

# DETERMINATION AND STATEMENT OF REASONS

## WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	25 September 2019
PANEL MEMBERS	Robert Montgomery (Chair), Sue Hobley, Alison McCabe, Edger du Bois (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 25 September 2019 opened at 5:00pm and closed at 9.25pm.

### MATTER DETERMINED

DA-2019/284, Lots 2 & 3 DP 589693, and 58-60 Murphys Avenue, Keiraville (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by 10 submitters.

The Panel also heard from the applicant's representatives.

### 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 was concerned about the relationship of units 4-7 to the northern boundary and the potential negative impact of four units in close proximity to the dwelling and its private open space which adjoins to the north. Although the second level of these units is set back further than the ground floor, the Panel considers that the siting of four units along this boundary is inappropriate. The Panel also notes that the limited separation between ground floor living room windows of unit 7 to bedroom 1 of unit 8 is likely to create adverse privacy impacts. The living room window to unit 10 has minimal separation to the dining room of unit 5, could be relocated to the eastern side of the room.

The Panel was concerned that there are no large canopy trees proposed for the deep soil zones. There was also concern about removal of the *Agonis flexuosa*, identified as tree 39 on the landscaping plan, which may be located on the adjoining property.

The Panel is of the view that the development application could be approved subject to satisfactory resolution of the following matters by submission of amended plans:

- Delete Unit 6 and mirror reverse Unit 5. This will introduce a gap in the length of building, result in increased communal open space which can incorporate additional canopy trees and reduce private open space along the common boundary;
- Relocate Living room window to unit 7 and/or bedroom 1 window to unit 8 to achieve better amenity and privacy for the occupants;
- Relocate living room window to unit 10 to achieve better amenity and privacy for the occupants;
- Driveway construction to be amended and drainage pits to be relocated to enable retention of tree 39; and
- Amend landscaping plan to include at least four large indigenous canopy trees in the deep soil zones, communal open space and adjacent to the driveway.

The Panel considers that the proposed amendments would result in a development which would sit more comfortably in the neighbourhood and would reduce impacts on adjoining properties.

The Panel determined to:





1. Defer the application until the plans have been amended as described above to the satisfaction of Council.
2. Delegate the determination of the application to the Manager of Development Assessment and Certification in accordance with Section 2.20(8) of the EP&A Act 1979.

The decision was unanimous.

#### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The panel agrees with the officer's assessment report and draft conditions subject to the plans being amended as described above.
- The Panel noted the concerns raised by surrounding neighbours but acknowledges that the proposal development is permissible. It is considered that the amendments proposed by the Panel would reduce the potential impacts and provide a better outcome.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Sue Hobley
 Alison McCabe	 Edger du Bois (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/284
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures and tree removals, construction of multi dwelling housing - ten (10) townhouses, associated landscaping and infrastructure
3	STREET ADDRESS	58-60 Murphys Avenue, KEIRAVILLE NSW 2500
4	APPLICANT/OWNER	ADM Architects / ABS Property Pty Ltd
5	REASON FOR REFERRAL	Part 2 of Schedule 2 of the Local Planning Panels Direction, as the Development Application is considered contentious development, having received more than 10 unique submissions by way of objection
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 No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong Section 94A Development Contributions Plan</li> <li>· Draft environmental planning instruments: Nil</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 2000</i>: clauses 92 and 93</li> <li>· Coastal zone management plan: Nil</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 25 September 2019</li> <li>· Written submissions during public exhibition: 47</li> <li>· Verbal submissions at the public meeting: 10</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 25 September 2019. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Sue Hobley, Alison McCabe, Edger du Bois (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Jessica Saunders, John Wood</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report