

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	13 October 2020
PANEL MEMBERS	Alison McCabe (Chair), Mark Carlon, Brendan Randles, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 13 October 2020 opened at 5:00pm and closed at 6.51pm.

MATTER DETERMINED

DA-2019/980, Lot 3 DP 17709, 82A Cliff Road, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No one addressed the Panel for this matter.

The Panel also heard from the applicant's representatives.

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* for the reasons contained in the Council report.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The massing and siting of the building as it presents to Osbourne Park is unacceptable.
- Without sufficient modulation and articulation, the proposed development is an over development of the site and does not respond to the sensitivity of the context of the site – including the visual and landscape qualities.
- The proposal has not responded appropriately to the sites constraints.

PANEL MEMBERS



Alison McCabe
(Chair)



Mark Carlon



Brendan Randles



Trish McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/980
2	PROPOSED DEVELOPMENT	Residential – demolition of existing building and construction of a dual occupancy and Subdivision - Strata title - two (2) lots
3	STREET ADDRESS	82A Cliff Road, Wollongong
4	APPLICANT/OWNER	Samuel Jones – c/- Architects Edmiston Jones
5	REASON FOR REFERRAL	Under Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal is categorised as contentious development under 2(b) of the Schedule as over 10 unique submissions were received
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy – Affordable Rental Housing 2009 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Coastal Management)2018 ○ Wollongong Local Environment Plan 2009 • Wollongong City Wide Development Contributions Plan 2019 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 – demolition and provisions of AS2601 • Coastal zone management plan: 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 13 October 2020 • Written submissions during public exhibition: eleven (11) • Verbal submissions at the public meeting: None
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 13 October 2020. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Mark Carlon, Brendan Randles, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Pier Panozzo, Rebecca Welsh, Joel Thompson
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	N/A – refusal recommended