

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	7 May 2024
PANEL MEMBERS	Jan Murrell (Chair), Grant Christmas and John Brunton

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 7 May 2024 opened at 5:00pm and closed at 6.04pm.

MATTER DETERMINED

DA-2023/976 - Lot 69 DP 9233, 63 Lawrence Hargrave Drive, Austinmer (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel heard from the applicant and has considered the submissions received.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed: at item 7; item 8 in Schedule 1; the material presented at the meeting; and the matters observed at the joint site inspection.

The Panel has considered the applicant's written request seeking to justify the contravention of the Floor Space Ratio development standard (Clause 4.4 of WLEP) and is not satisfied that it demonstrates sufficient environmental planning grounds to justify contravening the development standard.

Furthermore, the Panel is not satisfied the development meets the objectives of either, the development standard, or the R2 zone in the WLEP. Consequently, the application fails.

The Panel notes the applicant's oral submission to defer the matter to allow for amended plans to be considered. However, the Panel notes that the changes described would need to be further discussed with Council Officers and would require a re-assessment. Given the changes proposed, the Panel considers that if amended plans are to be considered this should occur by way of a section 8.2 review under the EP&A Act.

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 are:

- 1 Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development exceeds the maximum permissible Floor Space Ratio (FSR) of 0.50:1 as prescribed by Part 4.4 – Floor Space Ratio, Wollongong Local Environmental Plan 2009, and is contrary to the objectives of this clause, as:
 - a) The proposal does not provide an appropriate correlation between the size of the site and the extent of the development on the site-
 - b) The bulk and scale of the proposed development is not compatible with the locality.

- 2 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the bulk and scale of the proposed development is inconsistent with the objectives of the Wollongong Development Control Plan 2009, Chapter B1 Residential Development, Clause 4.8 – Building Character and Form. The DCP Guideline is for a two-storey presentation as opposed to the three storeys shown in the plans to Little Austinmer Lane.
- 3 Pursuant to the provisions of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in bulk and scale and would likely adversely impact upon the amenity of the locality.
- 4 Pursuant to the provisions of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development considered unsuitable for the site.
- 5 Pursuant to the provisions of Section 4.15(1)(d) & (e) of the Environmental Planning and Assessment Act 1979, it is considered that approval of the development would set an undesirable precedent and is therefore not in the public interest.

PANEL MEMBERS



Jan Murrell
(Chair)



Grant Christmas



John Brunton

SCHEDULE 1		
1	DA NO.	DA-2023/976
2	PROPOSED DEVELOPMENT	Residential - demolition of existing dwelling, garage, decking, stairs and hardstand areas and construction of dwelling
3	STREET ADDRESS	63 Lawrence Hargrave Drive AUSTINMER NSW 2515
4	APPLICANT	House of Planning
5	REASON FOR REFERRAL	The proposal has been referred to the Wollongong Local Planning Panel (WLPP) for determination pursuant to Clause 3, Schedule 2 of the Local Planning Panels Direction for departure to Clause 4.4 Floor Space Ratio in Wollongong Local Environmental Plan (WLEP) 2009 by more than 10%. The proposal seeks a departure of 41%.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 • Wollongong Development Contributions Plan • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Wollongong Coastal Zone Management Plan • 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 May 2024 • Written submissions during public exhibition: Two (2) • Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Site inspection 7 May 2024. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jan Murrell (Chair), Grant Christmas and John Brunton ○ <u>Council assessment staff</u>: Daniel Allchin, Darren Burke
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the Council assessment report