

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-2022/329 - Lot 3 DP 1057625, Lot Pt 3 DP 1057625, 3A Cooper Avenue, Woonona (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by five 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 concurs with the Officer's assessment report and recommendation.
- The additional conditions and 88B requirements will ensure the ongoing protection and maintenance of the vegetation and riparian corridor.
- The submitters raised concerns that Parraweena Way is a well-utilised and popular pedestrian route to local shops, the school and beach. The Panel considers that some additional measures such as signage should be implemented to ensure this lane is recognised as a shared pedestrian/roadway.
- The Panel believes that the green, natural, landscape setting that exists largely due to the Riparian corridor and surrounding trees should be maintained and the design of the development cater for the retention of established trees where possible. Tree No.26, identified in the Arborist report as a Blackbutt, adds to the landscape and should be retained.
- Some additional conditions have been included to ensure the trees along the boundary within the Riparian zone are rehabilitated and maintained in perpetuity in accordance with the Vegetation management plan, flora and fauna assessment and Arborists Assessment.

CONDITIONS

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

A. Condition No.1 to be amended in the following way;

The addition of the following plans to be included as part of Condition No.1;

- Architectural Plans No.s DA-30, DA-40, DA-41 and DA-42 all Revision B prepared by PRD Architects

- Landscape Plans Drawing No.s LC01 and LC02 Revision B dated 11/08/2022 and prepared by Create Landscape Architects
- Concept Drainage Plans prepared by Gary Marsh and Associates Drawing No. 2109-03-01 Revision E, 2109-03-02 Revision E and 2109-03-03 Revision A dated September 2021
- The Survey Plans accompanying the Development Application prepared by Dennis Smith Surveys and dated 11/7/2022

B. Amend Condition 4 to include the retention of tree No.26

"Tree Retention/Removal

The developer shall retain the existing tree(s) indicated on Landscape Concept Plan by Create Landscape Architects dated 11.08.2022 issue B and the Arboricultural Impact Assessment by Allied Tree Consultancy dated January 2022 consisting of tree(s) numbered 1, 2, 4 to 17, 19 to 39, 42 and 43. In particular, this consent does not authorise removal of trees on adjoining land. Trees numbered 10, 11 and C on the Arborist Report are to be retained and any excavation and stormwater drainage set back from that boundary to mitigate impacts to those trees.

Any branch pruning, which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS 4373:2007.

All tree protection measures are to be installed in accordance with Australian standard AS 4970:2009 Protection of Trees on development sites.

All recommendations in the Arboricultural Impact Assessment by Allied Tree Consultancy dated January 2022 page nos 22-24 are to be implemented including and not restricted to: remedial tree pruning, dead wood removal, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

This consent permits the removal of trees numbered 3, 18, 40 and 41 as indicated on the Landscape Concept Plan by Create Landscape Architects dated 11.08.2022 issue B and the Arboricultural Impact Assessment by Allied Tree Consultancy dated January 2022. No other trees shall be removed without prior written approval of Council."

C. Amend Condition No.10 to include the following to ensure pedestrian and traffic safety is improved;

f. The design should include appropriate signage on the roadway and near its entrance from Cooper Avenue to denote that Parraweena Way is a shared zone. This can include painted signs on the roadway and freestanding signs. This shall be to Council's satisfaction

g. a sign or appropriate treatment shall be included in the design to ensure vehicles leaving the development site are aware they are entering a shared zone.

h. Public domain works shall comply with AS2890 and satisfy Council's design and engineering requirements.

D. Amend Condition 29 by adding the following words:

"Privacy screens shall be added to the first floor balcony off the master bedroom to unit 1 to reduce privacy impacts."

E. Amend Condition 71 by including the following:





4. Annual inspections of the dedicated vegetation protection zone at the rear shall occur by a qualified ecologist and their observations and recommendations shall be implemented;

5. The Vegetation Management Plan shall be updated every 5 years by a qualified ecologist and works implemented and certified in accordance with the Plan to ensure the area is maintained and appropriately rehabilitated.

F. Additional General Conditions as follows:

- Prior to issuing a construction certificate the proposed development shall be designed to include all mitigation measures and recommendation in the Vegetation Management prepared by Narla Environmental and dated August 2022. Details of compliance shall form part of the Construction Certificate documentation.

- Prior to the issuing of the construction certificate the proposed development shall be designed to include all the recommendations and mitigation measures in the Flora and Fauna Assessment prepared by Narla Environmental and dated August 2022. Details of compliance shall form part of the Construction Certificate documentation.
- Prior to the issuing of the Construction certificate, prior to the commencement of works and during construction the proposed development shall be designed to include all recommendations in the Arborist Report prepared by Allied Tree Consultancy and dated January 2022. Details of compliance shall form part of the Construction Certificate documentation and during construction.
- The surface (floor) of the elevated pedestrian entry to the development including the balustrades shall be constructed of timber in order to soften the visual appearance of that element and for it to be more consistent with its landscape setting and surroundings. Compliance and details shall be provided with the Construction Certificate (CC) prior to issuing the CC.

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

SCHEDULE 1		
1	DA NO.	DA-2022/329
2	PROPOSED DEVELOPMENT	Residential - tree removal and construction of a six (6) unit multi-dwelling development
3	STREET ADDRESS	3A Cooper Avenue, WOONONA
4	APPLICANT OR OWNER	Mr Peter P Rasa – PRD Architects
5	REASON FOR REFERRAL	Contentious development having received greater than 10 submissions
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 • 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>: N/A • 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 13 December 2022 • Written submissions during public exhibition: 37 • Verbal submissions at the public meeting: five (5)
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 13 December 2022. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Larissa Ozog, Steven Layman, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: Nigel Lamb
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report, as amended by Panel