

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	23 March 2021
PANEL MEMBERS	Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 23 March 2021 opened at 5:00pm and closed at 6.28pm.

MATTER DETERMINED

DA-2020/1285 – Lot 1 DP 735949, 4A;Hyde Street, Coledale (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 7, and the material presented at the meeting and the matters observed from a virtual site inspection 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 Panel considered the clause 4.6 variation and noted the existing non-compliance together with the minor increase in the non-compliance.

The Panel is satisfied that compliance with the standard is unnecessary and unreasonable in the circumstances of this case as the proposed variation satisfies the objectives of the standard, is in the public interest since it satisfies the objectives of the zone and there are sufficient environmental planning grounds to justify the variation.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The variation sought is the enclosure of a terrace, which is within the existing building envelope.
- No detrimental impact will be caused by the proposal.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following additional condition:

- The existing aluminium fixed louvered screening is to be replaced with new screening equal to or similar to the existing screening. Details to be provided, to the satisfaction of Council, prior to the issue of the Construction Certificate.

PANEL MEMBERS



Sue Francis
(Chair)



Steven Layman



Brendan Randles



Trish McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2020/1285
2	PROPOSED DEVELOPMENT	Residential – Alterations and additions to existing dwelling
3	STREET ADDRESS	4A Hyde St, COLEDALE NSW 2515 Lot 1 DP 735949
4	APPLICANT	RG Town Planning Pty Ltd
5	REASON FOR REFERRAL	The proposal has been referred to the WLPP for determination pursuant to part 3 of Schedule 2 of the Local Planning Panels Direction, as the development application seeks a departure from development standards by more than 10%. The existing FSR already exceeds the permitted FSR for the site.
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 (Coastal Management)2018 ○ State Environmental Planning Policy (Koala Habitat Protection) 2020 ○ 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>: <ul style="list-style-type: none"> ○ Clause 92 – demolition, provisions of AS2601 and the coastal zone ○ Clause 93 – Fire safety • Coastal zone management plan: NSW Coastal Management Act 2016 and Wollongong Coastal Zone Management Plan • 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 23 March 2021 • Written submissions during public exhibition: two • Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 23 March 2021. Attendees: <ul style="list-style-type: none"> ○ Panel members: Sue Francis (Chair), Steven Layman, Brendan Randles, Trish McBride (Community Representative) ○ Council assessment staff: Sharyn Grant
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the council assessment report