

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	14 November 2019
PANEL MEMBERS	Robert Montgomery, Helena Miller, Brendan Randles and Tina Christy

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 4 November 2019 opened at 5:00pm and closed at 7.02pm.

MATTER DETERMINED

DA-2019/874, Lot 68 DP 38660, 6 Bulwarra Street, Keiraville NSW 2500 (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by one (1) submitter.

The Panel also heard from the applicant and his town planner.

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*.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel notes the applicant's submission that the development satisfies most of the numerical requirements of the WLEP2009 when the proposal is assessed as "semi-detached dwellings", rather than as multi-unit housing. However, the development does not satisfy the requirements of the development control plan relating to building character and form as the design has not taken into account the built form features of the locality, nor does it have proper regard to the topography of the site.
- The site occupies a corner which is visually prominent particularly due to the topography of the site and surrounds. A responsive design to the site would take account of established setbacks in the street, the relationship to adjoining buildings, the relationship to the elevated nature of the site in reference to Bulwarra Street and the prevailing low density character of the immediate locality.
- In relation to the calculation of gross floor area and the categorisation of the development, the Panel notes that differing opinions have been supplied by the applicant and the Council, which are not conclusive. Notwithstanding, the Panel is of the opinion that there are a number of other matters for consideration upon which the application fails. These are matters which are detailed in the reasons for refusal.

REASONS FOR REFUSAL

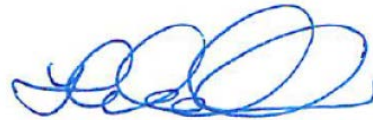
The development application was refused for the following reasons:

- Inconsistency with the prevailing streetscape character of the area
- Has not had regard to the natural topography and resulting constraints of the site
- The proposed parking and access arrangements are unsatisfactory
- The reduced setback to Bulwarra Street exacerbates the perceived bulk of the proposal due to the topography
- The proposal is considered to be an overdevelopment of the site.

PANEL MEMBERS



Robert Montgomery
(Chair)



Helena Miller



Brendan Randles



Tina Christy
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/874
2	PROPOSED DEVELOPMENT	Residential - four (4) semi detached dwellings and Subdivision - Torrens title - four (4) lots
3	STREET ADDRESS	6 Bulwarra Street, Keiraville NSW 2500
4	APPLICANT	PDC Lawyers
5	REASON FOR REFERRAL	Determination - Part 2(b) of Schedule 2 of the Local Planning Panels Direction as the application is the subject of 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 No 55 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ Wollongong Local Environment Plan 2009 • Wollongong City-Wide Development Contributions Plan 2018 • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • 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 14 November 2019 • Written submissions during public exhibition: 10 • Verbal submissions at the public meeting: [1]
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 14 November 2019 Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Helena Miller, Brendan Randles, Tina Christy (Community Representative) ○ <u>Council assessment staff</u>: Briarna Lee, John Wood
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	N/A