

DETERMINATION AND STATEMENT OF REASONS

WOLLONGONG CITY COUNCIL – WOLLONGONG LOCAL PLANNING PANEL (WLPP)

DATE OF DETERMINATION	6 November 2019
PANEL MEMBERS	Alison McCabe (Chair), Mark Carlon, Steven Layman, Trish McBride (Community Representative)

Public meeting held at Wollongong City Council, Level 9 Function Room, 41 Burelli Street, Wollongong on 6 November 2019 opened at 5:00pm and closed at 7:23pm.

MATTER DETERMINED

DA-2019/96 for 2-14 Cliff Road, North Wollongong (Novotel) (as described in detail in schedule 1).

PUBLIC SUBMISSIONS

No submitters addressed the Panel.

The Panel heard from the applicant's planning consultant and 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 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 applicant's 4.6 Written Variation Request does not demonstrate sufficient environmental planning ground to support a variation to the height of building development standard.
- The non-compliance in building height results in additional impact on a state heritage item which is a significant public heritage item.
- Unacceptable view impacts.

PANEL MEMBERS



Alison McCabe
(Chair)



Mark Carlon



Steven Layman



Trish McBride
(Community Representative)

SCHEDULE 1		
1	DA NO.	DA-2019/96
2	PROPOSED DEVELOPMENT	Novotel Northbeach – addition of suite to existing rooftop level
3	STREET ADDRESS	2-14 Cliff Road, North Wollongong
4	APPLICANT	Mr Michael Anagnostou (applicant)
5	REASON FOR REFERRAL	The proposal has been referred to WLPP for determination pursuant to clause 2.19(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> . Under Clause 3 of Schedule 2 of the Local Planning Panels Direction of 1 March 2018, the development involves a variation to a development standard (building height) by more than 10%.
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 ○ Wollongong Local Environment Plan 2009 • Wollongong City Wide Development Contributions Plan 2018 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Wollongong Development Control Plan 2009 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <p><i>92 What additional matters must a consent authority take into consideration in determining a development application?</i></p> <p>The provisions of AS 2601 in relation to demolition are capable of being conditioned if approval was recommended.</p> <p><i>94 Consent authority may require buildings to be upgraded</i></p> <p>The application has been assessed under Clause 94 by Council’s BCA officer and conditions for building upgrades were recommended.</p> • Coastal zone management plan: 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 6 November 2019. • Written submissions during public exhibition: Four (4) • Verbal submissions at the public meeting: Nil
8	SITE INSPECTIONS BY THE PANEL	Site inspection 6 November 2019. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Mark Carlon, Steven Layman, Trish McBride (Community Representative) ○ <u>Council assessment staff</u>: Rebecca Welsh, Pier Panozzo
9	COUNCIL RECOMMENDATION	Refuse
10	DRAFT REASONS FOR REFUSAL	Attached to the council assessment report