

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	16 October 2019
PANEL MEMBERS	Sue Francis (Chair), Steve Fermio, Larissa Ozog and Peter Sarlos (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 16 October 2019 opened at 5:00pm and closed at 6.45pm.

MATTER DETERMINED

RD-2018/1568/A, Lot 1 DP 413039, 124 Avondale Road, Avondale NSW 2530 (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by three (3) submitters.

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 8.2 review has not satisfactorily addressed the reasons for the original refusal
- The amended plans submitted with the review do not resolve the issues of concern relating to design, amenity, Plan of Management, stormwater easement and building form and so the original reasons for refusal should remain with the following additional reasons:-
 - The three building form is considered unacceptable and results in the form and function of the proposed boarding house to be unacceptable in the following ways:-
 - Building A does not contain any common room or laundry or kitchen facilities to the detriment of the future users of the boarding rooms. Requiring lodgers to travel outside to get to the common room facilities is unacceptable.
 - The location of the garbage and parking immediately adjacent to the boarding rooms in building A is unacceptable due to inadequate separation distances between the two buildings.
 - The proposed development creates an unacceptable degree of overshadowing and Bedrooms No.3, 4 and 5 in Building A will have poor internal amenity as a result.
 - The proposed built forms and site planning is considered a poor urban design and planning outcome with adverse bulk and scale impacts being generated mainly by the location and siting of Building B.
 - Landscaping is poor due to the location of the central building B which should be deleted
 - The proposal fails to satisfy the objects of the ARHSEPP, as amended, that requires that such a use in a R2 zone should contain no more than 12 rooms. This revision is a circumstance of the case and a matter for consideration in this DA.
 - The proposal has not demonstrated that the locational requirement of a bus stop to facilities within 400m provides an acceptable means to access facilities and services.

PANEL MEMBERS



Sue Francis
(Chair)



Steve Fermio



Larissa Ozog



Peter Sarlos
(Community Representative)

SCHEDULE 1		
1	DA NO.	RD-2018/1568/A
2	PROPOSED DEVELOPMENT	Demolition of existing dwelling house, associated structures, tree removals and construction of a boarding house comprising fifteen rooms and one (1) manager's room
3	STREET ADDRESS	Lot 1 DP 413039, 124 Avondale Road, Avondale NSW 2530
4	APPLICANT	ES Engineering & Design
5	REASON FOR REFERRAL	Section 8.3 (5) of the Environmental Planning and Assessment Act 1979
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 ○ Wollongong Local Environment Plan 2009 • Wollongong Section 94A Development Contributions Plan • Draft environmental planning instruments: SEPP (Affordable Rental Housing) amendment (Boarding House Development) 2009 • 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>: clauses 92 and 93 • Coastal zone management plan: Nil • 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 16 October 2019 • Written submissions during public exhibition: 11 • Verbal submissions at the public meeting: 3
8	SITE INSPECTIONS BY THE PANEL	Site inspection 16 October 2019 Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Steve Fermio, Larissa Ozog, Peter Sarlos (community representative) ○ <u>Council assessment staff</u>: Jessica Saunders, John Wood
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	N/A