

## DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	13 December 2022
PANEL MEMBERS	Robert Montgomery (Chair), Larissa Ozog, Steven Layman, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 13 December 2022 opened at 5:00pm and closed at 6:51pm.

#### MATTER DETERMINED

DA-2022/476 – Lot 1 DP 1280485, 7 Coledale Avenue, Coledale (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by three submitters.

The Panel heard from the applicant and town planner.

#### 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 has considered the applicant's written request to justify the contravention of the floor space ratio development standard and is satisfied that it demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is satisfied that:

- a) The applicant's written request adequately addresses the matters required to be addressed under Clause 4.6 (3) of the LEP; and
- b) The development is in the public interest because it is consistent with the objectives of Clause 4.4 (Floor space ratio) of the LEP and the objectives for development in the R2 Low Density Residential zone; and
- c) The concurrence of the Secretary has been assumed.

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 concurs with the Officer's assessment report and recommendation.
- The Panel is satisfied that the view sharing principles have been properly applied to existing dwellings which may be impacted.
- Concerns were raised by submitters that the proposed addition will breach the maximum building height level of 9 metres. Notwithstanding the applicant's assurances to the Panel that the levels shown on the plans are correct, the Panel is of the view that an additional condition imposed is necessary to ensure compliance.
- An additional condition concerning the reflectivity of materials will lessen potential glare impacts for nearby residents.

**CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

**A. New Condition to be placed before Condition 2:**


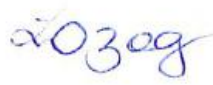


**“Compliance with Maximum Building Height**

The development shall be restricted to a maximum height of 9 metres from the existing ground level as confirmed by actual ground survey carried out by a registered surveyor. A survey report confirming methodology, relevant ground levels and building levels shall be submitted to Council prior to the issue of a construction certificate.”

**B. New Condition to be placed under the heading Prior to issue of a construction certificate**

**“Reflectivity**

The selection of external materials and finishes shall avoid those with a high reflectivity index.”

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Larissa Ozog
 Steven Layman	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2022/476
2	PROPOSED DEVELOPMENT	Residential - demolition works and tree removal, alterations and additions to existing dwelling
3	STREET ADDRESS	7 Coledale Avenue, Coledale NSW 2515
4	APPLICANT	Alex Urena Design Studio Pty Ltd
5	REASON FOR REFERRAL	Development that contravenes a development standard imposed by an environmental planning instrument by more than 10%
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 (Resilience and Hazards) 2021</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong City Wide Development Contributions Plan 2022</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 2021</i>: N/A</li> <li>· Coastal zone management plan: Yes</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 13 December 2022</li> <li>· Written submissions during public exhibition: six (6)</li> <li>· Verbal submissions at the public meeting: three (3)]</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 13 December 2022. Attendees: <ul style="list-style-type: none"> <li>○ Panel members: Robert Montgomery (Chair), Larissa Ozog, Steven Layman, Bernard Hibbard (Community Representative)</li> <li>○ Council assessment staff: Vivian Lee</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report, as amended by the Panel.