

DETERMINATION AND STATEMENT OF REASONS
WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

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| DATE OF DETERMINATION | 30 November 2021 |
| PANEL MEMBERS | Stephen Davies (Chair), Mark Carlon, Larissa Ozog, Tina Christy (Community Representative) |

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 30 November 2021 opened at 5:00pm and closed at 7:22pm.

MATTER DETERMINED

DA-2020/807 – Lot 5 DP 24879, Lot 6 DP 24879, 54-56 Mountain Road, Austinmer (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by five (5) submitters.

The Panel 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* subject to the imposition of additional conditions which are listed below;

The following amendments be incorporated into conditions 27 and 41;

Driveway Long section

- To verify that vehicular access will comply with Council's requirements, a scaled long section of the proposed driveway in accordance with “Concept Longsection – Driveway #1” prepared by Rienco Consulting Dwg No.1001 Revisions C, from kerb and gutter at the point of access to the proposed garage floor level must be submitted with the Construction Certificate and shall include:
 - a existing natural surface levels;
 - b proposed grades, existing and finished surface levels of the driveway;
 - c preliminary details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.
- No part of the driveway must have grades exceeding Council’s standards. As such, the long section shall be taken along the critical path, i.e. the side of the driveway that will have the steepest grades.

The following additional conditions be added:

Supervising Arborist – Tree Inspection and Installation of Tree Protection Measures

- Prior to the commencement of any demolition, excavation or construction works, a level 5 supervising arborist must certify in writing that tree protection measures have been inspected and installed in accordance with the relevant conditions of this consent.

Certification from Arborist - Adequate Protection of Trees to be Retained

- A level 5 accredited arborist is required to be engaged for the supervision of all on-site excavation or land clearing works. The submission of appropriate certification from the appointed arborist to the Principal

Certifier is required which confirms that all trees and other vegetation to be retained are protected by fencing and other measures, prior to the commencement of any such excavation or land clearing works.

Tree removal

- Permission is granted to remove trees 4, 6, 7, 8, 9, 10, 13, 41, 44 and 49 on Lot 6 DP24879 as numbered and described in arborist report prepared by G. Leonard (Omni Ecological) dated 19 June 2020. All other trees are to be retained. No further tree removal is permitted without prior written permission from Wollongong City Council.

Access Driveway Bridge Design

- The design of the bridge structure must be undertaken by a suitably qualified and certified practising engineer with proven extensive experience in design of bridge structures. The bridge structure is to be designed to withstand the forces of floodwater, debris and buoyancy up to the PMF event plus 500mm freeboard. The design of the structure must be undertaken in accordance with, but not limited to, the requirements of the current AS 5100 for Bridge Design.

Access Driveway Bridge Certification

- The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required prior to the issue of the Subdivision Certificate. This report is required to verify that the access driveway bridge can withstand the forces of floodwater, debris and buoyancy up to and including the PMF level plus 0.5 meters freeboard. The report is to also certify that the bridge has been constructed in accordance with the approved construction certificate / subdivision works certificate drawings and has been constructed in accordance with the requirements of AS5100 and relevant standards.

Flood impacts

- The detailed design of the accessway, bridge and associated subdivision works must be supported by the submission of a report from a suitably qualified and experienced geotechnical engineer to the Principal Certifier. The report must include certification that the post development flows for all relevant storm events up to the PMF Flood plus 0.5m freeboard, will not impact the adjoining Sydney Trains land, assets and associated rail embankments, when compared to predevelopment flooding.

Privacy Screening

- A minimum 1.5m high fixed privacy screen be provided to the western side of the proposed ground floor rear deck of unit 2. This screen shall be maintained fit for purpose for the life of the development.

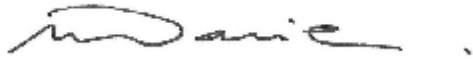
The decision was unanimous

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel concurs with the officer's report and recommendation.
- The Panel considered the environmental constraints of the site in relation to flooding, geotechnical, biodiversity and bushfire and is satisfied that these issues have been properly considered.
- The development is permissible and is considered suitable given the current zoning of the site.
- Variations to the development control plan have been considered and are acceptable given the minor nature of non-compliance, relationship to adjoining properties and context of the area.
- The Panel is of the view that with the imposition of additional conditions this will provide greater assurance in achieving the desired development outcomes.

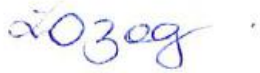
PANEL MEMBERS



Stephen Davies
(Chair)



Mark Carlon



Larissa Ozog



Tina Christy
(Community Representative)

| SCHEDULE 1 | | |
|------------|-----------------------------------|---|
| 1 | DA NO. | DA-2020/807 |
| 2 | PROPOSED DEVELOPMENT | Residential - Lot 5: demolition of existing dwelling, construction of dual occupancy and Subdivision - Torrens title - two (2) lots and Lot 6: Subdivision - Torrens title - two (2) lots and tree removal |
| 3 | STREET ADDRESS | 54-56 Mountain Road, AUSTINMER NSW 2515 |
| 4 | APPLICANT/OWNER | Allen Street Property Trust |
| 5 | REASON FOR REFERRAL | The proposal has been referred to the WLPP for determination pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, as the Development Application is subject of more than 10 unique submissions by way of objection. |
| 6 | RELEVANT MANDATORY CONSIDERATIONS | <ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 · Wollongong Section Development Contributions Plan · Draft environmental planning instruments · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> · 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 30 November 2021 · Written submissions during public exhibition: 14 · Verbal submissions at the public meeting: five (5) |
| 8 | SITE INSPECTIONS BY THE PANEL | Virtual site inspection 30 November 2021. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Stephen Davies (Chair), Mark Carlon, Larissa Ozog, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: Maria Byrne |
| 9 | COUNCIL RECOMMENDATION | Approve |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |