

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	20 October 2020
PANEL MEMBERS	Robert Montgomery (Chair), Helena Miller, Larissa Ozog, Bernard Hibbard (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 20 October 2020 opened at 5:00pm and closed at 7:04pm.

MATTER DETERMINED

DA-2020/632 – Lot 32 DP 22656, Lot 31 DP 22656, 14-16 Acacia Avenue, Gwynneville (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by four submitters.

The Panel also heard from the applicant and their 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

The reasons for the decision of the Panel were:

- The Panel notes that the Officer's recommendation for approval appears to be based on compliance with numerical controls within the Wollongong LEP 2009 and Wollongong DCP 2009 and has not given due consideration to the objectives of the controls or internal and external design.
- The Panel is of the opinion that the proposal is poorly designed and does not reflect the character of the streetscape and locality. There is inadequate physical separation between dwellings (especially at the first-floor level) along the central driveway which provides a poor amenity and visual design outcome. The lack of landscaping or provision of clearly defined and visually appealing front entrances to the dwellings creates an area dominated by garages resulting in a poor planning and design response for the site.
- Each of the eight units comprises 4 bedrooms, each with an ensuite, with minimal space provided for kitchens, living areas and storage. This configuration provides poor internal amenity for occupants and raises concern about how the units are likely to be occupied. In other words, the internal layout is not conducive to family living. Concern is raised that the internal design is conducive to rooms being rented individually within each of the units.
- It is considered that the cantilever bedroom design will create poor amenity within the common areas, having the effect of enclosing the space over the internal driveway. It is also noted that cantilever bedrooms will provide a separation to the unit opposite of only 3.040 metres, creating poor internal amenity.
- The location of the visitors' car spaces at the rear of the site is likely to lead to their use by residents and to on-street parking by visitors.

- The Panel is concerned about Heritage Conservation and the potential historical significance of No.14 Acacia Avenue. Given that Council's Heritage Officer does not support the proposal in its current form and demolition of No.14 Acacia Street, the Panel is of the opinion that there is a lack of appropriate evidence to justify the proposed demolition. It is the Panel's understanding that Council intends to formally acknowledge the heritage significance of No.14 Acacia Avenue by recommending its listing in a report to be tabled at a Council Meeting in the coming months. Given the circumstances of the case, the Panel considers that there is inadequate information to justify the demolition of the property at this time.
- Concerns have been raised by residents in relation to traffic counts being taken when the school was closed due to Covid 19, which may not provide an accurate portrayal of traffic in the locality.

REASONS FOR REFUSAL

The development application was refused for the following reasons:

- 1 Insufficient information has been submitted under Section 4.12 of Environmental Planning & Assessment Act, 1979. In this regard, insufficient information is provided in respect to the existing dwelling on site (No.14 Acacia Avenue) which has been identified by Council for listing as a heritage item. The application does not provide sufficient information to justify demolition of the building.
- 2 Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009, including:
 - Clause 2.1 – Aims of the Plan
 - Clause 2.3 – Zone objectives and Land use table
- 3 Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009, including:
 - Chapter D1: Character Statements
 - Chapter E3: Car parking, access, servicing/loading facilities and traffic management
 - Chapter B1: Residential Development
- 4 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal fails to demonstrate that the likely impacts of the development will not be adverse in relation to environment, traffic and social impacts in the surrounding locality.
- 5 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposal is out of scale and character with existing development within the streetscape and the locality.
- 6 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the external design of the proposal creates unnecessary bulk and scale both in terms of amenity for future residents and from a streetscape perspective.
- 7 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proximity of the proposed dwellings to the Princes Motorway will require that living room windows will need to be closed during daytime hours and bedroom windows will need to be closed during night time. This will create unacceptable impacts on the amenity of occupants.
- 8 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, the proposed development represents an overdevelopment of the site.
- 9 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, the site is not suitable for the development as proposed.
- 10 Pursuant to the provisions of Section 4.15 (1)(d) of the Environmental Planning and Assessment Act 1979, the submissions received have been considered, and in the circumstances of the case, approval of the development would set an undesirable precedent.

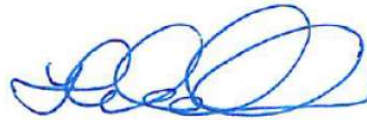
11 Pursuant to the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, approval of the proposed development would not be in the public interest.

Advice: The Panel is of the view that given the potential Heritage Status and significance of No.14 Acacia Avenue, consideration should be given to imposing an Interim Heritage Order on the property at the earliest opportunity. This would facilitate a detailed and comprehensive assessment of the property prior to consideration of any future development on the land.

PANEL MEMBERS



Robert Montgomery
(Chair)



Helena Miller



Larisa Ozog



Bernard Hibbard
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/632
2	PROPOSED DEVELOPMENT	Residential – demolition of existing buildings, remove eight (8) trees, construction of multi dwelling housing – eight (8) units and Subdivision – Strata title – eight (8) lots
3	STREET ADDRESS	14-16 Acacia Avenue, Gwynneville
4	APPLICANTw	10 Star Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the proposal is captured by Clause 2(b) as the application is the subject of 10 or more 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 (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 • Wollongong Section 94A Development Contributions Plan • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Sections 92-94 • 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 20 October 2020 • Written submissions during public exhibition: 12 • Verbal submissions at the public meeting: [4]
8	SITE INSPECTIONS BY THE PANEL	Site inspection 20 October 2020. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Helena Miller, Larissa Ozog, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: Pier Panozzo, Cathryn Bell
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report