

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	1 May 2019
PANEL MEMBERS	Robert Montgomery (Chair), Steven Layman, Scott Lee, Edger du Bois (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 1 May 2019 opened at 5:00pm and closed at 6:21pm.

MATTER DETERMINED

DA-2018/1568 - Lot 1 DP 413039 No 124 Avondale Road, Avondale (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by three submitters.

The Panel also heard from the applicant's 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 applicant's town planner responded to the issues raised by the submitters at the meeting. The Panel raised a number of questions in relation to the required drainage easement, car parking, building design and configuration, internal amenity, plan of management (in particular with the relevant Court Planning Principle and to establish a resident liaison group) and streetscape. It was noted that the applicant's town planner indicated that it would be possible to provide two additional car parking spaces and to consider relocation of the communal room and manager's residence to the centre of the site. The Panel considers these to be positive responses.

The applicant requested that the Panel defer consideration of the application pending submission of further information, however, the Panel considers that the scope of amendments likely to be required goes beyond deferral. The Panel members expressed differing views in relation to whether or not a deferred commencement consent would be a satisfactory mechanism to deal with the absence of a downstream drainage easement being created or an in principle agreement from the relevant property owner. The Panel is of the view that the development should be refused irrespective of the issue of the drainage easement.

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*, subject to the following additional reasons for refusal:

- 1 The design of the development is unsatisfactory in relation to building form, relationship to surrounding residential properties and streetscape.
- 2 The design and configuration of the boarding rooms is likely to create poor amenity for the future occupants of those rooms.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel are contained within the officer's report and the additional reasons detailed above.

PANEL MEMBERS



Robert Montgomery
(Chair)



Steven Layman



Scott Lee



Edger du Bois
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2018/1568
2	PROPOSED DEVELOPMENT	Demolition of existing dwelling house, associated structures, tree removals and construction of a boarding house comprising sixteen rooms and one (1) manager's room
3	STREET ADDRESS	No 124 Avondale Road Avondale
4	APPLICANT	ES Engineering & Design
5	REASON FOR REFERRAL	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 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 · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 (demolition matters) · 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 1 May 2019 · Written submissions during public exhibition: 18 unique submissions · Verbal submissions at the public meeting: three
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 1 May 2019. Attendees:</p> <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Steven Layman, Scott Lee, Edger du Bois (Community Representative) ○ <u>Council assessment staff</u>: Nicole Ashton
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report