

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	13 February 2019
PANEL MEMBERS	Robert Montgomery (Chair), Helena Miller, Larissa Ozog, Andrew Knowlson (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 13 February 2019 opened at 5:00pm and closed at 6:55pm.

MATTER DETERMINED

DA-2018/1192 – Lot 28 DP 1099628, 28 George Street, Thirroul (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

The Panel was addressed by 14 submitters who raised issues regarding:

- The potential impact of additional stormwater on local flooding;
- the development does not comply with the desired future character statement in Wollongong DCP 2009;
- the proposal is an over-development of the site and the number of units should be reduced;
- the building will impact on the visual amenity and privacy of the neighbouring properties;
- approval would create an undesirable precedent which could lead to an unacceptable cumulative impact;
- concern about the safety of pedestrians due to steep driveway and lack of paved footpath in George Street resulting in George Street being a shared pedestrian/vehicle environment;
- concern that the development will lead to additional on-street parking in George Street, which already suffers from considerable on-street parking;
- development will lead to increased traffic congestion in the area;
- concern about the location of the driveway being opposite Kelton Lane which will lead to increasing dangerous traffic manoeuvres;
- concern that there is insufficient on-site manoeuvring area to allow vehicles to leave in a forward direction;
- the first floor living areas of the proposed units will create over-looking and over-shadowing in relation to the two dwellings located to the east;
- concern that there may be insufficient space for garbage bins to be placed on collection day impacting on the car parking and pedestrian movement on George Street;
- concern about removal of trees and habitat for possums, bandicoots, lizards and birds.

The Panel also heard from the applicant/designer and the owners of the property who were given the opportunity to address the concerns of the residents. They also answered questions from the Panel and indicated a willingness to review the design to address concerns.

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.

Having reviewed the desired future character statement for Thirroul in Wollongong DCP 2009 and following inspection of the site and locality, the Panel is of the view that the design of the proposed development is out of character with both the existing and the desired future character of the area. The Panel also notes that matters of privacy impacts on adjoining properties, internal amenity for future occupants, window placement and dimensions have not been adequately resolved.

It is noted that in an attempt to resolve matters raised in response to the original DA plans, changes have been made which have resulted in a compromised internal amenity for the future occupants of the units. It

is considered that this is a symptom of an over-development of the site which may be able to be properly resolved by reducing the number of units.

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*, on the following grounds:

- 1 The application fails to demonstrate consistency with Wollongong DCP 2009, in particular Chapters B1 and D1 (Section 3.14 Thirroul).
- 2 The application fails to demonstrate that the site is suitable for the development as proposed.
- 3 The application fails to demonstrate that the impacts of the development will not be adverse.
- 4 In the circumstances of the case and with submissions received, approval of the development would set an undesirable precedent which would not be in the public interest.

The decision was unanimous.



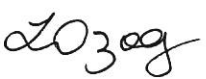

REASONS FOR THE DECISION

The reasons for the decision of the Panel are:

- the grounds for refusal numbered 1 to 4 above;
- the Panel considers that the design of the building is unacceptable as it is not consistent with the existing or desired future character of Thirroul, having regard to roof forms, eaves, materials, colours, finishes, window form and placement, landscaping and streetscape.

NOTE:

The Panel acknowledges the existing traffic congestion experienced in Thirroul and other northern suburb. This has been a common theme raised by residents with numerous development applications over time, as reported in Panel minutes. As the road network is controlled by the NSW RMS and the Council, the Panel suggests that an holistic review of the cumulative impact of future development capacity aligned with that of the road network should be facilitated by Council and include engagement of the community.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Helena Miller
 Larissa Ozog	 Andrew Knowlson (Community Representative)

SCHEDULE 1

1	DA NO.	DA-2018/1192
2	PROPOSED DEVELOPMENT	Residential - demolition of existing structures, tree removals and construction of multi dwelling housing - five (5) townhouses
3	STREET ADDRESS	28 George Street, Thirroul
4	APPLICANT	Mr Marko Lisica
5	REASON FOR REFERRAL	The proposal has been referred to the Wollongong Local Planning Panel for determination pursuant to Section 2(b) of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, 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 (State and Regional Development) 2011◦ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004◦ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017◦ Wollongong Local Environment Plan 2009• Wollongong City Wide Development Contributions Plan 2018• Draft environmental planning instruments: nil• 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>• 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 13 February 2019• Written submissions during public exhibition: 31• Verbal submissions at the public meeting: 14
8	SITE INSPECTIONS BY THE PANEL	Site inspection 13 February 2019. Attendees: <ul style="list-style-type: none">◦ <u>Panel members</u>: Robert Montgomery (Chair), Helena Miller, Larissa Ozog, Andrew Knowlson (Community Representative)◦ <u>Council assessment staff</u>: John Wood, Maria Byrne
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report