

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	20 December 2021
PANEL MEMBERS	Sue Francis (Chair), Scott Lee, Larissa Ozog, Bernard Hibbard (Community Representative)

Transaction of business outside of meetings pursuant to Clause 26 of Schedule 2 of the *Environmental Planning and Assessment Act, 1979*.

MATTER DETERMINED

DA-2021/321 – Lot 1 DP 830398, 429-431 Princes Highway, Woonona (as described in detail in schedule 1).

On 16 November 2021 the Panel determined to defer the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* for the following reasons:

“The Panel discussed this with the applicant’s representatives and the applicant agreed that amended plans would be provided to clarify these issues.

- a. The Panel would prefer an increase to the height of the brick parapet wall to 1.4 metres to address the issue of acoustic attenuation. Details of this are to be provided in amended plans and elevations.*
- b. An updated landscape plan to be provided to reduce any conflict and ability to climb from the proposed planters by children using the open space. No child should be able to climb from the landscape planters and gain access to the perimeter wall.*
- c. The proposed parking spaces are to be specifically allocated to each use and the child care spaces to be marked staff/parent as appropriate.*
- d. Signage shall be included on plans which indicates that outside of the hours of operation of the child-care centre, the parking spaces may be used by the gym members and other users of the centre.”*

This matter is re- submitted for electronic determination as per previous Panel recommendations.

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 has considered the applicant’s written request to justify the contravention of the height of buildings development standard and is satisfied that it demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case. The variation to the standard satisfies the objectives of that standard and the objectives of the zone. The Panel is satisfied that there are sufficient environmental planning grounds to justify contravening the development standard and is in the public interest.

The reasons for the decision of the Panel were:





- The Panel was satisfied that the reasons for deferral of 16 November 2021 have been addressed in the amended plans and documents the subject of the supplementary assessment report.
- The Panel considers the proposed development to have architectural and land use merit with minimal environmental impact.

The Panel determined to approve 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

CONDITIONS

The development application was approved subject to the conditions in the Supplementary Council Assessment Report dated 20 December 2021

PANEL MEMBERS	
 Sue Francis (Chair)	 Scott Lee
 Larissa Ozog	 Bernard Hibbard (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/321
2	PROPOSED DEVELOPMENT	Mixed Use Development comprising retail shops, gymnasium, childcare centre, basement parking and six (6) awning signs
3	STREET ADDRESS	429-431 Princes Highway, WOONONA
4	APPLICANT	Mr Michael Trinh
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 2(b) of Schedule 2 of the Local Planning Panels Direction, 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 (Infrastructure) 2007 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 64—Advertising and Signage ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ Wollongong Local Environment Plan 2009 · Wollongong City Wide Development Contributions Plan · 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 16 November 2021 and 20 December 2021 · Written submissions during public exhibition: 23 · Verbal submissions at the public meeting: Nil (original meeting 16 November 2021)
8	SITE INSPECTIONS BY THE PANEL	Virtual site inspection 16 November 2021. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Scott Lee, Larissa Ozog, Bernard Hibbard (Community Representative) ○ <u>Council assessment staff</u>: Rodney Thew, Kristy Robinson
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report