

# DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	14 August 2019
PANEL MEMBERS	Robert Montgomery (Chair), Helena Miller, Scott Lee, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 14 August 2019 opened at 5:05pm and closed at 6:33pm.

### MATTER DETERMINED

DA-2019/598 19 Coledale Avenue, COLEDALE NSW 2515 being Lot 1 DP 995894 (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by two submitters.

The Panel also heard from the applicant's 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 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 acknowledges the concerns of the residents adjoining to the south in relation to potential impacts on the amenity of their property. It is noted that the proposal complies with the building height limit imposed by WLEP 2009 and is in excess of the setbacks required by WDCP 2009.
- The Panel notes that the maximum FSR contained in WLEP 2009 has been varied for numerous dwellings in the immediate locality. The Panel considers that the FSR as proposed is acceptable. Therefore it is considered that the applicant has satisfied the requirements of Clause 4.6 of WLEP 2009.
- The Panel explored the possibility of design amendments in order to reduce the perceived amenity impacts to the property adjoining to the south. However, following further assessment of the plans and previous amendments made, it was determined that the design is acceptable.

### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report.

PANEL MEMBERS



Robert Montgomery  
(Chair)



Helena Miller



Scott Lee



Trish McBride  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/598
2	PROPOSED DEVELOPMENT	Residential - demolition of dwelling and construction of dwelling house and swimming pool
3	STREET ADDRESS	19 Coledale Avenue, COLEDALE NSW 2515
4	APPLICANT	Mr Alejanddro Carlos Urena Sandoval
5	REASON FOR REFERRAL	The proposal has been referred to the Wollongong Local Planning Panel for determination pursuant to Section 3 of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the application involves a departure to Clause 4.4 of Wollongong Local Environmental Plan 2009 (WLEP 2009) being the floor space ratio, by greater 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 No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>· Wollongong City Wide Development Contributions Plan</li> <li>· Draft environmental planning instruments: None</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 2000</i></li> <li>· Coastal zone management plan</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 14 August 2019</li> <li>· Written submissions during public exhibition: four</li> <li>· Verbal submissions at the public meeting: two</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 14 August 2019. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Helena Miller, Scott Lee, Trish McBride (community representative)</li> <li>○ <u>Council assessment staff</u>: John Wood, Maria Byrnes</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report