

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	25 September 2019
PANEL MEMBERS	Robert Montgomery (Chair), Sue Hobley, Alison McCabe, Edger du Bois (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 25 September 2019 opened at 5:00pm and closed at 9.25pm.

MATTER DETERMINED

DA-2019/527 for Lot 6 DP 1208517, 33C Woodlawn Avenue, Mangerton (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two submitters.

The Panel also heard from the applicant's 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 reasons for the decision of the Panel were:

- The Panel agrees with the Officer's assessment and recommendation.
- The Panel acknowledges that the applicant proposed at the meeting to amend the application, including deletion of the swimming pool and pool room, however, the proposed amendments were not considered as they had not been formally lodged in time for assessment by Council, nor notified in accordance with the Wollongong DCP.
- Notwithstanding the proposed amendments, the Panel considers that the design and siting of the building(s) does not properly respond to the unique constraints presented by the site.

CONDITIONS

The development application was refused for the reasons for refusal in Attachment 6 to the Council Assessment Report.

PANEL MEMBERS



Robert Montgomery
(Chair)



Sue Hobley



Alison McCabe



Edger du Bois
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/527
2	PROPOSED DEVELOPMENT	Residential – Dwelling house with attached garage, swimming pool and tree removal
3	STREET ADDRESS	33C Woodlawn Avenue, Mangerton
4	APPLICANT/OWNER	PDC Planners
5	REASON FOR REFERRAL	The proposal has been referred to WLPP for determination pursuant to Clause 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"> · 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 2018 · Draft environmental planning instruments: Nil · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: Nil · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: None relevant – with regard to Clause 92, no demolition is proposed and the site is not located within the coastal zone · Coastal zone management plan: NA · 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 25 September 2019 · Written submissions during public exhibition: 24 · Verbal submissions at the public meeting: 2
8	SITE INSPECTIONS BY THE PANEL	Site inspection 25 September 2019. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Sue Hobley, Alison McCabe, Edger du Bois (Community Representative) ○ <u>Council assessment staff</u>: Rebecca Welsh, Pier Panozzo
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Refusal is recommended and the draft reasons for Refusal are stated in Attachment 6.