

# DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	6 March 2019
PANEL MEMBERS	Robert Montgomery (Chair), Sue Hobley, Glenn Falson, Andrew Knowlson (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 6 March 2019 opened at 5:00pm and closed at 5:15pm.

### MATTER DETERMINED

DA-2018/1570 – Lot 2 Section M DP 2697, 42 Gray Street, Woonona (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

No one addressed the Panel.

The owner attended and answered some questions from the Panel.

### 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* subject to an additional condition as follows:

The applicant shall provide a final landscape plan prior to issue of a Construction Certificate which deletes the species *Thysanolaena maxima* and replaces it with a local species of shrub.

Condition number 22 is to be deleted and be replaced with “trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures in accordance with Australian Standard AS-4970-2009 – Protection of Trees on Development Sites designed and supervised by a qualified arborist as detailed in Wollongong Development Control Plan 2009.

Also, the heading on Condition number 50 should be amended to read “treatment of any tree damage”.

The decision was unanimous.

### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel agrees with the Council officer’s assessment of the application in that it complies with the requirements of Wollongong 2009 and generally complies with Wollongong DCP 2009, the areas of non-compliance being the width of the garage, stack parking and retaining wall height.
- The proposed amended conditions are to ensure that all tree protection is specified and supervised by an appropriately qualified arborist and to remove any possible confusion.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the amendments as detailed above.

PANEL MEMBERS



Robert Montgomery  
(Chair)



Sue Holey



Glenn Falson



Andrew Knowlson  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2018/1570
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures, construction of a dual occupancy and Subdivision - Torrens title - two (2) lots
3	STREET ADDRESS	42 Gray Street, Woonona
4	APPLICANT	Bora Developments
5	REASON FOR REFERRAL	The proposal has been referred to Wollongong Local Planning Panel (LPP) for determination pursuant to Schedule 1(e) of the Local Planning Panels Direction dated 23 February 2018 due to a perceived or potential conflict of interest as the applicant is a relative of a current Wollongong City Councillor.
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 No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Vegetation In Non-Rural Areas) 2017</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong Citywide Development Contributions Plan</li> <li>· Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </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 6 March 2019</li> <li>· Written submissions during public exhibition: one (1).</li> <li>· Verbal submissions at the public meeting: nil</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 6 March 2019. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Sue Hoblely, Glenn Falson, Andrew Knowlson (Community Representative)</li> <li>○ <u>Council assessment staff</u>: John Wood, Nina Kent</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report