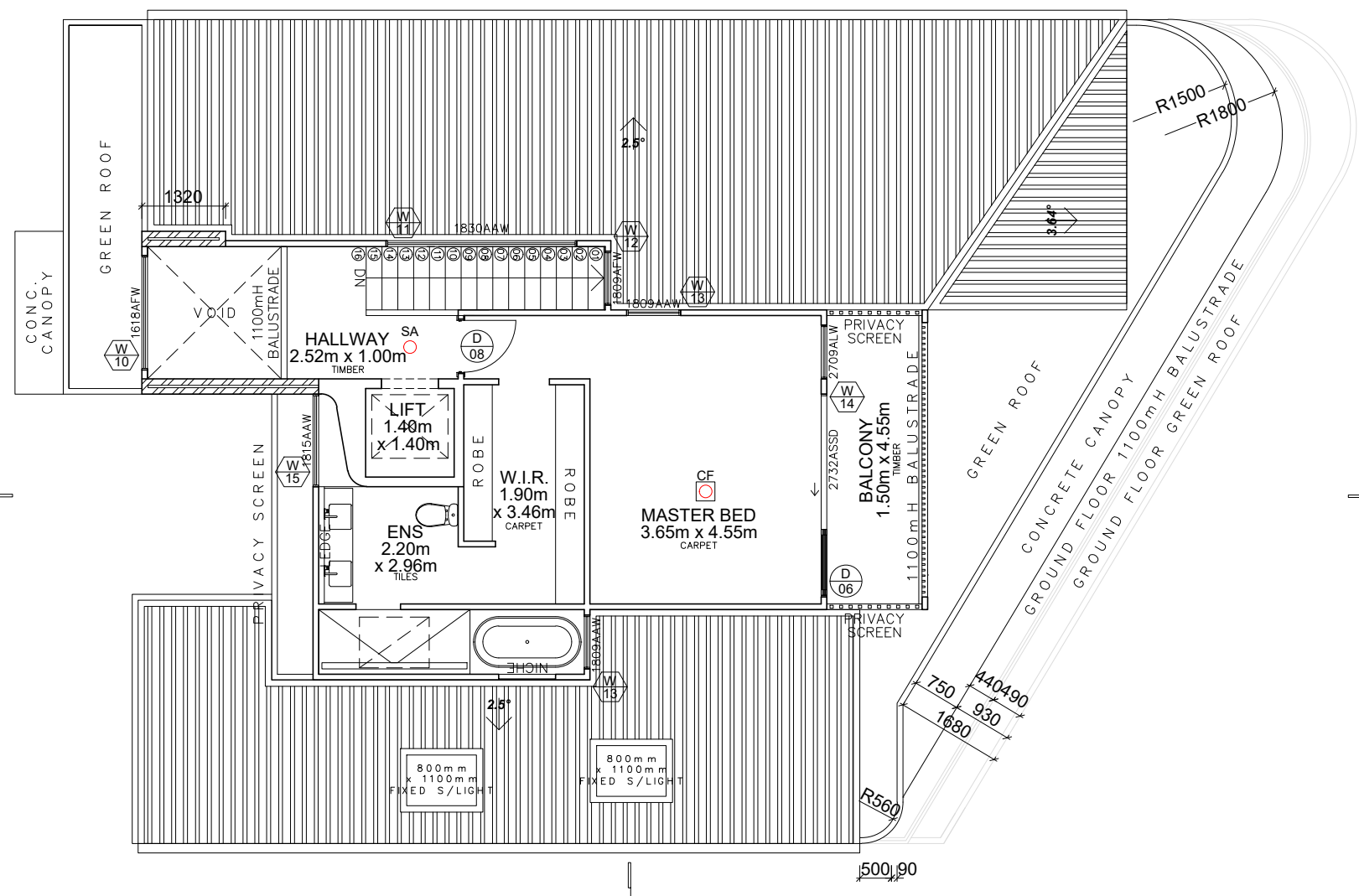
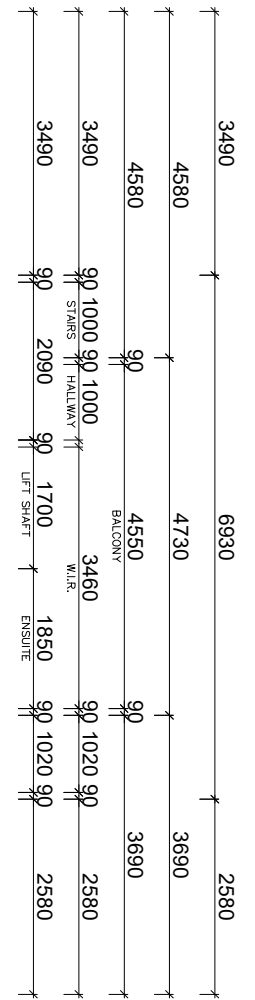
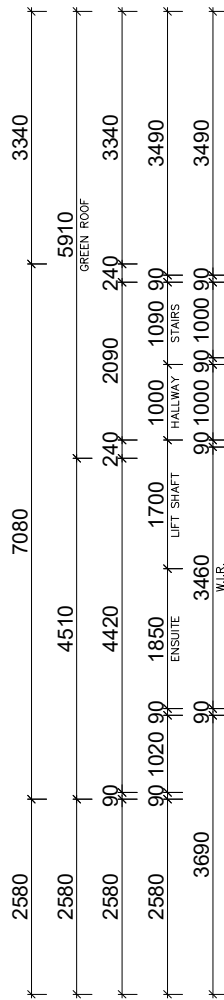
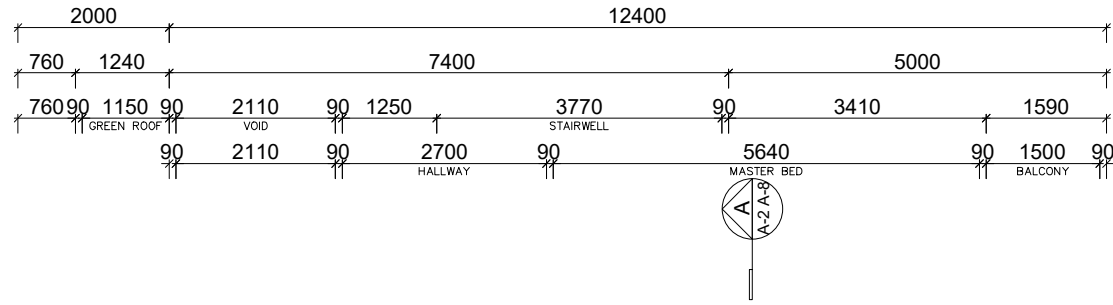
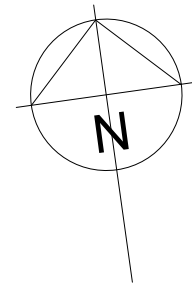
01 | LOWER GROUND FLOOR PLAN  
A-3 A-3 | 1:100 @ A3



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 Property Address: 63 Lawrence Hargrave Drive, AUSTINMER NSW 2515  
 09091604  
 29 NOV 2022

 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT <b>PROPOSED SPLIT-LEVEL DWELLING</b> OWNER <b>RYAN MORRIS</b> LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER	GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower lvl R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<b>A0.3</b>  PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24
	SHEET CONTENTS: <b>LOWER GROUND FLOOR PLAN</b> 1:100 @ A3 AMENDMENTS: 1.		





01 | **FIRST FLOOR PLAN**  
A-4 A-4 | 1:100 @ A3



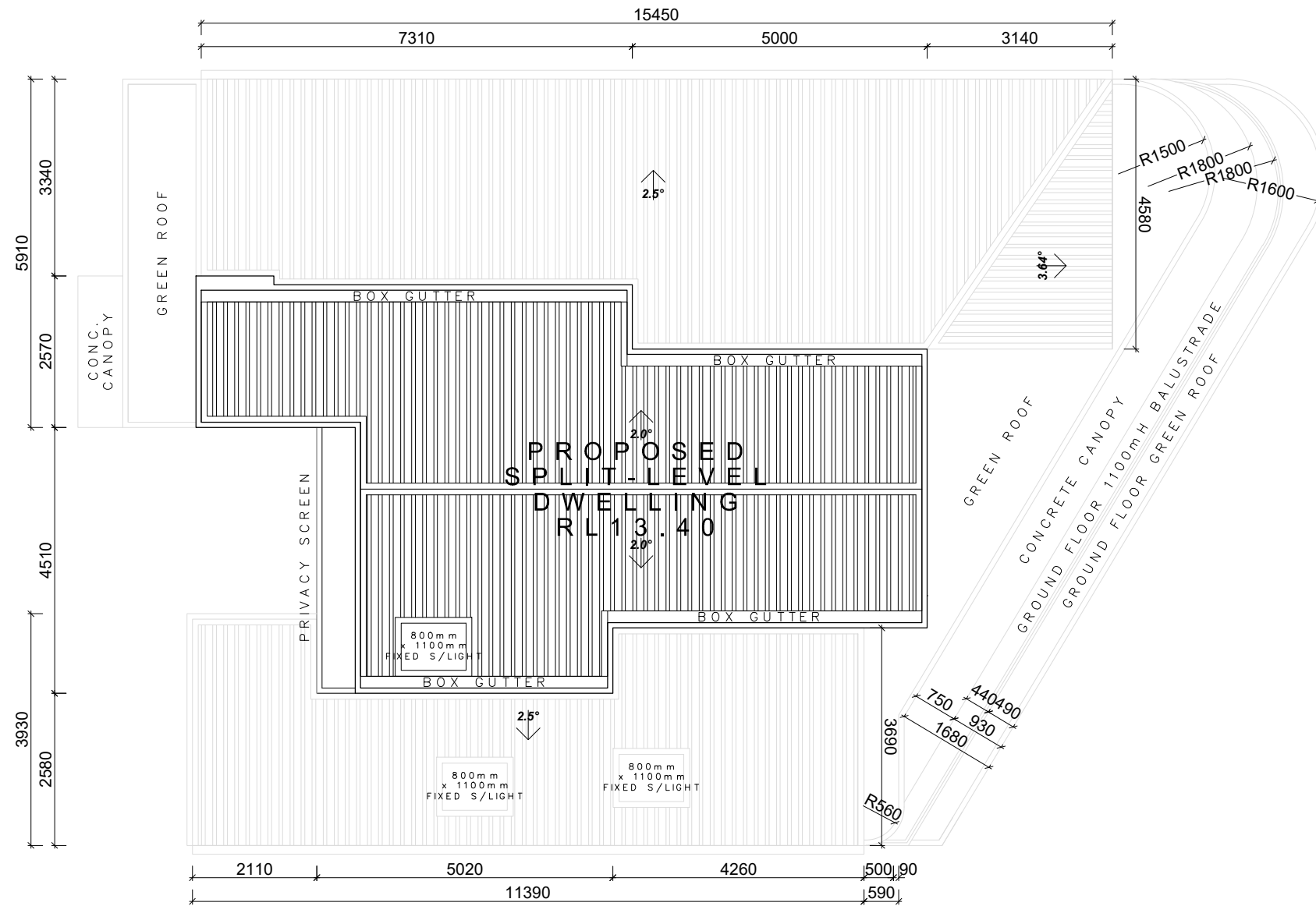
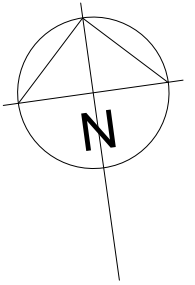
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 09091604  
 29 NOV 2022

**HOUSE OF PLANNING**  
 info@houseofplanning.com.au  
 0405 284952

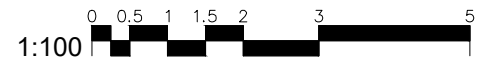
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**PROPOSED SPLIT-LEVEL DWELLING**  
 OWNER  
**RYAN MORRIS**  
 LOCATION  
 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER  
 SHEET CONTENTS:  
**FIRST FLOOR PLAN**  
 1:100 @ A3  
 AMENDMENTS:  
 1.


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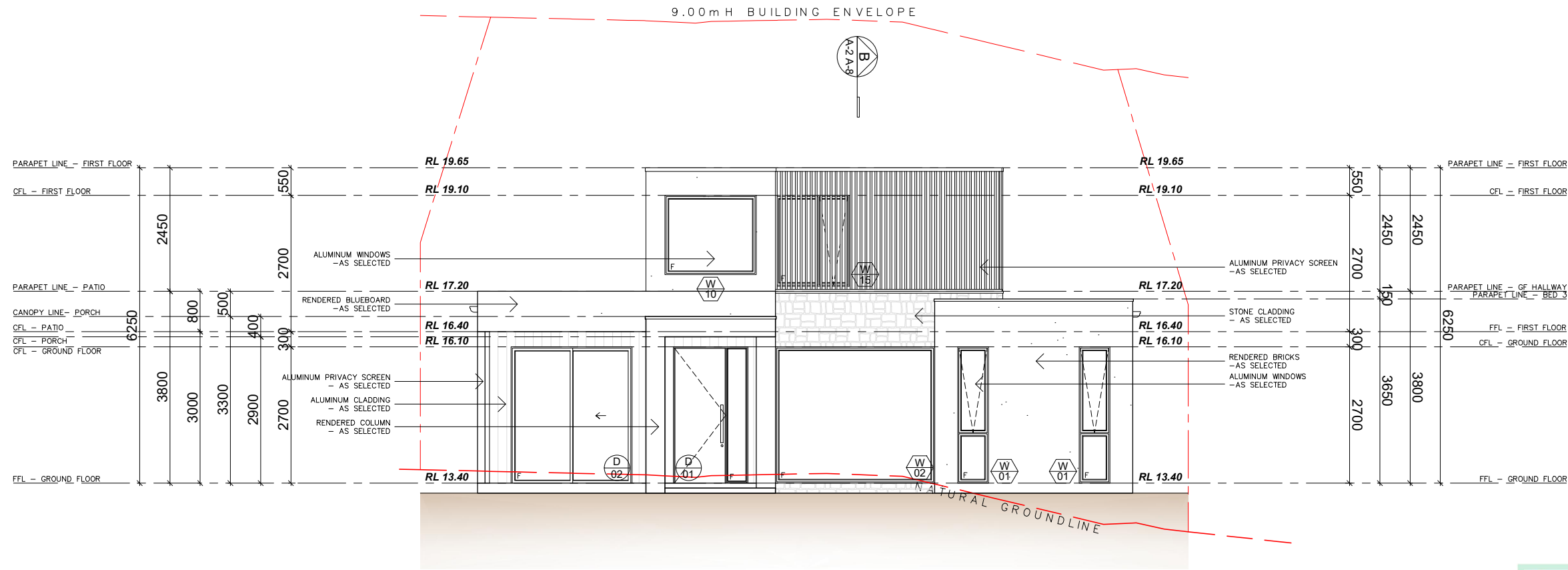
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 CREATED : 16-10-23  
 FINISHED : 25-10-23  
 MODIFIED : 13-03-24



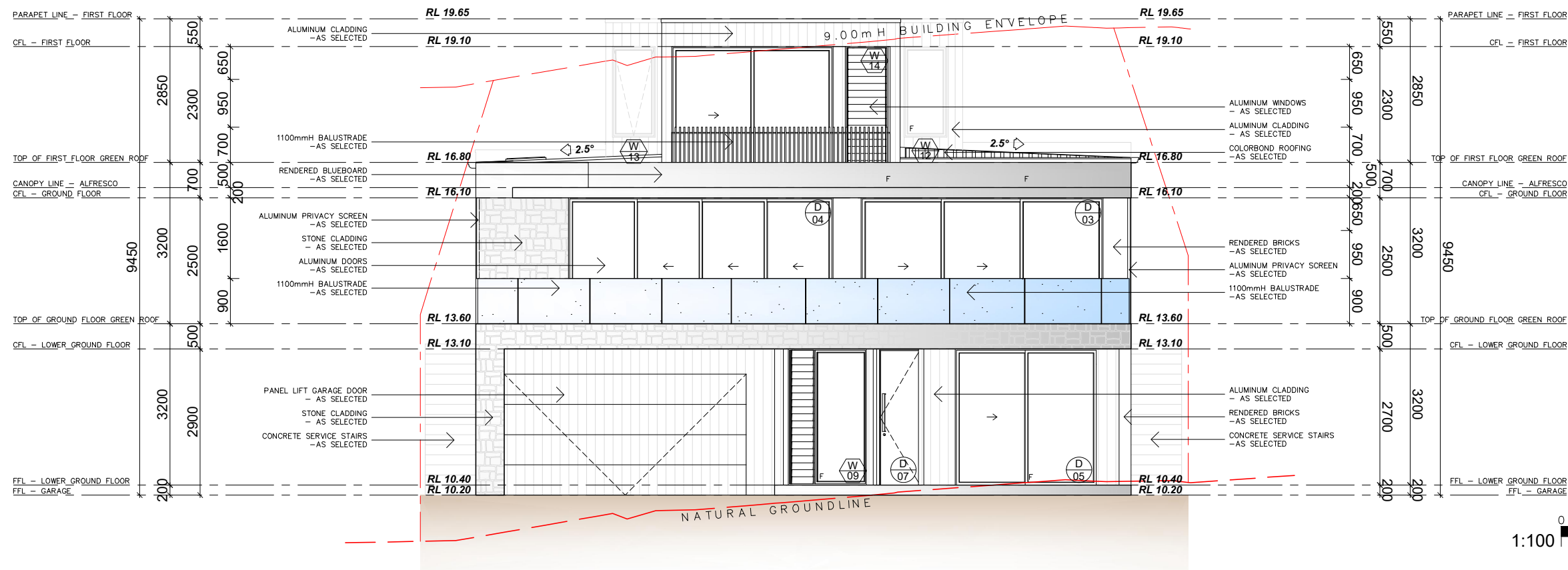
01 | **ROOF PLAN**  
A-5 A-5 | 1:100 @ A3



 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT <b>PROPOSED SPLIT-LEVEL DWELLING</b> OWNER <b>RYAN MORRIS</b> LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER	<b>GENERAL NOTES</b> 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Fall + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower level R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<h1 style="font-size: 48px;">A0.5</h1>
	SHEET CONTENTS: <b>ROOF PLAN</b> 1:100 @ A3 AMENDMENTS: 1.		




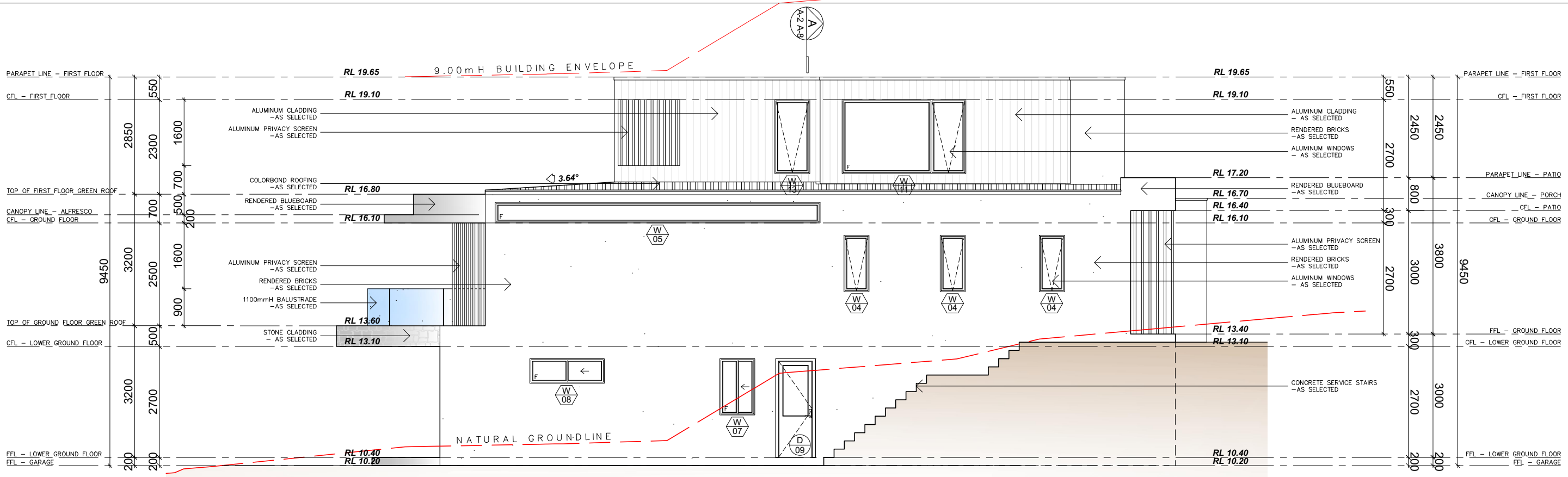
01 | WEST ELEVATION  
A-6 A-6 | 1:100 @ A3



02 | EAST ELEVATION  
A-6 A-6 | 1:100 @ A3



 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT <b>PROPOSED SPLIT-LEVEL DWELLING</b> OWNER <b>RYAN MORRIS</b> LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER SHEET CONTENTS: <b>EAST &amp; WEST ELEVATION</b> 1:100 @ A3 AMENDMENTS: 1.	GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 886 INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 886 INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower lv R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<h1 style="font-size: 48px;">A0.6</h1>
	PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24		



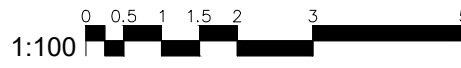
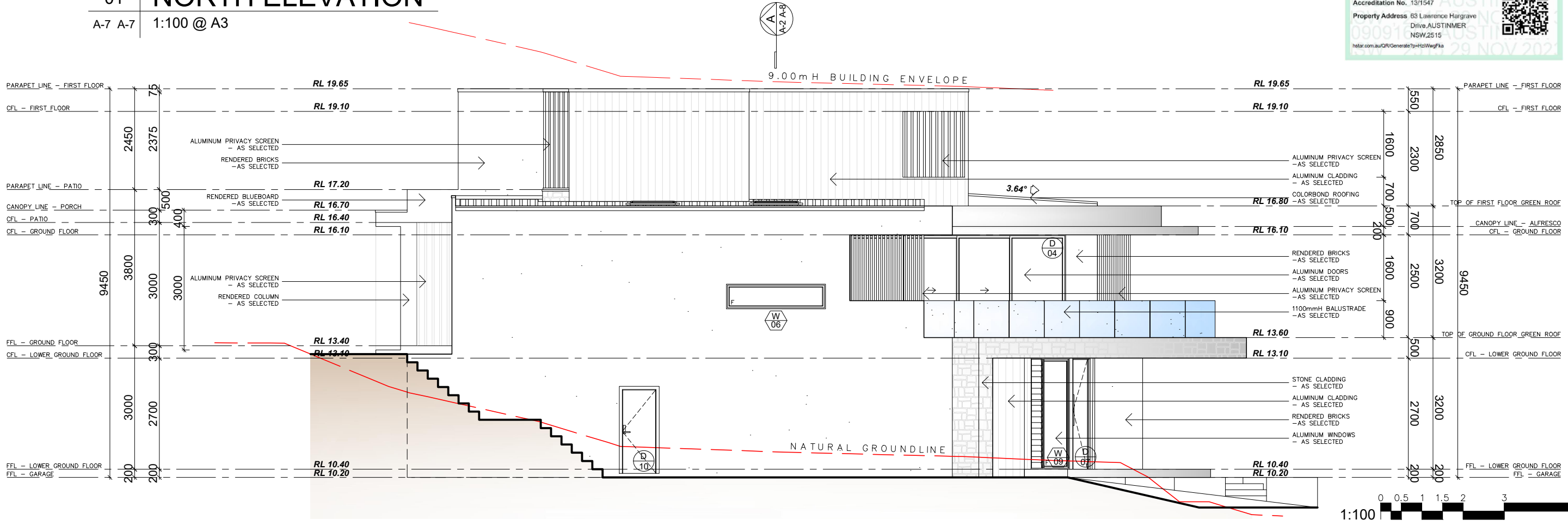
**Certificate No. 0009091604**

Scan QR code or follow website link for rating details.

Assessor name: Scott Douglass  
Accreditation No. 13/1547

Property Address: 63 Lawrence Hargrave Drive, AUSTINMER NSW, 2515

09091604 AUSTINMER NSW 2515 29 NOV 2022



**HOUSE OF PLANNING**  
info@houseofplanning.com.au  
0405 284952

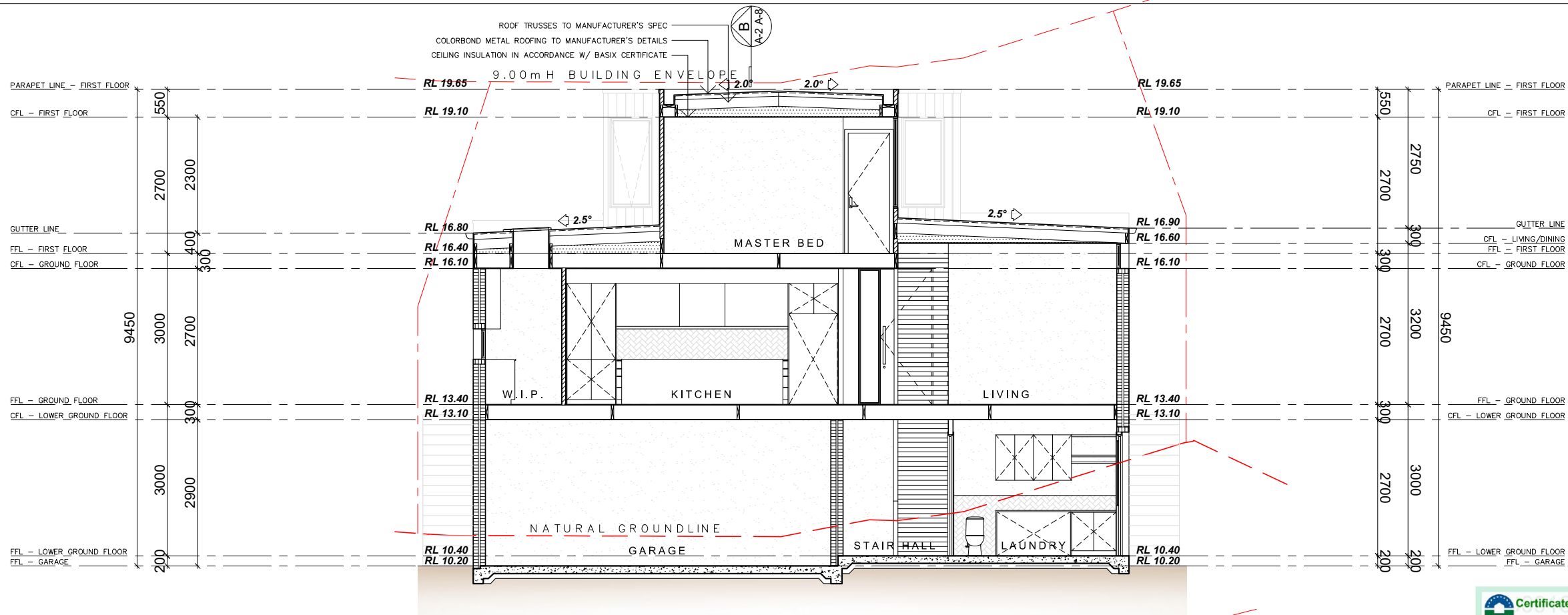
PROJECT: PROPOSED SPLIT-LEVEL DWELLING  
OWNER: RYAN MORRIS  
LOCATION: 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER  
SHEET CONTENTS: NORTH & SOUTH ELEVATION  
1:100 @ A3  
AMENDMENTS: 1.

**GENERAL NOTES**

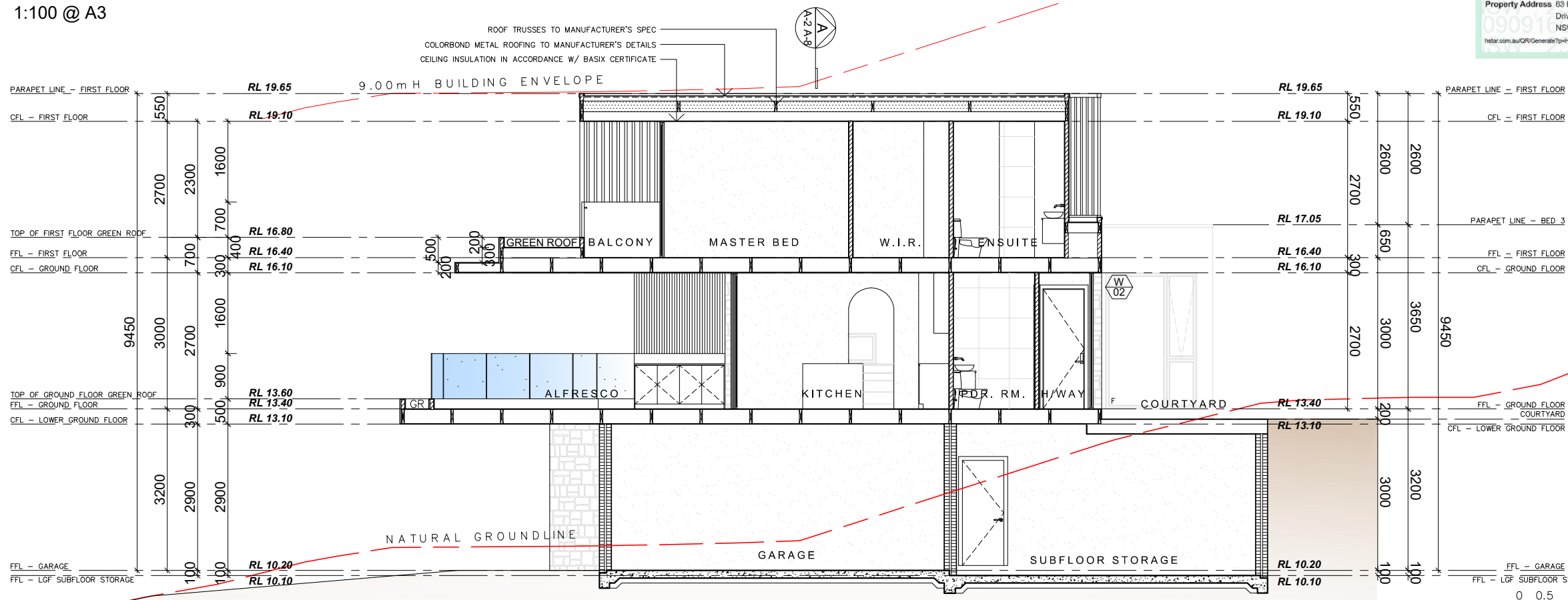
- STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6.
- \*SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.
- Minimum Insulations:  
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Minimum Foil + R2.5 insulation to lightweight external walls  
R1.5 insulation to walls between house & subfloor  
R1.5 insulation to walls between house & garage  
R5.0 insulation to ceilings (excludes garage)  
R2.0 insulation to ceiling/floor between house & garage  
R2.0 insulation to floor of first floor where it extends past lower lvl  
R2.0 insulation to all internal walls  
Foil + R1.0 insulation blanket to underside of roof

**A0.7**

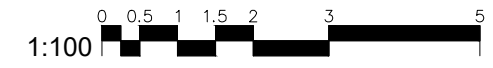
PROJECT NO. : 020  
CREATED : 16-10-23  
FINISHED : 25-10-23  
MODIFIED : 13-03-24




01 SECTION THRU 'A'  
A-2 A-8 1:100 @ A3



02 SECTION THRU 'B'  
A-2 A-8 1:100 @ A3





**HOUSE OF PLANNING**  
info@houseofplanning.com.au  
0405 284952

PROJECT  
PROPOSED SPLIT-LEVEL DWELLING  
OWNER  
RYAN MORRIS  
LOCATION  
63 LAWRENCE HARGRAVE DRIVE, AUSTINMER

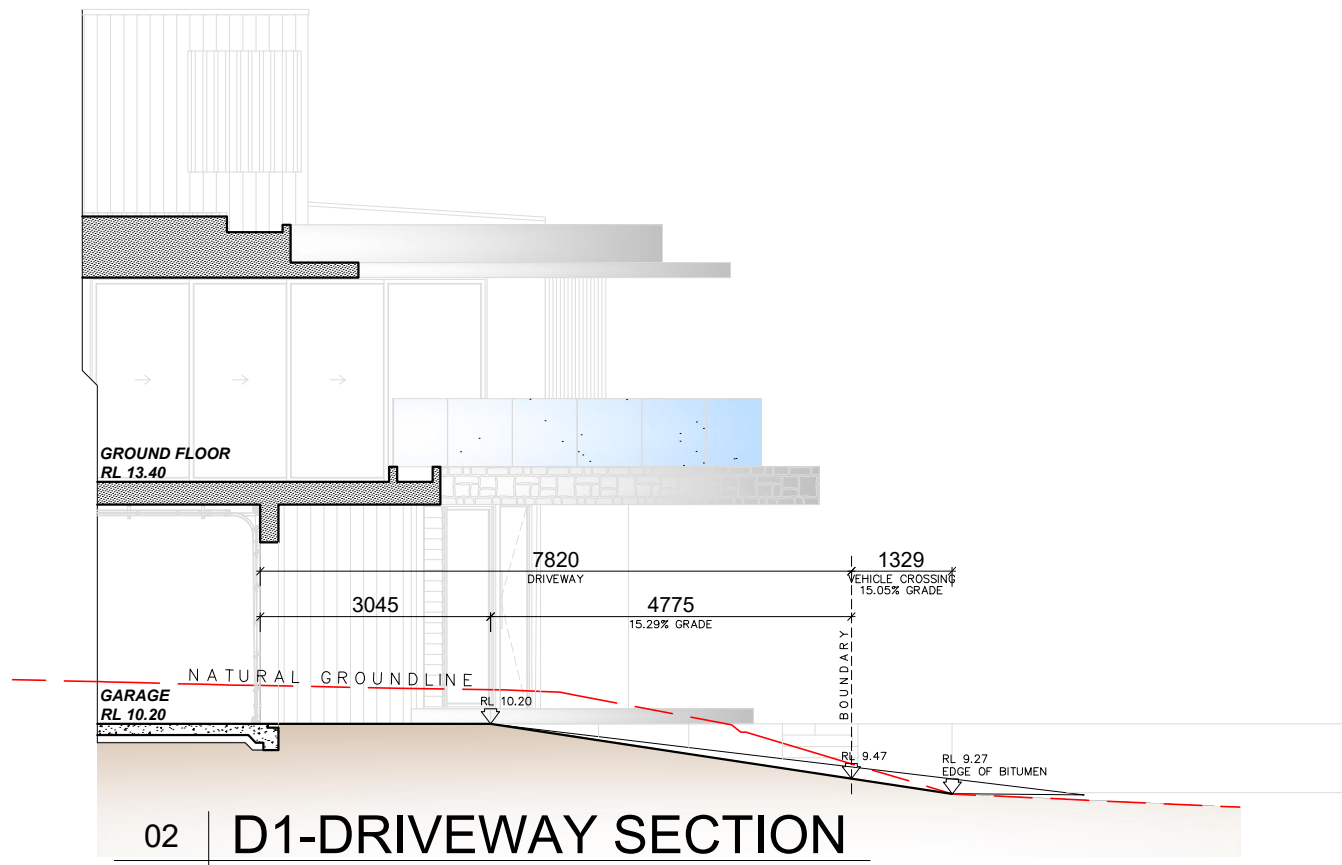
SHEET CONTENTS:  
SECTION THRU 'A' & 'B'  
1:100 @ A3

AMENDMENTS:  
1.

GENERAL NOTES  
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R2.0 insulation to ceiling/floor between house & garage  
R2.0 insulation to floor of first floor where it extends past lower lv  
R2.0 insulation to all internal walls  
Foil + R1.0 insulation blanket to underside of roof

A0.8

PROJECT NO. : 020  
CREATED : 16-10-23  
FINISHED : 25-10-23  
MODIFIED : 13-03-24



**GENERAL REQUIREMENTS:**

**WATER**

- a. Minimum 2,000 litre rainwater tank collecting 80% of roof water with connections to gardens, toilets & laundry
- b. 3 star rated showerheads (> 7.5 but <= 9 L/min)
- c. 4 star rated toilets & taps

**THERMAL COMFORT**

- a. Waffle pod slab
- b. R2.0 insulation to floor between house & subfloor
- c. Minimum R1.5 insulation to cavity brick external walls (excludes garage)
- d. Minimum Foil + R2.5 insulation to lightweight external walls
- e. Minimum R1.5 insulation to walls between house & subfloor
- f. Minimum R1.5 insulation to walls between house & garage
- g. R5.0 insulation to ceilings( excludes garage)
- h. R2.0 insulation to ceiling/floor between house & garage
- i. R2.0 insulation to floor of first floor where it extends past lower level
- j. R2.0 insulation to all internal walls
- k. Foil + R1.0 insulation blanket to underside of roof
- l. Medium wall & Medium roof colour
- m. Weatherseals to all external doors including internal access to garage
- n. Floor coverings as per detail on floor plans
- o. Insulation must be installed in accordance with NCC and relevant Australian Standards.
- p. Recessed downlights have been included in the NatHERS rating( to be sealed LED downlights & covered by insulation)
- q. All windows & glazed doors to have a U value less than or = to 2.00 & within 5% of SHGC 0.31( excluding D09 & D01) ( louvers may have to be changed)
- r. Skylights to be double glazed clear

**ENERGY**

- a. Gas instantaneous 6 star HWS
- b. Single phase reverse cycle ducted zoned air-conditioning with EER 3.0-3.5
- c. Ducted rangehood to kitchen with manual on/off switch(sealed)
- d. Ducted exhaust fan to ensuites & wc with manual on/off switch(sealed)
- e. Induction cooktop & electric oven
- f. Permanent outdoors clothesline
- g. 80% of light fixtures to be compact fluorescent, fluorescent or LED lights
- h. Minimum 1.0 peak kilowatt photovoltaic system to be installed

**THERMAL PERFORMANCE & MATERIALS COMMITMENTS - CONSTRUCTION**

CONSTRUCTION	AREA - m <sup>2</sup>	INSULATION
FLOOR - CONCRETE SLAB ON GROUND, WAFFLE SLAB	252.40	NONE
GARAGE FLOOR - CONCRETE SLAB ON GROUND, WAFFLE POD SLAB	45.10	NONE
EXTERNAL WALL - CAVITY BRICK; FRAME: NO FRAME	174.20	POLYSTYRENE
EXTERNAL WALL - FRAMED (METAL CLAD); FRAME : TIMBER - H2 TREATED SOFTWOOD	55.30	FIBERGLASS BATTS OR ROLL + FOIL/SARKING
EXTERNAL GARAGE WALL - CAVITY BRICK; FRAME : PLEASE SELECT	1.0	NONE
INTERNAL WALL - PLASTERBOARD; FRAME: TIMBER H2 TREATED SOFTWOOD	134.70	FIBERGLASS BATTS OR ROLL
CEILING & ROOF - FLAT CEILING/PITCHED ROOF, FRAMED - METAL ROOF, TIMBER - H2 TREATED SOFTWOOD	163.00	CEILING: FIBERGLASS OR ROLL ROOF: FOIL BACKED BLANKET

**THERMAL PERFORMANCE & MATERIALS COMMITMENTS - GLAZING**

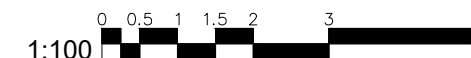
FRAMES	MAXIMUM AREA - m <sup>2</sup>
ALUMINUM	113.00
TIMBER	2.00
UPVC	0
STEEL	0
COMPOSITE	0
GLAZING	MAXIMUM AREA - m <sup>2</sup>
SINGLE	2.00
DOUBLE	113.00
TRIPLE	0

**DOOR SCHEDULE**

MARK	SPECIFICATION	LOCATION	SETS
D - 1	2640mm x 1020mm x 35mm PANEL DOOR W/ SIDE LIGHT	ENTRY	1
D - 2	2700mm x 2400mm ALUMINUM SLIDING DOOR	BED 2	1
D - 3	2700mm x 4800mm ALUMINUM STACKER SLIDING DOOR	LIVING	1
D - 4	2700mm x 5250mm ALUMINUM STACKER SLIDING DOOR	LIVING, KITCHEN	2
D - 5	2700mm x 2800mm ALUMINUM STACKER SLIDING DOOR	BED 4	1
D - 6	2700mm x 3200mm ALUMINUM STACKER SLIDING DOOR	MASTER BED	1
D - 7	2640mm x 920mm x 35mm PANEL DOOR	LIVING	1
D - 8	2340mm x 820mm x 35mm FLUSH PANEL DOOR	BED 2-4, LAUNDRY, GARAGE, MASTER BED	6
D - 9	2340mm x 820mm x 35mm FLUSH PANEL DOOR W/ HALF LIGHT	LAUNDRY	1
D - 10	2040mm x 820mm x 35mm PANEL DOOR	SUBFLOOR STORAGE	1
D - 11	2340mm x 720mm x 35mm FLUSH PANEL DOOR	BED 2-4 ENSUITE, BED 2-3 W.I.R., PDR. RM.,	6
D - 12	2340mm x 520mm x 35mm FLUSH DOUBLE DOOR	LINEN	1

**WINDOW SCHEDULE**

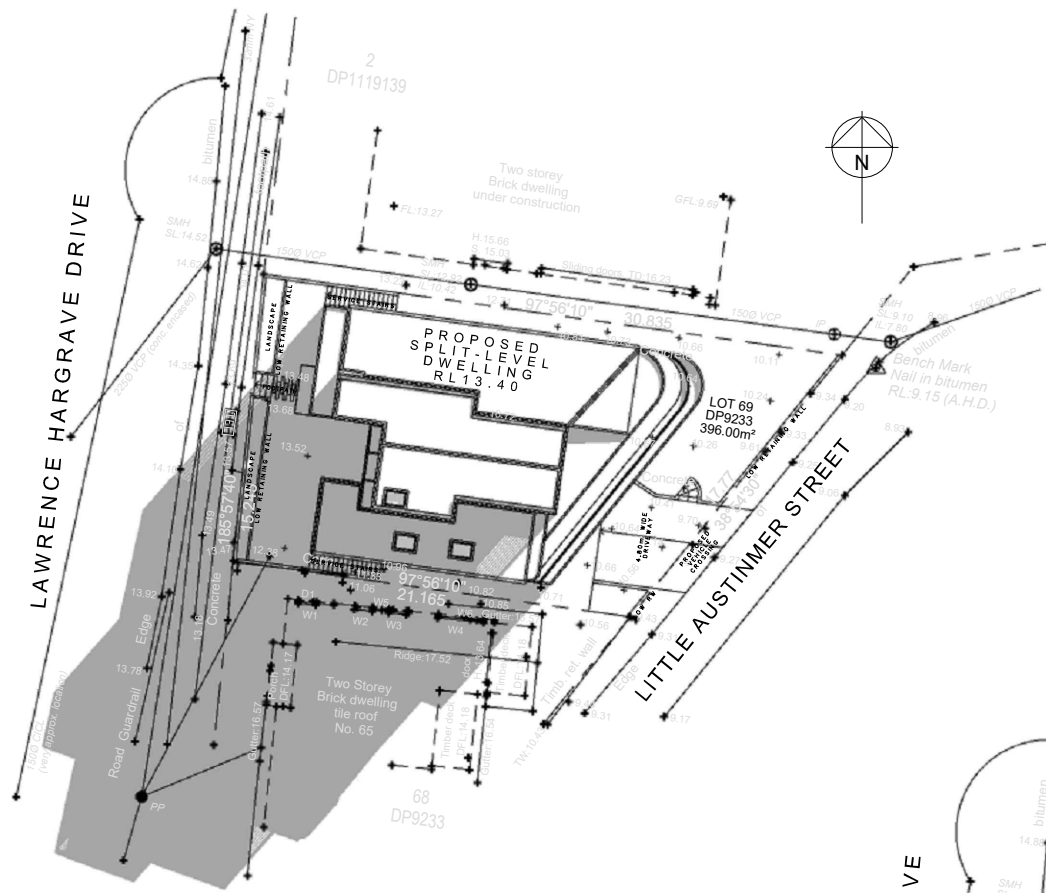
MARK	SPECIFICATION	LOCATION	SETS
W - 1	2700mm x 610mm ALUMINUM AWNING WINDOW	BED 3	2
W - 2	2700mm x 1810mm ALUMINUM AWNING WINDOW W/ FIXED PANEL	BED 3	1
W - 3	2700mm x 3160mm ALUMINUM FIXED WINDOW	GF HALLWAY	1
W - 4	1570mm x 610mm ALUMINUM AWNING WINDOW	BED 2, BED ENSUITE	3
W - 5	500mm x 7900mm ALUMINUM FIXED HIGHLIGHT WINDOW	LIVING / DINING	1
W - 6	600mm x 2410mm ALUMINUM SPLASHBACK WINDOW	W.I.P.	1
W - 7	1570mm x 850mm ALUMINUM SLIDING WINDOW	BED 4 ENSUITE	1
W - 8	600mm x 1810mm ALUMINUM SLIDING WINDOW	BED 4	1
W - 9	2700mm x 1810mm ALUMINUM LOUVRE WINDOW W/ FIXED PANEL	RUMPUS	1
W - 10	1570mm x 1810mm ALUMINUM FIXED WINDOW	ENTRY VOID	1
W - 11	1800mm x 3010mm ALUMINUM AWNING WINDOW W/ FIXED PANEL	FF STAIRWELL	1
W - 12	1800mm x 850mm ALUMINUM FIXED WINDOW	FF STAIRWELL	1
W - 13	1800mm x 850mm ALUMINUM AWNING WINDOW	MASTER BED, MASTER BED ENSUITE	2
W - 14	2700mm x 850mm ALUMINUM LOUVRE WINDOW	MASTER BED	1
W - 15	1800mm x 1460mm ALUMINUM AWNING WINDOW W/ FIXED PANEL	MASTER BED ENSUITE	1



PROJECT  
PROPOSED SPLIT-LEVEL DWELLING  
OWNER  
RYAN MORRIS  
LOCATION  
63 LAWRENCE HARGRAVE DRIVE, AUSTINMER  
SHEET CONTENTS:  
DOOR & WINDOW SCHEDULE  
AMENDMENTS:  
1.

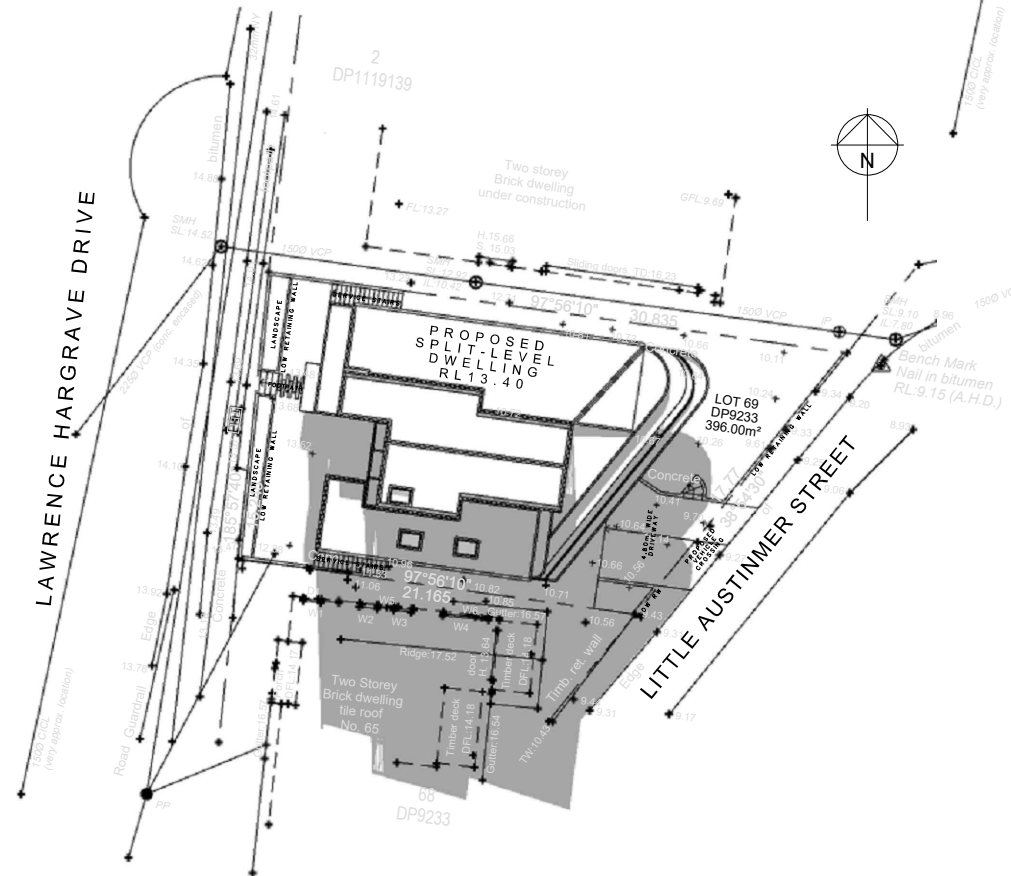
GENERAL NOTES  
1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6.  
2. \*SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.\*  
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R1.5 insulation to cavity brick external walls(excludes garage)  
Minimum Foil + R2.5 insulation to lightweight external walls  
R1.5 insulation to walls between house & subfloor  
R5.0 insulation to ceilings( excludes garage)  
R2.0 insulation to ceiling/floor between house & garage  
R2.0 insulation to floor of first floor where it extends past lower level  
R2.0 insulation to all internal walls  
Foil + R1.0 insulation blanket to underside of roof

**A0.09**  
PROJECT NO. : 020  
CREATED : 16-10-23  
FINISHED : 25-10-23  
MODIFIED : 13-03-24



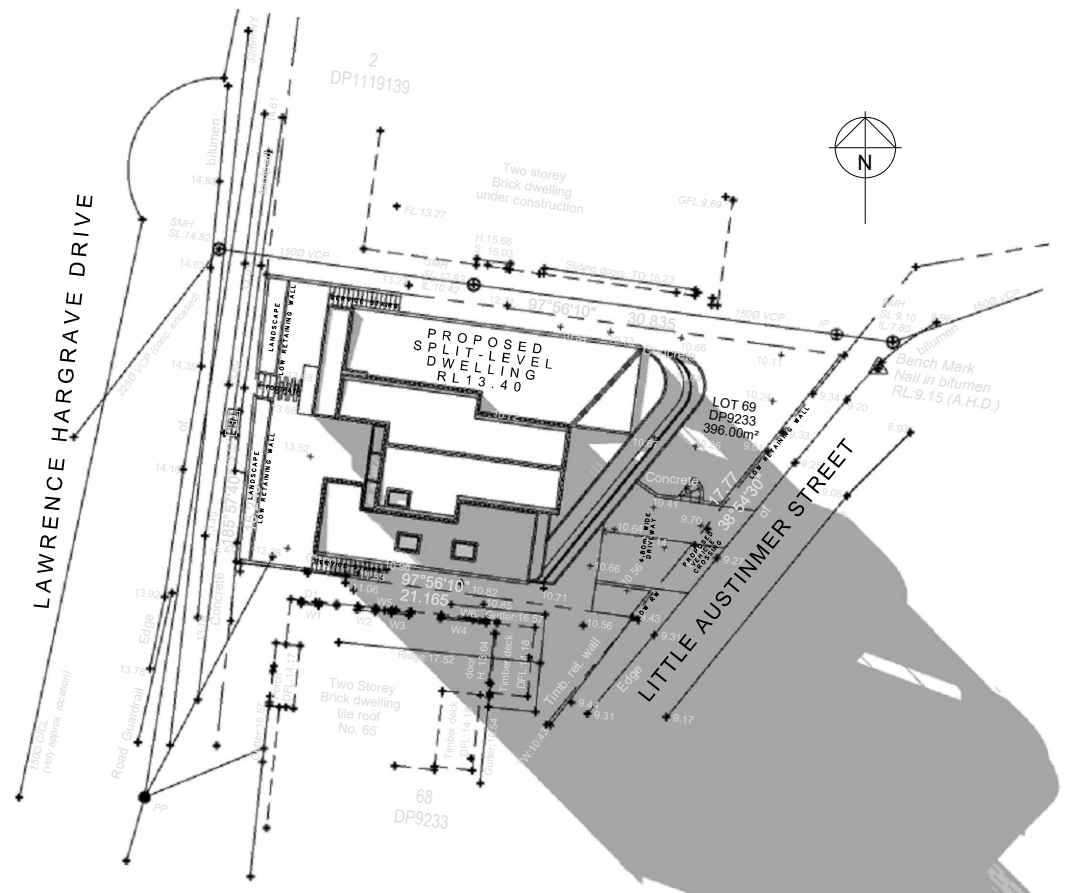
JUNE 21 - 9 AM

POSITION OF THE SUN	LATITUDE : 34°18'8.16" (S) LONGITUDE : 150°56'19.08" (E)
AZIMUTH	42°40'07"
ALTITUDE	18°30'20"
REFRACTION	00°02'54"



JUNE 21 - 12 NN

POSITION OF THE SUN	LATITUDE : 34°18'8.16" (S) LONGITUDE : 150°56'19.08" (E)
AZIMUTH	359°26'45"
ALTITUDE	32°17'04"
REFRACTION	00°01'32"



JUNE 21 - 3 PM

POSITION OF THE SUN	LATITUDE : 34°18'8.16" (S) LONGITUDE : 150°56'19.08" (E)
AZIMUTH	316°33'15"
ALTITUDE	17°55'49"
REFRACTION	00°03'00"

**Certificate No. 0009091604**  
 Scan QR code or follow website link for rating details.  
 Assessor name: Scott Douglass  
 Accreditation No. 13/1547  
 Property Address: 63 Lawrence Hargrave Drive, AUSTINMER NSW 2515  
 hstar.com.au/QR/Generate?pi=HziWwJka

# 01 SHADOW DIAGRAM

A-10 A-10 1:400 @ A3



**HOUSE OF PLANNING**  
 info@houseofplanning.com.au  
 0405 284952

PROJECT  
 PROPOSED SPLIT-LEVEL DWELLING  
 OWNER  
 RYAN MORRIS  
 LOCATION  
 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER  
 SHEET CONTENTS:  
 SHADOW DIAGRAM

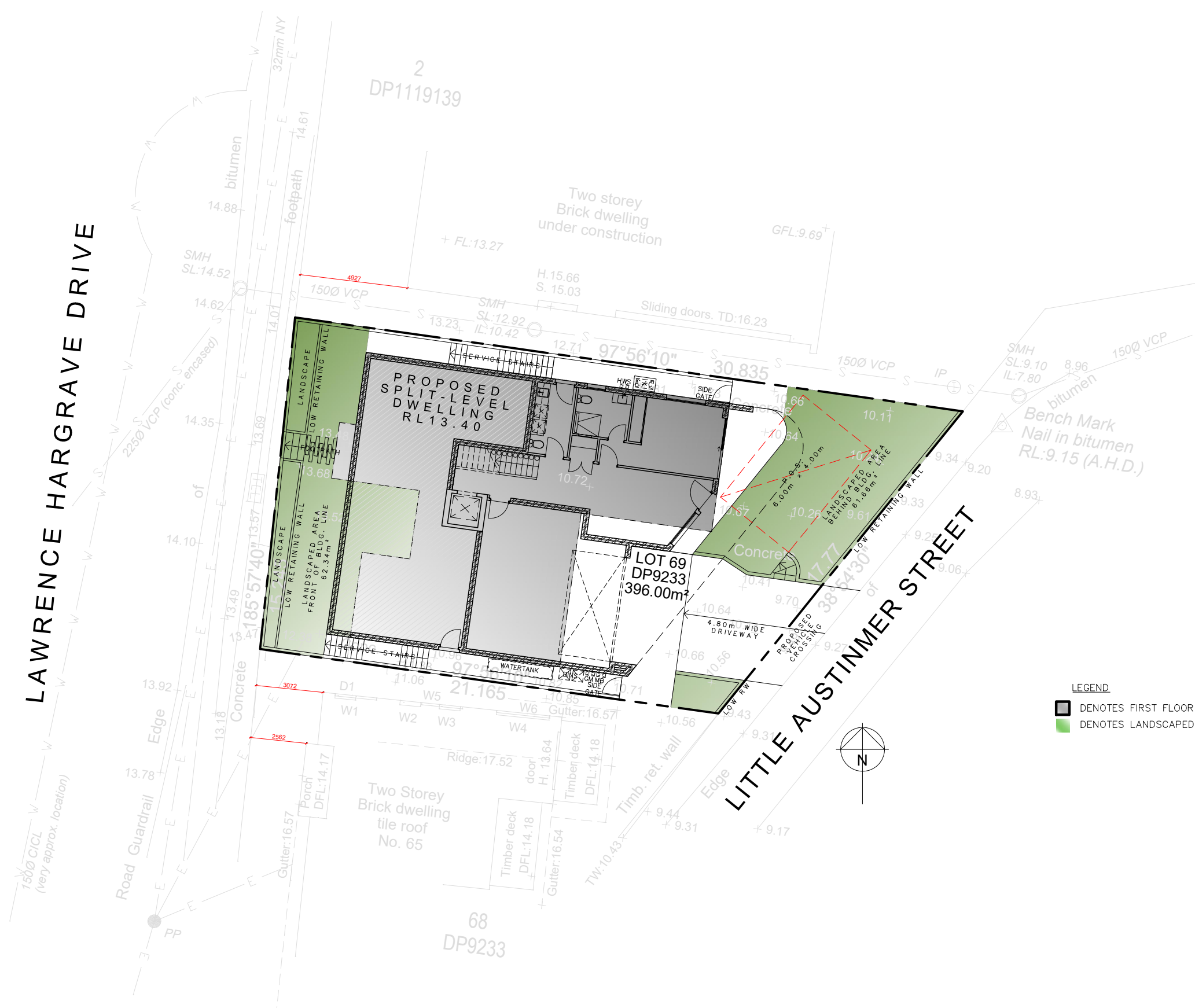
AMENDMENTS:  
 1.

GENERAL NOTES  
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 R2.0 insulation to all internal walls  
 Foil + R1.0 insulation blanket to underside of roof

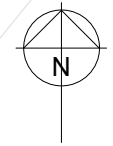
# A0.10

PROJECT NO. : 020  
 CREATED : 16-10-23  
 FINISHED : 25-10-23  
 MODIFIED : 13-03-24


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 Property Address: 63 Lawrence Hargrave Drive, AUSTINMER NSW, 2515  
 hstar.com.au/QR/Generate?h=HziWwJka

**LEGEND**  
 ■ DENOTES FIRST FLOOR FOOTPRINT  
 ■ DENOTES LANDSCAPED AREA >1.5m WIDTH

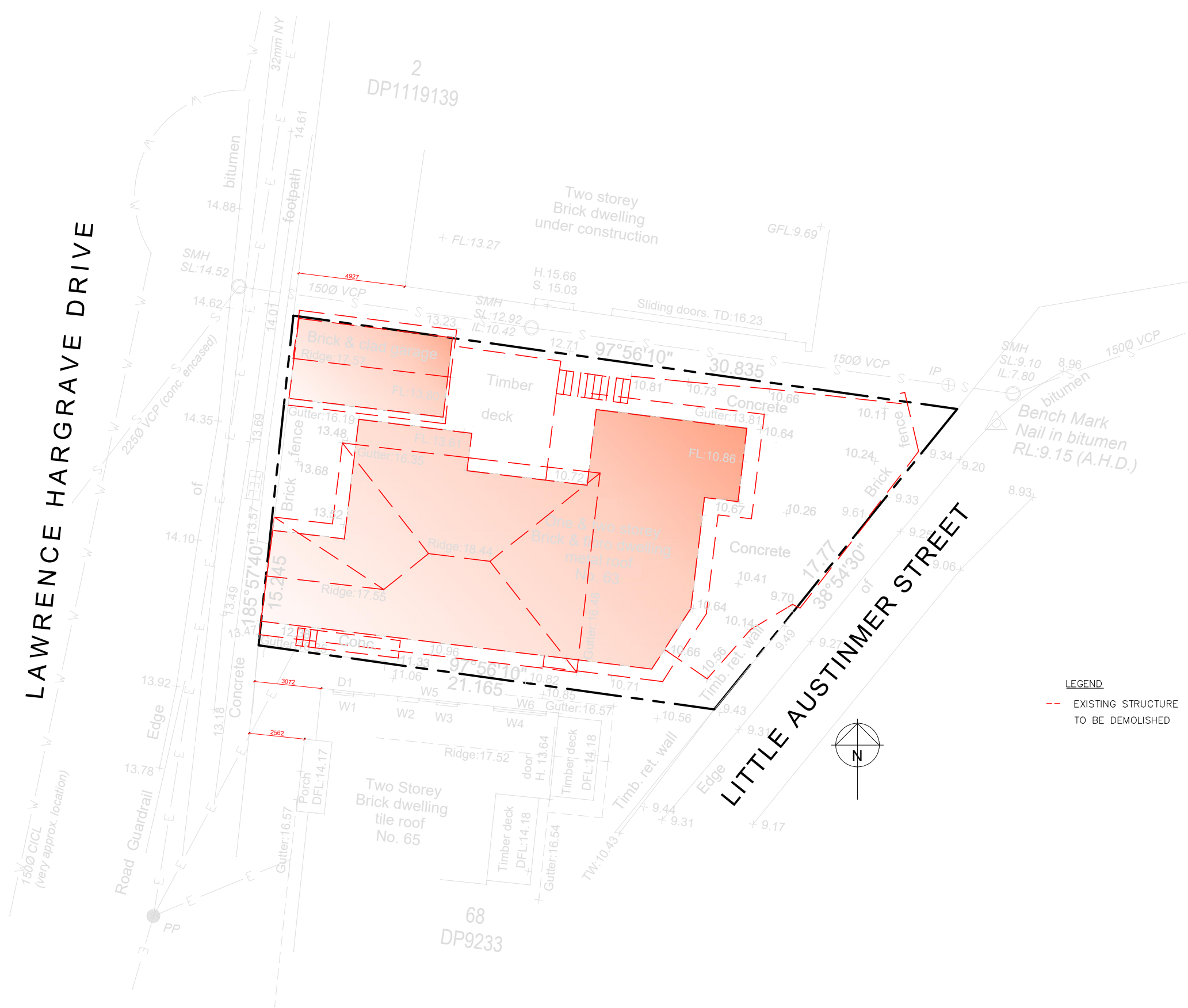


01 | **SITE COVERAGE PLAN**  
 A-11 A-11 | 1:200 @ A3

 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT <b>PROPOSED SPLIT-LEVEL DWELLING</b> OWNER <b>RYAN MORRIS</b> LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER	<b>GENERAL NOTES</b> 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower level R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<h1>A0.11</h1>
	SHEET CONTENTS: <b>SITE COVERAGE PLAN</b> 1:200 @ A3 AMENDMENTS: 1.		



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 Accreditation No. 13/1547  
 Property Address: 63 Lawrence Hargrave Drive, AUSTINMER NSW, 2515  
 09091604  
 hstz.com.au/QR/Generate?h=HtWwJka  
 29 NOV 2021

**LEGEND**  
 - - - EXISTING STRUCTURE  
 - - - TO BE DEMOLISHED



01 | **DEMOLITION PLAN**  
 A-12 A-12 | 1:200 @ A3



**HOUSE OF PLANNING**  
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 0405 284952

PROJECT  
**PROPOSED SPLIT-LEVEL DWELLING**  
 OWNER  
 RYAN MORRIS  
 LOCATION  
 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER  
 SHEET CONTENTS:  
**DEMOLITION PLAN**  
 1:200 @ A3  
 AMENDMENTS:  
 1.

GENERAL NOTES  
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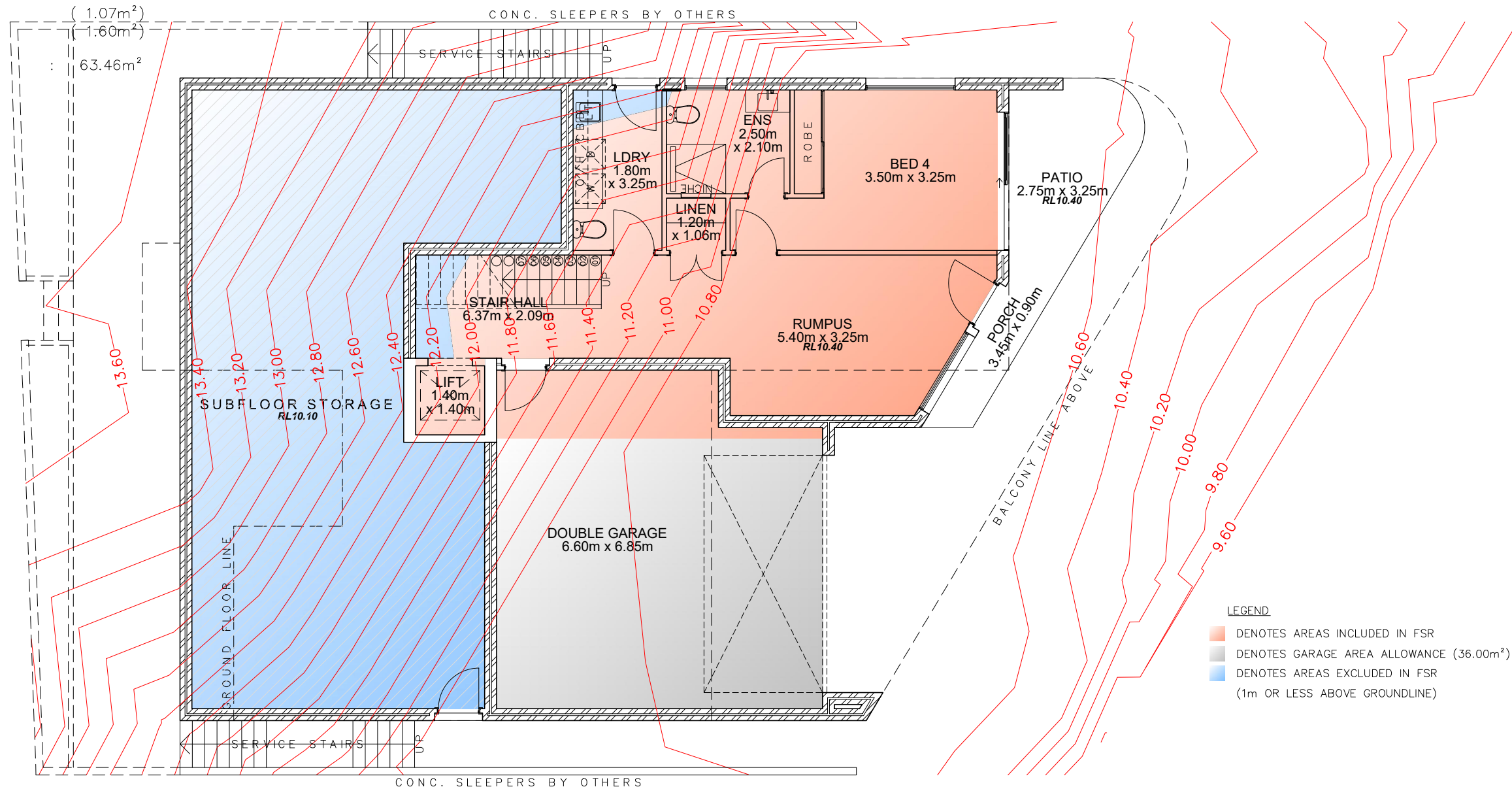
**A0.12**  
 PROJECT NO. : 020  
 CREATED : 16-10-23  
 FINISHED : 25-10-23  
 MODIFIED : 13-03-24

LOWER GROUND FLOOR AREA CALCULATIONS:

FLOOR SPACE RATIO  
(measured from internal face of external walls)

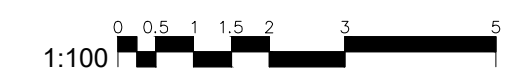
LIVING SPACE 59.37m<sup>2</sup>  
 GARAGE 42.76m<sup>2</sup>  
 LESS GARAGE ALLOWANCE (36.00m<sup>2</sup>)  
 LESS AREAS W/ LESS THAN 1m  
 BELOW GROUNDLINE

LAUNDRY (1.07m<sup>2</sup>)  
 STAIR HALL (1.60m<sup>2</sup>)  
 TOTAL LGF FLOOR AREA : 63.46m<sup>2</sup>



**LEGEND**  
 ■ DENOTES AREAS INCLUDED IN FSR  
 ■ DENOTES GARAGE AREA ALLOWANCE (36.00m<sup>2</sup>)  
 ■ DENOTES AREAS EXCLUDED IN FSR  
 (1m OR LESS ABOVE GROUNDLINE)

01 | LOWER GROUND FLOOR  
 FSR COMPUTATION PLAN  
 A-13 A-13 | 1:100 @ A3

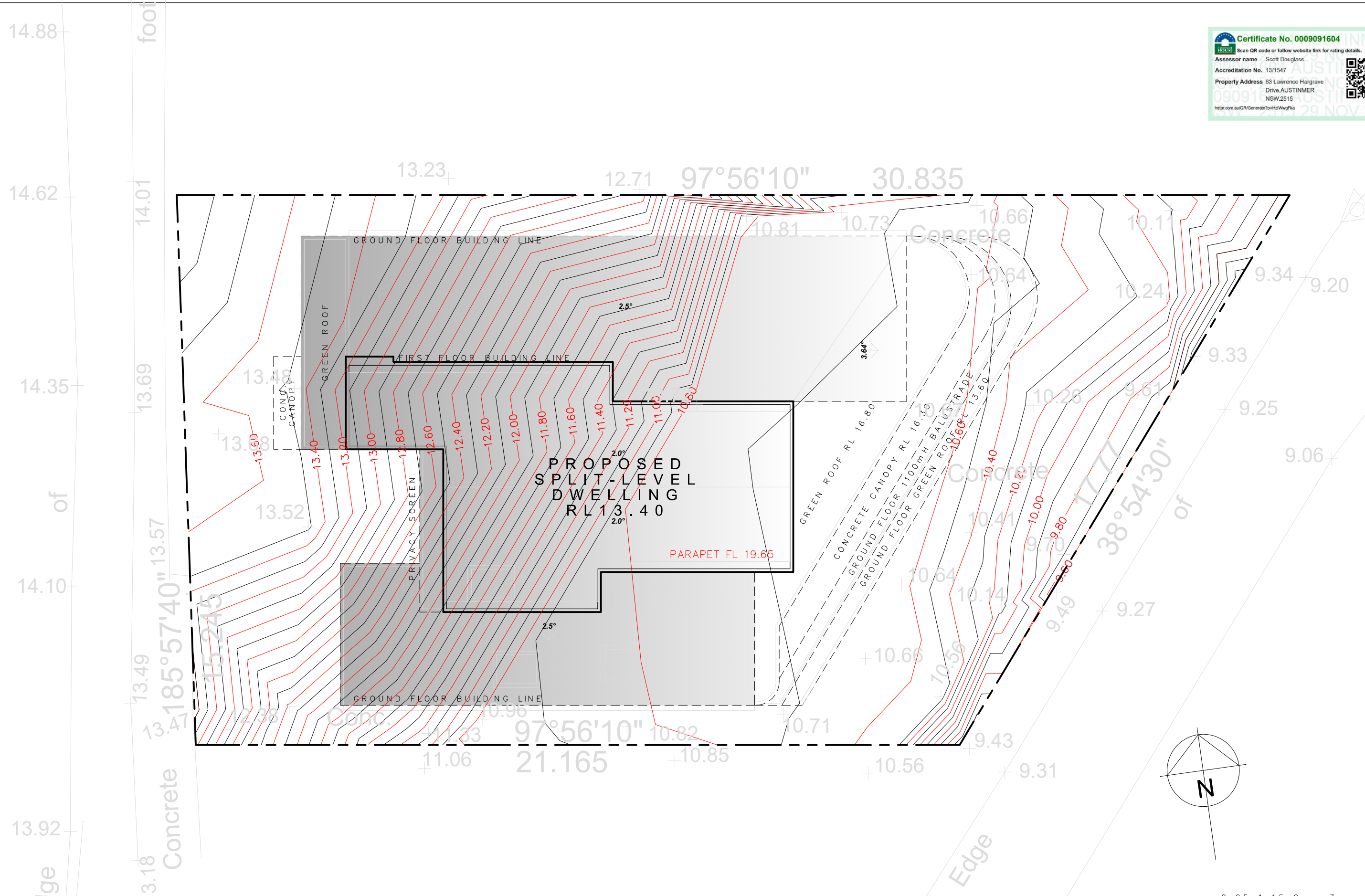


 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT PROPOSED SPLIT-LEVEL DWELLING OWNER RYAN MORRIS LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER SHEET CONTENTS:	GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Fall + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower level R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<h1>A0.13</h1>
	AMENDMENTS: 1.	PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24	

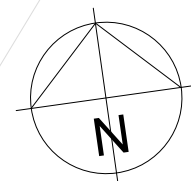
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 Scan QR code or follow website link for rating details.  
 Assessor name: Scott Douglass  
 Accreditation No. 13/1547  
 Property Address: 63 Lawrence Hargrave Drive, AUSTINMER NSW, 2515  
 hstar.com.au/QR/Generate?h=HziWwJka



29 NOV 2021



01 **BUILDING HEIGHT PLAN**  
 A-14 A-14 1:100 @ A3

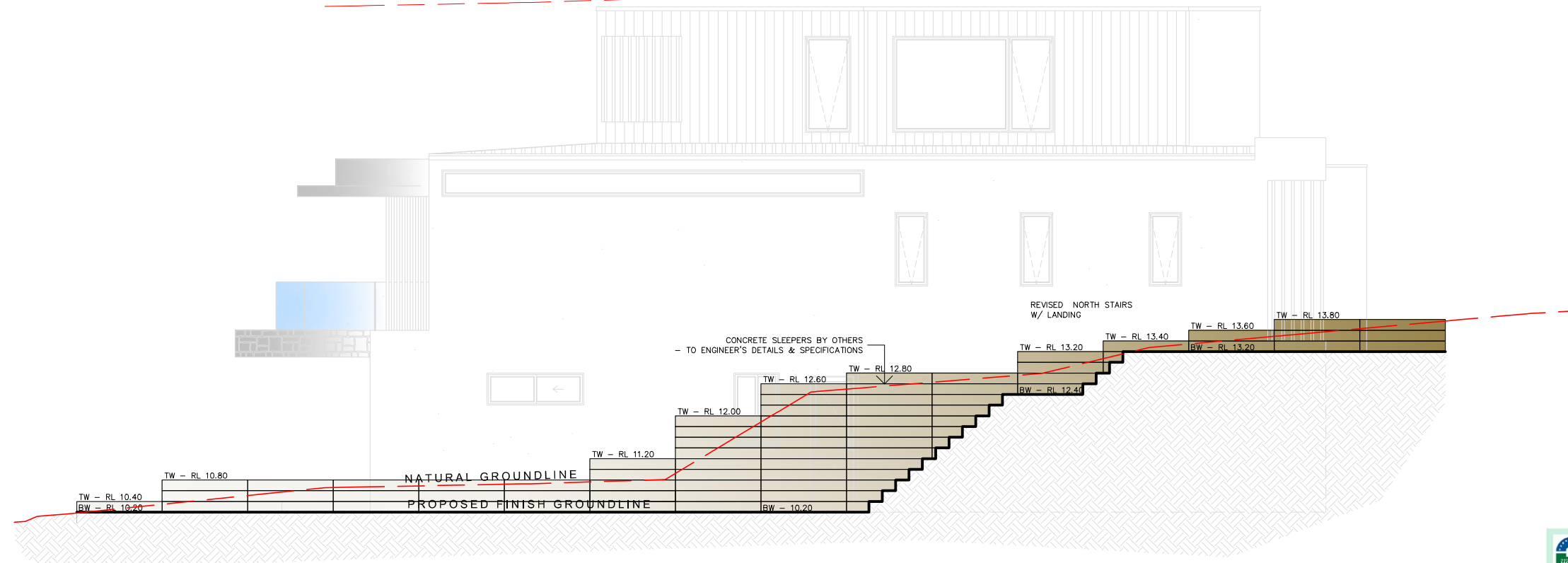



**HOUSE OF PLANNING**  
 info@houseofplanning.com.au  
 0405 284952

PROJECT  
**PROPOSED SPLIT-LEVEL DWELLING**  
 OWNER  
**RYAN MORRIS**  
 LOCATION  
 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER  
 SHEET CONTENTS:  
**BUILDING HEIGHT PLAN**  
 1:100 @ A3  
 AMENDMENTS:  
 1.

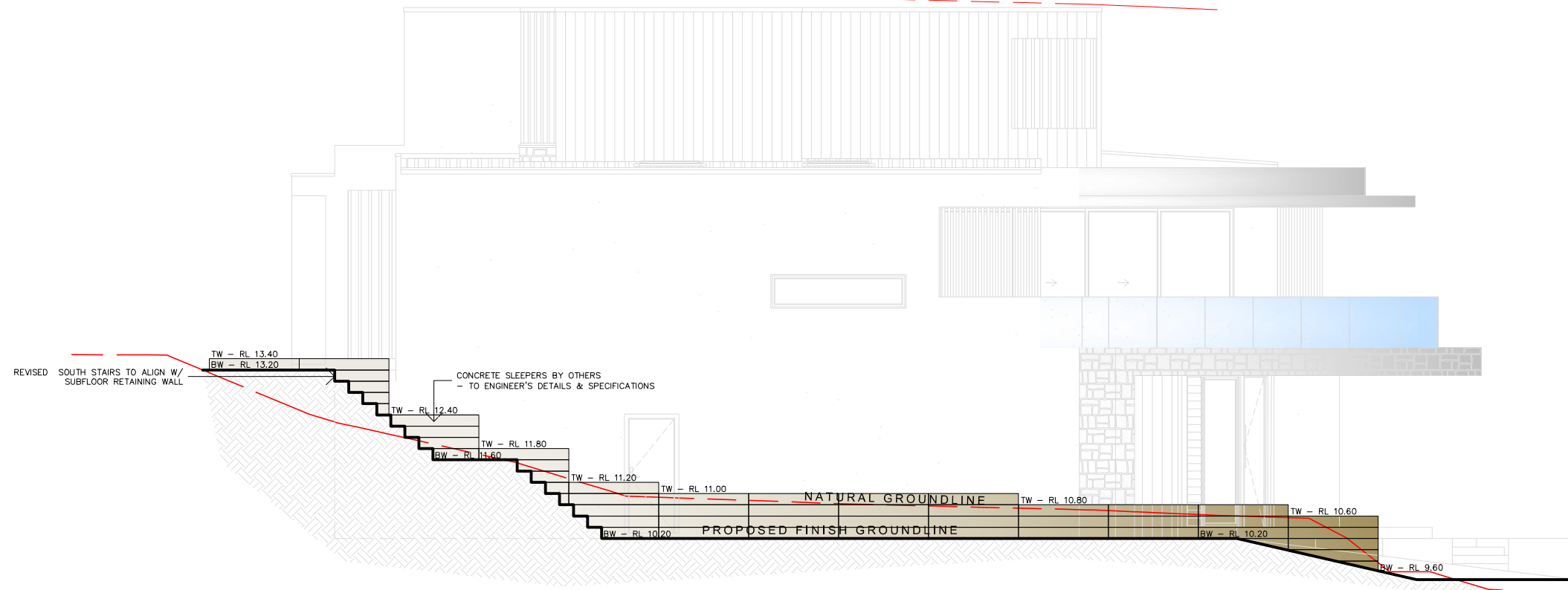
GENERAL NOTES  
 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6.  
 2. \*SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.\*  
 3. Minimum Insulations:  
 R2.0 insulation to floor between house & subfloor  
 R1.5 insulation to cavity brick external walls(excludes garage)  
 Minimum Foil + R2.5 insulation to lightweight external walls  
 R1.5 insulation to walls between house & subfloor  
 R1.5 insulation to walls between house & garage  
 R5.0 insulation to ceilings( excludes garage)  
 R2.0 insulation to ceiling/floor between house & garage  
 R2.0 insulation to floor of first floor where it extends past lower lvl  
 R2.0 insulation to all internal walls  
 Foil + R1.0 insulation blanket to underside of roof

**A0.14**  
 PROJECT NO. : 020  
 CREATED : 16-10-23  
 FINISHED : 25-10-23  
 MODIFIED : 13-03-24



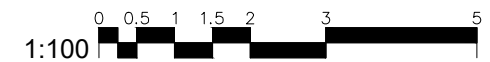
# RETAINING WALL NORTH ELEVATION


01  
A-15 A-15 | 1:100 @ A3



# RETAINING WALL SOUTH ELEVATION

02  
A-15 A-15 | 1:100 @ A3



 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT <b>PROPOSED SPLIT-LEVEL DWELLING</b> OWNER <b>RYAN MORRIS</b> LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER	GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower lvl R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<h1 style="font-size: 48px;">A0.15</h1>
	SHEET CONTENTS: <b>RETAINING WALL ELEVATION</b> 1:100 @ A3 AMENDMENTS: 1.	PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24	

## Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Fixtures</b>			
The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✓	
<b>Alternative water</b>			
Rainwater tank			
The applicant must install a rainwater tank of at least 2000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 130 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).		✓	✓
The applicant must connect the rainwater tank to:			
• all toilets in the development		✓	✓
• the cold water tap that supplies each clothes washer in the development		✓	✓
• at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.)		✓	✓

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Simulation Method</b>			
Assessor details and thermal loads			
The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.			
The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate and the "Construction" and "Glazing" tables below.			
The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.	✓	✓	✓
The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✓	✓
The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.	✓	✓	✓

Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Construction</b>			
The applicant must construct the floors, walls, roofs, ceilings and glazing of the dwelling in accordance with the specifications listed in the tables below.	✓	✓	✓
The applicant must show through receipts that the materials purchased for construction are consistent with the specifications listed in the tables below.			✓

Construction	Area - m <sup>2</sup>	Insulation
floor - concrete slab on ground, waffle pod slab.	252.4	none
garage floor - concrete slab on ground, waffle pod slab.	45.1	none
external wall: cavity brick; frame: no frame.	174.2	polystyrene
external wall: framed (metal clad); frame: timber - H2 treated softwood.	55.3	fibreglass batts or roll+ foil/sarking
external garage wall: cavity brick; frame: please select.	1	none
internal wall: plasterboard; frame: timber - H2 treated softwood.	134.7	fibreglass batts or roll
ceiling and roof - flat ceiling / pitched roof, framed - metal roof, timber - H2 treated softwood.	163	ceiling: fibreglass batts or roll; roof: foil backed blanket.


Thermal Performance and Materials commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Glazing</b>			
The applicant must install windows, glazed doors and skylights as described in the table below, in accordance with the specifications listed in the table.	✓	✓	✓

Frames	Maximum area - m <sup>2</sup>
aluminium	113
timber	2
uPVC	0
steel	0
composite	0

Glazing	Maximum area - m <sup>2</sup>
single	2
double	113
triple	0

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
<b>Hot water</b>			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 6 stars.	✓	✓	✓
<b>Cooling system</b>			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✓	✓
<b>Heating system</b>			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 1-phase airconditioning - ducted; Energy rating: EER 3.0 - 3.5		✓	✓
<b>Ventilation</b>			
The applicant must install the following exhaust systems in the development:			
At least 1 Bathroom: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Kitchen: individual fan, ducted to façade or roof; Operation control: manual switch on/off		✓	✓
Laundry: natural ventilation only, or no laundry; Operation control: n/a		✓	✓
<b>Artificial lighting</b>			
The applicant must ensure that a minimum of 80% of light fixtures are fitted with fluorescent, compact fluorescent, or light-emitting-diode (LED) lamps.		✓	✓
<b>Natural lighting</b>			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓

Energy Commitments	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
The applicant must install a window and/or skylight in 4 bathroom(s)/toilet(s) in the development for natural lighting.	✓	✓	✓
<b>Alternative energy</b>			
The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system.	✓	✓	✓
The photovoltaic system must consist of:			
• photovoltaic collectors with the capacity to generate at least 1 peak kilowatts of electricity, installed at an angle between 0 degrees and 10 degrees to the horizontal facing north	✓	✓	✓
<b>Other</b>			
The applicant must install an induction cooktop & electric oven in the kitchen of the dwelling.		✓	
The applicant must install a fixed outdoor clothes drying line as part of the development.		✓	

 <p><b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952</p>	<p>PROJECT PROPOSED SPLIT-LEVEL DWELLING OWNER RYAN MORRIS LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER</p> <p>SHEET CONTENTS: RETAINING WALL ELEVATION 1:100 @ A3</p> <p>AMENDMENTS: 1.</p>	<p>GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. "SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT." 3. Minimum Insulations: R2.0 insulation to floor between house &amp; subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house &amp; subfloor R1.5 insulation to walls between house &amp; garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house &amp; garage R2.0 insulation to floor of first floor where it extends past lower level R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof</p>	<p><b>A0.16</b></p> <p>PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24</p>
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**ATTACHMENT 2 – WOLLONGONG DCP 2009****CHAPTER B1 – RESIDENTIAL DEVELOPMENT**

An assessment of the proposed application has been undertaken against the controls of Chapter B1 below:

**4.0 General Residential controls**

<i>Controls/objectives</i>	<i>Comment</i>	<i>Compliance</i>
<u>4.1 Number of Storeys</u> <ul style="list-style-type: none"><li><i>R2 max height of 9m or two storey</i></li><li><i>Ancillary structures – 1 storey</i></li><li><i>Built form that has a positive impact on the visual amenity of the area and addresses site constraints and overlooking of neighbouring properties</i></li><li><i>In R2 Low Density Residential zones, where development occurs within 8m rear setback the development is limited to single storey</i></li></ul>	Storeys: 3 Max Height: 79m Dual frontage to Lawrence Hargrave Dr and Little Austinmer Ln. No rear boundary  The proposal has been assessed against the relevant objectives and considered unsatisfactory. The variation is not considered capable of support.	No Variation
<u>4.2 Front Setbacks</u> <ul style="list-style-type: none"><li><i>Infill 6m min but less dependent on street character</i></li><li><i>Garages and carports 5.5m min</i></li><li><i>Greenfield sites 4m min</i></li></ul>	Lawrence Hargrave Dr Dwelling: 3.44m Little Austinmer Ln: Dwelling: 4.3m Garage: 6.7m  The proposal has been assessed against the relevant objectives and considered satisfactory.	Yes Variation
<u>4.3 Side and Rear Setbacks</u> <ul style="list-style-type: none"><li><i>Wall Setback: 900mm min</i></li><li><i>Eave Setback: 450mm min</i></li><li><i>Rear Setback: 900mm min</i></li></ul>	North Side: 1.135m South Side: 1.101m Eaves: No side eaves proposed The proposal has been assessed against the relevant objectives and considered satisfactory.	Yes
<u>4.4 Site Coverage</u> <ul style="list-style-type: none"><li><i>55% of the area of the lot, if the lot has an area less than 450m<sup>2</sup></i></li><li><i>50% of the area of the lot, if the lot has an area of at least 450m<sup>2</sup> but less than 900m<sup>2</sup></i></li></ul>	Site Area = 396m <sup>2</sup> Site Coverage = 39%  The proposal has been assessed against the relevant objectives and considered satisfactory.	Yes

<ul style="list-style-type: none"> <li>40% of the area of the lot, if the lot has an area of at least 900m<sup>2</sup></li> </ul>		
<p><u>4.5 Landscaped Area</u></p> <ul style="list-style-type: none"> <li>Minimum Required 20% permeable area capable of growing trees, shrubs, groundcover and/or lawn.</li> <li>50% behind the building line to the primary road</li> <li>Integrated with drainage design</li> <li>Dual occupancy requires 1.5m min landscape strip within the front setback for the majority of site width (excluding driveway)</li> </ul>	<p>Site Area = 396m<sup>2</sup>  Landscape Area = 124m<sup>2</sup>  The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>Clause 4.6 Private Open Space</u></p> <ul style="list-style-type: none"> <li>24m<sup>2</sup> of private open space must be directly accessible from the living areas; min width of 4m and no steeper than 1:50.</li> <li>Not to be located on side boundaries or front yards without variation.</li> </ul>	<p>Private open space &gt;24m<sup>2</sup>.  The property has a dual frontage. The plans indicate an area for private open space within the setback to Little Austinmer Lane.  There is a balcony on both the ground floor and first floor on the elevation adjoining Little Austinmer Lane.  The provision of a private open space is considered adequate due to the size and configuration of the site, and the additional area from the balcony adjoining the living dining area.  The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.7 Solar Access Requirements</u></p> <ul style="list-style-type: none"> <li>Windows to living rooms of adjoining dwellings must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on 21 June.</li> <li>At least 50% of the private open areas of adjoining residential properties must receive at least 3hrs continuous sunlight between 9.00am - 3.00pm on June 21.</li> </ul>	<p>Shadow diagrams provided for Winter Solstice – June 21<sup>st</sup>, at 9am, 12pm and 3pm.  The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>

- *Shadow diagrams will be required by Council for 9am, 12pm, 3pm for the 21 June for two storey dwellings.*

**4.8 Building Character and Form**

- *Design, height and siting of a new dwelling-house or secondary dwelling must respond to its site context*
- *The design of the development must have particular regard to the topography of the site to minimise the extent of cut and fill associated with dwelling construction.*
- *New dwelling-houses within established residential areas should be sympathetic with the existing character of the immediate locality.*
- *All residential buildings must be designed with building frontages and entries clearly addressing the street frontage.*
- *Where garages are proposed on the front elevation they must be articulated from the front façade.*

The proposal has been assessed against the relevant objectives and considered unsatisfactory.

The proposed sub-floor area requires an excavated cut into the sloping site exceeding 3 metres.

This excavation is considered excessive in bulk and scale and is and does to take into regard to the topography of the site to minimise the extent of cut.

In conjunction with the FSR variation the proposed excavation to facilitate a sub-floor area is considered unsuitable.

No

**4.9 Fences**

- *Fences must be constructed to allow natural flow of stormwater or runoff.*
- *Fences within front and secondary building lines should be mainly constructed of transparent fence materials.*
- *Any fence or related retaining wall within the front setback from the primary road frontage must be a max 1.2m in height*

None proposed

N/A

**4.10 Car parking and Access**

- *1 space per dwelling with a GFA of less than 125m<sup>2</sup>*
- *2 spaces per dwelling with a GFA of greater than 125m<sup>2</sup>*
- *Car parking spaces may be open hard stand space, driveway, carport or a garage.*

GFA>125m<sup>2</sup>

Two (2) car garage provided.

Garage front setback: 6.7m

Driveway crossover width 5.6m considered acceptable

The proposal has been assessed against the relevant objectives and considered satisfactory.

Yes



<ul style="list-style-type: none"> <li>• <i>Garage door facing roads–not greater than 50% of the width of the dwelling.</i></li> <li>• <i>Carports must be setback behind the front building line.</i></li> <li>• <i>Garages must be setback min of 5.5 from front boundary.</i></li> <li>• <i>Driveways shall be separated from side boundaries by a minimum of 1m.</i></li> <li>• <i>Driveways shall have a max cross-over width of 3m.</i></li> </ul>		
<p><u>4.11 Storage Facilities</u></p> <ul style="list-style-type: none"> <li>• <i>Studio/1 bedroom- 6m<sup>3</sup> storage volume to 3m<sup>2</sup> storage area</i></li> <li>• <i>2 bedroom- 8m<sup>3</sup> storage volume to 4m<sup>2</sup> storage area</i></li> <li>• <i>3 bedroom- 10m<sup>3</sup> storage volume to 5m<sup>2</sup> storage area</i></li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.12 Site Facilities</u></p> <ul style="list-style-type: none"> <li>• <i>Letterboxes in an accessible location</i></li> <li>• <i>Air-con, satellite dishes and other ancillary structures to be located away from street frontage, not in a place where they are a skyline feature and adequately setback</i></li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory and is capable of complying.</p>	<p>Yes</p>
<p><u>4.13 Fire Brigade Servicing</u></p> <ul style="list-style-type: none"> <li>• <i>All dwellings located within 60m of a fire hydrant</i></li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes</p>
<p><u>4.14 Services</u></p> <ul style="list-style-type: none"> <li>• <i>Encourage early consideration of servicing requirements</i></li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory. Services are available.</p>	<p>Yes</p>
<p><u>4.15 Development near the coastline</u></p> <ul style="list-style-type: none"> <li>• <i>Must minimise built intrusions into coastal landscape</i></li> <li>• <i>Retain views to the ocean from roads and public spaces</i></li> <li>• <i>Maintain buildings consistent with coastal character</i></li> </ul>	<p>It is considered that the proposal does not adversely impact on the requirements of this clause.</p>	<p>Yes</p>
<p><u>4.16 View sharing</u></p>	<p>No significant view corridors will be impeded by the proposed dwelling</p>	<p>Yes</p>

	<p>house. The design with articulated roof form provides availability to maintain views to the east.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory</p>	
<p><u>4.17. Retaining walls</u></p> <ul style="list-style-type: none"> <li><i>To ensure well designed retaining walls that are structurally sound</i></li> </ul>	<p>Retaining wall max. height 2400mm.</p> <p>The proposal has been assessed against the relevant objectives and considered satisfactory.</p>	<p>Yes Variation</p>
<p><u>4.18 Swimming pools and spas</u></p> <ul style="list-style-type: none"> <li><i>To ensure relevant safety standards meet user's needs.</i></li> <li><i>To ensure site and design maintain the amenity of the area</i></li> </ul>	<p>None Proposed</p>	<p>N/A</p>
<p><u>4.19 Development near railway corridors and major roads</u></p> <ul style="list-style-type: none"> <li><i>Ensure development near rail corridors and major roads are protected from vibration</i></li> <li><i>Ensure development does not affect operations or safety</i></li> <li><i>Comply with SEPP Infrastructure.</i></li> </ul>	<p>The proposal has been assessed against the relevant objectives and considered satisfactory</p>	<p>Yes</p>

## CHAPTER D1: CHARACTER STATEMENTS

### Clause 3.13 – Austinmer

*Austinmer should retain its low density leafy seaside character and any new residential development should not dominate the scenic environmental quality of the coastal strip and forested escarpment.*

*Dwellings should be generally one to two storeys in height and be designed to retain the nature attributes of the immediate locality.*

*Any new dwellings or major alterations and additions to existing dwellings should be designed to minimise the scale and bulk of the development through well-articulated building forms. Individually designed dwellings with weatherboard or colourbond facades with lighted coloured or light or mid grey finishes are preferred for properties along the coastal strip. The rooflines for dwellings along the coastal strip may either be flat, curved or gently pitched, depending upon existing view sheds from neighbouring properties.*

*In some cases, split-level or varied setbacks for two storey dwellings and sloping flat or gently pitched roof forms may be necessary, to maximise view sharing opportunities for neighbouring dwellings. The impact of upper storeys of a dwelling should also be minimised through a combination of additional front and side setbacks from the ground floor of the dwelling and the selective use of balconies and*

*verandahs.*

*Balconies should be lightly framed in steel and / or timber finishes, rather than of brick or masonry construction.*

It is considered that the correlation between the size of the site and the extent of the development on the site of does not meet the desired future character of Austinmer.

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

A two (2) car garage has been provided attached to the dwelling house. The proposed driveway grades are capable of complying with Australian Standard AS 2890.1

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

A Site Waste Minimisation and Management Plan has been submitted. The proposal has been assessed against the relevant objectives and considered satisfactory. Conditions would be imposed on any development consent in regard to waste management and asbestos removal.

#### **CHAPTER E14 STORMWATER MANAGEMENT**

Stormwater generated from the proposed development is to be connected to the existing drainage system within Little Austinmer Lane. A condition would be imposed on any development consent requiring connection to the existing system.

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

No tree removal is proposed and/or required as part of the proposed development.

#### **CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT**

The proposed works involve demolition works. Conditions would be imposed on any development consent in regards to demolition and asbestos removal.

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

Conditions in relation to soil and erosion control have been imposed on the development consent.



HOUSE OF PLANNING

**Clause 4.6 Variation Statement**

**Clause 4.4 Floor Space Ratio – Wollongong LEP 2009**

**Site – Lot 69 DP 9233, 63 Lawrence Hargrave Drive, Austinmer**

This Clause 4.6 Variation Request has been prepared in support of a Development Application for the proposed residential dwelling at Lot 69 DP 9233, known as 63 Lawrence Hargrave Drive (LHD), Austinmer. This Variation Request relates to the accompanying DA plans and supporting information included in the application.

The provisions of *Wollongong Local Environmental Plan 2009* (WLEP) apply to the assessment of the proposal. Clause 4.6 of WLEP 2009 provides for an appropriate degree of flexibility in the application of development standards where better development outcomes specific to the site result from allowing flexibility.

This Clause 4.6 request has been prepared having regard to recent decisions of the NSW Land and Environment Court - *Initial Action Pty Ltd v Woollahra Municipal Council* [2019] NSWLEC 1097 and *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

The proposal seeks a variation to the Floor Space Ratio (FSR) development standard in Clause 4.4 of the WLEP. The development standard for Floor Space Ratio is not excluded by Clause 4.6(8). Consequently, a written request to vary the development standard subject to Clause 4.6(3) is required as part of the DA.

This report constitutes the applicants written request to justify and seek an appropriate degree of flexibility in the application of the Floor Space Ratio development standard for this development. This variation statement shows that the non-compliance facilitates a built form and function which will have an overall positive environmental planning outcome specific to this site and its setting.

The report includes:

- A general overview of Clause 4.6
- Detailed consideration of the Floor Space Ratio standard and objectives as they apply to the proposal
- Addressing of Clause 4.6(3)(a) – that compliance with the numeric standards is unreasonable or unnecessary in the circumstances of this case
- Addressing of Clause 4.6(3)(b) – that there are sufficient environmental planning grounds in this case to justify contravention of the development standard

- Ways in which the development will be in the public interest
- Summary and conclusion.

## 1. The Proposal

The DA seeks consent for the following:

- Demolition of existing double storey residential dwelling, brick and clad garage and external landscaping including decking, stairs and hardstand areas.
- Construction of a single dwelling comprising three levels including a partial basement/lower ground floor.

The proposal aims to achieve a high level of residential amenity through the provision of high quality architectural design.

Overall, the development would represent a positive addition to LHD and Little Austinmer Lane, through the provision of a modern, well designed, residential dwelling. The development would provide a residential re-development, with a well-designed house on the site, promoting low density housing choices for existing and future residents.

The site is zoned R2 Low Density Residential. The objectives of the R2 Low Density Residential zone are:

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

Within the R2 zone the following uses are permitted with consent:-

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

The proposal is consistent with the objectives of the zone and will provide a new dwelling on the site. Dwellings are permissible in the R2 zone. The proposal will provide high quality architectural designed housing that respects the environmental values within and adjacent to the site.

### 1.1 Description of the Site

The site is located at 63 Lawrence Hargrave Drive (LHD), Austinmer, formally Lot 69 DP 9233. The site contains dual frontages along LHD and Little Austinmer Lane. The site has a frontage of 13m onto LHD and a frontage of 18m onto Little Austinmer Lane. Vehicular access to the site is provided from Little Austinmer Lane. Pedestrian access is achievable from LHD and Little Austinmer Lane. The site contains an area of 396m<sup>2</sup>.

The site contains a double storey residential dwelling and detached brick and clad garage. The site contains limited vegetation including grass cover and shrubs in the eastern corner of the lot. The site is impacted by acid sulfate soils due to its proximity to the coastline. The site is identified as being prone to land slippage and erosion due to steepness of the site and proximity to the foreshore.

## 1.2 Description of Surrounds

The area can best be characterized as a low-density residential area with coastal features. The site is adjacent to the Little Austinmer foreshore.

Land adjacent to the site comprises:

- North – A vacant residentially zoned lot with a two-storey brick dwelling under construction.
- South – Residential lot containing a two storey brick dwelling.
- East – The foreshore area including vegetation, a beach carpark and Little Austinmer Beach.
- West – LHD and low density residentially zoned land on the western side.

## 1.2 Impact of Non – compliance

The proposal is non-compliant with the Floor Space Ratio control in WLEP 2009. The LEP control is 0.5:1. The site is 396m<sup>2</sup>, with a Gross Floor Area (GFA) of 233.66m<sup>2</sup> proposed. This represents a FSR of 0.59:1, an exceedance of 35.66m<sup>2</sup> or 9%. The exceedance will not be evident from the streetscape as the additional habitable floor space is largely attributed to the basement level which is concealed from LHD due to the slope of the site.

## 2 Clause 4.6 Variation Statement

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A variation to the WLEP is sought for a dwelling at 63 LHD, Austinmer.

The development is compliant with all other statutory development controls communicated in the WLEP 2009. This includes the proposals permissibility in an R2 - *Low Density Residential* zone in accordance with Clause 2.1 of the WLEP 2009.

Numeric compliance is not achieved in accordance with the Floor Space Ratio standard, consequently the proposal is seeking to vary the standard pursuant to Clause 4.6 of the WLEP 2009.

Clause 4.6 enables exemptions to development standards if a high level of amenity and sound developable outcome can still be achieved.

Clause 4.6(3) states the following:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (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.*

Clause 4.6(4) states that the consent authority needs to be satisfied that:

*“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.”*

The departure from this development standard is within the delegated authority of the Wollongong Local Planning Panel as determined by Directions issued by the Minister for Planning in accordance with Section 9.1 of the EP&A Act 1979 on 23 February 2018 and effective from 1 March 2018.

This document captures a formal written request to vary the development control within Clause 4.4 – Floor Space Ratio.

Justifications for the variation are provided below, these demonstrate that the noncompliance can still deliver a good design outcome, high level of amenity, and provide up to date, well designed infill low density housing in a popular location. This justification also identified environmental planning grounds specific to this case that demonstrate the proposal is consistent with Clause 4.6(3)(b).

In addition, legal precedence in relation to variations to Local Environmental Plans (LEP) have been included in this submission to solidify acceptable departures from the LEP.

This submission demonstrates that the variation request is well founded by addressing the requirements of Clause 4.6 (3) and (4) and relevant judgements of the NSW Land and Environment Court. It is also noted that the extent of variation afforded by Clause 4.6(2) is not numerically limited.

### 3 Overview of Clause 4.4 – Floor Space Ratio

#### 3.1 The Development Standard

A variation to Clause 4.4 – Floor Space Ratio, within WLEP 2009 is sought for the proposed residential dwelling at 63 LHD, Austinmer. Clause 4.4 is a development standard for Floor Space Ratio contained in WLEP 2009.

Clause 4.4 of WLEP 2009 establishes a numerical control for the Floor Space Ratio for all development in the Wollongong LGA. The control specifically outlines the following:

*4.4 Floor space ratio*

*(1) The objectives of this clause are as follows—*

*(a) to ensure the bulk and scale of development does not have an adverse impact on the streetscape and character of the area in which the development is located.*

*(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

The mapped FSR for the site is 0.5:1.



Figure 1 Floor Space Ratio Map (Source – Planning Portal)



### 3.2 Definition of Dwelling House

A Dwelling House is defined in WLEP 2009 as follows:

***dwelling house*** means a building containing only one dwelling.

### 3.3 Extent of the Variation

The proposal is non-compliant with the Floor Space Ratio control in WLEP 2009. The total site area of the development is 396m<sup>2</sup>, with the total gross floor area of the proposal totaling 233.66m<sup>2</sup>. This creates a FSR of 0.59:1 and does not comply with the WLEP 2009 requirement. The proposed FSR represents an exceedance of 35.66m<sup>2</sup> or 9%.

## 4 Addressing Clause 4.6(3)(a)

Clause 4.6(3)(a) requires the applicant to demonstrate that compliance with the numeric standard is unreasonable or unnecessary in the circumstances of this case. Specifically, clause 4.6(3)(a) states as follows:

*“(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case”*

Ways in which compliance may be demonstrated to be unreasonable or unnecessary have been set out by Justice Preston in *Wehbe v Pittwater Council [2007] NSWLEC 872* and summarised as follows:

- (i) the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
- (ii) the underlying objective or purpose of the standard is not relevant to the development;*
- (iii) the underlying objective or purpose of the standard would be defeated or thwarted if compliance was required;*
- (iv) the development standard has been virtually abandoned or destroyed by Council’s own actions in granting consents departing from the standard;*
- (v) the zoning of the particular land is unreasonable or inappropriate and therefore a development standard for that zoning is also unreasonable*

This request for variation demonstrates numeric compliance with Floor Space Ratio development standard, is unreasonable or unnecessary because the proposal is consistent with the objectives for development in Zone R2 – Low Density Residential

The objective for land uses in Zone R2 are listed below along with explanations as to how the non-compliant parts of the development are consistent with those objectives.

In accordance with 4.6(3)(a) the unreasonable and unnecessary characteristics of the numeric standard are justified below:

- The noncompliance is largely due the irregular shape and small size of the allotment.
- The noncompliance produces inconsequential impacts on site and off site, with the additional bulk located at the rear, away from the view from the primary street frontage.
- The additional gross floor area within the dwelling does not compromise compliance with the height control. The small exceedance in gross floor area does not impact on privacy, overlooking or overshadowing of the surrounding dwellings.
- The noncompliance facilitates more functional habitable spaces and overall increases the residential yield of the site, providing a good outcome for housing stock and diversity.
- There is precedence in the immediate area to justify the additional FSR. Characteristically, dwellings located along LHD commonly contain non-compliant setbacks, additional storeys and moderately increased FSRs given the steepness and shape of lots.

#### **4.1 Clause 4.4 Objective - to ensure the bulk and scale of development does not have an adverse impact on the streetscape and character of the area in which the development is located**

The building design is compatible with the height, build and scale of the existing and desired future character of Austinmer. The proposal is consistent with the objectives of the zone and will provide high-quality, low density housing close to the foreshore. The Austinmer area is undergoing transition in built form, character and land use, with older dwellings being replaced by newer dwellings and increased density in infill locations, with development adding greater housing supply and variety to the local market.

The design has considered the bulk and scale of the development to ensure it does not have an adverse impact on the streetscape and character of the area. The proposal is in keeping with the bulk and scale of the adjacent dwellings.

The location of the dwelling and the proposed bulk, massing and modulation of the building is acceptable and does not result in any unreasonable loss of amenity to any of the adjoining properties. In fact, the siting of the proposed dwelling is considered more advantageous than the dwelling that currently stands on site. The proposed basement level will be concealed from LHD. The proposed first floor will provide a small amount of additional gross floor area, providing a parent's

retreat. The proposal will have no significant adverse impacts in terms of overshadowing or loss of privacy or amenity on the neighbouring properties.

#### 4.2 Clause 2.3 Zone R2 Low Density Residential Objectives

The objectives of the R2 Low Density Residential are as follows:

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

The proposal provides a residential re-development in the form of a dwelling. The proposal is compliant with the LEP height control. The proposal is consistent with the objectives for development in Zone R2 as it provides an updated architecturally designed dwelling that better utilises the potential of the site and provides for the housing needs of the community.

Clause 2.3 of LEP 2009 states that the consent authority must have regard to the objectives of the zoning when determining a DA in respect to land within that zone. The proposal complies with the zoning in the following ways:

- The development provides for low impact residential development in the form of a residential dwelling.
- The development is largely located within the existing building envelope, therefore, minimising environmental impacts.
- The development does not impact the ability of other land uses to be developed in the R2 zone.

Overall, it is considered that the proposal aligns with the objectives of the land use zoning.

## 5 Addressing Clause 4.6(3)(a)

### 5.1 Objects of the Environmental Planning and Assessment Act, 1979

As established in *Initial Action v Woollahra Municipal Council [2018] NSWLEC 118* by Preston CJ, sufficient environmental planning grounds include consideration of the objects of the Environmental Planning and Assessment Act, 1979 (EP&A Act, 1979), matters specific to the development standard and are not a 'neutral or beneficial test' in comparison to a compliant scheme. Furthermore, in *Initial Action v Woollahra Municipal Council [2019] NSWLEC 1097* O'Neill C found that the environmental planning grounds related to objects of the EP&A Act, 1979 must specifically focus on the aspect of the development standards under consideration for variation.

The objects at section 1.3 of the EP&A Act, 1979 relevant to this request for variation to the development standard are:

*“(c) to promote the orderly and economic use and development of land,  
(g) to promote good design and amenity of the built environment,  
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants”*

With regard to Object (c), the proposal represents the orderly and economic development of the site. Dwelling Houses are permitted with consent on the site. The proposal is compliant with the LEP height control. The provision of a residential development promotes the orderly and economic use and development of the land, with the architectural design having a positive impact on the surrounding area, providing a high quality, redeveloped dwelling. Strict numeric compliance would not be consistent with Object (c) in this case.

With regard to Object (g), the attributes of the design and consideration of amenity for future building occupants has been discussed in detail above. The dwelling will provide a substantial increase in amenity for residents of the dwelling by maximising functional habitable floor space and facilitating a greater yield for the site, in an infill setting. The bulk, siting and scale of the design are succinct with the surrounding neighbourhood with additional storeys and non-compliant setbacks typical of the area.

With regard to Object (h), the well-considered architectural style of the dwelling is considered a positive element to the health and safety of the future building occupants. Strict numeric compliance would not be consistent with Object (h) in this case, the dwelling maintains compliance with solar, privacy and private open space controls.

Relevant objects and an assessment of these in relation to the proposal are included in **Table 1**.

Table 1 Relevant Objects of the EP&A Act

Object of the Act	Commentary
<i>(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the States natural and other resources</i>	The social and economic welfare of the community is promoted in the proposal's capacity create up to date housing stock and management of the site with consideration for the environmental constraints. The proposed development would not impact the Little Austinmer Foreshore to the east.
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision making about environmental planning and assessment</i>	No trees are proposed for removal. Environmental planning should strive inclusive urban design, that is surrounded by suitable services and facilities that are accessible to the local community.
<i>(c) to promote the orderly and economic use and development of land</i>	The economic use of the land will be realized in the development of the proposed dwelling. The departure from the FSR planning control is considered necessary in achieving optimal economic use of the land.
<i>(g) to promote good design and amenity of the built environment</i>	There are numerous good design outcomes that have been integrated into the design. Those specific to the FSR non-compliance include: <ul style="list-style-type: none"> <li>○ A function, livable dwelling has been proposed with useable room sizes.</li> <li>○ A large garage to reduce the requirement for on street parking along Little Austinmer Lane.</li> <li>○ The parents retreat on the first floor of the dwelling minimizing the floor space of the first floor to aid building bulk and scale.</li> <li>○ Limited increase of the building bulk and scale from the primary frontage (LHD) given the proposed dwelling is setback further than the existing dwelling.</li> </ul>

## 5.2 Local Planning Benefits

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, the assessment of this numeric non-compliance is guided by the decision of the NSW Land and Environment Court (LEC) in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* and further guidance is gained from the decision in *Moskovich v Waverley Council [2016] NSWLEC 1015*.

### 5.2.1 Desired Future Character and Streetscape

The proposed building will be consistent with the emerging and desired future character for development in the locality. The street is largely single dwellings, with some dual occupancies emerging in the area. The proposed development is in keeping with the desired future character of Wollongong in well serviced location.

The designs reflect the character of the immediate area, with a mix of cladding, rendered bricks and architectural elements and Colorbond roof consistent with the emerging modern coastal style. The ample landscaped areas would soften the appearance of the dwelling from the streetscape. The proposed setbacks are in line with the streetscape. The street has a mix of densities, consequently, the scale and location are considered appropriate to ensure that the development would not impact on the amenity of surrounding dwellings.

The existing character of the area has already been established with large two and three storey dwellings prominent in the street and wider area. Some examples are shown below.



*Figure 2 10 and 12 Yurunga Street, Austinmer*



Figure 3 58 Lawrence Hargrave Drive, Austinmer (Opposite the subject site)



Figure 4 2A Lawrence Hargrave Drive Austinmer and 818 Lawrence Hargrave Drive Coledale

The non-compliance with the dwelling in a R2 zone has a positive design impact and is appropriate in this instance. The noncompliance is largely due to the irregular shape and size of the lot. The proposal is considered in the public interest as it is consistent with the objectives of the zoning and the desired future character of Austinmer and the greater Wollongong area.

The request for a degree of flexibility in numeric compliance with the Floor Space Ratio development standard is specific to the subject site conditions and the proposal. The proposal does not undermine the intent and effectiveness of the development standard.

The variation permits a high-quality planning outcome with exceptionally high quality architectural and urban design merit.

Other dwellings in Austinmer which have had approved FSR variations include the following:

- 1 The Grove Austinmer
- 40 Moore Street Austinmer
- 145 Lawrence Hargrave Drive Austinmer
- 157 Lawrence Hargrave Drive Austinmer
- 137 Lawrence Hargrave Drive Austinmer

### 5.3 Matters of State and Regional Planning Significance

The proposed variation does not raise any matters of regional or state significance. The variation will not be contrary to the public interest. The variation will not undermine the application of the development standard as the circumstances constitute appropriate flexibility based on the specific circumstances of the case. The dwelling will not result in poor environmental or amenity outcomes. Design elements are incorporated throughout the development to achieve positive environmental outcomes unaffected by the numeric non-compliance.

## 6 Summary and Conclusion

Supporting justifications and responses are provided in this request to demonstrate that the proposed variation request:

- Identifies the relevant development standard as Clause 4.4 Floor Space Ratio and the relevant definition of a dwelling house
- Explains and identifies the non-compliance with the numeric LEP Floor Space Ratio standard specific to this proposal
- Addresses clause 4.6(3)(a) and Clause 4.6(3)(b) and demonstrates strict numeric compliance is unreasonable or unnecessary because the proposal is consistent with the objectives for development in Zone R2

The variations sought represent an appropriate degree of flexibility within the scope of Clause 4.6. The non-compliance results from concerted effort between the applicant, consultant professionals and applicable planning documents to achieve a design that optimises compliance with all relevant controls, objectives, guidelines and development standards as well as considers the location of the site, and the variety of building bulk, scale and height in the locality coupled with the desired future character of the area.



Flexibility in the application of the Wollongong LEP 2009 Floor Space Ratio development standard is considered reasonable and has planning merit and would achieve better planning outcomes suited to the circumstances of the proposal, site and surrounds. The proposed building density is consistent with the objectives of Clause 4.6(1) to WLEP 2009.

The dwelling is designed within the constraints presented by the site, including but not limited to, the size of the account, existing ground levels of the site, the broader local topography, its proximity to the foreshore and a scale of development consistent with the existing and desired streetscape. The architectural treatments and a layout which responds well to the setting, context and future neighbourhood character will result in positive environmental planning outcomes and justifies the variation in this case. The proposed dwelling has exceeded the gross floor area allowance, however, has created more functional habitable areas, with the bulk and scale of the dwelling suitable in its local context. The increased floor area will not have any impact on the foreshore area and will not intensify the way in which the dwelling is utilised.

The small increase in floor area is not considered to result in any impact that would warrant the development to not proceed. Numerical provisions such as FSR are in force as a guide to achieve the objectives of a control. In this instance the objectives of the development standard are achieved, despite the minor variation. It is requested that Council apply the provisions of Clause 4.6 in the intended manner and favourably consider this variation during the assessment of the development application.

In conclusion, the variation is considered to be well founded and compliance with the standard is unreasonable in the circumstances of the case.

## **Attachment 4 – Gross Floor Area Calculation**

### Floor Areas

Lower Ground Floor – 104.5m<sup>2</sup>

Sub-floor storage included in GFA – 31.6m<sup>2</sup>

Ground Floor – 135.6m<sup>2</sup>

First Floor – 51m<sup>2</sup>

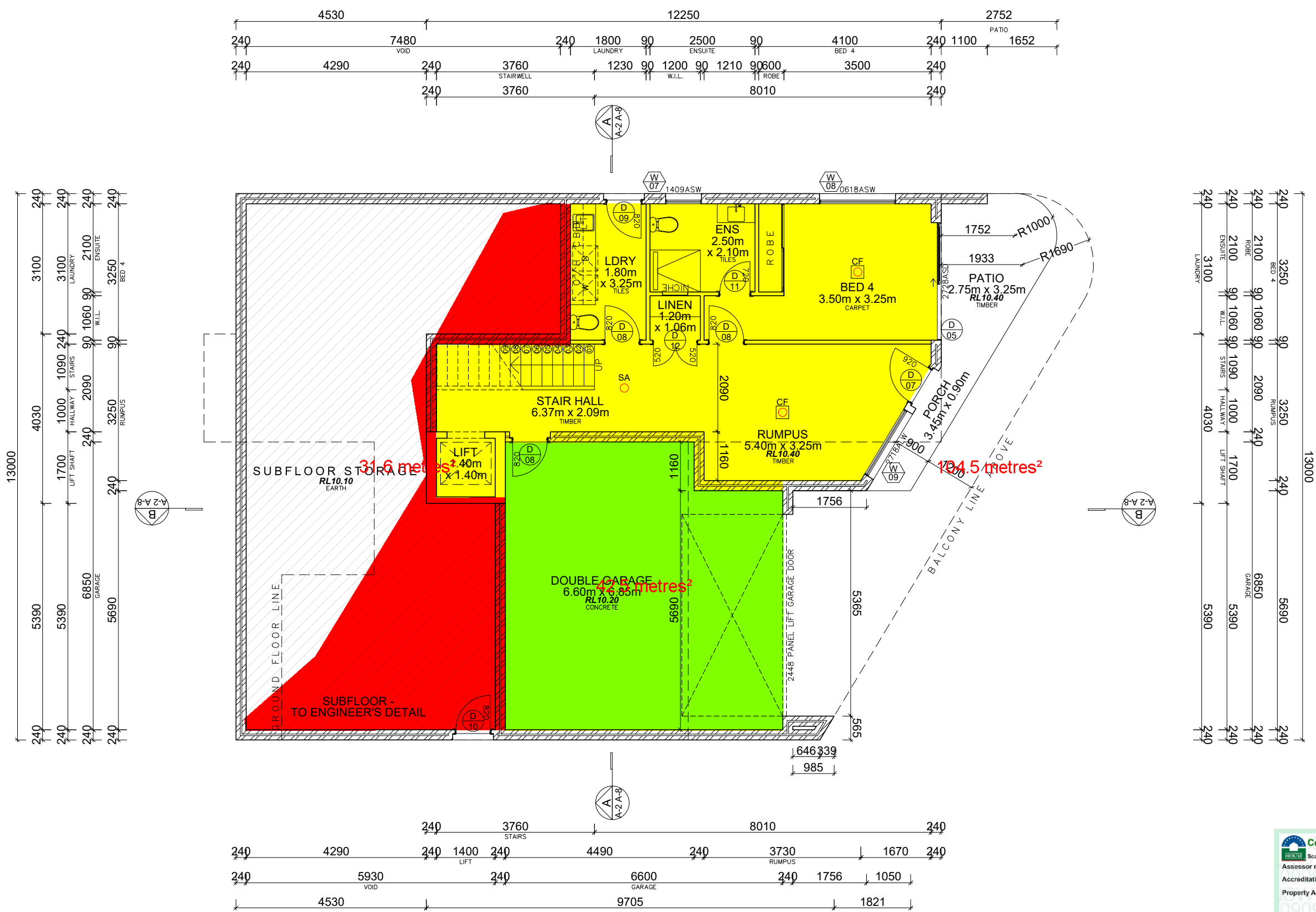
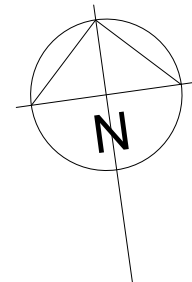
### Deductions

Garage concession – 36m<sup>2</sup>

Lift Shaft – 3.8m<sup>2</sup>

Stairs – 3.7m<sup>2</sup>


Total Gross Floor Area = 279.2m<sup>2</sup>

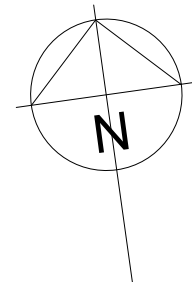


01 | LOWER GROUND FLOOR PLAN  
A-3 A-3 | 1:100 @ A3



**Certificate No. 0009091604**  
 Scan QR code or follow website link for rating details.  
 Assessor name: Scott Douglass  
 Accreditation No. 13/1547  
 Property Address: 63 Lawrence Hargrave Drive AUSTINMER NSW 2515  
 09091604  
 29 NOV 2022  
 hstar.com.au/QR/Generate?pi=H2WwJka

 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT PROPOSED SPLIT-LEVEL DWELLING OWNER RYAN MORRIS LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER SHEET CONTENTS: LOWER GROUND FLOOR PLAN 1:100 @ A3 AMENDMENTS: 1.	GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower lvl R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<h1>A0.3</h1>
	PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24		



01 | **GROUND FLOOR PLAN**  
A-2 A-2 | 1:100 @ A3



**Certificate No. 0009091604**  
 Scan QR code or follow website link for rating details.  
 Assessor name: Scott Douglass  
 Accreditation No. 13/1547  
 Property Address: 63 Lawrence Hargrave Drive AUSTINMER NSW 2515  
 09091604  
 29 NOV 2022

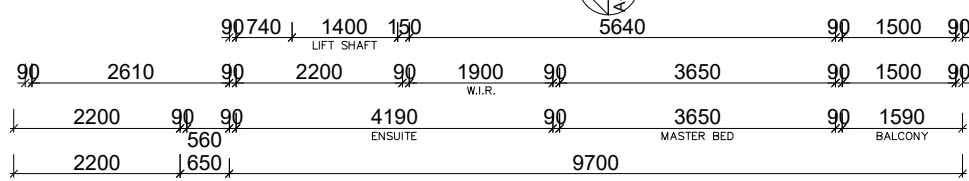
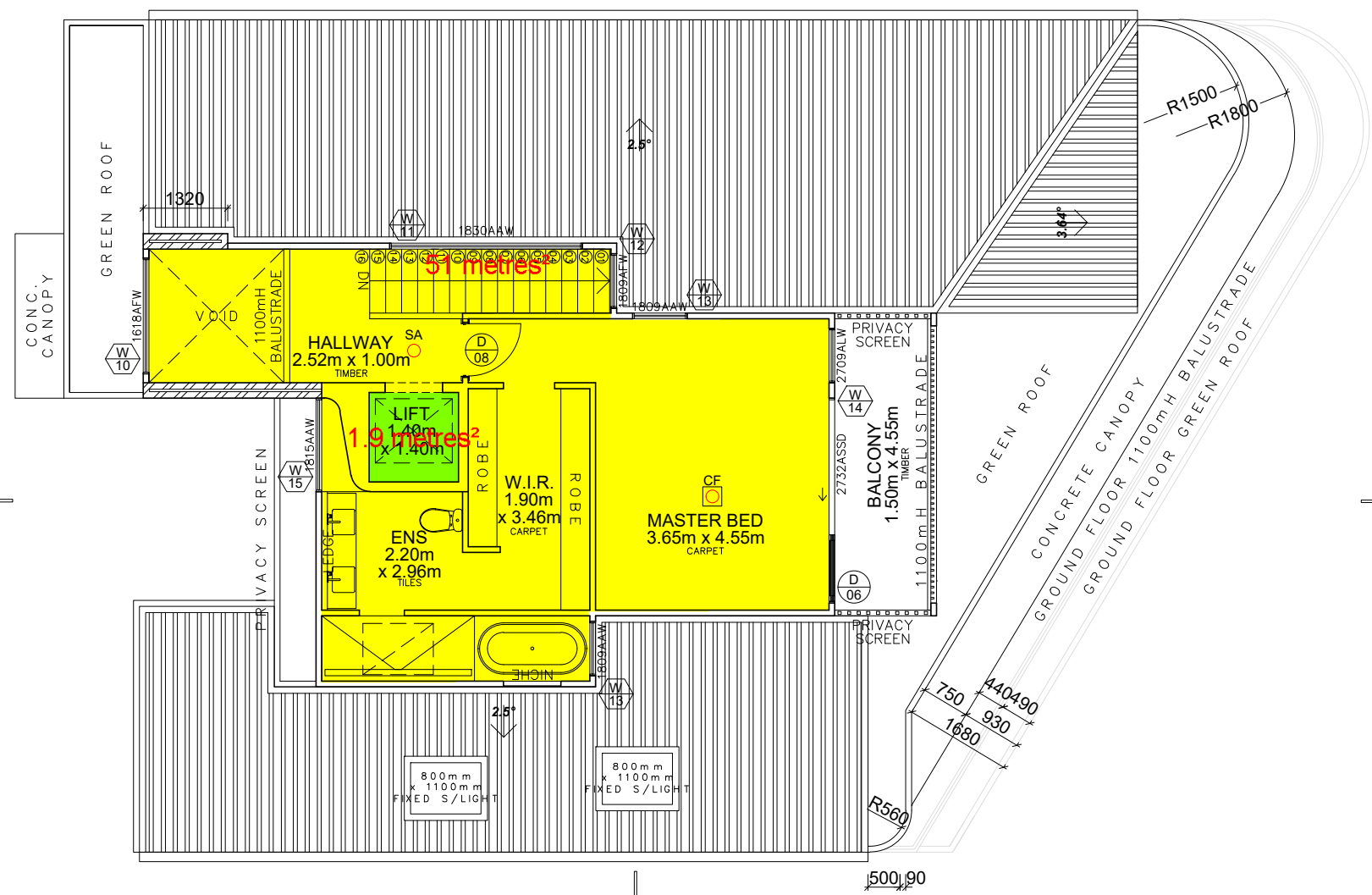
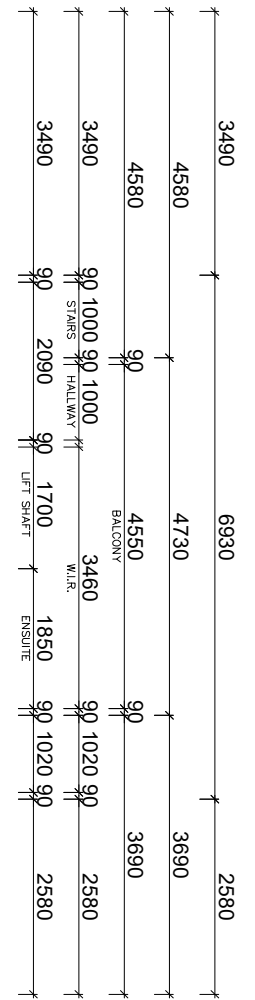
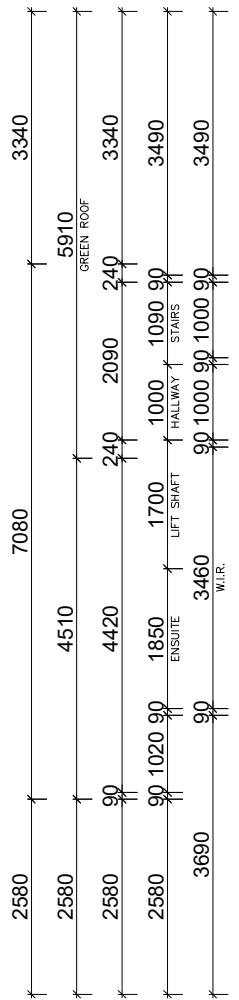
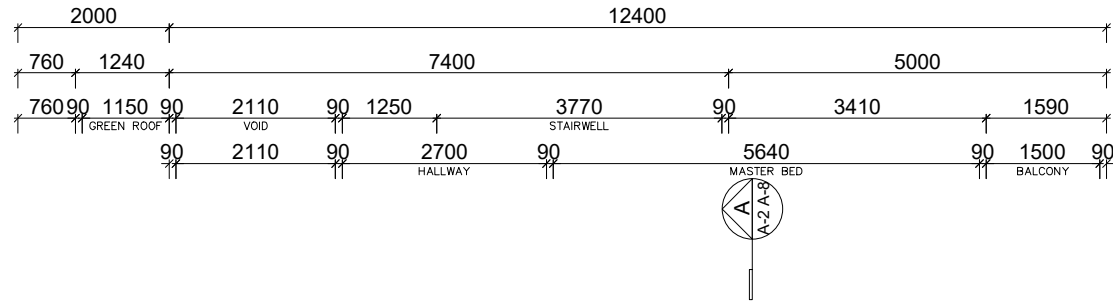
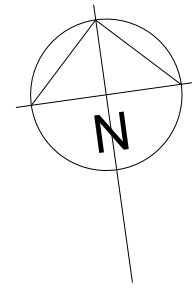
**HOUSE OF PLANNING**  
 info@houseofplanning.com.au  
 0405 284952

PROJECT  
 PROPOSED SPLIT-LEVEL DWELLING  
 OWNER  
 RYAN MORRIS  
 LOCATION  
 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER  
 SHEET CONTENTS:  
 GROUND FLOOR PLAN  
 1:100 @ A3  
 AMENDMENTS:  
 1.

GENERAL NOTES  
 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6.  
 2. \*SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.\*  
 3. Minimum Insulations:  
 R2.0 insulation to floor between house & subfloor  
 R1.5 insulation to cavity brick external walls(excludes garage)  
 Minimum Foil + R2.5 insulation to lightweight external walls  
 R1.5 insulation to walls between house & subfloor  
 R1.5 insulation to walls between house & garage  
 R5.0 insulation to ceilings( excludes garage)  
 R2.0 insulation to ceiling/floor between house & garage  
 R2.0 insulation to floor of first floor where it extends past lower lvl  
 R2.0 insulation to all internal walls  
 Foil + R1.0 insulation blanket to underside of roof

**A0.2**


PROJECT NO. : 020  
 CREATED : 16-10-23  
 FINISHED : 25-10-23  
 MODIFIED : 13-03-24



01 | **FIRST FLOOR PLAN**  
A-4 A-4 | 1:100 @ A3



**Certificate No. 0009091604**  
 Scan QR code or follow website link for rating details.  
 Assessor name: Scott Douglass  
 Accreditation No. 13/1547  
 Property Address: 63 Lawrence Hargrave Drive, AUSTINMER, NSW 2515  
 09091604  
 29 NOV 2022

 <b>HOUSE OF PLANNING</b> info@houseofplanning.com.au 0405 284952	PROJECT <b>PROPOSED SPLIT-LEVEL DWELLING</b> OWNER <b>RYAN MORRIS</b> LOCATION 63 LAWRENCE HARGRAVE DRIVE, AUSTINMER SHEET CONTENTS: <b>FIRST FLOOR PLAN</b> 1:100 @ A3 AMENDMENTS: 1.	GENERAL NOTES 1. STRUCTURAL DESIGN FOR THE DWELLING TO FUTURE DETAIL, INCLUDING REFERENCE TO THE 88b INSTRUMENT PARTS 5 AND 6. 2. *SLABS TO FUTURE STRUCTURAL DESIGN INCLUDING ALLOWANCE FOR SALINITY AS PER THE 88b INSTRUMENT.* 3. Minimum Insulations: R2.0 insulation to floor between house & subfloor R1.5 insulation to cavity brick external walls(excludes garage) Minimum Foil + R2.5 insulation to lightweight external walls R1.5 insulation to walls between house & subfloor R1.5 insulation to walls between house & garage R5.0 insulation to ceilings( excludes garage) R2.0 insulation to ceiling/floor between house & garage R2.0 insulation to floor of first floor where it extends past lower lvl R2.0 insulation to all internal walls Foil + R1.0 insulation blanket to underside of roof	<h1>A0.4</h1>
	PROJECT NO. : 020 CREATED : 16-10-23 FINISHED : 25-10-23 MODIFIED : 13-03-24		

## ATTACHMENT 5 – REASONS FOR REFUSAL

The reasons for the refusal of the proposed development are:

1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development exceeds the maximum permissible Floor Space Ratio (FSR) of 0.50:1 as prescribed by Part 4.4 – Floor Space Ratio, Wollongong Local Environmental Plan 2009, and is contrary to the objectives of this clause, as:
  - a) The proposal does not provide an appropriate correlation between the size of the site and the extent of the development on the site,
  - b) The bulk and scale of the proposed development is not compatible with the locality.
2. Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the bulk and scale of the proposed development is inconsistent with the objectives of the Wollongong Development Control Plan 2009, Chapter B1 Residential Development, Clause 4.8 – Building Character and Form.
3. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in bulk and scale and would likely adversely impact upon the amenity of the locality.
4. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development considered unsuitable for the site.
5. Pursuant to the provisions of Section 4.15(1)(d) & (e) of the Environmental Planning and Assessment Act 1979, it is considered that approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

## ATTACHMENT 6 – INTERNAL GEOTECHNICAL REFERRAL

**Referral Response:** Satisfactory - Conditions Attached

### **Assessment by Council's Geotechnical Engineer:**

I refer to your note dated 25 January 2024 requesting a review of geotechnical information submitted in support of this development application. The geotechnical report dated 17 May 2017 by Terra Insight Pty Ltd has been reviewed in comparison with other known geotechnical studies for the general area. It is noted that excavations of up to 3 m depth are proposed.

The geotechnical assessment report provides a good preliminary description of the site conditions and the recommendations of the consultant are appropriate for the proposed development. It is recommended that the geotechnical consultant inspect all excavations to verify the anticipated conditions are encountered.

### **Recommended Geotechnical Conditions:**

- All work is to be in accordance with the geotechnical recommendations contained in the report dated 17 May 2017 by Terra Insight Pty Ltd and any subsequent geotechnical report required to address unanticipated conditions encountered during construction.
- No disturbance of ground is to occur beyond site boundaries. A minimum buffer between site boundaries and the construction of retaining structures is to be recommended by the geotechnical consultant to ensure adjoining property is not adversely impacted upon by this development.
- Articulation jointing is to be provided in masonry construction as recommended by the geotechnical consultant.
- Foundation systems are to be designed for Class P soils with all footings to be founded within the underlying natural very stiff or better material below the depth of any potential soil creep or weathered rock as recommended by the geotechnical consultant. All footings for the same structure should be founded on strata of uniform bearing to minimise the risk of differential movements, with articulation provided where appropriate.
- 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.