

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	9 April 2024
PANEL MEMBERS	Julie Savet Ward (Chair), Stuart McDonald, Rachel Harrison

Public meeting held at Wollongong City Council, Level 10 Council Chambers, 41 Burelli Street, Wollongong on 9 April 2024 opened at 5:00pm and closed at 7.35pm.

MATTER DETERMINED

DA-2022/1036 – Lot 26 DP 22090, Lot 7, Lot 8, Lot 9 DP 1166128, 3A and 3B Leslie Street, 5 Leslie Street and 7 Livistona Close, Russell Vale (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by 11 submitters.

The Panel heard from the applicant and it's representatives.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, 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.


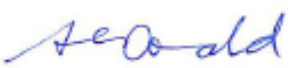

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- Whilst the proposed development is permissible with consent in the R2 Low Density Residential zone and some aspects of the proposed development had been satisfactorily resolved, the Panel agreed that a number of significant issues and associated unacceptable impacts remained unresolved including the safe vehicular and pedestrian use of Leslie Street, a narrow cul-de-sac, and the impacts on the local residential amenity due to the traffic generation of the proposal.
- During the public meeting, it became apparent to the Panel that there were inconsistencies between the Applicant's assessment of, and the Council's assessment of, the anticipated traffic generation and movement of vehicles to and from the development site. The Panel could not be satisfied that the scale of the development and the associated traffic generation and resultant impacts were satisfactory.
- While the Panel agreed that it was appropriate to use the RTA Guide for Traffic Generating Developments and Council's Development Control Plan (2009) for determining the anticipated traffic generation and provision of parking, the application hadn't demonstrated that adequate sight distances could be achieved along Leslie Street, especially during situations of parking along both sides of the street. This is a particularly important issue given both the existing residential character of Leslie Street as well as the proposed new use sited towards the end of the cul-de-sac.
- The safe movement and management of pedestrians both within the site and to and along Leslie Street had not been satisfactorily demonstrated by the application.
- The outdoor play area is split across two levels as a response to the topography of the land. The lower portion, nominated as the 0-2 play area, is proposed as accessible only via a set of stairs or active climbing wall. The accessibility of the lower portion was questioned and there remains

uncertainty with compliance regarding the calculation of outdoor play area if this portion is excluded.

- The application had not adequately demonstrated how construction vehicle impacts on the local road network would be appropriately managed and reasonably mitigated given the anticipated extent of the bulk earthworks required for the development.
- As a result of the above issues, the Panel could not be satisfied that the application had demonstrated that the site was suitable for the scale of the proposed development.
- In coming to its decision, the Panel carefully considered the 43 submissions received during the public exhibition process and the submissions from 11 local residents who addressed the Panel as well as the presentations and responses of the Applicant's representatives who addressed the Panel.

PANEL MEMBERS	
 Julie Savet Ward (Chair)	 Stuart McDonald
 Rachel Harrison	

SCHEDULE 1		
1	DA NO.	DA-2022/1036
2	PROPOSED DEVELOPMENT	Childcare centre – consolidation of lots, boundary adjustment subdivision, demolition of outbuildings, tree removal and construction of 45 place childcare centre with basement parking, associated landscaping and stormwater works
3	STREET ADDRESS	3A and 3B Leslie Street, 5 Leslie Street and 7 Livistona Close, Russell Vale
4	APPLICANT	TFR Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, 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 (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Precincts Regional) 2021 ○ Wollongong Local Environment Plan 2009 • Wollongong 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 2021</i>: Children (Education and care Services) • 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 9 April 2024 • Written submissions during public exhibition: 43 • Verbal submissions at the public meeting: 11
8	SITE INSPECTIONS BY THE PANEL	Site inspection 9 April 2024. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Julie Savet Ward (Chair), Stuart McDonald, Rachel Harrison ○ <u>Council assessment staff</u>: Braiden Buttigieg
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report