

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	24 and 25 August 2021 (refer to note below)
PANEL MEMBERS	Robert Montgomery (Chair), Mark Carlon, Larissa Ozog, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 24 August 2021 opened at 5:00pm and adjourned at 6:10pm. The public meeting reconvened on 25 August 2021 at 6:00pm and closed at 7:07pm.

Note: Due to technical difficulties experienced with Microsoft Teams, Items 1 and 3 were dealt with at the public meeting on 24 August. Items 2 and 4 were heard when the Panel reconvened at 6:00pm on 25 August 2021.

MATTER DETERMINED

DA-2021/459 – Lot 51 DP 567214, 30 Keira Street, Wollongong (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant, the owner and the applicant's architect

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 minimum lot width development standard and is satisfied that it demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The Panel is also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the relevant development standard and the objectives of the relevant zone.

The Panel determined to:

1. Defer the application to provide an opportunity for the applicant to submit the following information to the satisfaction of Council:
 - 1.1 Amended plans which revisit both the need for and the design of privacy screens to windows and balconies on the northern and southern elevations of the building. In this regard the Panel notes that privacy screens will be affixed to nearly every window and balcony on these elevations. While the need for privacy protection is acknowledged in many situations, the necessity and design must also be balanced in the context of acceptable internal amenity of the rooms. Accordingly some windows may not require screens and where screens are required they are to be designed to minimise internal amenity impacts. The use of more solid balustrade treatment will also improve the privacy of the dwellings for future occupants.
 - 1.2 Amended landscaping plan which provides for suitable mature canopy trees to be planted in landscape areas adjacent to the southern and northern elevations of the building.





2. Following receipt of satisfactory information as outlined above, delegate determination of the application to the Manager of Development Assessment and Certification in accordance with Section 2.20(8) of the EP&A Act 1979.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The Panel acknowledges that the built form of this development was previously approved as a dual occupancy, which does not significantly change externally as a consequence of the current proposal.
- While the site is constrained by its width and the existing surrounding development, the Panel considers that the deferral will allow for better internal and external amenity in the circumstances.

PANEL MEMBERS	
 Robert Montgomery (Chair)	 Mark Carlon
 Larissa Ozog	 Trish McBride (Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2021/459
2	PROPOSED DEVELOPMENT	Residential flat building - conversion of approved attached dual occupancy to a residential flat building with 3 units
3	STREET ADDRESS	30 Keira Street, WOLLONGONG
4	APPLICANT/OWNER	Applicant Melissa Neighbour/ Sky Property and Planning Pty Ltd Owners: Senol Akyol and Yasemin Ozturk-Akyol
5	REASON FOR REFERRAL	Under Clause 3 of Schedule 2 of the Local Planning Panels Direction of 30 June 2020, the proposed development contravenes a development standard by more than 10% (minimum site width).
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 (Coastal Management) 2018 ○ Wollongong Local Environment Plan 2009 · Wollongong City Wide Development Contributions Plan 2020 · Draft environmental planning instruments: Nil · Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 · Planning agreements: N/A · Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: AS2601-1991 in respect of any demolition · 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 24 August 2021 · Written submissions during public exhibition: two (2) · Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Virtual Site inspection 24 August 2021. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Robert Montgomery (Chair), Mark Carlon, Larissa Ozog, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Theresa Whittaker
9	COUNCIL RECOMMENDATION	Approve
10	DRAFT CONDITIONS	Attached to the Council assessment report