

## DETERMINATION AND STATEMENT OF REASONS

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

<b>DATE OF DETERMINATION</b>	21 November 2023
<b>PANEL MEMBERS</b>	Stephen Davies (Chair), Alison McCabe, Mark Carlon, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 21 November 2023 opened at 5:00pm and closed at 6:49pm.

#### MATTER DETERMINED

DA-2022/1010 - Lot B DP 344298, 127 Lawrence Hargrave Drive, Austinmer (as described in detail in schedule 1).

#### PUBLIC SUBMISSIONS

The Panel was addressed by three (3) 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, in its deliberation, requires further information to properly consider this application as outlined below to ensure protection of important street tree and resolution of public domain interfaces and potential impacts arising from excavation. The Panel notes that the application is supported by a clause 4.6 written request. In its initial consideration of this request, the Panel does not agree that the development standard for FSR in the C4 Environmental Living zone has been abandoned.

The Panel determined to defer the development application as described in Schedule 1 for the following reasons:

- 1 A meeting to be held with the applicant and Council's Asset and Property sections to determine what should happen with the existing retaining wall on Austinmer Reserve adjacent to the property boundary, ie. whether it should be retained or demolished.
- 2 Amended plans being provided that:
  - i Show cross-sections of the landscaping outcomes, retaining walls and stairs along Austinmer Reserve including RL's to AHD and at least two (2) cross-sections consistent with Council's position on the retaining wall including materials and structural adequacy.
  - ii Details of all fencing along boundaries and the construction methodology of the fence along the western and northern boundary and retaining walls under the canopy of T3. The construction methodology is to be reviewed and agreed to by the arborist. Additional cross-sections showing the relationship of retaining walls, fences and landscape treatment to T3 are to be provided.
  - iii Landscape plans and architectural plans are to be amended to show consistent cross-sections, including levels on top of walls and finished ground levels at boundaries.
  - iv A construction methodology outlining how excavation can occur on-site without impacting upon the adjoining property at 129 Lawrence Hargrave Drive.

The Panel requires the above information to be provided to Council within twenty-eight (28) days following which a supplementary report, including a review of conditions to reflect the above requirements and ensure appropriate mitigation efforts, will be provided to the Panel for determination. The matter will be determined electronically.

The decision was unanimous.

PANEL MEMBERS	
 Stephen Davies (Chair)	 Alison McCabe
 Mark Carlon	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2022/1010
2	PROPOSED DEVELOPMENT	Demolition of existing dwelling, tree removal, construction of dwelling, swimming pool and associated landscape works including retaining walls
3	STREET ADDRESS	127 Lawrence Hargrave Drive AUSTINMER
4	APPLICANT	Rebecca Goodman Town Planning Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to clause 3, Schedule 2 of the Local Planning Panels Direction as the development involves departure to Clause 4.4 Floor Space Ratio in Wollongong Local Environmental Plan (WLEP) 2009 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>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Wollongong Local Environment Plan 2009</li> </ul> </li> <li>Wollongong Development Contributions Plan</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Wollongong Development Control Plan 2009</li> </ul> </li> <li>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</li> <li>Coastal zone management plan: Nil</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 21 November 2023</li> <li>Written submissions during public exhibition: Seven (7)</li> <li>Verbal submissions at the public meeting: three (3)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 21 November 2023. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Stephen Davies (Chair), Alison McCabe, Mark Carlon, Trish McBride (Community Representative)</li> <li><u>Council assessment staff</u>: John Wood, Brigit Mathai</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report