

## DETERMINATION AND STATEMENT OF REASONS

### WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	11 December 2019
<b>PANEL MEMBERS</b>	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-2019/1114, Lot 4 DP 219749, 31 Hutton Avenue Bulli (as described in detail in schedule 1).

#### **PUBLIC SUBMISSIONS**

The Panel was addressed by one (1) submitter.

The Panel also heard from the applicant.

#### **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.

In general, the proposal is a good design response to the site. The height of the building is some 1.7m below the maximum permissible height and the floor space ratio is compliant. The Panel is however, concerned about the impact on the established residential streetscape, due to the majority of the front setback area being paved and utilised for access to parking spaces. The Panel also noted that there is no direct pathway from the street to the front entry to each dwelling. Visibility of the front entrances would also be obscured from the street by the proposed carports.

The Panel observed that the development would provide a much better presentation to the street if the carports beside the garages were deleted. As a consequence, this would allow significantly more landscaping in the front setback, particularly providing space for the planting of canopy trees. The deletion of the carports would also facilitate better visibility of the front entries from the street and a direct pathway to each entry. It is noted that a number of submitters were concerned that the proposal is out of character with the area. The Panel considers that replacing a substantial area of paving with landscaping in the front setback would greatly assist in providing continuity of the established streetscape.

The Panel notes that the Wollongong DCP 2009, Chapter E3, relevantly requires parking for dual occupancy development at the rate of 1 space per dwelling less than 125m<sup>2</sup> and 2 spaces per dwelling for 125m<sup>2</sup> or greater. The proposed floor area of each unit is 139m<sup>2</sup>. Numerically, this floor area generates 2 spaces per dwelling. However, it is observed that each dwelling contains three bedrooms only. Other dual occupancies with a floor space close to 125m<sup>2</sup> are generally also three bedrooms. This development evidently provides more generous room sizes than those commonly seen in dual occupancy developments.

The Panel is of the view that the proposed development would sit much better in the streetscape without the expanse of paving in front of the building line and increased garden areas. Better amenity would also be provided to future occupants with the removal of the carports and provision of a direct and clearly visible pathway from the street to the front door.

On balance, it is considered that removal of the carports and redesigning the front setback to incorporate larger garden areas with canopy trees and direct pedestrian access is a superior outcome compared to the development as proposed. Numerically, reducing the spaces by 1 per unit represents a minor departure from the DCP numerical controls of approximately 11%. The Panel considers that this minor departure from the numerical standard is justified in the particular circumstances of this site and this design.

The Panel determined to:

1. Defer the application until the plans have been amended as described above to the satisfaction of Council.
2. The amended plan should also increase the amount of deep soil and landscaped area within the front setback and include two (2) mature native trees that reach a mature height of 5m located within each front yard and include a variety of plantings.
3. Delegate the determination of the application to the Manager of Development Assessment and Certification in accordance with Section 2.20(8) of the EP&A Act 1979.

The decision was unanimous.

**REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

- The proposed development is an example of good dual occupancy design, subject to the minor changes proposed by the Panel.
- The redesign of the front setback area to increase the amount of landscaped area in lieu of hard paved surfaces will achieve a much softer presentation to the street which is more in keeping with the established streetscape.
- Deferral of the application provides the opportunity for the applicant to provide amended plans to achieve the objective of a better presentation to the street.

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

SCHEDULE 1		
1	DA NO.	DA-2019/1114
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwelling, construction of a dual occupancy (attached) retaining walls and subdivision - Torrens title - two lots
3	STREET ADDRESS	31 Hutton Avenue, Bulli
4	APPLICANT	Illawarra Design Company
5	REASON FOR REFERRAL	The proposal has been referred to WLPP for determination pursuant to clauses 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The proposal is captured by Clause 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, having received over 10 unique submissions by way of objection.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong Section 94A Development Contributions Plan</li> <li>• Wollongong Development Control Plan 2009</li> <li>• Coastal zone management plan: N/A</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report dated 11 December 2019</li> <li>• Written submissions during public exhibition: 21</li> <li>• Verbal submissions at the public meeting: 1</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	Site inspection 11 December 2019. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Robert Montgomery (Chair), Larissa Ozog, Brendan Randles, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Pier Panozzo, Nigel Lamb</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report