

# 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-2022/146 – Lot 84 DP 15363, 21 Jutland Avenue, Wollongong (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

No one addressed the Panel.

### 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 generally accepts the assessment of the application but has concerns with solar access to the proposed southern dwelling. As a consequence, the Panel has included conditions of consent to improve solar access to the development and access to the public reserve that adjoins the property.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following additional conditions and amendment to condition 4:

# *VOIDS/ SKYLIGHTS*

*To improve solar access to the rear / east-facing living spaces, the plans shall provide for voids at first floor level along with associated skylights to allow light penetration to the ground floor. Details shall be provided on the plans provided with the Construction Certificate.*

# *ROOF SKYLIGHTS*

*To improve solar access to the bedrooms of the southern dwelling, roof skylights shall be provided to each bedroom. Details shall be provided on the plans provided with the Construction Certificate.*

# *RETRACTABLE AWNINGS*

*Retractable awnings shall be provided over both rear/ east-facing alfresco areas to improve solar access to those spaces and adjoining internal living areas. Details shall be provided on the plans provided with the Construction Certificate.*

# *FENCES/ PEDESTRIAN GATES TO RESERVE*

*A lockable pedestrian gate shall be provided in the rear boundary fence for each of the two dwellings to facilitate pedestrian access only to the reserve to the immediate east of the site. Details shall be provided on the plans provided with the Construction Certificate.*

Amend condition 4 to read:





**4 Tree Protection**

*The Developer shall retain the existing tree(s) as indicated on the Landscape Plan, Mark Spence, issue B 10/6/22 and Arboricultural Impact Assessment by Vertical Tree Management 4 September 2021 consisting of tree(s) numbered T6, T7 and T8.*

*Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.*

*All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on Development Sites.*

*All recommendations in the Arboricultural Impact Assessment by Vertical Tree Management 4 September 2021 page no. 12-14 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones.*

PANEL MEMBERS	
 Sue Francis (Chair)	 Sue Hobley
 Scott Lee	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2022/146
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwelling, construction of a dual occupancy and Subdivision - Torrens title - two (2) lots
3	STREET ADDRESS	21 Jutland Avenue Wollongong Lot 84 DP 15363
4	APPLICANT	Marko Lisica, 10 Star
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clause 1 of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal requires determination by the LPP as the application proposes works on Council owned land including an easement for drainage.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>· Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong City Wide Development Contributions Plan 2021</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>· Planning agreements: Nil.</li> <li>· Provisions of the <i>Environmental Planning and Assessment Regulation 2021: AS2601 - 2001: The Demolition of Structures</i> is relevant to the proposal as it involves the demolition of the existing dwelling and structures on the site.</li> <li>· The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>· The suitability of the site for the development</li> <li>· Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>· The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>· Council assessment report dated 9 August 2022</li> <li>· Written submissions during public exhibition: two in response to the first notification period; 1 in response to the second notification period</li> <li>· Verbal submissions at the public meeting: Nil</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 9 August 2022. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Sue Hobleby, Scott Lee, Bernard Hibbard (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Theresa Whittaker (Planner), Pier Panozzo (Manager City Centre &amp; Major Development)</li> </ul>

9	COUNCIL RECOMMENDATION	Deferred commencement consent
10	DRAFT CONDITIONS	Attached to the council assessment report