

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	1 September 2020
PANEL MEMBERS	Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 1 September 2020 opened at 5:00pm and closed at 7:15pm.

MATTER DETERMINED

DA-2020/297 – Lot B DP 157627, 18 Hopetoun Street, Woonona (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two submitters and one submitter on behalf of seven other submitters.

The Panel also heard from the applicant and 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 refuse 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 Panel has considered several proposals on the subject site. The last application in 2019 was refused notwithstanding deferral to address identified concerns. In summary, the previous proposal was considered an overdevelopment of the site.





The subject proposal is an improvement on the previous multi-dwelling proposal and seeks a two lot subdivision and the erection of two attached dual occupancies on the newly created lots. However, the site retains its fundamental constraint of being only 14.24m wide. In addition, the size of the rear dual occupancy is too large for its proposed allotment due to the fact that the subdivision is contrived in size and shape by including a landscaped strip along the western boundary. This should be included into Lot 1.

The Panel remains of the view that this proposal is an overdevelopment of the site. The panel considers a more appropriate development may be a single dwelling on Lot 1 and an attached dual occupancy on Lot 2 where Lot 2 has a larger site area to compensate for the scale and intensity of dwellings proposed.

The reasons for refusal are as follows:-

1. The proposed development is an overdevelopment of the site by virtue of: -
 - a) The contrived nature of the subdivision using the landscaped handle on the western side of the site to bolster the site area of Lot 2 to facilitate too much GFA on that lot.
 - b) Lot 1 is too narrow for the proposed dual occupancy resulting in minimal manoeuvring ability for cars in close proximity to the neighbouring property

- c) The proposed POS for the dwellings on Lot 1 is poorly located for their future use receiving minimal solar access and poor relationship to boundaries resulting in poor amenity.
- d) Proposed Lot 1 fails to satisfy Section 4.21 of the WDCP in relation to the minimum 15m site width for dual occupancy development.
- e) The proposed battle axe subdivision fails to satisfy the planning controls for battle axe allotment design in accordance with Section 6.4 of the WDCP.

PANEL MEMBERS	
 Sue Francis (Chair)	 Larissa Ozog
 Robert Montgomery	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/297
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures, Subdivision - Torrens title - two (2) lots and construction of a dual occupancy on each lot and associated stormwater infrastructure.
3	STREET ADDRESS	18 Hopetoun Street Woonona NSW 2517 – Development site 93 Farrell Road Bulli NSW 2516 – Stormwater infrastructure
4	APPLICANT/OWNER	MMJ Wollongong (Luke Rollinson)
5	REASON FOR REFERRAL	Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal has received greater than 10 unique submissions.
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 ○ Wollongong Local Environment Plan 2009 · Wollongong Development Contributions Plan 2019 · 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>: Section 92 · 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 September 2020 · Written submissions during public exhibition: 15 · Verbal submissions at the public meeting: Three (3)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 1 September 2020. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Jacob Williams, Maria Byrne
9	COUNCIL RECOMMENDATION	Approved by way of Deferred Commencement
10	DRAFT CONDITIONS	Attached to the council assessment report