

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	1 May 2019
PANEL MEMBERS	Robert Montgomery (Chair), Steven Layman, Scott Lee, Edger du Bois (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 1 May 2019 opened at 5:00pm and closed at 6:21pm.

MATTER DETERMINED

RD-2018/533/A - Lot 12 DP 1188169 No 7A Cochrane Road, Thirroul (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by three submitters:

The Panel also heard from the owner and the applicant.

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 heard from neighbouring residents in relation to overshadowing, visual impacts, noise impacts, traffic and parking, and the size of the development. Notwithstanding, the majority view of the Panel is that the request for review of the previous refusal is accompanied by amended plans which largely address the matters noted by the previous Panel when it provided advice to Council. The amended plans demonstrate compliance with all statutory controls, except for the building being two storeys, contrary to the DCP requirement for dwellings on battle-axe blocks being single storey and the driveway being narrower than required by the WDCP 2009.

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 carried by 3 votes to 1.

For: Robert Montgomery, Scott Lee, Edger du Bois

Against: Steven Layman

The Panel member who disagreed with the decision is of the view that the amended application does not adequately address the objectives of Chapter B1, clause 4.1.1 of the WDCP 2009 relating to maximum number of storeys on battle-axe blocks.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:





- The majority view of the Panel is that the application as amended has largely addressed the matters raised by the previous Panel in providing its advice to the Council.
- The majority view of the Panel accepts the assessment provided in the officer's report, noting that the second storey component has been reduced from the original proposal and has now provided adequate vehicle manoeuvring area.
- The majority view of the Panel is that the section 8.2 request, with the associated plan amendments has adequately addressed the reasons for refusal.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with an amendment to condition 14 as follows:

- 14 The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:
- a the Sweet Cherry Lilly Pillies proposed in the deep soil zone for Unit 2 shall be located a minimum of 1500mm from the side boundary. Plantings to the deep soil zone within 1.5 metres from the side boundary shall be limited to Mat Rush and/or Gynea Lily;
 - b the landscape strip adjoining the existing concrete driveway on the battle-axe handle shall be planted with *Correa alba*, minimum pot size 200mm at 500mm intervals;
 - c a schedule of proposed plantings, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes. The final landscaping plan shall reflect the planting schedule and locations shown on the Concept Landscape Plan dated 14 March 2019 prepared by JIH Building Designs, except where amended elsewhere in this condition;
 - d the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and
 - e any proposed hard surface under the canopy of existing trees shall be permeable and must be laid such that the finished surface levels match the existing level. Permeable paving is to be installed in accordance with the manufacturer's recommendations.

The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

PANEL MEMBERS	
 <p>Robert Montgomery (Chair)</p>	 <p>Steven Layman</p>
 <p>Scott Lee</p>	 <p>Edger du Bois (Community Representative)</p>

SCHEDULE 1		
1	DA NO.	RD-2018/533/A
2	PROPOSED DEVELOPMENT	Residential – dual occupancy and subdivision – strata title – two (2) lots
3	STREET ADDRESS	No 7A Cochrane Road Thirroul
4	APPLICANT	Plannex Environmental Planning
5	REASON FOR REFERRAL	Application is the subject of 10 or more 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 No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ Wollongong Local Environment Plan 2009 · Wollongong Section 94A Development Contributions Plan · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Coastal zone management plan: subject site is not impacted by coastal inundation, coastal geotechnical risk or reduced foundation capacity · 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 1 May 2019 · Written submissions during public exhibition: 18 · Verbal submissions at the public meeting: three
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 1 May 2019. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Steven Layman, Scott Lee, Edger du Bois (Community Representative) ○ <u>Council assessment staff</u>: Nicole Ashton
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report