

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	6 October 2021
PANEL MEMBERS	Stephen Davies (Chair), Steven Layman, Glenn Falson, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 6 October 2021 opened at 5:00pm and closed at 6:18pm.

MATTER DETERMINED

DA-2021/103 - Lot 16 DP 5998, 603 Lawrence Hargrave Drive, Wombarra (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by three 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*, to enable the applicant to reconsider the design of the proposal with particular regard to:

- Setback of the garage from the northern side boundary to comply with the DCP controls.
- The applicant is to provide a swept path analysis demonstrating vehicular manoeuvring into and out of the proposed double garage can be achieved within the confines of the existing easement.
- Compliance of the side setbacks of the first floor are to comply with Council's DCP Chapter B1 Clause 4.3.
- The compliance of the proposed retaining walls with Council's DCP Chapter B1 clause 4.17. This should be informed by geotechnical and structural engineering methodology which deals with construction, drainage and fence stability.
- A supplementary arborist report be provided that considers the littoral rainforest plantings on the neighbouring property to the north in relation to the proposal.
- Further consideration be given to relocation and attenuation of noise from the swimming pool and sewer pumps away from the northern boundary to mitigate impacts on neighbours.

The Panel considers that the consequence of the above matters is a reconsideration of the design approach in relation to the constraints of the site.

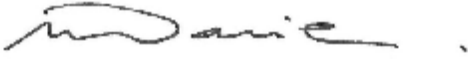

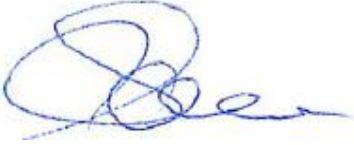

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The site is for a new dwelling and pool in an environmentally sensitive foreshore location.
- The non-compliance with Council's DCP controls.
- The potential impact on neighbouring properties.
- Insufficient engineering and arboricultural details to determine the application.

The applicant is to provide the additional information within twenty-eight days after which neighbour notification should occur for a period of fourteen days. Upon which, the matter is to be referred back to the Panel.

PANEL MEMBERS	
 Stephen Davies (Chair)	 Steven Layman
 Glenn Falson	 Tina Christy (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/103
2	PROPOSED DEVELOPMENT	Designated Development - Residential - demolition of dwelling house and construction of new dwelling house and swimming pool
3	STREET ADDRESS	603 Lawrence Hargrave Drive Wombarra
4	APPLICANT	Gyles Deacon
5	REASON FOR REFERRAL	<ul style="list-style-type: none"> Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is contentious development as it subject to more than ten (10) unique submissions by way of objection, and Under Schedule 2 Clause 4 (a) of the Local Planning Panels Direction, the proposal is Designated Development as the works are located within the mapped Littoral Rainforest Area pursuant to the SEPP (Coastal Management) 2018.
6	RELEVANT MANDATORY CONSIDERATIONS	<p>The following planning controls apply to the proposal:</p> <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulations 2000 <p>State Environmental Planning Policies:</p> <ul style="list-style-type: none"> State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (BASIX) 2004 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy (Infrastructure) 2007 <p>Local Environmental Planning Policies:</p> <ul style="list-style-type: none"> Wollongong Local Environmental Plan (WLEP) 2009 <p>Development Control Plans:</p> <ul style="list-style-type: none"> Wollongong Development Control Plan (WDCP) 2009 <p>Other policies</p> <ul style="list-style-type: none"> Wollongong City-Wide Development Contributions Plan 2020 (section 7.12 of EP&A Act 1979) Wollongong Community Participation Plan 2019 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 6 October 2021 Written submissions during public exhibition: First round 15 objections and 1 letter in support and Second round 14 objections and 5 letters in support. Verbal submissions at the public meeting: Three
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 6 October 2021. Attendees:</p> <ul style="list-style-type: none"> <u>Panel members</u>: Stephen Davies, Steven Layman, Glenn Falson, Tina Christy (Community Representative) <u>Council assessment staff</u>: Kristy Robinson
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report