

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	7 June 2022
PANEL MEMBERS	Sue Francis (Chair), Steven Layman, Brendan Randles, Trish Buchan (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 7 June 2022 opened at 5:00pm and closed at 7:22pm.

MATTER DETERMINED

DA-2021/1297 - Lot 1 DP 997985, Lot 2 DP 1078966, Lot 11 DP 1105714, Lot 10 DP 1042524, No's 23, 27, 29, 31 High Street, Corrimal (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by seven submitters.

The Panel heard from the applicant and his representative.

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

- Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal exceeds the maximum floor space ratio permitted under the clause 4.4 of Wollongong Local Environmental Plan and clause 29(1)(c)(i) of State Environmental Planning Policy (Affordable Rental Housing) 2009. In the absence of a written clause 4.6 variation request against the floor space ratio development standard there is no power to approve the application.
- Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the following amenity requirements of the Apartment Design Guide:
 - Objective 3D-2 – The communal open space is not considered to be designed for a range of activities.
 - Objective 4B – A minimum 60% of units being naturally cross ventilated is not achieved.
 - Objective 4D-2 – Depths of some units exceed 8m from a window
 - Objective 4E-1 – The terrace area for Unit G.01 does not meet minimum dimensions.
- Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with the following provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009
 - Strata subdivision is proposed contrary to clause 52.
 - Motorbike parking for the boarding house component is not provided as required clause 30(1)(h) State Environmental Planning Policy (Affordable Rental Housing) 2009.

- The car parking rate 29(2)(e)(i) of 0.2 spaces per boarding room has been applied without it being demonstrated that the proposal is to be carried out by or on behalf of a social housing provider.
- Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the front setback requirements of Wollongong Development Control Plan 2009, Chapter B1, Section 6.3.
- Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal provides surplus residential car parking spaces to that required under Wollongong Development Control Plan 2009, Chapter E3. Those spaces would be required to be included as gross floor area.
- Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not meet the following requirements of Wollongong Development Control Plan 2009, Chapter C3 section 4.1.3:
 - The boarding house shall make satisfactory provision for on-site car parking for residents, the resident manager / property owner and visitors.
 - Where an ensuite bathroom facility is to be provided this shall be a minimum of 3m². A number of rooms do not meet this requirement.
 - The key objectives of the boarding house and local area characteristics are not suitably identified.
- Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not suitably address the requirements of Wollongong Development Control Plan 2009, Chapter E2 Crime Prevention Through Environmental Design with regard to the following:
 - The basement location of the laundry is not considered to promote a sense of safety or security.
 - Direct pathways from the street towards bedrooms of the development are not considered desirable.
 - Bicycle storage areas should be within caged enclosures rather than fully enclosed rooms
- Pursuant to the provisions of Section 4.15(1)(b) the proposal does not adequately demonstrate a suitable relationship can be achieved between the boarding house and residential flat building.
- Pursuant to the provisions of Section 4.15(1)(b) the proposal does not adequately suitable manoeuvring for vehicles in basement level 2.
- Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

Should the decision be legally appealed, the Panel delegates any function of the Panel to defend the matter in accordance with S2.20(8) of the Act to Council

PANEL MEMBERS



Sue Francis
(Chair)



Steven Layman



Brendan Randles



Trish McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/1297
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwellings, construction of a four (4) storey residential flat building with twenty three (23) units and attached thirty eight (38) room boarding house over basement parking
3	STREET ADDRESS	23 & 27-31 High Street, Corrimal
4	APPLICANT	Design Workshop Australia
5	REASON FOR REFERRAL	clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Clauses Clause 2(b) and 4(b) of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal received over ten (10) unique submissions by way of objection and is development to which State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development applies.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> · Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development ○ State Environmental Planning Policy – Affordable Rental Housing 2009 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 · NSW Apartment Design Guide · Wollongong Section 94A Development Contributions Plan · Draft environmental planning instruments: SEPP housing 2021 · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: N/A · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: 92, 93, 94 · Coastal zone management plan: N/A · 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 7 June 2022 · Written submissions during public exhibition: >100 · Verbal submissions at the public meeting: seven
8	SITE INSPECTIONS BY THE PANEL	Virtual site inspection 7 June 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Nigel Lamb
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report