

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

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| DATE OF DETERMINATION | 8 March 2022 |
| PANEL MEMBERS | Robert Montgomery (Chair), Helena Miller, Larissa Ozog, Peter Sarlos (Community Representative) |

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 8 March 2022 opened at 5:00pm and closed at 7:07pm.

MATTER DETERMINED

DA-2021/1053- Lots 7 and 8 DP 19666, 3-5 James Road, Corrimal (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by two submitters.

The applicant was invited to speak at the meeting but was not available.

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 proposed development fails to satisfy Clause 4.4 of the Wollongong LEP 2012 as the development exceeds the floor space ratio. The Panel has no power to approve the application as the applicant has not provided a written request pursuant to Clause 4.6 of Wollongong LEP 2009 to justify the contravention of the development standard.

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 listed in Attachment 2 to the report.
2. All functions of the Panel in relation to the Land and Environment Court Appeal are delegated to the Manager Development Assessment and Certification, pursuant to Section 2.20 (8) 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 proposed development fails to satisfy Clause 4.4 of the Wollongong LEP 2012 as the development exceeds the floor space ratio.


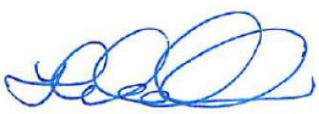


Further, the Panel considers that:

- The proposal has an insufficient amount of private area of open space for each dwelling and the layout, orientation and relationship between dwellings, on site and neighbouring, is considered poor. The provision of private open space areas to units 1 and 6 is located within the front setback area which is considered inappropriate.
- The internal layout, size, orientation and configuration of internal living spaces is considered to provide poor amenity to future occupants, especially given that 3 bedroom units are proposed.
- The internal layout of dwellings, particularly those on the southern side are poorly designed, resulting in an inadequate amount of solar access to living areas in particular.

- The bin storage area is poorly located and unattractive, making access to this area difficult for units at the rear of the development. The waste bin storage area presents a poor visual element facing the street.
- The development fails to provide any turning circle to allow for service vehicles to comfortably access and manoeuvre into and out of the development.
- The development fails to comply with the minimum off-street car parking requirements, with a shortage of two (2) car parking spaces.
- Concern is raised in respect of the integrity of the existing trees onsite that are to be retained including whether the proposed TPZs are adequate.
- Overall, the proposal is considered to be an overdevelopment of the site.

Panel Note: The Department of Planning and Environment recently amended and consolidated the existing forty-five (45) state environmental planning policies (SEPPs) into eleven (11) new policies in order to simplify the planning system. The consolidated SEPPs commenced on 1 March 2022 with the exception of the Housing SEPP which commenced on 26 November 2021 and the Design and Place SEPP which is still in a draft form.

Notwithstanding that the Officer's report was prepared prior to 1 March 2022, the Panel has considered this application in accordance with the relevant SEPPs as they apply as at 8 March 2022.

| PANEL MEMBERS | |
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|  Robert Montgomery (Chair) |  Helena Miller |
|  Larissa Ozog |  Peter Sarlos (Community Representative) |

| SCHEDULE 1 | | |
|------------|-----------------------------------|---|
| 1 | DA NO. | DA-2021/1053 |
| 2 | PROPOSED DEVELOPMENT | Demolition of existing structures, tree removals, construction of multi dwelling housing comprising 11 x 3 bedroom dwellings and Subdivision - Strata title |
| 3 | STREET ADDRESS | 3 – 5 James Road Corrimal NSW 2518 |
| 4 | APPLICANT | McDonagh Developments Pty Ltd |
| 5 | REASON FOR REFERRAL | The proposal has been referred to Local Planning Panel for Determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. The referral is triggered via Schedule 2 of the Local Planning Panels Direction of 1 March 2018, as the proposal is the subject of ten 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 No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 • City Wide Development Contributions Plan • Draft SEPPs • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • 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 8 March 2022 • Written submissions during public exhibition: 13 • Verbal submissions at the public meeting: two (2) |
| 8 | SITE INSPECTIONS BY THE PANEL | Virtual Site inspection 8 March 2022. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Helena Miller, Larissa Ozog, Peter Sarlos (Community Representative) ○ <u>Council assessment staff</u>: Kristy Robinson/Maria Byrne |
| 9 | COUNCIL RECOMMENDATION | Refuse |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |