

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	31 March 2021
PANEL MEMBERS	Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (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-2020/572 – Lot 1 DP 86796, 481-485 Princes Highway, Woonona (as described in detail in schedule 1).

On 17 February 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*. This matter is re-submitted for determination 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 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

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel deferred this matter twice to clarify the extent and nature of contaminants on the site and to establish whether the site was suitable for residential use. Matters of design and merit were also to be addressed.
- Council's expert has advised the Panel that they are satisfied with the information provided that the *"site poses no risk and is suitable for the proposed development"*.
- Council have also advised the Panel that the amendments to the pergola and turning head, bike parking and tree choice are the subject of conditions of consent, as suggested by the Panel.
- Condition 9 deals with 'plan updates' to the pergola and motor bike parking. Condition 23 deals with tree planting and species choice.
- Given the advice received the Panel is satisfied that the matters for deferral have been addressed.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report as amended below:-

- Condition 9 to read.
"The pergola on the approved plans to be deleted and relocated to be positioned over the walkway in the park to ensure there is no conflict with vehicles using the turning bay"

PANEL MEMBERS



Sue Francis
(Chair)



Larissa Ozog



Robert Montgomery



Trish McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/572
2	PROPOSED DEVELOPMENT	Residential - multi dwelling housing - demolition of existing warehouse storage facility and construction of 12 x two storey dwellings.
3	STREET ADDRESS	481-485 Princes Highway, Woonona.
4	APPLICANT	MMJ Wollongong
5	REASON FOR REFERRAL	Under Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposal is categorised as contentious development under 2(b) of the Schedule as over 10 unique submissions were received. The supplementary information and addendum report is submitted to the panel as per recommendations from the WLPP meeting on 17 February 2021.
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 – (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Koala Habitat Protection) 2019 ○ Wollongong Local Environment Plan 2009 · Wollongong City Wide Development Contributions Plan 2019 · 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>: <ul style="list-style-type: none"> ○ Clause 92 – demolition and provisions of AS2601 · 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: Addendum Report 31 March 2021, Addendum Report 17 February 2021 and, original 3 November 2020. · Written submissions during public exhibition: 21 (original proposal) · Verbal submissions at the public meeting: 2 (original meeting 3 November 2020)
8	SITE INSPECTIONS BY THE PANEL	Site inspection 3 November 2020. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Sue Francis (Chair), Larissa Ozog, Robert Montgomery, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Sharyn Grant, John Wood
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report