

# DETERMINATION AND STATEMENT OF REASONS

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

|                       |                                                                                                    |
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| DATE OF DETERMINATION | 12 December 2018                                                                                   |
| PANEL MEMBERS         | Robert Montgomery (Chair), Sue Hobley, Brendan Randles, Bernard Hibbard (Community Representative) |

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 12 December 2018 opened at 5:00pm and closed at 6:56pm.

### MATTER DETERMINED

DA-2018/848 – Lot 10, DP 1107164, 11 Catherine Street, Gwynneville (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant's representatives provided a review of the changes made in response to the previous Panel meeting and answered questions.

### 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 additional conditions as detailed below.

The decision was unanimous.

### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- Increasing the private open space to Unit 1 will provide better amenity to the occupants of that unit, will provide better casual surveillance of the street and will add to the streetscape appearance.
- Moving the letterboxes from the proposed location will improve tree protection.
- Solar access will be optimised by the additional condition 33B.

### CONDITIONS

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

#### 33A Private open space for Unit 1

The private open space area for Unit 1 must be increased to incorporate the landscaped area within the front setback. To achieve this, suitable front boundary fencing will be required in accordance with the following requirements:




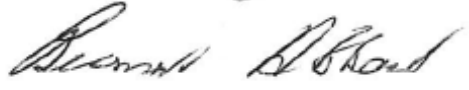
- a. be a maximum height of 1.5m, and open for at least 50% of the upper two thirds of the fence;
- b. any brick or other solid portion of the fence above 600mm must not be more than 250mm wide;
- c. be setback 1m from the front boundary to allow for landscaping between the fence and the front boundary line; and
- d. shall reflect the design and materials of the development.

Details demonstrating the above requirements must be submitted with the Construction Certificate and reflected on the Construction Certificate and Landscape plans.

33B Optimisation of mid-winter solar access to living area in Unit 1

Provide a skylight to the roof over Unit 1's courtyard to increase winter solar access into the living room. This requirement is to be reflected on the Construction Certificate plans.

33C The letter boxes must not be located within the garden bed around the significant tree.

| PANEL MEMBERS                                                                                                     |                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| <br>Robert Montgomery<br>(Chair) | <br>Sue Holey                                     |
| <br>Brendan Randles              | <br>Bernard Hibbard<br>(Community Representative) |

| SCHEDULE 1 |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 1          | DA NO.                            | DA-2018/848                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2          | PROPOSED DEVELOPMENT              | Residential – Demolition of existing structures and construction of multi dwelling housing – four (4) townhouses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3          | STREET ADDRESS                    | Lot 10, DP 1107164, 11 Catherine Street, Gwynneville                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 4          | APPLICANT/OWNER                   | ADM Architects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 5          | REASON FOR REFERRAL               | <p>The application was reported to the WLPP on 26 September 2018 where the WLPP determined to defer the application for the applicant to provide amended plans and for the matter to be reported to a subsequent WLPP meeting.</p> <p>The proposal was originally referred to WLPP pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clause 1(a) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the development involves the creation of an easement over the downstream property which is Council owned land (Seniors Citizen Centre at 192 Gipps Road, Gwynneville).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 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 (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong City Wide Development Contributions Plan 2018</li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92(1)(b) having regard to demolition works and AS 2601</li> <li>• Coastal zone management plan: Not applicable as site is outside coastal zone.</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 12 December 2018 and 26 September 2018</li> <li>• Written submissions during public exhibition: No further submissions from revised plans following September WLPP meeting. Two (2) submissions for original proposal, including one (1) letter of support.</li> <li>• Verbal submissions at the public meeting: Nil</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8          | SITE INSPECTIONS BY THE PANEL     | <p>Site inspection 12 December 2018. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Sue Hopley, Brendan Randles, Bernard Hibbard (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Pier Panozzo, Rebecca Welsh</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9          | COUNCIL RECOMMENDATION            | Approve                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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| 10 | DRAFT CONDITIONS | Attached to the council assessment report |
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