

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	01 August 2018
PANEL MEMBERS	Robert Montgomery (Chair), Steve Fermio, Larissa Ozog and Bernard Hibbard (Community Representative)
DECLARATIONS OF INTEREST	None

Public meeting held at Wollongong City council function room, 41 Burelli Street, Wollongong on 01 August 2018 opened at 17:00 and closed at 7.34pm.

MATTER DETERMINED

DA-2017/1316, Lot 2 DP 329046, 178 Lawrence Hargrave Drive and Lot A DP 392508 180 Lawrence Hargrave Drive, Thirroul NSW 2515

PUBLIC SUBMISSIONS

The Panel was addressed by nine (9) submitters and the applicant and applicant's architect.

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 noted that some amended plans were submitted by the applicant after the publication of the meeting agenda. Council staff did not have an opportunity to assess these plans and therefore the plans were not considered by the Panel. It is understood that the amended plans consisted of minor changes only which did not address issues of the bulk and scale form, design and character of the development.

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 development application is refused for the following reasons:

1. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate consistency with:
 - State Environmental Planning Policy No. 55 – Clause 7; and
 - State Environmental Planning Policy No. 71
2. Pursuant to the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate consistency with Wollongong Local Environmental Plan 2009:
 - Clause 2.3 Zone objectives and land use table – R2 Low Density Residential;
 - Clause 4.4 Floor Space Ratio; and
 - Clause 4.6 Exceptions to development standards.
3. Pursuant to the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposal fails to demonstrate consistency with the provisions of the Wollongong Development Control Plan 2009:
 - Chapter B1: Residential Development;
 - Chapter D1: Character Statements;
 - Chapter E2: Crime Prevention Through Environmental Design;
 - Chapter E7: Waste Management; and

- Chapter E20: Contaminated Land Management.

4. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the likely impacts of the development will not be adverse.
5. Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal is out of character with the surrounding locality.
6. Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act, 1979, it is considered that the proposal fails to demonstrate that the site is suitable for the development.
7. Pursuant to the provisions of Section 4.15 (1)(d)&(e) of the Environmental Planning and Assessment Act, 1979, it is considered that having regard for the relevance of submissions received and 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.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Steve Fermio
 Larissa Ozog	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2017/1316
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwelling houses and construction of five (5) townhouses
3	STREET ADDRESS	178 Lawrence Hargrave Drive, and 180 Lawrence Hargrave Drive, Thirroul NSW 2515
4	APPLICANT	Develop My Land
5	REASON FOR REFERRAL	Part 2 of Schedule 2 of the Local Planning Panels Direction, as the Development Application is considered contentious development, having received more than 10 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 ○ State Environmental Planning Policy No. 71 Coastal Management ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ Wollongong Local Environment Plan 2009 • Wollongong Section 94A Development Contributions Plan • Draft environmental planning instruments: SEPP (Coastal Management) 2018 • 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 • 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 1 August 2018 • Written submissions during public exhibition: 44 • Verbal submissions at the public meeting: Nine (9)
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 01 August 2018 Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Steve Fermio, Larissa Ozog, Bernard Hibbard (community representative) ○ <u>Council assessment staff</u>: John Wood, Jessica Saunders and Vivian Lee

9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	N/A