

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	5 December 2023
PANEL MEMBERS	Robert Montgomery (Chair), Steve Fermio, Tina Christy, Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 5 December 2023 opened at 5:00pm and closed at 5:33pm.

MATTER DETERMINED

DA-2023/358 – Lot 18 and Lot 19 DP 220627, 11 and 13 St Johns Avenue, Mangerton (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel heard from the applicant's representative.

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 defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*, to provide the applicant with an opportunity to address the matters detailed below.

Following receipt of amended plans/details, the application is to be determined by the Panel by electronic determination.





The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel noted that the site is constrained by the steep slope of the land and the proximity of adjoining dwellings and associated private open space. It was also noted that this is the first multi-dwelling housing development in the immediate locality. The Panel considers that these factors require a careful, well resolved and compliant design along with detailed plans which clearly demonstrate that the relationship to adjoining properties is acceptable in terms of privacy and amenity.
- The particular aspects of the development which require further consideration by the applicant and design amendments are listed below:
 1. Setbacks to side boundaries should comply for all units;
 2. The size and position of private open space areas should be revisited to ensure compliance with the DCP (particularly in relation to access from living areas for units 3 and 4) and to minimise impact in regard to visual and acoustic privacy to adjoining properties; and
 3. Consider the need for privacy screens to private open space rather than low balustrades to improve privacy impact.
- Additional plans are to be submitted which provide the following details:

1. Cross-sections across side boundaries showing the relationship between the levels of private open space on the subject land and the levels of private open space areas/decks on adjoining property;
2. Details of materials, finishes and height of any balustrades and privacy screens;
3. Dimensions of all POS areas and decks; and
4. Side boundary setback dimensions for ground and first floor of all units to demonstrate compliance.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Steve Fermio
 Tina Christy	 Peter Sarlos (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2023/358
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwellings and associated outbuildings, remove six (6) trees, construction of multi-dwelling housing - six (6) units and Subdivision - Strata title - six (6) lots
3	STREET ADDRESS	11 and 13 St Johns Avenue MANGERTON
4	APPLICANT/OWNER	Infinite Designs / Optop Pty Ltd
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 4(b) of Schedule 2 of the Local Planning Panels Direction of 6 September 2023, the proposal has received greater than 10 submissions and is required to be determined by the Panel under Schedule 2(2b) of the Local Planning Panels Direction.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Wollongong Local Environment Plan 2009 NSW Apartment Design Guide Wollongong Development Contributions Plan 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 <i>Environmental Planning and Assessment Regulation 2021</i>: 61 and 66A Coastal zone management plan: N/A 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 5 December 2023 Written submissions during public exhibition: 12 Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Site inspection 5 December 2023. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Robert Montgomery (Chair), Steve Fermio, Tina Christy, Peter Sarlos (Community Representative) <u>Council assessment staff</u>: Nigel Lamb
9	COUNCIL RECOMMENDATION	Deferred Commencement
10	DRAFT CONDITIONS	Attached to the council assessment report