

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	17 December 2020
PANEL MEMBERS	Robert Montgomery (Chair), Helena Miller, Glenn Falson, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 17 December 2020 opened at 5:00pm and closed at 7.34pm.

MATTER DETERMINED

DA-2020/307 - Lot 2 DP 1249810, Lot 3 DP 1249810, 5-7 Truscott Place, Figtree (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by five submitters.

The Panel also heard from the applicant and the owner.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, 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 reasons for the decision of the Panel were:

- Notwithstanding the Officer's recommendation for approval, the Panel considers that the assessment has not given due consideration to the objectives of the controls, internal and external design or impact on adjoining properties.
- The Panel considers that the applicant's request for exemption from the minimum lot width standard has not adequately addressed the matters required to be demonstrated by cl 4.6 of Wollongong Local Environmental Plan 2009. The proposed development would not be in the public interest because it is inconsistent with the objectives of that particular standard and the objectives for development within the zone.
- The Panel is of the opinion that the proposal is poorly designed and does not reflect the character of the locality.
- The Panel considers that the internal configuration and room sizes, in some of the units, is likely to create poor internal amenity for occupants.
- The location of the visitors' car space is likely to lead to its use by residents and on-street parking by visitors.
- The Panel considers that the proposal is an overdevelopment of the site, which does not respond to the significant site constraints, including the narrow frontage to Truscott Place, the slope of the land and the location of dwellings and private open space on adjoining properties.

REASONS FOR REFUSAL

The development application was refused for the following reasons:

- 1 Insufficient information has been submitted under Section 4.12 of Environmental Planning & Assessment Act, 1979 in respect to earthworks, retaining walls and the relationship of the final landform with adjoining properties as well as colours and materials and finishes.
- 2 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009, including:
 - Clause 1.2 – Aims of the Plan
 - Clause 2.3 – Zone objectives and Land use table
 - Clause 7.6 - Earthworks
 - Clause 7.14 – Minimum site width
- 3 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the applicant's request has not adequately addressed the matters required to be demonstrated by cl 4.6 of Wollongong Local Environmental Plan 2009, and the proposed development would not be in the public interest because it is inconsistent with the objectives of that particular standard and the objectives for development within the zone.
- 4 Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009, including:
 - Chapter B1: 5.1 Minimum Site Width
 - Chapter B1: 5.11 Private Open Space
 - Chapter B1: 4.17 Retaining Walls
- 5 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate that the likely impacts of the development will not be adverse in relation to environment, traffic, amenity, privacy and social impacts in the immediate locality.
- 6 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal is out of scale and character with existing development within the immediate locality.
- 7 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the external design of the proposal creates unnecessary bulk and scale.
- 8 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the internal design of the units is likely to create undesirable amenity for future occupants in terms of room sizes, and in the case of Unit 1 the lack of connection to private open space from the main living areas.
- 9 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposed development represents an overdevelopment of the site.
- 9 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, the site is not suitable for the development as proposed.
- 10 Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, the submissions received have been considered, and in the circumstances of the case, approval of the development would set an undesirable precedent.
- 11 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, approval of the proposed development would not be in the public interest.

PANEL MEMBERS



Robert Montgomery
(Chair)



Helena Miller



Glenn Falson



Bernard Hibbard
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/307
2	PROPOSED DEVELOPMENT	Residential - consolidation of Lots 2 and 3, construction of multi dwelling housing 4 units and Subdivision - Strata title - four (4) lots
3	STREET ADDRESS	5-7 Truscott Place, Figtree NSW
4	APPLICANT/OWNER	Cardno Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to Part 3 of Schedule 2 of the Local Planning Panels Direction, as the application involves an exception to a development standard at Clause 7.14 of WLEP 2009, contravening the 18 metre minimum site width requirement by more than 10% (19.3%).
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 City Wide Development Contributions Plan · 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> · 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 17 December 2020 · Written submissions during public exhibition: nine · Verbal submissions at the public meeting: five
8	SITE INSPECTIONS BY THE PANEL	Site inspection 17 December 2020. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Helena Miller, Glenn Falson, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: John Wood, Maria Byrne
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report