

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	2 July 2020
PANEL MEMBERS	Robert Montgomery (Chair), Sue Hobley, Mark Carlon, Tina Christy (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 2 July 2020 opened at 5:00pm and closed at 6:44pm

MATTER DETERMINED

DA-2019/1155, Lot 21 DP 1019031, 31 Olympic Boulevard, Port Kembla (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by one submitter.

The Panel also heard from the applicant's representative.

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 described in Schedule 1 as a deferred commencement consent. 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 notes that the existing retaining wall along the Eastern boundary appears to be failing and the submitted plans do not accurately reflect the current situation in relation to footing and other details.
- The Panel notes that there is inconsistency in the labelling of the submitted plans, including an incorrect reference to "dwelling three".
- The Panel considers that the design amendments to dwelling one (1) create a better relationship to the adjoining dwelling at 29 Olympic Boulevard, in relation to views, privacy and setbacks.
- The proposal as revised presents an acceptable response to the view sharing planning principle established by the Court.
- The applicant is to be commended for engaging the neighbouring property in resolving the final design.





CONDITIONS

The development application was approved as a deferred commencement consent subject to the following deferred commencement conditions and the operational conditions contained within the Council Assessment Report.

Deferred commencement conditions:

- 1 The applicant is to submit an amended retaining wall plan which shows the following:

- All levels across the site, including for pedestrian access paths and garden beds along the Northern boundary.
 - A fully designed retaining wall to engineer's specifications to be placed in front of the existing retaining wall along the Eastern boundary.
- 2 The applicant is to submit an amended demolition plan which is consistent with the amended retaining wall plan.
 - 3 An amended landscape plan which details levels, pathways, drainage requirements, cut and fill and retaining walls. The plan should include specifications for the establishment of new garden beds with particular attention to soil improvement and appropriate species. The root zones of the existing Norfolk Island Pines shall be mulched and new plantings should not be installed in this area. The species list shall incorporate additional locally occurring coastal species. *Strelitzia reginae* is not recommended.
 - 4 The applicant is to submit a complete set of accurate and up-to-date plans with correct labelling and amended details as described above.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Sue Hobley
 Mark Carlon	 Tina Christy (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/1155
2	PROPOSED DEVELOPMENT	Residential – demolition of existing dwelling and construction of dual occupancy and Subdivision - Torrens title - two lots
3	STREET ADDRESS	31 Olympic Boulevard, Port Kembla
4	APPLICANT	DeBu Studios
5	REASON FOR REFERRAL	The proposal is referred to Local Planning Panel for determination pursuant to Clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Schedule 2(b) the Local Planning Panel's Direction of 1 March 2018 being 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 City Wide Development Contributions Plan 2019 · Draft environmental planning instruments: Nil · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: Nil · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 (1)(b) in the case of a development application for the demolition of a building, the provisions of AS 2601 · Coastal zone management plan: Wollongong Coastal Zone Management Plan · 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 2 July 2020. · Written submissions during public exhibition: ten · Verbal submissions at the public meeting: one
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 2 July 2020. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Sue Hobleby, Mark Carlon, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: Rebecca Welsh, Pier Panozzo
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report