

# DETERMINATION AND STATEMENT OF REASONS

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

DATE OF DETERMINATION	23 March 2021
PANEL MEMBERS	Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 23 March 2021 opened at 5:00pm and closed at 6.28pm.

### MATTER DETERMINED

DA-2021/35 – Lot 1 DP 577652, 15 Seaview Terrace, Thirroul (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by five submitters.

The Panel 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 from a virtual site inspection 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 was of the view that the development had been designed in the absence of having regard to the site constraints and opportunities.
- This was demonstrated by the need for a high retaining wall and unnecessarily long driveway on the western boundary when the use of the eastern boundary would have been more appropriate for access due to the west/east slope of the site. The Panel is aware of the drainage easement along the eastern boundary, but it would not preclude a solution to vehicular access in this location, even if it meant moving the drainage pipe further east.
- Locating the driveway to the east would allow car parking spaces to be housed under the proposal. This would significantly reduce its footprint, allowing for a larger and more amenable rear garden with large trees (including the existing well-established Silky Oak trees), thereby maintaining visual and acoustic privacy between adjoining properties.
- The need to have highlight windows to manage privacy detrimentally affects solar access to and outlook from living rooms. Highlight windows to the north do not maximise favourable solar access to living rooms and other north-facing rooms.
- Elevated balcony of Unit 2 would require privacy screening to the western side, thereby reducing its amenity and solar access to and outlook from the adjacent living room.
- Furthermore, the development fails to have regard more broadly to the future amenity of occupiers evidenced by, for example, no access from the unit 3 laundry to the northern open space and drying area requiring access via living areas or the front door.
- Also, the plans are inconsistent. The landscape plans do not match the architectural plans. Unit 3, for example, has a drying area on both the northern and eastern elevation but no access to that space from the dwelling.
- The streetscape of the proposal is not well resolved with 1.8m high timber fencing proposed within the front setback area and along part of the front boundary.

- In addition, the frontage is dominated by driveway and a visitor car parking space. Not only does this layout fail to engage Unit 1 with its front garden, it significantly reduces street address and passive surveillance.
- In summary, the plans are inconsistent, unresolved and do not respond to the site circumstances and context. It is possible to do so, but this scheme does not.

Accordingly, the Panel resolved to refuse the application for the following reasons:-

1. The proposed development has not had regard to the site constraints and opportunities and thus results in unresolved unacceptable design consequences such as, but not limited to:
  - a) Oversized and undesirable retaining wall on the western boundary required due to the location of the driveway on the high rather than low side of the site which limits traffic manoeuvrability into and out of garages.
  - b) Use of highlight windows to manage privacy whilst detrimentally affecting solar access and outlook.
  - c) Unresolved privacy issues from side facing bedrooms and Unit 1 and 3.
  - d) Unresolved privacy issues from Unit 2 balcony (as DCP 5.11 states "primary balconies must not face side setbacks", well considered design solutions are required).
  - e) Poor street relationship with 1.8m high fence alienating the site from the existing character of the streetscape.
  - f) Unit 1 fails to engage with its street facing garden, significantly reducing open space amenity and passive surveillance.
2. Loss of well-established trees, which could have been retained in a more considered layout.
3. Inappropriate location of street trees within the street verge in confined circumstances.

PANEL MEMBERS	
 Sue Francis (Chair)	 Steven Layman
 Brendan Randles	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/35
2	PROPOSED DEVELOPMENT	Multi-Dwelling Housing - demolition of existing dwelling house, tree removal, construction of three (3) attached townhouses and associated site works
3	STREET ADDRESS	15 Seaview Terrace Thirroul
4	APPLICANT	A Team Developments
5	REASON FOR REFERRAL	Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is the subject of 10 or more 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>○ Relevant Acts of Legislation: <ul style="list-style-type: none"> <li>- Biodiversity Conservation Act 2016</li> </ul> </li> <li>○ State Environmental Planning Policies: <ul style="list-style-type: none"> <li>- SEPP No. 55 – Remediation of Land</li> <li>- SEPP (Building Sustainability Index: BASIX) 2004</li> </ul> </li> <li>○ Local Environmental Planning Policies: <ul style="list-style-type: none"> <li>- Wollongong Local Environmental Plan (WLEP) 2009</li> </ul> </li> <li>○ Development Control Plans: <ul style="list-style-type: none"> <li>- Wollongong Development Control Plan (WDCP) 2009</li> </ul> </li> <li>○ Other policies <ul style="list-style-type: none"> <li>- Wollongong City-Wide Development Contributions Plan 2019.</li> <li>- Wollongong Community Participation Plan 2019.</li> </ul> </li> </ul> </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 23 March 2021</li> <li>· Written submissions during public exhibition: thirteen (13)</li> <li>· Verbal submissions at the public meeting: five (5)</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Virtual Site inspection 23 March 2021. Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Kristy Robinson</li> </ul>
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report