

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	26 September 2018
PANEL MEMBERS	Robert Montgomery (Chair), Susan Hobley, Brendan Randles, Patricia McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 26 September 2018 opened at 5:00pm and closed at 6.28pm.

MATTER DETERMINED

DA-2018/802, Lot 202 and Lot 203 DP 1175709, Lot 202 and Lot 203 Fairwater Drive, Cleveland NSW 2530 (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant and owner, who provided background information in relation to the creation of Fairwater Drive and the resultant severance of Lot 202 by the road acquisition. Currently Lot 203 has no physical road access and relies on access through Lot 202.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1. The Panel notes that the proposed consolidation and subdivision is prohibited under the provisions of WLEP2009. Although the applicant relies on an accompanying planning proposal to facilitate the subdivision, the development application can only be determined by refusal at the current time. It is noted that should Council resolve to proceed with a planning proposal in the future it would be open to the applicant to lodge a fresh development application based on Council's decision.

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*.


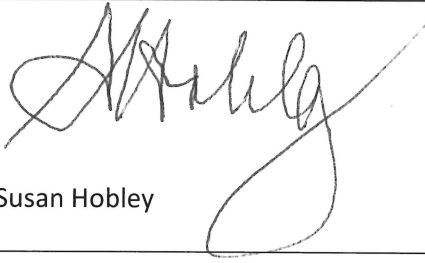


The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- 1 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate consistency with:
 - State Environmental Planning Policy (Coastal Management) 2018.
- 2 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009:
 - Clause 4.1 Minimum subdivision lot size.
- 3 Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009:
 - Chapter B7: Development in Rural Zones; and
 - Chapter D16: West Dapto Release Area.

- 4 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate the likely impacts of the development will not be adverse.
- 5 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered the proposal fails to demonstrate that the site is suitable for the development
- 6 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act, 1979, it is considered that approval of the development would set an undesirable precedent for similar inappropriate development and is therefore, not in the public interest.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Susan Hobley
 Brendan Randles	 Patricia McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2018/802
2	PROPOSED DEVELOPMENT	Subdivision - Torrens Title - two lots
3	STREET ADDRESS	Lot 202 and Lot 203 Fairwater Drive, Cleveland NSW 2530
4	APPLICANT/OWNER	Urbanco
5	REASON FOR REFERRAL	Part 3 of Schedule 2 of the Local Planning Panels Direction, as the Development contravenes a development standard (Minimum subdivision lot size) imposed by an environmental planning instrument by more than 10%.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy No 55 – Remediation of Land Wollongong Local Environment Plan 2009 West Dapto Section 94 Development Contributions Plan 2017 Draft environmental planning instruments: N/A 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>: N/A Coastal zone management plan: Repealed 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 26 September 2018 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: Zero (0)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 26 September 2018 Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Robert Montgomery (Chair), Susan Hobley, Brendan Randles, Patricia McBride (Community Representative) <u>Council assessment staff</u>: John Wood, Rodney Thew
9	COUNCIL RECOMMENDATION	Refuse - Should the Panels advice concur and Council's future resolution in the matter be also consistent with the decision not to progress the Planning Proposal
10	DRAFT CONDITIONS	Attached to the council assessment report