

## DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

<b>DATE OF DETERMINATION</b>	28 April 2020
<b>PANEL MEMBERS</b>	Alison McCabe (Chair), Scott Lee, Larissa Ozog, Bernard Hibbard (Community Representative)

Public meeting held by teleconference at Wollongong City Council, 41 Burelli Street, Wollongong 28 April 2020 opened at 5:00pm and closed at 6:55pm.

### **MATTER DETERMINED**

DA-2019/1092, Lot 103 DP 1089677, 741 Lawrence Hargrave Drive, Coledale (as described in detail in schedule 1).

### **PUBLIC SUBMISSIONS**

The Panel was addressed by five (5) submitters.

The Panel also heard from the applicant's representatives.

### **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 traffic impact assessment does not appropriately address parking demand and supply in the local centre.
- A Voluntary Planning Agreement (VPA) is not an appropriate planning tool in this instance to address the shortfall in parking.

PANEL MEMBERS



Alison McCabe  
(Chair)



Scott Lee



Larissa Ozog



Bernard Hibbard  
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/1092
2	PROPOSED DEVELOPMENT	Business premises - fit out and use of premises as part small business centre, part medical centre and off-site carparking (Rawson Street) via a Voluntary Planning Agreement offer.
3	STREET ADDRESS	Lot 103 DP 1089677 741 Lawrence Hargrave Drive, COLEDALE NSW 2515 and road reserve at eastern end of Rawson Street, Coledale.
4	APPLICANT	Applicant - Plannex Environmental Planning
5	REASON FOR REFERRAL	The proposal has been referred to Local Planning Panel for determination pursuant to clause 2.19(1)(a) of the Environmental Planning and Assessment Act 1979. Under Schedule 2 (2)(b) Contentious Development of Local Planning Panels Direction of 1 March 2018 as it is the subject of 10 or more unique submissions by way of objection. The proposal is also referred as Sensitive Development Under Schedule 2 (4)(f) as the developer has offered to enter into a planning agreement.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Coastal Management) 2018</li> <li>○ Wollongong Local Environment Plan 2009</li> </ul> </li> <li>• Wollongong Section 94A Development Contributions Plan</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Wollongong Development Control Plan 2009</li> </ul> </li> <li>• Planning agreements: <ul style="list-style-type: none"> <li>○ Draft Letter of Offer dated 1 October 2019</li> </ul> </li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> <li>○ Clause 25E Explanatory note</li> </ul> </li> <li>• Coastal zone management plan: <ul style="list-style-type: none"> <li>○ Wollongong Coastal Zone Management Plan</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report dated 28 April 2020</li> <li>• Written submissions during public exhibition: 52</li> <li>• Verbal submissions at the public meeting: five</li> </ul>
8	SITE INSPECTIONS BY THE PANEL	<p>Site inspection 28 April 2020 Attendees:</p> <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Alison McCabe (Chair), Scott Lee, Larissa Ozog, Bernard Hibbard (Community Representative)</li> <li>○ <u>Council assessment staff</u>: Jim Ponton (Assessing Officer), John Wood (Manager)</li> </ul>
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT CONDITIONS	Attached to the council assessment report