

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	12 December 2023
PANEL MEMBERS	Sue Francis (Chair), Robert Montgomery, Larissa Ozog, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 12 December 2023 opened at 5:00pm and closed at 6:51pm.

MATTER DETERMINED

DA-2022/1343 – Lot 29 DP 30903, Lot 30 DP 30903, 4 and 6 Georgina Avenue, Keiraville (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by nine submitters.

The Panel heard from the applicant and their 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 determined to defer 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 accepts that the proposed use is permissible in the zone and is a building form that is desirable as a matter of principle in providing smaller, and thus more affordable housing in the community.
- However, it became apparent during the meeting, from the speakers and the applicant that clarification of three matters is required before any determination can be made. These are:
 1. Shadow diagrams and sun eye diagrams are to be provided from True North and not Magnetic North, as identified by an objector and confirmed by the architect.
 2. Clarification of the method of height measurement from the lowest level of the site using the 'merman' methodology. A height blanket over the site from the survey will confirm compliance with the relevant height development standard.
 3. Confirmation from the University of Wollongong, in writing, that they will maintain the required APZ and fire protection requirements of the Rural Fire Service for the site as expressed in their letter to Council dated 20 April 2023. Specifically, that the Bushfire Risk Assessment and Maintenance Plan will be maintained for the life of the subject development.
- Council, on receipt of the additional information and satisfaction of the above three matters, is to determine the application under delegation. Should however, the matters be unresolved or the height analysis result in a breach of the height standard, or unreasonable overshadowing occur, then

the matter is to be returned to the Panel for consideration. The Panel would be willing to undertake this consideration by electronic means.

PANEL MEMBERS	
 Sue Francis (Chair)	 Robert Montgomery
 Larissa Ozog	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	2022/1343
2	PROPOSED DEVELOPMENT	Residential - consolidation of lots, tree removal, demolition of existing structures and construction of a residential flat building with basement parking and associated external works
3	STREET ADDRESS	4 & 6 Georgina Avenue, KEIRAVILLE
4	APPLICANT	Daniel Watts
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, as the application is the subject of ten (10) or more unique submissions by way of objection.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ol style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development State Environmental Planning Policy – (Biodiversity and Conservation) 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: Nil Development control plans: <ol style="list-style-type: none"> Wollongong Development Control Plan 2009 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Section 61 Additional matters that consent authority must consider in relation to demolition works Coastal zone management plan: Nil 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 12 December 2023 Written submissions during public exhibition: 81 Verbal submissions at the public meeting: nine
8	SITE INSPECTIONS BY THE PANEL	Site inspection 12 December 2023. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Sue Francis (Chair), Robert Montgomery, Larissa Ozog, Bernard Hibbard (Community Representative) <u>Council assessment staff</u>: John Wood and Rod Thew
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report