

# DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	24 and 25 August 2021 (refer to note below)
PANEL MEMBERS	Robert Montgomery (Chair), Mark Carlon, Larissa Ozog, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 24 August 2021 opened at 5:00pm and adjourned at 6:10pm. The public meeting reconvened on 25 August 2021 at 6:00pm and closed at 7:07pm.

*Note: Due to technical difficulties experienced with Microsoft Teams, Items 1 and 3 were dealt with at the public meeting on 24 August. Items 2 and 4 were heard when the Panel reconvened at 6:00pm on 25 August 2021.*

### MATTER DETERMINED

DA-2020/908 – Lot 596 DP 752033, Lot 1 DP 1251631, Lot 4 DP 706067, Lot 5 DP 706067, 14 Laurina Avenue, 14A Laurina Avenue, 13 Rajani Road, 11 Rajani Road, Helensburgh (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by two submitters.

The Panel heard from the applicants and their architect.

### 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:

1. Defer the application to provide an opportunity for the applicant to submit the following information and amended plans to the satisfaction of Council:

- 1.1 Amended Plans which depict the following:

- Detailed elevations shall be provided that accurately depict the existing ground levels (taken from the survey) and shall be depicted across the site to show the proposed level and degree of excavation and fill proposed. The design, height and location of all retaining walls shall be shown and how these will be treated.
- A detailed schedule of materials, colours and finishes is to be submitted.
- Redesign of Unit 5 to achieve compliance with the 6m front setback requirement. An accessible entry shall be provided in addition to the garage entry to this unit.
- The car parking space between Unit 7 and 8 shall become a dedicated turning bay and shall not permit any parking in this space. It shall be signposted appropriately to confirm its use as a turning bay.
- The planter boxes outside of the front courtyard areas to Units 2 and 3 shall be redesigned as garden beds and be located within the courtyards and shall not extend beyond the garage alignment. The garden beds may be built up to form planter boxes shall have a minimum height of 900mm and width of 800mm and remain connected to deep soil. The planters shall include plants that will provide adequate screening without the need for any fencing to this space.

- The developer shall be responsible for the upgrade of the rear laneway along the eastern (rear) section of the site only for its full frontage along this side. Detailed plans for the design shall be provided to the satisfaction of Council's Development Engineers. A condition will be required to ensure compliance.
- 1.2 The landscape design is to be revised so that it responds to the architectural drawings and the proposed finished levels of the site, ensuring that it enhances the amenity of future residents, provides adequate screening when viewed from surrounding development and improves the habitat value of the property. Specifically, the following points need to be addressed in revised landscape plans:
- The landscape plan must demonstrate how the slope of the land and extent of cut and fill is to be managed. Where will retaining walls be required? What height will retaining walls be? How does this affect the outlook from the dwellings and their private open space? In most instances retaining walls should be confined to a height of less than 600mm and be incorporated with planting so that they read as harmonious elements of the landscape design and do not facilitate excessive overlooking of neighbouring property.
  - Landscaping must improve the amenity of private open space by improving thermal comfort and providing attractive, green outlooks for residents. Consider using a small deciduous tree adjacent to private outdoor space so that residents can enjoy summer shade and winter sun. Replace small planter boxes with landscaped beds capable of supporting large shrubs and small trees. The privacy /planter screens to Units 2 and 3 are particularly poor and a better solution is to be provided.
  - Landscaping adjacent to the common driveway must improve the sense of entry to the development and offset the extent of the built form. Small trees are needed adjacent to the driveway to provide at least partial shade in order to offset radiant heat.
  - Side setbacks must include small trees to improve privacy to surrounding properties and to offset building bulk when viewed for surrounding properties.
  - Landscaping to the rear setback is to be more naturalistic in its planting scheme and provide greater species diversity. The architectural drawings illustrate a mix of larger species, mid canopy species and small shrubs grouped in a natural planting style which must be reflected in the landscape plans. Species selection should be based on the suggested species for Helensburgh found in Wollongong Development Control Plan 2009 - Chapter 6: Landscaping.
  - The small front landscaped areas adjacent to the entry to Units 1, 4, 6 and 7 shall comprise of deep soil area.
2. Following receipt of satisfactory information as outlined above, delegate 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 application provides insufficient detail of the treatment of level changes throughout the site and along boundaries.
- No details are provided of the relationship of the finished development to the adjoining residential property to the south and the laneway to the north.

- The absence of detailed drawings showing retaining wall heights in relation to finished floor and ground levels makes it difficult to assess the amenity for future occupants of some of the units.
- The Panel does not agree with the reduced front setback to unit 5. Compliance with the setback is considered an important element in integrating new medium density dwellings within an established residential area.
- Notwithstanding the above, the Panel is of the view that development in the form generally proposed is acceptable, subject to the resolution of further details to Council's satisfaction as listed in the decision above.
- The Panel notes the submitter's concern about on street parking during construction. The Panel explained the requirements for a construction management plan which is required prior to works on site. The Panel acknowledges that worker's vehicles are typically parked in the street near a construction site, however Council has no power to prevent vehicles from parking legally on a public road.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Mark Carlon
 Larissa Ozog	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/908
2	PROPOSED DEVELOPMENT	Residential – Demolition of dwelling house, consolidation of lots, construction of multi dwelling housing and eight (8) lot Strata subdivision.
3	STREET ADDRESS	14 and 14A Laurina Avenue, HELENSBURGH NSW 2508, 11 & 13 Rajani Road Helensburgh
4	APPLICANT	Shinbo Holdings Pty Ltd
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 for determination pursuant to 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>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </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 24 August 2021</li> <li>· Written submissions during public exhibition: Total of 25 submissions</li> <li>· Verbal submissions at the public meeting: two (2)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 24 August 2021. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Mark Carlon, Larissa Ozog, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Andrew Kite</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report