

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	11 May 2021
PANEL MEMBERS	Sue Francis (Chair), Larissa Ozog, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 11 May 2021 opened at 5:00pm and closed at 6.04pm

MATTER DETERMINED

DA-2020/290/A – Lot B DP 378330, 342-344 Lawrence Hargrave Drive, Thirroul (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by four (4)submitters.

The Panel heard from the applicant.

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 accepts the concerns raised by submissions as to the importance of the wall and the need for it to be retained/reinstated.
- The Panel likewise accepts (as did the submissions) that in such a construction it is reasonable to expect that part or all of the wall may need to be reconstructed as part of the process but that it should be so done using the exiting sandstone blocks
- The conditions proposed by Council acknowledge this.
- The applicant sought clarification as to the positioning of the wall when completed and the amendments to conditions acknowledge and allow for the wall to be replaced/built on the alignment of the existing wall.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendment as highlighted in bolds:

- **6a. Sandstone Wall**
The existing dry sandstone wall shall be retained in-situ where possible in its original height and form.
Parts of the wall may be dismantled and reconstructed as required except where the new pedestrian and driveway openings are located. The wall shall be rebuilt or made good to match its original height and form utilising the original blocks or like for like in matching sandstone where required.
In the event that blocks have to be temporarily removed due to construction requirements the blocks shall be retained and securely stored on site.

· Amended—Modification A

29a. Dry Stone Wall




- . The location of the dry-stone wall shall be surveyed prior to any works to establish the location of that wall relative to the boundaries. Any part of the wall reconstructed shall be located on the alignment of the existing so surveyed wall. Details shall be shown on the Construction Certificate

· Added—Modification A

- 51a Survey report for sandstone wall

In the event the whole wall requires dismantling and reconstruction a survey report from a Registered Surveyor is required at set out prior to reconstruction and completion confirming the Sandstone Wall is reconstructed in the location of the existing wall survey pursuant to condition 29a.

· Added—Modification A

PANEL MEMBERS	
 Sue Francis (Chair)	 Larissa Ozog
	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/290/A
2	PROPOSED DEVELOPMENT	Residential - multi dwelling housing - demolition of existing dwelling, tree removals and construction of three (3) attached 3 storey dwellings over basement parking area. Modification A - amend condition 6 (a) – Sandstone Wall, 29a Dy Stone Wall and 51a Survey Report for Dry Stone Wall
3	STREET ADDRESS	342-344 Lawrence Hargrave Drive, THIRROUL NSW 2515 Lot B DP 378330
4	APPLICANT/OWNER	Illawarra Property Holdings Pty Ltd
5	REASON FOR REFERRAL	Pursuant to Direction 2 of the Local Planning Panels Direction - the application proposes amendment to a condition of development consent that was imposed by the Panel.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 · Wollongong City -Wide Development Contributions Plan 2019 · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · 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 11 May 2021 · Written submissions during public exhibition: eight · Verbal submissions at the public meeting: 4
8	SITE INSPECTIONS BY THE PANEL	No site inspection was carried out <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair, Larissa Ozog, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Brigit Mathai
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report