

## DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	17 October 2018
<b>PANEL MEMBERS</b>	Sue Francis (Chair), Alison McCabe, Scott Lee and Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 17 October 2018 opened at 5:00pm and closed at 6:15pm.

### MATTER DETERMINED

DA-2017/1666, Lot 2 DP 1190049, 10 Hillside Crescent, Stanwell Park (as described in detail in schedule 1).

### PUBLIC SUBMISSIONS

The Panel was addressed by three submitters.

The Panel also heard from the applicant and his team.

### 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 determined to refuse the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the reasons in the report and the following reasons:

- 1 The proposed 7 lot subdivision is an overdevelopment of the site which is constrained by trees, a riparian zone, biodiversity and steep topography.
- 2 The proposal has not provided sufficient information for the consent authority to be reasonably satisfied of the impact of the proposal in respect of:
  - a excavation
  - b cut and fill including finished levels
  - d building footprints
  - d visual impact
  - e civil works including access and drainage and retaining structures
  - f ecological impacts including trees, flora, fauna and riparian zone
  - g the proposed variations to the restrictions as to user on the land.

The decision was unanimous.

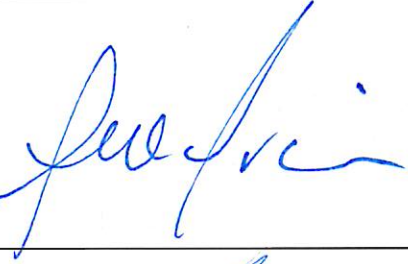
### REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel noted the applicant's request to defer the determination of the application. However, in consideration of the matter, it was apparent that the extent of additional information required to satisfy the concerns raised would render the application substantially different.
- The Panel is of the view that the subdivision proposed does not respond to the significant environmental constraints or the characteristics of the site to the extent that the proposal is an over-development of the site.

PANEL MEMBERS

Sue Francis  
(Chair)



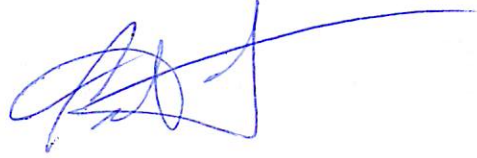
Alison McCabe



Scott Lee



Peter Sarlos  
(Community Representative)



**SCHEDULE 1**

<b>1</b>	<b>DA NO.</b>	DA-2017/1666
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Subdivision - Torrens title - seven (7) lots
<b>3</b>	<b>STREET ADDRESS</b>	10 Hillside Crescent, Stanwell Park NSW 2508
<b>4</b>	<b>APPLICANT/OWNER</b>	Mr Jed Gilmour, Mr Lee Mathew Gilmour, Mr Simon David Leslie and Mr Theodorus Willhemus Van Der Pavert, C/- Develop My Land
<b>5</b>	<b>REASON FOR REFERRAL</b>	Schedule 2 of the Local Planning Panels Direction of 1 March 2018 as the development has received more than 10 unique submissions objecting to the proposal.
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<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 No 71 – Coastal Protection</li><li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li><li>○ Wollongong Local Environmental Plan 2009</li></ul></li><li>• Wollongong Section 94A Development Contributions Plan</li><li>• Draft environmental planning instruments:<ul style="list-style-type: none"><li>○ State Environmental Planning Policy (Coastal Management) 2018</li></ul></li><li>• Development control plans:<ul style="list-style-type: none"><li>○ Wollongong Development Control Plan 2009</li></ul></li><li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></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>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"><li>• Council assessment report dated 17 October 2018</li><li>• Written submissions during public exhibition: 30</li><li>• Verbal submissions at the public meeting: 3</li></ul>
<b>8</b>	<b>SITE INSPECTIONS BY THE PANEL</b>	Site inspection 17 October 2018. Attendees: <ul style="list-style-type: none"><li>○ <u>Panel members</u>: Sue Francis (Chair), Alison McCabe, Scott Lee and Peter Sarlos (Community Representative)</li><li>○ <u>Council assessment staff</u>: John Wood, Andrew Kite</li></ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Refusal