

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	11 December 2019
PANEL MEMBERS	Robert Montgomery (Chair), Larissa Ozog, Brendan Randles, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 11 December 2019 opened at 5:00pm and closed at 5.54pm.

MATTER DETERMINED

DA-2019/575 – Lot X DP 408389, 7 Dawson Street Fairy Meadow (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by three (3) submitters. The applicant was not in attendance.

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 concurred with the Council's assessment report and recommendation.

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 reasons for the decision of the Panel were:

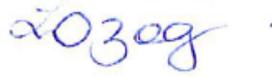
- The proposal is inconsistent with a number of development controls and objectives contained within Wollongong Local Environmental Plan 2009 and Wollongong DCP 2009.
- The Panel considers that the design and density of the development is out of character with the locality and does not properly respond to the constraints presented by the site.
- The Panel believes the proposal is an overdevelopment of the Site and fails to consider the context and site constraints in the design of the proposal.
- The Panel agrees with the officer's assessment and recommendation for refusal.

REASONS FOR REFUSAL

The development application was refused for the reasons listed in Attachment 7 to the Council Assessment Report with the following additional reasons:

- The application fails to demonstrate that the development has adequate regard to the safety of future occupants in a flood event.
- The development is likely to have adverse impacts on other land within the catchment during a flood event.
- The design of the development is likely to create poor amenity for future occupants, particularly in relation to the following:
 - The main entry to the units is from what is essentially a rear laneway environment;
 - Poor pedestrian quality in the form of discrete footpaths with shade giving trees;
 - Inadequate solar access to main living areas;
 - Inadequate provision of bin store areas for each dwelling;

- The predominance of long interrupted facades, with little articulation, design features or interest;
- Failure to provide adequate separation between built forms and the developments relationship to the riparian zone;
- window size and placement will create a lack of natural light and little opportunity for outdoor views;
- Inadequate amount of communal open space and deep soil areas is provided within the development site in order to soften and break up the built form and mass of dwellings; and
- Insufficient details and inadequate treatment of the riparian zone in respect to the proposed restoration, revitalisation and revegetation associated with this area and proposed future schedule of ongoing maintenance works required to ensure this asset is appropriately managed.
- The proposed removal of existing trees and vegetation is considered to be an unnecessary, unwarranted and an unreasonable planning and environmental response to the site.
- Given the significant constraints of the site, the proposal is considered to represent an overdevelopment of the site.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Larissa Ozog
 Brendan Randles	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/575
2	PROPOSED DEVELOPMENT	Residential - Subdivision - Torrens title - two (2) lots, construction of multi dwelling housing (32 dwellings) and Subdivision - Strata title - 32 lots
3	STREET ADDRESS	7 Dawson Street, Fairy Meadow
4	APPLICANT	E Planning Pty Ltd
5	REASON FOR REFERRAL	The proposal is contentious development under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, having received ten 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 ○ Wollongong Local Environment Plan 2009 • Wollongong Development Contributions Plan 2018 • 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>: Clause 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 11 December 2019 • Written submissions during public exhibition: 11 • Verbal submissions at the public meeting: 3
8	SITE INSPECTIONS BY THE PANEL	Site inspection 11 December 2019. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Larissa Ozog, Brendan Randles, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Pier Panozzo, Nadir Mian
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT REASONS FOR REFUSAL	Attached to the council assessment report