

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	11 October 2022
PANEL MEMBERS	Sue Francis (Chair), Glenn Falson, Larissa Ozog, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 11 October 2022 opened at 5:00pm and closed at 6.01pm.

MATTER DETERMINED

DA-2021/1384 – Lot 13 Section A DP 4882, 254 Lawrence Hargrave Drive, Thirroul (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by one submitter.

The Panel heard from the applicant and their 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 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:

Commercial premises are permitted in the B2 land use zone with development consent pursuant to the WLEP 2009. The Panel accepts that the design of the proposal has had regard to the heritage building to the west. The amended design incorporating a flat roof and glazed atrium to the front allows for visibility to the heritage building and reduces the visual bulk of the building.

Larissa Ozog (Panel member) was satisfied, in principle, with the proposed development in respect to its height, scale and siting, however believed a pitch roof form would have been a more appropriate and sympathetic design response given the context and nature of properties to the east.

The Panel was however concerned with vehicular egress and sight lines available to a vehicle exiting the site. Accordingly, an additional condition has been placed on the consent to ensure safety is maintained for pedestrians.

The Panel agreed to delete condition 3 that required a further application for 'first use'.

The Panel agreed to amend condition 24, as requested by the applicant, to read:

The developer must make provision for planting along the rear boundary that can achieve maximum achievable height within the limitations of the planter bed. The landscape plan is to incorporate species consistent with suitable species identified in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping.

The Panel also agreed to a condition to provide solar panels to the roof, as agreed to by the applicant.

CONDITIONS

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

- Deleting condition 3
- Replacement of condition 24
- Addition of conditions below

Driveway Design

To ensure adequate safety for pedestrians the driveway must be designed to ensure the following:

- a) The northern edge of the internal driveway must transition to a minimum 500mm from the edge of the northern property boundary, adjacent to the footpath area.
- b) A change in driveway paving is required at the entrance threshold within the property boundary to clearly show motorists they are crossing a pedestrian area. Between the property boundary and the kerb, the developer must construct the driveway pavement in accordance with the conditions, technical specifications and levels in keeping with the surrounding commercial precinct and the Business Centres Public Domain Technical Manual
- c) The existing layback crossover must be relocated southwards to ensure the layback crossover aligns with the realigned driveway and widened to include the dedicated passing area.
- d) 3m from the front property boundary a visual change in the driveway must be incorporated that provides both a tactile change in surface and a change in colour, to alert drivers to the change in traffic conditions as the driver approaches the footpath area
- e) The developer is responsible for the construction of footpath paving for the entire frontage of the development. In keeping with the surrounding commercial precinct and the Business Centres Public Domain Technical Manual the type of paving for this development and adjoining existing footpath finish. A nominal two percent (2%) minimum one percent (1%), maximum two and a half percent (2.5%) cross fall to be provided from property line to back of kerb. Any changes of level, ramps or stairs and associated tactile markers and handrails are to be contained within the property boundary. The driveway entry threshold from the property boundary line to the face of kerb is to match the footpath material and be designed to withstand predicted traffic loadings. The driveway threshold finish within property boundary line is to contrast with driveway entry. The footpath and driveway entry on the council property must be installed to the satisfaction of WCC Development Engineering Manager.
- f) A sign must be provided within the site, clearly visible to exiting drivers, warning them to "*drive with caution approaching pedestrian area*"

Evidence that this requirement has been met must form part of the construction certificate application

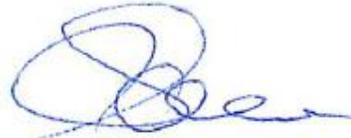
Solar Panels

The building shall include photovoltaic panels (solar panels) on the roof to improve sustainability and environmental outcomes of the development for the future. Details of compliance shall be provided prior to the issuing of the construction certificate.

PANEL MEMBERS



Sue Francis
(Chair)



Glenn Falson



Larissa Ozog



Bernard Hibbard
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1384
2	PROPOSED DEVELOPMENT	Commercial - tree removals and construction of a new two-storey commercial building
3	STREET ADDRESS	254 Lawrence Hargrave Drive, THIRROUL NSW 2515
4	APPLICANT	MMJ Town Planning
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 application is the subject of ten (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 (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity & Conservation) 2021 ○ Wollongong Local Environment Plan 2009 · Wollongong Development Contributions Plan · Draft environmental planning instruments: N/A · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: N/A · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: N/A · 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 11 October 2022 · Written submissions during public exhibition: Ten (10) · Verbal submissions at the public meeting: One (1)
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 11 October 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Glenn Falson, Larissa Ozog, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: Rod Thew, John Wood
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report