

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	9 August 2022
PANEL MEMBERS	Sue Francis (Chair), Sue Hobley, Scott Lee, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 9 August 2022 opened at 5:00pm and closed at 5:45pm.

MATTER DETERMINED

DA-2021/1355 – Lot 501 DP 1001779, 18 Seaview Crescent, Stanwell Park (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by one submitter.

The Panel heard from the applicant, town planner and owner.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel notes that there is no minimum lot size for a proposed detached dual occupancy under WLEP 2009. The Panel also notes that clause 4.1(4)(c) allows the torrens subdivision of existing detached dual occupancy which, this proposal will be, if approved.
- The Panel reviewed the view analysis and considers reasonable view sharing has been achieved having regard to the reduced height and sensitive design of the proposal.
- The Panel notes no additional access for vehicles will occur on the shared driveway.
- The proposed design of each dwelling is modest, suitable and consistent with the character of the area.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Amend condition 21, 23, 24,25 and 29 to read:

21 Final Landscape Plan Requirements

The submission of a final Landscape Plan to the Principal Certifier, prior to the release of the Construction Certificate. The final Landscape Plan shall be generally consistent with Landscape Plan LP03 Issue G dated 25 July 2022 prepared by R+M Landscaping, and shall address the following additional requirements:

- a. *a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes*

- b. *Existing bamboo along the northern boundary shall be removed and replacement screen plantings provided. Locally indigenous species that will achieve heights at maturity no higher than the floor of the existing verandah at 16 Seaview Crescent.*

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

23 *Landscape Maintenance Plan*

The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifier prior to release of the Construction Certificate. Further, the plan shall provide for the maintenance of the screen planting along the northern boundary to a height not greater than the floor of the verandah of number 16 Seaview Crescent.

24 *Compensatory Plantings*

*The developer must make compensatory provision for the trees required to be removed as a result of the development. In this regard, one (1) 25 litre container mature plant stock shall be placed in the general location of existing tree T3 proposed for removal. The suggested species is *Tristaniopsis laurina*, or similar tree that is likely to remain at shrub height. Details are to be shown on the plans submitted with the Construction Certificate.*

25 *Tree Protection and Management*

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures in accordance with Australian Standard AS 4970:2009 Protection of Trees on Development Sites, including (but not necessarily limited to) the following:

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

29 *Louvred Balustrading to First Floor Terrace/Alfresco Areas*

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

PANEL MEMBERS



Sue Francis
(Chair)



Sue Hobley



Scott Lee



Bernard Hibbard
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1355
2	PROPOSED DEVELOPMENT	Residential - demolition works, removal of two trees, alterations to existing dwelling, construction of an additional dwelling to form a dual occupancy and Subdivision - Torrens title - two (2) lots
3	STREET ADDRESS	18 Seaview Crescent Stanwell Park
4	APPLICANT	MJD Design & Drafting
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is considered to be contentious development, having received 11 unique submissions.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ SEPP (Resilience and Hazards) 2021 ○ SEPP (Biodiversity and Conservation) 2021 ○ SEPP (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 · Wollongong City-Wide Development Contributions Plan 2021 · Draft environmental planning instruments: N/A · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: N/A · Provisions of the Environmental Planning and Assessment Regulation 2000: Clause 61 · Coastal zone management plan: Wollongong Coastal Zone Management Plan · The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality · The suitability of the site for the development · Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations · The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> · Council assessment report dated 9 August 2022 · Written submissions during public exhibition: 16 · Verbal submissions at the public meeting: one (1)
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 9 August 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Sue Hobley, Scott Lee, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: Nicole Ashton, John Wood
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report